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Abstract

Moots Courts have come to be widely revered as a co-curricular activity which is crucial for a law student to gain an insight into the practical aspects of the law. A simulation of real-life courts, they are deemed to be an effective tool for nurturing advocacy and acquainting students with the art of arguing and court craft. This particular book is one written with the purpose of practical training of students. An amalgamation of twenty-six moot problems, based on varied areas of law with the problems ranging from direct to complex and intricate, this book presents a variety of options for one to choose from. The review hereby seeks to delve into the purpose of the book, analyzing the utility of the same for readers and emphasizing on skills that mere reading of these select few propositions will help one develop. Furthermore, a brief assessment of the experience that one can hope to garner from the mix and match of the different types of propositions has been carried out to highlight the importance of the book.

Introduction

"Knowledge without practice is like a glass eye, all for show, and nothing for use".

- George Swinnock

More often than not, "Don't judge a book by its cover" is a wise advice to heed. However, this book is one where the title says it all. Ironically, unlike the actual substance of the

book, the title is straightforward and enough for one to discern what exactly the book is about. An initiative by Vivekananda Institute of Professional Studies, 'Moot Problems' is an absolute delight for anyone looking to get a taste of what mooting in a law school is all about.

However, for a novice not yet introduced to the world of late nights and relentless readings, what a 'Moot" is may itself prove to be an enigma. The term 'moot' *per se* signifies two different meanings. On one hand, the generic meaning of the word denotes it to be something that has *'little or no practical relevance'*, while on the other, as in this context, it is something *'subject to debate'*.[1] Borne out of an old english word *mōtian* which meant 'to converse',[2] wherein at least in the legal context it stays true to its origins, wherein *moots* till date serve to do just that, enable discourse and conversation over issues that range from far-fetched legal fictions of today which may resonate with the reality of the future, to issues that legal professionals grapple with on a day-to-day basis.

A Moot Court is that training ground, toiling in which, accustoms and prims a law student for the nit and grit of actual courts. Nothing can beat experience, especially in a Court of law where practice remains crucial for excellence and heaps of knowledge alone prove to be inefficient for attaining success.

This book is one with no solutions to the multiple propositions it contains. A book with only questions and issues with no answers, it's meant to inculcate the love for mooting in everyone and provides them with an opportunity to demarcate the legal issues as per their perspectives.

Understanding the Purpose behind the Book

To fully appreciate the value ingrained in a book, understanding its purpose remains to be an essential prerequisite. Meant for either class activities as a part of the teaching pedagogy, or for intra institute activities and national competitions, the college has taken the importance placed in moots as a technique to build skills to heart. An amalgamation of Moot Propositions, the preface of the book makes it clear that the very impetus of every section of this book has been to impart a learning process.

In the foreword, Professor R. Venkata Rao also describes the book to be *"a sincere*

1 Lexico, '*Meaning of Moot'* LEXICO, https://www.lexico.com/definition/moot (last visited on Aug 6, 2021).

2 *Id.*

attempt of vslls, vips, delhi to share with the legal fraternity qualitative mooting issues.…in keeping with the its objective of providing tools for qualitative legal education". Professor T.V. Subba Rao also reiterates the importance of such simulations for law students while appreciating the initiative. Yet, unless one is able to understand *why* is it that such grave importance is placed in mooting, they won't be able to invest the amount of hard work and patience that moots command.

Importance of Mooting

On the face of it, the advantages of moots are obvious, wherein the very concept of mooting is considered to be an essential part of law school. In 2020 itself, Justice Deepak Gupta while bidding adieu to supreme court observed in his virtual farewell that *"Young Lawyers should learn Court Craft by sitting in courts instead of spending time in Bar Rooms"*.[3] Yet, for young law *students* with their myriad of lectures and academic commitments, the opportunity to spend time in Courts, apart from their abysmally short internships is hard to come by.

Moreover, observance alone is not sufficient to inculcate the skill of thinking on their feet in them. Moot Courts prove to be the perfect activity to fill in for the required practice needed, giving the students a chance to articulate the arguments by themselves and most importantly learn the skill to respond to the grilling of judges in the competition.

Moot Court Competitions are often a simulation of real-life cases, which help the students engage and think about the contemporary legal issues from both perspectives. It ingrains in the participants the ability to balance their views and maintain neutrality while considering the case from the perspective of both sides.

A key tool to augment oratory skills, research skills as well as providing a fair share of experience in drafting, moots also inculcate the participants with Court etiquette and do well in acquainting the students with mannerisms that are expected of a lawyer. By virtue of being a team activity, moots also make one more sensitive to the importance of time management and teamwork. Moots serve well to keep the students on their toes and have their minds churning which is key for their advancement.

