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3.2.3.1. Total number of books and chapters in edited volumes/books published and papers in national/ international conference proceedings year wise during last five years.

Sr.no.	Books Published by College	Year of publication	ISBN Number
1	B.V's New Law College, Sangli, Kolhapur and Y.C.Law College, Karad	2022-23	ISSN 2321-6271
2	B.V's New Law College, Sangli, Kolhapur and Y.C.Law College, Karad	2021-22	ISSN 2321-6271
	Name of the Teacher Published Books		
3	Dr. M. S. Khairnar	2020-21	ISBN 978-81-950797-2-8
4	Dr. M. S. Khairnar	2020-21	ISBN 978-81-950797-2-8
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Sr.No.	Faculty Name	Title of the Paper	Journal Name	Date and Year of Publication
1.	Dr.Archana Arun Thorat	Mahatma Gandhi- A Lawyer and Social Engineer of India	Navjyot A high impact factor, Quarterly peer reviewed journal, Kamala College Kolhapur	Academic Year 2022-23 17 February 2023.
2.	Dr.Archana Arun Thorat	Self-help group – a key to develop economic growth of a nation and individual stability of women	Vidhi Bharati, ISSN- 2321-6271	Academic Year 2022-23
3.	Dr. P.B. Chavate	Critical Analysis of Safety and Dignity of Women in India	IJRAR International Journal of Research and Analytical Reviews E- ISSN 2348-1269 P- ISSN 2349-5138	Academic Year 2020-21
4.	Dr. S.H.Mane	Law Relating to 'Traffic in Women' - National and International Perspective	Online International Inter-Disciplinary Research Journal, [Bi-Monthly] Web Address:- www.oijrj.org Jan.-Feb., 2020	Academic Year 2020-21



			Volume-10, Issue-01 [Pg. No. 183-188] ISSN 2249-9598	
5.	Dr. Archana Arun Thorat	"Constructive role of Judiciary legislature in data protection laws in India an overview,"	SpiritusLege, International Referred Journal, ABMSP's Y.C.Law College, Pune Journal no. 02, pp. 125-134, 2020 ISSN-2582-1784	Academic Year 2020-21
6.	Dr. P.B. Chavate	Trends in Compensatory Jurisprudence in India with reference to the Constitution	International Multidisciplinary Quarterly Research Journal Peer reviewed referred and UGC listed journal (No.40776) ISSN No. 2277-5730	Academic Year 2019-20
7.	Dr. S.H.Mane	Social Security and Unorganised Sector Workers in India – Law and Practice	Wages, Employment and Social Security in India [Pg. No. 203-212] 2019	Academic Year 2019-20



			Swacchand Publication, Kolhapur ISBN: 978-93- 83797-49-1	
8.	Dr. Archana Arun Thorat	"Role of judiciary in the development of the right to privacy in India within 1954- 2019 era: an overview,"	IJRAR, IJRAR International Journal of Research and Analytical Reviews E- ISSN 2348- 1269 P- ISSN 2349-5138 I. 6, no. 2, 2019. International Open Access Journal	Academic Year 2019-20
9.	Miss. Sandhya Raghunath Kamble	A study on Lokmanya Tilak's concept of Swaraj in Democratic India	Mukt Shabd Multidisciplinary Journal ISSN 2347-3150	Academic Year 2019-20
10.	Priety K. Ghatge- Deshmukh	Contribution of Women in Sports	Women Empowerment in modern age	ISBN- 978- 93-94819-09- 2



11.	Dr. P.B. Chavate	Critical Analysis of Environmental degradation and its effects on Right to Livelihood- Indian Perspective.	AAYUSH International Interdisciplinary Research Journal, A Peer Reviewed and Index Journal	Academic Year 2018-19
12.	Dr. P.B. Chavate	Sustainable Development- International and National Perspective	An International Multidisciplinary Quarterly Research Journal, Peer Reviewed Referred and UGC Listed Journal No. 40776	Academic Year 2018-19
13.	Dr. Archana Arun Thorat	"Demonetization- a Pandora's Box?!"-A study,"	Ajanta, An International Multidisciplinary Research Journal, vol. VIII, no. 01, pp. 25-29, 2019. ISSN 2277-5730	Academic Year 2018-19
14.	Ms. Rupali Babanrao Pawar	Globalization And Green Revolution	An International Multidisciplinary Quarterly Research Journal AJANTA ISSN 2277-5730 Volume-VIII, Issue-I, January-March-2019 ,Impact Factor- 5.5	Academic Year 2018-19




