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“A right of an Advocate to appear for a party and to practise in the courts is coupled with the duty to remain present in the court at the time of hearing, and to participate and conduct the proceedings diligently, sincerely, honestly and to the best of his ability. Rights and duties are two sides of the same coin, and they are inherently connected with each other.”

Bela M. Trivedi, J. in

Supreme Court Bar Assn. v. State of Uttar Pradesh,

(2025) 6 SCC 447, Para 19

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GLOBAL TRADE AND SHIPPING OF COUNTERFEIT GOODS:

CONTRIBUTION OF DIGITAL PLATFORMS AND EXPRESS SERVICES

- Subhradeep Saha* & Dr Ankit Awasthi**

Abstract

A market, not necessarily a physical location, is where the buyer and seller meet to exchange goods or services for money. Traditionally, a market has always been a physical location; however, with the advent of digital trade platforms, such as Amazon, Wish, Alibaba, etc, which function at a global level, the term ‘market’ is no longer restricted to a physical location, rather has also stretched to cyberspace, making it easier and more convenient for the buyers and sellers to meet. Just as expanding the ‘market’ to cyberspace has increased trade activity, such a rise in trade is also consistent with growing counterfeit trade. Global counterfeit trade has successfully adapted to the digital marketplace. The author has highlighted the role of e-commerce platforms in facilitating counterfeit trade. The author has also shown how counterfeit traders have shifted from selling non-deceptive counterfeit products to deceptive counterfeit products by employing certain methods that deceive the online purchaser. Further, counterfeit traders have taken advantage of small shipments to ship their products, instead of shipping fake goods in large shipments. This minimises the risk of seizure of those shipments by customs authorities. The author has established how small-scale shipping for products purchased from online retailers is making counterfeit shipments almost undetectable by customs authorities. The paper also highlights the flaws in international regulations and enforcement, along with the role played by free trade zones, which facilitate the smooth shipment of counterfeit products.

Keywords: E-commerce, Fake Goods, Counterfeit Trade, Free Trade Zones and Small-Scale Shipping.

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INTRODUCTION

E-commerce platforms have revolutionised the concept of a ‘marketplace’. A market is no longer a physical location where buyers and sellers meet. In the modern context, with the advent of e-commerce platforms, the market, whether a physical location or a digital platform, is where the buyer and seller meet to conduct business. Such e-commerce platforms have made it significantly easier for consumers to get in touch with the sellers and purchase their desired products online. According to the data presented by the U.S. Department of Commerce, e-commerce retail sales accounted for USD 3,00,226 million, which is approximately 16.2% of all retail sales conducted within the first quarter of 2025.¹

The growth of retail sales through e-commerce platforms is consistent with the growth of the counterfeit trade. Even though counterfeit trade has existed prior to the emergence of e-commerce platforms and digital trade, such e-commerce platforms have provided a more viable and low-risk method of conducting such trade. Given that counterfeit trade is a criminal activity, counterfeit traders have to use deceptive techniques to ship their products from one place to another. Counterfeits are shipped by land, sea, and air, in large as well as small volumes. While shipping large volumes of such goods is more desirable for these traders for profit (lesser cost involved), shipping these goods in smaller volumes helps traders evade detection of these goods while importing them into the country.

What is counterfeiting of goods?

Counterfeit goods are essentially products that are manufactured by infringing intellectual property rights. The most common form of counterfeit goods is trademark infringement. Here, the manufacturer of such goods falsely applies the trademark² to said goods, without the assent of the proprietor of the trademark, for the purpose of imitating the original goods and deceiving the consumer so that they purchase the fake products instead of the original products. On the other hand, another common form of counterfeit product is copyright-infringed goods, such as pirated physical copies of any form of ‘work’.³

¹ US Census Bureau, “Monthly Retail Trade - Quarterly Retail E-Commerce Sales Report” available at: <https://www.census.gov/retail/ecommerce.html> (last visited on: October 3, 2025).

² The Trademarks Act, 1999, sec. 102(2).

³ The Copyright Act, 1957, sec. 2(y). See also, The Berne Convention for the Protection of Literary and Artistic Works, 1886, art. 2 (1).

Counterfeit goods cannot be manufactured in all areas, and therefore, these goods are produced predominantly in certain countries and are then shipped globally. South Asian countries like China, Hong Kong (China), Vietnam, and Thailand are infamous for producing counterfeit goods and shipping them globally. Their biggest consumers are the EU and the United States of America. In the year 2013, imports of counterfeits and other pirated products into the European Union amounted to USD 116 billion, that is, 5.1% of all EU imports.⁴

In the pre-digital era, counterfeit traders used physical markets to sell such illicit goods, such as street vendors, flea markets, and other open-air markets. Here, word of mouth and other informal community networks played an important role in the local promotion and distribution of these goods. However, with the advent of the internet and digital platforms of trade, counterfeit traders got the freedom to list illicit goods as genuine products online, thus deceiving the consumer into buying said products. The consumer has no way of knowing whether he or she is purchasing a counterfeit product. This highlights the role played by e-commerce platforms as intermediaries in facilitating counterfeit trade.

As mentioned above, South Asian countries like China, Thailand, Vietnam, etc., are the biggest manufacturers of counterfeit goods. Traders from such countries use e-commerce platforms like ‘shopee.com’, ‘wish.com’, ‘alibaba.com’, etc. Counterfeeters open several seller accounts on these platforms; hence, when one account is shut down, the other remains functional, and the counterfeit traders are able to continue to carry out trade.⁵ Using e-commerce platforms such as the ones mentioned above enables the counterfeit traders to get in touch with the consumers directly. This allows them to use postal services and small parcels to ship counterfeit products directly to the consumer. Counterfeit traders use this administrative loophole to ship small parcels directly to customers from across the border. Statistics suggest that even if one parcel is withheld at customs, numerous others successfully reach their destinations. Therefore, the role of postal services and shipping companies is paramount in facilitating counterfeit trade in the digital era. Between the years 2011 and 2013, 63% of the total number of customs seizures of counterfeits and pirated goods

⁴ “Trade in Counterfeit and Pirated Goods,” *OECD*, 2016 available at: https://www.oecd.org/en/publications/trade-in-counterfeit-and-pirated-goods_9789264252653-en.html (last visited on: October 3, 2025).

⁵ “The Digital Dilemma’ by Ani Khachatryan,” available at: <https://digitalcommons.lmu.edu/elr/vol43/iss3/2/> (last visited on: October 3, 2025).

worldwide used postal services and courier routes.⁶ National postal services have traditionally enjoyed a monopoly in handling the movements of letters and parcels within a nation as well as across borders for many years. That being said, since market liberalization, that monopoly does not exist anymore. Private postal and courier services promise faster and more discreet shipment. This allows counterfeit traders to securely ship their products directly to the consumer who has purchased the said product through an e-commerce platform.

Shipping goods in smaller quantities reduces the risk of seizure, and the loss incurred on seizure is negligible because if a solitary shipment is seized hundred other shipments pass the customs check without being seized. This raises an important question concerning the role played by private postal and courier services in facilitating counterfeit trade across international borders. Further, the effectiveness of the techniques and methods used by customs authorities across the globe to detect such shipments is another issue that shall be dealt with in this paper.

The author deals with the role played by private postal and courier services and e-commerce platforms in facilitating cross-border counterfeit trade and the effectiveness of customs authorities in detecting those shipments.

LITERATURE REVIEW

According to Kennedy, counterfeiting has been around for several centuries; the internet and e-commerce platforms have led to significant shifts in the ways in which counterfeiting is committed. He explains that the internet has significantly reduced barriers to entry for counterfeit traders into the market and has allowed them to utilise legitimate trade and commerce in ways that were previously not possible, to carry out illicit trade.⁷

Benson and Simpson used the term “veils of legitimacy” to describe the ways in which counterfeit traders use legitimate business activities to mask the illicit counterfeit products

⁶ “Misuse of Small Parcels for Trade in Counterfeit Goods,” *OECD*, 2018 available at: https://www.oecd.org/en/publications/misuse-of-small-parcels-for-trade-in-counterfeit-goods_9789264307858-en.html (last visited on: October 3, 2025).

⁷ Jay P. Kennedy, “Counterfeit Products Online” *The Palgrave Handbook of International Cybercrime and Cyberdeviance* 1-24 (Springer International Publishing, Cham, 2019).

listed on e-commerce platforms.⁸ In support of this theory, Nguyen states that counterfeit traders build concerted ignorance claims by purposefully hiding behind legitimate business practices and legitimate business advertising. For example, it is quite common for counterfeit traders to steal legitimate images of original products and then use those images while listing counterfeit products in order to mask the fact that the listed product is, in fact, a counterfeit and not the original, thus deceiving the consumer.⁹ Further, Kennedy comments that every time counterfeit goods pass through the hands of a legitimate entity, such as a shipping company, an e-commerce platform, or a retail establishment, they gain “veils of legitimacy” because consumers rightly assign legitimacy to a product based upon where and how it was sold.¹⁰

According to the International Trademark Association (hereinafter mentioned as ITA), backed by Little, counterfeit traders use digital means, including e-commerce platforms, social media sites, and emails, to advertise their products directly to the consumer.

In a study published by the OECD, based on data for 2019, counterfeit trade and pirated products amounted to approximately USD 464 billion that year. Further, this study provides that imports of counterfeit products into the EU in 2019 amounted to approximately EUR 119 billion, which represents 5.8% of all EU imports.¹¹ In a previous study based on data from the year 2016, the volume of international trade in counterfeit products was approximately USD 509 billion.¹²

According to a press release by the OECD, counterfeit goods accounted for an estimated USD 467 billion globally in the year 2021 alone.¹³ This figure is a conclusion of a study

⁸ Michael L. Benson and Sally S. Simpson, *Understanding White-Collar Crime: An Opportunity Perspective*, (Routledge, New York, 2nd edn, 2014).

⁹ “Stolen Artwork Is All Over Amazon - And Independent Artists Want The Company To Do Something About It,” available at: https://www.buzzfeednews.com/article/nicolenguyen/amazon-counterfeit-art-sellers-fakes-copyright-infringement?utm_source=dynamic&utm_campaign=bfsharecopy (last visited on: October 3, 2025).

¹⁰ *Supra* note 7.

¹¹ “Global Trade in Fakes,” *OECD*, 2021 available at: https://www.oecd.org/en/publications/global-trade-in-fakes_74c81154-en.html (last visited on: October 3, 2025).

¹² “Trends in Trade in Counterfeit and Pirated Goods,” *OECD*, 2019 available at: https://www.oecd.org/en/publications/trends-in-trade-in-counterfeit-and-pirated-goods_g2g9f533-en.html (last visited on: October 3, 2025).

¹³ “Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property,” 2025 available at: <https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html> (last visited on: October 3, 2025).

conducted by the OECD and the European Union Intellectual Property Office (hereinafter mentioned as EUIPO). It was found that the value of imports of counterfeit goods into the European Union (hereinafter mentioned as EU) was estimated to be around EUR 99 billion, which accounted for 4.7% of EU imports from the rest of the world in 2021. China and Hong Kong are the main provenance economies of counterfeit goods, followed by Turkiye.¹⁴

OECD states that, based on data from the year 2005, the global estimated value of counterfeit and pirated goods accounted for approximately USD 200 billion, which is about 2% of global trade.¹⁵

According to OECD-EUIPO, “*the trade routes of fakes are very complex. Counterfeit traders tend to ship counterfeit goods via multiple intermediary points. The transit points facilitate falsification of documents in ways that camouflage the original point of departure, establish distribution centres for counterfeit and pirated goods, and repackage or re-label goods. Additionally, while imports of counterfeit goods are, in most cases, targeted by local enforcement authorities, goods in transit are often not within their scope. This means that they are less likely to be intercepted.*”¹⁶

OECD-EUIPO explains why trade routes for shipping counterfeit goods are more complex. Firstly, there are many ports that are not directly connected to one shipping line. Hence, many shipments need to be broken down and shipped separately. Further, a change in the mode of transportation during the journey is another reason why counterfeit traders ship their products via such complex routes. This complexity is used to escape law enforcement, such as customs authorities. The in-transit operations, as explained above, are conducted in Free Trade Zones (hereinafter mentioned as FTZ). These are specialized economic zones created by the government in order to stimulate foreign direct investment and exports. FTZs are designated areas that lie outside the customs jurisdiction of the concerned country.¹⁷

¹⁴ “Mapping Global Trade in Fakes 2025” OECD and European Union Intellectual Property Office, 2025.

¹⁵ “The Economic Impact of Counterfeiting and Piracy,” *OECD*, 2008 available at: https://www.oecd.org/en/publications/the-economic-impact-of-counterfeiting-and-piracy_9789264045521-en.html (last visited on: October 3, 2025).

¹⁶ *Supra* note 12.

¹⁷ “Mapping the Real Routes of Trade in Fake Goods,” *OECD*, 2017 available at: https://www.oecd.org/en/publications/mapping-the-real-routes-of-trade-in-fake-goods_9789264278349-en.html (last visited on: October 3, 2025).

FIAS reports, “*62% of the 2,301 zones in developing and transition countries, analyzed in the year 2008, were developed and operated by the private sector. The rise in the role of the private sector reflects the fact that developers can profitably operate such facilities. This, in turn, eliminates the burden of maintaining and regulating such zones from the government's shoulders.*”¹⁸ Further, WCO states that FTZs facilitate counterfeit traders in obscuring the real origin of cargoes, manipulating counterfeit product information, etc.¹⁹

Illicit goods can be shipped independently, separate from the licit goods. However, they can also be imported into the country by mixing them with licit goods. When shipped separately, larger volumes of these goods can be imported; however, such imports can also be easily detected. On the other hand, when mixed with licit goods, illicit goods are very difficult to detect.²⁰

OECD-EUIPO states, “*many global customs seizures of IP-infringing goods (or counterfeit goods) occurred through small parcels, that is, through postal or courier routes. From the year 2011 to 2013, approximately 63% of the customs seizures of counterfeit and pirated goods worldwide were shipped via mail (i.e., via postal and courier routes), then increasing to 69% from the year 2014 to 2016.*”²¹

Furthermore, OECD-EUIPO states, “*in terms of the number of global customs seizures indicates that the size of shipments seized in mail or express, or other forms of small parcels tends to be very small... (Based on data between the years 2011 to 2013), 53% of the customs seizures of small parcels had only one item, 26% of them had two to ten items, and 21% had more than ten items.*”²²

As per OECD-EUIPO, the number of FTZs within an economy is correlated with the value of its exports of counterfeit products. However, there isn't necessarily a direct link between the two. For instance, a country like the USA has a large number of FTZs; however, the export of

¹⁸ Akinci James Gokhan, Crittle, “Special economic zone: performance, lessons learned, and implication for zone development” *World Bank available at:* <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/343901468330977533> (last visited on: October 3, 2025).

¹⁹ ‘World Customs Organization, Illicit Trade Report 2014’ *available at:* <https://www.wcoomd.org/en/topics/enforcement-and-compliance/resources/publications.aspx>, (last visited on: October 3, 2025).

²⁰ Thorsten Staake, Frédéric Thiesse and Elgar Fleisch, “The emergence of counterfeit trade: a literature review,” 43 *European Journal of Marketing* 320-49 (2009).

²¹ *Supra* note 12.

²² *Supra* note 12.

counterfeit products from these FTZs is essentially non-existent. The report further states that sound compliance and strict oversight systems prevent trade in illicit goods from happening. That being said, the case of the USA is a unique one. There is a pattern that depicts that the economies with more FTZs are prone to large exports of counterfeit products. This report cited an equation to determine whether the existence, the number, or the size of FTZs in a given economy significantly increases the value of counterfeit trade. Results show that a 1% increase in the value of counterfeit exports from FTZs within an economy or country contributes to a 0.28% increase in counterfeit trade.²³

With the advent of e-commerce in respect to B2B and B2C transactions, there has been an unprecedented growth in smaller consignments crossing borders. Hence, under WCO guidelines, in case of de minimis consignments, it is stipulated that documents, that is, customs declarations, should be provided electronically. Further, in 2018, the WCO adopted a Cross-border E-commerce framework of standards to meet the challenges associated with the growing volume of B2B and B2C trade via e-commerce platforms. For the purpose of this paper, standard number 5 should be particularly focused on, which states that a mechanism should be developed for, (i) clearing shipments using simplified procedures and (ii) facilitating the immediate release of 'low risk' shipments.²⁴

As per the OECD, customs authorities use risk-assessment systems based on sender/receiver profiles, country of origin, declared value, and description inconsistencies; however, rapidly changing illicit networks have made informative risk profiling very difficult for customs authorities.²⁵ Further, according to Urciuoli, Hintska & Ahokas, advanced electronic data is used by customs authorities to identify high-risk shipments. Other strategies include X-ray and image recognition technology, as well as post-clearance audit and retrospective investigation.²⁶

²³ "Trade in Counterfeit Goods and Free Trade Zones," *OECD*, 2018 available at: https://www.oecd.org/en/publications/trade-in-counterfeit-goods-and-free-trade-zones_9789264289550-en.html (last visited on: October 3, 2025).

²⁴ "Misuse of Small Parcels for Trade in Counterfeit Goods," *OECD*, 2018 available at: https://www.oecd.org/en/publications/misuse-of-small-parcels-for-trade-in-counterfeit-goods_9789264307858-en.html (last visited on: October 3, 2025).

²⁵ "Global Trade in Fakes," *OECD*, 2021 available at: https://www.oecd.org/en/publications/global-trade-in-fakes_74c81154-en.html (last visited on: October 3, 2025).

²⁶ Luca Urciuoli, Juha Hintska and Juha Ahokas, "Drivers and barriers affecting usage of e-Customs - A global survey with customs administrations using multivariate analysis techniques," 30 *Government Information Quarterly* 473-85 (2013).

As per the WCO SAFE framework of standards, there are five core elements to the SAFE framework. These elements offer insight into the methods employed by customs authorities across the world to detect counterfeit goods. Much emphasis has been given to advance electronic cargo information (hereinafter mentioned as AEI) requirements. This implies that information concerning customs declarations can be made available to the importing country well in advance of the arrival of the shipment. This would allow the customs authority of that country to assess the risk of the shipment and take precautions accordingly. Further, another core element of this framework suggests that customs authorities shall employ non-intrusive methods such as large-scale X-ray machines and radiation detectors.²⁷

ROLE OF E-COMMERCE PLATFORMS

E-commerce platforms have significantly increased retail sales across the world. Since the internet boom in the 1990s, Amazon and eBay were perhaps the first e-commerce platforms to come to the digital commerce market, following a B2C business model. Alibaba was another e-commerce platform that focused more on wholesale trade at first, by following a B2B business model. However, later they adopted a B2C model as well. That being said, the online retail market saw an unprecedented growth in the late 2000s and early 2010s due to the global usage of mobile phones and better access to the internet. Such growth was also reflected in the increase in trade of counterfeit goods across the world. This is further proven by the fact mentioned above that in the year 2005, global counterfeit trade accounted for USD 200 billion, which is 2% of global trade.²⁸ However, in a span of a decade, the global counterfeit trade value increased by approximately two and a half times, accounting for USD 509 billion in the year 2016.²⁹

There are various reasons why certain e-commerce platforms provide a safe and effective trade environment to counterfeit traders. In the pre-digital era, counterfeits were mostly non-deceptive. This means that the consumer could distinguish the difference between the counterfeit product and the original product.³⁰ Such non-deceptive products were mostly

²⁷ WCO SAFE framework of standards (Pg – 2, 2021), *available at:* <https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.pdf?la=en&la=en&la=en&la=en>, (last visited on: August 26, 2025).

²⁸ *Supra* note 14

²⁹ “Global Trade in Fakes,” *OECD*, 2021 *available at:* https://www.oecd.org/en/publications/global-trade-in-fakes_74c81154-en.html (last visited on: October 3, 2025).

³⁰ *Supra* note 7.

luxury items such as shoes, handbags, etc., sold through street vendors, open markets, shops and intermediate producers, and branded shops/chains. These products, despite being known counterfeits, were still appealing to the public due to their low price point and social status of being seen with such products. These counterfeit products were designed to appeal to the middle class or lower-middle class of society, who couldn't necessarily afford the original version of these products.³¹

Previously, luxury brands were more than just products with utility for the consumers; rather, they were symbols of privilege and status (they still are). This simple social dynamic associated with luxury brands drove the demand for counterfeit replicas of those brands, as the not-so-privileged class of society wanted a taste of the status enjoyed by the people at the top of the social pyramid. However, luxury brands tackled this issue by relocating production to low-cost countries and were able to reduce the cost of production of their products. Further, they introduced low-end models of their products so that their products can fall within the purchasing power of almost everyone in society.³²

Since demand for non-deceptive counterfeit products decreased, counterfeit traders pushed deceptive counterfeit products. These products were meant to be exact replicas of the original products in order to deceive the buyers into thinking that they are actually buying the real products at full price. While there still existed a market for non-deceptive counterfeit products, it is not possible to determine the demand because such demand does not exist. This is so because deceptive counterfeit goods are meant to replicate the original goods in such a manner that they deceive the consumer into thinking that they are purchasing the original goods. Therefore, the actual demand is for the original goods. Having a demand for deceptive counterfeit products would suggest that the consumers are purposely looking to be deceived, which does not make sense.³³

When it comes to selling deceptive counterfeit products in retail, there is always a risk that the consumer will recognize the counterfeit products. Here, e-commerce platforms provide the perfect solution to this issue. When purchasing online, consumers cannot examine the products physically before purchasing them. They rely on the information provided on the

³¹ OECD, ‘The Economic Impact of Counterfeiting and Piracy’, (2008).

³² Roberto Fontana, Stéphane J. G. Girod and Martin Králik, “How Luxury Brands Can Beat Counterfeitors” *Harvard Business Review*.

³³ *Supra* note 7.

platform by the seller and, at times, the reviews left by previous purchasers. Sellers of deceptive counterfeit goods on e-commerce platforms often use the “veil of legitimacy.”³⁴ ³⁵

The most common way consumers examine the goods online is by looking at the images of the product provided by the seller. However, it is very easy to simply provide images of the original product while actually selling the counterfeit version of that product. Using images of original products gives the listed counterfeit products a ‘veil of legitimacy’ as it protects the true nature of the goods, thus deceiving the consumers. Further, counterfeit traders use other legitimate information to mask the true nature of the products they are selling. This includes providing information regarding the product description that adds to the perceived legitimacy of the product. There is, however, one aspect that the sellers cannot control when selling counterfeit goods online, which is customer reviews. Customers often leave reviews of the product they purchased from an e-commerce platform. This is something that can very well expose the true nature of the counterfeit products listed online; however, counterfeit traders have figured out a clever way of tackling this barrier as well. In a rising trend, it is found that sellers, in order to boost the authenticity and image of their products, post positive reviews from bot accounts, thus overshadowing negative reviews of those products. Most e-commerce platforms, including Amazon, allow a user to post a review of the product without actually purchasing the product. This makes things even simpler for the sellers of counterfeit goods since they can easily rate and review their products positively from multiple user accounts without actually purchasing their own product. Such activities give the products a veil of legitimacy. It goes without saying that the veil of legitimacy creates deception regarding the authenticity of the product that is listed on an e-commerce platform. Simply by looking at the images and reviews of the product, both of which can be easily manipulated, as explained above. This highlights the fact that e-commerce platforms do play a facilitative role in the growth of the global counterfeit trade. Further, with the consistent rise in the number of e-commerce platforms, in the span of 11 years, that is, from 2005 to 2016, counterfeit trade across the world almost tripled in amount. Therefore, e-commerce platforms have provided counterfeit traders with a new approach to distribute and advertise their products with minimal risk involved. Hence, it could be said that even though e-commerce trade has proven to be an asset towards the growth of global trade, it has also certainly contributed to the growth of counterfeit trade on a global scale.

³⁴ *Supra* note 7.

³⁵ *Supra* note 8.

NATURE OF COUNTERFEIT PRODUCTS SOLD VIA E-COMMERCE PLATFORMS AND METHOD OF SHIPMENT

Counterfeit products that are sold on digital commerce platforms are luxury apparel. Apparels refer to any kind of product that an individual would wear or apply to his or her body, such as clothes, perfume, etc. As per the report published by OECD footwear, clothes, perfumes and cosmetics, and leather articles make up almost 70% of the total detentions related to online sales.³⁶ Most apparel products, like footwear, watches, leather articles, jewelry, etc., have mostly been shipped via mail. Hence, the use of small parcels and express services to ship counterfeit products is not a recent development.³⁷

SHIPPING COUNTERFEIT PRODUCTS

Counterfeits are shipped by land, sea, and air in large and small volumes. While shipping large volumes of such goods is more desirable for these traders for profit, shipping these goods in smaller volumes helps traders avoid detection while importing them into the country.

Prior to the emergence of e-commerce platforms and private postal and courier services, counterfeit products had to be sold in physical retail stores, and in order to do that, such products had to be imported into the country from the country of their origin through smuggling. There are two ways in which such counterfeit goods were shipped. Firstly, the counterfeit goods, after being manufactured, could be shipped independently by a dedicated distributor. On the other hand, these counterfeit goods could be mixed in the legitimate goods supply chain, so as to give it a veil of legitimacy. In any case, when such goods are shipped independently in large volumes, there is always a chance that those goods will be seized by the customs authorities of the respective nation. Therefore, in order to evade such seizures, distributors of counterfeit goods use complex trade routes. This means that the distributors ship these products via multiple transit points. This allows them to falsify documents

³⁶ “Misuse of E-Commerce for Trade in Counterfeits,” *OECD*, 2021 available at: https://www.oecd.org/en/publications/misuse-of-e-commerce-for-trade-in-counterfeits_1c04a64e-en.html (last visited on: October 3, 2025).

³⁷ “Misuse of Small Parcels for Trade in Counterfeit Goods,” *OECD*, 2018 available at: https://www.oecd.org/en/publications/misuse-of-small-parcels-for-trade-in-counterfeit-goods_9789264307858-en.html (last visited on: October 3, 2025).

regarding the original point of departure of these products.³⁸ For example, country ‘A’ is known for manufacturing counterfeit goods, and a shipment arrives in country ‘B’ from country ‘A’. Hence, country ‘B’ would be more cautious and inspect the shipment more strictly. Therefore, in order to hide the origin of the counterfeit products, the goods are shipped via multiple transit points, simply to falsify the documents concerning the point of origin and give it a new point of origin. Further, these activities are conducted within FTZs. This allows the distributors to function without intervention from customs authorities.³⁹

That being said, with the advent of e-commerce platforms, the traders of counterfeit goods can sell their products even before physically shipping them. By listing the products online, the traders are able to ship small volumes of items via postal and courier services, directly to the buyer. In the early 2010s, the world witnessed a meteoric rise in the use of e-commerce platforms.⁴⁰ With the rise of e-commerce platforms in the early 2010s, 63% of all the seizures made by the customs authorities of counterfeit goods were couriers.⁴¹ This demonstrates the consistency between the use of postal and courier services to ship counterfeit items in small volumes across borders and the rise of the use of e-commerce platforms.⁴² This can be proven by the fact that shipments through the post accounted for 70.5% of total seizures made in the EU in the year 2015. However, the number of items shipped via post only accounted for 2.2%, with a total retail value of EUR 57,790,226. This shows that shipping smaller volumes of counterfeit goods via post is a common practice. On the other hand, express services also provide a similar functionality to counterfeit traders, while also allowing them to ship more items at once. Counterfeit traders commonly use express and courier services to ship listed products directly to the customer upon purchase.⁴³ There was a steady rise in counterfeit traders’ use of express and courier services, based on the seizures between 2014 and 2018,

³⁸ Thorsten Staake, Frédéric Thiesse and Elgar Fleisch, “The emergence of counterfeit trade: a literature review,” 43 *European Journal of Marketing* 320-49 (2009).

³⁹ *Supra* note 12.

⁴⁰ *Supra* note 4.

⁴¹ Thorsten Staake, Frédéric Thiesse and Elgar Fleisch, “The emergence of counterfeit trade: a literature review,” 43 *European Journal of Marketing* 320-49 (2009).

⁴² *Supra* note 12.

⁴³ “Mapping the Real Routes of Trade in Fake Goods,” *OECD*, 2017 available at: https://www.oecd.org/en/publications/mapping-the-real-routes-of-trade-in-fake-goods_9789264278349-en.html (last visited on: October 3, 2025).

while there is a consistent and parallel drop in the usage of roads/vehicles, sea/vessels, railways, and air in shipping such counterfeit products.⁴⁴

ROLE OF FTZs

FTZs can be defined as neutral, stockaded zones where a shipper can unload its cargo, goods can be unpacked and repacked, goods can be reloaded into ships and be shipped to another country, under very liberal regulations and limited oversight. The purpose of FTZ is to encourage more international trade by boosting exports and imports.⁴⁵

Counterfeit traders do not ship their products directly from their country of origin. When a particular product is purchased from an e-commerce platform, that product is shipped from a different country than its original manufacturing country. This is to reduce the risk factor pertaining to examination by customs authorities. By storing the goods in FTZs in different countries, after transporting them through different ports and transit points, counterfeit traders mask the country of origin.⁴⁶ As mentioned above, counterfeit traders use complex routes to mask the original point of departure and ship their goods via multiple intermediary points in order to hide the origin of the goods and falsify documents.⁴⁷ These in-transit operations, including changing the routes, falsifying documents, storing goods, changing the medium of shipping, etc., are done in FTZs.⁴⁸ Therefore, it could be said that FTZs provide a safe place for counterfeit traders to store their products and freely ship them worldwide without being subjected to search and examination.

Rule of Origin

In simple terms, the rule of origin refers to a genealogical rule about the category of the merchandise. This rule is preferential, which means that depending on the genealogy of the

⁴⁴ Pavel Taraba, Eva Hoke and Jan Marada, “Means of Transporting Counterfeits to the European Union,” 82 *Chemical Engineering Transactions* 289–94 (2020).

⁴⁵ Susan Tiefenbrun, “U.S. Foreign Trade Zones of the United States, Free-Trade Zones of the World, and their Impact on the Economy,” 12 *Journal of International Business and Law* (2013).

⁴⁶ “World Customs Organization,” available at:

<https://www.wcoomd.org/en/media/newsroom/2015/december/the-wco-publishes-the-2014-illicit-trade-report.aspx> (last visited on: October 3, 2025).

