



# Sardar Patel Subharti Institute of Law

Recognized by Bar Council of India, New Delhi. Letter No. BCI: D: 1116:2002 (LE. Mtg.) & 2429/2015 (LE)  
Website: law.subharti.org, e-mail: law@subharti.org, Ph.: 0121-2439043, 3055000 (Extn: 2851, 2855), Telefax: 0121-2439067

A constituent college of

## SWAMI VIVEKANAND SUBHARTI UNIVERSITY

(Established under U.P. Govt. Act no. 29 of 2008 and approved under section 2(f) of UGC Act 1956)



Date: -10/08/2018

### Agenda for Board of Studies Meeting of Law Faculty to be held on 10<sup>th</sup> of August , 2018, at 03:00 P.M. in Office of Principal

The Board of Studies, Faculty of Law, has been reconstituted to include the following:

- |                                      |   |                     |
|--------------------------------------|---|---------------------|
| 1. Prof. (Dr.) Vaibhav Goel Bhartiya | - | Dean/Principal      |
| 2. Mr. A.K. Agarwal                  | - | Professor           |
| 3. Dr. Manoj Kumar Tripathi          | - | Associate Professor |
| 4. Dr. Reena Bishnoi                 | - | Associate Professor |
| 5. Dr. Sarika Tyagi                  | - | Associate Professor |
| 6. Dr. Sartaj Ahmad                  | - | Associate Professor |
| 7. Ms. Afreen Almas                  | - | Assistant Professor |
| 8. Mr. P.K. Agarwal                  | - | Assistant Professor |
| 9. Mr. Vikas Tyagi                   | - | Assistant Professor |
| 10. Ms. Nitin Dhillon                | - | Assistant Professor |
| 11. Ms. Avi Choudhary                | - | Lecturer            |
| 12. Ms. Mahima Garg                  | - | Lecturer            |

### Agenda

To consider P.G. Diploma course duration.

To consider P.G. Diploma Course contents syllabus.

All members were found present and suggested modification in old ordinance of P.G. Diploma in various law courses along with course contents.

After long discussion final proceeding are here as Amended Ordinance -2018 for P.G. Diploma along with detail course description.



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### Ordinance No. V (31A)

#### Ordinances Relating to Post Graduate Diploma Courses

##### Chapter-1

This Ordinance may be called the ““Amended Ordinance-20018 relating to Post Graduate Diploma in Law”.

It shall come into force with immediate effect. The program code will be LC-2 and program specific code will be LC-2/01. The ordinance shall come into force with immediate effect.

##### Chapter-2

##### Courses

Post Graduate Diploma in Human Rights. (Detail of Papers & Contents See Annex-I)

Post Graduate Diploma in Labour Laws. (Detail of Papers & Contents See Annex-II)

Post Graduate Diploma in Media Laws. (Detail of Papers & Contents See Annex-III)

Post Graduate Diploma in I.P.R (Detail of Papers & Contents See Annex-IV)

Post Graduate Diploma in Patent Practices. (Detail of Papers & Contents See Annex-V)

In specialized program students will have some choice base papers along with core papers. The candidate is expected to earn at least 20 Cr in first semester to peruse project writing.

##### Chapter-3

##### Admission

Duration of the Post Graduate Diploma Courses is 12 months.

Minimum qualification for admission to P.G. Diploma Courses; A candidate should have a Graduate / Post Graduate in any subject from a University. A candidate who has appeared in final year/ final semester examination may also apply.

##### Chapter-4

##### Teaching Course

The P.G. Diploma course shall be of one year duration divided into two semesters which the candidate has to complete in two years. A student will be eligible for the award of PGD in law only when he/she has successfully completed all the prescribed **04 (12) Courses and one compulsory project** with a total of **26 Credits**.

The academic calendar year shall be as follows:

I<sup>st</sup>, Semester

July (tentative) : Classes begin

December : Examination for Semester I<sup>st</sup>



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II<sup>nd</sup>, Semester

January : Semester begin

June : Submission of dissertation and viva-voce

Note : Any change in the above time schedule will be notified accordingly.

### Chapter-5 Course Work

#### SEMESTER – 1

Paper I	100 Marks
Paper II	100 Marks
Paper III	100 Marks
Paper IV	100 Marks

#### SEMESTER – II

Dissertation	150 Marks
Viva-voce	50 Marks

**Note: -**

- The topic and the details of Dissertation for each candidate shall be finalized by the Supervisor with the approval of the Principal
- The Dissertation shall be submitted only after the certificate of satisfaction of the supervisor.
- In case of delay in submitting the M. Phil. Dissertation after the given date a fine of Rs. 500/- Per month will be levied on the P.G. Diploma Students. If a student fails to Deposit the Dissertation within 3 months after the given date he/she will be allowed to submit the dissertation with the special permission of the Vice Chancellor on Payment of Rs. 2000/-.

### Chapter-6 Attendance

The students are expected to attend all the classes and should not have less than 75% attendance in theory as well as in practical classes, wherever held to be eligible to appear for the university examination in first attempt

### Chapter-7 Examination

The examination in Theory Paper & Practical shall be conducted in four parts.

- First regular teaching assignment after one month of the beginning of the semester carrying maximum 10 marks.



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- Midterm Examination after three months carrying 20 marks.
- Second regular teaching assignment after four months carrying 10 marks.
- Final Test/Examination at the end of the semester carrying 60 marks.

In addition it shall be compulsory for every student to attend workshop/seminars as and when organized.

Each theory paper shall carry 100 marks, out of which 40 marks shall be for internal assessment.

The dissertation shall carry 200 marks including viva voce of 50 marks. The Dissertation shall be examined by two internal examiners appointed by the Vice-Chancellor in Consultation with the Principal.

On receipt of satisfactory Evaluation report of Dissertation the candidate shall undergo an open Via-Voce, which shall be attended by both the examiners, principal and by the teachers and students of the Department Concerned. Evaluation of viva-voce will be done by the both the examiners.

### Chapter-8

#### Paper setting & Evaluation

There shall be at least 50 % external paper setters and 50 % external examiners for evaluation of answer books.

### Chapter-9

#### Result

Examination results shall be prepared at the end of the academic year by taking into account the marks obtained in the two semesters.

A candidate shall be declared as passed at the end of an academic year if he/she secures minimum 50% marks in each theory paper and the dissertation as well as 50% in aggregate. There will be no third division.

If a student obtains less than 50% marks in one theory paper, he/she shall have to clear such paper/papers as back paper/papers in the next semester examination, on payment of fee, as per university rules within 2 years.

Provided that a student who clears at least two theory papers in the Part I examination may be allowed to proceed with his/her Project work. Such a student shall be permitted to submit his/her Project when he/she has passed the examination in all the theory papers as prescribed in Part I.

- A candidate, who has secured 50% or above in theory paper shall not be permitted to reappear in that paper in subsequent Examinations,
- A candidate who fails to secure 50% in Project shall be required to submit a fresh dissertation on a subject to be assigned to him/her by the HOD in consultation with the supervisor.



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The final result shall be in the form of grades and division as given below on the basis of the aggregate marks obtained by the student in two semesters:-

### Grade Division

75% and above	“A++”	I
70% and above but below 75% in aggregate	“A+”	I
65% and above but below 70% in aggregate	“A”	I
60% and above but below 65% in aggregate	“B”	I
50% or above but below 60% in aggregate	“C”	II
Below 50% in aggregate	“D”	Fail

### Note:

Students shall be required to work on full time basis for both the semesters. However, this condition shall not be applicable in the case of regular teachers working in this University.

