

DEPARTMENT OF LAW
SCHOOL OF BUSINESS MANAGEMENT AND LEGAL STUDIES
UNIVERSITY OF KERALA
M.PHIL PROGRAMME IN HUMAN RIGHTS INTERDISCIPLINARY
UNDER CREDIT AND SEMESTER SYSTEM with effect from 2016 ADMISSION

Programme Name:- M.PHIL PROGRAMME IN HUMAN RIGHTS
INTERDISCIPLINARY

DEPARTMENT OF LAW

SCHOOL OF BUSINESS MANAGEMENT AND LEGAL STUDIES

UNIVERSITY OF KERALA

M.PHIL PROGRAMME IN HUMAN RIGHTS INTERDISCIPLINARY

UNDER CREDIT AND SEMESTER SYSTEM with effect from 2016 ADMISSION

**Programme Name:- M.PHIL PROGRAMME IN HUMAN RIGHTS
INTERDISCIPLINARY**

OBJECTIVES

- To understand the characteristics and significance Human Rights
- To explain the philosophical traditions and historical forces that have brought human rights issues into the international arena
- To identify the variety of human rights and the many concrete efforts to improve human rights observance around the world
- To appreciate that human rights have a solid intellectual and legal foundation
- To understand what is being done to improve human rights observance today.

STRUCTURE OF THE PROGRAMME

Sem	Course Code	Name of the Course	No of Credits
I	LAW-711	RESEARCH METHODOLOGY	4
	LAW-712	HUMAN RIGHTS THEORIES PRACTICES AND CHALLENGES	4
	LAW-713	HUMAN RIGHTS IN INDIA-HISTORICAL, SOCIAL AND POLITICAL PERSPECTIVES	4
II	LAW-721	DISSERTATION	20
		TOTAL CREDITS	32

SEMESTER	: I
COURSE CODE	:LAW – 711
COURSE TITLE	:RESEARCH METHODOLOGY
CREDITS	: 4

AIM

The aim of the course is to help M.Phil students on how to embark on their research. The paper will guide them through the process of thinking about the links between theory legal research, cases and data and help the doctoral researchers To turn their initial plausible ideas into convincing arguments. It aims to help the doctoral researchers to have a pragmatic approach to research.

COURSE OBJECTIVES

- To understand the meaning and objectives and types of research.
- To understand the research process and to study in detail the research process and various steps involved.
- To understand the essentials of good legal writing and report writing.

COURSE CONTENT

MODULE I: PURPOSE AND OBJECTIVES OF RESEARCH

Purpose and objectives of research- purpose of legal research-identification of research problem- setting up of hypothesis-role of hypothesis in scientific investigations-types ,sources and characteristics of hypothesis- relevance of hypothesis in legal research- interdisciplinary research- pure and applied research

MODULE II: LEGAL RESEARCH METHODOLOGY

Methods and techniques of research –nature and rules- legal research methodology- doctrinal and nondoctrinal research- deductive reasoning- role of analogy in legal research- analysis of cases- interpretation of statutory provisions- identification of materials for doctrinal research-techniques for organization of materials in legal research on line primary sources for legal research-

MODULE III: DATA COLLECTION

Methods of Data Collection-primary and secondary sources –uses of libraries, indexes and bibliographies-formal and informal settings for data collections- main forms of data

collection-social surveys and their objectives-case study-questionnaire-interview methods-analysis and interpretation of data-classification of data

MODULE IV: METHODS AND TECHNIQUES OF RESEARCH

Methods and techniques of research- nature and rule- evaluation of different methods-historic, comparative, descriptive and scientific observation and experimentation and confirmation of hypotheses, types of statistical methods, sampling and stratification, generalization and confirmation, adoption of terminology.

MODULE V: TECHNIQUES OF PRESENTATION

Techniques of presentation-style of presentation- bluebook for footnote writing- relevance of bibliography appendix and index-preparation of drafts and final version of the thesis-typing printing and submission of thesis- Report Writing.