⁴⁷ “The Economic Impact of Counterfeiting and Piracy,” *OECD*, 2008 available at: https://www.oecd.org/en/publications/the-economic-impact-of-counterfeiting-and-piracy_9789264045521-en.html (last visited on: October 3, 2025).

⁴⁸ *Supra* note 12.

article or product, duty-free or other special treatment may be accorded to that article or product.⁴⁹

The nationality of the goods being imported into a country is the basis of how it is treated for tariff purposes. Hence, preferential rules of origin are the cornerstone of any customs union or Free Trade Agreement.

METHODS EMPLOYED TO DETECT SMALL PARCELS

All shipments being imported into an economy have to go through a customs check. Customs authorities ensure that the imports abide by the rules and regulations concerning taxes and tariffs. However, another major component is that the customs authorities have the power to seize IP-infringing goods or counterfeit goods being imported into the country.

As already discussed, with the advent of e-commerce platforms, cross-border B2C and B2B trade has witnessed unprecedented growth.⁵⁰ This means that the shipments arriving are often in the form of small parcels rather than in bulk. Therefore, major containers must be broken down into individual packages to conduct a thorough inspection of these small parcels.

Therefore, the following strategies are primarily employed by customs authorities to detect possible illicit trade parcels containing counterfeit goods.

Risk-based targeting systems – risk-based assessments allow customs authorities to categorise certain shipments as low-risk, medium-risk, and high-risk. In principle, such categorization allows customs authorities to release low-risk consignments, focus more on high-risk consignments, and conduct inspections accordingly to detect possible counterfeit goods. Such risk assessment is based on various variables concerning the small parcels, such as their origin,⁵¹ profiles of the sender and receiver, declared value, and inconsistencies in description as declared by the sender of goods.⁵² The primary variable in this context is the country of origin. For instance, China is one of the primary economies that produces

⁴⁹ Raj Bhala, ‘International Trade Law: Interdisciplinary Theory and Practice’, 3rd edition, LexisNexis, 2014.

⁵⁰ “Trade in Counterfeit Goods and Free Trade Zones,” *OECD*, 2018 available at: https://www.oecd.org/en/publications/trade-in-counterfeit-goods-and-free-trade-zones_9789264289550-en.html (last visited on: October 3, 2025).

⁵¹ Susan Tiefenbrun, “U.S. Foreign Trade Zones of the United States, Free-Trade Zones of the World, and their Impact on the Economy,” 12 *Journal of International Business and Law* (2013).

⁵² “Misuse of Small Parcels for Trade in Counterfeit Goods,” *OECD*, 2018 available at: https://www.oecd.org/en/publications/misuse-of-small-parcels-for-trade-in-counterfeit-goods_9789264307858-en.html (last visited on: October 3, 2025).

counterfeit goods and ships them worldwide.⁵³ Hence, any shipment arriving from China would be classified as a high-risk shipment. However, as explained above, counterfeit traders do not ship their goods directly from the country of origin. Rather, they ship their products from FTZs after transmitting the shipment from different transit points in order to mask the original point of departure of the goods.^{54 55} This ultimately increases the shipment cost of the goods; however, that cost is ultimately incurred by the consumer of the goods. Therefore, even though customs authorities employ risk-assessment strategies to profile shipments and conduct inspections accordingly, counterfeit traders have figured out a way to mitigate that process.

AEI declaration of shipment - A customs declaration is a formal statement submitted by the shipper/sender of goods about the various specifics of the shipment. This may include its description, weight, value, country of origin, details of the receiver, etc. Such a declaration is necessary so that customs authorities can determine whether the goods abide by the rules and regulations concerning taxes and tariffs. However, primarily, these declarations sent in advance of the arrival of the shipment allow customs authorities to classify shipments in terms of risk, based on the information provided in the declaration. That being said, such information can be manipulated.^{56 57}

The risk assessment of shipments is conducted based on the AEI data provided by the sender of goods. However, if the AEI data is misleading to begin with, the customs authorities can do little to assess the risk associated with the particular shipment properly. AEI data can be forged or manipulated in ways such as masking the original point of departure and breaking down large shipments into smaller shipments in FTZs.

GOOD FRAMEWORK: LACK OF ENFORCEMENT

The SAFE framework of standards provides a comprehensive guide to facilitate international trade while also ensuring that customs authorities function properly, detecting and seizing

⁵³ “Global Trade in Fakes,” *OECD*, 2021 available at: https://www.oecd.org/en/publications/global-trade-in-fakes_74c81154-en.html (last visited on: October 3, 2025).

⁵⁴ Susan Tiefenbrun, “U.S. Foreign Trade Zones of the United States, Free-Trade Zones of the World, and their Impact on the Economy,” 12 *Journal of International Business and Law* (2013).

⁵⁵ “Mapping the Real Routes of Trade in Fake Goods,” *OECD*, 2017 available at: https://www.oecd.org/en/publications/mapping-the-real-routes-of-trade-in-fake-goods_9789264278349-en.html (last visited on: October 3, 2025).

⁵⁶ *Supra* note 7.

⁵⁷ *Supra* note 8.

counterfeit goods. As discussed above, the framework suggests the sharing of AEI data prior to the arrival of the shipment so that the risk assessment of the cargo can be conducted properly. Further, the framework suggests that the sending nation (the nation from which the cargo/shipment is arriving) thoroughly inspects the outbound shipment before its departure and shares the report with the importing nation.⁵⁸

The execution of these protocols or suggestions is not effective enough across the globe. For instance, China is a known manufacturer and distributor of counterfeit goods across the globe. Chinese e-commerce platforms generate millions of small parcels daily, coming from countless individual sellers listed on these platforms.⁵⁹ ⁶⁰ Therefore, managing the AEI data and conducting ‘SAFE’ outbound inspection on each small parcel is near impossible. Hence, the outbound inspection from China, concerning small parcels, is inefficient. Just like China, almost all nations that are known manufacturers and distributors of counterfeit products across the globe face similar issues.

Regulatory framework and methods employed by customs authorities are effective when it comes to large shipments, not *de minimis* consignments or small parcels. This is how the global counterfeit trade has witnessed a considerable amount of growth over the years. Further, most counterfeit products are associated with luxury brands. These fake goods are deceptive in nature, as explained above, and, therefore, are difficult to differentiate from the original products via X-rays, which is suggested by the SAFE framework. The SAFE framework does not encourage intrusive methods for the detection of such counterfeit goods.

Further, Article 60 of the Trade Related Aspects of Intellectual Property, 1994 states that *de minimis* imports may be excluded from the application of provisions of the convention designed to eliminate counterfeit trademarks and pirated copyright.⁶¹ Even though the convention was adopted in 1994, the entries only came into force in 2017, and even then, counterfeit trade through small parcels was not addressed, even though 63% of all seizures of

⁵⁸ *Supra* note 26.

⁵⁹ *Supra* note 12.

⁶⁰ “Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property,” 2025 available at: <https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html> (last visited on: October 3, 2025).

⁶¹ Trade Related Aspects of Intellectual Property, 1994, art 60.

counterfeit goods and pirated goods by customs authorities were of small parcels in 2017.⁶² This shows a trend in only paying attention to large shipments as carriers of counterfeit items.

Customs authorities have the power to seize any shipment of all forms of consignments if those shipments infringe intellectual property rights. However, the problem arises when it comes to detecting those consignments. Large shipments can easily be recorded and searched, and are under stricter supervision as opposed to smaller shipments arriving through post or express services. Such a lack of supervision has allowed counterfeit traders to exploit this enforcement loophole. That being said, customs authorities are not to be blamed here. The volume of such small consignments is immense. Hence, it is not remotely possible to keep track of every single parcel and check them individually. Even with AEI data sharing, customs authorities still would have to go through the data individually to flag high-risk or suspicious parcels.

The value of counterfeit trade across the globe in 2021 was USD 467 billion; however, that value is only based on the number of seizures made by customs authorities. It does not account for counterfeit goods that have slipped under the radar of customs authorities. That value cannot be estimated.⁶³

More recently, the Memorandum of Understanding on the sale of counterfeit goods on the internet (hereafter mentioned as MoU) was introduced by the EU. It was first concluded in 2011 and then came into force in 2016. Article 7 of the MoU confers the primary responsibility for the protection and enforcement of any form of IPR on the respective rights owner.⁶⁴ It also confers responsibility on the internet platforms (e-commerce platforms) to provide a safe online environment for customers. Further, Article 11 of the MoU introduces Notice and Take-Down (hereafter mentioned as NTD) procedures, which will enable the right owner the ability to report to the internet platform any possible sale of counterfeit goods, as per their own belief in good faith.⁶⁵ That being said, there are only 16 rights owners and 11

⁶² “Misuse of Small Parcels for Trade in Counterfeit Goods,” *OECD*, 2018 available at: https://www.oecd.org/en/publications/misuse-of-small-parcels-for-trade-in-counterfeit-goods_9789264307858-en.html (last visited on: October 3, 2025).

⁶³ *Supra* note 14.

⁶⁴ The Memorandum of Understanding on the sale of counterfeit goods on the internet, 2016, art 7.

⁶⁵ *Ibid* at art 11.

online platforms signatories to this treaty, which automatically limits the scope of this measure.⁶⁶

Further, the EU also introduced the Digital Markets Act and the Digital Services Act with the aim of harmonizing the relationship between online platforms and their customers by removing illegal elements from such platforms and conferring responsibility on the gatekeeper. As per Article 2 of the Digital Markets Act, the term ‘gatekeeper’ is defined as an undertaking for providing core platform services, which includes online intermediate services like NTD procedures.⁶⁷

That being said, various nations have employed effective measures to combat the present issue. For instance, Australia came up with the Smart Trademark Mechanism. Here, by using blockchain technology, businesses and consumers can determine whether the product that is listed online is authentic or a counterfeit. The product that is listed online contains a business-critical artefact, which can be in the form of a URL link or QR code. This would help the consumer verify the authenticity of the product by entering a unique product number/code into the government’s trademark registry portal.⁶⁸

The United Kingdom took steps to ban domains/e-commerce platforms that facilitated counterfeit trade, instead of identifying the counterfeit products on those platforms. Under the project Ashiko, referrals on websites that sold IP-infringing products were made to the London Police Intellectual Property Crime Unit. Upon undertaking due diligence on each referral, the particular domain is suspended.⁶⁹

CONCLUSION

The global counterfeit trade is a web operation that does not have a single source of origin. Therefore, it is necessary to understand the mechanics of counterfeit trade. As explained

⁶⁶ European Commission, “Signatories of the Memorandum of Understanding (MoU) on the sale of counterfeit goods on the internet”, 2024, *available at:* <https://ec.europa.eu/docsroom/documents/59214/attachments/1/translations/en/renditions/native>, (last visited August 26, 2025).

⁶⁷ Digital Markets Act, 2022, art 2.

⁶⁸ “Helping to better protect Australian businesses from counterfeiting | Ministers for the Department of Industry, Science and Resources,” 2018 *available at:* <https://www.minister.industry.gov.au/ministers/karenandrews/media-releases/helping-better-protect-australian-businesses-counterfeiting> (last visited on: October 3, 2025).

⁶⁹ “Police Intellectual Property Crime Unit (PIPCU),” *available at:* <https://www.cityoflondon.police.uk/police-forces/city-of-london-police/areas/city-of-london/about-us/about-us/pipcu/> (last visited on: October 8, 2025).

above, at the end of the day, counterfeit trade is just like any other form of business, that is, the exchange of goods for money, except the goods sold are violative of Trademark and Copyright laws. This means the trade of such goods is illegal by nature.

Trade in counterfeit products has shifted from the sale of non-deceptive fakes to deceptive fakes, with the advent of digital trade. E-commerce platforms have enabled counterfeit traders to reach consumers directly without involving a middleman. E-commerce platforms also allow counterfeit traders to put a ‘veil of legitimacy’ on their counterfeit products, which prevents the consumer from inspecting the listed counterfeit product properly, with the objective of deceiving the customer into thinking that he or she is purchasing an authentic product. Furthermore, mostly apparel or cosmetic counterfeit products are sold via these e-commerce platforms. Such products can be easily masked as authentic or legitimate products on e-commerce platforms by using images of an actual authentic product and also manipulating the customer reviews.

These products are then shipped directly to the purchaser via small parcels through mail or express services, which prevents the customs authority of the importing country from conducting a thorough examination of the shipment, as the shipment technically qualifies as a *di minimis* consignment. Customs authorities are more focused on larger shipments. Further, counterfeit traders ship their products via multiple transit points and utilise free trade zones to break larger cargo into smaller consignments and ship them separately. This technique, employed by the counterfeiters, causes major hindrances to the risk-assessment method used by customs authorities to detect IP-infringing goods.

Suggestions

According to the findings, modern counterfeit trade is mostly conducted through e-commerce platforms. As already discussed, counterfeit traders employ various tactics in order to demonstrate their product as genuine, and not fake.

- The global implementation of Article 7 and Article 11 of the MoU, 2011, can help with the situation, as it confers responsibility on the right owner and the intermediary to detect and take down product listings that might raise suspicions regarding the authenticity of the product,

- Further, intermediaries must compulsorily verify the trade licenses of prospective sellers before permitting them to sell via the intermediary's platform. This would prevent illicit traders from selling counterfeit products through digital trade platforms,
- Intermediaries must only allow online purchasers to review the product. This will help in preventing the falsification of the apparent authenticity of the product,
- The global implementation of Australia's 'Smart Trade Mark Mechanism' would help purchasers in verifying the authenticity of the product before purchasing it.

PROPORTIONALITY IN NDPS SENTENCING: JUDICIAL APPROACHES

- Himanshu Priyadarshi*

Abstract

The Narcotic Drugs and Psychotropic Substances Act, 1985 remains India's most stringent penal statute, designed to combat the menace of drug trafficking through mandatory minimum sentences, strict bail provisions, and reverse burdens of proof. Although its deterrence-based approach corresponds with international trends in drug regulation, it has consistently sparked concerns about the fairness and proportionality of sentencing. Proportionality, known in Indian constitutional law under Articles 14 and 21 as being proportionate to the nature of the crime as well as the role, responsibility and personal circumstances of the offender, is now in vogue. However, the NDPS Act often imposes the same legal penalties on various individuals, including occasional users, couriers, and organized traffickers, leading to systemic inequalities. This article explores how the courts have confronted these challenges by interpreting the statute in light of proportionality. It discusses significant decisions like the partial striking down of Section 32A in Dadu @ Tulsidas, the liberal interpretation given to judicial discretion under Section 32B in Rafiq Qureshi, Gurdev Singh and Narayan Das and unresolved controversy over mixture and quantity thresholds post Hira Singh. It also highlights judicial approaches to mitigating mechanisms under Sections 39 and 64A, proportionality in fines and default imprisonment, and the recognition of pre-trial incarceration as a form of de facto punishment. Drawing upon Indian case law, empirical studies, and comparative perspectives, the article argues that while courts have progressively embraced proportionality as a constitutional safeguard, structural rigidity in the NDPS framework continues to limit individualized justice. The article concludes by suggesting the adoption of structured sentencing guidelines and judicially developed checklists, ensuring that NDPS sentencing aligns deterrence with fairness, and severity with justice.

Keywords: Proportionality, NDPS Act, Sentencing, Judicial Approach, Constitutionality.

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INTRODUCTION

The concept of proportionality in criminal law has acquired central importance in recent decades, reflecting a global recognition that punishments must not be excessive but instead commensurate with the nature and circumstances of the offence. Proportionality, as a principle, insists that sanctions imposed by the state balance the seriousness of the crime with the culpability of the offender.¹ In the Indian legal landscape, nowhere is this debate sharper than in the sentencing framework of the Narcotic Drugs and Psychotropic Substances Act, 1985. This legislation, intended as a deterrent against drug trafficking and abuse, imposes rigid sentencing structures that frequently trigger concerns about fairness, arbitrariness, and constitutional compliance.²

The NDPS Act, passed in 1985 to carry out India's international obligations under various drug control conventions, is one of the most stringent laws on narcotics in the country. It imposes minimum (mandatory) terms of imprisonment, from simple imprisonment for six months for small quantities to 10 years in reference to commercial quantity offences, accompanied by fines. Sections such as 31 (repeat offenders), 31A (death penalty for certain categories, later amended), and 32A (bar on suspension, remission or commutation of sentences) underscore the deterrence-oriented character of the law.³ Though these provisions aimed to create a strong deterrent against narcotics offences, they also built a system where a judge's ability to adjust a sentence to particular individual culpability was lost. A first-time courier who was simply transporting a package for survival wages could face the same mandatory punishment as an organizer or financier in an international drug syndicate. Such outcomes clash with the intuitive sense of justice that punishment must be proportionate, and they raise broader constitutional questions.⁴

In India, the principle of proportionality is grounded in Articles 14 and 21 of the Indian Constitution. Article 14 prohibits arbitrariness, requiring that like cases be treated alike but unlike cases differently and Article 21 provides the right to life and personal liberty, which

¹ Marie Manikis, "The Principle of Proportionality in Sentencing: A Dynamic Evolution and Multiplication of Conceptions," 59 *Osgoode Hall Law Journal* 587-628 (2022).

² Pratibha Chauhan and Uma Shanker Sharma, "Socio-Legal Analysis of Narcotic Drugs and Psychotropic Substances in India," 5 *ShodhKosh: Journal of Visual and Performing Arts* (2024).

³ Aman Rab, "The Congruity of Laws governing Narcotic drugs and Psychotropic Substances in India and the way forward," 6 *Journal of Positive School Psychology* (2022).

⁴ Pawan Kumar Saini and Dr. Sukhwinder Kaur, "Drug Abuse and the Law in India: Navigating Constitutional Challenges and Legal Reform," 6 *International Journal of Research Publication and Reviews* 65-70 (2025).

includes protection against excessive and disproportionate state action. The Supreme Court has affirmed that sentencing, as much as substantive criminalisation, must conform to these guarantees. In *Dadu @ Tulsidas v. State of Punjab*⁵, the Court overturned part of Section 32A of the NDPS Act, holding that a blanket bar on suspension of sentences even by courts was unconstitutional. This case marked a pivotal recognition that proportionality is not an abstract ideal but a constitutional requirement in sentencing practices.

Proportionality in sentencing thus functions as a double safeguard as it ensures both fairness to the offender and legitimacy of the criminal justice system.⁶ Excessive or unduly harsh sentences not only harm the individual but also weaken public confidence in the justice system.⁷ The NDPS Act, with its rigid thresholds, has therefore been under continuous judicial scrutiny to harmonise deterrence with constitutional proportionality.

The Indian experience with NDPS sentencing cannot be divorced from global debates. International monitoring bodies such as the INCB, the UNODC, and the Crime have stressed that disproportionate sentencing regimes often undermine justice and may breach human rights obligations. In 2016, the CND adopted Resolution 59/7, urging states to ensure that responses to drug-related offences are proportionate and respect fundamental rights. Similarly, in the run-up to the 2016 UN General Assembly Special Session on the World Drug Problem, civil society organisations and states emphasised that punishment for minor drug offences should be aligned with the gravity of conduct and not be excessively punitive. Comparative sentencing studies, such as those from Australia, also demonstrate how judicial discretion can balance deterrence with individualized justice. Against this backdrop, India's adherence to mandatory minimums appears increasingly rigid and out of step with evolving international standards.

Confronted with the conflict between statutory law and the constitution, Indian courts have developed interpretive methods to reestablish proportionality. The Supreme Court in *Rafiq Qureshi v. Narcotics Control Bureau*⁸ and later in *Gurdev Singh v. State of Punjab*⁹ clarified that indeed, Section 32B of the NDPS Act lists factors for imposing punishments greater than

⁵ (2000) 1 SCC 516.

⁶ M. J. Fish, "An Eye for an Eye: Proportionality as a Moral Principle of Punishment," 28 *Oxford Journal of Legal Studies* (2008).

⁷ *Supra* note 1.

⁸ (2019) 6 SCC 492.

⁹ AIR 2021 SC 1766.

the minimum as illustrative, which means there may be other factors that are not listed. This acknowledgement expanded the scope of judicial flexibility to customise sentencing based on the offender's role, the nature of the participation, and other aggravating or mitigating factors. Most recently, in *Narayan Das v. State of Chhattisgarh*¹⁰, the Court reaffirmed that the statutory minimum is not a de facto maximum, and that sentencing courts must record speaking reasons when deviating. At the same time, courts have drawn attention to the disproportionality created by the mixture rule, as settled in *Hira Singh v. Union of India*¹¹, where the total weight of a narcotic mixture (including neutral substances) determines the applicable punishment. This approach artificially inflates the seriousness of offences and punishes low-purity cases as if they involved pure contraband. The pending reconsideration of this issue by the Supreme Court signals an ongoing judicial struggle to reconcile statutory thresholds with proportionality.

The judicial approaches to proportionality in NDPS sentencing, situating them within constitutional, statutory, and international frameworks, sets out the statutory architecture of NDPS sentencing, traces constitutional foundations and the jurisprudence affirming proportionality as a safeguard, analyses judicial discretion in practice and explores spaces for leniency, including probation, treatment-linked immunity, and proportionality in fines and default imprisonment, and concludes by reflecting on emerging trends and recommending structured sentencing guidelines that align deterrence with fairness.

SENTENCING FRAMEWORK UNDER THE NDPS ACT 1985

The sentencing framework under the NDPS Act, 1985 reflects a conscious legislative choice to curb judicial discretion by prescribing mandatory minimum punishments. Unlike the IPC, which allows judges to calibrate punishment within a broad range, the NDPS Act seeks uniformity and deterrence by binding courts to rigid thresholds.

A central feature of this framework is the *quantity-based classification* introduced through the 2001 amendment. The law distinguishes between “small quantity,” “intermediate quantity,” and “commercial quantity,” with sentencing escalating accordingly. For example, Section 21 prescribes up to one year of imprisonment for possession of small quantity, rigorous imprisonment up to ten years for intermediate quantity, and a minimum of ten years

¹⁰ (2025) 3 SCC 241.

¹¹ (2020) 20 SCC 272.

(extendable to twenty years) plus a fine of at least one lakh rupees for commercial quantity¹². Similar provisions apply under Sections 22 (psychotropic substances), 23 (import/export), and 25 (permitting premises for drug offences). While this amendment aimed to rationalise punishment, critics note that its mechanical application often results in inequities, especially where low-purity mixtures, by sheer weight, cross the “commercial quantity” threshold¹³.

Beyond these classifications, the NDPS Act stipulates for *enhanced punishments for repeat offenders*. Section 31 prescribes up to one and a half times the maximum punishment and fine, while Section 31A introduced the death penalty for certain repeat offences involving commercial quantities. Although later amended, the very presence of a death penalty for non-violent drug offences demonstrated the severity underpinning the Act.¹⁴

Another controversial provision was Section 32A, which barred suspension, remission, or commutation of NDPS sentences, even by courts. This ouster of judicial power was challenged in *Dadu @ Tulsidas v. State of Punjab*, where the Supreme Court struck down the clause as unconstitutional, holding that courts cannot be deprived of their power to consider proportionality in sentencing.¹⁵ Similarly, bail under Section 37 is subject to onerous conditions, making pre-trial incarceration disproportionately long in many cases. Scholars argue that custody under such provisions often functions as punishment before conviction, undermining the principle of proportionality.¹⁶ At the same time, the Act contains limited spaces for leniency. Section 27 prescribes lighter penalties for drug consumption; Section 39 permits probation under the Probation of Offenders Act, 1958, in cases involving small quantities and addicts; and Section 64A grants immunity to addicts volunteering for de-addiction treatment. These provisions mark a recognition that addiction is a health issue, but their impact remains marginal due to low awareness and limited infrastructure.¹⁷

Section 32B is also an important provision, stating that aggravating factors should be taken into account by the courts (e.g., use of violence, minors, closeness to schools) when handing

¹² Dr. Sandeep Kumar, “Drug Abuse In India: Need and Efficacy of NDPS Act, 1985,” 11 *International Journal of Scientific Research* (2022).

¹³ *Supra* note 3.

¹⁴ Pratibha Chauhan and Uma Shanker Sharma, “Socio-Legal Analysis of Narcotic Drugs and Psychotropic Substances in India,” 5 *ShodhKosh: Journal of Visual and Performing Arts* (2024).

¹⁵ *Supra* note 5.

¹⁶ *Supra* note 3

¹⁷ Atul Ambekar et al., “Medicolegal Issues with Reference to NDPS and MHCA in Management and Rehabilitation of Persons with Substance Use Disorders,” 64 *Indian Journal of Psychiatry* 146–53 (2022).

down penalties that exceed the minimum. The Supreme Court has importantly stated that this list is illustrative, which enables courts to also take into account mitigating factors. In practice, however, many trial courts impose the statutory minimum without fully exercising this discretion, raising questions about whether proportionality is consistently applied.¹⁸ Finally, the NDPS Act prescribes high fines and default imprisonment. Courts have often imposed fines in lakhs of rupees, and default imprisonment for non-payment can extend incarceration significantly. The Supreme Court in *Shahejadkhan Mahebubkhan Pathan v. State of Gujarat*¹⁹ recognised that default imprisonment must be proportionate and not punish poverty itself.

Taken together, the sentencing framework under the NDPS Act demonstrates the tension between deterrence and fairness. Mandatory minimums, strict bail provisions, and the mixture rule illustrate a statute premised on severity, while judicial interventions, limited probationary provisions, and recognition of rehabilitation reflect attempts to restore balance. The NDPS Act's sentencing regime thus remains a site of constant contestation, where constitutional values of proportionality struggle against the statute's deterrence-driven rigidity.

CONSTITUTIONAL FOUNDATIONS AND JUDICIAL RECOGNITION OF PROPORTIONALITY

The doctrine of proportionality has long been recognised as an essential component of constitutional governance in India. Although the Constitution does not explicitly use the term, the principles underlying Articles 14 and 21 have given the judiciary a foundation to develop proportionality as a safeguard against arbitrary state action. Article 14, by mandating equality before law and equal protection of laws, prohibits excessive and arbitrary measures, while Article 21, through its guarantee of life and personal liberty, requires that any deprivation of liberty must be just, fair, and reasonable.

The Supreme Court's interpretation of these provisions has steadily expanded the role of proportionality. In *Chintaman Rao v. State of Madhya Pradesh*²⁰ and *State of Madras v. V.G.*

¹⁸ Dr. Sandeep Kumar, "Drug Abuse in India: Need and Efficacy of NDPS Act, 1985," 11 *International Journal of Scientific Research* (2022).

¹⁹ (2012) 10 SCC 219.

²⁰ AIR 1951 SC 118.

Row²¹, the Court stressed that restrictions on rights must not be arbitrary or excessive but must strike a balance between individual freedoms and public interest. The landmark ruling in *Maneka Gandhi v. Union of India*²² further broadened the scope of Article 21, holding that any law depriving a person of liberty must pass the test of reasonableness and non-arbitrariness. These early developments laid the groundwork for proportionality to become a touchstone of constitutional review.

In modern jurisprudence, proportionality was explicitly articulated in *Modern Dental College v. State of Madhya Pradesh*²³, where the Court adopted a structured four-part test: the measure must pursue a legitimate aim, be rationally connected to that aim, be necessary in the sense of the least restrictive means, and strike a balance between the importance of the aim and the restriction on rights. This structured test has since been extended to criminal law, with sentencing recognised as an area requiring proportional calibration.

In the context of the NDPS Act, the role of proportionality becomes very important. The Act has minimum punishments, no- bail conditions, and reversed burdens of proof. These features can undermine constitutional guarantees. Such provisions entail a risk of disproportionate results by treating unequal cases as equals, thereby breaching the provisions of Article 14.²⁴ Similarly, punishments that deprive liberty excessively or arbitrarily fall foul of Article 21's requirement of fairness.

Judicial interventions have reinforced this understanding. In *Dadu @ Tulsidas v. State of Punjab*²⁵, the Supreme Court struck down part of Section 32A which barred suspension of sentences, observing that courts cannot be stripped of their ability to assess circumstances and apply proportionality. This judgment was significant in affirming that sentencing is not merely a statutory exercise but a constitutional one. By safeguarding judicial discretion, the Court preserved the principle that punishment must be tailored to both offence and offender.

Subsequent cases have carried forward this reasoning. In *Mohd. Aslam v. Narcotics Control Bureau*²⁶, the Court stressed that sentencing discretion is necessary to avoid mechanical imposition of punishment that disregards individual circumstances. Similarly, in *Ravi Kumar*

²¹AIR 1952 SC 196.

²² (1978) 1 SCC 248.

²³ (2016) 7 SCC 353.

²⁴ *Supra* note 4.

²⁵ *Supra* note 5.

²⁶ (2006) 3 SCC 576.

v. *State of Rajasthan*²⁷, the Court emphasised that mandatory minimums risk eclipsing individualized justice, highlighting proportionality as a constitutional counterweight to legislative rigidity. Perhaps the most contested issue has been the “mixture rule.” In *E. Micheal Raj v. Intelligence Officer*²⁸, the Court held that only the pure drug content in a mixture should determine quantity and sentencing. This view, more consistent with proportionality, was later overturned in *Hira Singh v. Union of India*²⁹, where the Court ruled that the total weight of the mixture, including neutral substances, must be considered. This approach disproportionately punishes low-level offenders and undermines Article 21 demand for fairness. The continuing debate reflects judicial ambivalence about how to reconcile legislative intent with constitutional principles.

Beyond sentencing, NDPS provisions such as Sections 35 and 54 (reverse burden of proof) and Section 37 (restrictive bail conditions) have been criticised for infringing the presumption of innocence and right to liberty. In *Tofan Singh v. State of Tamil Nadu*³⁰, the Supreme Court took a significant step by holding that confessions to NDPS officers are inadmissible, reaffirming protections against self-incrimination under Article 20(3) and aligning procedural safeguards with proportionality.

Together, these constitutional and judicial developments underscore that proportionality is not peripheral but central to evaluating NDPS sentencing. While the legislature designed the Act with severity in mind, the judiciary has consistently invoked constitutional principles to soften its excesses. The recognition of proportionality ensures that while the state’s interest in combating narcotics remains strong, punishments do not cross into arbitrariness. The evolving jurisprudence reveals an ongoing dialogue: one where the Constitution demands fairness, even within a statute premised on deterrence.

