

**SCHOOL OF LAW
REPORT**

**National Webinar on “Research, Analysis and Written Arguments”
JEMTEC School of Law**

Session:	2020-21	Semester:	All Semester
Event Date:	30/12/2020	Event Type:	National
Event Name/Title:	Research, Analysis and Written Arguments (RAW)		
Resource person Name	Udaya Holla (Senior Advocate and Former Advocate General, Karnataka)	Resource person Organization	Supreme Court
Organizing Department	School of Law	Organizing Student club / Society /Committee if any	Mr. Vikas Chatrath(Advocate, Beyond Law CLC) and JEMTEC SoL

JEMTEC School of Law in collaboration with beyond Law CLC felt honoured and proud to organise **National Webinar on “Research, Analysis and Written Arguments”** in its, on 30th December 2020 with an overall more than 200 participants from various Different Law colleges/ university and Advocates across country have participated in the event and gained the exposure of Research, Analysis and Written Arguments in the field of Law. By using virtual platforms the event aims to enhance the confidence among the students and to motivate them to overcome the ongoing crisis by exploring the new dimension of technological innovation in legal education, training and practice. The Notification of the event was released on 25th December 2020

Event started with opening remarks of Mr. Vikas Chatrath. Advocate , beyond law CLC and Prof. (Dr.) Pallavi Gupta, HoD, JEMTEC, School of law. She welcomed the **Chief Guest of the event Mr. Udaya Holla (Senior Advocate of Supreme Court and Former Advocate General of Karnataka)** and all the participants.

According to the speaker, the profession of law is a thinking profession and with the help of legal research, analysis and drafting, everything fall in place. He then talked about the steps that are required to carry out legal research that include calling out facts and issues in question, the statutes and regulations that are applicable, identification of the source of law and analysis of the judgements .

Further he discussed the importance of legal research. And Legal Research is all about learni and is one of the basic element of our legal profession. Research work includes laws over

and over again, command over language. Further, he recommends the BCI to include this subject in the course curriculum of each university. Further, he puts a valid point that, Whenever a client comes to an advocate it is the duty of an advocate it is the duty of an advocate is to do following things.

1. Collect all the facts and problem that exist.
2. Identify the legal issues
3. Identify the source of law, through statutes, regulations.
4. Legal research through various books
5. Analysis those laws those laws which are in your favour and as well as against you.

He has given an example of Section 18 of the Commercial Courts As per the section 18 of the commercial courts act which was amended in the year 2020, in respect of commercial cases, the lawyers are required to submit the written submission 30 days prior to the oral submissions and that written submission shall include facts, issues, arguments and judgements. He further quoted Supreme Court's opinion in a judgement (2020, Vol. 8 SCC) that drafting is a skill and not just an act and therefore it should be unambiguous.

He added that while reading a judgement, the focus should be on the 'Ratio decidendi' and the legal principles advocated there under. He substantiated this view by quoting Supreme Court's judgements of the year 2004 which opined that only the ratio decidendi is binding in a judgement, 2009 which opined that the ratio of a case contains principles on which the case is decided and 2011 which also supported the view that in a judgement, the ratio decidendi forms the most important component.

He then moved on to writing arguments and for that he suggested that the writing should be plain, simple, unambiguous and there should be no repetition or use of surplus language. He then suggested using active voice instead of passive to form sentences, making a synopsis or the list of dates when the events occurred for the main object of submitting a written submission is to make it easy for the judge to understand it. Further, he mentioned that while giving oral submissions, an advocate should be courteous, humble and very articulate with the language.