Marks on account of Internal Assessment will be assigned by the teacher(s) concerned in the Department on the basis of participation by the student in the seminars, colloquia, assignments, etc.

Medium of instruction and examination shall be English/Hindi.

No candidate shall be deemed to have pursued a regular course of study unless it is certified by the head of the department concerned that the candidate has attended not less than three fourth of the lectures, seminars, colloquia, delivered/organised during the course of each semester.



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### **P.G. DIPLOMA IN HUMAN RIGHTS**

#### **SEMESTER-I**

1. POLITICAL THOUGHT AND HUMAN RIGHT JURISPRUDENCE **Course No: DHRL-101**
2. INTERNATIONAL HUMANITARIAN LAW **Course No: DHRL-102**
3. LAW IN INTERNATIONAL HUMAN RIGHTS STANDARDS **Course No: DHRL-1013**
4. HUMAN RIGHTS IN INDIA **Course No: DHRL-104**

#### **1. SEMESTER-II (PROJECT WRITING)**

1. INTERSHIP PROJECT WITH NGO AND PROJECT REPORT **Course No: DHRL-201**



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Course No: DHRL-101

### POLITICAL THOUGHT AND HUMAN RIGHT JURISPRUDENCE

#### Objective of the Course:

It is said that law develops with the development of the nations. That means Law and society develops relatively. In a world under terror and feudalism where mankind is not living a peaceful life, one cannot say this, a stage of development. Hence to ensure human dignity and to claim states' growth, it is the duty of the sovereign to give proper protection along with reasonable rights to the mankind. Being the HR group student one must be aware with the science of Human Right as these are the more scientific legal norms applicable on Humans universally. The purpose of the course in brief is to introduce students about the concept of right in General and the Human Right in particular. All the philosophical and historical notions behind the Human Right Laws have also been investigated in the course.

In this course a detailed historical survey has been highlighted so that understanding can be develop among the student as how these norms of Human right have been arrived at. In a civilized society the growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression those human rights are not different from natural rights envisaged by the natural law school.

#### Course Out line:

##### Chapter-1 Introduction

- a. Unregulated Society and Regulated Society – A contrast and justification of HR
- b. Concept of Right
- c. Concept and crux of Human Right

Religious Scriptures

Natural Law and Devine order

Due Process and righteousness

- The Jurisprudence of Human Right Law Edited by Orlin, T.S. Rosas,&Scheinin
- Islam and Human Rights by Muhammad Amara
- Taking Rights Seriously by Dworkin, Ronald.



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- Natural Law and Natural Justice by Finnis, John.
- A Theory of Justice by Rawls, J.
- Human Rights in Cross Cultural Perspectives: A Quest for Consensus by An-Naim, Ahmed.

### **Chapter-1I Theories of Human Right**

- Classical and Philosophical theory
  - Scientific Theory
  - Marxism Theory
  - Constructive and realistic theory
  - Utilitarian Theory
- The Concept of Human Right by Donnelly
  - International Human Rights in Context-Law Politics, Morals by Steiner, H. & Alston, P.

### **Chapter-1II Antecedents of the concept of Human Right**

- Magna Charta 1215
  - Bill of Rights 1688
  - American Declaration of Independence 1775
  - French Revolution 1789
- The Bill of Rights by Fernando, E.M.
  - International Instruments as above

### **Chapter-1V Development of Human Right in New World Order**

- League of Nations
  - UNO
  - UDHR and Other Human Right Instruments
  - Regional Arrangements
  - Constitution
- The International Law of Human Rights by Sieghart Paul
  - The International Human Rights Law and Practice Edt. By Tuttle J.C.
  - Constitutions of Different States
  - The Law of International Institutions by Bowett, D.W.
  - Human Rights in Context-Law Politics, Morals by Steiner, H. & Alston, P.



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- Understanding Human Right : A Manual on Human Rights

### Chapter-V Fundamental Freedoms and Human Rights

- a. Life (Health, Food, Education, Language, Movement, Dignity )
- b. Liberty and security (Torture, Exploitation, work, Slavery and forced labour )
- c. Equality (Before law, During Protection under law, opportunity, Non-discrimination ) & Fair Trial
- d. Private family life
- e. Freedom of Expression/Assembly/Association /Religion
- f. Political Activity & Free and fair Elections
- g. Property

- The World of Science and the Rule of Law by Ziman, Sieghart and Humphrey

### Chapter-VI Developing Human Right Jurisprudence

- a. Death Penalty
- b. Right to Die (Euthanasia )
- c. The Right to Privacy
- d. Human Rights of Terrorists
- e. International Humanitarian Law
- f. Other Issues

- ICRC Study on International Humanitarian Law, 2005 Vol.-I (161 Rules)
- ECOSOC, Human Rights Issues: Terrorism and Human Rights, Second Progress report (July 17, 2002) (E/CN.4/Sub.2/2002/35).
- Louise Doswald-Beck and Sylvian Vite, IHL and IHRL, IRRC NO 293 (1993).

### **Suggested Readings:**

- Almqvist, Jessica ;Human Rights, Culture and the Rule of Law, 2005
- Bagshaw, Simon ;Developing a Normative Framework for the Protection of Internally Displaced, 2005 ;
- Carwasaw, Ralph ;Essential Cases on Human rights for the police: reviews and summaries of volume 4, 2006 ;



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- Clifford Orwin and Thomas Pangle, the Philosophical Foundation of Human Rights-The Origin of Understanding of Human Rights, pp.3-6.
- Cynthia Price Cohen ;Jurisprudence on the Rights of the Child, 2005
- Eide, Asbjorn ;Article 27: the right to an adequate standard of Living, 2006 ;
- Expanding the Horizons of Human Rights Law: New Authors, New Themes, 2005 ;
- Global Responsibilities Who Must Deliver on Human Rights?, 2005
- Human Rights and Development Towards Mutual Reinforcement,2005
- Jack Donnelly, International Human Rights, The Emergence of International Human Rights Norms, pp. 6-7.
- Josef Chan, The Asian Challenge to Universal Human Rights: A Philosophical Appraisal
- Joseph Wronka, Human Rights and Social Policy in the 21th Century, The Nature of the Rights, pp.22-31.
- Justiciability of economic and social rights, 2006
- Manfred, Nowak ;Introduction to the International Human Rights Regime, 2003 ;
- Martin, Francisco Forrest ;International Human Rights and Humanitarian Law, 2006 ;
- Michael Freeman, Asia and the West, The Universality of Human Rights, pp.17-23.
- Murray, Rachel ;Human Rights in Africa From the OAU to the African Union, 2004 ;
- Nowak, Manfred ;The Right to Life, Survival and Development, 2005 K639.N69
- Orlin, Rosas and Martin Scheinin; Jurisprudence of Human Rights Law:A Comparative Interpretive Approach; From Institute of Human Rights-Turku
- Oscar M. Garibaldi, General Limitations on Human Rights-The Principle of Legality. Vol. 17, No. 3, 1976.
- Ramcharan, B. G. ;A UN High Commissioner in Defense of Human Rights: No License to Kill or Torture, 2005 ;
- Ramcharan, Bertrand G. ;The Protection Role of National Human Rights Institutions:, 2005 ;
- Renteln Alison, International Human Rights: Universalism Versus Relativism, Human Rights and the Presumption of Universality, pp.46-47
- Renteln Alison, International Human Rights: Universalism versus Relativism, Relativism Revisited, pp.61-68.
- Rowe, Peter ;Impact of Human Rights Law on Armed Forces, 2006



