

UNIVERSITY OF MUMBAI
No.UG/ 298 of 2004
*Mrs. Dainil
A. Taylor*

CIRCULAR

A reference is invited to the Ordinances, Regulations and syllabi relating to the LL.B. degree course (Three Years and Five years Degree Course) *vide* pamphlet No.44 and to this office Circular No.368 of 2001, dated 20th October, 2001 and the Head, University Department of Law and the Principals of the affiliated colleges in Law are hereby informed that the recommendation made by the Faculty of Law at its meeting held on 21st January, 2004 has been accepted by the Academic Council at its meeting held on 2nd April, 2004 *vide* item No.4.43 and that in accordance therewith the syllabus and scheme of Papers at the LL.B. (3 Years and 5 Years) degree course Semester I to X has been revised as per Appendix and that the same has been brought into force with effect from the academic year 2004-2005 for all the Semesters.

Further that the following topics has been deleted from the subject of Jurisprudence at the Fourth Year (5 Year) (Sem.VIII) and Second Year (3 Year) (Sem.IV) LL.B. degree course appearing at Sr.No.2 under the heading " Schools of Jurisprudence" on Page No.61 of the Appendix. :-

- 2.7 The Bharat Jurisprudence
- 2.8 The Ancient : the Concept of 'Dharma'

Mumbai 400 032.
20th July, 2004.

W.M. 20/7
for Uc REGISTRAR

To,

The Head University Department of Law and the Principals of the affiliated colleges in Law

A.C.No.443/2.04.04

No.UG/ 298-A of 2004 MUMBAI-400 032 20th July, 2004.

Copy forwarded with Compliments for information to:-

- 1) The Dean, Faculty of Law
- 2) The Chairman, Board of Studies in Law

W.M. 20/7
for Uc REGISTRAR

Copy to:-

The Director, Board of College and University Development, the Controller of Examinations, the Deputy Registrar (Eligibility and Migration Section), the Director of Students Welfare, the Personal Assistants to the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar and the Assistant Registrar, Administrative sub-center, Ratnagiri for information.

The Controller of Examinations (10 copies), the Finance and Accounts Officer (2 copies), Record Section (5 copies), Publications Section (5 copies), the Deputy Registrar, Enrollment, Eligibility and Migration Section (3 copies), the Deputy Registrar, Statistical Unit (2 copies), the Deputy Registrar (Accounts Section), Vidyanagari (2 copies), the Deputy Registrar, Affiliation Section (2 copies), the Director University Computer Center (IDE Building), Vidyanagari, (2 copies), the Assistant Registrar, Academic Authorities Unit (2 copies) and the Assistant Registrar, Management Council (2 copies). They are requested to treat this as action taken report on the concerned resolution adopted by the Academic Council referred to in the above Circular and that no separate Action Taken Report will be sent in this connection. The Assistant Registrar Constituent Colleges Unit (2 copy), B.L.A.C.T (1 copy), the Deputy Account, Unit VII (1 copy), the in-charge Director, Centralize Computing (1 copy), the Receptionist (1 copy), the Telephone Operator (1 copy), the Secretary MUASA (1 copy), Superintendent Post-Graduate Section (2 copies).

W.M. 20/7/04

UNIVERSITY OF MUMBAI



**Revised Syllabus for the LL.B.
Degree Course
(Three Years and Five Years)
(Semester I, II, III, IV, V,
VI, VII, VIII, IX, X)
(for all the Semester)**

(with effect from the academic year 2004-2005)

UNIVERSITY OF MUMBAI

Syllabus for the LL.B. degree Course (Three Years (Semesters I to VI) and Five Years (Semester I to X)) (Revised) with effect from the academic year 2004-2005 for all the Semesters:-

First Year (Five Years) (Sem. I)

Subject :-

- 1) English I
- 2) Logic I
- 3) Economics

First Year (Five Year) (Sem. II)

Subject :

- 1) History
- 2) Political Science I
- 3) Legal Writing and Legal Language

Second Year (Five Year) (Sem. III)

Subject :

- 1) Political Science II
- 2) Sociology
- 3) History of Courts

Second Year (Five Year) (Sem. IV)

Subject :

- 1) English -II
- 2) Logic- II
- 3) Political Science III

Third Year (5 Year) (Sem V)

and

First Year (3 Year) (Sem. I)

- 1. Labour Laws
- 2. Contract – I
- 3. Tort & Consumer Protection Laws
- 4. Legal Language including Legal Writing & General English

Third Year (5 Year) (Sem.VI)

and

First Year (3 Year) (Sem. II)

- 1. Law of Crimes
- 2. Constitutional Law
- 3. Family Law – I
- 4. Environmental Laws
- 5. Practical Training - I

Fourth Year (5 Year) (Sem.VII)
and

Second Year (3 Year) (Sem. III)

1. Administrative Law
2. Family Law – II
3. Transfer of Property Act and
Easement Act
4. Company Law

Fourth Year (5 Year) (Sem.VIII)

and

Second Year (3 Year) (Sem. IV)

1. Jurisprudence
2. Contract – II
3. Land Laws
4. Any One from the following :-
 1. Criminology and Correctional Administration
 2. Taxation Laws
 3. Bankruptcy Laws
5. Practical Training – II

Fifth Year (5 Year) (Sem.IX)
and
Third Year (3 Year) (Sem. V)

1. Civil Procedure Code & Limitation Act
2. Criminal Procedure Code , Juvenile Justice Act. 2000 & Probation of Offenders Act.
3. Interpretation of Statutes
4. Public International Law & Human Rights

Fifth Year (5 Year) (Sem.X)
and
Third Year (3 Year) (Sem. VI)

1. Alternate Dispute Resolution System
2. Law of Evidence
3. Optional Papers : Any Two from the following Six subjects
 1. Banking Laws and Negotiable Instruments Act
 2. Law of Insurance
 3. Intellectual Property Law
 4. Conflict of Laws
 5. Law Relating to Women & Children
 6. Law and Medicine
4. Practical Training – III
5. Practical Training – IV

Revised Syllabus for the Five Year (Sem I)
LL.B. degree course.

(With effect from the academic year 2004-2005)

ENGLISH - I

SECTION ONE: 40 Marks

A. GRAMMAR and USAGE (Communication Skills)

1. Simple sentences (one clause): Their phrase structure
 - (i) Tense and concord
 - (ii) Basic Transformation: (a) passive (b) negative (c) question
2. Compound and Complex Sentences: Use of connectives
3. Conditionals
4. Reported Speech
5. Some common errors in construction of sentences and sentence correction

B. VOCABULARY (Communication Skills)

- (i) Use of Legal terms (ii) idiomatic expressions

C. COMPREHENSION SKILLS

- (i) Reading Comprehension (Principles and Practise)
- (ii) Listening Comprehension
(As far as possible Short Legal Passages should be selected)

D. COMPOSITION SKILLS

- (i) Paragraph Writing
- (ii) Essay Writing
- (iii) Formal Correspondence:
 - (a) Letters of application for jobs (b) Letters of complaint

SECTION TWO (60 Marks)

The TEXTS for study is :

- 1) The Due Process of Law
by Lord Denning (ONLY parts 1-5)
- 2) Roses in December - M.C.Chagla

Recommended Readings :

- 1) English Grammar, Composition and Correspondence
By M.A. Pink and S.E. Thomas
London : The Gregg Publishing Co.
- 2) English and American Business Letters
By C.E. Eekersley and W. Kauf Mann
London : Longmans

LOGIC - I

I Nature of logic

- (a) Traditional and Modern definitions of Logic
- (b) Basic features of Inductive and Deductive reasoning. Their uses in law courts
- (c) Some basic logical concepts -Form, Content, Truth, Validity, Inference, Implication.

II Terms

- (a) Meaning of Terms – Connotation and denotation of terms – positive and negative terms, contrary and contradictory terms
- (b) Distinctions between - proposition and sentence, proposition and judgment, proposition and fact, constituent and component.

III Proposition

- (a) Traditional classification of proposition into categorical and conditional four-fold classification.
- (b) Reduction of sentences to their logical forms.
- (c) Distribution of terms in A, E, I, O propositions.

IV Modern classification of Propositions

- (a) Aim of modern classification, Kinds of simple and compound propositions and basic truth tables for compound propositions.
- (b) General propositions in Modern logic-universal and existential propositions.

V Comparative Study of Traditional and Modern Classification of Propositions

- a) Distinction between the traditional and modern general propositions.
- b) Meaning of predication with special reference to the copula.
- c) Failure of Traditional classification of propositions.

VI Inference

- a) Kinds of inference – Immediate and mediate.
- b) Opposition of proposition - types of opposition- inference by Opposition of propositions- opposition of singular propositions,

VII Educations

- (a) Conversion and Obversion and other immediate inferences.
- (b) Laws of Thought as applied to propositions.

VIII Definition

- a) Its purpose –rules and fallacies as per Traditional Definition
- b) Modern Definitions- kinds.

IX Definition and law

Precise definition with special reference to any specific definition- disablement, industry (Labour Law), private and public nuisance(Law of Torts), consent (Law of Contract), medical -intervention, physician., terminally -ill , reference(basic concepts only from Law books).

X Division

Logical division – rules and fallacies of division - division by dichotomy.

XI Induction

- (a) Simple Enumeration as a form of induction.
- (b) Analogy- characteristic of a good and bad analogy. Its use in law-circumstantial evidence.

Recommended Readings :

1. Introduction to Logic – K.T. Basantani. –Basic Text-Book
2. An Introduction to Logic- Irving Copi. (Ninth edition)
3. Modern Introduction to Logic – L.S. Stebbing.

ECONOMICS

Section I – General Principles

Section – II – Indian Economy

Section - I

1. Introduction

- (i) Economics as a science and its relevance to law
- (ii) Positive and normative economics
- (iii) Micro and macro economics

2. Demand and Supply

- (i) Law of demand and Elasticity of demand
- (ii) Law of supply
- (iii) Determination of price

3. Cost and Revenue Analysis

- (i) Cost concepts
- (ii) Revenue concepts

4. Market Structure

- (i) Features of perfect competition
- (ii) Features of monopoly
- (iii) Features of monopolistic competition

5. Factors of production and their pricing

- (i) Land and rent
- (ii) Labour and wages
- (iii) Capital and interest
- (iv) Entrepreneur and profit

Section – II

6. Introduction

- (i) Salient Features of Indian economy and structural changes
- (ii) National income trends
- (iii) Problems of poverty, population growth and inequalities

7. Agriculture

- (i) Agricultural production and agriculture productivity
- (ii) Constraints in agriculture – institutional, financial, marketing and pricing
- (iii) National Agricultural Policy – 2000

8. Industry

- (i) Growth and pattern of industrialization
- (ii) New Industrial Policy 1991
- (iii) Public sector and disinvestments policy
- (iv) Small scale industries – Problems and policies

9. Financial Markets

- (i) Indian money market – Features and Reforms
- (ii) Indian capital market – Features and Growth
- (iii) SEBI

10. Fiscal System

- (i) Evaluation of Indian tax structure and tax reforms since 1990's
- (ii) Public expenditure – Composition and growth
- (iii) Public debt management

11. External Sector

- (i) Structural changes in India's foreign trade since nineties
- (ii) Balance of payments problem since 1990's
- (iii) WTO

Recommended Readings :

1. Indian Economics for Law students
Dr. S.R. Myheni, Allahabad Law Agency, Faridabad
2. Legal Economics – K.C. Gopalkrishnan Eastern Book Company, Lucknow.
3. Economics for Law students – Dr. S.R. Myheni Allahabad, Law Agency.
4. Indian Economy – Ruddar Datt and K.P.M. Sundhram S. Chand & Co. Ltd.,
New Delhi – 110 055; 2004.
5. Elementary Economic Theory – Dewett, Varma S. Chand & Company,
New Delhi – 110 055.

HISTROY

1. East India Company and its administration (1757-1857)
 - (a) Regulating Act of 1773.
 - (b) The Charter Acts from 1773 to 1853.
2. (a) The revolt of 1857: Its origin and causes.
 - (b) Consequences of the revolt with special reference to:
 - (i) Queen's Proclamation and (ii) Act for the Better Government of India, 1858.
 - (c) Indian Councils Act of 1861.
3. Socio-religious reform Movements with reference to:
 - (a) Emancipation of women.
 - (b) Upliftment of depressed classes.
4. Struggle for freedom (1885-1909)
 - (a) (i) Establishment of the Indian National Congress and the work of the Moderates (1885-1905)
 - (ii) Indian Councils Act of 1892.
 - (b) (i) Rise of Extremists and Partition of Bengal (1905)
 - (ii) The Indian Councils Act of 1909.
5. Constitutional Developments (1917-1935)
 - (a) (i) August Declaration (1917) and Montague-Chelmsford Report (1918)
 - (ii) The Government of India Act, 1919 and its consequences.
 - (b) (i) Simon Commission(1927), Nehru Report (1928) and Round Table Conferences.
 - (ii) Civil Disobedience Movement and the Government of India Act, 1935.
6. The Road to Partition:
 - (a) Cripps Mission (1942), Cabinet Mission Plan (1946) and the Indian Independence Act (1947)
 - (b) Genesis and Growth of Communalism and Partition of India.
7. British Impact and major developments in Indian
 - (a) Education
 - (b) Press
 - (c) Local self government
 - (d) Civil Services
8. Nehru Era (1947-1964)
 - (a) Making of the Constitution, its salient features and significance.
 - (b) Integration of the Indian States and the Kashmir issue.
 - (c) States Reorganization.

9. Contemporary India
- (a) Land Reforms and Modernization of Agriculture.
 - (b) Labour and Trade Union Movement.
 - (c) Hindu Code Bill and Emancipation of women.
 - (d) Upliftment of Scheduled Castes and Scheduled Tribes.
 - (e) Centre-States Relations.

Recommended Readings :

- 1) Mahajan, V.D. - Modern Indian History.
- 2) Majumdar, R.C., Raychaudhuri, H.C., Datta, Kalikinkar – An Advanced History of India.

BOOKS FOR REFERENCE:

- 1) Sarkar, Sumit – Modern India, Macmillan India Ltd., New Delhi, 1983.
- 2) Banerjee, Anil Chandra – Constitutional History of India Vol. II (1858-1919) and Vol. III (1919-1977)
- 3) Pylee, P.V. - Constitutional History of India (1600-1950), Bombay, Asia Publishing House, 1972.
- 4) Ambedkar, B.R. – Annihilation of Caste, Speeches and writings Vol. I.
- 5) Dodwell, H.H. (ed.), The Cambridge History of India, Vol. VI: The Indian Empire (1858-19180, with additional chapters on the Last Phase (1919-1947), Delhi, S. Chand and Co., 1983.
- 6) Menon, V.P. – The story of Integration of States, Bombay, Orient Longman, 1956.

POLITICAL SCIENCE - I

SECTION - I (Political Theory)

1. Definition & Scope of Political Science.
2. State (As the central theme and concept) – Meaning, Definition & Constituent Elements of State, State with reference to Society, Association & Government.
3. Sovereignty – Meaning, Definition & Characteristics of Sovereignty, Austinian (Monistic) Theory of Sovereignty, Pluralistic view of Sovereignty.
4. Main currents of Western Political Thought:
 - a) Plato's Ideal State, Aristotle's Classification of States (Governments)
 - b) Machiavelli's views on State Craft – "The Prince"

SECTION - II (Political Organisation)

5. Organisation of Government
 - a) Unitary & Federal Governments (Features, Merits & Demerits), Quasi – Federal, Is India a Quasi-Federal State?
 - b) Parliamentary & Presidential Forms of Governments (Features, Merits & Demerits)
6. Judiciary – Functions & Role, the Principle of Independence of Judiciary & the doctrine of Judicial Review.
7. Bases of Representation – Territorial & Functional, the System of Proportional Representation.
8. Montesquieu's Theory of the Separation of Powers (in brief)

Recommended Readings :

1. Asirvatham Eddy : Political Theory (Upper India Publishing House, Lucknow, 1971)
2. Barker Earnest : Principles of Social & Political Theory (Oxford, London, 1956)

3. Gokhale B. K.: Political Science [Theory and Governmental Machinery] (Himalaya Publishing House, Mumbai, 1994)
4. Johari J. C.: Contemporary Political Theory (Sterling, New Delhi, 1985)
5. Rathore L.S. & Haqqi S.A.H. : Political Theory & Organisation (Eastern Book Company, Lucknow, 2002)

LEGAL WRITING AND LEGAL LANGUAGE

A. Essays

1. Uniform Civil Code

10 Marks

Article 44 of the Constitution of India with relevant extracts from the Parliamentary Debate on the Subject.

Various personal legislations relating to the personal rights in adoption, marriage and divorce, guardianship, maintenance and succession.

Desirability of Uniform Civil Code in the matter of Marriage, divorce, adoption, succession laws appearing herein after as applicable to different religion and community.

- a) Hindu Marriage Act 1955
- b) Divorce Act 1869
- c) Parsi Marriage and Divorce Act 1936
- d) Special Marriage Act 1954
- e) Dissolution of Muslim Marriage Act 1939
- f) Hindu Adoption and Maintenance Act 1956
- g) Indian Succession Act 1925
- h) Hindu Succession Act
- i) Law of Succession relating to Mohammediān

Judgments of the Supreme Court of India delivered from time to time recommending changes in personal laws to bring about uniformity amongst personal laws.

- a) Ms. Jorden Diengdeh vs. S. S. Chopra AIR 1985 SC 935
- b) Mohamed Ahmed Khan vs. Shah Bano Begum and others AIR 1985 SC 945
- c) Smt. Sarla Mudgar, President Kalyani and other vs. Union of India AIR 1995 SC 1531
- d) Ahmedabad Women Action Group (AWAG) vs. Union of India (1997) 3 SCC 573
- e) Mrs. Pragati Varghese and etc. vs. Cyril George Varghese and etc. AIR 1997 Bom 341

2. Reservation

Marks 15

Reservation under Constitution of India.

Articles 14, 15, 16(4), 17, 29(2), 46, 330, 331, 332 and 335 from the Constitution of India.

News items that have appeared and will continue to appear in the newspaper and magazines/journals from time to time on the subject of Reservation.

Judgments of the Supreme court of India in particular the Judgment on Reservation after Mandal Commission Report.

Reservation of seats for women in decision-making body.

Articles from the News Papers and Periodicals on this issue of Reservation.

Views expressed by the Supreme Court of India in the Judgment of Musilamani Mudaliar vs. Idol of Sri. Swaminathaswami Hirukoli. (1996) 8 SCC 525.

Constitution (Eighty First Amendment) Bill 1996 for Reservation of seats for women in the House of the People.

Reservation in Education, Employment and Promotion

Articles from the Newspapers and Periodicals on this issue.

Views expressed by the Supreme Court of India in the following Judgments.

- a) K. C. Vasanth Kumar vs. State of Karnataka 1985 Supp. SCCC 714
- b) Janaki Prasad Parimoo vs. State of J. & K. (1973) SCC 420
- c) Indra Sawhney vs. Union of India 1992 Supp. (3) SCC 217 **Mandal Commission Case**)
- d) Chattar Singh vs. State of Rajasthan. (1996) 11 SCC 742.
- e) Ashok Kumar Gupta vs. State of U. P. (1997) 5 SCC 201.
- f) S. Rangarajan vs. P. Jagjivan Ram. (1998) 2 SCC 574

3. Consumer Activism

Marks 15

Introduction to the Consumer Protection Act.

The Consumer Protection Act, 1986

Sections 2 (6) Complainant

Section 2 (8) Who is a Consumer

Consumers of Housing Facilities, Banking Services, Medical Services, Insurance Services, Telephone Services and Miscellaneous Services.

Consumer Protection Movement.

Consumer, Consumerism and the Constitution of India

4. Public Interest Litigation

Marks 15

Concept of Public Interest Litigation

Public Interest Litigation in India

Constitution of India, Articles in Parts III and IV

Philosophical Basis of Public Interest in India
Concept and Scope of Locus Standi
Procedural Law in Public Interest Litigation
Breach of Fundamental Rights vis-a -vis Public Interest Litigation
Breach of Directive Principles of State Policy vis-a -vis Public Interest Litigation
Breach of other Legal Rights vis-a -vis Public Interest Litigation
Socio-Economic Justice vis-a -vis Public Interest Litigation in India
Judicial Activism to Public Interest Litigation Act.

(a) Judicial Activism-Genesis and Relevance
(b) Critical Appraisal of Public Interest Litigation in India
(c) Uses of Public Interest Litigation and Abuses of Public Interest Litigation

Role of Judiciary in enforcement of rights through Public Interest Litigation and Social Action Litigation

- (a) Atrocity over foot part dwellers
- (b) Police atrocities. Some leading causes on custodial death, torture, handcuffing and illegal detention by police.
- (c) Environment and Pollution
- (d) Misuse of Public Property
- (e) Status and Rights of Women in Indian Society.

5) Introduction to the writing of eminent jurists. Marks 15

1. We the People. By N. A. Palkhiwala.

Part III Constitutional Issues, Chapter 9 to 14. Pages 123 to 260.

Part IV Chapter 17 Pages 337 to 356

2. The Discipline of Law. By Lord Denning

Part one, the construction of documents, Chapter 1 to 4. Pages 5 to 53.

Part Three Pages 113 to 146

3. Learning the Law. By Glanville Williams.

Chapter 1 The Division of the law.

Chapter 2 Common of the law

Chapter 3 The Mechanism of Scholarship

Chapter 4 Method of study

Chapter 5 Technical Terms

- Chapter 6 Case Law Techniques
Chapter 7 The Interpretation of Statutes
Chapter 8 Working out Problems
Chapter 9 Answering Bookwork Question
Chapter 10 In the Examination room

In all the Chapters referred herein above reference English system of judiciary is omitted.

6) Extracts from important Judgments. **Marks 15**
Extracts would mean ratio of the Judgment as appearing in the Head Note and paragraphs of the Judgment wherein the law point is discussed. To also read the facts as set out in the Judgment.

- (1) Additional District Magistrate, Jabalpur vs. Shivkant Shukla. AIR 1976 SC 1207. This Judgment to be discussed from the book We the People as also from the Judgment. To also briefly read other Judgments referred to therein.
- (2) P. V. Narsimha Rao vs. State. Air 1998 SC 2120.
- (3) Indian Medical Association vs. V. P. Shantha. AIR 1996 SC 550
- (4) S. P. Gupta vs. Union of India OR Transfer of Judge's case. AIR 1982 SC 149. This Judgment is discussed from the book We the People as also from the Judgment. To also briefly read other Judgments referred to therein.

7) Accounts of Famous Trial **Marks 15**

- 1) Trial of Bal Gangadhar Tilak under Section 124A and 153A of the Indian Penal Code.

The above Trial is taken from the book.

Trials of Independence Author B. R. Agarwala. Publisher National Book Trust, India

Trial of Tilak Author Publisher The Director, Publication Division, Ministry of Information and Broadcasting, Government of India.

Judgment reported in AIR 22 BOM 112.

- 2) Trial of Mahatma Gandhi under Section 124A of the Indian Penal Code.

The above Trial is taken from the book,

1

Trials of Independence Author B. R. Agarwala. Publisher National Book Trust, India

Plea made by Mahatma Gandhi for the severest penalty upon conviction for sedation taken from the book The World of Law, Volume II The Law AS Literature edited by Ephraim London At pages 459 to 466.

3) Trial of Walter Rowland.

The above Trial is from the book with the title referred herein above, It is a trial with an introduction and edited by Henry Cecil. The entire trial as published in a book running into 164 pages. Students were however given pages 9 to 58 which gives relevant evidence, extract of Judgment etc. The book is published under the series Celebrated Trials.

