NATIONAL LAW SCHOOL OF INDIA UNIVERSITY

IN COLLABORATION WITH

BAR COUNCIL OF KERALA - M.K NAMBIYAR ACADEMY OF CONTINUING LEGAL EDUCATION

AND

THE DIRECTORATE OF MUNICIPAL ADMINISTRATION,

GOVERNMENT OF KARNATAKA

HOSTS

ONE WEEK PROF. N.R MADHAVA MENON REFRESHER COURSE FOR LAW TEACHERS:

MARCH OF LAW: LEGAL POLICY AND INSTITUTIONAL CHALLENGES TO URBAN GOVERNANCE IN INDIA: TOWARDS MAKING OUR CITIES MORE SUSTAINABLE AND LIVABLE

07TH – 11TH JUNE, 2019
The National Law School of India University in collaboration with the Bar Council of Kerala – M.K Nambiyar Academy for Continuing Legal Education, Kochi organized a One Week Refresher Course for Law Teachers, in memorium of the Late Founding Director of NLSIU, Padma Shree, Prof. (Dr.) N.R Madhava Menon. The programme was organized from 7th to 13th of June, at the Conference Hall in the International Training Centre at NLSIU.

The Training Programme commenced at 10 am and was inaugurated in the presence of esteemed Vice Chancellor of NLSIU, Prof. (Dr.) R. Venkata Rao, the esteemed Vice Chancellor of KSLU Prof. (Dr.) Ishwara Bhat, the Registrar of National Law University, Delhi Prof. (Dr.) G.S Bajpai, Chair Professor, Prof. V.S Mallar, Prof. (Dr.) M.K Ramesh and Prof. (Dr.) Sairam Bhat. This program was also conducted with the underlying theme, March of Law: Legal Policy and Institutional Challenges to Urban Governance in India: Towards Making Our Cities More Sustainable and Livable. The same, is part of the research project granted to the National Law School by the Directorate of Municipal Administration, State Government of Karnataka.

Before the Technical sessions commenced, homage was paid to Late Prof. N.R Madhava Menon by the dignitaries, the participant law teachers and the Organizing Team. It was followed by the launch of the NLS Publications Website, created by the Centre of Environmental Law Education Research and Advocacy and launched by the Honorable Vice Chancellor of NLSIU and the other present senior professors. The Volume VI of the Journal of Environmental Law, Policy and Development, an annual journal on environmental law published by CEERA was also launched.

Day One: 07/06/2019

After a short tea break and a group photograph, the first technical session commenced. The First Session began with Prof. (Dr.) G.S Bajpai emphasizing mainly on effective training. He went on to list the four things which are of utmost importance for effective teaching-

- A set frame of method of teaching before the lecture.
- Making student learning efficient by having a delivery structure for the lecture.
- Student-centric teaching approach
- Use of digital tools like soft-chalk, MOOC’s etc.
**Prof. (Dr.) G.S Bajpai** had a very modern approach towards teaching, he gave different approaches towards teaching a class that are Teacher-oriented and student-oriented. He even spoke about the different techniques used by teachers to teach a class. His presentation highlighted the importance of promoting a student-centered approach towards legal education where the mentality of a student is understood and the subject is taught accordingly. He even advocated the use of electronic tools and exercises for better understanding of the subject.

**Prof. (Dr.) Ishwara Bhat** spoke about the pressing importance of an immaculate research methodology for a law professor and teacher, as that defines the skills of the teacher not only within the classroom, but outside as well.

**Prof. (Dr.) G.S Bajpai** started his presentation with value formation amongst people. It is important to adhere to ethical principles in order to protect the dignity, rights and welfare of research participants. The reasons for ethics are accountability, gaining public support and promote the aim of the research. He further spoke about plagiarism and its different types such as direct, indirect, patch-writing, unintended writing etc.

**Prof. V.S Mallar, Prof. (Dr.) MK Ramesh and Prof. (Dr.) Sairam Bhat** in their presentations, spoke about the importance of the 74th Constitutional amendment which brought about a vast change in the city planning and governance methods. They stressed upon the fact that the subjects now taught in law schools must also be taught differently.

