

**SARDAR PATEL UNIVERSITY**  
**PROGRAMME STRUCTURE**  
**LL.M. (Human Rights Group)**  
**Semester-III (Effect from 2022-2023)**

Programme Outcome (PO) – <b>For LL.M. (Human Rights Group)</b> Programme	<p><b>About Programme:</b>          This master’s programme aims to provide you with an advanced knowledge and understanding of the key concepts and theories underpinning criminal law and criminal justice and how they operate in practice. Criminal Law is concerned with the most potentially invasive contention of authority by the state, if you fail to comply with the law you will be punished. As crime knows no jurisdictional or geographical boundaries, we need to expand the horizons and not only think domestically but also think internationally.          The LL.M. (Criminal Law) offers a unique and distinct opportunity to study criminal law in National, International and transnational context. This programme provides a holistic analysis of Criminal law.</p>
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Programme Specific Outcome (PSO) – <b>For LL.M. (Human Rights Group)</b>	<b>PO1</b>	To understand and apply principles of professional ethics.
	<b>PO2</b>	To provide a Platform for self-employment by developing professional skills under criminal law.
	<b>PO3</b>	To understand the various concepts relating to Criminal law.
	<b>PO4</b>	To Understand Criminal law is a system of laws that deals with the punishment of individuals who commit crimes. A crime is a deliberate or reckless action that causes harm to another person or his/her property. The punishment varies with the severity of the crime.
	<b>PSO1</b>	To understand current issues and contemporary debates in criminal law and criminal justice.
	<b>PSO2</b>	To understand fundamental principles of substantive and procedural criminal law.
	<b>PSO3</b>	For understanding and critiquing criminal laws and criminal justice, including doctrinal, comparative, theoretical and socio-legal methods.

To Pass	<p>(1) A candidate must have at 70% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be Eligible for grant of the respective semester except Semester-IV in which there will be no internal test.</p> <p>(2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.</p> <p>(3) A candidate shall be allowed to proceed in Semester-III only after fully passing both Semester-I and Semester-II.</p> <p>(4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.</p> <p>(5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III &amp; IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.</p> <p>(6) There shall be no ATKT or provision for exemption in the LL.M. Programme.</p> <p>(7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.</p> <p>The University Rules with regard to gracing of marks shall be followed.</p>
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Course Type	Course Code	Name of Course	Theory/Practical	Credit	Exam Duration in hrs	Component of Marks		
						Internal	External	Total
						Total	Total	Total
Core Course	PL03CLHR51	Judicial Process	T	5	3	12/30	28/70	40/100
	PL03CLHR52	Legal Education and Research Methodology	T	5	3	12/30	28/70	40/100
Elective Course	PL03ELHR51	Human Rights of Disadvantaged People and Vulnerable Groups	T	5	3	12/30	28/70	40/100
	PL03ELHR52	Emerging Dimensions of Human Rights and Duties	T	5	3	12/30	28/70	40/100
	PL03ELHR53	Problem, Protection and Enforcement of Human Rights	T	5	3	12/30	28/70	40/100





**Master of Laws (Human Rights Group)**  
**LL.M. (Human Rights Group) Semester-III**

<b>Course Code</b>	PL03CLHR51	<b>Title of the Course</b>	Judicial Process
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<ol style="list-style-type: none"> <li>1. The aim of the course is to make the learners aware about the nature and scope of judicial process, interpretive techniques, relevance of law to provide justice, role of judge's social engineering helping the state to maintain law and order and shape contents of law with the passage of time.</li> <li>2. The course is useful for the learners in learning the method to read and analyze the judgments, techniques of drawing the analogies by judges from the arguments of the counsels, application of legal principles and legal concepts to resolve the disputes for operationalizing the law.</li> <li>3. To understand how judicial process is an instrument of social ordering.</li> <li>4. To understand the various tools and techniques of judicial creativity and precedent.</li> <li>5. To understand the meaning and limitations of independence of judiciary and the political nature of judicial process.</li> <li>6. To understand the relation between law and justice with the help of various theories.</li> </ol>
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Unit	Description	Weightage* (%)
1.	<b>Nature of Judicial Process</b> 1.1 Judicial Process as an instrument of social ordering 1.2 Judicial process and creativity in law – common law model – Legal Reasoning and Growth of law – change and stability 1.3 The tools and techniques of judicial creativity and precedent 1.4 Legal development and creativity through legal reasoning under statutory and codified systems <b>1.5 Doctrine of <i>Stare Decisis</i></b> <b>1.6 Doctrine of <i>Ratio Decidendi</i></b> <b>1.7 Doctrine of <i>Obiter Dicta</i></b>	20%
2.	<b>Special Dimensions of Judicial Process in Constitutional Adjudication</b>  2.1 Notions of judicial review 2.2 'Role' in constitutional adjudication – various theories of judicial role 2.3 Tools and techniques in policy-making and creativity in constitutional adjudication	20%