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PERSONALITY DEVELOPMENT & COMMUNICATION SKILL

**Dr. Mahendra Subhash khairnar
Shri. Shripad Shridhar Desai**



PERSONALITY DEVELOPMENT AND COMMUNICATION SKILL

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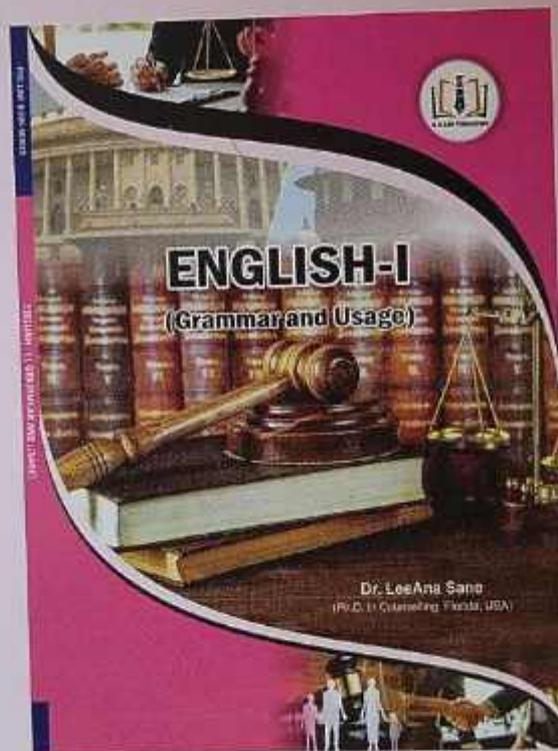
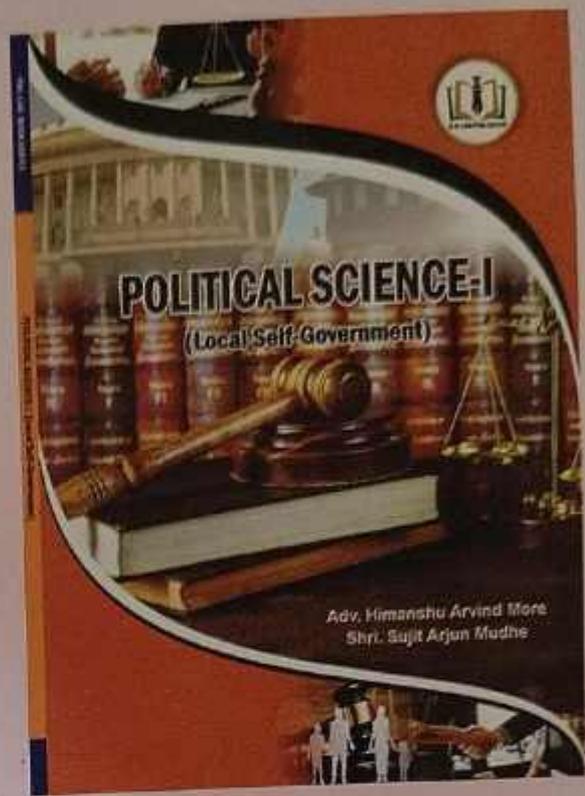
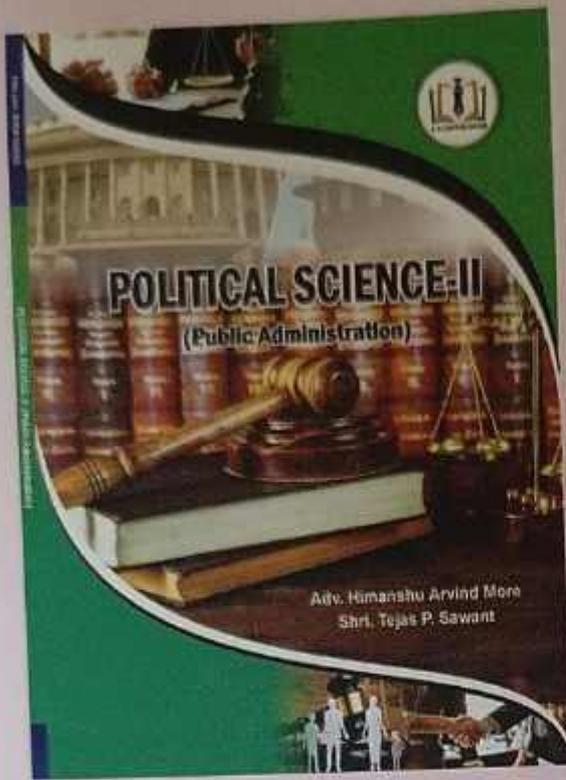
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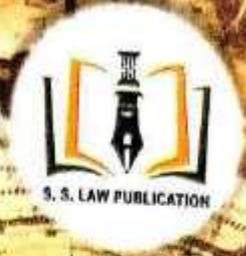
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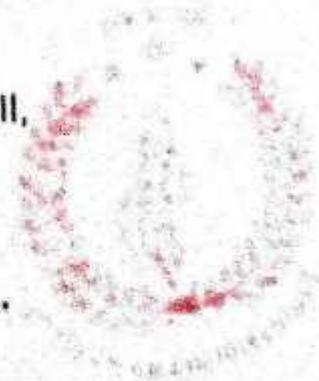
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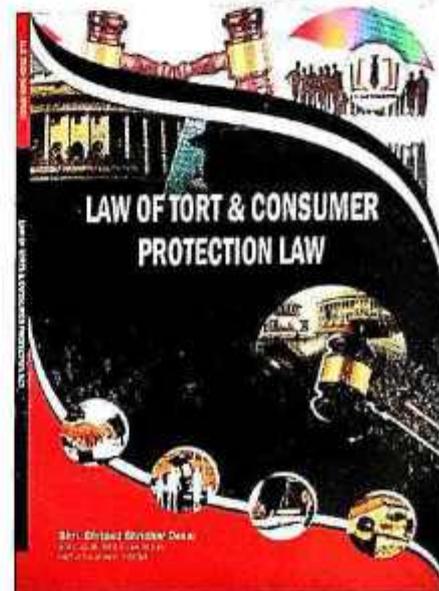
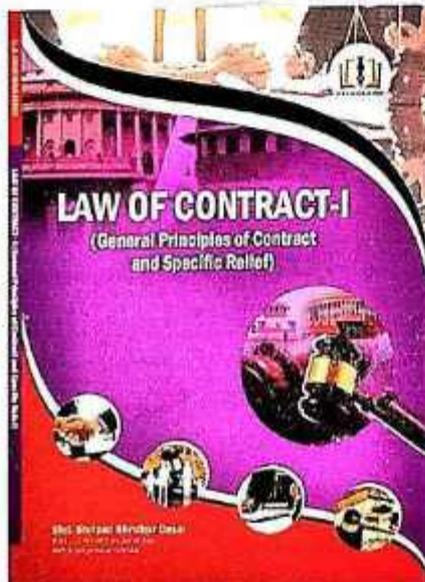
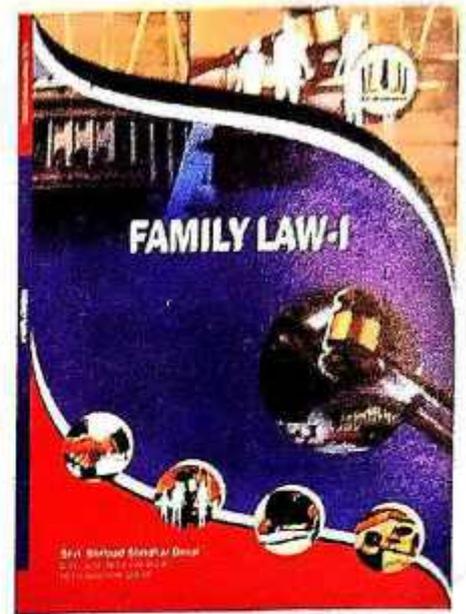
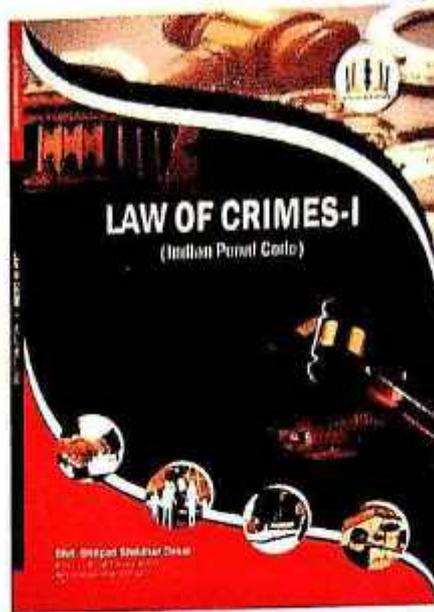
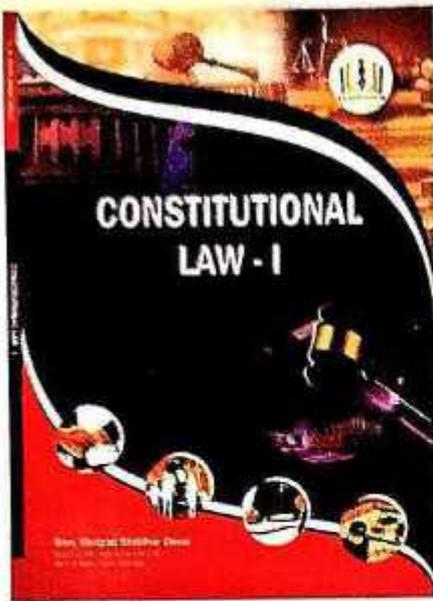
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Critical Analysis of Safety And Dignity of Women in India

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Kolhapur.

ABSTRACT

I INTRODUCTION

In ancient India women used to be much respected. There is no exclusion of women according to the Vedas. Motherhood is considered the greatest glory of Hindu women. The Taittiriya Upanishad teaches, "*Matrudevo bhava*". Number of verses of Atharva Veda proves that women used to be very respected. The idea of equality was most forcibly expressed in the Rig Veda. Likewise in so many other mantras a woman has been presented to play an essential role in family and as wife. Similarly she has been given the lead stage in society works, in governmental organizations and for ruling the nation is also mentioned in Vedas.

India has one of the most progressive legal systems and largest democracy in the World. The irony lies in fact that in our country where women are worshiped as *Shakti*, the atrocities are committed against her in all sections of life. She is being looked down as commodity or as a slave, she is not robbed of her dignity and pride outside her house but she is also faces ill-treatment and other atrocities within the four walls of her house. Women were discriminated on every walk of her life. She was deprived of even education, independence, social status etc. The inferior status of women is often attributed to the inadequate and ineffective implementation the existing laws in India. While this is a problem, the key factor the interrelation between legislation and the treatment of women: many gender biased legislative provisions, despite the Constitutional guarantee of equality, continue to reiterate traditional feudal women's property rights and failed to provide women with equal access to economic resources.

From the aforesaid picture of women it raises a question, whether women is safe? What are parameters of women's dignity in the modern society? etc. In this backdrop, an attempt has been made to analyze and take review of Indian legal framework and different provisions in favour of women in India, so also an attempt is made to analyze the position, status and realities of the women's status and dignity in the instant paper.

II METHODOLOGY

The topic chosen for this research paper require systematic investigation of the concepts, the data available and analysis of the legal provisions and the modality of welfare institutions. Hence the author has adopted and followed the Doctrinal method.

Since in this paper different legislation, documents national and international so also judgments of Apex Court are taken, discussed and analyzed author has emphasized on the secondary data from library and news items published in the news papers.

Key Words :- Women, Dignity, Safety, Law and Judgments.

"If society will not admit of women's free development, then society must be remodeled." — Elizabeth Blackwell

I INTRODUCTION

In ancient India women used to be much respected. There is no exclusion of women according to the Vedas. Motherhood is considered the greatest glory of Hindu women. The Taittiriya Upanishad teaches, "*Matrudevo bhava*". Number of verses of Atharva Veda proves that women used to be very respected. The idea of equality was most forcibly expressed in the Rig Veda. Likewise in so many other mantras a woman has been presented to play an essential role in family and as wife. Similarly she has been given the lead stage in society works, in governmental organizations and for ruling the nation is also mentioned in Vedas.