JUDICIAL APPROACHES TO SENTENCING DISCRETION

The judiciary has played a central role in mediating the conflict between the rigidity of the NDPS Act and the constitutional requirement of proportionality. While the statute prescribes mandatory minimums and strict thresholds, courts have often sought interpretive avenues to restore balance. Their interventions demonstrate an evolving recognition that sentencing must

²⁷ (2020) 9 SCC 743.

²⁸ (2008) 5 SCC 161.

²⁹ *Supra* note 11.

³⁰ (2020) 9 SCC 1.

be individualized, reflecting both the gravity of the offence and the culpability of the offender.³¹

A major site of judicial discretion lies in Section 32B, which sets out factors that may justify a sentence higher than the minimum such as the use of violence, exploitation of minors, or offences committed near educational institutions. The Supreme Court has clarified that this list is not exhaustive but merely illustrative. In *Rafiq Qureshi v. Narcotics Control Bureau*³², the Court held that judges may consider a broader range of factors, including mitigating ones, in deciding the quantum of punishment. This approach was reaffirmed in *Gurdev Singh v. State of Punjab*³³, where the Court stressed that sentencing must not be mechanical and that judges must record reasons when departing from the minimum or maximum.

Judicial recognition of role-based culpability has also advanced proportionality in sentencing. Courts have begun distinguishing between couriers, addicts, and organisers in narcotics networks. In *Narayan Das v. State of Chhattisgarh*³⁴, the Court emphasised that punishment cannot be uniform for all participants in the drug trade. The decision underscored that while statutory thresholds guide sentencing, trial courts must assess the offender's role and background to ensure fairness. This recognition of differentiated culpability injects proportionality into a statutory regime otherwise characterised by uniformity.

The mixture rule has been particularly contentious. In *E. Micheal Raj v. Intelligence Officer*³⁵, the Court held that only the pure drug content of a mixture should determine sentencing. This interpretation was consistent with proportionality, as it distinguished between high- and low-purity drugs. However, in *Hira Singh v. Union of India*³⁶, the Court overturned this position, ruling that the total weight of the mixture, including neutral substances, must be considered. This ruling has been widely criticised for producing disproportionate results, as offenders dealing in low-purity narcotics can face the same penalties as those trafficking in pure substances. The case remains a focal point for debates on proportionality, with calls for reconsideration to align sentencing with fairness.

³¹ *Supra* note 1.

³² *Supra* note 8.

³³ *Supra* note 9.

³⁴ *Supra* note 10.

³⁵ *Supra* note 28.

³⁶ *Supra* note 11.

Courts have also invoked proportionality in relation to fines and default imprisonment. The NDPS Act authorises substantial fines, often accompanied by default imprisonment for non-payment. In *Shahejadkhan Mahebubkhan Pathan v. State of Gujarat*³⁷, the Supreme Court reduced the default imprisonment imposed, holding that the inability to pay a fine should not result in disproportionate punishment. This acknowledgement of socio-economic context highlights the judiciary's sensitivity to proportionality, ensuring that poverty does not translate into harsher sentences.

Another area where courts have moderated statutory severity is pre-trial detention. Under Section 37, bail is tightly restricted, leading to prolonged incarceration before trial. Several High Courts have granted bail on the ground that the accused had already spent excessive time in custody, implicitly recognising that pre-trial detention had become a form of punishment in itself.³⁸ Though not altering the statutory text, such judicial practices mitigate disproportionality by preventing indefinite deprivation of liberty pending trial.

Judicial reasoning has also been influenced by comparative and international perspectives. Courts have occasionally drawn on global standards to justify a proportional approach, noting that sentencing frameworks in jurisdictions such as Australia and Portugal balance deterrence with fairness by considering role, culpability, and rehabilitation.³⁹ These references, though limited, indicate the judiciary's awareness that proportionality is both a constitutional and international expectation.

Overall, judicial approaches reveal a pragmatic balancing act. Bound by mandatory minimums, courts have nonetheless expanded discretion through interpretive innovation, recognition of mitigating factors, moderation of fines, and differentiation of offender roles. At the same time, decisions like Hira Singh illustrate the limits of judicial intervention, as the Court has sometimes reinforced rather than softened legislative rigidity. The trajectory of case law shows that proportionality remains an evolving principle, one that courts continue to deploy in their effort to reconcile a deterrence-driven statute with constitutional fairness.

³⁷ *Supra* note 19.

³⁸ *Supra* note 3.

³⁹ *Major Drug Offences: Current Sentencing Practices*, (Sentencing Advisory Council, Melbourne, 2015).

SPACES FOR LENIENCY AND HUMANISATION

Despite its reputation as one of the harshest penal statutes in India, the NDPS Act does provide limited spaces where leniency and humanisation have been introduced. These provisions reflect an acknowledgement that not all offenders stand on the same moral plane and that addiction, socio-economic vulnerability, and rehabilitative needs demand differentiated responses. Yet, the narrow scope and inconsistent application of these provisions raise critical questions about whether they adequately secure proportionality.⁴⁰

The first significant provision is Section 27, which prescribes lighter punishments for the consumption of narcotic drugs or psychotropic substances. For possession of small quantities intended for personal consumption, the maximum punishment is one year of imprisonment or a fine, significantly lower than the penalties for trafficking. This provision marks a recognition that addicts should not be treated as traffickers. However, in practice, enforcement agencies often charge addicts under the more severe trafficking provisions, blurring the intended distinction.

A more explicit rehabilitative mechanism is found in Section 64A, which grants immunity from prosecution to addicts volunteering for de-addiction treatment. If an accused satisfies the court that they are an addict and undertake to undergo medical treatment, prosecution may be stayed or withdrawn.⁴¹ This provision reflects a shift towards treating addiction as a public health issue rather than purely a criminal act. Nonetheless, the success of Section 64A has been limited by inadequate rehabilitation infrastructure, stigma associated with addiction, and the reluctance of enforcement authorities to channel offenders towards treatment.⁴²

Probationary relief under Section 39 provides another avenue of leniency. It empowers courts to apply the Probation of Offenders Act, 1958, in cases involving small quantities or addicts. This provision recognises that incarceration may not always be the appropriate response, especially for first-time or low-level offenders. In *State of Punjab v. Hansa Singh*⁴³, the Punjab and Haryana High Court invoked Section 39 to release an addict on probation, emphasising the rehabilitative over the punitive. However, such applications remain sporadic,

⁴⁰ *Supra* note 1.

⁴¹ *Supra* note 17.

⁴² Dr. Sandeep Kumar, "Drug Abuse in India: Need and Efficacy of NDPS Act, 1985," 11 *International Journal of Scientific Research* (2022).

⁴³ 2001 Cri LJ 4010 (P&H).

and courts frequently default to custodial sentences, undercutting the scope of proportionality envisaged by the statute.

Judicial recognition of rehabilitation and treatment has also emerged in case law. In *E. Micheal Raj v. Intelligence Officer*⁴⁴, although the focus was on the mixture rule, the Court noted that addicts and traffickers could not be treated alike. More recently, in *Ravi Kumar v. State of Rajasthan*⁴⁵, the court remarked that proportional sentencing must consider not only the offence but also the possibility of rehabilitation of the offender. These interventions underline the judiciary's role in humanising a statute otherwise dominated by deterrence.

Further, proportionality has been invoked in relation to default imprisonment for non-payment of fines. Many NDPS convictions involve large fines beyond the capacity of poor offenders. In *Shahejadkhan Mahebubkhan Pathan v. State of Gujarat*⁴⁶, the Supreme Court reduced default imprisonment, observing that the inability to pay should not aggravate punishment disproportionately. This reasoning aligns with constitutional principles of equality and fairness, ensuring that poverty does not translate into harsher penal outcomes.

An underexplored but significant space for leniency lies in judicial discretion in sentencing above the minimum. Section 32B lists aggravating factors for enhancing punishment, but courts have clarified that mitigating factors may also be considered. In *Rafiq Qureshi v. Narcotics Control Bureau*⁴⁷ and *Gurdev Singh v. State of Punjab*⁴⁸, the Court stressed that judges must tailor punishment to both the role of the offender and the circumstances of the crime. This interpretive flexibility has created opportunities for leniency where the statute appears rigid.

Finally, global debates and human rights frameworks reinforce these domestic spaces of leniency. International instruments emphasise alternatives to imprisonment for drug users and proportional sentencing that differentiates between consumption, small-scale trafficking, and organised crime. India's limited application of Sections 27, 39, and 64A reflects only a partial alignment with these standards. Strengthening these provisions, through better rehabilitation

⁴⁴ *Supra* note 28.

⁴⁵ *Supra* note 27.

⁴⁶ *Supra* note 19.

⁴⁷ *Supra* note 8.

⁴⁸ *Supra* note 9.

facilities, awareness among judges and prosecutors, and clear guidelines, would embed proportionality more deeply within the NDPS framework.

Thus, while the NDPS Act is primarily punitive, its few provisions of leniency and judicial interpretations aimed at humanisation show that proportionality can be advanced within the statutory framework. Yet, their limited use highlights the urgent need for systematic reforms to ensure that addicts, small-time offenders, and vulnerable individuals are not swallowed by the Act's overwhelming severity.

CONCLUSION

The debate on proportionality in sentencing under the NDPS Act epitomises the tension between deterrence and fairness, between the sovereign's duty to combat a grave social menace and its constitutional obligation to respect individual rights. From the statute's inception in 1985, India chose a model of severity, guided by international obligations and domestic anxieties about drug trafficking. The NDPS Act embodied this choice by introducing mandatory minimums, strict liability, and curtailed judicial discretion. Yet over time, as the law was applied to thousands of cases, the rigidity of its sentencing framework exposed deep fissures. Small-time offenders, addicts, and vulnerable couriers were swept into the same punitive net as organised traffickers and syndicate leaders. This inability to distinguish between levels of culpability raised profound questions about whether the law, in its zeal for deterrence, had strayed from constitutional fairness.

Proportionality has therefore emerged not as a technical doctrine but as a moral compass guiding judicial scrutiny of NDPS sentencing. At its heart, proportionality insists that punishment must fit both the crime and the criminal. It seeks to avoid the two extremes of excessive severity and undue leniency by requiring a calibrated balance between harm caused, culpability of the offender, and the broader social purpose of punishment. Within the NDPS framework, this principle has gained prominence precisely because of the statute's inbuilt harshness. Without proportionality as a counterweight, sentencing under the Act risks becoming arbitrary, eroding public confidence in justice.

The judiciary has played a pivotal role in advancing this principle. Early cases, particularly *Dadu @ Tulsidas*, marked turning points by striking down legislative attempts to oust judicial discretion altogether. Subsequent decisions widened the interpretive space, clarifying that Section 32B is not an exhaustive list of aggravating factors and that mitigating

considerations must also shape sentencing outcomes. By distinguishing roles within drug networks, courts gradually recognised that a courier's culpability differs from that of a financier, and that addiction is qualitatively distinct from trafficking. These judicial pathways reintroduced nuance into a framework designed for uniformity, thereby aligning sentencing practices with constitutional standards.

At the same time, judicial approaches reveal both advances and limitations. The reaffirmation of the mixture rule in Hira Singh highlighted the judiciary's occasional deference to legislative rigidity, even when it produced disproportionate consequences. Similarly, the persistence of stringent bail conditions has left many accused languishing in pre-trial custody for years, a reality that undermines the presumption of innocence and violates proportionality in practice. These tensions underscore that while courts have been crucial in humanising NDPS sentencing, their capacity to transform the structural severity of the law is constrained. Lasting reform requires legislative intervention.

The spaces of leniency written into the NDPS Act such as Sections 27, 39, and 64A, suggest that Parliament was not entirely blind to the human dimension of narcotics offences. Yet these provisions remain underutilised. Probation for small-time offenders, immunity for addicts seeking treatment, and reduced penalties for consumption offences are all examples of proportionality embedded within the statute, but they have not been systematically applied. Weak rehabilitation infrastructure, lack of awareness among enforcement agencies, and judicial caution have combined to limit their effectiveness. As a result, these humane provisions function more as symbolic gestures than as robust safeguards. A proportionality-oriented approach demands that these spaces be revitalised, supported by practical mechanisms such as treatment centres, probation services, and sensitisation of trial courts.

The global context adds further urgency. Across jurisdictions, the principle of proportionality has become a hallmark of modern drug policy. Portugal's decriminalisation model, Latin America's constitutional recognition of privacy in personal drug use, and Australia's structured sentencing guidelines all show that proportionality is not only compatible with deterrence but essential for effective justice. International bodies, including the UN and OHCHR, have emphasized that disproportionate punishments violate human rights, and that drug control policies must differentiate between use, minor trafficking, and organised crime. By contrast, India's continued reliance on mandatory minimums and retention of the death penalty for repeat offences situate its regime at odds with evolving global standards. The

legitimacy of India's narcotics control system, both domestically and internationally, therefore depends on its willingness to embrace proportionality as more than a judicial afterthought.

Constitutionally, proportionality is deeply rooted in India's legal order. Articles 14 and 21 require that state action, whether legislative, executive, or judicial, be non-arbitrary, just, and fair. Sentencing that is grossly excessive or indifferent to individual circumstances violates these guarantees. The Supreme Court has consistently emphasised that proportionality is a part of the basic structure of constitutional review. Within the NDPS context, this means that the statute cannot be applied mindlessly. Punishment must be calibrated, reasons must be recorded, and judicial discretion must be meaningfully exercised. The constitutional demand for proportionality therefore acts as a constant reminder that the fight against drugs cannot come at the cost of justice itself.

Looking ahead, the future of sentencing lies in creating structured guidelines that put fairness at the center. These guidelines should clearly define different types of offenders, identify factors that can either lessen or worsen the severity of the crime, and offer practical tools for judges to go beyond the bare minimum punishments set by law. It's also crucial that these rules take into account social and economic backgrounds, ensuring that issues like addiction and poverty aren't treated as harshly as organized drug trafficking. Systems for probation and rehabilitation should be expanded, fines should match a person's ability to pay, and using jail as a default punishment should be carefully limited. These reforms wouldn't weaken deterrence; they'd actually make the justice system more credible and compassionate.

At its core, the discussion around proportionality in NDPS sentencing is a question of legitimacy. When the system imposes overly harsh punishments, it risks alienating the public, creating a sense of unfairness, and weakening the very foundation of the law. But when punishments are in line with the seriousness of the crime, it builds public trust and reinforces the moral authority of the state. For India, adopting proportionality isn't just about following international trends, it's about living up to its constitutional values of fairness and human dignity.

WOMEN, TRADE AND LAW: LEGAL PERSPECTIVES ON WOMEN'S ECONOMIC EMPOWERMENT

- Hriti Parekh* & Dr Ankit Awasthi**

Abstract

This article examines the intersection of trade, law, and gender to explore how international trade can serve as a catalyst for women's economic empowerment. It traces the transformative role of trade in enhancing women's access to employment, wages, and skills, drawing on global evidence and the case study of Bangladesh's garment sector. The article critically analyzes how trade liberalization, global value chains, and WTO-led initiatives including Aid for Trade, the Buenos Aires Declaration, and the Informal Working Group on Trade and Gender have advanced gender equality while also identifying persistent barriers that limit women's participation. Contemporary perspectives on digitalization, sustainability, and post-pandemic realignments are integrated to highlight both emerging opportunities and risks for women in global markets. The discussion underscores the importance of applying a gender lens to trade policies, particularly in areas such as tariffs, data collection, digital inclusion, and trade agreements. The article concludes with policy recommendations to operationalize gender-responsive trade frameworks, thereby aligning women's empowerment with sustainable and inclusive economic growth.

Keywords: Women's Empowerment, Economic Reforms, Justice, Trade, Gender Equality,

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INTRODUCTION

The “Trade can expand women’s role in the economy and decrease disparities with men by giving women more and better employment opportunities. Seizing these opportunities will be even more important in a post-COVID-19 world.” - Mari Pangetsu, World Bank Managing Director

Trade has the potential to greatly enhance the lives of women by creating job opportunities, expanding consumer choices, and empowering women in society. The impact of trade policies on economic and social activities often varies significantly based on gender, primarily influenced by a combination of cultural, social, and economic factors. Women and men often possess different skill sets, face distinct challenges, and have unequal access to productive resources. For instance, they may secure stable wage employment but have limited opportunities for skills enhancement. They may benefit as consumers when tariffs are reduced on products crucial to their consumption, yet face disadvantages when their own products compete with cheaper imports.¹

Policies that overlook gender considerations in trade and other macroeconomic realms often serve to exacerbate existing gender disparities.

ENHANCING WOMEN’S LIVES THROUGH TRADE

In a globalized world, trade-induced competitive pressures reduce the costs associated with gender discrimination. Nations that fail to facilitate full female economic participation find themselves at a disadvantage on the international stage, “particularly those countries with export-oriented industries that have a significant female workforce”.²

Trade in fact has the potential to significantly enhance economic prospects for women. It achieves this by increasing employment opportunities, raising wages, creating higher-quality jobs, and reducing overall costs. However, these positive trade effects for women can only

¹ Marc Bacchetta, Emmanuel Milet & José-Antonio Monteiro (eds), *Making Globalization More Inclusive: Lessons from Experience with Adjustment Policies* (World Trade Organization, Geneva, 2019).

² World Trade Organization, *The Economic Impact of COVID-19 on Women in Vulnerable Sectors and Economies* (2020), available at: https://www.wto.org/english/tratop_e/covid19_e/covid19_e.htm (last visited on: Sept. 30, 2025).

materialize if we dismantle the barriers that hinder women's progress and implement appropriate policies to address adjustment challenges.³

Some important facts and figures to note:

- Businesses engaged in international trade tend to employ more women. In developing nations, "women constitute 33.2 percent of the workforce in firms engaged in international trade, compared to 24.3 percent in non-exporting firms and 28.1 percent in non-importing firms". Moreover, women are better represented in firms integrated into global value chains (GVCs) and foreign-owned firms.⁴
- Trade raises women's wages and contributes to economic equity. Globally, women tend to receive a smaller share of total wages. "In developing countries that experience a doubling of their manufacturing exports, which is a common outcome when they open up to trade, women's portion of total manufacturing wages increases by an average of 5.8 percentage points." This increase results from a combination of greater employment opportunities and higher salaries.⁵
- Trade leads to the creation of higher-quality jobs for women. In both developing and emerging economies, individuals employed in sectors with substantial export activity are more likely to have formal employment arrangements. Specifically for women, the likelihood of informality decreases from "20 percent in sectors with low levels of exports to 13 percent in sectors with high export levels".⁶

TRADE LIBERALIZATION AND GENDER EQUALITY

Trade liberalization is closely connected to the increased accumulation of education and skills, known as human capital, as well as a rise in gender equality. Furthermore, trade can serve as a catalyst for countries to expand women's legal rights and their access to vital resources such as education and technology. In turn, improved women's rights have also facilitated increased trade, creating a mutually reinforcing relationship between trade expansion and gender equality. In contrast, regions characterized by high levels of gender inequality tend to experience lower levels of product and export diversification. This

³ Romina Kazandjian, Lisa Kolovich, Kalpana Kochhar & Monique Newiak, 'Gender Equality and Economic Diversification' *Social Sciences* 8 (4) 118 (2019), available at: <https://doi.org/10.3390/socsci8040118>

⁴ *Ibid.*

⁵ Masha Brussevich, 'Does Trade Liberalization Narrow the Gender Wage Gap? The Role of Sectoral Mobility' 109 *European Economic Review* 305-33 (2018), available at: <https://doi.org/10.1016/j.eurocorev.2018.02.007>

⁶ *Ibid.*

phenomenon is particularly evident in lower-income countries, where gender disparities in education and the labor market can hamper potential innovation. “*The greater a country’s global integration, the more trade can serve as a catalyst for improving women’s rights and enhancing their participation in the economy.*”⁷

♦ The Case Study of Bangladesh⁸

The transformation of women’s lives in the last three decades, as exemplified by the ready-made garment sector in Bangladesh, underscores how trade can be a powerful force for change. This sector has experienced remarkable average growth of 17 percent per year since 1980 and now accounts for more than three-quarters of Bangladesh’s export earnings. Its transformative impact lies in its ability to provide formal job opportunities for women outside their homes, thereby directly increasing women’s incomes and labour force participation. Currently, the sector employs “approximately 3.6 million workers, with an estimated 53 percent of them being women”.⁹

THE TRADE AND WOMEN’S ECONOMIC EMPOWERMENT NEXUS

There are four fundamental elements that demand discussion:

1. Firstly, it’s important to consider that “*the trade and global value chains have reinforced specialisation, compartmentalisation, and clustering of economic activities, which can create more economic opportunities for women*”¹⁰. As these sectors grow, there is an increased demand for female labour, leading to higher employment and income for women. They can also tap into valuable export opportunities that typically arise when trade is liberalized and markets open up. International trade has played a pivotal role in generating employment opportunities in many developing countries. This has been achieved by expanding both export and import sectors and by introducing structural changes that have boosted the

⁷ Matthias Busse & Christian Spielmann, ‘Gender Inequality and Trade’ 14 (3) *Review of International Economics* 362-79 (2006), available at: <https://doi.org/10.1111/j.1467-9396.2006.00589.x>

⁸ Rachel Heath & A. Mushfiq Mobarak, ‘Manufacturing Growth and the Lives of Bangladeshi Women’ (2015) 115 *Journal of Development Economics* 1-15 (2015), available at: <https://doi.org/10.1016/j.jdeveco.2015.01.006>

⁹ Arun Devnath, ‘European Retailers Scrap \$1.5 Billion of Bangladesh Orders’ *Bloomberg* (22 March 2020, updated 23 March 2020), available at: <https://www.bloomberg.com/news/articles/2020-03-23/europe-retailers-cancel-1-billion-of-bangladesh-garment-orders> (last visited on Sept.30, 2025).

¹⁰ Maurizio Bussolo & Rafael E. De Hoyos (eds), *Gender Aspects of the Trade and Poverty Nexus: A Macro-Micro Approach* (World Bank, Washington DC, 2009).

employment of lower-skilled workers who might otherwise struggle to find work or remain in the informal economy.

2. The second crucial point to consider is that trade has the potential to enhance employment quality and labour conditions. The heightened competition resulting from “increased trade and trade policies, often driven by international agreements, encourage companies to formalize their employment practices and adopt improved labour standards.” This development, in turn, paves the way for broader initiatives aimed at empowering women both economically and socially.¹¹
3. Thirdly, trade and active involvement in global value chains can facilitate the transfer of technology and skills, fostering creativity, innovation, and efficiency within firms. This process holds the potential to “promote the expansion and enhancement of skills development opportunities for women, thereby increasing inclusiveness in education”.
4. Fourth, it is important to note that trade can significantly influence “women’s labour market participation and wages”¹².

KEY INITIATIVES FOR TRADE AND WOMEN’S ECONOMIC EMPOWERMENT

▪ WTO’s “Aid for Trade” Initiative

The “Aid for Trade” initiative was established during the “Hong-Kong Ministerial Conference in 2005”. In 2006, a dedicated “Aid for Trade Task Force”, composed of WTO Members, was formed to operationalize the initiative and define its objectives. The final report of the Task Force, released in July 2006 (WT/AFT/1), explicitly mandated the inclusion of gender equality within the Aid for Trade framework. **Article 42**¹³ of the report also emphasized the joint commitment of donors and partner countries to harmonize their efforts on cross-cutting issues, with gender equality being a prominent example.

¹¹ Linda Scott, *Private Sector Engagement with Women’s Economic Empowerment: Lessons Learned from Years of Practice* (Saïd Business School, University of Oxford, 2017).

¹² Nadia Rocha & Deborah Winkler, *Trade and Female Labor Participation: Stylized Facts Using a Global Dataset* (Policy Research Working Paper 9098, World Bank, Washington DC, 2019), available at: <https://documents1.worldbank.org/curated/en/193111577420193090/pdf/Trade-and-Female-Labor-Participation-Stylized-Facts-Using-a-Global-Dataset.pdf> (last visited on: Sept. 30, 2025).

¹³ World Trade Organization, *Aid for Trade Initiative, Women’s Economic Empowerment* (Staff Working Paper ERSD-2019-08, 2019), available at: https://www.wto.org/english/res_e/reser_e/ersd201908_e.pdf (last visited on: Sept. 30, 2025).

The findings from the 2022 Monitoring and Evaluation Exercise underscore that 92 percent of developing countries have included women's economic empowerment as a fundamental component of their Aid for Trade objectives. These efforts particularly emphasize enhancing the capacity of women entrepreneurs and farmers. Aid for Trade programs predominantly support the policy initiatives of WTO members in areas such as infrastructure development, access to finance, climate change mitigation, digitalization, female leadership promotion, and combating gender-based violence. The primary sectors targeted by these programs encompass agriculture and fisheries, tourism, and the textile and clothing industry.

- **The “Buenos Aires Declaration on Trade and Women’s Economic Empowerment”**

In December 2017, during the sidelines of the “11th Ministerial Conference of the WTO”, 118 WTO members and observers gave their endorsement to the “Buenos Aires Declaration on Trade and Women’s Economic Empowerment”¹⁴. The primary objective of this declaration is to amplify the involvement of women in international trade and eliminate the obstacles that hinder women from entering and thriving in the global marketplace. It aimed at:

- Enhancing the responsiveness of trade and development policies to gender considerations, which includes sharing experiences related to policies and programs aimed at fostering women’s engagement in trade.
- Sharing best practices for conducting gender-based analyses of trade policies and for monitoring the outcomes of these policies in terms of gender equality.
- Collaborating on methods for collecting gender-specific data and analyzing statistics that are focused on gender-related aspects of trade.
- Working collectively within the WTO to eliminate barriers that hinder women’s economic empowerment and increase their participation in trade.¹⁵
- Informal Working Group on Trade and Gender, formed in September 2020, brings together WTO members and observers with the shared goal of enhancing efforts to promote women’s involvement in global trade. It was established as a follow-up to

¹⁴ World Trade Organization, *Buenos Aires Declaration on Trade and Women’s Economic Empowerment* (2017), available at:

https://www.banwagonghuaile.sbs/english/tratop_e/womenandtrade_e/buenos_aires_declaration_e.htm (last visited on: Sept. 30, 2025).

¹⁵ *Ibid.*

the “Joint Declaration on Trade and Women’s Economic Empowerment”¹⁶, which was initiated during the “2017 Ministerial Conference in Buenos Aires”. The primary objectives of this group include:

- Facilitating the exchange of best practices for removing barriers that hinder women’s participation in international trade.
- Engaging in discussions about how to incorporate a gender lens into the work of the WTO, ensuring that gender considerations are an integral part of WTO activities.
- Reviewing gender-related reports produced by the WTO Secretariat to better understand the gender dynamics of trade.
- Exploring how women can derive benefits from the Aid for Trade initiative, which aims to support developing countries in enhancing their trade capacities.

Encouraging a collaborative effort to promote gender equality and women’s economic empowerment within the realm of international trade.

CONTEMPORARY PERSPECTIVES: DIGITALIZATION, SUSTAINABILITY, AND POST-PANDEMIC REALITIES

In recent years, global trade has begun to evolve in ways that create both fresh opportunities and new obstacles for women’s participation in the economy. Earlier debates on trade and gender were largely framed around tariff reductions and export-led growth. Today, however, three themes dominate the discussion - the digital economy, sustainability, and the lasting disruptions of the COVID-19 pandemic. Together, they highlight how gender and trade are increasingly intertwined.

▪ Digital Trade and the Gender Divide

The rapid expansion of digital trade has changed how women can engage with global markets. E-commerce platforms, online payment systems, and gig networks allow many women, particularly in developing economies, to reach consumers directly and bypass

¹⁶ World Trade Organization, *Joint Declaration on Trade and Women’s Economic Empowerment* (2017), available at:

https://www.intracen.org/sites/default/files/uploadedFiles/abmfiles/BuenosAiresDeclarationonWomenand_20Trade.pdf (last visited on: Sept. 30, 2025).

traditional barriers such as limited mobility or access to credit.¹⁷ Yet this potential remains unevenly realized. A survey in 2025 showed that almost half of women entrepreneurs in developing countries lacked regular internet access because of affordability issues, while “women were still about 15 percent less likely than men to use mobile internet in low and middle-income countries.”¹⁸ Without targeted measures to bridge this digital divide, technology could end up reinforcing pre-existing inequalities rather than breaking them down.

▪ **Sustainability and Green Trade**

Another defining feature of the current trade landscape is its growing connection to sustainability and climate policy. Women who work in agriculture and fisheries are among the most exposed to climate change, given their reliance on natural resources and the limited tools available for adaptation.¹⁹ At the same time, new trade measures - ranging from eco-labels and carbon standards to sustainable sourcing rules - are opening up fresh markets for women-led enterprises. These opportunities, however, carry risks: compliance often requires capital, training, and access to technology that many women cannot easily secure. To prevent green standards from becoming exclusionary, governments and institutions must provide targeted financial support and skill-building initiatives.²⁰

▪ **Post-Pandemic and Geopolitical Shifts**

The pandemic starkly revealed how fragile women’s gains in trade can be. Industries with large female workforces - textiles, tourism, hospitality were among the first to contract, contributing to a global fall of more than two percentage points in women’s employment rates.²¹ At the same time, shifting geopolitical currents, from U.S.–China trade frictions to the war in Ukraine, have disrupted supply chains and forced firms to diversify production networks. While these shifts carry risks of exclusion, they may also generate new openings for women in regions where industries are relocating. The challenge lies in ensuring that

¹⁷ International Monetary Fund, *Trade Drives Gender Equality and Development* (2023).

¹⁸ Cherie Blair Foundation for Women, *Women in Business and the Cost of Mobile Data* (2025).

¹⁹ UN Global Survey, *Digital and Sustainable Trade Facilitation* (2023).

²⁰ World Trade Organization, *World Trade Report 2023: “Re-globalization for a Secure, Inclusive and Sustainable Future* (2023).

²¹ N Khan et al., ‘The Impact of COVID-19 on Women’s Empowerment’ *Public Health in Practice* (2023).

policies for recovery and realignment deliberately integrate women into these reconfigured trade flows.²²

▪ Global Initiatives and Policy Momentum

Recent multilateral discussions reflect this new reality. The WTO's *World Trade Report 2023* placed digital inclusion at the center of inclusive trade strategies,²³ and India's G20 Presidency the same year elevated "women-led development" as a guiding principle for global economic cooperation. These initiatives signal that gender equality in trade is no longer treated as an afterthought but as a priority within international economic governance.

