

ABOUT ME



Dr. Anjali Dixit

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KAAF University College, Faculty of Law & Political Science, Kasoa, Central Region, Ghana,
(West Africa) (2023- present)

Course Name: Legal Method & Legal Reasoning

Course Code: BL-103

Class: BA LL.B./BBA LL.B./LL. B 1st year

Semester: I

Credit: 4

Course Objectives

The students will have an elementary understanding of the debates around the nature of law and will be able to distinguish between the major kinds of law, legal systems and institutions; know the structure of the legal institutions and the hierarchy of courts in India; acquire the ability to identify legal issues and principles underlying any given factual situation, and to undertake and present research on such issues; know the various sources of law and be able to synthesize such sources and use them to formulate arguments in their research.

Course Outcome

CO1: **Proficiency** in conducting legal research using various sources, including statutes, case law, and secondary materials.

CO2: **Ability** to identify relevant legal issues, analyze them systematically, and apply appropriate legal principles.

CO3: **Enhancement** of written and oral communication skills for presenting legal arguments and analysis.

CO4: **Understanding** the structure and function of legal systems and institutions.

CO5: **Preparation** for further legal education or entry into the legal profession.

SYLLABUS

UNIT-I: INTRODUCTION

Meaning and definition of law

Law and its relation with ethics, religion and morality
Categorization of law: Substantive & Procedural laws,
Civil law & Criminal law

Schools of law- Positivist -Austin, Kelsen, Hart;
Natural- Fuller; Historical- Savigny; Sociological-
Roscoe Pound

Legal systems- Common, Civil , Adversarial,
Inquisitorial

Indian Legal System- Salient Features of Constitution,

Hierarchy of courts, Specialized legal bodies and
regulatory bodies.

UNIT-II: SOURCES OF LAW

Sources of Law

Customs

Legislation

Precedent

UNIT-III: LEGAL REASONING & LEGAL RESEARCH METHODOLOGY

1. Meaning of Legal Research & Methods
2. Inductive Methods: General to Particular
3. Deductive Methods: Particular to General
4. Types of Legal Research: Doctrinal Research & Empirical Research
5. Steps involved in doing Legal Research.

SYLLABUS

UNIT-IV: LEGAL REASONING & LEGAL RESEARCH METHODOLOGY

Doctrinal Research Methods: legal and non-legal materials, primary and secondary sources

Tools to find legal materials: Law Library & Online

Data Base

Case comment

Case analysis

Citation –ILI, OCOLA, Blue Book

UNIT-V: SOCIAL SCIENCE RESEARCH TECHNIQUE APPLIED IN LEGAL SCIENCE RESEARCH: NON DOCTRINAL OR EMPIRICAL APPROACH

Empirical Research Methods: Observation, Interview, Questionnaire, survey, Case Study.

Design of samples & Types of sampling.

BOOKS RECOMMENDED

1. S. R. Myneni, Legal Language and Legal Writing (14 ed.), Asia Law House, Hyderabad, 2024.
2. V. D. Mahajan, Jurisprudence and Legal Theory, (5th ed.), Eastern Book Co., Lucknow, 2024.
3. I. P. Massey, Administrative Law, Eastern Book Company, (7th ed.), 2024
4. N. V. Paranjape, Studies in Jurisprudence & Legal Theory, (9h ed), Central Law Agency, 2024.

WHY THIS SUBJECT

Jurisprudence is taught to law students in India for many reasons, including:

Understanding the fundamentals of law

Understanding the social impact of laws

Understanding the evolution of law

Understanding the rationale behind legislation

Understanding the relationship between law and other social sciences

Developing analytical skills

Creating a solid foundation

LEARNING OUT COMES

After completing a jurisprudence course, law students in India may be able to:

