

## **BA.LL.B (HONS) – VIII-SEMESTER**

### **HUMAN RIGHTS LAW**

#### **COURSE CODE:**

**Course Objectives:** The objective of this course is to lay the foundation of the Human Rights law and acquaint the students with basic human rights institutions.

#### **Course Outcomes:**

1. To understand the legal and constitutional perspectives Human Rights Law in India
2. To understand the historical developments of Human Rights Law
3. To analyse the Constitutional safeguards to protect Human Rights
4. To analyse and interpret various laws on Human rights protection and welfare of the Society
5. To identify and be able to do research on emerging trends in Human Rights perspectives

**UNIT-I:** Introduction to Human Rights, Nature, Origin and Evolution, Development of Human Right Regime; Classification of Rights, Relationship between Rights and Duties, Concept of Human Rights, Historical background, Theories: Tradition and Modern, Principles, Concept of Human Duties, Moral and Ethical, Social and Economic, Political and Cultural, Dialectics of Human Rights, Universal versus Cultural Relativism, Basis needs versus value-Based, Individualism versus Collectivism, Emerging Concept of Human Rights, Human Rights: Human Sufferings, Human Rights Movements and Human Rights markets, Emergence of an Alternative Paradigm: Trade related Market friendly Human Rights.

**UNIT-II:** International Human Rights Law, UN Charter, UDHR, Covenants of 1966, Optional Protocols, Constitutional perspective: Fundamental Rights: Evolution of the Right to clean Environment, education and Compensation, Directive principle of State Policy, Fundamental Duties, Environmental Pollution and legal Order, The Water Act, 1974 and the Air Act, 1981, Pollution Control Boards and their Functions, Pollution Control measures with special emphasis on sampling, consent, mechanism and power to give directions, Procedure and Penalties, Environment Protection and Legal Order, Environment (Protection) Act, 1986, Powers of the Central Government to take Environmental Measures, Environment Protection Mechanism, Procedure and penalties, Principles of Environment Protection: National perspective

**UNIT-III:** National Human Rights Law, Constitutional Provisions, Fundamental Rights, Directive Principles of State Policy, Human Rights Act, 1993, NHRC: Composition, Powers and Functions, Role of State HRC, NCW, NCM, SC/ST Commission, Role of Civil Societies and Media, Concept of Crime and Criminal Liability, Role of Criminal Justice System in protection of Human Rights, Human Rights Problems, Police Atrocities and Accountability

**UNIT-IV:** Violence against Women and Children, Terrorism and Insurgency, Right to Accused, Ex post facto law, Double Jeopardy, Protection against Self-Incrimination, Fair trial, Rights of inmates of prison and Custodial Homes

**UNIT-V:** Compensation of victims of crime, Punishment and Human Rights, International Perspectives, International Crimes and International Cooperation in combating of Transnational Organized Crime, International Norms on Administrative of Criminal Justice, Group Rights, Prisoners, Women and Children, Indigenous People, Disabled, Senior Citizens, Refugees

**Text Books:**

1. H.O. Agarwal, Human Rights, (CLP, 2018)
2. Bhagyashree A. Deshpande, Human rights- Law and Practice, (CLP, 2017)
3. H.O. Agarwal, International Law and Human Rights (CLP, 2019)
4. Justice D M Dharmadhikari, Human Values and Human Rights (Lexis Nexis, 2016)
5. Rashee Jain, Text book on Human Rights Law and Practice (Lexis Nexis, 2016)
6. V. N. Shukla's Constitution of India (Eastern Book Company, 2017)
7. Bruce K Friesen, Moral Systems and the Evolution of Human Rights (Springer Briefs in Sociology, 2014)
8. Sunil Deshta, Fundamnetal Duties of Citizens (Regal Publications, 2014)
9. Justice Sujata V. Manohar, T K Tope Constitutional Law of India (Eastern Book Company, 2010)

**Reference Books:**

1. Thomas Buergenthal, *International Human Rights in a Nutshell*, West Publisher Company, 2009 (4<sup>th</sup> Edn)
2. Henry Steiner & Philip Alston, *International Human Rights in Context: Law, Politics, Morals: Text and Materials*, Oxford University Press, 2008
3. S. K. Kapoor, *International Law and Human Rights*, Central Law Agency, 2014
4. M. K. Sinha, *Implementation of Basic Human Rights*, Lexis Nexis, 2013