

NIRMA UNIVERSITY
Institute of Law
B.A.,LL.B. (Hons.) and B.Com.,LL.B. (Hons.) Programme
Academic Year 2018-19

Semester- II

L	T	P	C
3	1	-	4

Course Code	2BL232
Course Title	Professional Ethics

Course Learning Outcomes:

At the end of the course, students will be able to:

1. Reflect on the role of 'self in the ethical process
2. Understand Professional Ethics and Code of Conduct as prescribed by Bar Council of India
3. Understand Laws relating to Contempt of Court
4. Recognise ethical dimensions and challenges in an era of globalisation and pressures for "success"
5. Analyze and critique the legal ethics in light of global debates

Teaching Hours: 60

Syllabus

Unit I : Understanding Ethics and Morality

08 Hours

- 1.1 Understanding 'virtue' and its content
- 1.2 Law and Ethics
- 1.3 Dharma, Law and Ethics
- 1.4 Consequentialism and Deontology: Bentham and Kant
- 1.5 Understanding different approaches to ethics and understanding the demands of individual virtue as opposed to institutional virtue.

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w.e.f. academic year 2018-19 and onwards



Unit II : History of Legal Profession in India

07 Hours

- 2.1 Ancient legal texts including Manusmriti, Arthashastra, Quran
- 2.2 Historical role played by law and lawyers
- 2.3 Changes in legal system during British system

Unit III : Legal Education In India

07 Hours

- 3.1 Historical background
- 3.2 Legal education in pre and post-independence era
- 3.3 Impact of globalization upon the legal system and legal education
- 3.4 Critiquing Legal Education as a means for instilling professional ethics

Unit IV : Professional Ethics and Duties Of Lawyers

04 Hours

- 4.1 Ethics is basis of a civilized and organized society.
- 4.2 Ethics is a system, a philosophy of conduct of principles practiced by a person or group of persons.
- 4.3 The need and necessity of ethics in the legal profession and relevant theories

Unit V : Essential Skills of A Lawyer

05 Hours

- 5.1 Seven lamps of advocacy
- 5.2 Skill sets for lawyers

Unit VI : Regulation of Legal Profession

07 Hours

- 6.1 Bar Council of India Rules on Standards of Professional Ethics
- 6.2 Professional or Other Misconduct
- 6.3 Powers of the Disciplinary Committee of the Bar Council of India
- 6.4 Procedure of complaints against Advocates
- 6.5 Punishments for misconduct and Remedies against order of punishment

Unit VII : Contempt of Court

05 Hours

- 7.1 Meaning and kinds of contempt
- 7.2 Defences available to contemnor

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- 7.3 Nature and extent of Punishment
7.4 Remedies available and Contempt by Lawyers, Judges, State & Corporate bodies.

Unit : VIII : Accountancy for Lawyers

05 Hours

- 8.1 Imperative of Maintenance of account by an Advocate
8.2 Accounting
8.3 Accountship-explained
8.4 Accounting System
8.5 Accounts and Recording Mechanism
8.6 Rules for Recording Mechanism
8.7 Books of Accounts
8.7.1 Receipt and Payment account
8.7.2 Ledger
8.7.3 Income and Expenditure account Exercises
8.7.4 Balance Sheet
8.7.5 Special Notes

Unit IX : Other important issues

12 Hours

The following topics of importance will be taken up for class discussion during the course:

- 9.1 Impact of Globalization on legal profession
9.2 Legal outsourcing in India.
9.3 Role of advocate in providing legal aid services.
9.4 Advocate's role in outside court / informal settlement of disputes.
9.5 Age bar and entry into practice
9.6 Adjournment
9.7 Strike by the lawyers and constitutional position on it
9.8 Right to Advertisement by lawyers
9.9 Contemporary debates relating to Bar and Bench relations
9.10 Landmark cases related to malpractices by lawyers in India

Suggested Readings:

1. Raju Ramachandran, *Professional Ethics: Changing Profession and Changing Ethics*
a. (LexisNexis, Butterworths).
2. Dr. P. B. Mukharji, *Professional Ethics of The Advocate* (University of Burdwan)

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3. P. RamanathaAiyer, *Legal & Professional Ethics – Legal Ethics, Duties & Privileges of a Lawyer* (Wadhwa Publications, Nagpur).
4. Justice V. R. Krishna Iyer, *Law, Lawyers and Justice* (b. R. Publishing Corpn, Delhi).
5. Stephen Gillers, *Regulation of Lawyers: Problems of Law & Ethics* (Little, Brown & Com Boston Toronto, London).
6. Ross Grauston (ed.), *Legal Ethics & Professional Responsibility* (Clarendon Press, Oxford).
7. Gary Bellow & Bea Moulton, *The Lawyering Process: Ethics and Professional Responsibility*, (The Foundation Press, Inc.).
8. D.V. SubbaRao, *Sanjiva Row's The Advocates Act, 1961* (LexisNexis, Butterworths).
9. Nicolson and Webb, *Professional Legal Ethics* (OUP).
10. S. C. Sarkar, *Modern Advocacy and Professional Ethics...*

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