

**School of Law, Governance and Citizenship**

**Ambedkar University, Delhi**

Course Outline: Introduction to Law & Legal Methods

**Course Code: SLG2FC001**

**Title:** Introduction to Law & Legal Methods

**Cohort for which it is compulsory:** All students of M.A. in Law Politics and Society

**Cohort for which it is elective:**

**No of Credits:** 4

**Semester and Year Offered:** 1st Semester course for M.A 1<sup>st</sup> Year students (Monsoon Sem 2018)

**Course Coordinator and Team:** Saumya Uma

**Email of course coordinator:** [saumya@aud.ac.in](mailto:saumya@aud.ac.in)

**Pre-requisites:** None

**Course Aim:**

**Course Aims and Objectives**

- To provide a foundation in understanding law, legal concepts and principles, legal methods and processes;
- To assist the students in acquiring familiarity with reading, comprehension of and writing in legal language;
- To develop skills of reading and analyzing Bills, statutes, legal provisions, judgments and other basic legal documents;
- To hone the capacities of students in undertaking legal research and writing; and
- To improve the students' level of confidence and interest in engaging with basic aspects of law.

**A brief description of the Course:**

The 'Introduction to Law & Legal Methods' course proposes to provide an impetus for a fascinating journey into the world of the dynamics of law, legal principles and concepts, legal

institutions and processes, law research and writing. A study of the course will most certainly pave the way for constant brainstorming, debate, discussion, deliberations and arguments, not only on the contents of judgments, statutes and other tools of law, but also on processes that shape and influence law, and the functioning of legal systems and institutions.

The course is divided into five modules.

- The first module focusses on encountering the law, and introduces the students to issues such as the role and functions of law, legal systems in the world, forms of law, the social context in which law operates as well as general principles of law.
- The second module aims at familiarizing students with the language of the law, and with legal writing.
- The third module focusses on legislative processes, including skill-building on finding, reading, understanding and analyzing statutory law.
- The fourth module focusses on judicial processes aimed at strengthening the capacity of students to read and analyze judgments.
- The fifth and last module introduces students to law research and writing.

This is substantially a skill-based course, which will use clinical methods in the class room for hands-on experience and practice. Students will be required to participate in oral and written activities, and will be continuously evaluated with individualized feedback from the concerned faculty.

## **INTRODUCTION TO LAW & LEGAL METHODS**

### **Background Books**

The following books provide useful overviews of the field:

1. Legal Method by Ian McLeod, Palgrave Macmillan Law Masters, 6<sup>th</sup> edition, 2008
2. How to Study Law by Anthony Bradney, Fiona Cownie, Judith Masson, Alan C Neal and David Newell, 6th edition, 2014
3. Glanville Williams: Learning the Law by ATH Smith, First South Asian Edition, 2013
4. Legal Method by Dr. G.P.Tripathi, Central Law Publications, 2014

## Syllabus with List of Readings

<p><b>Module 1: Encountering the Law</b></p> <p><b>(Weeks 1, 2 &amp; 3)</b></p>	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• <b>What is law, why do we need law, functions of law</b></li> <li>• <b>Sources of law</b> – primary &amp; secondary sources</li> <li>• <b>Major legal systems of the world</b> – common law, civil law, religious law, customary law, hybrid</li> <li>• <b>Forms of law</b> - public vs. private, municipal vs. international, civil wrong vs. criminal wrong and their intersections, branches of law</li> <li>• <b>Social context of the law</b> – society shaping the law, law as a tool of social reform, social order &amp; law, legality &amp; legitimacy</li> <li>• <b>General principles of law</b> – separation of powers, independence of judiciary, rule of law, presumption of innocence, retrospective &amp; prospective application of law, contempt of court, eminent domain, legal aid, speedy trial, preventive detention etc.</li> </ul>
<p><b>Week 1</b></p> <p><b>What is law? Why do we need law? Functions of law; Sources of law</b></p>	<p>In the first week of the course, through an activity-based class discussion followed by a lecture, we will gain clarity on what is law, the need and functions of law as well as the major sources of law.</p> <p><b>Essential Readings</b></p> <p>Legal method by Dr. G.P.Tripathi, Central Law Publications, 2014, pp. 1-17, pp. 87-92</p> <p>How to Study Law by Anthony Bradney, Fiona Cownie, Judith Masson, Alan C Neal and David Newell, 6th edition, 2014, pp. 1-8</p>
<p><b>Week 2:</b></p> <p><b>Major legal systems of the world, forms of law</b></p>	<p>In this week, we will gain familiarity with the major legal systems of the world, particularly the differences between common law and civil law, as well as with forms, classifications, categories and branches of law.</p> <p><b>Essential Readings</b></p> <p>Glanville Williams: Learning the Law by ATH Smith, First South Asian Edition, 2013, pp. 1-24</p>

