



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2025 – 2026

BRANCH – VII

**DEPARTMENT OF
HUMAN RIGHTS LAW**

DEPARTMENT OF HUMAN RIGHTS LAW

The Department of Human Rights and Duties Education started functioning as a centre which was funded by UGC for a period of five years, after the funding period was over the centre had started functioning as an independent department, which was earlier part of Constitutional Law Department in the University. The Syndicate has sanctioned the approval for starting Postgraduate on 14th Feb 2007. This was the exclusive department which was funded by UGC solely to promote awareness in the field of Human Rights.

The syllabus of the Department of Human Rights and Duties Education has been thoroughly revamped with effect from the academic year 2020-21. A good number of new papers have been introduced; notable among them are Human Rights and Duties Jurisprudence, Novel papers like Human Rights Research Methods, Human Rights and Policy in India, Human Rights and Tamil Nadu Policy to envisage on the contemporary challenges, implementation, functioning and obligation to promote Human Rights. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system).

The shift in sovereignty accompanying globalization has meant that non-state actors are more involved than ever in issues relating to human rights. The development poses challenges to international human rights law. While globalization has enhanced the ability of civil society to function across borders and promote human rights, other actors have gained the power to violate human rights in unforeseen ways. The legal frameworks for globalization and for human rights, then asks to what extent globalization is good for human rights and to what extent human rights are good for globalization.

The rights of every man are diminished when the rights of one man are threatened. There is no right without remedy. Human Rights, being the most basic and inherent rights of every person, that is guaranteed in innumerable international and regional instruments. The department papers explore the various institutions and mechanisms set in place to ensure the effective enforcement of human rights and critically analyze their efficacy. The department envisages on the contemporary challenges of Human Rights by studying the historical background, development, jurisprudence, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with

traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights. And draw the difference between need-based and value-based human rights.

The subject has attracted scholars from almost all academic disciplines including Philosophy, Theology, Economics, Politics, International Relations, and other sciences. Thus, it is important for a student of human rights law to understand and dissect the legal content from the vast literature available on the subject. It is also essential for students to appreciate and apply the methods and techniques which are unique for the human rights studies. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. and contemporary issues such as war on terror, cyber warfare, and drone attacks.

We strongly believe that the papers offered by the department will not only enrich the understandings of the Human Rights Lawyers and Professionals in the realm of law, but it will also promote holistic understanding on various sectors and cross sectors implications on Human Rights. For e.g., Human Rights Research Methodology will be highly helpful in exploring the challenges arising during research in Human Rights related issues. The implications arising out of various technologies such as Biotechnology, ICT, Nano technology, Artificial Intelligence., etc.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – VII

DEPARTMENT OF HUMAN RIGHTS LAW

LL.M. (CBCS) SYLLABUS

HARD CORE COURSES – 06

1. Human Rights and Duties Jurisprudence.
2. Artificial Intelligence, Information and Communication Technology and Human Rights.
3. International Human Rights.
4. Human Rights and Policy in India.
5. Law Relating to Disability Rights
6. Human Rights of Disadvantaged and Vulnerable Groups.

DISCIPLINE ELECTIVE COURSES – 03

7. Human Rights and Tamilnadu Policy.
8. Science, Technology and Human Rights.
9. Women and Child Rights.

ELECTIVE COURSES – 02

10. Criminal Justice System and Human Rights.
11. Trade, Environmental and Human Rights.

SUBJECTS IN SEMESTERS

First Semester	1. Legal Education and Research Methodology (Common Paper-I) 2. Judicial Process (Common Paper-II) 3. Human Rights and Duties Jurisprudence (Core Course-I) 4. Artificial Intelligence, Information and Communication Technology and Human Rights (Core Course-II) 5. Criminal Justice System and Human Rights (Elective Course-I) 6. Value Added Course – 1 : Communication Skills
Second Semester	1. Constitutional Law: The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. International Human Rights (Core Course-III) 4. Human Rights and Tamilnadu Policy (Discipline Elective Course-I) 5. Ability Enhancement Paper-I 6. Value Added Course – 2 : Personality Development & Soft Skills
Third Semester	1. Human Rights and Policy in India (Core Course-IV) 2. Law Relating to Disability Rights (Core Course-V) 3. Science, Technology and Human Rights (Discipline Elective Course-II) 4. Trade, Environmental and Human Rights (Elective Course-II) 5. Ability Enhancement Paper-II
Fourth Semester	1. Human Rights of Disadvantaged and Vulnerable Groups (Core Course-VI) 2. Women and Child Rights (Discipline Elective Course-III) 3. Dissertation

PAPER - I
HUMAN RIGHTS AND DUTIES JURISPRUDENCE
(Specialized Core paper)

OBJECTIVES OF THE COURSE

This paper introduces the concept of human rights jurisprudence and seeks to elaborate the conceptual, philosophical, theoretical, and historical aspects and developments of human rights and duties. It specifies about nature and scope of Human Rights, Evolution of human rights, historical sources of human rights emergence, Statehood, Sovereignty, Principles of human rights, Theories of human rights, Human rights in India, Perspectives of Human Rights, Rule of law, Good governance, Prevention of discrimination and Developments in human rights and futuristic perspective in the grey area of human rights.

After undergoing the study, the student will be able to understand the following:

- *To get introduced with the conceptual framework and functional or practical utility-oriented aspects of Human Rights and Duties Jurisprudence.*
- *To trace the significance and influence of the normative principles involved in building the edifice and substance of Human Rights Jurisprudence.*
- *To envisage on the contemporary challenges of Human Rights by studying the historical background and development, the philosophical foundations of the concept of human rights and acquire academic contemplation and training primarily in Human Rights Law blended with traditional and modern theories of human rights so that it brings the realization that the future world legal order heavily depends on reach and acceptability of Human Rights law.*
- *To Differentiate between traditional and modern theories of human rights, the dialectics of universalism versus cultural relativism. Draw the difference between need-based and value-based human rights*

COURSE OUTLINE

MODULE I - HISTORY AND DEVELOPMENT OF HUMAN RIGHTS

- a) Definition of Human rights and Ideology
- b) Nature and Scope of Human Rights
- c) Normative Development of Human Rights through International Instruments

MODULE II - STATEHOOD AND HUMAN RIGHTS

- a) State Sovereignty – Impact of Human Rights. Exclusive Domestic Jurisdiction.
- b) Universalism and Cultural Relativism – Post-colonial critique of human rights.

- c) SIRACUSA Principles

MODULE III - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN PRE-UNITED NATIONS ERA

- a) French Revolution
- b) League of Nations
- c) Cold War

MODULE IV - EVOLUTION AND HISTORICAL SOURCES OF HUMAN RIGHTS IN POST-UNITED NATIONS ERA

- a) Charter based system
- b) Treaty based system
- c) Regional and Sub-Regional level

MODULE V - EVOLUTION OF HUMAN RIGHTS IN INDIA

- a) Pre-Independence: Historical and Philosophical foundations
- b) Post-Independence: Reformist and Revivalist struggle
- c) Role of Judiciary

MODULE VI - RULE OF LAW, CONSTITUTIONAL GOVERNANCE AND HUMAN RIGHTS

- a) Rule of Law and Human Rights
- b) Constitutional Governance –Accountability and the Indian Constitution.
- c) Impact of Globalisation on Human Rights.

MODULE VII - THEORIES OF HUMAN RIGHTS

- a) School of Natural Rights
- b) Thomas Paine and Karel Vasak's concept of the 3 generations of rights
- c) Perspectives of Human Rights – Social Justice, Egalitarianism, Liberal and Marxian thoughts.

MODULE –VIII - FUTURE PERSPECTIVES

- a) Solidarity Rights
- b) Rights of Future generations – Technology – Internet as a Human Right
- c) Emerging areas; NIEO – 3rd world countries, global inequality, and non-liberal globalization.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Lalit Parmer, *Human Rights*, (1998)

2. Rama Jois, *Human Rights: Bharatiya value*, (1998)
3. John Finnis, *Natural Law and Natural Rights*, (1980)
4. Julius Stone, *Human Law and Human Justice*, (2000), Universal, New Delhi
5. The Jurisprudence of Human Rights by Jerome J. Shestack

JOURNALS / ARTICLES

1. Nirmal. C.J. (ed.), *Human Rights in India* (2000), Oxford 11. Nirmal. B.C., *The Right to self-determination in International Law* (1995), Deep & Deep. 12. P.R.Gandhi, *International Human Rights Documents* (1999) Universal, Delhi
2. Dr. Anant Kalse (2016), A brief lecture on “Human Rights in the Constitution of India”, available at: <http://mls.org.in/books/H-2537%20Human%20Rights%20in.pdf>.’
3. Amartish Kaur (2017), “Protection of Human Rights in India – A Review”, *Jamia Law Journal*, Vol.2.
4. Kluwer Human Rights Watch Women's Rights Project,
5. The Human Rights Watch - Global Report on Women's Human Rights (2000), Oxford

FURTHER READING:

BOOKS

1. *Human Rights Law: Legal and Policy Issues* by Theodor Meron
2. Paton G.W., *Jurisprudence* (1972), Oxford, ELBS 57
3. H.L.A. Hart, *The Concepts of Law* (1970) Oxford, ELBS
4. Roscoe Pond, *Introduction to the Philosophy of Law*(1998 Re-print) Universal, Delhi.
5. Bodenheimer *Jurisprudence—The Philosophy and Method of Law* (1996) Universal, Delhi.
6. Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999), Tripathi, Bombay.
7. Venkata Subbarao, G.C., *Jurisprudence and Legal Theory*, 2008
8. Paranjape, Dr. N.V., *Studies in Jurisprudence & Legal Theory*, 2008
9. Singh, Dr. Avtar., *Introduction to Jurisprudence*, 2013
- 10.Myneni, Dr. S.R., *Jurisprudence (Legal Theory)*, 2004

JOURNALS / ARTICLES

1. Wallace, *International Human Rights: Text & Materials* (1996), Sweet & Maxwell
2. Muntarhorn, *The Status of Refugees in Asia* (1992), Oxford.
3. Frank Cass, *Human Rights and Global Diversity* (2001), London
4. S.K. Avesti and R.P. Kataria, *Law Relating to Human Rights*, Ch IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi

5. S.K. Varma, Public International Law (1998), Prentice-Hall, New Delhi
6. Peter J. Van Krieken (ed.), The Exclusion on Clause (1999)
7. Moolchand Sharma, *Constitutionalism, Human rights and Rule of Law – Essays in Honour of Soli J. Sorabji* (Delhi: Universal Book Publishing.
8. J.S. Verma, *The New Universe of Human Rights* (New Delhi: Universal Book Traders, 2006)
9. K. P. Saksena (ed.), *Human Rights and the Constitution: Vision and Reality* (New Delhi: Gyan, 2003)
10. Vijay Chitnis, (et al.). Human Rights and the Law: National and Global Perspectives, (1997).

CASES FOR GUIDANCE

1. Doon Valley Case AIR 1985 SC 652
2. M. C. Mehta vs. Union of India AIR 1988 SC 1037
3. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225
4. Oleum Gas Leak Case AIR 1986 SC
5. Maneka vs. Union of India, A.I.R. 1978 S.C. 597, Para 77
6. PUCL & Anr. v. State of Maharashtra & Ors. 2012 12 SCC 72
7. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
8. Khatri And Others v. State of Bihar & Ors. 1981 AIR 1068, 1981 SCR (3) 145
9. Pt. Parmanand Katara v. Union of India &Ors. 1989 AIR 2039, 1989 SCR (3) 997.
10. Rural Litigation and Entitlement Kendra v. State of U.P. & Ors 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169
11. Kishen Patnayak v. State of Odisha AIR 1989 SC 677
12. Mohd. Ahmed Khan vs Shah Bano Begum 1985 AIR 945 1985 SCR (3) 844 1985 SCC (2) 556
13. Shayara Bano vs Union of India And Ors 2017 9 SCC1
14. Chatra Kumari Devi v. Mohan Bikram [(1931) 58 I.A 279]
15. Rudul Sah v State of Bihar & Anr (1983) AIR 1086
16. Toomenv.Australia, (1994).
17. Waldman v. Canada, (1999).
18. Diergard v. Nambia, (2000)
19. Ignatanev.Latvia, (2001)
20. Vishaka and others v. State of Rajasthan ((1997) 6 SCC 241)

LEARNING OUTCOMES

- *Comprehensive knowledge over the origin, nature, increasing scope of the subject and appreciate the changing vagaries of Human Rights and Duties Jurisprudence.*
- *Evaluate and synchronize the significance of Human Rights Jurisprudence in a contemporary revolutionary era of Human rights and its connectivity to the Global legal order.*
- *Able to explore the central role played by the subject in an all-inclusive and multifaceted perspective.*

PAPER - II

ARTIFICIAL INTELLIGENCE, INFORMATION COMMUNICATION TECHNOLOGY AND HUMAN RIGHTS

OBJECTIVES OF THE STUDY:

21st century is driven by AI, ICT and related technology. AI and data protection must go hand-in-hand. In order to have a robust AI technology, it is very essential to have a very sound, viable, healthy data ecosystem. AI and ICT can bring lot of positive aspects to the promotion of human rights and good governance, thereby enhancing the fundamental rights of the citizen. Equally, it can also create adverse impact on the aforesaid aspects. In this context, the course has been imparted to the students to achieve the following objectives:

- i. To understand the importance of AI and ICT and its implications on the constitutional rights, legal rights and other human rights of the citizens.
- ii. To study the positive impact on agriculture, education, climate change, health, urban planning including development of smart cities, rural development etc.
- iii. To study the application and interaction of various technologies relating to AI and ICT such as AI, machine learning, deep learning, remote biometric location, facial recognition technology, big data analytics, block chain and internet of things.
- iv. To understand the nature of technology itself (whether human assistive or replacing technology). For example, UAV (unmanned aerial vehicle, drone technology, robotics, nano technology and other emerging areas of technology of dual nature such as civilian and military application.
- v. To understand the need to develop a comprehensive legal framework, policy and governance to build a healthy, viable, ethically sustainable AI based data ecosystem.

