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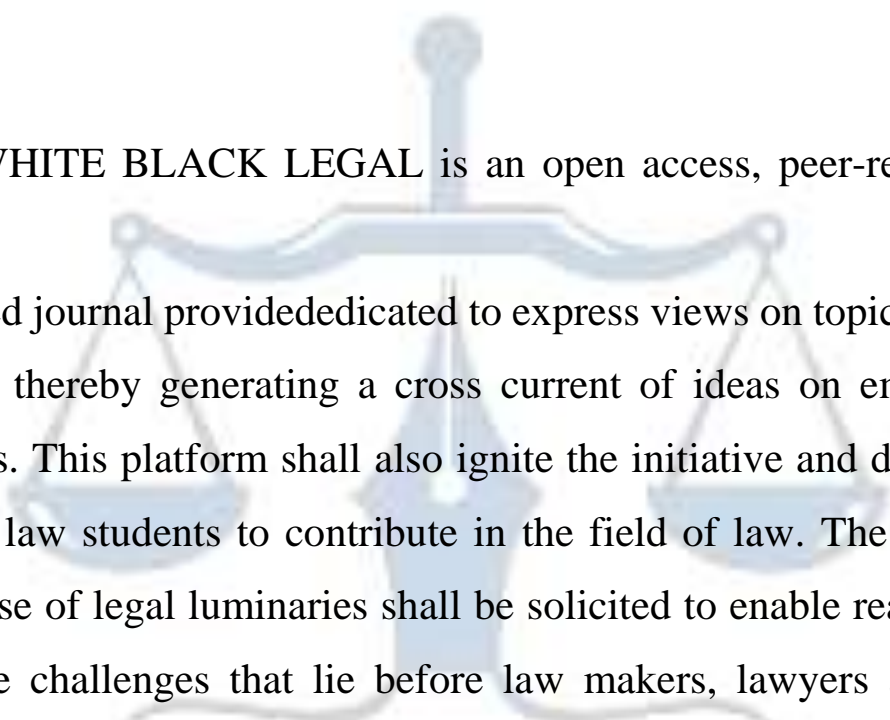


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## ***ABOUT US***



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **LAW AND JUSTICE IN A GLOBALIZED WORLD: A STUDY**

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*"Globalization is the process of international integration arising from the interchange of world views, products, ideas and other aspects of culture. Advances in transportation and telecommunications infrastructure, including the rise of the Internet, are major factors in globalization, generating further interdependence of economic and cultural activities."*

International Monetary Fund

Abstract: The process of globalization has fundamentally reshaped societies, economies, and legal systems worldwide. The interaction between law and globalization has led to a redefinition of legal norms, state sovereignty, and justice delivery mechanisms. This paper explores the relationship between law and justice in the context of a globalized world, analyzing how global norms interact with local legal systems, the role of international institutions, and the challenges posed by this complex legal landscape. Through a critical examination, this study highlights the implications of globalization on law and justice, particularly concerning human rights, economic inequality, and access to justice.

Keywords: Law, Justice, Globalized, World, State Sovereignty, Human Rights

## **I. Introduction:**

The concept of law<sup>1</sup> has always been intricately linked to the idea of justice<sup>2</sup>. However, in a globalized world, the definition and application of both terms have become more complex. Globalization<sup>3</sup>, marked by the increased interconnectedness of nations through trade,

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<sup>1</sup> Salmond defined "law" as the body of principles recognized and applied by the state for the administration of justice.

<sup>2</sup> The modern version of the concept of justice is expressed in terms of "justice according to law", which Dicey has called the "Rule of Law".

<sup>3</sup> Globalization is when countries, people, and things around the world become more connected and work together.



communication, and cultural exchange, has significantly impacted legal systems worldwide. In this interconnected environment, the boundaries between national and international law blur, leading to new challenges in achieving justice on a global scale.