Identify sources of law

Understand legal systems

Summarize legal concepts

Differentiate between laws

Compare schools of jurisprudence

Develop

- critical thinking skills

- problem solving skills

- analytical reasoning skills

- communication skills

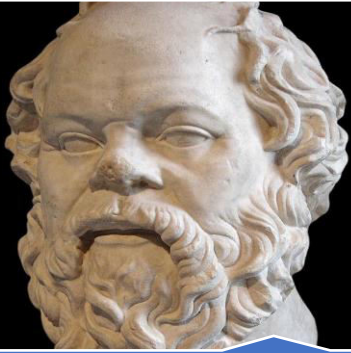
Introduction of Jurisprudence

Jurisprudence is the study or philosophy of law. Various Jurisprudence thinkers and scholars have tried to explain it in the general form for the more profound understanding of the lawmaking process. Modern-day **jurisprudence** started in the **eighteenth century** and was centred on the primary standards of natural law, civil law, and the law of nations.

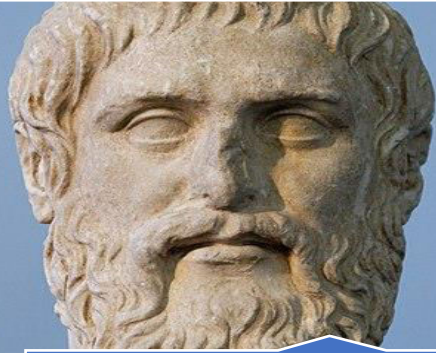
Schools of Jurisprudence

- Philosophical School
- Historical School
- Realist School
- Sociological School
- Analytical School

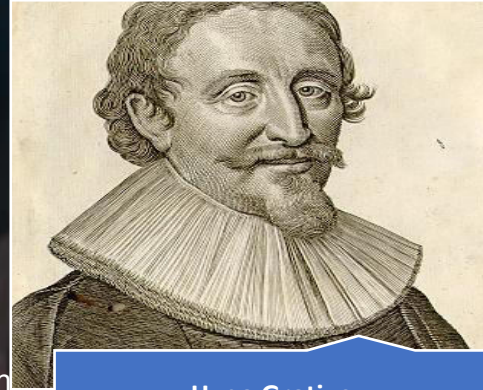
Philosophical School



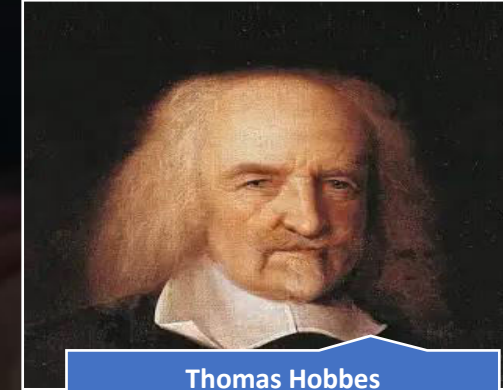
Socrates
(470 – 399 BC)



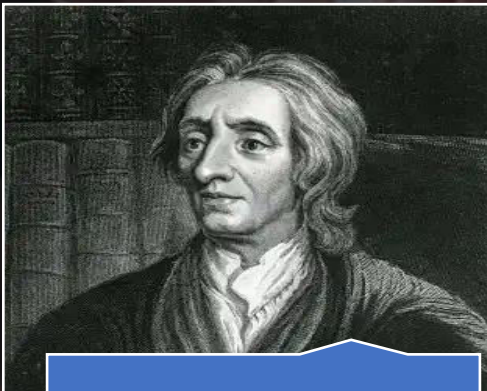
Plato
(427 – 348 BC)



Hugo Grotius
(1583–1645)



Thomas Hobbes
(5 April 1588 – 4 December 1679)



John Locke (1632–1704)



Jean-Jacques Rousseau (1712 – 1778)



Immanuel Kant (1724–1804)

Historical School



Friedrich Carl von **Savigny** (21 February 1779 – 25 October 1861)

