



# KARNATAKA STATE LAW UNIVERSITY

Navanagar, Hubballi-580025

Accredited with 'A' Grade by NAAC

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No.KSLU/Reg./Academic/B.O.S.(U.G.)/2018-19/

Date: 23.07.2018,

**Proceedings of the Special B.O.S.(U.G.) meeting held on 16.07.2018 in the Conference Hall of the University.**

## **Members Present:**

1. Prof. C.S.Patil, Dean & Director, KSLU's Law School, Navanagar, Hubballi.
2. Shri. M.N. Hegde, M.E.S. Law College, Sirsi. Cell: 9242207141.
3. Shri. Upendrachari Siddratha Law College, Kalaburagi. Cell: 9480987485.
4. Dr. G.B. Patil, Associate Professor, KSLU's Law School. Hubballi. 9448317129.
5. Shri. Vasudev, VidyaVardhak Law College, Mysuru. Cell: 9449703380.
6. Shri. T.R. Swamy, Seshadripuram Law College, Bangalore. Cell: 9448522418
7. Dr. Kumuda N. Kargole, Assistant Professor, KSLU's Law School. Hubballi. Cell: 9740913734.

## **Leave of absence:**

1. Dr. Nirmalakumari, Vaikunta Baliga College of Law, Kunjibettu, Udupi. Cell: 9844376839.
2. Shri. Kalpana, Vivekananda College of Law, Bangalore, Cell: 9449049840.

**Item No.1. Including of additional papers for the 3year LL.B. and 5 year B.A., LL.B., 5 year B.B.A., LL.B. and 5 year B.Com., LL.B., batches to admitted during the academic years 2016-17 and 2017-18, to bring the syllabus in conformity with the Bar Council of India Rules of Legal Education.**

**Resolution:** As per the amended Rules of Legal Education of the Bar Council of India, there should be 20 compulsory law papers in the degree programme. Further, students who answer in the examination in any regional language other than English should take English as a compulsory paper. After elaborate discussions, it was resolved to include Constitutional Law-II, Labour Law-II and English Papers in appropriate semesters for different degree programmes as detailed below.

1. For 3year LL.B. batch admitted during the academic year 2016-17 the Constitutional Law-II and English papers shall be added to 5<sup>th</sup> Semester and Labour Law-II paper shall be added to 6<sup>th</sup> Semester. The syllabus for these subjects shall be as appended in Appendix-I: Constitutional Law-II; Appendix-II: English and Appendix-III: Labour Law-II. The 3 year LL.B. batches admitted from the academic year 2018-19 onwards shall study English in 1<sup>st</sup> Semester.
2. For 3year LL.B. batch admitted during the academic year 2017-18 the Labour Law-II paper shall be added to 4<sup>th</sup> Semester; Constitutional Law-II and English papers shall be added to 5<sup>th</sup> Semester. The syllabus for these subjects shall be as appended in Appendix-I: Constitutional Law-II; Appendix-II: English and Appendix-III: Labour Law-II.
3. For 5 year B.A., LL.B., 5 year B.B.A., LL.B. and 5 year B.Com., LL.B. Batches admitted during the academic years 2016-17 and 2017-18 the Labour Law-II paper shall be added to 8<sup>th</sup> Semester; Constitutional Law-II and English papers shall be added to 9<sup>th</sup> Semester. The syllabus for these subjects shall be as appended in Appendix-I: Constitutional Law-II; Appendix-II: English and Appendix-III: Labour Law-II.

**Item No.2. Adopting the Integrated Five Year Programme as enshrined in the Bar Council of India Rules of Legal Education.**

**Resolution:** The members discussed the advantages and disadvantages of following the Integrated Five Year Law Degree programme model as enshrined in the Bar Council of India Rules of Legal Education. It was felt that there are distinct advantages of administering law courses right from the first semester of the 5 year law program. It was resolved to allocate the subjects for 5 year B.A., LL.B., 5 year B.B.A., LL.B. and 5 year B.Com., LL.B. programmes as shown in Appendix-IV, Appendix-V and Appendix-VI respectively.

