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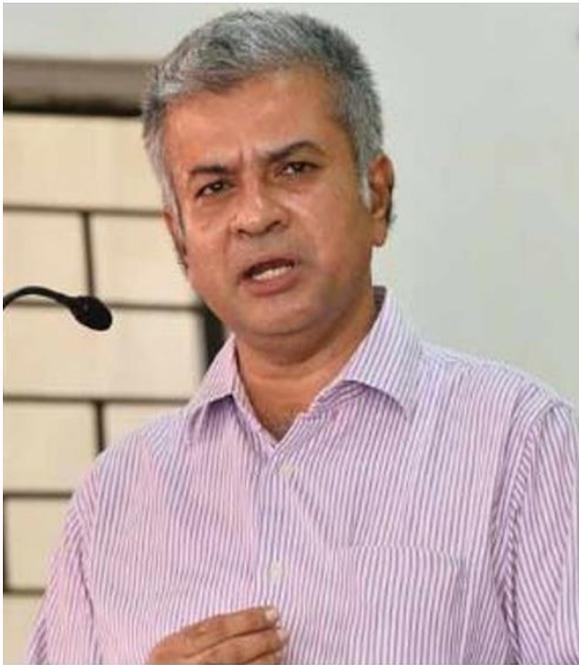
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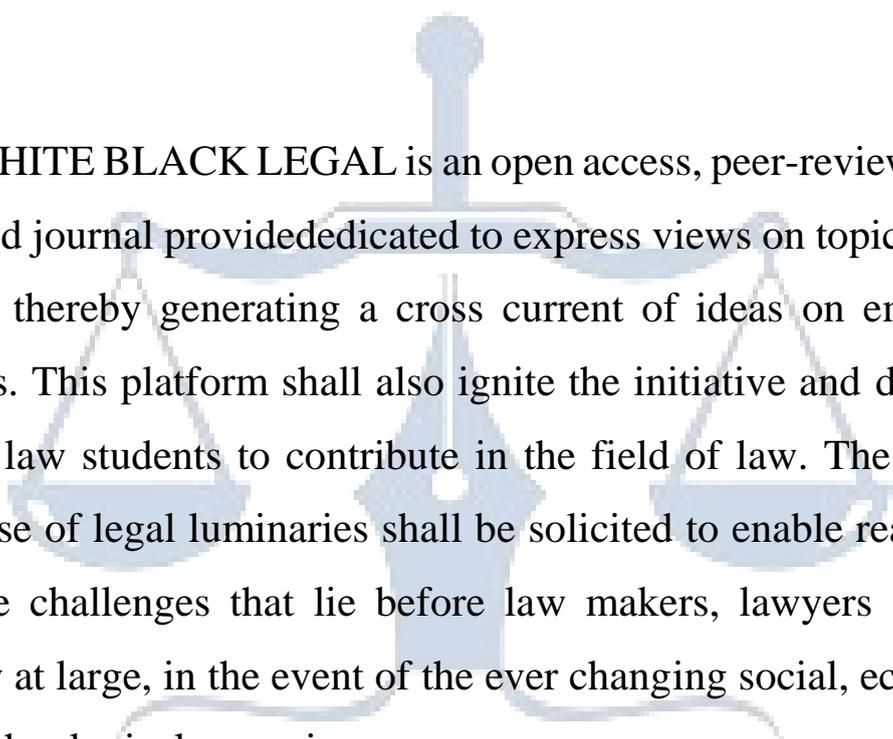


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ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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GLOBALISATION, TRANSNATIONAL LEGAL ORDER, AND THEIR IMPACT ON LAW AND POLICY RELATING TO GENDER RIGHTS IN INDIA

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ABSTRACT

Since the late 20th century, globalisation has had a considerable impact on the laws, cultures, and economy of the world. This also applies to India, which has undergone changes as a result of globalisation. Due to increased cross-border family ties, legal structures and procedures have changed. Domestic violence and marital conflict are on the rise as a result of global economic trends. To effectively handle these concerns, India's laws and policies must take these worldwide shifts into account. Many Asian nations rely heavily on India as a market for their exports. As a result, India's economy is expanding quickly despite being affected by high inflation rates.

Globalisation is a powerful force that can greatly improve or negatively affect the gender rights of individuals worldwide. Increased trade between countries increases both men's and women's earning capacities but also increases competition among entire societies. Thus, countries need to implement proper regulations regarding globalisation so that both men and women can benefit from it responsibly. This paper aims to investigate the many effects that globalisation has had on gender rights and the related policies in India. Additionally, it criticises the areas that require a definite reform in order to meet the requirements of the international legal system.

