



UNIVERSITY OF RAJASTHAN
JAIPUR

SYLLABUS

Faculty of Law

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

Semester Scheme

I & II Semester Examination 2023-24

III & IV Semester Examination 2024-25

P. Jais
Dr. Registrar (Acad.)
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DEPARTMENT OF LAW
UNIVERSITY OF RAJASTHAN, JAIPUR



SYLLABUS

Faculty of Law

LL.M. (HUMAN RIGHTS AND VALUE EDUCATION)

(SEMESTER SCHEME)

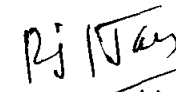
I & II Semester Examination	2023-24
III & IV Semester Examination	2024-25

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LL.M. (HUMAN RIGHTS & VAULE EDUCATION)


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


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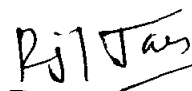
Semester-II

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


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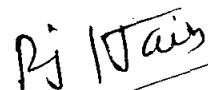
Semester-III

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		
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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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, Hart Fuller Debate and Morality.

2. SOCIOLOGICAL PROCESS

1. Sociological Functional Approaches in Jurisprudence with comparison to Indian scenario
2. Roscoe Pound: Sociological Engineering
3. Realist Movement and Judicial Process: Justice Cardozo
4. Feminist Philosophy

3. 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.

(B) 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. 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.

(F) Theories Based on Distributive Justice

1. Rawls theory on Social Justice and Impact on Indian Scenario.
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 in Indian Scenario

5. PHILOSOPHICAL AND HISTORICAL FOUNDATIONS OF HUMAN RIGHTS

- (i) Philosophical Foundations of Human Rights.
(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** [Need, Importance, Objectives; Definitions, Concept, Key Features]
 - (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**
[Need, Importance, Objectives; Definitions, Concept, Key Features]
 - (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**
[Need, Importance, Objectives; Definitions, Concept, Key Features]
 - (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**
[Need, Importance, Objectives; Definitions, Concept, Key Features]
 - (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
[Need, Importance, Objectives; Definitions, Concept, Key Features]
6. **TEHRAN**
Proclamation of Tehran, 1968 [Need, Importance, Objectives; Definitions, Concept, Key Features]
7. **VIENNA**
Vienna Declaration and Programme of Action on Human Rights, 1993
[Need, Importance, Objectives; Definitions, Concept, Key Features]

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. Introduction:

Main Features and Basic Constitutional Values, Preamble, Basic Structure, Constitutionalism and Constitutional Morality

II. Fundamental Rights:

Concept and Nature of Fundamental Rights

State and Its Instrumentalities Under Article 12

Article 13: Doctrine of Eclipse, Doctrine of Severability, Limitation on the powers of State under Article 13(2), Definition of Law and the interpretation vis-a-vis Personal Laws.

III. Right to Equality:

Equality before Law and Equal Protection of Laws

Positive Discrimination and Affirmative Actions

Concept of Gender Equality and Justice

Untouchability and Abolition of Titles

IV. Right to Freedom:

Ambit of Article 19 (1) and Reasonable Restrictions

Freedom of Speech and Expression in the Era of social media

Protection in Respect of Conviction for offences

V. Right to Life and Personal Liberty

Personal Liberty: Concept, Philosophy and Judicial Approach

Right to Life: Expansion of its Scope by Judiciary

Protection against Arrest and Detention

VI. Right against Exploitation

Prohibition of Trafficking in Human beings and Force Labour

Child Labour

VII. Freedom of Religion and Minority Rights

Freedom of Religion and Secularism in India; Challenges and Judicial Response

Rights and Protection of the interest of Minorities

VIII. Right to Constitutional Remedies

Writ Jurisdiction of Supreme Court and High Court
Judicial Activism and Judicial Overreach

