



## **INTRA MOOT COURT COMPETITION, 2024**

*Organized by*

**MOOT COURT SOCIETY,  
INDIAN INSTITUTE OF LEGAL STUDIES**

**For clarifications. Kindly contact:-**

**FACULTY CO-ORDINATORS:**

1. **Ms. Tripti Yonzon**
2. **Ms. Neha Mittal**
3. **Ms. Samira Alam**
4. **Mr. Tanmay Roy**

**STUDENT CO-ORDNATORS:**

1. **Ms. Tanisha Agarwal**
2. **Mr. Prabhat Thakur**

**MOOT PROBLEM FOR 1<sup>ST</sup> INTRA MOOT COURT COMPETITION, 2024**

**5 Year B.A/BBA/B.COM LL. B (HONS) SEMESTER VIII & X &**

**3 Year LL. B SEMESTER VI**

**Date of the Competition: - 23<sup>rd</sup> March, 2024**

**SCHEDULE**

<b>S.NO</b>	<b>EVENT</b>	<b>DATE</b>
<b>1.</b>	Release of Moot Problem	11 <sup>th</sup> March, 2024
<b>2.</b>	Last date of Team Registration	16 <sup>th</sup> March, 2024
<b>3.</b>	Last date of Memorial Submission, Draw of lot and Memorial Exchange	22 <sup>nd</sup> March, 2024
<b>4.</b>	Oral Rounds	23 <sup>rd</sup> March, 2024

1. Boggle XpYB is a German multinational company headquartered at Berlin. It operates an internet search engine in the url <http://www.zoozle.com> (hereinafter called 'The Website'). When a user enters a query into the search toolbox, the website generates an 'organic search list' of hyperlinks that it deems most relevant to the query. These hyperlinks are of various 3rd party websites that contain the query or words similar to the query. The hyperlinks are highlighted in blue and are arranged in order of relevance. The order of relevance is determined by algorithms written into Zoozle's source code and has no human interface in its determination. The website is considered one of the most effective and efficient internet search engine websites and is hugely popular, with almost sixty percent of the internet users around the world preferring to use [www.zoozle.com](http://www.zoozle.com) for their internet queries. In India, the website is even more popular, with more than eighty percent of Indian internet users accessing the website on a daily basis.
2. When Boggle XpYB first began operating the search engine in the year 2003, it was a non-profit entity and relied solely on voluntary contributions from its users. However, due to rising costs as well as ambitious plans to expand the scope, utility and outreach of the website, in the year 2011, Boggle XpYB developed a scheme of advertising through which businesses or persons may advertise on its search engine. This scheme of advertising was called 'AdVerba'. A person, who wishes to advertise on AdVerba, can buy 'keywords' of his/her choice through an online auction amongst prospective buyers. Keywords can be bought for specific regions only. A keyword is a word which when

typed into the website's search tool as a query, triggers in addition to the organic search list, results termed as 'suggested posts.' The highest bidder for the keyword decides what web links to place in the suggested posts. The bidder usually places his own website's link as the suggested post. The purchaser of the keyword can also place a small description below the actual link. The suggested posts appear above the 'organic search list' and are distinguishable from the search list as they are shaded in a light yellow color and the words "Sponsored Ads" appear alongside them.

