

INDIAN INSTITUTE OF LEGAL STUDIES
PRACTICAL TOPICS FOR NON-CBCS
DRAFTING, PLEADING AND CONVEYANCE
5 YEARS BA. LLB VIII SEMESTER (NON-CBCS)

DETAILED OUTLINE OF THE SYLLABUS AND PROJECT WRITING

- *ACKNOWLEDGEMENT*
- *RESEARCH METHODOLOGY*
- *TABLE OF CASES*
- *LIST OF ABBREVIATIONS*

PART – A

CHAPTER I – INTRODUCTION

CHAPTER II – HISTORY OF PLEADINGS

- Pleadings under the common law.
- Pleadings under the codes.
- 1. Function and Object of Pleadings
- 2. Fundamental Rules of Pleadings
- 3. Civil Pleadings – Important aspects.
- 4. Criminal Miscellaneous Petition

CHAPTER III - PLEADINGS:

- Pleadings in General;
- Object of Pleadings;
- Civil suit: Complaint Structure;
- Description of Parties; Written Statements, Interlocutory Applications, Original Petition

CHAPTER IV – GENERAL PRINCIPLES - DRAFTING OF DEEDS AND OTHER WRITINGS -

1. Rules for drafting
 - Important Points in regard to Drafting of Contracts
 - Terms and Conditions in the Agreement to Sell
2. Various kinds of deeds and its components.

3. Drafting of Reply/Written Statement – Important Considerations.

PART - B

S. No.	PROBLEMS
1.	<p>Rakesh Giri, S/o Roshan Giri residing at Satyajit Sarani, Shivmandir borrowed Rs. 25, 000 agreeing to pay 24% of it on 26th February, 2008 from R.B. Reddy, S/o G. Reddy, residing at S.N. Bose Road, Shivmandir and executed a promissory note. The promissory note was scribed by Mahesh Kumar, a document writer in Siliguri. R.B. Reddy made demands for the repayment of the loan and also caused a lawyers notice dated 04.01.2011 to be send to Rakesh Giri. Rakesh Giri received the notice on 27.01.2011 but neither had he paid the amount nor did he respond to the notice. R.B. Reddy filed a suit for the recovery of the debt. Draft the plaint.</p>
2.	<p>Pritam Sharma, s/o Sanjay Sharma residing at Pradhan Nagar, Siliguri, is an owner of the land adjacent to Raju Gupta's house. On 01.03.09 Raju Gupta has taken wrongful possession of the said plot of land and has started construction thereon inspite of Pritam's request not to do so. File an application in the appropriate Court for issuance of temporary injunction.</p>
3.	<p>A marriage between Leela Ram, s/o Shri Shiva, r/o House No. 20, Sector 3, Huda, Rohtak and Vimmy, d/o Shri Raj, r/o House no.6, Sector 2, Huda, Sonapat, Haryana was solemnized on 01.01.2000. They have been living together as a husband and wife since past 1 year. There is one boy of 6 years out of their wedlock. Vimmy has been subjected to cruelty and also deserted her for more than 3 years. Vimmy wants a divorce. File a petition for divorce under section 13</p>

7.	<p>Tapan Das, s/o Sourav Das, r/o Durga Mandir, Kadamtala, Siliguri, borrowed a sum of Rs. 50,000 from Pritam Sarkar, s/o Raju Sarkar on 4.11.2007. Tapan promised to return the money on 6.1. 2008 together with the interest. The money was advance by executing a promissory note. Pritam made several demands for the repayment of money and had also served notice through an Advocate on 2.02.2008. However, Tapan did not return the money neither did he respond to the notice served to him. Pritam filed a suit for the recovery of money. Draft the Plaintiff.</p>
8.	<p>Adarsh Khatti, s/o Om Khatti, r/o Bagdogra, Siliguri, let his house no. 02 situate in ward no. 20 to Trilok Sharma, S/o Bhanu Sharma, r/o Bidhan Nagar, Siliguri on payment of Rs. 6000 per month as rent. However, Trilok had not paid the rent for last one year and due to which the total amount of due rent becomes 72,000. Adarsh Khatti had made number of attempts to take the rent from him but with no success. Hence, he approaches the Court for the recovery of the rent. Draft a petition on his behalf.</p>
9.	<p>Green Foundation is a NGO of Chanakya Puri. There is a Park which is used for healthy routine exercise by the residents of the locality and residents of nearby areas. Suddenly, the Government Authority passed an order on 21.05.2002 saying that the park will be converted into hospital because there is no Government hospital for the poor residents in the locality. Challenging the order of the Government Authority NGO filed PIL before the Court in Delhi. Draft PIL on behalf of the NGO.</p>
10.	<p>Mr. Arvind Singh, s/o Pritam Singh, r/o Pradhan Nagar, Siliguri entered into contract with Miss Leela Devi, w/o Satish kumar, r/o Pradhan Nagar Siliguri whereby Arvind agreed to supply 100 bags of cement to Leela on payment of Rs. 50, 000 on 1st August, 2000. Leela made an advance payment of Rs. 10, 000 and Arvind delivered all 100 bags of cement at one time on that payment on 12th August, 2000. Leela promised to pay the remaining balance on 17th August,</p>