	<p>Legal Method by Ian McLeod, Palgrave Macmillan Law Masters, 6<sup>th</sup> edition, 2008, pp. 23-42</p>
<p><b>Week 3: Social context of law, general principles of law</b></p>	<p>Law is not above and exclusive of society. Legal and social processes, aimed at achieving legal and social order, go hand in hand, and share an inter-dependent and symbiotic relationship. In this week, the focus is on understanding the intrinsic linkages between social processes and the law, as well as to familiarize students with general / foundational principles of law.</p> <p><b>Essential Readings</b></p> <p>Law and Society – An Introduction to Law by Phil Harris, 5<sup>th</sup> edition, Butterworths, 1997, pp. 1-25</p> <p>How to Study Law by Anthony Bradney, Fiona Cownie, Judith Masson, Alan C Neal and David Newell, 6<sup>th</sup> edition, 2014, pp. 19-25</p>
<p><b>Module 2: The Language of the Law Weeks 4 &amp; 5</b></p>	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• <b>Legal terminology</b> – glossary of legal terms, using a law dictionary, legal abbreviations</li> <li>• <b>Understanding the language of the law</b> – Reading, gaining familiarity with &amp; comprehending the language of the law</li> </ul>
<p><b>Week 4: Legal Terminology Understanding the Language of the Law</b></p>	<p>In this week, we will aim at gaining familiarity with basic legal terminology, learn how to use a law dictionary, and begin getting accustomed to reading legal documents.</p> <p><b>Essential Readings</b></p> <p>Glossary of Legal Terms</p> <p>Legal documents in <i>Shayara Bano vs. Union of India &amp; Others</i> WP (Civil) No. 118 of 2016 Source: <a href="http://www.lawyerscollective.org/updates/triple-talaq-updates">http://www.lawyerscollective.org/updates/triple-talaq-updates</a></p> <p><b>Additional Readings</b></p>

	<p>Legal Vocabulary by Heikki E. S. Mattila in The Oxford Handbook of Language and Law, Edited by Peter Tiersma and Lawrence Solan, OUP, March 2012</p> <p>The Grammar and Structure of Legal Texts, Risto Hiltunen in The Oxford Handbook of Language and Law, Edited by Peter Tiersma and Lawrence Solan, OUP, March 2012</p> <p><b>Class activity:</b> Reading &amp; understanding Petition, written statement &amp; rejoinder, affidavits, written submissions – <i>Shayara Bano vs. Union of India &amp; Others</i> WP (Civil) No. 118 of 2016  Source: <a href="http://www.lawyerscollective.org/updates/triple-talaq-updates">http://www.lawyerscollective.org/updates/triple-talaq-updates</a></p>
<p><b>Week 5: Understanding the Language of the Law (contd.)</b></p>	<p>Having gained familiarity with reading selected legal documents in Week 4, in Week 5, we will focus on reading and understanding selected reports of the Law Commission of India. These reports form the backbone of law reform in India, and often provide us with a historical perspective of the law, critique of existing statutory laws and judgments, their level of implementation, and the future direction of law reform. This will be undertaken as a group activity, with class presentations followed by written assignments, both of which will be evaluated.</p> <p><b>Essential Readings</b> (each topic assigned to a specific group)</p> <ul style="list-style-type: none"> <li>• 221<sup>st</sup> report of the Law Commission of India – Need for Speedy Justice – Some Suggestions, April 2009</li> <li>• 241<sup>st</sup> report of the Law Commission of India – Passive Euthanasia – A Relook, August 2012</li> <li>• 256<sup>th</sup> report of the Law Commission of India – Eliminating Discrimination Against Persons Affected with Leprosy, April 2015</li> <li>• 262<sup>nd</sup> report of the Law Commission of India – The Death Penalty, August 2015</li> <li>• 270<sup>th</sup> report of the Law Commission of India – Compulsory Registration of Marriages, July 2017</li> </ul> <p>Source: <a href="http://lawcommissionofindia.nic.in/">http://lawcommissionofindia.nic.in/</a></p> <p><b>Group Work &amp; Class Presentation:</b> Reading, understanding, analyzing &amp; presenting a summary of a Law Commission report</p>
<p><b>Module 3 Legislative Processes</b></p>	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Passage of a law</li> <li>• Classification of Statutes – by duration, nature of operation, extent of application, object</li> </ul>