REFERENCES

- BRUCE L. BERG, QUALITATIVE RESEARCH METHODS FOR THE SOCIAL SCIENCES (2001).
- KOTHARIC.R., RESEARCH METHODOLOGY: METHODS AND TECHNIQUES (NEW AGE INTERNATIONAL PVT. LTD, 2013)
- DAVID L MORGAN, INTEGRATING QUALITATIVE AND QUANTITATIVE METHODS SAGE (2014).
- PAT BAZELEY, QUALITATIVE DATA ANALYSIS: PRACTICAL STRATEGIES SAGE (2ND ED. 2014).
- RANJITH KUMAR, RESEARCH METHODOLOGY SAGE TEXTS (2014).
- ANWARUL YAQIN LEGAL RESEARCH AND WRITING METHODS LEXIS NEXIS (2008).
- ROBERT WATT, FRANCIS JOHNS, CONCISE LEGAL RESEARCH 6TH ED UNIVERSAL LAW PUBLISHING COMPANY (2012)
- PROF THUSHAR KANTHI SAHA, TEXT BOOK ON LEGAL METHODS, LEGAL SYSTEMS AN RESEARCH 2ND ED UNIVERSAL LAW PUBLISHERS (2015).
- VIJAY K. GUPTA, DECISION MAKING IN THE SUPREME COURT OF INDIA (A JURIMETRIC STUDY) – ALTERNATIVES IN JUDICIAL RESEARCH (1995).

SEMESTER	: I
COURSE CODE	:LAW – 712
COURSE TITLE	:HUMAN RIGHTS THEORIES PRACTICES ANDCHALLENGES
CREDITS	: 4

AIM

The aim of the course is to help M.Phil scholars understand the theories of human rights. The paper will guide them in understanding “human rights.” Basically human rights are not just invented by some theorist living in social vacuum. The practise, idea and discourse of human rights are developed within particular societies at particular points in time. An essential part of understanding human rights is to understand the evolution of their development.

COURSE OBJECTIVES

- To understand what is human rights and its theories
- To study the development of human rights in international and regional systems
- To analyse the contemporary issues and challenges to Human Rights

COURSE CONTENT

MODULE I: A CONCEPTUAL UNDERSTANDING OF HUMAN RIGHTS

Human Rights Concept, Definition, Meaning & Nature, Human values: Liberty, Equality, and Justice Individual, State, Human Society - Historical Foundation of Human Rights
 Historical Development: Magna Carta, British Bill of Rights, American Bill of Rights - French Revolution and its Goal of liberty Equality and Fraternity, Marxist Revolution – Is human rights western?- Indian Concepts: Dharma, Raj Neeti, LokNeeti, DandaNeeti, Nyaya Concept of Development

MODULEII: THEORIES AND CLASSIFICATION OF HUMAN RIGHTS

Three Generation of Human Rights, Theories of Rights: Theory of Natural Rights, Legal/Positive Theory of Rights, Marxist Theory of Rights - Different Perspectives of Human Rights Liberal, Marxist and Feminist Perspectives of Human Rights - Cultural relativism and universalism- priority of rights-issue of universality of rights.

MODULEIII: INTERNATIONAL INITIATIVES IN HUMAN RIGHTS

Concern for Human Rights- Concern for the protection of the Individuals in Anti- Slave Trade Treaties, Rise of Nazism, Fascism, Holocaust and Human Rights - International Organisations and Human Rights- League of Nations (mandate system, social and economic welfare), United Nations (UN Charter, UDHR, International Covenant on

Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights (1966) - UN Organs and Human Rights

MODULEIV: REGIONAL HUMAN RIGHTS SYSTEMS

African Human Rights System OAU Charter 1963, Mechanism of Implementation: African Commission and Court of Human and People's Rights, African charter of Human and People's Rights (1981) - American Human Rights System- American Convention on Human Rights (1969), Inter- American Commission on Human Rights (1959), European Human Rights System

MODULEV:CONTEMPORARY ISSUES AND CHALLENGES TO HUMAN RIGHTS

Justitiability of rights under ICESCR- Rights of women- domestic rights of women- rights of child- development of rights of child- rights of minorities- reservation and rights of minorities- concept of creamy layer- indigenous people's rights- dalits and tribal people- rights of sexual minorities- impact of science technology on human rights-

