

Assessment Period 2016-2021



B.M.S. COLLEGE OF LAW, BENGALURU
Bull Temple Road, Basavanagudi, Bengaluru-560019



CRITERION 1 – Curricular Aspects
Key Indicator – 1.3. Curriculum Enrichment

Metric No- 1.3.1 Institution integrates Cross Cutting Issues relevant to Professional Ethics, Gender, Constitutional and Human Values, Environment and Sustainability etc., into the Curriculum.

Submitted to



THE NATIONAL ASSESSMENT AND ACCREDITATION COUNCIL



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Metric No- 1.3.1 Institution integrates Cross Cutting Issues relevant to Professional Ethics, Gender, Constitutional and Human Values, Environment and Sustainability etc., into the Curriculum.

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The Institution integrates Cross-Cutting issues relevant to Professional Ethics, Gender, Constitutional & Human Values, Environment & Sustainability into the curriculum



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Ref.: BMSCL/SH9/2021-2022

Date: 02/11/2021

1.3.1. Institution integrates crosscutting issues relevant to Professional Ethics, Gender, Constitutional and Human Values, Environment and Sustainability into the Curriculum.

Details of relevant Events conducted since August, 2020

Sl. No.	COURSE	DESCRIPTION	RELATED PROGRAMS
1.	Constitutional Law	Constitution, the fundamental Law of the country, sensitizes the students about the fundamental rights, duties and concepts like liberty, equality, fraternity and acquaints the students with the remedies available in case of infringement of the same.	- Webinar session on 'Importance of Fundamental Duties' to create awareness among students on 16 September, 2020. Sri. Sandeep Katti, Advocate was the Resource Person - On account of Constitution Day (Samvidhan Divas) a Webinar on 'Constitution of India: A Macro Approach' through the Constitution Club on 26 November, 2020, by Prof. V.S. Mallar, Former Chair Professor, V.R. Krishna Iyer Chair on Public Law & Policy Choice, National Law School of India University.
2.	Personal Laws	Hindu Law and Muslim Law specifically acquaint the students with legislations pertaining to Gender Justice - Right to maintenance, succession and Right to Property.	A Webinar on 'Women Safety and Security' was organised by the Girl Students Grievance Redressal Cell on 05 August, 2020. Smt. Brinda Adige, Founder and Member, Global Concerns India was the Resource Person.


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			• A Webinar on POSH Act – 'Redressal mechanism under POSH Act' was organised by the Anti-Sexual Harassment Committee on 24 November, 2020. Smt. Anita Shivakumar, Member, BIS, Ministry of Constitutional Affairs, Government of India • Intra College Literary Fest by the Literary Club – Open Mic Event: Pride to spread awareness about the LGBTQIA++ Rights on 26 June, 2021 • A Legal Awareness Program by the Legal Aid Cell on – 'Gender Based Violence and the Role of Judiciary in Preventing crimes against Women and Senior citizens' on 22 January, 2021. Smt. D H Lakshmi Umesh, Corporator, Banashankari was the Resource Person. • A Webinar on 'Bharathiya Nari: A Social Legal Perspective' was organised by the Women's Cell on 28 August, 2021. Dr. Leela, Ex. MLC, Retd. Professor, NMKRV College of Women.
3.	Human Rights Law & Practice	The Course sensitises the students about basic rights protected through National and International Instruments. Various activities are conducted to compliment the same through the Human Rights Cell.	• To commemorate the United Nations' Day, the Human Rights Cell a Poster and Collage making Competition was organised on 14 October, 2020. • A Webinar on 'The Protection of Human Rights during the Pandemic' was organised by the Human Rights Cell on 10 December, 2020.


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			Dr. Vijaylakshmi. J. Balekundri, PMMSY, Bangalore Medical College and Research Institution was the Resource Person. • A Webinar on Legal Remedies for the Protection of Human Rights in India was organised by the Human Rights Cell on 24 July, 2021. Prof. Virendra Kumar Thakker, Assistant Professor, G B Institute of Engineering and Technology, Uttarakhand.
4.	Labour Laws	The Courses equip the students towards understanding the labour relations and the allied laws pertaining to the same. The Courses sensitize the students towards concepts like collective bargaining, unionism and social welfare.	• Labour Law Lecture Series was organised on 07, 08 January, 2021. Prof. Bbau Mathew, Former Registrar and Faculty, NLSIU; Sri. S.N.Murthy, Senior Advocate, High Court of Karnataka, Sri. Prashanth Tak, Assistant Policy Analyst, CUTS International were the Resource Persons. • A Webinar on 'Understanding Child Labour in today's Context - A Practical Approach' was organised by Centre for Child Rights (CRADLE) on 12 June, 2021. Mrs. Sarita Vaz, Treasurer, Child Welfare Committee, Bengaluru was the Resource Person
5.	Environmental Law	The discipline sensitises the students towards issues concerning the environment and acquaints the students with the Statutes to address the same and environmental responsibilities	• To commemorate the World Soil Day a Webinar on 'Transforming Farmer to Frampreneur' was organised on 05

