

Introduction:

The civil law was introduced by the kings of Babylon as then evolution came and with time the need of civil law feels i.e., when people feel the need of marriage and divorce then civil law came into existence.

Civil law deals with the personal rights and regulations. In civil law plaintiff (Compoundable offences are the offences that can be compromised, which means the complainant can agree to take back the charges) may discontinue the proceeding at any time. Civil law divided into two categories General law and civil law. Civil law applies to everyone, basic provisions can be found in civil codes. The term 'private law' is often used to designate civil law (in fact, the terms private law and civil law are often used interchangeably).

DEFINITION OF CIVIL LAW:

According to the Salmond:

Civil law is “the law of State of or the law of the land, the law of lawyers and the law of the courts”

CLASSIFICATION OF CIVIL LAW:

1. General Law

- statute law
- equity
- common law

2. Special Law

- local laws
- foreign law
- conventional law
- international law

3. Public Law

- Constitutional law:
- Administrative law

4. Private Law

• General Law:

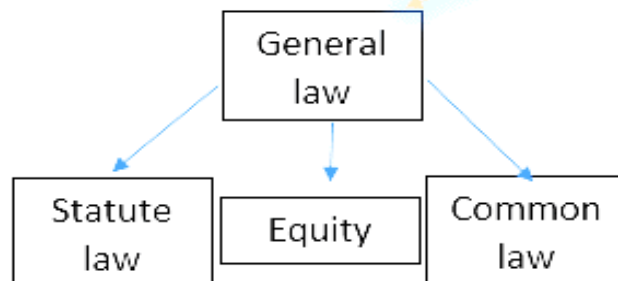
General Law consists of the general or the ordinary law of the land. General Law consists of those legal rules which are taken judicial notice of by the courts whenever there is an opportunity to apply them.

Definition:

Law which is commonly applied by all the Courts & Extend throughout the state is called general law.

Types of General law:

There are three pillars of general law.



- Statute:

A statute is a rule or law which has been made by a government or other organization and formally written down.

- **Equity:**

Equity is basically concerned with fairness and justice. A legal definition from the **Oxford dictionary** describes equity as “a branch of law that is concerned with fairness and justice, formerly administered in special courts”

- **Common law:**

It is basically unwritten law. Generally made by judge according to customs and traditions.

Common law is a body of unwritten laws based on legal precedents established by the courts.

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Common law draws from institutionalized opinions and interpretations from judicial authorities and public juries.

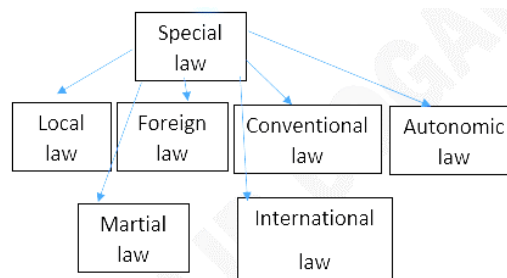
Common laws sometimes prove the inspiration for new legislation to be enacted.

- **Special law:**

Special law consists of the general or the ordinary of the land.

A law that applies to a particular place or especially to a particular member or members of a class of persons or things in the same situation but not to the entire class and that is unconstitutional if the classification made is illogical or without a reasonable or real justification or basis.

Special law consists of the legal rules which courts will not recognize and apply them but which must be proved and brought to the notice of the courts



- **Local Law:**

Law which applies only to the local area (locality) and not the general law of the whole country. Local law is older than general law.

In addition to local customary law, there may be local enacted law which consists of enactment emanating from subordinate local legislating authority. They are recognized as having full force in the locality for which they have been formulated.

Examples: zoning, building codes, and curfew for minors.

- **Foreign Law:**

Foreign law includes the law of jurisdiction. Ignorance of law is no excuse and everyone is supposed to know the law of the land. In the case of the contract entered into in a foreign country, justice cannot be done fully. In some cases, foreign law has to be taken into consideration to do justice between the parties. In the case of the contract entered into in a foreign country, justice cannot be done fully unless the case is decided according to the law of the place where the contract was entered into.

Every state has evolved a set of rules which prescribe the conditions and circumstances in which foreign law is enforced by its Courts.

- **Conventional Law:**

Conventional law is basically an agreement between two parties and it is for those who make it or accept it. Examples of conventional law are the rules of a club or cooperative society. Some other **examples** of conventional law are the articles of association of a company, articles of partnership etc.

- **Autonomic Law:**

It is a type of enacted (approved) law which is made by private persons in various forms of subordinate (lower) legislature authority. Autonomic law is meant that species of law which has its source in various forms of subordinate legislative authority possessed by private persons and bodies of persons. A Railway company makes bye-laws for regulating its traffic.

Examples:

University regulations (university makes rules for regulating the students).

• **Martial Law:**

Temporary rule by military authorities of an elected area in time of emergency when the civil authorities are considered unable to function.

There are three kinds of Martial law are as follows

- (a)** It is the law of the discipline and control of the army itself and he is commonly known as the military law.
- (b)** The second kind of Martial Law is that by which in times of war. the army governs any foreign land in its military occupation. The country is governed by the military commander through the privilege of the sovereign.
- (c)** The third kind of Martial Law is the law by which in times of war. The army governs the empire itself for the correction of the civil law so far as the same is required for public safety or military necessity.

• **International Law:**

International law is a kind of conventional law. As a special law, it refers to the portion of the law of nations which is administered by the Prize of the Courts of the State in times of war. Prize law is that part of law which regulates the practice of the capture of sheep's and cargoes at sea in times of war. International law requires that all states desiring to exercise the right of capture must establish and maintain within their territories what are known as Prize Courts. It is the duty of those Courts to investigate the legality of all the captures of ships and cargoes.

It is of two types,

- **Public International law**
- **Private international law**

• **PUBLIC LAW: -**

The State activities are largely regulated by Public law. It determines and regulates the organization and functioning of the State and determines the relation of the State with the subject. public law may be divided into three classes: -

- i. Constitutional law:
- ii. Administrative law and
- iii. Criminal law

i. **Constitutional law:**

By constitutional law is meant that law which determines the nature of the State and the Structure of the Government. It is above and superior to the Ordinary law of the land. Constitutional law is the basic law or fundamental law of the State. The constitutional law may be written as in Pakistan or unwritten as in England. In modern times there is tendency to adopt written constitution.

ii. **Administrative Law: -**

Administrative law deals with the structure powers and the functions of organs of the state, the limits of their Powers, the methods and Procedures followed by them in exercising their powers and functions; the methods by which their power are controlled including the legal remedies available to a person against them when his rights are infringed by their operation.

• PRIVATE LAW:

This branch of law regulates and governs the relations of citizens with each other. The parties in such cases are private individuals and the State through its judicial organ adjudicates the matters in dispute between them. In these cases, the State takes the position of only a judge. But it does not mean that the State regulates all the conducts and relations of the citizens but regulates only such of them as are of public importance and these relations (which State regulates) constitute the civil rights of the citizens. Different Jurists have given different classification, a very General classification is as follows: -

- i. The law of Persons
- ii. The law of Property
- iii. The conflict of laws
- iv. The law of obligations

The law of obligations is divided into three classes.

- (i) Contract
- (ii) Quasi contract, and
- (iii) Tort

CONCLUSION: