

University of Mumbai



No. AAMS_UGS/ICC/2024-25/ 69

CIRCULAR:-

All Principals of the Affiliated Colleges, Directors of the Recognized Institutions in faculty of Interdisciplinary are hereby informed that the recommendations made by the **Board of Studies in Law** at its meeting held on 02nd July, 2024 and subsequently passed by the Board of Deans at its meeting held on 10th July, 2024 vide item No. 8.10 (N) have been accepted by the Academic Council at its meeting held on 12th July, 2024 vide item No. 8.10 (N) regarding replacement of the paper and syllabi of the following law programs due to introduction of the three new criminal laws viz, Bharatiya Nagarik Suraksha Sanhita, Bharatiya Nyay Sanhita and Bharatiya Sakshya Adhiniyam coming into force from July 1st 2024 and in compliance with the esteemed Bar Council of India's Circular BCI: D468/2024/Cir-006/2024 (LE) dated 20th May 2024.

S. No	Programme	Semester	Course title (current)	Revised Title
1.	LL B (3 yrs)	II	Law of Crimes	Bharatiya Nyay Sanhita 2023
2.	B A LL B (5 yrs)	VI	Law of Crimes	Bharatiya Nyay Sanhita 2023
3.	LL B (3 yrs)	V	Criminal Procedure Code, 1973, The Juvenile Justice(Care and Protection of Children Act,2015 and the Protection of Children from Sexual Offences Act, 2012	Bharatiya Nagarik Suraksha Sanhita, 2023, The Juvenile Justice(Care and Protection of Children Act,2015 and the Protection of Children from Sexual Offences Act, 2012
4.	B A LL B (5 yrs)	IX	Criminal Procedure Code and Juvenile Justice Act	Bharatiya Nagarik Suraksha Sanhita, 2023, and The Juvenile Justice(Care and Protection of Children Act, 2015
5.	LL B (3 yrs)	VI	Law of Evidence	La Bharatiya Sakshya Adhiniyam
6.	B A LL B (5yrs)	X	Law of Evidence (Forensic Evidence not specifically included)	Bharatiya Sakshya Adhiniyam 2023 Including Forensic

7.	BBA LL B (5yrs)	2 ND YEAR SEMESTER III - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)	LAW OF CRIMES I	THE BHARTIYA NYAYA SANHITA 2023.
8.	BBA LL B (5yrs)	2 ND YEAR SEMESTER IV - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)	LAW OF CRIMES II	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023
9.	BBA LL B (5yrs)	4 TH YEAR SEMESTER VII- (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)	LAW OF EVIDENCE	THE BHARATIYA SAKSHYA ADHINIYAM, 2023
10.	LL M I	Group I Constitutional and Administrative Law	Paper II National Security and Public Order	- National Security and Public Order
			Paper IV Administrative process: nature And scope (4 credits)	Administrative process: nature And scope (4 credits)
			Paper V Administrative process and judicial Control (4 credits)	Administrative process and judicial Control (4 credits)
			Paper VI Public authorities and power holders: controls on maladministration	Public authorities and power holders: controls on maladministration
		Group II	Paper I Fundamental Principles of Law of Contract and Allied Laws.	Fundamental Principles of Law of Contract and Allied Laws.
			Paper III CORPORATE LAW (4 Credits)	CORPORATE LAW (4 Credits)

Copy to :-

- 1. The Deputy Registrar, Academic Authorities Meetings and Services (AAMS),**
- 2. The Deputy Registrar, College Affiliations & Development Department (CAD),**
- 3. The Deputy Registrar, (Admissions, Enrolment, Eligibility and Migration Department (AEM),**
- 4. The Deputy Registrar, Research Administration & Promotion Cell (RAPC),**
- 5. The Deputy Registrar, Executive Authorities Section (EA),**
- 6. The Deputy Registrar, PRO, Fort, (Publication Section),**
- 7. The Deputy Registrar, (Special Cell),**
- 8. The Deputy Registrar, Fort/ Vidyanagari Administration Department (FAD) (VAD), Record Section,**
- 9. The Director, Institute of Distance and Open Learning (IDOL Admin), Vidyanagari,**

They are requested to treat this as action taken report on the concerned resolution adopted by the Academic Council referred to in the above circular and that on separate Action Taken Report will be sent in this connection.

- 1. P.A to Hon'ble Vice-Chancellor,**
- 2. P.A Pro-Vice-Chancellor,**
- 3. P.A to Registrar,**
- 4. All Deans of all Faculties,**
- 5. P.A to Finance & Account Officers, (F.& A.O),**
- 6. P.A to Director, Board of Examinations and Evaluation,**
- 7. P.A to Director, Innovation, Incubation and Linkages,**
- 8. P.A to Director, Board of Lifelong Learning and Extension (BLLE),**
- 9. The Director, Dept. of Information and Communication Technology (DICT) (CCF & UCC), Vidyanagari,**
- 10. The Director of Board of Student Development,**
- 11. The Director, Department of Students Welfare (DSD),**
- 12. All Deputy Registrar, Examination House,**
- 13. The Deputy Registrars, Finance & Accounts Section,**
- 14. The Assistant Registrar, Administrative sub-Campus Thane,**
- 15. The Assistant Registrar, School of Engg. & Applied Sciences, Kalyan,**
- 16. The Assistant Registrar, Ratnagiri sub-centre, Ratnagiri,**
- 17. The Assistant Registrar, Constituent Colleges Unit,**
- 18. BUCTU,**
- 19. The Receptionist,**
- 20. The Telephone Operator,**
- 21. The Secretary MUASA**

for information.

11.	LL M I	Group V Criminal Law and Criminal Administration	Paper II Penal Laws (04 credits).	Penal Laws (04 credits).
		Group VI Environment and Legal Order	Paper III Prevention and Control of Pollution	Prevention and Control of Pollution

(The circular is available on the University's website www.mu.ac.in).

MUMBAI – 400 032

17th August, 2024

To

The Principals of the Affiliated Colleges, Directors of the Recognized Institutions and the Head, University Department.

A.C/8.8/12/07/2024

Copy forwarded with Compliments for information to:-

- 1) The Chairman, Board of Deans,
- 2) The Dean, Faculty of Interdisciplinary,
- 3) The Chairman, **Board of Studies in Law**,
- 4) The Director, Board of Examinations and Evaluation,
- 5) The Director, Board of Students Development,
- 6) The Director, Department of Information & Communication Technology,
- 7) The Deputy Registrar, Admissions, Enrolment, Eligibility & Migration Department (AEM),

Baliramh
(Prof.(Dr) Baliram Gaikwad)
I/c Registrar

Copy forwarded for information and necessary action to :-

1	The Deputy Registrar, (Admissions, Enrolment, Eligibility and Migration Dept)(AEM), dr@eligi.mu.ac.in
2	The Deputy Registrar, Result unit, Vidyanagari drresults@exam.mu.ac.in
3	The Deputy Registrar, Marks and Certificate Unit,. Vidyanagari dr.verification@mu.ac.in
4	The Deputy Registrar, Appointment Unit, Vidyanagari dr.appointment@exam.mu.ac.in
5	The Deputy Registrar, CAP Unit, Vidyanagari cap.exam@mu.ac.in
6	The Deputy Registrar, College Affiliations & Development Department (CAD), deputyregistrar.uni@gmail.com
7	The Deputy Registrar, PRO, Fort, (Publication Section), Pro@mu.ac.in
8	The Deputy Registrar, Executive Authorities Section (EA) eau120@fort.mu.ac.in He is requested to treat this as action taken report on the concerned resolution adopted by the Academic Council referred to the above circular.
9	The Deputy Registrar, Research Administration & Promotion Cell (RAPC), rapc@mu.ac.in
10	The Deputy Registrar, Academic Appointments & Quality Assurance (AAQA) dy.registrar.tau.fort.mu.ac.in ar.tau@fort.mu.ac.in
11	The Deputy Registrar, College Teachers Approval Unit (CTA), concolsection@gmail.com
12	The Deputy Registrars, Finance & Accounts Section, fort draccounts@fort.mu.ac.in
13	The Deputy Registrar, Election Section, Fort drelection@election.mu.ac.in
14	The Assistant Registrar, Administrative Sub-Campus Thane, thanesubcampus@mu.ac.in
15	The Assistant Registrar, School of Engg. & Applied Sciences, Kalyan, ar.seask@mu.ac.in
16	The Assistant Registrar, Ratnagiri Sub-centre, Ratnagiri, ratnagirisubcentre@gmail.com

