



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF HUMAN RIGHTS
AND DUTIES EDUCATION**

DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION

The Department of Human Rights and Duties Education started functioning as a centre which was funded by UGC for a period of five years, after the funding period was over the centre had started functioning as an independent department, which was earlier part of Constitutional Law Department in the University. The Syndicate has sanctioned the approval for starting Postgraduate on 14th Feb 2007. This was the exclusive department which was funded by UGC solely to promote awareness in the field of Human Rights.

The syllabus of the Department of Human Rights and Duties Education has been thoroughly revamped with effect from the academic year 2020-21. A good number of new papers have been introduced, notable among them are Human Rights and Duties Jurisprudence, Novel papers like Human Rights Research Methods, Human Rights and Policy in India, Human Rights and Tamil Nadu Policy to envisage on the contemporary challenges, implementation, functioning and obligation to promote Human Rights. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system).

The shift in sovereignty accompanying globalization has meant that non-state actors are more involved than ever in issues relating to human rights. The development poses challenges to international human rights law. While globalization has enhanced the ability of civil society to function across borders and promote human rights, other actors have gained the power to violate human rights in unforeseen ways. The legal frameworks for globalization and for human rights, then asks to what extent globalization is good for human rights and to what extent human rights are good for globalization.

The rights of every man are diminished when the rights of one man are threatened. There is no right without remedy. Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments. The department papers explore the various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy. The department envisages on the contemporary challenges of Human Rights by studying the historical background, development, jurisprudence, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with

traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights. And draw the difference between need-based and value-based human rights.

The subject has attracted scholars from almost all academic disciplines including Philosophy, Theology, Economics, Politics, International Relations, and other sciences. Thus, it is important for a student of human rights law to understand and dissect the legal content from the vast literature available on the subject. It is also essential for students to appreciate and apply the methods and techniques which are unique for the human rights studies. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. and contemporary issues such as war on terror, cyber warfare, and drone attacks.

We strongly believe that the papers offered by the department will not only enrich the understandings of the Human Rights Lawyers and Professionals in the realm of law, but it will also promote holistic understanding on various sectors and cross sectors implications on Human Rights. For e.g., Human Rights Research Methodology will be highly helpful in exploring the challenges arising during research in Human Rights related issues. The implications arising out of various technologies such as Biotechnology, ICT, Nano technology, Artificial Intelligence., etc.

THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY

BRANCH – VII

DEPARTMENT OF HUMAN RIGHTS AND DUTIES EDUCATION

LL.M SYLLABUS

SPECIALISED CORE PAPERS – 06

1. Human Rights and Duties Jurisprudence
2. Human Rights Research Methods (Theory and practice)
3. International Human Rights
4. Human Rights and Policy in India
5. Human Rights Institutions – Law and Governance
6. Human Rights of Disadvantaged and Vulnerable Groups

DISCIPLINE SPECIFIC ELECTIVE PAPERS - 03

7. Human Rights and Tamilnadu Policy
8. Science, Technology and Human Rights
9. Human Rights of Refugees, Internally Displaced and Migrants

GENERIC ELECTIVE PAPERS - 02

10. Criminal Justice System and Human Rights
11. Trade, Environment and Human Rights

SUBJECTS IN SEMESTERS

First Semester	<ol style="list-style-type: none"> 1. Judicial Process (Common Paper - I) 2. Legal Education and Research Methodology (Common Paper - II) 3. Human Rights and Duties Jurisprudence (Specialization Core Course - I) 4. Human Rights Research Methods (Theory and Practice) (Specialization Core Course - II) 5. Criminal Justice System and Human Rights (Generic Elective Course - I)
Second Semester	<ol style="list-style-type: none"> 1. Constitutional Law: The New Challenges (Common Paper - III) 2. Law and Social Transformation in India (Common Paper - IV) 3. International Human Rights (Specialization Core Course - III) 4. Human Rights and Tamilnadu Policy (Discipline Specific Elective Course - I) 5. Applied Research Methodology
Third Semester	<ol style="list-style-type: none"> 1. Human Rights and Policy in India (Specialization Core Course – IV) 2. Human Rights Institutions – Law and Governance (Specialization Core Course - V) 3. Science, Technology and Human Rights (Discipline Specific Elective Course - II) 4. Trade, Environment and Human Rights (Generic Elective Course - II)
Fourth Semester	<ol style="list-style-type: none"> 1. Human Rights of Disadvantaged and Vulnerable Groups (Specialization Core Course - VI) 2. Human Rights of Refugees, Internally Displaced and Migrants (Discipline Specific Elective Course - III) 3. Skill Enhancement Course 4. Dissertation

PAPER - I
HUMAN RIGHTS AND DUTIES JURISPRUDENCE
(Specialized Core paper)

OBJECTIVES OF THE COURSE

This paper introduces the concept of human rights jurisprudence and seeks to elaborate the conceptual, philosophical, theoretical, and historical aspects and developments of human rights and duties. It specifies about nature and scope of Human Rights, Evolution of human rights, historical sources of human rights emergence, Statehood, Sovereignty, Principles of human rights, Theories of human rights, Human rights in India, Perspectives of Human Rights, Rule of law, Good governance, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights.

After undergoing the study, the student will be able to understand the following:

- *To get introduced with the conceptual framework and functional or practical utility-oriented aspects of Human Rights and Duties Jurisprudence.*
- *To trace the significance and influence of the normative principles involved in building the edifice and substance of Human Rights Jurisprudence.*
- *To envisage on the contemporary challenges of Human Rights by studying the historical background and development, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law.*
- *To Differentiate between traditional and modern theories of human rights, the dialectics of universalism versus cultural relativism. Draw the difference between need-based and value-based human rights*

COURSE OUTLINE

MODULE I - HISTORY AND DEVELOPMENT OF HUMAN RIGHTS

- a) Definition of Human rights and Ideology
- b) Nature and Scope of Human Rights
- c) Normative Development of Human Rights through International Instruments

MODULE II - STATEHOOD AND HUMAN RIGHTS

- a) State Sovereignty – Impact of Human Rights. Exclusive Domestic Jurisdiction.
- b) Universalism and Cultural Relativism – Post-colonial critique of human rights.

- c) SIRACUSA Principles

MODULE III - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN PRE-UNITED NATIONS ERA

- a) French Revolution
- b) League of Nations
- c) Cold War

MODULE IV - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN POST-UNITED NATIONS ERA

- a) Charter based system
- b) Treaty based system
- c) Regional and Sub-Regional level

MODULE V - EVOLUTION OF HUMAN RIGHTS IN INDIA

- a) Pre-Independence: Historical and Philosophical foundations
- b) Post-Independence: Reformist and Revivalist struggle
- c) Role of Judiciary

MODULE VI - RULE OF LAW, CONSTITUTIONAL GOVERNANCE AND HUMAN RIGHTS

- a) Rule of Law and Human Rights
- b) Constitutional Governance –Accountability and the Indian Constitution.
- c) Impact of Globalisation on Human Rights.

MODULE VII - THEORIES OF HUMAN RIGHTS

- a) School of Natural Rights
- b) Thomas Paine and Karel Vasak's concept of the 3 generations of rights
- c) Perspectives of Human Rights – Social Justice, Egalitarianism, Liberal and Marxian thoughts.

MODULE –VIII - FUTURE PERSPECTIVES

- a) Solidarity Rights
- b) Rights of Future generations – Technology – Internet as a Human Right
- c) Emerging areas; NIEO – 3rd world countries, global inequality, and non-liberal globalization.

