



SCOTTISH MOOT COURT, 2025

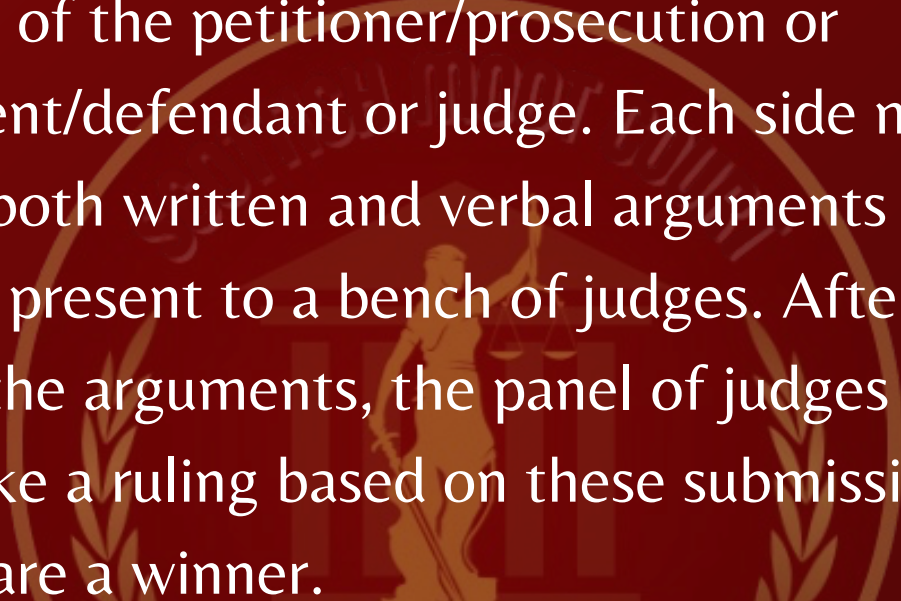
RULES OF PROCEDURE

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WHAT IS A MOOT COURT?

Moot courts are a simulation of how Indian Courts actually function. Students are given a case and will take on the role of either the advocate of the petitioner/prosecution or respondent/defendant or judge. Each side must prepare both written and verbal arguments which they will present to a bench of judges. After hearing the arguments, the panel of judges will then make a ruling based on these submissions and declare a winner.



FLOW OF PROCEDURE

CRIMINAL CASES:

1. MEMORIAL
2. ORAL ROUND (OPENING ARGUMENTS) & WEIGHING BY JUDGES
3. INTRODUCTION OF STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET) & WEIGHING BY JUDGES
4. PLEA SUBMISSION & ISSUANCE OF ORDERS
5. TESTIMONY (DIRECT AND CROSS EXAMINATION)
6. ORAL ROUND (CLOSING STATEMENTS)
7. JUDGEMENT/VERDICT

Note: The following are the courts with criminal cases at SMC 2025:

1. The Dindoshi Sessions Court
2. Sessions Court, Chandrapur
3. The Tiruppur Sessions Court
4. The N.I.A. Special Court [Guwahati]

FLOW OF PROCEDURE

CIVIL CASES:

1. MEMORIAL
2. ORAL ROUND (OPENING ARGUMENTS) & WEIGHING BY JUDGES
3. INTRODUCTION & WEIGHING OF STATEMENT OF PAST PRECEDENTS
4. ISSUANCE OF ORDERS
5. SUBMISSION & DISCUSSION OF AFFIDAVITS
6. ORAL ROUND (CLOSING STATEMENTS)
7. JUDGEMENT/VERDICT

Note: The following are the courts with civil cases at SMC 2025:

1. The Supreme Court of India
1. The Delhi High Court

MEMORIAL

Note: For memorials, the same rules apply to both criminal and civil cases.

The memorial is a document that must consist of the crux of the arguments of a side as well as a brief on how one side is going to demonstrate what they seek to achieve and what needs to be demonstrated in order to establish their standpoint. It must also contain a prayer before the bench to establish what exactly you aim to achieve from filing the suit or arguing that particular case.

