

Chanakya National Law University, Patna
B.A., LL.B. (H) / B.B.A., LL.B. (H) 2022-23; SEMESTER - X

Course Title: Law Relating to Women & Child

Course Overview

This course is related to the study of various laws and creating awareness as to importance and role of Women and Child in society through the medium of law. It also focuses on women and child welfare schemes that is being provided by the Ministry of Women & Child. It will also focus on ways in which women's rights can offer benefits for children and, in turn, how the enforcement of children's rights can support the rights of women.

Learning Outcomes

The course aims to a comprehensive analysis of legislations and various schemes pertaining to protection of rights of Women and Children. Besides this, latest and important pronouncements of the Hon'ble Supreme Court and various High Courts have been incorporated in the entire module so that the students should be able to know the latest law's regarding Women & Child.

On completion of the course, students will be able to:

Understand, analyse and explores the connections between women's rights and children's rights and suggests ways in which they can complement each other thereby furthering the rights of both groups.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	Women's Constitutional & Human Rights with Special Refence to Muslim Women (Protection of Rights on Marriage) Act, 2019	1-5
Module II:	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013	6-14

	<ul style="list-style-type: none"> • Definition- aggrieved woman, domestic worker, employee, employer, sexual harassment, workplace. • Constitution of internal complaints committee • Constitution of local complaints committee • Inquiry into complaint • Duties of employee, • Duties and powers of district officer 	
Module III:	Domestic Violence Act, 2005 <ul style="list-style-type: none"> • Definitions, • Powers and duties Of Protection Officers, Service Providers, • Procedure for Obtaining Orders of Reliefs 	15-21
Module IV:	Dowry Prohibition Act,1961 <ul style="list-style-type: none"> • Definition of `dowry`, • Penalty for giving or taking dowry, • Penalty for demanding dowry, • Agreement for giving or taking dowry to be void, • Dowry to be for the benefit of the wife or heirs, • Cognizance of offences, • Offences to be cognizable for certain purposes and to be bailable and non-compoundable, • Dowry Prohibition Officers 	22-29
Module V:	Indecent Representation of Women (Prohibition) Act, 1986 <ul style="list-style-type: none"> • Definition- advertisement, distribution, indecent representation of women • Prohibition of advertisements containing indecent representation of 	29-33

	<p>women</p> <ul style="list-style-type: none"> • Prohibition of publication or sending by post of books, pamphlets, etc., containing indecent representation of women • Powers to enter and search, • Penalty, Protection of action taken in good faiths 	
Module VI:	<p>Protection of Children from Sexual Offences Act (POCSO),2012</p> <ul style="list-style-type: none"> • sexual offences against children, • using child for pornographic purposes and • punishment, abetment of, and attempt to commit an offence, • procedure for reporting of cases, procedures for recording statement of the child, • special courts, • procedure and powers of special courts and recording of evidence 	33-40
Module VII:	<p>Pre-conception and pre-natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994</p>	40-42
Module VIII:	<p>Child Marriage Restraint Act, 2017</p>	42-44
Module IX :	<p>Juvenile Justice Care & Protection of Children Act, 2015</p>	44-48
Module X :	<p>Role of National Commission for Women</p>	48-49
Module XI :	<p>Role of National Commission for protection of Child rights</p>	49-50
Module XII :	<p>Child Labour Act, 1986 (Latest Amendment of 2016)</p>	50-52

Recommended/Reference Text Books and Resources:

Text Books :-

- 1. Manjula Batra, Women & Law with Law Relating to Children in India, Allahabad Law Agency**
- 2. Mamta Rao, Law Relating to Women and Children, Eastern Book Company**
- 3. Lalita Dhar Parihar, Women and Law, Eastern Book Company**

References :-

- SC Tripathi and Vibha Arora, Law relating to Women and Children, Central Law Publication, 2006
- DK Tiwari & Mahmood Zaidi, Commentaries on Family Courts Act, 1984, Allahabad Law Agency, 1997
- BN Chattoraj, Crime against Women: A Search for Peaceful Solution, LNJNNICFS, 2007
- Nomita Agarwal, Women and Law, New Century Publishing House, 2005

Web Resources :-

<https://wcd.nic.in/>

<https://legaid.nmims.edu/rights-of-women-and-children-in-india/>

<http://ncw.nic.in/>

<http://ncpcr.gov.in/>

Instructor Details

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Chanakya National Law University, Patna
B.A., LL.B (Hons.) & B.B.A., LL.B. (Hons.)
SEMESTER- X
Academic Session (2022-2023)

Course Title: Moot Court Exercise and Internship

Course Overview

Moot Court basically means a replica of a real court where legal proceedings and trials take place and thus it is also known as a *Mock Court* where students who are studying law act as professional and take up all the responsibilities and duties according to their role to see their ability to think creatively and answer convincingly when questioned and show their oratory, writing and persuasive skills.

