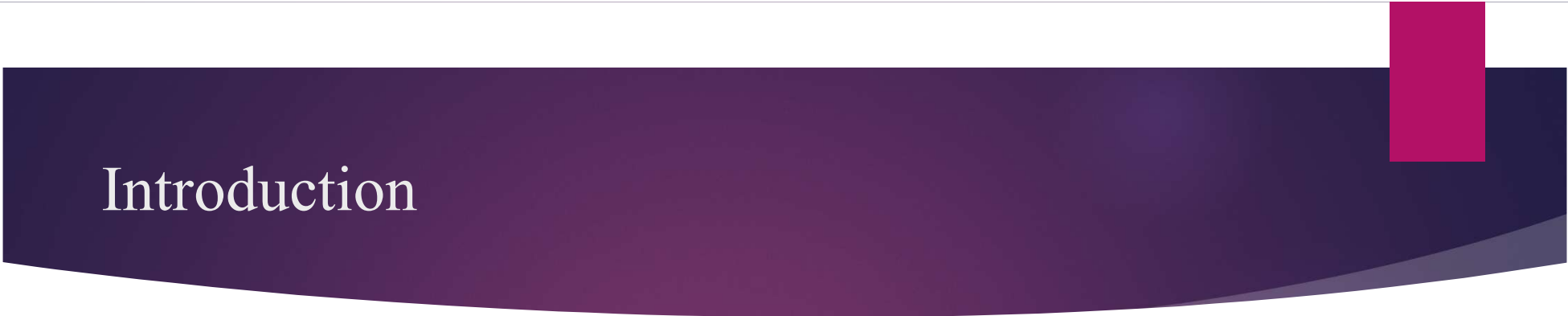




Converting written arguments into oral advocacy.

ADV. SHASVAT VIDYARTHI

MOB:9820048939



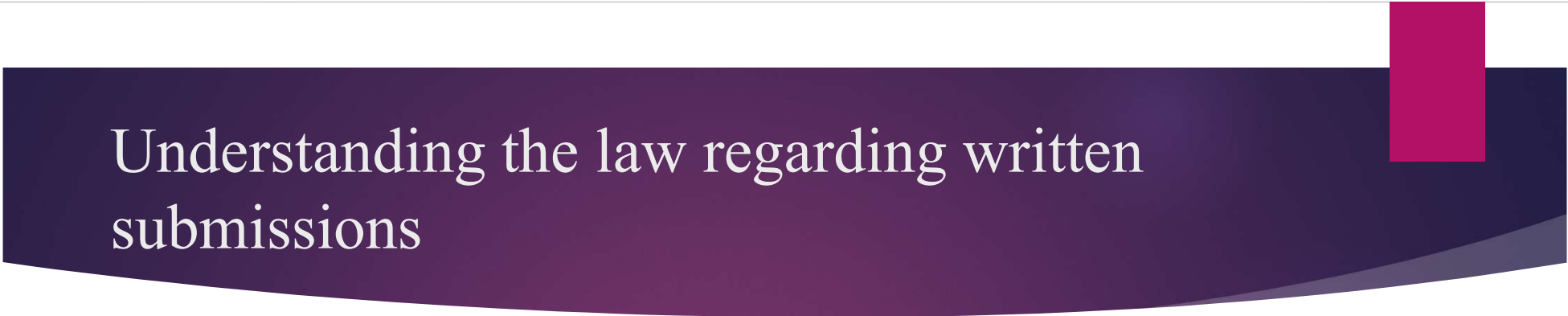
Introduction

Converting written arguments to oral ones involves distilling key points, structuring them logically, highlighting disputed vs. admitted facts, and presenting them concisely with confidence, focusing on clarity for the judge, often using a short outline derived from your written submission, understanding the judge's style, and practicing to ensure smooth delivery and answering questions effectively, as written notes supplement, not replace, oral advocacy

Importance of written submissions/ arguments

Written submissions reduce chances of human error as

- i) many times either courts or lawyers may forget certain aspects/points
- ii) such aspects/points maybe misunderstood by either party. Resultantly, written submissions constitute the single most important document on record



Understanding the law regarding written submissions

written submissions were codified under Order XIII, Rule 2 (3A – D) of the Code of Civil Procedure, 1908 (CPC) vide the Code of Civil Procedure (Amendment) Act, 2002 (2002 Amendment). Consequently, any party before concluding oral arguments may seek permission of the court to submit written arguments i.e., written submissions. Furthermore, these submissions constituted a part of the judicial record. Additionally, further time/adjournment for filing written submissions cannot be sought unless reasons are recorded by the court in writing.



Directions by the court on written submissions

While there are no clear laws on written submissions, attempts have been made to decode this mystery. Most notable amongst them is the Order dated February 14, 2011 as passed by the Hon'ble High Court of New Delhi in Kiran Chhabra and Ors. vs. Pawan Kumar Jain and Ors

How to formulate written submissions?

