MOOT COURTS

Meaning of Moot courts.

By the term 'Moot' we generally mean the assembling of law students.

The oxford university's english dictionary the term 'moot' has been defined or explained to mean " an assembly of law students for discussion of hypothetical cases for practice."

It is assembly to disenses a Moot point a question a matter about which there may be dis-agreement or uncertainity

According to chamberb dictionary the term 'Moot' means to prepare for discession to discuss to agree for practice In early history it meant

The meaning of assembled freedom Men or their representatives to required to regulate the affairs of the village the hundred or the kingdom.

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In this way the term " Moot' does not indicate any sense Initation or copying It actually means discusion of some Matter question or problem by Law students.

This aspect Must do understand and realised in Moot court while discussing the problem of litigants and arguing their cases

Meaning of Moot court

Moot court Means an artificial court of the student of Law. It is designed to debate on a specific case decide by a court of Law or an imaginary case prepared for the purpose of practical trainning of Law Students.

In these cases of courts of Law students are asked to argue on point of Law before it. The Law student are required to develop their arguments skill and art of preparation and presentation of legal By attenting moot court the self confidence and self control is developed in Law students.

It provides the knowledge of prepared and presentation of plaints written statement etc and idea of argument and defence

Thus moot court are meant to prepare law student to debate and discuss social problem from the point of view to legislate legal provisions for the benefit of the society and also eradicate certain malpractices which are still present in the custom

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Object of the Moot Court.

The purpose of organising Moot court is to provide opportunities to the law student to equity them with the skill for participation in the proceeding of a court of law when they enter in law profession after obtaining the degree of Bachlor of Law from a University

There are various objects and purpose of organizing and conducing of Moot court in Law colleges and law faculties of universities which may be enumerated as follows.

(i) The Moot court provides opportunities to law students to follow the procedure of the court and to conduct and observe professional ethics in advocacy

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(ii) Through participating the moot court the law student get opportunity to become counsel for the plaintiff and the dependents on different occasion besides they get opportunity of conducting cases at Judges of Moot courts.

(iii) The Moot court provides opportunities to law students to employ their originality of thought and work in the analyse of facts framing of issue finding out the law applying them to the facts preparing argument and presenting them before the court

(iv) The moot courts import occasions to law student to gain Knowledge and experiences of examination and cross examination of witnesses

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(v) participation in Moot courts help to cultivate self procesion fluency clarity of enunciation, practical of practice of court procedure, experience in the art of persuation and presenting cases.

(vi) The moot court emphasis point of court craft and decarum

(vii) By attending the Moot court self confidence to speak frankly and freely before the audience is developed in Law student when they attend the court

(viii) The Moot court provides to the Law student to learn the practical knowledge and art of discussion on the point of Law

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(IX) The Moot court aims at providing practical training of court practice which is preparation of brief and actual argument of Law points involved in the Kases

(X) The Moot court provides opportunities to those Law students who are not attending the Moot court to work as for the court

Thus by Moot court the Law students get knowledge of various stages of trial proceedings Judicial officer acts and cross examination and other kinds of knowledge regarding the legal preparation

Students also attain the knowledge of the proceeding a court and discipline

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They also learn about the drafting of fine plaints written statement and various types of report and applications.

The law student participants in these different capacities in the Moot court are as counsel for the defendants and the Judge of the Moot court.

Thus the Law students also get knowledge and experience of presenting cases in the court, defending the defence side and the writing of Judgement in the conduct of Moot court.

Moot court is a Law school activity and competition during which student participate in the preparation and arguing of cases in front of Judges.

The cases and side are selected before hand and students are given a set amount of time to prepare for the external trial

Moot court involves appellate cases as opposed to those at the trial level which are often called 'Moot court'

Judges are usally law professional and also a professors, after the attorneys from the community and even Members of the Judiciary

Depending on the law school, students Play Join Moot court in their first, second or third year of law school, Each school process for selecting Moot court Member differ but in some school competition is quite, fierce to Join especially in those law schools that sends winninged team to National competition.

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KINDS OF MOOT COURTS

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As we have seen from the definition and object of Moot court that they all organised and conducted for preparation the law students to present legal cases for practical training of lawyer

By these Moot courts the law students get opportunities of preparing the pleading for their clients and of arguing of the cases on beholds of their clients. and so many other kinds of knowledge relating to legal profession such as examination in chief and cross - examination of witnesses.

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According to different types of cases the Moot court May be classified in the following form.

1. Moot court of Decided Cases.

Generally in Moot courts a particularly decided cases by a court of Law is selected by the Mooters to conduct Moot Courts.

In that cases one Law students appear on behalf of plaintiff and other represents the defendants Thus two group of Law students are engaged in the proceeding of Moot court.

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Each group of Law students are engaged in the proceeding of Moot court. Each group of students should admit written submission and convertor the arguments of other side of the parties

The time is given to each group of students to represent its side in its favour. The Law students must attend Law libraries to consult Law books and legal Journals to support their point of view

In producing before the Moot court the Mooters must take in their views. the gesture of the speaker in their consideration.

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They must critisize the Judgement of the case in a desent Manner and on responsible grounds.