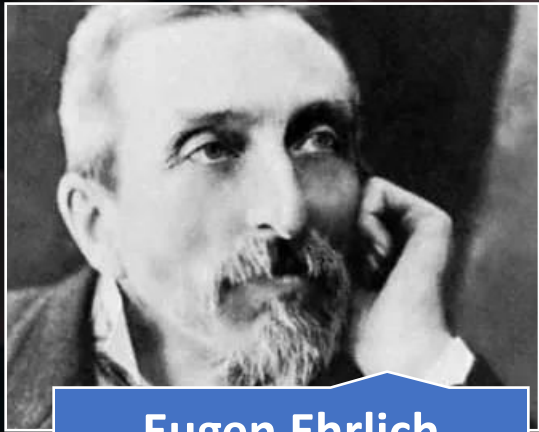


Sir Henry James Sumner Maine, KCSI, FRS (15 August 1822 – 3 February 1888)

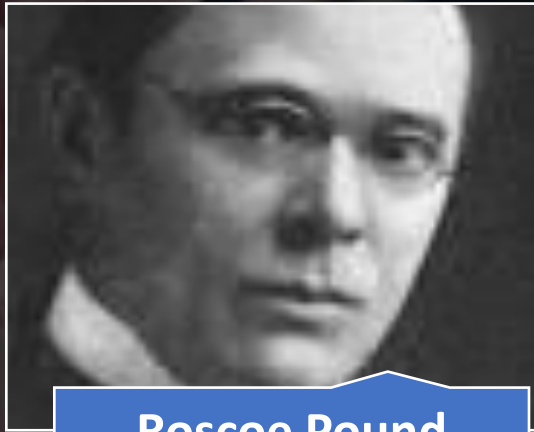


Georg Friedrich Puchta (31 August 1798 – 8 January 1846)

Sociological School



**Eugen Ehrlich
(1862-1922)**



**Roscoe Pound
(1870-1964)**



**Leon Duguit (1859-
1928)**

Analytical School



Jeremy Bentham (1748–
1832)



John Austin (1790–1859)

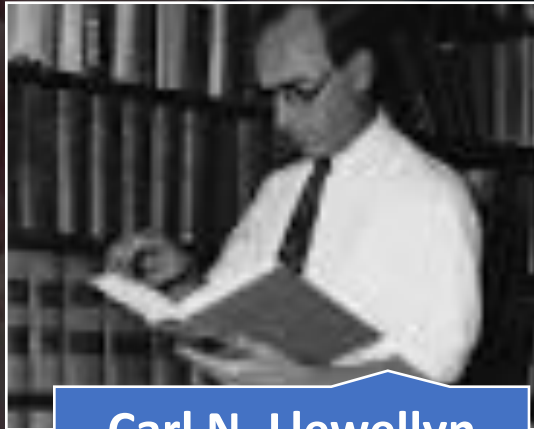


Herbert Lionel
Adolphus Hart (b. 1907–d.
1992)

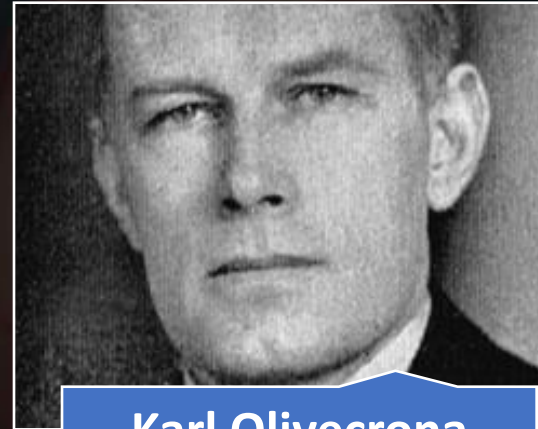
Realist School



**Jerome N. Frank
(1889-1957)**



**Carl N. Llewellyn
(1893-1962)**



**Karl Olivecrona
(1897-1980)**

LAW: MEANING, NATURE & KINDS

The term "Law" denotes different kinds of rules and Principles.

AN INSTRUMENT: Law is an instrument which regulates human conduct/behavior.

AS PER SOCIETY- Law means Justice, Morality, Reason, Order, and Righteous from the view point of the society.

AS PER LEGISLATURE- Law means Statutes, Acts, Rules, Regulations, Orders, and Ordinances from point of view of legislature.

