

IMPACT OF GLOBALIZATION ON GENDER JUSTICE IN INDIA

Mayuri Gupta*

INTRODUCTION

Globalization as a process has been understood in many ways and many forms and the exact nature of globalization cannot be presented or understood in dichotomous terms as either this or that. In the same manner the approach to women's problems and gender issues must be subjected to intensive scrutiny before any conclusive remarks can be made, if at all. A complex relationship exists between gender and globalization.

Globalization termed as a New World Order has resulted in the shrinkage of the world and the forces of globalization have affected all the social systems. Women too have been greatly affected by the forces of globalization positively as well as negatively. They comprise about half the sub-continent's population and have so far been on the margin but need to be put at the centre of development theory and practice. The productive restructuring of the economy and its more equitable social distribution necessitates sensitivity to women's issues as gender has been increasingly acknowledged as a critical variable in analysis and development planning.¹

The WHO considers that 'gender refers to the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed'.² The word 'Gender' in archaic use includes men and women only. But in the recent times society has come to acknowledge transgender people, also better known as the third gender. The term 'gender justice' denotes that all people having same or different gender will be treated with equality, justice and

* Student- LL.M. in Constitutional & Administrative Law (2016-17) @ Gujrat National Law University, Gandhinagar (Gujrat)

¹ Inderjeet Singh Maan, 'Its Impact On Women Human Rights in India' *The Indian Journal of Political Science* [2008] Vol. 69 No. 2 371-379 <<http://www.jstor.org/stable/41856423>> Accessed: 18.09.2016 07:32 citing, Currie D H & Thobani S, 'From Modernization to Globalization; Challenges and Opportunities,' *Gender Technology and Development* Vol. 7 pg. 2

² WHO- Gender, Equity and Human Rights <<http://www.who.int/gender-equity-rights/understanding/gender-definition/en/>> Accessed: 10.10.2016

fairness and shall not be discriminated against on the basis of their gender. It is equality of all sexes.³

Due to Globalization world is becoming more and more integrated. The greater trade openness is translating into growing global economic integration and independence as transnational movements of people and capital accelerate and information becomes ever more accessible. Technological developments are rapidly changing the way people learn, work and communicate.⁴ Globalization is the new buzzword that has dominated the world since 1990's. Countries round the globe are under the charismatic spell of triplet model of LPG i.e., Liberalization, Privatization and Globalization.

Globalization is the integration of one's own country's economy with the world economy for the commencement of an interdependent world economy. It implies an intensification of social and economic relations beyond state borders, with the consequence that local and global events are increasingly linked to and influenced by each other. It is characterized by such movements that have led to the phenomena of converting the entire world as one market and one village - *the global village*.

The essential four parameters of globalization include free flow of goods, capital, technology and the free movement of labor. Globalization is an umbrella term for a complex series of economic, social, technological, cultural and political changes manifested as increasing interdependence and integration between people, companies, states and nations in disparate locations.⁵ International communications are as important as economic exchange. Trans-border interchange can involve people, ideas, information, fashions and tastes. Cross national communication occurs through travel and tourism, telecommunication and the internet. Many forms of transnational interchange include both economic and socio-cultural dimensions.

GENDER INEQUALITIES AND GLOBALIZATION

In most ancient societies women have been considered men's inferiors physically and intellectually. Throughout most of ancient Greece and Rome, women enjoyed very few

³ [Vera Shrivastay](http://www.legalservicesindia.com/article/article/gender-justice-a-comparative-study-of-u-k-u-s-a-e-u-&-india-637-1.html), Gender Justice: A Comparative Study of U.K., U.S.A., E.U. and India <<http://www.legalservicesindia.com/article/article/gender-justice-a-comparative-study-of-u-k-u-s-a-e-u-&-india-637-1.html>> Accessed: 09.10.2016

⁴ Aguayo, Tellez, Ernesto, 'The Impact of Trade Liberalization Policies and FDI on Gender Inequalities - a Literature Review' [2012] Background Paper World Development Report Gender Equality and Development

⁵ Kuruvilla, Moly, *Challenges and Coping Strategies for Women in the Globalized Society* [2010] Women's Link, Social Action Trust, New Delhi

rights. Marriages were arranged; women had no property rights and were not entitled to education.