## II. Historical Background:

The relationship between law and justice has evolved over centuries, shaped by philosophical<sup>4</sup>, religious<sup>5</sup>, and political doctrines<sup>6</sup>. Historically, law was closely tied to the sovereignty of the state<sup>7</sup>, with justice being dispensed according to local traditions and legal systems. However, the rise of globalization, particularly in the post-World War II era<sup>8</sup>, has fundamentally changed this dynamic. Global institutions such as the United Nations (UN)<sup>9</sup>, International Monetary Fund (IMF)<sup>10</sup>, and World Trade Organization (WTO)<sup>11</sup> emerged, promoting international cooperation and creating a framework for the global rule of law. This marked a shift from purely national legal frameworks to a more interconnected, international system of law, particularly in areas like human rights<sup>12</sup>, trade<sup>13</sup>, and criminal justice<sup>14</sup>.

Over time, transnational legal bodies<sup>15</sup>, international treaties<sup>16</sup>, and human rights conventions<sup>17</sup>

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<sup>4</sup> Thinkers like Plato (in the Republic) and Aristotle (in the Politics)

<sup>5</sup> Judeo-Christian Traditions and Islamic Sharia

<sup>6</sup> Philosophers like John Locke, Jean-Jacques Rousseau, and Thomas Hobbes introduced the idea of the social contract, where law was based on the consent of the governed.

In the 19th century, Karl Marx challenged traditional ideas of law and justice, arguing that laws are tools used by the ruling classes to maintain their dominance.

<sup>7</sup> The sovereignty of the state refers to the supreme authority that a state exercises over its territory, people, and government.

<sup>8</sup> 1945-1980, commonly known as the fourth wave of globalization

<sup>9</sup> Promoting Peace and Security, Human Rights and International Law, Global Development

<sup>10</sup> Economic Stability, Promoting Global Growth, Global Economic Governance

<sup>11</sup> Regulating International Trade, Promoting Fair Trade Practices, Dispute Resolution

<sup>12</sup> Universal Declaration of Human Rights (UDHR), adopted in 1948 by the United Nations, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Institutions like the UN Human Rights Council and European Court of Human Rights (ECHR) have created mechanisms for holding states accountable for human rights violations.

<sup>13</sup> World Trade Organization (WTO)

<sup>14</sup> International Criminal Court (ICC), United Nations Convention against Transnational Organized Crime (UNTOC) and agreements within INTERPOL facilitate international cooperation to combat these challenges, Extradition Agreements

<sup>15</sup> International Court of Justice (ICJ), European Court of Human Rights (ECHR), and the International Criminal Court (ICC)

<sup>16</sup> Paris Agreement on climate change, the World Trade Organization (WTO) agreements

<sup>17</sup> Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social, and Cultural Rights (ICESCR), regional human rights bodies like the African Court on Human and Peoples' Rights, Inter-American Court of Human Rights, and the European Court of Human Rights

gained prominence, influencing national legal systems. Legal pluralism<sup>18</sup> and the need for harmonization of legal norms<sup>19</sup> became more relevant as states interacted more frequently on the global stage. The increased prominence of multinational corporations<sup>20</sup> and international trade agreements also played a major role in shaping modern legal practices, sometimes challenging state sovereignty and national legal systems.

### III. Review of Literature:

Several scholars have contributed to understanding the nexus between globalization, law, and justice.

- Saskia Sassen (2006) in *Territory, Authority, Rights* explored the erosion of state sovereignty and the impact of globalization on national legal systems. She emphasizes the restructuring of state authority in the face of global forces.<sup>21</sup>
- David Held (1995) in *Democracy and the Global Order* discusses how globalization has created both opportunities and challenges for democratic governance and justice. He emphasizes the need for global institutions to address cross-border issues such as climate change and human rights.<sup>22</sup>
- Thomas Pogge (2002) in *World Poverty and Human Rights* critiques the global economic order for perpetuating inequality and argues that the legal and institutional structures often benefit the wealthy at the expense of the poor, challenging traditional conceptions of justice.<sup>23</sup>
- Anthea Roberts (2017) in *Is International Law International?* offers an analysis of the global diversity of legal traditions and highlights how different legal cultures interact in international law, creating tensions and opportunities for justice.<sup>24</sup>

While these works explore the complexities of globalization's impact on legal systems, there is still limited research that integrates the role of legal pluralism and non-state actors, such as multinational corporations, in the conversation about global justice.

