

CULTURAL RIGHTS OF INDIA IN THE ERA OF GLOBALISATION: BALANCING CULTURAL IDENTITY AND GLOBAL INTEGRATION

by

Prisha Joshi

Symbiosis Law School, Nagpur

Abstract

We live in a country where globalisation is at its peak, and the concept of cultural rights has become a challenge and an opportunity. Globalisation has led to the influence of global culture, Western culture, and, at times, local traditions, languages, and identities. At present, we face a significant challenge in preserving our cultural diversity and safeguarding the rights of minority groups.

As we know, in the era of globalisation, the whole world has become one family. In this era, we are sharing every social, economic, political, and technological aspect, and the media is doing this continuously. The media has a very powerful role in this because it is one of the means of propagation and dissemination of this news.

In our Indian Constitution, Fundamental Rights have been taken from the USA. Part III, from Articles 12 to 35, defines Fundamental Rights ¹.

The scale of this challenge is considerable and empirically documented. According to the People's Linguistic Survey of India, the country has lost around two hundred and twenty languages within the last fifty years, and close to two hundred more are currently classified as endangered, a rate of loss that illustrates how quickly cultural pluralism can erode when it is not actively protected by deliberate policy and legal safeguard.²

Our Constitution also functions on the principle of Cultural pluralism, recognising that culture comprises the distinct languages, scripts, arts and traditions of its diverse population

The framework guarantees citizens the right to maintain and conserve their unique cultural heritage. The fundamental provisions for recognising and protecting culture in the Indian Constitution exist in Part III under Articles 25, 26, 27, 28, 29, 30, . Article 51A(f), by contrast, is not part of Part III but

¹ Part III of Indian Constitution

² 'Protection and Preservation of Endangered Language' (Drishti IAS, 2024) accessed 1 July 2026.

forms part of the Fundamental Duties under Part IVA of the Constitution, which casts a duty (not a right) on every citizen to value and preserve the rich heritage of the composite culture.

The Year 1982 Mexico declaration on cultural policy by UNESCO³ defines culture as the distinct spiritual, material, intellectual and emotional features characterising a society. But in the era of globalisation, balancing cultural identity and global integration is a challenging task.

The UNESCO Universal Declaration on Cultural Diversity, adopted by the General Conference of UNESCO on 2 November 2001, is one of the international instruments that supports cultural diversity in the context of globalisation.

Globalisation gives chances to connect with other people and learn about their own culture, but at the same time, sometimes it creates problems as people forget their own traditions or maybe just disappear.

For example –

1. In earlier times, writing was a good source of communication among people but now it is seen that smartphones have replaced that culture, the tradition is almost gone
2. Joint Family System – In earlier times, we have noticed that people used to live together but in today's world we can see that people are focusing on the nuclear family, which is connected to modernisation and modernisation leads to globalisation.

The research paper talks about both the good and bad effect of globalization on cultural rights, it explains how globalization can harm local cultures but at the same time it gives opportunities to rebuild yourself.

This research paper is an idea about both the good and bad effects of globalization on cultural rights. it explains how globalization can harm local cultures but at the same time it also gives an opportunity to be seen and appreciated around the world.

The research paper suggests that we need to find a way to balance the influence of global culture with the need to protect and celebrate different culture.

This research talks about both the negative and positive aspect of globalisation. the main aim is to bring all the countries together, respect them and follow the traditions and cultures peacefully.

³ United Nations Educational Scientific and Cultural Organization

Introduction

Cultural rights, which come under Articles 29 and 30 of the Indian Constitution, are the rights that allow people to follow their traditions, their customs, their religion not only this it also allows to speak our mother tongue, celebrate festivals, wear traditional clothes.

In past, most of the cultures were not known but due to the influence of globalisation, internet different cultures, media has come into the world, we started to learn and adopt about the culture, such as music, art, food and fashion which lead to create more connected world.

However, globalisation has also led to serious challenges as some of the traditional cultures are struggling to survive because of some of the dominant groups, or we can just say that local cultures are just disappearing.

Here comes some that I would like to mention it on my research article.

