Law and Legal Theory

WHAT IS LAW?

The Oxford English dictionary defines law as: The body of rules, whether formally enacted or customary, which a particular state recognizes as governing the action of its subjects and its members and which it may enforce by imposing penalties.
This definition may be satisfactory but it does not tell us much about what law really is either as an academic subject or in the way it works for common people and lawyers. Therefore, we will examine the definition of law as offered by various legal experts.

Definitions

The government or society formulates law operative under its territory. Its purpose is to deal with issues relating to finance, property, social relationships, and business. There are several definitions of law as given by different legal experts.

Definitions/Concepts of Law

Here are some of the definitions and conceptual understanding of law. Let us understand each of them one by one.

1. NATURAL LAW

Natural law is a theory that says there is a set of rules inherent in human behavior and human reasoning that governs human conduct. Natural law is preexisting and is not created in courts by judges. Many schools of thought think that is passed to man through a divine presence. Philosophers and theologians throughout history have differed in their interpretations of natural law, but in theory, natural law should be the same throughout time and across the world because it is based on human nature, not on culture or customs.

2. POSITIVISTIC DEFINITION OF LAW

According to John Austin "Law is the aggregate set of rules set by a man as politically superior, or sovereign to men, as political subjects." It is clear from the definition of law that it consists of a set of rules and further everyone is treated equally regardless of their position by law.

3. HISTORICAL LAW DEFINITION

The historical law definition was given by **Friedrich Karl von Savigny. According to him**

- Law is inherent in human unconscious and is organic in nature.
- Law is not universal in nature. It may be compared to language. it varies with people and age.
- Custom is both prior and superior to legislation.
- The source of Law is in the common consciousness (Volkgeist) of the people.
- The last stage of legislation is of lawmaking, and, therefore, the lawyer or the jurist is more important than the legislator.

4. SOCIOLOGICAL DEFINITION OF LAW

Leon Duguit: Law is "essentially and exclusively as a social fact."
Rudolph Von Ihering: "The form of the guarantee of conditions of life of society, assured by State's power of constraint" is law all about.
The three important parts of this definition are as follows: (i) the law is a means of social control. (ii) the law is to serve the purposes of the society. (iii) law due to its nature, is coercive.

5. REALIST DEFINITION OF LAW

The realist law definition describes the law in terms of judicial processes. **Oliver Wendell Holmes** stated – "Law is a statement of the circumstances in which public force will be brought to bear upon through courts."

Contending Schools of Thought

The natural law tradition in the philosophy of law can be traced back at least as far as the writings of Thomas Aquinas in the thirteenth century. Mark C. Murphy reads Aquinas as having formulated the central natural law thesis that, ''necessarily, law is a rational standard for conduct.'' Though it is not so easily refuted as many have thought, Murphy acknowledges that natural law theory is nonetheless ''marked by ambiguity and unclarity at its core'' – a condition that he attempts to correct.

NATURAL LAW

Parting company with Finnis, Murphy argues that the better line of defense of natural law begins with the idea that law is a functional kind, that is, a kind of thing characterized by its function. Murphy treats several objections to this functionalist approach, and concludes that law need not have a characteristic end (such as social order, or justice) to serve as a functional kind, so long as law employs certain characteristic means to achieve what ends it serves.

LEGAL POSITIVISM

Legal positivism has a shorter history than its natural law rival, as Brian H. Bix points out. The nineteenth-century lectures of John Austin contain the classic statement of the legal positivist

project: to establish the study of law free of entanglement with proposals for its reform. Bix sets aside the ambition (often associated with Austrian legal positivist Hans Kelsen) for a ''science'' of law measuring up to the standard of rigor set by the physical sciences, and concludes that the more modest Austinian proposal to study law in a disinterested and scientific spirit is ''neither misguided nor naı̈ve,'' even if unattainable. But this raises, for Bix, the question of what legal positivism's distinctiveness can consist of today, when its modest aim is so widely shared, and the goal of a separate science of law has been foresworn.

Jurisprudence and the Philosophy of Law

From the Latin term juris prudentia, which means "the study, knowledge, or science of law"; in the United States, more broadly associated with the philosophy of law.

Legal philosophy has many branches, with four types being the most common. The most prevalent form of jurisprudence seeks to analyze, explain, classify, and criticize entire bodies of law, ranging from contract to tort to Constitutional Law.

