

SUNDER DEEP

GROUP OF INSTITUTIONS



SUNDER DEEP

COLLEGE OF LAW

VIDHIPATRIKA



From The Chairman's Desk



"Extreme pleasure and feeling of joy experienced by me as I introduce newsletter of Sunder Deep College of Law. We are sanguine that you, as soldiers of Sunder Deep College of Law, will cross the bridge when it will come and keep the flag of Sunder Deep College of Law flying at the top. I congratulate

the faculty members who have well trained and taught you to face the new challenges with head erect and chest pushed forward. We always taught you that when going gets tough, tough gets going. Always follow it."

Mr. Mahindra Aggarwal
(Chairman)

From The Vice - Chairman's Desk



"I feel honored and privileged to send greetings to all our esteemed readers specially our students who have received the opportunity to read the newsletter of the Sunder Deep College of Law. Further, I am so happy to say that you have participated in numerous extra co-curricular activities and

came out with flying colours. We all are proud of you. Well done and keep it up. Management is fully committed to ensure highest standards and excellence in educating and equipping our students for their over-all development and growth, so that they become successful members of our society."

Mr. Akhil Aggarwal
(Vice-Chairman)

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HOD Desk

Legal education, today, stands amidst emerging challenges to humankind such as the fast changing trends in governance, technological developments, growing crime rates. Socio-economic transformation, birth and survival of global business, organization against competitions with major tussles on intellectual property and patenting laws, emphasis on learning than teaching relevance to people and nation development call for a rigorous academic legal curriculum to produce human resources endowed with pertinent legal competencies.



Sunder Deep College of Law, is born out of the above requirement and therefore it comes as a dependable destination for organizations and society seeking students graduating in law laced with knowledge in business.

Welcome to our sprawling campus with world class infrastructure which is conducive for academic as well as personality development. I proudly introduce a dedicated team of academic staff who are tirelessly striving to provide an environment which fosters learning, and expansion of horizons of thought and action. The curriculum is revised to suit the socio-economic needs of individual, the society and the country at large. With it, our team is endlessly pursuing to train our students to be of immense value to the society. We reflect the vision of our Management in this regard, in providing education a global standard.

I hope and wish that our journey shall be fulfilling to the faculty members, students, staff and the society at large.

Dr. Aparna Soti
Head of Department.

Meet Our Faculty Team :

Sunder Deep College of law, campus has a rich mix of faculty members from the Law stream. All of them share the vision of the founder and are committed to provide quality education enriched with solid research evidence and evidences and engaging students with innovative teaching methods, talks from eminent and thinkers across the country.

Our faculty members are our vital resources leaving their mark on the learner's mind.



Regular Faculties.

1. Dr. Aparna Soti
2. Mrs. Poonam Tyagi
3. Mr. Nishant Mishra
4. Ms. Honey Singh
5. Mrs. Anjum Saxena
6. Ms. Prashali Malik
7. Ms. Vandana Tiwari

Head of Department
Assistant Professor
Assistant Professor
Assistant Professor
Assistant Professor
Assistant Professor

Visiting Faculties:

1. Mr. Santosh Soti
2. Mr. Mohd. Nazar
3. Mrs. Anuradha Singh
4. Ms. Shruti Kasana

Editors Desk

Let us walk together towards exploring the law.

VIDHIPATRIKA,
Law E-Newsletter
Dear Readers,
A warm welcome!

It is immense pleasure to introduce you all our newsletter **"VIDHIPATRIKA"** which aims at providing a platform to law students and legal professionals to express their views. As an SDCLians, I am sure that all students get an opportunity as learners, to channelize, explore and to voice our diverse views. It



is curiosity and passion that has led us on this varied emotional journey. I am sure that all the students will join this mission of self-growth and self-enhancement in the field of law. Through this E-Newsletter, we shall be sharing the best of expert advice for a successful career in law. Each aspects, which relates to law, shall be discussed in **"VIDHIPATRIKA"**. The motive to assist each learner in establishing a strong foundation of Law and encourage and enliven the hidden voices of our fellow companions by providing them a platform where they can truly sense their freedom of speech and independence of expression.

We are grateful to you all for being our readers and embarking on this experience with us.

Mrs. Anjum Saxena
Assistant Professor,
Sunder Deep College of Law



Orientation Programme



The orientation programme for the newly admitted undergraduate students of BA.LL.B, LL.B was organized in July 2019. Sunder Deep College of law welcomed the students. Throughout the week-long orientation, students and their parents were introduced to the culture, rules and modus operandi of the college, campus and university. The day began with an inter-religious prayer session; this reflects the values of the institution and its firm belief in equality and inclusiveness.