COURSE OUTLINE

This course consists of two parts, each part containing four modules focusing on relevant intersectional theme, its impact, its application on the human rights and its evolutionary characters and the likelihood of implications upon the future developments in the human rights.

Part I

AI and Human Rights

Module I

Introduction

- a. Introduction – Development – Logic and Science behind big data and Artificial Intelligence technologies – Real-world application of big data and artificial intelligence technologies
- b. Positive and negative effect on human rights – Technological advancement for promotion and protection of human rights
- c. Potential opportunities and harms - Law and technology: Data and AI

Module II

AI and Assistive Technology

- a. AI and persons with disabilities – AI and senior citizens
- b. Risks involved in assistive technology – Risks to human rights – Right to privacy – Social isolation
- c. Non technological approaches to barriers in community living

Module III

AI and the Humanitarian Sector

- a. Big data and AI technologies to facilitate humanitarian responses
- b. AI to predict Internally Displaced Persons and Refugee Flows – AI to determine protection needs of particular groups
- c. Regulation of autonomous systems: the law of robotics

Module IV

Accountability and Remedies

- a. Achieving algorithmic accountability – Development and refinement of human rights-based approach – effective remedies –right to effective remedy
- b. Issues relating to AI applications and algorithms
- c. Regulation and governance of AI

Part II

ICT and Human rights

Module I

General Principles

- a. Freedom of expression – Right to privacy – ICT and data protection–Private life and data protection–internet governance
- b. legal challenges posed by new media and ICT – ICT and children’s rights - Information: Control and Power - privacy, freedom of information and data protection - human rights law and policy
- c. Online piracy - electronic surveillance and access to information - Emerging technologies and law - Security and trust in open systems -- Regulating Digital Technologies - Ethics & Digital Technologies

Module II

Domestic Law

- a. National practices and case laws including Puttaswamy and post- Puttaswamy decisions
- b. Internet and fundamental rights –regulatory, co-regulatory and self-regulatory systems
- c. Information Technology Law – Fundamental Rights & Digital Technologies

Module III

International Law

- a. Analysis of relevant legal principles –analysis and interpretation of recent case laws
- b. International developments and frameworks
- c. International Electronic Communications Law

Module IV

European Law

- a. European Court of Justice and European Court of Human Rights Decisions
- b. Policy documents, legislations and enforcement mechanisms – practical implications
- c. EU data protection law – European media law - Internet Privacy and EU Data Protection

LEARNING OUTCOMES:

The course aims to make the following outcomes among the students

- a) To make the students understand the importance of AI and its implications on the human rights
- b) To understand techno-legal intricacies of the subject matter
- c) To appreciate its importance in the law, policy and governance

- d) To understand ethical importance of AI and related technologies to overcome structural barriers such as facial discrimination, gender-based discrimination and others

Reference:

Statutory Material:

National strategy on AI niti ayog

WORKING PAPER SERIES

TN POLICY

EUROPEAN WHITE PAPER ON AI

EUROPEAN STRATEGY ON AI

IT ACT

SPDI RULES, 2011

2021 GUIDELINES RELATING TO ICT

Articles:

1. Donahoe, E., & Metzger, M.M. (2019). Artificial Intelligence and Human Rights. *Journal of Democracy* 30(2), 115-126.
2. KRIEBITZ, A., & LÜTGE, C. (2020). Artificial Intelligence and Human Rights: A Business Ethical Assessment. *Business and Human Rights Journal*, 5(1), 84-104.
3. Risse, M. (2019). Human Rights and Artificial Intelligence: An Urgently Needed Agenda. *Human Rights Quarterly* 41(1), 1-16.
4. Mantelero, A. (2018, July 28). *AI and Big data: A blueprint for a human rights, social and ethical impact assessment*. *Computer Law & Security Review*.
5. Winter, J. S. (2013). "Is Internet access a human right? Linking information and communication technology (ICT) development with global human rights efforts." *The Global Studies Journal*, 5(3), 35–48.
6. Black, J., & Cap, O. (2014). Promising Practices in Higher Education: Art Education and Human Rights using Information, Communication Technologies (ICT). *Journal of Inquiry and Action in Education*, 6 (1).
7. Filho, J. R. (2012). ICT and Human Rights in Brazil: The Invisible Dictatorship of Electronic Surveillance. *International Journal of Information Communication Technologies and Human Development (IJICTHD)*, 4(2), 20-32.
8. Weber, R. H. (2013). ICT Policies Favouring Human Rights. In J. Lannon, & E. Halpin (Eds.), *Human Rights and Information Communication Technologies: Trends and Consequences of Use* (pp. 21-35).

9. Azer, E., Harindranath, G., & Zheng, Y. (2019). Revisiting leadership in information and communication technology (ICT)-enabled activism: A study of Egypt's grassroots human rights groups. *New Media & Society*, 21(5), 1141–1169.
10. Sarikakis, K., Korbiel, I. and PiassaroliMantovaneli, W. (2018), "Social control and the institutionalization of human rights as an ethical framework for media and ICT corporations", *Journal of Information, Communication and Ethics in Society*, Vol. 16 No. 3, pp. 275-289.
11. Filho, J. R. (2013). ICT and Human Rights in Brazil: From Military to Digital Dictatorship. In J. Lannon, & E. Halpin (Eds.), *Human Rights and Information Communication Technologies: Trends and Consequences of Use* (pp. 86-99).
12. Hai-Jew, S. (2012). Human Rights, the Global War on Transnational Terror, and the Mixed Roles of ICT: A Meta-Analysis. In C. Akrivopoulou, & N. Garipidis (Eds.), *Human Rights and Risks in the Digital Era: Globalization and the Effects of Information Technologies* (pp. 186-220).
13. Metzl, J. F. (1996). Information Technology and Human Rights. *Human Rights Quarterly*, 18(4), 705–746.
14. Chapman, A. R., Girouard, M., & Ball, P. (Patrick D. (1997). Information Technology, Information Management, and Human Rights: A Response to Metzl. *Human Rights Quarterly*, 19(4), 836–859.
15. NASTIĆ, M. (2021). The impact of the informational and communication technology on the realization and protection of human rights. *Balkan Social Science Review*,
16. Martin Gould, Axel Leblois, Francesca Cesa Bianchi & Viviana Montenegro (2015) Convention on the rights of persons with disabilities, assistive technology and information and communication technology requirements: where do we stand on implementation? *Disability and Rehabilitation: Assistive Technology*, 10:4, 295-300.

Books:

1. Akrivopoulou, C. M., & Garipidis, N. (Eds.). (2014). *Human Rights and the Impact of ICT in the Public Sphere: Participation, Democracy, and Political Autonomy*. IGI Global.
2. Jain, S. (2017). Chapter 16. ICT Access, Disability Human Rights, and Social Inclusion in India: In J. Lazar & M. Stein (Ed.), *Disability, Human Rights, and Information Technology* (pp. 263-278). Philadelphia: University of Pennsylvania Press.
3. Lannon, J., & Halpin, E. F. (2013). *Human rights and information communication technologies: Trends and consequences of use*. Information Science Reference.

4. Monlezun, D. J. (2020). The Global Bioethics of Artificial Intelligence and Human Rights. United Kingdom: Cambridge Scholars Publishing.
5. Garipidis, N., Akrivopoulou, C. (2012). Human Rights and Risks in the Digital Era: Globalization and the Effects of Information Technologies. United States: IGI Global.
6. Vieth, K., Wagner, B. (n.d.). Research Handbook on Human Rights and Digital Technology: Global Politics, Law and International Relations. United Kingdom: Edward Elgar Publishing.
7. Frank Jørgensen, R. (n.d.). Case Study on ICT and Human Rights: (policies of EU): Work Package No. 2 - Deliverable No. 3. Denmark: Danish Institute for Human Rights.
8. Lazar, J. (2017). Disability, Human Rights, and Information Technology. United States: University of Pennsylvania Press, Incorporated.
9. Human Rights and the Impact of ICT in the Public Sphere: Participation, Democracy, and Political Autonomy. (2014). United States: Information Science Reference.
10. Human Rights in the Age of Platforms. (2019). United Kingdom: MIT Press.
11. Kettemann, M. C., Benedek, W. (2020). Freedom of Expression and the Internet: Updated and Revised 2nd Edition. (n.p.): Council of Europe.
12. Human Rights, Digital Society and the Law: A Research Companion. (2019). United Kingdom: Taylor & Francis.
13. Human Rights in the Digital Age. (2016). United Kingdom: Taylor & Francis.
14. Drake, W. J., Wilson, E. J., Jørgensen, R. F. (2006). Human Rights in the Global Information Society. United Kingdom: MIT Press.
15. Fundamental Rights Protection Online: The Future Regulation of Intermediaries. (2020). United Kingdom: Edward Elgar Publishing Limited.
16. Andrade, N. N. G. d., Féteira, L. T. (2016). New Technologies and Human Rights: Challenges to Regulation. United Kingdom: Taylor & Francis.
17. Information and Communication Technologies and Human Rights: Study. (2010). Belgium: European Parliament.
18. Halpin, E. F., Lannon, J. (2013). Human Rights and Information Communication Technologies: Trends and Consequences of Use. Ukraine: Information Science Reference.
19. Gascó Hernández, M., Equiza-López, F. (2007). Information Communication Technologies and Human Development: Opportunities and Challenges. Singapore: Idea Group Pub.

20. Garipidis, N., Akrivopoulou, C. (2012). Human Rights and Risks in the Digital Era: Globalization and the Effects of Information Technologies. United States: IGI Global.
21. Information and Communication Technologies and Human Rights: Study. (2010). Belgium: European Parliament.
22. Perry, S., Roda, C. (2016). Human Rights and Digital Technology: Digital Tightrope. United Kingdom: Palgrave Macmillan UK.
23. Kutukdjian, G. B., Michael, S. L. i. L. J., Michael, J. (1994). Privacy and human rights: an international and comparative study, with special reference to developments in information technology. United Kingdom: Dartmouth Publishing Company.
24. Wentz, B., Jaeger, P. T. (2015). Accessibility for Persons with Disabilities and the Inclusive Future of Libraries. United Kingdom: Emerald Group Publishing Limited.
25. Human Rights and the Impact of ICT in the Public Sphere: Participation, Democracy, and Political Autonomy. (2014). United States: Information Science Reference.

Case Laws:

1. Justice K.S. Puttaswamy & Anr. v. Union of India and Ors. 2017 (10) SCC 1
2. Jones v. US 565 U.S. 400
3. People's Union for Civil Liberties v. Union of India (1997) 1 SCC 301
4. Thallapallam Service Co-operative Bank v. State of Kerala (2013) 16 SCC 82
5. Karmaya Singh Sarreen v. UOI 2017 SCC OnLine SC 434
6. Krik v. RCVS 2004 UKPC 4
7. Subhanshu Rout v. State of Odisha 2020 SCC OnLine Ori 878
8. Common Services Agency v. Scottish Information Commissioner, 2008 [2008] UKHL 47
9. Zakharov v. Russia 2015
10. Big Brother Watch and Others v. the United Kingdom 2021
11. Uzun v. Germany 2010
12. GC et al v. CNIL 2019
13. CNIL v. Google 2019

<https://rm.coe.int/t-pd-2018-15-case-law-on-data-protection-may2018-en/16808b2d36>

PAPER-III
INTERNATIONAL HUMAN RIGHTS
(Specialized Core paper)

OBJECTIVES OF THE COURSE

To make students to learn and understand the Legal Dimensions of Human Rights in International Law, Normative order in United Nations Charter. Distinguish between Charter-based human rights and treaty-based human rights. To acquaint the students with Legal Framework relating with the Subject. To develop the vision and insight of Students about the Subject. Help students to apply the Law upon the ground realities. The concept of innovation in the Human Rights - ways to think innovatively liberally using thinking techniques. This paper describes status of individual under traditional international law, Significance of International Bill of Rights. Implementation, functioning and obligation to promote and protect Human Rights. Define nature and basic principles of international humanitarian law. The problems and challenges of implementation of international humanitarian law. Distinguish between Hague and Geneva Rules. The idea of human rights as Jus Cogens. The course structure is designed to cover origins of IHL, law relating to protected persons and protected objects, means and methods of warfare within the framework of Geneva Law and The Hague Law, and contemporary issues such as war on terror, cyber warfare and drone attacks. The course content also includes literature which would help students to critically evaluate the origin, development, and application of IHL. The course is intended to offer students a comprehensive view of the subject of international humanitarian law (IHL) or the law of armed conflict and its broad interrelationship with some of the other branches of international law. It is also intended to lay a foundation for studying international criminal law.

After undergoing the study, the student will be able to understand the following

- *Students will know the legal dimensions of human rights*
- *Knowledge in normative order*
- *International framework in human rights*
- *Implementation, functioning and obligation to promote human rights*
- *Differentiate between charter based and treaty based human rights.*
- *Comprehensive view on International humanitarian law*

COURSE OUTLINE

MODULE I - PROTECTION OF INDIVIDUAL IN INTERNATIONAL LAW

- a) Concern of International Law - League of Nations and Human Rights Protection - UN Charter and Human Rights System.
- b) Issues of International Accountability - State Sovereignty (Domestic Jurisdiction), Principle of Non-Intervention
- c) Rule of Exhaustion of local remedies - Problems of cooperation between states: Extradition, Asylum.

MODULE II - UNIVERSAL DECLARATION OF HUMAN RIGHTS

- a) Structure and Process of UDHR - Legal Significance - United Nations Concern for Human Rights Protection
- b) State Obligation under UN Charter - Development of Normative order - UDHR- Beginning of new era
- c) Impact of UDHR upon World Constitutions - Legal Value of UDHR - Critical Appraisal of UDHR.