IX. Directive Principles of State Policy and Fundamental Duties

Nature, Philosophy and Justiciability
Interrelationship with Fundamental Rights

Leading Cases

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.
3. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361
4. State of Karnatka v. Union of India, A.I.R 1978 S.C. 58.
5. M. Karunanidhi v. Union of India, A.I.R. 1979 S.C. 898
6. I.C. Goak Nat v. State of Punjab, A.I.R. 1967, S.C. 1643.
7. R.C. Cooper v. Union of India, A.I.R. 1970, S.C. 564.
8. In-re-Reference Special Bill, A.I.R., 1979 S.C. 585
9. R.K. Dalmia v. Justice Tendokkar, A.I.R., 1958, S.C. 538.
10. Budhan Chaudhary v. State of Bihar, A.I.R., 1955, S.C. 191.
11. Lachmandas Kawlalram v. State of Bombay, A.I.R., 1952 S.C. 235.
12. D.N. Chanchala v. State of Mysore, A.I.R., 1971, S.C. 1762.
13. M.R. Balaji, v. State of Mysore, A.I.R., 1963 S.C. 649.
14. M. Thomasa v. State of Kerala, A.I.R. 1976 S.C. 490.
15. Bennet Coleman v. Union of India, A.I.R. 1973 S.C. 186.
16. K.A. Abbas v. Union of India, A.I.R. S.C. 481.
17. Anuradha Bhasin v. Union of India and others (2020)
18. Aishat Sifha v. State of Karnataka
19. Janhit Abhiyan v. Union of India
20. Maneka Gandhi v. Union of India, A.I.R., 1978 S.C. 597
21. Bhut Nat v. W.B., A.I.R., 1974 S.C. 806.
22. S.N. Sarkar v. W.B., A.I.R., 1973 S.C. 1425.
23. Fagu Shah v. W.B., A.I.R., 1974 S.C. 613
24. Sunil Batra v. Delhi Administration, A.I.R., 1978 S.C. 1675.
25. Justice K. S. Puttaswamy (Retd.) and another v. Union of India and others (2017)
26. Navtej Singh Johar and others v. Union of India (2018)
27. Commr. of Hidnu Religious Endowment D.L.T. Swamiar, A.I.R., S.C. 282.
28. Durgah Committee v. Syed Hussain Ali, A.I.R., 1961 S.C. 1402
29. Syodna Tahee Saifuddin v. State of Bombay, A.I.R., 1962 S.C. 853
30. Yulitha Myde v. State of Orissa, A.I.R., 1973 S.C. 116
31. Indian Young Lawyers Association v. the State of Kerala
32. Shayara Bano v. Union of India and others (2016)
33. Bombay v. Bombay Education Society, A.I.R., 1954 S.C. 651.

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34. Pradeep Jain v. Union of India, A.I.R., 1984 S.C. 1420.
35. Azeez Basha v. Union of India, A.I.R., 1968 S.C. 662
36. St. Xavier's College v. State of Gujarat, A.I.R., 1974 S.C. 1389.

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

OBJECTIVES OF THE COURSE:

The main objective of the course is to provide in depth and advance knowledge regarding criminal justice system in India, Various Human Rights Problems in India. The objective of the Course is also provided understanding of the pillars of criminal Justice Administration etc. Police, Judiciary, Prison.

COURSE CONTENT:

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. CONCEPTUAL PERSPECTIVE

- (i) Concept of Crime and Criminal liability
- (ii) Preventive Measures to control the Crime

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
- (vi) Fair Trial
- (v) Speedy Trial
- (vi) Appeal

5. CRIMINAL JUSTICE SYSTEM IN INDIA

- (i) Elements of Criminal Justice System
- (ii) Fundamentals of Police Administration,
- (iii) Organization and structure of Police.
- (iv) Police Reforms
- (v) Role of Prosecution in Criminal Justice System
- (vi) Role of Judiciary in Protection of Human Rights

6. RIGHTS OF INMATES OF PRISONS AND CORRECTION HOMES

- (i) Protection Homes

- (ii) Prisons system
- (iii) Prison Reform
- (iv) Reformative and other Institutions

