



# MAR GREGORIOS COLLEGE OF LAW

MAR IVANIOS VIDYANAGAR, THIRUVANANTHAPURAM

Affiliated to the University of Kerala & Approved by the Bar Council of India

## Professional Ethics and Professional Accounting

Professional ethics course for law students is a mandatory course, which provides the students with an understanding the importance of ethics in legal profession and to make them appreciate the core values of professional conduct in the practice of law. It is to help the students understand the laws governing legal practice in India and the importance of ever evolving canons of professional standards and etiquettes as recognised the world over. It is necessary to imbibe the values of the noble professional standards and etiquettes as recognised the world over. It is the paramount duty of every legal practitioner to act as an officer of the court and to assist them in the administration of justice by respecting and honouring the judicial institutions and condemning all acts of contempt of these institutions. In addition, the course will help the students understand the working of the various regulatory authorities like the Bar Council of India, the State Bar Councils and the consumer forum. It shall also introduce the students to the various challenges faced by the legal profession in this globalized era.

## Constitutional Law

In order for the students to have thorough in-depth knowledge of Constitutional law, which is the paramount law of the land, we here provide a detailed course and syllabus for Constitutional law. Widely hailed as the grund norm, the Constitution always plays a pivotal role in the arena of public policy and law-making. The values enshrined in it such as the fundamental rights, independent judiciary, gender justice, rule of law, etc. have improved the quality of life of the citizens and constantly kept the rulers on their toes. The topics are covered and the course plan is prepared in such a way as to ensure that the students take the most out of the courses offered to them. In fact, it is an area, pursued in legal circles, with great reverence since a long time.

The Specialization is designed in such a way give the students a mind to have wide interpretations of law and also to give them the capacity to serve the inquisitive academic minds to take the field to its logical conclusion. Towards this end, it contains various papers including Fundamental Rights, Centre-State Relations, Administrative Law, Media, Health and Education Law, etc.

## Environmental Law

Environment Protection laws are the need of the land. The indelible scenario is particularly compounded by multitudinal issues as rampant air and water pollutions, climate change, loss of biodiversity and the like that has contributed to immense problems of environment and health care as well as raised the inevitable question of survival of life itself on earth. Apart from this sustainability of the environment for the future is also a question which needs to be looked into with much importance. We here offer the course Environmental Law, which put a sight into all these aspects. Apart from an overview of the vast subject matter, a substantive understanding in the gradual evolution of pertinent themes in environment shall be imparted so that the students are not only conversant with the overall framework of environmental law



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but also becomes acquainted with fundamental concepts of basic themes. The basic objective is to familiarize the concept and scope of environmental law and also of its particular dominant issues so as to become a value addition in learning and to ignite academic/ research interest, eventually.

### DRAFTING, PLEADING AND CONVEYANCE

Outline of the course :

- (a) Drafting :- General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings:-
- (i) Civil : 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.
- (ii) Criminal : Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.
- (iii) Conveyance : Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed
- (iv) Drafting of Writ Petition and PIL petition

The course will be taught through class instructions and simulation exercises, preferably with the assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercise in conveyance carrying another 45 marks (3 marks for each exercise) remaining 10 marks will be given for internal viva voce which will test the understanding of legal practices in relation to Drafting, pleading and conveyance.

#### Eighth Semester PAPER – 1

### STRATEGIC MANAGEMENT

**Objective:** The objective of this course is to make the students familiar with the holistic perceptive of enterprises.

1. **Introduction to Business Policy:** Evolution of Business Policy - Nature Importance - purpose - objectives of Business Policy - Industrial policy and Business Policy - Defining & explaining strategy - Different levels of strategy - Strategic decision making Strategic management process.
2. **Strategic Indent :** Introduction - vision - Mission - goals & objectives - Environmental appraisal - concept of environment, Environmental sectors - Environmental scanning - Appraising the environment - Organisational Appraisal - Corporate level strategies: grand strategies, Stability strategies, Expansion strategies, Retrenchment-strategies, Combination strategies - Business - level strategies : Generic business strategies, Tactics for business strategies - Strategic Analysis & choice - Corporate level Strategic Analysis - Business level strategic analysis.
3. **Corporate Strategic Planning** Strategy Implementation: Aspects of strategy implementation - Project Implementation - Procedural implementation - Resource allocation - Structural implementation - Structures for strategies - organisation design & change - organisational systems - Functional strategies:- functional plans & Polices, financial, marketing, operations, personnel .Information management plans & policies - Integration of functional plans & policies.
4. **Strategy Evaluation:** An overview of strategic evaluation & control - operational control - Techniques of strategic evaluation & control - Role of organisational systems in evaluation.



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Divident Accounts and Audit: - Divident distinguished from interest – Declaration of divident Capitalisation of profit – Accounts Rule with regard to the keeping of proper books of account preparation and filing of balance sheet and profit and loss account etc., Auditors – Qualification and disqualification, Appointments and removal – Remuneration: Powers and duties.

Board of Directors : - Their positions, powers, duties, appointment, qualifications, disqualifications, vacations of office, removal remuneration liabilities, etc. Managing Director, his position, remuneration appointment etc. Government Directors, when appointed – Their role Managers and Secretaries – Their position and duties – Majority rule and minority protection.- (Rule in Foss v. Harbottle and Common Law exceptions) - Statutory remedies against oppression and Mis management: - Power of the court under SS. 397-407. - Power of the Central Government under SS. 408-409 - Investigation into the affairs of the company and appointment of Inspectors. - Powers of the Central Government to remove managerial personnel. - Other circumstances where the Central Government / Court can interfere in the internal management of Company – Compromises, arrangements and reconstruction Chapter V, Part VI.

Winding up: - Types of winding up - Winding up by court - Grounds: who can apply? Commencement and consequences of winding up order ; Procedure of winding up by court – Powers of the liquidator, committee of Inspection, Public Examination: Dissolution. - Voluntary winding up: - Members voluntary winding up – Creditor's voluntary winding up. Declaration of solvency; Powers of Liquidator. - Winding up subject to supervision of Court conduct of winding up – Contributories – Payment of liabilities – Preferential payments – proceeding against delinquent officers. - Winding up of an unregistered company. - Relevant provisions from MRTTP Act.

**Prescribed Readings: (With amendments)**

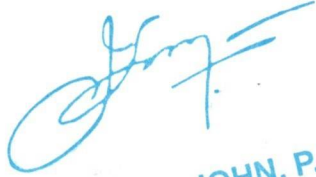
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|---|---|-------------|
| 1. Lectures on Company Law                      | : | Shah        |
| 2. A Guide on Companies Act<br>(Wadhwa and Co.) | : | A.Ramaiah   |
| 3. Company Law                                  | : | Avtar Singh |
| 4. MRTTP Act                                    |   |             |

**PAPER – 5**  
**PROFESSIONAL ETHICS AND PROFESSIONAL**  
**ACCOUNTING SYSTEM**

Outline of the course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations  
This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr.Krishnamurthy Iyer's book on "Advocacy"
  - (ii) The Contempt Law and Practice
  - (iii) The Bar Council Code of Ethics
  - (iv) Advocates Act, 1961.
  - (v) 50 selected opinions of the Disciplinary Committees of Bar Council and 10 major judgments of the Supreme Court on the subject.
  - (vi) Other reading materials as may be prescribed by the University
- Assessment in this paper shall consist of the following:
- a. Case study – 30 marks
  - b. Written test – 30 marks
  - c. Problem solution – 20 marks
  - d. Internal viva voce to test the students knowledge in this paper – 20 marks

**PAPER – 6**

  
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2. Administration of ESI scheme- ESI Corporation-standing committees-medical benefit council-Benefits-E.S.I fund-Liability of the employer.
3. Employer's liability to pay compensation-nature and extent. Notional extension of time and place of employment- powers of Workmen's Compensation Commissioners.
4. Responsibility for payment of wages-Fixation of wage periods-Deduction & fines-Authorities & adjudication of claim. Fixation & revision of minimum wages-Powers of appropriate government advisory committee and Board- payment of minimum wages.
5. Bonus - meaning- eligibility for bonus. Calculation of bonus-Full bench formula- minimum bonus-maximum bonus-forfeiture of bonus-recovery of bonus. Gratuity-meaning –concept of deferred wages- eligibility for gratuity-forfeiture of gratuity. Employees' provident scheme- basic features.

