



**UNIVERSITY OF CALICUT**

**Abstract**

General and Academic Branch - Faculty of Law - UG Programmes in Law - Improvement of internal assessment marks and Save a Year Examination - Clarification to the UOs earlier issued- Approved - Orders issued.

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**G & A - IV - E**

U.O.No. 16906/2019/Admn

Dated, Calicut University.P.O, 03.12.2019

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- Read:-*1.UO No. 15266/2019/Admn dated 29.10.2019.  
2.UO No. 15267/2019/Admn dated 29.10.2019.  
3.U.O. Note No. 122176/EPR-IV-SO/2019/PB dated 15.11.2019.  
4.Letter from the Dean, Faculty of Law dated 22.11.2019.

**ORDER**

Orders were issued on Save a Year Examination and the Improvement of internal assessment marks of LLB Programmes as approved by the Academic Council vide papers read as (1) and (2) above. While implementing the above orders, the EPR Branch in Pareeksha Bhavan faced some practical difficulties and sought clarification on the following vide paper read (3).

**I.Improvement of Internal Assessment (UO No. 15267/2019/Admn dated 29.10.2019)**

1.It may be clarified whether the UO is specifically issued to LLB (3 year Unitary) and BBA LLB (Hons.).

2.In the first paragraph, the UO specifies that Board of Studies resolved to allow ONE chance per subject/paper for improving internal assessment marks for students of Under Graduate Programmes in Law of the University subject to the guidelines as decided whereas the abstract part speaks only about BBA LLB (5 Year) and LLB Unitary (3 year).

3.As per the paragraph 2 of the UO, the AC resolved to approve a modification to the guidelines for Improvement of Internal Assessment marks of LLB (3 Year) Unitary Degree and BBA LLB (Honours) programmes by adding the clause that internal re-do for all papers/subjects should be done at a stretch. It may be clarified whether this modification is applicable to all other programmes of LLB.

4.Item 4 of the guidelines says that a candidate can opt a total of 10 papers for all semesters subject to that one paper for every semester. It may be clarified whether this rule is applicable for a 6 semester programme (Eg.LLB 3 year Unitary) of LLB.

**II. Save a Year Examination ( UO No. 15266/2019/Admn dated 29.10.2019 )**

5. It may be clarified whether improved internal marks shall be effected to the SAY examinations (of IX BBA LLB and V LLB Unitary), if the student has scored the highest external in SAY examinations.

6. Separate session shall be allotted to improvement examination . This session may be considered as the month and year of passing the paper as a result of internal improvement, and not the session in which the candidate has scored the highest external.(see the guideline 12 & 13)

7. It may be clarified whether the UO is applicable to candidates who are not able to complete the programme within the N+ 2 (N= Normal period to complete the course) period. As per the UO N0. 150/2016/PB dated 29/03/2016 , it has been ordered to implement UGC guidelines with effect from the academic year 2015-16 in the University.

The matter was forwarded to the Dean, Faculty of Law for remarks and the Dean, after examining the matter in detail, has offered the following remarks on the clarifications sought by Pareeksaha Bhavan in this regard.

1. The intention of the U.O. No. 15267/2019/Admn. dated 29.10.2019, as can be deciphered on reading it in its entirety, is to confer the benefit of improvement of internal marks to students of all Under Graduate Programmes in Law of the University. The fundamental rule of interpretation of statutory legal provisions is that in case of any doubt, ambiguity or purported contradiction on reading the abstract or head note

and the operative part of the order/provision, the sensible meaning which can be construed on a careful reading of the operative part of the order shall prevail. The abstract part in no case can control the operative part of the provision. The operative part of the instant order speaks about improvement of internal marks for students of Under Graduate Programmes in Law in the University, even provides for one-time opportunity for all those who have already completed the course (Proviso to Clause 3 of the Guidelines), and also provides for a one-year time span to apply for improvement. The intention to confer the benefit to students of all Under Graduate Programmes in Law is thus unambiguous. For the same reasons, it is clear that the modification approved by the Academic Council is **applicable to all Under Graduate Law Programmes.**

2. Clause 4 of the Guidelines state in no uncertain terms that chance for internal improvement shall be limited to one paper per semester with benefit of carry forward of eligibility. Since 3-year and 5-year courses have 6 and 10 semesters respectively, the logical conclusion cannot be anything other than 6 and 10 papers for the concerned courses respectively. What is narrated in the relevant clause as 10 papers is the maximum possible papers for improvement in the course with longest duration. Where the maximum is prescribed, it includes all other possibilities on compliance with other conditions. Hence, **three-year students will have the benefit for maximum of six papers.**
3. Opportunity for SAY examinations are to be provided within one month of conclusion of final semester examinations and its result is to be published simultaneously with final semester examinations; whereas application for internal improvement can be made within one year from the last examination of final semester. The internal improvement need be done within 90 days after the university order and marks need be furnished within 100 days. Hence, result of SAY examinations will be available even before the candidate applies for internal improvement and **there is no reason to deny the candidate the benefit of internal improvement being applied to SAY result.**
4. The 6th point raised in the UO Note as regards guidelines 12 & 13 seems to be *ultra vires* as clear guidelines have been adopted in due process.
5. UO No. 150/2016/PB dated 29/03/2016 provides for N + 2 + 1 years in exceptional cases for completing the course. It can be harmoniously construed with the impugned U.O; and the time span for internal improvement has to be reckoned within the N+2+1 year period, since an exceptional situation is sought to be addressed vide UO dated 29.10.2019.

The Vice Chancellor, after examining the clarification furnished by the Dean, Faculty of Law has accorded sanction to accept the clarifications and implement the same.

Orders are issue accordingly.

Biju George K

Assistant Registrar

To

1. The Controller of Examinations. 2. Principals of all Law Colleges.

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Forwarded / By Order

Section Officer