

Auditing Course Material

Part 46 of 61 (Chapters 4501-4600)

14. Chapter XIV - Patent Office and Its Establishment

This chapter defines the structure, roles, and restrictions related to the Patent Office and its employees.

Controller and Other Officers (Section 73)

- The Controller General of Patents, Designs and Trade Marks (appointed under the Trade Marks Act, 1999) acts as the Controller of Patents.
- The Central Government may appoint examiners and officers as needed.

Patent Office and Its Branches (Section 74)

- The Government establishes the Patent Office, with a Head Office and possible branch offices at other locations.
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15. Chapter XV - Powers of the Controller Generally

This chapter outlines the authority, procedural powers, and discretion of the Controller in handling patent-related proceedings.

Controller's Powers Equivalent to Civil Court (Section 77)

- In patent proceedings, the Controller has powers similar to a civil court under the Code of Civil Procedure, 1908.
 - These include:
 - Summoning and examining persons under oath.
 - Requiring discovery or production of documents.
 - Receiving evidence on affidavits.
 - Issuing commissions for witness or document examination.
 - Awarding costs.
 - Reviewing or setting aside ex parte orders.
 - Exercising other prescribed powers.
 - Any order of costs passed by the Controller is enforceable as a civil court decree.
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16. Chapter XVI - Working of Patents, Compulsory Licences and Revocation

This chapter ensures that patents are used productively in India, not merely held for monopoly. It provides mechanisms like compulsory licences and revocation to balance private patent rights with public welfare, ensuring technology reaches people at affordable prices.

General Principles (Section 83)

While implementing patent laws, the Controller must ensure that:

- Patents are worked in India on a commercial scale and not merely used for import.
- They promote innovation, technology transfer, and contribute to economic welfare.
- They help in protecting public health and nutrition.
- Patent rights are not abused or used for restrictive trade practices.
- The benefits of patented inventions are available at reasonably affordable prices.

Compulsory Licences (CL) (Section 84)

After three years from the date of a patent grant, any person can apply for a compulsory licence if:

1. The invention is not meeting public requirements, or
2. It is not available at a reasonable price, or
3. It is not worked in India.

The Controller examines factors such as:

- The time elapsed since the patent was granted.
- Efforts made by the patentee to use the invention.
- The applicant's capacity to work the invention.
- Whether the applicant tried to obtain a voluntary licence first (normally within six months).

However, in situations like national emergency, public non-commercial use, or anti-competitive practices, this condition may be waived.

Revocation of Patents for Non-working (Section 85)

If a compulsory licence has been granted but the invention still remains unavailable, unaffordable, or not worked in India, then after two years, the Controller may revoke the patent on these grounds.

Adjournment of Applications (Section 86)

If the Controller finds that insufficient time has passed to start working the invention commercially, he may postpone the hearing of the compulsory licence or revocation application for up to twelve months, provided the patentee is taking active steps to work the invention.

Procedure for CL and Revocation (Section 87)

- The Controller must first confirm a *prima facie* case.
- The applicant must serve a copy of the application to the patentee and other interested parties.
- The application is published in the Patent Journal.
- The patentee can oppose the application within the prescribed time.
- Both parties are given an opportunity to be heard before an order is made.

Terms and Conditions of CL (Section 90)

While fixing the licence terms, the Controller should ensure that:

- The royalty to the patentee is reasonable.
- The licensee can work the invention with reasonable profit.
- The patented products are available at affordable prices.
- The licence is non-exclusive, non-transferable, and primarily for the Indian market.
- cannot import the patented product unless specifically permitted by the Government in public interest.

Compulsory Licence for Export of Medicines (Section 92A)

India may issue a CL for the manufacture and export of patented pharmaceutical products to a country that:

- Has no or limited manufacturing capacity, and
 - Has issued or permitted a CL for import.
- This enables India to help other countries in tackling public health emergencies.
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17. Chapter XVII - Use of Inventions for Government Purposes and Acquisition by Central Government

This chapter gives the Central and State Governments special powers to use patented inventions for public purposes, such as defense, healthcare, or emergencies, while ensuring that the patentee is fairly compensated.

Meaning of Use for Government Purposes (Section 99)

- An invention is considered used for Government purposes if it is made, used, or sold for the Central Government, State Government, or a Government undertaking.

Power of Central Government to Use Inventions (Section 100)

- The Central Government can use any patented invention at any time, even before the patent is granted, through written authorisation.
- If the invention was already tested or recorded by the Government before the patent application, it can be used without paying royalty.
- In other cases, the Government must pay adequate remuneration considering the economic value of its use.
- The patentee should be notified of such use (except in emergencies or non-commercial cases).
- The Government's right includes manufacture, use, and sale of the invention on a non-commercial basis.
- If there is an exclusive licensee, the Government must also notify them.

Disputes Regarding Government Use (Section 103)

- Any dispute regarding:
 - Terms of use,
 - Payment of compensation, or
 - Division of payments between interested parties, may be referred to the High Court.
 - The High Court can also review validity of the patent or refer matters to an arbitrator or commissioner.
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18. Chapter XVIII - Suits Concerning Infringement of Patents

This chapter outlines the legal framework for patent infringement suits, the defences available, and the remedies a court may grant. It also defines how disputes are handled between patentees, licensees, and alleged infringers.

Jurisdiction (Section 104)

- Only a District Court or higher can try patent infringement cases.
- If the defendant files a counter-claim for revocation of the patent, the case is transferred to the High Court for decision.

Burden of Proof (Section 104A)

- In cases involving process patents, the court may require the defendant to prove that their process is different from the patented one, if:
 - The patent is for a new product, or
 - The same product is being made and the patentee cannot identify the process used.
- The defendant is not required to disclose trade or commercial secrets if unreasonable.

Declaration of Non-Infringement (Section 105)

- Any person may file a suit to declare that their use of a process or article does not infringe a patent.
- Conditions:
 - The person must first seek a written acknowledgment from the patentee or exclusive licensee.
 - If refused or ignored, the person may approach the court.
- The court's declaration does not affect the validity of the patent.

Groundless Threats of Infringement (Section 106)

- If someone threatens others with unjustified infringement proceedings, the aggrieved person can sue for:
 - A declaration that the threats are unjustified,
 - An injunction to stop the threats, and
 - Damages for loss suffered.
- The defendant must prove that the threats were justified.
- A mere notice of a patent's existence is not considered a threat.

Defences in Infringement Suits (Section 107)

- All grounds for revocation of a patent under Section 64 are valid defences in infringement suits.
- It is also a valid defence if the alleged act was done under conditions allowed by Section 47 (e.g., experimental or educational use).

Acts Not Considered Infringement (Section 107A)

- Certain actions are exempted from infringement:

Using or producing a patented invention for purposes of research, testing, or regulatory approval (the "Bolar" exception).

Parallel importation — importing patented products legally sold abroad by authorised persons.

Reliefs for Infringement (Section 108)

The court may grant:

- An injunction (to stop further infringement).
- Either damages or an account of profits.
- It may also order seizure, forfeiture, or destruction of infringing goods and equipment without compensation.

Right of Exclusive Licensee (Section 109)

- An exclusive licensee has the same right as the patentee to sue for infringement occurring after the licence date.
- The patentee must be added as a party to the case but is not liable for costs unless participating.

Right of Licensee under Compulsory Licence (Section 110)

- A person holding a compulsory licence (Section 84) can request the patentee to act against infringement.

- If the patentee fails to do so within two months, the licensee can sue in their own name, making the patentee a defendant (not liable for costs).

Scientific Advisers (Section 115)

- Courts may appoint independent scientific experts to help clarify technical questions in infringement cases.
 - Their remuneration and expenses are paid from government funds.
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19. Chapter XIX - Appeals

Following the Tribunals Reforms Act, 2021, the Intellectual Property Appellate Board (IPAB) was abolished, and its powers were transferred to the High Courts.

Appeals to the High Court (Section 117A)

- No appeal lies against orders or directions of the Central Government or Controller, unless specifically allowed.
- Appeals must be filed within three months from the date of the decision, order, or direction (extendable by the High Court).

Appearance of Controller in Legal Proceedings (Section 117E)

- The Controller has the right to appear and be heard in legal proceedings before the High Court, particularly when:
 - The case involves alteration or rectification of the Register, or
 - A question concerning Patent Office practice is raised.
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20. Chapter XX - Penalties

This chapter outlines penalties and adjudication procedures under the Patents Act, 1970, incorporating the latest amendments from the Jan Vishwas (Amendment of Provisions) Act, 2023 (effective from 1 August 2024).

21. Chapter XXI - Patent Agents

This chapter deals with the registration, qualifications, rights, and responsibilities of Patent Agents under the Patents Act, 1970.

Register of Patent Agents (Section 125)

- The Controller maintains a Register of Patent Agents containing names, addresses, and other details of qualified persons.
- The register may also be maintained in electronic form with appropriate safeguards.

Qualifications for Registration (Section 126)

A person can be registered as a patent agent if:

1. He is a citizen of India.
2. He has completed 21 years of age.
3. He holds a degree in science, engineering, or technology from a recognized Indian university (or equivalent qualification).
4. He has either:
 - Passed the qualifying examination prescribed by the Controller, or
 - Served for at least 10 years as an Examiner or Controller under Section 73.
5. He has paid the prescribed fee.

Rights of Patent Agents (Section 127)

A registered patent agent is entitled to:

- Practice before the Controller.
- Prepare documents, transact business, and discharge other functions connected with any proceedings under the Patents Act.

Subscription and Verification (Section 128)

- All applications and communications to the Controller may be signed by a registered patent agent authorized in writing by the applicant.
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22. Chapter XXII - International Arrangements

This chapter deals with India's participation in international patent systems, including convention countries and procedures for filing patents under international treaties like the Patent Cooperation Treaty (PCT).

Convention Countries (Section 133)

- A Convention Country includes any country, group of countries, or inter-governmental organization that is part of an international, regional, or bilateral treaty with India.
- Such a country must provide reciprocal privileges to Indian citizens for patent protection similar to those it grants to its own citizens.

Notification Regarding Non-Reciprocal Countries (Section 134)

- If a country does not provide equal patent rights to Indian citizens, the Central Government may issue a notification declaring that country non-reciprocal.
- Nationals of such a country cannot:
 - Apply for a patent in India.
 - Be registered as the proprietor or assignee of a patent.
- Apply for or hold a licence under an Indian patent.

Convention Applications (Section 135)

- A person who has filed a patent application in a convention country can file an application in India within 12 months of that filing.
- The priority date in India will be the date of filing in the convention country.
- If multiple applications are filed for related inventions in convention countries, a single application may be filed in India, subject to conditions.
- In case of PCT (Patent Cooperation Treaty) applications designating India, these provisions apply similarly, and a request for examination must be made only for one of the applications.

Multiple Priorities (Section 137)

- If two or more convention applications for related inventions are filed abroad, a single application in India can be made within 12 months from the earliest foreign filing date.
- The priority date for each claim is determined by the date when that matter was first disclosed abroad.

Supplementary Provisions (Section 138)

- The applicant must submit, if required by the Controller:
 - Copies of the foreign specifications or related documents.
 - English translations, if they are in another language.
- The date of the foreign filing will be verified through a certificate from the foreign patent office.
- An international application filed under the PCT designating India is treated as an Indian patent application, and the international filing date is accepted as the Indian filing date.
- Any amendments made before the international authority may be adopted in India if desired by the applicant.

1. Trade Marks Act 1999

The Trade Marks Act, 1999 aims to consolidate and amend the law relating to trade marks in India. Its main objective is to provide a legal framework for the registration, protection, and prevention of fraudulent use of trade marks for goods and services. The Act came into force on 15th September 2003, and it covers the whole of India. It is essential for businesses to understand the provisions of this Act to protect their intellectual property and to ensure that their trade marks are not infringed upon.

The current law of trade marks contained in the Trade Marks Act, 1999 is in harmony with two major international treaties on the subject, namely, the Paris Convention for Protection of Industrial Property and TRIPS Agreement, to both of which India is a signatory. It repealed the earlier Trade & Merchandise Marks Act, 1958.

2. Definitions (Section 2)

Assignment

An assignment means a transfer of rights in a trade mark from one person to another through a written agreement. After the assignment, the assignee becomes entitled to the rights, title, and interest in the trade mark as per the terms of the agreement.

Associated Trade Marks

Associated trade marks are trade marks that are either deemed to be or required to be registered together under the Act because they are closely connected in their use or character. These marks usually belong to the same proprietor and are registered as related marks to prevent confusion or overlapping rights.

Certification Trade Mark

A certification trade mark refers to a mark that distinguishes goods or services certified by the proprietor concerning their origin, material, mode of manufacture, quality, or performance. Unlike a normal trade mark, which identifies the source or ownership of goods, a certification trade mark certifies that the goods or services meet certain prescribed standards.

Collective Mark

A collective mark is a trade mark used to distinguish the goods or services of members of an association of persons from those of others. The association, which owns the mark, allows its members to use it in connection with their goods or services.

Deceptively Similar

A mark is said to be deceptively similar to another if it closely resembles the other mark in appearance, sound, or meaning, such that it is likely to deceive or cause confusion among the public. The resemblance need not be identical; it is sufficient if the similarity is likely to mislead an average consumer into believing that the goods or services come from the same source.

False Trade Description

A false trade description refers to any misleading or untrue representation about goods or services that can deceive the public. It includes false statements regarding the quantity, quality, material, origin, or performance of goods or services.

Mark

A mark includes any symbol or representation capable of graphical depiction that serves to distinguish goods or services. It can take various forms such as a device, brand, heading, label, name, signature, word, letter, numeral, shape of goods, packaging, or a combination of colors.

Permitted Use

Permitted use refers to the lawful use of a registered trade mark by a registered user or by another person with the consent of the registered proprietor. Such use must be consistent with the conditions and limitations of the registration. When used by a registered user, it must relate to goods or services for which the user is registered and connected in the course of trade. Similarly, when used by another person, it must be under a written agreement with the proprietor and comply with all prescribed limitations. The concept ensures that trade marks are used under authorization, maintaining their integrity and reputation.

Trade Description

A trade description refers to any direct or indirect statement or indication relating to goods or services. It includes references to quantity, quality, weight, material, place of origin, manufacturer's name, or the method of production. It may also include indications about whether the goods are patented or copyrighted. Additionally, trade descriptions appearing on documents such as shipping bills or packaging labels also fall under this definition.

TRADE MARK

A trade mark is a mark capable of being represented graphically and of distinguishing the goods or services of one person from those of others. It may include shapes, packaging, and color combinations. In relation to goods or services, it signifies a connection between the goods or services and the proprietor who has the right to use the mark. It includes not only standard trade marks but also collective and certification marks. A registered trade mark provides the proprietor with exclusive rights and legal protection against unauthorized use or imitation.

Transmission

Transmission refers to the transfer of ownership or rights in a trade mark by operation of law rather than by agreement. It may occur through inheritance, succession, or devolution upon the legal representative of a deceased proprietor. Transmission

differs from assignment in that it does not require a written agreement between parties but occurs automatically under legal provisions.

Well-Known Trade Mark

A well-known trade mark is a mark that has gained widespread recognition among a substantial segment of the public using specific goods or services. The use of such a mark on unrelated goods or services would likely lead consumers to assume a connection between the two. Well-known marks enjoy a higher level of protection even across different classes of goods or services because of their established reputation and public association with a particular source.

3. Chapter II – The Register and Conditions for Registration

Appointment of Registrar and Other Officers (Section 3)

The Central Government appoints a person known as the Controller-General of Patents, Designs and Trade Marks (CGPDTM). He functions as the Registrar of Trade Marks under this Act.

Register of Trade Marks (Section 6)

The Register of Trade Marks is the central record of all registered marks. It contains:

- Details of registered trade marks;
- Names, addresses and descriptions of proprietors;
- Notifications of assignment or transmission;
- Names and details of registered users;
- Conditions, limitations, and other prescribed particulars.

Absolute Grounds for Refusal of Registration (Section 9)

Trade marks cannot be registered if they fall under the following absolute prohibitions:

- Lack of Distinctiveness: Marks that have no distinctive character and cannot identify one trader's goods or services from another's. Marks made up only of words indicating kind, quality, quantity, purpose, value, origin, or production time.
- Deceptive or Offensive Matter: A trade mark shall not be registered if it:
 - Deceives or confuses the public,
 - Hurts religious sentiments,
 - Contains scandalous or obscene matter, or
 - Is prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950.
- Shape-Based Restrictions: Marks consisting exclusively of below, can not be registered:
 - The natural shape of goods,
 - The technical shape required for function.

Limitation as to Colour (Section 10)

A trade mark may be registered with a specific colour or combination of colours. Such limitation will be considered when deciding its distinctive character. If registered without colour limitation, it is deemed registered for all colours.

Relative Grounds for Refusal (Section 11)

Registration may be refused when a proposed trade mark conflicts with earlier rights or causes public confusion.

- Confusion with Earlier Marks: A trade mark shall not be registered if:
 - It is identical with an earlier trade mark and covers similar goods or services; or
 - It is similar to an earlier trade mark and covers identical or similar goods or services.
- Protection of Well-Known Marks: A mark, even for dissimilar goods or services, cannot be registered if:
 - The earlier mark is well-known in India, and
 - The later mark's use would unfairly benefit from or damage the reputation or distinctiveness of the well-known mark.
- Conflicts with Other Legal Rights: Registration is also refused if use of the mark is prevented by:
 - The law of passing off (protecting unregistered marks), or
 - The law of copyright.
- Consent and Special Circumstances: Registration may still be allowed if:
 - The proprietor of the earlier trade mark consents to it, or
 - The Registrar permits it under special circumstances (as per Section 12).
- Determining "Well-Known" Status: While deciding whether a mark is well-known, the Registrar considers:
 - Recognition among the relevant public;
 - Duration, extent, and geographical area of its use and promotion;
 - History of registration or enforcement; and
 - Judicial or administrative recognition of the mark.

Prohibition of Chemical Names (Section 13)

No word can be registered as a trade mark if it:

- Is the commonly accepted name of a single chemical element or compound, or

- Has been declared by the World Health Organization and notified by the Registrar as an International Non-Proprietary Name (INN), or is deceptively similar to such name.

Names and Representations of Persons (Section 14)

Where a trade mark suggests a connection with a living person or one who died within 20 years of the application date, the Registrar may require written consent from that person or their legal representative.

Registration of Parts and Series of Trade Marks (Section 15)

A proprietor may claim exclusive use of any part of a trade mark and apply to register the whole mark and the part separately.

Associated Trade Marks (Section 16)

If two or more marks of the same proprietor are identical or nearly resemble each other for the same or related goods/services, the Registrar may require them to be entered as associated trade marks.

Effect of Registration of Parts of a Mark (Section 17)

Registration of a composite mark gives the proprietor the exclusive right to use the mark as a whole.

4. Chapter III – Procedure for and Duration of Registration

Application for Registration (Section 18)

Any person claiming to be the proprietor of a trade mark, used or proposed to be used, may apply in writing to the Registrar in the prescribed manner. A single application can cover multiple classes of goods and services, with a separate fee for each class.

Advertisement of Application (Section 20)

After acceptance, the application must be advertised publicly, including any conditions or limitations.

Opposition to Registration (Section 21)

Any person may file a notice of opposition within 4 months from the date of advertisement. The applicant must submit a counter-statement within 2 months of receiving the opposition notice; failure to do so means abandonment. Both parties can submit evidence and will be given an opportunity to be heard.

Registration (Section 23)

Once accepted and unopposed (or opposition decided in favour of applicant), the Registrar must register the trade mark within 18 months from filing. Registration is effective from the date of application. A certificate of registration is issued under the seal of the Trade Marks Registry.

Duration, Renewal, Removal and Restoration (Section 25)

A registered trade mark is valid for 10 years and can be renewed indefinitely in 10-year intervals. The proprietor must apply for renewal within the prescribed period and pay the prescribed fee. The Registrar issues a notice before expiry, informing about renewal conditions. If renewal conditions are not met, the mark may be removed from the register. However, it can be restored within 1 year from the date of removal by paying the prescribed fee and surcharge.

5. Chapter IV – Effect of Registration

No Action for Infringement of Unregistered Trade Mark (Section 27)

No person can file a suit to stop or claim damages for infringement of an unregistered trade mark. However, this does not affect the right to file a passing off action — protecting one's business reputation against misrepresentation by others.

Rights Conferred by Registration (Section 28)

Registration gives the proprietor the exclusive right to use the trade mark for the goods or services for which it is registered. The proprietor can also seek legal relief against infringement.

Infringement of Registered Trade Marks (Section 29)

A registered trade mark is infringed when an unauthorised person uses, in the course of trade, a mark that is identical or deceptively similar to the registered one, causing confusion or association among the public.

Situations amounting to infringement:

- Use of identical or similar marks for identical or similar goods/services leading to confusion.
- Use of identical marks for identical goods/services — confusion is presumed by law.
- Use of a similar or identical mark for dissimilar goods/services if the registered mark has a reputation in India and the later use takes unfair advantage or damages its reputation.

Other instances of infringement:

- Using the registered mark as a trade name or business name for similar goods/services.
- Affixing the mark on goods, packaging, or advertising materials without authorisation.
- Importing or exporting goods under the registered mark.
- Advertising that is dishonest, harmful to the mark's distinctiveness, or damages its reputation.
- Spoken or written use of the words forming the mark also constitutes infringement.

Limits on Effect of Registered Trade Mark (Section 30)

Certain uses of a trade mark do not amount to infringement.

Not considered infringement when:

- The mark is used only to identify the proprietor's goods/services honestly.
 - The use indicates type, quality, purpose, value, origin, or time of production of goods or services.
 - The proprietor has consented to such use or the goods were lawfully put on the market by him.
 - The use is necessary to show that a part or accessory is adapted to goods/services sold under the mark.
 - Two similar marks are both registered; each proprietor may use their mark.
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5. Chapter IV – Effect of Registration

This Chapter applies specifically to trade marks that are applied for or protected through the Madrid Protocol system. Wherever an international application or international registration is involved, the special provisions of this Chapter will operate alongside the Trade Marks Act, 1999.

Trade Marks Registry to deal with international applications (Section 36C)

Even though the Trade Marks Registry has branch offices, international applications are to be handled only by the head office or any specific office notified by the Central Government. This ensures centralised processing of Madrid Protocol matters.

International application originating from India (Section 36D)

Where an Indian applicant already has:

- a basic application (Section 18), or
- a basic registration (Section 23),

then he may file an international application through the Indian Trade Marks Registry.

Duration and renewal (Section 36G)

An international registration is valid for 10 years. It is renewable for further periods of 10 years. A 6-month grace period is allowed for renewal on payment of the prescribed surcharge.

6. Chapter V — Assignment and Transmission

Power of Registered Proprietor to Assign and Give Receipts (Section 37)

The registered proprietor of a trade mark has the legal authority to assign (transfer ownership) of the trade mark to another person.

Assignability and Transmissibility of Registered Trade Marks (Section 38)

A registered trade mark can be assigned or transmitted (transferred by operation of law) with or without the goodwill of the business.

Conditions for Assignment Without Goodwill (Section 42)

When a trade mark is assigned without goodwill (i.e., without transferring the business using that mark):

- The assignee must apply to the Registrar within six months (extendable by three months) for directions on advertisement.

Assignability and Transmissibility of Certification Trade Marks (Section 43)

Certification trade marks (used to certify quality, origin, or standards) cannot be assigned or transmitted without the written consent of the Registrar. The application for consent must be made in the prescribed manner.

Assignability and Transmissibility of Associated Trade Marks (Section 44)

Associated trade marks (registered together because of similarity or relationship) must be assigned or transmitted as a whole, not separately. However, for all other purposes, they are treated as separate trade marks.

Registration of Assignments and Transmissions (Section 45)

When a person becomes entitled to a registered trade mark through assignment or transmission, they must apply to the Registrar to register their title.

7. Chapter VI- Use of Trade Marks and Registered Users

This chapter outlines the rules for the use, non-use, and authorized use of trade marks. It allows registration of marks intended for future use by a company or registered user. A trade mark may be removed for non-use over 5 years unless justified. It defines "registered users," their rights, registration process, and grounds for variation or cancellation. Registered users can sue for infringement but cannot assign their rights, and use for export or by associated marks is treated as valid use in India.

