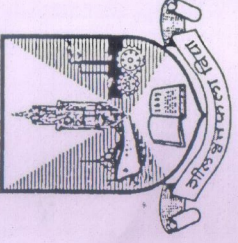


University of Mumbai



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) ऋ. षड्विंशत्/११७ 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.

MUMBAI - 400 032

20th May, 2019

To

Ajay
(Dr. Ajay Deshmukh)
REGISTRAR

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

Ajay
(Dr. Ajay Deshmukh)
REGISTRAR

मुंबई विद्यापीठ
क. पदवीपूर्व/१२४/२०१८-१९

परिपत्रक :-

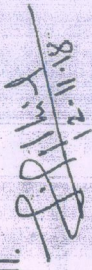
मुंबई विद्यापीठाचे विधी विभागाचे संचालक/विभागप्रमुख व सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांना असे कळविण्यात येते की, मुंबई विद्यापीठाने LL.B(3 Years and B.L.S., LL.B)(5 Years) (CBCS) चे Revised Syllabus बाबत निर्गमित केलेले परिपत्रक क्र.UG/107 of 2018-19 दिनांक 24th August, 2018 संदर्भात मुंबई 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 संबधितांनी याची नोंद घ्यावी व त्याप्रमाणे कार्यवाही करावी.

मुंबई - ४०० ०३२
दि.१२ नोव्हेंबर, २०१८

प्रति,



(प्रा. सुनिल भिरूड)
कुलसचिव (प्रभारी)

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

क.पदवीपूर्व/१२४/२०१८ मुंबई - ४०० ०३२ दि.१२ नोव्हेंबर, २०१८

प्रत माहिती व पुढील कार्यवाहीकरिता रवाना :-

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


(प्रा. सुनिल भिरूड)
प्रभारी कुलसचिव

Revised

मुंबई विद्यापीठ

क.पदवीपूर्व/११७/२०१८-१९


परिपत्रक :-

प्रशासकिय अधिकाऱ्यांच्या आदेशानुसार मुंबई विद्यापीठाचे विधी विभागांचे संचालक/ विभागप्रमुख सर्व संलग्नित विधी महाविद्यालयांचे प्राचार्य यांना असे सुचित करण्यात येते की, मुंबई विद्यापीठाने निर्गमित केलेले परिपत्रक क्रमांक No.UG/107 of 2018-19 दिनांक 24th August, 2018 नुसार राबविण्यात येणारा LL.B. (3 Years) and (B.L.S., LL.B.) (5 Years) (CBCS) (60:40) अभ्यासक्रमाच्या विद्याथ्यांना सन २०१८-१९ (Odd Sem.) मध्ये होणाऱ्या अंतर्गत परिक्षांचे Project and other Activities ४० गुणांची Internal Assessment महाविद्यालयांस सादर करण्याची मुदत पुढील आदेश मिळेपर्यंत वाढविण्यात येत आहे, याची कृपया नोंद घ्यावी. तसेच सदर बाब या अभ्यासक्रमाच्या परिक्षेस सर्व विद्याथ्यांच्या निदर्शनांस आणावी, ही विनंती.

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

मुंबई - ४०० ०३२

दि. २१ सप्टेंबर, २०१८


कुलसचिव (प्रभारी)
मुंबई विद्यापीठ

प्रति,

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

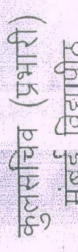
क.युजी/११७ अ /२०१८

मुंबई - ४०० ०३२

दि. २१ सप्टेंबर, २०१८

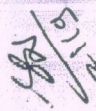
प्रत माहिती व पुढील कार्यवाहीकरिता रवाना :-

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


कुलसचिव (प्रभारी)
मुंबई विद्यापीठ

०१८

२१/९


०१/२

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

CIRCULAR:-

Attention of the Principals of the Affiliated Colleges in Interdisciplinary *Humanities* 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).

MUMBAI-400 032
24th August, 2018

J. Kamble
(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,

J. Kamble
(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 part of the globe does indicate some nationwide 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 conducted 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	Σ CG = (C x G)	SGPA = Σ CG/ Σ 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				Σ C = 11	Σ 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)

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

College
Logo

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.

$$SGPA = \frac{\sum CG}{\sum C} \text{ for a semester.}$$

Where G is grade and C is credit for Course.

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

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

- 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

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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.

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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I wish to take this opportunity to express my gratitude to Hon'ble Vice Chancellor, Prof. Dr. Suhas Pednekar who has been the driving spirit behind the process of introduction of the system in the stream of Law in our University.

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 Court
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. Plaint;
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.

DEPARTMENT OF LAW

I. INTRODUCTION :

The Department of Law, University of Mumbai is located at the heart of the Commercial Capital of India i.e Mumbai on the first floor of the historical building of University of Mumbai, Fort, Mumbai - 400 032. It was established in November 1959 for the purpose of imparting post-graduate legal education and promote legal research.

Endowment Lectures :

The Department organises the following Endowment Lectures in Law:

- (1) Chimanlal Setalvad Memorial Lecture;
- (2) Justice Telang Memorial Lecture;
- (3) Justice P. B. Gajendragadkar Law Lecture;
- (4) Lallubhai Shah Memorial Lecture;
- (5) Yogindra Khushlani Law Lecture;

A Chair is established in the Department of Law by Chief Justice Chagla Memorial Trust in "Human Rights and Civil Liberties"

General norms for LL.M. Course :

The LL.M. Course, is intended to produce Academicians and Lawyers of competence and expertise, as it is imperative that the students should have an in-depth knowledge not only of the Concepts and basic Principles of law, but also of Social, Political and Economic aspects of law, as well as dynamics of law.

Duration of the course :

Two years consisting of four semesters.

Intake :

100 students per Group.

Timing of the lectures :

LL.M. Lectures are held between 4.00 p.m. to 8.00 p.m. on week days.

Academic Terms :

For the academic year 2016-2017 the arrangement of terms is as under :-

First term from 1st July, 2016 to 23rd December, 2016}

Second term from 2nd January, 2017 to 16th May,2017}

(There will be break for Mid Term from 06th September, 2016 to 12th September, 2016 both days inclusive).

(The Diwali vacation will commence on 24th October, 2016 and will end on 5th November, 2016 both days inclusive).

(There will be winter break from 26th December, 2016 to 1st January, 2017 both days inclusive).

Department Faculty (Full Time) :

Dr. Rashmi M. Oza, B.Sc. LL.M., NET, Ph.D. (Mumbai) Professor & Head, I/c.Professor-Justice Chagla Chair in 'Human Rights and Civil Liberties

Dr. Ashok R. Yende, B.Sc., M.A. (P.A.) M.A. (G.T.),D.I.T., LL.M., Ph.D. Professor

Dr. Rajeshri N. Varhadi, B.A., LL.M., Ph.D. (Mumbai) Associate Professor

Dr. Swati D. Rautela, B.S.L., LL.B., LL.M. SET, Ph.D. Associate Professor

Shri Sanjay V. Jadhav, M.Com. LL.M. (Mumbai) Assistant Professor.

Smt. Alka R. Patil, M.Com, LL.M., NET. Assistant Professor.

Smt. Deepali T. Patil, B.S.L., LL.B., LL.M. SET Assistant Professor.

Shri Sheetal Kumar Setia, B.A., LL.M. Assistant Professor.

Dr. Shreedhar V. Mundhe, B.Pharm., LL.B., LL.M., NET, Ph.D. Assistant Professor.

The teaching staff of department consists of full-time teachers, Adjunct faculties and Part-time lecturers, who are either recognized post-graduate teachers for Law Colleges or persons of eminence in the field of their specialization.

Rules of Admission :

O.5231. There shall be Entrance Examination for all students seeking LL.M. admission in the Department.

The minimum qualification for a candidate of general category making an application for admission to the LL.M degree course is a LL.B degree of this University or a degree recognized as equivalent thereto. However candidates belonging to reserved category may make an application to the LL.M degree course with a pass class.

N.B.:—

The students who have passed LL.B. degree from other than Mumbai University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section, Dr. Babasaheb Ambedkar Bhavan, Santacruz (E.), Vidyanagari, Mumbai – 400 098. They are further required to pay the amount in the Department of Law as a fee for procedural Document Verification as prescribed by this University from time to time for confirmation of the validity of their certificates of their previous University and confirmation of Eligibility to their LL.M. Course.

O.5232. An application for admission to the LL.M degree course must be made in the prescribed form and be submitted to the Department of Law within the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in first half of every year.

O.5233. Admission forms for the LL.M. degree course shall be referred to the Admission Committee comprising of the Head, University Department of Law and the recognized Post-graduate teachers of the University to fix the criteria of admission.

O.5234. The students selected for admission to LL.M. degree course shall register themselves with University of Mumbai as the Post-graduate students.

O.5235. Students will not be permitted to pursue the LL.M. degree course simultaneously with any other course of this or any other recognized University.

O.5236. Admission of the students shall be made in accordance with the merits at the LL.M Entrance exam and marks secured at LL.B degree.

O.5237. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time.

O.5238. A Candidate for being eligible for the Second Semester must have successfully kept terms for the First Semester, irrespective of the result of the First Semester Examination.

O.5239. A candidate for being eligible for admission to the Third and Fourth Semester must have either passed in the First and Second Semesters or must have got exemption in at least six papers of the First and Second Semesters. Student who remains absent or fail in the Third Semester Practical Examination is required to pay only examination fees to become eligible to appear for Practical Examination.

O.5240. Unless students passes all the Theory papers and Practical paper of third Semester examinations and dissertation of the Fourth Semester, their final result shall not be declared.

O.5241 Admission for the students of Backward Classes shall be in accordance with the Government Policy. Students applying for admission under the reserved category other than SC/ST are required to submit non creamy-layer certificate along with their application form. Students applying for admission for other reservation will be admitted as per the government policy from time to time.

N.B. :— Students are required to submit all the documents required for Scholarship/Freeship within one month of their admission to the course failing which their application for Scholarship/Freeship will be rejected without any intimation.

R.4356. The LL.M. course shall consist of Foundation course of 4 papers and any one optional Group of 6 papers from Six Groups.

R.4357. The First Semester shall be of two Foundation Papers and two Papers of an Optional Group. Each Paper shall be of 100 Marks.(4 credits)

R.4358. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4 credits)

R. 4359. The third semester shall be last be last two papers of the optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition there shall be practical examination of 100 marks (Four Credits) as under :

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

Choice of Practical Component:

- (a) Legal Aid
- (b) Loopholes / Lacunae in existing laws and reports
- (c) Comparative study and its utility in context of India
- (d) Debate on any contemporary legal issue
- (e) Book Review / Group Discussion on current Legal Affairs
- (f) Surprise Written Test
- (g) Case Comments.

R.4360. Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits).

For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

R.4361.

- (a) Passing Standards:
50% to 59% Second Class
60% and above First Class
- (b) No LL.M. student shall be allowed to appear for the examination unless he/she has attended 75% of the total number of lectures and seminars conducted in each Semester.
- (c) No Class will be awarded to the students in the First, Second and Third Semester examination.
- (d) The Class will be awarded on the basis of the total performance of the student in all the four Semesters. However a student claiming exemption will be entitled to pass class only.
- (e) To pass LL.M. examination, a student must obtain a minimum of 45 percent of the marks in each paper and 50 percent in aggregate in each of the Semester.
- (f) Dissertation shall be evaluated by a team of teacher of the concerned group and external expert nominated by the Head of the Department. The Marks shall be awarded after joint consultation by both the evaluators.
- (g) A student may be exempted at his choice from appearing in any of the papers, if he has secured at least 50% of the total marks in that paper.
- (h) Students failing in Dissertation/Project and Viva Examination in the Fourth Semester shall undergo again the Dissertation and Viva as the case may be. The final approved dissertation shall be submitted on CD in addition to two hard copies. The same procedure shall apply to failure in Choice based credits.
- (i) The medium of course is English only.

LL.M. SYLLABUS

CURRICULUM SUMMARY :

a. Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law : New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

b. Optional Groups

1. Constitutional and Administrative Law.
2. Business Law
3. Intellectual Property and Information Technology
4. Human Rights Law
5. Criminal Law and Criminal Administration
6. Environmental Law.

c. Dissertation and Choice Based Project work:

FOUNDATION PAPER I — LAW AND SOCIAL TRANSFORMATION IN INDIA (4 CREDITS)

Module – I (1 Credit)

1. Law and Social Change :

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the Law :

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law :

- 3.1. Language as a divisive factor : Formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

4. Community and the law :

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination; Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law :

- 5.1. Crimes against women.
- 5.2. Gender injustice and its various forms.
- 5.3. Women's Commission.
- 5.4. Empowerment of women : Constitutional and other legal provisions

6. Children and the Law :

- 6.1. Child labour
- 6.2. Sexual exploitation.
- 6.3. Adoption and related problems.
- 6.4. Children and education.

Module – IV (1 Credit)

7. Modernization and the Law :

- 7.1. Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.
- 7.2. Modernisation of social institutions through law.
 - 7.2.1. Reform of family law
 - 7.2.2. Agrarian reform – Industrialisation of agriculture.
 - 7.2.3. Industrial reform : Free enterprise v. State regulation – Industrialisation v. environmental protection.
- 7.3. Reform of court processes.
 - 7.3.1. Criminal law : Plea bargaining; compounding and payment of compensation to victims.
 - 7.3.2. Civil Law ; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.
 - 7.3.3. Prison reforms
- 7.4. Democratic decentralization and local self government.

8. Alternative approaches to law :

- 8.1. Naxalite movement: causes and cure

References :—

- Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.
- Robert Lingat, *The Classical Law of India* (1998), Oxford.
- U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.
- U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.
- Manushi, *A Journal About Women and Society*.
- Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.
- H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.
- D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and KiranDeshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.
- SavitriGunasekhare, *Children, Law and Justice* (1997), Sage Indian Law Institute, *Law and Social Change : IndoAmerican Reflections*, Tripathi (1988)
- J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.
- M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.
- Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

**FOUNDATION PAPER II— INDIAN CONSTITUTIONAL
LAW : NEW CHALLENGES
(4 Credits)**

Module – I (1 Credit)

1. Federalism :

- 1.1. Creation of new states
- 1.2. Allocation and share of resources – distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Centre's responsibility and internal disturbance within State.
- 1.5. Directions of the Centre to the State under Article 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

2. “State”: Need for widening the definition in the wake of Liberalization.

Module – II (1 Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development :

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh

Module – III (1 Credit)

6. Emerging regime of new rights and remedies :

- 6.1. Fundamental Rights Directive Principles and Fundamental Duties.
 - 6.1.1. Compensation jurisprudence.
 - 6.1.2. Right to education.
 - 6.1.2.1. Commercialisation of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

Module – IV (1 Credit)

9. Separation of powers: stresses and strain :

- 9.1. Judicial Activism and judicial Restraint
- 9.2. PIL : implementation
- 9.3. Judicial independence.
- 9.3.1. Appointment, transfer and removal of judges.
- 9.4. Accountability: executive and judiciary.
- 9.5. Tribunals

10. Democratic process :

- 10.1. Nexus of politics with criminals and the business.
- 10.2. Election commission: status.
- 10.3. Electoral Reforms
- 10.4. Coalition government, ‘stability, durability corrupt practice’
- 10.5. Grass root democracy.

References :—

No specific reference is suggested for this course since the course materials depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

FOUNDATION PAPER III - JUDICIAL PROCESS (4 Credits)

Module – I (1 Credit)

1. Nature of judicial process :

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications :

- 2.1. Notions of judicial review
- 2.2. ‘Role’ in constitutional adjudication – various theories of review.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication,
- 2.4. Varieties of judicial activism
- 2.5. Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India :

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The ‘independence’ of judiciary and the ‘political’ nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
- 3.5. Institutional liability of courts and judicial activism–scope and limits.

Module – IV (1 Credit)

4 The Concept of Justice :

- 4.1. The Concept of justice or Dharma in Indian thought
- 4.2. Dharma as the foundation of legal ordering in Indian thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Module – IV (1 Credit)

5 Relation between Law and Justice :

- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class
- 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References :—

- Julius Store, *The Province and Function of Law. Part II, Chs. 1.8-16*(2000), Universal, New Delhi.
- Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi.
- Henry J. Abraham, *The Judicial Process* (1998), Oxford.
- J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985) Butterworth
- W. Freidmann, *Legal Theory* (1960), Stevens, London.
- Bodenheimer, *Jurisprudence – the Philosophy and Method of the Law* (1997), Universal, Delhi.
- J. Stone, *Legal System and Lawyers’ Reasonings* (1999), Universal, Delhi.
- U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.
- Rajeev Dhavan, *The Supreme Court of India – A SocioLegal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.
- John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
- Edward H. Levi, *An introduction to Legal Reasoning* (1970), University of Chicago.

FOUNDATION PAPER IV – LEGAL EDUCATION AND RESEARCH METHODOLOGY (4 Credits)

Module – I (1 Credit)

- 1. Objective of Legal Education.**
- 2. Methods of Teaching – Merits and demerits.**
- 3. Examination reforms.**

Module – II (1 Credit)

- 4. Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

5. Research Methods :

- 5.1. Socio Legal Research
- 5.2. Doctrinal and non-doctrinal
- 5.3. Induction and deduction.

6. Identification of Research Problem and formulation of Hypothesis :

- 6.1. Research problem
- 6.2. Survey of available literature and bibliographical research
 - 6.2.1. Legislative materials including subordinate legislation, notification and policy statements.
 - 6.2.2. Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
 - 6.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - 6.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design :

- 7.1. Devising tools and techniques for collection of data :
Methodology.
 - 7.1.1. Methods for the collection of statutory and case materials and juristic literature.
 - 7.1.2. Use of historical and comparative research materials
 - 7.1.3. Use of observation studies
 - 7.1.4. Use of questionnaires/interview
 - 7.1.5. Use of case studies
 - 7.1.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 7.1.7. Use of scaling techniques
- 7.2. Computerized Research – A study of legal research programmes such as Lexis and West law coding etc.
- 7.3. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.
- 7.4. Analysis of data.

