



H.S.N.C. BOARD'S



KISHINCHAND CHELLARAM LAW COLLEGE, MUMBAI



**HANDBOOK OF LL.M.
INFORMATION**

**PROSPECTUS
2020-2021**

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FROM THE PRINCIPAL DESK



Know what you want to do,
Hold the thought firmly,
Do everyday what should be done,
Every sunset will see you that much nearer the goal!!

Years of thought, planning, execution have cumulating in introducing a new course at K. G. Law College. We are proud to introduce and announce our Post-Graduate Course in Law i.e. Master in Laws (LL.M.) (2 year Full Time Course) from this Academic Session. Our College is imparting legal education to stimulate courage to fight for justice. With the cherished dream of turning KCLC into a research institute in the field of legal education, LL.M. course is the first step towards achieving it. KCLC will be offering the Master programme in Business Law and Criminal Law and Criminal Administration. It is an honour and prestige to be a part of this College which is par excellence and has set standards of great achievements.

Where there are Laws, Innocence need not tremble. Law is the foundation of the Universe and everything is centered in law. This belief is expressed in our motto "Law is the King of the Kings". I welcome you and congratulate you all to join the family of Kishinchand Chellaram Law College, which is igneous of Hyderabad (Sind) National Collegiate Board, an illustrious group which have excelled itself in the field of education.

Dr. Kavita Lalchandani
Principal

RANKING AND SCORES OF THE COLLEGE

Kishinchand Chellaram Law College takes immense pleasure and pride to inform you all that it is one and only Law College in Mumbai to be chosen and ranked fifth amongst 'Top Leading Law Schools of Super Excellence in India' by Competition Success Review Magazine - June 2020- Edition



Kishinchand Chellaram Law College takes immense pleasure and pride to inform you all that it is one and only Law College in Mumbai chosen and ranked 32nd amongst all the Law Colleges and Law Universities in India, by India Today magazine - July 2020 edition.



The College is also ranked 2nd in Colleges with Best Male-Female Student Ratio and ranked 3rd in the Government Law Colleges with Lowest Course Fees (India Today - July 2020).



Kishinchand Chellaram Law College takes immense pleasure and pride to inform you all that it has been ranked thirty-sixth amongst all Law Colleges in India by The Week Magazine.

It is also ranked 24th amongst all Private Law Colleges in India and 6th amongst Private Law Colleges in the West Zone of India (Issue dated 30th August 2020).

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Group – II – Business Laws

Group – V- Criminal Law & Criminal Administration

ABOUT HSNC BOARD

Hyderabad (Sind) National Collegiate Board (popularly known as HSNC Board) has been a pioneer in the field of higher education. This Board was managing the National College in Hyderabad (Sind) for long time before the partition of India. The Board was associated with the national movement for the Independence of India. After the partition of the country in 1947, the members of the Sindhi Hindu community were compelled to abandon the place and migrate to India. Late Principal K.M. Kundnani was the Principal of the college at that time. After the partition, Principal Kundnani appreciated the need of his teaching fraternity and the community and initiated efforts for starting a college in Mumbai. He received active support and encouragement from Barrister Hotchand Gopaldas Advani. Both of them together founded the Hyderabad (Sind) National Collegiate Board in 1949, at Mumbai. Barrister H.G. Advani was the Founder President and Principal K. M. Kundnani, was the Founder Secretary and Principal of the first college started by the Board. This was followed by a chain of educational institutions belonging to various faculties such as Arts, Commerce, Science, Education, Law, Engineering, Technology, Paramedical and Management. The Mission of the Board is to strive for excellence in academics, cultural, sports and other extracurricular activities. The Vision of HSNC Board is to provide education which is 'WORLD CLASS, COMPARABLE TO THE BEST OF THE INSTITUTIONS IN INDIA AND ABROAD'.

ABOUT THE COLLEGE

Kishinchand Chellaram Law College, popularly known as K.C.Law College, is one of the premier law institutions in the city of Mumbai. It is permanently affiliated to the University of Mumbai, registered with the Bar Council of India and recognised by the Government of Maharashtra.

Since 1955, the year it was established by the HSNC Board, K.C. Law has been imparting quality legal education to the students. Bearing in mind that law is an instrument of social change, the College has adopted a motto which says 'Law is the King of Kings'. The aim of K. C. Law College is to promote excellence in legal studies and its mission is to provide legal knowledge through theory and practice and to make the study of law socially relevant and fruitful. K. C. Law College prides itself in

motivating students to achieve excellence in academic and extra-curricular activities and to develop strong personal values.

COLLEGE MISSION

- To contribute to society through the pursuit of education, learning, and research at the highest levels of excellence.
- To promote quality legal education and training programs to prepare competent and responsible members of the legal profession who actively contribute towards rule of law.
- To provide its students with a diverse, intellectually rigorous learning environment in which to acquire knowledge of the law in its broad international, intercultural, and interdisciplinary context so that they may acquire the professional skills and ethical grounding to become excellent lawyers and leaders in their communities and chosen professions.
- To promote knowledge and understanding of the law and related disciplines by providing its faculty with the resources and intellectual environment to excel in teaching and scholarship.
- To create a community, including our alumni, committed to excellence, honesty, openness, diversity and collegiality.

COLLEGE VISION

- K. C. Law College (KCL) has its vision towards elevating the standard and quality of legal education to the level of leading law schools in the country. It seeks to be a distinctive and distinguished law institution with a strong national and comparative focus.
- KCL aspires to be a nationally and internationally recognized centre of scholarly excellence. We are committed to produce outstanding and innovative scholarship and to providing an environment that advances scholarly discussion and debate.
- KCL will encourage its faculty to maintain its commitment to excellent teaching. It will support programs, initiatives and innovations that will serve to further enhance the faculty's performance as teachers.
- KCL continues to draw a diverse group of students from all over the country. We strive to make KCL an exciting centre of learning for all of our students. We will

provide our students with a versatile education in a stimulating environment that will enhance their professional development.

- KCL strives to be a diverse and selective law school whose faculty and students will have a meaningful and far-reaching impact on the law, profession and society.

General norms for LL.M. Course:

The LL.M. course is intended to produce academicians and lawyers of competence and expertise, as it is imperative that the students should have an in-depth knowledge not only of the concepts and basic principles of Law but also of social, political and economic aspects of law and the dynamics of law.

Duration of the course:

Two years consisting of four semesters.

Intake: 60 (30 students per Group)

- 1) Business Law (Group II as per University of Mumbai)
- 2) Criminal Laws & Criminal Administration (Group V as per University of Mumbai)

Timing of the lectures:

LL.M. Lectures are held between 4.00 p.m. to 8.00 p.m. on working days.

Rules of Admission :

- 1) The minimum qualification for a candidate making an application for admission to the LL.M. degree course is an LL.B. degree of this University or any other University recognized by UGC and equivalent to this University.

N.B.:—

The students who have passed LL.B. degree from other than Mumbai University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section, Dr. Babasaheb Ambedkar Bhavan, Santacruz(E.), Vidyanagari, Mumbai – 400 098. They are further required to pay the amount in K.C. Law College as a fee for procedural Document Verification as prescribed by this University from time to time, for confirmation of the validity of certificates of

their previous University and confirmation of Eligibility to the LL.M. Course.