1. What is cultural right and how come they are important in today's globalised world?

Ans: Cultural rights are the rights which allow people to express their feelings, traditions, their culture, and it also give people to share the bond which leads to globalisation

This also includes –

1. Practising the mother tongue.
2. Learning our own cultures and traditions and following them.
3. Going to the path of spirituality.
4. Passing on the knowledge to other generation.
5. Expressing yourself in the form of dance, music, literature.

These rights are also the part of human rights and are also recognised by international laws such as UNDC [Universal Declaration of Human Rights and International Covenant]

Cultural Rights are not just only about enjoying it but they are also about having the right to live with Dignity to live life according to one's belief and also practising it.

Beyond the instruments already mentioned, the international legal architecture of cultural rights rests substantially on Article 15 of the International Covenant on Economic, Social and Cultural Rights 1966, which obliges state parties to recognise the right of everyone to take part in cultural life, and on the UNESCO Universal Declaration on Cultural Diversity, adopted by the General Conference of UNESCO on 2 November 2001, which affirms that cultural rights are an integral part of human rights,

and are universal, indivisible and interdependent. This international framework situates India's constitutional guarantees under Articles 25 to 30 within a wider global consensus that cultural participation is a legally recognised entitlement, and not merely a matter of state benevolence.⁴

2. Why are Cultural Rights important in today's Globalised World?

It is important in today's world as it has connected countries with various different cultures, and now has also become a matter of challenge such as –Saving our identity

Because of globalisation the influence of western culture can be seen. this can lead to the end of the small and local cultures while cultural rights allow people to stay connected from their roots.

3. Freedom of expression

As mentioned above freedom of expression which comes under Article 19(1)(a) ⁵of the Indian Constitution which gives people a chance to express themselves freely, and is also connects to Cultural Rights because it gives us an opportunity to express ourselves our language, our art, our traditions, our belief, our spirituality, which is a form of cultural expressions.

4. Concept of Mutual Understanding and Peace

It gives us the chance to connect with people, admire them, which reduces the feeling of hate and gives a chance of mutual understanding. Cultural rights help to build harmony in the world. The research paper talks about how Globalisation is becoming a challenge and what can be the opportunity, Globalisation brings cultural diversity as well as opportunities. It creates to preserve different culture across the globe.

OBJECTIVE OF THE RESEARCH

The main objective of the research paper is to understand how cultural rights mean in Globalised world, and how globalisation affects these rights. Cultural rights are a very important part because it allows you to express yourself. As the world is becoming connected it is important to see how we

⁴ Office of the High Commissioner for Human Rights, '19. UNESCO Universal Declaration on Cultural Diversity (2001)' (OHCHR) accessed 1 July 2026.

⁵ Article 19(1)(a) grants citizens the right to freely express their thoughts, opinion and ideas

can balance them equally. One of the main problems of the research is how Globalisation is causing for cultural rights.

As I have mentioned earlier that Globalisation is on its peak which means people are connecting more, which is a good sign but every action has an opposite reaction, which means local traditions are starting to disappear.

The study shows how Globalisation can make it hard for some of the cultures to survive or to open up.

CHALLENGES OF CULTURAL RIGHTS IN GLOBALISED WORDS

1. Language Barrier

As we can see that the spread of the English language is all over the world and because of this influence we are forgetting our own culture. for an example I belong from UTTARKHAND [KUMAUN]. The main language of the region is Kumauni but due to the influence of globalisation the language has come to an extent.

This regional experience is consistent with a broader national pattern. UNESCO's Atlas of the World's Languages in Danger records that India has one hundred and ninety six endangered languages, the highest number for any single country in the world, and independent linguistic surveys attribute this decline chiefly to speakers shifting toward dominant languages once their traditional livelihoods and local economies weaken, rather than to any single deliberate policy of suppression. This suggests that the protection of regional languages such as Kumauni cannot be separated from the wider economic and educational choices that globalisation places before their speakers.⁶

2. Disappearing traditions

Due to Globalisation, we have started adopting modern culture, and due to which we have started questioning about our traditions which lead to disappear our traditions. For an example in Kumaon

⁶ Kundan Pandey, 'Seven Decades After Independence, Many Tribal Languages in India Face Extinction Threat' Down To Earth (New Delhi) accessed 1 July 2026.

there is a very famous tradition which is Bitoli which is a brother goes to her sister's house offers her some gifts, but due to globalisation this system has come to an end.

