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Part - I
THE BACKGROUND

1. Most ancient cultures, like the Indian, have been founded on the concept of fusion of rights and duties, maintaining a priority of duty over right. The transformation of the ancient Indian culture into a composite culture over the millennia, assimilating into itself the best of the various religions, has only strengthened the perception of the interrelationship of rights and duties. Hence the adage:

"Your right is in performance of your prescribed duty (duty is that which ought to be done), without expectation of any return".

There are similar adages in other scriptures as well which highlight the role of duty in human life: "My duty towards God, and my duty towards my Neighbour", and "To do towards all men, as I would like them to do to myself". These and other similar teachings drawn from various religions are traditionally exhorted to the child by its mother, from generation to generation. Mahatma Gandhi said that he learnt from his illiterate but wise mother that "all rights to be deserved and preserved come from duty well done". From this fundamental statement, it is easy enough to define duties and correlate every right to some corresponding duty which must be first performed. This cultural ethos is the foundation of the Indian society. It is, therefore, wrong to assume that human rights philosophy is essentially a western concept.

2. After the Second World War international community began with recognition of primacy of rights. It is now increasingly drifting towards the Indian ethos of giving equal emphasis to both rights and duties and their inter-relationships. Therefore, education must pay due attention to teaching human rights and duties and not merely human rights.

3. Human Rights and Duties (HRD) Education is important for the revival of the human values ingrained in the composite Indian culture and bring back the lost glory of the country. Dissemination of knowledge of human rights and duties must aim at bringing about attitudinal change in human behaviour. Civilization is built up, history made and progress achieved through purposeful education. It is time that education in India is oriented to assertion and enjoyment of rights, and develops a balanced approach to build rights-and-duties conscious society.
4. The core mandate of the University Grants Commission (UGC) is to take "all such steps as it may think fit for the promotion and coordination of university education and for the determination and maintenance of standards of teaching, examination and research in universities." The first initiative of the UGC towards human rights education was the appointment of a Committee under the chairmanship of Justice S.M.Sikri for developing curriculum for teaching human rights. The Committee made valuable recommendations regarding teaching of Human Rights at school, under-graduate and post-graduate levels. Unfortunately, no effective follow-up action was taken to implement its recommendations.

5. When under the IXth Plan some financial provisions for the human rights education was made, the UGC constituted a Standing Committee in 1997 under the Chairmanship of Prof. Y.C.Simhadri with an inter-disciplinary group to develop a scheme for the Human Rights Education and to prepare an Approach Paper that could provide a conceptual framework for the benefit of Indian Universities and Colleges. The Committee prepared the Approach Paper in 1998 dealing with several options including the need for basic courses for students of all disciplines. The Approach Paper suggests teaching of human rights at under-graduate and post-graduate levels. It also suggests introduction of Diploma and Certificate courses aimed at various target groups, and emphasizes the need for research, extension education and field action projects.
CURRICULUM DEVELOPMENT COMMITTEE

Constitution

6. The National Human Rights Commission by letter No.1/10/99-PRP & P dated 18/10/1999 suggested to the UGC to set up a Curriculum Development Committee for Human Rights Education in various universities. In the light of this suggestion and the views expressed in the UGC IXth Plan Approach to Promotion of Human Rights Education (HRE) in Universities and Colleges, the UGC, vide its letter No.1-2/94(SU-II/HRE) dated 2/12/1999, constituted the Curriculum Development Committee consisting of the following members to develop model curricula for Human Rights and Duties Education:

(i) Hon'ble Justice V.S. Malimath  
   Former Member, National Human Rights Commission  
   Shantiniketan, 6 Palace Loop Road  
   Vasantanagar West  
   Bangalore-560 052.  

(ii) Prof. K.S. Sangwan  
    Professor & Head  
    Dept. of Sociology  
    M.D. University  
    Rohtak, Haryana.  

(iii) Prof. (Ms.) Nandita Haksar  
     Flat A Nita Delux  
     Govana Ward, Illhas Choraq  
     Tiswadi, Goa-403 103.  

(iv) Mr. Mihir Desai  
    Advocate  
    Engineer House, 86, Apollo Street Fort  
    Mumbai-400 023.
(v) Prof. Dr. Ramma P. Dhokalia
Retd. Professor of Law, Banaras Hindu University
Former Secretary General,
Indian Academy of International Law,
C-31-D, Gangotri Enclave,
Alaknanda,
New Delhi - 110 019

(vi) Prof. D.P. Barooah
Ex-Vice Chancellor
Gauhati University
Kharghuli
Guwahati-781004.

(vii) Prof. C.M. Jariwala
Retd. Professor of Law & Registrar Banaras Hindu University
G-12, Arvindo Colony
Banaras Hindu University
Varanasi-221005.

(viii) Prof. Mool Chand Sharma
Dept. of Law, Delhi University
Delhi - 110 007.

(ix) Prof. V.S. Mani
Director
Centre for Promotion of
Human Rights Teaching and Research (HURITER)
Jawaharlal Nehru University
New Delhi - 110067.

(x) Mr. Ravi Nair
Executive Director
South Asian Human Rights & Documentation Centre
B-6/6, Safdarjung Enclave Extension
New Delhi.
(xi) Prof. S.P. Sathe
Indian Law Society
Saraswati Building
ILS Law College Campus
Law College Road
Pune.

(xii) Dr. (Mrs.) Renu Batra
Deputy Secretary, UGC
New Delhi.

Terms of Reference

7. As per the terms of reference, the Committee was requested to prepare curricula for PG Degree Courses, PG Diploma Courses, a short duration Certificate Course and a Foundation Course. The terms of reference of the Committee was further extended to prepare a curriculum for the Under-Graduate Courses as well.

Meetings

8. The Committee and its sub-Committees held discussions at the following meetings at the UGC office.

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Discussion with Others

9. In order to have a wider perception of issues the Committee decided to interact with some of the eminent persons well versed in the field. The Committee/Chairman interacted with the following:

(i) Dr. Karan Singh  
Ex-Education Minister  
No. 3, Nyay Marg  
Chanakyapuri  
New Delhi-110 021.

(ii) Justice Mohammad Shamim  
Chairman, National Commission for Minorities  
5th Floor, Lok Nayak Bhawan  
Khan Market  
New Delhi - 110 003.

(iii) Prof. Yashpal  
Former Chairman, UGC  
New Delhi-110 002.

(iv) Mr. V.M. Tarkunde  
Senior Advocate  
M-16, Sector-11  
Noida.

(v) Mrs. Vibha Parathasarathy  
Chairperson  
National Commission for Women  
New Delhi.

(vi) Dr. L.M. Singhvi, M.P.  
Former High Commissioner to UK  
18, Willingdon Crescent  
New Delhi-110 001.
Following experts made useful presentations before the Committee and submitted some documents for consideration of the Committee:

(i) Ms. Maja Daruwala
   Director
   Commonwealth Human Rights Initiative (CHRI)
   New Delhi-110 016.

(ii) Mr. Jeans Modvig
     Secretary General
     International Rehabilitation Council for Torture Victims
     Copenhagen, Denmark.

Documents Examined

10. The Committee examined the following documents:

- Justice Sikri Committee Report, 1983
- Report on UGC Workshop on Human Rights Education for College and University students held at National Law School University, Bangalore, 1994
- The UGC IXth Plan Approach to Promotion of Human Rights Education (HRE) in Universities and Colleges, 1998
- Justice Verma Committee Report on "Operationalization of the suggestions to fundamental duties to the citizen of the country", 1998
- Report of the Core Group which visited United Kingdom, 1999
- Syllabi on Human Rights Education of the following Universities/ Institutions:
  - University of Mumbai, Mumbai
  - University of Mysore, Mysore
  - Cochin University of Science & Technology, Kochi
  - Jamia Millia Islamia, Delhi
Pondicherry University, Pondicherry
♦ National Law School University, Bangalore
♦ Banaras Hindu University, Varanasi
♦ S.V. University, Tirupati
♦ Nagpur University, Nagpur
♦ Babasaheb Bhim Rao Ambedkar University, Lucknow
♦ Andhra University, Waltair
♦ Rural Litigation & Entitlement Kendra, Dehradun
♦ Aligarh Muslim University, Aligarh
♦ Centre for Distance Education, University of Hyderabad, Hyderabad
♦ Indian Law Institute, New Delhi
♦ National Academy of Law and Research (NALSAR) University, Hyderabad
♦ Jawaharlal Nehru University, New Delhi
♦ Indian Academy of International Law & Diplomacy of the Indian Society of International Law, New Delhi

The Committee at Work

11. At the outset, the Committee tried to identify a broad category of major areas that would cover HRD Education. A list of 22 subjects was eventually evolved (Annexure-I). Thereafter, these subjects were distributed among the members of the Committee as per Annexure-II with a request to identify the sub-topics that fall under each subject with appropriate bibliography. Accordingly, the members prepared the lists of sub-topics (Annexure-III). It is from these lists that the Committee decided to select appropriate subjects/sub-topics for framing the following courses:

(i) Foundation Course

(ii) Certificate Course
(iii) Under-Graduate Degree Course

(iv) Post-Graduate Diploma Course

(v) Post-Graduate Degree Course

12. Following two sub-committees were constituted for drafting curricula for different courses as indicated below:

(i) For P.G. Degree, P.G. Diploma and U.G. Degree:
    Prof. V.S. Mani, Prof. C.M. Jeriwala and Prof. K.S. Sangwan

(ii) For Foundation Course and Certificate Course:
    Prof. R.P. Dhokalia, Prof. Mool Chand Sharma and Mr. Ravi Nair

13. The draft syllabi prepared by these sub-committees were discussed and finalized by the full Committee. It was further decided that if any of the members had any further suggestions, the same be placed before the Chairman who was authorized to take a decision on them. A sub-committee comprising the Chairman Justice V.S. Malimath, Prof. C.M. Jeriwala and Prof. V.S. Mani was constituted to draft the final Report and the Chairman was authorized to finalize and present the same to the UGC.

14. On receiving suggestions from all the members, an effort was made to prepare a comprehensive bibliography in respect of each of the 22 major subjects identified by the Committee (Annexure-IV). For the sake of convenience, separate selected bibliographies have been annexed to various subjects for each of the courses. In the very nature of things, the bibliographies cannot be regarded as exhaustive. Efforts may have to be made by all concerned to review and update them from time to time.

15. The Universities and Colleges in India are yet to follow a uniform annual/semester system of academic activity. The Committee has prepared the syllabi keeping in view the annual system prevalent in most of the universities. However, individual Universities/Faculties are free to introduce such courses in HRD education in semester system as well. Further, they may decide on the number of papers to be opted for, duration of the course, marks/credits to be awarded, and also the number of hours or classes to be devoted to the topics (units) indicated in each paper.

16. In the end the Committee hopes that in view of the growing importance of the subject, the University Grants Commission would ensure that the Courses on Human Rights and Duties find a place in the University/College education in India - lest the work of this Committee should go in vain, like that of its distinguished predecessors.
Acknowledgement

Teaching of 'Duties' in respect of Human Rights is yet to find its due place in the curricula of the Universities and Colleges in India. Dr. Hari Gautam, Chairman, University Grants Commission, showed his deep concern in this respect and mandated the Committee to ensure that 'Duties' is also given the importance it deserves in the curricula to be prepared by the Committee. His views constituted an important input in the work of the Committee. The Committee would like to place on record the excellent co-operation and keen interest shown by Dr. Hari Gautam in the work of the Committee.

The Committee is also happy to place on record the willing co-operation and the considerable assistance extended to it by its Secretary, Dr. (Mrs.) Renu Batra, Deputy Secretary, UGC. The Committee would like to thank Mr. Joginder, Section Officer and Mrs. Anuja Saxena, Personal Secretary & Hospitality Staff, UGC, for their dedicated service and hospitality. The Committee notes with appreciation the research assistance rendered by Dr. Rajkumar Deepak Singh and Dr. R.S.Saini of the Human Rights Teaching and Research Programme, JNU, and the secretarial assistance received from Mr. H.K.Taneja, JNU.

On behalf of the Committee, I have great pleasure in presenting this Report to Dr. Hari Gautam, Chairman, University Grants Commission, New Delhi.

sd/-
New Delhi, Dated: 31-12-2001

(Justice V.S.Malimath) Chairman
Part - II
Now, therefore, the Committee recommends the following syllabi:

**FOUNDATION COURSE ON HUMAN RIGHTS AND DUTIES AT UNDER-GRADUATE LEVEL**

**Objective:**

Foundation Course, as its title suggests, aims to impart to the undergraduate students a general idea of the principal aspects of human rights and duties in a broad sweep. The aspects addressed by 6 units of instructions include the values of human rights and duties, philosophical and historical foundations, basic international human rights norms, the normative and institutional mechanism of human rights and duties in India, and Indian societal problems. The Committee also realized the importance of highlighting the need for internalizing Human Rights and Duties values. And, therefore, it felt that it was necessary not only to sensitize the students of Human Rights and Duties but also to ensure that both teachers and the taught practice and cherish the values of Rights and Duties and make all endeavours to live up to those ideals.

The duration of the course and the number of classes allocated to cover the course will determine how intensively/extensively the teacher can impart instructions on these aspects of human rights and duties.

**Course Content**

1. **CONCEPTUAL BACKGROUND OF HUMAN RIGHTS AND DUTIES**
   
   (i) Rights: inherent, inalienable, universal, indivisible
   
   (ii) Values: Dignity, liberty, equality, justice, unity in diversity
   
   (iii) Need for balance between Rights and Duties, Freedom and Responsibility

2. **PHILOSOPHICAL AND HISTORICAL PERSPECTIVES**
   
   (i) Theories of human rights
   
   (ii) History of human rights civilization
   
   (iii) Human rights movements
3. INTERNATIONAL HUMAN RIGHTS STANDARDS

(i) Universal Declaration of Human Rights 1948
(ii) International Covenant on Civil and Political Rights 1966
(iii) International Covenant on Economic, Social and Cultural Rights 1966

4. HUMAN RIGHTS AND DUTIES IN INDIA

(i) Evolution: Independence movement, making of the Constitution
(ii) Indian Constitution:
   (a) Fundamental Rights
   (b) Directive Principles
   (c) Fundamental duties
   (d) Their Interrelationship
(iii) Enforcement and protection mechanism of human rights in India
   (a) Judiciary
   (b) National Human Rights Commission and other Commissions and Committees
   (c) Non-governmental organizations
   (d) Information Media
   (e) Education

5. SOCIETAL PROBLEMS

Core Problems:

(a) Poverty, underdevelopment and illiteracy
(b) Women, children and the disadvantaged groups

6. IMPORTANCE OF INTERNALIZING HUMAN RIGHTS AND DUTIES

Importance of internalizing Human Rights Values - Urgent need for not only sensitizing others of human rights and duties, but of practising oneself those values: self-inculcation, endeavour to live up to those ideals - Duty to respect others’ rights, respect each other’s human dignity.
Select Bibliography

Primary Sources


UN Centre for Human Rights, *Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (New York: UN Publication Division, 1989).


UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


UN, United Nations Action in the Field of Human Rights (New York: UN Publication Division, 1994).


Secondary Sources


**Some Reports/Periodicals:**

ICRC, *International Review of the Red Cross*.


Society for Disability and Rehabilitation Studies, New Delhi, *International Journal of Disability Studies*.

UNESCO, *Yearbook on Human Rights*.

WHO, *Comparative Health Legislation Series*. 
CERTIFICATE COURSE IN HUMAN RIGHTS AND DUTIES

Objective:

As suggested in the UGC IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges, 1998 (paragraph 5.4.2 at p. 12), the Certificate Course in Human Rights and Duties is for a short duration of 3 to 6 months. It aims to orient teachers, law enforcement personnel, those working or associated with NGOs and others directly engaged in the promotion of human rights and duties.

Being a short duration orientation course, the course content, through its 6 units, encompasses principal aspects of the concept; historical, philosophical and social perspectives; the normative and institutional mechanisms of the UN and a focus on India and its human rights problems. Finally it stresses the need for internalizing the human rights and duties culture.

