Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

LEGAL LANGUAGE

Ms. Lalita Singh

First-year LLB Semester: I

Credit : 4 **(60 Sessions)**

1) Grammar Usage Brief Revision of rules of grammar & punctuation.	15 Marks
2) Comprehension, and Composition and Communication Skills	20 marks
3) Legal Maxims	15 marks
4) Legal Concepts	5 marks
5) Legislative Materials	10 marks
6) Judicial Material	10 marks
7) Official Reports – Specified Law Reports	10 marks
8) Journals, Periodicals & Law Magazines & Abbreviation	5 marks
9) Citations & References	5 marks
10) Search of case Law	5 marks

COURSE OBJECTIVES:

The Course aims at training students for the legal profession from the perspective of language of the law and its interpretation and enabling them to get familiar with concepts and principles of law. This course will equip students to become familiar with the formalized and professional language which is used in the Court of Law. They will be able to understand the meaning and application of legal Maxims in written and oral submissions advanced before the Courts. This course intends to train the students in reading, intellectually understanding and citing cases. The students will acquire expertise in comprehending the abbreviation of Law Reports and search of case laws in the relevant Law Reports and e-data bases. The students will be well versed in the study of precedents with relation to case laws involving matters of public importance, decided by the various Courts.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

COURSE OUTCOMES:

After completing this course, the students will be able to-

1. Get accustomed to the language of the Court and with the legal concepts.
2. Search the case laws with ease.
3. Understand the application of Legal Maxims.
4. Understand the use of Law Reports.
5. Read and understand statute and its classification
6. Use the precedents in the litigation.

1. LEGAL MAXIMS **(20 Sessions)**

SALUS POPULIEST SUPREMA LEX
Regard for the public welfare is the highest law.

REX NON POTEST PECCARE
The king can do no wrong

AUDIALTERAM PARTEM
No man shall be condemned unheard

NEMO DEBET ESSE JUDEX IN PROPRIA SUA CAUSA

No man can be judge in his own cause

DE MINIMIS NON CURAT LEX
The law does not concern itself about trifles

QUOD AB INITO NON VALET IN TRACTU TEMPORIS NON CONVALESSCIT
That which was originally vold does not by lapse of time become valid.

UBI JUS IBI REMEDIUM
There is not wrong without a remedy

IN JURE NON REMOTA CAUSA SED PROXIMA SPECTATUR
In law the immediate, not the remote, cause of any event is regarded

ACTUS DEI NEMINI FACIT INOURIAM
The law holds no man responsible for the act of God.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

IGNORANTIA FACTI EXCUSAT–IGNORANTIA JURIS NON XCUSAT
Ignorance of fact excuse – ignorance of law does not excuse

VOLENTI NON FIT INJURIA
Damage suffered by consent is not a cause of action

NULLUS COMMODUM CAPERE POTEST DE INJURIA SUA PROPRIA
No man can take advantage of his own wrong

RES IPSA LOQUITUR
The thing speaks for itself

ACTUS NON FACIT REUM NISI MENS SIT REA
The intent and the act must both concur to constitute the crime

NEMO DEBET BIS VEXARI PRO UNA ET EADEM CAUSA
It is a rule of law that a man shall not be twice vexed for one and the same cause

CESSANTE RETIONE LEGIS CESSAT IPSA LEX
The reason of the law ceasing, the law itself ceases

ACTA EXTERIORA INDICANT INTERIORA SECRETA
Acts indicate the intention

DOMUS SUA CUIQUE EST TUTISSIMUM REFUGIUM
Every man's house in his castle

NEMO EST HAERES VIVENTIS
No one can be heir during the life of his ancestor

LEGES POSTERIORES PRIORSES CONTRARIAS ABROGANT
Later laws repeal earlier laws inconsistent therewith

NOVA CONSTITUTIO FUTURIS FORMAM IMPONERE DEBET, NON PRAETERITIS
Anew law ought to be prospective not retrospective, in its operation

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

NOSCITUR A SOCILS
The meaning of doubtful word may be ascertained by reference to the meaning of words associated with it

EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS
The express mention of one thing implies the exclusion of another

NUEO DAT QUOD NON HABET
No one gives what he does not possess

CAVEAT EMPTOR
Let purchaser beware

RESPONDEAT SUPERIOR
Let the principal be held responsible

VIGILANTIBUS, NON DORMIENTIBUS, URS SUBVENIUNT
The law assist those who are vigilant, not those who sleep over their rights

ACTIO PERSONALIS MORITUR CUM PERSONA
A personal right of action dies with the person

NEMO TENTUR SEIPSUM ACCUSARE
No man can be compelled to criminate himself

2. LEGAL CONCEPTS **(5 Sessions)**

Law – Custom – Justice – Right – Duty –Wrong - Civil Wrong - Criminal Wrong Remedy - Fact-Person – Offence – Person – State – Plaint – Complaint – Suit - Affidavit Judgment – Appeal – Review –Revision – Reference – Writ - Stay order - Injunction Adjournment Cause of Action – Issue – Charge - Bail Ex Parte – Discharge – Accquital – Conviction - Legal heirs - Legal Representative - Power of Attomey - International Law – Arbitration – Jurisdiction – Amicus Curiae.

3. LEGISLATIVE MATERIALS **(10 Sessions)**

Brief introduction to the various parts of an Act – Intent (aims & objects) short title – Long title – Date of Assent – Section Subsection – marginal note – date of commencement – schedule or Table. Exposure to Current Indian Statutes – AIR Manual Civil Court Manual – Criminal Court Manual – Maharashtra Local Acts – Gazette of India – Maharashtra State

Gazette.

The above may be taught with reference to the following Acts.

1. Maternity Benefit Act 1961
2. Medical Termination of Preg. Act 1971
3. Protection of Human Rights Act

4. JUDICIAL MATERIAL **(5 Sessions)**

Introduction to precedent – Ratio

The following cases for study (Facts – Issues – Arguments – decision)
1. M.C. Mehta V/s. Union of Indian AIR 1987 SC 965
2. Vishaka & ors. V/s. State of Rajasthan & Ors. AIR 1997 SC 3011
3. Dilip K. Basu V/s. State of West Bengal 1997 AIR SOW 233

5) OFFICIAL REPORTS -SPECIFIED LAW REPORTS **(5 Sessions)**

Exposure to official Reports and Private Reports – Supreme Court Reports – Indian Law Reports – All India Reporter – All India High Court cases –Judgement Today Bombay Law Reporter – Bombay cases Reporter – Maharashtra Law Journal, Supreme Court cases – Criminal Law Journal – Labour & Industrial cases – Company cases – Madras Law Journal – All Maharashtra Law Reporter Marriage & Divorce cases – Consumer. All England Law Reporter.

6) JOURNALS, PERIODICALS & LAW MAGAZINES & ABBREVIATIONS (5 Sessions)

Exposure to Lawyers collective insight – One India One People – Journal of the Indian Law Institute – India Bar Review – The Indian Advocate, Journal of the Bar Council of India – India Quarterly – Modern Law Review – Law Quarterly Review.

7) CITATIONS & REFERENCES **(5 Sessions)**

Importance of citations
Understanding a given citation
Citations in respect of official Reports & specified Law reports – (listed earlier)
Standard References in respect of the various Laws & Acts taught at LL.B. and Legal Dictionaries.

8) SEARCH OF CASE LAWS **(5 Sessions)**

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

(Ms. Lalita Singh)

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

TEACHING PLAN FOR A.Y. 2018-2019

Name of the Faculty: Ms. Lalita Singh

Session No.	Module No.	Topics
1	Module 1	SALUS POPULIEST SUPREMA LEX
2		Regard for the public welfare is the highest law.
3		REX NON POTEST PECCARE
4		The king can do no wrong
5		UBI JUS IBI REMEDIUM
6		AUDIALTERAM PARTEM
7		No man shall be condemned unheard
8		There is not wrong without a remedy
9		NEMO DEBET ESSE JUDEX IN PROPRIA SUA CAUSA
10		No man can be judge in his own cause
11		DE MINIMIS NON CURAT LEX
12		The law does not concern itself about trifles
13		IN JURE NON REMOTA CAUSA SED PROXIMA SPECTATUR
14		QUOD AB INITO NON VALET IN TRACTU TEMPORIS NON
15		CONVALESSCIT
16		That which was originally vold does not by lapse of time become valid.
17		ACTUS DEI NEMINI FACIT INOURIAM
18		The law holds no man responsible for the act of God.
19		IGNORANTIA FACTI EXCUSAT–IGNORANTIA JURIS NON XCUSAT
20		Ignorance of fact excuse – ignorance of law does not excuse
21	Module 2	Law – Custom – Justice – Right – Duty –Wrong - Civil Wrong - Criminal Wrong
22		- Fact-Person – Offence – Person – State – Plaint – Complaint – Suit -
23		Appeal – Review –Revision – Reference – Writ - Stay order
24		- Injunction Adjournment Cause of Action – Issue – Charge - Bail Ex Parte –
25		Discharge – Accquital – Conviction - Legal heirs - Legal Representative - Power of Attomey
26	Module 3	Maternity Benefit Act 1961
27		Maternity Benefit Act 1962
28		Maternity Benefit Act 1963
29		Medical Termination of Preg. Act 1971
30		Medical Termination of Preg. Act 1971

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

31		Medical Termination of Preg. Act 1971
32		Medical Termination of Preg. Act 1972
33		Medical Termination of Preg. Act 1973
34		Protection of Human Rights Act
35		Protection of Human Rights Act
36	Module 4	M.C. Mehta V/s. Union of Indian AIR 1987 SC 965
37		M.C. Mehta V/s. Union of Indian AIR 1987 SC 965
38		Vishaka & ors. V/s. State of Rajasthan & Ors. AIR 1997 SC 3011
39		Vishaka & ors. V/s. State of Rajasthan & Ors. AIR 1997 SC 3011
40		Dilip K. Basu V/s. State of West Bengal 1997 AIR SOW 233
41	Module 5	Exposure to official Reports and Private Reports – Supreme Court Reports – Indian Law Reports
42		All India Reporter – All India High Court cases –Judgement Today Bombay Law Reporter
43		Bombay cases Reporter – Maharashtra Law Journal, Supreme Court cases
44		Criminal Law Journal – Labour & Industrial cases – Company cases
45		Madras Law Journal – All Maharashtra Law Reporter Marriage & Divorce cases
46	Module 6	Exposure to Lawyers collective insight
47		One India One People – Journal of the
48		India Bar Review – The Indian Advocate, Journal of the Bar Council of India
49		India Quarterly – Modern Law Review – Law Quarterly
50		India Quarterly – Modern Law Review – Law Quarterly
51	Module 7	Importance of citations
52		Understanding a given citation
53		Citations in respect of official Reports & specified Law reports – (listed earlier)
54		Standard References in respect of the various Laws & Acts taught at LL.B. and
55		Legal Dictionaries.
56	Module 8	SEARCH OF CASE LAWS
57		SEARCH OF CASE LAWS
58		SEARCH OF CASE LAWS
59		SEARCH OF CASE LAWS
60		SEARCH OF CASE LAWS

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

Lalita
(Ms Lalita Singh)

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

LAW OF TORTS AND CONSUMER PROTECTION ACT

(Ms. Vrushali Gore)

First-year LL B Semester: I

Credit: 4	(60 Sessions)
Tort	70marks
Consumer Protection Law	30marks

COURSE OBJECTIVES:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected therewith. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, the inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. The objective of the course is to set out the law of private rights and remedies which is unique in nature as it is not covered under any statute. Students will be well acquainted with this branch of law governing actions for damages for injuries to certain kinds of rights, like the right to personal security, property, and reputation. The students will be able to conceptually understand the standing of a person in tort, justifications of tort, discharge of torts, vicarious liability, strict liability, product and services liability and remedies. Students will be acquainted with the rights and remedies under Consumer Protection Act, 2019.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the Concept of Tort as a civil wrong and the remedies available to the aggrieved party.
2. Gain knowledge about Torts against persons, including Assault, Battery, Mayhem, False imprisonment.
3. Understand Torts against property and the concept of Trespass.
4. Comprehend the concepts of Defamation, Nuisance, Negligence, Fraud.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

5. Fathom the principles of vicarious and strict liability and the Judicial and extrajudicial remedies.
6. Grasp the concepts in the Consumer Protection Act, the importance of consumer protection law and its implementation through consumer dispute redressal commission

Introduction to Law of Torts (4 Sessions)

Definition, Nature, Scope and Objects

- a wrongful act – violation of duty imposed by law, duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum.
- Tort distinguished from crime and breach of contract
- The concept of unliquidated damages
- Changing scope of law of torts: expanding character of duties owed to the people generally due to complexities of modern society.
- Objects – prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Principles of Liability in Torts (3 Sessions)

- Fault
- Wrongful intent
- Negligence
- Liability without fault
- Statutory liability
- Place of motive in torts

Justice in Tort (4 Sessions)

- Volenti non fit injuria
- Necessity, private and public
- Plaintiff's default
- Act of God
- Inevitable accident
- Private defense
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authority

Extinguishments of liability in certain situations (2 Sessions)

- Actio personalis moritur cum persona – exceptions
- Waiver and acquiescence
- Release
- Accord and satisfaction

- Limitation

Doctrine of sovereign immunity and its relevance in India. Vicarious Liability (5 Sessions)

- Basis, scope and justification
- Express authorization
- Ratification
- Abetment
- Special Relationships:
- Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant? – borrowed servant – independent contractor and servant, distinguished
- Principal and agent
- Corporation and principal officer

Torts against persons and personal relations (4 Sessions)

- Assault, battery, mayhem
- False imprisonment
- Defamation – libel, slander including law relating to privileges
- Marital relations, domestic relations, parental relations, master and servant relations
- Malicious prosecution
- Shortened expectation of life
- Nervous shock

Wrongs affecting property (3 Sessions)

- Trespass to land, trespass ab initio, dispossession
- Movable property – trespass to goods, detinue, conversion
- Torts against business interests – injurious falsehood, misstatements, passing off

Negligence (3 Sessions)

- Basic concepts
- Theories of negligence
- Standards of care, duty to take care, carelessness, inadvertence
- Doctrine of contributory negligence
- Res ipsa loquitur and its importance in contemporary law
- Liability due to negligence: different professional
- Liability of common carrier for negligence
- Product liability due to negligence: liability of manufacturers and business houses for their products

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Nuisance **(3 Sessions)**

- Definition, essentials and types
- Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise , and interference with light and air.

Absolute / Strict liability **(2 Sessions)**

- The rule in Rylands v. Fletcher
- Liability for harm caused by inherently dangerous industries

Legal remedies **(3 Sessions)**

- Legal remedies
- Award of damages – simple, special, punitive
- Remoteness of damage – foresee ability and directness
- Injunction
- Specific restitution of property
- Extra-legal remedies – self-help, re-entry on land, re-caption of goods, distress damage feasant and abetment of nuisance.

Consumer movements: historical perspectives **(4 Sessions)**

- Common law protection: contract and torts
- Consumerism in India: food adulteration, drugs and cosmetics – essential commodities

Consumer, the concept **(2 Sessions)**

- General Perspectives
- Statutory and government services: to be included or not?
- Definition and scope: the Consumer Protection Act 1986 (CPA)
- Who is not a consumer?

Unfair Trade Practices **(6 Sessions)**

- Misleading and false advertising
- Unsafe and hazardous products
- Disparaging competitors
- Business ethics and business self-regulation
- Falsification of trade marks

Consumer of goods **(3 Sessions)**

- Meaning of defects in goods
- Standards of purity, quality, quantity and potency

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

- Statutes: food and drugs, engineering and electrical goods
- Supply of essential commodities
- Prescribing standards of quality –

BIS and Agmark Consumer Safety **(3 Sessions)**

- Starting, distribution and handling of unsafe and hazardous products
- Insecticides and pesticides and other poisonous substances Service
- Deficiency – meaning
- Professional services
- Medical services
- How to determine negligence
- Violation of statute
- Denial of medical service: violation of human rights

Lawyering services: duty-towards-court and duty-to-client dilemma, break of confidentiality **(2 Sessions)**

- negligence and misconduct.
- Public Utilities
- Supply of electricity
- Telecommunication and postal services
- Housing
- Banking

Commercial services **(2 Sessions)**

- Hiring
- Financing
- Agency Services

Enforcement of consumer rights **(2 Sessions)**

- Consumer Fora under CPA ; jurisdiction, powers and functions
- Execution of orders
- Judicial review
- PIL
- Class action
- Remedies
- Administrative remedies

Recommended Readings:

Ratanlal and Dhirajlal – The Law of Torts
P.S. Achuthan Pillai – The
Law of Torts Salmond and

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Heuston on the Law of
Torts
Avtar Singh – The Law of Consumer Protection,
Principles and Practice Saraf Dal – Law of Consumer
Protection in India
J.N. Barowalia – Commentary on CP Act, 1986

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Vrushali
[Ms. Vrushali G.]

TEACHING PLAN FOR A.Y. 2018-2019

Name of the Faculty: Ms. Vrushali Gore

Session No.	Module No.	Topics
1	Module 1	**Introduction to Law of Torts**
2		• a wrongful act – violation of duty imposed by law, duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum.
3		• The concept of unliquidated damages
4		• Tort distinguished from crime and breach of contract
5		• Tort distinguished from crime and breach of contract
6	Module 2	**Principles of Liability in Torts**
7		• Fault
8		• Wrongful intent
9	Module 3	• Volenti non fit injuria
10		• Act of God
11		• Necessity, private and public
12		• Plaintiff's default
13	Module 4	• Actio personalis moritur cum persona – exceptions
14		• Waiver and acquiescence
15	Module 5	• Express authorization
16		• Special Relationships:
17		• Ratification
18		Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant?
19		• Abetment
20	Module 6	• Assault, battery, mayhem
21		• Marital relations, domestic relations, parental relations, master and servant relations
22		• False imprisonment
23		• Defamation – libel, slander including law relating to privileges
24	Module 7	• Trespass to land, trespass ab initio, dispossession
25		• Torts against business interests – injurious falsehood, misstatements, passing off
26		• Movable property – trespass to goods, detinue, conversion
27	Module 8	• Basic concepts
28		• Doctrine of contributory negligence

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

29		• Theories of negligence
30	Module 9	• Definition, essentials and types
31		• Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise , and interference with light and air.
32		• Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise , and interference with light and air.
33	Module 10	• The rule in Rylands v. Fletcher
34		• Liability for harm caused by inherently dangerous industries
35	Module 11	• Legal remedies
36		• Remoteness of damage – foresee ability and directness
37	Module 12	• Award of damages – simple, special, punitive
38		• Common law protection: contract and torts
39		• Common law protection: contract and torts
40		• Consumerism in India: food adulteration, drugs and cosmetics – essential commodities
41	Module 13	• Consumerism in India: food adulteration, drugs and cosmetics – essential commodities
42		• General Perspectives
43	Module 14	• Statutory and government services: to be included or not?
44		• Misleading and false advertising
45		• Falsification of trade marks
46		• Unsafe and hazardous products
47		• Business ethics and business self-regulation
48		• Disparaging competitors
49	Module 15	• Disparaging competitors
50		• Meaning of defects in goods
51		• Statutes: food and drugs, engineering and electrical goods
52	Module 16	• Standards of purity, quality, quantity and potency
53		• Starting, distribution and handling of unsafe and hazardous products
54		• Deficiency – meaning
55	Module 17	• Insecticides and pesticides and other poisonous substances Service
56		• negligence and misconduct.
57	Module 18	• Housing
58		• Hiring
59	Module 19	• Agency Services
60		• Financing

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

[Ms. Vrushali G.]

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

LAW OF CONTRACT AND SPECIFIC RELIEF

(Mr. Nagraju Kanduri)

First-year LLB Semester: I

Credit : 4 **(60 Sessions)**

COURSE OBJECTIVES:

The objective of the course is to enable the students to understand the contractual obligations and their significance. They will be able to identify the nature of contracts and various types of contracts. To enumerate and understand the essentials of a valid contract and make out what amounts to the performance of a contract. They will acquire the ability to identify if there is a breach of contract and to explain the remedies in case of breach of contract. The course also covers the Specific Relief Act 1963 and hence aims to understand the remedies available therein and actions aggrieved parties can seek.

COURSE OUTCOMES:

After completing this course, the students will be able to

1.1 Identify the commencing point of contractual obligations.
1.2 Test the validity of contracts by applying the essentials of valid contracts.
1.3 Identify the nature of the contract and contractual liabilities.
1.4 Understand the performance of a contract
1.5 Identify and Apply the remedies available in case of breach of contract from the Contract Act and Specific Relief Act.
1.6 Understand the remedies that can be availed by adopting various legal proceedings.

(GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF ACT 1963)

1. General Principle of Contract, Indian Contract Act 1872 (Sections 1 – 75)

(25 Sessions)

2. Government as a Contracting Party

(5 Sessions)

3. Constitutional provisions – government power to contract – procedural requirements – kinds of government contracts – their usual clauses – performance of such contracts –

settlements of disputes and remedies. (5 Sessions)

4. Standard Form Contracts (5 Sessions)

Nature, advantages – unilateral character, principles of protection against the possibility of exploitation – judicial approach to such contracts – exemption clauses – clash between two standard form contracts.

5. Multi-national Agreement (5 Sessions)

6. Specific Relief Act (15 Sessions)

Recommended Resources :

1. Ansons, Law of Contract, (OUP UK)
2. Bajaj Puneet, Law of Contract (Macmillan)
3. Bangia, R.K, Contract I: With Specific Relief Act (LexisNexis)
4. Bhatt Sairam, Law Of Business Contract s In India Sage Publications
5. Chopras D.S, Cases And Materials On Contract Law & Specific Relief (Thomson Reuters)
6. Charles Fox, Working with Contracts, What they don't teach you at Law Schools
7. Cracknell, D.G, Obligations: Contract Law, (Old Baily Press London)
8. Fifoot, Law of Contract (Butterworth).
9. Gupta Ritu, Law of Contract: Includes the Specific Relief Act 1963, (LexisNexis Haryana)
10. Shetty Krishna, Simplest Book on Contract Law, Naveen Publications.
11. Kapoor S.k, " Law of Contracts I Section 1 to 75 of the Indian Contract Act, 1872 and the Specific Relief Act 1963, (Central Law Agency)
12. Mitra S.C, Law of Contracts, (Orient Publishing)
13. Mulla Dinshaw F, Indian Contract Act, (LexisNexis)
14. Muray, Rayan, Contract Law: The Fundamentals, (Sweet & Maxwell)
15. Pathak Akhileshwar, Contract Law, (Oxford)
16. Pollock & Mulla "Indian Contract Act and Specific Relief Act" (LexisNexis)
17. Ramaswamy, B.S, Contracts and their Management, (Lexis Nexis)
18. Singh Avatar, (EBC)
19. Singh, R. K, Law Relating to Electronic Contracts (LexisNexis).

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

K Nagar

[Mr. K. Nagaraju]

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

LABOUR LAW AND INDUSTRIAL RELATIONS

Faculty Dr. Rakhee Keluskar

First-year LLB Semester: I

Credit : 4 **(60 Sessions)**

Industrial Disputes Act 1947	**40 marks**
Collective Bargaining	**10 marks**
Industrial Employment (Standing Orders) Act 1946	**15 marks**
Employees Compensation Act,1923	**15 marks**
MRTU & PULP Act 1971	**20 marks**

COURSE OBJECTIVES:

This course is designed to acquaint the students with the framework of Industrial relations in our country Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockout and Industrial Strike is to be emphasized. The main theme underlying the course is to critically understand the provisions of the Trade Unions, the types of machinery contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of industrial disputes Further, the objectives underlying the Industrial Employment (Standing Orders) Act, 1946 and Disciplinary Enquiry for Misconduct are to be studied to acquaint the students with misconduct and the procedure to be followed before punishing the misconduct alleged and established. Further, the students are to be acquainted with the social security framework prevailing in our country. It is necessary to know the concept of social security, its importance and the constitutional basis for the same in India. The importance of ensuring the health, safety and welfare of the workmen and social assistance and social Insurance Schemes under various legislations are to be emphasized. The main theme underlying the course is to critically examine the provisions in the Employee's Compensation Act-1923 and the machinery provided for protecting the interests of the workers. Further, the objectives underlying the Factories Act-1948, are to be studied to acquaint the students with various rights and benefits available to the workmen under the legislation. The course aims to impart knowledge about the social security of employees and workmen in industries and factories as per the Social Security Code, 2020. The course further aims to make the students well-versed with the occupational safety, health and working conditions of persons employed in establishments as per the Employees Compensation Act, 1923.

