

UNIVERSITY OF RAJASTHAN
JAIPUR

SYLLABUS

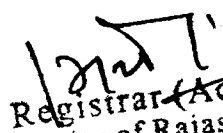
Faculty of law

L.L.M (Human Rights & Value Education)

(SEMESTER SCHEME)

I & II Semester	2018-2019
III & IV Semester	2019-2020

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UNIVERSITY OF RAJASTHAN
DEPARTMENT OF LAW, JAIPUR

Master of Laws
(Human Rights & Value Education)
Semester Scheme
2018-19 & 2019-2020

Course Category :

CCC : Compulsory Core Course

ECC : Elective Core Course

Abbreviations :

L : Lecture

T : Tutorial

P : Practical & Other

EoSE : End of Semester Examination

C.A. : Continuous Assessment


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Program Administration

1. The medium of instruction and examinations is English & Hindi both.
2. There will be a component of continuous assessment (C.A.) as per University rules. this will be conducted by the Department under supervision of the Head. The SGPA for this continuous evaluation will be determined as per University rules and guidelines.
3. No candidate shall be considered to be eligible to pursue End of Semester Examinations (EoSE) unless he/she passes the Continuous Internal Assessment with 25% marks. Continuous Internal Assessment will consist of Written Test (weightage 70 marks) and Viva-Voce (weightage 30 marks).
4. The rules of passing, readmission and EoSE (end of semester examination) will be as per University rules and guidelines.
5. No candidate shall be considered to have pursued a regular course or study unless he/she is certified by the Head of the Department to have attended 75% of the total number of lectures, tutorials seminars and case discussions in each year during the course of study.
6. Promotion from one semester to another will be as per University rules.
7. The CGPA (of EoSE) will be determined as per University rules and guidelines.
8. Each paper carries maximum 100 marks.
9. In I and II Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC).
10. In III and IV Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC) in every branch. Students will be allotted one branch from available branches in Semester III.
11. A candidate has to earn minimum 30 credits per semester course (i.e. 120 credits in four semesters), but he/she cannot earn more than 60% credits in Compulsory Core-Courses (CCC) and has to secure rest of 40% credits from the Elective Core Courses (ECC) (i.e. minimum 72 credits from Compulsory Core Courses in four semesters and minimum 48 credits from Elective Core Courses in four semesters out of total 144 credits).


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DEPARTMENT OF LAW
LL.M. (HUMAN RIGHTS)

Semester-I

Sr. No.	Subject Code	Title of the Course	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	CHR1011	Jurisprudence and Human Rights: Legal and Philosophical Perspectives – I	CCC	6	6	2		3	
2.	CHR1012	Human Rights : International and Regional Perspectives – I	CCC	6	6	2		3	
3.*	CHR1013	Constitutional Law of India : New Challenges-I	CCC	6	6	2		3	
4.	CHR1014	Human Rights and Criminal Justice – I	ECC	6	6	2		3	
5.	CHR1015	Human Rights Justice and Disadvantaged Group – (Women) – I	ECC	6	6	2		3	
6.	CHR1016	Recent Legal Development and Cases (Viva-Voce Examination & Project work)	ECC	6			6		4

* New Compulsory paper Introduced

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Semester-II

Sr. No.	Subject Code	Title of the Course	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	CHR2011	Jurisprudence and Human Rights: Legal and Philosophical Perspectives – II	CCC	6	6	2		3	
2.	CHR2012	Human Rights: International and Regional Perspectives – II	CCC	6	6	2		3	
3.*	CHR1013	Constitutional Law of India : New Challenges-II	CCC	6	6	2		3	
3.	CHR2014	Human Rights and Criminal Justice – II	ECC	6	6	2		3	
4.	CHR2015	Human Rights Justice and Disadvantaged Group – (Children) – II	ECC	6	6	2		3	
5.	CHR2016	Recent Legal Development and Cases (Viva-Voce Examination & Project work)	ECC	6			6		4

* New Compulsory paper Introduced

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LL.M. (Human Rights & Value Education)

SEMESTER - I

PAPER: I

CHR1011- JURISPRUDENCE AND HUMAN RIGHTS: LEGAL AND PHILOSOPHICAL PERSPECTIVE - I

COURSE CONTENT:

- 1. JURISPRUDENTIAL ASPECTS**
 - (i) Meaning, Nature and Scope of Jurisprudence.
 - (ii) Meaning of Law:
Positivism: Austin – Imperative Theory of Law, Kelsen – Pure Theory of Law, Hart – The Concept of Law.
- 2. SOCIOLOGICAL PROCESS**
 1. Sociological Functional Approaches in Jurisprudence
 2. Roscoe Pound: Sociological Engineering
 3. Realist Movement and Judicial Process: Justice Cardozo
 4. Feminist Philosophy
- 3. THEORIES BASED ON DISTRIBUTIVE JUSTICE**
 1. Rawls theory on Social Justice.
 2. Ackerman's theory of Egalitarianism pursued.
 3. Cahn's approach of identifying injustice.
- 4. RULE OF LAW**
 - (i) Concept and Importance
 - (ii) Patterns of Rule of Law
 - (iii) Relation with Human Rights and Good Governance
- 5. PHILOSOPHICAL AND HISTORICAL FOUNDATIONS OF HUMAN RIGHTS**
 - (i) Philosophical Foundations.
(Quest for Quality of Life, Human Ideals)
 - i. Human Values: Universal, Cultural, Social Dignity, Justice and Equality
 - ii. Polity: Thought and Ideas
 - iii. Social Justice and Doctrine of Equality
 - (ii) Milestones in Development of Human Rights Thought on International Plane
 - i. Evolution of Human rights Thinking, Magna Carta, The British Bill of Rights, French and American Declarations.

