

PRACTICAL PAPER-I

DRAFTING, PLEADING & CONVEYANCE

OBJECTIVES OF THE COURSE:

This is Compulsory Clinical Course as prescribed under the Bar Council of India-Rules of Legal Education, 2008. The entire course is designed in order to apprise the law students about the practical knowledge of drafting of pleading and conveyancing deeds. This is expected to be taught through class instructions and stimulation exercises, preferably with the assistance of practicing lawyers/retired judges. The Law students will have to draft the prescribed civil and criminal Pleading Exercises as well as prescribed conveyancing deeds by understanding the general principles and relevant legislations in the class rooms. The law students should make themselves comfortable in drafting different cases and deeds based upon any given hypothetical facts taking into consideration the procedural laws like Code of Civil Procedure, Code of Criminal Procedure, Evidence Act as well as Constitutional Law of India, Transfer of Property Act, Registration Act, Limitation Act, Negotiable Instruments Act, Family Courts Act etc.

Note : (1) Strictly follow the Syllabus prescribed by Bar Council of India.

(2) Use prescribed format for journal.

Theoretical Examination: 90 Marks

Viva Voice Examination: 10 Marks

SYLLABUS:

1. DRAFTING AND PLEADING :

- 1.1 General Principles of drafting and relevant substantive rules
- 1.2 Pleadings : Civil
 - 1.2.1 Complaint
 - 1.2.2 Written Statement
 - 1.2.3 Memorandum of Appeal
 - 1.2.4 Civil Revision Application (u.s/s. 115 of the CPC & under the Rent Act)
 - 1.2.5 Interlocutory Application
 - 1.2.6 Execution Application
 - 1.2.7 Affidavit
 - 1.2.8 Writ of Mandamus

- 1.2.9 Writ of Habeas Corpus
- 1.2.10 Writ of Certiorari
- 1.2.11 Criminal Complaint
- 1.2.12 Bail Application
- 1.2.13 Anticipatory Bail Application
- 1.2.14 Criminal Appeal
- 1.2.15 Criminal Revision.

2. CONVEYANCING DEEDS :

2.1 Conveyancing Deeds : Meaning Importance and types – Deed Pole and Indenture, General Principles

2.2 Various conveyancing deeds:

- 2.2.1 Notice : General, Statutory Notice (Sec.80 of CPC) and Notice (u/s. 138 of the Negotiable Instruments Act, 1881)
- 2.2.2 Agreement to sell
- 2.2.3 Sale Deed
- 2.2.4 Mortgage Deed
- 2.2.5 Lease Deed
- 2.2.6 Rent Note
- 2.2.7 Power of Attorney : General and Special
- 2.2.8 Gift Deed
- 2.2.9 Will and Codicil
- 2.2.10 Trust Deed
- 2.2.11 Partnership Deed

SUGGESTED READINGS:

1. Mogha's Law of Pleadings with precedents: Eastern Law House
2. Bindra on Conveyancing Vol. I –III Law Publishers
3. S.C Ghosh, Principles & Forms of Pleading, Eastern Law House
4. K.S. Gopala Krishnan, Pleading and Practice (Civil & Criminal), ALT Publication
5. Chaturvedi A.N, Principles and Forms of Pleadings and Conveyancing with Advocacy and Professional Ethics: Allahabad Law Agency
6. Pandit and Amin, Principles & Precedents of Pleading and Conveyancing
7. Shiv Gopal Conveyancing, Precedents & Forms, Eastern Book Co.
8. S.R.Myneni, Drafting, Pleading & Conveyancing, Asia Law House

9. Swamy NM, Text Book on Drafting, Pleading & Conveyancing, Asia Law House
10. P.S.Narayan Civil Pleading & Practice, Asia Law House
11. P.S.Narayan Criminal Pleading & Practice, Asia Law House
12. K.K. Srivastava, Law Of Pleading, Drafting & Conveyancing, Central Law Agency.