Copy for information :-	
1	P.A to Hon'ble Vice-Chancellor, vice-chancellor@mu.ac.in
2	P.A to Pro-Vice-Chancellor pvc@fort.mu.ac.in
3	P.A to Registrar, registrar@fort.mu.ac.in
4	P.A to all Deans of all Faculties
5	P.A to Finance & Account Officers, (F & A.O), camu@accounts.mu.ac.in

1	The Chairman, Board of Deans
2	The Dean, Faculty of Humanities,
3	Chairman, Board of Studies,
4	The Director, Board of Examinations and Evaluation, dboee@exam.mu.ac.in
5	The Director, Board of Students Development, dsd@mu.ac.in@gmail.com DSW direcotr@dsw.mu.ac.in
6	The Director, Department of Information & Communication Technology,
7	The Director, Institute of Distance and Open Learning (IDOL Admin), Vidyanagari, director@idol.mu.ac.in

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

OBJECTIVE

- To impart the knowledge of Administrative Laws jurisprudence in context to Indian Constitution
- In depth analysis about administrative procedure such as ordinance making process in India
- In depth studies about Doctrine of separation of power, delegated legislation, checks and balances over administrative action

OUTCOME

This course enables students:

- To pursue knowledge required for the competitive exams like UPSC, MPSC
- To develop an understanding Comparative Administrative Law – India, USA, UK, France, and Germany

Module – I (1 Credit) 1.

1. **Fundamentals of Administrative Law-** Definition, Meaning and Scope, Interrelationship Between Constitutional Law and Administrative Law Constitutional Dimensions of Administrative law in Contemporary Era.
2. **Administrative Process:** Nature and meaning The role of civil service
The role of administrative agencies

Module – II (1 Credit)

3. **Separation of Powers: From Rigidity to Flexibility.**
Comparative Study – USA , UK, India and France
Principles of Check and Balance

4. Rule of Law:

Democracy and Rule of Law- Changing dimensions
Regulation of administrative process

Module – III (1 Credit)

5. Power and duty:

Doctrine of police power
Doctrine of eminent power
Taxing power
Responsibility and accountability

6. Administrative Discretion:

Structuring and limiting

Impact of technological development

Module – IV (1 Credit)

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

References: —

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

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

OBJECTIVE

- Analysis of administrative process and judicial control
- Detailed study of Judicial review against administrative action
- To know about emergency rights and remedies for citizens against administrative action

OUTCOME

This course enables students:

- To understand Doctrine of locus standi and relevance of public interest litigation against administrative action
- To understand about the alternative remedies by way of filing appropriate processing before tribunals
- To get knowledge about limitation of doctrine of judicial review

Module – I (1 Credit) 1.

1. Judicial Review in India:

Historical development
Powers of the Courts
Limitations of Judicial Review- Locus standi and public interest litigation
Laches
Res Judicata
Alternative remedies

2. Jurisdiction:

Finality clause
Conclusive evidence clause
Law and fact-distinction
Exclusionary clause

Module – II (1 Credit)

3. Judicial Review and Administrative Discretion

Grounds of Review:

Doctrine of ultra vires
Unreviewable discretionary powers: from Liversidge to Padfield
Discretion and Justifiability
Violation of fundamental rights

Extraneous consideration and/or irrelevant grounds
Delegation
Acting under dictation
Malafide and bias
Lack of rationality and proportionality Oppressing
decision Absence of proportionality

Module – III (1 Credit)

4. Procedural Fairness:

Principles of Natural justice -
Bias, Hearing, Reasoned Decision,
Publication
Grounds of Limitation

Module – IV (1 Credit)

**5. Delegated Legislation – Need and
Significance, Grounds of Judicial
Review**

**6. Government Privileges, Official
Secrecy and Judicial Review**

References: —

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

PAPER VI – PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MALADMINISTRATION

(4 Credits)

OBJECTIVE

- In depth studies about public authorities in India such as ombudsman, CBI, Vigilance Commission
- Historical study about Ombudsman mechanism in India ➤
Analytical studies about financial control in India

OUTCOME

It will help the students

- To acquire special knowledge about role played by investigating agencies in India
- To acquire expertise practice before special courts like CBI court, Lokayutas etc.
- To pursue further research in the field of Public authorities and power Holders with control on maladministration.

Module – I (1 Credit)

1. Ombudsman:

The concept
Comparative perspective 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.

PROGRAM

SEMESTER: VI (LL. B 3 years) LAW OF EVIDENCE – BHARATIYA SHAKSHYA ADHINIYAM 2023

SEMESTER X (B.A. LL. B 5 Years) – LAW OF EVIDENCE - BHARATIYA SHAKSHYA ADHINIYAM 2023 including forensic evidence

Course Title: Bharatiya Sakshya Adhiniyam 2023

Course Code:

Credits: 4

COURSE OBJECTIVES:

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 adducin, principles of admissibility and exclusion evidences in a trial. The course will prepare the students to understand the relevancy and admissibility of the evidence produce 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 the law as a Lex Fori and the role of a judge while hearing and appreciating the evidences on record in a suit or a Proceeding.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Analyze the concept and nature of different types of evidence;
2. Identify and apply the rules relating to relevance and admissibility of evidence in courts;
3. Understand the standard of burden of proof followed in civil and criminal cases;
4. Analyze the role played by the witnesses and evidentiary value attached to ocular evidence vis-à-vis scientific evidence;
5. Understand the procedure of examination of witnesses and different categories of witness involved in a suit or proceeding;
6. Explain the role and presumption powers endowed upon the judges during the trials;
7. Examine the applicability and admissibility of forensic science in civil and criminal cases along with the admissibility of expert's opinion.
8. Understand, adduce, and object electronic evidence

MODULE 1:

General introduction and Relevancy of Facts Ss 1 – 50 and relevant definition under Information Technology (Amendment) Act 2008 and Bharatiya sakshya Adhiniyam, 2023.

