

COURSE I- LABOUR LAW- I

OBJECTIVES

In this course, 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. The main objective is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the Industrial Disputes Act, 1947 for the prevention and settlement of industrial disputes and other matters. Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Referring wherever necessary to the Constitutional provisions and the ILO Conventions and recommendations will do learning of these legislations. We will be looking at the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalisation. In order to understand the above-mentioned legislations in their proper perspective, a brief historical background of these legislations will also be examined.

In this course, students shall also acquaint with legal frame-work relating to social security and welfare. The concept of social security, its importance and also Constitutional basis for the same are introduced. The importance of ensuring health, safety and welfare of the workmen, social assistance and social insurance schemes and the regulation of wages under various legislations are to be emphasised. The objective is also to understand the provisions of the Employees Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Payment of Wages Act, 1936, the Factories Act, 1948. 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, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changed economic policies.

UNIT-I

Historical aspects - Master and Slave Relationship, Trade Unionism in India and UK - Enactment of the Trade Unions Act, 1926- ILO Conventions relating to Trade Unions and relevant Constitutional provisions.

A bird's eye view of the Act – Definitions - Trade Union, Trade Dispute, etc. - Provisions relating to registration, withdrawal and cancellation of registration - Funds of Trade Union, Immunities, problems of Trade Union, Amalgamation of Trade Union -Recognition of Trade Unions - Methods, need and efforts in this regard, Collective Bargaining - Meaning, methods, status of collective bargaining settlements, collective bargaining and liberalisation.

UNIT-II

Historical Background and Introduction to the Industrial Disputes Act, 1947 - Definitions - Industry, Workman, Industrial Dispute, Appropriate Government, etc., - Authorities/ Industrial Dispute resolution machinery - Works Committee, Conciliation and Board of Conciliation – Powers and Functions, Court of Inquiry, Grievance Settlement Authority,

Voluntary Arbitration U/S 10-A, Compulsory Adjudication- Government's power of reference U/S- 10 - Critical analysis with reference to decided cases. Compulsory Adjudication - Composition, Qualification, Jurisdiction, powers of adjudication authorities, - Award and Settlement - Definition, Period of operation, binding nature and Juridical Review of award.

UNIT- III

Law relating to regulation of strikes and lockouts- Definition of strikes and lockouts, Analysis with reference to Judicial Interpretations, Regulation U/Ss 22, 23, 10-A(4-A), and 10 (3), Illegal strikes and lockouts, penalties. - Regulation of Job losses- concepts of Lay-off, Retrenchment, Closure and Transfer of undertakings with reference to statutory definition and Judicial Interpretations - Regulation of job losses with reference to the provisions of chapter V A and V B of the ID Act, 1947 - Regulation of managerial prerogatives - Ss. 9A, 11A, 33 and 33A of ID Act, 1947 - Certified Standing Orders - Meaning and Procedure for Certification, Certifying officers- Powers and Functions, etc.

UNIT-IV

Concept and Importance of Social Security - Influence of I.L.O. - Constitutional Mandate. The Employees' Compensation Act, 1923 – Definitions - employee, employer, dependent, partial disablement, total disablement, etc. - Employer's liability for compensation –Conditions and Exceptions - Procedure for claiming compensation. Computation of Compensation. Commissioner- Jurisdiction, Powers, etc.

The Employees' State Insurance Act, 1948 – Definitions - Employment injury, contribution, dependent, employee, principal employer, etc. - Employees' State Insurance Funds - contribution, Benefits available - Administrative Mechanism - E.S.I Corporation, Standing Committee, Medical Benefits Council - Composition, Powers, Duties - Adjudication of Disputes - E.S.I Courts. Comparative analysis of the E.S.I. Act, 1948 with the Employees' Compensation Act, 1923

UNIT-V

The Payment of Wages Act, 1936 - Definitions – employed person, factory, industrial and other establishment, wages, etc. - Deductions – Authorities - Inspectors and Payment of Wages Authority.

The Factories Act, 1948 – Definitions - factory, manufacturing process, occupier, worker, hazardous process, etc. - Provisions of the Factories Act relating to health, safety and welfare of

workers - Provisions relating to Hazardous process - Provisions relating to working conditions of employment - Working Hours, Weekly leave, Annual leave facility - Provisions relating to regulation of employment of women, children and young persons.

