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Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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With this thought, we hereby present to you

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EFFECT OF GLOBALIZATION ON SOCIO-ECONOMIC RIGHTS: ANALYSIS THROUGH INDIAN CONSTITUTIONAL PERSPECTIVE

AUTHORED BY - GAUTHAM VISWAM

ABSTRACT

Globalization, a transformative phenomenon that has significantly shaped the late 20th and early 21st centuries, is a complex and multifaceted process marked by increased interconnectedness and interdependence among nations. This global interlinkage spans technology, health, goods, raw materials, and various services, enabling the seamless flow of products and services worldwide. Advancements in technology, communication, transportation, and the liberalization of trade and investment drive this phenomenon, diminishing trade barriers, intensifying capital flows, and enabling multinational corporations to operate beyond geographical confines. Globalization plays a pivotal role in the development of nations, fostering economic, social, cultural, and political benefits. As a driving force behind global development, globalization has not only shaped the modern world but has also influenced the rights and privileges afforded to individuals. This exploration delves into the impact of globalization on economies, societies, cultures, and governance structures, emphasizing its crucial role in the contemporary global landscape. India, as an active participant in globalization, has witnessed the incorporation of various rights, including civil, political, social, and cultural rights. While globalization has brought positive transformations, it has also introduced challenges. This paper focuses on analyzing the effects of globalization on socio-economic rights worldwide and in India, examining the dynamics through the lens of the Indian Constitution. The study seeks to understand how globalization has influenced the socio-economic rights landscape and shaped the legal and constitutional frameworks governing these rights in the Indian context.

Keywords: *Globalization, socio-economic rights, Indian Constitution, Indian Judiciary*

INTRODUCTION

Globalization, a transformative phenomenon that reshaped the world in the late 20th and early 21st centuries, is a complex and multifaceted process characterized by increased interconnectedness and interdependence among nations. Nations are interlinked with each other unlike before. These connections can be based on technology, health, goods, raw materials, various services, and many other resources. This enables different products and services to reach around the. This phenomenon is driven by advancements in technology, communication, transportation, and the liberalization of trade and investment. Trade barriers have diminished, capital flows have intensified, and multinational corporations operate on a scale that transcends geographical boundaries. We can say that globalization helps in improving the building blocks of the development of a nation nation. This includes economic, social, cultural, and political benefits. The world we see now has developed so much due to the help of globalization. Now many products you see in front of you may have reached their cause of globalization. Similarly, many rights and privileges were identified and given to you thanks to globalization. In this context, understanding the dynamics of globalization is crucial for navigating the complexities of the modern world. This exploration involves examining its impact on economies, societies, cultures, and governance structures. The ongoing dialogue surrounding globalization continues to shape international relations, economic policies, and social dynamics, making it a pivotal force in the contemporary global landscape. India has also been part of this phenomenon. Many rights including civil, political, social, and cultural rights have been incorporated by India as a result of globalization. Even though it has brought good to the world it has also its negatives too. Here, we will be focusing on the effect of globalization on socio-economic rights in the world and India and analyzing it through the perspective of the Indian Constitution.

GLOBALIZATION: AN OVERVIEW

Globalization, a term that permeates various facets of contemporary discourse, represents a multifaceted phenomenon with far-reaching implications for economies, cultures, societies, and governance structures worldwide. As a concept, globalization embodies the intricate interconnectedness and interdependence of nations, driven by the exchange of goods, services,

information, and ideas across borders.¹ This transformative force transcends traditional boundaries, reshaping the landscapes of economies, societies, and individuals in profound ways. At its core, globalization is an evolutionary process that has gained momentum over the past few decades.² Its roots can be traced back to historical developments such as trade routes, cultural exchanges, and migration patterns, but the contemporary understanding of globalization encompasses an unprecedented level of integration facilitated by advancements in technology, communication, and transportation. One of the defining features of globalization is the accelerated flow of goods and services across national borders. International trade has become a cornerstone, with goods produced in one part of the world reaching consumers on the opposite side. This economic aspect of globalization is driven by the liberalization of trade policies, the reduction of barriers, and the emergence of multinational corporations that operate on a global scale.³

Technological advancements, particularly in telecommunications and the internet, have served as catalysts for globalization. The digital revolution has facilitated instantaneous communication, enabling real-time connectivity between individuals, businesses, and governments across the globe. This interconnectedness has significantly altered the nature of commerce, information dissemination, and cultural exchange.⁴ Furthermore, globalization encompasses the movement of people across borders, contributing to the diversification of societies and the creation of multicultural environments. Migration, whether driven by economic opportunities, geopolitical factors, or cultural exchanges, has become a defining feature of the globalized world. This movement of people has led to increased cultural exchange, the blending of traditions, and the emergence of globalized identities.

