



SARVAJANIK  
UNIVERSITY

INCLUSIVE | INTEGRATED | INNOVATIVE

# CORE COURSES SEMESTER - VI



SARVAJANIK EDUCATION SOCIETY  
**SARVAJANIK COLLEGE OF LAW**  
(CONSTITUENT COLLEGE OF SARVAJANIK UNIVERSITY)

**THIRD YEAR LL.B.**

**SEMESTER – VI**

COURSE	COURSE CODE	SUBJECT	CREDIT			EXAMINATION		Total
			Lecture	Other	Total	CCE	SEE	
Core	BLLB11601	Drafting, Pleading and Conveyance	3	1	4	50	50	100
Core	BLLB11602	Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations	3	1	4	50	50	100
Core	BLLB11603	Alternative Dispute Resolution	3	1	4	50	50	100
Core	BLLB11604	Moot Court exercise and Internship	3	1	4	50	50	100
Core	BLLB11605	Law of Equity and Trust	3	1	4	50	50	100
Professional Elective	BLLB12601/02/03	Students have to select any one subject from the given list.*	2	-	2	25	25	50
Interdisciplinary Open Elective Course			2	-	2	-	-	-
Skill Enhancement Course			2	-	2	-	-	-
		Total			26	275	275	550

COURSE CODE	PROFESSIONAL ELECTIVE SUBJECT*
BLLB12601	Right to Information Act, 2005
BLLB12602	Election Law
BLLB12603	Forensic Science

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Drafting, Pleading and Conveyance		
Course Type		Core Course		
Course Code		BLLB11601	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	-	100	100

**Object:** The object of this paper is to train students in the art of drafting both for court purposes as well as for other legal forums. This course covers skills of drafting conveyances and pleadings which are essential for an Advocate. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. The objective of the course is to equip and provide adequate exposure of these skills to the students with the knowledge of substantive and procedural law in drafting, pleading and conveyance.

### **Course Outcome**

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

CO1: Analyse and apply general principles of drafting and conveyancing.

CO2: Use effective writing techniques to draft different types of legal documents.

CO3: Draft different types of Deeds including deed of sale of land, mortgage deeds, license deeds, lease deeds, assignment deeds, trust deeds, partnership deeds and power of attorney deeds.

CO4: Draft different types of contracts including commercial agreements, professional agreements and real estate and tenancy agreements.

### **Syllabus**

Subject	External Examination Marks
Pleadings	45 Marks
Conveyancing	45 Marks
Viva Voce	10 Marks
<b>Total</b>	<b>100 Marks</b>

(a) Pleadings: at least 15 written exercises on assigned topics (3 marks each)

(b) Conveyancing: at least 15 written exercises on assigned topics (3 marks each)

- i. Civil: Complaint, 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.

Assignments to be attempted in the classroom at regular periodic intervals in the prescribed diaries which shall be evaluated at the end of the year.

The prescribed assignment diaries shall contain proper index as to the date of the written assignment attempted in the class room, supervisor teacher's signature, examiner's signature and marks.

- (c) Viva voce examination (10 marks) will test the understanding of legal practice in relation to drafting of pleadings and conveyancing.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations		
Course Type		Core Course		
Course Code		BLLB11602	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Professional ethics, accountancy for lawyers and bar bench relations encompasses an ethical code governing the conduct of person engaged in the practice of law and in the legal sector. All members of the legal profession have a paramount duty to the court and towards the administration of justice

### **Course Outcome**

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

CO1: Understand and adopt the professional ethics and ethical standard of the legal profession.  
CO2: Evaluate the key themes in professional ethics, in order to give them an insight into moral decision making in the legal profession.

Subject	External Examination Marks <sup>1</sup>
Written Examination: Advocate Act, Bar Council Code of Ethics, Contempt Law & Practice, Accountancy for Lawyers	30 Marks
10 Selected opinions of the Disciplinary Committee of the Bar Council of India	10 Marks
10 Major Judgments of the Supreme Court on the Disciplinary	10 Marks
<b>Total</b>	<b>50 Marks</b>

- (2) Viva Voce examination shall be a part of internal examination and to be conducted by a panel of senior legal experts.