1. Introduction

Globalisation is a complex phenomenon because it refers to the integration of international trade, finance, corporations and other global cultural trends. Globalisation has created a single world in which cultures, traditions and values are becoming more similar every day. In many ways this global integration is advantageous; it brings people together and allows them to exchange ideas and goods. On the other hand, globalisation has led to accelerated economic

growth and technological advancement that can be used for good or bad purposes. India is a good example of how globalisation has impacted gender relations.

Globalisation caused a surge in the movement of feminism worldwide. Women around the world are demanding greater gender rights and are actively participating in politics. This is a positive development since empowered women can help improve the conditions of their societies. Through engagement in politics, women are advocating for change and implementing reforms. This can lead to better educational opportunities, family law, health care and promotion of gender equality in the workplace. Women and men have different but equally important roles to play in the development of a society. This is because gender inequality is created and reinforced by discrimination, exploitation, and violence. Therefore, eradicating gender injustice is an essential step in improving global development.

Many cultures around the world practice patrilineal inheritance. In this system, a male heir receives all of his father's property whereas his daughter inherits nothing. In some countries, this means that daughters become penniless when their fathers die. In this way, old customs reinforce gender inequality by devaluing women instead of uplifting them.

Due to globalisation, there has been an increase in awareness surrounding gender rights issues internationally. People become more engaged in society troubles when they understand how inequality affects others. This leads to people supporting legislation that promotes equality between men and women. Gender rights are on the rise globally as women become more active politically and legally with greater access to education and jobs. Many believe that the advancement of women is inseparable from the development of society. There has been some measure of success in empowering women globally, but there is still work to be done regarding policies concerning gender roles, especially in India.

2. Literature Review

Paradoxes of Globalisation, Liberalisation, and Gender Equality: The Worldviews of the Lower Middle Class in West Bengal, India, Ruchira Ganguly-Scrase, 2003¹

The Indian economy's globalisation has had a significant impact on social life there. This process is thought to have had the effect of growing the middle class. The author investigates

¹ <https://journals.sagepub.com/doi/abs/10.1177/0891243203254077>

the seeming contradiction between women's favourable impressions of empowerment and the overall negative impact of structural adjustment policies on women, drawing on ethnographic research among lower-middle-class households in West Bengal, India. Many academics contend that the expanding structural gender disparities brought about by globalisation have been harmful to women, yet many respondents see greater opportunity to oppose prevailing patriarchal standards through the role models provided by the globalised media. Even if there are growing household disparities, women do not see these as gender-based disadvantages and instead emphasise the chances for increased independence. The convergence of prior developmentalist concepts of women's public roles with pro-women consumer discourses of the global market is given particular focus by the author.

Gender Inequality, Economic Development, And Globalisation: A State Level Analysis Of India, Rashmi Umesh Arora, 2012²

This study explores gender inequality and state level openness in the various Indian states using access to health and education as markers of gender disparity. Additionally, the study's results demonstrate that in India, smaller gender disparity is associated with higher per capita income at the subnational level. However, gender disparity is also very significant in other states with high incomes. The states with strong openness index scores also showed considerable gender inequality.

Social Policies as Vehicles of Transformation for Women in India: Review of Post-Globalisation Era, Rekha Mistry & Anuj Ghanekar, 2022³

Women's status in India has long been unequal, oppressed, and the subject of examination from a variety of angles. In light of the implementation of new economic policies, the change in their status during the previous three decades is evident. They are observed working hard nowadays to contribute to practically every area of growth. This significant social change is attributable to the development of social policies that make it easier for women to exercise their inalienable rights. Indicators of human and sustainable development are improving as a result of several thematic programmes in the areas of health, nutrition, education, protection, and livelihood. This chapter reviews global-local analyses to provide a quick overview of these accomplishments and to identify vulnerable subgroups of women. It also articulates criticisms

² <https://www.jstor.org/stable/23215428>

³ https://www.researchgate.net/publication/358983332_Social_Policies_as_Vehicles_of_Transformation_for_Women_in_India_Review_of_Post-Globalisation_Era

of systemic and grassroots deficiencies. For diverse stakeholders committed to the long-term objective of women's empowerment in India, it includes important stepwise proposals.

3. Research Objectives

- To observe the impact of globalisation on gender rights.
- To examine the impact of globalisation and transnational legal order on the policies related to gender rights in India.
- To examine the drawbacks of traditional gender roles in India.

4. Research Questions

- How did globalisation influence gender rights?
- How did globalisation and transnational legal order shape the law and policies related to gender rights in India?
- How did globalisation impact the traditional gender roles in India?

5. Research Methodology

I have researched the published literature on the subject, including articles, research papers, books, reports, and journals. And as such this study is doctrinal in nature. This research aims to address the gap in the already existing literature related to the subject.