References :—

High Brayal, NigelDunean and Richard Crimes, *Clinicallegal Education: Active learning in your law school*,(1998)Blackstone Press Limited, London.

S.K. Agrawal (Ed.), *Legal Education in India* (1973),Tripathi,Bombay
N.R. MadhavaMenon,(ed) *A handbook of Clinical LegaLEducation*, (1998) Eastern Book Company, Lucknow.

M.O. Price, H. Bitner and Bysiewiez, *Effective LegalResearch*, (1978).

Pauline V. Young, *Scientific Social Survey and Research*,(1962)

William J. Grade and Paul K. Hatt, *Methods in SocialResearch*, McGraw-Hill Book Company, London.

H.M. Hyman, *Interviewing in Social Research* (1965)Payne, *The Art of Asking Questions* (1965)

Erwin C. Surrency, B. Fieff and J. Crea, *A Guide to Legal Research* (1959)

Morris L. Cohan, *Legal Research in Nutshell*, (1996), WestPublishing Co. Havard Law Review Association, *Uniform System of Citations*.

ILI Publication, *Legal Research and Methodology*.

OPTIONAL GROUPS
GROUP-I – CONSTITUTIONAL AND ADMINISTRATIVE
LAW

PAPER I – CONSTITUTIONALISM : PLURALISM AND
FEDERALISM (4 Credits)

Module – I (1 Credit)

1. Constitutionalism :

- 1.1. Authoritarianism – Dictatorship
- 1.2. Democracy – Communism.
- 1.3. Limited Government – Concept – Limitations on government power.
- 1.4. What is a Constitution ?
- 1.5. Development of a democratic government England – Historical evolution of constitutional government.
- 1.6. Conventions of constitutionalism – law and conventions
- 1.7. Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.
- 1.8. Separation of powers: Montesquieu.
- 1.9. Rule of Law: Concept and new horizons
- 1.10. Marxist concept of Constitutionalism
- 1.11. Dictatorship of the proletariat.
- 1.12. Communist State from Stalin to Gorbachov.
- 1.13. Fundamental Rights: Human rights
- 1.14. Judicial Review : European Court of Human Rights.
- 1.15. Human Rights: International conventions.
- 1.16. Limits & doctrine of domestic jurisdiction in International Law.

2. Federalism :

- 2.1. What is a federal government ?
- 2.2. Difference between confederation and federation.
- 2.3. Conditions requisite for federalism.
- 2.4. Patterns of federal government – U.S.A., Australia, Canada, India.

- 2.5. Judicial review – for federal umpiring
- 2.6. New trends in federalism : Co-Operative federalism
- 2.7. India – Central Control v. State Autonomy
- 2.8. Political factors influencing federalism
- 2.9. Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam.
- 2.10. Dynamic of federalism.

Module – II (1 Credit)

3. Pluralism :

- 3.1. What is a pluralistic society ?
- 3.2. Ethnic. Linguistic, cultural, political pluralism
- 3.3. Individual rights – right to dissent
 - 3.3.1. Freedom of speech and expression
 - 3.3.2. Freedom of the press
 - 3.3.3. Freedom of association
- 3.4. Rights to separateness
 - 3.1.1. Freedom of religion
 - 3.1.2. Rights of the religious and linguistic minorities
 - 3.1.3. Compensatory discrimination for backward classes
 - 3.1.4. Women – right to equality and right to special protection
 - 3.1.5. Scheduled Tribes, Distinct Identity – protection against exploitation – NSIS – Exclusion from Hindu Law

Module – III (1 Credit)

4. Uniform Civil Code :

Non-State law (NSLS) and State Law Systems – Problems of Uniform Code v personal laws – vertical federalism.

5. Equality in Plural Society :

- 5.1. Right to equality and reasonable classification
- 5.2. Prohibition of discrimination on ground of religion, caste, sex, language.
- 5.3. Abolition of untouchability
- 5.4. Secularism – constitutional principles
- 5.5. Tribal Groups and Equality

Module – IV (1 Credit)

6. Pluralism and International Concerns :

- 6.1. Universal Declaration of Human Rights
- 6.2. Conventions against genocide
- 6.3. Protection of religious, ethnic and linguistic minorities
- 6.4. State intervention for protection of human rights
- 6.5. Right of self-determination

References :—

Upendra Baxi, “ Law, Democracy and Human Rights” - 5, Lokayan Bulletin 4 (1987)

V.M. Dandekar “ Unitary Elements in a Federal Constitution” 22 E.P.W. 1865 (1988)

Rajeev Dhavan, “ The Press and the Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I. 299 (1986)

M.A. Fazal “Drafting A British Bill of Rights” 27 J.I.L.I. 423 (1985)

M.P. Jain Indian Constitutional Law (1994), Wadhwa Jagat Narain “ Judicial Law Making and the Place of the Directive Principles in the Indian Constitution,” J.I.L.I. 198 (1985)

Rhett Ludwikowski, “Judicial Review in the socialist Legal Systems : Current Development” 37 I.C.L.D.89-108 (1988)

S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution (1968)

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay
Students should consult relevant volumes of the Annual Survey of Indian Law Published by the Indian Law Institute.

**PAPER-II- NATIONAL SECURITY, PUBLIC ORDER,
AND RULE OF LAW (4 Credits)**

Module – I (1 Credit)

1. National Security, Public Orders and Rule of Law :

- 1.1. Emergency Detention in England – Civil Liberties
- 1.1.1. Subjective satisfaction or objective assessment ?
- 1.2. Pre-Independence law

2. Preventive Detention and Indian Constitution :

- 2.1. Article 22 of the Constitution
- 2.2. Preventive Detention and Safeguards
- 2.3. Declaration of Emergencies
- 2.4. 1962, 1965 and 1970 Emergencies
- 2.5. 1975 Emergency

Module – II (1 Credit)

3. Exceptional Legislation :

- 3.1. COFEPOSA and other legislation to curb economic offenders
- 3.2. TADA : “The draconian Law”- comments of NHRC
- 3.3. Special courts and tribunals
- 3.4. Due process and special legislation

4. Civil Liberties and Emergency :

- 4.1. Article 19
- 4.2. Meaning of “Security of State”
- 4.3. Meaning of “Public Order”
- 4.4. Suspension of Article 19 rights on declaration of emergency
- 4.5. President’s Right to suspend right to move any court
- 4.6. Article 21 – special importance- its non-suspendability
- 4.7. Suspendability – 44th amendment

Module – II (1 Credit)

5. Access to Courts and Emergency :

- 5.1. Article 359 : Ups and downs of judicial review
- 5.2. Constitution (Forty-fourth), Amendment Act, 1978
- 5.3. Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law :

- 6.1. Provisions in English Law
- 6.2. Provisions in the Constitution

Module – IV (1 Credit)

7. Human Rights in India :

- 7.1. Constitutional Philosophy
- 7.2. Human Rights of Disadvantaged Groups – Women, Children, Dalits, Unorganised Labour and Minorities.
- 7.3. Police, Prison and Human Rights
- 7.4. Judicial Activism.

References :—

G.O. Koppell “The Emergency, The Courts and Indian Democracy”
8 J.I.L.I. 287 (1966)

H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus
: A Criticism (1978)

International Commission of Jurists, Status of Emergency and Human
Rights (1984)

N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)

**PAPER III—COMPARATIVE CONSTITUTIONAL LAW
(4 Credit)**

Module – I (1 Credit)

1. Constitutionalism, Classification of Constitutions
2. Conventions in Constitutional Law.
3. Parliamentary and Presidential Democracy.

Module – II (1 Credit)

4. Comparative Study of the fundamentals of the Constitutions of India, USA, UK, Switzerland, Ireland, Germany and Canada.
5. Comparative Study of Federalism in India, USA, Switzerland, Ireland, Germany, Canada.

Module – III (1 Credit)

6. Comparative Study of Amending Processes of the Constitutions in the USA, India and Switzerland.
7. Comparative Study of Judiciary in India, UK, USA and Switzerland.

Module – IV (1 Credit)

8. Civil Liberties in India, UK, USA
9. Affirmative Actions in India and United States.

References :—

1. Wheare K.C., “Federal Government”, Oxford, 1963.
2. Sawyer, “Modern Federalism”.1969.
3. Basu D.D., “Comparative Federalism”, PHI. 1987.
4. Walter Begchot, “English Constitution,” Oxford.
5. Wade, “Public Law in Britain and India,” N.M. Tripathi, 1992.
6. Hood Philips, “Constitutional and Administrative Law”, Sweet & Maxwell, London, 1987.
7. Hughes, “Federal Constitution of Switzerland”, Oxford.
8. Basu D.D., “Select Constitutions of the World,” Sarkar, Calcutta, 1990.

9. Raman Sunder, "Amending Power under the Constitution of India, Eastern, 1990.
10. Jeferry Jowell and Dawn Oliver, "The Changing Constitution".
11. Wheare K.C., "Modern Constitutions", Oxford, 1966.
12. Finer, Comparative Governments, Penguin, 1970.
13. Dicey A.V., "Law of the Constitution",
14. Jennings Ivor, "Law and the Constitution", 1971.
15. Friedrich Karl, "Constitutional Government and Democracy", Oxford, 1966.
16. Wade & Bradley, "Constitutional Law", Longman, 1985.
17. Cooley, "Constitution of the U.S.A." 1973.
18. Franle, "Comparative Constitutional Process."
19. Bryce James, "Modern Democracies." McMillian & Co., 1923.

**PAPER IV— ADMINISTRATIVE PROCESS : NATURE
AND SCOPE (4 Credits)**

Module – I (1 Credit)

1. Administrative Process :

- 1.1. Nature and meaning
- 1.2. The role of civil service
- 1.3. The role of administrative agencies

**2. Administrative Process : Regulation to De-regulation and
Control to Decontrol-Globalization and Liberalization :**

- 2.1. Constitutional standards
- 2.2. Comparative aspects

Module – II (1 Credit)

3. Rule of Law :

- 3.1. Changing dimensions
- 3.2. Regulation of administrative process

4. Separation of Powers: From Rigidity to Flexibility.

Module – III (1 Credit)

5. Delegated Legislation: Problems, Process and Control.

6. Power and duty :

- 6.1. Doctrine of police power
- 6.2. Doctrine of eminent power
- 6.3. Taxing power
- 6.4. Responsibility and accountability

Module – IV (1 Credit)

7. Administrative Discretion :

- 7.1. Structuring and limiting
- 7.2. Impact of technological development

**8. Comparative Administrative Law – India, U.S.A., U.K.,
France, Germany.**

References :—

Friedman, The State and the Rule of Law in a Mixed Economy
Dicey, Introduction to the Law of the Constitution Davis,
Discretionary Justice
Jain & Jain. Principles of Administrative Law (1986)Tripathi
DeSmith, Judicial Review of Administrative Action (1995)
M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I,
Wadha, Nagpur

PAPER V—ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL (4 Credits)

Module – I (1 Credit)

1. Concepts and Agencies :

- 1.1. Common law countries
- 1.2. French system

2. Judicial Review in India :

- 2.1. Historical development
- 2.2. Powers of the Supreme Court
- 2.3. Powers of the High Court
- 2.4. Role of subordinate judiciary

Module – II (1 Credit)

3. Jurisdiction :

- 3.1. Finality clauses
- 3.2. Conclusive evidence clauses
- 3.3. Law and fact distinction
- 3.4. Exclusionary clause

4. Grounds of Review :

- 4.1. Doctrine of ultra vires
- 4.2. Unreviewable discretionary powers : from *Liversidge to Padfield*
- 4.3. Discretion and Justifiability
- 4.4. Violation of fundamental rights
- 4.5. Extraneous consideration and/or irrelevant grounds
- 4.6. Delegation
- 4.7. Acting under dictation
- 4.8. Malafides and bias
- 4.9. Lack of rationality and proportionality
- 4.10. Oppressing decision
- 4.11. Absence of proportionality

Module – III (1 Credit)

5. Procedural fairness :

- 5.1. Legitimate Expectation
- 5.2. Natural justice and duty to act fairly
- 5.3. Bias and personal interest
- 5.4. Fair hearing

6. Remedies :

- 6.1. Writs
- 6.2. Injunction and declaration

Module – IV (1 Credit)

7. Limits of judicial review :

- 7.1. Locus standi and public interest litigation
- 7.2. Latches
- 7.3. Res Judicata
- 7.4. Alternative remedies

8. Judicial Review of Delegated Legislation.

References :—

- S.P. Sathe, Administrative Law (1998), Butterworths, India.
De Smith, Judicial Review of Administrative Action (1995), Sweetand Maxwell
I.P. Massey, Administrative Law (1995), Eastern, Lucknow
Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur
M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay
Jain & Jain, Principles of Administrative Law (1986) Tripathi
M.P. Jain, Cases and Materials on Administrative Law (1996), Vol. Wadha, Nagpur.

**PAPER VI – PUBLIC AUTHORITIES AND POWER
HOLDERS : CONTROLS ON MAL ADMINISTRATION
(4 Credits)**

Module – I (1 Credit)

1. Ombudsman :

- 1.1. The concept
- 1.2. Comparative perspective
- 1.3. Evolving Indian models-Lokpal, Lokayukta Institutions.

2. Commission of Inquiry.

Module – II (1 Credit)

3. Vigilance Commissions.

4. Investigation Agencies: the CBI

Module – III (1 Credit)

5. Inquiries by Legislative Committees.

6 Legislative Control.

Module – IV (1 Credit)

7. Financial Control – Comptroller and Auditor General.

8. Judicial Inquiries.

References :—

K.S. Shukla and S.S. Singh, Lokayukta : a Social Legal Study (1988), Indian Institute of Public Administration, N. Delhi.

Jain & Jain, Principles of Administrative Law (1986) Tripathi

Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto.

Donald C. Rowat. The Ombudsman (1966) George Allan and Unwin Ltd., Toronto

SEM IV – COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

GROUP-I : CONSTITUTIONAL & ADMINISTRATIVE LAW

1. Constitutional law and Access to Justice. Law and Justice in Globalizing world
2. Role of Civil Society in Governance in the Economic and Social Development of a Country.
3. Changing Dimensions of Judicial Interpretation of Constitution : Judicial Trend & Approach
4. System of Governance – Comparative Constitutionalism
5. Right to Health – A Constitutional Perspectives
6. Judicial Review of Administrative Action – Scope & Limitations
7. Right to Livelihood & Social Entrepreneurship and Right to Development under the Constitution
8. Right of Indigenous Persons & Sustainable Development – Constitutional Perspective

REFERENCE BOOKS :—

1. Seervai H.M: Constitutional Law of India – A Critical Commentary; Pub. N.M. Tripathi
2. M.P. Jain : Indian Constitutional law; LexisNexis
3. D.D. Basu: Comparative Constitutional law; Wadhwa& Co.
4. Cambridge University Press: Comparative Constitutional Law & Policy.
5. Dr. SubhashKashyap: Framing of Indian Constitution; Universal law Pub. Delhi
6. Mahendra Singh: Comparative Constitutional Law; Eastern Book Co.
7. Vikram David Amar : Global Perspective on Constitutional Law ; Oxford University Press
8. John Hatchard, MunaNdulo, Peter Slinn: Comparative Constitutionalism & Good Governance; Cambridge University Press

GROUP-II BUSINESS LAW
PAPER I – FUNDAMENTAL PRINCIPLES OF LAW OF
CONTRACT AND ALLIED LAWS [4 Credits]

Module – I (1 Credit)

- 1.1. Nature, Object and Multi-dimensional Scope.
- 1.2. Foundation Theories of Law of Contract
- 1.3. Individualism:
- 1.4. Freedom of Contract.
- 1.5. Sanctity of Contract.
- 1.6. Encroachment on Freedom of Contract:

Module – II (1 Credit)

- 2.1. Legislative Intervention.
- 2.2. Socio-economic Factors.
- 2.3. Limitations on Sanctity of Contract.
- 2.4. Conceptual Analysis:Contract
- 2.5. Essentials of Contract.
- 2.6. Specific Contracts.
- 2.7. Standard-form contract, Exemption Clauses, Protective Measures.
- 2.8. Quasi- Contract :
Doctrines of Unjust Enrichment, Law of Restitution.
- 2.9. Doctrine of Frustration :Grounds and Effects of Frustration.
- 2.10. Breach of Contract and Remedies.
U.N. Convention on Sales.

Module – III Alternative Disputes Resolution (1 Credit)

- 3.1. Historical background of the Arbitration and Conciliation Act,1996.
- 3.2. Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.
- 3.3. Definition and Meaning of Arbitration
- 3.4. Arbitration Agreement and Arbitration Clause in Agreement
- 3.5. Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

- 4.1. Composition of the Arbitral Tribunal
- 4.2. Number / Appointment of Arbitrators

- 4.3. Disqualification / Removal of Arbitrators
- 4.4. Termination of Authority of Arbitrator
- 4.5. Jurisdiction of Arbitral Tribunal
- 4.6. Conduct of Arbitral Proceedings
- 4.7. Making of Arbitral Award.
- 4.8. Finality and Enforcement of Arbitral Awards.
- 4.9. Recourse against Arbitral Award
- 4.10. Other Internationally Accepted modes of Alternative Disputes Resolution.-(ADR)
- 4.11. Commercial Arbitration
- 4.12. Conciliation.