8. Chapter VII - Rectification and Correction of the Register

Power to Cancel or Vary Registration and to Rectify the Register (Section 57)

Any person aggrieved may apply to the Registrar or the High Court to cancel or vary a trade mark registration if a condition of registration has been violated or not observed.

Correction of the Register (Section 58)

The Registrar, upon application by the registered proprietor, may:

- Correct errors in the name, address, or description of the proprietor;
- Enter any change in the name, address, or description of the proprietor;
- Cancel an entry of a trade mark;
- Strike out any goods, classes of goods, or services from those for which the mark is registered.

Alteration of Registered Trade Marks (Section 59)

A registered proprietor may apply to the Registrar for permission to add to or alter a trade mark, provided the change does not substantially affect the identity of the mark.

9. Chapter VIII – Collective Marks

Special Provisions for Collective Marks (Section 61)

This section states that all general provisions of the Trade Marks Act apply to collective marks, with necessary modifications. A collective mark is a mark used by members of an association of persons to distinguish their goods or services from those of others. The mark belongs to the association, not to any individual member.

Collective Mark Not to Be Misleading (Section 62)

A collective mark cannot be registered if it is likely to deceive or confuse the public, particularly if people might mistake it for a normal trade mark. The Registrar may require that the mark include an indication showing that it is a collective mark to avoid confusion.

Regulations Governing Use of Collective Marks (Section 63)

Applications for registration must be accompanied by regulations that govern how the collective mark will be used. These regulations should clearly specify:

- Who is authorised to use the mark,
- Membership conditions of the association,
- Conditions and restrictions on the use of the mark,
- Sanctions against misuse, and

These rules ensure transparency and prevent misuse of the collective mark.

Acceptance of Application and Regulations by Registrar (Section 64)

The Registrar examines both the application and the accompanying regulations.

If satisfied, the Registrar may accept the application either unconditionally or with amendments and conditions.

If accepted, the regulations are formally notified

10. Chapter XI – Appeals

Earlier there was a provision of the Intellectual Property Appellate Board (IPAB) to exercise powers under the Trade Marks Act (and also under the Copyright Act, 1957). This Board used to hear appeals.

Following the Tribunals Reforms Act, 2021, the Intellectual Property Appellate Board (IPAB) was abolished, and its powers were transferred to the High Courts.

Any person aggrieved by an order or decision of the Registrar under the Trade Marks Act or Rules can appeal to the High Court within 3 months from the date the order/decision is communicated to the person.

Appearance of Registrar in Legal Proceedings (Section 98)

The Registrar has the right to appear and be heard before the High Court in certain matters.

1. Copyright Act 1957

The Copyright Act, 1957 is the principal law governing copyright protection in India.

It consolidates and amends previous laws to safeguard the rights of creators over their literary, artistic, musical, and other intellectual works.

The act extends to the whole of India. It came into force on such date as notified by the Central Government in the Official Gazette (4 June 1957).

2. Definitions (Section 2)

Adaptation

Adaptation means converting a work from one form to another, such as:

- A novel into a play (literary → dramatic).
- A book into a film (literary → visual).
- Abridgements, translations, or musical arrangements also count as adaptations. It involves re-arrangement or alteration without changing the core idea of the work.

Artistic Work

Includes:

1. Paintings, sculptures, drawings, engravings, photographs.
2. Works of architecture (buildings or models with artistic design).
3. Any other work of artistic craftsmanship. Even if a work lacks artistic quality, it still enjoys copyright protection.

Author

The term varies by type of work:

- Literary or dramatic work – the writer.
- Musical work – the composer.
- Artistic work – the artist.
- Photograph – the photographer.
- Cinematograph film / sound recording – the producer.
- Computer-generated work – the person who causes the work to be created.

Cinematograph Film

Covers any visual recording and the sound recording accompanying it. Includes works produced by processes analogous to cinematography such as video films.

Copyright Society

A registered organisation that manages authors' and owners' rights—by licensing, collecting and distributing royalties on their behalf.

Dramatic Work

Includes plays, choreography, pantomimes or other performances fixed in writing or otherwise.

Cinematograph films are excluded.

Exclusive Licence

A licence granting the licensee exclusive rights, even against the copyright owner, to perform specific acts in relation to a work.

Government Work

Any work made or published by or under the direction or control of:

- The Government or any department,
- Any Legislature in India, or
- Any Court or Tribunal.

Infringing Copy

Means any unauthorised reproduction of a protected work, such as—

- Pirated books, films or music,
- Illegal downloads or recordings, or
- Any copy made in contravention of the Act.

Literary Work

Includes books, stories, poems, computer programmes, databases, tables and compilations. Any original written or printed expression of ideas is protected.

Musical Work

Means a work consisting of music, including notation, but excluding lyrics or actions performed with the music. The composer is the author.

Performance and Performer

- Performance – any live visual or acoustic presentation by a performer.
- Performer – an actor, singer, dancer, musician, lecturer or other person performing live.

Reprography

Making copies of a work through photocopying, scanning or similar means.

Work

Covers three main categories:

1. Literary, dramatic, musical or artistic works.
2. Cinematograph films.
3. Sound recordings.

Meaning of Publication (Section 3)

Publication means making a work available to the public by issuing copies or communicating it to the public—e.g. releasing a book or streaming a song.

When Work Deemed to be First Published in India (Section 5)

If a work is published in India and another country within 30 days, it is considered first published in India, unless the other country grants a shorter copyright term.

Certain Disputes to be Decided by Commercial Court (Section 6)

Disputes regarding:

- Date or place of publication, or
- Term of copyright compared to another country,

are decided by the Commercial Court.

Nationality of Author for Unpublished Works (Section 7)

When the making of an unpublished work extends over a long period, the author is deemed to be a citizen or domiciled in the country where he resided during a substantial part of that period.

Domicile of Corporations (Section 8)

A corporate body is considered domiciled in India if incorporated under any Indian law in force.

3. Chapter III — Copyright

Chapter III of the Copyright Act, 1957 defines the scope and meaning of copyright, the works in which it subsists, and special provisions related to designs. It outlines the rights of authors, the conditions for protection, and clarifies that copyright protection is available only under this Act or other applicable laws.

Works in Which Copyright Subsists (Section 13)

Copyright exists in India for the following three main classes of works:

1. Original literary, dramatic, musical, and artistic works.
2. Cinematograph films.
3. Sound recordings.

Conditions for copyright protection:

- For published works: The work must be first published in India or, if published outside India, the author must be a citizen of India at the time of publication or death.
 - For unpublished works (except architecture): The author must be a citizen of or domiciled in India when the work was made.
 - For architectural works: The work must be located in India.
- Exceptions:
- No copyright subsists if a cinematograph film or sound recording infringes another work.
 - In case of architecture, copyright is limited to the artistic character and design, not construction processes or methods.

Meaning of Copyright (Section 14)

Copyright means the exclusive legal right to do or authorize certain acts concerning a work or its substantial part. It grants the owner control over how the work is used, reproduced, or communicated.

(a) Literary, Dramatic, or Musical Works (excluding computer programmes):

- Reproduce or store the work in any form, including digital media.
- Issue copies to the public.
- Perform or communicate it to the public.
- Make cinematograph films or sound recordings based on it.
- Translate or adapt the work.

(b) Computer Programmes:

- All rights mentioned above, and
- The right to sell or rent copies commercially (unless the program is not the main object of the rental).

(c) Artistic Works:

- Reproduce or store in any form (e.g., convert 2D to 3D or vice versa).
- Communicate to the public or include in films.
- Issue copies or adapt the work.

(d) Cinematograph Films:

- Make copies or photographs of any image from the film.
- Sell, rent, or communicate the film to the public.

(e) Sound Recordings:

- Make another recording or digital copy.
- Sell, rent, or communicate it publicly.

Copyright in Registered Designs (Section 15)

- Copyright does not exist under this Act for any design registered under the Designs Act, 2000.
 - For a design capable of registration but not registered, copyright ceases once the design has been reproduced more than 50 times by an industrial process, whether by the owner or any licensee.
-

4. Chapter IV — Ownership of Copyright and Rights of the Owner

Chapter IV of the Copyright Act, 1957 explains who owns copyright in different situations, how ownership can be transferred, and what rights remain with the author.

First Owner of Copyright (Section 17)

The author of a work is generally the first owner of the copyright.

Key exceptions:

- Works for newspapers or magazines: If created under employment for publication, the proprietor becomes the first owner for publication purposes, though the author retains other rights.
- Photographs, paintings, portraits or films: When made for valuable consideration at someone's request, that person becomes the first owner, unless agreed otherwise.
- Employment contracts: If the work is created under a contract of service or apprenticeship, the employer is the first owner, unless otherwise stated.
- Speeches and addresses: The person delivering the speech (or on whose behalf it is delivered) is the first owner, even if employed by another.
- Government works: The Government is the first owner.
- Public undertakings: If a work is created under the control of a public undertaking (like a government company or statutory body), that undertaking is the first owner.
- International organizations: For works covered under Section 41, the international organization concerned is the first owner.

Assignment of Copyright (Section 18)

The copyright owner (or prospective owner for a future work) can assign the copyright wholly or partially, with or without limitations, for the entire term or part thereof.

Mode of Assignment (Section 19)

Every assignment must be in writing, signed by the assignor or authorised agent. It must specify work being assigned, rights, duration, territorial extent and the royalty or consideration payable to the author.

If the assignee fails to exercise the rights within one year, the assignment for those rights lapses (unless specified otherwise).

- If duration is not mentioned → deemed to be 5 years.
- If territory is not mentioned → assumed to be within India.

Disputes Regarding Assignment (Section 19A)

If an assignee fails to exercise the rights properly, the Commercial Court may revoke the assignment after inquiry. The Commercial Court can also resolve disputes over non-payment of royalties or unfair terms. Revocation cannot occur within five years of assignment unless terms are proved harsh to the author. The Court should aim to dispose of such complaints within 6 months, recording reasons for any delay.

Transmission of Copyright by Will (Section 20)

If a person inherits a manuscript or an artistic work through a Will, and the work was unpublished before the testator's death, the bequest is deemed to include the copyright as well. "Manuscript" refers to the original document embodying the work, whether handwritten or not.

Right of Author to Relinquish Copyright (Section 21)

The author may relinquish (give up) all or some of the rights in a work by giving notice to the Registrar of Copyrights or through public notice. Such rights cease to exist from the date of notice, but this does not affect rights already vested in others. The Registrar must publish the notice in the Official Gazette and on the official website within 14 days, where it remains public for at least three years.

5. Chapter V — Term of Copyright

Chapter V of the Copyright Act, 1957 defines the duration of copyright protection for various categories of works.

Published Literary, Dramatic, Musical and Artistic Works (Section 22)

Copyright in these works lasts for 60 years from the beginning of the calendar year following the author's death. For joint authorship, the term is calculated from the death of the last surviving author.

Anonymous and Pseudonymous Works (Section 23)

For works published without revealing the author's identity, copyright lasts for 60 years from the beginning of the calendar year after the first publication. If the author's identity becomes known before that period ends, the term is extended to 60 years after the author's death.

Posthumous Works (Section 24)

For works published after the author's death, copyright subsists for 60 years from the beginning of the calendar year following the first publication of the work or its adaptation. A work is considered published if it has been:

- Performed in public, or
- Sold or offered for sale in the form of a sound recording.

Cinematograph Films (Section 26)

Copyright in a film lasts for 60 years from the beginning of the calendar year following the year of its publication.

Sound Recordings (Section 27)

Copyright in a sound recording subsists for 60 years from the beginning of the calendar year next following its publication.

Government Works (Section 28)

When the Government is the first owner of copyright, protection lasts for 60 years from the beginning of the calendar year next following the first publication of the work.

Works of Public Undertakings (Section 28A)

For works owned by a public undertaking (government-controlled or statutory body), copyright lasts for 60 years from the beginning of the calendar year next following the first publication.

Works of International Organisations (Section 29)

For works of an international organisation to which Section 41 applies, copyright subsists for 60 years from the beginning of the calendar year following the first publication.

6. Chapter VI — Licences

This chapter explains how copyright can be used by others through licences. It covers:

- voluntary licences (given by the copyright owner),
- compulsory/statutory licences (granted by authority/Commercial Court when the work is being withheld or needed for public interest, education, or disability), and
- conditions, royalties, and termination of such licences.

Licences by Owners of Copyright (Section 30)

The copyright owner (of an existing work) or even a prospective owner (of a future work) can grant a licence in writing to another person to use any of the rights in the work. The licence must be in writing and signed by the owner or authorised agent. For future works, the licence becomes effective only when the work actually comes into existence.

Compulsory Licence in Works Withheld from the Public (Section 31)

If a work has been published or performed in public, but the copyright owner unreasonably refuses to:

- republish it,
 - allow public performance, or
 - allow broadcast/communication to the public,
- and because of that the work is effectively withheld from the public, then any person may complain to the Commercial Court. If the Commercial Court finds the refusal not reasonable, it may:
- direct the Registrar of Copyrights to grant the complainant a licence to republish, perform, or broadcast the work;
 - fix compensation/royalty and other conditions;
 - licence is then issued to the person(s) the Court considers qualified.

This ensures the public is not unfairly denied access to existing works.

Compulsory Licence in Unpublished or "Owner-Not-Found" Works (Section 31A)

This applies where a work (unpublished, or even published/communicated) is withheld from the public in India because:

- the author is dead, unknown, or cannot be traced, or
- the copyright owner cannot be found.

In such cases, any person may apply to the Commercial Court for a licence to publish the work or publish a translation.

Compulsory Licence for the Benefit of Disabled Persons (Section 31B)

Where the use is for the benefit of persons with disability, a person or organisation (even if working for profit) may apply to the Commercial Court for a compulsory licence.

Statutory Licence for Cover Versions (Section 31C)

Anyone who wants to make a cover version (a new sound recording) of a literary/dramatic/musical work — where an authorised sound recording already exists — may do so, subject to these statutory conditions:

- The new recording must be in the same medium as the last one (unless that medium is no longer used).
- The person must give prior notice to the copyright owner and pay royalties in advance at the rate fixed by the Commercial Court.
- The cover must not mislead the public — it must state clearly that it is a cover version made under this section and must not use the earlier performer's name/image.
- No changes to the work may be made except those technically necessary.
- A cover version can be made only after 5 calendar years from the end of the year in which the first recording was made.
- Royalty must be paid for at least 50,000 copies per year (unless the Court fixes a lower minimum for some languages).

Statutory Licence for Broadcasting (Section 31D)

A broadcasting organisation (radio/TV) that wants to broadcast an already-published literary or musical work or sound recording may do so under a statutory licence, provided that:

- It gives prior notice (with duration and territorial coverage).
- It pays royalty at the rate fixed by the Commercial Court (radio and TV rates to be different).

Licence to Produce and Publish Translations (Section 32)

This section mainly supports access to works in Indian languages and for education/research.

1. General rule: After 7 years from first publication, any person may apply to the Commercial Court for a non-exclusive licence to translate a literary or dramatic work into any language.
2. For foreign (non-Indian) works needed for teaching, scholarship, or research: application may be made after 3 years (or even after 1 year if it's a language not in general use in any developed country).
3. The applicant must show:
 - o the copyright owner has not published a translation in that language, or it is out of print,
 - o he requested permission and was refused or couldn't find the owner, and
 - o he is competent to produce a correct translation and pay royalty.
4. The licence will:
 - o fix royalty payable,
 - o restrict export (copies only for India), and
 - o require a notice on each copy.
5. Broadcasting organisations can also seek such licences for educational broadcasts.

Licence to Reproduce and Publish Works for Certain Purposes (Section 32A)

Where copies of an edition of a literary/scientific/artistic work are not available in India at a reasonable price for the public or for systematic instructional activities, a person may apply to the Commercial Court to reproduce and publish that work in print (or similar form).

- Applicant must first try to get permission and fail / be unable to locate the owner.
- The Court may grant a non-exclusive licence with royalty, price, and "only in India" conditions.
- Different "relevant periods" apply (7 years for fiction/art/music; 3 years for science/technology; 5 years for others).

Termination of Licences Issued Under this Chapter (Section 32B)

If, after a compulsory/statutory licence has been granted, the copyright owner later publishes or makes available a substantially similar version in the same language in India at a reasonable price, then:

- the earlier licence comes to an end after 3 months of notice from the owner;
 - but the licensee can continue to sell already-produced copies until stock is exhausted.
-

7. Chapter VII — Copyright Societies

This chapter deals with the formation, registration, powers, and control of Copyright Societies — organisations that collectively manage and license copyrighted works on behalf of authors and other owners.

They help simplify the licensing process, collect royalties, and distribute payments fairly among members while remaining under the oversight of authors and the Government.

Registration of Copyright Society (Section 33)

No person or association can engage in the business of granting or issuing licences for copyrighted works without being registered as a copyright society under this Act. Individual authors can still license their own works, provided they honour their obligations as members of a registered society. For films and sound recordings, such licensing must be done only through a registered society.

Registration process:

- Associations fulfilling prescribed conditions may apply to the Registrar of Copyrights, who forwards the application to the Central Government.
- The Government, after considering the interests of authors, right-owners, and the public, may grant registration. Normally only one society per class of work is registered.
- Registration is valid for 5 years and may be renewed after review of performance.

Tariff Scheme by Copyright Societies (Section 33A)

Every copyright society must publish a tariff scheme showing rates for issuing licences to use works under its control. Any person aggrieved by the scheme may appeal to the Commercial Court, which can modify unreasonable or inconsistent elements.

8. Chapter VIII — Rights of Broadcasting Organisation and of Performers

This chapter recognises and protects the rights of broadcasting organisations and performers.

While copyright safeguards the interests of authors and producers, these provisions extend similar protection to those who transmit or perform creative works—such as TV channels, radio stations, singers, actors, dancers, and musicians—ensuring they receive due control and remuneration for their contributions.

Broadcast Reproduction Right (Section 37)

Every broadcasting organisation enjoys a special right known as the broadcast reproduction right over its broadcasts. This right continues for 25 years from the beginning of the calendar year following the year of broadcast.

Infringement occurs if any person, without licence of the broadcaster:

1. Re-broadcasts the programme;
2. Causes it to be heard or seen by the public for payment;
3. Makes or reproduces any sound or visual recording of the broadcast; or
4. Sells or rents such unauthorised recordings.

Performer's Right (Section 38)

A performer—such as an actor, singer, musician, dancer, or lecturer—has a special right called the performer's right over his live performance. This right remains valid for 50 years from the beginning of the calendar year following the year in which the performance took place. It gives performers recognition and the ability to control use of their performances.

Exclusive Rights of Performers (Section 38A)

The performer's right is exclusive, allowing him to do or authorise others to do the following:

- Record the performance in sound or visual form;
- Reproduce or store it in any medium, including electronic form;
- Issue copies to the public;
- Communicate or broadcast it to the public; and
- Sell or rent copies commercially.

Moral Rights of Performers (Section 38B)

Even after assigning economic rights, every performer retains moral rights to—

1. Be identified as the performer of his work, unless omission is justified by the mode of use; and
2. Prevent distortion or mutilation of his performance that could harm his reputation.

Acts Not Infringing Broadcast or Performer's Rights (Section 39)

Certain uses are exempted and do not amount to infringement:

- Making recordings for private use or for bona fide teaching or research;
- Using brief excerpts for news reporting, reviews, or education;
- Performing fair-dealing acts analogous to those listed in Section 52 for copyright.

These exceptions balance the rights of performers/broadcasters with public interest and educational needs.

9. Chapter IX – International Copyright

Power to extend copyright to foreign works (Section 40)

The Central Government may, through a notification in the Official Gazette, extend the provisions of the Copyright Act to foreign works. This may include:

- Works first published outside India.
- Unpublished works of authors who are citizens or subjects of a foreign country.
- Works of authors domiciled in a foreign country.

Before issuing such an order, the Government must ensure reciprocity, i.e., that the foreign country provides adequate protection for Indian works.

10. Chapter X – Registration of Copyright

Register of Copyrights (Section 44)

A Register of Copyrights is maintained at the Copyright Office in a prescribed form.

It records details such as:

- Name or title of the work.
- Names and addresses of the author, publisher, and copyright owner.
- Any other particulars as may be prescribed by rules.

Entries in Register of Copyrights (Section 45)

The author, publisher, owner of copyright, or any interested person may apply in the prescribed form along with the required fee for registration.

11. Chapter XI – Infringement of Copyright

When copyright is infringed (Section 51)

Copyright in a work is considered infringed in two main situations:

1. When someone, without licence from the copyright owner/Registrar (or violating licence conditions):

(i) does any act which only the copyright owner is allowed to do (like copying, issuing copies, performing, communicating to public, making film/sound recording, etc.), or

(ii) permits a place for profit to be used for communicating the work to the public, where such communication is an infringement — unless the person genuinely did not know and had no reason to believe it was an infringement.

(iii) When someone deals in infringing copies, such as:

- makes, sells, lets on hire, offers or displays for sale/hire; or
- distributes in trade or in such quantity that it harms the copyright owner; or
- publicly exhibits infringing copies in trade; or
- imports infringing copies into India.

Import of one copy for private and domestic use is allowed.

If a literary/dramatic/musical/artistic work is reproduced as a cinematograph film, that film is treated as an infringing copy if made without permission.

Certain acts not to be infringement of copyright (Section 52)

This is the list of exceptions — acts which look like use of copyright material but are legally permitted. Key ones:

- Fair dealing (for works other than computer programmes) for:
 - (i) private/personal use, research
 - (ii) criticism or review
 - (iii) reporting of current events/current affairs (including reporting of a public lecture)Storing in electronic form for these purposes is also allowed.
- Computer programmes – lawful possessor can:
 - make a copy/adaptation to use it, or
 - make a back-up, or
 - do acts needed for interoperability, or
 - study/observe/test the programme, or
 - make a personal non-commercial copy from a legally obtained one.
- Technical/online uses – transient or incidental storage in the course of electronic transmission, or providing links/access, is allowed (with a 21-day takedown condition if copyright owner complains).
- Judicial/legislative uses – reproduction for court proceedings, legislature secretariat publications, certified copies, etc.
- Education uses – teacher or pupil reproducing in course of instruction; inclusion in question papers and answers; school performances for limited audience.
- Libraries – limited copying by non-commercial public libraries, preservation, or copying out-of-print books.
- Government/Official material – Official Gazette matter (with some exceptions), Acts, reports laid in Legislature, judgments (unless prohibited).
- Use of works in public places – painting/photographing buildings, sculptures permanently in public, incidental inclusion in films.
- Religious and official ceremonies – performance/communication in bona fide religious ceremony or official function is allowed (marriage functions included).
- Accessible format for persons with disabilities – reproduction/adaptation/issue in accessible format on non-profit basis.
- Import of incidental copyright material – e.g. logos/labels that come along with imported goods lawfully.

12. Chapter XII – Civil Remedies

Definition (Section 54)

For this Chapter, the term "owner of copyright" includes:

- (a) An exclusive licensee (a person who holds specific rights granted exclusively by the owner).
- (b) In the case of anonymous or pseudonymous works, the publisher is considered the owner until the true author's identity is disclosed publicly or established before the Commercial Court.

Civil remedies for infringement of copyright (Section 55)

When copyright is infringed, the owner can seek remedies such as:

- Injunction (to stop the infringement),
- Damages,
- Account of profits, or
- Any other legal relief.

If the infringer proves that he did not know copyright existed, only limited remedies apply — typically an injunction and reasonable profit sharing as decided by the court.

Author's special rights (Moral Rights) (Section 57)

Even after selling or assigning copyright, the author retains two moral rights:

- The right to be identified as the author (paternity right).
- The right to object to distortion, mutilation, or modification that harms their honour or reputation (integrity right).

Jurisdiction of court over matters arising under this Chapter (Section 62)

All civil cases regarding copyright infringement must be filed in a District Court.

13. Chapter XIII – Offences

Offence of infringement of copyright or other rights (Section 63)

Any person who knowingly infringes or abets the infringement of:

- (a) copyright in a work, or
- (b) any other right under the Act (except resale share right under Section 53A), shall be punished with:

- o Imprisonment: minimum 6 months, up to 3 years, and
- o Fine: minimum ₹50,000, up to ₹2,00,000.