1. Introduction and applicability of Bharatiya Sakshya Adhiniyam, 2023
2. Important terminologies under Bharatiya Sakshya Adhiniyam 2023
3. Doctrine of Res Gestae
4. Motive, Preparation and Conduct
5. Conspiracy when relevant
6. When facts not otherwise relevant become relevant
7. State of mind and body
8. Admissions and Confessions
9. Statements by persons who cannot be called as witness
10. Judgements when relevant
11. Relevancy of opinions of third party
12. Character when relevant
13. Definitions under Information Technology (Amendment) Act, 2008 – S.2

MODULE 2: Proofs and Burden of Proof (ss. 51 – 123)

1. Facts which need not be proved
2. Oral and documentary evidence
3. Proof of electronic evidences
4. Public and private documents
5. Law relating to presumptions
6. Exclusion of oral by documentary evidence
7. Rules relating to burden of proof
8. Doctrine of estoppel

MODULE 3: Witnesses (ss. 124 – 169)

1. Who may testify?
2. Procedure for examination of witnesses
3. Questions to be put up to the witnesses
4. Credibility of witnesses
5. Judges power to put questions
6. Improper admission and rejection of evidence

MODULE 4: Forensic Evidence – Use and applicability of Forensic Evidence in the courts

1. Introduction and branches of forensic science
2. Forensic evidence and types of forensic evidence in civil and criminal cases
3. Application of forensic evidence in civil and criminal cases
4. Relevance and use of forensic evidence under Bharatiya Sakshya Adhiniyam, 2023
5. Expert Witness and Admissibility of expert's opinion in the courts

Suggested Reading:

1. Ratanal & Dhirajlal, The Law of Evidence 27th Edition
2. Law of Evidence by Vepa P Sarathi
3. Textbook on Law of Evidence by Justice Monir
4. Bharatiyaa Sakshya Adhiniyam, 2023
5. Principles of Law of Evidence by Avatar Singh
6. Supreme Court on Evidence by Chakraborty
7. Expert Evidence by Choudhary
8. Sarkar on Evidence
9. Law of Evidence by Dr. V Krishnamachari
10. Law of Evidence by S. D. Basu, Allahabad Law Agency
11. The Law of Evidence by Dr. S. R. Myneni
12. Evidence Act by P. R. Reddy
13. Evidence Act by Nandi
14. Criminal evidence by Arshad, Subzwari
15. Phipson on Evidence
16. Nayan Joshi, Medical Jurisprudence and Toxicology, Kamal Publishers
17. Mozayani, forensic Evidence Management from the Crime Scene to the Court Room, 2021
18. Pratyusha Das Forensic Evidence, 2019 EBC
19. B.R. Sharma, Forensic Science Criminal Investigation & Trials, Universal Law Publication Co.
20. Dr. Absar Kidwai & Dr. Malabika Talukdar, The Law of Evidence, University Book House (P) Ltd.

**3rd YEAR SEMESTER VI - B.A.LL. B (5 YEARS COURSE) - – Law of Crimes -
Bhartiya Nyaya Sanhita 2023**

**1st YEAR SEMESTER II - LL. B (3YEARS COURSE) – Law of Crimes - Bhartiya
Nyaya Sanhita 2023**

Course Title-: Bhartiya Nyaya Sanhita 2023

Course Code:

Credit: 4

COURSE OBJECTIVES:

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 Bhartiya Nyaya Sanhita 2023. It further aims to empower learners to analyse the core principle of criminal jurisprudence and evaluate the various elements of the crime. The learners will be equipped to understand the principles of culpability and punishment. The students will be well versed with the general scheme of the Bhartiya Nyaya Sanhita 2023 and be able to grasp the various terms and terminology used in the Bhartiya Nyaya Sanhita 2023. The students will be prepared to analyse the ingredients of various offences and study the punishments prescribed thereto and critically analyse. They will be able to identify the general exceptions under the penal law and understand the principles of joint, strict, vicarious and group criminal liabilities.

COURSE OUTCOMES: After completing this course, the learners will be able to:

1. Identify the various components of criminal culpability and classify an offence.
2. Critically evaluate the fundamentals of Criminal Jurisprudence.

3. Analyze, compare, evaluate conventional crimes as well as emerging crimes under the Bhartiya Nyaya Sanhita 2023 in line with philosophy of criminal jurisprudence and judicial approach in prescribing punishment for the various crimes like organized crimes and hyper heinous crimes etc.
4. Understand rules of interpretation of Bhartiya Nyaya Sanhita 2023.
5. Evaluate legal implications of Bhartiya Nyaya Sanhita 2023 on present administration of justice for prevention of crimes.

MODULE 1:

- 1.1 Salient features of Bhartiya Nyaya Sanhita 2023.
- 1.2 The comparative analysis of Bhartiya Nyaya Sanhita 2023 and the Indian Penal Code, 1860- new changes
- 1.3 Rules of Interpretation of Penal statute.
- 1.4 Conceptual analysis of the term crime and other associated terms under the Bhartiya Nyaya Sanhita 2023.
- 1.5 Definitions. (Section 2)
- 1.6 General Explanations. (Section 3)
- 1.7 Of Punishments. (Section 4 to 13)

MODULE 2:

- 2.1 General Exceptions to criminal liability under Bhartiya Nyaya Sanhita 2023. (Section 14 to 44)
- 2.2 Of Abetment, Criminal Conspiracy and Attempt of Abetment. (Section 45 to 62)
- 2.3 Of Offences against Women and Child, of offences relating marriage etc. (Section 63 to 99)

2.4 Of Offences Affecting the Human Body, Of Offences Affecting Life.

(Section 100 to 146)

2.5 Of Offences Against the State. (Section 147 to 158)

2.6 Of Offences Relating to the Army, Navy and Airforce. (Section 159 to 168)

2.7 Of Offences Relating to Elections. (Section 169 to 177)

2.8 Of Offences Relating to Coin, Currency- Notes, Bank-Notes, And Government Stamps. (Section 178 to 188)

MODULE 3:

3.1 Of Offences Against the Public Tranquility. (Section 189 to 197)

3.2 Of Offences by or Relating to Public Servants. (Section 198 to 205)

3.3 Of Contempt's Of The Lawful Authority Of Public Servants.(Section 206 to 226)

3.4 Of False Evidence And Offences Against Public Justice. (Section 227 to 269)

3.5 Of Offences Affecting The Public Health, Safety, Convenience, Decency And Morals. (Section 270 to 297)

3.6 Of Offences Relating to Religion. (Section 298 to 302)

MODULE 4:

4.1 Of Offences Against Property. (Section 303 to 334)

4.2 Of Offences Relating To Documents And To Property Marks. (Section 335 to 350)

4.3 Of Criminal Intimidation, Insult, Annoyance, Defamation, Etc. (Section 351 to 357)

4.4 Repeals and Savings. (Section 358)

SUGGESTED READINGS:

1. Bare Act on Bhartiya Nyaya Sanhita 2023.
2. Taxmann law and practice Bhartiya Nyaya Sanhita (BNS) 2024.
3. Bhartiya Nyaya Sanhita edited by Virag Gupta commercial Law publisher 2024.
4. Bhartiya Nyaya Sanhita by Law Man's published at New Delhi 2023.
5. Bhartiya Nyaya Sanhita by Bharat Publishers 2024.
6. Concise Commentary on Bhartiya Nyaya Sanhita 2023 by Anjana Prakash and Anuj Prakash.

For the purpose of comparison readers and learners may rely on following books;

1. Criminal Law: Cases and Material by KD Gaur.
2. Commentary on the Indian Penal Code by KD Gaur.
3. Criminal Jurisprudence by Dr. V S Chitnis.
4. Law of Crimes in India by RC Nigam .
5. Textbook of Criminal Law by Glanville Williams.
6. The Indian Penal Code by Ratanlal & Dhirailal .
7. Simplest book on Criminal Law by Dr. K K Shetty.
8. Lectures on Criminal Law by Dr. Rega Surva Rao.
9. The Criminal Law Manual Mulla's IPC.
10. Criminal Law by PSA Pillai.

SEMESTER: V (LL. B 3 years) Criminal Procedure Code, 1973, The Juvenile Justice (Care and Protection of Children Act, 2015 and the Protection of Children from Sexual Offences Act, 2012- **Bharatiya Nagarik Suraksha Sanhita, 2023**, The juvenile justice (care and protection of children) Act, 2015 and The Protection of children from sexual offences (pocso) Act 2012.

SEMESTER IX (B.A. LL. B 5 Years) Criminal Procedure Code and Juvenile Justice Act – **Bharatiya Nagarik Suraksha Sanhita, 2023**, The juvenile justice (care and protection of children) Act, 2015 and The Protection of children from sexual offences (pocso) Act 2012.