The fourth and fastest-growing body of jurisprudence focuses on even more abstract questions, including, What is law? How does a trial or appellate court judge decide a case? Is a judge similar to a mathematician or a scientist applying autonomous and determinate rules and principles? Or is a judge more like a legislator who simply decides a case in favor of the most politically preferable outcome? Must a judge base a decision only on the written rules and regulations that have been enacted by the government? Or may a judge also be influenced by unwritten principles derived from theology, moral philosophy, and historical practice?

Modern U.S. legal thought began in 1870. In that year, Holmes, the father of the U.S. legal realist movement, wrote his first major essay for the American Law Review, and Christopher Columbus Langdell, the father of U.S. legal formalism, joined the faculty at Harvard Law School.

FORMALISM

Legal formalism, also known as conceptualism, treats law like a math or science. Formalists believe that in the same way a mathematician or scientist identifies the relevant axioms, applies them to given data, and systematically reaches a demonstrable theorem, a judge identifies the relevant legal principles, applies them to the facts of a case, and logically deduces a rule that will govern the outcome of a dispute.

For example, most states have enacted legislation that prohibits courts from probating a will that was not signed by two witnesses. If a court is presented with a number of wills to probate for the same estate, and only one of those wills has been witnessed by at least two persons, the court can quickly deduce the correct legal conclusion in a formalistic fashion: each will that has been signed by fewer than two witnesses will have no legal effect, and only the will executed in compliance with the statutory requirements may be probated.

Formalists also rely on inductive reasoning to settle legal disputes. Whereas deductive reasoning involves the application of general principles that will yield a specific rule when applied to the facts of a case, inductive reasoning starts with a number of specific rules and infers from them a broader legal principle that may be applied to comparable legal disputes in the future. griswold v. connecticut, 381 U.S. 479, 85 S. Ct. 1678, 14 L. Ed. 2d 510 (1965), provides an example. In Griswold, the Supreme Court ruled that although no express provision of the federal Constitution guarantees the right to privacy, and although no precedent had established such a right, an individual's right to privacy can be inferred from the First, Third, Fourth, Fifth, Ninth, and Fourteenth Amendments and the cases interpreting them.

REALISM

The realist movement, which began in the late eighteenth century and gained force during the administration of President Franklin D. Roosevelt, was the first to attack formalism. Realists held a skeptical attitude toward Langdellian legal science. "The life of the law has not been logic, it has been experience," Holmes wrote in 1881.

Realists held two things to be true. First, they believed that law is not a scientific enterprise in which deductive reasoning can be applied to reach a determinate outcome in every case. Instead, most litigation presents hard questions that judges must resolve by Balancing the interests of the parties and ultimately drawing an Arbitrary line on one side of the dispute. This line is typically drawn in accordance with the political, economic, and psychological proclivities of the judge.

Pragmatism, sometimes called instrumentalism, is best exemplified by Justice Holmes's statement that courts "decide cases first, and determine the principle afterwards." This school of thought is associated with result-oriented jurisprudence, which focuses more on the consequences of a judicial decision than on how the relevant legal principles should be applied.

THE REALIST-FORMALIST DEBATE

The realist-formalist dichotomy represents only half of the jurisprudential picture in the United States. The other half comprises a dialogue between the positivist and natural-law schools of thought. This dialogue revolves around the classic debate over the appropriate sources of law.

Positivists maintain that the only appropriate sources of law are rules and principles that have been expressly enacted or recognized by a governmental entity, like a state or federal legislature, administrative body, or court of law. These rules and principles may be properly considered law, positivists contend, because individuals may be held liable for disobeying them. Positivists believe that other sources for determining right and wrong, such as religion and contemporary morality, are only aspirational, and may not be legitimately consulted by judges when rendering a decision.

HISTORICAL JURISPRUDENCE

Positivists and naturalists tend to converge in the area of historical jurisprudence. Historical jurisprudence is marked by judges who consider history, tradition, and custom when deciding a legal dispute. Strictly speaking, history does not completely fall within the definition of either positivism or natural law. Historical events, like the Civil War, are not

legislative enactments, although they may be the product of governmental policy. Nor do historical events embody eternal principles of morality, although they may be the product of clashing moral views. Yet, historical events shape both morality and law. Thus, many positivists and naturalists find a place for historical jurisprudence in their legal philosophy.

