alienation of land by a tribal women to other shall be subjected to the relevant provisions of A.P. Scheduled Area Land Transfer Regulations 1 of 70 which prohibits transfer of lands not only between tribals and non tribals but also between the non tribals in the Scheduled Areas. Further amendments could also be required suiting the interest of tribals at large in the case of a tribal woman marries a non tribal person, that Tribal woman should first offer the land for sale to the brothers or sisters in their absence to any male or female lineal descendent of the family and the sale will be in terms of mutually agreed consideration and other terms *etc*. If no tribal comes forward to take the land from her then she can surrender that land to the Government on payment of compensation. Then the Government can take over that land and assign the same to the eligible tribals in that village. And in no case succession of property to a non tribal husband shall be permitted to devolve if a tribal woman dies intestate. Because the lands situated in the Scheduled Areas are once belonged to tribals and a legal presumption also encapsulated in the Land Transfer Regulations 1 of 70 it self. This principle may also be made applicable to tribal men also if he marries a non tribal woman.

As rightly viewed by the Hon"ble Justice *Ramaswamy* in *Madhu Kishwar* case though a minority view, "the provisions of Hindu Succession Act 1956, and the Indian Succession Act 1925 though in terms would not apply to ST, the general principles contained there in being consistent with justice, equity, fairness, justness and good conscience would apply to them". Thus a comprehensive legislation is essential to bring out under Fifth Schedule to the Constitution in order to reverse the historical injustice being done to tribal women in claiming her share in the inherited property.

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IMPACT OF GLOBALIZATION ON INDIAN ECONOMY

By
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The word globalization means development or operation world wide. In a globalized economics, private sector plays a key role. The public sector assumes a secondary position. The liberation policy introduced in India opened the flood gates for the establishment of a world market. The concepts, liberlization, privatization and globalization are thus interconnected with each other.

According to Stiglitz, "Globalization is the closure integration of the countries and peoples of the world which has been brought about by the enormous reduction of costs of transportation and communications, and the breaking down of artificial barriers to the flow of goods and services, capital, knowledge, and (to a lesser extent) people across borders"[1] *Jagadish Bhagavati* defines globalization in the following words: "Economic globalization constitutes integration of national economies into the international economy through trade, direct foreign investment (by corporations and multinationals), short-term capital flows, international flows of workers and humanity generally, and flows of technology"[2].

The globalized economy has made traditional State borders increasingly porous,

1. (Stiglitz 2002, pp.9)
2. (Bhagwati P3)

resulting in greater interdependence of economies as well as the peoples. Capital, goods, services, and labour move from country to country as part of multi- national corporations search for competitive advantage and economies of scale.

Though the economic reforms around the world came into force after the end of second world war however some economic reforms were introduced in India only during the period of *Rajiv Gandhi's* Government, it was *P.V. Narsimha Rao's* Government in year 1991 that gave a definite shape and start to the new Economic Reforms of globalization in India. Presenting the 1991-92 budget, Finance Minister said after four decades of planning for industrialization, we have now reached a stage where we should welcome rather fear, Foreign Investment. Direct Foreign Investment would provide access to capital, technology and market. However, the subsequent Indian Governments lead by Janata Dal and BJP adopted the same economic policies of liberalization. In the Memorandum of Economic policies dated August 27 1991 to the IMF, the Finance Minister submitted in the concluding paragraph : The Government of India believes that the policy set forth in the memorandum are adequate to achieve the objectives of the programme, but will take any additional measures appropriate for this purpose. In addition, the Government will consult with the fund on the adoption of any measures that may be appropriate in accordance with the policies of the Fund on such consultation. With *Manmohan Singh* returned to power as the Prime Minster in 2004 the economic policy initiated by him has become the lode star of the physical outlook of the Government.

Thus globalization means the coming together of different nations. As a result, the boundaries and the geographical limitation would disappear. One country would be in position to carry on business, commerce and trade with other Countries. A foreign country for instance, would be allowed to open an office in India. In this way, there would be a proliferation of trade and business into various parts of the world. In consequence of such policy, privatization and liberalization of industrial policy would become necessary. In India, today, globalization is accepted and Foreign Direct Investment (FDI) is made easy. So much so, a foreign company could open there offices in our country. Similarly, an Indian company would be able to take over the companies in other countries and establish its offices over there.

