

# CHANAKYA NATIONAL LAW UNIVERSITY PATNA

## SYLLABUS

<b>Subject</b>	Business Ethics and Corporate Social Responsibility		
<b>Batch</b>	BBA LLB	<b>Semester</b>	Vth
<b>Faculty</b>	Dr. Shweta Vats		
<b>SN</b>			
<b>Modules</b>			
<b>No. of Lectures</b>			
1	Introduction to Business Ethics	15	
2	Indian Ethical Practices and Corporate Governance	15	
3	Introduction to Corporate Social Responsibility	15	
4	Areas of CSR and CSR Policy	15	
<b>Total</b>			<b>60</b>
<b>Objectives:</b>			
1. To familiarize the learners with the concept and relevance of Business Ethics in the modern era			
2. To enable learners to understand the scope and complexity of Corporate Social responsibility in the global and Indian context			
<b>SN</b>	<b>Modules</b>		
<b>1</b>	<b>Introduction to Business Ethics</b>		
	<ul style="list-style-type: none"><li>• Business Ethics - Concept of business ethics – meaning, Importance and factors influencing business ethics.</li><li>• Code of Ethics - Guidelines for developing code of ethics, Ethics Management Program, Ethics Committee.</li><li>• Various approaches to Business Ethics - Theories of Ethics- Friedman’s Economic theory, Kant’s Deontological theory, Mill &amp; Bentham’s Utilitarianism theory.</li><li>• Ethics applied to business – HR, Marketing, Finance, Operation.</li></ul>		
<b>2</b>	<b>Indian Ethical Practices and Corporate Governance</b>		
	<ul style="list-style-type: none"><li>• Corporate Governance: Concept &amp; Importance.</li><li>• Principles of Corporate Governance.</li><li>• Regulatory Framework of Corporate Governance in India, SEBI Guidelines and clause 49, Role of Independent Directors, Protection of Stake Holders.</li><li>• Elements of Good Corporate Governance, Failure of Corporate Governance and its consequences.</li></ul>		
<b>3</b>	<b>Introduction to Corporate Social Responsibility</b>		
	<ul style="list-style-type: none"><li>• Corporate Social Responsibility: Concept and Importance of CSR in Contemporary Society</li><li>• CSR and Indian Corporations - Legal Provisions and Specification on CSR, A Score Card, Future of CSR in India.</li><li>• Drivers of Corporate Social Responsibility.</li></ul>		
<b>4</b>	<b>Areas of CSR and CSR Policy</b>		
	<ul style="list-style-type: none"><li>• CSR towards Stakeholders-- Shareholders, Government, Consumers, Employees and Workers, Local Community and Society</li></ul>		

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|--|---|
|  | <ul style="list-style-type: none"><li>• Designing CSR Policy- Factors influencing CSR Policy</li><li>• CSR and Sustainable Development &amp; CSR through Triple Bottom Line in Business</li></ul> |
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**SUGGESTED READINGS:**

1. Harsh Srivastava, `` The business of social responsibility,`` books for change
2. CV. Baxi and Ajit Prasad, `` Corporate social responsibility – concepts and cases,`` Excel Books
3. Dr. M. Mahmoudi, `` Global strategic management,`` Deep & Deep Publications Pvt. Ltd.
4. S K. Bhatia, `` International Human resource management – Global perspective,`` Deep & Deep Publications Pvt. Ltd.
5. J.P. Sharma, ``Governance, Ethics and Social responsibility of business, `` Ane books Ltd.
6. Kotler Philip and Lee Nancy, `` Corporate social responsibility; doing the most good for your company,`` John Wiley
7. Simpson, Justine and Taylor, John R, `` Corporate Governace Ethics and and CSR,`` Kogan Page Publishers
8. Velasquez Manuel G, Business Ethics: Concepts and Cases, Pearson
9. Fernando A.C.: Business Ethics, Pearson Education.

