



# RAMA UNIVERSITY

www.ramauniversity.ac.in

## FACULTY OF JURIDICAL SCIENCES

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

**Semester :IInd**

**SUBJECT: Jurisprudence**

**SUBJECT CODE: BAL206/BBL 206**

**LECTURE: 2**

**NAME OF FACULTY: Ms. Kaneez Fatima**

**Assistant Professor**

# Lecture-2



**Nature of Jurisprudence**

## Lecture 2: Nature, Needs and Importance of Jurisprudence

### **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 philosophy 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 Bentham :-

- 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.

### **Need of the Study of Jurisprudence**

1. This subject has its own intrinsic interest and value because this is a subject of serious scholarship and research; researchers in Jurisprudence contribute to the development of society by having repercussions in the whole legal, political and social school of thoughts. One of the tasks of this subject is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. It is the belief of this subject that the theory can help to improve practice.

2. Jurisprudence also has an educational value. It helps in the logical analysis of the legal concepts and it sharpens the logical techniques of the lawyer. The study of jurisprudence helps to combat the lawyer's occupational view of formalism which leads to excessive concentration on legal rules for their own sake and disregard of the social function of the law.

3. The study of jurisprudence helps to put law in its proper context by considering the needs of the society and by taking note of the advances in related and relevant disciplines.

4. Jurisprudence can teach the people to look if not forward, at least sideways and around them and realize that answers to a new legal problem must be found by a consideration of present social needs and not in the wisdom of the past.
5. Jurisprudence is the eye of law and the grammar of law because it throws light on basic ideas and fundamental principles of law. Therefore, by understanding the nature of law, its concepts and distinctions, a lawyer can find out the actual rule of law. It also helps in knowing the language, grammar, the basis of treatment and assumptions upon which the subject rests. Therefore, some logical training is necessary for a lawyer which he can find from the study of Jurisprudence.
6. It trains the critical faculties of the mind of the students so that they can dictate fallacies and use accurate legal terminology and expression.
7. It helps a lawyer in his practical work. A lawyer always has to tackle new problems every day. This he can handle through his knowledge of Jurisprudence which trains his mind to find alternative legal channels of thought.
8. Jurisprudence helps the judges and lawyers in ascertaining the true meaning of the laws passed by the legislators by providing the rules of interpretation. Therefore, the study of jurisprudence should not be confined to the study of positive laws but also must include normative study i.e. that study should deal with the improvement of law in the context of prevailing socioeconomic and political philosophies of time, place and circumstances.
9. Professor Dias said that ‘the study of jurisprudence is an opportunity for the lawyer to bring theory and life into focus, for it concerns human thought in relation to social existence’.

## SELF-TEST QUESTIONS

S.N O	Question	Option (a)	Option (b)	Option (c)	Option (d)
1	Who said that Laws are commands	Prof. HLA Hart	John Austin	Roscoe Pound	John William Salmond
2	Word 'Juris ' means	Law	Knowled ge	command	order
3	Word 'Prudentia 'means	Law	Knowled ge	command	order
4	Who said that 'jurisprudence' as the lawyer's extraversion	Prof. HLA Hart	John Austin	Roscoe Pound	Prof. Julius Stone
5	Who said that jurisprudence means the science of law	Salmond	Prof. HLA Hart	John Austin	Roscoe Pound

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