<b>Weeks 6, 7 &amp; 8</b>	<ul style="list-style-type: none"> <li>• Anatomy of a legislation – internal aids</li> <li>• Reading a Statute – rules of statutory interpretation – external aids</li> <li>• Relationship between statutory law and case law</li> <li>• Finding the Relevant Statutes</li> </ul>
<b>Week 6: Passage of a law, classification of statutes, anatomy of a legislation</b>	<p>In this week, we begin focusing on legislations / statutory law, and gain insights into the process by which a Bill is formulated and its passage into a law. We will also acquire an overall understanding of various types of statutes, and thereafter study a legislation to understand its structure / anatomy.</p> <p><b>Essential Readings</b></p> <p>Legal method by Dr. G.P.Tripathi, Central Law Publications, 2014, pp. 205-214</p> <p><b>Class activity:</b> Reading &amp; understanding The Bonded Labour System (Abolition) Act, 1976 through the internal aids</p>
<b>Week 7: Rules of statutory interpretation</b>	<p>In Week 7, building on the skill developed in the previous week in understanding the structure and anatomy of a legislation, we will understand various rules by which words / terms / phrases / provisions in a statute are to be interpreted. Thereafter, we will focus on reading and understanding selected legislations. This will be undertaken as a group activity, with class presentations followed by written assignments, both of which will be evaluated.</p> <p><b>Essential Readings</b></p> <p>Glanville Williams: Learning the Law by ATH Smith, First South Asian Edition, 2013, pp. 121-142</p> <p>How to Study Law by Anthony Bradney, Fiona Cownie, Judith Masson, Alan C Neal and David Newell, 6th edition, 2014, pp. 106-109</p> <p><b>Reading for Group Activity</b> (each topic assigned to a specific group)</p> <ul style="list-style-type: none"> <li>• Muslim Women (Protection of Rights on Divorce) Act, 1986</li> <li>• The Prohibition of Child Marriage Act, 2006</li> <li>• The Protection of Civil Rights Act, 1955</li> <li>• The Prevention of Food Adulteration Act, 1954</li> <li>• The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013</li> </ul>