The week-long orientation comprised of various sessions to expose the students to the demand of Legal Studies. The session aimed at equipping the students with skills to navigate the challenges that they would face.

The orientation programme familiarized students with the ideals and values of education, with its emphasis on social justice. I sought to educate and train a breed of Legal professionals aimed at promoting justice and transforming society.

Professors with A View

SURROGACY IN INDIA

Having children has always been important since time immemorial and the continuity of the family unit has been of major significance in Indian society. The inability to reproduce is considered as a social stigma and Indian mythology is full of stories about what couples have done in the past to overcome their fertility problems. Back in 2012, Justice Puttaswamy, in a landmark judgment, had recognised the constitutional right of women to make reproductive choices, citing personal liberty under Article 21 of the Indian Constitution.

The new Surrogacy (Regulation) Bill, 2019 does not disregard this argument but makes the condition that only legally married heterosexual couples can opt for surrogacy. Now this excludes single persons, divorcees, live-in couples, widows and widowers, gay couples among others. Yet another condition is that couples should have been married for five years and must be certified 'infertile' in order to be able to hire surrogates.

India has emerged as a surrogacy hub for couples from other countries and there have been reports concerning unethical practices, exploitation of surrogate mothers, abandonment of children born out of surrogacy, and rackets involving intermediaries importing human embryos and gametes. Incidentally, India has been a preferred destination for commercial surrogacy for years and the 'industry' is worth millions of dollars.

The Surrogacy (Regulation) Bill 2019 stipulates that "a married woman between the ages of 25 and 35 who has a child of her own can be a surrogate or can help in surrogacy by donating her egg". It also makes the case for altruistic surrogacy by stating that the surrogate mother should be a close relative of the "intending couple" and must only become a surrogate once in her lifetime. Also, under the new law, a woman is disallowed from becoming a surrogate mother by providing her own gametes (unfertilized eggs). In 2017, the government announced that it would facilitate adoptions by single women.

While there have been concerns raised over unregulated fertility treatment in the country including IVF, a law drafted by the Indian Council of Medical Research (ICMR) in 2008- the Artificial Reproductive Technology (ART) Bill to ensure that "services provided are ethical and that the medical, social and legal rights of all those concerned are protected" is yet to be tabled in Parliament. Surrogacy is part of it. While commercial surrogacy will be prohibited, including sale and purchase of human embryos and gametes, ethical surrogacy for needy couples will be allowed on fulfillment of stipulated conditions. It will also prevent exploitation of surrogate mothers and children born through surrogacy. No permanent structure is proposed to be created in the draft Bill.

Society is named for the group of individuals. At one point, this may be geological and at another point it may be zoological or botanical. One salient feature of this society is racial development, i.e., reproduction in terms of genetics. The giving of birth to a baby relates to the body of a woman which is a matter of her dignity.



Ms. Poonam Tyagi
Assistant Professor,
Sunder Deep College of Law

Tenant Landlord conflict in the Time of Corona Virus and what role does force Majeure Clause Plays?

In order to understand the same, we shall make and attempt to understand the following 1- what is Force Majeure Clause, 2- what are the events that constitute Force Majeure Clause, 3-whether the current outbreak of COVID19 is a force majeure event or not and finally key points for tenants to ponder.

1- What is Force Majeure (FM)- Typically the commercial contract captures the natures of allowed activities, rights and obligation of the parties, consequences of the non-performance of their respective obligation. A Force Majeure clause in the commercial contracts enables them (parties) to be absolved from their respective obligation however that does not excuse either party's performance entirely rather obligation is suspended for the duration of Force Majeure event. FM is a contractual concept which provides a guiding framework for the parties to expressly identify and define set of events which may be beyond the control of parties and the occurring of such event would relieve the parties to from performing their obligation undertaken in the contract.