#### **Prescribed Readings: (With amendments)**

1. S.C. Srivastava, *Social Security Laws*, Eastern Book Co. (Latest Edition)
2. Victor George, *Social Security and Society*.
3. Harry Calverty, *Social Security Law*.
4. Julian Fulbrook, *Law and Worker Social Security*.
5. R.N. Choudhary, *Commentary on the Workmens' Compensation Act, 1923*, Orient Publishing Co. ((Latest Edition).
6. KD. Srivastava, *The Payment of Bonus Act, 1965*, Eastern Book Company ((Latest Edition)
7. R.G. Chaturved, *Law of Employees Provident Funds*, Bharat Law House (2000).
8. P.R.Bagri – Law of Industrial Disputes
9. O.P. Malhotra – Labour Law
10. Labour Law and Labour Relations – Indian Law Institute
11. V.V.Giri – Labour problems in Indian Industry
12. H.K.Saharay – Labour and Social Laws
13. Mishra – Labour and Industrial Laws


#### **Statutory materials (With amendments)**

1. The Factories Act, 1948.
2. The Employees State Insurance Act, 1948.
3. The Workmen's Compensation Act, 1923 .
4. The Payment of wages Act, 1936.
5. The Minimum wages Act, 1948.
6. The Payment of Gratuity Act.
7. The Payment of Bonus Act, 1965.
8. Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

### **PAPER – 4** **ALTERNATE DISPUTE RESOLUTION**

Outline of the course :

- (i) Negotiation skills to be learned with simulated programme

  
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- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including International Arbitration and Arbitration Rules.

The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of evaluation.

Assessment in this paper shall consist of the following:

- a. Written test – 40 marks
- b. Lok Adalath – 25 marks

Students shall take part in at least one Lok Adalat organized by the State Legal Service Authority, voluntary agencies or the University/College Legal Aid Clinics. The students shall study the cases, meet the parties and motivate them to attend the Lok Adalat and to agree to a mediated settlement of the dispute.

- a. Negotiation and Conciliation – 25 marks

This shall be done by simulation exercise on the basis of hypothetical problems. The performance of teams consisting of three students [ two lawyers and one client] shall be recorded and assessed.

- e. Internal viva voce to test the students knowledge in this paper – 10 marks

**Tenth Semester  
PAPER – 1**

**TRADE IN INTELLECTUAL PROPERTY**

Nature of intellectual property: - International Character of Intellectual property - Commercial Exploitation of Intellectual property - Intellectual Property and Economic Development

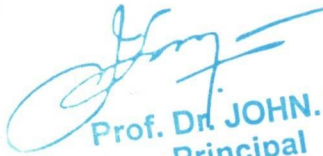
Patent Law: - What is Patent? - Object of Patent Law - Patentable Invention - Patent a source of Technical information - How to obtain Patent - Objection to Grant of Patent - Rights and Obligations of Patents - Register of Patents and Patent Office - Transfer of Patent Right - Revocation and Surrender of Patents - Infringement of Patents and Proceedings - Offences and penalties.

Trade Mark: - What is Trade Mark? - Forms of protecting Trade Mark and Goodwill Certification of Trade Marks - Property in Trade Mark and Registration - Licensing of trade mark and registered users - Different terms of protecting trade marks and Goodwill passing off - Service marks - Infringement, Threat and Tradelabel - Assignment and Transmission - Deceptive Similarities

Copyright: - Definition of copyright - Object of copyright, Nature of Copyright - Subject matter of Copyright - Rights conferred by copyright - Assignment, Transmission and relinquishment of copyright - Infringement of Copyright - Remedies against infringement of Copyright - Copyright Office, Copyright Board, - Registration of Copyright & Appeal - Copyright societies - Rights of Broadcasting Organisation & Performers - Copyright and International Law

Industrial Designs: - Subject matter of Designs - Novelty and originality, Registration of designs - Registration of design and Rights thereof - Infringement of copyright in a design - Civil remedies against piracy and defences - Suit for injunction and recovery damages

Confidential information and Breach of confidence: - Protection of confidential information - Action for breach of confidence - Industrial and trade secrets – Remedies - Application of LPR in Agriculture Biotechnology Biodiversity – Conservation, challenges and legal solutions Bio-technology and patent protection -

  
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## Paper – IV

### ALTERNATIVE DISPUTE RESOLUTION SYSTEMS (Practical paper – III )

**Outcome :-** This paper gives the students an idea to settle the issues amicably by way of various ADR Systems such as arbitration, conciliation, mediation, negotiation, compromise, settlement, and lok-adalat which helps in reducing the burden of the courts.

The students are required to study:

#### UNIT – I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like arbitration, conciliation, negotiation, mediation, etc; Advantages and disadvantages of above methods; Need for ADRs. International commitments; Domestic needs; Suitability of ADRs to particular types of disputes Civil Procedure Code and ADRs

#### UNIT –II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996

#### UNIT –III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996

#### UNIT –IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate

#### UNIT – V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators



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## UNIT-VI

Provisions of Legal Services Authorities Act 1987- Lok Adalat practice in kerala

**Scheme of Evaluation**

**1. INTERNAL/ WRITTEN EXAMINATION – 90 MARKS**

Marks for internal /written examinations shall be distributed as follows

- |   |          |
|---|----------|
| (i) Test paper (average of two test papers)   | 20 marks |
| (ii) Role play (Report of the Role Play shall be submitted in writing)                                  | 30 marks |
| (iii) Survey/Field study  | 20 marks |
| (iii) Participate and report on Lok Adalat conducted by<br>KELSA or Legal Aid Clinic of the Law College | 20 marks |

Each student shall prepare a combined record on all Internal /written examinations (answer sheets of two test papers shall be attached with the record) and produce before the viva-voce board.

**2. VIVA – VOCE EXAMINATION – 10 MARKS**

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers in charge of the subject.

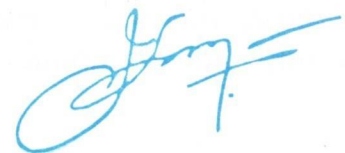
***Prescribed Books:***

Sridhar Madabhushi, *Alternative Dispute Resolution*, 2006, Lexis Nexis Butterworths, New Delhi.

Rajan R.D., *A Primer on Alternative Dispute Resolution*, 2005, Barathi Law Publications, Tirunelveli.

***Reference Books:***

1. Sampath D.K., *Mediation*, National Law School, Bangalore.
2. Gold Neil, et.al., *Learning Lawyers Skills*, (Chapter-7)
3. Michael Noone, *Mediation*, (Chapters-1,2&3)



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Subjects of International Law, States-Non-States entities-International Organizations and private individuals. - Recognition-Theory and practice-kinds of-effects. - State territorial sovereignty and other lesser territorial rights. - Rights and duties of States.

State territory-Modes of acquisition and loss of territory State servitude. - State Jurisdiction-Territorial-personal and extra-territorial jurisdiction. - Law of the sea, Air and outer space. - State responsibility. - State succession. - International transactions-agents of international business, their Privileges and immunities.

International Law and Practice as to Treaties. - International Organizations-U.N. and sister Organisations and ICJ. - International Economic Law-New International Economics, Order GATT/WTO Regime TRIPS and World Bank.

Human Rights: - Philosophical foundation of the concept of Human Rights. - Internationalisation of Human Rights - Civil and Political Rights - Social, Economic and Cultural Rights - Rights of specific groups - Rights of Women, Children, Indigenous Population etc. - Concept of sustainable Development - Concept of Corruption free Governance - Human Rights protection Mechanism-National and International level.

**Prescribed Readings:**

1. Oppenheim-International Law
2. Starke-International Law
3. Paras Divan-Human Rights and Law Universal and Indian
4. Kapoor-International Law
5. Tandon-International Law
6. Venkateswaran-Human rights in the changing world.
7. A.H. Robertson and J.C. Hevills-Human Rights in the world(1996)
8. Henry Steiner and Philips Aster-International Human Rights in Context (Clarendon Press 1996)
9. D.J. Harris-Cases and Materials on International Law
10. Michael A Kehurst -A Modern Introduction to international Law
11. Malcolm N.Shaw-International Law

**PAPER – 4**

**MOOT COURT EXERCISE, OBSERVANCE OF TRIAL, INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS**

This paper may have three components of 30 marks each and a internal viva voce for 10 marks.

- (a) Moot Court (30marks) - Every student may be required to do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy. The evaluation shall be done by a panel of two teachers nominated by the Principal. Every student shall secure a minimum of at least 75% attendance for the Moot Court.

If a student fails to participate in the Moot Court due to unavoidable circumstances he may be permitted to appear for the examination. But his results will be published only after satisfying the requirement regarding Moot Court in the following academic year.

- (b) Observance of Trial in two cases, one civil and one criminal (30marks).

Students may be required to attend two trials in the final year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment., This scheme will carry 30 marks.

