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INTRODUCTION TO LAW

LAW - INTRODUCTION

The nature and meaning of law has been described by various jurists. However, there is no unanimity of opinion regarding the true nature and meaning of law. The reason for lack of unanimity on the subject is that the subject has been viewed and dealt with by different jurists. Therefore, it is not practicable to give a precise and definite meaning to law which may hold good for all times to come.

For the purpose of clarity and better understanding of the nature and meaning of law, we may classify the various definitions into five broad classes:

- Natural
- Positivistic
- Historical
- Sociological
- Realistic

NATURAL SCHOOL

Author	Definition
<i>Ulpine</i>	The art or science of what is equitable and good.
<i>Cicero</i>	The highest reason implanted in nature.
<i>Justinian's</i>	The standard of what is just and unjust.
<i>Romans</i>	Justice" is the main and guiding element of law
<i>Ancient Hindu view</i>	Law is the command of God and not of any political sovereign. Everybody including the ruler, is bound to obey it. Thus, 'law' is a part of "Dharma". The idea of "justice" is always present in Hindu concept of law.
<i>Salmond</i>	The body of principles recognised and applied by the State in the administration of justice.
<i>Vinogradoff</i>	A set of rules imposed and enforced by society with regard to the attribution and exercise of power over persons and things

POSITIVISTIC DEFINITION OF LAW

Author	Definition
<i>Austin</i>	Law is the aggregate of rules set by man as politically superior, or sovereign, to men as political subject. Law is the “command of the sovereign”. It obliges a certain course of conduct or imposes a duty and is backed by a sanction. Thus, the command, duty and sanction are the three elements of law.
<i>Kelsen</i>	Law is a ‘normative science’. The legal norms are ‘Ought’ norms as distinct from ‘Is’ norms of physical and natural sciences.

HISTORICAL DEFINITION OF LAW

Author	Definition
<i>Savigny</i>	<p>Law can be summarised as follows:</p> <ul style="list-style-type: none"> - That law is a matter of unconscious and organic growth. Therefore, law is found and not made. - Law is not universal in its nature. Like language, it varies with people and age. - Custom not only precedes legislation but it is superior to it. Law should always conform to the popular consciousness. - Law has its source in the common consciousness (Volkgeist) of the people. - Legislation is the last stage of law making, and, therefore, the lawyer or the jurist is more important than the legislator.

SOCIOLOGICAL DEFINITION OF LAW

Author	Definition
<i>Duguit</i>	essentially and exclusively as social fact
<i>Ihering</i>	the form of the guarantee of the conditions of life of society, assured by State’s power of constraint”. There are three essentials of this definition.

	First, in this definition law is treated as only one means of social control. Second, law is to serve social purpose. Third, it is coercive in character.
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REALIST DEFINITION OF LAW

Author	Definition
Holmes	Law is a statement of the circumstances in which public force will be brought to bear upon through courts

Following are the main characteristics of law and a definition to become universal one:

- Law pre-supposes a State.
- The State makes rules which are called law.
- For the rules to be effective, there are sanctions behind them.
- These rules are made to serve some purpose. The purpose may be a social purpose, or some personal ends.
- Separate rules and principles are known as 'laws'. Such laws may be:
 - o **Mandatory:** A mandatory law calls for affirmative act, for example requiring the payment of taxes.
 - o **Prohibitive:** A prohibitive law requires negative conduct, for example prohibition on carrying of concealed weapon or running a lottery.
 - o **Permissive:** A permissive law is one which neither requires nor forbids action, but allows certain conduct on the part of an individual if he desires to act.

SIGNIFICANCE OF LAW

Law is not static. As circumstances and conditions in a society change, laws are also changed to fit the requirements of the society. Law has undergone a vast transformation - conceptual and structural. Law is expected to provide socio-economic justice and remove the existing imbalances in the socio-economic structure and to play special role in the task of achieving the various socio-economic goals enshrined in our Constitution.

SOURCES OF INDIAN LAW

The modern Indian law as administered in courts is derived from various sources and these sources fall under the following two heads:

