

LL.M. DEGREE COURSE OF STUDY AND EXAMINATION

WHEREAS, it is necessary to reorient legal education by making provisions for instruction in new courses of study, extensive as well as intensive study of prescribed courses and for adequate practical training for diverse careers open to Law Graduates;

AND WHEREAS, with a view to reorient legal education as aforesaid and to provide sufficient opportunity for adequate instructions as well as training in Law from the Banaras Hindu University has already instituted a Three Year Six Semester LL.B. Degree Course of Study;

AND WHEREAS, with a view to further the process of reorientation of legal education and to provide sufficient opportunity for specialization in selected field of study as well as to develop research facilities, the Banaras Hindu University has decided to reorganize its LL.M. Degree Course of Study,

NOW, THEREFORE, the Banaras Hindu University frames these Ordinances.

1. THE DEGREE OF MASTER OF LAWS

The Banaras Hindu University may confer the Degree of Master of Laws on such candidates who, being eligible for admission to the LL.M. Degree Course, have received regular instruction in the prescribed courses of study, passed relevant examinations and being otherwise suitable by virtue of their character, have fulfilled such other conditions as may be laid down from time to time by the appropriate authorities.

2. THE CURRICULUM AND DURATION OF STUDIES

- A.** (i) The Curriculum of study for the LL.M. Degree shall comprise of the courses set out in Schedule A.
- (ii) The Board of Studies in Law shall prescribe the content of various courses of study from time to time and report the matter to the appropriate authorities.
- B.** The Curriculum of study for the LL.M. Degree shall be spread over Four Semesters.

Explanations:

- (i) The Four Semesters over which the Curriculum is spread shall, respectively, be called the First, the Second, the Third and the Fourth Semester.
- (ii) The Curriculum of study for each Semester shall ordinarily be spread over one Term of the Academic Year.
- (iii) There shall be two Terms in each Academic Year.
- (iv) The First term shall extend from the day of reopening of the University after Summer vacation to appointed day in December of the same year, and the Second term shall extend from an appointed day in December to the last working day of the concerned Academic Year.

3. REQUIREMENT FOR ADMISSION

A. Registration:

- (i) Candidates for LL.M. Degree shall first be admitted to the First Semester upon the reopening of the University after summer vacation.
- (ii) Subsequent Registration:
 - (a) A candidate, who fails to prosecute a regular course of study during any of the Second, Third and Fourth Semesters may be registered in the appropriate Term of any subsequent Year to the Semester concerned but within such time as enables him to complete the study of all Semesters comprising LL.M. Degree Course within a maximum period of four years from the date of his registration for the First Semester.
 - (b) Any candidate, whose name is struck off the rolls for non-payment of dues, may be registered in the same Semester on payment of prescribed fee.

B. Minimum Qualification for Admission:

- (i) Admission to the LL.M. Degree Course of study shall be open to those candidates who have passed the Three Year LL.B. Degree Examination of this University or such Examination of any other University or Institution after Graduation under 10+2+3 pattern; or Five Year LL.B. Degree Course under 10+2+5 pattern as is recognized by this University as equivalent for the purpose of LL.M. Degree Course and have secured not less than 50% marks in aggregate in the LL.B. Examinations.
- (ii) The Banaras Hindu University shall conduct Postgraduate Entrance Test (PET) for each academic session. Admission shall be made according to merit in the PET subject to the fulfillment of eligibility requirement as determined by the University and availability of seats in LL.M. Course.

C. Conditions of Admission:

- (i) No application for registration to the First Semester shall be entertained unless it is accompanied by:
 - (a) a duly certified transcript of scholastic record of the candidate, commencing from the High School or equivalent Examinations,
 - (b) Original Transfer Certificate of a candidate who has been a regular student in any Institution at any time prior to making application for registration in the Faculty of Law; and
 - (c) Original Migration Certificate if the candidate is not enrolled in this University, or, if enrolled, his enrollment has been cancelled.

Provided that if a candidate is unable to produce any of the documents other than the marks-sheet of the LL.B. Examination, at the time of seeking admission in the Faculty of Law, he shall undertake to submit them within one month or within such further period as the University authorities may prescribe; and the admission, if any, of such candidate shall, until the submission of the aforesaid documents, be deemed to be provisional.