COURSE OUTCOMES:

After completing this course students should be able to:

1. Understand the provisions of the Trade Union Act.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

2. Comprehend the standards and techniques of Collective Bargaining
3. Understand the technicalities and concepts of industrial dispute and apply the relevant provisions of law.
4. Know the legal provisions and concepts of Lay-Off and Lock-Out, Retrenchment, Strike, Wages and Workman.
5. To develop extensive knowledge regarding provisions relating to trade unionism
6. To Understand the provisions relating to health, safety and welfare of the workers.
7. Understand in detail Laws related to Factories and Apprentice.
8. Know the Powers and Duties of Authorities under the various Acts.

INDUSTRIAL DISPUTES ACT, 1947. **(25 Sessions)**

2.1 Industry – Conceptual Analysis.
2.2 Concept – Industrial Dispute, Workman etc.
2.3 Authorities under the Act.
2.4 Strike and Lockout.
2.5 Lay off, Retrenchment and Closure.
2.6 Award and Settlement.

MRTU & PULP, 1971 **(15 Sessions)**

3.1 Concept – Industry, Labour Courts, Unfair Labour Practices etc.
3.2 Authorities within the Act.
3.3 Recognition of Union and its rights with obligations.
3.4 Illegal Strikes and Lockouts.
3.5 Unfair Labour Practices.
3.6 Power of Courts and Penalties.

Collective Bargaining **(5 Sessions)**

Industrial Employment (Standing Orders) Act 1946 **(10 Sessions)**

Employees Compensation Act,1923 **(5 Session)**

Recommended Readings:

1. Indian Law Institute – Labour Law and Labour Relations cases and materials.
2. O.P.Malhotra – The Law of Industrial Disputes.
3. K.M.Desai – The Industrial Employment (Standing Orders) Act. 1946. Dr. Avtar Singh.
4. Introduction to Labour & Industrial Law.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

[Dr. Rathee Kelustre]

TEACHING PLAN FOR A.Y. 2018-2019

Name of the Faculty: Dr. Rakhee Keluskar

Session No.	Module No.	Topics
1	Module 1	Introduction and Definitions
2		Definition and Dismissal
3		Authorities under the act (Works Committee, Conciliation Officers, Board of Conciliation
4		Tutorial
5		Authorities under the act (Labour courts, Tribunals, National Tribunals, disqualification, vacancy and finality of orders
6		Notice of change and Grievance Redressal Machinery
7		Registration of Union
8		Tutorial
9		Reference of disputes to boards, courts or tribunals
10		Voluntary reference of disputes to arbitration
11		Procedure and power of conciliation officers, boards, courts and tribunals
12		Tutorial
13		Duties of conciliation officers, Board, Labour Courts, tribunals and National Tribunals
14		Awards
15		Strikes and Lockout
16		Tutorial
17		Lay Off and Retrenchment
18		Special provisions relating to lay off, retrenchment and closure in certain establishments
19		Unfair Labour Practices
20		Tutorial
21		Penalties for illegal strikes, lock outs, breach of settlement of awards
22		Penalties for disclosing confidential information, closure without notice and other offences
23		Offences by companies, power to transfer proceedings, cognizance of offences
24		Tutorial
25		Power to remove difficulties, power to make rules, power to amend schedules and other miscellaneous provisions
26	Module 2	Introduction and Definitions
27		Industrial Court, Labour Court and Investigating Officers
28		Tutorial
29		Recognition of unions

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

LAW OF CRIMES

(Faculty Dr. Rakhee Keluskar)

First-year LLB Semester: II

(60 Sessions)

Credit : 4

COURSE OBJECTIVES:

This course is designed to understand the meaning of crime, and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code 1860. It further aims to empower students to understand the fundamentals of criminal jurisprudence and analyse the various elements of the crime. The students will be equipped to understand the principles of culpability and punishment. The students will be well versed with the general scheme of the Indian Penal Code 1860 and be able to grasp the various terms and terminology used in the Indian Penal Code 1860. The students will be prepared to analyse the ingredients of various offences and study the punishments prescribed thereto. They will be able to identify the general exceptions under the penal law and understand the principles of joint criminal liability.

COURSE OUTCOMES:

After completing this course, the student will be able to:

1. Identify the various components of criminal culpability and an offence.
2. Appreciate the fundamentals of Criminal Jurisprudence.
3. Appreciate the fundamentals of culpability and the various kinds of punishment.
4. Understand criminal terms and terminology as per the Indian Penal Code.
5. Understand the extent and operation (jurisdiction) of the Indian Penal Code.
6. Identify various crimes from the point of view of the requirements of substantive criminal law.
7. Identify the punishment prescribed for various offences from a micro perspective as per IPC.
8. Appreciate and understand the aspects of joint criminal liability.
9. Identify whether a given case is covered under any of the general exceptions.

A. CRIMINAL JURISPRUDENCE

1. Administration of Justice

(3 Sessions)

- What is administration of justice
- Necessity for administration of justice
- Historical background to administration of justice
- Difference between civil and criminal justice

2. Elements of Criminal Liability

(4 Sessions)

- Nature of Criminal Liability
- Mens rea and its importance
- Intention
- Knowledge
- Negligence
- Doctrine of Mens Rea under the I.P.C.
- Exceptions of Mens Rea
- Vicarious liability in crimes
- Actus rens
- Act and omission
- Injury to another

3. Stages of Crime

(3 Sessions)

- Intention
- Preparation
- Attempt
- Commission of Crime

4. Theories of Punishment

(5 Sessions)

- Deterrent
- Preventive
- Retributive
- Reformative
- Compensation

5. Kinds of Punishment

(5 Sessions)

- Death Sentence
- Social Reference of Capital Punishment
- Alternative to Capital Punishment
- Imprisonment
  - -Simple
  - - Rigorous

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

- For Life
- Solitary Confinement
- Forfeiture of Property
- Fine
- Sentencing Discretion

B. INDIAN PENAL CODE 1860 **(40 sessions)**

SUGGESTED READINGS:

1. Criminal Law: Cases and Material by KD Gaur
2. Commentary on the Indian Penal Code by KD Gaur
3. Criminal Jurisprudence by Dr. V S Chitnis
4. Law of Crimes in India by R C Nigam
5. Textbook of Criminal Law by Glanville Williams
6. The Indian Penal Code by Ratanlal & Dhirajlal
7. Simplest book on Criminal Law by Dr. K K Shetty
8. Lectures on Criminal Law by Dr. Rega Surya Rao
9. The Criminal Law Manual – Mulla's IPC
10. Criminal Law by P S A Pilla

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

LAW OF CRIMES

(Faculty Dr. Rakhee Keluskar)

First-year LLB Semester: II

Credit : 4

(60 Sessions)

TEACHING PLAN FOR A.Y. 2018-2019

S No.	Heading	Topic
1	**CRIMINAL JURISPRUDENCE Administration of Justice**	Historical background and necessity of administration of justice
2		Necessity for administration of justice
3		Difference between civil and criminal justice
4	**Elements of Criminal Liability**	Tutorial
5		Elements of Criminal Liability : Nature of Criminal Liability, Mens rea and its importance, Intention, Knowledge, Negligence
6		Doctrine of Mens Rea under the I.P.C., Exceptions of Mens Rea
7		Vicarious liability in crimes , Actus reus, Act and omission, Injury to another
8	**Stages of Crime**	Tutorial
9		Intention and Preparation
10		Attempt , Commission of Crime
11	**Theories of Punishment**	Deterrant
12		Tutorial
13		Preventive
14		Retributive
15		Reformative and Compensation
16	**Kinds of Punishment**	Tutorial
17		Kinds of Punishment : Death Sentence, Social Reference of Capital Punishment
18		Alternative to Capital Punishment, Imprisonment – Simple, Rigorous, For Life, Solitary Confinement

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

19		Forfeiture of Property, Fine, Sentencing Discretion
20		Tutorial
21	**B. INDIAN PENAL CODE 1860**	Insight into General Exceptions of IPC : Mistake of fact and law, Act done by Judges and authorities acting under him.
22		Accident and Necessity, Acts Done By A Child And An Insane Person, Act Done By A Person Under Intoxication
23		Act Done With Consent, Acts done for benefit of a person without his consent, Act done by a person under compulsion, Trivial acts, Right of Private Defence
24		Tutorial
25		Offence of Abetment Criminal Conspiracy – Meaning, Nature and Scope
26		Offences Against the State: Waging War, Assault, Escape and Sedition
27		Offences against Public Tranquility. (Sec.-141-160)
28		Tutorial
29		Offences affecting Public health, Safety, Convenience, Decency and Morals. (Sec. 228-294A) Offences relating to religion. (Sec.-295-298)
30		Offences relating to the Army, Navy and Air Force. (Sec. 131-140)
31		Offences relating to Elections (Sec.-171A-I)
32		Tutorial
33		Contempt of Lawful Authority of Public Servant (Sec.-172-190)
34		False Evidence and Offences against Public Justice. (Sec.-191-229A)
35		Culpable homicide and Murder
36		Tutorial
37		Attempt to Commit a Crime
38		Abetment of Suicide: Meaning, Essentials, Burden of Proof & Presumption
39		Death by Negligence: Meaning, Essentials, Difference & Punishment
40		Tutorial
41		Dowry Death: Meaning, Essentials, Explanation & Presumption of Guilt
42		Miscarriage: Meaning, Valid Miscarriage: Meaning, Validity, Exceptions, Attempt & Abetment
43		Hurt and Grievous Hurt: Concept and Explanation
44		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

45		Wrongful Restraint And Wrongful Confinement: Overview
46		Kidnapping and Abduction: Provisions and Differences
47		Slavery and Forced Labour: Sections, International Perspective & Laws
48		Tutorial
49		Sexual Offences Under Indian Penal Code, Unnatural Offences: Essentials, Explanation & Constitutionality of 377
50		Offences relating to Coins and Government stamps, Offences relating to Weights and Measures. (Sec.-264-267)
51		Offences relating to Documents and Property Marks. (Sec.-463-489)
52		Tutorial
53		Theft and Extortion, Robbery and Dacoity: Concept, Explanation and Aggravated Forms
54		Criminal Misappropriation of Property: Overview, Criminal Breach of Trust: Introduction, Essentials, Explanation
55		Fraudulent deeds and disposition of property, Stolen Property: Offence, Essentials and Explanation
56		Tutorial
57		Cheating: Concept, Essentials and Case Laws Mischief: Concept,, Essentials and Detailed Explanation, Criminal Trespass: Concept, Essentials and Overview
58		Offences Relating to Marriage – Invalid Marriage, Bigamy, Elopement etc., Cruelty by Husband or Relatives of Husband | Section 498A
59		Defamation – Meaning, Explanation and Exception
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CONSTITUTIONAL LAW -I

Faculty Mr. Nagaraju Kanduri

First-year LLB Semester: II

Credit : 4 **(60 Sessions)**

COURSE OBJECTIVES:

This course aims to comprehend the philosophy of the Indian Constitution, the Historical background of the Indian Constitution, objectives of the Indian Constitution through the Preamble and the provisions relating to fundamental rights and citizenship.

The purpose of the course is to acquaint the students with the Basic Postulates of the Constitution like the Constitutional Supremacy, Rule of law, and Concept of Liberty. It further aspires to fathom the conceptually crafted Directive Principles of State Policy and Fundamental Duties. To develop amongst the students practical understanding of Constitutional provisions and to augment critical thinking skills related to the Constitution and various authorities and to give them a picture of Constitutional Parameters regarding the organization, Powers and Functions of the various Organs of the Government.

The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial passivity, judicial activism and judicial balancing.

The students will be able to articulate their independent views over contemporary crucial constitutional issues. The course intends to provide students with tools for identifying Constitutional issues that may arise so that the issues can be anticipated and averted through proper planning and legal recourse. The course will also rely upon the legal case study method as a learning strategy for understanding the key principles of constitutional law. The course deals with both interpretation and implementation of the Indian Constitution.

COURSE OUTCOMES:

After completing this course, the students will be able to understand:

1. The Historical background and salient features of the Indian Constitution.
2. Concepts of Federalism and Secularism.
3. The importance of Preamble and various concepts envisaged under the same.
4. The definition of State with special reference to Fundamental Rights.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

5. The importance of Fundamental Rights, Directive Principles of State Policy and Fundamental Duties and their justiciability and non–justiciability.
6. Implementation of Fundamental Rights through Articles 32 and 226.

1. **Historical and Constitutional developments between 1858-1947 Framing of Indian Constitution. (3 Sessions)**
   Nature and Features
   A broad over-view of the constitution of India, 1950. Historical genesis of Indian Constitution should be part of the syllabus particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence Act, 1947 and the drafting of our constitution.

2. **Fundamental Rights and judicial activism (15 Sessions)**

   Equality and Social Justice (Arts.14-18 & Part IV & Part XVI)
   Secularism and religious freedoms
   Life, Liberty other rights and freedoms

3. **Directive Principles and Fundamental Duties (Parts IV,IV A) (2 Sessions)**

4. **Indian Federalism – idea of federalism – Indian federal features – strong centre –** cooperative spirit– centre relations - Special status to J & K (Parts XI, XII, XIII, XIV, XXI) **(2 Sessions)**

5. **Indian Parliament – Nature, Composition, powers and privileges and state legislatures. (4 Sessions)**

6. **Cabinet form of govt. (4 Sessions)**
   Parliamentary form at the Centre and states – head of State – Council of Ministers – Attorney General and Advocate generals

7. **Indian Judiciary**: **(6 Sessions)**
   Supreme Court and High Courts, composition, powers and Judicial Independence – subordinate courts

8. **Law making under Indian Constitution (8 Sessions)**
   Kinds of bills, passing of bills, Ordinances Citizenship Act 1955, Representation of peoples Act 1951, comptroller and Auditor Generals Act, 1971. Legislation made in pursuance of the constitution like the (1) Bonded Labour Abolition Act (2) Civil Rights Protection, Act, 1955, (3) Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989 should be duly referred to. Considering the vastness and the never-ending growth of constitutional law it is felt that topic wise discussion will be more suited. Topics in the syllabus and discussion in the classroom should be inspiring enough to compel students to study the entire constitution on their own.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

9. **Emergency (Part XVIII)** **(4 Sessions)**
   Kinds, Legal requirements, Legal effects

10. **Amendment and the basic structure doctrine (Part XX) (3 Sessions)**

11. **Services under Indian Constitution (Part IV)** **(3 Sessions)**
    Services under Union / State – All Indian Services, Doctrine of pleasure and exceptions

12. **Democracy and Election Commission of India (Part XV) (3 Sessions)**
13. **Introduce the following** **(3 Sessions)**
    1. Civil Rights Protection Act, 1955
    2. Citizenship : Part II
    3. Parts IX,IX A,X Panchayats, Municipalities and Scheduled & Tribal Areas
    4. Part XIV A Tribunals (Covered in administrative Law, Semester III)
    5. Part XVII official language
    6. Part XIX Miscellaneous

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CONSTITUTIONAL LAW -I

Faculty Mr. Nagaraju Kanduri

First-year LLB Semester: II

Credit : 4 **(60 Sessions)**

S No.	Heading	Topic
1	**Historical and Constitutional developments between 1858-1947 Framing of Indian Constitution.**	A broad over-view of the constitution of India,1950.
2		Transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle
3		Indian Independence Act, 1947 and the drafting of our constitution.
4	**Fundamental Rights and judicial activism**	Tutorial
5		Fundamental Rights : Fundamental Right to Equality
6		No discrimination based on religion, race, caste, sex, or place of birth., Equal opportunity in public employment
7		Abolition of Untouchability and Abolition of Titles
8		Tutorial
9		Fundamental Right to Freedom: The fundamental right to livelihood
10		Against arbitrary arrest, exploitation, and child labour
11		Prohibition of traffic in human beings and forced labour
12		Tutorial
13		Prohibition of employment of children in factories etc.
14		Fundamental Right to practise and propagate religion,

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

15		Fundamental Right to establish educational and cultural education (Minority Rights)
16		Tutorial
17		State of West Bengal v Anwar Ali Sarkar, 1952 AIR 75 SC
18		Maneka Gandhi v UOI, (1978) 1 SCC 248
19	**Directive Principles and Fundamental Duties (Parts IV,IV A)**	Directive Principle of State Policy, Socialistic Principles, Gandhian principles, Liberal-Intellectual principles
20		Tutorial
21	**Indian Federalism – idea of federalism – Indian federal features – strong centre**	Relation between Part III and Part IV of the Constitution, Constitutional structure : separation of power
22		Constitutional nature: Federal and Unitary Federal Features of the Indian Constitution, Unitary Features of the Indian Constitution
23	**Indian Parliament – Nature, Composition, powers and privileges and state legislatures.**	Indian Parliament – Nature
24		Tutorial
25		Composition, powers and privileges
26		state legislatures.
27	**Cabinet form of govt.**	Parliamentary form at the Centre and states
28		Tutorial
29		Head of State
30		Council of ministers
31	**Indian Judiciary**	Supreme Court
32		Tutorial
33		High Court
34		Composition powers and Judicial independence
35		Subordinate courts
36		Tutorial
37	**Law making under Indian Constitution**	Kinds of bills
38		passing of bills, Ordinances
39		Citizenship Act 1955
40		Tutorial
41		Representation of peoples Act 1951
42		Comptroller and Auditor Generals Act 1971
43		Legislation made in pursuance of the constitution like the (1) Bonded Labour Abolition Act (2) Civil Rights Protection, Act,

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		1955, (3) Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989
44		Tutorial
45	**Emergency (Part XVIII)**	Kinds of emergency
46		Legal requirement
47		Legal effects
48		Tutorial
49	**Amendment and the basic structure doctrine (Part XX)**	Sajjan Singh case (1965)
50		Golakhnath Case 1967
51		Kesavananda Bharati case (1973)
52	**Services under Indian Constitution (Part IV)**	Tutorial
53		Services under Union/State, All Indian Services
54		Doctrine of pleasure and exceptions
55	**Democracy and Election Commission of India (Part XV)**	What is the Election Commission, Composition of the Election Commission , Election Commission as a multi-member body
56		Tutorial
57		Functions of the Election Commission, Powers of the Election Commission, Independence of the Election Commission, Related constitutional provisions
58	**Introduce the following**	Civil Rights Protection Act, 1955, Citizenship : Part II , Parts IX,IX A,X Panchayats, Municipalities and Scheduled & Tribal Areas
59		Part XIV A Tribunals, Part XVII Official Language, Part XIX Miscellaneous
60		Tutorial

K Nagar

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

FAMILY LAW I

(Faculty Ms. Vrushali Gore)

First-year LLB Semester II

Credit : 4 **(60 Sessions)**

Mohammedan Law	**35 marks**
Divorces Act & Christian Marriage Act	**15 marks**
Indian Succession Act (Sec. 1-166 only)	**35 marks**
Parsi Marriage and Divorce Act	**15 marks**

COURSE OBJECTIVES:

This course is designed to equip the students of law about the institution of family, types of marriages and the matrimonial remedies inclusive of dissolution of marriages through customary practices as well as dissolution of marriage under personal laws of Parsis, Christians and Muslims and Special Marriages Act. Further, this course enables the students to understand the social evils and their effects on the family institution and update the student about new emerging trends and changing patterns of family in the present scenario of the society. Overall, this course is designed to endow the students with knowledge of both the codified and uncodified portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, the menace of dowry. In addition, the students shall be able to familiarize themselves with the provisions of the Indian Succession Act

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Recognize the Nature, Scope, Foundation and Sources of various personal laws of Parsis, Christians and Muslims.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

2. Familiarize traditional and statutory legal system, which governs personal matters.
3. Understand the subject of family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting across religious lines, eventually enabling the fulfillment of the Constitutional directive of Uniform Civil Code.

A) **Mohammedan Law** **(20 Sessions)**

1) Sources
2) Schools
3) Shariat Act, 1937
4) Marriage
5) Dower
6) Divorce
7) Maintenance
8) Legitimacy & Parentage
9) Guardianship

B) **Divorces Act & Christian Marriage Act** **(10 Sessions)**

C) **Indian Succession Act (Sec. 1-166 only)** **(10 Sessions)**

D) **Parsi Marriage and Divorce Act** **(20 Sessions)**

SUGGESTED READINGS:

1. Tahir Mahmood, The Muslim Law of India, Law Book Company
2. Mulla, Principles of Mohammadan Law, Lexis Nexis
3. A.A. Fyzee, Outlines of Mohammadan Law, Oxford University Press
4. Aquil Ahmed, Textbook of Mohammadan
5. Paras Divan, Family law
6. M.P. Tandon, Muslim Law in India
7. Prof. G. C. V. Subba Rao, Family law in India
8. B B Mitra - Indian Succession Act, 1925
9. A. A. A Fyzee - Outlines of Mohammedan Law
10. D. D Basu - Law of Succession
11. Paras Diwan - Family Law: Law of Marriage and Divorce in India
12. A. M Bhattachargee - Muslim Law and the Constitution

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

FAMILY LAW I

(Faculty Ms. Vrushali Gore)

First-year LLB Semester II

Credit : 4 **(60 Sessions)**

TEACHING PLAN FOR A.Y. 2018-2019

S No.	Heading	Topic
1	**Mohammedan Law**	Origin, Nature, Development and Sources
2		Schools of Muslim Law, Opertaionand application of muslim law
3		Conversion of Islam and its effects
4		Tutorial
5		Laws of Muslim Marriage, Rules, essential requisite, Grounds of prohibition
6		Kinds of Muslim marriage, order of guardianship, Muta marriage, doctrine of puberty
7		Doctrine of equality Iddar Validity of antinuptial afreement
8		Tutorial
9		Dower, mehr, rights and remedies to enforce meher
10		Divorce, Revocation and Irrevocation, Classification of dissolution of maariage, types of talak, judicial divorce
11		Maintenance : rights of muslim women to maintenance, maintenance of children
12		Tutorial
13		Parentage, legitimicy of children, Acknowledgement of Paternity
14		Kinds of Muslim marriage, order of guardianship, Muta marriage, doctrine of puberty
15		Muslim Women (Protection of Rights on Divorce) Act
16		Tutorial
17		Guardianship: Types, Guardianshipof property of a minor, Guardianship for marriage

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

18		Gift, essenatial requisite, modes , kinds and revocation
19		Wills: features, making , limitations, abetment of legacies, revoaction will, executor
20		Tutorial
21	**Divorces Act & Christian Marriage Act**	Christian Marriage Act : Introduction , Scope, Object
22		Persons by whom marriages may be solemnized, Time and place at which marriage may be solemnized
23		Marriage solemnized by ministers of religion licensed under the act, registration of marriage
24		Tutorial
25		Marriage solemnized in front of marriage registrar
26		Marriages of Indian Christian
27		Offences and Penalties
28		Tutorial
29		Correction of errors, searches and copies of entries
30		Certified copies, certificate of marriage
31	**Indian Succession Act (Sec. 1-166 only)**	Indian Succession Act : Introduction, Object, Scope
32		Tutorial
33		Marriage,Domicile, kinds of domicile, Consanguinity
34		Tutorial
35		Intestate Succession of Christian as per the Indian Succession Act 1925
36		Rules in case of intestate succession of Christians
37		Distribution of estate of deceased intestate, other than parsi where no lineal descendants
38		Tutorial
39		Special Rule for Parsi Intestate , Testamentary Succession
40		
41	**Parsi Marriage and Divorce Act**	Parsi personal law : Introduction and requisite
42		remarriage, punishment for bigamy
43		Registration of marriage, marriage register
44		Tutorial
45		Registrar general of birth, death and marriages

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

46		Matrimonial causes, suits for nullity
47		dissolution, grounds for divorce, divorce by mutual consent
48		Tutorial
49		Judicial separation
50		Restution of conjugal rights
51		Parsi Chief Matrimonial courts, Parsi District Matrimonial Courts, forum
52		Tutorial
53		Maintenance of Parsi Wives and Children
54		Permanent alimony and maintenace, children of Parsi
55		Parsi Divorcors Property
56		Tutorial
57		Rohinton Panthaky v. Armin R. Panthaky (2014)
58		Delforooz Darius Dorabjee v. State of Maharashtra (2006)
59		Jahangir Manaji Mehta vs Nina Jahangir Mehta
60		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

ENVIRONMENTAL LAW

(Faculty Ms. Lalita Singh)

First-year LLB Semester II

Credit : 4 **(60 Sessions)**

COURSE OBJECTIVES:

The objective of this course is to enable the students to understand the legal protection of the environment through various laws. The course aims to shed vivid light on environmental jurisprudence and aspires to equip future lawyers with knowledge and skills to handle environmental matters. It further highlights the detailed understanding of emerging environmental issues, remedies for the same and the viability of potential solutions. This course intends to develop an in-depth understanding of various environmental legislations

available in India. The role of international and national environmental mechanisms & their involvement in promoting the cause of the environment is emphatically elucidated along with the outcome of various conferences and conventions. Environmental problems have attained alarming proportions It is essential to sensitize the students to environmental issues and the laws. The important principles in the field like intergenerational equity, carrying capacity, sustainable development and precautionary, polluter pays principles are to be appreciated. The law in practice is to be analyzed and evaluated. The course is designed towards these objectives.