Course Content

1. CONCEPT OF HUMAN RIGHTS AND DUTIES
   (i) Values: Dignity, liberty, equality, justice, unity in diversity
   (ii) Inherent, inalienable, Universal and indivisible
   (iii) Classification of rights
   (iv) Classification of duties
   (v) Correlation of rights and duties

2. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES
   (i) Changing dimensions of human rights and duties
   (ii) Theories of human rights
   (iii) Social movements
3. UNITED NATIONS AND HUMAN RIGHTS AND DUTIES

(i) UN system and human rights

(a) Universal Declaration of Human Rights 1948

(b) International Covenant on Civil and Political Rights 1966

(c) International Covenant on Economic, Social and Cultural Rights 1966

(d) Convention on Elimination of All Forms of Racial Discrimination 1965

(e) Convention on Elimination of All Forms of Discrimination against Women 1979

(f) Convention on the Rights of the Child 1989

(g) UN Declaration and Duties and Responsibilities of Individuals 1997

(ii) UN agencies to monitor compliance such as UN High Commission for Human Rights and the Committees under the various conventions

4. HUMAN RIGHTS AND DUTIES IN INDIA

(i) Evolution

(ii) Fundamental Rights (Part III)

(iii) Directive Principles of State Policy (Part IV)

(iv) Fundamental Duties (Part IV-A)

(v) Their inter-relationship

(vi) Protection and enforcement of human rights and duties

(a) Judiciary

(b) National and State Human Rights Commissions and other grievance redressal mechanisms

(c) NGOs, social movements and pressure groups

(d) Information media
5. **SOCIETAL PROBLEMS IN PRIVATE AND PUBLIC DOMAINS**

(i) Core problems:

Poverty, underdevelopment and illiteracy

(ii) Some Specific Problems:

(a) Communal and Caste conflicts and tensions

(b) Discrimination and violence against women and children, sexual violence, trafficking, child labour, bonded labour and others

(c) Custodial violence

(d) Problems of health and environmental protection

6. **IMPORTANCE OF INTERNALIZING OF HUMAN RIGHTS AND DUTIES**

Urgent need for not only sensitizing others of human rights and duties, but of practising oneself those values: self-inculcation, endeavour to live up to those ideals - Duty to respect others' rights, respect each other's human dignity.

---

**Select Bibliography**

**Primary Sources**


UN Centre for Human Rights, *Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (New York: UN Publication Division, 1989).


UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


WHO, *Guidelines for the Promotion of Human Rights of Persons with Mental Disorders* (Geneva: WHO Division of Mental Health and Substance Abuse, 1996).
Secondary Sources


Rights to be Human (New Delhi: Lancers Books, 1987).


Bhagwati, Justice P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharut, 1985).


**Some Reports/Periodicals**

ICRC, *International Review of the Red Cross*.


Society for Disability and Rehabilitation Studies, New Delhi, *International Journal of Disability Studies*.

UNESCO, *Yearbook on Human Rights*.

WHO, *Comparative Health Legislation Series*.

NHRC, *Annual Reports since 1993*. 
UNDER GRADUATE DEGREE COURSE IN HUMAN RIGHTS AND DUTIES

The Under-Graduate Degree Course in Human Rights and Duties comprises two papers:

I. International Human Rights and Duties: Standards and Mechanisms
II. Human Rights and Duties in India

PAPER-I

INTERNATIONAL HUMAN RIGHTS AND DUTIES: STANDARDS AND MECHANISMS

Objective:

This paper purports to deal with the general aspects of human rights and duties, namely, the jurisprudence of human rights and duties; international norms, standards and mechanisms; regional human rights standards and mechanisms; international humanitarian law and refugee law; right to development and freedom of trade; and emerging dimensions of human rights, including issues of inter-generational equity. This is sought to be taught through 6 units.

Course Content

1. HUMAN RIGHTS AND DUTIES JURISPRUDENCE

   (i) Philosophical and historical foundation of human rights and duties

   (ii) Theories of rights

   (iii) Concept and classifications of human rights and duties

   (vi) Human rights and duties

      (a) Correlationship of rights and duties/responsibilities

      (b) Tensions between rights *inter se*, duties *inter se*, and rights and duties
(v) Importance of internalizing human rights and duties:

Urgent need for not only sensitizing others of human rights and duties, but of practising oneself those values: self-inculcation, endeavour to live up to those ideals - Duty to respect others’ rights, respect each other’s human dignity.

2. INTERNATIONAL HUMAN RIGHTS NORMS, STANDARDS AND MECHANISMS

(i) Evolution of human rights and duties on the international plane


(iii) UN bodies involved in promotion of human rights - Economic and Social Council, UN Commission on Human Rights and its sub-commissions on women, minorities, etc., General Assembly, Human Rights Committee and other committees under the various conventions, ILO, UNESCO, WHO, FAO.

3. REGIONAL HUMAN RIGHTS STANDARDS AND MECHANISMS

(i) European Convention on the Protection of Human Rights 1950 and institutions

(ii) Latin American standards and mechanisms for protection of human rights

(iii) African standards and mechanisms for protection of human rights

4. INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

(i) International Humanitarian Law (IHL)


(b) Basic principles: humanity, protection of civilians and civilian objects, humane treatment of prisoners and civilians under custody, prohibition of use of weapons and methods of warfare, causing superfluous injury and unnecessary suffering, prohibition of widespread, long-term and severe damage to natural environment.

(c) Indian Geneva Conventions Act 1949: Indian Red Cross Society
(d) The role of International Committee of Red Cross

(ii) International Refugee Law

(a) Problem of refugees and displaced persons through the ages

(b) The United Nations and the refugee problem

(c) Refugee Convention 1951, Protocol 1967, Convention on the Stateless Persons 1951 - The core issues of the 'right' to seek and receive asylum, right of non-refoulement (non-return)

(d) Role of UN High Commissioner for Refugees

5. DEVELOPMENT, INTERNATIONAL TRADE AND HUMAN RIGHTS

(i) Right to development: Issues of international equity and justice, equitable sharing of sharable resources and common amenities, equitable access to benefits of science and technology

(ii) Freedom of international trade, most-favoured nation treatment (equality of treatment) versus special treatment of the developing countries, access to international markets, equitable pricing of raw materials

6. EMERGING DIMENSIONS OF HUMAN RIGHTS

(i) National Sovereignty versus 'international enforcement' of human rights, International politics of human rights and selective application of international sanctions, Unilateral use of coercion and implementation of human rights

(ii) Human rights, and science and technology

(iii) Human rights violations by non-state entities such as corporations, other business entities, terrorists and other armed groups, militant religious groups, professional groups (doctors, lawyers, etc.)

(iv) New rights: right to a future and rights of future generations, rights to peace (and disarmament), rights to clean environment
PAPER-II

HUMAN RIGHTS AND DUTIES IN INDIA

Objective:

This paper is an Indian perspective of human rights. It encompasses 8 units covering the evolution of the concept of human rights and duties in India, the normative framework in India, the enforcement mechanisms and problems, Indian human rights movements, the Indian criminal justice system, labour welfare in India, specially disadvantaged sections of the Indian society, and the societal problems of human rights in India.

Course Content

1. EVOLUTION OF THE CONCEPT OF HUMAN RIGHTS AND DUTIES IN INDIA
   (i) Evolution of the composite culture of India, contribution of diverse religions
   (ii) Concepts of human welfare, rights and duties, totality of the cosmology of universe with human beings as its intrinsic part
   (iii) Human rights and duties in contemporary India: Law, politics and society
   (iv) Social movements of the 19th and 20th centuries, independence movement, Gandhi, Nehru, Ambedkar etc.
   (v) Making of the Constitution

2. NORMATIVE FRAMEWORK OF HUMAN RIGHTS AND DUTIES IN INDIA
   (i) Constitutional perspective: Fundamental Rights, Directive Principles, Fundamental Duties, and their interrelationships
   (ii) Statutory protection of human rights
3. **ENFORCEMENT OF HUMAN RIGHTS: CONSTITUTION AND STATUTORY MECHANISMS**

(i) Legislature, executive, and judiciary

(ii) National Human Rights Commission, other commissions and committees

(iii) Social, economic, political and administrative problems of enforcement

4. **HUMAN RIGHTS MOVEMENTS IN INDIA**

(i) National freedom movement

(ii) Social and political movements

(iii) Dalit movements

(iv) Women's movements

(v) Environmental movements

5. **HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM**

(i) Criminal justice system and protection of human rights: treatment of individuals in situations of crime

(ii) Human rights of the accused

(iii) Legal aid

(iv) Police, criminal investigation, custodial crimes

(v) Crimes (including custodial crimes) against women and children

(vi) Reform in jails/juvenile homes

6. **HUMAN RIGHTS OF THE WORKING CLASS**

(i) Labour welfare legislation in India

(ii) Problems of bonded labour, exploitation of child labour, female labour and unorganized labour
7. **HUMAN RIGHTS OF SPECIALLY DISADVANTAGED SECTIONS OF SOCIETY**
   (i) Scheduled Castes/Scheduled Tribes and Other Backward Classes
   (ii) Minorities
   (iii) Women and Children

8. **SOCIETAL PROBLEMS OF HUMAN RIGHTS IN INDIA**
   (i) Some specific problems:
      (a) violence against women and children, both inside and outside homes
      (b) corruption
      (c) terrorism
   (ii) Core problems: poverty, illiteracy, unemployment, socio-cultural-religious practices resulting in grave human rights deprivations

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**Select Bibliography**

**PAPER-I**

**Primary Sources**

UN Centre for Human Rights, *Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (New York: UN Publication Division, 1989).


UN, *Declaration of the Right to Development* (New York: UN Department of Public Information, 1988).

UN, *Human Rights and Scientific and Technological Developments* (New York: UN Department of Public Information, 1982).


**Secondary Sources**


PAPER-II

Primary Sources


UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


**Secondary Sources**


Kumar, Naresh, *Constitutional Rights of the Prisoners* (Delhi: Mittal Publication, 1986).


POST-GRADUATE DIPLOMA COURSE IN HUMAN RIGHTS AND DUTIES

The Course comprises three papers, namely:

I. Human Rights and Duties: Conceptual Perspectives;
II. International and Regional Perspectives in Human Rights and Duties; and
III. Human Rights and Duties in India.

PAPER-I

HUMAN RIGHTS AND DUTIES: CONCEPTUAL PERSPECTIVES

Objective:

The paper seeks to elaborate the conceptual, philosophical, theoretical and historical aspects of Human Rights and Duties. It is in eight units, namely historical and philosophical duties, understanding of the concept, diverse theories, human rights movements, classification of rights and duties, human rights problems and the importance of internalizing the values of human rights and duties.

Course Content

1. HISTORICAL AND PHILOSOPHICAL PERSPECTIVES
2. UNDERSTANDING OF THE CONCEPT OF RIGHTS AND DUTIES
3. DIFFERENT THEORIES OF RIGHTS
   (i) Natural Rights Theory
   (ii) Legal/Positivist Theory
   (iii) Liberal Theory
   (iv) Marxist Theory
   (v) Sociological Theories
(vi) Indian Perspectives such as Gandhian

4. HUMAN RIGHTS MOVEMENTS

(i) International

(ii) National

5. CLASSIFICATION OF RIGHTS AND DUTIES

Moral, Social, Cultural, Economic, Civil, and Political

6. HUMAN DUTIES AND RESPONSIBILITIES

(i) Concepts of Humanism, Duties and Responsibilities

(ii) Identification of human duties and responsibilities:

Duties towards self, family, community, society, nation/state, humankind and other beings and Mother Earth.

(iii) Interrelationships of rights and duties: areas of harmony and conflicts

7. GENERAL PROBLEMS OF HUMAN RIGHTS

Poverty, illiteracy, discrimination and sustainable development

8. IMPORTANCE OF INTERNALIZING THE VALUES OF HUMAN RIGHTS AND DUTIES

Urgent need for not only sensitizing others of human rights and duties, but of practising oneself those values: self-inculcation, endeavour to live up to those ideals, duty to respect others' rights, respect for each other's human dignity

Select Bibliography

Primary Sources


UN Centre for Human Rights, *Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (New York: UN Publication Division, 1989).


**Secondary Sources**


-----------, *Legal Aid as Human Rights* (Dharwad: Jagrut Bharut, 1985).


**PAPER-II**

**INTERNATIONAL AND REGIONAL PERSPECTIVES ON HUMAN RIGHTS AND DUTIES**

**Objective:**

This paper focuses on international and regional norms and institutional mechanisms of human rights. It is in five units: emergence of international concern for human rights, international norms and standards, regional human rights instruments, protection and enforcement at international and regional levels, and international responses to some problems such as racial discrimination, freedom from torture, rights of women and children, and human rights in armed conflict and rights of refugees.

**Course Content**

1. **INTERNATIONAL CONCERN FOR AND RECOGNITION OF HUMAN RIGHTS**
2. INTERNATIONAL NORMS AND STANDARDS

(i) United Nations Charter
(ii) Universal Declaration of Human Rights, 1948
(iii) International Covenant on Economic, Social and Cultural Rights, 1966
(iv) International Covenant on Civil and Political Rights, 1966
(v) Fundamental Duties and Responsibilities:


3. REGIONAL HUMAN RIGHTS INSTRUMENTS

(i) European Convention on Human Rights, 1950
(iii) American Convention on Human Rights, 1969

4. PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AT THE INTERNATIONAL AND REGIONAL LEVELS

(i) International Level:

UN General Assembly, Economic and Social Council, Human Rights Commission, UN High Commissioner for Human Rights, Committees under the international covenants and conventions.

(ii) Regional Level:

(a) European Commission on Human Rights and the Court of Human Rights
(b) American Commission of Human Rights and Court of Human Rights
(c) African Commission of Human Rights and Court of Human Rights
5. **INTERNATIONAL RESPONSE TO SOME PROBLEMS**

(i) **Racial discrimination** -

(a) International Convention on the Elimination of All Forms of Racial Discrimination, 1965

(b) UNESCO Declaration on Race and Racial Prejudice, 1978

(ii) **Freedom from Torture** -

(a) Convention for the Prevention and Punishment of the Crime of Genocide, 1948

(b) Convention on the Protection of All Persons from Being Subjected to Torture and other Cruel and Inhuman or Degrading Treatment or Punishment, 1984

(iii) **Rights of Women and Children** -

(a) Convention on Elimination of All Forms of Discrimination against Women, 1979

(b) Convention on the Rights of the Child, 1989

(iv) **Human Rights in Armed Conflict and Rights of Refugees**

(a) Geneva Conventions on International Humanitarian Law, 1949

(b) Geneva Protocols I & II to the Geneva Conventions, 1977

(c) Convention on Protection of Refugees, 1951 and 1967 Protocol

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**Select Bibliography**

**Primary Sources**


UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


UN, Protection of the Heritage of Indigenous People (New York: UN Publication Division, 1997).


UN, United Nations Action in the Field of Human Rights (New York: UN Publication Division, 1994).


WHO, *Guidelines for the Promotion of Human Rights of Persons with Mental Disorders* (Geneva: WHO Division of Mental Health and Substance Abuse, 1996).

**Secondary Sources**


International Committee of the Red Cross and Henry Dunant Institute, Bibliography of International Humanitarian Law Applicable in Armed Conflict (Geneva: International Committee of the Red Cross, 1987).


Some Journals/Periodicals:

ICRC, *International Review of the Red Cross*.


Society for Disability and Rehabilitation Studies, New Delhi, *International Journal of Disability Studies*.

UNESCO, *Yearbook on Human Rights*.

WHO, *Comparative Health Legislation Series*.

**PAPER-III**

**HUMAN RIGHTS AND DUTIES IN INDIA**

**Objective:**

This paper aims to acquaint the students with the state of human rights and duties in India. Through four units, it encompasses the evolution of the concept of human rights and duties in India, India's constitutional and legal framework (both normative as well as institutional) and the mechanism for protection and enforcement. It also highlights some specific human rights problems in India.

**Course Content**

1. **EVOLUTION OF THE CONCEPT OF HUMAN RIGHTS AND DUTIES IN INDIA**

   (i) Evolution of the composite culture of India, contribution of diverse religions

   (ii) Concepts of human welfare, rights and duties, the cosmology of universe with human beings as its intrinsic past

   (iii) Human rights and duties in contemporary India: law, politics and society

   (iv) Social movements of the 19th and 20th centuries, independence movement, Gandhi, Nehru. Ambedkar, etc.

   (v) Making of the Constitution
2. **NORMATIVE FRAMEWORK OF HUMAN RIGHTS AND DUTIES IN INDIA**

   (i) Constitutional perspective: Fundamental Rights, Directive Principles, Fundamental Duties, and their interrelationship

   (ii) Statutory protection of human rights: special laws

3. **ENFORCEMENT OF HUMAN RIGHTS: CONSTITUTION AND STATUTORY MECHANISM**

   (i) Legislature, executive and judiciary

   (ii) National Human Rights Commission, other commissions and committees, Central and State

   (iii) NGOs and human rights movements

   (iv) Information Media and education

   (v) Social, economic, political and administrative problems of enforcement

4. **SOME SPECIFIC PROBLEMS**

   (i) Communal and caste conflicts and tensions

   (ii) Discrimination and violence against women and children

   (iii) Custodial violence

   (iv) Problems of health and environmental protection

**Select Bibliography**

**Primary Sources**


UN Centre for Human Rights, *Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (New York: UN Publication Division, 1989).


UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


WHO, *Guidelines for the Promotion of Human Rights of Persons with Mental Disorders* (Geneva: WHO Division of Mental Health and Substance Abuse, 1996).

**Secondary Sources**


-----------, *Rights to be Human* (New Delhi: Lancers Books, 1987).


Kumar, Naresh, *Constitutional Rights of the Prisoners* (Delhi: Mittal Publication, 1986).


POST-GRADUATE DEGREE COURSE (MA/LLM)
IN HUMAN RIGHTS AND DUTIES

This course has 5 core papers and 14 optional papers. They are:

Core Papers

1. Historical and Philosophical Perspectives of Human Rights and Duties
2. Human Rights and Duties in International and Regional Perspectives
3. Societal Issues of Human Rights and Duties in India
4. Human Rights and Duties in India: Law, Politics and Society, and Importance of Internalizing Human Rights and Duties
5. Research Methodology and Dissertation/Field-Based Project Work

Optional Papers

1. Science & Technology and Human Rights and Duties
2. International Obligation to protect Human Rights and Duties
3. Development, Trade and Human Rights
4. International Humanitarian and Refugee Laws
5. Peoples' Right to Self Determination
6. Women and Human Rights and Duties
7. Children and Human Rights and Duties
8. The Aged and Disabled and Human Rights and Duties
9. Socially/Economically Disadvantaged People and Human Rights and Duties
10. Working Class and Human Rights and Duties
11. Minorities and Human Rights

12. Human Rights and Criminal Justice System

13. Environment and Human Rights and Duties

14. Social Movements and Human Rights in India

In the list of Optional Papers, a student of Post-Graduate Degree Level may chose the prescribed number of optional papers, one from each group. The grouping of these papers (e.g. Papers 1 to 5 could form one Group, whereas Papers 6 to 11 a second Group, and Papers 12 to 14 a third Group) and the number of optional papers to be selected by a student are best left to the individual universities to decide.
Post-Graduate Degree Core Paper 1

HISTORICAL AND PHILOSOPHICAL PERSPECTIVES OF HUMAN RIGHTS AND DUTIES

Objective:

This paper, through its 7 units, proposes to provide instruction on theoretical, conceptual, historical and other general aspects of human rights and duties. It encompasses philosophical and historical foundations, concept of rights and duties, theories of rights and duties, global and Indian perspectives, concept of the rule of law, co-relations of rights and duties, and concept and classification of human duties and responsibilities.

Course Content

1. PHILOSOPHICAL AND HISTORICAL FOUNDATIONS OF HUMAN RIGHTS AND DUTIES

   (i) Philosophical Foundations
       (Quest for Quality of Life, Human Ideals)
       (a) Human society: man and society
       (b) Human Values: Universal, Cultural, Social Dignity, Justice and Equality
       (c) Moral and Ethical Traditions and Ideas
       (d) Polity: Thought and Ideas
       (e) Needs of Humankind: material, spiritual

   (ii) Historical Development

       History of human rights civilization, Magna Carta, British Bill of Rights, French and American Declarations, International Bill of Rights

2. THE CONCEPT OF RIGHTS

   (i) Meaning, nature and definition

3. THEORIES OF RIGHTS AND DUTIES

   (i) Natural rights theory

   (ii) Liberal theory of rights
(iii) Legal/positive theory of rights
(iv) Marxist theory of rights
(v) Sociological theory of rights
(vi) Cultural theory of rights

4. GLOBAL AND INDIAN PERSPECTIVES ON HUMAN RIGHTS

(i) Global Perspectives
(ii) 'Third World' Perspectives
(iii) Indian Perspectives on Human Rights

5. RULE OF LAW

(i) Concept, origin and importance
(ii) Patterns of rule of law in society
(iii) Relation of human rights and good governance

6. CO-RELATIONSHIP OF RIGHTS AND DUTIES

(i) Relationship between rights and duties
(ii) Relationship between obligations and responsibilities in relation to the state and society

7. HUMAN DUTIES AND RESPONSIBILITIES

(i) Concept of Human Duties and Responsibilities
   (a) Moral, ethical, social, economic, political and cultural
   (b) Universal
   (c) Traditional/modern

(ii) Classification of Human Duties and Responsibilities
   (a) Sound Body and Mind
   (b) Family
   (c) Community and society
   (d) Nation-State
   (e) Humankind and other living beings
   (f) Mother Earth

(For references, see General Bibliography)
Post-Graduate Degree Core Paper 2

HUMAN RIGHTS AND DUTIES IN INTERNATIONAL AND REGIONAL PERSPECTIVES

Objective:

The focus of this paper is on the development of international concern for human rights and of norms and institutional mechanisms at the international and regional levels. Through nine units, it deals with the emergence of international and regional concern for human rights; emergence of diverse international instruments on rights and duties; the role of the United Nations; some specific rights such as self-determination, freedom from discrimination, freedom from torture, right of women, and rights of the child; European Convention; American Convention; African Charter and developments in Asian Region.

Course Content

1. INTERNATIONAL AND REGIONAL CONCERN FOR HUMAN RIGHTS

   (i) Concern for protection of the individual in anti-slave trade treaties, humanitarian law treaties, International Labour Organization, League of Nations (mandate system, social and economic welfare), Nazism and Fascism, the Holocaust, the war crimes trials, spread of nationalism in Asia and Africa and struggle against colonialism

   (ii) Regional Approaches to Human Rights - Relevance and factors contributing to regionalism in human rights

2. HUMAN RIGHTS, DUTIES AND RESPONSIBILITIES

3. **HUMAN RIGHTS AND THE UNITED NATIONS**

Normative and institutional framework of the United Nations: Role of the UN General Assembly, the Economic and Social Council and its commissions and sub-commissions

4. **THE INTERNATIONAL BILL OF RIGHTS**

(i) Universal Declaration of Human Rights, 1948

(ii) International Covenant on Economic, Social and Cultural Rights, 1966

(iii) International Covenant on Civil and Political Rights, 1966

5. **SOME SPECIFIC RIGHTS**

(i) Right of the peoples and nations to self-determination:


(ii) Freedom from discrimination


(iii) Freedom from Torture

   Convention on Prevention and Punishment of the 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
(iv) Rights of Women


(v) Rights of the Child


6. EUROPEAN CONVENTION ON HUMAN RIGHTS

(i) History and normative developments since 1950

(ii) Monitoring and Enforcement Machinery: European Court of Human Rights, European Commission of Human Rights, Council of Europe

7. AMERICAN CONVENTION ON HUMAN RIGHTS 1969

(i) History and development of human rights institutions in Latin America

(ii) American Commission and Court of Human Rights

8. AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS

(i) OAU Charter 1963

(ii) African Charter of Human and Peoples’ Rights 1981

(iii) Mechanism of implementation: African Commission and Court of Human and Peoples’ Rights

9. DEVELOPMENTS IN ASIAN REGION

(For references, see General Bibliography)
Objective:

Societal problems of human rights are sought to be dealt with through six units. They encompass concept and approaches, and a special focus on social, economic, political, health and cultural problems that underlie human rights deprivations in Indian society.

Course Content

1. CONCEPTS AND APPROACHES
   (i) Concept of societal problems and human rights
   (ii) Theoretical approaches to social problems and social changes
   (iii) Causes and types of social problems
   (iv) Societal problems and human rights

2. SOCIAL PROBLEMS
   (i) Problems of hierarchy
   (ii) Problems of minorities, scheduled caste and scheduled tribes
   (iii) Population explosion
   (iv) Violence against women and children
   (v) Problems of aged and disabled

3. ECONOMIC PROBLEMS
   (i) Poverty and unemployment
   (ii) Privatization, liberalization and globalization
(iii) Corruption, consumer rights
(iv) Problems of sustainable development

4. POLITICAL PROBLEMS

(i) Regionalism, terrorism
(ii) Assaults on democracy

5. HEALTH PROBLEMS

Negligence, mismanagement and lack of access to public health care, environmental degradation

6. CULTURAL PROBLEMS

(i) Lack of cultural humanist values in education, cultural relativism
(ii) National and universal cultural conflicts and tensions
(iii) Problems of composite culture
Post-Graduate Degree Core Paper 4

HUMAN RIGHTS AND DUTIES IN INDIA : LAW, POLITICS AND SOCIETY AND IMPORTANCE OF INTERNALIZING HUMAN RIGHTS AND DUTIES

Objective:

This paper focuses on the normative and institutional aspects of human rights and duties against the backdrop of the politics and society in India. Divided into 7 units, it deals with the Constitution and human rights and duties, special laws for the protection of vulnerable sections of the people, implementation and enforcement mechanisms, problems of enforcement, state and society and human rights violations, Indian politics and human rights violations, and the importance of internalizing human rights and duties.

Course Content

1. THE CONSTITUTION AND HUMAN RIGHTS AND DUTIES

   (i) Constituent Assembly debates on the Fundamental Rights, Directive Principles and Fundamental Duties, Problems of choosing "Fundamental Rights".

   (ii) Problem of defining reasonable restrictions on fundamental rights

   (iii) International human rights and the Indian Constitution

   (iv) Fundamental Duties of State and Citizen: problems of implementing Duties

   (v) Directive Principles of State Policy

   (v) Interrelationships and tensions inter se

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

   (i) Reservations and the right to equality

   (ii) Protection of Minorities
(iii) Protection of Women: in Private and Public domain

(iv) Contract and unorganized workers; bonded labour

(v) Children

3. IMPLEMENTATION AND ENFORCEMENT MECHANISMS

(i) Judiciary

(ii) National Institutions: SC/ST Commission, Minorities Commission, Women's Commission

(iii) Human Rights Commissions: National and State

(iv) Professional Councils: Press, Medical, Bar

(vi) Consumer Courts

(vii) NGOs, Social movements and pressure groups working through democratic institutions such as lobbying MPs, Information Media

4. PROBLEMS OF ENFORCEMENT OF HUMAN RIGHTS IN INDIA

(i) Poverty and inaccessibility of legal redress

(ii) Abuse of executive power: deaths and torture in police custody etc.

(iii) Special Laws violative of human rights

(iv) Lack of accountability and transparency in government functioning and the right to information

(v) Inadequate functioning of democratic institutions and democratic deficit

(vi) Social prejudices against caste, women, minorities etc.

5. THE STATE AND CIVIL SOCIETY IN INDIA AND HUMAN RIGHTS VIOLATIONS

(i) Human Rights violations in private domain: within the family, by dominant castes, religious groups
(ii) Human Rights violations in public domain: State, landlords, employers, etc., Riots and violence in connection with inter-community tensions

(iii) Unequal access to natural resources

(iv) Impact of development policies on human rights

6. INDIAN POLITICS AND HUMAN RIGHTS VIOLATIONS

(i) Impact of colonialism on Indian society and polity

(ii) Assaults on Indian democracy

7. IMPORTANCE OF INTERNALIZING HUMAN RIGHTS AND DUTIES

Urgent need for not only sensitizing others of human rights and duties, but of practise oneself those values: self-inculcation, endeavour to live up to those ideals: Duty to respect others' rights, respect each other's human dignity

(For references, see General Bibliography)
Post-Graduate Degree Core Paper 5

RESEARCH METHODOLOGY AND DISSERTATION/FIELD-BASED PROJECT WORK

Objective:

Human rights education at post-graduate level should include field work or acquisition of first hand knowledge of issues of human rights and duties, and some basic understanding of research methodology and techniques. Although sociological methods and techniques are dealt with here, the teachers must be well advised to stress the need to select methodologies and techniques appropriate for the investigation/reporting on the issue/problem selected.

Course Content

1. GENERAL
   (i) Nature and Scope of Social Research
   (ii) Formulation of Research Problem
   (iii) Survey and Social Research
   (iv) Research Design: Facts and Hypothesis, Problem of Objective

2. METHODOLOGY
   (i) Methodological Orientation and logic of enquiry
   (ii) Dialectic Materialism
   (iii) Comparative Method
   (iv) Historical Method
   (v) Analytical Method
   (vi) Field Work
(vii) Inductive and Deductive Methods

(viii) Other research methods

3. **TECHNIQUES OF DATA COLLECTION**

(i) Types

(ii) Sources

(iii) Techniques of Data Collection: Observation, interview, questionnaire, interview schedule

(iv) Case study method

(v) Content analysis

(vi) Data analysis: Classification, Tabulation, Graphic representation, Uni-variate, Bi-variate and Multi-variate, discrete and continuous variables

4. **STATISTICAL BASE**

Measure of Central Tendency; Mean, Mode and Median, Measure of Dispersion, Range, Average Deviation and Standard Deviation, Z-test, Chi-square, Co-relation test, Scaling Technique, Nominal, Ordinal & Rating Scale, Social Distance Scale

5. **USE OF COMPUTER AND INFORMATION TECHNOLOGY**

6. **PROJECT REPORT/DISSERTATION BASED ON FIELD WORK, AND VIVA-VOCE**

The student shall be required to write a dissertation on any aspect of a human rights and duties problem/situation under the supervision of a member of the faculty/department. He/she shall visit the problem area(s) and study the situation, causes, and solutions, people's responses and his/her own experiences/encounters of human rights violations, if any. He/she shall study the relevant literature and write dissertation on the approved topic with the help of theoretical discussions on research methodology. In the viva-voce examination the examiner shall judge the knowledge of the candidate in research methodology in relation to the subject of dissertation and his/her general knowledge in other areas of human rights and duties

(For references, see General Bibliography)
Objective:

The focus of this paper is the impact of developments in science and technology on human rights and duties. Through nine units, the paper deals with some conceptual aspects of 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; and rights to food, health, development, clean environment and peace.

Course Content

1. CONCEPTUAL PERSPECTIVE

   (i) Concept of science & technology as a tool for furtherance of human and social welfare, scientific temper

   (ii) Debates over ‘development’:

       (a) ‘Quality’ of life: Spiritualism versus Materialism: the need for balancing of values

       (b) Modernization, urbanization

2. IMPACT OF SCIENCE AND TECHNOLOGY

   (i) Positive role of science & technology: material comforts, food, education, health and personal well-being

   (ii) Negative role of science & technology: neutral character of science and technology, the concept of ‘dual use’ technologies; Impact of unbridled use of natural resources; development of means and methods of violence and war, new torture methods, methods of rights deprivations
3. **RIGHT TO HUMAN DIGNITY: SOME ETHICAL AND LEGAL ISSUES**

(i) Developments in biotechnology: human cloning, foeticide and abortion, in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs, human performance augmenting drugs and technologies (e.g., use of steroids in sports, hormones, viagra-like drugs)

(ii) Life sustaining technologies: artificial organs, kidney dialysis, life sustaining drugs

(iii) Computer crimes, pornography online

(iv) Right to die in dignity and peace: euthanasia

4. **FREEDOM FROM TORTURE**

(i) New torture technologies such as electric shocks, trauma-inducing drugs and psychotropic substances

(ii) Applicable legal norms:

   (a) Article 21 of the Indian Constitution, other relevant laws prohibiting torture, or inhuman or degrading treatment or punishment of persons in custody

   (b) Article 5 of Universal Declaration of Human Rights 1948; Article 7 of the International Covenant on Civil and Political Rights 1966; 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

5. **FREEDOM OF INFORMATION, THOUGHT AND EXPRESSION**

(i) Revolution in information technology

(ii) Right to information, right to education, right to communication, freedom of the Press and other information media, right to entertainment

(iii) Applicable legal norms:

   (a) Articles 19, 41, 45, & 46 of the Indian Constitution - Information Technology Act 1999, other Indian laws relating to the Media, information technology, satellite communications, Cinematograph Act, Official Secrets Act 1926 and law relating to freedom of information, and other related laws

6. RIGHT TO FOOD

(i) Food Production: science & technology to improve and diversify food production and storage, and for food security

(ii) Food Management and Storage: impact of bio-technology in agriculture, positive and negative, World Trade Organization and agriculture

(iii) Applicable legal norms:

(a) Articles 21, 47 & 48 of the Indian Constitution


7. RIGHT TO HEALTH

(i) Improvement of individual and community health and hygiene

(ii) Experiments on living beings

(iii) Community Health as a public service industry: Shift in character as a commercial industry, role of multinationals, pharmaceutical industries, changing role of government

(iv) Applicable legal norms:

(a) Articles 21, 47 & 41 of the Indian Constitution, Medical Termination of Pregnancy Act 1971, and other enactments

8. **RIGHT TO DEVELOPMENT**

(i) Development (spiritual and material) as both the objective as well as the catalyst for realization of human rights

(ii) Science and technology as a tool of development, Declaration on the Right to Development 1986

(iii) Problems in access to technology: International monopolies/oligopolies versus international cooperation; The divide between the developing countries and the developed countries

(iv) Applicable legal norms:

(a) Articles 14, 15, 19, 21, 38 & 39 of the Indian Constitution: laws relating to development of industries, agriculture and social and economic equality

(b) UN Declaration on the Right to Development 1986, UN Declaration on Social Progress and Development 1969

9. **RIGHT TO CLEAN ENVIRONMENT AND PUBLIC SAFETY**

(i) General issues of industrial pollution: prevention, rehabilitation

(ii) Depletion of natural resources

(iii) Safety aspects of new technologies such as chemical and nuclear technologies: issues of waste disposal, public concerns of safety, protection of the environment

(iv) Issues of urbanization, rural migration into urban areas

(v) Duty to preserve the earth's environment and sustain the natural resources and maintain peace and harmony for the present and future generations

(vi) Applicable legal norms:

(a) Articles 51-A(g), Article 21, 24, 38 42, 48-A of the Indian Constitution, Environment (Protection) Act 1986 and other laws relating to protection of the environment and prevention and control of pollution, Factories Act 1948, forest laws, and other relevant Indian laws

10. RIGHT TO PEACE

(i) Disarmament, eventual destruction of all weapons, means and methods of warfare and violence, problems of dual use technologies

(ii) Applicable legal norms:

(a) Article 51 of the Indian Constitution

(b) UN Declaration on the Right of Peoples to Peace 1984, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind 1975, Declaration on the Preparation of Societies for Life in Peace 1978, UNESCO Declaration and Programme of Action on A Culture of Peace 1999

(For references, see General Bibliography)
INTERNATIONAL OBLIGATION TO PROTECT HUMAN RIGHTS AND DUTIES

Objective:

This paper seeks to give an exclusive international law focus on the nature of obligation to protect human rights and duties. The nine units of this paper deal with the concept of international obligations, international concern for human rights, emergence of an international obligation to protect human rights, subjects of the obligation, some issues of international accountability for breach of the obligation, possible international response to breaches of human rights obligations, regional regimes and the international obligation, and enforcement through domestic law.

