



**Maratha Vidya Prasarak Samaj's
Law College, Nashik**

BA.LL.B IV (SEM VII)

LL.B II (SEM III)

Sr. No.	Course Code	Subject	Activity			Credit	Evaluation Scheme		
			L	T	P		Internal	External	Total
1	LCC 0701	Law of Criminal Procedure	3	1	0	4	30	70	100
2	LCC 0702	Law of Evidence	3	1	0	4	30	70	100
3	LCC 0703	Interpretation of Statutes	3	1	0	4	30	70	100
4	LAEC 0704	Practical Training (I): Professional Ethics and Contempt of Court Law	2	0	2	4	30	70	100

Law Discipline Specific Elective Course (Any One from the following)

5	LDSE 0705	Investment and Securities law	3	1	0	4	30	70	100
6	LDSE 0706	Criminal Minor Acts							
7	LDSE	Cooperative Law							
8	LDSE 0708	Private International Law							
Total			14	4	2	20	150	350	

LCC 701 LAW OF CRIMINAL PROCEDURE

Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course Aims:

The procedural law providing for a fair procedure is significant for a just society. The Criminal Procedure has to be just, fair and reasonable to the accused as well as to the victims. At the same time it confronts a crises of intrusion into individual rights in order to protect the common weal. The criminal process involves increasing expenditure of government resources. Criminal procedure, thus, makes a balance of conflicting interests. Thus, a duty is imposed on all those who are connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner.

Hence, the aim of this course is to provide an in-depth analysis of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) (previous known as the Code of Criminal Procedure, 1973 which replaced in the year 2023), focusing on the procedural aspects of criminal law. It aims to equip students with a comprehensive understanding of the procedural framework governing criminal trials, investigations, and the functioning of the criminal justice system in India.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

➤ As per syllabus

Remedial Classes:

Objectives:

The main object of the course is to familiarize students with the working of the criminal justice delivery system and also to make them understand the significant riddles of the procedure. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The Course will acquaint the students with organization of the functionaries under the BNSS, 2023, their powers and functions. The teacher, in addition, shall endeavor to familiarize the students with the case papers like, FIR, Police statement, charge sheet, etc.

Outcomes:

- Students will be acquainted with the basic ideas and fundamental procedure aspects of Code of Criminal Procedure.
- These topics cover essential areas of the Code of Criminal Procedure in India, providing students with a comprehensive understanding of the procedural aspects and legal framework related to criminal justice.
- Understand the rights of the accused and the procedures for safeguarding these rights.
- Navigate through the stages of criminal proceedings from investigation to appeal.

Detailed Syllabus**Module 01****Introduction to BNSS, 2023**

- 1) Criminal justice system: Inquisitorial and Adversary/Accusatorial;
- 2) International norms regarding the basic principles of criminal justice system; Constitutional perspectives - Articles 14, 20, 21 & 22;
- 3) The rationale of criminal procedure; Salient features of the BNSS, 2023; The organization of police, prosecution & defence and prison authorities — duties, functions and powers;
- 4) Object, scope, and significance of Bharatiya Nagarik Suraksha Sanhita, 2023.
- 5) Definitions under Section 2 of Bharatiya Nagarik Suraksha Sanhita, 2023
- 6) Hierarchy and powers of criminal courts Secs. 6-17 and Secs. 21-29
- 7) Powers of police Officers and Aid to the Magistrates and the Police Secs. 30- 34
- 8) Public Prosecutors and their functions Secs. 18-20;

Module 02**Jurisdiction of Criminal Courts in Inquiry and trials**

1. Inquiry proceedings: General principle of jurisdiction of criminal court, powers of police, magistrate, and courts Jurisdiction of Courts, Secs. 197-209
2. Initiation of Inquiry proceedings Secs. 210-214;
3. Exceptions to the general principle of moving criminal courts Secs. 215-222;
4. Complaint to magistrates Secs. 223-226;
5. Inquiry proceedings before magistrates Secs. 227-232;

Module 03

Information to the Police and their Powers to Investigate and Inquiry proceedings

- 1) Initiation of investigation proceedings Secs. 173-178; evidentiary value of FIR and statements made to police officer,
- 2) Complaint to Magistrate Secs. 223-226
- 3) Interrogation powers of police officer Secs. 179-193;
- 4) Arrest with and without a warrant: exercise of power and execution rules, proclamation and attachments Secs. 35-46 and 62, Sec. 72-75, 79-83 and Secs. 84 to 93;
- 5) Police to report apprehension, discharge of person pursued and retake person secs. 59-61
- 6) Rights of arrested person Secs. 47-58, 77-78, 340-341 & the Constitution of India Article 22
- 7) Preventive powers of the Police Secs. 168-172;
- 8) Search and Seizure Secs. 49, 96-110, 185-186;
- 9) Recording of confessions and statements Sec. 183;
- 10) Special remand order Sec. 187;
- 11) Police diary Sec. 192;
- 12) Police report Sec. 193;
- 13) Inquest proceedings Secs. 194-196.

Module 04

Bail and Bond, Security and Maintenance proceedings

1. Bail, anticipatory bail, conditions for granting bail, rights of arrested persons Bail provisions Secs. 478-496,
2. Security for keeping peace and for good behavior Secs. 125-143;
3. Maintenance of Public order and tranquility: Unlawful Assemblies Secs. 148- 151;
4. Public Nuisance Secs. 152-163;
5. Disputes as to immovable property Secs. 164-167;
6. Maintenance of wives, children and parents: Order of maintenance Secs. 144- 145;
7. Maintenance of wives under the Muslim Women (Protection of Rights on Divorce) Act, 1986);
8. Procedure, alteration and enforcement Secs. 146-147.

Module 05

Charge, Trial and Investigation Procedures

1. Concept of fair trial: Presumption of innocence, right of silence & right to speedy trial;
2. Taking Cognizance Secs. 210-222, Limitations to take cognizance of offences Secs. 513-519 and Commencement of proceedings before Magistrate Sec. 227- 233;
3. Charge: Content and form Secs. 234-240, and 247;
4. General principle to be tried separately for every charge and its exceptions Secs. 241-246;
5. Trial before a court of session Secs. 248-260;
6. Trial of warrant cases before magistrates – Based on police report Secs. 261- 166 and other than police report Secs. 267-270; Conclusion of trial Sec 271- 273
7. Trial of summons cases Secs. 274-282;
8. Summary trials Secs. 283-288;
9. Evidence in inquires and trials Secs. 307-318, commission for examination of witnesses secs. 319-336;
10. Plea bargaining and limitations to bar trail Secs. 289-300
11. Principle of Autrefois acquit and autrefois convict Sec. 337 & the Constitution of India Article 20;
12. Compounding of offences Sec. 359, Withdrawal from prosecution Sec. 360;
13. Irregular proceedings Secs. 506-512, 520, 525-527;
14. Inherent powers of High Court sec. 528

Module 06

Judgment, Probation and Parole of offenders, Appeals, Reference, Revision and Execution:

1. Judgment: Mode and other provisions Secs. 392-406; Confirmation of death sentence Secs. 407-412
2. Probation of offenders and Parole under Probation of Offenders Act 1958, Role of probation officers; Role of Judiciary in the implementation of the Act, Parole system: Concept and distinction with the probation system.
3. Appeals Secs. 413-435;
4. Reference and Revision Secs. 436-445;
5. Transfer of criminal cases Secs. 446-452;
6. Execution, suspension, remission and commutation of sentences Secs. 453- 477.
7. Tender of pardon Secs. 344-345;
8. Provisions as to Accused persons of unsound mind Secs. 367-378.

