

## **VII SEMESTER LL.B**

### **COURSE-I: 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:

Ancient and Medieval Writings, Traditions, Natural and Biological Sciences – Perspectives: Modern concept, Conflicting dimensions, recent issues -Environment and sustainable development - National and International Perspectives - Population and Development.

##### **UNIT – II**

Environmental Policy and Law: Environmental Policy : Pre & Post Independence Period; From Stockholm to Johannesburg Declaration (Rio) and Role of Government - Five year Plans - Forest Policy - Conservation strategy - Water Policy; Conservation of Natural Resources and its Management; Constitution and Environment: Right to Environment - Constitutional provisions on Environment and its Protection - Role of Judiciary on Environmental issues - Evolving of new Principles - Polluter pays principle - Precautionary principle - Public trust doctrine.

##### **UNIT - III**

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) - Control on Marine Pollution; Common Law aspects of Environmental Protection; Remedies under other Laws (I.P.C., Cr.P.C, C.P.C.) - Riparian rights and prior-appropriation.

##### **UNIT – IV**

Prevention and Control of Pollution: Pollution of Water, Sources, Legal Control, The Water Act, 1974 - Pollution of Air, Modalities of control, The Air Act, 1981 - Noise Pollution and its control, Noise Pollution control order - Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation;

Biological Diversity and Legal Order: Bio-diversity and Legal regulation - Utilization of flora and fauna - Experimentation on animals - Legal and Ethical issues - Genetic Engineering - Wildlife Protection Act, 1972 - Forest Conservation Act, 1980 - Prevention of Cruelty against animals - Problems in Legal regulation of medicinal plants - The plant varieties Act - Wetland Conservation.

## **UNIT - V**

Environment Protection Act, 1986 including, Environment Protection Rules, Coastal Zone Regulation, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing, Regulation on Bio-Medical Waste.

### **Prescribed Books:**

1. Armin Rosencranz - Environmental Law and Its Policy in India.
2. P. Leelakrishnan - Environmental Law in India /Cases.
3. Lal's commentaries on Water and Air Pollution laws along with Environment (Protection) Act and Rules, 1986.

### **Reference Books:**

1. Simon Ball Stuart Bell - Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws.
3. S. Shantha Kumar- Introduction to Environmental Law.
4. Relevant Bare Acts/Notifications.

## **COURSE-II: LABOUR LAW**

### **Objectives:**

In this course, the students are to be acquainted with the Industrial relations framework in our country. Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockout and Industrial Strike are to be emphasised. The main theme underlying the Programme is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of Industrial Disputes. 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.

Further, the students are to be acquainted with Social Security Frame-work prevailing in our Country. It is necessary to know the concept of social security, its importance and also constitutional basis for the same in India. The importance of ensuring the 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 the provisions in the Workmen's Compensation Act,

1923, the machinery provided for protecting the interests of workers. Further, the objectives underlying the Factories Act, 1948, E.S.I. Act, 1948, the employees provident fund Act, 1952 are to be studied with a view to acquaint the students with various rights and benefits available to the workmen under the legislations.

**Course contents:**

**UNIT- I**

Introduction to Law of Industrial Disputes Act, 1947: Historical Aspects-Master and slave relationship-Industrial revolution-Laissez-faire state-Impact of Constitution on Labour provision; Definition and law relating to Appropriate Government- Award and settlement- Industry-Industrial Dispute- Workman. Strikes and Lock-out

**UNIT –II**

Industrial Disputes Act, 1947: Lay-off –Retrenchment-Closure - Unfair Labour Practices and Role of Government; Authorities under the Act (Chapter II) to be read with chapters II B, III and IV Adjudication and Arbitration; Restrictions on the right of the employer-Chapter IIA-Notice of change, section 11-A and sections 33,33A; Recovery of money due from an employer.

Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry

**UNIT-III**

Trade Unions Act, 1926: Salient features of the enactment and important definitions - Registration of Unions, Amalgamation of Unions, Cancellation and Registration of Trade Unions, Funds of the Union, Immunity enjoyed by the Union.

Workmen’s Compensation Act, 1923: Emergence of the legislation-Total and partial disablement –Dependent-Workman-Wages-Liability of the employer to pay compensation and right of the workman to receive compensation-Accident “Arising out of and in the course of employment”-Occupational disease-Doctrine of ‘Added peril’

**UNIT –IV**

**Labour Welfare Legislations:**

The Employees State Insurance Act, 1948: Corporation, Standing Committee and Medical Benefit Council; Contributions; Benefits; Adjudication of disputes and Claims; Penalties.

The Employees Provident Fund Act, 1952: Employees Provident Fund Scheme and Authorities; Miscellaneous.

The Maternity Benefit Act, 1961- Its object and its scope.