India has one of the most progressive legal systems and largest democracy in the World. Indian philosophy and Hindu mythology carve a beautiful picture of the women in the social arena and depict her to be fortress of knowledge, wealth and power. The irony lies in fact that in our country where women are worshiped as **Shakti**, the atrocities are committed against her in all sections of life. She is not robbed of her dignity and pride outside her house but she is also faces ill-treatment and other atrocities within the four walls of her house. The perusal of ancient history reveals that, position of women in India was very miserable. Earlier women were deprived of very basic rights in our patriarchal society. Women were discriminated on every walk of her life. She was deprived of even education, independence, social status etc. The inferior status of women is often attributed to the inadequate and ineffective implementation the existing laws in India. While this is a problem, the key factor the interrelation between legislation and the treatment of women, much gender biased legislative provisions,

despite the Constitutional guarantee of equality, continue to reiterate traditional feudal women's property rights and failed to provide women with equal access to economic resources.

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III INTERNATIONAL EFFORTS IN FAVOUR OF WOMEN

At International level there appears many efforts taken for the protection of interest, status and dignity of women. To give it force and effect International documents in the form of Conventions, Conference etc. are brought in to existence which have made binding upon all the member States. The said International efforts/documents are discussed herein below.

The landmark Declaration, **UDHR**, adopted by the General Assembly on 10th December 1948, reaffirms that "All human beings are born free and equal in dignity and rights" and that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion,... birth or other status"¹.

¹ www.un.org/overview/rights.html

As the international feminist movement began to gain momentum during the 1970s, the General Assembly declared 1975 as the International Women's Year and organized the first World Conference on Women, held in Mexico City. In 1979, the General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is often described as an International Bill of Rights for Women. The Convention targets culture and tradition as influential forces shaping gender roles and family relations, and it is the first human rights treaty to affirm the reproductive rights of women².

Five years after the Mexico City conference, a **Second World Conference on Women** was held in Copenhagen in 1980. In 1985, the World Conference to Review and Appraise the Achievements of the UN Decade for Women: Equality, Development and Peace, was held in Nairobi. The Fourth World Conference on Women, held in Beijing in 1995, went a step farther than the Nairobi Conference. The Beijing Platform for Action asserted women's rights as human rights and committed to specific actions to ensure respect for those rights³.

The UN system continues to give particular attention to the issue of violence against women. 1993 General Assembly **Declaration on the Elimination of Violence against Women** contained "a clear and comprehensive definition of violence against women and a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms". It represented "a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women". **International Women's Day is observed on 8 March**. The International Day for the Elimination of Violence against Women is observed on 25 November⁴.

On 2 July 2010, the UN General Assembly unanimously voted to create a single UN body tasked with accelerating progress in achieving gender equality and women's empowerment. The new UN Entity for Gender Equality and the Empowerment of Women- or UN Women—merged four of the world body's agencies and offices. UN Women became operational on 1st January, 2011 and former President of Chile, were appointed as Under-Secretary-General for UN Women⁵.

² www.un.org/womenwatch/daw/cedaw

³ www.un.org/womenwatch/daw/beijing/platform

⁴ www.un.org/en/events/women/iwd

⁵ www.women.org

IV LEGISLATIVE FREFEWORK IN INDIA IN THE INTEREST OF WOMEN

In India almost half of the Indian population is women. They have always been discriminated against and have suffered and are suffering discrimination in silence in the civilized as well as the primitive society. Even though self-sacrifice and self-denial are their nobility and fortitude and yet they have been made subjected to all inequalities, indignities, inequity and discrimination, from time immemorial⁶. These are few factors which prompted the legislature to make various laws to give the women their due share.

In order to ameliorate the condition of women in India Legislature enacted the large volume of enactments and many of these legislations were enacted in colonial period. Which are as follows:

- (1) 1829, Abolition of Sati;
- (2) 1856 Widow Remarriage made legal;
- (3) 1870 Female infanticide banned;
- (4) 1872 inter caste, intercommunity marriages made legal;
- (5) 1891 age of consent raised to 12 years for girls;
- (6) 1921 women get rights to vote in Madras province;
- (7) 1929 Child Marriage Restraint Act was passed;
- (8) 1937 women get special rights to property;
- (9) 1954 Special Marriage Act was passed;
- (10) 1955 Hindu Marriage Act was passed;
- (11) 1956 Suppression of Immoral Traffic in Women and Girls Act was passed;
- (12) 1961 Dowry Prohibition Act was passed;
- (13) 1981 Criminal Law Amendment Act was Passed;
- (14) 1986 The Indecent Representation of Women (Prohibition) Act was Passed;
- (15) 1987 Commission of Sati (Prevention) Act was passed.

⁶ Justice K. Rama Swamy in *Madhu Kishwar v State of Bihar* (1996) 5 SCC 148.

Constitution of India which is the *Law of the Land*, the **Preamble** to the Indian Constitution contains various goals including “the equality of status and opportunity” to all the citizens. This particular goal has been incorporated to give equal rights to the women and men in terms of the status as well as opportunity. Further the idea of equality is enshrined in **Article 14**. The general principle of equality is specifically enumerated in **Article 15(1)** which prohibits the State to discriminate against any citizen on the grounds only of religion, race, caste, sex, and place of birth or any of them. However, **Article 15(3)** permits the State to make special provisions for women and children. Further **Article 16** provides that “there shall be equality of opportunity for all citizens and they shall not be discriminated on the basis of religion, race, caste and sex”.

Part IV of the Constitution of India, in **Article 39(a)** provides that the State in particular direct its policy towards securing that citizen, men and women equally, have the right to an adequate means of livelihood. Further **Article 39(e)** of the Constitution provides that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 42 of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions for securing just and human conditions of work and for maternity relief. The State has tried to implement this directive by enacting the Maternity Benefit Act, 1961.

Art. 44 direct the State to secure for the citizens a uniform civil code throughout the territory of India. This particular goal is towards the achievement of gender justice. Even though the State has not yet made any efforts to introduce Uniform Civil Code in India, the judiciary has recognized the necessity of the uniformity in application of civil laws like law of marriage, succession, adoption and maintenance etc, in the case of *Sarala Mudgal V Union of India*⁷ and others cases so as to confer a special status upon women.

The **Part IV –A** (Art. 51-A) which is a code of Ten Fundamental duties of the citizens of India, also shows concern towards women in **Article 51(A)(e)** of the Constitution which provides that “it will be the duty of every citizen to renounce practices derogatory to the dignity of women”.

⁷ AIR 1995 SC 1531.

The 73rd and 74th Amendments to the Constitution in 1993, have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.

The Criminal Laws like, The Indian Penal Code, Criminal Procedure Code also contains numerous provisions to deal with the crimes committed against women; enactments like Dowry Prohibition Act supplement the existing criminal laws to combat the evil of dowry. Number of labour and industrial laws provide for the protection and welfare of the women, prohibition of employment of women in dangerous activities and crèche facility for the children of working women providing a sense of security and dignity to working women.

To protect the women hood, dignity of women and save the female fetus and to abet the menace of inhuman acts of killing of female fetus, the Parliament has enacted the **Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994** to arrest this undesirable trend. Recently the Government's piecemeal approach to protect women has taken a step forward enacting the Domestic Violence Act, 2005 a law providing protection to women from domestic violence.

Women who are usually exploited for prostitution, immoral trafficking or illegal activities, in need of protection from such abuse and torture the Parliament has enacted The Immoral Traffic (Prevention) Act in 1956.

For safety and dignity of working women, the Parliament enacted, **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and matters connected therewith or incidental thereto. These are various direct and indirect legislations passed for her empowerment, safety and life with dignity.

V JUDICIAL RESPONSE TOWARDS WOMEN'S DIGNITY

Our judiciary has always contributed to build a new socio-economic order and played very important role in fulfilling the dreams of our Constitution makers. The Indian Judicial System has independently and effectively intervened on the issue of women emancipation.

In *CEHAT V Union of India and others*⁸ The Apex Court has given several directions regarding sex selection and sex selective abortion and for proper implementation of enactment, saying female feticide is a heinous act and indicator of violence against women

In *C. B. Muthamma V Union of India*⁹, a provision in service rules requiring a female employee to obtain the permission of the Government in writing before her marriage is solemnized and denying her the right to be promoted on the ground that the candidate was married woman, was held to be discriminatory against woman and hence unconstitutional. However, the Court made it clear that "it does not mean that the men and women are equal in all occupations and in all situations and do not exclude the need to pragmatise where the requirements of particular employment, the sensitivities of sex or the peculiarities of social sectors of the handicaps of either sex may compel selectivity. But save where the differentiation is demonstrable, the rule of equality must govern".

In *Air India V Nargesh Mirza*¹⁰, the Supreme Court struck down the provision of rules which stipulated termination of service of an air hostess on her first pregnancy and the retirement and the option of Managing Director, as it arbitrary and abhorrent to the notions of a civilized society.

In *Pratibha Rani V Suraj Kumar*¹¹ the Supreme Court held that the **stridhan** property of married women has to be placed in her custody, and she enjoys complete control over it. The mere fact she is living with her husband and using the dowry items jointly does not make any difference and affect her right of absolute ownership over them.

