JSS LAW COLLEGE, MYSURU

ENGLISH NOTES 2024

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Date: 17/5/2024

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ENGLISH

6/2/2024

UNIT - I

12/2/24

JENICAA . J
1st year LLB
(22)

SOUNDS OF ENGLISH - PHONEMES. 44

Phoneme is a speech sound.

Grapheme is the representation.

The 44 phonemes are represented by 26 English letters of the alphabet individually and in combinations.

A consonant sound is one in which the air flow is cut off, either partially / completely when the sound is produced.

A vowel sound is one in which the air flow is unobstructed when sound is made.

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CONSONANTS.

/b/ - ball	/p/ - pig	
/d/ - dog	/r/ - robot	
/f/ - fan	/t/ - tap	
/g/ - grapes	/v/ - van	
/h/ - hat	/w/ - web	
/j/ - jellyfish	/y/ - yo-yo	
/k/ - kite	/z/ - zebra.	
/l/ - leaf		
/m/ - monkey		
/n/ - nest		
/ng/ - ring		

DIGRAPHS.

/zh/ - Treasure	
/ch/ - Cheese	
/sh/ - Shark	
/th/ - Thongs	
/Th/ - Feather	

'R' Controlled Vowels.

/ā/ - Chair.	
/ä/ - Car	
/ô/ - bird	
/ô/ - paw	
/e ə/ - ear	
/ü ə/ - Cure	

SHORT VOWELS - a - cat ; e - egg ; i - igloo ; o - orange ; u - mug ; oo - book.

LONG VOWELS - ai - snail ; ee - bee ; i - spider ; oa - boat oo - moon ; u - uniform ; oi - coin ; ow - cow ; er - ladder.

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TYPES OF PRONOUNS.

	TYPES	USAGE	EXAMPLE.
	Personal	Replaces names, of place/thing	I, We.
2)	Relative	Connect dependent and independent clause	That, which.
3)	Demonstrative	Used to point specific things	This, These.
4)	Indefinite	Replaces a non-specific noun	Any, Each
5)	Reflexive	Used as an object of a verb that refers to same person/thing as the subject of the verb.	Myself, Yourself
6)	Intensive	Refers back to subject in order to emphasize	Myself, yourself
7)	Possessive	expresses possession, ownership	Mine, Yours.
8)	Interrogative	Ask questions	What, When
9)	Reciprocal	Expresses mutual relationship	Eachother
10)	Distributive	Refers to person/thing one at a time	Each, Either
11	Exclamatory	Express sudden emotion	What?
12)	Impersonal	It does not specify a person/thing.	It.

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English

6/2/24

Letters - 26 ; 21 - Consonants ; Vowels - 5
Vowel Sounds - (12) Sounds AE IOU.
Short - 5 ; add - 2 (25). 44 Phonemes
Long - 5 ;

Clause - A group of words that contains a subject and a verb that have a relationship.

Phrase - A group of words without a finite verb, especially one that forms part of a sentence.

Clause - 2 types - Main / Independent
Subordinate / Dependent

Syntax - focuses on how words are combined to form phrases and clauses.

PARTS OF SPEECH. - 8.

① Noun - Names a person, place, concept / object.

Proper Noun & Common Noun
Milton Bottle

Countable Noun & Uncountable Noun. - a few cats
a cat.

② PRONOUN – Substitutes for specific noun. Inplace of noun. – Ex: She, He, I, Me

12 types of pronoun, personal (I); relative (That); demonstrative (THIS; THAT); Indefinite (ANY; EACH); Reflexive (MYSELF); Intensive (MYSELF); Possessive (MINE); Interrogative (WHAT); Reciprocal (EACH OTHER); Distributive (EITHER); Exclamatory (What?); Impersonal (It).

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③ ADJECTIVES – Describing words.

Ex: The white horse; old clock.

Predicate – Sunrise seemed golden.

Qualifies the subject.

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④ VERBS – Verbum – word; Transitive, Intransitive

A state of being, event and action.

Irregular verb – cut, put.

Regular verb – walk, walked

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⑤ ADVERB – Adds meaning to verb, sentence.

Is a word that describes a verb, & adverb an adjective or even the entire sentence.

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⑥ PREPOSITION – It is positioned in the latter part of sentences, but before a noun/pronoun.

Types are based on -

(i) Time – until, during.