References : Fundamental Principles of Law of Contract :

1. Anson – Law of Contract
2. Cheshire, Fifoot and Furmston-Law of Contract
3. Pollock & Mulla – Indian Contract Act and Specific Relief Act
4. Chitty’s Mercantile Contracts (1st Indian Reprint)-2001
5. Dutt – Indian Contract Act,
6. Cheshire and Fifoot – Cases on Law of Contract
7. Schelsinger – Formation of Contract
8. Law of Contract – Dr. Avtar Singh
9. Dr. Meena Rao – Fundamental Concepts in Law of Contract
10. Dr. Meena Rao – Consent in Law of Contract.
11. The Law of Contracts : An Outline (2nd Ed.) – Dr. Nilima Chandiramani.
12. United Nations Convention on Sales by the United Nations Commission.
13. Sale of Goods and Partnership (For U.N. Convention on Sales) – Dr. Nilima Chandiramani

Alternative Disputes Resolution — (ADR) :

14. Justice Bachawat’s Law of Arbitration and Conciliation.
15. O. P. Malhotra - Arbitration and Conciliation Act
16. Rao P.C. and William Sheffield - Alternative Disputes Resolution—What it is and How it works.
17. Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on ARbitration.
18. Bansal A.K. — Law of International Commercial Arbitration.
19. Law of Arbitration and Conciliation—Dr. Avtar Singh

**PAPER II—GLOBAL TRADE UNDER WORLD TRADE
ORGANISATION (4 Credits)**

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement :

- 1.1. Introduction to World Trade Organisation
- 1.2. Bretton woods Conference
- 1.3. General Agreement on Tariffs and Trade (GATT)
- 1.4. World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods :

- 2.1. General Agreement on Tariffs and Trade (GATT) Rules.
- 2.2. Most Favoured Nation (MFN)
- 2.3. National Treatment
- 2.4. QRs, tariff bindings
- 2.5. Textile and Clothing
- 2.6. Investment Measures
- 2.7. Anti dumping, Safeguard and Countervailing measures
- 2.8. Customs valuation, pre-shipment inspection
- 2.9. Rules of origin, import licensing
- 2.10. Agreement on Agriculture
- 2.11. Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services :

- 3.1. General Agreement on Trade in Services (GATS) Agreement
- 3.2. Financial Services
- 3.3. Maritime Transport
- 3.4. Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS) :

- 4.1. Patents
- 4.2. Copyright
- 4.3. Industrial Designs
- 4.4. Trademarks
- 4.5. Geographical Indications
- 4.6. Integrated Circuits
- 4.7. Undisclosed Information

5. Dispute Settlement Process.

References :—

1. GATT Agreements – World Trade Center Publication
2. WTO in the New Millennium – MVIRDC World Trade Centre – Arun Goyal
3. Trade, Development and WTO (Handbook) – IMF Publication ed. Bernard Hoekman, Aaditya Mattoo + Philip English
4. WTO and Globalisation – Nilima Chandiramani.

PAPER III—CORPORATE LAW (4 Credits)

Module – I (1 Credit)

1. Formation of Company :

- 1.1. Concept of Corporate Personality
- 1.2. Registration and Incorporation
- 1.3. Memorandum of Association
- 1.4. Articles of Association
- 1.5. Kinds of Companies

2. Organisation and Management :

- 2.1. Managerial Personnel
- 2.2. Meetings
- 2.3. Corporate Governance
- 2.4. Professional Management
- 2.5. Legal Regulation of Multi-nationals. – Collaboration Agreements
- 2.6. Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance :

- 3.1. Meaning, importance and scope of Corporate Finance
- 3.2. Capital requirements
- 3.3. Prospectus
- 3.4. Share Capital , Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends :

- 4.1. Auditors
- 4.2. Audit of Accounts
- 4.3. Dividends

5. Securities, Borrowing, Debentures :

- 5.1. Debentures – Nature, issue, Class
- 5.2. Mortgages and Charges
- 5.3. Transfer and transmission of securities
- 5.4. Dematerialisation of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors :

- 6.1. Need for Protection
- 6.2. Protection and Rights of Creditors
- 6.3. Protection of Investors
- 6.4. Rights of Shareholders and Members
- 6.5. Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance :

- 7.1. Security Exchange Board of India - (SEBI).
- 7.2. Central Government Control
- 7.3. Control by Registrar of Companies
- 7.4. Control by company Law Board

Module – IV (1 Credit)

8 Prevention of Oppression and Mismanagement :

- 8.1. Oppression
- 8.2. Mismanagement
- 8.3. Preventive measures
- 8.4. Powers of Company Law Board
- 8.5. Powers of Central Government.

9 Winding Up :

- 9.1. Winding up and Dissolution of Company.
Types of Winding up.
- 9.2. Winding up by Court.
- 9.3. Voluntary Winding up
- 9.4. Process of Winding up
- 9.5. Winding up of Defunct Companies, Sick undertakings,
Unregistered Companies and Foreign Companies.

References :—

1. Gower – The Principles of Modern Company Law
2. Sethna – Indian Company Law.
3. Mayson, French & Ryan, Company Law. (15th ed.) 2000
(1st Indian Reprint)
4. Palmer – Company Law
5. Pennington – Formation of Companies
6. Madon – Management of Corporations.
7. Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.
8. Sen S.C. – The New Frontiers of Company Law.
9. Ramaiya A, - Guide to the Companies Act 3 Vols.
10. Taxmann's Corporate Laws.
11. Taxmann's Company Law and Practice.
12. Company Law – Dr. Avtar Singh
13. Companies Act and Laws relating to SEBI, depositories, Industrial Financing

PAPER IV– LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE (4 Credits)

Module – I (1 Credit)

1 Law Relating to Customs :

- 1.1. Custom of charging customs duties
- 1.2. Rules relating to interpretation of customs law
- 1.3. Prohibition on Importation and Exportation of Goods
- 1.4. Chargeability and Levy of Customs duty

Module – II (1 Credit)

- 1.5. Exemption from Customs duties
- 1.6. Refund of Customs duty
- 1.7. Clearance of Imported Goods and Export Goods
- 1.8. Warehousing of Goods
- 1.9. Powers of Customs Officers.
- 1.10. Adjudicatory Proceedings
- 1.11. Appeals
- 1.12. Criminal Prosecution

Module – III (1 Credit)

2. Law Relating to Foreign Exchange :

- 2.1. Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
- 2.2. Foreign exchange and currency
- 2.3. Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

- 2.4. New Concepts under Foreign Exchange Management Act (FEMA).
 - Resident
 - Capital Account Transactions
 - Current Account Transactions
 - Export
 - Person

- Service
- Transfer
- 2.5. Export of Goods and Services
- 2.6. Adjudication, Appeals and Penalties
- 2.7. Foreign Direct Investment in India
- 2.8. Foreign Trade, Development & Regulation Act, 1992

References :—

1. Customs Law, Practice and Procedure – T.P. Mukerjee
2. Customs Law, Practice and Procedure – Justice Roy
3. A Guide to Customs Act. – Nilima Chandiramani.
4. Foreign Exchange Management Act — Dilip Sheth
5. Foreign Exchange Management Manual – Taxmann.

PAPER V – LAW OF INSURANCE (4 Credits)

Module – I (1 Credit)

1. Introduction :

- 1.1. The nature of risk and insurance.
- 1.2. Risk management – Principles and Practices.
- 1.3. Need and importance of Insurance, Future of Insurance
- 1.4. Kinds of Insurance , Types of Insurance Polices, Law of Contract, Proposal, Consideration
- 1.5. Re-insurance and Double Insurance

2. General Principles of Law of Insurance :

- 2.1. Need for utmost Good Faith.
- 2.2. Insurable interest
- 2.3. The risk – Commencement, attachment and duration.
- 2.4. Indemnity
- 2.5. The law of proximate cause
- 2.6. Subrogation
- 2.7. Assignment and nomination ,

3. Indian Insurance Law – General :

- 3.1. Nationalisation, Privatisation and Globalisation of Insurance Sector.
- 3.2. Principles of General Insurance.
- 3.3. The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/ Hospitalisation :

- 4.1. Life Insurance – Nature, Principles and Scope
- 4.2. Events insured against life insurance contract.
- 4.3. Factors affecting risk
- 4.4. Mediclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance :

- 5.1. Marine Insurance – Nature, Principles and Scope
- 5.2. Marine Insurance Policy – Conditions – Warranties
- 5.3. Seaworthiness
- 5.4. Perils of the Sea and other Insured Perils in Marine Policies
- 5.5. Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance :

- 6.1. Fire Insurance
- 6.2. Risks Insurance
- 6.3. Policies covering risk of explosion, earthquake, flood.
- 6.4. Policies covering accidental loss, damage to property, construction risks
- 6.5. Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute :

- 7.1. Accident Policies
- 7.2. Assessment of compensation and Liability
- 7.3. Contributory Negligence
- 7.4. The Personal Injuries (Compensation Insurance) Act, 1963.
- 7.5. Compulsory Insurance.
- 7.6. Professional Negligence Insurance

8. Insurance Against Third Party Risks under Statute :

- 8.1. Relevant Provisions of Motor Vehicles Act, 1988.
- 8.2. Claims Tribunal : constitution, functions, procedures, powers and award.
- 8.3. Liability Insurance : Contractual and Legal Liabilities
- 8.4. Public Liability Insurance

References :—

1. Gow
1. Colinvaux – Law of Insurance (1977)
2. E.R. Hardy Ivamy – Principles of Insurance (1979)
3. Marine Insurance – Hardy Ivamy
4. Charmers Marine Insurance Act 1906
5. Mitra B.C. – Law of Marine Insurance (1997)
6. Brijnandan Singh – Law of Insurance – (1997)
7. Banerjee, Law of Insurance (1994)
8. Birds, Modern Insurance Law – (1997)
9. John Hanson and Christopals Henly – All Risks Property Insurance (1999)
10. M.N. Srinivasan – Insurance Law
11. K.S.N. Murthy and Dr. K.V.S. Sarma – Modern Law Insurance.
12. The Insurance Act – 1938
13. The Life Insurance Corporation Act, 1956.
14. The Insurance Regulatory Authority

PAPER VI – BANKING LAWS (4 Credits)

Module – I (1 Credit)

1. Introduction :

- 1.1. Nature and Development of banking
- 1.2. History of Banking in India and elsewhere-indigenous banking-evolution of banking in India – different kinds of banks and their functions.
- 1.3. Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India :

- 2.1. Controls by government and its agencies.
 - 2.1.1. On management
 - 2.1.2. On accounts and audit
 - 2.1.3. Lending
 - 2.1.4. Credit policy
 - 2.1.5. Reconstruction and reorganization
 - 2.1.6. Suspension and winding up
- 2.2. Contract between banker and customer : their rights and duties

Module – II (1 Credit)

3. Social Control over Banking :

- 3.1. Nationalization
- 3.2. Evaluation : private ownership, nationalization and disinvestments
- 3.3. Protection of depositors
- 3.4. Priority lending
- 3.5. Promotion of under privileged classes

4. The Central Bank :

- 4.1. Evolution of Central Bank
- 4.2. Characteristics and functions
- 4.3. Economic and social objectives
- 4.4. The Central Bank and the State – as bankers' bank
- 4.5. The Reserve Bank of India as the Central Bank
 - 4.5.1. Organisational structure
- 4.6. Functions of the RBI

- 4.6.1. Regulation of monetary mechanism of the economy
 - 4.6.1.1. Credit control
 - 4.6.1.2. Exchange control
 - 4.6.1.3. Monopoly of currency issue
 - 4.6.1.4. Bank rate policy formulation
- 4.7. Control of RBI over non-banking companies
 - 4.7.1. Financial companies
 - 4.7.2. Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer :

- 5.1. Legal character
- 5.2. Contract between banker and customer
- 5.3. Banker's lien
- 5.4. Protection of bankers
- 5.5. Customers
 - 5.5.1. Nature and type of accounts
 - 5.5.2. Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
- 5.6. Banking duty to customers
- 5.7. Consumer protection: banking as service

6. Negotiable Instruments :

- 6.1. Meaning and kinds of instruments
- 6.2. Transfer and negotiations
- 6.3. Holder and holder in due course
- 6.4. Presentment and payment
- 6.5. Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks :

- 7.1. Good lending principles
- 7.2. Lending to poor masses
- 7.3. Securities for advances
- 7.4. Kinds and their merits and demerits
- 7.5. Repayment of loans : rate of interest, protection against penalty
- 7.6. Default and recovery
- 7.7. Debt recovery tribunal

8. Recent Trends of Banking System in India :

- 8.1. New technology
- 8.2. Information technology
- 8.3. Automation and legal aspects
- 8.4. Automatic teller machine and use of internet
- 8.5. Smart card
- 8.6. Credit cards

References :—

1. Negotiable Instruments Act- Bhashyam and Adiga
2. Law of Negotiable Instruments Nilima Chandiramani
3. Banking Law and Practice in India -M.L. Tannan
4. The Law of Banking and Bankers - L.C. Goyle
5. Banking Theory and Practice - K.C. Shekar
6. Banking Theory and Practice -Varshney
7. Review of current Banking theory and Practice – Basu A.
8. Pagets Law of Banking - M. Hapgood (ed)
9. Banking Reforms in India - K. Subrahmanyam
10. Report of working Group on Customer Services in Banks - R.K. Talwar
11. Law of Negotiable Instruments - Dr. P.W. Rege.

Semester – IV Topics for Credit based Choice (4 credits)

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References :—

1. Indian Constitutional Law; Dr. Durga Das Basu revised by S.R.Roy and SP.Gupta.3rd edition,2011.
2. Right to information Law in India N.V.Paranjape 2014
3. The Political Economy of the World Trading System Amitabh Kundu,Michel M Kostecki edition 3rd 2009
4. Law and Practice of Alternative Dispute Resolution In India- A Detailed Analysis AnirbanChakraborty edition 2016
5. Role of Environmental Green Tribunal in Protection Environment M J Khandare 2016
6. International Law and Human Rights S K Kapoor 2016
7. Consumer, Consumerism and Consumer Protection – Indian Context Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah2015
8. Information Technology Law and Practice Vakul Sharma 2014
9. Cyber and E-Commerce Laws (Diwan and KapoorBharat Publishers
10. SEBI Manual Code

GROUP – III-LAW OF INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

Paper I-Intellectual Property and International Organisations and Agreements(4 Credits)

Module – I (1 Credit)

1. Introduction to Intellectual Property Rights (IPRs) :

- 1.1. What is Intellectual Property
- 1.2. Basic concepts of Intellectual Property
- 1.3. Nature of Intellectual Property
- 1.4. Commercial exploitation of Intellectual Property
- 1.5. Enforcement of rights and remedies against infringement
- 1.6. International character of Intellectual Property.

Module – II (1 Credit)

2. International Organisation and Conventions :

- 2.1. International Agreements/Conventions relating to Intellectual Property.
- 2.2. World Intellectual Property Organisation (WIPO)
- 2.3. World Trade Organisation (WTO)

Module – III (1 Credit)

3. Trade Related Aspects of Intellectual Property Agreement (TRIPs) :

- 3.1. General Provisions and Basic Principles
- 3.2. Standards concerning the availability, scope and use of Intellectual Property Rights.
- 3.3. Enforcement of Intellectual Property Rights
- 3.4. Acquisition and Maintenance of Intellectual Property Rights
- 3.5. Dispute Prevention and Settlement
- 3.6. Transitional Arrangements
- 3.7. Institutional Arrangements.

Module – IV (1 Credit)

4. Human Rights and Intellectual Property Rights (IPRs) :

- 4.1. Anti competitive Practices / Abuse of Intellectual Property Rights (IPRs)
- 4.2. Government Use and Public Interest

References :—

1. Intellectual Property (1999) edition) by W.R. Cornish (Sweet & Maxwell)
2. WTO in the New Millenium – MVIRDC – by Arun Goyal
3. Intellectual Property Rights - WADHERA
4. WTO and Globalisation : An Indian Overview – Dr. Nilima Chandiramani
5. Intellectual Property Rights under the TRIPs Text – Dr. Nilima Chandiramani
6. Intellectual Property Rights – P. Narayan
7. Intellectual Property Rights Law – Dr. Ashok Soni.

PAPER II. -Law of patents (4 credits)

Module – I (1 Credit)

- 1.1. Introduction, definition, scope and objectives of Law of Patents
- 1.2. Subject Matter of Patents.
- 1.3. International Conventions and treaties regarding patents.
- 1.4. History of Indian Patent System

Module – II (1 Credit)

- 2.1. Procedure for Obtaining Patents.
- 2.2. Patentability and Patentable Subject – Matter
- 2.3. Process and Product Patent
- 2.4. Specification
- 2.5. Opposition to grant of Patents

Module – III (1 Credit)

- 3.1. Register of Patents and Patent Office
- 3.2. Rights and Obligations of Patentee
- 3.3. Transfer of Patent Rights
- 3.4. Voluntary Licences, Compulsory Licences,
- 3.5. Licence of Right and Revocation for non working patents.
- 3.6. Assignment and Licensing of Patents.
- 3.7. Patenting of Traditional Knowledge. Issues related to Biopiracy and BioProspecting

Module – IV (1 Credit)

- 4.1. Powers of Central Government to acquire and use patents for public purpose.
- 4.2. Revocation and Surrender of Patents.
- 4.3. Infringement of Patents. Threat of Infringement Proceedings
- 4.4. Offences and Penalties.
- 4.5. Appellate Tribunal Proceedings
- 4.6. Ever Greening of Patents.

References :—

1. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
2. Trrell on Law of Patents, 15th Edition (2000) by Simon Thorley,
3. Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)
4. Patent Law by P. Narayanan, 3rd Edition (1998),
5. Patent Co-Operation Treaty Handbook by Chartered Institute of Patent, Agents (Sweet & Maxwell) 1999n edition
6. Wadhera – Intellectual Property Rights
7. Intellectual Property Rights – P. Narayan

Paper –III - Law of Trademarks – (4 credits)

Module – I (1 Credit)

- 1.1. General Principles of Trademarks.
- 1.2. International and National Laws relating to trademarks
- 1.3. Property in Trademarks – how acquired?
- 1.4. Conditions and Procedure for Registration of Trademarks.

Module – II (1 Credit)

Opposition of Registration of Trademark.

- 2.1. Effect of Registration
- 2.3. Registerable and Non Registerable Trademarks.
- 2.4. Similar, Nearly Resembling and Deceptively Similar Trademarks.
- 2.5. Trademark Registry and Register of Trademarks
- 2.6. Assignment, Transmission and Abandonment

Module – III (1 Credit)

- 3.1. Licensing of Trademarks and Registered Users
- 3.2. Collective Marks Service Marks and Textile Trademarks
- 3.3. Infringement and Passing Off.
- 3.4. Action for Infringement
- 3.5. Passing off Action.
- 3.6. Certification of Trademark

Module – IV (1 Credit)

- 4.1. Offences and Penalties.
- 4.2. Threat of Legal Proceedings.
- 4.3. Appellate Tribunals
- 4.4. Emerging New Trends in Trademarks.