MODULE III - CIVIL AND POLITICAL RIGHTS

- a) Selective rights: Right to freedom and liberty.
- b) International Covenant on Civil and Political Rights and protocols
- c) Right to Self Determination

MODULE IV - ECONOMIC, SOCIAL AND POLITICAL RIGHTS

- a) Socialist tradition – Welfare rights: Positive rights.
- b) International Covenant of Economic, Social and Cultural Rights and protocols.
- c) Difficulties in proving ESCR – critical appraisal of ICESCR

MODULE V - SOLIDARITY RIGHTS AND RIGHTS OF FUTURE GENERATIONS

- a) 3rd and 4th generation rights – Universal citizens – changing dimensions in 20th and 21st century – common heritage of mankind.
- b) New wave of human rights – rights of future generations – right to information – concerns with rapid technological development
- c) Principle of intergenerational equity – Right to privacy - sustainable development – criticism.

MODULE VI - INTERNATIONAL HUMANITARIAN LAW

- a) Introduction: Nature; Basic Principles; Historical Development since 1899
- b) Implementation of International Humanitarian Law –
- c) Role of the International Committee of the Red Cross

MODULE VII - PROTECTION OF CIVILIANS

- a) Application of IHL – context of armed conflict: need for legal determination of armed conflicts
- b) Means and methods of warfare
- c) Grave Breaches

MODULE VIII - WARFARE: THE HAGUE LAW

- a) Protection of civilians
- b) Combatants and non-combatant; prisoners of war
- c) Contentious issues of IHL; Military objectives

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Rhona Smith's International Human Rights Law (The 2018 version is out).
2. Steiner, Alston and Goodman's International Human Rights Law in Context,
3. Bantekas and Oette's International Human Rights Law and Practice
4. M.K.Sinha – Implementation of Basic Human Rights (Lexis Nexis)
5. ICRC, Handbook on international rules governing military operations, Geneva, International Committee of the Red Cross, 2013.

JOURNALS / ARTICLES

1. The UDHR in the 21st century: A Living Document in a Changing world A Report by the Global Citizenship Commission, (2016)
2. United Nations, *United Nations Actions in the field of Human Rights*, (New York: Centre for Human Rights 1983)
3. Vijapur, Abdulrahim, *The United Nations at Fifty: Studies in Human Rights* (New Delhi: South Asian Publishers 1995).
4. Dieter Fleck, *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford: OUP, 1995)
5. Marco Sassoli and Antoine A. Bouvier, *How Does Law Protect in War?* (Geneva: ICRC, 1995)

FURTHER READING:

BOOKS

1. Fleck, D. (ed.), *The Handbook of International Humanitarian Law* (3rd ed.) Oxford, Oxford University Press, 2013.
2. Michael Haas - *International Human rights Law* (Routledge, 2014)

3. Basic Documents of Human Rights-Ian Brownlie
4. International Human Rights Documents-Blackstone
5. International Human Rights in Context-Steiner & Alston
6. Protection of Human Rights- K A Muntaqim
7. Tsagourias, N., and A. Morrison, International humanitarian law: cases, materials and commentary, Cambridge, Cambridge University Press, 2018.
8. Thürer, D., International Humanitarian Law: Theory, Practice, Context, The Hague, Hague Academy of International Law, 2011.
9. Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law* (Cambridge: CUP, 2005)
10. Sieghart Paul, *The International Law of Human Rights* (1992)

JOURNALS / ARTICLES

1. Vincent, R.J., *Human Rights & International Relations* (1986)
2. Buergenthal, Thomas, *International Human Rights in Nutshell*, 2nd Ed., (West Publishing Co., 1995)
3. Donnelly, *Universal Human Rights in Theory and Practice*, 3rd ed., (Ithaca, 2003)
4. Lawson, Edward, *Encyclopedia of Human Rights* (Washington, 1996)
5. Editor in Chief (2009). *Encyclopedia of Human Rights*, 3 Vols. (Oxford University Press)
6. Haas, Michael (2014). *International human rights – A comprehensive introduction*, Second edition (London: Routledge)
7. Hannum, Hurst (2004). *Guide to international human rights practice*, Fourth edition
8. (Ardsley, NY: Transnational Publishers)
9. Morsink, J. (1999), The universal declaration of human rights: Origins, drafting and intent (Philadelphia: University of Pennsylvania Press)
10. Sarah, Joseph (ed.) (2010). *Research handbook on international human rights law* (Edward Elger)

CASES FOR GUIDANCE

1. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
2. Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. People's Republic of Albania) Merits, International Court of Justice (ICJ), 9 April 1949
3. The Republic of Nicaragua v. The United States of America (1986) ICJ 1; ICJ Reports 1986, p 14; [1986] ICJ Rep 14 (27 June 1986)
4. A. G. Kazi v. A.G. for Ontario, (1937) AC 326

5. (United Kingdom v. Ireland) Merits, ICJ Reports 1974, p. 119-120.
6. Corocraft Ltd. V. Pan American Airways; All ER 1 (1969) p.82
7. Societa A.B.C. v. Fontana & Della Rocca, ILR 1955, p. 76.
8. Belgium v. Senegal
9. (Portugal v. Australia) ICJ Reports 1995
10. (Mexico v. United States of America) ICJ Reports 2004, p. 12.
11. Adolf Eichmann v. Attorney-General of the Government of Isreal, Supreme Court of Isreal, ILR 136 (1962)
12. (Shimoda and others v. State) AJIL Vol. 58 (1964) p. 1016.
13. Advence Fuh (Applicant) v Miranda Ngiekem Azise: Mezam High Court, 2014
14. Aabubakar Karami Masama v. Ruwa Tufara Magama: Sokoto Appeal Court, 2018
15. Agnes Wanjiru Kiraithe & another v Attorney General & 2 others: Kenya High Court, 2014
16. The People v. Conslata Tembo: Lusaka High Court, 2015
17. Christopher Egbogu Iwuji Duru v. Nnamdi Akodum Duru: Owerri Appeal Court, 2016
18. CM v NG: High Court of South Africa – Western Cape High Court Cape Town, 2012
19. Isabirye Thomas v Uganda: High Court of Uganda, 2019
20. The State v. S.I, Z.A.R & Z.A: Ouagadougou Child Tribunal, 2020

LEARNING OUTCOMES

- *Appraise the International Human Rights Law, its principles laid out, legal significance in declarations, covenants, conventions and treaties.*
- *To describe of status of individual under traditional international law*
- *Identify the power and functions of Human Rights Committee*
- *To Analyse the functioning of European system on Human Rights*
- *Conceptualise implementation of International Covenant on Economic, Social and Cultural Rights.*
- *To Distinguish between Inter-American Convention on Human rights and El Salvador Protocol.*
- *To Identify chief characteristic of African Charter on Human and People's Right*
- *Analyze the problems and challenges of implementation of international humanitarian*
- *To Explain the role of the International Committee of the Red Cross*

PAPER-IV
HUMAN RIGHTS AND POLICY IN INDIA
(Specialized Core paper)

OBJECTIVES OF THE COURSE

The rights of every man are diminished when the rights of one man are threatened. Understanding Human Rights in National level is important. This course modules focuses on Human Rights in India, various policies in India with respect to its evolution through various social movement, identifying enforcement mechanism of the National and State Human Rights Commissions. The role of civil society and NGOs in the protection of human rights. Constitutional measures for the protection of human rights in India and Special Laws enacted under Positive discrimination. To Identify constitutional remedies, scope of judicial review in protection of human rights. Conceptualize basic structure of the Constitution. Constitutional orientation and response to social transformation. Identify affirmative actions necessary for social transformation. And to conceptualize modernization of law and social institutions.

After undergoing the study, the student will be able to understand the following

- *Understanding human rights in India*
- *Policies in India which promotes and protects human rights*
- *Commissions and their contribution in promoting human rights in national level.*
- *Constitutional protections and special enactments for promoting human rights.*
- *Need for social transformation.*

COURSE OUTLINE

MODULE I - HUMAN RIGHTS PROTECTION IN INDIA

- a) Conceptual Perspectives: Social dimensions, Caste - Dalit movements
- b) Socio-Religious and Political movements
- c) Ecological and Environmental movements

MODULE II - ROLE OF CONSTITUTION IN TRANSFORMATION AND PROMOTING HUMAN RIGHTS

Fundamental Rights and Directive principles of State policy

- a) Positive Discrimination
- b) Constitutional Remedies, Federalism, Legislative relations, and Judicial activism

MODULE III - GENDER JUSTICE: LEGAL MECHANISM IN INDIA

- a) Legal protection of women – Centre and State Legislations

- b) Offences and Violence against women, protections of victims, maintenance provisions
- c) Role of National Commission for Women and NGO

MODULE IV - JUVENILE JUSTICE: LEGAL MECHANISM IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE V - HUMAN RIGHTS AND DUTIES LAW IN INDIA

- a) Juvenile Justice Act 2015 and other legislations for protecting the interest of children
- b) Criminal Justice System: IPC and Child related offences. Juvenile Delinquency
- c) National Commission of Child Rights, JJ board, Child welfare committee

MODULE VI - SOCIETAL ISSUES OF HUMAN RIGHTS IN INDIA

- a) Concept and Approaches - Societal problems and Theoretical Approaches. Problems of hierarchy: scheduled castes, scheduled tribes, minorities, Population explosion, Casteism.
- b) Economic Issues - Poverty and Unemployment, Corruption, Consumer rights, Sustainable Development.
- c) Health Problems: Negligence, Mismanagement, Lack of access to public health care

MODULE VII - IMPLEMENTATION MECHANISMS

- a) Dispute redressal agencies- Judiciary, use of PIL; Alternative dispute redressal (ADR); Lok Adalat, Democratic decentralization, and local self – government. Consumer forum
- b) National Institutions: SC/ST Commission, Women's Commission, Minorities Commission, Human Rights Commissions (National and State),
- c) Professional councils like Medical Council of India (MCI), Bar Council of India; NGOs, Social movements and pressure groups working through democratic institutions; Media advocacy, Press Council of India.

MODULE VIII - PROBLEMS IN ENFORCEMENT OF HUMAN RIGHTS IN INDIA

- a) Poverty, illiteracy, inaccessibility of redress and issues of access to justice,
- b) Corruption, abuse and misuse of power: deaths and torture in police custody
- c) Adverse impact of social laws on human rights; Lack of accountability and transparency in government functioning; Right to information; Lack of people's participation in governance, Special prejudices against caste, women, and minorities, etc.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Seervai, H.M., Constitutional Law in India.
2. Basu, D.D., Commentary on constitution of India
3. Hidayatullah, M (ed.), Constitutional Law of India
4. Manohar Sujata, Constitutional Law of India
5. Datar, Arvind P., Constitution of India

JOURNALS / ARTICLES

1. Martin Doornbos, Good "Governance: The Metamorphosis of a Policy Metaphor", (2003) *Journal of International Affairs*, 57, 1 (Fall 2003): 3-17
2. Ngaire Woods, "The Challenge of Good Governance for the IMF and World Bank Themselves," (2000) *World Development*, 28, 823-41
3. Hartmut Elsenhans, "The Political Economy of Good Governance," (2001) 17 *Journal of Development Studies*, 33-35
4. Merilee Grindle, "Good Enough Governance: Poverty Reduction and Reform in Developing countries," (2004) 17 *Governance: An International Journal of Policy, Administration, and Institutions*, 525-48 S.L. Sikri, *Indian Government and Politics*
5. M.V. Pylee, *Constitutional Government in India*

FURTHER READING:

BOOKS

1. Kagzi M.C. Jain, Constitution of India
2. Shiva Rao. B., The Framing of India's Constitution 6 Volumes.
3. Dicey A.V., An introduction to the study of the Law of Constitution
4. Pylee M.V., Constitutions of the World
5. J.V.R. Krishna Iyer, Fundamental Rights and Directive Principles
6. Marc Galanter, Law and Society in Modern India (1997)
7. U. Baxi, The Crisis of the Indian Legal System (1982)
8. U. Baxi, Law and Poverty Critical Essays (1988)
9. Duncan Derret, The State, Religion and Law in India (1999)
10. Indian Law Institute, Law and Social Change: Indo-American Reflection (1988)

JOURNALS/ARTICLES

1. D.D.Basu, *Human Rights in Indian Constitutional Law*, (1994).

2. Vijay Chitnis(et al.). *Human Rights and the Law: National and Global Perspectives*, (1997).
3. B.P.Singh Seghal, Law, *Judiciary and Justice in India*, (1993.).
4. James Vadakkumchery, *Human Rights and the Politics in India*, (1996).
5. D.D. Basu, *Human Rights in Constitutional Law*, (New Delhi: Prentice Hall, 1994)
6. Moolchand Sharma, *Constitutionalism, Human rights and Rule of Law – Essays in Honour of Soli J. Sorabji* (Delhi: Universal Book Publishing, J.S. Verma, *The New Universe of Human Rights* (New Delhi: Universal Book Traders, 2006)
7. K. P. Saksena (ed.), *Human Rights and the Constitution: Vision and Reality* (New Delhi: Gyan, 2003)
8. Ashwini Ray, “Human Rights Movement in India”, *Economic and Political Weekly*, (9 August 2003).
9. Ghanshyam Shah, *Social Movements in India—A Review of literature* (New Delhi: Sage 2004).
10. Ghanshyam Shah, (ed.), *Social Movements and the State*, 2nd edition (New Delhi: Sage 2002)

CASES FOR GUIDANCE

1. Entertainment Network v. Super Cassette Industries (JT 2008 (7) SCC 11)
2. Life Insurance Corp'n. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
3. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
4. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
5. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
6. PUCL v. Union of India. ((1997) 3 SCC 433)
7. Justice K.S. Puttaswamy Vs. Union of India. (2017) 10 SCC 1
8. People’s Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
9. Nilabati Behera v. State of Orissa. 1993 SCR (2) 581
10. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
11. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)
12. Gaurav Jain v. Union of India. 1997 (8) SCC 114
13. Bachpan Bachao Andolan v. Union of India. 2011 (5) SCC 1
14. Sheela Barse v. Secretary, Children Aid Society. AIR 1987 SC 378
15. Vishaka v. State of Rajasthan. (1997) 6 SCC 241
16. Meneka Gandhi v. Union of India. AIR 1978 SC 597

17. Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra and ANR AIR 2018 SC 1498
18. Dr. Amitabh Kumar vs Indo-Tibetan Border Police Force. File No. CIC/WB/C/2009/00259 In an application of 14-3-09
19. Mukesh & Anr vs State for Nct Of Delhi & Ors [(2017) 6 SCC 1]
20. Chief Information Commissioner v. High Court of Gujarat [2020 SCC OnLine SC 285]

LEARNING OUTCOMES

After completion of the course, students will be able to

- *To understand Human Rights in National Level*
- *Role of Constitution in Transformation and Promoting Human Rights:*
- *Societal issues and Existing Implementation Mechanisms*
- *Challenges and problems in enforcing Human Rights in India.*
- *Have knowledge on Juvenile Justice and Gender Justice in India.*

PAPER V

LAW RELATING TO DISABILITY RIGHTS

OBJECTIVES OF THE STUDY:

The noble personalities such as Helen Keller, Thomas Alva Edison, Stephan Hawking have successfully proved their nobility by disabling their disability. Thereby they have made substantial enablement and empowerment of non-disabled, resulting into the greater contribution of the humanity as whole. The international community has taken several steps to undo the sufferings of differently abled through various initiatives such as Beijing Declaration, UNCRPD and the adoption of the VIP Treaty by WIPO. The Government of India has also taken various legislative initiatives in the form of Rehabilitation Council of India Act, PWD Act, Mental Health Act and RPD Act so as to fulfill the treaty obligations relating to disability rights regime in India. The Hon'ble Supreme Court has also delivered historic and landmark judgments to promote reservation as well as affirmation for the purpose of empowering the differently-abled persons. The RPD Act clearly mandates all the educational institutions and Universities to create a chair/department to promote disability studies. The PG department of Human Rights Duties and Education proudly introduces the subject known as "Law relating to Disability Rights" in the Tamil Nadu legal educational history.

