

LL.B. 3 yrs. (Sem III & IV) / LL.B. 5 yrs. (Sem V & VI)

AS laid down by the University of Mumbai

(Recommended Readings are retained as they are)

SEMESTER III (3 yrs) & Semester V (5 yrs) (16 credits)

One credit = 25 marks

1. ADMINISTRATIVE LAW (4 credits)

Module 1

1 credit

1. Evolution, Nature and Scope of Administrative Law

1.1 From a laissez-fair to a social welfare state

1.1.1. State as regular of private interest

1.1.2. State as provider of services

1.1.3. Other functions of modern state: relief, welfare

1.2. Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.

1.3 Evolution of agencies and procedures for settlement of disputes between individual administration.

1.3.1. Regulatory agencies of the United States

1.3.2. Conseil d'Etat

1.3.3. Tribunalization in England and India

1.4. Definition and scope of administrative law

1.5. Relationship between constitutional law and administrative law

1.6. Separation of powers

1.7. Rule of Law

2. Civil Services in India

2.1. Nature and organization of Civil service: from colonial relics to democratic aspiration

2.2. Powers and functions

2.3. Accountability and responsiveness : problems and perspectives

2.4. Administrative deviance – corruption, nepotism, mal- administration

3. Legislative Powers of Administration

- 3.1. Necessity for delegation of legislative power
- 3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
- 3.3. Requirements for the validity of delegated legislation.
 - 3.3.1. Consultation of affected interests & public participation in rule making.
 - 3.3.2. Publication delegated legislation
- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
 - 3.5.1. Laying procedures and their efficacy
 - 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness
 - 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation
- 3.7. Sub-delegation of legislative powers.

Module 2

1 credit

4. Judicial Powers of Administration

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

5. Judicial Control of Administrative Action

- 5.1. Exhaustion of administrative remedies
- 5.2. Standing : standing for Public interest litigation (social action litigation) collusion, bias.
- 5.3. Laches
- 5.4. Res judicata
- 5.5. Grounds
 - 5.5.1. Jurisdictional error/ultra vires
 - 5.5.2. Abuse and non exercise of jurisdiction
 - 5.5.3. Error apparent on the face of the record
 - 5.5.4. Violation of principles of natural justice
 - 5.5.5. Violation of public policy
 - 5.5.6. Unreasonableness
 - 5.5.7. Legitimate expectation.
- 5.6. Remedies in Judicial Review:
 - 5.6.1. Statutory appeals
 - 5.6.2. Mandamus
 - 5.6.3. Certiorari
 - 5.6.4. Prohibition
 - 5.6.5. Quo-Warranto
 - 5.6.6. Habeas Corpus
 - 5.6.7. Declaratory judgements and injunctions
 - 5.6.8. Specific performance and civil suits for compensation.

Module 3

1 credit

6. Administrative discretion

- 6.1. Need for administrative discretion
- 6.2. Administrative discretion and rule of law
- 6.3. Limitations on exercise of discretion
 - 6.3.1. Malafide exercise of discretion

6.3.2. Constitutional imperative and use of discretionary authority

6.3.3. Irrelevant considerations

6.3.4. Non-exercise of discretionary power

7. Liability for Wrongs (Tortious and Contractual)

7.1 Tortious liability : sovereign and non-sovereign functions.

7.2. Statutory immunity

7.3. Act of state

7.4 Contractual liability of government

7.5. Government privilege in legal proceedings – state secrets, public interest

7.6. Transparency and right to information

7.7. Estoppels and waiver

Module 4

1 credit

8. Corporations and Public Undertakings

8.1. State monopoly-remedies against arbitrary action or for acting against public policy

8.2. Liability of public and private corporations – developmental undertakings

8.3. Legislative and government control

8.4 Legal remedies

8.5. Accountability – Committee on Public Undertaking, Estimates Committee etc.

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

9.1 Conciliation and mediation through social action groups

9.2. Use of media, lobbying and public participation

9.3. Public inquiries and commissions of inquiry

9.4. Ombudsman: Lok Pal, Lok Ayukta

9.5. Vigilance Commission

9.6. Congressional and Parliamentary Committee

2. FAMILY LAW II (4 credits)

Module 1

1 credit

1. Marriage And Kinship

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

2. Customary practice and State regulation

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

3. Conversion and its effect on family

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

Module 1

1 credit

4. Joint Family

- 4.1. Mitakshara joint family
- 4.2. Mitakshara coparcenary-formation and incidents

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

5. Inheritance

5.1. Hindus

5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956

5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956

5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956

5.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956.

