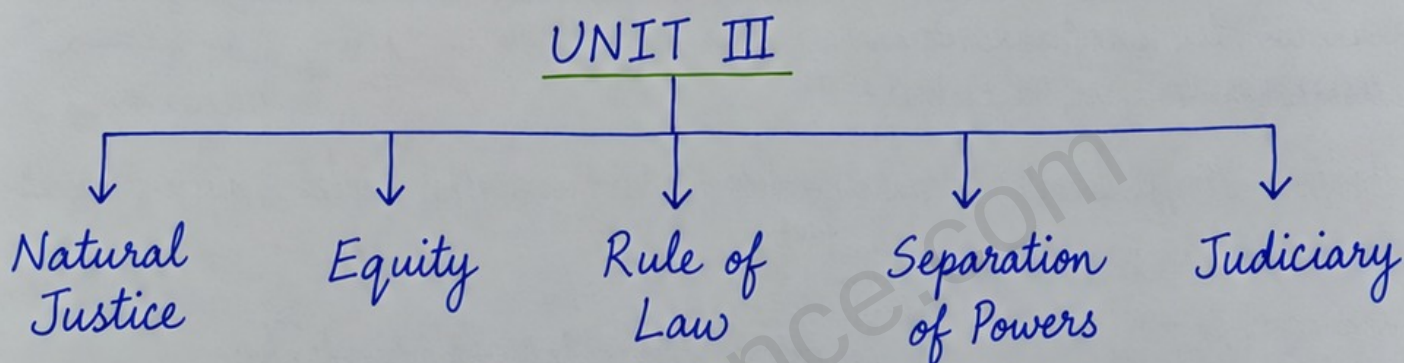


Basic Principles of Law - Outline

Q - What is meant by the Indian Legal System?

It is the framework of legal rules, courts, institutions and procedures through which justice is administered.



Constitution → supreme legal framework.

Courts → interpret law, resolve disputes and protect legal rights.

Public authorities → must act within their lawful powers.

v. imp → Legal power must be exercised fairly and according to law.

Aim: Understand who makes law, who enforces it, and how courts control misuse of power.

Natural Justice - Fair Hearing

Q - What is Natural Justice?

Basic principles of fairness applied to administrative and judicial decision-making, as required by context and law.

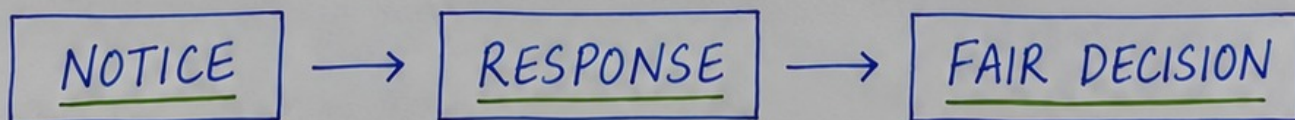
Two classical rules:

- (1) Audi alteram partem.
- (2) Nemo iudex in causa sua.

Audi alteram partem → hear the other side.

Normally involves: notice of allegations, fair opportunity to respond, and consideration of the response.

Example → Before cancelling a licence, the authority may need to give an affected person a fair hearing.



(v. imp) → Fairness depends on the governing statute and circumstances; procedures may vary.

Natural Justice - Rule Against Bias

Q - Nemo judex in causa sua?

No person should decide a matter in which they have a disqualifying interest or bias.

(v. imp) Kinds of bias: personal, financial / pecuniary, and institutional or official.

Test → Does the situation create a legally significant apprehension of bias?

(v. imp) A reasoned order can help show that relevant submissions were considered.

Exceptional urgency or statutory schemes may affect the extent of hearing, but fairness remains important.

Case: A.K. Kraipak v. Union of India (1969) → natural justice reaches administrative decisions where fairness is required.



Impartiality + Fair hearing = Natural justice

Rule of Equity

Q - What is Equity?