<sup>1</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Syllabus**

### **Module 01: Introduction**

- 1.1 Law Relating to legal profession
- 1.2 Development of Legal Profession in India
- 1.3 Right to Practise – a right or privilege?
- 1.4 Right to Practise – Constitutional Guarantee under Article 19(1)(g) and its scope

### **Module 02: Enrolment and practice**

- 2.1 Admission and Enrolment of advocates
- 2.2 Disqualification for enrolment
- 3.3 Enrolment Procedure in Bar Council
- 3.4 Senior Advocate
- 5.5 Enrolment of Supreme Court Advocates
- 5.6 Rights and Privileges of an Advocate

### **Module 03: Advocacy**

- 3.1 Elements of Advocacy
- 3.2 Seven Lamps of Advocacy
- 3.3 Equipment of an Advocate (How to be a Successful Advocate)
- 3.4 Functions of an advocate
- 3.5 Practice of Law – Whether a business
- 3.6 Solicitor's Firm – Whether an industry

### **Module 04: Bar Council**

- 4.1 Organisation, Functions and Powers of the Bar Council of India
- 4.2 Autonomy of Bar in India
- 4.3 Constitution, Functions and Procedure of Committees of the Bar Council of India
- 4.4 Meeting of Council and its Committees
- 4.5 Elections of Bar Councils
- 4.6 Powers and duties of the Chairman and Vice Chairman of Bar Council
- 4.7. Qualification and Conditions of Service of the Secretary of Bar Council
- 4.8 Organisation and Functions State Bar Council

#### 4.9 Procedure of Election of Members of the State Bar Council

### **Module 05: Professional Ethics for Lawyers**

#### 5.1 Meaning, Nature and need of professional ethics

#### 5.2 Model Code of Conduct for Lawyers

#### 5.3 Bar Council Code of Conduct

#### 5.4 Legal Aid

#### 5.5 Hoffman's Resolution

### **Module 06: Disciplinary proceedings**

#### 6.1 Professional or other Misconduct – Disqualification

#### 6.2 Functions Disciplinary committee of the State Bar Council in dealing with the disciplinary proceedings

#### 6.3 Functions of Bar Council of India in dealing with the Disciplinary Proceedings

#### 6.4 Powers of Disciplinary committee under the Advocate Act, 1961

#### 6.5 Procedure to be followed by the disciplinary committee of a State Bar Council in disciplinary proceedings

#### 6.6 Punishment and remedies for professional or other Misconduct

#### 6.7 Disqualification and Removal from rolls

### **Module 07: Bar-Bench Relations**

#### 7.1 Meaning of Bar, Bench and Court

#### 7.2 Duties of Judge and advocate in administration of Justice

#### 7.3 Bar-Bench Relations

#### 7.4 Contempt of Court

### **Module 08: Accountancy for Lawyers**

#### 8.1 Nature and Functions of Accountancy

#### 8.2. Important Branches of Accounting

#### 8.3 Accounting and Law

#### 8.4 Need for Accountancy for Lawyers

#### 8.5 Bar Council Accounting

#### 8.6 Finance, Accounts and Audit of the Legal Services Authorities

8.7 Funds, audit and accounts of the Supreme Court Legal Services Committee and Welfare Fund Accounting.

**Suggested Readings:**

- Mr. Krishnamurthy Iyer's Books on "Advocacy"
- Dr. Kailas Rai, Legal Ethics Accountancy for Lawyers & Bench-Bar Relation: Central Law Publication
- Dr. S. R. Myneni, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation, Asia Law House
- Subramanyams, Commentaries on Advocate's Act with Professional Ethics & Allied Laws, Law Publishers India.
- The Bar Council Code of Ethics
- 50 selected opinions of the Disciplinary Committees of Bar Councils
- Sanjiva Row, The Advocates Act, 1961, Lexis Nexis Butterworths
- S. P. Gupta, Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Alternate Dispute Resolution		
Course Type		Core Course		
Course Code		BLLB11603	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason, ADR is appreciated by many countries around the world. The course is designed in a way that it will give the students insightful knowledge about this emerging area and to understand the various methods of resolving disputes under ADR system,

### Course Outcome

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

CO1: Develop a thorough understanding of the arbitration as a method of dispute resolution.