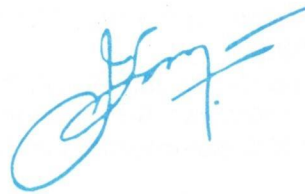


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(c) Interviewing techniques and Pre-trial preparations (30 marks):

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.

(d) The fourth component of this paper will be internal viva voce examination on all the above three aspects. This will carry 10 marks.



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Common size and Trend Analysis - Ratio Analysis - Classification of ratios - profitability ratios - liquidity ratios - solvency ratios - Activity ratios leverage ratios. - Interpretation of Financial Statements with the above ratios.

- 2 **Fund Flow Analysis:** Meaning & Concept of funds - Flow of funds - Fund flow statement - Uses - Significance and limitations - Procedure for preparing fund flow Statements - Cash flow Statements - Cash flow - Cash flow Statement - Uses, significance and limitations - Difference between fund flow statement and cash flow statement - Procedure for preparing cash flow statements. Interpretation of Funds Flow Statements.
- 3 **Marginal Costing:** Nature and Scope Basic concepts - Definition of marginal cost and marginal costing - Assumptions of marginal costing - CVP Analysis - Meaning, Importance and limitations of CVP analysis - Break-even Point - Breakeven chart - Margin of Safety - Profit Volume Graph - Applications in decision making.
- 4 **Standard Costing and Variance Analysis:** Meaning of Standard cost and Standard Costing - Steps involved in Standard Costing - Advantages and Limitations of Standard Costing - Variance analysis - Material Variances, Labour Variances.

#### Books Recommended

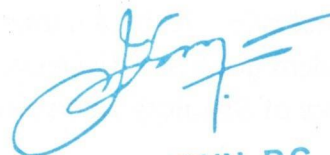
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|---|----------------------|
| 1. Management Accounting                            | S.P.Gupta            |
| 2. Management Accounting                            | S. N. Maheswari      |
| 3. The Practice of Management Accounting            | K.S. Sastry and Nand |
| 4. Principles and Practice of Management Accounting | Sharma & Gupta       |
| 5. Management Accounting                            | J. Made Gowda        |
| 6. Management Accounting                            | S. Banerjee          |
| 7. Principles of Management Accounting              | Manmohan & Goyal     |
| 8. Principles of Management Accounting              | N. K. Kulshrestra    |

#### **Paper - II**

#### **RESEARCH METHODOLOGY**

**Objective:** The objective of this course is to make the student understand the basics, of methodology of social science research and give him an insight into the various steps associated with research work.

1. **Introduction:** Research - Meaning, Need, Types of Research, Research Problem Identification, Setting up Objectives, Hypothesis, Types, Steps in Research Design.
2. **Data Collection:** Preliminaries of data collection, Primary and Secondary Data, Collection of Secondary Data, Editing and Scrutiny of Secondary Data, Methods of



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Collection of Primary Data, Drafting and Framing of Questionnaire, Scale Construction Techniques, Sampling - Different methods of Sampling.

3. **Classification and Tabulating Data:** Classification - Functions, Rules and Bases of Classification. Tabulation - Meaning and Importance, Parts of a Table, Requisites of a good table, Types of Tabulation.
4. **Data Analysis:** Analysis and Interpretation of Data, Tools and Techniques of Data Analysis - Percentage Weighted Average Presentation of Data, Difference between Diagrams and Graphs - General Rules for Constructing Diagrams - Types of Diagrams, Types of Graphs. Univariate and bivariate analysis
5. **Report Preparation:** Format of Report— Preparation of Reports - Use of Computer in Research Work.

### **Books Recommended**

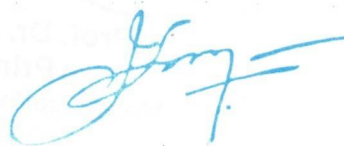
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|---------------------------------------|---------------------|
| 1. Research Method in Social Sciences | Good & Hatt         |
| 2. Business Research Method           | Emory & Cooper      |
| 3. Research Methodology               | Kotharr: C.R        |
| 4. Business Research Methods          | William G. Zikamand |
| 5. Research Methodology               | Krishnaswami        |

### **Paper – III**

### **INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION**

**Outcome :-** This paper makes students aware of various rules for interpretation formulated by jurists and courts and also equip the students with various rules of interpretation of statutes, principles of legislations and legislative drafting.

1. Interpretation of Statutes – Meaning, Objects and Scope of ‘interpretation’ and ‘construction’ of statute - Nature and Kinds of statutes - Judge as an interpreter – Commencement, operation and repeal of statutes – Basic Sources of Statutory Interpretation – The General Clauses Act, 1897: Nature, Scope and Relevance (Ss.6- 8) – Aids to Interpretation - Internal aids – External aids.
2. Rules of Statutory Interpretation – (a) Primary Rules – Literal rule-Golden rule – Mischief rule - Rule of harmonious construction – (b) Secondary Rules – *Noscitur a sociis* - *Ejusdem generis* – *Reddendo singula singulis* – Presumptions in statutory interpretation - Maxims of Statutory Interpretation - *Delegatus non potest delegare* - *Expressio unius est*



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**REGULATION RELATING TO BBA, LL.B INTEGRATED**  
**DEGREE COURSE IN LAW**

**1. Title**

The regulation shall be called the Regulation relating to BBA, LL.B Integrated Degree Course in Law

**2. Commencement**

These regulations shall come into force with effect from Academic Year 2020-2021

**3. Duration of the Course**

(a) The course shall be of a double degree integrated course comprising BBA and L.L.B Degrees. The Bachelor's Degree in Business Administration and Law shall consist of regular course of study for a minimum period of 10 Semesters in Five Years and shall consist of 18 papers in BBA and 31 papers in law.

(b) Each semester shall consist of 90 instructional days having 5 hours per day for lectures, seminars, debates and test papers. These shall be not less than five hours per subject per week and one/two hours for seminar/debates/test papers/additional class

**4. Eligibility for Admission**

No candidate shall be admitted to the course unless he has passed the Higher Secondary Examination of the Government of Kerala or any other examination recognized as equivalent thereto by this University with not less than 45% marks for general category, 42% for OBC and 40% marks for SC and ST.

**5. Attendance and Progress**

No candidate shall be permitted to register for the end semester examinations conducted by the University unless the Principal has certified that he has obtained not less than 75% of the attendance in each paper and his conduct and progress has been satisfactory.

**6. Examinations**

(a) There shall be a University examination at the end of each semester. Each written paper carrying 100 Marks is divided into 80 Marks for written examination and 20 Marks for internal assessment.

(b) Project – All students are to carry out a project work either individually or in a group of not more than 5 under the supervision of a Teacher. The project work may commence in the 7<sup>th</sup> semester. The report of the project shall be



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submitted to the College in duplicate before the completion of the 8<sup>th</sup> semester. There shall be no internal assessment for project work. A board of two examiners appointed by the University shall evaluate the report of the project work. The viva-voce based on the project report shall be conducted individually. The maximum marks for the evaluation of the project shall be 100, distributed among the following components of project evaluation.

- |  |      |
|--|------|
| (1) Statement of the problem and significance of the study | - 10 |
| (2) Objectives of the study                                | - 5  |
| (3) Review of literature                                   | - 5  |
| (4) Methodology  | - 15 |
| (5) Analysis and interpretation                            | - 20 |
| (6) Presentation of the report                             | - 15 |
| (7) Findings and suggestions                               | - 10 |
| (8) Bibliography   | - 5  |
| (9) Viva-voce  | - 15 |
- (c) Paper V in Seventh, Eight and paper IV in Ninth and Tenth semesters shall be evaluated internally. Internal Viva shall be conducted by the board of examiners constituted by the Principal from among Senior Teachers other than the teachers in charge of the subject.
- (d) Paper II in seventh and Eighth, Paper I in Ninth and Paper I and II in the Tenth Semester are optional papers. A minimum of 1/3 (one third ) of the total number of the students of that semester shall choose either of the two papers.
- (e) **Internship** – Each student shall have completed a minimum of 20 weeks internship during the entire period of legal studies with NGOs, Trial and Appellate Advocates, Judiciary, Legal Regulatory Authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Bank, Stock Exchange, Law firms, Companies, Local Self Government and such other bodies where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any particular year should not exceed a continuous period of more than four week and all students shall undergo



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## **REGULATIONS RELATING TO INTEGRATED B.Com, LL.B DEGREE COURSE**

### **1. Title**

The regulations shall be called the **REGULATIONS RELATING TO INTEGRATED B.Com, LL.B DEGREE COURSE**

### **2. Commencement**

These regulations shall come into force with effect from Academic Year **2020 - 2021**.