Prof. Sairam, took a different approach by dividing teachers based on their experience and spoke about the challenges they face. He emphasized on the specific teaching methods which teachers can adopt for better teacher-student interaction. He later proposed a structure of teaching called LTP method. He emphasized that case law study is not the best form of study as they are not static. Judges do not make laws, they interpret it. So teaching only case laws to a student is not the best form of learning. He then concluded his presentation covering all the topics of teaching like student questions, choice of study material, curriculum development, etc.

**Day Two: 08/06/2019**

Day two of the conference started with **Prof. (Dr.) Shashikala Gurpur, Director, SLS, Pune**, and she talked about experiential learning. With the introduction of moot courts, trial courts, we can see a shift in the way of teaching and understanding law, where the focus and attention of
student can be easily gathered. She later stated the reasons for method worked and what did not. She further supported this type of learning and how it currently is affecting the learning of law students currently.

**Prof. (Dr.) Sandeepa Bhat** spoke at length about the developments in Space Law, Nuclear Law and the various unexplored avenues of research and learning in those subjects. Even though these subjects are not taught in may law schools, contain some of the most important lessons on research methods. He also explained that out-of-the-box approach towards law teaching goes a long way in establishing a good rapport with the class, as well as in contributing to the legal academia.

**Prof. (Dr.) Shashikala Gurpur** in the second session spoke about gender and urban poverty. She started her presentation by giving statistics of different countries that face problems in these areas of governance, India being one of them. The presence and constant push from the international organizations is proving to be a boon for the people as they help these nations develop; slowly but steadily. The speaker then directed the attention of the participants to gender inequality in the urban areas. This problem is very prevalent in the urban areas and should be dealt within the shortest time possible. The speaker concluded her presentation by throwing some light on the problems faced by immigrants.

**Prof. (Dr.) H K Nagaraja, Professor of Law, NLSIU**, started with a brief introduction to international law and international trade law. He gave a brief introduction of the importance and the presence of interdisciplinary activities both in the domestic and international law in specific. He applied legal maxims to further support the activities of international courts and spoke more about their jurisdictions and case laws. He finally concluded his presentation by talking about the treaties and how they affect the cases dealt in the international courts.

**Day Three: 09/06/19**

**Prof. V S Mallar** started the introduction to the third day, with a brief insight into administrative and processes in India. He explained at length, the importance of making legislations and the euphemisms of delegated legislations.
Dr. Yashomati Ghosh, Associate Professor of Law, NLSIU, focused on the topic of administrative law. She divided her presentation on the basis of objective, content, audience and finally the methodology of teaching. She explained the importance of administrative law for a law student i.e. to understand the institutions and the mechanisms of administrative actions. She gave an outline of what content should be taught to students learning administrative law. She specified that the teacher must keep in mind the audience he/she is teaching. She explained the best possible method of teaching administrative law by showing a flowchart to the participants. She told that the assessment of students must be done continuously and periodically in the form of examinations.

Prof. Sairam Bhat shared his experience of employing various methods of teaching and engaging classes in law schools. He pondered over the various contemporary methods of teaching such as Role-Plays, Case Studies, difference between case studies and case laws. He discussed that with the educational system being more commercially driven in nature than being knowledge oriented, the students expect more from their Professors, therefore, there are a number of contemporary challenges which are faced in class every day. The issue of an Open-Book examination was discussed in class and the question was raised, whether this system should be implemented.

Prof. Sarasu E. Thomas, Professor of Law, NLSIU, spoke of the lesser known, minority classes, women, transgender and the LGBTQ. She spoke of rights of the children in urban governance and planning and how there must be diversity in the classroom and how each one of them should be respected. She drew the attention to the fact that in the process of city-building, it is the marginalized section of the society which is the worst affected. It must be an imperative for the municipal administration and the state government to look after them.