3. Mr. Arvind Kejru Murgwala established a fast food restaurant called 'Murgwala's Best Butter Chicken' (hereinafter MBBC) in Delhi in the year 1959 at Connaught Place. MBBC soon became a very popular restaurant amongst the people of Delhi. Today, the restaurant is a chain with over twenty five outlets within Delhi. In order to maintain quality as well as out of respect for the wishes of Mr. Arvind Murgwala, the chain has never been expanded outside Delhi, though his sons Tonmoy Murgwala and Tanmay Murgwala were always keen to do so. Arvind Murgwala passed away in the year 1988 and a dispute broke out between his sons Tonmoy Murgwala and his younger brother Tanmay Murgwala as to the division of assets. In the end it was agreed between the brothers that Tonmoy would have full ownership of MBBC and Tanmay would have two bungalows which the father had left behind located in Golf Links, Delhi. They accordingly entered into an Agreement dated 01.01.1989 wherein Tanmay relinquished all claims over MBBC and Tonmoy relinquished all rights and claims over the two properties. Accordingly, the business (MBBC) was taken over by Tonmoy in 1989. The Trade Mark that MBBC uses in the course of trade is reproduced in Annexure- I. Although this is the mark MBBC had been using since its inception in 1959, the mark was only registered by the Registrar of Trade Marks in the year 1993 on Tonmoy's application.
4. In the year 2008, Tonmoy created a website for his business with the URL [www.bestbutterchicken.com](http://www.bestbutterchicken.com). This website allows prospective consumers to view the menu online and place orders for home delivery. Tonmoy also guaranteed that orders placed on his website would be delivered within thirty minutes or less and extensively advertised his business along with the website's URL in the mass media as well as hoardings in several places across the city. The Company's financial statements for the Assessment Year 2012-13 recorded advertisement expenditure as Rs. 1,00,00,000/-
5. Mr. Tanmay Murgwala moved to Kolkata in the year 1990. He decided to start a restaurant of his own and founded 'Tanmay's Butter Chicken' (TBC) in the year 1990.

This restaurant too has a website of its own with the URL [www.Tanmaybutterchicken.com](http://www.Tanmaybutterchicken.com) where customers can place orders for home delivery. TBC has been moderately successful commercially and operates three branches within Kolkata. In the year 2007, Tanmay opened an outlet of TBC in Delhi at Karol Bagh and it runs with moderate success. Tanmay obtained registration of the Trade Mark used by TBC in the year 2000. The mark is reproduced in Annexure – II.

6. In the year 2012, Tanmay decided to use Zoozle's AdVerba to advertise his website. He bid for and successfully purchased around fifty keywords including the words 'Best', 'Tasty', 'Butter', 'Chicken', 'Murgwala' and 'Tanmay' for use within Delhi and Kolkata. He also bought mis-spelt versions of these keywords such as 'Cchicken', 'Buter' and 'Tonmoy' because internet users often tend to misspell search terms. As a result, when a user types these three words in combination into the Zoozle search bar, the search result page would contain a suggested post with the link to Tanmay's website ([www.Tanmaybutterchicken.com](http://www.Tanmaybutterchicken.com)) placed above the organic search results. Tanmay also added the description 'Better than the Best Butter Chicken' under the link.
7. Tonmoy soon noticed this and felt that there was a chance that consumers who were searching for his website could be misled into the website of Tanmay which was placed in the 'Suggested Posts' area of the search results page. He feared that once they enter the website of Tanmay, they would just place an order there, thereby causing him a loss of customers. On 06.06.2012, he wrote to the head office of Boggle XpYB at Berlin and asked them to remove the keywords 'Best', 'Butter' and 'Chicken' claiming that these were his registered trademarks and it was an infringement of the marks to sell them to Tanmay as keywords. He attached a copy of his trademark registration. In reply, Boggle XpYB stated that one of the terms of their AdVerba Agreement was that trademarks cannot be used as keywords and whenever a trade mark proprietor makes a complaint that a Keyword being sold is a registered trademark in a jurisdiction, Boggle XpYB, pursuant to their own investigation, suspends the use of the keyword.
8. Subsequently though, on 01.07.2012, Boggle XpYB wrote to Tonmoy stating that in the opinion of their legal advisors, the keywords sold to Tanmay were not the trademarks of Tonmoy as on their own these words are part of the commons of the English language and in any case Tonmoy's mark has to be viewed as a whole and trademark law offers no protection to parts of a mark.
9. Tonmoy subsequently approached the Delhi High Court in C.S.(O.S.) No. 343/2012 seeking permanent injunction restraining Boggle XpYB from using the words contained in his trade mark as keywords and C.S.(O.S.) No. 344/2012 against Tanmay Murgwala

(1st Defendant) and Boggle XpYB (2nd Defendant) claiming infringement of his trademark and action for passing off. He also claimed that as per the terms of the Agreement of 01.01.1989, the mark 'Murgwala' and the goodwill associated with it belonged exclusively to him and the actions of the 1st Defendant in using that of keywords to advertise is an infringement of the trade mark of the Plaintiff.

