

**M.A. (Final) Human Rights, Semester –III
Scheme of Examination 2012-13**

Paper No.	Nomenclature	Max.Marks 100		Time
		Ex.	Int.	
Paper-XI	International Obligations to Protect Human Rights	80	20	3 Hours
Paper-XII	Civil Society, Social Movements and Human Rights In India	80	20	3 Hours
<i>Paper XIII, XIV, XV- Students may choose any one of the following Groups</i>				
Group:-A				
Paper-XIII	Women and Human Rights	80	20	3 Hours
Paper -XIV	Children and Human Rights	80	20	3 Hours
Paper-XV	Human Rights and Duties of the Aged and Disabled	80	20	3 Hours
Group:-B				
Paper-XIII	International Humanitarian and Refugee Laws	80	20	3 Hours
Paper-XIV	Development, Globalization and Human Rights	80	20	3 Hours
Paper-XV	People's Right to Self -Determination	80	20	3 Hours

Syllabus and Courses of Reading

M.A. (Final) Human Rights, Semester – III

Paper-XI: International Obligations to Protect Human Rights

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Concept of International Obligations

Concept of obligations: Legal, moral, social,
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)

Unit-II International Concern for the Protection of Human Rights

Evolution of international concern for the protection of the individual; The Anti-Slave trade Treaties, Emergence of International Humanitarian Law, League of Nations and Colonies: the Concept of Sacred trust of Civilisation (the Mandate System), ILO and Labour Welfare

Unit-III Obligations to Protect Human Rights

International Customary Law comprising consensual decision (resolution, declaration and principles) on human rights, evidencing undertaking on the part of states, General Principles of law of human rights in diverse national legal systems

Unit IV Principles of International Co-Operation and Human Rights

Duty to cooperate and Assist in Implementation of Human Rights: Principle of international cooperation, Friendly Relations Declaration 1970, Articles 1 and 56 of UN Charter,
Specific Aspects: Duty to Render Material Assistance, Charter of Economic Rights and Duties 1974, Duty to consult and inform

Unit-V Crime against Humanity and Human Rights

Crime against Humanity: Nazi, Fascist atrocities and totalitarianism Second World War,
 Crime against Peace, War crimes, Crimes against humanity, Nuremberg (London Charter of 1946) and Tokyo (General MC Arthur's Decree of 1946),
 International Military Tribunals for Trails of Major War Criminals

REFERENCES

1. ILO, Labour Conventions and Recommendations, Official Bulletin (Geneva), vol.52, no.2, 1969, pp.181-216
2. Bailey, Sydney D, (1994), *The UN Security Council and Human Rights* New York: St. Martin's Press
3. Bakken, T., "International Law and Human Rights for Defendants in Criminal Trials, *Indian Journal of International Law*, vol.25, 1985, pp.411-23.
4. Claude, R.P., and B.H. Weston, (1989). *Human Rights in the World Community: Issues and Action*, Philadelphia, University of Pennsylvania
5. Drost, P.N., (1951), *Human Rights as Legal Rights: The Realization of Human Rights in Positive International Law* Leiden: Sijthoff,
6. Falk, Richard A, (1982), *Human Rights and State Sovereignty* New York: Holmes and Meier,
7. Ferguson, C. Claude, Global Human Rights: Challenges and Prospects, *Denver Journal of International Law and Policy*, vol.8, 1979, pp.367-78.
8. Gromley, W.P., "The Emerging Dimensions of Human Rights: Protection at the International and Regional Levels - The Common Standard of Mankind", *Banaras Law Journal*, vol.17, no.1, 1981, pp.1-41.
9. Holcombe, Arthur N., (1948), *Human Rights in the Modern World*, Washington: New York University Press,
10. Hannum, Hurst, (1984), *Guide to International Human Rights Practice*, University of Pennsylvania Press,
11. Henkin, Louis, (1979), *Human Dignity: The Internationalization of Human Rights*, Oceanna, New York
12. Jha, Indra Mohan, (1999), "Human Rights and India's Foreign Policy", in A.P.Vijapur and Kumar Suresh, (eds), *Perspectives on Human Rights*, Manak Publications, New Delhi,;
13. Kalshoven, F., "International Concern for Human Rights: Can it be Effective?" *German Yearbook of International Law*, vol.21, 1978.
14. Kannamma, Raman, (1998), *Universality of the Human Rights Discourse: An Overview*, Mumbai: University of Mumbai,
15. Karel, Vasak, ed., (1982), *The International Dimensions of Human Rights*, Connecticut: Greenwood Press,

16. Khan, Rahamatullah, (1970) *Implied Powers of the United Nations*, Vikas Publications, (New Delhi).
17. Kulkarni, M, “(1991), Universal Declaration of Human Rights”, *Radical Humanist*, vol.65, no.9, December Kumar, *Arvind, Encyclopaedia of Human Rights Violence and Non-Violence, 3 Volumes 1998*
18. Lauterpacht, Hersch, (1973), *Human Rights and International Law*, Carland, New York
19. Luard, E., (ed), (1967), *The International Protection of Human Rights*: Thames and Hudson , London
20. Macfarlane, L.J., (1985), *The Theory and Practice of Human Rights*: Maurice Temple Smith, London
21. Mani, V.S., “Human Rights and the United Nations: A Survey”, *Journal of Indian Law Institute*, vol.40, nos.1-4, 1998, pp.38-66.
22. McCarthy, Thomas E., “The International Protection of Human Rights Ritual and Reality”, *International and Comparative Law Quarterly*, vol.25, 1976.

