

UNIT – III

Observance of trial

Civil · Criminal · What to record · Etiquette

Explanatory Lecture Slides

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

MOOT COURT EXERCISE AND INTERNSHIP

Topics covered in this unit

01

State what the clinical asks you to observe

02

Map a civil trial day (issues to decree)

03

Map a criminal trial day (charge to judgment)

04

Write an observation note the examiner can mark

05

Place court etiquette

06

Note what you must never do in the gallery

How this unit is organised

01

What to observe

02

A civil day

03

A criminal day

04

The note

05

Etiquette

06

Never

What to observe

BCI: at least one civil and one criminal trial, preferably through a substantial stage (evidence, not only a mention). Watch: how a case is called, how a witness is sworn, how objections are taken, how a judge records, how a decree/judgment is pronounced, how a remand-accused is produced.

- A 10-mark of the requirement plus why (the gap between a textbook CPC and a Monday board).
- Choose a court you can return to. A sensational trial is a worse classroom than a boring money-suit that actually records evidence.

What to observe

CIVIL

- Issues.
- Examination.
- Marking exhibits.
- Arguments.
- Decree.

CRIMINAL

- Appearance.
- Charge.
- Prosecution evidence.
- s.351 BNSS / 313 CrPC.
- Defence.
- Judgment.

A civil day

Board, calling, appearance, a pass-over, an adjournment with or without costs (O.17), framing or recasting issues (O.14), a witness (O.18, BSA examination-in-chief / cross / re), objections to a question (leading, hearsay, relevance), marking (exhibit P/D), a judge who dictates, a commissioner O.26, an injunction extension.

- Write what you saw, not a CPC chapter. 'The court refused a third adjournment and closed the plaintiff's evidence' is a professional sentence.

A civil day

LOOK FOR

- O.17 discipline.
- How an exhibit is marked.
- How an objection is ruled.

CONNECT

- Your Clinical-III drafting of the plaintiff that started this.

A criminal day

Production, a bail mention, framing of charge (BNSS charge-chapter / old 211–224), plea, PW1, a leading-question fight, a s.313/351 explanation, a 311/348 recall, a compounding, a judgment of acquittal that actually recites a reasonable doubt.

- Watch the accused. Art. 21 is a person in a box, not a citation. Watch whether the legal-aid counsel has the file. That is a Clinical-I sentence in a Clinical-IV room.

A criminal day

LOOK FOR

- Is the accused following?
- Is the charge explained?
- Is a confession being used as the Code allows?

CONNECT

- Your bail draft in Clinical-III.
- BSA's examination rules.

The observation note

Date, court, judge, case number, stage, a 300-word narrative of what happened, a 100-word reflection (what the Code says, what happened, why the gap), a question you will ask your intern-guide. Not a newspaper report. Not a gossip of the parties.

- A 16-mark: the note is the artefact. Past tense, specific, no adjectives without a fact.
- Anonymise victims of sexual offences (POCSO / s.72B of the current criminal-procedure practice / the SC's identity directions).

The observation note

MUST

- Date.
- Stage.
- What was asked.
- What was marked.
- The order.

MUST NOT

- A victim's name the law hides.
- A joke about an accused.
- A photograph.

Etiquette

Dress as the HC rules require of a student / intern. Rise when the judge sits. Silence. A phone that does not exist. Do not walk between the counsel and the bench. Do not talk to a witness. A bow at the end of the day is not a joke.

- You are a guest of a court of record (Arts. 129/215 cousins in the district too, in spirit).

Etiquette

DRESS

- As the local rule.
- A clean collar beats a costume.

SILENCE

- The gallery is not a classroom of asides.

Never

Never photograph a proceeding without leave (often never). Never tweet a live examination. Never coach a witness you met in the corridor. Never carry the other side's dropped papers to your intern-guide's opponent-file. Never lie in the diary about a day you skipped.

- Contempt (Clinical-I Unit III) is not only for the famous. A student with a phone camera is a s.2(c) risk.

Never

CAMERA

- No.

DIARY

- True days, or it is a s.35 of your future.

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Cases a KSLU answer should name

CASE

Zahira Habibullah Sheikh v State of Gujarat

(2006) 3 SCC 374

A trial is a public process with a frightened witness — observation includes how a court protects, or fails to.

CASE

State of Punjab v Gurmit Singh

(1996) 2 SCC 384

Identity of a sexual-offence survivor is not your note's decoration.

CASE

Hussainara Khatoon v State of Bihar

(1980) 1 SCC 81

The undertrial you are watching may be the whole of Art. 21.

Provisions & materials to quote

CPC O.14, 17, 18

Issues, adjournments, examination — the civil day.

BNSS charge / evidence

The criminal day (old 211–224, 313, 353 family).

BSA / IEA examination

Leading, hostile, contradiction.

Contempt of Courts Act

A camera, a tweet, a gallery that interferes.

POCSO / identity direc

What a note must not name.

10 / 16-mark frames from this unit

Q1

What is a student expected to observe in a civil and a criminal trial?

Q2

Draft an observation note of a day of evidence.

Q3

What etiquette binds a student in the gallery?

Q4

Write a note on adjournments / marking of exhibits / the accused's s.313/351 explanation.

Unit recap

- 1 Watch a real stage (evidence), not only a mention.
- 2 The note: date, stage, what happened, one Code gap.
- 3 Anonymise whom the law anonymises.
- 4 Etiquette is Clinical-I in a gallery.
- 5 No camera, no tweet, no false diary.