PRACTICAL PAPER-II
MOOT COURT EXERCISE & INTERNSHIP

OBJECTIVES OF THE COURSE:

The Bar Council of India has through Rules of Legal Education, 2008 designed this course as one of the Compulsory Clinical Course taking into consideration the development of over all skill of law students including Oral Advocacy, skill of presenting the case, Imagination, Rules for conducting Civil Case or Criminal Trail, visit to the courts, Interviewing Techniques for gathering information from the clients and also pre-trial preparations. The students are required to compulsory attend at least one Civil Case and one Criminal Trial within a span of three years of LL.B Programme. The law students are expected to observe dialogue between a lawyer and client and learn the skill of advocacy out of it. As per the Rules of Legal Education, 2008, the entire course is divided into following three components including 30 marks each to be written in journal, to be evaluated by the college as well as a viva voce of 10 marks to be conducted by the Saurashtra University.

	Marks
(a) Moot Court (Three Exercises & Arguments)	30
(b) Observance and writing the proceedings of Trial in two cases, one Civil and one Criminal	30
(c) Interviewing techniques, dialogues between Advocate & Clients and Pre-Trial preparations	30
(d) Viva –voce examination	10
Total	100

MOOT COURT: 30 Marks

Each student will conduct at least three Moot Courts in a semester with 10 Marks for Each. The Moot Court work will be assigned Problems and it will be evaluated for 5 Marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance of each student shall consist of the Principal or his/her nominee and concerned teacher assigned with the subject.

(a) OBSERVANCE OF TRIAL IN TWO CASES ONE CIVIL AND ONE CRIMINAL

Civil Case **15 Marks**

Criminal Case **15 Marks**

Students will attend two trials during their Course of Three Year's LL.B. Programme. They will maintain a record thereof and enter various steps observed during their attendance on different days in the court Assignment (diary). Attendance and performance to be certified by Advocates enrolled and recognized by the Bar Council.

(b) INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS.

- **Interviewing techniques** **15 Marks**

- **Pre-trial preparations.** **15 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. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filling of the suit/ petition. This will be recorded in the diary. Practical work is to be evaluated by the Committee Constituted as per VI-CL. (c).

(c) VIVA-VOCE EXAMINATION ON THE ABOVE **10 Marks**

Three aspects. Viva-voce examination is to be conducted by the committee constituted of Principal and two examiners to be appointed by the University.

SUGGESTED READINGS:

1. Dr.S.R.Mayneni, Moot Court, Pre-Trial Preparation and Participation in Trial
2. Proceeding & Viva-voce, Asia Law House
3. Aggrwal Prof. Nomita & Mukesh Anand, Beginners Path to Moot Court, Universal Law Publication Co.
4. Bahtia Prof. Dr. K.L. Moot Court and Mock Trial – Art to and Art of Advocacy :
5. Essentials of Court Craft, Universal Law Publication Co.
6. Om Prakasah Mishra, Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Agency
7. Dr. Sant Prasand Gupta, Moot Court Pre- Trial Preparation and Participation in Trial Proceedings, Central Law Agency
8. JPS Sirohi, Moot Court Etc., Allahabad Law Agency
9. H.N. Tewari, Moot Court, Allahabad Law Agency

**PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTANCY FOR LAWYERS
AND BAR BENCH RELATIONS.**

OBJECTIVES OF THE COURSE:

This is a Compulsory Clinical Course as prescribed under the Bar Council of India – Rules of Legal Education, 2008. The very object of the course is that every law student must not only become good lawyer, but also a good human being and should render his service to the society. Instead of charging exorbitant fees, a lawyer should also utilize his efficiencies, knowledge and skill by taking genuine cases without charging fees. A lawyer should refrain from unethical practice and also respect the judges, his colleagues and his clients. It is expected from the law colleges that this course should be taught in association with practicing lawyers. The main purpose and objective of this course is to get every law student realized that the legal profession is a noble profession having its own unique ethics and dignity. Lawyer should concentrate upon rendering service to the poor and needy people rather than earning of money. This course also contains the main provisions of the Advocates’ Act 1961, the Contempt of Courts Act and also selected judgments of the Apex court relating to the Professional Misconduct and selected opinions of the Disciplinary Committee of the Bar Council of India. It also appraises the law students about various duties of an advocate. The course also includes the necessary aspects of the accountancy for lawyers and the relations between lawyers and judges (Bar –Bench Relations).