Module 07

Juvenile Justice Act, 1986

1. Juvenile Justice System: Concept of juvenile justice, Historical perspective of juvenile justice system, Provisions relating to juvenile offenders under BNS Secs. 20 & 21;
2. Juvenile Justice (Care and Protection of Children) Act, 2015 — Distinction between child conflict with law and neglected juvenile; Constitution of Child welfare boards and juvenile courts;
3. Children in Need of Care and Protection - Categories of children in need of care and protection, Child Welfare Committee (CWC) - Composition, powers, and functions. Rehabilitation and social reintegration measures, Role of Special Juvenile Police Units (SJPU) and Childline services.

4. Institutional Mechanisms and Rehabilitation- Types of institutions: Observation Homes, Special Homes, Children's Homes, and Fit Facilities, Standards and conditions of care in institutions Inspection and monitoring of institutions.
5. Special Procedures for Adoption- Legal framework for adoption under the Juvenile Justice Act, Central Adoption Resource Authority (CARA): Role and functions, Inter-country adoption procedures and safeguards.

Recommended Readings:

1. Bhartiya Nagrik Surakshya Sanhita, 2023
2. Ratanlal and Dirajlal, Code of Criminal Procedure, LexisNexis.
3. Woodroffe, Commentaries on Criminal Procedure Code, Universal Law Publishing, Delhi.
4. Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
5. D. D. Basu, Criminal Procedure Code 1973, Vol I & II, LexisNexis (2017).
6. Sarkar on Criminal Procedure Code, Vol I & II, LexisNexis.
7. N.K. Chakrabarti, Probation System in the Administration of Criminal Justice, Deep & Deep Publications (1995).
8. Sarkar on Criminal Procedure Code, Vol I & II, LexisNexis
9. K.N. Chandrasekharan Pillai, Sreenivasan - Commentaries on The Code of Criminal Procedure, 1973,
10. C.K. Thakker - Criminal Procedure Code
11. Chandrasekharan Pillai, (Ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow
12. Juvenile Justice (Amendment) Act, 2000

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course

LAW OF EVIDENCE (LCC 0702)

Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

The Bharatiya Sankshya Sanhita, 2023 enacted to replace the Indian Evidence Act, 1872. This enactment is a comprehensive legislation that governs the admissibility, relevancy, and examination of evidence in Indian courts. Hence, being it plays a vital role in ensuring fairness and justice in legal proceedings by setting out rules and procedures for presenting evidence so it aims at to make aware the law students regarding its various provisions. Further, the weightage assigned reflects the relative importance of each topic in the overall curriculum.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation, role playing as witness and lawyers
- Group Discussion, Case studies, problem solving exercises
- Documentary screening and

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester Examination: 70 Marks

➤ As per syllabus

Remedial Classes:

Objectives:

The objectives of this course are to equips the students with knowledge of : (a) the fundamental principles of evidence law, (b) the strict application of it in judicial proceedings, (c) the role of evidence law in civil and criminal proceedings, (d) the connection of the course with substantive and other procedural laws, and (e) the relevance of the course in non-litigation practice. The student will also be exposed to the concerned provisions of the Information Technology Act, 2000. To aware the law students that BSS applies to all judicial proceedings in India, including civil, criminal, and arbitration proceedings, and how it covers both oral and documentary evidence.

Outcomes:

- These topics under this curriculum will provide the students with a comprehensive understanding of evidentiary rules and principles in India.
- It will inculcate among the law student the understanding about the fair and efficient administration of justice by knowing the manner in which evidence is presented, evaluated, and used in court.
- This will help to law students understand the rules for determining what evidence is admissible, how it should be proved, and how witnesses should be examined and cross- examined.
- The law students will be realized that how the law of evidence is a fundamental pillar of the Indian legal system, ensuring the reliability and credibility of evidence presented in court.

Detailed Syllabus

Module 01

Introduction to Law of Evidence

1. Overview of the Indian Evidence Act, historical background, objectives, and scope Central Conceptions in Law of Evidence,
2. Bhartiya Sakshya Sanhita, 2023: Structure and Key Provisions
3. Definitions - Facts Sec. 2 (f), relevant facts Sec. 2 (k), facts in issue Sec. 2 (g),
4. Evidence Sec. 2 (e): Oral and documentary and real Primary and secondary evidence, Sec 2 (d), Circumstantial Evidence and Direct and indirect Evidence, Hearsay Evidence, Proved Sec. 2 (j), Not Proved Sec. 2 (i) and Disproving Sec. 2 (c), Witness Sec. 124,
5. Appreciation of Evidence and Presumption – May Presume Sec. 2 (h), Shall Presume Sec. 2 (l) and Conclusive Proof Sec. 2 (b)

Module 02

Relevance and Admissibility

1. Concepts of relevance and admissibility, admissible and inadmissible evidence Sec. 3
2. The Doctrine of Res Gestae Secs. 4, 5, 6, Test identification parade Sec. 7, Evidence of Common Intention Sec. 8, The problems of relevancy of 'Otherwise' Irrelevant Facts Sec. 9, facts to determine amount of damages Sec. 10, Proof of Custom Sec. 11, Facts concerning state of body and mind Secs. 12, 13 & 14.
3. Admissions Secs. 15-21, General Principles concerning Admissions Sec. 25
4. Confessions Secs. 22-24 - Admissibility and Inadmissibility of confession made before a police officer, Confession by coaccused, the problems with the judicial action based on a "retracted confession", Differences between "Admission" and "Confession",

Module 03

Statements by Persons

1. Statement of persons who cannot be called as witnesses Secs. 26-27
2. Statement made under special circumstances Secs. 28-32, How much of a statement is to be proved Sec. 33
3. Judgments of courts when relevant Secs. 34-38
4. Relevancy of expert witness Secs. 39-45, The problems with expert testimony.
5. Evidence of character Secs. 46-50

Module 04

Documentary Evidence

1. Types of documents, admissibility of documents, proof of execution, secondary evidence
Documentary evidence:
2. General Principles concerning documentary evidence Sec. 56, Primary and Secondary evidence, Secs. 57-60
3. Electronic and digital record Sec. 61, Admissibility and Relevancy of Electronic Records Secs. 62-63, relevant legal provisions under the Information Technology Act, 2000
4. Attested documents Secs. 65-73
5. Public document and private document Secs. 74-77, Presumptions regarding documents Secs. 78-93
6. General Principles Regarding Exclusion of Oral by Documentary Evidence Secs. 94-95
7. Ambiguous documents Secs. 96-103

Module 05

Witnesses

1. Competency and compellability of witnesses, who may testify Sec. 124
2. Witness unable to communicate verbally Sec. 125
3. Examination of witnesses, Competency to testify Secs. 126-127,
4. Privileges of communications: matrimonial privileges Secs. 128, State Privilege Sec. 129, Official Communications Sec. 130, Information as to commission of offences Sec. 131
5. Professional Privilege Sec. 132-134
6. Other provisions as to witness Sec. 135, 136 and 137
7. Accomplice and number of witnesses Sec. 138 and Sec. 139

Module 06

Burden of Proof

1. Burden of proof and standard of proof, burden of proof in civil and criminal cases
2. The general conception of burden of proof Secs. 104-107,
3. General and Special Exceptions to burden of proof Secs. 108-116,
4. Court may presume existence of certain facts Secs. 117-120,
5. The Scope or the doctrine of judicial notice Secs. 51-52
6. Facts admitted need not be proved Secs. 53

Module 07

Oral Evidence

1. Oral evidence: general principles concerning Oral Evidence, exceptions to hearsay evidence.
2. Oral evidence: Examination-in-chief, cross-examination, re-examination, witness credibility - General Principles of Examination Secs. 140-168, Leading Questions Sec. 146, Lawful Questions in Cross-Examination Sec. 149, Hostile witness Sec. 157, Impeaching of the standing the credit of witnesses Sec. 158,
- 3 Refreshing the memory Sec. 162.