AS PER COURT - Law means Rules of court, Decrees, Judgment, Orders of courts, and Injunctions from the point of view of Judges.

Therefore, Law is a broader term which includes Acts, Statutes, Rules, Regulations, Orders, Ordinances, Justice, Morality, Reason, Righteous, Rules of court, Decrees, Judgment, Orders of courts, Injunctions, Tort, Jurisprudence, Legal theory, etc.

Meaning of Law

In old English "Lagu" i.e. law, ordinance, rule, regulation from old Norse "lagu" law collective Plural of "Lag" is layer, measure, stroke 'Literally' something laid down of fixed.

In Hindu religion law implies "Dharma" in Muhammadian religion (Islam) it is "Hukum" in Roman its "Jus", in French, its "Droit" in Arabic, Alqanoon, in Persian and Turkish, its Kunoon, in Latin its "Legam" in Philipino its "Batas" in Albanian language its "Ligj" in Czech its "Zakon" in Danish its "Lor" in Dutch its "Wet" in Italian its "Legge" and in Lithuanian its "Teise" and so on.

KINDS OF LAW

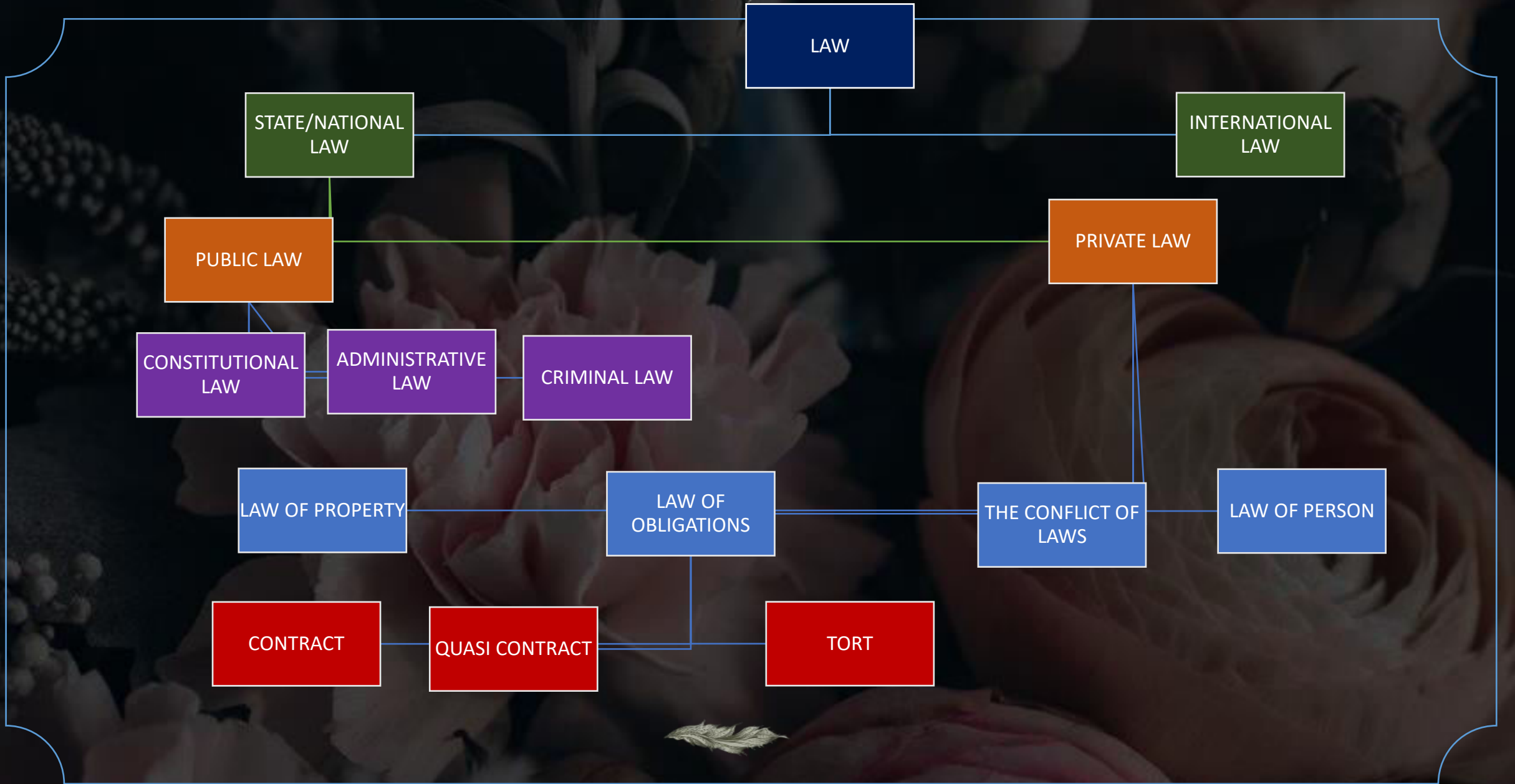
Kinds of law by Sir John Salmond Sir John Salmond refers to eight kinds of law 1. Imperative law 2. Physical or scientific law 3. Natural or moral law 4. Conventional law 5. Customary law 6. Practical or technical law 7. International law, and 8. Civil law