10. At the same time, Tonmoy also decided to file an Information listed as Case No. 88/2012 in November, 2012 before the Competition Commission of India (C.C.I.) under Section 19 of the Competition Act, 2002, alleging that the Adverba Advertisements Scheme is an abuse of dominant position by Boggle XpYB and that it enters into anti-competitive agreements with the users of the programme due to the discriminatory practices which are adopted by the Company in the running of the Adverba Advertisement scheme resulting in denial of market access and restriction of provision of services as well as the violation of the intellectual property rights which had taken place in the particular case of the Informer, i.e., Tonmoy Murgwala.
11. In reply to the Suit, the 1st Defendant took the stand that the impugned keywords are only descriptive, generic or laudatory and that they ought not to have been registered as trade marks in the first place and counter sued for revocation of the mark's registration. The 2nd Defendant also stated that he had a right to trade in his own name and therefore the use of the keyword 'Murgwala' does not infringe the trademark of the Plaintiff.
12. The 2nd Defendant adopted the above arguments and also took the stand that it is merely a search engine and performs the function of a directory. They claimed that such use of the words was not 'use in the course of trade' and therefore no action for infringement aLily.
13. Meanwhile on 18.01.2013, the C.C.I. found that there was no contravention of the provisions of section 3 or Section 4 of the Competition Act, 2002 and accordingly, the matter was directed to be closed under the provisions of Section 26(6) of the Act. Tonmoy Murgwala immediately appealed against the decision of the C.C.I. in the Competition Appellate Tribunal (COMPAT).
14. On 15.01.2014, Delhi High Court heard both matters together and found in favour of the Defendants through common judgment dated 15.01.2014. The Plaintiff's appealed before the Division Bench of the Delhi High Court and the Appeal was dismissed at the admission stage itself. At the same time, the Competition Appellate Tribunal, vide its Order dated 16.01.2014, affirmed the Order of the C.C.I. dated 18.01.2013.
15. The Plaintiff-Appellant then appealed before the Supreme Court of India. Boggle XpYB also preferred to file a Statutory Appeal against the Order of the COMPAT dated

16.01.2014. On the Statutory Appeal coming up before the Hon'ble Supreme Court, It was prayed by the Counsel for Boggle XpYB that the Appeal may be tagged along with the Petitions/Appeals filed by the Plaintiff/Appellant/Petitioners against the Judgement of the Hon'ble Delhi High Court as they relate to the same issue in substance. The Petitions/Appeals as well as the Statutory Appeal have been admitted and are listed for final hearing.

ANNEXURE – I



ANNEXURE – II

*Tommy's Butter Chicken*



**MOOT PROBLEM FOR 2<sup>ND</sup> INTRA MOOT COURT COMPETITION, 2024**

**5 Year B.A/BBA/B.COM LL. B (HONS) SEMESTER IV & VI &**

**3 Year LL. B SEMESTER IV**

**Date of the Competition: - 30<sup>th</sup> March, 2024**

**SCHEDULE**

<b>S.NO</b>	<b>EVENT</b>	<b>DATE</b>
<b>1.</b>	Release of Moot Problem	11 <sup>th</sup> March, 2024
<b>2.</b>	Last date of Team Registration	21 <sup>st</sup> March, 2024
<b>3.</b>	Last date of Memorial Submission, Draw of lot and Memorial Exchange	28 <sup>th</sup> March, 2024
<b>4.</b>	Oral Rounds	30 <sup>th</sup> March, 2024

The Democratic Republic of IDEE (herein referred to as IDEE) is a country with a 1.4 billion population. It has an area of diverse flora and wildlife, and its civilization is a harmonious mix of people from diverse cultural backgrounds. IDEE is a modern and secular nation that values peaceful coexistence with its neighbours.

