



केरल केंद्रीय विश्वविद्यालय  
Central University of Kerala  
DEPARTMENT OF LAW  
B S N L Arcade  
Thiruvalla, Kerala 689101  
Telephone Number: 0469 2638130

Meeting of the Board of Studies in Law is held on 08-12-2016 at the Dept. of Law, Central University of Kerala, Thiruvalla Campus at 11.00 am.

Present

1. Dr. Gireesh Kumar .J - Asst: Prof: HoD, Dept. of Law, CUK. (Chairman)
2. Dr. Jayasankar K.I - Asst: Prof: and Dean, Dept. of Law, CUK. (Member)
3. Dr. David Ambrose - (Member)
4. Dr. Balakrishnan K - (Member)
5. Dr. Lakshmi G.R - (Member)

Dr. K.C Sunny initiated his inconvenience and meeting was held in his absence.

#### **Agenda of the meeting**

##### **1. Revision of LLM syllabus- introduction of case study law in to syllabus.**

Revision of LLM students- half the Modules of LLM case as well as optional subjects' courses should consists of landmark case laws to equip the students with judicial reasoning "where ever necessary and proper"

The BOS meeting suggested conducting weekly seminars to each student on relevant topics learning credits within the assignment. Course plan should be submitted by the Faculty. Question paper setter needs teaching plan.

The BOS meeting suggested that case law discussion for LLM can be part of the teaching method to be chosen by the Faculty members according to the suitability of their subjects.

##### **2. Preparation of proposal and curriculum for LLB Course.**

The BOS has suggested there can be a recommendation for commencing three/five Year LLB once the infrastructural facilities and other resources will be ready in the Department. This recommendation will be submitted to

the University for Policy Decision at appropriate level and liaison with bodies such as bar council of India for the approval and sanction of the Course.

The BOS meeting suggested that for such on LLB Course in future case study method may be the appropriate methodology.

The BOS meeting mentioned that introduction of LLB Course could be a recommendation only.

### **3. Inclusion of New Courses- Deletion of Old Courses**

Introduction of new courses now specialization the BOS meeting suggested that along with the compulsory papers the first specialization can be permanently other D Cons: Or Admin: Law & the second specialization can be rotated between the available specialization namely Commercial Law & Criminal Law or newly introduced Labour Law and Environmental Law depending on the availability of resources and faculty members.

The BOS has suggested that faculty members also shall deal with alternate Courses.

#### **Propose to Structure**

(a) Compulsory papers	24 Credits
(b) Constitutional Law	16 Credits
(c) Administrative Law	16 Credits
(d) Environmental Law	16 Credits
(e) Labour Law	16 Credits
(f) Criminal Law	16 Credits
(g) Commercial Law	16 Credits
(h) Public International Law	16 Credits
(i) Health care Law	16 Credits

The BOS has suggested for appointment of sufficient teaching faculty and procurement of materials and resource. The BOS has suggested revising the syllabus with EPA act, E-waste, Intergeneration Equity.

The BOS has suggested revising Vedic Period (Indira Gandhi's Period)

#### **Proposed Course content and Syllabus of Environmental Law**

### **ENVIRONMENTAL LAW**

#### **Objectives of the course**

The concept of environment law is not new and hereby embedded even in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. The close of the last millennium witness many dimensions

of environmental protection strategies, there gained ground for the environmental consciousness. How do these developments stand reflected in formulation of policies and in following constitutional values in India? This is the thrust of the paper. The following syllabus prepared with perspective will comprise about nineteen units of one hour duration to be spread over a period of four semesters.