⁸ AIR 2003 SSC 3309

⁹ AIR 1979 SC 1868

¹⁰ AIR 1981 SC 1829

¹¹ AIR 1985 628

In *Gita Hariharan V Reserve Bank of India*, in this case the Court interpreted section 6 of the Hindu Minority and Guardianship Act 1956 and held that the mother could act as the natural guardian of the minor during the father's lifetime if the father was not in charge of the affairs of the minor.

In *Surjit Singh Thind V Kanwaljit Kaur*¹², the Punjab and Haryana High Court has held that allowing medical examination of a woman for her virginity amounts to violation of her right to privacy and personal liberty enshrined under Article 21 of the Constitution.

In landmark judgment in *Vishaka and others V State of Rajasthan*¹³, the Supreme Court held that sexual harassment of working women at her work place of an employment amounts to violation of rights of gender equality and right to life and liberty which is clear violation of Article 14, 15 and 21 of the Constitution. The Court further observed that the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facts of gender equality including prevention of sexual harassment or abuse. Further Supreme Court in this case said that, as there is no law relating to sexual harassment in India, therefore the provisions of International Conventions and norms are to be taken into consideration, and issued certain guidelines to be observed at all work places or other institutions, until a legislation is enacted for the purpose. The same was also retreated in *Medha Kotwal Lele V. U.O.I.*¹⁴ to ensure safe work environment for women.

Similarly court in *Sheela Barse V State of Maharashtra*¹⁵ dealt with the issue of mistreatment of women in police station and court laid down various guidelines for the protection of rights of women in custodial and correctional institutions.

In *Apparel Export Promotion Council V A.K. Chopra*¹⁶, again Supreme Court reiterated Vishka ruling and said that attempts of sexual harassment of female results in violation of fundamental rights to gender equality enshrined under Article 14 and 21 of the Constitution. The Court further stated that international instrument such as the convention on the Elimination of All Forms of Discrimination against Women and the Beijing

¹² AIR 2003 P&H 353

¹³ AIR 1997 SC 3011

¹⁴ 2015 (1) SCC 297

¹⁵ AIR 1983 SC 378

¹⁶ AIR 1999 SC 625

Declaration casts obligations on the state to take appropriate measures to prevent gender inequalities and protect the honour and dignity of women.

Recently the in the landmark judgment in *Shayara Bano V Union of India*¹⁷, the Supreme Court has objected and condemned the Oral Talaq in Muslim religion. Further the Court held that the Muslim practice of Triple Talaq unconstitutional, striking it down by 3:2 majority. The Supreme Court said Triple Talaq violates the fundamental right of Muslim women as it irrevocably ends marriage and is the basic tenets of Quran. The court pointed out that, 'The whole Quran expressly forbids a man to seek pretext for divorcing his wife, so long as she remains faithful and obedient to him'.

In *Sabarimala Temple Entry*¹⁸. A 4:1 majority held that the temple's practice of excluding women is unconstitutional. It held that the practice violated the fundamental right to freedom of religion - Article 25(1) - of female worshippers. It struck down Rule 3(b) of the Kerala Hindu Places of Public Worship Act as unconstitutional. Rule 3(b) allowed for Hindu denominations to exclude women from public places of worship, if the exclusion was based on 'custom'.

Apart from these cases numerous cases can be cited in which the Apex Court had given the judgments, helping to give a dignified status to the women, for example *Gaurav Jain V Union of India*¹⁹, *Delhi Domestic Working Women's Forum V Union of India*²⁰, *Bodhisathwa Gautam V Subhra Chakraborty*²¹.

VI ANALYSIS

Presently it is a harsh reality that women have been ill-treated in every society for ages and India is no exception. They are considered as an object of male sexual enjoyment and reproduction of children. They are discriminated at two levels, firstly they suffer because of their gender and secondly due to grinding poverty and on the basis of religion also. The vulnerability of the women as a class has nothing to do with their economic independence. The women have been a victim irrespective of her economic background. The rich and the poor

¹⁷ (2017) 9 SCC 1

¹⁸ *Indian Young Lawyers' Association V. State of Kerala*, <https://www.scobserver.in/court-case/sabrimala-temple-entry-case/plain-english-summary-of-judgment>

¹⁹ AIR 1990 SC 292

²⁰ (1995) 1 SCC 14

²¹ (1996) 1 SCC 490

alike are the victims of social barriers and disadvantages of varying kinds. Women are deprived of economic resources and are dependent on men for their living. Women works are often confined to domestic sphere, she had to do all house hold works, which are not recognized and unpaid. In modern times many women are coming out to work but have to shoulder the double responsibility. Moreover, she is last to be considered and first to be fired as she is considered to be less productive than her counterpart. Her general status in the family and in the society has been low and unrecognized.

In most families, women do not own any property in their own names and do not get a share of parental property. Due to weak enforcement of laws protecting those women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights²².

In nutshell from the cradle to grave, females are under the clutches of numerous evils acts as discriminations, oppressions, violence, within the family, at the work places and in the society. In this scenario we hardly say that in reality women are not at all having honorable status and dignity.

VII CONCLUSION

After independence the founder father of the nation, wanted to reform the society and were keen to establish an egalitarian society. But they didn't succeed. Many evils are still practiced on women such as bigamy, dowry demands are still on rise, and women are still harassed for dowry and oral Talaq. Malnutrition and illiteracy are growing at alarming rate, rape and molestation and honor killing etc. have become daily phenomenon, and moreover still she is still treated as commodity.

In spite of having so many enactments dealing with women and judgments of the Apex Court protecting women, the conditions of women has not been improved and she still faces all types of atrocities, The legislature and judiciary somewhat fails to provide respect and dignity to women in society. In this scenario woman empowerment really appears to be a myth, though one may say that women entrepreneurs, scientists, doctors and the like have contributed in nation's development, but still there are many things yet to be done.

²² http://en.wikipedia.org/wiki/women_in_India

It is said that the law without the public opinion is nothing but a bundle of papers. The gap between the laws and

women cannot be bridged by just enacting laws without any public support and opinion.

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Constructive Role of Judiciary and Legislature in Data Protection Laws in India- An Overview

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Right to privacy is a developing right from ancient to modern or digital era. It is a right of an individual recognized and protected by the judiciary against the state. Under ancient Hindu law also the concept of privacy was confined. In the ancient and religious text of India, a well developed sense of privacy is evident.¹ The Arthashastra prohibits entry into another's house, without the owner's consent². In Islam also, peeping into other's houses is strictly prohibited³. Privacy is divisible into three components. a)Repose b) Sanctuary and c) Intimate decisions. Intimate decision is more dynamic privacy concept as compared to repose and sanctuary⁴.

The concept of right to privacy has been protected under various international conventions too. Universal Declaration of Human Rights popularly known as the Magna Charta towards the Human Rights development, laid down the concept of privacy under Art.12. It restricts an arbitrary interference with privacy, family, honor, reputation, and home. It also provides the right against such interference in the armory of mankind.

Article 17 of International Covenant on Civil and Political rights also safeguards the concept of right to privacy.

The European Convention on Human Rights under Article 8 co-related right to privacy in respect of private and family life of an individual but imposed reasonable restrictions like law, order, society, etc.

In India, judiciary is an important pillar in democratic process. To interpret the law which has been passed by the legislature is not only the function of the judiciary but it also acts as a guardian of the constitution. It not only administers justice but also protects rights of subjects or citizens of the country.

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1 K S Puttaswami v Union of India (W.P. No. 494 of 2012)

2 Koutilya's Arthshastra 189-90 (R. Shamshastri, trans., 1915)

3 A A Moududi, Human Rights in Islam 27 (1982)

4 Gary L. Burtwick, California Law Review Vol. 64 P1477

Judiciary administers justice as well as establishes new rules in the form of precedents, which binds the subordinate courts. In cases of constitutional conflicts between union and states, judiciary acts as custodian of the Constitution. Judicial Activism has greatly opinionated right to privacy within the region of fundamental rights. Under Article 141 of the Indian Constitution, 'the law declared by the Supreme Court shall be binding on all courts within the territory of India. The decisions of Supreme Court became the law of our land.

In various cases like, *M. P. Sharma v/s Satish Chandra* (AIR 1954 SC 300), *Kharak Singh v/s state of Uttar Pradesh* (AIR 1963 SC 1295), *Gobind v/s State of Madhya Pradesh* (AIR 1975 SC1378), the right to privacy was not recognized by the Supreme Court.