The objective of this subject is to groom the students as a true professional to perform as Lawyer / Judicial Officer.

The subject Moot Court will cover number of drafting such as drafting of Complaint, written statement, Complaint Petition, FIR, Bail Petition, Revision, Appeal, Quashing, Writ Petitions (civil & criminal), Civil Miscellaneous application, LPA, Request Case, SLP, Counter Affidavit, Rejoinder, O.A etc. The subject will also cover preparation of written arguments on facts as well as on Law and oral submissions.

The subject Moot Court will also cover the proceed before Hon`ble High Court and Hon`ble Supreme Court of India.

SI No.	Particulars	
1.	<p><u>Each Students</u> are required to draft 10 petitions and one petition every week, which includes</p> <ol style="list-style-type: none">1. Drafting of Petitions (1 writ petition, CA & Rejoinder, 1 LPA, 1 Quashing, 1 Criminal Revision, 1 Criminal Appeal, 1 Request Case, 1 SLP, 1 O.A for CAT and 1 O.A for DRT.2. Short Notes on the points of law referring the oldest and the most recent Judgment of the Hon`ble Supreme Court of India, reported in AIR/ SCC /SCC OnLine duly quoting relevant paragraphs/findings/ratio.3. Argument / Interview	

2.	<p><u>Trial by Each Group</u></p> <p>Criminal Trial</p> <ul style="list-style-type: none"> i. Preparation of FIR / Complaint Petition, ii. Charge Sheet, iii. Case Diary, iv. Bail Petition and Argument by each members of the respective Group v. Framing of Charge vi. Discharge Petition and argument by each members of the group with case law oldest and most recent delivered by Hon`ble Supreme Court of India, reported in AIR/SSC/SSC On Line vii. Recording of Testimony (Examination / Cross Examination) viii. Oral Argument with case law oldest and most recent delivered by Hon`ble Supreme Court of India, reported in AIR/SSC/SSC On Line ix. Submission of Written Argument including Case Law oldest and most recent delivered by Hon`ble Supreme Court of India, reported in AIR/SSC/SSC On Line x. Recording of Order sheet right from beginning to delivering Judgment. 	<p>Already Commenced and will be closed by 20.02.2023.</p> <p>Each Group shall be given separate dead line</p>
3.	<ul style="list-style-type: none"> 1. Civil Trial <ul style="list-style-type: none"> i. Preparation of Plaint ii. Written Statement iii. Limitation Petition iv. Amendment petition v. Substitution petition vi. Submission of Documents and marking exhibits. vii. Settlement of issues viii. Recording of testimony (Examination / Cross Examination) ix. Oral Argument citing Judgments the Oldest and the most recent 	<p>From 21.02.2023 to 15.03.2023</p> <p>Each Group shall be given separate dead line</p>

	<p>delivered by Hon`ble Supreme Court of India</p> <p>x. Written Argument referring Judgments the Oldest and the most recent delivered by Hon`ble Supreme Court of India</p> <p>xi. Preparation of Entire Order Sheet right from beginning to Delivering Judgments.</p>	
4.	<p><u>High Court Proceeding by Each Group</u></p> <p>i. Civil Writ</p> <p>ii. Criminal Writ</p> <p>iii. LPA</p> <p>iv. Request Case</p> <p>v. Contempt Application</p> <p>vi. Counter Affidavit</p> <p>vii. Rejoinder</p> <p>viii. Argument</p> <p>ix. Written Notes</p> <p>x. Judgments</p>	<p>16.03.2023 to 25.03.2023</p> <p>Each Group shall be given separate dead line</p>
5.	<p><u>Supreme Court Proceeding by Each Group</u></p> <p>Preparation of</p> <p>i. Civil Writ challenging validity of act</p> <p>ii. SLP</p> <p>iii. Argument</p> <p>iv. Written submissions</p> <p>v. Judgment</p>	<p>26.03.2023 To 07.04.2023</p>
6.	Interview	