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PAPER – II

CHR1012- HUMAN RIGHTS: INTERNATIONAL AND REGIONAL PERSPECTIVES – I

COURSE CONTENTS:

INTERNATIONAL HUMAN RIGHTS NORMS AND STANDARDS

1. THE FRAMEWORK OF THE UN CHARTER AND THE ROLE OF THE UNITED NATIONS
 - (i) The UN Charter, 1945
 - (ii) Normative and Institutional framework of the United Nations
 - (iii) Role of the UN General Assembly, the Economic and Social Council and other UN Bodies.

2. THE INTERNATIONAL BILL OF HUMAN RIGHTS
 - (i) The Universal Declaration of Human Rights 1948
 - (ii) International Covenant on Economics Social and Cultural Rights, 1966
 - (iii) International Covenant on Civil and Political Rights, 1966
 - (iv) Optional Protocols

REGIONAL HUMAN RIGHTS NORMS AND STANDARDS

3. EUROPEAN CONVENTION ON HUMAN RIGHTS
 - (i) Monitoring and Enforcement: European Court of Human Rights, European Commission of Human Rights, Council of Europe
 - (ii) European Union Declarations, Statements and Resolutions

4. AMERICAN CONVENTION- ON HUMAN RIGHTS 1969
 - (i) The Statute of the Inter-American Commission on Human Rights, 1960
 - (ii) History (OAS) and development of Human Rights Institutions in Latin America
 - (iii) American Commission and Court of Human Rights

5. AFRICA
 - (i) African Charter of Human and Peoples' Rights - 1981

6. TEHRAN
Proclamation of Tehran 1968

7. VIENNA
Vienna Declaration and Programme of Action on Human Rights 1993

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PAPER: III

CHR1013- Constitutional Law of India : New Challenges - I

The Constitution of India is an organic, developing and changing system established over five decades ago. Through the years it has been in force the constitutional law enacted through the Constitution has shown adaptability to the changing new social order and the institutions of national life. The processes of judicial interpretation precedents, amendment, conventions, political change have interacted to provide necessary catalysts for growth of the constitutional jurisprudence. The paper encourages the post graduate student to study, analyse and articulate the essential features and principles, rules of the basic frame work of the constitutional system.

I. Basic Framework : Essential Feature :

1. Kesavananda Bharati v. State of Kerala, A.I.R. 1973 S.C. 146 4 S.C.S. 225.
2. Indira Ghandi v. Raj Narain, A.I.R. 1975 S.C. 2299.

II. Quasi Federalism :

1. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361
2. State of Karnatka v. Union of India, A.I.R. 1978 S.C. 58.
3. M. Karunanidhi v. Union of India, A.I.R. 1979 S.C. 898

III. Fundamental Rights, Duties and Directive Principles :

1. I.C. Goak Nat v. State of Punjab, A.I.R. 1967, S.C. 1643.
2. Kesavanand Bharti v. State of Kerala, A.I.R. 1973, S.C. 1461.
3. R.C. Cooper v. Union of India, A.I.R. 1970, S.C. 564.

Equality

1. Indira Ghandi v. Raj Narain, A.I.R. 1975 S.C. 2299.
2. In-re-Reference Special Bill, A.I.R., 1979 S.C. 585
3. R.K. Balmia v. Justice Tendokkar, A.I.R., 1958, S.C. 538.
4. Budhan Chaudhary v. State of Bihar, A.I.R., 1955, S.C. 191.
5. Lachmandas Kawlalram v. State of Bombay, A.I.R., 1952 S.C. 235.
6. D.N. Chanchala v. State of Mysore, A.I.R., 1971, S.C. 1762.
7. M.R. Balaji, v. State of Mysore, A.I.R., 1963 S.C. 649.
8. M. Thomasa v. State of Kerala, A.I.R. 1976 S.C. 490.

Freedom of Speech, Expression (Press)

1. Bennet Coleman v. Union of India, A.I.R. 1973 S.C. 186.
2. K.A. Abbuse v. Union of India, A.I.R. S.C. 481.

Personal Liberty

1. Maneka Gandhi v. Union of India, A.I.R., 1978 S.C. 597
2. Bhut Nat v. W.B., A.I.R., 1974 S.C. 806.
3. S.N. Sarkar v. W.B., A.I.R., 1973 S.C. 1425.
4. Fagu Shah v. W.B., A.I.R., 1974 S.C. 613
5. Sunil Batra v. Delhi Administration, A.I.R., 1978 S.C. 1675.

Religious Freedom :

1. Commr. of Hidnu Religious Endowment D.L.T. Swamiar, A.I.R., S.C. 282.
2. Durgah Committee v. Syed Hussain Ali, A.I.R., 1961 S.C. 1402
3. Syodna Tahee Saifuddin v. State of Bombay, A.I.R., 1962 S.C. 853

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4. Yulitha Myde v. State of Orissa, A.I.R., 1973 S.C. 116

Minority Rights : Cultural & Educational

1. Bombay v. Bombay Education Society, A.I.R., 1954 S.C. 651.
2. Pradeep Jain v. Union of India, A.I.R., 1984 S.C. 1420.
3. Azeez Basha v. Union of India, A.I.R., 1968 S.C. 662
4. St. Xavier's College v. State of Gujarat, A.I.R., 1974 S.C. 1389.

Property

Article 300 A

Suggested Readings

1. H.M. Seervai : Constitutional Law of India (2nd Ed. 1975) N.M. Tripathi Ltd.
2. Jain, M.P. : Constitutional Law, N.M. Tripathi Ltd
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Kagzi, M.C.J. : Segregation and Untouchability Abolition, Metropolitan Book Co.
5. Shukla V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book co.
6. D.D. Basu : Commentaries on the Constitution of India.
7. Kagzi M.C.J. : Kesavananda's Case.
8. Basu : Shorter Constitution of India.
9. Ville Austin : Indian Constitution.
10. Ville Austin : Cornerstone of a Nation.
11. Anville Willams : Working a Democratic Constitution - The Indian Experience.