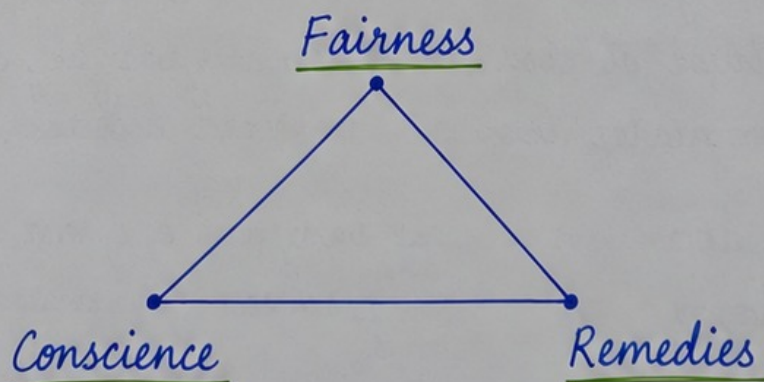
Equity developed to soften the rigidity of strict legal rules and support fairness in remedies.

Important equitable maxims :

- (1) Equity follows the law.
- (2) He who seeks equity must do equity.
- (3) He who comes to equity must come with clean hands.
- (4) Delay defeats equity.
- (5) Equity looks to substance rather than form.

Examples → injunction, specific performance (subject to statute).

v. imp → Equity does not permit a court to disregard clear statutory commands.



Remember → Equitable relief is often discretionary and fact-sensitive.

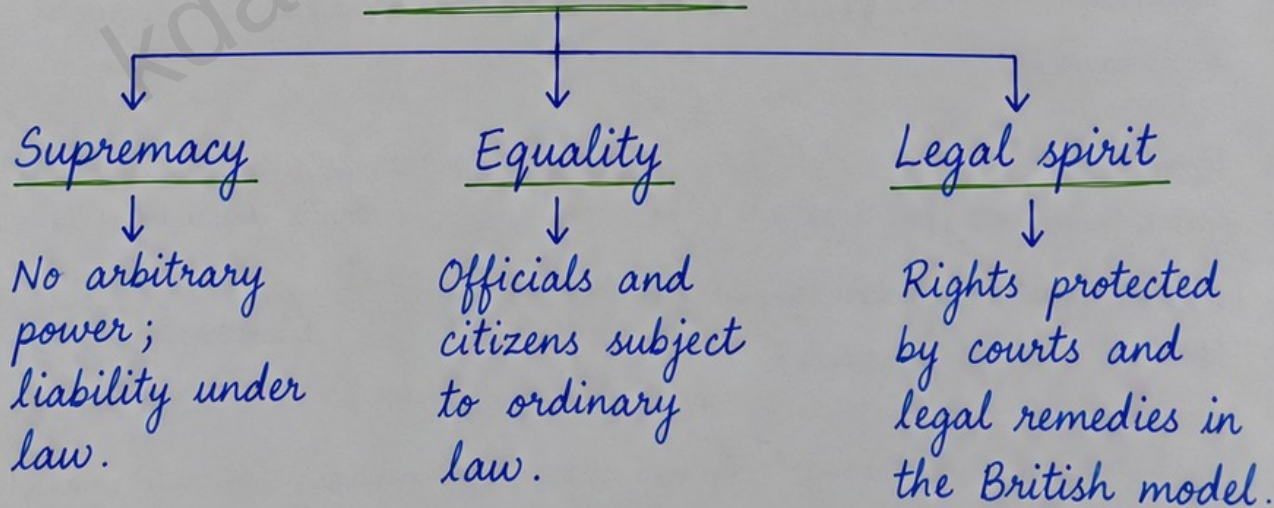
Rule of Law - Dicey's Theory

Q - What is Rule of Law?

Governmental power must operate according to law, not arbitrary personal will.

A.V. Dicey's three classical ideas:

- ① Supremacy of law → no arbitrary power ; liability under law.
- ② Equality before law → officials and citizens subject to ordinary law.
- ③ Predominance of legal spirit → rights protected by courts and Legal remedies in the British model.

RULE OF LAW

Criticism : Dicey's UK-centred theory does not describe every modern constitutional system.

(v. imp) Rule of law is not merely rule by any enacted command; fairness and limits on public power matter.

