



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: LL.M.

1ST SEMESTER

S. N.	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	1.3	LAW AND JUSTICE IN A GLOBALISING WORLD	02	01	00	03	03

**** L- LECTURE; T- TUTORIAL; P- PROJECT; CR- CREDIT; CH- CREDIT HOUR**

1. COURSE DETAILS

A. CODE AND TITLE OF THE COURSE: LAW AND JUSTICE IN A GLOBALISING WORLD (COMPULSORY PAPER), 1.3

B. COURSE CREDIT: 03 (TOTAL MARKS: 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. KAILASH JEENGER

E. COURSE INSTRUCTOR: DR. KAILASH JEENGER

2. COURSE OBJECTIVES

- To reflect upon the notions of law and justice in globalizing world
- To acquaint the students how globalization has shaped law on national and international level
- To explain the students various theories of justice
- To make the students understand the conditions of vulnerable groups in the era of globalisation

3. COURSE LEARNING OUTCOMES

It is expected that at the end of semester, the students will be able to:

- Understand various dimensions of neo-liberalization and globalisation
- Realise how law serves the purposes of global capitalism
- Understand the impact of globalization on the marginalized sections of society and Third World countries
- Critically analyze the theories of global justice

4. DETAILED STRUCTURE OF THE COURSE

Module I: Basic concepts and theories

- Basic concepts: Liberalization, neo-liberalization and globalisation (economic and cultural).
- Theories of global justice: John Rawls, Peter Singer, Charles Beitz, Pogge, Buchanan, Thomas Nagel, Amartya Sen, B.S. Chimni

Module II: Globalisation and international legal order

- Early globalization and rise of capitalism: Discoveries of new territories, colonization, industrial revolution, development of international law, capitalism, imperialism, Third World view of colonialism
- Decolonization, new international economic order, Bretton Woods Institutions and development from Third World perspective
- Globalization and climate justice

Module III: Globalisation and human rights

- Human rights law and neoliberal economy
- Upendra Baxi's concept of Trade Related Market Friendly human rights
- Threat to human rights
- Corporate liability for violation of human rights

Module IV: Globalization and vulnerable groups

- Women: Impact of patriarchy and capitalism, feminist movement, women in national and international law, and in international institutions
- Indigenous people: Impact of globalization, victimization, marginalization
- Globalization and poor
- Globalization and caste-based discrimination

Module V: India and globalisation

- Nationalization post-independence
- India and international institutions

- Introduction of liberalization, privatization and globalisation (LPG)
- Judicial approach to the challenges of LPG
- Neoliberal law and policies: Privatization, new labour codes, Special Economic Zones, Commercial Courts Act, Ease of Doing Business, amendments to environmental laws, Farm Bills

5. PRESCRIBED READINGS /SUGGESTED READINGS

- Upendra Baxi, *The Future of Human Rights* (OUP).
- Amartya Sen, *The Idea of Justice* (Penguin).
- John Rawls, *A Theory of Justice* (Universal Law Publishing).
- Balakrishnan Rajagopal, *International Law from Below* (CUP).
- Mool Chand Sharma, *Globalisation, Democratisation and Distributive Justice* (Universal Law Publishing).
- Anghie, Chimni, “Third World Approaches to International Law and Individual Responsibility in Internal Conflicts”, *Chinese Journal of International Law*, 2(1), 2003.
- Upendra Baxi, “Human Rights Responsibility of Multinational Corporations, Political Ecology of Injustice: Learning from Bhopal Thirty Plus?”, *Business and Human Rights Journal*, 1, 2015.
- Nancy Fraser, “Reframing justice in a globalizing world”, *36 New Left Review*, 2005.
- B.S. Chimni, “A Just World Under Law: A View From the South”, *American University International Law Review*, 22(2), 2007.
- Manoj Mate, “Globalization, Rights, and Judicial Review in the Supreme Court of India”, *Washington International Law Journal*, 25(3), 2016.
- Sam Adelman, “Justice, development and sustainability in the Anthropocene”, in Philippe Cullet and Sujith Koonan (ed.), *Research Handbook on Law, Environment and the Global South* (Edward Elgar).
- Sumedha Choudhury, “Contextualizing Radhabinod Pal’s Dissenting Opinion in Contemporary International Criminal Law”, *Asian Journal of International Law*, 2021.
- SundhyaPahuja, “The Postcoloniality of International Law”, *Harvard International Law Journal*, 46(2), 2005.
- Dianne Otto, “Queering Gender [Identity] in International Law”, *Nordic Journal of Human Rights*, 33(4), 2015.
- B. S. Chimni, “International Institutions Today: An Imperial Global State in the Making”, *European Journal of International Law*, 15(1), 2004.

- R.P. Anand, “The Formation of International Organizations and India: A Historical Study”, LJIL, 5, 2010.
- Hilary Charlesworth, Christine Chinkin and Shelley Wright, “Feminist Approach to International Law”, AJIL, 85, 1991.
- Denise Comanée, “How Patriarchy and Capitalism Combine to Aggravate the Oppression of Women”, (available online).