- The paper aims to impart the necessity of developing empathetical attitude towards persons with disabilities.
- To sensitize the special needs of differently-abled persons, their skills and achievements to the masses.
- To develop inclusive and sustainable society.
- To develop access barrier free environment for the benefit of persons with disabilities.
- To promote availability, accessibility and affordability of assistive technology and disability related goods and services for the persons with disabilities.

COURSE OUTLINE

MODULE I: Jurisprudential Aspects relating to Disability Rights

- A. Origin, Development and Evolution of Disability Rights in India
- B. Disability Development Movement including NGO Movement and its related developments
- C. Basic Concepts and Definitions- Disability, Benchmark Disability, Universal Designing, Access Barrier Principle

MODULE II: Constitutional Measures relating to Disability Rights

- A. Fundamental Rights and Disability Rights
 - i. Right to Equality and Disability Rights
 - ii. Right to Education and Disability Rights
 - iii. Right against Exploitation and Disability Rights
 - iv. Right to Access to Justice and Disability Rights
- B. Directive Principles of State Policy
 - i. Right to Employment and Disability Rights
 - ii. Right to Affirmative Action for Empowerment of Persons with Disability
 - iii. Right to Special Assistance and Special Aid including Access to Justice, Access to Disability Goods and Services, Access to Technology, etc.
- C. Other Measures
 - i. Measures under Fundamental Duties to ensure Excellence for all
 - ii. Research relating to Disability Goods and Services affixed to technology
 - iii. Other Empowerment measures including Judicial Approach

MODULE III: International Law and Disability Rights

- A. General International Human Rights Instruments and Disability Rights
 - i. UDHR and Disability Rights
 - ii. ICCPR and Disability Rights
 - iii. ICESCR and Disability Rights
- B. Sector specific International Instruments and Disability Rights
 - i. UNCRC and Disability Rights and other instruments covering the Disability Rights of the Child
 - ii. Women Rights related instruments and Disability Rights including CEDAW
- C. Other steps taken by the UN and specialized agencies
 - i. Steps taken by UNESCO
 - ii. UN Committee on Persons with Disability
 - iii. Other specialized agencies

MODULE IV: Disability Rights' Policies and Governance in India

- A. National Policies relating to Disability Rights and its governance
 - i. Establishment of Department of Disability Affairs under the Ministry of Social Justice and Empowerment
- B. Establishment of Specialized Developmental Institutes for Specific Disability such as National Institute for Visually Challenged, National Institute for Handicapped, Spastic Society, National Institute for Multiple Disability, etc.
- C. General Institutional Mechanism for all types of Disability which includes Office of the Chief Commissioner for Persons with Disability at National level, Commissioner for Persons with Disability at State level, Access to Promote Justice under the various Human Rights Institutional Mechanisms in India

MODULE V: General Disability Right-based legislations

- A. Rehabilitation Council of India Act, 1992
- B. Persons with Disability Act, 1995
- C. Rights of Persons with Disabilities Act, 2016

MODULE VI: Judicial Approach

- A. Landmark Judgments of Supreme Court- General cases like Indira Sawhney case
- B. Specific Judgments under the RPD Act to promote the Right to Employment, Right to Access to Justice
- C. Establishment of e- Committees and Special Disability Courts including assistance to rely upon Special Educator, Interpreter, Sign Language Interpreter
- D. Special measures under Cr. P. C.

MODULE VII: Specific Disability Legislations depending upon the types of disability

- A. Mental Health Act
- B. Multiple Disabilities Act
- C. Establishment of National Trust for Persons with Disabilities Act
- D. Various other schemes

MODULE VIII: Contemporary Developments relating to Disability Rights

- A. Intellectual Property Rights and Disability Rights
- B. Technology Development and Disability Rights including Cyber Crimes against Disability Rights
- C. Special measures relating to Disability Rights and other laws such as RTI Act and Disability Act, Juvenile Justice Act, POCSO Act and Disability Act

D. Steps taken by the Tamil Nadu Government for Empowerment of Persons with Disability Act

- i. Establishment of District Ministry
- ii. Provision of various District Schemes and Welfare measures for their empowerment

LEARNING OUTCOMES:

The students of expected to learn

- i. The skills, talent, achievements and positive contributions by the persons with disabilities to the society.
- ii. To become a responsible sensitized citizen to promote the concept of universal design, reasonable accommodation and access barrier-free environment.
- iii. To promote the rights of persons with disabilities.
- iv. To promote pro bono lawyering to develop disability rights jurisprudence.

REFERENCES:

INTERNATIONAL DOCUMENTS:

1. Beijing Declaration
2. UNCRPD
3. VIP Treaty

STATUTORY MATERIAL:

1. The Constitution of India
2. The Rehabilitation Council of India Act, 1992
3. The Persons with Disabilities Act, 1995
4. National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
5. The Right of Persons with Disabilities, 2016
6. Mental Healthcare Act, 2017
7. Right of Children to Free and Compulsory Education Act, 2009.
8. The Copyright (Amendment) Act, 2012

BOOKS:

1. Rights of Persons with Disability in India by *Dr. Rumi Ahmed*

2. Violation of Disability of Rights by *Prof. Rohini Prasad, Dr. Sukanta Sarkar*
3. Persons with Cognitive Disabilities: Rights Protection by *Natasha Banda Museba*
4. Challenges To The Human Rights Of People With Intellectual Disabilities by *Owen, Griffiths*
5. The Right to Decent Work of Persons with Disabilities by *Arthur O'Reilly*
6. The Development of Disability Rights Under International Law: From Charity to Human Rights by *Arlene S. Kanter*
7. Social Inclusion of People with Disabilities: National and International Perspectives by *ArieRimmerman*
8. The Future of Disability Law in India: A Critical Analysis of the Persons With Disabilities: A Critical Analysis of the Persons With Disabilities by *Jayna Kothari*
9. Social Inclusion of People with Disabilities: National and International Perspectives (Cambridge Disability Law and Policy Series) by *ArieRimmerman*
10. International Disability Law: A Practical Approach to the United Nations Convention on the Rights of Persons with Disabilities Paperback by *CoomaraPyaneandee*

ARTICLES:

1. Boardman, L., Bernal, J., & Hollins, S. (2014). Communicating with people with intellectual disabilities: A guide for general psychiatrists. *Advances in Psychiatric Treatment*, 20(1), 27-36. doi:10.1192/apt.bp.110.008664
2. KjartanKversøy, Abdul-RazakAlhassan, Ryan Kellems, SofieKversøy& Zackery Cusworth(2021)Doing and Talking: People with Intellectual Disabilities' Handling of Challenges of Remote Communication, *International Journal of Disability, Development and Education*.
(<https://doi.org/10.1080/1034912X.2021.1958200>)
3. Mental and Physical Disability Law Reporter Constitutional Rights of Persons with Disabilities: An Analysis of 193 National Constitutions BY Amy Raub, Isabel Latz, Aleta Sprague, Michael Ashley Stein, and Jody Heymann
(<https://harvardhrj.com/wp-content/uploads/sites/14/2016/09/Constitutional-Rights-of-Persons-with-Disabilities.pdf>)
4. Lucy Series (2015)The development of disability rights under international law: from charity to human rights, *Disability & Society*.
(<https://doi.org/10.1080/09687599.2015.1066975>)

5. Rosemary Kayess, Phillip French, Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities, *Human Rights Law Review*, Volume 8, Issue 1, 2008, Pages 1–34, <https://doi.org/10.1093/hrlr/ngm044>
6. Julie Yamanashi (2017) Disabled Justice? Access to Justice and the UN Convention on the Rights of Persons with Disabilities, *International Journal of Disability, Development and Education*, 64:4, 456-458, DOI: [10.1080/1034912X.2017.1339390](https://doi.org/10.1080/1034912X.2017.1339390)
7. Kathryn D. DeMarco - Disabled by Solitude: The Convention on the Rights of Persons with Disabilities and its Impact on the Use of Supermax Solitary Confinement
(<https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1112&context=umlr>)
8. Stephanie Ortoleva, Esq.- Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System
(http://www.repositoriocdpd.net:8080/bitstream/handle/123456789/592/Art_OrtolevaS_InaccessibleJusticeDisabilities_2011.pdf?sequence=1_)
9. Michael Ashley Stein Janet E. Lord - Jacobus TenBroek, Participatory Justice, and the UN Convention on the Rights of Persons with Disabilities
(<https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1696&context=facpubs>)
10. Jillian Craigie, Against a singular understanding of legal capacity: Criminal responsibility and the Convention on the Rights of Persons with Disabilities, *International Journal of Law and Psychiatry*, Volume 40, 2015, Pages 6-14, ISSN 0160-2527, <https://doi.org/10.1016/j.ijlp.2015.04.002>.

CASE LAW:

1. Deaf Employees Welfare Association v Union of India (Civil Petition 107 of 2011, decided on December 12, 2013.)
2. Union of India v National Federation of the Blind (2013) 2 SCC 772.
3. Government of India v Ravi Prakash Gupta (2010) 7 SCC 626.
4. Syed Bashir-ud-Din Qadri v. Nazir Ahmed Shan (2010) 3 SCC 603.)
5. Suchita Srivastava v. Chandigarh Administration . 2009 (9) SCC 1.
6. State of Kerala & Ors. Vs. Leesamma Joseph [Civil Appeal No. 59 of 2021]
7. UNIVERSITY OF DELHI vs. UNION OF INDIA

8. TAMIL NADU MEDICAL OFFICERS ASSOCIATION vs. UNION OF INDIA
(2020 SCC OnLine SC 699)
9. Jeeja Ghosh v. Union of India (2016) 7 SCC 761
10. Justice SunandaBhandare Foundation v. Union of India ((2018) 2 SCC 397)
11. (Kunal Singh Vs. Union of India)(2003) 4 SCC 524
12. V. Surendra Mohan vs State Of Tamil Nadu (2019) 4 SCC 237.)
13. Vikash Kumar vs Union Public Service Commission (Civil Appeal No. 273 of
2021)
14. Akshay Kumar Rai vs State Of U.P.
15. Union of India &Anr. Vs National Federation of the Blind &Ors.

PAPER VI

HUMAN RIGHTS OF DISADVANTAGED AND VULNERABLE GROUPS

(Specialization Core Paper)

OBJECTIVES OF THE COURSE

Human Rights are inherent to all without qualifications. Yet certain groups struggle more than others to enjoy these rights to its fullest extent. This course would identify these groups, study their problems, and analyse the measures taken at the international and national level for their protection.

This paper helps to Identify different laws and their implementation in protection of the rights of disadvantaged people and identifying social taboos. To apply a gendered lens to the social world that integrates sexual minorities. To Recognize the protection of the elderly persons in human rights perspective, the international norms for the protection of the elderly persons, Identify social taboos regarding the disabled persons. the rights of disabled persons under the Indian legal system and the importance of the UN Declaration on the Rights of the Disabled Persons. To understand key topics in LGBTQ and human rights in a multifaceted way. Conduct careful, rigorous research on human rights and futuristic issues. Recognize the importance of International Declaration on the Rights of Persons. Belonging to National or Ethnic, Religious and Linguistic minorities. Conceptualize social justice in the context of Dalits and tribes the upliftment of socio-economic conditions of these disadvantaged people.

After undergoing the study, the student will be able to understand the following

- *Will identify the vulnerable groups and disadvantaged groups*
- *Measures taken for protection of human rights for all*
- *Vulnerability due to various status and reasons*
- *Gender and Juvenile justice*

COURSE OUTLINE

MODULE I - MEANING AND CONCEPT OF DISADVANTAGED AND VULNERABLE GROUPS

- a) Human Rights of groups –Collective Rights
- b) Inherent human rights values – Dignity, equality, non-discrimination
- c) Affirmative action – Identification of vulnerable groups – Double Discrimination.