- Principle Sources of Indian Law
- Secondary Sources of Indian Law

PRINCIPLE SOURCES OF INDIAN LAW

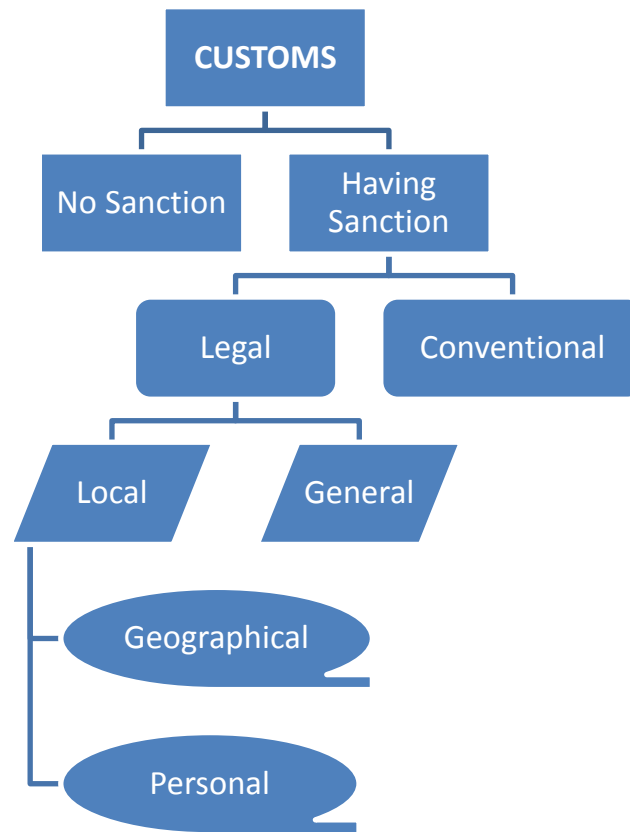
The principal sources of Indian law are:

- Customs or Customary Law
- Judicial Decisions or Precedents
- Statutes or Legislation
- Personal Law e.g., Hindu and Mohammedan Law, etc.

CUSTOMS OR CUSTOMARY LAW

Custom is the most ancient of all the sources of law and has held the most important place in the past, though its importance is now diminishing with the growth of legislation and precedent.

Customs have played an important role in moulding the ancient Hindu Law. Most of the law given in Smritis and the Commentaries had its origin in customs. Custom as a source of law has a very inferior place in the Mohammedan Law. However, customs which were not expressly disapproved by the Prophet were good laws. In India, many sects of Mohammedans are governed by local customary law.



CLASSIFICATION OF CUSTOMS

The customs may be divided into two classes:

- Customs without sanction
- Customs having sanction

Customs without sanction are those customs which are non-obligatory and are observed due to the pressure of public opinion. These are called as positive morality.

Customs having sanction are those customs which are enforced by the State.

These may be divided into two classes:

- (i) **Legal Customs:** These customs operate as a binding rule of law. They have been recognised by the courts are part of the law of land. Legal customs are again of two kinds - Local Customs & General Customs.

- (a) **Local Customs:** Local custom prevails in some definite locality and constitutes a source of law for that place only. But there are certain sects or

communities which take their customs with them wherever they go. They are also local customs. Thus, local customs may be divided into two classes:

- Geographical Local Customs
- Personal Local Customs

These customs are law only for a particular locality, section or community.

(b) **General Customs:** A general custom is that which prevails throughout the country and constitutes one of the sources of law of the land. The Common Law in England is equated with the general customs of the realm.

(ii) **Conventional Customs:** These are also known as usages. These customs are binding due to an agreement between the parties, and not due to any legal authority independently possessed by them.

Like legal customs, conventional customs may also be classified as general or local. Local conventional customs are limited either to a particular place or market or to a particular trade or transaction.

REQUISITES OF A VALID CUSTOM

A custom will be valid and binding, if it fulfills the following essential conditions:

- (i) **Immemorial:** A custom to be legal and binding must have been used so long that the memory of man runs not to the contrary, so that, if any one can show the beginning of it, it is no good custom.
- (ii) **Certainty:** The custom must be certain and definite, and must not be vague and ambiguous.
- (iii) **Reasonableness:** It must be useful and convenient to the society.
- (iv) **Compulsory Observance:** A custom must have been continuously observed without any interruption.
- (v) **Conformity with Law and Public Morality:** If a custom is expressly forbidden by legislation and abrogated by a statute, it is inapplicable.
- (vi) **Unanimity of Opinion:** The custom must be general or universal. If practice is left to individual choice, it cannot be termed as custom.

- (vii) **Peaceable Enjoyment:** The custom must have been enjoyed peaceably without any dispute in a law court or otherwise.
- (viii) **Consistency:** There must be consistency among the customs. Custom must not come into conflict with the other established customs.

JUDICIAL DECISION OR PRECEDENTS

- Judicial precedents are an important source of law.
- They have enjoyed high authority at all times and in all countries particularly in the case of England and other countries which have been influenced by English jurisprudence.
- The principles of law expressed for the first time in court decisions become precedents to be followed as law in deciding problems and cases identical with them in future. The rule that a court decision becomes a precedent to be followed in similar cases is known as doctrine of stare decisis.
- The reason why a precedent is recognised is that a judicial decision is presumed to be correct.