	<p><b>Group Work &amp; Class Presentation:</b> Understanding, analyzing &amp; presenting the gist of a statute</p>
<p><b>Week 8: Relationship between statutory law and case law, Finding Relevant Statutes</b></p>	<p>In this week, we will complete the group presentations of selected statutes. We will also understand the symbiotic relationship between statutory law and case law, and try our hand at finding statutes relevant to a given hypothetical set of facts.</p> <p><b>Class activity:</b> Finding the relevant statute (5 hypothetical cases for finding law in a statute)</p>
<p><b>Module 4 Judicial Processes</b> <b>Weeks 9, 10 &amp; 11</b></p>	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Structure of courts, Benches &amp; their interactions</li> <li>• Parts of a judgment</li> <li>• Legal reasoning in judgments - stare decisis, ratio decidendi &amp; obiter dicta, Comparison of the Wambaugh’s Test, the Halsbury’s Test &amp; the Goodhart’s Test</li> <li>• Majority, concurring &amp; dissenting opinions</li> <li>• Judicial law-making</li> <li>• Using law reports, understanding citations</li> </ul>
<p><b>Week 9: Structure of courts, parts of a judgment, legal reasoning in judgments</b></p>	<p>In week 9, we begin our focus on judicial processes. We gain familiarity with the structure and classification of courts in India, become accustomed to parts of a judgment, and gain insights into legal reasoning in judgments – which will help us understand and analyze judgments. We will attempt to read and understand a judgment in class.</p> <p><b>Essential readings</b></p> <p>Legal Method by Ian McLeod, Palgrave Macmillan Law Masters, 6<sup>th</sup> edition, 2008, pp. 148-1162, 208-222</p> <p><i>R.Gandhi &amp; Others vs. Union of India &amp; Another</i> AIR 1989 Mad 205</p> <p><b>Additional readings</b></p> <p>Learning Legal Rules: A Students’ Guide to Legal Method and Reasoning, by James Holland and Julian Webb, 8<sup>th</sup> edition, July 2013, pp. 181-228</p> <p>Glanville Williams: Learning the Law by ATH Smith, First South Asian Edition,</p>

	<p>2013, pp. 93-120</p> <p>Legal method by Dr. G.P.Tripathi, Central Law Publications, 2014, pp. 177-204</p> <p><b>Class activity:</b> Reading &amp; understanding <i>R.Gandhi &amp; Others vs. Union of India &amp; Another</i> AIR 1989 Mad 205</p>
<p><b>Week 10: Reading judgments, majority, concurring &amp; dissenting opinions</b></p>	<p>In Week 10, we strengthen our skills in reading judgments. We will have a group activity in reading and understanding judgments, with class presentations followed by written assignments, both of which will be evaluated. We will also study and appreciate the differences between majority, concurring and dissenting opinions through selected judgments.</p> <p><b>Essential Readings</b> (each judgment assigned to a specific group)</p> <ul style="list-style-type: none"> <li>• Municipal Council, Ratlam vs. Shri Vardhichand &amp; Others AIR 1980 SC 1622</li> <li>• Bandhua Mukti Morcha vs. Union of India and Ors. AIR1984 SC 802 / (1984) 3 SCC 161</li> <li>• Air India vs. Nergesh Meerza and Ors. AIR 1981 SC 1829 / (1981) 4 SCC 335</li> <li>• Shreya Singhal vs. Union of India AIR 2015 SC 1523 / (2015) 5 SCC 1</li> <li>• Subramani vs. Chandralekha AIR 2005 SC 485</li> </ul>
<p><b>Week 11: Judicial law making, law reports &amp; their citations</b></p>	<p>This week, we will develop our critical perspectives on what is judicial law making, and the arguments for and against judicial law making. Law reports, digests and commentaries are tools for law research. For this reason, we will also gain a familiarity to how these are structured, their uses and how they can be accessed. We will also learn the citations of major law reports.</p> <p><b>Essential Reading</b></p> <p>Legal Method by Ian McLeod, Palgrave Macmillan Law Masters, 6<sup>th</sup> edition, 2008, pp. 208-222</p> <p><b>Class Activity:</b></p> <p>Understanding the structure of law reports and familiarization with their citations</p>
<p><b>Module 5 Law Research &amp; Writing Weeks 12,</b></p>	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Basics of research – types, primary &amp; secondary sources</li> <li>• Historical &amp; archival research in law</li> <li>• Socio-legal research</li> <li>• Empirical legal research – tools for data collection – observation,</li> </ul>