Economic globalization, often characterized by the integration of financial markets, has resulted in a complex web of global economic interdependence. Financial transactions, investments, and capital flows traverse national boundaries seamlessly, influencing the economic stability of nations and the

¹ McGrew, Anthony, *Globalization in Hard Times: Contention in the Academy and Beyond*, 2007, p 29-53
<https://doi.org/10.1002/9780470691939.ch1>

² Biermans, M. (2005). *The political economy of dignity: monitoring the advancement of socioeconomic human rights in a globalized economy*. (SEO discussion paper; No. 43). SEO.

³ Steger, M et al. (eds.) 2023. *Globalization: Past, Present, Future*. California: University of California Press. DOI:
<https://doi.org/10.1525/luminos.172>

⁴ Eleanor M. Fox, *Globalization and Human Rights: Looking out for the Welfare of the Worst Off*, 35 N.Y.U. J. INT'L. & POL. 201 (2002).

well-being of individuals.⁵ While globalization has contributed to economic growth and the reduction of poverty in some regions, it has also been critiqued for exacerbating income inequality and concentrating wealth in the hands of a few. The cultural dimension of globalization manifests in the exchange of ideas, values, and cultural practices. As information circulates globally, cultural products such as films, music, literature, and fashion transcend national borders, shaping a global cultural landscape. This intercultural interchange has the potential to foster mutual understanding and appreciation, but it also raises concerns about the erosion of local cultures and the dominance of a homogenized global culture.⁶ Globalization's impact on governance structures is evident in the rise of international organizations and agreements that seek to address transnational challenges. Organizations like the United Nations, World Trade Organization, and International Monetary Fund play pivotal roles in shaping global governance and addressing issues that transcend national boundaries, such as climate change, public health crises, and human rights.

Critics of globalization raise valid concerns about its potential negative consequences. One notable critique revolves around the exacerbation of economic inequality. While globalization has lifted many out of poverty, it has also contributed to the concentration of wealth in certain regions and among specific groups, widening the gap between the affluent and the marginalized. Environmental sustainability is another area of concern.⁷ The increased flow of goods and the intensification of economic activities associated with globalization contribute to environmental degradation, climate change, and resource depletion. Addressing these challenges requires a coordinated global effort to develop sustainable practices and mitigate the environmental impact of human activities. Cultural homogenization is a frequent critique, emphasizing the risk of eroding local cultures and traditions in the face of a dominant global culture.⁸ The proliferation of Western cultural products, languages, and lifestyles has prompted fears of cultural imperialism, prompting calls for the protection and preservation of diverse cultural identities. In the realm of politics, globalization has sparked debates about sovereignty and the influence of multinational corporations on national policies. Some argue that globalization has eroded the autonomy of states, placed economic interests above national

⁵ Globalization. United Kingdom, Duke University Press, 2001.

⁶ Ritzer, Dr. George. *The Globalization of Nothing 2*. United States, SAGE Publications. (2004)

⁷ Robert McCorquodale, *Richard Fairbrother Human Rights Quarterly*, Vol. 21, No. 3 (Aug., 1999), pp. 735-766

⁸ WILLS J. *The World Turned Upside Down? Neo-Liberalism, Socioeconomic Rights, and Hegemony*. *Leiden Journal of International Law*. 2014;27(1):11-35. doi:10.1017/S0922156513000629

priorities, and diminished the ability of governments to regulate effectively. Despite these critiques, globalization has undeniable benefits⁹. It has facilitated access to information, technology, and resources, leading to advancements in education, healthcare, and innovation. Globalization has also played a crucial role in reducing global poverty rates, fostering economic development, and creating opportunities for collaboration on a scale previously unimaginable.

In conclusion, globalization is a complex and multifaceted phenomenon that continues to shape the world in profound ways. Its impact extends beyond economic considerations to influence cultures, societies, governance structures, and individual lives. While globalization presents challenges that warrant careful consideration and mitigation, it also offers unprecedented opportunities for collaboration, progress, and the creation of a more interconnected and interdependent global community. As societies grapple with the complexities of globalization, striking a balance between its benefits and challenges becomes imperative to foster a more inclusive, sustainable, and equitable global future.