This practice is also crucial for a student to decide about the field of law they wish to

3 Shruti Mahajan," Sit *in Courtrooms, not Bar rooms to learn Court craft from Seniors", Justice Deepak Gupta's advice for junior lawyers*, Bar And Bench (May. 7, 2020), https://www.barandbench.com/news/sit-in-courtrooms-not-bar-rooms-to-learn-court-craft-from-seniors-justice-deepak-guptas-advice-for-junior-lawyers.

pursue, because as the renowned painter Rembrandt said, *"Practice what you know, and it will help to make clear what now you do not know."* Mooting provides a platform to explore different fields of law and delve into them with the support of faculties and peers ease.

What this Book can do for Students

Moots are something more than just a mere test on various parameters such as knowledge of the facts, research prowess, drafting skills, and creativity displayed in the argumentation. It involves the development of certain intangible skills that a mooter gains but doesn't notice in light of the tangible skills that overshadow its impact. These are the ones that a student can imbibe by sheer analytical reading of the proposition as well.

The filtering of relevant facts out of the entire proposition is something that is analogous to a lawyer's role of demarcating the important facts from everything that has been told to them by their client. Facts remain to be that foundation around which any lawyer curates their narrative, thus if one is able to improve the skill to read, notice and retain the important details of their brief, that is a virtue that helps tremendously in arguing the case. Even Justice Deepak on his farewell had further noted that *"One should always be thorough with the facts of the case, even if they are not very thorough with the law"*.[4]

Furthermore, while many of the propositions in the book have stipulated issues at the end of the problem, there is a significant number of propositions which don't. This in itself is an opportunity for the reader to effectively try and demarcate the crux of the issue that again like demarcating the relevant facts is crucial because, without the correct issue, no one can curate the correct argument. One wrong argument is enough to destroy a case and often in real courts acts as the make-or-break factor.

Delving into the Intricacies of the Text

Moving to the actual substance of the book, consisting of a total of twenty-six propositions which have been curated by the faculty of Vivekananda Institute of Professional Studies, their alumni and one sole proposition from even their current students, the book touches base over a multitude of issues from different areas of law.

The book in itself is bifurcated into two parts, wherein on one hand Part 1 of the book lays down a myriad of propositions centered international law, on the other the Part 2 of the

4 *Id.*

book is based upon issues in national law. The majority of the propositions fall under the head of national law and deal with various issues of contemporary relevance in the realm of law.

The content of the book, apart from listing the name of the pages, streamlines navigation by giving a brief of the issue between the parties enabling one to pick and choose a problem in their sector of choice. Although a minute addition, this in my opinion saves the book from pushing its reader into boredom or discouraging them due to being stuck with a problem which they aren't interested in or don't have use of.

An interesting aspect of the moot propositions is that most of the problems center around juxtaposition of different areas of law and also those which are emerging fields currently at a nascent stage. An acute example is that of the case of *Republic of Alderan v. State of Naboo*,[5] which is based on space law and involves the juxtaposition of Geneva Conventions in addition to the Outer Space Treaties and leaves you scratching your head and wondering amongst other things whether a person aboard a spacecraft which crashes in foreign territory is a spy or an astronaut.

Similarly, there is also the case of *State of Sangala v. State of Joshen*,[6] which deals with a problem concerned with ICCPR and Fourth Geneva Convention, primarily concerned with the dispute between two states and the right of people to enjoy and utilize their natural wealth and resources, and the inherent right to marriage.

Another proposition that stands out is that of *Mehmood v. State*,[7] which involved the issue of a juvenile repeated offender who is charged for Dacoity with murder and calls upon the reader to navigate the circumstances of the moral vacuum of insufficiency of the sentence in the circumstance, and the added dilemma of the same happening before the amendment of the Juvenile Justice Act, making a stricter punishment not only difficult to procure but also unviable as per the word of law.

The book also consists of propositions that explore the much-debated law provisions and their applications, like the proposition of *Mathew v. State*,[8] wherein this case is centered on the provision of bail to an individual accused of abatement to suicide, much akin to the renowned case of Arnab Goswami who was in a similar predicament before the Bombay

5 Aaditya Vikram Sharma, *The Republic of Alderan v. The State of Naboo,* MOOT PROBLEMS 58 (2021).
6 Dr. Rashmi Salpekar, *The State of Sangala v. the State of Joshen,* MOOT PROBLEMS 3 (2021).
7 Aditya Vyas et al., *Mehmood v. State*, MOOT PROBLEMS 108 (2021).
8 Dr. Deepti Kohli, *Mathew v. State,* MOOT PROBLEMS 101 (2021).

