

# **SURENDRANATH LAW COLLEGE**

24/2, Mahatma Gandhi Road, Kolkata-700009

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Date : 10.05.2023

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## **PRACTICAL ASSIGNMENTS OF 10<sup>TH</sup> SEMESTER**

### **Paper-IV**

### **PRACTICAL TRAINING-IV**

It is hereby informed to the students of the 10th Semester to deal upon the following assignments which are appended below, in consonance with the practical training which consists of 90 marks in respect of:

- 1. Moot Court**
- 2. Observation of Trial in two cases, one Civil and one Criminal**
- 3. Interviewing Techniques and Pre-trial Preparation and Internship Diary**

The students are hereby directed to submit their projects within 21<sup>st</sup> June, 2023 (Wednesday) positively to Mr. Ramkrishna Dutta.

### **MOOT COURT**

Every student is required to write one moot court memorial for both the sides i.e., for Plaintiff: Defendant / Appellant : Respondent or Petitioner : Respondent given out in two moot problems.

10 mark each for both the memorial and 10 marks for oral submission.

**(10+10+10=30) marks**

### **MOOT COURT PROBLEMS**

**5 Years B.A./BB.A/B.Com LL.B Semester X**

### **MOOT PROBLEM-I**

1. The Garuda is a trans-boundary river of Asiana which flows through Indi and Banglidesh. The 2,525 km (1,569 mi) river rises in the western Hims in the Indin state of Uttara and flows South and East through the Gangetic Plain of North Indi into Banglidesh, where it empties into the Bay of Dongal. It is the third largest river on Earth by discharge.

2. The Garuda is the most sacred river to Hindus. It is a lifeline to millions of Indis who live along its course and depend on it for their daily needs. It is worshipped as the

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Goddess Garuda in Hinduism. It has also been important historically, with many former provincial or imperial capitals (such as Patali, Kann, Karan, Kashu, Patni, Hajipur, Mungeri, Bhagalpur, Murshibad, Bahapur, Kapilya, and Kilkata) located on its banks. The main stem of the Garuda begins at the town of Devnagar, at confluence of the Vishwananda, which is the source stream in hydrology because of its greater length, and the Bhagyarathi, which is considered the source stream in Hindu mythology

3. The Garuda is threatened by severe pollution. This poses a danger not only to humans but also to animals; the Garuda is home to approximately 140 species of fish and 90 species of amphibians. The river also contains reptiles and mammals, including critically endangered species such as the gharial and South Asiana river dolphin. The levels of fecal coliform bacteria from human waste in the river near Panasi are more than a hundred times the Indi government's official limit. The Garuda Action Plan, an environmental initiative to clean up the river, has been considered a failure which is variously attributed to corruption, a lack of will in the government, poor technical expertise, environmental planning, and a lack of support from the native religious authorities.

4. Garuda Mahasabha is an Indi organization dedicated to the Garuda, founded by Madan Krishna Malaviya in 1905. After a long struggle, British Indi agreed on 5 November 1914 that the uninterrupted flow of the Garuda is the rudimentary right of Hindu believers. The day is known as an 'Aviral Garuda Samjhauta Divas' (Uninterrupted Garuda flow agreement day) in the history of Indi and the agreement came into existence on 19 December 1916 which is known as Agreement of 1916. The sanctity of the agreement is not preserved by the state and central governments of Indi after independence though it is legally valid. More and more river water is being diverted for irrigation use, converting the river into a polluted sewer.

5. The Garuda Action Plan (GAP) was launched by former Prime Minister of Indi, on June 1986 with covering 25 Class I towns (6 in Uttar Pradesh, 4 in Bihar and 15 in West Bengal); Rs 862.59 crore were spent. Its main objective was to improve the

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water quality by the interception, diversion, and treatment of domestic sewage and to prevent toxic and industrial chemical wastes from identified polluting units from entering the river.

6. NRGBA was established by the Central Government of India, on 20 February 2009 under Section 3 of the Environment Protection Act, 1986. It declared the Ganga as the "National River" of India. The chair includes the Prime Minister of India and chief ministers of states through which the Ganga flows. In 2011, the World Bank approved \$1 billion in funding for the National Ganga River Basin Authority.

7. A Public Interest Litigation was filed that the banks of the river Ganga should not be grounds for the cremation ceremonies of the dead as it pollutes the water and a provision be made that a land may be given 2-5 km away from the river to perform such rituals with facilities such as bathing areas for the ritual performers and the quantity of the amount of the ashes be fixed as 10 gm for the disposal in the holy river with the direction that the body be completely cremated as the pollution occurs right from where the river originates to the end with the unburnt parts of the dead pollutes the water which is harmful and unsanitary for the environment. Any person who does not follow these guidelines and provisions shall be punished for imprisonment for up to 20 years as a criminal offence.

