



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS) FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (VIII)– ACADEMIC YEAR .....**

SL. NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL704.6 (CONSTITUTIONAL LAW, OPTIONAL PAPER –II )	HUMAN RIGHTS LAW & PRACTICE-II	4 PER WEEK	1 PER WEEK		4	

- A. CODE AND TITLE OF THE COURSE: BL704.6, CN OP III,  
HUMAN RIGHTS LAW AND PRACTICE-II
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: DR. DIPTIMONI BORUAH
- E. COURSE INSTRUCTOR: DR. DIPTIMONI BORUAH

## **1. COURSE OBJECTIVES**

The human rights movement now forms an indelible part of our legal, political and moral landscape, and perhaps precisely because of that status recent decades have witnessed deeper and more numerous challenges to the foundations upon which the movement has been built on University. In India, despite the existence of several provisions for the protection of human rights incorporated in the Indian Constitution and in the law, violation of human rights takes place in almost every part of the country. To eradicate such problems, the Government of India has set up various national and state level institutions. The primary objective of this paper is to enable students to master the history, doctrine, and institutional structures of the said movement while persuade students to think critically the subject as a whole.

This course shall seek to achieve the following objectives, in particular:

- To deal with the evolution, necessity and classification of national human rights institution
- To analyze the role of National Human Rights Commission and State Human Rights Commissions in the protection of human rights in India
- To deal with the role of specialized institutions of human rights of marginalized groups in the country
- To examine the movement's failures as well as triumphs and dilemmas in seeking to achieve human rights ideals across the country.
- To compare the Indian human rights institutions with the standards set by international and regional human rights instruments

## **2. TEACHING METHODOLOGY**

For teaching Human Rights Law and Practice II in the National Law University and Judicial Academy, Assam lecture method along with alternative and supplementary strategies for effective teaching will be utilized such as permissive style of teaching, brain storming, group discussion, seminar presentation (project topic). There will be lectures, classroom discussions, and audio visual presentations. The teaching methodology shall aim at the generation of critical thinking among the students. The topic for a particular class shall be informed to the students beforehand and readings shall be assigned to them for the said topic. They are expected to have a basic idea about the topic prior to the class. Subsequent to a brief lecture on the topic, there shall be class discussion on the same as well as on the readings assigned. Pursuant to the class discussion, the teacher shall substantiate the issues

raised and answer any questions posed or left unanswered. Debates shall also be organized at regular intervals.

### 3. COURSE LEARNING OUTCOMES

Students will be in a position to undertake comparative studies on varied issues of human rights law. Students will get acquainted with the working of human rights institution in the country. At the completion of the course, it is humbly expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary problems in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course to do further research in this area.

### 4. COURSE EVALUATION METHOD

The Course shall be assessed for 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