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PAPER: IV
CHR1014- HUMAN RIGHTS AND CRIMINAL JUSTICE - I

COURSE CONTENT:

1. **HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES**
2. **CONCEPTUAL PERSPECTIVE**
 - (i) Concept of Crime and Criminal liability
 - (ii) Role of Criminal Justice System
3. **HUMAN RIGHTS PROBLEMS**
 - (i) Police Atrocities and Accountability
 - (ii) Violence against women and children
 - (iii) Communal Violence
 - (iv) Caste and Class conflicts
 - (v) Maintenance of Law and Order
 - (vi) Terrorism and Insurgency
4. **RIGHTS OF ACCUSED**
 - (i) Double Jeopardy
 - (ii) Against self-incrimination
 - (iii) Production before Magistrate
 - (iv) Fair Trial
 - (v) Speedy Trial
 - (vi) Appeal
5. **RIGHTS OF INMATES OF PRISONS AND CUSTODIAL HOMES**
 - (i) Protection Homes
 - (ii) Reformatory and other institutions
 - (iii) Prisons

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PAPER: V

**CHR1015- HUMAN RIGHTS JUSTICE AND DISADVANTAGED GROUP
(WOMEN) – I**

COURSE CONTENT:

1. **PHILOSOPHICAL AND SOCIAL PERSPECTIVES**
2. **STATUS OF WOMEN IN CONTEMPORARY INDIAN SOCIETY**
 - (i) Poverty, Illiteracy, Lack of Independence, oppressive Social Customs and Gender Bias.
 - (ii) Violence against and abuse of Women in public and private domains.
3. **INTERNATIONAL NORMS FOR PROTECTION OF WOMEN**
 - (i) ILO Conventions for protection of Female Labour.
 - (ii) UNESCO Convention against Discrimination in Education 1960
 - (iii) UN Convention on Political of Women 1952, Convention on Elimination of all Forms of Discrimination against Women 1979, Convention on Nationality of Married Women 1957, Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages 1962, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949, Declaration on the Elimination of Violence against Women 1993, Convention on Political Rights of Women 1952
 - (iv) Declaration on the Participation of Women in Promoting International Peace and Cooperation 1982
 - (v) Documents of the Four World Conferences on Women: Mexico 1975, Copenhagen 1980, Nairobi 1985, Beijing 1995
 - (vi) Protection of women in armed conflicts
 - (vii) Other relevant developments
4. **THE CONSTITUTION OF INDIA AND STATUS OF WOMEN**
 - (i) Fundamental Rights and Directive Principles and Fundamental Duties under the Constitution.
 - (ii) Special provisions for the protection of women: Article. 15(3), Article 39(d) & (e), Article 42, Articles 243-D & 243-T
5. **SPECIAL LAWS AND POLICIES FOR PROTECTION OF WOMEN**
 - (i) Special Laws: Suppression of Immoral Traffic Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1982, Medical Termination of Pregnancy Act, 1971, Maternity Benefit Act 1961, Equal Remuneration Act, 1976, Dowry Prohibition Act, 1961, Other laws having a direct bearing on protection of women
6. **INSTITUTIONAL MECHANISM FOR PROTECTION OF THE WOMEN**
 - (i) Constitutional Mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary)
 - (ii) Statutory mechanism: National Commission for Women. National Human Rights Commission, State Commissions
 - (iii) The Non - Governmental Organizations
 - (iv) The Information Media
 - (v) Role of Education

PAPER: VI

**CHR1016- Recent Legal Development & Cases- I
(Viva-Voce Examination & Project Work)**

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SYLLABUS - SEMESTER II

PAPER-I

CHR2011- JURISPRUDENCE AND HUMAN RIGHTS: LEGAL AND PHILOSOPHICAL PERSPECTIVES – II

COURSE CONTENT:

1. **CONCEPT OF RIGHTS**
 - (i) Meaning, Nature and Definition of the Concept of Rights.
 - (ii) Classification of Rights and Jural Relationship.
 - (iii) Co-relationship between rights and duties in relation to State and Society.
2. **JURISPRUDENCE OF HUMAN RIGHTS.**
 - (i) Meaning and Diversifications of Human Rights:
 - (A) Meaning derived from Scope: Yardsticks to determine - General or Universal.
 - (B) Values - Its meaning: Protective, Humanizing, Community building and Distributive.
 - (C) Functions: Rational, Restraining, legitimizing and distributive functions.
3. **JUSTIFICATORY THEORIES (Contribution of different Sources in shaping the Concept of Human Rights):**
 - (A) **Theology:**
 1. Concept of common creation by the Almighty and Family of Humanity.
 2. Rights flow and do not flow from theistic concept.
 3. Intercultural generality of religious concept. Non-theistic Doctrine.
 - (B) **Natural Law and Natural Rights:**
 1. Classical Theory.
 2. Separation from theological roots.
 3. Natural law to Natural Rights.
 4. Natural Law Theory and the concept of human rights.
 - (C) **Sociological Process:**
 1. Sociological process to identify interests.
 2. Identifying interests.
 3. Identifying interests through empirical comparative right study.
 4. Inadequacies of the interests approach to structure a human rights system.
 5. Analysis of interests to identify values.
 - (D) **Marxist Theory:**
 1. Role of State in protecting rights.
 2. Emphasis on Social and economic rights.
 3. Man as a specie being.
 4. Marxian theory and current practice.
 - (E) **Utilitarian Theory:**
 1. Bentham to Mill and modern utilitarianism.
 2. Modifications of the hedonic calculus to aggregate welfare.
 3. Basis of anti-utilitarian criticism.
4. **CONTRIBUTION OF MODERN THEORIES OF HUMAN RIGHTS IN SHAPING THE CONCEPT**
 - (A) **Modern Approaches:**
 1. Priori approach.
 2. Universal Perspectives approach.
 3. Ideal Observer approach.
 4. Rational Contract approach.