2. An application for admission to the LL.M degree course must be made in the prescribed form and be submitted to K.C. Law College within the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in the first half of every year.

3. The students selected for admission to LL.M. degree course shall register themselves with K.C. Law College.

4. Students will not be permitted to pursue the LL.M. degree course simultaneously with any other course of this or any other recognized University as per the University of Mumbai rules.

5. Admission of the students shall be made in accordance with the merits at the LL.M. Entrance examination and marks secured at the LL.B. degree.

6. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time.

7. A Candidate for being eligible for the Second Semester must have successfully kept terms for the First Semester, irrespective of the result of the First Semester Examination.

8. A candidate for being eligible for admission to the Third and Fourth Semester must have either passed in the First and Second Semesters or must have got exemption in at least six papers of the First and Second Semesters. A student who remains absent or fails in the Third Semester Practical Examination is required to pay only examination fees to become eligible to appear for Practical Examination.

9. Unless students pass all the Theory papers and Practical paper of third Semester examinations and dissertation of the Fourth Semester, their final result shall not be declared.

10. The LL.M. course shall consist of Foundation Course of 4 papers and anyone optional Group of 6 papers from Two Groups.

11. The First Semester shall be of two Foundation Papers and two Papers of an

Optional Group. Each Paper shall be of 100 Marks. (4 credits).

12. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4 credits)

13. **The third semester** shall be last two papers of optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition, there shall be a practical examination of 100 marks (Four Credits) as under :

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

Choice of Practical Component:

- (a) Legal Aid
- (b) Loopholes / Lacunae in existing laws and reports
- (c) Comparative study and its utility in the context of India
- (d) Debate on any contemporary legal issue
- (e) Book Review / Group Discussion on current Legal Affairs
- (f) Surprise Written Test
- (g) Case Comments.

14. The Fourth Semester shall be of Dissertation of 80 marks and Viva- presentation of 20 marks (4 credits).

For the balance 100 marks, the students would have a choice to select the topic for the project from the topics listed in the syllabus of the group opted which will have an interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for viva – presentation.

15. The medium of course is English only.

Standard of Passing

1. To pass LL. M. examination the candidate must obtain 45% marks in each paper

and 50% aggregate in each semester. Those of successful candidates who obtain 55% to 59% Second Class 60% and above First Class.

2. No Class will be awarded to the students in the First, Second and Third Semester examination.

3. The Class will be awarded on the basis of the total performance of the student in all the four Semesters. However, a student claiming exemption will be entitled to pass class only.

4. The dissertation shall be evaluated by a team of teachers of the concerned group and External Expert nominated by College Committee. The Marks shall be awarded after joint consultation by both the evaluators.

5. A student may be exempted at his choice from appearing in any of the papers, if he has secured at least 50% of the total marks in that paper.

6. Students failing in Dissertation/Project and Viva Examination in the Fourth Semester shall again undergo the Dissertation and Viva as the case may be. The final approved dissertation shall be submitted on CD-ROM in addition to two hard copies. The same procedure shall apply to failure in Choice-based credits.

Note : All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June 2018, no. Exam./Thesis/Uni/VCD/947 of 2018 and University Grants Commission (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018.

Attendance

No LL.M. student shall be allowed to appear for the examination unless he/she has attended 75% of the total number of lectures and seminars conducted in each Semester.

Reservation

K. C. Law College is Sindhi Linguistic Minority institute. Fifty-one percent seats are reserved for Candidates of Sindhi linguistic minority domiciled in the State of Maharashtra as per the Maharashtra Unaided Private Professional Education Institution (Regulation of Admission and Fees) Act, 1985.

Fee Structure

Sr.no	Heads of fees	Amount in Rs.
1	Tuition Fees	45,500
2	Library Fees	3,000
3	PG Registration Fees	800
4	Gymkhana Fees	400
5	Caution Money	250
6	Sports & Cultural Activities	10
7	Disaster Relief Fund	10
8	Students Group Insurance	40
9	E-Charges	50
10	PG Registration Form	25
Grand Total		50,085

Library and Reading Room

Diwan G. J. Advani Law Library is located in a very spacious hall on the fourth floor of the College building. It is a treasure house of knowledge and a learning centre for the students and staff. It houses a valuable collection of approximately 10,000 law books, journals, case reporters, etc., It includes a rare and valuable collection of backfiles of case reporters for the second half of the 19th century. The library has maintained print AIR right from its first volume of the year 1914. Daily newspapers and magazines are useful for extra-curricular reading. The library also contains Moot Court Memorials as a guide to students.

To facilitate the research requirements, the library provides access to online and offline legal databases like the AIR, Manupatra and Lawsuit. The library also provides free Internet access on computers dedicated for the students' use.

The library also has a blog at www.library_kclaw.bolgspot.com where all library related issues are discussed and library activities are published regularly.

SLIM, an integrated library management software, is used for computerization of the library catalogue. It facilitates the bibliographic search of all information resources in the library over the internet.

The library is kept open from 1.30 p.m. to 6.30 p.m. Reference books are not issued for being taken outside the library hall, but there is a lending section in respect of prescribed books, from which books are issued to students of the College for being taken home in accordance with the Rules and Regulations framed for this purpose.

Co – Curricular and Extra – Curricular Activities

Co-curricular and extra-curricular activities are essential for the all-round development of personality of a student. Moot-courts, Client counseling, legal literacy programmes, elocutions, debates, essay competitions, seminars, symposiums, workshops, panel discussions, lecture series by legal luminaries, etc. play a vital role in developing the oratory and personality of a law student. Every student is, therefore, expected to take part in such activities. These activities and the Cultural activities such as singing, dancing, etc. along with Sports are organised by the respective committees of the College.

LEGAL AID

Legal education is a social commitment. The College adopts a village/community and creates legal awareness by holding legal literacy campaign through posters, skits and interactions. This is conducted under the Maharashtra Legal Services Authorities Act and in conjunction with the High Court of Judicature at Mumbai.

DLLE

The students of DLLE gets a benefit of 10 marks grace under the University Ordinance.

VISITS

The College organizes various visits to observation homes, Police Station, Maharashtra State Legislature, City Civil and Session Courts, Income Tax Office, etc. to explain the working of various organizations to the students.

ELOCUTION AND DEBATE:

The College organizes various elocution and intra and inter-collegiate debate

competitions like A. D. Shroff Elocution Competition, Intra - Debate Competition, Mock Parliament. The Committee also motivates the students to participate at Inter collegiate, State, National Level Debate and Elocution Competitions.

SINDHI ASSOCIATION

The College has an active Sindhi Association. Various programs to promote Sindhi language and culture are organized by the College.

MARATHI BHASHA AND VANGAMAY MANDAL

The College has Marathi Vangmay Mandal with the objective of nurturing and promoting the state language i.e. Marathi language.

College Magazine

The College publishes an Annual Magazine. The Magazine captures the talent and skill of the students through their articles, interviews, poems and jokes. It highlights the events of the College and the achievements of the students at intra- and inter-collegiate, national and international competitions.

Canteen

Two canteens in the campus offer hygienic mini-meals, snacks, tea/coffee/ cold drinks, etc.

College Timings

1. At present the College Office is open from 2.00 p.m. to 7.00 p.m. on all working days except Public Holidays and Sundays.
2. Classes/Lectures and Practicals are held from 4.00 p.m. to 8.00 p.m.