POLITICAL SCIENCE – II

Foundations of Political Obligation

1. Power, Authority, Legitimacy
2. Political Obligation – Meaning, Grounds & Theories, Problems of Obedience to Unjust laws
3. Theories of Punishment
4. Political Ideologies
 - a) Liberalism – Meaning, Basic Principles, Merits & Demerits
 - b) Socialism – Meaning, Basic Principles, Arguments in favor & against
 - c) Utilitarianism – Mill's Concept of Liberty
 - d) Communism – Marx's Conception of Communism
 - e) Democracy - Definitions, Conditions essentials for its success
 - f) Gandhism
5. Indian Constitution
 - a) Salient Features of Indian Constitution
 - b) Preamble
 - c) Fundamental Rights & Duties
6. Political Parties, Features of Indian Political Parties

Recommended Readings :

1. Basu, Durga Das: An Introduction to the Constitution of India (Wadhwa & Company, Agra, 2002)
2. Berry, Norman: An Introduction to Modern Political Theory (MacMillan, London, 1981)
3. Cocker, F. W. : Recent Political Thought (The World Press, Calcutta, 1966)
4. Gokhale B. K.: Political Science [Theory and Governmental Machinery] (Himalaya Publishing House, Mumbai, 1994)
5. Sartori, Giovanni: Democratic Theory (Oxford UBH, Calcutta, 1965)

SOCIOLOGY

1. Sociology as a Science

- a. Nature, definitions, scope.
- b. Sociology of law & legal profession

2. Basic Concepts

Society - community - social groups - culture - role and status - social norms values and institutions

Following topics should be dealt with specific reference to the Indian society.

3. Understanding Indian society

- a. Plurality
- b. Unity in diversity
- c. Indian ethos.

4. Social stratification.

- a. Caste,
- b. Class,
- c. Gender,
- d. Deprived sections of society

5. Social conflict and social control

6. Social institutions (customs, law & problems regarding the same)

- a. Marriage and family
- b. Education
- c. Religion
- d. Political
- e. Economic

7. Social change & the role of law, media, education & technology in society

Recommended Readings :

- Ahuja Ram: India Social System
Ahuja Ram: Social Problems in India (Rawat Publications, 1992)
Desai Neera: Women in Modern India
Dr.Radha Krishnan: Hindu View of Life
Ghosh Biswanath: Contemporary Social Problems in India (Himalaya Publications 1988)
Gore M S & Chitnis S: Sociology of Education
Horton R B & Hunt C L: Sociology (McGraw Hill, Kogaksha, 6th Ed.)
Kuppuswamy B: Social Change in India
Perry J & Perry E: The Social Web (Harper & Row)
Sood Sushma: Violence Against Women
Srinivas M N: Caste in Modern India & other Essays
Yorburg Betty: Introduction to Sociology (Harper & Row, 1982)

HISTORY OF COURTS

- I. Administration of Justice in the Presidency Towns and Development of Courts under East India Company. (1600 – 1773)
 - From 1600 to 1726
 - Establishment of Mayor's court (1726)
 - Working of the Mayor's Court of 1726
 - Changes Introduce by the Charter of 1753
 - Warren Hastings Plan of 1772, Reforms under the Plan of 1774 and Reorganization in 1780
- II. Regulating Act of 1773
 - Provisions of the Act
 - Establishment of Supreme Court at Calcutta under Charter of 1774
 - Merits and Demerits of Act and the Charter
 - Working of the Supreme Court at Calcutta
 - Trial of Raja Nandkumar
 - Trial of Radha Charan
 - Patna Trial
 - Kamalluddin's Case
 - Cossijurah Case
 - Saroopchand's Case
 - Gora Gopichand's Case
 - Settlement Act Of 1781
- III. JUDICIAL REFORMS OF LORD CORNWALLIS
 - Judicial Plan of 1787
 - Judicial Plan of 1790
 - Judicial Plan of 1793
 - Progress of Adalat System under Sir John Shore
- IV. CONFLICTS ARISING OUT OF THE DUAL JUDICIAL SYSTEM
 - Conflicts arising out of dual judicial system
 - Indian High Courts Act 1861
 - High Courts Under G.O.I. Act 1915
 - High Courts Under G.O.I Act 1935
 - High Courts under Constitution of India
- V. RULE OF LAW, INDEPENDENCE OF JUDICIARY AND SEPARATION OF POWERS
 - Before Independence
 - After Independence
- VI. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
 - Appeals to privy council between 1726 and 1860
 - Appeals to privy council between 1861 and 1949

- VI. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
- Appeals to privy council between 1726 and 1860
 - Appeals to privy council between 1861 and 1949

VII. COURT SYSTEM UNDER THE CONSTITUTION OF INDIA

A. SUPREME COURT

- Appt. of Judges
- Qualification of Judges
- Jurisdiction and Powers of the Supreme Court

B. HIGH COURTS

- Appt. of Judges
- Qualification of Judges
- Jurisdiction and Powers of Judges

C. WRITS

- Habeas Corpus
- Mandamus
- Certiorari
- Prohibition
- Quo Warranto
- General principles of adjudication

D. SUBORDINATE COURTS

VIII. HISTORY OF LEGISLATURE

- Charter of 1600
- Regulation Law and Charter of 1813
- Charter Act of 1833
- Indian Councils Act of 1861, 1892 and 1909
- Govt. of India Acts 1919, 1935
- Indian Independence Act 1947
- Development of Criminal Law
- Development of Civil Law
- Codification of Law
- Law Reforms

IX. HISTORY OF LEGAL PROFESSION

- Legal profession in Pre-British India
- Law Practitioners in the Mayor's Court of 1726
- Legal Profession under Charter of 1774
- Legal Profession in the Company's Courts and Legal Practitioners Act 1853
- High Courts Act, 1861 and enrolment of Advocates under letters Patent Issued
- Legal Practitioner's Act, 1879 and Report of Indian Bar Committee, 1923

- Indian Bar Councils Act 1926 and All India Bar Committee 1951
- ADVOCATES ACT OF 1961
- Law Reporting in India

Recommended Readings :

1. History of Courts, Legislative and Legal Profession - Kailash Rai
2. Indian Legal History – M.A. Jain
3. Indian Constitutional and Legal History – S. D. Kulashreshtha

ENGLISH - II

SECTION -I : 40 Marks

A. COMPREHENSION SKILLS

Comprehension of legal texts, judgments and other passages of a more general nature

B. COMPOSITION SKILLS

- (i) Précis Writing and summarising
- (ii) Drafting of Minutes of General Meetings
- (iii) Essay Writing, especially on topics of legal interest
- (iv) Speeches and Debates
- (v) Varieties of sentence structures

C. VOCABULARY

- (i) Foreign words and phrases often used in legal texts
- (ii) Certain set expressions and phrases
- (iii) One-word substitution
- (iv) Similar sounding words which are often confused

D. SPEECH WRITING

- (i) Reading aloud (knowledge of proper pauses)
- (ii) Stress marking of words
- (iii) Consulting a Pronunciation Dictionary
- (iv) Drafting of Speeches for various occasions

SECTION TWO (60 Marks)

The Texts for study is:-:

- (i) Fifty years of Supreme Court Of India its Grasp and Reach
Edited by S.K.Verma and Kusum , Publish in India by Oxford University , Delhi
Indian Law Institute 2000, ~~chapter to be taught - 8,13,14,17~~

Recommended Readings :

1. Preparation and Practice in Précis Writing
By J.M. Charlton, London : Macmillan and Co.
2. Communication Skills in English
By Eunice Desouza and Govind Shahani
Bombay : Noble Publishing House.

LOGIC -II

I Mediate Inference

Syllogism –Figures and Moods- Testing the validity of arguments.

II Reduction

Aristotle's Dictum de omni et Nullo and the First Figure

Direct Reduction and Indirect Reduction

III Hypothetical and Disjunctive Arguments

Rules and fallacies in the arguments with special reference to Law,

Analysis of Rules of Inference and Rules of Replacement.

IV Dilemma

Types of Dilemma Refutation of Dilemma - Value of Dilemma in Law.

V Fallacies

its kinds. Fallacies and Law.

VI Hypothesis

Conditions of a good hypothesis - kinds of hypothesis

VII Hypothetico

Deductive Method –stages of the method as used in Science,

Method of Inquiry in Law.

VIII Causation

Conception, common sense and scientific notion, plurality of causes.

Maxims in relation to causation – causation in Legal Reasoning.

- i) In jure non remota caua sed proxima spectator-In law the immediate and not the remote cause is considered.
- ii) Vis major /Actus Dei nemini Facit injuriam -Law holds no man responsible for the act of God.
- iii) Volunti non – fit –injuria –Damage suffered by consent is not a cause of action.
- iv) Respondent superior.

IX Uses of Language

Emotive words -Emotively Neutral language – kinds of agreement and disagreement,
Impediments to good reasoning.

X Application of Logical Reasoning .

Equality and Its Implications (Chapter II)
Ends and Means (Chapter XI – both the chapters are from the book Practical Ethics by Peter singer)

Recommended Readings:

1. Introduction to Logic-K.T. Basantani.
2. Modern Introduction to Logic- L. S . Stebbing.
3. An Introduction to Logic- Irving Copi.- (Ninth Edition).
4. Practical Ethics by Peter Singer.-Second Edition- Cambridge University Press.
5. Reason and Argument- Richard Feldman.-Prentice Hall International USA.
6. A Selection of Legal Maxims - Herbert Broom. Tenth Edition.

POLITICAL SCIENCE - III

SECTION - I International Relations

1. International System: Nature & Scope
2. Components of National Power & Limitations of National Power
3. Peaceful Settlement of Disputes – Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement.
4. Power- From Bi- Polarity to Multipolarity Hegemonism

SECTION - II International Organization

5. World Government – Multi-National Agencies
6. International Society- Impact of the Third World, Stability vs. Progress, Rich vs. Poor
7. Principal organs of the United Nations and their working.
8. Regional Organisations- Specialised agencies and international non-government agencies.

Recommended Readings

1. Arora, Prem: International Politics (Cosmos Book Hive Pvt. Ltd., New Delhi, 1996)
2. Arora, Prem: International Relations (Cosmos Book Hive Pvt. Ltd., New Delhi, 1994)
3. Murthy B. S.: International Relations & Organisation, (Eastern Book Company, Lucknow, 2002)

Third Year (Five Years) (Sem. V)
And
First Year (Three Years) (Sem. I)

LABOUR LAWS

Industrial Disputes Act 1947	40 marks
Collective Bargaining	10 marks
Industrial Employment (Standing Orders) Act 1946	15 marks
Workmen's Compensation Act 1923	15 marks
MRTU & PULP Act 1971	20 marks

Recommended Readings :

Indian Law Institute - Labour Law & Labour Relations cases and materials.

O.P. Malhotra - The Law of Industrial Disputes.

K.M. Desai - The Industrial Employment (Standing Orders) Act. 1946.

Dr. Avtar Singh – Introduction to Labours & Industrial Law.

CONTRACT - 1

(GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF ACT 1963),

General Principles of Contract, Indian Contract Act 1872 (Sections 1 – 75)

Government as a Contracting Party

Constitutional provisions – government power to contract – procedural requirements
– kinds of government contracts – their usual clauses – performance of such contracts – settlements of disputes and remedies.

Standard Form Contracts

Nature, advantages – unilateral character, principles of protection against the possibility of exploitation – judicial approach to such contracts – exemption clauses – clash between two standard form contracts.

Multi-national Agreement

Specific Relief Act

Recommended Readings :

- Avtar Singh – Law of Contract
- R.K. Abichandani(ed) – Pollock & Mulla on the Indian Contract Act & Specific Relief Act.
- Anson - Law of Contract
- Dutt on Contract , M.Krishnan Nair – Law of Contracts
- Banerjee S.C. – Law of Specific Relief
- Dr. Meena Rao - Fundamental Concepts –
- Dr. Meena Rao - Consent in Law of Central –
- Dr. Nilima Chandiramani - Law of Contract :- An outline

TORTS AND CONSUMER PROTECTION LAWS

(Tort 70marks Consumer Protection Law 30marks)

introduction to Law of Torts

Definition, Nature, Scope and Objects

- a wrongful act – violation of duty imposed by law, duty which is owed to people generally (in rem) – *damnum sine injuria and injuria sine damnum*.
- Tort distinguished from crime and breach of contract
- The concept of unliquidated damages
- Changing scope of law of torts: expanding character of duties owed to the people generally due to complexities of modern society
- Objects – prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Principles of Liability in Torts

- Fault:
- Wrongful intent
- Negligence
- Liability without fault
- Statutory liability:
- Place of motive in torts

Justice in Tort

- *Volenti non fit injuria*
- Necessity, private and public
- Plaintiff's default
- Act of God
- Inevitable accident
- Private defense
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authority

Extinguishments of liability in certain situations

- *Actio personalis moritur cum persona* – exceptions
- Waiver and acquiescence
- Release
- Accord and satisfaction
- Limitation

Doctrine of sovereign immunity and its relevance in India.

Vicarious Liability

- Basis, scope and justification
- Express authorization
- Ratification
- Abetment
- Special Relationships:
 - Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant? – borrowed servant – independent contractor and servant, distinguished.
 - Principal and agent
 - Corporation and principal officer

Torts against persons and personal relations

- Assault, battery, mayhem
- False imprisonment
- Defamation – libel, slander including law relating to privileges
- Marital relations, domestic relations, parental relations, master and servant relations
- Malicious prosecution
- Shortened expectation of life
- Nervous shock

Wrongs affecting property

- Trespass to land, trespass ab initio, dispossession
- Movable property – trespass to goods, detinue, conversion
- Torts against business interests – injurious falsehood, misstatements, passing off

Negligence

- Basic concepts
- Theories of negligence
- Standards of care, duty to take care, carelessness, inadvertence
- Doctrine of contributory negligence
- Res ipsa loquitur and its importance in contemporary law
- Liability due to negligence: different professional
- Liability of common carrier for negligence
- Product liability due to negligence: liability of manufacturers and business houses for their products

Nuisance

- Definition, essentials and types
- Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air.

Absolute / Strict liability

- The rule in Rylands v. Fletcher
- Liability for harm caused by inherently dangerous industries

Legal remedies

- Legal remedies:
- Award of damages – simple, special, punitive
- Remoteness of damage – foreseeability and directness
- Injunction
- Specific restitution of property
- Extra-legal remedies – self-help, re-entry on land, re-caption of goods, distress damage feasant and abatement of nuisance.

Consumer movements: historical perspectives

- Common law protection: contract and torts
- Consumerism in India: food adulteration, drugs and cosmetics – essential commodities

Consumer, the concept

- General Perspectives
- Statutory and government services: to be included or not?
- Definition and scope: the Consumer Protection Act 1986 (CPA)
- Who is not a consumer?

Unfair Trade Practices

- Misleading and false advertising
- Unsafe and hazardous products
- Disparaging competitors
- Business ethics and business self-regulation
- Falsification of trade marks

Consumer of goods

- Meaning of defects in goods
- Standards of purity, quality, quantity and potency
- Statutes: food and drugs, engineering and electrical goods

Supply of essential commodities

- Prescribing standards of quality – BIS and Agmark

Consumer Safety

- Starting, distribution and handling of unsafe and hazardous products
- Insecticides and pesticides and other poisonous substances

Service

- Deficiency – meaning
- Professional services
- Medical services
- How to determine negligence
- Violation of statute
- Denial of medical service: violation of human rights
- Lawyering services: duty-towards-court and duty-to-client dilemma, break of confidentiality – negligence and misconduct.
- Public Utilities
- Supply of electricity
- Telecommunication and postal services
- Housing
- Banking

Commercial services

- Hiring
- Financing
- Agency Services

Enforcement of consumer rights

- Consumer for a under CPA ; jurisdiction, powers and functions
- Execution of orders
- Judicial review
- PIL
- Class action
- Remedies
- Administrative remedies

Recommended Readings :

Ratanlal and Dhirajlal - The Law of Torts

P.S. Achuthan Pillai - The Law of Torts, Salmond and Heuston on the Law of Torts

Avtar Singh - The Law of Consumer Protection , Principles and Practice

Saraf Dal – Law of Consumer Protection in India

J.N. Barowalia – commentary on CP Act,1986.

LEGAL LANGUAGE INCLUDING LEGAL WRITING & GENERAL ENGLISH

- 1) Grammar Usage 15 marks

Brief Revision of rules of grammar & punctuation.

- 2) Comprehension, and Composition and Communication Skills 20 marks

- 3) LEGAL MAXIMS 15 marks

SALUS POPULIEST SUPREMA LEX

Regard for the public welfare is the highest law.

REX NON POTEST PECCARE

The king can do no wrong

AUDIALTERAM PARTEM

No man shall be condemned unheard

NEMO DEBET ESSE JUDEX IN PROPRIA SUA CAUSA

No man can be judge in his own cause

DE MINIMIS NON CURAT LEX

The law does not concern itself about trifles

QUOD AB INITO NON VALET IN TRACTU TEMPORIS NON CONVALESCIT

That which was originally void does not by lapse of time become valid.

UBI JUS IBI REMEDIUM

There is not wrong without a remedy

IN JURE NON REMOTA CAUSA SED PROXIMA SPECTATUR

In law the immediate, not the remote, cause of any event is regarded

ACTUS DEI NEMINI FACIT INOURIAM

The law holds no man responsible for the act of God.

IGNORANTIA FACTI EXCUSAT—IGNORANTIA JURIS NON XCUSAT

Ignorance of fact excuse – ignorance of law does not excuse

VOLENTI NON FIT INJURIA

Damage suffered by consent is not a cause of action

NULLUS COMMODUM CAPERE POTEST DE INJURIA SUA PROPRIA
No man can take advantage of his own wrong

RES IPSA LOQUITUR
The thing speaks for itself

ACTUS NON FACIT REUM NISI MENS SIT REA
The intent and the act must both concur to constitute the crime

NEMO DEBET BIS VEXARI PRO UNA ET EADEM CAUSA
It is a rule of law that a man shall not be twice vexed for one and the same cause

CESSANTE RETIONE LEGIS CESSAT IPSA LEX
The reason of the law ceasing, the law itself ceases

ACTA EXTERIORA INDICANT INTERIORA SECRETA
Acts indicate the intention

DOMUS SUA CUIQUE EST TUTISSIMUM REFUGIUM
Every man's house in his castle

NEMO EST HAERES VIVENTIS
No one can be heir during the life of his ancestor

LEGES POSTERIORES PRIORSES CONTRARIAS ABROGANT
Later laws repeal earlier laws inconsistent therewith

NOVA CONSTITUTIO FUTURIS FORMAM IMPONERE DEBET, NON PRAETERITIS
Anew law ought to be prospective not retrospective, in its operation

NOSCITUR A SOCILS
The meaning of doubtful word may be ascertained by reference to the meaning of words associated with it

EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS
The express mention of one thing implies the exclusion of another

MEMO DAT QUOD NON HABET
No one gives what he does not possess

CAVEAT EMPTOR
Let purchaser beware

RESPONDEAT SUPERIOR
Let the principal be held responsible

VIGILANTIBUS, NON DORMIENTIBUS, URS SUBVENIUNT
The law assist those who are vigilant, not those who sleep over their rights

ACTIO PERSONALIS MORITUR CUM PERSONA
A personal right of action dies with the person

NEMO TENTUR SEIPSUM ACCUSARE
No man can be compelled to criminate himself

- 4) Legal Concepts 5 marks
- Law – Custom-Justice-Right-Duty-Wrong-Civil Wrong-Criminal Wrong Remedy-Fact-Person-Offence-Person-State-Plaint-Complaint-Suit-Affidavit Judgment-Appeal-Review-Revision-Reference-Writ-Stay order-Injunction Adjournment Cause of Action-Issue-Charge-Bail Ex Parte-Discharge-Accittal Conviction-Legal heirs-Legal Representative-Power of Attorney-International law. Arbitration-Jurisdiction-Amicus Curiae.

- 5) Legislative Materials 10 marks
- Brief introduction to the various parts of an Act – Intent (aims & objects) short title – Long title – Date of Assent – Section Subsection – marginal note – date of commencement – schedule or Table.

Exposure to Current Indian Statutes – AIR Manual Civil Court Manual – Criminal Court Manual – Maharashtra Local Acts – Gazette of India – Maharashtra State Gazette.

- The above may be taught with reference to the following Acts.
1. Maternity Benefit Act 1961
 2. Medical Termination of Preg. Act 1971
 3. Protection of Human Rights Act

- 6) Judicial Material 10 marks
- Introduction to precedent – Ratio

The following cases for study (Facts – Issues – Arguments – decision)

1. M.C. Mehta V/s. Union of India AIR 1987 SC 965
2. Vishaka & ors. V/s. State of Rajasthan & Ors. AIR 1997 SC 3011
3. Dilip K. Basu V/s. State of West Bengal 1997 AIR SOW 233

- 7) Official Reports – Specified Law Reports 10 marks

Exposure to official Reports and Private Reports – Supreme Court Reports – Indian Law Reports – All India Reporter – All India High Court cases – Judgment Today Bombay Law Reporter – Bombay cases Reporter – Maharashtra Law Journal, Supreme Court cases – Criminal Law Journal – Labour & Industrial cases – Company cases – Madras Law Journal – All Maharashtra Law Reporter Marriage & Divorce cases – Consumer, All England Law Reporter.

8) Journals, Periodicals & Law Magazines & abbreviation 5 marks

Exposure to Lawyers collective insight – One India One People – Journal of the Indian Law Institute – India Bar Review – The Indian Advocate, Journal of the Bar Council of India – India Quarterly – Modern Law Review – Law Quarterly Review.

9) Citations & References 5 marks

Importance of citations

Understanding a given citation

Citations in respect of official Reports & specified Law reports – (listed earlier)
Standard References in respect of the various Laws & Acts taught at LL.B. and Legal Dictionaries.

10) Search of case Law 5 marks

Third Year (Five Years) (Sem. VI)
And First Year (Three Years) (Sem. II) LL.B. degree course

LAW OF CRIMES

A. CRIMINAL JURISPRUDENCE 30 Marks

1. Administration of Justice
 - What is administration of justice
 - Necessity for administration of justice
 - Historical background to administration of justice
 - Difference between civil and criminal justice
2. Elements of Criminal Liability
 - Nature of Criminal Liability
 - Mens rea and its importance
 - Intention
 - Knowledge
 - Negligence
 - Doctrine of Mens Rea under the I.P.C.
 - Exceptions of Mens Rea
 - Vicarious liability in crimes
 - Actus rens
 - Act and omission
 - Injury to another
3. Stages of Crime
 - Intention
 - Preparation
 - Attempt
 - Commission of Crime
4. Theories of Punishment
 - Deterrent
 - Preventive
 - Retributive
 - Reformative
 - Compensation
5. Kinds of Punishment
 - Death Sentence
 - Social Reference of Capital Punishment
 - Alternative to Capital Punishment
 - Imprisonment
 - Simple
 - Rigorous
 - For Life

- Solitary Confinement
- Forfeiture of Property
- Fine
- Sentencing Discretion

B. INDIAN PENAL CODE 1860

70 Marks

Recommended Readings :

K.D. Gaur, Criminal Law : Cases and Materials (1999), Butterworths, India

Ratanlal – Dhirajlal's Indian Penal Code (1994 reprint)

K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.

P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.

Hidayathullaw, M., et.al., Ratanlal and Dhirajlals The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.

B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur.