SUGGESTED READINGS*

- D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India(P) Ltd., New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- H.O. Agarwal, International Law & Human Rights, Central Law Agency 1st Ed. (Rep) 2014
- S.K. Kapoor, International Law, Human Rights, Central Law Agency, 2009
- Shaw, International Law, Cambridge University Press, 6 th ed., 2008
- Starke, Introduction to International Law, Oxford University Press, 2013
- Dr S.R. Myneni, Crime and Criminology, Allahabad Law Agency, First Edition, 2017
- Dr S.R. Myneni, Crime and Penology and Victimology, Allahabad Law Agency, First Edition, 2017

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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

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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 of Hohfeld.
- (iii) Co-relationship between rights and duties in relation to State and Society in India.

2. JURISPRUDENCE OF HUMAN RIGHTS: 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.
4. Theology in Ancient Indian Scenario

(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. HUMAN RIGHTS: INDIAN LEGISLATION

The Protection of Human Rights Act, 1993.

5. HUMAN RIGHTS: INTERNATIONAL PROBLEMS AND

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.

[Need, Importance, Objectives; Definitions, Concept, Key Features]

2. PREVENTION OF DISCRIMINATION

[Need, Importance, Objectives; Definitions, Concept, Key Features]

(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

[Need, Importance, Objectives; Definitions, Concept, Key Features]

(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

[Need, Importance, Objectives; Definitions, Concept, Key Features]

(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.

[Need, Importance, Objectives; Definitions, Concept, Key Features]

6. INTERNATIONAL CULTURAL DEVELOPMENT AND CO-OPERATION

[Need, Importance, Objectives; Definitions, Concept, Key Features]

(i) Declaration of the principles of international cultural co-operation 1966.

(ii) Declaration of Principles of Tolarence, 1995(UNESCO).

7. EMERGING HUMAN RIGHTS

[Need, Importance, Objectives; Definitions, Concept, Key Features]

(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.

PAPER: III

CHR2013- Constitutional Law of India : New Challenges - II

I. Federalism:

Principles of Federalism

Cooperative and Competitive Federalism

Nature of Indian Constitution and Challenges

II. Union Executive:

Parliamentarian and Presidential Form of Government

President: Election, Powers and Functions

Council and Ministers and Prime Minister

Position of President vis-à-vis Council of Ministers

III. Union Legislature:

Parliament: Composition, Powers and Functions

Parliamentary Procedure and Privileges

IV. Supreme Court:

Appointment of Judges and Collegium System

Jurisdiction and Duty to do Complete Justice

Independence and Accountability of Judiciary

V. Distribution of Powers between Central and State:

Distribution of Legislative Powers

Distribution of Administrative Powers

Distribution of Financial Powers

Inter State Trade and Commerce

VI. Emergency:

Types of Emergency

Impact of Emergency on Federal Structure and Fundamental Rights

VII. Anti-defection Law:

Party System in India

X Schedule and Judicial Approach

Leading Cases:

1. In re-The Gujarat Legislative Assembly, A.I.R. (1974) 2 S.C. 33
2. S.K. Singh v. V.V. Giri, A.I.R., 1970 S.C. 2097.
3. U.N. Rao v. Indira Gandhi, A.I.R., 1971 S.C. 1002.
4. Shamsher Singh v. State of Punjab, A.I.R., 1974 S.C. 2192.
5. Mahabir Prasad v. P.C. Ghose, A.I.R. 1969 Cal. 198.
6. In re-Reference, (UP Assembly, Allahabad, H.C.), A.I.R., 1965 S.C. 745.
7. M.S.M. Sharma v. Sri Krishan, A.I.R., 1959 S.C. 1574.
8. T.K. Jain v. S. Reedy etc., A.I.R. 1970 S.C. 1574.