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Revival of Natural Rights Theory:

1. Reasons for revival and contemporary force of natural rights theory.
2. Minimalist and qualified approach.
3. Neo-scholastic approaches.
4. Presupposed conditions for moral discourse approaches.
5. Modern Conceptions of man approaches.
6. Cognitive Knowledge approaches.

(C) Theories based on Autonomy:

1. Gewirth theory of liberal approach.
2. Nozick's Theory of libertarianism.

(D) Theories based on Equal Respect:

1. Dworkin's Theory of equality and liberty.
2. Claims flow from human dignity.
3. Application of various theories to key values.

(E) Collective Rights:

1. Nature of Collective Rights
2. Right to Solidarity, development and peace.
3. Balancing Collective rights and individual human rights.


HUMAN RIGHTS: INDIAN LEGISLATION

- (i) The Protection of Human Rights Act, 1993.

HUMAN RIGHTS: INTERNATIONAL PROBLEMS AND CHALLENGES:

(i) International Challenges:

- (A) Radical Individualism.
- (B) Radical Secularism and Fundamentalism.
- (C) Cultural Exceptionalism.
- (D) Radical Application of the norms of State Sovereignty.
- (E) Refrain from Justifiable Balancing among the different sets of Human Rights.
- (F) International Terrorism.


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PAPER: II

CHR2012- HUMAN RIGHTS: INTERNATIONAL AND REGIONAL PERSPECTIVES – II

COURSE CONTENT

1. **RIGHT TO SELF - DETERMINATION**
Declaration on the Granting of Independence to colonial countries and people, 1960.
2. **PREVENTION OF DISCRIMINATION**
 - (i) United Nations Declaration on the Elimination of All Forms of Racial Discrimination - 1965
 - (ii) International Convention on the Elimination of All Forms of Racial Discrimination - 1966
 - (iii) International Convention on the suppression and punishment of Crime of Apartheid 1972.
 - (iv) Convention and Recommendation against Discrimination in Education 1960.
 - (v) Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, 1987.
3. **SLAVERY**
 - (i) Slavery Convention 1926
 - (ii) Supplementary convention on the Abolition of Slavery. The slave Trade, and Institutions and practices similar to slavery 1956.
4. **HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE**
 - (i) Declaration on Protection of All persons from Being subjected to Torture and other Cruel, Inhuman, Degrading treatment or punishment 1983.
 - (ii) The convention against torture and other cruel, inhuman or degrading treatment or punishment 1984.
5. **CRIME AGAINST HUMANITY**
Convention on prevention and punishment of the Crime of Genocide-1948.
6. **INTERNATIONAL CULTURAL DEVELOPMENT AND CO-OPERATION**
 - (i) Declaration of the principles of international cultural co-operation 1966.
 - (ii) Declaration of Principles of Tolerance, 1995(UNESCO).
7. **EMERGING HUMAN RIGHTS**
 - (i) Right to Adequate food: World Food Conference, 1974
 - (ii) Rights of the Indigenous People, 1995
 - (iii) Rights of the Disable Persons, 1975
 - (iv) Rights of the Mentally Retarded Persons, 1971.

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PAPER: III

CHR2013- Constitutional Law of India : New Challenges - II

I. Union / State Constitution

In re-The Gujarat Legislative Assembly, A.I.R. (1974) 2 S.C. 33

1. The President and the Council Minister :

- i. S.K. Singh v. V.V. Giri, A.I.R., 1970 S.C. 2097.
- ii. U.N. Rao v. Indira Gandhi, A.I.R., 1971 S.C. 1002.
- iii. Shamsheer Singh v. State of Punjab, A.I.R., 1974 S.C. 2192.
- iv. Mahabir Prasad v. P.C. Ghose, A.I.R. 1969 Cal. 198.

2. Parliament

- i. In re-Reference, (UP Assembly, Allahabad, H.C.), A.I.R., 1965 S.C. 745.
- ii. M.S.M. Sharma v. Sri Krishan, A.I.R., 1959 S.C. 1574.
- iii. T.K. Jain v. S. Reedy etc., A.I.R. 1970 S.C. 1574.
- iv. In re-Delhi Laws Act, A.I.R., 1951, 332.

3. The Judiciary, Supreme Court :

- i. Union of India v. Jyoti Prakash, A.I.R., 1971 S.C. 1093.
- ii. ART 131 State of Bihar v. Union of India, A.I.R. 1970 S.C. 1446.
- iii. ART 132 State of Kerala v. Union of India, A.I.R. 1978 S.C. 54.
- iv. ART 134- Tarachand Pemu v. State of Maharashtra, A.I.R. S.C. 130.
- v. 136- Dhakeshwari Cotton Mill Ltd. v. C.I.T., A.I.R. 1965 S.C. 65.
- vi. Pritam Singh v. State of Punjab, A.I.R. 1960 S.C. 160.
- vii. Mangal Das v. State of Maharashtra, A.I.R. 1966 S.C. 2156.
- viii. Reghubir Singh v. State of U.P. A.I.R. 1971 S.C. 2156.

4. Inter-state Trade, Commerce :

- i. Automobile Transport Rajasthan Ltd. v. State of Rajasthan, A.I.R., 1962 S.C. 1406.
- ii. Ariabari Tea Co. Ltd. v. State of Assam, A.I.R. S.C. 232.

