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The Impact of Globalization on Indian Law

~Anshika Singh

ABSTRACT

Globalization has significantly influenced the evolution of Indian law by integrating international economic, social, and technological norms into the domestic legal framework. This paper examines the impact of globalization on Indian law through constitutional provisions, legislative reforms, and judicial interpretation. It analyzes how global obligations arising from trade, intellectual property, technology, and human rights regimes have reshaped statutory laws and legal institutions in India. The paper also highlights the role of the judiciary in harmonizing international standards with constitutional values such as equality, dignity, and social justice. While globalization has modernized legal processes and expanded professional opportunities, the paper concludes that careful balancing is required to protect sovereignty, public welfare, and constitutional principles.

Globalization has changed the structure of the Indian Legal System whereby international standards for economic, social, and technological norms have been integrated into its domestic Legal Systems and will continue to necessitate legislative reform and alterations to institutions and Legal Practices.¹ Regarding India's engagement with the international community through Multilateral Institutions (e.g., WTO) and through Global Capital flows, Knowledge flows, and the Generation of Trade, Investment, Intellectual Property, Technology, Procedural Law, there has

¹ Bennett Univ., *The Impact of Globalisation on Indian Law and Legal Institutions* (2023).

also been an impact on these areas of Law.² Additionally, Globalization has presented both domestic & International Courts and Legislators with challenges concerning issues of Sovereignty, Social Justice, and Constitutional Values (e.g., protecting Citizens) while continuing to allow for the openness of the Economy.³

The Indian Constitution provides the lens through which Globalization interacts with domestic law (for example, where the interaction occurs via the Constitution's Preamble, Article 13, Article 14, Article 19, Article 21, and Article 253).⁴ In addition, the Supreme Court has also used the doctrines of "Due Process" defined in Article 21, and "Reasonableness" regarding restrictions on Fundamental Rights, as a basis to test Globalization-driven reforms. This has occurred in various areas, including Internet Regulation, Surveillance, and Economic Liberalization.⁵

Increasingly, Indian Courts are citing international human rights instruments and comparative jurisprudence to interpret domestic rights more broadly. Specifically, in cases involving Environmental Protection, Privacy, Gender Equality, and Labor Standards, international conventions and foreign case law have contributed to the development of Indian Constitutional Doctrine, thereby indicating a dialogic relationship between Global and Local Norms.

The liberalization programme,, which came into effect in 1991, was critical to the creation of a global Indian economy through gradually expanding reform to areas such as foreign direct investment, anti-competitive conduct regulation, and banking and financial services regulation.⁶ An important element of India's liberalisation was membership in the World Trade Organization (WTO), with the adverse effects of the WTO's dispute resolution mechanism on issues such as quantitative restrictions on imports; Intellectual Property rights; and more, having prompted the Indian Parliament to amend many of its domestic laws to comply with the global obligations imposed by the WTO.⁷

² Ministry of External Affairs, Govt. of India, India and the WTO: A Perspective from the Frontlines (Distinguished Lecture, 2022).

³ Himanshu Vinay Bhatia, The Evolution of the Indian Legal System in the Age of Globalization, INT'L J. LEGAL RES. & ANALYSIS (2024).

⁴ INDIA CONST. pmb., arts. 13, 14, 19, 21, 253.

⁵ See, e.g., *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

⁶ World Bank, India: Structural Reforms and Economic Growth (Policy Paper, 1991).

⁷ Ministry of External Affairs, supra note 2.

An example of this would be the replacement of the intellectual property regime in India, to comply with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), including several amendments to the Patents Act, to reintroduce product-patents on pharmaceuticals and chemicals.⁸ The rationale for these changes was to both attract foreign investment and integrate India into the global supply chain of products. However, the implementation of these changes also catalyzed extensive public debates regarding equitable access to medicines, the rights of farmers to use plants and technology transfers from developed countries to developing countries and led to a level of perceived "calibrated flexibility" such as compulsory licensing and high patentability standards for pharmaceutical products.⁹