MEMORIAL

Regulations:

1. The memorial format is given in Annexure II of this document
2. The memorial must be submitted 2 days before the event (i.e. on or before the 20th of August 11:59 p.m.)
3. The memorial must contain
4. The Primary Arguments for your side (2-3 pages)
5. The brief on how you would like demonstrate your side's standpoint (2-3 pages)
6. Any supplementary information or data that you were referring to or you would like to refer to establish your case or arguments in point (a. & b.) (optional)
7. The memorial must end with a prayer containing what exactly you aim to achieve from this case or what you want from this case or what do you want from the judgement exactly with legal references (1 page)

ORAL ROUND (OPENING ARGUMENTS)

Note: For opening arguments, the same rules apply to both criminal and civil cases.

Regulations:

1. Each side is allotted 25 minutes in total
2. Any individual speaker cannot speak for more than 10 minutes
3. After completing his/her speech, the same speaker cannot speak again in this round
4. Each participant from a side must speak at least once.
5. The prosecution/petitioners must speak first

Opening arguments in moot court, also known as oral arguments or introductory speeches serve as a critical component of the proceedings. They allow advocates to set the stage for the case, provide a clear understanding of the situation, and outline their stand or position on the legal issues in question. It serves to engage judges, clarify the case's essence, and establish the advocate's stance, setting the tone for subsequent arguments and emphasising key legal points. Opening arguments are an opportunity to make a strong first impression and to frame the case in a way that benefits the respective sides.

ORAL ROUND (OPENING ARGUMENTS)

FILAC METHOD:

FILAC stands for Facts, Issues, Law, Analysis, and Conclusion.

It is highly suggested that the participants use this format to go about their Opening Statements, by beginning with the Facts of the Case and concluding with their brief conclusion.

- Facts:

This involves identifying the key facts of the case, including the parties involved, the events that led to the dispute, and the claims made by each party.

- Issues:

This step focuses on defining the specific legal questions that need to be addressed in the case.

ORAL ROUND (OPENING ARGUMENTS)

- Law:

Here, legal principles, statutes, and relevant precedents are researched to understand the applicable laws related to the case's issues.

- Analysis:

This involves applying the relevant laws to the facts of the case to analyze the legal issues and determine potential outcomes.

- Conclusion:

Finally, the analysis leads to a conclusion, summarizing the court's decision and the reasoning behind it.

Study the 5 parts of the Opening Arguments and apply them accordingly. (it is not compulsory to but is highly recommended)

ORAL ROUND (OPENING ARGUMENTS)

The Weighing of Opening Rounds by Judges:

Regulations:

- The judges are given 8 minutes to question per side
- The judges can engage in cross questioning provided that:
 1. The decorum of the court as prescribed in Annexu I of The SMC Rules Of Procedure is adhered to.
 2. The cross questioning is only occurring between two persons
 3. Both the people in this case wait for the other person to complete before asking
- One Judge may ask questions for a maximum of 3 minutes per side
- Each judge must compulsorily ask 3 questions per side

ORAL ROUND (OPENING ARGUMENTS)

After completion of oral rounds of a side the judges are given a stipulated amount of time to question the side on their arguments, using the same principles of FILAC (Facts, Issues, Law, Analysis, and Conclusion) the judges may form their questions.

The judges must question any and all fallacies that they find in the arguments of either side in a neutral manner.

The primary task of the judges during the Oral Rounds (Opening Arguments) is to form questions based on both sides' arguments ensuring no fault in argument is left out.

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

Note: This feature is only applicable to criminal cases. The Statement of Facts and Issues is used to introduce evidence that will back up your sides' argument. It is like an Evidence Packet. Evidence packet is the document that contains all your evidence. It needs to be titled and formatted correctly as it will be scrutinised by the judges. It will be read out in court.

