



RAMA UNIVERSITY

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FACULTY OF JURIDICAL SCIENCES

Course : B.A LL.B/BB.A LL.B

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SUBJECT: Jurisprudence

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LECTURE: 3

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Assistant Professor

Lecture-18



Lecture – 18 : Theory of Social Engineering

Roscoe Pound (1870-1964)

Pound was an American Legal Scholar. His view is that law should be studied in its actual working and not as it stands in the book.

Theory of Social Engineering

Roscoe Pound gives the theory of Social Engineering in which he compared lawyers with the Engineers. Engineers are required to use their engineering skill to manufacture new products. Similarly, social engineers are required to build that type of structure in the society which provides maximum happiness and minimum friction.

According to Pound, “Law is social engineering which means a balance between the competing interests in society,” in which applied science is used for resolving individual and social problems.

Social Engineering is the balancing the conflicting interest of Individual and the state with the help of law. Law is a body of knowledge with the help of law the large part of Social engineering is carried on. Law is used to solve the conflicting interest and problems in society.

He mentioned that everybody has its own individual interest and considered it supreme over all other interest. The objective of the law is to create a balance between the interests of the people. For Example, Article 19 of the Indian Constitution provides ‘Rights to speech and expression’ but on the other side, State put some restriction on this right. And when the conflict arises between Individual right and State’s restriction, then the law comes to play its part. And solve the conflict between the interests.

Interest Theory

Roscoe Pound in his interest theory mentioned the three kinds of interest. To avoid the overlapping of the interests, he put boundaries and divide the kinds of interests.

Individual Interest

These are claims or demands involved from the standpoint of the individual life which consists of interest of personality, interest in domestic relations and interest of substance.

Public Interest

These are the claims or desires asserted by the individual from the standpoint of political life which means every individual in a society has a responsibility towards each other and to make the use of things which are open to public use. Interest in the preservation of state.

Social Interest

These are the claims or demands in terms of social life which means to fulfill all the needs of society as a whole for the proper functioning and maintenance of it. Interest in the preservation of general peace, health, security of transaction's, preserving social institutions like religion, politics, economic.

Jural Postulates by Roscoe Pound

Roscoe Pound mentioned the five Jural Postulate and mentioned that the interest mentioned in these jural postulates should be protected and nourished.

Criminal

An interest of protection from any intentional aggression. For Example, Assault, Wrongful restraint, Battery, etc.

Law of Patent

An interest of securing his own created property by his own labour and hard work. E.g. agricultural land, any music or artistic things.

Contract

The interest in making the contract and getting of reasonable remedy or compensation when his right violate.

Torts

Protection against Defamation and unreasonable injury caused by the negligent act of another person.

Strict Liability

Similarly, In case Ryland Vs. Fletcher Protection of our interest if the injury caused by the things of another person. It is the duty of other people to keep his/her things with his/her boundary and should look after that thing to avoid injury to other people.

Criticism:

1. 'Engineering' Nor a Happy Word; 'Engineering' Ignores an Important Part of Law.
2. Classification of Interest is not Useful.