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3. John Finnis, *Natural Law and Natural Rights*, (1980)
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4. Roscoe Pond, *Introduction to the Philosophy of Law*(1998 Re-print) Universal, Delhi.
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10. Vijay Chitnis, (et al.). *Human Rights and the Law: National and Global Perspectives*, (1997).

CASES FOR GUIDANCE

1. Doon Valley Case AIR 1985 SC 652
2. M. C. Mehta vs. Union of India AIR 1988 SC 1037
3. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225
4. Oleum Gas Leak Case AIR 1986 SC
5. Maneka vs. Union of India, A.I.R. 1978 S.C. 597, Para 77
6. PUCL & Anr. v. State of Maharashtra & Ors. 2012 12 SCC 72
7. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
8. Khatri And Others v. State of Bihar & Ors. 1981 AIR 1068, 1981 SCR (3) 145
9. Pt. Parmanand Katara v. Union of India &Ors. 1989 AIR 2039, 1989 SCR (3) 997.
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12. Mohd. Ahmed Khan vs Shah Bano Begum 1985 AIR 945 1985 SCR (3) 844 1985 SCC (2) 556
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17. Waldman v. Canada, (1999).
18. Diergard v. Nambia, (2000)
19. Ignatanev.Latvia, (2001)
20. Vishaka and others v. State of Rajasthan ((1997) 6 SCC 241)

LEARNING OUTCOMES

- *Comprehensive knowledge over the origin, nature, increasing scope of the subject and appreciate the changing vagaries of Human Rights and Duties Jurisprudence.*
- *Evaluate and synchronize the significance of Human Rights Jurisprudence in a contemporary revolutionary era of Human rights and its connectivity to the Global legal order.*
- *Able to explore the central role played by the subject in an all-inclusive and multifaceted perspective.*

PAPER - II
HUMAN RIGHTS RESEARCH METHODS
(THEORY AND PRACTICE)

(Specialized Core paper)

OBJECTIVES OF THE COURSE

International and national human rights laws have been emerging with a lot of multilateral treaties, developments in national Constitutions, enactments and cases. The subject has further evolved with various soft law instruments and philosophical arguments based on scientific developments. Obviously, the subject has attracted scholars from almost all academic disciplines including Philosophy, Theology, Economics, Politics, International Relations and other sciences. Thus, it is important for a student of human rights law to understand and dissect the legal content from the vast literature available on the subject. It is also essential for students to appreciate and apply the methods and techniques which are unique for the human rights studies. To subject is divided into theory (50%) and practical (50%) components.

After undergoing the study, the student will be able to understand the following

- *To know the research methods and techniques in the human rights studies.*
- *To understand the development process of national and international human rights law.*
- *To comprehend the human rights legal research methodology.*
- *To draft a research work based on the learnings from this course.*

COURSE OUTLINE

MODULE I - SOURCES OF HUMAN RIGHTS LAW

- a) Relevance of Historical Instruments - UN Charter –
- b) International Conventions – International and National Courts – Constitutions – Enactments.
- c) Soft law instruments – Work of scholars and various agencies – Relevance of case studies and field reports – Reports of NGOs

MODULE II - QUALITIES OF HUMAN RIGHTS LAW RESEARCHER

- a) Interpreting and Analysing Laws of Various Jurisdictions – Distinguishing various sources
- b) Understanding the role of NGOs and civil society in Human Rights law making - Knowledge of History, Politics, and Philosophical Background

- c) Understanding the cultural and social background of Human Rights violations and practices

MODULE III - RESEARCH TECHNIQUES FOR HUMAN RIGHTS

- a) Case Study – Document Review
- b) Discourse Analysis - Ethnography - Interview – Statistics – Survey
- c) Mixed Methods Research

MODULE IV - ROLE OF SCIENCE, TECHNOLOGY AND ETHICS

- a) Case Study – Document Review
- b) Discourse Analysis - Ethnography - Interview – Statistics – Survey
- c) Mixed Methods Research

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RECOMMENDED READING:

BOOKS

1. Research Methods for International Human Rights Law: Beyond the traditional paradigm, Damian Gonzalez-Salzberg, Loveday Hodson (eds), Routledge (2019)
2. The Significance of Research Methodology in Human Rights: A Bird's Eye View, Sastry, TSN, Delhi Law Review (2013)
3. Research Method in Human Rights, *Lee McConnell, Rhona Smith (eds)*, Routledge (2018)
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5. McConnell, Lee, Smith Rhona (eds.) (2018), Research methods in human rights (London: Routledge)

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10. Research Methods in Human Rights 1st Edition by Rhona Smith (Author), Lee McConnell (Editor)

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LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights Research methods and techniques and acquire:

- *Understanding in the development process of national and international human rights law.*
- *Will comprehend the human rights legal research methodology.*
- *Will be able to draft a research work based on the learnings from this course.*

PAPER-III
INTERNATIONAL HUMAN RIGHTS
(Specialized Core paper)

OBJECTIVES OF THE COURSE

To make students to learn and understand the Legal Dimensions of Human Rights in International Law, Normative order in United Nations Charter. Distinguish between Charter-based human rights and treaty-based human rights. To acquaint the students with Legal Framework relating with the Subject. To develop the vision and insight of Students about the Subject. Help students to apply the Law upon the ground realities. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. This paper describes status of individual under traditional international law, Significance of International Bill of Rights. Implementation, functioning and obligation to promote and protect Human Rights. Define nature and basic principles of international humanitarian law. The problems and challenges of implementation of international humanitarian law. Distinguish between Hague and Geneva Rules. The idea of human rights as Jus Cogens. The course structure is designed to cover origins of IHL, law relating to protected persons and protected objects, means and methods of warfare within the framework of Geneva Law and The Hague Law, and contemporary issues such as war on terror, cyber warfare and drone attacks. The course content also includes literature which would help students to critically evaluate the origin, development, and application of IHL. The course is intended to offer students a comprehensive view of the subject of international humanitarian law (IHL) or the law of armed conflict and its broad interrelationship with some of the other branches of international law. It is also intended to lay a foundation for studying international criminal law.

After undergoing the study, the student will be able to understand the following

- *Students will know the legal dimensions of human rights*
- *Knowledge in normative order*
- *International framework in human rights*
- *Implementation, functioning and obligation to promote human rights*
- *Differentiate between charter based and treaty based human rights.*
- *Comprehensive view on International humanitarian law*

COURSE OUTLINE

MODULE I - PROTECTION OF INDIVIDUAL IN INTERNATIONAL LAW

- a) Concern of International Law - League of Nations and Human Rights Protection - UN Charter and Human Rights System.
- b) Issues of International Accountability - State Sovereignty (Domestic Jurisdiction), Principle of Non-Intervention
- c) Rule of Exhaustion of local remedies - Problems of cooperation between states: Extradition, Asylum.

MODULE II - UNIVERSAL DECLARATION OF HUMAN RIGHTS

- a) Structure and Process of UDHR - Legal Significance - United Nations Concern for Human Rights Protection
- b) State Obligation under UN Charter - Development of Normative order - UDHR- Beginning of new era
- c) Impact of UDHR upon World Constitutions - Legal Value of UDHR - Critical Appraisal of UDHR.