Regulations:

1. Each side must prepare a statement of facts and issue and submit it 2 days before the event (i.e. on or before 20th August 11:59 p.m.).
2. All Statements submitted after the due date shall be strictly not accepted, without any exceptions.
3. This is a document that must contain all pieces of evidence relevant to the case (particularly your side) to support and strengthen your arguments.
4. The maximum number of pieces of evidence that can be presented is set at 5
5. The format for this document is given below

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

Online source based evidence (not applicable in fictional cases, unless it is a research paper or any other such supporting evidence) (Type 1)

1. Title given to that piece of evidence
2. The evidence in the form of a paragraph
3. A brief about it of not more than 75 words
4. The hyperlink to the article or website from which the paragraph was sourced
5. The author of the article, if any
6. The date the article was published
7. The articles of the Constitution, laws, rules, regulations or precedents set by the courts in previous rulings that are being violated
8. The hyperlink to the particular article, law or ruling.

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

A list of trusted news sites or websites are:

The Print

Any website of an Indian government authority or agency (ending with .gov)

Any UN website

Reuters

The Times of India

The Economic Times

The Indian Express

The Hindu

The Hindustan Times

India Today

These are the news sites we recommend.

However, if you can prove the trustworthiness of some other news site, you are free to use them.

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

Or (Type 2) [Material/Physical Evidence]

1. Name of the evidence
2. The evidence (for material evidence, picture will do)
3. A brief about it of not more than 75 words
4. Your Source (not to be mentioned if it is in the study guide)
5. Under what section of BSA (Bhartiya Sakshya Adhiniyam)/ Indian Evidence Act, (depending on case freeze date) is this evidence admissible
6. What are you trying to demonstrate through this piece of evidence

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

Presenting of Facts and Issues:

Regulation:

- Each side will get 3 minutes per piece of evidence to talk about it (i.e., a maximum of 15 minutes since the maximum number of pieces of evidence is 5)
- During this time its relevance and what is its aim to demonstrate and what is its source must be discussed

Weighing of Facts and Issues by Judges:

Regulation:

1. Judges after each side present their documents shall question them on the evidence presented for 5 minutes totally (i.e. 2:30 per side)

STATEMENT OF FACTS AND ISSUES (EVIDENCE PACKET)

2. Rest, same rules of questioning apply as for the Opening Rounds

3. The judges primary objective is to scrutinize the document as much as possible



PLEA SUBMISSION & ISSUANCE OF ORDERS

Note: This feature is only applicable to criminal cases. After the presentation of statement of facts and issues both sides must submit a plea:

- Prosecution - for continued remand or custody of the accused
- Defence - for Bail of the accused

The format for both applications are attached in Annexure II of this document.

Regulations:

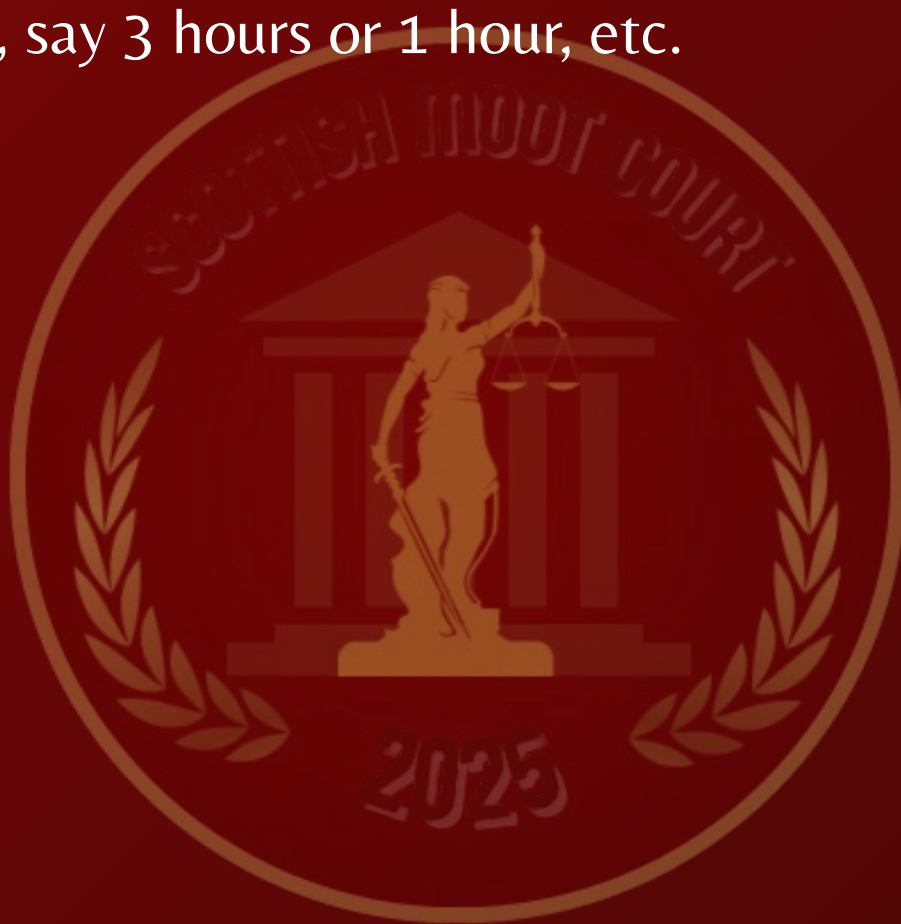
1. Before the submission of these applications each side will get up to 5 minutes of deliberation on their respective application.
2. Each side may get up to 10 minutes of time to prepare and submit a bail application, which must be well formatted and must comply with the prescribed format as mentioned in the Annexure II of this document.