Additionally, the Global Gender Gap Report 2025 indicates that progress may be accelerating: the gender gap has closed to 68.8 percent, with strides in economic participation and political empowerment leading the way.²⁴ Additionally, policy interventions around digital payments, identity systems, and financial inclusion suggest that trade policy is increasingly thinking in infrastructure and equity terms, not just tariff lines.

▪ WTO Initiatives & Recent Programs

A concrete example of how the multilateral trade architecture is adapting with gender and digital trade in mind is the WEIDE Fund (Women Exporters in the Digital Economy), launched by the WTO and ITC in 2024. This USD 50 million initiative offers *Discovery* and *Booster* grants, alongside training, mentorship, and connecting women-led MSMEs to digital platforms. Institutional capacity building is also central, via local Business Support Organisations in pilot countries such as Nigeria, Jordan, Mongolia, and the Dominican Republic.²⁵

These developments show that the WTO is not just studying gender trade issues but is also putting in place instruments to operationalise inclusion.

SUGGESTIONS & CONCLUSION

²² International Monetary Fund, *Digitalization and Employment Gender Gaps During the COVID-19 Pandemic* (2024).

²³ World Trade Organization, *World Trade Report 2023* (2023).

²⁴ World Economic Forum, *Global Gender Gap Report 2025*, showing overall gender gap closed to 68.8%, major gains in economic participation and political empowerment.

²⁵ World Trade Organization, 'Pilot Countries Selected for WEIDE Fund Implementation' (Press Release, 22 April 2025), available at: https://www.wto.org/english/news_e/news25_e/weide_22apr25_e.htm (last visited on: Sept. 30, 2025).

Applying a gender perspective to national trade policies is crucial for promoting gender equality in international trade. Following the examples set by countries like Sweden and Canada, several steps can be taken.

Review Tariffs: Examine tariffs with a gender focus and consider negotiations to “reduce tariffs on products that disproportionately affect women”, acknowledging that tariffs can impact women differently.

Collect Gender-Disaggregated Data: Start collecting data that separates trade impacts on women and men. This data can help gauge how trade policies affect women’s wages, employment, and opportunities.²⁶

Combat Gender-Based Discrimination: Consider enacting domestic laws to prohibit gender-based discrimination, particularly in access to economic opportunities and credit.

Enhance Digital Infrastructure: Collaborate with public and private entities to improve digital infrastructure, enabling women to access the digital economy, especially during times like the pandemic.

Include Gender Language in Trade Agreements: Incorporate gender-specific language in trade agreements, supported by robust implementation and enforcement mechanisms.²⁷ By incorporating these measures, countries can advance gender equality and empower women in the global economy, aligning with international goals for sustainable development.

²⁶ Guido Cozzi, Marco Francesconi, Shelly Lundberg, Noemi Mantovan & Robert M Sauer, ‘Advancing the Economics of Gender: New Insights and a Roadmap for the Future’ 109 *European Economic Review* 109 1-8 (2018), available at: https://pure.bangor.ac.uk/ws/portalfiles/portal/20481769/CFLMS_2018_05_31.pdf (last visited on: Sept 30, 2025).

²⁷ J-A Monteiro, *Gender-Related Provisions in Regional Trade Agreements* (WTO Staff Working Paper No. ERSD-2018-15, World Trade Organization, Geneva, 2018).

WOMEN WORKERS IN TEA PLANTATION: A STUDY ON THE WORKING CONDITIONS AND LABOUR WELFARE IN BALIJAAN TEA ESTATE, DIBRUGARH DISTRICT, ASSAM

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Abstract

In terms of tea production, Assam is widely recognised as a leading state, which has made a substantial contribution to the overall economic success of the nation. Without the work of women, the tea plantations and exquisite gardens of Assam would be impossible. Women play an essential role in the tea plantation industry. The health and safety of these ladies are of the utmost importance when it comes to the present day. An investigation into the working conditions and welfare of workers at Balijaan Tea Estate, located in the Dibrugarh District of Assam, is the subject of this study. The objective of the research is to evaluate the working conditions and effectiveness of the law, as well as the differences in how it is implemented. Through the use of questionnaires and interviews, data were collected from 70 women workers. According to the findings, female workers have concerns about their working conditions and welfare provisions. A key cause for worry is the fact that they have a limited understanding of labour regulations, which leads to a lack of awareness of the gap between the laws and their rights. In spite of this, a significant number of employees have expressed their contentment with the maternity benefits that the company offers. The findings shed light on the discrepancy that exists between the law that is intended to improve working conditions and the implementation of such legislation. In order to overcome these gaps and create a healthy working environment, some solutions

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include improving the implementation process and establishing certain mandatory standards for employers is necessary.

Keywords: Women workers, Working conditions, Legislation, Balijaan Tea Estate, Dibrugarh.

INTRODUCTION

The tea industry of Assam is considered one of the most influential sectors towards the economic growth of Assam. Dibrugarh is known as the Tea City of Assam. In the tea plantation sector, the workers are the migrant labourers who come from the different states in India, especially Odisha, Jharkhand and Chhattisgarh. In this study, the focus is given to women workers because women worker is considered a major working force in the tea plantation sector, as they are basically engaged with the tea leaf plucking task and some other related activities. Women in every society face different kinds of obstacles, and these groups of women workers are also not free from these obstacles. Due to the existence of a patriarchal form of society, female is dominated by the male community, and this orthodox concept is entering the field of profession. While talking about the status and the working conditions of the women workers in the tea plantation, they are living in a very vulnerable condition. There are lots of issues related to their basic facilities and rights related to labour welfare provisions. The concept of labour welfare is a very significant concept of the welfare state, without which the progress of society becomes stagnant. In Dibrugarh District, Chabua is a place where the first tea garden was established. In this study, the Balijaan Tea Estate is the area of study. Located in the high-quality belt of the Tingri Circle, Dibrugah District, this estate earned the nickname “Balijan High” due to the high quality of CTC and Orthodox that it produces. The estate is renowned for bright CTC cups and very stylish and tippy orthodox. The welfare measures which are provided by the garden authority are very limited according to their requirement as a worker.

STATEMENT OF PROBLEM

There is still a big disconnect between policy and practice, especially among the workers of the tea gardens, even with extensive laws aimed at protecting women workers and providing a conducive environment at work. With an emphasis on encouraging labour welfare practices, this research attempts to determine the disparities and gaps as well as the actual effects of this legislation on women's safety and well-being.

OBJECTIVES

1. To study the working conditions of the women workers in Balijaan Tea Estate, Dibrugarh District and

2. To assess the impact of Indian legislation on the women workers in Balijaan Tea Estate, Dibrugarh District from the point of view of labour welfare.

RESEARCH QUESTIONS

1. Are the women workers in Balijaan Tea Estate, Dibrugarh, working in favourable working conditions?
2. How effective is the Indian legislation towards the labour welfare and protection of the women workers of Balijaan Tea Estate, Dibrugarh District?

LITERATURE REVIEW

Ashish Mittal¹, in his research paper on “*Migrant Workers in the Tea Plantation Sector*”, discusses about the poor standard of living and unfavourable working conditions of migrant workers, especially in the Indian tea plantation sector. The Indian tea industry is heavily dependent on migrant labourers and plays a vital role in the economy. The working group is in extremely bad shape, and it is imperative that things improve, especially for the female employees. The majority of India’s tea plantations are found in certain rural and underdeveloped areas. These plantations’ migrant workers endure subpar living and working conditions, including low pay, starvation, and scant medical care.

Mridhusmita Duara & Sambit Malick², in a study on Women *Workers & Industrial Relations in Tea Estates of Assam Female Laborers in Assam*’s highlighted that the tea plantations of Assam are experiencing marginalisation, a pronounced sexual division of labour and substandard working conditions, with attributable to little governmental participation and inadequate social welfare initiatives for the workers. This study analyses the marginalisation and subjugation of female labourers in Assam’s tea plantation sector, focusing on the sexual division of labour, patriarchal influences, trade unions, sexual harassment, and inadequate working conditions. Women comprise almost 50% of the overall labour in Assam’s tea

¹ Ashish Mittal, “Migrant Workers in the Tea Plantation Sector”, 74 (1) *Occupational Medicine* (2024). available at: https://academic.oup.com/occmed/article/74/Supplement_1/0/7706720?login=false (last visited on: Sept. 27, 2025).

² Mridhusmita Duara & S. Mallick, “Women Workers & Industrial Relations in Tea Estates of Assam”, 55 *Indian Journal of Industrial Relations: Economics & Social Development*, 15-26 (2019), available at: https://www.researchgate.net/profile/Sambit-Mallick/publication/333892562_Women_Workers_and_Industrial_Relations_in_Tea_Estates_of_Assam/links/5ecc12a892851c11a88a89c9/Women-Workers-and-Industrial-Relations-in-Tea-Estates-of-Assam.pdf?__cf_chl_rt_k=IXMpXniqiCA6fJtv5K_apTNGVEbIy5pzq82Y8AwxfbE-1737626864-1.0.1.1-jkRitSDdpklBBVn3rq3cHIIEsT_p_YApTEVdp8A5Z94 (last visited on: Sept. 27, 2025).

plantation business. However, they are continuing to be excluded from several facets of the tea business. This research seeks to examine the interplay of gender and class, as well as workplace disparities and the industrial relations context inside tea plantations. The researcher finds that the involvement of the State is very inadequate towards the social welfare initiatives, which contributed towards the deplorable working conditions, particularly the health risks faced by female workers.

D. Kalyani and D. Sumathi³, in a study on *Occupational Attributes and Its Impact on Health Among Tea Plucking Women Workers of Assam*, the women who harvest tea leaves in the state of Assam were the subjects of the research, which investigated their socio-economic backgrounds, working conditions, and the possible health impacts of their labour. The Dibrugarh and Jorhat districts in Assam were used to choose a sample of one hundred tea plucking women workers. The selection process was carried out using a random sampling approach. Between April and June 2021, the data was gathered. The women who picked tea were full-time labourers who received a modest income of Rs. 1160 per week. They were employed in the tea picking industry. 82 % of the respondents picked more than twenty kilograms of tea leaves on a daily basis, whereas 56 % of the respondents picked tea leaves that weighed less than 20 kilograms. A total of 69% of the respondents utilised a basket in addition to other personal protection equipment when picking tea leaves, and 31 % of them exclusively used a basket to pick tea leaves. However, despite the fact that the majority of tea plucking women workers (63%) had difficulties with the basket as a result of its transportation, 94 % of the women workers experienced physical discomfort both during and after their work period. This is because they are required to stand for the whole of their shift while carrying a large basket full of tea leaves. As well as the possible adverse consequences on their health, the women who pick tea leaves in the state of Assam are subjected to working conditions.

Nayana Borah⁴, A study conducted on *the rights of women workers in the tea gardens of Assam, analyses the circumstances of female labourers in the tea plantations of Assam*. The

³ D. Kalyani & Sumathi Dhandapani, "Occupational Attributes and Its Impact on Health Among Tea Plucking Women Workers of Assam", 51 (2) *The Journal of Research ANGRAU*, 1-190 (2023), available at: <https://doi.org/10.58537/jorangrau.2023.51.2.12>

⁴ Nayana Borah, "The rights of women workers in the tea gardens of Assam", 2 *The Clarion-International Multidisciplinary Journal*, 128-133 (2013).

aim of this research is to assess the extent of enjoyment of workers' rights among female employees. Workers' rights are a relatively recent component of the contemporary notion of human rights. The International Labour Organisation was established to safeguard workers' rights. The Universal Declaration of Human Rights and the French Declaration of the Rights of Man. The Constitution of India and similar documents address workers' rights. All workers across all sectors, both organised and unorganised, including those in the tea business, must possess workers' rights. The researcher finds that the condition of female labourers in the tea gardens is very bad. They are denied several labour rights. Furthermore, many individuals still lack awareness about workers' rights. They are encountering many socioeconomic challenges.

Khandakar Shahadat and Shahzad Uddin⁵, in their article on “*Labour Controls, Unfreedom and Perpetuation of Slavery on a Tea Plantation*”, investigate labour regulations in Bangladeshi traditional tea plantations. According to this study, workers face social and economic challenges, and the rules that are put in place for them are also inconsistent. The “coolie” system of labour-manager relations has created a captive workforce that is isolated from the general workforce. In the end, this is similar to the system of slavery or bonded labour. Tea enterprises adhere to a very strict system; the old-fashioned sunset-sunrise working hours, maximum engagement, and restricted opportunities for advancement to managerial positions serve as ongoing reminders of the system of forced labour. This study presents an organised and unambiguous picture of modern slavery.

Porag Pachoni in “*Labour Welfare Practices in Tea Industry with Special Reference to Harmutty Tea Estate of Assam*”.⁶ According to the workers' opinions, the welfare practices towards the workers remained largely unsolved, despite the fact that the Tea estate had created and put into effect social, health, and safety standards for labour welfare. There was considerable variation in the interviewees' levels of satisfaction with drinking water, urinals and bathrooms, and medical facilities. This is a result of inadequate implementation in health facilities and the respondents' lack of understanding. A dismal picture was presented by the poll on labour welfare procedures in the tea business, which focused especially on

⁵ Khandakar Shahadat and Shahzad Uddin, “Labour Controls, Unfreedom and Perpetuation of Slavery on a Tea Plantation”, 36 (3) *Work, Employment and Society* (2022). available at:

<https://journals.sagepub.com/doi/pdf/10.1177/09500170211021567> (last visited on: Sept. 27, 2025).

⁶ Porag Pachoni, “Labour Welfare Practices in Tea Industry with Special Reference to Harmutty Tea Estate of Assam”, 5 (1) *Prati Dhwani the Echo* 75-83 (2016) available at: <http://www.thecho.in/files/Porag-Pachoni.pdf> (last visited on: Sept. 27, 2025).

respondents' opinions of several welfare services. There is greater satisfaction with the educational and transportation amenities. Despite the government's creation and execution of a number of welfare laws, the estate does not successfully apply them.

Dr Suraj Tamang⁷ provided a comprehensive analysis of tea plantations and their workforce in the Dooars region in a study titled "An overview of tea gardens and labour situation in Dooars area of Jalpaiguri district." The study was divided into three main parts: an examination of the historical background of plantation workers, an analysis of government programs aimed at improving the welfare of the labour community, and an investigation of the revenue generated from plantations. The study found that the area of the plantations had somewhat increased, that the number of people living there had been steadily increasing, that unemployment had increased, and that female worker participation had increased.

RESEARCH METHODOLOGY

Study Design

This research used a mixed-methods approach to provide thorough insights into the effects of Indian laws on the protection of the women workers in Balijaan Tea Estate, Dibrugarh.

Population and Sampling

The study focused on women workers in Balijaan Tea Estate, Dibrugarh. A total of 70 participants were selected using stratified random sampling to ensure representation from different sectors such as manufacturing, services, and agriculture.

Data Collection Instruments

A structured questionnaire was designed using a 5-point Likert scale i.e, SD-Strongly Disagree, D-Disagree, N-Neutral, A-Agree, SA-Strongly Agree) to assess perceptions of health and safety legislation among the participants. The questionnaire included items related to occupational health protections, working conditions, overall well-being improvement, safety measure implementation, sense of safety, and procedures for reporting safety concerns. Interviews: In-depth interviews were conducted with a subset of participants to gain

⁷ Dr. Suraj Tamang, "An overview of tea gardens and labour situation in Dooars area of Jalpaiguri district", 4 (9) *Golden Research Thoughts* 1-7 (2015) available at: <https://ijrpr.com/uploads/V5ISSUE4/IJRPR25133.pdf> (last visited on: Sept 27, 2025).

qualitative insights into their experiences, challenges faced, and suggestions for improvement regarding workplace health and safety.

Qualitative Data Analysis

Thematic analysis was employed through questionnaire data to extract themes related to participant experiences and perceptions regarding health and safety legislation.

COLONIAL LEGACY AND IMPORTANCE TOWARDS THE ESTABLISHMENT OF TEA PLANTATIONS IN ASSAM

The British colonial legacy had a significant impact on the discovery and expansion of the tea industry in Assam. The monarch of this country came to engage in trade and expanded their power in all sectors of the economy through the East India Company. For Britain, the discovery of the indigenous tea plant in Assam was a significant political and economic turning point. An important turning point with significant political and economic ramifications for British colonial ambitions in India was the discovery of the tea plant in Assam. A British East India Company employee named Colonel Letter noted the Assamese tribes' tea-drinking customs in 1815. Additionally, the Assamese Singphoo tribes call it "Fanap."⁸

Similarly, David Scott, the Assamese political agent, was also very interested in the region's tea industry. The British East India Company then showed a keen interest in learning more about the different types of plants that may be found in the Brahmaputra Valley. However, a British East India Company official named Major Robert Bruce made his way to Assam. Major Robert Bruce made the discovery that the tea plant existed in Assam in 1823. In order to supply the British Company with tea plants, he made an arrangement with a Singphoo chief. Major Robert Bruce is credited with identifying the tea plant in Assam.⁹

The Assamese people were frequently taken advantage of by the colonial government during the lengthy period of British colonial rule. It also signaled the beginning of Assam's colonial relationship of domination and reliance on the colonial authority. The Yandaboo Treaty, signed in 1826, gave the British East India Company complete control over Assam. The British government then began diverting Assamese economic surplus to England through a

⁸ R. N. Chakravorty, *Socio-Economic Development of Plantation Workers in North East India*, 30 (N.L Publishers, 1997).

⁹ *Ibid.*

number of strategies. In this way, the British company established the tea-planting industry in several Assamese regions. The British corporation made enormous profits from this industry. In fact, Assam becomes the “Cradle of the Tea Industry.”¹⁰

SIGNIFICANCE OF THE STUDYING WOMEN WORKERS IN TEA PLANTATIONS

In the tea plantation sector, women are considered the heart of the tea plantation. While talking about the workers engaged in the tea plantation sector, the women workers cover the major part.

In general, Assam is divided into two areas: the Assam Valley and Cachar. Dibrugarh district, which has a sizable tea-growing region, has maintained the highest rate of growth among Assamese districts, with an area under tea of 44.65 percent. Assam's small-scale tea producers are now a major contributor to the state's economy. Assam has 68,465 tiny tea estates, according to the state Industry Department's latest “Survey Report and Data Bank on Small Tea Growers.” Approximately 25% of the state's total tea production comes from these small growers. Over 4300 small tea growers in Assam provide almost 9% of the state's total yearly crop, according to the Tea Board of India.¹¹

Workers in tea gardens, particularly women who pick tea leaves, are members of a presumed marginalized population that has been making economic contributions to their families and the country as a whole. Women's participation in earning activities is seen as a cooperative tool for empowering them and improving their lives overall, particularly in terms of increasing their sense of self-worth, dignity, resilience, and freedom of choice. However, it is unclear if economic activities strengthen women's sense of self or their ability to speak up for themselves in order to secure their development.¹² Women are regarded as the backbone of

¹⁰ Biraj Jyoti Kalita, “Historical background of the tea industry in Assam” 4 (1) *Res Rev Int J Multidiscip* 548-550 (2019).

¹¹ Gazala Bhoje, “A Historical Review on Tea Plantation”, 7 (5) *International Journal of Research in Engineering, IT and Social Sciences* 21-26 (2017), available at: <https://www.scribd.com/document/631438775/A-Historical-Review-of-Tea-Plantation-pdf> (last visited on: Sept. 27, 2025).

¹² Aktar Hajera, Zafrin Ahmed Liza & Nazira Aktar, “Paid Employment and Empowerment of Women Tea Plantation Workers: A Qualitative Inquiry”, 6 (3) *South Asian Journal of Social Studies and Economics*, 9-18 (2020), available at:

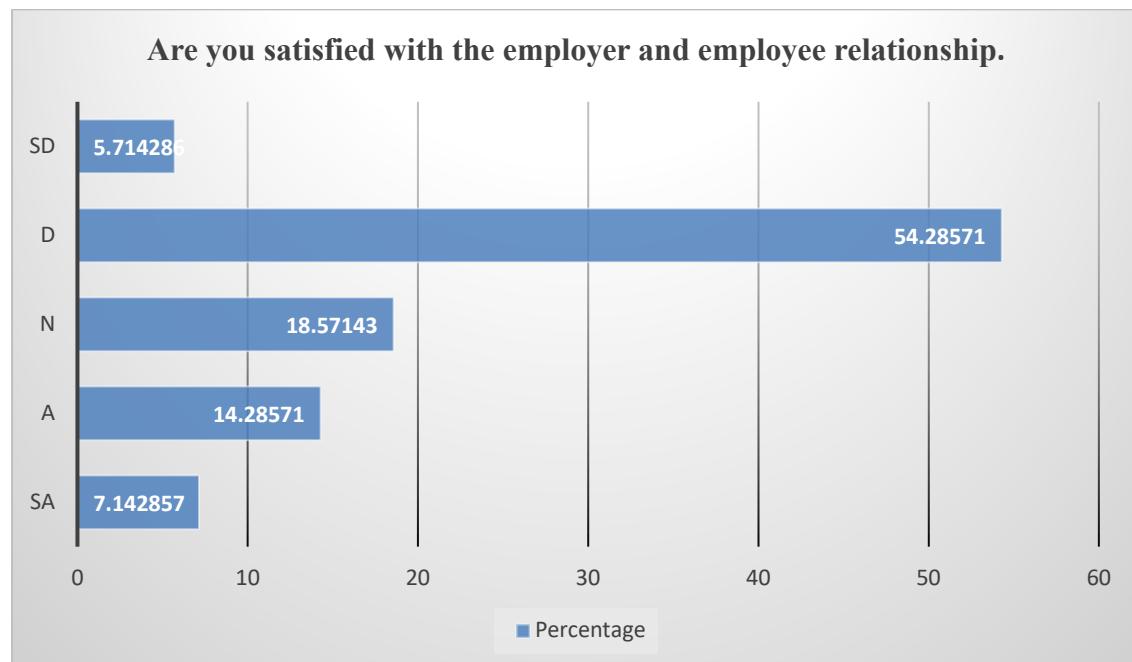
https://www.researchgate.net/publication/341384682_Paid_Employment_and_Empowerment_of_Women_Tea_Plantation_Workers_A_Qualitative_Inquiry (last visited on: Sept. 27, 2025).

the tea plantation industry. Women make up the majority of workers in the tea plantation industry when discussing this sector.

Result and Discussion

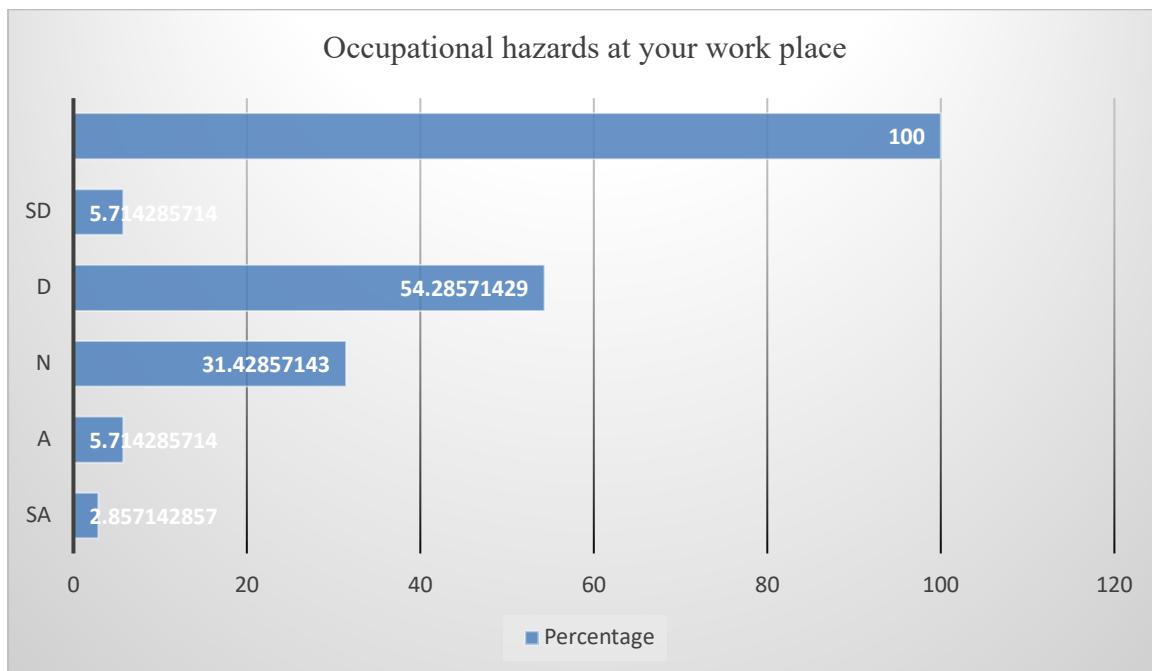
1. To study the working conditions of the women workers in Balijaan Tea Estate, Dibrugarh District.

Fig:1



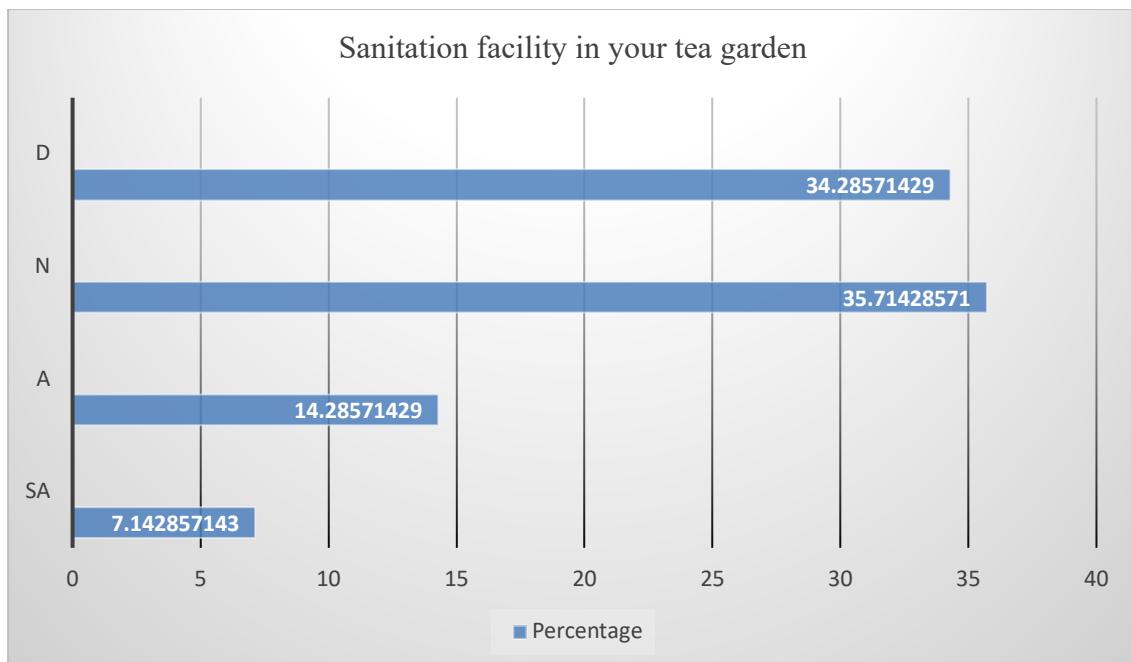
The employer-employee relation is a major factor in labour law. A sound relation between these two is very important for the growth of the organisation. The table indicates the response of the women workers in the Balijaan Tea estate. The respondent group 54% responded D (Disagree), and 6% of the selected population responded SD (strongly disagreed). Whereas 7% of the sample population strongly agreed, 14% agreed, and the 19% responded neutral.

Fig :2



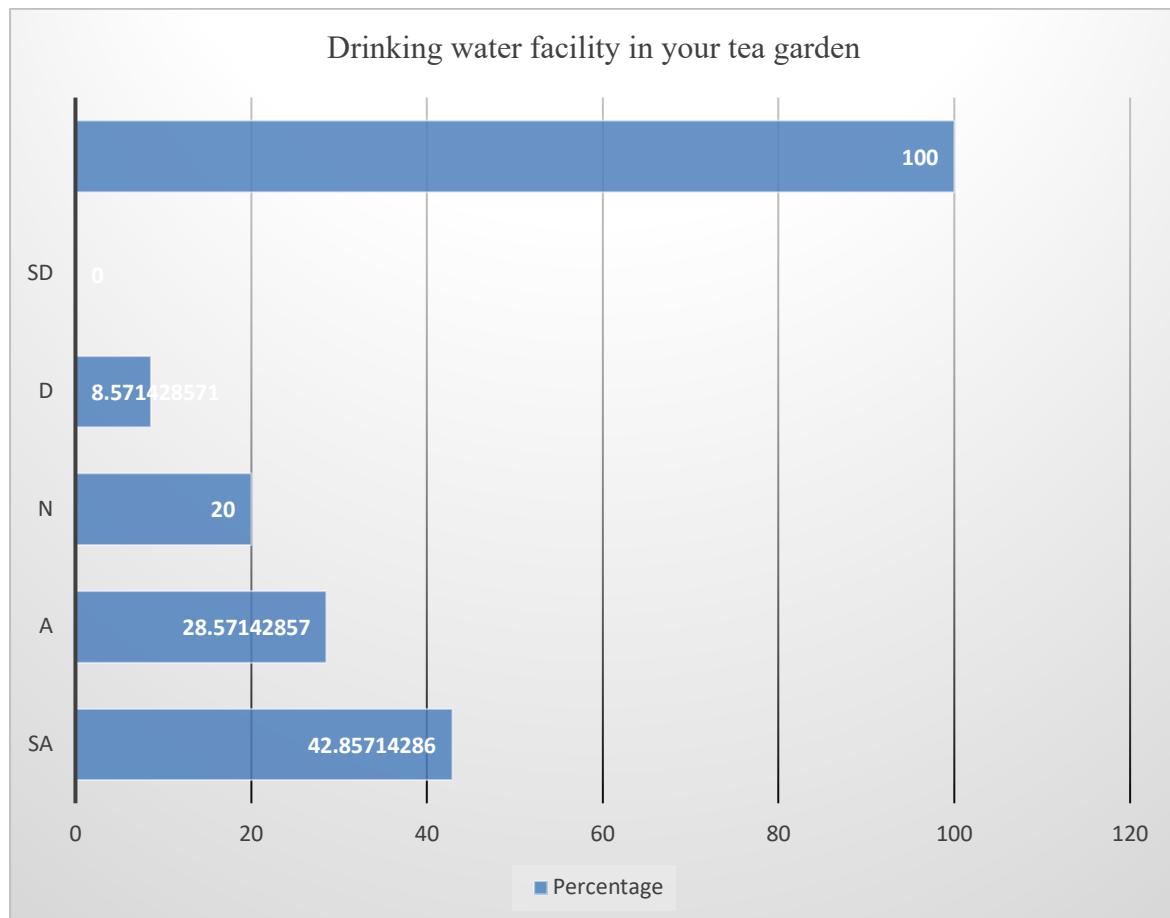
The Balijaan tea estate showing good graph regarding the occupational hazards 54% of the people expressing that they are not facing any occupational hazards. The 6% of the population responding SD (strongly disagree) rest 31% are responding Neutral and the rest 6% and 3% are responding agreed and strongly agreed.