High Court in 2020.[9]

These dynamic propositions with unexplored areas of law and moral dilemmas are contrasted by the brief straightforward ones which are evidently there to merely guide the participant as to the practical application of the law, like that of *M/S FNG v. M/s SGG*,[10] which is a brief straightforward proposition revolving around predatory pricing and other anti-competitive practices, with specifically curated issues of whether the party is even dominant in the relevant market and if it violates the contextual clause of section 4 of the Competition Act. This is a great example of what many of the small propositions from the book are trying to do. For a student with no practical knowledge of anti-trust laws, it might not be obvious that dominance needs to be specifically proven before abuse of dominance is, which is where the issues alone act as a lesson in their own right.

Furthermore, it consists of such an array of propositions, that apart from their subject matter, there are moot propositions of varying lengths as well, with problems as small and direct like in the case of *EnviroSamwell v. Union of Clanrita*,[11] which concerned a disputed water treaty between two states, and is barely two pages long, in contrast to the complex and comparatively detailed case of *State of Tarkocia v. State of Plourad*,[12] which is a case concerning the right to forest and water, wherein despite being relatively on the same subject matter, the latter is more nuanced and extensive.

Ultimately, this bifurcation and the mix and match of the different types of propositions on different areas of law all combine to render an overall holistic experience and sufficient in achieving the ultimate aim of acting as a reference material for students to practice and enhance their skill set.

Conclusion

Norman Lewis at the very start of his much-revered book 'Word Power Made Easy', tells his readers *"Don't read this book! Instead, work with it"*[13], this advice was one meant to guide and enable his readers to make the most out of their experience. This remains true for anyone who seeks a learning experience and wishes to maximize the benefit they derive

9 Karan Manral, *Arnab Goswami detained: All you need to know about abetment to suicide case,* Hindustan Times (Nov. 4, 2020) https://www.hindustantimes.com/india-news/arnab-goswami-detained-all-you-need-to-know-about-abetment-to-suicide-case/story-KCQ0EbYsbqrIv7fKsi4f7H.html

10 Gauri Gupta, *M/s FNG v. M/s SGG,* MOOT PROBLEMS 137 (2021).

11 Amita, *EnviroSamwell v.Union of Clanrita*, MOOT PROBLEMS 93 (2021).

12 Dr. Shivani Verma, *The State of Tarkocia v. The State of Plourad,* MOOT PROBLEMS 24 (2021).

13 Norman Lewis, Word Power Made Easy 1 (Garden City Publishing Co., Doubleday, 1949)

out of a piece of text, wherein thus, a bare reading of any moot proposition without analysis cannot prove to be a fruitful experience, because again, as Lewis aptly puts it "*Learning, real learning goes on only through active participation"*.[14]

The propositions in the book, and the book as a whole, have the capacity of being as dynamic or as monotonous as the reader wants it to be. With the right mindset, this book is nothing short of an amalgamation of invigorating riddles that one could explore and savor. Filled with legal issues that are both futuristic and practical, it can adequately prove to be quite the mental exercise for all and sundry.

Even without a practical simulation of presenting arguments, the intellectual experience that can be garnered by mere analysis of the propositions is enough to bring about a radical change in an individual by sharpening their skills of deduction and enriching their very way of thinking. Albeit a holistic learning experience in itself, moot propositions alone cannot equip anyone with expertise in the knowledge of the law, but what they can do is act as tools to enable one to sufficiently learn the application of the law.

As said before, this is a book of mere questions with no answers, but any lawyer who has the skill to narrow down a set of facts that are filled with elements meant to misdirect, any lawyer who is able to filter what is relevant from all that is not, one who can present their arguments succinctly, can phrase them coherently, has the aptitude to prioritize the important arguments in favour of time, or to phrase it simply, any lawyer who can demarcate and understand the problem, with basic research skills, would be able to draw the answer for their client in court.

This book, edited by Prof. (Dr.) Rashmi Salpekar and Ms. Gauri Gupta, is an ode to the importance of moots by the Vivekananda Institute of Professional Studies which sought to undertake a measure for holistic development of the Court skills in upcoming lawyers by imbibing it in the academic curriculum of their own students and opening avenues for those of other colleges. This is a stellar effort sure to benefit students who make an honest effort to use this book for augmentation of their skills and even those academicians who are looking to follow this lead and inculcate mooting into their own curriculum.

14 *Id.*