## I. General Principles of Environmental Law

1. Concept of environment – Eco-Centric and Anthropocentric Approaches- Ecosystems and eco-balance
2. Environmental planning and environmental policy – Environmental education and training programme- Environmental impact Study – public participation – right to information.
3. Environment Movements in India- Constitutional perspectives – Right to Life and clean environment – Public interest litigation- Judicial Exposition on the Right to Environment- - Environmental Litigation and Conflicting Class Interests.
4. Environment Principles of Governance- Sustainable development – Concept, Problems and perspectives- Precautionary Principle- Polluter Pays Principle- Public Trust Doctrine
5. Remedies for Environmental Protection- Remedies Under Court, Common Law- Tort Law- Indian Penal Code- The Code of Criminal Procedure- Code of Civil Procedure

### **Suggested readings:**

1. Eliot H, Blaustein *et. al.*, *Your Environment and You* (1974) Oceana
2. Darryl D' Monte *Temples or Tombs Industry versus Environment : Three Controversies* (1985)
3. Leelakrishnan P. *Et. al.* (eds) *Law and Environment* (1990)
4. World commission on Environment and Development, *Our Common Future* (1987) Oxford
5. Mohan I. *Environment and Habitat* (1989) Part III Ashish, Publishing House, New Delhi
6. Sharma S. C. *Environmental Education* (1986) Metropolitan, Delhi.
7. Indera P. Singh and S. C. Tiwari (eds.) *Man and His Environment* (1980) pp. 1-48.
8. J. Bandyopadhyay (ed.) *India's Environment Crises and Responses* (1985), Nataraj Publishers, Dehra Dun.
9. Stephen C.M. Coffery and Robery E. Lutz *Environmental Pollution and Individual Rights : An International Symposium* (1978)
10. Joseph J. Seneca & Michal K. Tanssig, *Environmental Economics* (1979) Prentico Hall, New Jersey, Ch. V
11. H. H. Singh *et. al.* (eds.) *Geography and Environment* (1986) Concept Publishing Company, New Delhi.
12. Khoshoo T.N., *Environmental Concern and Strategies* (1988) Ashish, Delhi, Chapters I, VIII and IX

13. James E. Krier, *Environmental Law & Policy* (1971), Bobbs Merrill, New York, Chapter 2
14. William H. Rodgers, *Environmental Law* (1977), west Ch., I, II and VI
15. Mohan I, *Environmental Awareness and Urban Development* (1988) Ashish Publishing House, New Delhi.
16. Indian Journal of Public Administration, Special number on Environment and Administration Vol. XXXV July September 1988 No.3
17. Thomas J. Schoerbacum, *Environmental Policy Law* (1985) Chapter I and II, The foundation press, New York.
18. Kailash Thakur- Environmental Protection Law and Policies in India(1997)  
Armin Rosencranz, *Environmental Law and Policy in India* ( 2001)

## II. International Environmental Law

1. Environmental protection and traditional International Environmental Law- Sources and Basis of International Environment Law - Trans boundary pollution Global Environmental Organizations- Environmental Summits- Stockholm and other multilateral environmental agreements
2. Ozone and Climate Change- Protection of Ozone Layer- Climate Change- The Kyoto Protocol, 1997
3. Marine environment conservation — Marine pollution and dumping - Antarctic environment – outer space
4. Disaster Management at International level –comparative analysis of legal regulations for disaster Management- Nuclear pollution
5. Trade and Environment- Right to development v. Right to Environmental issues

### ***Suggested readings:***

1. World Commission on Environment and Development, *Our Common Future* (1987), Oxford
2. British Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975) London.
3. Irene H Vam Lier, *Acid Rain and International Law* (1981) Bunsel Environmental Consultants - Toronto.
4. R. A. Malaviya, *Environmental Pollution and its Control under the International Law* (1987) Chugh Publication, Allahabad.
5. Standing Committee on Environmental Law, American Bar Association, *Common Boundary/ Common Problems : The Environmental Consequences of Energy Production* (1982)
6. Indian Law Institute, *Mass Disasters and Multinational Liability : The Bhopal case.*(1986) Inconvenient forum and convenient catastrophe : The Bhopal Case 1986
7. International and Regional Conventions on various areas noted in the thematic break up of this paper.
8. Digvijay Singh, *The Eco-vote* (1985) Prentice Hall, New Delhi
9. Jan Schneider/ *World Public order of the Environment* (1979), University of Toronto.
10. James Darros and Douglas M. Johnston, *The International Law of Pollution* (1974), Mac Millan, London.