The day rounded off with a group exercise where an issue of environmental law was given to the participants. They were divided into groups of four; Red, Blue, Green and White. They represented four different stakeholders and participated in a mock Public Hearing for a Steel Flyover in the city of Bengaluru.
Day Four: 10/06/19

Prof. M R K Prasad, Principal, VM Salgaokar College of Law presented on the topic clinical legal education. He spoke about the objectives of teaching and then compared the relation of a teacher and student with a jug of water and a glass, in which the water is knowledge. He later spoke about the practical usage of the theory which is learnt in law schools and the gap between practice and theory. This has a direct impact on the students who start practice. He proposed that the inculcation clinics in the curriculum will solve these problems to a major extent. Moot courts being a popular form of clinical education exposes the students to a wide set of skills required for their professional practice.

Dr. M.K Ramesh elucidated on the concept of Urban Governance and its importance. The research methods and the methodologies that must be incorporated by law teachers was discussed and deliberated upon.

Prof. Sairam Bhat engaged the participants in a very gripping debate on the Right to Privacy. A number of constitutional and ethical issues with different cases and Supreme Court directives were discussed in this debate. The issues discussed were the kinds of restraints such as absolute and partial restraints of privacy and the statutory and judicial exceptions which are there. He discussed the non-disclosure agreements and the right of first refusal and also explained when these clauses become operational. The transgressions of Competition Law were also a part of the discussion.

The day ended after the last session being a panel discussion where the main underlying question was whether civic amenities should be brought under the Public-Private Partnership Model. Teams were divided on basis of for and against and the session was chaired by Prof. Sairam Bhat and Prof. MK Ramesh

Day Five: 11/06/19

Hon’ble Dr. Justice N Kumar, the former Justice of the Karnataka High Court addressed the participants on the judge’s perspective of teaching law. He stated issues and challenges of the current court-system. He spoke about how the justice delivery system is now juggling between distressed judges and lawyers, who shift responsibilities on each other. He stressed that the classroom lectures must be practically oriented and emphasized on the fact that the students must
be taken to the courthouses to witness what they study in their lectures. This would prepare the students for a more hands-on approach of the legal system.

Mr. J Sundharesan, Practicing Company Secretary had given his perspective on teaching law as a business professor. While introducing himself he spoke about the 7P’s which he uses to asses and live his life. He further taught the participants how to be good storytellers and used Virat Kohli as an example to grab the attention of the participants. He even advised them to be aware of current affairs. He drew a picture of everyone living their life as if they were 24 years old, to keep investing in oneself and to re-invent themselves every 5 years. He finally concluded his presentation by showing everyone the importance of having a passion and purpose in life.

Prof. TV Subba Rao took his session on a detailed understanding of how to conduct research and what the various kinds of research methodologies are. The participants later made presentations and demonstrated on cooperative teaching, addressing disinterested students, analyzing case laws etc. the moderator of this session was Dr. Dayanand Murthy, an associate professor from DSNLU, Vishakhapatnam.

There was a pre-dinner talk organized for the participants, with Mr. Divyadutt Kothari, the Director of Renaissance University. He interacted with the participants on a rather unique subject of student psychology and kinesics. He helped the participants in understanding the body language of the students in class to make the teaching more interactive in the classroom. The objective is to help the law teachers to engage a disinterested classroom and make the students more attentive.

The last two days, of the One Week Training Programme were organized into a Workshop on the Modern Urban Development Law. The focus of the next two days was entirely on the urban governance law, municipal laws, their functionalities, modalities and the discussions on their institutional framework.
TWO DAY WORKSHOP ON
MODERN URBAN DEVELOPMENT LAW: PERCEPTIONS, PRESCRIPTIONS,
PERAMBULATIONS AND PRODUCT

12th – 13th June, 2019

The Two-Day Workshop on the theme “Modern Urban Development Law: Perceptions, Prescriptions, Perambulations and Product” commenced at 9.30 am. The workshop was a culmination of the Memorandum of Understanding entered into between the Directorate of Municipal Administration (DMA) and the National Law School of India University. The primary objective of the program was to focus on the Urban laws governing the State of Karnataka and also to discuss and deliberate on several issues plaguing the Urban Local Bodies and its administration. National Law School of India University, Bengaluru, has been assigned with the task of drafting a legislation which consolidates, codifies and reforms the laws on urban local governance in the State of Karnataka. The ultimate deliverable of the project is a Bill titled, Karnataka Municipalities Bill, 2019 to the Government of Karnataka. Accordingly, a Working Bill was placed before the Speakers for the Session and in absentia of the Director, DMA, who was invited as Chief Guest for the said program.

