



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B (HONS)FYIC

DETAILS OF COURSE OFFERED

EVEN SEMESTER (VIII) – ACADEMIC YEAR:.....

SL. NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	802	PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM	4 PER WEEK	1 PER WEEK		4	

A. CODE AND TITLE OF THE COURSE: 802, PROFESSIONAL ETHICS &

PROFESSIONAL ACCOUNTING SYSTEM

B. COURSE CREDIT: 4 (TOTAL MARKS: 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: MS. NIKITA BAROOAH

E. COURSE INSTRUCTOR: MS. NIKITA BAROOAH

1. COURSE OBJECTIVES

The objective of this course is to give the students an understanding of the importance of professional ethics and the application of ethical principles to the legal profession. The nobility of the legal profession lies in the selfless efforts of the legal community to uphold ideals of the society and relentless exertions to serve the society. A lawyer is a professional who is qualified to offer advice about the law and to represent his/her client in legal matters in the Court of law and has a paramount duty to the Court and towards the administration of justice. A client must be able to completely trust his lawyer to act in his best interests, on his or her behalf to get justice. Hence, the importance of professional ethics in the legal profession. Professional ethics encompasses an ethical code which governs the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. Ethics is a system of moral principles governing the appropriate conduct of a person. Legal ethics is one of the professional ethics which lays down certain duties for lawyers, advocates, solicitors etc, which he /she owes to the society, to the court, to the profession, to his client and to himself.

The objectives of the course are :

- i. To understand the role of an Advocate in the society.
- ii. To understand the importance of the professional ethics in the legal profession.
- iii. To familiarize the students with the Advocates Act, 1961, which lays down the guidelines and rules for every Advocate.
- iv. To acquaint them with the role of the Bar Council of India and its regulatory bodies.
- v. To comprehend the meaning and consequences of Professional Misconduct in the legal profession.
- vi. To understand the concept of Contempt of Court and its implications on the legal profession.
- vii. To equip them with the basic concepts of professional accountancy.

2. TEACHING METHODOLOGY

The teaching methodology shall comprise of Lecture method, Class Discussions, Assignments (Written or Presentation mode), Seminars, Group Discussions and Class Tests. They shall be taught pleading, the technique of drafting various legal documents

along with Conveyancing Deeds in separate modules within the semester and evaluated on the same. Special lectures by practicing lawyers in different areas of law will be organised. For the students to gain a better understanding of the subject discussions of the applicable law as contained in various legislations and precedents, along with selected legal documents will be referred to and discussed during the teaching of this course. The area of discussion and the topics for assignments shall be informed in advance to the students.

3. COURSE OUTCOMES

At the completion of the course it is expected that the students shall:

- To be able to identify the ethical dilemmas faced by persons in the legal profession.
- To be able to understand the importance of professional ethics for an Advocate.
- To be able to understand guidelines and rules to be followed by every person enrolled as an Advocate in India.
- To be able to comprehend the duties of an Advocate towards the Court, Client, Opponent and Colleagues.
- To be aware of the consequences of Professional Misconduct in the legal profession.
- To be able to understand the role of the Bar Council of India and its regulatory bodies.
- To be able to understand the relationship between the Bar and the Bench.
- To be able to identify what amounts to Contempt of Court by the legal professionals.
- To be able to understand professional accountancy for legal professionals.

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

External assessment: 30% (60 marks)

Sl. No.	Internal Assessment	

1.	2 Assignments	2 x 20 marks = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4.	Attendance in Class	10 marks
5.	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES)

MODULE I – Introduction

- Law as a Profession
- Importance of Legal ethics
- Professional Values of the Legal profession
- The Seven Lamps of Advocacy
- History of the Legal Profession in India
- The Advocates Act, 1961 – An Overview

MODULE II – Regulations Governing Legal Practice in India

- Bar Council of India
- State Bar Councils
- Admission and enrolment of advocates
- Disqualification for enrolment

MODULE III – The Lawyer and the Rules of Professional Conduct in India

- Lawyers duties to the Court
- Lawyers duties to the Client
- Lawyers duties to Opponent
- Lawyers obligations towards other lawyers
- Lawyers obligation towards the Public

MODULE IV - The Right to Practice Law as a Profession in India

- The Advocates Act, 1961 (Chapter IV)
- Bar Council of India Rules (Part VI, Chapter III)
- Conditions for Right to Practice
- Dress Code of Advocates

MODULE V – Professional Misconduct of an Advocate

- Professional misconduct – Meaning
- Disciplinary Committee and its Powers (Section 42)
- Disciplinary Powers – Bar Council of India (Section 36)
- Disciplinary Proceedings -State Bar Council
- Supreme Court and High Court – Disciplinary matters
- Bench-Bar Relationship
- Contempt of Courts Act, 1971

MODULE VI - Professional Accounting

- Duties to the Client (Chapter II Rule 25-32 Bar Council of India Rules)
- Maintenance books of accounts cashbook journal and ledger.

