BAR COUNCIL
MALDIVES

APPLICATION FOR INSTITUTIONS

PRESCRIBED LEARNING OUTCOMES AND STATEMENT OF PRESCRIBED KNOWLEDGE

FOR QUALIFYING LAW DEGREES IN LAW

(BACHELOR'S DEGREE)

PROGRAMME DETAILS	
Name of the Program:	
Level:	
Duration:	
Total Credits:	
No. of Modules:	
Course Provider/ Institution:	

PART A: COVERAGE OF PRESCRIBED KNOWLEDGE AREAS (PKA)

COVERAGE OF MAJOR PRESCRIBED KNOWLEDGE AREAS (PKA)			
Major PKA Modules, allocated Credits and Language of delivery	**Module Title:**	**Credits:**	**Language of delivery:**
	Contract Law		
	Constitutional Law		
	Company Law		
	Criminal Law		
	Property Law		
	Torts		
	Introduction to Jurisprudence		
	Principles of Islamic Jurisprudence		
	Islamic Criminal Law		
	Islamic Family Law and Inheritance		
	Lawyers Ethics		
Total: (Minimum 168 Credit points for Major PKA Modules)			

COVERAGE OF MINOR PRESCRIBED KNOWLEDGE AREAS (PKA)			
Minor PKA Modules, allocated Credits and Language of delivery	**Subject Title:**	**Credits:**	**Language of delivery:**
	Introduction to the Maldivian Legal System		
	Common Law Legal Method and Reasoning		
Total: (Minimum 12 credit points for MINOR PKA Modules)			

PART B: MODULE TOPIC COVERAGE

CONTRACT LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) **The formation of contracts; the requirements of**				
a) agreement				
b) consideration				
c) intention to create legal relations				
d) certainty				
e) capacity				
2) Formalities				
3) The doctrine of privity				
4) The content of contracts				
a) Express terms				
b) Implied terms				
5) Invalidating factors in contract formation				
a) Mistake and misrepresentation, and				
b) Duress and undue influence OR unconscionability				
6) the termination of contracts				
a) Termination by breach				
b) Frustration				
7) Remedies for breach of contract				
a) Damages				
b) Specific performance				
c) Rescission				
d) Injunctive relief				

CONSTITUTIONAL LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Introduction to Constitutionalism				
a) constitutional Supremacy				
b) Parliamentary Supremacy				
c) Islamic Constitutionalism				
2) The Rule of Law				
3) The Institutions of the Government and the separation of Powers				
a) The Executive				
b) The Legislature				
c) The Judiciary				
d) Separation of power doctrine				
4) The Courts and the Constitution				
a) Judicial control over legislation				
b) Principles of constitutional interpretation				
5) Amendment of the Constitution				
6) Introduction to Human Rights under Part II of the Constitution				
a) Introduction to the concept of human rights and the development of international human rights standards				
b) Why embed human rights in the Constitution?				
c) Selected human rights: discussion of at least one example of –				
i) A protected right (eg, right to life, freedom of expression; freedom of assembly; rights of detainees; right to a fair hearing)				
ii) A problem area (eg, children's rights; freedom from sexual exploitation; privacy and freedom of conscience; social and economic rights)				

COMPANY LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Corporate personality: nature, consequences, and justifications				
2) The process of incorporation				
3) The corporate constitution: Memorandum and Articles of Association				
4) Management and administration of companies				
5) Duties and liabilities of directors and officers				
a) Loyalty				
b) Duty of good faith				
c) Duty to act for a proper purpose				
d) Duty of care				
6) Share capital and membership				
7) Introduction to shareholder actions				
8) Company credit and security arrangements				
9) Winding up				