Theoretical examination: 80 Marks

Viva Voce Examination: 20 Marks

SYLLABUS:

UNIT: 1

1. Legal Profession :
 - 1.1 Distinction between Business and Profession
 - 1.2 Legal Profession :
 - 1.2.1 History
 - 1.2.2 Importance
 - 1.2.3 Why Noble Profession?
 - 1.3 Ethics and Code of Conduct of Legal Profession
 - 1.4 Seven Lamps of Advocacy and meaning thereof
 - 1.5 Hoffman’s 50 Resolutions for lawyer and importance thereof
 - 1.6 Ten Commandments for lawyers

1.7 Bench –Bar Relations.

UNIT: 2

2. Advocates' Act-1961 :

2.1 Admission, Enrolment, duties, Privileges and Rights of Advocate

2.1.1 Who can be admitted as advocate on a State Roll

2.1.2 Certificate for Enrollment

2.1.3 Disqualification for enrollment as an Advocate

2.1.4 Duties of an Advocate

- Towards client
- Towards Courts
- Towards Judges
- Towards his colleagues
- Towards Society

2.1.5 Rights and privileges of Advocates

2.2 Bar Councils

2.2.1 State Bar Council : Establishment, Organization,

2.2.2 Powers and functions of State Bar Council

2.2.3 Various committees of State Bar Council and Functions thereof

- Executive Committee
- Disciplinary Committee
- Welfare Committee
- Enrolment Committee

2.2.4 Bar Council of India : Organization

2.2.5 Various Powers and functions of the Bar Council of India

2.3 Rules relating to dress code of an Advocate

2.4 Professional Misconduct : Meaning

2.4.1 Professional Misconduct by advocate

2.4.2 Procedure for filing complaint against lawyer for professional misconduct

2.4.3 Punishment for Professional Misconduct

2.5 Accountancy for Lawyers : General Principles

UNIT : 3

3. Contempt of Court and Practice :

3.1 Contempt of Courts Act, 1971 :

- 3.1.1 Contempt of Court : meaning and nature
- 3.1.2 Distinction between Contempt of Court of Court and Professional Misconduct
- 3.2 Categories of contempt under the Act : Civil and Criminal Contempt- Distinction
 - 3.2.1 Civil Contempt : Essentials
 - 3.2.2 Criminal Contempt of Court within the court and outside the court
 - 3.2.3 Contempt of Court within the court and outside the court
 - 3.2.4 Defenses in civil Contempt and in Criminal Contempt
 - 3.2.5 Remedies against Punishment in contempt
 - 3.2.6 Penalty provisions for the Contempt of Court under the Contempt of Courts Act
- 3.3 Contempt jurisdiction of High Courts and the Supreme Court under the Constitution of India.
- 3.4 Contempt Jurisdiction of the Subordinate Courts.

UNIT : 4

- 4. Important Cases and Selected Opinions of the Disciplinary Committee :
 - 4.1 Important Cases of the Apex Court relating to Professional Misconduct of Lawyers
 - 4.2 50 selected opinions of the Disciplinary Committee
 - 4.3 Important cases of the Supreme Court relating to the Contempt of Court

SUGGESTED READINGS:

1. Mr. Krishnamurthy Iyer's Books on "Advocacy"
2. Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench- Bar Relation: Central Law Pub.
3. Dr. S.R. Myneni, Professional Ethic, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
4. Subrmanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
5. The Bar Council Code of Ethics
6. 50 selected opinions of the Disciplinary Committees of Bar Councils
7. Sanjiva Row, The Advocates Act, 1961, Lexis Nexis Butterworths
8. S.P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations
9. JPD Sirohi, Professional Ethics, Lawyer's Accountability, Bench-bar Relationship

10. GCA Subba Rao, Commentary on Contempt of Courts Act, 1971, ALT Publications.
11. V.N. Shukla, Constitutional Law of India, Eastern Book Company
12. T.K. Tope, Constitutional Law of India, Eastern Book Company
13. M.P.Jain, Constitutional Law of India, Eastern Book Company
14. Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions.