Name of the Instructor:	Dr. Ranjeet Kumar
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Dr. Ranjeet Kumar

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

OPTIONAL –V

SUBJECT: BANKRUPTCY AND INSOLVENCY LAWS

COURSE DESCRIPTION : The syllabus will vary from year to year to cover subjects of topical interest but may include: the history of insolvency law; terminology; theories of insolvency law (examining economic and social theories underpinning the legal framework); consumer insolvency; why businesses fail; the distinction between "balance sheet" and "cash flow" insolvency; personal insolvency processes; discharge of debtors; winding up; ranking; set-off in insolvency processes; receivership; corporate rescue; administration; pre-packaged administrations; challengeable transactions in insolvency ; wrongful and fraudulent trading; cross-border insolvency.

LEARNING OBJECTIVE:

To learn the different modes of recovery of outstanding debt for creditors; Why SICA and RBI's resolution mechanisms failed; When and how to use IBC to recover dues; Applications and documents to be filed over the course of an insolvency proceeding; Role of National Company Law Tribunals in insolvency cases and steps followed in the adjudication of an application by NCLT; How to initiate an insolvency proceeding for a financial or an operational creditor; Role of the company's management after the commencement of insolvency proceedings; How to draft and file proof of claim before the liquidator

LEARNING OUTCOME:

By the end of the course, students should have:

1. broad knowledge and understanding of the fundamental legal concepts underpinning bankruptcy and insolvency law as discussed in the course, as well as knowledge and understanding of the legal rules applicable in these areas arising in national and comparative contexts;
2. an in-depth knowledge and understanding of some particular areas of law within this broader framework;
3. an advanced ability to differentiate between and use appropriately primary and secondary sources of law, and identify, retrieve and use relevant and appropriately up-to-date legal information ensuring sources that are up-to-date, appropriate to the context of bankruptcy and insolvency law;
4. an advanced ability to identify accurately the issues which require to be researched, and to formulate them clearly;
5. an advanced ability to analyse, evaluate, and interpret primary and secondary legal sources relevant to bankruptcy and insolvency law, and to view critically existing legal rules within that context;
6. an advanced ability to produce a synthesis of relevant evidence (eg doctrinal and policy issues) in relation to a topic studied in bankruptcy and insolvency law and to make a critical judgment of the relative and absolute merits of particular arguments and solutions;
7. an advanced ability to understand and use the English language proficiently in relation to legal matters being able systematically to structure academic writing, expressing views and ideas succinctly, pursuing and argument with proper care and attention to academic literature with proper recognition of counter-arguments;
8. an advanced ability to present knowledge or an argument in a way which is comprehensible to its intended audience, directed to the concerns of that audience (both orally and in writing);
9. an advanced ability to read and discuss legal materials relating to insolvency law which are written in technical and complex language; an ability to produce a word-processed essay and to present such work in an appropriate form; an advanced ability use language proficiently in relation to bankruptcy and insolvency law and specifically to use appropriate legal terminology in work, and to use recognised methods of citation and reference, and to structure a substantial and appropriately referenced piece of work, present it concisely and express oneself clearly and coherently in which the student should demonstrate the ability to articulate, evidence and sustain a line of argument and to engage in a convincing critique of counter-arguments;

SYLLABUS

Module I. Origin and History of Bankruptcy Law

- The provincial Insolvency Act, 1920
- The presidency Towns Insolvency Act, 1909
- The Recovery of Debts due to Banks and Financial Institutions Act, 1993;
- The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002; and
Corporate Debt Restructuring Scheme, Strategic Debt Restructuring, and Scheme for Sustainable Structuring of Stressed Assets (S4A of RBI)
- The Insolvency and Bankruptcy Code, 2016

Module-II Insolvency resolution and liquidation for Corporate Persons:

- Application and Definitions
- Corporate Insolvency resolution Process
- Liquidation Process
- Fast Track Corporate Insolvency resolution Process
- Voluntary liquidation of Corporate Persons
- Adjudicating Authority for Corporate Persons
- Offences and penalties

Module-III Insolvency resolution and bankruptcy for individuals and partnerships firms:

- Application and Definitions
- Fresh Start process
- Insolvency Resolution Process
- Bankruptcy order for individuals and partnerships firms
- Administration and distribution of the estate of the bankrupt
- Adjudicating authority for Individual and Partnerships firms
- Offences and penalties

Module-IV Cross Border Insolvency:

- Introduction; Global developments;
- UNCITRAL Legislative Guide on Insolvency Laws;
- UNCITRAL Model Law on Cross Border Insolvency;
- US Bankruptcy Code;
- World Bank Principles for Effective Insolvency and Creditor Rights;
- ADB principles of Corporate Rescue and Rehabilitation;
- Enabling provisions for cross border transactions under IBC, Agreements with foreign countries

Module-V Professional and Ethical Practices for Insolvency Practitioners:

- Responsibility and accountability of Insolvency Practitioners;
- Code of conduct; Case laws;
- Case Studies; and
- Practical aspects

Module-VI Drafting

- Draft a demand notice under the IBC
- Draft a reply to an application filed under section 9 of the Code
- Draft an application under section 10 of the Code
- Draft an objection to an application under section 10 of the Code
- Draft a public announcement
- Draft a notice for a meeting of the committee of creditors
- Draft proof of claim for a financial creditor
- Draft proof of claim on behalf of a class of employees

- Draft a reasoned rejection of claim letter on behalf of the IRP
- Draft an application challenging the rejection of claim before the NCLT
- Draft instructions for the CoC for electronic voting
- Draft an application to NCLT for replacement of IRP
- Draft letter to stakeholders claiming set-off of dues
- Draft letter to government stakeholders
- Draft an expression of interest
- Decide whether specific resolution applicants are eligible to submit a resolution plan or not
- Draft a resolution plan
- Draft an application challenging approval/rejection of a resolution plan
- Draft an application for presenting resolution plan before NCLT
- Draft application for initiating liquidation of the company
- Draft an invitation for expression of interest
- Exercises on Identifying avoidable transactions and their consequences
- Drafting documentation relevant to CoC
- Exercises on identifying and understanding disqualifications under Section 29A
- Exercises on Drafting RP-related Applications before NCLT

Reading List

This is an illustrative reading list as subject matter will vary dependent on topics studied. However, it includes various general textbooks.

- Mulla The Law of Insolvency in India [Including the Insolvency and Bankruptcy Code, 2016] (Tagore Law Lectures, 1929)
- GUIDE TO INSOLVENCY AND BANKRUPTCY CODE & LAW RELATING TO SARFAESI/DEBT RECOVERY & WINDING UP
- Insolvency Law and Practice (Report of the review committee chaired by Sir Kenneth Cork CBE, 1982, Cmnd 8558)
- V Finch, Corporate Insolvency Law: Perspectives and Principles (2nd edn, 2009)
- RM Goode, Principles of Corporate Insolvency Law (4th edn, 2011)
- RJ Mokaal, Corporate Insolvency law: theory and application (2005)
- TH Jackson, The logic and limits of bankruptcy law (1986)
- A Keay and P Walton, Insolvency law: corporate and personal (3rd edn, 2012)
- WW McBryde, Bankruptcy (2nd edn, 1995)
- DW McKenzie-Skene, Insolvency law in Scotland (1999)
- JB St Clair and Lord Drummond Young, The law of corporate insolvency in Scotland (4th edn, 2011)

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B.A., LL.B (Hons.) & B.B.A., LL.B. (Hons.)
SEMESTER- X
Academic Session (2022-2023)

Course Title: Optional – V “Health Law”

Course Overview

Health care industry and law are subjects with an inherent dynamism. There expanding dimensions with enduring research and advancements in technology increases its complexity because it touches socio, legal and ethical contours of human civilization. To understand the intricacies of this nascent field of law needs a comprehensive study with a detailed module comprising all possible and significant health issues of human being. Taking into consideration of the above said issues, module of this Optional paper is developed. The capital idea of this syllabus is to professionally equip students with a detailed understanding of national and international regulatory framework and approaches of Health laws and Health policies.

Module I deals with meaning and Concept of Health, International Instruments and Constitutional Safeguards for Health.

Module II talks about ethical concerns of in Medical Research & Medical Treatment.