9. In re-Delhi Laws Act, A.I.R., 1951, 332.
10. Union of India v. Jyoti Prakash, A.I.R., 1971 S.C. 1093.
11. State of Bihar v. Union of India, A.I.R. 1970 S.C. 1446.
12. State of Kerala v. Union of India, A.I.R. 1978 S.C. 54.
13. Tarachand Pemu v. State of Maharashtra, A.I.R. S.C. 130.
14. Dhakeshwari Cotton Mill Ltd. v. C.I.T., A.I.R. 1965 S.C. 65.
15. Pritam Singh v. State of Punjab, A.I.R. 1960 S.C. 160.
16. Mangal Das v. State of Maharashtra, A.I.R. 1966 S.C. 2156.
17. Reghubir Singh v. State of U.P. A.I.R. 1971 S.C. 2156.
18. Automobile Transport Rajasthan Ltd. v. State of Rajasthan, A.I.R., 1962 S.C. 1406.
19. Ariabari Tea Co. Ltd. v. State of Assam, A.I.R. S.C. 232.
20. Rao Birendra Singh v. Union of India, A.I.R., 1958, P&H 441.
21. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361.
22. Makhan Singh v. State of Punjab, A.I.R. 1964 S.C. 381.
23. A.D.M. Jabalpur v. State of M.P., A.I.R. 1976 S.C. 1207.

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
CHR-2014- HUMAN RIGHTS AND CRIMINAL JUSTICE – II

OBJECTIVES OF THE COURSE:

The changes in the global scenario bring new concept of Human Rights (HR) protection against violation which are not mere privileges given to the subjects by the legal system but are liberties permitted to the Citizen in democracy. Only when a society is aware of this right-duty relationship can there be any meaning to human rights. This course is intended to highlight the concept of Various Agencies of human rights in Criminal Justice System their evolution and their importance for Protecting the Rights of Citizen and International Perspective in the era of International Crimes, International crime control and Protection Agencies.

COURSE CONTENT

- 1. RIGHT TO LEGAL AID ACCESS TO JUSTICE AND SPEEDY JUSTICE:**
 - (i) Provisions under Constitution
 - (ii) Provisions under Criminal Procedure Code, 1973
- 2. RIGHT TO COMPENSATION IN CONSTITUTION OF INDIA**
- 3. PUNISHMENTS AND HUMAN RIGHTS**

- 4. 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.

- 5. ROLE OF VARIOUS AGENCIES IN PROTECTION OF HUMAN RIGHTS UNDER CRIMINAL JUSTICE SYSTEM**

- (i) International level: Human Rights and the United Nations Charter, Normative and Institutional Framework of the UN ; Role of the Permanent organs of the UN, Human Right Commission, UN High Commissioner for Human Rights.
- (ii) National Level: The Protection of Human Rights Act,1993, National Human Rights Commission, State Human Right Commissions, Human Rights Courts, other Commissions, Emerging regime of new Human Rights under CJS in India.
- (iii) District Human Rights Courts,
- (iv) Ordinary Court,
- (v) Special Court,

SUGGESTED READINGS*

- D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India(P) Ltd., New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- Dr S.R. Myneni, Crime and Criminology, Allahabad Law Agency, First Edition,2017
- Dr S.R. Myneni, Crime and Penology and Victimology, Allahabad Law Agency, First Edition,2017
- H.O. Agarwal, International Law & Human Rights, Central Law Agency 1st Ed. (Rep) 2014
- S.K. Kapoor, International Law, Human Rights, Central Law Agency, 2009
- Shaw, International Law, Cambridge University Press, 6 th ed., 2008
- Starke, Introduction to International Law, Oxford University Press, 2013
- Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), International Human Rights Law, (OUP 2013).
- Dinah Shelton, Analysis of African Commission for Human Rights Decision Regarding Communication 155/96, 96 A.J.I.L. 937 (2002).
- Ian Brownlie and Guy Goodwin-Gill, Brownlie's Documents on Human Rights, (5th ed., OUP 2006). •)
- Patrick Hayden, –The Philosophy of Human Rights (Paragon Issues in Philosophy) ||, 2001.
- Philip Alston (Author), Ryan Goodman (Author), Harry J. Steiner (ed), International Human Rights in Context: Law, Politics, Morals, (3rd ed, OUP 2007).
- Rhona K.M. Smith, Textbook on International Human Rights, (6th ed, OUP 2014).