ALTERNATE DISPUTE RESOLUTION

OBJECTIVES OF THE COURSE:

The above course is also one of the Compulsory Clinical Course prescribed by the Bar Council of India- Rules of Legal Education, 2008. The Major concern of Law is conflict is resolutions. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavors of developing expertise in juridical exercise. The Traditional justice delivery system through adjudication by courts had already given way to a large extent of back log of cases. There are many alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation everywhere. The Study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever – changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation an dimidiation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods, No doubt, the course has to be taught with comparative and international perspective with a view to bringing out the essential awareness of the national and international system emerging at the present context. In this course there a theoretical examination of 70 Marks to be taken by the University and the rest of 30 Marks are to be given by the college evaluating the students through their visits to various ADR centers, Arbitration Tribunals, Mediation Centers etc. Negotiation skill through practical exercises.

Theoretical Examination: 70 Marks

Practical Exercises: 30 Marks

SYLLABUS:

THEORETICAL EXAMINATION: 70 Marks

UNIT: 1

1. ALTERNATE DISPUTE RESOLUTION:

1.1 Meaning object and importance

1.1.1 Arbitration, Conciliation, Mediation

1.1.2 Distinction between Arbitration, Conciliation and Mediation

1.2 Arbitration : Meaning and scope

1.3 Arbitration Agreement :

- 1.3.1 Essential, Kinds of Arbitration Agreement
- 1.3.2 Who can enter into Arbitration Agreement
- 1.3.3 Validity and reference to Arbitration
- 1.4 Arbitration Tribunal :
 - 1.4.1 Appointment of the Arbitration Tribunal
 - 1.4.2 Grounds for challenges
 - 1.4.3 Procedure of the Tribunal :
 - 1.4.4 Time, Place and Language of Hearing
 - 1.4.5 Statement of Claim and defiance, counter claim and other proceedings
 - 1.4.6 Jurisdiction and Powers of the Tribunal

UNIT: 2

2. ARBITRATION AWARD:

- 2.1 Rules of Guidance
- 2.2 Forms and Content of the Arbitration Award
- 2.3 Settlement through ADR
- 2.4 Interim Award, Award of interest by Arbitrator
- 2.5 Requirements of Valid Award
- 2.6 Correction and interpretation of Award
- 2.7 Grounds for setting aside the Award
 - 2.7.1 Incapacity of the Party
 - 2.7.2 Invalidity of Arbitration Agreement
 - 2.7.3 Want of proper notice and hearing
 - 2.7.4 Contravention of composition and procedure
 - 2.7.5 Breach of conviviality
 - 2.7.6 Impartiality of the arbitrator
 - 2.7.7 Bar of limitation, res judicata
 - 2.7.8 Consent of Parties
- 2.8 Termination Proceedings
- 2.9 Powers of Arbitrators.

UNIT : 3

3. ENFORCEMENT OF THE FOREIGN AWARD AND MISCELLANEOUS:

- 3.1 Foreign Award, International and Commercial Arbitration: Essentials
- 3.2 Choice of place and proper law of arbitration
- 3.2 Enforcement of Foreign Awards: Procedure and essentials

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- 3.2.1 New York Convention Awards
 - 3.2.2 Geneva Convention Awards
 - 3.3 Conciliation, Conciliators: Number and qualifications, appointment procedure
 - 3.4 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators. Termination of Conciliation proceedings
 - 3.5 Rule making powers of High Courts and Central Government

PRACTICAL EXERCISE: 30 Marks

- (i) Negotiation skills to be learned with simulated program
- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including International arbitration and Arbitration rules.