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- Schulte, Constanze ;Compliance with Decisions of the International Court of Justice, 2004 ;
- Shelton, Dinah ;Remedies in International Human Rights Law (2nd Rev ed.), 2005 ;
- Skogly, Sigrun ;Beyond National Borders: States Human Rights Obligations in International Co-operation, 2006 ;
- Steiner and Alston, The International Protection of Human Rights in Context; Law, Politics and Morals, 1996, pp 26-240.
- The Cairo Declaration on Human Rights, Articles 6, 12, 19, 22, 24, and 25,
- The World Conference on Human Rights: The Vienna Declaration and Programme of Action of 25 June 1993 ( p.30), The Universality, Inter-dependence, Indivisibility of Human Rights, items 54-56.
- Trechsel, Stefan ;Human Rights in Criminal Proceedings, 2006
- Understanding human rights, manual on human rights education, 2006
- Vandenhole, Wouter ;Non-discrimination and equality in the view of the UN human rights treaty bodies



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Course No: DHRL-102

### INTERNATIONAL HUMANITARIAN LAW

#### COURSE OUTLINE

##### Chapter-I      **General Introduction**

- a. Defining IHL
- b. Objectives of IHL
- c. Difference between *jus ad bellum* or *jus contra bellum* and *jus in bello*
- d. Sources of IHL
- e. Relation between IHL and International Human Rights Law (IHRL)
- f. Fundamental Principles of IHL

#### **Reference:**

- L. Doswald-Beck, the Value of the 1977 Geneva Protocols for the Protection of Civilians, in ARMED CONFLICT AND THE NEW LAW: ASPECTS OF THE 1977 GENEVA PROTOCOLS AND THE 1981 WEAPONS CONVENTION (Michael A. Meyer ed.)
- Dietrich Schindler, The Laws of Armed Conflicts: A Collection of Convention, Resolutions and Other Documents.
- Louise Doswald-Beck and Sylvian Vite, IHL and IHRL, IRRC NO 293 (1993).
- Hans-Joachim Heintze, the European Court of Human Rights and the Implementation of Human Rights Standards during Armed Conflict.
- Theodore Meron, Protection of the Human Person under IHRL and IHL.
- GIAD Draper, the Development of IHL, in INTERNATIONAL DIMENSIONS OF HUMANITARIAN LAW, (Geneva, 1998) pp 67-90.
- Jean Pictet, Development and Principles of IHL (1985).

##### Chapter-II      **Types of Armed Conflicts**

- a. International and Internationalized Armed Conflicts
- b. Non-international Armed Conflict
- c. Internal violence



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### References:

- Rosemary Abi-Saab, Humanitarian Law and Non-International Armed Conflicts, ICRC-Graduate Institute Training Seminar on IHL for University Teachers, Geneva 10-15 Aug. 1998.
- Dieter Fleck, Humanitarian Protection against Non-State Actors, available online at <http://edoc.mpil.de/fs/2003/eitel.cfm>.

### Chapter-III Protected Persons and Objects

- a. Concept of Protected Persons and Objects
- b. Distinction between Civilians and Combatants
- c. Wounded, Sick and shipwrecked
- d. Religious and Medical Personnel
- e. Prisoners of War (POWs)
- f. Civilian Population
- g. Spies, mercenaries and saboteurs
- h. Military Objects, Civilian Objects and Protected objects

### Reference:

- Waldemar A. Solf, Development of the Protection of the Wounded, Sick and Shipwrecked under the Protocols Additional to the 1949 Geneva Conventions.
- Theodore Meron, Prisoners of War, Civilians and Diplomats in the Gulf Crisis, American Journal of International Law, Vol. 85 at 104.
- Gordon Risius & Micheal A. Meyer, The Protection of POWs against Insults and Public Curiosity
- Habib Slim, Protection of the Red Cross and the Red Crescent Emblems and the Repression of Misuse.
- Francois Bugnion, Towards a Comprehensive Solution to the Question of the Emblem (2000).
- ICRC, Model Law Concerning the Use and Protection of the Emblem of the Red Cross and the Red Crescent (1996).

### Chapter-IV Means and Methods of Warfare

- a. Prohibited methods of combat
- b. Prohibited means of combat



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### Reference:

- ICRC, Development in Relation to Certain Conventional Weapons and New Weapons Technologies (Geneva, 1991).
- Louise Doswald-Beck & Gerald C. Caudery, The Development of New Anti-Personnel Weapons.

### Chapter-V Implementation of IHL

- a. The Role of the State
- b. Role of the ICRC
  - History and Mandate of ICRC
  - Activities in armed conflicts and Peace time
- c. Occupied territory

### Reference:

- ICRC, The Roots of Behaviour in War: Understanding and Preventing IHL Violations.
- Yves Sandoz, Implementing IHL, in International Dimensions of Humanitarian Law, UNESCO).
- Improving Compliance with IHL, ICRC Expert Seminar (ICRC, 2003).

### Chapter-VI Individual Criminal Responsibility

- a. Obligation of States to Prosecute grave breaches of IHL
- b. International Crimes
- c. International Criminal Tribunals
- d. **Recent Challenges to IHL**

### Reference:

- ECOSOC, Human Rights Issues: Terrorism and Human Rights, Second Progress report (July 17, 2002) (E/CN.4/Sub.2/2002/35).
- Federico Andreu-Guzman, Terrorism and Human Rights No.1 & 2: New Challenges and Old Dangers (International Commission of Jurists, March 2003).
- ICRC, IHL and the Challenges of Contemporary Armed conflicts (Geneva, 2003).



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Course No: DHRL-103

### LAW IN INTERNATIONAL HUMAN RIGHTS STANDARDS

#### COURSE DESCRIPTION

Like someone said it so eloquently, “[h]uman rights have emerged as the most paradoxical subject of international [and national] discourse. While it is impossible to find governments baldly advocating the abolition of all human rights, it is impossible to find a government committed to the full and free exercise of all possible human rights. The rhetoric of human rights provides a basis of agreement among nations to support human rights, but the range of definitions of the term and the variety of examples illustrating restrictions on the rights of humans by those same nations would lead even the most naïve observer to level charges of hypocrisy, fraud, chaos, or simple confusion.”

The human rights discourse incorporates a long history of disparities general principles, variant definitions, and contradictory practices. Words like human rights stir emotions; produce elaborate dissent and restraints, and fuel scholarly debates. The term suffers from problems of self-serving definitions, biased interpretation, and questionable practices.

Against this backdrop, the course is intended to provide an introduction to basic human rights philosophy, principles, instruments and institutions, and also an overview of current issues and debates in the field with focus on the problems specific to India.

This course aims to explore some aspects of the diverse and increasingly complex body of human rights law that has both national and international application at a time when virtually all states, including India, proclaim their acceptance of international human rights norms.

#### COURSE OBJECTIVES:

At the end of this course, students should:

- Understand the key historical, political, legal and moral influences that have shaped the idea of "human rights", and to analyze the contemporary challenges and trends in human rights theory and practice;
- Identify the major international and regional human rights declarations, treaties, and covenants, and identify mechanisms for monitoring and enforcing human rights standards, they should also have a working knowledge of the major human rights conventions, processes and techniques and be able to identify and use the human rights instruments is a party to and apply those mechanisms in concrete situations;



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- Have a strong working knowledge of the legal and institutional framework for the protection of human rights in India; and
- Know how to research, and where to find, human rights materials that will be necessary to future work in the field, and how to construct and advocate effective legal and policy arguments using international human rights norms and discourse.

