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FACULTY OF JURIDICAL SCIENCES

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

Semester :IInd

SUBJECT: Jurisprudence

SUBJECT CODE: BAL206/BBL 206

LECTURE: 3

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Assistant Professor

Lecture-26



Unit 4

Lecture –26:- Source of Law

Source of Law

INTRODUCTION

The word ‘Jurisprudence’ is derived from the Latin word *jurisprudentia*, which means science or knowledge of law. It is a very vast area of study and it consists of several ideologies and theories on how law has been made. It also includes the relationship of law with individuals and other social institutions within the scope of its study. There are various sources from which we derive law. Several jurists and scholars have attempted to classify the sources of law. However, the most common sources in all these classifications are legislations, judicial precedents, and customs.

According to John Chipman Grey, who was a Harvard Law School professor, “the Law of the State or of any organised body of men is composed of the rules which the courts, that is the judicial organ of the body, lays down for the determination of legal rights and duties”. Though Gray’s definition has been criticised for being narrow, he distinguished law from the sources of law. According to him, law has evolved through case laws and sources of law are where we get the content and validity of law from. Essentially, law refers to the rules or code of conduct and its sources refer to the materials from which it gets its content.

Types of sources of law

John Salmond, a legal scholar renowned for his ideologies on law in the field of jurisprudence, classified the sources of law into mainly two categories, i.e., material sources and formal sources.

Material sources

Material sources of law are those sources from which the law gets its content or matter, but not its validity. There are two types of material sources which are legal sources and historical sources.



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