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	both at a personal level and of the State. Earth Club of the Institution conducts activities relating to the same.	December, 2020 by the Earth Club. • 'Curative Surgeon - Reusing the Creativity', an activity to prioritise on the need of recycling was organised by the Earth Club on 28 January, 2021. • 'Flora Code', the activity of Planting and Naming various medicinal plants was organised by the Earth Club on 23 February, 2021. • A Documentary Screening on the impact of pollution on Earth was organised by the Earth Club on 05 June, 2021 to commemorate the World Environment Day. • A Plantation Drive was organised by the Earth Club on 27 September, 2021 at Puttenahalli Government School, Bengaluru.
6. Professional Ethics and Accountancy for Lawyers	The Course is designed to instil students with the high values forming the basis of the profession so that they can live up to those standards in their professional life.	• A Webinar on 'Role of a Lawyer in building a Society' was organised on 12 September, 2020 as a part of the Alumni Lecture Series. Sri. Yozan David Rai, Advocate, Sri. Ravi, Advocate were the Resource persons. • Add-on Course on Alternative Dispute Resolution Systems was conducted on 07-12, June, 2021. Sri. Prashanth Chandra SN, Advocate and Mediator was the Resource Person. • A Webinar on 'Legal Services Authorities Act: Reconceiving the contours in the new

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			normal' was organised by the Legal Aid Cell on 19 June, 2021. Mr. Shridhar Prabhu, Advocate, High Court of Karnataka, Member, Karnataka State Legal services Authority was the Resource Person.
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Date: 08/03/2021

1.3.1. Institution integrates crosscutting issues relevant to Professional Ethics, Gender, Human Values, Environment and Sustainability into the Curriculum.

Sl. No.	COURSE	DESCRIPTION	RELATED PROGRAMS
1.	Constitutional Law	Constitution, the fundamental Law of the country, sensitizes the students about the fundamental rights, duties and concepts like liberty, equality, fraternity and acquaints the students with the remedies available in case of infringement of the same.	• Observance of Samvidhan Diwas (Constitution Day) on 26 November every year. • Special Lectures by eminent personalities.
2.	Personal Laws	Hindu Law and Muslim Law specifically acquaint the students with legislations pertaining to Gender Justice - Right to maintenance, Right to Property, etc.	• Special Lecture on 'Perspectives on LGBT: Psycho-Socio understanding' by Mrs. Sunitha, on 04 March, 2016
3.	Human Rights Law & Practice	Sensitises the students about basic rights protected through National and International Instruments. Various activities through Human Rights Cell	• Special Lecture on 'Social Stigma, Gender Identity, Sexuality and the Law' by Dr. Akkai Padmashali on 03 February, 2017. • Special Lecture on 'Human Rights' by Justice S. R. Bannurmath, Former Chief Justice, Kerala High Court on 09 March, 2017. • Special Lecture on 'Victimology' by Justice S. R. Bannurmath, Former Chief Justice, Kerala High Court on 28 August, 2017. • Special Lecture on 'Social Status and Conflicting Laws' by Dr. Akkai Padmashali and

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		it sensitizes the students towards concepts like collective bargaining, unionism and social welfare.	and Industry.
5.	Environmental Law	The discipline sensitises the students towards issues concerning the environmental, the Statutes to address the same and environmental responsibilities both at a personal level and of the State. Activities through Earth Club	• Observance of Environmental Day • Workshop on making Eco-Friendly Ganesha • Webinar on 'Conservation of Urban Wildlife' by Ms. Sneha Prasad Salgame (People for Animals)
6.	Professional Ethics and Accountancy for Lawyers	The Course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.	• Special Lecture on 'Intricacies of Law and Importance of Ethics' by Sri Prasad Subbanna on 19 February, 2016. • Special Lecture on 'Communication Skills' by Sri Prasad Subbanna on 28 October, 2016. • Special Lecture on 'Is Legal Verdict a Divine Verdict' by Dr. Geetha Ramanujam on 17 March, 2017. • Special Lecture on 'Emerging Domains of law and New Career Opportunities for Lawyers' by Sri Shridhar Prabhu on 08 September, 2017. • Special Lecture on 'The Challenges to the Rule of law in India' by Sri Harish Narasappa on 11 August, 2017. • Special Lecture on 'Taking up Legal Education' by Dr. C.S. Patil on 29 August, 2016.

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For 3yrs LL.B. Programme for the year 2018-19 onwards

I semester

Appendix-IX

COURSE I: Constitutional Law – I

Objectives:

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages to establish a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive principles would form the essence of the course.