The Important measures for globalization in India:

The Indian economy was in deep crisis in 1991, with foreign currency reserves dipped to about \$1 billion and Inflation rosed to about 17% annual rate. Because of the heavy capital outflow the country was almost defaulting on loans. Thus the economic status of the country has demanded for a complete change in economic policies and programmes which has paved the way for liberalization and globalization. The movement of globalization can be ensured through 4 D's- (1) Deregulation (2) Denationalization, (3) Disinvestments and (4) Digitalization[3]. However the Government has taken following steps in liberalization :-

(1) Devaluation : The step towards globalization was taken with the announcement of devaluation of Indian currency by 18 to 19% against major currencies in the international foreign exchange market.

(2) Disinvestments : In order to make the process globalization smooth, privatization liberalization policies are moving along as well. Under the privatization scheme, most of the public sector undertakings are being sold to private sector.

3. Surya Deva Globalization and its impacts onrealization of human rights extracted from C. Raj.

(3) Dismantling of industrial licensing regime at present, only six industries are under compulsory licensing mainly on accounting of environmental safety and strategic considerations. A significantly amended locational policy in tune with the liberalized licensing policy is in place. No industrial approval is required from the Government for locations not falling within 25 Kms of the periphery of the cities having a population of more than 1 million. Allowing Foreign Direct Investment (FDI) across a wide spectrum of industries and encouraging non-debt flows. The department has put in place a liberal and transparent foreign investment regime where most activities are opened to foreign investment on automatic route without any limit on the extent of foreign owner ship.

Some of the recent initiatives taken to further liberalize the FDI regime in the sectors such as Insurance-upto 26%, Development of Integrated Township and Tea Plantations upto 100%, Defence industry upto 26%. Enhancements of FDI limits in private sector banking, allowing FDI upto 100% under the automatic route for most manufacturing activities in SEZs. Opening up B to B e–commerce internet service providers (ISPS) without gateways. Electronic mail and voice mail to 100%, foreign investment subject to 26 % disinvestment conditions *etc*. The department has also strengthened investment facilitation measures through Foreign Investment Implementation Authority (FIIA).

Throwing Open Industries reserved for the Public Sector to Private participation. Now there are only three industries reserved for public sector.

Abolition of MRTP Act which necessitated prior approval for capacity expansion- The removal of quantitative restrictions on imports. The reduction of quick customs traffic from over 300% prior to the present 30% rate.

Trade- One of the principle aims of globalization is to expand trade in goods and services. The World Commission in this context states". This trade expansion did not occur uniformally across all countries, with the industrialized countries and a group of 12 developing countries accounting for the lion's share. In contrast, the majority of the developing countries did not experience significant trade expansion. Indeed, most of the Least-Developed Countries (LDC's), a group that includes most of the countries in sub-Saharan Africa, experienced a proportional decline in their share of world markets despite the fact that these countries had implemented trade liberalization measures"[4].

During the 13-year period (1990-2003), India's merchandise exports increased at the rate of 9.1 percent per annum (from $ 17.97 billion to $ 55.98 billion) while that of China increased at the faster rate of 16.2 percent and that of Mexico at the rate of 11.4 percent. However, compared to the world average annual exports of 6.1 percent during the period, India did benefit from globalization in increasing its export growth rate.

The impact of these global giants operations have negative impact on human rights. Virtually all developing countries in contemporary time seek private foreign investment for development. Such investment now greatly exceeds loans or grants from official sources. New technologies have transformed the nature of production and facilitated re-location of firms. Nationalization, once the center of debate has now virtually disappeared from the agenda of developing countries. The human rights implications of these trends are outlined by an economist, *David Korten* in the following terms:

'Today the most intense competition in the globally integrated market is not between the gigantic transnational corporations, but it

4. (WCSDG, 2004,P.25)

is between Governments that find themselves competing with one another for investors by offering the cheapest and most compliant labour; the weakest environmental, health and safety standards, the lowest taxes; and the most fully developing infrastructure. Often Governments must borrow to finance the social and physical infrastructure needed to attract private investors. Having pushed almost the entire social and environmental costs of production onto community, may firms are able to turn a handsome profit. Having bargained away their tax base and accepted low wages for their labour, many communities reap relatively few benefits from the foreign investment, however, and are left with no evident way to re pay the loans contracted on the firms behalf[5]

Positive side of globalization :

India's merchandise exports increased at the rate of 9.1 percent per annum (from $ 17.97 billion to $ 55.98 billion), while that of China increased at the faster rate of 16.2 percent and that of Mexico at the rate of 11.4 percent. However, compared to the world average annual exports of 6.1 percent during the period, India did not benefit from globalization in increasing its export growth rate. But India's share in world merchandise exports improved only marginally from 1.51 percent in 1990 to 0.73 percent in 2003.