PLEA SUBMISSION & ISSUANCE OF ORDERS

3. If there is any mistake or error regarding the formatting the application is automatically rejected.
4. Lastly the judges after scrutinizing the application and looking closely at the arguments and evidence presented must vote and draft an order in the 10 minutes while the applications are being prepared.
5. The format for the order is prescribed in Annexure II of this document
6. After thoroughly studying the application on their contents and formats they may deliver their order and give a short 3 minute speech on their order and rationale behind it.
7. The order must be implemented with immediate effect.

PLEA SUBMISSION & ISSUANCE OF ORDERS

8. .The orders must be realistic,
E.g. The order cannot grant bail for 2 days or so,
considering the limitation of the competition, it
must be, say 3 hours or 1 hour, etc.



TESTIMONY

Note: This feature is only applicable to criminal cases.

Preparation of Witnesses:

Regulations

1. The witness chosen must be a person related to the case in some form or the other
2. The witness can be an expert to support the case of a side, he/she must be a real person who has excelled in his/her field; he/she can be person who has not been mentioned in the case guide
3. The Witnesses will be assigned to each side one day prior to the commencement of court proceedings (i.e. 21st of August 2025)
4. Each side can present upto 4 witnesses (preferably 3).
5. It is the responsibility of the advocates to train their witnesses for the witness examination.
6. A document with the title witness list must be made and submitted 2 days prior (i.e. on or before 20th of August 11:59 p.m.).

TESTIMONY

7. Each side may speak to the witnesses for a short period of time to prepare them; they will be provided to you before hand and adequate time for preparation will be allotted

8. The witness can only be told the facts and what their background, role and what exactly are they important for. Any information apart from this is strictly prohibited and will lead to disqualification.

This is when lawyers question witnesses to support their case. The witness first presents their side of the case, which is called the witness statement, and then questions are raised.

Direct Examination:

When lawyers question their own witnesses, it's called 'direct examination', and they aim to gather helpful information. It is a way of presenting your side of the case through someone else.

TESTIMONY

Cross Examination:

When they question the other side's witnesses, it's known as 'cross-examination,' and the goal is to show that the witness may not be trustworthy or that their story doesn't add up. When judges ask questions to the court's witness, it's referred to as 'judge's evaluation'. It's a crucial moment to prove points or challenge the other side's arguments.

Regulations:

1. Each side gets 5-7 minutes per witness for direct examination.
2. After which the opposite side will get 10-15 minutes for cross examination.
3. There will be no re-examination
4. Objections may be raised during cross examinations only. If asked for, rationale for such objections must be provided

TESTIMONY

5. The judges may also question the witness if the lordship/ladyship feels the need to scrutinize but must be done after the completion of direct or cross examination of the side.

