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GLOBALIZATION AND ITS IMPACT ON HUMAN RIGHTS

AUTHORED BY - YATI YADAV¹

ABSTRACT

The movement of ideas across national boundaries and the growing interconnectedness of nations is one of the most obvious features of the modern world. This has led to the emergence of globalization, one of the most well-known and experienced phenomena. International conventions and the actors who strive to protect human rights are more advanced and practically involved than at any other time in human history.

Disparities in labor rights, economic distribution, and access to essential services highlight the core problems with globalization. The arrival of multinational corporations and the increasing influence of Western culture also create concerns about maintaining India's rich cultural heritage and native practices.

This article examines how globalization has affected several human rights issues, including access to healthcare, ecological sustainability, worker's rights, and cultural preservation. The crucial role of the court in interpreting the unnumbered rights, guaranteeing their constitutional enshrinement as fundamental rights in the Indian Constitution, and aligning them with international human rights norms is emphasized.

The research underscores the need for a comprehensive and advanced approach that reconciles the benefits of globalization with the protection of individual freedoms, preservation of cultural diversity, and upholding human rights. If these challenges are effectively addressed, India may take advantage of globalization's benefits without compromising its population's basic rights and dignity.

*Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. Human rights are what reason requires and conscience commands.*²

¹ LLM Student – Manav Rachna University, Faridabad

² Kofi Annan, United Nations Secretary-General

INTRODUCTION

The idea of globalization has sparked an unprecedented period of change that has profoundly altered the international economic scene across national borders.

The driving force behind this revolutionary process is the non-state actors, especially the multinational corporations. They are the catalysts for change and have a big influence on the world economy. Their significant impact on the economy and society at large cannot be disputed. But these are the most difficult and pressing issues when it comes to human rights in particular, especially in countries that are fast entering the global economy. Because of its quickly growing economy, India is a great example of the state of the world at large. India has entered the twenty-first-century thanks to globalization, which has also improved its economy, infrastructure, and technological advancements.

The path of promoting economic development while maintaining human rights is fraught with several noteworthy challenges. The inalienability of an individual's fundamental rights transcends national boundaries and cultural preferences, as stated by both the Indian Constitution and international declarations. To be in good health, a person needs access to social, political, cultural, civic, and economic rights. But as globalization grows, these rights will face many intricate consequences.

This study project looks at the complex relationship between globalization and human rights, focusing on India. India, one of the most well-known developing countries in recent memory, is a prime example of examining how globalization impacts human rights, particularly concerning the effects of multinational corporations. This study looks at the impact of globalization on human rights in this rapidly developing nation with a diversified population across social, cultural, and economic domains in the twenty-first century.

The goal of this research is to comprehend the effects of globalization on India's human rights, both good and ill. The study will encompass a range of subjects, including healthcare accessibility, environmental sustainability, workers' rights, and cultural preservation. This study adds to the worldwide discourse on the relationship between globalization and human rights by using India as a case study to demonstrate how vital it is for economic growth and the protection of human rights to coexist sensibly and amicably on a national and international scale. The debates and inquiries that this complex interaction generates are

influencing the direction of our international society.

GLOBALIZATION

The term "globalization" describes a wide range of social, political, cultural, and economic developments that have had an impact on the globe throughout the previous fifty years or so. Globalization has been linked to a wide range of outcomes due to its complexity and diversity. Its supporters contend that it fosters constructive political and economic convergences and is a "natural" and unavoidable result of technological advancement. Critics claim that local and national economies suffer as a result of globalization, which they view as hegemonic. The merger of national and regional economies into an open, global market economy is one facet of globalization, or capitalist growth, according to this article.

Globalization is largely an economic phenomenon, but it is also a political one shaped by agreements and interactions between transnational capital institutions, international organizations, and national governments. Global capitalist organizations, especially multinational corporations, are the main forces behind it, but governments must also play a key role in creating the right environment for expansion. Globalization and liberal democracy always coexist because they facilitate the creation of neo-liberal states and the laws that enable globalization to flourish.³

Globalization also refers to a broad range of cross-border shifts with a transnational element in labor, money, commodities, and services. Due to its pervasive impact on the modern world, globalization has emerged as a crucial component. Another advantage of globalization is the cross-border exchange of comparable lives, ideals, and preferences, or what's known as the "McDonaldization" of food, culture, and even values. This connection is critical to the reform of local political institutions, cultural norms, and social bonds.

SOCIAL GLOBALIZATION

Social globalization refers to how different cultures and societies interact and share ideas, people, and values around the world.

Social globalization is the process of establishing a global community focused on social issues

³ Shalmali Guttal, 'Globalisation' (2007) 17(4/5) Development in Practice

rather than just money. This leads to international accords that make governments and politicians more effective. Because of globalization, many people from other countries are collaborating for motives other than profit.