References :—

1. Kerly's Law of Trade Marks and Trade Names Thomas A> Balano White and Robin Jacob (Sweet & Maxwell)
2. The Modern Law of Trade Marks by Christopher Morcom, Ashley Roughton and James Graham, 1st edition, 1999 edition (Butterworths)
3. K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition (1999 edition) Butterworths, India.
4. Mc. Carthy on Trade Marks and Unfair Competition (1999 edition) (West Group. U.S.A.
5. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
6. Narayanan on Trade Marks and Passing Off – Fourth Edition.
7. Wadhera – Intellectual Property Rights
8. Intellectual Property Rights-P.Narayan

Paper IV - Copyrights Law and other related rights (4 credits)

1. Module – I (1 Credit)

- 1.1. Introduction to Copyrights
- 1.2. International Conventions relating to Copyrights
- 1.3. Indian Laws relating to Copyright
- 1.4. Nature of Copyrights
- 1.5. Subject Matter of Copyrights.
- 1.6. Term of Copyright

2. Module – II (1 Credit)

- 2.1. Authorship and Ownership.
- 2.2. Rights Conferred by Copyright
- 2.3. Rights of Broadcasting Organizations, Producers of Phonograms and Performers.
- 2.4. Assignment, Transmission and Relinquishment.
- 2.5. Registration of Copyrights

3. Module – III (1 Credit)

- 3.1. Licences
- 3.2. Publication
- 3.3. Copyright Societies
- 3.4. Copyright office and Boards.
- 3.5. Infringement of Copyright

4. Module – IV (1 Credit)

- 4.1. Emerging New Trends in copyrights.
- 4.2. International Copyrights.
- 4.3. Registration of Copyrights
- 4.4. Appeals.

References :—

1. Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)
2. Copinger and Skone James on Copyright, 14th Edition by Kevin Garnett; Jonathan Rayner James and Gillian Davis – 1999 edition(Sweet & Maxwell)
3. The Modern Law of Copyright and Designs; 2nd edition 1995 by Hugh Laddie, Peter Prescott and Mary Vitoria (Butterworths)
4. Nimmer on Copyright in 10 volumes (edition 2000) Mathew Bender)
5. Copyright and Industrial Designs - P. Narayanan
6. The Copyright Act – Iyenger.

Paper V - Law of Industrial Designs, Geographical Indication, Layout Designs Data Protection and Trade secrets(4 credits).

Module – I (1 Credit)

- 1.1. Laws Relating to Industrial Designs :
- 1.2. Introduction, Novelty and Originality
- 1.3. Publication
- 1.4. Registration of Designs
- 1.5. Rights conferred by registration
- 1.6. Infringement of Copyright in Design
- 1.7. Remedies.

Module – II (1 Credit)

- 2.1. Law Relating to Geographical Indication :
- 2.2. Definition, need scope of Geographical Indications.
- 2.3. Register and Conditions for registration of Geographical Indications.
- 2.4. Procedure for and Duration of Registration
- 2.5. Effect of Registration
- 2.6. Special Provisions related to Trademark and Prior use.
- 2.7. Rectification and Correction of Register
- 2.8. Offences / Penalties / Appeals
- 2.9. Remedies.

Module – III (1 Credit)

Layout- Designs (Topographies) of Integrated circuits :

- 3.1. Meaning of Integrated Designs
- 3.2. Need and Mechanisms for Protection of Integrated Circuit & Layout Designs
- 3.3. International conventions and National Legislations
- 3.4. Procedure for Registration of Integrated Circuits.
- 3.5. Duration of Registration
- 3.6. Change in the Identity of Proprietor; Assignment; Surrender, Amendment; Corrections and other Changes, Cancellation

- 3.7. Compulsory Licensing
- 3.8. Infringement and Appeals

Module – IV Protection of Undisclosed Information/Trade Secrets. (1 Credit)

- 4.1. Law relating to Data Protection and Trade Secrets.
- 4.2. Protection of trade secrets – Confidential Information
- 4.3. How to protect trade secrets
- 4.4. The relationship between patents and confidential information
- 4.5. The relationship between copyright and confidential information
- 4.6. The Data Protection Act (DPA) 1998
- 4.8. Protection of Undisclosed Information
- 4.9. Introduction: terminology, definition and scope
- 4.10. International and National Legislation for protection of Undisclosed Information.

References :—

1. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
2. The Designs Act.
3. Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet & Maxwell)
4. Design – The Modern Law and Practice; by Lan Morris and Barry Quest (1987 edition) (Butterworths)
5. Patent for Inventions and the Protection of Industrial Designs by Thomas A. Balanco White, 1974 Edition (Stevens & Sons)
6. Taxmann’s Trade Marks Act & Geographical Indications of Goods & Copyright Act.
7. Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003 Peason Education (Singapore) Pte. Ltd., Indian Branch, Delhi.

Paper VI - . Information Technology/ Cyber Laws (4 Credits)

Module – I (1 Credit)

- 1.1. Introduction to Information Technology
- 1.2. UNCITRAL Model Law
- 1.3. An Overview of the Information Technology Act
- 1.4. Information Security
- 1.5. Application

Module – II (1 Credit)

- 2.1. Digital Signatures and Certificates
- 2.2. Electronic Governance
- 2.3. Certifying authority
- 2.4. Software Protection

Module – III (1 Credit)

- 3.1. Comparative Study Relating to Cyber Laws
- 3.2. United nations, India, U.S.A, Europe and China.
- 3.3. Cyber Security
- 3.4. Jurisdictional Issues in Transnational Crimes.

Module – IV (1 Credit)

- 4.1. Formation of E – **Contracts**. Validity and Enforcement
- 4.2. Emerging New Legal Issues.
- 4.3. Cyber Crimes, Penalties and Adjudication
- 4.4. Appellate Tribunal
- 4.5. Offences and Prosecution
- 4.6. Cyber Terrorism.
- 4.7. Social Media and Emerging Crimes.

References :—

1. Taxmanns Law of Information Technology (Cyber Law)-D.P. Mital.
2. Cyber and E-Commerce, IT Act 2000 – Diwan Kapoor, Bharat Publishers.
3. Law relating to Computers and Internet – Rahul Matthan Butterworth.
4. Computer Crime – Nitant P. Trilokekar – Snowwhilte
5. Law of Internet – F. Lawrence Street Mark P. Grant 2000 Edition, Lexis Publication

Semester – IV Topics for Choice Based Credits (Four credits)

1. Issues relating to Biopiracy and Bio- prospecting
2. Resources for Food and Agriculture – issues on patent policy and farmers' **rights- CBD, Nagoya Protocol and Indian law •**
2. UNESCO – protection of folklore/cultural expressions. Developments in WIPO on traditional knowledge and traditional cultural expressions
4. Intellectual Property rights and Information Technology. Copyright and Media Laws.
5. Trade Related Aspects of Intellectual Property Rights: A Viable Tool for the Enforcement of Benefit Sharing.
6. WTO Negotiations on Geographical Indications and Their Potential Implications
7. Human Right Perspective of Intellectual Property Rights.
8. Dispute Settlement Mechanism.

Suggestive Readings :

1. Intellectual Property (1999) edition) by W.R. Cornish, (Sweet & Maxwell)
2. WTO in the New Millennium – MVIRDC – by ArunGoyal
3. Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003, Pearson Education (Singapore) Pvt. Ltd., Indian Branch, Delhi.
4. Peter Drahos: A Philosophy of Intellectual Property, 1996
Commons J.R.: International Economics, 1934
5. Narayan : Intellectual Property rights, 2007
5. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law: Along With Objectives, Methodology, And Course Outline Bangalore: National Law School of India University, 1992.
6. International Legal Instruments, D.K. Agencies 1998.
Intellectual Property Rights CSIR Journal. International Legal Materials.

7. Journal of the Indian Law Institute Journal of the Indian Society of International Law; American Journal of International Law;
8. Ram Jethmalani D S Chopra, Cases and Materials on Media Law: A Book on Indian Perspective, published by Thomas Reuters, published on 2012, ISBN NO 9381082367
9. Monroe E. Price (Editor), Stefaan G. Verhulst (Editor), Broadcasting Reform in India: Media Law from a Global Perspective (Law in India Series)
Publisher : Oxford University Press (April 15, 1999), ISBN-10:

0195645642

ISBN-13: 978-0195645644

GROUP- IV - HUMAN RIGHTS LAW
PAPER I—CONCEPT AND DEVELOPMENT OF HUMAN
RIGHTS (4 Credits)

Module – I (1 Credit)

1. Human Rights : Concept :

- 1.1. Human Rights in Indian tradition: ancient, medieval and modern
- 1.2. Human rights in western tradition, The American Declaration of Independence and the Bill of Right, the French Declaration of the Rights of Man and the Universal Declaration of Human Rights.
- 1.3. Development of natural rights
- 1.4. Human rights in International law and National law.
- 1.5. Criticism of Rights by Conservatives - Utilitarian (Jeremy Benthan), Idealist (T.H. Green), Socialist (Karl Marx) and Positivist (Hart)

Module – II (1 Credit)

2. Classification of Human Rights – First, Second and Third Generations: Historical Development.

Module – III (1 Credit)

3. Human Rights: Politics and Society :

- 3.1. Colonisation, imperialism and human rights
- 3.2. Power, practices, accountability and transparency
- 3.3. Liberalization, privatization and globalization
- 3.4. Human duties: responsibilities and obligations
- 3.5. Relationship Between Rights, Obligations and Duties in relation to State and Society with special focus on contemporary values.

Module – IV (1 Credit)

- 4. Universality of Human Rights.**
- 5. Third World Perspective to Human Rights.**
- 6. Human Rights and Consumerism.**

References :—

1. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
2. Lalit Parmer, Human Rights, (1998)
3. Rama Jois, Human Rights: Bharatiya Values, (1998)
4. David P. Forsythe, Human Rights in International Relations.
5. Lon L. Fuller, The Morality of Law.
6. John Finnis, Natural Law and Natural Rights, (1980)
7. Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
8. M.G. Chitkara, Human Rights: Commitment and Betrayal, (1996).
9. V. D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)
10. Robert Lewngat. The Classical Law of India (1998), Oxford.
11. a. Bentham J. Anarchical fallacies in Human Rights (Ed.) Moldon Belmont, California, Wadsworth 1970
b. Hart HLA - Essays in Jutisprudenc and
c. Paine Tand H Colins (ED) - Rights of Man (1791/2)

Harmondworth Penguin 1969.

- d. Waldron J.J. (Ed) - Theories of Rights, Oxford, Oxford University Press 1984.

PAPER II – HUMAN RIGHTS AND INTERNATIONAL ORDER (4 CREDIT)

Module – I (1 Credit)

1. Development of Concept of Human Rights :

Under International Law ILO and various Conventions dealing with Human Rights, International Bill of Rights and implementation in global context Human Rights and Development - the Declaration on the Right to Development 1987, Freedom of Expression and Rights to Know - RTI

Module – II (1 Credit)

2. Role of Regional Organizations :

- 2.1. European Convention on Human Rights
- 2.2. American Convention on Human Rights
- 2.3. African Convention on Human Rights.
- 2.4. Other regional Conventions.

Module – III (1 Credit)

3. Protection agencies and mechanisms :

- 3.1. Role of UN specialized agencies - UNESCO, UNICEF, ILO, WHO, FAO.
- 3.2. Role of International Non-governmental Organizations Like Amnesty International, Human Rights Watch, Asia Watch etc.
- 3.3. International Court of Justice - its functioning and settlement of International disputes.
- 3.4. International Criminal Court.
- 3.5. Role of National Human Rights Commission with Special reference to India

Module – IV (1 Credit)

4. New International Economic Order.

5. Global Terrorism.

References :—

Benedetto Conforti and Francesco Francioni, *Enforcing International Human Rights in Domestic Courts*, (1997)

Francisco Forrest Martin, *International Human Rights Law and Practice*, (1997)

Luck Clements, *European Human Rights Taking a Case under the Convention*, (1994)

Evelyn A. Ankumah, *The African Commission on Human Rights and People's Rights* (1996)

R.K. Sinha, *Human Rights of the World*, (1997). Philip Alston, *The United Nations and Human Rights Critical Appraisal*, (1992)

R.S. Sharma and R.K. Sinha, *Perspectives in Human Rights Development*, (1997).

The Human Rights Watch *Global Report on Women's Human Rights*, (2000), Oxford.

B.P. Singh Seghal, *Human Rights in India*, (1996).

Chandan Bala, *International Court of Justice: Its*

Functioning and Settlement of International Disputes, (1997)

1. Amnesty International- *Torture in Eighties* London, Amnesty International Publications 1984.
2. Claud R. P. and H. W. (Ed) - *Human Rights in the World Community-Issues and Actions*, Philadelphia, University of Pennaylavania, 1989.
3. Jenks C. W. - *Human Rights and International Labour Standards*, London, Stevens, 1960.
4. Raman Kannamma - *University of Human Rights Discourse an overview* - Dept. of Civics and Politics, University of Mumbai,

Mumbai - 1998.

5. Vijapur Abdul Rahim (Ed). Essays on International Human Rights - 1991 (South Asian Publishers Pvt. Ltd. New Delhi)

PAPER III—PROTECTION AND ENFORCEMENT OF HUMAN IN INDIA (4 CREDITS)

Module – I (1 Credit)

1. History and Development of Human Rights in Indian Constitution :

- The Comparison between Human Rights and Fundamental Rights - Areas of Convergence and Divergence
- Indian Societal responses towards ideology or philosophy of Human Rights.
- Investigating agencies and Human Rights.
- Leading cases of S.C. and H.C. of India on Human Rights.

Module – II (1 Credit)

2. Judicial Activism and Development of Human Rights Jurisprudence.

Module – III (1 Credit)

3. Enforcement of Human Rights :

- 3.1. Formal enforcement mechanism
 - 3.1.1. Role of Supreme Court
 - 3.1.2. Role of High Court
 - 3.1.3. Role of Civil and Criminal Court
 - 3.1.4. Statutory Tribunals
 - 3.1.5. Special Courts
 - 3.1.6. Armed Forces Act and Violation of Human Rights.
 - 3.1.7. Displacements and Human Rights protection.

Module – IV (1 Credit)

4. Role of India in implementing International norms and standards.

References :—

1. D.D. Basu, Human Rights in Indian Constitutional Law, (1994).
2. Vijay Chitnis(et.al). Human Rights and the Law : National and Global Perspectives, (1997)
3. B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
4. James Vadakkumchery, Human Rights and the Politics in India, (1996).
5. D.R. Saxena, Tribals and the Law, (1997)
6. Poornima Advani, Indian Judiciary : A Tribute, (1997)
7. Justice Venkataramiah, Human Rights in the Changing World, (1998).
8. Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law (1996)
9. Agarwal H.O. - Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi.
10. Anthony M.J. - Social Action through Courts (Landmark Judgements in PIL) New Delhi, ISI Publications - 1993.
11. Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.
12. Iyer Krishna V.R. - Human Rights and Inhumab Wrongs, 1993 D.K. Publishers, New Delhi.
13. Iyer Krishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Todat and Tomorrow.
14. NHRC Annual Reports, New Delhi.
15. Sehgal BPS - Human Rights in India - Problems and Prospects, 1995 Deep and Deep Publications, New Delhi.
16. All Law Journals and reports.
17. Justice Hosbet Suresh titled "All Human Rights are Fundamental

Rights”-Universal Law Publication, New Delhi.

18. Sr. Adv. N. M. Ranka titled “ Laws Profession Experiences and Expectations-Ranka Public Charitable Trust, Jaipur - 302 004.

PAPER IV — HUMAN RIGHTS OF DISADVANTAGED GROUPS (4 CREDITS)

Module – I (1 Credit)

1. Concept of Disadvantaged Groups.

Module – II (1 Credit)

2. Emerging Human Rights Jurisprudence and the Role of the Judiciary :

- 2.1. Rights of women
- 2.2. Rights of the child
- 2.3. Rights of prisoners
- 2.4. Rights of Dalits
- 2.5. The tribal and other indigenous people
- 2.6. The Disabled Persons
- 2.7. The Stateless persons
- 2.8. The unorganized labour and bonded labour
- 2.9. ‘Aids’ victims
- 2.10. Rights of minorities
- 2.11. Elderly Persons.

Module – III (1 Credit)

3. Enforcement of Human Rights :

- 3.1. Protection Laws of the Disadvantaged Groups: Problems and Issues.
- 3.2. National agencies for protection such as National Commission for women, National Commission for Children, National Commission for Scheduled Castes/ Scheduled Tribes, National Commission for Minorities.

Module – IV (1 Credit)

4. Future Perspectives of the Human Rights of the Disadvantaged.

References :—

- G.S. Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
- Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
- Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
- Paras Diwan and Piyush Diwan, Women and Legal Protection Philip Alston (et.al.), Children, Rights and the Law.
- Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999).
- N.K. Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
- Rebecca Wallace, International Human Rights, Text and Materials. (1997)
- Janaki Nair, Women and Law in Colonial India, (1996)
- Simon Creighton, Vicky King, Prisons and the Law, (1996).
- D.D. Basu, Human Rights in Indian Constitutional Law, (1994).
- Vijay Chitnis(et.al). Human Rights and the Law : National and Global Perspectives, (1997)
- B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
- James Vadakkumchery, Human Rights and the Politics in India, (1996).
- D.R. Saxena, Tribals and the Law, (1997)
- Poornima Advani, Indian Judiciary : A Tribute, (1997)
- Justice Venkataramiah, Human Rights in the Changing World, (1998).
- Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law (1996)
- Agarwal H.O. - Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi.
- Anthony M.J. - Social Action through Courts (Landmark Judgements in PIL) New Delhi, ISI Publications - 1993.
- Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.
- Iyer Krishna V.R. - Human Rights and Inhuman Wrongs, 1993 D.K. Publishers, New Delhi.
- Iyer Krishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow.