UNIT-I

Meaning & Definition of Constitution: kinds of Constitution, Constitutionalism, Salient features of Indian Constitution.

Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble.

Citizenship- modes of acquisition & termination

UNIT- II

State: Definition under Article 12, New Judicial trends on concept of State Action- need for widening the definition.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Doctrine of Severability and Doctrine of eclipse, Judicial Review and Article 13.

Equality and Social Justice: General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

UNIT- III

Protective Discrimination and Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression, Different dimensions - Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions.

UNIT- IV

Rights of the Accused: Ex-post facto Law – Double jeopardy – Right against self incrimination (Article 20). Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Various facets of Life and Liberty (Article.21), Right against Exploitation, Secularism - Freedom of Religion, Judicial interpretation, Restrictions on freedom of religion,

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UNIT -V

Cultural and Educational Rights of minorities - Recent trends - Right to Constitutional Remedies: Article 32 and 226 – kinds of writs - Right to property (prior to 1978 and the present position), Directive Principles of State Policy and Fundamental Duties- inter relation between fundamental rights and directive principles.

Prescribed Book:

1. Dr. V. N. Shukla – Constitution of India
2. M. P. Jain- Indian Constitutional Law

Reference Books:

1. H. M. Seervai – Constitutional Law of India
2. T. K. Tope – Constitutional Law
3. D.D. Basu Shorter Constitution of India
4. S. Shiva Rao- Framing of Indian Constitution
5. Subhash. C. Kashyap - Parliamentary Procedure
6. Subhash. C. Kashyap – History of Indian Parliament
7. R. C. Agarwal-Constitutional Development and National Movement
8. A. B. Keith- Constitutional History of India.
9. D.J. De – The Constitution of India Vol. I and II.


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II semester

Appendix-X

COURSE I - CONSTITUTIONAL LAW – II

Objectives:

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

UNIT-I

Federal system: Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language, Local self-government with special emphasis on 73rd and 74th Amendment.

Constitutional provision of Jammu and Kashmir (Art. 370).

Special provisions relating to specific states (Articles 371-A to 371-J)

UNIT-II

Executive: Centre and State; President and Governor; powers and functions.

Parliament and State Legislature: Bicameralism, Composition, powers and function.

Councils of ministers: collective responsibility, Position of Prime Minister and Chief Minister.

UNIT-III

Speaker: Parliament and State Legislature, Powers and Functions, Privileges Anti-Defection Law.

Judiciary: Union and States, appointment, powers, jurisdiction and Transfer of judges.

UNIT-IV

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the center and the state, Constitutional protection to Civil Servants.

Election Commission: Powers and functions.

State liability for Torts and Contract.

UNIT-V

Emergency: Types, Effects and effects on Fundamental Rights.

Constitutional Interpretation

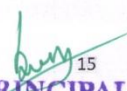
Amendment: Basic structure theory.

Schedules.

Review of working of the Constitution.

Prescribed Book:

1. M. P. Jain - Indian Constitutional Law Vol I & II


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Reference Books:

1. H. M. Seervai - Constitutional Law of India
2. V. N. Shukla - Constitution of India
3. T. K Tope - Constitutional Law
4. S. Shiva Rao - Framing of Indian Constitution
5. Subash .C. Kashyap - Parliamentary Procedure
6. Subash. C. Kashyap - Constitution of India
7. D.J. De - the Constitution of India, vol.I and II.
8. J.N. Pandey - Constitutional Law of India
9. D.D. Basu - Constitutional Law of India


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COURSE-IV:

FAMILY LAW-I HINDU LAW

Objectives:

The course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Course contents:

UNIT – I

The Concept of Dharma - Sources of Hindu Law – Ancient and Modern - Importance of Dharma Shastra on Legislation – Mitakshara and Dayabaga Schools of Hindu Law - Application of Hindu Law.

UNIT – II

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

UNIT – III

Hindu undivided family – Mitakshara Joint Family - Formation and Incidents - Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations - Debts – Doctrine of Pious Obligation - Partition and Reunion –Religious and Charitable Endowment.

UNIT – IV

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - Hindu Succession Act, 1956. Stridhana- Woman's Property - Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills.