CRIMINAL LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1)Introductory matters				
a) The definition of crime				
b) The aims of criminal law				
c) Classification of offences				
2)The elements of crime				
a) Actus Reus				
b) Mens Rea				
c) Strict liability				
3) Homicide				
a) Murder, including reference to the nature and effect of diminished responsibility				
b) Manslaughter				
c) Negligent homicide				
4) Non-fatal offences against the person				
a) One example from each of i) and ii) –				
i) Assault, reckless endangerment, threats				
ii) Rape, sexual assault, criminal sexual contact				
5) Theft (In Outline)				
6) Select topics: one from each of (a) and (b)				
a) Inchoate offences				
b) general defences (infancy, mistake, automatism, necessity, duress, consent)				

ISLAMIC CRIMINAL LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Introduction:				
a) Definition of crime, relationship with *ma'siyah* and sin				
b) Codification of Islamic Criminal Law (eg, brief references to examples of Islamic and hybrid codes with civil or within these approaches) common law, including the position of the Maldivian Penal Code				
2) Introduction to the categorisation of offences and associated penalties				
a) *Hudud*				
b) *Quesas*				
c) *Ta'azir*				
d) Classification of punishments (fixed or discretionary)				
3) Elements of a crime				
a) Commission of the wrongful act, and causation				
b) Intention				
c) *Shubha*				
4) Homicide (*al-Qatl)*				
a) Wilful murder				
b) Voluntary manslaughter				
c) Manslaughter by mistake, or intermediate cause				
5) Theft *(Sariqah)* (in outline)				
a) Fundamental elements and conditions of theft				
b) Punishment for theft and its implementation				
6) A further selected topic chosen from:				
a) *Hirabah; Zina; Qazf; Sharb al-Khamr; Riddah*				
7)Reasons for withholding punishment				
a) Selected topics: one chosen from each of (i) and (ii)-				
b) Coercion, Necessity				

ISLAMIC FAMILY AND INHERITANCE LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Marriage				
a) definition and purpose of marriage under *Shariah*				
b) Who may marry?				
i) Religious adherence				
ii) Legal Capacity				
iii) Rules on consanguinity				
iv) Temporary prohibitions on marriage (eg: iddah,widowhood)				
c) The marriage contract				
i) Offer *(ijab)* and acceptance *(qabul)*				
ii) Dower *(mahr)*				
iii) Conditions *(shurut)*				
d) *Wali*				
i) Requirement and characteristics of *Wali*				
ii) Recusal by the *Wali*				
iii) Substitution of judicial consent				
e) The requirements for witnesses				
i) Ruling on witnessing marriage				
ii) Effects on the validity of the marriage if not correctly witnessed				
iii) Requirements under the Maldivian law for marriage registration and consequences for *urfi* marriages				
f) Obligations within marriage				
i) Nataqah				
ii) Nasyuz				
2) Divorce				
a) Definition of divorce				
b) Forms of permissible divorce				
c) Significance of words used for divorce				
d) Conditional divorce				
e) Effect of undue influence or incapacity				

f) Requirement for reasonable maintenance following divorce				
g) Reinstatement of marriage				
3) Dissolution and judicial annulment				
a) Conditions for *Faskh*				
b) *Khul'u*- Divorce or *Faskh*?				
c) Other grounds for judicial annulment				
4) Introduction to inheritance Law				
a) Overview				
i) Definition of inheritance				
ii) Historical context and modern role in Maldivian Law				
iii) Wills and bequests in Islamic Law				
b) Introduction to the principle of succession				
i) Primary Quranic heirs				
ii) Residual heirs *(asabah)*				
iii) The types and grounds for blocking inheritance				

INTRODUCTION TO JURISPRUDANCE	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Introduction: why study jurisprudence?				
2) Natural Law – distinguishing between Conceptual or Substantive and Procedural natural law theories				
3) Legal Positivism – drawing on examples of both inclusive and exclusive legal positivism				
4) Dworkin's 'Third Theory' of Law				
5) Theories of Justice – eg, Plato, Rawls, N				
6) Critical accounts- drawing on not less than two of the following:				
a) Sociological jurisprudence				
b) Legal realism				
c) Critical Legal Studies				
d) Legal Pluralism				
e) Systems Theory of Law				

