

# HUMAN RIGHTS AND HUMANITARIAN LAW

## 1. Concept, Development and Philosophy of Human Rights

- Evolution and Theories (Traditional and Contemporary)
- Notion of Human Dignity
- Human Rights and Constitutional Values: Democracy, Rule of Law, Good Governance
- First, Second, and Third Generation Human Rights
- Human Rights in relation to Politics, Culture and Religion

## 2. Human Rights: International Perspective

- United Nations Human Rights Regime
- Regional Instruments
- Consultative Status of Civil Society
- Human Rights, Globalization, and State Sovereignty

## 3. Human Rights : Indian Perspective

- Conceptual Dimensions of Human Rights with special reference to India
- Fundamental Rights under the Constitution
- Derogation of Fundamental Rights
- Directive Principles of State Policy
- Interrelation between Fundamental Rights and Directive Principles of State Policy: Issues and Challenges
- Statutory Enforcement

## 4. Rights of Vulnerable Groups

- Defining Vulnerability
- Women
- Children
- Disabled Persons
- Minorities
- Refugees, Migrants, Displaced Persons
- Indigenous Persons

## 5. Science, Technology and Human Rights

- Technology and Human Rights: Developments and Challenges
- Right to Health
- Right to Privacy
- Right against Self-Incrimination
- Right to Life

## 6. Humanitarian Law

- International Humanitarian Law: An Overview
- History, Scope and Conceptual Background
- Conduct of Hostilities
- Treatment of Victims, Prisoners of War
- International Institutions
- State and Individual Accountability
- Enforcement of Humanitarian Law
- Human Rights and Humanitarian Law

### Suggested Readings\*

#### BOOKS

1. A.G. Noorani, (South Asian Human Rights Documentation Centre), *Challenges to Civil Rights Guarantees in India* (Oxford University Press, 2012).
2. Cranston Maurice, *What are Human Rights?* (Basic Books, Inc., Publishers, New York, 1962).
3. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).
4. Jayna Kothari, *The Future of Disability Law in India* (Oxford University Press, 2012).
5. Jean-Marc Coicaud, Michael W. Doyle (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).
6. Macro Sassoli, and Antonie Bouvire, *How does Law protect in War? Cases and Materials and Teaching Materials on Contemporary Practice in International Humanitarian Law* (International Committee of the red Cross, Geneva 2<sup>nd</sup> ed. 2005),
7. Manoj Kumar Sinha, *International Criminal Law and Human Rights* (ed.) (Manak Publications, Delhi, 2010).
8. Omprakash Mishra (ed.), *Forced Migration In South Asia – Displacement, Human Rights, And Conflict Resolution* (Manak Publications, 2004).
9. Simon Bagshaw, *Developing A Normative Framework For The Protection Of Internally Displaced Persons* (Transnational Publishers, 2005).
10. Upendra Baxi, *The Future of Human Rights* (OUP, 2002).
11. V.S.Mani (Ed). *Handbook of International Humanitarian Law* (Oxford University Press, 2007).

#### ARTICLES

1. Bhaskar Rao, "Refugee Law vis-a vis International Humanitarian Law" *ISIL Yearbook of INL, HRL and Refugee Law* 215-21 (2005).
2. Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights" Vol. 19 (4) *The European Journal of International Law* 655-724 (2008).
3. Gunnar Beck, "The Idea of Human Rights between Value Pluralism and Conceptual Vagueness", *25 Penn State International Law Review* 615(2008).

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\* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.

4. Jonathan Todres, "Women's Rights and Children's Rights: A Partnership With Benefits for Both" 10 *Cardozo Women's L. J.* 603 (2004).
5. Kara Abramson, "Beyond Consent, Towards Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol" 44 (2) *Harvard International Law Journal* 473 (2003).
6. Knut Dörmann, "Detention in Non-International Armed Conflicts" Vol. 88 *International Law Studies* 347-366 (2012).
7. Lindsay Moir, "The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949", Vol. 47 *International and Comparative Law Quarterly* 337-361. (1998).
8. Philippe Dind, "Security in ICRC Field Operations", n. 323 *International Review of the Red Cross* 335-46 (1998).
9. Robert Kolb, "The Relationship Between International Humanitarian Law and Human Rights Law - A Brief History of the 1948 Universal Declaration of Human Rights and the 1949 Geneva Conventions", *International Review of the Red Cross* 409-20 (1998).
10. Rodrigues Pinzon, "The International Human Rights Status OF Elderly Persons" 18 *American University International Law Review* 915-1008(2003).
11. Stuart Maslen, "An International Ban on Anti-Personnel Land Mines: History and Negotiations of the Ottawa Treaty", n.325 *International Review of the Red Cross* 693-714. (1998).
12. Sumbul Rizvi, "International Dimensions of Refugee Law" *ISIL Yearbook of International Humanitarian and Refugee Law* 103-15 (2004).
13. Surya Deva, "Globalization and its Impact on the Realization of Human Rights: Indian Perspective on a Global Canvas" in C. Raj Kumar, K. Chockalingam (eds.) *Human Rights, Justice and Constitutional Empowerment* 237 ó 263 (OUP, 2003).
14. Thomas Farer, "Humanitarian Law and Armed Conflicts: Towards the Definition of 'International Armed Conflict'" 71 (1) *Columbia Law Review* 37-61 (1971).
15. Thomas Graditzky, "Individual Criminal Responsibility for Violations of International Humanitarian Law Committed in Non-International Armed Conflicts", n. 322 *International Review of the Red Cross* 29-56 (1998).
16. Toni Pfanner, "The Establishment of a Permanent International Criminal Court - ICRC Expectations of the Rome's Diplomatic Conference", n. 322 *International Review of the Red Cross* 21-28 (1998).

**Note: This is a draft syllabus, which is to be approved by the Competent Authority.**