Course Content

1. THE CONCEPT OF INTERNATIONAL OBLIGATIONS

   (i) Concept of obligations: legal, moral, social

   (ii) Obligations accepted by international community through international law: Sources of international law giving rise to international obligations (Article 38(1) of the Statute of the ICJ):

       (a) Treaties and conventions to which states are parties

       (b) International custom as evidence of practice accepted as law, jus cogens (peremptory norms of international law), and other operative principles and rules of international customary law

       (c) General principles of law recognized by diverse national legal systems

       (d) Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as a subsidiary means for determination of the rules of law

   (iii) Principle of good faith: Obligation to comply with a human rights obligation in good faith, Abuse of rights
2. INTERNATIONAL CONCERN FOR PROTECTION OF HUMAN RIGHTS

(i) Evolution of international concern for the protection of the individual: the Anti-slave trade treaties, emergence of international humanitarian law, Bolshevik Revolution of 1917, minority treaties, League of Nations and colonies: the concept of "sacred trust of civilization" (the Mandate System), ILO and labour welfare, refugees, Nazi and Fascist atrocities and totalitarianism, Second World War

(ii) Crimes against peace, war crimes, crimes against humanitarian law, Nuremberg (London Charter of 1946) and Tokyo (General McArthur Decree of 1946) International Military Tribunals for trial of major war criminals, evolution of international criminal law (UN General Assembly Resolution of 1946 on the Nuremberg Principles)

(iii) Drafting of the UN Charter provisions on human rights

3. THE UNITED NATIONS: FROM INTERNATIONAL CONCERN TO INTERNATIONAL OBLIGATION TO PROTECT HUMAN RIGHTS

(i) UN Charter Provisions: Article 1(2) & (3), Article 13(1)(b), Articles 55, 56, 68, Chapters XI, XII, XIII


(iii) International conventions and treaties on human rights establishing international obligations to protect human rights

(iv) International customary law comprising consensual international decisions (resolutions, declarations, principles) on human rights, evidencing undertaking on the part of states to protect human rights

(v) General principles of law of human rights in the diverse national legal systems

(vi) Writings of publicists like Hersch Lauterpacht, and judicial decisions (like Barcelona Traction Company case, Nicaragua case, the South-West Africa-Namibia cases, advisory opinion in the Threat or Use of Nuclear Weapons in Armed Conflict)

(vii) Human rights as _jus cogens_, and obligation to protect human rights as an international obligation _erga omnes_ (owed to the international community)
(viii) Duty to cooperate and assist in implementation of human rights:

(a) Principle of international cooperation

(b) Articles 1 and 56 of UN Charter

(c) Specific aspects:

   (i) Duty to render material assistance
       (Charter of Economic Rights and Duties 1974)

   (ii) Duty to consult, to inform

4. SUBJECTS OF INTERNATIONAL OBLIGATION FOR PROTECTION OF HUMAN RIGHTS

(i) Concept of subjects of international law: capacity to exercise rights and undertake and comply with obligations under international law, Functional test (as in domestic law): ICJ ruling in the Reparations for Injuries Suffered in the Services of the United Nations case (1949) and international responsibility of international persons

(ii) States as subjects of human rights obligations:

   (a) Obligations flowing from treaties and conventions on human rights (to which they are parties)

   (b) Obligations flowing from international customary law emerging from universal/near universal participation in a human rights treaty, consensual declarations/resolutions of international organizations/conferences (ICJ ruling in the Nicaragua case 1986), and generality of conduct of states in accepting the obligations

(iii) International organizations as subjects of obligations: Principle of Reparations for Injuries case (1949 ICJ): Subjects of rights must be subjects of corresponding obligations as well, Functionality test for subjecthood in respect of obligations

(iv) Other subjects of international law for attribution of human rights obligations:

   (a) Juridical persons, such as multinational corporations (principles of code of conduct for transnational corporations, code of conduct for transfer of technology 1993)

   (b) Individuals, groups of individuals (dictators, terrorists, militant religious groups, groups engaged in transnational organized crimes)
5. ISSUES OF INTERNATIONAL ACCOUNTABILITY FOR BREACH OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

(i) State sovereignty (domestic jurisdiction), principle of non-intervention: concept of international jurisdiction as distinct from existence of internal obligation

(ii) Sovereign immunity from accountability: states, high functionaries of State, obedience to superior orders

(iii) Rule of exhaustion of local (national) remedies, before international action

(iv) Problems of cooperation between states in exercise of criminal jurisdiction: extradition, asylum (political offences), cooperation in respect of investigation, transfer of evidence, etc.

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

(i) General role of international organizations/agencies in monitoring/supervising implementation of human rights obligations, examination of reports and recommendations thereon, complaints procedure, spot investigations, fact-finding, commissions of inquiry, conciliation, public discussion and criticism, catalyzing formation of international public opinion

(ii) International sanctions against gross and persistent violations of human rights, the issue of threshold point of what constitutes gross violations, what constitutes 'international' sanctions and who is competent to take them?

(iii) The role of the UN Security Council: Chapters VI and VII of the UN Charter, relations between human rights violations and the determination by the Security Council of a "threat to peace, breach of peace and act of aggression", politics, selectivity, lack of impartiality, big power manipulation in international organizational actions

(iv) Case studies: Former racist regime in South Africa, Haiti, Yugoslavia (Bosnia, Kosovo), Rwanda, and others

(v) International sanctions by the UN and violation of human rights: cases of sanctions against Iraq, Yugoslavia
7. **INTERNATIONAL CRIMINAL TRIBUNALS**
   
   (i) Concepts of international crimes, and international criminal tribunals
   
   (ii) Evolution of international criminal court
   
   (iii) Rome Statute for the International Criminal Court 1998: issues of jurisdiction, the dominant role for the Security Council, and relationship between the ICC and national courts
   
   (iv) The UN War Crimes Tribunals for Yugoslavia and Rwanda

8. **INTERNATIONAL OBLIGATIONS AND REGIONAL HUMAN RIGHTS REGIMES**
   
   (i) Regional human rights norms and standards and their relationship to international obligation to protect human rights
   
   (ii) Regional regimes in operation:
   
   (a) European
   
   (b) Latin American
   
   (c) African

9. **ENFORCEMENT OF INTERNATIONAL OBLIGATION THROUGH DOMESTIC LAW**
   
   (i) Diversity of domestic legal systems and practices
   
   (ii) Indian legal system:
   
   (a) Constitution of India: Articles 51 and 253 read with 246
   
   (b) Survey of Indian Law incorporating international human rights obligations
   
   (c) Role of Judiciary
   
   (iii) Domestic recognition and enforcement of "foreign" judgements and arbitral awards
   
   (For references, see General Bibliography)
Objective:

This paper is in six units. It seeks to highlight the impact of trade and development on human rights. The six units that it comprises deal with the role of human rights in development, general aspects of international trade and development, the role of TNCs, trade-related sanctions for human rights violations, trade, human rights and the question of sovereignty, and international trade and human rights perspective in India.

Course Content

1. ROLE OF HUMAN RIGHTS IN DEVELOPMENT
   (i) Various theories of development
   (ii) Vision of the NIEO
   (iii) Development and trade off on Human Rights

2. INTERNATIONAL TRADE AND DEVELOPMENT
   (i) From ITO to WTO
   (ii) Unequal terms of trade imposed by the Uruguay Round of GATT negotiations
   (iii) Role of unfair terms of trade in human rights violations

3. ROLE OF TRANSNATIONAL CORPORATIONS IN TRADE/DEVELOPMENT
   (i) TNCs and their functioning
   (ii) Destruction of environment by TNCs
   (iii) Monopolies and right to development
   (iv) Technology and workers' rights
   (v) From consumer rights to human rights
4. TRADE-RELATED SANCTIONS FOR HUMAN RIGHTS VIOLATIONS

(i) Debate on the social clause

(ii) Sanctions imposed by unilateral/bilateral trade terms, blockade of Cuba, US sanctions on Third World

(iii) Trade related sanctions under the multilateral system

5. TRADE, HUMAN RIGHTS AND THE QUESTION OF SOVEREIGNTY

(i) National control over international trade

(ii) Codes of conduct and TNCs

(iii) Sovereign states and peoples' rights: issue of economic sovereignty

(iv) Human Rights standards and international trade

6. INTERNATIONAL TRADE AND HUMAN RIGHTS PERSPECTIVE IN INDIA

(i) Regulation of TNCs

(ii) Impact of GATT-WTO

(For references, see General Bibliography)
INTERNATIONAL HUMANITARIAN AND REFUGEE LAWS

Objective:

This paper is in three units. The first unit seeks to highlight the humanitarian problems of armed conflict and refugees. The second elaborates the international humanitarian law, and the third, the international refugee law.

Course Content

1. CONCEPTUAL PERSPECTIVE

   Problems of international violence, civil wars and refugees

2. INTERNATIONAL HUMANITARIAN LAW (IHL)

   (i) Origin and development of IHL

   (ii) Doctrine of military necessity versus the principles of humanity

   (iii) Role of IHL in non-international armed conflicts

   (iv) National perspectives on IHL

   (v) Role of International Red Cross and NGOs

   (vi) Implementation and Enforcement of IHL:

      (a) Concept of Protecting Power

      (b) United Nations

      (c) International Criminal Courts and Tribunals

      (d) Unilateralism: 'humanitarian' intervention versus state sovereignty

      (e) Humanitarian assistance
3. INTERNATIONAL REFUGEE LAW

(i) The History of International Refugee Law: Cold War Origins to Rights of People who are not Citizens

(ii) Determination of Refugee Status under the Refugee Convention 1951 and Protocol 1967

(iii) Protection under International Law

(a) Right of non-refoulement

(b) Right to Asylum

(c) UNHCR and Refugee protection

(d) Special problems of protection of refugee women and children

(iv) Protection in India

(a) Indian critique of UNHCR and the Convention

(b) Protection without legislation: case law

(c) Status of refugees in India under UNHCR

(v) Solution to Refugee Problem

(a) Resettlement in third country

(b) Repatriation: voluntary or forced

(c) Local assimilation

(d) International burden sharing

(e) Ultimate solution: tackling the root causes


(vii) Relationship between IHL, Refugee Law and Human Rights

(For references, see General Bibliography)
Post-Graduate Degree Optional Paper 5

PEOPLES' RIGHT TO SELF-DETERMINATION

Objective:

This paper is divided into four units. They comprise the conceptual perspective, the evolution of the concept of self-determination, evolution of ideas of nationalism, autonomy and self-government, independence and federalism in India, and self-determination in international relations.

Course Content

1. CONCEPTUAL PERSPECTIVE

   Normative issues relating to the operationality of the principle of self-determination: Conceptual problems of 'self' of whom and 'determination of what

   (a) Meaning of self-determination: autonomy, democracy, governance, self determination as a process

   (b) Self-determination: External and Internal, New Dimensions and emerging debates

2. ORIGINS AND DEVELOPMENT OF THE CONCEPT

   (i) Theories of self-governance, Kant, Locke, Rousseau, Marx and other socialist thinkers, proponents of pluralism like McIver and Laski, Mahatma Gandhi, Issues of legitimacy of State and forms of governance

   (ii) The age of colonial empires and scramble for colonies, Papal Bull of 1492 dividing up the world between Spain and Portugal, Berlin Congress of 1885 dividing up the African Continent, Colonization of Asia, Nationalism and statehood

   (iii) Historical glimpses of national liberation movements in North America, France and Latin American countries and other movements in 19th and 20th centuries

   (iv) Marxist theory of nationalities, Right of secession, Bolshevik revolution, Lenin and constitution-making in the former socialist countries
(vi) End of First World War, Woodrow Wilson’s Fourteen Points including issues of self-determination, redrawing of boundaries of former empires, League of Nations and the concept of ‘sacred trust of civilization’

3. EVOLUTION OF IDEAS OF NATIONALISM, AUTONOMY AND SELF-GOVERNMENT, INDEPENDENCE AND FEDERALISM IN INDIA

(i) National uprisings during colonial rule and 1857 quest for independence

(ii) Emergence of the Indian National Congress, demands for self-determination: extremists and moderates, Mahatma Gandhi and self-determination (political and economic freedom, raja shakti and jana shakti, village republics)

(iii) Milestones:

(a) Motilal Nehru Committee Report 1928 and the demand for Purna Swaraj

(b) Federalism under the Government of India Act 1935

(c) Federalism as envisaged in the Quit India Resolution of 8 August 1942 with the largest measure of autonomy to units of the federation

(d) Objectives Resolution of the Constituent Assembly (22 January 1947) relevant to autonomous status for the units of the Union

(iv) The structure of federalism under the Constitution of India: The constitutional framework of Union-State relations, theory and practice

(v) Problems and challenges:

(a) Problems relating to formation of States, including special relationship with the State of Jammu and Kashmir

(b) Problems of Union-State relations - Recommendations of the Rajamannar Commission and the Sarkaria Commission

(c) Challenges of diversity, development and separatism

4. SELF-DETERMINATION IN INTERNATIONAL RELATIONS

(i) Emergence of the principle of self-determination on the international plane: League of Nations, Minority treaties, Atlantic Charter 1941, UN Charter (Article 1(2), Articles
55-56, Chapters XI, XII and XII) Framework and role of UN decolonization process, Debate between domestic jurisdiction and the people's right of self-determination, in the context of historical colonialism

(ii) Normative developments:

(a) Common Article 1 of the International Covenant on Economic, Social and Cultural Rights 1966 and the International Covenant on Civil and Political Rights 1966 - Indian position

(b) Declaration on the Granting of Independence to Colonial Countries and Peoples: UN General Assembly Resolution 1514 (XV) of 1960

(c) Declaration of the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations: UN General Assembly Resolution 2625 (XXV) of 1970 (see formulation on the fifth principle)

(d) Economic self-determination: Declaration on Permanent Sovereignty over Natural Resources: UN General Assembly Resolution 1803 (XXII) of 1962, Declaration on the Establishment of a New International Economic Order; UN General Assembly Resolution 3201 (S-VI) of 1974, Charter of Economic Rights and Duties of States: UN General Assembly Resolution 3281 (XXIX) of 1974

(For references, see General Bibliography)
Objective:

In six units, this paper elaborates the following aspects of Women’s Rights and Duties: historical, philosophical and social perspectives, status of women in contemporary Indian society, international norms for protection of women, the status of women under the Indian Constitution, special laws and policies for protection of women in India, and institutional mechanisms for protection of women in India.