The changing face of globalization has resulted in an explosion of new technologies and the emergence of domestic laws addressing technology issues, such as data privacy and cybersecurity, as well as new international laws dealing with digital goods and services.¹⁰ These developments are driving India to create a new, all-encompassing Data Protection Law and to modernize its current Information Technology Act to address international electronic data transfer, regulations concerning online platforms and the associated online harms associated with them.¹¹

Judiciary and Regulatory Bodies have also faced numerous challenges regarding cross-border jurisdiction due to cross-border, internet-based transactions and storage of information in cloud-based systems; additionally, the current legal frameworks in place often do not effectively address the global nature of internet-based transactions and speech.¹² Also, while many laws are influenced by global best practices, soft-law guidelines and legal decisions from other countries, tensions exist between the interests of security, innovation and civil rights.

Globalization has had a significant impact on how Indian courts operate, how regulators carry out their work, and how the legal profession operates. Indian judges are facing more complex cases involving cross-border disputes, investment arbitrations and human rights issues, and are increasingly relying on comparative law and expert testimony from other jurisdictions. Some

⁸ The Patents (Amendment) Act, 2005, No. 15 of 2005, pmb. (India).

⁹ Id. §§ 3(d), 84; see also WTO, India—Patent Protection for Pharmaceutical and Agricultural Chemical Products, WT/DS50 (1998).

¹⁰ Drishti IAS, *Impact of Globalization on the Indian Constitution* (2025).

¹¹ Id.; see also Personal Data Protection—related Bills and Explanatory Notes, Ministry of Electronics & Info. Tech. (India).

¹² Bennett Univ., *supra* note 1.

jurisdictions are trying to adapt to global commerce by creating specialised tribunals and commercial courts, and by changing evidence and procedural requirements to help alleviate backlog of cases.¹³

The expansion of the global economy has created new opportunities for lawyers to work in international arbitration, cross-border transactions, and advisory work. Now, almost all large law firms and many in-house legal departments in India are involved in some way with foreign laws, or treaties, or sanctions.¹⁴ In addition, there is continuing discussion about whether to liberalise the Indian legal market to allow foreign law firms access to the Indian market. Legal education has responded by offering courses in international trade, international investment, international intellectual property rights, and international human rights, to prepare graduates who will be able to work as part of a global market legal system without losing sight of the social realities in their own jurisdictions.¹⁵

The globalization of law within India is not flawless. The reality is that many of the reforms have primarily benefited those states and companies which are most powerful, while local state development and distributive justice have often been ignored.¹⁶ Many believe that country commitments made under WTO's Trade-Related Intellectual Property Rights agreement and investment protection obligations limit the flexibility of countries to adopt policies for industry, agriculture or public health and suggest that we need to be more cautious when negotiating treaties and to perform domestic impact assessments when implementing global agreements.¹⁷

Another issue raised by various commentators is that it appears that only metropolitan (urban), corporate, and elite individuals and institutions are benefiting from these globally driven laws, while the other members of society remain unable to access basic rights and protections within the legal system.¹⁸ Consequently, courts and legislatures must undertake the challenge of utilising the norms of international law while maintaining the fundamental Constitutional principles regarding

¹³ See Commercial Courts Act, 2015, No. 4 of 2016 (India).

¹⁴ LawBhoomi, Impact of Globalisation on the Legal Profession in India (2025).

¹⁵ Id.

¹⁶ ForumIAS, WTO Reforms and India – Explained Pointwise (2024).

¹⁷ Id.; see also Council on Foreign Relations, How India Disrupts and Navigates the WTO (2025).

¹⁸ Bennett Univ., supra note 1.

equality, dignity, and social welfare and not simply using globalization as a rationale for eliminating regulation or privatizing.¹⁹

The impact of globalization on Indian law has been profound, affecting nearly every aspect of law — constitutional interpretation, statutory design, institutional systems, etc. — and creating a much closer relationship between Indian standards and the practice of international law.

If approached with a critical and creative outlook on globalization, Indian law will not be a passive receiver of foreign law — it will participate and contribute actively to the ongoing conversation surrounding the evolution of the globalized legal system.

¹⁹ Drishti IAS, supra note 12.