<p><b>13 &amp; 14</b></p>	<p>questionnaires &amp; interviews, probability &amp; sampling</p> <ul style="list-style-type: none"> <li>• Data analysis &amp; report writing</li> <li>• New terrains of research, electronic research, legal data bases</li> <li>• Research ethics</li> <li>• Basics of legal writing</li> </ul>
<p><b>Week 12: Basics of research, Types of legal research, tools for empirical legal research</b></p>	<p>In this week, we will discuss and understand the basics of research, and identify key aspects of research in law, particularly socio-legal research and historical and archival research in law. Students will also be introduced to various tools used for data collection in empirical legal research, and practically apply what they learn by formulating a questionnaire for a socio-legal research.</p> <p><b>Essential Readings</b></p> <p>Legal method by Dr. G.P.Tripathi, Central Law Publications, 2014, pp. 552-582</p> <p>Types of Legal Research Needed for Law Reform, by Sanjeyvignesh J  <a href="https://www.academia.edu/7146989/TYPES_OF_LEGAL_RESEARCH_NEEDED_FOR_LAW_REFORM">https://www.academia.edu/7146989/TYPES_OF_LEGAL_RESEARCH_NEEDED_FOR_LAW_REFORM</a></p> <p><b>Additional Readings</b></p> <p>Legal Research Methods – Teaching Material, by Khushal Vibhute &amp; Filipos Aynalem, 2009, pp. 8-60</p> <p>Methods in Social Research, by William J Goode &amp; Paul K Hatt, Mc Graw Hill Book Company, 1952, pp. 119-208</p> <p><b>Class Activity:</b> Formulating a questionnaire</p>
<p><b>Week 13: Tools for empirical legal research, data analysis &amp; report writing, research ethics</b></p>	<p>In Week 13, we will continue to discuss and apply various tools used for data collection in empirical legal research, particularly the observation and interview methods. We would also get a glimpse of how to analyze the data and prepare a report. A discussion on research ethics would be built into the discussion on tools for data collection.</p> <p><b>Essential Reading</b></p> <p>Guidelines for Writing a Research Proposal, School of Law, Queen Mary, University of London</p> <p><b>Class Activities:</b> drafting questions for an interview, conducting an interview</p>

<b>Week 14: New terrains of research, electronic research, legal data bases, legal writing</b>	<p>In the final week of the course, we would gain exposure to new terrains of research, electronic research, become familiar with legal data bases and basics of legal writing.</p> <p><b>Essential readings</b></p> <p>Good Legal Writing: Of Orwell and Window Panes, by Pamela Samuelson, 46 University of Pittsburgh Law Review, 149 (1984)</p> <p><b>Class Activity:</b> Surfing through legal data bases, and acquiring familiarity with electronic research</p> <p><b>Group work &amp; class presentation:</b> legal data bases</p>
----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**1. Assessment Methodology:**

Continuous evaluation through oral presentations in class, written assignments linked to class presentations, and other shorter assignments.

A tentative break up is as follows:

	Oral Presentation (group)	Written assignment (individual)	Total
Assignment 1: Law Commission report	15%	15%	30%
Assignment 2: Legislation	15%	15%	30%
Assignment 3: Judgment	15%	15%	30%
Assignment 4: Legal databases	10%	-	10%
Total	55%	45%	100%

**2. No. of students to be admitted: 42**

**3. Special needs in terms of special expertise of faculty, facilities, requirements in terms of studio, lab, clinic, library, classroom and others instructional space, linkages with external agencies (e.g., with field-based organizations, hospital) etc.:**

none

**Signature of Course Coordinator(s)**

Note:

1. Modifications on the basis of deliberations in the Board of Studies may be incorporated and the revised proposal should be submitted to the Academic Council.
2. Courses which are meant to be part of more than one programme, and are to be shared across schools, may need to be taken through the Boards of Studies of the respective schools.
3. In certain special cases, where a course does not belong to any particular school, the proposal may be submitted directly to the Academic Council.

Recommendation of the School of Studies:

The proposal was discussed by the Board of Studies in its .....meeting held on.....and has been approved in the present form.

**Signature of the Dean of the School**