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Globalisation: Impact on India and Domestic Law

Aadin Reddiar^a

^aAdv. Balasaheb Apte College of Law, Mumbai, India

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*Globalisation, which emerged in the 19th century, has its origin in the Industrial Revolution. The article below explores the emergence of globalisation as the dominant trend in the world from the medieval period to the present, with a particular focus on the post-2000s era. The article explicitly mentions about Positive and Negative impacts of globalisation on India's domestic laws with special references to non-state actors. The article is an amalgamation of both Political and Legal principles, which includes case laws like *Maneka Gandhi v Union of India*, which was inspired by the international norms and how the Universal Declaration of Human Rights brought a significant impact on Indian Judicial Precedents to give importance towards Human Rights. Various Regional organisations like the WTO, BRICS, ASEAN, and NATO are mentioned, which impact Indian Laws and Foreign Policy either directly or indirectly. Introduction of Globalisation as an Economic reform in 1991, which brought a profound change in the Indian Social, Political, and Economic sphere, is briefly mentioned.*

Keywords: *globalisation, wto, industrial revolution, judicial precedents.*

INTRODUCTION

Have you ever heard the terms, 'Interdependent and Interconnected?' These are the realities of today's World. Can you recall any completely self-sufficient country? There are none, as in this global order, no country can become self-sufficient. Countries today are interdependent, for resources, technology, trade and investment, while interconnected with each other through culture, exchange and information. The world is one huge market where

the process of interdependence and interconnection keeps on flowing, and this process is called 'Globalisation.'

The roots of globalisation were laid down during the Industrial Revolution, when the mechanisation of goods and services was at pace, due to which Europeans needed a market to sell their goods. With this, trade and commerce gained momentum, exploration of sea routes, laissez-faire policy, introduction of liberalisation are all the beginning features of Globalisation. Another step is the exchange of habits and culture. The European Invasion brought machine-made European goods at cheap costs to Indian markets, which pleased Indians to buy their products and ultimately impacted the local industries (Aren't the Local bazaars getting impacted today due to Multinational companies?). From goods to language and then to education, although it was colonialization, the instances are the same as those of Globalisation.

Majorly, the concept of Globalisation emerged during the 19th century. Globalisation might change the world order- Unipolar, Bipolar, Multipolar and bring in Regionalism. Countries have to keep altering their diplomatic tactics and policies and Laws to move on with the worldly trends, in this process a friend of a country may turn rival and a rival may turn into a friend (India- U.S.A.- China, to escape the tariffs of U.S.A, India is trying to build friendly relations with China through BRICS.), are all somehow connected to Globalization. This process may also impact the domestic law of a country, either in a positive or a negative way.

INTRODUCING GLOBALISATION IN INDIA

Globalisation in India was the result of the 1991 economic reforms brought by Prime Minister P.V. Narsimha Rao and Finance Minister Manmohan Singh to curb the financial crisis. Our economy was thrown open to the world economy, attracting Foreign Direct Investment, which brought privatisation, which has both positive and negative impacts.

- Raising the Foreign investment limit.
- Partial convertibility.
- Long-term trade policy.
- Tariff reduction is one of the policies taken by the government to boost our Economy in this globalised world.

Let's focus on how Globalisation has impacted India's Domestic Law. It is an agreed fact that the global situation may directly or indirectly impact the ground levels of a country. The world may try to influence the laws of other country by pressurizing them through sanction, (for example- there is a dispute between Country A and Country B, Country A has a considerable impact on the rest of the world hence it would use its power, compelling other countries to counter Country B by imposing sanction, not lending visas to the citizens of Country B, not buying oils from them, in such cases Country B has to make certain changes in its policy or decisions like reducing oil rate, change in foreign policy or at last extent withdraw from the dispute.)

POSITIVE IMPACT ON INDIAN LAWS

Inspiration from International Norms: The Constitution of India is a result of borrowing provisions from the constitutions of several countries, like the idea of Fundamental Rights from the Constitution of the U.S.A., the idea of Liberty, Equality and Fraternity was borrowed from France, the Fundamental Duties were borrowed from Russia and the idea of Directive Principles of State Policy from Ireland.¹ Indian Courts and Law Makers have always incorporated global standards while making any laws. The Universal Declaration of Human Rights, adopted by the UNGA in 1948, made a milestone in recognising Human Rights across the globe and significantly impacted the Indian Constitution.² It is interesting to know that India was a part of drafting the UDHR. The framers of the Constitution were largely motivated by the ideas of the UDHR, which would lead to a strong alignment between Human rights and domestic law.