REFERENCES

- AMARTYA SEN, THE IDEA JUSTICE, NEW DELHI: PENGUIN BOOKS, 2009.
- A MURRAY (ED.), HUMAN RIGHTS IN THE DIGITAL AGE, OUP, CLARENDON, 2005.
- A PLOMER, THE LAW AND ETHICS OF MEDICAL RESEARCH: INTERNATIONAL BIOETHICS AND HUMAN RIGHTS, OUP, CLARENDON, 2005.
- C G WEERAMANTRY, JUSTICE WITHOUT FRONTIERS: PROTECTING HUMAN RIGHTS IN THE AGE OF TECHNOLOGY, OUP, CLARENDON, 1997
- CONOR GREAY AND ADAM TOMKINS (EDS).UNDERSTANDING HUMANRIGHTS, LONDON: MANSHELL, 1996.
- DAVID BEETHAM, POLITICS AND HUMAN RIGHTS, OXFORD: BLACKWELL, 1995
- F FRANCONI (ED.), BIOTECHNOLOGY AND INTERNATIONAL HUMAN RIGHTS, OUP, CLARENDON, 2007.
- H SOMSEN (ED.), THE REGULATORY CHALLENGE OF BIOTECHNOLOGY: HUMAN GENETICS, FOOD AND PATENTS, OUP, CLARENDON, 2007.
- MICHAEL FREEDEN, RIGHTS, DELHI: WORLD VIEW, 1998(INDIAN REPRINT)
- MICHAEL FREEMAN, HUMAN RIGHTS: AN INTERDISCIPLINARY APPROACH, OXFORD: POLITY, 2002.
- NEW GLOBAL FRONTIERS OF REGULATION: THE AGE OF NANOTECHNOLOGY, OUP, CLARENDON, 2007.
- NUFFIELD COUNCIL ON BIOETHICS, GENETICALLY MODIFIED CROPS: THE ETHICAL AND SOCIAL ISSUES, OUP, LONDON, 1999.
- PHILIP ALSTON INTERNATIONAL HUMAN RIGHTS
- R J COOK AND C G NGWENA (EDS.), HEALTH AND HUMAN RIGHTS, OUP, CLARENDON, 2007. 5. G. HODGE EL AL (EDS.),
- ROGER BROWNSWORD (ED.), HUMAN RIGHTS, OUP, CLARENDON, 2004.

- ROGER BROWNSWORD, RIGHTS, REGULATION AND THE TECHNOLOGICAL REVOLUTION, OUP, CLARENDON, 2009.
- RONALD DWORKIN, TAKING RIGHTS SERIOUSLY, LONDON: DUCKWORTH, 1978
- RUTH DEECH AND ANNA SMAJDOR, FROM IVF TO IMMORTALITY: CONTROVERSY IN THE ERA OF REPRODUCTIVE TECHNOLOGY, OUP, CLARENDON, 2009.
- THERESE MURPHY (ED.), NEW TECHNOLOGIES AND HUMAN RIGHTS, OUP, CLARENDON, 2009.
- TIM CROOK, COMPARATIVE MEDIA AND ETHICS, ROUTLEDGE PUBLICATIONS.
- UNESCO, ETHICS OF SCIENCE AND TECHNOLOGY: EXPLORATIONS OF THE FRONTIERS OF SCIENCE AND ETHICS, OUP, CLARENDON, 2006.
- UPENDRA BAXI,: THE FUTURE OF HUMAN RIGHTS, NEW DELHI: OXFORD UNIVERSITY PRESS 2000.

SEMESTER : I
COURSE CODE:LAW – 713
COURSE TITLE :**HUMAN RIGHTS IN INDIA-HISTORICAL,
SOCIAL AND POLITICAL PERSPECTIVES**
CREDITS : 4

AIM

Human rights appear increasingly as a growing universal language that has developed with extraordinary vigour in the wake of World War II. Human rights tend to structure the space, both at national and international levels, within which human beings attempt to construct a moral order of universal and global scope. Despite theoretical and philosophical debates concerning the existence, justification and universality of human rights, the concrete violations of human beings through genocide, torture, disappearances, state policies of starvation, slavery, racism, mass rape, domestic violence against woman, and discrimination- cry out for care of and solidarity with, victims of oppression. This paper tries to give description about national perspective of human rights

COURSE OBJECTIVE

- To give an insight into the national perspective of human rights
- To study the violations, enforcement and protection mechanisms of human rights in India
- To analyse the role of education organisations and programmes in human right development

COURSE CONTENT

MODULE I: HUMAN RIGHTS IN INDIA- HISTORICAL PERSPECTIVE

Human Rights in Ancient India –vedas- liberty of Tan (body) Skridhi (dwelling place) and Jibhasi (life)- Kautilya, Arthashastra, - civil and legal rights - Manu- civil and legal rights - economic rights- Hinduism and Human Rights, A Conceptual Approach- dharma – Buddhism- Jainism- Human Rights in Middle Ages-Muslim rule and human rights- Judeo-Christian Tradition - human rights in British india – views of freedom fighters on human rights - independence movement, making of the Constitution -

MODULE II: HUMAN RIGHTS AND INDIAN CONSTITUTION

Human rights in post constitutional Stage- Preamble- Scheme of part III and Part IV – State and human rights- Art12- Fundamental rights as a guarantee against state action- private bodies and human rights- right to equality and human rights- fundamental

freedoms and human rights issues- freedom of religion- art 25 and human rights- art 21 and human rights- new dimension to art. 21- Constitutional development and socio economic rights as directive principles of state policy-Judicial interpretation on Human rights - Right based Laws - judicial activism new dimensions