Journey Concessions

1. Students claiming journey concessions are regulated by the Rules and Regulations governing the grant of concession by the competent Authority.

Bonafide students up to the age of 25 years are entitled to get local journey railway concession between the station nearest to their residence and the college. In case of SC/ST students, the upper age limit shall be relaxed to 27 years.

Long journey railway concessions are granted to bonafide students only during vacations to visit their native place.

Students are entitled to air travel concession to visit their native place during vacation

upto the age of 26 years.

College Regulations

1. Students shall abide by the general and special rules made by the College authorities with regard to the conduct of students, in and outside the College; and the decision of the College authorities shall be final. Parents and guardians are also presumed to have agreed to these rules when their wards join the College.
2. Students must read the notices displayed on the College Notice Boards from time to time.
3. Use of cell phones is strictly prohibited in the College premises. Students found using cell phones in the College premises are liable to pay a fine of Rs.500/-.
4. No student shall refuse to establish or reveal his identity in the College premises.
5. Smoking, consumption of alcoholic drinks, intoxicants and narcotic drugs, ragging and being in possession of any material deemed objectionable by the Principal of the College, is strictly prohibited in the College premises.
6. As per Supreme Court Order dated May 16, 2007 in *University of Kerala V/s Council, Principals, Colleges of Kerala and Ors*, if it is found that any student has indulged in ragging in the past or it is noticed that he/she indulges in ragging, he/she shall be expelled from the College and his/her admission will be cancelled.
7. Students shall not do anything either inside or outside the College that will, in any way interfere with its orderly administration and discipline.
8. No society or association shall be formed in the College and no person will be invited to address a meeting, without the prior permission of the Principal.
9. No student shall collect any money or contribution for picnic, trip, educational visit, get-together, study notes, charity or for any other activity without the prior sanction of the Principal.
10. No student shall communicate any information or write about matters dealing

with the College administration to the Press.

- 11.No student shall do an act which tends to lower the public image of the College or its officers.
- 12.Insubordination and unbecoming language or misconduct on the part of the student is sufficient reason for his/her suspension/dismissal.
- 13.Making false statement or tampering with certificates and records, whether for seeking admission or securing any other benefit, will entail punitive action.
- 14.A student must not associate with any activity not authorized by the College Principal.
- 15.If there is any change in the name (on account of marriage or otherwise), address or contact numbers of a student, it is the responsibility of the student/parent/guardian to immediately intimate, in writing, to the College office.
- 16.In case of illness, a student/parent/guardian must give application with medical certificate to the office.
- 17.Conduct of a student in the class as well as in the premises of the College shall be such that it should not cause any disturbance to fellow students and other classes.
- 18.Students must not loiter in the College premises while lectures are being engaged.
- 19.Students are expected to take care of the College property and to help in keeping the premises clean and hygienic. Causing damage to the property of the College by disfiguring or writing on the walls, doors, fittings, etc. or breaking furniture or tearing posters, etc. is a breach of discipline; and the student found guilty shall be punished.
- 20.The lost and found property should be deposited and claimed at the College office during the office hours.
- 21.Students applying for certificates, testimonials, etc. and those requiring the signature of the Principal on any document should contact the College office at least seven days in advance with proper documents. No papers should be brought by the student directly to the Principal for signature.

- 22.No student is allowed to bring eatables and cold drinks in the classrooms and library.
- 23.Students should come decently dressed to the College.
- 24.Students while collecting any document/hall ticket/mark sheet, etc. should carefully examine the same; and in case of any error, bring it to the notice of the Office. If they fail to do so, the Office will not be responsible at a later stage.
- 25.Students receiving Government or any other scholarship or any remission in fee, must note that the grant and continuance thereof are subject to good behaviour, attendance, and satisfactory progress at the College and University examinations.
- 26.Matters not covered by the existing Rules rest at the absolute discretion of the Principal.
- 27.In case of any dispute or difference that may arise between the student or his/her parents and the College or the Management in the matter of admission, fees, refund of fees, transfer, etc, the appropriate court of law in Mumbai only will have jurisdiction to entertain the same.

LL.M. SYLLABUS

LL.M. PROGRAMME - OBJECTIVE

- ☐ To develop research skill among students
- ☐ To ensure specialized knowledge in the field of Law
- ☐ To encourage students to pursue further research education in the field of Law
- ☐ To motivate students to pursue their career in teaching profession.

LL.M. PROGRAMME - OUTCOME

- ☐ Students to have successfully acquired specialized knowledge in the respective domains of Legal studies and practice.
- ☐ Students to have been motivated enough to pursue their further education from across the globe as also be inclined to acquire a Doctorate Degree.
- ☐ Students to have become Legal luminaries including practitioners, officers and Judges in their respective fields.
- ☐ Students to have joined the noble profession of teaching in Law.
- ☐ Students to become motivated in becoming Research Assistants with Judges.

CURRICULUM SUMMARY :

A) Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law: New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

Optional Groups

- Business Law
- Criminal Law and Criminal Administration

B) Dissertation and Choice Based Project work

**FOUNDATION PAPER I — LAW AND SOCIAL TRANSFORMATION IN
INDIA (4 CREDITS)**

OBJECTIVE

- ☐ Optimal utilisation of knowledge of Jurisprudence towards the service of our society.
- ☐ To study the social problems of society and find their solution.
- ☐ To have a legally tenable approach towards social problems.

OUTCOME

- ☐ Legal awareness augmentation towards the society.
- ☐ Suggestions to the law makers for enacting the law accordingly.
- ☐ Implementation of the suggested laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change:

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the Law:

Religion as a divisive factor. Secularism as a solution to the problem.

Reform of the law on secular lines: Problems.

Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law :

Language as a divisive factor : Formation of linguistic states.

Constitutional guarantees to linguistic minorities. Language policy and the Constitution, Official language; multi-language system.

Non-discrimination on the ground of language.

4. Community and the law:

Caste as a divisive factor

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices.

Protective discrimination; Scheduled Castes, Tribes and Backward Classes.

Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law:

Crimes against women.

Gender injustice and its various forms. Women's Commission.

Empowerment of women : Constitutional and other legal provisions

6. Children and the Law:

Child labour

Sexual exploitation.

Adoption and related problems. Children and education.

Module – IV (1 Credit)

7. Modernization and the Law:

Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.

Modernisation of social institutions through law, Reform of family law

Agrarian reform – Industrialisation of agriculture.

Industrial reform: Free enterprise v. State regulation –

Industrialisation v. environmental protection.

Reform of court processes.

Criminal law : Plea bargaining; compounding and payment of compensation to victims.

Civil Law; (ADR) Confrontation v. Consensus, Mediation and Conciliation; Lokadalats.

Prison reforms

Democratic decentralization and local self government.

8. Alternative approaches to law:

Naxalite Movement: Causes and Cure

References :—

Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.

D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.

J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.

Law Institute, *Law and Social Change : Indo-American Reflections*, Tripathi (1988)

M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay. Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford. Robert Lingat, *The Classical Law of India* (1998), Oxford. *Manushi, A Journal About Women and Society*.

Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.

Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage Indian

U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.

U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.

**FOUNDATION PAPER II— INDIAN CONSTITUTIONAL LAW:
NEW CHALLENGES
(4 Credits)**

OBJECTIVES

- ☐ To give an insight of the Constitutional Law.
- ☐ To have an insight understanding about the comparative study of Constitutional Law.
- ☐ To provide rights and remedies under the Constitution.