Procreation of children has been held to be the only role for women. Conception was her only purpose. Hence women were greatly discriminated against. The perception of women among Christian theologians was highly unfavorable. Gender inequity continued into medieval societies as subversive perspective on gender deepened.⁶ Under common law of England, a married woman hardly had any rights; she had no rights to her property after marriage. In the early history of the United States, women and children were considered as a man's possession.⁷

In India, it is believed that women enjoyed an equal status as men in the Vedic Period. The education of women held considerable significance, especially from works of Katayana and Patanjali. The Upanishads and the Vedas have cited women sages and seers. But the condition declined considerably afterwards. According to Hindu laws of Manu as put forth in the texts of *Manusmriti*, women were subservient to male relatives, widow remarriage was not allowed and the law sanctioned the practice of Sati, a truly atrocious practice. Historical practices such as Sati, Jauhar, Purdah and Devdasis, child marriage, are a few traditions reflective of the gender imbalance in Indian Society. Though these practices are largely defunct now, due to legal reform, the essence of the dysfunctional gender equity still is rampant and manifested today through domestic violence, trafficking, dowry deaths, female infanticide, female foeticide, sexual objectification and violence and sexual harassment at work place. Over the centuries, as traditional patriarchal customs and laws became more deeply entrenched, women's lives became more restricted and oppressed. Most women were still denied education and their lives revolved around home making and managing. We still see this custom today in a lot of families.⁸

The issue of suffrage is another glaring illustration of gender prejudice. The struggle for the right to vote for women in USA and Europe blatantly highlights the gender intolerance, the politics of power resulting from dysfunctional gender hierarchies. The movement for woman's suffrage started in France in the 18th Century. In USA women were given the right to vote in 1920, whereas in UK it was in 1928. Continuing into the 20th Century, gender

⁶ Upasana Mukherjee, 'Comparative Study on Gender Justice' <<http://www.legalserviceindia.com/article/I358-Gender-Justice.html>> Accessed: 10.10.2016

⁷ Supra note 3

⁸ Ibid

imbalances gave rise to Feminist Movements, especially in North America and West Europe. With fervent movements and growth of awareness, there arose gradually some liberalization in social structures and institutions. Various legal reforms were introduced, legislations were passed, which helped in alleviating some of the divides in gender inequity.

India had adopted the New Economic Policy in 1991 in the wake of the debt crisis, as an essential part of the Structural Adjustment Policy urged by the IMF and World Bank. It was believed that this would make India overcome its foreign exchange deficits, encourage foreign investments and strengthen the balance of payments. The World Bank gave substantial loans to tide over the crisis. The globalization of trade and commerce was part of this package. Though these reforms focused mainly on industrial, fiscal, financial and external sectors, it was anticipated that a market determined exchange rate regime, reduction of protection to the industry and removal of restrictions on agricultural exports would benefit the agricultural sector. It was also expected that the new multilateral trading regime would enable India to increase her share in world exports of agricultural and agro based products.

But in the global system, marked with widening income disparities, economic growth disparities, human capital disparities (life expectancy, nutrition, infant and child mortality, adult literacy, enrolment ratio etc.), disparities in the distribution of global economic resources and opportunities, the protection of the interests of the poor and under privileged is a challenge. The dominance of rich nations, multinational corporations and international capital over markets, resources and labor in the developing countries through trade, aid and technology transfer has greatly weakened the capacity of nation states and governments to promote human development and offer protection to the poor people especially the women.