Course Title:- BHARATIYA NAGARIK SURAKSHA SANHITA 2023, THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) ACT 2012.

Course Code:

Teaching Scheme:

Credits: 4

COURSE OBJECTIVES:

This course is specifically designed to assist students in understanding the importance of the Bharatiya Nagarik Suraksha Sanhita, 2023 which is one of the essential acts in India as well as the primary legislation on the procedure for administering criminal justice. The course is aimed at driving home the students how the pretrial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organization of the functionaries under the Bharatiya Nagarik Suraksha Sanhita, 2023 their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The substantive law has to be applied through the uniform procedure as laid down which will be undertaken on completion of the course. The students will also understand the reason and manner of administering the punishments for any given offence under the substantive Penal Laws. The course will help in

understanding the 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 2012.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Identify the stages in investigation and procedure of trial in criminal cases.
2. Explain the powers, functions, and duties of police and criminal courts.
3. Critically analyze the novel concepts in Bharatiya Nagarik Suraksha Sanhita, 2023.
4. Employ and promote adoption of humane and just practices in administration of justice.
5. Analyse the time period between when a crime has been committed until the time the sentence against the crime is passed and the case is closed.
6. Understand the machinery to be adopted by the State when a violation of the penal law, i.e., offence under the Indian Penal Code, has been detected or reported.
7. Analyse the principles and procedure that must be followed while prosecuting and adjudicating other claims.
8. Thoroughly understand the investigation, inquiry and trial of the offences governed by the provisions and subject to any other law that may be in force which regulates the manner of investigation, inquiry or trial of the matter.

MODULE 1:

1.1 Object, Purpose and History of Bharatiya Nagarik Suraksha Sanhita, 2023

1.2 Definitions – Section 2

1.3 Constitution and Powers of Criminal and Executive Courts – Section 6 to 29

1.4 a. Powers of Superior Officers of Police – Section 30

b. Aid to the Magistrates and the Police – Section 31 to 34

1.5 Arrest of Persons- Section 35 to 62

1.6 Process to Compel Appearance and Production of Things and Reciprocal Arrangements
Sections 63 to 124

1.7 Preventive and Precautionary Measures for keeping the peace and good behaviour -
Section 125 to 143

1.8 Maintenance of Wives, Children and Parents – Section 144 to 147

1.9 Maintenance of Public Order and Tranquillity and Public Nuisance -Section 148 to 167

1.10 Preventive Action by the Police-Section 168 to 172

1.11 Information to the Police and their Powers to Investigate – Section 173 to 196

1.12 Jurisdiction of the Criminal Courts in Inquiries and Trials- Section 197 to 209.

MODULE 2:

2.1 Requisite Conditions for initiating Proceedings-Section 210 to 233

2.2 Charge – Section 234 to 247

2.3 Trial before various Courts

a. Court of Sessions-Section 248 to 260

b. Warrant Cases by Magistrates-Sections 261 to 273

c. Summons cases by Magistrates- Section 274 to 282

d. Summary Trial-Section 283 to 288

2.4 Plea Bargaining -Section 289 to 300

2.5 Attendance of Persons Confined in Prison-Section 301 to 306

MODULE 3:

- 3.1 Mode of taking and recording evidence-Section 307 to 366
- 3.2 Provisions as to accused person of unsound mind -Section 367 to 391
- 3.3 Judgement – Sections 392 to 406
- 3.4 Submission of Death Sentence for Confirmation to the High Court -Section 407 to 412
- 3.5 Appeals-Sections 413 to 435
- 3.6 Reference and Revision-Section 336 to 445
- 3.7 Transfer of Criminal Cases -Section 446 to 452
- 3.8 Execution, Suspension, Remission and Confirmation of sentences-Section 453 to 477
- 3.9 Provisions as to Bails and Bonds – Section 478 to 505
- 3.10 Irregular Proceedings-Section 506 to 512
- 3.11 Limitation for taking cognizance and Miscellaneous provisions–Sections 513 to 530

MODULE 4:

1. The Juvenile Justice (Care and Protection of Children) Act, 2015

Chapter I & II – Preliminary and General Principles of General Care and Protection of Children.

Chapter III – Juvenile Justice Board.

Chapter IV – Procedure in relation of children in Conflict with Law.

Chapter V – Children Welfare Committee.

Chapter VI – Procedure in relation to children in need of care and protection.

Chapter VII – Rehabilitation and social re-integration. Chapter VIII – Adoption Chapter IX – Other offences against Children.

Chapter VIII – Adoption

Chapter IX – Other offences against Children.

Chapter X – Miscellaneous.

2. The Protection of Children from Sexual Offences (POCSO) Act, 2012

Chapter I – Preliminary and General Principles of General Care and Protection of Children.

Chapter II – Sexual Offences against Children.

Chapter III – Using Child for Pornographic Purposes and Punishment Therefor.

Chapter IV – Abetment of and Attempt to Commit an Offence.

Chapter V – Procedure for reporting of cases.

Chapter VI – Procedures for recording statement of the child.

Chapter VII – Special Courts.

Chapter VIII – Procedure and Powers of Special Courts and Recording of Evidence.

Chapter IX – Miscellaneous.

RECOMMENDED READINGS:

1. Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure) A Commentary by J.K Verma
2. Criminal Manual
3. Decrypting the Sanhita by Dr. Anand N. Raut
4. Bare Act, Bharatiya Nagarik Suraksha Sanhita, 2023
5. Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act
6. The Protection of Children from Sexual Offences (POCSO) Act, 2012 (POCSO Act) Bare Act 1. Commentary on Protection of Children from Sexual Offences Act 2012 by Nayan Joshi, Kamal Publishers

For critical and comparative analysis students can refer

7. Sarkar's Code of Criminal Procedure.
8. Ratanlal and Dhirajlal – Criminal Procedure.
9. B. B. Mitra - Code of Criminal Procedure.
10. R.V. Kelkar's Criminal Procedure.
11. Mishra-Code of Criminal Procedure.
12. Criminal Manual – Gupte & Dighe

2ND YEAR SEMESTER IV - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)

COURSE TITLE-: LAW OF CRIMES II - BHARATIYA NAGARIK SURAKSHA SANHITA,2023

OBJECTIVES:

- ❖ To assist students in understanding the importance of the Bharatiya Nagarik Suraksha Sanhita,2023 which is one of the essential acts in India as well as the primary legislation on the procedure for administering criminal justice.
- ❖ To acquaint the student with organization of the functionaries under the Bharatiya Nagarik Suraksha Sanhita,2023, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised.
- ❖ To understand the reason and manner of administering the punishments for any given offence under the substantive Penal Laws.

OUTCOMES: After completing this course, the students will be able to:

- ❖ Identify the stages in investigation and procedure of trial in criminal cases.
- ❖ Explain the powers, functions, and duties of police and criminal courts.
- ❖ Critically analyze the novel concepts in Bharatiya Nagarik Suraksha Sanhita,2023.
- ❖ Employ and promote adoption of humane and just practices in administration of justice.
- ❖ Analyse the time period between when a crime has been committed until the time the sentence against the crime is passed and the case is closed.

MODULE 1:

1.1 Object, Purpose and History of Bharatiya Nagarik Suraksha Sanhita,2023

1.2 Definitions – Section 2.

1.3 Constitution and Powers of Criminal and Executive Courts – Section 6 to 29.

1.4 a. Powers of Superior Officers of Police – Section 30.

b. Aid to the Magistrates and the Police – Section 31 to 34.

