

**FACULTY OF JURIDICAL SCIENCES**

**MOOT COURT EXERCISE AND INTERNSHIP**  
**(CLINICAL)**

**Course : BBALLB , 3<sup>rd</sup> Semester**

**Subject code : BBL903**

**Faculty Name : Ms Taruna Reni Singh**

## Moot Court Exercise and Internship

**Objective:** The objective of having moot courts is to give the students practical training how the proceedings of the court takes place.

### The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
  - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
  - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

# LECTURE 1

# RESEARCHING FOR A LEGAL PROBLEM

**1. Preliminary Steps: Identification of issues** after reading the given problem thoroughly. What is in question? What is it that the parties are in disagreement and what is needed to be decided by the court?

**2. Think-** What area of law / subject does it deal with? Which legislation may have answer to these questions?

**3: Go to the library** – take out a text book on the subject and read the relevant pages which you may think may have an answer to the questions in the problem. Note down the cases mentioned or other books and articles referred in the text or in the footnotes.

Materials that may be used in legal research may be divided primarily as legal materials and non-legal materials. Legal materials are further classified in Primary and Secondary legal materials.

Primary legal research materials include the Constitution, Statutes, and Judicial decisions.

Secondary legal research materials include books, commentaries, encyclopaedia, yearbooks, journals, Reports etc.

Locating a relevant statutory provision / judicial decision and other relevant legal material in a Library:

1. Gazette of India / Gazette of State: Contain Official notifications of Bills, Statutes, Joint Committee/ Select Committee Reports, subordinate legislation (i.e., Rules framed under various Acts) You need to know the date of notification for locating relevant document and you may consult the librarian to know which section of the gazette contains what information. Gazette of India is now available online also.
2. Acts of Parliament – Yearly publication contains Acts of Parliament passed in a given year.
3. General Statutory Rules and Orders
4. Lok Sabha Debates / Rajya Sabha Debates
5. Manuals, e.g., AIR Manual: Central statutes in force are listed alphabetically in various volumes. The text of provisions is given in the main body and the footnotes under each section give summary in a couple of lines of cases decided under it.
6. Local Laws: There are compilations of local laws (State legislations) available – take the local laws of the relevant state.
7. Reporters – e.g., AIR (for Supreme Court and High Court judgements), SCC / SCR/ SCJ / SCALE / Judgement Today, etc for SC decisions. Each Reporter contains a nominal table of cases as well as a subject index. Consult the former if you know the name and year a case and the court that decided it. If you do not know that, consult the subject index that is arranged alphabetically statute wise as well as contain some key words. These may be freely accessed online also from the websites of Supreme Court of India,

various High Courts and IndiaKanoon. Decisions of district courts are also now uploaded on their respective websites under the name of the concerned judicial officers.

8. Digests: 50 Years Digest (for cases from 1900-1950), Ten year Digest, Quinquennial Digest, Criminal Law Digest, Yearly Supreme Court Digest, etc. Contain summary of cases in the given period according to Subject/ Statute list arranged alphabetically.
9. Indexes: Index to Indian Legal Periodicals, Index to Legal Periodicals, Index to Foreign Legal Periodicals, etc. Contain lists of books / articles in journals published in a period – arranged author-wise or subject-wise.
10. Words and Phrases – contains meaning of various phrases used in legal language.
11. Law Dictionaries: e.g., Black's Law Dictionary. Contains meaning of specific legal words.
12. Reports of various Expert bodies like Reports of the Law Commission of India, National Human Rights Commission, Minorities Commission, Women's Commission, etc. Useful for arguing for different interpretation of law or for striking down laws etc.
13. Annual Survey of Indian Law: Contains summary and critique of important cases on main areas of law in a given year.
14. Journals –general journal, e.g., Journal of Indian Law Institute. Specialised journals, e.g., Family Law journals. Indian and Foreign.
15. Encyclopaedia : Britannica
16. Year Books
17. British Humanities Index- for articles in newspapers and other popular journals
18. Social Science Index – for criminology, sociology and political science articles etc.
19. Monographs, etc.