LAWYERS ETHICS	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Lawyers and the administration of justice: the democratic values underpinning the lawyer's role, eg -				
a) The rule of law				
b) Access to justice (including equality before the law)				
c) Principles of natural justice				
d) The independence of the judiciary				
2) The regulation of lawyers				
a) The history and organization of the legal profession in the Maldives.				
b) How lawyers are regulated: the role of the Bar Council.				
c) Professional responsibility and obligations in the workplace: the code of conduct and informal professional norms				
d) Professional discipline				
3) Competing (or complementary?) constructions of the lawyer's ethical role				
a) The adversarial advocate				
b) The responsible lawyer				
c) The moral activist				
4) Core professional duties				
a) The duty to the court, and the administration of justice				
b) Duties to the client				
i) Loyalty				
ii) Confidentiality				
iii) Competence				
c) Conflicts of interest				
i) Where lawyer self-interest and client interests' conflict				
ii) Where concurrent or successive representation of clients creates a conflict between client interests				

PROPERTY LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) The nature and forms of property- real and personal				
2) Introduction to the system of land ownership and distribution in the Maldives				
3) Ownership				
a) Title over goods				
b) Title over land -				
i) tenure and estates				
ii) formalities				
4) Possession – an overview				
a) Rights derived from possession				
b) Competing claims to possession				
5) The variety of property rights				
a) Equitable rights over property[4] –				
i) The function of trusts and trusteeship (in outline)				
ii) equitable assignment and non-assignable rights				
b) Security rights – mortgages, liens and charges				
c) Shared rights and obligations –				
i) co-ownership of land (including strata title)				
ii) indivisibility and co-ownership of chattels				
d) Non-possessory rights over land				
e) Proprietary rights over intangibles				
6) Creation and transfer of property rights				
a) Creation and transfer by consent				
b) Succession on death (in outline)				
7) Defective transfers				
a) Defects in formalities				
i) eg in respect of transfers of land, incompletely constituted trusts				
b) Innocent purchasers and detrimental reliance				
i) Real property transactions				
ii) Personality and the *nemo dat* rule				
c) unjust enrichment				

8) Remedies				
a) damaged and equitable compensation				
b) Rectification				
c)Restitution				
d) proprietary remedies (eg constructive trust)				
e) Trespass and chattels and conversation				

PRINCIPLES OF ISLAMIC JURISPRUDANCE	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) The primary sources and origins of *Shariah*				
a) The Holy *Qur'an* and the *Sunnah*				
b) *Madhhab* and the emergence of the four schools of Sunni jurisprudence				
c) Development of the *usul al-fiqh*				
2)Secondary sources of *Shariah*				
a) *Ijma* (consensus)				
b) *Qiyas* (analogy)				
c) *Urf* (custom)				
d) *Ijtihad* (independent reasoning)				
3) Presumptions and principles aiding interpretation				
a) *Maslahah* (public interest)				
b) *Istishab* (presumption of continuity)				
c) *Istihsan* (juristic preference)				
d) *Istidlal* (inference)				
***4) Hukm Shariah* – the five rulings**				
a) *Wajib* and *Fard*				
b) *Mandub*				
c) *Mubah*				
d) *Makrum*				
e) *Haram*				
***5)* Rules in relation to circumstances (*wadia'*)**				
a) Condition (*shart*)				
b) Cause (*sabab*)				
c) Preventor (*mani*)				
d) Permitted / Enforced (*rukhsah, azeemah*)				
e) Valid / Corrupt / Invalid (*sahih, fasid, batil*)				
f) In time / Deferred / Repeated (*adaa, qadaa, I'ada*)				
6)Proof and its classification				
a) First proof – Al-Kitab				
i)Muhukum				
ii)Muthashabih				
b) Managing contradiction, and abrogation of rulings				

i) Naskh				
ii) Mansookh				
c) Second proof – The *Sunnah:* classification of the *Sunnah*				
d) Forgery and distortion				
7) Applications of Contemporary *Fiqh*				
a) Contemporary issues that are unresolved or involve a new application for *Shariah*, in respect, eg, of one or more of				
i) Zakat				
ii) Biomedicine – eg problem cases of abortion, surrogacy				
iii) The Muslim diaspora				