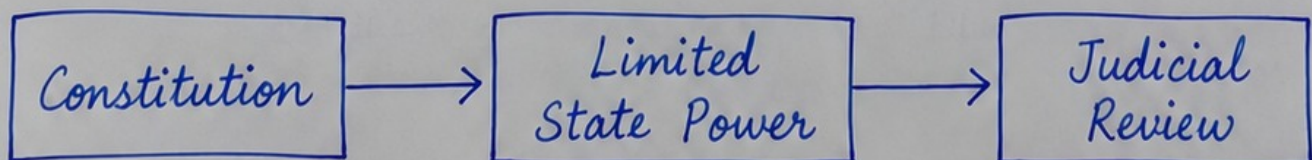
Rule of Law in India

Q - How does Rule of Law operate in India?

The Constitution is supreme; authorities must act within it.

- Art. 14 → equality before law and equal protection of laws.
- Art. 21 → life and personal liberty protected by lawful, fair procedure.
- Art. 32 and 226 → judicial remedies including writs.
- Judicial review checks unconstitutional State action.
- Independent judiciary and reasoned decisions strengthen accountability.

Cases to remember: Kesavananda Bharati (1973),
Maneka Gandhi (1978).



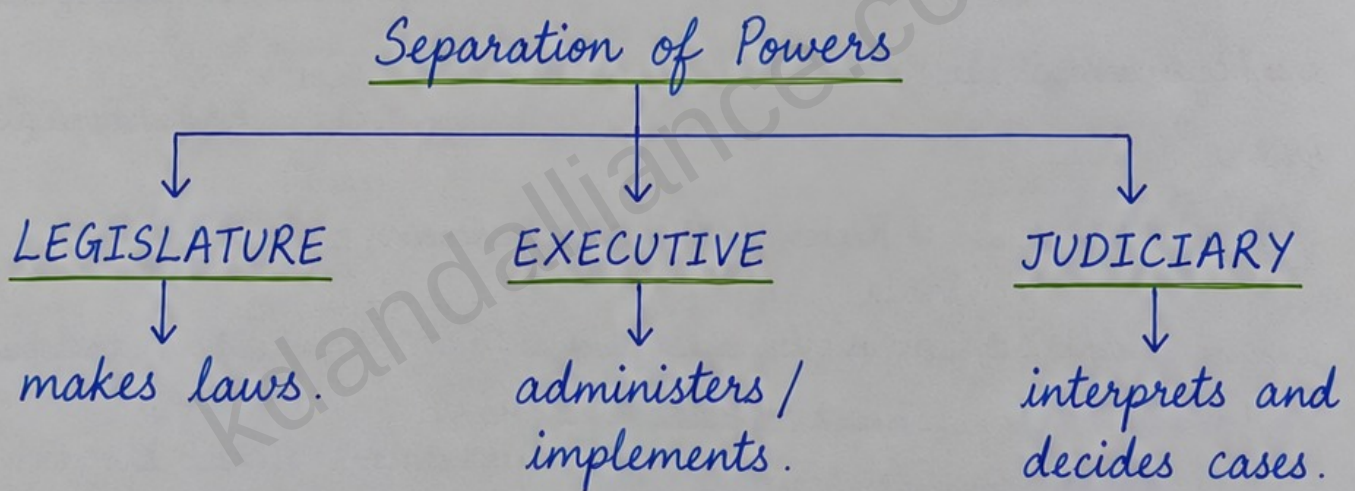
v. imp → Public officials are accountable to law; power is not unlimited.

Separation of Powers - Theory

Q - What is Separation of Powers?

The principle allocates governmental functions among Legislature, Executive and Judiciary to reduce concentration of power.

Montesquieu → separating powers helps protect liberty against tyranny.



Aim : prevent abuse, support institutional independence, and provide checks and balances.

Note : Absolute separation is rarely possible; constitutional systems permit limited overlap.

Q - Why is it important?

Each organ can perform its role while checking unlawful exercise of another organ's power.

Separation of Powers in India

Q - Is there strict separation in India?

No. India's parliamentary Constitution follows functional separation with checks and balances.

Executive → Council of Ministers is drawn from and responsible to Legislature.