MODULE III - CIVIL AND POLITICAL RIGHTS

- a) Selective rights: Right to freedom and liberty.
- b) International Covenant on Civil and Political Rights and protocols
- c) Right to Self Determination

MODULE IV - ECONOMIC, SOCIAL AND POLITICAL RIGHTS

- a) Socialist tradition – Welfare rights: Positive rights.
- b) International Covenant of Economic, Social and Cultural Rights and protocols.
- c) Difficulties in proving ESCR – critical appraisal of ICESCR

MODULE V - SOLIDARITY RIGHTS AND RIGHTS OF FUTURE GENERATIONS

- a) 3rd and 4th generation rights – Universal citizens – changing dimensions in 20th and 21st century – common heritage of mankind.
- b) New wave of human rights – rights of future generations – right to information – concerns with rapid technological development
- c) Principle of intergenerational equity – Right to privacy - sustainable development – criticism.

MODULE VI - INTERNATIONAL HUMANITARIAN LAW

- a) Introduction: Nature; Basic Principles; Historical Development since 1899
- b) Implementation of International Humanitarian Law –
- c) Role of the International Committee of the Red Cross

MODULE VII - PROTECTION OF CIVILIANS

- a) Application of IHL – context of armed conflict: need for legal determination of armed conflicts
- b) Means and methods of warfare
- c) Grave Breaches

MODULE VIII - WARFARE: THE HAGUE LAW

- a) Protection of civilians
- b) Combatants and non-combatant; prisoners of war
- c) Contentious issues of IHL; Military objectives

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20. The State v. S.I, Z.A.R & Z.A: Ouagadougou Child Tribunal, 2020

LEARNING OUTCOMES

- *Appraise the International Human Rights Law, its principles laid out, legal significance in declarations, covenants, conventions and treaties.*
- *To describe of status of individual under traditional international law*
- *Identify the power and functions of Human Rights Committee*
- *To Analyse the functioning of European system on Human Rights*
- *Conceptualise implementation of International Covenant on Economic, Social and Cultural Rights.*
- *To Distinguish between Inter-American Convention on Human rights and El Salvador Protocol.*
- *To Identify chief characteristic of African Charter on Human and People's Right*
- *Analyze the problems and challenges of implementation of international humanitarian*
- *To Explain the role of the International Committee of the Red Cross*

PAPER-IV
HUMAN RIGHTS AND POLICY IN INDIA
(Specialized Core paper)

OBJECTIVES OF THE COURSE

The rights of every man are diminished when the rights of one man are threatened. Understanding Human Rights in National level is important. This course modules focuses on Human Rights in India, various policies in India with respect to its evolution through various social movement, identifying enforcement mechanism of the National and State Human Rights Commissions. The role of civil society and NGOs in the protection of human rights. Constitutional measures for the protection of human rights in India and Special Laws enacted under Positive discrimination. To Identify constitutional remedies, scope of judicial review in protection of human rights. Conceptualize basic structure of the Constitution. Constitutional orientation and response to social transformation. Identify affirmative actions necessary for social transformation. And to conceptualize modernization of law and social institutions. After undergoing the study, the student will be able to understand the following

- *Understanding human rights in India*
- *Policies in India which promotes and protects human rights*
- *Commissions and their contribution in promoting human rights in national level.*
- *Constitutional protections and special enactments for promoting human rights.*
- *Need for social transformation.*

COURSE OUTLINE

MODULE I - HUMAN RIGHTS PROTECTION IN INDIA

- a) Conceptual Perspectives: Social dimensions, Caste - Dalit movements
- b) Socio-Religious and Political movements
- c) Ecological and Environmental movements

MODULE II - ROLE OF CONSTITUTION IN TRANSFORMATION AND PROMOTING HUMAN RIGHTS

Fundamental Rights and Directive principles of State policy

- a) Positive Discrimination
- b) Constitutional Remedies, Federalism, Legislative relations, and Judicial activism

MODULE III - GENDER JUSTICE: LEGAL MECHANISM IN INDIA

- a) Legal protection of women – Centre and State Legislations

- b) Offences and Violence against women, protections of victims, maintenance provisions
- c) Role of National Commission for Women and NGO

MODULE IV - JUVENILE JUSTICE: LEGAL MECHANISM IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE V - HUMAN RIGHTS AND DUTIES LAW IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE VI - SOCIETAL ISSUES OF HUMAN RIGHTS IN INDIA

- a) Concept and Approaches - Societal problems and Theoretical Approaches. Problems of hierarchy: scheduled castes, scheduled tribes, minorities, Population explosion, Casteism.
- b) Economic Issues - Poverty and Unemployment, Corruption, Consumer rights, Sustainable Development.
- c) Health Problems: Negligence, Mismanagement, Lack of access to public health care

MODULE VII - IMPLEMENTATION MECHANISMS

- a) Dispute redressal agencies- Judiciary, use of PIL; Alternative dispute redressal (ADR); Lok Adalat, Democratic decentralization, and local self – government. Consumer forum
- b) National Institutions: SC/ST Commission, Women's Commission, Minorities Commission, Human Rights Commissions (National and State),
- c) Professional councils like Medical Council of India (MCI), Bar Council of India; NGOs, Social movements and pressure groups working through democratic institutions; Media advocacy, Press Council of India.

MODULE VIII - PROBLEMS IN ENFORCEMENT OF HUMAN RIGHTS IN INDIA

- a) Poverty, illiteracy, inaccessibility of redress and issues of access to justice,
- b) Corruption, abuse and misuse of power: deaths and torture in police custody
- c) Adverse impact of social laws on human rights; Lack of accountability and transparency in government functioning: Right to information; Lack of people's participation in governance, Special prejudices against caste, women, and minorities, etc.

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1. Entertainment Network v. Super Cassette Industries (JT 2008 (7) SCC 11)
2. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
3. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
4. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
5. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
6. PUCL v. Union of India. ((1997) 3 SCC 433)
7. Justice K.S. Puttaswamy Vs. Union of India. (2017) 10 SCC 1
8. People’s Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
9. Nilabati Behera v. State of Orissa. 1993 SCR (2) 581
10. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
11. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)
12. Gaurav Jain v. Union of India. 1997 (8) SCC 114
13. Bachpan Bachao Andolan v. Union of India. 2011 (5) SCC 1
14. Sheela Barse v. Secretary, Children Aid Society. AIR 1987 SC 378
15. Vishaka v. State of Rajasthan. (1997) 6 SCC 241
16. Meneka Gandhi v. Union of India. AIR 1978 SC 597

17. Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra and ANR AIR 2018 SC 1498

18. Dr. Amitabh Kumar vs Indo-Tibetan Border Police Force. File No. CIC/WB/C/2009/00259 In an application of 14-3-09

19. Mukesh & Anr vs State for Nct Of Delhi & Ors [(2017) 6 SCC 1]

20. Chief Information Commissioner v. High Court of Gujarat [2020 SCC OnLine SC 285]

LEARNING OUTCOMES

After completion of the course, students will be able to

- *To understand Human Rights in National Level*
- *Role of Constitution in Transformation and Promoting Human Rights:*
- *Societal issues and Existing Implementation Mechanisms*
- *Challenges and problems in enforcing Human Rights in India.*
- *Have knowledge on Juvenile Justice and Gender Justice in India.*

PAPER V

HUMAN RIGHTS INSTITUTIONS - LAW AND GOVERNANCE

(Specialized Core paper)

OBJECTIVES OF THE COURSE

There is no right without remedy. Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments would be deemed paper tigers if there were no mechanisms to enforce the same. This course module seeks to explore the various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy. To understand the constitutional vision of social justice. To familiarize the concept of secularism and its judicial interpretation. Conceptualize the scope of whistle blowing in constitutional governance.