**UNIT-V**

The Minimum Wages Act, 1948- Fixation of minimum rates of wages - working hours and determination of wages and claims

The Factories Act- its essential features, Safety, Health and Welfare measures.

The Contract Labour (Regulation and Abolition) Act, 1970 - Its object and its essential features.

**Prescribed Books:**

S. N Mishra - Labour Laws

S. C Srivastava - Social Security and Labour Laws.

**Reference Books:**

Malhotra O. P - Industrial Disputes Act Vol. I and II.

Madhavan Pillai - Labour and Industrial Laws.

Srivastava K. D - Commentaries on Industrial Disputes Act, 1947.

V. V Giri - Labour problems in Indian Industry.

Labour Law and Labour Relations Published by Indian Law Institute.

**COURSE-III: CRIMINAL LAW –II: CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.**

**Objectives:**

Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Acts as a part of this course viz.; *Juvenile Justice Act* and *Probation of Offenders Act*. In additions the course teacher shall endeavour to familiarise the students with the case paper like FIR, Police statement, charge sheet, etc.

**Course contents:**

**UNIT – I**

**Introductory and Pre-trial Process**

Meaning of procedure; The organization of the functionaries under the Code; their duties, functions and powers; First Information Report, complaint; Arrest; Types of trial and Features of a fair trial

**UNIT - II**

**Trial Process-I:**

1. Magisterial Powers to take cognizance.
2. Commencement of proceedings.
3. Dismissal of complaints.
4. Charge.
5. Processes to compel appearance and production of things.
6. Bail.
7. Preliminary pleas to bar trial .

### **UNIT - III**

#### **Trail Process-II**

1. Provisions as to Inquiries and Trials.
2. Judgment.
3. Appeals, Revision and Reference.
4. Security for keeping peace and good behaviour.
5. Maintenance.

### **UNIT - IV**

#### **Miscellaneous**

1. Transfer of cases.
2. Execution, suspension, remission and commutation of sentences.
3. Disposal of property.
4. Preventive action of the police.
5. Irregular proceedings.
6. Limitation of taking cognizance.
7. Compounding of offences and plea bargaining.
8. Criminal Rules and Practice.

### **UNIT - V**

1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000.
2. Salient features of the Probation of Offenders Act, 1958.

#### **Prescribed Books:**

Ratanlal & Dhiraj Lal- The Code of Criminal Procedure.  
Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act  
Probation of Offenders' Act, 1958-Bare Act

#### **Reference Books:**

R.V.Kelkar- Criminal Procedure.  
Report of the Committee on Reforms of Criminal Justice System.

### **COURSE-IV: JURISPRUDENCE**

#### **Objectives:**

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context-social, political and theoretical.

At the heart of legal enterprise is the concept of law. Without deep understanding of this concept neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, the first part of the course is concerned with important questions like, what is law, what are the purposes of law?, the relationship between law and justice and the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal Thought.

One important branch of Jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native India Orientation is given wherever possible.

**Course contents:**

**UNIT – I**

Meaning and nature of ‘Jurisprudence’ - Purpose and value of Jurisprudence -Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

**UNIT – II**

Functions and purpose of law, questions of law, fact and discretion - Justice and its kinds - Civil and Criminal Administration of Justice - Theories of Punishment and Secondary functions of the Court.

**UNIT – III**

Sources of Law: Legislation, Precedent and Custom - A Comparative study

**UNIT – IV**

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense; Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership; Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

**UNIT – V**

Liability: Conditions for imposing liability - Wrongful act: *Damnum Sine Injuria*, causation, *mens rea*, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation.

**Prescribed Books:**

Fitzgerald – Salmond on Jurisprudence.  
R. W. M. Dias – Jurisprudence

**Reference Books:**

W. Friedman – Legal Theory  
V. D. Mahajan – Jurisprudence and Legal Theory  
Paton – Jurisprudence  
Edgar Bodenheimer – Jurisprudence

**COURSE-V: 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*, AIR1964 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.Goplan and others*, AIR 1979 SC 201.
6. *Chandra Shekhar Soni v. Bar Council of Rajasthan and Others*, AIR 1983 SC 1012.
7. *In Re an Advocate*, AIR 1989 SC 245.
8. *In Re Vinay Chandra Mishra*, 1995 (Vol-I) 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
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:

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.

**Mode of assessment:** There shall be a written examination for this course for a maximum of 80 marks, and viva voce for 20 marks. The viva voce shall be conducted by the course teacher and the Principal.

### Prescribed Books:

K.V.Krishnaswamy Iyer- Professional Conduct and Advocacy.

B.S.Raman- Accountancy.

**Reference Books:**

N. R. Madhava Menon- Clinical Legal Education.

Dr. B. Malik- Art of Lawyer (New Delhi, Universal Book Agency, 1999) - Relevant articles

Contempt of Court Act, 1971