Paper-XII: Civil Society, Social Movement and Human Rights in India

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Perspective

Concept of Civil Society and Social Movements, Types of Movements; (ideology, organizations), Social Movements as promoters of Social Change and Human Rights in India

Unit-II Socio-Religious Movements and Human Rights India

Social, Religious Movements and Human Rights in India: Brahma Smaj, Arya Samaj Movement, Dalit Movement, Tribal Movements, and Women Movements.

Unit- III Political and Environment Movement and Human Rights:

Political Movements, Freedom Movement, Trade Union Movements, Peasant Movements, Regional and Ethnic identity Movements (Special reference to language and autonomy Movements)

Unit-IV Role of International Organisations in Promoting the Human Rights in

India: Role of UN Commissions of Human Rights, UN High Commission for Refugees (UNHCR), UN Commission on the Status of Women, International Labour Organisation (ILO), UN Education, Scientific and Cultural Organisation (UNESCO)

Unit-V Non-Government Organisations and Human Rights in India

Civil Liberties or Groups, and Human Rights: A historical Perspective of Civil liberties groups and Civil Liberties in India, People union for Democratic Rights (PUDR), People union for Civil Liberties (PUCL), NGO and Civil Rights Movements

REFERENCES

1. Eide, Asbjorn, (1986), Human Rights Movements and the Transformation of International Order, *Alternatives*, Vol. 11, NO. 3.
2. Kaushik, Vijay, (1999), Women's Movements and Human Rights, Pointer Publishers Jaipur,
3. Kothari, Smitu, (1990), Human Rights Movement in India: A Critical Overview, *Social Action*, vol. 40, no. 1
4. Puri, Balraj, (1990), Role of Human Rights Groups in Kashmir, *Radical Humanist*, 54 (3).
5. A.P. Vijapur and Kumar Sures, (eds.) (1999), *Perspectives on Human Rights.*, New Delhi: Manak.
6. Stenier, Henry J., (1990), *Diverse Partners: Non-Governmental Organizations in the Human Rights Movement: The Report of a Retreat of Human Rights Activists*, Massachusetts: Harvard Law School.
7. Tyagi, Y.K. (1995) "Golden Jubilee of Unfinished Task: The United Nations Human Rights Movement, *International Studies*, Vol. 32, and no. 4.
8. Tyne, Claude H. Van, (1990), *India Freedom Movement*, Akashdeep Publishing House, Delhi.

Paper- XIII, Group-A: Women and Human Rights

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Perspectives on the Status of Women in India

Historical, Philosophical and Social Perspectives: Social: Status of women in contemporary Indian society-Poverty, illiteracy, lack of independence, oppressive social customs and gender bias; Violence against and abuse of women in public and private domains

Special Laws for the Protection of Women: Suppression of Immoral Traffic Act (1956), Maternity Benefit Act (1961), Dowry Prohibition Act (1961), Equal Remuneration Act (1976), Medical Termination of Pregnancy Act (1971), Commission of Sati (Prevention) Act (1982), PNDT Act (1994)

Unit-II International Norms for the Protection of Women

ILO Convention For The Protection of Female Labour, UNESCO Convention against Discrimination in Education (1960), Convention on the Elimination of All Forms of Discrimination Against Women (1979), UN Convention on Political Rights of Women (1952), Convention on Nationality of Married Women (1957), Convention on Consent to Marriage , Minimum Age for Marriage and Registration of Marriage (1962)

Unit-III Institutional Mechanism for the Protection of Women

Convention of Elimination of Discrimination against Women (1979), Convention for the Suppression of the Traffic in Prostitution of Others (1949), The Vienna Convention on Human Rights (1993), Declaration on the Elimination of Violence against Women 1993, Declaration on the Participation of Women in Promoting International Peace and Cooperation (1982)

Unit-IV Constitution of India and the Status of Women

Fundamental Rights and Directive Principles under the Constitution, Special Provisions for the Protection of Women; Article 15 (3), Article 39 (d), and (e) Article 42, Article 243 (D) and 243 (T).

Unit-V Women and Public Policy

Women and Public Policy: Female health and family welfare, literacy programmes, Female labour welfare: Issue of current debate: Political rights of women (reservation and protection of women), Personal laws and status of women.