## CIVIL PROCEDURE CODE AND LAW OF LIMITATION

FIFTH SEMESTER: *Dr. Meeta Mohini*

- 1) Introduction to CPC; Definitions, Jurisdiction, Res Sub Judice , Res judicata  
5 lectures
- 2) Place of suing, Transfer, Institution of suits. Parties to Suit, Representative Suits , Framing of suits.  
6 lectures
- 3) Summons, Pleadings, Plaint & Written Statement, Amendment  
6 lectures
- 4) Appearance, Issues, Evidence, Arguments, Costs  
6 lectures
- 5) Execution, Receiver, Commissioner.  
6 lectures
- 6) The Limitation Act  
6 lectures
- 7) Death, marriage , Insolvency, Withdrawal, compromise, Government suits Special Suits  
6 lectures
- 8) Special Proceedings, Supplemental proceedings  
5 lectures
- 9) Appeals, Reference , Review, Revision, High Court Rules, Miscellaneous (Part XI)  
5 lectures
- 10) Miscellaneous Topics, Injunction, Restitution, etc  
6 lectures

**Fifth Sem: Fundamental Rights , Directive Principles ,Fundamental Duties  
and Constitutional Safeguards to Civil Servants**

Syllabus of Mid. Term Exam.

**Module – I**

1. Historical Introduction of F.R., Preamble and 'State' (Article 12) : Interpretation with changing dimension.
2. Fundamental Rights as Limitations on 'State' ( Article 13).
3. Interpretative Doctrines.
  - (i) No Retrospectivity of F.R.
  - (ii) Rule of severability.
  - (iii) Doctrine of Eclipse.
  - (iv) Doctrine of Prospective overruling.
  - (v) Waiver of Fundamental Rights.
4. Right to Equality : General Principles : Article 14
  - Tests of Permissible Classification.
  - Single Person Laws.
  - Trial by special courts.

**Module – II**

1. Prohibition of Discrimination on grounds of Religion, Race, Caste, Sex or place of birth and Affirmative / Preferential Treatment Policy.
2. Equality of opportunity in matter of Public Employment and Reservation is favour of certain classes.
3. Abolition of untouchability and laws to make it effective.
4. Abolition of titles.

**Module – III**

Six Freedoms given to Citizens and Reasonable Restrictions on them and Tests of Reasonableness of Restrictions:  
Article 19

- (a) Freedom of Speech and Expression and Reasonable Restriction on it.
- (b) Freedom of Assembly without Arms.
- (c) Freedom to form Association or unions or co-operative Societies .
- (d) Freedom to move freely throughout the Territory of India.
- (e) Freedom to reside and settle in any part of the territory of India.
- (f) -----
- (g) Freedom of Profession, Occupation etc.

**Module – IV**

Constitutional safeguards provided to civil servants : Article 308-311

- (i) Doctrine of pleasure.
- (ii) Prohibition of Dismissal, removal and reduction in rank by officer subordinate to the appointing authority.
- (iii) Reasonable opportunity to be heard and its exceptions.
- (iv) Compulsory retirement and termination or reduction amounting to punishment.

# **International Law**

## **Vth Semester**

### **Academic Session 2021-2022**

**Faculties- Sugandha**  
**Credit: 4 Credit**

#### **SYLLABUS★**

**Introduction-** While International Law may look alien and irrelevant initially, this law can be easily seen as a labyrinth encasing India's legal system, national interest and geo political challenges. International law is traditionally taught as inter relationship between states and seeks to re affirm its positivist nature aligning with the westphalian perspective of statehood and eurocentricism. With this nature, International Law seems to be standing innately in conflict with the interests of developing countries with long colonial past. However International law is still significant because knowing it is critical to maneuvering through its imperial, neo colonial and Eurocentric approach. Further, knowing it is imperative to survive, protect ones interests in a highly connected and inter dependent world requiring constant interaction, collaboration and negotiation. Further, any influence or refashioning of this regime is possible only if its intricacies are thoroughly understood. The Covid 19 Pandemic has further complicated this legal regime magnifying and exposing more blatantly the structural fault lines which were until now subtle or dismissed. It has dramatically changed the nature of globalization where issues hitherto at the periphery of global cooperation have forced their way to the centre (access to vaccines, multinational companies and their regulation, border disputes etc). Many issues including the purpose of International Institutions and evaluation of their role in this crisis situation, State Responsibility for failure to inform and alert the World in time, Environment issues, Cross border issues including International Legal Education, International Trade relations including excluding/terminating contracts with companies of certain countries, Cybersecurity and Technology, rule of law, International Finance and Banking, Poverty & Homelessness and many more need re-evaluation.