### **3. Duration of the Course**

(a) The course shall be of a double degree integrated course comprising B.Com and LL.B Degrees. The Bachelor's Degree in B.Com and Law shall consist of regular course of study for a minimum period of 10 Semesters in Five Years and shall consist of 18 papers in B.Com and 31 papers in Law.

(b) Each semester shall consist of 90 instructional days having 5 hours per day for lectures, seminars, debates and test papers. There shall be not less than four hours per subject per week and one/two hours for seminar/debates/test paper.

### **4. Eligibility for Admission**

(a) No candidate shall be admitted to the course unless he has passed the Higher Secondary Examination of the Government of Kerala or any other examination recognized as equivalent thereto by this University with not less than 45% marks for general category, 42% for OBC and 40% marks for SC and ST.

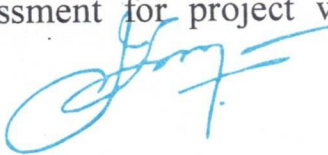
### **5. Attendance and Progress**

No candidate shall be permitted to register for the end semester examinations conducted by the University unless the Principal has certified that he has obtained not less than 75% of the attendance in each paper and his conduct and progress has been satisfactory.

### **6. Examinations**

(a) There shall be a University examination at the end of each semester. Each written paper carrying 100 Marks is divided into 80 Marks for written examination and 20 Marks for internal assessment.

(b) Project – All students are to carry out a project work either individually or in a group of not more than 5 under the supervision of a Teacher. The project work may commence in the 7<sup>th</sup> semester shall be of any topic related to commerce. The report of the project shall be submitted to the College in duplicate before the completion of the 8<sup>th</sup> semester. There shall be no internal assessment for project work. A board of two examiners appointed by the



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University shall evaluate the report of the project work. The viva-voce based on the project report shall be conducted individually. The maximum marks for the evaluation of the project shall be 100, distributed among the following components of project evaluation.

(1) Statement of the problem and significance of the study	- 10
(2) Objectives of the study	- 5
(3) Review of literature	- 5
(4) Methodology	- 15
(5) Analysis and interpretation	- 20
(6) Presentation of the report	- 15
(7) Findings and suggestions	- 10
(8) Bibliography	- 5
(9) Viva-voce	- 15

(c) Paper II in the first semester is additional language. The college shall choose any one of the following additional languages. Malayalam, Hindi or French.

(d) Paper V in Seventh, Eighth and paper IV in Ninth and Tenth semesters shall be evaluated internally. Internal Viva shall be conducted by the board of not less than two examiners constituted by the Principal from among Senior Teachers other than the teachers in charge of the subject.

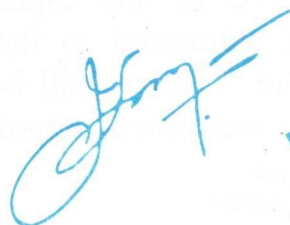
(e) Paper II in seventh and Eighth, Paper I in Ninth and Paper I and II in the Tenth Semester are optional papers. A minimum of 1/3 (one third ) of the total number of the students of that semester shall choose either of the two papers.

(f) Internship - Each student shall have completed minimum of 20 weeks internship during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Bank, Stock exchanges, Law Firms, Companies, Local Self Government and other such bodies where law is practised either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates. Internship shall be done without affecting the regular classes.

Each student shall keep internship diary and the same shall be evaluated by the Guide in Internship and also a Core Faculty member.

(g) External Viva-voce examination in the Tenth semester shall be conducted by the Board of Examiners constituted by the University.



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- j. Compromises, arrangements and amalgamations
- k. Dividends
- l. Accounts of the companies
- m. Revival and Rehabilitation of sick companies

#### 5. Winding up

- a. Dissolution of Companies- Types of winding up
- b. Winding up by the Tribunal
- c. Voluntary Winding up
- d. Winding up Procedures
- e. Liquidators and contributories
- f. Removal of names of companies from the register of companies.
- g. National Company Law Tribunal, Appellate Tribunal and Special Courts

#### Statutes

- The Companies Act, 2013 with latest amendments.

#### Prescribed Books:

- 1. Company Law by Avtar Singh
- 2. Guide to the Companies Act by A Ramaiya
- 3. Principles of Modern Company Law by L C B Gower

#### Suggested Readings

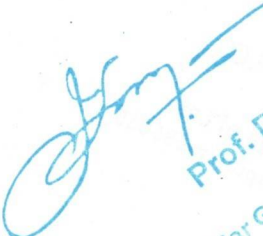
- 15. Company Law and the Competition Act by K S Anantharaman
- 16. Palmer's Company Law by Palmer
- 17. Principles of Modern Company Law by Gower and Davies

### Paper – V

#### PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM (Practical paper – II)

**Outcome :-** This paper ensures the law students that professional services will be rendered in accordance with reasonably high standards and acceptable moral conduct. It helps the students to study and assess human behavior and also to establish principles and moral standards of behavior.

#### UNIT-I

  
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Advocates as professionals:

Introduction, Importance of legal profession, Lawyers's Role in Accelerating and facilitating the social change visualized by the Indian Constitution, Categories of Advocates, Restrictions imposed on Senior Advocates, Admission and enrolment of advocates, Professional opportunities, Women Lawyers, Opportunities and Handicaps, Advocates right to practise, to act and to plead – The right of pre-audience - Advocates duty to society, to render legal aid, to educate and to accept public office - Restrictions on other employment and penalty for illegal practice Trial Advocacy- Important tools of successful advocacy- Study, preparation and presentation of case- Art of examination (chief, cross and re-examination), Arguments on facts and law- How to address the court. Appellate advocacy- Original side Advocates- Supreme Court Advocates-Advocates on record- Mofussil Advocates- Retired Judges as Advocates.

#### UNIT-II

Professional ethics – Advocate and Client: Acceptance of brief, withdrawal from engagement, advocate's role as potential witness- Duty of advocate to make full and frank disclosure to client- Breach of obligation to client- Advocate to act only on the instruction of the client- Contingent fee- Advocate's lien for fee- Share in claim or purchase of property sold in execution- Financial dealing between advocate and client- Prohibition on lending or borrowing money- Prohibition on changing of sides- Legal Profession and Strike.

#### UNIT-III

Bar-Bench relationship-Duty towards Court: Duty to conduct himself with dignity and self-respect and not to commit contempt of court, Avoidance of illegal and improper means to influence decisions, Advocate not to be mere mouth-piece of client - Dress code- Prohibition on practising before relatives, Other duties, powers and obligations of Notary public. Duty of advocates towards colleagues in the profession - Bar council of India Rules governing professional conduct and etiquette, Soliciting and advertising, Professional services and name not to be used for unauthorized practice of law, Fees not less than fees taxable under the rules, Restriction on entering appearance without the consent of the advocate already engaged, Advocates not to demand fees for imparting training to juniors, Advocate's duty to opponent counsel, Advocates duty to report disqualification.

UNIT IV

  
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The Contempt Law and Practice - Law of contempt of court: Meaning, nature and categories of contempt of court, Constitutional validity of the Contempt of Court Act, 1972, Salient features of the Act, Contempt jurisdiction of Supreme Court, High Court and Subordinate Courts- Contempt by lawyers, judges and by State- Contempt procedure- Punishment for contempt- Defence open to contemnor and remedies against punishment.

V. Fifty (50) selected opinions of the Disciplinary Committees of Bar Councils

VI. Cases on Professional Misconduct:

1. *Salil Dutta v. T.M. and M.C. (P) Ltd.* (1993) 2 SCC 185
2. *Vinay Chandra Mishra, In re* (1995) 2 SCC 584
3. *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* (1995) 5 SCC 457
4. *P.D. Gupta v. Ram Murti* (1997) 7 SCC 147
5. *R.D. Saxena v. Balram Prasad Sharma* (2000) 7 SCC 264
6. *D.P. Chadha v. Triyugi Narain Mishra* (2001) 2 SCC 221
7. *Shambhu Ram Yadav v. Hanuman Das Khattry* (2001) 6 SCC 1
8. *Pravin C. Shah v. K.A. Mohd. Ali* (2001) 8 SCC 650
9. *Bhupinder Kumar Sharma v. Bar Assn., Pathankot* (2002) 1 SCC 470
10. *Ex-Capt. Harish Uppal v. Union of India* (2003) 2 SCC 45

VII. Accountancy for lawyers:


Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts. The cash and bulk transaction: The Cash book, Journal proper especially with reference to client's accounts, Ledger, Trial balance and final accounts, Commercial mathematics.

