

SIKKIM SKILL UNIVERSITY SIKKIM



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

**SYLLABUS
REGULATIONS FOR LL.B.
DEGREE PROGRAMME
(3 YEARS)**

www.sikkimskilluniversity.ac.in

SIKKIM SKILL UNIVERSITY, SIKKIM
REGULATIONS FOR LL.B. DEGREE PROGRAMME (3 YEARS)
(From 2022 Admission onwards)

LLB.1	Name of the Programme Bachelor of Laws Degree Programme (LL.B.) (3 years)
LLB.2	Admission Requirements Candidates for admission to LL.B Degree Programme (3 Year) shall be required to have a Degree of this University or any other Degree recognized by this University as equivalent thereto. The percentage of marks obtained in the qualifying examination shall be 45%. No candidate shall be admitted to the Course unless he/she has passed the qualifying examination and obtained 45% marks (without rounding) in the case of general category applicants and 40% marks (without rounding) in the case of SC and ST applicants in the qualifying examination. Such minimum qualifying marks shall not automatically entitle a person to get admission into an institution under the university, unless the applicant fulfils other institutional criteria notified by the institution/University concerned or by the Government concerned from time to time to apply for admission. The student, at the time of admission, shall pay the fees prescribed by the University.
LLB.3	Selection Procedure The admission shall be done through the selection procedure as laid down by the University from time to time.
LLB.4	Prohibition to register for two regular courses of study No student shall be allowed to simultaneously register for a law degree

	<p>program with any other graduate or postgraduate or certificate course run by SIKKIM SKILL UNIVERSITY or any other University or an Institute for academic or professional learning excepting in the integrated degree program of the same institution SIKKIM SKILL UNIVERSITY.</p> <p>Provided that any short period part time certificate course on language, computer science or computer application of an Institute or any course run by a Centre for Distance Learning of a University however, shall be excepted.</p>
LLB.5	<p>For the award of 3 years LL.B. Degree a candidate shall be required to have</p> <ul style="list-style-type: none"> i) received instruction and training for the prescribed course of study as full-time students for three academic years, and ii) passed all the examinations prescribed for the award of 3 Year LL.B. Degree
LLB.6	<p>Duration of the Courses:</p> <p>The duration of the course of study for the Bachelor of Laws (LL.B) Degree Programme (3 Year) shall be three years comprising of 6 semesters. A semester shall consist of not less than 90 working days. The period of a semester shall ordinarily be inclusive of the time required for conduct of examinations of the relevant semesters.</p> <p>However a candidate admitted for this programme shall complete the programme within a period of five years from the date of admission.</p>
LLB.7	<p>Medium of Instruction will be in English language</p>
LLB.8	<p>Attendance:</p> <p>There shall be University Examination held at the end of each semester. To be eligible for admission to examination of the particular semester, the candidate shall secure not less than 75% attendance during that semester and his/her conduct and progress should be satisfactory. Further, if a semester includes a practical paper, the candidate should secure a minimum of 75% of attendance separately for each practical paper.</p>

LLB.9	<p>Promotion to next semester</p> <p>A student who has satisfactorily completed the course of each semester and has registered for examination of that semester shall be promoted to the next semester, subject to the stipulations regarding attendance and practical training.</p>
LLB.10	<p>Practical Training</p> <p>Marks for the practical training papers shall be awarded by the teachers in charge of such papers and a Register for recording the marks signed by the teachers in charge shall be maintained in the Faculty. The Register shall show the marks separately allotted by each teacher and the average awarded. The marks shall be published and a copy of the same signed by the Dean shall be forwarded to the University. Only those students who have secured a minimum of 75% attendance and 50% marks in the practical training of a semester shall be eligible to register for the examination of that semester. For all practical training papers, students have to maintain separate records of practical work done, as instructed by the head of the institution and the teachers in charge. The Records shall be submitted to the faculty in charge before the end of the relevant semester.</p> <p>Whenever practical records are to be maintained, the students shall complete and submit the same positively on or before the last working day of the relevant semester. Students shall not be admitted for the viva-voce examination without the completed record with the signature of the faculty in-charge.</p>
LLB.11	<p>Internship Programme and minimum period of internship</p> <p>The students of 3Year LL.B Course has to undergo an internship programme as per the Bar Council of India Rules on Legal Education 2008.</p> <p>Each registered student shall have completed a minimum of 12 weeks internship during the entire period of studies @ 4 weeks per year. Thus the students have to undergo three internships, one @ 4 weeks in every year during the entire course and all students shall at least gone</p>

	<p>through once in the entire academic period with Trial and Appellate Advocates. The internship for four weeks shall preferably be done during each summer vacation in every year of the Course. The internship may be done under NGOs, Trial and Appellate Advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government, and other such bodies where law is practiced either in action or in dispute resolution as directed by the head of the institution and under the guidance of the faculty in charge.</p> <p>Each student shall keep Internship Diary/Record in such form as prescribed by the faculty concerned and on successful completion of Internship every year the diary shall be submitted to the faculty concerned. The Diary shall be assessed by the teachers in charge each time by signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Course.</p>						
<p>LLB.12</p>	<p>Programme viva-voce</p> <p>There shall be a Programme viva-voce, carrying 50 marks, to be conducted at the end of the Programme.</p> <p>This shall be done by a Board of three members, of whom one shall be external, appointed by the University in this regard. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.</p>						
<p>LLB.13</p>	<p>Continuous Internal Assessment</p> <p>i. Distribution of marks : The distribution of marks for Continuous Internal Assessment shall be as follows:</p> <ul style="list-style-type: none"> a. Attendance : 5 marks b. Test Papers : 10 marks c. Class room assignments/seminar/debates/quizzes etc: 10 marks <p>ii. Attendance Marks:</p> <table data-bbox="479 1774 1047 1900"> <thead> <tr> <th>Percentage of Attendance</th> <th>Marks</th> </tr> </thead> <tbody> <tr> <td>75-80</td> <td>1</td> </tr> <tr> <td>81-85</td> <td>2</td> </tr> </tbody> </table>	Percentage of Attendance	Marks	75-80	1	81-85	2
Percentage of Attendance	Marks						
75-80	1						
81-85	2						

	<table border="0"> <tr> <td data-bbox="477 197 570 231">86-90</td> <td data-bbox="987 197 1013 231">3</td> </tr> <tr> <td data-bbox="477 239 570 273">91-95</td> <td data-bbox="987 239 1013 273">4</td> </tr> <tr> <td data-bbox="477 281 586 315">96-100</td> <td data-bbox="987 281 1013 315">5</td> </tr> </table> <p data-bbox="380 373 651 407">iii. Test Paper</p> <p data-bbox="477 470 1435 730">At least one test paper shall be conducted for each subject in a semester by the concerned teacher who is handling the relevant subject. The date for the test shall be notified at least one week in advance. In case more than one test paper is conducted in a subject then best mark obtained amongst all test will be considered allotment for Test papers' marks.</p> <p data-bbox="380 785 1435 961">iv. The internal assessment marks obtained by each student shall be announced by the teacher within 10 days from the end of the semester. The marks shall be recorded in a register maintained by the teacher.</p>	86-90	3	91-95	4	96-100	5
86-90	3						
91-95	4						
96-100	5						
LLB.14	<p data-bbox="334 1012 737 1050">University Examinations</p> <p data-bbox="380 1104 1435 1549">a. There shall be a University Examination at the end of each semester. No student shall be allowed to take the University examinations at the end of each semester in a course if the student concerned has not attended minimum of 75% of the classes held in the course concerned. Separate 75% of attendance is also required in Practical Training papers. If a student for any exceptional reasons fails to attend 75% of the classes held in any subject, the Dean of Laws and Juridical Sciences may condone the shortage of attendance as per the existing rules.</p> <p data-bbox="380 1604 1435 1822">b. The students have to observe the last dates prescribed in regard of submitting examination form and the late fee is chargeable in case there is a delay in depositing the form. If the examination form is not submitted beyond a particular date the student is not allowed to take the examination.</p>						

	<p>c. In case of ex-students and for supplementary examinations, the indicative dates, which may vary, should be confirmed from Office of Registrar.</p>
LLB.15	<p>Pass Requirement of Course</p> <p>A candidate who secures not less than 50% aggregate for total of University Examination and Internal Assessment put together in a course shall be declared to have passed the examination in that course.</p>
LLB.16	<p>Improvement Examination</p> <p>At least one improvement examination will be conducted per year for improving the marks obtained in the University examination for a course. The schedule of the Examination will be declared by the Registrar. In case no request from student is received for appearing in Improvement Examination for a course then no improvement examination for that course will be conducted.</p>
LLB.17	<p>Annual Registration</p> <p>No marks are given if the student attend the course for which he/she is not registered.</p> <p>It is compulsory for a student to register himself/herself every academic year after clearing appropriate dues.</p>
LLB.18	<p>Conduct and Discipline</p> <p>Every student will conduct himself/herself in a manner befitting his/her association with the University. Violation of code of conduct will invite action as per rules and regulations of the University in this regards.</p>
LLB.19	<p>Scrutiny</p> <p>a. No scrutiny is allowed of answer scripts of improvement</p>

	<p>examinations. Only re-evaluation of answer script for improvement examination allowed.</p> <p>b. Request for scrutiny of main examination's answer scripts has to be submitted within one month from date of declaration of result.</p> <p>c. After scrutiny of answer scrip, if a candidate concludes that there is an error in totaling or any answer left unchecked then h/she may apply for correction.</p>
LLB.20	<p>Re-evaluation</p> <p>a. A candidate applying for a re-evaluation of answer scrip of University examination of any course shall have to surrender the marks obtained by him/her in such examination and marks obtained by him will be considered as marks obtained by such candidate in such examination and no appeal regarding re-evaluated result shall be entertained.</p> <p>b. A candidate has to apply for re-evaluation of answer script within one month of declaration of result for such course.</p>
LLB.21	<p>Classification</p> <p>i. A candidate who has passed all the papers for all the semesters and secured 50% or more of the aggregate marks but less than 60% of such marks shall be declared to have passed the course in second class.</p> <p>ii. Successful Candidates who have secured 60% and above in the aggregate in all the Semesters shall be declared to have passed the course in first class</p>
LLB.22	<p>Award</p> <p>No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.</p>

LLB.23

Scheme of Examination

A. Compulsory Papers and Optional Papers

Maximum marks for all compulsory and Optional Papers shall be 100 and 5 Credits. Distribution of Maximum marks shall be on a 30/70 (Continuous Internal Assessment CIA/Semester End Examination SEE) basis.

i. SEE- Semester End Examination

The maximum marks for the written examination conducted by the University at the end of each semester shall be 70 marks.

ii. CIA- Continuous Internal Assessment

The maximum marks for the continuous internal assessment shall be 30. Distribution of marks for CIA shall be as follows.

Attendance – 5 Marks

Test Paper - 10 Marks

Class room assignments/seminars/debates etc- 15 Marks

B. Practical Training Papers

i) LLB0306 - Professional Ethics and Professional Accounting System - Out of the 100 marks 70 marks are given for Record, for which students shall maintain a Record of Practical Works done under the guidance of the Faculties in charge. The remaining 30 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculty members. This is a 5 credit course.

ii) LLB0406 - Drafting, Pleading and Conveyancing - Out of

the 100 marks 90 marks are awarded for the drafting exercises conducted as internal tests for which students shall maintain a Record, under the guidance of the Faculties in charge. The Remaining 10 marks are given for the viva voce to be conducted by a Board comprising of a Practising Lawyer and two senior Law Faculty members in the institution. This is a 5 credits course.