11. Priya Ranjan Trivedi, *International Environmental Law* (1996)
12. Chimni B.S, WTO and Environment, 37 Economic and Political Weekly (2002)
13. Chimni B.S, WTO and Environment, 35 Economic and Political Weekly (2000)
14. Desai Bharat "The Policy & Law for Combating Climate Change in India", *Environmental Policy & Law* (Amsterdam: IOS Press), vol.43, no.4-5, 2013.

### III. Environmental Pollution and Management of Natural Resources

1. Pollution of Water- Sources of Water Pollution- Surface and Ground Water Pollution – Water management- concept, problems and perspectives
2. Pollution of Air and Noise pollution - Sources of Air Pollution and Noise pollution - Air and Noise pollution Purification and Pollution Prevention Strategies
3. Land Conservation and Management-Zoning – Wet Land and conservation of mangroves
4. Solid Waste - Solid Waste Pollution, Prevention and Disposal Strategies - Hazardous Waste and Its Management- Hazardous Waste Pollution Prevention and Disposal Strategies-E-waste and its Management
5. Coastal zone management – Classification of Zones- encroachment on coastal zone- CRZ Notifications - Coastal Zone Management Plans and Implementation.

#### **Suggested readings:**

1. Frank J. Frelease, *Water Law Resources Use and Environmental Protection* (1874) West
2. Desh Bandhu and Garg, *Social Forestry and Tribal Development* (1986) Indian Environmental Society.
3. Upadhyay C.B., *Forest Laws* (1984) Hind Publishing House, Allahabad.
4. Chatrapati Singh, *Common Property and Common Poverty: India's Forest, Forest Dwellers and the Law* (1986)
5. Desmond D' Abreo, *People and Forests* (1985)
6. Darryl D' Monte, *Temples or Tombs, Industry versus Environment: Three Controversies* (1985)
7. Leelakrishnan P., et. al. (eds), *Law and Environment* (1990)
8. Indian Journal of Public Administration, Special number on Environment and Administration, July-September 1988 Vol. XXXV No.3
9. Findley, R. W. and Farbor D.A., *Environmental Law* (1981) West Chapters VI & VII
10. David Rugher, *Environmental Law* (1986) Butterworths London, Part II & IV
11. Daniel R. Mandeker *Environmental and Land Controls Registration* (1976) Bobbs-Merril, New York, Chapters IV and VI.
12. Khoshoo, *Environmental concepts and strategies* (1988) Ashish, Delhi, Chapters III to VIII and X.
13. Centre for Science and Environment, *The State of India's Environment* 1982 and *The State of India's Environment* 1984-85, Delhi.
14. A.R. Bam and P.N. Gantam, *Natural Heritage of India* (1989), R.K. Publishers, Delhi.
15. Hanks, E.H. Tarlock, A.D. and Hank J.L. *Environmental Law and Policy* (1974) Chapter IV

16. Thomas J. Schoenbum, *Environmental Policy Law* (1985), Chapter III, The Foundation Press, New York.
17. Kailash Thakur- *Environmental Protection Law and Policies in India*(1997)

#### IV. Conservation of Forest, Wildlife and Biodiversity

1. Significance of forest – historical perspectives of forest protection – national and international efforts to conserve forest- Forest legislation
2. Development and forest conservation – Protection of Forests: The Judiciary's Approach– social forestry- Forest and forest dwellers including tribal people
3. Law Relating to Wildlife Strategy and Protection- Legislative Mechanisms for Wildlife Protection
4. Biodiversity and its conservation- Biodiversity Act-general principles.