In *R. Rajgopal v/s State of Tamilnadu* (AIR, 1995 SC 264), first time in the history of the judiciary, the right to privacy was linked with the Art.21 of the Constitution.

In *PUCL v/s Union Of India* (AIR 1997 SC 568), known as phone tapping case, S.C. held that telephone tapping would be considered as the serious invasion of right to privacy.

In *Selvi v/s State of Karnataka* (AIR 2010 SC 1974), S. C. declared that BEAP tests, Narco - analysis test, the polygraph examinations involuntarily subjected, violates right to Privacy.

In *Mr. X v/s Hospital Z* (AIR 1995 SC 495), S. C. held that the revelation of HIV positive status is defensible under right to know concept and come within the purview of the right to privacy.

Recently, in *Justice K. S. Puttaswamy and Anr. v/s Union of India* and ors. (W.P.No.494of 2012), A landmark judgment delivered by a nine judge constitutional bench of Supreme Court that privacy is a fundamental right under Art. 21 of the Indian Constitution.

The concept of privacy now a days not only limited to the body and property of the individual but it widened its scope in digital age. Now it covers all aspects relating to Information Communication Technology. The concept information communication technologies includes all types of hardware, software devices like computers, databases, processing

units, spreadsheets, files, data, text, images, sound, voice, code, supportive systems to computers like scanners, digital cameras, etc. It also includes CCTV (close circuit television), television, landline phone, smart phones, radio, the internet, e-mail, video conferencing, etc.

To deal with the matters which have arisen in this techno savvy world relating to data security, legislature tried to find out solutions by drafting various bills but unfortunately it has not turn into particular and comprehensive legislation. Let's discuss the various bills which has been drafted by the legislature and for drafting those bills judiciary played crucial and constructive role.

The various amendments in Information Technology Act, 2000 (by way of Amendment Act, 2008); The Indian Penal Code, 1860 (by Criminal Law Amendment Act, 2013); The Indian Evidence Act, 1872 (by Criminal Law Amendment Act, 2013); are insufficient to tackle the problems which are tremendously increasing in Information and Communication Technologies in India.

If we traced the provisions in other existing laws to protect right to privacy we will get a number of provisions and sections but we are in need of better security safeguards like stringent and independent data protection laws for the whole country. Let's discuss some important provisions or codification of right to privacy and data protection under existing laws.

1. Information Technology Act,2000-

Sec.30- duties of certifying authorities to ensure the secrecy and privacy of the electronic signature.

Sec.43-Penalty and Compensation for damage to computer, computer system etc.

Sec.43A- Compensation for failure to protect data.

Sec. 66E- Punishment for violation of privacy.

Sec.72- Penalty for breach of confidentiality and privacy.

Sec.72A- Punishment for disclosure of information in breach of lawful contract.

2. The Indian Post Office Act, 1898-

- Sec.53- Penalty for opening, detaining or delaying postal articles.
- Sec.67- Penalty for detaining mails or opening mail bag.
- 3. Right to Information Act,2005-
 - Sec.8- Exemption from disclosure of Information.
 - Sec.11- Third party information
- 4. Indian Telegraph Act,1885
 - Sec.24- Unlawfully attempting to learning the contents of messages.
 - Sec.25- Intentionally damaging or tampering with telegraph.
- 5. The Adhaar Act,2016
 - Sec.28- Security and confidentiality of information.
 - Sec. 29- Restriction on sharing information.\
 - Sec.30- Biometric information deemed to be sensitive personal information.
 - Sec.37- penalty for disclosing identity information.
 - Sec.38- Penalty for unauthorized access to the Central Identities Data Repository.
 - Sec.40- Penalty for unauthorized use by requesting entity.
 - Sec.41- Penalty for non-compliance with intimation requirements.
- 6. The Evidence Act,1972
 - Sec.122- Communications during marriage.
 - Sec.126- Professional Communications.
 - Sec.129- Confidential Communications with legal advisers.
 - Sec. 131- Production of documents which another person, having possession could refuse to produce.
- 7. The Indian Penal Code, 1860-
 - Sec. 354C- Voyeurism
 - Sec.354D- Stalking

8. The Code of Criminal Procedure, 1973
Sec. 327- Court to be open.
9. The Protection of Children from Sexual Offences Act, 2012
Sec. 23- Procedure for media.
Sec. 33 – Procedure and powers of special Court for non disclosure of identity of child during course of investigation.
10. The State Bank Of India Act, 1955
Sec. 44- Obligation as to fidelity and secrecy.
11. Payment and Settlement Systems Act, 2007-
Sec. 22- Duty to keep documents in the payment system confidential.
12. The Census Act, 1948
Sec. 11- Penalties to census staff who removes secretes or destroys any census documents.
13. The Family Courts Act, 1984
Sec. 11- Proceedings to be held in camera.
14. The Easements Act, 1882-
The right to choose how to use and enjoy a given piece of land.
15. The Indian Telegraph Act, 1885-
Sec. 5(2)- Permissible grounds for the Government to order the interception of messages.

Above Acts mention various provisions regarding privacy and data protection. Government releases various privacy bills and Data Protection Bill to tackle the increasing problems relating to data and privacy. Let's have a look over these Bills-

1) The Privacy Bill, 2011

It includes various provisions concerning collection and processing of personal data, data quality, sensitive personal data, sharing or disclosure of personal data, security, notification of breach of security, mandatory

processing of data, updation of data, trans border flow of personal data, etc.

The bill of 2011 included following exceptions also,

1. Sovereignty, integrity and security of India
2. Prevention of public disorder
3. Preventing incitement to the commission of any offence
4. Protection of rights and freedom of others
5. Friendly relations
6. Any other purpose specifically mentioned in the Act.

This bill also mentioned certain categories which are not to be treated as denial of privacy.

1. Data processing for personal and household purpose
2. Data processing for Journalistic purpose
3. Installation of surveillance equipments for security of private premises.
4. Disclosure of information through Right to Information Act, 2005.
5. Any other activity exempted under the Act.

2) Report of Expert Committee Headed by Justice *Mr. A. P. Shah*, Former Chief Justice of Delhi High Court

In the year 2012, a comprehensive report has been submitted by the group of experts on Privacy constituted by the planning commission through Justice *Mr. A. P. Shah*, former Chief Justice of Delhi High Court. The expert committee examined the evolution of right to privacy as a fundamental right. Experts not only studied the concept as well as recommended a dedicated and committed legislation for data protection in India.

The expert committee suggested new privacy protection which ensures technological privacy and its application towards information whether it is in physical or digital form. Physical means bodily privacy like DNA and privacy against data protection, audio-video surveillance and

unauthorized interceptions. The committee also forwarded that the bill should apply to both Government and private sector. One important suggestion was made that the establishment of a office of privacy commissioner at Central and regional level is needed to deal with the data protection.

3. The Privacy Bill, 2014

In the year 2014, a new Bill of privacy was released by the Government. It recognizes right to privacy as a part and parcel of fundamental right. It includes various provisions like, collecting and processing of personal data, access to personal data, updating and retention of personal data, data quality, notice, choice, consent, collection limitation, access and correction, disclosure of information, security and most significant openness and accountability.

This Bill covered various circumstances on which authorization is not needed for collection and processing of sensitive personal data. i.e.,

1. Insurance policy of individual relating to the physical or mental health is collected and processed by insurance company.
2. Data collected and processed by Government intelligence agencies in the interest of Sovereignty, integrity, security or the economic, strategic, scientific interest of India.

This Bill penalizes offences with imprisonment and fine. It lists certain acts or instances which are not to be treated as deprivation of privacy.

1. The processing of data purely for personal or household purposes.
2. Disclosure of information under the right to Information Act 2005, and
3. Any other action specifically exempted under the Act.

4. Personal Data Protection Bill, 2018

The most awaited Personal Data Protection Bill, 2018 was released on 27th July 2018 with the report by the committee of experts under the Chairmanship of Justice *B. N. Shrikrishna*. The committee was constituted by the Ministry of Electronics and Information Technology, Government of India. The Bill has been founded on the principles of the General Data Protection Regulation which has been notified in the European Union and on landmark and historical judgment which declared

right to privacy as a fundamental right under Art. 21 of the Indian Constitution.⁵

The Bill widened the scope of sensitive personal data and included personal data concerning the password, health, financial, biometric, genetic data, sex life, sexual orientation, transgender, intersex status, official identifier, caste or tribe etc. Due to this, foreign and multinational companies would go through the higher compliance requirements under data protection laws in India.

The Bill stated concept of Critical personal data but neither has it been defined nor the guiding principles has been confirmed for its determination. The data which has been processed in a server or data center which has been located in India is known as critical personal data and it cannot be transferred to any country outside India.