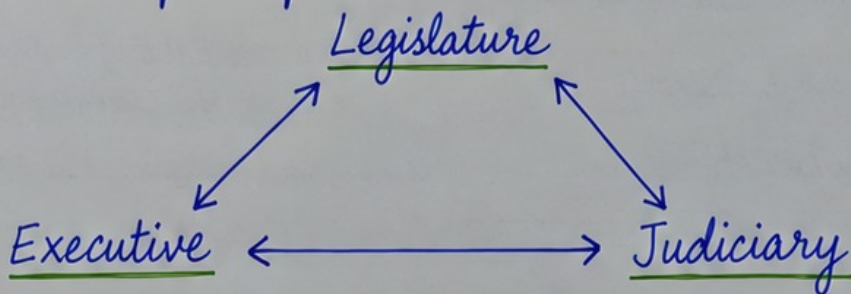
Legislature → makes laws, controls finance and questions executive action.

Judiciary → independent courts review legal and constitutional validity.

Examples of checks: no-confidence motion, judicial review, legislative scrutiny.

Case: Ram Jawaya Kapur v. State of Punjab (1955) → no rigid separation; functions are differentiated.

Basic Structure doctrine limits constitutional amendments that damage core principles.



v. imp → Separation means balanced power, not complete isolation.

INDIAN CONSTITUTION - SALIENT FEATURES (I)Q - What is a Constitution ?

A Constitution is the supreme legal framework of a State. It establishes the organs of government, defines their powers and limits, and guarantees the rights of citizens.

The Indian Constitution was adopted on 26 November 1949 and commenced on 26 January 1950.

Salient Features of the Indian Constitution :

- ① Written and detailed.
- ② Sovereign, Socialist, Secular, Democratic Republic (as stated in the Preamble).
- ③ Parliamentary system of government.
- ④ Federal system with unitary features.
- ⑤ Single citizenship.
- ⑥ Independent judiciary.

Functions of the ConstitutionQ - Why do we call it a living document ?

It is called a living document because it is interpreted by courts and can be amended through a constitutional procedure to meet changing needs of society.

INDIAN CONSTITUTION - SALIENT FEATURES (II)

(7) Fundamental Rights :

- Guaranteed under Part III of the Constitution.
- Enforceable by courts.
- Protect individual liberty and dignity against State action.

(8) Directive Principles of State Policy (DPSPs) :

- Contained in Part IV.
- Guiding principles for the State to establish a just social order.
- Non-justiciable (not enforceable by courts), but fundamental in the governance of the country.

(9) Fundamental Duties :

- Provided under Part IVA.
- Impose moral obligations on citizens.
- Help in promotion of a sense of discipline and patriotism.

(10) Judicial review :

- Power of courts to examine the constitutionality of laws and executive actions.
- Ensures that the Constitution is the supreme law of the land.

(11) Amendment process :

- Provided under Article 368.
- Allows for flexibility as well as continuity of the Constitution.
- Subject to the basic structure doctrine laid down in Kesavananda Bharati v. State of Kerala (1973).

(12) Emergency provisions :

- Provisions for National Emergency (Art. 352), State Emergency (Art. 356) and Financial Emergency (Art. 360).

(13) Universal adult franchise :

- Every citizen aged 18 years and above has the right to vote.
- Ensures a democratic and representative system of government.

Fundamental Rights v. DPSPs :

<u>Fundamental Rights</u>	<u>DPSPs</u>
→ Guaranteed under Part III. → Generally enforceable by courts. → Protect individual rights and liberties.	→ Contained in Part IV. → Guide the State policy. → Non-justiciable (not enforceable by courts). → Aim at social and economic welfare.

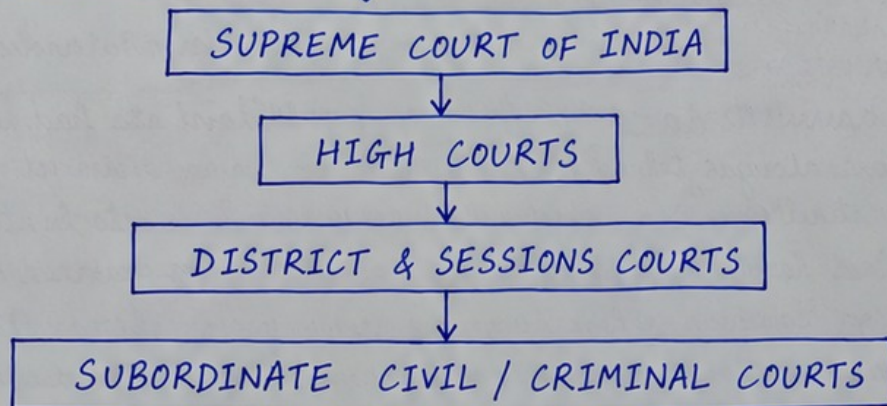
Note : Both Fundamental Rights and DPSPs must be read harmoniously and are complementary, not conflicting.