### Course Outline

#### Chapter-I Introduction to some basic concepts of International Law

- a. What is International Law?
- b. Sources of International Law
- c. Subjects of International Law

#### Readings:

- Ian Brownlie, *Principles of Public International Law* (1998).
- Shaw, *International Law* (2003).
- Akehurst, *Modern Introduction to International Law* (1997).

#### Chapter-II Meaning, nature, theory and History of Human Rights Law

- a. Meaning and properties of Human rights
- b. Historical Development of Human Rights
- c. Philosophical Underpinnings of Human Rights
- d. Universalism vs. Cultural Relativism

#### Readings:

- Ahmed An-Na'im (ed.)(1992) *Human Rights in Cross Cultural Perspectives: A Quest for Consensus*.
- H. Steiner & P. Alston (2000) *International Human Rights in Context-Law Politics, Morals* (pp 3-552).
- Paul Sieghart (1993) *International Law of Human Rights*.
- Karel Vasak(1982) *The International Dimension of Human Rights*

#### Chapter-III The Normative and Institutional Framework of International and Regional Human Rights Law: Principal Normative Instruments, Institutions and Implementation Mechanisms



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- a. The International Bill of Rights
  - i. UDHR
  - ii. ICCPR
  - iii. ICESCR
- b. Other Principal Universal Human Rights Instruments
  - i. CAT
  - ii. CEDAW
  - iii. CRC
  - iv. CERD
- c. Regional Human Rights Treaties
  - i. European System
  - ii. African system
  - iii. Inter-American System
  - iv. Asian -SARC

### Readings:

- H. Steiner & P. Alston (2000) International Human Rights in Context-Law Politics, Morals (pp 779-936).
- T. Buergenthal (1998) International Human Rights in a Nutshell.
- Rebecca Wallace (1997) International Human Rights-Texts and Materials.
- Jack Donnelly (1989) The Concept of Human Rights.

### Chapter-IV The Recognition and Protection of Human Rights under the Indian Legal System

- 4.1. Domestication and Status of International Human Rights Instruments in the Indian Legal System
- 4.2. Human Rights Provisions of the Constitution
- 4.3. Institutional Framework for the Protection and Promotion of Human Rights
  - 4.3.1. The Role of the Judiciary in the Protection of Human Rights
  - 4.3.2. The Prosecution and the Police
  - 4.3.3. National Human Rights Institutions
  - 4.3.4. Human Rights NGOs
4. 4. The War Crimes and Crimes against Humanity Trials.



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Course No: DHRL-104

### HUMAN RIGHTS IN INDIA

#### Chapter-1 History and Development of Human Rights in the Indian Constitution

- 1.1 Constitutional Philosophy – Preamble
- 1.2 Fundamental Rights – Right to life, liberty & equality
- 1.3 Directive Principles of State Policy

#### Chapter-II Judicial Activism and development of Human Rights Jurisprudence

- 2.1 PIL
- 2.2 Writs
- 2.3 Principal of Basic Structure (Constitution of India)
- 2.4 Consumer Protection
- 2.5 ILO

#### Chapter-III Protection of the Aged and the Disabled under the Indian Legal System

- 3.1 Constitutional Framework : Fundamental Rights, Directive Principles and Fundamental Duties.
- 3.2 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : Chapters IV to VIII
- 3.3 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.

#### Chapter-IV Sex Inequality in Inheritance Rights in India

- 4.1. Feudal institution of joint family - women's inheritance position
- 4.2. Hindu Law
- 4.3. Muslim Law
- 4.4. Matrimonial property
- 4.5. Movement Towards Uniform Civil Code
- 4.6.. Right of women to adopt a child



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### 4.6.1 Problems of women guardianing

#### **Chapter-V Discrimination against Female Children**

- 5.1. Amniocentesis,
- 5.2. Deferred infanticide through based nutritional discrimination)
- 5.3. Termination of pregnancy

#### **Chapter VI Protection agencies**

- 6.1 National and State Human Rights Commissions and their role
- 6.2 Role of NGOs and public interest litigation

#### **Role of India in Implementing International Norms and standards**

#### **Reference books:**

1. D.D. Basu; Human Rights in Indian Constitutional Law
2. B.P. Singh Seghal; Law, Judiciary and Justice in India
3. Poornima Advani : Indian judiciary – A Tribute
4. Justice Venkateramaiah : Human Rights in changing world.
5. Revasia & Revasia, Women Social Justice & Human Right (1998) PP.H. Publishing, New Delhi
6. Ajnes, Flavia, Law as Gender inequality, N.Delhi, Oxford (1999)
7. Sumithra Vishnu V. Union of India 1985 SC 1618.
8. 42nd Report Law Commission, the Dissenting Note of Justice Anna Chandy on provision of adultery, p.366.
9. Towards Equality - Report of the Committee on the Status of Women (Govt. of India), Chapters IV
10. & Section IV General Conclusions & Recommendations.
11. Balram - Women workers the labour legislation in India 1984(2) I.L.J.1527.
12. Lotika Sarkar, The Law Commission of India (1988).
13. Indian Law Institute, Child and the Law (1979, S.N. Jain ed.)
14. U. Baxi, Law and Poverty: Critical Essays(!988), Eastern, Luknow
15. Students should be encouraged to look at the distinctive legal problems of children in the area where an instruction is imparted. The literature on children's plight is vast and varied. But it is important that the focus of the course be on understanding of the distinctively legal problems in the region and ways in which we can contribute to change.



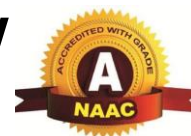
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Course No: DHRL-201

### INTERSHIP PROJECT WITH NGO AND PROJECT REPORT

#### Tentative Topics for the Projects:

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

#### Guidelines on how to go about writing the Projects

#### When you write your papers, you need to remember that:

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- c. You must exert a lot of effort to achieve some degree of originality in your work.
- d. You must abide by the rules of citation.
- e. You can seek and get assistance from your instructor.



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- f. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

### Your paper must have:

1. Introduction
2. Discussion
3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

### The **Introduction** must:

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire

Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.



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**The Discussion** (which is the body of the paper) must:

- Discuss the issues raised in the introduction.
- Show that the objective of the researcher is achieved.
- Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- Show the writer's method.
- Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

**Conclusion and recommendation must be:**

- Brief
- Neatly written.
- Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.



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### When you prepare your outline:

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

### When you write the body:

#### **1. Keep remembering the ABC of legal writing, i.e.,**

- A. Accuracy
- B. Brevity
- C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous.

Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

#### **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.



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- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### When Working in Groups (Practical Tips)

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.
4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### When presenting the paper:

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.



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6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

### **Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.
10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know.  
Honesty is a better virtue than stubbornness is.