6. The Executive Board will sustain or overrule any objection made

False Testimony:

If a witness is caught contradicting their own statements made in court, they can be immediately invalidated. The final decision is taken by the Chair. If a judge or an advocate can prove that the witness has made a false statement, they may submit their evidence to the Chair. The Chair, after considering the trustworthiness of the source, will decide whether or not to invalidate the witness. For example, Witness A claimed he had never worked for the government. A judge finds a record in a government website of the witness having worked as a manager in a Post Office.

TESTIMONY

The judge will then send a hyperlink of the particular page in the government website to the Chair and the Chair will decide whether to invalidate the witness or not. False evidence is similar to the concept of 'perjury' of the Western justice system. If a witness is caught intentionally or voluntarily lying or making false statements, when they have been called to the stand and are under oath, they and anything they have said in court will be invalidated and cannot be considered by the judges during deliberation.

Objections:

During cross examination, advocates may raise objections to shield their witnesses from a misleading, irrelevant or forceful line of questioning.

TESTIMONY

The objections are:

Hearsay - This objection can be raised when the advocate has asked something based on facts from an unreliable source. It may also be raised when the advocate asks an out-of-court personal question.

Leading Question - This refers to questions with question tags. An advocate is not allowed to question the witness in a manner which is suggestive in nature.

Speculation - This objection may be raised when a future event is being anticipated.

Irrelevance - Questions which may elicit an answer but do not pertain to the case being discussed may be objected against

TESTIMONY

Badgering.- If the advocate not questioning the witness feels that the manner in which the other advocate is questioning the witness is intimidating or may affect the witness' response, this objection may be raised.

Competence - If the advocates not questioning feel that the witness is making a statement, he/she is not qualified to make, this objection may be raised.

Argumentative- when the questions directed to the witness attempt to influence the witness' testimony by inserting the attorney's (or self-represented party's) interpretation of the evidence into the question, or directly challenge the witnesses's credibility, objection argumentative can be raised.

STATEMENT OF PAST PRECEDENTS

Note: This feature is only applicable to civil cases.

A comprehensive document containing the details of past precedents supporting your case

Regulations:

1. The document shall have 4 past precedents related to the case in some form or the other
2. If the mentioned judgement has been overruled, that judgement will not be admissible and be automatically struck out
3. This document must have the following
 - The Case name, year of verdict and which court delivered the verdict you provide
 - PDF link of entire judgement
 - The paragraphs from the verdict which are most applicable and required (not more than 5)
 - A short 75 word brief summary of why this case and what are you trying to demonstrate through the judgement

STATEMENT OF PAST PRECEDENTS

4. Each side must prepare The document of Past precedents and submit it 2 days before the event (i.e. on or before 20th August 11:59 p.m.).

Presenting of Statement of Past precedents:

Regulations:

1. Each side will get 5 minutes per clause to talk about it,
2. During this time its relevance and what is its aim to demonstrate and what is its source must be discussed

Weighing of Statement of Past precedents:

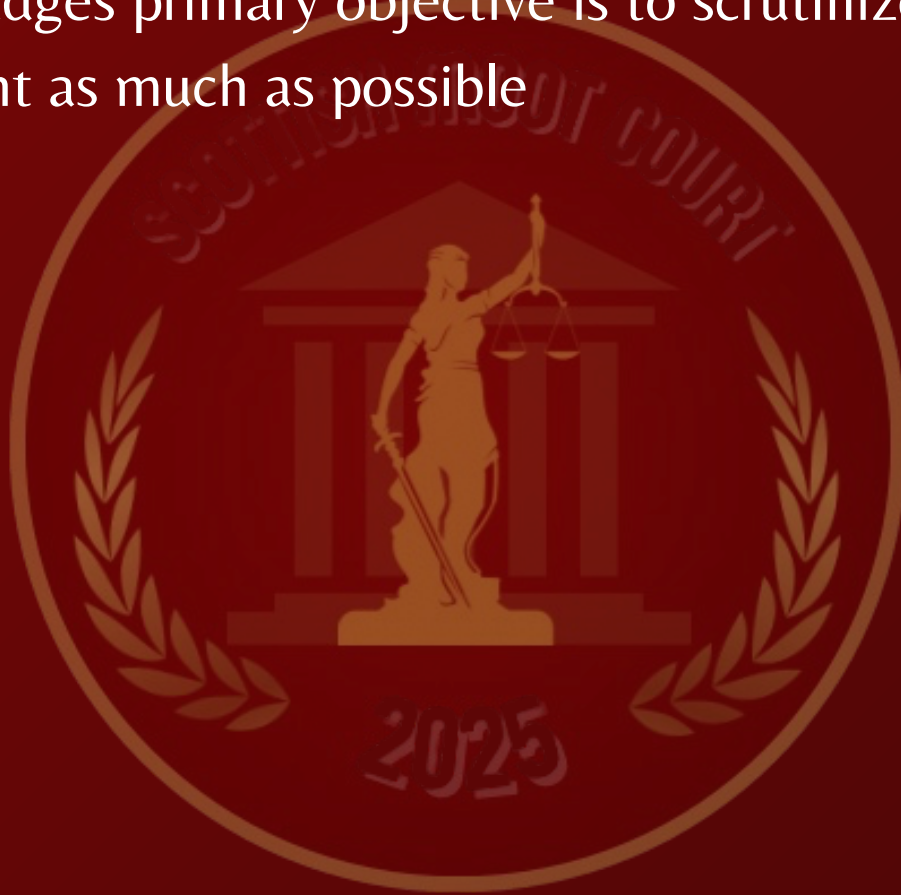
Regulations:

1. Judges after each side presents their documents shall question them on the past precedents presented and their arguments for 5 minutes totally (i.e. 2:30 per side)

STATEMENT OF PAST PRECEDENTS

2. Rest, same rules of questioning apply as for the Opening Rounds

3. The judges primary objective is to scrutinize the document as much as possible



ISSUANCE OF ORDERS & AFFIDAVIT SUBMISSION

Note: This feature is only applicable to civil cases. After the presentation of document of past precedents, there will be issuance of orders

Regulations:

1. After the aforementioned there will be orders given to both parties to submit affidavits, these orders will be premade by the judges based on the memorials submitted by each side and must submit in the morning of the court proceedings
2. The order must entail exactly what is required to be presented by both parties in the affidavit
3. The format will be the same format of court order prescribed in Annexure II of this document

ISSUANCE OF ORDERS & AFFIDAVIT SUBMISSION

4. After the order is deliberated upon (the judges get 3 minutes per side to read and give a short speech on the rationale of the order).
5. After the deliberation both sides will be given 75 minutes to formulate their affidavits based on the format prescribed under Annexure II of this document
6. Violation of formatting rules will result in the affidavit not being considered at all.
7. The affidavits must be submitted to the Executive Board at or before the prescribed time.

Affidavits Deliberation

An affidavit is a written statement of facts voluntarily made by an individual under oath, typically before a Notary Public or other legal authority. It's a sworn declaration that the information provided is true to the best of the individual's knowledge, and it can be used as evidence in legal or official proceedings.

ISSUANCE OF ORDERS & AFFIDAVIT SUBMISSION

Regulations:

1. After submission of the affidavits each side shall get up to 15 minutes to discuss and argue on their affidavit and the judges post this shall get 4 minutes to ask questions.
2. The judges shall heavily scrutinize the affidavit and their side arguing for it
3. After this both teams can call upon the head of the other side and question him/her thoroughly for 10 minutes on their affidavit

ORAL ROUND (CLOSING ARGUMENTS)

Note: This feature is applicable to BOTH civil and criminal cases.

Regulations:

1. Each side is allotted 15 minutes in total
2. One speaker cannot speak for more than 7 minutes
3. After completing his/her speech, the same speaker cannot speak again in this round
4. Each participant from a side must speak at least once
5. The prosecution/petitioners must speak first

The closing statement is the last part of a moot court presentation. It's when the advocates sum up their main arguments, remind the judges of their position, and try to persuade them one last time.

Instead of repeating everything, they highlight the most important points and evidence. During this part, advocates use strong and convincing language to make their case stick in the judges' minds. They might also address any doubts or opposing arguments that came up earlier.