	2.4 Varieties of judicial and juristic activism 2.5 Problems of accountability and judicial law-making <b>2.6 Judicial Activism in Constitutional Amendments with special reference to Basic Structure Doctrine</b>	
3.	<b>Judicial Process in India</b> 3.1 Indian debate on the role of judges and on the notion of judicial review 3.2 The “independence” of judiciary and the “political” nature of judicial process 3.3 Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity 3.4 Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges 3.5 Institutional liability of courts and judicial activism – scope and limitations 3.6 <b>Judicial Over-reach</b> 3.7 <b>Appointments and Removal of Judges</b> 3.8 <b>Recent Trends – 2018 Press Conference by Supreme Court Judges, Post-retirement Appointments</b>	20%
4.	<b>The Concepts of Justice</b> 4.1 The concept of justice or Dharma in Indian Thought <b>4.2</b> Dharma as the foundation of legal ordering in Indian thought. 4.3 The concept and various theories of justice in the western thought 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition	20%
5.	<b>Relation between Law &amp; Justice</b> 5.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class 5.2 Dependence theories – For its realization justice depends on law, but justice is not the same as law 5.3 The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.	20%

**PSDA (Professional Skill Development Activities)**

- ❖ Statutes and Judgment Analysis
- ❖ Preparation of One Research Paper/Research Article
- ❖ Access to Legal Resources: E-Library, E-Books and E-Database
- ❖ Developing Comparative Analysis Skills





Teaching-Learning Methodology	<ul style="list-style-type: none"><li>• Lecture Method</li><li>• Power Point Presentation(including audio/video)</li><li>• Expert talk</li><li>• Case study</li></ul>
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### Evaluation Pattern

Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

### Course Outcomes: Having completed this course, the learner will be able to

1.	The course will help the learners to understand the intricacies of judicial process and growth of law through the judgments. It will sharpen the logic and enable the learners to evaluate the impact of the judgments on impact constituencies.
2.	Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

### Suggested References:

Sr. No.	References
1.	<b>Text books:</b> <ol style="list-style-type: none"><li>1. The Province and Function of Law, Henry J. Abraham</li><li>2. The Nature of Judicial Process (1995) Universal, New Delhi</li><li>3. The Judicial Process (1998)</li><li>4. Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth<ul style="list-style-type: none"><li>• Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi</li></ul></li></ol>
2.	<b>Reference books:</b> <ol style="list-style-type: none"><li>1. Legal Theory (1960), Stevens, London, Bodenheimer</li><li>2. Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi</li><li>3. The Indian Supreme Court and Politics (1980), Eastern, Lucknow</li></ol>





	<p>4. The Supreme Court of India – A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay</p> <ul style="list-style-type: none"><li>• J. Stone, Legal System and Lawyers' Reasoning's (1999), Universal, New Delhi</li><li>• Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago</li></ul>
3.	<p><b>Journal:</b></p> <ol style="list-style-type: none"><li>1. Indian Journal of Constitutional &amp; Administrative Law</li></ol> <p>Indian Constitutional Law Review</p>

**On-line resources to be used if available as reference material**

On-line Resources:

1. SWAYAM
2. Manupatra
3. Hein Online
4. JStor
5. Bloomsbury

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**Master of Laws (Human Rights Group)**  
**LL.M. (Human Rights Group) Semester-III**