Provision in the Constitution	Alignment with UDHR
Right to Equality (Article 14) ³	Article 1 of UDHR states that all humans are born free and equal in dignity and rights. ⁴

¹ 'Sources of Indian Constitution' (*Vajiram and Ravi*, 31 August 2025) <<https://vajiramandravi.com/upsc-exam/sources-of-indian-constitution/>> accessed 08 November 2025

² Aishwarya Agrawal, 'Impact and Implementation of International Human Rights Norms in India' (*Law Bhoomi*, 30 December 2020) <<https://lawbhoomi.com/impact-and-implementation-of-international-human-rights-norms-in-india/>> accessed 08 November 2025

³ Constitution of India 1950, art 14

⁴ Constitution of India 1950, art 21A

Right to Education (Article 21A) ⁵	Article 26 of UDHR ⁶
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The Supreme Court, from time to time, has broadened the scope of Article 21. Some of the case laws are as follows: Ratlam Municipal Council v Shri Vardichand and Ors have mentioned that the Right to a clean environment comes under the ambit of the Right to life.⁷

In *Maneka Gandhi v Union of India*, the Supreme Court had expanded Article 21 and reinforced the importance of Fair and reasonable procedures in Legal matters.⁸ These Judicial precedents were inspired by International Norms. A landmark case which showed the application of UDHR in our national legal system is *Chairman Railway Board v Chandirma Das*, which had emphasised the application of UDHR in domestic Jurisprudence. The Supreme Court held that the Constitution guarantees all the fundamental human rights set out in the UDHR.⁹ In *Vishakha v State of Rajasthan*¹⁰, the court had used the United Nations Convention on the Elimination of Discrimination against Women to prevent sexual harassment at the workplace. The growing importance and influence of human rights brought the protection of the Human Rights Act 1993 resulted in the establishment of the National Human Rights Commission.

Impact on Foreign Policy- Globalisation has become a boon for India's Foreign Policy. As mentioned earlier, about the world order system, i.e. Unipolar, Bipolar and Multipolar. India is a part of this multipolar world, where India plays a significant role in influencing the world's opinion through Regionalism. India is a part of many regional organisations like BRICS, G20, BIMSTEC, SAARC, QUAD, WTO and plays opinionated roles in ASEAN and G7. India has signed various international treaties, organisations and conventions. As a part of the WTO, India is obliged to follow certain rules and regulations regarding international trade practices. India's share of world trade in GDP has sharply increased from 17% in 1991 to 49% in 2022. India has used an approach called the Look East and Act East policy to improve relations with the countries in the eastern region. Globalisation has considerably shaped India's Balancing of power strategy to adjust its alliances. India has moved towards

⁵ Universal Declaration of Human Right 1948, art 1

⁶ Universal Declaration of Human Right 1948, art 26

⁷ *Municipal Council, Ratlam v Shri Vardichand & Ors* (1979) 3 SCC 327

⁸ *Maneka Gandhi v Union of India* AIR 1978 SC 597

⁹ Agrawal (n 2)

¹⁰ *Vishakha & Ors v State of Rajasthan & Ors* AIR 1997 SC 3011

America to counterbalance China through the QUAD partnership. Indian foreign policy has evolved around three major pillars, especially during the Cold War era, i.e. Non Alignment in international relations through the Non Alignment Summit at Belgrade, 1961, respecting the autonomy of a country in its internal issues and solidarity among developing nations. India even has a significant provision in the constitution under Article 51 that deals with International Peace and Security.¹¹ Article 253 grants power to the parliament to make legislation to give effect to international agreements.¹² In 2018, India came up with a climate action plan of its own in accordance with and under the UN Framework Convention on Climate Change, as well as the Kyoto Protocol.