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.
- The Trade Unions Act, 1926
- The Industrial Disputes Act, 1947
- The Industrial Employment (Standing Orders) Act, 1946
- The Employees Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Payment of Wages Act, 1936
- The Factories Act, 1948

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.

COURSE-II: JURISPRUDENCE

Objectives:

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, political and theoretical.

At the heart of legal enterprise is the concept of law. Without deep understanding of this concept neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, the first part of the course is concerned with important questions like, what is law, what are the purposes of law?, the relationship between law and justice and the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal Thought.

One important branch of Jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native India Orientation is given wherever possible.

Course contents:

UNIT – I

Meaning and nature of ‘Jurisprudence’ - Purpose and value of Jurisprudence -Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

UNIT – II

Functions and purpose of law, questions of law, fact and discretion - Justice and its kinds - Civil and Criminal Administration of Justice - Theories of Punishment and Secondary functions of the Court.

UNIT – III

Sources of Law: Legislation, Precedent and Custom - A Comparative study

UNIT – IV

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense; Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership; Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

UNIT – V

Liability: Conditions for imposing liability - Wrongful act: *Damnum Sine Injuria*, causation, *mens rea*, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation. Substantive Law and Procedural Law.

Prescribed Books:

Fitzgerald, *Salmond on Jurisprudence*, (Bombay: Tripathi, 1999).

Dias, R.W.M., *Jurisprudence*, (Delhi: Aditya Books, 1994)

Reference Books:

W. Friedman, *Legal Theory*, (New Delhi: Universal, 1999)

V. D. Mahajan, *Jurisprudence and Legal Theory*, (Lucknow; Eastern, 1996 Reprint)

Paton, G.W., *Jurisprudence*, ELBS, (Oxford, 1972)

Bodenheimer, Edgar, *Jurisprudence*, (Harvard University Press, 1974)(Revised Edition)

COURSE-III
FAMILY LAW-I HINDU LAW

Objectives:

The course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

Course contents:

UNIT – I

The Concept of Dharma - Sources of Hindu Law – Ancient and Modern - Importance of Dharma Shastra on Legislation – Mitakshara and Dayabaga Schools of Hindu Law - Application of Hindu Law.

UNIT – II

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

UNIT – III

Hindu undivided family – Mitakshara Joint Family - Formation and Incidents - Property under both Schools – Kartha: His Position, Powers, Privileges and Obligations - Debts – Doctrine of Pious Obligation - Partition and Reunion –Religious and Charitable Endowment.

UNIT – IV

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - Hindu Succession Act, 1956. Stridhana- Woman's Property - Amendments to Hindu Succession Act; Gifts and Testamentary Succession – Wills.

UNIT – V

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

Prescribed Books:

Diwan, Paras, *Modern Hindu Law*, (Faridabad: Allahabad Law Agency, 1993)

Reference Books:

John D. Mayne, *A Treatise on Hindu Law and Usage*, 9th Edition, (Madras: Higginbotham, 1922)

Mulla, *Principles of Hindu Law*, (New Delhi: Lexis Nexis Butterworths, 2007)

Diwan, Paras, *Law of Adoption, Ministry, Guardianship and Custody* (Universal: 2000)

J. D. M. Derrett – *Hindu Law – Past and Present*, (Calcutta: A Mukherjee & Co., 1957)

N. Raghavachar, *Hindu law*

COURSE-IV

CONTRACT-II (SPECIAL CONTRACTS)

Objectives:

This course enables the students to better appreciate the law governing special contracts like, indemnity, guarantee, agency, etc. which are more relevant in the contemporary society. Law contained in several legislations apart from the Indian Contract Act is taught in this Course.

Course contents:

UNIT - I

Contract of Indemnity –Definition, Nature and Scope - Rights of indemnity holder – Commencement of the indemnifier’s liability – Contract of Guarantee – Definition, Nature and Scope – Difference between contract of indemnity and Guarantee – Rights of surety – Discharge of Surety – Extent of Surety’s liability – Co-surety.

UNIT – II

Contract of Bailment – Definition – Kinds – Rights and Duties of Bailor and Bailee – Rights of Finder of goods as Bailee – Contract of pledge – Definition – Comparison with Bailment – Rights and duties of Pawnor and Pawnee

UNIT – III

Agency – Definition – Creation of Agency – Kinds of Agents – Distinction between Agent and Servant – Rights and Duties of Agent – Relation of Principal with third parties – Delegation – Duties and Rights of Agent – Extent of Agents authority – Personal liability of Agent – Termination of Agency.

