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LEARNING OBJECTIVES

- Define and describe law and its types.
- Explain the sources and categories of law.
- Describe the levels of law courts.
- Define various terms in legal procedures. Summon, Perjury, Conduct money, Oath

LAW

- Law means any rule of action.
- The system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.
- These range from scientific laws to religious laws, civil laws, international laws and rules of a game.

TYPES OF LAW

- The law on the basis of its source is divided into two types:
- Common law
- Statute law

COMMON LAW

- Common law is any unwritten and generally applied system of law based on conduct, decisions, usage and customs .
- The community in which he lives controls the conduct of an individual.
- With time therefore a body of general and particular customs grew up which was and still is enforced by judges in the courts.
- The usefulness of common law is its universal applicability.

STATUTE LAW

- Statute law is the body of law whether criminal or civil.
- It is enacted by the legislative body of a representative government or decreed by a ruler.
- In the former case it is known as an 'Act' and in the latter an 'Ordinance'.
- It is the written and codified law of a country.

TYPES OF LAW

- The statute law is of two types:
- Civil law
- Criminal law

CIVIL LAW

- Civil law is that law which deals with the rights of citizens in a particular state or nation as distinguished from criminal law.
- It provides remedies for personal grievance of individuals or groups of individuals. It does not concern with the community as whole.
- Issues arising from industrial injury, poisoning ,medical negligence and matrimonial and landlord-tenant disputes are dealt under civil law.
- The damage is compensated in terms of money

CRIMINAL LAW

- Criminal law involves crime and its punishment.
- It may be defined as that body of law which exists for better government of persons within the state.
- It includes all offences against the law. It is to be observed by all.
- Its contravention is punished with fine, imprisonment or death.
- The purpose of criminal law is to safeguard the interests of the community and maintain a proper order and peace in the society.

SHARIAT ORDINANCE

- Shariat ordinance 1988 is an attempt to declare shariat as the supreme source of law in the country.
- Now, since the enactment of this law, whenever a question should arise before a court that the existing is incompatible with shariat, the court shall refer the matter to he Federal shariat court for the the decision on the issue.

COURTS OF LAW

- Are places where people bring their grievances against others to seek remedies.
- when an individual is accused of a breach of criminal law or contract the complaint is brought before a court of law for trial and decision upon the issue.
- A judge presides over the hearing and records all the evidence in writing presented to him by both the parties. He finally concludes the proceedings giving his decision in writing. His conclusion is called the judgment.

LEVELS OF COURTS

- There are generally two types of courts namely criminal court and civil court. In Pakistan besides them now there is a Shariat court having special jurisdiction. Both civil and criminal courts have three levels:
 - Court of first instance
 - Court of second instance
 - Court of third instance

COURT OF FIRST INSTANCE

- Court of first instance has a small jurisdiction consisting of an illaqa and hears cases, which are of ordinary nature.
- Such courts is presided over by a magistrate for the criminal cases and a civil judge for the civil judge for the civil cases.

COURT OF SECOND INSTANCE

- Court of second instance is the court above the court of first instance and has a wider jurisdiction spread over the whole district.
- It is presided over by the district and session judge for cases both of civil and criminal nature which are for more serious and important as compared to the cases of against the decisions of the court below

COURT OF THIRD INSTANCE

- Court of third instance is the high court, the highest in the province.
- It is presided over by judge of the high court.
- This court has both criminal and civil jurisdictions and hear mainly the appeals against the decisions of court lower to it .

- Courts of magistrate, session judge and even high court ask medical practitioner to come to their court and give evidence concerning examinee they have examined.
- His evidence is important for the decision of the case it is emphasized that the powers of the courts to call any witness including medical practitioner to attend the court for evidence.

