

## LEGAL EDUCATION THROUGH MOOT COURT: A CRITICAL STUDY

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### Abstract

*The moot court does not work out the judicial power of the State. It has not constitutional power to decide the dispute between the parties Clinical legal education is an educational program that has been broadly implement into the study set of courses by the Faculty of Law. Law clinics are based on interactive and thoughtful methods of education and its priority objective is to furnish student. Law training in advocacy is an integral part of our students in legal education. Firstyear students often complete an oral advocacy exercise in their small sections and may participate in the Moot court. Nature of proceeding civil proceeding, Criminal matters. "A man has but one youth, and considering the consequences of employing that well, he has reason to think himself very rich, for that gone, all the wealth in the world will not purchase another." -Sir. R. North,*

**Keywords :** *Legal Education, Moot Court, Participants, Clinical Legal Education, Civil Matters, Criminal Matters, Significance etc.*

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- Meenu Dayma

### Introduction

A moot court is an extracurricular activity at many law schools in which participants take part in replicated court proceedings, which usually involves drafting memorials or memorandum and participating in oral argument. The term "moot" traces its beginning to Saxon era, when a moot was a assembly of important men in a neighborhood to discuss matters of local importance. The modern action differ from a mock trial, as moot court usually refers to a simulated appellate court or arbitral case, while a mock trial usually refers to a simulated jury trial otherwise bench trial. Moot court does not involve actual testimony by witnesses, cross-examination, or the appearance of evidence, but is alert solely on the application of the law to a common set of evidentiary assumption and details to which the competitors have to be introduced. In most country, the phrase "a moot court" may be shortened to simply "a moot" and the activity may be called "mooting". Participants are either referred to as "mooters" or "mooties". Moot court and law review are the two key additional activities in many law schools. Students typically spend a semester researching and writing the memorials, and another semester practicing their oral arguments. Whereas domestic moot court competitions tend to focus on municipal law such as criminal law or contract law, regional and international moot competitions tend to focus on subjects such as public international law, international human rights law, international humanitarian law, international criminal law, international trade law, international maritime law, international commercial arbitration, and foreign direct investment arbitration. Practical issues pertaining to jurisdiction, standing, and choice of law are also sporadically engaged, especially in the arbitration moots. In most moot competitions, each side is represented by two speakers and a third member, typically known as the counsel, may be seated with the speakers. Each speaker usually speaks between 10 and 25 minutes, covering two to three issues. After the main submissions are completed, there will usually be a short round of rebuttal and surebuttal. Depending on the format of the moot, there may be one or two rounds of rebuttal and surebuttal. In larger competitions, teams have to speak in up to ten rounds. The make unconscious stages are usually preceded by a number of beginning rounds to determine seeding. Teams almost always have to switch sides throughout the path of the competition, and depending on the format of the moot, the moot problem usually remains the same throughout. The scores of the written submissions are taken into consideration for most competitions to decide requirement and seeding, and from time to time even up to a particular knockout step.

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### Comparative Study of Court and Moot Court:

Moot Court is assimilated court prepared for the student. By participating in the moot Courts the students achieve the professional skill. It differs from the real court in several respects. The moot court does not work out the judicial power of the State. It has not constitutional power to decide the dispute between the parties.

The power entrust to the authority must be legal power of the state, cannot action thereby; the authority must be enjoyed to arbitrate upon the disputes between the parties there must be a list between the contesting parties presented before the arbitration and decision.

The basis of the authority must originate from the statute and must not be based just on agreement between the parties. The power must statutorily flow and must continue to inhere in the authority subject to their strain by the law confer such power. The way of work out of power must partake of essential quality of court, although minor trappings or insignificant attribute may be absent. These indispensable attribute of the court would be full of right of the challenge parties to characterize their case notes necessarily orally before the trial, ascertainment by the ability of the disputed question of fact post for its thinking by means of evidence adduced by the party to the dispute and often with the support of difference by or on behalf of the party on the evidence led before the authority, if the dispute between them is a inquiry of law, the obedience of legal point of view by the party and the authority of the authority to implement audience of witness production of article etc., to enable the right to successfully make a result their dispute in a legal manner.

The ensuing or end creation of the coach of such authority by the authority must result in a obligatory choice between the parties closing the list between the parties so far as the power dispute is worried. The said conclusion must have finality and authority. The conclusion render by such authority must dispose of the whole matter by a finding upon the facts in dispute and an submission of the law of land to the fact so originate with where requisite a verdict upon any uncertain problem of law.

### Clinical Legal Education

Clinical legal education is an educational program that has been broadly implement into the study curriculum by the Faculty of Law. Clinics are based on interactive and thoughtful methods of education and its priority objective is to furnish student with:

- Theoretical and practical knowledge,
- Practical skills and competencies,
- Moral values in accordance with professional ethics.