### **Scheme of Internal/ Written Examinations.**

Internal examinations should be conducted through periodical test papers – case study / field survey/Simulation exercise – Writing articles/Paper presentation in seminars – Problem solution - projects works on topics identified by the concerned teacher. The distribution of marks as follows:

Marks for internal/Written examinations shall be distributed as follows

(i) Test Paper (average of two test papers)	20 marks
(ii) Project work/ dissertation writing	30 marks
(iii) Case study/comment	20 marks
(iv) Paper presentation/writing articles /Problem solution	20 marks

  
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Each student shall prepare a combined record on all Internal/written examinations (answer sheets of two test papers are to be attached with the record) and produce before the viva-voce board.

## II. VIVA – VOCE EXAMINATION

Total marks for viva-voce examination 10 marks

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers in charge of the subject.

### **Prescribed Legislation:**

The Advocates Act, 1961  
Contempt of Court Act, 1971

### **Prescribed Book**

Mr. Krishnamurthy Iyer's book on *Advocacy*.

### **Recommended Books**

Bhagavati, P.N., *Challenges to the Legal Profession – Law and Investment in Developing Countries*

J.B.Gandhi, *Sociology of Legal Profession and Legal System* (1987).

Sathe, Kunchur, Kashikar – “*Legal Profession: Its Contribution to Social Change*” in 13 ICSSR

Research Abstracts Quarterly 111-127 (1984) Also see 10 Indian Bar Rev. 47-81 (1983).

K.L.Sharma “*Sociology of Law and Legal Profession: Cross Cultural Theoretical perspective*”

24 J.I.L.I. 528 (1982).

A.N.Veeraraghavan “*Legal Profession and the Advocates Act, 1961*” 14 J.I.L.I. 229 (1972)

Upendra Baxi, “*The Pathology of the India Legal Profession*”, 13 Ind. Bar. Rev. 455 (1986)

K.L.Bhatia, *Socio-Legal Study of Occupational Status of Law Graduates*, (1994)

## PAPER – VI BUSINESS ENVIRONMENT

Course objective: The course exposes the students to the environmental dynamics of contemporary Business

Unit I Theoretical framework of Business Environment

  
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7. R.G. Chaturved, *Law of Employees Provident Funds*, Bharat Law House (2000).
8. P.R.Bagri – Law of Industrial Disputes
9. O.P. Malhotra – Labour Law
10. Labour Law and Labour Relations – Indian Law Institute
11. V.V.Giri – Labour problems in Indian Industry
12. H.K.Saharay – Labour and Social Laws
13. Mishra – Labour and Industrial Laws

**Paper – IV**  
**ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**  
**(Practical paper – III)**

**Outcome :-** This paper gives the students an idea to settle the issues amicably by way of various ADR Systems such as arbitration, conciliation, mediation, negotiation, compromise, settlement, and lok-adalat which helps in reducing the burden of the courts. The students are required to study:

UNIT – I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like arbitration, conciliation, negotiation, mediation, etc; Advantages and disadvantages of above methods; Need for ADRs. International commitments; Domestic needs; Suitability of ADRs to particular types of disputes Civil Procedure Code and ADRs

UNIT –II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996

UNIT –III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996



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## UNIT –IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate

## UNIT – V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators

## UNIT-VI

Provisions of Legal Services Authorities Act 1987- Lok Adalat practice in kerala

**Scheme of Evaluation****INTERNAL/ WRITTEN EXAMINATION – 90 MARKS**

Marks for internal /written examinations shall be distributed as follows

- |   |          |
|---|----------|
| (i) Test paper (average of two test papers)   | 30 marks |
| (ii) Role play (Report of the Role Play shall be submitted in writing)                                  | 30 marks |
| (iii) Survey/Field study  | 15 marks |
| (iii) Participate and report on Lok Adalat conducted by<br>KELSA or Legal Aid Clinic of the Law College | 15 marks |

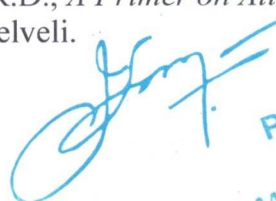
Each student shall prepare a combined record on all Internal /written examinations (answer sheets of two test papers shall be attached with the record) and produce before the viva-voce board.

**II. VIVA – VOCE EXAMINATION – 10 MARKS**

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers in charge of the subject.

**Prescribed Books:**

Sridhar Madabhushi, *Alternative Dispute Resolution*, 2006, Lexis Nexis Butterworths, New Delhi. Rajan R.D., *A Primer on Alternative Dispute Resolution*, 2005, Barathi Law Publications, Tirunelveli.

  
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D H Harris - International Law (Cases and Materials)  
 Oppenheim - International law, Volume I, Peace,  
 S K Kapoor - International Law  
 Bhagirathlal Das - World Trade Organization  
 Malcolm N.Shaw- International Law

### Paper – IV

#### MOOT COURT EXERCISE, OBSERVANCE OF TRIAL, INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATIONS

##### (Practical paper – IV)

**Outcome :-** This paper helps the students learn to analyze legal issues and to understand the practical side of practising law and equip the students with the tactics of framing issues from a given detailed hypothetical or imaginary fact scenario. It also enhances the talent to rehearse arguments, identify weaknesses, sharpen reflexes, and deepen knowledge of the cases.

This paper will have three components of 30 marks each, and the fourth component will be a viva-voce examination for 10 marks.

#### 1. Moot Court (30 Marks)

Every student will do at least 3 (three) moot court in a year with 10 marks for each. Each moot court work will be on assigned problem and it will be evaluated as follows:

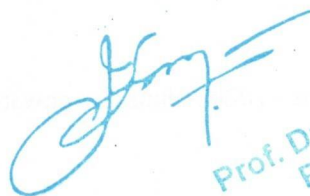
- 1.1 Written submissions : 5 marks  
 1.2 Oral advocacy : 5 marks

#### 2. Observance of Trial in two cases (30 marks)

- 2.1 One Civil case : 15 marks  
 2.2 One Criminal case : 15 marks

Students shall attend two trials in the course of the last two or three years of law course. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

#### 3. Interviewing techniques and Pre-trial preparation (30 marks)



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- 3.1 Two interviewing sessions of clients : 15 marks  
 3.2 Observation of the preparation of documents and court papers : 15 marks

Each student will have to observe 2 (two) interviewing sessions of clients at the Lawyers' Office/Legal Aid Clinic and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

4. Viva Voce examination on all the above three aspects (10 marks)

Viva voce examination shall be conducted by a panel consists of two senior teachers other than the teachers in charge of the subject.

**Internship** – Each student shall have completed minimum of 20 weeks internship during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates. Internship shall be done without affecting regular classes.

Each student shall keep internship diary and the same shall be evaluated by the Guide in Internship and also a Core Faculty member.

External Viva-voce examination in the Tenth semester shall be conducted by the Board of Examiners constituted by the University.

Moot court exercise, Observance of Trial, Interviewing techniques and Pre-trial preparations - (Practical paper – IV)		100		100
Internship		50		50
External Viva voce				50

  
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4. Kailash Rai, Taxation laws, 2018 (Allahabad law agency)
5. Dr. S R Myneni, Principles of taxation and tax laws (Allahabad law agency, 2014)
6. Pinaki Chakraborty, GST in India (Orient Black Swan, 2019).
7. Rakesh Garg, Handbook of GST in India, Concept and procedure (Bloomsbury, 2016).

**PAPER V**  
**DRAFTING, PLEADING AND CONVEYANCING**  
**(Practical paper – I)**

**Outcome :-** This paper helps the students to develop an understanding about the basics of pleadings and conveyancing and in turn to advance justice and to prevent multiplicity of proceedings and also to inculcate the habit of self-study among students. It also gives an accurate understanding about the art of drafting pleadings and of composing all documents and it assists the students in their endeavour to enter active practice.

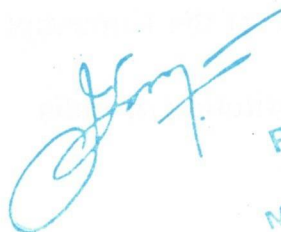
This paper shall be taught through class room instructions and simulation exercises. Examination and allocation of marks:

- 1 Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
- 2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).

The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on the Record. The Record shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.

There shall be a contents page. At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks. Viva- voce examination shall be conducted by a panel of two senior teachers other than the teachers in charge of the subject.