After undergoing the study, the student will be able to understand the following

- *Understand the mechanisms to enforce human rights in national and international level*
- *Explore the various institutions and mechanisms*
- *Analyze their efficiency*
- *Constitutional governance*

COURSE OUTLINE

MODULE I - UNITED NATIONS AND HUMAN RIGHTS ENFORCEMENT -CORE MECHANISM

- a) The United Nations Human Rights Machinery – Policy making organs
- b) ECOSO
- c) Charter-based Monitoring Mechanism: Commission and Council – 1253 and 1503 procedures

MODULE II - UNITED NATIONS AND HUMAN RIGHTS ENFORCEMENT - SUPPLEMENTARY MECHANISM

- a) UNESCO
- b) UN High Commissioner for Human Rights
- c) Rapporteurs – working groups

MODULE III - TREATY -MONITORING BODIES

- a) Monitoring Mechanisms under – ICCPR - ICESCR – CERD – CAT

- b) CEDAW - CRC – CMW – CRPD
- c) ICJ

MODULE IV - INDIVIDUAL COMPLAINT MECHANISM

- a) State Reporting Mechanism
- b) Inter-State Communications – Inquiry
- c) General Comments and Recommendations

MODULE V - EUROPEAN MONITORING MECHANISM

- a) European Convention on Human Rights
- b) Role of European Commission on Human Rights
- c) European Court of Human Rights

MODULE VI - OTHER REGIONAL MONITORING MECHANISMS

- a) Inter-American System – O.A.S. Charter System and American Declaration of the Rights and Duties of Man; Inter-American Mechanisms
- b) African Human Rights System - African Charter on Human and Peoples' Rights
- c) Arab and Asian Systems

MODULE VII - HUMAN RIGHTS AND INTERNATIONAL CRIMES

- a) Human Rights and International Crimes - Individual Criminal Responsibility –
- b) International Criminal Tribunals and Human Rights – Nuremberg Trials – ICTY - ICTR – Rome Statute
- c) International Criminal Court – Criminal Accountability and Rights of the Accused

MODULE VIII - NON-STATE INSTITUTIONS

- a) Need for Non-state institutions – NGO's contributions
- b) International perspective
- c) National perspective

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RECOMMENDED READING:

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6. Optional Protocol to the International Covenant on Civil and Political Rights, 1976
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8. Statute of the International Court of Justice, 1945
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10. Greer, Steven, *The European Convention on Human Rights: Achievements, Problems and Prospects* (Cambridge University Press, 2006)

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2. A. G. Kazi v. A.G. for Ontario, (1937) AC 326
3. (United Kingdom v. Ireland) Merits, ICJ Reports 1974, p. 119-120.
4. Corocraft Ltd. V. Pan American Airways; All ER 1 (1969) p.82
5. Societa A.B.C. v. Fontana & Della Rocca, ILR 1955, p. 76.
6. Belgium v. Senegal
7. (Portugal v. Australia) ICJ Reports 1995
8. (Mexico v. United States of America) ICJ Reports 2004, p. 12.
9. Adolf Eichmann v. Attorney-General of the Government of Isreal, Supreme Court of Isreal, ILR 136 (1962)
10. (Shimoda and others v. State) AJIL Vol. 58 (1964) p. 1016.

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19. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)
20. Gaurav Jain v. Union of India. 1997 (8) SCC 114

LEARNING OUTCOMES

After completion of the course, students will be able to

- *Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments would be deemed paper tigers if there were no mechanisms to enforce the same.*
- *The various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy.*
- *To understand the constitutional vision of social justice. To familiarize the concept of secularism and its judicial interpretation.*
- *Conceptualize the scope of whistle blowing in constitutional governance.*

PAPER VI
HUMAN RIGHTS OF DISADVANTAGED AND VULNERABLE
GROUPS

(Specialization Core Paper)

OBJECTIVES OF THE COURSE

Human Rights are inherent to all without qualifications. Yet certain groups struggle more than others to enjoy these rights to its fullest extent. This course would identify these groups, study their problems, and analyse the measures taken at the international and national level for their protection.

This paper helps to Identify different laws and their implementation in protection of the rights of disadvantaged people and identifying social taboos. To apply a gendered lens to the social world that integrates sexual minorities. To Recognize the protection of the elderly persons in human rights perspective, the international norms for the protection of the elderly persons, Identify social taboos regarding the disabled persons. the rights of disabled persons under the Indian legal system and the importance of the UN Declaration on the Rights of the Disabled Persons. To understand key topics in LGBTQ and human rights in a multifaceted way. Conduct careful, rigorous research on human rights and futuristic issues. Recognize the importance of International Declaration on the Rights of Persons. Belonging to National or Ethnic, Religious and Linguistic minorities. Conceptualize social justice in the context of Dalits and tribes the upliftment of socio-economic conditions of these disadvantaged people.

After undergoing the study, the student will be able to understand the following

- *Will identify the vulnerable groups and disadvantaged groups*
- *Measures taken for protection of human rights for all*
- *Vulnerability due to various status and reasons*
- *Gender and Juvenile justice*

COURSE OUTLINE

MODULE I - MEANING AND CONCEPT OF DISADVANTAGED AND VULNERABLE GROUPS

- a) Human Rights of groups –Collective Rights
- b) Inherent human rights values – Dignity, equality, non-discrimination
- c) Affirmative action – Identification of vulnerable groups – Double Discrimination.

MODULE II - VULNERABILITY DUE TO STATUS ATTRIBUTED AT BIRTH

- a) Indigenous Groups – Tribals — SC/ST rights

- b) Social and Racial Minorities –Linguistic minorities,
- c) Religious Minorities - Debates on drafting minority rights in the Constitution

MODULE III - VULNERABILITY DUE TO DISABILITY

- a) Disabled – Expanded understanding of the term ‘disability’
- b) Differently abled; Elderly Persons
- c) Intellectually Disabled

MODULE IV - VULNERABILITY DUE TO PROFESSION

- a) Conceptual understanding – Types- Migrant Workers, Sex Workers –
- b) International Efforts
- c) Indian Scenario – Constitutional protection

MODULE V - SITUATIONAL VULNERABILITY

- a) Displacement
- b) Stateless Persons - Statelessness as a violation of human Rights
- c) Victims of conflict

MODULE VI - WOMEN: INTERNATIONAL ENDEAVORS FOR SECURING RIGHTS OF WOMEN

- a) Need for focused study - Magnitude of issues faced by women across the globe – Feminism and Women Empowerment –
- b) International Perspectives on the Protection of Rights of Women
- c) Implementation mechanism
(Development until CEDAW and post CEDAW)

MODULE VII - CHILDREN: INTERNATIONAL ENDEAVORS FOR SECURING CHILD RIGHTS

- a) Convention on the Rights of the Child –Governing Principles, Committee under the Convention, General Comments.
- b) ILO - Minimum Age Convention, Worst Forms of Child Labour Convention, Forced Labour Convention No 29, 1930.
- c) Contributions of UNICEF, Sustainable Development Goals

MODULE VIII - EMERGING GROUPS

- a) Gender and Sexual Minorities – Understanding the LGBTQ+ community – Yogyakarta
- b) Recognition of the Third Gender - Decriminalisation of Sec. 377 - The Transgender Persons (Protection of Rights) Bill, 2016
- c) Recognition of civil rights of the LGBTQ+ Community.

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10. All relevant Acts of the Indian Parliament and International Conventions and reports of Various Commissions are to be Studied.