- iii) LLB0506 - Alternate Dispute Resolution - Out of the 100 marks 70 marks are allotted by assessing the practical works done by the students as specified in the detailed syllabus, under the guidance of the Faculties in charge for which students shall maintain a Record. The Remaining 30 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculties. This is 5 credits course.
- iv) LLB0606 - Moot Court Exercise and Court Visit - Out of the 100 marks 90 marks are given for 3 moot court participation, court visits, client interviewing and pretrial preparations in the senior Advocates Chamber, for which students shall maintain a Record/Diary of practical works done under the guidance of the Faculties in charge. The Remaining 10 marks are given for the viva voce to be conducted by a Board comprising of three senior Law Faculty members. Thus is a 5 credit course.
- v) LLB0607- Internship Programme - Each student shall keep Internship Diary/Record in such form as prescribed by the Principal/faculty concerned and on successful completion of Internship every year the diary shall be submitted to the faculty concerned. The Diary shall be assessed by the teachers in charge each time by signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Programme.

C. Programme viva-voce

There shall be a Programme viva-voce carrying 50 marks, to be conducted at the end of the Programme. This shall be done by a Board of three members, of whom one shall be external, appointed by the University in this regard. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.

2. Compulsory Subjects

The question papers on Jurisprudence shall not have problem questions. The following shall be the pattern of question papers.

Part (A) – Short answer

This part consists of short answer questions. In this Part 8 questions will be given and the candidates have to answer any 5 questions. Each question carries 5 marks and this part carry a total of 25 marks. $5 \times 5 \text{ marks} = 25 \text{ marks}$

Part (B) – Problems Questions

This part consists of hypothetical problem questions. In this part 3 hypothetical problem questions will be given and the candidate has to answer any 2 questions. Each question carries 10 marks. The answer shall cover relevant legal provisions, framing of issues, application of legal provisions with reasoned decisions and citation of authority, the solution of the issue framed and the answer to problem as such. $2 \times 10 \text{ marks} = 20 \text{ marks}$

Part (C) – Essays

This part consists of essay questions. In this part 3 questions will be given and the candidate has to answer any 2 questions. Each question carries 12.5 marks. $2 \times 12.5 \text{ marks} = 25 \text{ marks}$

Duration of examination: 3 Hrs.

Maximum Marks: 100 Marks (70 marks for SEE and 30 marks for CIA)

[CIA – Continuous Internal Assessment, SEE – Semester End Examination]

LLB.25	Distribution of Courses and marks in various semesters			
	First Semester			
	Paper	Name of Paper	Marks CIA/SEE	Type
	LLB0101	Law of Contracts	30/70	Compulsory Paper -1
	LLB0102	Law of Torts (including Motors Vehicles Act and Consumer Protection Laws)	30/70	Compulsory Paper -2
	LLB0103	Constitutional Law 1	30/70	Compulsory Paper -3
	LLB0104	Family Law 1	30/70	Compulsory Paper -4
	LLB0105	Law of Crimes 1	30/70	Compulsory Paper -5
	Second Semester			
	Paper	Name of Paper	Marks CIA/SEE	Type
	LLB0201	Constitutional Law II	30/70	Compulsory Paper -6
	LLB0202	Special Contracts	30/70	Compulsory Paper -7
	LLB0203	Jurisprudence	30/70	Compulsory Paper -8
	LLB0204	Family Law II	30/70	Compulsory Paper -9
	LLB0205	Law of Crimes II	30/70	Compulsory Paper -10
LLB0206	Local Self Government (including Panchayat Administration)	30/70	Optional Paper -1	

Third Semester

Paper	Name of Paper	Marks CIA/SEE	Type
LLB0301	Administrative Law	30/70	Compulsory Paper -11
LLB0302	Labour and Industrial Laws I	30/70	Compulsory Paper -12
LLB0303	Code of Civil Procedure – I	30/70	Compulsory Paper -13
LLB0304	Law of Criminal Procedure – I (including Juvenile Justice and Probation of Offender Act)	30/70	Compulsory Paper -14
LLB0305	Human Rights Law and Practice	30/70	Optional Paper -2
LLB0306	Professional Ethics and Professional Accounting System	30/70	Practical Paper -1

Fourth Semester

Paper	Name of Paper	Marks CIA/SEE	Type
LLB0401	Environmental Law	30/70	Compulsory Paper -15
LLB0402	Labour and Industrial Laws II	30/70	Compulsory Paper -16
LLB0403	Code of Civil Procedure – II (including Limitation Act)	30/70	Compulsory Paper -17
LLB0404	Law of Criminal Procedure – II (including Criminal rules of Practice)	30/70	Compulsory Paper -18
LLB0405	Property Law (including Transfer of Property Act and Easement Act)	30/70	Compulsory Paper -19
LLB0406	Drafting, Pleading and Conveyancing	90/10	Practical Paper -2

Fifth Semester

Paper	Name of Paper	Marks CIA/SEE	Type
LLB0501	Company Law	30/70	Compulsory Paper -20
LLB0502	Law of Evidence	30/70	Compulsory Paper -21
LLB0503	Law of Direct Taxation	30/70	Compulsory Paper -22
LLB0504	Intellectual Property Laws	30/70	Optional Paper-3
LLB0505	Banking Laws (including NI Act)	30/70	Optional Paper -4
LLB0506	Alternate Dispute Resolution	30/70	Practical Paper -3

Sixth Semester

Paper	Name of Paper	Marks CIA/SEE	Type
LLB0601	Law of Indirect Taxation	30/70	Compulsory Paper -23
LLB0602	Public International Law	30/70	Compulsory Paper -24
LLB0603	Land Laws (including Tenure and Tenancy System)	30/70	Optional Paper- 4
LLB0604	Interpretation of Statutes and Principles of Legislation	30/70	Optional Paper- 5
LLB0605	Gender Justice and Feminist Jurisprudence	30/70	Optional Paper-6
LLB0606	Moot Court Exercise and Court Visit	90/10	Practical Paper-4
LLB0607	Internship Programme	50/--	Practical Paper-5
LLB0608	Programme Viva Voce	--/50	Compulsory Paper- 25

DETAILED SYLLABUS

Course Name: Law of Contracts	Course Code: LLB0101
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Offer, acceptance and promise Capacity of parties – disqualification by law – minority and mental incapacity – free consent – factors vitiating free consent – coercion – undue influence – fraud

Unit II

Consideration – definition – effect of contract without consideration – exceptions – intention to create legal obligations Lawful object – void transactions – misrepresentation, mistake – public policy – agreement in restraint of trade, marriage and legal proceedings – uncertainties and wagering agreements

Unit III

Discharge of contracts – performance of contracts – anticipatory breach – impossibility of performance – alterations and novation – accord and satisfaction – quasi contracts

Unit IV

Remedies for breach - damages for breach - specific performance - rescission and cancellation - injunctions - declaratory remedies

Unit V

E-Contracts – Benefits of E-contracting – Formation of E-contracts – Essentials of E-contracts – Problems relating to E-contracts – Different types of E-contracts – Relevant Provisions of the Information Technology Act

Suggested Readings:

- | | |
|-------------------|--|
| Avatar Singh | - Principles of Mercantile Law |
| Avatar Singh | - An Introduction to Contract Law |
| Pollock and Mulla | - Indian Contract and Specific Relief Acts |
| A.G. Guests | - Anson's Law of Contract |
| Trietal | - The Law of Contract |
| Cheshire | - Law of Contracts |

Course Name: Law of Torts (including Motors Vehicles Act and Consumer Protection Laws)	Course Code: LLB0102
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Definition and nature of Torts – Distinction between Torts, Crime, and breach of Contract – Basis of tortious liability – ubi jus ibi remedium, injuria sine damnum and damnum sine injuria Liability for the wrongs committed by other persons – vicarious Liability – joint tort feasons – joint and several liability in payment of damages.

Unit II

Negligence – Contributory negligence – Professional Negligence – proximate cause and intervening cause – foresight of harm – Composite negligence – res ipsa loquitur – last opportunity rule — doctrine of alternate danger – strict liability – Ryland v. Fletcher – absolute liability – remoteness of damage

Unit III

General defences – volenti non fit injuria – vis Major – inevitable Accident – necessity – statutory authority – judicial and quasi judicial acts, parental and quasi parental authority – mistake – act of third parties – novus actus interveniens – plaintiff's own fault

Unit IV Specific torts – injuries to person – assault – battery – false imprisonment – trespass to goods – conversion – trespass to land – interference with contract or business – intimidation – conspiracy – injurious falsehood – passing off – negligent mis-statements – defamation – malicious prosecution – nuisance

Unit V

Consumer – definition under Consumer Protection Act – consumer of goods and services – defects in good – deficiency in service – enforcement of consumer rights – consumer fora under the Act – jurisdiction, functions and powers – procedure – execution of orders Liability under Motor Vehicles Act, 1988 – compensation in motor vehicle accidents – nature and extent of insurer's liability – claims tribunal – award of compensation

Suggested Readings:

Winfield	- Law of Torts
Ramaswamy Iyer	- Law of Torts
Achuthan Pillai P.S	- Law of Torts
Vivienne Harpwood	- Modern Tort Law
P.K. Sarkar	- The Motor Vehicles Act, 1988
D.N. Saraf	- Law of Consumer Protection in India
P. Leelakrishnan(Ed.)	- Consumer Protection and Legal Control



SIKKIM SKILL
UNIVERSITY
— SIKKIM —

Course Name: Constitutional Law 1	Course Code: LLB0103
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Constitution of India – Historical Perspective – constitutional development – Political developments – Making of the Constitution – Constitutional Assembly Debates – Constitutional Law: Meaning and Constitutionalism – Various models of Constitution: Written, Unwritten, Unitary, Federal, flexible – Parliamentary vs. Presidential – Preamble: Sovereign, Socialist, Secular and Democratic Republic – 42nd Amendment – Basic Structure theory – Citizenship – Who is a citizen of India – Rights under Migration due to Partition – Acquisition of Citizenship – Citizenship Rules – jus soli and jus sanguinis – Termination of Citizenship – Related Case Laws

Unit II

State and Fundamental Rights – Concept of State – Meaning of Law under Article 13 – Principle of Equality – Articles 14, 15,16 and Article 17 – Special Reference to the Equal Rights and Equality before Law under Article 14 – Rules for Classification – Protective Discrimination under Article 15 – Gender Justice – Article 16 and Reservation Criteria – Article 17 and untouchability Abolition Strategy - relevant case laws.