Enhanced penalty on second and subsequent convictions (Section 63A)

If a person already convicted under Section 63 is convicted again:

- Imprisonment: minimum 1 year, up to 3 years
- Fine: minimum ₹1,00,000, up to ₹2,00,000

Power of police to seize infringing copies (Section 64)

A police officer not below Sub-Inspector may, if satisfied that an offence under Section 63 has been, is being, or is likely to be committed, seize without warrant:

- o all infringing copies, and
- o all plates used for making such infringing copies.

Offences by companies (Section 69)

If a company commits an offence, then the company and every person in charge of and responsible for its business at the time are both liable.

Cognizance of offences (Section 70)

No court below a Metropolitan Magistrate or Judicial Magistrate First Class can try offences under this Act.

14. Chapter XIV – Appeals

Appeals against orders of Registrar of Copyrights (Section 72)

1. Right to appeal:

- o Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within 3 months from the date of such decision or order, appeal to the High Court.

2. Hearing of appeal:

- o Every such appeal is ordinarily heard by a Single Judge of the High Court.
- o The Judge may, if he thinks fit, refer the appeal at any stage to a Division Bench (two-Judge Bench) of the High Court.

3. Further appeal:

- o If the appeal is decided by a Single Judge, a further appeal lies to a Bench of the High Court within 3 months from the date of that decision or order.

4. Computation of limitation:

- o While computing the period of 3 months, the time taken to obtain a certified copy of the order or decision appealed against is excluded.
-

1. Introduction

The Right to Information (RTI) Act was passed by Parliament on 15 June 2005 and came into force on 12 October 2005. RTI Act extends to the whole of India.

Preamble to the Act

The RTI Act is to provide for the setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority.

The Constitution of India has established democratic Republic. The democracy requires an informed citizenry and transparency of information which are vital to its functioning, contain corruption, to hold Governments and their instrumentalities accountable to the governed.

If revelation of information in actual practice is likely to conflict with other public interests, it is necessary to harmonize these conflicting interests while preserving the paramountcy of the democratic ideal. It is expedient to provide for furnishing certain information to citizens who desire to have it.

Note that the main provisions of the Act are covered next one by one.

2. Definitions

The relevant definitions from the Right to Information Act 2005 are given below.

Appropriate Government

Appropriate Government is "Central Government" for a public authority which is (a) established, (b) constituted, (c) owned, (d) controlled or (e) substantially financed by funds provided directly or indirectly by the Central Government. It is "State Government" for public authorizes under the State Government.

Central Information Commission

Central Information Commission means the Central Information Commission under the Act.

Central Public Information Officer

Central Public Information Officer means the Central Public Information Officer (CPIO) and includes a Central Assistant Public Information Officer.

Chief Information Commissioner (CIC) and Information Commissioner (IC)

Chief Information Commissioner (CIC) and Information Commissioner (IC) mean the Chief Information Commissioner and Information Commissioner appointed under the Act.

Similarly at state level, there are provisions of:

- constitution of State Information Commission;
- appointment of State Chief Information Commissioner and State Information Commissioner; and
- appointment of State Public Information Officer (SPIO) and State Assistant Public Information Officer.

Competent authority

Competent authority means:

- Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly;
- Chairman in the case of the Council of States of a Legislative Council of States;
- Chief Justice of India in the case of the Supreme Court;
- Chief Justice of the High Court in the case of a High Court;
- President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
- Administrator appointed under article 239 of the Constitution.
- Information means any material in any form, including records, documents, memos, e mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

Public authority

Public authority means any authority or body or institution of self-government established or constituted:

- by or under the Constitution;
- by any other law made by Parliament;
- by any other law made by State Legislature;
- by notification issued or order made by the appropriate Government, and includes any—
 - body owned, controlled or substantially financed;
 - non Government Organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

Record

Record includes:

- any document, manuscript and file;
- any microfilm, microfiche and facsimile copy of a document;
- any reproduction of image or images embodied in such microfilm;
- any other material produced by a computer or any other device.

Right to information

Right to information means the right to information accessible under this Act, which is held by or under the control of any public authority and includes the right to:

- inspection of work, documents, records;
- taking notes, extracts, or certified copies of documents or records;
- taking certified samples of material;
- obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Third party

Third party means a person other than the citizen making a request for information and includes a public authority.

3. Right to Information

Section 3 deals with provisions related to 'right to information'. Accordingly, subject to the provisions of the Act, all citizens shall have the right to information.

4. Obligations of Public Authorities

Information to be published

Functions & Duties

Powers

Procedures

Rules & Regulations

Directory

Remuneration

Budget

Particulars of PIOs

Other prescribed information

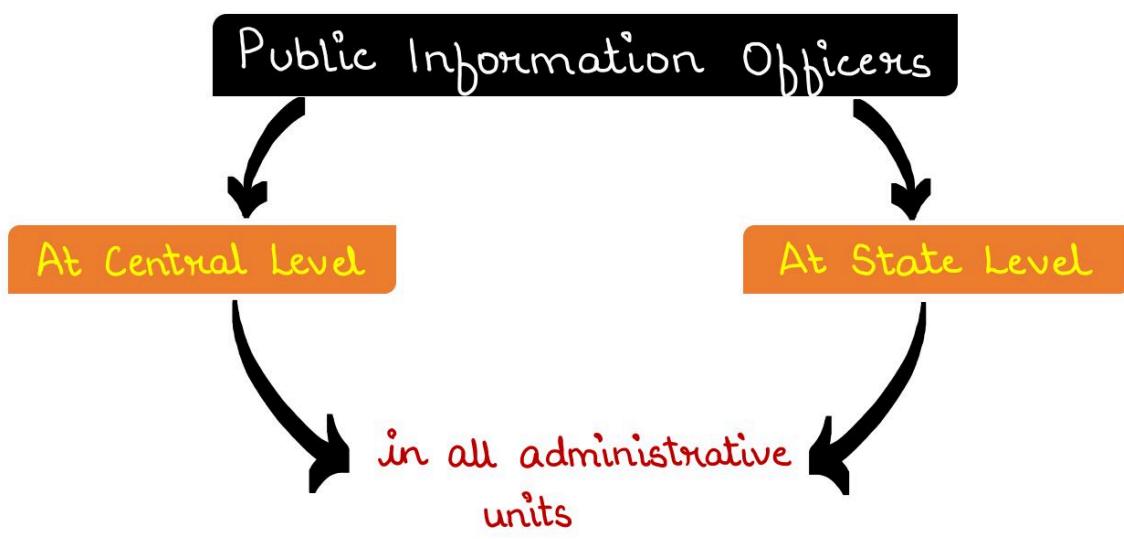
Section 4 deals with provisions related to obligations of public authorities.

Accordingly, **every public authority** shall:

- maintain all its records in the form which facilitates the right to information under this Act;
- publish following within 120 days from the enactment of this Act:
 - particulars of its organization, functions and duties;
 - powers and duties of its officers and employees;
 - procedure followed in the decision making process;
 - rules, regulations, instructions, manuals and records;
 - directory of its officers and employees;
 - monthly remuneration received by each of its officers and employees;
 - budget allocated to each of its agency;
 - names, designations and other particulars of the Public Information Officers;
 - such other information as may be prescribed, and thereafter update these publications every year.

It shall be a constant endeavor of every public authority to provide as much information *suo motu* to the public at regular intervals through various means of communications. All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area.

5. Designation of Public Information Officers



Section 5 of the Act entails provisions related to designation of Public Information Officers.

Every public authority shall, designate Central Public Information Officer or State Public Information Officer (CPIO/SPIO), in all administrative units or offices within 100 days of the enactment of this Act.

Every CPIO/SPIO, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

6. Request for Obtaining Information

Section 6 of the Act deals with provisions related to request for obtaining information.

Request for obtaining information

MODE

In writing, or
Electronically

LANGUAGE

English or Hindi
or official

TO

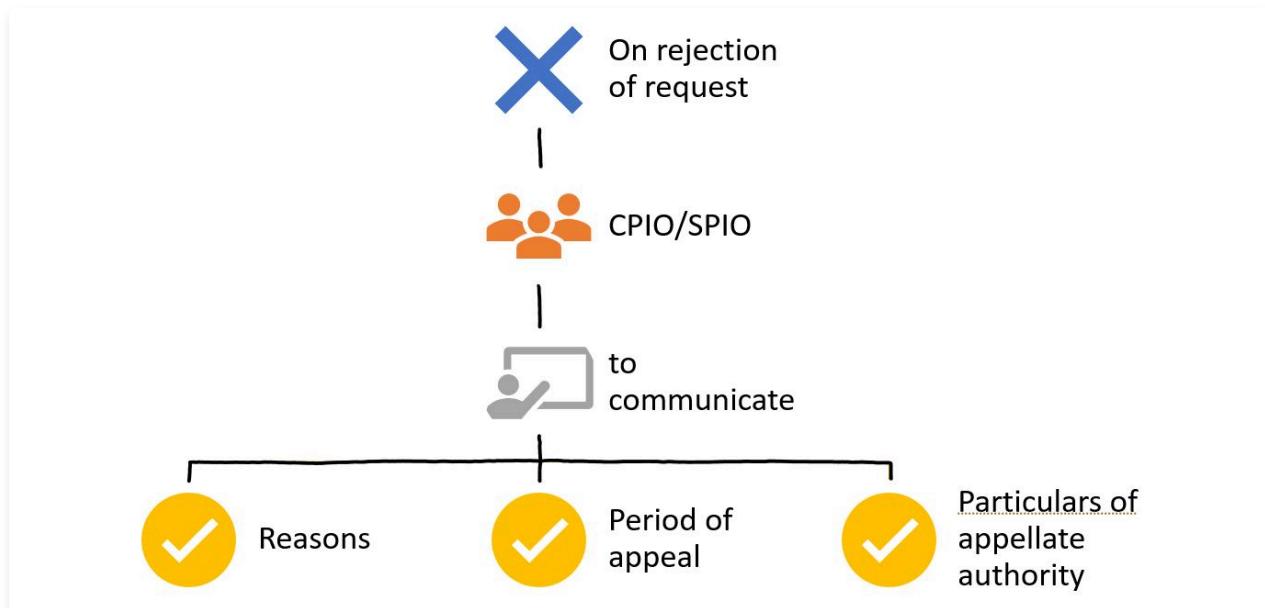
CPIO or SPIO

A person, who desires to obtain any information, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area to the CPIO/SPIO (or Central Assistant Public Information Officer or State Assistant Public Information Officer).

An applicant making request for information shall not be required to give any reason for requesting the information. If the information is held by another public authority, then he shall transfer the application to that other public authority and also inform the applicant immediately (within 5 days from date of receipt).

7. Disposal of Request

Section 7 contains provisions related to disposal of request.



The CPIO/SPIO will provide information within 30 days of the receipt of the request. Such an officer may either provide the information on payment of prescribed fee or reject the request for any specified reasons. If the information sought concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request.

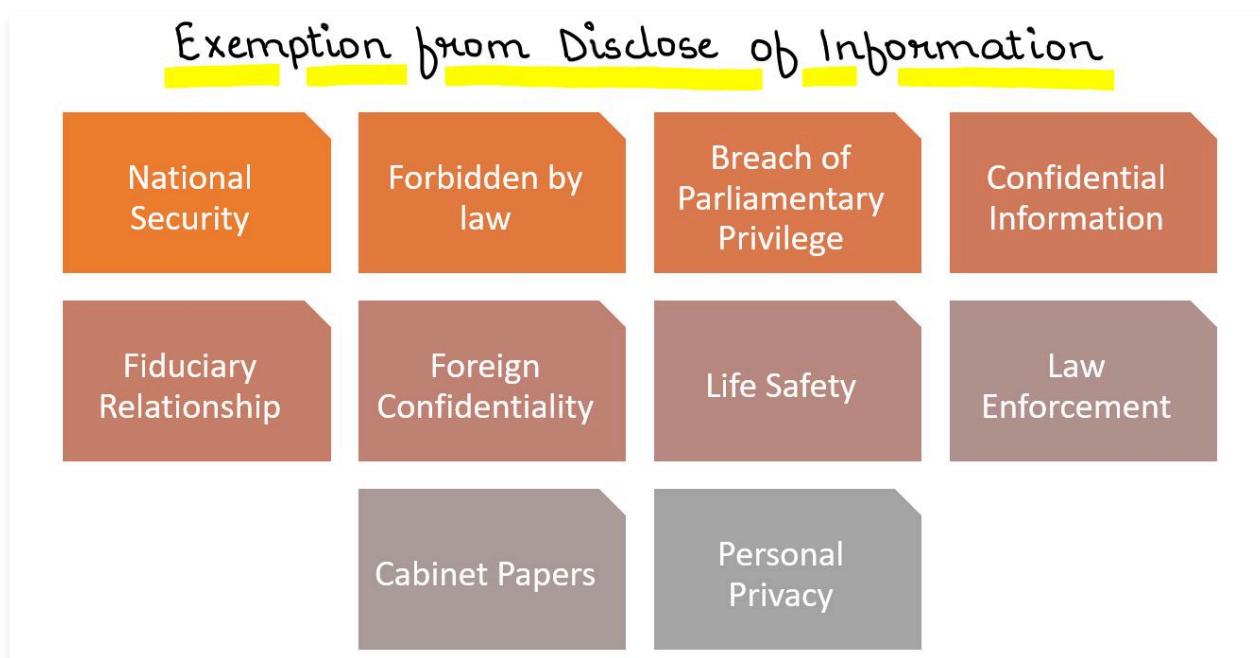
Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the CPIO/SPIO shall send an intimation to the person making the request, giving the details of further fees. The period intervening between the despatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of 30 days.

The information shall be provided free of charge where a public authority fails to comply with the time limits.

Where a request for information has been rejected, CPIO/SPIO shall communicate:

- reasons for such rejection;
- period within which an appeal against such rejection may be preferred; and
- particulars of the appellate authority.

8. Exemption from Disclosure of Information



Certain information is exempt from disclosure under the Right to Information Act. These exemptions are provided under Section 8 of the Act.

Accordingly, there shall be **no obligation** to give any citizen:

- information, which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party;
- information available to a person in his fiduciary relationship;
- information received in confidence from foreign government;
- information, the disclosure of which would endanger the life or physical safety of any person;
- information which would impede the process of investigation or apprehension or prosecution of offenders;
- cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers. The decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over;
- information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.

However any information relating to any occurrence, event or matter which has taken place, 20 years before the date on which any request is made, information shall be disclosed **EXCEPT** information on sovereignty, integrity, security, strategic, scientific or economic interests of country, or breach of privilege of Parliament or the State Legislature. The Central Government is authority to change the time period.

9. Grounds for Rejection to access in Certain Cases

According to Section 9 of the Act, the CPIO/SPIO may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10. Severability

If a request for information is rejected due to exemption, the CPIO / SPIO may still provide access to the non-exempt part of the record, which can be reasonably separated from the exempt information.

When access is granted to a part of the record, the CPIO or SPIO shall give a notice to the applicant, informing:

- that only a portion of the requested record is provided, with exempt information severed.
 - reasons for the decision are communicated, including findings on material facts and the basis for those findings.
 - information about the person making the decision (name and designation).
 - details of calculated fees and the amount to be deposited by the applicant.
 - the applicant's rights regarding review of the decision on non-disclosure, fee charges, or the form of access.
 - information about the senior officer specified for review or the Central/State Information Commission, including time limits and the review process.
-

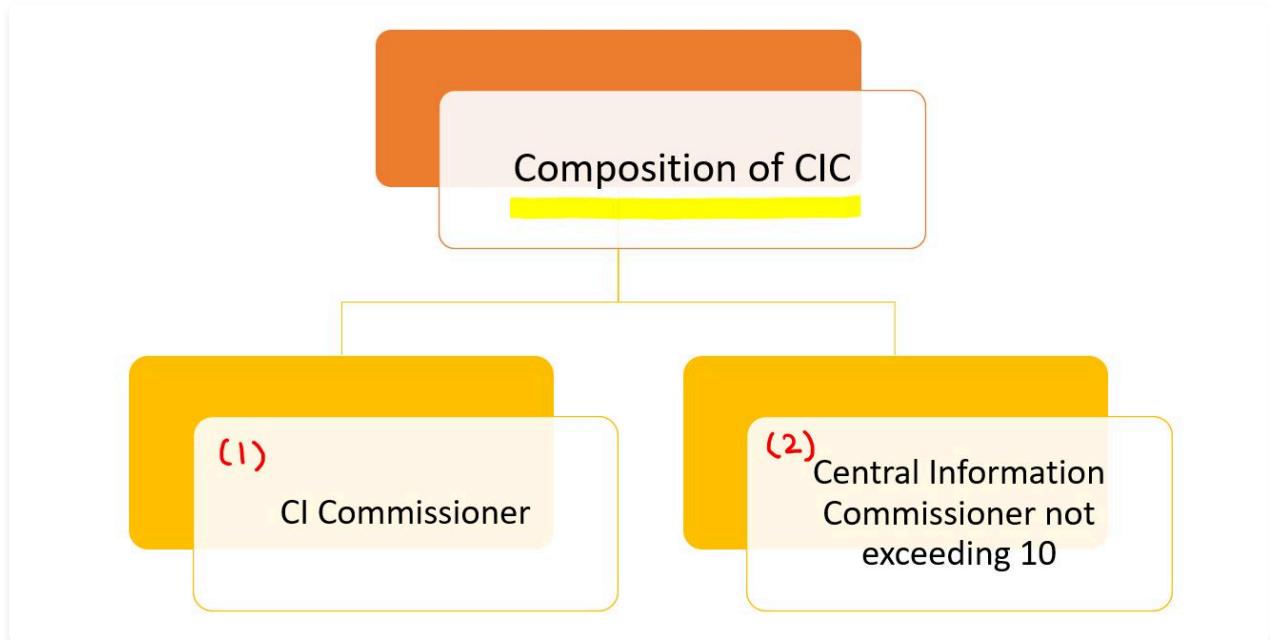
11. Third Party Information

Section 11 of the Act deals with provisions related to third party information.

In case confidential information is related to the third party, CPIO/SPIO may give written notice to the Third party, within 5 days of receipt of request. The submission of Third Party may be considered, while decision of disclosing information is taken.

In the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party. The third party will be given an opportunity to make representation against the proposed disclosure, within 10 days from receipt of notice from CPIO/SPIO.

12. Constitution of Central Information Commission



Section 12 provides provisions related to constitution of Central Information Commission.

Composition of Central Information Commission

The Central Information Commission shall consist of:

- Chief Information Commissioner; and
- Number of Central Information Commissioners not exceeding 10.

The CIC/ICs shall be appointed by the President on the recommendation of a committee consisting of:

- Prime Minister, who shall be the Chairperson of the committee;
- Leader of Opposition in the Lok Sabha; and
- Union Cabinet Minister to be nominated by the Prime Minister.

If the Leader of Opposition in the House of the People has not been recognised, the Leader of the single largest group in opposition of the Government in the House of the People shall be deemed to be the Leader of the Opposition.

The CIC/ICs shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.

The CIC/ICs shall not be Member of Parliament or Member of the Legislature of any State or Union territory, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

13. Term of office and Conditions of Service of CIC/IC

Section 13 deals with provisions related to term of office and conditions of service of Chief Information Commissioner (CIC) and Information Commissioner (IC).

Earlier CIC and ICs had tenure of fixed 5 years. As per July 2019 Amendment, it was changed to "CIC and ICs shall hold office for such term as may be prescribed by the Central Government". Based on this amendment, the Department of Personnel & Training (nodal ministry for RTI) notified new rules in October 2019. Now, the tenure has now been fixed at 3 years.

The CIC and ICs will not be eligible for reappointment.

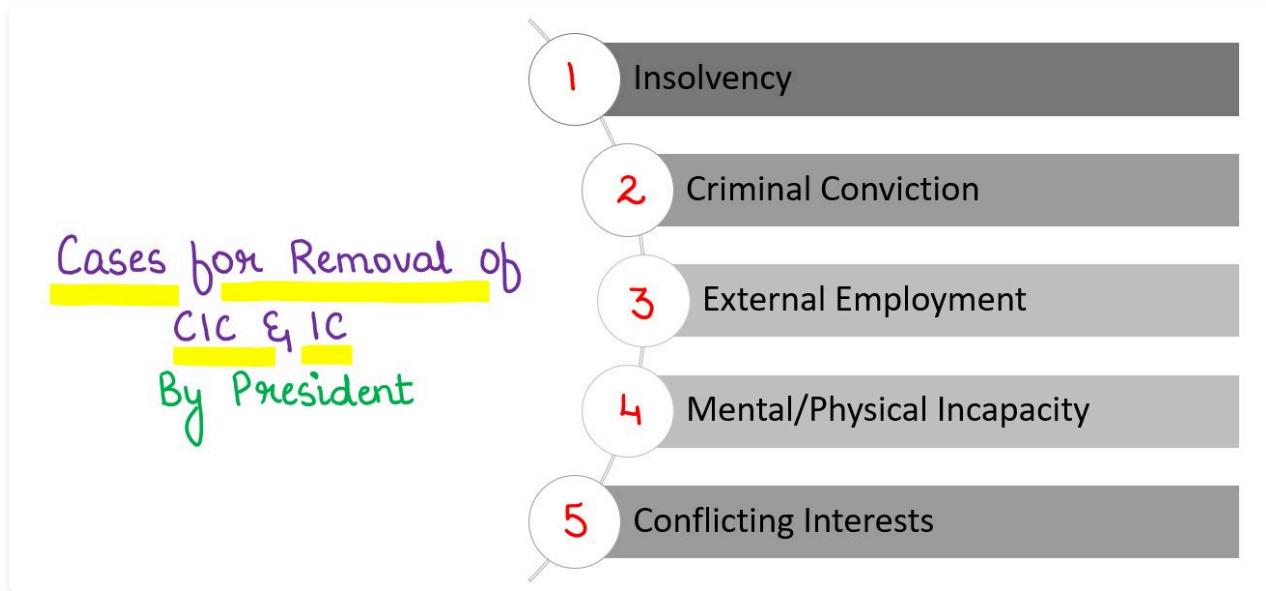
No CIC shall hold office as such after he has attained the age of 65 years.

Every IC shall hold office for term as prescribed by the Central Government or till he attains the age of 65 years, whichever is earlier, and shall not be eligible for reappointment as such IC. However, every IC shall, on vacating his office, be eligible for appointment as CIC.

The CIC and ICs will be given oath by the President. The CIC and ICs may resign from his office by writing to the President.

The salaries/allowances of CIC and IC will be "as prescribed by the Central Government". (July 2019 Amendment). Earlier, it was same as that of the Chief Election Commissioner for CIC and same as that of an Election Commissioner for ICs. As notified in Oct 2019, through new rules, the salary has been fixed at Rs 2.5 Lakh for CIC and Rs 2.25 for ICs.

14. Removal of CIC and IC



Section 14 deals with provisions related to removal of CIC and ICs.

The CIC and ICs can be removed only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the CIC/IC may be removed.

The President may suspend CIC/IC from office, or prohibit from attending the office during inquiry of the Supreme Court.

The President may by order remove CIC/IC from office in following cases:

- is adjudged an insolvent;
- has been convicted of an offence which, in the opinion of the President, involves moral turpitude;
- engages during his term of office in any paid employment outside the duties of his office;
- is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body;
- has acquired such financial or other interest as is likely to affect prejudicially his functions as CIC/IC.

15. Constitution of State Information Commission

Section 15 provides provisions related to constitution of State Information Commission.

Composition of State Information Commission

The State Information Commission shall consist of:

- State Chief Information Commissioner (SCIC); and
- number of State Information Commissioners (SIC), not exceeding 10.

The SCIC/SICs shall be appointed by the Governor on the recommendation of a committee, consisting of:

- Chief Minister, who shall be the Chairperson of the committee;
- Leader of Opposition in the Legislative Assembly; and
- a Cabinet Minister to be nominated by the Chief Minister.

The SCIC/SICs shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. They shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

16. Term of office and Conditions of Service of SCIC/SIC

The provisions related to term of office and conditions of service of SCICs and SICs are given under section 16 of the Act.

Earlier SCIC and SICs had tenure of fixed 5 years. As per July 2019 Amendment, it was changed to "SCIC and SICs shall hold office for such term as may be prescribed by the Central Government". Based on this amendment, the Department of Personnel & Training (nodal ministry for RTI) notified new rules in October 2019. Now, the tenure has now been fixed at 3 years.

No SCIC shall hold office as such after he has attained the age of 65 years.

