

# **WOMEN OF FORCED GLUTTONY- THE ETHICAL DILEMMA AS TO WHETHER THE ACT OF COMMITTING A CRIME QUALIFIES AS PROVIDING EQUAL RIGHTS TO WOMEN**

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Feminism has become one of the most abated topics of the century. The world and the intellectuals in it have been seen debating vociferously upon the same pushing forward their own colored version of the word. As per our most trusted Oxford Dictionary the most abated topic is described in a single line saying “the advocacy of women's rights on the ground of the equality of the sexes.” The issue of rights for women first became prominent during the French and American revolutions in the late 18th century. In Britain it was not until the emergence of the suffragette movement in the late 19th century that there was significant political change. A ‘second wave’ of feminism arose in the 1960s, with an emphasis on unity and sisterhood; seminal figures included Betty Friedan and Germaine Greer; the word tracing its origin in the late 19th century from the French *word feminism*. But with growing exposure comes greater complications.

While the world suffers from the dilemma in all aspects as to legalize marijuana or not and other medical and ethical dilemmas here is a council of the Colorado Cannabis Chambers of Commerce was founded to provide businesswomen with the tools, community, and resources necessary to overcome the unique hurdles presented by the emerging cannabis industry. As marijuana evolves into a larger and (in Colorado and quite a few other locations) legal cash crop, businesswomen have used this as an opportunity to collaborate and advise each other on how to sustain success in a unique business. The Council’s focus is to provide an inclusive, enriching, educational and supportive environment for women in cannabis (and the men who work with them). As we work together to overcome the stigmatization of cannabis, we’re also forging new ground as female business owners, executive directors, marketing gurus, bud-tenders, accountants, event planners, scientists, investors, politicians, and more. From tackling large-scale cannabis issues to providing

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workshops, mentoring opportunities, job fairs, and seminars with powerful guest speakers, the council hopes to be a source of strength and empowerment for both the present and the future female leaders of the cannabis industry.

Women who are involved in Colorado's cannabis industry; from novel business owners to bud-tenders and contractors, anyone dynamically engaged in a cannabis business is welcome to join. Legal marijuana trade is much more open to welcoming women into the fold than her previous line of work. The cannabis industry is a group that is already discriminated against, so discriminating isn't very comfortable for them. Mutual respect exists throughout licensed business owners in Colorado's budding economy regardless of gender. With all the risks that come with operating a business centered on a federally illegal substance, one can see a much more results-driven approach. Women involved in Colorado's cannabis industry. From new business owners to bud tenders and contractors, anyone actively engaged in a cannabis business is welcome to join. While most parts of the world consider it ethically and morally wrong to legalize marijuana or any other narcotic for that matter the question lies is practicing the trade by helpless women be made legal?

In India The Narcotic Drugs and Psychotropic Substances Act 1985, an Act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances, to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances, to implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances and for matters connected therewith. Section 8(c) of the said Act provides that *"No person shall produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter- State, export inter-State, import into India, export from India or transship any narcotic drug or psychotropic substance, except for medical or scientific purposes and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder and in a case where any such provision, imposes any requirement by way of license, permit or authorization also in accordance with the terms and conditions of such license, permit or authorization; Provided that, and subject to the other provisions of this Act and the rules made thereunder, the prohibition against the cultivation of the cannabis plant for the production of ganja*

*or the production, possession, use, consumption, purchase, sale, transport, warehousing, import inter- State and export inter-State of ganja for any purpose other than medical and scientific purpose shall take effect only from the date which the Central Government may, by notification in the Official Gazette, specify in this behalf”.*

Punishment for dealing with narcotic and psychotropic substances is enshrined in Section 21 of the said act which excerpts “*Punishment for contravention in relation to manufactured drugs and preparations- Whoever, in contravention of any provision of this Act or any rule or order made or condition of license granted thereunder, manufactures, possesses, sells, purchases, transports, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable,*

*(a) Where the contravention involves small quantity, with rigorous imprisonment for a term, which may extend to six months, or with fine, which may extend to ten thousand rupees, or with both;*

*(b) Where the contravention involves quantity, lesser than commercial quantity but greater than small quantity, with rigorous imprisonment for a term which may extend to two years and with fine which may extend to one lakh rupees;*

*(c) Where the contravention involves commercial quantity, with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:*

*Provided that the court may, for reasons to be recorded in the judgment, impose a fine exceeding two lakh rupees.”*

The problem that lies here entails those women who are engaged in trades such as these in India as they have no alternative source of living and aren't very well educated to work in some other field; as a result they resort to illegal trades including prostitution and drug trafficking to name a few. The question lies as to what is the alternative solution to providing a source of living to such women who the only bread-earners of their families. India is one country, which has yet to legalize prostitution, and same is the case with narcotic substances. While both of these have proved vicious yet is their continuance a symbol of empowerment to such women or is banning them injurious to

the scaffold of feminism? These are some of the questions the answer to which is an enigma in the Indian society.

Another problem lies that the proximity to the largest producers of heroin and hashish-the Golden Triangle and Golden Crescent (Afghanistan-Pakistan-Iran) has made India vulnerable to drug trafficking. Indigenous production of low grade heroin as well as various psychotropic and prescription drugs and their growing demand in the neighboring countries and international market have added a new dimension to the problem of drug trafficking. Trends and patterns of drug trafficking in the country demonstrate that there is a gradual shift from traditional/natural drugs towards synthetic drugs that are being trafficked. Trafficking of drugs takes place overwhelmingly through land borders followed by sea and air routes. Given the vulnerability of the borders to drug trafficking, India has tried to tackle the problem through the strategy of drug supply and demand reduction, which involves enacting laws, co-operating with voluntary organizations, securing its borders and coasts by increasing surveillance, as well as seeking the active cooperation of its neighbors and the international community. And most of the times it is girls who are used to traffic such noxious substances, compelled by personal circumstances.

