

Bhagavati, P.N., *Challenges to the Legal Profession – Law and Investment in Developing Countries*

J.B.Gandhi, *Sociology of Legal Profession and Legal System* (1987).

Sathe, Kunchur, Kashikar – “*Legal Profession: Its Contribution to Social Change*” in 13 ICSSR

Research Abstracts Quarterly 111-127 (1984) Also see 10 Indian Bar Rev. 47-81 (1983).

K.L.Sharma “*Sociology of Law and Legal Profession: Cross Cultural Theoretical perspective*”

24 J.I.L.I. 528 (1982).

A.N.Veeraraghavan “*Legal Profession and the Advocates Act, 1961*” 14 J.I.L.I. 229 (1972)

Upendra Baxi, “*The Pathology of the India Legal Profession*”, 13 Ind. Bar. Rev. 455 (1986)

K.L.Bhatia, *Socio-Legal Study of Occupational Status of Law Graduates*, (1994)

## **Ninth Semester**

### **Paper – I**

#### **PRIVATE INTERNATIONAL LAW (OPTION – I)**

**Outcome :-** This paper enables the students to analyse and appreciate increasing interaction of individuals and institutions of different countries leading to conflict between different systems of law. It also help them to understand and explain different concepts in dealing with and solving dispute containing a foreign element.

1. Introduction - Origin and development of Private International Law – Nature and basis of Private International Law – Fundamental concepts of Private International Law- Choice of jurisdiction – Choice of law – Recognition and enforcement of foreign judgment – Distinction between Private International Law and Public International Law – Theories of Conflict of Laws – Jurisdiction of court in cases involving foreign elements.

2. Domicile – Nationality – Residence – Property – Torts – Contracts – Fundamental Principles of Domicile – Nationality – Property – Assignment of movable property – Testamentary Succession ( Wills) –

Trusts – Torts – Proper law – Modern trends – Contracts – Formation, interpretation, illegality and discharge.

3. Marriage- Assignment of property on marriage – Matrimonial causes and Disputes – Divorce – Nullity of Marriage – Judicial Separation – Restitution of Conjugal Rights - Legitimacy – Legitimation and Adoption – Guardianship

4. Doctrine of Renvoi- Theories of Renvoi – Foreign Court Theory

5. Foreign Law - Procedure and evidence-Proof of foreign law- Recognition and Enforcement of Foreign Judgments, decrees and Arbitral Award – The limits of Application of Foreign Law

***Prescribed Books:***

R.H. Graveson, *Conflict of Laws*

S.L. Khanna, *Conflict of Laws*

Paras Diwan, *Private International Law*

G.C.Cheshire, *Private International Law*

Prof.K.Sreekantan-Private International Law

**PAPER I**

**HUMAN RIGHTS LAW AND PRACTICE (OPTION – II)**

**Outcome :-** This paper encourages the students to work for the protection of human rights of citizens and also for the effective implementation of Human Rights Protection Act in to matters relating to deprivation of Human Rights, denial of Human Rights and violation of Human Rights.

1. Human Rights: Meaning, Evolution of Human Rights: Ancient and Natural law perspective – Natural Rights and Human Rights, Legal Right and Human Rights, Human Rights – Classification – Human Rights and League of Nations, Sources of International Human Rights Law – Human Rights-Importance

2. U.N. Charter and Human Rights, Universal Declaration of Human Rights and its legal Significance. Covenants and Conventions: International Covenant on Economic, Social and Cultural Rights, 1966; International Conventions on Civil & Political Rights, 1966 The European Convention on Human Rights, 1950, The American Convention on Human Rights, 1969, African Charter on Human and Peoples Rights, The Vienna Conference on Human Rights, Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Rights of the Aged.

3. Human Rights in India, Human Rights and Indian Constitution, The Protection of Human Rights Act, 1993 Judicial activism & Protection of Human

Rights in India, Role of Non-Governmental organization in the Promotion and Protection of Human Rights; Refugees

4. National Human Rights Commission, National Commission for Minorities, National Commission for Safai karamcharis, National Commission for Women, National Commission for Backward Classes and National Commission for Scheduled Castes and Scheduled Tribes.

5. Human Rights of vulnerable groups – women – children – minorities – disabled and aged persons – Contemporary challenges to Human Rights - Judicial responses.

***Acts***

1. The Charter of UNO
2. The Protection of Human Rights Act, 1993
3. The Universal Declaration of Human Rights, 1948

***Books:***

1. Prof. S.K.Verma, Public International Law (1998) Prentice Hall of India
2. Wallace, International Human Rights, 1996 Sweet & Maxwell
3. Theodor Meron (ed.), Human Right in International Law
4. V.R.Krishna Iyer, The Dialectics and Dynamics of Human Right in India
5. S.K.Kapoor, Human Right under Int.Law & Indian Law

**Paper – II**

**ENVIRONMENTAL LAW**

**Outcome :-** This paper enables the students to understand the core ideas and principles surrounding the subject of environment protection and conservation and to equip students with the latest and futuristic developments about international and national legal framework, policies and court practices concerning environment protection and also inculcate them a spirit of environmental consciousness by constantly stressing the need to balance sustainable development with ecological conservation. This paper also equip them to identify, assess, analyze and research sound environmental policies by engaging them through classroom activities, workshops and seminars.

