



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A., LL.B (HONS.) FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (VII) – ACADEMIC YEAR:

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1.	702	DRAFTING , PLEADING AND CONVEYANCING	4 PER WEEK	1 PER WEEK	4	

A. CODE AND TITLE OF THE COURSE: 702, DRAFTING , PLEADING AND CONVEYANCING

B. COURSE CREDIT: 4 (TOTAL MARKS: 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: MS. NIKITA BAROOAH

E. COURSE INSTRUCTOR: MS. NIKITA BAROOAH

1. COURSE OBJECTIVES

Drafting, Pleading and Conveyancing form an integral part of the legal profession. An adequate legal document is one that covers the specific points upon which the parties to it should agree in order to avoid litigation and unnecessary delays in its execution. The preparation of a well-organized, aptly phrased and easily understandable legal document requires, a knowledge of the techniques that may be used to set forth specific provisions of a document in the proper manner. Only persons familiar with the applicable law and pertinent business practices will know what specific points should be covered in a particular document.

The drafting of pleadings is an art which demands a high degree of professional skill and knowledge. Pleadings are essentially statements in writing which are filed by each party to the case, stating his/her contentions at the trial, giving all the details required to prepare their case. It is also meant for the assistance of the Court, by defining with precision the area beyond which, without leave of the Court and consequential amendment of the pleadings, the conflict must not be allowed to extend. Pleadings are made in both civil and criminal cases. Basically, what a person pleads is what the person is expected to get from the Court. A well-drafted pleading lays the foundation of the judgment which is finally passed by the Court.

Drafting is the crystallization and expression in a definite form of legal right privileges, duty or status in a language form. Drafting, in the legal sense can be defined as an act of preparing the legal documents like agreements, deeds etc. A proper understanding of drafting cannot be realised unless the nexus between the law, the facts and the language is fully understood. The art of legal drafting means composing or writing all documents which are either expressly intended to be, or which frequently become the subject of legal interpretation. Although the main emphasis in the course is on learning how to draft legal documents, the students must know the applicable law, prevailing customs and business practices. Legal drafting enables the students to consider the substantive law from new points of view and to realize the interrelationship of the various fields of law.

Conveyancing is an act of transferring any property whether movable or immovable from one person to another permitted by customs, conventions and law within the legal structure of the country. Drafting of deeds and documents based on contractual relationship of parties and yet circumscribed by legal and statutory provisions is both a science and an art.

The objectives of the course are :

- i. To acquire knowledge of drafting, pleading and conveyancing techniques.
- ii. To understand the basic principles of pleadings.
- iii. To acquaint them with selected legal documents.
- iv. To understand the importance of a properly drafted legal document.
- v. To learn to draft documents and legal instruments that are adequate, well organised and structured to fit the specific needs of the parties.
- vi. To draft legal documents that are written in apt language, that are easily understood by the persons who are expected to sign them and to carry out their provisions
- vii. To equip them with legal drafting abilities and the legal framework pertaining to various Courts and Tribunals.
- viii. To introduce students to the basic concepts and procedures of conveyancing.

2. TEACHING METHODOLOGY

The teaching methodology shall comprise of Lecture method, Class Discussions, Assignments (Written or Presentation mode), Seminars, Group Discussions and Class Tests. They shall be taught pleading, the technique of drafting various legal documents along with Conveyancing Deeds in separate modules within the semester and evaluated on the same. Special lectures by practicing lawyers in different areas of law will be organised. For the students to gain a better understanding of the subject discussions of the applicable law as contained in various legislations and precedents, along with selected legal documents will be referred to and discussed during the teaching of this course. The area of discussion and the topics for assignments shall be informed in advance to the students.

3. COURSE OUTCOMES

At the completion of the course it is expected that the students shall :

- Be able to comprehend the importance of drafting legal documents.
- To be able to draft court petitions and other legal documents by identifying all the relevant facts and law and then applying them to prepare a document that accomplishes the client's goals.

- To be able to draft legal documents that are adequate, well organized, written in apt language, easily understood by the persons who are expected to sign them and carry out their provisions.
- Learn the techniques that may be used to set forth specific provisions of a document in a proper manner in order to prepare a well-organized, aptly phrased, and easily understandable legal document.
- To enable them to draft legal documents by considering the substantive law from new points of view, to inter-relate and integrate the various fields of law that they have learnt in a number of separate subjects.
- To be able to draft legal documents to fit the specific needs of the parties.
- To be able to understand the importance of a lawyer's role in drafting a legal document.