MODULE II - VULNERABILITY DUE TO STATUS ATTRIBUTED AT BIRTH

- a) Indigenous Groups – Tribals — SC/ST rights

- b) Social and Racial Minorities –Linguistic minorities,
- c) Religious Minorities - Debates on drafting minority rights in the Constitution

MODULE III - VULNERABILITY DUE TO DISABILITY

- a) Disabled – Expanded understanding of the term ‘disability’
- b) Differently abled; Elderly Persons
- c) Intellectually Disabled

MODULE IV - VULNERABILITY DUE TO PROFESSION

- a) Conceptual understanding – Types- Migrant Workers, Sex Workers –
- b) International Efforts
- c) Indian Scenario – Constitutional protection

MODULE V - SITUATIONAL VULNERABILITY

- a) Displacement
- b) Stateless Persons - Statelessness as a violation of human Rights
- c) Victims of conflict

MODULE VI - WOMEN: INTERNATIONAL ENDEAVORS FOR SECURING RIGHTS OF WOMEN

- a) Need for focused study - Magnitude of issues faced by women across the globe –
Feminism and Women Empowerment –
- b) International Perspectives on the Protection of Rights of Women
- c) Implementation mechanism
(Development until CEDAW and post CEDAW)

MODULE VII - CHILDREN: INTERNATIONAL ENDEAVORS FOR SECURING CHILD RIGHTS

- a) Convention on the Rights of the Child –Governing Principles, Committee under the Convention, General Comments.
- b) ILO - Minimum Age Convention, Worst Forms of Child Labour Convention, Forced Labour Convention No 29, 1930.
- c) Contributions of UNICEF, Sustainable Development Goals

MODULE VIII - EMERGING GROUPS

- a) Gender and Sexual Minorities – Understanding the LGBTQ+ community – Yogyakarta
- b) Recognition of the Third Gender - Decriminalisation of Sec. 377 - The Transgender Persons (Protection of Rights) Bill, 2016
- c) Recognition of civil rights of the LGBTQ+ Community.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. G.S.Bhargava and R.M.Pal, Human Rights of Dait Societal Violation (1999)
2. Geradine Van Bueren, The International law on the rights of the child (1998)
3. Prabhat Chandra Tripathi, Crime against working women (1998)
4. Philip Alston (et,al) Children, Rights and the Law
5. Janaki nair, women and law in colonial India (1996)

JOURNALS / ARTICLES

1. Sharma K. Maga, Law with respect to Rape, Sodomy, Abduction & Kidnapping (Kamal Publishers)
2. Ruth A. Brand Wein (Ed.), Battered Women, Children and Welfare Reform (the ties that bind) (Sage Publications)
3. Dr. Paras Diwan, Law with respect to Dowry, Dowry Deaths, Bride burning, Rape and related offences (Universal Law Publishing Co.)
4. Nirmala Jeyaraj (Ed.), Women and Society (A Reader in Womens' Studies) (Cambridge Press 2005)
5. Awasthi, S.K., Juvenile Justice Act 1986, (1998), Law Vishion, Allahabad

FURTHER READING:

BOOKS

1. Simon creighton, Vicky king, Prisons (1996)
2. Mamta Rao, Law Relating to Women and Children EBC publications(2012)
3. Agnes Flavia, Law as Gender Inequality (Oxford,1999)
4. GB Reddy, Women and Law (Asia Law House, Hyderabad)
5. Dupuy, R.-J. (ed) (1979) The right to health and human rights. Alphen aan den Rijn, The Netherlands: Sijthoff & Noordhoff.
6. Patrick Thornberry, International Law and the Rights of Minorities (Oxford: Clarendon Press 1991)
7. Spiliopoulou Akermak. Justification of Minority Protection in International Law, (London, Kluwer Law International 1997)
8. Kristin Henreard, Devising an Adequate System of Minority Protection, (London, Martinus Nijhoff Publishers 2000)
9. Vijapur, Abdulrahim P. (ed.) (2008) Implementing Human Rights in the Third World – Essays on Human Rights, Dalits and Minorities, New Delhi: Manak Publications.

10. Bajpai, Asha, Child Rights in India: Law, Policy, and Practice (New Delhi: OUP 2003)

JOURNALS/ARTICLES

1. Indian Law Institute, Treatise on the Juvenile Justice Act (1993)
2. Indian Law Institute, Child and the Law (1979, S.N.JaIN ED.)
3. P.L.Mehta and S.S.Jaswal, Child Labour and the Law 1996, Deep and deep Publications.
4. S.R.Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections 1999), Deep & Deep Publications.
5. U.Baxi (ed.) Law and Poverty: Critical Essays (1988) (Selected readings concerning the positions of children may be prescribed)
6. Buck, Trevor, International Child Law, 3rd edition, (London: Routledge 2014)
7. Chopra, Geeta, Child Rights in India: Challenges and Social Action (Springer India 2015)
8. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
9. Government of India Ministry of Education, Towards Equality – Report of the Committee on the Status of Women in India (New Delhi 1974)
10. All relevant Acts of the Indian Parliament and International Conventions and reports of Various Commissions are to be Studies.

CASES FOR GUIDANCE

1. M. C. Mehta vs. Union of India AIR 1988 SC 1037
2. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225
3. Maneka vs. Union of India, A.I.R. 1978 S.C. 597, Para 77
4. PUCL & Anr. v. State of Maharashtra & Ors. 2012 12 SCC 72
5. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
6. Khatri And Others v. State of Bihar & Ors. 1981 AIR 1068, 1981 SCR (3) 145
7. Pt. Parmanand Katara v. Union of India & Ors. 1989 AIR 2039, 1989 SCR (3) 997.
8. Rural Litigation and Entitlement Kendra v. State of U.P. & Ors 1985 2 SCC 431, 1985 AIR 652 1985 SCR (3) 169
9. Kishen Patnayak v. State of Odisha AIR 1989 SC 677
10. Mohd. Ahmed Khan vs Shah Bano Begum 1985 AIR 945 1985 SCR (3) 844 1985 SCC (2) 556
11. Shayara Bano vs Union of India And Ors 2017 9 SCC1
12. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
13. A. G. Kazi v. A.G. for Ontario, (1937) AC 326

14. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
15. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
16. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
17. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
18. Justice K.S. Puttaswamy Vs. Union Of India. (2017) 10 SCC 1
19. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
20. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461

LEARNING OUTCOMES

After completion of the course, students will be able to

- *Explain the concept of human rights empowerment and policy of inclusion*
- *Identify social taboos regarding the disabled persons*
- *Describe the national policy for senior citizens in India*
- *Recognize the importance of International Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic minorities*
- *Analyse rights of workers and disputes settlement mechanism under the labour laws in India*

PAPER - VII
HUMAN RIGHTS AND TAMILNADU POLICY
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

This paper aims to understand human rights law and Tamil Nadu policies. This paper focuses on understanding Tribal in Tamilnadu, their rights and protection, forest rights, preservation of flora and fauna for balanced ecosystem to ensure human rights for all. History, Enforcement Mechanisms, Education Policy, health and human rights, Housing, Labour protections, Reservation policies in the state to protect the minorities and vulnerable groups. Women and Children Rights, Animal Protection, Role of NGO in the state of Tamilnadu.

After undergoing the study, the student will be able to understand the following

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

COURSE OUTLINE

MODULE I - TRIBALS IN TAMILNADU

- a) Need for Tribal development to reduce the gap between the Tribal and non-tribal population: Tribal communities live inside the reserved forest – integral part of eco system
- b) Education – Tribal schools run by the Forest Department – (National Bank for Agriculture and Rural Development) NABARD schemes and assisted projects
- c) Forests Rights Act, 2006 – Tamil Nadu Forest Act, 1882 – colonial law – Implementation of Forest Rights Act in Tamil Nadu. – Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

MODULE – II - TAMILNADU EDUCATION POLICY

- a) Tamil Nadu Compulsory Elementary Education Act 1994 - TN Right of Children to Free and Compulsory Education Rules, 2011- (RTE) Act
- b) Tamil Nadu Prohibition of Ragging Act 1997- “Vision Tamil Nadu 2023”- Tamil Nadu Educational Institutions (Prohibition of Collection of Capitation Fee) Act, 1992

- c) Integrated Child Development Services (ICDS)- Tamil Nadu is a pioneer in introducing Mid-Day meal program. – Tamil Nadu Uniform System of School Education Act, 2010 (samacheer Kalvi)

MODULE III - RESERVATIONS-POSITIVE DISCRIMINATION

- a) RELIGION BASED: Tamilnadu Backward Class Muslims (Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2007 – 1993 Act - Tamil Nadu Government Gazette - Ordinance No.4 of 2007 on Reservations for Backward Class Muslims and Backward Class Christians
- b) CASTE BASED: Tamilnadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993 - Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats In Private Educational Institutions) Act, 2006
- c) LINGUISTIC PREFERENCES: Tamil Nadu Appointment on preferential basis in the Services under the State of Persons Studied in Tamil Medium Act, 2010

MODULE IV - WOMEN AND CHILDREN

- a) PROTECTION TO CHILD RIGHTS: Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2017 - Reproductive and Child Health Programs (RCH) – Under (NRHM)-"A Policy on Malnutrition Free Tamil Nadu" – CRADLE BABY SCHEME. Amma baby care kits.
- b) PROTECTION TO WOMEN RIGHTS: Tamil Nadu Hostel & Homes for Women and Children (Regulation) Act, 2014 – AMMA PATROL (Pink Patrol) - MAHALIR THITTAM – Maternity Benefit / paid leave - Thalikku Thangam Thittam – Whether subsidiaries provide entitlements to their rights?
- c) Protecting women from evil practices of the society in the name of caste and religion: Tamil Nadu Devadasis (Prevention of Dedication) Act, 1947 - Tamil Nadu Registration of Marriages Act, 2009 – Personal Laws and state amendments. Suyamariyathai thirumanam (Self-respect marriages)

MODULE V-ENVIRONMENTAL PROTECTION AND RELIGIOUS ENDOWMENTS

- a) Tamil Nadu Prohibition of Smoking and Spitting Act, 2002. – Land Acquisition (Tamil Nadu Amendment) Act, 1999
- b) Tamil Nadu Animal Preservation Act, 1958 - The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017- Tamil Nadu Maritime Board Act, 1995 – fishers – fishermen.
- c) Art. 290A and Art. 27 of Indian Constitution – Madras Hindu Religious and Charitable Endowments Act, 1951- Tamil Nadu Hindu Religious and Charitable Endowments (Special Provisions) Act, 1996 - Tamil Nadu Waqf Tribunal (Conditions of Service and Procedure) Rules, 2016

MODULE VI - HOUSING, HEALTH AND LABOUR PROTECTION

- a) Housing and Urban Development Department - Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 - Tamil Nadu State Housing Board Act, 1961
- b) Tamil Nadu Lokayukta Act, 2018 - Tamil Nadu Panchayats Act, 1994 – Rules, 2009 Tamil Nadu Rights of Persons with Disabilities Rules 2017 - “Tamil Nadu trust for the children affected by HIV/AIDS” (TNTCAA)- Tamil Nadu State AIDS Control Society (TANSACS)- Transplantation of Human Organs Act - THO-Clinical Establishment Act- District AIDS Prevention Control Units (DAPCU).
- c) Industrial Disputes (Tamil Nadu Amendment) Act, 2008 - Motor Transport Workers (Tamil Nadu Amendment) Act, 2008 – Plantations Labour (Tamil Nadu Amendment) Act, 1996. - Tamil Nadu Street Vendors (Protection of Livelihood, Regulation of Street Vending and Licensing) Scheme, 2015

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

- 1. John Rawls, Theory of justice.
- 2. Kane P.V, History of Dharma shastra, vol 5, Bharakar, Pune,1962
- 3. State of Human Rights in India, Indian Institute of Human Rights, New Delhi, 2005, pp.8-9.
- 4. S. Subramanian, Human Rights: International Challenges, Mana Publications, New Delhi, 1997, p.122.
- 5. Sastry. T.S. N, India, and Human Rights: Reflections, Concept Publishing Company, New Delhi, 2005, p.42.