For example, Justice Holmes was considered a positivist to the extent that he believed that courts should defer to legislative judgment unless a particular statute clearly violates an express provision of the Constitution. But he qualified this stance when a given statute "infringe[s] on fundamental principles as they have been understood by the traditions of our people and our law" (lochner v. new york, 198 U.S. 45, 25 S. Ct. 539, 49 L. Ed. 937 [1905]). In such instances, Holmes felt, courts were justified in striking down a particular written law.

CONTEMPORARY THOUGHT

Each school of jurisprudence is not a self-contained body of thought. The lines separating positivism from realism and natural law from formalism often become blurry. The legal philosophy of Justice Holmes, for example, borrowed from the realist, positivist, pragmatic, and historical strains of thought.

In this regard, some scholars have observed that it is more appropriate to think of jurisprudence as a spectrum of legal thought, where the nuances of one thinker delicately blend with those of the next. For example, Harold Berman, a leading authority on comparative Legal History, has advocated the development of an integrative jurisprudence, which would assimilate into one philosophy the insights from each school of legal theory. The staying power of any body of legal thought, Berman has suggested, lies not in its name but in its ability to explain the enterprise of law.

EXERCISE

1. What is the simplest definition of Law?
   (a) The body of rules, both formally enacted and customary.
   (b) The formally enacted body of rules
   (c) Only customary body of rules
   (d) Only customary body of rules that are enacted.

2. What is Natural Law?
   (a) Manmade laws
   (b) Set of rules inherent in human behaviour
   (c) Laws made by religious texts
   (d) Personal laws

3. Natural laws can be .....
   (a) created by judges
   (b) created by legislatures
   (c) cannot be created
   (d) can be created in exceptional circumstances

4. The opposite of Natural law is
   (a) Unnatural Law (b) Perosnal Law
   (c) Positive Law (d) Negative Law

5. Which among the following is an example of positive law?
   (a) Judges should be impartial
   (b) The age at which a person should be marry
   (c) Both the above
   (d) None of the above

6. Which among the following is an example of natural law?
   (a) The judges should be impartial
   (b) The age at which a person can consume alcohol.
   (c) Both the above
   (d) None of the above.

7. Identify the odd-one out?
   (a) Aristotle (b) Thomas Aquinas
   (c) Lysander Spooner (d) John Austin

8. " ... all men are created equal, that they are endowed by their creator certain unalienable rights ... " is an example of?
   (a) Natural Law (b) Positive Law
   (c) Legislative Law (d) Judicial Law

9. Who defined law in the following words: "Law is the aggregate set of rules set by a man as politically superior, or sovereign to men, as political subjects."
   (a) Hans Kelsen
   (b) John Austin
   (c) Thomas Hobbes
   (d) Friedrich Karl von Savigny

10. Who held the view that Custom not only precedes legislation but it is superior to it. Law should always conform to the popular consciousness because of customs?
   (a) John Austin
   (b) Hans Kelsen
   (c) Friedrich Karl von Savigny
   (d) None of the above

11. Who among the following has/have given the sociological definition of law?
   (a) Leon Duguit
   (b) Rudolph Von Ihering
   (c) Roscoe Pound
   (d) All the above

12. Who has defined law in the following words: "Law is a statement of the circumstances in which public force will be brought to bear upon through courts."
   (a) Oliver Wendell Holmes
   (b) Benjamin Nathan Cardozo
   (c) Roscoe Pound
   (d) Leon Duguit

13. What do you mean by realist definition of law?
   (a) description of law as in England
   (b) description of law as in any country
   (c) description of law as given in naure
   (d) description of law as judicial process

14. Whose name is associated with functionalist approach to law?
(a) Finnis (b) Murphy
(c) Thomas Acquinas (d) None of the above

15. The meaning of Jurisprudence is…..
(a) Rule by Juris or Judges
(b) Law by Juris or Judges
(c) Study of Law
(d) Study of Judiciary

16. What do legal formalists believe in?
(a) Law is closer to social science
(b) Law is closer to human interpretation
(c) Law is conditioned by culture
(d) Law is closer to mathematics or science

17. Who was among the first to popularize the formalistic approach to law?
(a) Mill and Bentham
(b) Sir Edward Coke
(c) Holmes
(d) None of the above

18. With which approach is Professor Ronald M. Dworkin associated?
(a) Legal Positivism (b) Formalism
(c) Naturalism (d) Realism

