



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FOURTH SEMESTER MASTER OF LAWS

(CONSTITUTION BRANCH)

PAPER – II (PAPER CODE - 54902) : (PAPER NAME – HUMAN RIGHTS)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit I:

1. Panoramic View of Human Rights

- a. Human Rights in Non-western Thought
- b. Awareness of Human rights during the nationalist movement
- c. Universal Declaration of Human Rights, Constituent Assembly and Part-III, drafting process.
- d. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants).

2. Fundamental Rights Jurisprudence as Incorporating Directive Principles

- a. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- b. The Interaction between F.R. and D.P.
- c. Resultant expansion of basic needs oriented human rights in India.

Unit II: 1. Right not be Subject to Torture, Inhuman or Cruel Treatment

- a. Conceptions of torture, third-degree methods
- b. "Justifications" for it
- c. Outlawry of torture at international and constitutional law level
- d. Incidence of torture in India
- e. Judicial attitude
- f. Law Reform-proposed and pending

2. Minority Rights

- a. Conception of minorities
- b. Scope of protection
- c. The position of minority "Woman" and their basic rights
- d. Communal Riots as Involving violation of Rights.

Unit III:

1. Rights to development of Individuals and Nations

- a. The UN Declaration on Right to Development. 1987
- b. The need for constitutional and legal changes in India from human rights standpoint

2. People's Participation in Protection and Promotion of Human Rights

- a. Role of International NGOS
- b. Amnesty International
- c. Minority Rights Groups
- d. International Bars Association, Law Asia
- e. Contribution of these groups to protection and promotion of human rights in India.

Unit IV:

1. Freedom

- a. Free Press - its role in protecting human rights
- b. Right of association
- c. Right to due process of law
- d. Access and Distributive Justice

2. Independence of the Judiciary

- a. Role of the Legal Profession
- b. Judicial appointments - tenure of judges
- c. Qualifications of judges
- d. Separation of Judiciary from executive.

Selected Bibliography :

1. M.K.Akbar, Riots After Riots (1988)
2. U.Baxi (ed) , The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P.Gromley, Human Rights and Environment (1976)
8. H.Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C.Kashyap, Human Rights and Parliament (1978)
11. S.C.Jhera, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and) 'World Order (1958)
13. J.A.Andrews, Human Rights in International Law (1986)
14. I.Menon (ed) Human Rights in International Law (1985)
15. A.B.Roberston (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of International Law 279(1978)