JOURNALS / ARTICLES

1. Sex Re-Assignment Surgeries on Intersex Children [Read Judgment]. Retrieved 16 August 2020.
2. "LGBT community in Tamil Nadu seeks state government's support". Indianexpress.com. 15 December 2013. Retrieved 18 April 2018.
3. Hamid, Zubeda; Hamid, Zubeda (3 February 2016). "LGBT community in city sees sign of hope". Thehindu.com. Retrieved 18 April 2018.
4. Human Rights in India Dr. Sunil Deshta and Dr. Pratap Singh Allahabad law Agency Law Publishers page no 120
5. Karthikeyan, Divya (25 May 2017). "Tamil Nadu, once a pioneering state for welfare of transgenders, now shuns the third gender"

FURTHER READING:

BOOKS

1. Assessing the Effective of National Human Rights Institutions, OHCHR, Geneva, 2005, p. 6. 15
2. S.K. Awathi, R.P.Katria, Law relating to Protection of Human Rights, Orient Publishing Company, New Delhi, 2000, p.744.
3. Prof. A. Marx, Indian Government Education policies (1986 - 2016)
4. Levein & Leah, Human Rights- Questions and Answers, UNESCO, 2004.
""Transwoman A 'Bride' Under Hindu Marriage Act": Madras HC; Also Bans.
5. B.S. Baliga, Studies in Madras Administration, Volume I, Government of Madras, Edn. 1960, p. 258-261.
6. M. N. Srinivas, Changing Position of Indian Women (New Delhi: OUP 1978)
7. Amnesty International, (1991). Health personnel: Victims of human rights violations
8. D.D. Basu, The Law of Press of India
9. J.V.R. Krishna Iyer, Fundamental Rights and Directive Principles
10. Baxi, Upendra, Towards a Sociology of Indian Law (1986)

JOURNALS / ARTICLES

1. "Ban sex reassignment surgeries on intersex infants Madras High Court tells Tamil Nadu Govt" - The News Minute
2. <https://www.sconline.com/blog/post/tag/nirbhaya/>
3. <https://www.thehindu.com/news/national/tamil-nadu/father-son-die-in-judicial-custody-in-sattankulam-tension-prevails/article31897154.ece>

4. <https://www.thehindu.com/news/national/tamil-nadu/state-human-rights-commission-calls-for-report-on-legal-sanction-for-use-of-friends-of-police/article32010802.ece>
5. <https://amnesty.org.in/news-update/tamil-nadu-activist-who-accused-police-of-human-rights-violations-goes-missing/>
6. <https://www.casemine.com/judgement/in/56ea97d8607dba371ebcae01>
7. Tamil Nadu human rights body pulls up cops for vandalising vehicles, seeks report by Akshaya Nath
8. https://www.tn.gov.in/detail_contact/92739/5
9. Equality and Inclusion by Royal common wealth society
10. <https://www.hroforyou.com/>

CASES FOR GUIDANCE

1. Chief Secretary to the Govt., Chennai Tamilnadu & Others v. Animal Welfare Board & Another AIR 2016 SC 5522
2. State of Madras v. Champakam Dorairajan AIR 1951 SC 226
3. Tamil Nadu Pollution Control v. The State Human Rights Commission W.P. No. 2570 of 2000 and W.P.No. 9139 of 2000
4. Santosh Hospitals Private v. State Human Rights Commission, 2005
5. T.T.Ravichandran v. R.Singaravelan, 2010
6. Philip Thomas And Anr. v. The Government of Tamil Nadu, 2001
7. P.Navaneethan vs The State Human Rights Commission, 2017
8. Muniasamythevar v. Dy. Superintendent Of Police [2006 SCC OnLine Mad 306]
9. M. C. Mehta vs. Union of India AIR 1988 SC 1037
10. Shayara Bano vs Union of India And Ors 2017 9 SCC1
11. People's Union for Civil Liberties vs. Union of India, AIR 2005 SC 2419 at 2426
12. A. G. Kazi v. A.G. for Ontario, (1937) AC 326
13. Life Insurance Corpn. Of India v. Prof. Manubhai D. Shah (1992 SCR (3) 595)
14. Miss. Mohini Jain v. State of Karnataka. AIR 1992 SC 1858
15. Unni Krishnan, J.P and Ors. Etc v. State of Andhra Pradesh 1993 SCR (1) 594
16. D.K. Basu v. State of West Bengal. AIR 1997 SC 610
17. Justice K.S. Puttaswamy Vs. Union Of India. (2017) 10 SCC 1
18. People's Union for Democratic Rights v. Union of India & others. AIR 1982 SC 1473
19. Keshavanda Bharati v. State of Kerala. AIR (1973) SC 1461
20. M.C. Mehata v. State of Tamil Nadu. ((1996) 6 SCC 772)

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights in Tamilnadu and acquire knowledge on:

- *Adivasis or tribals in Tamilnadu and their protection*
- *Tamilnadu education policies*
- *Reservations in the state*
- *Tamilnadu has pioneered Gender and Juvenile justice*
- *Environmental protections*
- *Labour, housing and health schemes in the state*

PAPER - VIII
SCIENCE, TECHNOLOGY AND HUMAN RIGHTS
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In fast growing globalizing world, the future relies on Science and Technology. The impact of developments in science and technology on human rights and duties is a great concern. This paper deals with some conceptual aspects and 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. There is a need for adapting and protecting the human rights for everyone for upcoming development in fast pace, safeguarding privacy and protecting ourselves from negative impacts of the growth of artificial intelligence.

After undergoing the study, the student will be able to understand the following

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

COURSE OUTLINE

MODULE I - DEVELOPMENT AND CONCEPTUAL PERSPECTIVES

- a) Concept of science & Technology as a tool for furtherance of human and social welfare
-Conflicts – Confrontation – resolution - Is Right to Privacy is in Stake?
- b) Debates over ‘development’ -Quality of life: spiritualism versus materialism- The need for balancing of values -Modernization- urbanization. Will Artificial Intelligence take over the world?
- c) Intellectual Property Rights - Rio Declaration on Environment and Development, 1992, Rio +20, Conservation of Natural Resources, Agenda 21, Biodiversity Convention 1992

MODULE II - INTERNATIONAL PARAMETERS OF HUMAN RIGHTS AND SCIENCE & TECHNOLOGY

- a) Art 5 of Universal Declaration of Human Rights (1948); Article 7 of the International Covenant on Civil and Political Rights 1966; (prohibition of experimentation on human

person) UNESCO Universal declaration on the human genome and human rights (1997) Declaration on a New International information and communication Order (1978),

- b) 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) Convention on the International Right of Correction (1952) UN UNESCO convention on Technical and vocational education (1989)
- c) Constitution of the World Health Organization, UN General Assembly Resolution of 37/194 on Protection against products harmful to health and the environment 1982, International Code of Conduct on the Transfer of technology 1993, other developments

MODULE III - FREEDOM OF INFORMATION

- a) Freedom of information-Thought and Expression -Revolution in information technology
- b) Right to information, education, communication, freedom of the press and other information media- right to entertainment
- c) Cybercrimes- online pornography- Satellite communication- Cinematograph Act- Official Secrets Act 1926.

MODULE IV - BIO-TECHNOLOGY DEVELOPMENT AND HUMAN RIGHTS

- a) Developments in biotechnology: human cloning, feticide, and abortion; in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs,
- b) Bio-Medical Waste (Management and Handling) Rules 2016 - Life sustaining technologies-artificial organs- kidney dialysis- life sustaining drugs. - The Protection of Human Rights (Amendment) ACT, 2019
- c) Human performance augmenting drugs and technologies (use of steroids in sports- Anabolic Steroid Act of 1990 - hormones - Viagra - like drugs)

MODULE V - NEW DIMENSION ON SCIENCE AND TECHNOLOGY

- a) Universal entitlement of the people to democracy as a legitimate form of government - Scientific and Technological Research - Impact on ethics, morality, and Human Rights
- b) New Torture Technologies- narcoanalysis and lie detector test in investigation - Selvi vs state of Karnataka
- c) General Assembly resolution 55/89 of 4 December 2000.The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

MODULE VI - RIGHT TO FOOD AND HEALTH SCIENCE & TECHNOLOGY

- a) To Improve and Diversify Food Production and Storage, and for Food Security- Fertilizers, Biotechnology to Produce Improved Varieties of Foods- Improvement in Storage Facilities
- b) Impact of Bio - Technology in Agriculture - Food Safety and Standards Act, 2006- Positive and Negative – Agriculture as Commercial Industry- Science & Technology and Improvement of Individual
- c) Community Health and Hygiene-Experiments on Living Beings - Community Health as a Public Service Industry-Role of Multinationals - pharmaceutical Industries

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

- 1. Science, technology, and Human Rights 2018 Lily Srivastava, Thomson Reuters
- 2. Jeremy Waldron, (ed) 1984, Theories of Rights, Oxford University Press.
- 3. Richard Tuck, Natural Rights Theories, Their origin, and Development, 1979, Cambridge University Press.
- 4. Rene Provost, 2005, International Human Rights and Humanitarian Law, Cambridge university Press.
- 5. Prof. H. Sanajaoba, 2004, Human rights in the New Millennium, Manas Publications, New Delhi.

JOURNALS / ARTICLES

- 1. Bachelet, Michelle. 'Human rights in the digital age – Can they make a difference?' UN High Commissioner for Human Rights, Japan Society, New York, 17 October 2019.
- 2. Donahoe, Eileen. 'Human Rights in the Digital Age'. Just Security, December 2014, Just Security, <https://www.justsecurity.org/18651/human-rights-digital-age/>
- 3. Ranjah, Ziaullah, 'Human Rights in the Digital Age'. The Friday Times, June 2019, The Friday Times
- 4. Amnesty International USA. Using Science as a Tool to Protect Human Rights (2012)
- 5. UNESCO. World Commission on the Ethics of Scientific Knowledge and Technology (COMEST) (1998)

FURTHER READING:

BOOKS

- 1. Mohini Chateerjee, 2004, Feminism and Women's Human Rights, Aaviskkar, Publishers, Distributors, Jaipur.

2. Upendra Baxi, 2006, *The Future of Human Rights*, Oxford University Press.
3. Mahood Monshipouri, Neil Englehart, Andrew J. Nathan, Kavita Philip (ed), 2004, *Constructing Human rights in the Age of Globalization*, Prentice. Hall of India, New Delhi.
4. Carol C. Gould, 2004, *Globalizing Democracy and Human Rights*, Cambridge University Press.
5. Sewlikar S. Bhatt, India Steps towards Globalization-Reforms to Schedule Y Regulations (CR Focus. 2007 at 26).
6. Usha Ramanathan, Implications of registering, tracking, profiling (The Hindu Monday, Apr 05, 2010)
7. Usha Ramanathan "A Unique Identity Bill" Vol - XLV No. 30 (July 24, 2010)
8. R. Ramachander, "How reliable is UID?" Frontline Volume 28 Issue 24, 2011
9. Usha Ramanathan, "UID is an Identity Crisis in the Making", Tehelka Magazine, Vol 7, Issue 38 (September 25, 2010)
10. Bachelet, Michelle. 'Human rights in the digital age – Can they make a difference?' UN High Commissioner for Human Rights, Japan Society, New York, 17 October 2019.

JOURNALS / ARTICLES

1. UNESCO. Recommendation on the Status of Scientific Researchers (1974)
2. Adwin W. Patterson, *Law in a Scientific Age*
3. Weeramantry, C.G., *Human Rights and Scientific and Technology Development*
4. Baxi, U. (ed.), *Right to be Human*
5. Introduction: Science, Technology and Human Rights: Lessons Learned from the Right to Water and Sanitation: Jessica M. Wyndham & Theresa Harris. Wyndham, J.M., Harris, T. Introduction: Science, Technology and Human Rights: Lessons Learned from the Right to Water and Sanitation. *Sci Eng Ethics* 20, 827–831 (2014). <https://doi.org/10.1007/s11948-014-9515-2>
6. Impacts of scientific and technological progress on human rights: normative response of the international community by HIROKO YAMANE
7. United Nations. *Human Rights: A Compilation of International Instruments*. 1988. (ST/HR/1/ Rev 3.)
8. *Linking science and human rights: Facts and figures* By: S. Romi Mukherjee
9. UNDP. *Belize Human Rights Based Approach* (2011)
10. UNFPA. *History and Definitions of the Human Rights-Based Approach* [21kB] (2010).

CASES FOR GUIDANCE

1. Smt Selvi & Ors vs. State of Karnataka AIR 2010 SC 1974 (2010) 7 SCC 263
2. K. S. Puttaswamy v Union of India (2017) 10 SCC 1
3. State of Tamilnadu v/s Dr L. Prakash LQ 2002 HC 10072
4. Shallendra Nath Sinha v The State AIR 1955 Cal 247
5. Public Committee Against Torture in Israel v. State of Israel H.C. 5100 / 94 (1999)
6. People's Union for Civil Liberties v. Union of India AIR 1997 SC 568
7. Farid Ahmad v. State A.I.R.1960 Cal32
8. Tarini Kumar v. State. A.I.R. 1960 Cal318 (DB)
9. Stefanelli v. Minard; (1952) 342 US 117
10. District Registrar and Collector v. Canara Bank AIR 2005 SC 186.
11. *Director of Revenue v. Mohammad Nissar Holia* (2008) 2 SCC 370
12. Shreya Singhal v. Union of India AIR 2015 SC 1523
13. *Public Interest Foundation v. Union of India* (2019) 3 SCC 224
14. Firos vs. State of Kerala., AIR2006 Ker 279, 2006
15. Fatima Riswana v. State Rep. by ACP., Chennai & Ors AIR 2005 712.
16. Avnish Bajaj v State (N.C.T.) of Delhi (2005) 3 Comp LJ 364 (Del)
17. S. Sekar v The Principal General Manager (Telecom) (B.S.N.L.)
18. Syed Asifuddin and Ors. v The State of Andhra Pradesh And Anr. 2005 Cri LJ 4314
19. M. C. Mehta vs. Union of India AIR 1988 SC 1037
20. Atchison & C.R.R. Co. v. U.S. 15 Court of Claims (per Davis J.)

LEARNING OUTCOMES

- *Development and conceptual perspectives in Science, technology*
- *Pros and cons of Artificial intelligence*
- *Need for protecting the right to privacy*
- *International instruments on Human rights and Science and Technology*
- *Biotechnology, food technology*
- *New dimensions*

PAPER – IX WOMEN AND CHILD RIGHTS

OBJECTIVES OF THE COURSE

Human rights violations against women and children is a global issue impacting all societies. Promoting socio-economic empowerment of women and providing full opportunities for growth and development of children through cross-cutting policies and legislative support has always been a mandate at national and international levels. This course is designed to give a complete understanding of laws relating to women and children in the light of human rights. The course helps to identify and recognise the background of the immediate problems relating to women and children at hand and to have a cross disciplinary understanding and relative insight on international and national standards on women and child rights.

After undergoing the study, the student will be able to understand the following:

- Critical issues affecting women and child rights all around the world
- Women and child rights enshrined in international human rights law
- National legislations and policies promoting women and child rights
- New challenges and dimensions

COURSE OUTLINE

MODULE I – HISTORY AND CONCEPTUAL PERSPECTIVES ON WOMEN RIGHTS

- a. Nature and Scope of Gender Issues – Girl Child Discrimination – Female Infanticide – Female Foeticide – Declining Sex Ratio – Violence against Women – Discrimination at Work – Problems of Dalit Women – Reproductive Health – Honour Killings – Religious Fundamentalism – Rights of Third Gender.
- b. Need for Women Empowerment – Social Empowerment – Economic Empowerment – Political Empowerment – National Policy for the Empowerment of Women 2001
- c. Role of Waves analogy of Feminism – Women's Movement in US, Europe, African and Asian Countries – Women's Movement in India – Social Reformers and Contemporary Thinkers in India

MODULE II – INTERNATIONAL INSTRUMENTS ON WOMEN RIGHTS AND EMPOWERMENT

- a. Role of UN in Women's Rights - Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights – UN Sub Commission on Women – ILO on Women Labour Rights

- b. Convention on the Elimination of All Forms of Discrimination Against Women – Convention on Nationality of Married Women – Convention on Political Rights of Women – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others – Women as Prisoners of War under UN Standard Minimum Rules for Treatment of Prisoners.
- c. Regional Instruments on Women Rights – Protection of Women - African Charter on Democracy, Elections and Governance – African Charter on Human and People’s Rights – Arab Charter on Human Rights – American Convention on Human Rights – Inter American Convention on Women – European Convention for the Protection of Human Rights and Fundamental Freedoms – European Social Charter – Role of International Non Profit Organisations.

