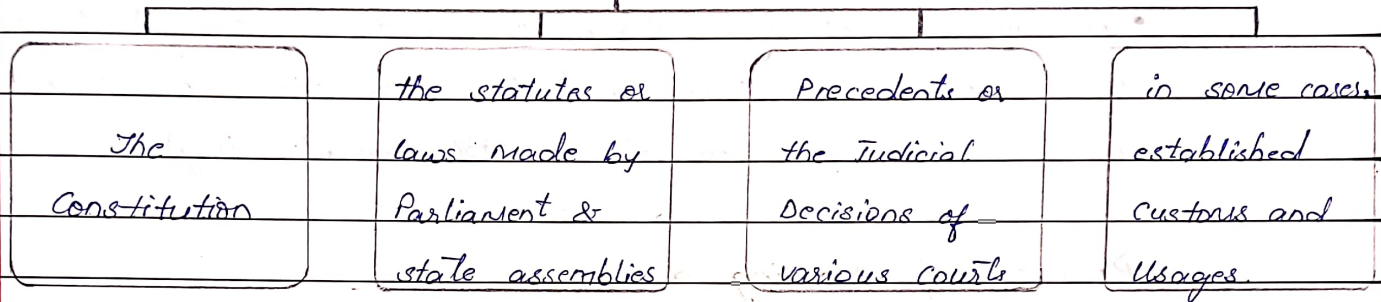


What is Law? L - LOVE A - Against W - War

Law is a set of obligations and duties imposed by the government for securing welfare and providing justice to society.

Sources of Law



* Constitution of India :

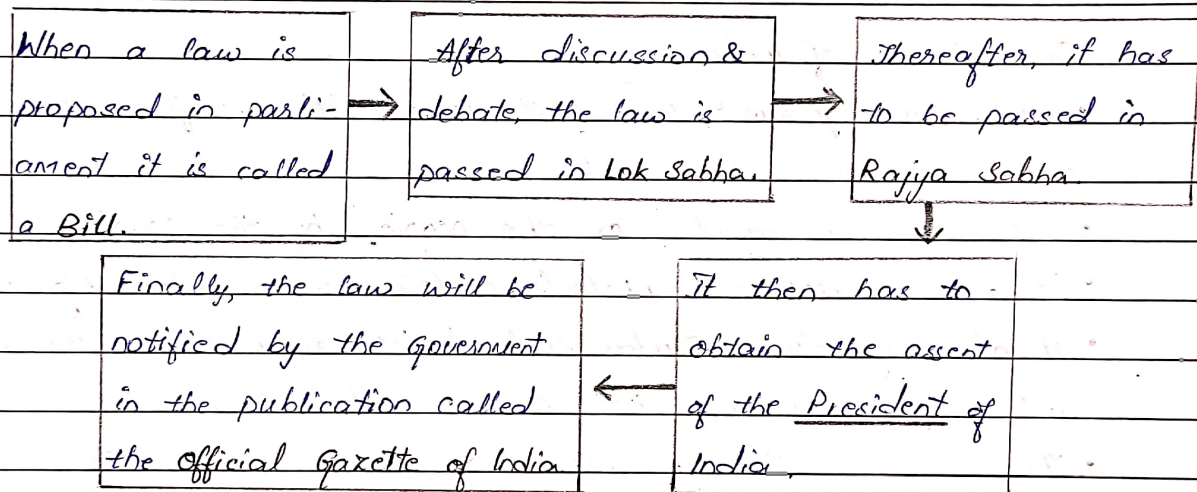
- It is the foremost law that deals with the framework within which our democratic system works.
- Our laws are made for the people, by the people.
- It also provides and protects certain Fundamental rights of citizens.
- It also lays down Fundamental duties as well as the powers and duties of governments, both central and state.
- The laws in India are interconnected with each other forming a hybrid legal system.
- The people who wrote the Constitution decided to divide the law making power between the central government and the various state governments.
- Indian constitution has three list viz., central list, state list and joint list.

