

UNIVERSITY COLLEGE OF LAW
KAKATIYA UNIVERSITY, WARANGAL, TELANGANA
LL.B. (5YDC) COURSE SYLLABUS (WITH EFFECT FROM 2020-2021)
LL.B (5YDC) V Year: Semester – X
PAPER – I
PRACTICAL TRAINING - I
PROFESSIONAL ETHICS AND ACCOUNTANCY FOR LAWYERS
Theory 6 Hours/Per Week Marks: 80 (External Exam)

The written examination for Theory of this paper will be for 80 marks (The Candidate shall get minimum 40% marks in theory examination) and the remaining 20 marks for viva voce. There shall be classroom instruction on the following topics:

Unit-I:

Development of Legal Profession in India - Right to Practice a Right or Privilege? - Article 19(1) (g) of Indian Constitution -Elements of Advocacy - Essential Skills for Advocates - Seven Lamps of Advocacy – Advocates Act, 1961 – Admission and Enrolment of Advocates - Regulation governing Enrolment and Practice - Persons who may be admitted as an Advocates on State Roll - Disqualification for Enrollment - Right of Advocates to Practice - Advocates' Right to take up Law Teaching. (Anees Ahmed v. University of Delhi, AIR 2002 Del. 440) - Impact of Globalization on legal profession - Legal outsourcing in India.

Unit-II :

Legal Ethics - Advocates duties - Duty to Court, Client, Opponent, Colleagues – Section 7 and Section 49 of the Advocates Act - Duty towards Society - Rules of the Bar Council India - Bar Council Code of Ethics – Bench - Bar Relations - Contempt of Court - Contempt of Courts Act, 1971 - Contempt - Meaning - Civil Contempt - Criminal Contempt - Conflicts of interests – Advocate Vs Client's interests - Limitations of the rights of Advocates viz. restrictions on advertising, bar from carrying on other professions, etc.

Unit-III:

Bar Council of India and State Bar Councils - Duties and Functions - Professional Misconduct and Punishments - Role and Powers of Disciplinary Committee – Conduct of Advocates and Disciplinary proceedings -Punishment of Advocates for misconduct - Disciplinary Powers of Bar Council of India -Disqualification and removal from rolls - Appeal to Bar Council of India - Appeal to the Supreme Court.

Unit-IV:

Accountancy for Lawyers – Management of time, human resources, office, etc, - Accountancy knowledge for lawyers (like evidentiary aspects, interpreting financial accounting statements in the process of lawyering, etc - Nature and Functions of accounting -Important branches of

accounting - Accounting and Law - Use of knowledge of accountancy in Legal Disputes especially arising out of Law of Contracts, Tax Law, etc. - Accountancy in Lawyers' office/firm - Basic financial statements - Income & Loss account, Balance-sheet- Interpretation thereof - Feature of Balance sheet Standard Costing- Liability of advocates for professional wrongs.

Viva-Voce (20 marks): There shall be viva-voce examination on the above syllabus. The viva-voce Board consisting of (1) Principal of the College (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairperson, BoS in Law, and (iii) The teacher concerned shall evaluate the student in the Viva-Voce and average will be taken. The proceedings of the viva-voce shall be recorded.

Note: Attendance of the students for viva-voce shall be compulsory and shall get minimum 40% of marks in the Viva-Voce examination.

Suggested Readings :

- (1) Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
- (2) Gupta S.P.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House, Hyderabad.
- (3) Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Allahabad Law Agency.
- (4) Siroh: Professional Ethics, Central Law Publications, Allahabad.
- (5) Ramachandra Jha: Selected Judgements on Professional Ethics published by Bar Council of India Trust, 2002.
- (6) Dr. G.B. Reddy: Practical Advocacy of Law, Gogia Law Agency. Hyderabad

PAPER – II
PRACTICAL TRAINING - II
ALTERNATE DISPUTE RESOLUTION

Theory **3 Hours/Per Week**

Marks: 50 (External Exam)

Practical **3 Hours/Per Week**

Marks: 50 (Internal Exam)

The written examination for Theory of this paper will be for 50 marks (Duration of Examination is Two Hours) and the remaining 50 marks for writing of record of Practical Work. The Candidate shall get minimum 40% marks in theory examination and 40% marks in record. There shall be classroom instruction on the following topics for Theory Examination:

Unit-I:

Introduction- Concept of ADR – History and Reasons for the growth of ADR – Advantages and Disadvantages of ADR – Legislative and Judicial Sanction for ADR – Important forms of ADR – Mediation - Models of mediation - rights based - interest based - facilitative - evaluative - settlement oriented - therapeutic - transformative and other models - Negotiation – Meaning and Theories of Negotiation - problem solving approach - competitive theory - Hybrid methods - Online Dispute Resolution (ODR) – Advantages of ODR - Ombudsman – Lok-adalat – Family Courts - Arbitration and Conciliation Act, 1996 - Definition of Arbitration and Arbitrator - Arbitration Agreement - Essentials - Rule of Severability - Who can enter into Arbitration Agreement – Validity - Extent of Judicial Intervention- Power of Court to refer parties to Arbitration - Sec. 89 of Civil Procedure Code - Interim measures.

