

SURENDRANATH LAW COLLEGE

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Date: 18.06.2021

NOTICE

This is for information to all the students of 10th semester of 5-year B.A. LL.B. course of the Surendranath Law College that the examination of practical papers I to IV will be project based and students have to prepare and submit their projects at the email address created by the College for each paper within 20th July, 2021 12.00 Noon. The questions and/ or assignments for each paper has been provided in the College website along with this notice.

The e-mail addresses created for each practical paper are given hereunder:

1. Practical Paper I: snlc.10thsem.prac1@gmail.com
2. Practical Paper II: snlc.10thsem.practicalpaper2@gmail.com
3. Practical Paper III: paper3.tenthsem@gmail.com
4. Practical IV: snlc.10thsem.prac4@gmail.com
5. Projects may be handwritten or typed.
6. The Project shall consist of a Title page and Cover page. In Cover page of the project students have to write:
 - (i) University Roll No. and Registration No.;
 - (ii) Name of the Examination (5-year B.A. LL.B. Examination/ Semester);
 - (iii) Name of the subject and paper number;
 - (iv) University Roll Number must be written in each page of the project;
 - (v) Each page of the project must be numbered consecutively, e.g.; 1,2, 3... And so on;
 - (vi) Each page of the project should be duly margined and numbered.
 - (vii) The answer script must be uploaded/ sent in single PDF file preferably within 15 MB.

Any willful or deliberate delay in uploading the project (files) without proper reason will be dealt with in strictest manner. The last date of submission of project via email is 20.07.2021, 12.00 Noon. Normally no extension of time will be allowed however time may be extended by the examination coordinator(s) if they are satisfied by any student sufficient cause for the same.

For any further query and or any grievances regarding examination students are requested to contact to the following phone number/ email.id: 1. snlcollege@gmail.com

2. Ph. No. of examination Coordinators: 9002776553, 9804206734.

By Order
Dr. Mohammadi Tarannum
Vice Principal
Surendranath Law College

Assignment for writing a Project
Practical Training – I
Drafting, Pleading & Conveyance
Full Marks – 90

Group – A (45 Marks)

1. What is drafting. Discuss the principles of drafting. (15)
2. Draft a writ petition. (15)
3. Draft a Public Interest Litigation. (15)

Group – B (45 Marks)

4. What is plaint? Draft a plaint. (15)
5. Draft an application for bail in connection with non-bailable offence under the Code of Criminal Procedure, 1973? (15)
6. Draft a sale deed. (15)

Assignment for writing a Project
Practical Training – II
Profession Ethics & Profession Accounting System
Full Marks – 90

Group – A

1. What do you mean by Professional Ethics? Explain the aims and objects of Professional Ethics. (20)
2. What do you mean by misconduct? Discuss the various punishments of advocates for misconduct under Advocates Act, 1961? (20)

Group – B

3. Draft two (2) case studies on Supreme Court judgments according to your choice.
(10+10)

Group – C

4. Write a brief note on the Bar-Bench relationship. (5)
5. Explain the duty of an advocate towards his clients. (5)

Group – D

6. What do you mean by Account and Accounting System? Discuss briefly the Golden Rules of Accounting System? (10)
7. What is 'Double Entry Book Keeping'? What are the advantages and disadvantages of Double Entry System? (10)

Assignment for writing a Project
Practical Training – III
Alternate Dispute Resolution System
Full Marks – 100

Group – A

1. Write a note on Arbitration. (20)
2. What is Arbitral Award? Discuss the grounds for setting aside of an arbitral award.
(20)

Group – B

3. Write a note on International Commercial Arbitration. (15)
4. What role has the UNCITRAL played in the shaping of the present day international arbitration? (15)

Group – C

5. What rules of procedure is to be adopted by the arbitral tribunal? (10)
6. Discuss the appealable orders and appeal procedure against arbitral award. (10)

Group – D

7. Discuss the term conciliation. (5)
8. Explain the concept negotiation. (5)

Assignment for writing a Project
Practical Training – IV
Moot Court Exercise and Internship
Full Marks – 90

- 1. Submit the moot memorial on behalf of either Petitioner or Respondent on the given moot proposition. (30)**

Moot Proposition - 1

Rajiv Kapoor

Versus

State of Maharashtra

1. Piyali Banerjee was a 22-year-old girl from Kolkata, West Bengal. Post her graduation in Engineering, she decided to move to Bombay to pursue her dream of acting. Piyali was alone in the new city and had no friends or financial support from her family, who stiffly opposed her move to Bombay. She auditioned for a number of projects but faced rejections in all. Frustrated by her failures, she tried to commit suicide twice but was unsuccessful in her attempts.
2. In January 2019, she decided to attend a party graced by a number of Bollywood stars and industry bigwigs, in the hope of meeting a few directors. There she met Rajiv Kapoor, one of the most renowned film directors of contemporary times. At the age of 40, Rajiv had already directed numerous super hit movies and was known as the ‘messiah’ for young actresses. Piyali and Rajiv got talking at the bar and eventually exchanged numbers. They talked and met frequently for a few months post which Piyali confessed her love for Rajiv and moved into his house. Rajiv was in a relationship with Piyali after three failed marriages.
3. The paparazzi went into frenzy and posted the latest updates about ‘the newest couple in tinsel town’. Blind items also began circulating on social media about Piyali being a gold digger and using Rajiv to get into the film industry. The constant media scrutiny and trolling on social media made Piyali vulnerable. Her parents and friends too