There have been other related issues too. After the economy was opened up in India there was a drastic decline in numbers of females, where 1991 showed the lowest ever sex-ratio in India at 197 females per 1000 males. A reading through the week's newspapers of that time made clear that female infanticide, female feticide, rape and the burning of women for dowry are some of the ills against women's bodies that were reported at an alarming rate.⁹ Added to this is a media-generated assault on their symbolic identity and personal worth that prioritizes

⁹ Anderson, John Ward, and Molly Moore, 'The Burden of Womanhood' [2000] *Social Problems of the Modern World: A Reader* Frances Moulder (edn) Belmont, CA: Wordsworth

superficial qualities such as skin color, slim figures and shining hair as the ultimate goals of womanhood.¹⁰

Gender equality is critical to the development process. The process of globalization may have resulted in new avenues of growth, but due to unequal distribution of its benefits women have been adversely affected in many cases. In 2000, the Beijing +5 Document, while reviewing progress made since the 1995 UN Conference on Women, notes that globalization presents opportunities to some women but leads to marginalization of many others and thus advocates mainstreaming in order to achieve gender equality. Globalization affects different groups of women in different places in different ways. On the one hand it may create new opportunities for women to be forerunners in economic and social progress. With the advent of global communication networks and cross-cultural exchange there seems to be a change in the status of women albeit not to a very large extent. However, globalization has indeed promoted ideas and norms of equality for women that have brought about awareness and acted as a catalyst in their struggle for equitable rights and opportunities. On the other hand it may worsen gender inequality in a patriarchal society, especially in the developing world. In the economic realm it may lead to further marginalization of women in the informal labor sector or impoverishment through loss of traditional sources of income.¹¹

According to a United Nations Development Fund for Women's report, over the past two decades the process of globalization has contributed to widening inequality within and among countries, coupled with economic and social collapse in parts of Sub-Saharan Africa and countries in transition like in Eastern Europe and the former Soviet Union and financial crises in Asia and Latin America. The process of globalization must be reshaped so that it is more people-centered instead of profit-centered and more accountable to women. Another report on *'The Realization of Economic, Social and Cultural Rights: Globalization and its Impact on the Full Enjoyment of Human Rights'*, presented to the United Nations Economic and Social Council's Sub-Commission on the Promotion and Protection of Human Rights in its 52nd session, highlights: *Among the distinct groups of society upon whom globalization's impact has been most telling, women clearly stand out. Women have entered the workforce in large numbers in states that have embraced liberal economic policies.*

¹⁰ Subhadra Mitra Channa, 'Globalization And Modernity In India: A Gendered Critique, Urban Anthropology and Studies of Cultural Systems and World Economic Development' Vol. 33, No. 1 (SPRING, 2004) 37-71 Published by: The Institute, Inc <<http://www.jstor.org/stable/40553523>> Accessed: 18-09-2016 16:30

¹¹ Bharti Chhibber, 'Globalization and its Impact on Women: A Critical Assessment'[2009] Mainstream Volume XLVII No 21

Globalization has had adverse effects on women especially in the developing countries. As consumers, women are increasingly facing a consumer culture which reduces them to commodities and as producers women are exposed to work exploitation and occupational hazards. Owing to their many roles, as would-be mothers, as mothers responsible for the health of their children and families, as working women at home and outside they are major consumers of healthcare products. In recent years a serious issue has come to light where many products related to women's health, found to be dangerous and banned or restricted in the developed countries, were marketed in the developing countries. As producers also women have to suffer exploitation in terms of low wages, poor working environment, instability of employment, and denial of right to representation.¹²

Many fear that globalization, in the sense of integration of a country into world society, has exacerbated gender inequality. It may harm women in several ways:

- Economically, through discrimination in favor of male workers, marginalization of women in unpaid or informal labor, exploitation of women in low-wage sweatshop settings, and/or impoverishment through loss of traditional sources of income.
- Politically, through exclusion from the domestic political process and loss of control to global pressures.
- Culturally, through loss of identity and autonomy to a hegemonic global culture.

GLOBAL VIEW ON GENDER JUSTICE

Gender Justice, simply put refers to equality between the sexes. Gender justice is a correlation of social, economic, political, environmental, cultural and educational factors, these preconditions need to be satisfied for achieving gender justice. Globally, gender justice has gained strength as it has been realized that no state can truly progress if half of its population is held back. Equal participation by women and men in both economic and social development, and women and men benefiting equally from societies' resources is crucial for achieving gender justice.