### 5. DETAILED STRUCTURE OF THE COURSE

#### Module 1 (20 Teaching Hours)

##### 1.1 Origin of National Human Rights Institutions

Evolution of National Human Rights Institutions

Need for Setting up of the National Human Rights Institution in India

Classification of National Human Rights Institution

Norms and Goals of National Human Rights Institution

## **1.2 National Human Rights Commission (NHRC)**

Reasons leading to the establishment of the NHRC

Objectives of the Protection of Human Rights Act, 1993

Definition of Human Rights under the Act

## **1.3 Establishment of the NHRC**

Constitution of the NHRC

Appointment of Chairperson and other Members

Term of Office

Removal of members of the NHRC

## **1.4 Procedure of the NHRC**

Functions and Jurisdiction of the NHRC

Nature of Complaints not entertained

Powers Relating to Inquires and Investigations

Procedure for Dealing with Complaints

Procedure with Respects to Armed Forces

## **1.5 Recommendations of the NHRC**

Recommendations of the NHRC

Enforcement of the NHRC's Recommendations

Evaluation of work of the NHRC

Annual and Special Report of the NHRC

## **Statutory References**

Protection of Human Rights Act, 1993

## **Compulsory Readings**

- OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (UN 2010) 1-28.
- UNDP-OHCHR, *Toolkit for collaboration with National Human Rights Institutions* (UNDP-OHCHR) 1-50.
- Valentin Aichele, *National Human Rights Institutions: An Introduction* (German Institute for Human Rights 2010) 15-16.
- Anne Smith, 'The Unique Position of National Human Rights Institutions: A Mixed Blessing?' (2006) 28 HUMAN RIGHTS QUARTERLY 904.
- Anna-Elina Pohjolainen<sup>[1]</sup><sub>[SEP]</sub>, *The Evolution of National Human Rights Institutions - The Role of the United Nations* (The Danish Institute for Human Rights 2006)

- C. Raj Kumar, 'National Human Rights Institutions: Good Governance Perspectives on Institutionalization of Human Rights' (2003) 19(2) AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW 259-300.
- Manoj Kumar Sinha, 'Role of the National Human Rights Commission of India in Protection of Human Rights' < <http://www.rwi.lu.se/pdf/seminar/manoj05.pdf>> accessed 25 June 2015.
- Linda C. Reif, 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection' (2000) 13 HARVARD HUMAN RIGHTS JOURNAL 1-69.

## **Module II (20 Teaching Hours)**

### **1.1 State Human Rights Commission (SHRC)**

Need of SHRC

Composition of SHRC

Functions of SHRC

Jurisdictions of SHRC

Power Relating to Inquires

### **2.2 Human Rights Courts**

Human Rights Court and Human Rights Court in Districts

Power Relating to Inquires

Constitution of Special Investigation Teams

Protection of Action Taken in Good Faith

### **2.3 Implementation of Recommendations**

Binding Force and Implementation of the Recommendations

Co-operation between National and State Human Rights Commissions

Co-operation Between Central and State Governments

Cooperation with NGOs

Assessment of Human Rights Act, 1993

### **Statutory References**

- Protection of Human Rights Act, 1993.

## **Compulsory readings**

- All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI), An NGO Report on the Compliance with the Paris Principles by the National Human Rights Commission of India (2011)

<h

[http://www.peopleswatch.org/dmdocuments/HRD/NGO%20Report\\_Paris%20Principles\\_NHRC\\_India.pdf](http://www.peopleswatch.org/dmdocuments/HRD/NGO%20Report_Paris%20Principles_NHRC_India.pdf)> accessed 27 June 2015.

- <<http://nhrc.nic.in/hrissues.htm>> accessed 27 June 2015.

## **Module III ( 20 Hours)**

### **1 National Commission for Minorities**

Definition of 'Minority'