Unit-II:

Composition of Arbitral Tribunal - Number of Arbitrators - Appointment of Arbitrators - Grounds for challenge – Challenge procedure - Court assistance - Jurisdiction of Arbitral Tribunal - Competence of Arbitral Tribunal to rule on its Jurisdiction – Interim measures ordered by Arbitral Tribunal - Conduct of Arbitral Proceedings - Equal treatment of parties - Determination of rules of procedure - Place of arbitration – Language - Statement of Claim and Defence - Hearing and written proceedings - Expert appointment by Arbitral Tribunal - Making of Arbitral Award and Termination of Proceedings - Rules applicable to substance of dispute – Settlement - Form and contents of Arbitral Award - Termination proceeding - Enforcement - Recourse against Arbitral Award - Finality and Enforcement of Arbitral Awards – Appeals.

Unit-III:

International Arbitration and Arbitration Rules - The Geneva Protocol - New York Convention of 1958 - Arbitrations involving State Parties - The UNCITRAL Model Law on International Commercial Arbitration - Enforcement of Foreign Arbitral Awards - The role of National Courts in the International Arbitration Process - Judicial Intervention in Enforcement of Arbitral Awards on the Ground of Public Policy - The evaluation of International Arbitral Institutions and their rules - Conciliation - Appointment of Conciliator - Role of Conciliator - Powers and Functions of

Conciliator - Commencement of Conciliation proceedings - Termination of Conciliation Proceedings.

Practical Exercises (50 marks)

As a part of practical exercise, Mediation and Conciliation course component shall be taught to the students on the following topics. A quarter of the time allotted for the Mediation course may be devoted to practical exercises and mediation role play. Practical exercises may be devised to train students in developing crucial communication and negotiation skills, including summarizing of facts, neutral reframing, identification of issues, formulating objective criteria, conducting reality checks, assessing alternatives.

Importance of Mediation: Pendency of cases in India, its causes and consequences. Mediation as a flexible, timely, cost-effective mode of alternative dispute resolution. **Traditional Mediation Practices in India:** Mediation by *Mahajans*, *Panchas* and religious leaders. *Ahimsa*, *Satyagraha* and Gandhian principles of pragmatic, non-violent conflict resolution.

Elements of Mediation: Definitions and key characteristics. Nature of mediation as voluntary, consensual, non-coercive, confidential and risk-free. Parties retain control of the process. **Process/stages of Mediation:** Problem-defining, Problem-solving and settlement stages. Opening round, joint sessions and private caucus. Gathering information, analysing issues and interests, generating options and proposals, resolving disagreements, reaching agreement.

Approaches to Mediation: Facilitative, Evaluative and Transformative Mediation. Role of the Mediator as a neutral facilitator, impartial moderator, trusted interlocutor but never a legal advisor. **Importance of communication:** Communication styles, Communicative behaviour, Compassionate or Collaborative Communication. **Elements of verbal and non-verbal communication:** Choice of words, clarity of thought and expression, right pitch, tone and emphasis, body language. **Effective and Ineffective communication techniques:** Active listening skills, building rapport, empathy not sympathy. Use of open-ended questions, neutral rephrasing, factual summarizing.

Conducting effective mediation: summarizing the facts, understanding respective positions, discussing issues rationally, recognizing both individual and common interests, empathizing with underlying emotions and asking relevant open-ended questions. **Decision-making techniques:** neutral reframing of issues, identifying interests, moving parties away from issues towards interests, generating and exploring options, formulating objective criteria conveying offers and proposals, applying reality checks. Assessing the alternatives to a negotiated settlement (BATNA, WATNA, MLATNA)

Problem-solving tactics: Causes for impasse and effective intervention techniques: time-out, calculated adjournment, deadlines, refocusing attention, emphasizing relationships, brainstorming, using expert valuation, using other dispute resolution modes. **Ensuring positive outcomes:** Distributive v Integrative negotiation. Expanding the pie and developing win-win solutions. **Ideal Qualities and Skills of Mediators:** Being neutral, impartial, objective, communicative, open-minded, quick-thinking, patient, amicable, diplomatic, honest and

empathetic. Learning how to build rapport, gain trust, formulate creative solutions and deal with impasse.