### **What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

**Note: Your term paper is going to be marked *strictly in accordance with the rules in this guideline.***



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### **P.G. DIPLOMA IN LABOUR LAW**

#### **SEMESTER-I**

- 1. INDUSTRIAL RELATIONS AND THE LAW Course No: DLL-101**
- 2. LABOUR WELFARE LEGISLATION AND INDUSTRIAL SOCIOLOGY AND LABOUR  
Course No: DLL-102**
- 3. LABOUR JURISPRUDENCE AND THE I.L.O. Course No: DLL-103**
- 4. LABOUR ECONOMICS AND LABOUR STATISTICS AND ORGANIZED AND  
UNORGANIZED LABOUR ORGANIZATION Course No: DLL-104**

#### **SEMESTER-II (PROJECT WRITING)**

- 1. ON CONTEMPORARY ISSUES ON LABOUR LAWS: AS ALLOCATED BY THE PROJECT  
SUPERVISOR Course No: DLL-201**



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Paper Code-DLL-101

**Update Syllabus (Approved in the 36th Academic Council Meeting held on 11.03.2026)**

### P.G. Diploma (I Year) / First Semester

#### Industrial Relations and the Law

- **Industrial Relations**-Genesis, Concept and Emerging Patterns.
- **Parties to Industrial Relations**-Trade Unions, Management and the state and their interaction.
- **Trade Unions**-Concept, Growth and Structure with special reference to India, U.K., U.S.A. and U.S.S.R.
- **Position of Trade unions in India**-Multiplicity of Trade Unions. Recognition of Trade union. Trade-Union movements, Central Trade union organisations role and functions, role of Trade union in Modern Industrial society of India, Trade union Rivalry and Unfair Labour Practices.
- **Collective Bargaining in India**-Meaning, Nature and it emerging patterns in India.
  - Workers Participation in Management-India and Foreign experience.
  - Industrial Relation-Legislative and Judicial Perspectives.

#### **The Industrial Relations Code, 2020**

- **Leading Cases:**
  1. R.S. Ruikar v. Emperor A.I.R.1953 Nag.149.
  2. Jay Engineering Works Ltd. v. State of west Bengal A.I.R.1968 Cal.406.
  3. Rohtas Industries v. Its Union A.I.R.1967 S.C.425.
  4. L.I.C. of India v. D.J. Bahadur 1981 I.L.L.J.I (S.C.)
  5. Balmer Lawrie Workers Union Bombay v. Balmer Lawrie & Co.Ltd.,1985.I.L.L.J 314 (S.C.)
  6. R.A. Sharma & Others v. Union of India.1985 II L.L.J.187(S.C.)
  7. **Bangalore Water Supply and Sewage Board v. A. Rajappa. AIR 1978 SC**

N.B.:-The students will be imparted teaching of latest case-law of the Supreme Court along with the legislative changes and amendments from time to time.

#### **Books Recommended:**

1. Laski, H: Trade Union in the New Society.
2. Myres, C: Industrial Relations in India.
3. Apley V. Whitmore: Industrial Relations, Hand Book.
4. John T. Dunlop: Industrial Relations System.
5. J. Hnery Richardson :An Introduction of the study of Industrial Relations.
6. V.V. Giri: Labour Problems in Indian Industry.
7. S.N. Dhyani: trade unions and right to strike.
8. O.P. Malhotra: Law of Industrial Disputes-
9. Report of National Commission on Labour.



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10. A.V. Raman Rao. Collective Bargaining v. Govt. Regulation.
11. G.L. Srivastava: Collective Bargaining v. Labour Management Relations in India.
12. C.P. Thakur: Industrial Democracy-Some Issues and Experiences.
13. Mamoria & Mamoria: Industrial Labour, social security and industrial peace in India.
14. S.N. Mishra: An Introduction of Labour and Industrial Law.
15. The Indian Labour year Book.
16. S.N. Dhyani: Crisis in Indian Industrial Relations.
17. I.L.O: conciliation and Arbitration in Industrial Disputes.
18. I.L.O.: Freedom of Associations USA,UK,USSR.
19. The Indian Trade Union Act, 1926.
20. The Industrial Disputes Act, 1947.
21. Industrial Employment (Standing Order) Act, 1946.



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Website: law.subharti.org, e-mail: law@subharti.org, Ph.: 0121-2439043, 3055000 (Extn: 2851, 2855), Telefax: 0121-2439067

A constituent college of

## SWAMI VIVEKANAND SUBHARTI UNIVERSITY

(Established under U.P. Govt. Act no. 29 of 2008 and approved under section 2(f) of UGC Act 1956)



Paper Code-DLL-102

**Update Syllabus (Approved in the 36th Academic Council Meeting held on 11.03.2026)**

### P.G. Diploma (I Year) / First Semester

#### Labour Welfare Legislation and Industrial Sociology and Labour

- **Welfare:** Concept and Philosophy of Labour welfare. Theories of labour welfare. Role of Labour welfare officers. Role of trade unions, Employers and the state in Labour welfare, Labour welfare and environmental pollution.
- **Labour welfare in India-legislative and judicial perspectives**
  1. **The Code on Wages 2019**
  2. **The Code On Social Security, 2020 (Social Security Organisations, Employees' Provident Fund, Employees State Insurance Corporation, Gratuity, Maternity Benefit, Employees' Compensation, Etc.)**
- **Leading Cases:**
  1. Express Newspaper Ltd. & other v. Union of India & other.A.I.R.1958 S.C.578.
  2. B.E.S.T. Undertaking Bombay v. Mrs Agens.A.I.R.1964 S.C.193.
  3. Royal Talkies Hydrabad v.E.S.I.Corporation.A.I.R.1978 S.C.19.
  4. Air India v. Nergesh Meerza.A.I.R.1981 S.C.1830.
  5. D.S. Nakara v. Union of India.A.I.R.1958 S.C.578.
  6. Saya Mills Ltd., v. Regional P.F. Commissioner 1985 I.L.L.J.238(S.C)N.B. The students will be imparted teaching of latest case-Laws of the supreme court of india and the various High Court alongwith the Legislative changes and amendments from time to time.

#### Books Recommended:

1. I.L.O.: Approaches to social security.
2. G.C. Hallen: Dynamics of social security in India.
3. K.N. Subramaniam: Wages in India.
4. S.B.L. Nigam: state Regulation of Minimum Wages.
5. I.L.O.: An Introduction to social security.
6. The Workmen compensations Act, 1923.
7. The payment of wages Act, 1936.
8. The Minimum wages Act, 1948.
9. The E.S.I. Act, 1948.
10. The E.P.F. Act, 1952.
11. Maternity Benefit Act, 1961.
12. Payment of Bonus Act, 1965.
13. Payment of Gratuity Act, 1972.
14. Govt. of India: Report of National commission on Labour.
15. V.V. Giri: Labour problems in indian industry.
16. Mamoria and Mamoria: Industrial Labour. Social security and industrial peace in India.
17. S.N. Mishra: An Introduction to Labour and industrial Laws.
18. The Indian Labour year books
19. G.L. Kothari: Wages, Dearness Allowance and Bonus.



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Paper Code-DLL-103

**Update Syllabus (Approved in the 36th Academic Council Meeting held on 11.03.2026)**

### **P.G. Diploma (I Year) / First Semester Labour Jurisprudence and the I.L.O.**

- Concept and Growth of Labour Jurisprudence.
- Concept of social justice, Natural Justice and the Labour, Constitution of India, 1950 and the Labour.
- Labour and Judicial process and Public interest Legislation.
- Tripartism; Voluntarism in Labour Relations and Code of Discipline in Industry.
- I.L.O. - Genesis, Aims and Objectives. Constitutions, I.L.O., Conventions and Recommendations and problems in their Rectification.
- I.L.O. & Regional Conferences.
- International Labour standards and Labour Legislations in India.
- I.L.O. Problems and prospects.
- I.L.O and Human Rights in India Perspectives.

#### **Leading Cases:**

1. Som Prakash v. Union of India.A.I.R.1981 S.C.212.
2. Bandhua Mukti Morcha v. Union of India.A.I.R.1984 S.C.802.
3. People's Union for Democratic Rights & Others v. Union of India.1982 II L.L.J.454 (S.C.).
4. National Textile Workers Union V. Ram Krishana A.I.R.1983 S.C.759.
5. Excel Wear v. Union of India.1978 L.C.J.527.(S.C.)
6. The Delhi Cloth & General Mills Ltd. V. Sambhunath Mukerjee 1985 I.L.L.J36(S.C.)

