

**LL.B (hons) Semester IV
PAPER 1 JURISPRUDENCE**

UNIT -1

Q.1 DEFINE LAW,ALSO STATE ITS MERITS AND DEMERITS AND EXPLAIN THE CLASSIFICATION OF LAW BY AUSTIN, SALMOND AND HOLLAND.

ANSWER Q.1 (a) WHAT IS LAW?

Law has defined as the body of rules of conduct or action that has been prescribed by the controlling authority and has a legal binding force. Also, the law must be followed and obeyed by all the citizens. Failing to do so will result in legal consequences of the law.

Q.1 (b) WHAT ARE THE VARIOUS DEFINITION OF LAW GIVEN BY JURIST?

AUSTIN defined law as, "Law is the aggregate of rule set by men as politically superior or sovereign, to men as politically subject..

H.L.A. HART Law as a system of rules the primary and secondary rules,their union or combination may justly be regarded as the essence of law.

Q.1 (c)WHAT IS THE OF CLASSIFICATION OF LAW BY AUSTIN.

LAWS PROPERLY SO CALLED

- DIVINE LAW
- HUMAN LAW

LAWS IMPROPERLY SO CALLED

- LAW BY ANALOGY
- LAW BY METAPHOR OR FIGURATIVE LAW.

Q.1 (d) WHAT IS THE CLASSIFICATION OF LAW BY THE JURIST SALMOND.

- IMPERATIVE LAW
- PHYSICAL OR SCIENTIFIC LAW
- NATURAL OR MORAL LAW
- CONVENTIONAL LAW
- CUSTOMARY LAW
- PRACTICAL
- INTERNATIONAL LAW
- CIVIL LAW

Q.1 (e) WHAT IS THE MERITS OF THE LAW?

- Uniformity and certainty
- Equality and impartiality
- Protection from errors
- Reliability

Q.1 (f) WHAT IS THE DEMERITS OF LAW?

- Rigidity
- Conservatism
- Formalism
- Needless complexity

EXERCISE-1

Q.1 a) What is the meaning of law? (2 marks)

.....
.....
.....
.....
.....
.....

Q.1 b) What is the definition of the law given by different jurist? (2marks)

.....
.....
.....
.....
.....
.....
.....

Q.1 c) What are the classification of law by the jurist AUSTIN?(2 marks)

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Q.1 d) What are the classification of law by the jurist SALMOND? (2 marks)

.....
.....
.....
.....
.....
.....
.....
.....

Q.1 e) what are the merits and demerits of law? (2 marks)

.....
.....
.....
.....
.....
.....
.....

LL.B (Hons) Semester IV
PAPER 1 JURISPRUDENCE
Unit 1

Q.2 DISCUSS THE MEANING ,SCOPE AND NATURE OF JURISPRUDENCE. ALSO GIVE DETAILS OF ITS NEED AND IMPORTANCE.

Q.2. (A) WHAT IS THE MEANING OF THE TERM JURISPRUDENCE?

The word jurisprudence has been derived from the latin word jurisprudential, consisting of two words juris meaning law and prudential means knowledge of law.

QUES(B) WHAT IS THE DEFINITION OF JURISPRUDENCE GIVEN BY THE VARIOUS JURIST?

- AUSTIN- Jurisprudence as the philosophy of positive law or jus positivism he meant the law laid down by a particular superior for commanding obedience from his subjects.
- Ulpian- the observation of things human and divine, the knowledge of the just and unjust.
- Cicero- jurisprudence as the philosophical aspect of the knowledge of law.
- Salmond defines jurisprudence as the science of the first principles of the civil law.
- Holland- defines jurisprudence as the the formal science of positive law
- Allen- scientific synthesis of essential principles of law.

Q.2 (c) NATURE OF THE JURISPRUDENCE

- Jurisprudence helps to find out the philosophical aspect behind laws.
- It is not created by statute and therefore evolves by various writings of jurists and philosophers.
- It looks into the legal concepts and abstract principles of law
- It links with other disciplines and subjects.
- It does not have a set of rules, is not derived from a single source or authority.
- **Early period-** jurisprudence has been defined to cover moral and religious precepts and that has created confusion.
- **Austian period-** it has distinguished law from morality and theology and restricted the term to be the body of rules set and enforced by the sovereign or supreme law making authority.
- **Modern period-** the present view is that the scope of jurisprudence cannot be circumscribed or limited it includes all the concepts of human order and human conduct in state and society.

Q.2(D)WHAT IS THE SCOPE OF THE JURISPRUDENCE

- The scope of jurisprudence comprises philosophy of law and its object is not to discover new rule but to reflect on the rules already known.
- It requires a look into the contents of the subjects like sources legal concepts and legal theory are said to be the main premises of the study of jurisprudence.
- Under sources a study is made into customs legislation's, precedents and judicial interpretations, codification of laws methods of judicial interpretations.
- Finally , legal theory seeks to co-relate law with other discipline and helps the study of law in its sociological perspective.

Q.2(E)WHAT IS THE NEED AND IMPORTANCE OF THE JURISPRUDENCE

- Removes the complexities of law.
- Interprets law and ascertain the true meaning of law.
- Helps in legislation and pleading.
- Provides technical instruments to lawyers and students sharpens logical technique and combat the lawyers occupational vice of formalism.
- Helps study and comprehend different legal system.

LL.B(Hons) Semester IV
PAPER 1- JURISPRUDENCE
UNIT 1

NAME OF THE STUDENT.....MO.NO.....
CHECKED BY.....MAX.NO.....
SECTION.....OBT.NO.....

EXERCISE – 2

Q.2 a) What is the meaning of the term jurisprudence? (2 marks)

.....
.....
.....
.....

Q.2 b) What are the various definitions of jurisprudence given by the jurist? (2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.2 c) what is the nature of the jurisprudence? (2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.2 c) what is the scope of the jurisprudence? (2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.2 d) what is the need and importance of the jurisprudence? (2 marks)

.....
.....
.....
.....
.....
.....
.....
.....

**LL.B (Hons) Semester IV
PAPER 1 JURISPRUDENCE
Unit 1**

Q.3 DISCUSS CUSTOM AS SOURCE OF LAW IN DETAIL.

Q.3 (A) Define custom.

The term "custom" as a source of law refers to the practices, traditions, or norms that have developed within a particular community or society and are recognised and enforced as law by the relevant legal authorities.

Q.3 B) Give the definitions of customs given by various jurists.

Allen - customs as the uniformity of habits or conduct of people under like circumstances.

Keeton - customaries laws which are those rules of human action established by usage.

Holland - custom is generally observed by course of conduct.

Q.3 c) What are the essentials of customs

- **Antiquity**
- **Continuous in nature**
- **Reasonable - which is useful and convenient to the society**
- **Peaceful enjoyment**
- **General and universal in nature**
- **Certain and definite**
- **Consistent**
- **Not be opposed to public policy**
- **Conformity with law**

Q. 3 d) Briefly discuss the classification of customs.

Customs can be classified as -

- **Customs with sanctions - They are enforced by state.**
- **Customs without sanctions- They are non obligatory custom and observed due to public opinion.**
- **Legal custom- They are binding as rules and are recognised by the courts and have become part of law of land.**
- **General custom - prevail in the whole of India**
- **Local custom - prevail over community.**

EXERCISE – 3

Q.3 a) Define custom.(2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.3 b)Give the definition of custom given by various jurists. (2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.3c) what are the essentials of custom? (2 marks)

.....
.....
.....
.....
.....
.....
.....

Q.3 d) Briefly discuss the classification of custom. (2 marks)

.....
.....
.....
.....
.....
.....

.....