IDEE opened its economy to overseas companies in various sectors, resulting in a digital revolution during the last ten years. With this digital revolution embracing IDEE, a need for stricter laws was also felt, and steps were taken to promulgate the same.

Mr. Bajaj is a well-known businessman. His operations included Mining operations, Entertainment Industry and Portfolio management are spread worldwide. He was a well-reputed businessman and was credited for several leading companies which were listed on the Stock Exchange and was doing well for its stakeholders. In 2019 he introduced an app called “Playa.” It was a platform to share videos of self and was a huge hit amongst youngsters.

Mr Bajaj subsequently introduced an app called “Lily” which was an 18+ app in all leading app stores. It had explicit content which was being displayed by a premium subscription and would connect the user to one of the service providers who would be indecently clad and would do things on customer request. This app started to become a rage due to the ongoing COVID restrictions. The app boasted that it even had several high-profile clients, which included politicians, actors, etc.

Mr Watson was a well-known journalist working for a leading National Newspaper and was conferred several awards, trophies, civilian awards in other countries. He was considered an elite journalist and was respected by all political parties as well. He was credited for several leading works on women's rights and had devoted his entire career to the emancipation and upliftment of women.

Mr Watson, in one of his meetings with an NGO namely "Protection against Immoral Trafficking" (PAIT) was briefed about the "Lily" app which had started to create troubles due to exploitation, human rights abuse and several illegal detentions being conducted across IDEE. Mr Watson was perturbed and he was highly affected by the same. He, therefore, constituted an investigative unit to look into these allegations and protect such women who were being arrested without any reasonable cause.

On 7th July 2020, upon investigation, it was found that several actresses, as well as struggling models, were part of the app. They were working on this due to the high rate of return for a little screen time. This was followed by several sex workers who were also part of the app since there was a variety of users from all income strata. These sex workers were primarily arrested due to draconian legislation known as the Immoral Traffic (Prevention) Act, 1956. They considered sex workers as primary accused of being trafficked by national and international rackets of such traffickers. Further investigation showed that there were certain minor girls who were also involved and were being exploited.

On 28th September 2020, Mr Watson took out a full-page article in his national daily titled "Lily App certainly has a lot of thorns in it". He exposed the entire dealing under the Lily app to the shady deals, trafficking, exploitation of sex workers and minor girls as well as child pornography. This created a huge furore. All media houses went all guns out for the arrest of Mr Bajaj and to be punished with the maximum sentence possible. Media Channels started to investigate the matter and created a trial of its own to ascertain responsibility. They conducted interviews with several workers/employees of the app and exposed the dark side of the app.

On 19th November 2020, a special investigation team was constituted under the Federal Unit of Investigation (FUI), the leading Central agency for investigating grave sex crimes. Upon preliminary investigation, it was found that the app was funded by several dubious people residing in the State of Fount. In the investigation, it was found that this app was being used not only for illegal trafficking but also for money laundering under this garb.



On 9th December 2020, Mr Bajaj was arrested by FUI in the FIR No. 96/2020, lodged U/s 293, 294, 317, 339, 340, 341, 342, 354, 361, 362, 363, 365, 366, 366B, 367, 368, 370, 371, 372, 373, 375, 376, 506, 509 and 511 of IDDE Penal Code, Section 67 of The Information Technology Act, 2000 and Section 7, 8, 10, 10A, 18, 20 of the Immoral Traffic (Prevention) Act, 1956 and for a case under S. 4 of Prevention of Money Laundering Act, 2002. Mr Bajaj's lawyer applied for bail on 11th December 2020 to the Sessions Court in Thor.