1.5 Arrest of Persons- Section 35 to 62.

1.6 Process to Compel Appearance and Production of Things and Reciprocal Arrangements Sections 63 to 124.

1.7 Preventive and Precautionary Measures for keeping the peace and good behaviour - Section 125 to 143.

1.8 Maintenance of Wives, Children and Parents – Section 144 to 147.

1.9 Maintenance of Public Order and Tranquillity and Public Nuisance -Section 148 to 167.

1.10 Preventive Action by the Police-Section 168 to 172.

1.11 Information to the Police and their Powers to Investigate – Section 173 to 196.

1.12 Jurisdiction of the Criminal Courts in Inquiries and Trials- Section 197 to 209.

MODULE 2:

2.1 Requisite Conditions for initiating Proceedings-Section 210 to 233.

2.2 Charge – Section 234 to 247.

2.3 Trial before various Courts:-

a. Court of Sessions-Section 248 to260.

b. Warrant Cases by Magistrates-Sections 261 to 273.

c. Summons cases by Magistrates- Section 274 to282.

d. Summary Trial-Section 283 to 288.

2.4 Plea Bargaining -Section 289 to 300.

2.5 Attendance of Persons Confined in Prison-Section 301 to 306.

MODULE 3:

3.1 Mode of taking and recording evidence-Section 307 to 366.

3.2 Provisions as to accused person of unsound mind -Section 367 to 391.

3.3 Judgement – Sections 392 to 406.

3.4 Submission of Death Sentence for Confirmation to the High Court -Section 407 to 412.

3.5 Appeals-Sections 413 to 435.

3.6 Reference and Revision-Section 336 to 445.

3.7 Transfer of Criminal Cases -Section 446 to 452.

3.8 Execution, Suspension, Remission and Confirmation of sentences-Section 453 to 477.

3.9 Provisions as to Bails and Bonds – Section 478 to 505.

3.10 Irregular Proceedings-Section 506 to 512.

3.11 Limitation for taking cognizance and Miscellaneous provisions–Sections 513 to 530.

MODULE 4:

I. The Juvenile Justice (Care and Protection of Children) Act, 2015

Chapter I & II – Preliminary and General Principles of General Care and Protection of Children.

Chapter III – Juvenile Justice Board.

Chapter IV – Procedure in relation of children in Conflict with Law.

Chapter V – Children Welfare Committee.

Chapter VI – Procedure in relation to children in need of care and protection.

Chapter VII – Rehabilitation and social re-integration.

Chapter VIII – Adoption

Chapter IX – Other offences against Children.

Chapter X – Miscellaneous.

II. The Protection of Children from Sexual Offences (POCSO) Act, 2012

Chapter I – Preliminary and General Principles of General Care and Protection of Children.

Chapter II – Sexual Offences against Children.

Chapter III – Using Child for Pornographic Purposes and Punishment Therefor.

Chapter IV – Abetment of and Attempt to Commit an Offence.

Chapter V – Procedure for reporting of cases.

Chapter VI – Procedures for recording statement of the child.

Chapter VII – Special Courts.

Chapter VIII – Procedure and Powers of Special Courts and Recording of Evidence.

Chapter IX – Miscellaneous.

RECOMMENDED READINGS:

1. Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure) A Commentary by J.K Verma
2. Criminal Manual
3. Decrypting the Sanhita by Dr. Anand N. Raut
4. Bare Act, Bharatiya Nagarik Suraksha Sanhita, 2023
5. Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act
6. The Protection of Children from Sexual Offences (POCSO) Act, 2012 (POCSO Act) Bare Act 1. Commentary on Protection of Children from Sexual Offences Act 2012 by Nayan Joshi, Kamal Publishers
7. Sarkar's Code of Criminal Procedure.

8. Ratanlal and Dhirajlal – Criminal Procedure.
9. B. B. Mitra - Code of Criminal Procedure.
10. R.V. Kelkar's Criminal Procedure.
11. Mishra-Code of Criminal Procedure.
12. Criminal Manual – Gupte & Dighe

2ND YEAR SEMESTER III - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)

COURSE TITLE-: LAW OF CRIMES I - THE BHARTIYA NYAYA SANHITA 2023.

OBJECTIVES:

- ❖ To understand the meaning of crime, and the essential principles of criminal liability by a study of a range of offences under the Bhartiya Nyaya Sanhita 2023.
- ❖ To empower learners to analyse the core principal of criminal jurisprudence and evaluate the various elements of the crime.
- ❖ To analyse the ingredients of various offences and study the punishments prescribed thereto and critically analyse.
- ❖ To identify the general exceptions under the penal law and understand the principles of joint, strict, vicarious and group criminal liabilities.

OUTCOMES: After completing this course, the learners will be able to:

- ❖ Identify the various components of criminal culpability and classify an offence.
- ❖ Critically evaluate the fundamentals of Criminal Jurisprudence.
- ❖ Analyse, compare, evaluate conventional crimes as well as emerging crimes under the Bhartiya Nyaya Sanhita 2023 in line with philosophy of criminal jurisprudence and judicial approach in prescribing punishment for the various crimes like organized crimes and hyper heinous crimes.
- ❖ Understand rules of interpretation of Bhartiya Nyaya Sanhita 2023.
- ❖ Evaluate legal implications of Bhartiya Nyaya Sanhita 2023 on present administration of justice for prevention of crimes.

MODULE 1:

1.1 Salient features of Bhartiya Nyaya Sanhita 2023.

1.2. The comparative analysis of Bhartiya Nyaya Sanhita 2023 and the Indian penal Code 1860- new changes.

1.3 Rules of Interpretation of Penal statue.

- 1.4 Conceptual analysis of the term crime and other associated terms under the Bhartiya Nyaya Sanhita 2023.
- 1.5 Theories of Punishment and Punishment prescribed under Section 4 to 13
- 1.6 Stages and causes of crimes.
- 1.7 Analysis of cybercrimes under the Bhartiya Nyaya Sanhita 2023.

MODULE 2:

- 2.1 Principle of group and joint liability like common intentions and common object.
- 2.2 General Exceptions to criminal liability under Section 2 to 33
 - 2.2.1 Mistake of fact and mistake of law.
 - 2.2.2 Act of child, unsound person, intoxicated person.
 - 2.2.3 Doctrine of informed consent.
 - 2.2.4 Right of private defence under Section 34 to 44
- 2.3 Abetment of crimes, criminal conspiracy, organized crimes and terrorist activities under Section 45 to 62.
- 2.4 Unlawful assembly under Section 187, Rioting under Section 189, Affray under Section 189 and public nuisance under Section 268.
- 2.5 Decriminalisation of crimes under Section 98 to 144.
- 2.6 Impact of Bhartiya Nyaya Sanhita 2023 on justice delivery system like Plea bargaining, community service, moral policing etc.

MODULLE 3:

- 3.1 Offences relating to women and marriage under Section 63 to 90.
- 3.2 Offences relating to children under Section 91 to 97.
- 3.3 Offences affecting the human body under Section 98 to 144 - like hurt under Section 114, wrongful restraint under Section 126 and wrongful confinement under Section 127, criminal force under Section 128, 129 and assault under Section 130 to 136, 73 to 76, kidnapping under Section 137, abduction under Section 136, sexual offenses under Section 63 to 72 and murder under section 99.
- 3.4 Offences against the State under Section 145 to 156.
- 3.5 Offences relating to Army, Navy & Air force under Section 157 to 166.
- 3.6 Offences relating to elections under Section 167 to 175.
- 3.7 Offences relating to coin and government stamps under Section 176 to 186.

MODULE 4:

- 4.1 Offences against public tranquillity under Section 187 to 195.
- 4.2 Offences relating to public servants under Section 196 to 203.
- 4.3 Contempt of Lawful Authority of Public Servants under Section 204 to 224.
- 4.4 False Evidence and Offences against public justice under Section 225 to 267.
- 4.5 Offences affecting public health safety, convenience, decency and morals under Section 268 to 295.
- 4.6 Offences relating to religion under Section 296 to 300.
- 4.7 Offences against property under Section 301 to 332 like Theft, Extortion, robbery and dacoity, criminal misappropriation of property, criminal breach of trust, receiving of stolen property, cheating, mischief, criminal trespass.
- 4.8 Offences relating to documents and property marks under Section 333 to 348.
- 4.9 Criminal Intimidation, Insult and Annoyance under Section 349 to 353.
- 4.10 Offence of defamation under Section 354 to 356.