PAPER: V
CHR2015- 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

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

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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

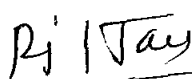
- (i) Fundamental Rights. Directive Principles and Fundamental Duties
- (ii) International Human Rights and the Indian Constitution
- (iii) Judicial Review and Administrative Actions with reference to Human Rights
- (iv) State of Human Rights during Emergency
- (v) Judicial Activism – protection of human 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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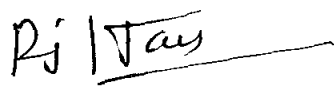
PAPER: II
(CHR 3012) - INTERNATIONAL HUMANITARIAN LAWS – I
(INTERNATIONAL ORGANIZATIONS)

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. Research:

What is Research? Meaning and Objectives; Research methods vis-a-vis Research Methodology; Legal Research - Meaning, scope and purpose. Relation between Law and Society; Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, Fundamental; Library Research, Field Research, Analytical, Descriptive, Conceptual; Participatory and Non-Participatory; Comparative, Historical, Statistical, Critical, Socio-Legal; Mono disciplinary and Trans Disciplinary; Quasi-Disciplinary, Inter-Disciplinary (multi- disciplinary) Research; Quantitative and Qualitative, One Time and Longitudinal, Clinical or Diagnostic Research; Research for Legal Reform;

2. Research Methods and Research Methodology:

Definition, Meaning, Significance; Qualities of a Good Researcher; Criteria for a Good Research; Obstacles to Good Research in India; Research Design; Various Steps in Research: Research Process; Research Problem: Identification and Formulation; Hypothesis Formulation in Project/Dissertation/Thesis etc., Using Null Hypothesis in Legal Research; Use of Library; Use of Modern Technology/ Computer Assisted Research;

3. Tools and Techniques for Collection of Data: Primary and Secondary Sources,

Literature Review, Observation Method, Questionnaire, Interview, Case Study, Sampling, Jurimetrics, Analysis and Interpretation of Data: Use of Deductive and Inductive Methods in Research; Preparation of Research Report and Writing of Research Report; Budgeting of Research; Ethical and Legal Issues: Plagiarism and Copyright Violation; Paraphrasing: Good or Bad for legal research?

4. Legal Writing:

Framing of Write Up: Research Question, Title, Identifying Relevant Areas of Law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion; Sources of Authority; Issues and challenges faced by researchers in completing entire research?


5. Exercises on kinds of Legal Writing:

Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial Writing; Blue Book Citation, Reference and Footnoting; Editing and Proof Reading; Writing of Research Proposal; Dissertation/ Thesis/ Project Writing, Things to Consider.

SUGGESTED READINGS*:

- I. Bruce L. Berg, Qualitative Research Methods For The Social Sciences (London, Allyn and Bacon, 2001).