CLASSROOM NOTES

HIGH COURTS

CLASSROOM NOTES

- The decisions of High Court are binding on all the subordinate courts and tribunals within its jurisdiction.
- The decisions of one High Court have only a persuasive value in a court which is within the jurisdiction of another High Court. But if such decision is in conflict with any decision of the High Court within whose jurisdiction that court is situated, it has no value and the decision of that High Court is binding on the court.
- In case of any conflict between the two decisions of co-equal Benches, generally the later decision is to be followed.
- In a High Court, a single judge constitutes the smallest Bench. A Bench of two judges is known as Division Bench. Three or more judges constitute a Full Bench. A decision of such a Bench is binding on a Smaller Bench.
- Decision of a Division Bench is binding on a single judge of the same High Court.
- A decision by a Bench of the High Court should be followed by other Benches unless they have reason to differ from it, in which case the proper course is to refer the question for decision by a Full Bench.
- The High Courts are the Courts of co-ordinate jurisdiction. Therefore, the decision of one High Court is not binding on the other High Courts and have persuasive value only.
- Pre-constitution (1950) Privy Council decisions are binding on the High Courts unless overruled by the Supreme Court.
- The Supreme Court is the highest Court and its decisions are binding on all courts and other judicial tribunals of the country. Article 141 of the Constitution makes it clear that the law declared by the Supreme Court shall be binding on all courts within the territory of India. The words "law declared" includes an obiter dictum provided it is upon a point raised and argued (*Bimladevi v. Chaturvedi*, AIR 1953 All. 613). However, it does not mean that every statement in a judgement of the Supreme Court has the binding effect. Only the statement of ratio of the judgement is having the binding force.

SUPREME COURT

- The expression 'all courts' used in Article 141 refers only to courts other than the Supreme Court. Thus, the Supreme Court is not bound by its own decisions.
- If the earlier decision is found erroneous and is thus detrimental to the general welfare of the public, the Supreme Court will not hesitate in departing from it.
- English decisions have only persuasive value in India. The Supreme Court is not bound by the decisions of Privy Council or Federal Court.
- The doctrine of precedent lays down the principle that decisions of higher courts must be followed by the courts subordinate to them. However, higher courts are not bound by their own decisions (as is the case in England).

KINDS OF PRECEDENTS

Declaratory and Original Precedents:

According to Salmond, a declaratory precedent is one which is **merely the application of an already existing rule of law**. An original precedent is one which **creates and applies a new rule of law**. It is a law for the future because it is now applied. The number of original precedents is small but their importance is very great. They alone develop the law of the country. They serve as good evidence of law for the future.

Persuasive Precedents:

A persuasive precedent is one which the **judges are not obliged to follow** but which they will take into consideration and to which they will attach great weight. A persuasive precedent, therefore, is not a legal source of law; but is regarded as a historical source of law. Thus, in India, the decisions of one High Court are only persuasive precedents in the other High Courts. The rulings of the English and American Courts are persuasive precedents only. Obiter dicta also have only persuasive value.

Absolutely Authoritative Precedents:

An authoritative precedent is one which **judges must follow** whether they approve of it or not. Its binding force is absolute and the judge's discretion is altogether excluded as he must follow it. Unlike a persuasive precedent which is merely historical, an authoritative precedent is a legal source of law.

Absolutely authoritative precedents in India:

Every court in India is **absolutely bound by the decisions of courts superior to itself**. The subordinate courts are bound to follow the decisions of the High Court to which they are subordinate. A single judge of a High Court is bound by the decision of a bench of two or more judges. All courts are absolutely bound by decisions of the Supreme Court.

In England decisions of the House of Lords are absolutely binding not only upon all inferior courts but even upon itself. Likewise, the decisions of the Court of Appeal are absolutely binding upon itself.

Conditionally Authoritative Precedents:

A conditionally authoritative precedent is one which, though ordinarily binding on the court before which it is cited, is liable to be disregarded in certain circumstances. In India, the decision of a single Judge of the High Court is absolutely authoritative so far as subordinate judiciary is concerned, but it is only conditionally authoritative when cited before a Division Bench of the same High Court.

DOCTRINE OF STARE DECISIS

- The doctrine of stare decisis means adhere to the decision and do not unsettle things which are established.
- Under the stare decisis doctrine, a principle of law which has become settled by a series of decisions generally is binding on the courts and should be followed in similar cases. Although generally the doctrine should be strictly adhered to by the courts, it is not universally applicable.
- It is a useful doctrine intended to bring about certainty and uniformity in the law.

RATIO DECIDENDI

- Prof. Goodhart says that ratio decidendi is nothing more than the decision based on the material facts of the case.

