

## HUMAN SECURITY, LAW, AND THE STATE: RIGHTS AT THE MARGINS

**Responsible Faculty Instructor:**  
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Associate Professor

Credits: 4

Credits Type:

Cross-registration: N/A

Pre-requisites: Knowledge of Human Rights

### COURSE DESCRIPTION (COURSE VISION):

Every human right presupposes a negative obligation, and the respect and promotion of human rights must offer security against the power of the state. Since the power of the state, includes coercion and violence, it becomes important to control that power. In this light, even though human rights make a fundamental contribution to human security, they do not fully cover it. The concept of human security marks a decisive shift in how we think about security, safety, and the role of law. Where traditional security frameworks place the state at the centre, directing attention toward territorial integrity, military capacity, and sovereign interests, human security reorients the lens toward the individual. It asks not whether the state is safe, but whether the person living within or displaced by that state is safe: safe from fear, safe from want, and increasingly, safe from indignity. This reorientation has profound consequences for law.

Human security is a much more open concept, it encompasses policy, planning, and strategy, and relates to all kinds of issues such as the distribution of wealth and resources, *shaping the economy, international relations, global warming, natural disasters, and well-being in general*. Human rights and human security have in common the central tenet that the individual is regarded as the principal referent for security.

This course is designed for law students who wish to move beyond doctrinal competence toward a critical understanding of how legal systems distribute protection and exposure, often unevenly, often along lines of gender, caste, race, displacement, or economic precarity. Human security, here, is not a soft alternative to hard law; rather, it is an analytical framework that sharpens legal argument by insisting that the purpose of law is not formal compliance but the substantive protection of persons. Human security recognises that the *most pressing threats to individuals do not come from interstate war, but from the emergencies* that affect people every day, such as famine, disease, displacement, civil conflict, and environmental degradation.

To this end, both human security and human rights deal with individual human beings, but whereas human rights are seen as primarily constitutional obligations on part of the state to individuals, human security is a concept where all *including non-state actors and individual human beings have a significant role to play*.

TEACHING METHODOLOGY:

Lectures  
 Case studies  
 Group discussions  
 Policy analysis

INTENDED LEARNING OUTCOMES:

By the end of the course, students will:  
 Understand the evolution of the concept of human security  
 Analyze the relationship between human security and human rights  
 Examine legal frameworks addressing various dimensions of insecurity  
 Evaluate global and national responses to human security challenges  
 Develop critical perspectives on law, policy, and governance

READING LIST (upto 10 select readings):

1. United Nations Development Programme – *Human Development Report 1994*
2. Commission on Human Security – *Human Security Now (2003)*
3. Roland Paris – “Human Security: Paradigm Shift or Hot Air?” (2001)
4. Barry Buzan – *People, States & Fear (1991)*
5. Tadjbakhsh Shahrbanou & Anuradha Chenoy – *Human Security: Concepts and Implications (2007)*
6. Government of Japan – *Human Security Approach*
7. United Nations Trust Fund for Human Security – *Human Security Handbook (2009)*
8. Mark Duffield – *Global Governance and the New Wars (2001)*
9. David Chandler – *Human Security: The Dog That Didn’t Bark (2008)*
10. United Nations – *Human Security Unit reports & updates*

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

<b>MODULES</b>	<b>WEEK(S)</b>
<p style="text-align: center;"><b>MODULE 1:</b></p> <ul style="list-style-type: none"> <li>• Module Description</li> </ul>	-
<p><b>UNIT I: <u>CONCEPTUAL FOUNDATIONS OF HUMAN SECURITY</u></b></p> <ul style="list-style-type: none"> <li>• <b>TRADITIONAL VS. NON-TRADITIONAL SECURITY</b></li> </ul>	

- **EMERGENCE OF HUMAN SECURITY (1994 UNDP REPORT)**
- **FREEDOM FROM FEAR VS. FREEDOM FROM WANT**
- **HUMAN SECURITY VS. NATIONAL SECURITY**
- **ROLE OF THE UNITED NATIONS DEVELOPMENT PROGRAMME**

**UNIT II: HUMAN SECURITY AND HUMAN RIGHTS**

- **LINK BETWEEN HUMAN SECURITY AND HUMAN RIGHTS**
- **UNIVERSAL DECLARATION OF HUMAN RIGHTS**
- **ROLE OF UNITED NATIONS INSTITUTIONS**
- **RIGHTS-BASED APPROACH TO DEVELOPMENT**
- **VULNERABLE GROUPS (WOMEN, CHILDREN, REFUGEES)**

**UNIT III: ECONOMIC AND FOOD SECURITY**

- **POVERTY, INEQUALITY, AND UNEMPLOYMENT**
- **LEGAL FRAMEWORKS FOR SOCIO-ECONOMIC RIGHTS IN INDIA**
- **FOOD SECURITY LAWS (E.G., NATIONAL FOOD SECURITY ACT)**
- **ROLE OF WORLD BANK AND INTERNATIONAL MONETARY FUND**

**CASE LAW**

**OLGA TELLIS V. BOMBAY MUNICIPAL CORPORATION**

**UNIT IV: HEALTH SECURITY**

- **PUBLIC HEALTH AND LAW**
- **PANDEMICS AND GLOBAL RESPONSES (E.G., COVID-19)**
- **ROLE OF THE WORLD HEALTH ORGANIZATION**
- **ACCESS TO HEALTHCARE AND LEGAL OBLIGATIONS**

**CASE LAW**

**PASCHIM BANGA KHET MAZDOOR SAMITY V. STATE OF WEST BENGAL**

<p><b>UNIT V: ENVIRONMENTAL AND CLIMATE SECURITY</b></p> <ul style="list-style-type: none"> <li>• ENVIRONMENTAL DEGRADATION AND HUMAN SURVIVAL</li> <li>• CLIMATE CHANGE AND DISPLACEMENT</li> <li>• INDIAN ENVIRONMENTAL LAWS</li> <li>• GLOBAL AGREEMENTS (E.G., PARIS AGREEMENT)</li> </ul> <p><b>CASE LAW</b> SUBHASH KUMAR V. STATE OF BIHAR</p> <p><b>UNIT VI: PERSONAL AND COMMUNITY SECURITY</b></p> <ul style="list-style-type: none"> <li>• VIOLENCE, CRIME, AND TERRORISM</li> <li>• GENDER-BASED VIOLENCE</li> <li>• COMMUNAL HARMONY AND INTERNAL CONFLICTS</li> <li>• LEGAL PROTECTIONS IN INDIA</li> </ul> <p><b>CASE LAW</b> VISHAKA V. STATE OF RAJASTHAN</p> <p><b>UNIT VII: POLITICAL SECURITY AND GOVERNANCE</b></p> <ul style="list-style-type: none"> <li>• RULE OF LAW AND DEMOCRATIC INSTITUTIONS</li> <li>• CORRUPTION, ACCOUNTABILITY, AND TRANSPARENCY</li> <li>• FREEDOM OF EXPRESSION</li> <li>• ROLE OF CIVIL SOCIETY AND MEDIA</li> </ul> <p><b>UNIT VIII: HUMAN SECURITY IN INDIA: CASE STUDIES</b></p> <ul style="list-style-type: none"> <li>• MIGRATION AND DISPLACEMENT</li> <li>• NAXALISM AND INTERNAL SECURITY</li> <li>• DISASTER MANAGEMENT (LEGAL FRAMEWORK)</li> <li>• ROLE OF NATIONAL DISASTER MANAGEMENT AUTHORITY</li> </ul>	
<b>REVISION WEEK</b>	Week 15