Mr Bajaj being an important businessman and having sufficient means, was denied bail as he was an economic offender. It was also stated that he was a former Member of Parliament. It was believed that he would run from the country at the first instance to a state abroad. He repetitively applied for Bail in the Sessions Court as well as the High Court of Thor. He was denied bail in all attempts. Considering this, he moved to the Supreme Court of IDDE, wherein he stated that due to his ill health and age, the Court should grant him relaxations from arrest. The Barrister General filed a reply affidavit stating that the Court previously had not keenly taken up the "triple test" for grant/refusal of bail in Economic offences. Hence, the number of such cases increased. He suggested, the Centre wants strong guidelines to not allow bail to such powerful economic offenders who can go abroad and should reconsider its previous decision in light of such repeated incidents.

Meanwhile, Mr Watson and PAIT filed a petition before Supreme Court to recognize the right of Sex workers as it is not an immoral act as well as they would be better protected if they were recognized under the law for several benefits and aids which are currently not provided under any legal framework.

Another NGO petitioned before the Supreme Court, namely Susan, who stated that there are no laws governing such content and its regulation over digital media and apps. Furthermore, they stated that the Supreme Court's directions on Child porn are still not being observed which breaks the fabric of the society and will rather have lasting effects. They stated that the lack of such enforcement has encouraged such digital media apps and such outlets to push such apps under covert or disguised form and no intermediary or service provider is taking any responsibility for such takedown.

Further, two actresses, namely Ms Rose and Ms Lisa who were alleged to be part of the app were considered as All-stars. They alleged they were being targeted by various groups for such immoral acts. They were being attacked and scrutinized to the extent that their privacy and image were not being protected due to the media trial being conducted by the news channel. The Actress sought protection from the police which was denied. Furthermore, they requested the

Ministry of Technology to direct these websites to take down this false and propagandist news as all endorsements and brands were pulling out their contracts with them. They moved to the Court seeking protection as it impeached their privacy and caused havoc in their personal and professional life.

Supreme Court considering such common cause of action and legal questions regarding and relating to the “Lily App” clubbed the matters for final hearing. The questions of law for determination are: -

1. Whether Mr Bajaj is entitled to bail in criminal case registered vide FIR No.96/2020?
2. Whether Sex workers have an inherent right of trade and occupation?
3. Whether there exists any enforcement/implementation mechanism against child porn content?
4. Whether Ms Rose and Ms Lisa have an inherent right of privacy against media trials?

NOTE: IDEE has adopted the Constitution of India verbatim, and all the laws and regulations, including the prevailing circumstances as in India, shall be squarely applicable to IDEE verbatim. All the statutes cited for IDEE may be read and applied verbatim as per the Indian statutes. All the sections of every law in India are open inter alia ambit of the question of law. Participants can further come up with additional issues.

Disclaimer: The Moot Proposition is entirely fictitious and was drafted only for the Moot Court Competition. The individuals, institutions, organizations, and events portrayed in this Moot Proposal are all made up. Any resemblance to actual people or events is entirely accidental and unintended. The contents of the Moot Proposition are not intended to defame/denigrate/hurt the feelings of any individual(s), institution, community, organization, or class of individuals.

## **IILS MOOT COURT SOCIETY RULES & PROCEDURE:-**

### **RULES:-**

1. The participating teams or any of its members are not allowed to back out later otherwise; strict actions will be taken by the Disciplinary Committee of the Institution.
2. The memorial exchange shall take place during the allotted time and date in hard copy only.
3. The participating team or any of its members shall not be late on the date of the competition. Their entry into the premises is not the duty of the MCS. Their impunctuality might lead to the cancellation of their participation as well.

### **TEAM COMPOSITION:-**

1. Each team shall consist of three members, comprising two speakers and one researcher.
2. Students willing to participate can form team within their year (MCS shall bear no responsibility for team formation).
3. Any alteration in the names of the team members shall be informed to the respective team Coordinator before the last date of registration. However, any such alteration shall be permitted only once.

### **PARTICIPATION AND REGISTRATION PROCEDURE: -**

1. Interested teams shall register themselves by filing a google form. Each team shall fill a single google form.
2. Memorial submission is mandatory in order to appear for the oral rounds.
3. No person-to-person query will be entertained; every query will be entertained through respective team Coordinator only.
4. For further information of dates please refer to the Timeline/Schedule attached.