<b>Course Code</b>	PL03CLHR52	<b>Title of the Course</b>	Legal Education & Research Methodology
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<ol style="list-style-type: none"> <li>1. Research is a desire to search or to find out or to explore an unknown area to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research means research in law which deals with the principles of law and legal institutions.</li> <li>2. The objective may be to discover new facts or to verify the existing facts, to propound a new legal concept or to analyze existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research.</li> <li>3. A research method is a systematized investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process.</li> <li>4. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times.</li> <li>5. It aims to provide an understanding of the various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.</li> <li>6. To study how and why Legal Education was introduced in India.</li> <li>7. To be enabled to understand the Importance of Legal Education.</li> </ol>
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<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<b>1.1 Importance of Legal Education</b> 1.2 Objectives of Legal Education <b>1.3 History of Legal Education in India</b> <b>1.4 Lecture Method of Teaching – Merits and Demerits</b> 1.5 The problems Method	20%
2.	2.1 Discussion Method and its suitability at postgraduate-level teaching	20%







	2.2 The Seminar method of Teaching 2.3 Examination System and Problems in Evaluation – External and Internal Assessment	
3.	3.1 Student participation in law school programmes-Organization of Seminars, publication of journal and assessment of teachers 3.2 Clinical, Legal Education – legal aid, legal literacy, legal survey and law reform  3.3 <b>Research Methods</b> 3.3.1 Socio-legal Research 3.3.2 Doctrinal and non-doctrinal 3.3.3 Relevance of empirical research 3.3.4 Induction and deduction  • <b>Legal Education &amp; Its Methods:</b> <b>Hands-on training related to Course Design including curriculum development (content, teaching pedagogies and evaluation scheme)</b>	20%
4.	<b>Identification of Problem of Research</b> 4.1 What is a Research Problem? 4.2 Survey of available literature and bibliographical research 4.3 Legislative materials including subordinate legislation, notification and policy statements 4.4 Decisional materials including foreign decisions, methods of discovering the rule of the case tracing the history of important cases and ensuing that these have not been over-rules; discovering judicial conflict in the area pertaining to the research problem and the reason thereof. 4.5 Juristic writings-a survey of juristic literature relevant to select problems in India and foreign periodicals. 4.6 Compilation of list of reports or special studies conducted relevant to the problem.	20%
5.	<b>Preparation of the Research Design</b> 5.1 Formulation of the research problem 5.2 Devising tools and techniques for collection of date: Methodology 5.2.1 Methods for the connection of statutory and case materials and jurists Literature 5.2.2 Use of historical and comparative research materials 5.2.3 Use of observation studies 5.2.4 Use of questionnaires/interview 5.2.5 Use of case studies 5.2.6 Sampling procedures – design of sample, types of sampling to be adopted 5.2.7 Use of scaling techniques 5.2.8 Jurimetrics 5.3 Computerized Research – A Study of legal research programmes	20%





	<p>such as Lexis and West Law Coding</p> <p>5.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data</p> <p>5.5 Analysis of data</p> <ul style="list-style-type: none"> <li>• <b>Preparation of Research Proposal</b></li> <li>• <b>Quantitative Tools and Techniques</b></li> </ul>	
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**PSDA (Professional Skill Development Activities)**

❖ Statutes and Judgment Analysis
❖ Preparation of One Research Paper/Research Article
❖ Access to Legal Resources: E-Library, E-Books and E-Database
❖ Developing Comparative Analysis Skills

<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"> <li>• Lecture Method</li> <li>• Power Point Presentation (including audio/video)</li> <li>• Expert talk</li> <li>• Case study</li> </ul>
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**Evaluation Pattern**

Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

Course Outcomes: Having completed this course, the learner will be able to

1.	To understand the meaning, definition, nature and scope of research.
2.	To understand the implications of research and develop their interest to contribute in addition of knowledge.
3.	To acquaint students with various types of research methodology helping them to formulate hypothesis, awareness about the techniques of data collection, interpretation





	of data, drawing of observation, etc.
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<b>Suggested References:</b>	
<b>Sr. No.</b>	<b>References</b>
1.	<b>Text books:</b> 1. Legal Education in India (1973), Tripathi Bombay – S.K. Agrawal
2.	<b>Reference books:</b> 1. Nigel Dunne and Richard Crimes, Clinical Legal Education: Active Learning in your Law School (1998) Blackstone Press Ltd. London 2. H. Bitner and Bysiewicz, Effective Legal Research (1978) – M.O. Price 3. Methods in Social Research, McGraw Hill Book Company, London – William J. Grade & Paul K. Hat 4. The Art of Asking Questions (1965) – Payne 5. Legal Research in Nutshell (1996), West Publishing Co. – Morris L. Cohan 6. Legal Research and Methodology – ILI Publication

<b>On-line Resources</b>
1. SWAYAM
2. Hein Online
3. Manupatra
4. JStor
5. Bloomsbury

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**Master of Laws (Human Rights Group)**  
**LL.M. (Human Rights Group) Semester-III**

<b>Course Code</b>	PL03ELHR51	<b>Title of the Course</b>	Human Rights of Disadvantaged People and Vulnerable Groups
<b>Total Credits of the Course</b>	05	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<p>This course through its five units explain the knowledge, Human rights are the rights of all human beings. Violation of these rights is human rights violations. Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Also discuss undemocratic social structure of Indian Society and agencies of Indian State that violate human rights of vulnerable groups in our country such as LGBT, disabled people, internally displaced persons and its Mechanism. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations.</p>
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<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<p><b>Meaning and Concept of Vulnerable and Disadvantaged Groups</b></p> <p>1.1 Customary and Kind of Groups 1.2 Identification of Disadvantaged People 1.3 Economic and Social Inequalities</p> <ul style="list-style-type: none"><li>• Land Rights, Rural Indebtedness</li><li>• Impact of Forest Law on Tribal Community</li><li>• Bonded Labour; Issues of Human Dignity</li></ul> <p>1.4 Socio-Economic and Cultural Problems of Vulnerable and Disadvantaged Groups</p>	20%
2.	<p><b>Human Rights of Vulnerable Groups</b></p> <p>2.1 Women's Rights: International and National Standards 2.2 Children's Rights: International and National Standards 2.3 Scheduled Castes and Scheduled Tribes</p> <ul style="list-style-type: none"><li>• Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989</li><li>• Constitutional and Legal Rights of Scheduled Caste and Scheduled Tribes</li></ul>	20%





	<p>2.4 Elderly Persons</p> <ul style="list-style-type: none"><li>• The United Nations Principles on Rights of Elderly</li><li>• The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and other Provisions</li></ul>	
3.	<p><b>Human Rights of Disadvantaged Groups I</b></p> <p>3.1 Stateless Persons, internally displaced persons and refugees</p> <ul style="list-style-type: none"><li>• Concept of Nationality and Citizenship</li><li>• Concept and Causes of Statelessness and its International Legal Standard</li><li>• Consequences of Statelessness on Human Rights</li></ul> <p>3.2 Indigenous Peoples</p> <ul style="list-style-type: none"><li>• International Norms Relating to Tribal and Other Indigenous Groups</li><li>• UN Declaration on the Indigenous Peoples 1995,</li><li>• UN Voluntary Fund for Indigenous Populations 1985</li><li>• UN Declaration on the Rights of Indigenous Peoples 2007</li></ul> <p>3.3 Rights of Migrant workers</p> <ul style="list-style-type: none"><li>• International Convention on the Protection of the Rights All Migrant Workers and Members of Their Families-1992</li><li>• Right of Migrant Workers in India</li></ul>	20%
4.	<p><b>Human Rights of Disadvantaged Groups II</b></p> <p>4.1 HIV positive persons and AIDS victims and Human Rights: International and National Scenario</p> <ul style="list-style-type: none"><li>• International Human Rights Obligations and HIV</li><li>• States' obligation to respect and protect Human rights and Violations.</li></ul> <p>4.2 Disabled Persons and Human Rights</p> <ul style="list-style-type: none"><li>• Convention on the Rights of Persons with Disabilities, 2006</li><li>• Laws relating to Disabled in India</li><li>• Right to health of persons with disabilities in India</li></ul> <p>4.3 Rights of LGBT People: International and National Scenario with case studies</p> <p>4.4 Sex Workers and Human Rights</p> <ul style="list-style-type: none"><li>• The Immoral Traffic (Suppression) Act of 1956.</li></ul>	20%
5.	<p><b>Institutional safeguards for Human Rights Protection</b></p> <ul style="list-style-type: none"><li>• National Commissions</li><li>• State Commissions</li><li>• Various Landmark Judgments</li><li>• Role of Media</li><li>• Role of Non-Governmental Organizations</li></ul>	20%