#### *Suggested readings:*

1. Desh Bandhu and Garg, *Social Forestry and Tribal Development* (1986) Indian Environmental Society.
2. Upadhyay C.B., *Forest Laws* (1984) Hind Publishing House, Allahabad.
3. Chatrapati Singh, *Common Property and Common Poverty: India's Forest, Forest Dwellers and the Law* (1986)
4. Desmond D' Abreo, *People and Forests* (1985)
5. Darryl D' Monte, *Temples or Tombs, Industry versus Environment: Three Controversies* (1985)
6. Leelakrishnan P., *et. al.* (eds), *Law and Environment* (1990)
7. Centre for Science and Environment, *The State of India's Environment 1982 and The State of India's Environment 1984-85*, Delhi.
8. A.R. Bam and P.N. Gantam, *Natural Heritage of India* (1989), R.K. Publishers, Delhi.
9. Thomas J. Schoenbum, *Environmental Policy Law* (1985), Chapter III, The Foundation Press, New York.
10. Kailash Thakur- *Environmental Protection Law and Policies in India*(1997)
11. Arjun Prasad Nagore, *Biological Diversity and International Environmental Law* (1996)
12. Dutfield, Graham, *Intellectual Property Rights, Trade and Biodiversity* ,IUCN the World Conservation Union/Earthscan (2000)
13. Ashish Kothari & R.V.Anuradha, *Biodiversity, Intellectual Property Rights, and the GATT Agreement: How to Address the Conflicts?* 43 *Economic and Political Weekly* (1997)
14. Desai Bharat, *Implementation of the Convention on Biological Diversity in the Hindu-kush Himalayan Region* (Kathmandu: ICIMOD, 2011) [with Oli, Sharma]

#### **Proposed Course content and Syllabus of Labor Law**

#### **LAW RELATING TO INDUSTRIAL RELATIONS**

Unit – I History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union - Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.

Unit – II Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing - Gherao - Law relating to collective bargaining.

Unit – III Freedom of Association - Constitutional and legal aspects

Unit – IV Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation

Unit – V Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation – Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government – Industrial Tribunals – National Tribunals – Status, powers, awards – Judicial review.

### **Suggested Reading**

1. Indian Law Institute Labour Law and Labour Relations [ 1987] 2. Dr. V G Goswami Labour and Industrial Laws [2004] 3. Ramaswami and Uma R Industry and Labour 4. Giri V V Labour Problems in Indian Industry 5. Raman M P Political Involvement of Indian Trade Union 6. O P Malhotra The Law of Industrial Disputes, Vol I [1988] 7. Chetty Narayan Y Dynamics of Trade Unionism in India – Anmol Publications Pvt. Ltd., New Delhi - [2004].

### **LABOUR JURISPRUDENCE AND THE I.L.O.**

Unit – I Concept and Growth of Labour Jurisprudence, Concept of social justice, Natural justice and the Labour.

Unit – II Constitution of India and the Labour, Labour and Judicial Process, Public Interest legislation.

Unit – III Tripartism : Voluntarism in Labour Relations & Code of Discipline in Industry. I.L.O. - Genesis, Aims , Objectives and Constitution. I.L.O. ; Conventions and Recommendations, Procedure to rectify, Problems in their Rectification.

Unit – IV 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 Indian perspective.

### **Suggested Reading**

1. I.L.O. : International Labour Codes Vol. I & II. 2. S.N. Dhyani : I.L.O. and India : In pursuit of social Justice. 3. G.A. Johnston : The I.L.O. 4. David Miller : Social Justice. 5.

Kamal Miller : Social Justice. 6. India Labour Yearbook. 7. S.K. Agrawal : K.N. Mushi  
Lectureeers on Public Interest Legislation in India. 8. Govt. of India : Report of National  
commission on Labour. 9. G.K. Johri : Indian Tripartite system. 10. S.R. Samant :  
Industrial Jurisprudence. 11. Indian Constitution : Relevant Portions. 12. Govt. of India :  
Tripartite Consultations. 13. R.G. Charturvedi : Natural and Social Justice. 14. Mahesh  
Chandra : Industrial Jurisprudence. 15. Ridoout : Principles of Labour Law. 16. N.  
Vaidyanathan : International Labour Standards.