Module 08

Estoppel

1. What is Estoppel? Estoppel, Res judicata and waiver; and presumption,
2. Promissory Estoppel, Secs. 121-123,
3. Effect of Improper admission and of witness in civil and criminal cases Sec. 169

Recommended Readings:

1. C. D. Field's Commentary on Law of Evidence, 13th ed, Delhi Law House, 2017
2. Peter Murphy and Richard Glover, Murphy on Evidence, Oxford University Press, 12th ed, 2011.
3. Ram Jethmalani and D. S .Chopra: The Law of Evidence : Commentary on Evidence Act, 1872, 2nd ed, Thomson Reuters, 2016.
4. Sarkar's Law of Evidence, 19th ed, Sudipto Sarkar and H R Jhingta (eds), LexisNexis, 2016. 12. Y. H. Rao and Y R Rao, Expert Evidence - Medical and Non-Medical, 4th ed (Reprint 2011) LexisNexis, 2010.
5. V. Krishnama Chary: The Law of Evidence, S.Gogia & Company, Hyderabad 5. M. Monir: Principles and Digest of the Law of Evidence, the Universal Book Agency, Allahabad.
6. Ratanlal & Dhirajlal - The Law of Evidence
7. V. P. Sarathi's Law of Evidence, 7th ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
8. Sarkar on Criminal Procedure Code, Vol I & II, LexisNexis.
9. M. Monir, Textbook on the Law of Evidence, 10th ed (Reprint), Universal Law House, 2016.
10. Batuklal, Law of Evidence, Central Law Agency, Allahabad.
11. K. D. Gaur, Textbook on the Indian Evidence Act, Universal Law House, 2017. 17.
12. N. V. Paranjpe, Evidence in Criminal Trials, Thomson Reuters, 2017.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course

INTERPRETATION OF STATUTE (LCC 0703)

Credits: 4 Credits

Medium of Instruction: English **Course Duration:** One Semester

Course aims:

This Course Aims to enhance ability of students to understand the intention of the legislature conveyed expressly or impliedly in the language used. It also aims to create awareness about the codified law of interpretation in the form of General Clauses Act, 1897 and seeks to deal with the general principles of interpretation of statute in India. It introduces the incorporation of mimansa principle of interpretation as a part of Indian knowledge system (IKS). It further dealt with the internal and external aids to interpretation along with techniques of interpreting different kinds of statutes such as penal, taxing, remedial, directory, mandatory etc. It further provides for commencement, operation, expiry and repeal of statute.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester Examination:
70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

The course aims at developing interpretative skills to understand the correct meaning of law and the development of Indian legal system through judicial decisions. Interpretation of Statute aims to explain and resolve the ambiguities created by the language used in the statute. The concerns of interpretation of statute are an inevitable and core feature of the law and legal system. Interpretation of statute has a potential to twist the application of law on the basis of facts and circumstances of each case therefore it stimulates curiosity among students to study each word and phrase used in the statute. It also coordinates the relation between theoretical concepts and practical exigencies. Therefore, this subject creates a foundational base for legal education. It also incorporates an aspect of Indian knowledge system through mimansa principle.

Outcomes:

- Students will be acquainted with the basic concepts and fundamental principles of interpreting statute.
- Interpretative skills with sound knowledge of different principles of interpretation will help the students to face exigencies of court battle with courage.
- Students will be inculcated with standards of certainty over meaning of law to maintain administrative convenience and judicial discipline,
- Students will be able to cure the ambiguities created by the vague language of law and to solve the difference over the meaning of statute.
- It will evolve the ability to conduct in depth inquiry among the students to convey the proper interpretation of statute to reduce the valuable time of courts.

Detailed Syllabus

Module 01

Introduction to Interpretation and role of General Clauses Act, 1897

1. Interpretation – Meaning, Need, and object
2. Difference between Interpretation and Construction
3. Concept and Classification of Statute
4. Introduction to General Clauses Act, 1897 – Preliminary, Definitions,
5. General Rules of Construction, Power and functionaries, Provisions as to orders, rules etc. made under enactments

Module 02

General Principles and Rules of Interpretation

1. Mimansa Principle of Interpretation,
2. Literal Construction
3. Golden Rule
4. Mischief Rule
5. Harmonious Construction
6. Rule of last antecedent
7. Non-obstante clause
8. Legal fiction
9. Conjunctive and disjunctive words ‘or’ and ‘and’
10. Construction of General Words
 - (a) Rule of ejusdem generis
 - (b) Rule of *Noscitur a Sociis*
 - (c) Reddendo Singula Singulis
 - (d) Words of rank

Module 03

Internal and External Aids to Interpretation

1. Internal Aids: Preamble, Definitions, Sections, Headings, Illustrations, Proviso, Explanation, Schedule
2. External Aids: Parliamentary History, Debated and Proceedings of the legislatures, Socio, economic and technological developments, Reference to other statutes, International Conventions, Committee Reports

Module 04

Approaches, Restraints and Presumption in Interpretation

1. Theoretical or ideological approach to interpretation, judicial restraint, judicial activism, juristic restraint, juristic activism
2. Presumption regarding jurisdiction, presumptions against ousting established jurisdiction, Presumptions against creating new and enlarging established jurisdiction, territorial extent of jurisdiction, presumption against violation of International Law.

Module 05

Modes of Interpretation of Constitution

1. Constitutional interpretation different from statutory interpretation
2. Textualist and Originalist Interpretation, Harmonious construction, Historical Interpretation, Reference to constituent Assembly Debates, Structuralist interpretation pith and substance, occupied filed, residuary power, amending power, Moral Reasoning and National Ethos based interpretation Directive principles as source of constitutional interpretation stare decisis,
3. Pragmatist interpretation, Techniques of innovation (Subversion) of stare decisis Supreme Court's authority to overrule, retrospective overruling in India.
4. Advisory jurisdiction and its import on precedent, retrospective overruling in India
5. Objections to judicial review as anti-majoritarian.