CONSTITUTIONAL LAW

1. Historical and Constitutional developments between 1858-1947
Framing of Indian Constitution.
Nature and Features
A broad over-view of the constitution of India, 1950.
Historical genesis of Indian Constitution should be part of the syllabus particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence Act, 1947 and the drafting of our constitution.
2. Fundamental Rights and judicial activism
Equality and Social Justice (Arts.14-18 & Part IV & Part XVI)
Secularism and religious freedoms
Life, Liberty other rights and freedoms
3. Directive Principles and Fundamental Duties (Parts IV,IV A)
4. Indian Federalism – idea of federalism – Indian federal features – strong centre – cooperative spirit– centre relations - Special status to J & K (Parts XI, XII, XIII , XIV, XXI)
5. Indian Parliament – Nature , Composition, powers and privileges and state legislatures.
6. Cabinet form of govt.
Parliamentary form at the Centre and states – head of State – Council of Ministers – Attorney General and Advocate generals
7. Indian Judiciary : Supreme Court and High Courts, composition, powers and Judicial Independence – subordinate courts
8. Law making under Indian Constitution
Kinds of bills, passing of bills, Ordinances
Citizenship Act 1955,Representation of peoples Act 1951, comptroller and Auditor Generals
Act, 1971.
Legislation made in pursuance of the constitution like the (1) Bonded Labour Abolition Act (2) Civil Rights Protection, Act,1955, (3) Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989 should be duly referred to.
9. Emergency (Part XVIII)
Kinds, Legal requirements, Legal effects
10. Amendment and the basic structure doctrine (Part XX)

11. Services under Indian Constitution (Part IV)
Services under Union / State – All Indian Services, Doctrine of pleasure and exceptions
12. Democracy and Election Commission of India (Part XV)
13. Introduce the following
 1. Civil Rights Protection Act, 1955
 2. Citizenship : Part II
 3. Parts IX,IX A,X Panchayats, Municipalities and Scheduled & Tribal Areas
 4. Part XIV A Tribunals (Covered in administrative Law, Semester III)
 5. Part XVII official language
 6. Part XIX Miscellaneous

Recommended Readings :

- 1) D.D. Basu Shorter Constitution of (1996) Prentice 4 all of India, Delhi.
- 2) Constituent Assembly Debase Vole.1 to 12 (1989)
- 3) H. M. Seervai, Constitution of India, Vol.1-3 (1992), Tripathi
- 4) M.P. Singh (ed.), V.N. Shukla, Constitutional Law of India (200) Oxford.
- 5) G. Austin, Indian Constitution, Cornerstone of a Nation (1970)
- 6) M. Gallanter, Competing Equalities – Law and the Backward Classes in India (1984) Oxford
- 7) B. Sivaramayya, Inequalities and the Law (1984) Estern, Kucknow.
- 8) S.C. Kashayap, Human Right & Parliament (1978) Metropolitan, New Delhi.
- 9) D.D. Basu, Ontroduction to Constitution.

FAMILY LAW - I

A)	Mohammedan Law	35 marks
1)	Sources	
2)	Schools	
3)	Shariat Act, 1937	
4)	Marriage	
5)	Dower	
6)	Divorce	
7)	Maintenance	
8)	Legitimacy & Parentage	
9)	Guardianship	
B)	Indian Divorces Act & Christian Marriage Act	15 marks
C)	Indian Succession Act (Sec. 1-166 only)	35 marks
D)	Parsi Marriage and Divorce Act	15 marks

Recommended Readings :

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
Basu, N.D., Law of Succession (2000), Universal
Kusem, Marriage and Divorce Law Manual (2000) Universal
Machanda S.C., Law and Practice of Divorce in India (2000) Universal
P.V.Kanw, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974)
A. Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4 ("1986)
B. Sivaramayys, Inequalities and the Law, (1985)
K.C. Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979)
J.D.M. Derrett, Hindu Law: Past and Present
J.D.M. Derrett, Death of Marriage Law
A.A.A. Fyze, Outline of Muhammadan Law, (1998)
Alladi Kuppuswami, (ed.) Mayne's Hindu Law and Usage, (1986)
J.D.M. Derret, A Critique of Modern Hindu Law, (1970)
Paraw Diwan, Hindu Law (1985)
S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorts-India.
Pares Diwan, Family Law: Law of Marriage and Divorce in India, (1984)
A.M. Bhattacharjee, Muslim Law and Constitution (1994) Eastern Law House, Calcutta.
A.M. Bhattacharjee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.
Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.

ENVIRONMENTAL LAWS

- 1) Concept of environment and pollution or introduction to problem of Environmental protection.
 - (i) Environment
 - (ii) Meaning and contents
 - (iii) Pollution
 - (iv) Meaning
 - (v) Kinds of Pollution
 - (vi) Causes of pollution
 - (vii) Effects of pollution
- 2) Constitutional provisions regarding environmental protection including
 - (i) Directive principles
 - (ii) Fundamental rights and duties
 - (iii) Right to clean and healthy environment
 - (iv) Right to education
 - (v) Right to information
- 3) Environmental protection under the general Laws:
Nuisance, Penal Code, Procedural Code
- 4) General introduction the enforcing agencies and remedies :
 - (i) Courts
 - (ii) Tribunals
- 5) Polluter Pays principle :-
Public liability insurance
- 6) Precautionary Principle
- 7) Sustainable development
- 8) Water Pollution Act 1974 and Air Pollution Acts 1981
 - (i) Meaning and Air Standards
 - (ii) Culprits and victims
 - (iii) Procedures for sampling
 - (iv) Formation of Boards and their functions or Protection agencies; their powers and functions
 - (v) Offences and penalties
 - (vi) Judicial approach
- 9) Noise Pollution
- 10) Environmental Protection Act 1986
- 11) Bio Medical waste

- 12) Hazardous waste
- 13) Environment impact assessment
- 14) Coastal zone management
- 15) Environmental audit and eco mark
- 16) Disaster emergency preparedness
- 17) Town and country planning
- 18) Forest
 ✓) - Forest Conservation Act 1980
 ✓) - Forest Conservation Rules 2002
 ✓) - Forest Act 1927 (chapter 1-5) Sectn 80
- 19) Wild life Protection Act 1972
 (i) Sanctuaries and national parks
 (ii) Licensing of zoos and parks
 (iii) State monopoly in the sale of wild life and wild life
 (iv) Offences against wild life
- 20) International Regime
 (i) Stockholm conference
 (ii) Green house effect and ozone depletion
 (iii) Rio conference
 (iv) U.N. declaration on right to development

Recommended Readings :

- Aarmin Rosencranz, et al., (eds.,) Environmental Law and Policy in India, (2000), Oxford
- R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
- Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- Richard L. Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development, (2000), Cambridge.
- Christopher D. Stone Should Trees Have Standing and other Essays on Law, Morals and the Environmental (1996), Oceana,
- Leelakrishnan, P. et.al. (eds.), Law and Environment (1990), Easter, Lucknow.
- Leelakrishnan, P. The Environmental Law in India (1999), Butterworths-India.
- Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative

Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).

Indian Journal of Public Administration, Special Number on Environment and Administration, July, September 1988, Vol. XXXV, No.3, pp.353-801.

Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of India Environment 1999-2000.

World Commission on Environment and Development, Our Common Future (1987), Oxford.

Practical Training – I

- (i) Professional Ethics
- (ii) Advocacy for Lawyers
- (iii) Bar Bench relations.
- (iv) The Contempt Law and Practice
- (v) Selected opinions of the Disciplinary Committee of Bar Councils and Major Judgment of the Supreme Court on the subject.

Recommended Readings

Mr. Krishnamurthy Iyer's book on "Advocacy"

Fourth Year (5 Year) (Sem. VII) And
Second Year (3 Year) (Sem. III) LL.B. degree course

ADMINISTRATIVE LAW

1. **Evolutions, Nature and Scope of Administrative Law**
 - 1.1. From a Laissez-faire to a social welfare state
 - 1.1.1. State as regulator of private interest
 - 1.1.2. State as provider of services
 - 1.1.3. Other functions of modern state: relief, welfare
 - 1.2. Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.
 - 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
 - 1.3.1. Regulatory agencies on the United States
 - 1.3.2. Conseil d'Etat
 - 1.3.3. Tribunalization in England and India
 - 1.4. Definition and scope of administrative law
 - 1.5. Relationship between constitutional law and administrative law
 - 1.6. Separation of powers
 - 1.7. Rule of law
2. **Civil Service in India**
 - 2.1. Nature and organization of civil service: from colonial relics to democratic aspiration
 - 2.2. Powers and functions
 - 2.3. Accountability and responsiveness: problems and perspectives
 - 2.4. Administrative deviance – corruption, nepotism, mal-administration.
3. **Legislative Powers of Administration**
 - 3.1. Necessity for delegation of legislative power
 - 3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
 - 3.3. Requirements for the validity of delegated legislation.
 - 3.3.1. Consultation of affected interests and public participation in rule-making.
 - 3.3.2. Publication of delegated legislation.

- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
- 3.5.1. Laying procedures and their efficacy.
- 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.
- 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation.
- 3.7. Sub-delegation of legislative powers.

4. Judicial Powers of Administration

- 4.1. Need for devolution of adjudicator authority on administration.
- 4.2. Administrative tribunals and other adjudicating authorities : their ad-hoc character.
- 4.3. Tribunals – need, nature, constitution, jurisdiction and procedure
- 4.4. Jurisdiction of administrative tribunals and other authorities
- 4.5. Distinction between quasi-judicial and administrative functions.
- 4.6. The right to hearing – essentials of hearing process
 - 4.6.1 No man shall be judge in his own cause
 - 4.6.2 No man shall be condemned unheard
- 4.7 Rule of evidence – no evidence, some evidence and substantial evidence rules.
- 4.8 Reasoned decisions.
- 4.9 The right to counsel.
- 4.10 Institutional decisions
- 4.11 Administrative appeals

5. Judicial Control of Administrative Action

- 5.1 Exhaustion of administrative remedies
- 5.2. Standing : standing for Public interest litigation (social action litigation)
collusion, bias.
- 5.3. Laches
- 5.4. Res judicata
- 5.5. Grounds

- 5.5.1. Jurisdictional error/ultra vires
- 5.5.2. Abuse and non exercise of jurisdiction
- 5.5.3. Error apparent on the face of the record
- 5.5.4. Violation of principles of natural justice.
- 5.5.5. Violation of public policy
- 5.5.6. Unreasonableness
- 5.5.7. Legitimate expectation.

5.6. Remedies in judicial Review :

- 5.6.1. Statutory appeals
- 5.6.2. Mandamus
- 5.6.3. Certiorari
- 5.6.4. Prohibition
- 5.6.5. Quo-Warrantor
- 5.6.6. Habeas Corpus
- 5.6.7. Declaratory judgments and injunctions
- 5.6.8. Specific performance and civil suits for compensation.

6. Administrative discretion

- 6.1. Need for administrative discretion
- 6.2. Administrative discretion and rule of law
- 6.3. Limitations on exercise of discretion
 - 6.3.1. Malafide exercise of discretion
 - 6.3.2. Constitutional imperative and use of discretionary authority
 - 6.3.3. Irrelevant considerations
 - 6.3.4. Non-exercise of discretionary power

7. Liability for Wrongs (Tortious and Contractual)

- 7.1. Tortious liability : sovereign and non-sovereign functions.
- 7.2. Statutory immunity
- 7.3. Act of state
- 7.4. Contractual liability of government.
- 7.5. Government privilege in legal proceedings – state secrets, *public interest*
- 7.6. Transparency and right to information
- 7.7. Estoppels and waiver

8. Corporations and Public Undertakings

- 8.1. State monopoly-remedies against arbitrary action or for acting against public policy
- 8.2. Liability of public and private corporations – departmental undertakings
- 8.2. Legislative and governmental control.
- 8.3. Legal remedies
- 8.4. Accountability – Committee on Public Undertaking, Estimates Committee etc.

9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

- 9.1 Conciliation and mediation through social action groups
- 9.2 Use of media, lobbying and public participation
- 9.3 Public inquiries and commissions of inquiry
- 9.4 Ombudsman : Lok Pal, Lok Ayukta
- 9.5 Vigilance Commission
- 9.6 Congressional and Parliamentary Committees

Recommended Readings:

- C.K. Allen, Law & Orders (1985)
- D.D. Basu, Comparative Administrative Law (1998)
- M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh(2000) Butterworths – India
- Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959.
- Peter Cane, An Introduction to Administrative Law (1996) Oxford
- Wade, Adminisitrative Law (Seventh Edition, Indian print 1997), Universal Delhi.
- J.C. Garner, Administrative Law (1989), Butterworths (ed. B.L.Jones)
- M.P. Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996), Universal, Delhi
- Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
- S.P. Sathe, Administrative Law (1998) Butterworths- India, Delhi.
- De Smith, Judicial Review of Administrative Action (1995) Sweet and Maxwell with Supplement
- B. Schwartz, An Introduction to American Administrative Law
- Indian Law Institute, Cases and Materials on Administrative Law in India. Vol.I (1996), Delhi.

FAMILY LAW - II

1. Marriage and Kinship

- 1.1. Evolution of the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.
- 1.3. Types of family based upon.
 - 1.3.1. Lineage – patrilineal, matrilineal
 - 1.3.2. Authority structure patriarchal and matriarchal
 - 1.3.3. Location- patrilocal and matrilocal
 - 1.3.4. Number of conjugal units-nuclear, extended, joint and composite.

- 1.4. Emerging concepts : maitri sambandh and divided home.

2. Customary practices and State regulation

- 2.1. Polygamy
- 2.2. Concubinage
- 2.3. Child marriage
- 2.4. Sati
- 2.5. Dowry

3. Conversion and its effect on family

- 3.1. Marriage
- 3.2. Adoption
- 3.3. Guardianship
- 3.4. Succession

4. Joint Family

- 4.1. Mitakshara joint family
- 4.2. Mitakshara coparcenary-formation and incidents
- 4.3. Property under Mitakshara law-separate property and coparcenary property.
- 4.4. Dayabhaga coparcenary-formation and incidents
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family-his position, powers, privileges and obligations.
- 4.7. Alienation of property-separate and coparcenary
- 4.8. Debta-doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.
- 4.10. Joint hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

5. Inheritance

- 5.1. Hindus
 - 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956.
 - 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.
 - 5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
 - 5.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
 - 5.1.5. Disqualification relating to succession
 - 5.1.6. General rules of succession
 - 5.1.7. Marumakkattayam and Aliyasantana laws governing people living in Thiruvananadapuram, Cochin and other districts of Malabar and South Kanara.
- 5.2. General rules of succession and exclusion from succession.
 - 5.2.1. Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property.”
- 5.3. Christians, Parsis and Jews

6. Matrimonial Remedies

- 6.1. Non-judicial resolution of marital conflicts.
 - a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution,
- 6.2. Judicial resolution of marital conflicts: the family court
- 6.3. Nullity of marriage
- 6.4. Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.
- 6.5. Restitution of conjugal rights
- 6.6. Judicial separation
- 6.7. Desertion a ground for matrimonial relief
- 6.8. Cruelty: a ground for matrimonial relief
- 6.9. Adultery: a ground for matrimonial relief
- 6.10. Other grounds for matrimonial relief

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- 6.10. Other grounds for matrimonial relief

- 6.11. Bar to matrimonial relief:
 - 6.11.1. Doctrine of strict proof
 - 6.11.2. Taking advantage of one's own wrong or disability
 - 6.11.3. Accessory
 - 6.11.4. Connivance
 - 6.11.5. Collusion
 - 6.11.6. Condonation
 - 6.11.7. Improper or unnecessary delay
 - 6.11.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.

7. Alimony and maintenance

- 7.1.1 Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
- 7.1.2 Alimony and maintenance as an ancillary relief.

8. Child and the Family

- 8.1. Legitimacy
- 8.2. Adoption
- 8.3. Custody, maintenance and education
- 8.4. Guardianship and parental rights –welfare of the child principle.

9. Family and its changing pattern -(looked from Socio-Economic view point)

- 9.1. New emerging trends:
 - 9.1.1. Attenuation of family ties
 - 9.1.2. Working women and their impact on spousal relationship :composition of family, status and role of women.
 - 9.1.3. New property concepts, such as skill and job as new forms of property.
 - 9.2. Factors affecting the family :demographic, environmental, religious and legislative.
 - 9.3. Processes of social change in India : sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

10. Settlement of spousal property

- 10.1 Need for development of law

11. Establishment of family Courts

- 11.1. Constitution, power and functions
- 11.2. Administration of gender justice

12. Uniform Civil Code
- 12.1 Religious pluralism and its implications.
- 12.2 Connotations of the directive contained in Article 44 of the Constitution.
- 12.3 Impediments to the formulation of the Uniform Civil Code
- 12.4 The idea of Optional Uniform Civil Code.

Recommended Readings :

- Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
Basu, N.D., Law of Succession (2000), Universal
Kusem, Marriage and Divorce Law Manual (2000) Universal
Machanda, S.C., Law and Practice of Divorce in Indian (2000) Universal
P.V. Kane, History of Dharmasastras Vol.2 pt.1 at 624-632 (1974)
A. Kuppuswami (ed.) Mayne's Hindu Law and Usage Ch.4 (1986)
B. Sivramayys, Inequalities and the Law, (1985)
K.C. Daiya, "Population control through family planning in India," Indian Journal of Legal Studies, 85 (1979)
J.D.M. Derrett, Hindu Law : Past and Present
J.D.M. Derrett, Death of Marriage Law
A.A.A. Fyzee, Outline of Muhammadan Law (1998)
Alladi Kuppuswami, (ed.) Mayne's Hindu Law and Usage, (1986)
J.D.M. Derret, A Critique of Modern Hindu Law, (1970)
Paras Diwan, Hindu Law (1985)
S.T. Desai Ed.) Mulla's Principles of Hindu Law, (1998) – Butterorts-India.
Pares Diwan, Family Law : Law of Marriage and Divorce in India, (1984)
A.M. Bhattacharjee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta.
A.M. Bhattacharjee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta.
Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.

TRANSFER OF PROPERTY ACT AND EASEMENT ACT

- | | | |
|--|------|--------------|
| 1. Jurisprudential Controls of Property and
Law relating to Transfer of Property Act 1882 | 1882 | ... 85 Marks |
| 2. Easement Act 1882 | | ... 15 Marks |

Syllabus

1. Jurisprudential Controls of Property

- 1.1. Concept and meaning of property.
- 1.2. Kinds of property – movable and immovable property – tangible and intangible property – intellectual property – copyright-patents and designs- trademarks – geographical indications.

2. Law Relating to Transfer of Property Act.

- 2.1 General principles of transfer of property
- 2.2 Specific transfers
- 2.2.1 Sales
- 2.2.2 Mortgages
- 2.3 Charges
- 2.4 Leases
- 2.5 Exchange
- 2.6 Gifts
- 2.7 Actionable claims

3. Easement Act.

- 4.1 Nature, characteristics and extinction
- 4.2 Creation of easements
- 4.3 Riparian rights
- 4.4 Licenses

Recommended Readings :

Mulla, Transfer of Property Act, (1999) Universal, Delhi
Subbarao, Transfer of Property Act (1994), C. Subbiah Chetty, Madras
V.P. Sarathy, Transfer of Property (1995), Eastern, Lucknow.

COMPANY LAW

1. Meaning of Corporation

- 1.1 Theories of corporate personality
- 1.2 Creation and extinction of corporations.

2. Forms of Corporate and Non-Corporate Organisation

- 2.1 Corporations, partnerships and other associations of persons, state corporations, Small scale, co-operative, corporate and joint sectors.
- 2.2 Kinds of Companies - Public Companies – Private Companies-nature and advantages – Government Companies Holding and Subsidiary Companies.

3. Law relating to companies- public and private-companies (Company Act 1956)

- 3.1 Need of company for development – formation of company-registration and incorporation.

- 3.2 Memorandum of association – various clauses-alteration therein-doctrine of ultra vires.

- 3.3 Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.

- 3.3.1 Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus – self prospectus.

- 3.4 Promoters – position – duties and liabilities

- 3.4.1. Shares – general principles of allotment-statutory restrictions – share certificate – its objects and effects- transfer of shares – restrictions on transfer-procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares (DEMAT) – Buy-back shares.

- 3.4.2. Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.

- 3.4.3. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders

- 3.5. Directors – position – appointment – qualifications- vacation of office – removal – resignation – powers and duties of directors- loans – remuneration of directors- role of nominee directors – managing directors – other managerial personnel – compensation for loss of office.

- 3.5.1. Meetings – kinds – procedure – voting
- 3.5.2. Dividends - Meaning – payment – capitalization – profit
- 3.6 Audit and accounts
- 3.7 Borrowing powers – effect of unauthorised borrowing – charges and mortgages – loans to other companies- investments- contracts by companies
- 3.8 Debentures – meaning – fixed and floating charge-kinds of debentures- share-holder and debenture holder- remedies of debenture holders
- 3.9 Majority powers – Protection of minority rights
- 3.10 Prevention of oppression and mismanagement - who can apply ? – Powers of the company, the court and the central government
- 3.11 Investigation – powers
- 3.12 Reconstruction and amalgamation
- 3.13 Winding up – types – by court – reasons – grounds – who can apply – procedure- powers of liquidator-powers of court - liability of past members-payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company, Defunct Company. – consequences of winding up order – voluntary winding up by members and creditors – winding up subject to supervision of courts.

4. Law and Multinational Companies

- 4.1 International norms for control.
- 4.2 National law FEMA (Foreign Exchange Management Act, 1999) controls joint – ventures – investment of India – repatriation of project.
- 4.3 Collaboration agreements for technology transfer.

5. Corporate Liability

Latest Editions of Books

- 5.1 Legal liability of companies – civil and criminal
- 5.2 Remedies against companies – civil, criminal and tortious – Specific Relief Act, writs liability under special statutes.

All Latest Amendments at the commencement of academic year must be taught.

Recommended Readings :

- Avtar Singh, Indian Company Law, Eastern, Lucknow.
- L.C.B. Gower, Principles of Modern Company Law Sweet and Maxwell, London
- Palmer, Palmer's Company Law , Stevens, London.
- R.R. Pennington, Company Law , Butterworths.
- A. Ramaiya, Guide to the Companies Act , Wadha.

Fourth Year (5 Year) (Sem. VIII) And
Second Year (3 Year) (Sem. IV) LL.B. degree course

JURISPRUDENCE

1. Introduction

- 1.1 Meaning of the term jurisprudence
- 1.2 Norma and the normative system
 - 1.2.1 Different types of nominee system such as of games, languages, religious orders, unions, clubs and customary practice.
 - 1.2.2 Legal system as a normative order similarities and differences of the legal system with order normative system.
- 1.3 Nature and definition of law

2. Schools of Jurisprudence

- 2.1 Analytical positivism
- 2.2 Natural law
- 2.3 Historical school
- 2.4 Sociological school
- 2.5 Economic interpretation of law *(dotted line to be added)* Realism
- 2.6 The Modern PIL, social justice, compensatory jurisprudence. Socio economic
- 2.7 The Bharat jurisprudence
- 2.8 The Ancient : the concept of 'Dharma'

3. Purpose of Law

- 3.1 Justice
- 3.1.1 Meaning and kinds
- 3.1.2 Justice and law approaches of different schools
- 3.1.3 Power of the Supreme Court of India to do complete justice in a case.
Article 147.
- 3.1.4 Critical studies *(in relation to)*
- 3.1.5 Feminist jurisprudence *in respect of 3.1.3*

4. Sources of Law

- 4.1 Legislation
- 4.2 Precedents: concept of stare decisis
- 4.3 Customs
- 4.4 juristic writings

4.5 Agreements -

5. Legal Rights: the concept

- 5.1 Rights kinds
- 5.2 Right duty correlation

6. Persons

- 6.1 Nature of personality
- 6.2 Status of the unborn, minor, lunatic drunk and dead persons
- 6.3 Corporate personality
- 6.4 Dimensions of the modern legal personality Legal personality of non-human beings.

7. Possession :the concept

- 7.1 kinds of possession

8. Ownership : the concept

- 8.1 kinds of ownership
- 8.2 Difference between possession and ownership

9. Title

10. Property : the concept

1. Sibgatullah : Sohail
Recommended Readings :

Bodenheimer Jurisprudence – The Philosophy and Method of Law (1996), Universal, Delhi.

Fitzerald (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay
W. Friedmann, Legal Theory (1999) Universal, Delhi.