While social globalization attracts more tourists to locations, it can also elicit negative responses from them. For example, the riots in Kandhamal, Odisha, in 2008 attracted a lot of negative attention and harmed tourism in the area.

GLOBALIZATION AND ITS IMPACT ON HUMAN RIGHT

Globalization has sped up the adoption of international human rights legislation. They transcend national boundaries and political systems to increase their influence on a global scale. These days, almost every culture has a lot of conversations about them. They cover topics that have an impact on institutions, communities, the powerful, and the oppressed. Upholding each person's inherent worth and dignity is crucial to creating a cohesive community since transgressing this dignity can have detrimental effects on the group as a whole as well as the individual. Because they are human, all persons have inherent rights that should never be infringed upon. These rights are also commonly described as human rights, even if they are also known as fundamental, natural, or basic rights. Although the concept of "human rights" has existed since the beginning of human civilization, the term itself was coined in the 20th century. The idea of human rights took a long time to come to be understood as it has developed progressively over time.

The Universal Declaration of Human Rights was created in 1948 by the UN General Assembly in response to the lessons learned during World War II. The UN then ratified the UN Economic, Social, and Cultural Rights (1966), the Optional Protocol to the UN Economic, Social, and Cultural Rights (1966), and the International Covenant on Civil and Political Rights (1966). Since then, the majority of nations have accepted the notion that individuals are sentient beings with certain unalienable rights. These rights, which stem from people's humanity, are known as Human Rights. Everyone has the right to fundamental human rights, regardless of their gender, race, religion, country, or place of residence. These fundamental human rights are the property of all people and cannot be withheld due to discrimination. These rights are unalienable, mutually dependent, and intricately linked. The United Nations General Assembly has stated that globalization is "not merely an economic process but has social, political, environmental, cultural, and legal dimensions which have an impact on the full enjoyment of

all human rights."⁴. The development of globalization principles is greatly influenced by international human rights standards and conventions. Their primary objective is to advance concepts like responsibility, fairness, empowerment, and active engagement.

The following aspects of globalization may affect the legal doctrine of human rights:

1. The spread and increasing influence of multinational corporations (MNCs):
Multinational corporations today wield significant economic and political power, but they have no formal, legally binding human rights commitments. They have a significant influence on policy development in crucial areas, and while their involvement may help consumers, it is also associated with human rights breaches and bad environmental consequences.
2. The Changing Role and Position of States:
Globalization challenges state sovereignty by forcing governments to prioritize international firms' interests over local demands. This may make it more difficult for states to safeguard human rights, especially when confronted with pressure from other governments and corporations.
3. Technology and globalization:
Technology is a key component of globalization, impacting human rights in a variety of ways. Although technology enables the global dissemination of knowledge and cooperation, it also raises privacy concerns. The economic factors involved in the development and distribution of technology can have an impact on future human rights, perhaps favoring certain groups over others.
4. Consumerism:
Globalization prioritizes corporate profits over consumer interests, leading to distorted choices, disregard for health and safety, and violations of human rights.
5. Depending on the free market:
Globalization, which is built on free markets and economic efficiency, has the potential to either promote or hinder human rights. The clash between trade law and human rights

⁴ UNGA Res 55/102 Globalization and its impact on the Full Enjoyment of All Human Rights (2000)

begs the question of whether free market ideals can benefit human rights.

6. Globalization and women:

Globalization has led to new career opportunities for women, resulting in increased family income and freedom, but also exploitation. Violence and human rights breaches, particularly among female migrant workers who are frequently drawn from vulnerable neighborhoods and find themselves in precarious conditions abroad.

7. Rights of Indigenous Communities:

Following years of passivity, the international community is increasingly worried about infringement of indigenous rights. The North American Free Trade Agreement of 1994, as well as the Indian insurgency in Chiapas, Mexico, brought to light economic and social rights breaches, forcing the United Nations to explore a declaration of these rights.

8. Worker rights and globalization:

Developing countries face poor working conditions and breaches of labor rights as cheap labor becomes a competitive advantage in the new economy.⁵

HUMAN RIGHTS IN INDIA

Human rights are prioritized in the world's largest democracy, India. These rights are recognized and valued explicitly in the Indian Constitution, which demonstrates the nation's commitment to democracy. The Universal Declaration of Human Liberties enshrines social, political, cultural, economic, and civil liberties. Most of these rights are protected under the Indian Constitution. All civil and political rights are covered by Part III of the Indian Constitution under the heading "Fundamental Rights," while social, cultural, and economic rights are covered by Part IV under the heading "Directive Principles of State Policy."⁶ To protect and uphold human rights, the Constitution must be followed by all Indian laws. In the end, defending human rights rests with the courts. It has protected and expanded the scope of constitutional rights by interpreting fundamental rights⁷. As a result, people have both