Module 06

Construction of Penal, Taxing and Remedial Statute:

1. Rule of strict construction of taxing statutes
2. General principles of strict construction, Limits of rule of strict construction
3. *Mens rea* in statutory offences and BNS, 2023
4. Vicarious liability in statutory offences
5. Distinction between remedial and penal statutes
6. Liberal construction of remedial statutes

Module 07

Commencement, Operation, Expiry and Repeal of Statute:

1. Commencement of statute
2. Prospective, Retrospective and Retro-active operation of statute
3. Perpetual and temporary statutes
4. Effect of expiry of temporary statutes
5. Express or implied repeal
6. Consequences of repeal

Recommended Readings:

1. G.P. Singh, Interpretation of Statutes (LexisNexis, Butterworth Wadhwa).
2. D. D. Basu: Limited Government and Judicial Review
3. Bindra N.S., Interpretation of Statutes (LexisNexis, Butterworth Wadhwa).
4. Vepa Sarathi, Interpretation of Statutes (Eastern Book Company).
5. Maxwell, Interpretation of Statutes (Sweet and Maxwell).
6. Rupert Cross, Statutory Interpretation (Butterworth).
7. Avtar Singh, Introduction to Interpretation of Statutes (LexisNexis, Butterworth Wadhwa).
8. Battacharya T., Interpretation of Statutes (Central Law Agency).
9. R.D. Shrivastava, Textbook of Interpretation of Statutes (Central Law Publication)
10. Swarup, Legislation and interpretation (University Book Agency).
11. M.P. Tondon, Interpretation of Statutes (Allahabad Law Agency).
12. Chatterjee on Interpretation of Statutes, (Calcutta, De, B.C.)
13. S.P. Mitra and R.P. Kataria, Commentary on the General Clauses Act, 1897, Orient Publishing Company (2022)
14. Justice M.N. Rao, N.S. Bindra's General Clauses Act, 1897, Lexisnexis
15. The Mimansa Principles of Interpretation by Justice Markandey Katju Cite as : (1993) 1 SCC (Jour) 16 Available at <https://www.ebc-india.com/lawyer/articles/93v1a4.htm>
16. Mimansa Rules of interpretation (Principal Commentators of Dharmasastra) S.K. Limay, New Bhartiya Book Corporation, 2017
17. Maxwell, *Interpretation of Statutes* (Sweet and Maxwell).
18. Jeremy Bentham: Theory of Legislation, Butterworths Publication
19. Crawford: Interpretation of Statutes Universal Publishers, Delhi
- 20.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.

PRACTICAL TRAINING I

PROFESSIONAL ETHICS AND CONTEMPT OF COURT LAW (LAEC 0704)

Credits: 4 Credits

Medium of Instruction: English **Course Duration:** One Semester

Course aims:

The purpose of the course is to provide or to enhance the practical knowledge of the students and to cultivating Ethical Awareness by instill a deep understanding and appreciation of ethical principles and professional conduct expected of legal practitioners, to foster a strong moral compass and the ability to discern and address ethical dilemmas in legal practice. Further, to promoting Integrity and Accountability by a culture of integrity, honesty, and accountability among future lawyers and ensure that students understand the importance of upholding the law and maintaining public trust in the legal profession.

This course further aimed at enhancing Professional Competence among the students by integrate ethical considerations into every aspect of legal practice, ensuring competent and ethical service delivery and to prepare students to navigate the professional responsibilities and challenges they will face in their legal careers.

This course further aimed at to equip law students with a comprehensive understanding of how technology is transforming the judicial process in India.

Hence, the curriculum of this paper is aim at aware the law students about the provisions and its applicability under the Advocate Act, 1961, and the Contempt of Courts Act, 1971.

Teaching Scheme:

- Lecture method
- Group Discussion and debates appreciating different ADR modes

Continuous Evaluation Scheme:

Total internal Marks : 30 Marks

University End Semester

Examination : 70 Marks

As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

The professional ethics encompasses an ethical code governing the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. The objective of this course is to acquaint the students as to

- (a) legal profession in India during - ancient, medieval and modern period,
- (b) professional ethics or duties
- (c) study how digital technologies are being used in court processes, case management, and legal proceedings,
- (d) equip students with the skills to navigate and utilize e-Court platforms and tools effectively,
- (e) the provisions of the Advocate Act, 1961, and
- (f) the provisions of the Contempt of Courts Act, 1971.

Thus, the objective of this course is to inculcate ethics with legal skills among the law students by the integration of ethical considerations with legal skills such as client communication, advocacy, and negotiation. Besides this is meant to provide hands-on experiences through important judicial decision on professional misconduct and contempt of courts

Outcomes:

- The students will be acquainted with professional ethics or duties of lawyers,
- The student will make well conversant with the provisions of the Advocate Act, 1961, and the provisions of the Contempt of Courts Act, 1971 along with the recent judicial trends.
- The students will be realized the importance of Professional Integrity and Accountability on the basis of Trust and Credibility and accountability. This will help to maintain a reputation for integrity and reliability, fostering trust with clients, colleagues, and the public, to take responsibility for their actions and decisions, adhering to both the letter and spirit of the law.

Detailed Syllabus**Module 01****History of Legal Profession in India**

1. Legal profession in India in ancient and medieval period
2. Changes underwent in Legal profession during British rule
3. Development of Legal Profession in India after Independence
4. Impact of globalization on legal profession in India

Module 02**Norms of Professional Ethics and Duties**

1. Need and necessity of Professional ethics in the legal profession
2. Professional ethics and duties of advocates towards his clients, Court, public, his fellow advocates, self, society, duty in imparting training, duty to render legal aid, etc.
3. Restrictions on other Employments
4. Restrictions on advertising
5. Form of Dresses or Robes to be worn by Advocate
6. Rules as to Vakalatnama

Module 03

Introduction and Authorities (the Advocates Act, 1961)

1. Objects of and definitions under the Act
2. Bar Council of State :
 - a) Establishment of Bar Councils for Each States and Union Territories
 - b) Composition of State Bar Council
 - c) System of Election
 - d) Term of office of Members of State Bar Council and Establishment of Special Committee
 - e) Disqualification of Member of Bar Council of State
 - f) Powers and Functions of Bar Council of State
3. Bar Council of India:
 - a) Composition of Bar Council of India
 - b) Term of office of Members of Bar Council of India
 - c) Disqualification of Member of Bar Council of India
 - d) Powers and Functions of Bar Council of India
 - e) Membership in International Bodies
4. Provisions Common to Bar Council of India and Bar Council of State:
 - a) Bar Council to be Body Corporate
 - b) Constitution of Committees of Bar Council
 - c) Transaction of Business, Staff and Audit of Accounts of Bar Council
5. Power of Bar Council to make Rule

Module 04

Admission and Enrolment of Advocates (the Advocates Act, 1961):

1. Senior and other Advocates
2. Preparation of Roll of Advocates
3. Order of Seniority amongst the Advocates
4. Transfer of Name from one State Roll to another
5. Right of Pre-audience
6. Qualification for Admission of Person as Advocate on State Roll
7. Disqualification for Admission of Person as Advocate on State Roll
8. Disposal of Applications for Admission as Advocate
9. Power of State Bar Council to make rules

Module 05

Enrolment and Right to Practice and Limitations of such Right (the Advocates Act, 1961):

1. Right of Advocates to Practice
2. Power of Court to Permit Appearances in Particular Cases
3. Advocates alone entitled to Practice
4. Power of High Court to make rules
5. Skills essential for a lawyer to have a good practice and profession – qualities to succeed in legal profession - honesty, courage, industry, wit, eloquence, judgment, fellowship, etc.
6. Decisions of Courts on Advocate's right to strike
7. Role of advocate in the administration of justice and duty towards legal reforms

Module 06

Conduct of Advocates (the Advocates Act, 1961):

1. Complaint of Professional or other Misconduct
2. Punishments for Professional or other Misconduct
3. Disciplinary Powers of Bar Council of India and State Bar Council
4. Disposal of Disciplinary Proceedings
5. Review of Orders by Disciplinary Committee
6. Appeal to Bar Council of India
7. Appeal to Supreme Court
8. Stay of Order
9. Alteration in Roll of Advocates

Cases Prescribed for Study on Professional Ethics:

- 1) Vishram Singh Raghubanshi v. State of UP, AIR 2011 SC 2275
- 2) Noratanmal Chaurasia vs. M.R. Murli (2004) 5 SCC 689
- 3) SJ Chaudhary v. State of Delhi, AIR 1984 SC 618
- 4) Chandra Shekhar Soni v. Bar Council of Rajasthan, AIR 1983 SC 1012
- 5) Ex-Capt Harish Uppal v. Union Of India, AIR 2003 SC 739
- 6) John D'Souza v. Edward Ani, AIR 1994 SC 975
- 7) Himalayan Cooperative Group Housing Society v. Balwan Singh, AIR 2015 SC 2867
- 8) Narain Pandey vs. Pannalal Pandey (2013) 11 SCC 435
- 9) A S Mohammed Rafi v. State of Tamil Nadu, AIR 2011 SC 308
- 10) D Saibaba v. Bar Council of India, AIR 2003 SC 2502

Module 07

The Contempt of Courts Act, 1971

1. Historical development of law of contempt of court in India
2. Freedom of speech, Law of defamation and contempt of Court - Constitutional perspectives
3. Meaning of contempt - Civil contempt and Criminal contempt
4. Defenses for contempt - Civil and Criminal contempt
5. Punishments for contempt
6. Procedure for initiating contempt proceeding
7. Contempt by Judges, Magistrate, Lawyers, Companies and others
8. Contempt of Supreme Court, High Court and Subordinate Court
9. Remedies, Apology, Appeal and Review
10. Comparison with Order 39 Rule 2A of Civil Procedure Code

Cases Prescribed for Study on Contempt of Court

- 1) In Re Arundhati Roy, AIR 2002 SC 1375
- 2) Pandurang Dattatraya Khandekar Vs. Bar Council of Maharashtra Bombay and Others (1984) 2 SCC 556.
- 3) LD Jaikwal v. State of UP, AIR 1984 SC 1734
- 4) Charan Lal Sahu v. Union of India, AIR 1988 SC 107
- 5) Bal Kishan Giri v. State of UP, AIR 2014 SC (Supp) 469
- 6) High Court of Judicature of Bombay v. Manisha Koirala, 2003 CriLJ 1634 (Bom HC)
- 7) Dr. Subramanian Swamy v. Arun Shourie, AIR 2014 SC 3020
- 8) In Re S Mulgaokar, AIR 1978 SC 717
- 9) In Re: Hon'ble Justice C S Karnan, AIR 2017 SC 3191
- 10) Re: Prashant Bhushan and Anr., Suo Motu Contempt Petition (CRL.) No. 1 of 2020, decided on 31.08.2020.

Module 08

E-Courts in India and Digital Transformation of the Judiciary

1. Introduction to E-Courts - Evolution and Need for E-Courts: History and development of e-Courts in India.
2. Infrastructure and Technology in E-Courts - Components of E-Court Systems Overview of hardware, software, and network infrastructure used in e-Courts, Digital Courtrooms: Features of digital courtrooms including video conferencing, e-filing, and digital evidence presentation, Case Management Systems: Understanding how case information is managed and accessed digitally.

3. Digital Court Procedures and Practices - E-Filing and E-Service: Procedures for electronic filing and service of legal documents, Virtual Hearings: Conducting court hearings via video conferencing platforms, Access to Justice: Enhancing access to justice through online portals and mobile apps.
4. Impact and Benefits of E-Courts - Efficiency and Transparency: How e-Courts improve judicial efficiency and transparency, Access to Justice: Role of e-Courts in making justice more accessible, particularly for marginalized communities, Reduction in Case Backlog: Assessing the impact of e-Courts on reducing case backlogs and speeding up judicial processes.
5. Challenges and Limitations - Technical and Infrastructure Challenges: Issues related to technology adoption, digital divide, and infrastructure limitations, Legal and Ethical Concerns: Addressing concerns related to fairness, due process, and the integrity of digital judicial proceedings.
6. Artificial Intelligence in Judiciary - Potential uses of AI in legal research, case analysis, and decision support, Blockchain and Digital Security: How blockchain and other technologies could enhance security and transparency in court processes, Global Perspectives: Comparative study of e-Court systems in other countries and lessons for India

Recommended Readings:

1. K.V. Krishnaswamy Iyer, *Professional Conduct and Advocacy*, Oxford University Press.
2. Dr. Kailash Rai, *Legal Ethics – Accountancy for Lawyers and Bench - Bar Relations* Central Law Publications, Allahabad, 2015.
3. B.R. Agarwala, *Supreme Court Practice and Procedure*, Eastern Book Co.
4. P. Ramanath Iyer, *Advocate his Mind and Art*, Wadhwa Nagpur, 2003.
5. Dr. S. P. Gupta, *Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations*, Central Law Agency, Allahabad, 2004.
6. M.P. Jain, *Outline of Indian Legal History, Chapter: Development of Legal Profession*, LexisNexis, 2014.
7. M.R. Mallick, *The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship*. Kamal Law House, Calcutta, 2000.
8. Dr B Malik, *The Art of a Lawyer the University Book Agency*, Allahabad, 1999.
9. Raju Ramachandran: *Professional Ethics for Lawyers, Changing Profession, Changing Ethics*, LexisNexis, 2004.
10. Saadiya Suleman, *Professional Ethics & Advertising by Lawyers*, Universal Law Publishing, New Delhi, 2014.
11. M.K. Gandhi, *The Law and the Lawyers*, Navjeevan Publication, Ahmadabad.
12. Law Commission of India, Report No.274 on Review of the Contempt of Courts Act, 1971, April 2018.
13. Suraj S. Mandhare: E-Courts in India: Progress and Challenges
14. Ethan Katsh and Orna Rabinovich-Einy: Digital Justice: Technology and the Internet of Disputes
15. Government and Legal Documents - E-Courts Mission Mode Project (MMP) documents and official reports, Bar Council of India guidelines on digital legal practice, Judicial committee reports on the implementation of technology in courts
16. Online Resources and Portals - National Judicial Data Grid (NJDG) for data on case statuses and court performance, E-Courts project official website for updates and resources, Online tutorials and training modules on using e-Court tools and platforms.

For Cases Prescribed for Study on Professional Ethics and Contempt of Court

1. Respective Law Reporters

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.

Note :

1. The college shall organize Interaction Session(s) of experts in the area of professional ethics, contempt of courts, etc. with the students.
2. The purpose of the interaction session(s) should be to provide or to enhance the practical knowledge of the students with respect to the course.
3. The concerned teacher is advised to orient the students, before organization of interaction session, as to purpose of interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following:

1. Essay on the topic from law relating to Legal Profession in India, assigned by concerned teacher.
2. Essay on the topic from Law relating to Contempt of Court, assigned by concerned teacher.
3. Report on an Interaction Session(s) of experts with the students.
4. Case Comments on 2 cases on Professional Ethics, assigned by concerned teacher.
5. Case Comments on 2 cases on Contempt of Court, assigned by concerned teacher.

Note :

1. A Report on interaction session shall consists of
 - (a) Purpose of the Interaction,
 - (b) Observations / Information Collected by the student,
 - (c) Relevant Provisions of Law,
 - (d) Comments on Linkage between Law and Practice. The concerned teacher may add in or modify the specified contents of report.
2. The case comment shall consists of
 - (a) Citation of the case,
 - (b) Facts of the case,
 - (c) Issues of facts and of laws,
 - (d) Arguments advanced,
 - (e) Decision of the Court,
 - (f) Ratio of the case, and
 - (g) Comments on the decision.