8. The petitioner, Madhav himself belonging to the Hindu Religion claims that many religious rituals such as 'Sati pratha', 'jauhar', 'nar-bali' have been abolished by the courts. High Court has also ordered that animals are not to be sacrificed in temples, as protection of the Environment and Wildlife is more important than age-old holy traditions and rituals that causes harm to our environment and promotes killing of the animals.

9. The petitioner claims that he himself being a Hindu understands the importance of rituals but believes that it is more important to protect our surroundings and the environment we live in and since the cremation ceremony creates drastic pollution of the river, it is in clear violation of the Environment (Protection) Act, 1986 and The

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Water (Prevention and Control of Pollution) Act, 1974 and also violates Article 21 of the Constitution of India.

## **MOOT PROBLEM-II**

The Union of Indica is a Sovereign, Socialist, Secular and Democratic Republic, and it gained its independence in 1947. Unfortunately, even after celebrating 75 glorious years of independence, the Union of Indica is still faced and surrounded by numerous challenges and obstacles -which has refused to leave its footprints behind and allow the Union of Republic to walk without any internal or external threats and challenges.

The Union of Indica adopted its Constitution on 26.11.1949. The three organs of the Constitution of Indica are named as -the legislature, the executive and the judiciary.

In 2014, general elections were held across the Union of Indica in which the Indica Janata Party (hereinafter referred to as the 'IJP') emerged victorious and came to power after a long struggle. The IJP wanted to serve the nation and treat the entire world as 'one family'.

The IJP during its election campaign had promised to the people of Indica that during its tenure the Union of Indica would emerge as the top economic hub; there would be no joblessness, rising inflation, corruptions or scams. This led to be the prime reason the people of Indica voted for IJP.

The IJP after conducting long hour meetings and conferences with eminent economists and members of the think tank community came to the conclusion that 'corruption' is the root problem of the Union of Indica and the previous opposition is solely responsible for it, which severely impacted and caused harm to the public exchequer and treasury. It had also affected the inflation and citizens had been badly affected by the rising prices of the commodities and food items.

In order to reduce inflation, the Government appealed to the general public to come forward and reveal all their excess and unaccounted money and they would be not penalized or sentenced, if they deposit the tax. But the act failed.

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That the Prime Minister of the Union of India after several meetings and discussions held with senior Reserve Bank of India (RBI) officials and top economists announced a press briefing on 08.11.2016 and announced that in order to curb corruption, root out black money and crack down on the illegal supply of fake currency said that he is pleased to announce the demonetization of Rs 1,000/- and Rs 500/- notes and the deadline was up till 31.12.2016 for the residents and 31.03.2017 for NRIs.

On 09.11.2016, a Petition was filed before the Hon'ble Supreme Court of India challenging the demonetization move of the government. The matter was urgently listed before the Hon'ble Supreme Court of India and the matter was heard by the then Chief Justice of India. The Hon'ble bench headed over by the Hon'ble Chief Justice of India refused to pass any stay order and rather referred the same to a larger bench for an authoritative pronouncement. The Hon'ble bench referred the matter to the larger bench.

The government on 28.02.2017 passed "The Specified Bank Notes (Cessation of Liabilities) Act, 2017" so as to provide cessation of liabilities on the specified bank notes. Section 3 of the said Act clearly states that the specified bank notes which have ceased to be legal tender, in view of the notification of the Government of India dated the 8th November, 2016, issued under sub-section (2) of section 26 of the Reserve Bank of India Act, 1934, shall cease to be liabilities of the Reserve Bank under section 34 and shall cease to have the guarantee of the Central Government under sub-section (1) of section 26 of the said Act.

On 28.09.2022, the Hon'ble Supreme Court constituted a Constitution Bench to consider the bunch of Petitions challenging the demonetisation. The matter was listed before the Constitution Bench as Writ Petition (Civil) and the bunch of Petitions filed were clubbed into it. Notice had been issued to the Centre to file their reply and the centre defended its move in its reply. The pleadings had been completed in the matter and the matter had been re-notified for final arguments.

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## **OBSERVANCE OF TRIAL IN TWO CASES, CIVIL AND ONE CRIMINAL**

Students are hereby directed to submit the Practical Diary maintaining two trial in the course of your court visit programme. You have to maintain a record and enter the various steps observed during your attendance on different days in the court assignment. **30 Marks**

## **INTERVIEWING TECHNIQUES AND PRE-TRIAL PREPARATION AND INTERNSHIP DIARY**

Students are hereby directed to observe two interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in practical diary, which will carry 15 marks.

Each student shall further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the Suit / Petition. This should be recorded in the diary, which will carry 15 marks. **(15+15 = 30) Marks**

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