

COURSE-V: CLINICAL COURSE-I: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Objective:

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower an outsider to sit in judgment over their activities. The trust reposed by the society in profession is to be zealously guarded. The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.

Course contents:

UNIT-I

The legal profession and its responsibilities; The equipment of the lawyer; Conduct in Court; Professional conduct in general; Privileges of a lawyer; Salient features of the *Advocates Act, 1961*.

UNIT-II

Duty to the Court; Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the State.

UNIT-III

Contempt of Court Act, 1972.

Selected major judgments of the Supreme Court:

1. *In the matter of D, An Advocate*, AIR 1956 SC 102.

2. *P.J.Ratnam v. D.Kanikaram*, AIR1964 SC 244.
3. *N.B.Mirzan v. The disciplinary committee of Bar Council of Maharashtra and Another*, AIR 1972 SC 46.
4. *Bar Council Of Maharashtra v. M.V.Dabholkar, etc.*, AIR 1976 SC 242.
5. *V.C.Rangadurai v. D.Goplan and others*, AIR 1979 SC 201.
6. *Chandra ShekharSoni v. Bar Council of Rajasthan and Others*, AIR 1983 SC 1012.
7. *In Re an Advocate*, AIR 1989 SC 245.
8. *In Re Vinay Chandra Mishra*, 1995 (Vol-I) IBR 118.
9. *Supreme Court Bar Association v. Union of India*, AIR 1998 SC 1895.
10. *Ex-Capt. Harish Uppal v. Union of India*, AIR 2003 SC 739.

UNIT-IV

Selected opinions of the Bar council of India

1.	DC Appeal No. 16/93	1998	(Vol.1)	IBR 135
2.	BCI Tr. Case No.40/91	1998	(Vol.1)	IBR139
3.	DC Appeal No. 8/94	1998	(Vol. 1)	IBR 153
4.	DC Appeal No. 20/94	1997	(Vol. 3 &4)	IBR 193
5	BCI Tr. Case No. 76/95	1997	(Vol. 3 &4)	IBR 201
6	DC Appeal No.43/96	1997	(Vol. 3 &4)	IBR 207
7	DC Appeal No.18/91	1997	(Vol. 1 & 2)	IBR 271
8	DC Appeal No.24/90	1996	(Vol.1)	IBR 135
9	DC Appeal No.19/93	1996	(Vol.1)	IBR 152
10	BCI Tr. Case No.104/90	1996	(Vol.1)	IBR

				155
11	BCI Tr. Case No.52/89	1994	(Vol.1)	IBR 187
12	BCI Tr. Case No.127/88	1992	(Vol. 3 &4)	IBR 125
13	BCI Tr. Case No.39/87	1992	(Vol. 3 &4)	IBR 147
14	BCI Tr. Case No.39/89	1992	(Vol. 3 &4)	IBR 149
15	BCI Tr. Case No.16/88	1989	(Vol.1)	IBR 99
16	BCI Tr. Case No.2/88	1989	(Vol.1)	IBR 102
17	BCI Tr. Case No.52/88	1989	(Vol.2)	IBR 110
18	DC Appeal No.41/87	1989	(Vol.2)	IBR 122
19	BCI Tr. Case No.29/81	1989	(Vol.2)	IBR 245
20	DC Appeal No.14/88	1989	(Vol.2)	IBR 258
21	BCI Tr. Case No.14/80	1989	(Vol.2)	IBR 264
22	DC Appeal No.24/87	1989	(Vol.2)	IBR 273
23	DC Appeal No.46/86	1989	(Vol.2)	IBR 280
24	DC Appeal No.3/88	1989	(Vol.2)	IBR 285
25	BCI Tr. Case No.2/80	1989	(Vol.2)	IBR

				289
26	BCI Tr. Case No.10/86	1989	(Vol. 3 &4)	IBR 520
27	BCI Tr. Case No.101/88	1989	(Vol. 3 &4)	IBR 524
28	DC Appeal No.23/88	1989	(Vol. 3 &4)	IBR 532
29	DC Appeal No.35/87	1989	(Vol. 3 &4)	IBR 536
30	BCI Tr. Case No.27/88	1989	(Vol. 3 &4)	IBR 542
31	BCI Tr. Case No.6/84	1989	(Vol. 3 &4)	IBR 560
32	BCI Tr. Case No.24/86	1989	(Vol. 3 &4)	IBR 563
33	DC Appeal No.10/88	1989	(Vol. 3 &4)	IBR 572
34	DC Appeal No.45/74	1988	(Vol. 1 &2)	IBR 182
35	DC Appeal No.23/87	1989	(Vol.1& 2)	IBR 187
36	DC Appeal No.6/81	1988	(Vol.1& 2)	IBR 193
37	BCI Tr. Case No.16/86	1988	(Vol.1& 2)	IBR 197
38	DC Appeal No.41/86	1988	(Vol.1& 2)	IBR 200
39	DC Appeal No.33/86	1988	(Vol. 3 &4)	IBR 354