- II. C.R. Kothari, Research Methodology: Methods and Techniques (New Delhi: Wiley Eastern Ltd., 1985).
- III. Dennis P. Forcese and Stephen Richer (ed.), Stages of Social Research – Contemporary Perspectives (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
- IV. Frederic Charles Hicks, Materials and Methods in Legal Research (Lawyers Cooperative Publishing, New York).
- V. Goode and Hall, Methods in Social Research (Singapore : McGraw Hill Book Co., 1985).
- VI. Harvard Law Review Association, The Bluebook: Uniform system of Citation (Harvard Law Review, Harvard).
- VII. Janathan Anderson, Thesis and Assignment Writing (Wiley Eastern Ltd., New Delhi).
- VIII. Johan Galtung, Theory And Methods of Social Research (London: George Allen &Unwin Ltd., 1970).
- IX. Leon Festinger (ed.), Research Methods in Behavioral Sciences (Holt, Rinehart andWinston, New York, 1953).
- X. Pauline V. Young, Scientific Social Surveys and Research (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
- XI. S. K. Verma and Afzal Wani, Legal Research and Methodology, ILI, New Delhi Seltiz, Jahoda et.al., Research Methods in Social Relations (Holt, Rinehart andWinston, New York, 1964).
- XII. Vijay K. Gupta, Decision Making In The Supreme Court of India (A Jurimetric Study)- Alternatives in Judicial Research (Delhi : Kaveri Books, 1995).


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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, Historical and International Perspective
 - (ii) Traditions
 - (iii) Natural and Biological Sciences: Perspectives
 - (iv) Modern Concept: Conflicting Dimension
 - (v) Environmental Justice and Human Rights
 - (vi) Green Crimes and Human Rights

2. INTERNATIONAL PERSPECTIVES AND DEVELOPMENT
 - (i) Stockholm Declaration, 1972
 - (ii) Rio Declaration
 - (iii) Johannesburg Conference
 - (iv) Kyoto Protocol
 - (v) Recent International Conventions

3. ENVIRONMENTAL PROTECTION IN INDIA
 - (i) Constitutional Rights and Duties, Directive Principles of State Policy
 - (ii) Precautionary Principle
 - (iii) Public Trust Doctrine
 - (iv) Polluter Pay Principle,
 - (v) Absolute and Strict Liability of Hazardous Industries
 - (vi) Enforcement Mechanism : National Green Tribunal

4. ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES
 - (i) Poverty, Population,
 - (ii) Inter Generational Equity
 - (iii) Indigenous People and Tribal
 - (iv) Developing Economies
 - (v) Depletion of Forest and Natural Resources
 - (vi) Sustainable Development

5. INTERNATIONAL CONCERN
 - (i) World Environment Movement
 - (ii) Natural and Cultural Heritage: Common Heritage Principle
 - (iii) Role of International and Regional Organisations
 - (iv) Role of NGOs
 - (iv) International Financing Policy and World Environment Fund
 - (v) Global Environmental Facility (GEF)

SUGGESTED READINGS:

1. Dr. Gurbax Singh, Environment & Pollution Law, Ed., 2005, Dominion Law Depot, Jaipur
2. Kumar, Satish Shastri, Dhawani Pradhushan.
3. Kumar, S. Shantha, Introduction to Environmental Law, 2nd Ed., 2005, Wadhwa & Company, Nagpur.
4. Shyam Divan & Armin Rosoneranz, Environment Law and Policy in India, 2nd Edn., Indian Edition, 2004.
5. Patricia Birnie & Alan Boyle, International law & the Environment, 2nd Ed., 1st Indian Ed., 2004, Oxford University Press, New Delhi.
6. Nicolas de Sadeleer, Environmental Principles, 1st Published 2002, Indian Edn., Oxford University Press, New Delhi.
7. Sengupta, R., Ecology and economics (OUP): An approach to sustainable development, OUP Catalogue, 2003.
8. Singh, J.S., Singh, S.P. and Gupta, S.R., Ecology, Environment and Resource Ecology, Environment and Resource Conservation. Anamaya Publishers, 2006.

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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)

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.