- Where an issue is required to be answered, then the material facts of the case are eliminated from the immaterial elements and the same is known as ratio decidendi and such principle is not only applicable to that case but to other cases also which are of similar nature.

OBITER DICTA

- Obiter dicta are deliberate expressions of opinion given after consideration on a point clearly brought and argued before the court. It is too difficult for lawyers and courts to see whether an expression is the ratio of judgement or just a causal opinion by the judge.
- It is open, no doubt, to other judges to give a decision contrary to such obiter dicta. The literal meaning of this Latin expression is "said by the way".
- These statements have the force of persuasive precedents only. The judges are not bound to follow them although they can take advantage of them.

STATUTES OR LEGISLATION

- Statute law or statutory law is what is created by legislation, for example, Acts of Parliament or of State Legislature. **Legislation is either supreme or subordinate** (delegated).
- Supreme Legislation is that which proceeds from the sovereign power in the State or which derives its power directly from the Constitution.
- Subordinate Legislation is that which proceeds from any authority other than the sovereign power.
- The Parliament of India possesses the power of supreme legislation. The executive, whose main function is to enforce the law, is given the power to make rules. Such subordinate legislation is known as executive or delegated legislation. Municipal bodies enjoy by delegation from the legislature, a limited power of making regulations or bye-laws for the area under their jurisdiction.
- In our legal system, Acts of Parliament and the Ordinances and other laws made by the President and Governors as they are authorised to do so under the Constitution are supreme legislation while the legislation made by various

authorities like Corporations, Municipalities, etc. under the authority of the supreme legislation are subordinate legislation.

PERSONAL LAW

For Hindu	For Mohammedans
The Shruti which includes four Vedas	The holy Koran
The Smritis handed down by the Rishi's or ancient teachings and precepts of God, the commentaries written by various ancient authors on these Smritis. There are three main Smritis; the Codes of Manu, Yajnavalkya and Narada.	Actions, percepts and sayings of the Prophet Mohammed preserved by tradition and handed down by authorised persons. These are known as Hadis
	Ijmas, i.e., a concurrence of opinion of the companions of the Prophet and his disciples.
	Kiyas or reasoning by analogy. These are analogical deductions derived from a comparison of the Koran, Hadis and Ijmas when none of these apply to a particular case.
	Digests and Commentaries on Mohammedan law, the most important and famous of them being the Hedaya which was composed in the 12th century and the Fatawa Alamgiri which was compiled by commands of the Mughal Emperor Aurangzeb Alamgiri.

SECONDARY SOURCE OF INDIAN LAW**JUSTICE, EQUITY AND GOOD CONSCIENCE**

- Justice, equity and good conscience as a source of law, owes its origin to the beginning of the British administration of justice in India.
- The Charters of the several High Courts established by the British Government directed that when the law was silent on a matter, they should decide the cases in accordance with justice, equity and good conscience.
- The Supreme Court has stated that it is now well established that in the absence of any rule of Hindu Law, the courts have authority to decide cases on the principles of justice, equity and good conscience unless in doing so the decision would be repugnant to, or inconsistent with, any doctrine or theory of Hindu Law.

CLASSROOM NOTES**SOURCES OF INDIAN LAW**

The chief sources of English law are:

Common Law:

The Common Law is the name given to those principles of law evolved by the judges in making decisions on cases that are brought before them. These principles have been built up over many years so as to form a complete statement of the law in particular areas.

Law Merchant:

The Law Merchant is the most important source of the Mercantile Law. Law Merchant means those customs and usages which are binding on traders in their dealings with each other. But before a custom can have a binding force of law, it must be shown that such a custom is ancient, general as well as commands universal compliance.

Principle of Equity:

Equity is a body of rules, the primary source of which was neither custom nor written law, but conscience and which had been set forth and developed in the Courts of Chancery.

The King is considered as the fountain head of justice; when people were dissatisfied or aggrieved with the decision of the Common Law Court, they could always file a mercy petition with the King-in-Council. The King would refer these petitions to his Chancellor. The Chancellor, who was usually a Bishop, would dispose of these petitions not according to the rigid letter of the law but according to his own dictates of common sense, natural justice and good conscience. The law so administered by the Chancellor came to be known as 'Equity' and such courts as 'Equity Courts'. These 'Equity Courts' acted on number of maxims e.g.

1. "He who seeks equity must do equity",
2. "He who comes to equity must come with clean hands".

Statute Law:

Statute law is that portion of law which is derived from the legislation or enactment of Parliament or the subordinate and delegated legislative bodies. A written or statute law overrides unwritten law, i.e., both Common Law and Equity. Some of the important enactments in the domain of Mercantile Law are: The English Partnership Act, 1890, The English Sale of Goods Act, 1893, Bankruptcy Act, 1914, Carriers Act, 1830, The English Companies Act, 1948 etc.