2- The events that constitute Force Majeure Clause- Based on the legal definition a Force Majeure event means any event or circumstances that adversely impacts , delays any party in the performance of their obligation and such events and circumstances are beyond the control of the parties and such events and circumstances could not have been prevented by the timely application of prudent practices. Generally, the events that are likely to trigger Force Majeure clause can be broadly categorized into Act of God (tsunami, earthquake etc.), Government Action, Epidemic and Human Actions like war/ armed conflict/ terrorist attack, labour strike, lock outs, etc

3- COVID19 is a force majeure event or not- To determine whether the spread of COVID-19 can be classified as FM event or not a closer look at the FM clause in the contract is necessary. If the FM clause in the given contract specifically express the word "Pandemic or Endemic" or the language specified in contract covers the term pandemic/endemic, the parties can invoke the Force Majeure clause. In the absence of the clearly defined term of epidemic/pandemic, the ACT of God is commonly used or interpreted and can be extended to include endemic/pandemic. COVID19 is being declared as pandemic from WHO thus can be classified under ambit of Force Majeure event. While looking at the Government of India's measure of lockdown in the entire country since 25th March and till 14th April which has now been extended up to 3rd May we can safely assume that COVID19 is a natural calamity and FM clauses in the contracts which have clearly included the government action can explore the possibility of invoking the FM clause in current scenario.

4- Points for Tenants to Examine and Next Steps- Due to the lock-down and various government directives encouraging employees to work from home has made the lease premises inhabitable or unusable. Moreover, the due to the restrictions on the use of premises, the lessee's business has been severely affected and as a result the lessee's ability to perform their obligation to pay the rent. Under the current scenario the lessee may look at renegotiating the contractual terms with landlord especially the abatement of lease rent and service charges on a mutual agreement as proving in the court of law that performance/obligation of the lessee is affected and consequential business loss would be difficult and lengthy legal process. Most of the Force Majeure clause does not set out clearly the circumstances in which the clause may be invoked, and which party may invoke the same. From the above we can conclude that to link the event of COVID19 with FM clause will largely depend upon the drafting and interpretation of the relevant clauses under the contract and there seems to no universal/blanket resolution for all and each contract to be reviewed on case to case basis.

Mrs. Anjum Saxena
Assistant Professor

Right to Privacy and Consumers in Digital Age

Bruce Schneier in his book '**Secrets and Lies: Digital Security in a Networked World**' said, "If you think technology can solve your security problems, then you don't understand the problems, and you don't understand security. The statement very well describes the situation of data protection and cyber security vis-a-vis our right to privacy.

The right to privacy refers to the concept that one's personal information is protected from public scrutiny; or the Right to be left alone. Although right to privacy with regard to Article 21 of the Constitution of India has undergone various heating debates but the right to digital privacy is still at an undeveloped stage. Today, a person forms party to e-contracts almost on a daily basis and mostly without even realising it. Each time a person signs up on a social networking site, say, Facebook or Twitter, or any other mobile application, he is



asked to agree to certain terms and conditions and that the consumer has read their Data Policy and Cookie use policy. A person very easily agrees to it, while he has not actually read a word of it. Even if he reads it, he has no other option than to agree to the conditions if he wants to use the services, which is indispensable in modern times. Various mobile applications have access to our personal information that might not even be necessary for its functioning. One of the latest examples to this is the Zoom App which recorded a tremendous jump in conducting conferences, meetings and imparting educations in the wake of the COVID-19 lockdown across the world. It turned out that the App's user policy puts the user's data at risk resulting in violation of right to privacy as stipulated in *K.S. Puttuswamy v. Union of India* in 2007.

India does not have any independent law which is designed exclusively for data protection. Although we have legislations like The Information Technology Act, 2000 which embraced privacy issues, and India's most comprehensive data protection standards in the Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011, the Acts essentially deal with the issues concerning Legal Recognition of Electronic Documents, Legal Recognition of Digital Signatures, Offences and Contraventions, Justice Dispensation Systems for cybercrimes. The present laws have their own laggings, for e.g. the term 'Cyber Crime' is neither defined in the IT Act 2000 nor in any other legislation in India. Thus, more stringent and sophisticated data protection laws is the need of the hour.

Ms. Vandana Tiwari
Assistant Professor



INDEPENDENCE DAY



The college marked India's 72nd year of Independence with a brief programme. The programme commenced with the hoisting of the flag by the dignitaries as the gathering in unison sang the national anthem. Students organized a cultural programme which included renditions of patriotic songs and traditional dances to mark the event.

FRESHER'S DAY

The college organized its inaugural Fresher's Day on 31st August, 2019. The event commenced with performances by the seniors. Students performed sequential of dances, ramp walks, singing over a stipulated period as allotted to them. The event concluded with the crowning of the Mr. & Ms. Fresher's and a performance by the college band.



TEACHER'S DAY

Teacher's Day was celebrated in the Sunder Deep College of Law, campus on 5th September, 2019. The students organized a few cultural events of singing and dancing for the Faculties in the Assembly Hall.