Unit III

Fundamental Freedoms and Social Control – Right to Know – Personal Liberty – Rights of accused persons and judicial attitude – Double Jeopardy – Right against Self incrimination – Article 21 and Judicial contributions with special reference to A.K. Gopalan v. State of Kerala 1951, Maneka Gandhi v. Union of India, Sunil Batra ' s case – Procedure established by Law – Due Process – Post Maneka Gandhi decisions – Fair Procedure, Handcuffing, Legal Aid, Natural Justice, Duty to Hear, Right to Health, Right to Food, Right to Environment, Preventive Detention, Right against Torture, Right to Die, Right to Privacy etc – Important Case Laws Right to Education – Free and Compulsory Education – Freedom of Education Act – Relevant Case Laws – Right against Exploitation – Child Labour – Prohibition of Bonded Labour, Human Trafficking, Beggar etc – Case Laws – Secularism and Minority Rights – Concept of Religion under Indian Constitution – Minority Rights – Right to Educational Institution – Controversy on Conversion of Religion – Relevant Case Laws

Unit IV

Judicial Review and Constitutional Remedies – Article 32, 226 and Article 227 – Nature of Writs – Classification – Article 32 as Fundamental Right – Laches or delay in instituting Writs – Limitation – Public Interest Litigation – Judicial Activism and Judicial Restraint Directive Principles of State Policy – Directive Principles and Fundamental Rights a Comparative Approach – Rights under Articles 31A, 31B and 31C – Judicial Response and Relevant Case Laws – Principles – Social and Economic Justice – Equal Pay for Equal Works, Free Legal Aid – Uniform Civil Code – Promotion of International Peace and Security – Local Self Government as Directive Policy – Constitutional Amendments and Constitutional Position of Three Tier system of Governance Fundamental Duties

Unit V

Relations between the Union and States – Extent of Laws made by Parliament and State Legislatures, Subject Matter – Power of the Parliament to Legislate on Matters under the State List – Residuary Power of Legislation – Effect of Inconsistency between State Law and Union Law – Doctrine of Colourable Legislation, Pith and Substance and Doctrine of Occupied Field – Administrative relation – Duties and Powers of Union and State – Control of Union over State – Disputes relating to Water – Financial Relations – Finance Commission

Suggested Readings:

- Shukla. V.N - Constitution of India
J.N Pandey - Constitution of India
Austin Granville - The Indian Constitution- Cornerstone of a Nation
Durga Das Basu - Constitutional Law of India
M.P. Jain - Indian Constitutional Law
H.M. Seervai - Constitutional Law of India

Course Name: Family Law I	Course Code: LLB0104
Course Duration: 45 hours	CIA/SEE : 30/70

Unit-I

Marriage and Kinship: Evolution and importance of Marriage and family – Role of Religion, Impact of customs on marriage and Family – Definition of Hindu, Muslim, Christian – Sources of Hindu Law, Muslim Law and Christian Law

Unit-II

Concept of marriage - Essential conditions of a valid Hindu Marriage under Hindu Marriage Act- Distinction between Valid, Void and Voidable marriages – Legal consequences of a Valid Marriage – Essential requirements of a valid Muslim marriage – Option of puberty, Legal effects of a Minor’s marriage – Essential conditions of a valid Christian marriage – Kinds of marriages under Hindu and Muslim systems – dowry and dower as applicable to Hindus, Muslims and Christians

Unit III

Matrimonial remedies: Annulment, Restitution of Conjugal Rights, Judicial Separation and Divorce- Theories of Divorce: Fault/Guilt Theory, Consent Theory, Irretrievable breakdown of marriage – Conditions for grant of matrimonial remedies under Hindu marriage Act and Indian Divorce Act – matrimonial remedies for Muslims (Talaq, Ila, Zihar, Tafweez, Khula, Mubaarak) – Talaq: different kinds of Talaq, Delegated talaq – Divorce under Shariat Act – Judicial and Extrajudicial methods of Divorce – Significance of Dissolution of Muslim Marriages Act – Divorce by Mutual consent – Matrimonial relief under Special Marriage Act

Unit IV

Child and Family: Legitimacy, Adoption, Custody and Maintenance of Child – Guardianship of the Child – Child Marriage and legal provisions prohibiting child marriage

Unit-V

Recent developments – Family Court: Composition, Powers and functions – dowry and Dowry Prohibition Act – Need for Uniform Civil Code – Article 44 of the Constitution of India – Compulsory registration of marriage

Suggested Readings:

- | | |
|------------------------|------------------------------|
| Mulla | - Principles of Hindu Law |
| Paras Diwan | - Hindu Law |
| Mulla | - Mohammedan law |
| Tahir Mohamed | - Muslim law in India |
| Sebastian Champappally | - Christian law |
| E.D. Devadasan | - Handbook of Christian law |
| AAA Fyzee | - Outlines of Mohammedan Law |



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Law of Crimes I	Course Code: LLB0105
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Definition of Crime – Concept of Crime – Distinction between Crime, Tort and Breach of Contracts – Functions of Criminal Law –Types of Punishments – Purposes of Punishment – Sentencing Policy – Types of criminal justice systems – Character – History of Indian Penal Code

Unit II

Elements of Crime – Actus Reus – Mens Rea – Statutory Offences – Mens Rea under the Indian Penal Code – Intention, Knowledge, Recklessness, Negligence, Rashness – Vicarious liability – Corporate Liability

Unit III

General Explanations (Sections 6 to 52 A) – Intra-territorial and Extra -Territorial jurisdiction of the Penal Code – Joint Liability –Common Intention – Common Object – Principles of Criminal Responsibility – Parties to Crime – Inchoate offences – Attempt – Conspiracy – Abetment

Unit IV

General Exceptions (Section 76 to 106) – Justifiable and excusable defences – trivial acts Unit V Offences against the State – Offences relating to the Army, Navy and Air Force – Offences against Public Tranquility – Offences Relating to Public Servants – Offences relating to Elections – Contempt of the Lawful Authority of Public Servants

Suggested Readings :

1. Kenney -Outlines of Criminal Law
2. Glanville Williams -Text Book On Criminal Law
3. Cross and Jones -Criminal Law
4. Smith and Hogan -Criminal Law
5. Ratanlal and Dhirajlal -Indian Penal Code

Course Name: Constitutional Law II	Course Code: LLB0201
Course Duration: 45 hours	CIA/SEE : 30/70

Unit-I

Union and State Executive – Presidential vs. Parliamentary form of Government – Term of Office, Qualification and impeachment of President – Powers of President, extent of Power – Vice President – Qualification, Functions and Powers – Governor of a State, Qualification, Appointment and Tenure – Powers – Relevant Case Laws

Unit-II

Union and State Legislature – Parliament – House of States and House of People, Members Qualification and Disqualification – Privileges – Office of Profit – State Legislature – Unicameral and Bicameral Legislative system – Special Procedure on Money Bill and Finance Matters (Union and State) Union Cabinet – Council of Ministers – Collective responsibility – Prime Minister’s appointment – powers , duties and functions – Shamsher v. State of Punjab, S.P. Gupta v. Union of India and other relevant Case Laws.

Unit- III

Indian Judiciary – Nature of Indian Judicial System with its distinctive features – Supreme Court of India – Judges appointments, Qualification and Removal – Chief Justice of India – Qualification, appointment and removal – the Original Appellate and Advisory Jurisdiction of Supreme Court – Binding nature of law declared by the Supreme Court – Independence of Judiciary and Judicial Accountability – The State Judiciary – High Court – Appointments, Qualifications, conditions of Service and removal of Judges – Ordinary Jurisdiction – Writ Jurisdiction – Powers including supervisory power – Subordinate Courts – appointment and control over Subordinate Courts.

Unit-IV

Comptroller and Auditor General of India - Appointment, duties, powers and Functions - Macro Economic Management under the Constitution of India - Fiscal Responsibility, Taxation Planning and Management - Financial Accountability - State’s role in business - Trade, Contractual Obligation and responsibilities, Revenue Distribution - Official Language Service under the Union and States - Recruitment, Conditions of Service, tenure , Dismissal, All India Service- Doctrine

of Pleasure - Public Service Commission - Appointment, Powers, functions duties, removal of Chairman and members.

Unit-V

Emergency Provisions – Kinds -- Failure of Constitutional Mechanisms
Amendment of the Constitution--- Principles --- Comparison U.S.A, France and
India -- Miscellaneous Provisions--- Temporary and Transitional Provisions –
Schedules

Suggested Readings:

Shukla. V.N	- Constitution of India
J.N Pandey	- Constitution of India
Austin Granville	- The Indian Constitution- Cornerstone of a
Nation	Durga Das Basu - Constitutional Law of India
M.P. Jain	-Indian Constitutional Law
H.M. Seervai	- Constitutional Law of India
Subhash Kashyap	- Indian Constitution



Course Name: Special Contracts	Course Code: LLB0202
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Indemnity – definition – Rights and Liabilities of the Indemnifier and Indemnified – Guarantee – Continuing Guarantee – Nature and Duration of Liability – Rights and Liabilities of Parties

Unit II

Bailment: General features – Division of bailments – Requirements of consideration – Rights and liabilities of bailor and bailee – pledge or pawn – special property in favour of pledge by limited owners – finder of lost goods

Unit III

Agency – Kinds of Agency – creation of Agency – Rights, Duties and Liabilities of Agents – Liability of Principal for act of Agents – Termination of Agency – Contract of Bailment and Pledge – Rights and Liabilities of Bailor and Bailee – Rights and Liabilities of Pawner and Pawnee

Unit IV

Partnership – Nature and Creation – Types of Partnership – Mutual Relationship of Partners – Authority of Partners – Rights and Liabilities of Partners – Admission of New Members – Partnership Property – Dissolution of Partnership – Registration of Partnership – Limited liability Partnership Act

Unit V

Sale of Goods – Concept of Sale – Subject Matter of Sale – Conditions and Warranties – Passing of Property and Risk – Delivery of Goods – Rights of Unpaid Seller – Remedies for Breach

Suggested Readings

Avtar Singh	- Principles of Mercantile Law
Pollock and Mulla	- Indian Partnership Act
Friedman	- Law of Agency
Benjamin	- Sale of Goods
Krishnan Nair	- Law of Contracts
Lindley	- on Partnership

Course Name: Jurisprudence	Course Code: LLB0203
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Meaning of the term jurisprudence - Norms and the normative system - Different types of normative systems - Legal system as a normative order - similarities and differences of the legal system with other normative systems - Relation of Jurisprudence with other Social Sciences Schools of Jurisprudence - Natural Law School of jurisprudence - Analytical legal Positivism - Historical School - Sociological School – Realist Movement - Economic interpretation of law – Critical Legal Studies(CLS) – Feminist Jurisprudence– Indian Jurisprudence - The Concept of Dharma

Unit II

Austin's Theory of Sovereignty and Law – Salmond's definition of law - Kelsen's Pure Theory of Law - H.L.A Hart's Theory of Primary and Secondary Rules – Jurisprudence of Interests : Rudolf Von Ihering and Roscoe Pound Purpose of Law - Justice - Theories of Justice - Relation of Justice to Law – Justice and law: Approaches of different schools - Administration of Justice according to Law Law and Morality – interrelation - Enforcement of Morals through Law – Hart and Fuller Debate - Hart and Devlin Debate

Unit III:

Sources of Law – Formal and Material Sources – Legal and Historical Sources - Legislation - supreme and subordinate – place of legislation among other sources of law. Interpretation of statutes - Precedents – importance of precedents - doctrine of stare decisis – ratio decidendi and obiter dictum – theories about the creative role of judges – comparative merits and demerits of precedents over legislation Custom – reasons for recognition of custom as a source of law – essentials of a valid custom. Juristic writings Classification of law – International law and Municipal law – Public and Private law – substantive and procedural law

Unit IV

Meaning and Classification of Legal Rights and Duties - Theories of Legal Rights and Duties – Correlation between Rights and Duties – Rights in a Wider Sense: Hohfeld's Analysis Definition and Nature of Personality - Legal Status of Unborn