MODULE III – NATIONAL AND CONSTITUTIONAL FRAMEWORK ON WOMEN RIGHTS

- a. Constitutional Safeguards to Women – Fundamental Rights – DPSP – Right to Equality – Right against Exploitation – Cultural and Educational Rights – National and State Level Commission on Women – 73rd and 74th Constitutional Amendment – Rights of third gender – Art. 377
- b. Violence and Sexual Crimes against Women – Indian Penal Code - Bigamy – Adultery – Rape – Cruelty – Eve teasing – Indecent Representation of Women – Abduction – Kidnapping – Prostitution – Criminal Procedure Code – Search – Arrest – Detention of Women – Domestic Violence – Dowry Prohibition Act – Family Courts Act 1986 – Cyber Crimes against women
- c. Laws for Working Women - Equal Pay for Equal Work – Maternity Benefits and Child Care – Minimum Wages - Medical Termination of Pregnancy Act – Personal Laws relating to Women –Laws of marriage – Minimum Age of Marriage – Divorce Laws (Hindu, Muslim and Christian) – Special Marriage Act – Property and Inheritance Rights – Rights Women’s Reservation Bill 2010

MODULE IV – CONTEMPORARY CHALLENGES AND CHILD RIGHTS

- a. Violence Against Children – Child Abuse - Child Poverty - Child Marriage – Child Labour – Lack of Access to Education – Child Soldiers – Female Genital Mutilation – Discrimination against Children – Juveniles in Conflict with Law
- b. Rights of Children – Protection Rights – Survival Rights – Participation Rights – Development Rights

- c. Origin and Development of Child Rights – Social and Cultural History of Child Rights – World Wars – Role of UN

MODULE V – INTERNATIONAL STANDARDS AND MONITORING SYSTEMS

- a. UN Convention on Rights of Child 1989 – Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict - UN Standard Minimum Rules for the Administration of Juvenile Justice
- b. Role of ILO – Minimum Age Convention – Worst Forms of Child Labour Convention
- c. Declaration of Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption 1986 - World Summit for Children: Declaration and Plan of Action - Child Rights – Rights under UDHR – ICCPR – ICSCR – Regional Instruments – Role of International Organisation and NGOs.

MODULE VI – CHILD RIGHTS GOVERNANCE NATIONAL PERSPECTIVE

- a. Indian Constitution – Fundamental Rights – Right to Education – Prohibition of Child Labour – Prohibition on Child Trafficking
- b. Juvenile Justice Act 2015 – National Policy for Children 2013 – Protection of Children from Sexual Offences 2012 – Child Adoption and Guardianship under personal laws
- c. Child Labour (Prohibition and Regulation) Act 1986 - Children (Pledging of Labour) Act 1933, Young Persons (Harmful Publications) Act 1956 - Child Marriage Restraint Act 1929 - Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1956 - Children's Act 1960, Orphanages and Other Charitable Homes (Supervision and Control) Act 1960 - Role of National Commission for Protection of Child Rights – Ministry of Women and Child Development - National Policies and Initiatives on Promotion of Child Rights

LEARNING OUTCOMES

After the completion of this course the student will be able:

- To critically analyse and interrogate the genesis and current developments in women and child rights laws and formulate human rights-based policies and initiatives through research and findings
- To synthesis interdisciplinary approaches women rights, child rights and human rights

- To conceptualize and understand the role of human rights in the protection and development of women and children.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. B. R. Nanda (ed.), *Indian Women: From Purdah to Modernity* (New Delhi: Vikas 1976)
2. Bhatnagar's, (2000) book *Law Relating to Women and their Rights*
3. Buck, Trevor, *International Child Law*, 3rd edition, (London: Routledge 2014)
4. Chopra, Geeta, *Child Rights in India: Challenges and Social Action* (Springer India 2015)
5. Goonesekere, Savitri, *Children, Law and Justice: A South Asian Perspective* (New Delhi:
6. Menon, Nevidita (2006), *Gender and Politics in India*

FURTHER READING – JOURNALS/ ARTICLES

1. *The Human Rights Watch Global Report on Women's Human Rights*, (2000), Oxford.
2. Government of India Ministry of Education, *Towards Equality – Report of the Committee on the Status of Women in India* (New Delhi 1974)
3. M. N. Srinivas, *Changing Position of Indian Women* (New Delhi: OUP 1978)
4. Flavia Agnes, *Law and Gender Inequality the Politics and Women's Rights in India* (OUP 2004)
5. Geraldine Forbes, *Women in Modern India* (OUP 1996)
6. Cook, Rebecca (ed.), *Human Rights of women: National and International Perspectives* (Philadelphia: University of Pennsylvania Press 1994)
7. Venter, Christine M., *International Women's Rights, Equality and Justice* (Durham: Carolina Academic Press 2012)
8. Zwingel, Susanne, *Translating International Women's Rights: The CEDAW Convention in Context* (London: Palgrave 2016)
9. Walby, Sylvia, *Theorizing Patriarchy*, (Oxford: Basil, 1990)
10. Siddique, K.A. (2007). *Matrimonial Law Digest, the Matrimonial Law Reporter*
11. Rai, O.P. (2013). *Protection of Women from Domestic Violence* 91
12. Agarwal, Bina (1988). *Structures of Patriarchy*
13. Bhasin, Kamla (2002). *Understanding Gender*

14. Julia B. and Carol Smart (1985), *Women in Law*
15. Kapur, R and B. Crossman (1996), *Subversive Sites (Feminist Engagements in Law)*
16. Gail Omvedt (1997). *Violence against Women: new Movements and new Theories in India*
17. Laura Reichenbach and Mindy Jane Roseman, *Reproductive Health and Human Rights-The Way Forward*
18. Das, P.K. (2007). *Handbook on Protection of Women from Domestic Violence Act and Rule*
19. Murray, Anne Firth, *From Outrage to Courage: Women Taking Action for Health and Justice*, (Common Courage Press, 2007)
20. Kim, J. Y., et al, (eds.), *Dying for Growth: Global Inequality and the Health of the Poor*, (Common Courage Press 1999)
21. Mann, Jonathan M., et al, (eds.), *Health and Human Rights: A Reader*, (Routledge 1999).
22. Merali, *Advancing Women's Reproductive and Sexual Health Rights*
23. Lewin E. *Programming for the realization of children's rights: lessons learned from Brazil, Costa Rica and Venezuela* (New York: UNICEF 2000).
24. Bajpai, Asha, *Child Rights in India: Law, Policy, and Practice* (New Delhi: OUP 2003)
25. Humbert, Franziska, *The Challenge Of Child Labour In International Law* (Cambridge University Press 2009)
26. Van Bueren, Geraldin, *The International Law On The Rights Of The Child* (The Hague: Martinus Nijhoff 1998)
27. Kilkelly, Ursula and Liefwaard, Ton (Eds.), *International Human Rights of Children* (Springer 2018)
28. Liefwaard, Ton and Sloth-Nielsen, Julia, (eds.), *The Convention on the Rights of the Child – Taking Stock After 25 Years and Looking Ahead* (The Hague: Brill, 2016)
29. Verhellen, Eugene, *The Convention on the Rights of The Child – Reflections from a Historical, Social Policy, and Educational Perspectives* (London: Routledge 2015)

CASES FOR GUIDANCE

1. Centre for Enquiry into Health and Allied Themes (CEHAT) & Others vs. Union of India & Others [2000 SC 301].
2. Gaurav Jain vs. Union of India [1997 (8) SCC 114]

3. Gita Hariharan vs. Reserve Bank of India [(1999) 2 SC 228]
4. Lakshmi v. Union of India
5. Laxmikant Pandey vs. Union of India [AIR (1984) SC 469, AIR (1986) SC 276, AIR (1987) SC 232]
6. M.C. Mehta vs. State of Tamil Nadu [JT 1990 SC 263]
7. Mary Roy v. State of Kerala
8. Sheila Barse vs. Union of India [AIR (1986) SC 1883, AIR (1988) SC 2211]
9. State of Tamil Nadu v. Suhas Katti
10. Unni Krishnan vs. State of Andhra Pradesh [1993 (1) SC 645]
11. Visaka v. State of Rajasthan
12. Vishal Jeet vs. Union of India [1990 (3) SCC 318]
13. Air India v. Nargeesh Meerza
14. Bandhua Mukthi Morcha v. UOI
15. National Legal Services Authority v. UOI (2018)

PAPER X
CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The Criminal Justice System is full and fully vested with the courts. Especially, criminal justice administration by the Criminal courts in India. The criminal courts are the Sessions Court, Assistant Sessions Court, Chief Judicial Magistrate Court, Judicial Magistrate Court and if it is in Metropolitan areas the part of the courts in the following name that are the Chief Metropolitan Magistrate court, the Metropolitan Magistrate court played the major role in the justice delivery process. This paper helps to identify the various types of crime in India and the statutory laws to deal with the crime and the background of the criminal and reason for the commission of the crime in the form of aggravating milieu and the mitigating milieu and the different theories for the crime and the parties to the criminal justice system and the role of the victim in the criminal justice delivery system. The sentence question and where it has to be asking and their types. The reformation of the convicted person by the various laws prevailed in India. The protection of human. Safeguard provided under law and judicial activism and human rights commission.

After undergoing the study, the student will be able to understand the following

- Relationship between Human rights and Criminal law
- Human rights perspectives on crime and punishment theories
- Rights of accused persons and convicts
- Protecting human rights while exercising criminal justice system

COURSE OUTLINE

MODULE I - CRIME AND PUNISHMENT IN HUMAN RIGHTS PERSPECTIVE

- a) Concept of crime and criminal liability, offences violation of Human Rights.
- b) Punishment and Sentences in Human rights.
- c) Imprisonment for life sentence and death sentence in Human rights perspective.

MODULE II - INVESTIGATION, EVIDENCE AND PROCEDURE ASPECTS OF HUMAN RIGHTS

- a) Investigative Methods adopted for Jail inmates in violation of Human Rights.
- b) Prohibition of Torture/Judicial custody and Police custody.
- c) Human Rights violation in collection of evidence methods and means.

MODULE III - RIGHTS OF THE ACCUSED

- a) Right to legal aid in investigation/trial.
- b) Right to appeal and other procedural rights.
- c) Pardoning system.

MODULE IV - RIGHTS OF THE PRISONERS AND INMATES AND DUTIES OF POLICE, COURT, AND INDEPENDENT EXPERT

- a) Rights of the prisoner and inmates in jail
- b) Duties of the police and the court towards accused witness and victim.
- c) Human rights perspective and duties of Independent expert.

MODULE V - RIGHTS OF THE VICTIM AND WITNESSES IN HUMAN RIGHT ASPECTS

- a) Victim protection/Physical and Psychological aspects.
- b) Victim Compensation and its comparative perspective in UK, USA, France and INDIA.
- c) Witness protection and its comparative perspective in UK, USA, France and INDIA.

MODULE VI - RIGHTS OF THE WOMEN, CHILDREN AND DISABLED PERSON

- a) Women prisoner/ women victim and women witnesses.
- b) Juvenile in conflict with law and Child witness and Juvenile Victim
- c) Disabled person in prison/ Victim and Witness.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. R.V Kelhar Outlines of criminal procedure
2. Ahmad siddique's criminology problems and perspectives
3. Criminal Justice and Human Rights-Pandit kamalakar
4. P.D. Sharma, Police and Criminal justice Administration in India, (Uppal publication, New Delhi, 1985)
5. P.D. Sharma, Criminal Justice Administration, (Rawat publications, Jaipur, 1998)

JOURNALS / ARTICLES

1. Crime, the Criminal Justice System, and Socioeconomic Inequality, Magnus Lofstrom, Steven Raphael, The Journal of Economic Perspectives, Vol. 30, No. 2 (Spring 2016),pp. 103-126
2. RIGHTS OF THE ACCUSED pp. 375-384 (10 pages
<https://www.jstor.org/stable/10.1163/j.ctt1w8h3dt.36> and Nariman, Fali S. "FIFTY YEARS OF HUMAN RIGHTS PROTECTION IN INDIA - THE RECORD OF 50

YEARS OF CONSTITUTIONAL PRACTICE.” National Law School of India Review, 2013, pp. 13–26. JSTOR, www.jstor.org/stable/44283607.

3. Steiner, Benjamin, et al. “The Impact of Inmate and Prison Characteristics on Prisoner Victimization.” *Trauma, Violence & Abuse*, vol. 18, no. 1, 2017, pp. 17–36. JSTOR, www.jstor.org/stable/26638159.
4. Leigh, Monroe. “Witness Anonymity Is Inconsistent with Due Process.” *The American Journal of International Law*, vol. 91, no. 1, 1997, pp. 80–83. JSTOR, www.jstor.org/stable/2954143. Doak, Jonathan. “Victims' Rights in Criminal Trials: Prospects for Participation.” *Journal of Law and Society*, vol. 32, no. 2, 2005, pp. 294–316. JSTOR, www.jstor.org/stable/3557229.
5. “Disabled People’s Human Rights: Developing Social Awareness.” *Disabled People and European Human Rights: A Review of the Implications of the 1998 Human Rights Act for Disabled Children and Adults in the UK*, by Luke Clements and Janet Read, 1st ed., Bristol University Press, Bristol, UK, 2003, pp. 31–40. JSTOR, www.jstor.org/stable/j.ctt1t8964p.10.