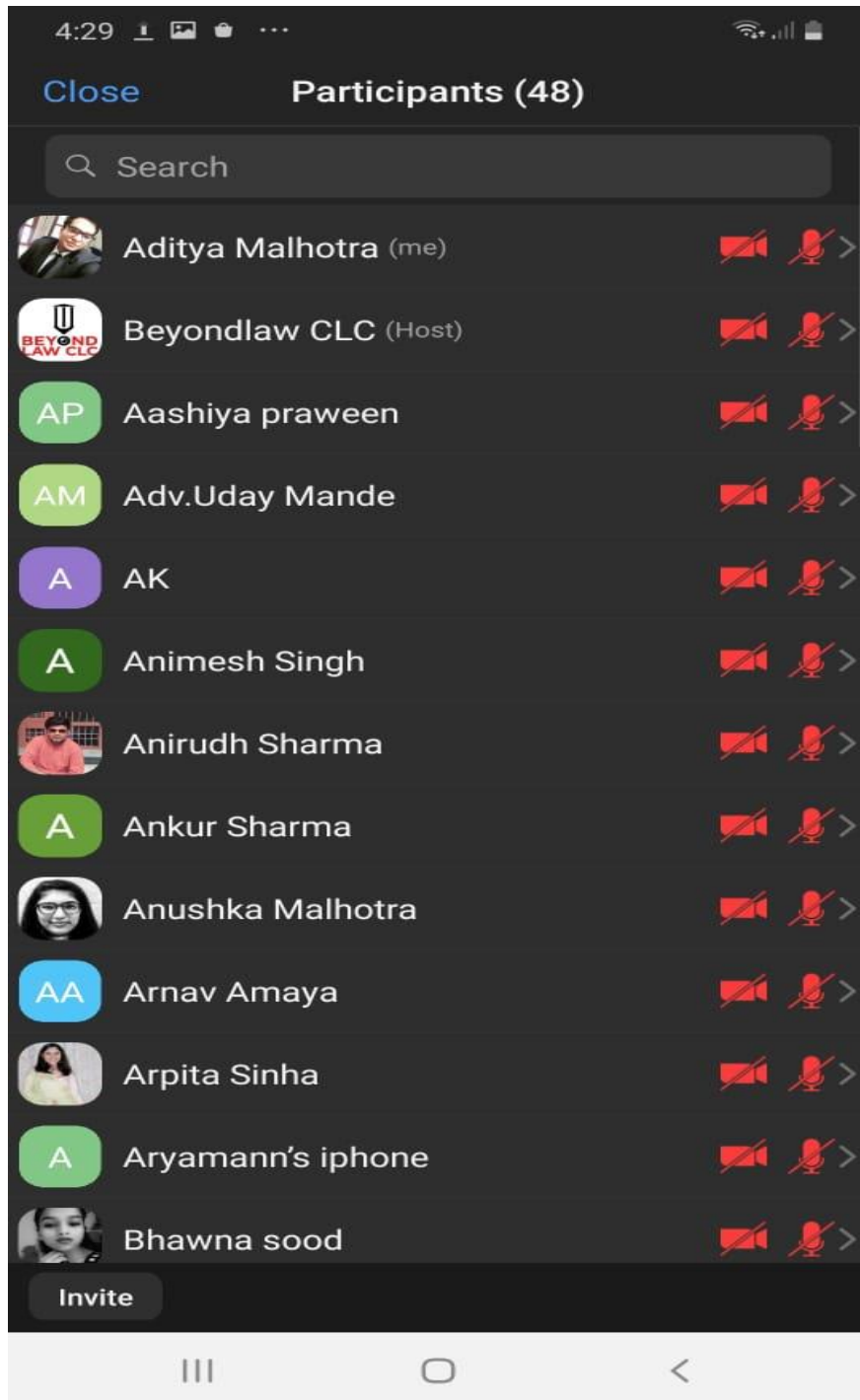
He then threw light on a very important aspect that a lawyer should know his law and for this he gave an example that under section 16(e) of The Specific Relief Act, it is mentioned that a person who seeks specific relief must prove that he is willing to do his part and this intention or willingness has to be stated in the submissions. Another example he gave was the compliance of section 80 of the CPC while filing a suit against the government.

To conclude, he said that a lawyer has to inculcate a habit of reading and should be aware of the law in totality. He emphasised on thinking out of the box and taking his research and analysis very seriously.