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<sup>18</sup> legal pluralism is heightened by the proliferation of international treaties, agreements, and norms that intersect with national legal frameworks

<sup>19</sup> such as intellectual property, labour rights, and environmental protection

<sup>20</sup> large tech companies like Google or Apple

<sup>21</sup> Sassen *Territory, Authority, Rights: From Medieval to Global Assemblages* (2006), Published by Princeton University Press

<sup>22</sup> David Held, *Democracy and the Global Order, From the Modern State to Cosmopolitan Governance* (1995), Published by Stanford University Press

<sup>23</sup> Pogge, Thomas Winfried Menko, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2002), Published by Cambridge

<sup>24</sup> Anthea Roberts, *Is International Law International?* (2017), Published by Oxford University Press

#### **IV. Research Gap:**

The existing literature provides a strong foundation on the relationship between globalization and law, but it tends to focus on specific issues such as trade, human rights, or sovereignty in isolation. There is a noticeable gap in comprehensive studies that examine the combined effects of globalization on legal pluralism, non-state actors, and access to justice for marginalized populations. Additionally, while several studies address the theoretical implications of globalization on justice, empirical research that assesses how globalization has practically influenced justice delivery mechanisms, particularly in developing nations, is lacking.

#### **V. Statement of Problem:**

The process of globalization has led to significant transformations in legal systems worldwide. However, the increased interconnectedness of legal norms and international institutions has also created challenges in delivering justice at both local and global levels. State sovereignty is increasingly challenged by international agreements and multinational corporations, leading to conflicts between national laws and global norms. Moreover, while globalization has contributed to the spread of human rights norms, economic globalization has widened inequality and created new barriers to access to justice for marginalized populations. This study seeks to examine the challenges and implications of law and justice in the context of globalization, with particular attention to human rights, economic inequality, and legal pluralism.

#### **VI. Objectives of the Study**

- To explore the impact of globalization on national legal systems and state sovereignty.
- To analyze the role of international law and institutions in promoting global justice.
- To examine the effect of globalization on human rights protection and economic inequality.
- To investigate the challenges posed by legal pluralism in a globalized world.
- To identify the barriers to access to justice created by globalization and propose solutions to address these issues.

#### **VII. Hypothesis:**

Globalization, while promoting the spread of legal norms and human rights standards, has simultaneously exacerbated economic inequalities and complicated the delivery of justice due

to legal pluralism and the erosion of state sovereignty. This study hypothesizes that while globalization has contributed positively to the development of international legal frameworks, it has also created significant barriers to justice, particularly for marginalized communities, and intensified the tension between local legal traditions and global norms.

### **VIII. Research Questions**

- How has globalization influenced national legal systems and state sovereignty?
- What is the role of international law and global institutions in shaping justice in a globalized world?
- How has economic globalization impacted human rights and economic inequality?
- What challenges does legal pluralism pose for the delivery of justice in a globalized context?
- How does globalization affect access to justice for marginalized populations, and what strategies can be implemented to address these barriers?

### **IX. Research Methodology: The research will adopt doctrinal analysis.**

#### **Doctrinal Analysis:**

- A review of legal texts, international treaties, and case law will be conducted to assess how national and international legal systems have evolved under the influence of globalization.
- Special focus will be given to the legal frameworks surrounding international trade (e.g., WTO agreements), human rights conventions, and environmental treaties.
- Secondary Sources:
- Academic journals, books, and reports from international institutions (such as the UN, WTO, ICC) will be analyzed to provide a comprehensive understanding of the interaction between global norms and local legal systems.

### **X. Globalization and National Legal Systems:**

Globalization has had a profound impact on national legal systems. While the sovereignty of states remains central to international relations, the forces of globalization have necessitated the adaptation of domestic legal systems to international norms<sup>25</sup>. This section explores how

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<sup>25</sup> Protection of Human Rights Act, 1993, The Environment Protection Act, 1986, The Juvenile Justice (Care and Protection of Children) Act, 2015, The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

national laws are influenced by global forces, particularly in the areas of trade<sup>26</sup>, investment, and human rights<sup>27</sup>.

