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1.

Law is a word that means different things at different times. Black's Law Dictionary says that law is "a body of rules of action or conduct prescribed by controlling authority, and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law."Black's Law Dictionary, 6th ed., s.v. "law."

Functions of the Law
In a nation, the law can serve to (1) keep the peace, (2) maintain the status quo, (3) preserve individual rights, (4) protect minorities against majorities, (5) promote social justice, and (6) provide for orderly social change. Some legal systems serve these purposes better than others. Although a nation ruled by an authoritarian government may keep the peace and maintain the status quo, it may also oppress minorities or political opponents (e.g., Burma, Zimbabwe, or Iraq under Saddam Hussein). Under colonialism, European nations often imposed peace in countries whose borders were somewhat arbitrarily created by those same European nations. Over several centuries prior to the twentieth century, empires were built by Spain, Portugal, Britain, Holland, France, Germany, Belgium, and Italy. With regard to the functions of the law, the empire may have kept the peace—largely with force—but it changed the status quo and seldom

prompted the native peoples' rights or social justice within the colonized nation.

In nations that were former colonies of European nations, various ethnic and tribal factions have frequently made it difficult for a single, united government to rule effectively. In Rwanda, for example, power struggles between Hutus and Tutsis resulted in genocide of the Tutsi minority. (Genocide is the deliberate and systematic killing or displacement of one group of people by another group. In 1948, the international community formally condemned the crime of genocide.) In nations of the former Soviet Union, the withdrawal of a central power created power vacuums that were exploited by ethnic leaders. When Yugoslavia broke up, the different ethnic groups—Croats, Bosnians, and Serbians—fought bitterly for home turf rather than share power. In Iraq and Afghanistan, the effective blending of different groups of families, tribes, sects, and ethnic groups into a national governing body that shares power remains to be seen.

Law and Politics

In the United States, legislators, judges, administrative agencies, governors, and presidents make law, with substantial input from corporations, lobbyists, and a diverse group of non government organizations (NGOs) such as the American Petroleum Institute, the Sierra Club, and the National Rifle Association. In the fifty states, judges are often appointed by governors or elected by the people. The process of electing state judges has become more and more politicized in the past fifteen years, with growing campaign contributions from those who would seek to seat judges with similar political leanings.

In the federal system, judges are appointed by an elected official (the president) and confirmed by other elected officials (the Senate). If the president is from one party and the other party holds a majority of Senate seats, political conflicts may come up during the judges' confirmation processes. Such a division has been fairly frequent over the past fifty years.

In most nation-states (as countries are called in international law), knowing who has power to make and enforce the laws is a matter of knowing who has political power; in many places, the people or groups that have military power can also command political power to make and enforce the laws. Revolutions are difficult and contentious, but each year there are revolts against existing political-legal authority; an aspiration for democratic rule, or greater “rights” for citizens, is a recurring theme in politics and law.
source always gives us an understanding of the objective behind the formation of something. Everything in this universe has a source which carries its authenticity. Without a source, everything loses its importance. We all are very well acquainted with the word “LAW” and it is used in our day to day life.

The phrase ‘law’ has been derived from the Teutonic phrase 'Lag', this means ‘specific’. In this foundation, the law may be described as a specific rule of demeanor and human relations. It additionally approaches a uniform rule of conduct that’s applicable equally to all the human beings of the state. The law prescribes and regulates well-known situations of human pastime inside the kingdom.

“law is the command of the sovereign.” “It is the command of the advanced to an inferior and pressure is the sanction at the back of law.” —Austin
“A regulation is a popular rule of outside behavior enforced with the aid of a sovereign political authority.” –Holland
“Law is the body of principles recognized and applied by the State in the administration of justice.”—Salmond
Definition by Indian philosophers

Ancient India represented a distinct tradition of the law and had a historically independent school of legal theory and practice. The Arthashastra, dating from 400 BC and the Manusmriti, from 100 AD, were influential treatises in India, texts that were considered authoritative legal guidance. Manu’s central philosophy was tolerance and pluralism and was cited across Southeast Asia

In simple phrases, the law is a specific rule of behavior which is sponsored with the aid of the sovereign energy of the country.

