

FOUR SEMESTER LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) TWO YEAR DEGREE COURSE ORDINANCES

WHEREAS, it is necessary to reorient legal education by making provision for instructions in new course of study, extensive as well as intensive study of prescribed courses, and for adequate practical training for diverse careers open to law graduates.

AND WHEREAS, with a view to reorient legal education as aforesaid and to provide sufficient opportunity for adequate instruction as well as training in law, the Banaras Hindu University has decided to institute a Four Semesters LL.M. (Human Rights and Duties Education) Degree Course of Study and has approved of a syllabus of studies therefore :

NOW, THEREFORE, the Banaras Hindu University frames these ORDINANCES for the implementation of the aforesaid policy decisions:

1. THE DEGREE OF MASTER OF LAWS (HUMAN RIGHTS AND DUTIES EDUCATION)

The Banaras Hindu University may confer the Degree of Master of Laws (Human Rights and Duties Education) on such candidates who being eligible for admission to the LL.M. (Human Rights and Duties Education) Degree Course, have received regular instructions in the prescribed courses of study undergone required practical training, passed relevant examination and, being otherwise suitable by virtue of their character; have fulfilled such other conditions as may be laid down from time to time.

2. THE CURRICULUM AND DURATION OF STUDIES

A. Curriculum of Studies :

- (i) The Curriculum of Study for the LL.M. (Human Rights and Duties Education) Degree shall comprise of the course set out in Schedule-A.
- (ii) The contents of the courses of study shall be such as set out in Schedule – B

Provided that the Board of Studies in Law may make such changes in the contents of the courses of study as and when it deems necessary, and report the matter to the Faculty of Law

B. Duration of Studies :

The curriculum of study for the LL.M. (Human Rights and Duties Education) Degree shall be spread over two academic years, and shall be divided into four semesters for the examination purposes, called First, Second, Third and Fourth semesters.

Explanation :

The academic year shall extend from the day of the reopening of University after summer vacation to the last working day of the concerned academic year or as determined by the Academic Council. The First and Third semesters shall ordinarily extend from the day of re-opening of the University after summer vacation to the last week of December as the case may be. The Second and Fourth semesters shall ordinarily extend from the first week of January to the last working day of the concerned academic year / commencement of summer vacation.

3. REQUIREMENTS FOR ADMISSION

A. Registration

- (i) Candidates for LL.M. (Human Rights and Duties Education) Degree shall first be admitted to the First Semester course of study.
- (ii) *Subsequent Registration* :
 - (a) candidate, who fails to prosecute a regular course of study during any of the Second, Third and Fourth Semesters may be registered in the appropriate Term of any subsequent year to the Semester concerned but within such time as enables him to complete the study of all Semesters comprising LL.M. (Human Rights and Duties Education) Degree Course within a maximum period of four years from the date of his registration for the First Semester.
 - (b) A candidate, whose name is struck off the rolls for non-payment of dues, may be registered in the same Semester on payment of prescribed fee.

B. Minimum Qualifications for Admission

- (i) Admission to the LL.M. (Human Rights and Duties Education) Degree Course of study shall be open to those candidates only who have passed the 3-Year 6-Semester LL. B. Degree examination after graduation under 10+2+3 pattern or five years LL.B. under 10+2+5 pattern recognized by the Bar Council of India with a minimum of 50% marks in aggregate.
- (ii) The mode of admission shall be determined by the University from time to time as there are a limited number of seats (presently ten) available in the said course.

C. Conditions of Admission

- (i) No application for registration to the First Semester shall be entertained unless it is accompanied by :
 - (a) duly certified transcript of the scholastic record of the candidate, commencing from the Admission or equivalent examinations;
 - (b) original Transfer Certificate in the case of a candidate who has been a regular student in any institution at any time prior to making application for registration in the Law School; and
 - (c) original Migration Certificate if the candidate is not enrolled in this University or, if enrolled, his enrolment has been cancelled.

Provided that if a candidate is unable to produce any of the aforesaid documents, other than the mark-sheet of the LL.B. examination, at the time of making an application for registration in the Law School, he shall undertake to submit them within three months or within such further period as the Dean of the Law School may prescribe; and the admission, if any, of such candidate shall, until the submission of the aforesaid documents, be deemed to be provisional.

- (ii) No application for registration shall be entertained unless the candidate gives a written undertaking that :
 - (a) he shall reside in the University Hostels for the duration of his course of study. However, the Dean of the law School may permit a candidate to reside with his guardian under such conditions as may, from time to time, be prescribed;

- (b) he shall exclusively devote his time to the study of courses prescribed for the LL.M. (Human Rights and Duties Education) Degree and in particular, he shall not offer any other course of study leading to a degree of any description whatsoever or undertake any remunerative work; though with the prior permission of the Dean he may join diploma course;
 - (c) he shall not undergo practical training in law, for the purposes of being enrolled as an Advocate, during his studies leading to the LL.M. (Human Rights and Duties Education) Degree ; and
 - (d) he shall abide by the provisions of the Banaras Hindu University Act, Statutes, Ordinances, Regulations and Rules that are framed or may be framed there under and the Orders of the Officers and Authorities of the School and the University.
- (iii) No application for registration shall be entertained unless the parent or the guardian of the candidate gives a written undertaking that :
- (a) the candidate shall abide by the undertakings given in the registration application and by the provisions of the Banaras Hindu University Act, Statutes, Ordinances, Regulations and Rules that are framed or may be framed there under and the Orders of the Officers and Authorities of the School and the University.
 - (b) he shall be responsible for the payment of fees and other dues of any description whatsoever of the candidate; and
 - (c) he shall be responsible for the conduct of the candidate in and outside the School and the University.
- (iv) The admission of a student is liable to be cancelled at any time in the event of breach of any of the undertaking given by the student or his guardian.