LEGAL PROCEDURE

- Legal procedures are the proceeding done in the court of law concerning cases before the court.
- Both parties of a case bring witness including medical practitioner to the court to narrate their assertions.
- The onus of proof of an allegation in a criminal case rests on the party who makes the allegation and has to prove it beyond any shadow of doubt.
- Where as onus of proof in a civil case, during the course of proceeding shifts from one party to the other.

CRIMINAL JUSTICE

- Criminal justice and its administration commands three that are of interest of the medical practitioner
- Substantive criminal law
- Criminal procedure
- Execution of criminal justice

SUBSTANTIATIVE CRIMINAL LAW


- Substantive criminal law is concerned with definition of the crime.
- Definition of the crime always contains some mental element which manifest intent, purpose or design of the crime. The Latin phrase mens-rea means the evil or criminal intent which is a pre-requisite to guilt and thus a condition precedent to liability of the crime.
- Further the law does not punish criminal or evil thought.

- The punishment is awarded for harmful result ,which follows execution of the very criminal intention .
- Thus in addition to mens-rea there has to be an action that would indicate implementation of the criminal intention .
- the Latin phrase actus-reus is used to represent the evil action in the absence of either of the two the crime cannot be considered as committed.

CRIMINAL PROCEDURE

- Criminal procedure is conducted in criminal courts of law keeping in mind three essential components:
- General presumptions in law
- General exceptions in-law
- General legal definitions

- General presumptions in-law are that:
- Everyone is sane and responsible for his action
- Everyone is innocent until proved guilty
- If at the conclusion of the proceedings, court of criminal law is in any reasonable doubt about the allegation, the case shall be resolved in favor of the accused.



• General exception in law are also three factors which negate criminal responsibility. These are

• Immaturity,

• Insanity and

• Intoxication



- This means that the accused must have acted voluntarily without any external influence (force drug or disease) a child who is not sufficiently mature to understand the nature and consequence of an action cannot be considered guilty.
- Similarly an adult who is incapable of knowing the nature and consequence of an action due to unsoundness of mind cannot be considered guilty.
- An intoxicated individual shall also not be guilty provided the administration of intoxicant is without his knowledge or against his will.

LEGAL DEFINITIONS

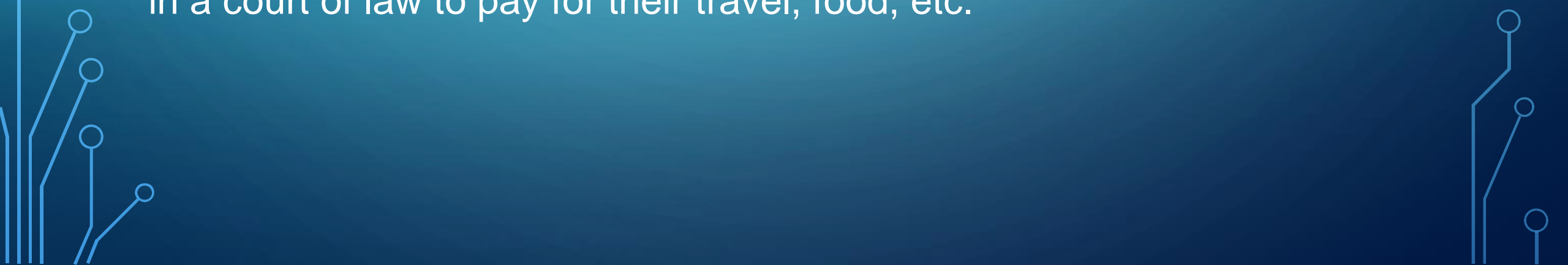
OATH: A solemn affirmation specified by law, to be made before a public servant for the purpose of proof, whether in a court of justice or not.

SUMMON: Written, signed and stamped directions of a court to a witness, accused or a juror to attend the court at the notified time, date and place.



PERJURY: Willfully and knowingly making a false statement about a material fact while under oath.

CONDUCT MONEY: Money that is given to someone who is a witness in a court of law to pay for their travel, food, etc.





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