OUTCOME

- ☐ Analyzing the new challenges faced under constitutional law.
- ☐ Implementing of the constitutional laws through measures available with the judiciary.
- ☐ Bringing about constitutional reforms in the society.

Module – I (1 Credit)

1. Federalism:

Creation of new states

Allocation and share of resources – distribution of grants in aid

The inter-state disputes on resources

Centre's responsibility and internal disturbance within State.

Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State

Special status of certain States. Tribal Areas, Scheduled Areas

2. "State": Need for widening the definition in the wake of Liberalization.

Module – II (1 Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development:

Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh

Module – III (1 Credit)

6. Emerging regime of new rights and remedies:

Fundamental Rights Directive Principles and Fundamental Duties.

Compensation jurisprudence, Right to education.

Commercialisation of education and its impact, Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and State control.

8. Secularism and religious fanaticism.

Module – IV (1 Credit)

9. Separation of powers: stresses and strain:

Judicial Activism and Judicial Restraint PIL : Implementation

Judicial independence.

Appointment, transfer and removal of judges, Accountability: executive and judiciary.

Tribunals

10. Democratic process :

Nexus of politics with criminals and the business. Election commission: status.

Electoral Reforms

Coalition government, ‘stability, durability, corrupt practice’

Grass root democracy.

References :—

No specific reference is suggested for this course since the course material depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles, research papers and lastly contemporary emerging ethos impacting constitutional values.

FOUNDATION PAPER III - JUDICIAL PROCESS (4 Credits)

OBJECTIVE

- ☐ To impart significance of law and justice in the society
- ☐ To impart knowledge about judicial activities and bring about creativity.
- ☐ Guidelines to legislature to adopt significant legislative changes.

OUTCOME

- ☐ To develop acquaintance with various theories of justice.
- ☐ Understanding of judgment writing skills.
- ☐ Use of various rules of Interpretation of statutes in dealing with the cases.

Module – I (1 Credit)

1. Nature of judicial process:

Judicial process as an instrument of social order
Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

The tools and techniques of judicial creativity and precedent, Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

Notions of judicial review.

‘Role’ in constitutional adjudication – Various theories of review.

Tools and techniques in policy-making and creativity in constitutional adjudication, Varieties of judicial activism.

Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India:

Indian debate on the role of judges and on the notion of judicial review.

The ‘independence’ of judiciary and the ‘political’ nature of judicial process.

Judicial activism and creativity of the Supreme Court. The tools and techniques of creativity.

Judicial process in pursuit of constitutional goals and values – new

dimensions of judicial activism and structural challenges

Institutional liability of courts and judicial activism—scope and limits.

Module – IV (1 Credit)

4. The Concept of Justice:

The Concept of justice or Dharma in Indian thought Dharma as the foundation of legal order in Indian thought. The concept and various theories of justice in western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. Relation between Law and Justice :

Equivalence Theories – Justice as nothing more than the positive law of the stronger class

Dependency theories – For its realization justice depends on law, but justice is not the same as law. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References :—

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J. Abraham, The Judicial Process (1998), Oxford.

Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago.

Julius Stone, The Province and Function of Law. Part II, Chs. 1.8-16 (2000), Universal, New Delhi.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi.

John Rawls, A Theory of Justice (2000), Universal, Delhi.

Rajeev Dhavan, The Supreme Court of India – A Socio Legal Critique of its Juristic

Techniques (1977), Tripathi, Bombay.

U.Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

W. Freidmann, Legal Theory (1960), Stevens, London

**FOUNDATION PAPER IV – LEGAL EDUCATION AND RESEARCH
METHODOLOGY (4 Credits)**

OBJECTIVE

- ☐ To inculcate values of Research and Ethical Research in the domain of Legal studies
- ☐ To motivate students to research in the field of Law.
- ☐ To encourage students to undertake Socio-legal research project.

OUTCOME

- ☐ Pursuing further research either from India and Abroad in the fields of Law.
- ☐ Use of ICI techniques in pursuing research in Law.
- ☐ Interdisciplinary approach of pursuing research in Law.

Module – I (1 Credit)

- 1. Objective of Legal Education.**
- 2. Methods of Teaching – Merits and demerits.**
- 3. Examination reforms.**

Module – II (1 Credit)

- 4. Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

5. Research Methods:

Socio Legal Research Doctrinal and Non-doctrinal Induction and deduction.

6. Identification of Research Problem and formulation of Hypothesis:

Research problem

Survey of available literature and bibliographical research

Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

Juristic writings - a survey of juristic literature relevant to select problems in

India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design :

Devising tools and techniques for collection of data : Methodology.

Methods for the collection of statutory and case materials and juristic literature.

Use of historical and comparative research materials Use of observational studies

Use of questionnaires/interview use of case studies

Sampling procedures – design of sample, types of sampling to be adopted.

Use of scaling techniques

Computerized Research – A study of legal research programmes such as Lexis and West law coding etc. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.

Analysis of data.

References:—

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)

H.M. Hyman, Interviewing in Social Research (1965) Payne, The Art of Asking Questions (1965)

High Brayal, Nigel Dunean and Richard Crimes, Clinical legal Education: Active learning in your law school,(1998) Blackstone Press Limited, London.

M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research, (1978). Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Havard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

N.R. Madhava Menon,(ed) A handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

Pauline V. Young, Scientific Social Survey and Research, (1962)

S.K. Agrawal (Ed.), Legal Education in India (1973),Tripathi, Bombay William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw- Hill Book Company, London.

OPTIONAL GROUPS

GROUP-II BUSINESS LAW

PAPER I – FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT & ALLIED LAWS [4 Credits]

OBJECTIVE

- ☐ To enhance the students knowledge regarding the foundation theory of contract
- ☐ To analyse and study Fundamental Principles in formulation of Contract Law
- ☐ To analyse the principle of International Contracts.
- ☐ To analyse Law relating to Electronic Contracts.

OUTCOME

- ☐ Acquired special knowledge in the field of Contract Law with special emphasis on Contracts National and International
- ☐ Develop drafting skills in the field of documentation.
- ☐ Practice in the field of insurance sector and banking sector.

Module – I (1 Credit)

Nature, Object and Multi-dimensional Scope. Foundation Theories of Law of Contract Individualism:

Freedom of Contract. Sanctity of Contract.

Encroachment on Freedom of Contract:

Module – II (1 Credit)

Legislative Intervention. Socio-economic Factors, Limitations on Sanctity of Contract. Conceptual Analysis: Contract Essentials of Contract, Specific Contracts.

Standard-Form contract, Exemption Clauses, Protective Measures. Quasi-Contract :

Doctrine of Unjust Enrichment, Law of Restitution.

Doctrine of Frustration :Grounds and Effects of Frustration. Breach of Contract and Remedies.

U.N. Convention on Sales.

Module – III Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.

Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.

Definition and Meaning of Arbitration, Arbitration Agreement and Arbitration Clause in Agreement Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

Composition of the Arbitral Tribunal Number / Appointment of Arbitrators

Disqualification / Removal of Arbitrators Termination of Authority of Arbitrator Jurisdiction of Arbitral Tribunal

Conduct of Arbitral Proceedings Making of Arbitral Award.