UNIT - IV

Indian Partnership Act – Definition – Nature, Mode of determining the existence of Partnership – Relation of Partner to one another – Rights and duties of partner – Relation of partners with third parties – Types of partners – Admission– Retirement , and Expulsion of partners
Dissolution of Firm – Registration of Firms.

UNIT – V

Sale of Goods Act – The Contract of sale – Agreement to sell - Conditions and Warranties – Passing of property – Transfer of title – Performance of the Contract – Rights of Unpaid Seller – Remedies for Breach of Contract.

Prescribed Books:

Singh, Avtar, *Law of Contract and Specific Relief*, 11th Edition, (Lucknow: Eastern Book Company, 2013)

Verma J.P (ed.), Singh and Gupta, *The Law of Partnership in India*, (New Delhi: Orient Law House, 1999)

Saharay H. K, *Indian Partnership and Sale of Goods Act*, (Universal, 2000)

Nair, Krishnan, *Law of Contract*,(New Delhi: Orient Law House, 1999)

Hire Purchase Act

Reference Books:

Pollock and Mulla, *Indian Contract and Specific Relief Act*,14th Edition, (New Delhi: Lexis Nexis, 2013)

Anson, William, *Law of Contract*, 29th Edition, (Oxford University Press, 2010)

Avtar Singh, *Principles of the Law of Sale of Goods and Hire Purchase*, (Lucknow; Eastern Book House Ltd, 1998)

Sir Frederick Pollock and Mulla, *Pollock and Mulla on the Sale of Goods Act*, 9th Edition, (Lexis Nexis: 2014)

J. P. Verma (ed.), Singh and Gupta, *The law of partnership in India*,(New Delhi: Orient Law House,1999)

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ - 580025

ನ್ಯಾಕ 'ಎ' ಶ್ರೇಣಿ ಮಾನ್ಯತೆ

ದೂರವಾಣಿ ಸಂಖ್ಯೆ : 0836-222392

ಫ್ಯಾಕ್ಸ್ : 0836-222392

ಜಾಲತಾಣ : www.kslu.ac.in

ಇ-ಮೇಲ್ : kslu.registrar@gmail.com

ಸಂಖ್ಯೆ:ಕರಾಕಾವಿ/ವಿದ್ಯಾಮಂಡಳ/ಸಂಯೋಜನೆ/2019-20/0992

ದಿನಾಂಕ: 23.08.2019

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಆಡಳಿತ ಕಾನೂನು (Administrative Law) ಈ ವಿಷಯವನ್ನು 5 ಘಟಕಗಳಾಗಿ ವಿಂಗಡನೆ ಮಾಡಿರುವ ಕುರಿತು

- ಉಲ್ಲೇಖ: 1. ಈ ವಿಶ್ವವಿದ್ಯಾಲಯದ ಸುತ್ತೋಲೆ ಸಂಖ್ಯೆ: ಕರಾಕಾವಿ/ಕುಸ/ವಿದ್ಯಾಮಂಡಳ/ಸಂಯೋಜನೆ /ಬಿ.ಓ.ಎಸ್.ಯು.ಜಿ/ 2015-16/0651, ದಿನಾಂಕ: 17.06.2015
2. ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಅನುಮೋದನೆಯ ದಿನಾಂಕ: 23.08.2019.

ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಈ ಮೂಲಕ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಯೋಜನೆಗೊಂಡ ಎಲ್ಲ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಿಗೆ ಪ್ರಾರ್ಥನೆಯಾಗಿ ತಿಳಿಯಪಡಿಸುವುದೆಂದರೆ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಪ್ರಶ್ನಪತ್ರಿಕೆಯು ಘಟಕವಾರು ಇರುವುದರಿಂದ ಆಡಳಿತ ಕಾನೂನು (Administrative Law) ಈ ವಿಷಯವನ್ನು 5 ಘಟಕಗಳಲ್ಲಿ ಪುನರ್ ವಿಂಗಡಿಸಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಈ ಸುತ್ತೋಲೆಯ ಜೊತೆಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ ಈ ವಿಷಯವನ್ನು ಆಯಾ ವಿಷಯಗಳ ಶಿಕ್ಷಕರಿಗೆ ಹಾಗೂ ವಿದ್ಯಾರ್ಥಿಗಳ ಗಮನಕ್ಕೆ ತಂದು ವ್ಯವಸ್ಥಿತವಾಗಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಜಾರಿಗೆ ತರಲು ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ಸಹಿ ಆಗಿದೆ
ಕುಲಸಚಿವರು

