

The Architectonics of India's Foreign Legal Policy: A Normative Disquisition on Sovereignty, Juridical Diplomacy, and the Reconstitution of Global Legal Order



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In an epoch wherein the sovereign agency of nation-states is incessantly contoured by the sinews of juridico-political entanglements and the inexorable march of globalization's multifaceted vectors, the foreign legal policy of the Republic of India emerges as a locus of profound scholarly inquiry, demanding a disquisition both philosophically expansive and doctrinally precise. This research proposes to unfurl an intricate tapestry of India's external legal engagements, situating its praxis at the interstices of municipal constitutionalism, international juridical obligations, and the dialectics of postcolonial sovereignty.

The principal objective of this scholarly endeavour is to interrogate the normative architecture, historical evolution, and strategic deployment of India's foreign legal policy in multilateral, plurilateral, and bilateral fora, with a view to discerning its instrumental and ideational moorings. The inquiry aspires to delineate how India navigates the complex matrix of international law—oscillating betwixt the imperatives of national interest and the grand desiderata of a just global legal order. Furthermore, this research shall probe the modalities through which India, as an ascendant civilizational state, aspires to reconfigure extant legal hegemonies and articulate a jurisprudence of the Global South.

Methodologically, the study shall repose upon a triangulation of approaches: first, a doctrinal exegesis of primary legal instruments, treaties, and customary norms shaping India's external legal obligations; second, a historiographical analysis tracing the genealogy of India's foreign legal engagements from the twilight of empire to the contemporary era of polycentric global governance; and third, a critical-theoretical engagement drawing upon the grand traditions of international legal thought, including but not limited to Third World Approaches to International Law (TWAIL), to illuminate the subterranean currents animating India's juridical diplomacy.

In pursuit of these aims, the research shall be guided by the following cardinal questions: (i) What are the foundational principles and strategic objectives underpinning India's foreign legal policy across diverse domains such as trade, security, human rights, and environmental law? (ii) How has India's foreign legal posture evolved in response to shifting configurations of global power and normative regimes? (iii) In what manner does India reconcile the oft-contending claims of international legal universalism with its own constitutional ethos and developmental imperatives? (iv) How might India's legal diplomacy contribute to the construction of an equitable and pluralistic international legal order?

The research gap which this scholarly enterprise seeks to address inheres in the relative paucity of integrative, theoretically rigorous studies that transcend positivist cataloguing of India's legal positions and instead venture into the realm of normative critique and structural analysis. Extant scholarship, while commendable in its descriptive fidelity, oftentimes eschews engagement with the deeper philosophical and geopolitical matrices within which India's foreign legal policy is both constituted and contested. This inquiry, therefore, endeavours to furnish an original contribution by conjoining juridical analysis with critical theory, thereby illuminating the role of India not merely as a passive recipient of international legal norms but as an active architect of the global legal imagination.

Keywords: India's foreign legal policy; juridical diplomacy; postcolonial sovereignty; international legal order; normative architecture; Third World Approaches to International Law (TWAIL); multilateralism; global legal pluralism; legal universalism; constitutional ethos; international jurisprudence; legal hegemony; Global South jurisprudence; treaty obligations; critical international legal theory.