MODULE III: ENFORCEMENT AND PROTECTION MECHANISM OF HUMAN RIGHTS IN INDIA

Judiciary - Judicial Organs- Supreme Court (Art 32) And High Courts(Art 226) - National Human Rights Commission and other Commissions and Committees - Human Rights Act, 1993 Human Rights Commission- National and State - Commission of Women, children , Minority, SC/ST Non-governmental organizations - Information Media – Education–Comparative approaches Emergence of Human Rights in Asia SAARC and Human Rights Emerging norms of Social Charter, Convention on Child Welfare, Rights of the Child and Girl Child, Convention on Trafficking of Women and Children for Prostitution and Convention on the Protection of Children

MODULE IV: HUMAN RIGHTS VIOLATIONS AND INDIAN POLITY

Inequalities in society-population-illiteracy-poverty-caste-inaccessibility of legal redress - Abuse of Executive Power-Corruption-Nepotism and favouritism- Human Rights and Good Governance - Role of Advocacy Groups a) Professional Bodies: Press, Media, Role of Lawyers-Legal Aid b) Educational Institutions c) Role of Corporate Sector d) NGO's Poverty, underdevelopment and illiteracy (b) Women, children and the disadvantaged groups- Case studies: Jammu and Kashmir, Gujarat, Punjab and North-East India .

MODULE V: HUMAN RIGHTS EDUCATION ORGANISATIONS AND PROGRAMMES

Role of university Grants Commission- Role of Universities- NGOs- School Level Orientation Programme- professional level orientation programme- concept of media for protection of human rights-- Human rights and development: Locating the development discourse- Human Rights new Dimensions -

REFERENCES

- AFTAB ALAM, HUMAN RIGHTS IN INDIA: ISSUES AND CHALLENGES, DELHI: RAJ PUBLICATIONS, (2004).
- AWASTHI , S.K. & R.P. KATARIA, LAW RELATING TO PROTECTION OF HUMAN RIGHT, NEW DELHI :ORIENT PUBLISHING, 2002. 8. SOUTH ASIA HUMAN RIGHTS DOCUMENTATION CENTRE (SAHRDC), HANDBOOK OF HUMAN RIGHTS AND CRIMINAL JUSTICE IN INDIA: THE SYSTEM AND PROCEDURE, NEW DELHI: OUP, 2006.
- B.P. SINGH, HUMAN RIGHTS IN INDIA: PROBLEMS AND PERSPECTIVES, NEW DELHI: DEEP & DEEP, (2008).
- CHIMMNI.B.S, I'NTERNATIONAL REFUGEE LAW A READER I ST PUBLISHED 2000
- HARSH BHANWAR, HUMAN RIGHTS LAW IN INDIA: PROTECTION AND IMPLEMENTATION OF THE HUMAN RIGHTS, NEW DELHI: REGAL PUB., (2008).

- JAISWAL JAISHREE, HUMAN RIGHTS OF ACCUSED AND JUVENILES: DELINQUENT IN CONFLICT AND LAW, DELHI: KALPAZ: (2005).
- K.P. SAKSENA, (ED.), HUMAN RIGHTS AND THE CONSTITUTION: VISION AND THE REALITY, NEW DELHI: GYAN PUBLISHING, 2003
- L.K. THAKUR, ESSENTIALS OF POTO AND OTHER HUMAN RIGHTS LAWS, NEW DELHI: AUTHOR PRESS, (2002).
- NIRMAL.C.J, HUMAN RIGHTS IN INDIA, HISTORICAL SOCIAL AND POLITICAL PERSPECTIVE
- NOORJAHAN BAVA, HUMAN RIGHTS AND CRIMINAL JUSTICE ADMINISTRATION IN INDIA, NEW DELHI: UPPAL, 2000.
- REBECCA WALLACE, INTERNATIONAL HUMAN RIGHTS TEXTS AND MATERIALS SWEET AND MAXWELL PUBLICATION , 1997
- SHANKER SEN, TRYST WITH LAW ENFORCEMENT AND HUMAN RIGHTS: FOUR DECANDES IN INDIAN POLICE, NEW DELHI: APH, (2009).

SEMESTER	: II
COURSE CODE	:LAW – 721
COURSE TITLE	: DISSERTATION
CREDITS	: 20

AIM

The purpose of the course is to enable students with high research capability through systematic activity of learning and understanding. Through the course the students will be able work on a research design that will provide them with capability to bring out worthy intellectual creations

COURSE OBJECTIVE

- To learn the systematic activity of researching
- To identify grey areas in law and propose possible logical solutions
- To make the students able enough to understand the practical aspect of research design and research process
- To make intellectual materials from extensive and wide reading of legal references, which can be used for further research and teaching activities.
- To contribute to the society