19. When did modern legal thought begin in the U.S
(a) 1776 (b) 1670
(c) 1870 (d) 1895

20. Which school is a bitter critic of formalism?
(a) Naturalism (b) Realism
(c) Positivism (d) All the above

21. Which school maintains that the only appropriate sources of law are rules and principles that have been expressly enacted or recognized by a governmental entity?
(a) Realism (b) Positivism
(c) Naturalism (d) Formalism

22. Which school believes that the law must be informed by eternal principles that existed before the formation of government?
(a) Naturalism (b) Formalism
(c) Positivism (d) Realism

23. Who is considered to be the original advocate of social jurisprudence?
(a) Roscoe Pound (b) Bentham
(c) Justice Holme (d) All of the above

24. Who among the following represents pragmatic school of law?
(a) Roscoe Pound (b) Justice Holme
(c) Bentham (d) None of the above

25. The debate between positivist and natural-law schools of thought revolves around which of the following?
(a) Source of law (b) Content of law
(c) Procedure of law (d) Outcome of law

DIRECTION (Q. 26): *Answer the following questions after application of the facts on principle.*

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26. **Principle:** No person can be judge in his own cause.
Facts: An admission test is to be held to select the best students for admission on merit. The father of a candidate without disclosing that his son is appearing in the test is involved in conducting test. Objections are taken on the ground that the sanctity of the test is vitiated as a person undirected in the test has taken part in conducting it. Decide
(a) test is valid because father of candidate is not a judge in this case
(b) admission test is vitiated because father is a party of conducting the test and hence in a position to affect the result
(c) objection not on sound ground
(d) None of the above

27. **LEGAL PRINCIPLE :** A suit shall be instituted in the court within whose jurisdiction the cause of action arises; or the defendant actually and voluntarily resides or carries on business, or personally works for gain.
FACTUAL SITUATION: 'Y' carries on business in Mumbai. 'Z' carries on business in Delhi. 'Z' buys goods of 'Y' in Mumbai through his agent and request 'Y' to deliver them at Delhi. Accordingly, 'Y' delivered the goods at Delhi. But he did not get the price of the goods delivered in Delhi. Therefore, he intends to move the Civil Court for recovery of amount from 'Z'. Which court may 'Y' approach?
DECISION :
(a) 'Y' may institute the suit either at Delhi where Z carries on business or at Mumbai where the cause of action-arose.
(b) 'Y' may institute the suit at Delhi where 'Z' carries on business.
(c) 'Y' may institute the suit simultaneously at Delhi where 'Z' caries on business and at Mumbai where the cause of action arose.
(d) 'Y' may institute the suit at Mumbai where the cause of action arose

28. **LEGAL PRINCIPLE :** A power conferred by a statute cannot be withdrawn by a subordinate legislation.
FACTUAL SITUATION : The Cinematograph Act conferred powers upon the District Magistrate (DM) to grant license subject to the control of the government. The government framed Rules under the said Act. The effect of these Rules was that the licensing power stood transferred to the Government itself and the District Magistrate was rendered powerless. Whether such Rules are valid ?
DECISION :
(a) The licensing power was granted by the Cinematograph Act. Any withdrawal or transfer thereof was possible only through an Amending Act and not by any Rules made under the Parent Act.
(b) Although the legislature has conferred power upon the DM to grant license but the government being the implementing agency might find it unfeasible. Therefore, the government rightly withdrew it from the DM.
(c) The Rules are valid since these are framed under the Parent Act in order to better implement it.
(d) The Rules are valid since the DM under the Parent Act was not independent but subject to the control of Government.

29. **LEGAL PRINCIPLE:** A judgment which binds only the parties to a suit in which the judgment was passed is called judgment in personam; whereas a judgment which binds all men irrespective of whether they were party to suit or not is known as judgment in rem.
FACTUAL SITUATION : "Judgment of a competent court determining contractual obligations of the parties to a contract is an example of judgment in personam; but a judgement of a competent court declaring a party to be insolvent is an example of judgment in rem." Comment on the correctness of this statement.
DECISION :
(a) The statement is incorrect because a judgment relating to contract is a judgment in rem as it binds both the parties to the suit as well as the strangers. But a judgment relating to insolvency applies only to the person who has been adjudged to be an insolvent; hence it is a judgment in personam.
(b) The Statement is wrong as both the judgments are judgments in rem as both bind not only the parties to the suit but also others.
(c) The Statement is wrong as both the judgments are-judgments in personam as both the judgments bind not only the parties to the suit but not the others.
(d) The statement is correct.