TORT LAW	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) Introduction				
a) Classification of torts and definitions;				
2) Aims of tort law				
a) Attribution of responsibility for harms caused; remediation; deterrence				
b) The changing nature and role of tort law – eg, no-fault liability schemes; torts and human rights				
3) Causes of action 1 (intentional torts)				
a) Trespass to land OR				
b) Assault and battery				
4) Causes of action 2 (carelessness): negligence				
a) Duty of care				
b) Breach of duty				
c) Causation and remoteness of damage d) Specific defences				
5) Causes of action 3 (strict liability)				
a) Rylands v Fletcher OR				
b) An example of statute-based strict liability				
6) Vicarious liability				
7) The evolution of tort law – 'new' harms				
a) Privacy OR				
b) Economic torts OR				
c) Environmental ('toxic') torts				
8) General Remedies				
a) Damages				
i) Categories of damages				
ii) Mitigation				
iii) Assessment of damages in negligence				
b) Injunctive relief				

MALDIVIAN LEGAL SYSTEM	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1)The historical development of the Maldivian legal system				
a) Customary law and chthonic origins				
b) Islamic law as an historical and modern (constitutionally defined) source of law				
c) The reception of common law				
2) The classification of law				
a) Public law				
b) Civil law				
c) Criminal law				
3) The courts				
a)The Supreme Court				
b) The High Court				
c) Trial courts				
d) The qualification and training of judges				
4) An outline of the civil justice system				
a) Civil and commercial procedure				
b) Alternative dispute resolution				
c)Access to civil justice				
5) An outline of the criminal justice system				
a) The prosecutorial process				
b) Criminal trial procedure				
c) Contemporary problems with the criminal justice system				

COMMON LAW LEGAL METHODS AND REASONING	Topic covered in the specified module *(Tick where appropriate)*	Topic covered as specified in the PKA *(Tick where appropriate)*	Topic organized in different forms/combinations from those specified in the PKA	**Page No.**
1) The origins of the common law (in outline)				
a) Common law as a form of customary law				
b) Formalization of the English common law; the significance of -				
i) A centralized hierarchy of courts				
ii) Law reporting				
c) The emergence of equity, and its jurisdictional unification with the common law courts				
d) The development of legislation as (i) a significant and then (ii) a higher source of law than case law				
e) Colonialism and post-colonialism – modern divergences in the common law tradition				
2)Precedent				
a) The binding nature of precedent in the common law – *stare decisis*				
b) How precedent operates				
i) The importance of material facts				
ii) Identifying the *ratio* of a case				
iii) Obiter dicta and their function in developing legal principles				
iv) The practice of distinguishing				
c) Precedent in the Maldivian legal system				
3) The process of legislation				
a) Forms of legislation				
b) The legislative process in the Maldives				
c) Reading a statute				
i) The structure and organization of a Maldivian Act				
ii) The structure and organization of an English Act				
4) Statutory interpretation				
a) The Canons of statutory interpretation				
b) Moves to purposive and teleological construction in the English tradition				

c) Scope of the duty on judges to 'consider' *Shariah* under Art.142 of the Maldives Constitution				
5) The tools of legal reasoning				
a) Reasoning by analogy				
b) Deductive reasoning				
c) The role of policy arguments				

Contact details for Reference

Applicant institution is required to assign a focal point to facilitate communication and coordination between BCM and applicant institution. The focal point will act as a central contact point for facilitating discussions, clarifications, and further communication in the process of curricular review.

Name:	Email address :	Designation :	Mobile number :