Day Six: 12/06/2019

The first session was addressed by Prof. (Dr) M. K Ramesh, wherein a brief introduction was given on how quality training makes an impact on people. The assignment of drafting a legislation and also develop a curriculum among the law faculty to ensure that the institutions not teaching urban laws are along the same plane as that of NLSIU. The Government has chosen academics, people from urban governance and other areas including researchers mostly experienced in the area of urban governance.
Prof. (Dr) Sairam Bhat, started by quoting the example of water scarcity in Bangalore and how it may go dry in the coming few decades. The demand for drinking water is increasing and the water drawn from wells are getting dried up. The levels have gone down from 400 feet to 1000 feet. The speaker further took examples of other cities to better explain the topic. Kolkata, Nagpur, Bombay, Raipur and in some areas, Bhopal have adequate resources to sustain themselves as metropolitan cities. Bangalore is a city which has agencies looking after the municipal activities, due to which the municipality doesn't have answers to any of the questions asked. Bombay is a city looked after by five municipalities, whereas Bangalore is only looked after by one municipality. Then the speaker spoke about city planning, with an example of Bhopal. Private parties are hired by the government to plan these urban areas, which leads to complications. The main challenges faced during urban governance is environment protection and land allocation.

Prof. (Dr). M K Ramesh and Dr. Manjeri Subin Sunder Raj started their presentation by throwing light on the fact that there was no land law till the year 2002. The question which land law dealt with was contract matters regarding state property. The lack of a proper administrative authority that looks after land which belongs to no one and is currently not being used was also pointed out by the speaker. The speaker concluded his speech by saying that there has to be development before there is luxury. Dr. Subin threw light on the course plan of land laws as taught in the law school and its relevance in the contemporary teaching. He mentioned the unique title of the subject, as ‘Natural Resources Management Laws’ instead of calling the subject merely ‘Land Laws’.

Ms. Raagya P. Zadu directed the participants attention towards the need for a new perspective on natural resources. The example of Bangalore was taken to explain how cities have been expanding on a rampant speed. The speaker quoted Dr Abdul Kalam, “in the year 2021 the villages will be for name sake”. The question posed was how can law and urban governance go hand in hand and for the purpose, how there must be a different approach towards teaching all related subjects, with Natural Resources Management in the background, so that there is comprehensive understanding of the subject.

Session two started with Prof. (Dr.) Sairam Bhat talking about urban governance through public and private partnership (PPP). In India development projects are planned by one authority
and the action is taken by another authority. The people living in these areas don’t value assets like parks, roads etc. He also pointed out issues with developing new airports, which cannot be allowed to come up within the 150 km radius, the concept of Public Private Partnerships has become the new beacon of urban development in the past decades. Examples of JESCO, Metro in Mumbai and Hyderabad were stated to ease the understanding of the concept.

Ms. Madhubanti Sadhya continued the session by making it very clear that outsourcing is not PPP. She cited a case where the high court had ruled that PPP is not outsourcing. The speaker threw light on the fact that there was a high requirement of capital for urban development and further stated the factors causing this high price. She pointed out the advantages of PPP and its disadvantages.

Mr. Raghav Parthasarathy gave a presentation on the topic of smart cities and municipal governance. He posed a question to the audience, how are these smart cities established? It was explained later that the smart city authority and the municipality contribute in the ratio of 50:50 towards the finance. The use of PPP is very effective in the development of smart cities.