UNIT – V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

Prescribed Books:

Diwan, Paras, *Modern Hindu Law*, (Faridabad: Allahabad Law Agency, 1993)

Reference Books:

John D. Mayne, *A Treatise on Hindu Law and Usage*, 9th Edition, (Madras: Higginbotham, 1922)

Mulla, *Principles of Hindu Law*, (New Delhi: Lexis Nexis Butterworths, 2007)

Diwan, Paras, *Law of Adoption, Ministry, Guardianship and Custody* (Universal: 2000)

J. D. M. Derrett – *Hindu Law – Past and Present*, (Calcutta: A Mukherjee & Co., 1957)

N. Raghavachar, *Hindu law*


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COURSE-V: FAMILY LAW –II: MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT

Objectives:

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncoded portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

Course contents:

UNIT-I

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, Whos is a Mohammedan; Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: the *Shariat Act, 1937*; Sources of Islamic Law; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage - Legal effects of valid, void and irregular marriage - Muta marriage; Customary practices and State regulation: Polygamy; Child marriage; .Option of Puberty; Dower; Kinds of Dower: Dower when confirmed; Widow's Right of Retention

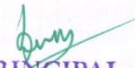
UNIT-II

Parentage Legitimacy, and Acknowledgement of Paternity Custody, Maintenance and education, Guardianship and parental rights. Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869(Amended Act) – Modes of Talak – Effects of Talak – Iddat - Nullity of marriage - Bar to matrimonial relief; Alimony and Maintenance: Alimony and Maintenance as an independent remedy- A review under Muslim law, Indian Divorce Act, 1869, provisions under the *Criminal Procedure Code, 1973*; Maintenance of divorced Muslim Women under the *Muslim Women (Protection of Rights on Divorce) Act, 1986*.

UNIT-III

Will-Meaning, Limitations on a Mohammedan in making a will; Difference between will and gift, Will made in death bed or during illness; Gifts(Hiba) : Essentials of Valid Gift; Kinds of Hiba; Revocation of Gifts; Wakf; Essentials of valid Wakf: Mutawalli – Appointment – Powers and Duties of Mutawalli; Law relating Pre-emption; Nature of Right of Pre-emption; Who can Pre-empt; Formalities; When the Right of Pre-emption is lost.

Unit IV


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Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925(Of Christians, Parsis)- Domicile- Kinds of Domicile – Modes of acquisition of Domicile; Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, Powers and Duties of Executor,

UNIT-V

Wills – Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, Kinds of Legacies; Specific and Demonstrative Legacy; Ademption of Legacies; - Protection of property of the deceased; Appointment of Curator – Powers and Duties Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.

Prescribed Books:

Mulla, *Principles of Mohammedan Law*, (New Delhi: Lexis Nexis, 1906).

Paras Diwan , *Law of Intestate and Testamentary Succession*, 4th Edition, (New Delhi: Universal Law Publishing Co. Ltd, 2013)

Reference Books:

B. B. Mitra ,*Indian Succession Act*, 1925.15th Edition, (New Delhi: Jain Book Agency, 2013)

A. A. A Fyze, *Outlines of Mohammedan Law*, (Oxford University Press, 1974)

Basu, N.D., *Law of Succession*, 5th Edition, (Calcutta: Eastern Law House, 1974)

Paras Diwan, *Family Law: Law of Marriage and Divorce in India*, (New Delhi: Universal Law Publishing Co. Ltd, 2011)

A. M. Bhattachargee, *Muslim Law and the Constitution* (Calcutta: Eastern Law House, 1994)

Tahir Mohamood, *The Muslim Law of India*, (Law Book Company, 1980)

Indian Divorce Act, 1869 – Bare Act


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COURSE-II: OPTIONAL-I HUMAN RIGHTS LAW AND PRACTICE

Objectives:

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

Course contents:

UNIT – I

Jurisprudence of Human Rights; Nature, definition, origin and theories of human rights.

UNIT – II

Universal protection of human rights- United Nations and Human Rights- *Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.*

UNIT - III

Regional Protection of Human rights- European system- Inter American System- African System

UNIT – IV

Protection of Human Rights at national level; Human rights and the Constitution; The Protection of Human rights Act, 1993.

UNIT - V

Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments.

Prescribed Books:

Theodor, Meron, Human Rights and International Law: Legal and Policy Issues, 2 Vols.

Kapoor, S.K., International Law and Human Rights, Central Law Agency, 2014).


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Appendix-XI

COURSE III- LABOUR LAW- I

OBJECTIVES

In this course, the students are to be acquainted with the Industrial relations framework. Further, the importance of the maintenance of industrial peace and efforts to reduce the incidence of strikes and lockouts are to be emphasised. The main objective is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the Industrial Disputes Act, 1947 for the prevention and settlement of industrial disputes and other matters. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Referring wherever necessary to the Constitutional provisions and the ILO Conventions and recommendations will do learning of these legislations. We will be looking at the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalisation. In order to understand the above-mentioned legislations in their proper perspective, a brief historical background of these legislations will also be examined.

In this course, students shall also acquaint with legal frame-work relating to social security and welfare. The concept of social security, its importance and also Constitutional basis for the same are introduced. The importance of ensuring health, safety and welfare of the workmen, social assistance and social insurance schemes and the regulation of wages under various legislations are to be emphasised. The objective is also to understand the provisions of the Employees Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Payment of Wages Act, 1936, the Factories Act, 1948. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen thereunder. Legislations are to be analysed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changed economic policies.