REFERENCES

1. UN Centre for Human Rights (1995), *Harmful Traditional Practices Affecting the Health of Women and Children*, Geneva: World Campaign for Human Rights.
2. Kaushal, Rachna, (2000), *Women and Human Rights in India*. New Delhi: Kaveri Books.
3. Khan, Mumtaz Ali, (1998), *Women and the Human Rights*, Commonwealth, New Delhi
4. Kaushik, Vijay (1999), *Women's Movements and Human Rights*, Pointer Publishers Jaipur
5. Mukhopadhyay, S., (ed.), (1998), *In the Name of Justice; Women and Law in society*, Manohar, New Delhi:
6. Mishra, Jyotsana, (2000), *Women and Human Rights*, Kalpaz Pub, New Delhi;
7. Nirmal, C.J., (1999), *Human Rights in India*, Oxford, New Delhi
8. Pachauri, S.K., (1999), *Women and Human Rights*, APH Publications, New Delhi
9. Achauri, S.K., (1999), *Women and Human Rights*, APH Publications, New Delhi
10. Saxena, Shobha, (1999), *Crimes against Women and Protective Laws*, Deep and Deep, New Delhi:
11. South Asian HRDC, (2006), *Introducing Human Rights: An Overview including issues of Gender Justice, Environmental and Consumer Law*, OUP, New Delhi:
12. UN, (1999), *Convention on the Elimination of all Forms of Discrimination against Women*, UN Department of Public Information, New York

Max. Marks: 100
 Internal Marks :20
 External Marks : 80
 Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Historical, Philosophical and Social Perspective

Historical, Philosophical and Social Perspective of Child Rights

Unit-II Status of Child in Contemporary Indian Society

Impact of poverty and illiteracy on the health and education of child, Social and Cultural practices regarding girl child foeticide and child marriage, Child labour (in construction, carpet, glass, bangles and other industries in unorganized sector) forced labor, sale of children, Child abuse inside and outside homes, trafficking in children, Children and custodial crimes,

Unit-III Indian Constitutions Status

Fundamental Rights and Directive Principles under the Indian Constitution, Special provisions for the Protection for the child: article 15 (3) Article 24, Article 39 (e), (f) and Article (45), Legislature, Executive, Judiciary (Special contribution of judiciary, Nation Human Rights Commission, National Commission for Child.

Unit-IV Legal Norms and Policies

Child Labour (Prohibition and Regulation) Act, Children (Pleading of Labour) Act 1933, Child Marriage Restraint Act 1929, Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1956, Child Labour (Prohibition and Regulation) Act 1986, Orphanage and other Charitable Home (Supervision and Control) Act 1960, Juvenile Justice Acts 1986 and 2000.

Unit-V International Norms

ILO Convention on Restriction and Prohibition on Child Labour including ILO Convention on Child Labour (1999)
 Un Convention on the Rights of the Child (1989), Optional Protocol on the Involvement of Children in Armed Conflict, and optional protocol on Sale of Children, child Prostitution and child pornography (2000), Declaration of social and Legal Principles relating to the protection and Welfare of children with Special Reference to Foster Placement and Adoption

REFERENCES

1. Agrawal, Amita, (1992), *and Handbook on Child*, Concept Publishing Company, New Delhi
2. Diwan, Paras and Peeyushi Diwan, (1994), *Children and Legal Protection*, Deep and Deep, New Delhi:
3. Khanna, S.K., (1998), *Children and the Human Rights*, Commonwealth, New Delhi,
4. Kumar, Bindal, (2000), *Problems of Working Children*, APH Publications, New Delhi
5. UN Centre for Human Rights (1995), *Practices Harmful Traditional Affecting the Health of Women and Children*, Geneva: World Campaign for Human Rights

6. Mookerjee, A, (2007), *Commentaries on the Juvenile (Care and protection of Children, Act 2000)*, Kamal Law House Kolkatta
7. Bagula, A.M, (2006), *Child and Crime*, SBS publishing & Distributors, New Delhi
8. Bhnadra, Mita, (1999), *Girl Child in Indian Society*, Rawat, New Delhi
9. Bhargava, Vanita, (1996), *Adoption in India*, Sage Publication, New Delhi

Paper- XV, Group-A: Human Rights and Duties of the Aged and Disabled

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Aging and Ageism: Conceptual Perspective

Aging Definition: Problems of Aged: Medical, Economic, Social, Psychological
Theoretical Perspective: Disengagement, Activity, Human Development, Continuity, Exchange Symbolic Interacts,

Unit-II Disability

Definition estimates and causes, Approaches to disability; the Charity Model, the Bio Centric Model, the Functional Model and Human Rights

Unit-III Legal Perspective

Constitutional Frame Work of Fundamental Rights, Directive Principles of State Policies and Fundamental Duties