boycotted her, citing embarrassment over her actions. All this took a toll on Piyali and she pleaded with Rajiv to cast her in a movie soon so that she could showcase her talent. Rajiv too became frustrated with Piyali's constant pleas and the negative publicity that he had received, forcing him to stall his next dream project. The fights between the two increased by the day.

4. Three months later, Rajiv demanded that Piyali leave his house. He claimed that girls like her come begging to him every day and he can get anyone he wishes. Piyali begged him not to force her to leave the house and promised that she would stop nudging him. She told Rajiv that she was not in a fit state of mind and would like to seek medical help for the same. Rajiv immediately dismissed her idea, telling her that if the paparazzi found out about her psychiatrist visits, they would label her crazy and she could effectively bid goodbye to her career then. He advised her to rest at home and meditate instead. The relationship between the two continued to worsen and Piyali had socially withdrawn, confining herself to the house, whereas Rajiv was still socially active and was seen cosying up to young women at parties. In November 2019, a picture of him and a young debutante actress, holidaying at a secluded island in the Maldives, went viral on social media and got the rumour mills churning about his separation with Piyali. A week later, he released a statement, clarifying that 'all is well' between them and that they were one in their heart and soul.
5. On 5th February 2020, at around 2 am, a call was received at Shivajinagar Police station stating that a woman with 75% burn injuries was brought to their hospital. The police rushed to the hospital where the victim was identified as Piyali. Post regaining consciousness after a week, she gave a statement to the Police. According to her, on that fateful night, Rajiv returned home from a party, visibly inebriated. Upon unlocking the door, he saw Piyali standing near the stove, holding a can of a blue coloured liquid. He immediately realized that the liquid was kerosene and he rushed towards her, fuming with rage. He called her crazy and said that she had ruined all the fun in his life. He attempted to kill her by pouring kerosene on her exclaiming that if she was so firm on ending her life, he would make things easier for her. Immediately after Rajiv threw kerosene on her, she was soon engulfed in flames as her dress caught fire from the stove right behind her.
6. She said that over the past year, he denied her psychiatric help and mentally manipulated her while cheating on her with several other girls. Piyali went on to state that the both of them had gotten married at a small temple near Mumbai in October

2019 and Rajiv had also gifted her a flat in Bandra as her 'wedding gift'. However, Rajiv was adamant that they do not reveal the factum of their marriage to anyone as it would affect their careers. It was only last month when she found out that Rajiv's divorce proceedings with his previous wife were still pending before the court. Based on her statement, the Police filed charges under Section 307 and Section 498A of the Indian Penal Code, 1860 against Rajiv.

7. During the course of the trial at Sessions Court, Bombay, Rajiv denied all charges of cruelty and claimed that he could not be held liable under Section 498A as he was not the victim's 'husband' as contemplated under the section. He stated that there was no valid marriage between him and Piyali. The fact that his previous divorce proceedings were sub judice was never hidden and was reported in a number of newspapers as well. His act of merely putting sindoor and mangalsutra on Piyali at the temple, upon her persistence, could not be construed as 'marriage' as it was only done for Piyali's happiness. With respect to the charge of attempt to murder, Rajiv claimed that when he entered the room on that fateful night and saw Piyali ending her life yet again, he was in a state of utter shock. He admitted that in a fit of uncontrollable rage, he did pour the kerosene on her but never intended to kill her. He was unaware that the stove behind was lit which actually led to Piyali's clothes accidentally catching fire and before he could react, she was completely engulfed in flames.
8. The Sessions Court rejected Rajiv's plea that the incident was a mere unfortunate accident and convicted him under Section 307 of the IPC for attempting to murder Piyali. The court also held that a person who enters into a relationship in the nature of marriage cannot be allowed to take the plea that he cannot be held liable under Section 498A as there was no valid marriage; thereby convicting him under Section 498A for subjecting her to cruelty over the course of their relationship. He was sentenced to 10 years rigorous imprisonment. Aggrieved by the conviction, Rajiv appealed against the order of the Sessions Court before the Hon'ble High Court of Bombay.

The appeal has two substantial issues:

- a) Whether Rajiv can be held liable under Section 498 A of the IPC?
- b) Whether Rajiv can be held liable under Section 307 of the IPC?

Drafters' Note: The Petitioner (Appellant) and Respondent are not expected to argue upon the validity of the marriage ceremony between the Accused and the Victim. During the course of

the Sessions Trial, it was accepted by both the Parties that only Mangalsutra and Sindoor were applied at the temple and no other ceremonies were performed.