**Item No.3. Substitution of "Legal Methods" paper in the place of "Elements of Research" paper in Integrated Programmes including Honours Programmes with effect from the academic year 2018-19.**

**Resolution:** In order to professionally orient the students of the integrated programme right from the initial stages and provide them an insight into the discipline of law, it was resolved that the "Legal Methods" paper in the place of "Elements of

Research" paper. The syllabus for the Legal Methods paper shall be as appended in Appendix-VII.

**Item No.4. Compulsory Kannada / Kannada Kali paper of 3 year LL.B. and 5 year Integrated Programmes from 2018-19 onwards.**

**Resolution:** Appreciating the need of Kannada language for the professional as also keeping in view the directions of *Kannada AbhivruddiPradikara*, it was resolved that the students will study one Kannada paper compulsorily as appended in Appendix-VIII. The non-Kannadiga students shall study the paper on "Kannada Kali" and the syllabus shall be notified in due course. The students of Integrated Programme and the students of 3 year LL.B. shall study this course in their respective II Semesters.

**Item No.5. Labour Law-II and Law of Taxation papers for Honours Programmes for batches admitted from 2016-17 onwards.**

**Resolution:** In order to comply with the Bar Council of India rules, it was resolved to insert a paper on Labour Law-II in VIII Semester and Taxation paper in IX Semester. The syllabus for Labour Law-II shall be as appended in Appendix-.XII

**Item No.6. Syllabi for Constitutional Law-I, Constitutional Law-II, Labour Law-I and Labour Law-II papers for 5 year LL.B. batches admitted from 2016-17 onwards and 3year LL.B batches admitted in the year 2018-19 onwards.**

**Resolution:** It was felt that as it is possible to introduce Syllabi for Constitutional Law-I, Constitutional Law-II, Labour Law-I and Labour Law-II papers for 5 year LL.B. batches admitted from 2016-17 onwards and 3year LL.B batches admitted in the year 2018-19 onwards, it was resolved to prescribe the syllabus for Constitutional Law-I as in Appendix-IX, Constitutional Law-II as in Appendix-X, Labour Law-I as in Appendix-XI and Labour Law-II as in Appendix-XII.

**Item No.6. Introduction internal assessment for 20% of marks in each course.**

**Resolution:** The members discussed in detail about professionalising law degree programmes by equipping the students with the oratory and writing skills. Further it was also made out that the UGC has directed the universities to allocate 20% of the marks to be awarded by way of internal assessment. In this regard, it was felt that now is the appropriate time for the University to introduce this component. Therefore,

it was resolved that unless otherwise provided for in each course carrying 100 marks, 20 marks shall be awarded by way of internal assessment. The end of the semester examination shall be conducted for 80 marks. It was further resolved that a student should secure a minimum of 40% of the marks in the end semester examination to be declared as pass in that paper provided, he has secured a minimum of 40 marks in that paper along with internal assessment marks. That is, a student has to secure a minimum of 32 marks in each paper in the end semester examination. These 20 marks shall be awarded as per the modalities appended in Appendix-XIII.

For remaining 80 marks, there shall be end semester examination conducted by the University. The question paper pattern shall be as below:

1. There shall be questions from each unit.
2. For each unit there shall be 16 marks that shall be apportioned as under:
  - a. 10 marks for essay answer- part (a) of the question.
  - b. 6 marks for short answer or problem question- Part (b)
3. Each Unit shall have two essay questions and two short answer / problem questions of which the student shall answer one each.

  
Chairman  
B.O.S.(U.G.).

To,  
All the Committee Members of B.O.S.(U.G.).

Copy to:

- 1) The P.S. to Hon'ble Vice-Chancellor, Karnataka State Law University, Hubballi.
- 2) The P.S. to Registrar, Karnataka State Law University, Hubballi.
- 3) The P.S. to Registrar (Evaluation), Karnataka State Law University, Hubballi.
- 4) Deputy Registrar, Administration and Academic section, KSLU, Hubballi.
- 5) Office copy.