5.1.5. Disqualification relating to succession

5.1.6. General rules of succession

5.1.7. Marumakkattayam and Aliyasantana laws governing people living in Thiruvananthapuram, Cochin and other districts of Malabar and South Kanara

5.2. General rules of succession and exclusion from succession.

5.2.1. Classification of heirs under Hanafi and Ithn Asharia schools and their shares and distribution of property.

5.3. Christians, Parsis and Jews

6. Matrimonial Remedies

6.1. Non-Judicial resolution of marital conflicts.

a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution.

6.2. Judicial resolution of marital conflicts : the family court.

6.3. Nullity of marriage

6.4. Option of puberty – Condition of valid Marriage-Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.

6.5. Restitution of conjugal rights

6.6. Judicial separation

6.7. Desertion a ground for matrimonial relief

6.8. Cruelty: a ground for matrimonial relief

6.9. Adultery : a ground for matrimonial relief

6.10. Other grounds for matrimonial relief

6.11. Bar to matrimonial relief

6.11.1. Doctrine of Strict proof

6.11.2. Taking advantage of one's own wrong or disability

6.11.3. Accessory

6.11.4. Connivance

6.11.5. Collusion

6.11.6. Condonation

6.11.7. Improper or unnecessary delay

6.11.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.

Module 3

1 credit

7. Alimony and maintenance

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

7.1.2. Alimony and maintenance as an ancillary relief

8. Child and the Family

8.1. Legitimacy

8.2. Adoption

8.3. Custody, maintenance and education

8.4. Guardianship and parental rights – welfare of the child principle.

9. Family and its changing pattern

(viewed from Socio Economic point)

9.1. New emerging trends:

9.1.1. Attenuation of family ties

9.1.2. Working women and their impact on spousal relationship: composition of family, status and role of women.

9.1.3. New property concepts, such as skill and job as a new forms of property

9.2. Factors affecting the family : demographic, environmental. Religious and legislative.

9.3. Processes of social change in India : sanskritization; westernization. Secularization, universalization, parochialization, modernization, industrialization and urbanization.

Module 4

1 credit

10. Settlement of spousal property

10.1. Need for development of law

11. Establishment of Family Courts

11.1. Constitution, power and functions

11.2. Administration of gender justice

12. Uniform Civil Code

12.1. Religious pluralism and its implications

12.2. Connotations of the directive contained in Article 44 of the constitution

12.3. Impediments to the formulation of the Uniform Civil Code

12.4. The idea of Optional Uniform Civil Code

3. TRANSFER OF PROPERTY ACT AND EASEMENT ACT (4 credits)

Module 1

1 credit

1. Jurisprudential Concepts of Property

1.1. Concept and meaning of property

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

2. Law Relating to Transfer of Property Act

2.1. General principles of transfer of property

2.2. Specific transfers

Module 2 **1 credit**

2.2.1. Sales

2.2.2. Mortgages

2.3. Charges

Module 3 **1 credit**

2.4. Leases

2.5. Exchange

2.6. Gifts

2.7. Actionable claims

Module 4 **1 credit**

3. Easement Act

4.1. Nature, characteristics and extinction

4.2. Creation of easements

4.3. Riparian rights

4.4. Licenses

4. Company Law (4 credits)

Module 1 **1 credit**

1. Meaning of Corporation

1.1. Theories of corporate personality

1.2. Creation and extinction of corporations

2. Forms of Corporate and Non-corporate Organization

2.1. Corporations, partnerships and other associations of persons, state corporations, Small scale, co-operative, corporate and joint sectors

2.2. Kinds of Companies – Public Companies – Private Companies- nature and advantages- Government Companies Holding and Subsidiary Companies

Module 2

1 credit

3. Law relating to companies – public and private companies (Company Act 2013)

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

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

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

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

3.4. Promoters – position – duties and liabilities

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

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

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

Module 3

1 credit

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

3.5.1. Meetings – kinds- procedure- voting

3.5.2. Dividends-Meaning-payment-capitalization-profit

3.6 Audit and accounts.

3.7 Borrowing powers – effect of unauthorized borrowing – charges and mortgages-loans to other companies-investments-contracts by companies

3.8. Debentures – meaning- fixed and floating charge-kinds of debentures – share-holder and debenture holder-remedies of debenture holders

3.9 Majority powers – Protection of minority rights

3.10 Prevention of oppression and mismanagement- who can apply? –Powers of the company, the court and the central government.

3.11. Investigation – powers

3.12 Reconstruction and amalgamation

3.13 Winding up – types – by courts-reasons-grounds-who can apply –procedure-powers of liquidator-powers of court-liability of past members-payment of liabilities- preferential payment, unclaimed dividends-winding up of unregistered company, defunct Company- consequences of winding up order-voluntary winding up by members and creditors-winding up subject to supervision of courts.

Module 4

1 credit

4. Law and Multinational Companies

4.1 International norms for control

4.2. National law FEMA (Foreign Exchange Management Act, 1999) controls joint – ventures- investment of india -repatriation of project.