- A. The Erosion of Sovereignty: One of the key effects of globalization on law is the erosion of state sovereignty.<sup>28</sup> States are no longer the sole arbiters of their legal systems. International trade agreements, such as those governed by the World Trade Organization (WTO), impose legal obligations on states that require them to modify their domestic laws. Similarly, the rise of multinational corporations (MNCs)<sup>29</sup> has complicated the ability of states to regulate economic activities within their borders, as MNCs operate across multiple jurisdictions.<sup>30</sup>
- B. Harmonization of Legal Norms: Globalization has also led to the harmonization of certain legal norms, particularly in areas such as intellectual property<sup>31</sup>, environmental regulation<sup>32</sup>, and labour rights<sup>33</sup>. The adoption of international agreements, such as the Paris Agreement on climate change and the International Labour Organization (ILO) conventions<sup>34</sup>, reflects a global consensus on certain issues that transcend national boundaries. This harmonization is often seen as necessary to address global challenges,

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<sup>26</sup> These agreements, such as the General Agreement on Tariffs and Trade (GATT) and its successor, the World Trade Organization (WTO), establish rules governing trade between countries.

<sup>27</sup> International human rights treaties, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, establish minimum standards for the protection of human rights.

<sup>28</sup> Dr. N.V. Paranjape, *Studies in Jurisprudence and Legal Theory*, 19<sup>th</sup> Edition, 2019, Central Law Agency, Allahabad

<sup>29</sup> Tata Group (India-based MNC), Coca-Cola (US-based MNC), Amazon (US-based MNC), Nestlé (Switzerland-based MNC), Samsung (South Korea-based MNC), Apple (US-based MNC), Microsoft (US-based MNC), Toyota (Japan-based MNC)

<sup>30</sup> Shashwanta Sahu and Bidyutprabha Thakur, *Law and Justice in a Globalizing World: An LL.M. Companion*, 1<sup>st</sup> Edition 2024, Asia Law House, Hyderabad

<sup>31</sup> The Patents Act, 1970, The Copyright Act, 1957, The Trade Marks Act, 1999, The Geographical Indications of Goods (Registration and Protection) Act, 1999

<sup>32</sup> The Environment Protection Act, 1986, The Biological Diversity Act, 2002, The Air (Prevention and Control of Pollution) Act, 1981, The National Green Tribunal Act, 2010

<sup>33</sup> The Minimum Wages Act, 1948, The Occupational Safety, Health and Working Conditions Code, 2020

<sup>34</sup> - No. 29 Forced Labour Convention (1930)

- No. 87 Freedom of Association and Protection of the Right to Organize (1948)

- No. 98 Right to Organize and Collective Bargaining Convention (1949)

- No. 100 Equal Remuneration Convention (1951)

- No. 105 Abolition of Forced Labour Convention (1957)

- No. 111 Discrimination (Employment and Occupation) Convention (1958)

- No. 122 Employment Policy Convention (1964)

- No. 135 Workers' Representatives Convention (1971)

- No. 141 Rural Workers' Organizations Convention (1975)

- No. 144 Tripartite Consultation (International Labour Standards) Convention (1978)

- No. 151 Labour Relations (Public Service) (1978)

- No. 155 Occupational Safety and Health Convention (1981)

- No. 169 Indigenous and Tribal Peoples Convention (1989)

- No. 174 Prevention of Major Industrial Accidents Convention (1993)

- No. 182 Worst Forms of Child Labour Convention (1999)

- No. 184 Safety and Health in Agriculture Convention (2001)

but it can also lead to tensions between international obligations and local legal traditions.

- C. **The Role of National Courts:** National courts are increasingly called upon to interpret and apply international law.<sup>35</sup> The incorporation of international treaties into domestic legal systems, as seen in the European Union, has blurred the distinction between national and international law. Courts often have to balance the demands of globalization with the need to protect local interests and uphold domestic legal principles.<sup>36</sup>

## **XI. International Law and Global Institutions:**

International law and institutions play a critical role in shaping the global legal landscape. This section examines the function of international law in a globalized world, focusing on key institutions such as the United Nations (UN), the International Criminal Court (ICC), and the World Trade Organization (WTO). It also addresses the challenges posed by international law in ensuring justice across different jurisdictions.