WHAT IS LAW

In any society, everybody is subject to the law. Everybody must do as the law says or face the punishments which can be handed out to lawbreakers. Journalists are no different. They, too, must obey the laws of their society. However, there are certain laws which will affect journalists especially, and that is what we shall deal with in the next few chapters.

Societies have laws in order to protect people from the actions of other people. It is clearly impossible for everybody in any society to have absolute freedom: as one person exercised that freedom, it would trample upon somebody else's freedom. For example, if my neighbor plants pineapples in my garden, then I am not free to use that piece of land myself. It is for this reason that societies have property laws.

The law puts limits on each person's freedom in order to protect other people's freedom. We are free to drive a car on the road, but only if we possess a valid driving license; and, even then, we must keep to one side of the road, and obey speed limits and road signs. In this way, although our freedom to drive is restricted, we are protected from other people's careless or unskilled driving, which would make it impossible for us to drive safely at all.

In order to make people obey the laws of the society, there must be punishments. If you decide to drive a car even though you have no license (and if you are caught), you may be fined. If you cannot or will not pay the fine, you can be sent to jail. The main reason that many people obey the law is that they know they may be punished if they break the law.

There are many different legal systems in the world – traditional and modern, Christian and Islamic – and they regulate society in different ways. However, the reason the laws are there at all is the same – to limit people's

rights in certain ways in order to protect other people's rights; and to punish those who ignore the laws.

The common sources of law are codified laws, judicial precedents, customs, juristic writings, expert opinions, morality and equity. With the growing popularity of the idea of constitutionalism, legislations and precedents occupy the center position amongst all the various sources of law.

The meaning of the term "sources of law" differs from writer to writer. The positivists use the term to denote the sovereign or the State who makes and enforces the laws. The historical school uses the term to refer to the origins of law. Others use it to indicate the causes or subject matter of law. Prof. Fuller, in his "Anatomy of the Law", states that a judge interprets and applies certain rules to decide upon a case. Such rules are obtained from various places which are known as "sources". He further goes on to give examples of the common sources of law such as codified laws, judicial precedents, customs, juristic writings, expert opinions, morality and equity. Holland has defined the term to mean the sources of the knowledge regarding law.

CLASSIFICATION

There exists no definite classification of the sources of law. Different thinkers and jurists have given their own classifications according to their own understanding of the meaning of the term.

Salmond's Classification

According to Salmond, there are two main sources of law- formal and material. Formal sources are those from which law derives its validity and force, that is, the will of the State which is expressed through statutes and judicial decisions. He sub-divided the material sources into legal sources and historical sources. Legal sources comprise of legislations, precedent, custom, agreement and professional opinion. They are authoritative in nature and origin and are followed by the courts as a matter of right. On the

other hand, historical sources are those which are originally found in an un-authoritative form and are subsequently admitted and converted into legal principles. For instance, precedents are a material source of law. However, domestic precedents are the legal source whereas foreign precedents are the historical source.

Salmond's classification of the sources into formal and material sources is found to be unsatisfactory by critics. The editor for the twelfth edition of Salmond's 'Jurisprudence' has classified the sources directly into legal and historical.

Keeton's Classification

Keeton's classification of the sources of law has emerged as a critique of Salmond's classification. He defines the term as those materials from which law is eventually fashioned through judicial activity. He classified the sources of law into- binding sources and persuasive sources. Binding sources are those which have to be necessarily followed by the courts. Legislations, judicial precedents and customs are examples of such source. Persuasive sources are those which come into play when there is absence of any binding source on any subject. Foreign precedents, professional opinions and principles of morality or equity are examples of persuasive sources of law.

SOURCES OF LAW
There are many different sources of law in any society. Some laws will be written in the country's Constitution; others will be passed by the legislature (usually a parliament or congress); others will come from long social tradition.

consists in the declaration of legal rules by a competent authority." According to Gray, legislation refers to "the formal utterances of the legislative organs of the society."

Salmond- “legislation is that source of law which is composed within the declaration of prison regulations by using an able authority.”
Horace Gray- “regulation of the formal utterance of the legislative organs of the society.”
John Austin- “There may be no law without a legislative act.”
The analytical school of jurisprudence believes the law to be a set of commands issued by a sovereign authority. This command is what is known as a statute and the process of making a statute is known as legislation. The analytical positivists believe legislation to be the only true source of law and disapprove of the judiciary taking up legislative functions. Furthermore, they do not recognize customs as a valid source of law.