Gender justice can be defined as 'the protection and promotion of civil, political, economic and social rights on the basis of gender equality. It necessitates taking a gender perspective on

¹² Ibid

the rights themselves, as well as the assessment of access and obstacles to the enjoyment of these rights for both women, men, girls and boys and adopting gender-sensitive strategies for protecting and promoting them.’¹³ Justice, truth, reconciliation and guarantees of non-repetition for victims in the wake of conflict are just some of the core goals pursued by societies through the employment of transitional justice mechanisms. None of these goals however are attainable in a context of exclusion and inequality - as inequality, an injustice in itself, is also a causal factor of conflict. Violence thrives in societies entrenched in hierarchical structures and relations;¹⁴ and no inequality is more pervasive, both vertically and horizontally across the globe than gender inequality.

The human rights activists, feminists, NGO’s have struggled for equal rights, freedom and justice of women. Even though considerable progress has been made in this regard, women are still lagging behind. With globalization, there are other complex issues that women face today along with the elementary issues that have always plagued women. Consumerism and cultural heterogeneity has brought in its fold more objectification of women. Apart from these issues, there are still many cultures in the world where the condition of women is still terrible, they still have no control or right over themselves or their bodies or their children. The condition is worse in Africa and the Middle East. Gender Justice refers to harmonizing of rights and needs of women into mainstream society. Justice in this sense means more balanced behavior, an end to violence and equal distribution of social necessities.¹⁵

¹³ Pam Spees, ‘Gender Justice and Accountability in Peace Support Operations’ (International Alert, February 2004), Available at:

<http://www.international-alert.org/pdfs/gender_justice_accountability_peace_operations.pdf> Gender as a concept has little to do with the biological categories of ‘men’ and ‘women’. Rather it is about the social roles ascribed to individuals. Incorporating a gender analysis renders visible underlying power relations in society in order to expose what is valued and what is marginalized; and how these assumptions and hierarchies, if ignored, can fundamentally distort what might otherwise be well intentioned policy prescriptions. Introducing gender into transitional justice should not further entrench an essentialization of women as victims and men as perpetrators, but instead problematize these simplifications. The aim is to highlight gendered social relations, hierarchies and assumptions in order to provide a more complex and comprehensive picture which can then inform transitional justice policy prescriptions which are able to achieve their objectives and are not thwarted by faulty premises. See, Moser and Clark, *supra* n 2; *Sites of Violence: Gender and Conflict Zones*, eds. Wenona Giles and Jennifer Hyndman (Berkeley and Los Angeles: University of California Press, 2004).

¹⁴ Caroline O.N. Moser and Fiona C. Clark, ‘Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence’ (London and New York: Zed Books, 2001); Susanne Schmeidl with Eugenia Piza-Lopez, ‘Gender and Conflict Early Warning: A Framework for Action’ (International Alert and Swiss Peace Foundation, June 2002).

¹⁵ *Supra* note 6

Globally, the United Nations has established a strong mandate for gender justice. The focus on gender equality and gender justice has been there since the inception of the UN. In 1946, a separate body was formed to work on the “advancement of women”. The Commission on the Status of Women worked from its inception to collect and compile data on women’s situation around the world, to promote women’s human rights and raise awareness of, and support for, their contribution to development. The Decade for Women (1976-1985) and four world conferences on women (between 1975 and 1995) contributed significantly to raising awareness and commitment to gender equality and gender justice. In 1995, the Beijing Declaration and Platform for Action had been framed for guiding work at national level.¹⁶

The UNIFEM (United Nations Development Fund for Women) was created in 1976 to provide technical and financial assistance for women’s empowerment. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was adopted in 1979 by the United Nation General Assembly, sometimes described as an international bill of rights for women. It is shocking that the United States is the only developed nation not to ratify this convention.