Drawing strength from the Constitution of India where trafficking of persons is prohibited under Article 23 (1), the directive for prevention of trafficking of persons, has received significant attention from the Government. In lieu of the multi-faceted issues associated with trafficking, the task and responsibility to fight the problem cut across different Ministries/Departments and also State Governments as the subject of trafficking falls within the purview of both the Centre and State mandates.

The Government of India has built quite strong linkages and partnerships with varied stakeholders including civil society, NGOs, corporate sector, international organizations to name a few; in all its endeavors to build an integrated response to prevent and combat trafficking in persons, especially of women.

India has reiterated its commitment to prevent and combat trafficking by being a signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

It has also ratified, other related Conventions such as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC) and its optional protocols, and the SAARC Convention on Preventing and Combating Trafficking among Women and Children. “Strengthening the law enforcement response in India against trafficking in persons, through training and capacity building” was launched as a joint initiative between the Ministry of Home Affairs, Government of India and UNODC in April 2006. The major achievement in the design of the Project has been the harmonious coordination of Government and Non-government agencies as partners in the implementation of the Project.

The National Commission for Women- It is a national level, to safeguard the interests of women. It has a wide mandate covering almost all aspects of women’s development, such as to investigate and examine the legal safeguards provided for women under the Constitution and other laws; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; look into complaints and take suo moto notice of matters relating to deprivation of women’s rights and take up the issues with appropriate authorities; take up studies/research on issues of relevance to women; and participate and advise in the planning process for socio-economic development of women.

National Policy for Empowerment of Women, 2001 of the MWCD – The goal of this Policy is to bring about the advancement, development and empowerment of women. Some of the objectives include creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential; the de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil; equal access to participation and decision making of women in social, political and economic life of the nation; equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office; strengthening legal systems aimed at elimination of all forms of discrimination against women; elimination of discrimination and all forms of violence against women and the girl child; and building and strengthening partnerships with civil society, particularly women’s organizations. The Ministry of Women and Child Development till November, 2007 had decided to implement three pilot projects, to combat trafficking of women and children for commercial sexual exploitation under



the sanction of tradition in source areas and in destination areas. It was decided to convert these three projects into comprehensive scheme in the Eleventh Five Year Plan (2007-12) of the Government. Thus, 'Ujjawala', a new "Comprehensive Scheme for Prevention. The MWCD also runs shelter based homes, such as short stay homes and 'Swadhar' homes for women in difficult circumstances. These schemes also cater to trafficked women/girls rescued or runaway from brothels or other places. The schemes provide for shelter, food, clothing, counseling, clinical, medical, and legal and other support, training and economic rehabilitation and helpline facilities. Many of these homes are equipped with women helplines for emergency response. At present, there are 380 short stay homes and 240 'Swadhar' homes functioning in the country. State Governments also separately run shelter homes for women and children in distress. Many of these homes are equipped with women helplines for emergency response. The Government of India is implementing a number of poverty alleviation programs, which would also reduce vulnerabilities of women and children to trafficking. These programs include Swarnajayanti Gram Swarozgar Yojana (SGSY), Sampurna Gramin Rozgar Yojana (SGRY), National Rural Employment Guarantee Act (NREGA), mobilization of Self Help Groups (SHGs) and providing skill building training and linkage with micro-credit institutions, vocational training organizations, etc. The SHG is a silent but powerful movement that is revolutionizing and revitalizing remote corners of the country, bringing together poor and women without assets, giving them a face and a voice.

The ultimate empowerment of women and their children will happen when all programs and policies are engendered, leading to gender responsive budgeting. Fifty-six central level Ministries/Departments have set up Gender Budgeting Cells and are reporting allocations of funds flowing to women and girl children in the Union Budgets. The MWCD has embarked on regional workshops for State Governments as well as one to one training of individual Ministries/Departments/State Governments to ensure effective gender budgeting. The Government has also introduced Child budgeting in the Union Budget of 2008-09, with a view to improve the allocations of funds flowing to children under the various Ministries/Departments.

While one is overwhelmed with the number of government organizations and the innumerable initiatives that are launched by them one is compelled to think that the condition of women in the country has enriched but it hasn't. The reason being that the enforcement agencies lie rusted in ruins. Everyday we read something or the other in the newspapers as to how a government official

assaulted (both tangibly and intangibly) a girl who sought help to which she was entitled to. There are many women who are engaged in the drug trade and want to escape by approaching the Government for help. Its because of such incidence, induced by such vermin that ruin the face of the Government. Hence the last resort being further acceptance of what is deemed illegal by the law.

Even though there are comprehensive plans and directives, which have been formulated by the Indian Government, yet the enforcement and its practical application are what form the fractures.

In conclusion what anyone analyzing this problem may draw that this problem is the end to a tunnel with an infinite seeming culmination. The problem has a vice like grip on the economy making it seem like a maze hence the only question that remains is the question of legality that ensures the Fundamental Rights promised by articles of the coveted Indian Constitution but yet are in line with the sentiment of the Justice System in India.

The dilemma is not only ethical but is also legal and constitutional in nature and needs a well-planned system.



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