

**Legal Method: An Introduction (2023). By G.V. Ajjappa and Sumeet Malik. Eastern Book Company, Lucknow. Pp. Xvii+ 182.**

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Legal method is an introductory subject for law students as prescribed by the Bar Council of India.<sup>1</sup> The subject gives a proper understanding of the nature, functions, breadth and diversities of law, and accordingly, introduces certain fundamental concepts and terms which students are bound to come across in their lectures, statutes, legal treatises or discussions.<sup>2</sup> In this sense, the subject aims in imparting the requisite understanding of the foundational philosophy with well-established techniques. Further, the seminal objective of the subject is to ensure that students, in their early years, develop a sense of belongingness towards the society. In other words, the subject assists them to realise the life of law for its useful application.

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<sup>1</sup> Bar Council of India, Part-IV, Rules of Legal Education, Schedule II, entry 6, Part II(A), available at:

<http://www.barcouncilofindia.org/wpcontent/uploads/2010/05/BCIRulesPartIV.pdf>.

<sup>2</sup> See Tushar Kanti Saha, *Legal Methods, Legal Systems and Research* (Universal Law Publishing Co., New Delhi, 2010).

Having said this, there has been a felt need to prepare or compile legal materials that cater Indian student's needs, partly because of the fact that the available literature in many law libraries only reflects upon the foreign legal system.<sup>3</sup> This peculiar lacuna has caused much difficulties to Indian teachers—be it with regards to the details or scope of the subject or style, analysis and method of treatment of the subject. In this perspective, the present book<sup>4</sup> under review tries to fill the void and presents the material as per the Indian legal system (ILS). The book rightly acknowledges that that ILS has its own complexity, especially in the light of various personal laws and a variety of customs regulating the conduct of persons.<sup>5</sup>

The book is organized into *ten* succinct chapters. The *title* of the book implies that it is being written for those who are *tabulae rasae* on the subject of law. The first two chapters (Chapter I and II) are elementary and are designed to introduce the subject to a beginner. Thereafter, in Chapter III, the authors demonstrate how the subject of law, unlike other disciplines (which are composite), remains an exception. The author thereafter refers to various definitions and facets of law.

One interesting aspect of the book is a dedicated chapter on the use of a law library,<sup>6</sup> which perhaps is the most important skill that a law student must

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<sup>3</sup> See for instance, A.T.H. Smith (ed.), *Glanville Williams: Learning the Law* (Sweet & Maxwell, London, 2016) [hereinafter *Learning the Law*]; Ian Macleod, *Legal Methods* (Palgrave Macmillan, New York, 2005); Larry L. Teply, *Legal Research and Citation* (West Group, St. Paul, 1999); John H. Farrar and Anthony M. Dugdale, *Introduction to Legal Method* (Sweet & Maxwell, London, 1990).

<sup>4</sup> G.V. Ajjappa and Sumeet Malik, *Legal Method: An Introduction* (Eastern Book Company, Lucknow, 2023) [hereinafter *Legal Method*].

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Id.* at 39-72.

acquire during her/his stay at a law school. It is rightly assumed that a well-established law library preserves rich treasure of knowledge, and modern times, its significance has only grown. With the revolutions introduced by the Information and Communication Technology (ICT), it is highly expected from law students that they are well accustomed to computer assisted research, such as, Manupatra, SCCOnline, Lexisnexus, Jstor, Heinonline, Westlaw, *etc.*<sup>7</sup>

Chapter V and VI, provides mainly the classifications of law, and sources to understand legal language in modern context respectively. Interestingly, Granville Williams was of the view that for the beginners' concepts like *ratio decidendi*, *obiter dicta*, distinguishing, the rules of interpretation, *etc.*, are supposed to be learnt only when they become masters of case law subjects like Constitutional Law, Contract, Criminal Law or Torts, *etc.*<sup>8</sup> The following two chapters (Chapter VII and VIII) are dedicated to concepts and classification of legal systems. In order to give significance of these two chapters, it would worth to quote a remarkable work of Sir Walter Scott, who writes:<sup>9</sup>

A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.

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<sup>7</sup> On significance of research in networked age, *see* Prakash Sharma, “Legal Research via Digital Access: Analysis and Implications for Scholarship in a Networked Age”, in B.C. Nirmal, Rajnish Kumar Singh and Arti Nirmal (eds.), *Legal Research and Methodology: Perspectives, Process and Practice*, 459-476 (Satyam Law International, New Delhi, 2019)

<sup>8</sup> *Learning the Law*, *supra* note 3 at chapters 6-8.

<sup>9</sup> Walter Scott, *Guy Mannering* 203 (Estes and Lauriat, Boston, 1893), *available at*: <https://www.gutenberg.org/files/5999/5999-h/5999-h.htm>

Further, while the primary aim of every law student is to become a successful lawyer (although the notion is changing), the journey is demanding. A law student is required to acquaint themselves as to how various secondary and primary research sources ought to be coordinated, how facts interplay with the law, and how common law and statutes relate to each other in the context of researching a specific issue in hand. Perhaps, this could be learned best when a book emphasizes more on how legal research is conducted, where to begin, how to develop initial research, what purpose research will serve, and most importantly, when and why a particular research source should be used.

The final two chapters (Chapter IX and X) delves into the importance of common law tradition and its *osmosis* into ILS. The authors referred to various authoritative/classical work and answered the query: “was there at any point of time in the past or is there now something which may be called “the Indian Legal System” in the sense in which the expression legal system has been used?”.<sup>10</sup> The significance of this query was best addressed by Robert Lingat, who wrote:<sup>11</sup>

A feature of the originality of Hindu Law, and at the same time of the difficulty which we experience in understanding the legal system of India is that the law does not derive from written sources properly so-called. Its development owes nothing either to positive law in the sense of a legislative act, or to judicial decisions...the rich vocabulary of *Sanskrit* does not contain a term corresponding to our world law...as understood in English.

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<sup>10</sup> *Legal Method*, *supra* note 4 at 160.

<sup>11</sup> Duncan M. Derrett (trans.), *The Classical Law of India* x (Oxford University Press, Oxford, 1998).

To this extent, the authors rightly argue for continued attention on understanding the significance of ILS. It is a need of hour, especially when we are engulfed deep into the beliefs of Western notions of law.

Overall, the book is lucid and simple in language. Indeed, it has many shortcomings, a fact acknowledged by the authors in their *Preface*,<sup>12</sup> and therefore, in order to do justice with the subject, the authors should perhaps in their second edition, make certain things clear. These would include: reference of useful abbreviations, emphasis on the use of selected legal maxims and legal terms, judicial methods, emphasis of qualities of researcher, legal writing and research, focus on “moot” and how to prepare for law moots in the college life, *etc.* Nevertheless, the book is a quick reference for students who have just started their LL.B. programme. The price of the book is reasonable and the printing is of the best standard for which the publisher deserve commendation.

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<sup>12</sup> *Legal Method*, *supra* note 4 at viii.