Every SIC shall hold office for a term as prescribed by the Central Government or till he attains the age of 65 years, whichever is earlier, and shall not be eligible for reappointment as such SIC. However, every SIC shall, on vacating his office, be eligible for appointment as the SCIC.

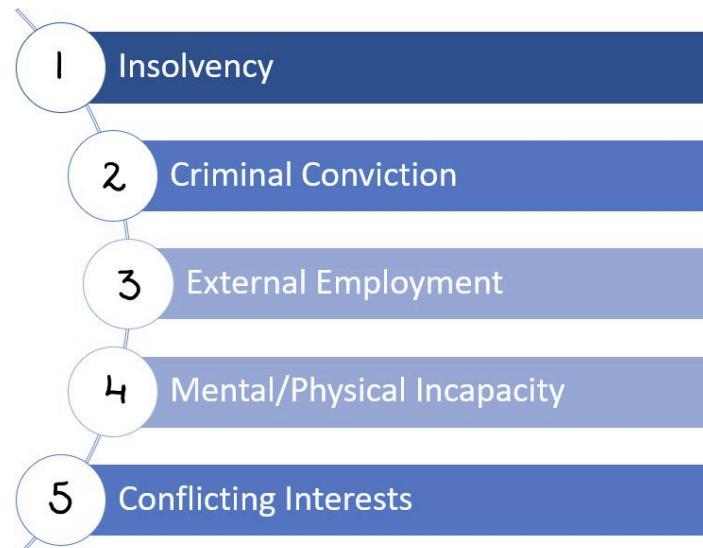
The SCIC/SICs will be given oath by the Governor. The SCIC/SICs resign from his office by writing to the Governor.

The salaries/allowances of SCIC and CIC will be "as prescribed by the Central Government". (July 2019 Amendment). Earlier, it was same as that of the "Election Commissioner" for SCIC and same as that of Chief Secretary for SICs. As notified in Oct 2019, through new rules, the salary has been fixed at Rs 2.25 Lakh for SCIC and SICs.

17. Removal of SCIC AND SIC (Sec. 17)

Section 17 of the Act deals with provisions related to removal of SCICs and SICs.

**Cases for Removal of
SCIC & SIC
By Governor**



The SCIC and SICs can be removed only by order of the Governor on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the Governor, has, on inquiry, reported that the SCIC/SIC may be removed.

The Governor may suspend SCIC/SIC from office, or prohibit from attending the office during inquiry of the Supreme Court.

The Governor may by order remove SCIC/SIC from office in following cases:

- is adjudged an insolvent;
- has been convicted of an offence which, in the opinion of the President, involves moral turpitude;
- engages during his term of office in any paid employment outside the duties of his office;
- is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body;
- has acquired such financial or other interest as is likely to affect prejudicially his functions as SCIC/SIC.

18. Powers and Functions of Information Commission

Powers and functions of Information Commissions are dealt in under Section 18 of the Act.

Functions of Central or State Information Commission

It shall be the duty of the Central Information Commission or State Information Commission to receive and inquire into a complaint from any person:

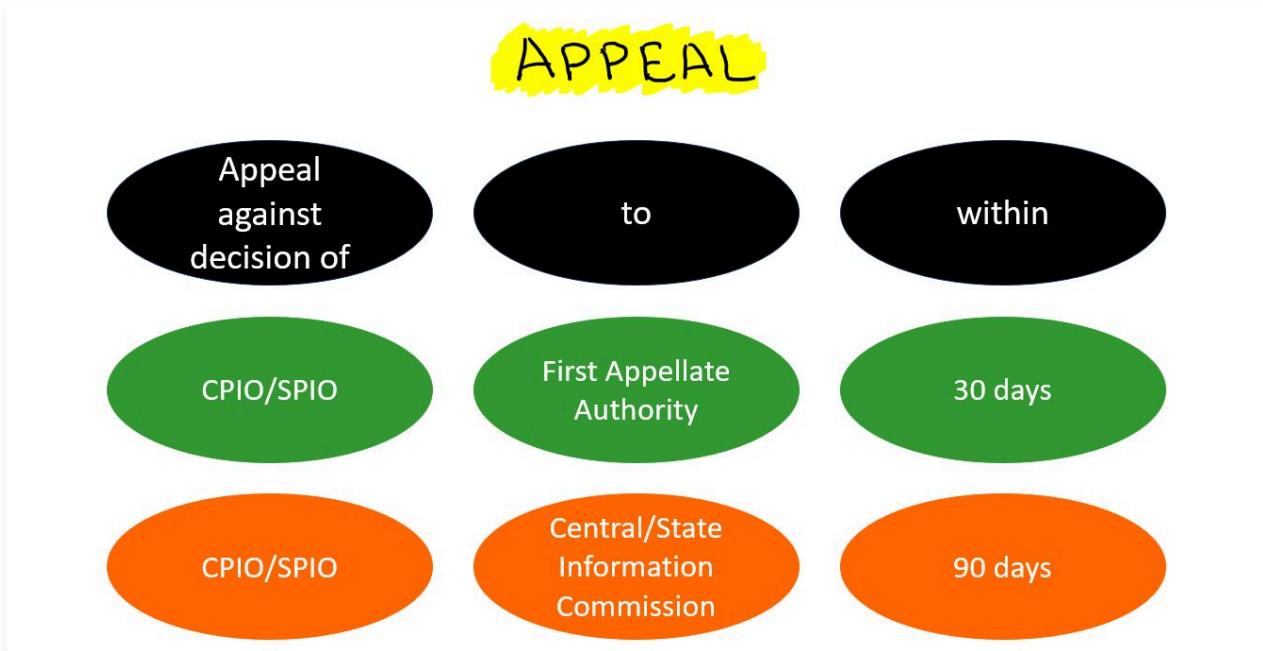
- who has been unable to submit a request to a CPIO/SPIO;
- who has been refused access to any information;
- who has not been given a response to a request for information;
- who has been required to pay unreasonable fees;
- who has been given incomplete, misleading or false information.

Powers of Central or State Information Commission

The Central Information Commission or State Information Commission, while inquiring into any matter, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, namely:

- summoning and enforcing the attendance of persons;
 - requiring the discovery and inspection of documents;
 - receiving evidence on affidavit;
 - requisitioning any public record or copies thereof from any court or office;
 - issuing summons for examination of witnesses or documents; and
 - any other matter which may be prescribed.
-

19. Appeal



Section deals with appeal provisions under the Act.

Any person who, aggrieved by a decision of the CPIO/SPIO appeal to senior officer (called First Appellate Authority), but within 30 days. The officer may admit appeal after 30 days, if there are sufficient reasons.

A second appeal against the decision of "First Appellate Authority" can be made to the Central Information Commission or the State Information Commission, but within 90 days. The Commission may accept appeal beyond 90 days, if there are sufficient reasons.

An appeal with the First Appellate Authority shall be disposed of within 30 days of the receipt of the appeal or within extended period of 45 days with reasons to be recorded in writing.

The decision of the Central Information Commission or State Information Commission, shall be binding.

20. Penalties

The penal provisions are given under Section 20 of the Act.

The Central Information Commission or the State Information Commission may impose penalty of Rs 250 per day (total not exceeding Rs 25,000) on the CPIO/SPIO for delay/refusal.

The CPIO/SPIO shall be given a reasonable opportunity of being heard before any penalty is imposed.

The Commission may also recommend for disciplinary action against the CPIO/SPIO, under the service rules applicable to him.

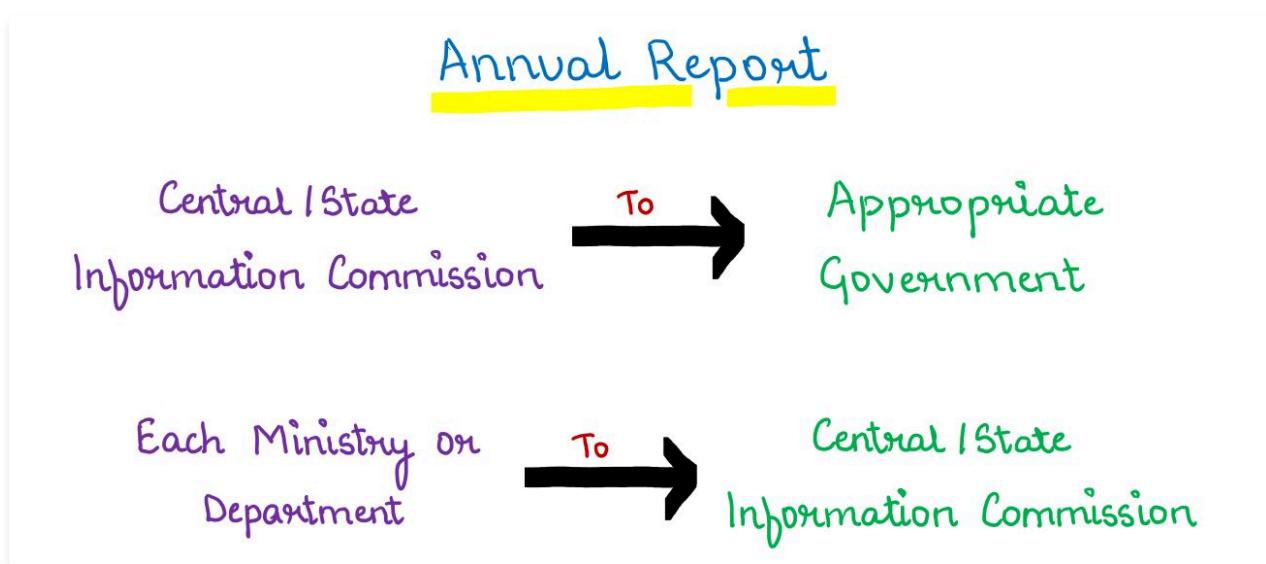
The Act shall not apply to the intelligence and security organizations specified in the Second Schedule. But information pertaining to the allegations of corruption and human rights violations shall not be excluded.

The Central Government may, amend the Schedule by including therein any other intelligence or security organization, but it shall be laid before each House of Parliament.

Similarly nothing in this Act shall apply to intelligence and security organizations, established by the State Government except information sought for is in respect of allegations of violation of human rights.

21. Monitoring and Reporting

Section 25 of the Right to Information Act deals with provisions related to Monitoring and Reporting.



The Central Information Commission or State Information Commission, shall prepare annual report on the implementation of the provisions of this Act during that year and forward a copy thereof to the appropriate Government.

Each Ministry or Department shall prepare annual report and provide information to the Central Information Commission or State Information Commission.

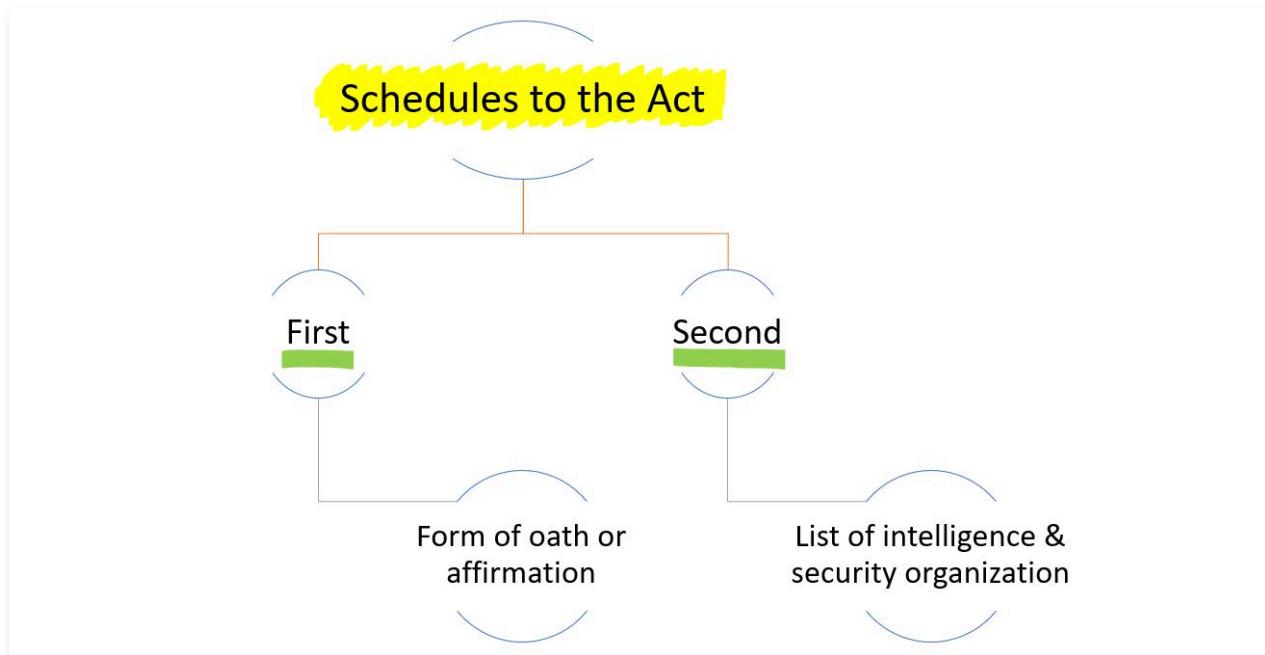
The Central Government (or State Government), cause a copy of the report of the Central Information Commission (or State Information Commission), to be laid before each House of Parliament or (each House of the State Legislature).

22. Appropriate Government to Prepare Programmes

Section 26 of the Act deals with provisions related to preparation of programmes by the appropriate Government.

The appropriate Government may develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act.

23. Schedules to the Act



There are 2 Schedules to the Act.

First Schedule

The First Schedule has the form of oath or affirmation to be made by the Chief Information Commissioner/the Information Commissioner/the State Chief Information Commissioner/the State Information Commissioner.

Second Schedule

The Second Schedule has list of Intelligence and Security Organisation established by the Central Government.

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Sashstra Seema Bal.
16. Directorate General of Income-tax (Investigation).
17. National Technical Research Organisation.
18. Financial Intelligence Unit, India.
19. Special Protection Group.
20. Defence Research and Development Organisation.
21. Border Road Development Board.

24. Power to remove difficulties

According to Section 27 of the Act, if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, make provisions for removal of the difficulty. But no such order shall be made after the expiry of a period of 2 years from the date of the commencement of this Act.

Every order made under this section shall, as soon as it is made, be laid before each House of Parliament.

25. Amendments

The RTI Amendment Bill, 2019 was passed in Lok Sabha on 22 July 2019 and in Rajya Sabha on 25 July 2019.

26. Rules under RTI Act 2005

Some of the key rules to the Act are given below.

Definitions

Commission means the Central Information Commission constituted under the Act.

First Appellate Authority means an officer in the public authority who is senior in rank to the Central Public Information Officer to whom an appeal under sub-section (1) of Section 19 of the Act lies.

Registrar means an officer of the Commission so designated and includes an Additional Registrar, Joint Registrar and Deputy Registrar.

Application fee

An application under the Act shall be accompanied by fees of Rs. 10 and shall ordinarily not contain more than 500 words, excluding annexures, containing address of the Central Public Information Officer and that of the applicant. But, NO application shall be rejected only on the ground that it contains more than 500 words.

Fees for providing information

Fee for providing information shall be charged at the following rates:

- (a) Rs 2 for each page in A-3 or smaller size paper;
- (b) Actual cost or price of a photocopy in large size paper;
- (c) Actual cost or price for samples or models;
- (d) Rs 50 per diskette or floppy;
- (e) Price fixed for a publication or Rs 2 per page of photocopy for extracts from the publication;
- (f) There is no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour;
- (g) so much of postal charge involved in supply of information that exceeds Rs 50.

Exemption from payment of fee

No fee shall be charged from any person who, is below poverty line provided a copy of the certificate issued by the appropriate Government in this regard is submitted along with the application.

Mode of payment of fee

Fees under these rules may be paid in any of the following manner:

- (a) in cash
- (b) by demand draft or bankers cheque or Indian Postal Order
- (c) by electronic means.

Appointment of secretary to the Commission

The Central Government shall appoint an officer not below the rank of Additional Secretary to the Government of India as Secretary to the Commission.

Appeal to the Commission

Any person aggrieved by an order passed by the First Appellate Authority or by non-disposal of his appeal by the First Appellate Authority, may file an appeal to the Commission.

Return of appeal

An appeal may be returned to the appellant, if it is not accompanied by the documents as specified.

Process of appeal

The process of appeal is as follows.

1. On receipt of an appeal, if the Commission is not satisfied that it is a fit case to proceed with, it may, after giving an opportunity of being heard to the appellant and after recording its reasons, dismiss the appeal. But no appeal shall be dismissed on the ground that it has not been made in the specified format.

2. The Commission shall not consider an appeal unless it is satisfied that the appellant has availed of all the remedies available to him under the Act.

3. A person shall be deemed to have availed of all the remedies available to him under the Act:

(a) if he had filed an appeal before the First Appellate Authority and the First Appellate Authority had made a final order on the appeal; or

(b) where no final order has been made by the First Appellate Authority, and a period of 45 days from the date on which such appeal was preferred has elapsed.

Procedure for deciding appeals

The Commission, while deciding an appeal may:

- receive oral or written evidence on oath or on affidavit from concerned or interested person;
- peruse or inspect documents, public records or copies thereof;
- inquire through authorised officer further details or facts;
- hear CPIO, Central APIO, First Appellate Authority, FAA;
- hear third party;
- receive evidence on affidavits from CPIO, Central APIO, First Appellate Authority, FAA.

Presence of the appellant before the commission

The appellant shall be informed of the date at least 7 clear days before the date of hearing.

The appellant may be present himself, through authorised representative or video-Conferencing.

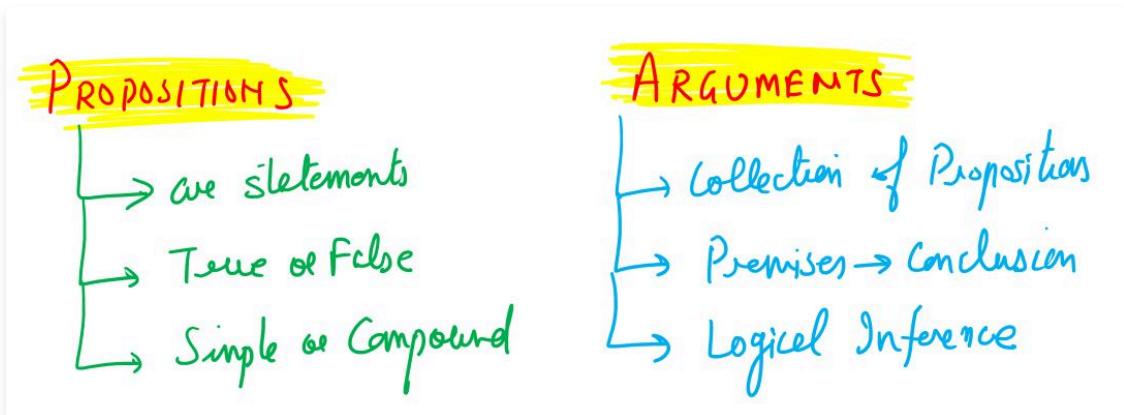
Service of notice by Commission

The Commission may issue the notice by name, which shall be served by:

- (i) service by the party itself;
 - (ii) by hand delivery (dasti) through Process Server;
 - (iii) by registered post with acknowledgement due;
 - (iv) by electronic mail in case electronic address is available.
-

1. Propositions

In the realm of reasoning, our task involves both the construction and evaluation of arguments. These arguments, in turn, are constructed using propositions as their building blocks. To gain a clear understanding of what constitutes an argument, it is essential to first grasp the concept of propositions, as they are the fundamental elements that appear within those very arguments.



Propositions serve as the foundational elements upon which our reasoning is built. A proposition essentially makes a statement, either affirming that something is true or denying it, indicating that something is not true. In essence, every proposition falls into one of these two categories—*true* or *false*—depending on whether it accurately represents reality or not.

Let us consider a few examples:

- The sun rises in the east.
- It will rain tomorrow.
- $2 + 2 = 5$.
- Elephants can fly.
- Water boils at 100 degrees Celsius at sea level.
- All humans breathe oxygen.

A question asserts nothing, and therefore it is not a proposition.

"Do you know how to play hockey?" is indeed a sentence, but that sentence makes no claim about the world.

A command ("Come quickly!") or explanation ("Oh my gosh!") is also not a proposition.

Questions, commands, and exclamations—unlike propositions—are neither *true* nor *false*.

Propositions may be simple, like those used in the preceding illustrations, but they may also be compound, containing other propositions within themselves.

The Punjab produces roughly 50 percent of India's rice, creates much of its own industrial products, and has a hardworking Sikh population.

This sentence simultaneously asserts three propositions, concerning what the Punjab produces, and what it creates, and what it has. The passage thus constitutes a **conjunctive proposition**. Asserting a conjunctive proposition is equivalent to asserting each of its component propositions separately.

Some compound propositions do not assert the truth of their components. In **disjunctive (or alternative) propositions**, no one of the components is asserted. Consider, "Mobile phones are useful, or they are not useful." This disjunctive proposition is plainly true, but either one of its components might be false.

Other compound propositions that do not assert their components are **hypothetical (or conditional) propositions**. The eighteenth-century freethinker, Voltaire, said, "If God did not exist, it would be necessary to invent him." Here, again, neither of the two components is asserted. The proposition "God does not exist," is not asserted, nor is the proposition, "it is necessary to invent him." Only the "if-then" proposition is asserted by the hypothetical or conditional statement, and that compound statement might be true even if both of its components were false.

Truth and falsity are attributes of: (UGC NET Dec 2018- Morning Shift)

- Debates
- Arguments
- Propositions
- Opinions

Check

2. Arguments

In the realm of reasoning and logic, propositions serve as the fundamental building blocks from which we construct arguments. Within an argument, we affirm one proposition based on the support of other propositions. This process of drawing conclusions from other propositions is known as *inference*. Inference involves arriving at and affirming one proposition based on the presence of other proposition(s).

Argument

When we speak of an 'argument', we are specifically referring to a collection of propositions in which one proposition is asserted to logically follow from the others. These other propositions are considered as providing the basis and support for the truth of the proposition being affirmed.

In both written and spoken communication, a passage may consist of multiple interconnected propositions without necessarily forming an argument. An argument is more than just a grouping of propositions; it is a structured cluster of propositions that demonstrates or displays a certain inference. This structure is typically characterized by two key components: the conclusion and the premises.

Conclusion of Argument

The 'conclusion' of an argument is the proposition that is asserted or affirmed based on the presence of other propositions within the argument. These other propositions, which serve as the foundation and are affirmed (or taken as assumed) to provide backing for the conclusion, are referred to as the premises of the argument. In essence, an argument involves a logical relationship between its premises and its conclusion, and this structure is what distinguishes it from a mere collection of propositions.

Let us understand this, with the help of an example.

- *Premise 1 (P1): Pizza is the best-selling food in America.*
- *Premise 2 (P2): We can reasonably assume that "best-selling" means that people like it.*
- *Conclusion (C): People in America like pizza.*

If we just stated that "*people in America like pizza*," we wouldn't technically be making an argument; we would just be stating a proposition, assertion, claim, or even opinion.

Consider the following (All three are examples of Arguments):

- Vikas does not eat in the day (*Premises*) so he must be eating at night. (*Conclusion*)
- Vikas eats in the night (*Premises*) so he does not eat during the day. (*Conclusion*)
- Since Vikas does not eat in the day (*Premises*), he must be eating in the night. (*Conclusion*)

But following is not an Argument, because it does not have **independent propositions** ('if' is used, thus it is **conditional statement**).

- If Vikas is growing fat and if he does not eat during the day, he will be eating at night.

The simplest kind of argument consists of one *premise* and a *conclusion* that is claimed to follow from it.

Both premise and conclusion may also be stated within the same sentence. Even when premise and conclusion are united in one sentence, the conclusion of the argument may come first. The English utilitarian philosopher, Jeremy Bentham, said:

- Every law is an evil, for every law is an infraction of liberty.

Although this is only one short sentence, it is an argument because it contains two propositions, of which the first (every law is an evil) is the conclusion and the second (every law is an infraction of liberty) is the premise. As we agreed, no single proposition can be an argument, because an argument is made up of a group of propositions.

1. 'Every law is an evil, for every law is an infraction of liberty'.