	2000. But she did not make the payment rather started refusing calls of Arvind also. Draft a petition on behalf of Mr. Arvind.
--	--

MOOT COURT PROBLEM

CONSTITUTIONAL LAW

5 Years B.A. LL.B Semester X (NON-CBCS)

Maratha Butchers' Association, a Registered Society and Others Petitioner

v.

State of Maratha and Others Respondent

The Republic of India is located in the South Asian Region of Asia. It is one of the ancient nations in the world. Till 1947, Republic of India was a British colony for about 150 years. It achieved independence in 1947. Now the Republic of India is a democratic country with a written Constitution which came into force in 1950. It has 29 States and 7 Union Territories. The Constitution has adopted Parliamentary system wherein President is the executive Head of the government. The majority of the population of the country belongs to Hindu religion. Buddhism, Christianity, Islam, Jainism and Sikhism are the other major religions followed by the people of Republic of India. The Republic of India is characterized by a diversity of religious beliefs and practices, dressing, cultural outlook, food-habits etc. Some religion like Jainism

strictly follow the principle of non-violence and therefore stressed upon vegetarian food habit. This is not so in case of other religions. Under Hindu religion some are vegetarians and some are non-vegetarians. Throughout the Republic of India's history, religion has been an important part of the country's culture. The history of Republic of India has witnessed some prominent instances of religious disharmony amongst various religious groups.

The Constitution of India declares various rights as fundamental rights. Some of the fundamental rights are the right to freedom of religion, freedom to carry on any trade, profession and business, right to life and personal liberty etc. The fundamental rights are mostly enforceable against the 'State'. The concept of 'State' is defined by the Constitution of India. The Constitution also incorporates some features of secularism. The Supreme Court of India, in its few landmark judgments has expanded the meaning of 'right to life and personal liberty'. Almost everything which has connection with person's meaningful life has been held as integral part of this right. Recently the Supreme Court of India held that right to privacy is a part of 'right to life and personal liberty'.

The Constitution of India also laid down some Directive Principles of State Policy. These directives are not enforceable in the court of law, nevertheless these principles are to be looked into while formulating any policy and enacting any law. One of those directives laid down that the **“State shall endeavor to organize agriculture and animal husbandry on modern and scientific line and shall take steps in particular for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.”** This directive was inserted in the Constitution of India after a long-heated debate. On the one hand the economy of the Republic of India is largely based upon agriculture and on the other hand cow is treated as 'Holy' under Hindu religion. Therefore, the above-mentioned directive was perceived to be an outcome of a compromise between the scientific rationality and religious sentiments of the majority Hindu citizens.

The Constitution of India also laid down some fundamental duties for its citizens. One of the fundamental duty of the citizens is to protect and improve the natural environment and to have compassion for living creatures.

Since 1950 Republic of India and various States enacted laws for the protection of Cows. Some of these laws are enacted with specific object of protection of cow whereas some of them were enacted in the name of 'protection of animals from cruelty'.

State of Maratha is situated in western region of Republic of India and second most populous state of the Republic of India. In 1978 it enacted the Maratha Animal Preservation Act, 1978. In 1995, amendments were made in 1978 Act and Amendment Act of 1995 was reserved for the assent of the President. (Under the Constitution of the Republic of India, if on a subject-matter both the Republic as well as state legislature enacted a law, then the state law will prevail over the Republic Law only if it has been reserved for the President's assent and received such assent). These amendments sought to make following changes in the Act of 1978-

1. It sought to extend the bans on the slaughter of cows and calves to bulls and bullocks.
2. It sought to prohibit the transport (from the State of Maratha to another state), the export, as well as purchase, sale and disposal of cows, bulls and bullocks for the purpose of slaughter.
3. It sought to prohibit the possession of the flesh of the cow, bull or bullock slaughtered in contravention of the provisions of the Act.
4. It also criminalizes the possession of beef *per se*, whether or not this was obtained through lawful slaughter from another state.
5. The amendment sought to put the burden on the accused that he/she was not in contravention of provisions of the Act.
6. The amendment also stipulated punishment for the contravention of the Act.

