

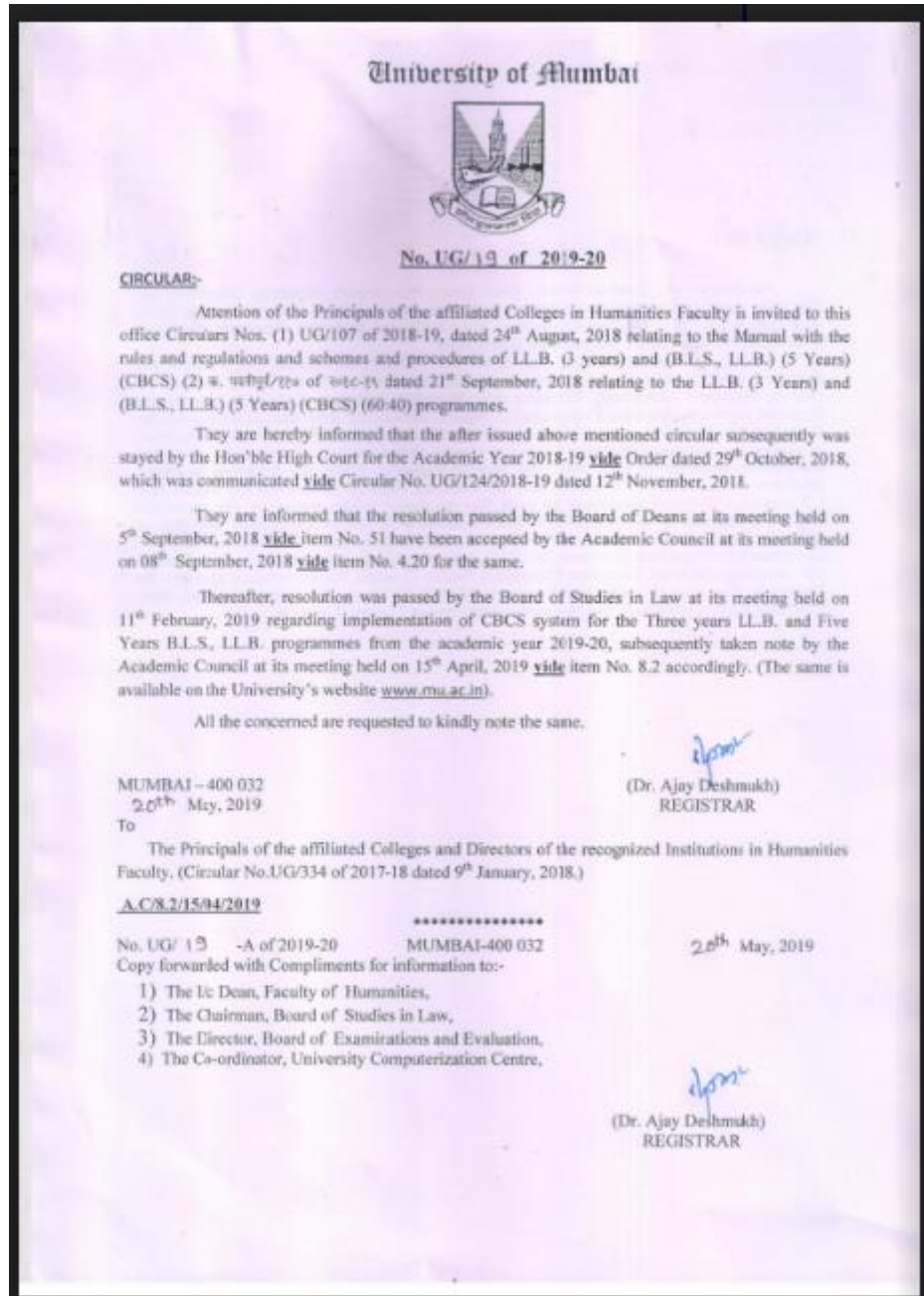
# Criteria – 1

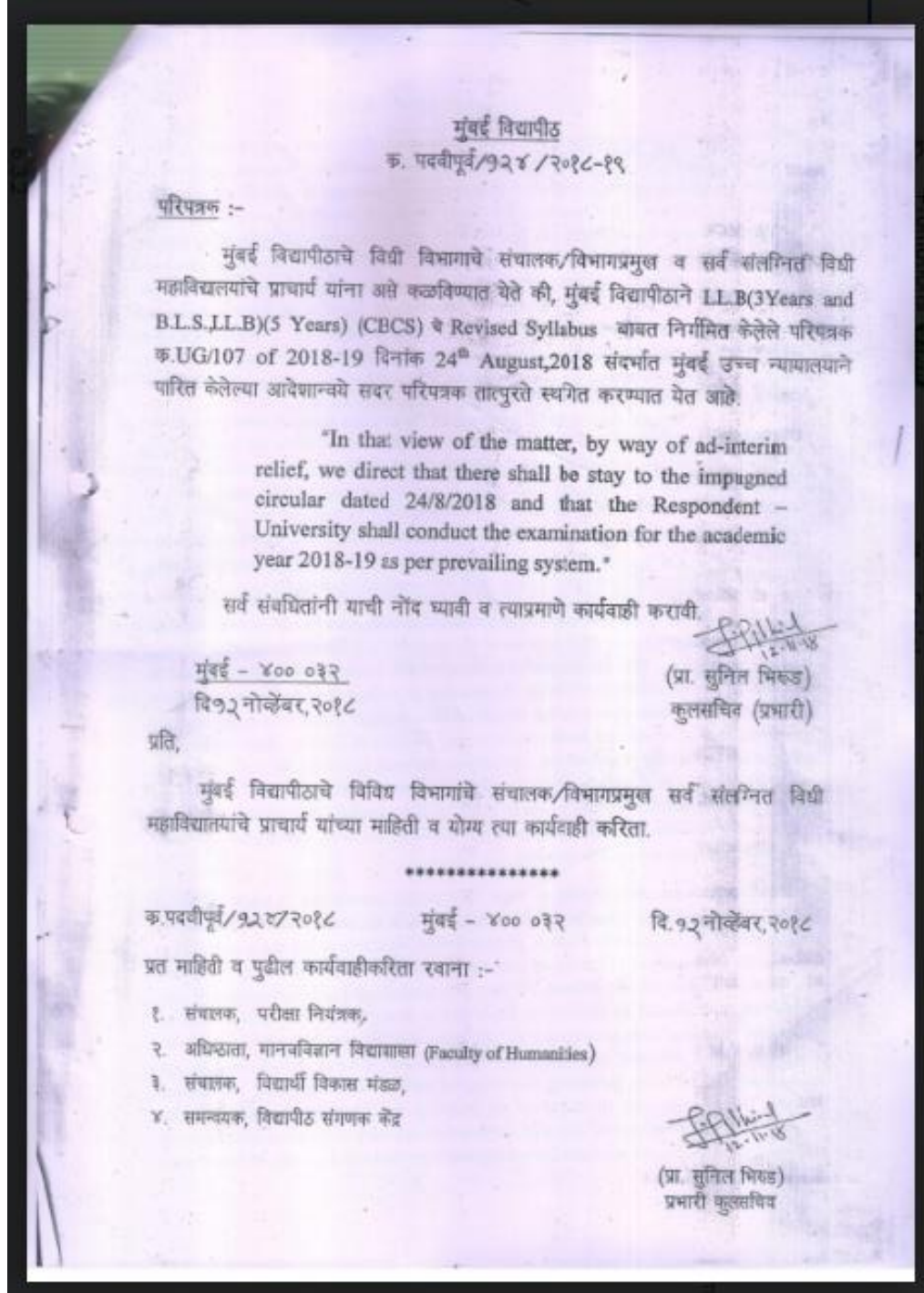
## Curricular Aspects

### 1.2. Academic Flexibility

**1.2.1. Number of elective/options courses offered by the institution during followed during last five years**

### 1.2.1. ( 7 ) Syllabus of Conflict Of Laws with the approval of BOS and Academic Council as elective paper





Revised

मुंबई विद्यापीठ  
क पदवीपूर्व/११७/२०१८-१९

परिपत्रक :-

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

सादर परिपत्रक मुंबई विद्यापीठाच्या ([www.mu.ac.in](http://www.mu.ac.in)) वा संकेत स्थळावर उपलब्ध करण्यात आलेले आहे.