- (ii) No application for registration shall be entertained unless the candidate gives a written undertaking that:
 - (a) He shall exclusively devote his time to the study of courses prescribed for LL.M. Degree and in particular he shall not offer any other course leading to a degree of any description whatsoever, nor shall he undertake any remunerative work, though with the prior permission of the Faculty he may join Certificate or Diploma course in any foreign language.
 - (b) He shall not undergo practical training in Law for the purpose of being enrolled as an Advocate during his studies to the Degree of Master of Laws; and
 - (c) He shall abide by the provisions of the Banaras Hindu University Act, Statutes, Ordinances, Regulation and Rules that are frame or may be framed there under and the orders of the Officers and Authorities of the University and the Faculty of Law from time to time.
- (iii) No application for registration shall be entertained unless the Parent or the guardian of the candidate gives a written undertaking that:
 - (a) the candidate shall abide by the undertaking given in the registration application and by the provisions of the Banaras Hindu University Act, Statutes, Ordinances, Regulations and Rules that are framed or may be framed there under and the Order of the Officers and the Authorities of the Faculty of Law and the University.;
 - (b) He shall be responsible for the payment of fees and other dues of any description whatsoever of the candidate; and
 - (c) He shall be responsible for the conduct of the candidate in and out side the Faculty and the University.
 - (d) The admission of a student shall be liable to be cancelled at any time in the event of breach of any of the undertakings given by the student or his guardian.

D. Foreign Students:

- (i) Foreign nationals and other candidates nominated by the Government of India for admission against reserved/open seats under various scholarship schemes may be admitted if they fulfill the prescribed minimum eligibility requirements, under the orders of the Vice-Chancellor.
- (ii) Self-supporting foreign nationals recommended by the Government of India/ Embassies or who may directly apply for admission may be admitted against open seats on merit basis.

4. FEES

The students pursuing the LL.M. Degree Course of Study shall have to pay fee as may be prescribed by the University from time to time.

5. REGULAR COURSE OF STUDY

A. Course of Study:

A candidate for the Degree of Master of Laws shall be required to :

- (i) Study **One** Compulsory course in each semester.

- (ii) Study **One** Optional Group in the First Semester, Second Semester and Third Semester from Schedule B. Each Optional Group shall consist of three papers.
- (iii) Write a Dissertation in the Third and Fourth Semester (one academic year) on a subject approved by the Dean, Faculty of Law in consultation with the Supervisor

B. Prosecution of Regular Course of Study:

Every student is expected to have full attendance, i.e., 100% and condonation up to 30% can be considered by the HOD/Dean of the Faculty for specified cogent reasons only on the following grounds:

- (e) Participation in N.C.C./N.S.C./N.S.O. camps, duly supported by a certificate.
 - (ii) Participation in University or College/Faculty Team Games or Inter-University tournaments, duly supported by a certificate from the secretary of the University Athletic, Association concerned.
 - (iii) Participation in Educational Excursions conducted on working days certified by the Principal/Dean of the College/Faculty or the Head of the Department. These excursions shall not include those organized for a class as a whole. No credit will be given for excursion conducted on holidays.
 - (iv) University Deputation for Youth Festival certified by the Principal/Dean of the College/Faculty concerned.
 - (v) Prolonged illness duly certified by the Medical Officer or the Superintendent, S. S. Hospital of Banaras Hindu University.

6. EXAMINATION

A. General :

- (i) There shall be a University examination at the end of the First, Second, Third and Fourth Semester and the candidate for the Degree of Master of Laws shall be required to pass in all the prescribed courses within a maximum period of four years from the year of his being admitted to the First Semester.
- (ii) Subject to the provisions of these Ordinances, the University Examination for the Degree of Master of Laws shall be held in Varanasi at such time and on such dates as the Academic Council may prescribe.
- (iii) (a) A candidate shall be examined in thirteen written papers, each paper carrying one hundred marks and covering prescribed courses of study.
 - (b) Examination shall be conducted by means of written papers, each carrying 80 marks and of three hours duration.
 - (c) In each paper 20 marks shall be reserved for award on the basis of performance in the class room.
 - (d) Dissertation shall carry 200 marks.
 - (e) The viva-voce Examination shall carry 100 marks and shall be held soon after the Fourth Semester Examination.

B. First Semester Course & Examination:

The candidates who have taken admission in LL.M. First Semester in a session can be put in the following two categories on the basis of their attendance in the session.

- (I) (1) Those who have put the required minimum percentage of attendance for appearing in First Semester examination and filled up examination form for appearing in the First Semester Examinations;
- (2) Those who did not put the required minimum percentage of attendance for appearing in the First Semester Examination or did not fill up examination form for appearing in the First Semester Examinations.

Candidates under Category (1) are eligible for appearing in examination of the First Semester while candidates under Category (2) are not allowed to appear in the examination of the semester.