- I Drafting: - General principles of drafting and relevant substantive rules.
- II Pleadings: - Pleadings in General – Object of pleadings -Fundamental Rules of Pleadings
  - A. Civil:



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1. Complaint
2. Written Statement
3. Interlocutory Application
4. Original Petition
5. Affidavit
6. Execution Petition
7. Memorandum of Appeal
8. Memorandum of Revision

B. Petition under

1. Article 226 and
2. Article 32 of the Constitution of India.

C. Criminal:

1. Complaints
2. Criminal Miscellaneous petition,
3. Bail Application and
4. Memorandum of Appeal and Revision.

D. Forms of Pleadings: Practical exercise on the following topics:

1. Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908
2. Suit for Permanent Injunction
3. Application for Temporary Injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908
4. Application under Order 39, rule 2-A of the Code of Civil Procedure, 1908
5. Suit for Ejectment and Damages for Wrongful Use and Occupation.
6. Petition for Restitution of Conjugal Rights under S. 9 of the Hindu Marriage Act, 1955
7. Petition for Judicial Separation under S. 10 of the Hindu Marriage Act, 1955
8. Petition for Dissolution of Marriage by Decree of Divorce under S. 13 of the Hindu Marriage Act, 1955
9. Petition for Dissolution of Marriage by Decree of Divorce under S. 13B (1) of the Hindu Marriage Act, 1955
10. Petition for Grant of Probate in High Court
11. Petition for Grant of Letters of Administration
12. Contempt Petition under Ss. 11 and 12 of the Contempt of Courts Act, 1971 before the High Court
13. Writ Petition under Article 226 of Constitution of India



14. Caveat under s. 148-A of the Code of Civil Procedure, 1908
15. Special Leave Petition (Civil) under Article 136 of the Constitution of India
16. Counter Affidavit in Special Leave Petition (Civil)
17. Application for Bail
18. Application for Grant of Anticipatory Bail
19. Complaint under Section 138 of the Negotiable Instruments Act, 1881
20. Application U/S. 125 of the Code of Criminal Procedure, 1973
21. Special Leave Petition (Criminal) under Article 136 of the Constitution of India
22. Complaint under the Consumer Protection Act, 2019
23. Version to the Complaint under the Consumer Protection Act, 2019

### III. Conveyancing:

#### A. Conveyancing in General

Object of Conveyancing

Component parts of a deed

#### B. Forms of deeds and notices: practical exercise on the following topics:

(any fifteen)

1. Agreement
2. Exchange
3. Sale Deed
4. Mortgage Deed
5. Lease Deed
6. Gift Deed
7. Promissory Note
8. Receipt
9. Licence
10. Power of Attorney- General and Special Power of Attorney
11. Will.
12. Relinquishment Deed
- 13 Partnership Deed
- 14 Deed of Dissolution of Partnership
- 15 Hire-Purchase Agreement
16. Settlement Deed
17. Notice
18. Partition
19. Rectification deed
20. Trust.

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### Viva-Voce examination

Viva voce examination will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing. – Students shall keep a record for the practical work done by them.

### **Prescribed Legislation:**

- The Code of Civil Procedure, 1908
- Kerala Civil Rules of Practice, 1971
- Code of Criminal Procedure, 1973
- Kerala Criminal Rules of Practice, 1982

### **Prescribed Book:**

1. M.C. Agarwal and G.C. Mogha, *Mogha's The Law of Pleadings in India*
2. J.M. Srivastava and G.C. Mogha, *Mogha's The Indian Conveyancer*
3. K.Mony and K.Usha Legal Drafting (2010)

### **Recommended Books**

1. M.R. Mallick, Ganguly's, *Civil Court: Practice and Procedure*
2. C.R. Datta and M.N. Das, *De Souza's, Forms and Precedents of Conveyancing*
3. N.S. Bindra, *Conveyancing*, Vol 1-5, Law Publisher, Allahabad

## **Eighth Semester** **PAPER – I** **APPLIED COSTING**

No of instructional hours per week: 5

**Aim of the Course:** To develop the skill required for the application of the methods and techniques of costing in managerial decisions.

#### **Course objectives:**

1. To acquaint the students with different methods and techniques of costing.
2. To enable the students to apply the costing methods and techniques in different types of industries.

**MODULE I:** Specific Order Costing - Job Costing – Meaning - Accounting procedure - Batch Costing - Meaning and accounting procedure - Economic Batch Quantity - Contract Costing – Meaning - Determination of profit or loss on Contracts - Cost plus contracts - Escalation Clause - Sub-contracts. (18 Hrs)

**MODULE II:** Process Costing – Features - Treatment of Process losses and abnormal gain - Joint products and by – products - Methods of apportioning joint costs - Equivalent Production. (20 Hrs)



- l. Accounts of the companies
- m. Revival and Rehabilitation of sick companies

#### 5. Winding up

- a. Dissolution of Companies- Types of winding up
- b. Winding up by the Tribunal
- c. Voluntary Winding up
- d. Winding up Procedures
- e. Liquidators and contributories
- f. Removal of names of companies from the register of companies.
- g. National Company Law Tribunal, Appellate Tribunal and Special Courts

#### Statutes

- The Companies Act, 2013 with latest amendments.

#### Prescribed Books:

1. Company Law by Avtar Singh
2. Guide to the Companies Act by A Ramaiya
3. Principles of Modern Company Law by L C B Gower

#### Suggested Readings

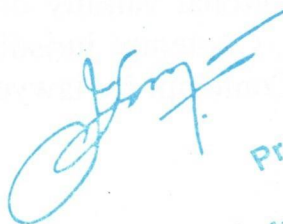
2. Company Law and the Competition Act by K S Anantharaman
3. Palmer's Company Law by Palmer
4. Principles of Modern Company Law by Gower and Davies

### Paper – V

## PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

### (Practical paper –II )

**Outcome :-** This paper ensures the law students that professional services will be rendered in accordance with reasonably high standards and acceptable moral



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conduct. It helps the students to study and assess human behavior and also to establish principles and moral standards of behavior.

1. Advocates as professionals: Introduction, Importance of legal profession, Lawyers's Role in Accelerating and facilitating the social change visualized by the Indian Constitution, Categories of Advocates, Restrictions imposed on Senior Advocates, Admission and enrolment of advocates, Professional opportunities, Women Lawyers, Opportunities and Handicaps, Advocates' right to practise to act and to plead – The right of pre-audience - Advocates' duty to society, to render legal aid, to educate and to accept public office. Restrictions on other employment and penalty for illegal practice Trial Advocacy- Important tools of successful advocacy- Study, preparation and presentation of case- Art of examination (chief, cross and re-examination), Arguments on facts and law- How to address the court. Appellate advocacy- Original side Advocates- Supreme Court Advocates-Advocates on record- Mofussil Advocates- Retired Judges as Advocates.

2. Professional ethics – Advocate and Client: Acceptance of brief, withdrawal from engagement, advocate's role as potential witness- Duty of advocate to make full and frank disclosure to client- Breach of obligation to client- Advocate to act only on the instruction of the client- Contingent fee- Advocate's lien for fee- Share in claim or purchase of property sold in execution- Financial dealing between advocate and client- Prohibition on lending or borrowing money- Prohibition on changing of sides- Legal Profession and Strike.

3. Bar-Bench relationship-Duty towards Court: Duty to conduct himself with dignity and self-respect and not to commit contempt of court, Avoidance of illegal and improper means to influence decisions, Advocate not to be mere mouth-piece of client - Dress code- Prohibition on practising before relatives, Other duties, powers and obligations of Notary public - Duty of advocates towards colleagues in the profession: - Bar council of India Rules governing professional conduct and etiquette, Soliciting and advertising, Professional services and name not to be used for unauthorized practice of law, Fees not less than fees taxable under the rules, Restriction on entering appearance without the consent of the advocate already engaged, Advocates not to demand fees for imparting training to juniors, Advocate's duty to opponent counsel, Advocates duty to report disqualification.

4. The Contempt Law and Practice - Law of contempt of court: Meaning, nature and categories of contempt of court, Constitutional validity of the Contempt of Court Act, 1972, Salient features of the Act, Contempt jurisdiction of Supreme Court, High Court and Subordinate Courts- Contempt by lawyers, judges and by



State- Contempt procedure- Punishment for contempt- Defence open to contemnor and remedies against punishment.

5. Fifty (50) selected opinions of the Disciplinary Committees of Bar Councils

6. Cases on Professional Misconduct:

1. *Salil Dutta v. T.M. and M.C. (P) Ltd.* (1993) 2 SCC 185
2. *Vinay Chandra Mishra, In re* (1995) 2 SCC 584
3. *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee* (1995) 5 SCC 457
4. *P.D. Gupta v. Ram Murti* (1997) 7 SCC 147
5. *R.D. Saxena v. Balram Prasad Sharma* (2000) 7 SCC 264
6. *D.P. Chadha v. Triyugi Narain Mishra* (2001) 2 SCC 221
7. *Shambhu Ram Yadav v. Hanuman Das Khattry* (2001) 6 SCC 1
8. *Pravin C. Shah v. K.A. Mohd. Ali* (2001) 8 SCC 650
9. *Bhupinder Kumar Sharma v. Bar Assn., Pathankot* (2002) 1 SCC 470
10. *Ex-Capt. Harish Uppal v. Union of India* (2003) 2 SCC 45

7. Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts. The cash and bulk transaction: The Cash book, Journal proper especially with reference to client's accounts, Ledger, Trial balance and final accounts, Commercial mathematics.