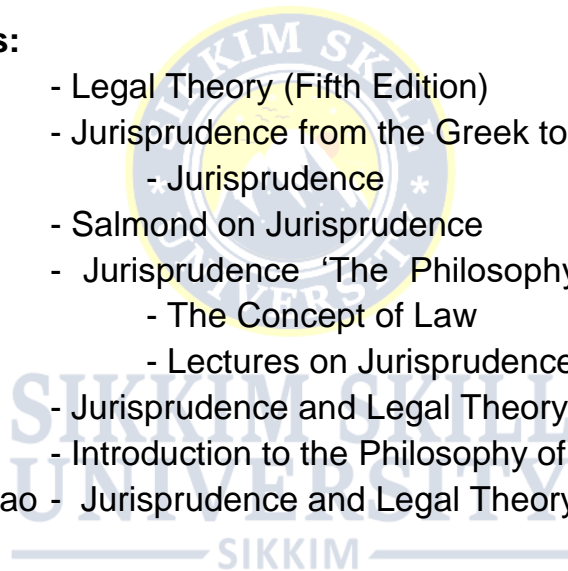
Children, Minor, Lunatic, Drunk and Dead Person - Legal Status of Animals - Legal Personality of State - Corporate Personality - Dimensions of Modern Legal Personality: Legal Personality on Non-human beings The Definition and Nature of Liability - Kinds of Liability - Theories of Liability - General Conditions of Liability

Unit V

Definition and Nature of Obligation - Sources of Obligation - Kinds of Obligation
Meaning of Property – Kinds of Property – Intellectual Property - Modes of Acquisition of Property Concept of Possession and Ownership - Theories of Possession Ownership -Kinds of Possession and Ownership - Modes of Acquiring Possession and Ownership

Suggested Readings:

- Friedman - Legal Theory (Fifth Edition)
Wayne Morrison - Jurisprudence from the Greek to Post - Modernism
Dias - Jurisprudence
P.J. Fitzgerald - Salmond on Jurisprudence
Bodenheimer, Edgar - Jurisprudence 'The Philosophy and Method of the Law'
H.L.A. Hart - The Concept of Law
John Austin - Lectures on Jurisprudence
Mahajan. V.D - Jurisprudence and Legal Theory
Roscoe Pond - Introduction to the Philosophy of Law
G.C.VenkataSubba Rao - Jurisprudence and Legal Theory



Course Name: Family Law II	Course Code: LLB0204
Course Duration: 45 hours	CIA/SEE : 30/70

Unit-I

Joint Hindu Family – Origin, nature of joint family and Coparcenary – Characteristic features of coparcenary – distinction between coparcenary and Joint family -Principal of survivorship and succession Classification of property: joint family property and separate property – Kartha: position, powers and liabilities Debt – Pious obligation under Hindu Law

Unit-II

Partition – definition – persons entitled to demand partition – subject matter of partition – mode of partition – reopening and reunion Law of intestate succession – general principles – exclusion from inheritance – succession as applicable to Hindus, Muslims and Christians – Hindu Succession Act: features, devolution of interest in coparcenary property (sec 6), List of heirs in class I and II of the schedule, doctrine of representation, Hindu women’s Right to property – Indian Succession Act – Hanafi Law of Inheritance: doctrine of aul and radd

Unit-III

Testamentary power of Hindus, Muslims and Christians –wasiyat: definition, essentials, and kinds of valid will, abatement of legacies, revocation of will

Unit-IV

Alienation of property among Hindu, Muslims and Christians – Hindu Religious and Charitable endowments – Hiba: Definition, essentials, kinds and formalities for a valid Hiba, Revocation of Hiba – Pre emption: definition, classification and formality – Waqf- meaning -formalities of creation- Types and administration of waqf- Mutawalli and his powers.

Unit-V

Maintenance under Hindu, Muslim and Christian laws – Conflict between personal law and statutes – Maintenance of divorced wives, neglected wives, minor children, unmarried daughters and aged parents – Distinction between alimony and maintenance, permanent alimony, alimony pendente lite - Maintenance of Muslim wives during and after divorce, maintenance under

Shariat Act – Right of maintenance under Christian wife on divorce, maintenance under S.125 Cr. P.C.

Suggested Readings:

- | | |
|------------------------|--------------------------------|
| Mulla | - Principles of Mohammedan law |
| Munshi Tayyabji | - Tayyibji Muslim law |
| Tahir Mohamed | - Muslim law in India |
| I.L.I. | - Islamic law in Modern India |
| Poonam Pradhan Saxena | - Family Law |
| Sebastian Chambappilly | - Christian law |
| E.D. Devadasan | - Handbook of Christian law |
| Fyzee AAA | - Outlines of Mohammedan Law |



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Law of Crimes II (including Cyber Crimes)	Course Code: LLB0205
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

False Evidence -- Offences against public order, health, morality- public nuisance - spreading of infectious diseases - adulteration of food and drugs - negligent and dangerous driving - obstructing public ways- keeping dangerous animals-- obscenity - Offences relating to religion – Offences relating to weight and measures – disobedience to orders of public servants – Coin and Government Stamps

Unit II

Offences against human body - culpable homicide, murder-hurt- grievous hurt - simple hurt – wrongful restraint –wrongful confinement-assault-kidnapping and abduction- rape - infanticide.

Unit III

Offences against property - theft, extortion- robbery and dacoity - criminal misappropriationCriminal breach of trust –stolen property- cheating – mischief – criminal trespass- forgery – counterfeiting

Unit IV

Offences relating to marriage- bigamy-adultery-cruelty by husband- defamation
Unit V Cyber space – Cyber crime – classification – nature – crime against government, property and person – adjudication – penalty – Liability of network providers – power of police – cybercrimes punishable under various laws

Suggested Readings :

- | | |
|------------------------|--------------------------------------|
| Kenney | – Outlines of Criminal Law |
| Glanville Williams | – Text Book on Criminal Law |
| Cross and Jones | – Criminal Law |
| Smith and Hogan | – Criminal Law |
| Ratanlal and Dhirajlal | – Indian Penal Code |
| Achuthan Pillai | – Criminal Law |
| K. D. Gaur | – Indian Penal Code |
| KNC Pillai | – General Principles of Criminal Law |
| R.C. Nigam | - Law of Crimes in India |

Course Name: Local Self Government Including Panchayat Administration	Course Code: LLB0205
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Local Government: Evolution, Meaning, Features and Significance.-village panchayats in ancient India- Gandhiji's idea of village panchayats-various committee reports

Unit II

Urban Local Bodies: Municipal Corporation, Municipal Council and Municipal Committees-their Meaning Features, Role and Significance.

Unit III

Panchayat raj institutions-The nature and scope of Article 40 - 73rd and 74th Constitution Amendment Act

Unit IV

Panchayati Raj Institutions: Composition, Functions, Sources of Income of Gram Panchayats, Panchayat Samiti and Zila Parishads. District Planning Committee: Unit V Statutory Authorities under local governance system---State Finance Commission. State Election Commission-governmental and judicial control over panchayat raj institutions-Tribunals ombudsman-audit

Suggested Readings :

- Radha kumud Mukherjee -Local government in ancient India
 Avasthi A. (Ed.)1972 - Municipal Administration in India;
 Lakshmi Narayan Agarwal Bhattacharya, B., 1979 -Urban Development in India
 Gandhi, M.K. 1959 - Panchayati Raj,
 Navjeevan Jain, S.P. (ed.), 1995 - Panchayati Raj Institutions in India: An Appraisal. Venkatarangaiya - Local Government in India
 Puri, K.K. 1985 -Local Government in India, Bharat Prakashan, Jalandhar.
 Puri, V.K. 2005 - Local Government and Administration
 Singh Sahab and Singh Swinder- Public Administration, Development and Local Administration

Course Name: Administrative Law	Course Code: LLB0301
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Definition and scope of Administrative law – Causes for the growth of administrative law – difference between constitutional law and administrative law – Droit Administratif Conceptual objections against the growth of administrative law: 1. Concept of rule of law 2. Doctrine of separation of powers Classification of administrative action – administrative instructions

Unit II

Rule making power of Administration – Delegated legislation – Classification of Delegated legislation Constitutionality Delegated Legislation in India – Retrospective operation of delegated legislation Control mechanism of Delegated Legislation: 1. Parliamentary Control 2. Procedural control 3. Judicial Control

Unit III

Adjudicatory powers of the administration – need for administrative adjudication – problems of administrative decision making – modes of administrative decision making: 1. Statutory tribunals 2. Domestic tribunals Procedure of administrative adjudication – principles of natural justice – rule against bias – Audi alterum partem or the rule of fair hearing – post decisional hearing – speaking orders – exceptions to the rule of natural justice – effect of breach of principles of natural justice

Unit IV

Liability of the Administration – contractual liability – tortious liability – privileges and immunities of the administration Administrative discretion – abuse of discretion – non-exercise of discretion

Unit V

Judicial Review of administrative action – public law review – private law review – public interest litigation Citizen and administrative faults – ombudsman -- Lokpal – Lokayukta – Central Vigilance Commission (CVC) Statutory and non-statutory public undertakings – control mechanism

Suggested Readings

Massey I. P. Administrative Law

Thakwani C. K.	Lectures on Administrative Law
Sathe S. P.	Administrative Law
Upadhyaya I. J. D.	Administrative Law
Wade H. W. R.	Administrative Law
Jain and Jain	Administrative Law
Allen C. K.	Law and orders
Garner J. C.	Administrative Law
I. L. I. (1977)	Administrative Tribunals in India
I. L. I. (1971)	Government Regulation of Private Enterprise
I. L. I. (1966) –	Cases and Materials on Administrative Law
Markose A. T.	Judicial control of Administrative Action in India
Markose A. T.	Public Law–Some aspects.



SIKKIM SKILL
UNIVERSITY
— SIKKIM —

Course Name: Labour and Industrial Laws II	Course Code: LLB0302
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Significance of Labour Legislations: Historical perspectives on Labour: From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status: changing perspectives on labour – Industrial Jurisprudence: Labour Policy in India -- Industrial Revolution in India – Labour problems and role of trade union – Industrial Peace and Industrial Harmony through collective bargaining – Industrial Relations -- Principles of Labour Legislation – Social Justice – Social Security : Constitutional basis for social security – Growth of Labour Legislation in India

Unit II

Trade Unionism: Evolution and Growth of Trade Unions in India - Historical reasons for the formation of unions of workers, legal impediments - Constitutional freedom to form associations and unions – International Labour Organisation – its influence in bringing changes in national legislations – Trade Union: Definition, Registration and Recognition – trade dispute – Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution –Problems: multiplicity of unions, over politicization, intra-union and inter-union rivalry, outside leadership – recognition of unions – Immunities: Civil and Criminal

Unit III

Industrial Disputes: Aims and Objects of the Industrial Disputes Act – definition of Industry: Conceptual Analysis – Industrial Dispute vs. Individual Dispute: Contrast – Concept and definition of Workman – Distinction between contract for services and contract of service: Due control and supervision test, Predominant nature of duty test – Strike & Lock Out: Concepts, legality and justification – Lay off, Retrenchment and Closure: Analysis of the Concepts and Prerequisites

Unit IV

Regulation of Industrial Relations: Theoretical foundations: social justice, labour welfare, public interest, productivity, industrial peace and development and price control – Unfair labour practices – Methods of regulation of industrial relations: Workers' participation in Industrial management: Advantages and Disadvantages

– Works Committee – Reference of certain industrial disputes to grievance settlements Authorities –Board, Courts, Tribunals – comparison with courts – award and its binding nature – judicial review of awards – Unfair labour practices

Unit V

Standing Orders: Concept and nature of standing orders – Scope and coverage of the Industrial Employment (Standing Orders) Act, 1946 – Certification process: Procedure for certification, Appeals against certification, Condition for certification – Date of operation of standing orders – Binding nature and effect of certified standing orders – Posting of standing orders – Modification and temporary application of model Standing Orders – Interpretation and enforcement of Standing Orders – Penalties and procedure

