LL.M. II TERM
YLM-201
(2/3 YRS COURSE)

LAW AND JUSTICE IN A GLOBAL WORLD
(Compulsory)

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Learning Objectives

(1) To discuss the evolving parameters of law and justice
(2) To discuss the political economy of globalization and its impact on administration of law and justice
(3) To highlight the importance of comparative study
(4) To sensitize students on gender equality, affirmative action, the need of justice for the poor, LGBT community, children, disabled, environment protection, refugees, victims of international crimes, and aged people.

Learning Outcomes

(1) Students would be able to understand the various parameters of theorizing the term ‘justice’
(2) Students at the end of the semester would be able to know the need of globalization, its political economy, and its impact on administration of law and justice
(3) Students would know the advantages of comparative study
(4) Students would be able to know the legal tools to act affirmatively for the poor, disadvantaged, women, children, LGBT, disabled, aged people, environment protection, refugees, victims of international crimes, and aged.

Teaching Methodology

The following method would be used to teach this course:
1. Classroom Teaching 30 hours
2. Term Paper Presentation, Classroom assignment 15 hours
3. Field Visits (Juvenile Justice Board, interviewing the disadvantaged, etc.) 10 hours

Every student of this course is required to present a paper in the class for discussion on a topic assigned/approved by the Professor teaching the course. No student shall be permitted to appear in the examination unless a certificate is issued by the Professor that the paper presented by the student was to his/her satisfaction.
Every Student in this course is required to submit a written Term Paper latest by the second week of April.

The topics and readings given below are not exhaustive.

**TOPIC 1: UNDERSTANDING LAW AND JUSTICE: DIFFERENT THEORIES**

Commutative and Distributive justice  
Concept of Justice as Fairness  
Capabilities Approach  
Restorative Justice  
Natural Justice  
Cognitive Justice

**Required Readings:**

3. M.K. Gandhi, *Hind Swaraj or Indian Home Rule* (Navjiwan Trust, 1938)  


**TOPIC II: LAW AND JUSTICE IN A GLOBAL WORLD**

1. Meaning of Globalization; Global World  
2. Understanding Political Economy of Globalization  
3. Role of State, International Market and Law  
4. Impact of Globalization on India’s Social, Political and Economic Development  
5. Impact of Globalization on Judicial Process and Administration of Justice

**Required Readings:**


4. Eric Hobsbawm, **How to Change the World** (2012), pp. 399-419


**TOPIC III: LIBERTY AND SOCIETY**

1. Liberty as a concept
2. Operationalization of liberty in a democratic society
   - Constitutional Freedoms and reasonable restrictions
   - Debates on Euthanasia and Death Penalty
   - Civil disobedience

**Required Readings:**

TOPIC IV: HUMAN RIGHTS, BASIC NEEDS & SUSTAINABLE DEVELOPMENT IN A GLOBAL WORLD

1. The concept of Basic Human Needs: Food, Shelter, Clothing, Health, Sanitation etc.
2. Basic Needs and the concept of Human Rights
3. Concept of Humanitarian Intervention
4. Principle of Responsibility to Protect (R2P)
5. Human Rights and Environment
6. Sustainable Development Goals (SDG)

Required Readings:


TOPIC V: RECEPTION OF LAW

(i) Notions and reasons for Reception
(ii) Role of participation in making global law, Local Demand, Local Politics
(iii) Indigenous Law and Global Law: Problems in Reception
Required Readings:


**TOPIC VI: EQUALITY: CHILDREN, WOMEN AND GENDER BIAS**

1. Concept of patriarchy and Indian Legal System
2. Feminist Legal Theory
3. Child protection and Child Rights
4. Desexualizing laws against sexual offences
5. LGBT struggle in India

Required Readings:

2. Morris Gatens, *A Critique of the Sex/Gender Distinction* in Feminism and Subjectivity, pp. 139-154
7. UN Convention on the Rights Of the Child, 1989
8. POCSO, 2012

Suggested Readings:

*Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1

**TOPIC VII: AFFIRMATIVE ACTION FOR DISADVANTAGED SECTIONS OF SOCIETY IN THE GLOBAL WORLD**
(i) Sociology of Public Interest Litigation/ Social Action Litigation for Social change
(ii) Social Action in Favour of the Indigenous Populace
(iii) Action in favour of Under trials and the Differently abled (“Divyang”) people

Required Readings:


NOTE: The synopsis is not to be treated as exhaustive of the scope of the paper and the students are expected to read other materials covered by the title of the paper.