NHRC Annual Reports, New Delhi.
Sehgal BPS - Human Rights in India - Problems and
Prospects, 1995 Deep and Deep Publications, New Delhi.
All Law Journals and reports.

**PAPER-V INTERNATIONAL HUMANITARIAN LAW AND
REFUGEE LAW (4 CREDITS)**

Module – I (1 Credit)

1. Humanization of Welfare :

- 1.1. Amelioration of the wounded and sick
- 1.2. Armed forces in the field
- 1.3. Armed forces at sea
- 1.4. The Shipwrecked
- 1.5. Protection and facilities
- 1.6. Prisoners of war
- 1.7. Civilians in times of War
- 1.8. Cultural properties
- 1.9. International Convention on Genocide

Module – II (1 Credit)

2. Control of weapons :

- 2.1. Conventional
- 2.2. Chemical
- 2.3. Biological
- 2.4. Nuclear

Module – III (1 Credit)

3. Humanitarian law : Implementation :

- 3.1. Red Cross – role
- 3.2. National legislation

Module – IV (1 Credit)

4. The Concept of refugees :

- 4.1. Definition of refugees and displaced persons –their problems
- 4.2. The UN Relief and Rehabilitation Administration and

other international Refugee organizations : international protection.

4.3. Protection under national laws

5. Strategies to combat refugee problem :

- 5.1. Repatriation, resettlement local integration and rehabilitation
- 5.2. UNHCR – role
- 5.3. UNHCR and India

References :—

B.S. Chimni, International Refugee Law (2000)

Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)

Kelly Dawn Askin, War Crimes Against Women, (1997)

M.K. Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).

Guy S. Goodwin-Gill, The Refugee in International Law, (1996)

Veral Gowlland-Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996)

Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)

Resettlement Handbook, The United Nations High Commissioner for Refugees.

James C. Hathaway, Hohn A.Dent, Refugee Rights : Report on a Comparative Survey, (1995)

PAPER VI—SCIENCE, TECHNOLOGY AND HUMAN RIGHTS (4 CREDITS)

Module – I (1 Credit)

1. Interrelationship of Science, Technology and Human Rights :

2. Implication of Development of Science and Technology on Human Rights :

- 2.1. Right to environment in the development of science and technology
- 2.2. Right to development in the advancement of science and technology
- 2.3. Right to human health and impact of developments in Medical sciences

Module – II (1 Credit)

3. Medicine and the Law :

- 3.1. Organ transplantation
- 3.2. Experimentation on human beings
- 3.3. Medical Negligence and Human Rights.
- 3.4. Euthanasia (Mercy Killing)
- 3.5. Gene therapy

Module – III (1 Credit)

4. Issue of Human Rights Ethics in Scientific and Technological Development :

- 4.1. Sex determination test
- 4.2. Induced abortion
- 4.3. Reproductive technology
- 4.4. Cloning
- 4.5. Invitro fertilization
- 4.6. Artificial insemination
- 4.7. Surrogate motherhood

Module – IV (1 Credit)

4. Development in information and Human Rights Cyber Terrorism.

5.1. Positive and Negative Implications of Science & Technology in context of Terrorism.

6. Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community :

- 6.1. Right to life
- 6.2. Right to privacy
- 6.3. Right to physical integrity
- 6.4. Right to information
- 6.5. Right to benefit from scientific and technological progress
- 6.6. Right to adequate standard of living

References :—

Diane Rowland, Elezabeth Macdonald, information Technology Law, (1997)

Suresh T. Viswanathan, The Indian Cyber Law (2000)

The International Dimensions of Cyberspace Law (2000), UNESCO Publication.

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Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999)

Adwin W. Patterson, Law in a Scientific Age, (1963)

Steve Jones, Borin Van Leon, Genetics for Beigneers, (1993)

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Akbar, M,J., Roits After Riots, (1988)

Baxi, U.(ed), Rights to be Human, (1986)

Kazmi, F., Human Rights, (1987)

Levin L., Human Rights, (1982)

Gromley W.P., Human Rights and Environment, (1976)

Madhavtirtha, Human Rights, (1953)
 Beddard H., Human Rights and Europe, (1980)
 Swarup J., Human Rights and Fundamental Freedoms,(1975)
 Nagendra Singh, Human Rights and International Cooperation, (1969)
 Kashyap, S.C., Human Rights and Parliament, (1978)
 Khare S.C., Human Rights and United Nations, (1977)
 Moskowitz, Human Rights and World Order, (1958)
 Drost, Human Rights as Legal Rights, (1965)
 Garling M., Human Rights Handbook, (1979)
 Andrews J.A., Human Rights in Criminal Procedure, (1982)
 Kalaiah A.B. Human Rights in International Law, (1985)
 Menon, I. (ed.), Human Rights in International Law, (1985)
 Robertson, A.B. (ed.), Human Rights in National and International Law,(1970)
 Lauterpacht, E., International Law and Human Rights, (1968).
 Robertson, E., Human Rights in the World, (1972) Sohn, Lonis & Burgenthal, International Protection of Human Rights, (1973)
 Baxi, U., “Human Rights, Accountability and Development”, Indian Journal of International Law, 279, (1978)
 Basu, D.D., Human Rights, in Constitutional Law, (1994)
 Macfarlane, L.J., The Theory and Practice of Human Rights, (1985)
 Krishna Iyer, V.R., Human Rights – A Judge’s Miscellny, (1995)
 Rama Jois, M., Human Rights: Bharatiya Values, (1998).

Semester – IV Topics for Choice Based Credits (Four credits) :

- (1) Clinical Trials and Human Rights
- (2) Poverty and Population vis-à-vis Human Rights
- (3) Illiteracy and Corruption and Human Rights
- (4) Globalization and Human Rights
- (5) International Terrorism and Human Rights
- (6) Sustainable development-Need for Human Rights Education
- (7) Science and Technology vis-à-vis Human Rights Ethics
- (8) Human Rights and Duties – Areas of harmony and conflict
- (9) Public Interest Lawyering and Human Rights .

References :—

1. Julius Stone, Human Rights and Human Justice (2000)

- Universal Publication, New Delhi.
2. M.G.Chitkara-Human Rights: Commitment and Betrayal (1996)
 3. The Human Rights Watch Global Report on Women.s Human Rights (2000) Oxford
 4. B.P.SinghSehgal-Human Rights in India (1996)
 5. Raman Kannamma-Universality of Human Rights Discourse-an overview-Department of Civics and Politics, University of Mumbai, Mumbai 1998
 6. Vijapur Abdul Rahim (Ed) Essays on International Human Rights-1991 South Asian Publishers Pvt.Ltd, New Delhi
 7. Justice Venkataramiah-Human Rights in the Changing world (1998)
 8. Agarwal H.O-Implementation of Human Rights Contents with Special reference to India-1993 D.K Publishers, New Delhi
 9. Baxi Upendra-Mambeino's Helmet? Human Rights in the Changing world, Har Anand Publishers,1994
 10. Iyer Krishna V.R-Human Rights and Inhuman Wrongs, D.K.Publishers, New Delhi 1993
 11. Iyer Krishna V.R-The Dialectics and Dilemmas of Human Rights-Yesterday, Today and Tomorrow
 12. NHRC Annual Reports, New Delhi
 13. Sehgal B.P S-Human Rights in India-Problems and Prospects, Deep and Deep Publications, New Delhi 1995
 14. Justice Hosbet Suresh, "All Human Rights are Fundamental Rights"-Universal Law Publication, New Delhi
 15. Weeramantry C G-Human Rights and Scientific and Technology Development,1990

16. Baxi Udaya-Chandra-Rights to be Human (1986)
17. Baxi Udaya-Chandra-Human Rights, Accountability and Development-Indian Journal of International Law (1978)
18. Krishna Iyer V.R.-Human Rights- A Judge's Miscellany (1995)

**GROUP V – CRIMINAL LAW AND CRIMINAL
ADMINISTRATION**

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice.**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth.**
- 3. Doctrine of Mens Rea and Exceptions :**
 - 3.1. Negligence
 - 3.2. Physical Element in Crime- Actus Reus.
- 4. Stages in Commission of Crime :**
 - 4.1. Inchoate Crimes.
 - 4.2. Abetment and Criminal Conspiracy.

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence :**
 - 6.1. Test of Criminality /Legality
 - 6.2. Presumption of Innocence
 - 6.3. Double Jeopardy
 - 6.4. De Minimus Non Curat Lex.
 - 6.5. Mistake of Law and Mistake of Fact
 - 6.6. Jus Necessitatis.
- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

9. Theories and kinds of punishment.

10. Right of Protection of the accused.

11. Strict Liability

Module – IV (1 Credit)

12. International Criminal Court.

13. Concept of Decriminalisation.

References :—

- | | |
|----------------------|---|
| Glanville Williams | : Criminal Law (The general part) |
| Jarome Hall | : General Principles of Criminal Law |
| Fitz Gerald | : Criminal Law and punishment |
| Moberly | : Ethics of Punishment |
| Nigam | : Criminal Law |
| Tapas Kumar Banerjee | : Back ground to Indian Criminal Law
Commission of India, Forty Second |

Report Chapter 3 (1971) Criminal
Procedure Code, 1973 14th and 41st

Report of Indian Law Commission.

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

Module-I (1 Credit)

1. Offences under Indian Penal Code :

- 1.1. Offences Against the State
- 1.2. Offences Relating to Elections
- 1.3. Offences Relating to Religion
- 1.4. Offences Affecting the Public Health, Safety,
Convenience, Decency and Morals.
- 1.5. Reforms in I.P.C.

Module-II (1 Credit)

- 2. The Maharashtra Control of Organised Crime Act,1999.**
- 3. The Prevention of Terrorism Act, 2002**

Module-III (1 Credit)

- 4. Cyber Crimes under Information Technology Act**

Module-IV (1 Credit)

- 5. The Juvenile Justice (Care and Protection of Children) Act, 2000 :**

- 5.1. The Basic Concepts
- 5.2. Determining Factors of Juvenile Delinquency
- 5.3. Legislative Approaches
- 5.4. Indian Context Juvenile Delinquency
- 5.5. Judicial Contribution
- 5.6. Implementation
- 5.7. Preventive Strategies

References :—

The Indian Penal Code, 1860

Ratanlal & Dhirajlal – Law of Crime
Russel on Crime
Smith & Hogen – Criminal Law

PAPER III — CRIMINOLOGY- – (TOTAL 4 CREDITS)

Module-I (1 Credit)

1. Concept of Crime. Criminal Law, Criminology as a Science :

1.2. Development and Crime

2. Criminology From – Ancient to Modern thought :

2.1. Pre-classical – classical – Neo classical

2.2. Cartographic School

2.3. Socialist School

2.4. Dr. Lombrozo theory

2.5. Approach of Radical Criminologist

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes :

4.1. Socio –Cultural

4.2. Physical

4.3. Economic

4.4. Psychological

4.5. Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order :

5.1. Notion of Privileged Class Deviance

5.2. White Collar Crimes

5.3. Official Deviance

5.4. Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc. :

6.1. Unethical Practices at the Indian bar

6.2. The Lentin Commiss76n Report

- 6.3. The Press Council on unprofessional and unethical Journalism
- 6.4. Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order :

- 7.1. Vigilance Commission
- 7.2. Public Accounts Committee
- 7.3. Ombudsman
- 7.4. Commission of Enquiry
- 7.5. Prevention of Corruption Act ,1988

References :—

- A.S. Siddique - Criminology (1984) Eastern, Lucknow
Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R. Company & Co., Calcutta.
Tapan - Crimes, Justice and Correction
Dr. Sethana - Society and the Criminal, Southern and Cresscy - Principles of Criminology Law Commission of India 42 Report Chap.3 (1971)

Sutherland & Cressey - Principles of Criminology Barness & Teeters
- New Horizons in Criminology
Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.

**PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL
JUSTICE SYSTEM–
(TOTAL 4 CREDITS)**

Module- I:- (1 Credit)

1. Introductory :

- 1.1. Notions of “force”, “coercion”, “violence”
- 1.2. Distinctions: “symbolic” violence, “institutionalized” violence, “structural violence”
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. Freedom of speech and incitement to violence
- 1.6. “Collective political violence” and legal order
- 1.7. Notion of legal and extra- legal repression”

2. Approaches to Violence in India :

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.
- 2.3. Gandhiji’s approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

Module- II:- (1 Credit)

3. Agrarian Violence and Repression :

- 3.1. The nature and scope of agrarian violence in the 18-19 Centuries in India
- 3.2. Colonial legal order as a causative factor of collective

- political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
 - 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

Module- III:- (1 Credit)

4. Violence against the Weaker Sections :

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities
- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence Against Women and Children

Module- IV:- (1 Credit)

5. Caste/Communal Violence :

- 5.1. Incidence and courses of “communal” violence
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and para-military systems in dealing with communal violence
- 5.4. Operation of criminal justice system trying and in relation to, communal violence

NOTE : Choice of further areas will have to be made by the teacher and taught.

References :—

- U. Baxi - “Dissent, Development and Violence” in R, Meagher(ed) Law and Social Change: Indo-American Reflections 92(1988).
- U. Baxi - (ed) Law and Poverty: Critical Essays, (1988)
- A.R. Desai,(ed)- Peasant Struggles in India, (1979)
- A.R. Desai - Agrarian Struggles in India: after Independence 1986)
- A.R. Desai, Violation of democratic Rights in India (1986).
- D.A. Dhangare - Peasant Movement in India: 1920-1950(1983)
- Ranjit Guha - Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba(ed) Subaltern Studies Vol. 1-6(1983-1988)
- T. Honderich - Violence for Equality (1980)
- Mark Juergensmeyer - “The Logic of Religious Violence: The Case of Punjab” 22 Contributions to Indian Sociology 65 (1988)
- Rajni Kothari - State Against Democracy (1987)

G. Shah - Ethnic Minorities and Nation Building: Indian Experience (1984)

K.S. Shukla - "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Special Anthropology 1969- 1979(1986).

**PAPER V - PENOLOGY : TREATMENT OF OFFENDERS -
- (TOTAL 4 CREDITS)**

Module- I:- (1 Credit)

1. Introductory :

1.1. Definition of Penology

2. Theories of Punishment :

2. Theories of Punishment

2.1. Retribution

2.2. Utilitarian prevention: Deterrence

2.3. Utilitarian: Intimidation

2.4. Behavioural prevention : Incapacitation

2.5. Behavioural prevention: Rehabilitation - Expiation

2.6. Classical Hindu and Islamic Approaches

Module- II:- (1 Credit)

3. The Problems of Capital Punishment :

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in India
- An inquiry through the statute law.

3.3. Law Reform Proposals

Module –III:- (1Credit)

4. Approaches to Sentencing :

4.1. Alternatives to Imprisonment

4.2. Probation

4.3. Corrective labour

4.4. Fines

- 4.5. Collective fines
- 4.6. Juvenile Institutions
- 4.7. Rehabilitative Programmes.

5. Sentencing :

- 5.1. Principal types of sentences in the Penal Code and special laws
- 5.2. Sentencing in white collar crime
- 5.3. Pre-sentence hearing
- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining

Module- IV:- (1 Credit)

6. Imprisonment :

- 6.1. The State of India's jails today
- 6.2. Prison Reforms in India
- 6.3. The disciplinary regime of Indian prisons
- 6.4. Classification of prisoners
- 6.5. Rights of prisoner and duties of custodial staff.
- 6.6. Deviance by custodial staff
- 6.7. Open prisons
- 6.8. Judicial surveillance – basis – development reforms

References :—

- S. Chhabra - The Quantum of Punishment in Criminal Law (1970).
H.L.A. Hart - Punishment and Responsibility (1968)
Herbert L. Packer- The Limits of Criminal Sanction (1968)
Alf Ross - On Guilt, Responsibility and Punishment (1975)
Siddique A.S.- Criminology (1984) Eastern, Lucknow
Law Commission of India, Forty-Second Report Ch.3(1971)
S.K. Shukla - "Sociology of Deviant Behaviour" in 3 ICSSR
Survey of Sociology and Social Anthropology 1969-179 (1986)
Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),
R. Campray & Co., Calcutta.

**PAPER VI—FORENSIC SCIENCE AND SCIENTIFIC
INVESTIGATION OF CRIME. -
(4 CREDITS)**

Module –I:- (1 Credit)

- 1. Forensic Science – An Integral component of Criminal Justice system – scope.**
- 2. Development of Forensic Science in India.**

Module –II:- (1 Credit)

- 3. An Introduction to :**
 - 3.1. Forensic Laboratories
 - 3.2. Forensic Biology
 - 3.3. Forensic Toxicology
 - 3.4. Forensic Anthropology
 - 3.5. Forensic Ballistics
 - 3.6. Forensic Documents
 - 3.7. Forensic Medicine

Module –III:- (1 Credit)

- 4. Modern Scientific Methods of Crime Control and Prevention :**
 - 4.1. Electrical Traps to catch thieves, burglars
 - 4.2. Truth Telling Drugs.
 - 4.3. Lie Detector.
 - 4.4. Atomat
 - 4.5. Breathalyser
 - 4.6. Traffipax Camera

- 4.7. Magnetic Gun
- 4.8. Night Vision Binoculars.
- 4.9. Portable Bomb Sniffer
- 4.10. Detection of Note Forgery by use of ultra violet ways

Module- IV:- (1 Credit)

5. Inter state crimes and Criminals :

- 5.1. The problem of International Crime
- 5.2. International Co-operation –
- 5.3. International Criminal Police Organisation (Interpol)

References :—

1. Dr. Hans Gross - Criminal Investigation
2. R. Deb. - Criminology, Criminal and Investigation.
3. Soderman And O'Connell - Modern Criminal Investigation
4. Dr. J.P. Modi - A Text Book of Medica Jurisprudence and Toxicology.
5. Nigel Morland -Science in Crime Detection.
6. The Indian Police Journal
7. International Criminal Police Review Journal.