NEGATIVE IMPACT ON INDIAN LAW

As mentioned earlier, India is a signatory to many international agreements and an active participant in regional organisations, as a part of which India always has to mould its policies to maintain friendly relations with foreign countries, as directed in the Directive Principles of State Policy under Article 51 of the Constitution.¹³ Do you know that most European countries, as part of NATO, work at the discretion of the U.S.A.? They support America in every aspect because the U.S.A. has more funding and influence over the global economy than any other. Being a member of WTO, it imposes certain obligations on us like Tariffs caps, service- sector, intellectual property rules which may conflict with local policy preferences, another significant aspect being taken into consideration is that of anti- terrorism measures, to satisfy Financial Action Task Force membership conditions, India amended the Unlawful Activities (Prevention) Act, 2012 to include threats to economic security¹⁴. Another impact on our sovereignty and policies are through Multinational Companies (although might be beneficial for the economic development of the country) we all know that the East India Company was a trading company which came to India for the search of market, this got Indian's exposure to machine made goods and economic boost, but on the verge of Indian ancient old handmade industry. India has thrown open its Foreign Direct Investment to these multinational companies up to 100%. The government, to create a friendly environment for these companies, keeps on making several changes in laws with respect to taxation, renting

¹¹ Constitution of India 1950, art 51

¹² Constitution of India 1950, art 253

¹³ Constitution of India 1950, art 51

¹⁴ Unlawful Activities (Prevention) Amendment Act 2012

of lands and many more. Domestically, there are several accusations against the regulatory agencies that sometimes they defer to corporate interests to secure investments, weakening consumer or worker protection. Critics argue that global business pressure still shapes the legislative priorities. The rise of such multinational companies directly impacts the local Indian Market. You may have heard about the Pradhan Mantri Mudra Yojana, which started to lend loans to medium and small industries to grow their businesses and compete with the growing monopoly of MNCs in the Indian market. Globalization imposes threat to the sovereignty of our country through Non-state actors and funding medias and activists in a country to change the regime or destabilize the situations in the country as noted in Pakistan, Nepal, Bangladesh, Myanmar, and Sri-Lanka, finding certain instances in India also in forms of protests, this is popularly called as deep states activism, where deep states fund medias inclined towards their ideology or the influencers who are against the government of a particular country, Naxalist, Maoist and separatist and even sometimes oppositions of a democratic countries are funded by foreign agencies. India's worries are centred on non-state actors- especially the terrorists, because internal threats may be resolved. There is a provision in the Bhartiya Nyaya Sanhita under section 152¹⁵ where a person can be punished for purposely or knowingly speaking some words or writing something or doing some visible representations and signs for inciting armed rebellion, separatist activities, endangering the sovereignty and integrity of India. Applies only to the incitement of violence and not to the mere criticism. Even Article 19 (2)¹⁶ under the Constitution of India provides for certain grounds which restrict the freedom of speech under Article 19 (1) (a).

CONCLUSION

One of the most dramatic and complex trends that has shaped and continues to influence the post-Cold War international order is that of globalisation, and the impact of this phenomenon on the domestic legal order of the Indian state has been both complex and multifaceted. The experience of globalisation for the state of India bears the imprint of a complex balance that seeks to reconcile international globalisation with constitutional sovereignty.

On the other hand, globalisation has positively impacted the juristic and constitutional semantics of Indian law by promoting the adoption of global norms of human rights into the

¹⁵ Bhartiya Nyaya Sanhita 2023, s 152

¹⁶ Constitution of India 1950, art 19(2)

Indian legal system. The activist role of the Indian judiciary in major decisions proves that aspects of global norms and conventions have added to Indian constitutional semantics. Organisations like the National Human Rights Commission also prove that Indians are following global norms in governance.

On the economic side, globalisation has opened doors for more foreign investments, technology development, and the globalisation of markets. With its involvement in international bodies such as the WTO, BRICS, G20, and QUAD, globalisation has improved the international influence of the Indian Government, making it an effective participant in the formulation of global ideas in the fields of economy and politics. The Indian Constitution, with the help of Article 51 and Article 253, has made an effective contribution towards meeting the international responsibilities of the Indian Government, while at the same time being democratic and lawful.

However, one should not ignore the negative consequences of globalisation. Too much reliance on globalisation and global capital can limit the freedom of domestic policies. An obligation imposed by the WTO agreements, the pressure from developed or powerful nations, or the influence of multinational corporations can sometimes force India to make changes in its domestic law, which can be counter to its domestic needs in the field of socioeconomic considerations. The dominance of multinational companies has also posed a threat to workers' rights, consumer protection, and small and medium-scale businesses, despite the counter-measures taken by the government.