Law Discipline Specific Elective (Open Elective) course (Any One from the following) :

INVESTMENT AND SECURITIES LAW (LDSE 0705)

Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

This course aims to explore the historical evolution of investment and securities laws, providing insights into the regulatory frameworks governing securities in India. It covers key concepts such as the securities market, securities market intermediaries, and the role of regulatory bodies like the Securities and Exchange Board of India (SEBI) and the Depositories Act, 1996. Additionally, the course delves into topics including stock exchanges, investor protection, foreign investment laws, and SEBI regulations such as Listing Obligations and Disclosure Requirements. Students will gain a comprehensive understanding of the legal and regulatory landscape surrounding investment and securities in India.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks University End

Semester Examination: 70 Marks

- As per SPPU, CBCS Syllabus of
Law Course

Remedial Classes:

Objectives:

This course aims to provide students with a comprehensive understanding of Indian investment and securities law. It focuses on the pivotal role of the securities market in fostering economic growth, supporting corporate initiatives, and managing financial risks. Emphasis is placed on the importance of regulatory frameworks in ensuring market integrity and investor protection. Furthermore, the course aims to familiarize students with the legal and regulatory landscape governing the operation and movement of securities markets, facilitating their ability to navigate this complex environment effectively.

Outcomes:

- Demonstrate a comprehensive understanding of Indian investment and securities law, including its historical evolution and regulatory frameworks.
- Recognize the pivotal role of the securities market in economic growth, corporate initiatives, and financial risk management.
- Evaluate the significance of regulatory frameworks in ensuring market integrity and investor protection.
- Navigate the legal and regulatory landscape governing securities markets in India effectively.
- Analyse key concepts such as securities market intermediaries, SEBI regulations, and the Depositories Act, 1996.
- Apply knowledge of stock exchanges, investor protection mechanisms, and foreign investment laws to real-world scenarios.
- Demonstrate proficiency in interpreting and adhering to SEBI regulations such as Listing Obligations and Disclosure Requirements.
- Develop critical thinking skills to assess and address legal and regulatory challenges in investment and securities markets.
- Synthesize historical insights with contemporary regulatory practices to form a comprehensive understanding of the investment and securities landscape in India.

Detailed Syllabus**Module 01****Regulatory Framework to Govern Securities in India:**

1. Historical evolution of Investment and Securities Laws
2. Concept of Securities
3. Kinds of Securities - Ownership instruments, Shares, Stocks
4. Debt instruments - Debentures and Bonds
5. Offered Documents – Prospectus
6. Norms of disclosure under different laws - the Companies Act, 2013, the Securities Contracts (Regulation) Act, 1956 and the Securities Exchange Board of India Act, 1992 (only relevant provisions)

Module 02

Concept of Securities Market and Securities Market Intermediaries

1. Primary Market: Scheme of Primary Market, Advantages - Disadvantages to Companies and investors.
2. Provisions relating to IPO, FPO, Private placement, bonus issue, Qualified Institutional Placement under the SEBI (Issue of Capital and Disclosure Requirement) Regulations, 2018
3. Primary Market intermediaries - Merchant Banker, Managers to issue, Registrar and Share Transfer Agent, Bankers to the issue, Brokers, Syndicate Members
4. Secondary Market intermediaries - Registrar and Share Transfer Agent, Brokers / sub-brokers, Portfolio Managers, Investment Advisers, Research Analyst, Credit Rating Intermediaries, Clearing Corporations

Module 03

Securities and Exchange Board of India and the Depositories Act, 1996:

1. Background and Introduction, Constitution of SEBI
2. SEBI - Power and Functions, Role of SEBI in securities market.
3. SEBI - Power to issue Informal Guidance
4. SEBI - Power to issue Regulations, Rules under Securities Market
5. Constitution of Securities Appellate Tribunal (SA), SAT- Power and Functions
6. The Depositories Act, 1996 - Rights and Obligations of depositories, Depository Participants, Issuers and beneficial owners, Penalties. Dematerialization and Rematerialisation of securities (Procedure, Advantages and Disadvantages) Relevant provisions of the Companies Act, 2013

Module 04

Stock Exchange and Investor Protection:

1. The Securities Contracts (Regulation) Act, 1956 - Recognized stock exchanges, listing of securities, penalties and procedure
2. Procedure for a stock exchange to be a recognized Stock Exchange, Power of Government, procedure for de- recognition of a stock exchange
3. Concept of Demutualization of stock exchanges and its impact on the Indian economy and the Regional stock exchanges
4. Minimum public shareholding and its advantages to shareholders and stakeholders
5. Trading, Spot delivery contract, Badla Contract, Future contracts, Options,
6. Derivatives, Listing of Shares
7. Investors Protection mechanism under various statutes: Role and functions of SEBI Tribunal, the Companies Act, 2013 - Acceptance of deposits, Misstatement in prospectus, fraudulently inducing person to invest money, non-payment of dividend, right to demand financial statement, Investor Education and Protection Fund, class action suits

Module 05

Insider Trading and Takeover Code:

Insider Trading:

1. Insider Trading: Meaning and Definition of Insider Trading. Insider, connected person, deemed to be connected, trading, Unpublished price sensitive information, generally available information, Chinese wall, Compliance Officer, Trading Window, Pre- clearance, Code of Conduct)
2. Penalty for Insider Trading 3. Position in UK and USA

Takeover Code:

- 1) Meaning and definition of control, voting rights, shares, acquirer, target company, Person acting in concert, deemed to be connected person, acquisition of shares, open offer, public announcement, offer letter, offer price
- 2) Shareholding thresholds / Triggers under Takeover Code
- 3) Procedure of public announcement and open offer Exemptions (general and specific exemptions)

Module 06

SEBI (Listing Obligations and Disclosure Requirement Regulations):

1. Meaning and purpose of listing and delisting, advantages and disadvantages
2. Principles governing disclosures and obligations of listed entity
3. Listing Agreement
4. Compliance Officer
5. Grievance Redressal Mechanism
6. Corporate Governance Norms - directors, women directors, independent directors, audit committee, risk management committee, remuneration committee, stakeholder relationship committee, maximum number of directorships, related party transactions, obligations of independent directors
7. Disclosure of event or information under SEBI Regulations
8. Re-classification of promoters into non-promoters Annual report

Module 07

Foreign Investment Laws:

1. The Foreign Exchange Management Act, 1999 –
 - a) Regulation and management of Foreign Exchange
 - b) Contravention and Penalties
 - c) Adjudication and Appeal
 - d) Directorate of enforcement
 - e) Inbound and outbound investment in India (Foreign Direct Investment and Overseas Direct Investment)
 - f) Setting up of Joint Ventures and Wholly owned subsidiaries in India and outside India
2. Regulation of Foreign Institutional Investors (FII) / Foreign Portfolio Investor (FPI) in India Participatory Note

Recommended Readings:

1. Niti Bhasin, FDI In India, New Century Publication, 2008.
2. V.A. Avdhani, Investment and Securities Market in India, Himalaya Publishing House, 2011.
3. Vishal Saraogi: Capital Markets and Securities Laws Simplified, Lawpoint Publication.
4. Sanjeev Agarwal, Guide to Indian Capital Market, Bharat Law House, 2009.
5. Imaad A Moosa, Foreign Direct Investment: Theory Evidence and Practice, Palgrave MacMillan, 2010.
6. V.L. Iyer : SEBI Practice Manual; Taxmann Allied Service (P) Ltd
7. E. Gordon & K. Natarajan: Capital Market in India; Himalaya Publishing House

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.

CRIMINAL MINOR ACTS (LDSE 0706)

Credits: 4 Credits

Medium of Instruction: English **Course Duration:** One Semester

Course aims:

This course identifies the some important Criminal legislations. This course also creates an understanding of basic legal concepts like Organised Crime, Narcotic Drugs and Psychotropic Substances, cyber frauds. This paper will give an overview to the students about some Criminal law prevalent in the India.

