



# MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

## FACULTY OF LAW

### SECOND YEAR BACHELOR OF LAWS

(Effective from Session 2016-17)

PAPER – I (PAPER CODE - 7001) : (PAPER NAME – JURISPRUDENCE)

#### **COMPULSORY PAPERS**

**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.

#### **CONTENTS**

**Jurisprudence** - Definition, Nature and Scope.

- (i) Importance of Jurisprudence, (ii) School of Jurisprudence : Analytical, Historical and Sociological including American Realism and Natural Law School and Kelson's pure theory of Law.

**Nature of Law** : Definition - Austin, Salmond, Holland, Gray, Hart,

**Law & Morality:**

**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.

**Concept of Law** : (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:** (A) Meaning of Ownership: Kinds, Definition of Ownership by Austin and Salmond, (B) Relation between Ownership and Possession. Importance of Possession : Elements of corporeal possession and problems : Theories of possession ; Salmond and Savigny.

(5) **Negligence** ;

(6) Criminal liability.

#### **SUGGESTED READINGS :**

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