

3 year LL.B Programme

Appendix - 5

5th Semester, Course -V, Clinical Course - III

CLINICAL COURSE PAPER: DRAFTING, PLEADING AND CONVEYANCE

Objectives:

Translation of thoughts into words-spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings, conveyancing including legislative drafting, plain language drafting and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills and further designed to understand and explain the role of legislative drafting in implementing public policy; to prepare basic legislative clauses and instruments of subordinate legislation with appropriate structure and internal coherence and demonstrate through written work and *viva-voce* the ability to re-draft legal texts in plain language while maintaining their legal effect.

Course Contents:

1. Drafting, including legislative drafting and plain language drafting: General principles of drafting and relevant substantive rules shall be taught together with the basic principles of legislative drafting, including the translation of policy objectives into legislative provisions and drafting of primary and subordinate legislation, and the structured use of plain language techniques in legislative and legal writing so as to promote clarity, precision and accessibility for citizens and institutions.
2. Pleadings- Civil: Complaint, Written Statement, Interlocutory application, Original petition, Affidavit, Execution petition, Memorandum of appeal and revision.
3. Pleadings - Criminal: Complaints, Criminal Miscellaneous Petition, Bail Application and Memorandum of Appeal and Revision.
4. Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed, Partition Deed, Rectification Deed, Partnership Deed, etc.
5. Drafting of Writ Petition: Petition under Articles 226 & 32 of the Constitution of India and Public Interest Litigation petition.

This course shall be taught through classroom instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

Examination and allocation of marks:

1. Each student shall undertake 15 practical exercises in drafting including legislative drafting and Pleadings, carrying 45 marks (3 marks for each exercise).
No fewer than 5 drafting exercises shall be devoted specifically to legislative drafting, including, as appropriate, the framing of provisions for principal Acts and subordinate legislation; and
2. Each student shall undertake 15 practical exercises in Conveyancing which carries 45 marks (3 marks each).
No fewer than 5 drafting or Conveyancing exercises shall require students to apply plain language techniques to legislative provisions, pleadings or legal instruments, including through re-drafting or annotating sample texts to improve clarity and citizen comprehensibility.
3. The above-mentioned drafting and Conveyancing exercises shall be in the handwriting of the students on one side of the bond papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the Director/Principal to the effect that it is the *bonafide* work of the concerned candidate.
4. The cover page shall indicate the name of the examination, subject, seat number, and the center code number.
5. There shall be a content page.

At the end of the semester, the student shall appear for a *viva-voce*, which shall carry 10 marks. *Viva-voce* to be conducted by the Director/Principal and the Course Teacher.

Reference

1. Reed Dickerson, The Fundamentals of Legal Drafting
2. B. R. Atre, Legislative Drafting- Principles and Techniques, Lexis Nexis
3. Aharon Barak, Purposive Interpretation in Law, Pristine University press