MERCANTILE OR COMMERCIAL LAW

There are many branches of law; viz.,

- Constitutional Law
- Administrative Law
- Criminal Law
- Civil Law
- Mercantile or Commercial Law

Mercantile Law is related to the commercial activities of the people of the society. It is that branch of law which is applicable to or concerned with trade and commerce in connection with various mercantile or business transactions.

SOURCES OF MERCANTILE LAW

The following are the main sources of Mercantile Law:

- Law Merchant
- Statute Law
- Common Law
- Principles of Equity

SOURCES OF INDIAN MERCANTILE LAW

English Mercantile Law:

The Indian Mercantile Law is mainly an adaptation of English Mercantile Law. Its dependence on English Mercantile Law is so much that even now in the absence of provisions relating to any matter in the Indian Law, recourse is to be had to the English Mercantile Law.

Acts enacted by Indian Legislature or Statute Law:

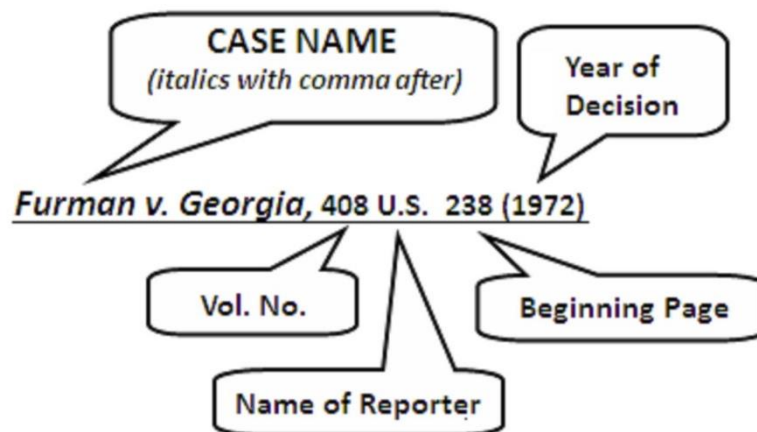
The following Acts enacted by the Indian legislature from time to time are important for the study of Indian Mercantile Law: (i) The Indian Contract Act, 1872, (ii) The Sale of Goods Act, 1930, (iii) The Indian Partnership Act, 1932, (iv) The Negotiable Instruments Act, 1881, (v) The Arbitration and Conciliation Act, 1996, (vi) The Insurance Act, 1938.

Judicial Decisions:

Whenever the law is silent on a point, the judge has to decide the case according to the principles of justice, equity and good conscience. That principle ensures justice for the individual claimant and a measure of certainty for the law itself. The English legal system has developed a system of judicial precedent which requires the extraction of the legal principle from a particular judicial decision. Such decisions are called as precedents and become an important source of law.

Customs and Trade Usages:

Most of the Indian Law has been codified. But even then, it has not altogether done away with customs and usages. Many Indian statutes make specific provisions to the effect that the rules of law laid down in a particular Act are subject to any special custom or usages of trade.

UNDERSTANDING CASE CITATION**READING CASE CITATIONS****Name of Reporter**

A 'reporter' is a multi-volume publication where court decisions are found. The full name and abbreviations for the reporters you are most likely to encounter as undergraduates are:

Full Name	Official Abbreviation	Type of Case Reported
All India Reports	AIR	Important decision from Supreme Court and High Courts
Supreme Court Cases	SCC	Indian Supreme Court.
Company Law Journal	CLJ	Important decisions relating to company law matters.
Income Tax Report	ITR	Important decisions relating to income tax matters.
Labour Reports	LR	Important decisions relating to Labour law matters.

CLASSROOM NOTES

Q.NO 1: The nature and meaning of law has been described by various _____.

- (a) Legendries
- (b) Legal persons
- (c) Jurists
- (d) Judges

Q.NO 2: There is no unanimity of opinion regarding the _____.

- (a) Nature of law
- (b) Meaning of law
- (c) True nature and meaning of law
- (d) Definition of law

Q.NO 3: It is not practicable to give a _____ meaning to law which may hold good for all times to come.

- (a) Universally truth
- (b) Precise
- (c) Definite
- (d) Precise and definite

Q.NO 4: Separate rules and principles are known as 'laws'. Such laws may be _____.

- (a) Mandatory
- (b) Prohibitive
- (c) Permissive
- (d) Mandatory, prohibitive or permissive

Q.NO 5: A _____ requires negative conduct, as in the case of law prohibiting the carrying of concealed weapon or running a lottery.

