LEGAL METHOD AND INTRODUCTION TO LEGAL SYSTEM
Semester – I
B.A.L.L.B. (Hons.)

Name of the Course Teacher: Mr. Azim B. Pathan
&
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Introduction

This course is the window to see the law and it is the beginning of law students’ transformation into lawyers. It teaches the students to engage with legal texts, to think critically about the law, and most importantly, to think, analyze and reason like a lawyer. The course will familiarize students with theoretical debates on the nature of law and will acquaint them with their real world consequences. It will equip students to gain a basic understanding of the legal system, the institutions, the nature of legal rules, the technique of legal and logical reasoning and analysis.

The course focuses on orientation of students to legal studies from the point of view of basic concepts of law and legal systems. Law as an independent discipline has its own materials and methods. Though related to and reflective of social processes, its development is unique in several respects. The character and content of legal knowledge are explained to the students in a systematic manner. Familiarity with the sources of law and with legal materials and competence to find the law by the use of the law library are major concerns of this course. The skill to appreciate law as a process in the context of other processes in society (political, economic, cultural, and social) is one of the goals of this course. The course may help the student to think and acts like a lawyer and respond to law studies accordingly. This course also deals with legal and judicial process, art of analyzing the judgments. Moreover, it also deals with the techniques and ideas of legal research which also includes the use and importance of citations, etc.

This course is designed to offer the students-
1. To equip students with a broadly based understanding of the operation of the Indian legal system and legal system of other countries.
2. To develop a comparative understanding of the different legal systems.
3. To foster an ability to interpret and use legal language.
4. To develop in students a critical awareness of the social, political and cultural context in which law operates and its international dimensions.
5. To develop students’ critical interest in reform of the law.
6. To allow students to develop and enhance basic information technology skills.

TOTAL NO. OF LECTURES REQUIRED - 50 – 60 Lectures

EVALUATION
Attendance : 05
Research Projects (Presentation) : 25[Viva and Project]
Mid Semester Examination : 20
End Semester Examination : 40
Snap Test : 10

TOTAL : 100
Module – I Nature and Function of Law (05 Lectures)
Unit-I
   a) Meaning and Definition of Law
   b) Function and Purpose of Law
   c) Classification of Law
      i) Public and Private Law
      ii) Criminal and Civil Law
      iii) Substantive and Procedural Law
      iv) Municipal and International Law

References:
Books:
1. S.R. Myneni, Legal Language and Legal Writing, (1st ed.), Asia Law House, Hyderabad, 2008 (Chapter 10 (Unit I)).

Module – II Sources of Law (04 Lectures)
Unit-I
   a) Sources of Law
      i) Custom
      ii) Precedent
      iii) Legislation

References:
Books:
1. V.D. Mahajan, Jurisprudence and Legal Theory, (5th ed.), Eastern Book Co., Lucknow, 2005 (Chapters 8, 9, 10, 11).
2. S. N. Dhyani, Jurisprudence & Indian Legal Theory, Central Law Agency (Chapters 13, 14).

Module – III Fundamentals of Statutory Interpretation (04 Lectures)
Unit-I
   a) What is Statute Law?
   b) Rules of Interpretation
   c) Aid to Interpretation of Statutes

References:
Books:

**Module – IV Judgment Analysis and Precedent** (08 Lectures)

**Unit-I**
- a) Case Law in the study of Legal Method
- b) Studying Law under the Case Method
- c) What is Precedent?
- d) Determining the Ratio-decidendi of a Case
- e) Understanding Law Reports

**References:**

**Books:**
2. Sharon Hanson, *Legal Method*, Cavendish Publishing Ltd. (Chapter 4 at p. 59 - 98).

**Module – V Legal and Judicial Process** (12 Lectures)

**Unit-I**
- a) Concept of Rule of Law
- b) Doctrine of Separation of Power
- c) Classification of Administrative Action
- d) Rule Making Power of Administration (Delegated Legislation)

**Unit-II**
- a) Judicial Activism
- b) Legitimacy of Judicial Activism
- c) Writ Jurisdiction (Supreme Court)
- d) Judicial Review of Administrative Action
- e) Social Action Litigation or Social Interest Litigation.
  i) Locus Standi

**References:**

**Books:**
4. S.P. Sathe, Judicial Activism in India, Oxford University Press, 2008 (Chapter VII).

**Cases:**

**Module – VI Indian Legal System** (04 Lectures)

**Unit-I**

a) Indian Court Structure
b) Supreme Court of India (Jurisdiction)

**References:**

**Books:**

**Module – VII Legal Research** (04 Lectures)

**Unit-I**

a) Importance of Legal Research
b) Legal Research – Techniques and Ideas
c) Citations

**References:**

**Books:**

**Module – VIII Using Law Library** (04 Lectures)

**Unit-I**

a) Importance of Law Library
b) Using a Law Library
c) Finding the Law

**References:**

**Books:**

**Module – IX Use of E-Sources and Legal Research**

**Unit-I**

- a) Use of Internet Explorer and Search Engine for Legal Information
- b) International Legal Service Providers
- c) National Legal Service Providers
- d) Quotable Quotes

**References:**

**Books:**

**Compulsory Readings:**

**Books:**
2. Nomita Aggarwal, *Jurisprudence (Legal Theory)*.

**General Bibliography:**

**Essential Case Law:**
4. Geeta Hariharan v. Reserve Bank of India, AIR 1999 SC 1149
5. Meera Mathur v. LIC 1992 (1) SCC 286
11. Peoples Union for Civil Liberties v. Union of India, 1997 (1) SCC 301
12. Lachman v. Nand Lal, AIR 1914 Oudh 123
13. R.K. Tangkhul v. V.R. Simirei, AIR 1961 Manipur 1

Teaching plan-
1. E-teaching Method
2. Lecture Method
3. Case- study Method
In order to deliver the course, a combination of lectures, discussions, and group works will be used. Personal and group reflections will also be required from students. In order to assess the performance of the students, diverse methods that can ensure continuous assessment may be utilized. Tests, assignments, presentations, papers/essays, and/or exams will be used to this effect. Part I: introduction to law. Unit one: nature and function of law. Unit objectives.