D. Screening

- (i) Unless otherwise prescribed by the Academic Council and the Executive Council, the number of students to be admitted to the LL.M. (Human Rights and Duties Education) Degree Course of study shall not be more than 10.
- (ii) Candidate shall be admitted strictly in order of merit as determined on the basis of marks obtained at the qualifying examinations, prescribed weightage and such other criteria as may be laid down from time to time.
- (iii) In case the aggregate percentage of marks at the qualifying examination are equal then preference shall be given to candidate who has higher marks in the concerned subject
- (iv) In case the candidates have equal marks in the above stated examinations, then the candidate senior in year shall be given preference.

E. Reservations :

The rules for reservation of seats for admission as framed by the University from time to time shall be applicable.

F. Foreign Students

Application of foreign nationals nominated by the Government of India shall be entertained provided they fulfil the following conditions that :

- (a) they fulfil the minimum eligibility requirements.
- (b) the applications of scholarship holding Foreign Nationals are routed through Indian Council of Cultural Relations/Ministry of Human Resource & Development, Government of India, New Delhi.
- (c) they have valid Residential permit/Student Visa for the prescribed duration of the concerned course.
- (d) the antecedents of the candidate have been verified by the forwarding Agencies/Ministry and found in order.
- (e) the candidates submit certificate verified by the Ministry/Agencies to the effect that he/she has been subjected to AIDS test and found negative.
- (f) they have adequate knowledge of English and/or Hindi as per requirements of the course.
- (g) the degree/certificates of the candidates have been approved by the Association of Indian Universities as equivalent to the corresponding degrees/certificates of the Association.

4. FEES

- (i) A candidate seeking admission in LL.M. (Human Rights and Duties Education) shall have to pay Special Fee (currently Rs. 30,000/-per annum) in addition to the normal fees as prescribed or determined by the appropriate authorities from time to time.
- (ii) Candidates seeking subsequent registration shall also have to pay Special Fee (currently Rs. 30,000/- per annum) in addition to the normal fees as prescribed or determined by the appropriate authorities from time to time.
- (iii) The Hostel Fee shall be payable as per University Rules decided from time to time.
- (iv) Every candidate shall have to pay other fees also as determined by the University at such time in such circumstances as may be prescribed by the Banaras Hindu University.

5(A) COURSE OF STUDY

A candidate for the degree of Master of Laws (Human Rights and Duties Education) shall be required to:

- (i) Study one core paper in each of the First, Second, Third and Fourth Semester carrying 100 marks for each paper.
- (ii) Study three optional papers in the First, Second and Third Semester carrying 100 marks in each paper.
- (iii) Attend lectures and undertake project works in the core paper on Research Methodology.
- (iv) Submit research project works and also attend and participate in other activities including extension activities in the Law School.

5 (B) PROSECUTION OF A REGULAR COURSE OF STUDY

A candidate who has full attendance, i.e. 100% in lectures in the academic year shall be deemed to have prosecuted a regular course of study for that year.

Provided that a condonation of 30% in attendance may be considered by the Dean of the Law School for specified cogent reasons on the following grounds:

- (i) Participation in N.C.C./N.S.C./N.S.O. camps, duly supported by a certificate.
- (ii) Participation in University/Faculty Team Games or Inter-University tournaments, duly supported by a certificate from the Secretary of the University Athletic Association concerned.
- (iii) Participation in Educational Excursions conducted on working days certified by the Dean of the Faculty. These excursions shall not include those organized for a class as a whole. No credit will be given for excursion conducted on holidays.
- (iv) University Deputation for Youth Festival certified by the Dean of the Faculty.
- (v) Prolonged illness duly certified by the Medical Officer or the Superintendent, S.S. Hospital of Banaras Hindu University.

6. EXAMINATION

A. General :

- (i) (a) There shall be examination at the end of each semester of two year study programme. Every student registered in any semester shall be eligible to appear in the concerned examination of the respective semester subject to attendance requirement as prescribed by the University and calculated on the semester basis.
- (b) A candidate for the degree of LL.M. (Human Rights and Duties Education) shall be required to pass in all the prescribed courses in not more than four years from the academic session of his admission in the Law School for the first session or as prescribed by the University. Even after that if a candidate fails, he/she has to leave the course.
- (ii) Subject to the provisions of these ordinances, the examinations for the Degree of LL.M. (Human Rights and Duties Education) shall be held in Varanasi at such time and on such dates as the Academic Council may prescribe.
- (iii) A candidate shall be examined in Thirteen Written papers, each paper carrying 100 marks and covering prescribed course of study.
- (iv) Examinations in courses One to Four in First Semester, Five to Eight in Second Semester, Nine to Twelve in Third Semester and Thirteen to Sixteen in Fourth Semester shall be conducted by means of written papers each of three hours duration, as well as evaluation of research project works, dissertation and viva voce examination as the case may be.
- (v) A candidate shall be examined in one core paper and three optional papers of 100 marks in each of the First, Second and Third Semester examination.
- (vi) A candidate shall be examined in one core paper of 100 marks, dissertation of 200 marks and viva-voce of 100 marks in the Fourth Semester examination.

B. First Semester Course & Examination

The candidates who have taken admission in LL.M. (Human Rights and Duties Education) First Semester in a session can be put in the following two categories on the basis of their attendance in the session.

- (I) (1) Those who have put the required minimum percentage of attendance for appearing in First Semester examination and filled up examination form for appearing in the First Semester examinations;

- (2) Those who did not put the required minimum percentage of attendance for appearing in the First Semester examination or did not fill up examination form for appearing in the First Semester examinations;

Candidates under Category (1) are eligible for appearing in examination of the First Semester while candidates under Category (2) are not allowed to appear in the examination of the semester. The candidates under category (2) may further be put in two sub-categories (2a) and (2b). The candidates whose attendance is 25% or above but below the prescribed percentage of attendance for appearing in the examination will be put in category (2b) while those candidates whose attendance is below 25% will be put in category (2a). The candidates under category (2b) are eligible for re-admission in the same course in the subsequent session if otherwise eligible. Further candidates of category (2a) are not eligible for re-admission. However, they may apply for the respective course in subsequent year(s).

