

ACHIEVING SERVICES EXPORT TARGET BY 2030

The Minister of Commerce and Industry, Consumer Affairs, Food and Public Distribution and Textiles, Piyush Goyal has said that India is poised to achieve services export target of \$1 trillion by 2030. He was addressing the gathering at the 'Services Export Promotion Council-Global Services Conclave 2021' in New Delhi today. The Minister said that Services are a key driver of India's economic growth. He added that services sector provides employment to nearly 2.6 crore people and contributes approximately 40 per cent to India's total global exports. He added that Services trade surplus was \$89 Billion in FY 2020-21 and it has been the largest FDI recipient (53 per cent of FDI inflows 2000-2021).

The theme of the Global Services Conclave 2021 was India Services: Exploring Potential Growth Sectors Beyond IT/ITES. Emphasizing that Service sector is our competitive advantage, powered by Skills, Startups and IT Solutions, the Minister said that today, Indian services have the twin power of universal acceptance & universal attraction. Lauding India's commitment to enable 'work from Home' during the pandemic, Goyal said that, while services trade remained depressed in other countries, India's services sector showed immense resilience. "Sectors like tourism, hospitality, etc. which suffered due to COVID-19 is showing revival signs," he added.

Appreciating the spirit that led to rise through the tough times faced by the sector, Goyal said that tough times don't last, but tough people do. He expressed his admiration for the selfless service of all frontline workers during the COVID-19 pandemic. The Minister said that in 2020, India became the 7th largest services exporter in the world, moving up the ladder by two positions. Services PMI rose to a decade high of 58.4 in Oct'21, he said. Emphasizing that India had potential to become the top services exporter in the world, Goyal said that Services is boosting India's transition from an assembly economy to a knowledge based economy. Global sentiments are changing from 'why India' to 'why not India', he said.

Observing that India has transformed from being the 'Back office' to the 'Brain office' of the world, Goyal said that at present, India's Services export largely comprise of IT/ITES and stressed that we need to focus on other potential growth sectors. The Minister listed certain crucial sectors which can catapult India's services sector on a high growth trajectory such as higher Education. He observed that students from US, Canada etc. prefer India for heritage, art and culture studies. The Minister assured that the Government was actively pursuing market access opportunities (FTAs) and working on a scheme alternative to SEIS. He said that the Government supported service sector through Atmanirbhar Bharat Package, collateral-free Automatic Loans for Businesses, including MSMEs. Rs. 56,027 Crore was released under various Export Promotion schemes. He spoke of India's initiatives in Skill development, especially in emerging areas like AI, Big Data, Robotics, etc. The Minister also highlighted the need for assisting States in formulating a comprehensive export strategy with districts as Export Hubs. Piyush Goyal said that the Government as a facilitator and enabler, helped Indian Services to grow & touch lives across the globe. He emphasized that Zero Government interference has enabled IT sector to excel. He appreciated the sector for not pursuing incentives but standing on its competitive strength. Charting the way forward, the Minister said that we must introduce more standards & improve quality. We must move up the value chain in services and pick areas where our strength lies and expand on that, he said. He also said there is a need to expand markets for Legal/Accounting professionals. Quoting Atal Bihari Vajpayee, Goyal said, "Our aim may be as high as the endless sky, but we should have a resolve in our minds to walk ahead, hand-in-hand for victory will be ours."



True, Undying Hope Is A Conscious Decision

Looking at the world today, it is easy to feel despair. A kind of powerlessness seems to be the prevailing mood. I do not believe that people are powerless. In fact I take exactly the opposite view. Buddhism teaches that each human life partakes of the limitless life force of the cosmos. The same power, which moves the universe, exists within our lives. Each individual has immense potential, and a great change in the inner dimension of one individual's life has the power to transform society.

My mentor, Josei Toda, called this process of inner transformation "human revolution." An inner change for the better in a single person - one person becoming wiser, stronger, more compassionate - is the essential first turn of the wheel towards realizing peaceful coexistence and fulfillment for the whole human race. I firmly believe that a great human revolution in just one person can be the start of a transformation in the destiny of whole societies and all humankind.

When we change our inner determination, everything begins to move in a new direction. The moment we make a powerful resolve, every nerve and fibre of our being will immediately orient itself towards the fulfillment of this goal or desire. But, if we think "This is never going to work out," then every cell in our body will be deflated, and give up the fight. Hope, in this sense, is a decision. It is the most important decision we can make.

Hope is a flame that we nurture within our hearts.

By Daisaku Ikeda

Look at the sky. We are not alone. The whole universe is friendly to us and conspires only to give the best to those who dream and work.