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

External assessment: 30% (60 marks)

Sl. No.	Internal Assessment	
1.	2 Assignments	2 x 20 marks = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4.	Attendance in Class	10 marks
5.	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES)

MODULE I

Pleadings

- Meaning and Importance of Pleadings
- Objects of Pleadings

- Fundamental Rules of Pleading
- Alternative Pleas and Inconsistent Pleas
- Variance of Pleadings and Proof
- Amendment of Pleadings

MODULE II

Drafting of Civil Pleadings

- Complaint (Order 7 of CPC)
- Written Statement (Order 8 of CPC)
- Affidavits
- Notice under Sec.80 of CPC
- Original Petitions (Hindu Marriage Act : Petition for Dissolution of Marriage, Judicial Separation, Restitution of conjugal rights)
- Interlocutory Applications (Injunctions)
- Suits for Specific Performance of Contract
- Suits for Malicious prosecution
- Memorandum of Appeal

MODULE III

Criminal Pleadings & Writs

- Criminal Pleadings in India
- FIR
- Complaints
- Bail Applications
- Writ Petitions under Article 226 & Article 32 of Constitution of India

MODULE IV

Conveyancing

- Conveyancing - Meaning and Definition
- Component parts of a Deed of Conveyance
- Sale Deed
- Mortgage Deed
- Lease Deed
- Gift Deed
- Will

6. PRESCRIBED READINGS

- C.K. Takwani, *Civil Procedure with Limitation Act, 1963*, (8th edn., Eastern Book Company, Lucknow, 2017)
- S.N. Dhingra & G.C. Mogha, *Mogha's Law of Pleadings in India* (18th edn. Eastern Law House Pvt. Ltd, Kolkata, 2013)
- N.S. Bindra, *N.S.Bindra's Pleadings & Practice*, (12th edn, Universal Law Publishing Co., Delhi 2017).
- R.D. Shrivastav, *The Law of Pleadings, Drafting and Conveyancing*, (12th edn , Central Law Agency, Allahabad 2010)
- Medha Kolhatkar, *Drafting, Pleading and Conveyancing* (1st edn, Lexis Nexis, 2015)
- S P Agrawal, *Pleadings-An Essential Guide*, (2nd edn. rep., Lexis Nexis 2016)
- M.C. Agarwal & G.C. Mogha, *Mogha's Indian Conveyancer*, (14th edn. Eastern Law House, 2016)
- CR Datta, MN Das, *DeSouza's Forms and Precedents of Conveyancing*, (13th edn Eastern Book Company, 2018).
- R.N. Chaturvedi, *Pleadings, Drafting and Conveyancing*, (5th edn Central Law Publications, Allahabad, 2018).

- Murali Manohar, *Conveyancing and Pleading*, (2nd edn. Eastern Book Company, Lucknow, 2004).
- Surendra Malik & Sudeep Malik, *Supreme Court on Deeds and Documents*, (Eastern Book Company, Lucknow, 2013)
- R.N. Chaturvedi, *Pleadings, Drafting and Conveyancing*, (5th edn, Central Law Publications, Allahabad, 2018)
- K.N. Chandrasekharan Pillai, *R.V.Kelkar's Criminal Procedure*, (6th edn, Eastern Book Company Lucknow, 2018)
- Justice C.K. Thakker, M.C. Thakker (rev), *V.G. Ramachandran's Law of Writs*, (6th edn. Eastern Book Company, 2007)
- NS Bindra, *Conveyancing*, Vol.1, (Delhi Law House, Delhi, (2008)
- MC Agarwal, G.C. Mogha, *Mogha's Indian Conveyancer*, (14th edn. Eastern Law House, Delhi 2009)
- DK Gupta, *A Guide to Conveyancing, Drafting and Deeds*, (2nd edn, Kamal Law House, Kolkata 2005)
- M.T Tijoriwala & S.N. Vimadalal, *Law and Practice of Conveyancing*, (4th edn, Snow White Publications, Mumbai 2002)
- GC Mathur, *Shiva Gopal's Conveyancing, Precedents and Forms*, (6th edn. Eastern Book Company Lucknow, 2004).
- GF Harwood, *Odgers on Pleadings and Practice*, (20th edn., Universal Law Publishing Co. Pvt Ltd., Delhi, 1971)
- The Right Hon Professor Sir Robin Jacob, Lord Dan Brennan QC, The Hon Justice William Blair (eds), *Bullen and Leake and Jacob's Precedents of Pleadings (Common Law Library)* Sweet & Maxwell, 18th edn 2015)
- B.P. Banerjee, *Writ Remedies-Remedial Rights under Public Law (Including High Court Rules and Guidelines for drafting Writ Petitions)* (1st edn. Lexis Nexis, 2015)

Statutes

- The Civil Procedure Code, 1908
- The Constitution of India
- The Code of Criminal Procedure, 1973
- The Registration Act, 1908
- The Indian Stamp Act, 1899