The Amendment Act, 1995 received the assent of the President in 2015 and came into force immediately. Meanwhile there was a political turmoil throughout the Republic of India. Various religious organizations started large scale mobilization against slaughter of cows. Few individuals were attacked on the accusation that they stored cow-flesh in their home. It created the tension between those who were beef-eater and those who were not. More particularly, a minority community 'X' was affected drastically as beef eating was their common food habit. Moreover, beef was less costly as compared to other non-vegetarian food. As the degree of poverty is higher in community 'X', beef eating was an easy source of protein for them. But with the new amended law by the state of Maratha, they were deprived of this source.

In this background, writ petitions were filled by various associations and individuals before the Hon'ble High Court of State of Maratha challenging the constitutional validity of

the Amendment Act of 1995. Maratha Butchers' Association, a Registered Society is one of the petitioner working for the protection of the interest of minority community 'X'.

This petition is posted for final arguments and for disposal on 20th January, 2018.

Note: The students have to frame the issues and make submissions by presuming that the Constitution of India and all other laws applicable in India are applicable in Republic of India. With reference to the Act of 1978 and amendment of 1995, the students shall refer to the Maharashtra Animal Preservation Act, 1978 along with the amendments made to it from time to time.

MOOT COURT PROBLEM

CIVIL CASE

5 Years B.A LL.B Semester X (NON-CBCS)

Modern School of Environmental Studies Vs Union of India

The present environmental problems in Delhi, India, are a threat to the well-being of the city's and area's inhabitants as well as the flora and fauna. Delhi, the sixth-most populated metropolis in the world, is one of the most heavily polluted cities in India, having for instance one of the country's highest volumes of particulate matter pollution. This was corroborated by an announcement by the World Health Organization, in May 2014, that New Delhi was the most polluted city in the world.

Overpopulation and the ensuing overuse of scarce resources such as water have put pressure on the environment. The city suffers from air pollution caused by road dust and industry, with comparatively smaller contributions from unclean engines in transportation, especially diesel powered city buses and trucks, and two-wheelers and three-wheelers with two-stroke engines. Besides human and environmental damage, pollution has caused economic damage as well.

On April 8, 2015, picking up several points brought out in the 'Death by Breath' series, an ongoing investigation on the quality of air in Delhi, the Delhi Green Tribunal (DGT) issued a fresh ban on all diesel buses and trucks more than 5 years old from plying in the National Capital Region. A day after that, the Delhi government came up with a unique order of the era whereby the vehicles with odd and even registration numbers will be allowed on alternate days from January 01, 2016. It also passed an order to requisition school buses to ply as commercial, public buses after school had ended in order to encourage the commuters of Delhi to take public transport rather than rely solely on their private vehicles.

The Modern School of Environmental Studies, Delhi was plying school buses running on diesel purchased in 2005 for school purposes, and coincidentally, all the buses were of the odd number series. This order of the Delhi government proved to be the last nail in the coffin for the school.

The Modern School of Environmental Studies was not the sole victim of the ban and thus got the support of all the private schools of Delhi. And so, aggrieved by the orders of DGT and the Delhi government, the Action Committee for Unaided Recognized Private Schools, Delhi has

filed a Writ petition in the Supreme Court against the DGT ban and the Odd-Even formula order of Delhi government on the following grounds:

- That taking the schools' own buses is in violation of Education Act which stipulates that school's assets cannot be put to commercial use. The school buses are the assets of the schools and allowing them for use as commercial vehicles shall amount to violation of basic principles and provisions of DSEAR (Delhi School Education Act and Rules) 1973.
- That the insurance of school buses stipulates use of buses for students only. The school buses are not permitted to be used for general public nor should the school buses be used for hire.
- That the road tax exemption also stipulates the buses shall not be used for any commercial purposes.
- That the Motor Vehicles Act prescribed a fitness test, and not the vehicle's age, to ascertain whether it should be allowed to ply or not. They also contended that the DGT

could not substitute by its order what has been written in the Motor Vehicles Act, which did not put a ban on vehicles older than 5 years.

- That it is further contended that such a ban is completely arbitrary, and raised the argument that it is not the College who is responsible for making Delhi a gas chamber.