Special Laws and Policies for Person with Disability (Equal opportunities, Protection of Rights and Full Participation) Act, Mental Health Act (1993)

Unit-IV Institutional Mechanism

Constitutional Mechanism: Legislature, Executive, Judiciary
Non-Governmental Organizations
Role of Education and Media

Unit-V International Norms

UN General Assembly Declaration on the Rights of the Disabled Persons 1975, Declaration on the Mentally Retired Persons 1971, Resolution on the Rights of the Disabled Persons adopted by the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights 1993, World Assembly on Ageing (1982)

REFERENCES

1. UN, (1993), *Human Rights and Disabled persons*, Geneva: World Campaign for Human Rights.
2. UN, (1997), *Protection of the Heritage of Indigenous People*, UN Publication Division, New York:
3. Alnasir, M.A., (1995), *Human Rights and Female Foeticide*, in B.P. Singh Sehgal, (eds), *Human rights in India: Problems and Perspectives*, Deep and Deep New Delhi,
4. Jacob, Alice, (1998), Towards a Regime of Rights of Older Persons, *Journal of Indian Law Institute*
5. Karna, G. and K. Gaharana, (1994), *Rights of, Disabled Persons*, In K.P., Saksena, ed. *Human Rights: Perspective and Challenges*, New Delhi.
6. Karna, G.N. (2001), *Disability Studiers in India: Retrospect and Prospect*,: Gyan Publishing House, New Delhi
7. Kumar, Bindal, (2000), *Problems of Working Children*, APH Publication, New Delhi

8. Lalitha, S., Legality of Contract of Sale of Women, *Journal of Indian Law Institute*, vol. 30, no.1
9. Sreenath, Lalith, Victimization of Girl- Child in the Home, *Indian Journal of International Law*, vol. 38, no.1
10. “Enforcement of Rights of the Disabled”, *Journal of Indian Law Institute*, vol. 38, no.4
11. Van Bueren, G., International Legal Protection of Children in Armed Conflicts, *International and Comparative Law Quarterly*, vol. 43.
12. Karna, G.N. (2000), Disability Rights Movement: Conceptual Framework and its Implications for India, *Disabilities and Impairments*, Vol. 14, NO.1.

Paper - XIII, Group-B: International Humanitarian and Refugee Laws

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Perspective

Origin and Development of International Humanitarian Law (IHL),
Doctrine of Military necessity versus the Principles of Humanity, Role of IHL in non- international armed conflicts,
National perspectives on IHL, Implementation and Enforcement of IHL
Role of Red Cross and NGOs

Unit-II Implementation and enforcement

Concept of Protecting Power: United Nations, International Criminal Court and Tribunals
Unilateralism: 'Humanitarian' intervention versus State Sovereignty, Humanitarian Assistance

Unit-III International Refugee Law

The history of International Refugee Law: Cold War Origin to Rights of People who are not Citizens, Determination of Refugees status under the Refugees Convention 1951 and Protocol 1967,
Protection under International Law: Right of non- rofoulement, Rights to Asylum, UNHRC and Refugee Protection

Unit-IV Protection in India

India critique of UNHCR and Convention,
Protection without Legislation: Case law,
Status of Refugee in India under UNHCR

Unit-V Problems and Prospects

Resettlement in Third Country, Repatriation: Voluntary or Forced, Local Assimilation, Protective Zones

REFERENCES

1. Bond, B.E Harrel, (1985), *and Imposing Aid: Emergency Assistance to Refugees*. Oxford University Press, New York,
2. Charkrabarty, Manik, (1998), *Human Rights and Refugees: Problems, Law and Practices*, Deep and Deep publications New Delhi,
3. Chimni, B.S, (2000), *International Refugee Law: A Reader*, Sage Publication New Delhi
4. Gaza Heregh, (1984), *Development of International Humanitarian Law*, Budapest: Akadema, Kiado
5. Gill, Goodwin, (1996), *The Refugee in International Law*, Oxford: Oxford University Press

6. Grahl-Madsen Atle, (1972), *The Status of Refugees in International Law*, Leiden: A.W. Sijthoff.
7. Hathaway, James C, (1991), *The Law of Refugees Status*, Butter words Tronto,
8. Hingorani, R.C(ed), (1991), *Humanitarian Law*, Oxford and IBH publishing Co, New Delhi
9. Loeseher, Gill and L.Mohan, (eds.), (1989), *Refugees and International Relations* Oxford, University Press, Oxford
10. Mani V.S., (1993), Humanitarian intervention and International Law, *Indian Journal of Law, Vol. 33*
11. Mani V.S. (1993) Humanitarian intervention and International Law, *Indian Journal of Law, Vol 33.*
12. Mani, V., (2001), International Humanitarian Law: An Indo- Asian Perspective, *International Review of the Red Cross, vol. 833, no 841.*
13. Muntarborn, Vitit, (1993), *The Status of Refugees in Asia*, Clarendon Press Oxford
14. Patil, U.T. and P.R. Trivedi, (2000), *Refugees and the Human Rights*, Author press Delhi:
15. Saxena, J.N, (1994), *Problems of refugees in Developing Countries and Need for International Burden- sharing*, in K.P. Saksena, (ed.), *Human Rights: Perspective and Challenges*, Lancers Books, New Delhi
16. Sinha, Manoj K, (2000), *Basic Documents on International Human Rights and Refugees Laws*, Manak Publications, New Delhi
17. Zolberg, Aristide R,(etal), (1989), *Escape From Violence: Conflict and the Refugees Crisis in Developing World*, oxford university press New Delhi.