- (II) After appearing in the examination of First Semester the candidates can be put in the following categories in the context of declaration of the result of First Semester examination.
- (a) Passed i.e. who have passed in all items of the examination of the Semester
 - (b) Promoted i.e. who have not passed in all the items of the examination of the Semester
- (III) Minimum Pass Percentage – 50%
- (IV) *Promotion to Second Semester:*

All candidates who have put the minimum required percentage of attendance in First Semester and filled up the examination form will be promoted to Second Semester.

C. Second Semester Course & Examination

- (i) As in the First Semester Course, in all Semesters, all the candidates who have put the minimum percentage of attendance for appearing in the examination and filled in the form for appearing the Semester examination, will be allowed to appear in the respective examination. However, candidates who have not put the minimum percentage of attendance in any Semester will be allowed to take re-admission in that semester in subsequent year(s).
- (ii) *Declaration of Result*
 - (a) A candidate can be put in the following three categories on the basis of the marks obtained in the First and Second Semester examination (taken together):

Passed : A candidate who has passed in all items of examinations of LL.M. (Human Rights and Duties Education) First and Second Semester.

Promoted : A candidate who has failed in not more than ½ of the total number of papers of LL.M. (Human Rights and Duties Education) First and Second Semesters taken together;

Failed : A candidate who has failed or failed to appear in more than ½ of the total number of items of First and Second Semester taken together.

- (b) Minimum pass percentage - 50%

D. PROMOTION TO THIRD SEMESTER

- (i) A candidate who comes under the category “Passed” is eligible to be promoted to Third Semester Class, if otherwise eligible.

- (ii) A candidate who comes under the category “Promoted” is also eligible to be promoted to the Third Semester, if otherwise eligible. Candidates of category “Promoted” will appear in the First/Second Semester examinations, as the case may be, as ex-candidate of subsequent year in failed items only after completing necessary formalities for appearing in an examination.
- (iii) A candidate under the category “Failed” will not be promoted to the Third Semester. However, such candidates will be allowed to appear as ex-candidate in the failed items only in the subsequent examinations of First/Second Semester, as the case may be.

E. PROMOTION TO FOURTH SEMESTER

- (i) All candidates who have put minimum percentage of attendance in the Third Semester and filled in the examination form will be promoted to the Fourth Semester.
- (ii) *Declaration of Result*
 - (a) A candidate can be put in the following two categories on the basis of the results of First, Second, Third and Fourth Semester examinations (taken together):

Passed : A candidate who has passed in all items of examinations of LL.M. (Human Rights and Duties Education) First, Second, Third and Fourth Semesters.

Failed : All the candidates who have not PASSED will be categorized as “FAILED”. Such “FAILED” candidates may appear in subsequent Supplementary or Main examination(s) of LL.M. (Human Rights and Duties Education) Third/Fourth Semester course as ex- candidate, if otherwise eligible.

- (b) Minimum percentage of Marks - 50%

F. Division of Marks :

- (1) Each core and optional paper in the LL.M. (Human Rights and Duties Education) examination shall consist of 100 marks.
Provided that 60 marks in core paper on Research Methodology in LL.M. (Human Rights and Duties Education) Second Semester shall be reserved for award on the basis of written theory paper, and 40 marks on the basis of research project works.
- (2) The dissertation shall carry 200 marks
- (3) The viva-voce examination shall carry 100 marks

G. Dissertation :

- (a) Candidates shall be required to submit the dissertation at least one week before the commencement of the Fourth Semester examination.
- (b) The candidate shall be required to secure at least 50% marks in the dissertation to pass the examination.
- (c) The examiner shall either (i) award at least 50% marks, or (ii) return the dissertation for revision, or (iii) reject the dissertation
- (d) The candidate whose dissertation is returned for revision may revise the dissertation and re-submit it within a period of two months. Failure to submit it in time shall result in a declaration that the candidate has failed at the relevant examination as a whole.

- (e) A dissertation can be revised only once. If the candidate fails to secure pass marks in the revised dissertation he shall be declared to have failed in the LL.M. (Human Rights and Duties Education) examination.
- (f) The candidate, whose dissertation has been rejected, may with the approval of the School Committee write a dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this dissertation also, he shall be declared to have failed at the LL.M. Degree examination.
- (g) A dissertation shall be examined by a Board of two external examiners.
- (h) The evaluation of two examiners shall be coordinated as hereunder:
 - (i) each examiner shall award marks out of 100;
 - (ii) if the marks awarded by the two examiners vary by 20 marks or more the dissertation shall be examined by a third examiner, whose decision shall be final;
 - (iii) if any one of the examiners returns the dissertation for revision or rejects the dissertation, his decision shall prevail provided that if one of the examiners has rejected the dissertation and another examiner has returned it for revision, the dissertation shall be deemed to be rejected.

H. Viva-Voce:

1. (i) There shall be a viva voce examination soon after the Fourth Semester examination in core paper.
 - (a) The viva voce examination shall be held in Varanasi at such time and on such dates as decided by the Controller of Examinations, in consultation with the Dean of the Law School.

Provided that for the benefit of candidates who did not appear in the main examination of the Fourth Semester, or who failed at any prior viva voce examination, a supplementary viva-voce examination may be held.

- (b) The viva voce examination shall be conducted by the Banaras Hindu University and the examiners shall, while evaluating the performance of a candidate, take into account the dissertation written by the candidate.
2. The Board shall consist of three members, at least one of whom shall be an external examiner
 3. A candidate shall be required to obtain a minimum of 50 marks to pass in the viva-voce examination.

