

1. Indian Regulatory Framework

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• what is law?

- • set of obligation & duties imposed by government for securing welfare & justice to society.
- Indian legal framework reflects social, political, cultural, economic aspects.

• source of law:-

- constitution is the main source of law in India.
- the statutes or laws are made by
 1. Parliament [Lok Sabha + Rajya Sabha + President]
 2. state Assemblies [Vidhan Sabha & Vidhan Parishad + Governor of state]
 3. Judgement of courts [Metropolitan courts → District court → High court → Supreme court]

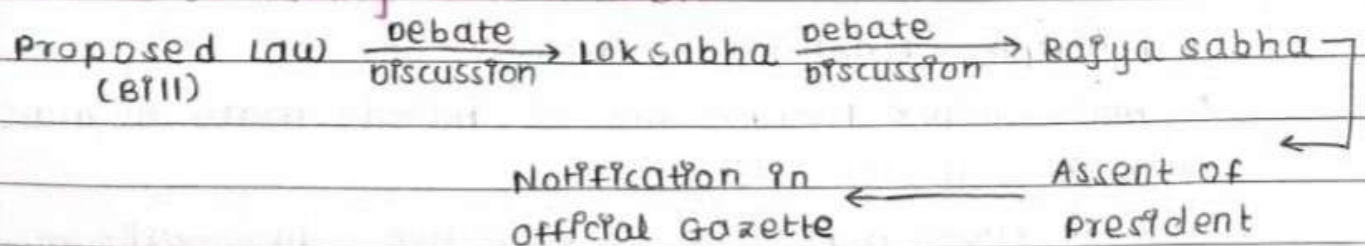
* laws passed by state legislature apply only within the borders of the state.

* constitution has decided to divide the law making power between [CG & SG]

* So, Indian constitution has 3 lists:

1. central list [Power lies with CG (law making power)]
2. state list [law making power lies with SG]
3. Joint list [power to make law lies with CG & SG both]

• Process of Making Law in India:



* Types of laws in legal system:-

1. Criminal law:-

- It is related to violations of rule of law or public wrongs and PUNISHMENT OF THE SAME
- [Ex: Indian penal code (IPC) 1860 [Defines crime, nature punishment]]
[Ex: 2 code of criminal procedure (CrPc) 1973
[Procedure for executing the punishments]]
- Murder, Fraud, rape, cheating are examples of criminal offence.

2. Civil law:-

- It deals with disputes related to individuals or organisations.
- It focussed on dispute resolution rather than punishment
- Governed by the code of civil procedure (CPC) 1908.
- Ex: laws of contract, family law, property law, law of tort (civil wrong)

3. Common law:-

- A judgement delivered by supreme court (case law) is common law.
- Under Article 141 of constitution supreme court judgement is binding upon all courts.
- (Doctraine of 'stare decisis' is a principle supporting common law)