6. DISCUSSIONS

6.1. THE INFLUENCE OF GLOBALISATION ON GENDER RIGHTS

Gender equality is essential to an ideal society and many people criticise globalisation for not creating more opportunities for women leading to gender equality. However, women have gained ground in the past decades as nations have embraced equal gender rights. Globalisation has helped spur this movement towards equality, and it will continue to do so as nations update their standards with the times. Women are empowered by globalisation because they now have access to more money and social status. China and India became global powers decades ago, and they're now pillars of the development movement. They actively pursue economic growth while also caring for their citizens. This is a testament to how readily important women have become to all families, both rich and poor.

All nations must strive for gender equality to remain relevant in the 21st century. In the 21st century, most people work and raise their families, this includes women and men. Women are gaining momentum in various global roles as a consequence. At the 1992 Barcelona Olympics, only 12% of participating athletes were female. However, that number increased to 41% at the 2016 Rio Olympics.⁴ Women's wrestling also won a medal at that event for the first time ever. Even though there's still work to be done, these events prove women are gaining momentum in global roles. This is thanks to globalisation making nations more aware of the progress their female citizens are making outside of traditional roles. Women have become empowered by globalisation because it has opened up new economic opportunities for them. The progress that has resulted from this movement towards equality has also inspired nations to adopt new standards that will help maintain that momentum in the future.

6.2.THE ROLE OF GLOBALIZATION IN SHAPING THE LAW AND POLICIES RELATED TO GENDER RIGHTS IN INDIA

Globalisation has become a worldwide phenomenon and is changing the lives of billions of people. While it brings many promising advancements, it has negative effects on some sectors of society. Women in particular have to deal with changes that affect their status and rights. India was among the first countries to experience the economic boom generated by liberal trade and increased communications. However, some issues still need to be worked out as the country tries to embrace globalism.

India is now one of the fastest growing economies in the world and is predicted to surpass Germany as the third most powerful nation by 2030.⁵ This growth is largely due to international trade and investments. This has led to an increase in earning opportunities for Indian women, who now have a bigger share in the nation's economic gains. However, this growth has come at the cost of factory workers' jobs; women are often employed in lower-paying jobs than men. Globalisation has had a positive impact on women's rights in India. Indian women were pioneers of globalisation when India opened up its markets to imports from 1970 onward. In the 80s and 90s, Indian fashion designers became famous globally and competed with other international fashion designers. They used different fabrics from different countries to create unique designs, all while attempting to balance tradition and modernity. For a time, these

⁴ <https://olympics.com/ioc/gender-equality/gender-equality-through-time/at-the-olympic-games>

⁵ <https://www.hindustantimes.com/business-news/india-s-economy-will-become-third-largest-in-the-world-surpass-japan-germany-by-2030-us-agency/story-wBY2QOQ8YsYcrIK12A4HuK.html>

creative ideas helped Indian fashion stand out among the rest of the world and have given opportunities to a lot of women working in the field to express themselves.

Despite these promising times for Indian women, they have struggled to balance their demands on globalisation with their rights as individuals. For one, Indian corporations tend to be male-dominated; creating policies for female employees requires more time and effort than for males. Women also make up 60% of the lowest socioeconomic class of workers and are overrepresented in agriculture and part-time jobs compared to men. For these reasons, women are still disadvantaged compared to men when it comes to employment opportunities in India.

India has adopted several policies meant to improve the status of its women. One such policy is the Maternity Benefit Act, 1961, which guarantees 12 weeks paid maternity leave for both married and unmarried women.⁶ There is also the Women Reservation Bill in the State Legislature Act which reserves 30% seats in state legislative bodies for women.⁷ These acts help level the playing field for Indian women when competing against other countries' female citizens. However, there is still work to be done when it comes to gender equality in India, especially when comparing how men and women fare internationally.

Globalisation is great when it benefits everyone; it doesn't benefit everyone equally yet it makes everyone better off overall. It's encouraging that globalisation has improved Indian women's economic standing so far. The creative ideas of its citizens will only prosper further when women are given equal opportunities in employment. Until then, creative minds will continue striving towards modernity while staying true to tradition at the same time.

One of the largest democracies in the world, India is home to a multicultural population with diverse customs and traditions. With over 1 billion people, India is also the second most populated country in the world. India is also a multiethnic nation, with over 100 languages and regional cultures. The country has had a democratic system of laws and government since independence in 1947. Over the years, changes in its laws have reflected the worldwide trends in gender roles and rights. In addition, India has implemented the UN Beijing Guiding

⁶ <https://labour.gov.in/sites/default/files/TheMaternityBenefitAct1961.pdf>

⁷ <https://prsindia.org/billtrack/womens-reservation-bill-the-constitution-108th-amendment-bill-2008-45>

Principles on Gender Equality and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in its courts.⁸

The widening of the definition of rape has made it easier for women who have been sexually assaulted by strangers to seek justice in courtrooms. In addition, civil laws have allowed women to file sexual harassment lawsuits against male employers, making it easier for them to seek justice for sexual misconduct perpetrated by male colleagues or superiors.