GLOBALIZATION AND SOCIO-ECONOMIC RIGHTS

We know globalization as a phenomenon that enables the connectivity between nations to facilitate trade and services. But it cannot be said that it is only limited to those aspects. It also resulted in the spread of ideas and rights of people. Globalization has had a serious impact on the realization of human rights especially in developing countries.¹⁰ These include economic, political, social, and cultural rights.¹¹ We can see this from the arrival of the Universal Declaration in 1948. Globalization has affected socio-economic rights and it will have its effects in coming future as well. It is said that globalization can be a tool that can produce new human rights as well.

Here we will be focusing on its effect on socio-economic features. Even though Western countries have shown less interest in socio-economic rights, after the fall of the Soviet Union there has been a change. Access to clean water, shelter, health, and education is what all the countries are trying to

⁹ Simeon O. Ilesanmi, Leave No Poor Behind: Globalization and the Imperative of Socio-Economic and Development Rights from an African Perspective, *Journal of Religious Ethics*, Volume 32, Issue 1, 2004, Pg 71-94

¹⁰ Anghie, A. (2000) Time Present and Time Past: Globalization, International Financial Institutions, and The Third World, 32 *N.Y.U. J. INT'L L. & POL.* 243

¹¹ Globalizationguide, What is globalization? <http://www.globalizationguide.org>

achieve. This holds particularly true in the context of globalization, which is deeply connected to the increasing disparities in economics, society, and gender, both on a worldwide and national level. Furthermore, globalization undermines the independence and ability of governments to pursue economic policies that would effectively lead to the fulfillment of economic and social rights.¹² Rising foreign direct investments, entry into international markets, and technological progress have all played a role in fostering economic well-being and the generation of employment opportunities. Globalization has accelerated the dissemination of medical knowledge and technology. Access to advanced healthcare treatments and pharmaceuticals has improved, leading to enhanced healthcare outcomes for many. The influx of foreign capital and expertise has enhanced urbanization and infrastructure development in many parts of India. Improved infrastructure, such as transportation networks and sanitation facilities, directly impacts the living conditions of citizens.¹³

While globalization can lead to overall economic growth, it can also create economic inequalities. The benefits of globalization are not evenly distributed, and marginalized communities often do not enjoy the fruits of economic prosperity. Economic downturns in one country can have adverse effects on the employment and livelihoods of other countries. The drive for economic welfare within the framework of globalization has frequently resulted in a trade-off with environmental sustainability, potentially leading to lasting adverse consequences for the socio-economic rights of future generations. Furthermore, the propagation of Western culture and values via globalization has the potential to erode indigenous cultures and traditions, with possible repercussions for the socio-cultural rights of specific communities.¹⁴ The global dissemination of various technologies has facilitated the swift and cost-effective exchange of information, thereby enhancing the safeguarding of human rights. Nevertheless, it remains essential to prevent the concentration of control over information and to ensure broader participation in the "information society."¹⁵

Modern constitutions have integrated comparable provisions, drawing inspiration from international

¹² McGrew, A. (1998) "Human Rights in a Global Age: Coming to Terms with Globalization"

¹³ Elkins, Zachary, et al. 'Getting to Rights: Treaty Ratification, Constitutional Convergence, and Human Rights Practice', Harvard International Law Journal, 54(1) (March 2013), p. 62–94

¹⁴ Impact Of Globalization on Indian Society, <https://pwnonlyias.com/upsc-notes/impact-of-globalization-on-indian-society/>

¹⁵ McGivering, J. (2003) India's Digital Divide, BBC NEWS, <http://news.bbc.co.uk/2/hi/programmes/from-our-owncorrespondent/2932758.stm>.

instruments like the United Nations Charter, the Universal Declaration of Human Rights (UDHR), and the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), 1953. Additionally, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) have also become points of reference for such constitutional borrowing in later years.¹⁶ As global economic realities make exclusive national decision-making, impractical, governance matters, including human rights, are increasingly regulated by regional or international treaties, blurring the distinction between domestic and international governance issues.¹⁷ In general, globalization has led to greater wealth and safety, with the United Nations and international law serving as protectors of global peace, security, and human rights at present.