#### **Scheme of Internal/ Written Examinations.**

Internal examinations should be conducted through periodical test papers – case study / field survey/Simulation exercise – Writing articles/Paper presentation in seminars – problem solution - projects works on topics identified by the concerned teacher. The distribution of marks as follows:

Marks for internal/Written examinations shall be distributed as follows

(i) Test Paper (average of two test papers)	20 marks
(ii) Project work/ dissertation writing	30 marks
(iii) Case study/comment	20 marks
(iv) Paper presentation/writing articles/problem solution	20 marks

Each student shall prepare a combined record on all Internal/written examinations (answer sheets of two test papers are to be attached with the record) and produce before the viva-voce board.

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## II. VIVA – VOCE EXAMINATION

Total marks for viva-voce examination 10 marks

Viva-voce examination shall be conducted by a panel consists of two senior teachers other than teachers in charge of the subject.

### **Prescribed Legislation:**

The Advocates Act, 1961  
Contempt of Court Act, 1971

### **Prescribed Book**

Mr. Krishnamurthy Iyer's book on *Advocacy*.

### **Recommended Books**

Bhagavati, P.N., *Challenges to the Legal Profession – Law and Investment in Developing Countries*

J.B.Gandhi, *Sociology of Legal Profession and Legal System* (1987).

Sathe, Kunchur, Kashikar – “*Legal Profession: Its Contribution to Social Change*” in 13 ICSSR

Research Abstracts Quarterly 111-127 (1984) Also see 10 Indian Bar Rev. 47-81 (1983).

K.L.Sharma “*Sociology of Law and Legal Profession: Cross Cultural Theoretical perspective*”

24 J.I.L.I. 528 (1982).

A.N.Veeraraghavan “*Legal Profession and the Advocates Act, 1961*” 14 J.I.L.I. 229 (1972)

Upendra Baxi, “*The Pathology of the India Legal Profession*”, 13 Ind. Bar. Rev. 455 (1986)

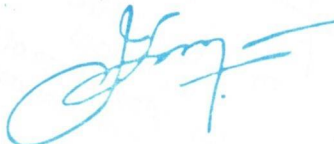
K.L.Bhatia, *Socio-Legal Study of Occupational Status of Law Graduates*, (1994)

## PAPER – VI MANAGEMENT ACCOUNTING

No. of instructional hours per week: 5

**Aim of the course:** To develop professional competence and skill in applying accounting information for decision making.

**Course objectives:**



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**REGULATIONS FOR LL. M PROGRAMME UNDER SEMESTER PATTERN IN THE  
LAW COLLEGES AFFILIATED TO THE UNIVERSITY**

**1. Scope:**

- 1) The regulations framed herein shall apply to the LL.M Programme under the Faculty of Law in the Law Colleges affiliated to the University.
- 2) These regulations shall come into effect from the academic year 2018-19 onwards.

**2. Eligibility for admission:**

- 1) Candidates who have secured a pass in the LL. B examinations of Kerala University or any other Degree recognized as equivalent thereto by the Kerala University shall be eligible for admission to the LL. M Programme.
- 2) Reservation of seats shall be according to the rule framed in this regard by the University from time to time.


**3. Duration:**

- 1) The normal duration of the LL. M Programme shall be four semesters. No student shall be permitted to complete the Programme by attending more than 8 continuous semesters.
- 2) The duration of each semester shall be five months inclusive of examinations. There shall be at least 90 instructional days in a semester and a maximum of 450 hours of instruction in a semester.

**4. Scheme and Syllabus:**

- 1) The aggregate marks shall be 1800 distributed as follows:

SEMESTER I		Marks
1. Law and Social Change	100	
2. Legal Education	100	
3. Research Methodology	100	
4. Teaching Practical	50	
5. Project Work	<u>50</u>	
Total		<u>400</u>

  
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## SEMESTER II

	Marks
1. Legislative Process	100
2. Judicial Process	100
3. Optional I	100
4. Optional II	100
5. Optional III	100
Total	<u>500</u>

## SEMESTER III

	Marks
1. Optional IV	100
2. Optional V	100
3. Optional VI	100
4. Optional VII	100
Total	<u>400</u>

## SEMESTER IV

	Marks
1. Optional VIII	100
2. Dissertation	300
3. Viva-Voce	100
Total	<u>500</u>
<b>Grand Total</b>	<u>1800</u>

- 2) The Board of Studies in Law (PG) shall prepare the scheme and a broad outline of the syllabus for each paper, subject to approval by the Faculty of Law and the Academic Council. It shall be the responsibility of every teacher to prepare a detailed course plan for the paper taught by him/her at the beginning of each semester.



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**5. Evaluation:**

- 1) Evaluation of each paper shall be done in two parts viz., 1. Continuous Assessment (CA). 2. End Semester Assessment (ESA).
- 2) The distribution of marks shall be 25% for CA and 75% for ESA.

**6. Continuous Assessment:**

- 1) The allocation of marks for each component under continuous assessment shall be in the following proportion.

(a) Attendance	-	5
(b) Assignment	-	5
(c) Tests	-	10
(d) Seminar	-	5
Total		<u>25</u>

- 2) There shall be no continuous assessment for dissertation and project.

3) *Attendance:*

The minimum attendance required for each subject shall be 75% of the total number of classes conducted for that Semester. Those who secure the minimum attendance in a semester alone will be allowed to register for the End Semester Assessment of the semester. The allotment of marks for attendance shall be as follows;

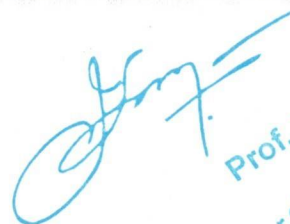
Attendance less than 75%	-	0 mark
75%	-	2.5 marks
Above 75%	-	0.5 mark for every 5% attendance

4) *Assignments:*

Each student shall be required to do not more than 2 assignments for each paper. Valued assignments must be returned to the students.

5) *Tests:*

For each paper there shall be at least two class tests during a semester. The probable dates of tests shall be announced at the beginning of each semester. Marks for tests shall be awarded on the basis of the marks secured for the best of



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two tests. Valued answer scripts must be made available to the students for perusal within 10 working days from the test.

6) *Seminar:*

Students shall be required to present a seminar on a selected topic in each paper. A maximum of 5 marks shall be awarded for the seminar. The evaluation of the seminar will be done by the concerned teachers handling the papers based on the presentation, seminar paper and participation in discussion.

- 7) All the records of the continuous assessment must be kept in the college and must be made available for verification by the University if necessary.

**7. Project and Dissertation:**

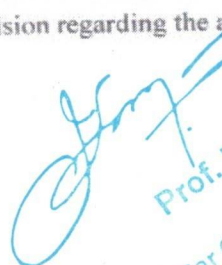
- 1) Every student shall be required to do a Project in the First Semester. The Project shall be based on the empirical research carried out by the student. The Principal shall assign a supervising, internally teacher to guide the project work. The Project shall be evaluated by the Supervising Teacher and another appointed by the University. The average of the marks awarded by both the teachers shall be awarded to the student.
- 2) Every student shall submit a dissertation within 15 days from the last date of the Final Semester Examination; the dissertation will be valued by a Board of 2 examiners appointed by the University. The maximum marks shall be 300 of which 20% shall be allotted to Viva-Voce examination which shall be conducted along with the comprehensive viva.

**8. End Semester Assessment:**

- 1) End Semester Assessment of all the semesters shall be conducted by the University. There shall be double valuation system of answer books. The average of 2 valuations shall be taken into account. If there is a variation of more than 10%, the answer books shall be valued by a third examiner. The marks awarded by the third examiner shall be final.

2) *Publication of Results:*

The results of the CA shall be displayed within a week from the last day of a semester. The complaints, if any, shall be examined by the College Level Committee and it shall arrive at a decision regarding the awarding of marks.