6. PRESCRIBED READINGS

- Yashomati Ghosh, *Legal Ethics and the Profession of Law*, Lexis Nexis.
- P. Ramanatha Aiyer, *Legal & Professional Ethics – Legal Ethics, Duties & Privileges of a Lawyer*, Wadhwa Publications, Nagpur.
- V. R. Krishna Iyer, *Law, Lawyers and Justice*, B.R. Publishing Corporation, Delhi.^[L]_[SEP]
- Kailash Rai, *Legal Ethics Accountability for Lawyers & Bar-Bench Relations*, Central Law Publications.
- M.K. Gandhi, *The Law and the Lawyers*, Navajivan Publishing House, Ahmedabad.^[L]_[SEP]
- M.C. Chagla, *Roses in December*, Bharatiya Vidya Bhavan, (2012).
- Selected Judgments on Professional Ethics, Vol 1&2 Bar Council of India Trust, New Delhi

Law Commission of India Reports

- 266th Report (2017) on "The Advocates Act, 1961; (Regulation of Legal Profession)"

Statutes

- The Advocates Act, 1961
- Contempt of Courts Act, 1971

Cases:

- *Indian Council of Legal Aid and Advice v. Bar Council of India* (1995) 1 SCC 732.
- *Narain Pandey Vs. Pannalal Pandey* (2013) 11 SCC 435.
- *Bar Council of Maharashtra v. M.V. Dabholkar and Others* AIR 1976 SC 242.
- *V.C. Rangadurai v. D. Gopalan and Others* (1979) 1 SCC 308.
- *M. Veerabhadra Rao v. Tek Chand* AIR 1985 SC 28.
- *Dhanraj Singh Choudhary v. Nathulal Vishwakarma* (2012)1 SCC 741.
- *Pandurang Dattatraya Khandekar vs. B.C. Maharashtra*, AIR 1984 SC 110.
- *Mahipal Singh Rana vs. State of Uttar Pradesh* (2016) 8 SCC 335.
- *E.M.Sankaran Namboodripad v. T.N. Nambiar* AIR 1970 SC 2015.
- *State of Punjab v. Ram Singh* AIR 1992 SC 2188.
- *Shambhu Ram Yadav v. Hanuman Das Khatry* (2001) 6 SCC 1.
- *Noratanmal Chouraria v. M. R. Murli* (2004) 5 SCC 689.
- *N.G. Dastane v. Shrikant S. Shinde* AIR 2001 SC 2028.
- *SC Bar Association v. Union of India*. 1998 4 SCC 409.
- *Ex-Captain Harish Uppal v. Union of India*. AIR 2003 SC 739.
- *Baldev Singh Dhingra v. Madan Lal Gupta* AIR 1999 SC 902.
- *Vijendar Kumar Satvawadi v. State of Punjab* AIR 1956 SC 153.
- *Thakur Jugal Kishore Singh v. Sitamarhi Central Co-op.Bank Ltd* AIR 1967 SC 1494.
- *Adi Pheroazshah Gandhi v. H.M. Seervai, AG of Maharashtra* AIR 1971 SC 385.
- *Supreme Court Bar Association vs Union of India & Another* (1998) 4 SCC 409.
- *Indian Medical Association v. V.P. Shantha* 1995 SCC (6) 651.
- *Dr. Haniraj J. Chulani v. Bar Council of Maharashtra and Goa* (1996) 3 SCC 342.

- *Bar Council of Maharashtra v. M.V. Dabholkar & Others* AIR 1976 SC 242.
- *Pravin C. Shah v. K.A. Mohd. Ali* (2001) 8 SCC 650.
- *P.D. Gupta v. Ram Murti & Others* AIR 1998 SC 283.
- *Yatin Narendra Oza v. High Court of Gujarat* W.P.(C) No. 734/2020 (SC).