⁵ Santosh Kumar M Katke, 'Globalisation and Human Rights: An overview of its Impact' (2018) 5(4) IJRAR accessed on October 14 2023

⁶ S. K. Kapoor, *International Law and Human Rights* (17th edn, Central Law Agency 2009) 817

⁷ Amartish Kaur, 'Protection of Human Rights in India: A Review' (2017) 2(1) *Jamia Law Journal*

numbered and unnumbered rights. The judiciary has played a key role in addressing a wide range of issues related to globalization and its impact on fundamental rights by interpreting the unnumbered human rights under Article 21 of the fundamental rights, such as the "right to health, right to livelihood, right to shelter, right to rehabilitation, right to food, right to medical aid, right to equal pay, right to education, and many other issues about children and women".

CASE STUDY

***Orissa Mining Corporation Ltd. v. Ministry of Environment & Forest*⁸**

In this particular case, Vedanta Alumina Ltd. asked for Orissan's environmental approval for a proposed alumina refinery. Concerns were raised over the effect on the Dongria Kondh tribe, environmental harm, and the lack of required approvals, even though the clearance was granted. The Supreme Court revoked the clearance and barred Vedanta from proceeding with the project. But the court allowed Vedanta to submit the plan again with security measures, and in 2008 it was eventually accepted. The Dongria Kondh protested this, and it garnered sympathy from all across the world. The 2013 ruling by the Supreme Court addressed indigenous rights concerning the constitutional protection of STs (Article 244) and religious freedom (Articles 25 and 26). The decision by the Supreme Court emphasizes the necessity for real development that does not degrade the standard of living and establishes a precedent for initiatives having an impact on the environment and society.

Unenumerated rights are human rights that are in line with international human rights standards. The court has been instrumental in interpreting these rights through its judicial activism and judicial process. This reading expands the protection and recognition of fundamental rights, guaranteeing their preservation and observance within the framework of India's constitution. By acknowledging these unnumbered rights as fundamental, the judiciary elevated their legal status and significance. By giving citizens, the ability to pursue legal action and compensation in cases where their human rights were violated, this brought India's constitutional structure into compliance with international human rights standards and norms.

POSSIBLE RESOLUTIONS AND SUGGESTIONS

The complex relationship between globalization and human rights in India has been addressed by several proposals and solutions. In the framework of a society that is rapidly becoming more

⁸ Orissa Mining Corp. Ltd. v. Ministry of Environment & Forest (2013) 6 SCC 476

globalized, this all-encompassing approach seeks to achieve a balance between advancing economic development and defending human rights. Priorities include improving legal structures, international cooperation, education, and regulatory systems.

In addition, since resource extraction, pollution control, and working conditions are all essential human rights, stricter regulatory frameworks should be put in place to enforce environmental and labor norms. Human rights require legislative changes to be upheld, especially protections for marginalized groups affected by globalization and indigenous people. The significance of human rights should be emphasized in educational programs for businesses, public servants, and government authorities.

It is imperative to enhance governmental oversight and implementation strategies to ensure corporate compliance with human rights and environmental regulations. Addressing cross-border issues regarding globalization's impact on human rights requires international cooperation and information sharing. Analyzing the ongoing effects of globalization on human rights will require research and observational activities. The implementation of sustainable development techniques, including renewable energy, conservation efforts, and sustainable agriculture, is important to alleviate the adverse environmental consequences of globalization. It's also crucial that vulnerable and marginalized groups have access to justice.

With the implementation of these policies and the development of collaboration between governments, multinational corporations, civil society, and international organizations, India may endeavor to promote a more harmonious coexistence of economic prosperity and the preservation of human rights in the era of globalization.

CONCLUSION

According to this report, human rights are significantly impacted by globalization, especially in developing nations like India. The article acknowledges the universality of human rights, which guarantee everyone's well and dignity regardless of their location, ethnicity, or culture. It draws attention to the effects of multinational firms on the world economy and the difficulties in striking a balance between economic expansion and human rights. The protection of unenumerated rights under the Indian Constitution is contingent upon the judiciary's proactive involvement in identifying these rights as fundamental rights. This interpretation supports international human rights norms by allowing people to seek remedies for violations of their

rights.

One example of how corporate actions might violate fundamental and human rights is the Vedanta Alumina project. A wealth of suggestions and ideas are offered to resolve the intricate conflict between globalization and human rights. India and the rest of the world will be able to achieve a balance between economic growth and human rights if these measures are put into practice and stakeholder participation is encouraged. This approach seeks to advance responsible and sustainable development while upholding the worth and welfare of all people.