V.D. Mahajan Jurisprudence and Legal Theory (1996 re-print) Eastern, Lucknow.
M.D.A. Freeman (ed.) Lloyd's Introduction Jurisprudence, (1994), Sweet & Maxwell
Paton G.W. Jurisprudence (1972) Oxford, ELBS
Roscoe Pond. Introduction to the Philosophy of Law (1998 Re-print)
Das. Jurisprudence (1994 First Indian re-print). Adithya Books
Dhyani S.N. Jurisprudence A study of Indian Legal Theory (1985)

LAND LAWS

(Central Legislation on Land Laws will be allocated 20 Marks, whereas State Legislation allocated 80 marks.).

- (i) **Central Legislation**, inter alia to include:
- (ii) Urban Land (Ceiling & Regulation) Act, 1976 – although it stands repealed by the Centre, it continues to remain in force in Maharashtra.
- (iii) Land Acquisition Act, 1894.
- (iv) Indian Registration Act, 1908
- (v) Environment Protection Act, 1986.

1. **State Legislation**, inter alia to include :

- (i) Maharashtra Land Revenue Code 1966.
- (ii) Bombay Tenancy & Agricultural Lands Act, 1948
- (iii) Maharashtra Regional Down Planning Act, 1969.s
- (iv) Maharashtra Housing Area Development Authority Act, 1976.
- (v) Development Control Regulations, 1991 for Mumbai.
- (vi) Maharashtra Agricultural Land Ceiling Act, 1961
- (vii) Bombay Stamp Act.

2. **ULC Act**

- (i) Definitions
- (ii) Ceiling Limit – S/4,
- (iii) Power to Exempt & Schemes – S/20 to 22

Land Acquisition Act

- (i) Definitions
- (ii) Acquisition – S/4 to 17.
- (iii) Reference to Court – S/18 to 28 A.

Indian Registration Act.

(i)	Compulsory Regn. Of Documents	-	S/17
(ii)	Optional Regn. Of Documents	-	S/18
(iii)	Time for Regn. Of Documents	-	S/23
(iv)	Delay in Regn. Of Documents	-	S/25
(v)	Time from which Regd. Document operates -	-	S/47
(vi)	Effect of Non-Regn. Of documents required to be registered	-	S/49.

Environment Protection Act, 1986

- (i) S/3 – and concept of CRZ – Coastal Regulation Zone.

Maharashtra Land Revenue Code, 1966.

- (i) Use of Land – S/41 to 54A,
- (ii) Record of Rights S/147 to 167.
- (iii) Appeals, Revision & Review – S/246 – 259,
- (iv) Special Provisions for Land Revenue in the City of Bombay – S/260 to 307.

Bombay Tenancy & Agricultural Lands Act, 1948

- (i) Definitions
- (ii) Restriction on Transfer of Agricultural Lands – S/63 to 66.

Maharashtra Regional & Town Planning Act, 1909.

- (i) Definitions
- (ii) Control of Development - S/43 tp 51
- (iii) Unauthorised Development - S/52 to 58
- (iv) Land Acquisition - S/125 to 129

Maharashtra Housing & Area Development Act, 1976.

- (ii) Definitions
- (iii) Repairs & Reconstruction of Dilapidated buildings – S/74 to 103.
- (iv) Acquisition of Ceded Properties – Chapter VIII A

Development Control Regulations, 1991 (Mumbai)

- (ii) Concept F.S.I. (Floor Space Index)
- (iii) Concept of T.D.R. (Transfer of Development Rights)

Recommended Readings :

- | | | | |
|--------|--------------------|---|---------------------|
| (i) | ULC Act | - | Saklikar Vol. I |
| (ii) | Land Acqn Act | - | Sarkar |
| (iii) | Registration Act | - | Sanjeev Row. |
| (iv) | Environment P. Act | - | M.C. Mehta (Editor) |
| (v) | MLR Code | - | Gupte & Tighe |
| (vi) | B.I.A. Lands Act | - | Gupte |
| (vii) | MRTP Act | - | Gupte & Dighe |
| (viii) | MHADA | - | Bare Act |
| (ix) | DC Regulations | - | Shruti A. Desai |

Optional Papers

Criminology and Correctional Administration

1. Dimensions of Crime in India

- 1.1. Nature and orient of crime in India
- 1.2. General approaches to crime control
- 1.3. Crimes of the powerful
 - 1.3.1. Organised of the smuggling traffic in narcotics
 - 1.3.2. White collar crime : corruption in public life
 - 1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice
 - 1.3.4. Crimes in the profession – medical, legal, engineering.
 - 1.3.5. Commonality by agencies of the state
- 1.4. Perpetrators of ordinary crime
 - 1.4.1. The situations criminal
 - 1.4.2. The chronic Tender
 - 1.4.3. Criminality of women
 - 1.4.4. Young offenders
 - 1.4.5. Criminal gangs
 - 1.4.6. Cyber Crimes

2. Causes of Criminal Behavior

- 2.1 Nature of the problem : some unscientific theories
- 2.2 The constitutional School of Criminology-Lomborgo and others (heredity and mental retardation as causes of crime)
- 2.3 Sociological theories Anomies
- 2.4 Modern sociological theories – Sutherland's differential association theory. Reckless social vulnerable theory
- 2.5 Economic theories and their relevance
- 2.6 Environment home and community influences, urban and rural crimes.
- 2.7 The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol.
- 2.8 Caste and community tensions caste wars and communal riots – their causes demoralising effects, atrocities against scheduled cadres.
- 2.9 Emotional disturbance and other psychological factors
- 2.10 Multiple causation approach to crime

3. Police and the Criminal Justice

- 3.1 The police system
- 3.2 Structural organization of police at the centre and the states
- 3.3 Mode of recruitment and training
- 3.4 Powers and duties of police under the police acts, Criminal Procedure Code and other laws.
- 3.5 Arrest, search and seizure and constructional imperatives

- 3.6 Methods of police investigation
- 3.7 Third degree methods
- 3.8 Corruption in police
- 3.9 Relationship between police and prosecution
- 3.10 Liability of police for custodial violence
- 3.11 Police public relations
- 3.12 Select aspects of National Police Commission report

4. Punishment of Offenders

- 4.1 Some discarded modes of punishment
- 4.1.1. Corporal punishment : whipping and flogging : mutilation and branding
- 4.1.2. Transportation
- 4.1.3. Public execution
- 4.2 Punishments under the Indian criminal law
- 4.2.1. Capital Punishment
- 4.2.2. Imprisonment
- 4.2.3. Fine
- 4.2.4. Cancellation or withdrawal of licences
- 4.3. The prison system
- 4.3.1. Administrative organization of prisons
- 4.3.2. Mode of recruitment and training
- 4.3.3. The Jail Manual
- 4.3.4. Powers of prison officials
- 4.3.5. Prisoners classification – male, female : juvenile and adult : undertrial and convicted prisoners
- 4.3.6. Constitutional imperatives and prison reforms
- 4.3.7. Prison management : prisoners right and security compulsions.
- 4.3.8. Open prisons
- 4.3.9. Prison labour
- 4.3.10. Violation of prison code and its consequences.
- 4.4 Appraisal of imprisonment as a mode of punishment

5. Victimology

- 5.1 Demographic characteristics of the victims
- 5.2 Compensation to the victims
- 5.3 Rehabilitation

6. Treatment or Correction of Offenders

- 6.1. The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
- 6.2. Classification of offenders through modern diagnostic Techniques
- 6.3. The role of psychoanalysts and social workers in the prison
- 6.4. Vocational and religious education and apprenticeship programmes for the offenders.

- 6.5. Group counseling and re-socialisation programmes
- 6.6. Prisoners organizations for self-government.
- 6.7. Participation of inmates in community services
- 6.8. An appraisal of reformative techniques
- 6.9. Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

7. Re-socialisation processes

- 7.1 Parole
 - 7.1.1 Nature of parole
 - 7.1.2 Authority for granting parole
 - 7.1.3 Supervision of parolees
 - 7.1.4 Parole and conditional release
- 7.2 Release of the offender
 - 7.2.1 Problems of the released offender
 - 7.2.2 Attitudes of the community towards released offender
 - 7.2.3 Prisoner and societies and other voluntary organizations
 - 7.2.4 Governmental action
 - 7.2.5 An appraisal

Recommended Readings :

- Katherine S. Williams. Text Book on Criminology (1997), Blackstone, London
Loveland, The Frontiers of Criminality (1995) Sweet & Maxwell
Matrin Wasik, Emmins on Sentencing (19980, Blackstone, London
Hall, J. Law, Social Science and Criminal Theory (1982)
Manheim, H. Comparative Criminology : A Text Book (1965)
Ross, H. (Lawrence Ed.) Law and Deviance (1981)
Sutherland, E. and Cressy, Principles of Criminology (1978)
Walker, N. Crime and Criminology : A Critical Introduction (1987)
S. Rao, Crime in Our Society (1983)
J.M. Sethna, Society and the Criminal (1980)
A. Siddique, Criminology : Problems and Perspectives (1997)
E. Sutherland, White Collar Crime (1949)
S. Kaldate, Society, Delinquent and Juvenile Courts (1982)
W.C. Reckless, The Prevention of Juvenile Delinquency (1972)
D.C. Pandey, Habitual Offenders and the Law (1983)
D. Abrahensen, David: Crime and the Human Mind (1979)
Conrad John P. : Crime and its Correction : An international survey of Attitudes and Practices.
Krishna Iyer Report on Female Prisoners (1986)
Suen Titus Raid : Criminology
Mulla Committee Report, (1983)
P. Rajgopal, Violence and Response : A Critique of Indian Criminal Justice System (1988)

2. TAXATION LAW

Income Tax Act 1961

Wealth Tax Act, 1957

Taxation Law

(i) Income Tax Act 1961	55 marks
(ii) Wealth Tax Act. 1957	15 marks
(iii) Bombay Sales Tax Act	15 marks
(iv) Central Sales Tax	15 marks

Assessment for this year.

Recommended Readings :

Income Tax – Kanga & Palkhivala – Volume I

Chaturvedi & Pithisaria – Volumes I – VII

Wealth Tax – Chaturvedi & Pithisaria – Volume VIII

3. BANKRUPTCY LAWS

1. Introductory

- 1.1. The concept : inability to pay debt
- 1.2. Comparative perspectives
- 1.2.1. England : Insolvency Act, Bankruptcy Act
- 1.2.2. United States of America
- 1.1. India : concurrent jurisdiction the central and state legislation.

2. Insolvency jurisdiction

- 2.1. Courts
- 2.2. Powers of court

3. Acts of Insolvency

- 3.1. Transfer of property to a third person for benefit of creditors generally
- 3.2. Transfer with intent to defeat creditors
- 3.3. Fraudulent preferences in transfer of property
- 3.4. Absconding with intent to defeat the creditors
- 3.5. Sale of property in execution of decree of court
- 3.6. Adjudication of insolvent
- 3.7. Notice to creditors about suspension of payment of debt.
- 3.8. Imprisonment in execution of a decree of a court
- 3.9. Notice by creditor.

4. Insolvency petition

- 4.1. By creditor
- 4.2. By debtor
- 4.3. Contents of the petition
- 4.4. Admission
- 4.5. Procedure

5. Appointment of interim receiver

6. Interim proceedings against the debtor

7. Duties of Debtors

8. Release of debtor

9. Procedure at hearing

10. Dismissal of petition filed by a creditor

- 11. Order of adjudication**
 - 11.1. Effect
 - 11.2. Publication of order
- 12. Proceedings, consequent on order of adjudication**
 - 12.1. Protection order from arrest or detention
 - 12.2. Power to arrest after adjudication per attempt abscond
 - 12.3. Schedule of creditors
 - 12.4. Burden of creditors to prove the debt.
- 13. Annulment of adjudication**
 - 13.1. Power annul
 - 13.2. Effect
 - 13.3. Failure to apply for discharge
- 14. Post adjudicatory scheme for satisfaction of the debt**
- 15. Discharge of debtor**
- 16. Effect of insolvency on antecedent transaction**
 - 16.1. On rights of creditor under execution
 - 16.2. Duties of court executing decree on the property taken in execution
 - 16.3. Avoidance of voluntary transfer
 - 16.4. Avoidance of preference
- 17. Realization or property**
 - 17.1. Appointment of receiver
 - 17.1.1. Duties and powers
 - 17.1.2. Appeal against receiver
- 18. Distribution of property**
 - 18.1. Priority of debts
 - 18.2. Dividends
- 19. Offences by debtors**
- 20. Disqualification of insolvent**
- 21. Appeal**

- 22. Indigent persons
- 22.1 Suit by indigent persons
- 23. Chapter XI (Bankruptcy Law of USA)

Recommended Readings :

The Provincial Insolvency Act 1920.

Insolvency Acts of various States

Halsbury's Laws of England, Vol. 3(2) on Bankruptcy and Insolvency (1989)

Henry R. Cheeseman, Business Laws Ch. 28(1998), Prentice Hall, New Jersey

C.K. Thakker, Code of Civil Procedure (2000) Eastern, Lucknow.

Aryar S.K. Law of Bankruptcy (1998), Universal, Delhi.

5. PRACTICAL TRAINING - II

- i) Public Interest Lawyering
- ii) Legal Aid
- iii) Para Legal Services)
- iv) Para Legal Training and Legal Literacy
- v) Visit to Law General Office and Solicitor's firm
- vi) Case Comment

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the Colleges in consultation with the Universities and State Bar Councils. It can be taught partly through class room instructions including simulation exercises and partly through extension programmes like Lok Adalat, Legal aid Camp, Legal Literacy an Para Legal Training. The course should also contain lessons on Negotiations and Counselling, use of computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of Law Journals and Law office management. The marks may be appropriately divided to the different programmes that each University might evolve for introduction in the colleges under its control.

Fifth Year (5 Years) (Sem. IX)
And
Third Year (3 Years) (Sem. V)

CIVIL PROCEDURE CODE AND LIMITATION ACT

Civil Procedure Code (85 Marks)
Indian Limitation Act (15 Marks)

Recommended Readings :

- Mulla,.....Code of Civil Procedure.
C.K.Thacker,.... Code of Civil Procedure.
M.R. Mallick (ed) B.B. Mitra of Limitation Act 1998
Majumdar P.K. and Kataria R.P. (Commentary on C.P.C.)
Saha A.N. C.P.C. (2000)
Sarkar's Law of Civil procedure (2000).

**CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT
AND PROBATION OF OFFENDERS ACT**

Criminal Procedure Code 1973	(70 Marks)
Juvenile Justice care and protection of children Act 2000	(15 Marks)
Probation of Offenders Act 1958	(15 Marks)

Recommended Readings :

- Ratanlal Dhirajlal ...Criminal Procedure Code
- Chandrashekhar Pillai...Kelkar lectures on Criminal procedure.
- Woodroffe-Commentries on Code of Criminal procedures.

INTERPRETATION OF STATUTES

- I.
 - 1) Meaning of the term statute.
 - 2) Commencement, operation and repeal of statutes.
 - 3) Purpose of interpretation of statutes.

II. Aids to interpretation (Internal Aids).

- 1) Title
- 2) Preamble
- 3) Headings and marginal notes.
- 4) Sections and sub sections.
- 5) Punctuation marks.
- 6) Illustrations, inceptions, provision and saving clauses.
- 7) Schedules.
- 8) Non obstante Clause.

External Aids :

- 1) Dictionaries
- 2) Translations
- 3) R Travaux preparation
- 4) Statutes in para
- 5) Contemporanea expositus
- 6) Debates, inquiry commission reports and law commission reports.

III. Rules of Statutory Interpretation:

- 1) Primary rules.
- 2) Literal rule
- 3) Golden rule.
- 4) Mischief rule.
- 5) Rule of harmonious construction.
- 6) Secondary rule.
- 7) Noscitur a solics.
- 8) Ejusdem generis
- 9) Reddendo singula Singulis

IV. Presumptions in Statutory interpretation:

- Statutes are valid.
Statutes are territorial in operation.
Presumption as to jurisdiction.
Presumption as to what is inconvenient or absurd
Presumption against intending injustice
Presumption against impairing obligation
of permitting advantage from once own wrong.
Prospective operation of statutes.

V. Maxims of statutory interpretation

- Delegatus non-potest delegare.
- Expressio Unius, Exclusio alterius.
- In pari delecto potior est conditio possidentis.
- Ulter valet potior est conditio possidentis.
- Expressum facit ussure tactuum.
- Generalis specialibus non derogant .
- In bonam partem.

VI. Interpretation with reference to the subject matter and the purpose.

- 1) Restrictive and beneficial construction.
- 2) Taxing structures.
- 3) Penal statutes.
- 4) Welfare legislation.
- 5) Interpretation of directory and mandatory provisions
- 6) Interpretation of substantive and adjunctival statutes.
- 7) Interpretation of enabling statutes.
- 8) Interpretation of statutes conferring rights
- 9) Interpretation of statutes conferring powers.

VII. Principles of constitutional interpretation:

- 1) Harmonious construction.
- 2) Doctrine of pith and substance.
- 3) Colourable legislation.
- 4) Ancillary Powers.
- 5) Occupied field.
- 6) Residuary power.
- 7) Doctrine of prospective overruling.
- 8) Doctrine of repugnancy.
- 9) Doctrine of eclipse.

VIII. General clauses act:

Recommended Readings :

J.P.Singh ... Principles of Statutory interpretation

Maxwell on Interpretation of Statutes.

K.Shanmukham, N.S.Bindra's Interpretation of Statutes.

V.Sarthy, Interpretation of Statutes.

M.P.Jain, Constitutional law of India.

V.N.Shukla's Constitution of India

Avatar Singh Interpretation of Statutes.

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

This paper is divided into three sections.

1. Human Rights.....30 marks
2. Public International Law..... 30 marks
3. Human Rights In International Law.....40 marks.

Human Rights:

National view on the basis of the Indian constitution and judicial expositions.
Human Rights and Child Abuse
Human Rights and Women
Human Rights and Workers
Human Rights and accused Convicts and Prisoners.
Human Rights and Environment

Public International Law:

- 1) Introduction
- 2) Custom
- 3) Treaties
- 4) State territories
- 5) Recognition of states and government.
- 6) Law and practice of treaties.
- 7) The law of Sea.

Human Rights In International Law :

Theoretical Foundation, human rights and International law.

Basic principles

Sovereign equality of states, non intervention, non use of force,
Peaceful settlement of dispute
Individuals as subjects of international law.
Treatment of aliens.

Historical development of human rights

Human rights in Indian tradition and western tradition
U.N. and human rights.
Covenant on political and civil rights (1948)
Covenant on Economic, Social, and cultural rights.
ILO and other conventions and protocols dealing with human rights.
International HR commission.
Mandates to state
Right to development.

Role to regional organizations:

- European convention on human rights
- American convention of human rights.

Protection agencies and mechanism:

- 1) International commission of human rights.
- 2) Amnesty international law
- 3) NGO s in India only.
- 4) European commission of human rights,
- 5) U.N. declaration of human rights
- 6) International labour organization.
- 7) UNESCO.
- 8) UNISEF.

Impact and implementation of international human rights norms in India.

Human rights norms reflected in fundamental rights in the constitution.

Directive principles, Legislative and administrative implementation of International human rights.

Implementation of human rights norms through judicial process.

Enforcement of human rights:

Role of courts; the Supreme Court, the high court and the other courts.

Statutory Commission- Human rights, Women's minority and backward class.

Recommended Readings :

S.K. Avasthi & R.P.Kothari...Law relating to human rights

S.K.Verma Public International Law

Peter J Van kricken- The Exclusion of clauses.

Human Rights and Global Diversity

Nirmal C.J.- Human Rights in India

Nirmal B.C. – The right to self-determination in International law.

P.R Gandhi- International human rights documents.

5th Year (Five Year) (Sem. X)
And
3rd Year (Three Year) (Sem. VI)

ALTERNATE DISPUTE RESOLUTION SYSTEM

Arbitration: meaning, scope and types

- Distinctions
- 1940 law and 1996 law: UNICITRAL model law
- Arbitration and Conciliation
- Arbitration and expert determination
- Extent of judicial intervention
- International commercial arbitration

Arbitration agreement

- Essentials
- Kinds
- Who can enter into arbitration agreement
- Validity
- Reference to arbitration
- Interim measures by court

Arbitration Tribunal

- Appointment
- Challenge
- Jurisdiction of arbitral tribunal
- Powers
- Grounds of challenge
- Procedure
- Court assistance

Award

- Rules of guidance
- Form and content
- Correction and interpretation
- Grounds of setting aside an award
- Can misconduct be a ground?
- Incapacity of a party, invalidity of arbitration agreement
- Want of proper notice and hearing
- Beyond the scope of reference
- Contravention of composition and procedure
- Breach of confidentiality
- Impartiality of the arbitrator
- Bar of limitation, res judicata
- Consent of parties
- Enforcement

Appeal and revision

Enforcement of foreign awards

- New York convention awards
- Geneva Convention awards

Conciliation

- Distinction between 'Conciliation', 'Negotiation', 'mediation' and 'arbitration'
- Appointment
- Statements to conciliator
- Interaction between conciliator and parties
- Communication
- Duty of parties to cooperate
- Suggestions by parties
- Confidentiality
- Resort to judicial proceedings
- Costs

Rule-making power

- High Court
- Central Government
- Legal Service Authorities Act; Scope

Lok Adalats

Recommended Readings :

- B.P. Saraf and M. Jhunjhunwala – Law of Arbitration and Conciliation
- G.K. Kwatra – The Arbitration and Conciliation , Law of India
- Johari - Commentary on Arbitration and Conciliation Act 1996
- Markanda P.C. – Law relating to arbitration and conciliation.
- G. K. Kwatra – Arbitration and Alternate Dispute Resolution ITC/UNCTAD/WTO/ICA, New Delhi, 2004.
- Reports and Journals of Indian Council of Arbitration , New Delhi.

