

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**



**WITH EFFECT FROM 2017-18
COURSE STUDY**

**GROUP J
LLM
(Human Rights)**

SEM I	<p>Core Subject: 1. Indian Constitution Law: the New Challenges -I 2. Law and Social Transformation in India</p>	<p>Elective Subjects: Human Rights: Group J 3. Human Rights-I 4. Human Rights and International order-I 5. Concept and Development of Human Rights</p>
SEM II	<p>1. Indian Constitution Law: the New Challenges–II 2. Jurisprudence</p>	<p>Elective Subjects: Human Rights: Group J 3. Human Rights-I 4. Human Rights and International order-I 5. Protection and enforcement of human rights India</p>
SEM III	<p>1. Judicial Process 2. Legal Education and Research Methodology</p>	<p>Elective Subjects: Human Rights: Group J 1. Science, technology and human rights 2. Human Rights of disadvantaged groups 3. International humanitarian law and refugee Law</p>
SEM IV	<p>1. Dissertation & Viva Voce 2. Class Room Teaching 3. Doctrinal Research 4. Non Doctrinal Research 5. Clinical Research Report</p>	

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CORE SUBJECTS/COURSES

SEMESTER I

Group B	Criminal Law
Group C	Business Law
Group E	Environment & Legal Order
Group G	Constitution & Legal Order
Group J	Human Rights Law

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLHR21	Course Title: Indian Constitutional Law: the New Challenges-I	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Federalism <ul style="list-style-type: none"> • Creation of new states • Allocation and share of resources - distribution of grants in aid • The inter-state disputes on resources • Rehabilitation of internally displaced persons. • Centre's responsibility and internal disturbance within States. • Directions of the Centre to the State under Article 356 and 365 • Federal Comity: Relationship of trust and faith between Centre and State. • Special status of certain States. • Tribal Areas, Scheduled Areas 	
2	State's: Need for widening the definition in the wake of liberalization. <ul style="list-style-type: none"> • Democratic process • Nexus of politics with criminals and the business. • Election • Election commission: status. • Electoral Reforms • Coalition government, 'stability, durability, corrupt practice' • Grass root democracy. 	
3	Right to equality: privatization and its impact on affirmative action. <ul style="list-style-type: none"> • Doctrine of severability, doctrine of waiver • law and law in force, The Mandal case • national commission for backward classes 	
4	Law regarding Empowerment of women <ul style="list-style-type: none"> • Human trafficking, mercy killing 	

	<ul style="list-style-type: none"> • Human right jurisprudence • Natural justice and due process 	
5	Right to Freedom <ul style="list-style-type: none"> • Freedom of press and challenges of new scientific development • Freedom of speech and right to broadcast and telecast. • Right to information • Right to strikes, hartal and bandh. 	

REFERENCE BOOKS

1. Durga das Basu - Introduction To The Constitution Of India
2. Durgadas Basu - Shorter Constitution Of India
3. V.N. Shukla - Constitution Of India
4. Seervai - Indian Constitution
5. J.N.Pandey - Constitutional Law Of India
6. Dr. K.C. Joshi - The Constitution Law Of India

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**

FACULTY: LAW LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLHR22	Course Title: Law and Social Transformation in India-I	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>Law and Social change</p> <ul style="list-style-type: none"> • Law as an instrument of social change. • Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India. <p>Women and the law</p> <ul style="list-style-type: none"> • Crimes against women. • Gender injustice and its various forms. • Women's Commission. • Empowerment of women: Constitutional and other legal provisions. <p>Children and the law</p> <ul style="list-style-type: none"> • Child labour. • Sexual exploitation. • Adoption and related problems. • Children and education. 	
2	<p>Language and the law</p> <ul style="list-style-type: none"> • Language as a divisive factor: formation of linguistic states. • Constitutional guarantees to linguistic minorities. • Language policy and the Constitution: Official language; multi-language system. • Non-discrimination on the ground of language. <p>Community and the law</p> <ul style="list-style-type: none"> • Caste as a divisive factor • Non-discrimination on the ground of caste. • Acceptance of caste as a factor to undo past injustices. • Protective discrimination: Scheduled castes, tribes and backward classes. • Reservation; Statutory Commissions., Statutory provisions. 	

3	<p>Regionalism and the law</p> <ul style="list-style-type: none"> • Regionalism as a divisive factor. • Concept of India as one unit. • Right of movement, residence and business; impermissibility of state or regional barriers. • Equality in matters of employment: the slogan "Sons of the soil" and its practice. • Admission to educational institutions: preference to residents of a state. <p>Religion and the law</p> <ul style="list-style-type: none"> • Religion as a divisive factor. • Secularism as a solution to the problem. • Reform of the law on secular lines: Problems. • Freedom of religion and non-discrimination on the basis of religion. • Religious minorities and the law 	
4	<p>Modernisation and the law</p> <ul style="list-style-type: none"> • Modernisation as a value: Constitutional perspectives reflected in the fundamental duties. • Modernisation of social institutions through law. • Reform of family law • Agrarian reform - Industrialisation of agriculture. • Industrial reform: Free enterprise v. State regulation - Industrialisation environmental protection. • Reform of court processes. • Criminal law: Plea bargaining; compounding and payment of compensation to victims. • Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats. • Prison reforms. • Democratic decentralisation and local self-government. 	
5.	<p>Alternative approaches to law</p> <ul style="list-style-type: none"> • The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan---Surrender of dacoits; concept of grama nyayalayas. • Socialist thought on law and justice: An enquiry through constitutional debates on the right to property. • Indian Marxist critique of law and justice. • Naxalite movement: causes and cure 	