Finality and Enforcement of Arbitral Awards. Recourse against Arbitral Award

Other Internationally Accepted modes of Alternative Disputes Resolution.-(ADR)

Commercial Arbitration Conciliation.

References:

Anson – Law of Contract

Cheshire, Fifoot and Furmston-Law of Contract

Cheshire and Fifoot – Cases on Law of Contract

Chitty's Mercantile Contracts (1st Indian Reprint)-2001

Dutt – Indian Contract Act,

Dr. Meena Rao – Fundamental Concepts in Law of Contract

Dr. Meena Rao – Consent in Law of Contract.

Law of Contract – Dr. Avtar Singh

The Law of Contracts : An Outline (2nd Ed.) – Dr. Nilima Chandiramani.

Pollock & Mulla – Indian Contract Act and Specific Relief Act

Schelsinger – Formation of Contract

Sale of Goods and Partnership (For U.N. Convention on Sales) – Dr. Nilima Chandiramani

United Nations Convention on Sales by the United Nations Commission.

Alternative Disputes Resolution — (ADR) :

Bansal A.K. — Law of International Commercial Arbitration. Justice Bachawat's Law of Arbitration and Conciliation.

Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.

Law of Arbitration and Conciliation—Dr. Avtar Singh

O. P. Malhotra - Arbitration and Conciliation Act

Rao P. C. and William Sheffield - Alternative Disputes Resolution— What it is and How it works.

PAPER II—GLOBAL TRADE UNDER WORLD TRADE ORGANISATION
(4 Credits)

OBJECTIVE

- ☐ To introduce students towards the development of international Trade laws.
- ☐ World Trade Organization-Establishment, Scope, Functions, Secretariat Decision making.
- ☐ Assist students and enable them to understand various perspectives of General Agreement on Trade in Services.
- ☐ Anti Dumping laws and Counterfeiting.
- ☐ Dispute Settlement Mechanisms.

OUTCOME

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

- ☐ Understand the development and growth of international trade laws
- ☐ Highlight the functions effectiveness of world trade organization.
- ☐ Enable the students to understand the limitations of international legislative mechanisms on international trade laws.
- ☐ Assist them in drawing research projects and for forwarding suggestions on appropriate implementation on international trade laws

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement:

**Introduction to World Trade Organisation Bretton Woods
Conference**

General Agreement on Tariffs and Trade (GATT)

World Trade Organisation (WTO)—Establishment, Scope, Functions,
Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods :

General Agreement on Tariffs and Trade (GATT) Rules. Most Favoured Nation (MFN)

National Treatment QRs, tariff bindings Textile and Clothing Investment Measures

Anti dumping, Safeguard and Countervailing measures Customs valuation, pre-shipment inspection

Rules of origin, import licensing Agreement on Agriculture Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services :

General Agreement on Trade in Services (GATS) Agreement

Financial Services Maritime Transport Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS) :

Patents Copyright

Industrial Designs Trademarks Geographical Indications Integrated Circuits

Undisclosed Information

5. Dispute Settlement Process.

References :—

GATT Agreements – World Trade Center Publication

Trade, Development and WTO (Handbook) – IMF Publication. Bernard Hoekman, Aaditya Mattoo and Philip English

WTO and Globalisation – Nilima Chandiramani.

WTO in the New Millennium – MVIRDC World Trade Centre - Arun Goyal

PAPER III - CORPORATE LAW (4 Credits)

OBJECTIVE

- ☐ Forward deliberations to the students regarding incorporation of companies acquainting them to understand the concept of corporate personality, procedure for registration and incorporation of Companies
- ☐ Relevance of Memorandum of Association and Articles of Association.
- ☐ Specific Sections relating to Management of Companies.
- ☐ Provisions regarding Protection of Investors and Creditors.
- ☐ Provisions regarding Prevention of Oppression and Mismanagement of Companies.

OUTCOME

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

- ☐ Enhancing students understanding of the need for registration of Company, Procedure for registration and advantages on incorporation of Companies
- ☐ Highlighting important features in the memorandum of association and articles of association
- ☐ Provisions governing corporate finance, Role of Promoters, Directors in the Company and their accountability and liability.
- ☐ Enabling students to understand the limitations in laws relating to winding up of Companies.

Module – I (1 Credit)

1. Formation of Company :

Concept of Corporate Personality Registration and Incorporation
Memorandum of Association, Articles of Association, Kinds of Companies.

2. Organisation and Management :

Managerial Personnel Meetings, Corporate Governance Professional
Management

Legal Regulation of Multi-nationals. – Collaboration Agreements,
Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance:

Meaning, Importance and Scope of Corporate Finance Capital requirements, Prospectus

Share Capital , Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends: Auditors & Audit of Accounts

Dividends

5. Securities, Borrowing, Debentures:

Debentures – Nature, issue, Classes Mortgages and Charges

Transfer and transmission of securities Dematerialisation of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors :

Need for Protection, Protection and Rights of Creditors, Protection of Investors,

Rights of Shareholders and Members, Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance : Security Exchange

Board of India - (SEBI). Central Government Control & Control by

Registrar of Companies Control by company Law Board

Module – IV (1 Credit)

8. Prevention of Oppression and Mismanagement :

Oppression Mismanagement Preventive measures

Powers of Company Law Board, Powers of Central Government.

9. Winding Up:

Winding up and Dissolution of Company, Types of Winding up.

Winding up by Court, Voluntary Winding up Process of Winding up, Winding up of Defunct Companies, Sick undertakings, Unregistered Companies and Foreign Companies.

References:—

Company Law – Dr. Avtar Singh

Companies Act and Laws relating to SEBI, depositories, Industrial Financing

Gower – The Principles of Modern Company Law Mayson, French & Ryan,

Company Law. (15th ed.) 2000 (1st Indian Reprint)

Madon – Management of Corporations.

Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.

Palmer – Company Law

Pennington – Formation of Companies

Ramaiya A, - Guide to the Companies Act 3 Vols. Sen S.C. – The New
Frontiers of Company Law. Sethna – Indian Company Law.

Taxmann's Corporate Laws, Taxmann's Company Law and Practice.

PAPER IV – LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE (4 Credits)

OBJECTIVES

- ☐ To ensure and enable students to understand the laws relating to customs and foreign exchange.
- ☐ Expanding knowledge with regard to tariffs, custom duties, Foreign Exchange and Currency.
- ☐ New Concepts under (FEMA) , Foreign Exchange Management Act
- ☐ Functions of Customs Officers.
- ☐ Specific Provisions relating to Foreign Direct Investment in India.
- ☐ Issues and Challenges with regard to Foreign Trade, Development and Foreign Exchange Regulation Act

OUTCOME

On successful completion of this course, students will be able to understand:

- ☐ Students are aware of Customs regulations in India in an effective manner.
- ☐ To understand and evaluate the shortcomings of Customs regulations.
- ☐ Further to promote consumer education to students with regard to Export and Import of Goods and Services.
- ☐ To assist students in developing research topics with reference to Customs and Foreign Exchange laws and conduct research for providing assistance with reference to reforms under FEMA.

Module – I (1 Credit)

1. Law Relating to Customs:

Custom of charging customs duties, Rules relating to interpretation of customs law, Prohibition on Importation and Exportation of Goods, Chargeability and Levy of Customs duty

Module – II (1 Credit)

Exemption from Customs duties, Refund of Customs duty

Clearance of Imported Goods and Export Goods Warehousing of Goods

Powers of Customs Officers, Adjudicatory Proceedings Appeals

Criminal Prosecution

Module – III (1 Credit)

2. Law Relating to Foreign Exchange :

Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).