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

Bharatiya Nyaya Sanhita 2023 (The Indian Penal Code, 1860) and The Bharatiya Nagarik Suraksha Sanhita, 2023 (Criminal Procedure Code 1973) are the basic and major substantive and procedure Criminal law in India respectively. Apart from these legislations there are various criminal Laws prevalent in India to control crime rate of particular steam. These special legislations redefined crime and the criminal procedure to be followed. These legislations are rampantly been used by police and courts in day-to-day life. The course is designed to acquaint the students with few important criminal laws, which are essential for all criminal law lawyers

Outcomes:

- Students will be acquainted with the basic ideas and fundamental principles of Criminal Law.
- Knowledge of important Criminal Law will help the students in their career and day today life.

Detailed Syllabus

Module 01

The Maharashtra Police Act, 1951

1. Historical background, Objects, Scope and Definitions under the Act
2. Superintendence, control and organization of the Police Force
3. Regulation, Control and Discipline of the Police Force
4. Police Regulations
5. Special measures for Maintenance of Public Order and Safety of State
6. Executive Powers and Duties of the Police

Module 02

Arms Act 1959

1. Objectives & Scope
2. Definitions
3. Types of Arms
4. Arms Act 1959
5. Acquisition, possession of arms and ammunition
6. Provisions relating to licences
7. Powers and procedure
8. Offences and penalties

Module 03

The Unlawful Activities (prevention) Act, 1967

1. Objects
2. Definition
3. Unlawful associations
4. Offences and penalties
5. Terrorist organizations
6. Punishment for terrorist Activities

Module 04

The Maharashtra Control of Organized Crime Act, 1999

1. Legislative History, Object and Scope of the Act
2. Organized Crime: Definition and Scope, Punishments
3. Courts and Public Prosecutor (Sections 6-12)
4. Interception of Wire, Electronic or Oral Communication (Sections 13-16)
5. Special Procedure: Change in Rules of Evidence and Criminal Procedure (Sections 17- 23)

Module 05

The Narcotic Drugs and Psychotropic Substances Act, 1985:

1. Legislative History, Object and Definitions
2. Authorities and Officers
3. Prohibition, Control and Regulation of Narcotic Drugs and Psychotropic Substances
4. Offences and Punishments
5. Procedure under Act

Module 06

Cyber Laws in India

1. Need for cyber law
2. Cyber Crime / Cyber frauds on the rise
3. Types of cyber frauds
4. History of cyber law in India

The Information Technology Act, 2000:

1. Definitions,
2. Digital signature and electronic signature
3. Electronic governance
4. Attribution, acknowledgement and despatch of electronic records
5. Secure electronic records and secure electronic signature
6. Regulation of certifying authorities
7. Electronic signature certificates
8. Duties of subscribers, penalties, compensation and adjudication
9. The appellate tribunal
10. Offences
11. Offences under other legislations

Module 07

The Digital Personal Data Protection Act, 2023

1. Definitions
2. Obligations of data fiduciary
3. Rights and duties of data principal
4. Special provisions
5. Data protection board of India
6. Powers, functions and procedure to be followed by board
7. Appeal and alternate dispute resolution
8. Penalties and adjudication

Recommended Readings:

1. A.S. Ramachandra Rao, Commentary on the Prevention of Corruption Act, Universal Publication Co., New Delhi.
2. R.P Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Oriental Publication.
3. Taxmann on Juvenile Justice (Care and Protection of Children) Act, 2015.
4. Rohatgi and Karkare, 'Guide to Cyber Law & Crimes', 3rd Edn. Whytes & Co. 2018.
5. Sunil Dighe, The Maharashtra Police Act 1951, Snow White Publication, 2016
6. Commercial's The Arms Act, 1959- Bare Act
7. The Arms Act, 1959 and The Arms Rules 2016 – by Justice P.S. Narayana and P. Jagadish Chandra Prasad (Asia Law House)
8. Commentary on the Unlawful Activities (Prevention) Act,
9. Vinod Publication's Commentary on the Unlawful Activities (Prevention) Act, 1967 by Justice M. L. Singhal – Edition 2023
10. D.R. Chaudhary & A.N. Choudhary, The Maharashtra Control of Organized Crime Act 1999, CTJ Publications
11. Dr. R.K. Chaubey, 'An Introduction to Cyber Crime and Cyber Law', Kamal Law House.
12. Dr. J.P. Mishra, An Introduction to Cyber Laws, Central Law Publications, 1st edn. 2012
13. Rohatgi and Karkare, 'Guide to Cyber Law & Crimes', 3rd edn. Whytes & Co. 2018
14. Bare Act on The Digital Personal Data Protection Act, 2023- Taxmann's Editorial Board.
15. The Digital Personal Data Protection Act, 2023- An understanding to Data Protection Rights- Duties- Obligations , by Yogesh V Nayyar, Edition: 1st Edition, 2023

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
- 3 Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course

COOPERATIVE LAW (LDSE 0707)

Credits: 4 Credits

Medium of Instruction: English **Course Duration:** One Semester

Course aims:

This course aims at imparting the students of law with the form of organisation set up for mutual benefit. The first part of the course is about principles of cooperation, its history, growth and development and the characteristics of a cooperative society. The other part of the course is a detailed study of the Maharashtra Co-operative Societies Act 1960 (the MCS Act, 1960).

Teaching Scheme:

- Lecture method
- Cooperative Teaching,
- Class room presentation,
- Group Discussion
- Documentary screening and
- Data analytics.

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester Examination:
70 Marks

➤ As per SPPU, CBCS Syllabus of Law
Course

Remedial Classes:

Objectives:

This course will enable a student to know about the process of formation, management and control of cooperative societies, their relations with third parties and its members, and settlement of disputes between the society and its members.

Outcomes:

- Students will be acquainted with the basic ideas and fundamental principles of mutual benefit.
- Students will be acquainted with the special law, and to specialize in this branch of law.

Detailed Syllabus

Module 01

Theory and Principles of Co-operation

1. Capitalist, socialist and co-operative forms of organisation
2. Definition of co-operation
3. Fundamental principles of co-operation
4. Characteristics of a co-operative society
5. Comparison with other forms of organization, viz., company, trust and partnership firms
6. Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing
7. Importance, advantages and limitations of co-operation
8. Advantages of co-operative organization in the society and the economy
9. Social, economic and moral benefits of co-operation

Module 02

History, Growth and Development of Co-operation

1. History, growth and development of co-operative movement in India
2. Growth and development through Five-Year Plans
3. Role of the State in development of co-operation, State aid to societies
4. Role of National Co-operative Development Corporation, NABARD
5. Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra
6. Constitutional Provisions – Freedom to form Co-operative Societies and Restrictions (Article 19) and Provisions relating to Co-operative Societies (Articles 243ZH to 243 ZT)

Module 03

Preliminary and Registration of Societies

1. Objects and Definitions under the MCS Act, 1960
2. Societies that can be registered, limited liability or unlimited liability, Classification of societies, Conditions of registration, Name of society, Procedure for registration
3. Who can become a member, types of members, open membership
4. Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member
5. Rights, privileges, duties, disabilities and liabilities of members, voting power of a member, expulsion of members
6. Bye-laws, important features of Model Bye-laws
7. Cancellation of registration, De-registration
8. Amalgamation, Transfer, Division or Conversion Societies

