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# MOOT COURT SOCIETY

Date: 8<sup>th</sup> April, 2022

## KNOWLEDGE AND RULE BOOK – GRAND FRESHERS' MOOT 2022

### A. KNOWLEDGE PERSPECTIVE

#### I. WHAT IS A MOOT COURT COMPETITION?

**Answer: -** A Moot Court Competition presents a hypothetical problem. The problem might also be based on a real-life case. The students are required to understand the given problem accurately and prepare issues with it. Once the facts are analyzed, and issues are framed, they should focus on the most adequately applicable laws about the presented facts. After this, students must prepare from both sides; that is the defendant's/s' and the plaintiff's/s' team.

#### II. WHAT ARE THE DIFFERENT ROLES PLAYED BY VARIOUS PARTIES IN A MOOT COURT?

**Answer: -** The following are the parties with their specific role in a moot court.

##### a. PLAINTIFF OR PETITIONER / DEFENDANT OR RESPONDENT

The participants in a moot court argue either on behalf of the Plaintiff / Petitioner or Defendant / Respondent. The two sides differ on the basis of the type of the moot problem.

The parties are called – **PLAINTIFF AND DEFENDANT.**

- a) **PLAINTIFF** – means the one who seeks remedy in a criminal action, i.e. the one who files the plaint.
- b) **DEFENDANT**- a person who is accused of a crime in a court of law and also called upon by the plaintiff to further defend himself.

The parties are called – **PETITIONER AND RESPONDENT.**

- a) **PETITIONER**- means the person who files a petition in court.
- b) **RESPONDENT**- means the party against whom a petition is filed and thus responds to such a petition filed.

## **b. COURTROOM OFFICER / BAILIFF**

There will be a Court Room Officer / Bailiff present in the court room. The duties of the Court Room Officer / Bailiff consist of briefing the participants with the rules of the Competition. Further, the record of the time is kept by the Court Room Officer / Bailiff. Court Room Officer / Bailiff is present throughout the entire proceedings to ensure smooth functioning of the same.

## **c. JUDGE(S)**

There can be either one or two judges present during the proceedings. If there are two male judges they have to be addressed as “Your Lordship/s”. If there are two female judges they have to be addressed as “Your Ladyship/s”. If there is one male judge and one female judge they have to be addressed collectively as “Your Lordship/s”. The judge shall ask questions during the proceedings. On the basis of the oral arguments, written arguments, court room etiquettes and the queries answered by the parties, the judges shall mark the participants.

## **III. WHAT TO DO WHEN YOU FIRST GET THE MOOT PROBLEM?**

### **❖ PRELIMINARY QUESTION**

- Is this a civil or criminal Problem?

### **❖ RESEARCH TERMS**

1. Think through the situation from various angles.
2. Consider both factual and legal dimensions.
3. Generate as many search terms as possible.
4. Think of alternative terms for each of the search words you listed.

### **❖ FACTUAL CATEGORIES**

1. Who is involved?
2. What is involved?
3. When did the events occur?
4. Where did the events occur?
5. Why did the events occur?
6. Why did (your client) the participants act in this way?

❖ **LEGAL CATEGORIES**

1. Which legal theory is applicable to the situation?
2. What relief might the wronged party seek through the legal system?
3. What is the procedural posture of the situation?

❖ **GENERAL INFORMATION**

1. The problem revolves around which area/aspect of law?
2. Do you know anything about that area/aspect of law?
3. If not, what sources would you use to find out general information about that area/aspect?

❖ **PRIMARY AUTHORITY**

1. Which sources will you check to find out?
2. Which sources will you check to find cases on this topic?

❖ **PRELIMINARY STEPS**

1. Identification of issues after reading the given problem thoroughly.  
[ISSUE- Point of Law or Fact which is in dispute]
2. What is in question?
3. What is it that the parties are in disagreement and what is needed to be decided by the court?
  - i. **THINK** - Which area of law / subject does it deal with?
  - ii. **VISIT AN ONLINE SOURCE** – Search a few online materials and read the relevant documents which you may think may have an answer to the questions in the problem. Note down the cases mentioned or other points and articles referred in the text or in the footnotes. Materials that may be used in legal research may be divided primarily as legal materials and non-legal materials.
  - iii. Legal materials are further classified in **Primary** and **Secondary** legal materials.
  - iv. Primary legal research materials include:  
The Constitution, Statutes, and Judicial decisions. Secondary legal research materials include: Books, commentaries, case laws backed by legal search engines like Manupatra, SCC, Journals, Law Commission website, etc.