- A. **The United Nations and International Law:** The United Nations is one of the most important international institutions for promoting global justice. Through its various agencies, such as the International Court of Justice (ICJ)<sup>37</sup> and the UN Human Rights Council<sup>38</sup>, the UN provides a forum for resolving disputes between states and addressing violations of international law. However, the effectiveness of the UN in ensuring justice is often limited by political considerations and the veto power of the permanent members of the Security Council.
- B. **The International Criminal Court:** The establishment of the International Criminal Court (ICC)<sup>39</sup> marked a significant step in the global effort to achieve justice for victims of war

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<sup>35</sup> *Vishaka v. State of Rajasthan* (India, 1997), In this landmark case, the Indian Supreme Court referred to CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) to establish guidelines for preventing sexual harassment in the workplace. Since there was no specific law in India addressing the issue, the court relied on international norms and India's obligations under CEDAW to create the Vishaka Guidelines, which were later incorporated into domestic law through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

*Naz Foundation v. Government of NCT of Delhi* (India, 2009), The Delhi High Court struck down Section 377 of the Indian Penal Code, which criminalized consensual homosexual acts, citing international human rights law. The court referenced the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR) in its reasoning, arguing that the criminalization of same-sex relationships violated fundamental human rights to dignity and privacy.

<sup>36</sup> Shashwanta Sahu and Bidyutprabha Thakur, *Law and Justice in a Globalizing World: An LL.M. Companion*, 1st Edition 2024

<sup>37</sup> The ICJ, often referred to as the "World Court," is the principal judicial organ of the UN. It has jurisdiction over legal disputes between states. The ICJ's decisions are binding on the parties to the dispute.

<sup>38</sup> The UN Human Rights Council is a subsidiary organ of the UN General Assembly. It is responsible for promoting and protecting human rights worldwide.

<sup>39</sup> Established in 1998 by Rome Statute

crimes<sup>40</sup>, genocide<sup>41</sup>, and crimes against humanity<sup>42</sup>. The ICC's jurisdiction extends to individuals, rather than states, making it a crucial institution for holding leaders accountable for gross violations of human rights. However, the ICC has faced criticism for its selective prosecutions and the refusal of some major powers, such as the United States, to submit to its jurisdiction.

C. The World Trade Organization: The World Trade Organization (WTO) is another key institution in the global legal order. By regulating international trade, the WTO plays a critical role in shaping the economic policies of member states. However, the WTO's focus on free trade has often been criticized for prioritizing the interests of developed countries and multinational corporations at the expense of developing nations and vulnerable populations. This raises important questions about the relationship between economic globalization and social justice.<sup>43</sup>

## **XII. Globalization, Human Rights, and Access to Justice:**

Globalization has had both positive and negative effects on human rights and access to justice.<sup>44</sup> On the one hand, the spread of global norms has led to greater awareness and protection of human rights<sup>45</sup>. On the other hand, economic globalization has exacerbated

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<sup>40</sup> Victims of war crimes are often civilians, combatants, and prisoners of war who suffer violations of international humanitarian law.

<sup>41</sup> The Genocide Convention also known as Convention on the Prevention and Punishment of Crime of Genocide was adopted by General Assembly on December 9, 1948.

Acts of Genocide: Genocidal acts can take various forms, including but not limited to:

- Killing members of the targeted group.
- Causing serious bodily or mental harm to members of the group.
- Deliberately inflicting conditions of life calculated to bring about the group's physical destruction.
- Imposing measures intended to prevent births within the group.
- Forcibly transferring children from the targeted group to another group.

<sup>42</sup> Acts Committed: Crimes against humanity encompass a wide range of acts, including but not limited to:

- Murder: The intentional killing of civilians.
- Enslavement: The unlawful and severe deprivation of a person's liberty, often involving forced labour or human trafficking.
- Torture: The intentional infliction of severe physical or mental suffering.
- Rape and Sexual Violence: Acts of sexual violence, including rape, sexual slavery, and forced prostitution.
- Persecution: Acts that discriminate against a specific group based on political, racial, ethnic, or other grounds and cause severe suffering.
- Forced Displacement: Forcibly evicting individuals from their homes or communities.
- Other Inhumane Acts: Acts causing great suffering or serious injury to mental or physical health.

