

What is Law

An introduction to law

DEFINITION OF LAW

A common word

An abstract notion

Many possible definitions (each depending on the point of view of the person making it)

Make your own definition!

DEFINITION OF LAW

- Law is a set of rules that plays an important part in the creation and maintenance of social order.
- John Austin's definition: Law is a command issued from a Sovereign power to an inferior and enforced by coercion.
- Sir John Salmond's definition: Law is the body of principles recognised and applied by the State in the administration of justice.

Task:

Make your own definition!

Types of legal systems

- Common Law

body of law developed from judicial decisions based on custom and precedent [constituting the basis of the English legal system]

Eg. England, India, USA

- Civil Law

Codified law serves as primary source of law. Originated in Europe

Eg. China, Germany, Spain

Forms of Government

- Democratic

Direct/Representative democracy, constitutional monarchy etc

- Non-democratic

Theocracy, Monarchy etc

- Other

Communist, Aristocratic etc

Task:

Find examples of each of these forms of Government

India

- Colony until 1947
- Common law country
- Quasi-federal Nation
- Democratic Republic
- State having population, territory, government & sovereignty + international recognition
- Article 12:

“Definition In this part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India”

Constitution

- Supreme
- 26th November 1949 – National Law Day
- 26th January 1950 – Republic Day
- Longest written Constitution in the world : XXV Parts, XII Schedules & 448 Articles (originally – XXII Parts, VIII Schedules 395 Articles)
- VII Schedule- Central (97), State (66) & Concurrent List (47)

Task: Find out where each of these subjects fall in the lists-

Wildlife | Livestock | PCA

Constitutional Amendments

- 2/3 majority, assent of the President to amend the Constitution
- Amendment Acts 42nd – Article 48A & 51A
- 44th- Right to property omitted
- 73rd Amendment Act- Panchayat Raj as third level of administration in rural areas
- 74th Amendment Act - Local Administrative bodies as third level of administration in urban areas

The 3 wings of Union of India

Separation of powers

- Legislature : bicameral legislature represented by the President
- Executive : Prime Minister
- Judiciary: Supreme Court

Quasi-federal : replicating the system at State level

Rule of law: All are equal before law