5. Emergency :

- i. Rao Birendra Singh v. Union of India, A.I.R., 1958, P&H 441.
- ii. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361.
- iii. Makhan Singh v. State of Punjab, A.I.R. 1964 S.C. 381.
- iv. A.D.M. Jabalpur v. State of M.P., A.I.R. 1976 S.C. 1207.

6. Creation of New States, Democratic Process :

- i. Nexus of Politics with criminals and business
- ii. Electoral reforms.
- iii. Coalition Government, Stability, Durability, Corrupt practices.
- iv. Grass-root democracy.

7. Constitutional Power : Amendments

Suggested Readings :

1. H.M. Seervai : Constitutional Law of India (2nd Ed. 1975) N.M. Tripathi Ltd.
2. Jain, M.P. : Constitutional Law, N.M. Tripathi Ltd
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Kagzi, M.C.J. : Segregation and Untouchability Abolition, Metropolitan Book Co.
5. Shukla V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book co.

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6. D.D. Basu : Commentaries on the Constitution of India.
7. Nagzi M.C.J. : Kesavananda's Case.
8. Basu : Shorter Constitution of India.
9. Ville Austin : Indian Constitution.
10. Ville Austin : Cornerstone of a Nation.
11. Anville Willams : Working a Democratic Constitution - The Indian Experience.


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PAPER: IV
CHR-2014- HUMAN RIGHTS AND CRIMINAL JUSTICE – II

COURSE CONTENT

1. **RIGHT TO LEGAL AID ACCESS TO JUSTICE AND SPEEDY JUSTICE**
2. **RIGHT TO COMPENSATION**
3. **PUNISHMENTS AND HUMAN RIGHTS**
4. **ADMINISTRATION OF CRIMINAL JUSTICE**
 - (i) Ordinary Courts
 - (ii) Special Courts
 - (iii) District Human Rights Courts
 - (iv) Human Rights Sensitization
5. **INTERNATIONAL PERSPECTIVES**
 - (i) International crimes
 - (ii) International crime control and protection agencies, e. g. Interpol
 - (iii) International co-operation in combating of transnational organized crimes and international terrorism-Palermo Convention on Transnational Organized Crime 2000, Convention against Illicit Trafficking of Narcotic and Psychotropic Substances, 1988-90
 - (iv) Extradition and mutual assistance in criminal proceedings
 - (v) International Criminal Court - Rome Statute, 1998
 - (vi) International norms on administration of criminal justice - UN General Assembly resolutions.


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PAPER: V

HR2015- HUMAN RIGHTS JUSTICE AND DISADVANTAGED GROUP
(CHILDREN) – II

COURSE CONTENT

1. PHILOSOPHICAL AND SOCIAL PERSPECTIVES
2. STATUS OF CHILDREN IN CONTEMPORARY INDIAN SOCIETY
 - (i) Impact of problems of Poverty and Illiteracy
 - (ii) Social and Cultural practices regarding Girl Child: Foeticide, Child Marriage
 - (iii) Child Labour (in construction, carpet, glass, bangles, and other industries, in unorganized sectors), Forced labour, Sale of Children
 - (iv) Child abuse inside and outside homes, trafficking in Children, Children and Custodial Crimes
(:: Street children: Child and Crime
3. INTERNATIONAL NORMS FOR PROTECTION OF CHILDREN
 - (i) ILO conventions on restrictions and prohibition on child labour
-- including ILO Convention on Child Labour, 1999
 - (ii) UN Convention on the Rights of the Child, 1989, Optional Protocol on the Involvement of Children in Armed Conflict, and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, 2000. Declaration of Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, 1986
 - (iii) UNESCO: International Charter of Physical Education and Sports, 1978; Convention on Technical and Vocational Education, 1989, Convention and Recommendation against Discrimination in Education, 1960, Universal Declaration on the Human Genome and Human Rights, 1997, Declaration on the Responsibilities of the Present Generation towards Future Generations, 1997
 - (iv) World Summit for Children: Declaration and Plan of Action
 - (v) Other relevant developments
4. THE CONSTITUTION OF INDIA AND STATUS OF CHILDREN
 - (i) Fundamental Rights and Directive Principles under Indian Constitution
 - ~~(ii) Special Protection for the child: Article 15(3), Article 24, Article 39 (e) & (f), Article 45~~
 - (iii) Judicial Endeavor and Children
5. SPECIAL LAWS AND POLICIES FOR PROTECTION OF THE CHILD
 - (i) Child Labour (Prohibition and Regulation) Act, 1986, Children (Pledging of Labour) Act, 1933, Young Persons (Harmful Publications) Act, 1956, Child Marriage Restraint Act, 1929, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1956, Children's Act, 1960, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, Juvenile justice (Care & Protection of Children) Act, 2000.
 - (ii) Other Laws relevant to protection of the Child
 - (iii) Gaps between International norms and the Indian Law, if any
 - (iv) Government Policies
6. INSTITUTIONAL MECHANISM FOR PROTECTION OF CHILD
 - (i) Constitutional Mechanisms: Legislature, Executive, Judiciary (Special contribution of judiciary)
 - (ii) National Human Rights Commission, National Commission for Rights of the Child
 - (iii) Non Governmental Organizations
 - (iv) The Information Media
 - (v) Role of Education

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PAPER: VI
CHR2016- Recent Legal Development Cases-II
(Viva-Voce Examination & Project Work)