Course Content

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. STATUS OF WOMEN IN CONTEMPORARY INDIAN SOCIETY
   (i) Poverty, illiteracy, lack of independence, oppressive social customs and gender bias
   (ii) Violence against and abuse of women in public and private domains

3. INTERNATIONAL NORMS FOR PROTECTION OF WOMEN
   (i) ILO conventions for protection of female labour
   (ii) UNESCO Convention against Discrimination in Education 1960
   (iv) Declaration on the Participation of Women in Promoting International Peace and Cooperation 1982
(v) Documents of the Four World Conferences on Women: Mexico 1975, Copenhagen 1980, Nairobi 1985, Beijing 1995

(vi) Protection of women in armed conflicts

(vii) Other relevant developments

4. THE CONSTITUTION OF INDIA AND THE STATUS OF WOMEN

(i) Fundamental Rights and Directive Principles under the Constitution

(ii) Special provisions for the protection of women: Article 15(3), Article 39 (d) & (e), Article 42, Articles 243-D & 243-T

5. SPECIAL LAWS AND POLICIES FOR PROTECTION OF WOMEN


(ii) Gaps between international norms and Indian law, if any

(iii) Women and public policy: Female health and family welfare, literacy programmes, female labour welfare; Issue of current public debate: political rights of women (reservations and protection of women), personal laws and status of women

6. INSTITUTIONAL MECHANISMS FOR PROTECTION OF WOMEN

(i) Constitutional mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary)

(ii) Statutory mechanism: National Commission for Women, National Human Rights Commission, State Commissions

(iii) The Non-Governmental Organizations

(iv) The information media

(v) Role of education

(For references, see General Bibliography)
Objective:

This paper comprises six units, encompassing historical, philosophical and social perspectives, status of the child in Indian society, international norms on the rights of the child, protection of the child under the Indian Constitution, special laws and policies in India, and the institutional mechanism for protection of the child.

Course Content

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. STATUS OF CHILD IN CONTEMPORARY INDIAN SOCIETY

   (i) Impact of problems of poverty and illiteracy
   (ii) Social and cultural practices regarding girl child: foeticide, child marriage
   (iii) Child labour (in construction, carpet, glass, bangles, and other industries, in unorganized sectors), forced labour, sale of children
   (iv) Child abuse inside and outside homes, trafficking in children, children and custodial crimes
   (v) Street children: child and crime

3. INTERNATIONAL NORMS FOR PROTECTION OF THE CHILD

   (i) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour 1999

(iv) World Summit for Children: Declaration and Plan of Action

(v) Other relevant developments

4. INDIAN CONSTITUTION AND PROTECTION OF THE CHILD

(i) Fundamental Rights and Directive Principles under the Indian Constitution

(ii) Special Protection for the child: Article 15(3), Article 24, Article 39 (e) & (f), Article 45

5. SPECIAL LAWS AND POLICIES FOR PROTECTION OF THE CHILD


(ii) Other laws relevant to protection of the Child

(iii) Gaps between international norms and the Indian law, if any

(iv) Government Policies

6. INSTITUTIONAL MECHANISM FOR PROTECTION OF THE CHILD

(i) Constitutional Mechanisms: Legislature, Executive, Judiciary (Special contribution of judiciary)

(ii) National Human Rights Commission, National Commission for Rights of the Child

(iii) Non-Governmental Organizations

(iv) The Information Media

(v) Role of education

(For references, see General Bibliography)
Post-Graduate Degree Optional Paper 8

THE AGED AND THE DISABLED, AND HUMAN RIGHTS AND DUTIES

Objective:

The five units which this paper comprises deal with the conceptual perspective, historical, philosophical and social perspectives, protection of the aged and the disabled under the Indian legal system, institutional mechanism for such protection, and international norms on the rights of the aged and the disabled.

Course Content

1. CONCEPTUAL PERSPECTIVE
   
   (i) Poverty, illiteracy, breakdown of old social and family institutions; Impact of improvements in health care on mortality
   
   (ii) Social taboos regarding the disabled; General problem of poverty

2. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

3. PROTECTION OF THE AGED AND THE DISABLED UNDER THE INDIAN LEGAL SYSTEM
   
   (i) Constitutional Framework: Fundamental Rights, Directive Principles and Fundamental Duties
   
   (ii) Special Laws and Policies
      
      (a) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act
      
      (b) Mental Health Act 1993
      
      (c) Other relevant laws
      
      (d) Policies on the Aged and the Disabled
4. INSTITUTIONAL MECHANISMS FOR PROTECTION OF THE AGED AND THE DISABLED

(i) Constitutional mechanisms: Legislature, Executive, Judiciary

(ii) Mechanisms under the laws

(iii) Non-Governmental Organizations

(iv) The Information Media

(v) Role of Education

5. INTERNATIONAL NORMS FOR PROTECTION OF THE AGED AND THE DISABLED


(For references, see General Bibliography)
Objective:

This paper focuses on the need for protection of the socially and/or economically disadvantaged sections of the Indian society such as the Scheduled Castes and Tribes, and other communities similarly placed. It comprises six units which encompass historical, philosophical and social perspectives, status in Indian society, constitutional protection, special laws and policies, institutional mechanisms for protection of SC/ST and OBCs, and relevant international standards.

Course Content

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. STATUS OF DISADVANTAGED PEOPLE IN CONTEMPORARY INDIAN SOCIETY

   (i) Concept and Identification of a Disadvantaged Group; Feudalism, caste system and the socio-economic situation; Social and economic deprivations of the lower rungs of society through history; British rule and its impact on these communities

   (ii) Issues of social and economic inequalities in Indian society; Role of social reformers: Gandhi, Ambedkar and others; Social and economic equality versus freedom from foreign rule

   (iii) Status today: Issues of identification of Scheduled Castes/Scheduled Tribes, dalits and other backward classes: Deprivations and atrocities, Poverty, illiteracy and unemployment, Economic and social inequalities, Issues of land rights, rural indebtedness, impact of environment protection laws including forest laws on tribal communities; Access to fruits of development; Bonded labour, exploitation, issues of human dignity; Caste wars; Politics of caste and class

3. CONSTITUTIONAL PROTECTION

   (i) Fundamental Rights and Directive Principles under the Constitution
(ii) Special protection under Article 15 (4), Article 16 (4) & (4-A), Article 17, Article 29(1), Article 46, Articles 334 335, 338, 339, 340, 341, & 342, Fifth and Sixth Schedules

4. SPECIAL PROTECTION: LAWS AND POLICIES


(ii) Other relevant legal provisions

(iii) Policies of Government: Reservations, quotas, special drives and schemes

5. INSTITUTIONAL MECHANISMS FOR PROTECTION OF SC/ST, AND OBCs

(i) Constitutional Mechanisms: Legislature, Executive, Judiciary

(ii) National Commissions, State Commissions

(iii) Non-Governmental Organizations

(iv) The Information Media

(v) Role of education

6. INTERNATIONAL NORMS AND STANDARDS RELATING TO TRIBAL AND OTHER INDIGENOUS GROUPS

(i) UN Declaration on the Indigenous Peoples 1995, UN Voluntary Fund for Indigenous Populations 1985

(ii) ILO Convention No. 169 concerning Indigenous and Tribal Communities 1989

(For references, see General Bibliography)
Objective:

Labour welfare has for long been one of the crucial areas of human rights and duties. Divided into nine units, this paper deals with conceptual issues, status of the working class, workers rights and duties, emerging problems, conflicting rights, international standards, Indian framework, and enforcement agencies.

Course Content

1. WORKING CLASS: CONCEPTUAL ISSUES
   (i) Definition
   (ii) Classification

2. STATE IDEOLOGY AND POSITION OF WORKING CLASS
   (i) Working class movement
   (ii) From Laissez Faire to Welfare State
   (iii) Privatization to Globalization

3. STATUS OF WORKING CLASS
   (i) Women
   (ii) Children
   (iii) Casual Workers
   (iv) Bonded Labour
   (v) Agricultural Labour
   (vi) Migrant Workers
4. BASIC RIGHTS AND DUTIES : THEIR CONTENT AND SCOPE

(i) Association and Assembly
(ii) Work with Equality and Dignity
(iii) Education and Information
(iv) Trade Unionism and its Development
(v) Industrial Discipline
(vi) Labour Safety

5. LABOUR WELFARE PROBLEMS

(i) Health Hazards:
   (a) Accidents
   (b) Occupational Diseases
(ii) Social Security
(iii) Collective Bargaining
(iv) Workers' Participation in Management
(v) Retrenchment, Termination and Displacement
(vi) Work Culture and Welfare Measures
(vii) Industrial Conflicts and Insecurity
(vii) Impact of Technological Developments

6. CONFLICTING RIGHTS : WORKER'S BENEFIT V. EMPLOYER'S INCONVENIENCE

(i) The right to strike
(ii) Lockout and closure of Industry

7. INTERNATIONAL STANDARDS

(i) ILO Labour Standards
(ii) Debate on Social Clause and WTO

(iii) Emerging Rights and Duties

(iv) Code of International Industrial Discipline

(v) Role of International Labour Agencies

8. **INDIAN FRAMEWORK**

(i) Constitutional Protection

(ii) Workers' Rights and Duties

(iii) Employers’ Responsibilities and Duties

(iv) Dispute Settlement Mechanisms

9. **INSTITUTIONAL FRAMEWORK FOR PROMOTION OF LABOUR WELFARE**

(i) National: State machinery, workers organizations

(ii) Role of International Labour Organization (ILO)

(For references, see General Bibliography)
Objective:

Concern for minority rights has been the hallmark of the twentieth century. This paper, through its five units, deals with conceptual, historical, philosophical and social perspectives, the rights and duties under the Indian legal system and institutional mechanism, and international protection of minorities.

Course Content

1. CONCEPTUAL PERSPECTIVE
   (i) Minorities as a socio-economic-religious-linguistic concept, Regional minorities
   (ii) Role of Minorities in the development of human rights

2. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

3. RIGHTS AND DUTIES OF MINORITIES UNDER THE INDIAN LEGAL SYSTEM
   (i) Constitutional Framework
      (a) Fundamental Rights, Directive Principles and Fundamental Duties
      (b) Special provisions in Articles 26 to 30, 331, 333, 336, & 337 of the Constitution.
   (ii) Special Laws and Policies
      (a) National Commission for Minorities Act 1992
      (b) Caste (Disabilities Removal) Act 1950
      (c) Other relevant laws
      (d) Policy of secularism and politics of minorities
4. INSTITUTIONAL MECHANISMS FOR PROTECTION OF MINORITIES

(i) Constitutional mechanisms: Legislature, Executive and Judiciary

(ii) National and State Commissions on Minorities

(iii) Non-Governmental Organizations

(iv) The Information Media

(v) Role of Education

5. INTERNATIONAL PROTECTION OF MINORITIES


(ii) UN Commission on Human Rights, Sub-commission on Minorities, Committees under the Human Rights Covenants and Racial Discrimination Convention

(For references, see General Bibliography)
Human Rights

Post-Graduate Degree Optional Paper 12

HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM

Objective:

Criminal justice system is one of the critical areas of human rights and duties where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand, and preservation of human dignity of both victims of crime and persons accused of it. This paper is in ten units which cover, besides the conceptual and other perspectives, the principal rights problems, rights of the accused, the rights of inmates of prisons and custodial homes, access to justice, right to compensation, punishments, administration of justice and international perspectives.

Course Content

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. CONCEPTUAL PERSPECTIVE

   (i) Concept of crime and criminal liability

   (ii) Offences involving Human Rights

   (iii) Role of Criminal Justice System

3. HUMAN RIGHTS PROBLEMS

   (i) Police Atrocities and Accountability

   (ii) Violence against women and children

   (iii) Communal violence

   (iv) Caste and class conflicts

   (v) Maintenance of Law and Order

   (vi) Terrorism and Insurgency
4. **RIGHTS OF ACCUSED**
   
   (i) Double Jeopardy
   
   (ii) Against self-incrimination
   
   (iii) Production before Magistrate
   
   (iv) Fair Trial
   
   (v) Speedy Trial
   
   (vi) Appeal

5. **RIGHTS OF INMATES OF PRISONS AND CUSTODIAL HOMES**
   
   (i) Protection Homes
   
   (ii) Reformative and other institutions
   
   (iii) Prisons

6. **RIGHT TO LEGAL AID, ACCESS TO JUSTICE AND SPEEDY JUSTICE**

7. **RIGHT TO COMPENSATION**

8. **PUNISHMENTS AND HUMAN RIGHTS**

9. **ADMINISTRATION OF CRIMINAL JUSTICE**
   
   (i) Ordinary Courts
   
   (ii) Special Courts
   
   (iii) District Human Rights Courts
   
   (iv) Nyaya Panchyats
   
   (v) Human Rights Sensitization
   
   (vi) Threats to the System:
       
       (a) Terrorism
(b) Abduction

(c) Others

10. INTERNATIONAL PERSPECTIVES

(i) International crimes

(ii) International crime control and protection agencies, e.g. Interpol

(iii) International co-operation in combating of transnational organized crimes and international terrorism - Palermo Convention on Transnational Organized Crime 2000, Convention against Illicit Trafficking of Narcotic and Psychotropic Substances 1988-90

(iv) Extradition and mutual assistance in criminal proceedings

(v) International Criminal Court - Rome Statute 1998

(vi) International norms on administration of criminal justice - UN General Assembly resolutions

(For references, see General Bibliography)
Post-Graduate Degree Optional Paper 13

ENVIRONMENT AND HUMAN RIGHTS AND DUTIES

Objective:

This paper focuses on the interrelationship between environment and human rights and duties. In ten units, it encompasses conceptual aspects, the right to clean environment, an international perspective, national regime, issues of environmental protection in developing countries, supplementary rights and duties, environment versus development, emerging concepts, and the threats to Indian environment.

Course Content

1. ENVIRONMENT
   (i) Its meaning
   (ii) Concern for Environment: Historical Perspective
   (iii) Pollution and its effects on environment and life on earth

2. RIGHT TO CLEAN ENVIRONMENT
   (i) Its content and scope
   (ii) Right to Environment versus Right to Development
   (iii) Sustainable Development
   (iv) Culprits and Victims
   (v) Implementation and Enforcement of the right
   (vi) Globalization of the Right: the planet earth and global commons

3. RIGHTS AND DUTIES: AN INTERNATIONAL PERSPECTIVE
   (From Stockholm to Rio)
(i) UN Declaration on the Right to Development 1986, International conventions on the protection of the environment, precautionary principle

(ii) Debate on Social Clause and WTO

(iii) Main Directions

(iv) Future Goals

4. NATIONAL REGIME OF ENVIRONMENTAL PROTECTION

(i) Constitutional Rights and Duties

(ii) Statutory Rights and Duties

(iii) Emergence of a common approach

5. ISSUES OF ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES

(i) Inter-generational Equity

(ii) Preservation of Natural Resources

(iii) Indigenous People, Tribals and Forest Dwellers

(iv) Poverty, Illiteracy and Environment

(v) City Dwellers and Villagers

(vi) Working Class

(vii) Other living species

6. SUPPLEMENTARY RIGHTS AND DUTIES

(i) Education

(ii) Information

(iii) Public Participation : Environmental Democracy

7. RIGHTS AND DUTIES IN CRISIS: ENVIRONMENT VERSUS DEVELOPMENT

(i) Mega Projects
(ii) Industrial Accidents

(iii) Impact of emerging problems of Science and Technological Development
   (a) Genetic Engineering
   (b) Hazardous Waste Treatment
   (c) Pollution Control Mechanism
   (d) Dumping of Waste and Discarded Technology

(iv) Governmental Planning:
   (a) Industrial development
   (b) Master Plans
   (c) Inactions and Misactions

8. SUPERVISION AND ENFORCEMENT

(i) Supervisory Mechanisms
   (a) Commissions
   (b) Committees
   (c) International Reporting Delegations under various treaties
   (d) NGOs

(ii) Enforcement Agencies
   (a) Issues of liability, insurance
   (b) Courts: Process and Remedies
   (c) Tribunal
   (d) Arbitration and Conciliation

9. EMERGING CONCEPTS

(i) Common Concern of Humankind: Common Heritage Principle
(ii) Public Trust

(iii) Precautionary Principle

(iv) Intergenerational Equity

(v) Sovereign Equality

(vi) Concern for Unborn, Animals and Plants: Right of Future Generations

(vii) Code of Environmental Culture and Ethics

10. THREATS TO INDIAN ENVIRONMENT

(i) Forest Denudation

(ii) Pollution of River Systems

(iii) Indiscriminate Industrial Explosion

(iv) Depletion of Rare Species

(v) Bio-diversity

(For references, see General Bibliography)
SOCIAL MOVEMENTS AND HUMAN RIGHTS AND DUTIES IN INDIA

Objective:

This paper aims at a sociological study of human rights and duties in India. Through five units, it encompasses a conceptual perspective, impact of social and religious reforms movements and human rights, political and ecological movements and human rights, and the role of international and national institutions in promoting human rights.