I. Registration :

- (i) (a) A regular candidate shall apply to the Dean of the Law School on the prescribed form, together with the prescribed Examination Fee on or before the date that may be appointed in this behalf.
- (b) An ex-candidate shall apply to the Registrar on the prescribed form, together with the prescribed Examination Fee, on or before the date that may be appointed in this behalf intimating his intention to appear at the specified examination.

- (ii) (a) The Examination Fee shall be such as may be prescribed including Mark Sheet Fee for each semester examination or any part thereof.
- (b) A candidate who is unable to appear wholly or partly at the relevant examination on any account or who, having appeared, fails to pass the said examination, shall not, except in cases hereafter mentioned, be entitled to a refund of his Examination Fee or adjustment of the fee to the next ensuing examination of the concerned year.
- (c) The Examination Fee paid by a candidate may be refunded if,
- (i) his/her form has been rejected by the University; or
- (ii) the fee has been submitted but not the form; or
- (iii) the Academic Council permits a refund on compassionate grounds.
- (d) Examination Fee of a candidate, after deducting Rs. 10/- may be credited for the next ensuing examination of the concerned year in the case of a candidate who fails to appear at the examination on account of illness.

Provided that an application, supported by a Medical Certificate, shall be made for the aforesaid purpose within a month of the date of commencement of examination.

Provided further that the form which the candidate submits for the next ensuing examination is complete in all respects and is accepted.

An Examination Fee once credited to the next ensuing examination shall not be refundable.

- (iii) The Registrar / Controller of Examinations shall examine the application which, if found to be in order, shall be registered in the register of candidates for such examination and shall issue Admit Card to the candidate.
- (iv) One Back Paper Examination Fee (including Mark Sheet Fee) shall be Rs. 12/- or as prescribed by the University.

In case, candidate appears in more than one paper of the back papers he/she will be charged full fees.

J. Admit Card:

- (i) No candidate shall be admitted to any examination unless he produces his Admit Card in respect thereof to the Officer conducting the examination or satisfies such Officer that it will be subsequently produced.
- (ii) The Registrar / Controller of Examination may, if satisfied that an examination Admit Card has been lost or destroyed, issue a duplicate Admit Card on payment of the prescribed fee.

K. Examination :

Examination of LL.M. (Human Rights and Duties Education) Course of study shall be held semesterwise i.e. twice in a year.

L. Re-Registration for Examination

- (i) A candidate, who having pursued a regular course of study in the First, Second, Third and Fourth Semesters fails to appear at the main examination of the Second Semester held for a regular students or having appeared fails to pass in any of the courses (First and Second Semesters taken together) may appear in the course (in both semester) in which he did not appear or has failed, at any subsequent examination without undergoing a regular course of study in subsequent year in accordance with the provisions of these Ordinances.
- (ii) There shall be no Supplementary or Second examination for the First and Second Semester candidates. However, candidates who fail to pass or appear in the paper of the First and Second Semester shall be eligible to appear in the concerned paper of papers of the respective semesters along with the candidates of next academic session.
- (iii) A candidate who fails to secure minimum pass marks in any paper/papers of Third Semester shall be required to appear in the supplementary examination.
- (iv) The marks obtained by a candidate in the previous examination in respect of a paper in which he/she has secured less than minimum pass marks, shall be substituted by the marks obtained by him in the subsequent examination in respect of the concerned paper.
- (v) A candidate who is promoted to a higher class or re-admitted due to shortage of attendance shall be required to study the same syllabus as being taught in that year.
- (vi) Unless otherwise specifically provided, an ex-candidate shall be required to pass the relevant examination at the time which he actually appears at the examination and not in accordance with the provisions that were prescribed at the time he appeared or should have appeared as a regular candidate, subject to the provisions contained in the Transitory Ordinances.

M. Declaration of Division and Distinction :

A candidate who has passed in all the items of the First, Second, Third and Fourth Semesters taken together and obtained the minimum percentage of 50% marks for passing will be declared as "Passed". Such passed candidates will be awarded with the Division according to the following criterion :

- | | |
|--------------|---|
| First Class | 65% and above the aggregate of marks in Four Semesters. |
| Second Class | Between 50% and 65% of the aggregate of marks in Four Semester |
| Distinction | A candidate who, without failing in any course, secure an average of 75% or more marks in the aggregate of all the Four Semesters may be declared to have obtained distinction. |

Merit The order of Merit shall be determined on the basis of aggregate marks obtained in all the Four semesters from among candidates who passed various papers in Four Semesters from the year of their being admitted to the First Semester, subject to the rules/regulations prescribed by the University in this regard.

7. TRANSITORY PROVISIONS

- (1) The candidates, who were admitted in LL.M. (Human Rights and Duties Education) Ist-Year and IInd-Year (Annual Examination System) of the academic year 2005-2006, or are admitted for the annual examination system of the academic year 2006-2007 but detained from appearing in the respective examination of that concerned year, they shall be governed by the old Ordinances in the academic year 2006-2007 and 2007-2008 respectively.
- (2) The existing LL.M. (Human Rights and Duties Education) II-Year Degree Course (Annual System) shall cease to operate after the academic year 2006-2007.

8. DEFINITIONS

- (i) A “Regular Candidate” is one who has pursued a regular course of study and obtained prescribed attendance mentioned in the Ordinance and is eligible to appear in the examination for the aforesaid course.
- (ii) “Ex-candidate” means one who has read in the Faculty for at least one academic year preceding the date of the annual/semester examination, but has failed to appear in that examination though otherwise eligible.