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Semester-III


Sr. No.	Subject Code	Title of the Course	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	CHR3011	Constitutional Governance of Human Rights In India - I	CCC	6	6	2		3	
2.	CHR3012	International Humanitarian Law - I (International Organizations)	CCC	6	6	2		3	
3.	CHR3013	Research Methodology-I	CCC	6	6	2		3	
4.	CHR3014	International Obligation and Human Rights - I (Environmental Law)	ECC	6	6	2		3	
5.	CHR3015	Social Movements & Human Rights & Duties	ECC	6	6	2		3	
6.	CHR3016	Recent Legal Development in Human Rights (Viva-Voce & Project Work)	ECC	6			6		4

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Semester-IV

Sr. No.	Subject Code	Title of the Course	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	CHR4011	Constitutional Governance of Human Rights In India – II	CCC	6	6	2		3	
2.	CHR4012	International Humanitarian Law – II (Refugee Law)	CCC	6	6	2		3	
3.	CHR4013	Dissertation	CCC	6	6		2		3
4.	CHR4014	International Obligation and Human Rights – II (Enforcement Mechanism)	ECC	6	6	2		3	
5.	CHR4015	Research Methodology-II	ECC	6	6	2		3	
6.	CHR4016	Working Class and Human Rights & Duties	ECC	6	6	2		3	


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SYLLABUS

LL.M. (Human Rights & Value Education) **SEMESTER - III**

PAPER: I

(CHR 3011) - CONSTITUTIONAL GOVERNANCE OF HUMAN RIGHTS IN INDIA - I

COURSE CONTENT

1. CONSTITUTION AND HUMAN RIGHTS

- (i) Fundamental Rights. Directive Principles and Fundamental Duties
- (ii) International Human Rights and the Indian Constitution
- (iii) Judicial Review and Administrative Actions with reference to Human Rights
- (iv) State of Human Rights during Emergency
- (v) Judicial Activism – protection of human rights
- (vi) Liberty, Equality and Fraternity in Human Rights Perspective

2. SPECIAL LAWS FOR PROTECTION OF SPECIFIC CATEGORIES/ VULNERABLE SECTIONS OF THE PEOPLE

- (i) Reservations and the Right to Equality
- (ii) Protection of Minorities- Cultural and Educational Rights
- (iii) Contract and Unorganized Workers, Bonded Labor
- (iv) Tribal People

3. ENFORCEMENT OF HUMAN RIGHTS

- (i) Judiciary: Article 32, Article 226 – Public Interest Litigation.
- (ii) National Specialized Agencies: Law Commission, SC/ST commission, Minorities Commission, Women's Commission,
- (iii) Human Rights Commissions.
- (iv) Criminal Justice Delivery System
- (v) Legal Aid
- (vi) NGO's, Social movements and pressure groups working through democratic institutions such as lobbying MPS, Media
- (vii) International Redressal Mechanism.

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PAPER: II
(CHR 3012) - INTERNATIONAL HUMANITARIAN LAWS – I
(INTERNATIONAL ORGANIZATIONS)

COURSE CONTENTS:

1. **INTERNATIONAL HUMANITARIAN LAW (IHL)**
 - (i) Origin and development of IHL with contribution of Indian ethos
 - (ii) Sources of IHL
 - (iii) International armed conflict and International Humanitarian Law
 - (iv) Doctrine of military necessity versus the principles of humanity
 - (v) Role of IHL in non-international armed conflicts
 - (vi) National perspectives on IHL
 - (vii) Role of International Red Cross and NGOs

2. **IMPLEMENTATION AND ENFORCEMENT OF IHL**
 - (i) Concept of Protecting Power
 - (ii) United Nations
 - (iii) International Criminal Court and Tribunals
 - (iv) Unilateralism: humanitarian intervention versus state sovereignty
 - (v) Humanitarian assistance
 - (vi) State Obligations in times of peace and during armed conflicts-
national implementation of the Geneva Conventions-National
Legislation with penal repression of violation of International Humanitarian
Law
 - (vii) Universal Jurisdiction for the breach of IHL.

3. **RELATIONS BETWEEN INTERNATIONAL HUMANITARIAN LAW AND
HUMAN RIGHTS LAW**

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PAPER: III

(CHR 3013) - RESEARCH METHODOLOGY-I

COURSE CONTENT:

1. General
 - i. Nature and scope of legal research
 - ii. Formulation of research problem
 - iii. Survey and legal research
 - iv. Research Design: Facts and hypothesis, problem of objective

2. Methodology
 - i. Methodological Orientation and logic of enquiry
 - ii. Dialectic materialism
 - iii. Comparative Method
 - iv. Historical Method
 - v. Analytical Method
 - vi. Field Work
 - vii. Inductive and deductive Methods
 - viii. Other research methods


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PAPER: IV
(CHR 3014) -INTERNATIONAL OBLIGATIONS AND HUMAN RIGHTS - I
(ENVIRONMENTAL LAW)

COURSE CONTENT:

1. **THE CONCEPT OF ENVIRONMENT**
 - (i) Meaning and Historical Perspective.
 - (ii) Traditions
 - (iii) Natural and Biological Sciences: Perspectives
 - (iv) Modern concept : Conflicting dimension.

2. **INTERNATIONAL PERSPECTIVES AND DEVELOPMENT**
 - (i) Stockholm Declaration, 1972
 - (ii) Right to development: UN Declaration on the Right to Development, 1986.
 - (iii) Right to development versus right to clean environment
 - (iv) Rio Declaration: Sustainable development

3. **ENVIRONMENTAL PROTECTION IN INDIA**
 - (i) Constitutional rights and duties.
 - (ii) Precautionary principle
 - (iii) Public trust doctrine
 - (iv) Polluter pay principle

4. **ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES**
 - (i) Poverty
 - (ii) Indigenous people and Tribal.
 - (iii) Developing economies
 - (iv) Depletion of forest and natural resources.