4.3 Collaboration agreements for technology transfer

5. Corporate Liability

5.1. Legal liability of companies- civil and criminal

5.2. Remedies against companies-civil, criminal and tortuous – Specific Relief Act, writs liability under special statues.

SEMESTER IV (3 yrs) and Semester VI (5 yrs) (16 credits)

One credit = 25 marks

1. JURISPRUDENCE (4 credits)

Module 1

1 credit

1. Introduction

1.1 Meaning of the term jurisprudence

1.2. Norms and the normative system

1.2.1. Different types of normative system such as of games, languages, religious orders, unions, clubs and customary practice

1.2.2. Legal system as a normative order similarities and differences of the legal system and other normative systems.

1.3. Nature and definition of law

2. Schools of Jurisprudence

2.1 Analytical positivism

2.2 Natural law

2.3 Historical school

2.4 Sociological school

2.5 Economic interpretation of law

2.6 The Modern PIL, social justice, compensatory jurisprudence

Module 2

1 credit

3. Purpose of Law

3.1 Justice

3.1.1. Meaning and kinds

3.1.2. Justice and law approaches of different schools

3.1.3. Power of the Supreme Court of India to do complete justice in a case. Article 142 Critical studies

4. Sources of Law

4.1. Legislation

4.2. Precedents : concept of stare decisis

4.3. Customs

4.4. Juristic writings

5. Persons

5.1 Nature of personality

5.2 Status of the unborn, minor, lunatic, drunk and dead persons

5.3 Corporate personality

5.4. Dimensions of the modern legal personality – Legal personality of non-human beings.

Module 3 1 credit

6. Legal Rights : the concept

6.1. Right- kinds

6.2 Right-duty correlation

6.3 Rights in the wider sense of the term

7. Possession : the concept

7.1 Kinds of possession, Possessory Remedies

Module 4 1 credit

8. Ownership: the concept

8.1. Kinds of ownership

8.2. Difference between possession and ownership

9. Title

10. Property : the concept

10.1. kinds, modes of acquisition, obligations

2. LAND LAWS (4 credits)

Module 1 1 credit

(i) Central Legislation, inter alia to include :

(ii) Urban Land (Ceiling & Regulation) Act, 1976 – although it stands repealed by the Centre, it continues to remain in force in Maharashtra

(iii) Land Acquisition Rehabilitation and Resettlement Act 2013

(iv) Indian Registration Act, 1908

(i) Compulsory Regn, of documents – S/17

(ii) Optional Regn. Of Documents – S/18

(iii) Time for Regn. Of Documents – S/23

(iv) Delay in Regn. Of Documents – S/25

(v) Time from which Regd. Document operates – S/47

(vi) Effect of Non-Regn. Of Documents required to be registered. – S/49

(v) Environment Protection Act, 1986

S/3 – and concept of CRZ – Coastal Regulation Zone Maharashtra

Module 2

1 credit

1. State Legislation

(i) Maharashtra Land Revenue Code 1966

(i) Use of land – S/41 to 54A

(ii) Record of Rights S/147 to 167

(iii) Appeals, Revision & Review – S/246 – 259

(iv) Special Provisions for Land Revenue in the city of Bombay – S/260 to 307

(ii) Bombay Tenancy & Agricultural Lands Act, 1948

(i) Definitions

(ii) Restriction on Transfer of Agricultural Lands – S/63 to 66

Module 3

1 credit

(iii) Maharashtra Regional Town Planning Act, 1969

(i) Definitions

(ii) Control of Development – S/43 to 51

(iii) Unauthorised Development – S/52 to 58

(iv) Land Acquisition – S/125 to 129

(iv) Maharashtra Housing Area Development Authority Act, 1976

(i) Definitions

(ii) Repairs & Reconstruction of Dilapidated buildings – A/74 to 103

(iii) Acquisition of Cesses Properties – Chapter VIII A

(v) Development Control Regulations, 1991 for Mumbai

(i) Concept F. S. I. (Floor space Index)

(ii) Concept of T. D. R. (Transfer of Development Rights)

Module 4

1 credit

(vi) Maharashtra Agricultural Land Ceiling Act, 1961 – Object of the Act & the concept of 'ceiling'