## **EMPLOYMENT LAWS AND HUMAN RESOURCE MANAGEMENT**

Unit - I Workers Rights as Human Rights, Constitutional edifice and reflections of ILO standards in the Indian legal System., Concept of employment, non-employment, terms of employment and conditions of labour, Challenges and issues with reference labour management relations in 21st Century

Unit - II Social Security Labour Legislations ; National (Constitutional and Statutory) and International Perspectives, ILO ; norms, measures and standards, relevance in Indian legal system, Employment Contracts and labour management relations; Trends, Issues and Challenges, A critique of comparative contract labour laws (India, US & Europe)

Unit - III Transnational Trade and Labour ; Impact of globalization on labour market, Indian, US, European & Japanese perspectives, ILO & WTO ; Developing vis-à-vis developed States, Resolution of Labour Management Disputes-Means and Mechanisms

Unit - IV Law and Policies of Protective Discrimination in Employment Laws; Social security safety and welfare at workplace-women, children, and differently-abled.

Unit - V Compensation, Insurance with respect to wrongful dismissal and employment hazards.

### **Suggested readings**

1. Ravi Singhania-Employment Law in India, CCH Wolters Kluwer
2. Guide to Employment Law-CCH Wolters Kluwer Business
3. Marian Baird, Keith Hancock, Joe Isaac- Work and Employment Relations An Era of Change, Routledge Taylor and Francis group
4. Key Cases: Employment Law By Chris Turner Routledge Taylor and Francis group
5. New Governance and the European Employment Strategy, By Samantha Velluti, Series: Routledge Research in European Union Law
6. At Work in the Informal Economy of India: A Perspective from the Bottom Up Author(s): Jan Breman Oxford University Press
7. Shrivastava-labour laws.
8. OP Malhotra -Labour Management Relations

## **LAW RELATING TO LABOUR WELFARE**



Unit – I Constitution and Labour Welfare —Right to work, Bonded Labour, child labour, Special provision for women and children, Law relating to protection of Women in work place International conventions-Labour code.

Unit – II Minimum Wage - Types and kinds of wage, Wage determination theories, Payment of Wages, Basic concept of Dearness allowance, basic wage, Other wage [HRA, CCA, MA, LTC, Leave encashment, Overtime allowances, cash incentives, conveyance allowance] National wage policy, Payment of wages Act 1936, Provisions relating to denial of minimum wage as forced labour.

Unit – III ILO standard for labour, International convention for labour Welfare UDHR — ICCPR.

Unit – IV Labour and Human Rights, Equality of Opportunity in employment ; theory of equal pay for equal work, Equal Remuneration Act 1976, Maternity Benefit 1961, Rajasthan shops and establishment 1958.

Unit – V Unorganised Sector and labour laws, Agricultural labourer Plantation labour Act 1951, Bidi and Cigar worker's act 1966, Dock workers act 1986. .

#### **Suggested Readings:**

1. Mishra S N Labour and Industrial laws Central law publication Allahabad 20th Edition 2004
2. Shrivastava .K. D Law relating to Trade Unions and Unfair Trade Practices in India. Eastern Book Company Delhi, 3th Ed, 1993.
3. Y B Singh Industrial Labour in India [Part-I] 1960
4. Report on the National Commission on Labor 1969
5. Shrivastava S. C. Social security and labour law Eastern Book Company Lucknow, 1985
6. Pretal Joshi- ILO and its impact in India

#### **Resolution of Board of Studies**

1. Agenda-I: - Revision of LLM syllabus, inclusion of case laws into the Modules of Courses.

The BOS has discussed the agenda and approval with suggestion as mentioned above.

2. Agenda-II :- Preparation of proposal and Curriculum for LLB Course  
The BOS has discussed the agenda and suggested to put forward a recommendation to Central University of Kerala.

3. Agenda - III: - Introduction of new Courses:-the BOS deliberated the agenda and approved the draft syllabus with modifications annexed.

The BOS meeting ended at 1.30 pm.

S/d

Dr. Gireesh Kumar.J     Dr. Jayasankar K.I     Dr. David Ambrose  
Dr. Balakrishnan. K, Dr. Lakshmi G.R