Module III focuses on legislative framework for Health Sector in India

Module IV covers laws for regulation of Medical Profession and Medical Education in India.

Module V emphasizes on emerging trends in health sector and their legal and ethical implications

Learning Outcomes

This course module is prepared with an objective to develop student’s legal acumen in health law regime.

On completion of the course, students will be able to:

1. Understand conceptual framework and regulatory framework of Health Law and its policies.
2. Understand the relationship between the legal system, health care providers, and patients;
3. Identify and analyze legal issues in health care industry and its practices
4. Effectively communicate, both orally and in writing, the interpretive understanding of a case, statute,

and complex regulatory scheme of Health Law Regime (both national and global).

5. Multi facet and interdisciplinary analysis of any public health policy document.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	Health: Meaning and Concept, International Instruments and Constitutional Safeguards for Health	10 Lectures
	<p>1. Introduction:</p> <ul style="list-style-type: none"> ➤ Meaning and Concept of health; ➤ Factors affecting health; ➤ Concept of Public Health; ➤ Health Committees Pre And Post-independence; ➤ National Health Policies. <p>2. International Instruments and Right to Health:</p> <ul style="list-style-type: none"> ➤ Right to health- International Perspectives; ➤ Role of WHO; ALMATA Declaration; ➤ And other important International Human Right Instruments for Right to health. <p>3. Constitutional Framework for Health in India:</p> <ul style="list-style-type: none"> ➤ Entries relating to health under Schedule VII; ➤ Provisions under Directive Principles; ➤ Health as a part of Fundamental Rights & Right to life; ➤ Fundamental duties; 	
Module II:	Medical Ethics in Medical Research & Medical Treatment	10 Lecture
	<p>4. Medical Ethics & Medical Research</p> <ul style="list-style-type: none"> ➤ Medical ethics and Bio ethics ➤ Fundamental notions of Medical ethics ➤ International documents on Medical Ethics and its historical development <p>5. Consent & Medical Treatment</p> <ul style="list-style-type: none"> ➤ Consent in Medical Treatment ➤ Real Consent Vs. Informed Consent ➤ Basic components of consent 	

	<ul style="list-style-type: none"> ➤ Indian law relating to consent <p>6. Medical Research & Consent</p> <ul style="list-style-type: none"> ➤ Introduction ➤ International ethical codes (Nuremberg Code, Declaration Helsinki, The CIOMS guidelines) ➤ Regulation of medical research in India ➤ Clinical Trial 	
Module III:	Legislative Framework for Health Sector In India	25 Lectures
	<p>7. Health Law: Legislative Perspective</p> <ul style="list-style-type: none"> ➤ Laws relating to Reproductive and Sexual Rights of Women Medical Termination of Pregnancy Act, 1971, Pre-Natal Diagnostic Techniques (Regulation and prevention of misuse) Act, 1994 Assisted Reproductive Technology Act, 2021 Surrogacy (Regulation) Act, 2021 ➤ Organ And Tissue Transplantation The Transplantation of Human Organs and Tissues Act, 1994 ➤ Mental Health Mental Health Care Act, 2017 ➤ Public Health Emergency Laws The Disaster Management Act, 2005 The Epidemic Diseases Act, 1897 & the Epidemic Diseases (Amendment) Act, 2020 ➤ Regulating pharmaceutical, medical devices and healthcare technology The Drugs and Cosmetic Act, 1940 The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 The Narcotic Drugs and Psychotropic Substance Act, 1985 Medical Devices Rules 2017 	

	<ul style="list-style-type: none"> ➤ Laws in relation to Occupational Health and Accident Prevention ➤ Other significant legislations <ul style="list-style-type: none"> Prevention of Food adulteration Act, 1954 Bio Medical waste (Management and handling) rules 1998 	
Module IV:	Laws for Medical Profession and Medical Education	10 lecture
	<p>8. . Medical Profession and Patient Rights</p> <ul style="list-style-type: none"> ➤ Doctor and Patient relationship ➤ Medical Negligence (Civil and Criminal) ➤ Professional misconduct in medical profession <p>(The Indian Medical Council Act, 1956, Indian Medical Council (Professional Conduct, Etiquette, and Ethics) Regulations, 2002 etc.)</p> <p>9. Medical Education</p> <ul style="list-style-type: none"> ➤ The Medical Council of India (MCI) ➤ The National Medical Commission (NMC)) 	
Module V:	Emerging Trends in health sector and their Legal and Ethical Implications	10 lectures
	<p>10. Emerging trends in health law regime</p> <ul style="list-style-type: none"> ➤ Euthanasia ➤ Bio-technology and Human Health ➤ Gene Patenting : legal and ethical issues ➤ Health Insurance ➤ Human Cloning. ➤ Telemedicine 	