(vii) Bombay Stamp Act – only the general scheme of the Act

2. ULC Act

(i) Definitions

(ii) Ceiling Limit – S/4

(iii) Power to Exempt & Schemes – S/20 to 22

4. OPTIONAL PAPERS (ANY ONE) (4 credits)

1. CRIMINOLOGY AND CORRECTIONAL ADMINISTRATION

Module 1

1 credit

1. Dimensions of Crime in India

1.1. Nature and origin of crime in India

1.2. General approaches to crime control

1.3. Crimes of the powerful

1.3.1. Organisation of the smuggling & traffic in narcotics

1.3.2. White collar crime : corruption in public life

1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice

1.3.4. Crimes in the profession – medical, legal, engineering

1.3.5. Crimes by agencies of the state

1.4. Perpetrators of ordinary crime

1.4.1. The situations of criminal

1.4.2. The chronic Tender

1.4.3. Criminality of Women

1.4.4. Young offenders

1.4.5. Criminal gangs

1.4.6. Cyber Crimes

2. Causes of Criminal Behaviour

2.1. Nature of the problem : some unscientific theories

2.2. The constitutional School of Criminology - Lombroso and others (heredity and mental retardation as causes of crime)

2.3. Sociological theories Anomies

2.4. Modern sociological theories – Sutherland’s differential association theory.

Reckless social vulnerable theory

2.5 Economic theories and their relevance

2.6 Environment, home and community influences, urban and rural crimes.

2.7. The ghetto, broken homes, the effect of motion picture, TV. And video, press, narcotics and alcohol

2.8. Caste and community tensions, caste wars and communal riots- their causes, demoralizing effects, atrocities against scheduled castes

2.9 Emotional disturbance and other psychological factors

2.10. Multiple causation approach to crime

Module 2

1 credit

3. Police and the Criminal Justice

3.1. The police system

3.2. Structural organization of police at the center and the states

3.3 Mode of recruitment and training

3.4 Powers and duties of police under the police acts, Criminal Procedure Code and other laws.

3.5 Arrest, search and seizure and constitutional imperatives

3.6. Methods of police investigation

3.7. Third degree methods

3.8. Corruption in police

3.9. Relationship between police and prosecution

- 3.10. Liability of police for custodial violence
- 3.11. Police public relations
- 3.12. Select aspects of National Police Commission report

4. Victimology

- 4.1. Demographic characteristics of the victims
- 4.2. Compensation to the victims
- 4.3 Rehabilitation

Module 3

1 credit

5. Punishment of Offenders

- 5.1. Some discarded modes of punishment
 - 5.1.1. Corporal punishment whipping and flogging: mutilation & branding
 - 5.1.2. Transportation
 - 5.1.3. Public execution
- 5.2. Punishment under the Indian criminal law
 - 5.2.1. Capital Punishment
 - 5.2.2 Imprisonment
 - 5.2.3. Fine
 - 5.2.4. Cancellation or withdrawal of licences
- 5.3. The prison system
 - 5.3.1. Administrative organization of prisons
 - 5.3.2. Mode of recruitment and training
 - 5.3.3. The Jail Manual
 - 5.3.4. Powers of prison officials
 - 5.3.5. Prisoners classification – male, female: juvenile and adult : undertrial and convicted prisoners
 - 5.3.6. Constitutional imperatives and prison reforms
 - 5.3.7. Prison management: prisoners right and security compulsions
 - 5.3.8. Open prisons

5.3.9. Prison labour

5.3.10 Violation of prison code and its consequences

5.4. Appraisal of imprisonment as a mode of punishment

6. Treatment or Correction of Offenders

6.1. The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment

6.2. Classification of offenders through modern diagnostic Techniques

6.3. The role of psychoanalysis and social workers in the prison

6.4. Vocational and religious education and apprenticeship programmes for the offenders.

6.5. Group counseling and re-socialisation programmes

6.6. Prisoners organizations for self- government

6.7. Participation of inmates in community services

6.8. An appraisal of reformative techniques

6.9. Efficacy of imprisonment as a measure to combat criminality and the search for substitutes

Module 4

1 credit

7. Re-socialisation processes

7.1. Parole

7.1.1. Nature of parole

7.1.2. Authority for granting parole

7.1.3. Supervision of parolees

7.1.4. Parole and conditional release

7.2. Release of the offender

7.2.1. Problems of the released offender

7.2.2. Attitudes of the community towards released offender

7.3. Prisoner and societies and other voluntary organizations

7.2.4. Governmental action

7.5 An appraisal

2. TAXATION LAW (4 credits)

Modules 1 & 2 **2 credits**

Income Tax

Modules 3 & 4 **2 credits**

MVAT

Central Sales Tax Act

GST

3. BANKRUPTCY LAWS (4 credits)

Module 1 **1 credit**

1. Introductory

The concept : inability to pay debt, history of regulation in India

Insolvency and Bankruptcy Code, 2016 (entire Statute)

2. Insolvency resolution and bankruptcy for corporate persons

Module 2 **1 credit**

3. Insolvency resolution and bankruptcy for individuals and partnership firms

Module 3 **1 credit**

4. Regulation of Insolvency Professionals, Agencies and Information Utilities

Module 4 **1 credit**

5. Offences and Penalties and miscellaneous