FURTHER READING:

BOOKS

1. South Asia Human Rights Documentation Centre, *Handbook of Human Rights and Criminal Justice in India*, (New Delhi: O U P, 2010)
2. Vibhute, K.I., *Criminal Justice-Perspectives of the Criminal Justice Process in India*
3. Gaur, K.D. (1999), *Criminal Law: Cases & materials*
4. Kumar, Naresh, *Constitutional Rights of Prisoners* (1986)
5. Rajgopal, P.R., *Violence and Response: A Critique of India Criminal Justice System*
6. Rajan, V.N., *Whither Criminal Justice Policy* (1983)
7. Rao, S., *Dynamics of Crime* (1981)
8. Rao, S. Venu Gopal, *Criminal Justice, Problems and Perspectives in India*, (Delhi, Konark Pub., 1991)
9. *Crimie in India: Annual Reports of National Crime Records Bureau*, (New Delhi, Law Commission Reports on Criminal Justice Reforms)
10. Malimath Committee report.

JOURNALS / ARTICLES:

1. *Indian Criminal Justice System and Human Rights* by Shruti Chaudhary
2. *Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)*

3. Matter of the Curado [Professor Aníbal Bruno] Prison Complex, Brazil (Provisional Measures, Inter-American Court of Human Rights, May 2014)
4. Matter of the Socio-educational Internment Unit (Provisional Measures, Inter-American Court of Human Rights, September 2011)
5. Notice of granting of precautionary measures, Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco, Brazil
6. Persons deprived of liberty at Professor Aníbal Bruno Prison, Pernambuco Brazil (Inter-American Commission on Human Rights, June 2011, warning: contains a graphic image)
7. Matter of Urso Branco Prison (Provisional Measures, Inter-American Court of Human Rights, August 2011)
8. Matter of Urso Branco Prison (Provisional Measures, Inter-American Court of Human Rights, November 2009)
9. "São Paulo sob Achaque: Corrupção, Crime Organizado e Violência Institucional em Maio de 2006/São Paulo Extorted: Corruption, Organized Crime, and Institutional Violence in May 2006"
10. (Joint report: International Human Rights Clinic, Justiça Global, May 2011) Authors: Fernando Ribeiro Delgado, Raquel Elias Ferreira Dodge and Sandra Carvalho

CASES FOR GUIDANCE

1. M Abbas Haji vs TN Channakeshava
2. Selvi and another vs State of Karnataka.
3. D K Basu vs State of West Bengal.
4. Joginder Kumar vs State of UP and others
5. Zahi Habibulla H.Sheikh vs State of Gujarat. 2004(4) SCC 158
6. Apren Joseph vs state of Kerala 1973(3) SCC 114
7. Prem Shankar Shukla vs Delhi Administration. AIR 1980 Sc 1535
8. Delhi Judicial Services Association vs State of Gujarat.
9. Sunil Gupta vs state of MP. 1990(3) SCC 119
10. Shalini Soni vs Union of India. (1980) 4 SCC 544,549
11. Ranga Billa case AIR 1981 SC 1572
12. Escher et al. v. Brazil (Judgment, Inter-American Court of Human Rights, July 2009)
13. "Ximenes Lopes v. Brazil" (Judgment, Inter-American Court of Human Rights, November 2006)
14. Mir Mohammed Ali v. Government of Andhra Pradesh 2000 (4) ALT 541 (DB)

15. Prabha Dutt v Union of India AIR 1982 SC 6
16. Police Commissioner, Delhi v Registrar, Delhi High Court AIR 1997 SC 95
17. Narendra Singh v State of M.P 2004 (4) SCALE 543
18. Miranda v Arizona 384 US 436: 16 L Ed 2d 694 (1966)
19. State of Maharashtra v M.P.Vashi AIR 1996 SC 1
20. Abdul Rehman Antulay v R.S. Nayak and Ors. (1992) 1 SCC 225

LEARNING OUTCOMES

On successful completion of the course the student will be able to get the glimpses and sparkling tenets of the subject Human Rights and Criminal Law and acquire knowledge on:

- *Relationship between Human rights and Criminal law*
- *Human rights perspectives on crime and punishment theories*
- *Rights of accused persons and convicts*
- *Protecting human rights while exercising criminal justice system*

PAPER XI

TRADE, ENVIRONMENT AND HUMAN RIGHTS

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The 21st century is synonymous with globalisation where commercial activities work beyond trade barriers. Globalisation opens doors for international trade and development influencing the scope of sovereignty and human rights. The course focuses on the role of human rights in development and international trade, the role of TNCs, trade-related sanctions for human rights violations, the question of sovereignty, and human rights perspective in India. The course explores the interplay between trade, environment, development, human rights and justice addressing UGC mandate and Bar Council framework for the syllabus.

After undergoing the study, the student will be able to understand the following

- To educate students on the implication of globalisation and development on human rights with special reference to trade and environment*
- To encourage the students to appreciate the legal structure surrounding human rights in areas of trade and environment*
- To understand the growth of human rights with specialized knowledge and advanced study in areas of trade and environment*

COURSE OUTLINE

MODULE I - GLOBALIZATION, DEVELOPMENT, JUSTICE AND HUMAN RIGHTS

- a) Meaning, nature and scope of globalisation – Dimensions and agents of globalisation – Sovereignty and globalisation - Concept of justice on globalised legal order – Theories of global justice
- b) Economic Justice - Concept of Development – Right to Development as a Human Right – Theories of Development - New International Economic Order – Development and trade off on human rights - WTO legal framework for trade related human rights measures – Impact of GATT and WTO - Trade-related Intellectual Property Rights - Unfair terms of trade in human rights violation - Political Justice - Globalisation of Democracy - Instruments of International Pressure
- c) Global Justice - Economic Theory of Trade Integration – Free Trade - Fair Trade - Role of International/Regional Trade Institutions on Justice and Human Rights –Impact of

global trade and trade liberalisation on distributive justice, poverty, inequalities – Business Ethics and Globalisation - Environmental Justice - Environment as a human right - Anthropocentric ethics and non-anthropocentric ethics

MODULE II - INTERNATIONAL COOPERATION ON TRADE AND HUMAN RIGHTS GOVERNANCE AND PRACTICE

- a) Role of World Organisations – UN – UNCITRAL - UNGP - World Bank, IMF, WIPO, UNDP, UNIDO - The work of the UN Human Rights Bodies - Human rights impact assessment – Trade incentives - Cooperation with other International Organizations
- b) Role of Transnational Corporations – Monopolies and right to development - Control, code of conduct of TNCs - Consumer rights and human rights – Destruction of environment and human rights
- c) Human rights in trade and investment agreements – IPR and human rights - Sanctions in third world – Social Clause - Conditional aid, trade sanctions, blockades, shame campaigns – Soft Diplomacy – Interferences – Military Interventions – Destabilisation of foreign governments, dictatorships (Arab Spring) – Impact of destabilisation of foreign governments on domestic interests

MODULE III - ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND HUMAN RIGHTS

- a) Right to environment in international legal order – Sustainable development – Intergeneration equity
- b) Legal and institutional framework on human rights and environment – Precautionary, polluter pays and public trust doctrine - Stockholm Conference, Rio de Janeiro Conference Johannesburg Conference and Rio +20
- c) International Environmental Organisations and Dispute Settlement Mechanisms – Conflict management

MODULE IV - HUMAN RIGHTS NORMS RELATING TO PROTECTION OF ENVIRONMENT

- a) Procedural and substantive obligations relating to human rights – Sustainable development
- b) Right to environment – Right to food – Right to water – Right to health - Right of non-human persons - Right of natural bodies not be polluted
- c) Climate change – Obligation relating to marginalised and those in vulnerable situations - Impact of environmental damage on food security, health and global poverty

MODULE V - TRADE AND HUMAN RIGHTS GOVERNANCE IN INDIA

- a) Indian trade policy – Foreign direct investments – Trade pacts - Indian trade agreements and its effect on local traders and small farmers – Regulatory framework
- b) Right to access to medicines in India – Indian Patent Amendment Act 2005 – Traditional knowledge (Turmeric, Basmati Rice, Neem)
- c) Biopiracy – Trade secret – Transfer of technology - Judicial activism

MODULE VI- ENVIRONMENT AND NATIONAL HUMAN RIGHTS GOVERNANCE

- a) Human rights law and institutions in India relating to environment – Fundamental rights – Directive principles of state policy
- b) Human Rights Act 1993 – Environment Protection Act 1986 - The Water Act, 1974 - Air Act 1981
- c) Role of judiciary in protection of human rights – Judiciary on Right to environment and Right to development – Constitutional Remedies

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

- 1. Author Krishen Koul - Guide to the WTO and GATT
- 2. Anupam Goyal - The WTO and International Environmental Law Towards Conciliation
- 3. Andrew F. Lowenfeld – International Economic Law
- 4. John H. Jackson, Sovereignty, the WTO and the changing fundamentals of International Trade Law
- 5. Day, D.M and Griffin, Bernardette - The Law of International Trade

JOURNALS / ARTICLES

- 1. Boyle, A. E., and Anderson M.R. (Eds.), Human Rights Approaches to Environmental Protection (Oxford: Clarendon Press 1996)
- 2. Woods, K., Human Rights and Environmental Sustainability (Cheltenham: Edward Elgar 2010)
- 3. Gear, Anna, Research handbook on human rights and the environment (Edward Elgar 2015) Hiskes, R.P., The Human Rights to a Green Future (Cambridge: Cambridge University Press 2009)
- 4. Kravchenko, Svitlana and John e. Bonine, Human Rights And The Environment: Cases Law, and Policy (Carolina Academic Press 2008)

5. Hayward, Tim (ed.), *Human Rights and the Environment* (Routledge 2017) Knox, John H., *The Human Rights to a Healthy Environment* (Cambridge University Press 2018)

FURTHER READING:

BOOKS

1. Philip Sands - *Principle of International Environmental Law*
2. Indira Carr and Peter Stone - *International Trade Law*
3. Petersmann, Ernest Ulrich - *The GATT/WTO Dispute Settlement System: International Law International Organization and Dispute Settlement System*
4. Alan Boyle and Patricia Birnie - *International Law and Environment.*
5. Julius Stone- *Human Law and Human Justice.*
6. R.Dworkin-*Taking rights Seriously*
7. Boyle, A. E., and Anderson M.R. (Eds.), *Human Rights Approaches to Environmental Protection* (Oxford: Clarendon Press 1996)
8. Woods, K., *Human Rights and Environmental Sustainability* (Cheltenham: Edward Elgar 2010)
9. Gear, Anna, *Research handbook on human rights and the environment* (Edward Elgar 2015)
10. Hiskes, R.P., *The Human Rights to a Green Future* (Cambridge: Cambridge University Press 2009)

JOURNALS/ARTICLES

1. Shelton, Dinah and Donald K. Anton, *Environment Protection and Human Rights* (Cambridge University Press 2011)
2. Leib, Linda Hajjar, *Human Rights and The Environment – Philosophical, Theoretical and Legal Perspectives* (Brill, 2010)
3. Coicand, Jean-Marc & others, *The Globalization of Human Rights* (Tokyo: United Nations University Press, 2003)
4. Joseph, Sara, *Blame it on the WTO? -- A Human Rights Critique* (OUP 2011) Kanade, Mihir, *The Multilateral Trading System and Human Rights: A Governance Space Theory on Linkages* (London: Routledge 2017)
5. Langford, M. et al. *Global Justice and Duties: The Extraterritorial Scope of economic, Social and Cultural Rights in International Law* (Cambridge University Press 2013)
6. Meyer, W.H., *Human Rights and International Political Economy of Third World Nations* (Westport, CT: Praeger 1998)

7. Vijapur, abdulrahim P., and Rashmi Doraiswamy (eds.), Globalization and the Third World: Issues, Prospects and Challenges. (New Delhi: Manak Publications 2009)
8. Kravchenko, Svitlana and John e. Bonine, Human Rights and The Environment: Cases Law, and Policy (Carolina Academic Press 2008)
9. Hayward, Tim (ed.), Human Rights and the Environment (Routledge 2017)
10. Knox, John H., The Human Rights to a Healthy Environment (Cambridge University Press 2018)

CASES FOR GUIDANCE

1. US v. Thailand (Thai Cigarettes Case)
2. US v. European Communities (The Hormone Beef case)
3. Canada v. France (Asbestos Case)
4. US Tuna Case I
5. US Tuna Dolphin Case II
6. Turtle Shrimp Case
7. Rural Litigation and Entitlement Kendra, Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
8. Indian Council for Enviro-Legal Action vs. Union of India AIR 1999 SC 1502
9. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538
10. Subhash Kumar vs. State of Bihar and Ors. (1991)
11. Doon Valley Case AIR 1985 SC 652
12. M. C. Mehta vs. Union of India AIR 1988 SC 1037
13. Oleum Gas Leak Case AIR 1986 SC
14. M.C. Mehta (Taj Trapezium Matter) v. Union of India 1997 2 SCC 353
15. Municipal Corporation, Ratlam vs. Vardhichand AIR 1980 SC 1622
16. Dehradun vs. State of Uttar Pradesh AIR 1987 SC 2187
17. Animal Welfare Board of India vs. A. Nagaraj and Ors. (2014) 7 SCC 547
18. M.C. Mehta vs. Union of India WP 860/1991
19. M.C. Mehta vs. Union of India AIR 1987
20. M.C. Mehta vs. Union of India AIR 1988 SCR (2) 538

LEARNING OUTCOMES

After the completion of this course, the students will be able to:

- *Identify, contextualise and analyse contemporary issues and international situations on trade and environment in terms of human rights and formulate human rights-based initiatives and policies*

- *Critically analyse and apply ethical understanding and perspective to different forms of promoting and implementing human rights at both national and international levels*
- *Synthesize inter disciplinary approaches and contribute to topics relating to human rights, environment and trade.*
