

**RMM LAW COLLEGE SAHARSA**

**JURISPRUDENCE**

**Part I**

**Paper -1**

**TOPIC- PROVISIONS AS TO  
ACCUSED PERSONS OF**

**Topic- Defination, Nature and Scope**

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**Date:- 02/11/2020**

Jurisprudence is the theory and philosophy of law. Scholars of jurisprudence hope to obtain a deeper understanding of the nature of law, legal reasoning, legal systems and legal institutions.

Modern jurisprudence began in the 18th century and was focused on the first principles of the law of nature, civil law, and the law of nations.

General Jurisprudence can be broken into categories both by the types of questions scholars seek to address and by the theories of jurisprudence or schools of thought regarding how those questions are best to be answered. Contemporary philosophy of law, which deals with general jurisprudence, addresses problems in two rough groups.

Problems internal to law and legal systems.

Problems of law as a particular social institution as it relates to the larger political and social situation in which it exist.

Answers to these questions come from four primary schools of thought in general jurisprudence:

## **Natural law**

Natural law is the idea that there are rational objective limits to the power of legislative rulers. The foundations of law are accessible through human reason and it is from these laws of nature that human created laws gain whatever force they have.

## **Legal positivism**

Legal Positivism, by contrast to natural law, holds that there is no necessary connection between law and morality and that the force of law comes from some basic social facts although positivists differ on what those facts are.

## **Legal Realism**

Legal Realism is a third theory of jurisprudence which argues that the real world practice of law is what determines what law is. The law has the force that it does because of what legislators, judges, and executives do with it.

Critical Legal Studies is a younger theory of jurisprudence that has developed since the 1970s which is primarily a negative thesis that the law is largely contradictory and can be best analyzed as an expression of the policy goals of the dominant social group. The English term is based on the Latin word *jurisprudentia*: *juris* is the genitive form of *jus* meaning law, and *prudentia* means knowledge. The word is first attested in English in 1628, at a time when the word *prudence* had the now obsolete meaning of knowledge or skill in a matter.

## **Nature of Jurisprudence**

Philosophers of law ask what is law? and what should it be? Nature and scope of Jurisprudence depends upon the ideology and nature of the society and the jurist according to their own notion, Growth of the Law is different and it differs according to social and political condition.

There are different meanings for the word Law for example in French, Jurisprudence means case Law. Due to the evolution of the society it is difficult to accept definition by all. The study of Jurisprudence started from Romans. Latin word Jurisprudence evolved knowledge of Law or skill in law. Ulpian = The knowledge of things divine and human. The science of the just and unjust.

Paulus = The law is not to be deducted from the rule, but the rule from the law.

But these definitions are vague and inadequate but they put forth the idea of a legal science.

England: During formative period of the common law the word Jurisprudence was in use. Meaning is little more than the study of or skill in law. Early part of the 19th century the word began to acquire a technical significance among English lawyers.