N.B.: The student will be imparted teaching of latest case-laws of the supreme court of India and various High Courts along with the Legislative changes and Amendment from time to time.

#### **Suggested Readings:**

1. I.L.O: International Labour Codes Vol. I and II
2. S.N. Dhyani: I.L.O. and India: In Pursuit of social Justice.
3. G.A. Johnston: The I.L.O.
4. Davil Miller: Social Justice.
5. Kamla Mathur N.R. Seth: Tripartitism in Labour policy.
6. Indian Labour Year Book:
7. S.K. Agrawala: K.M. Munshi Lectures on public interest Legislation in India.
8. Govt. of India:Report of National Commission on Labour.
9. C.K. Joshi: Indian Tripartite System
10. S.R. Samant:Industrial Jurisprudence.
11. Indian Constitution: Relevant Portions.
12. Govt. of India: Tripartite Consultations.
13. R.G. Chaturvedi: Natural and social Justice.
14. Mahesh Chandra: Industrial Jurisprudence.
15. Rideout: Principles of Labour Law.
16. N. Vaidyanathan: International Labour standards.



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Paper Code-DLL-104

**Update Syllabus (Approved in the 36th Academic Council Meeting held on 11.03.2026)**

### P.G. Diploma (I Year) / First Semester

#### Labour Economics and Labour statistics and Organized and Unorganized Labour Organisation

- Labour Force in organized and unorganized sectors-sources, Composition. Characteristics, etc.
- Employment, Un-employment and under employment-conceptual and developmental Aspects.
- Labour Turnover and Absenteeism.
- Unemployment Guarantee Scheme.
- Unorganized labour- magnitude. Problems and public policy on unorganized labour. Integrated rural Development programmes and labour.
- Labour in five year plans-A Brief study.
- Industrial policy Resolutions and Development in private and public sector.
- Industrial Development-Heavy, Large, Small-scale, cottage Industries-Location, Finance Planning and Problems.

#### Labour Statistics:

- a. Meaning, Objects and structure.
- b. Growth of Labour statistics in India
- c. Indian Statistics Act, 1953.
- d. Labour Statistics relating to Disputes, wages, strikes, Lockouts, Man-days Lost, Safety, Health and welfare, cost of Living etc.

#### Suggested Readings:

1. A.N. Agrawala: Indian Economy-Problems of Development and Planning.
2. Rudra Dutt and K.P.S. Sundradum: Indian Economy
3. S.C. Kuchhal: The Industrial Economy of India.
4. D.P. Sharma and Desai: The Rural Economy of India.
5. A.R. Desai: The Rural sociology of India.
6. L.G. Reynolds: Labour Economics.
7. R. Mukerjee: Labour Planning.
8. B.N. Datar: Labour Economics.
9. J.N. Mongia: Readings in Indian Labour
10. Govt. of India: Report on National Commission on Labour.
11. J.L. Dholakia: Industrial labour and economic development in india.
12. Indian Labour Year Books
13. D.N. Ethance: Economic statistics of India since Independence (First Three chapters of part I and chapter 25 of part II) or relevant portion.
14. B.N. Asthana and: Applied statistics of India (Chapter 5 and 6) S.S. Srivastava: or Relevant Protion.
15. Mamoria & Mamoria: Industrial Labour, social security and industrial peace in India,
16. I.L.O: Structure and functions of Rural worker's organization.



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Course No: DLL-201

### INTERSHIP PROJECT WITH NGO AND PROJECT REPORT

#### Tentative Topics for the Projects:

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

#### Guidelines on how to go about writing the Projects

#### When you write your papers, you need to remember that:

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- g. You must exert a lot of effort to achieve some degree of originality in your work.
- h. You must abide by the rules of citation.
- i. You can seek and get assistance from your instructor.



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- j. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

### Your paper must have:

1. Introduction
2. Discussion
3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

### The **Introduction** must:

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire

Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.



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**The Discussion** (which is the body of the paper) must:

- Discuss the issues raised in the introduction.
- Show that the objective of the researcher is achieved.
- Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- Show the writer's method.
- Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

**Conclusion and recommendation must be:**

- Brief
- Neatly written.
- Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.



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### When you prepare your outline:

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

### When you write the body:

#### **1. Keep remembering the ABC of legal writing, i.e.,**

- A. Accuracy
- B. Brevity
- C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous.

Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

#### **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.



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- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### When Working in Groups (Practical Tips)

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.
4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### When presenting the paper:

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.



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6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

### **Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.
10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know.  
Honesty is a better virtue than stubbornness is.

### **What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

**Note: Your term paper is going to be marked *strictly in accordance with the rules in this guideline.***



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### **P.G. DIPLOMA IN MEDIA LAW**

#### **SEMESTER-I**

1. FREEDOM OF PRESS AND CONSTITUTION OF INDIA **Course No: DML-101**
2. PUBLIC POLICY AND MEDIA **Course No: DML-102**
3. PRINT AND ELECTRONIC MEDIA **Course No: DML-1013**
4. REGULATORY FRAMEWORK AND MEDIA **Course No: DML-104**

#### **SEMESTER-II (PROJECT WRITING)**

1. INTERSHIP PROJECT WITH NGO AND PROJECT REPORT **Course No: DML-201**



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Course No: DML-101

### FREEDOM OF PRESS AND CONSTITUTION OF INDIA

- Definition of Press and Historical Development
- Constitutional aspects relating to Press
- Freedom of Expression in Indian Constitution
- Interpretation of Media freedom
- Press Council Act, 1978
- Issues of piracy
- Right to Information
- Freedom of Press under article 19 (1) (A) and (2)
- Case studies on Media and Free expression



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Course No: DML-102

### PUBLIC POLICY AND MEDIA

- Conceptual analysis of Media
- Understanding the concept of Media
- History and Evolution of Media
- Theories of Media
- Different Experience of Media Legislation
- Media Legislation – U.K.
- Media Legislation in U.S.
- Media Legislation in Indian Context
- Broadcasting Sector
- Evolution of Broadcast Sector
- Airwaves and Government control
- Open Skies policy
- Licensing issues in Broadcast Sector
- Legislative Policies on Broadcast sector
- Prashar Bharti Act 1990
- Broadcasting Bill
- Cinematography Act 1952
- Cable T.V. Networks (Regulation) Act of 1995



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Course No: DML-103

### PRINT AND ELECTRONIC MEDIA

- The Cable Television Networks Rules-1993.
- The Newspaper (Price and Page) Act,1956
- Information Technology Act 2000.
- Trial by Media vs Trial by court-
- Investigative role of Media
- Effect of Media on the judges
- Limitation as to reporting of subjoined matter.
- Press Trust of India
- Role of Censor Board in cinema
- Role of News paper in Ancient India



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Course No: DML-104

### REGULATORY FRAMEWORK AND MEDIA

#### Different modes of Press

- The Press as Business
- The Press as Property
- Legal Dimensions of Media
- Media & Criminal Law (Defamation / Obscenity/Sedition)
- Media & Tort Law (Defamation & Negligence)
- Media & Judiciary – Contempt of Court
- Media & Executive – Official Secrets Act
- Media & Journalists – Working Journalists (Conditions of Service) Act & Press Council Act
- Self Regulation & Other Issues
- Media and Ethics
- Self-Regulation Vs Legal regulation
- Media & Human Rights
- Issues relating to entry of Foreign Print Media
- Rights of Media
- Rights, Privileges and liabilities of Media
- Media and Human Rights



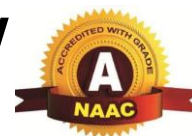
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Course No: DML-201

### INTERSHIP PROJECT WITH NGO AND PROJECT REPORT

#### Tentative Topics for the Projects:

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

#### Guidelines on how to go about writing the Projects

#### When you write your papers, you need to remember that:

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- k. You must exert a lot of effort to achieve some degree of originality in your work.
- l. You must abide by the rules of citation.
- m. You can seek and get assistance from your instructor.