5. **INTERNATIONAL CONCERN**
 - (i) World environment movement
 - (ii) Natural and cultural heritage: Common Heritage Principle
 - (iii) Role of international and regional organization
 - (iv) International financing policy and world environment fund
 - (v) Global Environmental Facility (GEF)

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Paper V

(CHR 3015) - SOCIAL MOVEMENTS AND HUMAN RIGHTS AND DUTIES

1. Conceptual Perspective

- (a) Concept of Social Movement,
- (b) Types of Social Movement,
- (c) Ideology, Organization,
- (d) Mobilization Leadership

2. Reform Movements and Human Rights

- (a) Brahmo Samaj and Arya Samaj Movement,
- (b) Dalit Movement,
- (c) Feminist Movement

3. Political Movement and Human Rights

- (a) Freedom Movement,
- (b) Peasant Movement,
- (c) Trade Union Movement,
- (d) Student Unrest

4. Ecological Movement

- (a) Chipko Movement
- (b) Narmada Bachao Movement

Suggested Readings :

- Bipin Chandra ; History of Modern India
- Satish Chandra; History Medieval India.
- J.N. Farquhar; Modern Religious Movements in India
- Manisha Sharma & B.S. Sharma; Politics of Social Movement in India.
- Shekhar Bandyopadhyay; Nationalist Movement in India.
- S.K. Bishwas; The Chandals and the Democratic Movement.

Paper VI

(CHR 3016) - RECENT LEGAL DEVELOPMENT IN HUMAN RIGHTS (VIVA-VOCE AND PROJECT WORK)

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SYLLABUS SEMESTER - IV

PAPER: I

(CHR 4011) - CONSTITUTIONAL GOVERNANCE OF HUMAN RIGHTS IN INDIA – II

1. **PROBLEMS OF ENFORCEMENT OF HUMAN RIGHTS IN INDIA**
 - (i) Poverty and inaccessibility of Legal redress.
 - (ii) Abuse of Executive power: Deaths in Police Custody etc.
 - (iii) Lack of accountability and transparency in government functioning and the right to information.
 - (iv) Inadequate functioning of democratic institutions, democratic deficit.
 - (v) Rule of civil society and social prejudices against caste, women, minorities etc.

2. **THE STATE AND CIVIL SOCIETY IN INDIA AND HUMAN RIGHTS VIOLATIONS**
 - (i) Human Rights violations in Private Domain: within the family, by dominant castes, religious groups.
 - (ii) Human Rights violations in public domain: state, employers, etc., Riots and violence in connection with inter-community tensions,
 - (iii) Impact of development policies on human rights.

3. **HUMAN RIGHT VIOLATIONS AND INDIAN POLITICS**
 - (i) Impact of colonialism on Indian society and polity.
 - (ii) Unrepresentative character of political parties and Parliament and assault on democracy
 - (iii) Media and corporate control
 - (iv) Social Movements and NGOs.

4. **IMPORTANCE OF INTERNALIZING HUMAN RIGHTS AND DUTIES**
 - (i) Urgent need for not only sensitizing others of human rights and duties, but of practicing oneself those values: self-inculcation, endeavor to live up to those ideals. Duty to respect others' rights, respect each other's human dignity.

PAPER: II

**(CHR 4012) - INTERNATIONAL HUMANITARIAN LAWS – II
(REFUGEE LAW)**

1. HISTORY OF REFUGEE LAW

- (i) Definition and description and meaning
- (ii) Refugee defined in International Instruments 1942-1946.
- (iii) Refugee for the purpose' of United Nations.
- (iv) Development of Statutory definition and extension of mandate
- (v) Other regional and related instrument,

2. DETERMINATION OF REFUGEE STATUS

- (i) Under the Refugee Convention 1951 and Protocol of 1967
- (ii) Problem of Refugees in non-armed conflict situations
(economic, environmental, natural disaster)

3. PROTECTION UNDER INTERNATIONAL LAW

- (i) Right of non-refoulement
 - 1. Principle of non-refoulement
 - 2. Non-refoulement and its relation with admission and non rejection the frontier.
 - 3. Extradition
 - 4. Expulsion
 - 5. Illegal entry
 - 6. Measures not amounting to non-refoulement
- (ii) Right to Asylum
- (iii) UNHCR and Refugee protection

4. LOSS AND DENIAL OF REFUGEE STATUS AND ITS BENEFITS

- (i) Voluntary acts of individual
- (ii) Change of circumstances
- (iii) Protection or assistance by other States or UN agencies
- (iv) Undeserving Cases

5. PROTECTION IN INDIA

- (i) Protection without legislation and judicial determination: case law (b) Status of refugees in India under UNHCR
- (ii) India and 1951 Convention.

6. SOLUTION TO REFUGEE PROBLEM

- (i) Resettlement in third country
- (ii) Repatriation: Voluntary or Forced
- (iii) Local assimilation
- (iv) Protective zones

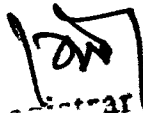
INTERNATIONAL LAW AND INTERNALLY DISPLACED PERSONS
UN Guiding Principles on Internal Displacement 1998

8. RIGHTS AND DUTIES OF THE INTERNATIONAL COMMUNITY

- (i) Concept of burden sharing
- (ii) Finding durable solutions: roots of refugee problem

PAPER-III

(CHR 4013) - Dissertation


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PAPER - IV

**(CHR 4014) - INTERNATIONAL OBLIGATIONS AND HUMAN RIGHTS – II
(ENFORCEMENT MECHANISM)**

1. ISSUES OF INTERNATIONAL ACCOUNTABILITY FOR BREACH OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

- (i) State sovereignty:
 - (a) Domestic jurisdiction, and principle of non-intervention
 - (b) Concept of international jurisdiction, as distinct from existence of international obligation
- (ii) Sovereign immunity from accountability: states, high functionaries of State, obedience to superior orders
- (iii) Rule of exhaustion of local (national) remedies
- (iv) Problems of cooperation between states in exercise of criminal jurisdiction: Extradition and asylum (political offences), cooperation in respect of investigation, transfer of evidence; transfer of accused offenders, etc

