

Rules and Regulations for Marking in Clinical Courses of LL B and BA LL B Programs

Clinical Course: Drafting, Pleading and Conveyance

This is a clinical course, related to purely procedural aspect of the legal profession, wherein the concept will not be explained theoretically. Depending upon the facts of particular matter students, in the capacity of a lawyer, would be required to do 'Drafting' of:

- Various applications, petitions and replies etc. of a particular litigation – which constitute part of the court proceedings –falling under 'Pleadings'; and
- Documents, reflecting conveyance of property from one person to another person. Depending upon the nature of such dealings/transactions between the parties qua that property nomenclature of such a document is done. This part falls under 'Conveyancing'.

In this scenario, the students would be required to undertake, under this course, to do these practical exercises in the class itself under the guidance of their faculty, after recollecting what they have learnt in the other substantive subjects during their BA LL B and LL.B Program. For that reason, no specific book is being recommended for the present course.

PURPOSE OF LAW IS TO HAVE PEACE IN THE SOCIETY

It is needless to emphasize the importance of peace in society, since we cannot enjoy life to its fullest extent without peace. This aspect is further substantiated in terrorist-stricken world of today, where in the agenda of every world leader 'peace' finds top priority. In fact, peace means and exists when there is no dispute. The dispute arises only when a person claims his right over a particular thing and the same is disputed by the other, which creates tension and ultimately leads to breach of peace. Here law plays a very vital and significant role in the society, because through justice delivery system it adjudicates these kinds of disputes, arising out of clash of interests amongst the people.

PART - A: PLEADINGS

I. DRAFTING RULES & SKILLS

II. FORMS OF PLEADINGS

CIVIL PLEADINGS

1. Suit for recovery under Order XXXVII of the Code of Civil Procedure 1908
2. Draft Affidavit

1. 3. Suit for Permanent Injunction
2. 4. Application for Temporary Injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908
3. 5. Application under Order XXXIX, Rule 2-A of the Code of Civil Procedure, 1908
6. Application under Order XXXIII read with Section 151 of the Code of Civil Procedure to sue as an Indigent Person.
4. 7. Suit for Ejectment and Damages for Wrongful Use and Occupation
8. Suit for Specific Performance of Contract
9. Model Draft Written Statement
10. Caveat under section 148-A of the Code of Civil Procedure, 1908
11. Transfer Petition (Civil) U/s 25 of the Civil Procedure Code, 1908
12. Application for the Execution of Decree

MATRIMONIAL PLEADINGS

13. Petitions under the Matrimonial Pleadings-Introduction
14. Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955
15. Petition for Judicial Separation under Section of the Hindu Marriage Act, 1955
16. Petition for Dissolution of Marriage by Decree of Divorce under Section 13 of the Hindu Marriage Act, 1955
17. Petition for Dissolution of Marriage by Decree of Divorce under Section 13 B (1) of the Hindu Marriage Act, 1955
18. Draft affidavit for matrimonial pleadings

PLEADINGS UNDER INDIAN SUCCESSION ACT, 1925

19. Petition for Grant of Probate in High Court
20. Petition for Grant of Letters of Administration
21. Petition for Grant of Succession Certificate

PETITIONS UNDER CONSTITUTIONAL LAW

22. Writ Petition- Meaning 58-60
23. Writ Petition under Article 226 of the Constitution of India

24. Writ Petition (Cri.) for Enforcement of Fundamental Rights
25. Special Leave Petition (Civil) under Article 136 of the Constitution of India
26. Special Leave Petition (Criminal) under Article 136 of the Constitution of India

PLEADINGS UNDER CRIMINAL LAW

27. Application for Regular Bail
28. Application for Anticipatory Bail
29. Complaint under section 138 of the Negotiable Instruments Act, 1881
30. Application under section 125 of the Code of Criminal Procedure, 1972 81-82

OTHER MISCELLANEOUS PLEADINGS

31. Complaint under Section 12 of Consumer Protection Act, 1986
32. Contempt Petition under Section 11 and 12 of the Contempt of Courts Act, 1971
33. Petition under section 12 of Domestic Violence Act, 2005 88-90

PART B: CONVEYANCING

I. COMPONENT PARTS OF A DEED

II. FORMS OF DEEDS AND NOTICES

1. Will
2. General Power of Attorney
3. Special Power of Attorney to execute Sale Deed
4. Agreement to sell
5. Sale Deed
6. Lease Deed
7. Mortgage Deed
8. Partnership Deed
9. Deed of Dissolution of Partnership
10. Relinquishment Deed
11. Gift Deed

12. Notice under section 106 of The Transfer of Property Act, 1882
13. Notice under section 80 of Civil Procedure Code, 1908
14. Notice under Section 138 of the Negotiable Instruments Act, 1881
15. Reply to Legal Notice under Section 138 of Negotiable Instruments Act, 1881 132-133

The forms of pleadings/deeds enlisted above are only illustrative and not exhaustive. The pleadings/deeds are to be drafted on different grounds/facts.

