

UNIT – II

Memorials and oral advocacy

Format · Issues · Speech · Time

Explanatory Lecture Slides

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

MOOT COURT EXERCISE AND INTERNSHIP

Topics covered in this unit

01

Set out a memorial's architecture

02

Draft issues as questions

03

Write a prayer that a court could pass

04

Place oral structure and time

05

Handle questions from the bench

06

Note team-craft and rebuttal

How this unit is organised

01

Memorial format

02

Issues

03

Prayer & authorities

04

Oral structure

05

Bench questions

06

Rebuttal

Memorial format

Cover (cause title, for whom, the court, the competition), table of contents, index of authorities (cases, statutes, books, with page), statement of jurisdiction, statement of facts (neutral, short, record-pinned), statement of issues, summary of arguments, arguments advanced, prayer, annexures if any, counsel's names.

- A 16-mark of the skeleton. Facts are not arguments. Authorities are pinpointed (paragraph numbers of SC cases).
- Complainant/appellant memorial and respondent memorial: same facts, different issues-framing is allowed if honest; a fake extra fact is not.

Memorial format

NEUTRAL

- Facts.
- Jurisdiction statement.

PARTISAN

- Issues' tilt.
- Arguments.
- Prayer.

Issues as questions

'Whether the High Court was right in ...' — one legal controversy each, capable of a yes/no plus a because. Three to four issues beat eight.

- Sub-issues: jurisdiction, then the statutory ingredient, then the constitutional challenge, then relief.
- Do not smuggle a new issue in oral that the memorial did not notice unless the bench opens it.

Issues as questions

GOOD

- Whether s.X is attracted on these facts.

BAD

- 'Everything about equality and justice in India'.

Prayer and authorities

Prayer: the exact order (set aside, declare, remand, injunct, acquit, a quantum). Costs if the format allows. Authorities: SC first, pinned; a foreign court with a reason to listen (a *pari materia* statute, a famous common-law ancestor); never five textbooks and no cases.

- The prayer must match the issues. A mandamus you did not argue is an oral surprise the bench will not pass.
- A table of abbreviations. A uniform citation form (SCC if you have it).

Prayer and authorities

PRAYER

- An order the court could sign tomorrow.

AUTHORITIES

- Pinpoint.
- Binding first.
- Honest about a split.

Oral structure and time

May it please the court → appearances → a 20-second map of issues → jurisdiction in one minute if live, else 'we rest on the memorial unless asked' → the two best points in the remaining minutes → a 20-second prayer. Sit down.

- Openings are maps, not recitations of facts the bench has read. If you have 10 minutes, you have two points, not six.
- Co-counsel: split issues in advance; a 30-second handover. Never contradict your co-counsel; if they err, 'with respect, I would put that slightly differently'.

Oral structure and time

CLOCK

- Map.
- Best two points.
- Prayer.

NEVER

- A third point at 0:40.
- Reading the memorial aloud.

Questions from the bench

A question is a gift. Answer it now, not 'I will come to that'. If you do not know, say so and offer the nearest honest authority. Do not bluff a citation.

- Hypotheticals: stay inside the record unless the bench asks you to leave it. A concession: only of what you must; a bad concession of an ingredient is a lost issue.
- 'Yes, My Lord, and that is why ...' beats 'but as I was saying'.

Questions from the bench

DO

- Answer now.
- Use the question to score the issue.

DO NOT

- Bluff.
- Talk over the bench.
- A speech in place of a yes/no.

Rebuttal and sur-rebuttal

Rebuttal is two sentences on the opponent's new point, not a second speech. Sur-rebuttal is rarer. Note what the opponent said; do not invent what they 'implied'.

- Team-craft: one person writes the opponent's points as they speak. That note is the rebuttal.

Rebuttal and sur-rebuttal

REBUTTAL

- One opponent point, one answer, sit.

NOT

- A new issue you saved as a trick.

Oral structure and time

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Cases a KSLU answer should name

CASE

A.K. Kraipak

(1969) 2 SCC 262

A natural-justice holding you must be able to state in two sentences if you cite it.

CASE

Maneka Gandhi v Union of India

(1978) 1 SCC 248

Procedure established by law is not any procedure — a memorial-citation that needs a pinpoint.

CASE

Jasbhai Motibhai Desai v Roshan Kumar

(1976) 1 SCC 671

Standing — a memorial that cannot say why this petitioner is in court has already lost.

Provisions & materials to quote

Art. 141

Why SC pinpoint citations lead the table.

CPC O.6 / a moot's 'pl

The memorial is a pleading: facts, not evidence, not a textbook.

BCI conduct: duty not

Applies at the lectern.

Limitation Act / CPC s

Jurisdictional prayers.

Art. 145 / SC Rules, o

The real court's cousin of a moot's time-limit.

10 / 16-mark frames from this unit

Q1

What are the contents of a memorial? Draft a skeleton.

Q2

How should issues be framed?

Q3

How will you structure a ten-minute oral argument?

Q4

How do you handle a question you did not expect from the bench?

Unit recap

- 1 Memorial: jurisdiction, facts (neutral), issues, arguments, prayer.
- 2 Issues as questions, three not eight.
- 3 Prayer = an order the court could sign.
- 4 Oral: a map, two points, a prayer; answer now.
- 5 Rebuttal is two sentences, not a second innings.