

B.A. LL.B. (HONS.) SEMESTER –VII
PAPER – VI : CLINICAL PAPER-I
PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING
SYSTEM

Note: The written exam of this paper will have 80 marks and viva-voce will carry 20 marks.

Course Objective:

The objective of the course is to provide students with an overall understanding of the Professional Legal Ethics, accountancy and bench Bar Relations. The course will consider the basic principles of these laws which dominate its jurisprudence and the relevance of these laws in practice. Ethics in relation to the profession of law is a code of conduct, written, unwritten which prescribes the duties of legal practitioners and regulates their behavior, in respect of such duties. The main aim and objective of the course is:-

- Increase ethical sensitivity
- To give advanced understanding of the essential elements of the ethical and professional practice of psychology.
- To place the profession in a societal and legal context and give current information about professional associations.
- Ethical and professional issues such as competence, confidentiality, consent, boundary issues and professional conduct are covered in the context of practical ethical cases.
- To give role play experience in court procedures.
- To teach students to be ethically aware in their professional practice

Expectation from Students:

- Summarize and outline course material and class discussion.
- Identify and clarify anything confusing about concerned subjects.
- Develop moral values with regard to professional conduct.

Teaching Methodology:

Teaching will be mainly done through lectures by practicing lawyers. Projects including the research paper presentations would offer an opportunity to learn and appreciate issues involved in the course, Group exercises will also be used for some topics. Notes in the text, case law and materials from the web shall be used to provide one with source documents.

COURSE CONTENTS

Unit–I : Admission, Enrolment & Rights of Advocate

1. Importance of Legal Profession.
2. Persons who may be admitted as advocates on a State roll.
3. Disqualification for enrolment
4. Rights of Advocates
5. State Bar Councils
 - (i) Establishment and Organisation
 - (ii) Powers and Functions
 - (iii) Bar Council of India
 - (iv) Organisation
 - (v) Powers and Functions

Unit–II : Ethics of Legal Profession

1. Meaning and Nature of ethics.
2. Need of professional ethics in the present society.
3. Duty of an advocate towards Judges, fellow Lawyers and Clients.

Unit–III : Punishment for Professional or Other Misconduct

1. Professional or other Misconduct- Meaning and Scope
2. The Body or Authority empowered to punish for professional or other misconduct.
 - (i) State Bar Council and its disciplinary committee
 - (ii) Bar Council of India- and its disciplinary committee
3. Complaint against advocates and procedure to be followed by the Disciplinary Committee.
4. Remedies against the order of punishment.

Unit–IV : Meaning and Categories of Contempt of Court

1. Historical development of Contempt of Court Act in India,
2. Object and Constitutional validity of Contempt of Court Act.
3. Kinds of Contempt
 - (i) Criminal Contempt
 - (ii) Civil Contempt
4. Contempt by Lawyers
5. Contempt by Judges, Magistrates or other persons acting judicially
6. Contempt by State, Corporate bodies & other officers

Unit–V : Defenses, Procedure, Punishment and Remedies for Contempt of Court

1. Defenses available under contempt of court
2. Procedure to be followed by courts
3. Appellate provisions regarding Contempt
4. Punishment and Remedies against punishment for Contempt of Court.

Learning Outcome:

On completion of the course the students will be able to:

1. Develop the ethics of doing the practice and understand the importance of behavior in court and deal with the contempt.

Suggested Readings:

1. Kailash Rai, Professional Ethics, Accountancy for Lawyers and Bench bar relations
2. Dr. Sirohi, Professional Ethics, Accountancy for Lawyers and Bench Bar Relations
3. Mr. Krishnamurthy Iyer's book on Advocacy
4. Majumdar , professional Ethics
5. K. L. Sharma Sociology of Law
6. Dr. S.P Gupta, Professional Ethics, Accountancy for Lawyers and Bench

Case Study:

1. Re Vinay Chandra Mishra, AIR1995SC2348
2. Supreme Court Bar Association v. union of India, AIR 1998SC1895
3. Smt. Harbans kaur v. PC Chaturvedi(1969)3SCC712
4. Charan Lal Sahu v. Union of India, AIR1988SC107
5. Harish Chandra Tiwari v. Baiju,(2002)2SCC67
6. Bhupendra kumar sharma v. Bar Council, Pathan kot(2002)1SCC470
7. DC saxena v. Chief Justixce of India, AIR1996SC2481
8. MB Sanghiv. Punjab and Haryana High court, AIR1991SC1834
9. Supreme Court Advocate-on record association v. Union of India1993(4)SCC441
10. SP Gupta v. Union of India1982(2)SCR365

B.A. LL.B. (HONS.) SEMESTER - X
PAPER- V : ALTERNATE DISPUTE RESOLUTION

Course Objective:

The main objectives of the Course are

1. Understand the strengths and weaknesses of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skills to make effective use of ADR methods.
4. Describe and explain the ADR movement.

Unit-I : Concept

1. Arbitration : Meaning scope and types
2. Arbitration Agreement- Essentials, Kinds
3. Who can enter into an arbitration agreement ?
4. Validity
5. Reference to arbitration
6. Interim measures by court

Unit-II : Arbitration Tribunal

1. Composition
2. Jurisdiction
3. Grounds of challenge
4. Powers
5. Procedure
6. Court assistance
7. Award, Rules of guidance, Form and content, Correction and interpretation
8. Grounds of setting aside an award-Want of proper notice and hearing, Contravention of composition and procedure.
9. Impartiality of the arbitrator
10. Bar of limitations, res judicata
11. Consent of parties
12. Enforcement

13. Appeals

Unit-III : Conciliation

1. Distinction between “conciliation”, “mediation”, and “arbitration”.
2. Appointment of conciliator
3. Interaction between conciliator and parties
4. Communication, disclosure and confidentiality
5. Suggestions by parties
6. Settlement agreement and its effect
7. Resort to judicial proceedings, legal effect
8. Costs and deposit

Unit-IV : International Arbitration

1. Enforcement of Foreign Award
2. New York convention Award
3. Geneva Convention Award

Unit-V : Rule making Power

1. Legal Service Authorities Act, 1987
2. Lok Adalat
3. Legal Literacy and Legal Aid Camp.

Learning Outcome:

1. Compare and contrast various legal implications of each method.
2. Train participants to be effective Arbitrators, Conciliators and Mediators.
3. Reduce the backlog of pending cases
4. Develop a Case Management System.
5. Reduce the time pendency of the litigations

Select bibliography

1. Avtar Singh : Arbitration and Conciliation
2. Goyal : Arbitration and Conciliation Act
3. Shukla : Legal remedies

4. Jhabvala : Law of Arbitration and Conciliation