GLOBALIZATION AND SOCIO-ECONOMIC RIGHTS IN INDIA: AN OVERVIEW

In the context of India, socio-economic rights hold immense significance due to the country's socio-economic diversity and the historical prevalence of poverty and inequality. While the achievement of globalization and human rights necessitates government involvement, clear guidelines on how the state should intervene are not given. The Euro-American monoculture has played a critical role in spreading and popularising Western economic and strategic interests in India. India, being one of the world's largest economies and home to the second-largest English-speaking young workforce, has seized the chance to accelerate its growth in the era of globalization. A section of the English-speaking middle class has been able to accommodate Indian values with Western ones to share in the benefits of globalization.¹⁸ But in India, the government started a special program to help people who work in jobs in the unorganized sector, providing a rule on "corporate responsibility for environmental protection". It is now required for new and big city projects to get permission from the environmental authority before they can start. They made a rule that says every year, people who live in the countryside will have the opportunity to work and earn wages for 100 days. They made a rule that says children are not allowed to work as helpers in people's houses or places like restaurants and

¹⁶ Ackerman, B. (1997) "The Rise of World Constitutionalism", p. 771-797.

¹⁷ Seita, A.Y. (1997) "Globalization and the Convergence of Values".

¹⁸ Sunstein, C., 'Social and Economic Rights? Lessons from South Africa', University of Chicago John M. Olin Law & Economics Working Paper No. 124, 2001, available at <http://www.law.uchicago.edu/files/files/124.CRS_.pdf>

hotels.¹⁹ The Indian Constitution, adopted in 1950, enshrines a comprehensive set of socio-economic rights under Part IV, known as the Directive Principles of State Policy. This guides the government in promoting the welfare of its citizens. Additionally, fundamental rights such as the right to equality, right to education, and right to life also have a direct bearing on socio-economic rights. The Right of Children to Free and Compulsory Education Act (2009) was enacted to fulfill the constitutional mandate under Article 21A²⁰, which guarantees free and compulsory education for all children aged 6 to 14. This legislation is a significant step towards realizing the socio-economic right to education. The Forest Rights Act passed in 2006, finally recognized the much-claimed and needed rights of over 10.45 crore (105 million) tribal people.²¹ This act says that people who live in the forest have the right to take care of and look after the plants and animals in the forest. The Forest Rights Act allows Adivasis (tribals) to continue using forest produce for various commercial, domestic, medicinal, and sociocultural purposes. For instance, bamboo, makes baskets, brooms, chairs, mats, and various other useful products for sale and self. Globalization and privatisation however have severely challenged the rights of indigenous people by giving a free hand to private companies to manufacture and sell such products. The government deserves praise for passing the National Rural Employment Guarantee Act (2005). This legislation aims to ensure that every household with willing adult members receives at least 100 days of unskilled manual jobs in a fiscal year. Additionally, it includes provisions for an "unemployment allowance" in case employment cannot be provided.²²

This indicates that the government is entirely aware of its responsibilities in enabling decent livelihoods, social security, and decentralized governance. The government has also adopted specific measures to mitigate human rights violations, including the implementation of policies like corporate social responsibility for environmental conservation, social security schemes tailored for the unorganized sector, the establishment of minimum environmental criteria for substantial urban assignments, and a range of different systems. In summary, despite existing gaps, the government tried to make substantial changes in carrying out its obligation to safeguard and promote human rights concerning globalization.

¹⁹ Rehan Abeyratne, *Enforcing Socioeconomic Rights in Neoliberal India*, 29 MINN. J. INT'L L. 1 (2020).

²⁰ Article 21A of the Constitution of India

²¹ Annual Report, Ministry of Tribal Affairs, Government of India, 2016–17, online at <https://tribal.nic.in>

²² Pellissery, Sony and Dey Biswas, Sattwick and Dey Biswas, Sattwick, *Emerging Property Regimes in India: What It Holds for the Future of Socio-Economic Rights?* (November 22, 2012). Available at SSRN: <https://ssrn.com/abstract=2179717> or <http://dx.doi.org/10.2139/ssrn.2179717>

THE INDIAN CONSTITUTIONAL PERSPECTIVE

The inclusion of socio-economic rights within a constitution takes on added significance in the era of globalization, where the interconnectedness of nations and economies shapes the socio-economic landscape. In the context of the Indian Constitution, adopted in 1950, the commitment to socio-economic rights becomes even more vital as India navigates the complexities of a globalized world.

Socioeconomic equality is the basic prerequisite for democracy, which per se is a necessary condition for the full enjoyment of human rights.²³ People are born with differentiated mental and physical faculties that need different procedures and methods to grow in a particular society. The Constitution of India has provisions for protective discrimination to safeguard the rights of certain sections of society.²⁴ There are uncertainties regarding whether the interpretation of the term "state" as defined in Article 12²⁵, and its expansion by the "instrumentality or agency" test, can withstand the challenges posed by contemporary principles of liberalization, disinvestment, and a free-market economy.²⁶ Considering that policies endorsing liberalization, including privatization and disinvestment, are constitutionally sanctioned and are expected to persist, it is important to examine how these policies affect the constitutional responsibilities of India in promoting social economic rights, through the Directive Principles of State Policy or as "directive fundamental rights".²⁷ The Indian Constitution is a unique and comprehensive legal framework that addresses the complexities of governance and socio-economic rights in a diverse and populous nation. To analyze the impact of globalization on socio-economic rights, it is crucial to examine the constitutional provisions, historical context, and judicial interpretations within the Indian context.