Linguists who work on India's disappearing languages have observed that the loss of a language is rarely an isolated event, since oral traditions, festival customs and community practices such as Bitoli are usually transmitted through the very language that is fading. Ganesh Devy, who led the People's Linguistic Survey of India, has noted that when a language dies an entire accumulated body of ecological, medicinal and social knowledge tends to disappear with it, which is why local customs and local languages are best understood as interdependent rather than separately protectable.⁷

OPPOURTUNITES OF GLOBALIZATION

Sharing culture globally

Due to the large network, such as social media, music, films etc globalization has made it easy to connect with people easily, it also helps us to learn other cultures, different traditions, their values .

Promoting tourism

It also gives us an opportunity to promote your place which leads to globalisation. For an example Rishikesh which is known as Yoga capital, foreigners come here and had now settled here. We should adopt globalisation in a positive way as it will create more opportunities to grow all countries together.

One legal mechanism through which India has attempted to reconcile the economic pressures of globalisation with the preservation of local culture is the Geographical Indications of Goods (Registration and Protection) Act 1999, which grants intellectual property protection to products whose distinctive qualities are attributable to a particular region, such as Darjeeling Tea, Kanchipuram Silk and Banarasi Sarees. By preventing unauthorised imitation and misappropriation of regionally rooted craftsmanship, geographical indication registration allows local artisans and communities to benefit economically from the same global demand that might otherwise dilute or displace their traditions, offering a practical illustration of how globalisation and cultural preservation can be made to work together rather than in opposition.⁸

STRUCTURE OF THE PAPER

⁷ 'India's Languages Disappearing Over Time' VOA (Washington DC, 10 September 2017) accessed 1 July 2026.

⁸ 'Geographical Indications in India: Protecting Cultural Heritage in a Global Market' (IIPRD, 19 November 2025) accessed 1 July 2026.

Why studying this topic is important today?

It's been important to study because it gives us an opportunity to remain connected, discover new things, treat with respect and equality.

This topic will also help youth to become more aware about their traditions and also the research will make them understand that modernisation leads to globalisations and we should always remain connected to our roots.

Role of Government and international bodies in protecting cultural rights

I. Globalisation on National Level

1. Both the national government and international bodies play a vital role in preserving the cultural rights through Article [29]⁹ and Article [30]¹⁰ of the Indian Constitution, which gives people the right to protect their Language, traditions and culture.

Different schemes have been made by the Government to preserve the culture of the minority groups.

This constitutional design has recently been reinforced at the policy level. The National Education Policy 2020 explicitly recommends that the medium of instruction in schools should, wherever possible, be the child's home language, mother tongue or regional language at least until Grade 5, and preferably until Grade 8, precisely so that linguistic and cultural identity is reinforced rather than displaced during a child's formative years of education.¹¹

2. Education plays a vital role; In some of the places people still have their traditional language as a subject for example in Maharashtra students still have their Marathi language as a subject.
3. Cultural events are held in places so that people can come and enjoy exhibition which leads to promoting of cultures.

⁹ Article 29 Protection of interests of minorities

¹⁰ Article 30 Rights of Minorities to Establish and Administer Educational Institutions

¹¹ Akhil Kumar Singh, 'From Policy to Practice: Challenges and Pathway for Advancing Multilingual Education Through India's National Education Policy 2020' (2025) Journal of Multilingual and Multicultural Development (Sage) accessed 1 July 2026.

For an example; Studying in Symbiosis International University people come from across all over India and have different culture recently the festival of Gudi Padwa was celebrated here which was a sign of New year of Marathi people.

This is how globalisation is on National Level.

II.. Globalisation on International Level.

