



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

SECOND YEAR BACHELOR OF LAWS

(Effective from Session 2020-21)

PAPER – I (PAPER CODE - 7001)

(PAPER NAME – **JURISPRUDENCE**)

COMPULSORY PAPER

Max. Marks: 100

Min. Marks: 36

Note: A. In order to ensure that students do not leave out important portions of the syllabus, examiners shall be free to repeat the questions set in the previous examination.

B. Leading cases prescribed under this paper may be read whenever they are relevant.

1. **Jurisprudence** – Definitions of Law and Jurisprudence, Nature and Scope
 - (i) Importance of Jurisprudence
 - (ii) **Schools of Jurisprudence:**
 - Natural School of Law: Theories of Natural Law, Social Contract Theory;
 - Positive School of Law: Analytical, Kelson's pure theory of Law, H.L.A. Hart's Normative Theory
 - Historical School of Law
 - Sociological School of Law: Social Engineering; and
 - Realist School: American Realism.
 - (iii) Law & Morality
 - (iv) **Sources of Law:** Meaning, Kinds
 - (A) Custom: Definitions, Kinds Essentials of legal custom; Importance of custom;
 - (B) Judicial Precedents: Definition, Kinds, ratio decidendi obiter dicta; declaratory theory of precedent; judge - made law theory,
 - (C) Legislation: Definition, Kinds, comparison between legislation and other sources of law.
2. **Legal Concepts:**
 - (1) Person: Nature of personality: kinds, corporate personality and its kinds, theories of corporate personality; legal persons and punishment.
 - (2) Rights and Duties: Nature of Rights and Duties; correlation of Rights and Duties; Kinds of Rights and duties.
 - (3) Property: Definition and Kinds.
 - (4) Ownership and Possession:

Meaning of Ownership: Kinds, Definition of Ownership by Austin and Salmond.
Relation between Ownership and Possession. Importance of Possession : Elements of corporeal possession and problems : Theories of possession ; Salmond and Savigny.
 - (5) Theories of Punishment

SUGGESTED READINGS:

1. Salmond : Jurisprudence
2. Dias & Huges : Jurisprudence
3. Dhyani's S.N. : Fundamentals of Jurisprudence
4. Mahajan, V.D. : Jurisprudence and Legal theory
5. परांजपे एन.पी. – विधिशास्त्र
6. अनिरुद्ध प्रसाद – विधिशास्त्र के मूल सिद्धान्त
7. Agarwal & Raizada : Some Thoughts on Modern Jurisprudence.
8. R.D. Yadav : Glimpses of Jurisprudence