On the other hand, the historical school believes legislation to be the “least creative” source of law. They believe that legislation only gives a proper form and structure to the customs that have been developed by the people. Both the views are the two opposite extremes regarding legislation as a source of law. While the analytical school regards legislation as the only source of law, the historical school disregards it as a source of the new law.

2.

Law can be classified in a variety of ways. One of the most general classifications divides law into civil and criminal. A basic definition of civil law is “the body of law having to do with the private rights of individuals” (Yourdictionary.com, 2010). As this definition indicates, civil law is between individuals, not the government. Criminal law involves regulations enacted and enforced by government action, while civil law provides a remedy for individuals who need to enforce private rights against other individuals. Some examples of civil law are family law, wills and trusts, and contract law. If individuals need to resolve a civil dispute, this is called civil litigation, or a civil lawsuit. When the type of civil litigation involves an injury, the injury action is called a tort.

Characteristics of Civil Litigation

It is important to distinguish between civil litigation and criminal prosecution. Civil and criminal cases share the same courts, but they have very different goals, purposes, and results. Sometimes, one set of facts gives way to a civil lawsuit and a criminal prosecution. This does not violate double jeopardy and is actually quite common.

Parties in Civil Litigation

In civil litigation, an injured party sues to receive a court-ordered remedy, such as money, property, or some sort of performance. Anyone who is injured—an individual, corporation, or other business entity—can sue civilly. In a civil litigation matter, the injured party that is suing is called the plaintiff. A plaintiff must hire and pay for an attorney or represent himself or herself. Hiring an attorney is one of the many costs of litigation and should be carefully contemplated before jumping into a lawsuit.

The alleged wrongdoer and the person or entity being sued are called the defendant. While the term plaintiff is always associated with civil litigation, the wrongdoer is called a defendant in both civil litigation and a criminal prosecution, so this can be confusing. The defendant can be any person or thing that has caused harm, including an individual, corporation, or other business entity. A defendant in a civil litigation matter must hire and pay for an attorney even if that defendant did nothing wrong. The right to a free attorney does not apply in civil litigation, so a defendant who cannot afford an attorney must represent himself or herself.

Goal of Civil Litigation

The goal of civil litigation is to compensate the plaintiff for any injuries and to put the plaintiff back in the position that person held before the injury occurred. This goal produces interesting results. It occasionally creates liability or an obligation to pay when there is no fault on behalf of the defendant. The goal is to make the plaintiff whole, not to punish, so fault is not really an issue. If the defendant has the resources to pay, sometimes the law requires the defendant to pay so that society does not bear the cost of the plaintiff's injury.

A defendant may be liable without fault in two situations. First, the law that the defendant violated may not require fault. Usually, this is referred to as strict liability. Strict liability torts do not require fault because they do not include an intent component. Strict liability and other intent issues are discussed in detail in Chapter 4 “The Elements of a Crime”. Another situation where the defendant may be liable without fault is if the defendant did not actually commit any act but is associated with the acting defendant through a special relationship. The policy of holding a separate entity or individual liable for the defendant’s action is called vicarious liability. An example of vicarious liability is employer-employee liability, also referred to as respondeat superior. If an employee injures a plaintiff while on the job, the employer may be liable for the plaintiff’s injuries, whether or not the employer is at fault. Clearly, between the employer and the employee, the employer generally has the better ability to pay.

Example of Respondeat Superior
Chris begins the first day at his new job as a cashier at a local McDonald’s restaurant. Chris attempts to multitask and pour hot coffee while simultaneously handing out change. He loses his grip on the coffee pot and spills steaming-hot coffee on his customer Geoff’s hand. In this case, Geoff can sue McDonald’s and Chris if he sustains injuries. McDonald’s is not technically at fault, but it may be liable for Geoff’s injuries under a theory of respondeat superior.

Harm Requirement
The goal of civil litigation is to compensate the plaintiff for injuries, so the plaintiff must be a bona fide victim that can prove harm. If there is no evidence of harm, the plaintiff has no basis for the civil litigation matter. An example would be when a defendant rear-ends a plaintiff in an automobile accident without causing damage to the vehicle (property damage) or physical injury. Even if the defendant is at fault for the automobile accident, the plaintiff cannot sue because the plaintiff does not need compensation for any injuries or losses.