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- n. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

### Your paper must have:

1. Introduction
2. Discussion
3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

### The **Introduction** must:

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire

Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.



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**The Discussion** (which is the body of the paper) must:

- f. Discuss the issues raised in the introduction.
- g. Show that the objective of the researcher is achieved.
- h. Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- i. Show the writer's method.
- j. Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

**Conclusion and recommendation must be:**

- a. Brief
- b. Neatly written.
- c. Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.



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### When you prepare your outline:

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

### When you write the body:

#### **1. Keep remembering the ABC of legal writing, i.e.,**

- A. Accuracy
- B. Brevity
- C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous. Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

#### **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.



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- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### **When Working in Groups (Practical Tips)**

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.
4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### **When presenting the paper:**

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.



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6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

### **Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.
10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know.  
Honesty is a better virtue than stubbornness is.

### **What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

**Note: Your term paper is going to be marked *strictly in accordance with the rules in this guideline.***



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### **P.G. DIPLOMA IN INTELLECTUAL PROPERTY RIGHTS**

#### **SEMESTER-I**

1. CONCEPT OF PROPERTY AND INTRODUCTION TO I.P.R. **Course No: DPRL-101**
2. LAW RELATED TO PATENT **Course No: DPRL -102**
3. THE TRADE MARK, 1999 AND DESIGN, ACT2000 **Course No: DPRL -1013**
4. CYBER LAW: INTELLECTUAL PROPERTY IN THE DIGITAL MILLENNIUM PREFACE  
**Course No: DPRL -104**

#### **SEMESTER-II (PROJECT WRITING)**

2. INTERSHIP PROJECT WITH NGO AND PROJECT REPORT **Course No: DPRL -201**



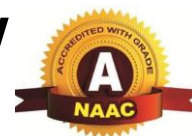
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Course No: DPRL-101

### CONCEPT OF PROPERTY AND INTRODUCTION TO I.P.R.

#### **CHAPTER-I:-INTRODUCTION**

UNIT-1 Meaning of the word 'property'.

UNIT-2 Kinds of property.

UNIT-3 Concept of Intellectual Property

UNIT-4 Subject matter of Intellectual Property.

#### **CHAPTER-II: - DEVELOPMENT OF CONCEPT OF I.P.R.**

UNIT-5 Origin of intellectual property.

UNIT-6 Reason for development.

UNIT-7 Human Rights and Intellectual Property Rights

UNIT-8 Social Justice and Intellectual Property Rights.

#### **CHAPTER-III:- INTERNATIONAL DEVELOPMENT OF I.P.R.**

UNIT-9 International concept and treaties on I.P.R

UNIT-10 World Intellectual Property organization.

UNIT-11 Patent cooperation treaty.

UNIT-12 GATT and W.T.O (guidelines for I.P.R.)

#### **CHAPTER-IV I.P.R. and other social and economical factors.**

UNIT-13 Intellectual Property Rights and monopoly.

UNIT-14 Intellectual Property Rights and unfair and restrictive trade practices.

UNIT-15 Intellectual Property Rights and its emerging trends.

UNIT-16 Intellectual Property Rights and its presents position.



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Course No: DPRL-102

### LAW RELATED TO PATENT

**Chapter -1** :Introduction - Intellectual Property, History of patents rights, Social dimensions of Patent rights and its effect Scheme adopted by Indian Legal System for recognition and protection of patents, rights of patents right holder Product Patents v. Process Patents, Comparative analysis of Indian and world's patents system

**Chapter 2** : Concept of Patentable inventions, Inventions not patentable, Legal Definition, Scope and limitations, Legal effect of patents recognition

**Chapter 3** : Authorities under the Patents Act, 1970, procedure for grants of patents, patents specification

**Chapter 4** : Role of comptroller, scrutiny of patent applications, grant and refusal, appeal against, restoration, surrender, revocation and lapse of patent, acquisition of invention by government

**Chapter 5** : Infringement of patent right, ingredient of suits, jurisdiction, remedies available, legal framework for protection of patent rights, appeal against and penalties, patents grant

**Chapter 6** : International scenario - consensus and confrontation in the area of patents WTO, TRIPS and movement for developing harmonized legal system for protection of patentable rights, Indian stand of recognition of patents specially in the area of pharmacy and agriculture - reasons and rationales



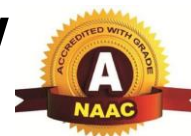
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Course No: DPRL-103

### THE TRADE MARK, 1999 AND DESIGN, ACT 2000.

#### **CHAPTER- I:- THE PATENT ACT, 1970 (INTRODUCTION)**

UNIT-1 Meaning, characteristics, subject matter and need for Trade Mark.

UNIT-2 Collective Trade Mark.

UNIT-3 Opposition to trade Mark.

UNIT-4 Different forms of Trade Mark.

#### **CHAPTER-II:- THE REGISTRATION PROCEDURE AND CONDITION REGISTRATION OF TRADE MARK.**

UNIT-5 Absolute ground for registration.

UNIT-6 Relative grounds for refusal of registration.

UNIT-7 Application for registration.

UNIT-8 Registration, Duration, renewal effect and restoration of registration.

#### **CHAPTER-III:- USE OF TRADE MARK AND REGISTERED USERS**

UNIT-9 Proposed use of Trade mark by company to be formed etc.

UNIT-10 Registered users.

UNIT-11 Power of Registrar for variation or cancellation of registration.

UNIT-12 Right of registered user to take proceedings against infringement.

#### **CHAPTER- IV:- THE DESIGN ACT, 2000 (INTRODUCTION)**

UNIT-13 Meaning, need and characteristics of Design .

UNIT-14 Subject matter and different form of Design.

UNIT-15 Collective Design.

UNIT-16 Opposition to registration of Design.



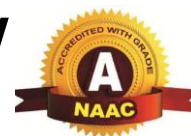
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Course No: DPRL-104

### CYBER LAW: INTELLECTUAL PROPERTY IN THE DIGITAL MILLENNIUM PREFACE

#### Chapter-I:- Introduction: New Law for New Technology

- "CYBERSPACE LAW:" A PREMATURE BABY?
- THE DIGITAL MILLENNIUM COPYRIGHT ACT: A NEW DEPARTURE

#### Chapter-II: - Legal Reinforcement of Technological Measures for Protecting Copyrighted Works: The

##### Anti-Circumvention Rule and the Anti-Trafficking Rules

- INTRODUCTION
- IMPLEMENTING THE TWO WIPO TREATIES: PRACTICAL AND POLICY RISKS
- THE MILLENNIUM ACT'S RULES: CLASSIFICATION AND TERMINOLOGY
- THE ANTI-CIRCUMVENTION RULE
- THE ANTI-TRAFFICKING RULES
- THE DISTINCTION BETWEEN THE ANTI-CIRCUMVENTION RULE AND THE ANTI-TRAFFICKING RULES
- SECTION 1201 AND FAIR USE
- LIMITATIONS AND EXCEPTIONS: AN OVERVIEW
- MANDATES FOR SPECIFIC CONTROL TECHNOLOGIES
- CONSTITUTIONAL ANALYSIS

