"Wambaugh test", Disadvantages

A diagnostic test called the "Wambaugh test" is used in criminal justice to determine a person's suitability for trial. This term is not directly linked to any recognized "inversion test". If you intended a different kind of "inversion test," please elaborate so we can provide more details. It is critical to realize that, despite being applied in legal contexts, the Wambaugh test has drawbacks and restrictions.

1. **Subjectivity:** Depending on the interpretation and assessment of mental health professionals, a person's competency may be evaluated subjectively. Assessments could become inconsistent because of this subjectivity.
2. **The degree of complexity of Assessment:** Mental health, legal comprehension, cognitive ability, and other factors are all considered when evaluating competency. The level of competency can be difficult to define and varies depending on the circumstances.
3. **The pressure and anxiety:** The evaluation procedure itself may put the person being evaluated under pressure or stress, which could impact the accuracy of the findings.
4. **Cultural or Relevant Differences:** An individual's comprehension of legal proceedings may be impacted by cultural or contextual differences not sufficiently considered by the criteria used in competency evaluations.
5. **Possibility of Misdiagnosis**: Evaluations may fail to identify subtle mental health issues or differences in a person's ability to stand trial, which could result in erroneous conclusions or misdiagnoses.

For a thorough picture of a person's competency, it is crucial to remember that the Wambaugh test, like any other assessment tool, is only one component of a larger evaluation process and should be used in conjunction with other data and assessments. In terms of the "inversion test," it is difficult to list drawbacks in the absence of precise details or background. I would be better able to discuss the possible drawbacks of the inversion test if you could elaborate on the specifics or make clear the context in which it is used.

"Classifications of sources of Law" Unit- 1 [3 years B.A. 5th Sem], [5 years 1st-Sem

What Are the Different Sources of Law?

According to Aristotle, "Man is by nature a social animal," and interpersonal relationships are how they survive. To prevent the strong and dominant from subjugating the weak, principles must govern the formation of interpersonal relationships. One could refer to these ideas as "the law."

Aristotle defined law as "an embodiment of reasons whether an individual or the community." In contrast, John Austin defined it as "a body of rules determined and enforced by a sovereign political authority." Holland also defined law as "a rule of external human action enforced by the sovereign political authority." This indicates that the definition of the word "law" is not strict and inflexible but from these definitions, we can comprehend that laws are a set of rules that have been established by authorities in a community, and these rules apply to everyone who lives in that community.

According to Article 13(3) of the Indian Constitution, "law" includes things like ordinances, orders, rules, notifications, and so on. We can define law as "an act which is passed by the legislature and assented by the President of India or Governor of a state" based on Articles 111 and 200 of the Indian Constitution. The definition of a source, as given by the Oxford Dictionary, is the point of origin or starting point of something. "Sources of law" can be summed up as the origins from which law originates. According to Lon L. Fuller, when a judge is making decisions in various cases, they follow certain guidelines, or what are known as "sources."

There are numerous theories regarding the origin of the law, and different legal schools have established a range of claims and counterclaims. According to positivist legal theorists like John Austin, the sovereign enacts and upholds the law. Natural law theorists contend that human reason and nature are the origins of law. According to Henry Maine and F.K. Von Savigny, custom is the primary source of law.

CATEGORIES OF SOURCES-

There is no set category for sources; instead, different jurists classify sources differently. As a result, we can classify legal sources from both a broad and a variety of jurists' perspectives.

Classification by the jurists

John Salmond's perspective According to John Salmond, the sources of law can be categorized as *formal sources* and *material sources,* Formal sources are the sources from which the law derives its validity and force. The only authority from which the law can derive its validity is through the will of the state, Formal sources include legislation, judicial precedents and treaties which are created through the will of the state.

Material sources are the sources that speak about the evolution of the materials which create the principles of law. Material sources include legal sources and historical sources. Historical sources do not hold any sort of binding value, this is because it merely shows the circumstances

[5 years, 1st sem]

ARTICLE 141 : LAW DECLARED BY SUPREME COURT TO BE BINDING ON ALL COURTS

Dr.K.Sivananda Kumar*

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

[Union of India vs. Raghubir Singh (AIR 1989, SC. 1933]

The main object of doctrine of precedent is that the law of the land should be clear, certain and consistent so that the Courts shall follow it without any hesitation.