**Objectives-** Public International Law being one of the foundational subjects in International Law, the course seeks to fulfill the following objectives in the light of current crisis:

- To provide preliminary understanding to students regarding history, structure, nature and efficacy of International Law
- To provide students with basic understanding of sources, subjects and objects of International Law
- To provide students with basic understanding of regimes governing treaty making in International law

- , governance of sea and resources therein
- To provide students with basic understanding of states and statehood, recognition of states, their succession, responsibility, settlement of disputes and use of force, relationship between International law and municipal Law

**Basic Text-** You may consider making any of these as basic text depending on your convenience with the language, explanation and level of interest in the subject. The most basic text recommended is S K Verma or Akehurst –

- International Law by Malcolm N Shaw, 8<sup>th</sup> edition CUP
- Introduction to Public International Law by S K Verma 2<sup>nd</sup> edition by Satyam Books
- Brownlie’s principles of International Law, James Crawford, 9<sup>th</sup> edition, OUP
- International Law by Malcolm D Evans, 5<sup>th</sup> edition, OUP
- Akehurst’s Modern Introduction to international law by Alexander Orakhelashvili, 8<sup>th</sup> edition Routledge
- An Introduction to Contemporary International law Lung Chu Chen , 3<sup>rd</sup> edition, OUP (policy oriented perspective)
- David Harris Cases and Materials on International Law, Sweet and Maxwell

Chapters and Sub Topics	Readings/References (Apart from the basic book)	Teaching Method
<b>Chapter 1: Nature and History of International Law</b> <ul style="list-style-type: none"> <li>i. Evolution of International law</li> <li>ii. Case Study- India- Sino approach to International law</li> <li>iii. Definition of International Law</li> <li>iv. Nature, Basis, of International Law</li> <li>v. Is International Law law?</li> <li>vi. Is International Law weak Law?</li> </ul>	<b>Basic readings-</b> <ul style="list-style-type: none"> <li>• A Short History of International law by Stephen Neff</li> <li>• Nature of International Law and International System by Martin Dixon</li> <li>• Sino–Indian Attitudes to International Law: of Nations, States and Colonial Hangovers by Dr Prabhakar Singh</li> <li>• Handout</li> </ul> <b>References:</b> <i>B.S Chimni (third world approaches) Upendra Baxi (What may Third world Expect from International Law)</i> <i>Martti Koskenniemi: From Apology of Utopia, Politics of International law, Politics of International law 20 years later, Eurocentricism of International law; International Law and Empire: Historical Explorations (The History And Theory Of International Law), 2017; Chapter 1 of Critical International Law by Prabhakar Singh and Benoit Mayer OUP</i>	On line Lectures (7) Handout prepared from reading and reference list, Articles, Book chapters
<b>Chapter 2: Sources of International Law</b> <ul style="list-style-type: none"> <li>i. Customs</li> <li>ii. Treaties               <ul style="list-style-type: none"> <li>➤ Relationship between Treaties and Customs</li> </ul> </li> <li>iii. Customs</li> <li>iv. General Principles of Law</li> </ul>	<b>Basic readings :</b> <ul style="list-style-type: none"> <li>• Handout</li> <li>• Malcolm Shaw – chapter on sources (in the file) (you may opt for other basic books)</li> <li>• Sources of international law Scope and Application Christopher Schreur Emirates Lecture Series 28</li> </ul>	On line Lectures (15) Handout prepared from reading and reference list, Articles, Book chapters