1. UNESCO [UNITED NATIONS EDUCATIONAL SCIENTIFIC AND CULTURAL ORGANISATIONS]

This organisation helps to preserve cultural heritage such as songs, dances, festivals and languages.

2. The Universal Declaration of Human Rights, which comes under Article 27(1)¹² and other United Nations promote for cultural freedom.

3. Supports the rights of indigenous people and minorities. These organisations also provide funds for the betterment of the world.

4. They also work to protect languages and traditions.

It is very important that both bodies work together to protect their cultural rights, as Globalisation is at its peak. The main motive should be to provide support in terms of funds, and respect to all cultures, especially to those that are about to disappear

RESEARCH METHODOLOGY

Present research is based on the Doctrine method. This study is analysed according to the Government reports, constitutional provisions, judicial decision books, journal articles and international documents relating to cultural rights and globalisation. In India, for understanding the legal protection of cultural rights, a few landmark judgments have been analysed below.

1. Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748¹³

¹² Article 27(1) of the Universal Declaration of Human Rights (UDHR) guarantees everyone the fundamental right to freely participate in cultural life, enjoy the arts and share in scientific advancements and their benefits

¹³ Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748

The Supreme Court ruled in this case that it violated Articles 19(1)(a) and 25 of the Constitution to expel students who refused to sing the National Anthem because of their religious convictions.

2. State of Madras v. Champakam Dorairajan, AIR 1951 SC 226¹⁴

The Supreme Court emphasised the fundamental protection of equality and access to an education in this case. Understanding the connection between minority rights and constitutional safeguards requires an understanding of this case.

3. St. Xavier's College v. State of Gujarat, (1974) 1 SCC 717¹⁵

This ruling is crucial because it makes clear that minorities have the freedom to create and run educational institutions under Article 30. This ruling acknowledged education as a potent tool for preserving identity, language, and culture

4. T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481¹⁶

The Supreme Court upheld the significance of Articles 29 and 30 and highlighted the rights of minority educational institutions. The constitutional framework for protecting linguistic and cultural diversity was upheld by the case.

5. Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217¹⁷

Reservations for socially and educationally underprivileged groups were maintained by the Court. The ruling helped to preserve cultural identity by advancing social justice and defending underprivileged groups.

6. S. R. Bommai v. Union of India, (1994) 3 SCC 1¹⁸

The Supreme Court ruled that the Constitution's basic principle is secularism. The ruling upheld respect for all cultures and religions and highlighted India's diversity.

¹⁴ State of Madras v. Champakam Dorairajan, AIR 1951 SC 226

¹⁵ St. Xavier's College v. State of Gujarat, (1974) 1 SCC 717

¹⁶ T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481

¹⁷ Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217

¹⁸ S. R. Bommai v. Union of India, (1994) 3 SCC 1

SOURCES OF PRIMARY AND SECONDARY DATA

Primary Hand Data Source

Primary hand data, these are the data that we collect ourselves from the sources

1. Surveys and Questions: going and asking people about their culture, their identity, and also this led to impact of Globalisation.
2. Interviews: Talking to the experts, such as guides, senior citizens, and local people from Minority communities.
3. Conducting Group discussions, seminars, and group conversations with people should be done so that we can come to know how people view globalization.
4. Observation: we should go and visit different cultures, festivals, events and observe the practices.
5. Field Visits: this is basically we should go to different places where are the cultural traditions are just disappearing and now its high time to preserve them.

Secondary Hand Data Source

These sources are basically collected from books, websites, internet which means they are published or are in the written form

1. Books and Journals: These are in the form of written such as research, cultural rights and human rights.
2. Government report: These reports are authenticated and are safe with the government, for example after every 11-year census is conducted is always in safe hands.
3. UNESCO: This organisation plays a vital role in preserving the culture and heritage of society.
4. Newspaper and Magazine Article: They are a very good source of preserving the data, as we can compare the ratio and how the country is progressing day by day. because the trend of studying newspapers and articles is still among the senior citizens and youth.

Justification for the legal approach

It is very important to study how cultural rights are a part of human rights and how they are protected by various international laws. In legal language, it becomes very important to study why they become

important, how they are related to culture, language, religion, tradition, and education and all these are safeguarded by the laws.