-A. P. J. Abdul Kalam

EDITORIAL

INDIA - AS A GLOBAL LEADER UNDER A GLOBAL-LEADER, MODI JI INDIA TOWARDS BECOMING A GLOBAL LEADER UNDER LEADERSHIP OF NARENDRA MODI

■ TARUN CHUCH

Global leader is defined as a leader who leads people of the world across various regions, cultures and time zones. In International-relationship and theory, a never ending debate goes on as to who influences the diplomacy. Is it the influence of the nation or is it the influence of the leader of the nation? In diplomatic-jargon, Global-Leader is a term used in two senses: Personal-specific global leader in which the leader-statesman is having a global-influence far more than the influence of his country in the world affairs; Country specific global-leader is the national-leader who wields influence in the world because he represents a powerful country. While, the personal-specific global leaders are leaders owing to their personal attributes like Charisma, their crusade on some noble-cause; the Nation-specific global leaders drive their influence on account of the power and influence of their country be it power of Geo-economics, geo-politics or Geo-strategic. There have been very rare occasions in the

world-history when both the personal-specific and global-specific leadership merge and work in tandem. It depends upon many factors like the understanding and interests of the world-affairs of the national-leader; his proactivity in diplomacy, his charisma, his views on common global problems and solutions, his personal-relationship with the leaders of the other countries so and so forth. To take a middle-path, a healthy combination of diplomacy as well as personal-leadership can be used to influence the international-relationship in favour of National interest. We find a perceptible change in Indian Foreign policy over the past few years which are a combination of dynamic-leadership riding on brewing super-power. It is driven by personal-diplomacy with the ultimate aim of maximizing the National-interest of India through the use of diplomacy. Ever since, Narendra Modi took over as PRIME MINISTER, India's diplomacy has emerged as one of the core areas of his leadership. The key ethos of his foreign policy can be enumerated as under: - Global-

leader based diplomacy which is the combination of personality and national-power. - Pro-active diplomacy with its different aspects of Economic diplomacy, cultural-diplomacy, defense-diplomacy which is used with the only aim of enhancing the Indian Nation-Interest. - Use of Geo-politics to strengthen India's economy. Making India self independent and self sustained in defense needs. - India's rightful place in the world-order. India, being a Global leader, has the potential to give many things to the world. - Having a good Neighborhood policy. Taking firm stance, when it comes to Nation's Integration and Sovereignty. Work closely at proactively at regional, sub-regional and global level. - Highlighting and following the key global-issues which need cooperation and solution at global-level. Global Leader - There is a 180 degree shift in India's foreign policy under Narendra Modi. He is the most followed statesman of the world be it on twitter or on any other social-media platform. He has domestic support from all the quar-

ters of population. - There is proactive diplomacy on all the issues. The leader of the nation himself is touring the whole world; and addressing India's concerns and National Interests. - He is also reworking and rebranding Brand-India from a soft state to a Nation with power which can influence the world's affairs in a positive manner. - He is using India-Diaspora to the maximum advantage of India's national interests. He is the leader who enjoys maximum support and following by India Diaspora. Wherever he goes, he meets the NRI or PIO so as to re-attach them with India at a new level. The success of these events can be gauged from successful and impactful conducting of Howdy-Modi event. - The other perceptible thing which he has done is making India a super power in the field of defense. Our defense basket is now expanded to multi-players and multi-groups and from various countries ending India's reliance on few countries. - With his extensive tours and meeting the leaders of the world, he has developed a personal level rapport

with many of the leaders which is helping India further its point of view on many issues and debunking many stereotypes. - He is also projecting India's culture through its cultural diplomacy. None could imagine that the world will celebrate India's gift to the world in the form of Yoga as International yoga day. It has been done following hectic cultural diplomacy. - The way Narendra Modi brought to front the new challenging issues of Religious-extremism, Global-terrorism, Environmental concerns; highlights the fact that India is influencing and shaping the world's events on global-issues facing the entire humanity. - True to its ethos of Vasudev- Kutumbkam (Universal brotherhood), India has helped the world with its Vaccine Maitri diplomacy. India has shown the path to the world as how to move ahead in vaccination with one day record of 2.26 crore vaccination in a day. India is emerging as a global-leader in the leadership of a true Global Leader.