Semester – IV Topics for Choice Based Credits (Four credits)

1. Law of defamation & Freedom of speech.
2. Study of Criminal behavior vis-à-vis increasing criminality.
3. White Collar Criminality & Corporate Crimes.
4. Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
5. Ethical Issues & Medical Profession.
6. Cyber Crimes & Remedies.
7. Juvenile Justice System in India & Juvenile Psychology.
8. Corruption Laws & Elections in India.

References :—

1. Moberly : Ethics of Punishment
2. Dr. Sethna: Society &The Criminal.
3. U. Baxi: Dissent, Development & Violence

4. S K Shukla: Sociology of Deviant Behaviour.
5. Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology

GROUP VI - ENVIRONMENT AND LEGAL ORDER (4 CREDIT)

PAPER I — ENVIRONMENT AND DEVELOPMENT : LAW AND POLICY

Module – I (1 Credit)

1. The Idea of Environment :

- 1.1. Ancient and medieval writings
- 1.2. Traditions
- 1.3. Natural and Biological sciences: perspectives
- 1.4. Modern concept: Conflicting dimension

2. Development :

- 2.2. Right to development
- 2.3. Sustainable development – national and international Perspectives
- 2.4. Developing economies

Module – II (1 Credit)

3. Policy and Law :

- 3.1. From Stockholm to Rio and after
- 3.2. Post – Independence India
- 3.3. Role of government
 - 3.3.1. Five Year Plans
 - 3.3.2. Forest Policy
 - 3.3.3. Conservation strategy
 - 3.3.4. Water policy

Module – III (1 Credit)

4. Population, Environment and Development :

- 4.1. Population explosion and environmental impact
- 4.2. Population and development
- 4.3. Population and sustainable development

Module – IV (1 Credit)

5. Constitutional Perspectives :

- 5.1. Fundamental Right
 - 5.1.1. Right to environment
 - 5.1.2. Enforcement of the right
 - 5.1.3. Directive principles and fundamental duties
 - 5.1.4. Legislative power
- 5.2. Environment : Emerging concepts and challenges
 - 5.2.1. Polluter pay principle : absolute liability of hazardous Industry
 - 5.2.2. Precautionary principle
 - 5.2.3. Public trust doctrine

References :—

C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer
 Madhav Gadgil and Ramachandra Guha, This Fissured Island : An Ecological History of India (1996), 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 Pub. , New Delhi.
 Rochard 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 Environment (1996). Oceana
 Stuart Bell and Donald McGillivray. Environmental Law (2000), Blackstone Press
 Charles A.R. Webster, Environment Health Law (1981).
 Leelakrishnan P et.all (eds) Law and Environment (1990), Eastern
 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).
Thomas J. Schoenbaum, Environmental Policy Law (1992).
Foundation Press, Inc, Westbury, New York.
Darryl D'Monte. Temples or Tombs industry versus
Environment: Three Controversies (1985). Centre for Science and
Environment, New Delhi.
Indian Journal of Public administration, Special Number on Environment
and Administration. July-September, 1988 Vol. XXXV, No.3 pp 353-801.
Khosho, Environment Concerns and Strategies (1988). Ashish, Delhi.
Centre for Science and Environment. The State of India's

Environment 1982. The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000.

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

PAPER II—RESOURCE MANAGEMENT AND THE LAW

Module – I (1 Credit)

1. Water :

- 1.1. Salinity
- 1.2. Bund and spill ways
- 1.3. Aquaculture and fishing : regulation
- 1.4. Irrigation
- 1.5. Ground water management
- 1.6. Interstate water management and disputes

Module – II (1 Credit)

2. Land :

- 2.1. Controls on land development.
- 2.2. Eco-friendly land planning : conservation, utilization and conversion.
- 2.3. Mining and quarrying

Module – III (1 Credit)

3. Concepts of Common Property and State Property :

- 3.1. Forest
- 3.2. Wildlife
- 3.3. Common facilities and the right to use : roads, parks, pathways, lakes, rivers
- 3.4. Natural heritage-Tribal habitat
- 3.5. Historical monuments
- 3.6. Wet lands: Wise use concept

Module-IV (1 Credit)

4. Energy :

- 4.1. Sources
- 4.2. Energy related environmental problems :taping,

- transmission and utilization indiscriminate use
- 4.3. Utilization of conventional energy : hydro-electric, thermal and nuclear
 - 4.4. Non-conventional energy : Solar, wind, tidal and biogas

References :—

Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep publications, New Delhi
 WCED, Our Forest, Our Future (1999), Cambridge

Abraham C.M. Environmental Jurisprudence in India (1999), Kluwer.
 Diwedi, India's Environmental Policies, Programmes and Stewardship (1999). Kluwer.

Enid M. Barron, et.al.(eds). Royal Commission on Environmental Pollution, London, U.K.(1998). Kluwer.

David B. Wilkins Animal Welfare in Europe (1997), Kluwer

Mark Austen and Tamara Richards, Basic Legal Documents on International Animal Welfare and Wild Life Conservation (1000). Kluwer.

Jack Grosse, Protection and Management of Our Natural Resources, Wild Life and Habitat (1997), Oceana.

Enid M. Barson and Lga Nielson (eds.) Agriculture and Sustainable Use in Europe (1998) Kluwer.

Trever Hella Well, Blackston's Guide to Contaminated Land (2000), Blackstone Press.

Leelakrishnan, P et. Al. (eds.) Law and Environment (1990)

Leelakrishnan, P. The Environmental Law in India (1999). Butterworths – India

Frodorick R. Anderson, Et.al. Environmental Improvement through Economic Incentives (1977).

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

David Hughes, Environmental Law, (1999) Butterworths, London.

A.R. Bam and P.N. Gantam, Natural Heritage of India (1989), R.K. Publishers, Delhi.

Standing Committee on Environmental Law American Bar Association, Common, Boundary/Common Problems: The Environmental Consequences of Energy Production (1982).

S.K. Jain and A.R.K. Sastry, Threatened Plants of India: A State of the Art Report (1980)

Armin Rozenzanz, et. Al. (eds). Environmental Policy and Law in India (1988), Butterworths, India.

PAPER III —PREVENTION AND CONTROL OF POLLUTION

Module – I (1 Credit)

1. Pollution :

- 1.1. Meaning
- 1.2. Kinds of pollution and their impact

2. Pollution of Water :

- 2.1. Definition
- 2.2. Ground water pollution
- 2.3. Sources
- 2.4. Critique of existing laws
 - 2.4.1. Machinery
 - 2.4.2. Powers
 - 2.4.3. Function
 - 2.4.4. Offences and penalties

3. Pollution of Air :

- 3.1. Pollutants and effects
- 3.2. Modalities of control
- 3.3. Conflicts of jurisdiction of different control
- 3.4. Agencies
- 3.5. Critique of the existing legal frame work

Module – II (1 Credit)

4. Noise Pollution :

- 4.1. Sources and effects
- 4.2. Different legal controls
- 4.3. Need for specific law

Module – III (1 Credit)

5. Disposal of Waste :

- 5.1. Kinds of wastes
- 5.2. Disposal agencies : local bodies and other agencies
- 5.3. Treatments, Disposal and recycling of wastes

Module – IV (1 Credit)

6. Sanctions against Pollution :

- 6.1. Efficacy of criminal and civil sanctions
- 6.2. Corporate liability, civil and criminal
 - 6.2.1. Should penalties be prohibitive?
 - 6.2.2. Civil liability, compensatory and penal
 - 6.2.3. Administrative compensation system
- 6.3. Incentives to pollution control
- 6.4. Market-based Instruments for abating Industrial Pollution.

References :—

- Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998), Kulwer.
- John F.Mc. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press.
- Leelakrishnan, P et.al. (eds) Law and Environment (1990)
- Leelakrishnan, P. The Environment Law in India (1999), Butterworths
- Frodo R. Anderson, et.al. Environmental Improvement Through Economic Incentives (1977)
- David Hughes, Environmental Law (1999), Butterworths, London.
- Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs-Merril, New York
- Indian Law Institute, Mass Disasters and Multinational Liability : The

Bhopal Case (1986)

Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)

Armin Rozenzanz et.al. (eds.) Environment Policy and Law in India (2000), Butterworths India.

PAPER IV – ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

Module – I (1 Credit)

1. Environmental Federalism and International Order :

- 1.1. Unitary approach
- 1.2. Decentralised approach

2. Sustainable Development.

3. International Concern for Environment Protection :

- 3.1. World environment movement
 - 3.1.1. Natural and cultural heritage
 - 3.1.2. Role of international and regional organizations

Module – II (1 Credit)

4. International Obligations towards Sustainable Development :

- 4.1. International financing policy
- 4.2. World environment fund
- 4.3. Global Environment Facility (GEF)
 - 4.3.1. International Co-operation
 - 4.3.2. Poverty alleviation

Module – III (1 Credit)

5. Marine Environment :

- 5.1. Marine resources : conservation and exploitation
- 5.2. Scientific research and exploration

- 5.3. Antarctic environment
- 5.4. International Seabed Authority
- 5.5. Pollution from ships
- 5.6. Dumping of oil and other wastes into the sea

Module – IV (1 Credit)

6. Trans-boundary Pollution Hazards :

- 6.1. Oil pollution
- 6.2. Nuclear fall outs and accidents
- 6.3. Acid rain
- 6.4. Chemical Pollution
- 6.5. Green house effect
- 6.6. Depletion of ozone layer
- 6.7. Space pollution

7. Control of Multinational Corporations and Containment of Environmental Hazards :

- 7.1. Problems of liability and control mechanisms
- 7.2. Disaster management at international level
- 7.3. Monopoly of biotechnology by MNCs

8. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control with special reference to Basel Convention of 1989 :

References :—

- Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi.
- Sir Elworthy and Jane Holder, Environmental Protection: Text and Materials (1997), Butterworths Nathali L.T.J. Horbach, Contemporary Developments in Nuclear Energy Law (1999), Kluwer
- Henrick Ringbom (ed). Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer.
- Claus Bosselmann and Benjamin J. Richardson, Environmental Justice and Market Mechanism (1999) Kluwer.
- Jean-Pierre Beurier, New Technologies and Law of Marine Environment (2000) Kluwer.

Richard L. Reversz et.al.(eds) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.

Dovor Vidas, Protecting the Polar Marine Environment (2000), Cambridge Aynsley Kellor, International Toxic Risk Management (1999), Cambridge

Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer. Indian Law Institute, Legal Control of Environmental Pollution (1980).

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J.M. Spector, "Elephants, Donkeys and other creatures? Presidential Election Cycles and International Law of the Global Commons" 15 AM.U.INT'LL.Rev.5.pp 976-1038 (1999).
Control of Multinational Corporations and Containment of Environmental Hazards.

PAPER V—BIOLOGICAL DIVERSITY AND LEGAL ORDER

Module – I (1 Credit)

1. Bio-diversity :

- 1.1. Meaning
- 1.2. Need for protection of bio-diversity
- 1.3. Dependence of human life on the existence in flora and fauna
- 1.4. Significance of wild life
- 1.5. Medicinal plants
- 1.6. Plant and micro-organism

Module – II (1 Credit)

2. Bio-diversity and Legal Regulation :

- 2.1. Bio-diversity Act
- 2.2. Utilization of flora and fauna for bio-medical purposes
- 2.3. Experimentation on animals: Legal and ethical issues
- 2.4. Genetic mutation of seeds and micro-organisms
- 2.5. Genetic engineering
- 2.6. Legal mechanisms of control
- 2.6.1. Recognition of regional and local agencies

3. Development Projects and Destruction of Bio diversity: Concept of Sustainable Development :

Module – III (1 Credit)

4. Problems in Legal Regulation of Medicinal Plants :

- 4.1. Cosmetic plants

- 4.2. Animal products
- 4.3. Utilization of flora and fauna for bio-medical purposes by Multi-national corporations, Problems and Control
- 4.4. Regulation of trade in wild-life products

Module – IV (1 Credit)

5. Legal framework for Development and Protection of Sanctuaries :

- 5.1. Parks
- 5.2. Zoos
- 5.3. Biosphere resources
- 5.4. Protection of genetic resources for agriculture

References :—

Arjun Prasad Nagore, Bibliological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.
Project Large, Plant Variety Protection and Plant Biotechnology-Options for India (1999) Allied.

M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983

Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982)

K.L. Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation (1982), National Bureau of Plant Genetic

Resources, New Delhi.

P.N. Bhat, et.al., Animal Genetic Resources in India (1981)

P.N. Bhat, “Conservation of Animal Genetic Resources in India, “- Animal Genetic Resources, Conservation and Management FAO, Rome, (1981).

PAPER VI—ENVIRONMENTAL LEGISLATIONS

Module – I (1 Credit)

1. General Laws on Environmental Concern :

- 1.1. Code of Criminal Procedure : Public nuisance
- 1.2. Provisions in the Indian Penal code
- 1.3. Local bodies law : an overview

Module – II (1 Credit)

2. Environment (Protection) Act, 1986 :

- 2.1. Environment (Protection) Act, 1986.
- 2.2. ‘Necessary and proper clause’: concentration of power on the Central Government
- 2.3. Delegated legislation: power to make rules, regulation and to issue directions
- 2.4. Delegation of powers

Module – III (1 Credit)

3. Coastal Zone Management :

- 3.1. Sea erosion
- 3.2. CRZ Notification
 - 3.2.1. Prohibitions and exemptions
 - 3.2.2. Permissible activities
- 3.3. Classification of zones
- 3.4. Regulation of sea resorts
 - 3.4.1. Eco-tourism
- 3.5. Coastal zone management plans
- 3.6. Aquaculture

4. Laws on Hazardous Substance

Module – IV (1 Credit)

5. Preparedness on Environmental Disasters

6. Emerging Legal Controls :

- 6.1. Eco-mark
- 6.2. Environmental audit
- 6.3. Environment Impact Assessment
- 6.4. Public participation in environmental decision making
- 6.5. Environment Information

References :—

Leelakrishnan, P. et.al. (eds), Law and Environment (1990), Eastern, 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)

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

Findley, R.W. and Farber, D.A. Environmental Law

David Hughes, Environmental Law (1999), Butterworths, London
Armin Rozencranz, et.al.(eds.), Environmental Policy and Law in India (2000), Oxford.

SEMESTER IV- COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

1. Environment & Constitutional Perspectives
2. Environment Protection & Role of Media
3. Global Warming & Environment Protection
4. Environmental Legislation & Corporate Social Responsibility
5. Environmental Pollution & Civil Liability
6. Environmental Legislations & Intellectual Property Rights
7. Criminal Jurisprudence & Environment Safeguards
8. Environment Protection & Disaster Management

References :—

- Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)
- Copyright and Industrial Designs - P. Narayanan
- The Copyright Act – Iyenger
- D.D. Basu, Human Rights in Indian Constitutional Law, (1994).
- Leelakrishnan P. The Environmental Law in India (1999),
- Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- 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 Law Institute, Environment Protection Act : An Agenda for Implementation (1987)
- Indian Journal of Public Administration, Special Number on

Environment and Administration, July-September 1988,
Vol.XXXV, No.3.

- Environment Law Journals and Reports.

FEES

The details of the fees for the LL.M. Degree Course for the academic year 2015-2016 are as follows :—

LL.M. Degree Course	First & Second Semester Rs. P.	Third & Fourth Semester Rs. P.
Tuition Fees	3000.00*	3000.00
Library Fees including Smart Card Fee	1080.00	1080.00
P.G. Registration Fees	800.00 @	—
Gymkhana Fees	125.00	125.00
Caution Money	10.00 @	—
Sports & Cultural Activities	10.00	10.00
Disaster Relief Fund	10.00	10.00
Students Group Insurance	40.00	40.00
E-Charge	20.00	20.00
P.G. Registration Form	25.00	—
Total	5120.00	4285.00

Foreign students are required to pay Rs. 15,000/- as tuition fees for LL.M. degree course.

@ Applicable only in the first year.

Transfer/Migration Certificate :

Candidates of this University are required to produce a Transfer Certificate from the Institution last attended and graduates of other Universities are required to produce a certificate of eligibility from the Registrar of this University before they can be admitted to the

Department. Students of other Universities who are admitted in the Department on the strength of provisional eligibility certificate must invariably submit before the end of the first term, the Migration and other necessary certificates for confirming their admission. Particulars in this regard can be obtained from the Office of the Department.

The candidates admitted from other than Mumbai University are required to pay fee for Procedural Document Verification for confirmation of validity of Statement of Marks and other Certificates of their previous University and confirmation of Eligibility to their LL.M. Course.

Government of India Post-Matric Scholarship to Backward Class Students :

The scheme of Grant of Government of India Scholarships to the Backward Class students (S.Cs/S.Ts/D.T./ N.Ts / V.J.N.Ts /OBC and S.Ts outside Specified Area in Vidarbha) for post-S.S.C. courses is implemented by the Director of Social Welfare, M.S., Poona. All the Backward Class students undertaking approved post-S.S.C. courses are considered eligible for the Government of India Scholarship with the following exceptions :—

1. The students switching over to another professional line after completing professional course in one line viz. LL.B. after B.T / B.Ed. or B.F. will not be held eligible.
2. The student failing in the term/annual examination are not considered eligible for the Scholarship. One failure is, however, condoned in respect of the Scheduled Caste and Scheduled Tribes students pursuing Medical and Engineering courses.
3. Book bank scheme for the Backward class students who are entitled for scholarship are available in the Department.
4. Students belonging to Scheduled Caste including Nav Buddhist, Scheduled Tribes, DT and NT categories those who are not eligible under EBC Scheme as per Govt. letter No. Shikshan/ Bhasashi/2/191 ka-11 SamajKalyanSanchalanalaya Maharashtra Rajya, Pune dated 18thFebruary 1991 and required to pay only admission and registrations fees at the time of admission.

Value of Scholarships :

The Government of India Scholarship includes maintenance charges,

fees and expenses on approved student tours in respect of professional courses and typing/printing of thesis of the research scholar. The maintenance charges payable to the students are detailed in Rule V of the Government of India Regulations. The rate of maintenance charges varies according to the educational courses a student would like to select. The Government of India Scholarship to the Scheduled Tribe students is granted irrespective of the income while the Government of India Scholarship to the S.Cs., N.T. and V.J.N.Ts. students is granted on the basis of income.