  
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- 3) The marks awarded for various components of the CA shall not be rounded off, if it has a decimal part. The total marks of the CA shall be rounded off to the nearest whole number. The statement of marks of the CA of all the students in a semester shall be approved by the College Level Committee, countersigned by the Principal and forwarded to the Controller of Examinations within 10 working days from the last day of the Semester. Normalisation of the CA may be done by the University.
- 4) The results of the ESA shall be arranged to be published within 30 to 45 days from the date of the last examination.

**9. Pass requirement:**

- 1) Those who secure not less than 40% marks of ESA for each paper and an aggregate minimum of 50 % marks for all the papers of a Semester shall be declared to have successfully completed the Semester.
- 2) Those who secure 50 marks or above (40% of ESA+CA marks) shall be exempted from appearing for that paper again.
- 3) Failed candidates of a paper or papers are allowed to write the examination along with the next regular batch of students.
- 4) The benefit of exemption shall be available in the case of project work and teaching practical in the first semester and dissertation and viva- voce in the fourth semester.
- 5) Those who have successfully completed all the Semesters of the programme shall be declared to have successfully completed the LL.M degree programme.

**10. Classification of Results:**

- 1) The classification of the results of the Programme shall be done at the end of the Fourth Semester based on the total marks secured for all Semesters and shall be as follows;

Candidates securing not less than 50% but below 60% Second Class. Candidate securing 60% and above First Class.

  
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2) *Ranking:*

Candidates who pass all the Semester examinations in the First appearance within the minimum period prescribed for each Semester shall be ranked on the basis of aggregate marks secured for all the Semesters.

**11. Issue of Mark Lists:**

- 1) The mark lists of each of the First Three Semesters shall be issued immediately after the publication of the results of each Semester.
- 2) Consolidated Mark List showing the marks secured for all the papers of all the Four Semesters with classification will be issued immediately after the finalization of the results of the Final Semester alone will be promoted to the higher Semesters.

**12. Promotion to Higher Semesters:**

- 1) Students, who complete the course, secure the minimum required attendance for all the papers of a Semester and register for the University Examinations at the end of the Semester alone will be promoted to higher Semesters.

**13. Monitoring of the Programme:**

Monitoring of the LL. M Programmes shall be done at two levels - College Level and University Level.

1) *College Level Committee:*

A Committee consisting of the Principal and 4 teachers engaged in reaching LL.M. Course shall constitute the College Level Committee. The Principal shall be the Chairman and a Member nominated by the Principal shall serve as the Convener. This Committee shall be responsible for the conduct of the LL. M Programme, ensuring minimum instructional days, arranging ESA (University Examinations) of the various Semesters etc. Complaints of students regarding evaluation of CA should be considered by this Committee for taking appropriate decision. The College Level Committee shall be reconstructed every year by the Principal immediately on commencement of the LL. M Programme.

2) *University Level Committee:*

There shall be a Committee with the following Members to monitor and supervise the conduct of the LL. M Programme.

  
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1. The Pro-Vice Chancellor
2. A Member of the Syndicate representing the Teachers of the affiliated colleges nominated by the Vice Chancellor.
3. Dean, Faculty of Law.
4. Controller of Examinations.
5. Director, College Development Council (D.C.D.C)

The D.C.D.C shall be the Convener of the Committee.

This Committee shall be responsible for monitoring and conducting the L.L. M Course in the affiliated colleges. This Committee shall finalize the academic calendar and supervise the conduct of ESA in the Colleges. This Committee shall also serve as an appellate Committee to examine complaints if any.

- 3) All Committees mentioned under clauses 14.1 and 14.2 shall meet at least three times in a Semester i.e., in the beginning, middle and end of the Semester.



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### Unit V: Post Graduate Legal Education

Objectives-formal or graduate legal education-Requirements-curriculum development-Student Work Assessment Evaluation and New trends.

#### Recommended Readings:

1. Glanville Williams, Learning the Law Excluding Chapters VII, XIII and XIV
2. Vanderbilt A.T, Studying the Law
3. University of Singapore-A report on the proceedings of Regional Conference on Legal education, 1962
4. Jay Murphy, Legal Education in a developing nation - The Korean Experience-Ch. VI
5. Agarwala, Indian Legal Education Problems and Perspectives
6. The relevant portion of the Indian Advocates Act, 1961
7. J.H Landman - The Problem Method of Studying law, 1952
8. Harry Pratter & Burton W Kawter - Expanding the Tutorial Programme, a Bloodless Revolution, (1954-55) VJLE 365
9. Richard B Amandes - How We Examine (1951-59) XL JLE 566
10. Vaughan C Ball-Objective Questions in law Examinations (1959-60) XII JLE 569
11. Louis F Del Duca and Donald B King - Student Examination Answers - Educational Incinerator Fuel (1960-61) XIII JLE 499
12. Markose A.T, Relation of Teaching methods to Democracy (1968) JUIII TA 43
13. Russel B Sunshine & Arthjir L Berney-Basic Legal Education in India, 1970, JILI
14. Larson Arthur - An Introductory Approach to Legal Instruction ((1948-19) IJLE 287
15. Campell A.H, Comparison of Education Methods and Institutions, 1951
16. Mukherjee Bhupen: Legal Education in Indian Universities, 1968
17. Patterson W Edvin, The case method in Americal Legal education (1951-52)
18. Morgan E Edmond, The Case Method (1951-52) IV IJLE 379
19. Observations on Legal Education in Australia (1952-53) VJLE 139
20. Loisean R Pierie, The Newcomer and the Case Method (1954-55) VIII JLE 274
21. A.K Kaul and V.K Ahuja, Legal Education in India in 21<sup>st</sup> Century, Problems and Prospects, 1999
22. Madhava Menon N.R, Clinical legal Education, 2001
23. Karen Tokarz, Antoinette Sedillo Lopez, Peggy Maisel, Robert F. Seibel, Legal Education at a Crossroads: Innovation, Integration and Pluralism required, Washington University Journal of Law & Policy, 2014.

### Paper III: Research Methodology

#### Unit I - Introduction:

Meaning, Definition, Objectives and Purpose of Research-Neutrality in Research - kinds of Research, Doctrinal and Non-Doctrinal Legal Research - Research Qualities and Traits - Nature and Scope of Legal Research - Law and Behavioural

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Studies - Legal Research Methods - Social Science Research and Methods in Legal Research - Scientific Method - Theory and facts, Concepts - Variables and Definitions - Empiricism - Criteria of Good Research.

### Unit II - Research Design and Necessary Steps:

Identification and Formulation of Research problem - Review of Literature - Hypothesis: Its role, definition, types, criteria of a workable hypothesis and its sources - testing of Hypothesis - Major steps of preparation of research design, Forms and Techniques.

### Unit III - Research Techniques:

Data Collection: tools and techniques, sampling procedure, type of Sampling - survey and case study method-Observations, Questionnaire, Schedules etc., Interviews, Surveys-Use of historical and comparative research material, census and survey sampling: types, merits and demerits, Statistical Methods in Legal Research - Processing of Data - Elements of Statistics - Scaling, Projective Techniques - Analysis and use of internet, legislative material, Indian & foreign court decision and juristic writings.

### Unit IV - Models of Legal Research and New Trends:

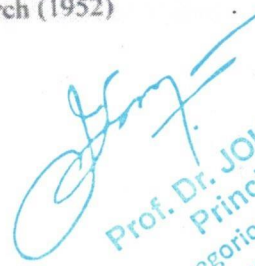
Evolutionary and Evaluative, Identificatory and Impact Studies, Projective and Predictive, Collative, Historical, Comparative - Mono-Disciplinary Legal Research, Trans-Disciplinary Legal Research, Inter-disciplinary legal Research.

### Unit V - Research Writing:

Analysis of legal materials, statutes and delegated legislations - Techniques of presenting ideas-Drafting of Synopsis - Methods of citations - Bibliography, Case list, Case Analysis - Evaluation of Research Studies and Findings - Problems of researchers in India.

### Recommended Readings:

1. Pauline V Yong: Scientific Surveys and Research, 1975
2. Festinger L & Daniel Katz, Research Methods in Behavioural Sciences, 1970
3. M.C Prio, H Bitner & Pysiewiez, Effective legal research
4. Hubert M. Blalock Jr. & A.B (Ed), Methodology in Social Research, 1979
5. Hubert M. Blalock Jr. Social Statistics, 1979
6. Upendra Baxi, Socio-Legal research in India, 1975. ICSSR Occasional Monograph No. 12
7. Morris L Cohen, Legal Research, 1978
8. William J Goode & Paul K Hatt, Methods in Social Research (1952)
9. Whitney, The Elements of Research, 3<sup>rd</sup> edition
10. Ervin H Pollack, Fundamentals of Legal Research, 1967
11. Jerome Hall (ed) Readings in Jurisprudence, Ch XIV

  
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