LAW OF EVIDENCE

Indian Evidence Act 1872

Recommended Readings :

- Sarkar and Manohar – Sarkar on Evidence
- Ratanlal, Dhirajlal – Law of Evidence
- Avtar Singh - Principles of the Law of Evidence

Optional papers

1) BANKING LAWS AND NEGOTIABLE INSTRUMENTS ACT

Reserve Bank of India Act 1934)
Banking Regulation Act 1944) (50 Marks)
Bankers' Book of Evidence Act 1891)

- Recovery of Debts Due to Banks and Financial Institutions Act, 1993
- Establishment of debt recovery tribunals – constitution and functioning
- Role of SEBI in Controlling Financial Institutions

Negotiable Instruments Act 1881 (50 Marks)

Recommended Readings :

Parthasarathy M.S.(Ed.)- Kherganvala on the Negotiable Instruments Act.
Tannen M.L. – Tannen's Banking Law & Practice in India
Mukerjee T.K. – Banking Law and Practice
Avtar Singh - Negotiable Instruments Act.
Dr. Nilima Chandiramani – Law of Negotiable Instrument : Basic Concepts

2) LAW OF INSURANCE

Introduction

- Definition, nature and history of insurance
- Concept of Insurance and law of contract and law of torts; future of insurance in globalized economy
- History and development of insurance in India
- Insurance Regulatory Authority – role and functions

General principles of law of insurance

- Contract of insurance – classification of contract of insurance, nature of various insurance contracts, parties thereto
- Principle of good faith-non-disclosure-misrepresentation in insurance contract
- Insurable interest
- The risk
- The policy – classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction
- Conditions of the policy
- Alteration of the risk
- Assignment of the subject matter

Life Insurance

- Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract
- Event insured against life insurance contract
- Circumstances affecting the risk
- Amounts recoverable under life policy
- Persons entitled to payment
- Settlement of claim and payment of money

Marine Insurance

- Nature and scope
- Classification of marine policies
- The Marine Insurance Act 1963
- Insurable interest, insurable value
- Marine insurance policy – conditions – express warranties construction of terms of policy
- Voyage – deviation
- Perils of the sea
- Partial loss of ship and of freight, salvage general average, particular charges
- Measure of indemnity, total valuation, liability to third parties

Fire insurance

Insurance Against Third Party Risks

- The Motor Vehicles Act, 1988 (Chapter VIII)
- Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer and drive rights of third parties, limitations of third party's rights, duty to inform third party
- Claims tribunal, constitution, functions, application for compensation – who can apply? – Procedure and powers of claims tribunal-its award

Social Insurance in India

- Important elements in social insurance, its need
- Commercial insurance and social insurance
- Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits
- Old age, premature death and invalidity insurance or pension insurance, public provident fund, Jeevandhara policy
- Unemployment insurance
- Social insurance for people like seamen, circus workers and agricultural workers

Public Liability Insurance

- The scheme
- Authorities

The emerging legislative trends

Recommended Readings :

- Sreenivasan M.N. – Principles of Insurance Law
- Singh Bridge Anand - New Insurance Law

3) INTELLECTUAL PROPERTY LAW

Introductory

- The meaning of Intellectual property
- Competing rationales of the legal regimes for the protection of intellectual property
- The main forms of intellectual property: copyright, trademarks, patents, designs
- The competing rationales for protection of rights in:
 - Copyright
 - Trademarks
 - Patents
 - Designs
 - Trade secrets
- Other new forms such as plant varieties and geographical indications
- Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Rome Convention, Universal Copyright Convention, TRIPs Paris Convention
- International Organization relating to IPRs – WIPO, WTO

Select aspects of the law of Copyright in India

- Historical evolution of the Copyright Act 1957
- Meaning of Copyright
- Copyright in literary, dramatic and musical works
- Copyright in sound records and cinematographic films
- Copyright in computer programmes
- Ownership of copyright
- Assignment of copyright
- Author's special rights
- Notion of infringement
- Criteria of infringement
- Infringement of copyright by films of literary and dramatic works
- Importation and infringement
- Fair use provisions
- Piracy in internet
- Aspects of copyright justice
- Remedies, especially, the possibility of Anton pillar injunctive relief in India

Intellectual Property in Trade Marks (Trade Marks Act 1999)

- The rationale of protection of Trade marks as (a) an aspect of commercial and (b) of consumer rights
- Definition and concept of Trade marks
- Registration
- Distinction between Trade mark and property mark
- The doctrine of honest Current User
- The doctrine of deceptive similarity
- Protection of well-known marks
- Passing off and infringement

- Criteria of infringement
- Standards of proof in passing off action
- Remedies

Patents

- Patent Act 1970
- Concept of Patent
- Historical view of patents law in India
- Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
- Patent protection for computer programmes
- Process of obtaining a patent: application, examination, opposition and sealing of patents: general introduction
- Procedure for filing patents: Patent Co-operation Treaty
- Some grounds for Opposition
- The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
- Wrongfully obtaining the invention
- Prior publication or anticipation
- Obviousness and the lack of inventive step
- Insufficient description
- Rights and obligations of a patentee
- Patents as chose in action
- Duration of patents ; law and policy considerations
- Use and exercise rights
- Right to secrecy
- The notion of 'abuse' of patent rights
- Compulsory license
- Remedies
- Infringement
- Criteria of infringement
- onus of proof
- Modes of Infringement; the Doctrine of Colourable Variation
- Defences in suits of Infringement
- Injunctions and related remedies

Recommended Readings :

- Cornish W.R. – Intellectual Property Patents, Trade Marks, Copyrights and Allied Rights
- P. Narayanan - Intellectual Property Law
- Wadhera - Intellectual Property Law

- Domicile of Origin
- Domicile of Choice
- Domicile of dependence: married women's position in English and Indian laws
- Domicile of corporation

Status

- What is Status?
- Incidents
- What law governs status
- Universality of status

Marriage

- Marriage as a contract and also status how different from other contracts (social personal contract)
- Kinds of Marriage
- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent
- Questions of format and essential validity
- Formal validity by lex loci celebrations
- Essential / material / intrinsic validity
- Capacity to marriage
- Consent
- Not within prohibited degrees
- Not previously married
- Physical incapacity
- Of proper age
- Essential validity usually governed by lex domicili
- English cases
- Indian position clarified in cases

Matrimonial Causes

- Concept of matrimonial cause (Relief) – English and Indian positions
- Available Reliefs
- Divorce, Nullity, judicial separation
- Restitution of Conjugal Rights (in English law)
- Restitution of Conjugal Rights has no place now
- Choice of Jurisdiction and Choice of Law to be examined

Legitimacy and Legitimation

- What is legitimacy
- What law governs legitimacy
- Validity of marriage
- Legitimation
- What it is

- How affected
- Legitimation and Succession

Adoption

- Purpose of adoption
- Common law
- Indian law
- Hindu law
- Recognition of foreign adoption

Custody and Guardianship

- Purpose
- Adoption and succession

Contracts

- Contract – a leading relationship in private international law system
- Validity of contracts
- Capacity to contract – Main four theories Lex Loci, Lex Domicilii, Lex situs and proper law
- Formal validity – lex loci contractus governs
- Essential validity – proper law is usually accepted as governing
- Discharge of contract – Lex loci solutions governing
- Doctrine of “proper law” of contract subjective and objective Theories

Torts

- Traditional theories
- Ideas of tort of recent importance in private International Law such as drugs, environments, transport and satellite communication

Recognition and Enforcement of Foreign Judgments

- Need recognizing foreign judgments
- Limitations in recognising and enforcement
- Section 13,14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act

Recommended Readings :

- Paras Diwan - Private International Law
- Cheshire – Private International Law
- Dicey A.V. – Conflict of Laws

5) LAW RELATING TO WOMEN & CHILDREN

International concerns and conventions

- specify conventions

Women in India

- Pre-Independence period
- Social and legal inequality
- Social Reform Movement in India
- Karachi Congress – Fundamental Rights Resolution, Equality of Sexes

Women in post-Independence India

- Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy
- Personal laws – unequal position of women
- Uniform Civil Code towards gender justice

Sex Inequality in Inheritance Rights

- Feudal institution of joint family – women's inheritance position
- Hindu Law
- Muslim Law
- Matrimonial property
- Movement towards Uniform Civil Code

Guardianship

- Right of women to adopt a child
- Problems of women guardianing

Divorce

- Indian Divorce Act
- Christian Law
- Muslim Law

Criminal Law

- Adultery
- Rape

Social Legislation

- Laws relating to Dowry, A moral traffic, Female Foeticide, Sati, A moral representation etc.

Women and Employment

- Labour force
- Protective Laws
- Exploitation and harassment in workplaces

Protection and enforcement agencies

- Courts
- Family Courts
- Commission for women
- NGOs

Social Constitutional and International Legal Status of Child

- Magnitude of the problem
- Special status of child – national policies
- Constitutional concern – Article 15(3), Article 24 and Article 45
- International concern and endeavour for the welfare of the children
- Minimum Age conventions
- Child rights conventions
- U.N. Declaration of the rights of the child, 1924, 1959

Problems of conception, birth and nourishment and health of the child

- Legal status of child in work
- Tortious liability against injuries to unborn children
- Coparcenary and property rights of the unborn children
- Law relating to maternity benefit and relief
- Lack of legal protection of children of impoverished parentage

State responsibility for the education of children

- Evaluation of the efforts of the State towards the provision of education to children
- Pre-primary and nursery education – elementary education
- Contributions by International Organizations for elementary education – UNESCO, UNICEF

Legal Control of Child Labour

- Regulation of the employment ; protection of the health and well-being
- International conventions and recommendations of the ILO
- Recommendations of the National Commission of Labour
- Legislation relating to factories, plantation labour, mines, merchant shipping, motor-transport workers, apprentices, shop & establishments and child labour

Family Relations and Child

- The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody
- Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872

Child and Contractual Liability

- Minors Agreements
- Testimony of children
- Suits by and against minors

Child and Criminal Liability

- Crimes committed by child; crimes committed by others in relation to children
- Implementation of social policy through criminal sanctions in relation to child
- Variation of procedure in case of child offender
- Judicial proceedings in criminal cases relating to children
- Statutory provisions – Sections 82, 83, 299 Exp. 3, 363A, 372 and 376 of IPC – Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 – Young Persons Harmful Publications Act 1956 – The Children Act 1960 – Section 27 of the Cr.P.C. – Reformatory Schools Act 1897 – Juvenile Delinquency Act

Law and Offences Against Child

- Protection of neglected children
- Institutions for the protection of neglected children
- Juvenile Justice Act 2000
- Juvenile delinquency; law and offences against child
- Contribution by parents; licensing
- Protection of girls from immoral traffic
- Prevention of vagrancy and beggary

Discrimination Against Female Children

- Amniocentesis
- Deferred infanticide through based nutritional discrimination
- Termination of pregnancy

Recommended Readings :

- Flavia Agnes - Law and Gender inequality
S.N. Jain (Ed) - Child and the Law (IL)
Ajit Ray - Widows are not for burning
A. S. Altekar - Position of Women in Hindu Civilization
Flavee Agnes - State, Gender and Rhetories of Law Reform
Towards Equality, Report of Committee on the status of women
Ratna Kapur and Brenda Crossman, Women, Equality and the Constitution
Engendering Law, Lectures in Honor of Lotika Sarkar
Shobha Saxena, Crimes Against Women and Protective laws.
Asha Bajpai - Child Rights in India : Law, Policy and Practice.
Oxford 2003 New Delhi.
Encyclopedia of Laws of the Child in India. S. P. Shaw. Alia Law Agency

6) LAW AND MEDICINE

- Right to Health under the Constitution of India
- The varieties of Medical Professions in India
- Self-Regulation through Codes of Conduct
- The Doctrine of "Informed Consent"
- Experimentation on Foetuses and Children
- Experimentation on People in Custody, including Psychiatric Custody
- The Doctors – Patient Relationship
- Confidentiality and Privilege
- Patient's right of full disclosure of course of therapy including side effects of drugs
- Medical Malpractice
- Medical Profession and the Consumer Protection Act.
- Law Relating to Medico-Legal Cases, with special reference to:
- Road Accidents
- Sexual Assaults and
- Mass Disaster (e.g. Bhopal)
- Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 (section 1 to 6 only)
- The Transplantation of Human Organs Act, 1994 (Section 1 to 12 only)
- The Prenatal Diagnostic Techniques (Regulations and Prevention of Misuse)Act,1954 (Section 1 to 6only)

Recommended Readings :

- R.K Bag: Law of Medical Negligence and compensation

PRACTICAL TRAINING - III

Drafting, Pleading and Conveyancing

This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercise in Drafting carrying a total of 45 marks and 15 exercises in conveyancing carrying another 45 marks. (3 marks for each exercise).

NOTE : **a) Drafting :**

General principles of drafting and relevant substantive rules shall be taught.

b) Pleading :

1. Civil : i) Plaintiff, ii) Written statement, iii) Interlocutory Application, iv) Original Petition, v) Affidavit, vi) Execution Petition and vii) Memorandum of Appeal and Revision, viii) Petition under Article 226 and 32 of the Constitution of India.
2. Criminal : i) Complaints, ii) Criminal Miscellaneous Petition, iii) Bail Application and iv) Memorandum of Appeal and Revision.

c) Conveyancing

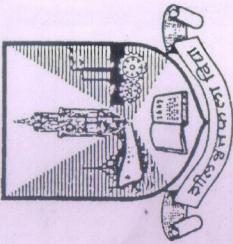
- (i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed
- (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will

PRACTICAL TRAINING - IV

MOOT COURT, PRE TRIAL , PREPARATION AND PARTICIPATION IN TRIAL PROCEDURES

This paper will have three components of 30 marks each and a viva of 10 marks.

- a) Moot Court (30 marks)
Every student will do at least three moot court in a year with 10 marks for each the moot court work will be on assigned problems and it will be evaluable for 5 marks for written submission and 5 marks for oral advocacy.
- b) Observance of Trial in two cases, one civil and one criminal (30 marks)
Students will attend two trials. They will maintain a record and enter in various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- c) Interviewing techniques and Pre trial preparations (30 marks)
Each student will observe two interviewing sessions of clients at the Lawyers office/Legal Aid office and record the Proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate and procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.
- d) The fourth component of this paper will be viva voce examination on all the above three aspects. This will carry 10 marks. (10 marks)



No. UG/ 19 of 2019-20

CIRCULAR:-

Attention of the Principals of the affiliated Colleges in Humanities Faculty is invited to this office Circulars Nos. (1) UG/107 of 2018-19, dated 24th August, 2018 relating to the Manual with the rules and regulations and schemes and procedures of LL.B. (3 years) and (B.L.S., LL.B.) (5 Years) (CBCS) (2) व. पदवीपूर्व/११९ of २०१८-१९ dated 21st September, 2018 relating to the LL.B. (3 Years) and (B.L.S., LL.B.) (5 Years) (CBCS) (60:40) programmes.

They are hereby informed that the after issued above mentioned circular subsequently was stayed by the Hon'ble High Court for the Academic Year 2018-19 vide Order dated 29th October, 2018, which was communicated vide Circular No. UG/124/2018-19 dated 12th November, 2018.

They are informed that the resolution passed by the Board of Deans at its meeting held on 5th September, 2018 vide item No. 51 have been accepted by the Academic Council at its meeting held on 08th September, 2018 vide item No. 4.20 for the same.

Thereafter, resolution was passed by the Board of Studies in Law at its meeting held on 11th February, 2019 regarding implementation of CBCS system for the Three years LL.B. and Five Years B.L.S., LL.B. programmes from the academic year 2019-20, subsequently taken note by the Academic Council at its meeting held on 15th April, 2019 vide item No. 8.2 accordingly. (The same is available on the University's website www.mu.ac.in).

All the concerned are requested to kindly note the same.

(Dr. Ajay Deshmukh)
REGISTRAR

MUMBAI - 400 032
20th May, 2019

To

The Principals of the affiliated Colleges and Directors of the recognized Institutions in Humanities Faculty. (Circular No.UG/334 of 2017-18 dated 9th January, 2018.)

A.C/8.2/15/04/2019

No. UG/ 19 -A of 2019-20 MUMBAI-400 032
Copy forwarded with Compliments for information to:-

- 1) The I/c Dean, Faculty of Humanities,
- 2) The Chairman, Board of Studies in Law,
- 3) The Director, Board of Examinations and Evaluation,
- 4) The Co-ordinator, University Computerization Centre,

20th May, 2019

(Dr. Ajay Deshmukh)
REGISTRAR

मुंबई विद्यापीठ

क. पदवीपूर्व/१२८/२०१८-१९

परिपत्रक :-

मुंबई विद्यापीठाचे विधी विभागाचे संचालक/विभागप्रमुख व सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांना असे कळविण्यात येते की, मुंबई विद्यापीठाने LL.B(3 Years and B.L.S.,LL.B)(5 Years) (CBCS) चे Revised Syllabus बाबत निगमित केलेले परिपत्रक क.UG/107 of 2018-19 दिनांक 24th August,2018 संदर्भात मुंबई उच्च न्यायालयाने पारित केलेल्या आदेशान्वये सदर परिपत्रक तात्पुरते स्थगित करण्यात येत आहे.

"In that view of the matter, by way of ad-interim relief, we direct that there shall be stay to the impugned circular dated 24/8/2018 and that the Respondent – University shall conduct the examination for the academic year 2018-19 as per prevailing system."

सर्व संबंधितांनी याची नोंद घ्यावी व त्याप्रमाणे कार्यवाही करावी.

*स.प.ल.स.१
१२.११.१८*
मुंबई - ४०० ०३२
दि. १२ नोव्हेंबर, २०१८

प्रति,

मुंबई विद्यापीठाचे विविध विभागांचे संचालक/विभागप्रमुख सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांच्या माहिती व योग्य त्या कार्यवाही करिता.

क.पदवीपूर्व/१२८/२०१८ मुंबई - ४०० ०३२
दि. १२ नोव्हेंबर, २०१८

प्रत माहिती व पुढील कार्यवाहीकरिता रवाना :-

१. संचालक, परीक्षा नियंत्रक,
२. अधिकारी, मानवविज्ञान विद्याशाखा (Faculty of Humanities)
३. संचालक, विद्यार्थी विकास मंडळ,
४. समन्वयक, विद्यापीठ संगणक केंद्र

*स.प.ल.स.१
१२.११.१८*

(पा. सुनिल भिरड)
प्रभारी कुलसचिव

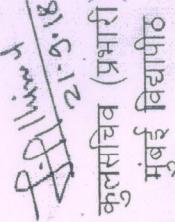
मुंबई विद्यापीठ

क.पदवीपूर्व/७५७/२०१८-१९

परिपत्रक :-

प्रशासकिय अधिकारांच्या आदेशानुसार मुंबई विद्यापीठाचे विधी विभागाचे संचालक/ विभागप्रमुख सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांना असे सुचित करण्यात येते की, मुंबई विद्यापीठाने निर्गमित केलेले परिपत्रक कमांक No.UG/107 of 2018-19 दिनांक 24th August, 2018 नुसार राबविण्यात घेणारा LL.B. (3 Years) and (B.L.S., LL.B.) (5 Years) (CBCS) (60:40) अभ्यासक्रमाच्या विद्यार्थ्यांना सन २०१८-१९ (Odd Sem.) मध्ये होणाऱ्या अंतर्गत परिक्षांचे Project and other Activities ५० गुणांची Internal Assessment महाविद्यालयांस सादर करण्याची मुदत पुढील आदेश मिळेपर्यंत काढविण्यात येत आहे, याची कृप्या नोंद घ्यावी. तसेच सदर बाब या अभ्यासक्रमाच्या परिक्षेस प्रविष्ट सर्व विद्यार्थ्यांच्या निदर्शनांस आणारी, ही विनंती.

सदर परिपत्रक मुंबई विद्यापीठाच्या (www.mu.ac.in) या संकेत स्थळावर उपलब्ध कराण्यात आलेले आहे.


 कुलसचिव (प्रभारी)
 मुंबई विद्यापीठ

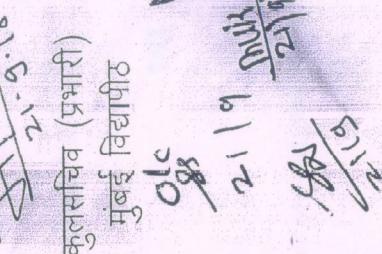
 मुंबई - ४०० ०३२
 दि. २९ सप्टेंबर, २०१८

प्रति,
 मुंबई विद्यापीठाचे विविध विभागांचे संचालक/ विभागप्रमुख सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांच्या माहिती व योग्य त्या कार्यवाही करिता.

क.युजी/७५७ अ / २०१८
 मुंबई - ४०० ०३२
 हि. २९ सप्टेंबर, २०१८

प्रत माहिती व पुढील कार्यवाहीकरिता रवाना :-

१. संचालक, प्ररिक्षा व मुल्यमापन मंडळ, महात्मा ज्योतिबा फुले भवन, मुंबई विद्यापीठ, कालिना. परिसर, सांताकुळ, मुंबई - ४०० ०९८.
२. अधिष्ठाता, मानवविज्ञान विद्याशाळा (Faculty of Humanities) मुंबई विद्यापीठ, फोर्ट, मुंबई - ४०० ०३२


 कुलसचिव (प्रभारी)
 मुंबई विद्यापीठ
 OLC
 १८१५
 २११९
 मुंबई
 २११९

University OF MUMBAI
No. UG/107-A of 2018-19

CIRCULAR:-

Humanities

Attention of the Principals of the Affiliated Colleges in Interdisciplinary Studies Faculty is invited to this office circular No. UG/368 of 2001, dated 20th October, 2001 relating to the LL.B. (Three Years and Five Years) degree course.

They are hereby informed that the recommendations made by the Board of Studies in Law at its meeting held on 2nd June, 2018 have been accepted by the Academic Council at its meeting held on 14th June, 2018 vide item No. 4.61 and that in accordance therewith, the Manual with the rules and regulations and schemes and procedures of LL.B. (3 years) and (B.L.S., LL.B.) (5 years)(CBCS) has been brought into force with effect from the academic year 2018-19, accordingly. (The same is available on the University's website www.mu.ac.in).

Munawar

(Dr. Dinesh Kamble)
I/c REGISTRAR

To

The Principals of the Affiliated Colleges, in Interdisciplinary Studies Faculty
(Circular No. UG/334 of 2017-18 dated 9th January, 2018.)

A.C/4.61/14/06/2018

* * * * *
No. UG/ 107 -A of 2018 MUMBAI-400 032 24th August, 2018

Copy forwarded with Compliments for information to:-

- 1) The I/c Dean, Faculty of Interdisciplinary Studies,
- 2) The Chairman, Board of Studies in Law,
- 3) The Director, Board of Examinations and Evaluation,
- 4) The Co-ordinator, University Computerization Centre,

Munawar

(Dr. Dinesh Kamble)
I/c REGISTRAR

University of Mumbai

Manual on Choice Based Credit and Grading System

For Under Graduate (UG) Law Programmes under the Law

Stream in Faculty of Humanities with effect from the Academic

Year 2018-19

Manual on Semester Based Credit and Grading System implemented
in
University of Mumbai

....., 2018

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UNIT 1:

INTRODUCTION

1.1 NEED FOR ACADEMIC REFORMS IN INDIAN HIGHER EDUCATION

Higher education today, especially in the Indian context has assumed major importance. Although operating one of the largest systems of higher education in the world and despite the fact that India is a much favoured destination for education especially among the developing countries, there are frequent concerns about the quality of education imparted and its overall impact on the country's nation building process. Particularly under attack is the resistance to bring about long term academic reforms in the system. Among the various lacunas in the system is the absence of a comprehensive national framework for facilitating mutual give and take of the academic programmes offered by the different higher education providers in the country.

With 'twinning programmes' and 'joint degree' initiatives as well as 'study abroad' programmes gaining increased momentum in several parts of the globe, the importance given to 'mobility of learners' and the need for offering flexible curricular choices to them, it has now become necessary to take a serious re-look at the system and introduce reforms wherever possible.

1.2 RECOMMENDATIONS OF NATIONAL EDUCATION REGULATORY AUTHORITIES

- **The University Grants Commission (UGC), the National Assessment and Accreditation Council (NAAC), the Distance Education Council (DEC) and even the National Knowledge Commission (NKC)** have time and again come out with recommendations for improving the quality and effectiveness of Higher education provisions in the country. The ministry of Human Resource Development at the Central level and the Ministry of Higher & Technical Education, Govt. of Maharashtra have also repeatedly stressed on the need for universities to pay prompt attention to some of the weaknesses that plague the system and undermine its very credibility. An important concern voiced more strongly in recent times, is the need to develop a Choice-Based Credit System (CBCS) in tune with global trends and the adoption of a sound grading system for reflecting learner performance. To quote Shri S. K. Tripathi, former Secretary, Dept. of Secondary and Higher Education, Ministry of Human Resource Development, Govt. of India, "*..... The demand for socially relevant, economically productive, globally competitive, culturally sustaining and individually satisfying programmes that cater to the needs of the present times is fast*

growing. The constraints of pursuing programmes and participation in pre-determined combination of subjects pose rigidities not in keeping with the demands of the changing times.... There is today a need for a fully convertible credit-based system acceptable to other universities.

Recommendation of the UGC in its

Action Plan for Academic and Administrative Reforms

(Ref. UGC letters January 2008; March 2009)

“..... Curricular flexibility and learners’ mobility is an issue that warrants our urgent attention. These can be addressed by introducing credit based courses and credit accumulation.

In order to provide with some degree of flexibility to learners, we need to provide for course duration in terms of credit hours and also a minimum as well as a maximum permissible span of time in which a course can be completed by a learner... The Choice-Based Credit System (CBCS) imminently fits into the emerging socioeconomic milieu, and could effectively respond to the educational and occupational aspirations of the upcoming generations. In view of this, institutions of higher education in India would do well to invest thought and resources into introducing CBCS. Aided by modern communication and information technology, CBCS has a high probability to be operationalised efficiently and effectively — elevating learners, institutions and higher education system in the country to newer heights... ”.