1. Environment – Meaning and perspective – Meaning of Environment, the basic concepts of ecology and ecosystem, Biosphere and Biomes. Ancient and Medieval Writings; Ancient Indian approach to Environment, Traditional approach. Natural and Biological Sciences. Perspectives: Modern concept, Conflicting dimensions, Anthropogenic V. Anthropocentric approaches- Recent issues relating to Environment, Environment and sustainable development, National and International Perspectives, Population and Developmental impact on environment.

2. Environmental Law and Policy: - An overview of Environmental Policy during Pre & Post Independence era, present policy. The Role of Central and State Governments – Five year Plans –Implementation of the policies. Forest Policy – Conservation strategy – National Water Policy, National Environment Policy- Conservation of Natural Resources and its Management. Indian Constitution and Environment: Right to Environment, Constitutional provisions on Environment and its Protection, Role of Judiciary on Environmental issues, Evolving of new Principles, Absolute liability, Polluter pays principle, Precautionary principle, Public trust doctrine.

3. International Law and Environmental Protection: - International conventions in the development of Environmental Laws and its Policy – From Stockholm to recent conventions (Special Emphasis on Major conventions & Protocols) Brown and Green agreements-Multilateral environmental agreements- Control on Marine Pollution- Common Law aspects of Environmental Protection- Riparian rights and prior-appropriation. Relevant Provisions of I.P.C., Cr.P.C, C.P.C, for preventing pollution.

4. The Pollution Prevention Laws:- Prevention and Control of Pollution through Scientific methods; prevention of Water pollution- Ground water conservation. Legal Control of Water and Air pollution; The Water Act 1974 – The Air Act, 1981. Pollution controlling mechanisms- Modalities of control, - Noise Pollution and its control, Noise Pollution control order. Disposal of Waste, laws on waste, disposal and its control – Trans-boundary Pollution hazards & Regulation on Bio-Medical Waste. Laws relating to Conservation of Flora and Fauna: Bio-diversity and Legal regulation – Authorities under Biological Diversity Act – Utilization of flora and fauna – Experimentation on animals; Legal and Ethical issues. Depletion of natural resources; Genetic Engineering-legal and ethical issues. Major provisions relating to Indian Forest Act, 1927- Wildlife Protection Act, 1972 – Forest (Conservation) Act, 1980 – Prevention of Cruelty against animals – Problems in Legal regulation of medicinal plants – objectives of the Plant Varieties Act – Wetland Conservation and law

5. Environment Protection and Legal Remedies: - Environment Protection Act, 1986 including Environment Protection Rules- Major Notifications relating to Coastal Zone Management, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing. Legal remedies for environmental problems: Environmental Disputes and its Redressal agencies: Environmental Tribunals, Public liability Insurance and Environment Relief Fund and remedies under other Laws. Green Benches, National Environment Appellate Authority – United Nations Initiatives, Civil society and environment, Role of NGO's (National and International level) and voluntary organizations, Funding agencies, Complex problems in administration of Environmental Justice – Green Tribunals – composition – Powers and functions.

***Prescribed Books:***

1. Armin Rosen Cranz – Environmental Law and Its Policy in India.
2. Leelakrishnan – Environmental Law in India /Cases
3. Introduction to Environmental Law – S. Shantha Kumar

**Reference Books:**

1. Simon ball Stuart Bell – Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay – Handbook on Environmental Laws
3. Environmental Law – Dr.S.R.Myneni.
4. Relevant Bare Acts/Notifications.
5. Environmental Protection an Policy in India, Kailas Thakur
6. Law Relating to Environmental Pollution and Protection, Dr. H. Maheswara Swami
7. Environmental Law, Susan Wolf and Anna White
8. National ( Environmental ) Tribunal Act, 1995
9. National Green Tribunal Act, 2010

**Paper – III**

**LABOUR AND INDUSTRIAL LAW – II**

**Outcome :-** This paper provides an insight into the labour laws dealing with employment, wages, bonus, working conditions and also laws regulating social security measures covering maternity, sickness, occupational diseases, payment of Gratuity, provident fund etc.