<u>Central list</u> °	<u>State list</u> °	<u>Joint list</u> °
Contains the matter on which law is exclusively created by parliament	Contains the matter on which law is exclusively created by state legislature	Contains the matter on which both parliament & state legislature has power to create law

Facts about constitution

- Indian Constitution is the longest Constitution as compared to any other country in the world.
- It is divided into 25 parts containing 448 Articles and 12 schedules.
- The original copy was handwritten by Shri Prem Behari Narain Raizoda.
- It took around 3 years (2 years, 11 months, & 17 days) to complete the constitution of India and it was adopted on 26th Nov 1949 but came into force on 26th Jan 1950 (Republic Day)

* Process of Making a law



* History of Law

- "Code of Hammurabi" is known for oldest law in written form
- King Hammurabi ruled Babylon for the period from 1792 BC-1758 BC
- He carved the code on bulky stone slabs & ordered to place those stones on different places all over the city so that the public may have the knowledge of codes.
- He also appointed judges to check whether public is following the laws or not.
- In 450 BC, a set of laws was engraved on 12 bronze tablets in Rome which is considered as first most detailed code of any of the civilisations & are called Twelve Tables

- The purpose of these tables was to protect the rights of public and to provide remedy for wrongs.
- All the citizens of Rome were supposed to have the knowledge of these tables.
- Over the time, many ^{changes} amendments were done in these laws as per the requirements.

Language of LAW

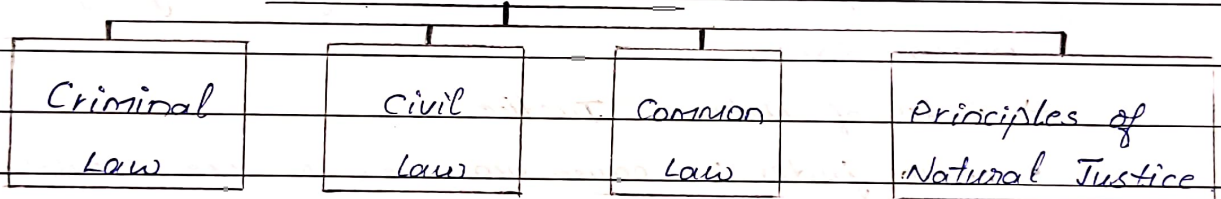
Section → Sub-section → clause → Sub-clause

Ex: Sec 4(1)(a)(v) - Contract

* Types of Law in Indian Legal System

20/21
6 marks

TYPES OF LAWS



i. Criminal law

Criminal law is concerned with laws pertaining to violations of the rule of law or public wrongs & punishment of the same.

Indian Penal Code, 1860

Defines the crime, its nature & punishments

Code of criminal Procedure, 1973 (CrPc)

defines exhaustive procedure for executing the punishments of the crimes.

Criminal offences - Murder, rape, theft, fraud, cheating and assault, etc.

ii. Civil law

• It deals with matters of disputes between individuals or organisations.

• Civil Law primarily focuses on dispute resolution rather than punishment.

Code of Civil Procedure 1908 (CPC)

Civil offences - breach of contract, non-delivery of goods, non-payment of dues to lender or seller deflation, breach of contract, and disputes between landlord and tenant, etc.

Further classified into Law of Contract, Family law, Property law, & law of Tort.

iii Common Law

- A judicial precedent or a case law is a common law.
- A judgment delivered by the Supreme Court will be binding upon the court within the territory of India under Article 141 of the Indian Constitution.
- The doctrine of stare decisis is the principle supporting common law.
 - It is a Latin phrase that means "to stand by that which is decided."
 - It reinforces the obligation of courts to follow the same principle or judgment established by previous decisions while ruling a case where the facts are similar.

iv Principles of Natural Justice

- Natural justice, often known as *Jus Natural*, deals with certain fundamental principles of justice going beyond written law.
- Rules of Natural Justice.
 - *Nemo judex in causa sua* i.e., "No one should be made a judge in his own cause, and it's a Rule against prejudice."
 - *audi alteram partem* i.e., hear the other party or give the other party a fair hearing
 - reasoned decision
- A judgment can override or alter a common law, but it cannot override or change the statute.