Paper - XIV, Group-B: Development, Globalization and Human Rights

Max. Marks: 100
 Internal Marks :20
 External Marks : 80
 Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Connotations of Development

Modernization and Dependency Approach, a human rights approach to Development, Development, Poverty and Exclusion, Integrating the human rights approach in development; towards an ethical development.

Unit-II Human Rights and Question of Sovereignty

National control over International Trade, Codes of conduct and TNCs, Sovereign States and Peoples Rights: Issue of Economic Sovereignty, Human Rights standards and international trade

Unit-III Globalisation and Human Rights

Globalisation: Meaning, voices for and against, Globalisation and its impact on Agriculture, Labour, women, environment, culture etc.

Unit-IV International Trade and Human Rights

International Trade and Development, WTO, Unequal terms of trade imposed by the Uruguay Round of GATT Negotiations, Transnational Corporations (TNCs) and Human Rights violations.

Unit-V Implications for Society

Regulation of TNCs, Impact of GATT-WTO on the Agriculture, New Economic Policy and weaker section (women, children, agriculture and unorganised sector labour)

REFERENCES

1. Baxi, Upendra, (1983), the New International Economic Order, Basic Needs and Rights; Notes towards Development of the Right to Development, *Indian Journal of International Law*, vol. 23,-45.
2. Baxi, Upendra, (1998), “*The Development of the Right to Development*”, in Janusz Eymonides, (eds), *Human Rights: New Dimensions and Challenges*, Sydney: UNESCO
3. Centre for Development and Human Rights, (2004), *The Right to Development-A Primer*. New Delhi: Sage
4. Cheria, Anita et al, (2004), *Human Rights Approach to Development; Resource Book*, Books for Change, Bangalore
5. Jain, Devaki, (1990), Working with Human Rights to Development, *Mainstream*, vol. 29, no. 7.
6. Mallik, Ross, (1998), *Development, Ethnicity and Human Rights in South Asia*, Sage, New Delhi
7. Menon, N.R. Madhava, (1999), *State of Economic and Social Rights*, in K.P. Saksena, (ed.) *Human Rights; Fifty Years of India’s Independence*, Gyan Publishing House New Delhi
8. O’ Byrne, Darren J, (2003), *Human Rights; An Introduction*; Pearson, New Delhi,
9. Raj, Suhendu Ranjan, (1999), “Development Perspectives and Human Rights”, in A.P. Vijapur and Kumar Suresh, (eds.) *Perspectives on Human Rights*, Manak Publications, New Delhi;
10. Rehman, M.M. et al. (2000), *Human Rights and Human Development; Concepts and Contexts*, Manak Publications New Delhi.

Paper- XV, Group-B: Peoples' Right to Self-Determination

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Normative and Conceptual Perspectives

Meaning of Self determination: autonomy, democracy, governance, self determination as a process; Self-determination: External and Internal, New Dimensions and emerging debates

Unit-II Origins and Developments of the Concept

Theories of self-governance: Kant, Locke, Rousseau, Marx; views on pluralism: Melver and Laski; Issues of legitimacy of State and forms of governance; Colonization, Nationalism and statehood; National liberation movements (North America, France, Latin American and Afro- Asian countries), Marxist theory of nationalities, Bolshevik revolution, Lenin and constitution- making in the former socialist countries, Woodrow Wilson's Fourteen Points, redrawing of boundaries of former empires, League of Nations and concept of sacred trust of civilization'

Unit-III The Indian Case

Evolution of ideas of Nationalism Autonomy and Self- Government, Independence and Federalism in India; National uprisings during colonial rule and 1857 quest for independence; Emergence of the Indian National Congress, demands for self-determination: Mahatma Gandhi and self determination (political and economic freedom, raja shakti and jana shakti, village republics)

Unit-IV Federalism and Demand of Autonomy in India

The constitutional framework of India; Union-State relations
Problems and challenges: Problems relating to formation of new States (demand of linguistic states and autonomy from centre).
The movements for the demand of autonomy and armed rebellion (special references to the State of Punjab and Jammu and Kashmir)
Problems of Union-State relations the Rajamannar and Sarkaria Commissions,