Fig 3:



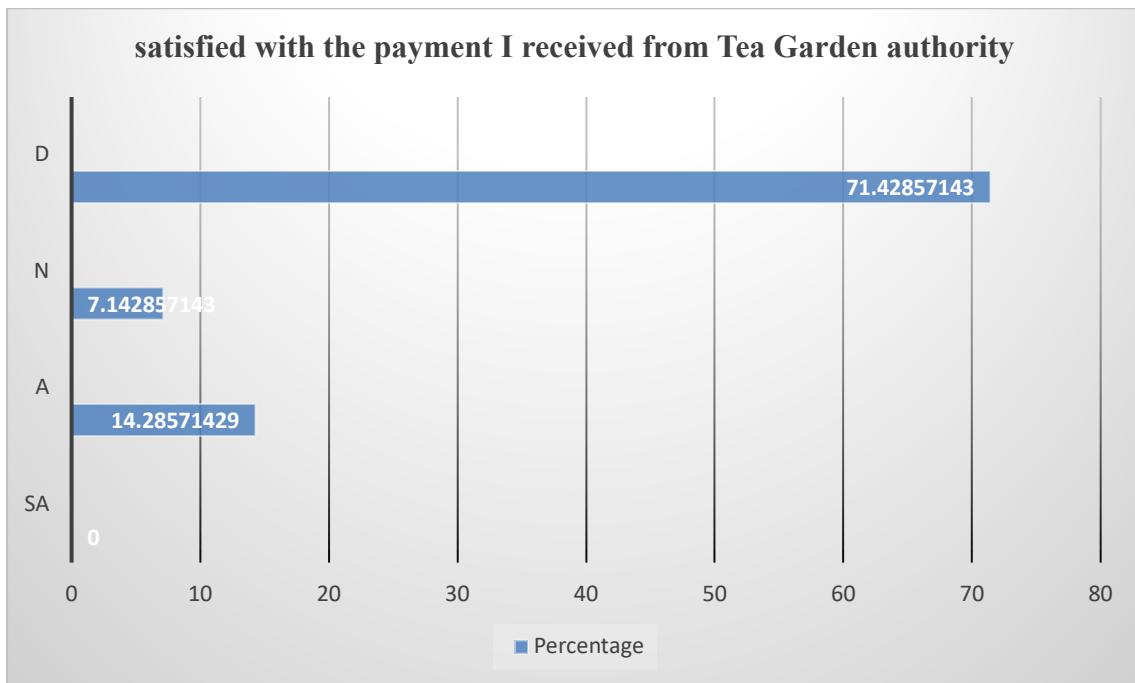
The women workers in the Balijaan tea estate showed a good response in a graph regarding the occupational hazards 54% of the people expressed that they are not facing any occupational hazards. 6% of the population responded SD (strongly disagree), 31% responded Neutral, and the remaining 6% and 3% responded Agree and Strongly Agree.

Fig :4



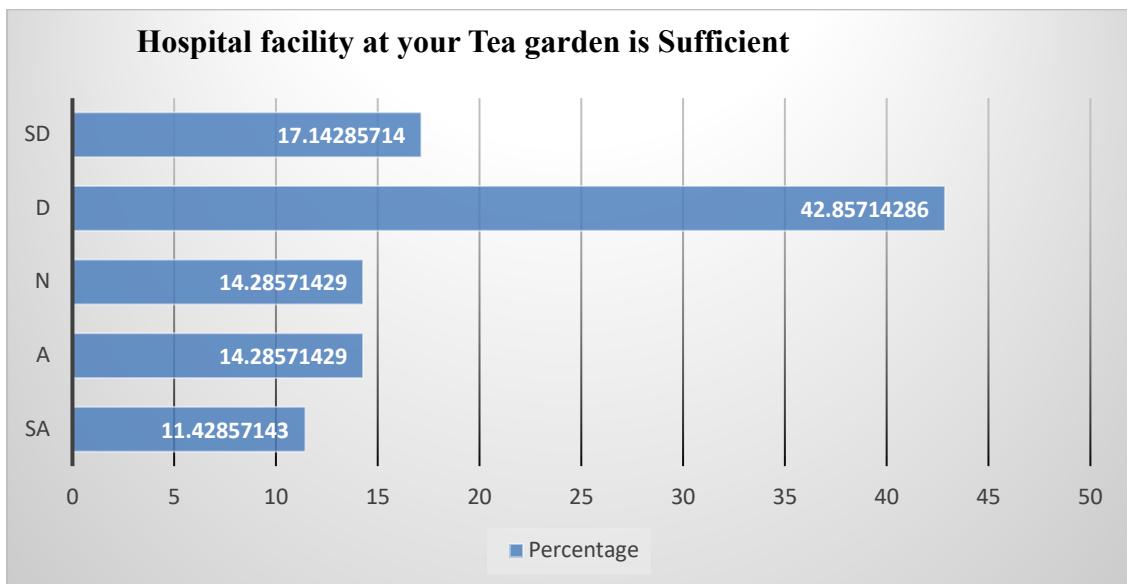
The women worker in the Balijaan tea estate showed their response to drinking water facilities in the tea garden, with 43% strongly agreed and 29, % agreeing, 20% neutral, and only 9% of respondents disagreed on the statement.

Fig:5



When the response related to the payment they have received are recorded 71% of the responded disagreed, they are not satisfied with the payment received. The amount they are received is very nominal and possible to cover all the expenses of the month. The 7% of the respondent are neutral and 14% of the respond population are agreed with the statement.

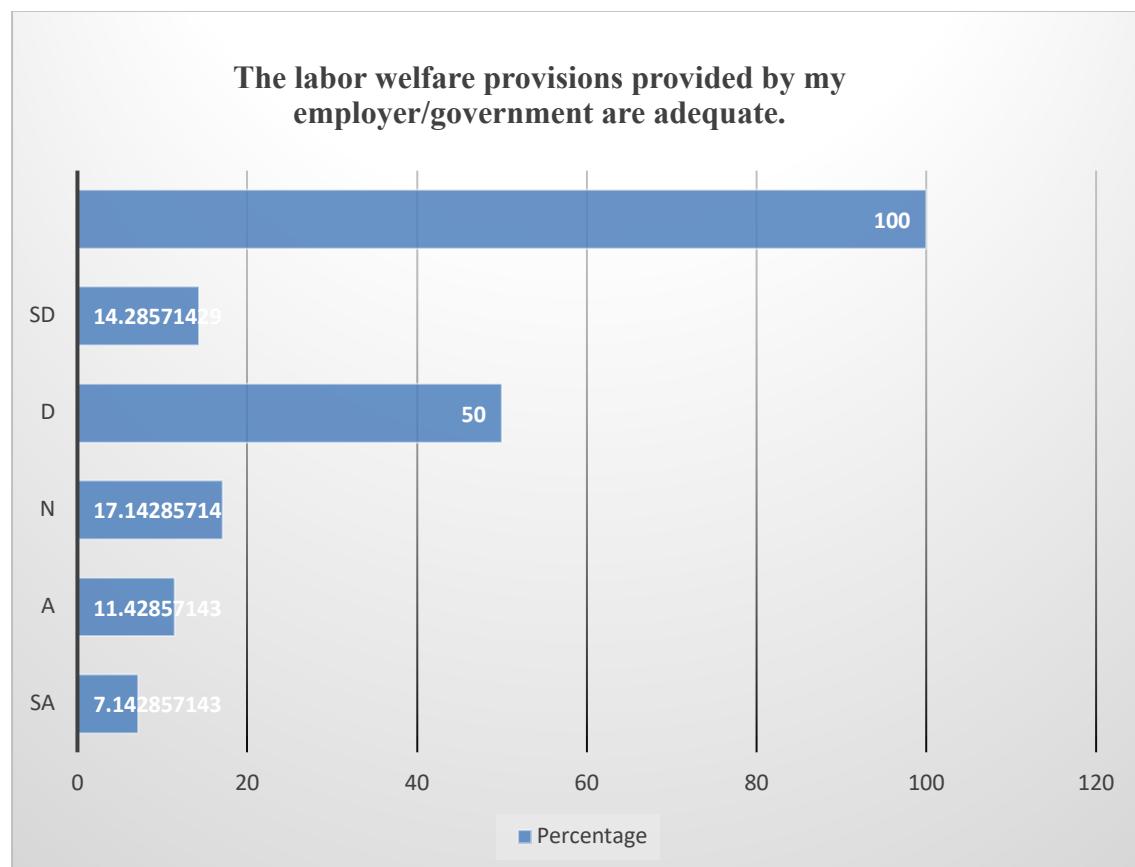
Fig:7



The hospital facilities in the tea garden are not satisfactory, as 43% of the respondents disagreed 17% of the respondents strongly disagreed. The rest of the 14% of the students are neutral, and only 14% of the respondents are responding as agreed, and the remaining 11% of the respondents reacted strongly agree.

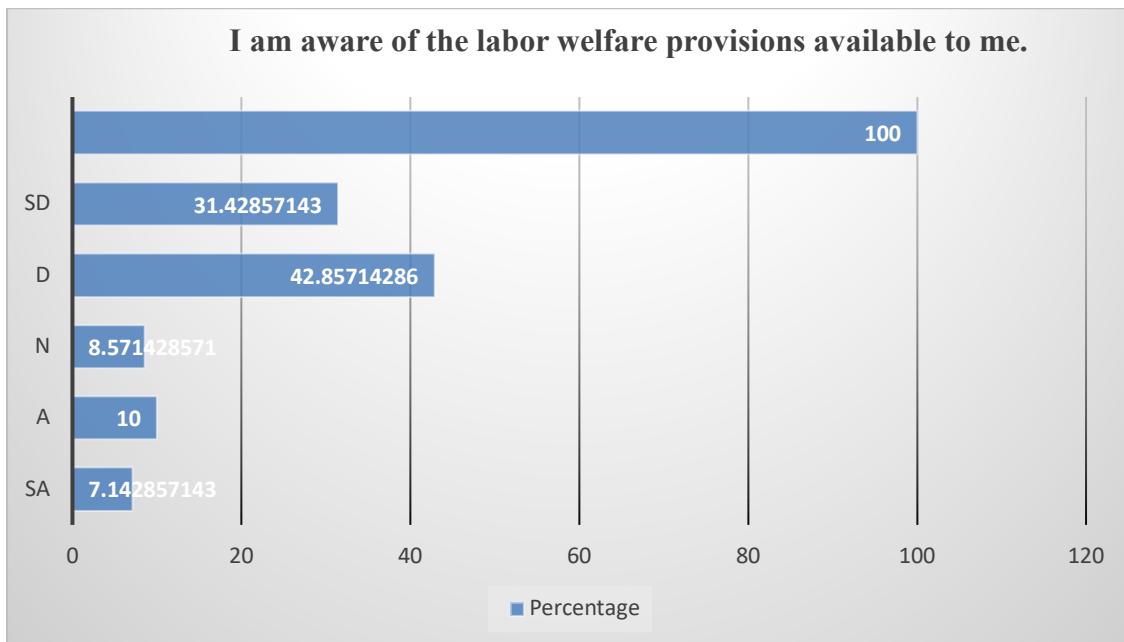
2. To assess the impact of Indian legislation on the women workers in Balijaan Tea Estate, Dibrugarh District, from the point of view of labour welfare.

Fig;8



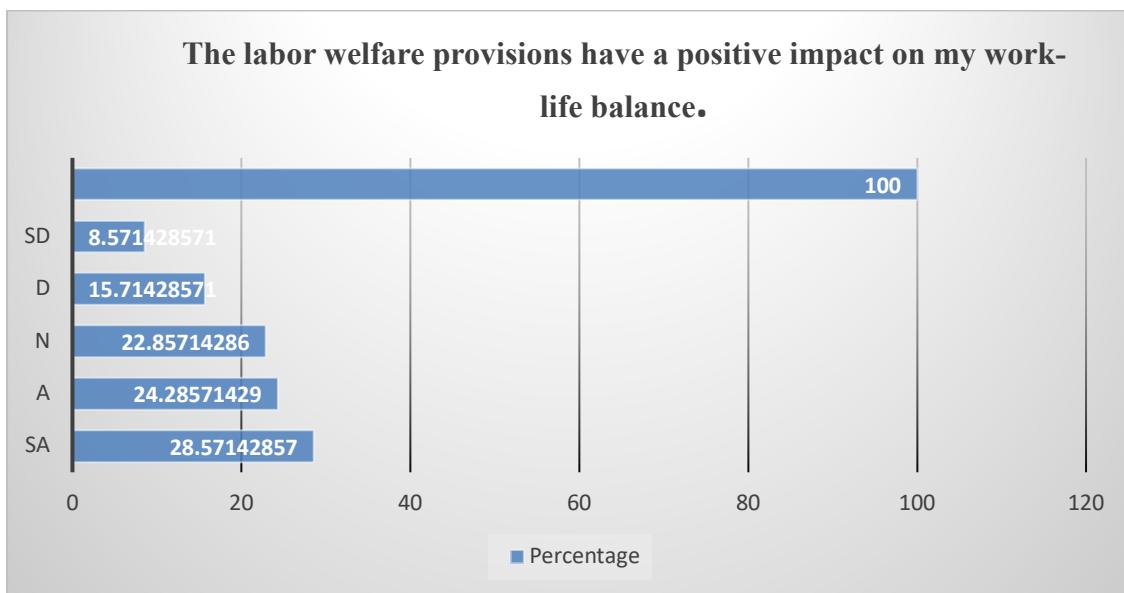
The women workers showing their response on the labour welfare provision 50% of the respondent express the view as disagreed and 14% of the respondent responded as strongly disagreed, the rest of the 17% of the women expressing neutral views and 11% and 7% of the sample population responded agreed and strongly agreed respectively.

Fig:9



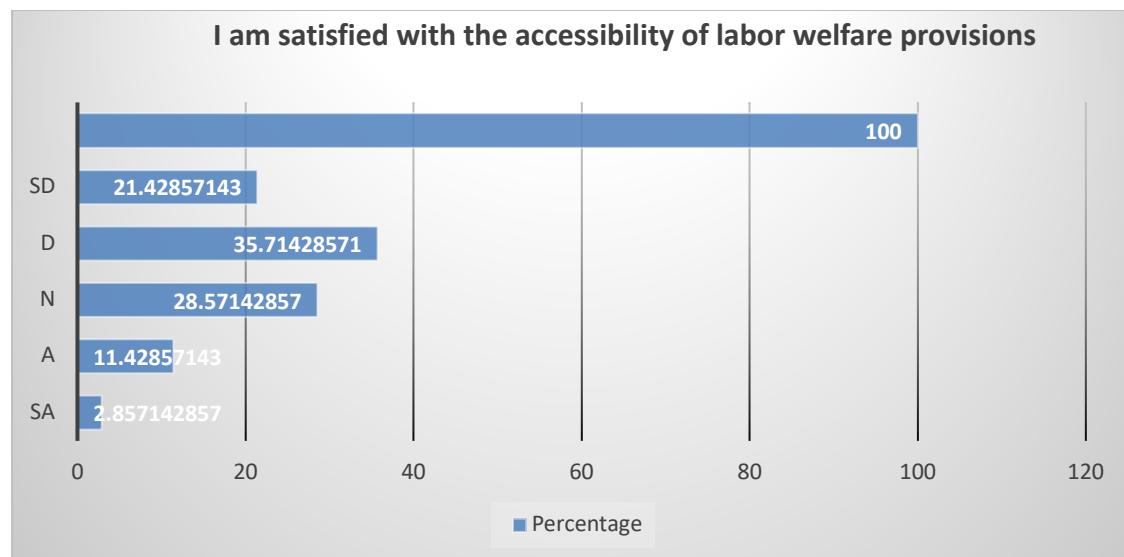
The most crucial part to know about is the awareness among the women workers on the labour rights and labour welfare provisions available for them. The data shows that 31% and 43% of the population showed their response as “strongly disagreed and disagreed” respectively. The rest of the 9% population are neutral, and the 10% agreed and 7% population strongly agreed that they are aware of the labour welfare provisions available for them.

Fig:10



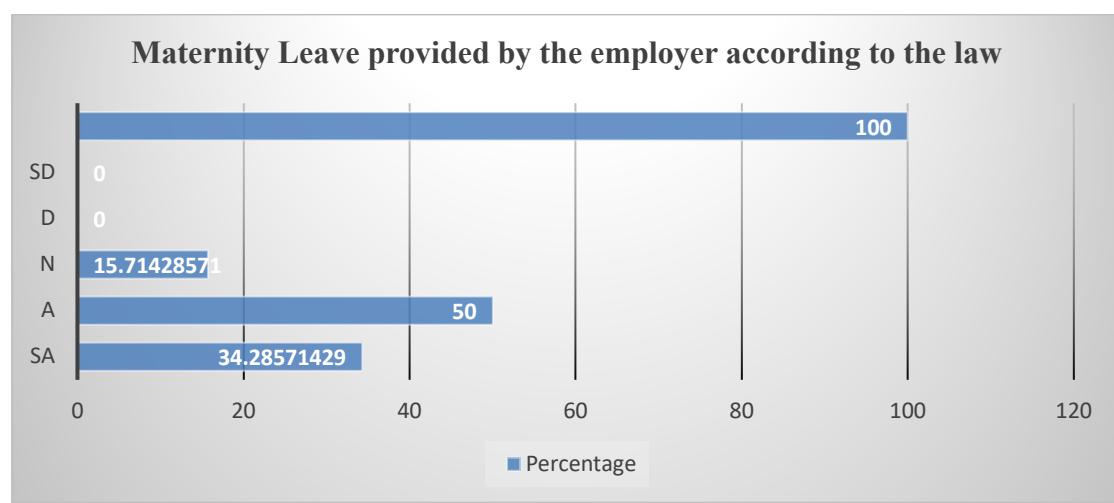
The labour welfare provisions and its positive impact on work life balance among the women worker of the Balijaan tea estate observed a mixed response where 9% and 16% of the population shows their response strongly disagreed and disagreed. The rest of the 23% population are neutral and the 24% agreed and 29% population strongly agreed that they are aware about the labou welfare provisions available for them.

Fig 11



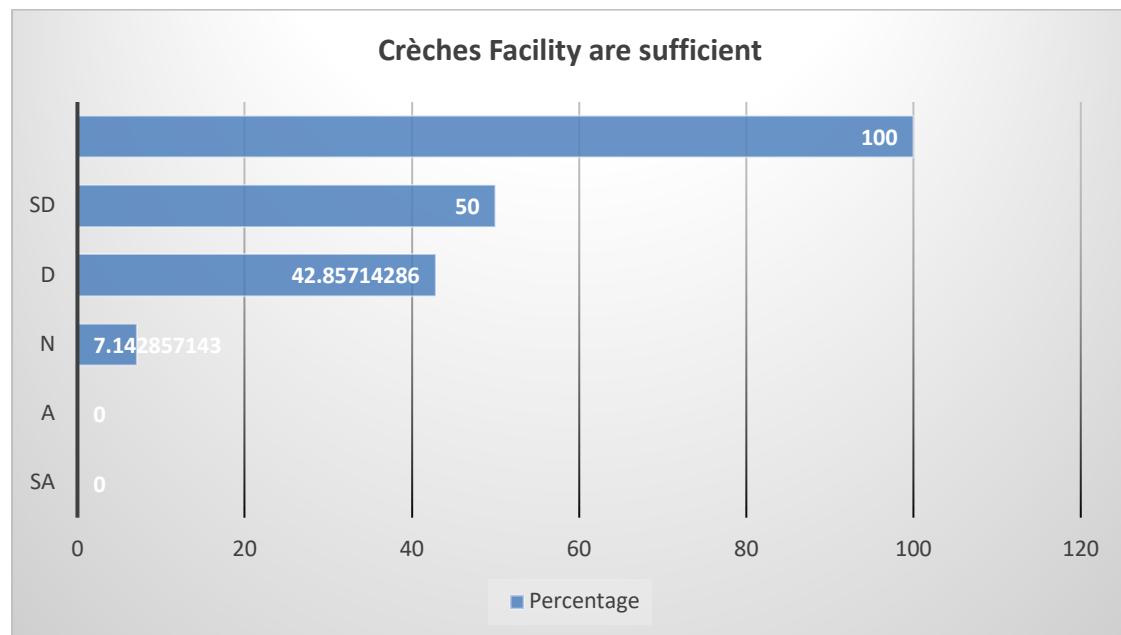
The figure shows the accessibility of the labour welfare provisions where 21% respondents reacted SD (strongly disagreed), 36% of the sample population responded Disagreed, 29% of the sample population responded as Neutral, and the 11% and 3% of the population responded as Agreed and Strongly Agreed.

Fig:12



The women workers in Balijaan tea estate responded positively to the maternity leave provided by the employer to them. 16% of the respondents were neutral, but 50% and 34% of the respondents agreed and strongly agreed, respectively.

Fig:13



When the data is collected for the Creches facilities 50% and 43% of the respondents expressed strongly disagree and disagree, and 7% are Neutral. That means there is no creche facilities available in their tea garden. The women mothers face a lot of problems for this reason.

Findings

- The working conditions of the women workers in the Balijaan tea estate are not satisfactory. There is a communication gap between the employer and employee. From the data, it can be established that the women workers are not satisfied with the employer-employee relationship,
- The majority of the women workers are not satisfied with the sanitation facilities in their garden. But they are responding positively towards the drinking water facilities available at their tea garden,
- The Balijaan tea estate showed a good position in terms of occupational hazards; the majority of the sample respondents agreed that they had not faced any occupational

hazards. Only 3% of the sample population strongly agreed that they had faced occupational hazards,

- The garden is lacking proper hospital facilities. The workers are facing problems due to the unavailability of doctors and other medical staff,
- The women workers are not satisfied with the salary they have received more than 71% of the sample population disclosed that they are not able to fulfil their basic needs with this salary,
- The implementation of the labour welfare provision is not up to the mark. The workers are not aware of the welfare measures available for them more over there is very limited accessibility towards women's labour welfare,
- The study finds that the women workers are receiving maternity benefits from the employer according to the law, and
- The most disappointing part is that the tea estate does not maintain any creches; as a result, the mother workers are facing lots of issues, and sometimes it creates an imbalance in working life and personal life. 93% of the respondent population showed dissatisfaction in this regard.

CONCLUSION

The Baijaan tea estate is one of the major tea gardens of Dibrugarh District, where the major market for the employees is the women. From the data, it can be concluded that working women are facing certain issues related to the working conditions, low wages, and employer and employee relations. The implementation of the labour welfare measure in the tea garden is not up to the mark. The women workers are not aware of the labour welfare provisions for the protection of their rights. The tea garden workers are one of the segregated parts of society; they are very isolated, and due to low connectivity with the outer world, they are suffering backwardness.

SUGGESTIONS

- There must be a proper communication mechanism established to deal with the issues between the employer and employees of the garden.
- The salary scale should be revised as per the law available. The concept of living wages should be introduced.

- The creche facility is to be provided by the employer, and it should be properly maintained to meet all necessary requirements.
- The garden hospital should be maintained properly, and the appointment of required staff should be made.
- Proper awareness must be raised for the labour welfare measures for the workers, with effective implementation and proper reporting authority.

CONSUMER DATA SHARING IN URBAN INDIA: THE ROLE OF PRIVACY AND DATA PROTECTION STANDARDS AMONG E-COMMERCE USERS

- Adarsh Philip Roy*

Abstract

In the digital economy, personal data functions as a form of currency for e-commerce platforms. It is in the interest of these businesses to collect as much personal data as possible to further their business interests. But in order to collect personal data legally and ethically, these businesses need to build 'consumer trust'. This empirical study examines the role of data protection standards in shaping the willingness of urban Indian consumers to share personal data with e-commerce platforms. This study draws data through a structured online questionnaire. The research analyses demographic factors, platform usage, and perceptions of regulatory and organisational safeguards. Findings reveal that Indian consumers are platform-fluid. Surprisingly, the study found that data security measures emerged as a more powerful influence on willingness to share personal data. It surpassed factors such as financial incentives and compliance with data privacy laws & regulations. Visible evidence of compliance with international standards, such as ISO/IEC 27701, significantly increased consumer confidence. The study also highlights a persistent gap between consumer awareness and behaviour. Despite recognising the importance of privacy, more than half of the respondents rarely read privacy policies. Concerns about misuse of data and repeated breaches were central. More than half of the respondents stated that they would abandon a platform that has a poor track record of protecting the personal data of their consumers. Notably, multinational corporations did not inherently command greater trust. Consumers prioritised ethical reputations and demonstrable practices over the organisation's geographic scope, size, and capital. The study undoubtedly concludes that trust, through implementation of demonstrable, user-centric privacy-protecting measures when properly communicated and advertised, drives data-sharing

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behaviour.

Keywords: *Data Protection, Consumer Trust, Privacy Standards, Data Science, E-Commerce.*

INTRODUCTION

In the digital age, personal data has emerged as one of the most valuable assets in the global economy, with data being termed the new oil¹. In the past decade, there has been a rapid expansion of online shopping in India. Urban India has witnessed the most rampant expansion. Technology and e-commerce platforms increasingly collect and process consumer data to deliver personalised services, drive targeted marketing, and enhance user experience. However, with the explosion of online service providers using personal data to achieve their business purposes, there have been increasing concerns among educated Indian consumers about privacy, misuse, and data security.

This study does an empirical investigation into the role of visible data protection practices such as clear privacy policies, compliance disclosures, and technical and organisational safeguards in influencing the willingness of urban Indian consumers to share personal data with tech and e-commerce multinational corporations (MNCs). The research focuses specifically on users from urban India. This target population was selected as residents of urban India have higher access to the internet and digital literacy²

The primary aim of this empirical study is to ascertain whether consumers are more willing to share personal data when the platform to which they are sharing personal data complies with recognised data protection standards. Data protection standards may be statutory standards that the organisations have to comply with, as well as standards such as the ISO/IEC 27001 for Information Security Management, ISO/IEC 27701 for Privacy Information Management, and/or the ISO/IEC 27002 for information security controls.

This research also delves into the question of what types of data consumers are willing to share and for what reasons. By analysing both quantitative and qualitative responses collected through an online questionnaire, this study provides valuable insights into the expectations and concerns of Indian consumers regarding data privacy in the digital marketplace.

CONCEPTUALISATION

¹ “The world’s most valuable resource is no longer oil, but data”, *The Economist*, May 6, 2017, available at: <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data> (last visited on: Aug. 29, 2025).

² NIIT Foundation, “Bridging the digital divide: Empowering rural India” (2024), available at: <https://niitfoundation.org/bridging-the-digital-divide-empowering-rural-india/> (last visited on Aug. 16, 2025).

In today's modern day and age, the exponential growth of e-commerce and the internet has fundamentally changed how consumers interact with businesses. Consumers are leaving behind traditional physical routes of shopping by entering new and advanced online methods of shopping. Online shopping means and includes both traditional e-commerce purchases, which may involve delivery times of several days, as well as quick commerce ultra-fast delivery services like Blinkit and Swiggy, which can deliver products within minutes. With this transformation, personal data has emerged as both a currency and a concern.

For a digital platform that relies on a huge number of consumers to gain profits, personal data becomes an integral part of its business model. In such a situation, the notion of 'trust' becomes central to this dynamic as digital platforms have to collect sensitive personal data from their customers to deliver services promptly and achieve their business objectives. Trust, in the context of consumer behaviour, refers to the willingness of consumers to be vulnerable to the actions of a digital platform based on the belief that the platform will act in a responsible manner with their personal data³.

Acting in a responsible manner means adopting and implementing responsible data governance practices, which can include maintaining confidentiality of the personal data shared, non-exploitation of personal data, compliance with relevant laws and transparency in the data handling practices⁴. The willingness to share personal data, exhibited by customers, is a direct outcome of responsible data governance practices⁵. Personal data can be further classified into personal data and sensitive personal data. Personal data can include basic identifiers such as name and Email ID of the consumer, while sensitive personal data can include data such as location, financial details, or preferences of the consumer. Sensitive personal data should be handled with utmost care as its unauthorised disclosure can lead to substantial damages to the individual.

Indian consumer are more aware of their data privacy rights now than before⁶. Earlier,

³ eMudhra, "Digital trust and consumer behaviour: Understanding the connection", available at: <https://emudhra.com/en-my/blog/digital-trust-and-consumer-behaviour-understanding-the-connection> (last visited on: Aug. 16, 2025).

⁴ SAP, "What is data governance?", available at: <https://www.sap.com/slovenia/products/data-cloud/master-data-governance/what-is-data-governance.html> (last visited on: Aug. 16, 2025).

⁵ Conrad Ziller and Benedikt Loepp et al., "Willingness to share personal data online: The role of social influence and sustainability" 83 Technology in Society 102974 (2025).

⁶ PwC India, "Only 16% consumers in India understand the Digital Personal Data Protection (DPDP) Act: PwC India survey" (Oct. 21, 2024), available at: <https://www.pwc.in/press-releases/2024/only-16-consumers-in->

privacy was seen as an afterthought. Today, it stands out as a legal right as well as a competitive differentiator.

Therefore, this study rests on the hypothesis that urban Indian e-commerce shoppers are more willing to share personal data when e-commerce platforms provide visible compliance with data protection standards.