Q - Can Parliament amend Constitution ?

Yes, Parliament can amend the Constitution under Article 368, subject to the basic structure doctrine (Kesavananda Bharati v. State of Kerala, 1973).

JUDICIAL SYSTEM IN INDIA - HIERARCHY

Q - How are courts arranged in India?



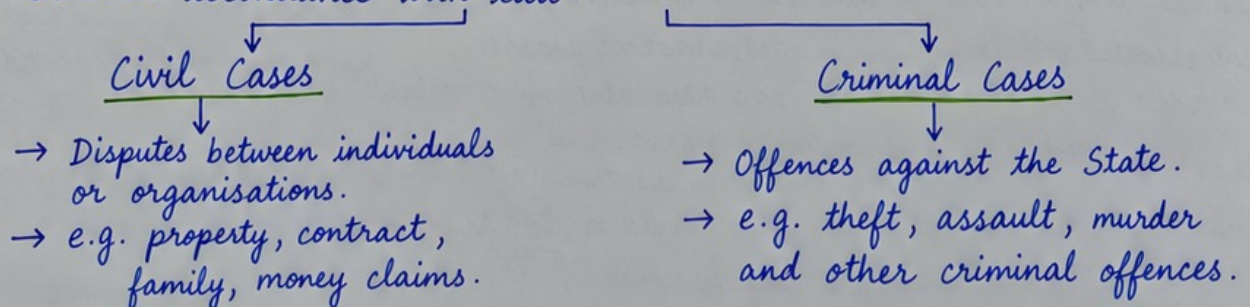
Supreme Court: At the apex of the judicial system in India.

It is the final court of appeal and has original, appellate and advisory jurisdiction.

High Courts: Each State (and Union Territory having a High Court) has a High Court. They exercise original, appellate and supervisory jurisdiction over the courts below them.

District & Sessions Courts: In each district, the District Judge leads the principal civil court (District Court) and the Sessions Judge conducts trial of serious criminal cases.

Subordinate Courts: Other civil and criminal courts (e.g. Civil Judge, Judicial Magistrate) function under the authority of the High Court and in accordance with law.



Note: Appeal routes depend on the statute and the nature of the case. Tribunals and special courts are established separately by relevant laws (e.g. tax, service, company law) and are not simply another universal rung in the above hierarchy.

Q - Is every case filed in Supreme Court first?

No. A case is filed in the appropriate court as per the subject-matter, nature of dispute and the jurisdiction given by law. The Supreme Court is approached at the highest level, usually by way of appeal or in its original jurisdiction in specific types of cases.

SUPREME COURT - JURISDICTION

Q - What is the Supreme Court's jurisdiction?

The Supreme Court (SC) is the highest court in India and has jurisdiction of different kinds under the Constitution.

Q - Types of Supreme Court jurisdiction:

(1) Original jurisdiction (Article 131)

→ SC has exclusive original jurisdiction in disputes between the Union and one or more States, and between two or more States, if the dispute involves a question of law or fact on which the existence or extent of a legal right depends.

(2) Enforcement of Fundamental Rights (Article 32)

→ Individuals can directly approach the SC for enforcement of Fundamental Rights.
→ SC can issue writs (see below).

(3) Appellate jurisdiction (Articles 132 - 134)

→ Article 132 - appeals in constitutional matters (involving a substantial question of law).
→ Article 133 - appeals in civil matters (substantial question of law of general importance).
→ Article 134 - appeals in criminal matters (on specific grounds, e.g. substantial question of law or acquittal).

(4) Special Leave to Appeal (Article 136)

→ SC may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed by any court or tribunal in India.

(5) Advisory jurisdiction (Article 143)

→ President may refer a question of law or fact of public importance to the SC for its advisory opinion.
→ SC's opinion is advisory, not binding.

