

Jurisprudence (Legal Method, Indian Legal System, and basic theory of law)

Objectives: The course primarily aims at enabling the student to understand the Indian legal system, basic theory of law and to learn various methods of legal reasoning, analysis of cases, statutes and other sources. Student will learn how to find law, how to filter the relevant facts and apply the legal principle, how to cite various authorities and how to orient writing for a specific purpose.

1. Introduction to Indian Legal System and Concept of Law (12)

- a. Introduction to Legislative process in India
- b. Nature of Legal Systems
- c. Meaning of law
- d. Functions of law
- e. Theories of Law
 - *Natural Law theory*
 - *Legal Positivism*
 - *Sociological theory*
 - *Legal Realism*
 - *Critical Legal Studies*
- f. Rights
- g. Justice
- h. Values and Professional Ethics

2. Sources of Law (5)

- a. Custom
- b. Legislation
- c. Precedent

3. Rule of Law (3)

4. **Judicial System in India (5)**
 - a. Hierarchy of Courts- Supreme Court, High Courts, District Courts, Tribunal and other Regulatory bodies
 - b. Evidence
 - c. Alternative Dispute Resolution mechanism
 - d. Nyaya Panchayats, Lok Adalats, and Legal Aid

5. **Case Method and Legislative Analysis (15)**
 - a. Introduction – The case of legalistic Child
 - b. *Ratio Decidendi* and *Obiter Dicta*
 - c. Finding the cases in Law reporters and in Legal databases
 - d. Reporting and citation of cases.
 - e. Reading and analyzing Cases – IRAC method
 - f. Method of Statutory Analysis

6. **Working with case laws and statutes (5)**
 - a. Selected cases from Public Law, Contracts, Criminal Law and the Law of Torts – simulation, moots and written work.
 - b. Examples for Statutory Analysis (Anti terrorism laws, Right to Information)
 - c. Citation Quiz, practitioner's view

Suggested Reading-

Glanville Willaims (2007), Learning the Law , 11th Edition

A C Sarkar: Salmond's Jurisprudence

W. Friedman (2003), Law in a Changing society

William Twining and Davis Miers(1976), How to do Things with Rules

Holland and Webb (2006) Learning Legal Rules:A Student's Guide to Legal Method and Reasoning, Oxford University Press

William Putman (2004): Legal Research, Analysis and Writing

M.P.Jain: (2006), Outlines of Indian Legal and Constitutional History

The Blue Book: A Uniform System of Citation(18th Edition, 2005)

Legal Services Authorities Act, 1987

Further Reading-

Dias, Jurisprudence

H.L.A. Hart, The Concept of Law

G.W. Paton- Text book of Jurisprudence

Margaret Davies, Asking the law question

A.R. Biswas, Modern Jurisprudence