9. MISCELLANEOUS PROVISIONS

1. Notwithstanding anything to the contrary contained anywhere, an examination for the benefit of the backloggers of the First and Third Semesters will be held in the month of December on such dates as may be specified by the Controller of Examinations.
2. The Supplementary examination for the students of LL.M. (Human Rights and Duties Education) Third and Fourth Semesters shall be held after the reopening of the University after summer vocation on such dates as may be specified by the Controller of Examinations.
3. These Ordinances contained herein shall be deemed to have come into effect from the academic session 2006-2007 to the extent of its applicability.
4. Any provision contained in earlier Ordinances in this regard repugnant to the present Ordinance shall stand deleted.
5. The Dean of the Law School in consultation with the Departmental Council shall have the power to remove all difficulties in interpretation and/or application of these Ordinances which shall be final.

SCHEDULE - A

FOUR SEMESTER LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) TWO DEGREE COURSE OF STUDY

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) FIRST SEMESTER

Core Paper: Human Rights and Duties Jurisprudence

Optional Paper:

Any one of the Optional Papers in each Optional Groups given in Schedule – A(i)

1. Group – I
2. Group – II
3. Group – III

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) SECOND SEMESTER

Core Paper: Research Methodology

Optional Paper:

Any one of the Optional Papers in each Optional Groups given in Schedule – A(i)

1. Group – IV
2. Group – V
3. Group – VI

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) THIRD SEMESTER

Core Paper: Human Rights and Duties Law in India

Optional Paper:

Any one of the Optional Papers in each Optional Groups given in Schedule – A(i)

1. Group – VII
2. Group – VIII
3. Group – IX

Note: The topic for Dissertation will be assigned in the beginning of the session and the candidates are to start Dissertation work in this semester.

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) FOURTH SEMESTER

Core Paper: International Law of Human Rights

1. Dissertation
2. Viva-Voce

SCHEDULE – A (i)

Optional Groups :

1. With the prior permission of the Dean, candidate shall be allowed to offer one Optional Paper in each of the Optional Groups in the First, Second and Third Semester for which teaching facilities are made available.

2. Instruction in Optional Papers shall be arranged by the Dean, Law School keeping in view the administrative feasibility including availability of teaching staff and teaching material
3. Instruction in any Optional Paper may be arranged only if there are at least four candidates offering that Optional Paper.
4. One Optional Paper shall be offered from the following list of optional groups:

Optional Groups

Group I :

Optional Paper 1 : Human Duties, Responsibilities and its Effectuation

Optional Paper 2 : International Obligation.

Group II :

Optional Paper 3 : Emerging Dimension of Human Rights and Duties

Optional Paper 4 : Environment and Human Rights and Duties

Group III :

Optional Paper 5 : Human Rights and Criminal Justice System

Optional Paper 6 : People's Right of Self-Determination

Group IV :

Optional Paper 7 : International Humanitarian Law

Optional Paper 8 : Socially & Economically Disadvantaged People and Human Rights and Duties

Group V :

Optional Paper 9 : International Refugee Law

Optional Paper 10 : Minorities and Human Rights

Group VI :

Optional Paper 11 : Science & Technology and Human Rights and Duties

Optional Paper 12 : Aged and Disabled and Human Rights and Duties

Group VII :

Optional Paper 13: Women and Human Rights and Duties

Optional Paper 14: Societal Issues of Human Rights and Duties in India

Group VIII :

Optional Paper 15: Children and Human Rights and Duties

Optional Paper 16: Social Movement and Human Rights in India

Group IX :

Optional Paper 17: International Law of Development

Optional Paper 18: Working Class and Human Rights and Duties

SCHEDULE - B
COURSE OF STUDY

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) FIRST SEMESTER

CORE PAPER - 1

HUMAN RIGHTS AND DUTIES JURISPRUDENCE

The course shall comprise of the following:

1. Concept of Rights
 - (a) Meaning, Nature and Definition
 - (b) Classification of Rights
 - (c) Relationship between Rights and Duties
2. Concept of Human Rights
 - (a) Historical Background
 - (b) Theories: Traditional and Modern
 - (c) Principles
3. Concept of Human Duties
 - (a) Moral and Ethical
 - (b) Social and Economic
 - (c) Political and Cultural
4. Dialectics of Human Rights
 - (a) Universal verses Cultural Relativism
 - (b) Basic needs versus Value - Based
 - (c) Individualism versus Collectivism
5. Emerging Concept of Human Rights
 - (a) Human Rights : Human Sufferings
 - (b) Human Rights Movements and Human Rights Markets
 - (c) Emergence of an Alternative Paradigm : Trade Related Market Friendly Human Rights

Optional Paper – 1: HUMAN DUTIES, RESPONSIBILITIES AND ITS EFFECTUATION

The Course shall be comprise of the following:

1. Concept of Human Duty; Values of Humanism-Justice, Liberty, Equality, Fraternity and Human Dignity.
2. Evolution of Human Duties and Responsibilities- Ancient, Medieval and Modern era.
3. Human Duties in India; Duties under different religions; Duties towards self (body and mind), family, society, nation and human being.
4. Fundamental Duties under the Indian Constitution; Analysis of Fundamental Duties and its justiciability.

5. Enforcement of Fundamental Duties; Judicial pronouncements; Justice Verma Committee Report; Other statutory provisions
6. Changing dimension of Fundamental Duties.