**PSDA (Professional Skill Development Activities)**

- ❖ Statutes and Judgment Analysis
- ❖ Preparation of One Research Paper/Research Article
- ❖ Access to Legal Resources: E-Library, E-Books and E-Database
- ❖ Developing Comparative Analysis Skills

**Teaching-Learning Methodology**

- Lecture Method
- Power Point Presentation(including audio/video)
- Case study
- Expert talk

**Evaluation Pattern**

Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

**Course Outcomes:** Having completed this course, the learner will be able

1. An understanding about the concept of exclusion and marginalization of disadvantaged people and vulnerable groups.
2. Causal factors of human rights violations, human rights norms, and legal remedies available to these disadvantaged people and vulnerable groups in national and International legal framework.
3. Achieve ability to assess the practical effectiveness of different mechanisms for implementing or enforcing human rights of disadvantage people and vulnerable groups.

**Suggested References:**

Sr. No.	References
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1.	<b>Text books:</b> 1.
2.	<b>Reference books:</b> <ol style="list-style-type: none"><li>1. Sinus, J., Women, Health and the Environment: An Anthology: Tabular Information on Legal Instruments dealing with HIV Infections and AIDs (Geneva: WHO, 1994).</li><li>2. Upendra Baxi : Dignity In and With Naz, Law Like Love</li><li>3. B.D. Sharma, Rights of Tribals, Journal of the NHRC, Vol. 1, 2002, 79-132</li><li>4. Chandrima Chatterjee and Gunjan Sheoran: Vulnerable Groups in India, Centre for Enquiry into Health and Allied Themes, 2007, Mumbai</li><li>5. P.K. Pandey (Ed) Human Rights, APH Publishing Corporation, 2012</li><li>6. Ram Kishore Chppudhury and Tapash Ghan Choudhury: Judicial Reflections of Justice Bhagwati, Eastern Law House, 2008</li><li>7. Susan Timberlake: UNAIDS: Human Rights, Ethics, and Law; Health and Human Rights, Vol.3. No.1 1996 available at <a href="http://www.hhrjournal.org/archivespdf/4065286.pdf.bannered.pdf">http://www.hhrjournal.org/archivespdf/4065286.pdf.bannered.pdf</a></li><li>8. TSN Sastry Sex Workers and Human Rights: Indian Scenario in the Proceeding the ISIL of the International Conference 2001, Vol II pp 526-538)</li><li>9. Turner Bryan S.: Vulnerability and Human Rights: 2006, The Pennsylvania University Press</li><li>10. Bilder, R.B. (1992). An overview of international human rights law. In Guide to international human rights practice (ed. H. Hannum) (2nd edn), pp. 3–18. University of Pennsylvania Press, Philadelphia, PA.</li><li>11. Chatterjee Mary, Sharma Ursula edited (2003), Contextualising Caste; Post-Dumontian Approaches, Rawat Publications, New Delhi</li><li>12. International Covenant on Economic, Social and Cultural Rights, UN General Assembly Resolution 2200A (XXI), A/6316 (1966)</li><li>13. United Nations. (2011). The United Nations Speaks Out: Tackling Discrimination on Grounds of Sexual Orientation and Gender Identity. [Brochure]. <a href="http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTBrochure.aspx">www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTBrochure.aspx</a></li><li>14. G. S Bhargava and R.M.PaI, Human Rights of Dalit Societal Violation, (1999).</li></ol>
3.	<b>Journal</b> 1.





