

## **IL 205 Legal Theory / Jurisprudence**

### **Unit 1: Introduction and sources of Law**

- a. Meaning of the term 'jurisprudence', Importance, Indian Perspective
- b. Nature and definition of law, Relation between: Law and Morality. Law and Justice
- c. Sources of law: Legislation, custom, Precedents: concept of stare decisis, Juristic writings
- d. Linkage between jurisprudence and other sciences
- e. Classical Approach: Modern Trends

### **Unit 2: Schools of Jurisprudence**

- a. Analytical positivism: Bentham and Austin's view, Criticism of Austin's theory of positivism
- b. Natural law School, Historical school, Sociological School
- c. Kelson's Pure Theory of Law, H.L.A. Hart's Theory
- d. Legal Realism

### **Unit 3: Legal Rights, duties, persons, Titles, liabilities etc.**

- a. Rights, Duties and Wrongs: Definitions and relationship, Rights: kinds, Legal Rights as defined by Hohfeld, Right -Duty Correlations
- b. Status of the unborn, minor, lunatic, drunken and dead persons, slaves
- c. Titles: kinds
- d. Liabilities: conditions for imposing liabilities, Mens rea, Intention, negligence, vicarious liability, Strict Liability.

### **Unit 4: Ownership, Possession and Property**

- a. Possession: Definition, concept and importance
- b. Kinds of possession, Essentials of possession: Corpus Possessiones and Animus Possidendi
- c. Ownership: Definition, concept, kinds of ownership
- d. Distinction between ownership and possession, Kinds of property.

## **Suggested Readings**

1. Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996), Universal, Delhi.
2. Fitrgerald, (ed.) Salmond on Jurisprudence, Tripathi, Bombay.
3. W. Friedmann, Legal Theory, Universal, Delhi,
4. V. D. Mahajan, Jurisprudence and Legal Theory, Eastern, Lucknow M.D.A. Freeman (ed),
5. Lloyd's Introduction to Jurisprudence, Sweet & Maxwell Paton G. W., Jurisprudence Oxford, ELBS
6. H.L.A. Hart, The concept of law, Oxford, ELBS
7. Roscoe pond, Introduction to the philosophy of Law, Universal Delhi
8. Dias, Jurisprudence, Adithya Books New Delhi.
9. Dhyan S.N., Jurisprudence- A Study of Indian Legal Theory, Metropolitan, New Delhi.
10. Dr. S.R. Myneni, Jurisprudence (Legal Theory), 2013, Asia Law House, 2 edition.