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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

7. **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

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PAPER-III
(CHR 4013) - Dissertation

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

(Common for all Specialization Clusters) This paper will have two Components:


a) Dissertation (Written Part) 70 Marks b) Viva - Voce (External) 30 Marks

a) Dissertation (Written Part) 70 Marks (To be evaluated by three different experts)

b) Viva - Voce (External) 30 Marks (To be conducted by the University)


GUIDELINES RELATING TO DISSERTATION:

- Two word formats named **Cover Page and Associated Pages and Final Written Document** shall be made available by the Head, Department of Law **in its office and on its website** ready to download (MS Word files attached)
- All the titles of the individual chapters framed under the guidance of the supervisor in the dissertation shall establish a link with the main title of the research work
- All chapters shall have an "Introduction" and a "Conclusion" describing the work to be done by the candidate in that very chapter and
- Before closing of the individual chapter summarize the chapter in few lines giving a hint as to what will be researched by the candidate in the coming chapter
- Similarly, in the next chapter candidate shall mention as to what he/she did in the last chapter and what is to be proposed and attempted in this chapter
- *the page numbers for the associated pages shall be in roman numbers and when the candidate starts writing the main final document i.e. The dissertation starting from chapter one (Introduction Chapter) the page numbers shall start with 01, 02 and so on.*
- **The dissertation should be minimum of 90 (ninety) pages in total, shall be hard bound and top cover page shall be SKY BLUE with BLACK embossing of letters.**
- The entire research work shall conform to the standard Indian Law Institute (ILI) footnoting style as updated from time to time: available at:
<https://www.ili.ac.in/footnoting12.pdf> and <https://www.ili.ac.in/cstyle.pdf>
- The Viva-Voce for the Dissertation shall be conducted by One External Examiner to be recommended through the Dean, Faculty of Law, as per rules
- For the Viva-Voce, the candidate shall prepare a 10-15 Minutes PPT or Oral Presentation of the research work in consultation with his/her supervisor which he/she shall be required to


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present before the External Examiner on a date fixed by the Department in each session as per rules.

- **To pass this paper, it is mandatory for the candidate to appear in the Viva-Voce personally, in the same session, on the date notified by the Department.**
- No Grace Marks shall be awarded in case of Viva-Voce Examination.
- Four (04) Copies of Dissertation shall be submitted by the candidate to the Department of Law on or before the last date mentioned in the notice issued by the department. [Three for External Examiners and One for Supervisor]
- THERE SHALL BE NO REVALUATION OF THE DISSERTATION.
- Each supervisor shall ensure that the dissertation submitted by the candidate qualifies the research ethics and is made as per the common format provided.


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PAPER - IV

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

UNIT 1: CONCEPT OF HUMAN RIGHTS: NATURAL LAW AND NATURAL RIGHTS

- Interrelationship of Human Rights and Duties
- Legal Theories of Rights
- State Sovereignty
- Extradition and Asylum (Political Offences), Co-operation in Aspect of Investigation

UNIT 2: INTERNATIONAL NORMS AND STANDARDS

- United Nations Charter
- Universal Declaration of Human Rights, 1948
- International Convention Socio-Economic, Social and Cultural Rights, 1966
- International Covenants on Civil and Political Rights, 1966

UNIT 3: PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AT THE INTERNATIONAL AND REGIONAL LEVELS

- United Nations General Assembly
- Economic and Social Council
- Human Rights Commission, UN High Commissioner for Human Rights
- European Commission on Human Rights and the Court of Human Rights
- American and African Commission of Human Rights and Court of Human Rights

UNIT 4: INTERNATIONAL RESPONSE TO SOME PROBLEMS

- Racial Discrimination: UNESCO Declaration on Race and Racial prejudice, 1978
- Freedom from Torture: Convention on the Protection of All Persons from being subjected to Torture and other cruel and inhumane or degrading Treatment or Punishment, 1984
- Rights of Women and Children:
 - (i) Convention on Elimination of All Forms of Discrimination against Women, 1979
 - (ii) Convention Right of the Child, 1989
- Human Rights in Armed Conflict and Right of Refugees
 - (i) Geneva Convention on International Humanitarian Law, 1949, Geneva Protocol I & II, 1977
 - (ii) Convention on Protection of Refugees, 1951 and 1967 Protocol.