Course Content

1. CONCEPTUAL PERSPECTIVE
   (i) Concept of social movement
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(v) The on-going revolution in science & technology since the Industrial Revolution in Europe
   New machines, revolution in transport and communication, interpersonal communications, mass communications, electronics-cybernetics-satellite technology: 20th century ‘second industrial revolution’, Frontiers of new technologies: the ocean-bed, the outer space, search for the minutest particle and on-going inquiry into energy cosmology and into the origin and composition of life in universe
(vi) Scientific temper: Positive, non-materialistic impact of science & technology (Article 51-A (h) of the Indian Constitution)
   (a) Thirst for knowledge, spirit of inquiry
   (b) Rationalism and spirit of reform
   (c) Humanism
   (d) Human welfare orientation in management of science & technology
   (e) Democratic mindset recognizing diversity of ideas (the right to freedom of thought and expression of each individual)

2. RIGHT TO HUMAN DIGNITY: SOME ETHICAL AND LEGAL ISSUES
   (i) Biotechnology: human cloning, foeticide and abortion, in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs, human performance augmenting drugs and technologies (e.g., use of steroids in sports, hormones, viagra like drugs)
   (ii) Life sustaining technologies: artificial organs, kidney dialysis, life sustaining drugs
   (iii) Rights of the disabled: artificial limbs, mobile wheel chairs, hearing aids, etc.
   (iv) Computer crimes, pornography online
   (v) Right to die in dignity and peace: euthanasia

3. RIGHT TO PRIVACY
   (i) Technologies intruding into private life: various bugging devices (including telephone bugging), remote sensing
   (ii) Technologies that disturb public peace and private life: wanton use of loud speakers
   (iii) Applicable legal norms:
       (a) Article 21 of the Indian Constitution, other relevant legal provisions
       (b) International Guidelines for the Regulation of Computerized Personal Data Files 1990

4. FREEDOM FROM TORTURE
   (i) New torture technologies such as electric shocks, trauma-inducing drugs and psychotrophic substances
   (ii) Technologies for improvement of Police investigative techniques: Finger print technologies, forensic medicine (DNA tests for identification)
(iii) Applicable legal norms:

(a) Article 21 of the Indian Constitution, other relevant laws prohibiting torture, or inhuman or degrading treatment or punishment of persons in custody


5. FREEDOMS OF INFORMATION, THOUGHT AND EXPRESSION

(i) Revolution in information technology

(ii) Right to information, right to education, right to communication, freedom of the Press and other information media, right to entertainment

(iii) Problems of imposing reasonable restrictions

(iv) Applicable legal norms:

(a) Articles 19, 41, 45, & 46 of the Indian Constitution - Information Technology Act 1999, other Indian laws relating to the Media, information technology, satellite communications, Cinematograph Act, Official Secrets Act 1926 and law relating to freedom of information, other relevant legal provisions

(b) Convention on the International Right of Correction 1952, UNESCO Declaration on Fundamental Principles concerning the Contribution of the Media to Strengthening Peace and International Understanding, to the Promotion of Human

6. **RIGHT TO FOOD**

   (i) Science & technology to improve and diversify food production and storage, and for food security: Fertilizers, biotechnology to produce improved varieties of foods, improvement in storage facilities

   (ii) Impact of bio-technology in agriculture (positive and negative): agriculture as a commercial industry, role of multinational corporations and free market economy: World Trade Organization and agriculture

   (iii) Applicable legal norms:

      (a) Articles 21, 47 & 48 of the Indian Constitution


7. **RIGHT TO HEALTH**

   (i) Science & technology and improvement of individual and community health and hygiene

   (ii) Experiments on living beings

   (iii) Community Health as a public service industry: Shift in character as a commercial industry, role of multinationals, pharmaceutical industries, Changing role of government

   (iv) Applicable legal norms:

      (a) Articles 21, 47 & 41 of the Indian Constitution, Medical Termination of Pregnancy Act 1971, and similar enactments

      (b) Article 7 (prohibition of experimentation on human person) of the International Covenant on Civil and Political Rights 1966, Constitution of the World Health Organization, UN General Assembly Resolution 37/194 on Protection against
8. **RIGHT TO DEVELOPMENT**

(i) Development (spiritual and material) as both the objective as well as the catalyst for realization of human rights

(ii) Human welfare:
   (a) Indivisibility of civil and political rights, and economic, social and cultural rights
   (b) Science and technology as a tool of development
   (c) Declaration on the Right to Development 1986

(iii) The divide between the developing countries and the developed countries

(iv) Problems in access to technology: International monopolies/oligopolies versus cooperation?

(v) Applicable legal norms:
   (a) Articles 14, 15, 19, 21, 38 & 39 of the Indian Constitution, laws relating to development of industries, laws relating to agriculture, laws relating to social and economic equality
   (b) UN Declaration on the Right to Development 1986, UN Declaration on Social Progress and Development 1969

9. **RIGHT TO CLEAN ENVIRONMENT AND PUBLIC SAFETY**

(i) General issues of industrial pollution: prevention, rehabilitation

(ii) Issues of workers’ safety in factories: right to work in safe environment

(iii) Safety aspects of new technologies such as chemical and nuclear technologies: Issues of waste disposal, public concerns of safety, protection of the environment

(iv) Issues of urbanization, rural migration into urban areas

(v) Applicable legal norms:
   (a) Articles 51-A(g), 21, 24, 42, 48-A, Environment (Protection) Act 1986 and other laws relating to protection of the environment and prevention and control of pollution, Factories Act 1948, forest laws, and other relevant Indian laws
on Environment and Sustainable Development 1992, other conventions on prevention of pollution and protection of environment (such as those on marine pollution, protection of the Ozone Layer, Antarctica, outer space, transboundary pollution of the atmosphere, transboundary and international carriage of hazardous material, international humanitarian law and protection of the environment, accidents in nuclear and hazardous industries, management of hazardous industrial wastes and other material, etc.)

10. **RIGHT TO PEACE**

   (i) Disarmament, eventual destruction of all weapons, means and methods of warfare and violence, problems of dual use technologies, the core problem of mutuality of suspicions, politics of disarmament, lack of commitment on the part of nations - issues of security of nations, human security

   (ii) Applicable legal norms:

   (a) Article 51 of the Indian Constitution


11. INTER-GENERATIONAL RIGHTS AND DUTIES AND THE RIGHT TO FUTURE

(i) Duty to preserve the earth’s environment, and sustain the natural resources, and maintain peace and harmony

(ii) Applicable norms:

(a) Article 38 of the Indian Constitution

(b) UNESCO Declaration on the Responsibilities of the Present Generation towards Future Generations 1997
8. DEVELOPMENT, TRADE AND HUMAN RIGHTS

1. ROLE OF HUMAN RIGHTS IN DEVELOPMENT
   (i) Various theories of development
   (ii) Vision of the NIEO
   (iii) Development and trade off on Human Rights

2. INTERNATIONAL TRADE AND DEVELOPMENT
   (i) From ITO to WTO
   (ii) Unequal terms of trade imposed by the Uruguay Round of GATT negotiations
   (iii) Role of unfair terms of trade in human rights violations

3. ROLE OF TRANSNATIONAL CORPORATIONS IN TRADE/DEVELOPMENT
   (i) TNCs and their functioning
   (ii) Destruction of environment by corporations
   (iii) Monopolies and right to development
   (iv) Technology and workers rights
   (v) From consumer rights to human rights

4. TRADE RELATED SANCTIONS FOR HUMAN RIGHTS VIOLATIONS
   (i) Debate on the social clause
   (ii) Sanctions imposed by unilateral/bilateral trade terms blockade of Cuba, US sanctions on Third World
   (iii) Trade related sanctions under the multilateral system
   (iv) Human Rights standards and international trade

5. TRADE, HUMAN RIGHTS AND THE QUESTION OF SOVEREIGNTY
   (i) National control over international trade
   (ii) Codes of conduct and TNCs
   (iii) Sovereign states and peoples’ rights: issues of economic sovereignty
9. SOCIAL MOVEMENTS AND HUMAN RIGHTS AND DUTIES IN INDIA

1. CONCEPTUAL PERSPECTIVE
   (i) Concept of social movement
   (ii) Types of movements
   (iii) Ideology: organization
   (iv) Mobilization leadership
   (v) Social Movements as promoter of social change and Human Rights

2. SOCIAL AND RELIGIOUS REFORMS MOVEMENTS AND HUMAN RIGHTS
   (i) Brahmo Samaj
   (ii) Arya Samaj
   (iii) Dalit Movements
   (iv) Tribal Movements
   (v) Women Movements
   (vi) Other Movements

3. POLITICAL MOVEMENTS AND HUMAN RIGHTS
   (i) Freedom Movement
   (ii) Peasant Movement
   (iii) Regional and Ethnic Identity Movements (Separatist & Terrorist Movement)
   (iv) Sarvodaya Movement
   (v) Land Reform Movements
   (vi) Trade Union Movements
   (vii) Students Unrest

4. ECOLOGICAL & ENVIRONMENT MOVEMENTS AND HUMAN RIGHTS
   (i) Chipko Movement
   (ii) Narmada Bachao Andolan
   (iii) Other movements
   (iv) Role of State and Judiciary
5. ROLE OF INTERNATIONAL AND NATIONAL INSTITUTIONS IN PROMOTING HUMAN RIGHTS

(i) Role of the United Nations

(ii) National Institutions:

(a) State mechanism

(b) Judiciary and Bar

(c) National and State Commissions and Committees

(d) NGOs

(e) The Information Media

(f) Education
10. HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM

1. HISTORICAL, PHILOSOPHICAL AND SOCIAL PERSPECTIVES

2. CONCEPTUAL PERSPECTIVE

(i) Concept of crime and criminal liability
(ii) Offences involving Human Rights
(iii) Role of Criminal Justice System

3. HUMAN RIGHTS PROBLEMS

(i) Police Atrocities and Accountability
(ii) Violence against women and children
(iii) Communal violence
(iv) Caste and class conflicts
(v) Maintenance of Law and Order
(vi) Terrorism and Insurgency

4. RIGHTS OF ACCUSED

(i) Double Jeopardy
(ii) Against self-incrimination
(iii) Production before Magistrate
(iv) Fair Trial
(v) Speedy Trial
(vi) Appeal

5. RIGHTS OF INMATES OF PRISONS AND CUSTODIAL HOMES

(i) Protection Homes
(ii) Reformative and other institutions
(iii) Prisons
6. RIGHT TO LEGAL AID, ACCESS TO JUSTICE AND SPEEDY JUSTICE

7. RIGHT TO COMPENSATION

8. PUNISHMENTS AND HUMAN RIGHTS

9. ADMINISTRATION OF CRIMINAL JUSTICE
   (i) Ordinary Courts
   (ii) Special Courts
   (iii) District Human Rights Courts
   (iv) Nyaya Panchyats
   (v) Human Rights Sensitization
   (vi) Threats to the System:
       (a) Terrorism
       (b) Abduction
       (c) Others

10. INTERNATIONAL PERSPECTIVES
   (i) International crimes
   (ii) International crime control and protection agencies, e.g. Interpol
   (iii) International cooperation in combating of transnational organized crimes and international terrorism - Palermo Convention on Transnational Organized Crime 2000, Convention against Illicit Trafficking in Narcotic and Psychotropic Substances 1988-90
   (iv) Extradition and mutual assistance in criminal proceedings
   (v) International Criminal Court - Rome Statute 1998
   (vi) International norms on administration of criminal justice
11. SPECIAL INTERESTS/ DISADVANTAGED GROUPS AND HUMAN RIGHTS AND DUTIES

1. PROTECTION OF WOMEN

(i) Status of Women in India through history:
   (a) The evolution of the status of Indian women since ancient Indian civilization, Changes in the values and perspectives of Indian society: the gap between the dogma and the ground reality—social and cultural prejudices, undesirable customary practices such as dowry and sati, and other practices perpetrating inequality, Role of religion and economic conditions in society, From the status of chattel to that of human being
   (b) The role of social reformers throughout history, reformers of the 19th and the 20th centuries
   (c) Women in India’s freedom movement from 1857 to 1947, contribution of women to Indian society, polity, economy
   (d) Status of women in contemporary Indian society:
      (i) Poverty, illiteracy, lack of independence, oppressive social customs and gender bias
      (ii) Violence against and abuse of women: rape, sexual exploitation, trafficking in women, sexual harassment at workplace, dowry, widowhood, violence in homes
      (iii) Forced pregnancy and population growth
      (iv) Female health and family welfare issues
      (v) Women and custodial crimes

(ii) Development of International Norms for Protection of Women:
   (b) UNESCO Convention against Discrimination in Education 1960 and Protocol on Disputes Settlement between States 1962
   (c) UN Convention on Political Rights of Women 1952, Convention on Elimination of All Forms of Discrimination against Women 1979, Convention on Nationality

(d) Declaration on the Participation of Women in Promoting International Peace and Cooperation 1982

(e) UN Development Fund for Women 1975

(f) Resolution on women’s rights adopted by the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Vienna, 1993

(g) Documents of the Four World Conferences on Women: Mexico 1975, Copenhagen 1980, Nairobi 1985, Beijing 1995


(i) Other relevant developments

(iii) The Constitution of India and the Status of Women:

(a) Fundamental Rights and Directive Principles under the Constitution

(b) Special provisions for the protection of women - Article 15(3), Article 39 (d) & (e), Articles 42, 243-D & 243-T

(iv) Special Laws and Policies for Protection of Women


(b) Gaps between international norms and Indian law, if any

(c) Women and public policy:

i. Female health and family welfare, literacy programmes, female labour welfare

ii. Issue of current public debate: political rights of women (reservations and protection of women)

iii. Personal laws and status of women
(v) Institutional Mechanisms for Protection of Women

(a) Constitutional mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary)

(b) Statutory mechanism: National Commission for Women, National Human Rights Commission

(c) The Non-Governmental Organizations

(d) The information media

(e) Role of education

2. PROTECTION OF CHILDREN

(i) Status of Child in Indian Society

(a) History, religious and cultural practices

(b) Status of child in contemporary Indian society:

(i) Impact of problems of poverty and illiteracy

(ii) Social and cultural practices regarding girl child: foeticide, child marriage

(iii) Child labour (in construction, carpet, glass, bangles, and other industries, in unorganized sectors), forced labour, sale of children

(iv) Child abuse inside and outside homes, trafficking in children, children and custodial crimes

(v) Street children: child and crime

(ii) Development of International Norms for Protection of the Child:

(a) ILO conventions on restrictions and prohibition on child labour - ILO Convention on Child Labour 1999


(d) World Summit for Children: Declaration and Plan of Action
(e) Other relevant developments

(iii) Indian Constitution and Protection of the Child:
(a) Fundamental Rights and Directive Principles under the Indian Constitution
(b) Special Protection for the child - Article 15(3), Article 24, Article 39 (e) & (f), Article 45

(iv) Special Laws and Policies for Protection of the Child:
(b) Other laws relevant to protection of the Child
(c) Gaps between international norms and the Indian law, if any
(d) Government Policies

(v) Institutional Mechanism for Protection of the Child:
(a) Constitutional Mechanisms: Legislature, Executive, Judiciary (Special contribution of judiciary)
(b) National Human Rights Commission, a National Commission for Rights of the Child?
(c) Non-Governmental Organizations
(d) The Information Media
(e) Role of education

3. PROTECTION OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES

(i) Status of Scheduled Castes, Scheduled Tribes in Indian Society:
(a) The four castes: theory and practice, Feudalism and the socio-economic system, Social and economic deprivations of the lower rungs of society through history, British rule and its impact on these communities
(b) Issues of social and economic inequality in Indian society, Role of social reformers (Gandhi, Ambedkar and others), Social and economic equality versus freedom from foreign rule
(c) Contemporary status:
   i. Issues of identification of backward classes (other than SCs/STs): Deprivations and atrocities
   ii. Poverty, illiteracy and unemployment
   iii. Economic and social inequalities, Issues of land rights, rural indebtedness
   iv. Impact of environment protection laws including forest laws on tribal communities
   v. Bonded labour, exploitation, issues of human dignity
   vi. Caste wars, Politics of caste and class