SUMMARY OF RELEVANT LITERATURE

Consumer Trust in Digital Environments

Trust has always been the cornerstone of social and commercial exchange. However, in the 21st century, a substantial portion of commercial transactions is done over the internet electronically. This, however, leads to a trust deficit as online transactions, unlike traditional commercial transactions, are mediated facelessly. This artificial distance between the two contracting parties amplifies concerns about opportunism and fraud. Therefore, commercial businesses must create trust with their users. This ‘trust’ goes beyond ensuring the business transacts with utmost good faith. A trusted organisation also ensures that the personal data of its users is protected and safeguarded. Trust in e-commerce serves as a mechanism for reducing perceived uncertainty and vulnerability, enabling transactions that would otherwise not occur⁷.

Structural assurances such as legal protections, certification seals, as well as technological safeguards significantly influence initial trust formation with users⁸. However, the mere existence of a privacy policy on the website of a business is insufficient to instil trust. The defining factor is the user’s perception of the enforceability of the policy and transparency with which the organisation is operating⁹.

Another lesser-known and talked-about dimension of consumer trust is the role of reputation and word-of-mouth in building consumer trust. Various studies have shown that trust for e-

india-understand-the-digital-personal-data-protection-dpdpa-only-9-indian-organisations-report-a-comprehensive-understanding-of-the-act-pwc-india-survey.html (last visited on Aug. 16, 2025).

⁷ Paul A. Pavlou, “Consumer Acceptance of Electronic Commerce: Integrating Trust and Risk with the Technology Acceptance Model” 7 *International Journal of Electronic Commerce* 69-103 (2003).

⁸ Wei Sha, “Types of structural assurance and their relationships with trusting intentions in business-to-consumer e-commerce” 19 *Electronic Markets* 43-54 (2009).

⁹ Ardion Beldad and Menno de Jong et al., “How shall I trust the faceless and the intangible? A literature review on the antecedents of online trust” 26 *Computers in Human Behavior* 857-869 (2010).

commerce and online platforms is built by peer reviews, ratings and brand reputation as they indicate reliability¹⁰.

Another notable concept on the topic of consumer behaviour in a digital environment is the concept of ‘privacy paradox’. This is a phenomenon in which users exhibit concern for their own privacy but end up disclosing personal information for convenience or for small rewards¹¹.

In the digital domain, consumer trust is built through perceived security measures, transparency in data handling practices, and adherence to privacy standards. The absence of these trust-building elements can lead to scepticism and reluctance among consumers to share their personal data. This reluctance will cost the platform valuable consumer engagement¹².

Data Protection Regulations and Their Impact

The proliferation of the internet and increasing adoption of technology on a large scale by people have prompted governments worldwide to legislate on data privacy regulations.

The primary aim of such legislation is to protect the personal data of the residents of the respective jurisdictions. However, governments cannot place heavy, unattainable standards of data privacy and protection on private entities because it may stifle innovation and hinder economic growth. Personal data is indispensable for an organisation to grow in this modern world characterised by rampant technological adoption. Therefore, governments that restrict businesses from sourcing personal data shall pay hefty prices in the form of a weakened economy. Therefore, the law has to balance innovation and economic growth with the need to safeguard the data privacy rights of its citizenry.

The GDPR of the European Union is typically seen as the gold standard for data privacy by privacy professionals worldwide. Studies have shown that visible compliance with GDPR has

¹⁰ Roger C. Mayer and James H. Davis *et al.*, “An integrative model of organizational trust” 20 Academy of Management Review 709-734 (1995).

¹¹ Alessandro Acquisti and Laura Brandimarte *et al.*, “Privacy and human behavior in the age of information” 347 Science 509-514 (2015).

¹² M. B. Cetin, “Evaluating the effects of digital privacy regulations on user trust” (2024), available at: <https://arxiv.org/pdf/2409.02614.pdf> (last visited on: Aug. 16, 2025).

shown tangible effects on consumer trust and willingness to share personal data¹³

In India, the DPDPA, 2023 (Digital Personal Data Protection Act) enforces key data privacy principles such as obtaining valid consent, data minimisation, data limitation, etc. The Act also proposes the creation of a data protection board to oversee compliance. Scholars and legal experts have, however, opined that the effectiveness of the regime will ultimately depend upon the capacity of the regulator to implement the legislation and monitor compliance. A survey conducted by PwC India in 2024 found that 82% of Indian consumers cited data protection standards implemented by organisations as a critical factor in building brand trust¹⁴. This survey revealed the growing awareness among Indian consumers with respect to data privacy. The implementation of DPDPA is expected to influence consumer behaviour further.

Consumer Behaviour and Data Sharing

Consumers' data sharing behaviour is primarily influenced by factors such as privacy trust and control over their personal data. Digital personal data is often shared as an additional form of currency, as it has inherent economic value. Therefore, studying and analysing how and why data is shared is imperative. Consumers share personal data based on the potential benefits of such disclosure, which researchers have termed the *privacy calculus*¹⁵. The idea is that consumers weigh the benefits they may derive from sharing personal information against the possibility of their data being misused. After making a risk-benefit analysis, they make a rational decision based on the individual's best interest.

Research has also indicated that privacy concerns and users' risk-benefit psychological analysis are contextual. The sensitivity of the requested information and the trustworthiness of the organisation requesting information determine consumer decisions¹⁶. Sensitive information, such as biometric and financial data, is scrutinised heavily by users when

¹³ Grace Fox and Theo Lynn et al., "Enhancing consumer perceptions of privacy and trust: a GDPR label perspective" 35 *Information Technology & People* 181-204 (2022).

¹⁴ PwC India, "82% of Indian consumers consider protection of personal data as most crucial factor in building trust: PwC's Voice of the Consumer Survey 2024" (July 11, 2024), available at: <https://www.pwc.in/press-releases/2024/82-of-indian-consumers-consider-protection-of-personal-data-as-most-crucial-factor-in-building-trust-pwcs-voice-of-the-consumer-survey-2024.html> (last visited on Aug. 16, 2025).

¹⁵ H. Zhu and C. X. J. Ou et al., "Privacy calculus and its utility for personalization services in e-commerce: An analysis of consumer decision-making" 54 *Information & Management* 427-437 (2017).

¹⁶ *Supra* note 11.

compared to other less sensitive personal data, such as Email addresses.

It has also been found that consumers tend to share more personal data when they receive tangible benefits. Tangible benefits can mean discounts or personalised services, etc¹⁷. However, this willingness is contingent upon the assurance that their data will be handled responsibly.

Another important dimension of consumer data sharing behaviour is transparency and control. Users tend to share more personal data when they are informed how exactly their data is collected, how it is used and stored and how it will be deleted after the purpose is served¹⁸. Similarly, offering a granular control mechanism to users will enhance user perception of the service¹⁹. This can include mechanisms such as opt-in consent mechanisms. However, it is to be noted that this can lead to a well-documented phenomenon called ‘consent fatigue’.

Challenges in Building and Maintaining Trust

Trust, if established by an organisation with its customers, can be a powerful tool to increase customer engagement and loyalty. However, trust is fragile and can be easily eroded by missteps. Numerous ongoing challenges prevent organisations from building and maintaining trust. Data breaches, misuse and exploitation of personal data and lack of transparency can erode consumer trust rapidly²⁰. A good example of this is the Tata Neu case. Tata Neu was a super app that faced immense criticism from privacy advocates. Tata Neu pre-populated the Tata Neu apps from other apps offered by the Tata Group, such as Big Basket, into the Tata Neu app. This included personal data such as addresses and other details without explicit user consent²¹. Research has consistently shown that misuse of data and data breaches have

¹⁷ D. Bae and R. Mayya *et al.*, “Privacy Regulation and Its Unintended Consequences on Consumption Behaviours: Evidence From CCPA”, Platform Strategy 2023 Conference, Boston University Questrom School of Business, June 2023, available at: https://questromworld.bu.edu/platformstrategy/wp-content/uploads/sites/49/2023/06/PlatStrat2023_paper_108.pdf (last visited on Aug. 16, 2025).

¹⁸ Heng Xu and Tamara Dinev *et al.*, “Information privacy concerns: Linking individual perceptions with institutional privacy assurances” 12 *Journal of the Association for Information Systems* 798-824 (2011).

¹⁹ Huseyin Cavusoglu and Tuan Q. Phan *et al.*, “Assessing the impact of granular privacy controls on content sharing and disclosure on Facebook” 28 *Information Systems Research* 457-481 (2017).

²⁰ Mamta Kumari and Pallav Chandra Sinha *et al.*, “The impact of data breaches on consumer trust in e-commerce” 4 *International Journal of Computer Science and Technology* 2014.

²¹ Wired, “India’s New Super App Has a Privacy Problem” (2022), available at: <https://www.wired.com/story/india-tata-super-app-privacy> (last visited on: Aug. 16, 2025).

eroded consumer trust and undermined brand reputation, even if subsequent remedial measures were undertaken to rectify²².

Another major issue facing organisations in building effective trust with their users is a phenomenon known as ‘consent fatigue’. The complexity with which organisations acquire consent through complex privacy policies and consent mechanisms can lead to consumer fatigue. In such a situation, the consumers consent to data sharing without fully understanding the implications of what they’re consenting to²³. Therefore, even if users technically consented to a particular data processing, they might feel betrayed as they might ‘feel’ that they did not consent to the processing. This thought process within the consumer stands in the way of effective trust building with an organisation.

Another Major concern that consumers have that prevents them from building trust with businesses is the gaps that exist in reality with the regulatory rights and their enforcement. Consumers can remain sceptical about abstract legal assurances²⁴. This issue is particularly true in a country like India, where bureaucratic efficiency & corruption are perceived to be rampant.

Finally, the cultural and behavioural nature of consumers in general also affects the trust-building process. In India, we can see a general mistrust of MNCs and new technology. Consumers could feel that MNCs are exploitative, and new technologies are tools for exploitation and independent certifications as manipulation methods.

The Role of Organisational Practices

Organisational practices concerning data protection are policies, routines, and behaviours that an organisation follows that delineate how personal data is collected, processed, stored and eventually deleted or archived. Every organisation has its own unique organisational practices with respect to data protection. Some organisations choose to design their

²² Ponemon Institute LLC, “The Aftermath of a Data Breach: Consumer Sentiment” (Apr. 2014), available at: <https://www.ponemon.org/local/upload/file/Consumer%20Study%20on%20Aftermath%20of%20a%20Breach%20FINAL%202.pdf> (last visited on: Aug. 16, 2025).

²³ Center for Information Policy Leadership, “The limitations of consent as a legal basis for data processing in the digital society” (Dec. 2024), available at: https://www.informationpolicycentre.com/uploads/5/7/1/0/57104281/cipl_bkl_limitations_of_consent_legal_basis_data_processing_dec24.pdf (last visited on: Aug. 16, 2025).

²⁴ *Supra* note 9.

organisational practices in tune with regulatory requirements. However, we can see various organisations in India implementing more sophisticated data protection practices to get a strategic advantage in the market. These strategic undertakings can take the form of adequate & effective cybersecurity safeguards, conducting regular personal data audits, and being transparent about the data handling practices of the organisation²⁵.

Transparency in personal data handling practices is one of the leading organisational best practices that builds consumer trust. Openness in explaining how data is handled and proper communication of practices help bridge the trust gap between organisations and consumers. Research has also shown that even if openness shows the limitations suffered by organisations, it is a net positive for the organisations.²⁶ In conclusion, we can say that organisational practices are the operational backbone of an organisation.

OBJECTIVES

With increasing awareness of data privacy and the implementation of data protection regulations, understanding the determinants of consumer trust and behaviour becomes crucial, especially in the context of tech and e-commerce multinational corporations (MNCs).

The study's specific objectives are:

1. To identify the specific factors influencing urban Indian online shoppers' willingness to share their personal data.
2. To investigate the relationship between data protection measures and consumers' willingness to share personal data, if any.
3. To analyse the effectiveness of data protection measures implemented by tech and e-commerce MNCs in influencing the willingness of consumers to share personal data.
4. To determine the willingness of urban Indian online shoppers to share additional personal data in exchange for personalised services and benefits.

²⁵ IAPP, "Operationalising India's new data protection law" (2023), available at: <https://iapp.org/news/a/operationalizing-india-s-new-data-protection-law-the-challenges-opportunities-ahead> (last visited on: Aug. 16, 2025).

²⁶ Han Li, Rathindra Sarathy & Heng Xu, "Understanding situational online information disclosure as a privacy calculus" *Journal of Computer Information Systems* (2010) (forthcoming).

5. To assess consumer trust in multinational corporations.
6. To identify the primary concerns of consumers when sharing personal data on e-commerce platforms.
7. To determine the extent of consumer awareness and perception of the effectiveness of specific data protection measures.
8. To assess the long-term impact of repeated data breaches on consumer trust and brand loyalty.

By addressing these objectives, this study aims to provide insights for business organisations and other stakeholders seeking to build a trust-driven, privacy-respecting digital ecosystem in India.

METHODOLOGY

The researcher has followed a systematic methodology that ensures that the data collected is relevant and accurate. The methodology followed is suitable for deriving meaningful conclusions that align with the objectives that the study seeks to address.

- The universe of the study comprises online shoppers residing in urban areas across India. Among the urban online shoppers, the consumers who use e-commerce platforms and tech applications for purchasing goods and services are the primary focus. The population of the study includes individuals of varying ages, professions, and educational backgrounds who have access to the Internet and engage in digital transactions.
- This study employs a quantitative and exploratory research design, supplemented with qualitative elements.
- The sampling method chosen by the researcher is the non-probability convenience sampling.
- The sampling method adopted for the study is the non-probability convenience sampling. This sampling method was chosen owing to time and accessibility limitations.

- Respondents for the study were primarily drawn from social media platforms and personal connections. The methods of sourcing responses for the questionnaire included LinkedIn connections, student networks, and professional groups.
- The data for the study were collected using a structured questionnaire designed through Google Forms. The form consisted of both multiple-choice and open-ended questions. This allowed for both statistical analysis and thematic interpretation.
- All respondents remained anonymous, and their consent was presumed upon submission of the form.
- The interpretation of data focused on linking empirical findings to the theoretical framework developed in the conceptualisation section of this study.
- This study is limited to Business-to-Consumer (B2C) transactions and does not cover Business-to-Business (B2B) interactions.

FINDINGS OF THE STUDY

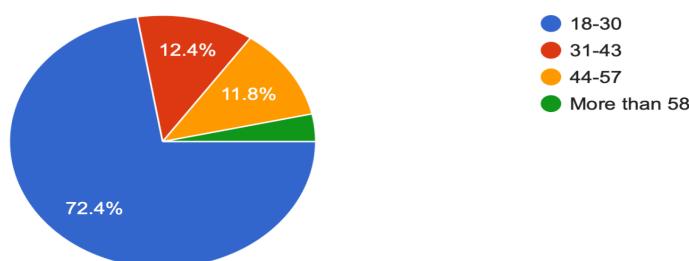
This section presents the study's key findings. The findings are interpreted and assessed with the help of visualisation tools that were readily available through Google Forms. The following subsections provide a detailed breakdown.

Demographics

This subsection consists of information and analysis about the demographic profile of the respondents. It includes their age, occupation, and educational qualifications. Understanding this information is crucial in contextualising the collected data.

Age Distribution

Age
170 responses



- 72.4 % of respondents were young adults aged 18-30, and they form the dominant demographic of this study.
- However, other age categories were decently represented in this study, with middle-aged Indians in the age category 31-43, forming the second biggest demographic.

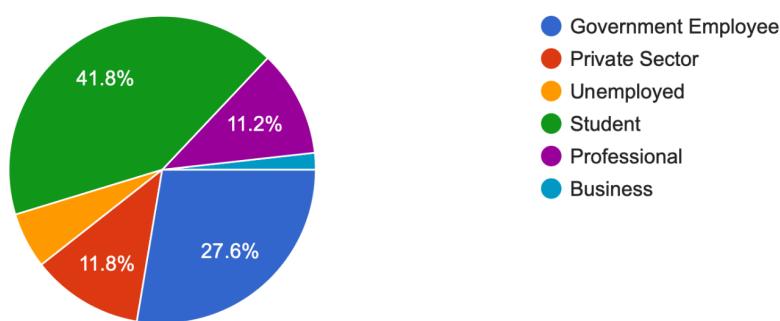
Implications:

- As the study focuses on urban online shoppers in India, the age skew towards younger demographics is expected. This is so because they are the most active digital consumers.

Occupation

Occupation

170 responses



- ‘Student’ emerged as the dominant occupation among the respondents. This aligns with the age distribution of the sample population.
- Other subgroups within the population include working professionals, self-employed individuals, a few homemakers and retired individuals.
- The diversity in occupation, though student-heavy, still includes those who are financially independent and likely to make independent online purchase decisions.

Implications:

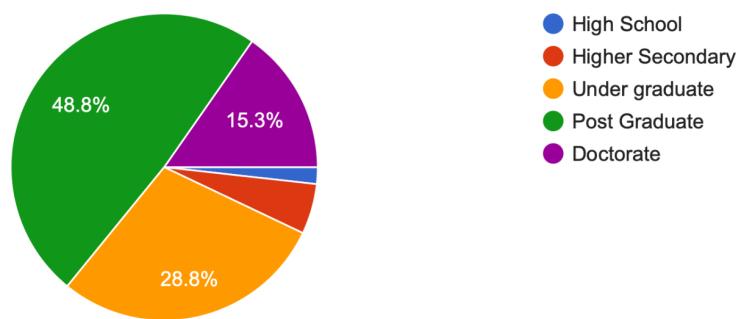
- The dominance of students means the dataset may reflect values *such as heightened awareness of data privacy, but potentially less risk aversion due to lower financial stakes.*
- The presence of working professionals adds more balance. This is so because they

would be more conscious of the risks of online personal data sharing because they have more at stake.

Highest Educational Qualification

Highest Educational Qualification

170 responses



- A substantial majority of respondents hold a graduate or postgraduate degree, suggesting a sample that is well-educated.
- A smaller portion includes respondents with school-level education or PhDs, indicating variance in educational attainment.

Implications:

- The respondents are likely to be aware of privacy-related issues, read or at least be aware of privacy policies, compliance standards, and data protection laws, making their responses of the population particularly valuable.

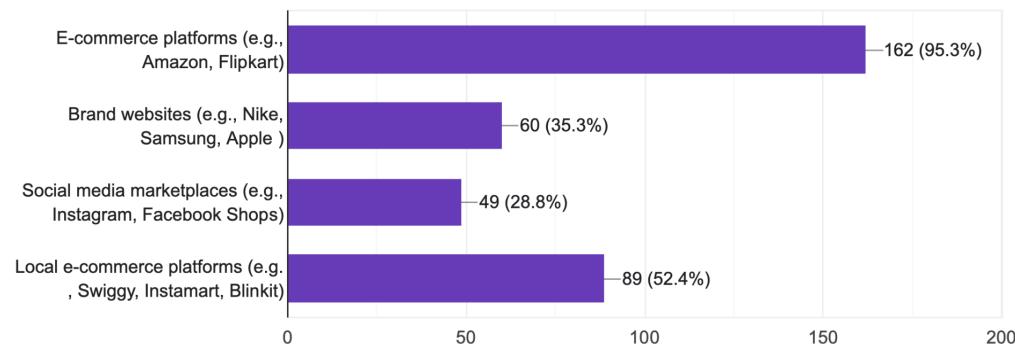
In conclusion, the demographic section reveals that the sample is primarily composed of young, urban, educated individuals. Many of the respondents are students or working professionals. This aligns well with the focus of the study on urban online shoppers. However, owing to the nature of the sample, it might skew slightly more toward digitally literate and possibly privacy-conscious users.

Factors Influencing Consumers' Willingness to Share Personal Data

This subsection explores the key elements/factors that shape a consumer's willingness to share personal data. It analyses the types of personal data users are willing to share and consequently the conditions under which they are willing to do the same.

Which type of websites/apps do you use for online shopping? (Select all that apply)

170 responses



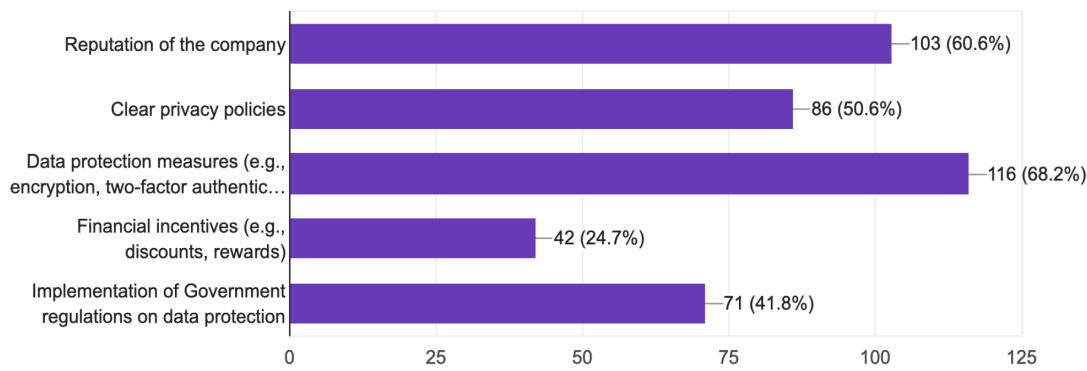
- The most commonly selected platforms are likely major players like Amazon, Flipkart, and possibly other Indian or international e-commerce apps.
- Since respondents could select multiple platforms, this shows that consumers often use a variety of apps, indicating multi-platform engagement.

Implications:

- From the interpretation of the data, it can be said that the consumers are ‘platform-fluid’. This means that they will shift their loyalty if one platform offers better trust signals (like stronger data protection or more transparent policies). The biggest determinant for a consumer to choose a particular platform over other similar competing platforms could be factors such as price and quality. However, keeping other factors the same, the lack of security of personal data can be a deal breaker.

What factors influence your willingness to share personal data with a company? (Select all that apply)

170 responses



- Key factors influencing the respondents' willingness to share personal data included strong data protection measures, reputation of the company and visible compliance with data protection laws & regulations (such as GDPR & DPDPA).
- Data protection measures emerged as the main factor influencing consumers' willingness to share personal data. Surprisingly, financial incentives didn't play a huge role.

Implications:

- This is strong evidence for business organisations to implement strong data protection measures such as encryption & two-factor authentication to get a strategic advantage over their competitors.
- Consumers valued the implementation of government regulations much less than data protection measures. This could be because the respondents do not trust the efficacy of the state in implementing data privacy laws properly or the law enforcement mechanism of the country in general.
- Consumers are highly concerned about their personal data, and even financial incentives are not significantly motivating them to share it. While financial gain is typically a strong driver of behaviour, in this context, it appears insufficient to override privacy concerns.

Would you be more willing to share your personal data if the platform provided evidence of its compliance with data protection standards such as ISO/IEC 27701 data protection standard?
170 responses



- 59.5 % of the respondents stated that they would be willing to share personal data, with 12.4% stating that they would be willing to share *additional personal data* if the organisation showed visible proof of compliance with international standards of data protection.
- Only 17.1% of the respondents gave a clear ‘No’

Implications:

- 23.5 % of respondents marking ‘Not Sure’ could be potentially because they are not aware of what these data protection standards are, such as the ISO/IEC 27701.
- 17.1 % of respondents marking ‘No’ could be because they do not trust the effectiveness of the ISO standards themselves.
- Marketing trust becomes just as important as building it. Consumers need to see the proof, not just promises.

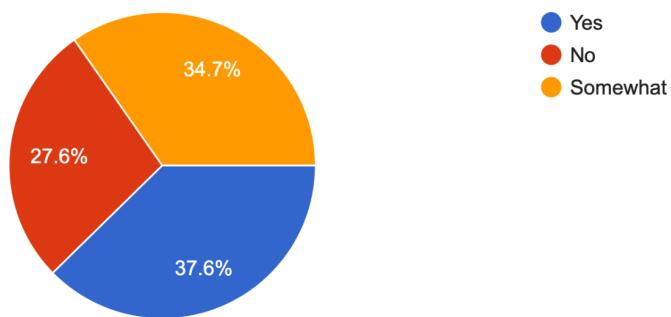
In summary, this section reveals that:

- Consumers shop across multiple platforms but are cautious with personal data. They can be platform fluid.
- The most powerful influencers of data-sharing behaviour are data protection measures such as encryption, two-factor authentication, etc. Compliance with data protection laws and regulations proves inadequate for consumers to freely share personal data.
- Consumers are more willing to share personal data with demonstrable and visible efforts toward privacy compliance and protection, such as ISO certifications.

Data Protection Measures and Consumer Data

Are you aware of any data protection regulations (e.g., India's Digital Personal Data Protection Act, GDPR) safeguarding your personal data?

170 responses



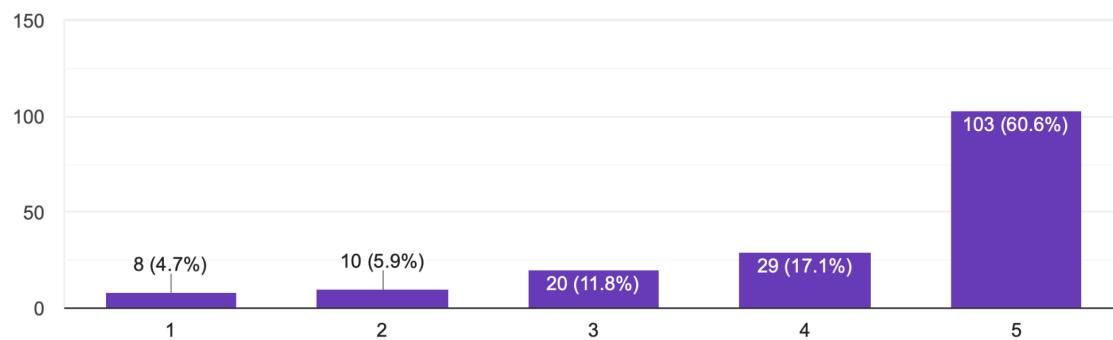
- 27.6% of the respondents only said that they didn't know about any protection regulations/legislation.
- 72.4% of the respondents were either partially or fully aware of such regulations/legislations.

Implications:

- Awareness of regulations is present but not universal. General Awareness about data privacy regulations could be because of the fact that this sample was an educated sample.
- The government needs to educate consumers more explicitly about their data protection rights.

How important is it for you that a company has strong data protection measures (e.g., encryption, secure storage) before you share your personal data?

170 responses



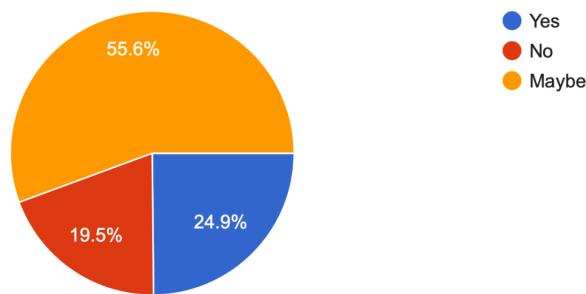
- A majority with 77.7% responded with “Very important” or “Important”,
- Very few may have chosen “Not important”.

Implications:

- This proves that data protection is not a compliance burden but rather a strategic imperative.
- Encryption, secure data storage, and third-party restriction policies are the most effective trust-building, privacy-preserving measures.
- Since they are considered very important and held highly by consumers, companies should clearly communicate the initiatives that they undertake to preserve personal data. Businesses should highlight these features clearly and not bury them in T&Cs or legalese.

Would you be more willing to share personal data if a company explicitly stated it complies with data protection laws (e.g., GDPR, CCPA)?

169 responses



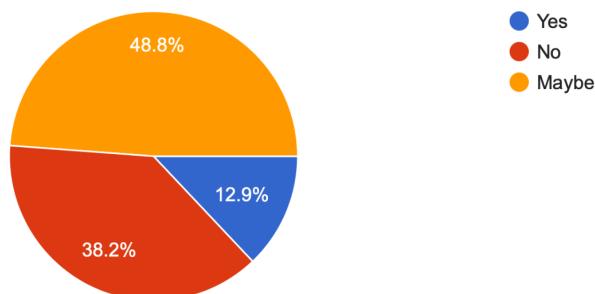
- The vast majority are expected to have selected “Yes”, but surprisingly, only 24.9% of respondents have only marked ‘Yes’

Implications:

- 75.1% responded either ‘Maybe’ or ‘No’. This result could either be interpreted as a lack of general awareness by the respondents about privacy regulations or deep-seated mistrust in the efficacy of established legal mechanisms in India and abroad.
- Consumers might need tangible proof, such as audits, to come to the personal conclusions that their personal data is actually protected by these e-commerce companies. Claims without solid, trustworthy evidence would be inadequate to gain consumer trust.

Will you be more willing to share personal data if the organisation is a multi national corporation?

170 responses



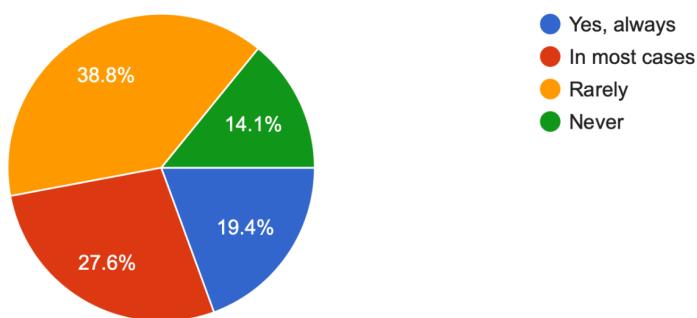
- Only 12.9% of consumers trusted MNCs.

Implications:

- One possible explanation for this could be that consumers see MNCs as exploitative. They might feel that MNCs feed on their personal data to further their greedy business interests. They may perceive them as faceless, profit-driven entities. They could also be sceptical of MNCs due to past data misuse scandals that were in the news (e.g., Facebook/Cambridge Analytica), etc.
- The brand image and reputation of a company matter, not just its geographic scope, size and capital.

Do you read a company's privacy policy before sharing personal data?