Suggested Readings:

1. O.P. Malhotra -The Law of Industrial Disputes,
2. G.B. Pai - Labour Law in India
3. P.L. Malik's - Industrial Law
4. K. Madhavan Pillai - Labour and Industrial Laws
5. R.C. Saxena - Labour Problems and Social Welfare
6. V.V. Giri - Labour Problems in Indian Industry
7. Indian Law Institute - Labour Law and Labour Relations
8. P.L. Malik, Srivastava's - Law Relating to Trade Unions and Unfair Labour Practices in India
9. Report of the National Commission on Labour (1969)
10. Report of the Second National Commission on Labour (2002)

Course Name: Code of Civil Procedure I (including Civil Rules of Practice) (Section 1 to 35 B and order I to XXA)	Course Code: LLB0303
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Distinction between Substantive law and Procedural law - Civil and Criminal Procedure – Recent trends in Civil Procedure – Significance of Procedural Law for a just Society - History of the Civil Procedure in India - Scheme of the Code of Civil Procedure - Meaning of Suit and essentials of a suit. Definitions – Decree – Judgement – Order – Decree holder – Judgement debtor – Legal Representative – Mesne Profits – Public Officer Hierarchy of civil courts - Place of Suing - Jurisdiction of Civil Courts- Meaning of jurisdiction - jurisdiction and consent - lack of jurisdiction and irregular exercise of jurisdiction - decision as to jurisdiction - kinds of jurisdiction - Courts to try all suits of a civil nature unless barred

Unit II

res sub judice and res judicata - General conditions of res judicata - constructive res judicata - res judicata and Estoppel - res judicata between Co-defendants and Co-plaintiffs Foreign Judgment - Meaning of Foreign judgment - Conclusiveness of foreign judgment - Its enforcement and execution Institution of Suit - Parties to suit - Joinder, non-joinder and misjoinder of parties - Representative suit - Joinder of causes of action and misjoinder - Frame of Suit– inclusion and splitting of claims –multifariousness

Unit III

Summons - Issue and service of Summons to defendants Pleadings generally - Rules of pleading - signing and verification - Alternative pleadings -Construction of pleadings – Plaintiff: particulars, admission, return and rejection - Written statement: particulars, rules of evidence - Set off and Counterclaim: distinction

Unit IV

Discovery, inspection and production of documents – Interrogatories - Privileged documents – Affidavits Appearance of Parties and Consequences of non-appearance - Dismissal of suit for default - Ex parte proceedings - Setting aside ex-parte decree – Recognized agents and Pleaders Trial –summoning and attendance of witnesses - Adjournments – Hearing of suit – framing of issues –

kinds of issues – importance of issues Disposal of suit – judgement and decree – interest - costs

Unit V

Civil Rules of Practice in Arunachal Pradesh – presentation of documents in court – posting of cases – adjournments – interlocutory proceedings – affidavits - trial of suits

Suggested Readings:

Takwani.C.K	– Civil Procedure
Mulla	– Code of Civil Procedure
Sarkar's	- Law of Civil Procedure



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Law of Criminal Procedure I (including Juvenile Justice and Probation of Offenders Act)	Course Code: LLB0304
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Preliminary – Constitution of Criminal Courts – Powers – executive magistrates – prosecutors – defense counsel – prison authorities – classification of offences – initiation of criminal proceedings – accused’s presence at the trial – arrest – rights of arrested persons

Unit II

Process to compel appearance – summons – warrant – proclamation – process to compel production of documents – procurement of evidence – search – seizure – investigation – FIR -- final report

Unit III

Jurisdiction of the Court – inquiry – trial – commencement of proceedings – plea bargaining – attendance of persons detained in custody – limitation for taking cognizance

Unit IV

Security for keeping peace – good behavior -- Maintenance of Public Order and Tranquility – Preventive Action of the Police – Information to the Police and their Power to Investigate - order for maintenance to wives, children and parents Jurisdiction of the Criminal Courts in inquiries and Trials – Condition requisite for Initiation

Unit V

Juvenile Justice Act-causes of Juvenile delinquency-neglected juveniles-delinquent juveniles authorities and institutions for Juveniles–Prevention and treatment of juvenile delinquency. Recent developments. Probation of Offender’s Act–Power of the court to release offenders after admonition on probation of good conduct–Restriction on imprisonment of offenders under 21 years of age-variations of conditions of probation- failure of offenders to observe conditions of bond-probation of offenders- duties-protection of action taken in good faith.

Suggested Readings

Ratanlal and Dhirajlal
R.V.Kelkar
Sohani
R.B.Sithi
Sheldon and Glueck
Vijay Hansaria
ved kumari

- The Code of Criminal Procedure
- Outlines of Criminal Procedure
- Code of Criminal Procedure
- Probation of Offenders Act 1958
 - Unravelling Juvenile Delinquency
- Juvenile Justice System.
 - juvenile justice system in india



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Human Rights Law And Practice	Course Code: LLB0305
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Foundational Aspects - Meaning and Concept of Human Rights - Notion and Classification of Rights : Natural, Moral and Legal Rights, Three Generations of Human Rights (Civil and Political Rights; Economic, Social and Cultural Rights; Collective/Solidarity Rights) Theoretical Dimensions - Basis and Sources of Human Rights - Theories of Human Rights-Relevance of ratification by states-Impact of ratifying with reservation -Meaning of Legal Instrument- Binding Nature -Types of Instruments: Convention -Covenant-Charter-Declaration-Treaty- - Optional Protocols

Unit II

Evolution of the Concept of Human Rights - Journey from Magna Carta to the Universal Declaration of Human Rights (Magna carta; The United States Declaration of Independence; The French Declaration of the Rights of Man and the Citizen; United States Bill of Rights; Geneva Convention of 1864; Provision of Charter of UN ; Universal Declaration of Human Rights, 1948.) -International Bill of Rights (Significance of Universal Declaration of Human Rights, International Covenant on Civil and Political Right and optional Protocols; and the International Covenant on Economic, Social and Cultural Rights)- Right to Development

Unit III

The Convention on the Prevention and Punishment of the Crime of Genocide-UN Convention Against Torture, Cruel and Degrading Treatment and Punishment-UN Declaration and Duties and Responsibilities of Individuals 1997 -UN agencies to monitor compliance with Human Rights and mechanisms for enforcement - Meaning and Concept of Human Rights EducationTransformation of human rights framework from international to national level with special reference to India - Role of Indian judiciary, Human Rights Commissions -Role of advocacy groups - NGOs, Mass media

Unit IV

Meaning and Concept of Vulnerable and disadvantaged Human Rights Of Socially Excluded (Brief Idea may be given about each)- Human Rights of Children with special emphasis to Convention on the Rights of the Child 1989-

Human Rights of Indigenous People with special reference to Declaration on the Rights of Indigenous People to –Human Rights of Disabled with special focus on UN Convention on Persons with Disabilities- United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

UNIT V

Women- Convention on the Nationality of Married Women –Convention on Minimum Age, Consent and Registration of Marriage-Importance of Four World Conferences for Women Convention on the Elimination of All Forms Of Discrimination Against Women-Role of Commission on the Status of Women-UN Women, UN Initiatives To Protect Older People, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 Convention relating to the Status of Refugees,1954- Brief introduction to International Humanitarian law

Suggested Readings

- H.O. Agarwal -Human Rights
Dr S.K. Kapoor -Human Rights under International Law and Indian Law
Janusz Symonides -Human Rights: Concepts and Standards Text of UN Conventions and Declarations
Amartya Sen - The Idea Justice
Conor Gearty and Adam Tomkins (eds) - Understanding Human Rights
David Beetham - Politics and Human Rights
Michael Freeman - Human Rights: An Interdisciplinary Approach

Course Name: Professional Ethics and Professional Accounting System	Course Code: LLB0306
Course Duration: 45 hours	CIA/SEE : 30/70

This course will be taught on the basis of the following materials.

- i. Mr. Krishnamurthy Iyer's book on "Advocacy"
- ii. The Contempt Law and Practice
- iii. The Bar Council Code of Ethics
- iv. 50 selected opinions of the Disciplinary Committee of Bar Council and 10 major judgments of the Supreme Court on the subject.
- v. Other reading materials as may be prescribed by the University. Examination rules of the University shall include assessment through case-study, viva and periodical problem solution besides the written tests.

Out of the 100 internal marks for the paper, 75 marks shall be given by the Faculty in charge on the basis of evaluation of exercises, assignments etc, and students are required to maintain a Record of such exercises, assignments etc. The breakup of marks shall be as follows.

1	One Classroom assignment and presentation on Judgments of the Supreme Court on the subject	10 marks
2	One Classroom assignment and presentation on opinion of the Disciplinary Committee of Bar Council	10 marks
3	Practical Record	10 marks
4	Two Test papers carrying 15 marks each on the Advocates Act and the Rules, Bar Council of India Rules and the Contempt of Courts Act	10 marks
5	Viva voce	25 marks

The viva-voce is to be conducted internally by a Board comprising of three senior Law Faculty members of the institution.

Course Name: Environmental Law	Course Code: LLB0401
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

The Concept of Environment – Meaning and Definition of Environment – Ecology – Ecosystems – Biosphere – Biomes – Ozone Depletion – Global Warming – Climatic Change – Need for Preservation and conservation of Environment – Ancient Indian Approaches to Environment – Environmental Degradation and Pollution – Kinds, Causes and effects of Pollution – Development and environment – the conflict of interest

Unit II

Remedies – Common Law Principles – Riparian Rights – Torts – Trespass – Negligence – Strict Liability – Relevant Provisions of IPC, Cr PC and CPC – Public Nuisance – Remedies under Specific Relief Act – Reliefs against smoke and Noise Constitution and Environment – Right to Environment – Role of Judiciary on Protection of Environment – Propounding of new principles – Strict & Absolute Liability – Sustainable Development – Polluter Pays – Precautionary – Public Trust

Unit III

Legislative Measures for Prevention Control and Abatement of Pollution – Pollution Control Boards – Authority of the Central Government under Environment Protection Act and Rules – Eco-mark – Environment Impact Assessment – Laws on Protection of Forest and Wildlife – Protection of Biodiversity – National Green Tribunal's Act – Land Conservation – issues relating to construction and mining Unit IV Recent Developments – Public Participation in Environmental Decision Making – Environment Information – Public Hearing – Public Interest Litigation – Corporate Liability to Protect Environment

Unit V

International Efforts for Environment Protection – Major Conventions, Declarations and other International Measures

(The course shall include a study of the relevant provisions of the Constitution of India, the Environment Protection Act including the Environment Protection

Rules, the Water Act, the Air Act, the Wildlife Protection Act, the Indian Forest Act, the Forest Conservation Act, the National Green Tribunal Act and the relevant provisions of Code of Criminal Procedure and The Indian Penal Code)

Suggested Readings:

Vikas Vashishth - Law and practice of Environmental Laws in India

P. Leelakrishnan - Environmental Law in India

N. S. Kamboj - Control of Noise of Pollution

Paras Diwan - Studies on Environmental Cases

S.N.Jain - Pollution Control and the Law

Armin Rosencranz - Environmental Law and its Policy in India



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Labour and Industrial Laws II	Course Code: LLB0402
Course Duration: 45 hours	CIA/SEE : 75/25

Unit I

Law Relating To Wages and Bonus: Theories of wages: marginal productivity, subsistence, wage fund, supply and demand, residual claimant, standard of living --- Concepts of wages: minimum wage, fair wage, living wage, need-based minimum wage --- Constitutional provisions ---Minimum Wages Act, 1948: Objectives and constitutional validity of the Act ---procedure for fixation and revision of minimum rates of wages --- Payment of Wages Act, 1936: Regulation of payment of wages --- Authorized Deductions – Payment of Bonus Act: Bonus - -- Its historical background, present position and exemptions

Unit II

Social Security against Employment Injury and Other Contingencies: Concept and development of social security measures – Employers liability to pay compensation for employment injury – Employees’ Compensation Act, 1923 – Concept of ‘accident arising out of’ and ‘in the course of the employment’ – Doctrine of notional extension and doctrine of added peril – Total and partial disablement – Quantum and method of distribution of compensation – Employees State Insurance Act, 1948 – Benefits provided under the Act – Employees State Insurance Fund and Contributions – Machinery for the implementation of the Act - ESI Court and appeal to High Court.

