

309: Professional Ethics & Professional Accounting System

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).

The course is designed having 80 marks theoretical examination as well as viva voice examination, both to be conducted by the Gujarat University.

Examination: 80 Marks

Viva Voice Examination: 20 Marks

Syllabus:

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

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

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

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 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: Essentials

- 3.2.3 Contempt of Court within the court and outside the court
- 3.2.4 Defenses available to the condemner:
- 3.2.5 Defences in Civil Contempt and in Criminal Contempt
- 3.2.6 Remedies against Punishment in contempt
- 3.2.7 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

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 Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
4. Subramanyams, 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. JPS Sirohi, Professional Ethics, Lawyer's Accountability, Bench-Bar Relationship
10. GCV 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 Co.
14. Authenticated Law Journals and Legal Software for perusal of Supreme Court Decisions