The Right to Equality (Articles 14-18)²⁸, as a foundational principle, assumes new dimensions in the face of globalization. The global marketplace, marked by cross-border trade and investments,

²³ Uday Shankar and Divya Tyagi, Socio-Economic Rights in India: Democracy Taking Roots, *Verfassung und Recht in Übersee* VRÜ 42 (2009), pg 528-530

²⁴ Dodh, P. (2020) Globalization And Human Rights In India Source: *World Affairs: The Journal of International Issues*, WINTER Vol. 24, No. 4, pp. 44-57

²⁵ Article 12 of the Constitution of India

²⁶ Deva, S. (2002) "Concept of "State" in the Era of Liberalisation and Withering State - An Analysis, in *Constitutional Jurisprudence And Environmental Justice: A Festschrift Volume In The Honour Of Prof. A. Lakshminath*" 175 (D.S. Prakasa Rao ed.).

²⁷ "Directive fundamental rights" means rights that emerge through the interpretation of directive principles as fundamental rights.

²⁸ Articles 14 to 18 of the Constitution of India

introduces challenges related to economic disparities. The Right to Equality becomes a beacon guiding the state to ensure that the benefits of globalization are equitably distributed, preventing the concentration of wealth and opportunities within specific segments of society. The Right to Life and Personal Liberty²⁹, expansively interpreted to include socio-economic dimensions, gains relevance in the globalized context. As India integrates into the global economy, the right to livelihood takes center stage, requiring the state to navigate the challenges posed by economic liberalization and globalization. The right to life, interpreted broadly, underscores the constitutional imperative to protect citizens from the adverse effects of global economic forces. Within the Directive Principles of State Policy (Part IV - Articles 36-51), the globalized world demands a recalibration of policies to address socio-economic concerns. The principles become a guide for the state to ensure that globalization does not exacerbate existing inequalities but becomes a force for inclusive development. Balancing economic growth with social justice becomes a constitutional imperative as the state seeks to align its policies with the global currents. The Right to Education³⁰ assumes a transnational character in the globalized era. Education, recognized as a fundamental right, becomes a key driver for India's participation in the global knowledge economy.³¹ The challenges and opportunities presented by global educational frameworks necessitate a constitutional response that ensures accessibility and equality in education, empowering citizens to thrive in the globalized world. Article 41³², directing the state to secure the right to work, education, and public assistance, gains relevance as the global economy undergoes rapid transformations. The state's responsibility to ensure economic opportunities and social security becomes crucial in mitigating the impact of global economic fluctuations on vulnerable sections of society. Article 47³³, emphasizing the state's duty to improve public health, takes on global dimensions in the face of pandemics and cross-border health challenges. The interconnectedness of health with global trade and travel underscores the need for constitutional provisions that empower the state to address public health concerns in a globalized context. The prohibition of untouchability under Article 17³⁴, while rooted in social considerations, also holds socio-economic implications in a globalized world. As India positions itself on the global stage, eradicating discriminatory practices becomes imperative for fostering an inclusive and equitable

²⁹ Article 21 of the Constitution of India

³⁰ Id

³¹ Social and Economic Rights, International Institute for democratic and electoral assistance, 2015.

³² Article 41 of the Constitution of India

³³ Article 47 of the Constitution of India

³⁴ Article 17 of the Constitution of India

society that aligns with global standards of human rights. Provisions such as Article 244(2),³⁵ recognizing special provisions for the administration of tribal areas, take on added significance in the context of globalization. Indigenous populations, often marginalized in the globalized economy, require constitutional safeguards to protect their socio-economic rights and preserve their unique cultural identities amidst global forces.³⁶

As the Indian Constitution provides a robust framework for socio-economic rights, it must dynamically respond to the challenges and opportunities presented by globalization. The judiciary, as the custodian of constitutional rights, plays a pivotal role in interpreting and adapting these rights to the evolving socio-economic landscape shaped by global forces. In this interplay between constitutional principles and globalization, India strives to harness the benefits of global integration while safeguarding the socio-economic rights enshrined in its constitutional ethos.