The above is: (UGC NET Dec 2018- Evening Shift)

- A justification of beliefs
- An argument
- A proposition of facts
- An explanation of facts

 Check

Question: 1 of 3 questions

1. Evaluation of Arguments

Every argument makes the claim that its premises provide grounds for the truth of its conclusion. However, there are two very different ways in which a conclusion may be supported by its premises, and thus there are two great classes of arguments: the deductive and the inductive. Understanding this distinction is essential in the study of logic.

2. Deductive Arguments

A Deductive argument is one that attempts to follow a certain logical form such that if the premises are true, the conclusion must be true.

If premises are True, it is IMPOSSIBLE for the conclusion to be FALSE.

You will find that the sense of Conclusion is *Definitely, Certainly, Absolutely* (there is 100% confidence that the Conclusion is True).

Let us consider the following example:

- All people of India are Good Looking (*Premises*)
- Rahim is Indian (*Premises*)
- Therefore, Rahim is Good Looking (*Conclusion*)

In this example, whatever you do, but *if Premises are True*, we can say with 100 % confidence that, *the Conclusion will also be true*.

Deductive Arguments

If premises are True, it is IMPOSSIBLE for the conclusion to be FALSE.

Definitely, Certainly, Absolutely

1. All dolphins are kites, all kites have kidneys; therefore all dolphins have kidneys
2. All numbers ending in 0 is divisible by 10. So 40 must be divisible by 10.
3. All people of India are Honest, Rahim is Indian, Therefore Rahim is Honest.

Inductive Arguments

If premises are True, it is IMPROBABLE for the conclusion to be FALSE.

Probably, Reasonably, Possibly, most likely

1. My wife is Gujrati. She has blond hair. Therefore, everyone from Gujrat has blond hair.
2. Mohan is Infosys employee. He is happy. All Infosys employees are happy.

Please note another thing. Initially we started with "All People of India" and then we concluded something about "Rahim (one person). Thus, *the Deductive Arguments always move from Universal Premises to Specific Conclusion*.

Let us take another example:

- All dolphins are kites (Premises)
- All kites have kidneys (Premises)
- Therefore, all dolphins have kidneys (Conclusion)

Let us consider one more example:

- All numbers ending in 0 is divisible by 10 (Premises)
- The number 40 ends with a 0 (Premises)
- So, it must be divisible by 10 (Conclusion)

1. The argument which claims that its conclusion is conclusively supported by its premises is called (**UGC NET 21 2019 Evening Shift**)

Analogical Argument

Inductive Argument

Demonstrative Argument

Deductive Argument

Check

Question: 1 of 3 questions

3. Inductive Arguments

An Inductive argument is such that if the premises are true, then the conclusion is "likely" to be true. Thus, we do not have 100 % confidence in Conclusion but a Probability.

If premises are True, it is IMPROBABLE for the conclusion to be FALSE.

You will find that the sense of Conclusion is Probably, Reasonably, Possibly, most likely (but not 100% confidence that the Conclusion is True).

Let us consider the following example:

- My wife is Gujarati (Premises)
- She has blond hair (Premises)
- Therefore, every female from Gujarat has blond hair (Conclusion)

In this example, the Conclusion may be true or may not be true. Thus, there is a *Probabilistic* element in conclusion.

Please note another thing, initially, we started with "My Wife" and then we concluded something about "Every female from Gujarat". Thus Inductive Arguments always move from *Specific Premises to Universal Conclusion*.

Another example can be:

- Mohan is Infosys employee (Premises)
- He is happy (Premises)
- All Infosys employees are happy (Conclusion)

We generally assess Deductive Arguments with Validity and Soundness and we assess Inductive Arguments with Strength and Cogency.

1. This barrel contains 100 apples. Three apples selected at random were found to be ripe. Therefore probably all apples are ripe.

Which type of argument is exemplified in the above set of statements? (**UGC NET 04 Dec 2021- Evening Shift**)

Inductive

Deductive

Hypothetical Syllogism

Modus Ponens

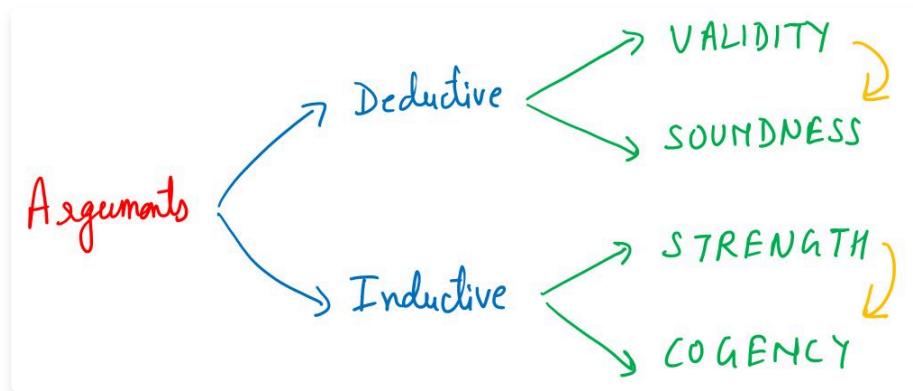
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Question: 1 of 4 questions

1. Evaluating Arguments

Arguments can be broadly categorized into two main types: deductive and inductive. These two categories serve as essential tools in the realm of critical thinking and logic, each with its unique characteristics and criteria for evaluation.

Deductive arguments are assessed for their validity and soundness. A valid deductive argument is one where the conclusion logically follows from its premises, regardless of the truth of those premises. In contrast, sound deductive arguments are not only valid but also have true premises, ensuring the truth of the conclusion.



On the other hand, **Inductive arguments** are scrutinized based on their strength and cogency. A strong inductive argument demonstrates that the conclusion is likely to be true if the premises are true, even though it doesn't guarantee the truth of the conclusion. Cogent inductive arguments, however, not only exhibit strength but also have true premises, enhancing the probability of the conclusion being true.

Understanding the nuances between deductive and inductive arguments involves discerning their respective criteria of validity and soundness for deductive reasoning and strength and cogency for inductive reasoning. Let us understand it with examples.

2. Validity and Soundness of Deductive Arguments

Validity

An argument is VALID if the truth of the "Premises" logically guarantees the truth of the "Conclusion". It is Impossible for the Premises to be true and the Conclusion to be False.

Consider the following Argument:

- Mohan owns either a Honda or a Maruti (Premises)
- Mohan does not own a Honda (Premises)
- Therefore, Mohan owns a Maruti (Conclusion)

In this case, it is impossible for Conclusion to be False. Therefore it is *Valid Argument*.

Now consider another example:

- All basketballs are round (Premises)
- The Earth is round (Premises)
- Therefore, the Earth is a basketball (Conclusion)

In this case, although Premises are True, still the Conclusion is False. Hence, it is Invalid Argument.

Important:

1. In case of Valid Argument, if Conclusion is False, then at least one of Premises has to be necessarily False. So, if a Valid argument does have a false conclusion, it cannot have all True premises. If Conclusion is False and we still see that all Premises are True, then it will necessarily be Invalid Argument.
2. If Conclusion is True and Premises are True, it can be both Valid or Invalid Argument.
3. If Conclusion is False and Premises are False, it can be both Valid or Invalid Argument.
4. If Conclusion is True and Premises are False, it can be both Valid or Invalid Argument.

Soundness

An argument is *Sound* if it is not only Valid, but begins with premises that are actually True.

Consider the following example:

- No convicted criminals are eligible to vote (Premises)
- Some murderers are convicted criminals (Premises)
- Therefore, some murderers are not eligible to vote (Conclusion)

This Argument is Sound because not only it is Valid, but also, its Premises are True.

Let us now consider another example:

- All dogs are green (Premises)
- Anything that is green is a fish (Premises)
- Therefore, all dogs are fish (Conclusion)

Although, this is Valid but its Premises are not True (Dogs can not be Green in real world). Hence this is Unsound Argument.

Important:

1. All Invalid arguments are always Unsound.

You can consider Validity to be passing class 10th exam and Soundness is like passing class 12th exam. Since someone failing class 10th can not be considered for exam of class 12th, similarly, if Argument is Invalid, there is no logic of checking Soundness (It will always be Unsound).

1. In the light of the given statements. choose the correct answer from the options. (**UGC NET 05 Jan 2022- Ever**

Statement I: The evaluation of an argument involves two steps namely evaluating the link between premises and evaluating the truth of the premises.

Statement II: Deductive arguments in which the conclusion actually follows from the premises are said to be valid that also have true premises are said to be sound.

Both Statement I and Statement II are true

Both Statement I and Statement II are false

Statement I is true but Statement II is false

Statement I is false but Statement II is true

 Check

Question: 1 of 6 questions

3. Strength and Cogency of Inductive Arguments

Remember that Inductive Reasoning is the Reasoning of Probability.

Strength

A *Strong* Inductive argument is such that it is Improbable that the premises are true and the conclusion is false. Conclusion Probably follows the Premises.

Conversely, a *Weak* Inductive argument is such that the conclusion does not follow probably from the premises, even though it is claimed to.

Consider the following example:

- Most Chinese people have dark hair.
- Reena is Chinese.
- Therefore, Reena has dark hair.

This is example of Strong Argument, because the Conclusion Probably follows.

Consider another example of a Strong Argument:

- Devi likes Sharukh Khan.
- Devi likes to watch movies.
- Therefore, Devi will like upcoming Shahrukh movie.

Consider another example:

- Rishi bought 1 ticket in a fair lottery with 1,00,000 tickets.
- So Rishi is going to win the lottery.

This is an example of a *Weak Argument*, as the Conclusion probably does not follow.

We can assess arguments by asking two questions:

Question Number 1: Does the Premises support the Conclusion?

YES, they Support
Deductive- Valid Argument
Inductive- Strong Argument

NO, they do not Support
Deductive- Invalid Argument
Inductive- Weak Argument

Question Number 2: Are all Premises TRUE in meaning?

YES, Premises are TRUE
Deductive- Sound Argument
Inductive- Cogent Argument

NO, Premises are NOT TRUE
Deductive- Unsound Argument
Inductive- Uncogent Argument

Cogency

For an argument to be Cogent, two conditions apply: (i) It is Strong and (ii) Premises are True. If Both Conditions are not met, the it is Uncogent argument.

Consider the following example:

- Most Chinese people have Yellow hair.
- Reena is Chinese.
- Therefore, Reena has Yellow hair.

Although this is Strong Argument, but it is Uncogent, because Premises are not True (People can not have Yellow hair)

Consider the following example:

- Most Chinese people have black hair.
- Reena is Chinese.
- Therefore, Reena has black hair.

This is both Strong and Cogent Argument.

Important:

1. A Weak argument cannot be cogent. It will always be Uncogent.

You can consider Strength to be passing class 10th exam and Cogency is like passing class 12th exam. Since someone failing class 10th can not be considered for exam of class 12th, similarly, if Argument is Weak, there is no logic of checking Cogency (It will always be Uncogent)

1. In the light of the given statements, choose the correct answer from the options given below: (**UGC NET 10 Oc Morning shift**)

Statement I: If a deductive argument is valid and its premises are true, we say that the argument is sound.

Statement II: If an inductive argument is strong and its premises are true, we say that it is cogent.

-
- Both Statement I and II are true
-
- Both Statement I and II are false
-
- Statement I is true but statement II is false
-
- Statement I is false but statement II is true
-

Check

Question: 1 of 2 questions

1. Categorical Propositions

Deductive arguments, as discussed earlier, are a fundamental component of logical reasoning. They are characterized by the claim that their premises provide indisputable support for the truth of their conclusions. In essence, if the premises of a deductive argument are true, the conclusion must inevitably be true, making deductive reasoning a powerful tool for establishing the validity of an argument.

The primary objectives of deductive analysis include explaining how premises logically lead to conclusions and providing techniques to differentiate between valid and invalid deductions.

This analysis is informed by two main bodies of theory: classical logic, with its roots in Aristotle's work, and modern symbolic logic, which evolved over the past two centuries.

Categorical Propositions

Classical logic deals mainly with arguments based on the relations of classes of objects to one another. By a *class* we mean a collection of all objects that have some specified characteristic in common.

Everyone can see immediately that two classes can be related in at least the following three ways:

1. All of one class may be included in all of another class. Thus, the class of all dogs is wholly included (or wholly contained) in the class of all mammals.
2. Some, but not all, of the members of one class may be included in another class. Thus, the class of all athletes is partially included (or partially contained) in the class of all females.
3. Two classes may have no members in common. Thus, the class of all triangles and the class of all circles may be said to exclude one another.

These three relations may be applied to classes, or categories, of every sort. In a deductive argument, we present propositions that state the relations between one category and some other category. The propositions with which such arguments are formulated are therefore called *categorical propositions*.

Let us consider the argument:

- No athletes are vegetarians. (Premises 1)
- All football players are athletes. (Premises 2)
- Therefore, no football players are vegetarians. (Conclusion)

This argument contains three categorical propositions. We may dispute the truth of its premises, of course, but the relations of the classes expressed in these propositions yield an argument that is certainly valid: If those premises are true, that conclusion must be true. It is plain that each of the premises is indeed categorical; that is, each premise affirms, or denies, that some class S is included in some other class P, in whole or in part.

In this illustrative argument the three categorical propositions are about the class of all athletes, the class of all vegetarians, and the class of all football players.

2. Standard-form Categorical Propositions

There are four and only four kinds of standard-form categorical propositions.

ALL S is P
UNIVERSAL
AFFIRMATIVE

No S is P
UNIVERSAL
NEGATIVE

SOME S is P
PARTICULAR
AFFIRMATIVE

SOME S is not P
PARTICULAR
NEGATIVE

- > 1. Universal Affirmative (A proposition)
- > 2. Universal Negative (E proposition)
- > 3. Particular Affirmative (I proposition)
- > 4. Particular Negative (O proposition)

Standard-Form Categorical Propositions		
Proposition	Form Name and type	Example
All S is P.	A Universal affirmative	All lawyers are wealthy people.
No S is P.	E Universal negative	No criminals are good citizens.
Some S is P.	I Particular affirmative	Some chemicals are poisons.
Some S is not P.	O Particular negative	Some insects are not pests.

These four—A, E, I, and O propositions—are the building blocks of deductive arguments.

1. The standard form categorical proposition of 'Roses are fragrant' is (**UGC NET 14 Oct 2022- Morning shift**)

- Some Roses are fragrant
- Some fragrant things are not roses
- No fragrant Things are roses
- All roses are fragrant things

Check

Question: 1 of 4 questions

3. Quality, Quantity & Copula

Quality

Every standard-form categorical proposition either affirms, or denies, some class relation, as we have seen.

If the proposition affirms some class inclusion, whether complete or partial, its quality is affirmative.

So the A proposition, "All S is P," and the I proposition, "Some S is P," are both affirmative in quality. Their letter names, A and I, are thought to come from the Latin word, "Affirmo," meaning "I affirm."

If the proposition denies class inclusion, whether complete or partial, its quality is negative.

So the E proposition, "No S is P," and the O proposition, "Some S is not P," are both negative in quality. Their letter names, E and O, are thought to come from the Latin word, "nEgo," meaning "I deny."

Every categorical proposition has one quality or the other, affirmative or negative.

Quantity

Every standard-form categorical proposition has some class as its subject.

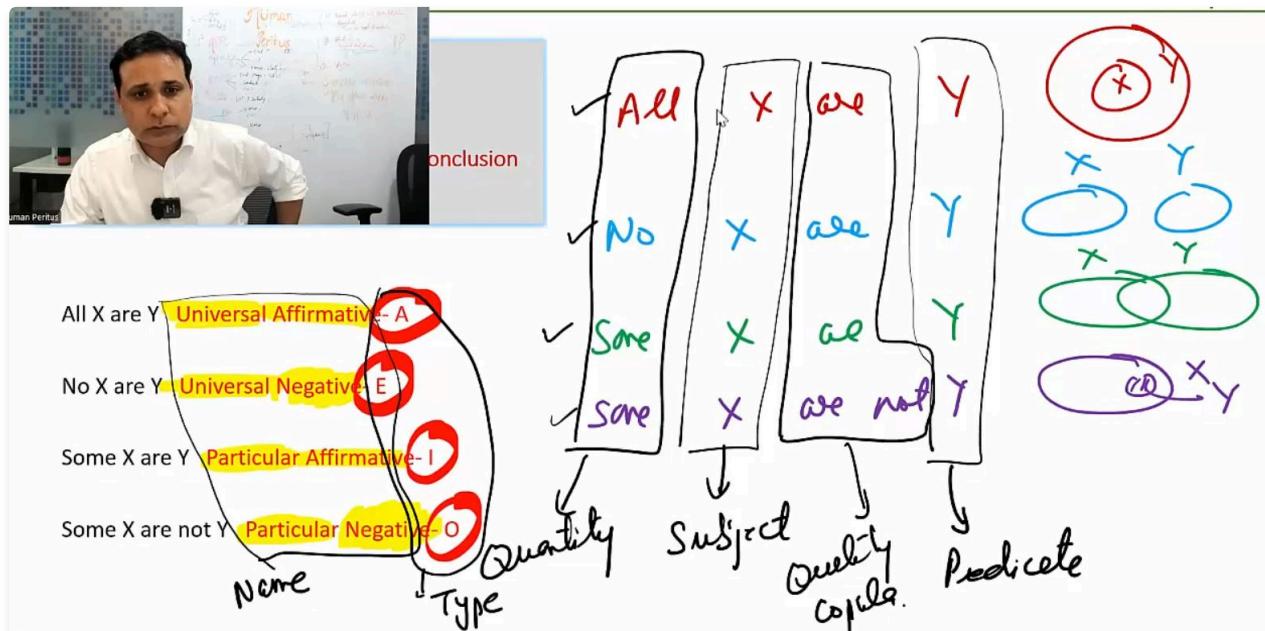
If the proposition refers to all members of the class designated by its subject term, its quantity is universal.

So the A proposition, "All S is P," and the E proposition, "No S is P," are both universal in quantity.

If the proposition refers only to some members of the class designated by its subject term, its quantity is particular.

So the I proposition, "Some S is P," and the O proposition, "Some S is not P," are both particular in quantity.

The quantity of a standard-form categorical proposition is revealed by the word with which it begins—"all," "no," or "some". "All" and "no" indicate that the proposition is universal; "some" indicates that the proposition is particular. The word "no" serves also, in the case of the E proposition, to indicate its negative quality, as we have seen.



Copula

Between the subject and predicate terms of every standard-form categorical proposition occurs some form of the verb "to be". This verb (accompanied by "not" in the case of the O proposition) serves to connect the subject and predicate terms and is called the **copula**.

Writing the four propositions schematically, as we did earlier (All S is P, Some S is P, etc.), only the words "is" and "is not" appear; but (depending on context) other forms of the verb "to be" may be appropriate. We may change the tense (for example, "Some Roman emperors were monsters" or "Some soldiers will not be heroes"), or change to the plural form of the verb (for example, "All squares are rectangles").

In these examples, "were," "are," and "will not be" serve as copulas. However, the general skeleton of a standard-form categorical proposition always consists of just four parts:

1. quantifier
2. subject
3. copula
4. predicate

The schema may be written as

Schema
Quantifier (Subject term) copula (predicate term)

1. Which of the following refers to an attribute of every categorical proposition which is determined by whether the proposition affirms or denies class inclusion? (**UGC NET 02 Dec 2019- Morning Shift**)

- Quality
- Quantity
- Distribution
- Comparison

Check

Question: 1 of 2 questions

4. Distribution

To characterize how terms can occur in categorical propositions, we introduce the technical term distribution. A proposition *distributes* a term if it refers to all members of the class designated by that term.

In A, E, I, and O propositions, the terms that are distributed vary, as follows:

1. **In the A proposition** (e.g., "All senators are citizens"): In this proposition, "senators" is distributed, but "citizens" is not. In A propositions (universal affirmatives) the subject term is distributed, but the predicate term is undistributed.
2. **In the E proposition** (e.g., "No athletes are vegetarians"): The subject term, "athletes," is distributed, because the whole class of athletes is said to be excluded from the class of vegetarians. However, in asserting that the whole class of athletes is excluded from the class of vegetarians, it is also asserted that the whole class of vegetarians is excluded from the class of athletes. Of each and every vegetarian, the proposition says that he or she is not an athlete, unlike an A proposition. Therefore, an E proposition refers to all members of the class designated by its predicate term, and therefore also distributes its predicate term. E propositions (universal negatives) distribute both their subject and their predicate terms.
3. **In the I proposition** (e.g., "Some soldiers are cowards"): No assertion is made about all soldiers in this proposition, and no assertion is made about all cowards either. It says nothing about each and every soldier, and nothing about each and every coward. Neither class is wholly included, or wholly excluded, from the other. In I propositions (particular affirmatives) both subject and predicate terms are undistributed.
4. **In the O proposition** (e.g., "Some horses are not thoroughbreds"): Nothing is said about all horses. The proposition refers to some members of the class designated by the subject term: it says, of this part of the class of horses, that it is excluded from the class of all thoroughbreds. But they are excluded from the whole of the latter class. Given the particular horses referred to, the proposition says that each and every member of the class of thoroughbreds is not one of those particular horses. When something is said to be excluded from a class, the whole of the class is referred to, just as, when a person is excluded from a country, all parts of that country are forbidden to that person. In O propositions (particular negatives) the subject term is not distributed, but the predicate term is distributed.

Form	Type	Quality	Quantity	Distribution of S	Distribution of P
All S is P	A	Affirmative	Universal	Distributed	Undistributed
No S is P	E	Negative	Universal	Distributed	Distributed
Some S is P	I	Affirmative	Particular	Undistributed	Undistributed
Some S is not P	O	Negative	Particular	Undistributed	Distributed

We, thus, see that universal propositions, both affirmative and negative, distribute their subject terms, whereas particular propositions, whether affirmative or negative, do not distribute their subject terms. Thus the quantity of any standard-form categorical proposition determines whether its subject term is distributed or undistributed.

We likewise see that affirmative propositions, whether universal or particular, do not distribute their predicate terms, whereas negative propositions, both universal and particular, do distribute their predicate terms. Thus the quality of a standard-form categorical proposition determines whether its predicate term is distributed or undistributed.

1. In the statement "No dogs are reptiles", which terms are distributed? (**UGC NET 06 Dec 2019- Evening Shift**)

- Only subject term
- Only predicate term
- Both subject and predicate terms
- Neither subject nor predicate terms

Check

1. Categorical Syllogism

Arguments that rely on A, E, I, and O propositions commonly have two categorical propositions as *premises* and one categorical proposition as a *conclusion*. Such arguments are called syllogisms.

A **syllogism** is a deductive argument in which a conclusion is inferred from two premises. The syllogisms with which we are concerned here are called *categorical* because they are arguments based on the relations of classes, or categories—relations that are expressed by the categorical propositions.

We define a **categorical syllogism** as a deductive argument consisting of three categorical propositions that together contain exactly three terms, each of which occurs in exactly two of the constituent propositions.

A categorical syllogism is an argument consisting of exactly 3 categorical propositions (two premises and a conclusion) in which there appear a total of exactly three categorical terms, each of which is used exactly twice.

Thus we note that:

- 3 Propositions
- 3 Terms, each appearing twice
- Subject (S) and Predicate (P) are always in Conclusion
- First Premises is always Major
- Second Premises is always Minor
- Subject of Conclusion- Appears in Minor Premises
- Predicate of Conclusion- Appears in Major Premises
- Remaining two are called Middle Terms (M)

Thus, we note that:

- There are 3 Propositions
- There are 3 terms, each appearing twice
- Subject (S) and Predicate (P) are always in Conclusion
- Subject of Conclusion also appears in Minor Premises
- Predicate of Conclusion also appears in Major Premises
- Middle Term (M) appear in each premises once and never appears in conclusion
- Major Premises is always written as First Premises
- Minor Premises is always written as Second Premises

Each premise is named after the term that appears both in it and in the conclusion. The major term and the minor term must each occur in a different premise. The premise containing the major term is called the *major premise*. The premise containing the minor term is called the *minor premise*.

1. Identify the major term in the given syllogism. (**UGC NET 25 Jun 2020- Morning Shift**)

All gentlemen are polite

No criminals are polite

No criminals are gentlemen

- Predicate in the premises
- Subject in the premises
- Subject of the first premise and predicate of the conclusion
- Subject of the second premise and subject of the conclusion

Check

Question: 1 of 2 questions

2. Mood and Figure

The form of a categorical syllogism is completely determined by its mood and figure.

