

BA-LL.B Vth Sem.

Jurisprudence-I

(Legal Theory)

(BL-5005)

Introduction: -

Jurisprudence is the very important subject. It is the main base of the Law. jurisprudence is the study of law. jurisprudence is the study of the theory of law. jurisprudence is as a philosophy and science. The word jurisprudence has been derived from the Latin word “Jurisprudentia”, which means “Knowledge of law”, jurisprudence made up of two word “juris” and “prudential ”.The Latin word juris means “Law” and Prudentia means “Knowledge ”.There for jurisprudence means “knowledge of law”. Jurisprudence is like a mirror whose shows the provision of the law.

$$\begin{array}{rcc}
 \text{Jurisprudence} = & \text{Juris} + \text{Prudentia} & \\
 & \downarrow \quad \downarrow & \\
 & \text{Law} + \text{Knowledge} = \text{The Knowledge of Law} & \\
 \text{Jurisprudence} & = & \text{The Knowledge of Law}
 \end{array}$$

Summary: - In this content we discuss the following point:-

- Some important definition.
- Nature of jurisprudence
- Kinds of jurisprudence
- Scope of jurisprudence
- Importance of jurisprudence
- Conclusion

Definition:-

John Austin :-Jurisprudence is the philosophy of positive law.

Ulpian :-

Jurisprudence as “the observation of things human and divine ,the knowledge of the just and the unjust “.

Cicero :-jurisprudence is the philosophical aspect of knowledge of law.

Dr. Allen :-jurisprudence as the scientific synthesis of the essential principles of law

Holland :-jurisprudence as “the formal science of positive law .

Salmond :-jurisprudence as the science of the first principles of the civil law.

Keeton :- jurisprudence is the study and systematic arrangement of the general principles of law.

Julius stone :- jurisprudence is the lawyers extraversion .

Dharma under the Hindu Jurisprudence covers the province of religion ,ethics and philosophy.

Dharma means which is signified by a command ,and lead to man ‘s material and spiritual salvation .

Gray :- Jurisprudence is the science of law ,the statement and systematic arrangement of the rules followed by the courts and the principles involved in those rules .

Roscoe Pound :-Jurisprudence is the science of social engineering

Nature of jurisprudence :-Jurisprudence Is the study of different legal concepts, like Rights, Duties Title ,Ownership, Possession ,Legal Personality ,Intention , Negligence etc .So we can say ,that it is a substantive law. It is not a codified. Jurisprudence in its nature is entirely a different subject from other social science. Its nature is different from other subject .some jurist says that jurisprudence is as an art, as a science .as a phiiosophy and social science It is a substantive law .In the same way jurisprudence is concerned with the fundamental principles of law and systematic and scientific study of their methods .

Kinds of jurisprudence :-

1) According to Austin :-

- i) General Jurisprudence
- ii) Particular Jurisprudence

2) According to Salmond :-

- i) Analytical jurisprudence
- ii) Historical jurisprudence
- iii) Ethical jurisprudence

3) According to Bantham :-

- i) Expository jurisprudence
- ii) Censorial evaluative jurisprudence
- 4) Sociological jurisprudence
- 5) English jurisprudence and Continental jurisprudence
- 6) Comparative jurisprudence
- 7) Philosophical jurisprudence

Scope of jurisprudence: -It is study of political, social, economic and cultural ideas.

It is the study of man in relation to State and Society. we mainly study the nature of law, definition, classification and other thing. It is the study of its source, purpose and the nature of rights and duties and, how is developed law, how origin the law, what are the legal system.

Importance of jurisprudence :-according to Harald .J. Lausky jurisprudence is the Eye of law ,Jurisprudence is like a Eye .Its comparison with the eye The eyes are one of the most important parts of human body ,without eyes we can neither see nor do something .This is the reason , that jurisprudence is the Eye of law .Jurisprudence is the functions for law in the same manner as the eyes do in human body .

Jurisprudence is very important for every person , Judges, law student, Advocate, teacher , society .scholar.etc .Paton is says “ jurisprudence is a particular method of study not of the law one particular country but of the general notions of law itself “.

- 1) It helps us in understanding the basic ideas and fundamental principles of law in any given society.
- 2) It helps in the study of actual rules of law and in tracing out principles underlying them .
- 3) It may also helpful to legislators.
- 4) It helps to the Judges and lawyers.
- 5) It helps us in proper understanding of legal terms and expressions
- 6) It helps judges .lawyers .student in ascertaining the meaning of words and expressions used in statutes .
- 7) It helps in understanding the meaning of law .

- 8) It is Inspired to us ,to developed the society .
- 9) It helps interpretation of the law
- 10) The study of jurisprudence is equally beneficial for the sociologists and moralists.

Conclusion: - Jurisprudence is the bundle of different legal provision. It is the study of the law, and law is the controlling machine for the society. Law is the instrument of justice for the society, because law is the basic requirement of the society .If we will not study the jurisprudence ,we will never understand the meaning of law. we study the basic principles of law in jurisprudence, so we can say that jurisprudence has great educational value.

Exercise: -

- Q1. What is the meaning of jurisprudence?
- Q2. Give some important definition of jurisprudence?
- Q3. Define the jurisprudence ? what are the kind of jurisprudence ?
- Q4. Explain the scope and importance of jurisprudence ?
- Q5. jurisprudence is the Eye of law Discuss ?

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