Unit III

Law Relating to Retirement Benefits: Employees Provident Fund and Miscellaneous Provisions Act, 1952 – Family Pension Scheme 1971 and Employees Pension Scheme 1995 – The changing rules regarding Employees Provident Fund and Pension Schemes – Payment of Gratuity Act, 1972 – Concept of gratuity – Eligibility for payment of gratuity – Determination of gratuity – Forfeiture of gratuity

Unit IV

Law Relating to Labour Welfare: Philosophy of Labour Welfare – Historical Development of labour welfare legislations – Health, Safety and Welfare measures under the Factories Act, 1948 – Welfare of Women and Child – Protective provisions under Equal Remuneration Act – Protective Provisions

under the Maternity Benefits Act – Contract Labour: Problems of contract labour – Process of contractualisation of labour -- Contract Labour (Regulation and Abolition) Act, 1970 – Controversy regarding Abolition of Contract Labour – Land mark cases

Unit V

Law Relating To Workers of Unorganized Sector: Problem of Definition and Identification – Unorganized Sector Workers' Social Security Act, 2008 – Weaker Sections of Labour – bidi workers, domestic workers, construction workers, inter-state migrant workmen – Legal Protection: Bonded Labour System (Abolition) Act, 1976; Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 – Child Labour (Prohibition And Regulation) Act, 1986: Aims and Objects of the Act – Definition of Child labour – Prohibition of work by Children in certain Occupations and processes – Regulation of conditions of work by children

Suggested Readings:

G.B. Pai - Labour Law in India
P.L. Malik's - Industrial Law
R.C. Saxena - Labour Problems and Social Welfare
V.V. Giri - Labour Problems in Indian Industry
Indian Law Institute - Labour Law and Labour Relations
P.L. Malik, Srivastava's -Law Relating to Trade Unions and Unfair Labour Practices in India
Dr. V.G.Goswami -Labour and Industrial Law, Central Law Agency, Allahabad. S.N.Mishra -Labour and Industrial Law, Central Law Agency, Allahabad. Khan and Khan - Labour Law, Asia Law House, Hyderabad Reports of the National Commission on Labour

Course Name: Code of Civil Procedure – II (including Limitation Act)	Course Code: LLB0403
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Suits in particular cases - By or against government –By or against corporations, trustees, executors, administrators – By or against minors and lunatics - By aliens and by or against foreign rulers or ambassadors - Public nuisance - Suits by or against firm - Suits in forma pauperis – Mortgages - Interpleader suits - Suits relating to public charities– Summary procedure - Supplemental proceedings

Unit II

Interim Orders – commissions – arrest before judgement – attachment before judgement temporary – injunctions – interlocutory orders – Receiver Withdrawal and compromise of suits Death, marriage and insolvency of parties

Unit III

Execution - the concept - general principles - power for execution of decrees - who may apply for execution and against whom execution may be sought - definition of court which passed a decree - transfer of decree for execution - Precept - execution, against transferees and legal representatives – Different modes of execution - arrest and detention – attachment - sale - delivery of property - stay of execution – payment under decree

Unit IV

Appeals - nature of the right of appeal - appeals from original decrees - Appeals from Appellate Decrees - Appeals from Orders - Appeals to the Supreme Court - Procedure of Appeals and Powers of Appellate Court - Reference - Review - Revision Transfer of cases - Restitution –caveat - Inherent powers of the Court

Unit V

Law of Limitation - the concept-the law assists the vigilant and not those who sleep over the rights – Object - Distinction with laches, acquiescence, prescription – bar of limitation – continuous running of time - Sufficient cause for not filling the proceedings – Illness - Mistaken legal advice - Mistaken view of law – Poverty - minority – Imprisonment - Legal disability – computation of period of

limitation – effect of acknowledgement- essential requisites of acknowledgement
- Continuing tort and continuing breach of contract – acquisition of ownership by possession – extinguishment of right to property

Suggested Readings:

Takwani.C.K

- Civil Procedure

Mulla

- Code of Civil Procedure

Sarkar's

- Law of Civil Procedure

M.R..Mallick (ed.)

- B.B. Mitra on Limitation Act



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Law of Criminal Procedure – II (including Criminal rules of Practice)	Course Code: LLB0404
Course Duration: 45 hours	CIA/SEE : 30/70

Unit-I

Complaints to Magistrates---Commencement of proceedings before Magistrates--
-Charge and Joinder of Charges

Unit-II

Common features of trial – fair trial – inquiry and trial – Mode of taking and recording of evidence in Inquiries and Trials – Commission –Trial of summons case, warrant case – Summary trial – disposal without full trial – bar to trial

Unit-III

Compounding and non compounding of offences – Trial of accused persons of unsound mind--Provisions as to offences affecting the Administration of Justice – Bail – anticipatory bail – disposal of property – irregular proceedings

Unit-IV

Transfer of cases – Judgment – death sentence confirmation – appeal – revision – reference – execution – commutation of sentence

Unit-V

The Criminal Rules of Practice in Kerala – Summons – Absconding Accused – Presentation of Pleadings, Reports, Documents – Remands – Affidavits – Preliminary Inquiries and Trial

Suggested Readings :

- | | |
|------------------------|----------------------------------|
| Ratan Lal & Dhiraj Lal | - Code of Criminal Procedure |
| R.V.Kelkar | - Outlines of Criminal Procedure |
| Sohoni | - Code of Criminal Procedure |
| Chakravarthy | - Juvenile Justice Act |

Course Name: Property Law (including Transfer of Property Act and Easement Act)	Course Code: LLB0405
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Concept of property- different kinds of property - movable and immovable property – notice – attestation – transfer of property – properties which cannot be transferred – operation of transfer Rule against inalienability – rule against repugnant conditions – transfer to unborn persons – rule against perpetuity – rule against accumulation -- Conditional transfers – conditions precedent and subsequent – vested and contingent interest – doctrine of election

Unit II

Rules of apportionment – negative covenants – rule in Tulk v. Moxhay – transfer by ostensible owner – Rule of priority – co-ownership – improvement by bonafide holder – fraudulent transfer - doctrines of lis pendens and part performance

Unit III

Mortgage - various kinds of mortgages - charge - floating charge

Unit IV

Sale and exchange - sale and agreement to sell - rights and liabilities of seller and buyer Lease -- Rights and liabilities of lessor and lessee - gift - conditions for valid gifts - actionable claim

Unit V

Easement- Definition – classification -characteristic features - modes of acquisition - prescriptions - extinction and license - quasi-easement – easement of necessity

Suggested readings:

- | | |
|--------------------------------|---|
| Mulla, D.F. | - Transfer of Property Act. |
| G.C. Mathur, Amin and Sastry's | - Law of Easements. |
| Venkatasubba Rao | - Commentaries on the Transfer of Property Act. |
| Shukla S.N. | - The Transfer of Property Act |

Course Name: Drafting, Pleading and Conveyancing	Course Code: LLB0406
Course Duration: 45 hours	CIA/SEE : 90/10

Outline of the course:

- (a) Drafting: General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings:
 - (i) Civil: Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under Article 226 and 32 of the Constitution of India.
 - (ii) Criminal: Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
 - (iii) Drafting of Writ Petition and PIL Petition.
- (c) Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will and Trust Deed

The course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercise in Conveyancing carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce, which shall be internally conducted by the Board comprising of a practicing lawyer and two senior law faculty members of each institution. The students are required to maintain a record of the practical works, assignments, exercises etc.

Course Name: Company Law	Course Code: LLB0501
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I:

Meaning and nature of company with emphasis on its advantages and disadvantages over other forms of business organizations - Different kinds of company including One Person Company and Foreign Company Promotion of Companies - Promoters: Position, duties and liabilities - Pre-incorporation Contracts Process of Incorporation - legal and procedural requirements Constitutional documents of a company - Memorandum of Association: meaning, purpose, form, contents, alterations and the doctrine of ultra-vires - Articles of Association: meaning, purpose, form, contents, binding nature, alterations and the doctrines of indoor management and constructive notice - relation between Memorandum and Articles Consequences of incorporation - uses and abuses of the corporate form - lifting of corporate veil Theories of corporate personality

Unit II

Different modes of corporate financing Equity Finance:-share and share capital - meaning, nature and kinds - various rights and duties attached to these shares - pre-emptive rights and variation of class rights - prospectus: Issue, contents, kinds and liability for misstatements - statement in lieu of prospectus - information disclosure - issue and allotment of shares -shares without monetary consideration, Non-opting equity shares - share transfer, surrender, forfeiture and transmission of shares - share certificate - share warrant dividends - membership in company - its acquisition and termination – member and shareholder Debt Finance: borrowing powers - debenture: nature, issue and kinds – creation of charges - fixed and floating charges – mortgages - convertible debentures - inter-corporate Loans and investments Doctrine of capital maintenance – control over corporate spending - role of Court in protecting the interests of creditors and shareholders

Unit III

Company and its various organs including division of powers between Board of Directors and Company in General Meeting Company meetings and Resolutions: kinds of Meetings - essential conditions of a valid Meeting - procedure for calling Company Meetings – Resolutions: kinds and procedures –voting: emerging trends - E- Governance Directors and other managerial personnel – position,

qualifications, disqualifications, appointment, removal, powers, duties and Liabilities – remuneration –company secretary Appointment of auditor - powers, rights and liabilities of auditor Corporate abuses and remedies - the balance of powers within companies - majority control and minority protection - prevention of oppression and mismanagement - powers of court and Central Government

Unit IV

Emerging trends in corporate social responsibility - corporate criminal liability and corporate environmental liability Corporate re-structuring – compromises, arrangements, mergers, acquisitions - reconstruction and amalgamation Winding up of Company - meaning and types - grounds for compulsory winding up - appointment, powers and duties of Liquidator - contributories - consequences of winding up

Unit V

Role of Registrar of Companies, Regional Director, National Financial Reporting Authority, Serious Fraud Investigation Office, SEBI, RBI, National Company Law Tribunal, National Company Law Appellate Tribunal, Special Courts, High Court and the Supreme Court in overseeing and regulating the affairs of companies in India

Suggested Readings:

- | | |
|-------------------------------------|--------------------------------------|
| Clive M. Schmitthoff | - Palmer's Company Law |
| L.C.B. Gower | - Principles of Modern Company Law |
| Farrar's | - Company Law |
| John Birds et al | - Boyle & Birds' Company Law |
| A. Ramaiya | - Guide to Companies Act |
| G. K. Kapoor (Dr.) & Sanjay Dhamija | - Taxmann's Company Law and Practice |
| Avtar Singh (Dr.) | - Company Law |

Course Name: Law of Evidence	Course Code: LLB0502
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Nature and Purpose of Law of Evidence - Real Evidence - Circumstantial Evidence - Direct/Indirect - Fact - Fact in issue - Proof - Relevancy – Admissibility - Golden Rule of Evidence

Unit II

Facts - Facts to Prove Conspiracy Admissible Evidence - Res Gestae – Occasion - Motive-Preparation - Explanatory facts -Similar Facts – Accidental - Intentional Acts - Admission - Confession - Confession to Police.