In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. In doing so, United Nations Member States took an historic step in accelerating the Organization’s goals on gender equality and the empowerment of women. Apart from that the Commission on the Status of Women, a global policy making body of ECOSOC is dedicated exclusively to gender equality and advancement of women.¹⁷ The United Nation Development Program has developed the two most well-known gender justice indexes – Gender Related Development Index and the Gender Empowerment Measure to compare and rank member states with regard to gender justice performance.

IMPACT: POSITIVE & NEGATIVE

Globalization which initially arose as merely an economic phenomenon has had a spillover effect on the socio-cultural and even political arenas. Though it has had a milieu of negative effects on society, some of the outcomes have been decidedly positive. Globalization is a double edged process as far as women are concerned. On the one hand, majority of women in

¹⁶ Ibid

¹⁷ The Economic and Social Council (ECOSOC) is the United Nations' central platform for reflection, debate, and innovative thinking on sustainable development <www.un.org/en/ecosoc/about/> Accessed: 08.10.2016

India and other developing countries find themselves stripped off the benefit of social security, government subsidy protection of labour rights and safety nets. On the other hand there are possibilities of better education facilities and opportunities at the transnational sense which are very attractive to the privileged few. It is however necessary to understand that effective development requires full integration of women in the development process as agents of change as well as beneficiaries because Indian women can be utilized as development resources in many ways.¹⁸

Positive Impact:

- Globalization has opened up broader communication lines and brought more companies as well as different worldwide organizations into India. This provides opportunities for not only workingmen, but also women, who are becoming a larger part of the workforce. With new jobs for women, there are opportunities for higher pay, which raises self-confidence and brings about independence. This, in turn, can promote equality between the sexes, something that Indian women have been struggling with their entire lives. Globalization has the power to uproot the traditional views towards women so they can take an equal stance in society.
- Globalization brought about some changes in the economic, political, social, cultural, psychological and religious aspects of life. These changes are visible in the form of transformation of traditional characteristics, such as development of scientific attitudes, industrialization and urbanization, increase in political awareness, technological development and in per- capita income, consequently leading to education of women and improvement of her economic status to some extent. The increase in means of transportation and communications led to exchange of ideas and some attitudinal shifts. Besides this there was improvement in health and welfare services etc. These are the offshoots of modernization and globalization.¹⁹
- Consequently traditional blind faiths and narrow mindedness in women were left behind and they are to become increasingly aware of their interests, rights and very existence. Besides they are becoming much more aware about the legal safeguards to

¹⁸ Ms Kalpana Dasgupta, 'Globalization and Indian Women : Problems, Possibilities and Information needs – An Overview' [2003] World Library and Information Congress: 69th IFLA General Conference and Council IFLA Women's Issues, Public Libraries and Information Science Journals Sections

¹⁹ Supra note 1 citing, Mishra Saraswati, Status of Indian women (New Delhi, Gyan Publishing house, 2002), p. 151-152.

secure their position.²⁰ Today through NGO's and women's movements, they have mustered the strength to protest against atrocities. Direct or indirect information about other developed countries has helped them to become more aware of their interests and now they are active in trying to establish the fact that they are not inferior to men in any manner and they have barged into the fields which were considered limited only men.²¹

- The technological revolution specifically in cities has greatly reduced the burden and made their life easier and increased their infinite information about the world. In this way, globalization and technological development in all aspects of status of rural and urban women, such as educational, occupational, financial, marital, familial, social and political, etc., has improved their position
- Due to globalization a number of industries and corporations have got flourished, in which not only men but women also got sufficient opportunities of occupation. As a result, women also started working outside homes as men and started competing with them. Their economic independence raised their self esteem and consequently emancipated her from the traditional norms to some extent.
- The Self-Employed Women's Association (SEWA) in India is a union of women laborers. Globalization has aided their opportunities in various ways. SEWA has established a Women's Cooperative Bank with 125,000 members, and through the aid of globalization, they have even reached the women in the rural areas. Markets in different areas can now be reached by Indian women who have a part in businesses, or by craft-making women who have licenses to export their goods. With more freedoms and opportunities, these women are raising their standard of living by generating more income.
- The communication revolution has connected the world and brought countries very close with each other which has helped the women all over the country & world to establish close relationships among themselves. As to induction into the women's movement, creation of healthy public opinion towards women's problems and extension of women's leaders view and decision-making process in the world, have been facilitated.

