



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : LL.B. 1st Semester

SUBJECT: Jurisprudence

SUBJECT CODE: LLB 301

LECTURE: 28

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Lecture-28



Lecture 28: Duties

Duties

When the right is given to the person then it is assumed that certain duties are also imposed on the person. The right has its correlative duties. There are two kinds of duties when it is the obligation of the person to perform his duty when he has a legal duty but in case of moral duty he has no obligation. It is on the discretion of an individual. The duties are classified into absolute and relative duty, positive and negative duty and primary and secondary duty.

Meaning of Duty :

"Duty is an obligation to do or omit to do something". In the legal sense, duty means " a legal obligation to do or not to do something.

Example :

A son is under a duty to feed his dependent parents

Definition of Duty:

According to Salmond " A duty is an obligatory act, that is to say, it is an opposite of which would be wrong. Duties and wrongs are correlatives.

Hibbert defines legal duty as "the predicament of a person whose acts are liable to be controlled by another with the assent and assistance of the state."

According to Prof. Dicey, " a duty is a species of obligation. People obey it due to indolence, deference, sympathy, fear and reason. And also due to psychological, social and moral pressures. The majority of duties are supported by State. the breach of the duty is imprisonment or fine."

Kinds of Duties:

Duties may be classified as follows :

1) Legal Duties and Moral Duties:

A legal duty is an act the opposite of which is a legal wrong. It is an act recognized as a duty by law and treated as such for the administration of justice. A moral or natural duty is an act the opposite of which is a moral or natural wrong. A duty may be moral but not legal or legal but not moral.

2) Positive or Negative Duties:

When the law obliges us to do an act, the duty is called positive, and when the law obliges us to forbear from doing an act, the duty is negative.

3) Primary and Secondary Duties:

Primary duties are those which exist per se and independently of any other duty. An Example of a primary duty is to forbear from causing personal injury to another. A secondary duty is that which has no independent existence but exists only for the enforcement of other duties. An example of secondary duty is the duty to pay a man damages for the injury is already done to the person.

4) Universal General and Particular Duties:

According to Jenks universal duties are those, which are binding on all normal citizens of the community. General duties are those, which are binding on specific classes of normal persons. Particular duties are those, which are binding between the persons who have voluntarily undertaken them.

5) Relative and Absolute Duties:

According to Austin Relative duty is one for which there will be corresponding duty. Absolute duty is one, which has no corresponding right .

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	"Duty is an obligation to do or omit to do something".	True	False
2.	In the legal sense, duty means " a legal obligation to do or not to do something.	True	False
3.	" A duty is an obligatory act, that is to say, it is an opposite of which would be wrong.	True	False
4.	the predicament or a person whose acts are liable to be controlled by another with the assent and assistance of the state."	True	False
5.	A legal duty is an act the opposite of which is a legal wrong	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a), 5-(a)