CO2: Understand the basics of Alternate Dispute Resolution Art of Arbitration, Negotiation and Mediation.

CO3: Significance of Alternate Dispute Resolution and Arbitral Awards and its enforcements.

### Syllabus

Subject	External Examination Marks <sup>2</sup>
Arbitration & Conciliation Act, 1996	40 Marks
Legal Services Authorities Act, 1987	10 Marks
<b>Total</b>	<b>50 Marks</b>

Viva Voce examination shall be a part of internal examination and to be conducted by a panel of senior legal experts.

### **Module 01. Alternate Dispute Resolution Mechanisms:**

1.1 Alternate Dispute Resolution Mechanisms: Meaning, Definitions, Concept and History

1.2. Structure Powers and Functions of the Authorities under the Legal Services Authority Act, 1987

1.3 Legislative and judicial sanction for ADR

1.4 Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration, Lok Adalat

<sup>2</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

## **Module 02. Arbitration**

- 2.1 Meaning, features, theories and types of arbitration
- 2.2 Historical perspectives of arbitration as a dispute settlement mechanism and law of arbitration
- 2.3 Types of Arbitration - Domestic and International arbitration, Institutional arbitration
- 2.4 Advantages and disadvantages of arbitration
- 2.5 Difference between Negotiation-Mediation-Conciliation-Arbitration

## **Module 03. Arbitration agreement**

- 3.1 The arbitration agreement, formation, its essentials
- 3.2 Validity of arbitration agreement
- 3.3 Rule of severability, Effect of death, insolvency, etc. on agreement
- 3.4 Parties to arbitration agreement, Agreement as binding on third parties
- 3.5 Power of Court to refer parties to arbitration
- 3.6 Jurisdiction of Courts

## **Module 04. Arbitration Tribunal**

- 4.1 Constitution of Arbitral Tribunal - qualifications to act as arbitrator
- 4.2 Disclosures by arbitrator, Disqualification of arbitrators
- 4.3 Grounds to challenge appointment and procedure of Arbitrators
- 4.4 Powers of Courts to appoint Arbitrators
- 4.5 Jurisdiction of arbitral tribunal - Power to rule on its own jurisdiction
- 4.6 Interim measures ordered by arbitral tribunal
- 4.7 Interim measures by Court

## **Module 05. Arbitral Proceedings and Award**

- 5.1 Conduct of arbitral proceedings, procedure, rules of procedure
- 5.2 Language, impartiality of arbitrator, equal treatment of parties
- 5.3 Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality, application of the Law of Evidence and Limitation
- 5.4 Court's assistance in taking evidence, fast track procedure
- 5.5 Arbitral award - Types of award - Form and Content - Finality of award - Interpretation of award
- 5.6 Correction in award - Stamp duty - Registration - Additional award Costs - Termination of proceedings
- 5.7 Time limits for award, extension of time
- 5.8 Recourse against award, Grounds of setting aside award, Court's role,
- 5.9 Enforcement of award
- 5.10 Appeal

## **Module 06. International Perspective and Enforcement of foreign awards**

- 7.1 UNCITRAL Model Law on International Commercial Arbitration
- 7.2 The Geneva Protocol on Arbitration Clauses, 1923
- 7.3 The Geneva Convention on the Execution of Foreign Arbitral Awards 1927
- 7.4 The New York Convention on the Recognition and Enforcement of Foreign

