

SUBJECT : HUMAN RIGHTS LAW (H. C. - 2)
SUBJECT CODE : H3IK

Objective:

The objective of the course is to introduce the Human Rights Law and facilitate to understand the working of both national and international Human Rights Law the student will be introduced a theories of Human Rights and its practice. The detailed syllabus has given an ovaries of Legal aspects Human Rights to understand the nuances of the subject.

UNIT - I : Human Rights – Origin and Development

General – Origin and development – The Middle Ages – The Magna Carta – Bill of right – Petition of right – The social contract theory – American Revolution – The French Revolution – Opposition to the concept of natural rights – Universalization of human rights – The Atlantic Charter – Nature, meaning and concept of human rights – Philosophical approach – Pragmatic approach – Classification of human rights – The right to self determination – The right to development – The right to peace – Interdependence of three categories of human rights. United Nations Charter based institutions – Centre for Human Rights – United Nations specialized agencies – Origin and preparation of international bill of human rights – Adoption of the International covenants on human rights and protocols thereto – Universal declaration of human rights – International covenant on economic, social and cultural rights – International covenant on civil and political rights – Instrumentality of enforcement of the covenants.

UNIT - II: Civil and Political Rights – International Instruments –

Part III of the Constitution of India

- A. The right to life, liberty and security of person – Provision of the United Nations Instruments – Right to life does not include right to die – Meaning and content of personal liberty in Article 21 – Second optional protocol to the International covenant on civil and political rights – Problems of extra – legal execution – Provisions of human rights instruments – Constitution and power of designated court – Procedure and power of the designated court – Power to grant bail – Maintainability of writ petition in High Court – The Nuclear Arms Race and right to life and liberty.
- B. Abolition of slavery and slavery-like practice – Abolition of certain types – forced or compulsory – Provisions of the United Nations instruments – ILO Forced Labour Convention 1930 and 1957 – Exploitation of Children: Article 24 of the Constitution.

- C. Protection against torture and other forms of cruelty Inhuman or degrading treatment or punishment – Constitution of the committee against torture – Protection of prisoners in India.
- D. Protection against arbitrary arrest and detention – provisions of international human rights instruments – Indian Constitution – Right to be produced before a Magistrate within 24 hours of his arrest – Right not to be detained beyond twenty four hours without the authority of Magistrate Preventive detention – Communication of the grounds of detention – Detenu’s right of representation – Subjective satisfaction of the detaining authority.
- E. Freedom of thought, Conscience and Religion or Belief-Provisions of the United Nations instruments – Conscientious objection to military service – Conscientious objection to military of police service which were used to enforce apartheid – Elimination of intolerance and discrimination based on religion or belief – Freedom to manage religious affairs.
- F. Freedom of association including trade union rights – Provisions of the United Nations Human Rights Instruments – The International Covenant on Civil and Political Rights – The Convention on the right of the child – Provisions of ILO instruments – Scope of right to form association – Freedom to form association vis-a-vis armed forces and police-reasonable restrictions.
- G. The right of everyone to take part in the Government of his country – Right to vote – Right to contest election – Election Commission – Representation of the People’s Act – Elections to Local self-Government.
- H. Human rights in the administration of justice – United Nations standards and norms-Strategies for effective implementations – Guidelines on the role of prosecutions – Declaration of basis principles of justice for victims of crime and abuse of power – Equality before the law and equal protection of laws – Prohibition of discrimination on certain grounds – Prohibition of discrimination in the matter of public employment – Gender equality in the matter of public appointment – Equal pay for equal work – Exceptions to the rule of equal opportunity in the matter of public employment – Enabling provisions for weaker section of the society – Special provisions, for women and children – Special provisions for advancement of socially and educationally backward classes and Scheduled Caste and Scheduled Tribes.
- I. The right of every one to leave any country including his own and to return to his country – Externment orders and freedom of movement – Deportation of Indian citizens – police surveillance – The inalienable right of all displaced inhabitants to return to their homes.

UNIT - III : Economic, Social and Cultural Rights – International

Instruments:

- A. Right to work – Provisions on ILO instruments – International covenants – The declaration of elimination of discrimination against women.
- B. Right to education – UNESCO – Conventions – Educational rights of women and children.
- C. Right to health – WHO – Global strategy – Health and women and children – Vulnerable groups – International instruments – World Medical Association – Declaration of Helsinki – CIOMS: Proposed international guidelines for biomedical research involving human subjects – Council of Europe: Recommendation No.R(90)3 concerning medical research on human beings.
- D. Right to culture – Declaration of the principles of cultural co-operation – UNESCO recommendations.
- E. Right to family – Fractured societies.

UNIT - IV : Human Rights and Vulnerable Groups

- A. Rights of women – Objective equality – UN development fund of women – World conferences on women – Nairobi strategy.
- B. Rights of the Child – 1959 declaration – UN Children’s Fund – UNICEF – Convention of right of the child – Right against exploitation – 1990 declaration.
- C. Rights of the disabled persons – Mentally retarded persons – Aged persons etc.
- D. Rights of minorities – National, ethnic, religious, linguistic etc.,

UNIT - IV A : Enforcement of Human Rights – Adjudication and Enforcement:

- A. How and by whom are human rights violations identified – By whom and how are human rights cases judged (1) Global level, (2) Regional level (UN: Africa) and (3) Country level.
- B. By whom and how are decisions and judgements about human rights enforced – National sovereignty: The ultimate issue.
- C. Inter State complaint – mechanism and individual complaint mechanism.
- D. European court of human rights – Jurisdiction – Procedure etc.
- E. Human rights Act, 1993 – National Human Rights Commission – India – Powers, functions, officers, staff etc.,

UNIT - V : International Humanitarian Law

Origin and development of international humanitarian law – Geneva conventions – Defenseless person, wounded, sick, medical personnel etc., - Repatriation – Prisoners of war – International armed conflicts – obstacles.

UNIT - V A : Refuge Law

Origin and development – Rights, responsibilities of refugees – Juridical status – UNRWA and UNHCR – Legal status of refugees in India – Resettlement.

International Instruments:

Human Rights (Major source documents) – The United Nations Charter, The Universal Declaration of Human Rights – The 1947 Principles of Nuremberg – The Geneva Conventions of 1949 – UN Covenant on civil and political rights – UN Covenant on economic, social and cultural rights – The European and American conventions on human rights.

Books for Reference:

1. Cransten – Human Rights today
2. Galius Esejoifer – Protection of human rights under the law
3. John Locke – Civil Government
4. Richtel – Natural rights
5. Raphael D.D., Macmillan – Human Rights Old and New
6. R. Dworkin – Taking rights seriously
7. Dr. U. Chandra – Human Rights, Allahabad Law Agency Publications
8. Paras Diwan – Human Rights and Law, Universal Publications