UNIT-I

Historical aspects - Master and Slave Relationship, Trade Unionism in India and UK - Enactment of the Trade Unions Act, 1926- ILO Conventions relating to Trade Unions and relevant Constitutional provisions.

A bird's eye view of the Act - Definitions - Trade Union, Trade Dispute, etc. - Provisions relating to registration, withdrawal and cancellation of registration - Funds of Trade

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Union, Immunities, problems of Trade Union, Amalgamation of Trade Union - Recognition of Trade Unions - Methods, need and efforts in this regard, Collective Bargaining - Meaning, methods, status of collective bargaining settlements, collective bargaining and liberalisation.

UNIT-II

Historical Background and Introduction to the Industrial Disputes Act, 1947 - Definitions - Industry, Workman, Industrial Dispute, Appropriate Government, etc., - Authorities/ Industrial Dispute resolution machinery - Works Committee, Conciliation and Board of Conciliation - Powers and Functions, Court of Inquiry, Grievance Settlement Authority,

Voluntary Arbitration U/S 10-A, Compulsory Adjudication- Government's power of reference U/S- 10 - Critical analysis with reference to decided cases. Compulsory Adjudication - Composition, Qualification, Jurisdiction, powers of adjudication authorities, - Award and Settlement - Definition, Period of operation, binding nature and Juridical Review of award.

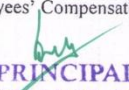
UNIT-III

Law relating to regulation of strikes and lockouts- Definition of strikes and lockouts, Analysis with reference to Judicial Interpretations, Regulation U/Ss 22, 23, 10-A(4-A), and 10 (3), Illegal strikes and lockouts, penalties. - Regulation of Job losses- concepts of Lay-off, Retrenchment, Closure and Transfer of undertakings with reference to statutory definition and Judicial Interpretations - Regulation of job losses with reference to the provisions of chapter V A and V B of the ID Act, 1947 - Regulation of managerial prerogatives - Ss. 9A, 11A, 33 and 33A of ID Act, 1947 - Certified Standing Orders - Meaning and Procedure for Certification, Certifying officers- Powers and Functions, etc.

UNIT-IV

Concept and Importance of Social Security - Influence of I.L.O. - Constitutional Mandate. The Employees' Compensation Act, 1923 - Definitions - employee, employer, dependent, partial disablement, total disablement, etc. - Employer's liability for compensation - Conditions and Exceptions - Procedure for claiming compensation. Computation of Compensation. Commissioner- Jurisdiction, Powers, etc.

The Employees' State Insurance Act, 1948 - Definitions - Employment injury, contribution, dependent, employee, principal employer, etc. - Employees' State Insurance Funds - contribution, Benefits available - Administrative Mechanism - E.S.I Corporation, Standing Committee, Medical Benefits Council - Composition, Powers, Duties - Adjudication of Disputes - E.S.I Courts. Comparative analysis of the E.S.I. Act, 1948 with the Employees' Compensation Act, 1923


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UNIT-V

The Payment of Wages Act, 1936 - Definitions – employed person, factory, industrial and other establishment, wages, etc. - Deductions – Authorities - Inspectors and Payment of Wages Authority.

The Factories Act, 1948 – Definitions - factory, manufacturing process, occupier, worker, hazardous process, etc. - Provisions of the Factories Act relating to health, safety and welfare of workers - Provisions relating to Hazardous process - Provisions relating to working conditions of employment - Working Hours, Weekly leave, Annual leave facility - Provisions relating to regulation of employment of women, children and young persons.

Books Prescribed:

- S.C. Srivastava - Industrial Relations and Labour Laws.
- Dr. V.G. Goswami - Labour Industrial Laws
- S.N.Mishra - Labour and Industrial Laws.
- S.C.Srivastava, Treatise on Social Security.
- The Trade Unions Act, 1926
- The Industrial Disputes Act, 1947
- The Industrial Employment (Standing Orders) Act, 1946
- The Employees Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Payment of Wages Act, 1936
- The Factories Act, 1948

Reference Books:

- O.P. Malhotra - Law of Industrial Disputes.
- G. Ramanujam - Indian Labour Movements.
- P.L. Malik - Industrial Law.
- Mamoria and Mamoria - Dynamics of Industrial Relations.
- First National Labour Commission Report, 1969.
- Second National Labour Commission Report, 2002.
- International Labour Conventions and Recommendations.