<b>On-line Resources</b>
SCC Online
Manupatra
Hein Online
Coursera
JStor
Bloomsbury

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**Master of Laws (Human Rights Group)**  
**LL.M. (Human Rights Group) Semester-III**

<b>Course Code</b>	PL03ELHR52	<b>Title of the Course</b>	Emerging Dimensions of Human Rights and Duties
<b>Total Credits of the Course</b>	05	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<p>Human rights are the foundation of free societies. The globalized society must speak out in defense of the effective guarantee of rights, assuring peace, justice, freedom and conditions of well-being as the base of a harmonious and happy life for all. All human beings - free, equal and endowed with dignity - are entitled to more rights than just those that are recognized, protected and guaranteed. Emerging Human Rights arises with the aim of contributing to the design of a new horizon of rights that will orientate the social and cultural movements of communities and peoples. This Course established the relationships between emerging rights like climate change, Corruption, Information, Health etc. and human rights with its international mechanism and Judicial activism for protect it.</p>
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<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<p><b>Right to Health as Human Rights and Patent Regime</b></p> <p>1.1 Human Health is Human Rights</p> <ul style="list-style-type: none"> <li>• Key aspects of the Right to Health</li> <li>• Relationship between right to health and other human rights.</li> <li>• Right to Health under International Law or Instruments.</li> <li>• Status of Right to Health under Indian Constitution</li> </ul> <p>1.2 Obligations on States and Responsibilities of Others towards the Right to Health</p> <ul style="list-style-type: none"> <li>• types of obligations,               <ul style="list-style-type: none"> <li>(i) The obligation to respect,</li> <li>(ii) To protect &amp;</li> <li>(iii) To fulfill Responsibilities of United Nations bodies and specialized agencies</li> </ul> </li> </ul> <p>1.3 Patent Regime and Rights to Health</p> <ul style="list-style-type: none"> <li>• Doha Declaration on the TRIPS Agreement and Public Health and its amendments</li> </ul> <p>1.4 Judicial Response towards Right to Health, Role of Governments</p>	20%





2.	<b>Corruption and Human Rights</b> 2.1 International Conventions on Corruption <ul style="list-style-type: none"><li>• UN Convention against Transnational Organized Crime, 2005 and the Protocols</li><li>• United Nations Convention against Corruption (UNCAC) 2005</li><li>• Other Regional Efforts against Corruption</li></ul> 2.2 Twenty Guiding Principles for the Fight against Corruption 2.3 The Prevention of Corruption Act, 1988 and It's (Amendment) Act, 2018 2.4 Landmark Cases and Judgments on Corruption 2.5 Transparency International Movement	20%
3.	<b>Right to Information and Human Rights</b> 3.1 Right to Information under International Conventions and Declarations 3.2 Right to Information as Fundamental rights under Indian Constitution 3.3 The Right to Information Act, 2005 (Right to know and Right to obtain information from public authorities) 3.4 Right to Information in different Statutes in India	20%
4.	<b>Human Rights Dimensions of Climate Change</b> 4.1 Understanding of climate change, Disaster and displacement 4.2 Causes of displacement triggered by climate change <ul style="list-style-type: none"><li>• hydro-meteorological disasters (flooding, hurricanes/typhoons/cyclones or mudslides)</li><li>• Environmental degradation and slow onset disasters (Reduction of water availability, desertification, long-term effects of recurrent flooding, sinking costal zones, increased salinization of ground-water and soil)</li><li>• Governments to designate areas as high-risk zones too dangerous for human habitation</li><li>• "Sinking" small island states caused by rising sea levels</li></ul> 4.3 Protection under International and National Law	20%
5.	<b>Emerging Rights through Legislative Approach of Judiciary</b> 5.1 Judicial Interpretations of Indian Constitution: Landmark Judgments <ul style="list-style-type: none"><li>• Right to Live with Dignity (Environment, Food, Clean Water, Clean Air, Education)</li><li>• Right to Die with Dignity (Euthanasia)</li><li>• Status of Aadhar case</li></ul>	20%





