

Central University of Tamil Nadu, Thiruvaurur

In collaboration with

National Law School of India University, Bangalore

Certificate Course in Para-Legal Training

Course Outline

Knowledge of law is power and helps self-realization. India, the largest democracy in the world, has an emergent need for generating awareness of rights as knowledge so that people live in consonance with the true dictates of democracy and rule of law. Legal literacy is commonly understood as knowing the primary level in law. When citizens, particularly marginalized or underprivileged groups, know what the law has to offer them, they can recognize and challenge injustices much more forcefully.

The course consists of three major components. i) Para legal training; the Alternate Dispute Resolution-its significance and how it works ii) the principles of law applicable in courts and how it works; and iii) drafting, pleadings and conveyancing of basic documents.

The first step towards that knowledge of law, which can transform people's lives, is legal literacy. This paralegal training course focuses on the legal concepts, procedures, and skills that are used in a wide variety of legal environments. It is designed to teach the functions and processes of institutions in the Indian legal system and its roles.

"It is the spirit and not the form of law that keeps the justice alive." *L J Earl Warren*. This course will provide students with a working knowledge of the basic theories underlying negotiation, arbitration, and mediation. Students will learn the important distinguishing characteristics of each of these "alternative" approaches to resolving disputes, and will also learn how to address the ethical and legal issues which may arise in pursuit of these remedies. Mediation, Conciliation, Arbitration and Negotiation can help resolution of disputes quickly; simultaneously reduce the arrears and delays in the courts, besides costs. The Supreme Court and the High Courts in our country are actively encouraging adoption of these methods. This development has created a need and demand for professionally trained Mediators, Conciliators and Arbitrators.

The course will teach the students the "building block" components that make up pleadings and contract and how each component of the contract is drafted. The students will have a "behind the scenes" look at the conversations and negotiations that take place prior to getting to the drafting stage, and what happens during and after the drafting stage. This course will also teach the students how to draft in simple terms so that the contract is easy to read and understand.

This Certificate program is designed for individuals who want to enter the legal field, make a career change, or who are already working in a business or legal environment /social work and want to enhance their legal knowledge and skills through a formalized course of study.

Learning Objectives

Students will receive intensive, concentrated instruction in the area, focusing on sources of law, legal terminology, jurisdictional issues, practical skills, document drafting, and recognition factors integral to that area of the law. The emphasis will be on practical skills

and applications; however, students will learn enough theory to be intelligent and contributing members of legal teams.

At the conclusion of this course you will be able to:

1. Handle elementary adjudicatory and conciliatory roles in various disputes
2. Differentiate substantive and procedural law
3. Explain jurisdictional determination of cases.
5. Analyze the process and procedures of a lawsuit, including pleading, and litigation process.
6. Analyze the advantages and disadvantages of negotiation in a particular situation vis a vis taking the dispute to a court of law and clarify the importance of good arbitration techniques
7. Understand the law, working of the legal system and to facilitate access to justice.
8. Draft contractual provisions clearly and without ambiguities, the organization and chronology of a contract
9. Review a contract that has already been drafted and spot areas that need to be added to, removed, corrected, etc.

Teaching Method

It is a combination of theory, principles and skills. Teaching will be by discussion of the rules relating to procedural laws concerned, principles underlying the ADR, drafting of pleadings, furnishing materials of problems, identifying the substantive law components and actually drafting the pleadings keeping in mind the accepted formats. Similar procedure will be adopted in drafting conveyancing documents. Students will be encouraged to draft the pleadings and documents as a part of practical assignment for the course using the materials of problems supplied by the instructor. Lecture method is preferred to teach the course taking into account inherent limitation of time duration of the course. Teaching aids like power point presentations etc. will be used at the appropriate stages of the course.

Evaluation:

There will be written examination conducted towards the end of the Certificate course program to assess the knowledge of the students in the areas concerned. Practical assignment for ten marks is required for assessing the skills in drafting pleadings and basic documents.

Paper I – Components of legal training

Module I – Elements of law and legal Systems.