The Bill provides some reforms which were needed like privacy by design, purpose and collection and storage limitation, privacy by design, transparency, security provisions, etc. Two new authorities have been created by the Bill, Data Protection Authority of India and Appellate Tribunal. Central Government has provided excessive power to issue directions to DPAI i.e. Data Protection Authority of India. Constitution, appointment, tenure, etc. is handed over to Central Government. Under Sec.43A of Information Technology Act, 2000 data protection is available. This new bill seeks to create a new and comprehensive data protection framework to the country.

The penal provisions in the Bill are non-bailable and it could be restricted in cases of sale of personal or sensitive personal data.

Right to Privacy is a critical fundamental right. From *Kharak Singh to Justice Puttaswami* case, Judiciary played a vital role to strengthen the right to privacy. After *Puttaswami* case, in various judgments Supreme court widened the scope of the right to privacy. In *Navtej Singh Johar and Ors. V Union of India*⁶, Supreme Court held that, sexual orientation of LGBT community is an intrinsic part of the right to privacy under Art.21

5 Justice K.S. Puttaswamy and Anr. v/s Union of India and ors. (W.P.No.494of2012)

6 AIR 2018 SC 4321

of Indian Constitution. In another judgment⁷ Justice Indu Malhotra focused on the constitutional values and expressed her views as, 'The right to privacy and personal liberty was, however, not an absolute one, it was subject to reasonable restrictions when legitimate public interest was involved. It was true that the boundaries of personal liberty are different to be identified in black and white. However, such liberty must accommodate public interest. The freedom to have a consensual sexual relationship outside marriage by a married person, did not warrant protection under Article 21⁸. 'In one case S. C. decided that,⁹ 'The choice of a partner within or outside marriage lies within the exclusive domain of each individual. Intimacies of marriage lie within a core zone of privacy, which is inviolable'. In another case, Central Public Information Officer, *Supreme Court v Subhash Chandra Agarwal*,¹⁰ while disposing the appeal justice *Sanjiv Khanna* expressed his views as, 'If One's right to know is absolute, then the same may invade another's right to privacy and breach of confidentiality, and therefore, the former right has to be harmonized with the need for personal privacy, confidentiality of information and effective governance'.¹¹

Various attempts have been made by legislature also to form new laws, amendments in existing laws and formation of various committees under the chairmanship of renowned judicial authorities. From Justice *A. P. Shah* to Justice *B. N. Shrikrishna* Committee Judicial representation did excellent and commendable work for strengthening the Concept of Right to Privacy and Data Protection Laws. But, unless and until there will be no dedicated, stringent and independent law relating to privacy and data protection the efforts of judiciary remain futile. In order to achieve the data protected realm, I would like to suggest some measures which will be helpful towards formation of dedicated data protection law.

1. Committed and stringent data protection law is the need of the hour. Only bills and drafts by experts are not sufficed to tackle the emerging threat of data privacy.

7 *Joseph Shine v Union of India*, AIR 2018 SC 4898

8 MANU/SC/1074/2018

9 *Shafin Jahan v Asokan K.M. and Ors.* MANU/SC/0340/2018

10 2019 SCC Online SC 1459

11 MANU/SC/1561/2019

2. The Data Protection Bill, 2018 requires some kind of issues which are not enlighten like, data localization, cross border data transfer, breach notification and right to erasure, etc.
3. Vigilance and awareness of public is needed at the time of furnishing data or information for any purpose.
4. Today's judiciary is not technically adequate. Establishment of separate E-judicial wing is necessary with technical and legal experts to handle the electronic data issues.
5. Awareness programs for masses are required to percolate concept of privacy as of right to the grass route level.

With all these efforts and with the help of dedicated law of privacy and data protection, we will definitely succeed to strengthen the right to privacy in India.

Law Relating to 'Traffic in Women' - National and International Perspective

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Abstract

Every human being, man or woman, is the creature of the nature and no one has authority to treat the other person as property or commodity so that claiming ownership & control on them. The evil of Traffic in person is recognized, by International Law, as one of the inhuman acts and it is also regarded as the violation of human rights. Particularly, women and children are the most affected classes of the society in this field. Since nearly 100 years back, from the inception of the League of Nations, attempts have been made by adopting conventions to prevent and suppress such inhuman acts. Our Constitution also guaranteed protection against such evil under Art. 23.

In spite of these measures at national and international level, this evil is still in existence in all over the world and increasing day by day on the large scale. It seems that the present legal system has failed to achieve its objectives. The reasons may be numerous. The present research paper will focus on the various laws relating to traffic in women at national and international level and try to find out the reasons for failure of these laws to achieve its objectives.

KEYWORDS: Traffic in women, International Law, Indian Law, etc.

Introduction

All human beings are born free and equal in dignity and rights. Human being, as a natural and social animal, has right to live his/her life with freely and with human dignified life. In twentieth century, the concept of human rights of individuals identified, recognized and developed at the international level. There are different groups in the society and one group dominates on the other group, for example, men and women, master and servant, rich and poor, strong and weak, major and minor, etc. There basic human rights have been violated frequently by their respective dominant section of the society.

Women are considered as one of the vulnerable classes of society has been always been dominated and discriminated by men class. In the male dominant societies, they have been exploited, mentally, physically, psychologically, sexually, and so, their basic human rights have been violating from the very beginning. In wider society, the movement towards gender equality began with the suffrage movement in western cultures in the late 19th Century, which sought to all women to vote and hold elected office.¹ The first Armenian Republic (1918-1920) was one of the first countries in the

¹ https://en.wikipedia.org/wiki/Gender_equality

world to give women the right to vote and to be elected to public office.² According to the National Crimes Records Bureau of India, incidents of crimes against women are committed every three minutes.

A social evil of Trafficking in person is one of the major issues of abuse of human rights committing generally around the world and women are mostly the victims of Trafficking in person. Hence, it is necessary to study the concept, the causes, consequences, etc. of trafficking in women. The present paper is dealt with the laws relating to trafficking in women from the International and Indian perspective.

Concept of 'Trafficking in Person'

Generally speaking, the term 'Trafficking in person' is the trading of person for the purposes of certain immoral and illegal practices like sexual slavery, or prostitution, or forced or compulsory labour, etc. Person means any human being of any tender age whether men, women or otherwise. Women and Children are mostly used for these purposes. Such evil practices find in all over the world and since long time ago. 'Trafficking in women' for sexual exploitation is an International, organized, criminal phenomenon that has grave consequences for the safety, welfare and human rights of its victims.³

Definition of 'Trafficking in Person'

In 2000, the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 1949, defines the term 'trafficking in persons' as follows:

*'Trafficking in persons' shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion of abduction, or fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.'*⁴

The Protocol further explains that 'the consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant or where the victim is a child or an otherwise considered as 'trafficking in person'.

The above definition has got International consensus and further adopted in number of regional instruments and domestic laws. In early International and domestic laws, trafficking was synonymously with prostitution. Later, it also extended to the smuggling of male or female migrants for economic gain. Thus, the term 'trafficking in

² <http://www.socialwatch.org/node/12059>

³ <https://www.wikigenger.org/wiki/trafficking-of-women>

⁴ Article 3 of the Palermo Protocol, 2000

women' may mean transportation, recruitment, etc. of women by any means, for the purposes of sexual or other exploitation.

Law relating to 'Trafficking in Women'

As stated earlier, trafficking in women is a criminal phenomenon, it required to be curbed by way of imposing deterrent punishments. It also became one of the international issues. Hence, International Law also attempted to prevent and punish such evils.

International Law perspective

Since last 100 years, various international organs, like League of Nations, International Labour Organization, United Nations, etc. have contributed for adopting various conventions and creating mandates upon State Parties for preventing and suppressing trafficking in persons. Earlier under the auspices of the League of Nations, two Conventions were adopted, *first*, International Convention for the Suppression of the Traffic in Women and Children, 1921, and *second*, International Convention for the Suppression of the Traffic in Women of Full Age, 1933 aimed at ending the white slave trade.

After the Second World War, the United Nations recognized certain purposes under Article 1 of the United Charter. Among various purposes, it mentions that it shall promote respect for 'Human Rights and Fundamental Freedoms'. It also mention this term in various other provisions of the Charter. In order to achieve this purpose, United Nations, through various Conventions and Protocols, tried its best to promote and protect human rights on one hand and to suppress and prevent certain inhuman and immoral practices existed in the World. Currently, under the UN system, following International instruments has been adopted by consolidating two Conventions to curb traffic in persons.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949

The Preamble states that the prostitution and accompanying evil of the traffic in persons for the purpose prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community. It adopted with respect to the suppression of the traffic in women and children.