  
**Registrar**  
**Karnataka State Law University**  
**Navanagar, Hubballi-580 025.**

**Objectives:**

The Constitutional Law has developed over a period of time to respond to the social needs through the process of amendments and interpretation. The democratic process is deepened through empowerment of local institutions of governance. There are provisions to address the special needs of certain of the states, areas and people. The contours of state liability in torts and contracts are undergoing change. The conducting of elections is gradually maturing equipping itself to translate the will of the people effectively. A student of law should be introduced to all these areas to enable him to appreciate these finer aspects of the Constitution.

**Unit-I**

Tortious liability of the Government

- Sovereign immunity, judicial pronouncements, statutory functions, damages and writs.

Government Contracts

- Formation of contracts, ratification, no estoppel, voidness of contract is relative, service agreements, statutory contracts, contractual liability, award of contracts, issue of writs in matters of contracts.

Elections

- Fundamental principles of elections, Nature of right to vote or contest elections, Election Commission, Election disputes, Party system

Comptroller and Auditor General

**Unit-II**

The Panchayats

- Definitions, *Gram Sabha*, constitution and composition of *panchayats*, reservation of seats, duration, disqualifications, powers, authority and responsibilities, power to impose tax, review of financial position, elections, audit of accounts, bar to interference by courts in electoral matters.

The Municipalities

- Definitions, constitution and composition of municipalities, constitution and composition of ward committees, reservation of seats, duration, disqualifications, powers, authority and responsibilities, power to impose tax, review of financial

position, elections, audit of accounts, committee for district planning, committee for metropolitan planning, bar to interference by courts in electoral matters.

#### The Cooperative Societies

- Definitions, incorporation, number and term of members of board and its office bearers, elections, supersession and suspension of board and interim management, audit of accounts, general body meetings, right of members to get information, returns, offences and penalties.

#### Unit-III

##### Union Territories, Tribal Arrears and Special Provisions concerning some States

- Union Territories, Special provisions regarding certain states (Arts.371 A to 371 J), Scheduled and tribal areas

##### Official language

- Constitutional provisions, The Official Languages Act, 1963, Medium of education, VIII Schedule to the Constitution

#### Unit-IV

##### Constitutional position of Jammu and Kashmir

- Article 370 of the Constitution, Constitution (Application to Jammu and Kashmir) Order, 1954, Status of Article 370

##### Safeguards to Minorities, Scheduled Castes, Scheduled Tribes and Backward Classes

- Scheduled Castes, Scheduled Tribes, Anglo-Indians, Other Backward Classes, Linguistic minorities, Apparatus to supervise safeguards, National Commission for Women

#### Unit-V

##### Constitutional interpretation

- Doctrine of judicial review, Literal v. Liberal approach, Judicial creativity in India, Norms of Constitutional Interpretation- Policy considerations- Constituent Assembly Debates- Preamble- Spirit of the Constitution- Political questions- Foreign precedents; Principle of harmonious interpretation; Prospective overruling; Constitutionality of a statute; Effect of unconstitutionality; Supreme Court not bound by its own decisions.

#### Prescribed Books:

Jain M.P., *Constitutional Law*, latest edition (New Delhi: Lexis Nexis)

#### Reference Books:

Seervai H.M., *Constitutional Law of India*. (New Delhi: Universal Law Publishing Co.)

Singh M.P. ed., *V.N.Shukla's Constitution of India*, latest edition, (Lucknow: Eastern Book Company).

Bhatishwara P. Ed., *D.D.Basu's Limited Government and Judicial Review*, (Tagore Law Lectures) New Delhi: Lexis Nexis, 2015.

## English

### Objectives:

English is a forceful language with a rich vocabulary that can make a positive impact on the outcome of a case. Knowledge of English is essential to understand the precepts, principles and underlying meaning of the Law. Some judgments may come in vernacular languages at the lower courts, but the importance of English both at the lower and higher courts cannot be denied. A budding lawyer with a good command over the regional as well as English language can become a competent judicial officer as well as a successful lawyer. So, the need of the hour is to perform well in the field of Law.

The prose text introduces a student to the nuances of the legal profession and the social responsibilities of a lawyer. The syllabus also aims to strengthen the basic features of the English language, as well as the importance of vocabulary and their usage. Comprehension of unseen passages helps to understand important ideas and paves the way for logical thinking. Translation is an intellectual and demanding task, as it fine-tunes the drafting skills and facilitates learning as well. Translations of old vernacular legal documents are vital for the outcome of a case.