COURSE OUTCOMES:

After completing this course, the students should be able To develop a basic scientific understanding of environmental issues, their causes, effects, remedies and viable solutions. To be able to apply disciplinary knowledge and enforce the same through available mechanisms. To explore the developments in national & international environmental laws and their fundamental principles. To have an in-depth understanding of various statutes and provisions in respect of environmental laws. To know about the importance of Public Participation, Public Interest Litigation, and other remedies in preserving and protecting the environment. To analyze areas concerning Global & transboundary environmental problems through better perspectives.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

1) Concept of environment and pollution or introduction to problem of Environmental protection. **(6 Sessions)**

(i) Environment
(ii) Meaning and contents
(iii) Pollution
(iv) Meaning
(v) Kinds of Pollution
(vi) Causes of pollution
(vii) Effects of pollution

2) Constitutional provisions regarding environmental protection including **(6 Sessions)**

(i) Directive principles
(ii) Fundamental rights and duties
(iii) Right to clean and healthy environment
(iv) Right to education
(v) Right to information

3) Environmental protection under the general Laws: **(2 Sessions)**
Nuisance, Penal Code, Procedural Code

4) General introduction the enforcing agencies and remedies : **(4 Sessons)**
(i) Courts
(ii) Tribunals

5) Polluter Pays principle :- **(2 Session)**
Public liability insurance

6) **Precautionary Principle** **(2 Sessions)**
7) Sustainable development **(2 Sessions)**

8) Water Pollution Act 1974 and Air Pollution Acts 1981 **(6 sessions)**

(i) Meaning and Air Standards
(ii) Culprits and victims
(iii) Procedures for sampling
(iv) Formation of Boards and their functions or Protection agencies: their powers and functions
(v) Offences and penalties
(vi) Judicial approach

9) Noise Pollution **(2 Session)**
10) Environmental Protection Act 1986 **(2 Session)**
11) Bio Medical waste **(2 Session)**

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

12) Hazardous waste **(2 Session)**
13) Environment impact assessment **(2 Session)**
14) Coastal zone management **(2 Session)**
15) Environmental audit and eco mark **(2 Session)**
16) Disaster emergency preparedness **(2 Session)**
17) Town and country planning **(2 Session)**

18) Forest **(4 Sessions)**

(i) Greenery conservation laws
(ii) Forest conservation
(iii) Conservation agencies

19) Wild life Protection Act 1972 **(4 Sessions)**
(i) Sanctuaries and national parks
(ii) Licensing of zoos and parks
(iii) State monopoly in the sale of wild life and wild life
(iv) Offences against wild life

20) International Regime **(4 Session)**
(i) Stockholm conference
(ii) Green house effect and ozone depletion
(iii) Rio conference
(iv) U.N. declaration on right to development

SUGGESTED READINGS:

1. P. Leelakrishnan, The Environmental Law in India, Butterworths – India
2. P. Leelakrishnan, Environmental Law in India, Lexis Nexis
3. Shyam Diwan& Armin Rosencranz, Environmental Law and Policy in India, OxfordmUniversity Press
4. S. C. Shastri, Environmental Law, Eastern Book Company.
5. Gurdip Singh, Environmental Law in India, MacMillan Publisher.
6. Benny Joseph, Environment Studies, Tata McGraw Hill, New Delhi.
7. Environmental & Pollution Laws in India by Justice T S Doabia, Lexis Nexis
8. Krishan Keshav, Law and Environment, Singhal Law Publications
9. Green Book: Pollution Control Act, Rules and Notifications Issued Thereunder
10. Book Corporation's Principles of Environmental Laws by Dr. Rabindra Kr. Pathak, Ms. Surbhi Singh
11. Asia Law House's Environmental Law by DR. S. R. Myneni
12. Environment, Energy and Climate Change Author: Nawneet Vibhaw, Lexis Nexis

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

FAMILY LAW – II

Faculty : Dr. Sarla Gupta

Second year LLB Semester: III

COURSE OBJECTIVES:

The knowledge of family laws is important for law students and lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. The study of family laws under this course covers provisions relating to Hindu law from the ancient period of Vedas, Shruti's, Smriti's etc. till the modern period of legislation. The course t also mainly focuses on origin, establishment and development of Hindu Law. It aims to educate students on various matrimonial remedies available under various laws. The Course also imparts details about Uniform Civil Code and its applicability. The object of this course t is to deal with legal incidence of joint family system, evolution of marriage and family, essentials of marriage. The course examines in detail fundamental concepts dealing with joint family, coparcenary, partition, intestate succession as well as the law relating to gifts, wills and inheritance.

COURSE OUTCOMES:

After completing this course, the students will be able to-

1. Examine historical and social contexts that have influenced the modern definition and regulation of families.
2. Have a deeper insight of the foundation of Hindu Law.
3. Understand the important concepts of Hindu Law- marriage, adoption, guardianship, maintenance and Hindu succession etc.
4. Understand new and emerging types of families.
5. To critically evaluate the application of Uniform Civil Code and its application in Indian scenario.
6. Understand the constitution and functions of Family Courts in India
7. Ascertain and acquire skills required for remedies in matrimonial issues.

1. Marriage and Kinship **(06 Sessions)**

1.1. Evolution of the institution of marriage and family.
1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

1.3. Types of family based upon.
1.3.1. Lineage – patrilineal, matrilineal
1.3.2. Authority structure patriarchal and matriarchal
1.3.3. Location- patrilocal and matrilocal
1.3.4. Number of conjugal units-nuclear, extended, joint and composite.
1.4. Emerging concepts: maitri sambandh and divided home.

2. Customary practices and State regulation **(03 Sessions)**

2.1. Polygamy
2.2. Concubinage -
2.3. Child marriage
2.4 Sati
2.5 Dowry

3. Conversion and its effect on family **(03 Sessions)**

3.1. Marriage
3.2. Adoption
3.3. Guardianship
3.4. Succession

4. Joint Family **(07 Sessions)**

4.1. Mitakshara joint family
4.2. Mitakshara coparcenary-formation and incidents
4.3. Property under Mitakshara law-separate property and corparcenary property.
4.4. Dayabhaga coparcenary-formation and incidents
4.5. Property under Dayabhaga law.
4.6. Karta of the joint family-his position, powers, privileges and obligations.
4.7. Alienation of property-separate and coparcenary
4.8. Debta-doctrines of pious obligations and antecedent debt.
4.9. Partitition and re-union.
4.10. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
4.11. Matrilineal joint family.

5. Inheritance **(08 Sessions)**

5.1. Hindus
5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu succession Act 1956.
5.1.2 Succession to property of a Hindu male dying intestate under the provisions

of Hindu Succession Act 1956.
5.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
5.1.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
5.1.5 Disqualification relating to succession
5.1.6 General rules of succession
5.1.7 Marumakkattayam and Aliyasantana laws governing people living in Thiruvanadapuram, Cochin and other districts of Malabar and South Kanara.
5.2. General rules of succession and exclusion from succession.
5.2.1 Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property."
5.3. Christians, Parsis and Jews

6. Matrimonial Remedies **(12 Sessions)**

6.1. Non-judicial resolution of marital conflicts.
a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution,
6.2 Judicial resolution of martial conflicts: the family court
6.3 Nullity of marriage
6.4 Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.
6.5 Restitution of conjugal rights
6.6 Judicial separation
6.7 Desertion a ground for matrimonial relief
6.8 Cruelty: a ground for matrimonial relief
6.9 Adultery: a ground for matrimonial relief
6.10 Other grounds for matrimonial relief
6.11 Bar to matrimonial relief:
6.11.1. Doctrine of strict proof
6.11.2. Taking advantage of one's own wrong or disability
6.11.3. Accessory
6.11.4. Connivance
6.11.5. Collusion
6.11.6. Condonation
6.11.7. Improper or unnecessary delay
6.11.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.

7. Alimony and maintenance **(02 Sessions)**

7.1.1 Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
7.1.2 Alimony and maintenance as an ancillary relief.

8. Child and the Family **(03 Sessions)**

8.1 Legitimacy

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

8.2 Adoption
8.3 Custody, maintenance and education
8.4 Guardianship and parental rights – welfare of the child principle.

9 Family and its changing pattern – (looked from Socio-Economic view Point) **(06 Sessions)**

9.1. New emerging trends:
9.1.1 Attenuation of family ties
9.1.2 Working women and their impact on spousal relationship: composition of family, status and role of women.
9.1.3 New property concepts, such as skill and job as new forms of property.
9.2. Factors affecting the family: demographic, environmental, religious and legislative.
9.3. Processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

10. Settlement of spousal property **(02 Sessions)**

10.1 Need for development of law

11. Establishment of family Courts **(02 Sessions)**

11.1 Constitution, power and functions
11.2 Administration of gender justice

12 Uniform Civil Code **(06 Session)**

12.1 Religious pluralism and its implications.
12.2 Connotations of the directive contained in Article 44 of the Constitution.
12.3 Impediments to the formulation of the Uniform Civil Code
12.4 The idea of Optional Uniform Civil Code.

Recommended Resources

1. Modern Hindu Law by Dr. Paras Diwan, Allahabad Law Agency
2. Hindu Law by Sir Dinshaw Fardunji Mulla, Lexis Nexis
3. Hindu Law by G.C.V. Subba Rao, Gogia Law Agency
4. Hindu Law by B. M. Gandhi, Eastern Book Company
5. Supreme Court on Hindu law by Hari Devi Kohli, Universal Law Publication
6. Hindu Law and Constitution by A. M. Bhattacharjee, Eastern Law House

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

FAMILY LAW – II

Faculty : Dr. Sarla Gupta

Second year LLB Semester: III

S No	Module	Topic
1	**Marriage and Kinship**	Evolution of the institution of marriage and family.
2		Role of religious rituals and practices in moulding the rules regulating to marital relations.
3		Types of family based upon. Lineage – patrilineal, matrilineal
4		Tutorial
5		Authority structure patriarchal and matriarchal Location- patrilocal and matrilocal
6		Number of conjugal units-nuclear, extended, joint and composite. Emerging concepts: maitri sambandh and divided home.
7	**Customary practices and State regulation**	Polygamy, Concubinage
8		Tutorial
9		Child marriage Sati Dowry
10	**Conversion and its effect on family**	Marriage Adoption
11		Guardianship, Succession
12		Tutorial
13	**Joint Family**	Mitakshara joint family Mitakshara coparcenary-formation and incidents
14		Property under Mitakshara law-separate property and corparcenary property.
15		Dayabhaga coparcenary-formation and incidents Property under Dayabhaga law.
16		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

17		Karta of the joint family-his position, powers, privileges and obligations. Alienation of property-separate and coparcenary
18		Debta-doctrines of pious obligations and antecedent debt. Partitition and re-union.
19		Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it. Matrilineal joint family
20	**Inheritance**	Tutorial
21		Hindus. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
22		Succession to property of Hindu female dying intestate under the Hindu, Succession Act 1956.
23		Marumakkattayam and Aliyasantana laws governing people living in Thiruvanadapuram, Cochin and other districts of Malabar and South Kanara.
24		Tutorial
25		General rules of succession and exclusion from succession.
26		Disqualification relating to succession General rules of succession
27		Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property." Christians, Parsis and Jews
28	**Matrimonial Remedies**	Tutorial
29		Non-judicial resolution of marital conflicts. a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution, .
30		Judicial resolution of martial conflicts: the family court Nullity of marriage
31		Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given. Restitution of conjugal rights
32		Tutorial
33		Judicial separation Desertion a ground for matrimonial relief
34		Cruelty: a ground for matrimonial relief Adultery: a ground for matrimonial relief
35		Other grounds for matrimonial relief Bar to matrimonial relief
36		Tutorial
37		Doctrine of strict proof Taking advantage of one's own wrong or disability Accessory
38		Connivance, Collusion , Condonation

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

39		Improper or unnecessary delay Residuary clause-no other legal ground exists for refusing the matrimonial relief.
40	**Alimony and maintenance**	Tutorial
41		Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law. Alimony and maintenance as an ancillary relief
42	**Child and Family**	Legitimacy, Adoption
43		Custody, maintenance and education Guardianship and parental rights – welfare of the child principle.
44		Tutorial
45	**Family and its changing pattern- (looked from socio economic view point)**	New emerging trends: Attenuation of family ties
46		Working women and their impact on spousal relationship: composition of family, status and role of women.
47		New property concepts, such as skill and job as new forms of property
48		Tutorial
49		.actors affecting the family: demographic, environmental, religious and legislative.
50		Processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.
51	**Settlement of spousal property**	Need for development of law
52		Tutorial
53	**Establishment of family courts**	Constitution, power and functions
54		Administration of gender justice
55	**Uniform Civil Code**	Religious pluralism and its implications.

D.T.S.S. College of LAW
Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		.
56		Tutorial
57		Connotations of the directive contained in Article 44 of the Constitution.
58		Impediments to the formulation of the Uniform Civil Code
59		The idea of Optional Uniform Civil Code
60		Tutorial

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

TRANSFER OF PROPERTY

Faculty : Ms. Pradyna Damle

Credit : 4

Second year LLB Semester: III

1. Jurisprudential Controls of Property and Law relating to Transfer of Property Act 1882	**85 Marks**
2. Easement Act 1882	**15 Marks**

Course Objectives:

The focus of this course in on the study of the concept of 'Property' the' nature of property rights' and the general principles governing the transfer of property. The objective of this course is to enable students to understand the basic philosophy of property law and its nuances and to develop a sound grasp of the foundation of the laws relating to transfer of property including gaining knowledge about the concept of property and kinds of property as well as understanding the general principles governing transfer of property. The intention is to facilitate a study of the substantive law on transfer of property, pertaining to specific modes of transfer of property, inter vivos, including sale, mortgage, lease, gift, exchange and transfer of actionable claims and to appreciate the implications of registration and stamp duty thereon. This course includes Indian Easements Act, 1882 for study. The course provides an insight on the kinds of stamps, adjudication, liability to pay stamp duty, time for payment of stamp duty, ramification of non-payment or insufficient payment and allowances for stamps together with knowledge of documents requiring compulsory registration, time for registration and understanding the consequences of non-registration.

Course Outcomes:

After completing this course, the students will be able to:

1. Understand the theoretical basis of the general principles governing transfer of property.
2. Analyze and understand the practical application of the legal provisions pertaining to specific modes of transfer of property.
3. Understand the law and applicability of easements in India
4. Interpret the relevant judicial precedents on transfer of property and matters ancillary and incidental thereto.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Syllabus

1. Jurisprudential Controls of Property **(20 Sessions)**

1.1.Concept and meaning of property.
1.2.Kinds of property – movable and immovable property – tangible and intangible property – intellectual property – copyright-patents and designs-trademarks– geographical indications.

2. Law Relating to Transfer of Property Act. **(20 Sessions)**

2.1 General principles of transfer of property
2.2. Specific transfers
2.2.1 Sales
2.2.2. Mortgages
2.3. Charges
2.4. Leases
2.5. Exchange
2.6. Gifts
2.7. Actionable claims

3. Easement Act. **(20 sessions)**

4.1. Nature, characteristics and extinction
4.2. Creation of easements
4.3. Riparian rights
4.4. Licenses

Recommended Resources:

1. S. N. Shukla, Transfer of Property Act, Allahabad Law Agency (January 2020)
2. Avtar Singh & Harpreet Kaur, Transfer of Property Act, Universal Law Publishing (January 2019)
3. Vepa P. Sarathi, Law of Transfer of Property, by Mallika Taly, EBC (January 2017)
4. G. P. Tripathi, The Transfer of Property Act, Central Law Publications (January 2016)
5. Dr. R. K. Sinha, The Transfer of Property Act, Central Law Agency (January 2021)

Reference Books:

1. Mulla, Transfer of Property Act, by Dr. Poonam Pradhan Saxena, Lexis Nexis, 13th Edition (2018)
2. G. C. V. Subbarao, Transfer of Property Act, C. Subbiah Chetty & Co., 16th Edition (Reprint January 2021)

3. Sir H.S. Gour's Commentary on The Transfer of Property Act, Delhi Law House, 14th Edition (2016)
4. Megarry& Wade, The Law of Real Property, Sweet & Maxwell Ltd., 9th Edition (August 2019)
5. Darashaw Vakil's Commentaries on the Transfer of Property Act, LexisNexis, 5th Edition (June 2017)
6. Goyle's A Commentary on Transfer of Property Act, by Sukumar Ray, Eastern Law House, 3rd Edition (January 2020)
7. Sanjiva Row, Transfer of Property Act, Universal Law Publishing, 9th Edition (May 2017)

Pradnya

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW
Kurar Village, Malad (East), Mumbai-97.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

TRANSFER OF PROPERTY

Faculty : Ms. Pradyna Damle

Credit : 4

Second year LLB Semester: III

S No	Module	Topic
1	**Jurisprudential Controls of Property**	Concept and meaning of property
2		Property as interpreted by Supreme Court of India
3		R.C. Cooper v. Union India
4		Tutorial
5		Jilubhai Nanubhai Khachar v. State of Gujarat
6		Kinds of property
7		Movable and immovable property
8		Tutorial
9		Jagdish v. Mangal Pandey (1985)
10		Tangible and intangible property
11		Corporeal and incorporeal property
12		Tutorial
13		Real and personal, Public and private property
14		Right in re aliena, Right in re propria
15		Intellectual property
16		Tutorial
17		Copyright
18		Patents and designs
19		Trademarks, geographical indications
20		Tutorial
21	**Law Relating to Transfer of Property Act.**	General principles of Transfer of Property by Act of parties
22		Concept and meaning of immovable property
23		Persons Competent to transfer, Operation of Transfer
24		Tutorial
25		Conditions restraining alienation and restrictions repugnant to the interest created, Rule against perpetuity and exceptions

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

26		Transfer by ostensible and co-owner, Fraudulent transfer and part-performance
27		Mortgages of Immovable property & Kinds of mortgages and their features,
28		Tutorial
29		Rights and liabilities of mortgagor and mortgagee
30		Sale of immovable property & Difference between sale and contract for sale;
31		Sale of immovable property & Difference between sale and contract for sale;
32		Tutorial
33		Rights and liabilities of seller and buyer before and after completion of sale
34		Leases of immovable property : Definition- Scope-Creation of lease
35		Rights and liabilities of lessor and lessee, Determination and holding over
36		Tutorial
37		Exchange: Definition and mode , Actionable Claims, Scope meaning , mode of transfer, universal gift, onerous gift
38		Munni Lal Mahto v. Chandeshwar Mahto Gift of a portion of the joint family that was the donor's share under the preliminary order of partition must be upheld.
39		Neetu Singh Vs State of Uttar Pradesh Supreme Court of India passed the Judgement that no criminal offense can be made out here. Failure to pay rent may have civil consequences but is not a criminal offense under IPC
40		Tutorial
41	**Easement Act**	Easement Act : The imposition, acquisition and transfer of easement
42		The incidents of easement
43		The disturbances of easement
44		Tutorial
45		The extinction, survival and revival of easement, licences
46		L. Damodaraswami Naidu vs. S.T. Damodaraswami Naidu (24.09.1964 - MADHC): MANU/TN/0133/1964 incidents of easement
47		Anguri and Ors. vs. Jiwan Dass and Ors. (30.08.1988 - SC): MANU/SC/0445/1988,incidents of easement
48		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

49		Luhar Tulsidas Narsibhai vs. Vrajlal Lalji Vaghela (14.08.2006 - GUJHC): MANU/GJ/8357/2006, Imposition, acquisition and transfer of easement
50		Ambaram Popat Vankar vs. Budhalal Mahasukram Shah (15.01.1943 - BOMHC): MANU/MH/0129/1943, Imposition, acquisition and transfer of easement
51		Ayyaswami Gounder and Ors. vs. Munnuswamy Gounder and Ors. (25.09.1984 - SC): MANU/SC/0226/1984 Imposition, acquisition and transfer of easement
52		Tutorial
53		Yosef David Varulekar vs. Moses Solomon Talk, incidents of easement ar (18.02.1931 - BOMHC): MANU/MH/0063/1931
54		Chanti China Venkatareddi vs. Kurasani Koti Reddy and Ors. (22.12.1965 - APHC): MANU/AP/0103/1967, incidents of easement
55		Incidents of easement David Varulekar vs. Moses Solomon Talkar (18.02.1931 - BOMHC)
56		Tutorial
57		T.R. Bhushnam vs. C. Umapathi Mudaliar and Ors. (17.04.1935 - MADHC): MANU/TN/0454/1935 Remedies under easement act
58		Krushna Kishore Bal vs. Sankarsan Samal and Ors. (28.11.1973 - ORIHC): MANU/OR/0027/1974 Remedies under easement act
59		S. Kumar and Ors. vs. S. Ramalingam (16.07.2019 - SC): MANU/SC/0913/2019, Extinction and suspension of easements
60		Tutorial

Pradnya

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village Malad (East) Mumbai-97

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

COMPANY LAW (Companies Act, 2013)

Faculty : Mr. Tushar Yelkar

Credit : 4

Second year LLB Semester: III

COURSE OBJECTIVES:

This course is designed to understand the formation, management and other activities of the companies. In view of the important developments that have taken place in the corporate sector. Important regulations pertaining to the issue of shares and the capital raising have come into force. The objective of this paper is to enlighten students about various and vital concepts of Company Law with recent changes. This course aspires to edify students with compliances related to formation, management, prospectus, securities, financial aspects, meetings, etc. The course includes to identification of different types of malpractices committed and levy of punishment provisions for breach of law. The students will be in a position to develop an understanding of emerging issues in Company Law related to Environmental Social Governance, Corporate Governance, Insider Trading, Corporate Social Responsibility and National Company Law Tribunal and National Company Law Appellate Tribunal with winding up. Overall, this course aims to impart the students, the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

COURSE OUTCOMES:

After completing this course, the students will be able to –

1. Identify and understand various provisions of Companies Act, 2013 read with Rules and Schedules.
2. Understand emerging trends of business world related to Environmental Social Governance, Corporate Governance and Insider Trading.
3. Apprehend the impact of non-compliances of the laws and regulations.
4. Get practical exposure of understanding organisational structure followed by Corporates and duties and responsibilities of different personnel working for them.
5. Grasp different methods of collecting finance by companies and duties involved
6. around it including maintaining proper records and getting them checked and audited for different purposes.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

7. Analyse and appreciate different concepts and doctrines under Companies Act, 2013.

1. Meaning of Corporation (04 Sessions)

1.1 Theories of corporate personal
1.2 Creation and extinction of corporations.

2. Forms of Corporate and Non-Corporate Organisation (05 Sessions)

2.1.1 Corporations, partnerships and other associations of persons, state corporations, Small scale, co-operative, corporate and joint sectors.
2.1.2 Kinds of Companies - Public Companies – Private Companies-nature and advantages – Government Companies Holding and Subsidiary Companies.

3. Law relating to companies- public and private-companies (Company Act 1956) **(35 Sessions)**

3.1 Need of company for development – formation of company-registration and incorporation.
3.2 Memorandum of association – various clauses-alteration therein-doctrine of ultra virus.
3.3 Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
3.3.1. Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus – self prospectus.
3.4 Promoters – position – duties and liabilities
3.4.1. Shares – general principles of allotment-statutory restrictions – share certificate – its objects and effects- transfer of shares – restrictions on transfer-procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares (DEMAT) – Buy-back shares.
3.4.2. Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.
3.4.3. Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders
3.5. Directors – position – appointment – qualifications- vacation of office – removal – resignation – powers and duties of directors- loans – remuneration of directors- role of nominee directors – managing directors – other managerial personnel – compensation for loss of office.
3.5.1. Meetings – kinds – procedure – voting
3.5.2. Dividends - Meaning – payment – capitalization – profit
3.6 Audit and accounts
3.7 Borrowing powers – effect of unauthorised borrowing – charges and

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

mortgages -loans to other companies- investments- contracts by companies
3.8 Debentures – meaning – fixed and floating charge-kinds of debentures- share-holder and debenture holder- remedies of debenture holders
3.9 Majority powers – Protection of minority rights
3.10 Prevention of oppression and mismanagement - who can apply ? – Powers of the company, the court and the central government
3.11 Investigation – powers
3.12 Reconstruction and amalgamation
3.13 Winding up – types – by court – reasons – grounds – who can apply – procedure- powers of liquidator-powers of court - liability of past members-payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company, Defunct Company. – consequences of winding up order – voluntary winding up by members and creditors – winding up subject to supervision of courts.