In 2000, in order to combat trafficking, the General Assembly also adopted the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplementing the UN Convention against Transnational Organized Crime

It aims to prevent and combating trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking; and to promote cooperation among States Parties in order to meet those objectives.⁵ The

⁵ Adopted in 2000.

Convention came into force in July, 1951 and it had 74 State Parties as on February, 2002.

Apart from this substantive Convention, there are following various other related conventions adopted under the auspices of the UN.

UN Convention against Transnational Organized Crime

The purpose of this Convention is to promote cooperation to prevent and combat transnational organized crime more effectively.⁶

Some other relevant Conventions

- Protocol Against Smuggling of Migrants by Land, Sea and Air Supplementing the UN Convention Against Transnational Organized Crime;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;
- UN High Commissioner for Human Rights Principles and Guidelines on Human Right and Human Trafficking.

SAARC and Law relating to 'Traffic in Women'

At regional level, the SAARC has adopted two relevant conventions. These are: (i) *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002*, and (ii) *SAARC Convention on Regional Arrangements for promotion of Child Welfare in South Asia, 2002*.

There are number of other International instruments⁷ under the realm of Human Rights jurisprudence, apart from these above mentioned documents which are directly or indirectly adopted for the prevention and suppression of trafficking in person. This tries to create obligations upon the contracting parties to cooperate and adopt specifically in their domestic laws.

Laws relating to 'Trafficking in Women' in India

India has ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in January, 1973. But before ratifying this Convention, our **Indian Constitution** prohibits 'traffic in human being' under **Article 23(1)**. It recognized as one of the fundamental right of the person and thus everyone who is victim of traffic in person is entitled to protection under Part III of the Constitution. It also provides that any contravention of it is an offence punishable in accordance with the law.

⁶ Article 1

⁷ Conventions dealing with Slavery and slavery-like practices, employment and force labour, Women's Rights like CEDAW, International Bill of Human Rights, etc.

Previously, sections 366 and 374 of Indian Penal Code provides for punishments for trafficking. Moreover, a special legislation also enacted in 1956 known as the **Suppression of Immoral Traffic in Women and Girls Act (SITA)**. It prevents sexual exploitation for commercial purposes.

In order to give effect to the International Convention, India has enacted the **Immoral Traffic (Prevention) Act, 1987 (ITPA)**. The purpose of this Act was to eliminate trafficking woman and children for the purpose of Prostitution as an organized means of living. It recognized various offences under sections 3 to 9 of the Act in relation to trafficking in person.

Apart from these, there are many relevant provisions under various other laws in India dealing, directly or indirectly, with the trafficking in women.⁸

Present Scenario

In spite of measures taken for suppressing such evil of trafficking in women through various laws at national, regional and international level, the issue of trafficking is increasing day by day in all over the world. It has been estimated that more than two million people World-wide are being trafficked each year, the majority of whom are women and children and at least 7000 girls are trafficked into India from Nepal for the purposes of brothels in metros, slavery or slave like work.⁹ Around 80% of the human trafficking across the world is done for sexual exploitation and the rest is for bonded labour. India is considered as the hub of this crime in Asia.¹⁰

In a Report of 2016 from UN Office on Drugs and Crime (UNODC), it has stated that the vast majority of all human trafficking victims - some 71 per cent - are women and girls and one third of total victims are children. According to the UNODC Executive Director, Yury Dedotov, "Trafficking for sexual exploitation and for force labour remain the most prominently detected forms, but victims are also being trafficked to be used as beggars, for forced or sham marriages, benefit fraud, or production of pornography".¹¹ The above data has been collected from 155 countries in the world in 2016.

In India, 8132 cases were reported in 2016 across the country compared to 6877 cases in 2015. West Bengal ranked topped in the list where 3579 cases accounting for 44 per cent of total cases. Rajasthan reported second in the list with 1422 (17.5%) cases, followed by Gujarat (548), Maharashtra (517) and Tamil Nadu (434).¹²

⁸ Relevant Laws like, *Bonded Labour System (Adoption) Act, 1976, The Child Labour (Prohibition & Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, Prohibition of Child Marriage Act, 2006, and the recent one the Protection of Children from Sexual Offences (POCSO) Act, 2012, etc.*

⁹ Dr. H. O. Agarwal, *International Law & Human Rights*, 15th Edition, Central Law Publications

¹⁰ Human Trafficking in India: Legal Protection against Human Trafficking in India - By LAWNN.com, March 18, 2018

¹¹ <https://news.un.org/en/story/2016/12/548302>

¹² <https://www.hindustantimes.com/india-news>

Conclusion

In spite of various measures taken through laws relating to 'trafficking in person' at national and international level, this evil is still in existence in all over the world and increasing day by day on the large scale. It seems that the present legal system has failed to achieve its objectives. The reasons may be numerous. The trafficking is becoming serious concern even after 70 years of adoption of the Convention at International level and Constitutional guarantee and statutory provisions in India. Despite of these measures, it is increasing tremendously in traditional forms as well as extended in various advanced technological forms through computers, mobiles, internet or digital and social media. The modern issues relating to trafficking in women would also include the issues of pornography, dance bars, pre-natal diagnosis and female Infanticide, surrogacy, live-in-relationship, sexual relation for promise of marriage, recent exposures on "Me too" website, etc.

Human trafficking is considered the third largest organized crime globally.¹³ There may be various causes of human trafficking in India, based on social structure, such as poverty, unemployment, gender discrimination, male dominant society, lack of effective implementation of the laws, etc. Apart from these, there may be various other causes, for increasing trafficking in person, arising from human nature, like greediness, selfishness, egoistic nature of human being, impatience, etc.

In order to prevent this social evil of trafficking in women, many efforts have to be taken at different levels, local to global. Proper, effective and efficient implementation of the existing laws at national level may be the most suitable measure to combat this issue. Punishment for such offences should be severe. Apart from these, various other appropriate measures may also be adopted such as, making awareness of various women's rights, sincere efforts by NGOs providing assistance to helpless and needy women, enhancing educational standards among people, increasing moral and value education, changing attitude towards women, etc. and at International and regional levels, measures like ratification of relevant conventions by all nations and abiding those mandates, accepting principles of International cooperation and friendly relations among nations, etc. should be adopted.

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15. Globalisation and Green Revolution

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Mahila Mahavidyalaya, Karad.

Introduction

India is primarily an agricultural economy. Around 50% of India's work force is involved in agricultural activities that contribute majority to its economy. Agriculture does not just mean growing and selling of crops but also involves poultry, fishing, cattle-rearing and animal husbandry among other similar activities. People in India earn their livelihood by indulging in many of these activities. These activities are vital for our economy.

The industrial sector comes next. Many industries have surfaced in our country ever since the industrial revolution. The industrial sector has especially seen a boom in the last few decades. We have large scale industries such as iron and steel, cement, chemical, sugar and ship building industry that contribute a great deal to the country's economy. We also have small scale industries such as cloth, plastic, jute, paper, food processing and toy industry. Our small scale industries also give a good boost to the economy.

Apart from this, we have service sector which is another contributor to the Indian economy. This sector includes the banking sector, hotel industry, telecom sector, insurance sector, transport sector and many more. Professionals such as engineers, doctors and teachers also come under this sector.

Objectives of the Study

1. To study the concept of Globalization and Green Revolution
2. To study the impact of Globalization on Agriculture Sector

Research Methodology

The data required for this paper is mainly based on Secondary Sources like Internet, Magazines Reference Books, etc.

Green Revolution

During the mid-sixties Indian agricultural scientists developed a number of new high yielding varieties of wheat by processing wheat seeds imported from Mexico. These varieties were having production potentialities of 60-65 quintals per hectare. A similar improvement in

variety of rice was also observed which ensured India's self-dependence in food grains. American scientist Dr. William Gande termed it as "Green Revolution". The credit for it goes to the Nobel Laureate Dr. Norman Borlaug and also to Dr. M.S. Swaminathan.

The Green Revolution was based on new technology, the core of which consists of seeds drawn from researchers in laboratories, inorganic fertilizers like chemical fertilizers, adequate and controlled water supply, pesticides, etc. It has been both qualitative as is resulted in modernization of agriculture and quantitative as it resulted in increase in the production and productivity of Indian Agriculture.

Dr. M. S. Swaminathan gave a call for "Evergreen Revolution" for doubling the present production level of food grains. He stressed on adopting best scientific techniques and promoting organic farming. He also mentioned certain fair pre-requisites for getting success like- i) Promoting soil health, ii) promoting 'lab to land' exhibitions, iii) making rainwater harvesting compulsory and iv) providing credit to farmers on suitable conditions.