Foreign exchange and currency

Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

New Concepts under Foreign Exchange Management Act (FEMA).

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export
- Person
- Service
- Transfer

Export of Goods and Services Adjudication, Appeals and Penalties Foreign Direct Investment in India,

Foreign Trade, Development & Regulation Act, 1992

References:—

A Guide to Customs Act. – Nilima Chandiramani.

Customs Law, Practice and Procedure – T.P. Mukerjee

Customs Law, Practice and Procedure – Justice Roy

Foreign Exchange Management Act — Dilip Sheth

Foreign Exchange Management Manual – Taxmann

PAPER V – LAW OF INSURANCE (4 Credits)

OBJECTIVE

- ☐ To enable students to understand the growth, development of insurance laws globally
- ☐ Nationalization of Insurance in India
- ☐ Legislations relating to Insurance Companies in India
- ☐ Characteristics and Functions of insurance Companies, Types of insurance
- ☐ Specific Provisions relating to regulatory mechanisms for regulating the insurance sector.
- ☐ Issues and Challenges with recent Developments in Insurance Sector.

OUTCOME

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

- ☐ Students are aware of insurance regulations in India.
- ☐ To understand and evaluate the shortcomings of insurance regulations.
- ☐ Further to promote consumer education to students in the insurance sector
- ☐ To assist students in developing research topics on insurance laws and conduct research for providing assistance in reforms regarding insurance legislations.

Module – I (1 Credit)

1. Introduction:

The nature of risk and insurance,
Risk management – Principles and Practices,
Need and importance of Insurance, Future of Insurance Kinds of Insurance ,
Types of Insurance Policies, Law of Contract, Proposal, Consideration
Re-insurance and Double Insurance

2. General Principles of Law of Insurance: **Need for utmost Good Faith.**

Insurable interest

The risk – Commencement, attachment and duration. Indemnity
The law of proximate cause, Subrogation & Assignment and nomination ,

3. Indian Insurance Law – General :

Nationalisation, Privatisation and Globalisation of Insurance Sector.

Principles of General Insurance & The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/ Hospitalisation:

Life Insurance – Nature, Principles and Scope, Events insured against life insurance contract. Factors affecting risk

Mediclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance :

Marine Insurance – Nature, Principles and Scope Marine Insurance Policy – Conditions – Warranties Seaworthiness

Perils of the Sea and other Insured Perils in Marine Policies, Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance :

Fire Insurance Risks Insurance

Policies covering risk of explosion, earthquake, flood. Policies covering accidental loss, damage to property, construction risks, Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute

Accident Policies, Assessment of compensation and Liability Contributory Negligence

The Personal Injuries (Compensation Insurance) Act, 1963. Compulsory Insurance.

Professional Negligence Insurance

8. Insurance Against Third Party Risks under Statute : Relevant Provisions of Motor Vehicles Act, 1988, Claims Tribunal : constitution, functions, procedures, powers and award.

Liability Insurance : Contractual and Legal Liabilities Public Liability Insurance

References :—

Brijnandan Singh – Law of Insurance – (1997)

Banerjee, Law of Insurance (1994)

Birds, Modern Insurance Law – (1997) Charmer's Marine Insurance Act 1906

E.R. Hardy Ivamy – Principles of Insurance (1979)

Gow Colinvaux – Law of Insurance (1977)

The Insurance Act – 1938

John Hanson and Christophals Henly – All Risks Property Insurance (1999)

K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law Insurance.

The Life Insurance Corporation Act, 1956.

Marine Insurance – Hardy Ivamy

Mitra B.C. – Law of Marine Insurance (1997),

M.N. Srinivasan – Insurance Law

PAPER VI – BANKING LAWS (4 Credits)

OBJECTIVE

- ☐ To enable students to understand the need for banking systems and banking in India
- ☐ Nationalization of Banks
- ☐ Legislations relating to banking Companies in India
- ☐ Characteristics and Functions of Central Banks in India
- ☐ Specific Provisions relating to Negotiable Instrument ACT
- ☐ Issues, Challenges and recent Developments in Banking Sector.

OUTCOME

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

- ☐ Students are aware of banking regulations in India in an effective manner.
- ☐ To understand and evaluate the shortcomings of banking regulations.
- ☐ To promote consumer education to students
- ☐ To assist students in developing research topics in banking laws and conduct research for providing assistance with reforms in banking legislations.

Module – I (1 Credit)

1. Introduction :

Nature and Development of banking

History of Banking in India and elsewhere-indigenous banking-evolution of banking in India – different kinds of banks and their functions.

Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India :

Controls by government and its agencies on management

On accounts and audit Lending, Credit policy,

Reconstruction and reorganization Suspension and winding up & Contract between banker and customer : their rights and duties

Module – II (1 Credit)

3. Social Control over Banking :

Nationalization

Evaluation : private ownership, nationalization and disinvestments

Protection of depositors Priority lending

Promotion of under privileged classes

4. The Central Bank :

Evolution of Central Bank Characteristics and functions Economic and social objectives

The Central Bank and the State – as bankers' bank The Reserve Bank of India as the Central Bank Organisational structure

Functions of the RBI

Regulation of monetary mechanism of the economy Credit control

Exchange control Monopoly of currency issue

Bank rate policy formulation

Control of RBI over non-banking companies Financial companies

Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer :

Legal character

Contract between banker and customer Banker's lien

Protection of bankers Customers

Nature and type of accounts

Special classes of customers – lunatics, minor, partnership, corporations, local authorities.

Banking duty to customers

Consumer protection: Banking as a service

6. Negotiable Instruments :

Meaning and kinds of instruments Transfer and negotiations

Holder and holder in due course, Presentment and payment Liabilities of parties.

Module – IV (1 Credit)

7. Lending by Banks :

Good lending principles Lending to poor masses Securities for advances

Kinds and their merits and demerits

Repayment of loans : rate of interest, protection against penalty Default and recovery

Debt recovery tribunal

8. Recent Trends of Banking System in India :

New technology Information technology

Automation and legal aspects

Automatic teller machine and use of internet Smart card

Credit cards

References :—

Banking Law and Practice in India -M.L. Tannan

Banking Theory and Practice - K.C. Shekar

Banking Theory and Practice -Varshney

Banking Reforms in India - K. Subrahmanyam

Law of Negotiable Instruments Nilima Chandiramani

Law of Negotiable Instruments - Dr. P.W. Rege.

The Law of Banking and Bankers - L.C. Goyle

Negotiable Instruments Act- Bhashyam and Adiga

Pagets Law of Banking - M. Hapgood (ed)

Review of current Banking theory and Practice – Basu A.

