

**CourseName:Jurisprudence-**  
**I(LegalMethod) Course Code: LB-101**

**Course Objectives:**

- To give an overview to the students about law and legal systems prevalent in the world and India in particular, so that they could understand the jurisprudence of all subjects taught to them over a span of three years.
- To learn the jurisprudential basis of various concepts which are continuously being dealt with in law.
- To sensitize the students to adopt a pragmatic approach in studying all the subjects in the six semesters by teaching them how to read cases and ways to club theory with practice. It is a subject which forms the foundation of the law degree.
- To make the students trace the origin and evolution of law and to understand major legal systems of the world.
- To familiarize the students with linkage of law with other social science.
- To familiarize the students with the growth of legal profession in India and the laws governing the profession.

**Learning Outcomes**

- Students will be acquainted with the basic ideas and fundamental principles of Law.
- Knowledge of Law and Legal precepts will acquaint the students and will help to develop their skill.
- Students will be able to identify socio-legal issues and challenges and would be able to provide solution within the parameters of the law, justice and other social norms.
- It will provide a holistic approach to study law and legal systems.

## Course Content:

### Unit- 1 -Jurisprudence with Bhartiya and Western perspective

- a. Origin and nature of Jurisprudence
- b. Need and Scope of Jurisprudence
- c. Legal System in ancient India and its comparison with other major legal systems of the world.

### Suggestive Readings

- Ludwik Sternbach – Juridical Studies in Ancient Indian Law (2 Vols.), Motilal Banarsidass, Delhi, 1965.  
[https://archive.org/details/juridicalstudiesinancientindianlawludwiksternbachpart1\\_202003\\_655\\_a/page/n27/mode/2up?view=theater](https://archive.org/details/juridicalstudiesinancientindianlawludwiksternbachpart1_202003_655_a/page/n27/mode/2up?view=theater)
- Tiwari, K.N. & Krishna Kumari – Ancient Indian Law (3 Vols.), Prashant Publishing House, Delhi, 2009
- M. Rama Jois – Ancient Indian Law, Universal Law Publishing Pvt. Ltd., 2002, Reprinted 2015.
- M. Rama Jois – Legal and Constitutional History of India (Ancient Indian Judicial and Constitutional System), Universal Law Publishing Pvt. Ltd., 2016.
- Ancient Indian Law by Justice D.P. Singh, Published by Kitabwale 2022.
- N.R. Madhava Menon, Our Legal System.
- Rene David & J.E.C. Brierley, Major Legal Systems in the World Today 17-31, 484-515 3<sup>rd</sup> ed. 1985.
- Reflections on Ancient Indian Jurisprudence in the current social and judicial set up by Anupama Goel and Seema Singh, Published by Mohan Law, 2021.

### Unit -2 - Structure of Indian Legal System

- a. Basic Principles of Law , Rule of Law and Separation of powers
- b. Customary dispute resolution mechanism in Bharat- Continuity and sustainability
- c. Legal Services, Legal Profession and Advocate's Act
- d. Hierarchy Of Courts And Jurisdiction

### Suggested Readings

- "A. V. Dicey: Law of the Constitution". 1889. Retrieved 12 April 2011.
- □□□□□□□ -Theories of Punishment) Kautilya Arthshastra – Editor Rajsewar Shastri Dravid, SSU Varansi)
- The Tradition And Significance Of Mediation In India Section A-Research Paper, Eur. Chem. Bull. 2023, 12(Special Issue 10), 802 –808 802, THE TRADITION AND SIGNIFICANCE OF MEDIATION IN INDIA by Anindita Sarkar (Dutta) & Prof. (Dr.)