* Enforcing the Law

- After a law is passed in parliament it has to be enforced.
- The Government of India exercises its executive authority through a few Government Ministries or Departments of State.
- A Ministry is composed of employed officials, known as civil servants, and is politically accountable through a minister.
- Some of the popular ministries are the Ministry of Finance, the Ministry of Corporate Affairs, the Ministry of Home Affairs,

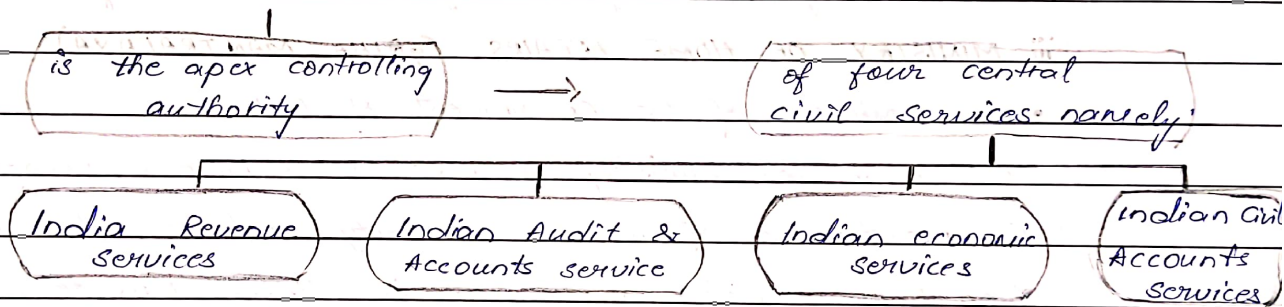
the Ministry of Law and Justice and so on.

→ Most of the major Ministries are headed by a Cabinet Minister, who sits in the Union Council of Ministers, and is typically supported by a team of junior ministers called the Ministers of state.

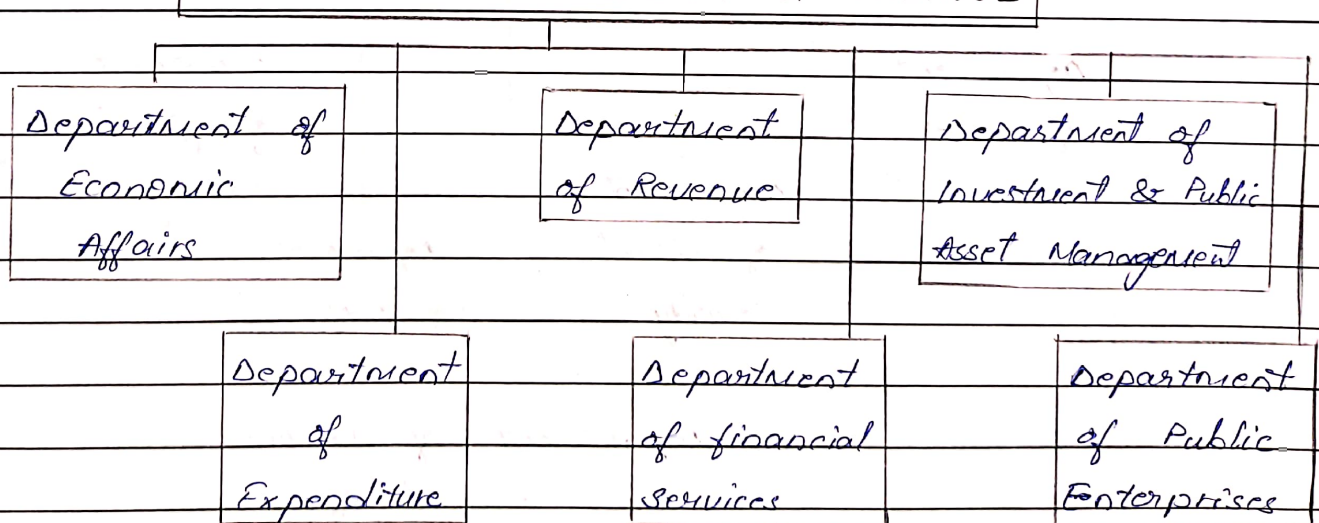
i. MINISTRY OF FINANCE Vitta Mantralaya

- concerned with the economy of India
- serving as the Treasury of India
- concerns itself with taxation, financial legislation, financial institutions, capital markets, centre & state finance & union budget
- important functions is the presentation of the union budget