ORAL ROUND (CLOSING ARGUMENTS)

The closing statement is a powerful way to leave a strong impression and make the judges remember why your side should win. It's like the grand finale of the competition and can make a big difference in the judges' decision.

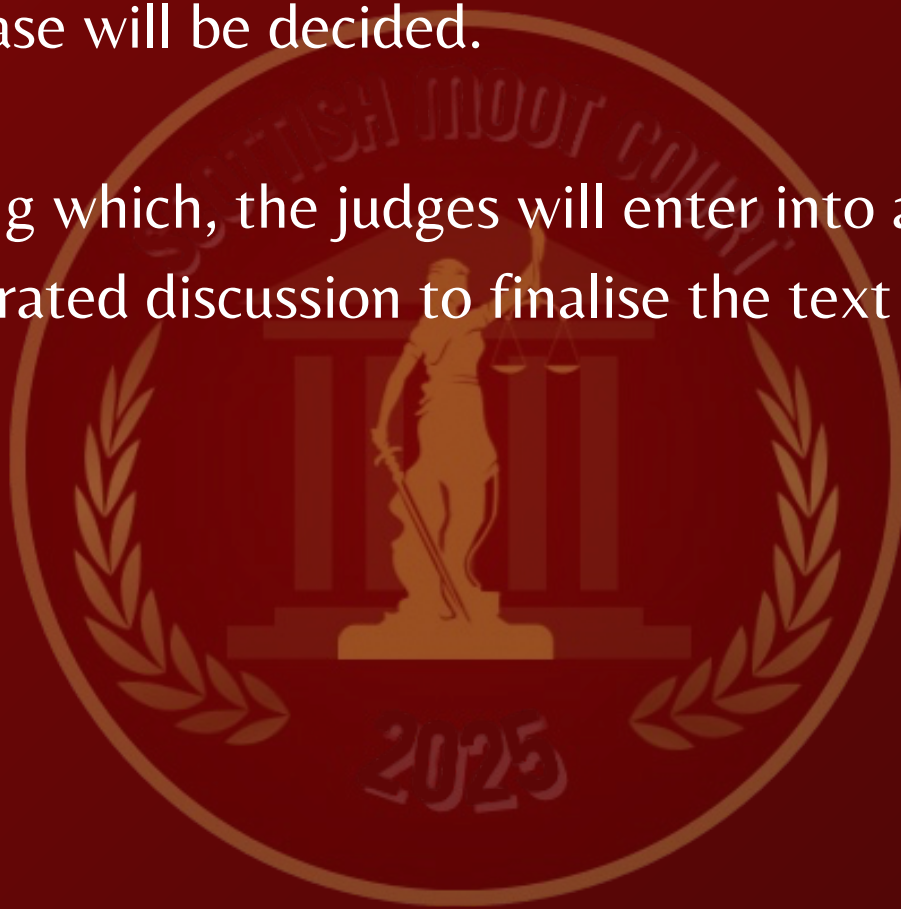
The same procedure as Opening Statements will be followed here. Each side of advocates will get a total of 15 minutes to speak. They are free to divide the time amongst themselves how they see fit. However, each advocate must speak at least once and no one can speak for more than 7 minutes.

After one side finishes its speech, 5 minutes will be allotted for questions by the judges and the opposing side. The advocates of the plaintiff will speak first, followed by those of the defendant.

ORAL ROUND (CLOSING ARGUMENTS)

During deliberation, each judge will get 2 minutes to speak on which side they think they should win and why. After this, a vote will be taken and the winner of the case will be decided.

Following which, the judges will enter into an unmoderated discussion to finalise the text of the verdict.



JUDGEMENT/ VERDICT

Note: This feature is applicable to BOTH civil and criminal cases.