ಗೆ,

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ
ಸಂಯೋಜನೆ ಹೊಂದಿದ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಿಗೆ

ಅಡಕಗಳು: ಮೇಲೆ ಹೇಳಿದ ಎಲ್ಲಾ ಪ್ರತಿಗಳು ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಪ್ರತಿಗಳು:

1. ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾವಿ. ಹುಬ್ಬಳ್ಳಿರವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
2. ಮಾನ್ಯ ಕುಲಸಚಿವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾವಿ. ಹುಬ್ಬಳ್ಳಿರವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ.
3. ಮಾನ್ಯ ಕುಲಸಚಿವರ (ಪರೀಕ್ಷಾಂಗ) ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾವಿ. ಹುಬ್ಬಳ್ಳಿರವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಿದೆ
4. ಉಪ ಕುಲಸಚಿವರು, ವಿದ್ಯಾಮಂಡಳ ವಿಭಾಗ, ಕರಾಕಾವಿ. ಹುಬ್ಬಳ್ಳಿ.
5. ಸಹಾಯಕ ಕುಲಸಚಿವರು, ಪರೀಕ್ಷಾ ವಿಭಾಗ, ಕರಾಕಾವಿ. ಹುಬ್ಬಳ್ಳಿ. ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ.
6. ಆವಕ-ಜಾವಕ ವಿಭಾಗ, ಪರೀಕ್ಷಾ ವಿಭಾಗ, ಕರಾಕಾವಿ. ಹುಬ್ಬಳ್ಳಿ. ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ.
7. ಐಸಿಟಿ ವಿಭಾಗ, ಕರಾಕಾವಿ. ಹುಬ್ಬಳ್ಳಿ. ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ./ಕಛೇರಿಯ ಪ್ರತಿ

COURSE V: ADMINISTRATIVE LAW

Objective:

Administrative law is basically concerned with triple function of administrative authorities, their constitutional limits and statutory limitations, the procedure to be followed in the exercise of their functions and the necessity to study in depth relevant remedies. Constitutional or otherwise in case of administrative arrogance and consequent abuse of power.

Course content

Unit I – Definition of Administrative Law – Nature and scope – The impact and implications of the Doctrine of Separation and the Rule of Law on Administrative Law, Classification of Administrative Action – the necessity

Unit II – Legislative Power of Administration – Doctrine of Vice of excessive Delegation - Judicial and Parliamentary control over delegative legislation – Advantages and disadvantages of delegated legislation – Exclusion of Judicial Review of Delegated Legislation, Administrative directions.

Unit III – Judicial power of Administration – Tests to determine when an administrative authority required to act judicially - Doctrine of Bias – Doctrine of Audi Altrem Partem – Reasoned decision – Exceptions to Natural Justice – Effect of non-compliance with rules of Natural Justice – grounds on which decision of quasi-judicial authority can be challenged before Supreme Court

Unit IV - Administrative Discretion - Grant and exercise of discretion - Judicial review of Administrative Discretion, Control of Administrative Action – Judicial Control – Public Law and Private Law Remedies – distinction

Writs – Theory, Practice and Procedure – ouster clause

Liabilities of the state in the province of Contract and Tort – Constitutional Tort
Doctrine of Promissory Estoppels – Doctrine of legitimate expectation – Doctrine
of proportionality

Unit V - Corporate and Public Undertakings – Control of statutory corporations
and public undertakings - Administrative deviance – Corruption and mal
administration – Control mechanism

Ombudsman in India (Lokpal and Lokayukta) – Central Vigilance Commission –
Parliamentary Committees – Commission of Enquiry

Prescribed Books

M.P.Jain & S.N.Jain, Principles of Administrative law, latest edition

Reference Books

Wade, Administrative Law, latest edition

S.P.Sathe, Administrative Law, latest edition

I.P.Massey, Administrative Law, latest edition