(The author is National General Secretary BJP)

Prevention of Sexual Harassment at Workplace Act 2013

■ MEENU PADHA

With advancement in the world, India has seen a change in its working culture. Today, men are not the only bread-winners. Women also walk shoulder-to-shoulder with men when we talk about their earning capacity in a family. However, a greater influx of women remains subject to sexual harassment which hinders their professional, social and economic growth. Sexual harassment at the workplace is a violation of fundamental right that is enshrined in The Constitution of India. It hampers the right to equality and the right to life for a woman when she is suppressed due to sexual harassment at workplace. Therefore, to curb the same, the parliament had passed The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act 2013) and there also have been amendments made under the Criminal Law (Amendment) Act, 2013. Earlier for this, the only option that women had was to file a complaint under Section 354 which amounts to sexual assault against women and Section 509 which stated about the punishment when an individual questions the modesty of a woman. The case of Vishakha vs State of Rajasthan was first case which opened the door of sexual harassment at workplace and brought it into wide light. In 1992, Bhanwari Devi, a Dalit woman employed with the rural development programme of the Government of Rajasthan, was brutally gang-raped on account of her efforts to curb the then prevalent practice of child marriage. This caught eyes of women rights' activists and NGOs who then, filed a Public Interest Litigation in pursuance of the same in the Supreme Court of India. India had signed and ratified the Convention on elimination of All Forms of Discrimination of United Nations, 1979 which has been adopted by the general assembly of UN. Therefore, this convention was used for laying down the 'Vishakha Guideline.'

What amounts to sexual harassment? The judgment passed by the Supreme Court clearly explained what constitutes sexual harassment. According to the judgment an unwelcoming sexual behaviour, direct or indirect, including physical contact or advancement, sexual remarks, showing pornography or other verbal or non-verbal sexual conduct would amount to sexual harassment.

In furtherance to this, if any of this fear arises out of an employee-employer relationship then it will be regarded as sexual harassment at the workplace. This creates a sense of discrimination amongst the women as they feel that if they resist, it can hamper their position in the organisation. Therefore, the main component of sexual harassment is linked with the concept of 'Quid pro quo' which means this for that. If we connect it with the topic that we are dealing with, it would mean that the woman will be benefitted professionally only if she accepts the sexual favours that are asked by the respondent. Usually, the respondent is the person in power. This definition also includes the creation of an intimidating and hostile environment. However, as there is a very thin line when it comes to explaining

the hostile environment, the burden lies on the internal committee to decide. The internal complaints committee is explained in section 4 of the POSH Act, 2013. It includes a minimum of 4 members. The presiding officer has to be a woman who is at a senior level and has to be from the side of the employees. The next two members have to be from the employees and should be committed to working for the women along with having legal knowledge or experience in social work. There also has to be an external member who is associated with an NGO which works for the upliftment of women. However, according to the latest amendment, the internal complaints committee is now known as the Internal committee. Similarly, under section 6 of the act the 'local complaint committee' is replaced by 'local committee'. It is mostly seen that when it is a complaint filed for harassment at workplace, the respondent usually pleads that he did not have any intention to sexually harass the woman rather it was just a Malarkey. Therefore, in case of Dr Punita K Sodhi v. Union of India, the Supreme Court held that the view point of men and women have to be analysed deeply in such cases. Men might consider some comments to be unobjectionable although, they might be lewd for a woman. Men are rarely a victim to sexual harassment and therefore, it becomes tough for them to draw a line between harm-less social interactions and sexual harassment at workplace.

What constitutes to be a workplace? Section 2(o) defines it as anywhere an employee visits during its due course of employment and also includes any transportation facility that is provided by the employer for commuting purposes. There have been numerous cases where the respondents have argued that they were not at their workplace when they were alleged to do the act of sexual harassment. One such case is Saurabh Kumar Mallick vs Comptroller & Auditor General of India where respondent was facing disciplinary actions for harassing a senior woman officer. He contended that he was not at his workplace when he was allegedly indulged in sexual misconduct and was in the officer's mess. To this, the High Court held that to exercise the Vishakha guidelines to its true sense, it is important to realise that the meaning of workplace has to be understood with a wider ambit. With the development of technology, video conferences have also become an important portal for conducting

business. Considering the above, there were a few points given for further explaining the meaning of 'workplace'. It is a place where there is -

1. The control of the management
2. Such an area/residence has to be the extension of the workplace
3. Its proximity with the workplace has to be considered

Therefore, under this case, the court had held that it was sexual harassment at the workplace.

Punishment and compensation: The reason for every act is to create a sense of deterrence in society. Section 25 of the act mentions the punishment for both employees and employers who are indulged in sexual harassment at the workplace. It mentions that the organisation would depend on the service rules that they have created for the same. The compensation would be deducted from the respondent's wage and given to the aggrieved woman. Here, the most important question is how is the compensation decided? For the same section 15 has laid down a few pointers-

1. The amount of mental trauma, pain, suffering and emotional stress.
2. Loss in working opportunities caused by sexual harassment.
3. The medical expenses incurred
4. Income and status of the perpetrator
5. The practicability of paying capacity

the amount of the respondent and it can be given in installments too.