RECOMMENDED/REFERENCE TEXT BOOKS AND RESOURCES:

Text Books & Reference Books

1. Barnard Knight, American Medical Practice,[1992], Churchill Livingstone, London
2. Bridgit Diamond, Legal Aspect of Care in the Community, (1997), Macmillan Press Ltd., London
3. Diane Longley, Health Care Constitution, [1996],Cavendish Publishing Ltd., London Freeman-Law and Medicine
4. Micheal Davies- Textbook on Medical law

5. Jonathan Herring- Medical Law and Ethics
6. R.K. Bag- Medical Negligence and Compensation
7. S. V. Jogarao- Current Issues in Criminal Justice and Medical Law
8. Modi's Medical Jurisprudence
9. Mason and Mc Call Smith- Law and Medical Ethics
10. Dr. Lily Srivastava – Law and Medicine, Universal Law Publishing Co.
11. K. Kannan-Medicine and Law, Oxford University Press.
12. Dr. Jyoti Bhakare -An Introduction to Health Law
13. P. M. Bakshi -Law and Medicine
14. Medical Law: A Very Short Introduction (Very Short Introductions) by Charles Foster ,Oxford
15. Health Law and Ethics: Critical Reflections, by Alexander Thomas and Arpitha H.C. Nandimath
Omprakash V. , THOMSON REUTERS

Web Resources

<https://medicineslawandpolicy.org/>

<https://lawjournals.celnet.in/index.php/ijhml/index>

<https://libraryguides.law.pace.edu/c.php?g=319350&p=3146149>

<https://libraryguides.law.pace.edu/c.php?g=319350&p=3146128>

<https://libraryguides.law.pace.edu/c.php?g=319350&p=3146136>

<https://jipmer.edu.in/library/open-access-and-free-medical-e-resources>

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Chanakya National Law University, Patna

B.A., LL.B (Hons.) & B.B.A., LL.B. (Hons.)

SEMESTER- X

Academic Session (2022-2023)

Course Title: **Human Rights**

Course Overview

The purpose of this module is to examine the history, development, structure and efficacy of human rights law. In this module, students will investigate the legal framework of the United Nations and regional systems relating to the protection and promotion of, inter alia (among other things), the rights of minorities and indigenous peoples, women's rights, the rights of migrants and refugees, cultural rights, and the emerging field of environmental rights. This Course module expose students about concepts and idea of Human Rights in Indian Constitution and its enforcement in India.

Module I deals with meaning and Concept of Human Rights & its development.

Module II talks about International Instruments for Human Rights.

Module III focuses on protection and promotion of human rights –UN role

Module IV covers world conferences and international conventions on Human Rights.

Module V emphasizes on regional protection of human rights.

Module VI covers protection of human rights in India.

Learning Outcomes

This course module is prepared with an objective to develop student's legal acumen in Human Right laws.

On completion of the course, students will be able to:

1. Understand conceptual framework and regulatory framework of Human Right Law and its policies.
2. Improve their ability to think critically, engage in complex reasoning and express their thoughts clearly through their written work
3. Understand the historical background of the international human rights movement
4. Develop their understanding of the different disciplinary approaches to the study of human rights
5. Develop their understanding of the main international human rights legal instruments and institutions
6. Develop a basic understanding of some of the key contemporary challenges in international human rights.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	INTRODUCTON	10 Lectures
	<ul style="list-style-type: none"> A. Humanism and importance of human rights B. Human Rights concept, kinds, source and history (Evolution) of Human Rights C. International Developments 	
Module II:	INTERNATIONAL INSTRUMENTS	10 Lecture
	<ul style="list-style-type: none"> A. UDHR B. Covenant on Civil and Political Rights,1966 C. Covenant on Economic and Cultural Rights,1966 	
Module III:	PROTECTION AND PROMOTION OF HUMAN RIGHTS –UN ROLE	10 lectures
	<ul style="list-style-type: none"> A. Provisions of UN Charter concerning Human Rights B. UN Bodies primarily concerned with Human Rights 	
Module IV:	WORLD CONFERENCES AND INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS.	8 lectures
	<ul style="list-style-type: none"> A. Conferences: Tehran Conference 1968,Viena Conference 1993,Beijing Conference B. Conventions: C. Conventions relating to Inhuman, Cruel and Degrading Acts. D. Conventions relating to Vulnerable Groups 	
Module V:	REGIONAL PROTECTION OF HUMAN RIGHTS	10 lectures
	<ul style="list-style-type: none"> A. European Convention for the protection of Human Rights and Fundamental Freedom 1950 and other Instruments. B. American Convention on Human Rights,1969 C. African Charter on Human and people’s Rights 1981 D. Other Regional Arrangements for the protection of Human Rights. 	
Module VI:	PROTECTION OF HUMAN RIGHTS IN INDIA	12 lectures
	<ul style="list-style-type: none"> A. Human Rights in India B. Human Rights and Indian Constitution C. The Protection of Human Rights Act,1993 	

RECOMMENDED/REFERENCE TEXT BOOKS AND RESOURCES:**Text Books & Reference Books**

1. H.O. Agarwal, Human Rights, (CLP, 2018)
2. Bhagyashree A. Deshpande, Human rights- Law and Practice, (CLP, 2017)
3. H.O. Agarwal, International Law and Human Rights (CLP, 2019)
4. Justice D M Dharmadhikari, Human Values and Human Rights (Lexis Nexis, 2016)
5. Rashee Jain, Text book on Human Rights Law and Practice (Lexis Nexis, 2016)
6. V. N. Shukla's Constitution of India (Eastern Book Company, 2017)
7. Bruce K Friesen, Moral Systems and the Evolution of Human Rights (Springer Briefs in Sociology, 2014)
8. Manoj Kumar Sinha, Implementation of Basic Human Rights, (Lexis Nexis)
9. Vijay Chitnis et. all., Human Rights and the Law: National and Global Perspective
10. A. N. Dange, Human Rights and International Law Practices (M D Publications Pvt. Ltd. 2011).
11. Rega Surya Rao, International Law & Human Rights (Gogia Law Agency, 2020)
12. Brij Kishore Sharma, Human Rights Covenants and Indian Law (PHI Learning private Ltd.)

Web Resources

<https://cdp-hrc.uottawa.ca/en/partnerships>

<https://www.asil.org/resources/electronic-resource-guide-erg>

<https://www.asil.org/resources/electronic-resource-guide-erg>

<http://www.whatconvention.org/>

<https://en.unesco.org/cultnatlaws/list>

Name of the Instructor:	Dr. Vijay kumar Vimal
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CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
B.A., LL.B. (H) & B.B.A., LL.B. (H) 2022-23; SEMESTER- TENTH

COURSE TITLE: INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

COURSE OVERVIEW

The objective of this paper is to make students aware of the principles of International Humanitarian Law and Refugee Law, making them aware of the protection regime for individuals in situations of conflict and in situations of persecution, means and methods of war and weapons, contemporary challenges, and, the implementation of mechanisms, subsequently which will enable them to specialize in the field of Human Rights Law and Humanitarian Law, and, specializing in human rights to be acquainted with laws governing the refugees.

Module one deals with **INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW**

Module two focuses on **GENEVA CONVENTIONS SYSTEMS**

Module three deals with **ARMED CONFLICTS**

Module four covers **ENFORCEMENT MACHINERY**

Module five deals with **INTRODUCTION TO INTERNATIONAL REFUGEE LAW**

Module six deals with **RIGHTS, OBLIGATIONS AND PRIVILEGES OF REFUGEES UNDER THE REFUGEE CONVENTION 1951**

Module seven covers **IMPLEMENTATION & MONITORING**

Module eight focuses on **INDIAN APPROACH TO REFUGEE PROTECTION**

LEARNING OUTCOMES

The course aims to provide a foundational understanding of the legal regime governing IHL AND IRL in India.