Report of working Group on Customer Services in Banks - R.K. Talwar

Semester – IV Topics for Credit based Choice (4 credits)

Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva - presentation of 20 marks (4 credits). For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References :—

Cyber and E-Commerce Laws (Diwan and Kapoor Bharat Publishers Consumer, Consumerism and Consumer Protection – Indian Context Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah 2015
Detailed Analysis Anirban Chakraborty edition 2016
Indian Constitutional Law; Dr. Durga Das Basu revised by S.R.Roy and SP.Gupta.3rd edition,2011.
International Law and Human Rights S K Kapoor 2016
Information Technology Law and Practice Vakul Sharma 2014
Law and Practice of Alternative Dispute Resolution In India- The Political Economy of the World Trading System Amitabh Kundu, Michel M Kostecki edition 3rd 2009

Right to Information Law in India N.V.Paranjape 2014

Role of Environmental Green Tribunal in Protection Environment M J Khandare
2016

SEBI Manual

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- ☐ To analyze the general principles of the Criminal law.
- ☐ In-depth study of theories of punishment.
- ☐ Analyzing judicial trends on the rights of the accused.

OUTCOME

- ☐ Expert knowledge in Criminal Jurisprudence.
- ☐ Help the students to evaluate the criminal justice system.
- ☐ Deep understanding regarding the enforcing agencies of the criminal justice system.

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

- ☐ Deliberation of the students on various aspects of crime, criminal laws and criminal justice.
- ☐ Acquainting them to understand the issues relating to the notion of “group liability” in a crime.
- ☐ Acquainting students with the notions of private defense
- ☐ Acquainting students with the constitution and functioning of International Criminal Court.
- ☐ To inculcate amongst students to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

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

The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and various issues regarding criminal administration.

- ☐ The program inculcates research oriented aptitude in students with regard to various topics under criminal legal system in India.
- ☐ Sensitizing students with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence. .

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth**
- 3. Doctrine of Mens Rea and Exceptions :**
 - Negligence
 - Physical Element in Crime- Actus Reus
- 4. Stages in Commission of Crime :**
 - Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence :**
 - Test of Criminality /Legality Presumption of Innocence Double Jeopardy
 - De Minimus Non Curat Lex, Mistake of Law and Mistake of Fact Jus Necessitas
- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

- 9. Theories and kinds of punishment**
- 10. Right of Protection of the accused**
- 11. Strict Liability**

Module – IV (1 Credit)

- 12. International Criminal Court**
- 13. Concept of Decriminalisation**

References :—

Glanville Williams : Criminal Law (The general part) Jarome Hall:

General Principles of Criminal Law.

Fitz Gerald : Criminal Law and punishment

Moberly : Ethics of Punishment Ram Chandra Nigam : Criminal Law.

Tapas Kumar Banerjee : Back ground to Indian Criminal Law Commission
of India, Forty Second Report Chapter 3 (1971)

Criminal Procedure Code, 1973

14th and 41st Report of Indian Law Commission

PAPER-II - PENAL LAWS – (TOTAL 4 CREDITS)

OBJECTIVES

- ☐ To have in-depth knowledge of Penal laws in India.
- ☐ An comparative study of Indian and International Penal laws.
- ☐ Legal awareness about Cybercrime and Information Technology, Act.

OUTCOME

- ☐ To suggest reforms in the Penal laws in India.
- ☐ Help the students to understand the laches and lapses in the existing Penal laws
- ☐ To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Indian Penal Code :

- Offences Against the State
- Offences Relating to Elections
- Offences Relating to Religion
- Offences Affecting the Public Health, Safety, Convenience, Decency and Morals
- Reforms in I.P.C.

Module-II (1 Credit)

- 2. The Maharashtra Control of Organised Crime Act, 1999**
- 3. The Prevention of Terrorism Act, 2002**

Module-III (1 Credit)

- 4. Cyber Crimes under Information Technology Act**

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of Children) Act, 2000 :

The Basic Concepts

Determining Factors of Juvenile Delinquency Legislative Approaches

Indian Context Juvenile Delinquency Judicial Contribution

Implementation Preventive Strategies

References :—

The Indian Penal Code, 1860

Ratanlal & Dhirajlal - Law of Crime

Smith & Hogen – Criminal Law

P. S. A. Pillai – Criminal Law

J. W. Cecil turner – Kenny’s Outlines of Criminal Law

Manohar & Chitale – Indian Penal Code

N. V. Paranjape – Criminology and Penology

Ram Jethmalani & Chopra – Indian Penal Code

K. D. Gaur – Indian Penal Code

PAPER III - CRIMINOLOGY – (TOTAL 4 CREDITS)

OBJECTIVE

- ☐ To understand criminology as a science.
- ☐ To avail deep knowledge of various theories of criminology.
- ☐ To gain in depth study of victimology.

OUTCOME

- ☐ Students get the comparative study of ancient and modern criminology.
- ☐ Help in critical study of causes of crimes.
- ☐ It helps to study the socio economic rehabilitation of criminals.

Module-I (1 Credit)

1. **Concept of Crime. Criminal Law, Criminology as a Science :**
 - 1.2. Development and Crime
2. **Criminology From – Ancient to Modern thought :** Pre-classical – classical
– Neo classical Cartographic School
Socialist School
Dr. Lombrozo theory
Approach of Radical Criminologist

Module-II (1 Credit)

3. **Multiple Factor theory.**
4. **Causes of Crimes :**
Socio –Cultural Physical Economic Psychological
Mass Media & Crime

Module-III (1 Credit)

5. **Privileged Class Deviance and Indian Legal order :**

Notion of Privileged Class Deviance, White Collar Crimes

Official Deviance, Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc. :

Unethical Practices at the Indian bar, The Lentin Commission Report

The Press Council on unprofessional and unethical Journalism,

Medical Malpractice

Module-IV (1 Credit)

7. **Response of Indian Legal Order :**

Vigilance Commission, Public Accounts Committee, Ombudsman,

Commission of Enquiry, Prevention of Corruption Act ,1988

References :—

A.S. Siddique - Criminology (1984) Eastern, Lucknow

Dr. Sethana - Society and the Criminal

Southern and Cresscy - Principles of Criminology Law Commission of India 42 Report Chap.3 (1971)

Sutherland & Cresey - Principles of Criminology

Barness & Teeters- New Horizons in Criminology

Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.

Tapaskumar Banerjee - Background to Indian Criminal Law (1990)

R. Company & Co., Calcutta.

Tapan- Crimes, Justice and Correction

**PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE
SYSTEM – (4 CREDITS)**

OBJECTIVES

- ☐ Forward deliberation to the students regarding notions of force, coercion and violence.
- ☐ Acquainting them to understand the concept of Force Monopoly of modern laws.
- ☐ Acquainting students with the notions of Collective political violence and legal order.
- ☐ Acquainting students with the nature scope of agrarian violence in 18th & 19th centuries in India.
- ☐ To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to collective violence.

OUTCOME

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

- ☐ The program provide great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law
- ☐ The program enucleates research oriented aptitude in students with regard to various topics under criminal law system in India.
- ☐ Sensitizing students specifically with issues and challenges relating to law and crime in Global arena.