Code of Ethics for Mediators: Importance of ethical conduct during Mediation. Ensuring impartiality and neutrality, no conflict of interest, dealing with power imbalance, preventing abuse, encouraging parties to reach their own solutions without any coercion or undue influence.

Confidentiality Requirements: Confidentiality extends to all case info, identity of parties, proposals and offers made by parties, confidential revelations during private sessions, terms of the settlement and all case-related documents

Drafting of Mediated Agreements: Identifiable parties, unambiguous terms, clear language, specific outcomes, measurable commitments, provision for monitoring implementation and accepted mode for resolving future conflicts.

NOTE: Students are required to attend and observe the proceedings of Lok Adalats, Family Courts, Tribunals and other ADR Systems. Each student shall record the above observations in respect of 5 Civil cases and 5 Criminal cases in the diary which will be assessed. Record submitted by the student shall be evaluated for 50 marks by the teacher concerned. ***While awarding marks for record, the concerned teacher shall take into consideration of active participation of such student in Mediation and Conciliation practical exercises and Mediation role play.*** The Records of the students duly certified by the University Examiner appointed by the Controller of Examinations in consultation with the Chairperson, Board of Studies in Law shall be submitted to the University before the commencement of the theory examinations.

Suggested Readings:

1. O.P. Tiwari : *The Arbitration and Conciliation Act* , Allahabad Law Agency.
2. Johar's : *Commentary on Arbitration and Conciliation Act*, Kamal Law House, 1996.
3. Acharya N.K.: *Law relating to Arbitration and ADR* ,Asia Law House, Hyderabad
4. Tripathi S.C. *Arbitration, Conciliation and ADR*, Central Law Agency, Allahabad.
5. Avatar Singh: *Arbitration and Conciliation*, Eastern Law Book House, Lucknow.
6. K S R Murthy: *An introduction to ADR Mechanism*, Gogia Law Agency, Hyderabad
7. P.C.Rao: *Alternate Dispute Resolution* Universal Book Traders, New Delhi, 2001.
8. S.D. Singh: *Alternate Dispute Resolution*, Universal Book Traders, New Delhi.

PAPER – III
PRACTICAL TRAINING - III
DRAFTING, PLEADING AND CONVEYANCE

Theory **3 Hours/Per Week**

Practical **3 Hours/Per Week**

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Marks: 90 (Internal Exam)

Class-room instruction and simulation exercises on the following items shall be extended, as practical exercise, for writing records by the students.

Unit-I:

Meaning of Document, Deed, Application, Representation, Notice, Petition, Complaint and Suit-Drafting - General Principles of Drafting of Deeds and other legal documents, and relevant Substantive Rules shall be taught.

Unit-II:

Pleadings – Civil - Meaning and Importance -Functions of Pleadings - Order 6 of CPC - Essentials of Pleading- Particulars of Pleading – Striking out pleadings- Signing and verification- Amendment in Pleadings - Applicability of Order 6 CPC in Other Proceedings - Necessary Parties and Proper Parties - Joinder, Non joinder and Mis joinder of parties - Jurisdiction of the Civil Courts- Pecuniary, Territorial and Subject matter jurisdiction - Cause of Action -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 - Drafting of Writ Petition and PIL Petition – Criminal - Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.

Unit-III

Conveyancing: Meaning of Conveyancing- What can and cannot be conveyed - Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed.

Practical Exercises:

Apart from teaching the relevant law, the course includes not less than 15 (fifteen) practical exercises in drafting of pleadings carrying a total of 45 marks (3 marks for each) and 15 (fifteen) exercises in conveyancing carrying another 45 marks (3 marks for each exercise). These 30 exercises shall be recorded. Each student shall be served with different problems for the purpose of exercise. These exercises shall be assessed and marks may be allotted. There shall be Viva-Voce examination for remaining 10 marks on above components and the students who have submitted record shall only be eligible for attending viva-voce examination.

These exercises shall be evaluated by a common committee consisting of (i) Principal of the College/the concerned teacher (ii) University Examiner appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, and (iii) an Advocate with 10 years experience at the Bar and average will be taken. The same committee will also conduct viva-voce on the above concepts. The proceedings of the viva-voce shall be recorded.

The above records certified by the University Examiner appointed by the Controller of Examinations in consultation with the Chairperson, BoS in Law shall be submitted to the University for Further Verification.