- (a) Prohibitive law
- (b) Assertive law
- (c) Mandatory law
- (d) Obligatory law

Q.NO 6: A _____ law is one which neither requires nor forbids action, but allows certain conduct on the part of an individual if he desires to act.

- (a) Mandatory
- (b) Declaratory
- (c) Restrictive
- (d) Permissive

Q.NO 7: Laws and made effective:

- (a) by requiring damages to be paid for an injury due to disobedience
- (b) by requiring one, in some instances, to complete an obligation he has failed to perform
- (c) by preventing disobedience and by administering some form of punishment
- (d) All of the above.

Q.NO 8: The State, in order to maintain peace and order in society, formulates certain rules of conduct to be followed by the people. These rules of conduct are called _____.

- (a) Bye-laws
- (b) Regulations
- (c) Rules
- (d) Laws

Q.NO 9: Law is _____.

- (a) Static
- (b) Dynamic
- (c) Not static
- (d) Fast changing.

Objective II

Q.NO 1: There is a _____ of opinion among the jurists about the origin of law.

- (a) Wide differences
- (b) Contrary
- (c) Difference

(d) Similarity

Q.NO 2: The principal sources of Indian law are:

- (a) Customs or Customary Law
- (b) Judicial Decisions or Precedents
- (c) Personal Law e.g., Hindu and Mohammedan Law, etc.
- (d) All of the above

Q.NO 3: When the same thing was done again and again in a particular way, it assumed the form of _____.

- (a) Regulation
- (b) Law
- (c) Rules
- (d) Custom

Q.NO 4: Custom as a source of law has a very _____ place in the Mohammedan Law.

- (a) Inferior
- (b) Superior
- (c) Interior
- (d) Exterior

Q.NO 5: _____ is the custom which prevails in some definite locality and constitutes a source of law for that place only.

- (a) National custom
- (b) Local custom
- (c) International custom
- (d) Regional

Q.NO 6: A _____ is that which prevails throughout the country and constitutes one of the sources of law of the land.

- (a) Regional custom
- (b) Local custom
- (c) General custom
- (d) Particular custom

Q.NO 7: _____ Customs are also known as "usages".

- (a) Conventional
- (b) Inventional
- (c) Peculiar
- (d) General

Q.NO 8: Only such decisions which lay down some new rule or principle are called _____.

- (a) General rules or principles
- (b) Specific rules or principles
- (c) Legal precedents
- (d) Judicial precedents

Q.NO 9: Judicial precedents are an important source of law. They have enjoyed high authority at all times and in all _____.

- (a) States
- (b) Countries
- (c) Regions
- (d) Boundaries

Q.NO 10: The rule that a court decision becomes a precedent to be followed in similar cases is known as doctrine of _____.

- (a) Custom
- (b) Precedent
- (c) Stare decisis

(d) Decisis

Q.NO 11: The reason why a precedent is recognized is that a judicial decision is presumed to be _____.

- (a) Legal
- (b) Vague
- (c) Incorrect
- (d) Correct

Q.NO 12: The practice of following precedents creates confidence in the minds of the _____.

- (a) People
- (b) Litigants
- (c) Public at large
- (d) Concerned persons only

Q.NO 13: The first rule is that each court lower in the hierarchy is absolutely bound by the decisions of the _____.

- (a) Supreme court
- (b) Higher court
- (c) Courts above it
- (d) Court subordinate to it

Q.NO 14: In general higher courts are bound by their _____.

- (a) Own decisions
- (b) Precedents
- (c) Decision of any other high court
- (d) Decision of lower courts

Q.NO 15: The decisions of High Court are binding on all the subordinate courts and tribunals within _____.

- (a) The country
- (b) The state
- (c) Its jurisdiction
- (d) Its district

Q.NO 16: In case of any conflict between the two decisions of _____, generally the later decision is to be followed.

- (a) Co-equal Benches
- (b) Single Bench
- (c) Two Bench
- (d) Full Bench

Q.NO 17: In a High Court, a single judge constitutes the _____.

- (a) Two Bench
- (b) Single Bench
- (c) Smallest Bench
- (d) Full Bench

Q.NO 18: A Bench of two judges is known as _____.

- (a) Division Bench
- (b) Double Bench
- (c) Two Judge Bench
- (d) Full Bench

Q.NO 19: Three or more judges constitute a _____.

- (a) Largest Bench
- (b) Single Bench
- (c) Division Bench
- (d) Full Bench

Q.NO 20: One Bench of the same High Court cannot take a view contrary to the decision already given by _____.

- (a) Another Bench
- (b) Co-ordinate Bench
- (c) Another co-ordinate Bench of any High Court
- (d) Another co-ordinate Bench of that High Court

Q.NO 21: The decision of one High Court is not binding on the _____.