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Labour Law- II

Objectives

In this course, students are to be acquainted with legal frame-work relating to social security and welfare. It is necessary to know the concept of social security, its importance and also Constitutional basis for the same. The importance of ensuring health, safety and welfare of the workmen and social assistance and social insurance schemes under various legislations are to be emphasised. The main theme underlying the programme is to critically examine provisions of the Factories Act, 1948, the Child Labour (Prohibition and Regulation) Act, 1986, the Contract Labour (Regulation & Abolition) Act 1970, the Minimum Wages Act, 1948, the payment of Bonus Act, 1965, the Payment of Gratuity Act, 1972, the Employees' State Insurance Act, 1948, the Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952, the Maternity Benefit Act, 1961, the Unorganised Sector Workers' Social Security Act, 2008. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen thereunder. These legislations are to be analysed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changing times.

Unit-I Constitutional Dimensions of Industrial Relations and Labour

Constitution and Labour welfare - The Bonded Labour System Abolition Act, 1976 - The Equal Remuneration Act, 1976 - the Inter-State Migration of Workers Act, 1979 - the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Unit II - Wages, Bonus and Gratuity

Concept of Wages - Theories of wages and Kinds of wages. The Minimum Wages Act, 1948 - Definitions - appropriate government, employer, employee, Scheduled employment, etc. - Fixation of Minimum rates of wages - Methods - Regulation of working conditions - Payment of Wages, Working Hours, etc.

Bonus - Context - a claim for share in profits even after payment of wages according to contract of employment? Is it a breach of contract or an implied term of the contract? - concepts of bonus and right to share in profits - The payment of Bonus Act, 1965 - definitions - provisions relating to payment of bonus - judicial interpretations and constitutionality of the provision relating to Govt's power to exempt.

Gratuity - Context - reward for long drawn loyal service - employers' liability or good gesture? Historical developments. The payment of Gratuity Act, 1972 - definitions - judicial interpretation and parliamentary amendment of the definition of employee. - payment of gratuity - determination of the amount of gratuity - authorities.


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Unit III – Protection of Child Labour and contract labour

Child labour – practice and reasons for child labour – competing views on necessity and feasibility of abolition of child labour – Human rights perspective and constitutional provisions for the protection of child – the Child Labour (Prohibition and Regulation) Act, 1986 – definitions – provisions relating to prohibition of child labour in certain establishments and processes – regulation of conditions of work – penalties – judicial interpretations. Amendments made through The Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Criticisms.

Abolition and regularisation of contract labour, regulation of contract labour under the Contract Labour (Regulation & Abolition) Act 1970 – judicial decisions relating absorption of sham practice of contract labour – evaluation of the working of the Act in the present days.

Unit-IV Social Security

The Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952 – Definitions- contribution, employee, employer, factory, fund, etc. - Provident Fund Scheme, Family Pension Scheme, Employees' Deposit Linked Insurance Scheme – Scope, Contributions - Benefits - Authorities under the Act – Powers. Latest judicial pronouncements.

The Maternity Benefit Act, 1961- Object and Scope of the Act, Definitions - appropriate government, employer, establishment, factory, maternity benefit, wages, etc. - Benefits under the Act - Inspectors.

Unit –V Protection of unorganised labour

Features and scheme of protection of workers in unorganised sector under the Unorganised Workers' Social Security Act, 2008

Necessity of protection of unorganised labour in shops and establishments by regulating their working conditions - the Karnataka Shops and Commercial Establishments Act, 1961 – application of the Act, Hours of work, annual leave with wages - wages and compensation – employment of children and women – authorities and penalties.

Globalisation, Privatisation and Open Economy- Effects of Globalisation on Industry and Labour - Constitutional Mandate of Welfare State and effectiveness of Social Security and Social welfare legislations in India under new economic policy - Review of laws to meet new challenges - Legislative and Judicial response/trend towards application of Labour laws- Emergence of laws relating SEZs, etc.

Prescribed books


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- K.M. Pillai - Labour and Industrial Laws.
- S.N.Mishra - Labour and Industrial Laws.
- S.C.Srivastava, Treatise on Social Security.
- Sairam Bhat, Privatisation and Globalisation: The Challenging Legal Paradigm
- Jwitesh Kumar Singh, Labour Economics: Principles, Problems and Practices
- Joanne Conagham, Labour Law in an Era of globalisation, Transformative Practices and possibilities
- C. S. Venkata Ratnam, Globalisation and Labour-Management Relations, Dynamics of Change

Reference books:

- Dr.V.G.Goswami - Labour Industrial Laws.
- O.P. Malhotra - The Law of Industrial Dispute.
- N.G.Goswami - Labour and Industrial Laws.
- Khan and Khan - Labour Law.
- Bhargava, V.B. - Industrial and Labour Laws.
- Pai, G.B.-Labour Law in India.
- Srivatava, S.C. - Industrial Relations and Labour Laws.
- Singh, S.N. - Law and Social change: Essays on Labour Laws and Welfare research methodology and environmental protection.
- Report of the First National Commission on Labour (1966-69).
- Report of the National Commission on Labour, Government of India, 2002.
- ILO Recommendations.