4. Law and Multinational Companies **(06 Sessions)**

4.1 International norms for control.
4.2 National law FEMA (Foreign Exchange Management Act, 1999) controls joint – ventures – investment of India – repatriation of project.
4.3 Collaboration agreements for technology transfer.

5. Corporate Liability **(10 Sessions)**

Latest Editions of Books

1. Dr. Avtar Singh, Company Law; Eastern Book Company, 34, Lalbagh, Lucknow
2. Ramaiya, Guide to the Companies Act; Lexis Nexis, Butterworths Wadhwa, Nagpur
3. Taxmann's, Circulars & Clarifications on Company Law; 59/32, New Rohtak Road, New Delhi
4. L.C.B. Grower. Principles of Modern Company Law Sweet and Maxwell, London
5. S. C. Kuchal - Corporation Finance: Principles and problems.
6. Y. D. Kulshreshta- Govee4zxrnment regulation of financial management of private corporate sector in India.
7. S. K. Roy - Corporate Image in India
8. Gower - Company Law
9. Sen - New Horizons in company law
10. D. L. Majumdar - Towards a philosophy of modem Corporation.
11. Rajiv Jain - Guide on foreign collaboration - Policies & Procedures.
12. C. Singhania - Foreign collaborations and Investments in India - Law and procedures.
13. Joyant M Thakur - Comparative Analysis of FEMA – FEMA

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

14. Legal liability of companies – civil and criminal
15. Remedies against companies – civil, criminal and tortuous – Specific
16. Relief Act, writs liability under special statutes.

All Latest Amendments at the commencement of academic year must be taught.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

COMPANY LAW (Companies Act, 2013)

Faculty : Mr. Tushar Yelkar

Credit : 4

Second year LLB Semester: III

S No	Module	Topic
1	**Meaning of Corporation**	Theories of corporate personality Fiction Theory, Realistic Theory
2		Bracket Theory, Concession Theory, Purpose Theory
3		Creation and extinction of corporations.
4		Tutorial
5	**Forms of Corporate and Non-Corporate Organisation**	Corporations, partnerships and other associations of persons, state corporations
6		Small scale, co-operative, corporate and joint sectors.
7		Kinds of Companies - Public Companies – Private Companies
8		Tutorial
9		Nature and advantages – Government Companies Holding and Subsidiary Companies
10	**Law relating to companies-public and private-companies (Company Act 1956)**	Need of company for development – formation of company-registration and incorporation.
11		Memorandum of association – various clauses-alteration therein-doctrine of ultra virus.
12		Tutorial
13		Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions
14		Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus – self prospectus

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

15		Promoters – position – duties and liabilities
16		Tutorial
17		Shares – general principles of allotment-statutory restrictions – share certificate – its objects and effects-transfer of shares – restrictions on transfer-procedure for transfer – refusal of transfer – role of public finance institutions – relationship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialized shares (DEMAT) – Buy-back shares.
18		Shareholder – who can be and who cannot be a shareholder, modes of becoming a shareholder
19		calls on shares, forfeiture and surrender of shares – lien on shares.
20		Tutorial
21		Share capital, kinds, alteration and reduction of share capital, further issue of capital
22		conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders
23		Directors – position – appointment – qualifications-vacation of office
24		Tutorial
25		removal – resignation – powers and duties of directors-loans
26		remuneration of directors
27		role of nominee directors – managing directors other managerial personnel
28		Tutorial
29		compensation for loss of office.
30		Meetings – kinds – procedure – voting
31		Dividends - Meaning – payment – capitalization – profit
32		Tutorial
33		Audit and accounts
34		Borrowing powers – effect of unauthorised borrowing – charges and mortgages -loans to other companies-investments- contracts by companies
35		Debentures – meaning – fixed and floating charge-kinds of debentures- share-holder and debenture holder- remedies of debenture holders Majority powers – Protection of minority rights
36		Tutorial
37		Prevention of oppression and mismanagement - who can apply?
38		Powers of the company, the court and the central government Investigation – powers
39		Reconstruction and amalgamation

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

40		Tutorial
41		Winding up – types – by court – reasons – grounds – who can apply – procedure- powers of liquidator-powers of court - liability of past members-
42		payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company,.
43		Defunct Company. – consequences of winding up order – voluntary winding up by members and creditors – winding up subject to supervision of courts
44		Tutorial
45	**Law and Multinational Companies**	International norms for control.
46		National law FEMA (Foreign Exchange Management Act, 1999) controls
47		investment of India – repatriation of project.
48		Tutorial
49		joint – ventures
50		Collaboration agreements for technology transfer
51	**Corporate Liability**	Corporate Social Responsibility ,Corporate Environmental Liability, Corporate Liquidation
52		Tutorial
53		Evolution of Corporate Social Responsibility, Corporate Criminal liability
54		PP v. Kent & Sussex Contractors Ltd. R v. ICR Haulage Ltd., ruled that the corporate entities could be subjected to criminal liability and the companies were held liable for crimes requiring intent
55		*Motorola Inc. vs. Union of India* Bombay High Court quashed a proceeding against a corporation for alleged cheating, as it came to the conclusion that it was impossible for a corporation to form the requisite mens rea, which was the essential ingredient of the offense
56		Tutorial
57		*H.R. Bolton (engg.) Co. Ltd. vs. T.J. Graham* Idea of company not possessing mens rea came to an end with Lord Denning's view in this case
58		The Assistant Commissioner, Assessment-II, Bangalore & Ors. vs. M/s. Velliappa Textiles Ltd. & Anr, the Supreme Court has held that, "Though, initially, it was supposed that Corporation could not be held liable criminally for offences where mens rea was requisite, the current judicial thinking appears to be that the mens rea of the person in-charge of the affairs of the Corporation, the alter ego, is liable to be extrapolated

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		to the Corporation, enabling even an artificial person to be prosecuted for such an offence
59		SUNIL BHARTI MITTAL Vs. CBI Hon'ble Supreme Court held that directors of the company can be held responsible for wrong done by company only there is sufficient evidence to prove that such persons played an active role and they had criminal intent.
60		Tutorial

I/C Principal
Sanskar Sagar Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

ADMINSTRATIVE LAW

Faculty : Mr. K Nagaraju

Credit : 4

Second year LLB Semester: III

COURSE OBJECTIVES:

The objective of this course is to acquaint students with the basic principles of administrative law, its growth, and utility. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. This course will further deal with the role played by courts in the development of Administrative Law. The focus is on their role in protecting the rights of individuals against abuse of administration. In addition, adjudicatory powers of the administration and liability of administrative authorities are also studied in this course. This course aspires to educate students on comparative study of provisions of administrative law of France, England, America and India. It aims to provide an analysis of growing need of administrative law with special reference to civil services in India. The students will be equipped to examine the importance of delegated legislation and explore contractual and tortuous liability of Government. Importance of public corporations and rules of natural justice too will to be imparted. Overall, this course intends to comprehensively familiarize students with Administrative Law which is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour.

COURSE OUTCOMES

After completing this course, the students will be able to:

1. Recognize and trace the evolution of the concept of Administrative Law and principles of Natural Justice.
2. Understand the role of Judiciary and Executive in the growth of Administrative Law as a new branch of Law.

1. Evolutions, Nature and Scope of Administrative Law **(08 Sessions)**

1.1. Form a Laissez - faire to a social welfare state

1.1.1. State as regulator of private interest

1.1.2. State as provider of services

1.1.3. Other functions of modern state: relief, welfare
1.2 Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.
1.3. Evolution of agencies and procedures for settlement of disputers between individual and administration.
1.3.1. Regulatory agencies on the United States
1.3.2. Conseil d'Etate
1.3.3. Tribunalization in England and India
1.4. Definition and scope of administrative law
1.5 Relationship between constitutional law and administrative law
1.6. Separation of powers
1.7. Rule of law

2. Civil Service in India **(05 Sessions)**
2.1 Nature and organization of civil service: from colonial relics to democratic aspiration
2.2. Powers and functions
2.3. Accountability and responsiveness: problems and perspectives
2.4. Administrative deviance – corruption, nepotism, mal-administration.

3. Legislative Powers of Administration **(08 Sessions)**
3.1. Necessity for delegation of legislative power
3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
3.3. Requirements for the validity of delegated legislation.
3.3.1. Consultation of affected interests and public participation in rule-making.
3.3.2. Publication of delegated legislation.
3.4. Administrative directions, circulars and policy statements.
3.5. Legislative control of delegated legislation.
3.5.1. Laying procedures and their efficacy.
3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.
3.5.3. Hearings before legislative committees.
3.6. Judicial control of delegated legislation.
3.7. Sub-delegation of legislative powers.

4. Judicial Powers of Administration **(08 Sessions)**
4.1. Need for devolution of adjudicator authority on administration.
4.2. Administrative tribunals and other adjudicating authorities : their ad-hoc character.
4.3. Tribunals – need, nature, constitution, jurisdiction and procedure
4.4. Jurisdiction of administrative tribunals and other authorities
4.5. Distinction between quasi-judicial and administrative functions.
4.6. The right to hearing – essentials of hearing process
4.6.1 No man shall be judge in his own cause
4.6.2 No man shall be condemned unheard
4.7 Rule of evidence – no evidence, some evidence and substantial evidencerules.

4.8 Reasoned decisions.
4.9 The right to counsel.
4.10 Institutional decisions
4.11 Administrative appeals

5. Judicial Control of Administrative Action **(10 Sessions)**

5.1 Exhaustion of administrative remedies
5.2. Standing: standing for Public interest litigation (social action litigation) collusion, bias.
5.3. Laches
5.4. Res judicata
5.5. Grounds
5.5.1. Jurisdictional error / ultra virus
5.5.2. Abuse and non exercise of jurisdiction
5.5.3. Error apparent on the face of the record
5.5.4. Violation of principles of natural justice.
5.5.5. Violation of public policy
5.5.6. Unreasonableness
5.5.7. Legitimate expectation.
5.6. Remedies in judicial Review:
5.6.1. Statutory appeals
5.6.2. Mandamus
5.6.3. Certiorari
5.6.4. Prohibition
5.6.5. Quo-Warrantor
5.6.6. Habeas Corpus
5.6.7. Declaratory judgments and injunctions
5.6.8. Specific performance and civil suits for compensation.

6. Administrative discretion **(06 Sessions)**

6.1. Need for administrative discretion
6.2. Administrative discretion and rule of law
6.3 . Limitations on exercise of discretion
6.3.1. Malafide exercise of discretion
6.3.2. Constitutional imperative and use of discretionary authority
6.3.3. Irrelevant considerations
6.3.4. Non-exercise of discretionary power

7. Liability for Wrongs (Tortious and Contractual) **(07 Sessions)**

7.1 Tortious liability: sovereign and non-sovereign functions.
7.2 Statutory immunity
7.3 Act of state
7.4 Contractual liability of government.
7.5 Government privilege in legal proceedings – state secrets, public interest
7.6 Transparency and right to information
7.7 Estoppels and waiver

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

8. Corporations and Public Undertakings **(04 Sessions)**

8.1. State monopoly-remedies against arbitrary action or for acting against public policy

8.2. Liability of public and private corporations – departmental undertakings

8.3 Legislative and governmental control.

8.4 Legal remedies

8.5 Accountability – Committee on Public Undertaking, Estimates Committee etc.

9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures **(04 Sessions)**

9.1.1 Conciliation and mediation through social action groups

9.1.2 Use of media, lobbying and public participation

9.1.3 Public inquiries and commissions of inquiry

9.1.4 Ombudsman : Lok Pal, Lok Ayukta

9.1.5 Vigilance Commission

9.1.6 Congressional and Parliamentary Committees

Suggested readings and References:

1. C. K. Takwani, Lectures on Administrative law, Third Edition, Eastern Book Company.
2. S.P. Sathe, Administrative law, Seventh Edition, LexisNexis.
3. H.W.R. Wade And C.F .Forsyth, Administrative Law, Eleventh Edition, Oxford.
4. M.P. Jain and S.N. Jain, Principles of Administrative Law, Seventh Edition Volume, LexisNexis Butterworth's Wadhwa, Nagpur.
5. I.P.Massey, Administrative Law, Sixth Edition, Eastern Book Company.
6. M.P.Jain, The Evolving Indian Administrative Law, N. M. Tripathi Private Ltd,1983.
7. Prof. Saiyed I.A:-Administrative Law.

K. Nagar

I/C.Principal
Sanskar Sanjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

ADMINSTRATIVE LAW

Faculty : Mr. K Nagaraju

Credit : 4

Second year LLB Semester: III

S No	Module	Topic
1	**Evolutions, Nature and Scope of Administrative Law**	Introduction Definitions and Scope of Administrative Law
2		Form a Laissez - faire to a social welfare state State as regulator of private interest
3		State as provider of services Other functions of modern state: relief, welfare
4		Tutorial
5		Evolution of administration as the fourth branch of government necessity for delegation of powers on administration. Evolution of agencies and procedures for settlement of disputers between individual and administration.
6		Regulatory agencies on the United States Conseil d'Etate , Tribunalization in England and India
7		Definition and scope of administrative law Relationship between constitutional law and administrative law Separation of powers , Rule of law
8		Tutorial
9	**Civil Service in India**	Nature and organization of civil service: from colonial relics to democratic aspiration
10		Powers and functions
11		Accountability and responsiveness: problems and perspectives
12		Tutorial
13		Administrative deviance – corruption, nepotism, mal-administration

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

14	**Legislative Powers of Administration**	Necessity for delegation of legislative power Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
15		Requirements for the validity of delegated legislation. Consultation of affected interests and public participation in rule-making.
16		Tutorial
17		Publication of delegated legislation. Administrative directions, circulars and policy statements
18		Legislative control of delegated legislation. Laying procedures and their efficacy.
19		Committees on delegated legislation – their constitution, function and effectiveness. Hearings before legislative committees
20		Tutorial
21		Judicial control of delegated legislation. Sub-delegation of legislative powers
22	**Judicial Powers of Administration**	Need for devolution of adjudicator authority on administration. Administrative tribunals and other adjudicating authorities : their ad-hoc character.
23		Tribunals – need, nature, constitution, jurisdiction and procedure Jurisdiction of administrative tribunals and other authorities
24		Tutorial
25		Distinction between quasi-judicial and administrative functions. The right to hearing – essentials of hearing process
26		No man shall be judge in his own cause No man shall be condemned unheard
27		Rule of evidence – no evidence, some evidence and substantial evidence rules, Reasoned decisions
28		Tutorial
29		The right to counsel. Institutional decisions Administrative appeals
30	**Judicial Control of Administrative Action**	Exhaustion of administrative remedies Standing: standing for Public interest litigation (social action litigation) collusion, bias.
31		Laches , Res judicata
32		Tutorial
33		Grounds, Jurisdictional error / ultra virus
34		Abuse and non exercise of jurisdiction , Error apparent on the face of the record
35		Violation of principles of natural justice.Violation of public policy, Unreasonableness, Legitimate expectation.

I/C.Principal
Sanskar Sanjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

36		Tutorial
37		Remedies in judicial Review: Statutory appeals
38		Mandamus, Certiorari, Prohibition, Quo-Warrantor, Habeas Corpus
39		Declaratory judgments and injunctions, Specific performance and civil suits for compensation
40	**Administrative discretion**	Tutorial
41		Need for administrative discretion
42		Administrative discretion and rule of law. Limitations on exercise of discretion
43		Malafide exercise of discretion, Constitutional imperative and use of discretionary authority
44		Tutorial
45		Irrelevant considerations ,Non-exercise of discretionary power
46	**Liability for Wrongs (Tortious and Contractual)**	Tortious liability: sovereign and non-sovereign functions.
47		Statutory immunity, Act of state
48		Tutorial
49		Contractual liability of government. Government privilege in legal proceedings – state secrets, public interest
50		Transparency and right to information
51		Estoppels and waiver
52		Tutorial
53	**Corporations and Public Undertakings**	State monopoly-remedies against arbitrary action or for acting against public policy, Liability of public and private corporations – departmental undertakings
54		Legislative and governmental control. Legal remedies
55		Accountability – Committee on Public Undertaking, Estimates Committee etc.
56		Tutorial
57	**Informal Methods of Settlement of Disputes and Grievance Redressal Procedures**	Conciliation and mediation through social action groups, Use of media, lobbying and public participation Public inquiries and commissions of inquiry
58		Ombudsman : Lok Pal, Lok Ayukta ,
59		Vigilance Commission Congressional and Parliamentary Committees
60		Tutorial

K. Nagar

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

JURISPRUDENCE/LEGAL THEORY

Faculty : Dr. Sarla Gupta

Credit : 4

Second year LLB Semester: IV

COURSE OBJECTIVES:

This course in Jurisprudence is designed primarily, to induct students into a realm of questions concerning nature of law. Accordingly, the first part of the course sheds vivid light on various schools of law explaining, what is law, what are the purposes of law? What is the relationship between law and justice? This course aims to educate students on various legal concepts, such as, Rights, Persons, Property, Possession, Ownership, Title and Obligation and attempts to shape up a general and more comprehensive picture of each concept as a whole. This course is proposed predominantly on English model but native Indian orientation is given wherever possible with help of case laws. The course aims at developing an analytical approach to understand the nature of law and development of legal system. The concerns of jurisprudence are an inescapable feature of the law and legal system. Overall, the course aims to identify and elucidate several major principles of legal theory.

COURSE OUTCOMES:

After completing this course, the student will be able to:

1. Know various theories of Law with their merits, demerits and their application in legal system.
2. Identify and acquaint themselves with the various formal and material sources of law
3. Understand the function and purpose of law.
4. Understand thoroughly the concept of right, its elements, its kinds including rights in the wider sense i.e., the Hofliedian analysis on rights
5. Know the concepts of Custody, Possession, Ownership, Title and the distinction between and among them
6. Grasp and understand the different Legal Concepts: Legal Personality, Property, Obligations.

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

7. Fathom the jurisprudential aspect of legal concepts, legal statutes, legal interpretations,

1. Introduction (10 Session)

1.1 Meaning of the term jurisprudence
1.2 Norma and the normative system
1.2.1. Different types of nominee system such as of games, languages, religious orders, unions, clubs and customary practice.
1.2.2 Legal system as a normative order similarities and differences of the legal system with order normative system.
1.3. Nature and definition of law

2. Schools of Jurisprudence (5 Session)

2.1 Analytical positivism
2.2 Natural law
2.3 Historical school
2.4 Sociological school
2.5 Economic interpretation of law
2.6 The Modern PIL, social justice, compensatory jurisprudence
2.7 The Bharat jurisprudence
2.8 The Ancient : the concept of 'Dharma'

3. Purpose of Law (7 Sessions)

3.1 Justice
3.1.1 Meaning and kinds
3.1.2 Justice and law approaches of different schools
3.1.3 Power of the Supreme Court of India to do complete justice in a case. Article 147.
3.1.4 Critical studies
3.1.5 Feminist jurisprudence

4. Sources of Law (5 Session)

4.1. Legislation
4.2 Precedents: concept of state decosos
4.3 Customs
4.4 juristic writings

5. Legal Rights: the concept (5 Session)

5.1 Rights kinds

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

5.2 Right duty correlation

6. Persons (10 Sessions)

6.1 Nature of personality

6.2 Status of the unborn, minor, lunatic drunk and deal persons

6.3 Corporate personality

6.4 Dimensions of the modern legal personality Legal personality of non- human beings.

7. Possession: the concept (2 Session)

7.1 kinds of possession

8. Ownership: the concept (4 Session)

8.1 kinds of ownership

8.2 Difference between possession and ownership

9. Title (02 Session)

10. Property : the concept (10 Session)

Recommended Resources: -

1. Bodenheimer Jurisprudence- "The Philosophy and Method of Law" (1996), Universal Publication, Delhi.
2. W. Friedmann, "Legal Theory" (1999) Universal Publication, Delhi.
3. Roscoe Pond, "Introduction to the Philosophy of Law (1998-Re-print
4. Fizerald (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
5. V.D. Mahajan, "Jurisprudence and Legal Theory" 1996 Re-print, Eastern Book, Lucknow
6. H.L.A Hart, "The Concept of Law", Oxford University Press, ELBS, 1970
7. Dr. M. P. Tandon, "Jurisprudence –Legal Theory", 19th Edition- (2016), Allahabad Law Agency, Faridabad, Haryana.
8. Dr. Nomita Agarwal, "Jurisprudence", 2019, Central Law Agency, Faridabad.
9. Rohinton Mehta, "50 Lectures on Jurisprudence", Edi. 2000, Network Publications, Mumbai
10. Dr. B.N. Mani Tripathi, "Jurisprudence (Legal Theory), 2012 (Reprint-16-17) Allahabad Law Agency, (Faridabad)
11. Dr. S.R. Myneni- "Jurisprudence", 2004 (Reprint-2010) Asia Law House, Hyderabad.