Every syllogism has a mood.

The **mood of a syllogism** is determined by the types (A, E, I, or O) of standard-form categorical propositions it contains. The mood of the syllogism is therefore represented by three letters, and those three letters are always given in standard-form order.

1. the first letter names the type of the syllogism's major premise
2. the second letter names the type of the syllogism's minor premise
3. the third letter names the type of the syllogism's conclusion.

Let us consider the following example:

- No birds are mammal. (E – Universal Negative)
- All dogs are mammal. (A – Universal Affirmative)
- Therefore, no dogs are birds. (E – Universal Negative)

Thus, the mood of the above example will be **EAE**.

Let us consider another example:

- No mammals are birds. (E – Universal Negative)
- All mammals are animals. (A – Universal Affirmative)
- Therefore, no animals are birds. (E – Universal Negative)

Thus, the mood of the above example is also **EAE**.

Yet the two examples are different because the first example is valid but the second example is invalid. Thus, the mood of a standard-form syllogism is not enough, by itself, to characterize its logical form.

The structure of the two examples is as below:

Example 1:	Example 2:
No P are M.	No M are P.
All S are M.	All M are S.
No S are P.	No S are P.

These examples show that although the form of a syllogism is partially described by its mood (EAE in both of these cases), syllogisms that have the same mood may differ importantly in their forms, depending on the relative positions of their middle terms.

To describe the form of a syllogism completely, we must state its mood and its figure.

To describe the form of a syllogism completely we must state its mood (the three letters of its three propositions) and its **figure** —where by figure we mean the position of the middle term in its premises.

Syllogisms can have four—and only four—possible different figures:

1. The middle term may be the subject term of the major premise and the predicate term of the minor premise; or
2. The middle term may be the predicate term of both premises; or
3. The middle term may be the subject term of both premises; or
4. The middle term may be the predicate term of the major premise and the subject term of the minor premise.

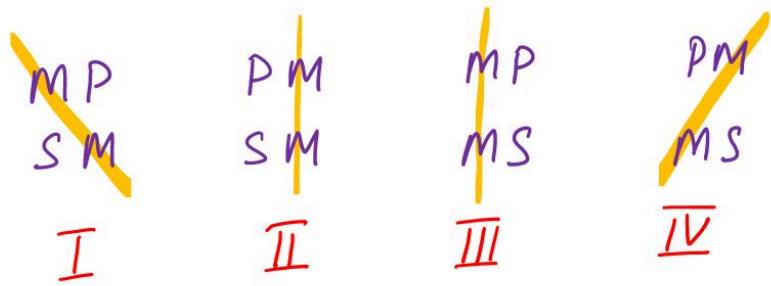


FIGURE OF CATEGORICAL SYLLOGISM

These different possible positions of the middle term constitute the *first*, *second*, *third*, and *fourth* figures, respectively. Every syllogism must have one or another of these four figures.

Let us consider the following example:

- Some Parrots are Mean – I - PM
- All Mean are Smart – A - MS
- Some Smart are Parrots - I - SP

Mood is IAI

Figure is Fourth (4)

Mood and Figure are together written as IAI-4.

1. Pick the correct option to represent the given argument (**UGC NET 24 Nov 2021- Morning Shift**)

All artists are egoists

Some artists are paupers

Therefore, some paupers are egoists

- All - I figure
- All - II figure
- All - III figure
- All - IV figure

Check

Question: 1 of 5 questions

1. Square of Opposition

Standard-form categorical propositions having the same subject terms and the same predicate terms may (obviously) differ from each other in quality, or in quantity, or in both. Any such kind of differing has been traditionally called opposition. The various kinds of opposition are correlated with some very important truth relations, as explained next.

> 1. Contradictories

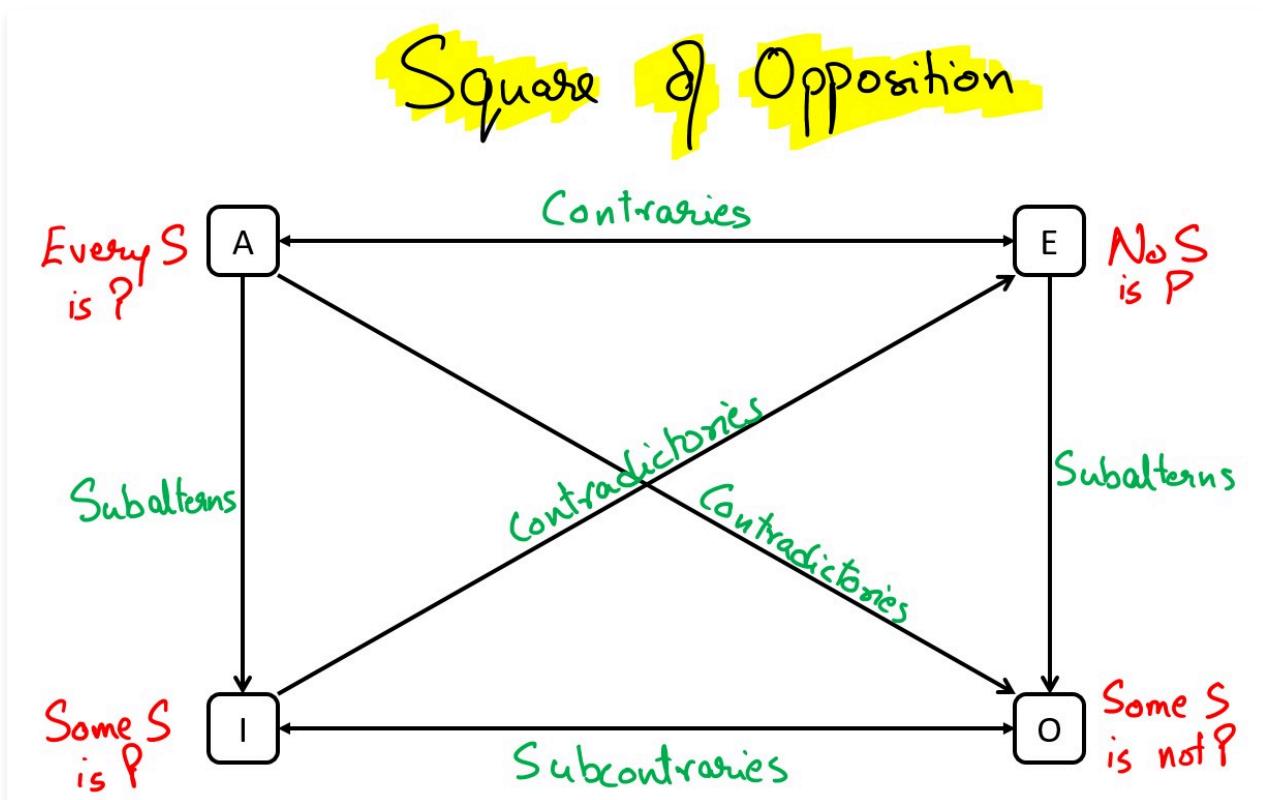
> 2. Contraries

> 3. Subcontraries

> 4. Subalternation

Square of Opposition

There are, thus, four ways in which propositions may be "opposed"—as contradictories, contraries, subcontraries, and as sub- and superalterns. These are represented using an important and widely used diagram called the **square of opposition**.



1. Which of the following statements are logically contradictory to each other? (**UGC NET 04 Mar 2023- Morning**)

- A. All philosophers are industrialists.
- B. Some philosophers are not industrialists.
- C. No philosophers are industrialists.
- D. No industrialists are philosophers.

A and B only

A, C and D only

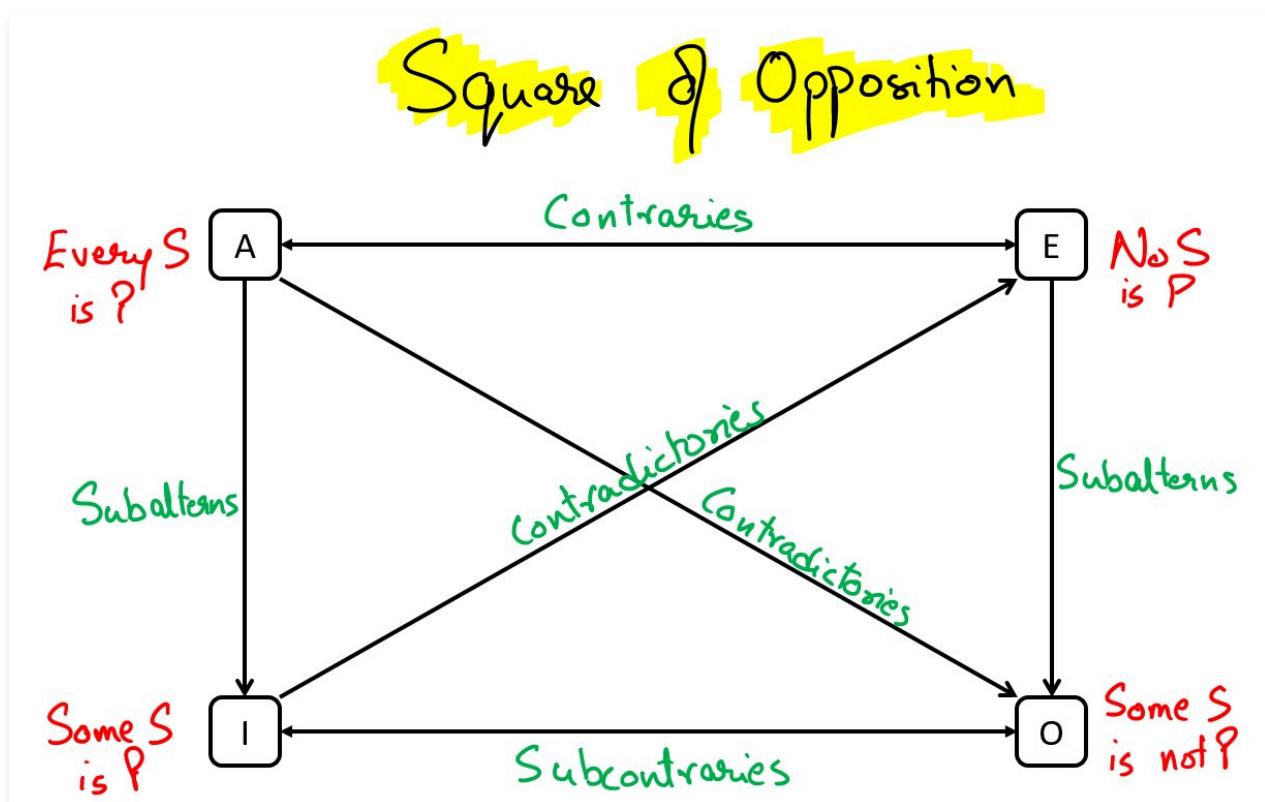
A and C only

C and D only

Check

Question: 1 of 6 questions

2. Inferences from Square of Opposition



Several very useful immediate inferences may be readily drawn from the information embedded in the traditional square of opposition. Given the *truth* or the *falsehood*, of any one of the four standard-form categorical propositions, the truth or falsehood of some or all of the others can be inferred immediately.

A is given as true	E is false; I is true; O is false.
E is given as true	A is false; I is false; O is true.
I is given as true	E is false; A and O are undetermined.
O is given as true	A is false; E and I are undetermined.
A is given as false	O is true; E and I are undetermined.
E is given as false	I is true; A and O are undetermined.
I is given as false	A is false; E is true; O is true.
O is given as false	A is true; E is false; I is true.*

*A proposition is undetermined if its truth or falsity is not determined—fixed—by the truth or falsity of any other proposition.

1. Which of the following statements are logically contradictory to each other? (UGC NET 04 Mar 2023- Morning)

- A. All philosophers are industrialists.
- B. Some philosophers are not industrialists.
- C. No philosophers are industrialists.
- D. No industrialists are philosophers.

A and B only

A, C and D only

A and C only

C and D only

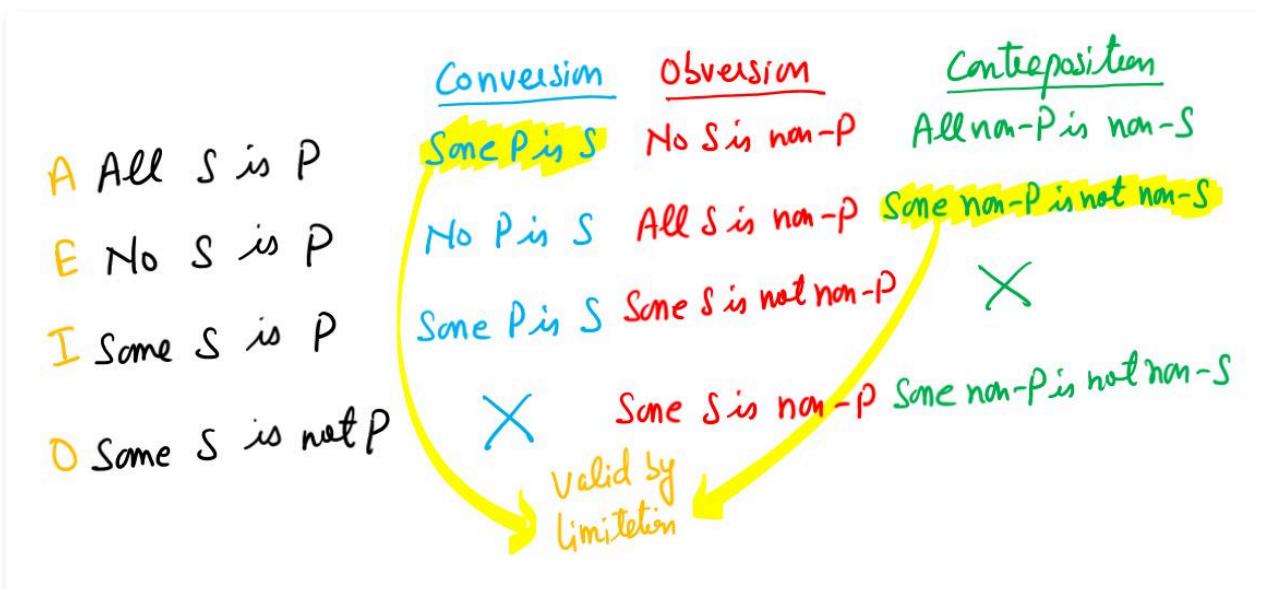
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Question: 1 of 6 questions

1. Conversion, Obversion and Contraposition

There are three other important kinds of immediate inference: conversion, obversion, and contraposition. These are not associated directly with the square of opposition.

Let us discuss each one by one.



1. Conversion, Obversion and Contraposition

Conversion is an inference that proceeds by interchanging the subject and predicate terms of a proposition. "No men are angels" converts to "No angels are men," and these propositions may be validly inferred from one another. Similarly, "Some women are writers" and "Some writers are women" are logically equivalent, and by conversion either can be validly inferred from the other.

Conversion of E Proposition

Conversion is perfectly valid for all E propositions and for all I propositions.

One standard-form categorical proposition is said to be the **converse** of another when we derive it by simply interchanging the subject and predicate terms of that other proposition. The proposition from which it is derived is called the **convertend**. Thus, "No idealists are politicians" is the converse of "No politicians are idealists," which is its convertend.

Conversion of O Proposition

The conversion of an O proposition is not valid. The O proposition, "Some animals are not dogs," is plainly true; its converse is the proposition, "Some dogs are not animals," which is plainly false. An O proposition and its converse are not logically equivalent.

Conversion of A Proposition

The A proposition presents a special problem here. Of course, the converse of an A proposition does not follow from its convertend. From "All dogs are animals" we certainly may not infer that "All animals are dogs." Traditional logic recognized this, of course, but asserted, nevertheless, that something like conversion was valid for A propositions. On the traditional square of opposition, one could validly infer from the A proposition, "All dogs are animals," its subaltern I proposition, "Some dogs are animals."

Conversion of I Proposition

The A proposition says something about all members of the subject class (dogs); the I proposition makes a more limited claim, about only some of the members of that class. It was held that one could infer "Some S is P" from "All S is P." And, as we saw earlier, an I proposition may be converted validly; if some dogs are animals, then some animals are dogs.

So, if we are given the A proposition, "All dogs are animals," we first infer that "Some dogs are animals" by subalternation, and from that subaltern we can by conversion validly infer that "Some animals are dogs." Hence, by a combination of subalternation and conversion, we advance validly from "All S is P" to "Some P is S." This pattern of inference, called **conversion by limitation** (or *conversion per accidens*), proceeds by interchanging subject and predicate terms and changing the quantity of the proposition from universal to particular.

1. Which one of the following propositions is logically equivalent to the proposition—"Some attorneys are logicians"
NET 01 Mar 2023 Evening Shift)

- Some logicians are not attorneys
- Some attorneys are non-logicians
- Some logicians are attorneys
- Some non-logicians are not non-attorneys

Check

Question: 1 of 3 questions

1. Conversion, Obversion and Contraposition

2. Obversion

Obversion is an immediate inference, where we change its quality (affirmative to negative or negative to affirmative) and replace the predicate term with its complement. However, the subject term remains unchanged, and so does the quantity of the proposition being obverted.

For example, the A proposition, "All residents are voters," has as its obverse the E proposition, "No residents are nonvoters." These two are logically equivalent propositions, and either may be validly inferred from the other.

Obversion is a valid immediate inference when applied to any standard-form categorical proposition:

- The E proposition, "No umpires are partisans," has as its obverse the logically equivalent A proposition, "All umpires are nonpartisans."
- The I proposition, "Some metals are conductors," has as its obverse the O proposition, "Some metals are not nonconductors."
- The O proposition, "Some nations were not belligerents," has as its obverse the I proposition, "Some nations were nonbelligerents."

The proposition serving as the premise for the obversion is called the **obvertend**; the conclusion of the inference is called the **obverse**. Every standard-form categorical proposition is logically equivalent to its obverse, so obversion is a valid form of immediate inference for all standard-form categorical propositions.

To obtain the obverse of any proposition, we leave the quantity (universal or particular) and the subject term unchanged; we change the quality of the proposition and replace the predicate term with its complement.

1. Which of the following statement is logically equivalent to the statement "All tigers are hunting animals"? (**UGC Mar 2023 Evening Shift**)

- Some hunting animals are tigers
- No tigers are non-hunting animals
- No hunting animals are tigers
- Some hunting animals are not tigers

Check

Question: 1 of 4 questions

1. Conversion, Obversion and Contraposition

Another type of immediate inference, contraposition, can be reduced to the first two, conversion and obversion. To form the contrapositive of a given proposition, we replace its subject term with the complement of its predicate term, and we replace its predicate term with the complement of its subject term.

Contraposition of A Proposition

Neither the quality nor the quantity of the original proposition is changed, so the contrapositive of an A proposition is an A proposition, the contrapositive of an O proposition is an O proposition, and so forth.

For example, the contrapositive of the A proposition, "*All members are voters,*" is the A proposition, "*All nonvoters are nonmembers,*" These are logically equivalent propositions, as will be evident on reflection.

A contraposition is plainly a valid form of immediate inference when applied to A propositions. It really introduces nothing new, because we can get from any A proposition to its contrapositive by first obverting it, next applying conversion, and then applying obversion again.

Beginning with "*All S is P,*" we obvert it to obtain "*No S is non-P,*" which converts validly to "*No non-P is S,*" whose obverse is "*All non-P is non-S,*" The contrapositive of any A proposition is the obverse of the converse of the obverse of that proposition.

Contraposition of O Proposition

Contraposition is a valid form of immediate inference when applied to O propositions also, although its conclusion may be awkward to express. The contrapositive of the O proposition, "*Some students are not idealists,*" is the somewhat cumbersome O proposition, "*Some non-idealists are not nonstudents,*" which is logically equivalent to its premise.

This also can be shown to be the outcome of first obverting, then converting, then obverting again. "*Some S is not P*" obverts to "*Some S is non-P,*" which converts to "*Some non-P is S,*" which obverts to "*Some non-P is not non-S,*"

Contraposition of I Proposition

For I propositions, however, contraposition is not a valid form of inference. The true I proposition, "*Some citizens are non-legislators,*" has as its contrapositive the false proposition, "*Some legislators are noncitizens,*"

The reason for this invalidity becomes evident when we try to derive the contrapositive of the I proposition by successively obverting, converting, and obverting.

The obverse of the original I proposition, "*Some S is P,*" is the O proposition, "*Some S is not non-P,*" but (as we saw earlier) the converse of an O proposition does not follow validly from it.

Contraposition of E Proposition

In the case of E propositions, the contrapositive does not follow validly from the original, as can be seen when, if we begin with the true proposition, "*No wrestlers are weaklings,*" we get, as its contrapositive, the obviously false proposition, "*No non-weaklings are non-wrestlers,*"

The reason for this invalidity will be seen, again, if we attempt to derive it by successive obversion, conversion, and obversion. If we begin with the E proposition, "*No S is P,*" and obvert it, we obtain the A proposition, "*All S is non-P*"—which in general cannot be validly converted except by limitation. If we do then convert it by limitation to obtain "*Some non-P is S,*" we can obvert this to obtain "*Some non-P is not non-S,*" This outcome we may call the **contrapositive by limitation**.

Contraposition is thus seen to be valid only when applied to A and O propositions. It is not valid at all for I propositions, and it is valid for E propositions only by limitation.

1. Which of the following statements are logically equivalent? (**UGC NET 04 Mar 2023 Morning shift**)

- A. No philosophers are industrialists.
- B. No industrialists are philosophers.
- C. All non-industrialists are non-philosophers.
- D. All philosophers are non-industrialists.

A, B and C only

A, B and D only

A, C and D only

B, C and D only

Check

Question: 1 of 5 questions

1. Formal Fallacies

Fallacies are errors or tricks of reasoning. We call a fallacy an error of reasoning if it occurs accidentally; we call it a trick of reasoning if a speaker or writer uses it in order to deceive or manipulate his audience. Fallacies can be either formal or informal.

Formal fallacies are Errors of Logic. Here the Conclusion does not follow the Premises or the argument is invalid. The following are types of formal fallacies:

- > **1. Affirming the Consequent**
- > **2. Denying the Antecedent**
- > **3. Exclusive Premises**
- > **4. Four Terms**
- > **5. Illicit Major**
- > **6. Illicit Minor**
- > **7. Undistributed Middle**

1. "If I were, a heavy smoker, smoking would shorten my life. That's why I do not smoke. And I expect to live a long healthy life". Which fallacy is committed in the above argument? (**UGC NET 11th Mar 2023 Evening Shift**)

- Existential fallacy
- Undistributed middle
- Affirming the consequent
- Denying the antecedent

Check

Question: 1 of 5 questions

2. Informal Fallacies

Informal fallacies, a common occurrence in everyday conversations, manifest in various ways and often involve introducing irrelevant information or relying on incorrect assumptions. These fallacies primarily result from the misuse of language and the presentation of flawed evidence rather than formal errors in logic.

It is important to note that informal fallacies pertain to errors in reasoning rather than structural flaws within the argument itself. They center on the content of the argument, not its overall structure or form.

For instance, consider the example:

- Atoms are invisible.
- The building is made of atoms.
- Therefore, the buildings are invisible.

In this case, the fallacy lies in the faulty reasoning that equates the invisibility of individual atoms to the invisibility of entire buildings, which is an erroneous inference based on the content of the argument.

Forms of Informal Fallacies

Informal fallacies can take multiple forms and are prevalent in our routine talks. A lot of times, they include conveying unrelated information into an argument or are based on wrong assumptions. Informal fallacies are more dependent on the wrong usage of language and/or wrong evidence. They can be divided into following 4 categories:

1. **Relevance Fallacies:** Premises are irrelevant to conclusion but they appear Psychologically relevant (emotional appeal)
2. **Fallacy of Weak Induction:** Low probability of conclusion- Inductive Reasoning
3. **Fallacy of Presumption, Ambiguity:** Presumption- Conclusion is presumed in the Premises, Ambiguity- Unclarity of language (kind of ambiguous language, we use)
4. **Fallacy of Grammatical Analogy:** Arguments employed are, although faulty, are grammatically analogous to other Arguments that are good.