No Scholarship is granted in the following cases :—

1. If the income of the parents/guardians from all sources exceeds Rs. 1,00,000/- p.a. for OBC, VJNT.
2. If the income of the parents / guardians from all sources exceeds Rs.2,00,000/-p.a. for SC, ST.
3. If the student is the third child of same parents/guardians receiving post-matric education.
4. Students in full-time employment.
5. Repeater except in case of Medical and Engineering Courses.
6. For same Stages of education.
7. From one professional course to another professional course.
8. Students has to pay the full course fee:
 - (i) if fails to submit scholarship / Freeship form online and submit a copy of the same to the Department of Law in given time.
 - (ii) if the form is rejected by the office of the Department of Social Welfare, Govt. of Maharashtra
9. Students from other than Maharashtra State will not be eligible for the Scholarship / Freeship awarded by the Department of Social Welfare, Govt. of Maharashtra

The students who are eligible for Government of India Scholarship will not be required to pay fees which are of compulsory nature.

Procedure for Submission of Form for GOI Scholarship :

All Backward Class students and the students coming under the Lower Income Group should apply for the Government of India Scholarships in the prescribed form through their respective colleges in the month of June. The application forms will be made available to them at the time of

their admission. All the students should be vigilant enough to fill in the form complete in all respects as any omission or incorrect/false information is apt to disqualify them for the above scholarship. The students having a gap in their education should invariably file a Court affidavit declaring as to what they were doing during the intervening period.

The students who were in receipt of Government of India Scholarships last year have to apply for renewal of the same in the prescribed form. The students reading in B.A. Part I, B.Sc. Part I, M.A. Part I, M.Ed. Part I, B.Ed. Part I, First Year Engineering etc. will be treated as fresh candidates for the purposes of scholarship and as such they are required to apply for scholarship in the prescribed form.

N.B. :— Students are required to submit all the documents required for Scholarship/Freeship within one month from the date of admission to their course failing which their applications for Scholarship/Freeship will be rejected without intimation.

LIBRARY :

A Special care always taken for building up a good library and therefore sustained efforts are made for updating and maintaining the existing library facilities which cater to a large number of members of legal community of the University of Mumbai.

Two libraries are maintained by the University :—

1. Jawaharlal Nehru Library, Vidyanagari Campus and
2. University Library, Fort Campus
3. Journal Section, Fort Campus

Application forms for Reader's Ticket are available in both the libraries. This application has to be submitted through the Department of Law with counter signature of the Head of the Department.

Students should familiarize themselves with the University library rules governing the following :

1. Reading facilities in the library;
2. Lending of books; and
3. Special facility to research students

All information regarding the library may be obtained from the Librarian, University of Mumbai.

The University Library contains extensive collection of comparative legal materials. The following are some of the rules :—

1. Readers, including the students of the Department are required to obtain a Reader's Ticket, which can be had by filling in the prescribed form. A Reader's Ticket is necessary for getting a book in the Library.
2. A reader will be required to submit the Reader's Ticket to the Library on each occasion that he wants to take out a book for study or reference. The book must be returned on the same day ten minutes before the Library closes. The Ticket will be returned when the book is returned. Failure to return the book on the same day may entail forfeiture of the Reader's Ticket.
3. Writing or making any marks in books or damaging them in any manner is strictly prohibited. Smoking and conversation are strictly prohibited on the Library premises.
4. Books required for study in the Research Students' Room will be issued to *bona-fide* research students of the Department only on the recommendation of the teacher under whom the student is working.
5. While borrowing one or more books the students shall make the necessary entries in the issue card in a legible hand.
6. Books issued as above shall be returned within one week from the date of issue thereof. While returning each book the reader shall obtain the signature of the Library Assistant in accordance with the procedure laid down in this behalf. The issue of any book may be renewed at the end of the week, if not in demanded by other readers.
7. Books issued from the Library must be kept in the locker or table provided for the purpose ; they shall in no case be removed outside the premises of the Library; Any infringement of this rule may entail the forfeiture of the facilities offered in the behalf.

8. Failure to return books in time or infringement of any rules in any manner may entail withdrawal of the facilities and forfeiture of deposit of caution money.
9. Facility of Lending Section is available as per library rules.

HOSTEL ACCOMMODATION

Seats - Boys-25, Girls-02.

The University maintains a hostel for the students of the University Departments. The Department is allocated some seats in the University Hostel. Students seeking admission to the Hostel are required to fill in the prescribed application form which must be submitted to the Department Office before the last date notified in this regard.

Application forms may be obtained from the Office of the University Hostel.

The allocation of seats in the Hostel will be notified on the Department notice-board. The Warden does not undertake to correspond about the allocation of seats or discuss the same with the applicant.

The Hostel is situated near Churchgate Station and is within a Kilometer from the University. The postal address of the Hostel is :—
JagannathShankarseth Hall, Mumbai University Hostel, 20, ' B ' , Road, Churchgate, Mumbai—400 020.

Hostel accommodation for foreign students is provided in the International Students' House, ' C ' Road, Churchgate, Mumbai – 400 020.

DISCIPLINE

- (a) All students are bound to obey the rules in force relating to maintenance of discipline and proper conduct among the students of the University.
- (b) The general control of all premises occupied by the Departments is vested in the University. Regular uses of the premises is confined to the staff and the students. Person introducing visitors to the premises of the Department will be held responsible for their conduct.

- (c) The premises of the Department should not, without permission from the University, be used for the sale or organised distribution of books/papers or other materials or for the making of collections for charitable or other purposes or for organising agitation of any kind.
-

Adjunct Faculty :

1. Dr. D.K. Sonawane M.A., LL.M., Ph.D. (Mumbai)
2. Dr. R.T. Deoghare LL.M, Ph.D (Mumbai)

**Panel of Visiting Teachers of Department :
(2016-2017)**

1. Dr. KavitaLalchandani
2. Dr. Kiran Sharma
3. Dr. P.Y. Gaonkar
4. Dr. Rama Rao
5. Adv. Vinay Parelkar
6. Adv. R.B. Jaiswal
7. Dr. Anant Kalse
8. Dr. Daisy Alexander
9. Prof.Sunil John
10. Dr.Sunita Khariwal
11. Dr.Bindu Variath

P.G. Diploma Courses

1. Diploma in Intellectual Property Rights (IPR)
2. Diploma in Alternative Dispute Resolution (ADR)
3. Diploma in Securities Law
4. Diploma in Cyber Law & Information Technology



V.E.S.

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Date : _____

INSTRUCTIONS TO STUDENTS FOR EXAMINATION

1. Students should occupy the correct seats and write correct seats number and other details in the space provided for the purpose on the answer-book
2. Students who are not in their seats by the time notified, will not as a rule be permitted to appear for the examination. The Senior Supervisor may at his/her discretion admit those who give him/her a satisfactory reason.
3. Check your answer book, whether the pages are properly numbered.
4. Students should write their answers in legible handwriting. They are warned that zero marks may be assigned to answers which cannot be assessed by the examiners owing to illegible handwriting.
5. Students will not be permitted to leave the examination hall until half an hour after the question paper is distributed.
6. All answer-books supplied shall be returned whether written or blank. Nothing shall be written on the question paper.
7. No sheet shall be torn from the provided answer-book nor shall additional papers attached to them.
8. A warning bell will be given ten minutes before the close of the examination. Students will not be allowed to leave the examination hall during the last ten minutes. At the final bell, they must stop writing and be ready to handover their answer books to the Junior Supervisor. They should not leave their seats until answer-books from all candidates are collected by the Junior Supervisor.
9. Students shall write the answers only with BLUE/BLACK ink Ball pen only. Use of any other pen like Gel ink or Fountain ink or any other colour ink, will be treated as unfair means in terms of revealing of identity.



Sindhi Society, Chembur, Mumbai - 400 071.

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UNFAIR MEANS IN THE EXAMINATION

10. Students are forbidden to (i) bring any book, notes, scribbling papers, mobile phones/smart watches or any other similar devices. (ii) speak or communicate in any manner to any other candidate, while leaving the examination hall. The Supervisors/authorized persons are authorized to check the students.
11. A Student who disobeys any instructions issued by the Senior/ Junior Supervisor or who is guilty or rude or disobedient behaviour is liable for disciplinary action to be taken against him/her by the University as per O-5050.
12. Do not fold the answer book anywhere because it will be treated as unfair means in terms of revealing of identity.
13. Students suspected to be guilty of any of the aforesaid acts will be allowed to write their paper only after giving an undertaking in writing that the decision of the University in respect of the reported act of unfair means is binding on them/ exchange of writing materials, stencils, mathematical instruments, etc. Is strictly prohibited. If candidates want anything, they should approach the Junior Supervisor without disturbing other candidates. However, they should not leave their seats on any account.
14. Any method to bribe the examiner/s by attaching currency notes or letters is strictly prohibited and will result in serious action being taken by the University.
15. Seat numbers should be written only in the space provided for the same. Candidate should not write his/her name in any part of the answer-book. Writing name, seat no., phone/cell no., putting signature, use of religious invocation or any writing that is not relevant to the answers anywhere in the answer-book will be treated as attempt to reveal identity.
16. Underlining of answers for focusing attention is permitted. However, use of varied inks, except for illustrations and figures must be avoided. DO NOT use symbol like encircling the question or using colours arrows for P.T.O. These will all be considered as attempt to readily identify the specific answer-book and will be treated as unfair means.
17. Students are requested to go through the provisions of O-5050 for preventing malpractices at University.

IT IS PRESUMED THAT STUDENT HAS READ ALL THE ABOVE INSTRUCTIONS.



University of Mumbai-Law Syllabus for 3 Year LL. B and 5 Year LL. B

Course Outcomes

This course LL.B. (3 years) unitary professional law degree and LL.B. (5 years) integrated professional law degree programmes aim at offering quality, professional legal education in compliance with the Bar Council of India Legal Education rules, thus enabling the students who successfully complete these programmes to opt for enrolling themselves into the Bar and practice law.

Subjects of Humanities- offered for first two years of 5 Years course are:

English-Language is an essential tool in legal profession for communication skills with good vocabulary and capacity to analyse. This course primarily aims to give a functional knowledge of the language for the purpose of communication, reading, writing and comprehension in legal profession and enhance writing skills with appropriate knowledge of grammar for various purposes, such as letters, reports, précis. The course aims to expose the students of law to literature texts with legal themes.

Economics- Basic concepts, tools of analysis and terminology to comprehend economics are aimed and provided in this subject. Two branches, Macro and Micro economics are explained with their respective fundamentals with historical development to modern era. Concepts like financial markets and linkages to economic policies, amendments to these policies in different time are explained as these factors help in predicting future economic growth internationally and nationally.

Logic- This course introduces the student to logical reasoning, deductive and inductive reasoning, to develop critical thinking, analytical skills, ability to judiciously evaluate real life situations. It explains the basic concepts of logic such as arguments and its kinds, sentence, proposition, truth and validity. It aims to familiarize the students with nuances of language and its use in Law.

Political Science-I- The importance of study of Political Science is well reflected in the process of making Law. This subject is divided in three parts. The first part explains State as a Sovereign Political entity and exercise of power by government of different forms within a political system. Reference is made to selective case studies and the vital role of Judiciary in upholding the Supremacy of the Constitution. Also it explains Representation and the Electoral System in India.



Political Science II -In this the study of Political Obligation with the conceptual theories of Power, Authority and Legitimacy is given. Role of political parties with different ideologies and interest groups especially in decentralisation at Rural and Urban areas. Opinions of various thinkers and jurists on right to resistance are explained with various theories of punishment and analysis of their implications.

Political Science III- This course on International Relations is introduced in the fourth semester to familiarize students with the evolution of the discipline of International Relations and the modern NationState system. The course seeks to further the understanding and exploration on how the main actors in International Relations- the sovereign state and non - sovereign entities interact, and their power dynamics in the contemporary world. Various forms of Dispute Resolution Mechanism expounded in the United Nations Charter and the primary organs involved like the United Nations Security Council and the International Court of Justice. The working of various International and Regional Organisations and issues of contemporary importance like global North-South divide, wealth, and vaccine inequality is explained. The course further aims at sensitizing about Human Security, Forced Displacement of Refugees, Asylum Seekers and the lived realities of the Migrants.

Sociology- This course provides a comprehensive understanding of society, its structure, institutions, social behavior and wide understanding of topics that affects people on local, national and international level. Law is born in the society and it is a tool to control and regulate the society. An interdisciplinary approach to analyse and interpret the law, the legal phenomenon, the relationship between these two and also their relationships with the society is provided. Overall, this course aspires to provide intrinsic understanding of correlation, connection and association of law and society in order to augment to students' ability to study law in the social milieu.

History-The Course aims to provide a historical background of Indian freedom struggle and constitutional developments. It helps to understand the change in the system of administration and governance after the second half of the 18th century, conditions that ushered in modern Judiciary system started in India since the Company's Rule, the major 13 developments in Education, Press, Local self- government and Civil Services, the Social and Religious reform movements in India.

History of Courts-This course aims to emphatically explain the prime importance of Courts in the administration of justice. It explains the historical development of courts-pre-and post-



independence, including various Charters, Act, etc. It helps the students to understand the legal system, various judicial reforms, and the importance of dual judicial system in maintenance of law and order in the society. It intends to familiarize them with concepts such as Rule of Law, independence of Judiciary, the importance of legal profession and understand the code of conduct of an advocate and law officers

Legal language-The course aims at introducing to the students the meaning of law, its sources and classification. It seeks to familiarize them with legal communication, terminology, legal texts, analysis of statutes and emerging trends in law. It also aims to increase student's comprehension of case laws and judgments and create awareness about socio legal issues with changing times. Overall, this course strongly aspires to equip students with foundational notions, conceptions and understanding of law.

Law Subjects offered in FY LL.B. and Third Year of 5 years Course onwards

First Year- Odd semester

Contract Act and Specific Relief Act, 1963-The objective of the course is to enable the students to understand the contractual obligations and their significance. Nature of contracts and various types of contracts are discussed with essentials for valid contract and its performance. The incidences of breach of contract and remedies for breach of contract under Specific Relief Act, 1963.

Law of Torts, Consumer Protection and Motor Accidents claims-This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected therewith. Further, this course is designed to study specific torts against the individual and property. Law of private rights and remedies which is unique in nature as it is not covered under any statute are explained. The students will be able to conceptually understand the standing of a person in tort, justifications of tort, discharge of torts, vicarious liability, strict liability. Under Consumer Protection Act, 2013, remedies for deficiency in service, product and services liability are explained and discussed. Salient feature of this Act is inclusion of e-commerce and liability of service provider is also provided. Students will be acquainted with the rules for Motor Vehicle Accident Claims and the rights and remedies under Consumer Protection Act, 2019

Labour Laws-This course is designed to acquaint the students with the framework of Industrial relations in our country. Maintenance of Industrial peace and efforts to reduce the



incidence of Strikes and Lockout and Industrial Strike is emphasized. The main focus is to critically understand the provisions of the Trade Unions, the types of machinery contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of industrial disputes Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for Misconduct are to be studied to acquaint the students with misconduct and the procedure to be followed before punishing the misconduct alleged and established. Further, the students are acquainted with the social security framework ensuring the health, safety and welfare of the workmen and social assistance and social Insurance. Schemes under various legislations are emphasized. Critical examination of the provisions in the Employee's Compensation Act-1923 and the machinery provided for protecting the interests of the workers is provided. Factories Act-1948, are provided for study to acquaint the students with various rights and benefits available to the workmen under the legislation. The course aims to impart knowledge about the social security of employees and workmen in industries and factories as per the Social Security Code, 2020. The course further aims to make the students well-versed with the occupational safety, health and working conditions of persons employed in establishments as per the Employees Compensation Act, 1923.

Legal Language-The Course aims at training students for the legal profession from the perspective of language of the law and its interpretation and also gain expertise in comprehending law reports and search case laws in relevant law reports and e-data bases. This course intends to train the students in reading, intellectually understanding and citing cases. The students will acquire expertise in comprehending the abbreviation of Law Reports and search of case laws in the relevant Law Reports and e-data bases. The students will be well versed in the study of precedents with relation to case laws involving matters of public importance, decided by the various Courts.

Even Semester- sem.-II 3 Year LL. B and Sem VI of 5 years LL. B

Law of Crimes-This course is designed to understand the meaning of crime, and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code 1860. Crimes against person and property also with the exceptions to single and joint criminal liability under penal law are provided in this. The students will be prepared to analyse the ingredients of various offences and study the punishments prescribed thereto. It



further aims to empower students to understand the fundamentals of criminal jurisprudence and analyse the various elements of the crime.

Constitutional Law-I-This course aims to comprehend the philosophy of the Indian Constitution, the Historical background of the Indian Constitution, objectives of the Indian Constitution through the Preamble and the provisions relating to fundamental rights and citizenship. The purpose of the course is to acquaint the students with the Basic Postulates of the Constitution like the Constitutional Supremacy, Rule of law, and Concept of Liberty. It further aspires to fathom the conceptually crafted Directive Principles of State Policy and Fundamental Duties. To develop amongst the students practical understanding of Constitutional provisions and to augment critical thinking skills related to the Constitution and various authorities and to give them a picture of Constitutional Parameters regarding the organization, Powers and Functions of the various Organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial passivity, judicial activism and judicial balancing. The students will be able to articulate their independent views over contemporary crucial constitutional issues. The course intends to provide students with tools for identifying Constitutional issues that may arise so that the issues can be anticipated and averted through proper planning and legal recourse. The course will also rely upon the legal case study method as a learning strategy for understanding the key principles of constitutional law. The course deals with both interpretation and implementation of the Indian Constitution.

Environmental Law-The objective of this course is to enable the students to understand the legal protection of the environment through various laws. The course aims to shed vivid light on environmental jurisprudence and aspires to equip future lawyers with knowledge and skills to handle environmental matters. It further highlights the detailed understanding of emerging environmental issues, remedies for the same and the viability of potential solutions. This course intends to develop an in-depth understanding of various environmental legislations available in India. The role of international and national environmental mechanisms & their involvement in promoting the cause of the environment is emphatically elucidated along with the outcome of various conferences and conventions. The important principles in the field like intergenerational equity, carrying capacity, sustainable development and precautionary, polluter pays principles are to be appreciated.