MODULE 5: NEW SECTIONS ADDED

- 5.1 Sexual Intercourse by employing deceitful means etc (Love Jihad) under Section 69.
- 5.2 Organised Crime under Section 111.
- 5.3 Petty Organised Crime under Section 112.
- 5.4 Terrorist act under Section 113.

SUGGESTED READINGS:

- 1. Bare Act on Bhartiya Nyaya Sanhita 2023.
- 2. Taxmann law and practice Bhartiya Nyaya Sanhita (BNS) 2024.
- 3. Bhartiya Nyaya Sanhita edited by Virag Gupta commercial Law publisher 2024.
- 4. Bhartiya Nyaya Sanhita by Law Man's published at New Delhi 2023.
- 5. Bhartiya Nyaya Sanhita by Bharat Publishers 2024.
- 6. Concise Commentary on Bhartiya Nyaya Sanhita 2023 by Anjana Prakash and Anuj Prakash.
- 7. Criminal Law: Cases and Material by KD Gaur.
- 8. Commentary on the Indian Penal Code by KD Gaur.
- 9. Criminal Jurisprudence by Dr. V S Chitins.
- 10. Law of Crimes in India by R.C. Nigam

Proposed change in L.L.M. I Syllabus

Group – I Constitutional and Administrative Law

Paper – II - National Security and Public Order

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

OBJECTIVE

- In depth understanding about Rule of Law in the context of the Indian Constitution
- Analysis of Preventive Detention Laws in the light of Constitutional Jurisprudence
- Critical Appraisal of National Security of Public order in India

OUTCOME

After completion of this paper students will be in position to

- know various detention laws such as COFEPOSA and laws relating to economics offences
- Carry out critical analysis of Human Rights issues of detainees in the light of Constitutional Provisions
- Perform in depth analysis of detention Laws

Module – I (1 Credit)

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

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

2. Preventive Detention and Indian Constitution: (1 Credit)

- 2.1. Article 22 of the Constitution
- 2.2. Preventive Detention and Safeguards Declaration of
Emergencies in 1962 and 1971
- 2.3. National Emergency in 1975

Module – II (1 Credit)

2. Exceptional Legislation:

- 2.1. COFEPOSA and other legislation to curb economic offences.

2.2. Special Legislations for Combating Terrorism in India

2.3. Due process and special legislation

2.4. Civil Liberties and Emergency:

(i). Article 19

(ii). Meaning of Security of State

(iii). Meaning of Public Order

(iv). Suspension of Article 19: Rights on declaration of emergency – Article 358

President's Right to suspend right to move any court

(v). Article 21 – special importance- its non-suspendability -44th Amendment

Module – III (1 Credit)

3. Access to Courts and Emergency:

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

Amendment Act, 1988

3.2. Martial Law:

Provisions in English Law Provisions in the
Indian Constitution

Module – IV - (1 Credit)

4. Human Rights in India:

4.1. Constitutional Philosophy

4.2. Human Rights of Disadvantaged Groups – Women, Children,
Dalits, Unorganized Labour and Minorities.

4.3. Police, Prison and Human Rights

4.4. 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)

Group – V Criminal Law and Criminal Administration

Paper – II Penal Laws (04 credits).

OBJECTIVES

- To have in-depth knowledge of Penal laws in India.
- To carry out a comparative study of Indian and International Penallaws.
- To gain legal awareness about Cybercrime and Information Technology Act, 2000

OUTCOME

This course enables students

- To suggest reforms in the Penal laws in India.
- To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Bhartiya Nyaya Sanhita2023

1.1.Offences Against the State Offences Relating to Elections

1.2..Offences Relating to Religion.

1.3.Offences Affecting the Public Health, Safety, Convenience, Decency and Morals

1.4. Reforms in Bhartiya Nyay Sanhita2023

Module-II (1 Credit)

2.1.The Maharashtra Control of Organized Crime Act, 1999

2.2. Provisions of the Unlawful Activities (Prevention) Act, 1967

Module – III (1 Credit)

3.1.Objectives and Features of The Information Technology Act 2000

32 Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

4. The Juvenile Justice (Care and Protection of Children) Act, 2015:

The Basic Concepts

Determining Factors of Juvenile Delinquency Legislative Approaches - Indian Context

Role of Juvenile Justice Board and Child Welfare Commission

Judicial Contribution Implementation Preventive Strategies

References :—

1. Ratanlal & Dhirajlal , **Bharat's Law of Crimes** (in 3 Volumes) by– 29th Edition 2023, Bharat Law House
2. Smith & Hogen – Criminal Law
3. Taxmann's All About New Criminal Laws | BNS | BNSS | BSA – Dictionary-style Alphabetical Handbook to Simplify the Complexities of India's New Criminal Laws Paperback – 15 January 2024
4. M L Singhal, Commentary on Juvenile Justice (Care and Protection of Children) Act 2015, Edition: 1st Edition, 2024, Vinod Publication Pvt Limited.
5. S Abdul Khader Kunju, Commentaries on The Unlawful Activities (Prevention) Act, 1967, Edition: 2nd Edition 2020, Reprinted 2022, Asia Law House
6. Pritha Dave The Maharashtra Control of Organized Crime Act, 1999 & Rules, 1999 (MCOCA) ISBN – 9788119637744, Snowwhite Publication.

Group – VI - Environment and Legal Order

Paper – III – Prevention and Control of Pollution

(4 Credits)

OBJECTIVES

- i. To understand the effect of environmental pollution on ecosystems and the human health.
- ii. To describe some key principles that support pollution control and pollution prevention.
- iii. To understand the legal control and sanctions against pollution.

2. OUTCOMES

The students shall be able:

- i. To identify sources, causes and effects of pollution.
- ii. To analyze the environmental effects of air pollution on plant, animal kingdoms and humankind.
- iii. To take basic actions to minimize air pollution, prevention and control.

Module – I (1 Credit)

1. Pollution:

1.1. Meaning Kinds of pollution and their impact

1.2. The water (Prevention and Control of Pollution) Act, 1974

1.3. Pollution of Water:

1.4. Definition

1.5. Ground water pollution Sources

1.6. Critique of existing laws

1.7. Powers and Functions of Boards (Chapter IV)

1.8. Offences and penalties

2. Pollution of Air:

2.1. The Air (Prevention and Control of Pollution) act 1981

2.2. Pollutants and effects Modalities of Control

2.3. Conflicts of jurisdiction of different control agencies.

2.4. Critique of the existing legal framework

Module – II (1 Credit)

The Noise Pollution (Regulation and Control) Rules, 2000

2.1 Causes

2.2 Effects

2.3 Legislative Provisions

2.4 Statutory Provisions

2.5 Judicial Trend

2.6 Remedies

2.7. Wildlife Protection Act, 2002

Objectives of the Act

Module – III (1 Credit)

3.1. Disposal of Waste:

3.2. Kinds of wastes

3.3. Disposal agencies: local bodies and other agencies Treatment,

3.4. Disposal and recycling of wastes

Module – IV (1 Credit)

- 4.1. Sanctions against Pollution:
- 4.2. Efficacy of criminal and civil sanctions
- 4.3. Corporate liability, civil and criminal
- 4.4. Should penalties be prohibitive?
- 4.5. Civil Liability, Compensatory and penal
- 4.5. Administrative compensation system
- 4.5. Incentives to pollution control
- 4.6. Market-based Instruments for abating Industrial Pollution

References :—

- Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998),
Environment Policy and Law in India (2000), Butterworths India, Armin Rozencranz et.al.(eds.).
Environmental Law (1999), Butterworths, London, David Hughes. Environmental and Land Controls Registration (1976), Bobbs-Merril, New York, Daniel R. Mandekar.
Frederick R. Anderson, et.al., Environmental Improvement Through Economic Incentives (1977).
Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi
John F.Mc. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press.
Leelakrishnan, P, The Environment Law in India (1999), Butterworths.
Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal Case (1986)
Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)
Leelakrishnan, P et.al. (eds), Law and Environment (1990)

Group – II Paper – I

Fundamental Principles of Law of Contract and Allied Laws.