Indian Constitution and the Rights of Minorities

Composition of the Commission

Functions of the Commission

Recommendation

Implementation of Recommendation

### **3.2 National Commission for Backward Classes**

Norms Measuring Backward Classes

Constitutional Provisions Relating to Backward Classes

Structure of the Commission

Powers of the Commission

Recommendation

Implementation of Recommendation

### **3.3 National Commission for Scheduled Caste and Scheduled Tribe**

Objective of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

Constitutional Provisions

Functions of the Commission

Punishment for Offences of Atrocities

Special Court

Punitive Action

### **3.4 National Commission for Safai Karamcharis**

National Commission for Safai Karamcharis

Definition of Safai Karamcharis

Constitution of the Commission

Functions and Powers of the Commission

Role of Central Govt. on Policy-Making Regarding Safai Karamcharis

### **3.5 Chief Commissioner And Commissioners For Persons With Disabilities**

History of the Persons with Disabilities Act, 1995

Definition of Disability

Provisions in the Constitution of India

Composition of Central Co-ordination Committee

Functions of the Central Co-ordination Committee

Central Executive Committee

State Coordination Committee

State Executive Committee

Rehabilitation of Disabled Person

### **3.6 National Commission for Women**

Necessity for National Commission for Women

Constitution of the Commission

Committees of the Commission

Functions of the Commission

Investigation by the Commission

Relation of the Commission with the Central Government

### **3.7 National Commission for Protection of Child Rights**

Objects and Reasons of the Act, 2005

Constitution of the Commission

Procedure for Transaction of Business

Functions of Commission for Protection of Child

State Commission for Protection of Child Rights

Children's Courts

### **Statutory References**

- National Commission for Backward Classes Act, 1993.
- National Commission for Minorities Act, 1992.
- National Commission for Person With Disabilities Act, 1995.

- National Commission for Protection of Child Rights Act, 2005. □ National Commission for Safai Karamcharis Act, 1993.
- National Commission for Scheduled Caste and Scheduled Tribe Act, 1989.
- National Commission for Women Act, 1990.
- Prevention of Atrocities Act, 1989.
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- The Protection of Civil Rights Act, 1955.
- The Rights of Persons with Disabilities Bill, 2014.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

## **Module IV (20 Teaching Hours)**

### **Effectiveness of the National Human Rights Institution**

United Nations Standards  
 Standards of the Paris Principle  
 Standards of the Vienna Declaration  
 National Constitution

#### **4.2 Standards Set by the Regional Organization**

Standards Set by the Regional Organizations  
 Standards Set by American Convention  
 Standards Set by African Convention  
 Standards Set by Arab Charter  
 Achievement of the Commission

#### **4.3 Effectiveness of National Human Rights Institutions**

Appointment and Dismissal Procedure  
 Adequate Powers  
 Operational Autonomy  
 Financial Autonomy  
 Cooperation: NGO, International Organization between the National Institution  
 Operational Efficiency

#### **International Documents**

- UNGA, Res 48/134 National institutions for the promotion and protection of human rights (4 March 1994) A/RES/48/134 [Paris principles].



- Statute of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights  
<<http://www.refworld.org/docid/49a540052.html>> accessed 26 June 2015.
- Rules of Procedure for the <sup>[1]</sup><sub>SEP</sub> ICC Sub-Committee on Accreditation<[http://www.asiapacificforum.net/working-with-others/icc/subcommittee-onaccreditation/listing\\_content/downloads/rules-ofprocedure/SCA\\_Rules\\_of\\_Procedure.pdf](http://www.asiapacificforum.net/working-with-others/icc/subcommittee-onaccreditation/listing_content/downloads/rules-ofprocedure/SCA_Rules_of_Procedure.pdf)> accessed 26 June 2015.
- UNGA, Res 60/154 ‘National institutions for the promotion and protection of human rights’ (23 February 2006) A/RES/60/154.
- UNGA, Res 63/169 ‘The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights’ (20 March 2009) A/RES/63/169.
- UNGA, Res 63/172 ‘National institutions for the promotion and protection of human rights’ (20 March 2009) A/RES/63/172.
- UNGA, Res 64/161 ‘National institutions for the promotion and protection of human rights’ (12 March 2010) A/RES/64/161.
- UN Commission on Human Rights, Res 2005/74 ‘National institutions for the promotion and protection of human rights’ (20 April 2005) E/CN.4/RES/2005/74.