In **Union of India v. Raghubir Singh** (AIR 1989 SC 1933), the Supreme Court held that "the doctrine of binding precedent has the merit of promoting a certainty and consistency in judicial decisions, and enables an organic development of the law, besides providing assurance to the individual as to the consequence of transactions forming part of daily affairs and, therefore, the need for a clear and consistent enunciation of legal principle in the decisions of a Court."

In India, whenever, a judgment is pronounced on a question of law, the judgment has to refer to some provision in the written law and then proceed to interpret or expound that provision in the written law. There is no provision in the written law of India, on the interpretation of which it can be held that judgments of Single Judges are binding on other Single Judges of the same High Court and that judgments of Division Court are also binding on other Division Courts of the same High Court, but they are not binding on Division Courts consisting of more members than the earlier Division Court. As to the binding nature of decisions of Courts Article 141 of the Constitution is the sole provision and the Constitution deliberately did not go beyond Article 141.

Binding on all courts: The words 'binding on all courts in India' though wide enough to include the Supreme Court, do not include the Supreme Court itself, as it is not bound by its own judgments but is free to re-consider them in appropriate cases. Article 141 has the effect, in addition to investing the decisions of the Supreme Court with a binding force, of creating a

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* [redacted]

Case Study and relations between Law and languages

Unit- 2 (5 years 1st sem.) [Legal Method]

Introduction- There would be some concepts, but very few with a unique connection. Even though these ideas stand alone, they complement one another, fill a gap in the other, or are so integral to one another that they are entwined and gain independent value from one another. The relationship between law and literature is one example of this (Sikri, 2020). Literature and law are seemingly unrelated fields, but they are inextricably linked. Literary devices like metaphor and narrative find their way into legal texts, highlighting the significance of creative language use in the legal profession. Legal standards of good and evil behavior, identity, and human responsibility are reflected or subverted in literature's engagement with issues of justice and the law. Literary works offer critiques and even openly oppose the law, even as it works to control artistic expression (Dolin, 2007). Legislation, the constitution, and court rulings are examples of writings that express and state the law; these writings may resemble literary works in their density, complexity, and open-mindedness (Posner, 2009). But it is getting harder to treat law and literature as two distinct, unrelated fields, according to empirical studies on the relationship between the two (Chang, 2009).

LAW AND LITERATURE AS A CONCEPT

According to Black's Law Dictionary (2019), "law" is defined as "a collection of norms of action or behavior established by the governing authority and having a binding legal effect" or "a particular rule or collection of regulations binding on the members of a community." Laws include provisions passed by legislatures; these include rules enacted by administrative bodies, municipal ordinances, and constitutions (Lee, 2017).

Holland defines law as the general regulation of external human conduct imposed by a political sovereign. In addition, he favors absolute power devoid of any moral, ethical, or idealistic elements. The term "literature" describes artistic creations that merit remembrance. In its broadest sense, literature encompasses all forms of writing on all subjects; it also describes the artistic creations of a country or era that stand out for their universality on an intellectual and emotional level as well as their exquisite language and form. In essence, literature is a portrayal of life that endures through time because it offers a sense of aesthetic or intellectual significance (Reynolds, 1971). Literature is the term used to describe a body of written works. The phrase has been used for a long time to refer to imaginative poems and prose that are distinguished by the goals of the authors as well as by the apparent artistic excellence of their production. Writing literature is a way to communicate ideas and emotions. But not every verbal exchange—regardless of how well-organized and documented—qualifies as literature (Britannica).

INTERDISCIPLINARY RELATIONSHIP BETWEEN LAW AND LITERATURE

There are numerous, intricate, and fascinating connections between the two fields of law and literature when we consider this relationship. Law is a topic covered in many literary works, including The Pickwick Papers by Charles Dickens. In addition, several judges' rulings—including those of Oliver Wendell Holmes, Krishna Iyer, and Lord Denning—have been

Unit-I (b)

14 Friday April 2023

SKills required for competent legal Study

MARCH '23

Week	09	10	11	12	13
Monday		6	13	20	27
Tuesday		7	14	21	28
Wednesday	1	8	15	22	29
Thursday	2	9	16	23	30
Friday	3	10	17	24	31
Saturday	4	11	18	25	
Sunday	5	12	19	26	