Total number of participated are 210.

PHOTOS

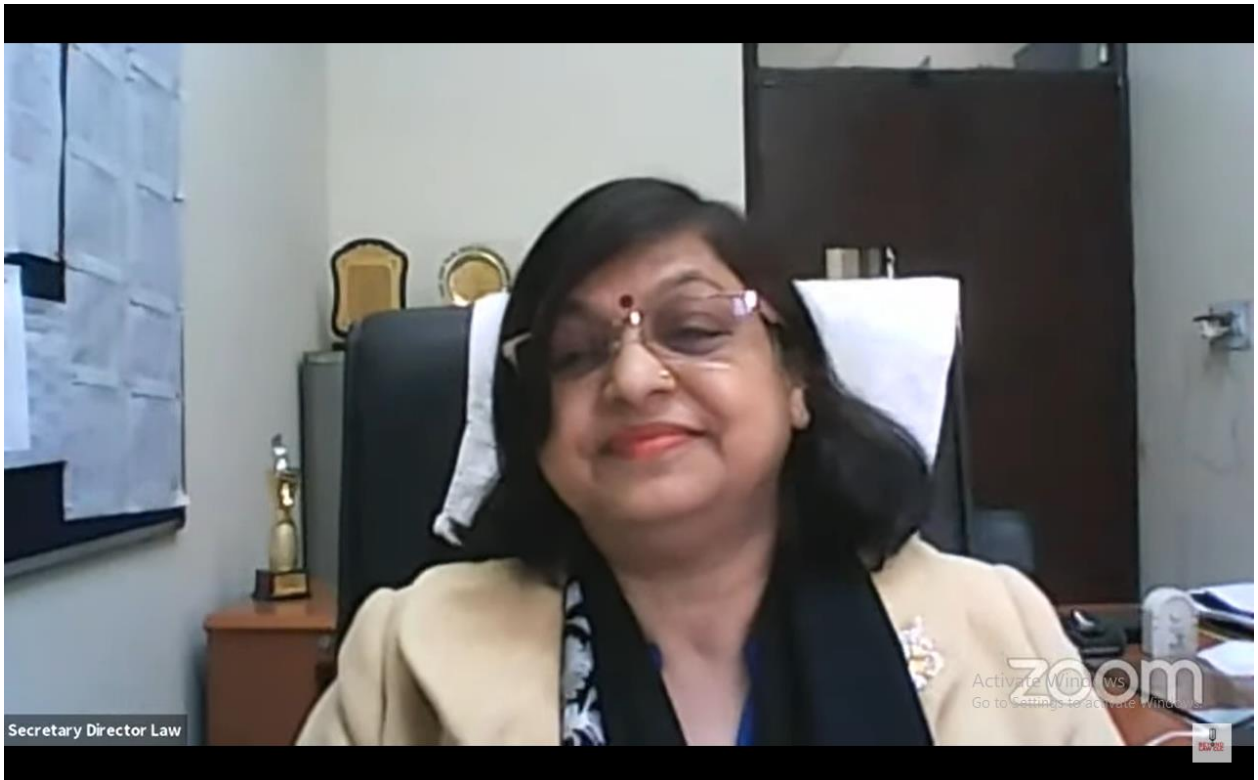






ENGINEERING MANAGEMENT TECHNICAL CAMPUS – JEMTEC

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invite you to join on

Research, Analysis & Written Arguments (RAW)



Udaya Holla

Senior Advocate,
Former Advocate General,
Karnataka

Wednesday
30th Dec 2020
at 04:30 PM

Zoom Meeting ID: **828 1915 8026** Password: **0270**

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In last Prof. (Dr.) Pallavi Gupta, HoD, JEMTEC, School of law, also proposed thanks to Chief Guest Senior Advocate Mr. Udaya Holla.

Prof. (Dr.) Pallavi Gupta
HOD, School of Law