

Learning Law as Civil Servants

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Overview

- Unpacks the title by deliberating on :
- What to learn ?
- Why ?
- And how?

What to learn ?

- Basic familiarity with legal theory
- A Meta Understanding of the Indian Constitution
- Familiarity with the principles of Administrative Law
- Understand Statutory Interpretation

Legal Theory : Basic tenets

- Important to know that there are multiple ways of answering the “What is Law” question
- The dominant way is a source based or an authority pronounced understanding
- Along with this dominant understanding you have other critical ways of asking the law question

Meta Understanding of the Indian Constitution

- Designates spaces for the exercise of power
- Comity between various organs of the State
- State power is subject to the rights of the people

Familiarity with Principles of Administrative Law

- Accountable exercise of power
- There is a discretion underlying every rule and a rules regulating the exercise of discretion
- Rules surrounding delegated legislation
- Understanding principles of natural justice

Understanding Statutory Interpretation

- Law has to be interpreted all the time
- There are the grand theories of interpretation which state that interpretation should be according to intention of legislature, purpose of legislation, or text of the law
- Others who ask for interpretation to be done on a case to case basis as required to further justice
- The administrator interprets before the adjudicator

Why

- In a rule of law society, expected to act in accordance with the law
- To so act need to know what the law demands of you.
- Basic expectation that the law is used to advance justice
- Know the law and reflect on justice

And How?

- Combine information with reflection
- Know the rules
- Stay abreast with meta legal developments as they impact on your everyday
- Continually inform your own commonsense