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# General Principles of Drafting

**Drafting and writing.**—Drafting is the primary stage of writing. A good writing is an outcome of a good draft. The principles of good drafting and good writing are identical.

The principles of good writing irrespective of the purpose are the same, though the subsidiary rules differ according to the different purpose of working.

## Qualities of good Drafting or Writing.

(a) **Conciseness**—A good draft should be in a concise form. The concise form means the material facts and necessary words should be used and a good draft or writing should avoid inclusion of unnecessary and immaterial statement which in no way is in relation to the subject-matter.

Therefore, draft should be to the point only and as far as possible vagueness should be avoided otherwise the draft will be unnecessarily lengthy. A good draft, therefore, should contain only essential facts and appropriate words and phrases. The lengthy drafts/writings also does not give a good impression to the reader. Therefore, keeping in mind the interest of reader too, a good draft should be in a concise form.

(b) **Clarity.**—There should be absolute clarity in writing so that the reader is able to understand its contents without stress or strain. The language used should be such so as to enable the readers to

understand easily. As far as possible, simple words should be used which will avoid any confusion in the mind of reader. However, it should be answered that thoughts are exactly expressed. A good writing should contain various paragraphs for expressing various ideas or subject matter. It will avoid mixing of different ideas and matter.

**(b) Completeness.**—A writing should be free from all deficiencies in order to ensure the completeness about the matter on which it is intended. A good writing should contain all the essential information and it should answer all the possible questions which may strike to the mind of the reader. It means nothing material related to the subject-matter be left out.

**(d) Preciseness.**—Precision is another important factor of a good writing. The facts contained should be accurate and there should be no ambiguity. There should be a perfection in the statements made. The writing should be free from grammatical, spelling and punctuation mistakes.

**(e) Pleasant accent.**—It is an art of good writing to create an impression on its reader by using courteous and polite words. A good writing should reflect all the desired courtesy, of course having regard that to whom it is addressed. Politeness plays a good role in writing.

The salient features of good drafting/writing are deduced as follows :

**(i) Selection of correct words.**—

The selection of right word at the right place is the golden rule of good writing. The words used should be such so as to convey the real meaning of the writer to the reader. Therefore, one has to be very careful in using the correct and right words for the convenience of reader in understanding the

contents, words should always be used in the same sense. The choice of right words is also necessary in order to make the meaning clear not only to the reader but to the writer himself. It is also important that, as far as possible, familiar words should be used. Use of words with precise meaning be preferred to give clarity. Use of vague words will create confusion about the contents in the mind of reader. To avoid such a situation words with accurate meaning are to be used, words should be used to the extent only that are necessary to express the meaning and no more words should be used. Use of superfluous adjectives be not made. Strong words like urgent, crisis, essential should be used only when they are really needed but these words lose their force if used frequently. A document should be so worded as to convey the clear meaning to any person who has knowledge of the subject matter. Use of long and uncommon words be avoided, instead short and simple words be employed in the construction of sentences. In drafting the technical documents, technical words that are appropriate may be used.

**(ii) Clear and firm thinking.**—It is an important aspect of good drafting that the writer should have clear thinking about the subject-matter that he is going to write. In absence of clear thoughts, the writer will not be able to express himself with clarity and the document in question will create a confusing situation to the reader. Therefore, it is essential that the draftsman should conceive the ideas and thoughts before reducing them to writing. Clear thinking will result in the systematic arrangement of the subject-matter in a draft/writing.

Undoubtedly clear thinking is hard work but loose thinking will produce loose writing. Clear thinking often takes time but that is fruitful rather than making a mass of subject and its contents.

Therefore, it is pertinent to mention that lucidity in drafting/writing is an important factor which plays its part gainfully.

**(iii) Courtesy and Politeness.**—It is an important and significant ingredient of a good drafting. The utility of due courtesy and politeness in writing goes without saying pay its dividend. The reader is delighted to read and usually gives prompt response. Thus by observing politeness in writing the reader achieves its objective of receiving prompt reply. A draftsman must possess the skill of using polite language.

**(iv) Logical arrangement.**—A good draft should contain logical arrangement meaning thereby that statement/events should be so arranged in chronological order that the reader is able to understand the subject-matter properly without being trapped into any confusion. This is an art of writing and describing the subject in an orderly manner. There should be consistency in writing to create a good impact on its reader. A logical arrangement obviates the chance of omission or repetition.

Arrangement of paragraphs should be very carefully done in order to segregate the different items of a document. It will ensure non-mixing of different items in the same paragraph. In a long document the writer will find it convenient to be orderly and systematic in the use of numbers and letters for sub-clause and paragraphs.

**(v) Short sentences.**—Simple and short sentences be used which must be complete and accurate. Use of long sentences should be avoided. The language need not be intricate. If long sentences are used there is apprehension that the meaning of the same might not be clear. Therefore, to avoid such

a situation, it is always useful to construct short and simple sentences. In commercial documents also, the ordinary and simple business language shall be the right course to be undertaken. However, while preparing technical document, use of technical terms and phraseology is an inescapable necessity. Language should never be changed unless it is desired to change the meaning.

Piesse and Gilchrist propounded the following rules :

- (a) Before commencing the draft the draftsman should conceive the whole design of it.
- (b) Nothing is to be omitted or admitted at random.
- (c) The order of the draft should be strictly logical.
- (d) The ordinary and accustomed forms of instruments and technical language should be employed.
- (e) Legal language should be, to the utmost possible extent, precise and accurate.
- (f) The draft must be readily intelligible to laymen.

**General principles or guidelines.**—Much of the professional lawyers' work consists of the drafting of legal documents. These include agreements, bonds, conveyances, leases, mortgages, notices and so on. There are general principles or guidelines that can be usefully followed in drafting such documents. There are also some rules of special application to particular kinds of documents. It would be worthwhile to 'discuss some of these guidelines.

References: PLEADING DRAFTING & CONVEYANCING BY R.N. CHATURVEDI

Pleading Drafting And Conveyancing by Kant Mani, Kamal Publisher