1. Fallacies of Relevance

- Appeal to force:** Arguer threatens reader/listener.
Appeal to pity: Arguer elicits pity from reader/listener.
Appeal to the people (direct): Arguer arouses mob mentality.
Appeal to the people (indirect): Arguer appeals to reader/listener's desire for security, love, respect, etc.
Argument against the person (abusive): Arguer verbally abuses other arguer.
Argument against the person (circumstantial): Arguer presents other arguer as predisposed to argue this way.
Argument against the person (tu quoque): Arguer presents other arguer as hypocrite.
Accident: General rule is applied to a specific case it was not intended to cover.
Straw man: Arguer distorts opponent's argument and then attacks the distorted argument.
Missing the point: Arguer draws conclusion different from that supported by premises.
Red herring: Arguer leads reader/listener off track.

2. Fallacies of Weak Induction

- Appeal to unqualified authority:** Arguer cites untrustworthy authority.
Appeal to ignorance: Premises report that nothing is known or proved, and then a conclusion is drawn.

Hasty generalization: Conclusion is drawn from atypical sample.

False cause: Conclusion depends on nonexistent or minor causal connection.

Slippery slope: Conclusion depends on unlikely chain reaction.

Weak analogy: Conclusion depends on defective analogy.

3. Fallacies of Presumption

Begging the question: Arguer creates the illusion that inadequate premises are adequate by leaving out a key premise, by restating the conclusion as a premise, or by reasoning in a circle.

Complex question: Multiple questions are concealed in a single question. False dichotomy: "Either . . . or . . ." statement hides additional alternatives.

Suppressed evidence: Arguer ignores important evidence that requires a different conclusion.

4. Fallacies of Ambiguity

Equivocation: Conclusion depends on a shift in meaning of a word or phrase.

Amphiboly: Conclusion depends on the wrong interpretation of a syntactically ambiguous statement.

5. Fallacies of Grammatical Analogy

Composition: Attribute is wrongly transferred from parts to whole.

Division: Attribute is wrongly transferred from whole to parts

1. **Relevance Fallacies:** Premises are irrelevant to conclusion.

Relevance Fallacies happen when the premises are irrelevant to conclusion but they appear Psychologically relevant (emotional appeal). The sub types of relevance fallacies are:

- > **1.1 Appeal to Fear**
- > **1.2 Appeal to Pity- Ad Misericordiam**
- > **1.3 Argument from Envy**
- > **1.4 Appeal to Ego**
- > **1.5 Appeal to Force- Ad Baculum**
- > **1.6 Appeal to People/popularity- Ad Populum**
- > **1.7 Against the Person (abusive and circumstantial)- Ad hominem**
- > **1.8 Fallacy of Accident**
- > **1.9 Fallacy of Straw Man**
- > **1.10 Missing the Point- Ignoratio Elenchi**
- > **1.11 Red Herring Fallacy- Ignoratio Elenchi**

2. Fallacy of Weak Induction: Low Probability of Conclusion.

Fallacy of Weak Induction happens when there is low probability of conclusion. Here Analogy is too weak to support a Conclusion (weak Induction, low probability). Let us understand this with an example.

- If I wear red shirt, India will loose.

Here the colour of shirt will not decide, if India will win. Thus this is fallacy of weak induction. The sub types are:

- > **2.1 Hasty Generalization – also called Converse Accident or Stereotyping**
- > **2.2 False Cause- c ergo propter hoc**
- > **2.3 Slippery Slope**
- > **2.4 Appeal to Inappropriate (unqualified) Authority – Ad Verecundiam**
- > **2.5 Appeal to Ignorance – Ad Ignorantiam**

3. Fallacy of Presumption or Ambiguity: Conclusion is presumed in the Premises.

Fallacy of Presumption or Ambiguity happens when the Conclusion is presumed in the Premises or when there is ambiguity (Un-clarity of language) in the premises.

- > **3.1 Begging the Question- Petito principia**
- > **3.2 Complex Question Fallacy- plurium interrogaionum**
- > **3.2 False Dichotomy Fallacy**
- > **3.3 Suppressed Evidence Fallacy**
- > **3.4 Fallacy of Equivocation**
- > **3.5 Fallacy of Amphiboly**

4. Fallacy of Grammatical Analogy: Arguments employed are, although faulty, are grammatically analogous to other Arguments that are good.

Fallacy of Grammatical Analogy happens when the arguments employed are, although faulty, are grammatically analogous to other Arguments that are good. The similarity in linguistic structure makes the faulty argument to look Good.

- > **4.1 Fallacy of Composition**

- > **4.2 Fallacy of Division**

Another Categorization of fallacies: It is also possible to break the study of fallacies into 4 broad categories; Inconsistency, Irrelevancy, Inappropriate presumption, and Insufficiency.

- > **Fallacy of Inconsistency**

- > **Fallacy of Irrelevancy**

- > **Fallacy of Inappropriate presumptions**

- > **Fallacies of Insufficiency**

1. "First it is staying out late, then it is not calling home, then wild parties, and before you know it, your life will be completely out of control. Someday you will be glad that you had a lockdown." Which informal fallacy is committed in the above argument? (**UGC NET 04 Mar 2023- Morning shift**)

- Red herring
- Slippery slope
- Strawman
- Appeal to authority

Check

Question: 1 of 7 questions

1. Introduction

Arguments are constructed on the foundation of beliefs or assumptions that we hold to be true. While some of these premises are established through deductive reasoning, which builds upon previously proven arguments, many others rely on inductive reasoning to establish matters of fact.

Unlike deductive arguments, which claim certainty in their conclusions based on the logical necessity derived from premises, inductive arguments do not offer such absolute certainty. They are not classified as valid or invalid. For instance, while scientists confidently assert that smoking causes cancer, this conclusion isn't derived with the unequivocal certainty of a deductive argument.

Inductive reasoning instead aims to establish probabilities, acknowledging the inherent uncertainties in our observations and generalizations.

Inductive arguments are a type of reasoning where conclusions are drawn based on observations and patterns observed in specific instances. They rely on two main methods: analogy and hypothesis testing.

Argument by Analogy: This method involves drawing conclusions about a new or unfamiliar situation based on similarities to known or familiar situations. It works by identifying shared characteristics between the situations and inferring that what is true in the known situation may also be true in the new one. For example, if we observe that certain treatments are effective for similar diseases, we might analogically infer that a new treatment could be effective for a similar disease.

Hypothesis Testing: This method involves formulating a tentative explanation (hypothesis) for a phenomenon or observation and then testing it against empirical evidence. Through systematic testing and experimentation, scientists seek to confirm or reject hypotheses to understand causal relationships or predict outcomes. This method is foundational in scientific inquiry, where hypotheses are rigorously tested to refine our understanding of natural phenomena.

In this unit, we will discuss Argument by Analogy.

2. Analogical Argument

Analogy is a parallel drawn between two (or more) entities by indicating one or more respects in which they are similar.

Analogical Argument is an argument, which infers from the fact that something shares one feature with another thing that it shares a second feature as well:

1. Thing A and Thing B share Property X.
2. Thing A also has Property Y.
3. Therefore, Thing B *probably* has Property Y as well.

An argument by analogy is a type of reasoning where similarities between two or more situations, concepts, or objects are identified to draw a conclusion about one based on the similarities observed in the other. It involves comparing known similarities between the situations (called the source domain) to infer that what is true or acceptable in one situation is likely true or acceptable in the other situation (called the target domain).

Consider following examples.

Example 1: Learning to cook is like learning to play a musical instrument.

Just as mastering a musical instrument requires practice, experimentation with different techniques, and understanding of musical theory, becoming a proficient cook involves practice, experimenting with various ingredients and recipes, and understanding cooking techniques and flavors. Both activities require creativity, patience, and a willingness to learn from mistakes. Just as musicians develop their own style and repertoire over time, cooks develop their own signature dishes and cooking styles. Both cooking and music allow individuals to express themselves creatively and bring joy to others through their creations."

In this analogy, the argument draws parallels between the learning processes, creativity, and expressive potential of mastering both cooking and playing a musical instrument. It highlights how similar principles of practice, experimentation, and personalization apply in different domains, emphasizing the universal aspects of skill development and artistic expression.

Example 2: A country's economy is like a household budget.

Just as a responsible household manages its budget by balancing income with expenses and saving for the future, so too should a country manage its economy. Both require prudent financial decisions, long-term planning, and adjustments to unforeseen circumstances. Just as overspending can lead to debt and financial instability for a household, irresponsible fiscal policies can impact a nation's economic stability and growth.

Example 3: Learning to play a musical instrument is like learning a new language.

Just as acquiring fluency in a new language requires regular practice, exposure to native speakers, and understanding grammar rules, learning to play a musical instrument involves practicing scales, exposure to different musical styles, and understanding musical theory. Both endeavors require dedication, perseverance, and gradual improvement over time. Just as proficiency in a language allows for effective communication across cultures, mastering a musical instrument enables expression and connection through music.

Example 4: Managing a team in sports is like leading a project in business.

Just as a successful sports coach must understand each player's strengths, develop strategies, and adapt to opponents' tactics, so too must a business leader manage a diverse team, devise effective plans, and adjust strategies in response to market challenges. Both roles require leadership skills, the ability to motivate team members, and strategic decision-making. Just as teamwork and collaboration are crucial for achieving victory in sports, collaboration and coordination among team members are essential for achieving business objectives.

1. In the light of the given statements, choose the most appropriate answer from the options given below: (**UGC N 2022- Morning shift**)

Statement I: To draw an analogy between two or more entities is to indicate one or more respects in which they ar

Statement II: Every analogical inference proceeds from the similarity of two or more things in one or more respect similarity of those things in some further respect.

- Both statement I and II are correct
- Both statement I and II are incorrect
- Statement I is correct and II is incorrect
- Statement I is incorrect and II is correct

 Check

Question: 1 of 5 questions

3. Non-argumentative use of analogy

Non-argumentative use of analogy refers to using analogies not to support conclusions or make arguments but for purposes such as vivid description and explanation.

1. Analogies for Description

Analogies are often used in literature and communication to create vivid images and enhance understanding through comparison. They serve as metaphors or similes, comparing unfamiliar concepts to familiar ones.

For example, when someone compares Americans opposing immigration to a house being against its bricks, they are using analogy non-argumentatively. The purpose here is not to argue a point but to create a visual or conceptual comparison that helps convey their viewpoint or evoke a particular image in the listener's mind.

Some more examples are:

Her laughter was like wind chimes in a summer breeze.

This analogy creates a vivid image by likening the sound of her laughter to the gentle and melodic tinkling of wind chimes in a breeze, evoking a sense of lightness and joy.

The city streets were a maze of twisting alleys and towering buildings.

Here, the analogy compares the complexity and interconnectedness of city streets to a maze, enhancing the description by invoking a sense of confusion and labyrinthine structure.

His voice was as smooth as velvet.

This simile compares the quality of someone's voice to the smooth and luxurious texture of velvet, conveying the richness and pleasing tone of their speaking.

2. Analogies for Explanation

Analogies are also used in explanations to simplify complex or unfamiliar topics. By drawing parallels between something unfamiliar and something known, analogies help make abstract concepts more comprehensible.

For instance, comparing the Human Genome Project to the creation of the periodic table in chemistry helps readers grasp the significance of genetic research by relating it to a historical milestone that many are familiar with. This use of analogy in explanation aids in clarifying difficult concepts and facilitating understanding among audiences.

Some more examples are:

The internet functions like a vast library, where information is stored and accessed globally.

This analogy explains the concept of the internet by likening it to a library, where users can access a wide range of information from various locations, making the abstract idea of global connectivity more understandable.

The invention of the printing press revolutionized communication in the same way that the advent of social media has transformed how we interact today.

This analogy compares the impact of the printing press on communication during the Renaissance to the transformative effect of social media in modern times, helping to illustrate parallels between historical advancements and contemporary technological shifts.

Studying economics is like learning a new language; it requires mastering key principles and vocabulary to effectively understand and discuss economic phenomena.

This analogy explains the process of studying economics by comparing it to learning a language, highlighting the need for foundational knowledge and fluency in economic concepts to engage meaningfully in economic discourse.

4. Appraising Analogical Arguments

Some analogical arguments are much more cogent than others. Although no argument by analogy can be deductively valid, some such arguments yield conclusions that are very probably true, whereas others are very weak indeed. Analogical arguments are evaluated as better or worse depending on the degree of probability with which, relying on the premises they put forward, their conclusions may be affirmed.

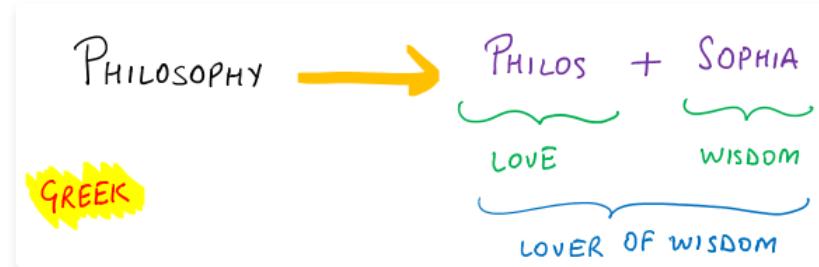
Let us use the following example to understand the features of analogical arguments.

"*You choose to purchase a given pair of shoes because other pairs like it have given you satisfaction in the past.*"

- > **1. Number of entities**
 - > **2. Variety of the instances in the premises**
 - > **3. Number of similar respects**
 - > **4. Relevance**
 - > **5. Disanalogies**
 - > **6. Claim that the conclusion make**
-
-

1. Introduction

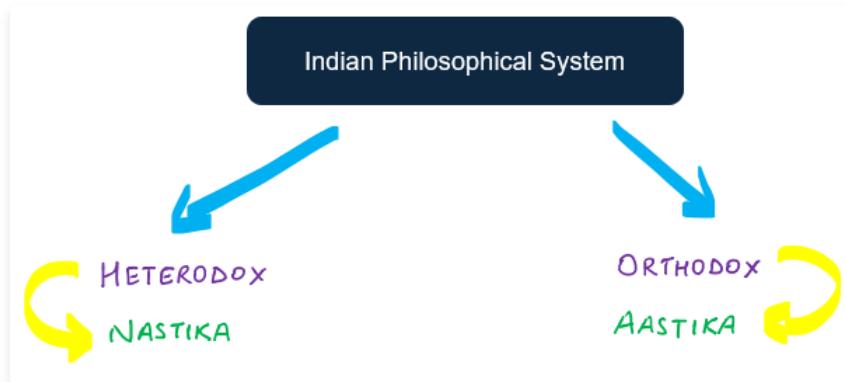
Philosophy refers to the study of the fundamental nature of knowledge, reality, and existence. It is in general, an interpretation of man and nature which lies on the analysis, assessment and exposition of the process of knowledge.



The term "Philosophy" originates from the Greek words "philos" (love) and "sophia" (wisdom), coined by Pythagoras, signifying **lover of wisdom**. In Indian tradition, **Darshana** denotes philosophy, stemming from Sanskrit's "drishya", connoting "to see" or "to experience".



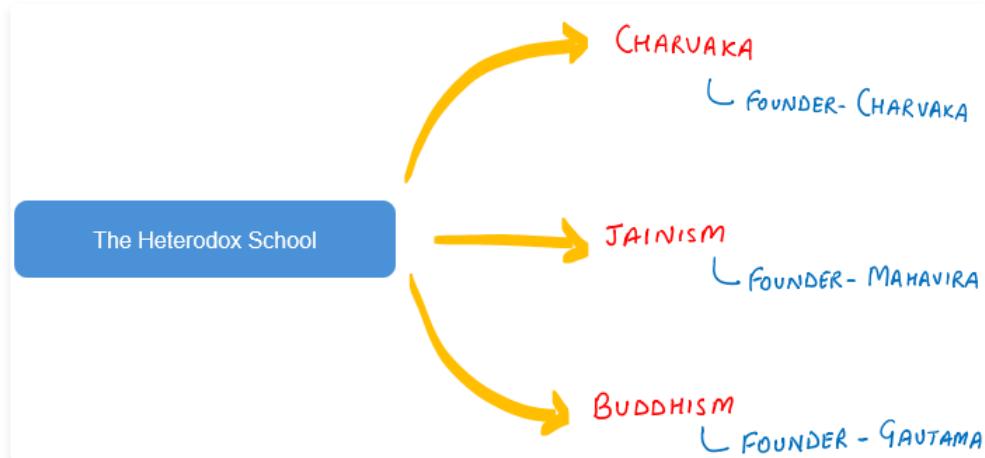
The Indian Philosophical system has been conventionally classified into 2 broad divisions of the Heterodox (Nastika) and the Orthodox (Astika). **Nastika** where the people are known to be not believing in the existence of Vedas and **Aastika** where the people are known to believe in the existence of Vedas.



These heterodox and orthodox were further divided into different schools as explain next.

1. Introduction

Those who did not recognize this authority were called as heterodox and are the schools of:



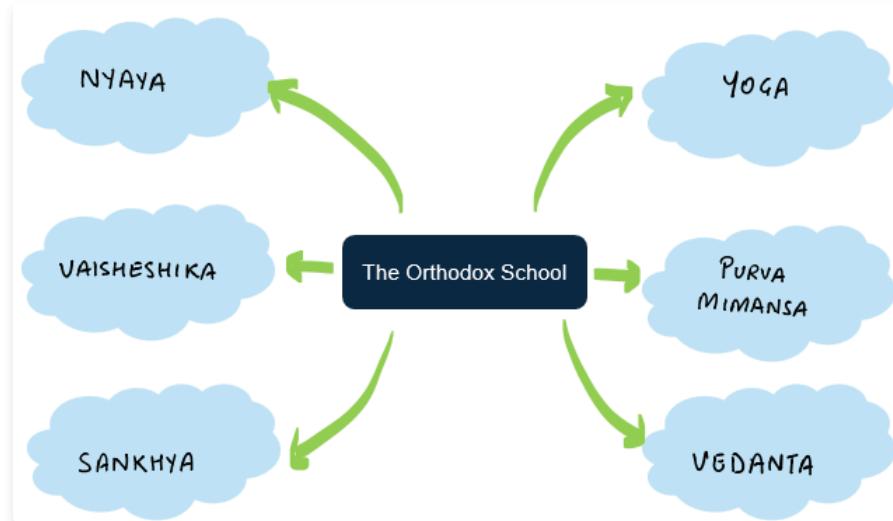
1. **Charvaka** (*founded by Charvaka*) - Materialistic and atheistic, also known as worldly ones which does not believe in after life, god and the soul.
2. **Jainism** (*founded by Mahavira*) - focuses on Nirvana obtained through right philosophy, knowledge and conduct.
3. **Buddhism** (*founded by Siddhartha Gautama*) - it centers on the Four Noble Truths and the Eightfold Path to reach nirvana, stressing impermanence and ending suffering.

These schools repudiated the authority of the Vedas. The Buddhists and the Jains subscribed to their own respective scriptures.

1. Introduction

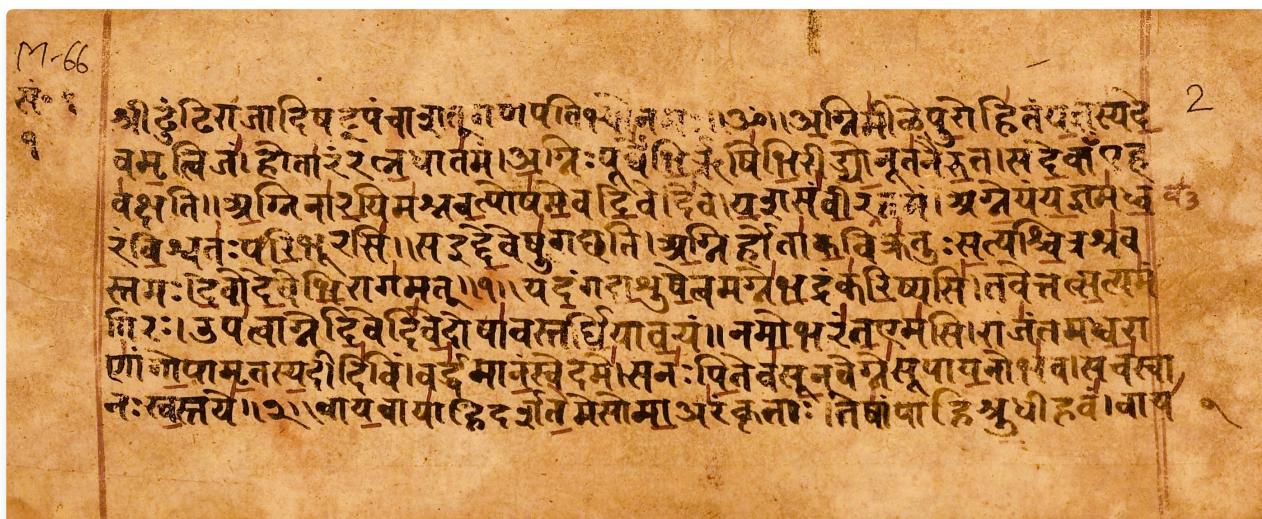
The orthodox schools of philosophy consists of 6 types –

1. **Nyaya** (*founded by Gautama*) – Focuses on logic, epistemology, and the investigation of truth.
2. **Vaisheshika** (*founded by Kanada*) - Explores the nature of reality, primarily through Ontology and Metaphysics.
3. **Sankhya** (*founded by Kapila*) - Oldest of all with focus on dualistic philosophy with soul and nature in it.



4. **Yoga** (*founded by Patanjali*) - Emphasizes spiritual discipline and self-realization through various paths, such as meditation and ethical living.
5. **Purva Mimamsa** (*founded by Jaimini*) - Concerned with the interpretation of vedic texts and rituals.
6. **Vedanta** (*founded by Badarayana*) - Investigates the nature of ultimate reality (Brahman) and the self (Atman). It is also known as Uttara Mimamsa.

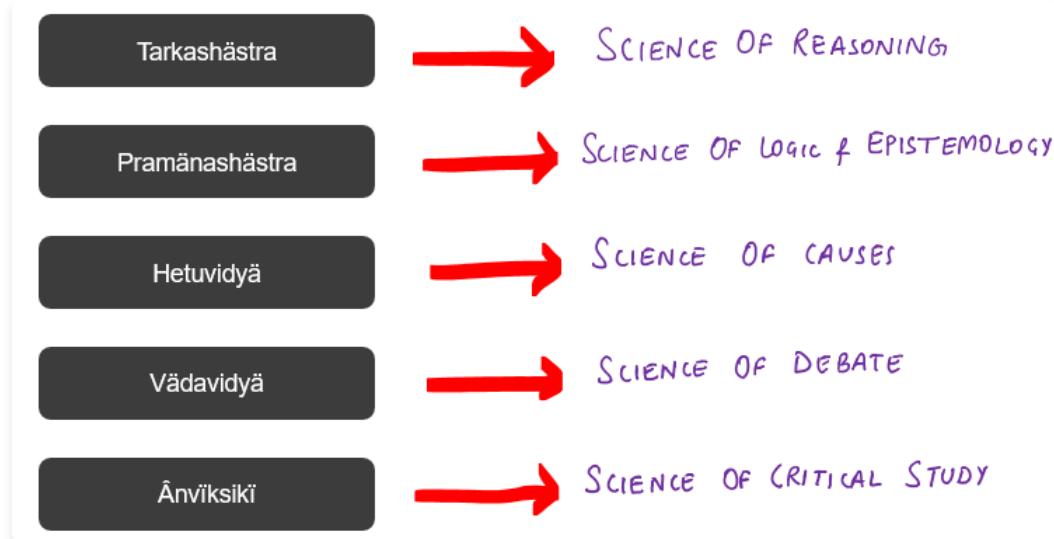
These schools recognize the authority of Vedas as divine revelation. They directly or indirectly accept the authority of the Vedas. Of these, Mimamsa and Vedanta depend entirely on the Vedas and exist in continuation of the Vedic tradition. On the other hand, Sankhya, Yoga, Nyaya, and Vaishesika are not based on the Vedas, but they accept the authority of the Vedas. They nevertheless are careful to maintain a consonance between their theories and the Vedas.



The **Vedas** are the oldest Hindu sacred texts, considered by many to be the most authoritative of all the texts. They are also the oldest known texts that contain yogic teachings. The Vedas were written down thousands of years ago, but it is believed that they contain knowledge and wisdom that originated even before then and have been passed down orally. In fact, Hindus regard the Vedas to be authorless.