(ii) Place – On, behind, over.

(iii) Movement – around, against – Spatial relationship

Location – at, in, on.

Formation – Simple, Double, Compound & Participle.

(i) Simple preposition – Is a single word ON.

(ii) Double preposition – Upto; Onto.

(iii) Compound preposition – Inbetween; in front of.

(iv) Participle preposition – have endings such as ed and ing. During; excluding..

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⑦ CONJUNCTIONS. – It is a Latin word Conjuctio – to join.

They are used to combine two/more objects, phrases, clauses, while the core meaning is not altered.

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Subordinate legislation →

- Legislation by any other authority (other than supreme legislation) is capable of being controlled by the supreme authority.
- Subordinate authority drive authority to legislate only by delegation (express / implied)
- Broadly categorized as →

→ Colonial legislation : imperial legislature delegating law making power to the dominion legislature (colonies).

→ Executive legislation : (eg. conferring power to make rules on the subject matter - The Indian Forest Conservation Act, 1980).

→ Judicial legislation : (procedure regulating courts etc - eg. High court of Karnataka, Rules, 1959)

→ Municipal legislation : (eg. Bye-laws of municipal authorities) for self government.

→ Autonomous legislation (eg. universities) for self govt.

Delegated legislation →

- Kind of subordinate legislation
- Welfare state - enormous functions of the state.
- Impracticable to make laws in detail.
- DL styles and lays down the fundamental principles and policies in the legislation and delegates power to subordinate bodies / administrative authorities to lay down details.

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- This process is called as delegated legislation.
- Rule : legislature cannot delegate.

Two meanings →
- Exercise of power delegated to executive to make rules.
- The rules and regulations made thereunder.

Reasons for delegated legislations →
(i) Want of time
(ii) Technicality of the matter
(iii) Flexibility
(iv) Emergency
(v) Local matters
(vi) Changes

Dangers → (wide powers to executive, failure to scrutinize difficulties to subjects)

Safeguards → Parliamentary control, Judicial control and Publicity.

- Central delegated legislation (Union Gazette)
- State delegated legislation. (State Gazette)

DL can be known in the following names
- Rules
- Regulations
- Schemes
- Notifications
- orders
- Bye laws

Parts of Statute → Activity

The Advocates Act 1961

1. Short title : The short title of an Act is for the purpose of reference & for its identification.
   → The Advocates Act, 1961
   Act No. 25 of 1961

2. Long title : it gives the discription about the object of an Act.
→ An act to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All-India Bar.

3. Preamble : it is a key to open the mind of law makers - conveys the statiment of objectives.

4. Definitions : The act contains a seperate definition clause. It dfines certain words used in the body of the Act. (chronological order)

5. Headings
6. Marginal notes
7. Punctuation
8. Exceptions
9. Proviso
10. illustrations
11. explanation
12. schedules
13. saving clauses
14. Sections
15. Repeal & saving.

PRECEDENTS

- It is a source of Law.
- Common law countries - it has high authority.
- Anglo-Indian Law - jus receptum influenced by Roman Law.
- Art. 141 → Law declared by the SC binding on all courts within the tesitory of India.
- But SC not bound by its own decisions.
- Somtimes it is evolved from Judicial Activism.
- It is a statiment of Law found in a judicial decision of a HC or a superior court, meant to be followed by the same courts as also by subordinate courts. (for future conduct).
- The principle is called Doctrine of Precedents.

Questions

1. Note the meaning of Stare decisis.

Stare decisis is the doctrine that courts will adhere to precedent in making their decisions. In Latin, Stare decisis means "to stand by things decided".

2. What is Ratio decidendi

In Latin, it means "rationale for decision". The term refers to key factual point or chain of reasoning in a case that drives that final judgement.

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TYPES OF STATUTES b/o OBJECT

- Welfare Statute
- Consolidating Statute
- Repealing Statute
- Amending Statute
- Remedial Statute
- Declaratory Statute
- Enabling Statute
- Explanatory Statute
- Curative / Validating Statute
- Disabling Statute
- Fiscal Statute
- Penal Statute
- Codifying Statute
- Substantive Statute

ORDINANCE

- It is an addition to enactments by parliaments (P) and State legislations (SL).
- President and Governor may issue ordinances when the Parliament or State legislature are not in session.
- Ordinances issued by President - Central ordinance Article 123.
- Ordinances issued by Governor - State ordinance Article 213
- Ordinance is also a law.
- It can be promulgated by the President on the recommendation of the Union cabinet (Art 123)

3. Note the meaning of Orbiter Dictum

In Latin, it means that "which is said in the passing" It refers to a passage in a judicial opinion which is not necessary for the decision of the case before the court.