Note: Attendance of the students for viva-voce shall be compulsory and shall get minimum 40% of marks in the Viva-Voce examination.

Suggested Readings:

1. R.N. Chaturvedi : Pleadings and Conveyancing, Central Law Publications.
2. De Souza : Conveyancing, Eastern Law House.
3. Tiwari : Drafting, Pleading and Conveyancing, Central Law Agency.
4. Mogha: Indian Conveyancer, Eastern Law House.
5. Mogha: Law of Pleadings in India, Eastern Law House.
6. Shiv Gopal: Conveyancing, Precedents and Forms, Eastern Book Company
7. Narayana P.S.: Civil Pleadings and Practice, Asia Law House.
8. Narayana P.S.: Criminal Pleadings and Practice, Asia Law House.
9. Noshirvan H.Jhabvala: Drafting, Pleadings, Conveyancing & Professional Ethics. Jamhadar & Companes.
10. R.D.Srivastava: The Law of Pleadings, Drafting and Conveyancing, Central Law Agency.

PAPER – IV
PRACTICAL TRAINING – IV
MOOT COURTS, PRE-TRIAL PREPARATIONS INTERNSHIP AND OBSERVATION
OF TRIAL

Theory **3 Hours/Per Week**

Practical **3 Hours/Per Week**

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Marks: 90 (Internal Exam)

This paper has three (3) components of 30 marks each and viva-voce examination for 10 marks.

A) Moot Courts (30 marks):

Every student shall participate in three (3) moot courts in the. Each moot court shall carry 10 marks for each. The moot court work will be on an assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy. Attendance in three moot courts shall be compulsory.

Written submissions shall include brief summary of facts, issues involved, provisions of laws and arguments, citation, prayer, etc. Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law; authorities quoted, court manners, etc.

The performance of student in the moot court shall be evaluated by a committee consisting of (i) Principal of the College (ii) an Advocate with 10 years experience at the Bar and (iii) University examiner appointed by the Controller of Examinations in consultation with the Chairman, BoS in Law.

B) Pre-Trial Preparations Internship and Interviewing Techniques (30 marks):

Each student should observe two 'interview sessions' of clients either in the Lawyer's Office or in the Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student has to 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 the diary which will carry 15 marks.

The diary, duly signed by the Advocate/Officer, shall clearly indicate the dates on which the above observations are made and they shall be authenticated by the advocate concerned.

Evaluation of the above diary shall be made by the committee consisting of (i) Principal of the College/the concerned teacher (ii) University Examiner appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, and (iii) an Advocate with 10 years experience at the Bar and average be taken.

C) Observance of Trial in Civil and Criminal Cases (30 marks):

Students are required to attend courts for observation of civil and criminal case trials. Every student shall maintain a record of various steps observed during their attendance on different days in the court on at least one civil and one criminal case. The Court Observation Record submitted by the students should be evaluated by a committee consisting of (i) Principal

of the College/the concerned teacher (ii) University Examiner appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, and (iii) an Advocate with 10 years experience at the Bar and average be taken. Court attendance shall be compulsory and attendance has to be recorded in a register kept there for. This may be carried under the supervision of a teacher of the college. This scheme will carry 30 marks.

The above records and diary certified by the University Examiner appointed by the Controller of Examinations in consultation with the Chairman, BoS in Law shall be submitted to the University for Further Verification.

Note: Attendance of the students in above all three components of the paper shall be compulsory. If any student fails to attend any one of the three components, marks will not be awarded to remaining components and treated as absent for entire paper.

Viva-voce (10 marks): There shall be viva-voce examination on all the above three components for the students who have attended and submitted records on all components of the paper. The Viva-voce Board consisting of (i) Principal of the College/the concerned teacher (ii) University Examiner appointed by the Controller of Examinations in consultation with the Chairman, BoS in Law; and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

Note: Attendance of the students for viva-voce shall be compulsory and shall get minimum 40% of marks in the Viva-Voce examination.

Suggested Readings:

1. Dr. Kailash Rai: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law Publication.
2. Amita Danda: *Moot Court for Interactive Legal Education*, Gogia Law Agency, Hyderabad.
3. Blackstone's: *Books of Moots*, Oxford University Press.
4. Mishra: *Moot Court Pre-Trial Preparation and Participation in Trial Proceedings*, Central Law, Allahabad.

PAPER - V
OPTIONAL SUBJECTS

Theory

6 Hours/Per Week

Marks:100 (External Exam)

Note: Student has to choose any one of out of the following three subjects as his optional subject.