<sup>43</sup> Shashwanta Sahu and Bidyutprabha Thakur, Law and Justice in a Globalizing World: An LL.M. Companion, 1st Edition 2024, page no. 43

<sup>44</sup> Dr. H.O Aggarwal, Human Rights, Central Law Publications, 16<sup>th</sup> Edition, Reprint 2018

<sup>45</sup> By Human Rights Consciousness, Codification of the Law of Human Rights, Monitoring of Human Rights, Procedure of individual complaints, review of Human Rights Situations, Coordination of Human Rights Activities, Enforcement Action of Security Council

inequalities<sup>46</sup> and created new barriers to justice for marginalized populations.

- A. The Spread of Human Rights Norms: The process of globalization has contributed to the global spread of human rights norms. International human rights treaties<sup>47</sup> have been widely ratified by states, leading to significant improvements in the protection of civil and political rights worldwide. Non-governmental organizations (NGOs)<sup>48</sup> and international advocacy<sup>49</sup> groups have played a crucial role in promoting human rights and holding governments accountable for violations.
- B. Economic Globalization and Inequality: While globalization has contributed to economic growth and development in many countries, it has also exacerbated inequalities both within and between nations. The liberalization of trade and investment has often benefited

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<sup>46</sup> Job Loss and Wage Stagnation, Concentration of Wealth, Marginalization of Developing Countries, Environmental Degradation, Erosion of Labour Rights

<sup>47</sup> Declaration on the Rights of the Child (1959); Declaration on the Granting of Independence to Colonial Countries and Peoples (1962); Declaration on the Elimination on All Forms of Racial Discrimination (1966); Declaration on Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (1965); Declaration on Elimination of Discrimination Against Women (1967); Declaration on Territorial Asylum (1967); Declaration on Social Progress and Development (1969); Declaration on the Rights of Mentally Retarded Persons (1971); Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind (1975); Declaration on the Rights of Disabled Persons (1975); Declaration on Protection of All Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1975). Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; Declaration on the Protection of Women and Children in Emergency and Armed Conflict; Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they Live (1985). The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others (1949); The Convention Relating to the Status of Refugees (1951); The Convention on the Political Rights of Women (1952); The Convention Relating to the Status of Stateless Persons (1954); The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956); The Convention on the Nationality of Married Women (1957); The Convention on the Forced Labour (1957); The Convention on the Reduction of Statelessness (1961); The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962); The International Convention on the Elimination of All Forms of Racial Discrimination (1966); International Covenant on Economic, Social and Cultural Rights (1966); International Covenant on Civil and Political Rights (1966); Optional Protocol to the International Covenant on Civil and Political Rights (1966); Protocol Relating to the Status of Refugees (1967); The International Convention on Suppression and Punishment of the Crimes of Apartheid (1973); International Convention Against the Taking of Hostages (1977); The International Convention on the Elimination on All Forms of Discriminations Against Women (1979); Convention Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment (1984), Convention on the Rights of the Child (1989); Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

The conventions adopted by the International Labour Organisation such as, Right to Organise and Collective Bargaining Convention (1949); Equal Remuneration Convention (1951); Discrimination (Employment and Occupation) Convention (1958); Employment Policy Convention (1964); Worker's Representatives Convention (1971) and also of the United Nations Educational, Scientific and Cultural Organisation such as Convention Against Discrimination in Education (1960).

Basic Principles of the Legal Status of the Combatants Struggling Against Colonial and Alien Domination and Racist Regimes, 1973 [G.A. Resolution 3103 (XXVIII), December 12, 1973]. Importance of the Universal Realisation of the Rights of Peoples to Self-determination and of the Speedy Granting of Independence to Colonial Countries and Peoples for the Effective Guarantee and Observance of Human Rights, 1976 (G.A. Resolution 31/34, December 7, 1976); Measures to Improve the Situation and Ensure the Human Rights and Dignity of All Migrant Workers (General Assembly Resolution 31/103, January 21, 1977).