40	DC Appeal No.21/85	1988	(Vol. 3 &4)	IBR 359
41	BCI Tr. Case No.43/82	1988	(Vol. 3 &4)	IBR 364
42	DC Appeal No.28/86	1988	(Vol.3&4)	IBR 374
43	DC Appeal No.64/74	1987	(Vol.2)	IBR 314
44	DC Appeal No.30/84	1987	(Vol.2)	IBR 319
45	DC Appeal No.40/86	1987	(Vol.3)	IBR 488
46	DC Appeal No.10/86 &10A/86	1987	(Vol.3)	IBR 491
47	DC Appeal No.7/86	1987	(Vol.3)	IBR 496
48	DC Appeal No.7/81	1987	(Vol.4)	IBR 735
49	DC Appeal No.12/86	1987	(Vol.4)	IBR 745
50	BCI Tr. Case No.57/87	1987	(Vol.4)	IBR 753

UNIT-V

Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger

Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts

The cash and bulk transaction- The Cash book- Journal proper especially with reference to client's accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

1. **Mode of assessment:** The scheme of evaluation for **Clinical Course-I:Professional ethics and Professional accounting system** shall be as under:

- a. There shall be a viva for 20Marks at the end of the semester. Viva shall be conducted by the course teacher and the principal or a senior faculty member designated by the principal.
- b. Two Written Tests shall be conducted for 40 marks each.
- c. The questions in the test papers should be spread over whole syllabus.
- d. I test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

Prescribed Books:

Iyer, K.V., Krishnaswamy, *Professional Conduct and Advocacy*, (Oxford University Press, 1945)

B.S.Raman, *Financial Accounting*, "Elements of Accountancy", (Mangalore: United Publishers, 1998)

Reference Books:

Menon, N.R. Madhava, *Clinical Legal Education*, (Eastern Book Co., 2008)

Dr. B. Malik, *Art of Lawyer*, (New Delhi: Universal Book Agency, 1999)

Contempt of Court Act, 1971

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COURSE-IV: CLINICAL COURSE-II: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS

Objectives:

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the students in ADRs. The course teacher shall administer simulation exercises for each of the methods.

Course contents:

UNIT-I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRs; International commitments; Domestic needs; Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

UNIT-II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

UNIT-III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

UNIT-IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.

Prescribed Books:

Madabhushi, Sridhar, *Alternative Dispute Resolution*, (New Delhi:Lexis Nexis,2006)

Rajan R.D., *A Primer on Alternative Dispute Resolution*, (New Delhi: Jain Book Agency, 2005)

Reference Books:

Sampath D.K., *Mediation concept and technique in support of Resolution of Disputes*, (National Law School of India University,1991)

Gold Neil, et.al., *Learning Lawyers Skills*, (London: Butterworths in conjunction with the Commonwealth Legal Education Association, 1989) (Chapter-7).

Michael Noone, *Mediation*, (Cavendish Pub., 1996) (Chapters-1, 2&3).

1. Mode of Assessment: The scheme of evaluation for Clinical Course-II: **Alternative Dispute Resolution Systems** shall be as under:

- a. Two Written Tests shall be conducted for 30 marks each.
- b. The questions in the test papers should be spread over whole syllabus.
- c. I. test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

There shall be four simulation exercises conducted for 10 marks each (one exercise each in negotiation, mediation, arbitration and conciliation).

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COURSE-IV: CLINICAL COURSE-III: DRAFTING, PLEADING AND CONVEYANCE

Objectives:

Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

Course contents:

1. General principles of drafting and relevant substantive rules.
2. Pleadings- Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art.226 and Art.32 of the Constitution of India.
3. Pleadings- Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

Examination and allocation of marks:

- 1 Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
- 2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
- 3 The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
- 4 The cover shall indicate the name of the examination, subject, seat number, and the center code number.
- 5 There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva- to be conducted by the Principal and the course teacher.

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COURSE-V: CLINICAL COURSE-IV: MOOT COURT EXERCISE AND INTERNSHIP

Objectives:

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

Course contents:

Moot Court (30 marks)

1.1 Each student shall participate in at least 3 moot courts. Each Moot court exercise shall carry

10 marks, which shall be divided as under:

- for oral advocacy: 5 marks, and
- Written submission: 5 marks.

1.2 The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.

1.3 The written submissions for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.

1.4 The cover shall indicate the name of the examination, subject, seat number and the center code number.

Observation of Trial (30 marks)

- 1.1 Each student shall attend trial in two cases one civil and one criminal in the course of last two or three years.
- 1.2 The student shall maintain a record and enter the various steps observed during their attendance on different days in the Court.
- 1.3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.
- 1.4 The record shall be valued for 30 marks.
- 1.5 The cover page shall indicate the name of the examination, subject, seat number and the center code number.

Client Interviewing (30 marks)

Each student shall observe two session of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the suit/petition. This shall be recorded in a diary, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of the diary shall indicate the name of the examination, subject, seat number, and the center code number.

Viva (10 marks)

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

Method of assessment: The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.

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