Optional Paper – 2 : INTERNATIONAL OBLIGATION

The Course shall be comprise of the following:

1. State Obligation through international law
 - (a) Sources of International Law
 - (b) Principle of Pacta Sunt Servanda
 - (c) Human Rights as Jus Cogens
2. International Concern for Human Rights Protection
 - (a) Anti-Slave Trade treaties, ILO and Labour welfare, Nazi and Fascist atrocities and totalitarianism
 - (b) International Military Tribunals for trial of major war criminals
3. United Nations Concern for Human Rights Protection
 - (a) State Obligation under UN Charter
 - (b) Development of Normative order
4. Issues of International Accountability
 - (a) State Sovereignty (Domestic Jurisdiction), Principle of Non-Intervention
 - (b) Rule of Exhaustion of local remedies
 - (c) Problems of cooperation between states : Extradition, Asylum

Optional Paper – 3 : EMERGING DIMENSION OF HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Inter-relativity of Human Rights and Duties; Need of spelling out Human Duties and Eternal Human values.
2. Diverse perspective of Human Rights; Evolution of rising aspirations and need of the people
3. Challenging problems in the areas of the rights of Women, Children, Disabled and the Aged people; Freedom from sexual discrimination and harassment.
4. Freedom from Torture; Anti-terrorist laws and human rights
5. Right to live with Human Dignity; Basic need of food, water, housing, health and Education.
6. Universal entitlement of the people to democracy as a legitimate form of government; Good governance.

Optional Paper – 4 : ENVIRONMENT AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. International Perspective: Stockholm Conference, Rio de Janeiro Conference, Johannesburg Conference

2. Constitutional Perspective
 - (a) Fundamental Rights : Right to Clean Environment, Education and Compensation
 - (b) Directive Principle of State Policy and Fundamental duties
 - (c) Legislative Powers
3. Environment Pollution and Legal Order

The Water Act, 1974 and the Air Act 1981

 - (a) Regulatory Authorities and their Powers & Functions
 - (b) Pollution Control Measures
 - (c) Remedies
4. Environment Protection and Legal Order
 - (i) Environment (Protection) Act, 1986
 - (a) Regulatory authorities and their powers and functions
 - (b) Environment Protection Measures
 - (c) Remedies
 - (ii) Environment Impact Assessment Notification, 1994 and Public Hearing Notification, 1997
5. Principles of Environment Protection : National Perspective
 - (a) Polluter Pays Principles : Absolute Liability of Hazardous Industries
 - (b) Precautionary Principle
 - (c) Public Trust Doctrines
 - (d) Sustainable to Development
6.
 - (a) Industrial Disaster with special reference to the rights of victims of such disasters
 - (b) Mega Projects with special reference to displacement and rehabilitation of the affected persons

Optional Paper – 5 : HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM

The course shall comprise of the following:

1. Historical, Philosophical and Social Perspective
2. Conceptual perspective:
 - (a) Concept of crime and criminal liability
 - (b) Offences involving Human Rights
 - (c) Role of Criminal Justice System
3. Human Rights Problems:
 - (a) Police Atrocities and Accountability
 - (b) Violence against Women and Children
 - (c) Communal Violence
 - (d) Terrorism and Insurgency

4. Rights to Accused:
 - (a) Ex post facto law
 - (b) Double Jeopardy
 - (c) Protection against Self Incrimination
 - (d) Production before Magistrate
 - (e) Fair Trial
 - (f) Speedy Trial
 - (g) Appeal
5. Rights of Inmates of Prison and Custodial Homes:
 - (a) Protection and Reformative Homes
 - (b) Prison
6. Rights to Legal Aid and Access to Justice
7. Compensation to victims of crime
8. Punishment and Human Rights
9. Administration of Criminal Justice:
 - (a) Ordinary courts
 - (b) Special Courts
 - (c) District Human Rights Courts
 - (d) Nyaya Panchyats
10. International Perspectives:
 - (a) International Crimes and role of Interpol
 - (b) International Cooperation in combating of Trans-national Organized crimes and International terrorism – Palermo Convention on Transnational Organized Crime, 2000 ; Convention Against Illicit Trafficking In Narcotics and Psychotropic Substances, 1988-90
 - (c) Extradition and Mutual Assistance in Criminal Proceedings
 - (d) International Criminal Courts, Rome Statute, 1998
 - (e) International Norms on Administration of Criminal Justice

Optional Paper – 6 : PEOPLE’S RIGHT OF SELF-DETERMINATION

The course shall comprise of the following:

1. Conceptual Perspective:
 - (a) Meaning of Self-Determination
 - (b) External and Internal Self-Determination, New Dimensions and Emerging Debates
2. Origin and Development of the Concept:
 - (a) Theories of Self-Governance : Kant, Locke, Rousseau and Marx; Proponents of Pluralism: Maciver and Laski, Mahatma Gandhi, Issues of Legitimacy of State and Forms of Governance

3. Historical Perspective:
 - (a) Age of Colonial Empire : Nationalism and Statehood
 - (b) Emergence of the Principle of Self-Determination : Mandate Territories, Trust Territories, Non-Self Governing States : Debate concerning Domestic Jurisdiction and the People's right of Self-Determination
4. Self-Determination in International Relation:
 - (a) Common Article 1 of the International Covenants on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights
 - (b) UN Declaration on the Granting of Independence to Colonial Countries and Peoples
 - (c) UN Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations
 - (d) Charter of Economic Rights and Duties of States

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) SECOND SEMESTER

CORE PAPER - 2

RESEARCH METHODOLOGY

The course shall comprise of the following:

Part – A : Study

1. Introduction :Meaning and objectives of Research; kinds of Research; Criteria of good Research; Problems of Researchers in India.
2. Formulation of the Research Problem
3. Research Methodology : Importance of Research Methodology, Procedural guidelines regarding the Research Process; Defining the Research problem; Survey of the Literature; Working Hypothesis; Preparation of Research Design, Determination of Sample design collection of Data; Observation, Personal Interviews; Questionnaires & Schedules; Analysis of Data; Test of Hypothesis; Preparation of the Report.
4. Use of computer and Information Technology.

Part – B Research Project Work

Formulation of one Research Problem; Involvement of Research Methodology; Preparation of Research Project Work.