(ii) International Norms Relating to Tribal and Other Indigenous Groups:
   (a) UN Declaration on the Indigenous Peoples 1995, UN Voluntary Fund for Indigenous Populations 1985
   (b) ILO Convention No. 169 concerning Indigenous and Tribal Communities 1989
   (c) Rio Declaration on Environment and Development 1992
   (d) Other developments

(iii) Indian Constitution and Protection of SCs/STs and OBCs
   (a) Fundamental Rights and Directive Principles under the Constitution
   (b) Special protection under Article 15 (4), Article 16 (4) & (4-A), Article 17, Article 29(1), Article 46, Articles 334 335, 338, 339, 340, 341, & 342, Fifth and Sixth Schedules

(iv) Special Laws for Protection of SCs/STs and OBCs
   (a) Protection of Civil Rights Act 1955
   (b) Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act 1989
   (c) Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1999
   (d) Other relevant legal provisions
   (e) Policies of Government, reservations, quotas, special drives

(v) Institutional Mechanisms for Protection of SCs/STs, and OBCs:
   (a) Constitutional Mechanisms: Legislature, Executive, Judiciary
   (b) National Commissions, State Commissions
   (c) Non-Governmental Organizations
   (d) The Information Media
   (e) Role of education
4. PROTECTION OF MINORITIES

(i) Minorities in Indian Society:

(a) Concept of minorities, a sociological-economic-religious-linguistic concept, regional minorities

(b) Evolution of Indian society as a synthesis of diverse prevailing ethos, religious and socio-cultural, Principles of mutual respect and tolerance of diversities

(c) Freedom movement and participation of minorities

(d) Partition and orientations to the minority issues, Foundation of Secularism: Preamble to Indian Constitution

(e) Rise of religious fanaticism/militancy and Politics on Minorities

(ii) International Norms for Protection of Minorities:

(a) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities 1992

(b) UN Commission on Human Rights, Subcommission on Minorities

(iii) Protection of Minorities under the Constitution:

(a) Fundamental Rights and Directive Principles under the Constitution

(b) Special provisions in Articles 26 to 30, 331, 333, 336, & 337

(iv) Special Laws and Policy for Protection of Minorities:

(a) National Commission for Minorities Act 1992

(b) Caste Disabilities Removal Act 1950

(c) Other relevant laws

(d) Policy of secularism, Issues relating to reservations, quotas, other endeavours for special protection

(v) Institutional Mechanisms for Protection of Minorities:

(a) Constitutional mechanisms: Legislature, Executive and Judiciary

(b) National and State Commissions on Minorities

(c) Non-Governmental Organizations

(d) The Information Media

(e) Role of Education
5. PROTECTION OF THE AGED AND THE DISABLED

(i) Vulnerability of the aged and the disabled:
   (a) Indian society and the aged and the disabled
   (b) Poverty, illiteracy, breakdown of old social and family institutions, Impact of improvements in health care on mortality
   (c) Social taboos regarding the disabled, General issue of poverty
   (d) Contribution potential of the disabled to society, Pioneers like Helen Keller and Stephen Hawking

(ii) International Norms for Protection of the Aged and the Disabled:
   (b) World Assembly on Ageing 1982

(iii) Protection of the Aged and the Disabled under the Indian Constitution: Fundamental Rights and Directive Principles under the Constitution

(iv) Special Laws for Protection of the Aged and the Disabled:
   (a) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act
   (b) Mental Health Act 1993
   (c) Other relevant laws
   (d) Policy on the Aged and the Disabled:
      i. Special protection through reservations, quotas
      ii. Major issues of barrier-free access to public places, and development of special, appropriate technologies

(v) Institutional Mechanisms for Protection of the Aged and the Disabled:
   (a) Constitutional mechanisms: Legislature, Executive, Judiciary
   (b) Mechanisms under the laws
   (c) Non-Governmental Organizations
   (d) The Information Media
   (e) Role of Education
12. WORKING CLASS AND HUMAN RIGHTS AND DUTIES

1. WORKING CLASS
   (i) Definition
   (ii) Classification

2. STATE IDEOLOGY AND POSITION OF WORKING CLASS
   (i) Working class movement
   (ii) From Laissez Faire to Welfare State
   (iii) Privatization to Globalization

3. STATUS OF WORKING CLASS
   (i) Women
   (ii) Children
   (iii) Casual Workmen
   (iv) Bonded Labour
   (v) Agriculture Labour
   (vi) Migrant Worker

4. BASIC RIGHTS AND DUTIES : THEIR CONTENT AND SCOPE
   (i) Association and Assembly
   (ii) Work with Equality and Dignity
   (iii) Education and Information
   (iv) Trade Unionism and its Development
   (v) Industrial Discipline

5. PROBLEM AREAS
   (i) Health Hazards:
      (a) Accidents
      (b) Occupational Diseases
(ii) Social Security
(iii) Collective Bargaining
(iv) Workers’ Participation in Management
(v) Retrenchment, Termination and Displacement
(vi) Work Culture
(vii) Industrial Conflicts and Insecurity
(ix) Impact of Technological Developments

6. CONFLICTING RIGHTS: WORKER’S BENEFIT V. EMPLOYER’S INCONVENIENCE
   (i) The right to strike
   (ii) Lockout and closure of Industry

7. INTERNATIONAL STANDARDS
   (i) ILO Labour Standards
   (ii) Debate on Social Clause and WTO
   (iii) Emerging Rights and Duties
   (iv) Code of International Industrial Disciplines
   (v) Role of International Labour Agencies

8. INDIAN FRAMEWORK OF PROTECTION
   (i) Constitutional Protection, labour and industrial laws
   (ii) Workers’ Rights and Duties
   (iii) Employers’ Responsibilities and Duties
   (iv) Dispute Settlement Mechanisms

9. ENFORCEMENT OF WORKERS’ RIGHTS
   (i) Role of ILO
   (ii) Role of national mechanisms: legislature, executive, judiciary, special tribunals
   (iii) Trade unions, other NGOs
13. ENVIRONMENT AND HUMAN RIGHTS AND DUTIES

1. ENVIRONMENT
   (i) Its meaning
   (ii) Concern for Environment: Historical Perspective
   (iii) Pollution and its effects on environment and life on earth

2. RIGHT TO CLEAN ENVIRONMENT
   (i) Its content and scope
   (ii) Right to Environment versus Right to Development
   (iii) Sustainable Development
   (iv) Culprits and Victims
   (v) Implementation and Enforcement of the right
   (vi) Globalization of the Right: the planet earth and global commons

3. RIGHTS AND DUTIES: AN INTERNATIONAL PERSPECTIVE
   (FROM STOCKHOLM TO RIO)
   (i) UN Declaration on the Right to Development 1986, International conventions on the
       protection of the environment, precautionary principle
   (ii) Debate on Social Clause and WTO
   (iii) Main Directions
   (iv) Future Goals

4. NATIONAL REGIME OF ENVIRONMENTAL PROTECTION
   (i) Constitutional Rights and Duties
   (ii) Statutory Rights and Duties
   (iii) Emergence of international/common approach

5. ISSUES OF ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES
   (i) Inter-generational Equity
   (ii) Natural Resources
   (iii) Indigenous people, Tribal and Forest Dwellers
   (iv) Poverty, Illiteracy and Environment
(v) City Dwellers and Villagers
(vi) Working Class
(vii) Living Species other than human beings

6. SUPPLEMENTARY RIGHTS AND DUTIES

(i) Education
(ii) Information
(iii) Public Participation: Environmental Democracy

7. RIGHTS AND DUTIES IN CRISIS: ENVIRONMENT VERSUS DEVELOPMENT

(i) Mega Projects
(ii) Industrial Accidents
(iii) Impact of emerging problems of Science and Technological Development
    (a) Genetic Engineering
    (b) Hazardous Waste Treatment
    (c) Pollution Control Mechanism
    (d) Dumping of Waste and Discarded Technology
(iv) Governmental Planning:
    (a) Industrial development
    (b) Master Plans
    (c) Inactions and Misactions

8. SUPERVISION AND ENFORCEMENT

(i) Supervisory Mechanisms
    (a) Commissions
    (b) Committees
    (c) International Reporting Delegations under various treaties
    (d) NGOs
(ii) Enforcement Agencies
    (a) Issues of liability, insurance
    (b) Courts: Process and Remedies
    (c) Tribunal
    (d) Arbitration and Conciliation
9. **EMERGING CONCEPTS**

(i) Common Concern of Humankind: Common Heritage Principle
(ii) Public Trust
(iii) Precautionary Principle
(iv) Sovereign Equality
(v) Concern for unborn, animals and plants: Right of Future Generations
(vi) Code of Environmental Culture and Ethics

10. **THREATS TO INDIAN ENVIRONMENT**

(i) Forest Denudation
(ii) Pollution of River Systems
(iii) Indiscriminate Industrial Explosion
(iv) Depletion of Rare Species
(v) Bio-diversity
14. **SOCIETAL ISSUES: PROBLEMS OF HUMAN RIGHTS IN INDIA**

1. **CONCEPTS AND APPROACHES**

   (i) Concepts, causes and types of social problems: Theoretical approaches to social problems and social changes

   (ii) Problem of inequality in India, Societal problems and Human Rights

2. **SOCIAL PROBLEMS**

   Indian Society and problems of hierarchy, casteism, communalism, regionalism, population explosion, youth unrest, violence against women, illiteracy, problems of aged and disabled

3. **ECONOMIC PROBLEMS**

   Poverty, unemployment, bonded labour, child labour, privatization, liberalization and globalization problems between rich and poor nations, corruption, consumer rights

4. **POLITICAL PROBLEMS**

   Regionalism, terrorism, problems of minorities, scheduled caste and scheduled tribes, caste violence.

5. **HEALTH PROBLEMS**

   Environmental degradation, Food and health problems, Drug addiction, Alcoholism, Slums, AIDS
15. HUMAN RIGHTS JURISPRUDENCE

1. PHILOSOPHICAL FOUNDATIONS OF HUMAN RIGHTS

(Quest for Quality of Life, Human Ideals)

(i) Human Society: Man and Society, Human Dignity
(ii) Human Values: Universal, Cultural
(iii) Unity and Diversity of Humankind
(iv) Moral and Ethical Traditions and Ideas
(v) Social Justice, Equality
(vi) Polity: Indian and Western Thoughts and Ideas
(vii) Needs of Humankind: Material, Spiritual

2. THEORIES OF RIGHTS

(Theories of Relationship between Man and Society: Individual & Community)

(i) Natural Rights Theory: Inalienability of human rights, Theories of Justice
(ii) Social Contract Theory
(iii) Liberal Theory
(iv) Sociological Theory
(v) Legal/Positivist/Realist Theories
(vi) Marxist Theory
(vii) Ancient Indian Theoretical Perspective
(viii) New Generational Theory

3. CONCEPT AND CLASSIFICATION OF HUMAN RIGHTS

(Identification of Human Rights)

(i) Meaning, Definition, Nature, Sources, Evolution
(ii) Classification of Human Rights: Moral, Legal, Political, Social/Economical
(iii) Major Inter-relational Concepts of Human Rights
(iv) Ideas and Traditions: Religious, Cultural
16. RESEARCH METHODOLOGY AND DISSERTATION/ FIELD BASED PROJECT WORK

1. GENERAL AND INTRODUCTORY

   (i) Nature and Scope of Social Research
   (ii) Formulation of Research Problem
   (iii) Survey and Social Research
   (iv) Research Design: Facts and Hypothesis, Problem of Objective

2. METHODOLOGICAL ORIENTATION AND LOGIC OF ENQUIRY

   Dialectic Materialism, Comparative Method, Historical Method, Analytical Method, Field Work Approach, Inductive and deductive Method, other methods

3. DATA COLLECTION AND EVALUATION

   (i) Types and sources of Data
   (ii) Sampling
   (iii) Techniques of Data Collection: Observation, interview, questionnaire, interview schedule, case study method, content analysis
   (iv) Data analysis; Classification, Tabulation, Graphic representation, Uni-variate, Bi-variate and multivariate, discrete and continuous variables

4. SOCIAL STATISTICS AND SOCIAL RESEARCH

   Measure of Central Tendency; Mean, Mode and Median, Measure of Dispersion, Range, Average Deviation and Standard Deviation, Z-test, Chi-square, Co-relation test, Scaling Technique, Nominal, Ordinal & Rating Scale, Social Distance Scale

5. USE OF COMPUTER AND INFORMATION TECHNOLOGY

6. PROJECT REPORT, DISSERTATION AND FIELD WORK
17. EMERGING DIMENSIONS OF HUMAN RIGHTS

1. HUMAN RIGHTS AND CHANGING DIMENSION OF STATE SOVEREIGNTY
   (i) Centres of power and human rights
   (ii) Indivisibility of human rights

2. ‘HUMANITARIAN’ INTERVENTION AND HUMAN RIGHTS
   (i) International peace keeping
   (ii) International monitoring
   (iii) Good Governance:
        (a) ‘Humanitarian’ assistance
        (b) ‘Humanitarian’ intervention

3. HUMAN RIGHTS AND DUTIES AND COMMERCIAL CORPORATIONS (NATIONAL AND MULTI-NATIONAL)
   Rights of investors, consumers, citizens, workers and others

4. HUMAN RIGHTS AND DUTIES AND NON-STATE ARMED GROUPS
   (i) Conflicts on grounds of religion, cast, language, ethnicity, culture etc. and the role of violence
   (ii) Problems of defining a “terrorist”
   (iii) Anti-terrorist laws and human rights
   (iv) Grievance redressal mechanisms, rehabilitation of victims and practitioners of violence

5. RIGHTS OF THE FUTURE GENERATION
   (i) Right to Peace: Dangers of war: nuclear, biological etc.
   (ii) Right to Clean Environment: Environmental destruction
   (iii) Rise to Development: Rise of towns and slums, right to shelter, basic needs
   (iv) Right to Human Security: Rise in transnational crimes, respect for human dignity
   (v) Concept of trusteeship of natural resources
18. COMPARATIVE HUMAN RIGHTS PERSPECTIVE

1. HISTORICAL PERSPECTIVE
   (i) From Pruning to Luxriant growth
   (ii) Magna Carta to Fundamental Rights
   (iii) Emergence of the ‘three generations’ of Rights

2. PHILOSOPHY AND FOUNDATION
   (i) Democratic and Autocratic System
   (ii) Capitalist, Socialist and Communist State
   (iii) Emergence of an Universal Human Rights Code
   (iv) International Perspective

3. FREEDOM OF SPEECH AND EXPRESSION
   (i) Its content and scope
   (ii) Emergence of Correlative Rights: Freedom of the Media, freedom of communication, freedom of information
   (iii) Limitations: Reasonable restrictions
   (iv) Democratic Institutions: The problem of democratic deficit

4. RIGHTS TO LIFE AND PERSONAL LIBERTY
   (i) Life
      (a) Emerging Dimensions: Right to Minimum Necessities of Life (basic needs)
      (b) Criminal Justice: death penalty
   (ii) Personal Liberty
      (a) New trends and their adaptability
      (b) Due Process of Law, criminal justice

5. FREEDOM OF RELIGION
   (i) Secular States: State Encouragement and Interference
   (ii) Politicization of Religion
   (iii) Individual versus Institutional Liberty
(iv) Freedom in Mono and Multi Religion
(v) Religion in Educational Institutions

6 ENFORCEMENT OF RIGHTS

(i) State Institutions
(ii) Special Courts
(iii) Derogation of Rights: War or National Emergency
(iv) Processual Justice
(v) Remedies
   (a) Traditional
   (b) Emerging

7. HUMAN DUTIES

(i) Need and their contents
(ii) Interrelationships of rights inter se, duties inter se, and rights and duties
(iii) Citizens Responsibility and Accountability
(iv) Basic Human Duties
   (a) Towards the Nation
   (b) Towards the Fellowmen
   (c) Global Commitments

8. SOME SPECIAL CATEGORIES OF RIGHTS

(i) Rights of Women
   (a) Right to Positive Discrimination
   (b) Gender Justice
   (c) Right to Human Dignity: Right against Sexual abuse, Violations and Harassment,
       Right against exploitation through Techno-medico Science Developments
   (d) Participatory Rights
   (e) Right to Equal Work for Equal Pay
   (f) Right to Privacy
   (g) Rights of Unmarried Women
   (h) Right to Medicare
(ii) Rights of Child
   (a) Right to Care and Education
   (b) Right against Bonded or Forced Labour
   (c) Right against Sexual Abuse and Violence
   (d) Right of the Orphans
   (e) Right of Mentally Retarded Child
   (f) Right against Abuse of Childhood
      i. Sale of children
      ii. Use in Drug Trafficking and Crimes
      iii. Minor’s Marriage
   (g) Right to Juvenile Justice