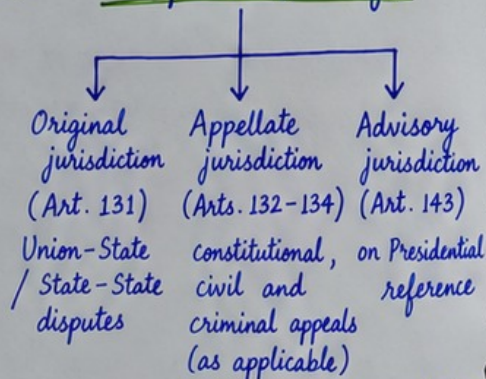
(6) Article 141 - Law declared by SC binds all courts

→ The law declared by the Supreme Court shall be binding on all courts within the territory of India.

5 WRITS

- ① Habeas Corpus - produce detained person.
- ② Mandamus - command performance of public duty.
- ③ Prohibition - stop lower court/quasi-judicial body from acting beyond jurisdiction.
- ④ Certiorari - quash order of lower court or tribunal.
- ⑤ Quo Warranto - challenge a person's legal authority to hold a public office.

SC powers (broadly)

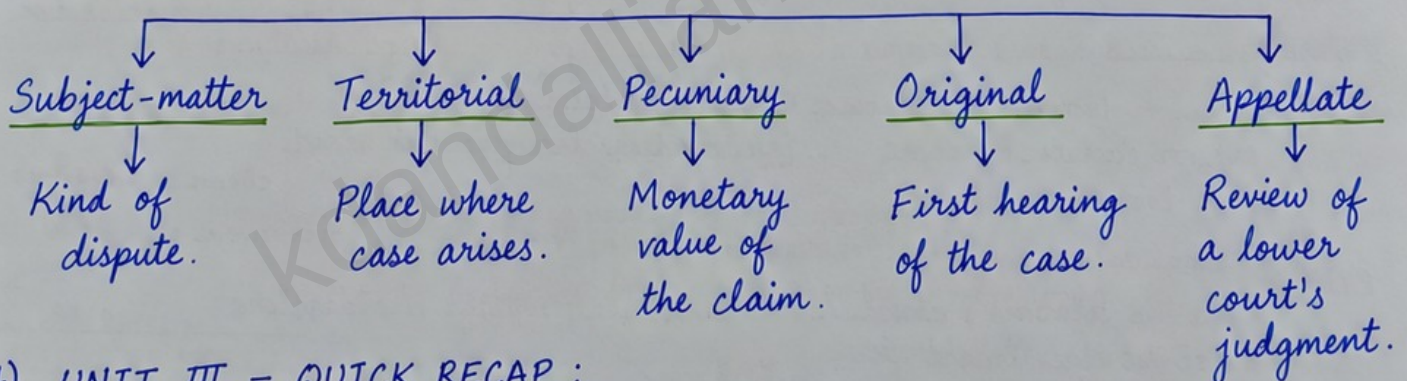


HIGH COURTS, LOWER COURTS & QUICK REVISION1) HIGH COURTS :

- Art 226 → High Courts can issue writs for enforcement of Fundamental Rights and for other purposes.
- Art 227 → High Courts have superintendence over all subordinate courts and tribunals within the limits of the Constitution.
- High Courts also hear appeals and original matters as provided by law.

2) LOWER COURTS :

- District Courts - civil matters, and Sessions Courts - criminal matters.
- Magistrate Courts - try criminal cases as applicable.
- The jurisdiction of these courts depends on the enabling law.

3) TYPES OF JURISDICTION :4) UNIT III - QUICK RECAP :

- Natural justice → fair hearing + no bias.
- Equity → fairness, supplementary principles to law.
- Dicey → supremacy of law, equality before law, legal spirit.
- Montesquieu → three branches of government and checks and balances.
- Constitution → supreme framework for governance.
- Courts → hierarchy of courts and jurisdiction.

5) PRACTICE QUESTIONS :

1. Explain the principles of natural justice.
2. What is the rule of law? Discuss its importance.
3. What is the jurisdiction of the Supreme Court? Explain.

END OF UNIT III