Optional Paper – 7 : INTERNATIONAL HUMANITARIAN LAW

The course shall comprise of the following:

1. Introduction: Nature; Basic Principles; Historical Development since 1899
2. Protection of Victim of War - Wounded; Sick; Shipwrecked; and Prisoners of War
3. Implementation of International Humanitarian Law
4. Role of the International Committee of the Red Cross in Implementation of International Humanitarian Law

Optional Paper – 8 : SOCIALLY & ECONOMICALLY DISADVANTAGED PEOPLE AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Philosophical and Social Perspectives
 - (a) Role of Social Reformers : Gandhi, Ambedkar and Others
 - (b) Socio-Economic thoughts of Marx and Amartya Sen
 - (c) Identification of Disadvantaged People
 - (d) Economic and Social Inequalities : Land Rights, Rural Indebtedness; Impact of Forest Law on Tribal Community; Bonded Labour; Issues of Human Dignity
2. Constitutional Protection :
 - (a) Fundamental Rights and Directive Principles of State Policy
 - (b) Special Protection under the Indian Constitution
3. Laws and Policies:
 - (a) Protection of Civil Rights Act 1955; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Employment of Manual Scavenges and Construction of Dry Latrines (Prohibition) Act 1999.
 - (b) Policies of Reservations, Special Drives and Schemes
4. Institutional Mechanisms
 - (a) National Commissions, State Commissions, (b) Non-Governmental Organizations, (c) Information Media
5. International Norms Relating to Tribal and Other Indigenous Groups

Optional Paper – 9 : INTERNATIONAL REFUGEE LAW

The course shall comprise of the following:

1. Introduction: Determination of Refugee Status under the Refugee Convention of 1951 and Protocol of 1967
2. Human Rights of the Refugees
3. Solution to Refugee Problem:
 - (a) Resettlement in Third Country, (b) Local Integration, (c) Voluntary or Forced Repatriation, (d) Comprehensive Responses
4. Contemporary Developments in Refugee Law :
 - (a) International Burden Sharing, (b) International Safe Countries Burden, (c) Temporary Protection, (d) Environmental refugees, (e) Safety Zones
5. Internally Displaced Persons : UN Guiding Principles on Internal Displacement 1998
6. Refugee Law and Policy in India

Optional Paper – 10 : MINORITIES AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Conceptual Perspective :
 - (a) Historical, Philosophical and Social Perspectives

- (b) Minorities as a Socio-Economic-Religious-Linguistic Concept; Regional Minorities
- 2. Rights and Duties of Minorities in India :
 - (a) Constitutional Framework: (i) Fundamental rights; Directive Principles of State policy, (ii) Special Provisions under Indian Constitution
 - (b) Special Laws and Policies : (i) National Commission for Minorities Act 1992, (ii) Caste (Disabilities Removal) Act 1950, (iii) Policy of Secularism and politics of minorities
- 3. Institutional Mechanisms :
 - (a) Non-Governmental Organizations, (b) Information Media
- 4. International Protection of Minorities :
 - (a) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistics Minorities Act 1992; Racial Discrimination Convention 1965;
 - (b) UN Sub-Commission on Minorities; Committees under the Racial discrimination Convention.

Optional Paper – 11 : SCIENCE & TECHNOLOGY AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

- 1. Introduction:
 - (a) Positive Role of Science & Technology, (b) Negative role of Science & Technology
- 2. Rights to Human Dignity:
 - (a) Developments in Bio-technology: Human Cloning, Foeticide, Abortion, In-Vitro Fertilization and Surrogate Parenthood; Organ Transplantation and Sale of Human Organs
 - (b) Computer Crime, Pornography Online
 - (c) Rights to Die in Dignity and Peace : Euthanasia
- 3. Freedom From Torture: New Torture Technologies Such As Electric Shock, Trauma-Inducing Drugs and Psychotropic Substances
- 4. Impact of Biotechnology:
 - (a) Food Production and food Security, (b) Food Management and Storage
- 5. Right to Health:
 - (a) Improvement of Individual and Community Health and Hygiene
 - (b) Experiments on Human Being

Optional Paper – 12 : AGED AND DISABLED AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

- 1. Conceptual Perspective
 - (a) Poverty, Illiteracy and breakdown of old social and family institutions
 - (b) Impact of improvements in the health care on morality
 - (c) Social taboos regarding the disabled
- 2. Protection of the Aged and the Disabled under the Indian Legal System

- (a) Constitutional Framework : Fundamental Rights, Directive Principles and Fundamental Duties.
 - (i) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : Chapters IV to VIII
 - (ii) Mental Health Act, 1987;
 - Central and State Authorities for Mental Health Services
 - Establishment and Maintenance of Psychiatric Hospitals and Psychiatric Nursing Houses
 - Administration and Detention in Psychiatric Hospitals and Psychiatric Nursing Houses.
3. International Norms for Protection of the Aged and the Disabled
 - (a) UN Declaration on the Rights of the Disabled Persons, 1975
 - (b) Declaration on the Mentally retarded persons, 1971
 - (c) Second World Assembly on the Ageing
 4. Vienna International Plan of Action on Ageing

**LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) THIRD SEMESTER
CORE PAPER – 3 : HUMAN RIGHTS AND DUTIES LAW IN INDIA**

The course shall comprise of the following:

1. Right to Equality; Special provisions for weaker sections of the society; Reservation policy under the Constitution.
2. Right to Freedom of Speech and Expression; Reasonable Restrictions; Freedom of Press; Right to Information.
3. Right to Life and Personal Liberty; New dimension; Judicial approach
4. Secularism and Freedom of Religion
5. Emerging regime of new human rights in India; Reading Directive Principles of State Policy and Fundamental Duties into Fundamental Rights
6. Implementation and Enforcement Mechanism; Remedies provided by the judiciary; National Human Rights Commission - Powers and Functions.
7. Fundamental Duties : Article 51-A; Concept of Duty; Need of Fundamental Duties; Enforcement and Effectuation of Fundamental Duties.