Legal clinics help students even during their studies to gain practical legal knowledge; skills and competencies thereby promote a greater attentiveness of alumnae for incoming legal

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do. The mission of legal clinics is to provide law students with the opportunity for practical application of theoretical knowledge from end to end a wide assortment of forms of realistic legal education. By clinical legal education students master the communication of legal doctrine, working habits, communiqué with clients as well as the ethical, social, monetary and political importance of legal image. Additionally, the purpose of legal clinics is to increase the quality of teaching, thus fostering the improvement of education system at the Law Faculty as well as the stimulation of student's personality towards thoughtfulness, independence and creativity. Clinical legal education scientifically contributes to the fact that graduates of the Faculty of Law are, able to develop not just theoretical information but also practical skills such as critical and analytical legal thinking, to adopt helpful approach to resolving legal issues, to prepare legal submissions, or to analyze and reflect legal issues with look upon to law full interdisciplinary.

Achievement in clinical legal education at the Faculty of Law in following why:

- Organization of the Institute of Clinical Legal Education and bodily civilization as an integral part of the Faculty,
- Organization of a large number of courses and workshops aimed at the development of clinical legal education which was mentored by experts from the Law Faculty. Creation of more than 20 clinical courses, which exist as simulated but also live clinics in which students solve real cases from practice and the outcome are provided directly to concerned subjects,
- Development of collaboration with legal practice
- Growth of cooperation with the third sector during the course called “Legal clinics for NGOs”, where students, under the management of internal and external supervisors, provide legal advice to non-profit organizations,
- Development of the placement program, where the Faculty of Law at present cooperates with more than 26 institutions; more than 120 students were selected for the placement in the academic year.
- Group of the first year Summer School of Legal Skills,
- Faculty of Law collect created student teams, which were led by experienced coaches and participated at the prestigious international moot competitions.

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- Embellishment of the concept for the organization of the University Students' Counseling Centre in which students will under the mistake of supervisors either from members of the faculty or from knowledgeable legal practitioners, provide legal support to clients from the public. The concept of Students' Legal Counseling Centre is based upon the confirmed models operating at foreign law schools, through which it is possible to efficiently link the legal education with the performance of socially beneficial legal aid to marginalized groups of the population. The Legal Counseling Centre leads to the growth of student's accountability, steadiness and accepting of the implementation of the legal system as well as to the adaption of work habits. The Student's Legal Counseling Centre will be soon recognized as an integral part of the Faculty of Law.

### **Moot Court Program for Student**

At Law, workout in involvement is an part and parcel of part of our students' safe education. First-year students often diligent an oral moving and shaking long row to hoe in their thick sections and take care of participate in the Hicks Morley Moot in labour law. All upper-year students diligent a curriculum that enables them to shake necessary safe research and examination paper and oral advocacy skills. Upper-year students besides have the imperil to tackle out for status on spirited questionable teams and the expose to call a spade a spade in civilian and of great scope competitions by all of other process schools. Mooters commute across the corn fed and everywhere the reality, ahead an arm and a leg courtroom hardest a bad time and meeting head of the line Canadian and international lawyers and judges. Moot Court Program is a well known of the largest at whole Canadian by the number school. Each year, teams from Law hits the campaign trail in suitable 20 mooting competitions in a wide chain of fair areas, plus ramble fashion, Aboriginal style, public enemy home one by the number, international style, thorn in one side, securities law, environmental law, field law, commercial bargaining table, IPC, labour bargaining table, trial involvement and customer counseling. Each year the number of mooters increases. At uttermost one-third of for the most part our alumnae receive in a cruel moot everywhere their time by the whole of more than 75 students participating each year. This participation outlay is in the focus of the chief of barring no one law school. Students' render of wealth is awesome, as evidenced fashion of gift in our prove cases. The Law Moot Advisory Council advises and assists the Faculty Board Moot Court Committee in crucial planning and promotion of the Moot Court Program through helpful

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participation in the Program from graduates who have complementary interests, skills, lifestyle, basic material and associates.

### **Nature of Proceeding**

- (a) Civil proceeding
- (b) Criminal matters

#### **Proceeding – Civil matters**

- I. Procedure Before Hearing
  - 1. Pretrial preparation
  - 2. Essentials of a suit
  - 3. Stages of suit
  - 4. Place of suing
  - 5. Suits in particular cases
  - 6. Parties the suit
  - 7. Institution of suit
  - 8. Pleading- Generally
    - (A) Plaintiff
    - (B) Written statement set off and counter claim
  - 9. M Issue and service of summons
- II. Procedure in Suite during Hearing
- III. Procedure in suite after Hearing
- IV. Application and Affidavits.