- (a) Any High Court
- (b) Neighbouring High Court
- (c) Supreme Court
- (d) Other High Courts and have persuasive value only

Q.NO 22: The Supreme Court is the Highest Court and its decisions are binding _____.

- (a) Subordinates courts
- (b) High courts
- (c) Tribunals
- (d) On all courts and other judicial tribunals of the country

Q.NO 23: Supreme Court is _____ by its own decisions.

- (a) To follow
- (b) Bound
- (c) Not bound
- (d) Sometimes bound and sometimes not bound

Q.NO 24: English decisions have only _____ value in India.

- (a) Persuasive
- (b) Restricted
- (c) Classical
- (d) Prohibited

Q.NO 25: The Supreme Court is _____ by decisions of Privy Council or Federal Court.

- (a) To follow
- (b) Bound
- (c) Not bound
- (d) Sometimes bound and sometimes not bound

Q.NO 26: The doctrine of precedent as it operates in India lays down the principal that decisions of higher courts _____.

- (a) Must be followed by some high courts.
- (b) Not required to follow its earlier decisions
- (c) Are to be followed by all courts
- (d) Must be followed by the courts subordinate to them

Q.NO 27: Precedents may be classified as:

- (a) Declaratory and Original Precedents
- (b) Persuasive Precedents
- (c) Absolutely Authoritative Precedents
- (d) Conditionally Authoritative Precedents.
- (e) All of the above.

Q.NO 28: According to Salmond, a declaratory precedent is one which is merely the application of an already existing _____.

- (a) Rule of law
- (b) Principles of law
- (c) Substantive law
- (d) Natural law

Q.NO 29: In the case of a declaratory precedent, the rule is applied because it is already _____.

- (a) A rule
- (b) A law

- (c) A principle
- (d) A verdict

Q.NO 30: A persuasive precedent is one which the judges are _____ but which they will take into consideration and to which they will attach great weight as it seems to them to deserve.

- (a) Not obliged to follow
- (b) Obligated to follow
- (c) Not obliged to apply in the present case
- (d) Obligated to apply in the present case

Q.NO 31: A persuasive precedent, therefore, is not a legal source of law; but is regarded as a _____.

- (a) Substantive law
- (b) Declaratory law
- (c) Historical source of law
- (d) Historical rule of law

Q.NO 32: An authoritative precedent is one which judges must follow _____.

- (a) Whether they approve of it or not
- (b) In all situations
- (c) In the concerned territory only
- (d) In the present case before them

Q.NO 33: The subordinate courts are bound to follow the decisions of the _____ to which they are subordinate.

- (a) Any Court
- (b) Supreme Court
- (c) Higher Court
- (d) High Court

Q.NO 34: A conditionally authoritative precedent is one which, though ordinarily binding on the court before which it is cited, is liable to be _____.

- (a) Disregarded
- (b) Regarded
- (c) Restricted
- (d) Prohibited

Q.NO 35: The court is entitled to _____ a decision if it is a wrong one, i.e., contrary to law and reason.

- (a) Regarded
- (b) Restricted
- (c) Disregard
- (d) Prohibited

Q.NO 36: The doctrine of stare decisis means _____.

- (a) Adhere to the decision
- (b) Settle things
- (c) Unsettle things
- (d) Adhere to the decision and do not unsettle things which are established

Q.NO 37: Under the stare decisis doctrine, a principle of law which has become settled by a series of decisions generally is binding on the courts and should be followed in _____.

- (a) All case
- (b) Similar cases
- (c) Similar cases in the concerned state
- (d) All case cases in the concerned state

Q.NO 38: The underlying principle of a judicial decision, which is only authoritative, is termed as _____.

- (a) Ratio decidendi
- (b) Authoritative decision
- (c) Judicial decision
- (d) Substantive decision

Q.NO 39: Where an issue requires to be answered on principles, the _____ which are deduced by way of abstraction of the material facts of the case eliminating the immaterial elements is known as ratio decidendi.

- (a) Rules
- (b) Principles
- (c) Laws
- (d) Regulations

Q.NO 40: The literal meaning of Latin expression _____ is "said by the way".

- (a) Obiter
- (b) Dicta
- (c) Obiter Dicta
- (d) Arbitrary Dicta

Q.NO 41: Obiter Dicta are of different kinds and of varying _____.

- (a) Degrees
- (b) Degrees of weight
- (c) Weight
- (d) Values

Q.NO 42: Supreme Legislation is that which proceeds from the _____ in the State or which derives its power directly from the Constitution.

- (a) Sovereign power
- (b) Govt. power
- (c) Special power

(d) General power

Q.NO 43: In our legal system, Acts of Parliament and the Ordinances and other laws made by the President and Governors in so far as they are authorised to do so under the Constitution are _____.