Prof. B.B. Pande, Distinguished Professor of law, with the help of an example of a student of his who helped by serving justice to a falsely accused lady from Jammu and Kashmir, made the participants of the conference understand the power of legal education. He further continued his presentation with the legal and regulatory challenges faced by authorities while performing the function of urban governance.

In the fifth session, there was a group activity organized, for proposals on the best route for urban development for the rapid urbanization boom.

The green team had proposed for an integrated public transport system, giving the example of Delhi for having a connection between the airport and the city by metro. The red team followed the green team with a twin city model, where the resources can be easily shared amongst the cities and the local governments could also help in faster development of the cities. The white team had proposed vertical and horizontal planning of houses, this model lets the governments to either choose to stack up houses to save space or construct them beside one another. The last team was blue team, they threw light on the problems faced by mega cities like waste disposal, air pollution being a few of them. They even mentioned the difficulty of governance.
Day Seven: 13/06/2018

Prof. (Dr) Sairam Bhat started the day two with a recap of all the topics discussed on the first day. He started a discussion on the topic of RERA and questioned the participants whether it had a retrospective effect or not. He later gave the example of Maharashtra and glorified the local RERA authority as the best working committee. He later explained the reason RERA was set up, that was due to the dubious business activities of major estate business groups.

Team CMR Law School presented on the topic private investment and participation in urban infrastructure and services where the discussion was mostly focused on financial aspects related to ULB’s and the problems faced by ULB in acquiring finances. They concluded their presentation by giving innovative ways for individuals to follow, like incentivizing the person who pays taxes on time.

Prof. (Dr.) Sairam Bhat and Mr. Rohith Kamath
They first asked the question of the functions of the municipality. Whether they are legislative or administrative in nature? They later answered that municipality is only an administrative body and they only collect taxes. The speakers later spoke about the two types of sourcing, traditional sources and the modern sources. There was international funding, which has been cut off recently.

Prof. (Dr) M K Ramesh presented on the topic land use, zoning and planning laws. He first explained about the preparation which takes place before planning a city, i.e., through the land revenue act. He further spoke about how a rural land can be converted into an urban land, how they are being put to use and how often they should be resurveyed. The next topic he discussed was model laws and why the centre spends so much money to prepare them. They act as an effective way to make laws and do not get any resistance from the centre once enacted.

Prof. (Dr) M K Ramesh presented on the topic urban poor and the law, he spoke about the substantial inflow of laborer’s from Bangladesh and their poor living conditions, he even threw light on the bonded laborer’s as well as people who are rendered poor, the government has not been taking meaningful and persistent action to improve the living conditions of these people.
Prof. (Dr.) Sairam Bhat gave a brief introduction on development and development as a right. He further pointed out the sad truth of all the assets in urban areas where after the construction of these assets, the maintenance of these should also be done. Whereas the ugly truth being, there is not much effort put into the maintenance of these assets.

Ms. Madhubanti Sadhya spoke about healthcare as a right in urban areas, where she pointed out the problems in the current governance and how healthcare of people in these urban areas can be improved, by focusing on RCH services and providing adequate attention to public health.

Mr. Raghav Parthasarathy mentioned about the right to housing and brought to the attention of the participants about various schemes that have been introduced by the State and Central Government in order to ensure housing for all. There was also a mention about the Karnataka Housing Boards Act and the Karnataka Slum Development Board Act.

The Valedictory session started at 3.45 pm and the Chief Guest for this occasion was Dr. (Prof.) Paramjit S. Jaswal, the esteemed Vice Chancellor of Rajiv Gandhi National University of Law, Patiala. He addressed the participants on the importance of a teacher in the life of a student and motivated them to be better in all ways and to never stop making an effort to be an exemplary teacher. The certificates were distributed by him, along with Prof. B.B Pande, Prof. VS Mallar and Prof. M.K Ramesh. Prof. Sairam Bhat announced six Best Law Teacher Participants who were given a token of appreciation and a certificate for the same.

The One Week Law teacher’s refresher course, thus, marked an end to the exercise with the NLSIU organizing team wishing them adieu and a happy journey back home.

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