- Indian Contract Act, 1872
- Transfer of Property Act, 1882
- Limitation Act, 1963
- Specific Relief Act, 1877
- Hindu Marriage Act, 1955

Cases

Manphul Singh v. Surinder Singh AIR 1973 SC 2158
Udhav Singh v. Madhava Rao Scindia (1977)1 SCC 511
Firm Srinivas Ramkumar v. Mahabir Pd AIR 1951 SC 177
Amar Singh v. Union of India (2011) 7 SCC 69
Sopan Sukhdeo Sable v. Asstt. Charity Commr (2004) 3 SCC 137
Ramrameshwari Devi v. Nirmala Devi (2011) 8 SCC 249
Maria M.S. Fernandes v. Erasmo Jack De Sequeira (2012) 5 SCC 370
Badat & Co v. East India Trading Co. AIR 1964 SC 538
Union of India v. Pandurang Kashinath More AIR 1962 SC 630
Syed Dastagir v. T.R. Gopalakrishnan Setty 1999 (6) SCC 337
Vinod Kumar v. Surjit Kumar AIR 1987 SC 2179
Afsar Shaikh v. Soleman Bibi (1976) 2 SCC 142
R Tiwary v. B Prasad AIR 2002 SC 136.
G. Nagamma v. Siromanamma (1996) 2 SCC 25
Standard Chartered Bank v. Andhra Bank Financial Services (2006) 6 SCC 94
Ganesh Trading Company v. Mouji Ram (1978) 2 SCC 91
Scotts Engg. Bangalore v. Rajesh P. Surana (2008) 4 SCC 256
Salem Advocates Bar Association ,Tamil Nadu v. Union of India (2005) 6 SCC 344
Alok Shankar Pandey v. Union of India (2011) 8 SCC 161
Indian Council for Enviro- Legal Action v. Union of India (2011)8 SCC 161
Kailash v. Nauhku (2005) 4 SCC 480
Sheikh Abdul Sattar v. Union of India AIR 1970 SC 479
Narayan Rao v. State of Tripura AIR 1993 Gau 59
Vithan N. Sethi v. Prakash Rudrakar (2003) 1 SCC 18
Udnapur Coop. Handloom Weavers Society v. Spl. Addl. Dist. Judge AIR 2009 All 134
Union of India v. Pandurang AIR 1962 SC 630

Wali Singh v. Sahan Singh AIR 1954 SC 263
Rao Sahan v. Rang a Nathgopal Rao Kawakekar AIR 1971 SC 2548
Trojan Co.Ltd v. Nagappa AIR 1953 SC 235
Food Corporation of India v. Babulal Agarwal (2004) 2 SCC 712
Alka Gupta v. Narendra Kumar Gupta (2010) 10 SCC 141
V.R.Subramaniam v. B. Thayappa AIR 1966 SC 1034
Ramesh Chand Ardawatia v. Anil Panjwani (2003)7 SCC 350
Gurbachan Singh v. Bhag Singh (1996) 1 SCC 770
Gangabai v. Vijaykumar AIR 1974 SC 1126
Garikapati v. Subhash AIR 1957 SC 540
Kehar Singh v. Yashpal Singh AIR 1990 SC 2212
Jatav Kumar v. Gotcha Properties Ltd. (1970) 3 SCC 573
Col Avtar Singh Sekhon v. Union of India AIR 1980 SC 2041
Inder Chand Jain v. Moti Lal (2009)14 SCC 663
Babboo v. State of Madhya Pradesh (1979) 4 SCC 74
Thungabhadra Industries v. Government of AP AIR 1964 SC 1372
Shanti Devi v. State of Haryana (1999) 5 SCC 703
S.Rama Iyer v. Sundarasa Ponnappa AIR 1966 SC 1431
D.L.F. Housing & Construction Co.Pvt. Ltd v. Sarup Singh AIR 1971 SC 2324
Ram Gopal Chaturvedi v. State of MP (1969) 2 SCC 240
Chitra Kumari v. Union of India (2001) 3 SCC 208
Bharat Singh v. State of Haryana AIR 1988 SC 2181
Icchu Devi Choraria v. Union of India (1980) 4 SCC 531
Union of India v. R. Gandhi, President Madras Bar Association (2010) 11 SCC 1
P.S. Sadashiv Swami v. State of Tamil Nadu AIR 1974 SC 2271
Mani Shobhrej Jain v. State of Haryana (1977) 1 SCC 486
Govind Menon v. Union of India AIR 1967 SC 1893
Hari Vishnu Kamath v. Ahmad Ishaque AIR 1955 SC 233
University of Mysore v. Govinda Rao AIR 1965 SC 491