Damages

Often the plaintiff sues the defendant for money rather than a different, performance-oriented remedy. In a civil litigation matter, any money the court awards to the plaintiff is called damages. Several kinds of damages may be appropriate. The plaintiff can sue for compensatory damages, which compensate for injuries, costs, which repay the lawsuit expenses, and in some cases, punitive damages. Punitive damages, also referred to as exemplary damages, are not designed to compensate the plaintiff but instead focus on punishing the defendant for causing the injury (BMW of North America, Inc., 1996).

Characteristics of a Criminal Prosecution

A criminal prosecution takes place after a defendant violates a federal or state criminal statute, or in some jurisdictions, after a defendant commits a common-law crime. Statutes and common-law crimes are discussed in Section 1.6 “Sources of Law”.

Parties in a Criminal Prosecution

The government institutes the criminal prosecution, rather than an individual plaintiff. If the defendant commits a federal crime, the United States of America pursues the criminal prosecution. If the defendant commits a state crime, the state government, often called the People of the State pursues the criminal prosecution. As in a civil lawsuit, the alleged wrongdoer is called the defendant and can be an individual, corporation, or other business entity.

The attorney who represents the government controls the criminal prosecution. In a federal criminal prosecution, this is the United States Attorney (United States Department of Justice, 2010). In a state criminal prosecution, this is generally a state prosecutor or a district attorney (Galaxy.com, 2010). A state prosecutor works for the state but is typically an elected official who represents the county where the defendant allegedly committed the crime.

Applicability of the Constitution in a Criminal Prosecution

The defendant in a criminal prosecution can be represented by a private attorney or a free attorney paid for by the state or federal government if he or she is unable to afford attorney's fees and facing incarceration (Alabama v. Shelton, 2001). Attorneys provided by the government are called public defenders (18 U.S.C., 2010). This is a significant difference from a civil litigation matter, where both the plaintiff and the defendant must hire and pay for their own private attorneys. The court appoints a free attorney to represent the defendant in a criminal prosecution because the Constitution is in effect in any criminal proceeding. The Constitution provides for the assistance of counsel in the Sixth Amendment, so every criminal defendant facing incarceration has the right to legal representation, regardless of wealth.

The presence of the Constitution at every phase of a criminal prosecution changes the proceedings significantly from the civil lawsuit. The criminal defendant receives many constitutional protections, including the right to remain silent, the right to due process of law, the freedom from double jeopardy, and the right to a jury trial, among others.

Goal of a Criminal Prosecution

Another substantial difference between civil litigation and criminal prosecution is the goal. Recall that the goal of civil litigation is to compensate the plaintiff for injuries. In contrast, the goal of a criminal prosecution is to punish the defendant.

One consequence of the goal of punishment in a criminal prosecution is that fault is almost always an element in any criminal proceeding. This is unlike civil litigation, where the ability to pay is a priority consideration. Clearly, it is unfair to punish a defendant who did nothing wrong. This makes criminal law justice oriented and very satisfying for most students.

Injury and a victim are not necessary components of a criminal prosecution because punishment is the objective, and there is no plaintiff. Thus behavior can be criminal even if it is essentially harmless. Society does not

condone or pardon conduct simply because it fails to produce a tangible loss.

Examples of Victimless and Harmless Crimes
Steven is angry because his friend Bob broke his skateboard. Steven gets his gun, which has a silencer on it, and puts it in the glove compartment of his car. He then begins driving to Bob's house. While Steven is driving, he exceeds the speed limit on three different occasions. Steven arrives at Bob's house and then he hides in the bushes by the mailbox and waits. After an hour, Bob opens the front door and walks to the mailbox. Bob gets his mail, turns around, and begins walking back to the house. Steven shoots at Bob three different times but misses, and the bullets end up landing in the dirt. Bob does not notice the shots because of the silencer.

In this example, Steven has committed several crimes: (1) If Steven does not have a special permit to carry a concealed weapon, putting the gun in his glove compartment is probably a crime in most states. (2) If Steven does not have a special permit to own a silencer for his gun, this is probably a crime in most states. (3) If Steven does not put the gun in a locked container when he transports it, this is probably a crime in most states. (4) Steven committed a crime each time he exceeded the speed limit. (5) Each time Steven shot at Bob and missed, he probably committed the crime of attempted murder or assault with a deadly weapon in most states. Notice that none of the crimes Steven committed caused any discernible harm. However, common sense dictates that Steven should be punished so he does not commit a criminal act in the future that may result in harm.