D.T.S.S. College of LAW Kurar Village, Malad (East) Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

12. Dr. Avtar Singh & Dr. Harpeet Kaur, "Introduction to Jurisprudence" 2009, Lexis Nexis (Nagpur).
13. Jurisprudence and Legal Theory by G W Paton
14. Jurisprudence Indian Legal Theory Prof. S.N. Dhyani, Central Law Agency

I/C.Principal
Sanskar Sarjan Education Society's
D.Y.S.S. [illegible] Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

Jurisprudence

Faculty : Dr. Sarla Gupta

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

Lecture No	Module	Topic
1	**Introduction**	Introduction to jurisprudence
2		Meaning of the term jurisprudence
3		Norma and the normative system
4		Tutorial
5		Different types of nominee system such as of games, languages, religious orders, unions, clubs and customary practice
6		Legal system as a normative order
7		similarities of the legal system with order normative system.
8		Tutorial
9		differences of the legal system with order normative system.
10		Nature and definition of law
11	**Schools of Jurisprudence**	Analytical positivism, Natural law
12		Tutorial
13		Historical school, Sociological school
14		Economic interpretation of law, The Modern PIL, social justice, compensatory jurisprudence
15		The Bharat jurisprudence, The Ancient : the concept of 'Dharma'
16	**Purpose of Law**	Tutorial
17		Justice, Meaning and kinds
18		Justice and law approaches of different schools
19		Power of the Supreme Court of India to do complete justice in a case. Article 147.
20		Tutorial
21		Critical studies
22		Feminist jurisprudence
23	**Sources of**	Legislation

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

	Law	
24		Tutorial
25		Precedents: concept of state decosos
26		Customs
27		juristic writings
28	**Legal Rights: the concept**	Tutorial
29		Concept of legal rights
30		Rights kinds
31		Right duty correlation
32		Tutorial
33	**Persons**	Nature of personality
34		Status of the unborn, minor, lunatic drunk and deal persons
35		Corporate personality
36		Tutorial
37		Dimensions of the modern legal personality
38		Legal personality of non- human beings
39		
40		Tutorial
41		Jamanabai v. Khimji, 14 Bom. And Lalla Pd. v. Brahmanand, AIR 1953 All. 499 Trust for the benefit of animals can be legally created S.T. corp. of India v. Commercial Tax Officers, AIR 1963 SC 1811 An incorporated company or a group recognised as juristic entity is not necessarily a citizen of India though all the members constituting it may be Indian citizens. It has been held in
42		In Masjid Shahid Ganj v. Shiromani Gurudwara Prabandhak Committee, (AIR 1938 Lah. 369) a Full bench of the High Court held that a mosque was juristic person. This decision was taken in appeal to the Privy Council which confirmed the said judgment Maula Buksh v. Hafiz-ud-din, AIR 1926 Lah. 372) it was held that a mosque was a juristic person and could sue and be sued Masjid Shahid Ganj Case (1940, 67 I.A. 251) it was decided by the Privy Council that suits cannot be brought by or against mosques
43	**Possession: the concept**	Kinds of possession
44		Tutorial
45	**Ownership: the concept**	Kinds of Ownership Corporeal and incorporeal ownership Sole and Co-ownership Trust and beneficial ownership

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

46		Legal and equitable ownership Vested and Contingent Ownership ,Absolute and limited Ownership
47		Difference between possession and ownership
48		Tutorial
49	**Title**	Kinds of title
50		Original and Derivative Title, Possessory Title
51	**Property : the concept**	Meaning of property
52		Tutorial
53		Definition of property
54		Property is the creation of the State
55		Kinds of property
56		Tutorial
57		Movable property
58		Immovable property
59		Tangible and Intangible property, Intellectual property, Patents, Copyright, Design Registration
60		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CONTRACT II

Faculty : Mr. K. Nagaraju

Credit : 4

Second year LLB Semester: IV

Indian Contract Act	**(40 Marks)**
Indian Partnership Act 1932	**(30 Marks)**
Sale of Goods Act 1930	**(30 Marks)**

COURSE OBJCETIVES:

This course is principally designed to equip a law student with the knowledge of special contracts apart from equipping himself/herself with general principles of contract. The objective of this course is to enable students to understand the functioning of commercial transactions and to identify the forms of business organization and structuring and the requirement and legal framework of special contracts, sale of goods and partnership laws. The intention of this course is to facilitate understanding of the various legal provisions and case studies related to special contracts, sale of goods and partnership laws.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the importance and the difference between various forms of business organizations and structuring, from a legal as well as commercial perspective.
2. Appreciate the formation, liabilities and legal remedies in case of the partnership form of organizational structure.
3. Understand and apply the Limited Liability Partnership Act, 2008
4. Apply the provisions of sale of goods in practical commercial transactions
5. Analyse the various special contracts under the Indian Contract Act viz Indemnity, Guarantee, bailment and pledge, their significance and applicability
6. Understand the rights and obligations of various stake holders in the special contracts, partnership contracts and sale of goods

Indian Contract Act (section 124 to section 238) **(30 Sessions)**

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Special Contracts under Indian Contract Act, 1872:
Indemnity [Sections 123 – 125]
Guarantee [Sections 126 – 147]
Bailment [Sections 148 – 181]
Agency [Sections 182 – 238]

Indian Partnership Act 1932 **(15 Sessions)**

Forms of business organization
Factors taken into consideration for choice of organization
Definition of Partnership & Essentials
Kinds of Partnership
Partnership Property
Rights and Duties of a Partner
Implied Authority of a Partner
Minor Admitted to the benefits of Partnership
Incoming and Outgoing Partner
Registration of Partnership Firm
Dissolution of Partnership
Public Notice in case of Partnership

Sale of Goods Act 1930 **(15 Sessions)**

Significance of transfer of property
Concept of buyer and seller
Difference between sale and hire purchase
Difference between sale and Agreement to Sell
Condition and Warranty
Delivery of goods and its rules
Rules relating to passing of the property
Unpaid Seller – Rights and Remedies
Auction Sale

Reference Books:

1. Pollock and Mulla's The Indian Contract Act,1872, by R. Yashod Vardhan, Chitra Narayan, Pollock, Lexis Nexis (2019)
2. Indian Contract Act and Tenders, by Sanjiva Row, Delhi Law House (2018)
3. Law of Contract, by M. J. Aslam, Thomson Reuters (2017)
4. Mulla's Indian Contract Act, by Anirudh Wadhwa, Lexis Nexis (2015)
5. Pollock & Mulla's Sale of Goods Act by Akshay Sapre, Lexis Nexis (2021)
6. Benjamin's Sale of Goods by Michael G Bridge, Sweet and Maxwell (2019)

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

7. Mulla's Sale of Goods Act and Indian Partnership, by K. Kannan, Lexis Nexis (2019)
8. Pollock & Mulla's Indian Partnership Act by Devashish Bharuka, Lexis Nexis (2020)
9. The Law of Partnership along with The Limited Liability Partnership Act, 2008, by P.S. Narayanan & Anita Gogia, Gogia Law Agency (2021)
10. Limited Liability Partnerships, Law and Practice, by Hitender Mehta, Commercial Law Publishers (India) Pvt. Ltd. (2020)
11. Law Relating to Limited Liability Partnership, by D. S. R. Krishnamurti, Taxmann Publications Pvt. Ltd. (2009)

Recommended Resources:

1. Law of Contract II, with Indian Partnership Act and Sale of Goods Act, by R. K. Bangia, Allahabad Law Agency (January 2019)
2. Law of Contract and Specific Relief Act, by Avtar Singh, Eastern Book Company (2019)
3. Law of Contract, by Rajni Malhotra Dhingra, Taxmann (February 2021)
4. Law of Contract I and II, with Specific Relief Act, Sale of Goods Act, Partnership Act and Negotiable Instruments Act, by Dr. S. S Srivastava, Central Law Publications (2018)
5. Contract II along with Sale of Goods Act and Partnership Act, by Dr. S. K. Kapoor – Central Law Agency (2017)
6. Contract II (Special Contracts), by Dr. S. R. Myneni, Asia Law House (2018)
7. Law of Contract-II, by Y. S. Sharma, University Book House Pvt. Ltd. (2018)
8. Avtar Singh's Law of Sale of Goods, by Deepa Paturkar, Eastern Book Company (2021)
9. Sale of Goods Act, by R. K. Bangia, Allahabad Law Agency (January 2017)
10. The Indian Partnership Act, 1932 with Limited Liability Partnership Act, 2008, R. K. Bangia, Allahabad Law Agency (2012)
11. Introduction to Law of Partnership, including Limited Liability Partnership, by Avtar Singh, Eastern Book Company (2018)

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

CONTRACT II

Faculty Name : Mr. K. Nagaraju

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

S No.	Heading	Topic
1	**Indian Contract Act**	Special Contracts under Indian Contract Act 1872
2		Contract of Indemnity Definition, Nature and Scope
3		Rights of indemnity holder
4		Tutorial
5		Contract of Guarantee – Definition, Nature and Scope
6		Essential features of contract of guarantee
7		Extent of Surety's liability
8		Tutorial
9		Discharge of Surety from liability
10		Rights of Surety
11		Difference between Contract of Indemnity and Guarantee
12		Tutorial
13		Contract of Bailment and Pledge
14		Introduction and object
15		Contract of Bailment–Definition, Essential features
16		Tutorial
17		Kinds of Bailor and their duties
18		Duties of Bailee
19		Finder of goods – finder in par with bailee
20		Tutorial
21		Contract of Pledge – Definition, Essential features
22		Comparison with Bailment, Rights and duties of Pawnee, Pawnor's right to redeem, Who can pledge? Exceptions
23		Contract of Agency- Introduction, Definition , Distinction between Agent and Servant
24		Tutorial
25		Essentials of agency, kinds of agent, Creation of Agency
26		Different Modes –Express, Implied, Case of Necessity, Ratification
27		Rights of Agent, Duties of Agent, Relation of Principal with

D.T.S.S. College of Law Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		third parties
28		Tutorial
29		Extent of Agents authority, Personal liability of Agent, Termination of Agency-Modes
30		
31	**Indian Partnership Act 1932**	Indian Partnership Act 1932 : Forms of business organization
32		Tutorial
33		Factors taken into consideration for choice of organization
34		Definition of Partnership & Essentials,Kinds of Partnership
35		Partnership Property
36		Tutorial
37		Rights and Duties of a Partner
38		Implied Authority of a Partner,
39		Minor Admitted to the benefits of Partnership
40		Tutorial
41		Incoming and Outgoing Partner
42		Registration of Partnership Firm
43		Dissolution of Partnership,
44		Tutorial
45		Public Notice in case of Partnership
46	**Sale of Goods Act 1930**	Sale of Goods Act 1930
47		Significance of transfer of property
48		Tutorial
49		Concept of buyer and seller
50		Difference between sale and hire purchase,
51		Difference between sale and Agreement to Sell
52		Tutorial
53		Condition and Warranty
54		Delivery of goods and its rules,
55		Rules relating to passing of the property
56		Tutorial
57		Unpaid Seller – Rights and Remedies
58		Auction Sale
59		Rowland v. Divall (1923) it was observed that if the seller has no title and the buyer has to give up the goods to the real owner, he is entitled to a return of the price
60		Tutorial

K. Nagar

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

Land Laws

Faculty : Ms. Pradnya Damle

Credit : 4 **Sessions : 60**

Second year LLB Semester: IV

Course Objectives :

To understand the relationship between Land Law and other areas of law including Property Law, Contract Law, Equity, Civil Remedies, Torts and Succession and Develop the skill of legal analysis in order to critically analyze and synthesis the principles and authorities of Land Law. To develop the ability to apply the principles and authorities of Land Law in the solution of problems and to develop the analytical and communications skills necessary to formulate and articulate persuasive arguments either orally, in writing or under examination conditions. This module aims to allow the student to appreciate the purposes and context of Land Law. It involves developing a sound knowledge and understanding of the basic principles underlying land law as well as the rules. Land Law is a technical subject, which many students find difficult at first. It requires mastery of unfamiliar terms and concepts. However, the course aims to scaffold learning, in such a way that it is accessible.

Course Outcome :

1. Understand and describe legislative power to make laws relating to land and land ceiling is in the state list.
2. Different states have enacted their own laws on this subject and the application of these laws is varied from state to state.
3. The Constitutional perspectives relating to these subjects have to be taught as an essential part of this course
4. Problem-solve complex issues in the land related matters and society related to policies, law enforcement, government bindings and etc.

(Central Legislation on Land Laws will be allocated 20 Marks, whereas State Legislation allocated 80 marks.).

Central Legislation **(10 Sessions)**

1. The Right to fair Compensation and transparency in Land Acquisition,

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

Rehabilitation and Resettlement Act, 2013
2. Indian Registration Act, 1908
3. Environment Protection Act, 1986.

State Legislation

1. Maharashtra Land Revenue Code 1966.
2. Bombay Tenancy & Agricultural Lands Act, 1948
3. Maharashtra Regional Down Planning Act, 1969.s
4. Maharashtra Housing Area Development Authority Act, 1976.
5. Development Control Regulations, 1991 for Mumbai.
6. Maharashtra Agricultural Land Ceiling Act, 1961.
7. Bombay Stamp Act.

Indian Registration Act. (10 Sessions)

1. Compulsory Regn. Of Documents - S/17
2. Optional Regn. Of Documents - S/18
3. Time for Regn. Of Documents - S/23
4. Delay in Regn. Of Documents - S/25
5. Time from which Regd. Document operates - S/47
6. Effect of Non-Regn. Of documents required to be registered - S/49.

Environment Protection Act, 1986 (7 Sessions)

1. S/3 – and concept of CRZ – Coastal Regulation Zone.

Maharashtra Land Revenue Code, 1966. (7 Sessions)

1. Use of Land – S/41 to 54A,
2. Record of Rights S/147 to 167.
3. Appeals, Revision & Review – S/246 – 259,
4. Special Provisions for Land Revenue in the City of Bombay – S/260 to307.

Bombay Tenancy & Agricultural Lands Act, 1948 (6 Sessions)

1. Definitions
2. Restriction on Transfer of Agricultural Lands – S/63 to 66.

Maharashtra Regional & Town Planning Act, 1969. (7 Sessions)

1. Definitions

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

2. Control of Development - S/43 to 51
3. Unauthorised Development - S/52 to 58
4. Land Acquisition - S/125 to 129

Maharashtra Housing & Area Development Act, 1976. (8 Sessions)

1. Definitions
2. Repairs & Reconstruction of Dilapidated buildings – S/74 to 103
3. Acquisition of Cessed Properties – Chapter VIII A

Development Control Regulations, 1991 (Mumbai) (5 Sessions)

1. Concept F.S.I. (Floor Space Index)
2. Concept of T.D.R. (Transfer of Development Rights)

References :

1. The Urban Land (Ceiling and Regulation) Act, 1976
2. The Urban Land (Ceiling and Regulation) Act, 1999
3. The Requisitioning and Acquisition of Immovable Property Act, 1952

Bareacts

1. **Indian Registration Act.**
2. **Environment Protection Act, 1986**
3. **Maharashtra Land Revenue Code, 1966.**
4. **Bombay Tenancy & Agricultural Lands Act, 1948**
5. **Maharashtra Regional & Town Planning Act, 1909.**
6. **Maharashtra Housing & Area Development Act, 1976.**
7. **Development Control Regulations, 1991 (Mumbai)**

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

Land Laws

Faculty : Ms. Pradyna Damle

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

Lecture No	Module	Topic
1	**Central Legislation**	Right to fair compensation and transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013: Introduction, Special features of the Act, Merits and demerits
2		Acquisition of forest land- POSCO Resistance Movement
3		Acquisition for Private Players- Tata Singur Case
4		Tutorial
5		State laws diluting centre law- Chennai Metro Case
6		Union of India vs. Shalini Medicare Pvt. Ltd., which established the principle of "public purpose" in land acquisition
7		People's Union for Civil Liberties vs. Union of India, which emphasized the importance of fair compensation for land acquired for public purposes
8		Tutorial
9		AIR 1966 Supreme Court 106 ; State of Haryana Vs. Gurcharan Singh
10		(1994) 5 Supreme Court cases 593 KS Paripooman Vs State of Kerala and Ors Additional compensation under Section 23(IA) is payable in all those cases where the proceedings were pending and the award had not been made by the Collector on or before 30 Apr 1982 [Section 30(1)(a)]
11	**Indian Registration Act.**	Objectives of the Registration Act, 1908, Effect of registration, Effect of non-registration, Time limit for presentation of a document for registration
12		Tutorial
13		Compulsory Regn. Of Documents - S/17
14		Optional Regn. Of Documents - S/18

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

15		Time for Regn. Of Documents - S/23
16		Tutorial
17		Delay in Regn. Of Documents - S/25
18		Time from which Regd. Document operates - S/47
19		Effect of Non-Regn. Of documents required to be registered - S/49.
20		Tutorial
21	**Environment Protection Act, 1986**	Environment Protection Act, 1986
22		Definitions
23		Environmental protection act 1986 : Introduction, Background, Objectives, Need of the act
24		Tutorial
25		Concept of CRZ – Coastal Regulation Zone
26		Case law on CRZ : CRZ (Coastal Regulation Zone) case," which upheld the constitutional validity of the Coastal Regulation Zone (CRZ) notification issued by the Ministry of Environment and Forests in 1991. This verdict established a fundamental right to a livable environment and laid the foundation for environmental regulations along the country's coastlines.
27		Benefits and drawbacks of environment protection act
28	**Maharashtra Land Revenue Code, 1966**	Tutorial
29		Maharashtra Land Revenue Code, 1966
30		Appeal
31		Revision, Review
32		Tutorial
33		tribunals– S/246 – 259
34		Special Provisions for Land Revenue in the City of Bombay – S/260 to307
35	**Bombay Tenancy & Agricultural Lands Act, 1948**	Bombay Tenancy & Agricultural Lands Act, 1948, Definitions , Restriction on Transfer of Agricultural Lands – S/63 to 66.
36		Tutorial
37		Maharashtra Regional & Town Planning Act, 1909.
38		Definitions
39		Control of Development - S/43 to 51
40		Tutorial, Introduction, about land, land revenue, survey and assessment of land Record of Rights S/147 to 167.
41	**Maharashtra Regional & Town**	Definitions

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

	Planning Act, 1909	
42		Control of Development - S/43 to 51
43		Unauthorised Development - S/52 to 58
44		Tutorial
45		Land Acquisition - S/125 to 129
46		Indian City Properties Ltd. & Anr v. The Municipal Commissioner of Greater Bombay : Floor Space Index (FSI) as defined in regulation 3(42) of Development Control Regulations of Greater Bombay, 1991 merely relates to the permission to build having regard to various features such as height of the building, tenement density, object with which the building is to be erected etc. and not to Open space and Features permitted in open space as laid down in regulation 3(64) and 30 respectively
47		Case Law Discussion
48	**Maharashtra Housing and Area Development Act 176**	Tutorial
49		Maharashtra Housing & Area Development Act, 1976, Definitions, Repairs & Reconstruction of Dilapidated buildings – S/74 to 103
50		Establishment of the authority and boards,
51		function power and duties of board
52		Tutorial
53		Case law discussion
54		Acquisition of land, Eviction, tribunal, Environmental improvement of slums, loans and recovery of dues
55		repairs and reconstruction boards and its function
56	**Development Control Regulations, 1991 (Mumbai)**	Tutorial
57		Development Control Regulations, 1991 for Mumbai :
58		DCR 1991 : Introduction, Development permission and Commission certificate, Floor space indices and tenement densities, Landmark cases
59		Introduction, Development permission and Commission certificate, Floor space indices and tenement densities, Transfer of development rights

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CRIMINOLOGY AND PENOLOGY

Faculty : Mr. Tushar Yelkar

Credit : 4 **Sessions : 60**

Second year LLB Semester: IV

COURSE OBJECTIVES:

Crime is a concept having changing dimensions according to social, economical, political and legal dimensions. Science and technology have also impacted on patterns of crime. Thus, this Course aims to give a basic idea of concepts like crime, criminal law, administration system etc. and to make students acquainted with criminology, penology and victimology in detail. This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the factors leading to criminal behaviour and modern approach of courts in awarding punishments. A general idea of criminal justice system is to be put forth through this course. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

COURSE OUTCOMES:

After completing this course, students will be able to:

1. Understand various forms of crimes and criminals;
2. Grasp knowledge of different schools explaining criminal behaviour and crime causation;
3. Comprehend the reformative approach in dealing with criminals;
4. Understand different theories and kinds of punishments and their applicability;
5. Fathom the concept of victimology in Indian context.
6. Identify and understand the actual working of criminal justice system in India.

Optional Papers
Criminology and Correctional Administration

1. Dimensions of Crime in India (12 Sessions)

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

1.1 Nature and orient of crime in India
1.1.1 General approaches to come control
1.3. Crimes of the powerful
1.3.1. Organised of the smuggling traffic in narcotics
1.3.2. White collar crime : corruption in public life
1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice
1.3.4. Crimes in the profession – medical, legal, engineering.
1.3.5. Commonality by agencies of the state
1.4. Perpetrators o ordinary crime
1.4.1. The situations criminal
1.4.2. The chronic Tender
1.4.3. Criminality or women
1.4.4. Young offenders
1.4.5. Criminal gangs
1.4.6. Cyber Crimes

2. Causes of Criminal Behaviour (12 Sessions)

2.1 Nature of the problem : some unscientific theories
2.2 The constitutional School of Criminology-Lomborso and others (heredity and mental retardation as causes of crime)
2.3 Sociological theories Anomies
2.4 Modern sociological theories – Sutherland's differential association theory. Reckless social vulnerable theory
2.5 Economic theories and their relevance
2.6 Environment home and community influences, urban and rural crimes.
2.7 The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol.
2.8 Caste and community tensions caste wars and communal riots – their causes demoralising effects, atrocities against scheduled cadres.
2.9 Emotional disturbance and other psychological factors
2.9.1 Multiple causation approach to crime

3. Police and the Criminal Justice (09 Sessions)

3.1 The police system
3.2 Structural organization of police at the centre and the states
3.3 Mode of recruitment and training
3.4 Powers and duties of police under the police acts, Criminal Procedure Code and other laws.
3.5 Arrest, search and seizure and constructional imperatives
3.6 Methods of police investigation
3.7 Third degree methods
3.8 Corruption in police
3.9 Relationship between police and prosecution
3.10 Liability of police for custodial violence
3.11 Police public relations
3.12 Select aspects of National Police Commission report

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law.
Kurar Village, Malad (East),
Mumbai-400097.

4. Punishment of Offenders (09 Sessions)

4.1. Some discarded modes of punishment
4.1.1. Corporal punishment : whipping and flogging : mutilation and branding
4.1.2 Transportation
4.1.3 Public execution
4.2 Punishments under the Indian criminal law
4.2.1. Capital Punishment
4.2.2. Imprisonment
4.2.3. Fine
4.2.4 Cancellation or withdrawal of licences
4.3 The prison system
4.3.1 Administrative organization of prisons
4.3.2 Mode of recruitment and training
4.3.3 The Jail Manual
4.3.4. Powers of prison officials
4.3.5 Prisoners classification – male, female : juvenile and adult : under trial and convicted prisoners
4.3.6 Constitutional imperatives and prison reforms
4.3.7 Prison management: prisoner's right and security compulsions.
4.3.8 Open prisons
4.3.9 Prison labour
4.3.10 Violation of prison code and its consequences.
4.4. Appraisal of imprisonment as a mode of punishment

5. Victimology (05 Sessions)

5.1 Demographic characteristics of the victims
5.2 Compensation to the victims
5.3 Rehabilitation

6. Treatment or Correction of Offenders (08 Sessions)

6.1 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
6.2 Classification of offenders through modern diagnostic techniques
6.3 The role of psychoanalysts and social workers in the prison
6.4 Vocational and religious education and apprenticeship programmes for the offenders.
6.5 Group counselling and re-socialisation programmes
6.6 Prisoners' organizations for self-government.
6.7 Participation of inmates in community services
6.8 An appraisal of reformative techniques
6.9 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

7. Re-socialisation processes (05 Sessions)

7.1 Parole
7.1.1 Nature of parole
7.1.2. Authority for granting parole
7.1.3. Supervision of parolees
7.1.4. Parole and conditional release
7.2 Release of the offender
7.2.1 Problems of the released offender
7.2.2 Attitudes of the community towards released offender
7.2.3. Prisoner and societies and other voluntary organizations
7.2.4 Governmental action
7.2.5 An appraisal

SUGGESTED READINGS:

1. Ahmad Siddique, Criminology Problems & Perspective (5th ed., 2007) 4.
2. N.V. Paranjape, Criminology and Penology (13th ed., 2008) Salmond and Heuston – On the Law of Torts, Universal, Delhi
3. Gaur. K.D. (3rd Edn. 2015); Criminal Law, Criminology and Administration of Criminal Justice Universal Law Publishing
4. S. S. Srivastava, Criminology, Penology & Victimology (6th ed., 2012) Criminology, Penology & Victimology, (2nd Edn. 2019) Bright Law House
5. Allen, Friday, Roebuck and Sagarin, Crime and Punishment: An introduction to Criminology, The Free press. New York.
6. National Police Commission Report
7. Law Commission's Report on Capital punishment
8. Income Tax Act 1961
9. Wealth Tax Act, 1957

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

CRIMINOLOGY

FACULTY : Mr. Tushar Yelkar

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

Lecture No	Module	Topic
1	**Dimensions of Crime in India**	Nature and orient of crime in India
2		General approaches to come control
3		Crimes of the powerful Organised of the smuggling traffic in narcotics
4		Tutorial
5		White collar crime : corruption in public life Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice
6		Crimes in the profession – medical, legal, engineering
7		Commonality by agencies of the state Perpetrators of ordinary crime
8		Tutorial
9		The situations criminal The chronic Tender Criminality or women
10		Young offenders Criminal gangs
11		Cyber Crimes
12		Tutorial
13	**Causes of Criminal Behaviour**	Nature of the problem : some unscientific theories
14		The constitutional School of Criminology-Lomborso and others (heredity and mental retardation as causes of crime)
15		Sociological theories Anomies Modern sociological theories – Sutherland's differential association theory. Reckless social vulnerable theory
16		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

17		Economic theories and their relevance
18		Environment home and community influences, urban and rural crimes.
19		The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol.
20		Tutorial
21		Caste and community tensions caste wars and communal riots – their causes demoralising effects, atrocities against scheduled cadres.
22		Emotional disturbance and other psychological factors
23		Multiple causation approach to crime
24		Tutorial
25	**Police and the Criminal Justice**	The police system, Structural organization of police at the centre and the states, Mode of recruitment and training
26		Powers and duties of police under the police acts
27		Criminal Procedure Code and other laws.
28		Tutorial
29		Arrest, search and seizure and constructional imperatives
30		Methods of police investigation, Third degree methods
31		Corruption in police, Relationship between police and prosecution
32		Tutorial
33		Liability of police for custodial violence, Police public relations, Select aspects of National Police Commission report
34	**Punishment of Offenders**	Some discarded modes of punishment, Corporal punishment : whipping and flogging : mutilation and branding, Transportation, Public execution
35		Punishments under the Indian criminal law, Capital Punishment, Imprisonment, Fine, Cancellation or withdrawal of licences
36		Tutorial
37		The prison system, Administrative organization of prisons, Mode of recruitment and training, The Jail Manual
38		Powers of prison officials, Prisoners classification – male, female : juvenile and adult : under trial and convicted prisoners
39		Constitutional imperatives and prison reforms, Prison management: prisoner's right and security compulsions.
40		Tutorial
41		Open prisons, Prison labour
42		Violation of prison code and its consequences, Appraisal of

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		imprisonment as a mode of punishment
43	**Victimology**	Demographic characteristics of the victims
44		Tutorial
45		United Nations' Contribution in the Field of Victimology
46		Compensation to the victims
47		Rehabilitation
48	**Treatment or Correction of Offenders**	Tutorial
49		The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment, Classification of offenders through modern diagnostic techniques
50		The role of psychoanalysts and social workers in the prison
51		Vocational and religious education and apprenticeship programmes for the offenders, Group counselling and re-socialisation programmes
52		Tutorial
53		Prisoners' organizations for self-government, Participation of inmates in community services
54		An appraisal of reformative techniques
55		Efficacy of imprisonment as a measure to combat criminality and the search for substitutes
56	**Re-socialisation processes**	Tutorial
57		Parole, Nature of parole, Authority for granting parole, Supervision of parolees, Parole and conditional release
58		Release of the offender, Problems of the released offender, Attitudes of the community towards released offender
59		Prisoner and societies and other voluntary organizations, Governmental action, An appraisal
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

PRACTICAL TRAINING – II

Faculty : Mr. K. Nagaraju

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

Course Objectives.