Optional Paper – 13 : WOMEN AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Status of Women in contemporary Indian Society:
 - (a) Poverty, illiteracy, lack of independence, oppressions social customs and gender justice.
 - (b) Violence against and abuse of women in public and private domains; Domestic violence, sexual harassment.
2. International Norms for protection of Women.
 - (a) UN convention on the Elimination of all forms of Discrimination against Women

- (b) Convention on the Nationality of Married Women
- 3. Political Rights of Women : Convention on the Political Rights of Women
 - (i) Universal suffrage, (ii) Equal Right to Vote, (iii) Equal Right to be Elected, (iv) Equal Right to hold Public Office
- 4. Constitution of India and the Status of Women
 - (a) Equality provisions in Fundamental rights and Directive Principles
 - (b) Special provisions for the protection of women Article 15(3), Article 39(d) & (e), Article 42, Articles 243-D & 243-T
- 5. Special Laws for Protection of Women
 - (a) Prevention of Immoral Traffic Act, 1956
 - (b) Indecent Representation of Women (Prohibition) Act, 1986
 - (c) Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
 - (d) Medical Termination of Pregnancy Act, 1971
 - (e) Maternity Benefit Act, 1961
 - (f) Equal Remuneration Act, 1976
 - (g) Dowry Prohibition Act, 1961
 - (h) Provisions Relating to Women Specially under IPC : Rape, Dowry Death, Cruelty by Husband or Relatives of Husband.

Optional Paper – 14 : SOCIETAL ISSUES OF HUMAN RIGHTS IN INDIA

The course shall comprise of the following:

- 1. Concept and Approaches
 - (a) Societal problems and human rights, (b) Theoretical Approaches
- 2. Social Problems:
 - (a) Problems of hierarchy: scheduled castes, scheduled tribes, minorities, (b) Population explosion, (c) Casteism
- 3. Economic Issues
 - (a) Poverty and Unemployment, (b) Corruption, Consumer rights, (c) Sustainable Development
- 4. Health Problems: Negligence, Mismanagement, Lack of access to public health care, Environmental degradation

Optional Paper – 15 : CHILDREN AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

- 1. International Norms for Protection of the Child
 - (a) UN Declaration of the Rights of the Child 1959, UN Convention on the Rights of the Child 1989
- 2. Indian Constitution and the Protection Child

- (a) Fundamental Rights and Directive Principles of State Policy,
 - (b) Government of India's National Policy for Children, 1974
3. Protection Against Economic Exploitation:
 - (a) ILO Convention on Restriction and Prohibition on Child Labour including ILO Convention on Child Labour, 1999
 - (b) Child Labour (Protection and Regulation), Act, 1986.
 4. Protection Against Sexual Exploitation
 - (a) Child Prostitution, Prevention from abduction, sale and Immoral Trafficking.
 5. Juvenile Justice System :
 - (a) Juvenile Justice (Care and Protection of Children) Act, 2000.
 - (b) UN Standard Minimum Rules for the Administration of Juvenile (The Beijing Rules) 1985

Optional Paper – 16 : SOCIAL MOVEMENTS AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Conceptual Perspective
 - (a) Concept of Social Movement, (b) Types of Social Movement, (c) Ideology, Organization, (d) Mobilization Leadership
2. Reform Movements and Human Rights
 - (a) Brahmo Samaj and Arya Samaj Movement, (b) Dalit Movement, (c) Feminist Movement
3. Political Movement and Human Rights
 - (a) Freedom Movement, (b) Peasant Movement, (c) Trade Union Movement, (d) Student Unrest
4. Ecological Movement
 - (a) Chipko Movement, (b) Narmada Bachao Movement

Optional Paper – 17 : INTERNATIONAL LAW OF DEVELOPMENT

The course shall comprise of the following:

1. Conceptual Perspective
 - (a) Meaning, Nature and Concept of Development, (b) Sources of International Law of Development, (c) Theories of Development
2. International Trade and Development:
 - (a) From ITO to WTO, (b) Role of Unfair Terms of Trade in Human Rights Violation
3. Trade Related Aspects of Human Rights
 - (a) Debate on the Social Clause, (b) Trade Related Sanctions under the Multilateral System, (c) Human Rights Standards and International Trade
4. Right to Development:

(a) Perspective on Third Generation of Human Rights, (b) UN Declaration on the Rights to Development 1986, (c) Vision of the NIEO

Optional Paper – 18 : WORKING CLASS AND HUMAN RIGHTS AND DUTIES

The course shall comprise of the following:

1. Conceptual Issues
 - (a) Definition; Classification, (b) Working Class Movement, (c) From Laissez Faire to Welfare State, (d) Privatization to Globalization
2. Status of Working Class: Causal Workers, Contract Labour, Bonded Labour, Agricultural Labour, Migrant Workers
3. Human Rights of the Workers
4. Labour Welfare Problems :
 - (a) Health Hazards : Accidents, Occupational Diseases, (b) Social Security, (c) Collective Bargaining, (d) Worker's Participation in Management, (e) Impact of Technological Developments
5. International Standards

LL.M. (HUMAN RIGHTS AND DUTIES EDUCATION) FOURTH SEMESTER

CORE PAPER – 4

INTERNATIONAL LAW OF HUMAN RIGHTS

The course shall comprise of the following:

1. International Concern: Protection of Individual in International Law; League of Nations; War Crime Trials
2. Human Rights and the United Nations Charter:
 - (a) Normative and Institutional Framework of the UN
 - (b) Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights
3. Universal Declaration on Human Rights:
 - (a) History of the Declaration, (b) Structure of the Declaration, (c) Legal Significance
4. International Covenants: ICCPR and ICESCR
 - (a) Nature and Characteristic, (b) Optional Protocols
5. Regional Instruments
 - (a) European Convention on Human Rights,,(b) American Convention on Human Rights, (c) African Charter on Human and People's Rights,(d) Asia and Human Rights