170 responses



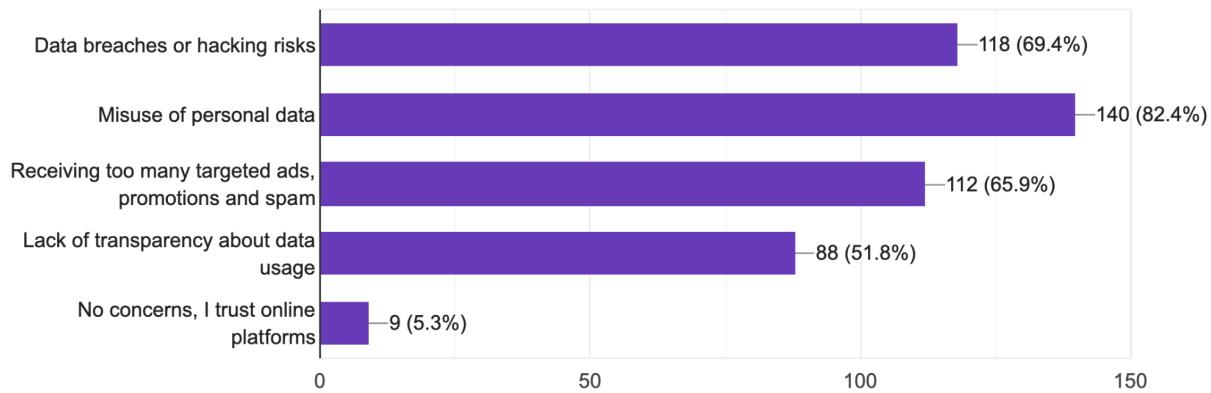
- More than half of the respondents never or rarely read the privacy policy, while the other half always read privacy policies or in most cases.

Implications:

- There is a major gap between privacy awareness and actual behaviour.
- The researcher doubts the truthfulness of the claim that 48 per cent of the respondents either always read a privacy policy or read a privacy policy in most cases. This can be influenced by respondents' desire to appear knowledgeable.
- Many may acknowledge the length and complexity of these documents as barriers.
- Companies should consider simplifying privacy policies and offering "key point summaries" and visual explanations.

What are your biggest concerns about sharing additional personal data with online shopping platforms?(Select all that apply)

170 responses



- Misuse of personal data emerged as the biggest concern. Misuse of personal data refers to the unauthorised, unethical, or illegal collection, processing, sharing, or handling of an individual's personal data.
- Data breaches and hacking, closely followed by receiving targeted ads, were among the main concerns that respondents pointed out.

Implications:

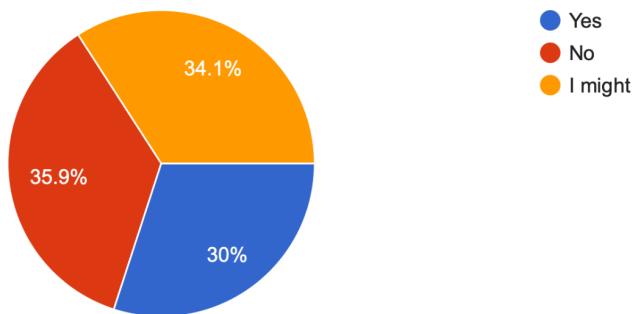
- Consumer fears are both technical (security flaws) and ethical (misuse, overreach).
- Addressing both requires a combination of technical systems (encryption, access logs) and ethical design principles (purpose limitation, role-based access control).

Effectiveness of Data Protection Measures in Building Consumer Trust

This section explores how effective data protection measures not only safeguard personal information but also foster a sense of security and trust among consumers.

Are you aware of any data protection measures that companies have implemented to protect your personal data?

170 responses



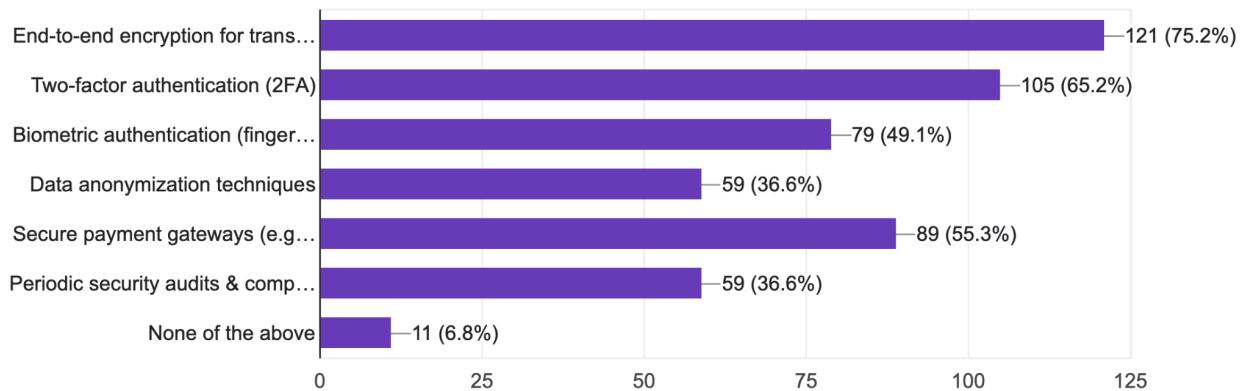
- Only 30% of users are actively aware of the data protection measures that companies have implemented to protect their data.
- 70% of respondents may have selected “No” or “I might,”

Implications:

- Many consumers are at least vaguely aware of data protection practices, though the level of technical understanding might vary. This can also indicate that not all companies clearly communicate the security steps they undertake to their consumers.
- This suggests the need for companies to do more to advertise and inform users, ideally within the user interface (e.g., pop-ups during login, privacy notifications), about the privacy-preserving technologies and other safeguards that they provide.

If so, which of the following data protection measures do you believe is the most effective in keeping your personal information secure? (Select all that apply)

161 responses



- Common selections likely include:

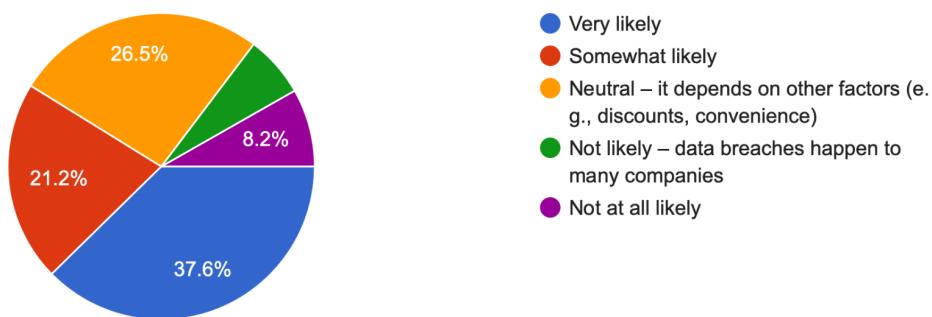
- End-to-end encryption of data
- Two-factor authentication (2FA)
- Secure servers / secure socket layers (SSL)
- Biometric authentication

Implications:

- Consumers clearly prioritise technical security practices like encryption and two-factor authentication (2FA) over other privacy-preserving technologies. This could be because the existence of these technologies is common knowledge to consumers.
- Even if they don't fully understand the back-end mechanisms, they associate these terms with safety and modernity.

How likely are you to stop using an e-commerce platform if it has a history of multiple data breaches?

170 responses



- 58.8% of respondents marked either “Very likely” or “Likely”.

Implications:

- Breaches break trust, and repeated breaches make brand recovery extremely difficult. Data breaches affect brand loyalty.
- A small group might indicate “Unlikely,” most possibly because of lack of alternatives, product reliance, or perceived inevitability of breaches.

In conclusion, this section demonstrates that

- The respondents are not very well aware of data privacy laws & regulations.
- Encryption, secure payments, and two-factor authentication emerged as the most sought-after data security measures, which respondents believed protected their personal data.
- Consumers are willing to abandon platforms that fail to protect their personal data and suffer frequent data breaches.

LIMITATIONS OF THE STUDY

This study is not without its limitations. These limitations should be acknowledged to ensure transparency and to contextualise the scope and applicability of the findings.

Sampling Bias

- The study utilised a non-probability convenience sampling method. The sample questionnaire was primarily disseminated through online platforms and social media. As a result, the sample may not be fully representative of the broader population of online shoppers in urban India.
- The sample skewed heavily towards students and younger adults (18-30 years), many of whom were currently pursuing or had completed higher education. *This may have introduced an education and digital literacy bias. This limits the generalisability of the results to older or less digitally engaged populations.*

Geographical and Socioeconomic Concentration

- Although the study focused on urban India, the respondents were not evenly distributed across different Indian cities or socioeconomic strata of urban India. The respondents were mostly from cities in the states of West Bengal and Kerala, such as Kolkata, Kochi and Thiruvananthapuram.
- *The sample leaned toward middle-class, educated individuals with regular access to the Internet and digital payment systems.*

Self-Reported Data

- All findings are based on self-reported responses, which are subject to social desirability bias and recall bias.
- Participants may have overestimated their awareness of privacy laws or their trust in platforms, or may have misunderstood the technical nature of some questions (e.g., encryption, ISO/IEC standards).

Lack of Longitudinal or Experimental Design

- This study was cross-sectional and conducted within a limited time frame. It captures attitudes and behaviours at a single point in time. It does not assess how consumer trust or behaviour may change over time. A longitudinal or experimental design could have yielded better causal insights.
- This study, therefore, has to be viewed and interpreted keeping in mind the lack of

long-term observation, which is a crucial requirement in arriving at conclusions in studies of this nature.

Exclusion of Qualitative Analysis

A full thematic analysis of qualitative data was not performed. Future research could benefit from a mixed-methods approach. This can include detailed interviews or focus groups to gain richer, more nuanced insights into consumer perceptions.

SUMMARY OF FINDINGS

The following are the major findings of the study:

1. Demographics and Digital Literacy

- The demographic profile of respondents was skewed toward young, educated individuals. This aligns well with the broader market trends of younger, digitally literate populations being the primary drivers of e-commerce adoption in India²⁷.
- The implications of this particular demographic composition are twofold. On the one hand, respondents demonstrated a relatively high level of awareness regarding privacy issues and compliance standards. On the other hand, the dominance of students, who may face lower financial risks, suggests that their attitudes toward data sharing could reflect a degree of experimentation or reduced risk aversion. By contrast, working professionals could be more cautious, as their financial independence and exposure to workplace digital systems likely sharpened their sensitivity to privacy risks.

2. Platform Usage and Consumer Behaviour

- The findings indicate that urban Indian consumers are platform-fluid as they engage with the usage of multiple e-commerce websites and applications simultaneously for shopping, such as Amazon, Flipkart, etc.
- This shows that they are inclined to switch between platforms depending on factors they deem appropriate. Trust signals can be one of the decisive factors.

²⁷ CNBCTV18, “Gen Z fastest growing demographic to adopt e-commerce: Meesho”, *CNBCTV18*, available at: <https://www.cnbcctv18.com/travel/lifestyle/gen-z-fastest-growing-demographic-to-adopt-e-commerce-meesho-19456680.htm> (last visited on: Aug. 16, 2025).

- This finding underscores the strategic value for e-commerce businesses of integrating strong privacy safeguards into their consumer proposition. In an environment where switching costs for users are minimal, the ability to communicate trustworthiness becomes a powerful differentiator.

3. Determinants of Willingness to Share Personal Data

- The survey results confirmed that strong data protection measures such as encryption, two-factor authentication(2FA), and secure data storage techniques and technologies are the leading data privacy measures to build trust with consumers. Compliance with data protection laws or financial incentives weren't marked as the leading factors.
- Providing evidence of compliance with international standards of data protection, such as ISO/IEC 27701, was also found to have a substantial impact. Nearly 60% of respondents reported that they would be more willing to share personal data if visible proof of compliance with such standards was provided. At the same time, a quarter of the respondents stated that they were unsure whether the implementation of international standards was effective in safeguarding their personal data.
- Notably, financial incentives did not exert a significant influence on consumers' data-sharing decisions. While discounts and personalised services remain attractive, they were insufficient to override privacy concerns. This finding challenges common industry assumptions that monetary benefits can offset consumer anxieties about privacy.

4. Trust in Regulations versus Certifications

- A striking theme emerging from the study is the *differential trust placed in regulations and certifications*. While most respondents were aware of data protection laws such as the GDPR and India's Digital Personal Data Protection Act (DPDPA), they expressed limited confidence in regulatory enforcement mechanisms.
- Only about a quarter indicated that explicit claims of legal compliance would increase their willingness to share data, whereas more than half adopted a cautious "maybe" stance. This reflects a broader scepticism about the state's ability to monitor violations, penalise non-compliance, and safeguard individual rights effectively.

- By contrast, respondents demonstrated greater confidence in *auditable, standardised certifications* and visible technical safeguards such as ISO certifications, 2FA, end-to-end encryption, etc. The respondents see institutional enforcement as weak, while independent certifications are seen as credible.
- It may also be inferred that respondents' scepticism of legal compliance as a method for protecting their personal data could stem from a perception that Indian law enforcement mechanisms are insufficient to disincentivise corporate misconduct. The respondents may compare to foreign jurisdictions where law enforcement is viewed as stricter and less susceptible to corruption or inconsistency.

5. Trust in Multinational Corporations (MNCs)

- Only 12.9% of respondents indicated a higher trust in MNCs, possibly due to their size and capital.
- The reason for such low trust in MNCs, even though they have the capital to implement data protection standards, could be that many participants may perceive MNCs as exploitative and profit-driven entities.
- The results imply that brand reputation and ethical track record matter more than geographic scope. In fact, the foreign origin of a platform was not seen as a guarantee of stronger privacy practices.

6. Engagement with Privacy Policies

- A persistent gap emerged between privacy awareness and behavioural engagement. While respondents acknowledged the importance of privacy protections, more than half admitted they rarely or never read privacy policies. This behaviour highlights the well-documented phenomenon of "consent fatigue", wherein consumers are overwhelmed by lengthy, complex legal documents, which results in them technically consenting to processing that is against their best interest²⁸.
- Even among those respondents who claim to read privacy policies sometimes are

²⁸ Secure Privacy, "Adaptive consent frequency: Using AI to combat consent fatigue", available at: <https://secureprivacy.ai/blog/adaptive-consent-frequency-using-ai-to-combat-consent-fatigue> (last visited on Aug. 16, 2025).

almost always, the responses may have been influenced by social desirability, with participants overstating their diligence.

- The implication is that companies cannot rely on traditional, legalistic privacy policies to communicate their privacy practices and consequently build trust. Instead, they should invest in simplified, accessible, and user-friendly privacy communications.

7. Concerns About Data Sharing

- The respondents marked misuse of personal data as their biggest concern. Misuse in this context can mean the unauthorised use and exploitation of consumers' personal data by the corporation without their informed consent.
- The concerns of the respondents may range from technical issues, such as weak security systems, to ethical concerns, such as their personal data being unethically exploited to generate profits.

8. Effectiveness of Data Protection Measures

- The findings also suggest that awareness of data protection measures is limited.
- Only about 30% of respondents were actively aware of the specific privacy safeguards implemented by companies. This points to a communication deficit. Companies may have adopted advanced practices, but they are not clearly advertising them to users.
- Nevertheless, when asked which measures they perceived as most effective, respondents consistently prioritised end-to-end encryption, secure servers, and two-factor authentication. These technologies have become widely recognised by consumers as reliable markers of safety.
- Another key finding is that repeated data breaches severely undermine consumer trust and brand loyalty. Nearly 60% responded that they would be very likely or likely to abandon platforms with a history of multiple breaches. This demonstrates that privacy failures carry long-term reputational costs that are difficult to repair, regardless of subsequent improvements in security.

In sum, the findings strongly support the central hypothesis of this study that urban Indian consumers are more willing to share personal data with e-commerce platforms when those platforms provide visible and credible evidence of compliance with data protection standards.

The notable finding in the study, however, is that the *consumers prefer certifications, use of privacy-preserving technologies and other similar indicators over a claim or proof of compliance with data privacy laws & regulations*. Consumers value tangibility. Therefore, *the hypothesis is irrefutably proven based on the data and analysis conducted*.

CONCLUSION

Therefore, the overarching conclusion of this study is that '*trust is the most valuable currency*'. While scepticism toward regulatory enforcement persists, certifications and technical measures act as credible trust signals. For e-commerce platforms, building long-term consumer trust requires moving beyond symbolic compliance to demonstrable privacy-preserving practices. Organisations reap long-term benefits in the form of increased engagement and brand loyalty from implementing privacy-preserving practices.

PREPARING FUTURE TEACHERS - FOCUS AND IMPETUS REQUIRED AT THE TRAINING LEVEL: A REVIEW OF TEACHING PRACTICE IN THE LIGHT OF INDIA'S NATIONAL EDUCATIONAL POLICY, 2020

- Priyanka*

Abstract

Teacher preparation is the foundation on which aspirations for educational quality, equity, and systems transformation rest. India's National Education Policy (NEP) 2020 places teacher education at the centre of reform, advancing an integrated, practice-rich model that blends disciplinary depth, pedagogical content knowledge, inclusive values, and digital competence. This paper presents a scholarly analysis of how this reform agenda can be realised in practice, based on a month-long teaching training (Phase 1: 5-17 May 2025 and Phase 2: 7-12 July 2025) at Savitribai Phule Balika Inter College, Greater Noida. Based on qualitative, practice-based inquiry, this analysis connects the experiences of the training to the provisions of NEP 2020 and the broader literature on teacher learning, assessment, inclusive education, and technology integration. The paper develops seven thematic streams-pedagogical design and PCK, multilingual and inclusive education, assessment for learning and as learning, technology and blended learning, life skills, values and citizenship, mentoring and reflective practice and school culture as a professional learning ecosystem-each elaborated with cases, research citations and policy discussions. Persistent barriers (large classes, dominance of summative assessment, digital and inclusion gaps, transformative mentoring) are critically examined, followed by a set of programmatic recommendations: pre-training NEP bootcamps, structured observation and feedback cycles, inclusive education practices, stackable ICT micro-credentials, co-teaching arrangements and holistic progress documentation. The paper argues that when internships/trainings are reframed as policy-aligned, feedback-rich, clinically intensive experiences, they become crucial means through which the vision of NEP 2020 can be translated into the

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everyday expertise, ethical commitments and reflective dispositions of India's future teachers.

Keywords: Teacher Education, NEP 2020, Pedagogical Content Knowledge, Inclusive Pedagogy, Formative Assessment, Professional Development.

INTRODUCTION

Calls to improve student learning outcomes, expand access, and close equity gaps have centred on one constant: the centrality of teachers.¹ The NEP 2020 recognises, “*teachers truly shape the future of our children-and, therefore, the future of our nation*”². Yet, in practice, systems often ask teachers to do extraordinary things with ordinary preparation. Indian teacher education has long struggled to translate curriculum into classroom potential: too little clinical immersion, variable guidance, summative assessment cultures, and a weak understanding of inclusive and technology-supported pedagogy³.

This paper considers what kind of focus and impetus is needed at the training level to prepare future teachers who can implement the principles of NEP 2020 in real classrooms. The paper does so by integrating (a) A reflective, practice-based account of a month-long training at Savitribai Phule Balika Inter College, Greater Noida (b) Provisions of NEP 2020 related to teacher education, inclusion, FLN (Foundational, Literacy and Numeracy), assessment and digital learning and (c) Research literature on teacher education, PCK (Pedagogical, Content, Knowledge), inclusive education, formative assessment and professional development. The main claim presented here is that clinical practice, structured feedback and policy-aligned design must be treated as the essential core of teacher preparation - not as peripheral add-ons - to realise the transformative objectives of NEP 2020.

REVIEW OF LITERATURE

Teacher Preparation and Clinical Practice: International evidence shows that clinically rich programs-those that integrate curriculum and school practice through extended placements and coaching-best support new teachers.⁴ Consistency in theory and practice, strong mentoring, and structured reflection are repeatedly linked to improved classroom practice.⁵ In such models, feedback cycles (planning-teaching-observing-detailing-re-teaching) are the

¹ L Darling-Hammond, “Teacher Education Around the World: What Can We Learn from International Practice?” 40 *European Journal of Teacher Education* 291 (2017).

² Ministry of Education, National Education Policy 2020 (Government of India, 2020).

³ NCTE, *National Curriculum Framework for Teacher Education* (NCTE, New Delhi, 2014).

⁴ *Supra* note 1.

⁵ A Clarke, V Triggs and W Nielsen, “Cooperating Teacher Participation in Teacher Education: A Review of the Literature” 84 *Review of Educational Research* 163 (2014).

engines of development.⁶

Pedagogical Content Knowledge and Design: Shulman⁷ defined the concept of PCK as a blend of disciplinary understanding and knowledge about how learners perceive, misinterpret, and apply content. PCK is manifested in task design, selection of representations, use of examples and counterexamples, sequencing of questions, and formative probes. Without explicit development of PCK, preservice teachers often rely on “telling” rather than eliciting and building on students’ thinking⁸.

Formative Assessment and Holistic Evaluation: Formative assessment⁹, short cycles of evidence collection and feedback to adjust instruction, has a broad impact on learning¹⁰. Assessment for learning and as learning involves clarifying success criteria, obtaining evidence of learning during instruction, providing actionable feedback, and developing student self-assessment¹¹. NEP-aligned guidance in India¹² extends this to a holistic progress card, which includes cognitive, social-emotional, and behavioural indicators.

Inclusive and Multilingual Education: Inclusive pedagogy emphasises that diversity is a resource, not an exception that must be “accommodated”¹³. Universal Design for Learning (UDL) encourages multiple modes of engagement, representation, and expression¹⁴. In India, the Rights of Persons with Disabilities Act (2016) and the National Education Policy 2020 call for inclusive practices, early identification, and barrier-free learning environments, including multilingual frameworks and mother tongue-based education in the early years¹⁵.

⁶ J Hattie, *Visible Learning: A Synthesis of Over 800 Meta-Analyses Relating to Achievement* (Routledge, London, 2009).

⁷ L S Shulman, “Knowledge and Teaching: Foundations of the New Reform” 57 *Harvard Educational Review* 1 (1987).

⁸ D L Ball, M H Thames and G Phelps, “Content Knowledge for Teaching: What Makes it Special?” 59 *Journal of Teacher Education* 389 (2008).

⁹ P Black and D Wiliam, “Assessment and Classroom Learning” 5 *Assessment in Education: Principles, Policy & Practice* 7 (1998).

¹⁰ *Supra* note 6.

¹¹ S M Brookhart, *How to Give Effective Feedback to Your Students* (ASCD, Alexandria, 2nd edn., 2017).

¹² NCERT, *Guidelines for Holistic Progress Card* (NCERT, New Delhi, 2021).

¹³ L Florian and K Black-Hawkins, “Exploring Inclusive Pedagogy” 37 *British Educational Research Journal* 813 (2011).

¹⁴ CAST, *Universal Design for Learning Guidelines Version 2.2* (2018), available at: <http://udlguidelines.cast.org> (last visited on: Aug. 25, 2025).

¹⁵ *Supra* note 2.

Technology Integration and TPACK: The TPACK framework (Technological, Pedagogical, and Content Knowledge) suggests that technology use in classrooms should be based on pedagogical objectives and content requirements, not gadgets¹⁶. Effective technology integration ranges from low-tech strategies (print, manipulative, audio) to blended learning that leverages open platforms (e.g., DIKSHA) and digital assessment tools¹⁷.

Professional Identity, Mentorship, and Reflective Practice¹⁸: Teacher identity and professional judgment are shaped in situ, through guided experience and reflection¹⁹. When mentoring is consistent, evidence-based, and practice-focused, it increases new teachers' self-efficacy, retention, and teaching quality²⁰. Structured reflective tools—journals, video analysis, student work protocols—aid in understanding and improvement²¹.

NEP 2020 and Indian Teacher Education Reform: The National Education Policy 2020 primarily proposes a four-year integrated B.Ed. by 2030, competency-based curriculum, inclusive pedagogy, emphasis on FLN, and digital readiness. It calls for stronger school-IHE (Institute of Higher Education) partnerships, improved training design and continuous professional development²². National bodies (NCTE, NCERT) have issued guidelines on internships/training, assessment²³, value education²⁴ and overall progress documentation²⁵.

CONTEXT AND METHODOLOGY

School Context: Savitribai Phule Balika Inter College is a CBSE-affiliated girls' school located in Greater Noida that provides education to girls from diverse socio-economic backgrounds. The school emphasises academic achievement, extracurricular activities (Eco Club, Heritage Club) and value-based education. The infrastructure includes science

¹⁶ P Mishra and M J Koehler, "Technological Pedagogical Content Knowledge: A Framework for Teacher Knowledge" 108 *Teachers College Record* 1017 (2006).

¹⁷ C Redecker, *European Framework for the Digital Competence of Educators* (Publications Office of the European Union, 2017), available at: <https://doi.org/10.2760/159770> (last visited on: Aug. 25, 2025).

¹⁸ D A Schön, *The Reflective Practitioner: How Professionals Think in Action* (Basic Books, New York, 1983).

¹⁹ B Larrivee, "Transforming Teaching Practice: Becoming the Critically Reflective Teacher" 1 *Reflective Practice* 293 (2000).

²⁰ R M Ingersoll and M Strong, "The Impact of Induction and Mentoring Programs for Beginning Teachers: A Critical Review" 81 *Review of Educational Research* 201 (2011).

²¹ E A van Es and M G Sherin, "Learning to Notice: Scaffolding New Teachers' Interpretations of Classroom Interactions" 10 *Journal of Technology and Teacher Education* 571 (2002).

²² *Supra* note 2.

²³ NCERT, *Assessment for Learning* (NCERT, New Delhi, 2021).

²⁴ NCERT, *Education for Peace and Value Education Manual* (NCERT, New Delhi, 2019).

²⁵ *Supra* note 12.

laboratories, a library and select classrooms with digital projection; however, access is not uniform across all classes.

Internship Activities: The training included: (a) Classroom observation (social sciences, Hindi), (b) Lesson planning and presentation, (c) Co-curricular involvement (assemblies, clubs), (d) Participation in staff meetings and (e) Maintaining a reflective journal. Teaching strategies tested included storytelling, dramatization, gallery walks, station rotations, hinge questions, exit tickets, peer assessment, bilingual scaffolding and low-tech audio/visual supports.

Methodological Approach: A qualitative, experiential methodology was used, combining autoethnographic reflection²⁶ with policy-relevant analysis against the provisions of NEP 2020. Data included field notes, lesson plans, student artefacts, and mentor interactions²⁷. Thematic coding aligned the observations with seven areas: PCK and design, inclusive/multilingual strategies, assessment, technology/blended learning, life skills/values, mentorship/reflection and school culture.

THEMATIC ANALYSIS: FOCUS AND IMPETUS AT THE TRAINING LEVEL

Pedagogical Design and PCK: From Coverage to Learning: Policy Framework -The NEP 2020 emphasizes “experiential, discussion-based and discovery-oriented” learning²⁸. For teacher education, it redefines lesson planning as design for understanding rather than coverage.

Activity 1 (History, Class 8): A unit on nineteenth-century social reform began with a “gallery walk” of reformers (Savitribai Phule, Jyotirao Phule, Vidyasagar). Students guessed each reformer’s agenda from the pictures and captions, then dramatized a 60-second “appeal to society.” A rubric assessed historical accuracy, clarity, use of evidence, and collaboration. An exit ticket depicted a practice that changed historically and needs to change today. Students’ participation was high, and they referenced solid evidence in their dramatisations.

²⁶ C Ellis, T E Adams and A P Bochner, “Autoethnography: An Overview” 36 *Historical Social Research* 273 (2011).

²⁷ E J Bahng, “Hybrid-Mentoring Programs for Beginning Elementary Science Teachers” 1 *International Journal of Education in Mathematics, Science and Technology* 1 (2013).

²⁸ *Supra* note 2.

PCK in Action: Action design addressed common misconceptions (e.g., viewing improvement as a single-actor event) and countered them by having students synthesise multiple sources and perspectives- a hallmark of PCK²⁹. The backwards-design sequence (Results/Outcomes → Evidence → Learning Experiences) clarified formative checkpoints.

Training Implications: Teacher preparation should (a) teach task structure (prompts, formulations, scaffolds, success criteria), (b) create misconception maps for key topics, and (c) include incidental activities (reteach mini-lessons, extension tasks) in lesson plans. Design studios where trainees create prototypes, micro-teach, receive feedback, and iterate can strengthen PCK³⁰.

Multilingual and Inclusive Education: UDL as Default, Not Exception. The policy framework of NEP 2020 prioritises inclusive, equitable education and multilingualism. The UDL principles-multiple modes of engagement, representation, and expression- are in line with this core spirit³¹.

Activity 2 (Hindi Grammar-Conjunctions): Instead of announcing “conjunctions,” learners conducted “language searches”. They marked the conjunctions in sentences in their notebooks, visualised patterns, and then refined their understanding from teacher-guided examples. Bilingual sentence structures (“I agree because....”) promoted classroom interaction. Roles (facilitator, scribe, presenter, checker) distributed participation across heterogeneous groups.

Inclusion in practice: Low-threshold, high-threshold tasks enabled variable entry points, sentence-framework assisted hesitant speakers, role-playing supported low-fluency students and alternative response methods (drawing arrows, underlining, verbal explanations) respected learners’ differences. Although direct contact with learners with disabilities (e.g., specific learning disabilities, hearing impaired) was limited during this training, the routines implemented reflected inclusive intent.

Training implications: Programs should mandate a brief practice in inclusive settings (resource room/special school), create conditioning banks (expanded print, text-to-speech,

²⁹ *Supra* note 7.

³⁰ P Grossman, K Hammerness and M McDonald, “Redefining Teaching, Re-imagining Teacher Education” 15 *Teachers and Teaching* 273 (2009).

³¹ *Supra* note 14.

picture vocabulary) and include behaviour-support micro-modules (visual programs, activity breaks, positive reinforcement). Trainees should learn to audit lessons for UDL elements: What barriers exist? What options are available for input and expression?

Assessment for and as Learning: Making Feedback the Spine of Instruction: Policy Frameworks like NEP 2020 and NCERT³² call for a shift from holistic dominance to merit-based, creative cultures, culminating in holistic progress on the cards.

Activity 3 (Two-cycle creative/formative loop): In the middle of the lesson, “hinge questions” (e.g., “Which of these statements best reflects Vidyasagar’s argument for widow remarriage-and why?”) were answered on the board. Quick scanning revealed misconceptions, which resulted in 7 minutes of reteaching with contrasting examples. Exit tickets required students to “explain an idea to a younger student” and “ask a question that still remains on your mind.” The next lesson began with answering those questions and grouping students as needed.