Arbitral Awards, 1958

7.5 Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)

7.6 Referring parties to arbitration

7.7 Binding nature of foreign awards,

7.8 Enforcement of foreign award, Proof of award, Conditions for enforcement

7.9 Jurisdictional issues

### **Module 07. Conciliation**

8.1 Meaning, features and modes of Conciliation

8.2 Conciliation under the Arbitration and Conciliation Act, 1996

8.3 Appointment and role of conciliator

8.4 Techniques of conciliation and Termination of conciliation proceedings

8.5 Contractual provisions about conciliation

### **Module 08. Negotiation**

9.1 Meaning, features, theories, types of negotiation

9.2 Appointment, role and qualities of the negotiator, Process of negotiation

9.3 International negotiation

### **Module 09. Mediation**

10.1 Meaning and key characteristics of mediation

10.2 Nature of mediation as voluntary, consensual, non-coercive, confidential and risk-free

10.3 Process/Stages of mediation

10.4 Appointment and role of mediator

10.5 Good Offices

10.6 Civil Procedure Mediation (Gujarat) Draft Rules, 2007

10.7 Key developments in mediation

### **Module 10. Legal Service Authorities Act, 1987**

11.1 Introduction

11.2 Definitions

11.3 National and State Legal Services Authority

11.4 Entitlement to Legal Services

11.5 National, State and District Legal Aid Fund

11.6 Lok Adalats

11.7 Pre-litigation Conciliation and Settlement

10.8 Other provisions

### **Suggested Readings:**

- B.P. Saraf & M. Jhunjhunwala: Law of Arbitration and Conciliation (2000), Snow white, Mumbai.

- Gerald R. William (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi.

- A.K. Bansal: Law of International Commercial Arbitration, Universal, Delhi

- P.C. Rao & William Sheffield: Alternative Disputes Resolution- what it is and How it works? (1997), Universal, Delhi.

- G.K. Kwatra: The Arbitration and Conciliation Law of India (2000), Universal, Delhi
- 1. Justice R.P. Sethi, Commentary on Arbitration and Conciliation Act as Amended in 2016, 2<sup>nd</sup> Edition, Wyles and Co., 2016.
- Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, Universal Law Publishing
- N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed, Central Law Agency
- Mallika Taly, Introduction to Arbitration, Eastern Book Company
- Vishnu Warriar, Arbitration, Conciliation and Mediation, LexisNexis.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Moot Court exercise and Internship		
Course Type		Core Course		
Course Code		BLLB11604	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	-	100	100

**Object:** This course enables the student to apply all laws of the course in the practical. The moot courts will enable him to learn identifying facts, applying the law, deriving issues, oral presentation skills, organising argument, and presenting it with persuasion. It will be followed by critical positive analysis about the salient features of the presentation and content, and suggestions for improvement.

### Course Outcome

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

CO1: Understand the world of moot courts, art of talking and legal research.

CO2: Understand the ground realities of how moot courts help shape the future lawyers by inculcating the skills of convincing and negotiation.

CO3: Get a glimpse of the very functioning of real courtroom practice and to prepare for the future challenges and learning process with social justice acumen.

### Syllabus<sup>3</sup>

- (a) Moot Court:  
Every student must participate in a minimum of 3 moot courts in a year.  
A total of 10 marks is allotted for each assigned moot problem  
(5 marks for Written Submission and 5 marks for oral submission) 30 Marks
- (b) Participation in Trial Proceedings:  
Observation of trial in a case  
Attendance and performance to be certified by the Advocate in the prescribed Dairy who is on the list having at least 10 years' standing in the Bar (One Civil & One Criminal) 30 Marks
- (c) Pre-trial Preparation:  
- Interviewing techniques 15 Marks  
- Pre-trial Preparations 15 Marks  
(Records to be maintained in the prescribed diary)
- (d) Viva Voce 10 Marks

<sup>3</sup> Amended vide Res. No. AC6\_13 of 6<sup>th</sup> meeting of the Academic Council dated 10-02-2023.