2. INTERNATIONAL RESPONSE TO BREACHES OF HUMAN RIGHTS OBLIGATIONS: QUEST FOR INTERNATIONAL JURISDICTION

- (i) General role of international organizations/agencies in monitoring / supervising implementation of Human Rights obligations Examination of reports and making of recommendations thereon, complaints procedure, spot investigations, fact finding commissions of inquiry, conciliation, public discussion and criticism, catalyzing formation of international public opinion
- (ii) International sanctions against gross and persistent violations of Human Rights:
 - (a) The issue of threshold points that constitutes gross violations
 - (b) "international" sanctions: contents and competent
- (iii) The role of UN Security Council:
 - (a) Chapters VI and VII of the UN Charter
 - (b) Relation; between Human Rights violations and the determination by the Security Council of a "threat to peace, breach of peace and act of aggression"
 - (c) Politics, selectivity lack of impartiality, big power manipulation in international organizational actions
- (iv) Case studies:
Former racist regime in South Africa, Haiti, Yugoslavia (Bosnia, Kosovo), Rwanda, and others
- (v) Impact of International sanctions by the UN on Human-Rights of people in target States:
Cases of sanctions against Iraq, Yugoslavia

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INTERNATIONAL CRIMINAL TRIBUNALS

- (i) Concepts of international crimes, and international criminal tribunals:
 - (a) Justice Radha Binod Pal's dissent in the Tokyo International Military Tribunal's decision on trial of major Japanese war criminals: the issues of selectivity and victor's justice
 - (b) Relationship between core values of international society and internationally criminalizing their violations as international crimes
 - (c) International Law Commission's draft articles on State Responsibility and definition of international crimes
- (ii) Evolution of international criminal court:
 - (a) Treaty of Versailles, the League of Nations Convention on the Statute of the International Criminal Court 1937, the Nuremberg and the Tokyo International Military Tribunals
 - (b) The genocide Convention 1948, the International Law Commission's draft of Code of Offences (now Crimes) against the peace and security of Mankind, the Commission's 1994 final draft statute for an international criminal court
 - (c) Rome Statute for the International Criminal Court 1998: issues of jurisdiction, the dominant role for the Security Council, and relationship between the ICC and national courts
- (iii) The UN War Crimes Tribunals for Yugoslavia and Rwanda Issues of Legality, 'victor's justice', politics of and in prosecution of accused, the new Cambodian national tribunal for trial of members of the former Pol Pot regime, other examples'
- (iv) International Criminal Tribunal versus National reconciliation/amnesty approaches

4. INTERNATIONAL OBLIGATION'S AND REGIONAL HUMAN RIGHTS REGIMES

- (i) Regional Human Rights norms and standards and their relationship to International obligation to protect Human Rights
- (ii) Regional regimes in operation
 - (a) European
 - (b) Latin American
 - (c) African

5. ENFORCEMENT OF INTERNATIONAL OBLIGATION THROUGH DOMESTIC LAW

- (i) Diversity of domestic legal systems and practices
- (ii) Indian legal system:
 - (a) Constitution of India Article 51 and 253 read with 246
 - (b) Survey of Indian law incorporating international Human Rights obligations
 - (c) Role of Judiciary National Human Rights Institutions, NGOs, media
- (iii) Domestic recognition and enforcement of "foreign" judgments and arbitral awards.

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PAPER : V

(CHR 4015) -RESEARCH METHODOLOGY-II

1. Techniques of Data Collection

- i. Types
- ii. Sources
- iii. Techniques of Data Collection:
Observation, Interview, Questionnaire, Interview Schedule
- iv. Content Analysis

2. Data Analysis: Classification, tabulation, graphic representation

- v. Analysis of Data – Processing of Data – Classification of Data
- vi. Interpretation of Data – Necessary of Interpretation – Methods of Interpretation
- vii. Research Report – Legal thesis writing – Steps in thesis writing – Layout of thesis – Chapter Arrangement

3. Case Study Method

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Paper VI

CHR (4016) - WORKING CLASS AND HUMAN RIGHTS AND DUTIES

1. Conceptual Issues

- (a) Definition; Classification,
- (b) Working Class Movement,
- (c) From Laissez Faire to Welfare State,
- (d) Privatization to Globalization

2. Status of Working Class: Causal Workers, Contract Labour, Bonded Labour, Agricultural Labour, Migrant Workers

3. Human Rights of the Workers

4. Labour Welfare Problems

- (a) Health Hazards : Accidents, Occupational Diseases,
- (b) Social Security,
- (c) Collective Bargaining,
- (d) Worker's Participation in Management,
- (e) Impact of Technological Developments

5. International Standards

Suggested Readings :

- Chatterji Rakhahari; Working class and the Nationalist Movement in India.
- A.R. Desai ; Repression and Resistance in India : Violation of Democratic Rights of Working Class, Rural, Poor, Adivasis and Dalits.
- Sen Sukomal; The Working Class of India : History of emergence and movements 1830-2010.
- H.L. Kumar ; Practical Guide to Labour Management.
- Mamoria : Personnel Management and Industrial Relations.
- Avatar Singh ; Introduction to Labour and Industrial Law Welfare and Wages.
- N. Vaiyanathan; International Labour Standards.
- A.M. Sharma: Aspects of Labour Welfare and Social Security.
- Saxena; Labour Problems Welfare and Security.

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