## ❖ ONLINE RESEARCH

1. Kindly refer to materials only from authentic websites, e.g., Manupatra, SCC, Law Commission website, etc. These websites are managed and supervised by persons who have sound legal knowledge.
2. One may find links to various websites by entering your research phrase on Google and other search engines. However, kindly be cautious that they will give you links to both authentic and non-authentic websites. Learn what information can be used in a court of law and what cannot be.
3. For example, many a times the first reference is from Wikipedia but remember that anybody may upload information on this site and hence, it may or may not be correct and authenticated information. While it is may be a starting point to gather some basic knowledge on a topic, it is not a website to be quoted and relied on any authoritative for a like courts or legal writing.

It is important to learn to phrase your query appropriately. Too general or too narrow phrases may give you access to hundreds of thousands of web links or no results. Some search engines give the option of searching within results and you may filter your research through narrowing down your search within a wider category. Judgements and legal articles hold great value in attributing to the argument. Lastly verifying the credibility of the case law and noting its correct citation is extremely important.

- ✚ For your convenience we have added a Google drive link that contains a few commentaries on various law subjects.

### Link for a few commentaries:

[https://drive.google.com/drive/folders/1D7DxNAuMogrIn\\_1vK3U89WURMSPoETqI](https://drive.google.com/drive/folders/1D7DxNAuMogrIn_1vK3U89WURMSPoETqI) | Commentaries - Google Drive

- ✚ Link of a few relevant websites:

- <https://www.indiacode.nic.in/>
- <https://lawcommissionofindia.nic.in/>
- <https://karnatakajudiciary.kar.nic.in/hcklibrary/PDF/Blacks%20Law%206th%20Edition%20-%20SecA.pdf>

#### IV. FLOW OF ARGUMENTS

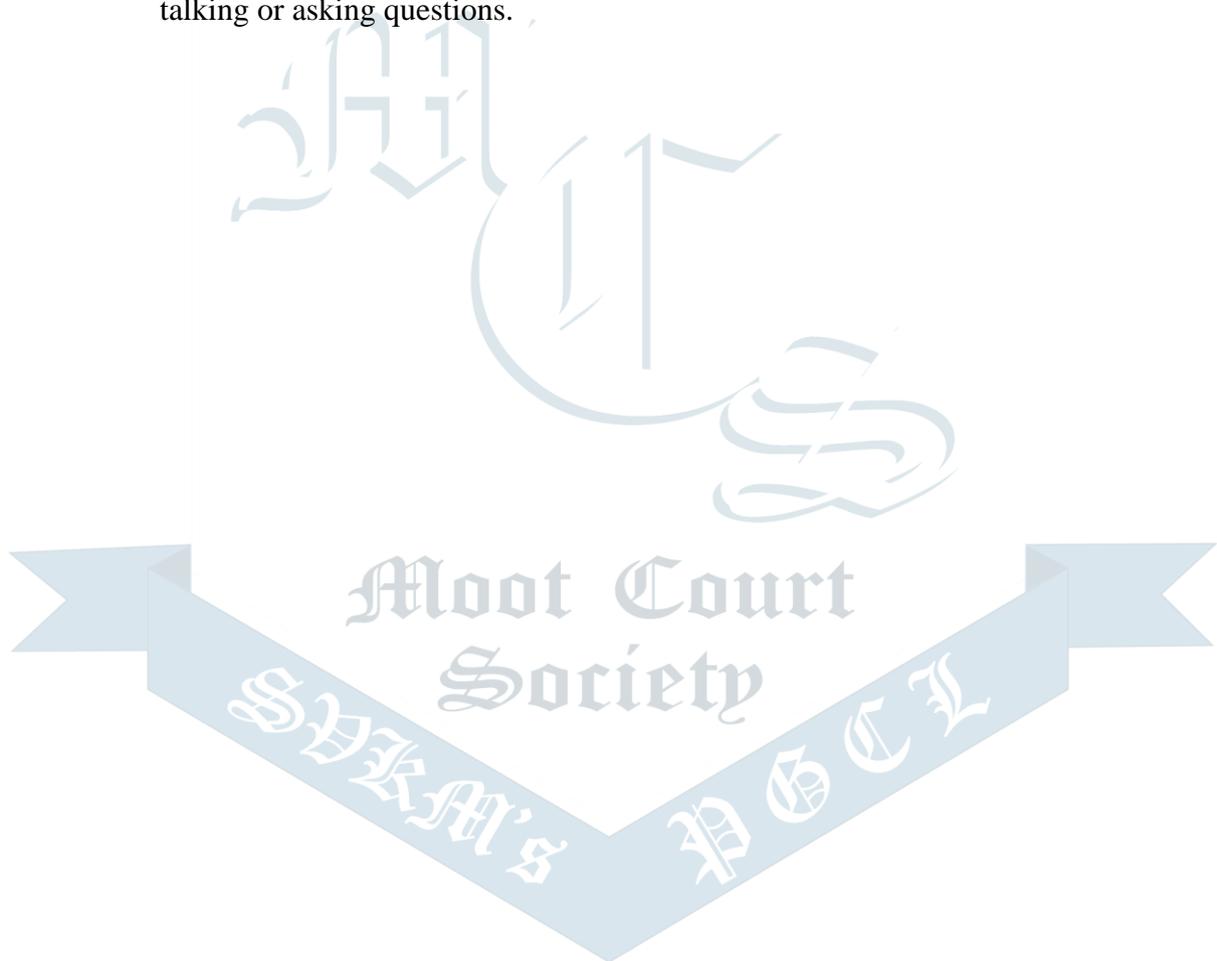
1. Once approaching the dais and addressing the bench as “Your Lordship/Ladyships”, Speaker 1 shall seek permission to proceed with the jurisdiction of the case.
2. After the jurisdiction has been stated, the speaker shall ask permission to proceed with the statement of facts.
3. Following the statement of facts, the speaker shall ask to proceed with the statement of issues.
4. The speaker 1 addresses the issue/s he will be dealing with.
5. The facts have to be used in a way of connection to connect the acts/sections to the fact sheet.
6. The speaker also needs to use relevant case laws to support the arguments.
7. Once the arguments are completed by speaker 1 for his respective issue/s, speaker 2 shall proceed with the same flow as speaker 1.
8. Once the second speaker is done, the petitioner presents their Prayers i.e. what they are trying to seek before the Hon’ble Court’,  
*“Wherefore in light of the issues raised, arguments advanced and authorities cited, it is humbly requested that this Hon’ble Court may be pleased to adjudge and declare .....(state prayers in point format) And pass any such order(s) as may be deemed fit and proper by this Hon’ble Court in the interest of Justice, Equity and Fairness.”*
9. In the same manner, the first speaker representing the Respondents side shall proceed and begin with their “Submissions”.
10. Towards the end, the petitioner may ask for a rebuttal where the respondents go for a sur-rebuttal.
  - a. Any one speaker from each team has to be a part of rebuttal and sur-rebuttal
  - b. After the rebuttal and sur rebuttal, the oral pleadings come to an end.