	<ul style="list-style-type: none"> <li>• The right to Internet access</li> </ul> <p>5.2 Judicial pronouncement on IPC (Section 377, 497) and Human Rights</p> <p>5.3 Judicial pronouncement and Legislation: Vishakha Guideline</p> <p>5.4 IT Act Section 66A repealed</p>	
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<b>PSDA (Professional Skill Development Activities)</b>	
❖	Statutes and Judgment Analysis
❖	Preparation of One Research Paper/Research Article
❖	Access to Legal Resources: E-Library, E-Books and E-Database
❖	Developing Comparative Analysis Skills

<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"> <li>• Lecture Method</li> <li>• Power Point Presentation(including audio/video)</li> <li>• Case study</li> <li>• Expert talk</li> </ul>
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<b>Evaluation Pattern</b>		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

<b>Course Outcomes:</b> Having completed this course, the learner will be able	
1.	To analyses the constitutional perspective on right to health as fundamental right and Indicate the measures for the realization of the right to health and Identify the impact of health policies, programmes and practices on human rights.
2.	Analyze the right to information under the Indian Constitution and develop the understanding on the right to information is important for good governance. Identify right to information under International Conventions.





3.	An understanding of conceptual framework with specific terms, that, how violations of human rights may be linked to particular acts of corruption. It also builds links between specific acts of corruption and specific violations of rights. Student(s) Knows how organisations can promote human rights while working to end corruption.
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Suggested References:	
Sr. No.	References
1.	<b>Text books:</b> 1.
2.	<b>Reference books:</b> <ol style="list-style-type: none"><li>1. Compendium of International Legal Instruments on Corruption, 2<sup>nd</sup> Edition, United Nations Office on Drugs and Crime, Vienna UNITED NATIONS New York, 2005</li><li>2. EJF (2017) BEYOND BORDERS: Our changing climate – its role in conflict and displacement</li><li>3. Deng, Francis. "The guiding principles on internal displacement" E/CN.4/1998/53/Add. 1, February 11. New York, NY: United Nations.</li><li>4. Information note: Protect the human rights of all migrants, OHCHR.</li><li>5. Nationality and Statelessness, A Handbook for Parliamentarians, published by the Inter Parliamentary Union with the United Nations High Commissioner for Refugees, 2005</li><li>6. <a href="https://www.right2info.org/constitutional-protections">https://www.right2info.org/constitutional-protections</a></li></ol>
3.	<b>Journal</b> 1.

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**Master of Laws (Human Rights Group)**  
**LL.M. (Human Rights Group) Semester-III**

<b>Course Code</b>	PL03ELHR53	<b>Title of the Course</b>	Problem, Protection and Enforcement of Human Rights
<b>Total Credits of the Course</b>	05	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<p>The focus of this course is to develop an understanding about the enforcement mechanism for Human Rights protection. A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. There are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation. The apex court has also ventured to apply international convention even where there was no legislation in the area. Thus, the judiciary has been directly implementing international conventions at the national level. Apart from Judiciary there are numbers of organization working for the purpose of Protection and Enforcement of Human Rights.</p>
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<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<b>Societal Problems and Status of Human Rights</b> 1.1 Indian Society: Social Structure, Social Inequality, Caste Hierarchy 1.2 Core problems: Poverty, illiteracy, Custodial violence 1.3 Some Specific Problems of violation in public domain <ul style="list-style-type: none"><li>• Communal and Caste conflicts, State, landlords, employers, etc.</li><li>• Discrimination on Basis of Cast, Social, Cultural, Political and Economic</li></ul> 1.4 Violations in private domain: Within the Family, by Dominant	20%
2.	<b>Problems of Human Rights Enforcement in India</b> 2.1 The Directive Principles of State Policy: The Question of Effectiveness and Enforcement 2.2 Fundamental Rights and Repressive Laws: Preventive Detention, MISA, TADA & POTA, Armed Forces (Special Powers) Act, National Security Act and Criminal Law Amendment etc.	20%