The National Knowledge Commission (NKC) under the chairmanship of Mr. Sam Pitroda, in its report to the Prime Minister on 29th November 2006) has also reiterated the importance of Higher education and the contribution it has made to economic development, social progress and political democracy in independent India. However, the Commission has also pointed out to a “serious cause for concern” at this juncture. According to Mr. Pitroda, “ it is important for us to recognize that there is a quiet crisis in higher education in India which runs deep. And the time has come to address this crisis in a systematic, forthright manner. There is today a need for a transition to a course credit system where degrees are granted on the basis of completing a requisite number of credits from different courses, which provides learners with choices....

1.3 AT THE GLOBAL LEVEL

All the major higher education providers across the globe are operating a system of credits. The European Credit Transfer System (ECTS), the ‘National Qualifications Framework’ in Australia, the Pan-Canadian Protocol on the Transferability of University Credits, the Credit Accumulation and Transfer System (CATS) in the UK as well as the systems operating in the US, Japan, etc are examples of these.

1.4 THE CONCEPT OF CBCS IN BRIEF (Choice Based Credit System)

While explanations of the several terms related to the development of a Choice-Based Credit System are given later, it is important to know that CBCS essentially implies a redefining of the curriculum into smaller measurable entities or ‘modules’ with the hours required for studying/‘learning’ these— not ‘teaching’ - being at the primary focus and the development of a mechanism whereby these modules can be combined in different ways so as to qualify for a Certificate, Diploma or Degree. In a sense, therefore, the completion of a single ‘Module’ of learning can pave the way for learning other modules either in the same institution or elsewhere and a combination of modules in keeping with the needs and interests of the learners illustrates the much talked about ‘cafeteria approach’ to learning with the Learner at the centre stage of all academic transactions.

1.5 RATIONALE FOR INTRODUCTION OF CBCS

The UGC while outlining the several unique features of the Choice-Based Credit System (CBCS) has, in fact, given in a nutshell, the rationale for its introduction. Among the features highlighted by the UGC are:

- *Enhanced learning opportunities,*
- *Ability to match learners' scholastic needs and aspirations,*
- *Inter-Institution transferability of learners, Part-completion of an academic programme in the institution of enrolment and part-completion in another affiliated or recognized institution,*
- *improvement in educational quality and excellence,*
- *Flexibility for working learners to complete the programme over an extended period of time,*
- *Standardization and comparability of educational programmes across the country, etc.*

Some of the specific advantages of using the Credit system as outlined in the available literature on the topic are as listed below:

Advantages of the Credit System

- Shift in Focus: Represents a much-required shift in focus from teacher-centric to learner-centric education since the workload estimated is based on the investment of time in learning, not in teaching.
- Recognition of the Learners' Work-Load: Helps to record course work and to document learner workload realistically since all activities are taken into account - not only the time learners spend in lectures or seminars but also the time they need for individual learning and the preparation of examinations etc.
- Helps self-paced learning. Learners may undertake as many credits as they can cope with without having to repeat all the courses in a given semester if they fail in one or more courses. Alternatively, they can choose other courses and continue their studies.
- Flexibility to the Learners: It allows the learners to choose inter-disciplinary courses, change majors, programmes, etc.
- Respects 'Learner Autonomy': It allows learners to choose according to their own learning needs, interests and aptitudes.
- Makes Education More Broad-Based: One can take credits by combining unique combinations. For example, if a learner is studying music, he/she can also simultaneously take a course in Business Management.
- Facilitates Learner Mobility: Offers the opportunity to study at different times and in different places, Credits earned at one institution can be transferred to another.
- Helps in working out twinning programmes:
- Is beneficial for achieving more transparency and compatibility between different educational structures.

1.6 SCIENTIFIC APPROACH TO IMPLEMENTATION

Any institution desirous of working out a comprehensive Credit system needs to adopt a systematic approach that handles most, if not all the aspects that need attention. Introducing the Credit system without adequate policy formulation and clear implementation guidelines is quite likely to encounter problems that are dealt with through ad hoc decisions. Such decisions may have long-term consequences which cannot easily be set right.

Care has to be taken to see that the learner, who must be the ultimate beneficiary of the system, does not suffer academically because of absence of procedures or lack of adequate attention to detail when evolving the system. Apart from the fact that any form of injustice caused to the learner - the ultimate ‘consumer’ in the educational process – can lead to legal issues, the lack of a comprehensive approach may affect the key features like curricular flexibility, learner autonomy and learner mobility that are central to the system. The following major steps should, therefore, be taken by any higher education provider wanting to introduce the Credit System. The steps given herein apply to both to the annual pattern as well as the semester pattern. These have been grouped into two categories viz. steps to be taken at the programme level, involving a micro-approach and steps to be taken at the institutional level, involving a somewhat macro approach.

A] At the Programme level

1. Specify for each academic programme considered at the Certificate / Diploma / Degree level (Undergraduate or Post-graduate level), the programme structure (core courses, optional courses, etc and their year wise distribution if applicable), entry level requirements, minimum and maximum duration for successful completion, programme objectives, teaching-learning strategies (number of teaching hours/lecture hours, tutorial hours, practical conduct hours, etc involved) and evaluation components (nature and number of assignments, tutorials, tests, etc.) for the entire programme. Identify also the modules / courses that may be studied either as part of the programme or may be taken up independently.
2. Given the syllabus to be considered under each course included in a given programme, specify the objectives of each course.
3. Break up the syllabus of each course into smaller components called ‘Units’ and state the Specific Learning Outcomes (SLO) for each Unit.
4. By and large, in a given year consider that on an average a learner may undertake courses totaling between 30 to 40 Credit Points (Taking into consideration that 1 Credit Point is equal to approximately 30 hours of study.)
5. Considering the nature of content to be studied for each course, number of lectures / practicals to be conducted and the evaluation components to be completed under each course, distribute the credit points among the different course components of the programme to be completed in a given year. As a thumb rule, each course should normally be in the range of 4 to 6 Credit Points.

6. Allocate the course wise credits based on an estimate of the number of hours that would be required by an average learner to fulfill the basic requirements of the course including time spent on attending lectures, preparing for all the evaluation components, etc.(Learning hours).
7. Credits should also be allocated to all the units included within a given course – for compulsory or core courses as well as elective courses.
8. Credits should also be allocated to project work, thesis, industrial placements, etc where these components are a part of a degree programme.

B] At the institutional level

1. Programme wise catalogues should be prepared in detail for all the academic programmes offered by the institution. Apart from basic information regarding admission procedure, fees to be paid, eligibility criteria, academic calendar and overall programme structure, each catalogue should contain other details like course choices available (Optional Papers available in the college), course wise syllabi and learners' workload (the time learners typically need to achieve the learning outcomes), expressed in terms of credits.
2. In addition to programme wise catalogues, certain other key documents will also be required viz. the Learning Agreement and the Transcript of Records in order to assist the process of Credit accumulation and Credit Transfer from one programme to another or from one institution to another.
3. An internal Coordination Committee should be established to handle all matters related to the implementation of the Credit System. Apart from assisting in inter-departmental coordination, this Committee should also look into matters like inter-institutional credit transfer arrangements and course equivalence with the assistance of the concerned departments/officials from the university.

1.7 GENERAL CONDITION FOR USE OF CBCS

There are general recommendations for the development and implementation of a Choice Based Credit System as follows

1. It is always advisable that credits are allocated on a “top-down” basis. The starting point should be the full programme taken into account and then one should move on to assigning credits to the constituent courses. Allocating credits to individual course units on a “bottom-up” basis may result in complications that are difficult to handle.

2. The use of decimals in course-wise credit allocations (e.g. 4.85 credits) should be avoided. To the extent possible, unit-wise credit allocations should be limited to the use of half credits.
3. Although credits may be allocated on a unit-wise basis for computational purposes, they should only be awarded to learners who successfully complete the qualifying criteria for an entire course. In other words, learners should not be given credits for partial work completed for a given course like submission of assignments or attendance at tutorials, etc.
4. The mere existence of a facility for credit transfer should not by itself be a sufficient condition for making it available to the learner. The learner wanting to avail such a facility should apply for the same in a prescribed form with a certain ‘processing fee’ and also with adequate substantiating and properly authenticated documents accompanying his application.
5. In cases where in two or more institutions desire to give joint degrees / diplomas, a Memorandum of Understanding should be signed specifying the particular responsibility of each partner in the Alliance and the operational modalities involved properly documented.

=====X=====

UNIT 2:

BASIC CONCEPTS

2.1 OVERVIEW

In the last Unit, we have studied the rationale and advantages of introducing the Choice Based Credit System for any institution of higher education. While there is complete consensus among educationists and policy-makers about its need and importance, there is relatively less clarity about operationalising the system. The development of any comprehensive Choice-Based Credit System pre-supposes that there is complete conceptual understanding of the associated terms and their interpretation. These terms must not only be understood uniformly by all those using the system, but must also be well documented so as to facilitate provisions for learner mobility between two or more academic programmes within a single institution or across educational institutions within and outside the country. A review of the Credit Systems operating in many parts of the globe does indicate some nationwise variations in terms of the numerical values assigned to a single Credit Point, but the conceptual meanings of the related terms remain uniform across the board. In this Unit, an attempt has been made to explain some of the concepts that are central to the Choice-Based Credit System. The reader is advised to apply some of these terms in his/her own context and refine his/her understanding of the same.

2.2 KEY TERMS (Terminology)

2.2.1 Programme:

A Programme is a set of courses that are linked together in an academically meaningful way and generally ends with the award of a Certificate or Diploma or Degree depending on the level of knowledge attained and the total duration of study. For example, Diploma Course in Intellectual Property Rights, LL.B., LL.M. etc. would be called as ‘Programmes’ at the Certificate, Diploma, Degree and Post Graduate Degree level respectively. Over the years, most of the Universities have been using the term ‘Course’ to indicate what is meant here by ‘Programme’. In order to use common nomenclature, therefore, let us refer to LL.B., B.L.S.-LL.B., B.B.A.-LL.B., LL.M. as Programmes, and not Courses.

2.2.2 Course:

A ‘course’ in simple terms corresponds to the word ‘subject’ used in many Universities. A course is essentially a constituent of a ‘programme’ and may be

conceived of as a composite of several learning topics taken from a certain knowledge domain, at a certain level. All the learning topics included in a course must necessarily have academic coherence, that is, there must be a common thread linking the various components of a course. A number of linked courses considered together are in practice form a programme.

2.2.3 Module and Unit:

A course which is generally an independent entity having its own separate identity, is also often referred to as a ‘Module’ in today’s parlance, especially when we refer to a ‘modular curricular structure’. A module may be studied in conjunction with other learning modules or studied independently. While it is a common practice to treat a single course as an independent module, there are instances where in a single ‘Unit’ or a Topic within a course is treated as a Module. If this Unit can operate as a single separate entity, it may be called a ‘Module’. Structuring the entire curriculum of a programme helps to provide a lot of flexibility and choice for the learner. He can then work out his own combination of courses as per his own inclinations.

2.2.4 Credit Point:

This has a reference to the ‘Workload’ of a learner and is an index of the number of learning hours deemed for a certain segment of learning. These learning hours may include a variety of learning activities like reading, reflecting, discussing, attending lectures, counseling sessions, writing assignments, preparing for examinations, participating in Legal Aid activities etc. Generally, a system of assigning Credit Points (CP) for a single course is practiced in most countries across the globe. Credits assigned for a single course always pay attention to how many hours it would take for an average learner to complete a single course successfully. The fallacy of assigning credits to a course purely based on how many lectures needs to be avoided. Although there is no hard and fast rule regarding how many credit points a single course should have, by and large a course may be assigned anywhere between 3 to 8 credit points.

2.2.5 Credit Completion and Credit Accumulation:

Each module of an academic programme that has been assigned specific credit points also has a certain scheme of learner evaluation as well as certain specific criteria defining successful completion. Credit completion or Credit acquisition may be considered to take place after the learner has successfully cleared all the evaluation criteria with respect to a single course. Thus, a learner who successfully completes a course having 4 Credit Points may be considered to have collected or acquired 4

credits. His level of performance above the minimum prescribed level (viz. grades / marks obtained) has no bearing on the number of credits collected or acquired. A learner keeps on adding more and more credits as he completes successfully more and more courses. Thus he ‘accumulates’ course wise credits.

2.2.6 Credit Bank:

The process of accumulating Credits over a period of time, leads to the idea of a ‘Credit Bank’. Conceptually, a Credit Bank in simple terms refers to stored and dynamically updated information regarding the number of Credits obtained by any given learner along with details regarding the course/s for which Credit has been given, the course-level, nature, etc. In addition, all the information regarding the number of Credits transferred to different programmes or credit exemptions given may also be stored with the individual’s history. In short, like a regular Bank, this would involve maintaining all the Credit-related transactions of an individual. Credit Banking, when practiced would go a long way in facilitating credit transfers and learner mobility.

2.2.7 Credit Transfer:

Apart from maintaining an account of credits acquired by a learner over a period of time for a wide range of courses, the main idea behind implementing the credit system is to make provision for learner mobility. Credit Transfer means that credits earned at one institution for one or more courses under a given programme are accepted under another programme either by the same institution or another institution. In practice this means that it is accepted that a certain chunk of learning has already been successfully completed by a learner. This acceptance of earlier acquired credits may be reflected in one of two ways:

- (i) Direct Performance Transfer, **or**
- (ii) Course exemption.

2.2.8 Performance Transfer:

When a learner who has successfully completed a certain academic programme, is allowed to transfer his past performance to another academic programme having some common courses, *performance transfer* is said to have taken place. In such cases, the grades or marks obtained by the learner in the common courses of the earlier completed programme are reflected unchanged in the new programme. Thus for example, if two academic programmes have three common courses, the grades

(or marks) in each of them would be reflected in the same way when considering the new academic programme.

2.2.9 Course Exemption:

Occasionally, two academic programmes offered by a single university or by more than one university may have some common or equivalent course-content. The learner who has already completed one of these academic programmes is then allowed to skip these ‘equivalent’ courses when registering for the new programme. He is then ‘exempted’ from ‘re-learning’ the common or equivalent content area and from re-appearing for the concerned examinations. It is thus taken for granted that the learner has already collected in the past the credits corresponding to the exempted courses.

2.2.10 Block Transfer:

This refers to a group of courses, such as a completed certificate or diploma programme that are accepted for transfer of credit into a degree programme.

2.2.11 Shelf Life:

This has a reference to the time duration for which the content of a given course is relevant and is directly linked with the obsolescence of knowledge in a certain field. Some institutions have time limits for granting credit transfer. Courses with a short ‘shelf life’ are most common in areas such as Computer Science and Information Technology where dynamically updated curriculum is essential.

2.2.12 Transfer Agreement:

This is an agreement that may be made between two institutions (a sender and a receiver) that specifies how the sending institution's course or programme will be accepted (for transfer of credits) at the receiving institution.

2.3 DIMENSIONS OF CREDIT TRANSFER

Credit Transfer may be conceived of as operating along two planes: lateral (or horizontal) and vertical. When an individual having successfully completed the courses included in an academic programme at a certain level, is allowed to transfer his achievement in some of these courses to another same-level academic programme having these courses in common, this may be referred to as ‘Horizontal or Lateral credit transfer’. This would mean in practice that credit transfer takes

place between two certificate level programmes, two diploma level programmes, two degree-level programmes or two post-graduate level programmes. For example, a learner completing his B. Sc (Computer Science / Electronics) degree from Pune University may seek Horizontal / Lateral Credit Transfer for the common courses while securing admission to the B.C.A (Bachelor in Computer Applications) programme in the same university. ‘Vertical credit transfer’, sometimes referred to as ‘Career Laddering’ may be said to occur when an individual’s performance in some courses within a certain academic programme at a particular level is carried over to a higher-level academic programme having these or equivalent courses in common. Making a provision for ‘upward mobility’ of the learner is the rationale behind this dimension of credit transfer. An example of this would be when in a conventional university, a learner completing a Diploma programme in Engineering gets direct admission to the Second Year in an Engineering degree programme, the credits obtained by him in the Diploma Programme should be brought over to the Degree Programme.

2.4 TYPES OF CREDIT TRANSFER

Besides the fact that credit transfer may operate along either of the two above-mentioned planes, it may also be seen as being of one of two types: intra-institutional or inter-institutional.

When the process of credit transfer takes place *within* a university or institution, it may be called intra-institutional credit transfer; on the other hand, when the credit transfer process operates *across two or more* institutions, this may be viewed as inter-institutional credit transfer. Both inter-institutional / intra-institutional credit transfer may operate across levels vertical or horizontal. Thus, the following four possible combinations of credit transfer emerge:

2.4.1 Intra-Institutional Lateral Credit Transfer:

This would be illustrated if there is movement from one Diploma/Degree to another at the same level in the same or related field within the same university.

2.4.2 Intra-Institutional Vertical Credit Transfer:

An example of this is seen in the case of a learner from Mumbai University who after completing a 3-year Diploma in Computer Science from MSBTE, gets admission directly to the Second year of the B. Sc. (IT) programme.

2.4.3 Inter-Institutional Lateral Credit Transfer:

This would be illustrated in all cases of learners moving from one university to another for doing academic programmes at the same level viz. two different Diplomas or two different Degrees, etc.

2.4.4 Inter-Institutional Vertical Credit Transfer:

This is best illustrated if a learner who completes one year of the Bachelor of Law /Science programme at say, Babasaheb Ambedkar Marathwada University, Aurangabad gets admission directly to the Second year of the degree programme at Mumbai University subject to such conditions as required to complete the courses in Mumbai University in the previous programme years.

By and large, when implementing the different types of Credit Transfer as stated above, a simple thumb rule would be to directly reflect the grades/marks obtained for one or more courses that have been successfully completed for all cases of Intra-institutional Credit Transfer.

On the other hand, a convenient way to handle cases of Inter-Institutional Credit Transfer would be to grant Course Exemptions for the common or equivalent courses.

2.5 ISSUES TO BE ADDRESSED

Even though there are institutions as well as universities in the country that have implemented a Choice-Based Credit System, it must be recognized that there are issues that need to be handled through appropriate policy guidelines so as to ensure smooth implementation. Some of these are stated in the following.

- Need for using a common nomenclature e.g. ‘Programme’, ‘Course’, for all the academic offerings of the university.
- Arriving at a common meaning of the term Credit in strict numerical terms.
- Extent of content equivalence expected between two or more courses before considering them for credit transfer arrangements.
- Amount of permissible time lapse between the successful study of certain courses and the admission to courses/ programmes for which transfer is sought.
- Degree of ‘openness’ vs ‘restricted entry’ (like for instance, stipulating a minimum achievement level) to be exercised when considering vertical credit transfer.

- Need to evolve uniform definitions of terms like ‘Certificate’, ‘Diploma’ and ‘Degree’ level programmes, both in terms of hours of study generally required as well as depth of content to be covered.
- Proportion of the total number of courses to be studied under a new programme that may be given the benefit of past collection of credits. (i.e. maximum number of credit points that may be considered under Credit Transfer at any given point of time for a given programme level.

These and other issues when worked out in detail will lead to the formulation of a full-fledged Credit Transfer Policy document that must be evolved by any university desirous of introducing the Choice-Cased Credit System. To sum up, it may, therefore, be emphasized that merely expressing courses offered in terms of Credit Points is not adequate for implementing the Choice-Based Credit System. Rather, a comprehensive exercise taking into account all the major implications of the system from the point of view of the learner must remain at the core of all activities in this regard.

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UNIT 3:

CURRICULUM DEVELOPMENT POLICY OF UNIVERSITY OF MUMBAI

3.1 INTRODUCTION

University of Mumbai is one of the largest and oldest Universities to impart the various programmes and various courses through the various levels of programmes in the systems of higher education. These programmes has been designed by the concerned Board of Studies of the various faculties on the basis of the UGC guidelines and subsequently approved by the Academic Council and Management Council. These programmes are conducted at the University Departments and at the affiliated colleges & recognized institutions. The examinations for the semesters I to IV (First and Second Year) of UG programmes conducted by the Colleges and Institutions on behalf of the University and remaining two semesters V & VI (Third Year) by the University. The examinations for all semesters of PG programmes are conducted by the University only. The examinations for other programs like certificate and diploma is conducted by the colleges and departments and certificate is being issued by the Vice Chancellor of the University of Mumbai.

3.2 LEVELS OF THE PROGRAMMES

The levels of the various programmes have been designed as per the UGC guidelines, the various programmes conduced at the various levels under the faculty of Law of the University of Mumbai is shown below:

Sr No	Levels of the Programmes	Nomenclature of Degree/ Diploma/ Certificate	Eligibility	Minimum Duration
1	Certificate	Certificate Course in		
2	Post-Graduate Diploma	Post Graduate Diploma Course in Intellectual Property Rights (IPR)		
3	Post-Graduate Diploma	Post Graduate Diploma in Alternative Dispute Resolution (ADR)		
4	Post-Graduate	Post Graduate Diploma		

	Diploma	in Securities Law		
5	Post-Graduate Diploma	Post Graduate Diploma in Cyber Law and Information Technology		
6	Under Graduate (P.G.)	LL.B.	Graduation/Degree in any discipline or equivalent	3 years
7	Under Graduate (P.G.)	B.L.S.-LL.B.	Higher Secondary Examination or equivalent	5 years
8	Under Graduate (P.G.)	B.B.A-LL.B	Higher Secondary Examination or equivalent	5 years
9	Post Graduate (P.G.)	LL.M.	Graduation/Bachelors Degree in Law	2 years
10	Pre Doctoral	Master of Philosophy (M. Phil.)	Post Graduation/ Masters Degree in Law	
	Doctoral	Ph.D. in Law	Post Graduation/ Masters Degree in Law or equivalent	
	Post Doctoral	D. Lit.	Ph.D. in Law or equivalent	

Note: -

1. For eligibility criteria for each individual programme, refer the relevant Ordinance and regulations.
2. The above list is only indicative. Many other Diplomas, PG Diplomas & Certificate courses offered by various departments /affiliated colleges in the subjects as approved by the Academic Council as per the UGC guidelines are listed in the Catalogue regarding admission criteria published by UG / PG section of the University.

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UNIT 4

INTRODUCTION OF THE GRADING SYSTEM IN UNIVERSITY OF MUMBAI

4.1 INTRODUCTION

The intellect, physique, emotions, ethics and aesthetics are some of the aspects of the learner's personality. Each of these aspects is complementary to one another and therefore it is necessary to pay attention to the simultaneous development of each. A well designed evaluation system attempts to integrate all these aspects, with due attention to their relative importance in the context of any given academic programme.

The examination system has its existence since time immemorial. It has also been recognized as one of the most debatable features of the Indian education system since nearly half a century. The magnitude of the problems associated with Examinations has been growing at an alarming rate and it has in fact become one of the biggest challenges for the academic administrators and policy makers to create a transparent, fair and objective system that is self sustaining. Unfortunately, although recommendations regarding Examination Reforms have been made from time to time, nothing substantial has yet appeared on the scene by way of implementation.

Curriculum design, teaching-learning and evaluation are the three important parameters of the educational system. The relationship between them is intimate and Evaluation plays an important role so that any improvement in this parameter automatically results in the improvement of others. Several commissions & committees had been constituted in the past to deliberate on the issue of Examination Reforms. One of the major recommendations made by all these Commissions and Committees is the introduction of the Grading system in place of the marking system.

4.2 WHAT IS GRADING?

The word Grade is derived from the Latin word *gradus*, meaning step. Grading, in the educational context is a method of reporting the result of a learner's performance subsequent to his evaluation. It involves a set of alphabets which are clearly defined and designated and uniformly understood by all the stake holders. A properly introduced grading system not only provides for a comparison of the learners' performance but it also indicates the quality of performance with respect to the

amount of efforts put in and the amount of knowledge acquired at the end of the course by the learners.