India's performance in service sector exports was relatively much better. Service exports increased from $ 4.6 billion in 1990 to $ 37.7 billion. It indicates an annual average growth rate of 17.5 percent during the period. However, Much of this increase was due to software exports as a consequence of outsourcing by developed countries, especially USA and to some extent the European Union countries.

If we pool together merchandize and service sector exports, it becomes evident that India's exports of goods and services increased from $22.58 billion to $ 93.7 billion. Indicating an annual average growth rate of 11.6 percent. As a consequence, India's share in world exports of goods and services improved considerably. However, India's performance in achieving a net positive balance in invisibles has helped it to wipe out the large trade deficit. During 2002-03, net invisibles showed a positive balance of 3.3 percent of GDP which not only wiped out the trade balance deficit, but created a positive, balance in current account to the extent of 0.8 percent of GDP. A major contributor to the present situation is a massive inflow of foreign exchange from the software service provided by India as a consequent of sharp increase in exports of IT-enabled and business process outsourcing (BPO) services.

Foreign Investment Flows:

It is often claimed that globalization leads to greater flow of Foreign investment which should help to increase the productive capacity of the recipient economy. It is worthwhile considering this for India.

Foreign investment takes two forms - Foreign direct Investment (FDI) and foreign portfolio investment (FPI). Foreign Direct investment helps to increase the productive capacity of the economy, while foreign portfolio investment is of a more speculative nature and is thus very volatile. During the period 1990-91 and 1994-95, the share of FDI in total investment inflow was only 24.3 percent and that of FPI was 75.8 percent. In other words, only a quarter of the total foreign investment was available for increasing productive capacity while about three quarters was very volatile. For the 5-year period (1995-96 to 1990-2000). The proportion of FDI in total investment improved to 54.8 percent. However, the share of FPI was still high at about 45 percent. During the next 4 year period (2000–01 to 2004-05), the share of FDI was 48.8 percent and that of FPI was 51.2 percent.

FDI Inflows and Out flows :

Whereas the Government of India has been initiating measures to attract FDI inflows into India, certain Indian firms have been undertaking investment projects in other countries. This has resulted in FDI outflows. Net FDI inflow is, therefore, the difference been FDI inflows minus FDI outflows. The data about India and China from 1992 to 2003 has given by the world investment Report (2004). During 1992-97 and even upto 1999, FDI outflows from India formed a very small fraction of FDI inflow. However, since 2000, there has been increase in FDI outflows. The peak out flow took place in 2001 of the order of US $ 1.4 billion (41% of the FDI inflow) thereafter, there has been a slow down in FDI outflows.

India's share in FDI inflows :

A review of the world situation in FDI inflows reveals that 65.5 percent of the total inflows are made to the developed countries. 30.7 percent to the developing countries and only 3.7 percent to Central and East Europe. Out of the total share of 30.7 percent to developing countries.

The positive side of Globalization in short can be analyzed as follows :

The rate of growth of Gross Domestic Product stands at 8.5% in the financial year 2011. Q4th rate of growth is at 7.8%. GDP growth rate from (2008-09) is 6.1%. (2009-10) is 6.5% (2010-11) is 8.2%, 4th quarterly –7.8%, Some Sectors wise GDP growth rate in India in 2010-11 (Manufacturing)-9.8%, (Farming)-4.4%, (Construction)-8.8%, (Mining-) 9.8%, (servicing) 9.8%. Prime Minister *Manmohan Singh* is confident of having a 10% growth in the GDP in the Eleventh 5 year Plan period.

The foreign exchange reserves at the end of the (financial year) where $ 39 billion (2000-01), $ 107 billion (2003-04), $ 145 billion (2005-06) and $180 billion February 2007, it is expected that India will cross the $ 200 billion mark soon. The cumulative FDI inflows is up by 13.2 at 1.4 billion in December 2011. The sectors attracting highest FDI inflows electrical equipments including computers software and electronics (18%), service sector by 13%, Telecommunications (10%), Transportation industry 9% *etc.* In the inflow of FDI, India has surpassed South Korea to become the 4th largest receipt.

India controls at present 55% of global outsourcing market.

FII net sell $49.29 millions as on April 9th 2012, Foreign Currency Assets $ 260,068.7 mn as on March 30, 2012. One of the positive sides of globalization is that inflation has significantly came down to 6.9% as on February 12, 2012[6].

Negative effects of globalization:

One of the effects of globalization and corresponding local development strategies is the exacerbation of poverty and economic disparities. Liberal market economies and economic development are touted as the panacea for poverty and the necessary precursor to more open societies, yet they have sharpened and aggravated the tension between development imperatives and the need to secure the rights of the people within the individual societies.