Family Law-I-This course is designed to equip the students of law about the institution of family, types of marriages and the matrimonial remedies inclusive of dissolution of marriages through customary practices as well as dissolution of marriage under personal laws of Parsis, Christians and Muslims and Special Marriages Act. Further, this course enables the students to understand the social evils and their effects on the family institution and update the student about new emerging trends and changing patterns of family in the present scenario of the society. Both the codified and uncodified portions of Mohammedan Law are included in this with the sources, schools, institutions, succession, maintenance, the menace of dowry. In addition, the students shall be able to familiarize themselves with the provisions of the Indian Succession Act. The course is designed to endow the students with knowledge of both the codified and uncodified portions of Christians, Mohammedan Law and Parsi Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, etc.

Second Year LL. B sem. III/ 4th Year 5 Years LL. B-Sem-VII

Administrative Law-The objective of this course is to acquaint students with the basic principles of administrative law, its growth, and utility. It deals with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. Also it deals with the role played by courts in the development of Administrative Law by protecting individual rights against abuse of power. In addition, adjudicatory powers of the administration and liability of administrative authorities are also studied in this course. This course aspires to educate students on comparative study of provisions of administrative law of France, England, America and India. It aims to provide an analysis of growing need of administrative law with special reference to civil services in India. It deals with delegated legislation, contractual and tortious liability of Government. Importance of public corporations and rules of natural justice too will be imparted. Overall, it deals with controlling the misuse of public power, by laying down general norms of administrative behaviour.

Transfer of Property- The focus of this course is on the study of the concept of 'Property' the 'nature of property rights' and the general principles governing the transfer of property including gaining knowledge about the concept of property and kinds of property as well as understanding the general principles governing transfer of property. The substantive law on transfer of property, pertaining to specific modes of transfer of property, inter vivos, including



sale, mortgage, lease, gift, exchange and transfer of actionable claims and to appreciate the implications of registration and stamp duty thereon is provided. This course includes Indian Easements Act, 1882 for study. The course provides an insight on the kinds of stamps, adjudication, liability to pay stamp duty, time for payment of stamp duty, ramification of non-payment or insufficient payment and allowances for stamps together with knowledge of documents requiring compulsory registration, time for registration and understanding the consequences of non-registration.

Family Law-II- This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. The study of family laws under this course covers provisions relating to Hindu law from the ancient period of Vedas, Shruti's, Smriti's etc. till the modern period of legislation. It aims to educate students on various matrimonial remedies available under various laws. The Course also imparts details about Uniform Civil Code and its applicability. The object of this course is to deal with legal incidence of joint family system, evolution of marriage and family, essentials of marriage. The course examines in detail fundamental concepts dealing with joint family, coparcenary, partition, intestate succession as well as the law relating to gifts, wills and inheritance.

Company Law-This course is designed to cover the changes taken place in corporate structure and to understand the formation, management and other activities of the companies. Important regulations pertaining to the issue of shares and the capital raising, compliances related to formation, management, prospectus, securities, financial aspects, meetings, etc. are explained. The course includes identification of different types of malpractices committed and levy of punishment provisions for breach of law. Innovative emerging issues in Company Law related to Environmental Social Governance, Corporate Governance, Insider Trading, Corporate Social Responsibility and National Company Law Tribunal and National Company Law Appellate Tribunal with winding up are covered.

SY LL.B. Sem-IV/ 4th Year of 5th Year LL. B Sem-VIII-

Jurisprudence-This course in Jurisprudence is to induct students into a realm of questions concerning nature of law. Accordingly, various schools of law explaining, what is law, what are the purposes of law? What is the relationship between law and justice? are explained. This course aims to educate students on various legal concepts, such as, Rights, Persons,



Property, Possession, Ownership, Title and Obligation and attempts to shape up a general and more comprehensive picture of each concept as a whole. This course is proposed predominantly on English model but native Indian orientation is given wherever possible with help of case laws. The course aims at developing an analytical approach to understand the nature of law and development of legal system. The

Contract-II - General principles of contract are described in Contract -I. In this subject, knowledge of special contracts is provided. So the students will enable to understand the functioning of commercial transactions and to identify the forms of business organization and structuring and the requirement and legal framework of special contracts, sale of goods and partnership laws. Also, case studies related to special contracts, sale of goods and partnership laws are explained.

Constitutional Law-II- This course is the second course on Constitutional Law in law program of the University. The course imparts detailed understanding of various vital aspects of Indian Constitutional governance, federalism, and Centre-State relations. Detailed and exhaustive knowledge of powers and jurisdiction of High Courts and Supreme Court is explained. It highlights the detailed understanding of the powers and functions of legislature and executive. Concepts of independence of judiciary, judicial accountability and judicial activism in India are imparted. It also discusses provisions relating to Emergency and amenability of the Constitution. The Constitution and powers of various constitutional bodies will be analysed in detail.

Human Rights Law-The objective is to inculcate sense of responsibility about Human Rights, democracy and development. This course aims to enlighten students about the Principles and Characteristics of Human Rights and its various Laws, Declaration and Covenants, classification of Human Rights-First, Second, Third generation rights, their growth and development of Human Rights laws in India and across the globe. Education on national and international regime of Human Rights will be imparted. It focuses on the criticism of various theories of Human Rights. Overall, this course intends to foster respect for international obligations for peace and development, to sensitize students to human suffering and promotion of human life with dignity, to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.



Criminology and Penology (Optional Paper)- Various dimensions of crime such as social, economic, political and legal are provided. Science and technology have also impacted on patterns of crime. Thus, this Course aims to give a basic idea of concepts like crime, criminal law, administration system etc. and to make students acquainted with criminology, penology, and victimology in detail. This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications, and the problem of exercise of discretion in sentencing. In addition, the course introduces students to the factors leading to criminal behaviour and modern approach of courts in awarding punishments. A general idea of criminal justice system is to be put forth through this course. In addition, the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

Bankruptcy Laws (Optional Paper)- Insolvency is a financial malaise that afflicts the economy and society. Law has to effectively deal with this malaise. After repealing the earlier Act, new Act is enacted as Insolvency and Bankruptcy Code, 2016(IBC) to consolidate the laws relating to insolvency and bankruptcy of corporate persons, individuals and corporate firms and to expedite resolutions with maximization of the value of assets. This course will include the study of the historical background of IBC, aims and objectives of IBC, the role, powers and functions of Insolvency Bankruptcy Board of India, provisions of IBC as to corporate persons, Limited Liability Partnership firms, individuals and partnership firms.

T Y LL. B Sem-V and 5th Year of 5 Years LL. B Sem-IX

Civil Procedure Code and Limitation Act, 1963- The course also includes law of limitation. The course aims to assist the students to understand the practice and procedure in the conduct of suits in and out of the court. It will also analyse this consolidated code with the substantive laws with regard to the procedure to be followed by the civil courts with the plaints, written statements, Interlocutory applications, issuance of commissions, trial and other aspects of civil court proceedings and thereby help in facilitating justice. The course thus explains in detail the role of civil court and the procedures to be followed in the administration of civil justice. The Limitation Act, 1963 provides the time period allowed for filing of the action and when the right to bring the action destroy.

Criminal Procedure Code 1973, The Juvenile Justice (Care and Protection of Children) Act, 2015 And Protection of Children from Sexual Offences (POCSO) Act, 2012



Code of Criminal Procedure which is the primary legislation on the procedure for administering criminal justice is an important legislation. The course is aimed at how the pretrial, trial and the subsequent process are geared up to make the administration of criminal justice effective. It acquaints the student with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. It also provides explanation about machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person, and the determination of punishment of the guilty. The objective is also to sensitize the students about critical issues in administration of criminal justice like protection of human rights of victims and the principles of fair trial. The students will also undertake the study of two cognate Acts as a part of this course viz; Juvenile Justice Act (care and Protection of Children) 2015 and Protection of Children from Sexual Offences (POCSO) Act.

Labour Law and Industrial Relations-II--This is a second course on Labour Law as required by the Bar Council of India. This course includes the study on Wages and Minimum Wages and putting concepts in their practical perspective. It aims in providing an elementary understanding of the penalties and offences under Child Labour (Prohibition and Regulation) Act. It is also providing extensive knowledge regarding Powers and Duties of Authorities under Standing Orders Act. The course is designed to provide knowledge of the Industrial Employment (Standing Orders) Act, 1946 and Employee State Insurance Act, 1948 and Employee Compensation Act, 1923 and the Unorganized Workers Social Security Act, 2008.

Public International Law--Sound knowledge of international legal principles are essential to be understood. The aim of the course is to acquaint the students with the fundamental concepts and broad view of Public International Law and its complex nature, its origin and development and laws of peace. It explores concepts like State, Recognition and Jurisdiction of States in International Law. Special attention is paid to the belief and notion of State Responsibility and topical issues in International Law. For example, the international framework with respect to extradition, asylum and the Law of the Sea. The course is planned in a meticulous manner to assist the students to focus on the "International Legal Framework" in case of disputes between the parties. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated. The course will also delve into India's position with respect to International Law.



TY LL. B Sem-VI/ 5th Year of 5 Years LL. B Sem-X

Law of Evidence-The Course is designed to provide the students with a conceptual and practical understanding of meaning, purpose and application of rules of evidence in relation to relevancy of facts and proof in the court of law during the trial. It will help the students think about the process of adducing evidence, principles of admissibility and exclusion of evidences in a trial. The course will prepare the students to understand the relevancy and admissibility of the evidence produced in the court in a suit or proceeding and understand how the facts need to be proved in the courts it will assist students in analysing the process of adducing evidence through witness examination and argument for or against admissibility of their evidence. The course will effectively impart learning on the kinds of evidences, modes of proof and burden of proof. It will also examine role of a judge while hearing and appreciating the evidences on record in a suit or a proceeding.

Law of Taxation-This course aims to help students to comprehend the basic principles of the laws governing Direct and Indirect taxes. It also helps to understand the basic principles underlying the Income Tax Act and Compute the taxable income of an assessee. It will also analyse the assessment procedure and explain about the representation before appropriate authorities under the law. The direct taxation is a powerful incentive or disincentive to economic growth, a lever which can rise or depress savings and capital formation, and instrument of reducing income disparities.

Intellectual Property Law- Intellectual Property Law has assumed immense importance in the contemporary era as a result of the recognition that "knowledge is property" The course is designed with a view to create IPR consciousness and to familiarize the learners about the documentation and administrative procedures relating to IPR in India. The course is designed to understand the basic concepts of different types of intellectual property and the laws relating to intellectual property rights with special reference to Indian law and practice. The students will also be educated on the technical aspects of patent system and the patent regime in India. The course aims to impart knowledge on trademarks and their relevance in trade and commerce. It will disseminate knowledge on copyright and related rights and their economic significance. The students will understand the legal system governing intellectual property rights and their administration. The course will also focus on the current trends and give an over-all understanding about economic, social and cultural benefits of intellectual property to the society.



Law of Banking and Negotiable Instruments- (Optional Paper) This elective course on banking law will equip the future lawyers with the necessary knowledge and skills for academics, practice and critical evaluation. The course will focus on the provisions and principles of the various banking statutes. The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case - law in this area.

Law and Medicine: The students will get to know the areas of health law and various kinds of Alternative Medicine law in India. It will help in analyzing lacunae within the professional obligations of doctors and understand the doctor-patient relationship. The students will be taught to synthesize various related provisions under Constitution, Tort Law, Indian Penal Code and the Consumer Laws. The students' knowledge on law and medicine with special emphasis on the legal and ethical issues surrounding the administration of treatment of medical procedures in the backdrop of advancement of science and technology is covered. Overall, this course aspires to provide in-depth understanding of working of the medical profession, and equip students accordingly with the requisite knowledge to protect the interests of people, prevent wrongs and remedy wrongs.

Law relating to Women and Children (Optional) This elective course is to facilitate learning of special laws to protect women and children. Identified as vulnerable by the international community of states, a few international instruments have been adopted for the protection of the rights of women and children. There are various national efforts also to protect women and children. This course offers an opportunity to substantially learn the international and national law on protection of women and children from human rights perspectives.

Law of Insurance (Optional) This elective course aims to impart the principles and characteristics of the Laws of Insurance to the students. It will help the students to be aware of the process and need of nationalization and the subsequent privatization of the insurance sector in India. The course also will deliberate upon the legislations relating to Insurance and Insurance Sector in India, characteristics and functions of insurance companies, types of insurance and specific provisions relating to regulatory mechanisms for regulating the insurance sector and current developments, issues and challenges.



Conflict of Laws The course aims at explaining the principles of the Private International Law, also known as Conflict of Laws. The students will be learning the rules that enable finding that law of that country which will govern disputes among private parties involving a foreign element. This course introduces students to private international law, as to the fundamental concepts and mechanism of the branch of law, and the legislative rules, judicial interpretations issued by Authorities. The students will be introduced to practical aspects of civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.



University of Mumbai- LL.M. (2 years) Post Graduate Programme

Course Outcomes

Foundation Papers

Law and Social Transformation in India- This course aims to make the students understand the concept of Social Transformation. The course explains the various divisive factors existing in India. It explains how Religion and Caste are a divisive factor. Students will know how Language acts as a barrier and hence a divisive factor. The various crimes against women and children are taught. The course helps the students understand the role of law in the evolving of the society.

Indian Constitutional Law: New Challenges- This course aims to understand the concept of Federalism. The concept of State and how this concept is ever expanding is understood. The importance of press and the new challenges faced by them are taught. The doctrine of Separation of Power and the concept of judicial activism and judicial restraint are explained through relevant judgments. The course also focuses on the democratic process such as election and grass root democracy.

Judicial Process- This course aims to make the students understand the concept of judicial process as an instrument of social ordering. The special dimensions of Judicial Process in Constitutional Adjudications and role of judicial review and varieties of judicial activism is taught. The students are made aware of the role of the judges. With the help of landmark judgements the concept of judicial activism is taught to the students. The concept of justice or dharma is taught to the students. The relationship between law and justice is analysed.

Legal Education and Research Methodology - This course aims to help students understand the objective of legal education. Different research methods are taught to the students to help them identify the gap in knowledge. The course also teaches the students about identifying research problems and formulation of hypotheses. Different tools and techniques for collection of data are explained to the students.

Group I - Constitutional and Administrative Law

Constitutionalism: Pluralism and Federalism - This course aims to make the students understand the concepts of authoritarianism, communism, constitutionalism, etc. The concept of federalism is understood by studying the essentials of federalism, patterns of federal government in different countries and its concept as applicable in India. It also aims to explain the concept of pluralism in the Indian scenario. Various international conventions are studied to understand the concept of pluralism.

National Security, Public Order and Rule of Law - This course aims to make students aware of the concept of national security. The provisions of preventive detention as existing in India is understood with the help of constitutional provisions and exceptional legislations like COFEPOSA and TADA. The students are taught the importance of personal liberties and the



effect of emergency on them. The human rights of disadvantaged groups are also part of the course.

Comparative Constitutional Law - This course aims to attempt a comparative study of the principles of constitution of various countries. The students study the comparative analysis of federalism, amending processes and the judiciary of countries across the world. The different provisions of affirmative action in the USA and reservation policies in India are studied.

Administrative Process : Nature and Scope - This course aims to introduce the concept of administrative process to the students. Various principles such as Rule of Law, Separation of Powers are explained in detail. The ideas of Delegated Legislation and Administrative Discretion are discussed in depth. Administrative Laws in various countries such as India, USA , UK, France and Germany are compared to get a better understanding of the overall administrative process.

Administrative Process and Judicial Control - This course aims to introduce the students to the practice of judicial review in India. It explains the powers of the Supreme Court and High Court. The various grounds of Judicial Review of delegated legislation are taught with the help of landmark judgements. The importance of principles of natural justice are explained to the students in the contemporary period.

Public Authorities and Power Holders: Controls on Maladministration- This course aims to make the students aware about the concept of Ombudsman and its application in the Indian scenario through Lokpal and Lokayukta. Various investigating agencies such as Vigilance Commission, CBI, Commission of Inquiry and Comptroller and Auditor General are studied. Laws are reviewed through inquiries made by legislative committees and their control is studied.

Group V- Criminal Law and Criminal Administration

Criminal Jurisprudence- This course aims at introducing the concept of crime, criminal law and criminal justice to the students. The doctrine of mens rea and actus reus is taught. The various stages of commission of crime is studied. Some fundamental principles of criminal jurisprudence are studied. The general exceptions given under the Indian Penal Code are explained.

Penal Laws - the course aims to explain the various offences under the Indian Penal Code. Different legislations such as MCOCA, the POTA, Juvenile Justice Act are taught as part of the curriculum.

Criminology - This course deals with various schools of criminology and the different causes of crime are studied. The concept of different types of Deviances and the unethical practices in different professions are studied. The various responses of the Indian Legal Order such as ombudsman, vigilance commission of inquiry are explained to the students.

Collective Violence and Criminal Justice System- This course aims at introducing the notions of force, coercion and violence. The different approaches to violence in India are studied. The concept of ahimsa in different religions are examined. The agrarian violence perpetrated on



people in the colonial period is studied. The violence against weaker sections and caste/communal violence are studied.

Penology: Treatment of Offenders- This course aims at explaining the theories of punishment to the students. The problems of capital punishment are studied. The different approaches to sentencing such as alternatives to imprisonment, probation, corrective labour and fines are discussed. The concept of sentencing is understood and various prison reforms techniques are discussed.

Forensic Science and Scientific Investigation of Crime- This course aims at making the student understand the concept of forensic science and its usage in criminal investigation. The course introduces the concept of forensic laboratories, forensic biology, forensic toxicology, forensic documents, among others. The students get to know the different types of modern scientific methods of crime control and prevention. The course also introduces the concept of inter state crimes and criminals.