- ▶ Create A Complete List Of Dates
- ▶ Separate Admitted Facts From Disputed Facts
- ▶ Formulate Disputed Facts Into Questions/
Propositions
- ▶ Provide A Brief Factual Background Underpinning
Each Proposition
- ▶ Relevant case laws



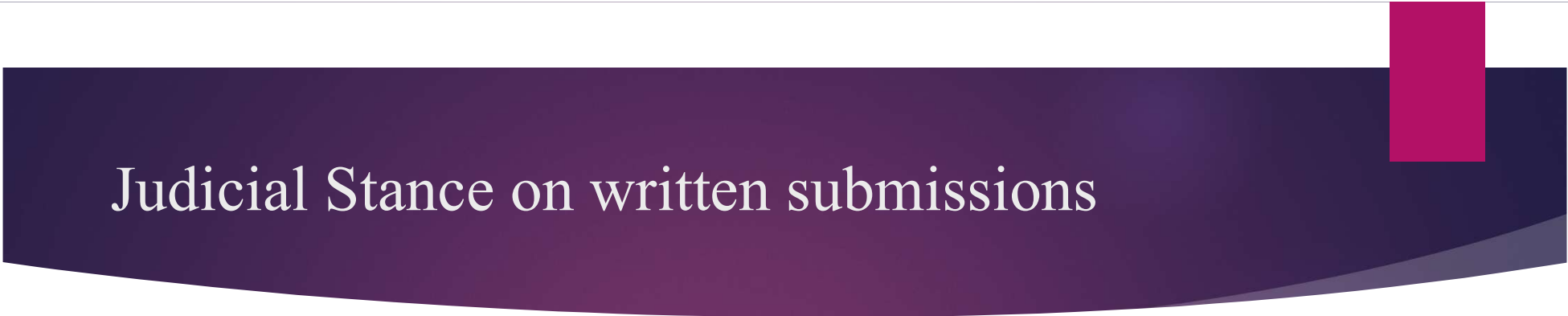
Converting written submissions into oral submissions

- ▶ Don't Recite
- ▶ Prioritize Key Issues
- ▶ Try to initiate a conversation
- ▶ Try not to digress from the facts and law point



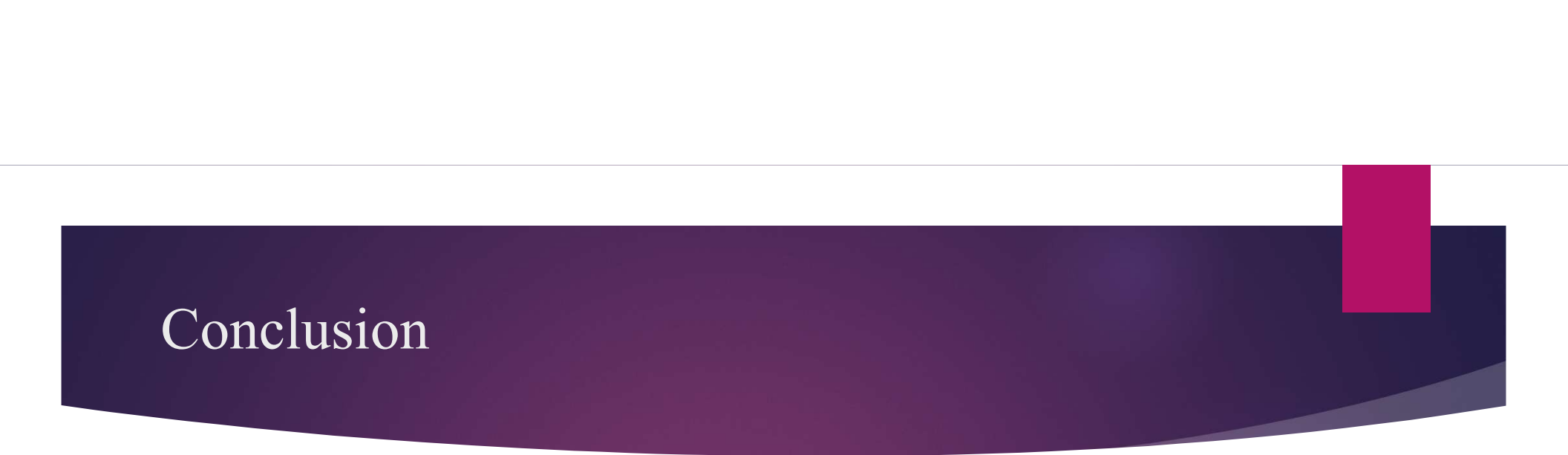
Practical Steps to formulate written arguments into oral submissions

- ▶ Create a Concise Outline
- ▶ Memorize the Opening and Conclusion
- ▶ Practice Out Loud
- ▶ Listen Actively



Judicial Stance on written submissions

In a recent case law the Hon'ble Supreme Court of India, stressed upon the need for timely disposal of cases. The way forward, in dealing with the likely post-COVID surge in number of cases pending adjudication, was also discussed.



Conclusion

In the Indian legal system, the current conclusion regarding the conversion of written arguments and oral advocacy is that a **blend of both is the most effective approach**. While written submissions provide a detailed, permanent record, oral arguments offer dynamism, flexibility, and a crucial opportunity for judicial engagement