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 programs like Lok Adalat, Legal aid Camp, Legal Literacy and Para Legal Training. The course should also contain lessons on Negotiations and Counselling, 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 programs that each University might evolve for introduction in the colleges under its control.

Course outcomes:

By the end of the course, students would be able to:

1. Understand well the authorities constituted under Legal Services Authorities Act, their powers, functions and role: further the students will be able to know about the legal aid services covered by the Act and persons eligible for the same
2. Know the lokadalats, permanent lokadalats, para legal training and legal literacy
3. Know and use computers and internet in the professional work and research
4. Understand research required for Public Interest Litigation
5. Know to write articles and case comments, to edit law journals and know law office management

1. Public Interest Litigation
2. Legal Services Authorities Act 1987

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

3. Legal Aid Services

4. Para Legal Training and Legal Literacy

5. Visit to Law General Office and Solicitor's firm

6. Case Comment

K. Nair

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

Practical Training-II

Faculty : Mr. K. Nagaraju

Second -year LLB Semester: IV

Credit : 4 **(60 Sessions)**

Lecture No	Module	Topic
1	Module 1	Public interest Litigation : Introduction
2		What is PIL, Who can file PIL
3		Where can PIL be filed
4		Tutorial
5		Laws governing PIL in India
6		Essentials of drafting a PIL
7		Procedure for filing PIL
8		Tutorial
9		PIL a boon
10		Abuse of PIL
11		Expanding old rights and creating new rights through PIL
12		Tutorial
13		Sensitising Lawyers while filing PIL
14		Mechanism of protection of human right through PIL
15	Module 2	Legal Services Authorities Act 1987 : Introduction
16		Tutorial
17		Analysis of the Legal Services Authority Act, 1987
18		Types of services under Legal Services Authority Act
19		Free legal awareness
20		Tutorial
21		Free legal aid counsel
22		Objectives of Legal Services Authority Act
23		Structural Organization under Legal Services Authority Act
24		Tutorial
25		NALSA, State Legal Services Authority
26		Legal Aid under Legal Services Authority Act, 1987
27		Eligibility criteria for free legal aid
28		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

29		Lok Adalat under Legal Services Authority Act, 1987
30		Scope of Lok Adalat, Functions of Lok Adalat
31		Types of Lok Adalat : National level Lok Adalat, Permanent Lok Adalat, Mobile Lok Adalat, Mega Lok Adalat, Daily Lok Adalat, Continuous Lok Adalat
32		Tutorial
33		Types of Lok Adalat : National level Lok Adalat, Permanent Lok Adalat, Mobile Lok Adalat, Mega Lok Adalat, Daily Lok Adalat, Continuous Lok Adalat
34		Jurisdiction of Lok Adalats
35		Limitations of Legal Services Authority Act : Major limitations under Legal Services Authority Act, Section 3, Section 3A, Section 6
36		Tutorial
37	Module 3	Right to free legal aid
38		Services offered in free legal aid
39		Duties of police and courts
40		Tutorial
41		When can free legal aid be rejected
42		Cases for which free legal aid is not available
43		When can free legal aid be withdrawn
44		Tutorial :
45		Who is entitled to free legal aid
46		Obstacle to free lagal aid
47		Measures for effective free legal aid
48		Tutorial
49	Module 4	Introduction to para legal training
50		Who is a Paralegal and Duties of a Paralegal
51		Career advancements for a paralegal
52		Tutorial
53		Eligibility for Paralegal and courses available
54		Types of paralegals
55		Advantages of becoming a paralegal
56		Tutorial
57		Visit to Solicitors Firm
58		Visit to Law General Office
59		Case discussion
60		Tutorial

K Nair

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

CIVIL PROCEDURE CODE 1908 AND LIMITATION ACT 1963

Faculty : Mr. Tushar Yelkar

Credit : 4

Third Year LLB Semester: V

COURSE OBJECTIVES:

Study of procedural law is enormously pertinent for law students. This course is designed to acquaint the students with the various stages through which a civil case passes through in the courts of law. The course also includes law of limitation. The course aims to assist the students to understand the practice and procedure in the conduct of suits in and out of the court. It will also analyse this consolidated code with the substantive laws with regard to the procedure to be followed by the civil courts and thereby help in facilitating justice. The course thus explains in detail the role of civil court and the procedures to be followed in the administration of civil justice. Overall, this course makes an endeavour to familiarize the students with the plaints, written statements, Interlocutory applications, issuance of commissions, trial and other aspects of civil court proceedings which prepares the students adequately for practice in courts.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the Civil Court procedures to be followed in India.
2. Recall and apply the standard and uniform procedure to deal with the civil matters in issue.
3. Identify the procedure of execution of decrees, attachment and sale of property in execution and the importance of limitation of time in filing of suit, debt recovery, filing of appeals, review, revision and impact of delay on suit or appeal.
4. Apply the rules relating to the procedure of issuance of summons, substituted service of summons, admission and impounding of documents and conducting civil trial in courts.
5. Understand the procedure of examination of witnesses and different categories of witnesses involved in a suit or proceeding.
6. Identify a lawyer's professional obligations at each stage in the life cycle of a lawsuit.

Civil Procedure Code (85 Marks)

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Indian Limitation Act (15 Marks)

Introduction (Section 2-Section 25) **(15 Sessions)**

1. Definitions
2. Concepts: Res-sub judice, Res judicata, set off, counterclaim
3. Essentials of a suit
4. Cause of action and jurisdiction and its kind
5. Place of suing

Of suits (Section 26-Section35, Order I-Order XX) **(15 Sessions)**

2.1 Parties to a suit (Order I –Order III)
Death, marriage and insolvency of parties (Order XXII)
2.2 Institution of a suit (Order IV and V)
2.3 Pleadings, plaint and written statement
(Order VI- Order VIII)
2.4 Appearance of parties and consequence of non-appearance (Order IX)
2.5 Examination of Parties, Interrogatories, Discovery and inspection, Admissions, documents (Orders X, XI, XII and XIII)
2.5 Framing of issues, Disposal (Order XIV, XV)
2.6 Trial, Summons, Hearing of suit, evidence, judgment and decree and costs (Order V, Order XVI-Order XXA)
2.7 Withdrawal and adjustment of suits (Order XXIII)
2.8 Special suits – Orders XXVII to XXXIV

Execution and other procedures (Orders XXI) **(15 Sessions)**

3.1 Meaning of execution
3.2 Mode of execution and stay of execution (Order XXI)
3.3 Arrest, detention and attachment (Order XXI and XXXVIII)
3.4 Incidental proceeding, Payment into court, security costs and commissions (Orders XXIV. XXV and XXVI)
3.5 Interim orders, Temporary injunction (Order. XXXIX)
3.6 Interpleader, Special case and Summary procedure (Order XXXV, XXXVI and XXXVII)

Receivers, Appeals and other procedures and Law of Limitation(15 Sessions)

4.1 Appointment of Receivers (Order XV)
4.2 Appeals, reference, review, revision (Order XLI –XLVII)
4.3 Miscellaneous, Chartered HCs, Provincial and Presidency Small Causes Courts (Orders XLVIII-LI)
4.4 Object and features of Limitation Act, 1963
4.5 Bar of limitation (S.3-5)
4.6 Legal disability (S.6-10)
4.7 Computation of period of limitation (S.12-24)
4.8 Effect of acknowledgment in writing and part-payment (S. 18-20)

4.9 Acquisition of ownership by possession (S. 25-27)

SUGGESTED READINGS:

1. C.K. Takwani: Code of Civil Procedure
2. Mulla: Code of Civil Procedure, Universal Law Publishing Delhi
3. M.P. Tandon: Code of Civil Procedure
4. Avtar Singh: Code of Civil Procedure, Central Law Publications
5. J.D. Jain: Limitation Act
6. S. R. Myneni, Law of Limitation, Asia Law house
7. Civil Procedure Code, 1908
8. Limitation Act, 1963
9. Code of Civil Procedure by Sarkar
10. Law of Limitation by Mulla

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

CIVIL PROCEDURE CODE 1908 AND LIMITATION ACT 1963

Faculty : Mr. Tushar Yelkar

Credit : 4

Third Year LLB Semester: V

S No.	Heading	Topic
1	**Introduction**	Definitions
2		Concepts: Res-sub judice
3		Res judicata
4		Tutorial
5		set off, counterclaim
6		Essentials of a suit
7		Cause of action
8		Tutorial
9		jurisdiction and its kind
10		Dees Piston v. State Bank of India The National Consumer Redressal Commission held that when an issue is pending before a competent court of law, the National Commission has no competence to accept a petition in respect of an identical subject matter under the Consumer Protection Act. Maharashtra State Co-Operative v. Indian Bank The Court held that where the matter is ongoing before the appropriate court and the subject matter is directly and essentially the same in a previously launched suit between the same parties, the Civil Court should not proceed with the trial of the complaint in order to give the relief sought
11		Anurag and Co. and Anr. V. Additional District Judge and others The suits cannot be consolidated merely on the ground that the defendant is common.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		National Institute of Mental Health & Neuro Sciences v C Parameshwara, 2005
12		Tutorial
13		Kulwinder Kaur v. Kandi Friends Education Trust what may constitute a reason for transfer have been put down by courts
14		Yashwant Sinha and Ors. v. Central Bureau of Investigation and Ors The Supreme Court ruled that neither the Official Secrets Act nor any other statute to which it was made known had any provision conferring authority on the executive branch of government to prevent the publication of documents marked as secret or from presenting such documents to a court of law
15		R. Viswanathan v. Rukn-Ul-Mulk Syed Abdul Wajid If the subject of the action involves property, whether movable or immovable, within the jurisdiction of that Court, a foreign court has the authority to render a judgement in rem that may be enforced or accepted in an Indian court
16	**Of suits (Section 26-Section35, Order I-Order XX)**	Tutorial
17		Parties to a suit (Order I –Order III)
18		Death, marriage and insolvency of parties (Order XXII)
19		Institution of a suit (Order IV and V)
20		Tutorial
21		Pleadings, plaint and written statement (Order VI- Order VIII)
22		Appearance of parties and consequence of non-appearance (Order IX)
23		Examination of Parties, Interrogatories, (Orders X, XI)
24		Tutorial
25		Discovery and inspection, Admissions, documents (XII and XIII)
26		Framing of issues, Disposal (Order XIV, XV)
27		Trial, Summons, Hearing of suit, evidence, judgment and decree and costs (Order V, Order XVI-Order XXA)
28		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

29		Withdrawal and adjustment of suits (Order XXIII)
30		Special suits – Orders XXVII to XXXIV
31	**Execution and other procedures (Orders XXI)**	Meaning of execution
32		Tutorial
33		Mode of execution and stay of execution (Order XXI)
34		Arrest, detention and attachment (Order XXI and XXXVIII)
35		Incidental proceeding, Payment into court, (Orders XXIV. XXV)
36		Tutorial
37		security costs and commissions (Orders XXVI)
38		Interim orders, Temporary injunction (Order. XXXIX)
39		Interpleader, (Order XXXV)
40		Tutorial
41		Special case (XXXVI)
42		Summary procedure (Order XXXVII)
43		Mode of execution (Order XXI)
44		Tutorial
45		stay of execution (Order XXI)
46	**Receivers, Appeals and other procedures and Law of Limitation**	Appointment of Receivers (Order XV) 4.2 Appeals, (Order XLI –XLVII)
47		Reference (Order XLI –XLVII)
48		Tutorial
49		review, revision (Order XLI –XLVII)
50		Miscellaneous, Chartered HCs, Provincial(Orders XLVIII-LI)
51		Presidency Small Causes Courts (Orders XLVIII-LI)
52		Tutorial
53		Object and features of Limitation Act, 1963
54		Bar of limitation (S.3-5)
55		Legal disability (S.6-10)
56		Tutorial
57		Computation of period of limitation (S.12-24)
58		Effect of acknowledgment in writing and part-payment (S. 18-20)

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

59		Acquisition of ownership by possession (S. 25-27)
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CRIMINAL PROCEDURE CODE 1973, THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND PROBATION OF OFFENDERS 1958

Faculty : Mr. Mahendra Yadav

Credit : 4

Third Year LLB Semester: V

COURSE OBJECTIVES:

This course is specifically designed to assist students in understanding the importance of the Code of Criminal Procedure which is one of the essential acts in India as well as the primary legislation on the procedure for administering criminal justice. The course is aimed at driving home the students how the pretrial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised The substantive law has to be applied through the uniform procedure as laid down which will be undertaken on completion of the course. The students will also understand the reason and manner of administering the punishments for any given offence under the substantive Penal Laws. The course will help in understanding the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person, and the determination of punishment of the guilty. The objective is also to sensitize the students about critical issues in administration of criminal justice like protection of human rights of victims and the principles of fair trial. The students will also undertake the study of two cognate Acts as a part of this course viz; Juvenile Justice Act (care and Protection of Children) 2015 and Probation of Offenders Act 1958.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Identify the stages in investigation and procedure of trial in criminal cases.
2. Explain the powers, functions, and duties of police and criminal courts.
3. Critically analyze the recent amendments in the Criminal Procedure Code.
4. Employ and promote adoption of humane and just practices in administration of justice.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

5. Analyse the time period between when a crime has been committed until the time the sentence against the crime is passed and the case is closed.
6. Understand the machinery to be adopted by the State when a violation of the penal law, i.e., offence under the Indian Penal Code, has been detected or reported.
7. Analyse the principles and procedure that must be followed while prosecuting and adjudicating other claims.
8. Thoroughly understand the investigation, inquiry and trial of the offences governed by the provisions and subject to any other law that may be in force which regulates the manner of investigation, inquiry or trial of the matter.
9. Understand and apply he Juvenile Justice (Care and Protection of Children) Act, 2015 and Probation of Offenders Act 1958

Criminal Procedure Code 1973 (70 Marks)

Juvenile Justice Care and Protection of Children Act 2000 (15 Marks)

Probation of Offenders Act 1958 (15 Marks)

Criminal Procedure Code 1973 **(28 Sessions)**

1.1 Object Purpose and History of the Criminal Procedure Code.
1.2 Definitions – Section 2
1.3 Constitution and Powers of Criminal and Executive Courts –Section 6 to 35
1.4 Powers of Superior Officers of Police – Section 36
Aid to the Magistrates and the Police – Section 37 to 40
1.5 Arrest of Persons- Section 41 to 60
1.6 Process to Compel Appearance and Production of Things and Reciprocal Arrangements Sections 61 to 105L
1.7 Preventive and Precautionary Measures of Security Proceedings Section 106 to 124, Section 129 to 153.
1.8 Maintenance of Wives, Children and Parents – Section 125 to 128
1.9 Information to the Police and their Powers to Investigate – Section 154 to 176
1.10 Jurisdiction of the Criminal Courts in Inquiries and Trials- Section 177 to189.
1.11 Cognizance of Offences and Commencement of Judicial Proceedings – Sections 190 to 210

2.1 Charge – Section 211 to 224

2.2 Trial before various Courts
a. Court of Sessions-Section 225 to237
b. Warrant Cases by Magistrates-Sections 238 to 250
c. Summons cases by Magistrates- Section 251 to259
d. Summary Trial-Section 260 to265

3.1 Mode of Taking Evidence and General Provisions as to Inquiries and Trials - Section 266 to 352

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

3.2 Judgement – Sections 353 to 365
3.3 Appeals-Sections 372 to 394
3.4 Reference and Revision-Section 395 to 405
3.5 Provisions as to Bails and Bonds – Section 436 to 450
3.6 Irregular Proceedings-Section 460 to 466
3.7 Limitation for taking cognizance –Sections 467 to 473

The Juvenile Justice (Care and Protection of Children) Act, 2015

(17 Sessions)

Chapter I & II – Preliminary and General Principles of General Care and Protection of Children.
Chapter III – Juvenile Justice Board.
Chapter IV – Procedure in relation of children in conflict with Law.
Chapter V – Children Welfare Committee.
Chapter VI – Procedure in relation to children in need of care And protection.
Chapter VII – Rehabilitation and social re-integration.
Chapter VIII – Adoption
Chapter IX – Other offences against Children.
Chapter X – Miscellaneous.

Probation of Offenders 1958 **(15 Sessions)**

RECOMMENDED READINGS:

1. Sarkar's Code of Criminal Procedure.
2. Ratanlal and Dhirajlal – Criminal Procedure.
3. B. B. Mitra - Code of Criminal Procedure.
4. R.V.Kelkar's Criminal Procedure.
5. Mishra-Code of Criminal Procedure.
6. Criminal Manual – Gupte & Dighe
7. The Bombay Police Act – Puranik
8. Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act
9. Probation of Offenders 1958 Bareact

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

CRIMINAL PROCEDURE CODE 1973, THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND PROBATION OF OFFENDERS 1958

Faculty : Mr. Mahendra Yadav

Credit : 4

Third Year LLB Semester: V

S No.	Heading	Topic
1	**Criminal Procedure Code 1973**	Object Purpose and History of the Criminal Procedure Code, Definitions – Section 2
2		Constitution and Powers of Criminal and Executive Courts –Section 6 to 35
3		Powers of Superior Officers of Police – Section 36, Aid to the Magistrates and the Police – Section 37 to 40
4		Tutorial
5		Arrest of Persons- Section 41 to 60
6		Process to Compel Appearance and Production of Things and Reciprocal Arrangements Sections 61 to 105L
7		Preventive and Precautionary Measures of Security Proceedings Section 106 to 124, Section 129 to 153.
8		Tutorial
9		Maintenance of Wives, Children and Parents – Section 125 to 128
10		Information to the Police and their Powers to Investigate – Section 154 to 176
11		Jurisdiction of the Criminal Courts in Inquiries and Trials- Section 177 to189.
12		Tutorial
13		Cognizance of Offences and Commencement of Judicial Proceedings – Sections 190 to 210
14		Charge – Section 211 to 224 Trial before various Courts
15		Court of Sessions-Section 225 to237

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

16		Tutorial
17		Warrant Cases by Magistrates-Sections 238 to 250
18		Summons cases by Magistrates- Section 251 to259
19		Summary Trial-Section 260 to265
20		Tutorial
21		Mode of Taking Evidence and General Provisions as to Inquiries and Trials - Section 266 to 352
22		Judgement – Sections 353 to 365
23		Appeals-Sections 372 to 394
24		Tutorial
25		Reference and Revision-Section 395 to 405
26		Provisions as to Bails and Bonds – Section 436 to 450
27		Irregular Proceedings-Section 460 to 46 Limitation for taking cognizance – Sections 467 to 473
28		Tutorial
29	**The Juvenile Justice (Care and Protection of Children) Act, 2015**	Chapter I & II – Preliminary and General Principles of General
30		Care and Protection of Children.
31		Chapter III – Juvenile Justice Board
32		Tutorial
33		Chapter IV – Procedure in relation of children in conflict with Law.
34		Chapter V – Children Welfare Committee
35		Chapter VI – Procedure in relation to children in need of care And protection.
36		Tutorial
37		Chapter VII – Rehabilitation
38		Chapter VII –social re-integration.
39		Chapter VIII – Adoption
40		Tutorial
41		Chapter IX – Other offences against Children
42		Chapter X – Miscellaneous
43		Salil Bali v. Union of India & anr, it was contended to amend the present Juvenile Justice law and to reduce the age from 18

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		years to 16 years and to amend the juvenile law in such a way that the juveniles who have committed the heinous offences like rape and murder should be tried as an adult
44		Tutorial
45		*Raj Singh v. State of Haryana* *Arnit Das v. State of Bihar* re the Supreme Court held that the age of the boy or girl has to be determined at the time when they are bought before the competent authority. The rationale behind this judgment is the apex court has identified the problem that many children have been lodged in adult jails because they have no evidence to proof their age
46	**Probation of Offenders 1958**	Introduction Scope and Background
47		Aim and Objective of Probation
48		Tutorial
49		Statutory provisions under the Act
50		Admonition
51		Probation on good conduct
52		Tutorial
53		Cost and compensation
54		Offenders under 21 years of age
55		Report of probation officers
56		Tutorial
57		Salient features of the Act
58		The offence for which probation cannot be granted under the Act
59		Pit-falls in Probation System in India
60		Tutorial

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

INTERPRETATION OF STATUTES

Faculty : Ms. Varsha Vyas

Credit : 4

Second year LLB Semester: V

Course Objectives :

The objective of the course is to inculcate in law students the art of interpretation of statutes and to train them to effectively involve in legislative drafting. The course contents will include the general rules and basic principles of construction, main parts of a statute, the intent of legislature, prospective and retrospective statutes, repeal and expiry of statutes etc. In Legislative Drafting, topics like basic techniques of legislative drafting, main parts of legislation, subordinate legislation and enquiry into legislative policy of bills tabled in the parliament will be part of the course contents. The course will also include the general principles of interpretation as laid down in the General Clauses Act, 1897.

Course Outcome :

On successful completion of this course, a student will be able to:

1. Locate, identify and be able to critically analyze relevant statutes, statutory provisions and legislative instruments, as well as pertinent judicial authority;
2. Interpret the appropriate provisions using the accepted tools and techniques of statutory interpretation;
3. Apply statutory provisions to fact scenarios and communicate the interpretation, nature and effect of statutory provisions to relevant stakeholders, such as clients and courts.

I. 1) Meaning of the term statute. (4 Sessions)
2) Commencement, operation and repeal of statutes.
3) Purpose of interpretation of statutes.

II. Aids to interpretation (Internal Aids). (11 Sessions)

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

1) Title
2) Preamble
3) Headings and marginal notes.
4) Sections and sub sections.
5) Punctuation marks.
6) Illustrations, inceptions, provision and saving clauses.
7) Schedules.
8) Non obstaute Clause.

External Aids:

1) Dictionaries
2) Translations
3) R Travaux preparation
4) Statutes in para
5) Contempronea expositus
6) Debates, inquiry commission reports and law commission reports.

III. Rules of Statutory Interpretation: (10 Sessions)

1) Primary rules.
2) Literal rule
3) Golden rule.
4) Mischief rule.
5) Rule of harmonious construction.
6) Secondary rule.
7) Noscitor a solics.
8) Ejusdem generis
9) Reddendo Sangula Singulis

IV. Presumptions in Statutory interpretation: (10 Sessions)
Statutes are valid.
Statutes are territorial in operation.
Presumption as to jurisdiction.
Presumption as to what is inconvenient or absurd
Presumption against intending injustice
Presumption against impairing obligation
of permitting advantage from once own wrong.
Prospective operation of statutes.

V. Maxims of statutory interpretation (10 Sessions)

Delegatus non - protest delegate.
Expressio Unius, Exclusio alterius.
In pari delecto potior est conditio possidentis.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Ulters valet potior est conditio possidentis.
Expressum facit ussure tactittum.
Generalis specialibus non derogant.
In bonam partem.

VI. Interpretation with reference to the subject matter and the purpose.

(5 Sessions)

1) Restrictive and beneficial construction.
2) Taxing structures.
3) Penal statutes.
4) Welfare legislation.
5) Interpretation of directory and mandatory provisions
6) Interpretation of substantive and adjunctival statutes.
7) Interpretation of enabling statutes.
8) Interpretation of statutes conferring rights
9) Interpretation of statutes conferring powers.