Unit III

Statements of persons who cannot be called as witnesses - Dying Declaration - Statement under Special Circumstances - Evidentiary Value of Judgments - Opinion Evidence - Digital Evidence -Character in Civil and Criminal Cases

Unit IV

Proof - Proved – Disproved - Not Proved - Facts Need Not be Proved - Methods of Proof - Oral and Documentary Evidence - Presumption as to Documents - Exclusion of Oral Evidence - Ambiguity

Unit V

Burden Of Proof - Presumption – Estoppel - Privileged Communications – Witnesses - Accomplice Evidence - Examination of Witnesses - Judges Power to Ask Question

Suggested Readings:

Ratanlal – The Law of Evidence Woodroffe
Ameer Ali – The Law of Evidence
Sarkar - Law of Evidence
Basu – The Law of Evidence
Avtar Singh - Law of Evidence
Vepa P Sarathi - Law of Evidence

Course Name: Law of Direct Taxation	Course Code: LLB0503
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Definition and basic concepts, origin and development of taxation, Canons of taxation- Adam Smith, Various forms of revenue generation- tax, cess, fee, toll, excise, duties, customs – Methods of taxation- proportional, progressive, Tax avoidance, evasion, planning, management Constitutional Provisions – federal polity and taxation issues, budget, finance Act, money bill, limits on taxing powers – Legislative entries – interstate sale – sale or purchase in the course of export or import

Unit II

Taxes on Income – residential status – scope of total income -- exempted income -- basis of charge -- heads of income – Salaries – Income From House Property – Profits And Gains Of Business Or Profession – Capital Gains Income From Other Sources

Unit III

Clubbing of income – set off and carry forward of losses -- Liability in special cases

Unit IV

Authorities of Income Tax - filing of returns and assessment - provisions for appeal – review -settlement of cases – collection –recovery – refund – penalties, offences and prosecution – provisions relating to search and seizure

Unit V

Wealth Tax – Charge, Computation, Inclusions and exclusions – Powers of Authorities, Assessment and Penalties – Appeals, Revision – settlement of cases

Suggested Readings:

- | | |
|------------------|--|
| Dr. Kailash Rai, | - Taxation Laws Kanga |
| Palkhivala | - The Law and Practice of Income Tax (introduction only) |
| Sugathan, | - Law of Sales Tax in Kerala (introduction only) |
| Sampath Iyengar | - Income Tax Law (introduction only) |
| D.D. Basu | -Shorter Constitution of India. |

V.N. Shukla
Sreenivasan
Gopalakrishnan

- Constitution of India.
- Principles of taxation
- Law of taxation



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Intellectual Property Laws	Course Code: LLB0504
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Concept of Property – Corporeal and non-corporeal property – tangible and intangible Property – meaning of intellectual property – concept of protection of main forms of intellectual property – international convention – world intellectual property rights organisation

Unit II

Copyrights (Indian Copyright Act, 1957): Introduction to Copyright Law - Brief Introduction to related International Treaties and Conventions - Subject Matter of Copyright, Economic and Moral Rights - Authorship and Ownership, Term of Copyright and Assignment-Licensing - Infringement and Remedies - Exceptions: Fair Dealing - International Copyright Order - Issues in Digital Copyrights

Unit III

Trademarks (The Trademarks Act, 1999) – Introduction to Trademark Law - Brief Introduction to related International Treaties and Conventions - Definitions, Registration of Trademarks, Procedure, Grounds of Refusal and Well Known Trademarks - Passing Off, Infringement and Exceptions to Infringement Actions, Remedies - Assignment and Licensing - Intellectual Property Appellate Board - Conflicts of Trademarks with Domain Name - Unconventional Trademarks

Unit IV

Patent (The Patents Act, 1970) - Introduction to Patent Law - Brief Introduction to related International Treaties and Conventions - Definitions, Criteria for Patents, Patentable Inventions - Non-Patentable Inventions - Procedure for Filing Patent Application - Revocation of Patent, Licensing, Compulsory Licensing - Parallel Import - Rights of Patentee, Patent Infringement and Defences

Unit V

Industrial Design (The Designs Act, 2000) - Introduction to Designs Law - Brief Introduction to related International Treaties and Conventions - Definitions, Registration of Designs and Procedure - Cancellation of Registration of Design - Piracy of Registered Design and Remedies - Overlapping Between Designs

Copyrights and Trademark – Geographical indication – traditional knowledge and trade secret

Suggested Readings:

- | | |
|-----------------------------------|--|
| N.S. Gopalakrishnan & T.G. Ajitha | -Principles of Intellectual Property |
| B.L. Wadhera | -Law Relating to Intellectual Property |
| S. Narayan, | -Intellectual Property Law in India |
| A. K. Bansal | -Law of Trademark in India |
| V.K. Ahuja | -Law Relating to Intellectual Property |
| Law Elizabeth Verkey | -Law of Patents |
| Jayashree Watal | - Intellectual Property Rights in the WTO |
| and Developing Countries. | |
| P. Narayanan | -Law of Trademarks (The Trademarks Act |
| 1999) and Passing Off. | |
| W.R. Cornish | - Intellectual Property: Patents, Copyright, |
| Trademark and Allied Rights. | |
| C.S. Lal | -Intellectual Property Handbook: Copyright, |
| Designs, Patents and Trademarks. | |



Course Name: Banking Laws (including Negotiable Instruments Act)	Course Code: LLB0505
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

Indian Banking System and Reserve Bank---Indian Banking System – Evolution—social responsibility-- Different Types of banking and their functions— Commercial Banks—Public sector and Private Sector Banks --Regional Rural Banks--Co-Operative Banking System— HUDCO--National Bank for Agriculture and Rural Development (NABARD)-- Small Industries Development Bank of India (SIDBI)--- Export Import Bank of India (EXIM Bank)—Islamic Banking—ICICI— IDBI—Scheduled Banks--Nationalization of Banks—International Banking concepts, merits and demerits--RBI as a central bank—Functions of RBI---New Bank Licensing Policy, 2013 --Cash Reserve Ratio --Statutory Liquidity Ratio (SLR)

Unit II

Banker – Customer Relationship---Meaning of a Banking Company –Meaning of customer— Relationship between banker and customer—Rights and Obligations of a Banker and customer— Opening of account--Pass Book and Statement of Account ---Special types of customers— precautions--Minor, joint account holders, company, firm, administrator, trustee, power of attorney--- Various Deposit Schemes --‘Know Your Customer’ (KYC) Guidelines of the RBI-Closing of a Bank Account - Insurance of Bank Deposits-- Salient Features of Deposit insurance-- Nomination --Settlement of Claims—Banking ombudsman.

Unit III

Law relating to Negotiable Instruments---Introduction—Negotiation-legal aspects of Promissory note, Bill of Exchange, cheque, travellers’ cheque—Differences between them—Liabilities and rights of parties to the Negotiable Instruments- -- Crossing of a Cheque—Different types of crossing-- Endorsements—different kinds of endorsements- Paying Banker-- Obligations and Protection to Paying Banker-- Collecting Banker –Obligation and protection-Dishonour of cheque-remedies-Bill of exchange—noting and protest—Material alteration of negotiable instruments.

Unit IV

Loans Securities and Recovery--- Principles of Lending –overdraft—System of loans--Credit Worthiness of Borrowers -- Precautions-- Personal Loans -- Consumer Loans-- Secured advances-- Kinds of securities—Guidelines of RBI against risk—Debt recovery—principles and procedure--Debt Recovery Tribunals –Recovery under Securitisation Act--Letters of Credit and its advantages—Types of letter of credit-Rights and responsibility of respective parties

Unit V

Electronic Banking and Information Technology in Banks---Reforms in banking -- Automated Teller Machines (ATMs) – Internet Banking—tele banking --Core Banking—mobile banking— Electronic clearing system-National electronic fund transfer—Real time gross settlement---smart card—credit card—debit card— International cards—Regulatory measures-- Bank fraud— concepts and dimensions—prevention and detection—remedial measures and punishment— Risk management—Credit and liquidity risk management—Basel III --important aspects— Globalization and its effects in banking sector.

Suggested Readings

- M.L.Tannan, revised by Datta & S.K. Kataria - Banking Law and Practice
 Paget - Law of Banking
 L.C.Goyle, - Law of Banking and Bankers
 P.N.Varshney, Sultan Chand & Sons - Banking Law and Practice
 Avtar Singh - Banking and Negotiable
 Instruments A.B. Srivastava - Seth's Banking
 Law
 R.K. Gupta - Banking Law and Practice in 3
 Vols. Prof. Clifford Gomez -Banking and
 Finance - Theory, Law and Practice
 J.M. Holden -The Law and Practice of
 Banking M.S. Parthasarathy (Ed.), -
 Khergamwala on the Negotiable Instruments Act
 S.N.Gupta, -The Banking Law in Theory
 and Practice G.S.N.Tripathi (Ed.), -Sethi's
 Commentaries on Banking Regulation Act 1949 and Allied Banking Laws
 Mukherjee. T.K., -Banking Law and Practice
 Information Technology Act, 2000

Course Name: Alternate Dispute Resolution	Course Code: LLB0506
Course Duration: 45 hours	CIA/SEE : 30/70

Outline of the course:

- i. Negotiation skills to be learned with simulated programme
- ii. Conciliation skills
- iii. Arbitration Law and Practice including International Arbitration and Arbitration Rules Different kinds of ADR systems – Tribunals – Ombudsman – Arbitration – Conciliation, Negotiation and Mediation
- iv. Awards – Making of Arbitral awards – form and Contents of Awards
- v. Access to justice movement in India – increasing importance and focus on ADR system in India – Equal justice for all and Legal Aid Clinics. Lok Adalats as means of dispute resolution through conciliation and mediation- The legal services Authorities Act- Funds for legal aid Organisation- Power and Awards of Lok Adalats – Neethi mela- Lok nyayalaya – Gram Nyayalaya under decentralised Local Government bodies

The course is required to be conducted preferably by senior legal practitioners and academicians through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of the evaluation. The students are required to maintain a record of the practical works, exercises, assignments etc.

Out of the 100 internal marks for the paper, 25 marks shall be set apart for an internal viva-voce to be conducted by a Board comprising of a practicing lawyer and two Senior Law faculty of each institution.

Conduct of classes and distribution of marks shall be as follows.