मुंबई - ४०० ०३२  
दि २१ सप्टेंबर, २०१८

Shilpa  
21.9.18  
कुलसचिव (प्रभारी)  
मुंबई विद्यापीठ

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

क मुंबई/११७/१९/२०१८ मुंबई - ४०० ०३२ दि २१ सप्टेंबर, २०१८

प्रत माहिती व पुढील कार्यवाहीकरिता रवाना :-

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

Shilpa  
21.9.18  
कुलसचिव (प्रभारी)  
मुंबई विद्यापीठ  
21/9  
21/9  
21/9

Shilpa

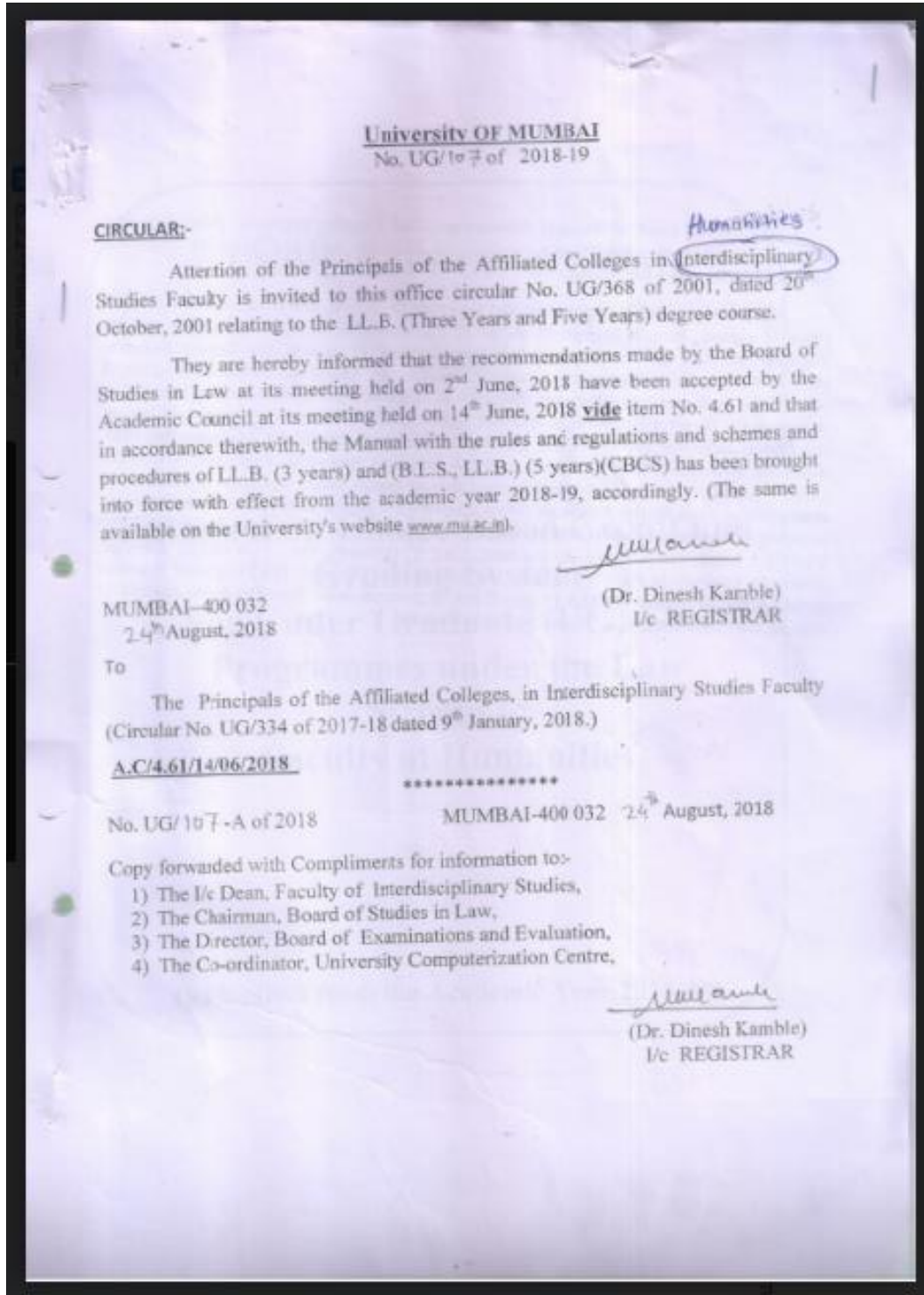




SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)



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

CIRCULAR:-

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

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

MUMBAI-400 032  
24<sup>th</sup> August, 2018

*(Signature)*  
(Dr. Dinesh Kamble)  
I/c REGISTRAR

To

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

A.C/4.61/14/06/2018

No. UG/107-A of 2018

\*\*\*\*\*  
MUMBAI-400 032 24<sup>th</sup> August, 2018

Copy forwarded with Compliments for information to:-

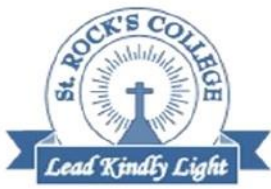
- 1) The I/c Dean, Faculty of Interdisciplinary Studies,
- 2) The Chairman, Board of Studies in Law,
- 3) The Director, Board of Examinations and Evaluation,
- 4) The Co-ordinator, University Computerization Centre,

*(Signature)*  
(Dr. Dinesh Kamble)  
I/c REGISTRAR

*(Signature)*



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092



SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

## University of Mumbai

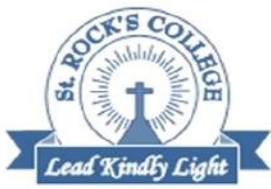
**Manual on Choice Based Credit and Grading System  
For Under Graduate (UG) Law Programmes under the Law  
Stream in Faculty of Humanities with effect from the Academic  
Year 2018-19**