4. Principles of Natural Justice:-

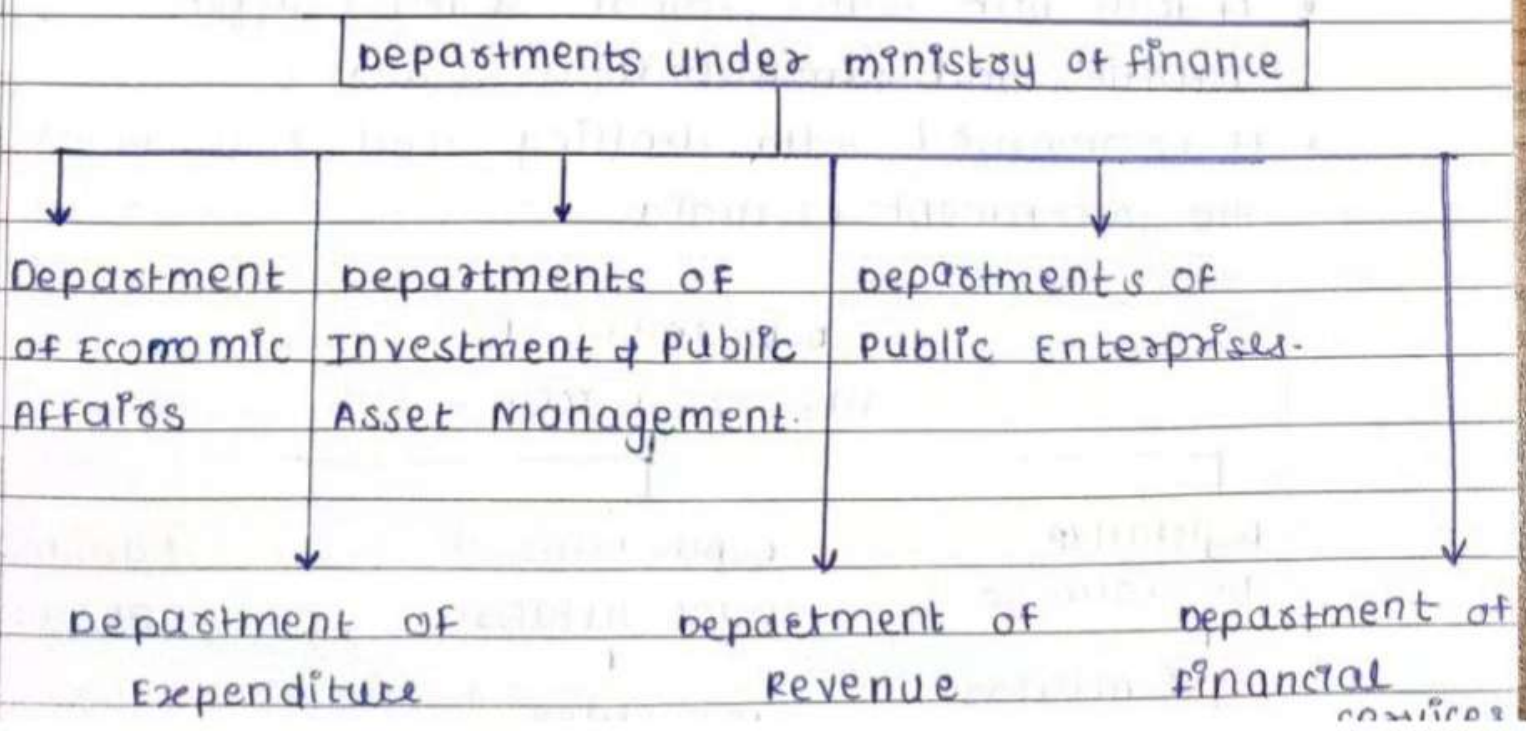
- Nemo Judex in causa sua --- No one should be made judge in his own cause
- Audi Alteram partem --- Hear the other party too
- Reasoned decisions are the rules of Natural Justice

* Enforcing the law :-

- After a law is passed in parliament. It should be enforced and monitored by executive.
- If it is a central law, central government will be enforcing authority and if it is a state law. SG will be enforcing authority
- These enforcement function are distributed to various ministry [ministry of finance, ministry of corporate affairs, ministry of Home Affairs]
- These ministry are headed by minister. and runned by civil servants.
- for ex: Income Tax Act is enforced by ministry of finance [CBO] (Department of Revenue)

1. The Ministry of finance: [witta Mantralay] :-

- concerned with economy of India, serving as the treasury of the India.
- concerned with Taxation, financial legislation and institution, capital markets etc.
- Important function of finance ministry is presentation of Union Budget.



2) Ministry of Corporate Affairs:-

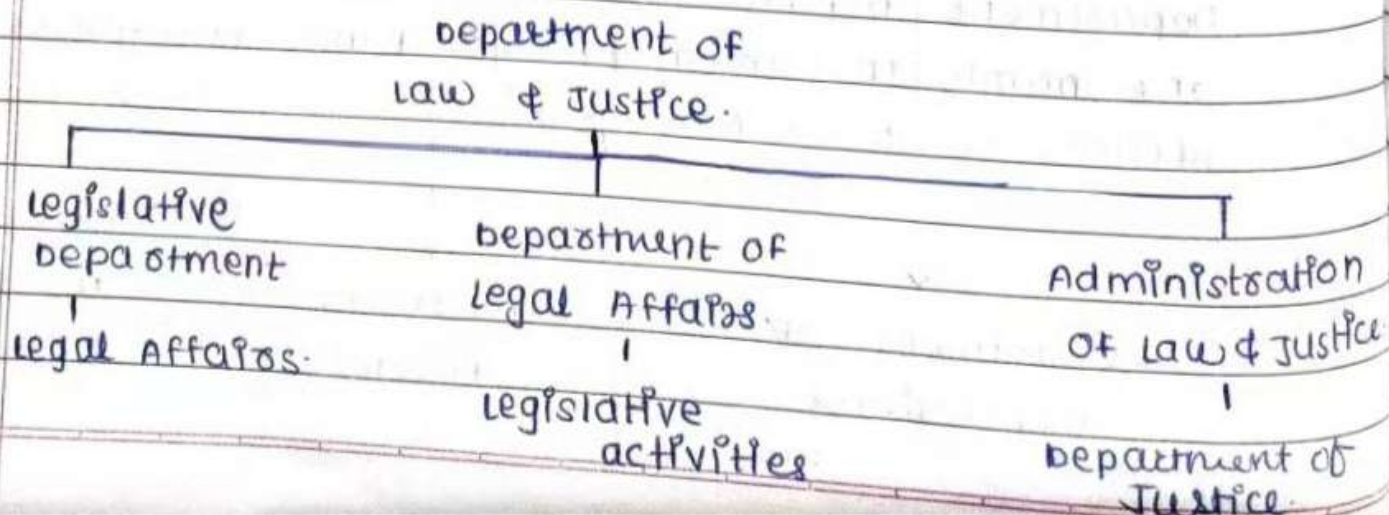
- concerned with Companies Act 2013, LLP 2008, The Insolvency & Bankruptcy Act 2016.
- It also governs the administration of Indian enterprises engaged in service & industrial sector.
- Run by civil servants of Indian corporate law services.