4.3 ENCUMBRANCES TO EVALUATIONS REFORMS

The issues related to examination and evaluations do not have any state or national boundaries, but are global in nature. It is accepted by all the stakeholders that our educational system is examination ridden. The declaration of examination results with award of marks and class has become of paramount importance for all the stakeholders in the system. In many cases, once the results are out, there is no scope for improvement in marks or performance improvement. This results in a lot of learners being deprived from further opportunities. In spite of the repeated regulations and reminders from the UGC and similar continuous follow up from the state government to implement some reforms in the examination system, the fact remains that most universities and higher education institutions have not adopted the same.

Some reasons for the delay in implementation of reforms in the academic and examination system are as follows:-

- 1) Unfortunately, a large section of the society suffers from inertia and is, therefore, reluctant to accept any change.
- 2) The new system which is planned for implementation has not been clearly explained.
- 3) Most of the teachers, academic administrators and community at large are inattentive to the intricate technicalities of examinations which affect their reliability, validity & objectivity.
- 4) There are vested interests that perpetuate the existing practices.
- 5) Additional time is required to prepare proper guidelines and manuals so as to enable the various stakeholders in understanding the new system.

4.4 DEFICIENCIES IN THE TRADITIONAL MARKING SYSTEM

Learners' Evaluation is the process of collecting, analyzing and interpreting performance by the individual learner or a group of learners for the purpose of making the decision of achievement level. The prevailing practice of evaluation of learners that has been in existence since long involves evaluating the performance of an individual or group of individuals at the end of an academic year within a

stipulated time. The learners are often required to express their understanding of the content included in their curriculum for a complete semester within a span of three hours and their efforts over the year are often completely ignored. The present system of evaluation also does not provide for the application of multiple techniques of assessment of the learner's performance in a valid and reliable way. The current practice of awarding numerical marks for reporting the performance of learners suffers from several drawbacks and is a source of a variety of errors. Further, the problem gets compounded due to the variations in the marks awarded in different subjects. The 'raw score' obtained by the learner, is, therefore, not a reflection of his true ability.

Our aim to assess the learner's true ability is not being served by the current practice of evaluation. Excellence in quality education can be achieved by evaluating the true ability of the learners with the help of continuous evaluation. Some deficiencies in the present marking system are listed as follows:-

- 1) A difference of one mark is an unrealistic indication of difference in ability. Calibrating learners on a 101 point scale (0 to 100) as required in the marking system cannot be objectively achieved.
- 2) The score of zero which is artificially created for the convenience of the user does not represent zero ability; so also the score of hundred does not reflect perfection in performance.
- 3) Marks tend to be unreliable as a consequence of subjectivity due to inter and intra examiner variability.
- 4) The magnitude of the subjective errors in marking is reported to vary from ten to twenty five (10-25) percentages.
- 5) Marks obtained in the examinations are considered as the yardstick of the quality of performance which is very sacrosanct for the society, thereby the true talent, potential and the work put up by him is ignored.
- 6) The marks awarded by examiners are often affected by many factors such as unfair means, erratic marking, and subjectivity of the examiners, etc.
- 7) It is unfair to label a learner as 'pass' or 'fail' on the basis of such unreliable evaluation.
- 8) The 'pass' or 'fail' system often results in promoting corrupt practices besides being discriminatory.

4.5 ADVANTAGES OF GRADING SYSTEM

In view of the deficiencies mentioned above, it is desirable that the marking system used for the declaration of results is replaced by the grading system. According to the grading system, learners are placed in ability bands that represent a range of scores. These ability bands may vary according to the number of categories for the classification of the performance of the learners. This ability range may be designated with alphabetical letters called as GRADE. The system of awarding grades would provide a more realistic picture of learner's ability than the prevailing marking system.

However, before we go in for the introduction of grades in place of marks, let us be very clear about one thing. Each method of reporting learner performance –marks or grades has its own set of problems and limitations. However, this should not prevent the efforts to use a more scientific and reliable system so as to minimize the shortcoming and difficulties. Due to the superiority of the grading system over the conventional marking system, several premier institutions and universities of high repute in India as well as abroad have introduced it successfully. There are several advantages of the grading system; some of them are listed below:

- 1) Grading is a far more satisfactory method than the numerical marking system as it reflects an individual learner's performance in the form of a certain level of achievement in relation to the whole group of learners.
- 2) The Grading system ensures natural classification in qualitative terms rather than quantitative terms since it expresses a range /band of scores to which a learner belongs such as O, A, B etc....
- 3) The award of grades provides a permanent record of the learner's growth and development that might be helpful for institutions of higher education for allocating seats for prospective employers.
- 4) It may be very helpful for the institutions itself in making a kind of decisions pertaining to placement and promotions.
- 5) Grading does not require making fine distinctions in performance when no such distinctions actually exist.
- 6) It is based on a realistic concept of 'errors of measurement'.
- 7) Grades are relatively free from extraneous factors like difficulty of the examination, examiner bias, nature of the subject being examined, etc.

- 8) Grades can be interpreted easily and directly and can be used to prepare an accurate ‘profile’ of a learner’.
- 9) The system of assigning Grades as opposed to giving Marks will help the creation of healthy competition among learners since the rat race for obtaining marks will be eliminated. This will indirectly contribute to relieving the learners from undue tension and pressure that may occasionally lead to suicides, trauma, etc.

4.6 THE TEN POINT GRADING SYSTEM

Grading may be carried out in a variety of ways. The classification of grades depends upon the reference point. Grading may be classified in terms of direct grading and indirect grading when the reference point is ‘Approach’, whereas it can be classified as Absolute and Relative grading when the reference point is ‘Standard of judgment’.

When the performance exhibited by the examinees is assessed in qualitative terms and the impressions so obtained by the examiners are directly expressed in terms of letter grades, it is called, ‘Direct Grading’.

When the performance displayed by the examinees is first assessed in terms of marks and subsequently transformed into letter grades by using different modes, it is called, ‘Indirect Grading’.

The method that is based on a predetermined standard which becomes a reference point for the learner’s performance is called ‘Absolute Grading’. This involves direct conversion of marks into grades irrespective of the distribution of marks in a subject. This method of grading has several advantages such as, the procedure is simple and straightforward to use, each grade is distinctly understandable, the learner has the freedom to strive for the attainment of the highest possible grade and it enables the learners to know their strengths and weaknesses. The limitations in this method are that the distribution of scores is taken at its face value regardless of the errors of measurement creeping in due to various types of subjectivity. Besides, the cutoffs of different categories are also arbitrarily decided.

The University of Mumbai vide its circular bearing No. UG/79 of 2016-17 dated 14th October 2016 laid down that, the 10 point Grading System prepared by the Special Committee constituted for the purpose at its meeting held on 1st September 2016, has been accepted by the Academic Council at its meeting held on 30th September 2016 and that in accordance therewith, the following Scheme for the uniform 10 point grading system from the Academic Year 2016-17 be implemented.

Grading System shall be adopted for the University of Mumbai which is as follows:-

Marks	Grade Points	Grade	Performance
80 & above	10	O	Outstanding
70 to 79.99	9	A+	Excellent
60 to 69.99	8	A	Very Good
55 to 59.99	7	B+	Good
50 to 54.99	6	B	Above Average
45 to 49.99	5	C	Average
40 to 44.99	4	D	Pass
Less than 40	0	F	Fail

Note: - Consider 1 Grade Point is equal to Zero for CG calculations of failed learner/s in the concerned course/s.

4.7 CONVERSION OF MARKS TO GRADES AND CALCULATIONS OF GPA (Grade Point Average)

In the Credit and Grade Point System, the assessment of individual Courses in the concerned examinations will be on the basis of marks only, but the marks shall later be converted into Grades by some mechanism wherein the overall performance of the Learners can be reflected after considering the Credit Points for any given course. However, the overall evaluation shall be designated in terms of Grade. The abbreviations and formulae used are as follows:-

4.7.1 Abbreviations and Formula's Used:-

G: Grade

GP: Grade Points

C: Credits

CP: Credit Points

CG: Credits X Grades (Product of credits & Grades)

Σ CG: Sum of Product of Credits & Grades points

Σ C: Sum of Credits points

$$SGPA = \frac{\Sigma CG}{\Sigma C}$$

$$CGPA = \frac{\Sigma CG}{\Sigma C} \text{ for all semesters taken together.}$$

SGPA: Semester Grade Point Average shall be calculated for individual semesters.
(It is also designated as GPA)

CGPA; Cumulative Grade Point Average shall be calculated for the entire Programme by considering all the semesters taken together.

While calculating the CG the value of Grade Point 1 shall be consider Zero (0) in case of learners who failed in the concerned course/s i.e. obtained the marks below 40.

After calculating the SGPA for an individual semester and the CGPA for entire programme, the value can be matched with the grade in the Grade Point table as per the Seven (07) Points Grading System and expressed as a single designated GRADE such as O, A, B, etc....

4.7.2 Illustrations of Calculation:-

The illustration for the conversion of marks into grades in theory & practical, if any in individual courses are as shown below:-

1) Pass in all the courses with more than 40 marks in the Semesters:

Courses in Semesters	Marks * Obtained	Grade	Grade Points(G)	Credits(C) per Course	$\Sigma CG = (C \times G)$	$SGPA = \Sigma CG / \Sigma C$
Course- I	55	B+	7	4	28	$152/20 = 7.6$
Course- II	60	A	8	4	32	
Course- III	70	A+	9	4	36	
Course- IV	80	O	10	4	40	
Course-V	40	D	4	4	16	
Passes Credit Earned = 20				$\Sigma C = 20$	$\Sigma CG = 152$	

2) Failed in two courses & passed in three courses:

Courses in Semesters	Marks * Obtained	Grade	Grade Points(G)	Credits(C) per Course	$\Sigma CG = (C \times G)$	SGPA = $\Sigma CG / \Sigma C$
Course- I	42	D	4	4	16	50/11 = 4.6
Course- II	28	F	0	0	0	
Course- III	40	D	4	4	16	
Course- IV	32	F	0	0	0	
Course-V	52	B	6	3	18	
Fails Credit Earned = 11				$\Sigma C = 11$	$\Sigma CG = 50$	

*: the marks indicated above are after applying the Gracing Criterion.

4.8 REPORTING OF LEARNERS PERFORMANCE (GRADE CARD)

The grade cards can be issued to the Learners on the basis of the above calculations in a uniform format given by the University for all the concerned Programmes wherein the emblem of the University shall be printed on the right side & the emblem of the college will be on the left side of the face of the Grade Card. The Principal of the affiliated colleges/Director of the recognized institutions only will be authorized to sign the grade cards for the examinations conducted by Colleges/Institutions on behalf of the University in case of semesters I to IV.

The grade cards of the Examinations conducted by the University shall be signed by the Controller of Examinations only as per the provision in the University Act.

The grade card will reflect the marks obtain by the learner, Credit points of the individual Course as well as Semester, conversion of marks into grades, calculation of SGPA for each individual semester and the CGPA for the complete Programme.

The grade card shall be issued with SGPA & Grade in case of middle semesters or CGPA & Grade in case of final semester only to those learners who have completed all the courses & semesters of that programme successfully. However, the learners those who are unsuccessful or carry the courses under ATKT rule will not get the SGPA & Grade in case of middle semesters or CGPA & Grade in case of the final semester unless and until they successfully complete their pending courses or semesters under the concerned programme. The credits points earned or accumulated will be shown on the grade card only. The calculation of SGPA for two-three cases is shown above in the illustrations.

Specimen of Grade Card

University of Mumbai

ABC COLLEGE OF Law

(Affiliated to University of Mumbai)

College
Logo

B—Road, Churchgate, Mumbai 400 020 M.S. (INDIA)

GRADE CARD

PROGRAMME: Bachelor of Law (LL.B.)

SEMESTER-I

Examination Seat No	Name of the Candidate	Month and Year of Examination
1	A.B.C.D.	October 2018



Photo

Course Code	Course Title	Marks Obtained		Total Marks (100)	Grades	Grade Points	Credit Points	CG = CxG	GPA = Sum(CG)/ Sum(C)
		Int. Asst. (40)	Sem. End (60)						
1		25	30	55	B+	7	4	28	104/16 = 6.5
2		10	15	25	F	0	4	0	
3		30	40	70	A+	9	4	36	
4		32	48	80	O	10	4	40	
							16	120	

UNIT 5:

ASSIGNING COURSE WISE CREDIT: STEPS FOR IMPLEMENTATION

5.1 GENERAL GUIDELINES

The Credits are defined in terms of the learner's hours which are divided into two parts such as Actual and Notional. The value of a particular course can be measured in number of Credit Points. The value of One (01) Credit is equal to 30 Hours.

The scheme of Examination shall be divided into two parts i.e. Internal Assessment includes Assignments, Seminars, Case Studies and Unit Tests which will be of 40 marks and the Semester End Examinations which will be of 60 marks. The semester wise Credit Points will be varied from program to program but the value of Credits for Under Graduate Programmes shall be of 120 Credits in the Faculty of Law.

5.2 ASSIGNMENT OF CREDITS

One (01) credit is approximately equal to thirty (30) hours of the learners load for all UG (Undergraduate) programmes and these credits is divided in to two parts,

- one half of the hours actually spent in class room/practical/field work instructions
- other half of the hours notional spent for self study in library, institutions or at home, case study, writing of journal and assignments, projects, visiting Government Offices/ Police Stations/ Jails/ Juvenile Homes/ Offices of the Non-Governmental Organization/ Courts/ Registrars Office and all other places, offices etc for the purposes of collecting the data or understanding of the working of the respective system by the learners him/her self for the completion of that course.

The UG programmes carry following values credits for 3 years LL.B. programme and 5 years integrated B.L.S.,LL.B. programme in the Law Stream in the Faculty of Humanities:

Undergraduates 3 years LL.B. Programme:

3 years LL.B. (U.G.) programme is of 120 credits

- 20 credits in each semester
- One (01) Credit = Thirty (30) Hours of learners load

Undergraduates 5 years B.L.S., LL.B. Programme of Law:

5 years B.L.S.,LL.B. (U.G.) programme is of 180 credits

- 15 credits each in semesters 1 to 4 (4 semesters)
- 20 credits each in semesters 5 to 10 (6 semesters)
- One (01) Credit = Thirty (30) Hours of learners load

5.3 CREDIT BASED EVALUATION SYSTEM

5.3.1. Scheme of Examination for Undergraduate 3 Years LL.B. and 5 Years B.L.S., LL.B. programme shall be as mentioned below:

The performance of the learners shall be evaluated into two components. The learner's performance shall be assessed by Internal Assessment with 40% marks in the first component by conducting the Semester End Examinations with 60% marks in the second component. The allocation of marks for the Internal Assessment and Semester End Examinations are as shown below:-

a) Internal Assessment – 40% (40 Marks)

1	One periodical class test held in the given semester	10 Marks
2	Subject specific Term Work Module/assessment modes as decided by the department in the beginning of the semester (like Extension/field or experimental work, Short Quiz; Objective test, open book etc and written assignments, Case study, Judgment Analysis, Projects, Papers and exhibits etc as shall be designed by the respective colleges for which the assessment is to be based on class room presentations if so found desirable by the college) to be selflessly assessed by the teacher/s concerned.	20 Marks
3	Active participation in routine class instructional deliveries (and in practical work, tutorial, field work, extra/co curricular Activities etc as the case may be)	05 Marks
4	Overall conduct as a responsible learner, mannerism and Articulation and exhibit of leadership qualities in organizing related academic activities.	05 Marks

b) Semester End Examinations – 60% **(60 Marks)**

- i. Duration – These examinations shall be of **2 Hours** duration.
- ii. Theory Question Paper Pattern:-
 - 1) There shall be four questions as mentioned hereinbelow.
 - 2) All questions shall be compulsory with internal choice within the questions.
 - 3) Question may be subdivided into sub-questions a, b, c... and the allocation of marks depends on the weightage of the topic.

Duration	Questions to be attempted	Number of Sub questions	Marks for Sub questions
120 min	Long Answers	2 out of 4	12 marks each
	Short Notes	2 out of 4	6 marks each
	Situational Problems	2 out of 4	6 marks each
	2 Sentences Answers	6 out of 10	2 marks each
	Total Marks		60 marks

For the Semesters I to IV of the 5 years B.L.S.,LL.B programme, the assessment of ‘Part A’ i.e. Internal Assessment and Part B i.e. Semester End Examination shall be processed by the Colleges / Institutions of their learners on behalf of the University and declare their results as per the procedure laid down by the University. The Colleges / Institutions shall accordingly issue the grade cards to them after conversion of marks into grade as per the procedure mentioned in this manual. The format of the grade card is given hereinbelow to maintain the uniformity across the all colleges for the examinations conducted by the colleges on behalf of the University.

For the Semesters I to IV of the 3 years LL.B. programme and Semesters V to VIII of the 5 years B.L.S.,LL.B programmes, the assessment of ‘Part A’ i.e. Internal Assessment and Part B i.e. Semester End Examination shall be processed by the Colleges / Institutions of their learners on behalf of the University and declare their results as per the procedure laid down by the University. The Colleges / Institutions shall accordingly issue the grade cards to them after conversion of marks into grade as per the procedure mentioned in this manual. The format of the grade card is given hereinbelow to maintain the uniformity across the all colleges for the examinations conducted by the colleges on behalf of the University.

For the Semesters V & VI of the 3 years LL.B. programme and Semesters IX and X of the 5 years B.L.S.,LL.B programmes, the assessment of ‘Part A’ i.e. Internal Assessment shall be processed by the Colleges / Institutions on behalf of the University of the learners admitted for the programme while the University shall conduct the assessment of ‘Part B’ i.e. Semester End Examination. The Internal Assessment marks of learners appearing for these Semesters shall be submitted to the University by the respective colleges/Institutions before commencement of respective Semester End Examinations. The Semester End Examinations for Semesters V & VI of the 3 years LL.B. programme and Semesters IX and X of the 5 years B.L.S.,LL.B programmes shall be conducted by the University and the results shall be declared after processing the internal assessment and the marks awarded to the learners. The grade cards shall be issued by the University after converting the marks into grades.

c) Conducting Applied Component Courses’ Examinations:

The examinations for the Applied Component Group Courses/Papers of the of the 3 years LL.B. programme and of the 5 years B.L.S.,LL.B. programme respectively shall be conducted by the respective college / institutions of their learners on behalf of the University and finalise their results as per the rules and regulations laid down by the University from time to time. The marks of the Applied Component Courses of learners appearing shall be submitted to the University by the respective colleges/Institutions before commencement of the next ensuing Even Semester’s semester end examinations.

5.3.2 Passing Standard (for Undergraduate Law Programmes)

The learners to pass a course shall have to obtain a minimum of 40% marks in aggregate of Internal Assessment & Semester End Examination taken together; however the learners shall have to obtain minimum of 30% marks in the Internal Assessment (i.e. 12 out of 40) and 30% marks in Semester End Examination (i.e. 18 Out of 60) separately, to pass the course and minimum of Grade E in each course, to pass a particular semester. A learner will be said to have passed the course if the learner passes the Internal Assessment & Semester End Examination.

5.3.3 Carry Forward of The Marks in Case if The Learner Gets ‘F’ Grade in One or More Subjects:

- 1) A learner who PASSES in the Internal Examination but FAILS in the Semester End Examination of the course shall reappear for the Semester End Examination

of that course. However his/her marks of the Internal Examinations shall be carried over and he/she shall be entitled for grade obtained by him/her on passing.

- 2) A learner who PASSES in the Semester End Examination but FAILS in the Internal Assessment of the course shall reappear for the Internal Examination of that course. However his/her marks of the Semester End Examination shall be carried over and he/she shall be entitled for grade obtained by him/her on passing.
- 3) No learner shall be allowed to appear at the End Semester Examinations of Semester 2, 4 and 6 of three years LL.B. programme and Semesters 6, 8 and 10 of the five years B.L.S.,LL.B. programme unless he/she has passed in the Applied Component Courses/Papers of the respective academic years (corresponding semesters) of the 3 years LL.B. programme or the 5 years B.L.S.,LL.B. programme as the case may be; and the colleges shall be at liberty to conduct re-examinations of the Applied Component Courses either in the same semesters and/or in the next semesters of the both the programmes. In case of the learner's failure to pass in the abovementioned respective Applied Component Courses/Papers the marks and the credits obtained by such learner in Internal Assessment shall be carried forward.
- 4) A learner who, before coming into force of these CBGS pattern rules, is already admitted to the first or second year of the three years or the first to fourth years of the five years B.L.S.,LL.B. programmes under the presently prevailing examination system, shall have shall be evaluated for his higher classes/semester (i.e. to the class/semesters to which he will be admitted hereinafter) under the evaluation pattern as per the provisions of rules under 5.3 hereinabove for his higher classes ; i.e. the said learner in his higher classes has to undertake Internal Assessment and End Semester Examinations and to pass in both Internal Assessment of 40 marks and End Semester Examination by obtaining a minimum of 40% marks in aggregate of Internal Assessment & Semester End Examination taken together with minimum of 30% of the marks each in the Internal Assessment and in Semester End Examination separately, to pass the course and minimum of Grade E in such course/courses, to pass a particular semester. However such learner shall not be granted any grades or credit as envisaged herein.
- 5) A learner who, before coming into force of the CBGS pattern, is already admitted to the first or second year of the three years or first to fourth of the five years B.L.S.,LL.B. Programme under the present examination system and who

has not passed in any or either of the subjects/courses shall be evaluated under the evaluation pattern as per the provision contained hereinabove this revised evaluation pattern for the courses/subjects he has not passed; and in the subject/course in which he is not passed has to pass in both Internal Assessment and End Semester Examination by obtaining a minimum of 40% marks in aggregate of Internal Assessment & Semester End Examination taken together; with minimum 30% of marks each in the Internal Assessment and in Semester End Examination separately, to pass the course to pass a particular previous semester. However, for such learner, who is reappearing for the examination in the remaining (failed) course/courses, the Internal Examination will consist of one project of 40 marks which will be divided into 20 marks for the documentation of the project, 10 marks for the presentation and 10 marks for the viva. And in his final marksheet of the said semester total of the Internal Assessment and End Semester Examination shall be shown in aggregate (without showing split of Internal Assessment Component and Semester End Examination Components) as the marks obtained by the learner in such course/courses (i.e. subject/ subjects) for which he reappeared. However such learner shall not be granted any grades or credit as envisaged herein.

- 6) When a learner does not pass in all the courses/subjects of the semester in one and the same attempt/examination held, and passes in all the courses/subjects of any semester by passing in the remaining subjects in the subsequent attempt or examinations held subsequently, the last marksheet be issued to the learner by incorporating the passing marks obtained by the learner in the courses he passed in the previous attempts/examinations held by carrying forward the passing marks obtained by the learner in all the courses at the previous examinations/attempts.

5.4 ALLOWED TO KEEP TERMS (ATKT)

- a) A learner shall be allowed to keep term for Semester 2, 4 and 6 of the 3 years LL.B. programme and Semesters 2, 4, 6, 8 and 10 of the 5 years B.L.S.,LL.B. programme irrespective of number of heads of failure in the Semester 1, 3 and 5 of the three years LL.B. programme and Semesters 1, 3, 5, 7 and 9 of the five years B.L.S.,LL.B. programmes respectively.
- b) A learner shall be allowed to keep terms of both the semesters of the higher semesters of the law programmes if he has not failed in more than 2 subjects/courses out of the subjects/courses of both the semesters of the respective law programmes taken together of the immediately preceding year and has passed in all the subjects/courses of all the semesters of the respective law

programmes preceding to the immediately preceding semesters of the year he is seeking admission. (e.g. a learner seeking admission to the third year (semesters V and VI) of either of the LL.B. programmes shall have to pass in all the courses of the semesters I and II and shall also have pass in any six courses of semesters III and IV taken together)

- c) The result of Semester VI of the three years LL.B. programme or of Semester X of the five years B.L.S.,LL.B. programme shall be kept in abeyance until the learner passes in each and all of the subjects/courses of all the courses in all the semesters of the respective law programme.