VII. Principles of constitutional interpretation: (5 Sessions)

1) Harmonious construction.
2) Doctrine of pith and substance.
3) Colourable legislation.
4) Ancillary Powers.
5) Occupied field.
6) Residuary power.
7) Doctrine of prospective overruling.
8) Doctrine of repugnancy.
9) Doctrine of eclipse.

VIII. General Clauses Act: (5 Sessions)

References :

1. Maxwell, P. B., & Langan, P. S. J. (1969). *The Interpretation of statutes*. London: Sweet and Maxwell.
2. Iqbal, M. (1972). *Interpretation of statutes*. Karachi: Pak Publishers.
3. Lal, B. (1964). *Interpretation of statutes*. Lucknow: Eastern Book Co.
4. Sarathi, V. P. (2010). *Interpretation of statutes*. Lucknow: Eastern Book Co.
5. Bhattacharyya, T. (1990). *The interpretation of statutes*. Jaipur: University Book House.
6. Gandhi, B. M. (n.d.). *Interpretation of Statutes*(2nd ed.). Eastern Book Company.
7. Isham, M. (2017). *Legal drafting*. Malang, Jatim: Setara Press.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

INTERPRETATION OF STATUTES

Faculty : Ms. Varsha Vyas

Credit : 4

Second year LLB Semester: V

S No.	Heading	Topic
1		Meaning of the term statute.
2		Commencement, operation and repeal of statutes.
3		Purpose of interpretation of statutes
4		Tutorial
5	**Aids to interpretation (Internal Aids) External Aids:**	Title, Preamble Headings and marginal notes. Sections and sub sections. Punctuation marks.
6		Illustrations, inceptions, provision and saving clauses, Schedules. Non obstaute Clause.
7		Dictionaries Translations
8		Tutorial
9		R Travaux preparation
10		**External Aids:**Statutes in para
11		Contempronea expositus
12		Tutorial
13		Debates
14		inquiry commission reports
15		law commission reports
16	**Rules of Statutory Interpretation**	Tutorial
17		Primary rules.
18		Literal rule
19		Golden rule.
20		Tutorial
21		Mischief rule.
22		Rule of harmonious construction. Secondary rule.
23		Noscitor a solics. Ejusdem generis
24		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

25		Reddendo Sangula Singulis
26	**Presumptions in Statutory interpretation**	Statutes are valid.
27		Statutes are territorial in operation
28		Tutorial
29		Presumption as to jurisdiction
30		Presumption as to what is inconvenient or absurd
31		Presumption against intending injustice
32		Tutorial
33		Presumption against impairing obligation of permitting advantage from once own wrong.
34		Presumption against impairing obligation of permitting advantage from once own wrong.
35		Prospective operation of statutes
36	**Maxims of statutory interpretation**	Tutorial
37		Delegatus non - protest delegate.
38		Expressio Unius, Exclusio alterius.
39		In pari delecto potior est conditio possidentis
40		Tutorial
41		Ulters valet potior est conditio possidentis
42		Expressum facit ussure tactittum.
43		Generalis specialibus non derogant.
44		Tutorial
45		In bonam partem
46	**Interpretation with reference to the subject matter and the purpose**	Restrictive and beneficial construction. Taxing structures.
47		Penal statutes. Welfare legislation. Interpretation of directory and mandatory provisions
48		Tutorial
49		Interpretation of substantive and adjunctival statutes. Interpretation of enabling statutes
50		Interpretation of statutes conferring rights Interpretation of statutes conferring powers
51	**Principles of constitutional interpretation**	Harmonious construction. Doctrine of pith and substance. Colourable legislation.
52		Tutorial
53		Ancillary Powers, Occupied field. Residuary power
54		Doctrine of prospective overruling
55		Doctrine of repugnancy. Doctrine of eclipse.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

56	**General Clauses Act**	Tutorial
57		General Rules of Construction
58		Powers and Functionaries
59		Provisions as to Orders, Rules, etc. made under Enactments.
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.Y.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

Public International Law And Human Rights

Faculty : Mr. K Nagaraju

Credit : 4

Third year LLB Semester: V

Course Objectives :

COURSE OBJECTIVES:

In a world where nations have come too close due to developments of technology, international law shapes national law; further there is more need to have sound knowledge of international legal principles. The aim of the course is to acquaint the students with the fundamental concepts and broad view of Public International Law and its complex nature. It also aims to familiarize the students with the origin and nature of Public International Law. It explores concepts like State, Recognition and Jurisdiction of States in International Law. Special attention is paid to the belief and notion of State Responsibility and topical issues in International Law. For example, the international framework with respect to extradition, asylum and the Law of the Sea. The course is planned in a meticulous manner to assist the students to focus on the "International Legal Framework" in case of disputes between the parties. The course includes the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated. The course will also delve into India's position with respect to International Law.

COURSE OUTCOMES:

After completing this course, the students will be able to:

1. Understand the basic concepts of International Law and its complex nature.
2. Critically analyse the notions, related to recognition and jurisdiction of State in International Law.
3. Examine the international framework with respect to certain current issues in nternational law like extradition and asylum.
4. Evaluate and suggest measures in cases of international conflict
5. Critically examine the operation and application of International Law in practical contexts.

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

This paper is divided into three sections.

1. Human Rights.....30 marks

2. Public International Law..... 30 marks

3. Human Rights In International Law.....40 marks.

Human Rights: (08 sessions)
National view on the basis of the Indian constitution and judicial expositions.
Human Rights and Child Abuse
Human Rights and Women

Human Rights and Workers
Human Rights and accused Convicts and Prisoners.
Human Rights and Environment

Public International Law: (12 Sessions)
1) Introduction
2) Custom
3) Treaties
4) State territories
5) Recognition of states and government.
6) Law and practice of treaties.
7) The law of Sea.

Human Rights In International Law: (08 Sessions)

Theoretical Foundation, human rights and International law.
Basic principles
Sovereign equality of states, non intervention, non use of force,
Peaceful settlement of dispute
Individuals as subjects of international law.
Treatment of aliens.

Historical development of human rights (08 Sessions)

Human rights in Indian tradition and western tradition
U.N. and human rights.
Covenant on political and civil rights (1948)
Covenant on Economic, Social, and cultural rights.
ILO and other conventions and protocols dealing with human rights.
International HR commission.
Mandates to state
Right to development.

Role to regional organizations: (05 Sessions)

European convention on human rights
American convention of human rights.

Protection agencies and mechanism: (07 Sessions)

1) International commission of human rights.
2) Amnesty international law
3) NGO s in India only.
4) European commission of human rights,
5) U.N. declaration of human rights
6) International labour organization.
7) UNESCO.
8) UNISEF.

Impact and implementation of international human rights norms in India.

(06 Sessions)

Human rights norms reflected in fundamental rights in the constitution.
Directive principles, Legislative and administrative implementation of International human rights.
Implementation of human rights norms through judicial process.

Enforcement of human rights: (06 Sessions)

Role of courts; the Supreme Court, the high court and the other courts.
Statutory Commission- Human rights, Women's minority and backward class.

RECOMMENDED READINGS:

1. I A Shearer, Starke's International Law, Oxford
2. Dr. S. R. Myneni Asia Law House's Public International Law—
3. Dr. S. K. Kapoor Central Law Agency's International Law & Human Rights.
4. Dr. H. O. Agarwal Central Law Publication's International Law & Human Rights for LL.B & LLM
5. Olivier De Schutter Cambridge University's International Human Rights Law [Cases, Materials & Commentary]—

D.T.S.S. College of Law Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

6. V. K. Ahuja, Lexis Nexis's Public International Law—
7. S. K. Verma Satyam Law International's, An Introduction to Public International Law-
8. Malcolm N. Shaw Cambridge University's International Law –
9. Ivan Anthony Shearer, J. G. Starke, Oxford's Starke's International Law
10. Dr. Sai Ramani Garimella ,Central Law Publication's Private International Law (Conflict of Laws)
11. M.P. Tandon & V.K. Anand ,Allahabad Law Agency's International Law & Human Rights
12. James Fawcett & Janeen M. Carruthers, Oxford's Cheshire, North & Fawcett: Private International Law—
13. Ian Brownlie, Principles of Public International Law, Oxford University Press, 2008
14. Gurdip Singh, International Law, Eastern Book Company, 2015
15. Lassa Oppenheim, Robert Jennings and Arthur Watts Oppenheim's International Law, Oxford University Press, USA, 2008
16. Jain Kanade & Vishal Kanade Public International Law – A Primer, Lexis Nexis,
17. Tim Hillier Sourcebook on Public International Law, Routledge,1998

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

Public International Law And Human Rights

Faculty : Mr. K Nagaraju

Credit : 4

Third year LLB Semester: V

S No.	Heading	Topic
1	**Human Rights**	National view on the basis of the Indian constitution and judicial expositions.
2		Human Rights and Child Abuse
3		Human Rights and Women
4		Tutorial
5		Human Rights and Workers
6		Human Rights and accused Convicts and Prisoners.
7		Human Rights and Environment
8		Tutorial
9	**Public International Law**	Introduction
10		Custom
11		Treaties
12		Tutorial
13		State territories
14		Recognition of states and government
15		Law and practice of treaties
16		Tutorial
17		The law of Sea.
18		Judicial decisions
19		Teachings of highly qualified publicists
20		Tutorial
21	**Theoretical Foundation, human rights and International law.**	**Basic principles**
22		Sovereign equality of states
23		non use of force, non intervention

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

24		Tutorial
25		Peaceful settlement of dispute
26		Individuals as subjects of international law.
27		Treatment of aliens
28		Tutorial
29	**Historical development of human rights**	Human rights in Indian tradition and western tradition U.N. and human rights. Covenant on political and civil rights (1948)
30		Covenant on Economic, Social, and cultural rights.
31		ILO and other conventions and protocols dealing with human rights.
32		Tutorial
33		International HR commission
34		Mandates to state
35		Right to development
36		Tutorial
37	**Role to regional organizations**	European convention on human rights
38		European convention on human rights
39		American convention of human rights
40		Tutorial
41		American convention of human rights
42	**Protection agencies and mechanism**	International commission of human rights. Amnesty international law NGO s in India only.
43		European commission of human rights,
44		Tutorial
45		U.N. declaration of human rights
46		International labour organization.
47		UNISEF, UNESCO.
48		Tutorial
49	**Impact and implementation of international human rights norms in India**	Human rights norms reflected in fundamental rights in the constitution.
50		Directive principles,
51		Legislative implementation of International human rights
52		Tutorial
53		administrative implementation of International human rights
54		Implementation of human rights norms through judicial process.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, (East),
Mumbai-400097.

55	**Enforcement of human rights:**	Role of courts; the Supreme Court
56		Tutorial
57		high court and the other courts.
58		Statutory Commission- Human rights,.
59		Women's minority and backward class
60		Tutorial

K. Nagar

D.T.S.S. College of LAW
Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

ALTERNATE DISPUTE RESOLUTION SYSTEM

Faculty : Mr. Tushar Yelkar

Credit : 4

Third Year LLB Semester: VI

Course Objectives

With the introduction of Section 89, CPC and amendment in the Arbitration and Conciliation Act 1996 in 2015, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes. This course has two primary objectives. First is to provide the students with the theoretical understanding of the concepts and the legal provisions relating to ADR. Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes. This Course will give a brief idea about growing new area of legislation and its scope in present scenario. It also helps the students in understanding the Alternate Dispute Settlement Machinery, its significance and the ways to implement the procedures. It provides the learners a brief overview about the implementation and regulation mechanisms. This course also gives an understanding about the International mechanism in ADR and its functions which can be adopted in India This Course will equip the students with the required Professional Skills

Course Outcome :

At the end of the course, the students will be able to

1. Understand the important basic principles of arbitration.
2. Understand the role of the parties (party autonomy) and the role of the arbitrators.
3. Develop the necessary skills of drafting an effective arbitration agreement and avoid an ineffective one.
4. Become familiar with the procedure followed in domestic and international arbitration.
5. Understand important statutes in arbitration like Arbitration and Conciliation Act, 1996, UNCITRAL Model Law and New York Convention and also understand the process of recognition and enforcement of arbitral awards

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

6. Understand the ethical rules for international arbitrators provided by IBA.

1. Arbitration: meaning, scope and types (8 Sessions)

- Distinctions
- 1940 law and 1996 law: UNICITRAL model law
- Arbitration and Conciliation
- Arbitration and expert determination
- Extent of judicial intervention
- International commercial arbitration

2. Arbitration agreement (6 Sessions)

- Essentials
- Kinds
- Who can enter into arbitration agreement
- Validity
- Reference to arbitration
- Interim measures by court

3. Arbitration Tribunal (6 Sessions)

- Appointment
- Challenge
- Jurisdiction of arbitral tribunal
- Powers
- Grounds of challenge
- Procedure
- Court assistance

4. Award (10 Sessions)

- Rules of guidance
- Form and content
- Correction and interpretation
- Grounds of setting aside an award
- Can misconduct be a ground?
- Incapacity of a party, invalidity of arbitration agreement
- Want of proper notice and hearing
- Beyond the scope of reference
- Contravention of composition and procedure
- Breach of confidentiality
- Impartiality of the arbitrator
- Bar of limitation, res judicata
- Consent of parties

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

- Enforcement

5. Appeal and revision **(8 Sessions)**

6. Enforcement of foreign awards (6 Sessions)

- New York convention awards
- Geneva Convention awards

7. Conciliation (10 Sessions)

- Distinction between 'Conciliation', 'Negotiation', 'mediation' and 'arbitration'

- Appointment
- Statements to conciliator
- Interaction between conciliator and parties

- Communication
- Duty of parties to cooperate
- Suggestions by parties
- Confidentiality
- Resort to judicial proceedings
- Costs

Rule-making power

- High Court
- Central Government
- Legal Service Authorities Act; Scope

8. Lok Adalats (6 Sessions)

References

1. The Arbitration and Conciliation Act 1996 as amended in 2015
2. Code of Civil Procedure
3. Legal Services Authorities Act, 1987
4. Mediation and Conciliation Rules 2004
5. P.C. Markanda, LAW RELATING TO ARBITRATION AND CONCILIATION, pp.i_8, (8th Edn. 2013) Lexis Nexix
6. 222nd Report of the Law Commission of India on NEED FOR JUSTICE DISPENSATION THROUGH ADR, etc. (2009)

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

7. 246th Report of the Law Commission of India on AMENDMENTS TO THE ARBITRATION AND CONCILIATION ACT 1996 (2014).

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018 - 2019

ALTERNATE DISPUTE RESOLUTION SYSTEM

Faculty : Mr. Tushar Yelkar

Credit : 4

Third Year LLB Semester: VI

Lecture No.	Heading	Topic
1	**Arbitration: meaning, scope and types**	**Arbitration: meaning, scope and types**
2		Distinctions
3		1940 law and 1996 law: UNICITRAL model law
4		Tutorial
5		Arbitration and Conciliation
6		Arbitration and expert determination
7		Extent of judicial intervention
8		Tutorial
9	**Arbitration agreement**	**Arbitration agreement :** Essentials, Kinds
10		Who can enter into arbitration agreement

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

11		Validity
12		Tutorial
13		Reference to arbitration
14		Interim measures by court
15	**Arbitration Tribunal**	**Arbitration Tribunal :** Appointment, Challenge
16		Tutorial
17		Jurisdiction of arbitral tribunal, , Powers, Grounds of challenge
18		Procedure
19		Court assistance
20	**Award**	Tutorial
21		Rules of guidance, Form and content
22		Correction and interpretation, Grounds of setting aside an award
23		Can misconduct be a ground?
24		Tutorial
25		Incapacity of a party, invalidity of arbitration agreement
26		Want of proper notice and hearing, Beyond the scope of reference
27		Contravention of composition and procedure, Breach of confidentiality
28		Tutorial
29		Impartiality of the arbitrator, Bar of limitation, res

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		judicata
30		Consent of parties, Enforcement
31	**Appeal and revision**	Appealable orders
32		Tutorial
33		Remedy available to a party to an arbitration proceeding where the arbitral tribunal has refused to grant an interim measure under section 17 of the Arbitration and Conciliation Act, 1996?
34		Proper approach of the Appellate Court while Setting Aside an Award
35		No Second Appeal lies from an Order passed in Appeal under Section 37
36		Tutorial
37		Period of Limitation for Preparing an Appeal under Section 37
38		Nirma Ltd. v. Lurgi Lent Jes Energietichnik GmbH, AIR 2002 SC 3695, following the decision in Shyam Sunder Agarwal and Co. v. Union of India, AIR 1996 SC 1321, a two-judge Bench of the Supreme Court held that merely because a second appeal against the appellate order is barred by the provisions of section 37(3) of this Act, the remedy of revision under section 115 of the Code of Civil Procedure does not cease to be available to the petitioner. I.T.I. Ltd. v. Siemens Public Communications Network Ltd., (2002) 5 SCC 510, it is held although no second appeal lies against an appellate order passed by a court under section 37, a revision of such an order lies under section 115 of the Code of Civil Procedure 1908.
39	**Enforcement of foreign**	New York convention awards Definition, Power of judicial authority to refer parties to

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

	awards	arbitration, When foreign award binding,
40		Tutorial
41		Evidence, Conditions for enforcement of foreign awards., Enforcement of foreign awards, Appealable orders.
42		Geneva Convention awards : Interpretation, Power of judicial authority to refer parties to arbitration, Foreign awards when binding,
43		Evidence, Conditions for enforcement of foreign awards, Enforcement of foreign awards, Appealable orders.
44		Tutorial
45	**Conciliation**	Distinction between 'Conciliation', 'Negotiation', 'mediation' and arbitration'
46		Appointment, Statements to conciliator
47		Interaction between conciliator and parties, Communication
48		Tutorial
49		Duty of parties to cooperate, Suggestions by parties, Confidentiality
50		Resort to judicial proceedings
51		Costs
52		Tutorial
53		Rule-making power : High Court, Central Government
54		Legal Service Authorities Act; Scope
55	**Lok Adalat**	Organisation of Lok Adalats
56		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

57		Cognizance of cases by Lok Adalats.
58		Award of Lok Adalat
59		Powers of Lok Adalat or Permanent Lok Adalat
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of LAW
Kurar Village, Malad (East), Mumbai-97.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

LAW OF EVIDENCE

Faculty : Ms. Varsha Vyas

Credit : 4

Third Year LLB Semester: VI

COURSE OBJECTIVES:

The Course is designed to provide the students with a conceptual and practical understanding of meaning, purpose and application of rules of evidence in relation to relevancy of facts and proof in the court of law during the trial. It will help the students think about the process of adducing evidence, principles of admissibility and exclusion of evidences in a trial. The course will prepare the students to understand the relevancy and admissibility of the evidence produced in the court in a suit or proceeding and understand how the facts need to be proved in the courts it will assist students in analysing the process of adducing evidence through witness examination and argument for or against admissibility of their evidence. The course will effectively impart learning on the kinds of evidences, modes of proof and burden of proof. It will also examine the law as a Lex Fori and the role of a judge while hearing and appreciating the evidences on record in a suit or a proceeding

.

COURSE OUTCOME:

After completing this course, the students will be able to:

1. Analyse the concept and nature of different types of evidence;
2. Identify and apply the rules relating to relevance and admissibility of evidence in courts;
3. Understand the standard of burden of proof followed in civil and criminal cases;
4. Analyse the role played by the witnesses and evidentiary value attached to ocular evidence vis-à-vis scientific evidence;
5. Understand the procedure of examination of witnesses and different categories of witnesses involved in a suit or proceeding;
6. Explain the role and presumption powers endowed upon the judges during the trials;
7. Examine the applicability and admissibility of forensic science in civil and

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

criminal cases along with the admissibility of expert's opinion.

MODULE 1: **(15 Sessions)**

General introduction and Relevancy of Facts (ss. 1-55) and relevant definitions under Information Technology (Amendment) Act 2008

1. Introduction and applicability of Indian Evidence Act, 1872
2. Important terminologies under Indian Evidence Act, 1872
3. Doctrine of Res Gestae
4. Motive, Preparation and Conduct

Conspiracy when relevant

1. When facts not otherwise relevant become relevant
2. State of mind and body
3. Admissions and Confessions
4. Statements by persons who cannot be called as witness
5. Judgements when relevant
6. Relevancy of opinions of third parties
7. Character when relevant
8. Definitions under Information Technology (Amendment) Act, 2008- S.2

MODULE 2: Proofs and Burden of Proof (ss. 56-117) **(15 Sessions)**

1. Facts which need not be proved
2. Oral and documentary evidence
3. Proof of electronic evidences
4. Public and private documents
5. Law relating to presumptions
6. Exclusion of oral by documentary evidence
7. Rules relating to burden of proof
8. Doctrine of estoppel

MODULE 3: Witnesses (ss. 118-167) **(15 Sessions)**

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

1. Who may testify?
2. Procedure for examination of witnesses
3. Questions to be put up to the witnesses
4. Credibility of witnesses
5. Judges power to put questions
6. Improper admission and rejection of evidence

MODULE 4: Forensic Evidence Use and applicability of Forensic Evidence in the courts (15 Sessions)

1. Introduction and branches of forensic science
2. Forensic evidence and types of forensic evidences
3. Application of forensic evidence in civil and criminal cases
4. Relevance and use of forensic evidence under Indian Evidence Act, 1872
5. Expert Witness and Admissibility of expert's opinion in the courts

Suggested Reading:

1. The Law of Evidence by Ratanlal & Dhirajlal
2. Law of Evidence by Vepa P Sarathi
3. The Law of Evidence by Justice Y V Chandrachud & V R Manohar
4. Textbook on Law of Evidence by Justice Monir
5. Principles of Law of Evidence by Avtar Singh 2019
6. Supreme Court on Evidence by Chakraborty
7. Expert Evidence by Choudhary
8. Sarkar on Evidence
9. Law of Evidence by Dr. V Krishnamachari
10. Law of Evidence by S D Basu
11. The Law of Evidence by Dr. S R Myneni
12. Evidence Act by P R Reddy
13. Evidence Act by Nandi
14. Criminal evidence by Arshad, Subzwari
15. Phipson on Evidence
16. Nayan Joshi, Medical Jurisprudence and Toxicology, Kamal Publishers

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

LAW OF EVIDENCE

Faculty : Ms. Varsha Vyas

Credit : 4

Third Year LLB Semester: VI

Lecture No.	Module	Topic
1	Module 1	**Information Technology (Amendment) Act 2008 : Introduction and Overview**
2		**General introduction and Relevancy of Facts (ss. 1-55)**
3		**Relevant definitions under Information Technology (Amendment) Act 2008**
4		Tutorial
5		Introduction and applicability of Indian Evidence Act, 1872
6		Important terminologies under Indian Evidence Act, 1872
7		Doctrine of Res Gestae
8		Tutorial
9		Motive, Preparation and Conduct
10		**Conspiracy when relevant,** When facts not otherwise relevant become relevant
11		State of mind and body, Admissions and Confessions, Statements by persons who cannot be called as witness

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

12		Tutorial
13		Judgements when relevant, Relevancy of opinions of third parties
14		Relevancy of opinions of third parties, Character when relevant
15		Definitions under Information Technology (Amendment Act 2008 S2)
16	Module 2	Tutorial
17		**Proofs and Burden of Proof (ss. 56-117**)
18		Facts which need not be proved
19		Oral and documentary evidence
20		Tutorial
21		Proof of electronic evidences
22		Public and private documents
23		Law relating to presumptions
24		Tutorial
25		Exclusion of oral by documentary evidence
26		Rules relating to burden of proof
27		Doctrine of estoppel
28		Tutorial
29		M. Nanavati v. State of Maharashtra (1961): This case is a landmark judgment on the admissibility of circumstantial evidence in Indian courts
30		State of Maharashtra v. Praful Desai (2003): In this case, the Supreme Court of India clarified the rules of admissibility of electronic evidence under the Indian Evidence Act. The

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		court held that electronic evidence, including emails and computer printouts, is admissible in court if it is accompanied by a certificate from a competent person.
31	Module 3	**Witnesses (ss. 118-167)**
32		Tutorial
33		Who may testify?
34		Procedure for examination of witnesses
35		Questions to be put up to the witnesses
36		Tutorial
37		Credibility of witnesses
38		Judges power to put questions
39		Improper admission and rejection of evidence
40		Tutorial
41		P. Sharma v. Satish Chandra (1954): This case dealt with the constitutional validity of search warrants. The Supreme Court of India held that search warrants were not in violation of the right to privacy and that documents seized during a lawful search could be used as evidence in court.
42		Hanumant Singh v. State of Madhya Pradesh (1952): This case dealt with the admissibility of extra-judicial confessions. The court held that extra-judicial confessions are admissible in court if they are voluntary and made without any inducement, threat, or promise.
43		*State of U.P. v. Deoman Upadhyaya* (1960): This case is notable for its interpretation of the presumption of innocence. The court held that the presumption of innocence is a fundamental principle of criminal law and that the prosecution must prove its case beyond a reasonable doubt.
44		Tutorial

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

45	Module 4	**Applicability of Forensic Evidence in the courts, Forensic Evidence Use**
46		Introduction of forensic science
47		Branches of forensic evidence
48		Tutorial
49		Types of Forensic evidence
50		Application of forensic evidence in civil cases
51		Application of forensic evidence in criminal cases
52		Tutorial
53		Relevance of forensic evidence under Indian Evidence Act, 1872
54		Use of forensic evidence under Indian Evidence Act, 1872
55		Expert Witness
56		Tutorial
57		Admissibility of expert's opinion in the courts
58		Witnesses in General, Examination and Cross Examination of Witnesses
59		Power of the Judge to call and examine a witness
60		Tutorial

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

LAW OF BANKING AND NEGOTIABLE INSTRUMENT

Faculty : Dr. Sarla Gupta

Credit : 4

Third Year LLB Semester: VI

COURSE OBJECTIVES:

This elective course on banking law will equip the future lawyers with the necessary knowledge and skills for academics, practice and critical evaluation. The course will focus on the provisions and principles of the various banking statutes. .The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case - law in this area.