	<p>2.3 Legislation for the Weaker Sections: The Question of Enforcement</p> <p>2.4 Social prejudices against Caste, Women, Minorities etc.</p>	
3.	<p><b>Human Rights Protective Mechanism at Global Level</b></p> <p>3.1 UN General Assembly and UN Security Council,</p> <p>3.2 UN and United Nations High Commissioner for Human Rights (OHCHR)</p> <p>3.3 ECOSOC - United Nations Commission on Human Rights (UNCHR) (up to 2006) &amp; United Nations Human Rights Council (UNHRC),</p> <p>3.4 United Nations Human Rights Committee under the ICCPR</p> <p>3.5 International Court of Justice (ICJ) &amp; International Criminal Court (ICC)</p> <p>3.6 ILO Declaration on Fundamental Principles and Rights at Work</p>	20%
4.	<p><b>Constitutional Governance and Human Rights Protection</b></p> <p>4.1 Constitutional provision: Legislature, Executive, Judiciary</p> <p>4.2 Constitutional Remedies: Articles 51, 253 with 246, PIL (Art. 32 &amp; 226)</p> <p>4.3 Tribunals: (Article 323 - A &amp; B) Administrative Tribunals, NGT, Water Disputes Tribunal etc.</p> <p>4.4 Role of Judiciary through Land mark Judgments - PIL</p>	20%
5.	<p><b>Institutional Frameworks for Human Rights Enforcement in India</b></p> <p>5.1 National Specialized Agencies: Law Commission, SC/ST Commission, Minorities Commission, Women's Commission, Child Right Commission and Human Rights Commission</p> <p>5.2 Professional Councils: Press, Medical, Bar</p> <p>5.3 NGOs, Social movements and various pressure groups</p> <p>5.4 Human Rights Education: Problems and Prospects.</p>	20%

**PSDA (Professional Skill Development Activities)**

❖ Statutes and Judgment Analysis
❖ Preparation of One Research Paper/Research Article
❖ Access to Legal Resources: E-Library, E-Books and E-Database
❖ Developing Comparative Analysis Skills
❖ Visit to Human Rights Commission.

<b>Teaching-</b>	<ul style="list-style-type: none"> <li>• Lecture Method</li> </ul>
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<b>Learning Methodology</b>	<ul style="list-style-type: none"><li>• Power Point Presentation(including audio/video)</li><li>• Case study</li><li>• Expert talk</li></ul>
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<b>Evaluation Pattern</b>		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

<b>Course Outcomes:</b> Having completed this course, the learner will be able	
1.	To understand some specific societal problem of Human Rights violation against weaker sections and legislative provisions for their protection and Explain the constitutional vision of social justice
2.	Conceptualize the scope of whistle blowing in constitutional governance and Describe the merits and demerits of the decision-making institutions and Distinguish the working of Courts and Tribunals.
3.	Explain the judicial, legal and administrative issues involving the access to justice as human rights.
4.	Familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

<b>Suggested References:</b>	
Sr. No.	References
1.	<b>Text books:</b>
2.	<b>Reference books:</b>







	<ol style="list-style-type: none"><li>1. Bhagwati, P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharat, 1985). Bhargava, G.S. and</li><li>2. R.M.Pal, ed., Human Rights of Dalits: Societal Violation (New Delhi: Gyan Publishing House, 2000).</li><li>3. Bhatia, K.L. and others, Social Justice of Dr. B.R. Ambedkar (New Delhi: Deep and Deep, 1995).</li><li>4. Borgohain, Bani, Human Rights: Social Justice and Political Change (New Delhi: Kanishka Publishers, 1999).</li><li>5. Chandra, Shailja, Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles (New Delhi: Deep and Deep, 1998).</li><li>6. (2003) Human Rights: International protection monitoring, enforcement (Paris: UNESCO Publishing).</li><li>7. D.D.Basu, Human Rights in Indian Constitutional Law, (1994).</li><li>8. Vijay Chitnis, (et.al.). Human Rights and the Law. National and Global Perspectives, (1997).</li><li>9. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).</li><li>10. James Vadakkumchery, Human Rights and the Politics in India, (1996).</li><li>11. D.R.Saxena, Tribals and the Law, (1997).</li><li>12. Poornima Advani, Indian Judiciary: A Tribute, (1997).</li><li>13. Justice Venkataramiah, Human Rights in the Changing World, (1998)</li><li>14. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).</li></ol>
3.	<b>Journal</b>

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