<p>v. recognized by civilized nations</p> <p>vi. Other sources</p> <p>vii. Soft Law, Jus Cogens, UN Resolutions</p> <p>viii. Integrated view of all sources</p> <p>viii. VCLT (process of treaty making, application and interpretation, amendment, invalidity and termination)</p>	<p>(pages 10-19 ) Interaction of sources</p> <ul style="list-style-type: none"> <li>• Critique of CIL- Customary International Law and the Third World: Do Not Step on the Grass by George Rodrigo Bandeira Galindo* and Ce´sar Yip</li> <li>• David Harris cases on Sources ( as discussed in the class)</li> </ul> <p>For VCLT</p> <ul style="list-style-type: none"> <li>• Handout from <i>Anthony Aust Law of Treaties, OUP,</i></li> <li>• Any basic book</li> </ul> <p><b>References:</b> Sources of International law: An Introduction by Professor Christopher Greenwood <i>Marti Koskenniemi: International Law Commission Report on identifying Customary International Law</i> <a href="http://legal.un.org/ilc/guide/1_13.shtml">http://legal.un.org/ilc/guide/1_13.shtml</a>, <i>Identification of general principles of law recognized by civilized nations</i> <a href="https://legal.un.org/ilc/guide/1_15.shtml">https://legal.un.org/ilc/guide/1_15.shtml</a></p>	
<p><b>Chapter 3: International Dispute Resolutions</b></p> <p>i. Negotiation, Conciliation and Arbitration</p> <p>ii. The World Court -ICJ</p> <p>iii. Remedies</p>	<p><b>Basic Readings-</b></p> <ul style="list-style-type: none"> <li>• Handout</li> <li>• Any basic book</li> <li>• ICJ- Boas Public international Law</li> </ul> <p><b>References:</b> the UN charter, ICJ statute, ICJ handbook</p>	<p>On line Lectures (6) Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 4: States, Recognition and Succession</b></p> <p>i. State identity, Sovereignty and Legitimacy</p> <p>ii. Recognition</p> <p>iii. State Succession</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Portions from Lung Chu Chen’s book (to be shared )</li> <li>• Harris ( as discussed in the class)</li> </ul> <p><b>References:</b> <i>Harris Cases and Materials on International Law, Vienna Convention on Succession of States in respect of Treaties 1978, Vienna Convention on Succession of States in respect of State Property, Archives and Debts 1983</i></p>	<p>On line Lectures (8) Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 5: State Responsibility</b></p> <p>i. Substantive conditions and procedural aspects - Draft Articles on State Responsibility</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Harris (as discussed in the class)</li> </ul> <p><b>References:</b> <i>Draft Articles on State Responsibility and its commentary</i></p>	<p>On line Lectures (4) Handout prepared from reading and reference list, Articles, Book chapters</p>

<p><b>Chapter 6: International Organizations</b></p> <p>i. International Organizations as subjects of International Law</p> <p>ii. Institutional Liability</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Portions from Lung Chu Chen’s book (to be shared )</li> <li>• Harris (as discussed in the class)</li> </ul> <p><i>References: Bowett’s Law of International Institutions; Draft articles on responsibility of International organizations</i></p> <p><a href="https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf">https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_11_2011.pdf</a></p>	<p>On line Lectures (6)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 7: Individuals in International Law</b></p> <p>i. Nationality</p> <p>ii. Rights, Duties and Procedural capacity of Individuals under International Law</p> <p>iii. NGOs, Multi National Corporations?</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Portions from Lung Chu Chen’s book (to be shared )</li> <li>• Role of Individuals in International law by Andrew Clapham</li> <li>• Harris (as discussed in the class )</li> </ul>	<p>On line Lectures (6)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 8: Law of the Seas</b></p> <p>i. Ocean Resources and Law</p> <p>ii. Maritime Zones</p> <p>iii. Maritime delimitations</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Harris (as discussed in the class )</li> </ul>	<p>On line Lectures (6)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 9: Use of Force</b></p> <p>i. Self Help under International Law</p> <p>ii. Use of Force under the UN charter</p> <p>iii. Collective Security and</p> <p>iv. Peace keeping</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Harris (as discussed in the class )</li> </ul>	<p>On line Lectures (4)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 10: Relationship between International Law and Domestic Law</b></p> <p>i. Domestic Law in International Law</p> <p>ii. International Law in Domestic Law</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Harris (as discussed in the class )</li> <li>• S K Verma International law in the book 50 years of the Supreme Court</li> </ul>	<p>On line Lectures (4)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>
<p><b>Chapter 11: Issues of Jurisdiction and State Immunity</b></p> <p>i. Theories of jurisdiction</p> <p>ii. Extradition</p> <p>iii. Asylum</p> <p>Treaty based diplomatic, consular and International organizations immunities</p> <p>iv. Act of state Doctrine</p>	<p><b>Basic Readings:</b></p> <ul style="list-style-type: none"> <li>• Any basic book</li> <li>• Handout</li> <li>• Harris (as discussed in the class )</li> </ul>	<p>On line Lectures (6)</p> <p>Handout prepared from reading and reference list, Articles, Book chapters</p>