5.5 ADDITIONAL EXAMINATIONS

A) Additional Internal Assessment:

Eligibility norms to appear for the additional class test or assignment or project for learners who remained absent:-

- a) The learner must apply to the Head of the Institution giving the reason(s) for absence within 8 days of the conduct of the examination along with the necessary documents and testimonials.
- b) If the learner is absent for participation in Inter Collegiate events, State or National or International level events, Training camp or coaching camp organized by authorized university or state or national or international bodies, NSS / NCC Events / Camps / cultural activities / sports activities / research festival or any other activities authenticated by the head of the institution, or for any other reason which is considered valid under the circumstances and to the satisfaction of the Principal or the Head of the Institute OR fails in Internal Assessment the head of the Institution shall generally grant permission to the learner to appear for the additional class test or assignment.
- c) The Head of the Institution, on scrutiny of the documents and testimonials, may grant the permission to the learner to appear for the additional examination.

Class test or assignment for Internal Assessment:

- a) A learner who is absent for the class test and the assignment/s will be declared fail in the Internal Assessment Scheme.

- b) A learner who is absent for the class test and has appeared for the assignment/s will be allowed to appear for the additional class test of 10 marks.
- c) A learner who has appeared for the class test but remains absent for the assignment/s will be allowed to appear for one additional assignment/class test for of 30 marks and the internal assessment will be calculated as out of 40 marks.
- d) A learners who is absent for the class test or one assignment as the case may be the learner will be allowed to appear for the additional class test/assignment and the internal assessment will be calculated as out of 40 marks.

The Additional Class Test (or viva examination) or Assignment must be conducted 15 days prior to the commencement of the Semester End Examination after following the necessary procedure and completing the formalities.

B) Semester End Examinations

Eligibility to Appear for Additional Semester End Examination:

- a) A learner who does not appear i.e. remains absent in some or all the courses on medical grounds or for representing the college/university in sports, cultural activities, or in the activities of NSS, NCC or sports training camps conducted by recognized bodies/competent authorities or for any other reason which is considered valid under exceptional circumstances and to the satisfaction of the Principal or the Head of the Institute OR fails in some or all the subjects is eligible to appear for the additional examination.
- b) A learner who does not appear for both the Internal Assessment and Semester End Examination shall not be eligible to appear for the additional Semester End Examination.
- c) The additional Semester End Examination shall be of two hours duration and of 60 marks per course. The learner shall appear for the course of the Semester End Examination for which he/she was absent or has failed. Learners who are punished under O.5050 are not eligible to appear for this additional examination.

B) Additional Semester End Examinations

Eligibility to Appear For Additional Semester End Examination:

- a) There will be one additional Semester End Examination for semester I, II, III and IV only for those who have failed or remained absent.

- b) The absent learner will be allowed to appear for the examination by the head of the institution after following the necessary formalities subject to the reasons to the satisfaction of the head of the institution.
- c) A learner who does not appear i.e. remains absent in some or all the courses on medical grounds or for representing the college / university in sports, cultural activities, activities of NSS, NCC or sports training camps conducted by recognized bodies / competent authorities or for any other reason which is considered valid under exceptional circumstances and to the satisfaction of the Principal or the Head of the Institute OR fails in some or all the subjects is eligible to appear for the additional examination.
- d) This examination will be held 20 days after the declaration of results but not later than 40 days.
- e) The additional Semester End Examination shall be of two hours duration and of 60 marks per course. The learner shall appear for the course of the Semester End Examination for which he/she was absent or has failed. Learners who are punished under O.5050 are not eligible to appear for this additional examination.

A learner who does not appear for both the Internal Assessment and Semester End Examination shall not be eligible to appear for the additional Semester End Examination.

5.6 CALCULATIONS OF GPA & SGPA

5.6.1 Grade Point Average (SGPA Calculation)

Semester Grade point Average (SGPA):- It is the summation of product of Credit Points and Grade Points divided by the summation of Credits of all Courses.

$$\text{SGPA} = \frac{\sum \text{CG}}{\sum \text{C}}$$

for a semester.

Where G is grade and C is credit for Course.

5.6.2 Cumulative Grade Point Average (CGPA) for the Entire Course

$$\text{CGPA} = \frac{\sum \text{CG}}{\sum \text{C}}$$

for all semesters taken together.

- The total credits cover the core, elective, field work or extension activities, etc.

- GPA is calculated at the end of each term after grades have been processed and after any grade have been updated or changed.
- Same criteria are to be followed for Individual assignment / Quizzes / Test / Unit Test / Tutorials / Practical / Projects/ Seminar.
- The teacher should convert his/ her marking in to the quality points and letter grade.

5.7 PERFORMANCE GRADING

The Performance Grading of the learners shall be on the TEN point system as under:

Marks	Grade Points	Grade	Performance
80 & above	10	O	Outstanding
70 to 79.99	9	A+	Excellent
60 to 69.99	8	A	Very Good
55 to 59.99	7	B+	Good
50 to 54.99	6	B	Above Average
45 to 49.99	5	C	Average
40 to 44.99	4	D	Pass
Less than 40	0	F	Fail

- *The performance grading shall be based on the aggregate performance of Internal Assessment and Semester End Examination.*

Note:

- a. The marks obtained by the student/s to be converted in to grade points and accordingly letter grade by the concerned teacher/s.
- b. The total credit covers the core, elective, field work or extension activities, soft skills etc.
- c. GPA is calculated at the end of each term after grades are processed and after any grade is upgraded or changed. Same criteria is to be followed for Internal assessment/quizzes/test/tutorial/practical project /seminar etc

=====X=====

UNIT NO.6

PROGRAMMES ALONG WITH THEIR CREDITS ASSIGNMENT UNDER THE FACULTY OF LAW

The course content of the Under Graduate Programme leading to LL.B. degree is such that the difficulty level of subjects is gradually raised to enable the learner to grasp all that is taught and also as a stepping stone to Post Graduate level study. The course content also incorporates non-core subject components aimed at all-round development.

6.1. SUBJECT COMPOSITION AT LL.B. LEVEL

There are Core subjects, non-core subject, non credit (add on) optional component, compulsory component / electives etc. The total credits cover the core, elective, field work or extension activities, soft skills etc.

Each core and elective course has 4 credits;

General applied component course have 2 credits each.

There is a project component (2 in number) for 2 credits in the last Semester.

6.2. SUBJECT GROUPS

The division of subjects prescribed for LL.B. and B.L.S.,LL.B Degree programmes is in four groups:

viz. **1. Non-Legal Subject Group** (Language and Social Sciences etc.)

2. Core Subject Group

3. Electives Subject Group

4. Applied Component group

6.3. COMPOSITION OF THE SUBJECT GROUPS

6.3.1 Non-Legal Subject Group comprising Language and Social Science:

Unless and until further changed, modified or amended either on the recommendation of the U.G.C. or Regulatory Authority or the State Government or the University of Mumbai Non-Legal Subject Group shall comprise of:

6.3.1 Part-I

- English-I
- Logic-I
- Economics

6.3.1 Part-II

- History
- Political Science-I
- Legal Writing and Legal Language

6.3.1 Part-III

- Political Science-II
- Sociology
- History of Court

6.3.1 Part-IV

- English-II
- Logic-II
- Political Science-III

6.3.2 Core subject Group:

Unless and until further changed, modified or amended either on the recommendation of the U.G.C. or Regulatory Authority or the State Government or the University of Mumbai Core Subject Group shall comprise of:

6.3.2 Part-I for Semester I of the 3 yrs and Semester V of the 5 yrs programmes

- Labour Laws
- Contract-I
- Torts and Consumer Protection Laws
- Legal Language including Legal Writing and General English

6.3.2 Part-II for Semester II of the 3 yrs and Semester VI of the 5 yrs programmes

- Law of Crimes
- Constitutional Law
- Family Law-I
- Environmental Laws

6.3.2 Part-III for Semester III of the 3 yrs and Semester VII of the 5 yrs programmes

- Administrative Law
- Family Law-II
- Transfer of Property Act and Easement Act
- Company Law

6.3.2 Part-IV for Semester IV of the 3 yrs and Semester VIII of the 5 yrs programmes

- Jurisprudence
- Contract-II
- Land Laws

6.3.2 Part-V for Semester V of the 3 yrs and Semester IX of the 5 yrs programmes

- Cr. P.C.
- C.P.C. and Limitation Act
- Interpretation of Statutes
- Public International Law and Human Rights

6.3.2 Part-VI for Semester VI of the 3 yrs and Semester X of the 5 yrs programmes

- Alternative Dispute Resolution System
- Law of Evidence

6.3.3 Electives Subjects Group

Unless and until further changed, modified or amended either on the recommendation of the U.G.C. or Regulatory Authority or the State Government or the University of Mumbai the Elective Group shall comprise of:

6.3.3 Part-I for Semester IV of the 3 yrs and Semester VIII of the 5 yrs programmes

- Criminology
- Taxation
- Bankruptcy

6.3.3 Part-II for Semester VI of the 3 yrs and Semester X of the 5 yrs programmes

- Banking Law and Negotiable Instruments Act
- Law of Insurance
- Intellectual Property Law
- Conflict of Law

- Law relating to Women and Children
- Law and Medicine

6.3.4 Applied Component Group

Unless and until further changed, modified or amended either on the recommendation of the U.G.C. or Regulatory Authority or the State Government or the University of Mumbai Applied Component Group shall comprise of:

6.3.4 Part-I for Semester I of the 3 yrs and Semester V of the 5 yrs programmes

- Practical Training-I

6.3.4 Part-II for Semester II of the 3 yrs and Semester VI of the 5 yrs programmes

- D.P.C.-I

6.3.4 Part-III for Semester III of the 3 yrs and Semester VII of the 5 yrs programmes

- Practical Training-II

6.3.4 Part-I for Semester IV of the 3 yrs and Semester VIII of the 5 yrs programmes

- D.P.C.-II

6.3.4 Part-II for Semester V of the 3 yrs and Semester IX of the 5 yrs programmes

- Practical Training-III

6.3.4 Part-III for Semester VI of the 3 yrs and Semester X of the 5 yrs programmes

- D.P.C.-III

6.4 SYLLABI

Unless otherwise modified or amended by the University as per the decision of its authorities or as per the directions given by the Government etc. the syllabi for the various subjects/courses shall be as follows:

- 1) Syllabi for all the subjects/courses in the Non-Legal Subject Group (Language and Social Sciences), Core Subject Group and Electives Subject Group shall be the same as is being presently followed and pursued for the programme
- 2) Syllabi for the subjects/courses of Practical Training-I, Practical Training-II and Practical Training-III shall be the same as is being presently followed for the programme for the present Practical Training-I, Practical Training-II and Practical Training-IV.

- 3) The present subject/course of Practical Training-III is replaced by dividing the same into three different components of D.P.C.-I, D.P.C.-II AND D.P.C.-III respectively for the semesters as is mentioned hereinabove. The syllabi for D.P.C.-I, D.P.C.-II AND D.P.C.-III shall be as given in the Annexure-II to this Manual.

6.5 INSTITUTION SPECIFIC ADD-ON COMPONENT

In addition to the above basic course content, affiliated colleges offering LL.B. and /or B.L.S.,LL.B. Degree programmes may augment the value of U.G, learners of University of Mumbai by offering add-on courses at first four semesters of the degree course. An indicative list is given below:

- (1) Add on component may be institution specific, non credit, letter grade course.
 - (2) So also Non Grade, Selective Credit course (say on ‘written assignment on Functions of a NGO /content analysis of an author’s work/a project on contribution of a law in social engineering / a case study on a counseling center/ internet usage for law learning etc) may be an add on component.
 - (3) Field Work may be may have 3 to 4 credits
 - (4) For all the Institution Specific add-on components, the respective institutions may issue its own certificate.

6.6 COURSES STRUCTURE FOR BACHELOR OF LAWS PROGRAMMES

a) Courses structure for 3 years LL.B. Programme:

b) Courses for 5 years B.L.S., LL.B. Programme:

Particulars	1 st Sem	2 nd Sem	3 rd Sem	4 th Sem	5 th Sem	6 th Sem	7 th Sem	8 th Sem	9 th Sem	10 th Sem	Total
Non Legal Courses	3	3	3	3	-	-	-	-	-	-	12
Core Law Courses	-	-	-	-	4	4	4	3	4	2	21
Elective Law Courses	-	-	-	-				1		2	3
Applied Comp. Courses	-	-	-	-	1	1	1	1	1	1	6
Total	3	3	3	3	5	5	5	5	5	5	42

The programme structure is defined as per the guidelines issued by the University Grants Commission and Bar Council of India to enable the learner to understand the various facets of law dealing with laws and different allied areas. The courses are prescribed to make the learner well versed with legal arena to enable him to practice law either in litigation or non-litigation areas as per his choice and to excel further in his career.

6.7 SYSTEM OF CREDIT ALLOTMENT

A) In the 3 Years LL.B. 5 years B.L.S.,LL.B. programmes, there are combinations of different courses as follows:

1. Non-Legal Courses Group (Language and Social Sciences)
 2. Core Courses Group
 3. Electives Courses Group
 4. Applied Component Courses group
- Students will have to successfully complete and pass in all the Non Legal Courses comprising Language Courses and Social Sciences Courses mentioned in 6.3.1 Part I and II above in the 1st year of the 5 years B.L.S.,LL.B. Programme.
 - Students will have to successfully complete and pass in all the Non Legal Courses comprising Language Courses and Social Sciences Courses mentioned in 6.3.1 Part III-IV above in the 2nd year of the 5 years B.L.S.,LL.B. Programme.

- In addition to the Eight Core Courses mentioned in 6.3.2 Part-I and Part-II above in the 1st Year of Three Years LL.B. and in the 3rd year of the Five years B.L.S.,LL.B. programmes, students shall also have to successfully complete and pass in -
 - i. Practical Oriented Applied Component Course (Practical Training -I) as shall be devised by the respective institution/college, as per the present course structure for Practical Training-I, in the 1st Semester of the Three Years LL.B. Programme and 3rd Semester of the Five years B.L.S.,LL.B. Programme, and
 - ii. Practical Oriented Applied Component Course (D.P.C.-I) consisting Non-Litigation Drafting (for 50 marks with 2 credits) based on the course structure mentioned in the Annexure-II written hereinbelow and Communication Skills (for 50 marks with 2 credits) as shall be devised by the respective colleges/institutions in the 2nd Semesters of the Three Years LL.B. Programme and 6th Semester of the Five years B.L.S.,LL.B. Programme.
- In addition to the Seven Core Courses mentioned in 6.3.2 Part-III and Part-IV above in the 2nd Year of Three Years LL.B. and 4th year of the Five years B.L.S.,LL.B. programmes, students shall also have to successfully complete and pass in-
 - i. Practical Oriented Applied Component Course (Practical Training-II) as shall be devised by the respective institution/college, as per the present course structure for Practical Training-II, in the 3rd Semester of the Three Years LL.B. Programme and 7th Semester of the Five years B.L.S.,LL.B. Programme, and
 - ii. One Elective Course out of the Courses mentioned in 6.3.3 Part-I in the 4th Semesters of the Three Years LL.B. Programme and 8th Semester of the Five years B.L.S.,LL.B. Programme, and
 - iii. Practical Oriented Applied Component Course (D.P.C.-II) of Non-Litigation Drafting / Conveyancing (4 credits) based on the course structure mentioned in the Annexure-II written hereinbelow, in the 4th Semesters of the Three Years LL.B. Programme and 8th Semester of the Five years B.L.S.,LL.B. Programme as mentioned in the Annexure-1 written below.
- In addition to the Six Core Courses mentioned in 6.3.2 Part-V and Part-VI above, in the 3rd Year of Three Years LL.B. programmes and 5th year of the Five years B.L.S.,LL.B. programme, students shall also have to successfully complete and pass in-

- i. Practical Oriented Applied Component Course (Practical Training-III) as shall be devised by the respective institution/college, as per the present course structure for Practical Training-IV, in the 5th Semester of the Three Years LL.B. Programme and 9th Semester of the Five years B.L.S.,LL.B. Programme, and
 - ii. Two Elective Law Course out of the Courses mentioned in 6.3.3 Part-II in the 6th Semester of the Three Years LL.B. Programme and 10th Semester of the Five years B.L.S.,LL.B. Programme, and
 - iii. Practical Oriented Applied Component Course (D.P.C.-III) of Litigation Drafting (4 credits) based on the course structure mentioned in the Annexure-II written hereinbelow, in the 6th Semester of the Three Years LL.B. Programme and 10th Semester of the Five years B.L.S.,LL.B. Programme as mentioned in the Annexure-1 written below.
- Examinations for Semesters 1, 2, 3 & 4 will be conducted by the colleges on behalf of the University; and examinations for Semester 5th & 6th (other than Practice Oriented Applied Components at Semesters 6) will be conducted by the University.
- Credits of Courses earned by the learners at lower examinations are to be reported by the colleges to the University before the commencement of VI Semester Examination. However optional non credit letter grades, or non-grade Credits, if gained by the learner, will be declared by the colleges only in the respective Semester Mark sheets.
- The examinations for the Applied Component Group Courses/Papers of the of the 3 years LL.B. programme and of the 5 years B.L.S.,LL.B. programme respectively shall be conducted by the respective college / institutions of their learners on behalf of the University and finalise their results as per the rules and regulations laid down by the University from time to time. The marks of the Applied Component Courses of learners appearing shall be submitted to the University by the respective colleges/Institutions before commencement of the next ensuing Even Semester's semester end examinations.
- Credits earned by a learner at lower examinations in the lower semesters (i.e. in the semesters in the academic years earlier than the final year of the respective programme) earned by the learners are to be reported by the colleges to the University before the commencement of the Semester V of the three years LL.B. programme and before commencement of the Semester IX of the five years B.L.S.,LL.B. programme Examinations. However optional non credit letter

grades, if gained by the learner will be declared by the colleges only in the respective Semester Mark sheets.

6.8 OVERRIDING EFFECT

All the rules and provisions made in this Manual on the various aspect of the education of law pertaining to the Three Years LL.B. Programme and the Five Years B.L.S.,LL.B. programme of the Mumbai University shall have overriding effect over all the regulations, rules and resolutions pertaining to education in law, syllabi, examination pattern, evaluation system, procedure and processes for declaration of the results of the examination in the above programme etc. passed and approved by the concerned authorities of the Mumbai University from time to time till now in so far as such regulations, rules and resolutions are inconsistent with the rules and provisions made in this Manual.

Acknowledgement

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Dated

Prof. Dr. Rashmi Oza,
Head of the Department of Law, &
Chairperson of the BOS in Law
University of Mumbai

Annexure - I

Programme/Course structure for the 3 years LL.B. Degree programme and for the 5 years B.L.S., LL.B. Degree Programme

1. Non-Legal Subject Group (Language and Social Sciences etc.)

A) For the Sem-I (5 years B.L.S.,LL.B.) programme

- English-I
- Logic-I
- Economics

B) For the Sem-II (5 years B.L.S.,LL.B.) programme

- History
- Political Science-I
- Legal Writing and Legal Language

C) For the Sem-III (5 years B.L.S.,LL.B.) programme

- Political Science-II
- Sociology
- History of Court

D) For the Sem-IV (5 years B.L.S.,LL.B.) programme

- English-II
- Logic-II
- Political Science-III

2. Core Subject Group

A) For Sem-I (3 years LL.B. and Sem-V (5 years B.L.S.,LL.B.) programme

- Labour Laws
- Contract-I
- Torts and Consumer Protection Laws

- Legal Language including Legal Writing and General English
- B) For Sem-II (3 years LL.B.) and Sem-VI (5 years B.L.S.,LL.B.) programme
- Law of Crimes
 - Constitutional Law
 - Family Law-I
 - Environmental Laws
- C) For Sem-III (3 years LL.B.) and Sem-VII (5 years B.L.S.,LL.B.) programme
- Administrative Law
 - Family Law-II
 - Transfer of Property Act and Easement Act
 - Company Law
- D) For Sem-IV (3 years LL.B.) and Sem-VIII (5 years B.L.S.,LL.B.) programme
- Jurisprudence
 - Contract-II
 - Land Laws
- E) For Sem-V (3 years LL.B.) and Sem-IX (5 years B.L.S.,LL.B.) programmes
- Cr. P.C.
 - C.P.C. and Limitation Act
 - Interpretation of Statutes
 - Public International Law and Human Rights
- F) For Sem-VI (3 years LL.B.) and Sem-X (5 years B.L.S.,LL.B.) programme
- Alternative Dispute Resolution System
 - Law of Evidence

3. Electives Subject Group:

- A) For Sem-IV (3 years LL.B.) and Sem-VIII (5 years B.L.S.,LL.B.) programme
- Criminology

- Taxation
- Bankruptcy

B) For Sem-VI (3 years LL.B.) and Sem-X (5 years B.L.S.,LL.B.) programme

- Banking Law and Negotiable Instruments Act
- Law of Insurance
- Intellectual Property Law
- Conflict of Law
- Law relating to Women and Children
- Law and Medicine

4. Applied Component group:

A) For Sem-I (3 years LL.B.) and Sem-V (5 years B.L.S.,LL.B.) programme

- Practical Training-I

B) For Sem-II (3 years LL.B.) and Sem-VI (5 years B.L.S.,LL.B.) programme

- D.P.C.-I

C) For Sem-III (3 years LL.B.) and Sem-VII (5 years B.L.S.,LL.B.) programme

- Practical Training-II

D) For Sem-IV (3 years LL.B.) and Sem-VIII (5 years B.L.S.,LL.B.) programme

- D.P.C.-II

E) For Sem-V (3 years LL.B.) and Sem-IX (5 years B.L.S.,LL.B.) programme

- Practical Training-III

F) For Sem-VI (3 years LL.B.) and Sem-X (5 years B.L.S.,LL.B.) programme

- D.P.C.-III

Annexure – II

Syllabus for the Course of D.P.C.-I, D.P.C.-II and D.P.C.-III

Sem-II (3 years LL.B.) and Sem-VI (5 years B.L.S.,LL.B.) programme

1. Letter for obtaining permission from a statutory authority;
2. Letter of Attornment;
3. Accountable receipt;
4. Promissory note;
5. Affidavit for change of name;
6. Declaration;
7. Adjournment Application in criminal matters;
8. Vakalatnama for High Court;
9. Vakalatnama for City Civil Court / District Couort
10. Schedule of property – plot of land with structure thereon;
11. RTI Application,
12. Will;
13. Codicil;
14. General Power of Attorney;
15. Special Power of Attorney;

Syllabus for the Course of D.P.C.-I, D.P.C.-II and D.P.C.-III
Sem-II (3 years LL.B.) and Sem-VI (5 years B.L.S.,LL.B.) programme

1. Public Notice;
2. Agreement for Sale;
3. Sale Deed;
4. Simple Mortgage;
5. English Mortgage;
6. Lease Deed;
7. Exchange Deed;
8. Gift Deed;
9. Leave and License Agreement;
10. Partnership Deed;
11. Franchise Agreement;
12. Indemnity Bond;
13. Board Resolution;
14. Memorandum of Understanding;
15. Confidentiality Agreement;
16. Registration of Documents;

Syllabus for the Course of D.P.C.-I, D.P.C.-II and D.P.C.-III
Sem-II (3 years LL.B.) and Sem-VI (5 years B.L.S.,LL.B.) programme

1. Caveat;
2. Legal Notice – recovery of money for goods supplied;
3. Legal Notice – winding up under Companies Act, 1956;
4. Legal Notice – Section 138 of Negotiable Instruments Act;
5. Legal Notice for defective goods;
6. Plaintiff;
7. Notice of Motion & Affidavit in support thereof;
8. Chamber Summons & Affidavit in support thereof;
9. Written Statement;
10. Appeal;
11. Writ Petition – Article 226;
12. Winding up Petition;
13. Summary Suit;
14. Testamentary Petition for Succession Certificate;
15. Complaint for dishonor of cheque;
16. Consumer Complaint;
17. Bail Application;
18. Anticipatory Bail Application;
19. Petition for Divorce by Mutual Consent.