

5:2:1(1)

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vi(ii), Revised curriculum for three year and five year Law Course for Implementation by Universities imparting Legal Education by the Academic year 1998-1999.

The Bar Council of India has issued a circular on curriculum and Rules to be followed in the Law Colleges. The Rules include curriculum and Practical Training. Before the circular is circulated to the Colleges for implementation the same was placed before the Academic Council in its 56th meeting held on 21st and 22nd Nov. 1997 which considered the same and resolved that the Board of under Graduates Studies in Law be directed to follow the Bar Council of India's directives.

The letter of the Bar Council of India is placed at Annexure 'A'

The matter is placed before the Council for consideration.

5:2:11(2), Annexure 11,
THE BAR COUNCIL OF INDIA

LE(Cir.No.4/1997)

21,Route Avenue, Institutional
Area, New Delhi-110002.

FROM:

C.M. BALARAMAN
OFFICIATING SECRETARY.

21st October 1997
UNDER CERTIFICATE OF POSTING

TO:

1. The Registrars of All the Universities imparting Legal Education.
2. The Deans of Faculties of Law of all the Universities.
3. The Principals of all the Law Colleges.

SUB: REVISED CURRICULUM FOR THREE YEAR AND FIVE YEAR LAW COURSE FOR IMPLEMENTATION BY UNIVERSITIES IMPARTING LEGAL EDUCATION BY THE ACADEMIC YEAR 1998-1999.

Sir,

This communication is issued to the Universities/Law Colleges in exercise of the powers vested in the Bar Council of India under section 7(h) and (i), 24(1) (c) (iii) and (iiia) and 49(1) (af), and (d) of the Advocates' Act 1961 and the Rules made thereunder for laying down standards of Legal Education and Recognition of Degrees in Law for the purpose of enrolment as advocates.

The Bar Council of India has been considering revision of LL.B curriculum for both five year and three year Law courses in the past. Bar Council of India held an All India Consultative Meeting of the Universities imparting Legal Education, State Bar Councils, University Grants Commission and State Governments at Bangalore in October 1996 and several recommendations were made in respect of improvement in Legal Education. One of them was the revision of curriculum for the LL.B. Courses. The recommendations of the said Consultative Meeting were considered by the Legal Education Committee at its meeting held on 2nd Nov., 1996 and the Legal Education Committee recommended certain modifications in the said curriculum and the modified curriculum was placed before the Bar Council of India at its meeting held on 16th and 17th Nov., 1996. The Bar Council of India finally approved the curriculum with certain further modifications for adoption by the Universities imparting Legal Education in the Country.

It was decided that there must be 21 Compulsory Legal Papers in addition to 4 Compulsory Practical Training Papers and three Optional Papers. It was also decided that only 2 Optional Papers to be taught in a year preferably in the last three years in the case of five year law course. However in addition to the Optional Papers identified, Universities are free to identify more subjects to be added to the list. The following are the Compulsory and Optional subjects prescribed by the Bar Council of India:

LIST OF COMPULSORY PAPERS (21)

1. Jurisprudence.
2. Contract-I (General Principle of Contract-Sections 1-75 and Specific Relief)
3. Contract-II (Indian Contract Act, Indian Partnership Act, Sale of Goods Act and other Specific Contracts).

(Contd---2 ---)

4. Tort and Consumer protection Laws.
5. Family Law-I
6. Family Law-II
7. Law of Crimes
8. Criminal Procedure Code, Juvenile Justice Act and Probation and Offenders Act.
9. Constitutional Law.
10. Property Law including Transfer of Property Act and Easement Act.
11. Law of Evidence.
12. Civil Procedure Code and Limitation Act.
13. Legal Language/Legal Writing including General English.
14. Administrative Law.
15. Company Law.
16. Human Rights and International Law.
17. Arbitration, Conciliation and Alternate Dispute Resolution Systems.
18. Environmental law.
19. Labour Law
20. Interpretation of Statutes.
21. Land Laws including ceiling and any other local laws

AND
PRACTICAL TRAINING

(Details set out in page 2-4)

The identification of the content and nature of each paper in the prescribed courses is left to the discretion of the University Academic Bodies. The CDC Report (1988) Commissioned by the UGC may be followed by University while preparing the syllabi for the various courses.