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COURSE -II : ENVIRONMENTAL LAW

Objective:

Environmental problems have attained alarming proportions. It is essential to sensitise the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development, and precautionary principle, polluter pay principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

Course contents:

UNIT - I

The Idea of Environment:

Environment: meaning and components- Pollution: meaning, sources, Kinds, and effects of pollution - Ancient and Medieval Writings - Environmental jurisprudence - National environmental policy.

UNIT - II

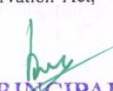
Environmental Policy and Law: Pre & Post Independence Period -Constitutional provisions on Environment and its Protection: Right to Environment – Duty to protect environment - Public interest litigation and environment -Role of Judiciary on Environmental issues -Doctrines of Environmental Pollution: Evolving new Principles – Absolute Liability -Polluter pays principle - Precautionary principle – Inter generational equity principle -Public trust doctrine.

UNIT - III

International Law and Environmental Protection: Sustainable Development -International conventions in the development of Environmental Laws and its Policy: Stockholm – Rio & Johannesburg Declaration -Trans-boundary Pollution hazards & Regulation; Common Law aspects of Environmental Protection – Criminal Law and environment.

UNIT - IV

Prevention and Control of Water & Air Pollution: Water Act,1974 and Air Act,1981 -Pollution Control Boards and its powers and functions- offences and penalties -Remedies in case of water and air pollution - Noise Pollution and its control: Noise Pollution (Regulation & Control) Rules, 2000 - Wildlife Protection Act, 1972: Hunting – Trade in Animal articles – Authorities under wild life protection Act- Role of Judiciary on wild life protection - Forest Conservation Act, 1980 – judicial approach.


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UNIT - V

Environment Protection Act, 1986 - ECO-Mark, Environmental Audit - Coastal Regulation Zone, Environment Impact Assessment: Discretionary Model and Mandatory Model, - Regulation on Bio-Medical Waste - Disposal of Solid Waste.

Prescribed Books:

1. P. Leela Krishnan, Environmental Law in India, Third Edition, Lexis Nexis

Armin Rosencranz - Environmental Law and Its Policy in India.

2. S. C. Shastri, Environmental Law, Third Edition, Eastern Book Company.

Reference Books:

1. Lal's Encyclopedia on Environment Protection and Pollution laws , Fifth Edition, Volume 1 & 2, Delhi Law House.

2. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India

(Cases, Materials and Statutes), Second Edition, Oxford University Press.

3. Relevant Bare Acts/Notifications.


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COURSE-IV: CLINICAL COURSE-I:

PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Objective:

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower an outsider to sit in judgment over their activities. The trust reposed by the society in profession is to be zealously guarded. The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.

Course contents:

UNIT-I

The legal profession and its responsibilities; The equipment of the lawyer; Conduct in Court; Professional conduct in general; Privileges of a lawyer; Salient features of the *Advocates Act, 1961*.

UNIT-II

Duty to the Court; Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the State.

UNIT-III

Contempt of Court Act, 1972.

Selected major judgments of the Supreme Court:

1. *In the matter of D, An Advocate*, AIR 1956 SC 102.
2. *P.J.Ratnam v. D.Kanikaram*, AIR 1964 SC 244.
3. *N.B.Mirzan v. The disciplinary committee of Bar Council of Maharashtra and Another*, AIR 1972 SC 46.
4. *Bar Council Of Maharashtra v. M.V.Dabholkar, etc.*, AIR 1976 SC 242.
5. *V.C.Rangadurai v. D.Gopalan and others*, AIR 1979 SC 201.
6. *Chandra ShekharSoni v. Bar Council of Rajasthan and Others*, AIR 1983 SC 1012.

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7. *In Re an Advocate*, AIR 1989 SC 245.
8. *In Re Vinay Chandra Mishra*, 1995 (Vol-1) IBR 118.
9. *Supreme Court Bar Association v. Union of India*, AIR 1998 SC 1895.
10. *Ex-Capt. Harish Uppal v. Union of India*, AIR 2003 SC 739.