Why it matters: Formative probes clarify student thinking, providing feedback³³ that “moves learning³⁴ forward”. Co-created, student-friendly rubrics (“What does “using evidence” look like?”) increase transparency and improve self-assessment³⁵.

Training implications: Practicums should include at least two formative checks and a documented instructional adjustment for each observed lesson. Methodology courses should teach rubric writing related to content and transversal skills (e.g., argumentation, collaboration). Assessment courses should simulate moderation and feedback conversations using samples of student work, preparing trainees to make judgements and generate actionable feedback.

Technology and Blended Learning: Purpose Before Platform³⁶

³² *Supra* note 23.

³³ J Hattie and H Timperley, “The Power of Feedback” 77 *Review of Educational Research* 81 (2007).

³⁴ *Supra* note 9.

³⁵ *Supra* note 11.

³⁶ Blended learning is an educational approach that combines traditional classroom learning with online learning. It allows learners to engage in both face-to-face instruction and digital platforms, enhancing the educational experience by making it more effective and personalized. This method is also referred to as hybrid learning or technology-mediated instruction, and it aims to integrate the best aspects of both in-person and online education.

Policy framework: NEP 2020 emphasizes integration of digital resources, teacher digital literacy, and blended learning³⁷. The TPACK approach helps ensure that technology is compatible with content and pedagogy³⁸.

Observed reality: Despite some digital infrastructure, access to classrooms was uneven; connectivity was inconsistent. Still, low-tech strategies (printed QR codes that link to offline videos, audio clips on portable speakers) boosted engagement and understanding.

Activity 4 (Low technology, high output/results): For a civics lesson on the Preamble to the Constitution, students experienced three phases: (1) Audio: A clear, paced reading of the Preamble, with pauses for interpretation, (2) Manipulative: Jumbled phrases of the Preamble sorted into thematic groups (justice, liberty, equality, fraternity), (3) Application: Pairs rewrote a section in their own words and created a contemporary example. A quick survey showed improvements in recall and conceptual understanding.

Training implications: Create two complementary ICT tracks: Constrained-context pedagogy (Offline content collections, audio playlists, print-digital hybrid) and Enriched-context pedagogy (Introductory apps, interactive slides, short video creation). Programs should also include the basics of assistive technology (Captioning, text-to-speech, screen readers) to promote inclusion.

Life Skills, Values, and Citizenship: Educating the Whole Person

Policy Framework: NEP 2020 envisages holistic development – moral reasoning, environmental protection, empathy, cooperation and communication – integrated into subject pedagogy³⁹.

Dialogic ethics: After history classes, small “circle” dialogues—“One rule I would like to change”, “One small brave thing I can do”—build reasoning, empathy and civic consciousness.

Training implications: Unit plans should include a values-based task with clear norms (ethical reasoning, civic action). Teacher education should enable trainees to provide dialogic

³⁷ Deepika and K M Ravi, “Traditional Classrooms to Digital Campuses: An Aim of NEP 2020” 5 *International Journal of Research in Special Education* 30 (2025).

³⁸ *Supra* note 16.

³⁹ *Supra* note 24.

space (norms, active listening, respectful disagreement) and document social-emotional development within an overall progression framework.

Mentorship, Feedback, and Reflective Practice: Building the Growth Engine:

Policy Framework: NEP 2020 emphasises continuous professional development and teacher autonomy, which is not possible without feedback-rich mentoring cultures.

Observed variation: Mentor availability fluctuated due to workload; where feedback was timely, adaptation improved rapidly. In the absence of regular debriefing, trainees relied on peer feedback and student prompts.

Reflective Routine: A three-part habit emerged: planning memo (desired outcomes, possible misconceptions, initial checks), after-action review (evidence observed, decisions made mid-course) and next steps (re-teaching plan, testing techniques). Over the days of training, this routine honed decision-making and self-efficacy.

Training implications: Programs should institutionalize weekly observation cycles with shared rubrics (engagement, questioning, differentiation, formative assessment, environment, inclusion), schedule three-way debriefs (trainee-mentor-peer) and teach feedback literacy (requesting, receiving, acting on feedback). Video snippets and student work protocols can provide the basis for evidence-based conversations⁴⁰.

School Culture and Co-Curriculars: The Hidden Curriculum of Professional Identity

Policy Framework: NEP 2020 establishes schools as an ecosystem for holistic development; co-curriculars are integral not secondary.

Cultural affordances: Morning assemblies and student clubs (Echo, Heritage) created opportunities for authentic leadership: conducting, organizing and presenting. For trainees, these were creative spaces to practice professional presence, ethical leadership and community engagement.

Training implications: Trainees should maintain co-curricular leadership logs (planning/facilitating at least one club activity, one assembly segment, one community

⁴⁰ *Supra* note 21.

project), linking them to curriculum competencies and equity audits (Whose voice leads? What languages appear on the walls?).

THE PERSISTENT GAPS IN TEACHER TRAINING -WHY IT MATTERS

Teacher-training experiences provide valuable opportunities for professional development, yet a number of structural and pedagogical shortcomings continue to limit their transformative potential. These shortcomings are not isolated inconveniences but interconnected challenges that shape teaching and learning in real classrooms. These shortcomings affect the quality of feedback, the inclusiveness of teaching, the integration of technology, and the balance between assessment for learning and assessment of learning. Understanding these persistent issues is essential, as they highlight both the constraints of current practice and the deeper systemic patterns that must be addressed to fully align training with the vision of NEP 2020. Specifically, these problems are described below:

- Dominance of summative assessment: High-stakes examinations shape teaching; creative practices are at risk of being marginalised. Without accountability for creative routines, they become inconsequential⁴¹.
- Digital inequality and underutilization: Uneven access and limited confidence limit the potential of blended learning; technology is sometimes treated as an “event” rather than an “infrastructure”.
- Opportunities for inclusion are few: Practicum rarely guarantees interaction with learners with disabilities; trainees graduate without practical accommodation experience.
- Barriers to mentorship: Mentor teachers lack time/structure for regular observation and feedback; quality of feedback varies.
- Scale without structure: Large classes and rigid timetables hinder differentiation and co-teaching innovation.

These are not just school-level problems; they reflect systemic design choices – staffing patterns, schedule structures, procurement timelines and performance pressures – that require coordinated measures.

⁴¹ *Supra* note 9.

RECOMMENDATIONS: PROGRAM DESIGNS THAT PUT TRAINING AT THE CENTER

Targeted and practical solutions are needed to address the teacher training gaps described in the previous section. The recommendations below focus on transforming teacher training into structured, feedback-based, and policy-aligned training experiences—with an emphasis on developing the skills, mindsets, and resources needed for future teachers to excel from day one.

Pre-Training NEP Bootcamp (20-24 hours)

Content: Backward design and PCK, Formative assessment repositories, Multilingual frameworks and UDL adaptations, Low-tech/high-tech blended strategies, Ethics circles and classroom environments, Inclusive behaviour supports⁴².

Deliverables: A NEP-aligned unit plan with clear outcomes and checklists, a creative toolkit (Hinge questions, rubrics, exit tickets), and a customised task for diverse needs.

Structured Mentorship and Observation

Structured guidance and observation follow a deliberate, iterative process designed to strengthen teaching practice. Trainees engage in weekly cycles that move from planning and teaching lessons to observation, recap and reteaching opportunities with correction. A common manual, including engagement, questioning, differentiation, formative inquiry, classroom environment, inclusion and clarity, guides both observation and feedback, ensuring continuity.

The mentor's contributions are supported through recognition or small stipends tied to timely, high-quality feedback. Reflection is deepened through a three-tier debrief involving the mentor, mentor, and faculty supervisor, using concrete evidence such as lesson video clips or student work to drive targeted, implementable improvements⁴³.

Inclusive Education Practicum (Minimum 12 hours)

⁴² *Supra* note 14.

⁴³ EL Education, *Classroom Protocols* (30 May 2017), available at: https://curriculum.education.org/sites/default/files/curriculumtools_classroomprotocols_053017.pdf (last visited on: Aug. 25, 2025).

The Inclusive Education Practicum (minimum 12 hours) enables trainees to meet diverse teaching needs through shadowing in resource rooms or inclusive schools, co-planning with special educators, and acquiring basic skills in assistive technologies such as captioning, screen readers, and text-to-speech. Trainees complete key outputs—an adapted lesson plan, an accommodation checklist and a UDL-based reflection.

ICT Micro-Credential Ladder

- Tracks: (A) Teaching in confined contexts (offline-first), (B) Digital formative assessments (forms/quizzes), (C) Short video creation and OER curation⁴⁴, (D) Assistive Technology Essentials.
- Evidence: Micro-lessons recorded using the tool, resource pack, and item analysis from digital exit tickets.

Co-Teaching and Reduced Ratio Days

Co-teaching and low ratio days require trainees to teach at least two co-teaching lessons, using methods such as stations, parallel or alternating teaching, to model differentiation and increase individual attention. During practicum weeks, smaller “low ratio” blocks divide large classes into two rooms, allowing for focused teaching in small groups.

Assessment for Learning Anchors

Assessment for Learning Anchors ensures that each observed lesson includes at least two formative checks, followed by a documented instructional adjustment based on the results. Additionally, a Holistic Progress Snapshot is compiled after every three to four lessons, providing a holistic view of each learner’s academic performance, skill development, and personal trends.

Co-Curricular Leadership Requirements

Co-curricular leadership requirements require trainees to participate in at least one club facilitation task, lead a section in a school assembly and contribute to a community project. These activities are assessed using rubrics that emphasise student voice, inclusivity, alignment with curricular competencies and thoughtful reflection on impact.

⁴⁴ Curating OER Curation: *Curation refers to process of identification, evaluation and selection of appropriate information meeting as per requirement (NCERT, n.d.) Systematically selecting, annotating, adapting and integrating OER in the teaching and learning practice (CETE, 2023).*

School-IHE Compacts

School-IHE agreements formalise collaboration through MoUs that define observation schedules, mentoring responsibilities, access to facilities, co-planning time and professional development days. These also include shared learning sessions where mentors and mentees work together on activities such as assessment, moderation and inclusive teaching strategies.

Reflective Practice Infrastructure

The reflective practice infrastructure supports continuous learning through digital reflective journals, which are based on observed evidence, decisions taken, equity considerations and planned next steps. This is complemented by monthly colloquia where trainees present “cases of practice”, sharing reflections on problems addressed, interventions implemented, supporting evidence and outcomes.

Resource and Infrastructure Roadmap

The resource and infrastructure roadmap outlines immediate benefits such as portable speakers, offline content drives, shared projectors and laminated task cards. Mid-term goals include room-wise projection setups, improved internet connectivity and shared device pools. It also envisions libraries of task banks with bilingual sentence frames, topic-specific hinge questions, inclusion customisations and ready-to-use rubric templates.

CONCLUSION

NEP 2020 presents both a vision and a mandate: teacher training should be integrated, diagnostic, inclusive, competency-based and digitally enabled. Realising this vision into classroom reality depends on what happens at the training level- in design studios, observation cycles, inclusive practices and reflective debriefs. The training at Savitribai Phule Balika Inter College, albeit brief, demonstrated how purposeful task design, multilingual frameworks, constructive feedback loops and value-based projects can foster engagement and learning, despite constraints.

After analysing all the aspects mentioned above, the necessity of “Preparing Future Teachers-Focus and Impetus Required at the Training Level” is clear. So, it is no exaggeration to say that teacher education providers must redesign practice structures; schools must intentionally host and guide; policymakers must align incentives and infrastructure to reward creative

practice, inclusion, and collaboration. When internships/trainings become feedback-rich clinical experiences rather than check-the-box requirements, they prepare teachers who are not just competent providers of curriculum but capable designers of learning, ethical leaders, and reflective professionals - exactly the kind of teachers that NEP 2020 envisions for India's future.

CHILD CARE INSTITUTIONS IN INDIA

- Priya Tiwari*

“The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”¹

The preamble of the United Nations Convention on the Rights of the Child, 1989, provides that, “*the full and harmonious development of a child’s personality depends on the family environment*”. Nothing is better for growth within a family, but if this is not possible due to certain circumstances, there is a need for institutional or non-institutional care facilities.

Beyond any doubt, children should be placed in child care institutions only when it is determined that returning the child to their parents or family would not be in the child’s best interests due to reasons such as: untraceability of parents, parents’ inability or unsuitability due to resource constraints, etc.

In India, the Institutional Mechanism for child protection is very comprehensive. As noted by the Hon’ble Supreme Court of India in its report titled “*Handbook on Child Rights and Law*” stated that, “*the framework related to child rights and their protection has evolved from relying on general provisions within the Indian Penal Code to create highly specific, child-centric legislative instruments that address protection, justice, care, and family life.*”²

As observed by Hon’ble Justice P.N. Bhagwati in the case of *Laxmi Kant Pandey v. Union of India*³, “*the Children are a ‘supremely important national asset’, and the future well-being of the nation depends on how its children grow and develop.*” To ensure the welfare of children in the child care institutions in India, a comprehensive system has been developed in India, and it could be discussed under national, state, district/block or village level as follows:

National Level: Several ministries at the national level collaborate to safeguard and promote the welfare of children in India. Key among these are the Ministries of Women and Child Development, Home Affairs, Labour, Education, and Health and Family Welfare.

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¹ The Preamble of the UNCRC, 1989.

² Centre for Research and Planning, Supreme Court of India, “*Handbook on Child Right’s and Law,*” page no. 94 (2025), available at:

<https://cdn.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/10/2025101472.pdf> (last visited on: Oct. 23, 2025).

³ (1984) 2 SCC 244.

Apart from ministries, several authorities are also operational at the national level, such as the National Commission for Protection of Child Rights, the Central Adoption Resource Agency and Child Line, which work under the Ministry of Women and Child Development.

State Level: The protection and welfare of children do not *per se* fall under the sole domain of any single ministry or department. In India, a collaborative approach is adopted, such as the Ministries of Women and Child Development, Home Affairs, Labour, Education, and Health and Family Welfare, which coordinate with various entities at both the national and state levels to ensure child welfare. The Ministry of Women and Child Development collaborate with the National Commission for Protection of Child Rights at the national level and its state counterparts, the State Commissions for Protection of Child Rights, State Child Protection Societies, State Child Protection Units, and State Adoption Resource Agencies.

Similarly, the Ministry of Home Affairs coordinates with state-level law enforcement agencies, including CID Crime, Railway Police, Missing Persons Cells, Cyber Cells, and Anti-Human Trafficking Units, to address child-related issues under various laws. The Ministry of Labour collaborates with Labour Commissioners and District Assistant Labour Commissioners, including District Task Forces, to fulfil its mandate. The Ministries of Education and Health, and Family Welfare work with relevant state-level entities to ensure the effective implementation of education and healthcare programs within child care institutions.

District, Block and Village Level: At the block level, the State Commission for Protection of Child Rights collaborates with the District Child Protection Unit, District Child Protection Committee, District Inspection Committee, and Sponsorship & Foster Care Approval Committee. The primary focus of the Sponsorship & Foster Care Approval Committee is on statutory support services, institutional care, and non-institutional care.

Statutory Support Services encompass the Juvenile Justice Board, Child Welfare Committee, Special Juvenile Protection Unit, Special Courts under the Protection of Children from Sexual Offences Act, 2012, and Children's Courts under the Commission for Protection of Child Rights Act, 2005. Institutional Care includes Observation Homes, Special Homes, Children's Homes, Open Shelters, Places of Safety, and Specialised Adoption Agencies, and Non-institutional Care encompasses Foster Care, Sponsorship, Adoption, Aftercare, and

Group Foster Care. The District Child Protection Unit also coordinates with the Block Level Child Protection Committee and Village Level Child Protection Committee.

To sum up, it could be noted that, to ensure the institutional care following authorities play a significant role:

- The Ministries of Women and Child Development
- The National Commission for the Protection of Child Rights
- The State Commission for the Protection of Child Rights
- District Child Protection Unit
- Sponsorship & Foster Care Approval Committee
- Statutory Support Services

Furthermore, in the field of child care and protection, the following entities have been statutorily implemented:

- Institutional Care: Observation Homes, Special Homes, Children's Homes, Open Shelters, Places of Safety, and Specialised Adoption Agencies
- Non-institutional Care: Foster Care, Sponsorship, Adoption, Aftercare, and Group Foster Care.

The abovementioned description provides a broader overview of the Institutional Mechanism for Child Protection in India. From a socio-legal point of view, the Juvenile Justice (Care and Protection of Children) Act, 2015, popularly known as the JJ Act, 2015, is the primary legislation for ensuring children's safety, security, dignity and well-being. Section 2 (21) of the Act defines '*Child Care Institution*', which includes:

- Children Home [Section 2(19)]
- Open Shelter [Section 2(41)]
- Observation Home [Section 2(40)]
- Special Home [Section 2(56)]
- Place of Safety [Section 2(46)]
- Specialised Adoption Agency [Section 2(57)], and

- A fit facility [Section 2 (27)] is recognised under this Act for providing care and protection to children who need such services.

The JJ Act allows the operation of the institutions mentioned above by both government and non-government organisations, subject to the '*mandatory registration process*'⁴ as mentioned under Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Even the registration is compulsory for institutions that do not receive government funds. It provides that, "*the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be*".⁵ Furthermore, it is important to mention that, as per Rule 21 of the Juvenile Justice Model Rules, 2016, "*the period of registration of an institution shall be five years, and it shall be subject to renewal every five years.*"

In the case of *Calicut Orphanage v. Union of India*⁶, it has been reiterated by the Supreme Court of India that, "*Section 41 of the JJ Act of 2015 requires registration of all institutions, whether run by the State Government or by voluntary or Non-Governmental Organisations.*" In this case, the Supreme Court of India has emphasised that the definition of 'child in need of care and protection' should be broadly interpreted to include all children requiring assistance, not just those in conflict with the law. Furthermore, the Act seeks to de-institutionalise child care and improve the welfare of children, necessitating registration for oversight. Recently, in the case of *Om Shanti Balakashram Balgraha, Naldurg v. State of Maharashtra*⁷, the Bombay High Court validated the directive of non-allotment of children in unregistered institutions.

The Act also prescribes the punishment for non-registration of such an institution under Section 42 of the Act, which prescribes that, "*those persons who are in charge of institutions and who fail to comply with the provisions of Section 41(1), shall be punished with*

⁴ Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 states that, "*all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act.*"

⁵ *Ibid.*

⁶ 2017 SCC OnLine Ker 35927.

⁷ 2024 BHC 28830.

imprisonment which may extend to one year or a fine of not less than one lakh rupees or both".⁸

To ensure the compliance with norms for the protection and welfare of children, the Hon'ble Supreme Court of India in the case of *Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India*⁹ has given order for social audit of child care institutions and mandated strict implementation of the JJA Act, regular inspections, and robust monitoring of child care institutions. It emphasised “*strengthening Child Welfare Committees, staff training, proper record-keeping, and public awareness to ensure the protection, rehabilitation, and reintegration of vulnerable children.*”¹⁰

⁸ The Juvenile Justice (Care and Protection of Children) Act, 2015, sec. 42

⁹ (2017) 4 SCR 625.

¹⁰ *Ibid.*

VEDIC EGALITARIANISM, ĀKATMĀ MĀNAVAVĀD AND THEIR INFLUENCE ON GENDER-JUST LEGAL FRAMEWORKS IN NATIONAL SECURITY

- Dr Keshav Jha*

Abstract

Ākatmā Mānavavād and Vedic egalitarianism form a profound and relevant intersection in contemporary academic inquiry and policy formulation regarding gender-just legal frameworks in national security. Their foundational commitment to unity, dignity, and equality provides the normative imperatives to reframe security as a holistic project inclusive of all genders. It represents an indigenous framework that also provides an alternative to other models.

Keywords: *Ākatmā Mānavavād, Egalitarianism, National security, Vasudhaiva Kutumbakam.*

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INTRODUCTION

Ēkatmā Mānavavād, or integral humanism, is a truly humanistic philosophy that considers all individuals as interrelated, irrespective of their gender, caste, class, and other social differences. It teaches us to respect the inherent dignity and equality of every human being. Its roots in ancient Indian thought gel with Vedic teachings that emphasise the essential oneness of life and all human beings. Ēkatmā Mānavavād advocates for a mode of governance and a conception of security centred on humane values, inclusiveness, and justice. It calls for social systems that ensure equality and respect for all so that disparities are reduced, and harmony across society is promoted.

VEDIC EGALITARIANISM AND GENDER JUSTICE

Strikingly, the Vedic tradition offers a progressive option of equality and gender justice, well ahead of many modern discussions. According to the Vedas, all individuals are born equal, and women have the same intellectual and spiritual capacities as men. There were important female sages, such as Maitreyi, Gargi, and Lopamudra; they were not only spiritual figures but also played an active role in the philosophical debates and public life of their time. One beautiful metaphor comes from the Rigveda itself, where cows of different colours all give the same milk—a metaphor showing how diversity can exist alongside unity, an important Vedic insight into respect for differences in light of our shared humanity.

There is no shade of gender discrimination in the Vedas. Women's participation in rituals and intellectual life was recognised and valued. The concept of strī-dharma describes women's roles and responsibilities in such a manner that it never degrades their dignity. Instead, it portrays them as both nurturers and protectors of society, inspired by the concept of Ādi Śakti, the primal feminine energy embodying love and care. This ancient egalitarian spirit has influenced the development of modern gender equality laws, showing a continuous thread from past wisdom to present justice.

HOW ĒKATMĀ MĀNAVAVĀD AND VEDIC EGALITARIANISM SHAPE LEGAL FRAMEWORKS

Merging the integral humanism of Ēkatmā Mānavavād with the egalitarian principles of the Vedas will provide a sound ethical basis for formulating laws that shall be fair and non-

discriminatory toward all genders, particularly in the area of national security. Conventionally viewed, the realm of national security has been conceived in predominantly masculine and militaristic terms, with limited consideration of how security and justice are differently defined and experienced according to gender.

Ēkatmā Mānavavād dares us to think of security not only in terms of border protection but also in terms of the dignity and rights of each individual, irrespective of gender. It calls for dismantling the biases inherent in military and security organisations and making room for equal representation, participation, and leadership by women. This perspective also points out that gender violence, trafficking, and exploitation are some of the fundamental concerns of security and not peripheral ones.

APPLYING THESE IDEAS TODAY IN NATIONAL SECURITY

Modern security policies have started to recognise gender justice but most of them lack a strong cultural and philosophical foundation. The combination of Vedic egalitarianism with Ēkatmā Mānavavād adds a value-based context to promote improvements in these policies:

Inclusive recruitment and leadership: Drawing inspiration from Vedic respect for the equal intellectual abilities of women, Ēkatmā Mānavavād's focus on unified humanity, security institutions can institute full and fair recruitment and leadership pathways that address women's concerns.

Holistic security: Women's safety—from protection against domestic and sexual violence to cyber threats and displacement in conflict zones—is essentially linked with national security. This perfectly aligns with the Vedic teachings of dharma and the idea of Vasudhaiva Kutumbakam, or the whole world is one family.

Legal reforms: Laws influenced by such philosophies would guarantee that the rights of women are better protected in military, intelligence, and civilian spheres related to security concerns. They also encourage courts to interpret laws with respect to the deep-rooted Vedic ideals of justice and equality.

Gender-sensitive counter-terrorism and rehabilitation: Understanding the specific challenges women face in conflict and terrorism-prone zones creates policies that are not only effective but just and healing.

RELEVANCE IN LAW AND POLICY

It is the blend of Ēkatmā Mānavavād and Vedic egalitarianism that urges scholars and policymakers to go beyond simple legal codes or rights talk. It encourages seeing law as a living system woven with culture and ethics, grounded in the vision of humanity's unity and equality. This perspective opens up new legal strategies that respect the diversity of Indian heritage and offer alternatives to Western models of justice. It calls for collaboration across philosophy, law, gender studies, and security, all working together to build just laws and policies.

CONCLUSION

Ēkatmā Mānavavād and Vedic egalitarianism offers a powerful and timely means to bring about the creation of fair legal structures that promote gender justice in national security. They remind us that true security means respect for the dignity and rights of all people, creating a society where all can thrive and feel safe regardless of gender. This is accomplished not only through ancient wisdom but also as an approach that can meet contemporary demands of gender equality and security. It presents a hopeful vision that respects India's rich philosophical traditions while pushing for justice that benefits all humanity.

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VEDIC IDEALS OF GENDER JUSTICE AND NATIONAL SECURITY

JURISPRUDENCE IN INTEGRAL HUMANISM

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Abstract

In the 1960s, Pandit Deendayal Upadhyaya developed Integral Humanism, a philosophical foundation and framework aimed at balancing the material and spiritual, the individual and the collective, and the cultural and political aspects of national life. It offers a model of human development based on dharma, an ethical ordering principle that upholds society, rejecting both unbridled individualism and collectivist statism. Within this framework, concerns about national security and gender justice become manifestations of a deeper civilizational ethos rather than just socio-political problems. The Vedic worldview, which offers a picture of social order based on dignity, complementarity, and moral responsibility, is one of the richest sources influencing this ethos. Examining these connections provides a convincing viewpoint on how traditional principles influence modern discussions of national policy, constitutionalism, and jurisprudence.

Keywords: *Ekatma Manavavad, Samabhava, Sahabragita, Rajdharma, Rajniti.*

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INTRODUCTION

Vedic literature offers a range of roles and rights for women that are marked by intellectual freedom, spiritual agency, and social participation, in contrast to later social distortions that restricted women's autonomy. Women sages like Lopamudra, Apala, and Ghosha are mentioned in the Rigveda; their hymns convey philosophical insight and individual agency. The Upanishads describe Gargi and Maitreyi conversing with male scholars about metaphysics. These illustrations show that in the Vedic order, one's value was based on knowledge rather than gender.

VEDIC FOUNDATIONS OF GENDER JUSTICE

The foundations of the Vedic idea of gender justice are dharma, which is a dynamic principle of cosmic and social harmony rather than a set code. Where personal behaviour is in line with this larger moral ecology, justice (nyaya) becomes the outcome.

In such a system, "samabhava" (equanimity) and "sahabhagita" (participatory complementarity) were used to frame gender relations rather than adversarial binaries. The household, which is regarded as the centre of social organisation, shared economic, educational, and spiritual responsibilities among men and women. This equitable division of responsibilities and duties preserved dignity without imposing uniformity.

This civilizational memory is a major source for Integral Humanism. It envisions a system in which social obligations and individual rights coexist, rejecting both contemporary hyper-individualistic feminism and patriarchal dominance. According to Upadhyaya, a society cannot advance if half of its members are diminished or disempowered. Therefore, establishing moral and social structures that are in tune with dharmic foundations, that respect diversity without fostering hierarchy, is just as important to achieving true gender justice as legal equality.

GENDER JUSTICE AS SOCIAL SECURITY

Justice and security are inextricably linked in the philosophy of Integral Humanism. When a society fails to maintain internal harmony and dignity, it becomes susceptible to external threats. This realisation is shared by the Vedic perspective as well. Texts like the Atharvaveda stress that while social disunity breeds aggression, unity based on respect for one another fortifies the nation's ability to defend itself.

The Vedic understanding of women as carriers of shakti, or transformative moral force, is crucial to this. The symbolic roles of Saraswati (knowledge), Lakshmi (prosperity), and Durga (protection) convey normative ideals rather than mythic abstractions, serving as reminders that respecting women's contributions in all areas is essential to social well-being. Therefore, a breakdown in gender justice is not just a moral shortcoming but also a strategic vulnerability that erodes a country's ethical underpinnings and collective resilience.

NATIONAL SECURITY JURISPRUDENCE IN INTEGRAL HUMANISM

The debate over national security in the modern era frequently revolves between state power and civil liberties. A moral-constitutional viewpoint that aims for harmony rather than conflict is provided by integral humanism. It states that, necessarily, the use of state power must be guided by the moral underpinnings of society. Therefore, national security laws should represent a commitment to the country's cultural continuity, social cohesion, and long-term well-being rather than being tools of coercion or permissiveness.

As per the Vedic paradigm, "Rajadharma"-the moral obligations of a ruler-and "Rajniti"-statecraft- are inextricably linked. The king is sovereign not only by political power, but also by cosmic order and moral responsibility to the populace.

This principle flows from the tradition of the Mahabharata and specifically from Shanti Parva, where Yudhishtira was told that the first duty of a ruler is to protect the weak, the just, and the vulnerable.

For contemporary jurisprudence, viewed through the lens of Integral Humanism, national security laws have to be judged not by their efficiency but by their fidelity to dharma-based constitutionalism. Policies need to defend the nation against terrorism, subversion, and internal disorder while also protecting civil dignity, religious harmony, and gender equality. National security does not mean just territorial defence; it embraces protection of cultural identity, economic self-reliance, and ethical living.

INTERSECTIONS: GENDER JUSTICE AS A COMPONENT OF NATIONAL SECURITY

Integral Humanism invites us to see gender justice and national security not as separate legal categories but as interdependent pillars of a unified social philosophy. A society based on

dignity, education, and opportunity for all genders becomes more internally stable and externally cohesive. Such cohesion acts as a deterrent against threats because:

1. Inclusive societies are resilient societies. Social fractures, whether caused by gender discrimination or inequality, create vulnerabilities that can be exploited by hostile/evil forces,
2. Empowered women strengthen economic and civic foundations. Vedic tradition recognised women as stewards of the household economy and guardians of cultural continuity. Modern India's security also depends upon its participation in governance, defence, technology, and education, and
3. Moral legitimacy reinforces state authority. A state viewed as equitable in gender issues secures social trust critical requirement for any effective national security management.

Thus, from the Vedic and Integral Humanist perspectives, gender justice is both a moral duty and a strategic need.

CONCLUSION

Synthesising Vedic ideals with Integral Humanism provides a matrix for reconceptualising the jurisprudence of gender justice and national security. It steers clear of the poles of iron traditionalism and value-neutral modernity, calling instead for a dharma-centred approach in which dignity, complementarity, and responsibility inspire both juridical and social institutions. Recognising women as equal partners in the nation's moral, cultural, and political life, this framework advances a vision of justice that serves national unity and resilience. In an age marked by global uncertainty and internal complexity, the principles underpinning India's rich philosophical heritage offer a compelling foundation for an ethical and security-conscious jurisprudence rooted in integral human development and the harmonious evolution of the nation itself.

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