## COMPUTER RESEARCH

Use materials only from **AUTHENTIC websites**, i.e., where the information upload is controlled by experts on the field like Universities, government, Commissions, NGOs, etc. You may find links to various websites by entering your research phrase on google and other search engines but beware that they will give you links to both authentic and non-authentic websites and you must collect the required information only from the authentic site. For example, many a times the first reference is from Wikipedia but remember that anybody may upload information on this site and hence, it may or may not be correct and authenticated information. While it is may be a starting point to gather some basic knowledge on a topic, it is not a website to be quoted and relied on any authoritative fora like courts or legal writing.document.

It is important to learn to phrase your query appropriately. Too general or too narrow phrases may give you access to hundred thousands of web links or no results. Some search engines gives the option of searching within results and you may filter your research through narrowing down your search within a wider category.

University of Delhi has subscribed to many IP based data bases and law journals and these may be searched from the website of Law Library on the University of Delhi website. Paid may be accessed from any computer on the University of Delhi premises and others may be accessed from a computer at home or other place having internet connection. CD based legal databases may be accessed from specified computers in the libraries of Faculty of Law and Law Centre-I. SCC ONLINE, MANUPATRA, Legal Pundits are good databases for accessing decided Indian Cases of higher judiciary and legal articles. INDIAKANOON gives free access to the decisions of the Supreme Court and High Courts and has an easy search engine. Jstor, Westlaw, and LexisNexis contain judicial decisions and legal articles from different parts of the world.

INTERNET Resources: Some good starters depending on the field of research can be the following:

### **Indian:**

A Gateway to Government of India: <http://indiaimage.nic.in/>

Indian Supreme Court Judgments:

<http://judis.nic.in/supremecourt/chejudis.asp> National Human

Rights Commission of India: <http://nhrc.nic.in/>

National Commission For Women: [www.ncw.nic.in](http://www.ncw.nic.in)

Women's Studies Network: <http://www.britishcouncil.org/india-governance-networks-wsn.htm>

### **International:**

American Association of Law Schools:

<http://www.aals.org> Amnesty International:

[www.amnesty.org](http://www.amnesty.org)

Asian Centre for Human Rights:

<http://www.achrweb.org/theme/child.htm> Child Rights

Information Network: <http://www.crin.org>

Clinical Legal Education Association:

<http://www.cleaweb.org/resources/index.html> Human Rights Watch:

<http://www.hrw.org>

International Humanitarian Law: <http://www.ihlresearch.org>

International Juvenile Justice Observatory:

<http://www.oijj.org/home.php?pag=000000> American Bar Association:

<http://www.abanet.org>

Library Access system: [www.copac.ac.uk](http://www.copac.ac.uk)

Official website of UK government:

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) Public Interest Law

Initiative: [www.pili.org](http://www.pili.org)

Sanford Encyclopedia of Philosophy: <http://plato.stanford.edu/contents>

The Internet Encyclopedia of Philosophy: <http://www.utm.edu/research/iep>

UN Crime Prevention & Criminal Justice:

[http://www.undcp.org/odccp/crime\\_cicp.html](http://www.undcp.org/odccp/crime_cicp.html) UN Human Right

<http://www.unhchr.ch/html/menu2/6/crc/>

World Legal Information Institute: <http://www.worldlii.org>

**Footnotes and mode of citation:** There were two kinds of footnotes - Speaking and Citation. Speaking footnotes explain and elaborate a theme in the main text that is not considered absolutely essential to the main argument but might be of interest to the reader. The citation footnotes should lead the reader to the primary material from which the data had been taken. There were three ground rules in giving citation. (1) The footnotes should use a uniform style for referring to authors, books, articles, etc.; (2) It should contain *all* the information necessary for leading the reader to the cited source; and (3) It should be precise. The actual style for footnoting for a particular journal or publisher was prescribed by them and needed to be followed. For a standard style of footnote for publication in India, the footnote pattern followed by INDIAN JOURNAL OF INDIAN LAW INSTITUTE was recommended while for international standards THE BLUEBOOK published by Harvard Law School was useful.

The easiest way to get introduced to legal footnoting was to visit the Website of Cornell Law School: <http://www.law.cornell.edu/citation/>