JUDICIAL INTERPRETATIONS ON SOCIO-ECONOMIC RIGHTS CONCERNING THE INDIAN CONSTITUTION

The Indian judiciary has played a pivotal role in interpreting the Constitution and protecting socio-economic rights. The Indian judiciary has, for the most part, been proactive and watchful in protecting human rights, particularly since the 1970s. Even prior to the adoption of the New Economic Policy (NEP), the Supreme Court had foreseen the impacts of changes on fundamental rights.³⁷ They see themselves as a vital institution that has a pivotal responsibility in the evolving landscape and advocates for an economic interpretation of the Constitution. Over the years, the jurisprudence surrounding these rights has evolved through landmark cases, shaping the nation's commitment to justice, equality, and human dignity. One seminal case that set the tone for judicial activism in socio-economic matters is the *Olga Tellis v. Bombay Municipal Corporation* (1985) case.³⁸ This landmark judgment marked a turning point by recognizing the right to livelihood as an inseparable facet of the right to life and dignity under Article 21 of the Constitution. The court, in its wisdom, underscored

³⁵ Article 244(2) of the Constitution of India

³⁶ B. Shiva Rao, *The Framing of India's Constitution*, Volume IV, 943

³⁷ I. Shankar S, Mehta PB. *Courts and Socioeconomic Rights in India*. In: Gauri V, Brinks DM, eds. *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World*. Cambridge University Press; 2008:146-182.

³⁸ 1986 AIR 180, 1985 SCR Supl. (2) 51

that depriving individuals of their means of livelihood without due process violated their fundamental rights. This decision laid the groundwork for subsequent cases addressing socio-economic rights, emphasizing the state's constitutional duty to ensure that economic policies do not disproportionately impact vulnerable segments of society.

Building on this foundation, the *Unnikrishnan JP v. State of Andhra Pradesh* (1993)³⁹ case propelled the judiciary's engagement with socio-economic rights by declaring education a fundamental right under Articles 21 and 41.⁴⁰ In a groundbreaking move, the court recognized that the right to education is implicit in the right to life and dignity, thereby establishing a constitutional imperative for the state to provide free and compulsory education for children up to the age of 14. This decision marked a paradigm shift, acknowledging education as a potent tool for empowerment and social inclusion. The *Unnikrishnan* case exemplifies the judiciary's commitment to interpreting the Constitution in a manner that aligns with the evolving socio-economic needs of the nation.

The *Bandhua Mukti Morcha v. Union of India* (1984) case expanded the scope of socio-economic rights by recognizing the right to health as an intrinsic component of the right to life. The court held that access to health facilities is indispensable for a dignified life, particularly for marginalized and disadvantaged communities. This decision illuminated the constitutional duty of the state to ensure the availability of healthcare services to all citizens, emphasizing the interdependence of socio-economic rights. The judiciary's role as a custodian of human dignity became even more pronounced as it ventured into the realm of health, a crucial dimension of well-being.

Further delving into the nuances of socio-economic rights, the *Olga Tellis* case,⁴¹ in addition to addressing the right to livelihood, recognized the right to shelter and housing as integral components of the right to life and dignity. The court emphasized that the state must take affirmative action to provide adequate housing and prevent forced evictions, particularly for vulnerable urban populations. This holistic approach to socio-economic rights in the context of housing highlighted the judiciary's commitment to addressing the multi-dimensional challenges faced by the marginalized and economically weaker sections of society.

³⁹ 993 AIR 217, 1993 SCR (1) 594, 1993 SCC (1) 645, JT 1993 (1) 474, 1993 SCALE (1)290.

⁴⁰ Articles 21 and 41 of the Constitution of India

⁴¹ *Supra* note 25

In the *PUCL v. Union of India* (2001)⁴² case, the judiciary's interpretation of the right to life under Article 21⁴³ expanded to include the right to food as a fundamental right. The court, acknowledging the nexus between food security and dignified life, directed the government to implement schemes that would ensure access to food for all citizens. This decision underscored the constitutional obligation to address issues of hunger and malnutrition, particularly among marginalized communities. The *PUCL* case demonstrated the judiciary's responsiveness to the socio-economic realities on the ground, affirming that the Constitution is a living document that must adapt to the changing needs of society.