Module 04

Incorporation, Duties and Privileges of Society

1. Effect of incorporation
2. Register of members, and its inspection and copies
3. Rights, privileges and immunities of a Society
4. Duties, disabilities, liabilities of, and restrictions on a Society
Final authority of General Body
5. Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies
6. Managing Committee, Constitution, Who can be its member, Reservation of seats, its powers and functions, Liability of members of the managing committee
7. Appointment and nomination of members of committee, Disqualification of membership of the committee
8. Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings
9. Registrar's powers of supervision, inquiry, investigation and administration

Module 05

Dispute Settlement and Liquidation

1. Types of disputes, and forums for redressal, Cooperative Court, Registrar
2. Exclusive jurisdiction of the Cooperative Court, Jurisdiction, Limitation period
3. Procedure for settlement of disputes and Powers of the Co-operative Court, its decision, Appeals against decisions,
4. Contempt of Co-operative Court and Cooperative Appellate Court
5. Constitution and powers of the Maharashtra State Co-operative Appellate Court
6. Appeal, Review and Revision
7. Disputes for recovery of money, Recovery certificate and its effect,
8. Liquidation of Cooperative Societies, Appointment of and Powers of Liquidator, Procedure for liquidation and winding up.
9. Offences and Penalties, Cognizance of offences

Module 06

Finance, Accounts and Audit

1. State aid to societies, Role of apex societies.
2. Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds
3. Maintenance of account books and registers
4. Audit of cooperative societies, need for audit
5. Rectification of defects in accounts
6. Registrar's powers of inspection and supervision

Recommended Readings:

1. S Desai, Commentary on Co-operative Housing Societies, Snow White Publications, 2009.
2. V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education, 2004.
3. A K Gupte and S D Dighe, Maharashtra Co-operative Societies Act 1960 with Rules 1961. Hind Law House, 2008.
4. M C Jain and H M Bhatt, Maharashtra Co-Operative Societies Act, 1960, Law Times.
5. A E Karmali, Maharashtra Co-operative Societies Act, 1960 and Rules,1961, Snow White Publications, 1997.
6. H A Mehta, Guide to Co-Operative Housing Societies, 7th ed Reprint, Snow White Publications, 2012.
7. R K Pillai, Maharashtra Co-Operative Societies Act, 1960, Current Publications, 2014.
8. A M Shah, Maharashtra Co-Operative Societies Act, 1960, Snow White Publications, 2004.
9. Guide to Co-Operative Housing Societies, Snow White Publications, 2017.
- 10 B. B. Goel, Cooperative Legislation – Trends and Dimensions, Deep and Deep Publications.
11. Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary, 2004.
12. The Constitution of India Art. 19 and Articles 243ZH to 243 ZT
13. National Co-operative Development Corporation, NABARD
14. Multi-State Cooperative Societies Act, 2002
15. Sunil Dighe: Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961, Snow White.

Any other information:

4. The topics, cases and suggested readings given above are not exhaustive.
5. Teachers of the Course shall be at liberty to add the case/suggested readings.
6. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books on this course.

PRIVATE INTERNATIONAL LAW LDSE 0708

Credits: 4 Credits

Medium of Instruction: English

Course Duration: One Semester

Course aims:

This course seeks to introduce the students to the theoretical and practical intricacies of private international law. It helps the students to understand disputes involving a foreign element. It includes the issues involving property, succession, marriage, divorce, and adoption. Study of this law will also introduce students to understand the rules applicable to the enforcement of foreign judgements and foreign arbitral awards within domestic jurisdictions

Teaching Scheme:

- Lecture method
- Classroom presentation
- Group Discussion
- Projects

Continuous Evaluation Scheme:

Total internal Marks: 30 Marks

University End Semester

Examination: 70 Marks

- As per SPPU, CBCS Syllabus of Law Course

Remedial Classes:

Objectives:

1. Define the fundamental principles of conflict of laws and its application in cases involving foreign elements
2. Explain the concept of recognition and enforcement of foreign judgments
3. Apply the principles of conflict of laws in relation to the Indian legal mechanism in the area of domicile, marriage, divorce, adoption, contracts and property.

Outcomes:

- Students will be acquainted with the fundamental principles governing Private International Law.
- Students should be able to recognize the competent courts, particular laws, questions of dispute and the different municipal systems that govern the rights and obligations.
Knowledge of Private International Law will help the students in their career

Detailed Syllabus

Module 01

Introduction :

1. Meaning and definition of Private International Law
2. Historical development of Private International Law and Indian Private International Law
3. Nature, scope, theories and sources of Private International Law
Relationship between Public International Law and Private International Law

Module 02

Classification / characterization

1. Meaning, and nature of problem requiring characterization
2. Concept and theories of characterization - based on *lex fori*, *lex causae*; Two- fold characterization (primary and secondary), Comparative Law
3. Process and stages of characterization
 - a) Characterization of factual situation
 - b) Characterization of connecting factor
 - c) Characterization of proper law
4. Doctrine of *renvoi* : Meaning, process and theories of *renvoi*
 - a) The mutual disclaimer theory
 - b) The theory of *renvoi* proper
 - c) The foreign court theory

Module 03

Concept of Domicile

1. General principles / fundamental Principles
2. Elements – intention and residence
3. Kinds
4. Domicile of Origin
5. Domicile of Choice
6. Domicile of dependence: married women, minor children, lunatics.
7. Domicile of corporation

Module 04

Marriage and Dissolution of Marriage

1. Material and Formal Validity of Marriage under Indian and English Law.
2. Choice of Law and Jurisdiction of Courts in Matrimonial Causes
3. Dissolution of Marriage, Grounds of Divorce, Restitution of Conjugal Rights
4. Recognition of Foreign Judgments

Module 05

Legitimacy, Legitimation and Adoption –

1. What law governs legitimacy - Legitimation and Succession
2. Essential conditions of adoption under Indian and English law
3. Recognition of foreign adoption
4. Choice of law and jurisdiction of the courts.
5. Guardianship and custody under Indian and English Law.
6. Hague Conference on Private International Law

Module 06

Foreign Judgments

1. Basis and conditions of recognition of foreign judgments
2. Recognition and enforcement of foreign judgments Indian and English law- direct execution of foreign decrees
3. Recognition and Enforcement of Arbitral awards

Module 07

Law of Property:

1. Movable and Immovable Property
2. Transfer of Tangible Movables
3. Assignment of Intangible Movables
4. Insolvency
5. Succession

Module 08

Contract and Tort Law:

1. Evolution Of modern proper law theory
2. Rome Convention on the Law applicable to Contractual Obligations
3. English and Indian position
4. Theories lex fori, lex loci delicti, proper law or social environmental theory, development of proper law of tort cases – UK and Indian Position
5. Choice of Law in Tort Under the Private International Law (Miscellaneous Provisions) Act 1995, Ss.9,10, 11,12 & 14 Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) – Articles 1, 4, 8, 9, 11, 12, 14, 15

Recommended Readings:

1. Dicey, Morris & Collins, Conflict of Laws, Sweet and Maxwell 15th ed., 2016.
2. James Fawcett and Janeen M Carruthers, Cheshire and North's Private International Law Oxford University Press, 14th ed., 2008.
3. Paras Diwan, Private International Law: Indian and English; Deep & Deep, 2008.
4. K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kluwer International,
5. Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014
6. V. C. Govindraj, The Conflict of Laws in India- Inter Territorial and Inter-Personal Conflict Oxford University Press, 2011
- 7.

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislations and international conventions as amended from time to time, and consult the latest editions of books on this course.