APRIL '23

Week	13	14	15	16	17
Monday	3	10	17	24	
Tuesday	4	11	18	25	
Wednesday	5	12	19	26	
Thursday	6	13	20	27	
Friday	7	14	21	28	
Saturday	1	8	15	22	29
Sunday	2	9	16	23	30

104th Day | 15th Week

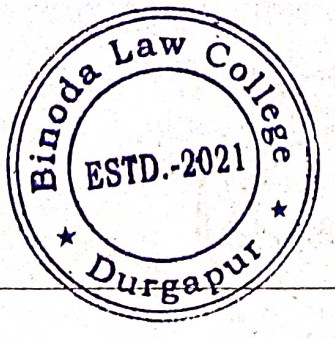
Appointments

9.00 10.00 11.00 12.00 1.00 2.00 3.00 4.00 5.00 6.00 7.00

(5) Communication :- Strong Oral and written communication skills are crucial to a legal career and without them you will struggle to carry out the duties of a solicitor effectively. Excellent listening ability is also important when working with clients, as you need to be able to build relationships and engender confidence.

(6) Team work :- Winning cases is a team effort. Solicitors need to collaborate with colleagues and partners, as well as liase with clients. Barristers need to foster a close working relationship with their clerks and will often work high-profile cases alongside other barristers. The ability to work as part of a team is an essential legal skill and you will need to be able to deal with people from all levels of the legal hierarchy, from trainees and pupils, to members of the Judiciary.

(7) Maintain Balance in Your Life :- Organize your mental attitude to focus on the right priorities, reduce stress, maintain balance in your life.



Positive law (Legal Method) (5 years 1sem)

Introduction

A jurisprudential strategy known as legal positivism interprets the law in a constructive manner. It aims to disentangle law from contemporary and ethical issues and concentrate more on the structure and history of the law. John Austin, Jeremy Bentham, and Thomas Hobbes were a few of this school's most prominent and influential intellectuals.

Meaning and Definition

- Law is an order from a human ruler.
- Law has no overt ethical issues and is distinct from morality.
- Positive legal studies, such as "What is law?" are recommended. and not normatively, that is, "What ought to be law?"
- Legal theory research is distinct from historical or sociological study.
- The legal system may make choices on its own and does not require societal concerns.
- Facts take precedence over moral judgments.

A jurisprudential approach to understanding and interpreting the law that aims to isolate law as a distinct and autonomous field of study unrelated to ethical, moral, or social issues is known as legal positivism.

Development and Influence-

Empiricism-

Legal positivism is frequently considered to have its roots in empiricism. Empiricism is predicated on the idea that sensory experience is the source of factual validity. Any phenomenon that cannot be confirmed by the five senses is denied to exist. Empiricism saw anything outside of sensory experience as erroneous and ambiguous, and metaphysics as theoretical. Legal positivism emerged because of the comprehensive approach that empiricism brought about to view the world in a positive light.

Thomas Hobbes-

The positive philosophy of law was originally articulated in concrete terms by Thomas Hobbes. His legal doctrine rested on the idea that Sovereign power was supreme. He held that if the Sovereign gave the order, then the law is the law, no matter how arbitrary or unfair. He was one

Critical Theory of Law \ Critical Legal Theory
Unit-3 [5 years 1st sem.]

INTRODUCTION:

Critical theory is a social theory oriented toward critiquing and changing society. It differs from traditional theory, which focuses only on understanding or explaining society. Critical theories aim to dig beneath the surface of social life and uncover the assumptions that keep human beings from a full and true understanding of how the world works.

Critical theory emerged out of the Marxist tradition and was developed by a group of **sociologists at the University of Frankfurt in Germany** who referred to themselves as **The Frankfurt School.**

The term "critical theory" was first coined in **1937** after the majority of the Institute's members had already immigrated to the United States following the triumph of Hitler. For many years, "critical theory" stood as a codeword for the Institute's Marxism and for its attempt to found a radical supra-disciplinary social theory rooted in **Hegelian-Marxian dialectics, historical materialism,** and the Marxian critique of political economy and theory of revolution.

INTERPRETATION OF TERM CRITICAL LEGAL STUDIES

According to Oxford Dictionary of law

A radical approach to jurisprudence that developed in the USA in the 1970s.It expresses a broadly Marxist critique of the substantive doctrines of the law, but draws on philosophy, literary criticism, psychoanalysis, linguistics and semiotics as well as politics and economics.