04 CREDITS

Program Objectives

- To equip the learners with the knowledge of the foundation theories of contract
- To understand and evaluate the emerging trends in distinctive contracts.

- To analyse the legal provisions through case laws and the related reference material.

Course Outcomes:

The learners will be equipped with the philosophical content and foundation theories of the law of contract.

- The learners will be equipped will be enabled to apply and execute their professional skills in the formulation of contracts

- The learners will be equipped with the sound knowledge towards the functionality of distinctive contracts.

Module – 1 Introduction to Law of Contract (01 Credit)

1.1. Foundation theories of Contract

1.2 Proposal and Acceptance

1.3 Consideration

1.4 Capacity of Parties to Enter into Contract

1.5. Consent

Module -02 - Types of Contracts (01 credits)

2.1. Standard form of contracts

2.2. E-contracts

2.3. Government contracts

2.4. Quasi Contracts

2.5. Specific Contracts

(i) Indemnity and Guarantee Contracts

(ii) Bailment and Pledge

(iii) Agency

Module – 03 - Performance & Discharge of Contract-

(01 credit)

- 3.1 Tender of Performance
- 3.2. Modes of discharge
- 3.3. Discharge by performance
- 3.4. Discharge by agreement
- 3.5. Discharge by frustration
- 3.6. Discharge by breach
- 3.7. Remedies for Breach of Contract

- (i). Damages
- (ii) Specific performance & Injunction
- (iii). Restitution

Module- 04 -Alternative Disputes Resolution (1 Credit)

- 4.1. Historical background of the Arbitration and Conciliation Act,1996.
- 4.2. Definition and Meaning of Arbitration
- 4.3. Arbitration Agreement and Arbitration Clause in Agreement Alternative Disputes Resolution (ADR) Process.
- 4.4. Composition of the Arbitral Tribunal / Appointment of Arbitrators
- 4.5. Disqualification / Removal of arbitrators
- 4.6 Termination of Authority of Arbitrator
- 4.7. Jurisdiction of Arbitral Tribunal
- 4.8. Conduct of Arbitral Proceedings Making of 4.9. Arbitral Award. Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award
- 4.10. Other Internationally Accepted modes of Alternative Disputes Resolution. - (ADR)
 - (i). Conciliation and Mediation
 - (ii). Commercial Arbitration

References:

1. Anson's Law of Contract, By Sir William Reynell Anson, J. Beatson, Andrew S. Burrows, John Cartwright 21ST Edition, Oxford University Press.

2. 2.Cheshire, Fifoot, and Furmston's Law of Contract, Seventeenth Edition, OXFORD PUBLICATION, ISBN: 9780198747383
3. H K Saharay, Dutt on Contract, The Indian Contract Act, 1872 11th Reprint Edition, Eastern Law House Pvt. Ltd. ISBN: 4. 9788171773428
- 4.Avtar Singh's Law of Contract & Specific Relief by Rajesh Kapoor latest 2022 13th edition Paperback – 1 January 2022
5. Bansal A.K. — Law of International Commercial Arbitration. Justice Bachawat's Law of Arbitration and Conciliation.
6. Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.
7. Law of Arbitration and Conciliation—Dr. Avtar Singh
8. O. P. Malhotra - Arbitration and Conciliation Act
- Rao P. C. and William Sheffield - Alternative Disputes Resolution— What it isand How it works.

PAPER III - CORPORATE LAW (4 Credits)

OBJECTIVE

- The equip the learners with various provisions of the Companies Act 2013, dealing with the structure, management, administration, and conduct of affairs of Companies.
- To develop the legal knowledge of the students as well as their intellectual, analytical and practical skills,
- To enable students for critically evaluating the contemporary evolving challenges and legislative perspectives for resolving into the same.

Outcome

- To explore & apply the legal knowledge of their specialization in
- Corporate Law
- To provide a platform for the students to become academicians and lifelong learners.
- To pursue professional ethics and legal research in the realm of corporate law.

Module -1 Incorporation and Management (01 Credit)

1.1. Theories of Corporate Personality

**Proposal for changes in the syllabus of LL.B 3 Yrs, B A LL B (5 yrs),
BBA LL B 5 Yrs and LL.M. Courses.**

University of Mumbai BOS in Law in its meeting on 2nd July 2024 in respect of item number 2 of the agenda unanimously resolved as follows-

In view of the three new criminal laws viz, Bharatiya Nagarik Suraksha Sanhita, Bharatiya Nyay Sanhita and Bharatiya Sakshya Adhiniyam coming into force from July 1st 2024 and in compliance with the esteemed Bar Council of India's Circular BCI: D468/2024/Cir-006/2024 (LE) dated 20th May 2024, the syllabi of the following law courses will be revised as shown in the table below followed by the revised syllabus-

S. No	Programme	Semester	Course title (current)	Revised Title
1.	LL B (3 yrs)	II	Law of Crimes	Bharatiya Nyay Sanhita 2023
2.	B A LL B (5 yrs)	VI	Law of Crimes	Bharatiya Nyay Sanhita 2023
3.	LL B (3 yrs)	V	Criminal Procedure Code, 1973, The Juvenile Justice(Care and Protection of Children Act,2015 and the Protection of Children from Sexual Offences Act, 2012	Bharatiya Nagarik Suraksha Sanhita, 2023, The Juvenile Justice(Care and Protection of Children Act,2015 and the Protection of Children from Sexual Offences Act, 2012
4.	B A LL B	IX	Criminal	Bharatiya

	(5 yrs)		Procedure Code and Juvenile Justice Act	Nagarik Suraksha Sanhita, 2023, and The Juvenile Justice(Care and Protection of Children Act,2015
5.	LL B (3 yrs)	VI	Law of Evidence	La Bharatiya Sakshya Adhiniyam
6.	B A LL B (5yrs)	X	Law of Evidence (Forensic Evidence not specifically included)	Bharatiya Sakshya Adhiniyam 2023 Including Forensic
7.	BBA LL B (5yrs)	2 ND YEAR SEMESTER III - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)	LAW OF CRIMES I	THE BHARTIYA NYAYA SANHITA 2023.
8.	BBA LL B (5yrs)	2 ND YEAR SEMESTER IV - (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)	LAW OF CRIMES II	BHARATIYA NAGARIK SURAKSHA SANHITA,2023
9.	BBA LL B (5yrs)	4 TH YEAR SEMESTER	LAW OF EVIDENCE	THE BHARATIYA SAKSHYA

		VII- (B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)		ADHINIYAM, 2023
10.	LL M I	Group I	Paper II Paper IV Paper V Paper VI	Note: The copy of the syllabus is attached a herewith
		Group II	Paper I Paper III	
11.	LL M I	Group V	Paper II	
		Group VI	Paper III	

The following revised syllabi are adopted by BOS unanimously and recommended to be brought into the curriculum with effect from 2024-25.

The copy of each syllabus is attached herewith.

Kindly consider and do the needful.

4TH YEAR SEMESTER VII-(B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)

COURSE TITLE:- LAW OF EVIDENCE -THE BHARATIYA SAKSHYA ADHINIYAM.