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19. People’s Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
20. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461

LEARNING OUTCOMES

After completion of the course, students will be able to

- *Explain the concept of human rights empowerment and policy of inclusion*
- *Identify social taboos regarding the disabled persons*
- *Describe the national policy for senior citizens in India*
- *Recognize the importance of International Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities*
- *Analyse rights of workers and disputes settlement mechanism under the labour laws in India*

PAPER - VII
HUMAN RIGHTS AND TAMILNADU POLICY
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

This paper aims to understand human rights law and Tamil Nadu policies. This paper focuses on understanding Tribal in Tamilnadu, their rights and protection, forest rights, preservation of flora and fauna for balanced ecosystem to ensure human rights for all. History, Enforcement Mechanisms, Education Policy, health and human rights, Hosing, Labour protections, Reservation policies in the state to protect the minorities and vulnerable groups. Women and Children Rights, Animal Protection, Role of NGO in the state of Tamilnadu.

After undergoing the study, the student will be able to understand the following

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

COURSE OUTLINE

MODULE I - TRIBALS IN TAMILNADU

- a) Need for Tribal development to reduce the gap between the Tribal and non-tribal population: Tribal communities live inside the reserved forest – integral part of eco system
- b) Education – Tribal schools run by the Forest Department – (National Bank for Agriculture and Rural Development) NABARD schemes and assisted projects
- c) Forests Rights Act, 2006 – Tamil Nadu Forest Act, 1882 – colonial law – Implementation of Forest Rights Act in Tamil Nadu. – Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

MODULE – II - TAMILNADU EDUCATION POLICY

- a) Tamil Nadu Compulsory Elementary Education Act 1994 - TN Right of Children to Free and Compulsory Education Rules, 2011- (RTE) Act
- b) Tamil Nadu Prohibition of Ragging Act 1997- “Vision Tamil Nadu 2023”- Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992

- c) Integrated Child Development Services (ICDS)- Tamil Nadu is a pioneer in introducing Mid-Day meal program. – Tamil Nadu Uniform System of School Education Act, 2010 (samacheer Kalvi)

MODULE III - RESERVATIONS-POSITIVE DISCRIMINATION

- a) RELIGION BASED: Tamilnadu Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2007 – 1993 Act - Tamil Nadu Government Gazette - Ordinance No.4 of 2007 on Reservations for Backward Class Muslims and Backward Class Christians
- b) CASTE BASED: Tamilnadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats In Private Educational Institutions) Act, 2006
- c) LINGUISTIC PREFERENCES: Tamil Nadu Appointment on preferential basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010

MODULE IV - WOMEN AND CHILDREN

- a) PROTECTION TO CHILD RIGHTS: Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2017 - Reproductive and Child Health Programs (RCH) – Under (NRHM)-"A Policy on Malnutrition Free Tamil Nadu" – CRADLE BABY SCHEME. Amma baby care kits.
- b) PROTECTION TO WOMEN RIGHTS: Tamil Nadu Hostel & Homes for Women and Children (Regulation) Act, 2014 – AMMA PATROL (Pink Patrol) - MAHALIR THITTAM – Maternity Benefit / paid leave - Thalikku Thangam Thittam – Whether subsidiaries provide entitlements to their rights?
- c) Protecting women from evil practices of the society in the name of caste and religion: Tamil Nadu Devadasis (Prevention of Dedication) Act, 1947 - Tamil Nadu Registration of Marriages Act, 2009 – Personal Laws and state amendments. Suyamariyathai thirumanam (Self-respect marriages)

MODULE V-ENVIRONMENTAL PROTECTION AND RELIGIOUS ENDOWMENTS

- a) Tamil Nadu Prohibition of Smoking and Spitting Act, 2002. – Land Acquisition (Tamil Nadu Amendment) Act, 1999
- b) Tamil Nadu Animal Preservation Act, 1958 - The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017- Tamil Nadu Maritime Board Act, 1995 – fishers – fishermen.
- c) Art. 290A and Art. 27 of Indian Constitution – Madras Hindu Religious and Charitable Endowments Act, 1951- Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996 - Tamil Nadu Waqf Tribunal (Conditions of Service and Procedure) Rules, 2016

MODULE VI - HOUSING, HEALTH AND LABOUR PROTECTION

- a) Housing and Urban Development Department - Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 - Tamil Nadu State Housing Board Act, 1961
- b) Tamil Nadu Lokayukta Act, 2018 - Tamil Nadu Panchayats Act, 1994 – Rules, 2009 Tamil Nadu Rights of Persons with Disabilities Rules 2017 - “Tamil Nadu trust for the children affected by HIV/AIDS” (TNTCAA)- Tamil Nadu State AIDS Control Society (TANSACS)- Transplantation of Human Organs Act - THO-Clinical Establishment Act- District AIDS Prevention Control Units (DAPCU).
- c) Industrial Disputes (Tamil Nadu Amendment) Act, 2008 - Motor Transport Workers (Tamil Nadu Amendment) Act, 2008 – Plantations Labour (Tamil Nadu Amendment) Act, 1996. - Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015

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2. State of Madras v. Champakam Dorairajan AIR 1951 SC 226
3. Tamil Nadu Pollution Control v. The State Human Rights Commission W.P. No. 2570 of 2000 and W.P.No. 9139 of 2000
4. Santosh Hospitals Private v. State Human Rights Commission, 2005
5. T.T.Ravichandran v. R.Singaravelan, 2010
6. Philip Thomas And Anr. v. The Government of Tamil Nadu, 2001
7. P.Navaneethan vs The State Human Rights Commission, 2017
8. Muniasamythevar v. Dy. Superintendent Of Police [2006 SCC OnLine Mad 306]
9. M. C. Mehta vs. Union of India AIR 1988 SC 1037
10. Shayara Bano vs Union of India And Ors 2017 9 SCC1
11. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
12. A. G. Kazi v. A.G. for Ontario, (1937) AC 326
13. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
14. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
15. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
16. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
17. Justice K.S. Puttaswamy Vs. Union Of India. (2017) 10 SCC 1
18. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
19. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
20. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights in Tamilnadu and acquire knowledge on:

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

PAPER - VIII
SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In fast growing globalizing world, the future relies on Science and Technology. The impact of developments in science and technology on human rights and duties is a great concern. This paper deals with some conceptual aspects and impact of science and technology on human life and society, and some specific human rights issues identified on the basis of this impact, such as those relating to the right to human dignity, freedom from torture; freedom of information, thought and expression. There is a need for adapting and protecting the human rights for everyone for upcoming development in fast pace, safeguarding privacy and protecting ourselves from negative impacts of the growth of artificial intelligence.

After undergoing the study, the student will be able to understand the following

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

COURSE OUTLINE

MODULE I - DEVELOPMENT AND CONCEPTUAL PERSPECTIVES

- a) Concept of science & Technology as a tool for furtherance of human and social welfare
-Conflicts – Confrontation – resolution - Is Right to Privacy is in Stake?
- b) Debates over ‘development’ -Quality of life: spiritualism versus materialism- The need for balancing of values -Modernization- urbanization. Will Artificial Intelligence take over the world?
- c) Intellectual Property Rights - Rio Declaration on Environment and Development, 1992, Rio +20, Conservation of Natural Resources, Agenda 21, Biodiversity Convention 1992

MODULE II - INTERNATIONAL PARAMETERS OF HUMAN RIGHTS AND SCIENCE & TECHNOLOGY

- a) Art 5 of Universal Declaration of Human Rights (1948); Article 7 of the International Covenant on Civil and Political Rights 1966; (prohibition of experimentation on human

person) UNESCO Universal declaration on the human genome and human rights (1997) Declaration on a New International information and communication Order (1978),

- b) Convention on Prevention and Punishment of Crime of Genocide (1948); Convention on the Protection of All persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment (1984) Convention on the International Right of Correction (1952) UN UNESCO convention on Technical and vocational education (1989)
- c) Constitution of the World Health Organization, UN General Assembly Resolution of 37/194 on Protection against products harmful to health and the environment 1982, International Code of Conduct on the Transfer of technology 1993, other developments

MODULE III - FREEDOM OF INFORMATION

- a) Freedom of information-Thought and Expression -Revolution in information technology
- b) Right to information, education, communication, freedom of the press and other information media- right to entertainment
- c) Cybercrimes- online pornography- Satellite communication- Cinematograph Act- Official Secrets Act 1926.