According to Black's Law Dictionary

A school of thought advancing the idea that legal system perpetuates the status quo in term of economics, race and gender by using manipulating concepts and by creating an imaginary world of social harmony regulated by law.

DERIVATION

This version of **"critical"** theory derives from **Kant's (18th- century)** and **Marx's(19th-century)** use of the term **"critique",** as in Kant's Critique of Pure Reason and Marx's concept that his work as Kapital (Capital) forms **a "critique of political economy".**

HISTORICAL BACKGROUND:

The historical background of critical theory is as under:

ORIGIN of critical theory:

Critical theory can be traced to MARX'S critiques of economy. And society. The core MARXIAN concepts such as fetishization, commodification and reification pave the way for a distinct method of analysis of society.

5 years 1st sem.

Legal Methods

Judicial precedent, Obiterdicta, Stare Decisis

Introduction-

There are many sources from which we derive what we know to be as law. Law in layman terms is nothing but a set of rules and regulations that we as a society agree to follow so that we do not infringe on the rights of others and can safeguard our own rights. The right to exercise one's right stops when it infringes upon the right of another. The insecurity that is felt among people once the concept of property and ownership came in was done away with the help of law that placed three organs; the legislature to make law, the executive to implement it and the judiciary to adjudicate on matters. These organs function in tandem and are required to not interfere in the fields that are carved for another organ. While interference can be natural to hold checks and balances, such interference cannot be done with any malafide intention. One of the sources of law are legislations which mean 'rulemaking' in Latin. It is one of the primary sources of law and has a huge ambit with regard to authorizations. Customs form another important part of the law. These have been carried down from generation to generation and have been in practice since time immemorial. This kind of inheritance or passing down from generation to generation is what constitutes a custom. Laws are based upon these customs. Laws are a reflection of society and this makes it necessary to include the various customs of the parts to protect the interests of a diverse culture. Judicial precedents based on the principle of stare decisis are also a source of law as they offer a backbone or support to rely on, in cases with similar facts. Treaties and conventions on an international level are also used to make law as with increased globalization, all the countries are required to interact with each other more than before. Justice, equity and good conscience have always been what law and decisions must be based on. In the absence of any one of these, the decision will be held to be arbitrary or unconstitutional and eventually struck down. the cut fields intended for an additional organ. Although some intervention is necessary to maintain checks and balances, it cannot be done maliciously.

Legislation—which translates from Latin to mean "rulemaking"—is one of the sources of law. It has a broad range of authorizations and is one of the main sources of law. Another significant area of the law is customs. These have been in use for eons and have been passed down from generation to generation. A custom is this type of inheritance or handing down from one generation to the next. Customs serve as the foundation for laws. Since laws are a mirror of society, they must take into account the diverse regional cultures. defend the rights of a multicultural community. A further source of law is judicial precedents founded on the stare decisis principle, which provides a framework or foundation for instances with comparable facts. International treaties and conventions are also utilized to enact laws because, as globalization increases, more interaction between nations is necessary than ever before. Law and decision-making have always had to be grounded in justice, equity, and morality. If any of

Legal Methodology

Unit 3

Legal Reasoning Theory

5 years, 1st Sem

Legal Realism Theory-

A naturalist approach to law is known as legal realism. It is the opinion that law ought to follow the methods of natural science, which include depending on empirical data. Global findings need to challenge presumptions. Legal realists conclude that legal science cannot investigate law in any way other than through the value-free methods of natural science, as opposed to metaphysical investigation into the nature and intent of the law, which is something else entirely. Legal realism holds that the law cannot be simply understood or separated from how it is put into practice. This demonstrates how crucial it is to understand the factors that influence judicial decision-making by defining the fundamental principles of law in areas like court rulings and the respect or disdain they receive for the earlier ruling and the legal principle to the ultimate decision.A sort of jurisprudence known as legal realism is distinguished by its focus on the application of the law as opposed to how it is written in books. In order to achieve this, it primarily addressed how judges behaved and the circumstances under which behaviorsinfluence judicial decision-making processes. "Judges stand behind judgments; judges are men; they have human histories as men," according to Karl Llewellyn. As a result, the law was inextricably linked to both human behavior and the authority of judges to make legal decisions, rather than existing in an abstract realm with universal laws or ideals. Legal realists looked to the concepts of the social sciences to comprehend human connections and behaviorwhich ultimately resulted ineach legal result.Natural law's tenets are contradicted by moral realists. Legal realists perceive legal concepts as determined by human behavior, which should be evaluated empirically rather than by theoretical assumptions about the law. They contend that these cultures are historical and/or natural concepts and should be addressed by a variety of psychological and sociocultural hypotheses. Therefore, most forms of legal positivism disagree with legal realism. Legal formalism, which dominated the style for most of the early 20th century, was essentially the source of inspiration for legal realism. It was successful in casting doubt on formalistic hopes that judges truly act in accordance with their intentions through its pessimistic optimism, leading to the constant assertion that "we are just realists now." But still,rather than relying solely on the judges' justifications, realism has struggled to discover a trustworthy method of predicting the decisions the judges would make.

