

PROFESSIONAL PRACTICE LAW & ETHICS

B.Tech. IV Year I Sem.

Course Code	Category	Hours/ Week			Credits	Maximum Marks		
		L	T	P		CIE	SEE	TOTAL
SM4102MS	Core	3	0	0	3	30	70	100
Contact Classes: 45	Tutorial Classes: Nil	Practical Classes: Nil			Total Classes:45			
Prerequisites:There is no prerequisites to take this course								

Course Objectives:

- To make the students understand the types of roles they are expected to play in the society as practitioners of the civil engineering profession
- To develop some ideas of the legal and practical aspects of their profession.

Course Outcomes:

- To familiarize the students to what constitutes professional practice, introduction of various stakeholders and their respective roles; understanding the fundamental ethics governing the profession
- To give a good insight into contracts and contracts management in civil engineering, dispute resolution mechanisms; laws governing engagement of labour
- To give an understanding of Intellectual Property Rights, Patents.
- To make the students understand the types of roles they are expected to play in the society as practitioners of the civil engineering profession
- To develop good ideas of the legal and practical aspects of their profession

UNIT-I

Professional Practice – Respective roles of various stakeholders: Government (constituting regulatory bodies and standardization organizations, prescribing norms to ensure safety of the citizens); Standardization Bodies (ex. BIS, IRC)(formulating standards of practice); professional bodies (ex. Institution of Engineers (India), Indian Roads Congress, IIA/ COA, ECI, Local Bodies/ Planning Authorities) (certifying professionals and offering platforms for interaction); Clients/ owners (role governed by contracts); Developers (role governed by regulations such as RERA); Consultants (role governed by bodies such as CEAI); Contractors (role governed by contracts and regulatory Acts and Standards); Manufacturers/ Vendors/ Service agencies (role governed by contracts and regulatory Acts and Standards).

Professional Ethics – Definition of Ethics, Professional Ethics, Business Ethics, Corporate Ethics, Engineering Ethics, Personal Ethics; Code of Ethics as defined in the website of Institution of Engineers (India); Profession, Professionalism, Professional Responsibility, Professional Ethics; Conflict of Interest, Gift Vs Bribery, Environmental breaches, Negligence, Deficiencies in state-of-the-art; Vigil Mechanism, Whistleblowing, protected disclosures.

UNIT-II:

General Principles of Contracts Management: Indian Contract Act, 1972 and amendments covering General principles of contracting; Contract Formation & Law; Privacy of contract; Various types of contract and their features; Valid & Voidable Contracts; Prime and sub-contracts; Joint Ventures & Consortium; Complex contract terminology; Tenders, Request For Proposals, Bids & Proposals; Bid Evaluation; Contract Conditions & Specifications; Critical "Red Flag" conditions; Contract award & Notice To Proceed; Variations & Changes in Contracts; Differing site conditions; Cost escalation; Delays, Suspensions & Terminations; Time extensions & Force Majeure; Delay Analysis; Liquidated damages & Penalties; Insurance & Taxation; Performance and Excusable Non-performance; Contract documentation; Contract Notices; Wrong practices in contracting (Bid shopping, Bid fixing, Cartels); Reverse auction; Case Studies; Build-Own-Operate & variations; PublicPrivate Partnerships; International Commercial Terms.

UNIT-III:

Arbitration, Conciliation and ADR (Alternative Dispute Resolution) system: Arbitration – meaning, scope and types – distinction between laws of 1940 and 1996; UNCITRAL model law – Arbitration and expert determination; Extent of judicial intervention; International commercial arbitration; Arbitration agreements – essential and kinds, validity, reference and interim measures by court; Arbitration tribunal – appointment, challenge, jurisdiction of arbitral tribunal, powers, grounds of challenge, procedure and court assistance; Award including Form and content, Grounds for setting aside an award, Enforcement, Appeal and Revision; Enforcement of foreign awards – New York and Geneva Convention Awards; Distinction between conciliation, negotiation, mediation and arbitration, confidentiality, resort to judicial proceedings, costs; Dispute Resolution Boards; Lok Adalats.

UNIT- IV:

Engagement of Labour and Labour & other construction-related Laws: Role of Labour in Civil Engineering; Methods of engaging labour- on rolls, labour sub-contract, piece rate work; Industrial Disputes Act, 1947; Collective bargaining; Industrial Employment (Standing Orders) Act, 1946; Workmen's Compensation Act, 1923; Building & Other Construction Workers (regulation of employment and conditions of service) Act (1996) and Rules (1998); RERA Act 2017, NBC 2017.

UNIT-V:

Law relating to Intellectual property: Introduction – meaning of intellectual property, main forms of IP, Copyright, Trademarks, Patents and Designs, Secrets; Law relating to Copyright in India including Historical evolution of Copy Rights Act, 1957, Meaning of copyright – computer programs, Ownership of copyrights and assignment, Criteria of infringement, Piracy in Internet – Remedies and procedures in India; Law relating to Patents under Patents Act, 1970 including Concept and historical perspective of patents law in India, Patentable inventions with special reference to biotechnology products, Patent protection for computer programs, Process of obtaining patent application, examination, opposition and sealing of patents, Patent cooperation treaty and grounds for opposition, Rights and obligations of patentee, Duration of patents – law and policy considerations, Infringement and related remedie.

Text/Reference Books:

1. B.S. Patil, Legal Aspects of Building and Engineering Contracts, 1974.
2. The National Building Code, BIS, 2017
3. RERA Act, 2017
4. Meena Rao (2006), Fundamental concepts in Law of Contract, 3rd Edn. Professional Offset.
5. Neelima Chandiramani (2000), The Law of Contract: An Outline, 2nd Edn. Avinash

Publications Mumbai

6. Avtarsingh (2002), Law of Contract, Eastern Book Co.
7. Dutt (1994), Indian Contract Act, Eastern Law House
8. Anson W.R. (1979), Law of Contract, Oxford University Press
9. Kwatra G.K. (2005), The Arbitration & Conciliation of Law in India with case law on UNCITRAL Model Law on Arbitration, Indian Council of Arbitration