Unit-V Self – Determination in International Relations

Emergence of the principle of self determinations on the international level : League of nations, Minority treaties, Atlantic Charter 1941, UN Charter (Article 1(2), Articles 55-56, Chapters XI, XII and XIII) Framework and the role of UN de colonization process, Debate between domestic jurisdiction and the people's right of self determination, Normative developments: UN Declarations on the granting of independence to colonial Countries and Friendly Relations and Cooperation among States; Various UN Declarations on Economic self-determinations

REFERENCES

1. Cases, Antonio (1995) *Self-determination of Peoples*. Cambridge University Press, Oxford.

2. Cobban, A.(1969) *The Nation-State and National Self-determination*, Leiden: Sijthoff.
3. Frank, Thomas M. (1998) *Personal Self-Determination: The Wave in Constructing Identity*, in Antony and Garry Sturgess (eds.) *Legal Visions of the 21st Century: Essays in Honour of Judge Christopher Weeramantry*, Kluwer, The Hague.
4. Guruswamy, M.et. al. (1997) The Contemporary Character of the Principle of Self Determination, *Indian Journal of International Law*, vol. 37.
5. Islam, M. Rafiqul (1996) Indigenous Self-determination at Cross Road Right of its People, *Indian Journal of International Law*, vol. 36.
6. Joshi, P.C. (1994) The Right to Self-determination: its Scope and Limits, *Journal of Philosophical Studies*, vol. 1 No. 1 February.
7. Kirgis Federic L. Jr. (1994) The Degrees of Self-determination in the United Nations Era, *American Journal of International Law*, vol. 88 no. 2.
8. Mendelson, M.H. (1996) Self-determination in Jammu and Kashmir, *Indian Journal of International Law*, vol. 36.
9. Nirmal, B.C. (1999) *Rights of Self-determination in International Law: Evolution, UN Law and Practice, New Dimensions*, Deep and Deep Publications, New Delhi .
10. Norbu, Dawa (1997) Self-determination in the Post Soviet Era : A Case Study of Tibet, *International Studies*, vol. 34.
11. Partsch, Karl Josef (1982) Fundamental Principles of Human Rights : Self-determination, Equality and Non-discrimination, in Karel Vasak (ed.) *The International Dimensions of Human Rights*, vol. I, Paris, UNESCO.
12. Saini, R.S. (1998) Is the Right to Self-determination Relevant to Jammu and Kashmir, *Indian Journal of International Law*, vol. 38.
13. Saini, R.S. (1999) *Right to Self-determination Secede and International Terrorism : What are the UN Norms and Practices*, in A.P. Vijapur and Suresh Kumar (eds.) *Perspectives on Human Right*, Manak Publishers, New Delhi.
14. Swan, George S. (1982) Self-determination and the United National Charter, *Indian Journal of International Law*, vol. 22.
15. Tomaschat, C. (ed.) (1993) *Modern Law of Self-determination*, Dordrecht, Martinus Nijhoff. UN, (1981), *The Right to Self-determination: Historical and Current Development on the Basis of United Nations Instrument*, UN, Publication Division, New York.
16. UN, (1980) *The Right to Self-determination : Implementation of United Nations Resolutions*, UN Publication Division, New York.

M.A. (Final) Human Rights, Semester-IV
Scheme of Examination 2012-13

Paper No.	Nomenclature	Max.Marks		Time
		100		
		Ex.	Int.	
Paper-XVI	Minorities and Human Rights and Duties	80	20	3 Hours
Paper-XVII	Environment & Human Rights & Duties	80	20	3 Hours
<i>Paper-XVIII, XIX, XX: Students may choose any one of the following Groups</i>				
Group:-A				
Paper-XVIII	Disadvantaged Groups and Human Rights	80	20	3 Hours
Paper-XIX	Working Class and Human Rights	80	20	3 Hours
Paper-XX	Project Report on the Practice of Human Rights	80	20	3 Hours
Group:-B				
Paper-XVIII	Protection and Enforcement of Human Rights	80	20	3 Hours
Paper -XIX	Science and Technology, and Human Rights and Duties	80	20	3 Hours
Paper-XX	Project Report on the Practice of Human Rights	80	20	3 Hours

Syllabus and Courses of Reading
M.A. (Final) Human Rights, Semester – IV

Paper- XVI: Minorities, Human Rights and Duties

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Perspective

Minorities as Socio-Economic-Religious-Linguistic concept, Regional Minorities, Role of Minorities in the Development of Human Rights.

Unit-II Rights and Duties of Minorities under the Indian Legal System

Constitutional Framework: Fundamental Rights, Directive Principal and Fundamental, Duties, Special provision in Article 26 to 30, 331, 333, 336 and 337 of the Constitution, Special Laws and Policies: National Commission for Minorities Act (1992).

Unit-III Mechanism for the Protection of Minorities: Constitutional mechanism: Legislature, Executive and Judiciary, National and State Commission on Minorities, Non-Governmental Organizations.