3.

A plaintiff (Π in legal shorthand) is the party who initiates a lawsuit (also known as an action) before a court. By doing so, the plaintiff seeks a legal remedy. If this search is successful, the court will issue judgment in favor of the plaintiff and make the appropriate court order (e.g., an order for

damages). "Plaintiff" is the term used in civil cases in most English-speaking jurisdictions, the notable exceptions being England and Wales, where a plaintiff has, since the introduction of the Civil Procedure Rules in 1999, been known as a "claimant" and Scotland, where the party has always been known as the "pursuer". In criminal cases, the prosecutor brings the case against the defendant, but the key complaining party is often called the "complainant".

In some jurisdictions, a lawsuit is commenced by filing a summons, claim form or a complaint. These documents are known as pleadings, that set forth the alleged wrongs committed by the defendant or defendants with a demand for relief. In other jurisdictions, the action is commenced by service of legal process by delivery of these documents on the defendant by a process server; they are only filed with the court subsequently with an affidavit from the process server that they had been given to the defendant according to the rules of civil procedure.

4.

The trial in the warrant case initiates after filing an FIR in the police station or filing a complaint to the magistrate. After the whole process, a final report is submitted to the magistrate by the police as the chargesheet for the commencement of trial. Our experts guide clients on pre-trial procedures and trial procedures.

Stages of Trial:

Framing of charges
Plea of guilty
Evidence of prosecution
Statement of accused
Defense evidence
Final Arguments

administrative law, the legal framework within which public administration is carried out. It derives from the need to create and develop a system of public administration under law, a concept that may be compared with the much older notion of justice under law. Since administration involves the exercise of power by the executive arm of government, administrative law is of constitutional and political, as well as juridical, importance.

There is no universally accepted definition of administrative law, but rationally it may be held to cover the organization, powers, duties, and functions of public authorities of all kinds engaged in administration; their relations with one another and with citizens and nongovernmental bodies; legal methods of controlling public administration; and the rights and liabilities of officials. Administrative law is to a large extent complemented by constitutional law, and the line between them is hard to draw. The organization of a national legislature, the structure of the courts, the characteristics of a cabinet, and the role of the head of state are generally regarded as matters of constitutional law, whereas the substantive and procedural provisions relating to central and local governments and judicial review of administration are reckoned matters of administrative law. But some matters, such as the responsibility of ministers, cannot be exclusively assigned to either administrative or constitutional law. Some French and American jurists regard administrative law as including parts of constitutional law.

The law relating to public health, education, housing, and other public services could logically be regarded as part of the corpus of administrative law; but because of its sheer bulk it is usually considered ancillary.

Defining principles

One of the principal objects of administrative law is to ensure efficient, economical, and just administration. A system of administrative law that impedes or frustrates administration would clearly be bad, and so, too, would be a system that results in injustice to the individual. But to judge

whether administrative law helps or hinders effective administration or works in such a way as to deny justice to the individual involves an examination of the ends that public administration is supposed to serve, as well as the means that it employs.

In this connection only the broadest generalities can be attempted. It can be asserted that all states, irrespective of their economic and political system or of their stage of development, are seeking to achieve a high rate of economic growth and a higher average income per person. They are all pursuing the goals of modernization, urbanization, and industrialization. They are all trying to provide the major social services, especially education and public health, at as high a standard as possible. The level of popular expectation is much higher than in former ages. The government is expected not only to maintain order but also to achieve progress. There is a widespread belief that wise and well-directed government action can abolish poverty, prevent severe unemployment, raise the standard of living of the nation, and bring about rapid social development. People in all countries are far more aware than their forefathers were of the impact of government on their daily lives and of its potential for good and evil.

The growth in the functions of the state is to be found in the more-developed and in the less-developed countries; in both old and new states; in democratic, authoritarian, and totalitarian regimes; and in the mixed economies of the West. The movement is far from having reached its zenith. With each addition to the functions of the state, additional powers have been acquired by the administrative organs concerned, which may be central ministries, local, provincial, or regional governments, or special agencies created for a particular purpose.