REFERENCE BOOKS

1. Marc Galanter - Law and Society in Modern India (1997), Oxford
2. Robert Lingat- The Classical Law of India (1998), Oxford
3. U. Baxi -The Crisis of the Indian Legal System (1982). Vikas, New, Delhi
4. Manushi- A Journal About Women and Society

5. Duncan Derret - The State, Religion and Law in India (1999). Oxford University Press, New Delhi
6. H.M.Seervai -Constitutional Law of India (1996)
7. D.D. Basu-Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
8. Law and Menace of Child Labour (2000) Armol Publications,Delhi.- Sunil Deshta and Kiran Deshta
9. Malik and Raval - Law and social transformation
10. Tripathi -Indian Law Institute, Law and Social Change : Indo-American Reflections,

SEMESTER I

ELECTIVE SUBJECT

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**

FACULTY : LAW

LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELHR21	Course Title : HUMAN RIGHTS-I	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
15+10+5=30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Panoramic View of Human Rights <ul style="list-style-type: none">• Human Rights in Non-western Thought• Awareness of Human rights during the nationalist movement• Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process.• Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.)	
2	Fundamental Rights Jurisprudence as Incorporating Directive Principles <ul style="list-style-type: none">• The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)• The interaction between F.R. and D.P.• Resultant expansion of basic needs oriented human rights in India	
3	Right not be Subject to Torture, Inhuman or Cruel Treatment <ul style="list-style-type: none">• Conceptions of torture, third-degree methods• "Justifications" for it• Outlawry of torture at international and constitutional law level• Incidence of torture in India• Judicial attitudes• Law Reform - proposed and pending	
4	Minority Rights <ul style="list-style-type: none">• Conception of minorities• Scope of protection• The position of minority "Woman" and their basic rights• Communal Riots as Involving violation of Rights.	
5	Rights to development of Individuals and Nations	

	<ul style="list-style-type: none"> • The UN Declaration on Right to Development, 1987 • The need for constitutional and legal changes in India from human rights standpoint. <p>People's Participation in Protection and Promotion of Human Rights</p> <ul style="list-style-type: none"> • Role of International NGOS • Amnesty International • Minority Rights Groups • International Bars Association, Law Asia • Contribution of these groups to protection and promotion of human rights in India. 	
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Reference books

- 1 M.J. Akbar - Riots After Riots (1988)
- 2 A.B. Robertson (ed) - Human Rights in National and International Law (1970)
- 3 Menon (ed.) - Human Rights in International Law (1985)
- 4 J.A. Andrews - Human Rights in International Law (1986)
- 5 Moskowitz - Human Rights and World Order (1958)
- 6 S.C. Khare - Human Rights and United Nations (1977)
- 7 S.C. Kashyap - Human Rights and Parliament (1978)
- 8 Nagendra Singh, Human Rights and International Co-operation (1969)
- 9 H. Beddard, Human Rights and Europe (1980)
- 10 W.P. Gromley- Human Rights and Environment (1976)
- 11 Madhavtirtha - Human Rights (1953)
- 12 L.Levin - Human Rights (1982)
- 13 F.Kazmi - Human Rights (1987)
- 14 U.Baxi - The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
- 15 U.Baxi (ed.) - The Right to be Human (1986).

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FACULTY : LAWLL.M. (CBCS)**

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELHR22	Course Title: Human Rights and International Order-I	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
15+10+5=30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Development of the Concept of Human Rights Under International Law <ul style="list-style-type: none"> • Role of International Organization and Human Rights 	
2	<ul style="list-style-type: none"> • Universal Declaration of Human Rights (1948) • Covenant on Political and Civil Rights (1966) 	
3	Covenant on Economic, Social and Cultural Rights (1966)	
4	I L O and other Conventions and Protocols dealing with human rights	
5	Role of Regional Organizations <ul style="list-style-type: none"> • European Convention on Human Rights • European Commission on Human Rights/Court of 	

REFERENCE BOOKS:

- 1 Benedetto Conforti and Francesco Francioni - Enforcing International Human Rights in Domestic Courts, (1997).
- 2 Francisco Forrest Martin -International Human Rights Law and Practice, (1997).
- 3 Luck Clements - European Human Rights Taking a Case under the Convention, (1994).
- 4 Evelyn A. Ankumah, -The African Commission on Human Rights and People's Rights, (1996).
- 5 R.K.Sinha - Human Rights of the World,(1997).
- 6 Philip Alston -The United Nations and Human Rights A Critical Appraisal, (1992).
- 7 R.S.Sharma and R.K.Sinha - Perspectives in Human Rights Development, (1997).
- 8 The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
- 9 B.P.SinghSeghal - Human Rights in India, (1996).

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FACULTY : LAWLL.M. (CBCS)**

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELHR23	Course Title: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
15+10+5=30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Human Rights: Concept. <ul style="list-style-type: none"> • Human rights in Indian tradition: ancient, medieval and modern • Human rights in western tradition • Development of natural rights. • Human rights in international law and national law 	
2	Classification of Human Rights - First, Second and Third Generations: Historical Development	
3	Human Rights: Politics and Society <ul style="list-style-type: none"> • Colonisation, imperialism and human rights • Power, practices, accountability and transparency • Liberalization, privatization and globalization • Human duties: responsibilities and obligations 	
4	Human Rights and Judicial Process <ul style="list-style-type: none"> • Judicial activism 	
5	Human Rights Protection Agencies	

Reference books:

1. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
2. LalitParmer, Human Rights, (1998).
3. Rama Jois, Human Rights: Bharatiya Values, (1998).
4. David P. Forsythe, Human Rights in International Relations.
5. Lon L. Fuller, The Morality of Law
6. John Finnis, Natural Law and Natural Rights, (1980).
7. Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
8. M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996).
9. V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)