MODULE IV - BIO-TECHNOLOGY DEVELOPMENT AND HUMAN RIGHTS

- a) Developments in biotechnology: human cloning, feticide, and abortion; in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs,
- b) Bio-Medical Waste (Management and Handling) Rules 2016 - Life sustaining technologies-artificial organs- kidney dialysis- life sustaining drugs. - The Protection of Human Rights (Amendment) ACT, 2019
- c) Human performance augmenting drugs and technologies (use of steroids in sports- Anabolic Steroid Act of 1990 - hormones - Viagra - like drugs)

MODULE V - NEW DIMENSION ON SCIENCE AND TECHNOLOGY

- a) Universal entitlement of the people to democracy as a legitimate form of government - Scientific and Technological Research - Impact on ethics, morality, and Human Rights
- b) New Torture Technologies- narcoanalysis and lie detector test in investigation - Selvi vs state of Karnataka
- c) General Assembly resolution 55/89 of 4 December 2000.The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

MODULE VI - RIGHT TO FOOD AND HEALTH SCIENCE & TECHNOLOGY

- a) To Improve and Diversify Food Production and Storage, and for Food Security- Fertilizers, Biotechnology to Produce Improved Varieties of Foods- Improvement in Storage Facilities
- b) Impact of Bio - Technology in Agriculture - Food Safety and Standards Act, 2006- Positive and Negative – Agriculture as Commercial Industry- Science & Technology and Improvement of Individual
- c) Community Health and Hygiene-Experiments on Living Beings - Community Health as a Public Service Industry-Role of Multinationals - pharmaceutical Industries

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4. Amnesty International USA. Using Science as a Tool to Protect Human Rights (2012)
5. UNESCO. World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) (1998)

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2. Upendra Baxi, 2006, *The Future of Human Rights*, Oxford University Press.
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4. Shallendra Nath Sinha v The State AIR 1955 Cal 247
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8. Tarini Kumar v. State. A.I.R. 1960 Cal318 (DB)
9. Stefanelli v. Minard; (1952) 342 US 117
10. District Registrar and Collector v. Canara Bank AIR 2005 SC 186.
11. *Director of Revenue v. Mohammad Nissar Holia* (2008) 2 SCC 370
12. Shreya Singhal v. Union of India AIR 2015 SC 1523
13. *Public Interest Foundation v. Union of India* (2019) 3 SCC 224
14. Firoos vs. State of Kerala., AIR2006 Ker 279, 2006
15. Fatima Riswana v. State Rep. by ACP., Chennai & Ors AIR 2005 712.
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17. S. Sekar v The Principal General Manager (Telecom) (B.S.N.L.)
18. Syed Asifuddin and Ors. v The State of Andhra Pradesh And Anr. 2005 Cri LJ 4314
19. M. C. Mehta vs. Union of India AIR 1988 SC 1037
20. Atchison & C.R.R. Co. v. U.S. 15 Court of Claims (per Davis J.)

LEARNING OUTCOMES

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

PAPER - IX
HUMAN RIGHTS OF REFUGEES, INTERNALLY DISPLACED AND
MIGRANTS

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In the last few decades refugee law has developed as a new branch of law both in the field of international law and municipal law. Contemporary refugee law cannot be understood without knowledge of the broader global context from which it has evolved which is the human rights law. This paper is designed to give a complete understanding of laws relating to refugees, internally displaced persons and migrants in the light of human rights. With this objective this course is designed.

After undergoing the study, the student will be able to understand the following

- *To Understand the significance and importance of refugee law in the context of human rights*
- *To Study the status of internally displaced persons and migrants and other cross cutting issues, problems and developments relating to the same*
- *To Understand the issues of refugees, internally displaced persons and migrants across the globe and changing dimensions of laws and policies*
- *To Study the constitutional perspectives and various dimensions of social justice involved.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) History of population movements - Refugees, internally displaced persons and Migrants - Theories - Causes and responses
- b) Origin and development of concept of refugee, Internally Displaced Persons and Migrants - Development of International Protection System and Legal Framework
- c) Role of United Nations - Specialised Human Rights Organisations - WHO - Red Cross

MODULE II - INTERNATIONAL INSTRUMENTS ON PROTECTION OF REFUGES

- a) International Refugee Organization - Institution of the office of the High Commissioner of Refugees – Mandate, activities and statutory role
- b) The Refugee Convention of 1951 and Protocol of 1967 – Determination of refugee status – Features and Implementation

- c) Significant Role of UN - Universal Declaration of Human Rights - UN International Covenant for Civil and Political Rights - UN Convention against torture and Other Cruel Inhumane or Degrading Treatment or Punishment - Geneva Conventions and Protocols on Minimum Standards in Times of War - Role of United Nations High Commissioner for Refugees (UNHCR)

MODULE III - HUMAN RIGHTS GOVERNANCE IN REFUGEES

- a) Refugees, Internally Displaced People and Migrants of Middle East - UNRWA - United Nations Relief and Works Agency for Palestine Refugees in the Near East
- b) Refugees, Internally Displaced People and Migrants of African Nations - Rohingya Crisis in Myanmar - Srilankan refugee Crisis
- c) Right against Refoulement – Right to seek asylum – Right to equality and non-discrimination – Right to life and personal security – Right to return – Right to remain – Right against expulsion - Other convention rights - Voluntary repatriation – Local integration – Resettlement in Third Countries – Comprehensive responses

MODULE IV - HUMAN RIGHTS GOVERNANCE IN MIGRANT WORKERS, INTERNALLY DISPLACED AND STATELESS

- a) Migrants - Definition - International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, 1990 - International Labour Organization Convention for Migrant Workers, 1949 - Migrant Workers Convention, 1975 - Committee on Migrant Workers (CWC) - UN Protocol against Smuggling of Migrants by Land, Sea and Air, 2003
- b) Concept of Internal Displacement - Definition - Guiding Principles on International Displacement, 1998 - Kampala Convention - Difference between IDP and Refugees - UN Human Rights Council - Office of Coordination of Humanitarian Affairs (OCHA) - United Nations High Commissioner for Refugees (UNHCR) and OCHA - Major IDP's in the World
- c) Statelessness - Convention on Stateless Persons, 1954 - Convention on Reduction of Statelessness, 1961 - Statelessness and Refugee

MODULE V - CONTEMPORARY DEVELOPMENTS AND CHALLENGES

- a) International Burden Sharing - International Safe Countries Burden - Temporary Protection - Climate refugees - Safety Zones/ Safe Haven Concept - Compensation to the Refugees to be paid by the Country of Origin - Vulnerable groups Women and Children

- b) OAU Convention in Africa - European and Latin American Developments - Schengen and Dublin Conventions - Cartagena Declarations - Asian Developments - AALLCO Declaration - Model National Law on Refugees in South Asia and the Regional Declaration
- c) Status of Refugees, Migrants and Internally Displaced in Pandemic - War - Political Status - Rehabilitation Measures - Right of Food and Education - Protection Against Human Trafficking - Problem of Employment - Anti Terrorism - Role of Media - Issues in spotlight - Regulatory Measures for NGO's and Other Related Organizations