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration – Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary to the concerned law college.

SUGGESTED READINGS:

1. Avtar Singh, Law of Arbitration and Conciliation and Alternative Dispute Resolution , Eastern Book Company
2. Dr. S.C.Tripathi, Alternative Dispute System (ADR), Central Law Publication
3. Dr.S.K. Roy chowdhary & H.K. Sahray, Arbitration & Conciliation, Eastern Law House Sukumar Ray, ADR, Eastern Law House
4. S.K.Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House
5. Madhusudan Saharay, Textbook on Arbitration in& Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co. New Delhi
6. B.P.Saraf and M. Jhunjhunuwala, Law of Arbitration and conciliation, Snowwhite, Mumbai.
7. Gerald R. Williame (ED), The New Arbitration and Conciliation Law of India, Indian Council Of Arbitration, New Delhi.
8. A.K.Bansal, Law of International Commercial Arbitration, Universal, Delhi.

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9. P.C.Rao & William Sheffuekd, Alternative Disputes Resolution –What it is and How it works? Universal, Delhi.
 10. G.K.Kwatra, the Arbitration and Conciliation Law of India, Universal, Delhi.
 11. Basu N.D Law of Arbitration and Conciliation, Universal, Delhi.
 12. Joharu, Commantary on Arbitration and Conciliation, Universal, Delhi.
 13. Johri Commantary on Arbitration and Conciliation Act, 1996, Universal, Delhi.
 14. Markanda P.C.Law relation to Arbitration and Concilation, Universal, Delhi.
 15. Dr.S.R.Myneni, Alternate Dispute Resolution, Aisa Law House
 16. Dr.U,Pattabhi Ramiah, Arbitration & ADR, Aisa Law House
 17. Dr.N.V. Paranjape, Arbitration & Alternative Disputes Resolution, Central Law Agency.
 18. S.P.Gupta, Arbitration & Conciliation, Allahabad Law Agency.
 19. Justice P.S. Naryana, The Arbitration and Conciliation Act, 1996, ALT Publications
 20. Sarfaraz Ahmed Khan, Lok adalat : an effective alternative dispute resolution mechanism, A.P.H Pub. House, New Delhi.

LEGAL LANGUAGE/LEGAL WRITING INCLUDING GENERAL ENGLISH

OBJECTIVES OF THE COURSE:

This course is designed with a view to see that every law student must have basic knowledge of English, in the era of Globalization, there will be more litigations involving foreign and/or multi-national companies. Moreover, the International Treaties, Agreements and judgments of the Apex Court as well as High Courts are in English Language. The Law students should be conversant with the Latin Terminology frequently used and accepted by the Indian Judiciary and Lawyers. The writing of essays, pricy writing, comprehension etc. will further improve the drafting skill and command over the language. The course also gives importance to the development of translation skill and the study of legal problems. Over all, the above course will definitely help the law students during their practice as an advocate.

SYLLABUS:

- 1. Essay on the topics relating to law**
- 2. Legal Phrases**
- 3. Comprehension or Précis Writing**
- 4. Translation**
- 5. Practical Legal Problems relating to Law of Crimes, Law of Torts, Law of Contract and Family Law.**

SUGGESTED READINGS:

1. Prof. K.L.Bhatia, Legal Language & Legal Writing, Universal Law Publishers
2. B.M.Gandhi, Legal Writing and General English, Eastern Book Company
3. R.L.Jain, Legal Language/Writing (Including General English), Central Law Agency
4. M.P. Tandon, Legal Language, Legal Writing, Allahabad Law Agency
5. S.K. Mishra, Legal Language, Legal Writing, Allahabad Law Agency
6. S.E. Myneni, Legal Language and Legal Writing, Asia law House
7. Rega Surya Rao, Lectures on Legal Language and Legal Writing, Asia Law House
8. Sridgar M., Legal Language, Asia Law House

INSTRUCTIONS: Students are requested to peruse the concerned law books for perusal of Practical Legal Problems prescribed in Unit No. 5