CONSTITUTION OF MINISTRY OF FINANCE



DEPARTMENTS OF MINISTRY OF FINANCE



Date 17 / 04 / 2025

ii MINISTRY OF CORPORATE AFFAIRS (MCA)

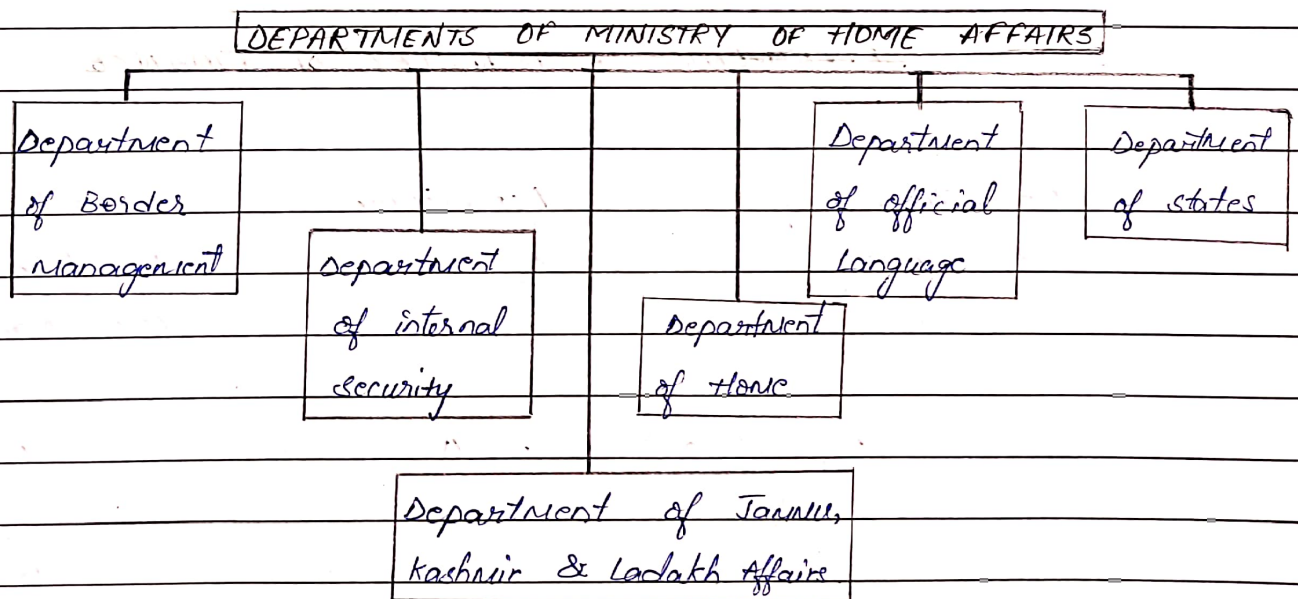
- is an Indian Government Ministry
- primarily concerned with administration of the Companies Act, 2013, the limited liability Partnership Act, 2008, and the insolvency and Bankruptcy Code, 2016.
- responsible mainly for the regulation of Indian enterprises in the industrial and services sector.
- These officers are elected through the Civil Services Examination conducted by Union Public Service Commission.
- The highest post, Director General of Corporate Affairs (DGCA), is fixed at Apex scale for the ICS.
- The Ministry is mostly run by civil servants of the ICS cadre.

iii MINISTRY OF HOME AFFAIRS (GRIHA MANTRALAYA)

- is a ministry of the Government of India.