Unit-IV International Legal Instruments

UNESCO Constitution (1945), Universal Declaration of Human Rights (1948), Declaration on Race and Racial Prejudice (1978) Declaration On the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1972), Vienna Declaration and Programming Action (1993), Universal Declaration on Cultural Diversity (2001).

Unit-V Minority Rights and Politics in India

The Nation- Building Project and Minorities,
Secularism and Minorities Rights: Crisis in the Secularism and Minority's Rights,
Communal Mobilization and Minority's Rights.

REFERENCES

1. Bhargava, G.S. and R.M. Pal. (eds.), (2000), *Human Rights of Dalits: Societal Violation*, Gyan Publishing House New Delhi;
2. Brodmann, C. et al. (eds.), (1993), *People and Minorities in International Law*, Martinus Nijhoff, Dordrecht;
3. Choedon, Yeshe, (1994), *Ethnic, Social and Religions Conflicts: Rights of Minorities*, in K.P., Saksena, (ed.) *Human Rights: Perspective and Challenges*, Lancers Book, New Delhi;
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Paper - XVII: Environment and Human Rights and Duties

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Meaning Nature and Scope of Environment

Its meaning, concern for environment, historical perspective, pollution and its effects on environment and life on earth, Right to clean environment: Right to environment versus right to development, Sustainable development; Threats to environment

Unit-II International and National Perspective

International and National Perspective: UN Declaration on the Right to Development 1986, International Conventions on the Protection of environment, precautionary principle, debate on social clause and WTO,
National Regime of Environmental Protection: Constitutional Rights and Duties, Statutory Rights and Duties,

Unit-III Issues of Environmental Development in Developing Countries

Inter-Generational Equity: Preservation of Natural Resources, Indigenous People: Tribal and Forest Dwellers, Poverty, illiteracy and Environment, City Dwellers and Villagers, Working Class, Living Species other than Human Beings.

Unit –IV Environmental Crises

Environment verses Development: Mega projects, Industrial accidents and their impact on human

Emerging Problems of Science and Technological Development: Genetic Engineering, Hazardous of waste treatment, Pollution control mechanism, Dumping of waste and discarded technology,

Unit –V Supervision and Enforcement

Commissions, Committees, International Reporting Delegations under various Treaties and NGOs,

Enforcement Agencies: Issues of liability, insurance Courts: Process and Remedies, Tribunal arbitration and conciliation

Emerging Concepts: Common concern of Humankind: Common heritage principle, Public trust, Precautionary Principle, Sovereign equality, Concern for unborn-animals and plants: Right of Future Generations, Code of Environmental Culture and Ethics.

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Paper- XVIII, Group-A: Disadvantaged People and Human Rights

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Concept, History and Issues

Disadvantage Group- Concept, Historical Background: Feudalism, caste system
Socio-Eco Situation: Social and economic deprivation of lower rungs of society through history
British Rule and its impact on disadvantage communities

Unit-II Status of Disadvantaged People in Contemporary Indian Society

Issues of Identification of Scheduled Castes/ Scheduled Tribes, Dalits and other backward Classes
Deprivation and Atrocities: Poverty, illiteracy and unemployment, Economic and Social Inequality Issues of land rights, rural indebtedness

Unit-III Constitutional Protection

Fundamental Rights and Directive principles under Constitution: Special protections under Articles 15(4), 16(4) & (4-A), 17, 29(1) and 46, Articles 334,335,338,339,340,341&342
Fifth and Sixth Schedules: Special Protection: laws and Policies: Protection of Civil Rights Act (1955), Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Employment of manual Scavengers and Construction of Dry latrines (Prohibition) Act (1999)

Unit-IV Institution Mechanism for Protection of SC/ST, and OBCs

Constitutional Mechanism: Legislature, Executive, Judiciary, National Commissions, State Commission: Non –Governmental Organisations, The Information Media: Role of Education

Unit-V International Norms and Standards

UN Declaration on the Indigenous People 1995, UN Voluntary Fund for Indigenous Population 1985, ILO Convention No. 169 concerning Indigenous and Tribal Communities 1989, Current Debates on the Rights of Indigenous People

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16. UN High Commissioner for Human (1997) *Protection of the Heritage of Indigenous People*, Geneva: UN Publication Division.

Paper-XIX, Group-A: Working Class and Human Rights

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Issues

Definition of working class, classification; Status of Working Class: Women, Children, Casual Workers, Bonded Labor, Agricultural Labor, Migrant Workers.

Unit-II Ideology and Working Class

Working class movement; From Laissez Faire to Welfare State; Privatization to Globalization; Basic Rights and Duties: Their Content and Scope – Association and Assembly, Work with Equality and Dignity, Education and Information, Trade Unionism and its Development, Industrial, Labour Safety.