### **MEMORIAL SUBMISSION GUIDELINES & RULES:-**

The following guidelines for the memorials must be strictly followed. Non-compliance will entail penalties as provided below: -

1. Teams have to prepare memorials for both sides.
2. Teams shall submit hard Copies of the Memorandum from the side which appears in

their draw of lots.

3. The memorials have to be submitted on A4 size paper, and must contain the following sections.
  - a. **COVER PAGE;**
  - b. **TABLE OF CONTENTS;**
  - c. **INDEX OF AUTHORITIES;**
  - d. **STATEMENT OF JURISDICTION;**
  - e. **STATEMENT OF FACTS;**
  - f. **STATEMENT OF ISSUES;**
  - g. **SUMMARY OF ARGUMENTS;**
  - h. **ARGUMENTS ADVANCED;**
  - i. **PRAYER**
4. The memorials must be printed in **Times New Roman 12 font size** with **1.5 line spacing**. The **footnotes** must be in **Times New Roman 10 font size with 1.0 line spacing**. And should contain the **'Team Code'** on the cover page. (**Top-Right Corner**)
5. The memorials should have a margin measuring one inch on all sides of each page.
6. The page numbering should be on the bottom of each page.
7. **The Petitioner/Complainant/ Appellant's memorial cover page shall be Blue Color A4 size, and Opponent/Respondent's memorial cover page of Red Color A4 size.**
8. The teams have to use the latest edition of Blue Book for citation format throughout the memorial.
9. **The maximum scores for the memorial shall be 100 marks. The memorials shall be evaluated on the following criteria** and any non-compliance with above criteria shall result in penalty of 2 marks per missing section.

<b>PARTICULARS OF MARKS</b>	<b>MARKS</b>
Knowledge of Facts & Law	25
Extent & Use of Research	25
Analysis	20
Clarity & Organization	10
Format & Citation	10
Grammar & Style	10
Total	100

**ORAL ROUND:-**

**1. Preliminary round: -**

- a. Each team will get a total of 20 minutes to present their case. This time will include rebuttal only. No sur-rebuttal is allowed however, it depends upon the discretion of the Judges. Any time exceeding the allotted time shall be penalized. The penalty shall be of 1 mark for every two minutes exceeded. However, extension of time is permissible at the discretion of the Judges.
- b. The division of time per speaker is left for the discretion of the team subject to a maximum of 12 minutes per speaker.
- c. The oral argument should be confined to the issues presented in the memorial.
- d. Strict Adherence to Court Manners along with the dress code as prescribed by the Bar Council of India shall be observed by all the participants.

**2. *The preliminary oral round shall be judged on the following criteria:***

<b><u>PARTICULARS OF MARKS</u></b>	<b><u>MARKS</u></b>
Knowledge and Application of Laws & Facts	10
Ingenuity & Ability to Answer Questions	10
Style, Poise, Courtesy & Demeanour	10
Organisation & Flow of Arguments	10
Time Management	10
<b>TOTAL</b>	<b>50</b>

**FINALITY OF DECISION:-**

**The decision of the Judges with regard to the outcome of the round shall be final.**

## **STEP BY STEP GUIDE FOR YOU TO EXCEL AT YOUR ORAL ROUNDS**

### **STEP 1: TAKE PERMISSION BEFORE BEGINNING**

- ✓ Speaker: The counsel seeks permission to approach the Dias.
- ✓ Once the Judge nods/says in affirmation granting you the permission to approach the Dias then say “Much Obligated”
- ✓ Nowadays, many competitions are held online and therefore you can leave the above step if the moot court competition you are participating is held virtually.