MODULE VI - NATIONAL FRAMEWORK AND CONSTITUTIONAL FRAMEWORK

- a) Refugees in India - Laws Applicable to Refugees in India - Judicial Approach to Refugee Protection in India - Guiding Principles on Internally Displaced - National policy in India
- b) Role of Institutions and NGOs - Role of NHRC in Refugee Protection, Internally displaced and Migrants - Role of national and International NGOs
- c) Right to Life - Right to Equality - Non - Discrimination - Protection against Detention - Right to Social Security - Prohibition against Collective Expulsion - Right to Primary Education - Right to Freedom of Movement - Permissible Restriction - Right against Labour Exploitation - Art.35 of refugee Convention

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2. Harris, J. R. and Todaro, M. P. (1970), 'Migration, unemployment and development: A two sector analysis', *American Economic Review*, 60(1): 126-42. (Reprinted in M. P. Todaro (ed.), *The Struggle for Economic Development*, New York: Longman, 1983).
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3. *Guiding Principles on Internal Displacement*, (Second Edition, 2004, Page 1)
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8. Paula Banerjee, Sabyasachi Basu Ray Chaudury and Samir Kumar Das, *Internal Displacement in South Asia* (New Delhi: Sage, 2005).
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3. Horvath v. Secretary of State for the Home Department [2000] INLR 15, 6 July 2000 (UK House of Lords)
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9. Case of Kim v. Russia, no. 44260/13
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19. *Pt. Parmanand Katara v. Union of India &Ors.* 1989 AIR 2039, 1989 SCR (3) 997.
20. *Rural Litigation and Entitlement Kendra v. State of U.P. & Ors* 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169

LEARNING OUTCOMES

After completion of this course the students will be able:

- *To critically analyse and interrogate the genesis and current developments in refugee law and formulate human rights-based policies and initiatives through research and findings.*
- *To discuss the phenomenon of refugees, internally displaced persons and migrants and analyse the role of nation state and non-state actors.*
- *To analyse human rights norms in a contextual manner*
- *Explore the role of UN Organizations in framing Human Rights Governance*
- *Examine the challenges faced and the need for harmonisation of laws and policies*

PAPER X
CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The Criminal Justice System is full and fully vested with the courts. Especially, criminal justice administration by the Criminal courts in India. The criminal courts are the Sessions Court, Assistant Sessions Court, Chief Judicial Magistrate Court, Judicial Magistrate Court and if it is in Metropolitan areas the part of the courts in the following name that are the Chief Metropolitan Magistrate court, the Metropolitan Magistrate court played the major role in the justice delivery process. This paper helps to identify the various types of crime in India and the statutory laws to deal with the crime and the background of the criminal and reason for the commission of the crime in the form of aggravating milieu and the mitigating milieu and the different theories for the crime and the parties to the criminal justice system and the role of the victim in the criminal justice delivery system. The sentence question and where it has to be asking and their types. The reformation of the convicted person by the various laws prevailed in India. The protection of human. Safeguard provided under law and judicial activism and human rights commission.

After undergoing the study, the student will be able to understand the following

- Relationship between Human rights and Criminal law
- Human rights perspectives on crime and punishment theories
- Rights of accused persons and convicts
- Protecting human rights while exercising criminal justice system

COURSE OUTLINE

MODULE I - CRIME AND PUNISHMENT IN HUMAN RIGHTS PERSPECTIVE

- a) Concept of crime and criminal liability, offences violation of Human Rights.
- b) Punishment and Sentences in Human rights.
- c) Imprisonment for life sentence and death sentence in Human rights perspective.

MODULE II - INVESTIGATION, EVIDENCE AND PROCEDURE ASPECTS OF HUMAN RIGHTS

- a) Investigative Methods adopted for Jail inmates in violation of Human Rights.
- b) Prohibition of Torture/Judicial custody and Police custody.
- c) Human Rights violation in collection of evidence methods and means.

MODULE III - RIGHTS OF THE ACCUSED

- a) Right to legal aid in investigation/trial.
- b) Right to appeal and other procedural rights.
- c) Pardoning system.

MODULE IV - RIGHTS OF THE PRISONERS AND INMATES AND DUTIES OF POLICE, COURT, AND INDEPENDENT EXPERT

- a) Rights of the prisoner and inmates in jail
- b) Duties of the police and the court towards accused witness and victim.
- c) Human rights perspective and duties of Independent expert.

MODULE V - RIGHTS OF THE VICTIM AND WITNESSES IN HUMAN RIGHT ASPECTS

- a) Victim protection/Physical and Psychological aspects.
- b) Victim Compensation and its comparative perspective in UK, USA, France and INDIA.
- c) Witness protection and its comparative perspective in UK, USA, France and INDIA.

MODULE VI - RIGHTS OF THE WOMEN, CHILDREN AND DISABLED PERSON

- a) Women prisoner/ women victim and women witnesses.
- b) Juvenile in conflict with law and Child witness and Juvenile Victim
- c) Disabled person in prison/ Victim and Witness.

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2. Ahmad siddique's criminology problems and perspectives
3. Criminal Justice and Human Rights-Pandit kamalakar
4. P.D. Sharma, Police and Criminal justice Administration in India, (Uppal publication, New Delhi, 1985)
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FURTHER READING:

BOOKS

1. South Asia Human Rights Documentation Centre, *Handbook of Human Rights and Criminal Justice in India*, (New Delhi: O U P, 2010)
2. Vibhute, K.I., *Criminal Justice-Perspectives of the Criminal Justice Process in India*
3. Gaur, K.D. (1999), *Criminal Law: Cases & materials*
4. Kumar, Naresh, *Constitutional Rights of Prisoners* (1986)
5. Rajgopal, P.R., *Violence and Response: A Critique of India Criminal Justice System*
6. Rajan, V.N., *Whither Criminal Justice Policy* (1983)
7. Rao, S., *Dynamics of Crime* (1981)
8. Rao, S. Venu Gopal, *Criminal Justice, Problems and Perspectives in India*, (Delhi, Konark Pub., 1991)
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JOURNALS / ARTICLES:

1. *Indian Criminal Justice System and Human Rights* by Shruti Chaudhary
2. *Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)*

3. Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)
4. Matter of the Socio-educational Internment Unit (Provisional Measures, Inter-American Court of Human Rights, September 2011)
5. Notice of granting of precautionary measures, Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco, Brazil
6. Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco Brazil (Inter-American Commission on Human Rights, June 2011, warning: contains a graphic image)
7. Matter of Urso Branco Prison (Provisional Measures, Inter-American Court of Human Rights, August 2011)
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9. "São Paulo sob Achaque: Corrupção, Crime Organizado e Violência Institucional em Maio de 2006/São Paulo Extorted: Corruption, Organized Crime, and Institutional Violence in May 2006"
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CASES FOR GUIDANCE

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2. Selvi and another vs State of Karnataka.
3. D K Basu vs State of West Bengal.
4. Joginder Kumar vs State of UP and others
5. Zahi Habibulla H.Sheikh vs State of Gujarat. 2004(4) SCC 158
6. Apren Joseph vs state of Kerala 1973(3) SCC 114
7. Prem Shankar Shukla vs Delhi Administration. AIR 1980 Sc 1535
8. Delhi Judicial Services Association vs State of Gujarat.
9. Sunil Gupta vs state of MP. 1990(3) SCC 119
10. Shalini Soni vs Union of India. (1980) 4 SCC 544,549
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12. Escher et al. v. Brazil (Judgment, Inter-American Court of Human Rights, July 2009)
13. "Ximenes Lopes v. Brazil" (Judgment, Inter-American Court of Human Rights, November 2006)
14. Mir Mohammed Ali v. Government of Andhra Pradesh 2000 (4) ALT 541 (DB)