Unit-III Labour Welfare Problems

Health Hazards: Accidents, Occupational Decease; Social Security; Collective Bargaining; Workers' Participation in Management; Retrenchment, Termination and Displacement; Work Culture and Welfare Measures; Industrial Conflicts and Insecurity; Impact of Technological Developments; Conflicting Rights: Worker's Benefit v. Employer's Inconvenience, The right to strike, Lockout and closure of Industry.

Unit-IV International and Indian Standards

International Framework: ILO Labor Standards; Debate on Social Clause and WTO; Emerging Rights and Duties; Code of International Industrial Discipline; Role of International Labor Agencies

Unit-V Protection of working Class in India

Indian Framework: Constitutional Protection; Worker's Rights and Duties; Employers' Responsibilities and Duties; Dispute Settlement Mechanisms. Institutional Framework for Promotion of Labour Welfare: National – State machinery, workers organizations; Role of International Labor Organization (ILO)

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Paper-XX, Group-A: Project Report on the Practice of Human Rights

Max. Marks: 100

Time: 3 Hours

The student shall be required to write a project report based on the case study of any aspect of human rights and duties problem/situation. He/she shall focus on a particular problem area and prepare a report based on the study of the situation, its case, and solutions.

The students may be provided with potential topics or the topics may be selected in consultation with the teacher

Paper-XVIII, Group-B: Protection and Enforcement of Human Rights

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Issues

Human Rights – Protection and Promotion; Human Rights as a Legal Ideal; Obligations to Implement Human Rights Provision; Ethics in Law Enforcement

Unit-II Human Rights Violations

Social Content and Subjectivities, Crimes Against Humanity; Response of Community to Violations.

Unit-III Protection of Human Rights at the National Level

Legislature, Executive, Judiciary
National and State Commission on Human Rights and other Commissions
Non Government Organizations

Unit-IV Protection of Human Rights at Regional Level

European mechanisms of protection and enforcement, role of the Council of Europe, The European Court of Human Rights
Regional mechanism in Latin America
Regional mechanism in Africa

Unit-V Protection and Enforcement at Global Level

UN Human Rights Commission, UN High Commissioner for Human Rights, Committees Under the International Covenant on Civil and Political Rights & Economic, Social and Cultural Rights, Racial Discrimination Convention, Rights of the Child Convention, Torture Convention, etc., ILO mechanisms
Monitoring techniques: reporting obligations, state and individuals complaints procedures, and compliance of recommendations
Roles of UN Security Council, General Assembly, ECOSOC and the Secretary General.

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Paper XIX, Group-B: Science and Technology and Human Rights and Duties

Max. Marks: 100
Internal Marks :20
External Marks : 80
Time: 3 Hours

Note: Students are required to attempt five questions, selecting one question from each unit.

Unit-I Conceptual Issues

Concept of Science & Technology as a tool for furtherance of human and social welfare; Debates over ‘development’: ‘Quality’ of life: Spiritualism versus Materialism: The need for balancing of Values

Role of science & technology in contributing to development of human beings: Material comforts, increase in human capacity in producing goods and services useful to furthering human welfare both material and spiritual: food production and preservation, education and expansion of information and human knowledge, health and personal well-being, access to diverse communities and people ,etc

Unit-II Some Ethical and Legal Issues

Developments in biotechnology; Life sustaining technologies; artificial organs, kidney dialysis, life sustaining drugs

New impacts of science & technology: Organ transplantation and sale of human organs, Computer crimes, pornography online, new torture technologies

Unit-II Information Technology and Human Rights

Revolution in information technology, Right to information, right to education, right to communication, freedom of the Press, and other information media, right to entertainment, Problems of imposing reasonable restrictions, Applicable legal norms: Article 19, 41, 45 & 46 of the Indian Constitution, Information Technology Act 1999, other Indian laws relating to media, information technology, satellite communication, Cinematograph Act, Official Secrets Act 1926

Unit-III Right to Food and Science & Technology

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 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, Applicable legal norms.

Unit-IV Right to Health and Science and Technology

Science & technology and improvement of individual and community health and hygiene, Experiments on living beings, Community Health as a public service industry: Shift in character as a commercial, industry, role of multinationals, pharmaceutical industries, changing role of government

Unit-V Right to Development: Development (spiritual and material) as both the objective as well as the catalyst for realization of human rights, Human welfare: Indivisibility of civil and political rights, and economic, social and cultural rights, Science and technology as a tool of development, Declaration on the Right to Development 1986, Problems in access to technology Applicable legal norms.

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Paper-XX, Group-B: Project Report on the Practice of Human Rights

Max. Marks: 100

The student shall be required to write a project report based on the case study of any aspect of human rights and duties problem/situation. He/she shall focus on a particular problem area and prepare a report based on the study of the situation, its case, and solutions.

The students may be provided with potential topics or the topics may be selected in consultation with the teacher