30. **Principle:** The concept of natural justice is against bias and for the right to a fair hearing. While the term natural justice is often retained as a general concept, and it has largely been replaced and extended by the general 'duty to act fairly'.
Fact: 'X', a male employee of a company was dismissed by the employer just on the basis of a complaint by 'Y', a female employee of the company that 'X' was trying to be too friendly with her and often requested her to accompany him to the canteen.
Is the dismissal of 'X' valid?
(a) No, because in the modern times this type of behaviour is common
(b) Yes, because men are not supposed to behave improperly with women and hence there is no violation of any principles of law
(c) Yes, moral law is antique and therefore, not applicable in modern times, therefore the termination is valid and no violations of the principles of natural justice occurred
(d) No, because the employer did not give a chance to 'X' to explain his side, thereby violated the principles of natural justice.

31. Double jeopardy is .....
(a) a two edge weapon
(b) a dilemma
(c) a confusing expression
(d) second prosecution after the first trial for the same offense

32. Examine the Statement and Conclusions given below and choose a suitable answer from the options given:
Statements:
1. Justice delayed is justice denied. Justice hurried is justice buried.
2. More than 3 crore cases are pending in the Indian Courts.

Conclusions:
1. People are not getting justice in India.
2. Disposal of cases by 'Fast track courts' results in injustice.
3. Cases must be disposed off within a reasonable time.

(a) Only Conclusion 1 follows.
(b) Only Conclusion 2 follows.
(c) Only Conclusion 3 follows.
(d) No Conclusion follows.

33. **Legal Principle:** One of the principles of 'Natural Justice' states that, "No person shall be a judge in his own cause".
Facts: A, a driver of B, a Branch Manager of ABC Bank was caught, suspecting theft, in the bank premises. The Bank management instituted an enquiry and made B the enquiry officer.
Which of the following statements is correct?
(a) As B is a Bank Manager and not a judge, this principle is inapplicable.
(b) Since the suspected theft was in the bank premises, the manager is the only competent person to enquire. Hence, the principle is not applicable.
(c) Since B is the employer of A, B should not be conducting the enquiry on the basis of the given principle.
(d) The principle will be applicable, only if the theft committed by A was in relation to the car.

Hints & Solutions

1. (a) The Oxford English dictionary defines law as: The body of rules, whether formally enacted or customary, which a particular state recognizes as governing the action of its subjects and its members and which it may enforce by imposing penalties.

2. (b) Natural law is a theory that says there is a set of rules inherent in human behavior and human reasoning that governs human conduct. Natural law is preexisting and is not created in courts by judges.

3. (c) Natural law is pre-existing and cannot be created.

4. (c) The opposite of natural law is "positive law" or "man-made law."

5. (b) The age of marriage can only be specified by man-made law.

6. (a) An example of natural law, as interpreted by Thomas Hobbes, is that judges should be impartial.

7. (d) Major philosophers of natural law include Aristotle, Thomas Aquinas and Lysander Spooner.

8. (a) A widely recognized nod to natural law and its concepts is present in the Declaration of Independence in the statement that " ... all men are created equal, that they are endowed by their creator certain unalienable rights ... "

9. (b) This definition was given by John Austin who belongs to the school of positive law.

10. (c) Friedrich Karl von Savigny belongs to the historical school of law so his focus in on custom.

11. (d) Leon Duguit states that law as "essentially and exclusively as a social fact." Rudolph Von Ihering's definition of law has three important parts. One, the law is a means of social control. Two, the law is to serve the purposes of the society. Three, law due to its nature, is coercive. Roscoe Pound studied the term law and thus came up with his own law definition. He considered the law to be predominantly a tool of social engineering.

12. (a) This definition is given by Oliver Wendell Holmes

13. (d) The realist law definition describes the law in terms of judicial processes.

14. (b) Murphy argues that the better line of defense of natural law begins with the idea that law is a functional kind, that is, a kind of thing characterized by its function.

15. (c) Jurisprudence originates from the Latin term juris prudentia, which means "the study, knowledge, or science of law";

16. (d) Legal formalism, also known as conceptualism, treats law like a math or science. Formalists believe that in the same way a mathematician or scientist identifies the relevant axioms, applies them to given data, and systematically reaches a demonstrable theorem, a judge identifies the relevant legal principles, applies them to the facts of a case, and logically deduces a rule that will govern the outcome of a dispute.