SARVAJANIK UNIVERSITY				
Program		LL.B.		
Semester		6		
Subject		Law of Equity and Trust		
Course Type		Core Course		
Course Code		BLLB11605	Total Credit	4
Teaching Hours		Examination Marking Scheme		
Theory (Hrs)	Practical/ Lib./Lab./Tut. (Hrs)	Internal/ CCE (Marks)	External/ SEE (Marks)	Total
3	1	50	50	100

**Object:** Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with Trust transaction. The objectives of the course are to enable the students to acquire knowledge of law on private and public trust and also the principles of equity.

### **Course Outcome**

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

CO1: Get an insight of the Trust and equity laws and principles of Fiduciary Relations with exceptions.

CO2: Possess a thorough understanding of the principles of natural justice and maxims of equity.

CO3: Demonstrate a high level of understanding in learning the concepts like Trust and trustee with respect to their rights and duties.

### **Syllabus**

Subject	External Examination Marks
Law of Equity	15 Marks
Indian Trust Act, 1882	25 Marks
Bombay Public Trust Act, 1950	10 Marks
<b>Total</b>	<b>50 Marks</b>

### **Module 01. Law of Equity**

1.1 Equity: Its nature, historical background and courts

1.2 Equitable rights and interests: Nature and classification

1.3 Maxims of Equity: 12 Working Principles of Equity

1.3.1 Ubi jus ibi remedium - Equity will not suffer a wrong to be without a remedy.

1.3.2 Equity follows the law, but not always and never slavishly.

1.3.3 He who seeks equity must do equity.

1.3.4 He who comes to equity must come with clean hands.

1.3.5 Vigilantibus, non dormientibus, jura subvenient – Equity aids the vigilant and not the indolent - Delay defeats equity.

1.3.6 Equality is equity.

- 1.3.7 Equity looks to the intent rather than the form.
- 1.3.8 Equity looks on that as done which ought to be done.
- 1.3.9 Equity imputes an intention to fulfil an obligation.
- 1.3.10 Where there is equal equity, the law shall prevail.
- 1.3.11 Where the equities are equal, the first in time shall prevail.
- 1.3.12 Equity acts in personam.
- 1.4 Priorities and Assignments

## **Module 02. Introduction to Trust**

- 2.1 The concept of Trust: distinction with agency and contract
- 2.2 Trusts: Classification
- 2.3 Definition and nature of trust under the Indian law
- 2.4 Creation of Trust
- 2.5 Extinction of Trust

## **Module 03. Trustee**

- 3.1 Duties of Trustee
- 3.2 Rights of Trustee
- 3.3 Power of Trustee
- 3.4 Disabilities of Trustee
- 3.5 Discharge of Trustee
- 3.6 Appointment of New Trustee

## **Module 04. Beneficiary**

- 4.1 Rights of Beneficiaries
- 4.2 Liabilities of Beneficiaries

## **Module 05. Constructive trusts, Public Trust**

- 5.1 Transfer without intent to dispose beneficial interest
- 5.2 Trust incapable of execution and Trusts executed fully without exhausting property the cypress doctrine
- 5.3 Transfer and request for illegal purpose
- 5.4 Transfer pursuant to rescindable contract
- 5.5 Debtor becoming creditor's representative
- 5.6 Advantage from undue influence
- 5.7 Advantage by qualified owner
- 5.8 Property acquired with notice of existing contract
- 5.9 Purchase by person contracting to buy property to be held on Trust
- 5.10 Possession of property without whole beneficial interest
- 5.11 Duties of constructive Trustees
- 5.12 Rights of bona fide purchasers
- 5.13 Charitable and religious Trusts
- 5.14 Common property resources and public Trust doctrine

## **Suggested Readings:**

- Equity, Trust and Specific Relief, B.M. Gandhi, EBC

- Bombay Public Trust Act, 1950
- Principles of Equity, Central Law Agency