The Mooters are required to use soft and decent language during argument. The criticism of the Judge should be limited to his decision only But it Must not be about only But it Must not be about his conduct where it will amount to case of contempt of court

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Moot courts on Scientific or specific Topic

There are so many topic which are related to legal importance sometimes the Moot courts May be organised on specific legal topic and submit the pleadings and explain orgaments of their cases which are given to them

In conducting the proceedings of Moot court regarding specific topic the same procedure is followed under the decided cases.

In this type of courts the Mooters also get opportunities to develop their legal skills knowledge and practice Before they Actually attend the court of Law after becoming Advocate.

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MOOT COURT OF

IMAGINARY CASES

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As we know that moot court are artificial courts which are organised and conducted by law students. One of the students played a role of an audience and also a Advocate on behalf of the plaintiff or defendants and other students plays his role on Behalf of the opposite party on respondent and one students plays a role Judge of the moot court

Thus it moot courts the law students participate in these difference capacities and other students became witness and other person relating to imagination of the case

The case in trial may be civil or criminal

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In civil cases first of all plaint is drafted The drafting of plaint is an art and it must describes clearly the facts of the cases

It Must always be divided into differente paragraphs. One paragraph Must rotate one fact only and in the plaint the court of action the place and the date of cose of action, The Jurisdiction of the court valuation of the case must be described clearly

In case the relief claimed must also be described clearly and specifically After preparing the plaint. It is filled in the court.

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On filing of plaint the court on a fixed date to file his written statement. After pleading to produce their documentary evidence.

On the basis of a documentary evidence issue are framed and oral evidence of both the parties is taken one by one

On the Basis of pleadings and evidence on recording both the parties prepare their arguments. The preparation of arguments is very important and clearly task Because it is the touch store to open victory in the case.

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The Mooter must satisfy the Judge about the vercity of their pleadings.

The strongest point in favour of the party must be kept in mind by Mooters. to present them Before the court.

Main E quipment

For

SUCCES OF AN

ADVOCATE

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After compeleting the course of LL.B after registration a student of LL.B becomes an advocate But every advocate does not get sucess in his profesion while other get so

The Reason behind it is that there are some equipment or aspects of an advocate for succes in his cases

The followers of these equipments get success in his profession and other remain unsucessful Although these equipments cannot be limited to member yet there are some equipments which are as follows.

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1. TREATMENT OF ADVOCATE WITH HIS CLIENT

First of all when a client comes to the an Advocate for his case or problem He should give him patient hearing because the client may have no Knowledge of Law and their opinion have no value as such yet it is always otherwise if the client be a person of intelligence to get his theory the Justice of his case.

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As the clients will have formed strong opinion of his right he will state them in a homely yet forceable way on a foundration of natural Justice.

The sucen of the case in the Court depends upon the treatment of his advocate towards his clients.

In this context lord Balon has aptly advised the advocate as follows.

" Give good Hearing to those that give the first information in Business Law.

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Buiness and rather direct them in the beginning that interrupt them in the continuance of their speeches for his clients. that it is put out of his own order, will go followed foruord and Backward and Be more tidiller while he wait upon his memory that he could have been if he had gone on his course But Some times it is seen that Moderation is more trouble some than the actor.

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PATIENT HEARING

OF THE

CLIENT

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an Advocate whose story equated by the client without interrupt him because he may forget some facts or leave some facts which may be very helpful in his case.

so when a lawyer is first approached by a client or his representative he should give him patient hearing

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In this context Dr. K. Krishna swamy Aiyer aptly advised the advocate as follows

" Let me refer to you conduct towards a client who comes to you for help Receive him with kindness and listen with sympathy to all that he has to say.

He may repeat himself But do not snub him. Allow him to have his say in full. It may be declaration it may be incentive and about of the other side.

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He may speak not as if he were confinding to his lawyer but as if he were addressing a jury on whom he desires to impress the strength and truth of his case. But it is well that you should hear the whole whole tale for it desirable that you should not miss even one relevant fact though may have to get it By a process of sifting many irrelevance ones.

It is less in convenient to listen to supect flower's facts than to listen to stand the chance of missing what may be essential

Do not interrupt your client in his narration But Reserve your question to the end when he makes a pause.

DRAFTING

OF

PLEADING

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Pleading includes plaint and written statement when a plaint comes to the advocate for his claim The advocate prepares plaint on the Basis of facts narrated by the client and an advocate for defence prepares written statement on Behalf of the Defendant.

Drafting of pleading is a very important part of a Lawyers work properly drafted pleading facilitate the work of the court

The pleading are to narrow the parties to definite issue and there by diminish Expenses and delay especially as regard the amount of testimoney required on the either side

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Examition

OF

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By understanding the act of examination and cross - examination of witness sucess is achieved by the advocate in the court of Law.

This Act is learnt By continuous practice the Act of cross examination is helpful in discourasing the truth regarding the case.

The object of cross - examination is to emphasis truth about the testimony of witnesses It. plays an important role in winning and arguing the case

some examing the witness and arguining is art therefore this Act can be learnt continuous practice There is no formula to learn this Act.

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