Parallel to these developments, the judiciary has grappled with issues of social justice and affirmative action, most notably in the *Indra Sawhney v. Union of India* (1992) case.⁴⁴ This case addressed the constitutional validity of reservation policies aimed at redressing historical injustices and socio-economic disparities. The court upheld the concept of reservations for socially and educationally backward classes, emphasizing the importance of affirmative action in achieving social justice. *Indra Sawhney* clarified the constitutional parameters of reservation policies, acknowledging their role in dismantling entrenched structures of inequality.

Collectively, these judicial interpretations have contributed to a robust jurisprudence surrounding socio-economic rights in India, reflecting a commitment to translating constitutional ideals into tangible benefits for all citizens.⁴⁵ The dynamic approach of the judiciary ensures that constitutional principles remain relevant and impactful in the evolving socio-economic landscape of the country. As India continues to grapple with the challenges of poverty, inequality, and social injustice, the judiciary's role in interpreting and upholding socio-economic rights remains paramount in fostering a society that is just, equitable, and inclusive.

⁴² (Civil) No. 196/2001

⁴³ Article 21 of the Constitution of India

⁴⁴ AIR 1993 SC 477; 1992 Supp 2 SCR 454

⁴⁵ Claire McHugh, *Socio-Economic Rights in Ireland: Lessons to be Learned from South Africa and India*, 4 *HIBERNIAN L.J.* 109 (2003).

CHALLENGES OF SOCIO-ECONOMIC RIGHTS IN INDIA IN THE CONTEXT OF GLOBALIZATION

In the dynamic landscape of globalization, India faces a plethora of challenges in upholding socio-economic rights, encapsulated in a complex interplay of economic integration, technological advancements, and cultural exchanges. As the nation positions itself on the global stage, many issues emerge, challenging the effective realization of socio-economic rights enshrined in the Indian Constitution. Economic inequality stands as a formidable hurdle in the face of globalization's economic surge.⁴⁶ While India experiences unprecedented economic growth, the benefits are disproportionately concentrated, leading to an alarming wealth gap. The affluent urban centers and certain sectors thrive, leaving vast segments of the population marginalized and struggling for economic sustenance. This widening divide challenges the constitutional commitment to socio-economic equality, as the right to an adequate standard of living becomes elusive for those left on the fringes of the economic boom.⁴⁷

The globalization-driven demand for labor, although contributing to economic growth, unfurls a tapestry of challenges regarding labor exploitation. Low-wage labor, poor working conditions, and the lack of job security persist in sectors catering to global markets. As multinational corporations capitalize on cost efficiencies, the right to fair and just working conditions becomes precarious, underscoring the need for robust labor protections to safeguard the socio-economic rights of the workforce.⁴⁸ Agriculture, a vital component of India's socio-economic fabric, faces significant challenges in the era of globalization. Changes in trade policies, market dynamics, and agricultural practices can render small-scale farmers vulnerable, grappling with uncertainties that threaten their livelihoods. The right to food and livelihood, integral to socio-economic well-being, encounters obstacles as globalization introduces volatility to the agricultural sector, impacting the lives of millions dependent on this primary source of income.⁴⁹

⁴⁶ Rohan J. Alva, *Continuing Mandamus: A Sufficient Protector of Socio-Economic Rights in India*, 44 HONG KONG L.J. 207 (2014).

⁴⁷ Trispiotis, Ilias, 'Socio-economic Rights: Legally Enforceable or Just Aspirational?', *Opticon* 1826, 8 (Spring 2010), pp. 1–10,

⁴⁸ R. Dhavan., *Ambedkar's Prophecy: Poverty of Human Rights in India*, 36 JILI (Journal of Indian Law Institute) (1994), p 13.

⁴⁹ Uday Shankar, Divya Tyagi, *Socio-Economic Rights in India: Democracy Taking Roots* *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, Vol. 42, No. 4 (2009), pp. 527-551 (25 pages)

Access to essential services, a cornerstone of socio-economic rights, encounters challenges as globalization trends toward privatization. The commodification of healthcare, education, and water can lead to a scenario where access hinges on financial capacity. The right to health and education becomes contingent on economic standing, amplifying disparities and impeding the realization of socio-economic rights for those unable to afford essential services.⁵⁰ Cultural homogenization, a consequence of globalization, poses a unique challenge to socio-economic rights, particularly the right to cultural identity. As global cultural narratives dominate, local traditions and languages face the risk of erosion. This phenomenon raises concerns about the preservation of diverse cultural identities, emphasizing the need to protect socio-economic rights intertwined with cultural heritage. Environmental degradation emerges as a critical challenge in the wake of globalization's relentless pursuit of economic growth. Industries catering to global markets contribute to pollution, deforestation, and resource depletion, impacting the right to a healthy environment. The trade-off between economic interests and ecological sustainability tests the constitutional commitment to balancing socio-economic development with environmental preservation. The rapid pace of urbanization, a hallmark of globalization, exerts pressures on urban spaces, challenging the right to adequate housing and an urban environment conducive to a decent standard of living. In the race for economic progress, inadequate housing, unequal access to urban amenities, and the displacement of vulnerable populations become stark realities, posing hurdles to the fulfillment of socio-economic rights in the urban landscape.