2. Nyaya School

The Nyaya School was formed about the 4th Century B.C. with Nyaya Sutras given by Gautama (also familiarized as Aksapada). Nyāya means argumentation and suggests that the system is predominantly intellectual, analytic, logical and epistemological. It is also called by other terminologies as follows:



Among the 6 orthodox schools of philosophy, all the systems consider **Nyaya** (*also known as Indian School of Logic*) as the powerful school because of its systematic approach to logical reasoning and argumentation. Its principles were referenced and incorporated within other philosophical schools, indicating its widespread influence.

Atomistic Pluralism and Logical Realism

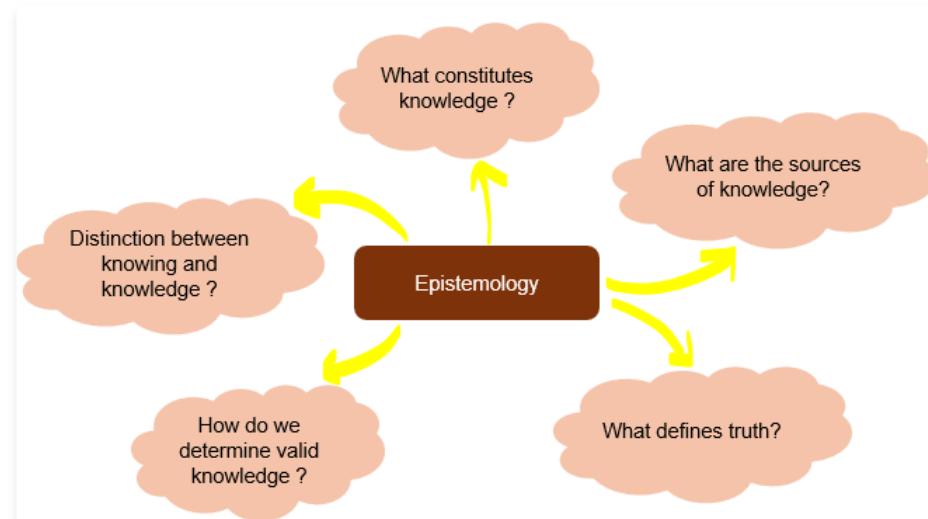
Nyaya philosophy is built upon the principles of atomistic pluralism and logical realism.

Atomistic Pluralism, a key tenet of Nyaya, posits that reality is comprised of individual, irreducible entities known as atoms. These atoms are the building blocks of the universe and combine to form all material objects. Nyaya philosophers emphasize the systematic analysis and classification of these atoms and their interactions, contributing to a comprehensive understanding of the physical world.

Logical Realism, another fundamental aspect of Nyaya, underscores the importance of logic and reasoning in discerning truth and understanding reality. According to Nyaya, reality follows logical principles, and our comprehension of it can be enhanced through rigorous logical analysis.

Epistemology

The cornerstone of the Nyaya philosophical system is its epistemology, or theory of knowledge, which forms the bedrock of its beliefs.



Epistemology is the branch of philosophy that delves into the nature, origin, and extent of knowledge and belief. It grapples with fundamental questions such as "What constitutes knowledge?", "What are the sources of knowledge?", "What defines truth?", "How do we determine valid knowledge?", and "Is there a distinction between knowing and knowledge?" These inquiries serve as focal points in exploring the complexities of understanding and perception.

2. Nyaya School

The modern school of Indian logic, known as **Navya-Nyaya**, had its origins marked by the groundbreaking work of **Gangesha** in the **Tattva-chintamani**. Prominent figures like Vasudeva, Raghunatha, Mathuranatha, Jagadisha, and Gadadhara played crucial roles in advancing and refining the principles of this school of thought.

2. Nyaya School

Nyāya is a system of atomistic pluralism and logical realism. It is allied to the Vaishesika system which is regarded as 'Samānatantra' or similar philosophy.

This is because of the following reasons:

- Vaishesika develops metaphysics and ontology; Nyāya develops logic and epistemology.
- Both agree that bondage is due to ignorance of reality and that liberation is due to right knowledge of reality.
- Vaishesika takes up the exposition of reality and Nyāya takes up the exposition of right knowledge of reality. Nyāya mostly accepts the Vaishesika metaphysics.

But there are some important **points of difference** between them which may be noted below:

- Vaisheshika school identifies 7 categories including substances, qualities, actions, universals, particulars, inherence, and non-existence. In contrast, the Nyaya school recognizes 16 categories. It incorporates all 7 categories of Vaisheshika into one category called **Prameya**, which represents what can be known. This Prameya category is the second among the 16 categories in Nyaya. The first category is Pramāna or the valid means of knowledge. This clearly brings out the predominantly logical and epistemological character of the Nyaya system.
 - Vaishesika recognizes only 2 Pramanas - perception and inference and reduces comparison and verbal authority to inference whereas the Nyāya recognizes all the 4 as separate - perception, inference, comparison and verbal authority.
-

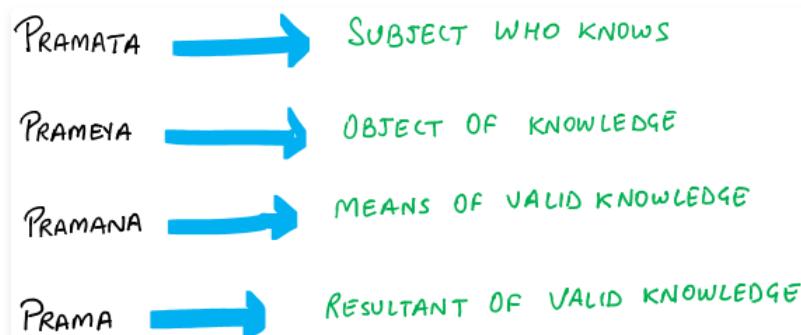
3. Nature and Form of Knowledge

Knowledge (jnāna) or cognition (buddhi) is defined as apprehension (upalabdhi) or consciousness (anubhava). All knowledge is a revelation or manifestation of objects (arthaprakāsho buddhi).

The 'Knowledge' in absolute context, is widely discussed under Nyaya and Mimamsa schools.

Nyāya, being realistic, believes that knowledge reveals both the subject and the object which are quite distinct from itself. All knowledge is a revelation or manifestation of objects (**arthaprakāsho buddhi**). Just as a lamp manifests physical things placed before it, so knowledge reveals all objects which come before it.

There are 4 factors involved in any knowledge as given below.



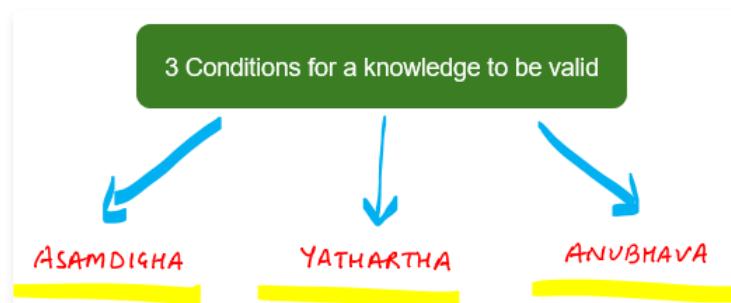
Knowledge may be valid or invalid as discussed next.

3. Nature and Form of Knowledge

Valid knowledge (pramä) is defined as the right apprehension of an object (yathärthānu- bhavah). It is the manifestation of an object as it is. Nyāya maintains the **theory of correspondence**. Knowledge, in order to be valid, must correspond to reality.

For Example - Payal is observing a rose. Here, Payal is the subject (*Pramata*), the rose is an object (*Prameya*). She uses her sense of sight to observe the color, shape, and characteristics of the flower. Additionally, she might use her sense of smell to confirm that it is a rose. In this example, the senses (sight and smell) are the means of valid knowledge (*Pramana*). The information she gathers through her senses results in her understanding and correctly identifying the flower as a red rose (*Prama*).

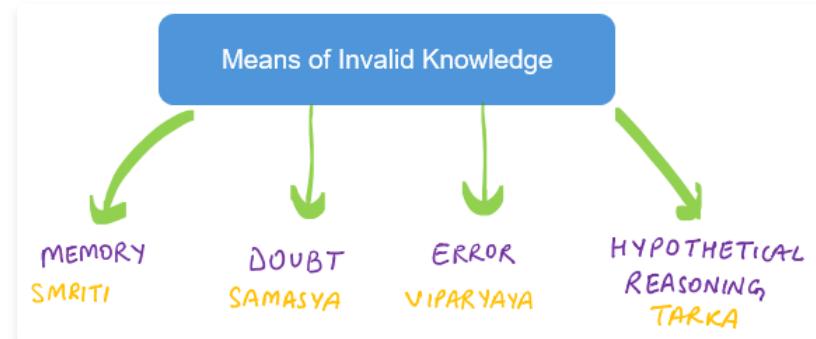
As per Nyaya, 3 conditions for a knowledge to be valid includes -"Asamdigdha Yathartha Anubhava" (required for theory of correspondence) which means:



1. **Asamdigdha** - It refers to something that is clear, unambiguous, or free from doubt or confusion.
2. **Yathartha** - It involves seeking and understanding the fundamental truth.
3. **Anubhava** – It pertains to the direct realization or direct experience of truth, reality, or spiritual insights through personal experience.

3. Nature and Form of Knowledge

Invalid knowledge includes memory (smṛti), doubt (samsaya), error (viparyaya) and hypothetical reasoning (tarka).



- **Memory** is not valid because it is not presentative cognition but a representative one. The object remembered is not directly presented to the soul, but only indirectly recalled. For instance, when recalling a previously seen rope, the memory is not a direct presentation but rather a representation of an object.
- **Doubt** is uncertainty in cognition. Example: Imagine being unsure whether the object in front of you is a rope or a snake. This uncertainty represents doubt in cognition.
- **Error** is misapprehension as it does not correspond to the real object. Example: If someone mistakes a coiled rope for a snake due to poor visibility or fear, it represents an error in cognition because the perceived object does not correspond to reality
- **Hypothetical reasoning** is no real knowledge. Example: "If I study hard for the exam, then I will get a good grade." This represents hypothetical reasoning as it posits a condition and draws a conclusion based on that condition, without necessarily reflecting the reality of the situation.

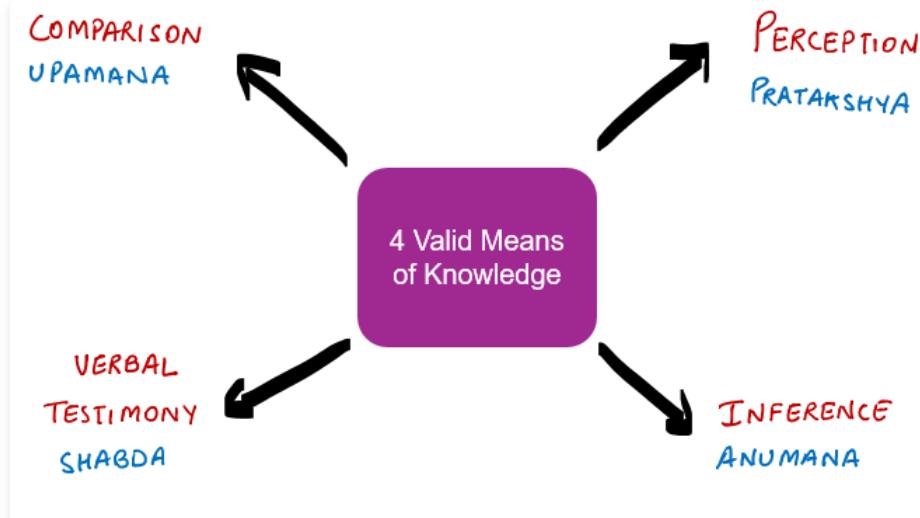
The difference between **Valid Knowledge** and **Invalid Knowledge** can be understood through an example given next. Consider two individuals observing a conch shell: one with sound vision and the other suffering from jaundice. The person with sound vision perceives the conch as white, while the individual with jaundice sees it as yellow. Here, the difference in perception demonstrates how the generating conditions influence the validity of knowledge. If the conditions, such as the state of vision, are sound, the knowledge produced is valid; if they are defective, the knowledge becomes invalid.

According to Nyāya, the essence of truth lies in correspondence with the object. Valid knowledge, termed as *yathärtha* and *avisamvädi*, aligns with its object and facilitates successful activity. For example, fire is expected to burn, cook, and provide light. If it fails to fulfill these functions, it is not considered fire. In contrast, invalid knowledge, which fails to correspond with its object, leads to failure and disappointment (*pravrttivisamväda*).

Therefore, the Nyāya theory of knowledge is both realistic and pragmatic. It is realistic in its acknowledgment of the nature of objects and pragmatic in its approach to testing truth based on the correspondence between knowledge and its object.

4. Pramana

Valid knowledge is produced by the four valid means of knowledge — Perception (pratakshya), inference (anumana), comparison (upamana) and verbal testimony (Shabda).



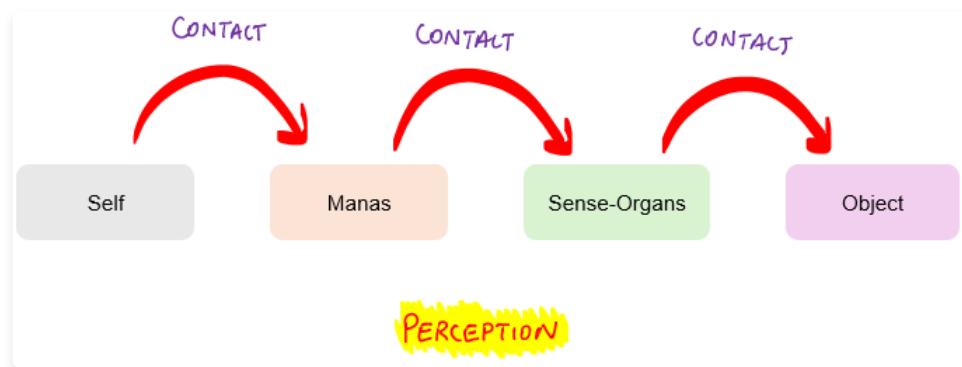
These are discussed next.

5. Perception (Pratyaksapramana)

Gautama defines perception as 'non-erroneous cognition which is produced by the intercourse of the sense-organs with the objects, which is not associated with a name and which is well defined'.

Vishvanātha has defined perception as 'direct or immediate cognition which is not derived through the instrumentality of any other cognition'. This definition includes ordinary as well as extraordinary perception and excludes inference, comparison and testimony.

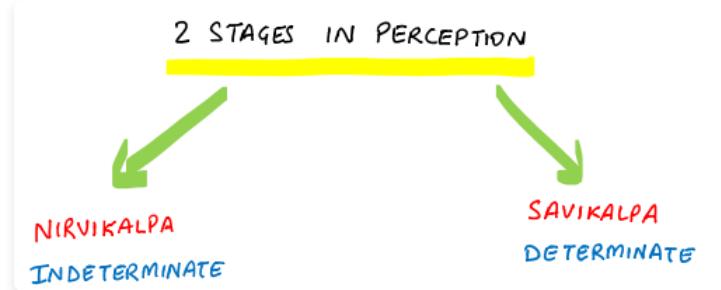
Perception is a kind of knowledge and is the attribute of the self. Ordinary perception presupposes the sense organs, the objects, the manas (mind) and the self and their mutual contacts. The self comes into contact with the manas, the manas with the sense-organs and the sense-organs with the objects. The manas is the mediator between the self and the sense-organs.



The contact of the sense-organs with the objects is not possible unless the manas first come into contact with the sense-organs, and the contact of the manas with the sense-organs is not possible unless the self comes into contact with the manas. Hence sense-object contact necessarily presupposes the manas-sense contact and the self-manas contact. The sense-organs are derived from the elements whose specific qualities of smell, taste, color, touch and sound are manifested by them. The external object through the senses and the manas makes an impression on the self. The theory, therefore, is realistic.

5. Perception (Pratyaksapramana)

The Naiyāyika maintains 2 stages in perception. The first is called **indeterminate** or **nirvikalpa** and the second, **determinate** or **savikalpa**. These are recognized by Gautama in his definition of perception. When Perception is 'unassociated with a name' (*avyapadeshya*) it means 'indeterminate', and when perception is 'well-defined' (*vyavasayatmaka*), it means 'determinate'. All perception is determinate, but it is necessarily preceded by an earlier stage when it is indeterminate.



All perceptions we encounter are inherently determinate, representing either perceptual knowledge or judgment.

Indeterminate perception serves as the foundational material from which determinate perception arises, forming an essential aspect of our cognitive processes. While these two forms of perception can be distinguished conceptually, in reality, they remain intertwined and inseparable.

Nirvikalpa perception marks the initial stage, characterized by immediate apprehension and undifferentiated awareness. Here, perception occurs without analysis or synthesis, representing a raw, unprocessed form of sensory experience. In contrast, savikalpa perception represents a more advanced stage, where awareness undergoes transformation into differentiated, conceptual knowledge through processes like assimilation and discrimination.

The transition from indeterminate to determinate perception can be observed in everyday scenarios, such as gradually perceiving details in a dimly lit cinema hall or recognizing objects with clarity after initial ambiguity. Indeterminate perception presents the object in its raw form, devoid of characterization, while determinate perception involves the relational understanding of the object and its attributes.

While indeterminate perception may seem like a purely psychological state of sensory experience, its comprehension is the result of logical deduction. Although we directly experience it as awareness, it only becomes cognition through subsequent conceptualization. Thus, all perceptions, being cognitions, ultimately manifest as determinate and contribute to our perceptual judgments.

Some Philosophers thought on 2 stages of perception are given below.

Vātsyāyana says that if an object is perceived with its name we have determinate perception; if it is perceived without its name, we have indeterminate perception.

Jayanta Bhatta says that indeterminate perception apprehends substance, qualities and actions and universal as separate and indistinct something and is devoid of any association with a name, while determinate perception apprehends all these together with a name.

Gangesh Upādhyāya defines indeterminate perception as the non-relational apprehension of an object devoid of all association of name, genus, differentia etc.

Annam Bhatta defines it as the immediate apprehension of an object as well as of its qualities, but without the knowledge of the relation between them. The substance and the qualities, the 'that' and the 'what' are felt separately and it is not apprehended that those qualities inhere in that substance or that the 'what' characterizes the 'that'. Indeterminate perception is 'mere acquaintance which William James calls 'raw un-verbalized experience', while determinate perception is relational apprehension.

Sensation and Conception

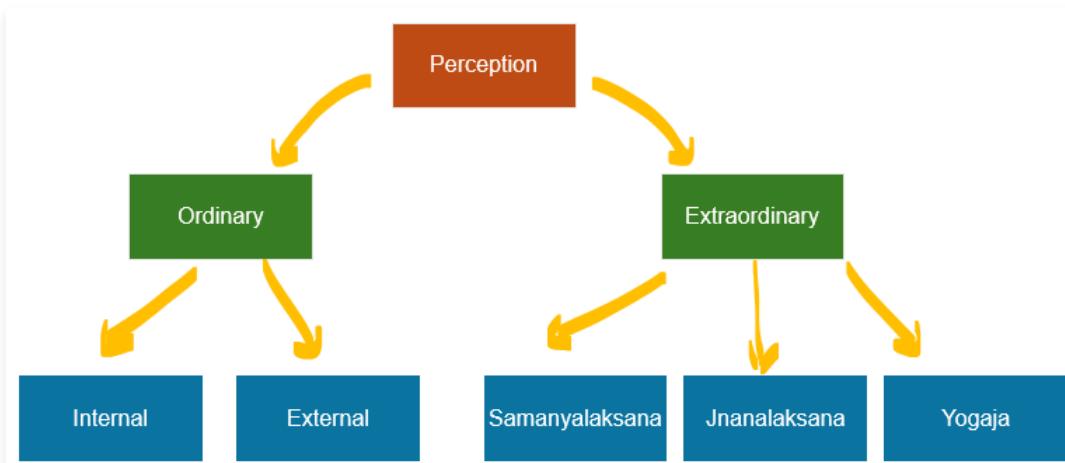
Perception is considered as a nuanced blend of sensation & conception and constitutes a fundamental aspect of our experiential reality. Sensation serves as the material foundation, while conception provides the framework of knowledge. 'Percepts without concepts are blind and concepts without percepts are empty.' Bare sensation or simple apprehension is nirvikalpa perception; perceptual judgment or relational apprehension is savikalpa perception.

5. Perception (Pratyaksapramana)

Perception may be ordinary (laukika) or extraordinary (alaukika).

When the sense-organs come into contact with the objects present to them in the usual way, we have **Laukika** perception. And if the contact of the sense-organs with the objects is in an unusual way, i.e., if the objects are not ordinarily present to the senses but are conveyed to them through an extraordinary medium, we have **Alaukika** perception.

These are discussed next.



Ordinary Perception

Ordinary perception is of 2 kinds—internal (manasa) and external (bhyā).

1. **Internal Perception** - the mind (manas) which is the internal organ comes into contact with the psychical states and processes like cognition, affection, connection, desire, pain, pleasure, aversion etc.
2. **External Perception** - It takes place when the five external organs of sense come into contact with the external objects. It is of 5 kinds — visual, auditory, tactual, gustatory and olfactory, brought about by the sense-organs of sight, sound, touch, taste and smell respectively when they come into contact with the external objects. The external sense-organs are composed of material elements of earth, water, fire, air, and ether and therefore each senses the particular quality of its element. Thus the sense-organ of smell is composed of the atoms of earth and perceives smell which is the specific quality of earth and so on.

Extraordinary Perception

Extra-ordinary perception is of 3 kinds — samanyalaksana, jnanalaksana and yogaja. These are discussed next.

1. Samanyalaksana

Samanyalaksana refers to the perception of universals. In Nyaya philosophy, universals are considered as a distinct class of realities. They are qualities or characteristics that exist across multiple instances of objects. For example, "cowness" is a universal quality that defines what it means to be a cow. According to Nyaya, universals are not directly perceived in the same way as particular objects are. Instead, universals are qualities that "inhere" or exist within particular objects. For instance, a specific cow is recognized as a cow because it possesses the universal quality of "cowness." In our everyday experience, we perceive individual or particular objects, such as specific cows. However, we do not perceive the universal qualities that define those objects. We see the cow standing in front of us, but we don't directly perceive the abstract concept of "cowness."

Nyaya philosophy suggests that while we perceive particular objects in our ordinary experience, we do not perceive universals directly. Instead, the perception of universals is considered "extraordinary." This means that our perception of universals is not through the senses in the same way that we perceive particular objects. Instead, it might involve a higher form of understanding or a different mode of perception.

2. Jnanalaksana

Jnanalaksana is the perception that involves complex associations. In this perception, an object is not directly perceived by a sense organ but is recalled from memory through past cognition and perceived through representation. For instance, when we see a blooming rose and say it "looks fragrant," we are associating the visual perception of the rose with the memory of its fragrance, even though fragrance cannot be seen. This process of perceiving an object based on past experiences is termed

jnalaksana perception. Other examples of it are: 'the piece of sandalwood looks fragrant', 'ice looks cold', 'stone looks hard', 'tea looks hot', etc.

Theory of Illusion (Anyathakhyati): This theory, accepted by Nyāya philosophy, is based on jnalaksana perception. The word 'anyathā' means 'elsewise and elsewhere' and both these senses are brought out in an erroneous perception. The presented object is perceived elsewise and the represented object exists elsewhere. It explains how illusions occur when past impressions are incorrectly synthesized with present perceptions. For example, mistaking a rope for a snake happens when the idea of a snake, perceived in the past, is recalled through jnalaksana perception and confused with the object (rope) presented to the sense organ. Similarly, mistaking a shell for silver occurs when the memory of silver, perceived elsewhere in the past, is recalled and confused with the object (shell) presented to the sense organ.

3. Yogaja

Yogaja is the intuitive and immediate perception of all objects, past, present and future possessed by the Yogins through the power of meditation. It is intuitive, supra-sensuous and supra-relational.

6. Inference (Anumana)

The second kind of knowledge is **anumā** or inferential or relational and its means is called anumana or inference. It is defined as that cognition which presupposes some other cognition. It is knowledge (mana) which arises after (anu) other knowledge. It is mediate, indirect and arises through a 'mark', the 'middle term' (linga or hetu) which is invariably connected with the 'major term (sadhya). The invariable association of the middle term with the major term is called vyapti. Invariable concomitance (vyapti or avinabhavaniyama) is the nerve of inference.

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