COURSE OUTCOMES:

After completing this course the students will be able to:

1. Understand in detail the Banking operations.
2. Interpret the relevant protocols to be followed by banks and financial institutions.
3. Know the relevant permissions and applicable laws for the smooth functioning of banking company and other financial institutions.
4. Understand the relevant laws applicable for bad loans and insolvency with reference to Insolvency and Bankruptcy Code, 2016 and Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act)
5. Understand the importance of cash reserves with study of Cash Reserve Ratio (CRR) and Statutory Liquidity Ratio (SLR)
6. Know Basel II & Basel III international strategies followed to manage efficient functioning of banking system in other foreign countries.
7. Apply the rules of The Foreign Exchange Management Act, 1999 in respect to the foreign investments and understand the importance of Securities and Exchange Board of India (SEBI)and Reserve Bank of India (RBI).

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

8. Understand the power of the Reserve Bank of India and the Central Government.

Reserve Bank of India Act 1934)
Banking Regulation Act 1944)
Bankers' Book of Evidence Act 1891) (50 Marks)
- Recovery of Debts Due to Banks and Financial Institutions Act, 1993
- Establishment of debt recovery tribunals – constitution and functioning
- Role of SEBI in Controlling Financial Institutions

Negotiable Instruments Act 1881 (50 Marks)

MODULE 1: (15 Sessions)

1.1 Introduction – Concept of Banking
1.2 Structure of Indian Banking system
1.3 Types of Common Banking Institutions
1.4 Functions & roles of financial institutions
1.5 Introduction to IBC – Object, Financial Institutions, Information utilities

MODULE 2: (15 Sessions)

Laws Governing Financial Institutions in India

2.1 Banking Regulation Act, 1949

2.2 Reserve Bank of India (RBI) Act 1934

2.3 RBI rules & Notifications (Banking) 1949

2.4 Cash Reserve Ratio (CRR) and Statutory Liquidity Ratio (SLR)

2.5 Basel II &III Capital Requirements

MODULE 3: (15 Sessions)

3.1 SEBI – formation of SEBI Board, role of SEBI (Banking Companies and NBFC's)

3.2 The Foreign Exchange Management Act, 1999 (FEMA)

3.3 Securitisation and Reconstruction of Financial Assets and Enforcement of Securities

Interest Act, 2002 (SARFAESI)

3.4 Bankers Book of Evidence Act, 1891

MODULE 4: **(15 Sessions)**

4.1 Kinds of Negotiable Instruments and their features and presentment

Holder and holder in due course

Dishonour and liability

Discharge

Special presumptions and rules of evidence

4.2 Powers and functions of Debt Recovery Tribunal and Debt Recovery Appellate

Tribunals under Recovery of Debts Due to Banks and Financial Institutions Act, 1993

Reference books

1. Banking Regulation Act bare act, commentary (Taxman/Lawmann)
2. RBI ACT Bare Act, commentary (Taxman)
3. Guide to SARFAESI Act 2002 Act (Taxman)
4. Introduction to Negotiable Instrument Act, 1881 – commentary by Avtar Singh
5. FEMA Fundamental Aspects and Practical Issues – Chamber of Tax Consultancy
6. SEBI ACT ,1992 (CV Bhave)
7. IBC Code
8. Banking Law & Practice In India Lexis Nexis;, by M.L. Tannan
9. Banking Theory Law & Practice by Varshney P.N. Sundharam K.P.M.Sultan Chand and Sons

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y. 2018-2019

LAW OF BANKING AND NEGOTIABLE INSTRUMENT

Faculty : Dr. Sarla Gupta

Credit : 4

Third Year LLB Semester: VI

Lecture No.	Module	Topic
1	Module 1	Introduction – Concept of Banking
2		Structure of Indian Banking system
3		Types of Common Banking Institutions
4		Tutorial
5		Functions & roles of financial institutions
6		Introduction to IBC
7		Object
8		Tutorial
9		Financial Institutions
10		Information utilities
11		Lokhandwala Kataria Construction (P) Ltd. (Corporate Debtor) Vs. Nisus Finance & Investment Manager LLP. Supreme Court: The Court held that in view of Rule 8 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, the NCLAT could not utilise

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		the inherent power recognised by Rule 11 of the NCLAT Rules, 2016
12		Tutorial
13		Innoventive Industries Ltd. (Corporate Debtor) Vs. ICICI Bank & Anr.- Supreme Court: Once an insolvency professional is appointed to manage the company, the erstwhile directors who are no longer in management, obviously cannot maintain an appeal on behalf of the company
14		Surendra Trading Company Vs. Juggilal Kamlapat Jute Mills Company Ltd. & Others- Supreme Court: The time limit prescribed in IBC, 2016 for admitting or rejecting a petition or initiation of CIRP under proviso to sub-sec. (5) of Sec. 9, is directory
15		Mr. Anand Rao Korada Resolution Professional Vs. M/s. Varsha Fabrics (P) Ltd. & Ors. High Court ought not to have proceeded with the auction of the property of the Corporate Debtor, once the proceedings under the IBC had commenced, and an Order declaring moratorium was passed by the NCLT.
16	Module 2	Tutorial
17		Laws Governing Financial Institutions in India
18		Banking Regulation Act, 1949 : business of banking companies, Control over management
19		Suppression of Board of Directors of Banking Companies, Prohibition of certain activities in relation to banking companies

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sanjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

20		Tutorial
21		Suspension of business and winding up of banking companies, Special provisions for speedy disposal of winding up proceedings, Provisions relating to certain operations of banking companies
22		Reserve Bank of India (RBI) Act 1934 : Introduction and overview
23		Incorporation , Capital, Management and Business, Central banking Functions, Collection and furnishing of credit information
24		Tutorial
25		Provisions relating to non banking institutions receiving deposits and financial institutions , Prohibition of acceptance of deposit by unincorporated bodies, Regulation of transactions in derivatives, Money market instruments, securities etc.
26		Joint Mechanism, Monitory Policy, General Provisions and penalties
27		RBI rules & Notifications (Banking) 1949
28		Tutorial
29		Cash Reserve Ratio (CRR) and Statutory Liquidity Ratio (SLR)
30		Basel II &III Capital Requirements
31	Module 3	SEBI – formation of SEBI Board
32		Tutorial
33		Role of SEBI (Banking Companies and NBFC's)
34		FEMA 1999, Introduction, Authorities, Objectives
35		Features of FEMA,, Foreign currency, Foreign

Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

		Exchange, Foreign Security, Authorized Person
36		Tutorial
37		How Inflow and Outflow of Foreign Exchange affects the Current and Capital Account Transaction?
38		Restrictions on dealing in Foreign Exchange, Export of Goods and Services, Adjudication and appeal under FEMA, Appeal to High Court, Directorate of Enforcement., Contraventions and Penalties, Difference between FEMA and FERA
39		Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI) : Introduction and brief overview
40		Tutorial
41		Features of the SARFAESI Act, Procedure of the SARFAESI Act, Methods for recovery under the SARFAESI Act
42		Offences and penalties under the SARFAESI Act, Significance of the SARFAESI Act Shortcomings and lacunae in the SARFAESI Act and Important case laws
43		Bankers Book of Evidence Act, 1891: Title and extent, Definitions, Conditions in the printout. , Power to extend provisions of Act, Mode of proof of entries in bankers' books
44		Tutorial
45		Case in which officer of bank not compellable to produce books.. Inspection of books by order of Court or Judge.. Costs. Order of court to be construed to be order made by specified officer.
46	Module 4	Negotiable Instruments Act 1881
47		Kinds of Negotiable
48		Tutorial
49		Instruments and their features and presentment

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

50		Dishonour and liability
51		Discharge
52		Tutorial
53		Special presumptions
54		rules of evidence
55		Powers and functions of Debt Recovery Tribunal
56		Tutorial
57		Debt Recovery Appellate Tribunals
58		Recovery of Debts Due to Banks
59		, Financial Institutions Act, 1993
60		Tutorial

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

INTELLECTUAL PROPERTY LAWS

Faculty : Mr. Mahendra Yadav

Credit : 4

Third Year LLB Semester: VI

Course Code:

COURSE OBJECTIVES

Intellectual Property Law has assumed immense importance in the contemporary era as a result of the recognition that "knowledge is property" The course is designed with a view to create IPR consciousness and to familiarize the learners about the documentation and administrative procedures relating to IPR in India. The course is designed to understand the basic concepts of different types of intellectual property and the laws relating to intellectual property rights with special reference to Indian law and practice. The students will also be educated on the technical aspects of patent system and the patent régime in India. The course aims to impart knowledge on trademarks and their relevance in trade and commerce. It will disseminate knowledge on copyright and related rights and their economic significance. The students will understand the legal system governing intellectual property rights and their administration. The course will also focus on the current trends and give an over-all understanding about economic, social and cultural benefits of intellectual property to the society.

COURSE OUTCOME

After completing this course, the students will be able to:

1. Comprehend the fundamental aspects of intellectual property rights law in the special statutes and judicial interpretations.
2. Understand the international conventions and institutions in this subject
3. Grasp and apply the Patent Act by learning the evolution of the law, registration of patents, rights and remedies of patentees.
4. Understand the law and practice of trade marks registration, rights and remedies in the matter of use and breach of rights
5. Understand and apply the copyright law in India encompassing the law on the nature and term of copy rights, copy right societies, rights and remedies

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

6. Understand the assignments, licensing, revocation and fair use of the Patents,Trademarks and copy rights under the relevant statutes

Introductory **(15 Sessions)**

The meaning of Intellectual property
Competing rationales of the legal regimes for the protection of intellectual property

The main forms of intellectual property: copyright, trademarks, patents, designs

The competing rationales for protection of rights in:
Copyright
Trademarks
Patents
Designs
Trade secrets
Other new forms such as plant varieties and geographical indications

Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Rome Convention Universal Copyright Convention, TRIPs Paris Convention

International Organization relating to IPRS – WIPO, WTO (15 Sessions)

Select aspects of the law of Copyright in India
- Historical evolution of the Copyright Act 1957
- Meaning of Copyright
- Copyright in literary, dramatic and musical works
- Copyright in sound records and cinematographic films
- Copyright in computer programmes
- Ownership of copyright
- Assignment of copyright
- Author's special rights
- Notion of infringement
- Criteria of infringement
- Infringement of copyright by films of literary and dramatic works
- Importation and infringement
- Fair use provisions
- Piracy in internet
- Aspects of copyright justice
- Remedies, especially, the possibility of Anton pillar injunctive relief in India

Intellectual Property in Trade Marks **(15 Sessions)**

- The rationale of protection of Trade marks as (a) an aspect of commercial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

and (b) of consumer rights

- Definition and concept of Trade marks
- Registration
- Distinction between Trade mark and property mark
- The doctrine of honest Current User
- The doctrine of deceptive similarity
- Protection of well-known marks
- Passing off and infringement
- Criteria of infringement
- Standards of proof in passing off action
- Remedies

Patents **(30 Sessions)**

- Patent Act 1970
- Concept of Patent
- Historical view of patents law in India
- Patentable inventions with special reference to biotechnology products

entailing creation of new forms of life

- Patent protection for computer programmes
- Process of obtaining a patent: application, examination, opposition and

sealing of patents: general introduction

- Procedure for filing patents: Patent Co-operation Treaty
- Some grounds for Opposition
- The problem of limited locus standi to oppose, specially in relation to

inventions having potential of ecological and mass disasters

- Wrongfully obtaining the invention
- Prior publication or anticipation
- Obviousness and the lack of inventive step
- Insufficient description
- Rights and obligations of a patentee
- Patents as chose in action
- Duration of patents ; law and policy considerations
- Use and exercise rights
- Right to secrecy
- The notion of 'abuse' of patent rights
- Compulsory license
- Remedies
- Infringement
- Criteria of infringement
- onus of proof
- Modes of Infringement; the Doctrine of Colourable Variation
- Defences in suits of Infringement

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

- Injunctions and related remedies

SUGGESTED READING:

1. Narayanan, "Intellectual Property Law", Eastern Law House
2. P. Narayanan, "Patent Law", Eastern Law House
3. B. L. Wadehra, "Law Relating to Patents, Trademarks, Copyright, Designs and Geographical Indications", Universal Law Publishing
4. B. L. Wadehra, "Law Relating to Intellectual Property", Universal Law Publishing
5. N. S. Gopalakrishnan and T. G. Agitha, "Principles of Intellectual Property" EasternBook Company
6. Ganguly, "Intellectual Property Rights", Tata McGraw
7. W.R.Cornish "Intellectual Property", Sweet and Maxwell
8. David I. Bainbridge, "Intellectual Property", Long Man
9. Nithyananda, K. V., "Intellectual Property Rights: Protection and Management" Cengage Learning India Pvt. Ltd.
10. Neeraj P. &Khusdeep D., "Intellectual Property Rights", PHI Learning Pvt. Ltd.
11. V. K. Ahuja, "Law Relating to Intellectual Property Rights", LexisNexis

WEBSITES:

1. Cell for IPR Promotion & Management (http://cipam.gov.in/)
2. World Intellectual Property Organization (https://www.wipo.int/about-ip/en/)
3. Office of the Controller General of Patents, Designs and Trademarks (http://www.ipindia.nic.in)

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

INTELLECTUAL PROPERTY LAWS

Faculty : Mr. Mahendra Yadav

Credit : 4

Third Year LLB Semester: VI

Lecture No.	Module	Topic
1	**Introductory**	The meaning of Intellectual property
2		Competing rationales of the legal regimes for the protection of intellectual property
3		The main forms of intellectual property: copyright, trademarks, patents, designs
4		Tutorial
5		The competing rationales for protection of rights in: Copyright
6		Trademarks, Patents
7		Designs, Trade secrets
8		Tutorial
9		Other new forms such as plant varieties and geographical indications
10		Introduction to the leading international instruments concerning intellectual property rights

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

11		Universal Copyright Convention
12		Tutorial
13		the Berne Convention
14		Rome Convention
15		TRIPs Paris Convention
16	**International Organization relating to IPRS – WIPO, WTO**	Tutorial
17		International Organization relating to IPRS – WIPO, WTO
18		Historical evolution of the Copyright Act 1957 and Meaning of Copyright , Copyright in literary, dramatic and musical works
19		Copyright in sound records and cinematographic films
20		Tutorial
21		Copyright in computer programmes
22		Ownership of copyright, Assignment of copyright Author's special rights
23		Notion of infringement
24		Tutorial
25		Criteria of infringement
26		Infringement of copyright by films of literary and dramatic works
27		Importation and infringement, Fair use provisions

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

28		Tutorial
29		Piracy in internet, Aspects of copyright justice
30		Remedies, especially, the possibility of Anton pillar injunctive relief in India
31	**Intellectual Property in Trade Marks**	Intellectual Property in Trade Marks : Introduction and brief overview
32		Tutorial
33		The rationale of protection of Trade marks as (a) an aspect of commercial
34		The rationale of protection of Trade marks as (a) an aspect of consumer rights
35		Definition and concept of Trade marks
36		Tutorial
37		Registration
38		Distinction between Trade mark and property mark
39		The doctrine of honest Current User
40		Tutorial
41		Passing off and infringement
42		Criteria of infringement
43		Standards of proof in passing off action
44		Tutorial
45		Remedies
46	**Patents**	Concept of Patent ,Historical view of patents law in India

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

47		Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
48		Tutorial
49		Application, examination, opposition and sealing of patents, General introduction, Procedure for filing patents
50		Patent protection for computer programmes, Process of obtaining a patent
51		
52		Tutorial
53		Patent Co-operation Treaty, Some grounds for Opposition, The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
54		Wrongfully obtaining the invention, Prior publication or anticipation Obviousness and the lack of inventive step, Insufficient description
55		Rights and obligations of a patentee, Patents as chose in action
56		Tutorial
57		Duration of patents ; law and policy considerations, Use and exercise rights, Right to secrecy
58		The notion of 'abuse' of patent rights Compulsory license, Remedies, Infringement, Criteria of infringement , onus of proof
59		Modes of Infringement; the Doctrine of Colourable Variation Defences in suits of Infringement , Injunctions and related remedies
60		Tutorial

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

PRACTICAL TRAINING – III

Faculty : Nagaraju Kanduri

Credit : 4

Third Year LLB Semester: VI

Course Objectives

This course is the third on the subject of drafting. The main objective is to train students in drafting of pleadings to be submitted in courts. Module I will focus on the civil pleadings like plaint written statement and others. Module II will include the training in drafting of pleadings required in criminal courts viz complaints bail application and others. Module III is devoted to the teaching- learning of drafting in the matter of civil and consumer-appeals, revision and others. The last module is unique as it gives an opportunity to learn the drafting of bills and judgments

Course outcomes

At the end of the course the students will be able to

1. Draft independently the civil pleadings
2. Draft the pleadings required in criminal matters including appeals, revision and others
3. Draft the pleadings in civil and consumer appeals, revisions and related matters
4. Draft bills and amendment bills
5. Draft judgment and orders

Drafting, Pleading and Conveyancing
This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing 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:

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

shall be taught.

b) Pleading:

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 Deeds (iii)Lease Deed (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will

Recommended Readings

1. Kumar H.L., Legal Drafting - Do it yourself, Universal Law House, 2016
2. Universal Law Publishing Co Pvt. Ltd., 2018 Justice P.S.Narayana, Pleadings and Practice (Civil & Criminal), Asia Law House, 2017
3. Dr. Amit Sen, Legal Language, Legal Writing and Legal Drafting, Kamal Law House, Kolkata, 2008.
4. SR Myneni, Legal Language and Legal Writing, Asia Law House, Hyderabad, 2019
5. Medha Kolhatkar, Drafting, Pleading and Conveyancing, LexisNexis, 2015.
6. S P Aggarwal, Pleadings, an Essential Guide, 2nd ed, LexisNexis, 2013.
7. S P Aggarwal, Drafting and Conveyancing, LexisNexis 2015.
8. S D Singhs, Judgments and how to write them, EBC
9. Robinjeet Singh, An insight into Judgment Writing, AMALTAAS Publication, 2020 Edition.
10. Y. V. Bhagat, Art of Judgment Writing, Lawmann's,

K.Nair

Principal
Sanskar Surjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

PRACTICAL TRAINING – III

Faculty : Nagaraju Kanduri

Credit : 4

Third Year LLB Semester: VI

Lecture No.	Module	Topic
1		General principles of drafting and relevant substantive rules
2		Meaning of Drafting
3		Process of Drafting
4		Tutorial
5		What is a Draft
6		What are the General Principles of Drafting
7		Formation of Outline in a Satisfactory Manner
8		Tutorial
9		Emphasis on the Arrangement of Facts
10		Style and Language
11		Physical Characteristics
12		Tutorial
13		Choice of Words in Drafting

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C. Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

14		Civil Drafting
15		Plaint
16		Tutorial
17		Written statement
18		Interlocutory Application
19		Original Petition
20		Tutorial
21		Affidavit
22		Execution Petition
23		Memorandum of Appeal
24		Tutorial
25		Revision
26		Petition under Article 226 of the Constitution of India
27		Petition under Article 32 of the Constitution of India
28		Tutorial
29		Criminal Drafting
30		Complaints
31		Miscellaneous Petition
32		Tutorial
33		Bail Application
34		Anticipatory Bail Application

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

35		Quashing Petition
36		Tutorial
37		Memorandum of Appeal
38		Revision.
39		Case law discussion
40		Tutorial
41		Case law analysis
42		**Conveyancing**
43		Sale Deed
44		Tutorial
45		Mortgage Deeds
46		Lease Deed
47		Gift Deed
48		Tutorial
49		Promissory Note
50		Will
51		Power of Attorney
52		Tutorial
53		Leave and license agreement
54		Release deed

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

55		Relinquishment Deed
56		Tutorial
57		Case law Discussion
58		Domicile certificate
59		Name change in gazette
60		Tutorial

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

A.Y.2018-2019

PRACTICAL TRAINING – IV

MOOT COURT, PRE TRIAL PREPARATION AND PARTICIPATION IN TRIAL PROCEDURES

Faculty : Nagaraju Kanduri

Credit : 4

Third Year LLB Semester: VI

Course objectives

This third course on practical training as prescribed by BCI aims at imparting training in court proceedings, advocates' office work and moots. The course prescribes actual court visits, virtual court visits and visits to advocates offices apart from exercises in moot courts. The objectives are: to familiarize the students with the proceedings in civil and criminal courts and to prepare them to play effective role as officers of the court to familiarize the students with the work at advocates offices/ law firms to train the future lawyers in the art of arguing the matters

Course outcomes

At the end of this third course on practical training the students will be able to

1. Understand the civil and criminal court proceedings
2. Understand the nature and magnitude of work in advocates offices/law firms
3. Argue and counter argue in litigation matters
4. Learn the art of report writing
5. Learn the art of writing moot court memorials/ arguments

This paper will have three components of 30 marks each and a viva of 10 marks.
a) Moot Court **(30 marks)**

D.T.S.S. College of Law, Kurar Village, Malad (East), Mumbai-97.

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.

Every student will do at least three moot court 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 submission and 5 marks for oral advocacy.

b) Observance of Trial in two cases, one civil and one criminal
(30 marks)

Students will attend two trails. They will maintain a record and enter in various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

c) Interviewing techniques and Pre trial 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 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.

Suggested Reading

1. Moot Courts and Mooting by Abhinandan Malik, Edition: 2015, Reprinted 2016
2. The Art of Argument: A Guide to Mooting, by Christopher Kee, Deakin University, Victoria- 2007
3. Moot Court, Exercise and Internship, Dr. S.R. Myneni, Asia Law House, Edition: 2nd 2021
4. Developing Skills Through Moot Court & Mock Trails (English, Paperback, Ujjwala Sakhalkar)
5. Arguendo : A Moot Court Handbook by Satyendra Mani Tripathi, Central Law Publications,
6. Justice Malik, The Art of A Lawyer, Universal Law Publishing Company
7. P Ramanatha Aiyer, Cross Examination, Lexis Nexis

I/C.Principal
Sanskar Sarjan Education Society's
D.T.S. College of Law,
Kurla (East),
Mumbai-400097.

Sanskar Sarjan Education Society's
Dhirajlal Talakchand Sankalchand Shah College of Law
Kurar, Malad (East), Mumbai - 400 097. (M.S.) Tel. Off. : 2840 0214 / 2840 6334
E-mail : admin@sanskarsarjan.org / principal@sanskarsarjan.org / library@sanskarsarjan.org
Affiliated to University of Mumbai

PRACTICAL TRAINING – IV

MOOT COURT, PRE TRIAL PREPARATION AND PARTICIPATION IN

TRIAL PROCEDURES

Faculty : Nagaraju Kanduri

Lecture No.	Module	Topic
1-20	Module 1	**MOOT COURT**
21-40	Module 2	**PRE TRIAL PREPARATION**
41-60	Module 3	**PARTICIPATION IN TRIAL PROCEDURES**

N. Kanduri

D.T.S.S. College of LAW Kurar Village, Malad (East), Mumbai-97.

I/C Principal
Sanskar Sarjan Education Society's
D.T.S.S. College of Law,
Kurar Village, Malad (East),
Mumbai-400097.