- (a) Supreme rules
- (b) Supreme law
- (c) Supreme legislation
- (d) Subordinate legislation

Q.NO 44: The legislation made by various authorities like Corporations, Municipalities, etc. under the authority of the supreme legislation are _____.

- (a) Supreme rules
- (b) Supreme law
- (c) Supreme legislation
- (d) Subordinate legislation

Q.NO 45: _____ are governed by their personal law as modified by statute law and custom in all matters relating to (inheritance, succession, marriage, adoption, co-parcenary, partition of joint family property, pious obligations of sons to pay their father's debts, guardianship, maintenance and religious and charitable endowments.

- (a) Hindus
- (b) Muslims
- (c) Sikhs & Parsis
- (d) All communities

Q.NO 46: The concept of "justice, equity and good conscience" was introduced by Impey's Regulations of _____.

- (a) 1771
- (b) 1871
- (c) 1781
- (d) 1881

Q.NO 47: The Ancient Hindu Law had its own versions of the doctrine of _____.

- (a) Justice, equity and good conscience
- (b) Justice
- (c) Equity
- (d) Good conscience

Q.NO 48: The chief sources of English law are:

- (a) Common Law
- (b) Law Merchant
- (c) Principle of Equity
- (d) Statue Law
- (e) All of the above.

Q.NO 49: The Common Law is the name given to these principles of law evolved by the _____ in making decisions on cases that are brought before them.

- (a) Judges
- (b) Jurists
- (c) Judiciary
- (d) Judicature

Q.NO 50: Common Law denotes that body of legal rules, the primary sources of which were the general _____.

- (a) Rules
- (b) Regulations
- (c) Customs
- (d) Immemorial customs

Q.NO 51: The Law Merchant is the most important source of the _____.

- (a) Business Law
- (b) Mercantile Law
- (c) Economic Law

- (d) All Laws

Q.NO 52: " _____ is that portion of law which is derived from the legislation or enactment of Parliament or the subordinate and delegated legislative bodies."

- (a) Statue law
- (b) State law
- (c) Regional law
- (d) Supreme law

Q.NO 53: _____ is related to the commercial activities of the people of the society..

- (a) Business Law
- (b) Economic Law
- (c) Mercantile Law
- (d) All Laws

Q.NO 54: The main sources of Indian Mercantile Law are:

- (a) English Mercantile Law
- (b) Acts enacted by Indian Legislature
- (c) Judicial Decisions
- (d) All of the above.

Q.NO 55: Customs having sanction are those customs which are _____.

- (a) Enacted by the state
- (b) Enacted by the nation
- (c) Enforced by the state
- (d) Enforced by the territory

ANSWERS

A.	BASICS ABOUT LAW
Q.NO 1	(c)
Q.NO 2	(c)
Q.NO 3	(d)
Q.NO 4	(d)
Q.NO 5	(a)
Q.NO 6	(d)
Q.NO 7	(d)
Q.NO 8	(d)
Q.NO 9	(c)
B.	SOURCES OF LAW
Q.NO 1	(c)
Q.NO 2	(e)
Q.NO 3	(d)
Q.NO 4	(a)
Q.NO 5	(b)
Q.NO 6	(c)
Q.NO 7	(a)
Q.NO 8	(d)
Q.NO 9	(b)
Q.NO 10	(c)
Q.NO 11	(d)
Q.NO 12	(b)
Q.NO 13	(c)
Q.NO 14	(a)
Q.NO 15	(c)
Q.NO 16	(a)
Q.NO 17	(c)
Q.NO 18	(a)
Q.NO 19	(d)

Q.NO 20	(d)
Q.NO 21	(d)
Q.NO 22	(d)
Q.NO 23	(c)
Q.NO 24	(a)
Q.NO 25	(c)
Q.NO 26	(d)
Q.NO 27	(e)
Q.NO 28	(a)
Q.NO 29	(b)
Q.NO 30	(a)
Q.NO 31	(c)
Q.NO 32	(a)
Q.NO 33	(d)
Q.NO 34	(a)
Q.NO 35	(c)
Q.NO 36	(d)
Q.NO 37	(b)
Q.NO 38	(a)
Q.NO 39	(b)
Q.NO 40	(c)
Q.NO 41	(b)
Q.NO 42	(a)
Q.NO 43	(c)
Q.NO 44	(d)
Q.NO 45	(a)
Q.NO 46	(c)
Q.NO 47	(a)
Q.NO 48	(e)
Q.NO 49	(a)
Q.NO 50	(d)
Q.NO 51	(b)

Q.NO 52

(a)

Q.NO 53

(c)

Q.NO 54

(e)

Q.NO 55

(c)