A. LAW RELATING TO WOMEN

Unit-I :

Historical background and status of women in ancient India — Constitutional Provisions and gender justice — Relevant provisions relating to women in Directive Principles of State Policy and Fundamental Duties etc. under the Indian Constitution.

Unit-II:

Laws relating to marriage, divorce and succession and maintenance under the relevant personal laws with special emphasis on women — Special Marriage Act — Maintenance under Cr. P.C.

Unit-III :

Special provisions relating to women under the Indian Evidence Act, 1872 — Offences against women under Indian Penal Code - outraging the modesty of women -sexual harassment – rape – bigamy - mock and fraudulent marriages – adultery - causing miscarriage - insulting women etc.

Unit-IV:

Socio-Legal position of women and the law — Dowry Prohibition Act, 1961, Medical Termination of Pregnancy Act — Law relating to the Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) and Sex selection — Immoral Traffic (Prevention) Act -- Law relating to domestic violence.

Unit-V :

Relevant provisions relating to women under Maternity Benefit Act, 1961, Factories Act and other Labour & Industrial Laws — Position of Women under International instruments — Salient features of Convention for Elimination of all forms of Discrimination Against Women (CEDAW) — International Covenant on Civil and Political Rights — International Covenant on Social, Cultural and Economic Rights.

Suggested Readings :

1. S.P. Sathe: *Towards Gender Justice*.
2. Dr. Vijay Sharma: *Protection to woman in Matrimonial home*
3. Dr. Sarojini Saxena: *Femijuris* (Law relating to Women in India)
4. Dr. Archana Parsher: *Women and Social Reform*
5. Dr. Paras Diwan: *Dowry and protection to married women*
6. Mary Wollstonecraft: *A Vindication of the rights of women*.
7. Dr. G.B.Reddy: *Women and Law*, 2nd Edn. Gogia Law Agency, Hyderabad, 1998.

B. INTERNATIONAL HUMAN RIGHTS

Unit-I

Meaning and definition of Human Rights - Evolution of Human Rights - Human Rights and Domestic Jurisdiction.

Unit-II

Adoption of Human Rights by the UN Charter - U.N. Commission on Human Rights - Universal Declaration of Human Rights - International Covenants on Human Rights(Civil and Political; Economic, Social and Cultural).

Unit-III

Regional Conventions on Human Rights - European Convention on Human Rights - American Convention on Human Rights - African Charter on Human Rights(Banjul).

Unit-IV

International Conventions on Human Rights - Genocide Convention, Convention against Torture, CEDAW, Child Rights Convention, Convention on Statelessness, Convention on Refugees - World Conference on Human Rights(1993).

Unit-V

Human Rights Protection in India - Human Rights Commissions - Protection of Human Rights Act - National Human Rights Commission (NHRC) - State Human Rights Commissions - Human Right Courts in Districts.

Suggested Readings:

1. P.R. Gandhi (ed): *Blackstone's International Human Rights Documents*, Universal Law Publishing Co. Delhi.
2. Richard B. Lillich and Frank C. Newman: *International Human Rights - Problems of Law and Policy*, Little Brown and Company, Boston and Toronto.
3. Frederick Quinn: *Human Rights and You*, OSCE/ ODIHR, Warsaw, Poland
4. T.S. Batra: *Human Rights – A Critique*, Metropolitan Book Company Pvt. Ltd., New Delhi.
5. Dr. U. Chandra: *Human Rights*, Allahabad Law Agency Publications, Allahabad.

C. RIGHT TO INFORMATION

Unit-I

Freedom of Information – Meaning, Nature and Scope – Freedom of Information – Historical Perspective – Right to Know and Democracy – Concept of open government – Transparency and accountability – Basic elements of Right to Information – Right to Information and Indian Constitution.

Unit-II

UN and Right to Information – right to Information – International Law and Human Rights perspective – Important Conventions and Declarations concerning Right to Information – UDHR – Right to Information Law under USA, UK.

Unit-III

Right to Information Act, 2005 – Information – Definition – Right to Information Meaning – Public Authority – Obligations of public Authorities – Procedure for obtaining Information – Disposal of request – Exceptions from disclosure of information – Third party information.

Unit-IV

Authorities under the RTI Act: Central Information Commission – Constitution, powers and functions – State Information Commission – Powers and functions.

Unit-V

Appeal provisions – Penalties – Bar of jurisdictions of Courts – Monitoring and reporting – A.P. Right to Information (Regulation of fee and costs) Rules, 2005.

Suggested Readings:

1. Dheeraj Khanelwal and K.K. Khandelwal : A Commentary on Right to Information Act, 2005.