#### V. ETIQUETTES

##### 1. **Dress code**

- i. Girls have to be dressed in Court room formals. [White shirt and black trousers and black blazer or a white kurti with a black dupatta.]
- ii. Boys have to be dressed in Court room formals. [White shirt and black trousers and black blazer along with a black tie.]

2. Before starting with the proceedings, the speaker 1 needs to ask permission to approach the dais OR Addresses the Bench. Further they need to ask permission to address the judges as Your Lordships/Ladyships.
3. Then, the counsel has to ask permission to begin with the proceedings. Further, the second speaker has to follow the same procedure.
4. The participants have to follow the decorum at all times.
5. Acknowledge the judge's sayings by responding "Indeed Your Lordship"/" Much Obligated".
6. The participants have to keep in mind to not interrupt the judges while they are talking or asking questions.



## **B. GENERAL RULES**

### **I. ELIGIBILITY**

The Competition is open only to the 1st year students of SVKM's Pravin Gandhi College of Law, Mumbai.

### **II. TEAM COMPOSITION**

Each participating team shall comprise of two members. It is mandatory for each member of the team to speak for at least 8 minutes.

### **III. OFFICIAL LANGUAGE**

The official working language of the Competition shall be English only. *(The participants are free to use Latin Maxims along with their English literal meaning and interpretation)*

### **IV. IMPLEMENTATION AND INTERPRETATION OF RULES**

Rules and Procedures contained in this document shall be applicable to all participating teams. In relation to the practice and procedure of the Competition, the final interpretation in case of any conflict lies with the Moot Court Society ("MCS"). The decision of the MCS shall be final and binding.

### **V. ORAL PLEADING AND PROCEDURES**

1. There shall be only one round in this Competition. The team shall be arguing only from the side allotted to them, either as the Plaintiff or the Defendant.
2. Both the speakers shall make the oral submission during the rounds.
3. The time allotted to each team for presenting their oral submission is 20 minutes in total. This includes the rebuttal and sur-rebuttal.
4. Each speaker must speak for at least 8 minutes during the course of the submission.
5. Any extension of time shall solely rely at the absolute discretion of the bench.
6. At a time only one speaker is to plead their submission whilst the others are muted.
7. The team is free to divide the issue as per their convenience. It is sincerely recommended that each speaker deals with one issue.
8. During the oral submission the speakers are at the discretion of the bench.