One major limitation concerning gender rights in India is domestic violence, or 'dowry killing.' Although this act of violence is illegal in India, the police are not always well equipped to handle cases involving family disputes or adultery by spouses. For example, in Gujarat, the police refer these cases to a private organisation called the Gujarat Protection Society.⁹ This society investigates cases of alleged domestic violence but does not prosecute any cases. These limitations have led to an epidemic of domestic violence in which over 70 women are killed every day by their husbands or domestic partners under the guise of 'self-defence.' To remedy this issue, Indian police officers need proper training regarding how to handle cases involving domestic violence between married couples or family disputes between spouses and spouses' relatives.

Increased trade and travel have improved the living conditions for men and women in India. The skilled workers from different countries have helped boost India's economic development. This has in turn increased the Gross Domestic Product (GDP) and created more jobs for both men and women. It's also increased life standards for lower socioeconomic class families by providing them with income opportunities. In addition, companies have created better wages and benefits for their employees.

6.3.GLOBALISATION AND ITS IMPACT ON TRADITIONAL GENDER ROLES IN INDIA

Gender roles are socially constructed ideas regarding what kinds of activities men and women should respectively perform and enjoy in society. In many cultures and times, women have been expected to stay home and take care of the family, while men have gone out to work. However, this traditional view of gender roles has many drawbacks. For one thing, it limits

⁸ <https://www.un.org/womenwatch/daw/cedaw/>

⁹ <https://gscps.gujarat.gov.in/>

people based on gender instead of their wants or needs. Additionally, it can make it harder for both genders to succeed if society is stuck in outdated thinking about what males and females should do. Women are now seeking equal rights with men, including the right to choose their careers. At the same time, jobs that were once reserved for men are now open to both genders. As these trends continue, how will gender roles change in the coming decades?

Globalisation has led to a lot of jobs being moved to India. Consequently, women from rural areas now have an opportunity to earn money in cities like Mumbai and Delhi. This used to be exclusively a male pursuit, but now women are joining the job market in growing numbers. This opens up new possibilities for women, but it can be hard for them to compete with men in the workplace. Men tend to be more qualified for certain jobs due to years of intensive training at school or college. Women must now balance family responsibilities with their pursuit of a job. Those who are good at balancing both usually emerge as winners in the global marketplace.

As India becomes more globally aware, people will want opportunities no matter what gender they are. Consequently, jobs will open up that were once reserved for males only, which will allow more women to join the workforce and make decisions based on what best suits them and their families. At the same time, rural Indians will likely continue relocating to urban areas in droves due to rapid globalisation. Global standards are forcing people from all over the world to find a resolution but nobody wants to compromise on respect for gender rights anyway you look at it.

7. CONCLUSION

Many people view globalisation with fear because of its potential to increase income disparities and undermine local cultures. However, globalisation has many benefits. India's women have benefited from globalisation thanks to increased employment and increased earning power. Women in India work in almost all sectors of the economy. They are employed in government positions, in business enterprises, and in manufacturing industries. Increased globalisation makes it easier for women to gain employment in well-paying jobs. In addition, women now earn most of the wages generated by increased globalisation. This has led to an increase in gender equality within Indian society.

India's government has promoted women's rights through legislation and infrastructure. India has a constitutional guarantee of gender equality at the federal level. The Supreme Court also

promoted gender rights by ruling that all citizens deserve equal protection under the law. Furthermore, the Indian government built several female-only hostels for working women. The Indian transport system promotes women's health by providing more women-friendly options for travelling around the country. These decisions have allowed India to be a role model for female empowerment around the world.

Now that India is becoming an influential economic power, it is starting to promote global gender equality as well, especially after joining the UN recently. It now has a prime spot within the UN Women's Coalition for Gender Equality and the UN Women's Global Goals Campaign. It is also one of the first seven countries to join the World Trade Organisation (WTO). Being part of these organisations promotes gender rights in international trade deals and creates opportunities for women worldwide. India now has a chance to lead by example and help other developing countries promote gender equality globally.

Globalisation does not inherently harm women; it allows them to gain employment and increase earning power due to increased commercialism. Consequently, more countries should open themselves up to global trade so more people can benefit from globalisation. Further, governments should implement legislation that promotes gender equality and allows women to fulfill their potential regardless of their sex or age.

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