In India, the Constitution provides strong protection for cultural rights, especially for the minority groups, through Article 29 and Article 30, and not only Article 19 of the Indian Constitution, which is freedom of expression and religion. By studying these laws, we can see how the Indian Legal System works and how it safeguards and protects communities from regional discrimination or cultural loss.

At the international level, laws are made such that they are connected with all over the country, whether then it's a matter of funding, it strengthens all the countries together and respects the nations together

Therefore, using legal research allows this research to identify and protect the cultural right as well as it helps us to understand how research is done, what constitutional provisions were implemented to implement it, and what policies can be taken forward.

Few policies which help cultural rights to come in forward

1. EK BHARAT SHRESHTHA BHARAT ¹⁹

With this policy of government, it promotes cultural exchange among the states which helps in building mutual understanding among the states as well as helps respect for diversity. This program was introduced by the Honourable PM of India Shri Narendra Damodar Das Modi.

It also gives an opportunity to learn about Indian Cultures their traditions

2. TRIBAL SUB PLAN [TSP] ²⁰

It basically emphasises preserving tribal culture, their folk, language and their art.

It also supports their education, festivals, and promotes their crafts, which somehow helps tribal communities to maintain their identity.

3. NATIONAL EDUCATION POLICY [NEP] ²¹

¹⁹ Ek Bharat Shreshtha Bharat was announced by Hon'ble Prime Minister of India on 31st October 2015 on the occasion of the 140th birth anniversary of Sardar Vallabhbhai Patel.

²⁰ Tribal Sub-Plan (TSP), now officially known as Development Action Plan for Scheduled Tribes (DAPST), Indian Government strategy initiated in 1974.

²¹ NPE (National Policy of Education) 1986 was replaced by NEP (National Education Policy) in 2020

It emphasises on the lingual education, and encourages the study of the regional language, culture, and this is how it promotes their heritage.

It also helps to preserve the cultural identity of the region through various sources such as textbooks, magazines and the list is endless.

4. PROTECTIONS OF CULTURAL HERITAGE AND DEVELOPMENT OF MUSEUMS

The Government is trying to preserve the museums, historical places, and artefacts as it will help to protect India's cultural history.

For an example, monuments such as Taj Mahal, Red Fort, Orchha Forts are still preserved and because of that tourism is still there.

India's engagement with cultural preservation is also visible at the international level. As of 2025, India has sixteen elements inscribed on UNESCO's Representative List of the Intangible Cultural Heritage of Humanity, including Yoga, the Kumbh Mela, Durga Puja in Kolkata and, most recently, Deepavali, each of which is formally recognised as a living tradition that the state has undertaken to safeguard for future generations. This international recognition operates alongside domestic measures such as museum preservation and monument protection, and demonstrates that globalisation, rather than being purely a threat to cultural heritage, can also serve as a channel through which local traditions gain wider visibility and formal protection.²²

CRITICAL LEGAL ARGUMENTS

The critical legal arguments can sometimes become so complex because its difficult to link cultural rights with modern rights in today's world, it highlights the need for a balanced society in both the levels national and international level.

Culture is not only how people speak, how they dress up, what tradition they should follow which is its not always in a physical form, while everyone should have the right to share their ideas, living a way they want to live, it means that there should be some limits on individuals' actions.

Laws should be made in such a way that it does not hurt the sentiments of any community. It should be flexible so that everyone can adopt it easily.

²² Ministry of Culture, Government of India, 'Deepavali Inscribed in UNESCO's Intangible Cultural Heritage List' (Ministry of Culture, 2025) accessed 1 July 2026.