Regulations:

1. After completion of the Closing Arguments the judges must vote on their decision and make a brief judgement and submit it to the Executive Board
2. The format for the judgement is prescribed in Annexure II of this document

After deliberation, the judges will read out their verdict. The verdict must not only include which side won, but also the reasoning behind the verdict. It should include the court's instruction to the various parties involved, in order to remedy the situation. It should include the punishment given to a party, if any, in the form of imprisonment or fine. This must be according to the Constitution of India and the Bharatiya Nyay Sanhita. After all presentations, arguments, and witness testimonies in a moot court competition, the judges convene for a crucial phase known as "Deliberation".

JUDGEMENT/ VERDICT

During this time, the judges carefully review and discuss the performance of both competing teams (prosecution/petitioners and defendant/respondents).

They assess the strengths and weaknesses of each side's arguments, the quality of evidence presented, and the overall persuasiveness of the presentations.

This phase often involves a thoughtful and detailed conversation/argument among the judges, where they consider various aspects of the competition. They may weigh factors such as legal proficiency, the ability to apply relevant laws and precedents, effective communication skills, and the coherence of the arguments presented.

GENERAL RULES

1. The use of AI tools for drafting any kind of paperwork or writing speeches is strictly prohibited. Not adhering to the same may result in severe consequences including but not limited to disqualification from accolades, etc.
2. In case of conflict between a piece of information in the study guide and a piece of information from any other source, the information stated in the study guide shall hold true.

Regarding Paperwork

1. All forms of paperwork unless asked otherwise, must be submitted in PDF format.
2. If any formatting error is found in the paperwork, that paperwork must be deemed null and void and must under no circumstances be considered or be discussed
3. No paperwork submitted after the deadline can be accepted
4. All paperwork must be submitted to scottishmootcourt@bombayscottish.in at the prescribed deadline

ANNEXURE I

Decorum of Court

Violation of Decorum of Court in India refers to actions or behaviour that undermine or obstruct the authority, dignity, or proceedings of the court. It can include actions such as disobeying court orders, interfering with the administration of justice, or making derogatory statements about the judiciary that scandalise or lower its authority.

A] The breach of court decorum encompasses the following elements:

- 1) Disobeying Court Orders: Failure to obey court orders, instructions, or directives from the judge can be considered a violation of decorum.
- 2) Contemptuous Language or Conduct: Using disrespectful, offensive, or insulting language or gestures toward the judge, opposing counsel, witnesses, or other participants in the courtroom.

ANNEXURE I

3) Interrupting or Talking Out of Turn: Speaking without permission or interrupting when it is not one's turn to speak during proceedings.

4) Failure to Maintain Orderly Entry and Exit: Disorderly entry into or exit from the courtroom can disrupt proceedings and are seen as a violation of decorum.

5) Failure to Show Respect: Not showing due respect to the judge, court officials, or other participants in the courtroom can be a violation of decorum.

6) Improper Conduct Toward Witnesses: Treating witnesses in a disrespectful, intimidating, or harassing manner can violate decorum and hinder the pursuit of justice.

ANNEXURE I

7) Use of electronic devices: Participants are permitted to use laptops and cell phones during the proceedings. However, it is essential to ensure that electronic devices are adequately charged.

Wifi will not be provided. Participants are reminded that the use of electronic devices during court proceedings is subject to the condition that such usage must not disrupt or show disrespect to the judicial process.

Any violation of court decorum resulting from the improper use of electronic devices may be considered a breach of protocol and may be addressed accordingly.

ANNEXURE I

B] The penalties for the aforementioned breach of court decorum are as follows:

In the event that a breach of court decorum has been duly acknowledged by the presiding Chairperson of the court, the following measures shall be instituted:

- 1) Upon the first warning, the offender shall be temporarily suspended from court proceedings for a duration of five minutes.
- 2) Upon the second warning, the individual shall face a suspension lasting ten minutes or more, at the discretion of the EB.
- 3) A third warning shall lead to the exclusion of the offending party from eligibility for awards or recognitions.
- 4) A fourth and final warning shall result in a complete ban from further participation in court proceedings.

ANNEXURE I

3] Official Languages

The official language of the Scottish Moot Court is English. All rounds on the final day shall be conducted in English.



ANNEXURE II

Sample Documents:

SMC SAMPLE PAPERWORK

(CLICK TO OPEN LINK)