- Ishita Chatterjee.
- Open Access Journal available at [www.jlsr.thelawbrigade.com](http://www.jlsr.thelawbrigade.com), JOURNAL OF LEGAL STUDIES AND RESEARCH [VOL. 2 ISSUE 5] ISSN 2455-2437 ,DISPUTE RESOLUTION IN RURAL INDIA: AN OVERVIEW, Written by Dr. Laju P. Thomas Hsst, St Mary's Hss, Thiruvananthapuram.
  - Advocates Act & Professional Ethics: Law Relating to the Legal Profession in India, by Nirmalendu Dutt-Majumdar, Eastern Law House, 1975
  - Jurisprudence and Legal Theories by V.D.Mahajan, 2001, Published by Eastern Book Company.
  - Studies in Jurisprudence and Legal Theory By N. V. Paranjape, 2016, published by Central Law Agency

### **Unit 3 -Sources Of Law**

- a. Morality
- b. Custom
- c. Legislation
- d. Precedent

#### **Suggested Readings**

- Law and Morality-Readings in Legal Philosophy, Arthur Ripstein, David Dyzenhaus, Sophia Reibetanz Moreau, University of Toronto Press ,June 2007.
- Custom, Law and the British Empire in Northeast India: Select reading from the colonial archive by Nandini Bhattacharya
- Morality in Law , By Justice D.P.Singh, Eastern Book Company,2012.
- Jurisprudence and Legal Theories by V.D.Mahajan, , Published by Eastern Book Company, 2001.
- Studies in Jurisprudence and Legal Theory By N. V. Paranjape, 2016, published by Central Law Agency.

### **Unit 4 –Concept of Natural law**

- a. Bhartiya Perspective-Ritam &Dharma
- b. Western Perspective- Thomas Aquinas ,Auguste Comte

#### **Suggested Readings**

- Kane,PandurangVaman–HistoryoftheDharma śāstra,BhandarkaraOrientalResearchInstitute, Poona,1973,Vol.3,p.2
- Law and Spirituality-Reconnecting the Bond by Raman Mittal and Seema Singh, Published by Kitabwale, 2024.
- On Being and Essence by Saint Thomas Aquinas, Published by Hackett Publishing Co, 2012

- The Positive Philosophy of Auguste Comte, by Auguste Comte, Vol.2 Cambridge University Press, 2009

### **Unit 5- Analytical Positivism**

- Chankay's concept of State and Law
- Austin's Concept of Law
- H.L.Hart's Concept of Law

### **Suggested Readings**

- The Province of Jurisprudence Determined by John Austin, Published by Legare Street Press.
- The Concept of Law by H. L. A. Hart, Clarendon Law Series, 1961

### **Unit 6-Historical And Sociological School Of Thought**

- Kautilya's Arthashastra with special reference to Social Justice
- Karl Von Savigny's Volksgeist Theory
- Roscoe Pound's Theory of Social Engineering

### **Suggested Readings**

- Jose Varghese, Kautilya Arthashastra; A Lawyer's Point of view (2021)
- The Arthashastra (L.N. Rangrajan as well as Samashastrri)
- System of the Modern Roman Law by Friedrich Karl von Savigny, Published by Hard Press, 2019.
- AN INTRODUCTION TO THE PHILOSOPHY OF LAW BY ROSCOE POUND, MPP House Press

### **Unit-7-Jurisprudence in Bhartiya Scriptures**

- The Ancient concept of 'Dharma'
- The Shrutis
- The Smritis

### **Suggested Readings**

- Kane, Pandurang Vaman—History of Dharmasastra(5Vols.), Bhandarkar Oriental Research Institute, Pune, 1930-1962,  
<https://archive.org/details/in.ernet.dli.2015.37698/page/n811/mode/1up>
- Ganesh, S. –Vedic Concept of Dharma, Purvamimamsa, Vol 12, September 2021.
- Vada in Theory and by Radhavallabh Tripathi The Secretary Indian Institute of Advanced Study Rashtrapati Nivas, Summerhill, Shimla
- Smritichandrika by Devana Bhatta, translated by T. Kristnasawmi Iyer, Published by Law Book Seller and Publisher, 1933

#### **IMPORTANT NOTE:**

1. The topics, cases and suggested readings given above are not exhaustive. The Committee of teachers teaching the Course shall be at liberty to revise the topics/case/suggested readings.
2. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books.