



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR
FACULTY OF LAW
FIFTH SEMESTER BACHELOR OF ARTS AND LAWS INTEGRATED

(Session 2021-22 onwards)

PAPER – III (PAPER CODE – **BAL503**): (PAPER NAME - **JURISPRUDENCE**)

V – SEMESTER

M.M 80

- UNIT- I** **Jurisprudence:** Definitions of Law and Jurisprudence, Nature and Scope, Importance of Jurisprudence, Law and Morality
- UNIT-II** **Schools of Jurisprudence:**
- Natural School of Law: Law and Morality, 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.
- UNIT-III** **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.
- UNIT-IV** **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; co-relation of Rights and Duties; Kinds of Rights and duties.
- UNIT-V** Property- Definition and Kinds.
- UNIT-VI** 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.
- UNIT-VII** Theories of Punishment

SUGGESTED READINGS :

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| 1. | Salmond | : | Jurisprudence |
| 2. | Dias & Huges | : | Jurisprudence |
| 3. | Dhyani's S.N. | : | Fundamentals of Jurisprudence |
| 4. | Mahajan, V.D. | : | Jurisprudence and Legal theory |
| 5. | Agarwal & Raizada | : | Some Thoughts on Modern Jurisprudence. |
| 6. | R.D. Yadav | : | Glimpses of Jurisprudence |