<sup>48</sup> Amnesty International, People's Union for Civil Liberties (PUCL) in India

<sup>49</sup> International Commission of Jurists (ICJ)



wealthy individuals and corporations at the expense of low-income workers and marginalized communities. As a result, access to justice remains elusive for many people who are unable to afford legal representation or navigate complex legal systems.<sup>50</sup>

- C. **Challenges in Access to Justice:** Access to justice is a fundamental component of the rule of law.<sup>51</sup> However, globalization has created new challenges in ensuring that all individuals have equal access to legal remedies. The privatization of public services, the rise of transnational corporations, and the increasing complexity of legal systems have all contributed to barriers to justice. Efforts to improve access to justice, such as legal aid programs and pro bono services, are essential but often insufficient to address the scale of the problem.<sup>52</sup>

### **XIII. Legal Pluralism in a Globalized World:**

One of the most significant challenges in achieving justice in a globalized world is the existence of legal pluralism<sup>53</sup>. Legal pluralism refers to the coexistence of multiple legal systems within a single jurisdiction. In a globalized world, legal pluralism is not limited to the interaction between formal state law and informal customary law, but also includes the intersection of national, international, and transnational legal systems<sup>54</sup>.

- A. **The Interaction of Legal Systems:** Globalization has intensified the interaction between different legal systems. This is particularly evident in areas such as international trade, human rights, and environmental law, where national laws often need to be harmonized with international agreements. However, the coexistence of multiple legal systems can also lead to conflicts and inconsistencies, particularly when international norms are at odds with local customs or traditions.<sup>55</sup>
- B. **The Role of Non-State Actors:** In addition to state actors, non-state actors such as multinational corporations, NGOs, and international organizations play an increasingly important role in the global legal landscape. These actors often operate outside the traditional frameworks of state law, creating new challenges for the regulation and

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<sup>50</sup> Shashwanta Sahu and Bidyutprabha Thakur, *Law and Justice in a Globalizing World: An LL.M. Companion*, 1st Edition 2024

<sup>51</sup> Dr. N.V. Paranjape, *Studies in Jurisprudence and Legal Theory*, 19<sup>th</sup> Edition, 2019, Central Law Agency, Allahabad

<sup>52</sup> Chapter-5, *Human Rights in a Global Context*, supra 50

<sup>53</sup> Shashwanta Sahu and Bidyutprabha Thakur, *Law and Justice in a Globalizing World: An LL.M. Companion*, 1st Edition 2024, Page No. 219

<sup>54</sup> *Multinational Corporations and Tax Laws, International Human Rights Law and Domestic Laws, Cybercrime and International Cooperation, Environmental Law and Transnational Corporations*,

<sup>55</sup> Supra 43

enforcement of legal norms. For example, the rise of private arbitration as a means of resolving disputes between corporations and states has raised concerns about the accountability and transparency of such processes.<sup>56</sup>

C. The Challenges of Legal Pluralism: Legal pluralism presents both opportunities and challenges for achieving justice in a globalized world. On the one hand, it allows for greater flexibility and responsiveness to local needs and contexts. On the other hand, it can lead to fragmentation and confusion, particularly when different legal systems conflict with one another. Ensuring coherence and consistency in the application of legal norms is essential for maintaining the rule of law and delivering justice on a global scale.<sup>57</sup>

#### **XIV. Conclusion:**

The relationship between law and justice in a globalized world is complex and multifaceted.<sup>58</sup> Globalization has reshaped national legal systems, led to the proliferation of international legal norms, and created new challenges for ensuring justice across different jurisdictions. While globalization has contributed to the spread of human rights<sup>59</sup> and the harmonization of legal norms, it has also exacerbated economic inequalities and created new barriers to justice.

As the world becomes increasingly interconnected, it is essential to address the challenges posed by legal pluralism, economic globalization, and the erosion of state sovereignty<sup>60</sup>. The role of international institutions, national courts, and non-state actors in promoting justice must be critically examined, and efforts to improve access to justice for marginalized populations must be prioritized. Only by addressing these issues can we ensure that law and justice are effectively realized in a globalized world.

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<sup>56</sup> Page No. 226, supra 43

<sup>57</sup> Supra 43

<sup>58</sup> ibid

<sup>59</sup> Dr. H.O Aggarwal, *Human Rights*, Central Law Publications, 16<sup>th</sup> Edition, Reprint 2018

<sup>60</sup> Page No 226, supra 43

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