### **STEP 2: GREET THE JUDGES**

- ✓ Only male judges or only lady judges are present then you can use the following phrase:
- ✓ Speaker: If it may please, the counsel seeks permission to address the bench as your Lordship/ Ladyship.
- ✓ Then say: “Much Obligated your Lordship.”
- ✓ When the bench consists of both male and female judges:
- ✓ Speaker: The counsel recognizes the gracious presence of your Ladyship, however, for the convenience of the proceedings, the counsel seeks permission to address the bench as your Lordship/Ladyship.
- ✓ Then say: “Much obliged your Lordship/Ladyship”

### **STEP 3: BEGIN WITH THE NAME OF THE CASE AND JURISDICTION**

- ✓ Speaker: The counsel is appearing before the Hon’ble Court in the matter of TBC v. XYZ, on behalf of the Appellants/Petitioner under..... (whatever your jurisdiction is).
- ✓ If you are the Respondent or Defendant, then you may say: The counsel is appearing

before the Hon'ble Court in the matter of TBC v. XYZ, on behalf of the Respondents in response to the petition/appeal filed under (whatever your jurisdiction is).

#### **STEP 4: LET THE JUDGE KNOW THE ISSUES INVOLVED**

- ✓ Speaker: Your Lordships, there are three (change it according to the number of issues present in your case) main issues involved in the present case.
- ✓ The counsel will be dealing with the first and the second issue and would be speaking for \_mins, and the co-counsel would be dealing with the third issue and would speak for mins, respectfully reserving mins for the rebuttals. [The time limit for each speaker would be told to the team before the rounds. So, you need to make the changes accordingly.]

#### **STEP 5: LET THE JUDGE KNOW THE FACTS OF THE CASE**

- ✓ Speaker: The counsel seeks permission to begin with the Statements of Facts.
- ✓ Much Obligated your Lordship [You can state the statement of facts during the prelims. However, for the quarters/Semi-finals/Finals, the speaker can directly ask if your lordship is well versed with the facts, the counsel seeks permission to proceed with the pleadings.]
- ✓ Note: Make sure you state only relevant facts. Also, do not extend your facts for more than 30 seconds.

#### **STEP 6: PROCEED WITH THE PLEADINGS**

- ✓ Speaker: The counsel seeks permission to proceed with the pleadings.
- ✓ Your lordship, the first issue is....., which the counsel would be establishing on three grounds (grounds are your sub-issues). You first list down your grounds and then you say that, proceeding with the first Issue....
- ✓ For Example:

- ✓ If your argument is that the new Law violates Article 14 of the Constitution of India, then the pleadings would be:
- ✓ Your lordship, the first issue is that the new Law violates Article 14 of the Constitution of India, which the counsel would be establishing on three grounds,
  - ❖ First, the new law is arbitrary
  - ❖ Secondly, there is no rational nexus with the object of the new law
  - ❖ Thirdly, the new law is not based on intelligible differentia.
- ✓ Make sure to refer the judges to your memorial and the moot problem to keep him/her engaged in between your speech.
- ✓ After the first speaker is done, he/she will have to say your lordships, now the co-counsel would be dealing with the third issue.

**STEP 7: LET THE SECOND SPEAKER BEGIN AND CONCLUDE WITH THE PRAYER**

- ✓ Second Speaker: if your lordships are satisfied with the pleading submitted in the 1<sup>st</sup> and the 2<sup>nd</sup> issue, the counsel seeks permission to begin with the pleadings for the 3<sup>rd</sup> issue.
- ✓ [However, this can also act against you. If you feel the judges are not getting convinced with the first speaker, don't even ask this, directly start with the 3<sup>rd</sup> issue]
- ✓ And then take permission for prayer which should be absolutely memorized.
- ✓ After you are done with your prayer, you may say, it was pleasure arguing before the court.

**STEP 8: SOME TIPS TO KEEP IN MIND**

- ✓ Make sure the speech sounds natural.
- ✓ Be clear with the basics on which the Judges may question you.



- ✓ Say in deed your lordship and certainly not your lordship.
- ✓ If there comes a situation where the judges are questioning you for very long and you didn't have much time left to complete your arguments or issue, then ask the Judges for a minute or two to just sum up your arguments. Even if you have two minutes left you will have to speed up with only the most relevant points.