UNIT-IV

Selected opinions of the Bar council of India

1.	DC Appeal No. 16/93	1998	(Vol.1)	IBR 135
2.	BCI Tr. Case No.40/91	1998	(Vol.1)	IBR139
3.	DC Appeal No. 8/94	1998	(Vol. 1)	IBR 153
4.	DC Appeal No. 20/94	1997	(Vol. 3 &4)	IBR 193
5.	BCI Tr. Case No. 76/95	1997	(Vol. 3 &4)	IBR 201
6.	DC Appeal No.43/96	1997	(Vol. 3 &4)	IBR 207
7.	DC Appeal No.18/91	1997	(Vol. 1 & 2)	IBR 271
8.	DC Appeal No.24/90	1996	(Vol.1)	IBR 135
9.	DC Appeal No.19/93	1996	(Vol.1)	IBR 152
10.	BCI Tr. Case No.104/90	1996	(Vol.1)	IBR 155
11.	BCI Tr. Case No.52/89	1994	(Vol.1)	IBR 187
12.	BCI Tr. Case No.127/88	1992	(Vol. 3 &4)	IBR 125
13.	BCI Tr. Case No.39/87	1992	(Vol. 3 &4)	IBR 147
14.	BCI Tr. Case No.39/89	1992	(Vol. 3 &4)	IBR 149
15.	BCI Tr. Case No.16/88	1989	(Vol.1)	IBR 99
16.	BCI Tr. Case No.2/88	1989	(Vol.1)	IBR 102
17.	BCI Tr. Case No.52/88	1989	(Vol.2)	IBR 110
18.	DC Appeal No.41/87	1989	(Vol.2)	IBR 122
19.	BCI Tr. Case No.29/81	1989	(Vol.2)	IBR 245
20.	DC Appeal No.14/88	1989	(Vol.2)	IBR 258
21.	BCI Tr. Case No.14/80	1989	(Vol.2)	IBR 264
22.	DC Appeal No.24/87	1989	(Vol.2)	IBR 273
23.	DC Appeal No.46/86	1989	(Vol.2)	IBR 280
24.	DC Appeal No.3/88	1989	(Vol.2)	IBR 285


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25	BCI Tr. Case No.2/80	1989	(Vol.2)	IBR 289
26	BCI Tr. Case No.10/86	1989	(Vol. 3 &4)	IBR 520
27	BCI Tr. Case No.101/88	1989	(Vol. 3 &4)	IBR 524
28	DC Appeal No.23/88	1989	(Vol. 3 &4)	IBR 532
29	DC Appeal No.35/87	1989	(Vol. 3 &4)	IBR 536
30	BCI Tr. Case No.27/88	1989	(Vol. 3 &4)	IBR 542
31	BCI Tr. Case No.6/84	1989	(Vol. 3 &4)	IBR 560
32	BCI Tr. Case No.24/86	1989	(Vol. 3 &4)	IBR 563
33	DC Appeal No.10/88	1989	(Vol. 3 &4)	IBR 572
34	DC Appeal No.45/74	1988	(Vol. 1 &2)	IBR 182
35	DC Appeal No.23/87	1989	(Vol.1 & 2)	IBR 187
36	DC Appeal No.6/81	1988	(Vol.1 & 2)	IBR 193
37	BCI Tr. Case No.16/86	1988	(Vol.1 & 2)	IBR 197
38	DC Appeal No.41/86	1988	(Vol.1 & 2)	IBR 200
39	DC Appeal No.33/86	1988	(Vol. 3 &4)	IBR 354
40	DC Appeal No.21/85	1988	(Vol. 3 &4)	IBR 359
41	BCI Tr. Case No.43/82	1988	(Vol. 3 &4)	IBR 364
42	DC Appeal No.28/86	1988	(Vol.3 & 4)	IBR 374
43	DC Appeal No.64/74	1987	(Vol.2)	IBR 314
44	DC Appeal No.30/84	1987	(Vol.2)	IBR 319
45	DC Appeal No.40/86	1987	(Vol.3)	IBR 488
46	DC Appeal No.10/86 &10A/86	1987	(Vol.3)	IBR 491
47	DC Appeal No.7/86	1987	(Vol.3)	IBR 496
48	DC Appeal No.7/81	1987	(Vol.4)	IBR 735
49	DC Appeal No.12/86	1987	(Vol.4)	IBR 745
50	BCI Tr. Case No.57/87	1987	(Vol.4)	IBR 753

UNIT-V

Accountancy for lawyers:


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Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger

Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts

The cash and bulk transaction- The Cash book- Journal proper especially with reference to client's accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

1. **Mode of assessment:** The scheme of evaluation for **Clinical Course-I: Professional ethics and Professional accounting system** shall be as under:

- There shall be a viva for 20 Marks at the end of the semester. Viva shall be conducted by the course teacher and the principal or a senior faculty member designated by the principal.
- Two Written Tests shall be conducted for 40 marks each.
- The questions in the test papers should be spread over whole syllabus.
- 1 test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

Prescribed Books:

Iyer, K.V., Krishnaswamy, *Professional Conduct and Advocacy*, (Oxford University Press, 1945)

B.S.Raman, *Financial Accounting*, "Elements of Accountancy", (Mangalore: United Publishers, 1998)

Reference Books:

Menon, N.R. Madhava, *Clinical Legal Education*, (Eastern Book Co., 2008)

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