(iii) Rights of Minorities
   (a) Right to Religion
   (b) Linguistic Rights
   (c) Right to Culture and Traditions
   (d) Right to Education
   (e) Right to Equality

(iv) Rights of Disadvantaged Group
   (a) Rights of Tribals and Indigenous Peoples
   (b) Rights of Dalits, Scheduled Castes and Tribes
   (c) Right of the Disabled
   (d) Rights of Aged

9. A REGIONAL/LOCAL PROBLEM

A Report on an empirical study of any problem of right/duty situation in a locality/region with which students are familiar
19. HUMAN DUTIES AND RESPONSIBILITIES

1. CONCEPT OF HUMAN DUTIES AND RESPONSIBILITIES

   Moral/Ethical; Social/Economic; Legal/Political; Traditional/Modern; Eternal/Universal; Changing Dimensions

2. HUMAN VALUES

   (i) Foundations of Human Duties: Religious, Moral, Social, Ideological, Political/Social/Cultural
   (ii) Values of Humanism: Justice, Equality, Liberty, Human Dignity

3. CO-RELATIONSHIP OF HUMAN RIGHTS AND DUTIES

   (i) Right Oriented Society: Acquisitive Society
   (ii) Duty-Oriented Society: Harmonious Society

4. EVOLUTION OF HUMAN DUTIES AND RESPONSIBILITIES

   (i) Ancient, Medieval, Modern Times
   (ii) Impact of Social Changes in Societies
   (iii) Criteria of Identification: Value Systems

5. IDENTIFICATION OF HUMAN DUTIES & RESPONSIBILITIES

   (i) Duties towards Self: Body and Mind
   (ii) Duties towards Family
   (iii) Duties towards Community
   (iv) Duties towards Society
   (v) Duties towards Nation-State
   (vi) Duties towards Humankind
   (vii) Duties towards Mother Earth
20. PEOPLES’ RIGHT TO SELF—DETERMINATION

1. ORIGINS OF THE CONCEPT OF THE RIGHT OF NATIONS TO SELF-DETERMINATION

(i) Theories of self-governance:
   (a) Kant, Locke, Rousseau, Marx and other socialist thinkers, proponents of pluralism like Melver and Laski, Mahatma Gandhi
   (b) Issues of legitimacy of State and forms of governance

(ii) The age of colonial empires and scramble for colonies:
   (a) Papal Bull of 1492 dividing up the world between Spain and Portugal, Berlin Congress of 1885 dividing up the African Continent, Colonization of Asia
   (b) Nationalism and statehood

(iii) Historical glimpses of national liberation movements in North America, France and Latin American countries and other movements in 19th and 20th centuries

(iv) Marxist theory of nationalities:
   Right of secession, Bolshevik revolution, Lenin and constitution making in the former socialist countries

(v) End of First World War:
   (a) Woodraw Wilson’s Fourteen Points including issues of self-determination, redrawing of boundaries of former empires
   (b) League of Nations and the concept of ‘sacred trust of civilization’

2. REVOLUTION OF IDEAS OF NATIONALISM, AUTONOMY AND SELF GOVERNMENT, INDEPENDENCE AND FEDERALISM IN INDIA

(i) National uprisings during colonial rule and 1857 quest for independence

(ii) Emergence of the Indian National Congress and demands for self-determination:
   (a) Extremists and moderates
   (b) Mahatma Gandhi and self-determination (political and economic freedom, raja shakti and jana shakti, village republics)

(iii) Milestones:
   (a) Motilal Nehru Committee Report 1928 and the demand for Purna Swaraj
   (b) Federalism under the Government of India Act 1935
   (c) Federalism as envisaged in the Quit India Resolution of 8 August 1942 with the largest measure of autonomy to units of the federation
(d) Objectives Resolution of the Constituent Assembly (22 January 1947) relevant to autonomous status for the units of the Union

(iv) The structure of federalism under the Constitution of India:
The constitutional framework of Union-State relations, theory and practice

(v) Problems and challenges:
(a) Problems relating to formation of States, including special relationship with the State of Jammu and Kashmir
(b) Problems of Union-State relations: Recommendations of the Rajamannar Commission and the Sarkaria Commission
(c) Challenges of diversity, development and separatism

3. SELF-DETERMINATION IN INTERNATIONAL RELATIONS

(i) Emergence of the principle of self-determination on the international plane:
(a) League of Nations, Minority treaties
(b) Atlantic Charter 1941
(c) UN Charter Article 1(2), Article 55-56, Chapters XI, XII and XII, Framework and role of UN decolonization process - Debate between domestic jurisdiction and the people’s right of self-determination, in the context of historical colonialism
(d) Normative developments under UN:
   ii. Declaration on the Granting of Independence to Colonial Countries and Peoples: UN General Assembly Resolution 1514 (XV) of 1960
   iii. Declaration of the Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations: UN General Assembly Resolution 2625 (XXV) of 1970 (see formulation on the fifth principle in the declaration)
   iv. Economic self-determination: Declaration on Permanent Sovereignty over Natural Resources (UN General Assembly Resolution 1803 (XXII) of 1962), Declaration on the Establishment of a New International Economic Order (UN General Assembly Resolution 3201 (S-VI) of 1974), Charter of Economic Rights and Duties of States (UN General Assembly Resolution 3281 (XXIX) of 1974)
   v. Contribution of the ICJ
(ii) Normative issues relating to the operationality of the principle of self-determination: Conceptual problems of ‘self’ of whom and ‘determination’ of what:

(a) Meaning of self-determination, autonomy, democracy, governance, self-determination as a process

(b) Self-determination: External and Internal: New Dimensions and emerging debates

(c) Self-determination: beyond traditional colonialism
21. INTERNATIONAL OBLIGATION TO PROTECT HUMAN RIGHTS AND DUTIES

1. CONCEPT OF INTERNATIONAL OBLIGATIONS

(i) Concept of obligations:
Legal, moral, social

(ii) Obligations accepted by international community through international law:
Sources of international law giving rise to international obligations (Article 38(1) of the Statute of the ICJ):
(a) Treaties and conventions to which states are parties
(b) International custom as evidence of practice accepted as law: *Jus cogens* (peremptory norms of international law), and other operative principles and rules of international customary law
(c) General principles of law recognized by diverse national legal systems
(d) Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as a subsidiary means for determination of the rules of law

(iii) Principle of good faith
Obligation to comply with human rights obligation in good faith: Militates against abuse of rights

2. INTERNATIONAL CONCERN FOR PROTECTION OF HUMAN RIGHTS

(i) Evolution of international concern for the protection of the individual:
The Anti-slave trade treaties, emergence of international humanitarian law, Bolshevik Revolution of 1917, minority treaties, League of Nations and colonies: the concept of “sacred trust of civilization” (the Mandate System), ILO and labour welfare, refugees, Nazi and Fascist atrocities and totalitarianism, Second World War

(ii) Crimes against Humanity
Crimes against peace, war crimes, crimes against humanity, Nuremberg (London Charter of 1946) and Tokyo (General McArthur’s Decree of 1946) International Military Tribunals for trial of major war criminals, evolution of international criminal law (UN General Assembly Resolution of 1946 on the Nuremberg Principles)

(iii) Drafting of the UN Charter provisions on human rights
3. THE UNITED NATIONS: FROM INTERNATIONAL CONCERN TO INTERNATIONAL OBLIGATION TO PROTECT HUMAN RIGHTS

(i) UN Charter Provisions:
   Article 1(2) & (3), Article 13(1)(b), Articles 55, 56, 68, Chapters XI, XII, XIII

(ii) International Bill of Rights:

(iii) International conventions and treaties on human rights establishing international obligations to protect human rights

(iv) International customary law comprising consensual decisions (resolutions, declarations, principles) on human rights, evidencing undertaking on the part of states to protect human rights

(v) General principles of law of human rights in the diverse national legal systems

(vi) Writings of publicists like Hersch Lauterpacht, and judicial decisions (like Barcelona Traction Company case, Nicaragua case, the South-West Africa-Namibia cases, advisory opinion in the Threat or Use of Nuclear Weapons in Armed Conflict)

(vii) Human rights as jus cogens
   Obligation to protect human rights as an international obligation erga omnes (owed to the entire international community)

(viii) Duty to cooperate and assist in implementation of human rights:

   (a) Principle of international cooperation
       (Friendly Relations Declaration 1970)

   (b) Articles 1 and 56 of UN Charter

   (c) Specific aspects:

       i. Duty to render material assistance
          (Charter of Economic Rights and Duties 1974)

       ii. Duty to consult, to inform

4. SUBJECTS OF INTERNATIONAL OBLIGATION FOR PROTECTION OF HUMAN RIGHTS

(i) Concept of subjects of international law:
(a) Capacity to exercise rights and undertake and comply with obligations under international law

(b) Functional test (as in domestic law): ICJ ruling in the *Reparations for Injuries Suffered in the Services of the United Nations* case (1949)

(ii) States as subjects of human rights obligations:

(a) Obligations flowing from treaties and conventions on human rights (to which they are parties)

(b) Obligations flowing from international customary law emerging from universal/near universal participation in a human rights treaty, consensual declarations/resolutions of international organizations/conferences (ICJ ruling in the *Nicaragua* case 1986), and generality of conduct of states in accepting the obligations

(iii) International organizations as subjects of obligations:

(a) Principle of *Reparations for Injuries* case (1949 ICJ): Subjects of rights must bear corresponding obligations as well

(b) Functionality test for subjection in respect of obligations

(iv) Other subjects of international law for attribution of human rights obligations:

(a) Juridical persons, such as multinational corporations (principles of code of conduct for transnational corporations, code of conduct for transfer of technology 1993)

(b) Individuals, groups of individuals (dictators, terrorists, militant religious groups, groups engaged in transnational organized crimes, etc.)

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

(i) State sovereignty:

(a) Domestic jurisdiction and principle of non-intervention

(b) Concept of international jurisdiction, as distinct from existence of international obligation

(ii) Sovereign immunity from accountability: states, high functionaries of State, obedience to superior orders

(iii) Rule of exhaustion of local (national) remedies

(iv) Problems of cooperation between states in exercise of criminal jurisdiction:

Extradition and asylum (political offences), cooperation in respect of investigation, transfer of evidence, transfer of accused/offenders, etc.
6. INTERNATIONAL RESPONSE TO BREACHES OF HUMAN RIGHTS OBLIGATIONS: QUEST FOR INTERNATIONAL JURISDICTION

(i) General role of international organizations/agencies in monitoring/supervising implementation of human rights obligations: Examination of reports and making of recommendations thereon, complaints procedure, spot investigations, fact-finding, commissions of inquiry, conciliation, public discussion and criticism, catalyzing formation of international public opinion

(ii) International sanctions against gross and persistent violations of human rights:
   (a) The issue of threshold point of what constitutes gross violations
   (b) What constitutes ‘international’ sanctions and who is competent to take them?

(iii) The role of the UN Security Council:
   (a) Chapters VI and VII of the UN Charter
   (b) Relations between human rights violations and the determination by the Security Council of a “threat to peace, breach of peace and act of aggression”
   (c) Politics, selectivity, lack of impartiality, big power manipulation in international organizational actions

(iv) Case studies:
   Former racist regime in South Africa, Haiti, Yugoslavia (Bosnia, Kosovo), Rwanda, and others

(v) Impact of International sanctions by the UN on human rights of people in target States:
   Cases of sanctions against Iraq, Yugoslavia

7. INTERNATIONAL CRIMINAL TRIBUNALS

(i) Concepts of international crimes, and international criminal tribunals:
   (a) Justice Radha Binod Pal’s dissent in the Tokyo International Military Tribunal’s decision on trial of major Japanese war criminals: the issues of selectivity and ‘victor’s justice’
   (b) Relationship between core values of international society and internationally criminalizing their violations as international crimes
   (c) International Law Commission’s draft articles on State Responsibility and definition of ‘international crimes’

(ii) Evolution of international criminal court:
(a) Treaty of Versailles, the League of Nations Convention on the Statute of the International Criminal Court 1937, the Nuremberg and the Tokyo International Military Tribunals

(b) The Genocide Convention 1948, the International Law Commission’s draft of Code of Offences (now Crimes) against the Peace and Security of Mankind, the Commission’s 1994 final draft statute for an international criminal court

(c) Rome Statute for the International Criminal Court 1998: issues of jurisdiction, the dominant role for the Security Council, and relationship between the ICC and national courts

(iii) The UN War Crimes Tribunals for Yugoslavia and Rwanda

Issues of legality, ‘victor’s justice’, politics of and in prosecution of accused, the new Cambodian national tribunal for trial of members of the former Pol Pot regime, other examples

(iv) International criminal tribunals versus national reconciliation/amnesty approaches

8. INTERNATIONAL OBLIGATIONS AND REGIONAL HUMAN RIGHTS REGIMES

(i) Regional human rights norms and standards and their relationship to international obligation to protect human rights

(ii) Regional regimes in operation:

(a) European

(b) Latin American

(c) African

9. ENFORCEMENT OF INTERNATIONAL OBLIGATION THROUGH DOMESTIC LAW

(i) Diversity of domestic legal systems and practices

(ii) Indian legal system:

(a) Constitution of India: Articles 51 and 253 read with 246

(b) Survey of Indian Law incorporating international human rights obligations

(c) Role of Judiciary, national human rights institutions, NGOs, media

(iii) Domestic recognition and enforcement of “foreign” judgements and arbitral awards
22. HUMAN RIGHTS AND DUTIES ADVOCACY

1. ADVOCACY
   (i) Concept: Role of biases
   (ii) Objectives of advocacy in protection and promotion of human rights and duties
   (iii) Modes of advocacy

2. PEOPLES MOVEMENTS AND PUBLIC ADVOCACY
   Role of Social and Political Movements, NGOs and activists

3. ISSUES FOR ADVOCACY
   (i) Societal issues: poverty, gender bias, caste and communal strife, child labour, bonded labour, child prostitution, abuses of women, etc.
   (ii) Actions of State: legislative, judiciary, executive: police atrocities, etc.
   (iii) Actions of various groups and institutions (religious fanaticism, professional group militancy, etc.)

4. STRATEGIES
   Mobilizing Public Opinion: Social justice lobbying, legislative lobbying, media advocacy, networking, lawyering

5. PROCEDURAL ASPECTS:
   (i) Reporting Human Rights Violations: Guidelines, definitions, selection of information, protocol information, data protection, data utilization
   (ii) Documentation of Human Rights violations: HURIDOCS standard formats, UN formats, event information, victim information, source information, preparatory information, intervention, protocol information and additional details, information technology
   (iii) Fact-Finding: NGO’s fact finding, Fact-finding standards, Fact-finding process, Visits to prisons and other institutions, Spot inspection, Medical Examination of victims, Fact-finding missions of Human Rights Groups in India, Public hearings
   (iv) Liaising with national human rights institutions
   (v) Use of Information Media
Annexure - IV:
General Bibliography
GENERAL BIBLIOGRAPHY
FOR TWENTY-TWO SUBJECTS

1. Historical and Philosophical Perspectives of Human Rights and Duties

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2. Human Rights and Duties in India: Law, Politics and Society, and Importance of Internalizing Human Rights and Duties

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Assault on Democratic Rights in Contemporary India (1985).
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Prakash, Rani and Premlata Sharma, Constitution, Fundamental Rights and Judicial Activism in India (Jaipur: Mangal Deep Publications, 1997).


3. Regional Human Rights Norms and Standards

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4. International Human Rights Norms and Standards

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5. Protection and Enforcement of Human Rights and Duties

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6. **International Humanitarian and Refugee Laws**

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Koehn, Peter H., Refugees from Revolution: U.S. Policy and Third World Migration.


7. Science and Technology, and Human Rights and Duties

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8. Development, Trade and Human Rights

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9. Social Movements and Human Rights and Duties in India

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10. Human Rights and Criminal Justice System

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11. Special Interest/Disadvantaged Groups and Human Rights and Duties

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UN, *Action for Gender Equality and the Advancement of Women* (New York: UN Department of Public Information, 2000).


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12. Working Class and Human Rights and Duties

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13. Environment and Human Rights and Duties

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14. Societal Issues: Problems of Human Rights in India

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15. Human Rights Jurisprudence

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16. Research Methodology and Dissertation/Field Based Project Work

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20. People’s Right to Self-Determination

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21. International Obligation to Protect Human Rights and Duties

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22. Human Rights and Duties Advocacy

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Danish Centre for Human Rights, The Role of Voluntary Organisations in Emerging Democracies (Copenhagen, 1993).


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23. General

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