Migration both domestic, between rural and urban areas, and transnational, between States, is a regional phenomenon directly related to the demands of globalization. It has an alarming impact on the family life and communities so important to local cultures.

The State Government's plan to develop vizag as the State second I.T. hub is unlikely to become a reality any time soon thands to global slow done and lack of qualified manpower. The Andhra Pradesh Industrial

5. Korten David, sustainable development : A review essay, world policy journal, volume 9, pg 157-90

6. Deccan Chronicle dated 11th April 2012.

Infra structure Corporation, which had allotted land to many firms for setting up facilities before 2008 had started issuing notices to recall land allotments from firms that have failed to keep their promises[7].

Employment situation in India during the Era of globalization :

The employment situation in India has worsened in the era of globalization. The rate of growth of employment which was of the order of 2.04 percent per year during 1983-94 declined to a low level of 0.98 percent or during the period 1994-2000. This was largely a consequence of a negative growth rate of employment in agriculture which absorbed about 65 percent of total employed workers as also a sharp decline in community, social and personal services to 0.55 percent during 1994-2000 as against 2.90 percent during 1983-94. This was largely the consequence of neglect of agriculture and shedding the load of excess employment in the Public sector by imposing a continuous ban on recruitment and not filling up even the position vacated by retirement of public sector Employees.

The organized sector which was considered as the engine of growth failed to generate enough employment. During 1994-2000, employment growth in the organized sector was nearly 0.53 percent. The growth of employment in the public sector was negative (-0.03 percent) and that of the private sector was of the order of 1.87 percent. But since the share of the public sector in organized sector employment was of the order of 69 percent, enlargement of private sector employment failed to effectively offset the declaration in the public sector. Consequently, the share of the organized sector which was 7.93 percent in 1983 declined to 7.08 percent in 1999 to 2000.

Thus, globalization pushed workers from the organized sector to swell the ranks of workers in the unorganized sector. It is common knowledge that workers in the organized sector are relatively better paid than those in the unorganized sector, they enjoy better job security and other benefits.

Globalization has accelerated the process of Proletarianization of labour. The problem of unemployment, Casualization, lower wages, part - time jobs, less or no security in Jobs have manifested themselves in a much greater degree. A higher profit has been the result of exploitative efficiency, rather than basing globalization on enlarging growth opportunities for both the management and labour. The bargaining power of trade unions has been considerably reduced and they are to accept 'Concession bargaining', instead of 'Collective bargaining', earlier resorted to resolve labour disputes. To save the workers from job losses, the trades unions are forced to accept cuts in wages and salaries, freezing of dearness allowance and other benefits, a higher share of casual labour in employment, voluntary suspension of Trade Union rights for specific period, agreeing to the commitments of Modernization and consequent reduction of labour force. The weakening of workers bargaining capacity has resulted in a rise in the militancy of employers and this process has manifested in a significant increase in the incidence of lock outs and a decline in strikes.

Inequality and Poverty :

ILO Report (2004) in a very forthright manner states : "Income inequality has increased in some industrialized countries, reflected in an increase in the share of capital in national income as well as an increased in wage inequality between mid 1980s and the mid-1990s"[8].

The ILO Report (2004)[9] identifying the people who have benefited in most States: "As in the case of countries, the people who benefited most from globalization include those associated (as shareholders, managers,

7. DECCAN CHRONICLE; 31st March 2012.

8. (ILO 2004,p.42)

9. Supra 8.

workers or sub-contractors) with successful MNEs and with internationally competitive national enterprises. More generally, those endowed with capital and other assets, entrepreneurial ability and education and skills are in increasing demand have all benefited"[10].

"Conversely, the adversely affected include those associated with uncompetitive enterprises that have been unable to survive in the face of trade liberalization or the entry of foreign firms. These enterprises include those previously highly protected by trade barriers, subsidized State enterprises, small and medium sized enterprises that had a limited capacity to adjust to a rapid liberalization of the economy"[11].

Cheap imports lead to the closure of a large number of vulnerable small enterprises, they have adversely affected the informal economy as well as agriculture. The upshot is that as a consequence of globalization, the poor, the assetless and unskilled workers were the losers and the rich endowed with capital and human capabilities have been the winners.

It is thus the concept of the Globalization, Privatization and liberalization have considerable impact on Indian economy and the constitutional perspectives, fundamental rights and directive principles of the State policy. The idea of welfare state envisaged by our constitution can be achieved if the States endeavour to implement them with a high sense of moral duty. It is clear from the above analysis that globalization has some advantage as well as disadvantages. Primarily, it is argued that as a result of globalization, there would be an integration of various nations and thus would enable free flow of labour and commodities. On the other hand, as against the primary advantage, it is argued that globalization may not be suitable for a Country like India.