Classification of Law

- (1) International Law, and
- (2) Municipal or National law

The Municipal law, Law of land, Civil law, or law applied within a State is divided into two classes:

- (A) PUBLIC LAW
- (B) PRIVATE LAW



Indian Legal System: Specialized legal bodies and regulatory bodies

Statutory Bodies in Governance

Statutory bodies are established by acts of Parliament or State Legislatures concerned.

Statutory bodies are non-constitutional bodies which make rules and regulations and take the decision on behalf of the government.

Examples: National Human Rights Commission, National Green tribunal, Medical Council of India, University Grants Commission etc.

Regulatory Bodies for Effective Governance

Regulatory bodies also called a regulatory agency is a public authority or a government agency which is accountable for exercising autonomous authority over some area of human activity in a regulatory or supervisory capacity.

Regulatory Bodies Examples

Securities and Exchange Board of India,

RBI,

IRDAI,

PFRDA,

Telecom and Regulatory Authority of India, etc.

Quasi-Judicial Bodies

A Quasi-Judicial Body is an entity such as an arbitrator or a tribunal, generally of a Public Administrative Agency, which has powers and procedures resembling that of a Court of Law or Judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action

Quasi-Judicial Bodies Examples

Election Commission of India

Finance Commission

Income Tax Appellate Tribunal

Intellectual Property Appellate Tribunal, etc.

Hierarchy of Indian Judicial System





Salient Features of

Important Sources of Indian Constitution



United States of America

- Preamble
- Fundamental Rights (Articles 12 to 32)
- Federal structure of government
- Functions of President & Vice-President
- Impeachment of the President
- Judicial Review
- Removal of Supreme court and High court Judges



United Kingdom

- Parliamentary form of government
- Single citizenship
- Rule of Law (Article 14)
- Bicameralism



Canada

- Quasi-federal form of government
- Distribution of powers between the central government and state governments
- Residual powers retained by the central government



Ireland

- Directive Principles of State Policy (Part IV)
- Nomination of members to Rajya Sabha
- Election of President



France

- Republic and the ideals of Liberty, Equality and Fraternity in the Preamble

Government of India Act 1935

- Federal Scheme
- Provincial Autonomy
- Public Service Commissions
- Office of Governor
- Judiciary
- Administrative Details



South Africa

- Procedure for amendment of the constitution
- Election of Rajya Sabha members



Germany (Weimar Constitution)

- Emergency Provisions
- Suspension of Fundamental Rights during emergency



Soviet Union (USSR)

- Fundamental Duties
- Idea of Social, Economic, and Political Justice in Preamble



Australia

- Freedom of trade and commerce within the country and between the states
- Concurrent List
- Language of the Preamble



Japan

- Procedure Established by Law



Thank you

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"Happiness is when what you think, what you say, and what you do are in harmony"