***Suggested Documentaries/ Movies that may be watched***

- 1) Amistad (US case *US vs Amistad*)
- 2) Zero Dark Thirty (Bin Laden)
- 3) The Interpreter (filmed in the UN)
- 4) Argo (Iran Hostage Crisis)
- 5) The Reader (War Crimes Trial in Germany)
- 6) Battle of Algiers (Algerian War of Independence)
- 7) Hotel Rwanda (true story on Genocide in Rwanda)
- 8) Woman in Gold (Nazi Art Theft, FSIA)
- 9) Captain Phillips (Piracy)
- 10) Blood Diamond (Conflict Diamonds)
- 11) Lord of War (Arms Dealing)
- 12) War Witch (Child Soldiers)
- 13) Star Wars (Trade Dispute prompts Armed Conflict in Outer Space)
- 14) Bridge of Spies (Cold War)
- 15) The Constant Gardener (Diplomacy, Pharmaceuticals, British High Commission in Kenya)
- 16) Judgment at Nuremberg (Nuremberg Trials)
- 17) The Reckoning (The ICC)
- 18) Last Station before Hell (UN peacekeeping)
- 19) Sons of the Clouds: The Lost Colony (Western Sahara)
- 20) The Gatekeepers (Shin Bet)
- 21) Taxi to the Darkside (Torture, Afghanistan)
- 22) All Rise (Jessup Competition)
- 23) Munich
- 24) In The Loop
- 25) In This World
- 26) The Ghost Writer
- 27) No Man's Land
- 28) Waltz with Bashir
- 29) Breaker Morant
- 30) The Boy in Striped pijamas (a film depicting WWII from a boy's perspective, whose father runs one of the camps).
- 31) The Wind that shakes the Barley (Irish Republicans in the early 20th century and the anti-brit rebellion)
- 32) Rabbit-proof fence (Australian film based on a true story of 2 Aboriginal girls escaping from an internment camp and walking 1500 miles to return to their Aboriginal family).
- 33) Hotel Rwanda (True story about the Tutsi & Hutu struggle/war in Rwanda).
- 34) Kandahar (A perilous journey of an Afgan woman living in Canada who tries to go back to Afganistan to prevent her sister's suicide).
- 35) The reluctant fundamentalist
- 36) The Whistleblower (2010); Human (2015); No Escape (2015); The Gunman (2015); 13 Hours (2016)
- 37) Bangladesh Independence, the role of India BBC
- 38) Apocalypse WW 2, 1-5 documentary
- 39) BBC documentary – British occupation of India

- 40) Shyam Benegal's Shatranj ke Khiladi
- 41) Chintu ka Birthday
- 42) Jojo Rabbit
- 43) Shows and documentaries on Netflix - including issues on child trafficking, refugees, inter country organ trading, international prostitution circuit, Tokyo trial, World War II documentaries etc

<https://legal.un.org/ilc/>

***★The faculty reserves the right to bring modification in the syllabus and provide additional reading material if required.***

# **JURISPRUDENCE – I**

Ever since the expression ‘jurisprudence’ has been used in its modern sense, its nature and scope has been sought to be determined and re-determined time and again. The word jurisprudence has been used in diverse many senses ranging from a mere synonym of law to a particular method of study, not of the law of one country but of the general notions of law itself. The course is designed to cover all the important schools of jurisprudence and thereby acquaint the students with different approaches to study the law including Natural Law, Analytical Positivism, Historical Approach, Sociological Approach, American Realism, Scandinavian Realism, and Critical Legal Studies Movement. The object of the course is to develop the critical thinking in the students and sharpen their analytical skills.

## **Course Level Learning Outcomes**

After completing the course, the students will be able to:

- Comprehend the meaning, nature and scope of jurisprudence;
- Understand the meaning, characteristics, functions and objectives of law;
- Comprehend the various approaches to law that has evolved and developed over the past few centuries;
- Apply and analyse the materials more intelligently and efficiently, that they have to deal with as a law student and a law graduate;
- Identify the pressing and conflicting claims and demands in the contemporary society and provide a workable solution as a social engineer; and
- Analyse the judicial decisions in terms of various schools or approaches of law.