This is because the competition is bound to increase which would create problems for the produces in the native country. The marketing of goods may become difficult. Because the foreign goods might be available at cheaper rates. Accordingly, the produces and manufactures in an underdeveloped country might find it difficult to secure appropriate market for their goods. In fact, such globalization, privatization and liberalization is categorized as another kind of slavery to foreign countries who would be able to secure a major share in various industries in India. The impact of globalization would become clear when we examine some of the fundamental rights and directive principles of State policy in India.

Growth of Slum Capitals :

Prof *R.N. Sharma* of the Tata Institute of Social Science says that Mumbai is disintegrating into slums. From being known as the slum capital of India and the biggest slum of Asia, Mumbai is all set to become the slum capital of the world. The population of Delhi is about 14 million of which nearly 45 percent population lives in slums, unauthorized colonies, JJ clusters and undeveloped rural parts. During dry weather these slum dwellers use open areas around their units for defecation and the entire human waste generated from the slums along with the additional wastewater from their households is discharged untreated into the river Yamuna.

Social Sector:

Human capital formation helps in promoting capabilities of the people so that they can reap the benefits of globalization. For this, a country must increase its expenditure on education, health and poverty alleviation programmes. In case, the entire responsibility for financing health and education has to be borne by the individual, then left to the market forces, only the rich will be able to acquire human capital and the poor, by and large, will be excluded.

10. (ILO, WCSDG, p.46)
11. supra motioned 10..

About the quality of education given to children, the approach to the Eleventh Five Year Plan stated: A recent study has found that 38 percent of the children who have completed four years of schooling cannot read a small paragraph with short sentences meant to be read by a student of Class II. About 55 percent of such children cannot divide a three digit number by a one digit number. These are indicators of serious learning problems which must be addressed. The less said about the achievements in health the better. The approach to the Eleventh Plan concedes that progress implementing the objectives of health have been slow. The report gave the particulars of the rates of infant mortality (per 1000 live births) for India as 60 against Sri Lanka (13), China (30) and Vietnam (19). The rate of maternal mortality (per 1, 00,000 deliveries) of India is 407 against Sri Lanka (92), China (56) and Vietnam (130). Globalization, has further increased the need for acquiring skills, because the main drivers of globalization are the multinations who use latest high level of technology. To save the poor from exclusion from the benefits of globalization, it is necessary for the state to increase public investment in social sector.

Conclusion :-

There are both positive and negative impacts of globalization in all spheres in the economy of India. In the context of the abuses of migrant labor it could be argued that economic development may be both the cause and cure of many of the human rights concerns these problems raise. Moreover, one cannot generalize from these cases that the logic of putting economic development before certain civil and political rights, of any other rights, for growth alone cannot ensure equity. In fact many have argued that there is no relationship between economic growth, and the level of economic development, and overall protection of human rights. While economic growth can assist the progressive implementation of some social rights such as education, it also tends to generate new abuses, such as poor working conditions and prohibitions against organized labour as discussed in the papers on migration.

Agriculture which employed 60.4 percent of the labour force in 1993-94 accounted for only 56.7 percent in 1999-00. During 1993-94 and 1999-00, the employment growth rate in agriculture was barely 0.02 percent. Thus, the major source of employment, that is, agriculture became dry. It had an impact on non-farm employment also. In rural sector, the potential for non-farm employment in agro-industries is quite high. Once a revival of growth rate in agriculture takes place, it will certainly strengthen the growth of agro-industries like food-processing. There is a strong need to provide adequate credit, appropriate technology, marketing and other support for the purpose.

Employment Guarantee Programme :

Poverty is only a manifestation of unemployment or low level employment, popularly referred to as under-employment. To alleviate poverty, a number of programmes were initiated by the Government, such as Jawahar Rozgar Yojana, Employment Assurance Scheme (EAS). Prime Minister's Rozgar Yojna (PMRY), Pradhan Mantri Gram Sadak Yojana[12] *etc.* There is no doubt that these schemes did help to provide employment, more especially, in the rural areas and consequently alleviate poverty. However, there was no scheme which guaranteed employment to take care of the 'Right to work'. Recently, the Government by the passage of the National Rural Employment Guarantee Act, 2004 has assured at least 100 days of employment on asset-creating public works programme every year at minimum wages to at least one able-bodied person in every rural household who volunteers to do causal manual labour in rural areas.

By implementing properly some of the welfare measures mentioned above the fruits of the Globalization can fully be achieved in development of the economy of India.

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12. (PMGSY).