A group of public-spirited individuals also filed a Public Interest Litigation before the Supreme Court of India, Delhi. While the ban on diesel buses and trucks older than five years did not directly affect private individuals, the Odd-Even formula did, especially those who have to commute to work and also persons with disabilities and other vulnerable groups who rely on their personal means of transport to get by. The writ petition was based on allegations of the violation of the fundamental rights of the citizens – including Articles 14, 19 and 21 of the Constitution of India. They also averred that the decision was made without any informed public discussion or debate, and without paying attention to the particular circumstances of India which are different from those of other countries where this rule has previously been implemented. The individuals approached the court to issue a writ that would restrain the Delhi government from implementing the Odd-Even rule on private vehicles and cars in Delhi. The two petitions have been clubbed together to be heard by the Apex Court. Argue from the both side.

MOOT COURT PROBLEM

CIVIL CASE

5 Years B.A LL.B Semester X (NON-CBCS)

Modern School of Environmental Studies Vs. Union of India

The present environmental problems in Delhi, India, are a threat to the well-being of the city's and area's inhabitants as well as the flora and fauna. Delhi, the sixth-most populated metropolis in the world, is one of the most heavily polluted cities in India, having for instance one of the country's highest volumes of particulate matter pollution. This was corroborated by an announcement by the World Health Organization, in May 2014, that New Delhi was the most polluted city in the world.

Overpopulation and the ensuing overuse of scarce resources such as water have put pressure on the environment. The city suffers from air pollution caused by road dust and industry, with comparatively smaller contributions from unclean engines in transportation, especially diesel powered city buses and trucks, and two-wheelers and three-wheelers with two-stroke engines. Besides human and environmental damage, pollution has caused economic damage as well.

On April 8, 2015, picking up several points brought out in the 'Death by Breath' series, an ongoing investigation on the quality of air in Delhi, the Delhi Green Tribunal (DGT) issued a fresh ban on all diesel buses and trucks more than 5 years old from plying in the National Capital Region. A day after that, the Delhi government came up with a unique order of the era whereby the vehicles with odd and even registration numbers will be allowed on alternate days from January 01, 2016. It also passed an order to requisition school buses to ply as commercial, public buses after school had ended in order to encourage the commuters of Delhi to take public transport rather than rely solely on their private vehicles.

The Modern School of Environmental Studies, Delhi was plying school buses running on diesel purchased in 2005 for school purposes, and coincidentally, all the buses were of the odd number series. This order of the Delhi government proved to be the last nail in the coffin for the school.

The Modern School of Environmental Studies was not the sole victim of the ban and thus got the support of all the private schools of Delhi. And so, aggrieved by the orders of DGT and the Delhi government, the Action Committee for Unaided Recognized Private Schools, Delhi has

filed a Writ petition in the Supreme Court against the DGT ban and the Odd-Even formula order of Delhi government on the following grounds:

- That taking the schools' own buses is in violation of Education Act which stipulates that school's assets cannot be put to commercial use. The school buses are the assets of the schools and allowing them for use as commercial vehicles shall amount to violation of basic principles and provisions of DSEAR (Delhi School Education Act and Rules) 1973.
- That the insurance of school buses stipulates use of buses for students only. The school buses are not permitted to be used for general public nor should the school buses be used for hire.
- That the road tax exemption also stipulates the buses shall not be used for any commercial purposes.
- That the Motor Vehicles Act prescribed a fitness test, and not the vehicle's age, to ascertain whether it should be allowed to ply or not. They also contended that the DGT

could not substitute by its order what has been written in the Motor Vehicles Act, which did not put a ban on vehicles older than 5 years.

- That it is further contended that such a ban is completely arbitrary, and raised the argument that it is not the College who is responsible for making Delhi a gas chamber.

A group of public-spirited individuals also filed a Public Interest Litigation before the Supreme Court of India, Delhi. While the ban on diesel buses and trucks older than five years did not directly affect private individuals, the Odd-Even formula did, especially those who have to commute to work and also persons with disabilities and other vulnerable groups who rely on their personal means of transport to get by. The writ petition was based on allegations of the violation of the fundamental rights of the citizens – including Articles 14, 19 and 21 of the Constitution of India. They also averred that the decision was made without any informed public discussion or debate, and without paying attention to the particular circumstances of India which are different from those of other countries where this rule has previously been implemented. The individuals approached the court to issue a writ that would restrain the Delhi government from implementing the Odd-Even rule on private vehicles and cars in Delhi. The two petitions have been clubbed together to be heard by the Apex Court. Argue from the both side.