Manual on Semester Based Credit and Grading System implemented  
in  
University of Mumbai  
....., 2018

---



UG PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092



SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

**6.3.3 Electives Subjects Group**

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

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

- Criminology
- Taxation
- Bankruptcy

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

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

- Law relating to Women and Children
- Law and Medicine



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092

#### **4) CONFLICT OF LAWS**

##### Introductory

- What and why of conflict of laws: its function, bases like comity, convenience and justice
- Difference between Public and Private International law
- Development and history- England and India – a comparative sketch with reference to USA and other countries
- Modern theories:  
Statutory, territorial, international, local law and justice
- State in a Private International law case
- Choice of Jurisdiction
- Choice of law (lex causae)
- Recognition and enforcement of foreign judgments / awards

##### Choice of Jurisdiction (First stage)

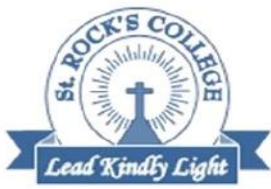
- Meaning, bases of jurisdiction, limitations like effectiveness principles –  
Relevant C.P.C. provisions regarding jurisdiction – Ss 15-20, 83, 84, and 86
- Kinds of jurisdiction
- Actions in personam –contract and tort
- Actions in rem – such as matrimonial causes and probate
- Admiralty action – S VI the Admiralty Courts Act
- Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian Context: Ss. 10 and 151 of C.P.C.

##### Choice of Law-Lex Causae (Second Stage)

- Classification / characterization / categorization – allocation of juridical category to the foreign element case
- Necessity for classification – different legal concepts with different content – matters like domicile, talaq and dower in different legal systems
- Various theories – leading cases
- Connecting factor – what is connection factor : lex fori to determine  
Selection of lex causae through connecting factor







SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

- Application of lex causae – three meanings of Lex Causae – Renvoi: partial and total (Foreign court theory) – critical analysis of Renvoi – Indian position

#### Limitations on application or exclusion of foreign law

- When foreign law is excluded: grounds – Public Policy, Revenue Laws and Penal Law
- #### Concept of Domicile

- General principles / fundamental Principles
- Elements – intention and residence
- Kinds
- Domicile of Origin
- Domicile of Choice
- Domicile of dependence: married women's position in English and Indian laws
- Domicile of corporation

#### Status

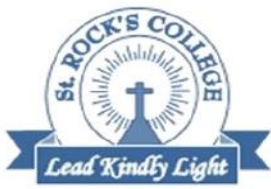
- What is Status?
- Incidents
- What law governs status
- Universality of status

#### Marriage

- Marriage as a contract and also status how different from other contracts (social personal contract)
- Kinds of Marriage
- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent
- Questions of format and essential validity
- Formal validity by lex loci celebrations
- Essential / material / intrinsic validity
- Capacity to marriage



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092



SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

- Universality of status

#### Marriage

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

#### Matrimonial Causes

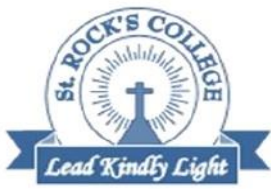
- Concept of matrimonial cause (Relief) – English and Indian positions
- Available Reliefs
- Divorce, Nullity, judicial separation
- Restitution of Conjugal Rights (in English law)
- Restitution of Conjugal Rights has no place now
- Choice of Jurisdiction and Choice of Law to be examined

#### Legitimacy and Legitimation

- What is legitimacy
- What law governs legitimacy



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092



SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

- Validity of marriage
- Legitimation
- What it is
- How affected
- Legitimation and Succession

#### Adoption

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

#### Custody and Guardianship

- Purpose
- Adoption and succession

#### Contracts

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

#### Torts

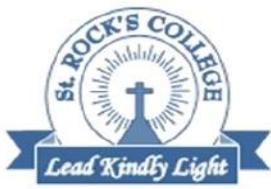
- Traditional theories
- Ideas of tort of recent importance in private International Law such as drugs, environments, transport and satellite communication

#### Recognition and Enforcement of Foreign Judgments

- Need recognizing foreign judgments
- Limitations in recognising and enforcement



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092



SHRI HARI EDUCATIONAL TRUST  
**ST. ROCK'S DEGREE COLLEGE OF LAW**

(Affiliated to Mumbai University)

Borivali (W), Mumbai- 400 092. E mail ID: [strockscollegeoflaw@gmail.com](mailto:strockscollegeoflaw@gmail.com)

Torts

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

Recognition and Enforcement of Foreign Judgments

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

**Recommended Readings:**

Paras Diwan – Private International Law

Cheshire – Private International Law

Dicey A.V. – Conflict of Laws



I/C PRINCIPAL  
ST. ROCKS DEGREE COLLEGE OF LAW  
BORIVALI (WEST),  
MUMBAI- 400 092