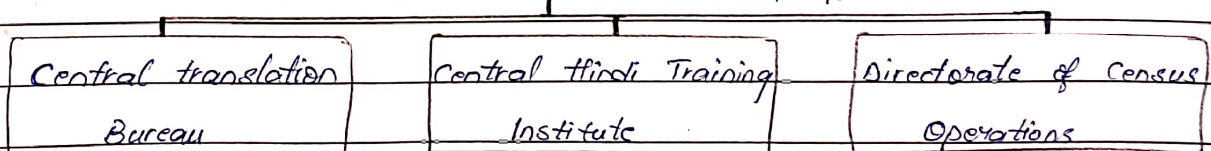
As an interior ministry of India, it is mainly responsible for the maintenance of internal security and domestic policy.

The Home Ministry is headed by Union Minister of Home Affairs.



MINISTRY OF OFFICIAL LANGUAGE

DEPARTMENT OF OFFICIAL LANGUAGE



Date 17 / 04 / 2025

V- MINISTRY OF LAW AND JUSTICE

• in the government of India is a Cabinet Ministry deals with the

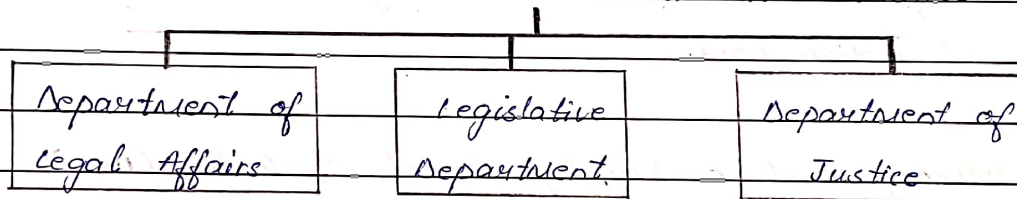
• Management of the legal affairs through Department of legal affairs

• The Department of Legal Affairs is concerned with advising the various Ministries of the Central Government while the legislative Department is concerned with drafting of principal legislation for the central government.

• Legislative activities through the legislative department

• administration of justice in India through the Department of justice

DEPARTMENTS OF MINISTRY OF LAW & JUSTICE



Securities and Exchange Board of India (SEBI)

June 24
6 Marks

The Securities and Exchange Board of India (SEBI)

- is the regulatory body
- for securities and commodity market in India.
- under the ownership of Ministry of Finance within the Government of India.
- It was established on 12th Apr, 1988 as an executive body and was given statutory powers on 30 January, 1992 through the SEBI Act, 1992.

Reserve Bank of India (RBI)

June 2024
6 Marks

- is India's Central Bank and regulatory body responsible for regulation of the Indian banking system.
- It is under the ownership of Ministry of Finance, Government of India.
- It is responsible for the control, issue and maintaining supply of the Indian rupee.

- It also manages the country's main payment systems and works to promote its economic development.
- Bharatiya Reserve Bank Note Mudran (BRBNM) is a specialised division of RBI through which it prints and mints Indian currency notes (INR) in two of its currency printing presses located in Nashik (Western India) and Dewas (Central India).
- RBI established the National Payments Corporation of India as one of its specialised divisions to regulate the payment and settlement systems in India.
- Deposit Insurance and Credit Guarantee Corporation was established by RBI as one of its specialised divisions for the purpose of providing insurance of deposits and guaranteeing of credit facilities to all Indian banks.

Insolvency and Bankruptcy Board of India (IBBI)