Criticism ofLegal realism-

The 1920s to 1940s were the height of the Realist theory's popularity. The movement of legal processes, which viewed law as a process of "reasoned elaboration" and claimed that appeals to "legislative purpose" and other well-established legal standards and norms can provide an accurate response to the most anticipated legal questions, completely replaced legal realism in the 1950s. The statistical philosophy of law that OW Holmes had adopted from other

Appointments

9.00

10.00

Legal Method:

Introductory

(a)

Legal Method is a subject offered for first year students of law in the hope that it will introduce them to the idea of law which may appear strange to them. According to Simon Lee and Barry Fox, the course on study of legal method can be used as the basis of a first year course on an intensive introductory course in the first year to develop skills throughout a five year course. Legal Method is an introduction to both the nature of legal system and its sources and the techniques which lawyers use when handling these sources. The main importance of the course is to provide a ground work on the fundamental concept of law. The course is aimed both at students with no previous knowledge of law and those with minimal knowledge of law

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5 years 1s sem (Legal Method)

(Unit -1)

E-library- An electronic library, sometimes referred to as an electronic or virtual library, is a cutting-edge, dynamic platform that is completely changing how knowledge and information are acquired, shared, and stored. A digital library uses digital technology to provide users access to a vast array of resources, such as books, journals, articles, multimedia content, and archival materials, in contrast to traditional libraries, which rely on physical books and materials. Digital libraries are made possible by the ease of online access, which allows users to research, explore a vast amount of information, and satiate their intellectual curiosity regardless of where they are in the world. Digital libraries are changing the way that knowledge is disseminated, encouraging inclusivity, and clearing the path for a more connected and accessible future by utilizing the digital medium.

Advantages of the Digital Library-

1. **Unmatched Accessibility and Convenience-** The unparalleled ease and accessibility that digital libraries offer are among their greatest benefits. The days of physically perusing countless shelves or holding out for a particular book to become available are long gone. Using their PCs, smartphones, or tablets, users can quickly access a wide range of resources from any location at any time. The digital library eliminates geographic barriers and saves us time by providing access to a wealth of knowledge, whether it be in the form of scholarly articles, rare books, or multimedia presentations.
2. **Vast Collection and Robust Search Features:** Compared to physical libraries, digital libraries have a far more comprehensive collection of resources. Digital libraries provide an extensive collection of resources to support various interests and academic endeavors, ranging from the most recent research publications to classic literary works. Additionally, these libraries frequently use advanced search features that let users quickly locate pertinent information. Users can focus on subjects or narrow their searches with the help of advanced search filters, metadata tags, and keyword searches, which makes research and exploration more productive.
3. **Sustainable and Economical:** Digital libraries offer institutions and users an economical option. They do away with the requirement for sizable physical spaces for book storage, which lowers overhead expenses for staffing, shelving, and building upkeep. Furthermore, there are no physical restrictions on the replication and distribution of digital resources, which eliminates the costs related to printing, shipping, and storage. Institutions can reallocate their resources to improve other services, like educational programs or cutting-edge technologies, by adopting the digital library model, which will ultimately benefit their users.
4. **Global Collaboration and Knowledge Sharing:** Digital libraries enable previously unheard-of levels of global collaboration and knowledge sharing. Users can work together on research projects, converse with peers and experts around the world, and share links to resources with ease. This connectivity fosters interdisciplinary research, encourages a