



CHAPTER

2

Classification of Laws

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Learning Outcomes

After the completion of this chapter, the students will be able to:

- Classify the various branches of law
- Summarise the purpose behind classification of law
- Compare International Law and Municipal Law
- Compare Public and Private International Law
- Compare Public and Private Municipal law
- Identify the sub types of each branch
- Analyse the difference between civil and criminal law
- Differentiate between substantive and procedural laws

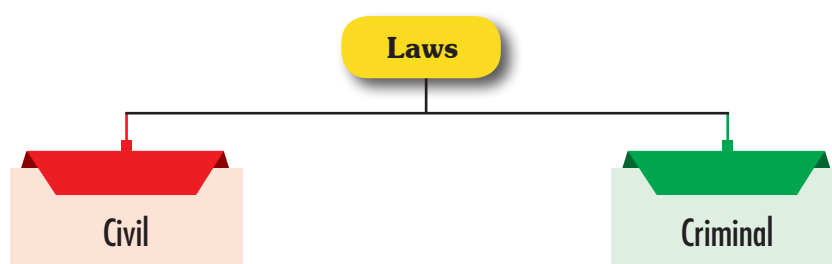
The classification of law is important for the correct and comprehensive understanding of law. The following are the benefits of classifying law:

- i. Useful in understanding the interrelation of rules
- ii. Useful in the systematic arrangements of rules
- iii. Useful for the profession and students of law

There are several ways of classifying law and the idea of classification of law is not new. Even in ancient civilizations, the jurists were well aware of the difference between civil and criminal laws. However, with the passage of time, many new branches have come into existence and therefore, the old classification has become outdated. Law can be classified in many ways with respect to time and place.



I. Classification of Laws Based on Subject Matter



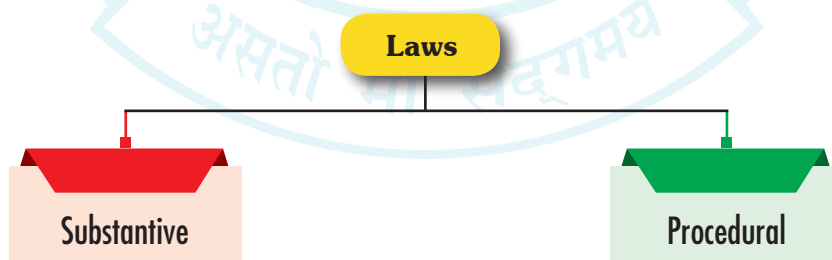
Criminal Laws

- Any act which is considered to be an offence/prohibited by the laws in force in India is covered under criminal law
- Crimes affect the society as a whole
- In crimes, action is initiated by the state on behalf of the individual
- Remedy- imprisonment or fine or both
- Examples – theft, murder, rape etc.

Civil Laws

- All acts which are not specifically defined as a crime are civil in nature
- Private in nature-affects only an individual and not the society as a whole
- A civil action is initiated by the individual himself/herself
- Remedy- compensation (monetary relief), damages (monetary relief), injunction (court orders asking a person to do or not do what he/she is legally obliged to do/not do)
- Examples – property disputes, family matters etc.

II. Classification based on Scope of Law



Legislative acts are classified as ‘substantive acts,’ on the basis of the subject matter of the law; and ‘procedural acts’, on the basis of the procedure to be followed by the executive and judiciary in implementation of those laws.

Substantive Laws

- Laws which define rights and liabilities of an individual
- Eg- consumer protection act; right to information act, etc.



Procedural Laws

- Laws which define the procedures and protocols for enforcing substantive law or filing a case
- Eg - code of civil procedure for civil cases
- Eg - code of criminal procedure for criminal cases

Amending Acts modify/ amend the existing laws on the statute book, taking into account the changing social, political and economic conditions of the country.

III. Classification based on Jurisdiction



A. International Law

International law is an important branch of law. It deals with those rules and regulations of nation which are recognized and are binding upon each other through reciprocity. Many jurist however, do not give much importance to this branch. In recent times, this branch of law has grown manifold and has acquired increasing importance on account of globalization and other related factors.

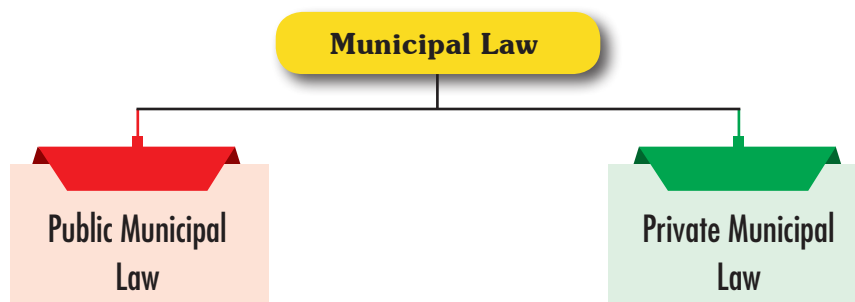
International law has been further classified as follows:

i. Public International Law

This branch of law relates to the body of rules and regulations which governs the relationship between nations. Countries mutually recognise these sets of rules which are binding on them in their transactions on a reciprocal basis.

ii. Private International Law

Private international law is that part of law of the State, which deals with cases having a foreign element. Private international law relates to the rights of private citizens of different countries. Marriages and adoption of individuals fall within its domain.