²⁰ Ibid

²¹ Ibid

- Media can be viewed as a positive aspect of globalization. Media has the opportunity to reach people, and convey a message to people all over the world.

Negative Impact:

- The Structural Adjustment Policies (SAP) promoted by the World Bank and IMF affected women more deeply and its objectives are decontrol and deregulate; freedom of entry of foreign goods and investment; adoption of market friendly fiscal Exchange, trade and credit policies; cut back in public expenditure; adoption of new technologies; exit policy; withdrawal of subsidies.²²
- Elimination of public subsidies for health, education and other social services transferred the 'welfare' function of the state on to families. Both globalization and present strategy of economic development are anti women that lead to the feminization of poverty. The change from welfare development to economic development has made women the victims of globalization therefore their position in society is not actually much better.²³
- The majority of the women in developing countries even today carry the double burden of poverty and of discrimination. They are almost invariably paid less than men for the same work, and their entry into better paid jobs is often blocked.
- Another area, which is likely to have a negative impact, is inflation. The stark reality is that India women even in the globalize world largely are backward, illiterate, overburdened with excessive traditions and morality and contraceptive burdens, and work mainly in the primary sector of economy. Economically, globalization today criticized as it was sharpening the divide between haves and have-nots in India as well as world. Even within women's group it has created the haves and have-nots i.e. those who are in an advantageous position due to globalization and those relegated further into disadvantaged position under the new economic policy.
- An increasing trend towards consumerism, violence individualism and sexual promiscuity has had negative consequences for society and especially for women. It has led to increasing violence, both inside and outside household and consequently increasing trend of crime against women.

²² Ibid

²³ Sethi Raj Mohini, 'Globalization, Culture and Women's Development' (New Delhi, Rawat Publications, 1999) 74

- While globalization has brought jobs to rural, developing areas such as India where there was previously no employment, these jobs seem to be wolves in sheep's clothing. The work available to women is almost always poorly paid, mentally and physically unhealthy, demeaning, or insecure.
- Women are suffering two fold. As women in developing countries move into the work force, their domestic responsibilities are not alleviated. Women work two full time jobs. One in a factory, where they are paid next to nothing, the second is in the home where they are paid nothing.

GENDER JUSTICE AND STATUTORY FRAMEWORK

There are various legislations that have been passed in India with a view to curb the imbalance in gender hierarchy and aid in women's empowerment. The constitution of India guarantees various rights for women in this regard. This is evident by Part III of the Constitution which deals with fundamental rights and Part IV which deals with Directives Principles of State Policy. *Article 14* states that there shall be equal protection of the law and equality before the law which means that the Courts or any Law enforcement agency should not discriminate between a man and a woman. The right to equality is the foundation on which other laws are formulated and can be implemented. *Article 15* guarantees the right against discrimination. The prejudice and bias against women is rampant an issue to be countered by the right to equality, hence the right against discrimination. *Article 15(3)* talks about the special protection for women. *Article 16* provides the right to equal opportunity in terms of public employment irrespective of the sex of the person. *Article 19* guarantees freedom of speech and expression, to assemble peaceably and without arms, to form associations and unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India; to practice any profession, or to carry on any occupation, trade or business. *Article 39* talks about the certain principles of policy that need to be followed by the state which are securing adequate means of livelihood equally for men and women, equal pay for equal work among men and women, and the health and strength of workers, men and women are not abused. *Article 42* requires the state to make provision for securing humane conditions of work and maternity relief.