The candidates under Category (2) may further be put in two sub-categories (2a) and (2b). The candidates whose attendance is 25% or above but below the prescribed percentage of attendance for appearing in the examination, will be put in category (2b) while those candidates whose attendance is below 25% will be put in category (2a). The candidates under category (2b) are eligible for re-admission in the same course in the subsequent session if otherwise eligible. Further candidates of category (2a) are not eligible for re-admission. However they will be allowed to appear in the Entrance Test of respective course in subsequent year(s).

- (II) After appearing in the examination of First Semester the candidates can be put in the following categories in the context of declaration of the result of First Semester Examination.
 - (a) Passed i.e. who have passed in all items of the examination of the semester.
 - (b) Promoted i.e. who have not passed in all the items of the examination of the semester.
- (III) Minimum Pass Percentage- 50% in each item of the examination.
- (IV) Promotion to Second Semester:

All candidates who have put the minimum required percentage of attendance in First Semester and filled up the examination form will be promoted to Second Semester.

C. Second Semester Course and Examination:

- (i) As in the First Semester Course, in all semesters all the candidates who have put the minimum percentage of attendance for appearing in the examination and filled in the form for appearing the semester examination will be allowed to appear in the respective examination. However, candidates who have not put the minimum percentage of attendance in any Semester will be allowed to take re-admission in that semester in subsequent year(s).
- (ii) Declaration of Result
 - (a) A candidate can be put in the following three categories on the basis of the marks obtained in the First and Second Semester Examinations (taken together):

Passed: A candidate who has passed in all items of examinations of LL.M. First and Second Semester.

Promoted: A candidate who has failed in not more than 1/2 of the total number of papers of LL.M. First and Second Semesters taken together.

Failed: A candidate who has failed or failed to appear in more than 1/2 of the total number of items of First and Second Semesters taken together

(b) Minimum Pass Percentage – 50 % in each item of the examination.

D. Promotion to Third Semester:

- (i) A candidate who comes under the category “Passed” is eligible to be promoted to Third Semester Class, if otherwise eligible.
- (ii) A candidate who comes under the category “Promoted” is also eligible to be promoted to the Third Semester, if otherwise eligible. Candidates of category “Promoted” will appear in the First/Second Semester examinations, as the case may be, as ex-candidate of subsequent year in failed items only after completing necessary formalities for appearing in an examination.
- (iii) A candidate under the category “Failed” will not be promoted to the Third Semester. However, such candidates will be allowed to appear as ex-candidate in the failed items only in the subsequent examinations of First/Second Semester, as the case may be.

E. Promotion to Fourth Semester:

- (i) All candidates who have put minimum percentage of attendance in the Third Semester and filled in the examination form will be promoted to the Fourth Semester.
- (ii) Declaration of Result
 - (a) A candidate can be put in the following two categories on the basis of the results of First, Second, Third and Fourth Semester examinations (taken together).

Passed: A candidate who has passed in all items of examinations of LL.M. First, Second, Third and Fourth Semesters.

Failed: All the candidates who have not PASSED will be categorized as “FAILED”. Such “FAILED” candidates may appear in subsequent Supplementary or Main examination(s) of LL.M Third/Fourth Semester course as ex-candidate, if otherwise eligible.

(b) Minimum Percentage of Marks – 50% in each item of the examination.

F. Registration:

- (i) A regular candidate shall apply to the Dean of the Law School on the prescribed form, together with the prescribed Examination fees, on or before the date that may be fixed in this connection, intimating his intention to appear at the specified Examination.
- (ii) An ex-candidate shall apply to the Registrar on the prescribed form, together with the prescribed Examination Fee, on or before the date that may be appointed in this behalf intimating his intention to appear at the specified examination.

D. Admit Card:

- (i) No candidate shall be admitted to the LL.M. Degree Examination unless he /she produces his/her Admit Card in respect thereof to the officer conducting the Examination or satisfies such officer that it will be subsequently produced.
- (ii) The Controller of Examination may, if satisfied that an Admit Card has been lost or destroyed, issue a duplicate Admit card on payment of prescribed fee.

H. LL.M. Examinations:

(i) Eligibility:

The LL.M. Degree Examination shall be open to a student who having been duly admitted to the LL.M. Degree course of Study, has prosecuted a regular course of study for the said examination.

(ii) Written Paper:

A candidate for the LL.M. Degree Examination shall be examined in thirteen papers as mentioned in Schedule A.