### UNIT -1

1. Law and Lawyers – M. K. Gandhi.

### UNIT -2

1. Articles, Parts of Speech/their usage, same word used as different parts of speech.
2. Identification of errors.
3. Types of sentences, transformation of sentences.
4. Change of voice.
5. Reported Speech.
6. Idioms.
7. Legal words and their usage.

### UNIT -3

Applied writing.

1. Paragraph writing.
2. Report writing/Press report.
3. Precis writing, Summarizing.
4. Essay writing.
5. Cohesive devices.
6. Comprehension passages.



## 7. Letter writing.

### UNIT -4

Professional writing:-

1. Petitions.
2. Notices.
3. Refutation.
4. Essay writing on topics of legal interest.
5. Comprehension legal content.
6. Legal words and their usage.
7. Use of Cohesive legal devices.

### UNIT -5

Translation:-

1. Principles of Translation.
2. Translation exercises (Translation from legal texts and decided cases.)

**Text and reference books:**

1. The law and lawyers by M. K. Gandhi, compiled and edited by S. B. Kher, Navajivan Publishing House, Ahmedabad.
2. Contemporary English Grammar, David Green, Macmillan Ltd.
3. Legal Language Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
4. Wren and Martin English Grammar and Composition.
5. Legal Language, Legal Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
6. ಅನುವಾದ ಕಲೆ- ಎಸ್. ನಾಗಭೂಷಣ
7. ಬಾಷಾಂತರ ಸೌರಬ್- ಲಕ್ಷ್ಮಿ ನಾರಾಯಣಅರೋರಾ.
8. ಬಾಷಾಂತರ ಕಲೆ- ಪ್ರಧಾನಗುರುದತ್.
9. ಬಾಷಾಂತರ-ಕನ್ನಡ ವಿ.ವಿ. ವ್ಯಕ್ಟಿಂಗ್.
10. ಬಾಷಾಂತರ ಸಂಸ್ಕೃತಿಕ ನೆಲೆಗಳು- ಕನ್ನಡ ವಿ.ವಿ. ವ್ಯಕ್ಟಿಂಗ್.

## Labour laws II

### Course Objectives:

The students are to be acquainted with the Industrial relations framework. Further, the importance of the maintenance of industrial peace and efforts to reduce the incidence of strikes and lockouts are to be emphasised. Referring to the Constitutional provisions and the ILO Conventions and recommendations the labor welfare generally envisaged shall be studied. Students shall also be exposed to the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalisation.

Students shall also acquaint with legal frame-work relating to wages, social security and welfare of labour. The concept of social security, its importance and also Constitutional basis for the same are introduced. The students shall be taught the provisions the Child Labour (Prohibition and Regulation) Act, 1986, the Payment of Gratuity Act, 1972, the Payment of Bonus Act, 1965, the Industrial Disputes Act, 1947 and the Payment of Wages Act, 1936. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen thereunder. Legislations are to be analysed by examining historical background and underlying objectives, judicial interpretations and effectiveness of these legislations in the days of changed economic policies.

### Unit I - Constitutional Dimensions of Labour Laws

Constitution and Labour Welfare; Bonded Labour System Abolition Act, 1976; Equal Remuneration Act, 1976; Inter-State Migration of Workers Act, 1979; Protection of Women Against Sexual Harassment Act, 2013

### Unit II - Social Security

Concept and Importance of Social Security - Influence of I.L.O. - Constitutional provisions. The Unorganised Workers' Social Security Act, 2008 - Importance and problems of Unorganised Sector, Definitions- employer, home based worker, self-employed worker, unorganised sector, unorganised worker, wage worker, etc. Schemes- Funding mechanism, Procedure, benefits available - Administrative Mechanism- Composition and Powers, etc. - evaluation of working of the legislation over a decade.

Globalisation, Privatisation and Open Economy - Effects of Globalisation on Industry and Labour - Constitutional Mandate of Welfare State and effectiveness of Social Security and Social welfare legislations in India under new economic policy- Emergence of laws relating SEZ, etc. Scope, object and implications of The Economic Special Zones Act, 2005.