## **Course Content**

### **Unit—I: Introduction**

**(5 Lectures\*)**

- a. Meaning, Definitions and Use of the Word ‘Jurisprudence’
- b. Nature and scope of jurisprudence
- c. Significance of study of jurisprudence

**Unit—II: Analytical Positivism** (20 Lectures\*)

- a. Austin's Command and Sovereign Theory
- b. Hans Kelsen's Pure Theory of Law
- c. H.L.A. Hart's Concept of Law

**Unit—III: Historical School of Law** (6 Lectures\*)

- a. Edmund Burke
- b. A.F.J. Thibaut
- c. F. K. Savigny
- d. Henry Sumner James Maine

**Unit—IV: Sociological School of Law** (7 Lectures\*)

- a. Rudolf Von Ihering
- b. Eugen Ehrlich
- c. Roscoe Pound

**Unit—V: Legal Realism** (6 Lectures\*)

- a. **American Realists**
  - Oliver Wendell Holmes, Jr.
  - Jerome Frank
  - John Chipman Gray
  - Karl N. Llewellyn
- b. **Scandinavian Realists**
  - Hagerstrom
  - Olivercrona
  - Alf Ross

**Unit—VI: Natural Law School and Its Revival** (8 Lectures\*)

- a. Ancient Greek Natural Law philosophy
  - Plato's Approach to Law
  - Aristotle's Contribution to Legal Theory

- b. Natural Law Philosophy in the Middle Ages
  - St. Augustine
  - St. Thomas Aquinas' contribution to Natural Law Philosophy
- c. Classical Era of Natural Law Philosophy and the Social Contract Thinkers
  - Hugo Grotius
  - Thomas Hobbes
  - John Locke
  - Rousseau

**Unit—VII: Critical Legal Theory** **(4 Lectures\*)**

- a. The Critical Legal Studies Movement
- b. CLS Movement as a Critique of Liberalism, Formalism and Objectivism

**Unit— VIII: Feminist Legal Theory** **(4 Lectures\*)**

**Reading List\*—**

1. Austin, J., *The province of Jurisprudence Determined* (Universal Law Publishing, Delhi, 2012)
2. Bodenheimer, Edgar, *Jurisprudence: The Philosophy and Method of the Law* (Harvard University Press, Indian Edition 2018).
3. Dias, R.W.M., *Jurisprudence* (LexisNexis, 5<sup>th</sup> Edition).
4. Freeman, Michael, *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 9<sup>th</sup> Edition)
5. Friedman, W., *Legal Theory* (Sweet & Maxwell, 5<sup>th</sup> Edition)
6. Hart, H.L.A., *The Concept of Law* (Oxford University Press, 3<sup>rd</sup> Edition)
7. Kelsen, Hans, *Pure Theory of Law* (The Lawbook Exchange, New Jersey, 2004)
8. Morrison, Wayne, *Jurisprudence: From the Greeks to Post-Modernism*
9. Paton, G.W., *A Textbook of Jurisprudence* (Oxford University Press, 4<sup>th</sup> Edition)

10. Penner, J.E. and Melissaris, E., *McCoubrey & White's Textbook on Jurisprudence* (Oxford University Press, 5th Edition).
11. Stone, Julius, *Social Dimensions of Law & Justice* (Universal, 2012).
12. Tebbit, Mark, *Philosophy of Law: An Introduction* (Routledge, 3<sup>rd</sup> Edition)
13. Wacks, Raymond, *Understanding Jurisprudence* (Oxford, 5<sup>th</sup> Edition).

\*The abovementioned reading list is illustrative only and not exhaustive, as additional study materials shall be referred to from time to time. The total number of lectures indicated against each Unit is tentative and the number of lectures to be devoted on each topic may vary.

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

Labour Laws-II (Fifth Semester)

SYLLABUS – 2021

Academic Year ( 2020-2021)

Labour and Industrial laws, also known as employment law, is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations. As such, it mediates many aspects of the relationship between trade unions, employers, and employees. In other words, Labour laws define the rights and obligations as workers, union members and employers in the workplace.

