Chap 1

Difference between civil law and criminal law.

CIVIL LAW	CRIMINAL LAW
1) civil law deals with the disputes between organisation and individuals	criminal law deals with offences committed against society.
2) Governed by civil Procedure Code 1908	Governed by Criminal Procedure code 1973.
3) Case is heard by civil court	Case is heard by criminal court
4) Court has power to issue penalty, damage and compensation	court has power to issue penalty life imprisonment and death sentences.
5) civil Law deals with property, money, divorce, contract, goods, etc.	criminal cases deals with serious offences like murder, rape, robbery etc.

3) Common Law

It is Based upon the judgement or order given in a previous case. Any judge can refer the old case to decide the existing case if the subject matter & facts of case are similar.

4) Principles of Natural Justice

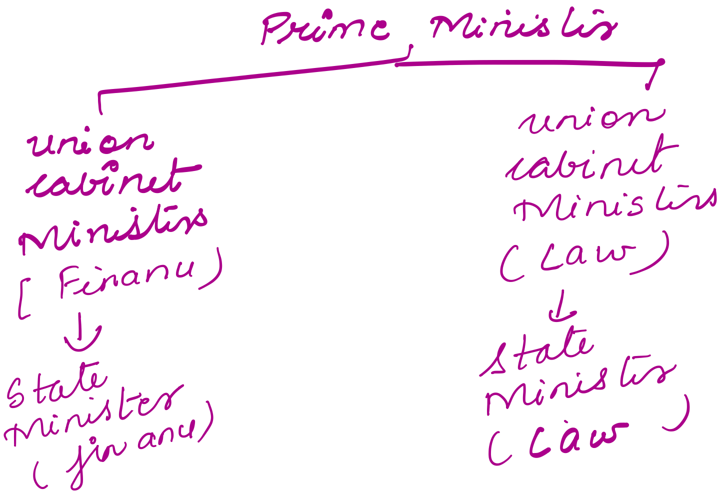
Every person who is a party to appeal shall be given an equal opportunity of being heard. It ensures fairness, equality and reasonableness to all parties involved.

Enforcement of Law

The enforcement of law is done by executives of government - State or central. For the enforcement of law government has constituted various ministries:-

a) Ministry of finance b) Ministry of Home affairs.

c) MCA.


Prime Minister
union cabinet ministers [Finance)
State minister (finance)
union cabinet Ministers (Law)
State ministers (Law)

1) Ministry of Finance

- * Also known as Vitta Mantralaya.
- * Treasury of India
- * concerned with :-

  Taxation Financial Legislation

  Financial Institutions,

* Taxation - Tax Laws

* Financial legislations - Laws regulating Bank, Insurance, NBFC

* Financial Institutions - Insurance Banks

* capital Markets, Brokers, BSE, NSE

* Headed by Finance Minister.

SEBI - The functions of SEBI are :-

1) Protective Functions.
To protect the interest of investors as well as their investment.

2) Development Functions.
Promote and develop the activities of stock Exchange and increase the business of exchanges.

3) Regulatory Functions.
To make laws, rules and regulations for Exchanges, brokers and others operating in capital market.

Ministry of Home affairs

1) The MOHA Extends manpower and financial support to the state governments whenever they require.

2) MOHA is responsible for police, law and order in the country.

3) MOHA is also responsible for center & state relations

4) MOHA also takes responsibility of disaster management.

Ministry of Law & Justice

1) Mainly concerned with drafting of all major Laws for central government

2) Another important role of MLJ is to give advice to all ministries on legal matters.

3) MLJ makes sure that courts and judges in India are sufficient to provide justice

4) The Law ministry also takes part in appointment of judges of Supreme court and High court.

Structure of Courts

Supreme court
↑
High court
↑
District court
↑
Metropolitian courts

Functions of MoF

1) Responsible for fiscal policy regulation.

2) Presentation of union Budget. and allocation of funds to various states

3) Acts as a treasury of the Government.

4) Responsible for PFRDA (Provident fund regulatory Development Authority)

5) Maintain government & national financial stability.

Role of MCA

1) Excercising supervision over ICAI, and ICSI.

2) Provides for Incorporation of company, name availability, DIN & DSC services.

3) Responsible for Corporate Governance of companies

4) Serves as a guardian of companies.

5) MCA also administers the competition Act in the country ensuring fair and healthy compitition among all sellers.

Structure of Indian Judicial courts.

1) Supreme Court

* Highest or Apex court of Justice.
* Established on 26th January 1950

- Chief Justice of India is the highest authority.
- Consists of 1 Chief Justice and 33 other Judges.
- Hear cases from High courts
- Decision is binding on all other courts.

2) High Courts.

- Highest court of appeal in each state.
- 25 High courts and 6 states have 1 High court.
- oldest high court is Calcutta High court.
- It has original & supervisory Jurisdiction

C) District court.

- **Each District to have one District court.**
- **court of District Judge deals with Civil cases**
- Court of Sessions deals with Criminal cases.
- All cases whose value are Less than Rs 2 crore are heard by D.C

D) Metropolitan Courts.

- Metropolitan courts are established in metropolitan cities whose population is more than 10 Lakh.