##### Chapter-III: - Exceptions to the Anti-Circumvention Rule and the Anti-Trafficking Rules

- INTRODUCTION
- THE DRAFTING OF THE EXCEPTIONS
- EXCEPTIONS ADDRESSING NONCOPYRIGHT POLICY GOALS
- EXCEPTIONS TO PRESERVE COPYRIGHT EXEMPTIONS

##### Chapter-IV: - Prohibitions Against Providing False Copyright Management Information and Removing or Altering Copyright Management Information

- INTRODUCTION
- WHAT COPYRIGHT MANAGEMENT INFORMATION IS
- THE COPYRIGHT MANAGEMENT INFORMATION OFFENSES
- STATE OF MIND REQUIREMENTS



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### ➤ EXCEPTIONS AND LIMITATIONS

#### **Chapter-V: - Civil and Criminal Liability for Violating Anti-Circumvention, Anti-Trafficking, and**

##### **Copyright Management Information Rules**

- INTRODUCTION
- STANDING TO CLAIM RELIEF
- MONETARY REMEDIES
- NONMONETARY REMEDIES
- CRIMINAL SANCTIONS

#### **Chapter-V (A):- The Federal Common Law of Direct and Secondary Liability for Copyright**

##### **Infringement**

- INTRODUCTION: HOW THE FEDERAL COMMON LAW LIVES, AND WHY IT IS IMPORTANT
- SERVICE PROVIDERS' DIRECT LIABILITY FOR INFRINGEMENT ON THE INTERNET
- SERVICE PROVIDERS' SECONDARY LIABILITY FOR INFRINGEMENT ON THE INTERNET

#### **Chapter-VI: - Limitations on Liability for Service Providers**

- INTRODUCTION
- WHO AND WHAT SECTION 512 COVERS
- ACTIVITIES AND OPERATIONS COVERED
- HOW SECTION 512 LIMITS REMEDIES
- SUBPOENAS TO IDENTIFY ALLEGED INFRINGERS
- SPECIAL RULE FOR NONPROFIT EDUCATIONAL INSTITUTIONS
- OTHER ASPECTS OF SECTION 512



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Course No: DPRL-201

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e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
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- Interview
- Questionnaire

Etc.

f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

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#### **Conclusion**

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#### **Recommendations(s)**

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\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).



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\*Make the best of efforts to find practical problems and commensurate solutions.

### When you prepare your outline:

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

### When you write the body:

#### 1. Keep remembering the ABC of legal writing. i.e.,

- A. Accuracy
- B. Brevity
- C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous. Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

#### 2. Remember that the paper is yours, not of the people you read in books.

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

3. Do not forget that your paper is a law student's paper. It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### When preparing the Bibliography

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.
- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

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**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### When Working in Groups (Practical Tips)

1. Get together quickly.



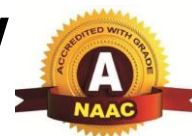
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2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.
4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### **When presenting the paper:**

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.
6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

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1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
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6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.
10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know. Honesty is a better virtue than stubbornness is.

### **What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

**Note: Your term paper is going to be marked strictly in accordance with the rules in this guideline.**



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### **P.G. DIPLOMA IN PATENT PRACTICES**

#### **SEMESTER-I**

1. INTELLECTUAL PROPERTY RIGHTS & PATENT **Course No: DPP-101**
2. PATENT SYSTEM IN INDIA **Course No: DPP -102**
3. WESTERN PATEN SYSTEM (U.S.A. & EUROPE) **Course No: DPP -1013**
4. INTERNATIONAL INSTRUMENTS OF I.P.R. **Course No: DPP -104**

#### **SEMESTER-II (PROJECT WRITING)**

3. INTERSHIP PROJECT WITH NGO AND PROJECT REPORT **Course No: DPP -201**



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Course No: DPP-101

### INTELLECTUAL PROPERTY RIGHTS & PATENT

#### Unit-I:        **Introduction**

- Meaning & Concepts of Property
- Concepts of Intellectual Property
- Kinds of Intellectual Property
- Rationale behind Patent System

#### Unit-II:        **Patent-System**

- Definition
- Various kinds of Patent-system
- Patentable & Non-Patentable invention  
(Process & product patent)
- Method of Getting Patent
- Patent Specification
- Patent Claims

#### Unit-III:        **Enforcement of Patents**

- Term of Patents
- Working of a Patent
- Compulsory Licensing
- Licensing of Rights
- Obligations/Rights of a Patentee

#### Unit-IV:        **Exploitation & abuse of Patents**

- Infringement & Remedies  
(Literal Infringement & Doctrine of Equivalent)
- Defence of infringement
- Voluntary License and Compulsory License & its abuse
- Revocation of Patent



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Course No: DPP-102

### PATENT SYSTEM IN INDIA

#### **Unit-I: Legislations and Salient – features**

- Indian Patent Act, 1970  
(Scope, introduction & applicability of the Act)
- Patent Amendment-Act, 2005
- WTO & TRIPS Agreements
- Specially in Indian Context

#### **Unit-II: Procedure for grant of Patents**

- Patentability
- Exclusion from patentability
- Acquisition of Patent
- Preparation of Patent. Specification
- Patent-office procedure
- Construction of Patent claims

#### **Unit-III: Patent-Search**

- Patent office in India
- Patent Information & databases
- Search Methods & Tools
- Patent Information system
- Advantages of patent search



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Course No: DPP-103

### WESTERN PATEN SYSTEM (U.S.A. & EUROPE)

#### **Unit-I: U.S. Patent System**

- Patentability
- Utility
- Novelty
- Non-obviousness
- Patent Specification best Models
- Titles 37 CFR

#### **Unit-II: European Patent System**

- European Patent Conventions
- Patentable inventions
- History of patentability
- EPO practices in relation to software industries

#### **Unit-III: Business Model Patent E-Commerce and Biotech Patents**

- U.S. and E.P.O. approaches to business inventions
- New & inventive business method, monopoly right in the European patent system
- Biotech patent
- European approach to Biotech Patents



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Course No: DPP-104

### INTERNATIONAL INSTRUMENTS OF I.P.R.

#### **Unit-I: Paris Convention**

- (Background Salient Features and governing rules)

#### **Unit-II: WIPO**

- (Background Salient Features & Organization of WIPO)

#### **Unit-III: WTO**

- (Evolution & organization)

#### **Unit-IV: TRIPS Agreements**

- (Background Salient Features of TRIPS, Indian I.P.R. & trips and Paris Convention- A comparison)

#### **Unit-V: Patent Co-operation Treaty**

- (Background objective & features of PCT)



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Course No: DPP-201

### INTERSHIP PROJECT WITH NGO AND PROJECT REPORT

#### **Tentative Topics for the Projects:**

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

#### **Guidelines on how to go about writing the Projects**

#### **When you write your papers, you need to remember that:**

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- s. You must exert a lot of effort to achieve some degree of originality in your work.
- t. You must abide by the rules of citation.
- u. You can seek and get assistance from your instructor.
- v. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

#### **Your paper must have:**

1. Introduction
2. Discussion
3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

#### **The Introduction must:**

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.



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Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire
- Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.

**The Discussion** (which is the body of the paper) must:

- a. Discuss the issues raised in the introduction.
- b. Show that the objective of the researcher is achieved.
- c. Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- d. Show the writer's method.
- e. Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

#### **Conclusion and recommendation must be:**

- a. Brief
- b. Neatly written.
- c. Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

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