IMPORTANT NOTE:

- 1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.**
- 2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.**

Outline of the course:

- (a) Drafting: -General principles of drafting and relevant substantive rules shall be taught
- (b) Pleadings: -
 - (i) Civil: Plaint, 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.
- (c) Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

Marking Criteria:

Practical exercises in drafting	15 exercises	3 marks each exercise	45 Marks
Practical exercises in conveyancing	15 exercises	3 marks each exercise	45 Marks
<i>Viva-voce</i>	1 <i>viva-voce</i>	10 marks	10 Marks
Total			100 Marks

Note: All the Practical Exercises need to be written in the Diary provided by the University

Clinical Course: Alternate Dispute Resolution

With the introduction of Section 89, CPC and amendment in the Arbitration and Conciliation Act 1996 in 2015, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes.

This course has two primary objectives:

First is to provide the students with the theoretical understanding of the concepts and the legal provisions relating to ADR.

Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes. The teaching methods will include lectures, use of multi-media, simulation exercises, role plays, field visits, feedback and other Clinical Legal Education methods of teaching and learning.

The course focuses on instilling the following practical skills among the students:

- Communication including verbal, non-verbal, body language and para-linguistic;
- Case and Dispute Analyses and Strategy;
- Distinguishing interests from rights;
- Persuasion; Skills of mediators;
- Drawing agreements;
- Negotiation skills;
- Ethical dilemmas.

Outline of the course:

- (i) Negotiation skills to be learned with simulated program
- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including international arbitration and Arbitration rules.

The course is required to be conducted through simulation and case studies.

Marking Criteria

Alternate Dispute Resolution	Class Test/Assignment	10 Marks
	Practical	20 Marks
	Viva Voce examination	20 Marks
	End Term Exam	50 Marks
Total		100 Marks

Note: All the Practical Exercises need to be written in the Diary format provided by the University

Clinical Course: Professional Ethics & Professional Accounting system

Outline of the course:

This course will be taught in association with practicing lawyers on the basis of the following materials:

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
- (v) Other reading materials as may be prescribed by the University

Marking Criteria:

Professional Ethics & Professional Accounting system	Class Test/Assignment	10 Marks
	Practical	20 Marks
	Viva Voce examination	20 Marks
	End Term Exam	50 Marks
Total		100 Marks

The practical aspect will be judged on the basis of Diary submission.

Note: All the Practical Exercises need to be written in the Diary provided by the University

Clinical Course: Moot Court Exercise and Internship

Outline of the course:

Moot Court Exercise

Moot Court (30 Marks):

Every student may be required to do at least three Moot Court competition (intra/inter/national/international), with 10 marks for each. The moot court work will be on assigned problem and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

Observance of Trial in two cases, one Civil and one Criminal (30 marks):

Students are required to attend two trials in the course of the last two or three years of LL.B studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 15 marks.

Interviewing techniques, Pre-trial preparations and Internship diary (30 marks):

Each student will observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary. Marks will be assigned on the basis of Diary and presentation.

Viva Voce examination (10 marks):

The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

Internship:

- a) Each registered student shall complete minimum of 20 weeks of internship (As per Rule 25 of BCI Regulation, 12 Weeks of internship is mandatory for LLB students and 20 Weeks of internship is mandatory for BA LLB students) during the entire period of graduation under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the university shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than four weeks and all students shall at least go through once in the entire academic period with Trial and Appellate Advocates.

- b) Each student shall start the internship from the first year itself.
- c) Each student shall keep internship diary in such form as may be stipulated by the university concerned and the same shall be evaluated by the Internal/external guide appointed by the department.
- d) Students will have to present their internship report cumulatively (all 3 internships)

Marking Criteria

Moot Court Exercise	Moot Court Participation	30 Marks
	Observance of Trial in two cases, one Civil and one Criminal	30 Marks
	Interviewing techniques and Pre-trial preparations & Internship Report	30 Marks
	Viva Voce examination	10 Marks
Total		100 Marks

Clinical Course Evaluation:

Clinical courses as far as possible, will be court based, research oriented and socially relevant engagements. Every student is expected to complete this requirement successfully in time. The total mark shall be assessed in its Semester of the Programme in the four clinical courses as stipulated under the Rules of Clinical courses.

Note: All the Practical Exercises need to be written in the Diary provided by the University and Internship Report format provided by the University.