1. Concept of social security-Social security in ancient times-role of International Labour Organisation- India and ILO-modern concept of social security-social security in India - Administration of ESI scheme- ESI Corporation-standing committees-medical benefit council-Benefits-E.S.I fund-Liability of the employer – Compulsory state insurance-benefits in the event of sickness-maternity and employment – payment of contribution-role of medical board-adjudication of dispute

2. Employer's liability to pay compensation – conditions – liability of employer-personal injury arising out of and in the course of employment-principles to decide the quantum of compensation-liability of the principal employer – Payment of compensation – nature and extent – Notional extension of time and place of employment- powers of Workmen's Compensation Commissioners

3. Gratuity benefits to the workers- eligibility-rate of gratuity-forfeiture etc – Compulsory Contributory provident fund-provident fund and pension scheme-authorities for the implementation of the scheme- national and state boards, their powers and duties-recovery of amount due from the employer – Benefits entitled to women workers-maternity benefits- eligibility-leaves- nursing breaks-complaints to inspectors

4. History of bonus in India- bonus commission- kinds of bonus Payment of bonus-computation-sums deductible from gross profits-eligibility and extend of bonus-disqualifications to receive bonus-minimum bonus-deductable amounts from bonus etc – Responsibility for payment of wages-Fixation of wage periods-Deduction & fines-Authorities & adjudication of claim. Fixation & revision of minimum wages-Powers of appropriate government advisory committee and Board- payment of minimum wages – Prevention of exploitation of labour – Living, fair and minimum wages to workers- statutory minimum wages- fixation-minimum rates of wages-responsibility of the employer-authorized deductions-payment of wages authority.

5. Approval, Licensing & Registration of factories – Health, safety and welfare measures relating to employees working in factories-definition of factory-formalities and requirements to start factory-control of hazardous processes-working hours, holidays, overtime wages, annual leave with wages etc of workers-prohibition of employment of children in factories- their working hours etc protection of workers engaged in dangerous manufacturing process-penalty for offences –exemption of liability of the manager or occupier-obligation of workers-Authorities & their powers.

***Statutory material (With amendments)***

The Workmen's' compensation Act, 1923  
 Employee's State Insurance Act, 1948  
 Employees Provident Fund Act, 1952  
 Maternity Benefit Act, 1961  
 Employees Liability Act, 1936  
 Payment of Bonus Act, 1965  
 Minimum Wages Act, 1948  
 Payment of wages Act, 1936  
 Fatal Accidents Act, 1976  
 Payment of Gratuity Act, 1972  
 Factories Act, 1948  
 The Employee's Compensation (Amendment) Act, 2017  
 Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

**Prescribed Readings:**

1. S.C. Srivastava, *Social Security Laws*, Eastern Book Co. (Latest Edition)
2. Victor George, *Social Security and Society*.
3. Harry Calverty, *Social Security Law*.
4. Julian Fulbrook, *Law and Worker Social Security*.
5. R.N. Choudhary, *Commentary on the Workmens' Compensation Act, 1923*, Orient Publishing Co. ((Latest Edition).
6. KD. Srivastava, *The Payment of Bonus Act, 1965*, Eastern Book Company ((Latest Edition)
7. R.G. Chaturved, *Law of Employees Provident Funds*, Bharat Law House (2000).
8. P.R.Bagri – Law of Industrial Disputes
9. O.P. Malhotra – Labour Law
10. Labour Law and Labour Relations – Indian Law Institute
11. V.V.Giri – Labour problems in Indian Industry
12. H.K.Saharay – Labour and Social Laws
13. Mishra – Labour and Industrial Laws

## Paper – IV

### ALTERNATIVE DISPUTE RESOLUTION SYSTEMS (Practical paper – III )

**Outcome :-** This paper gives the students an idea to settle the issues amicably by way of various ADR Systems such as arbitration, conciliation, mediation, negotiation, compromise, settlement, and lok-adalat which helps in reducing the burden of the courts.

The students are required to study:

#### UNIT – I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like arbitration, conciliation, negotiation, mediation, etc; Advantages and disadvantages of above methods; Need for ADRs. International commitments; Domestic needs; Suitability of ADRs to particular types of disputes Civil Procedure Code and ADRs

#### UNIT –II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996

#### UNIT –III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996

#### UNIT –IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate

#### UNIT – V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators

## UNIT-VI

Provisions of Legal Services Authorities Act 1987- Lok Adalat practice in kerala

### Scheme of Evaluation

#### 1. INTERNAL/ WRITTEN EXAMINATION – 90 MARKS

Marks for internal /written examinations shall be distributed as follows

- |   |          |
|---|----------|
| (i) Test paper (average of two test papers)   | 20 marks |
| (ii) Role play (Report of the Role Play shall be submitted in writing)                                  | 30 marks |
| (iii) Survey/Field study  | 20 marks |
| (iii) Participate and report on Lok Adalat conducted by<br>KELSA or Legal Aid Clinic of the Law College | 20 marks |

Each student shall prepare a combined record on all Internal /written examinations (answer sheets of two test papers shall be attached with the record) and produce before the viva-voce board.

#### 2. VIVA – VOCE EXAMINATION – 10 MARKS

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers in charge of the subject.

#### ***Prescribed Books:***

Sridhar Madabhushi, *Alternative Dispute Resolution*, 2006, Lexis Nexis Butterworths, New Delhi.

Rajan R.D., *A Primer on Alternative Dispute Resolution*, 2005, Barathi Law Publications, Tirunelveli.

#### ***Reference Books:***

1. Sampath D.K., *Mediation*, National Law School, Bangalore.
2. Gold Neil, et.al., *Learning Lawyers Skills*, (Chapter-7)
3. Michael Noone, *Mediation*, (Chapters-1,2&3)