LIST OF OPTIONAL PAPERS (3)

1. International Economics Law
2. Bankruptcy Laws
3. Taxation Laws
4. Comparative Law/Legal History
5. Insurance Law
6. Conflict of Laws
7. Banking Law including Negotiable Instruments Act.
8. Investment and Security Laws.
9. Trusts, Equity and Fiduciary relationships.
10. Criminology and Penology.
11. Air and Space Law.
12. Law and Medicine.
13. Women and Law and Law relating to Child/Law, Poverty and development.
14. Intellectual Property Law.
15. Maritime Law.

PRACTICAL TRAINING

The following Practical Training Scheme shall be adopted by the Universities:

PAPER I: MOOT COURT, PIE TRAIL PREPARATIONS AND PARTICIPATION IN TRAIL PROCEEDINGS

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

- (a) Moot Court (30 Marks) Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.
- (b) Observance of Trail in two cases, one Civil and one Criminal (30 Marks):

Students will attend two trails in the course of the last 2 or 3 years of LL.B. Studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This Scheme will carry 30 marks

- (c) Interviewing techniques and Pre trail preparations (30 marks)

Each student will observe two interviewing sessions of clients at the Lawyers' Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

- (d) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

PAPER II, DRAFTING, PLEADING AND CONVEYANCING

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

NOTE:

- (a) DRAFTING:-

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

- (b) PLEADINGS:

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

(c) CONVEYANCING:

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

The remaining 10 marks will be given in a viva voce examination which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

PAPER III : PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BAR BENCH RELATIONS

This course will be taught in association with practising lawyers on the basis of the following materials:

- (i) Mr. Krishnamurth Iyer's book on "Advocacy";
- (ii) The Contempt Law and Practise;
- (iii) The Bar Council Code of Ethics.
- (iv) 50 selected opinions of the Disciplinary Committee of Bar Councils and 10 major judgements of the Supreme Court on the subject.

The written examination on this paper will have 80 marks and the viva voce will carry 20 marks

In lieu of the written examination, Colleges may be encouraged wherever appropriate to give the students, Seminars and Projects where they are expected to research and write persuasive memoranda on topics identified in the above subjects.

PAPER IV: PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA LEGAL SERVICES

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

The Bar Council of India wants all the Universities in the country to adopt and implement the above curriculum from the Academic year 1998-99 and the Universities are advised to take appropriate steps forthwith and report to the Bar Council of India about the implementation of the same. In case any University fails to implement the revised curriculum by the time prescribed, the Bar Council of India will not recognise the degrees in law awarded by such Universities and holders of Law Degree of such Universities will not be entitled to be enrolled.

Please acknowledge receipt.

Yours faithfully,

Sd/-
(C.M. BALARAMAN)
SECRETARY

5:2: SYLLABUS

- (i) Revised Curriculum for three years and five years Law Course for implementation by Universities imparting Legal Education by the Academic year 1998-99.

EC:95:97:5:2:(i): The Council considered the revised curriculum for the three and five year Law Courses as laid down by the Bar Council of India and RESOLVED that the BUGS in Law may be directed to make necessary changes in the syllabus for Law.

5:5: EXAMINATION MATTERS

- (i) Enhancement of Fees.

EC:95:97:5:5: (i): The Council considered the enhancement of the various examinations and other fees as recommended by the Academic Council and RESOLVED to approve the same as per Annexure-II.

- (ii) Percentage of marks to be insisted upon in the qualifying examination for admission in the 3 years as well as 5 years Law Courses.

EC:95:97:5:5: (ii): The Council considered the minimum qualifying marks for admission to the Law Courses as stipulated by the Bar Council of India and RESOLVED to accept the same.

5:6: ESTABLISHMENT OF NEW DEPTTS/
CENTRES/COURSES.

- (i) Revision of B.Ed. Courses of study as per NCTE norms.

EC:95:97:5:6:(i): The Council considered the revision of B.Ed. Courses as laid down by the NCTE and RESOLVED to accept the same.

- (ii) Establishment of new Law College.

EC:95:97:5:6:(ii): The Council considered the establishment of a new Law College at Aizawl and RESOLVED that the College may be granted Provisional Affiliation for a period of three years.