**The fundamental objectives of the course are to develop the ability of students to:**

- Understand basic Labour & Industrial laws, rules, and concepts.
- Identify Labour & Industrial Laws issues in concrete fact situations.
- Apply Labour & Industrial Laws rules and concepts in concrete fact situations.
- Think critically about and evaluate Labour & Industrial Laws doctrines.
- Critical analysis of law and practice of Industrial Tribunals and other Quasi-Judicial Authorities under Labour & Industrial Laws.

**Teaching Methodologies**

- Lecture Cum Discussion Method
- Socratic Method of Teaching and Learning
- Case Presentation/Discussion
- Problem Solving
- Group Discussion
- Research Project Work

Module-1 THE CODE ON WAGES, 2019

Evolution, Applicability, Definitions, Minimum Wages, Fixation of Minimum Wages, Payment of Wages, Authorized deductions, Fines and Unauthorized deductions, Payment of Bonus, qualification, disqualification, Allocable Surplus, Available Surplus, Gross profits, Non- applicability under chapter-IV, Advisory Board, Payment of Dues, Claims and Audit, claims under the code and procedure thereof, Reference of dispute under the code, Inspector -cum –Facilitator, Appointment, Powers, Penal provisions.

## Module-2 The Occupational Safety, Health and Working Conditions Code, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 – Introduction; Preamble; Scope of the Code; Registration; Duties of Employer and Employees; Implementation Mechanism related to Occupational Safety and Health – Advisory Boards, Inspectors-cum-facilitators, Powers of District Magistrate; Responsibility of Employer; Welfare Provisions; Hours of Work and Annual Leave with Wages, Provisions Relating to Women, Contract Labour, Inter- State Migrant worker, Audio Visual Workers, Mines, Beedi Cigar Workers, Construction Workers,

## Module- 3 The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

Historical Background, Aims and Objectives, Scope, Applicability, Constitutional Aspect, Amendments, Important Definitions, Technical Advisory Committee, Authorities, Offences, Compounding of Offences, Inspectors, Role of District Magistrates, Monitoring and Inspection.

## Module – 4 The Bihar Shops and Establishments Act, 1953

Evolution, Scope, Aims and Objectives. Applicability, Definitions, Registration, Provisions related to Employment of Children and Young Persons, Wages, Overtime, Dismissal or Discharge, Inspection, Authorities, Penal Provisions

### Statutory References

- The Code on Wages, 2019
- The Occupational Safety, Health and Working Conditions Code, 2020
- The Child and Adolescent Labour Act, 1986
- The Bihar Shops and Establishment Act, 1953

### Books:

- “Labour and Industrial Laws” by S.N. Mishra.
- “Labour and Industrial Laws” by Prof. (Dr.) V.G. Goswami
- Commentaries on Payment of Wages Act, 1936 by K.D.Srivastava
- Commentaries on Minimum Wages Act, 1948 by K.D.Srivastava
- Commentaries on Factories Act, 1948 by S.C.Srivastava
- “Labour & Industrial Laws by Meenu Paul
- Industrial Relations and Labour Laws by S.c..Srivastava





# Syllabus

**B.A., LL.B. (Hons.), 05<sup>th</sup> Semester**

**Subject : Political Science- III**

SI. No.	Topics
1.	<b>Basic Concept of Public Administration</b> : (i) Meaning, Nature and its Scope, (ii) New Public Administration, (iii) Public Administration and Private Administration, (iv) Concept of Good Governance.
2.	<b>Theories of Organization</b> : (i) Scientific Management Theory of Organization, (ii) Human Relations Theory of Organization, (iii) Bureaucratic Theory of Organization, (iv) The Formal Theory of Organization (Henri Fayol, Luther Gulick & Lyndall Urwick).
3.	<b>Principles of Organization</b> : (i) Hierarchy, (ii) Span of Control, (iii) Unity of Command and (iv) Centralization & Decentralization.
4.	Concept of Line, Staff and Auxiliary Agencies.
5.	<b>Personnel Public Administration</b> : Recruitment, Training and Promotion
6.	<b>Administrative Law</b> : (i) Delegated Legislation, (ii) Administrative Tribunal.
7.	<b>Control over Public Administration</b> : (i) Executive , (ii)Legislative, (iii) Judicial Control.
8.	Concept of Panchayati Raj in India and its Evolution.
9.	<b>Corruption</b> : Causes and Remedies