3) Ministry of Home Affairs:-

- It is responsible for internal security & domestic policy.
- Departments under Home Affairs:
 1. Department of Internal Security
 2. Department of Home
 3. Department of States
 4. Department of Border Management
 5. Department of Jammu & Kashmir & Ladakh Affairs.
 6. Department of Official Language:
 - a) Central Translation Bureau.
 - b) Central Hindi Training Institute.
 - c) Directorate of Census Operation.

4) Ministry of Law & Justice:-

- It deals with management of legal affairs, legislative activities and administration of justice.
- It is concerned with drafting of principal legislation for the government of India.



2. The securities & Exchange Board of India:- [SEBI]

1. Regulatory Body for securities & commodity market in India.
2. Under Ministry of finance.
3. It was established on 12th April 1988.
4. Got the statutory powers on 30th Jan 1992 under SEBI Act 1992.

mp/ iii) Reserve Bank of India: [RBI]

- It is central Bank and regulatory Body for Indian Banking system.
- ownership is with government of India [ministry of finance]
- Responsible for control, issue, maintain of Indian currency.
- It is country's main payment systems.
- National payment corporation of India (NPCI) is a specialized division of RBI to regulate payment & settlement systems in India.
- Deposit Insurance & credit Guarantee corporation is a specialised division of RBI.

iv) Insolvency & Bankruptcy Board of India [IBBI]:-

- It is a regulator for overseeing insolvency proceedings of individuals, companies, LLP's & partnership firm through entities like Insolvency Professional Agencies (IPA), Insolvency Professionals (IP) & Information Utilities (IU) in India.
- IBBI has statutory powers through IBC, 2016
- IBBI simplify the process of insolvency & bankruptcy
- IBBI handles the cases using two tribunals
NCLT - National company law Tribunal.
DRT - Debt Recovery Tribunal.

4. Structure of Indian Judicial System:-

- The function of judiciary system of India are,
 - i) Regulation of Interpretation of Acts & codes.
 - ii) Dispute Resolution.
 - iii) Promote fairness among citizens.

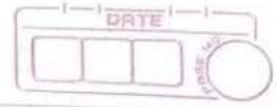
• In India, hierarchy of courts is as follows:

1. SUPREME COURT:

- It is the apex body of judiciary established on 26th January 1960.
- Decisions of supreme court are binding on all High courts.
- **Article 141** of Indian constitution
- The Chief Justice of India is the highest Authority
- Presently, principle Bench of supreme court consists of 34 members including Chief Justice of India.
- Individual can seek relief in s.c by filing writ petition under **Article 32**

2. HIGH COURT:

- High court is the highest court of appeal in a state & union territory - **Article 214** - There must be a high court.
- The High court has appellate, original jurisdiction & supervisory jurisdiction.
- There are 25 High courts, 1 for each state & union territory, 6 states share a single high court.
- When fundamental rights of individual is violated writ petition under **Article 226** can be filed in High court.



3. DISTRICT COURT:-

- It operates below High court.
- Courts of District deals with civil law & courts of sessions deals with criminal law.
- A civil judge can try suits valuing not more than ₹ 2 crores.
- cases are decided based on [territorial jurisdiction], based on local limits, within which party resides & property under dispute is situated.

4. METROPOLITAN COURTS :

- situated in metropolitan cities where population is 10 lakh or more.