15. Prabha Dutt v Union of India AIR 1982 SC 6
16. Police Commissioner, Delhi v Registrar, Delhi High Court AIR 1997 SC 95
17. Narendra Singh v State of M.P 2004 (4) SCALE 543
18. Miranda v Arizona 384 US 436: 16 L Ed 2d 694 (1966)
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20. Abdul Rehman Antulay v R.S. Nayak and Ors. (1992) 1 SCC 225

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights and Criminal Law and acquire knowledge on:

- *Relationship between Human rights and Criminal law*
- *Human rights perspectives on crime and punishment theories*
- *Rights of accused persons and convicts*
- *Protecting human rights while exercising criminal justice system*

PAPER XI
TRADE, ENVIRONMENT AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The 21st century is synonymous with globalisation where commercial activities work beyond trade barriers. Globalisation opens doors for international trade and development influencing the scope of sovereignty and human rights. The course focuses on the role of human rights in development and international trade, the role of TNCs, trade-related sanctions for human rights violations, the question of sovereignty, and human rights perspective in India. The course explores the interplay between trade, environment, development, human rights and justice addressing UGC mandate and Bar Council framework for the syllabus.

After undergoing the study, the student will be able to understand the following

- *To educate students on the implication of globalisation and development on human rights with special reference to trade and environment*
- *To encourage the students to appreciate the legal structure surrounding human rights in areas of trade and environment*
- *To understand the growth of human rights with specialized knowledge and advanced study in areas of trade and environment*

COURSE OUTLINE

MODULE I - GLOBALIZATION, DEVELOPMENT, JUSTICE AND HUMAN RIGHTS

- a) Meaning, nature and scope of globalisation – Dimensions and agents of globalisation – Sovereignty and globalisation - Concept of justice on globalised legal order – Theories of global justice
- b) Economic Justice - Concept of Development – Right to Development as a Human Right – Theories of Development - New International Economic Order – Development and trade off on human rights - WTO legal framework for trade related human rights measures – Impact of GATT and WTO - Trade-related Intellectual Property Rights - Unfair terms of trade in human rights violation - Political Justice - Globalisation of Democracy - Instruments of International Pressure
- c) Global Justice - Economic Theory of Trade Integration – Free Trade - Fair Trade - Role of International/Regional Trade Institutions on Justice and Human Rights –Impact of

global trade and trade liberalisation on distributive justice, poverty, inequalities – Business Ethics and Globalisation - Environmental Justice - Environment as a human right - Anthropocentric ethics and non-anthropocentric ethics

MODULE II - INTERNATIONAL COOPERATION ON TRADE AND HUMAN RIGHTS GOVERNANCE AND PRACTICE

- a) Role of World Organisations – UN – UNCITRAL - UNGP - World Bank, IMF, WIPO, UNDP, UNIDO - The work of the UN Human Rights Bodies - Human rights impact assessment – Trade incentives - Cooperation with other International Organizations
- b) Role of Transnational Corporations – Monopolies and right to development - Control, code of conduct of TNCs - Consumer rights and human rights – Destruction of environment and human rights
- c) Human rights in trade and investment agreements – IPR and human rights - Sanctions in third world – Social Clause - Conditional aid, trade sanctions, blockades, shame campaigns – Soft Diplomacy – Interferences – Military Interventions – Destabilisation of foreign governments, dictatorships (Arab Spring) – Impact of destabilisation of foreign governments on domestic interests

MODULE III - ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS

- a) Right to environment in international legal order – Sustainable development – Intergeneration equity
- b) Legal and institutional framework on human rights and environment – Precautionary, polluter pays and public trust doctrine - Stockholm Conference, Rio de Janeiro Conference Johannesburg Conference and Rio +20
- c) International Environmental Organisations and Dispute Settlement Mechanisms – Conflict management

MODULE IV - HUMAN RIGHTS NORMS RELATING TO PROTECTION OF ENVIRONMENT

- a) Procedural and substantive obligations relating to human rights – Sustainable development
- b) Right to environment – Right to food – Right to water – Right to health - Right of non-human persons - Right of natural bodies not be polluted
- c) Climate change – Obligation relating to marginalised and those in vulnerable situations - Impact of environmental damage on food security, health and global poverty

MODULE V - TRADE AND HUMAN RIGHTS GOVERNANCE IN INDIA

- a) Indian trade policy – Foreign direct investments – Trade pacts - Indian trade agreements and its effect on local traders and small farmers – Regulatory framework
- b) Right to access to medicines in India – Indian Patent Amendment Act 2005 – Traditional knowledge (Turmeric, Basmati Rice, Neem)
- c) Biopiracy – Trade secret – Transfer of technology - Judicial activism

MODULE VI- ENVIRONMENT AND NATIONAL HUMAN RIGHTS GOVERNANCE

- a) Human rights law and institutions in India relating to environment – Fundamental rights – Directive principles of state policy
- b) Human Rights Act 1993 – Environment Protection Act 1986 - The Water Act, 1974 - Air Act 1981
- c) Role of judiciary in protection of human rights – Judiciary on Right to environment and Right to development – Constitutional Remedies

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RECOMMENDED READING:

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2. Anupam Goyal - The WTO and International Environmental Law Towards Conciliation
3. Andrew F. Lowenfeld – International Economic Law
4. John H. Jackson, Sovereignty, the WTO and the changing fundamentals of International Trade Law
5. Day, D.M and Griffin, Bernardette - The Law of International Trade

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3. Gear, Anna, Research handbook on human rights and the environment (Edward Elgar 2015) Hiskes, R.P., The Human Rights to a Green Future (Cambridge: Cambridge University Press 2009)
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5. Hayward, Tim (ed.), *Human Rights and the Environment* (Routledge 2017) Knox, John H., *The Human Rights to a Healthy Environment* (Cambridge University Press 2018)

FURTHER READING:

BOOKS

1. Philip Sands - *Principle of International Environmental Law*
2. Indira Carr and Peter Stone - *International Trade Law*
3. Petersmann, Ernest Ulrich - *The GATT/WTO Dispute Settlement System: International Law International Organization and Dispute Settlement System*
4. Alan Boyle and Patricia Birnie - *International Law and Environment.*
5. Julius Stone- *Human Law and Human Justice.*
6. R.Dworkin-*Taking rights Seriously*
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CASES FOR GUIDANCE

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2. US v. European Communities (The Hormone Beef case)
3. Canada v. France (Asbestos Case)
4. US Tuna Case I
5. US Tuna Dolphin Case II
6. Turtle Shrimp Case
7. Rural Litigation and Entitlement Kendra, Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
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14. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
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16. Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
17. Animal Welfare Board of India vs. A. Nagaraj and Ors. (2014) 7 SCC 547
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19. M.C. Mehta vs. Union of India AIR 1987
20. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538

LEARNING OUTCOMES

After the completion of this course, the students will be able to:

- *Identify, contextualise and analyse contemporary issues and international situations on trade and environment in terms of human rights and formulate human rights-based initiatives and policies*

- *Critically analyse and apply ethical understanding and perspective to different forms of promoting and implementing human rights at both national and international levels*
- *Synthesize inter disciplinary approaches and contribute to topics relating to human rights, environment and trade.*