OBJECTIVES:

- ❖ 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.
- ❖ To understand the process of adducing evidence, principles of admissibility and exclusion of evidences in a trial and 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.
- ❖ To impart learning on the kinds of evidences, modes of proof and burden of proof. It will also examine the law as a Lex Fori and the role of a judge while hearing and appreciating the evidences on record in a suit or a proceeding.
- ❖ To assist students in understanding the importance of the Bharatiya Sakshya Adhiniyam, 2023 is an updated version of the Indian Evidence Act of 1872, designed to address the emerging landscape of technology that the original 1872 law did not anticipate.

COURSE OUTCOMES: After completing this course, the students will be able to:

- ❖ Analyse the concept and nature of different types of evidence;
- ❖ Identify and apply the rules relating to relevance and admissibility of evidence in courts;
- ❖ Understand the standard of burden of proof followed in civil and criminal cases;
- ❖ Analyse the role played by the witnesses and evidentiary value attached to ocular evidence vis-à-vis scientific evidence;
- ❖ Understand the procedure of examination of witnesses and different categories of witnesses involved in a suit or proceeding;

MODULE 1:

- 1.1 Introduction and applicability of Bharatiya Sakshya Adhiniyam, 2023
- 1.2 Definitions – Section 2
- 1.3. Evidence May be Given of Facts in Issue and Relevant Facts – (Sections 3 - 14);
- 1.4 Admissions and Confessions (Sections 15 - 25);
- 1.5 Statement by person who cannot be called as witnesses (Sections 26 – 27);
- 1.6 Statements made under special circumstances (Sections 28 – 32);
- 1.7 How much of a statement is to be proved (Section 33)
- 1.9 Judgments of courts of justice when relevant (Sections 34 – 38);
- 1.10 Opinions of experts (sections 39 – 45);
- 1.11 Character when relevant (Sections 46 – 50)
- 1.12 Facts need not to be proved (Sections 51 - 53)

MODULE 2:

- 2.1 Oral evidence (Sections 54 - 55);
- 2.2 Documentary Evidence (Sections 56 - 73);
- 2.3 Public documents (Sections 74 - 77);
- 2.4 Presumptions as to documents (Sections 78 - 93);

MODULE 3:

- 3.1 Burden of Proof (Sections 104 - 120)
 - a. Facts which need not be proved
 - b. Oral and documentary evidence
 - c. Proof of electronic evidences
 - d. Public and private documents
 - e. Law relating to presumptions
 - f. Exclusion of oral by documentary evidence
 - g. Rules relating to burden of proof
- 3.2 Estoppel (Sections 121 – 123);
Doctrine of estoppel
- 3.2 Witnesses (Sections 124 - 170);
 - a. Who may testify?
 - b. Procedure for examination of witnesses
 - c. Questions to be put up to the witnesses
 - d. Credibility of witnesses

4TH YEAR SEMESTER VII-(B.B.A.LL.B (HONS.) (5 YEARS INTEGRATED COURSE)

COURSE TITLE:- LAW OF EVIDENCE -THE BHARATIYA SAKSHYA ADHINIYAM.

OBJECTIVES:

- ❖ 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.
- ❖ To understand the process of adducing evidence, principles of admissibility and exclusion of evidences in a trial and 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.
- ❖ To impart learning on the kinds of evidences, modes of proof and burden of proof. It will also examine the law as a Lex Fori and the role of a judge while hearing and appreciating the evidences on record in a suit or a proceeding.
- ❖ To assist students in understanding the importance of the Bharatiya Sakshya Adhiniyam, 2023 is an updated version of the Indian Evidence Act of 1872, designed to address the emerging landscape of technology that the original 1872 law did not anticipate.

COURSE OUTCOMES: After completing this course, the students will be able to:

- ❖ Analyse the concept and nature of different types of evidence;
- ❖ Identify and apply the rules relating to relevance and admissibility of evidence in courts;
- ❖ Understand the standard of burden of proof followed in civil and criminal cases;
- ❖ Analyse the role played by the witnesses and evidentiary value attached to ocular evidence vis-à-vis scientific evidence;
- ❖ Understand the procedure of examination of witnesses and different categories of witnesses involved in a suit or proceeding;

MODULE 1:

- e. Judges power to put questions
- f. Improper admission and rejection of evidence
- g. Repeal and Savings

MODULE 4:

Forensic Evidence Use and applicability of Forensic Evidence in the courts

- 4.1 Introduction and branches of forensic science
- 4.2 Forensic evidence and types of forensic evidences Section 176 (3)
- 4.3 Application of forensic evidence in civil and criminal cases under section 349 of BNSS
- 4.4 Relevance and use of forensic evidence under section 329
- 4.5 Expert Witness and Admissibility of expert's opinion in the courts under section 330

RECOMMENDED READINGS:

1. Taxmann's New Criminal Laws Bharatiya Sakshya Adhiniyam, 2023
2. Bharatiya Sakshya Adhiniyam, 2023, A Commentary by Professional's
3. Criminal Manual
4. LAWMANN's New Criminal Laws: Decoding
5. Bare Act, Bharatiya Sakshya Adhiniyam, 2023
6. Bharatiya Sakshya Adhiniyam, 2023 by Ratanlal & Dhirajlal
7. Bharatiya Sakshya Adhiniyam, 2023 by Vepa P Sarathi
8. Bharatiya Sakshya Adhiniyam, 2023 by Justice Y V Chandrachud & V R Manohar
9. Principles of Bharatiya Sakshya Adhiniyam, 2023 by Avtar Singh 122
10. Bharatiya Sakshya Adhiniyam, 2023 by S D Basu
11. Bharatiya Sakshya Adhiniyam, 2023 by Dr. S R Myneni



Principal

5/4/2025 at 5:04 pm



SCHEDULES

SCHEDULE I

List of Indian Universities and its approved Centres of Legal Education, whose degrees in law are recognized for enrolment
Visit Website of the Bar Council of India (www.barcouncilofindia.org) and select "Legal Education" column and go to List of approved law colleges.

SCHEDULE II

Academic standards and Courses to be studied

1. Medium of instruction: English shall be the medium of instruction in both the integrated five year and three year courses. However if any University and its any CLE allows in full or in part instruction in any language other than English or allows the students to answer the test papers in the periodical and final semester tests in any regional language other than English, the students have to take English as a compulsory paper.

2. University's responsibility: A University is free to design its academic program under LL.B. and LL.B. Honours course as well as program under the integrated degree program in Bachelor degree component as well as the LL.B. component with or / and without Honours course. However, LL.B. courses shall include the courses as stipulated under this schedule.

3. Total subjects in Liberal discipline in integrated stream: In integrated stream of Arts & Law, Science & Law, Management & Law, Commerce & Law, etc as the case may be, one has to take one major subject and two minor subjects or such number of compulsory paper/subject and such optional with or without Honours in Law, as the case may be, from the specified area in addition to English, as may be prescribed by the University concerned.

The syllabus has to be comparable to the syllabus prescribed by leading Universities in India in three year Bachelor degree program in BA, B.Sc, B.Com, BBA etc taking into account the standard prescribed by the UCC/AICTE or any other respective authority for any stream of education.

4. Total Number of papers (subjects) in law to be offered in both the streams as under:

Law subjects (papers) in both the streams

(a) For regular law courses either in the three years' unitary stream or under the integrated double degree stream, students have to take not less than thirty papers (subject) in all, which shall include twenty compulsory papers, four clinical papers and six optional papers from among the list of optional papers under this Schedule and also of any additional papers prescribed by the University from time to time.

(b) For specialized and / or honours course, a student has to take not less than thirty eight papers in all, which shall include twenty compulsory papers,