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Ratio Decidendi

Case law: Wilkinson V. Downton

Justice Wright, "defendant liable for nervous shock."

Reasons: narrow idea / tell a lie.

CUSTOM

- It is the sole source of law.
- Essentials of valid custom: origin & nature, importance, reasons for recognition & its classification.
- In ancient Hindu Law, custom has played an important role in moulding the society.
- Law in force - Family law, labour law, personal law.
- Under constitution, Article 13, 371A, 371G & 327 makes a note upon law in force.
- Customs can be abolished based on situation. (Sati system)
- Customs are a part of tribal laws

- Essentials of valid custom →
  - Reasonableness
  - Conformity with statute law
  - immemorial or antiquity
  - Certainity / definite.
  - Continuity
  - Peaceful enjoyment
  - Observence of right
- Sources of Muslim law → Hiddat, Shuia, Quran...

Activity

1. Differentiate between substantive & procedure law.

SUBSTANTIVE LAW	PROCEDURAL LAW
• It is the law that states the rights and obligations of the parties concerned.	• It specifies the practice, procedure and machinery for the imposition of rights and duties.
• It is concerned with the fixation of rights and duties of the citizens.	• It is concerned with ways and means for imposing substantive law.
• It is related to matters outside the court.	• It is related to the matters inside the court.
• It is governed by act of parliament	• It is governed by statut-ory law (means of justice)
• It defines rights of parties and punishment for wrongdoer. (ends of justice)	• It defines initiation and prosecution of civil and criminal law suits. (adjective law)

20/09/2023

KINDS OF LAW

- General law & Special law
- Salmond's kind of law
- Classification of law
  - Private & public law
  - Municipal & international law.
  - Criminal & civil law
  - Substantive & procedural law.

GENERAL LAW →

It concerns and applies to all persons without discrimination and applies to whole of territory in the country, i.e, not limited to a particular community.

- It is the ordinary law of the land / realm
- Three classes – (i) Statute law
  (ii) equity and
  (iii) common law

SPECIAL LAW →

Consists of other bodies of legal rules which apply only under special conditions or circumstances.

- Salmond - mentions 6 forms of special law →

1. Local law - only for certain parts of the state (customary law or local enacted law)
2. Foreign law (the conflict of laws) - determining questions of jurisdiction. [Private international law

4. Retributive theory : The principle was, "an eye for an eye". According to Justice Holmes, It is commonly known that the early reforms of legal procedure were grounded in vengeance.

5. Expiatory theory : Repentance and expiration by the offender itself is a punishment. This theory believes that every person deserves to be forgiven when he realised his/her mistake.

Difference between Parole and Probation

PAROLE	PROBATION
• Parole is a temporary release for prisoners and comes with conditions to be followed by the prisoner during that period.	• Probation is granted to offenders who are released into community under supervision, instead of being imprisoned.
• Parole is just an arrange-ment of the temporary release of prisoners.	• Probation refers to the judgement given by the court to convicts.
• Parole is the last stage after the offender undergoes a period of punishment.	• Probation is the first stage in the correctional system of an offender.
• Parole is granted to offenders undergoing imprisonment.	• It is not granted to offenders who have been imprisoned or convicted before.

Settlement of disputes → (AOR)
- fact finding enquiries
- committee / commision
- resolution by arbitration, mediation

Remedial technique →
- damages, compensation, injunction, restitution.

Social benefit conferral technique →
- old age pension, unemployment allowance, wage protection, subsidised food, rural employment, maternity benefit.

Amenities for development of fine arts →
- music academy, sports authority (central / State statutes)

CONFLICT RESOLUTION
- Avoidance or prevention by consultation with lawyer.
- Resolution.

RESOLUTION
1. Bipartite - discussion, negotiation & settlement
2. Tripartite
   - Conciliation with the help of conciliator.
   - mediation
   - Adjudication
   - Voluntary arbitration
   - Through statutory adjudication - Tribunals etc
   - Through courts of general jurisdiction