

UNIT – I

# Moot court as a professional process

What · Why · Research · Facts

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## Explanatory Lecture Slides

Moot Court Exercise and Internship · Clinical-IV · Semester X

MOOT COURT EXERCISE AND INTERNSHIP

# Topics covered in this unit

01

Define a moot and how it differs from a real court

02

State the BCI / KSLU exercise requirement

03

Read a moot proposition the way a brief is read

04

Build a research path from facts to issues

05

Place jurisdiction as the first issue

06

Note ethics of a moot

# How this unit is organised

01

What is a moot

02

The clinical  
requirement

03

Reading the  
proposition

04

Research path

05

Jurisdiction first

06

Ethics

# What is a moot

A simulated appellate (sometimes trial) argument on a decided or hypothetical record, with a bench, a time-limit, a memorial, and a winner on lawyering as well as on law.

- It is not a debate. You have a client. You have a record you may not invent. You have a court you may not lecture.
- A 10-mark: features, objects (research, speech, ethics, teamwork), difference from a seminar and from a real court (no real client cost, but a real record-discipline).

# What is a moot

## IS

- A court.
- A record.
- A client.
- A time-limit.

## IS NOT

- A debate society.
- A chance to show ten extra cases the record does not need.

# The clinical requirement

BCI Rules of Legal Education 2008: three moot court exercises, observation of trial, client-interviewing, internship with a diary. KSLU Clinical-IV assesses all four. This is not an optional extra; it is a paper.

- Keep the diary as if a court might read it, because an examiner will.
- Three moots: usually two civil/constitutional and one criminal, or as the college assigns. Each has a memorial and an oral.

# The clinical requirement

## FOUR LIMBS

- Three moots.
- Trial observation.
- Interviewing.
- Internship diary.

## FAILING LIMB

- A diary written on the last night is obvious.

# Reading the proposition

Twice without a pen, once with. Box parties, dates, forums already used, the exact relief, the statute named, the facts that smell like issues (a limitation date, a notice, a consent, a confession, a federal list).

- Nothing outside the record. A 'creative fact' is a lie to a court. If the proposition is silent, it is silent; argue the legal consequence of silence.
- A 6-mark method: parties → timeline → forum → relief → holes.



# Reading the proposition

## ON THE PAGE

- Use it.

## NOT ON THE PAGE

- Do not invent it; maybe draw a legal inference.

# Research path

Issues first (as questions), then statute (bare act, latest amendment), then binding case-law (SC, then your HC), then persuasive, then commentary. Note-up every case (overruled? distinguished? a Constitution Bench later?).

- IRAC / CRAC on each issue. A memorial is not a textbook chapter. The table of authorities is a promise that you have read what you cite.
- Legal Methods (your first-year paper) is this unit's toolbox: ratio, obiter, distinguishing, Heydon's mischief.

# Research path

## ORDER

- Statute.
- Binding case.
- Persuasive.
- Commentary last.

## NOTE-UP

- Is this still good law? SCC / a current database.

# Jurisdiction first

A beautiful argument in a court that cannot hear it is a zero. Territorial, pecuniary, subject-matter, original/appellate, Art. 32 v 226 v a tribunal, existence of an alternative remedy, limitation, a statutory ouster.

- The first issue in most memorials. Whirlpool's three doors if you are in 226. A criminal moot: the Code section that gives the court the work.
- Standing / PIL (S.P. Gupta / Judges' Transfer, then a later tightening) if the proposition is public-spirited.

# Jurisdiction first

## ALWAYS ASK

- Which court?
- Which provision confers?
- Is there a bar?

## THEN

- Merits.

# Ethics of a mooter

Do not mis-cite. Do not hide the worst case against you (cite it and distinguish it — the bench will love you more than a hide). Do not speak over a co-counsel's time. Dress. Stand when the bench sits. A win on a lie is a professional fail.

- The same lamps as Clinical-I, with a clock.

## Ethics of a mooter

### NEVER

- A fake citation.
- A fake fact.
- A personal attack on opposite mooters.

### ALWAYS

- The worst case, distinguished.
- A courteous 'may it please'.

# Research path

Issues first (as questions), then statute (bare act, latest amendment), then binding case-law (SC, then your HC), then persuasive, then commentary. Note-up every case (overruled? distinguished? a Constitution Bench later?).

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## Cases a KSLU answer should name

### CASE

#### **Kesavananda Bharati**

*(1973) 4 SCC 225*

The citation you must get right if you use it — a Constitution Bench, not a number you guess.

### CASE

#### **Whirlpool Corpn v Registrar of Trade Marks**

*(1998) 8 SCC 1*

The 226 / alternative-remedy door — a jurisdiction-first case.

### CASE

#### **A.K. Kraipak v Union of India**

*(1969) 2 SCC 262*

Natural justice — the most-used moot holding after Kesavananda, and more often actually on point.

## Provisions & materials to quote

BCI Legal Education Ru

The four limbs of Clinical-IV.

Art. 129 / 215 / CPC s

Why jurisdiction is the first issue.

Art. 141

What a binding holding is — the research rule.

Advocates Act s.35 + B

A mooter is already under them.

BSA / IEA on admission

A proposition's concession is a record admission.

## 10 / 16-mark frames from this unit

Q1

What is a moot court? How does it differ from a real court and from a debate?

Q2

How should a student read a moot proposition and plan research?

Q3

Why is jurisdiction the first issue in most memorials?

Q4

Write a note on the BCI clinical requirement / ethics of citation in a moot.

# Unit recap

- 1 A moot is a court with a record, not a debate.
- 2 Four limbs: three moots, trial watch, interview, diary.
- 3 Nothing outside the proposition.
- 4 Statute → binding case → persuasive; note-up.
- 5 Jurisdiction first; never a fake citation.