In India, several laws, legislations, policies and institutional reforms have been enacted to carry out the gender action plan for the development of women. Legislation is an important instrument for bringing about a change in the unequal economic and social status in India. In

order to ameliorate the condition of women in India, legislature enacted the large volume of enactments and many of these legislations were enacted in colonial period which are as follows:

- i) 1829: Abolition of Sati
- ii) 1856: Widow Remarriage made legal
- iii) 1870: Female infanticide banned
- iv) 1872: Inter caste, intercommunity marriages made legal
- v) 1891: Age of consent raised to 12 years for girls
- vi) 1921: Women get rights to vote in Madras province
- vii) 1929: Child Marriage Restraint Act was passed
- viii) 1937: Women get special rights to property
- ix) 1954: Special Marriage Act was passed
- x) 1955: Hindu Marriage Act was passed
- xi) 1956: Suppression of Immoral Traffic in Women and Girls Act was passed
- xii) 1961: Dowry Prohibition Act was passed
- xiii) 1981: Criminal Law Amendment Act was passed
- xiv) 1986: The Indecent Representation of Women (Prohibition) Act was passed
- xv) 1987: Commission of Sati (Prevention) Act was passed.

Apart from these above mentioned laws there are some enactments pertaining to industry which contain special provisions for women such as:

- i) The Workmen Compensation Act, 1921
- ii) Payment of Wages Act, 1936
- iii) Factories Act, 1948
- iv) Maternity Benefit Act, 1961
- v) Minimum Wages Act, 1948
- vi) Employees State Insurance Act 1948 and
- vii) Pensions Act 1987.

Recently the Government's piecemeal approach to protect women has taken a step forward enacting a law providing protecting women from sexual abuse and domestic violence. With the establishment of National and State Human Right Commissions and National Commission for Women, gender issues are receiving greater attention. Further the Supreme

Court's approach in *Vishaka and others v. State of Rajasthan*²⁴, *Apparel Export Promotion Council v. A K Chopra*²⁵, *Madhu Kishwar v. State of Bihar*²⁶, *Gaurav Jain v. Union of India*²⁷, *Delhi Domestic Working Women's Forum v. Union of India*²⁸, *Bodhisathwa Gautam v. Subhra Chakraborty*.²⁹

CONCLUSION

Some say a woman is the better half of a man; some use women or motherly traits to define nature and the world around us; for example 'mother nature'. We give great attention to women and hold them to such dear characteristics, and yet there has been a decline in the interest to keep our women safe, secure, and free in the era of globalization. As the United Nations Educational Scientific and Cultural Organization (UNESCO) highlights, globalization is a multidimensional process of economic, political, cultural, and ideological change. It has had a mixed impact on women's rights in India and around the world. On the one hand, it has led to increasing violations of women's economic, political, and cultural rights in large measure due to the withering away of the welfare state, the feminization of poverty, the expansion of religious fundamentalism, and new forms of militarism and conflict. It has been noted by many international women's organizations, that the new trade agreements contravenes the spirit and often the letter of international conventions on human rights, labor rights, and women's rights. On the other hand, aspects of globalization have provided women with increasing opportunities to work in solidarity at regional, national and international levels, who are becoming a larger part of the workforce, to demand their rights. With new jobs for women, there are opportunities for higher pay, which raises self-confidence and brings about independence. This, in turn, will promote equality, something that Indian women have been struggling for. Their objective is to help promote mechanisms that strengthen the positive aspects and consequences of globalization, especially with respect to women's rights and gender equality. The Constitution of India guarantees equality between sexes and recognizes the rights of women. It has provisions to curb the imbalance in gender hierarchy and aids in the empowerment of women. Apart from the Constitutional provisions, various statutes have been enacted to protect the rights of the women. The Supreme Courts

²⁴ AIR 1997 SC 3011

²⁵ AIR 1999 SC 625

²⁶ AIR 1996 SC 1864

²⁷ AIR 1990 SC 292

²⁸ 1995 SCC (1) 14

²⁹ AIR 1996 SC 922

proactive approach in plethora of cases has also played a major role to strengthen their position. Further, the decision of Supreme Court in recognizing transgender people as the third gender and advocating their human rights has been one major step that the Indian judiciary has taken. This decision of the Supreme Court is to have a global impact on gender identity and is to take gender justice way beyond the binary gender identification as males or females.