Module - I (1 Credit)

1. Introductory :

Notions of ‘force’, ‘coercion’, ‘violence’ Distinctions: ‘symbolic’ violence, ‘institutionalized’ violence, ‘structural violence’, Legal order as a coercive normative order, Force-monopoly of modern law, Freedom of speech and incitement to violence, ‘Collective political violence’ and legal order Notion of legal and extra- legal repression”

2. Approaches to Violence in India :

Religiously sanctioned structural violence: Caste and gender based
Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.
Gandhiji's approach to non-violence
Discourse on political violence and terrorism during colonial struggle
Attitudes towards legal order as possessed of legitimate monopoly over
violence during the colonial period

Module - II (1 Credit)

3. Agrarian Violence and Repression :

The nature and scope of agrarian violence in the 18-19 Centuries in India
Colonial legal order as a causative factor of collective political (agrarian)
violence
The Telangana struggle and the legal order
The Report of the Indian Human Rights Commission on Arwal Massacre

Module - III (1 Credit)

4. Violence against the Weaker Sections :

Notion of Atrocities Incidence of Atrocities
Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
Violence Against Women and Children

Module - IV (1 Credit)

5. Caste/Communal Violence :

Incidence and courses of 'communal' violence Findings of various
commissions of enquiry
The role of police and para-military systems in dealing with communal
violence
Operation of criminal justice system, trial in relation to communal violence

NOTE : Choice of further areas will have to be made by the teacher and taught.

References :—

- A.R. Desai,(ed)- Peasant Struggles in India, (1979)
- Agrarian Struggles in India: after Independence 1986)
- A.R. Desai, Violation of Democratic Rights in India (1986).
- D.A. Dhangare - Peasant Movement in India: 1920-1950(1983)

G. Shah - Ethnic Minorities and Nation Building: Indian Experience (1984)
Mark Juergensmeyer - "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
K.S. Shukla - "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Special Anthropology 1969- 1979(1986).
Ranjit Guha - Element and Aspects of Peasant Insurgency in Colonial India (1983)
Ranjit Guba(ed) Subaltern Studies Vol. 1-6(1983-1988)
Rajni Kothari - State Against Democracy (1987)
T. Honderich - Violence for Equality (1980)
U. Baxi - "Dissent, Development and Violence" in R, Meagher(ed) Law and Social Change: Indo-American Reflections 92(1988)
U. Baxi - (ed) Law and Poverty: Critical Essays, (1988)

PAPER V - PENOLOGY : TREATMENT OF OFFENDERS –

(4 CREDITS)

OBJECTIVE

- ☐ Forward deliberation to the students on definitions pertaining to penology, various theories of punishment.
- ☐ Acquainting them to understand the issues relating to capital punishment.
- ☐ Acquainting students with the notions and approaches of sentencing.
- ☐ Acquainting students with nature of offenders.
- ☐ To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to imprisonment.

OUTCOME

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

- ☐ The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and theories of punishment
- ☐ The program enunciates research oriented aptitude in students with regard to various topics under criminal legal system in India.
- ☐ Sensitizing students with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence.

Module - I (1 Credit)

☐ Introductory :

Definition of Penology

☐ Theories of Punishment :

2.Theories of Punishment Retribution

Utilitarian prevention: Deterrence Utilitarian: Intimidation

Behavioural prevention : Incapacitation Behavioural prevention:

Rehabilitation - Expiation Classical Hindu and Islamic Approaches

Module - II (1 Credit)

3.The Problems of Capital Punishment :

Constitutionality of Capital Punishment

Judicial Attitudes Towards Capital Punishment in India

– An inquiry through the statute law Law Reform Proposals

Module – III (1 Credit)

4.Approaches to Sentencing :

Alternatives to Imprisonment Probation

Corrective Labour Fines

Collective fines Juvenile Institutions

Rehabilitative Programmes

5.Sentencing :

Principal types of sentences in the Penal Code and special laws

Sentencing in white collar crime, Pre-sentence hearing Sentencing for habitual offender, Summary punishment

Plea-bargaining

Module - IV (1 Credit)

6.Imprisonment :

The State of India's jails today, Prison Reforms in India

The disciplinary regime of Indian prisons, Classification of prisoners

Rights of prisoner and duties of custodial staff Deviance by custodial staff,

Open prisons

Judicial surveillance – basis – development reforms

References :—

Law Commission of India, Forty-Second Report Ch.3(1971)

Responsibility and Punishment (1975)

Siddique A.S.- Criminology (1984) Eastern, Lucknow

S. Chhabra - The Quantum of Punishment in Criminal Law (1970).

S.K. Shukla - "Sociology of Deviant Behaviour"

ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)

Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),

R. Campray & Co., Calcutta.

**PAPER VI - FORENSIC SCIENCE & SCIENTIFIC INVESTIGATION OF
CRIME. (4 CREDITS)**

OBJECTIVE

- ☐ To gain an in-depth analysis of forensic science and criminal justice system.
- ☐ To study the modern scientific methods of crime control.
- ☐ To study the problems related to International crime.

OUTCOME

- ☐ To help the students to understand the role of forensic science in the criminal justice system.
- ☐ To motivate the students to do research in field of forensic science and law.
- ☐ To give the students an exposure about forensic science and criminal law from across the globe.

Module – I (1 Credit)

**1. Forensic Science – An Integral component of Criminal Justice system –
Scope**

2. Development of Forensic Science in India

Module – II (1 Credit)

3. An Introduction to :

Forensic Laboratories, Forensic Biology, Forensic Toxicology Forensic
Anthropology Forensic Ballistics Forensic Documents Forensic Medicine

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention :

Electrical Traps to catch thieves, Burglars Truth Telling Drugs
Lie Detector Atomic Breath analyser Traffipax Camera Magnetic Gun
Night Vision Binoculars Portable Bomb Sniffer
Detection of Note Forgery by use of ultra violet rays

Module - IV (1 Credit)

5. Inter state crimes and Criminals :

The problem of International Crime International Co-operation
International Criminal Police Organisation (Interpol)

References :—

R. Deb. - Criminology, Criminal and Investigation.

Soderman And O'Connell - Modern Criminal Investigation

Dr. J.P. Modi - AText Book of Medica Jurisprudence and Toxicology.

Nigel Morland -Science in Crime Detection.

The Indian Police Journal

International Criminal Police Review Journal.

Semester – IV Topics for Choice Based Credits (Four credits)

Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits). For the balance 100 marks, the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

Law of defamation & Freedom of speech.

Study of Criminal behavior vis-à-vis increasing criminality.

Tackling Collective Violence vis-à-vis Innovative Policing Techniques. Ethical Issues & Medical Profession.,

Cyber Crimes & Remedies.

Juvenile Justice System in India & Juvenile Psychology. Corruption Laws & Elections in India.

White Collar Criminality & Corporate Crimes.

References :—

Dr. Sethna: Society & The Criminal.

Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology

Moberly : Ethics of Punishment

S K Shukla: Sociology of Deviant Behaviour.

U. Baxi: Dissent, Development & Violence

List of Educational Institutions Managed by HSNC Board

1. Rishi Dayaram National College and W.A. Science College
2. Kishinchand Chellaram College
3. Kishinchand Chellaram Law College
4. H. R. College of Commerce and Economics
5. K. C. College of Management Studies
6. Smt. Mithibai Motiram Kundnani College of Commerce and Economics
7. Smt. Chandibai Himatmal Mansukhani College of Arts, Science & Commerce
8. Bombay Teachers Training College
9. Principal K. M. Kundnani College of Pharmacy
10. Principal K. M. Kundnani Pharmacy Polytechnic
11. Gopaldas Jhamatmal Advani Law College
12. Watumal Institute of Electronic Engineering & Computer Technology
13. Thadomal Shahani Engineering College
14. Dr. L. H. Hiranandani College of Pharmacy
15. Nari Gursahani Law College
16. Shri. Hashmatrai & Gangaram Himmatmal Mansukhani Institute of Management