On completion of the course, students will be able to:

1. Understand the **Introduction to International Humanitarian Law and the International Refugee Law**
2. Study and Analyze the given provisions of **Geneva Conventions Systems**
3. Critically Analyze:
 - a. Armed Conflicts
 - b. Enforcement Machinery
 - c. Rights, Obligations and Privileges of Refugees Under the Refugee Convention 1951
 - d. Implementation & Monitoring
 - e. Indian Approach to Refugee Protection

LIST OF TOPICS/ MODULES

TOPIC/ MODULE	CONTENTS/ CONCEPTS	SESSIONS / LECTURES
<p align="center">MODULE I:</p> <p>INTRODUCTION TO IHL</p>	<p>a. History, Evolution and Growth</p> <ul style="list-style-type: none"> ○ Historical evolution of IHL including in India ○ Relationship of IHL with Human Rights Law ○ The distinction between <i>Jus ad Bellum</i> and <i>Jus in Bello</i> (Contemporary challenges) ○ Principles of IHL- Marten’s Clause, Humanity, Proportionality, Necessity, Distinction. 	<p align="center">(1-8)</p>
<p align="center">MODULE II:</p> <p>GENEVA CONVENTIONS SYSTEMS</p>	<ul style="list-style-type: none"> a. Geneva Convention I b. Geneva Convention II c. Geneva Convention III d. Geneva Convention IV 	<p align="center">(9-18)</p>
<p align="center">MODULE III:</p> <p>ARMED CONFLICTS</p>	<ul style="list-style-type: none"> a. Internal armed conflict b. International armed conflicts c. Non-international armed conflicts 	<p align="center">(19-26)</p>

<p>MODULE IV: ENFORCEMENT MACHINERY</p>	<p>a. International Criminal Court b. ICRC</p>	<p>(27-33)</p>
<p>MODULE V: INTRODUCTION TO IRL</p>	<p>a. Position of refugees under Universal Declaration of Human Rights</p>	<p>(34-40)</p>
<p>MODULE VI: RIGHTS, OBLIGATIONS AND PRIVILEGES OF REFUGEES UNDER THE REFUGEE CONVENTION 1951</p>	<p>a. Who is a refugee? b. Judicial Status c. Administrative Measures d. The 1967 Protocol</p>	<p>(41-47)</p>
<p>MODULE VII: IMPLEMENTATION & MONITORING</p>	<p>a. Statute of the UNHCR 1950 b. Cartagena Declaration 1984</p>	<p>(48-53)</p>
<p>MODULE VIII: INDIAN APPROACH TO REFUGEE PROTECTION</p>	<p>○ Refugees' Rights vis-a-vis ROHINGYAS in India</p>	<p>(54-60)</p>

Recommended/Reference Textbooks and Resources:

Textbooks

1. Guy S. Goodwin – The Refugee in International Law (Oxford, 2000)
2. A. Vibeke Eggli, Mass Refugee Influx and the Limits of Public International Law (The Hague: Nijhoff, 2002)
3. Jean Pictet ‘Development and Principles of International Humanitarian Law’ Martinus Nijhoff

Publishers

4. H McCoubrey ‘International Humanitarian Law: modern developments in the limitation of warfare’, Ashgate, Dartmouth, 1998
5. Geoffrey Best ‘War and Law since 1945’, Clarendon press, Ingrid Detter, The Law of War, (Cambridge, 2000)
6. A. Roberts and R. Guelff, eds. , Documents on the Laws of War (Oxford, 2000)
7. Legality of the Threat or Use of nuclear weapons, Advisory Opinion, ICJ Reports(1996)
8. M.K. Balachandran and Rose Verghese (eds.) – International Humanitarian Law ICRC (1997)
9. Ravindra Pratap, “India’s Attitude towards IHL”, in Mani (ed.) International Humanitarian Law in South Asia (Geneva: ICRC, 2003)

Web Resources <https://www.icrc.org/en>.

<https://blogs.icrc.org/law-and-policy/> <https://pilac.law.harvard.edu/> <https://pilac.law.harvard.edu/threepathways-to-secure-greater-respect-for-international-law-concerning-waralgorithms> <https://pilac.law.harvard.edu/quantum-of-silence-web-version>

<https://www.bloomberg.com/news/articles/2022-12-06/how-war-crimes-and-the-crime-of-aggression-arebeingpursued-against-russia#xj4y7vzkg>

https://icrcndresourcecentre.org/wpcontent/uploads/2018/12/4358_002_Expert_meeting_report_WEB_1.pdf

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