- i. Effective Participation in two Lok Adalats -10 marks
- ii. Test paper based on Arbitration Law -15 marks
- iii. Test Paper on Legal Services Authority Act -15 marks
- iv. Mediation/arbitration/conciliation proceedings (presented by groups of 5 students each on the basis of problem provided by the teacher in charge) -15 marks
- v. Practical Record - 20 marks
- vi. Viva voce -25 marks

Statutory Materials:

1. Legal Service Authorities Act, 1987
2. Arbitration and Conciliation Act, 1996



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —

Course Name: Law of Indirect Taxation	Course Code: LLB0601
Course Duration: 45 hours	CIA/SEE : 30/70

Unit-I

Types of taxes - direct and indirect – merits and demerits - History, types and methods of indirect taxation – policies of indirect taxation constitutional provisions relating to indirect taxation – relevant Taxation Enquiry Committee Reports

Unit-II

Central Excise Act 1944 -- Definitions – Concept of manufacture, deemed manufacture, Basic concepts of levy and collection, valuation of goods, penalties

Unit-III

Customs Act – custom port, – airports, warehouse, prohibition on import/exports/illegal exports, Fixation of duty, Powers of authority, search, seizure, arrest, confiscation, penalties, presumption as to documents, transport by sea

Unit-IV

Value Added Tax – History – General Principles – Special Reference to Kerala Value Added Tax – Sale, Dealer, Registration, Levy, Returns, Assessment, Powers of Authorities, Penalties –

Unit-V

Goods and Services Tax---Constitutional basis for GST – Justification for GST – Central GST, State GST, IGST Model – merits and demerits of the new system

Suggested Readings:

Dr. Kailash Rai -TaxationLaws
 Malhotra and Goyal – Direct Taxes Law and Practice (Wealth Tax Part only)
 Singhania V. K. – Direct Taxes Law and Practice
 R. B. Sethe – Central Excise Act and Rules
 Dr. Hemalatha Rao – Value Added Tax (Design and Policy Issues)
 Chandrakanth. T . Shah and Pradeep shah – VAT Simplified, Explained & Illustrated

Course Name: Public International Law	Course Code: LLB0602
Course Duration: 45 hours	CIA/SEE : 30/70

Unit I

International Law-definition-sources-relation with municipal law-subjects of international law theories as to the basis of international law-subjects of international law-states-individuals international organizations

Unit II

State-incidence-various types of states-recognition of states-territorial sovereignty-state jurisdiction-civil-criminal-extradition-asylum-privileges, immunities of foreign states-diplomatic and consular relations–Transmission of rights and duties-state succession-territorial sovereignty and domestic jurisdiction-doctrine of reversion

Unit III

The law of treaties-conclusion of treaties-reservations-entry in to force- deposit and registration invalidity of treaties-invalidity-termination and suspension-application and effects of treaties amendments and modifications- interpretations of treaties

Unit IV

International organizations-Legal personality-performance of acts in the law - The U.N. General Assembly–Security Council–U.N.–Peace enforcement and peacekeeping–Economic and Social Council–International Court of Justice–Organization of Courts–Jurisdiction

Unit V

Law of the Sea – Territorial Sea – Contiguous Zone – Continental Shelf – Exclusive Economic Zone – emerging issues

Suggested Readings:

- Starke – International Law
- Brownlie – International Law
- Oppenheim – International Law
- S. K. Kapur – Public International Law

Course Name: Land Laws (including Tenure and Tenancy System)	Course Code: LLB0603
Course Duration: 45 hours	CIA/SEE : 30/70

Unit- I

Indian Systems of Law and relation in real property – concept of property and Constitutional Provisions – Articles 31 and 300 – Land Reforms basic concept of Gandhian Philosophy – Land to the Tiller Policy – Indian Development and Socialistic Society – Land Reforms- Ideology and Practice

Unit- II Land Acquisition – Public Purpose – Compensation and Remedies – modern Economic Development and Importance of Real Property – Land Conservation – Land Utilisation

Unit- III

Protection of Tribal Land, Forest Land, Wet Land etc

Unit-IV

Land Reforms Legislation – fixity of tenure, resumption, restoration – nature of tenant’s rights – purchase of landlord’s right by cultivate tenant

Unit-V

Element of environment and land laws- Protection of tribal land- forest land – wetlands- agricultural land – lands of ecological significance- rural and urban land utilisation and land development

Suggested Statutes:

Land Reforms Act, 1963

Land Acquisition Act, 2003

Urban Land (Ceiling and Regulation)Act, 1976

Land Conservancy Act, 1957

Course Name: Interpretation of Statutes and Principles of Legislation	Course Code: LLB0604
Course Duration: 45 hours	CIA/SEE : 30/70

Unit 1

Introduction: Interpretation - Meaning, Objects and Scope of – Difference between interpretation and construction – Statutes – Nature and Kinds - Commencement, operation and repeal of statutes - Purpose of interpretation of statutes - Basic Sources of Statutory Interpretation - The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8) – Aids to Interpretation: Internal aids and External Aids.

Unit II

Rules of Statutory Interpretation and Presumptions in statutory interpretation: Primary Rules – Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction – Secondary Rules: Noscitur a sociis, Eiusdem generis, Reddendo singula singulis – Presumptions: Statutes are valid, Statutes are territorial in operation, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting advantage from one's own wrong, Prospective operation of statutes. Interpretation with reference to the subject matter and purpose: Restrictive and beneficial construction, Interpretation of – Taxing statutes, Penal statutes, Welfare legislations, substantive and procedural statutes, directory and mandatory provisions, enabling statutes, codifying and consolidating statutes, statutes conferring rights, statutes conferring powers, Statutes affecting the state, Statutes affecting the jurisdiction of courts

Unit III

Maxims of Statutory Interpretation: Maxims – Delegatus non potest delegare, Expressio unius exclusio alterius, Generalia specialibus non derogant, In pari delicto potior est conditio possidentis, Ut res magis valeat quam pereat, Expressum facit cessare tacitum, In bonam partem

Unit IV

Interpretation of the Constitution: Rule of Harmonious construction, Doctrine of pith and substance, Colourable legislation, Ancillary powers, Occupied field, Residuary power, Doctrine of repugnancy

Unit V

Principles of Legislation: Law-making - the legislature, executive and the judiciary
- Principle of utility - Relevance of John Rawls and Robert Nozick - individual interest to community interest - Operation of these principles upon legislation - Distinction between morals and legislation

Suggested Readings:

- | | |
|---------------------------------|--|
| P. St. J. Langan | -Maxwell on the Interpretation of Statutes |
| Vepa P. Sarathi | - Interpretation of Statutes |
| G.P. Singh | - Principles of Statutory Interpretation |
| Bentham | - Theory of Legislation |
| Bakshi | - Legislation |
| Brown | - Underlying Principles of Modern Legislations |
| Dr. Nirmal Khanthi Chakravarthi | - Principles of Legislation and Legislative Drafting |
| S.G.G. Edgar | -Craies on Statute Law |
| Swarup Jagadish | -Legislation and Interpretation |
| K.Shanmukham | -N.S.Bindra's Interpretation of Statutes |
| M.P.Jain | -Constitutional Law of India |
| V.N.Shukla | -Constitution of India |
| U.Baxi | -Introduction to Justice K.K.Mathews, Democracy Equality and freedom |
| P.K. Tripathi | -Spotlight on Constitutional Interpretation |
| M.P. Tandon | -Interpretation of Statutes |

Course Name: Gender Justice and Feminist Jurisprudence	Course Code: LLB0605
Course Duration: 45 hours	CIA/SEE : 30/70

Unit -I

Women empowerment as a social change – Role of law in empowering women – Feminism and Feminist Jurisprudence – Emergence of feminism and feminist jurisprudence -Different theories of feminism and feminist jurisprudence-Distinction between “sex” (nature) and “gender” (culture)-Concept of gender justice – Gender Discrimination – Gender Equality

Unit - II

Gender Justice under the Constitution of India – Social justice and gender justice - interrelationship – Article 14, 15 and 16, Article 21& 23, Directive Principles of State Policy and fundamental duties- Reservation under 73rd &74th Constitutional amendment – Judicial approaches to equality – Formal and Substantive equality – Sameness, Correctionist and Protectionist approaches of Judiciary – Role of Human Rights Commissions, Women’s Commissions and judiciary in ensuring Gender Justice

Unit- III

Personal laws and Gender Justice — Marriage and Divorce, Maintenance-guardianship-adoption Inheritance Right, Uniform Personal Code, Concept of Matrimonial property – emancipation of Women – Empowerment of Women and Local Self Government

Unit- IV

Gender Justice and Criminal Law – Protection of women’s interests under IPC – relevant offences Dowry death -Rape - Bigamy - Adultery .Cruelty to married women – Criminal Law Amendment Act 2013 – Special legislations for Women – Prisons Act 1894, Factories Act 1948, Mines Act 1952, Immoral Traffic (Prevention Act) 1956, Dowry Prohibition Act 1961, Maternity Benefit Act 1961, Medical Termination of Pregnancy Act 1971, Equal Remuneration Act 1976, indecent Representation of Women (Prohibition) Act 1986, Commission of Sati (Prevention) Act 1987, Pre-conception and Prenatal Diagnostics Techniques (Prohibition of sex Selection) Act 1994, Prevention of Women from Domestic Violence Act 2005, Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act 2013

UNIT V

Gender Justice under International Conventions and Declarations – Judicial Attitude towards Gender Justice

Suggested Readings:

- Prof.(Dr.) G.Rajasekharan Nair - Gender Justice under Criminal Justice
System G.B.Reddy - Women and the Law
S.P.Sathe - Towards Gender Justice,
Lalita Dhar Parihar - Women and Law: From Impoverishment
to Empowerment.
Rathin Bandyopadhyay (ed), - Women Rights Human Rights
Patricia Smith (ed.) - Feminist Jurisprudence
Ratna Kapur and Brenda Crossman - Subversive Sites: Feminist Engagements
with Law in India
Paras Diwan and Piyush Diwan - Women and Legal Protection Susan
Edwards (ed.) - Gender, Sex, Law
Catherine A. Mackinnon - Towards a Feminist Theory of the State
Indu Prakash Singh - Women, Law and Social Change in India
Anjani Kant - Women and the Law



Course Name: Moot Court Exercise and Court Visit	Course Code: LLB0606
Course Duration: 45 hours	CIA/SEE : 90/10

This paper may have three components of 30 marks each and a viva voce for 10 marks.

- i) Moot Court (30marks) Every student may be required to do at least three moot court exercises in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.
- ii) Observance of Trial in two cases, one civil and one criminal (30marks) Students may be required to attend two trials in the course of the last two or three years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.
- iii) Interviewing techniques and Pre-trial preparations (30 marks): Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/ petition. This will be recorded in the diary, which will carry 15 marks.
- iv) Internal viva-voce The fourth component of this paper will be an internal viva voce examination on all the above three aspects. This will carry 10 marks. The viva-voce will be conducted by three senior Law faculty members of the institution.

Reference:

- 1.Amita Dhanda, Moot Court for Interactive Legal Education.

Course Name: Internship Programme	Course Code: LLB0607
Course Duration: 45 hours	CIA/SEE : 50/___

Each registered student shall have completed minimum of 12 weeks internship during the entire period of studies, provided that such internship in any year cannot be for a continuous period of more than 4 weeks. The internship for four weeks shall preferably be done during each summer vacation in every year of the Course. The internship may be done under NGOs, Trial and appellate advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government, and other such bodies where law is practiced either in action or in dispute resolution as directed by the head of the institution.

Each student shall keep Internship Diary in such form as prescribed by the faculty concerned and on successful completion of Internship every year the diary shall be submitted to the faculty concerned. The Diary shall be assessed by the teacher in charge each time by signing the record/diary and a maximum of 50 marks shall be awarded at the end of the Course.



Course Name: Programme Viva Voce	Course Code: LLB0608
Course Duration: 0 hours	CIA/SEE : __/50

There shall be a Programme viva-voce, carrying 50 marks, to be conducted at the end of the Programme. This shall be done by a Board of three members, of whom one shall be external, appointed by the University in this regard. The students are evaluated for their academic skill and performances during the course including their performance in the internship programmes.



**SIKKIM SKILL
UNIVERSITY**
— SIKKIM —