### Unit III - Wages, Bonus and Gratuity

Context - Necessity of regular and periodic payment of wages without unreasonable deductions. The Payment of Wages Act, 1936 - Definitions - employed person, factory, industrial and other establishment, wages, etc. - Deductions - Authorities - Inspectors and Payment of Wages Authority.

Context - a right to share in profits even after payment of wages according contract of employment? Is it breach of contract or an implied term of the contract? - concepts of bonus and right to share in profits - The payment of Bonus Act, 1965 - definitions - provisions relating to payment of bonus - judicial interpretations and constitutionality of the provision relating to Govt's power to exempt

Context - reward for long drawn loyal service -- employers' liability or good gesture? Historical developments. The Payment of Gratuity Act, 1972 - definitions - judicial restrictive interpretation of the definition of employee. - payment of gratuity - determination of the amount of gratuity - authorities.

### Unit IV - Child Labour

Child labour - practice and reasons for child labour - competing views on necessity and feasibility of abolition of child labour - Human rights perspective and constitutional provisions for the protection of child - the Child Labour (Prohibition and Regulation) Act, 1986 - definitions - provisions relating to prohibition of child labour in certain establishments and processes - regulation of conditions of work - penalties - judicial interpretations. Amendments made through The Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Criticisms.

### Unit V- Provisions applicable to shops and establishments

Necessity of protection of unorganised labour in shops and establishments by regulating their working conditions - a bird's eye view of legislations on shops and establishments in different states and the necessity of common legislation - the Karnataka Shops and Commercial Establishments Act, 1961 - application of the Act, Hours of work, annual leave with wages - wages and compensation - employment of children and women - authorities and penalties.

New labour law Code's - Policy of Ease of doing business with India and Labour Implications - the idea behind Decent Work Agenda from ILO.

#### **Books Prescribed:**

- S.C. Srivastava - Industrial Relations and Labour Laws.
- Dr. V.G. Goswami - Labour Industrial Laws
- S.N.Mishra - Labour and Industrial Laws.
- S.C.Srivastava, Treatise on Social Security.
- Bonded Labour System Abolition Act, 1976,
- Equal Remuneration Act, 1976
- Inter-State Migration of Workers Act, 1979.
- The Protection of Women Against Sexual Harassment Act, 2013
- The Karnataka Shops and Commercial Establishments Act, 1961
- The Child Labour (Prohibition and Regulation) Act, 1986
- The Payment of Gratuity Act, 1972
- The Payment of Bonus Act, 1965
- The Industrial Disputes Act, 1947
- The Payment of Wages Act, 1936
- The Karnataka Shops and Commercial Establishments Act, 1961
- The Unorganised Workers' Social Security Act, 2008
- The Economic Special Zones Act, 2005

#### **Reference Books:**

- O.P. Malhotra - Law of Industrial Disputes.
- G. Ramanujam - Indian Labour Movements.
- P.L. Malik - Industrial Law.
- Mamoria and Mamoria - Dynamics of Industrial Relations.
- First National Labour Commission Report, 1969.
- Second National Labour Commission Report, 2002.
- International Labour Conventions and Recommendations.



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Date: 20.07.2018.

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## Appendix-IV

Sl.No.	Semester	Integrated B.A.,L.L.B. Programme
1	1 <sup>st</sup> semester	1. General English 2. Major-1 3. Minor-I-1 4. Minor-II-1 5. Legal Methods
2	2 <sup>nd</sup> semester	1. Kannada / Kannada Kali 2. Major-2 3. Minor-I-2 4. Minor-II-2 5. Law of Torts
	3 <sup>rd</sup> semester.	1. Major-3 2. Major-4 3. Minor-I-3 4. Minor-II-3 5. Constitutional Law-I
4	4 <sup>th</sup> semester.	1. Major-5 2. Major-6 3. Constitutional Law-II 4. Law of Crimes-I 5. Contract-I (Law of General Contract)
5	5 <sup>th</sup> semester	1. Labour Law-I 2. Jurisprudence 3. Family Law-I 4. Contract-II (Specific Contracts) 5. Administrative Law
6	6 <sup>th</sup> semester	1. Labour Law-II 2. Company Law 3. Property Law. 4. Family Law-II