Components of Green Revolution

The 12 components of Green Revolution are as follows-

1. High yielding varieties of seeds (HYV)
2. Irrigation – surface and ground
3. Use of fertilizers
4. Use of insecticides and pesticides
5. Command Area Development
6. Land Reforms
7. Consolidation of holding
8. Supply of Agricultural Credit
9. Rural Electrification
10. Rural roads and marketing
11. Farm modernization
12. Agriculture Universities

Impact of Green Revolution

1. Boost to the production of cereals
2. Increase in the production of commercial crops
3. Boost to agricultural production and employment

4. Regional inequalities
5. Unwanted social consequences
6. Changes in attitudes
7. Employment
8. Forward and backward linkages.
9. Food security.
10. Development of industries.
11. Over all growth of the economy.
12. Prosperity of farmers.

Second Green Revolution for India

While the first Green revolution achieved many successes there were also many flaws in its strategy, which were not envisaged at that time. These flaws include negative impact on environment and health due to excessive use of fertilizers and pesticides, depletion of soil nutrients, depletion of water resources including ground water, higher costs of inputs etc.

Certain other conditions have also emerged after the first Green Revolution which are having a negative impact on Agriculture like, land constraints due to diversion of land to other economic areas, climate change, diversion of crops to bio diesel, fragmentation of land holding making farming unviable for these reasons and to ensure the food security of the country. There is a need for a second Green Revolution in the country which would address all these problems.

Second Green Revolution will consist of a number of different programmes working towards the same goals.

1. Increasing crop yields in Eastern States.
2. Organic farming.
3. Contract farming.
4. Investing in research to drought proof crops as well as to tackle climate change.
5. Investing in supply chain and cold chains.
6. Encouraging private investments through tax law amendments.
7. Use of plant breeding and biotechnology.
8. Rain water harvesting and water shade development.
9. Improving credit availability.
10. Refocusing on land reforms.

11. Improving soil quality and redeeming degraded land.

Evergreen Revolution

The concept was given by renowned agricultural scientist Dr. M. S. Swaminathan. Evergreen Revolution emphasizes an organic agriculture and green agriculture with the help of integrated nutrient supply and integrated pest management. The core of the Ever green Revolution is sustainability

Bringing Green Revolution to Eastern India., initiated in 2010-2011 intends to address the constraints limiting the productivity of Rice based cropping system in Eastern India comprising seven states, viz., Asam, Bihar, Jharkhand, Odisha, Eastern Uttar Pradesh and West Bangal.

Concept of Globalization

"Globalization" represents one of the aspects of the new economic policy launched in the decades of 1980 and 1990s. The new economic policy has also made the economy outwardly attended such that its activities are now to be governed both by the domestic market and the world market, this will mean unification or integration of the domestic economy with the world economy. The measures taken by the Government of India added momentum to this progress.

In the first half of the 20th century, the process of industrialization, urbanization and modernization were considered to be significant while at the fag end of the same century the processes of computerization, liberalization, privatization and globalization became the most fashionable ones. Particularly since 1990s, the issue of "globalization" has become the most crucial one and almost every nation is directly or indirectly influenced by it.

Definition

"Globalization of production refers to the integration of economic activities by units of private capital on a world scale."

Main Reasons that Have Caused Globalization

1. Growth of multinational companies with a global presence in many different economies.
2. Growth of global media
3. Improved transportation, making global travel easier. eg- there has been a rapid growth in Air travel, enabling greater movement of people and goods across the globe.

4. Containerization—From 1970, there was a rapid adoption of the steel transport containers, which reduced the costs of inter-modal transport, making trade cheaper and more efficient.
5. Improved technology which makes it easier to communicate and share information around the world. For eg. Use of Internet.
6. Growth of Global trading blocks which have reduced national barriers. For eg. European Union, NAFTA, ASEAN.
7. Reduced tariff barriers have encouraged global trade and this is possible through the support of the 'WTO'.
8. Firms exploiting gains from economies of scale to gain increased specialization. This is an essential feature of new Trade theory.
9. The nature of Global Trade Cycle has led to economic growth. This means countries are increasingly interconnected.
10. Financial system is increasingly global in nature. When US banks suffered losses due to the sub prime mortgage crisis, it affected all major banks in other countries who had bought financial derivatives from US banks and mortgage companies.
11. Due to increased mobility of labour people are more willing to move between different countries in search for work.
12. Global trade remittances now play a large role in transfers from developed countries to developing countries.

Effects of Globalization on Agricultural Sector

1. The study of effects of globalization would be incomplete without considering its impact on the most important sector of the economy. The agricultural sector is known to be the backbone of the Indian economy with an employment of 70% of the population in various agricultural, horticultural and allied activities. Its contribution to the gross domestic product however has been declining steadily over the past decades due to low productivity. Currently it contributes 18% to the GDP and 10% export earnings of India.
2. Indian agriculture has suffered adversely due to the impact of globalization. The agricultural land has been taken or encroached for development of industries because of globalization, the competition in agriculture sector has increased. India has got many

- high earning agricultural products patent approved from 'WTO' (like –basmati rice, turmeric etc) and that's why you need to pay government for their production.
3. FDI was introduced in Industrial and service sector but agriculture sector was kept protected and hence capital formation in agricultural is negligible.
 4. Green revolution was introduced but it was limited only to Punjab and Haryana
 5. Western UP other areas which are dependent on agriculture are still backward and monsoon dependent.
 6. Despite being an important producer of rice, cotton, rubber, tea, coffee, jute and spices our agricultural products are not able to compete with the developed countries because of the highly subsidized agriculture in those countries.
 7. A few economists think that Indian farmers have a bleak future if they continue growing foodgrains on the holdings that grow smaller and smaller as the production rises.
 8. Indian farmers should diversify their cropping pattern from cereals to high value crops. This will increase incomes and reduce environmental degradation simultaneously. Because fruits, medicinal herbs, flowers, vegetable, bio-diesel crops like jatropha and jajoba need much less irrigation than rice or sugarcane. India's diverse climate can be harnessed to grow a wide range of high value crops.
 9. Today, Indian agriculture finds itself at the crossroads. To make agriculture successful and profitable, proper thrust should be given to the improvement of the conditions of marginal and small farmers.

Outcome Derived by the Impact of Globalization

Positive Outcome

- New techniques are adopted in Agricultural sector.
- Increase in productivity in agricultural sector.
- Minimum usage of fertilizer, pesticides and water.
- Establishment of food processing industries helped to increase in employment.
- Fruits, nuts, vegetables which were first imported from foreign countries are now produced at our places and exported which in turn increased foreign exchange.
- Research and Development helped to acquire position in world agriculture market.

- Minimum wastage of grains, fruits, vegetables due to adoption of advanced techniques from developed countries.
- Economic impact of Globalization enabled greater access to technological advancements in agriculture, including high yield varieties, genetically modified crops and micro irrigation techniques.
- Globalization has increased foreign investment in the agricultural sector like contract farming; cold storage and food processing have helped farmers.
- Access to foreign markets has greatly boosted Indian Agricultural Exports.
- Globalization has improved food productivity and production and helped transform rural agrarian societies. It has empowered the farmers to understand reach out and compete in global markets.
- The new technologies especially in irrigation helped in addressing rural water stress and keeping agriculture viable.
- Promotion of Indian produce through GI tags and organic foods.

Negative outcome

- Less manpower in the field
- High cost of products
- Gap between rich and poor farmers has widened.
- Economic impact on globalization of Multinational companies captured the Indian markets making farmers dependent on the expensive high yield seeds and fertilizers.
- The competition from cheaper imports pushed down the prices of crops like cotton, wheat etc. making agriculture unsustainable for many farmers.
- Attraction of global market resulted in farmers shifting from traditional or mixed cropping to unsustainable cropping practices.
- Unsustainable agricultural practices post-globalization and the inability to compete against cheaper imports contributed to distress migration of rural farmers destroying rural agrarian societies and traditional family structures.
- The dependency for seeds of Indian farmers on multinational company's resulted in farmers losing touch with indigenous seeds and farming method.
- Globalization has caused change in food habits with increased consumption of proteins, sugars, fats causing increase in lifestyle diseases.

Conclusion

Globalization aims at integrating national economy with that of the world. Increased free and open International trade, foreign investment, and technology exchange etc. are all integral to the globalized world. Globalization had a significant impact on Indian agriculture in many good and bad ways. Globalization and Green Revolution has brought in enhanced changes like increased agricultural production, increase in employment opportunities, rise in India's export & import, economic growth and development of agricultural sectors.

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