### **Criminal Matters**

- I. Pre trial preparation
- II. Important Concept
  - 1. Complain
  - 2. Police Report
  - 3. Bail able and Non – bail able offence
  - 4. Investigation, Inquiry and trial
  - 5. Summon case and warrant case
- III. Criminal Courts and offices
  - 1. Constitution and powers

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2. Jurisdiction of Criminal Courts in Inquiries and trial.
  3. Conditions, requisite for initiation of proceedings
  4. Complains to Magistrates
  5. Commencement of Proceeding before Magistrate.
  6. Trial before a court of session
  7. Trials of warrant cases by Magistrate
  8. Trials of summon cases by Magistrate.
  9. Summary trials.
10. Evidence in Inquiry and Trials
- 11 . General Provisions as to Inquiries and trials
  12. Judgment
  13. Submission on Death sentence for confirmation.
- IV. Appeal
- V. Reference and Revision
- VI. Transfer of Crime

#### Significance in the Legal Education

“A man has but one youth, and considering the consequences of employing that well, he has reason to think himself very rich for that gone all the wealth in the world will not purchase another.”-*Sir. R. North.*

The expression "disputable" as indicated by Oxford and Chambers word reference means, to propose for talk contend for practice; a matter about which there might be contradiction or uncertainly. For instance, it is an unsettled issue whether men or ladies are better drivers. Some other related terms are – unsettled capable, that can be discussed Moot Court-Hall a meeting or court for belligerence assumed cases. Moots are lawful issues as dream cases, which are contended by two understudy direct on every agree with a seat of three judges in the interest of the court of request or, the trial court i.e. bring down courts or, the tribunal. The arranging of the moots is normally the steadfastness of the understudy's law society, amid a law instructor or included legal advisor who can commonly be influenced to set the debatable and direct on the seat.

Alluring part in moots will help in rising office and clear highlight, furthermore gives one thoughtful in the specialty of perspective and of put a case in a word and unmistakably. Mooting not just gives one put into live out in court activities additionally builds up the aplomb that each supporter ought to have. "Amicus Curiae and the Court Room Marshalls are the two

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elements which can be presented in the ordinary debatable court sessions. Debatable Court, Pre-trial arrangements and support in trial/Proceedings.

- Celebration of trial in court.
- Attending Chamber of the Senior Advocate.
- Viva-Voce Test alongside composed examination. For association understudies, industry and market are fields of commonsense encounters and for law understudies courts and councils of supporters are the spots of down to business learning. In reality clinical lawful instruction is an affectation in this heading and an extraordinary stop for get ready legal advisors of tomorrow, will's identity electronic legal advisors; global legal advisors; Social Advocates; and Social Engineers.

The law course is the period for develop such encounters and that as well, without relentless rivalry, in light of the fact that the coaches of the law understudies don't see them as their rivals, yet as insignificant leaner and an aide in their work. Furthermore the said tutors are getting the law understudies as right hand at no cost or at an ostensible honorarium. Give it a chance to be reword in these words, that, induction into a qualified course is not an accomplishment but rather a chance to sharpen one's expert abilities and one must not give it a chance to go by Everyone gets youth but rather couple of fortunate people get into a particular course. A judge needs to oversee equity and a backer needs to help a judge in directing equity. In a disputable court the law understudies are just about showed trustworthiness of reason, persevering meeting representation equity as a judge and rendering equity as a supporter, serving of the general public and hypothetical free thinking and taking care of legitimate issues alone. Senior understudies ought to be given the employment of understudy judges at intra workforce disputable court rivalry, with the goal that they can improve their choice written work capacity and legal abilities while making court question to the understudy advocate. In a debatable court rivalry, the Counsels need to plan commemorations for the benefit of offended party and litigant, or, offended party and respondent and both, by and large. A headstone contain file; registry of association; explanation of power; articulation of realities; rundown of contentions; group of contentions; and conclusion supplication. For the most part in a disputable court rivalry there are trophy for the triumphant and runner up groups and honors for Best Mooter; Best Researcher and Best Memorial. The checking criteria to judge the Best tombstone are shape; stream of force included; dialect utilized and lawful drafting abilities connected; its substance, foundation and utilization of Authorities lastly, issues canvassed and activity in issues. Aside from commemoration, the oral consistence, the most awakening part of the entire disputable court rivalry is judged on the given criteria. Partner and utilization of law is tried, with a goal to look at the profundity over the subjects worried in the debatable issue; reply to court inquiries to check the painstaking quality of the Counsel over the subjects and his level of ready shrewdness; support or appearance, to check his general abilities as legal advisor and scrutiny of realities and examination of dedication, again to check the nearness of