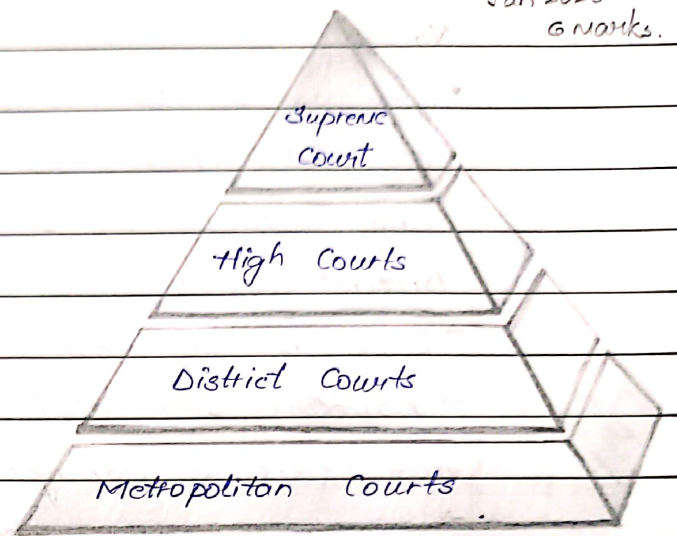
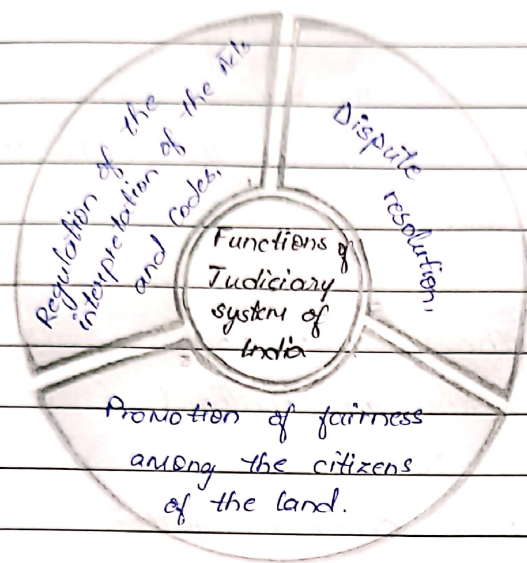
June 2024

6 Marks

- It is the regulator for overseeing insolvency proceedings and entities like Insolvency Professional Agencies (IPA), Insolvency Professionals (IP) and Information Utilities (IU) in India.
- It was established on 1st Oct, 2016 and given statutory powers through the Insolvency and Bankruptcy Code, which was passed by Lok Sabha on 5th May 2016.
- It covers Individuals, Companies, Limited Liability Partnerships and Partnership firms. The new code will speed up the resolution process for stressed assets in the country.
- It attempts to simplify the process of insolvency and bankruptcy proceedings.
- It handles the cases using two tribunals, like NCLT (National Company Law Tribunal) and Debt Recovery Tribunal.

Structure of the Indian Judicial System

- When there is a dispute between citizens or between citizens & the Govt., these disputes are resolved by the judiciary.



HIERARCHY OF COURTS

- Decisions of a high court are binding in the respective state but are persuasive in other states.
- Decisions of the Supreme Court are binding on all high courts under Article 141 of the Indian Constitution. In fact, a Supreme Court decision is the final word on the matter.

Supreme Court:

- The Supreme Court is the apex body of the judiciary.
- It was established on 26th Jan, 1950
- The Chief Justice of India is the highest authority appointed under Article 126.
- The principal bench of the Supreme Court consists of 7 members including the Chief Justice of India and 6 other judges.
- Presently, the number has increased to 34 including the Chief Justice of India due to the rise in the no. of cases & workload.
- An individual can seek relief in the Supreme Court by filing a writ petition. → a written document, signed by many people

High Court:

- The highest court of appeal in each state & union territory.
- There must be a high court in each state.
- It has appellate, original jurisdiction, and supervisory jurisdiction.
- An individual can seek remedies against violation of fundamental rights in high court by filing a writ.

Date 19 / 04 / 2025

Note :

- There are 25 High Courts, 6 states share a single high court.
- The oldest high court in the country is the Calcutta High Court, established on 2nd July, 1862.

District Court :

- Below the High Courts are the District Courts
- It deals with civil law matters i.e., contractual disputes and claims for damages etc.
- Courts of Sessions deals with criminal matters.
- Under pecuniary jurisdiction, civil judge can try suits valuing not more than Rupees 2 crore.
- Courts get territorial jurisdiction based on the areas covered by them.
- Cases are decided based on the local limits within which the parties reside or the property under dispute is situated.

Metropolitan Courts

- Metropolitan courts are established in metropolitan cities in consultation with the High Court where the population is 10 lakh or more
- Chief Metropolitan Magistrate has powers as Chief Judicial Magistrate
- Metropolitan Magistrate has powers as the Court of a Magistrate of the first class

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