Module II- Essential components of Para legal training and ADR

Unit I- Paralegal training- Functions, Relevance and significance – Role and Skills required

Unit II-Historical perspective of informal methods of dispute resolution-The advantages and disadvantages of informal methods of dispute resolution.

Unit III-Need of ADR in India- Principles relating to Alternate dispute resolution mechanism -significance- ADR provisions spread over in different legislations. Legal Service Authorities Act, 1987 and Arbitration and Conciliation Act,1996-.

Unit IV- Conciliation in Arbitration and Conciliation Act and Industrial Disputes Act- Lok-Adalat

Module III- Various modes of ADR- An overview

Unit I- Arbitration as alternate dispute resolution -Significance -

Unit II-Counselling-significance

Unit III- Negotiation,-significance- what is legal negotiation; Provisions in CPC and Cr.PC. facilitating negotiated settlements.

Unit IV- Conciliation and mediation-significance

Paper II-The court System; Civil/Criminal

Module I- The basics of litigation

Unit I- Substantive and Procedural Law; Hierarchy of courts- Designations of courts in India- Jurisdiction

Unit II- Parties - Judicial Procedures; Public Interest Litigation and Writs

Unit III-Laws and rules of evidence - An over view.

Unit IV- Rules of pleadings

Module II - Civil and criminal pleadings

Unit I- General principles of limitation and suits valuation-an over view Significance of Appeal, Review, Revision and Reference-relevance and significance.

Unit II- Drafting of pleadings in different kinds of suits:-Civil -(i) Complaint (ii) Written Statement (iii) Interlocutory Application (iv)Affidavit

Unit III- Criminal: (i) Complaints (ii) Criminal Miscellaneous petition,(iii) Discussion of provisions relating to applications in Criminal Litigation-Bail Applications u/s 437, 439, 438 Cr.P.C.

Unit IV- Discussion of provisions relating maintenance claim petitions, S. 125, 126, 127 and 128Cr.P.C.; Caveat, Writ Petition.

Module III- Conveyancing of basic documents

Unit I- Sale Deed and Mortgage Deed.

Unit II- Lease Deed, License Deed and Gift Deed

Unit III- Promissory Note and Power of Attorney

Unit IV- Will and Partition Deed.

Reference books

C.K.Thakker; Code of Civil Procedure.

C.K.Takwani; Criminal Procedure Code.

Madabhushi Sridhar: Alternative Dispute Resolution 2006 (Reprint 2010).

N R Madhava Menon, David Annoussamy, D K Sampath: Adjudication in Trial Courts- A Benchbook for Judicial Officers, 2012

Mogha P.C.-The Law of Pleadings in India with precedents / P.C. Mogha 16th Ed. Ed. By K.N. Goyal and G.C. Mogha – Calcutta Eastern Law House, 2002 1091 P:20 cm

De Souza C.Z.Forms and precedents of conveyancing / Desouza – 13th Ed Datta C.R. and Das MN – Calcutta: Eastern Law House, 1999, 1385 p: 20 cm

Mony K -Legal Drafting conveyancing professional ethics advocacy legal method, legal research

Law relating to advocates and 15124, professional practical training / K. Mony and K. Usha – 11th E Cochin: Usha Publications, 2001, 754 p:20 cm.

Srivastava R.DThe Law of Pleading drafting and Conveyancing / R.D. Sriivastava 9th Ed. – Allahabad: Central Law Agency, 1991, Xvi, 179 p:20 cm.

Banerjee B.N.-Criminal Pleadings: Law, Practice and Procedure 3rd Ed-Allahabad: The Law Book Co. Pvt. Ltd., 1986

Agarwal J.P.-Pleadings in India Vol. 1: Principles and Precedents/JP Agarwal – 2nd Ed- Delhi: Delhi Law House, 1987. XI Viii, 744p: 20cm.

Pleadings in India Vol II: Principles and Precedents/JP Agarwal – 2nd Ed. Ed. by M.C. Desai and Ed. By R.B. Seth – Delhi, Delhi Law House, 1987, Ixviii, 1836 p:20cm.

Agarwal S.P.Drafting and conveyancing / S.P. Agarwal – Delhi Butterworth's / Lexis Nexis, 2005, xvii, 517 p.20 cm.