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psyche and profundity of investigation of the Counsel. In India, more than thirty unsettled court rivalries are held each year, on changed points of law like Constitutional Law, International Law, Space Law, Intellectual Property Law, Criminal Law, Family Law, Cyber Law, IT Law and so on. For the most part, a blend of law foundation is dependable about the opposition well ahead of time by the group organization. It ought to be educated for all intents and purposes in debatable courts that supporters may not take advantage of reason of the law but rather to appropriately take and apply it. It ought to likewise be prepared in disputable courts to avoid working lies, creation, cheats and roguery and to show up with clean submits courts. The Bar Council of India has propounded and arranged a plan for legitimate research, for which unsettled courts may turn out to be exceptionally useful and purposive. This plan ought to give the understudies the aptitudes important to distinguish issues, outline extend proposition, advance procedures, dissect information and compose look into reports on little themes. Examination of legitimate techniques with sociology inquire about strategies might be made and the understudies be empowered to end up distinctly basic purchasers of social and common science information. Legitimate Research is the endeavor by genuine, formed, specialized, hazardous and cautious examination, enquiry and inquiry to find lawful standards, considering the enactment, administrative and legal law settling on and basic leadership handle with a view to evaluate how far the lawful procedure serves the social needs, and how it can be made helpful and viable for general society great. Lawful Research is a necessary piece of information and working the calling of law. Understudies take an interest in the limit of an Advocate; judges and court officer. A couple of more adumbrations can be made to house include for bigger number of understudies. These are opening of Court Room Marshalls, as we find in Mock-Parliament, whose capacity will be to maintain the request and to help the organization in learning court behaviors. Likewise the individuals who watch the disputable court ought to be given the event, before the declaration of the judgment, to advance any sentiment, or point which they consider fit and applicable to the case, and which has not been managed by any means, or not managed appropriately, in the capacity of Amicus Curiae, i.e., companion of the court. In this way, Amicus Curiae and the Court Room Marshalls are the two components which can be presented in the routine disputable court sessions. Senior understudies ought to be given the occupation of understudy judges at intra workforce disputable court rivalry, with the goal that they can upgrade their judgment composing capacity and measurable abilities while making court inquiries to the understudy advocate. In entirety and substance, Most Court aides in realizing what we realize in genuine courts in spite of the fact that in limited conditions. "In my childhood," said his dad, "I look to the law, and contended every case with my better half, And the strong quality which it provided for my jaw, has endured to whatever is left of my life." - Lewis Carroll, Alice in Wonderland.

### Conclusion and Suggestion

Today in present time of exceptionally lawful training in debatable court is vital. It helps understudy to find out about the down to earth learning of court. It makes understudy

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proficient to finding out about lawful calling. Today in much establishment they don't instruct about the down to earth learning of the court. Such a large number of new legal counselors don't have the information of court procedures and some of them can't draft legitimately. By unsettled court each foundation can educate their understudy about the lawful continuing and drafting, so new legal counselor can introduce himself in court decisively. Unsettled court is on manufactured include where an air of include is made the classroom of a law school itself. Today in present time of legitimate training, unsettled court is vital. It helps understudy to find out about the down to earth learning of court. It helps understudy to present himself in court. The reason for unsettled court is to incorporate the understudy with their Legal calling. Debatable court is a down to earth learning that builds up the ability of understudy and makes solid the Pleading and Drafting aptitudes. Disputable court enhances the self-assurance in understudy. Disputable court educates about the commonsense continuing in court. It cleans the correspondence expertise. Disputable court plans understudy for pre-trial arrangements and investment in trial/continuing. The bar committee of India has propounded and arranged a plan for legitimate research for which debatable court may end up being exceptionally useful and purposive. Examination of lawful techniques with sociology investigate strategies might be swim and the understudy be empowered to end up distinctly basic conservers of social and normal science information. "Youth is not an achievement, it is an opportunity. Don't let it pass by", said Dr. Zaleis husain, formed president of India. Give it a chance to be rethought in their words that" Admission into an expert course is not are accomplishment but rather are chance to one's expert aptitudes and one must not give it a chance to cruise by". Much establishment they don't instruct about the functional information of the court. Such a large number of new legal counselors don't have the information of court procedures and some of them can't ever draft appropriately. The lawful continuing and drafting so new legal advisor can introduce him in court decisively. In some private establishment they simply have faith in principle and they not consider disputable court important but rather as custom, such a large number of understudies from private foundation simply have the degree without Knowledge of down to earth court continuing in lawful training. This sort of degree is fragmented and understudy having this kind of degree is not an entire legitimate proficient.

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**Website**

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