UNIT 5: ENVIRONMENT OF INTERNATIONAL OBLIGATION THROUGH DOMESTIC LAW

- Indian Legal System
 - (i) Constitution of India, Article 51 and 253 read with 246.
 - (ii) Role of Judiciary

- (iii) National Human Rights Commission
- (iv) Role of NGO's and Media
- (v) Domestic Recognition of Arbitral Awards and Foreign Judgement

SUGGESTED READINGS:

1. Baxi Upendra, *Human Rights in a Post Human World*, Oxford University Press, New Delhi, 2009
2. Bhagwati P.N., *Dimensions of Human Rights*, Madurai: Society for Community Organization Trust, 1987.
3. Clapham Andrew, *Human Rights: A Very Short Introduction*, Oxford University Press, 2015.
4. Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), *International Human Rights Law*, (OUP 2013).
5. H.O. Agarwal, *International Law & Human Rights*, Central Law Agency 1st Ed. (Rep) 2014
6. Ian Brownlie and Guy Goodwin-Gill, *Brownlie's Documents on Human Rights*, (5th ed., OUP 2006).
7. James Crawford Brownlie, *Principles of International Law*, Oxford University Press, 2013
8. Noorani A.G., *Challenges to Civil Rights Guarantees in India*, Oxford University Press, New Delhi, 2012.
9. Rao Mamata, *Law Relating to Woman and Children*, Eastern Book Company, New Delhi, 2012.
10. Rhona K.M. Smith, *Textbook on International Human Rights*, (6th ed, OUP 2014).
11. Sinha M. K., *Implementation of Basic Human Rights*, Lexis Nexis, Gurgaon, 2015.
12. Smith Rhona K.M, *Textbook on International Human Rights*, Oxford University Press, 2012.
13. UN Centre for Human Rights, *National Institutions for the Promotion and Protection of Human Rights*. (Geneva, World Campaign for Human Rights 1985.)
14. UNICEF, *Media and Children's Right: A Practical introduction for Media, Professionals*. (New Delhi, UNESCO, 2000)

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PAPER : V

(CHR 4015) -RESEARCH METHODOLOGY-II

1. Legal Education: Methods & Objective:

Lecture Method of Teaching; Merits and Demerits; The problem method; Discussion Method and its suitability at postgraduate level teaching; The Seminar Method of teaching; Examination system and problems in evaluation external and internal assessment; Student participation in law school programmes, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – Legal Aid, Legal Literacy, Legal Survey and Law Reform;

2. Research Method:

Socio-Legal Research; Doctrinal and non-doctrinal research; Relevance of empirical research; Induction and deduction; Identification of problem of research – what is a research problem; Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy statements;

3. Research Materials:

Decisional materials including foreign decisions; methods of discovering the “rule of the case”; Juristic writings: A Survey of juristic literature, its relevance in selection of problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problems; Use of the Case Studies; Use of questionnaires/interview; Sampling procedures, design of sample, types of sampling to be adopted; Use of scaling techniques; Jurimetrics;

4. Data Collection:

Computerized Research: A study of legal research programmes such as lexis and West law coding; Classification and Tabulation of Data: use of cards for data collection, Rules for tabulation, Explanation of tabulated data; Analysis of Data – Qualitative and Quantitative; Searching for a relevant case/ relevant other data etc. on Internet;

5. Exercises on Report Writing:

Research report & techniques of writing research work; Citation rules and modes of legal writing, Case Analysis, Impact of Decisions of the Court; Exercises based on How to write a good article, Case comment etc., Drafting good Synopsis for Project, Dissertation/PhD Thesis etc.

SUGGESTED READINGS:

- I. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- II. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- III. M.O. Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)
- IV. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
- V. H. M. Hyman, Interviewing in Social Research (1965)
- VII. Payne, The Art of Asking Questions (1965)
- VIII. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)

- IX. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- X. Havard Law Review Association, Uniform System of Citations.
- XI. I.L.I. Publication, Legal Research and Methodology.

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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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