The geographical indication framework discussed earlier also illustrates how intellectual property law can operate as a legal safeguard for cultural sentiment. In *Tea Board, India v ITC Ltd*, the Calcutta High Court recognised that the unauthorised commercial use of a geographical indication such as Darjeeling Tea causes injury not only to producers but to the reputation and identity associated with the region itself, a reasoning that has since been used to argue that geographical indications protect a form of collective cultural goodwill in addition to ordinary commercial interest. Legal arguments of this kind show that cultural rights need not remain purely aspirational, and can be given concrete, enforceable content through existing branches of Indian law such as intellectual property.²³

PERSEPECTIVE OF THE RESEARCH

Cultural rights should be treated in a human rights context, in which each individual can practice their culture. This describes the importance of cultural rights in the context of human rights. This also includes how Globalisation brings together different cultures and the traditions followed here; it's all about the understanding of the life impact of cultural policies on communities, particularly small groups.

SCOPE OF THE RESEARCH

The study covers a wide range of issues that are related to Cultural rights and globalisation

1. Definition and Importance of Cultural Rights:

What It Covers:

The study defines cultural rights as the right to practice, protect, and share their own language, art, religion, customs and traditions.

Why It Matters:

It describes how these rights are a part of human rights and how they help in maintaining individual and community identity in a changing world.

4. Impact of Globalisation on Culture

²³ 'Geographical Indications in India: Protecting Cultural Heritage in a Global Market' (IIPRD, 19 November 2025) accessed 1 July 2026.

What It Covers:

The research discusses how globalisation has spread of through technology, travel, and media, bringing cultures together

Issues taken -

It takes into account both the good sharing and learning from other cultures, and the risk of losing small or traditional cultures

5. Legal Framework and Policies:**What It Covers:**

The second part focuses on the laws, policies, and international agreements that protect cultural rights.

Focus Areas:

The constitutional rights of India, such as Articles 29 and 30, and policies at the international level by bodies such as UNESCO are included

Purpose:

To determine how these legal measures assist in preserving cultural diversity and whether there are any gaps in enforcement.

Challenges and Opportunities:**What It Covers:**

The research is about the difficulties of cultural mixing, the loss of the languages and traditions of a community.

Case Studies and Examples:**What It Covers:**

Specific examples or case studies from India and other parts of the world may be included in the study.

Purpose:

It will show how cultural rights are being affected in real-life situations as well as what has worked in protecting them.

SUMMARY OF THE RESEARCH

This research paper is based on the topic “Cultural rights of India in the era of globalisation: balancing cultural identity and global integration “

Globalisation has made the whole world as a family. Media, technique, and business played a vital role in this. Due to these, the sharing of various cultures has become easy. That’s why Indian Yoga, food, culture, cinema, etc., have been spread worldwide.

On the other hand, with the effect of Western Culture regional languages, Folk arts, traditional values and festivals are going to be extinct. The young generation is getting distant from its roots, which is called the threat of ‘cultural homogenization’

Articles 29 & 30 of the Indian Constitution provide rights to minorities for preserving their language and culture. While articles 25-28 provide freedom of religion. Article 51A(f) describes the value and preservation of the rich heritage of our composite culture as a fundamental duty.

The Honourable Supreme Court held in *T.M.A. Pai Foundation v State of Karnataka* that the right of religious and linguistic minorities under Article 30 to establish and administer educational institutions, while an important facet of cultural protection, is not absolute and may be subject to reasonable regulation by the State in the national and public interest.

This judicial approach mirrors a wider pattern of what scholars of globalisation describe as 'glocalisation', in which global actors adapt their offerings to local cultural sensitivities rather than displacing them outright. In India, this is visible in the way multinational companies such as McDonald's have restructured their menus around vegetarian and regionally acceptable offerings, and in the continued growth of the global yoga and wellness market, both of which suggest that globalisation, contrary to a purely homogenising narrative, can also create commercial incentives for the preservation and export of local cultural practices.²⁴

In short, Globalization can not be stopped, but with the spirit of ‘VASUDEV KUTUMBKAM’, it is essential to preserve our cultural identity.

The solution lies in promoting local heritage through education, media and law and maintaining a judicious balance while adopting global ideas.

²⁴ 'Impact of Globalization on Indian Culture: Homogenization versus Glocalization of Culture' (Edukemy, 21 February 2024) accessed 1 July 2026.

A world will grow only when all work together, and it will also help in promoting peace and harmony in the nations.



Journal of Multi-Disciplinary
Legal Research