- 2. Submit the moot memorial on behalf of either Appellant or Respondent on the given moot proposition as mentioned. (30)**

Moot Proposition – 2

Indu Temple of Lord Shivappa Mahadesham

Women Advocates Association and others

Versus

State of Mahadesham and others

The Indu Temple of Lord Shivappa is located on the Sahyadri Mountain in the State of Mahadesham in Indostan. Numerous pilgrims visit the temple throughout the year. Pilgrims trek through the Sahyadri Mountain to reach the temple which has 24 sacred steps to worship Lord Shivappa after undergoing strict religious vows for 36 days.

The temple imposes a ban on girls and women aged between above 10 and below 50, i.e. females who are likely to be in their menstruating age from entering a temple 'Women Advocates Association' approached the Hon'ble High Court of Mahadesham against such gender bias, seeking a direction from the Hon'ble High Court to allow women an entry into the temple without any restrictions. Another group of women who head the 'Justice for Women' campaign also seeks the Hon'ble High Court's direction to stop the selective gender discrimination for the entry in the Lord Shivappa Temple.

The above named Petitioners under the Article 226 of the Constitution of Indostan contended before the Hon'ble High Court of Mahadesham that discrimination in matters of entry into the Lord Shivappa temple was neither a ritual nor a ceremony associated with Indu religion. Any such discrimination on the grounds of gender was totally anti-Indu. The religious sentiments

could only restrict entry into the sanctum sanctorum and could not prohibit entry into the Lord Shivappa temple in general thereby discriminating on the grounds of gender.

The Temple Trust Board maintained the stand that the ban was in accordance with centuries old tradition as Lord Shivappa was a Brahmachari (one who vowed to remain a celibate) and maintained distance from women. Another contention of the Temple Trust Board was that the women could not bear the physical hardship, severity and days of celibacy like men could, hence the selective ban on entry of women in the temple was justified.

The Hon'ble High Court of Mahadeshham in its judgement held that:

- (1) 'The restriction imposed on women aged above 10 and below 50 from trekking the holy hills of Lord Shivappa and offering worship at Lord Shivappa Shrine is in accordance with the usage prevalent from time immemorial.
- (2) Such restriction imposed by the Temple Trust Board is not violative of Articles 14, 15, 25, and 26 of the Constitution of Indostan.
- (3) Such restriction is also not violate of the provisions of Indu Place of Public Worship (Authorization of Entry) Act, 1965 since there is no restriction between one section and another section or between one class and another class among the Indus in the matter of entry to a temple whereas the prohibition is only in respect of women of a particular age group and not women as a class.

The Original Petitioner hereby prefers an Appeal against the Verdict to the Hon'ble High Court of Mahadeshham in the Hon'ble Supreme Court of Indostan.

Prepare memorial either for Appellant or Respondent before the Hon'ble Supreme Court of Indostan assuming that the Constitution and Laws of Indostan are exactly identical to the Constitution and Laws of India

- 3. Submit the moot memorial on behalf of either Appellant or Respondent on the given moot proposition. (30)**

Moot Proposition – 3

Brilliant Cricket Academy (BCA)

Versus

M/s Graham Sports Pvt. Ltd. (GSPL)

Brilliant Cricket Academy (BCA) is a premier league in Kashmere Gate, Delhi having three bright cricket teams i.e. U-12, U-15 and U-20 under its umbrella. The season for cricket matches usually starts in the first week of August every year.

On 20th May, 2020, BCA enters into a contract with M/s Graham Sports Pvt. Ltd. (GSPL) having its Head Office at Mumbai for the purchase of 200 English Willows Bats (EWB) @ Rs.5000/- which were to be delivered by 10th July, 2020 at BCA's Office. BCA had paid the entire amount of 10 lacs in advance. One of the clauses of the agreement emphasized that the bats were to be delivered strictly well in time so that the teams could practice with the new bats atleast three weeks prior to the beginning of the season.

The manufacturing unit of GSPL was at Kolkata which after manufacturing and furnishing used to send the bats to the Head Office, Mumbai and then from there these were dispatched to the independent dealers. On 1st July, 2020, a fire broke out in the manufacturing plat of GSPL at Kolkata which destroyed at least 40% of the stock of the bats lying there. The whole episode was duly covered and repeatedly telecasted by almost all 24 hrs. News Channels across the country.

On 8th July, 2020, 120 bats were delivered by GSPL to BCA with an assurance to supply remaining 80 bats as early as possible. BCA accepted the delivery of 120 bats. On 12th July, 2020 BCA bought 80 bats from Allan Cricket Goods (ACG) @ Rs.7000/-. On 16th July, 2020 GSPL delivered the remaining 80 bats to BCA. On 1st August 2020 BCA filed a suit for damages and recovery of Rs.6,00,000/- (rupees six lacs only) in the Tis Hazari Court, Delhi accusing GSPL for breach of contract.

The court decided in favour of BCA on 28th May, 2021.

GSPL files an appeal with High Court of Delhi.