(iii) Dissertation:

- (c) Candidate shall be required to submit the Dissertation at least two weeks before the commencement of Fourth Semester Examination.
- (d) The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.
- (e) The Examiner shall either –
 - (i) Award at least 50% marks, or
 - (ii) Return the Dissertation for revision, or
 - (iii) Reject the Dissertation.
- (d) The candidate who's Dissertation is returned for revision may revise the dissertation and re-submit it within a period of two months. Failure to submit in time shall result in a declaration that the candidate has failed at the relevant LL.M. Examination.
- (e) A Dissertation can be revised only once. If the candidate fails to secure pass marks in the revised Dissertation he shall be declared failed in the LL.M. Examination.
- (f) The candidate whose Dissertation is rejected, may with the approval of the Faculty of Law write a Dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this Dissertation also, he shall be declared failed at LL.M. Degree Examination.
- (g) A Dissertation shall be examined by a Board of two examiners at least one of them shall necessarily be an external examiner.
- (h) The evaluation of the two examiners shall be coordinated as hereunder:
 - (i) Each examiner shall award marks out of 100.

- (j) If the marks awarded by two examiners vary by 20 marks or more the Dissertation shall be examined by third examiner, whose decision shall be final.
- (k) If one of the examiners return the Dissertation for revision or rejects the Dissertation, his decision shall prevail provided that if one of the examiners has rejected the Dissertation and another examiner has returned it for revision, the Dissertation shall be deemed to be rejected.

(iv) Viva Voce Examination:

- (a) The Viva Voce Examination shall be conducted by a Board of Examiners.
- (b) The Board shall consist of three members; at least one of them shall be an external member.
- (c) The Viva-Voce Examination shall carry 100 marks.
- (d) The candidate shall be required to obtain a minimum of 50 marks to pass the Viva Voce Examination.

I. Re-Registration for Examination:

- (i) A candidate who having pursued a regular course of study in LL.M. First Semester or LL.M. Second Semester fails to appear at the main examination of the respective semester/semesters; or having appeared fails to pass in any of the papers comprising the said examination, may appear in subsequent examination of the concerned semester/semesters or paper or papers as the case may be along with the students of the next academic session within a period of four years from the date of his registration for the First Semester.
- (ii) A candidate who having pursued a regular course of study in LL.M. Third Semester or LL.M. Fourth Semester fails to appear at the main examination of the respective semester/semesters; or having appeared fails to pass in any of the papers comprising the said examination, may appear in any subsequent supplementary examination conducted for the said semester/semesters or paper or papers as the case may be, within a period of four years from the date of his registration for the First Semester.
- (iii) The supplementary examinations for Third and Fourth Semesters will normally be held after 30 days of the declaration of the results of the LL.M. Fourth Semester's main examination held for regular courses.
- (iv) The marks obtained by the candidate at any examination in respect of which he/she has secured less than minimum pass marks shall be substituted by the marks obtained by him in the subsequent examination or supplementary examination in respect of the concerned paper or papers.

J. Scale of Marks, Divisions and Distinction:

Minimum Marks in each Paper: 100

Minimum Pass Marks in –

- (i) Written Papers and Class-room performance: 50% in each paper;
- (ii) Dissertation: 50% in the aggregate;
- (ii) Viva Voce: 50%

First Division: 65% and above of the aggregate of marks.

Second Division: 50% and above of the aggregate marks.

Distinction: A student who secures an average of 75% or more marks in the aggregate shall be declared to have obtained distinction.

Merit: The Order of Merit shall be determined on the basis of aggregate marks obtained in the prescribed course of study for the LL.M. Degree Examination by the candidates, irrespective of their optional who passed in first attempt within a period of two years from the year of their being admitted to the First Semester.

7. REPEAL

The Ordinances governing Two Year (Annual Examination System) Degree Course of study shall cease to have effect from the date the Ordinance governing Two Year (Four Semester) LL.M. Degree Course of study and examinations come into effect.

8. TRANSITORY ORDINANCE

- (i) The students who were admitted in LL.M. First Year (Annual Examination System) of the Academic Year 2005-2006 or before and were either detained or failed in examinations of that concerned year, they shall be governed by old Ordinances subject to the condition that the candidates have to complete the study of both the years comprising LL.M. Degree course within a maximum period of four years from the date of their registration for the First Year.
- (ii) The students who were admitted in LL.M. Second Year (Annual Examination System) of the year 2005-2006 or before and were either detained or failed in the examination of that concerned year, they shall be governed by old Ordinances subject to the condition that the candidates have to complete the study of both the years comprising LL.M. Degree course within a maximum period of four years from the date of their registration for the First Year.

9. MISCELLANEOUS PROVISIONS

1. These Ordinances contained herein shall be deemed to have come into effect from the academic session 2006-2007 to the extent of its applicability.
2. Any provision contained in earlier Ordinances in this regard repugnant to the present Ordinance shall stand deleted.
3. The Dean of the Law School in consultation with the Departmental Council shall have the power to remove all difficulties in interpretation and/or application of these Ordinances, which shall be final.