However, the process of conciliation cannot be used to make any monetary settlement.

Amendment in POSH Act 2019: The recent growth in the act was when the Department of Women Development and Child Welfare issued a notice that any company in Telangana which has 10 members or more to have a State Shebox portal by July 15, 2019, to keep a closer eye on the regional issues. A similar note was launched by the Maharashtra government which asked for a detailed form stating the internal committee along with its compliance status by July 20, 2019. The amendment made in May 2016 stated that the job of the IC is not only to handle the cases of sexual harassment but also to prevent any such activities from happening. The IC was asked to formulate an open door policy where everyone to report the issues comfortably along with a no-tolerance policy for sexual harassment.

In Medha Kotwal Lele & Ors Union of India & Ors. (2012 STPL (Web) 616 SC) - In this case, Medha Kotwal wrote a letter to the Supreme Court stating that the Vishakha Guidelines are not implemented properly, to which the Supreme Court took cognisance and converted the letter into a petition. This showed that most of stated did not take the steps that were stated. Therefore, they said that in case of non-compliance of the complaint, the door of the high court would open for the aggrieved woman. In its judgment, the Supreme Court observed that 'the implementation of the Vishakha Guidelines has to be not only in form but also in substance and spirit so as to make available safe and secure environment for women at workplace in every aspect and thereby enabling working women to work with dignity, decency and due respect.' Apparels Export Promotion Council v. A.K Chopra (AIR 1999 SC 625) - In this case, the definition of sexual harassment was expanded. They ruled that physical contact was not an essential when it comes down to sexual harassment at workplace. The Supreme Court explained that 'sexual harassment is a form of sex discrimination projected through unwelcome sexual advances, request for sexual favours and other verbal or physical conduct with sexual overtones, whether directly or by implication, particularly when submission to or rejection of such conduct by the female employee was capable of being used for affecting the employment of the female employee and unreasonably interfering with her work performance and had the effect of creating an intimidating or hostile work environment for her.'

Mukesh & Anr vs State for NCT of Delhi & Ors. (2017) 6 SCC 1 - This case was the one after which the Criminal Law (Amendment) act, 2013 was passed. This act was used to widen the definition of rape and also look into the scope of capital punishment for the rape cases which caused the death of the victim or moved her in to the vegetative state.

'While a murder destroys the physical frame of the victim, sexual harassment degrades and defiles the soul of a helpless woman.' The development in the POSH act has been new for the labour laws. The analysis of the judgement and the act makes it easy for the Internal Committee and citizens of the nation to understand it. The cases of harassment at the workplace are brought into light through the #metoo movement and other campaigns. This shows the awareness amongst the society. It is essential for the HR and the legal teams of the companies to be vigilant while dealing with such issues. As the companies organise camps and workshop to increase the awareness about sexual harassment at workplace. It is also important for the IC to be aware about the latest development in the sector. Bringing gender neutrality to such act is important for the development of the working culture. Therefore, the nation has come a long way to protect the women of the country. However, a longer stretch is to be covered.

YOUR COLUMN Provide adequate security of PM Package employees

Dear Editor,

Minority killings in the valley has turned environment non-conducive for the Prime Minister's Employment Package migrant employees who are working across the length and breadth of Kashmir. We are witnessing targeted killing of minorities especially Kashmiri Pandits and non-local labourers by Pak sponsored terrorists. The conditions are very sensitive, uncertain and volatile & they resemble the hay days of militancy of 1990s when

Kashmiri Pandits-the original inhabitants of Kashmir valley were being forced to leave the valley. The recent killing of a PM package employee namely Deepak Chand (Teacher) by the terrorists has created fear psychosis among the other PM package migrant employees working in Kashmir. These minority killings have created an unprecedented situation in Kashmir and thus most of the PM package employees who are living in rented accommodations without any security cover have fled to Jammu. It is worthwhile to mention here that working atmosphere for the PM package migrant employees is neither feasible nor conducive in Kashmir as there is all likelihood of further threat to their lives.

Now, the sad story is that the authorities at the helm of affairs are hell bent upon harassing all these unfortunate PM package employees as the concerned departments are

issuing show cause letters to these employees for their unauthorised absence from duties. PM package employees are willing to work in the valley but not at the cost of risk to their lives. Kashmiri Pandits are neither sacrificial goats nor dumb sheep, in fact they are patriotic and peace loving community so the Government should not experiment on these PM package employees by forcing them to resume their duties that too when the attacks on minorities and on innocent civilians are happening daily. It is high time now that LG's administration must take this matter into proper cognizance and order temporary adjustment of PM package migrant employees outside Kashmir valley till accommodation with adequate security is provided to them.

Vivek Koul,
Jammu