B. Municipal Law

Municipal laws are basically domestic or national laws. They regulate the relationship between the State and its citizen and determines the relationship among citizens. Municipal law can be further classified into two segments:

i. Public Law

Public law *chiefly regulates the relationship between the State and its' subjects*. It also provides the structure and functioning of the organs of States. The three *important branches of Public Law* are the following:

- a. **Constitutional Law** : Constitutional law is considered to be the basic as well as the supreme law of the country. The nature of any State is basically determined by its Constitution. It also provides the structure of the government. All the organs of states derive their powers from the Constitution. Some countries, such as India, have a written Constitution, while countries such as the United Kingdom have an 'uncodified Constitution'. In India, the fundamental rights are granted and protected under the Constitution.
- b. **Administrative Law** : Administrative law mainly deals with the powers and functions of administrative authorities - government departments, authorities, bodies etc. It deals with the extent of powers held by the administrative bodies and the mechanism whereby their actions can be controlled. It also provides for legal remedies in case of any violation of the rights of the people.
- c. **Criminal Law** : Criminal law generally deals with acts which are prohibited by law and defines the prohibited act as an offence. It also prescribes punishments for criminal offences. Criminal law is very important for maintaining order in the society, and for maintaining peace. It is considered a part of public law, as crime is not only against the individual but against the whole society. Indian Penal Code, 1860 (also known as IPC) is an example of a criminal law legislation, in which different kinds of offences are defined and punishments prescribed.

ii. Private Law

This branch of law defines, regulates, governs and enforces relationships between individuals and associations and corporations. In other words, this branch of law deals with the definition, regulation and enforcement of mutual rights and duties of individuals. The state intervenes through its judicial organs (e.g. courts) to settle the dispute between the parties. Private or Civil law confers civil rights which are administered and adjudicated by civil courts. Much of the life of a society is regulated by this set of private laws or civil rights. This branch of law can be further classified into the following:

- a. **Personal Law** : It is a branch of law related to marriage, divorce and succession (inheritance). These laws are based on religion, ritual and customs of marriage, divorce, and inheritance. In such matters, people are mostly governed by the Personal laws laid down by their religions. For example, the marriage of Hindus is governed by Personal laws like the Hindu Marriage Act, 1955 while Muslim marriages are governed by the Muslim personal law based on a Muslim customary law which is largely un-codified.
- b. **Property Law** : This branch of law deals with the ownership of immovable and movable properties. For example, the Transfer of Property Act, 1882, deals with transfer of immovable property, whereas the Sales of Goods Act, 1930, deals with movable property.
- c. **Law of Obligations** : This branch of the law pertains to an area where a person is required

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to do something because of his promise, contract or law. It puts an obligation on the person to perform certain actions which generally arise as a consequence of an enforceable promise or agreement. If someone violates his promise, that promise may be enforced in a court of law.

According to the Indian Contract Act, 1872, a contract is **an agreement which is enforceable by law**. In other words a contract is an agreement with specific terms between two or more persons in which there is a promise to do something in lieu of a valuable profit which is known as consideration. For example, 'A' has offered his mobile phone to 'B' for Rs.15,000. 'B' agreed to purchase the same. This has created a legal relationship where both have made a promise which is enforceable by law.

- d. Law of Torts: Tort is a civil wrong.** This branch of law creates and provides remedies for civil wrongs that do not arise out of contractual duties. A tort deals with negligence cases as well as intentional wrongs which cause harm. An aggrieved person may use law of tort to claim damages from someone who has caused the wrong or legal injury to him/ her. Torts cover intentional acts and accidents.

For instance, if 'A' throws a stone and it hits another person namely 'B' on the head, 'B' may sue 'A' for the injury caused by the accident.

IV. Exercises

Based on your understanding, answer the following questions:

Q-1 Provide brief answers for the following-

1. Why is classification of law important? What are its benefits?
2. What is International Law? Explain the two types of International Law.
3. Differentiate between International and Municipal Law.
4. What is a contract?
5. Discuss the different types of Public and Private Municipal Laws.

Q-2 Identify the branch of law and define-

1. Antilla and Portico are two countries who have a border dispute.
2. Shefali was aggrieved because her passport was refused by the Passport Department without any reason.
3. Gita died intestate and her kids don't know how to divide the property.
4. Ajit was in an agreement to supply 50 kgs of rice to Bittu but did not do so.

Q-3 Sheena was a victim of sexual harassment at workplace. Explain why her criminal case is a part of public municipal law.

Q-4 Halestina and Xina, two Countries are bound by some laws which foster their relations by following some rules based on reciprocity. Identify the branch of law and explain its two sub types.

Q-5 The Government of India introduced a new law whereby the passport of any person could be revoked on mere suspicion of fraudulent financial transactions without providing a chance of hearing. Identify and define the branch of law under which such a law can be challenged.