17. (b) English jurist Sir Edward Coke was among the first to popularize the formalistic approach to law in Anglo-American history. Coke believed that the Common Law was "the peculiar science of judges."

18. (b) Since the early 1970s, Professor Ronald M. Dworkin has been the foremost advocate of the formalist approach with some subtle variations. Although Dworkin stops short of explicitly comparing law to science and math, he maintains that law is best explained as a rational and cohesive system of principles that judges must apply with integrity.

19. (c) Modern U.S. legal thought began in 1870. In that year, Holmes, the father of the U.S. legal realist movement, wrote his first major essay for the American Law Review, and Christopher Columbus Langdell, the father of U.S. legal formalism, joined the faculty at Harvard Law School.

20. (b) The realist movement, which began in the late eighteenth century and gained force during the administration of President Franklin D. Roosevelt, was the first to attack formalism. Realists held a skeptical attitude toward Langdellian legal science. "The life of the law has not been logic, it has been experience," Holmes wrote in 1881.

21. (b) Positivists maintain that the only appropriate sources of law are rules and principles that have been expressly enacted or recognized by a governmental entity, like a state or federal legislature, administrative body, or court of law.

22. (a) Naturalists believe that the law must be informed by eternal principles that existed before the formation of government and are independent of governmental recognition.

23. (a) Pound was one of the original advocates of sociological jurisprudence in the United States. According to Pound, the aim of every law—whether constitutional, statutory, or case—should be to enhance the welfare of society.

24. (b) Pragmatism, sometimes called instrumentalism, is best exemplified by Justice Holmes's statement that courts "decide cases first, and determine the principle afterwards." This school of thought is associated with result-oriented jurisprudence.

25. (a) Positivists maintain that the only appropriate sources of law are rules and principles that have been expressly enacted or recognized by a governmental entity, like a state or federal legislature, administrative body, or court of law. Naturalists believe that the law must be informed by eternal principles that existed before the formation of government and are independent of governmental recognition.

26. (b) According to law no person can be judge in his own cause. In this case, candidate's father is a party of

conducting the test, so the test is vitiated. Here the condidate's father cannot be decision maker.

27. (a) 'Y' may institute the suit either at Delhi where Z carries on business or at Mumbai where the cause of action\ arose.

According to an illustration provided under Section 20 of the Code of Civil Procedure, A is a tradesman in Calcutta.B carries on business in Delhi.B, by his agent in Calcutta, buys goods of A and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Delhi, where B carries on business.

28. (a) The licensing power was granted by the Cinematograph Act. Any withdrawal or transfer thereof was possible only through an Amending Act and not by Rules made under the Parent Act.

29. (d) The statement is correct.

Judgment related to a contract only binds the parties participating in the contract and not any other third party (judgement in personam) and judgment which binds all men, and not only the parties to the suit in which it was passed, and their privies, and that it belongs to positive law to say that judgments are to be judgments in rem whether for reasons of international community or domestic expediency including insolvency suits. (Ganesh Singh vs Hari Singh And Ors.RLW 2003 (3) Raj 1853, 2003 (1) WLC 379)

30. (d) No, because the employer did not give a chance to 'X' to explain his side, thereby violated the principles of natural justice.

Natural justice mandates that X should have been given a fair chance to explain his side before a decision was taken and was dismissed by his employer. There was no 'duty to act fairly' and the principle of natural justice has been violated.

31. (d) is correct double jeopardy is a procedural defence that prevents an accused person from being tried again on the same or similar/charges and on same facts. Following a valid acquittal or convichion

32. (c) Justice delayed is justice denied. "Justice delayed is justice denied" is a legal maxim meaning that if legal redress is available for a party that has suffered some injury, but is not forthcoming in a timely fashion, it is effectively the same as having no redress at all.

Justice Hurried Is Justice Buried The Law which rightly speaks about the collective organization of the individual right to lawful defense. The law is justice.

Hence, option (c) is correct as conclusion 3 follow.

33. (c) Nemo iudex in causa sua (or nemo iudex in sua causa) is a Latin phrase that means, literally, "no-one should be a judge in his own case." It is a principle of natural justice that no person can judge a case in which they have an interest.

In case presented before us the person who is stealing, his employee is made the judge of this theft naturally he will not hold his boss guilty so according to above given principle. Option (c) is correct