

BA.LL.B (HONS.) – IX-SEMESTER

INTERNATIONAL HUMANITARIAN LAW

COURSE CODE:

Course Objectives: The main objective of this Course is to introduce the evolving jurisprudence of Human Rights and International Humanitarian law through various international conventions, domestic laws and judicial decisions.

Course Outcomes:

1. To recognise the significance of International Humanitarian Law in the domestic and international community
2. To understand the jurisprudential aspects of Human rights and International Humanitarian law
3. To analyse various international conventions, domestic laws and judicial decisions of Indian and International Courts
4. To analyse and suggest the fundamental rules for the enforcement of principles in Human Rights and International Humanitarian Law
5. To identify and able to conduct research on emerging trends in International Humanitarian Law

UNIT-I: Jurisprudence of Human Rights, Significance of Human Rights, Problems in Conceptualization of Human Rights, International Perspective, Implementation mechanism of human rights- UDHR, ICCPR, ICESCR and UN Charter-First Generation, Second Generation and Third Generation of Rights, Cultural Relativity and Multiculturalism, Individual and Group Rights, Human Rights and Democracy, Development, Peace and Security, Women and Human Rights

UNIT-II: The European Convention on Human Rights, 1950, the American Convention on Human Rights 1969, African-Charter on Human and people's Rights; The Vienna Conference on Human Rights, 1993; Convention against Torture and other cruel, inhuman or degrading treatment or punishment; Rights of the Child; Refugees, Indigenous People

UNIT-III: India and Human Rights- The Protection of Human Rights Act, 1993, Constitution of Commission at Central and State Level, Jurisdiction of Commission, Powers and Duties of the Commission, Constitutional Perspectives and the Role of the Indian Judiciary, Emerging Dimensions of Human Rights in India

UNIT IV: International Humanitarian Law- Origin and development of IHL, Just war theory – Types of Armed Conflict, IHL in Ancient India, Sources of Modern IHL—Geneva, Customary Rules of IHL Geneva Conventions, The General obligations of Humane Treatment – Wounded, Sick and Shipwrecked Persons, Combatant Status and Protection of Prisoners of War (POW), Protection of Civilian Persons, Women and Children and other vulnerable groups in time of War

UNIT-V: General Limitations on the Conduct of War- Limits on the Choice of Methods and Means of Warfare, Specific Weapons – Landmines, Chemical, Biological, Nuclear etc., Anti-Personnel, Land Mines Protection of Cultural Property and Natural Environment, Applicability of IHL to Non-International Armed Conflict; Implementation of IHL- National, Bilateral and International Measures & State Obligations; IHL-India's Attitude in the present scenario; Enforcement of IHL: Responsibility of States for Repression of /Breaches; Role of National Legislation and Military Law; International Criminal Responsibility, Evolution of International Criminal Tribunals and International Criminal Court

Text Books:

1. C.J.Nirmal, Human Rights in India: Historical, Social and Political Perspectives, Oxford University Press
2. ICRC, The Geneva Conventions of 12 August 1949 and Protocols, Additional to the Geneva Conventions of 12 August 1949, ICRC
3. South Asia Human Rights Documentation Centre, Human Rights and Humanitarian Law: Developments in Indian and International Law, Oxford University Press