POSTER MAKING COMPETITION

The students of SDCL organized a Poster Making Competition on 11th September, 2019. Students put up a visual treat at SDCL. The participants were judged on the basis of their creativity and how they used their imagination about the law on paper.



INDIA TV VISIT

To encourage student participation a trip to India tv news channel was arranged by Sunder Deep College of Law on 26th September 2019 AND on 13th March 2020.



DEBATE COMPETITION

The Sunder Deep College of Law, organized debate competition on 14th October, 2019. The competition intends to build dedicated debaters who grow up to become persuasive speakers, analytical thinkers and proficient thinkers. Not only do debaters learn to write well-reasoned and persuasive arguments, but they also learn to love researching and writing.



CONSTITUTION DAY

The 70th Anniversary of the Adoption of our constitution was celebrated in the Sunder Deep college of Law on 26th November 2019 in association with District Legal Service Authority. All the students and teachers reaffirmed their commitment to the Indian Constitution by taking pledge. Sunder Deep College of Law aimed at providing about the importance of being a Sovereign, secular, Democratic and republic country and also conducted quiz to assess the awareness of the students regarding the Constitution.



MOOT COURT COMPETITION

The college has organized intra-college Moot competition on 15th February 2020, in order to let the students know how to apply the law and to have awareness of the rules and etiquettes of the court.



BLOOD DONATION CAMP

On 19th February, 2020 a blood donation camp was organized by Sunder Deep College of Law. This response for this programme was encouraging and over 50 students successfully donated blood.



LEGAL AID CAMP

On 22nd February, 2020 Sunder Deep College of Law organized a legal aid camp in village Ikla. All the students of BA.LL.B and LL.B participated and faculties accompanied the students in the camp.

Students briefed them about various topics such as RTI, Beti Bachao Beti Padhao, Dowry, Female Feticide, and Right to ed education. Students tried to help them legally in every possible way. They even invited students to visit their village and want more Legal Aid Camps like this in the future so that they can get the maximum benefits.



HOLI CELEBRATION

Holi festival of colours given a colourful look of students of Sunder Deep College of Law



JAIL VISIT

The students of BA.LLB and LL.B visited Dasna Jail to grasp practical knowledge about the working syatem of Indian jails.



FEST

RAMPWALK



MOVIE STYLE



LAW MODEL COMPETITION



LEGAL MAXIMS

- * **Actio personalis moritur cum persona-**
A personal right of action dies with the person. In others sense, if he dies the right to sue is gone.
- * **Actus Reus Non Facit Reum Nisi Mens Sit Rea-**
Conviction of a crime requires proof of a criminal act and intent or an act does not make a defendant guilty without a guilty mind or an act does not constitute guilt unless done with a guilty intention.
- * **Audi alteram partem-**
No man shall be condemned unheard.
- * **Boni Judicis est ampliare jurisdictionem-**
It is the part of a good judge to enlarge his jurisdiction, i.e. remedial authority.
- * **Furiosi nulla voluntas est-**
Mentally impaired or mentally incapable persons cannot validly sign a will, contract or form the frame of mind necessary to commit a crime or a person with the mental illness has no free will.
- * **Qui facit per alium, facit per se-**
He who acts through another acts himself.
- * **Ratio decidendi-**
Principle or reason underlying a court judgement or the Rule of Law on which a judicial decision is based.
- * **Res Judicata Pro Veritate Accipitur-**
It means that a judicial decision must be accepted as correct.
- * **Ubi jus ibi remedium-**
Where there is a right, there is a remedy.
- * **Volentie non fit injuria-**
Damage suffered by consent gives no cause of action.

DIPLOMA & CERTIFICATION

Certification

(Yoga, Naturopathic Therapy,
Professional Massage,
Child Care & Nutrition, acupressure)

Polytechnic

(ME-Auto, ME-Prod., CS, EC, Electrical, Civil)

Diploma

(Yoga, Naturopathy Dietetics & Nutrition,
PG Diploma in Dietetics & Therapeutic Nutrition),

CHM

(International Certifications by
Manipal City and Guides U.K.)

UNDER GRADUATE

B,Tech

(CS, IT, ME, EN,EC,CE)

BNY

(Bachelor of Naturopathy & Yoga)

B.ARCH, BCA, BBA, B.COM, LLB, BA.LLB, B.PHARM,
B.Ed, BTC, B.HMCT

POST GRADUATE

M.Tech (EC, ME, Thermal VLSI)

MBA, M.PHARM

PGDM

MCA

MCA (Lateral Entry)

MA (Naturopathy & Yoga)

Sunder Deep World School, Ghaziabad



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