### Compulsory Readings

- International Council on Human Rights Policy, *Assessing the Effectiveness of National Human Rights Institutions* (UNOHCHR 2005).
- OHCHR, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (UN 2010) 29-54.
- Valentin Aichele, *National Human Rights Institutions: An Introduction* (German Institute for Human Rights 2010) 9-14, 17-25.
- Birgit Lindsnaes, Lone Lindholt, Kristine Yigen (eds.), *National Human Rights Institutions: Articles and working papers* (The Danish Centre for Human Rights 2000) 182.
- Jan Wouters, Katrien Meuwissen and Ana Sofia de Barros ‘The European Union and National Human Rights Institutions’ (2013) Working Paper No. 112
- Andrew Wolman, ‘National Human Rights Institutions and the Courts in Asia-Pacific Region’ (2011) 19 ASIA PAC. L. REV. 237.
- Rachel Murray, ‘National Human Rights Institutions - Criteria and Factors for Assessing Their Effectiveness’ (2007) 25 NETH. Q. HUM. RTS. 189.
- Richard Carver, ‘One NHRI or Many? How Many Institutions Does It Take to Protect Human Rights? – Lessons from the European Experience’ (2011) 3(1) JOURNAL OF HUMAN RIGHTS PRACTICE 1-24.
- Carole J. Petersen, ‘Bridging the Gap?:<sup>[1]</sup><sub>SEP</sub>The Role of Regional and National Human Rights Institutions in the Asia Pacific’ (2011) 13(1) ASIAN-PACIFIC LAW & POLICY JOURNAL 174-209.

- Chris Maina Peter, Human Rights Commissions in Africa – Lessons and Challenges<[http://www.kas.de/upload/auslandshomepages/namibia/Human\\_Rights\\_in\\_Africa/11\\_Peter.pdf](http://www.kas.de/upload/auslandshomepages/namibia/Human_Rights_in_Africa/11_Peter.pdf)> accessed on 25 June 2015.

## LIST OF PRINTED SOURCES FOR IN DEPTH RESEARCH

- Basum, L.N., *Human Rights in a Global Perspective* (Aavishkar Publisher 2007).
- Begum, S. Mehartaj (ed), *Human Rights in India: Issues and Perspectives* (APH Publishing 2000).
- Das, Asish Kumar and Prasant Kr. Mohanty, *Human Rights in India* (Sarup & Sons 2007).
- Jayakumar, N.K., *International Law and Human Rights* (Lexis Nexis Butterworths 2011).
- Kälin, Walter and Jörg Künzli, *The Law of International Human Rights Protection* (OUP 2009).
- Kapoor, Dr. S.K., *Human Rights under International Law & Indian Law* (6th edn, Central Law Agency 2014).
- Lal, Dr. Bhanwar, *Harsh Human Rights Law in India: Protection and Implementation of the Human Rights Act, 1993*, Regal Publication, New Delhi
- Merry, Sally Engle, *Human Rights and Gender Violence* (University of Chicago Press 2005).
- Nair, P. Sukumaran (ed.), *Human Rights in a Changing World* (Kalpaz Publications 2011).
- Nirmal, C.J., *Human Rights in India: Historical, Social and Political Perspectives* (OUP 2002)
- Ray, Arun, *National Human Rights Commission of India* (Atlantic Publishers and Distributors 2003).
- Robertson, A.H. and Merrills J.G., *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights* (Manchester University Press 1996).
- Sehgal, Brinder Pal Singh, *Human Rights in India* (Deep and Deep Publication 1995).
- Singh, Dr. Kavita, *Human Rights and Anti-terrorism Laws in India* (Central Law Publication 2010)
- Smith, Rhona K.M., *International Human Rights* (6th edn, OUP 2013).
- Verdirame, Guglielmo, *The UN and Human Rights: Who Guards the Guardians?* (Cambridge University Press 2013).

## READING MATERIAL

S. No.	Title of the Paper	Author
1.	Role of the National Human Rights Commission of India in Protection of Human Rights	Manoj Kumar Sinha
2.	National Human Rights Institutions: Good Governance Perspectives on Institutionalization of Human Rights	C. Raj Kumar
3.	The Court's Ears and Arms: National Human Rights Institutions and the European Court of Human Rights	Antoine Buyse
4.	Bridging the Gap?: The Role of Regional and National Human Rights Institutions in the Asia Pacific	Carole J. Petersen
5.	Human Rights Commissions in Africa – Lessons and challenges	Chris Maina Peter
6.	UNGA Res 48/134 National institutions for the promotion and protection of human rights	