Globalization amplifies social and gender disparities, with women and marginalized groups facing heightened vulnerabilities and limited economic opportunities. The right to gender equality and social justice encounters challenges as global forces intersect with deeply rooted inequalities, necessitating comprehensive strategies to address and rectify these disparities. The erosion of policy space and national sovereignty is a pressing challenge, as globalization often limits the autonomy of national governments.⁵¹ International agreements and economic considerations can constrain the ability of governments to formulate policies that prioritize socio-economic rights over global economic interests. Striking a balance between global economic integration and the protection of socio-economic rights requires navigating these intricate policy challenges. Public health crises,

⁵⁰ Rehan Abeyratne, *Socioeconomic Rights in the Indian Constitution: Toward A Broader Conception of Legitimacy*, 39 *Brook. J. Int'l L.* (2014). Available at: <https://brooklynworks.brooklaw.edu/bjil/vol39/iss1/1>

⁵¹ K C Markandan, *Directive Principles of State Policy in the Indian Constitution*, Jalandhar, 1987, p 170

exacerbated by the rapid movement of people and goods in a globalized world, pose challenges to the right to health. The interconnectedness of global travel and trade makes managing and containing diseases a complex task, impacting the accessibility and quality of healthcare services, particularly for vulnerable populations. Global health challenges underscore the need for international cooperation to safeguard the right to health in the face of transnational threats.⁵²

In conclusion, the challenges to socio-economic rights in India within the context of globalization are diverse and interconnected. They necessitate a comprehensive and holistic approach that considers the economic, cultural, environmental, and social dimensions of this complex phenomenon. As India navigates the globalized landscape, addressing these challenges requires collaborative efforts from policymakers, civil society, and the international community to ensure that the benefits of globalization align with the constitutional commitment to socio-economic rights for all citizens.

CONCLUSION

The spread of globalization has substantially increased human interaction and interdependence in twenty-first-century global affairs. Although globalization is seen as a phenomenon that has enhanced trade and connectivity, it is clear from these findings that it is beyond that. As the author has pointed out globalization has had its effects on human rights and especially in the context of socio-economic rights. Globalization has led to increased foreign investment and access to global markets, fostering economic growth that can generate resources for governments to better fulfill socio-economic rights. Additionally, it has facilitated the exchange of knowledge and technology, improving healthcare, education, and employment opportunities, thus enhancing socio-economic well-being. There have been many criticisms on how globalization has created unemployment, economic inequality, environmental degradation, and other difficulties that came with the opportunities of globalization. There can be a whole new debate and research on whether these rights are rightly implemented. But there has been the creation and incorporation of these rights in the world as well as in India. The government has brought socio-economic reform in India through various Acts. We also saw how the Indian Constitution has adopted many socio-economic rights in various articles of the Constitution.

⁵² Tiwari, Manwendra, *Adjudication and Enforcement of Socio-economic Rights under the Indian Constitution: A Critical Study* (August 30, 2017). Ph.D. thesis in Law submitted in Dr. R M L National Law University, Lucknow, 2017, Available at SSRN: <https://ssrn.com/abstract=3437899> or <http://dx.doi.org/10.2139/ssrn.3437899>

Even the judiciary has played a significant role in interpreting and implementing those rights.

In conclusion, it can be asserted that legislative, executive, and judiciary are mindful of their duty to sustain the socio-economic rights. There is a clear indication that the development and recognition of socio-economic rights in India through the Constitution and globalization has had its fair share of responsibility in it. The author would still suggest that to improve socio-economic rights, governments should prioritize investments in education and skills training programs, ensuring fair and impartial access for all citizens, while also implementing progressive taxation policies to address income inequality, protecting the indigenous community, and fund social welfare programs. Additionally, fostering economic diversification and sustainable development strategies can create more job opportunities and enhance the overall socio-economic well-being of the population. Nevertheless, it is the recognition of the importance of these rights that leads to this kind of socio-economic reforms and policies. And certainly, globalization has played a crucial role in enabling it in the world and India.



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