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If you have any questions, feel free to contact us through the comments section and we will help you as soon as possible. For additional updates related to books, educational materials and notes, keep a visit to our website. 1 K A M K U S UNIT - I GENERAL DEFINITION OF JURISPRUDENCE The English word jurisprudence was taken from the Latin word Jurisprudentia, which consists of two words: Juris and prudentia. Juris means the law, and Prudentia means knowledge. Thus, jurisprudence literally means knowing the law and applying it. It is difficult to define the term in a particular way. Since the growth and development of law in different countries are in different socio-political settings, different jurists give different definitions according to their own perception of the subject, and therefore it is impossible to define jurisprudence in a universal and uniform way. Thus, various lawyers have defined the term differently - Ulpian: According to Ulpian, jurisprudence is the knowledge of things human and divine, the science of justice and injustice. The definition given by Ulpian is broad and broad because it includes the term Dharma in accordance with Hindu jurisprudence. It also covers the province of religion, ethics and philosophy. Criticism: The aforementioned definition is broad and broad enough because it includes the term Dharma in accordance with Hindu jurisprudence. It also covers the province of religion, ethics and philosophy. Modern jurisprudence does not study spiritual salvation. At present, it is limited only to what Hindu lawyers have described as Vyawahara, which means those rules that define litigation or disputes. Professor Gray: According to Professor Gray, jurisprudence is the science of law, the statement and the systematic arrangement of the rules that the courts follow, and the principles associated with these rules. Ave. Gray believes that jurisprudence deals with this kind of law, which consists of rules used by the courts in giving justice. In other words, the laws of lawyers concern the person and are aimed at regulating the external human behavior in society. It does not concern the inner beliefs of man imposed in religious laws, which draw their power from a superhuman source that we call God. The sanction for their execution is a spiritual reward or curse in accordance with the actions of man. Holland: According to Holland Law the formal science of positive law. It erroneously applies to actual law systems or to current views or proposals for its amendment, but that's the name of science. Science is formal, or analytical, not material. This is the science of actual or positive law. The main ingredients of his definition of jurisprudence as under-1. Formal 2. Science 3. Positive Law. Holland definition of jurisprudence has been criticized by various lawyers like Dr. Jenks Gray and Professor Platt. S t u d y n a m a . . c o m M M K U S 2 According to the Greek Law, in truth, no more formal science than physiology, so the actions and patience of humans and the events that happen to them the subject of jurisprudence and physiology could also do without the first as jurisprudence and the latter. Salmond: Salmond defined jurisprudence in two different senses - 1. In (Generic) Sense: According to Salmond Wider , jurisprudence more broadly means the science of civil law. Salmond says that in general and primary terms, jurisprudence includes the entire body of legal doctrine. Since jurisprudence is knowledge of law, from this point of view it includes the entire book of laws. 2. Narrow (specific) meaning: Salmond differs jurisprudence in its general sense, as including the entire body of legal doctrine, from jurisprudence in a more specific sense, in which it means a particular department of such doctrine exclusively. He says that by its limited meaning it can be called theoretical or general jurisprudence to distinguish it from the more practical and special departments of legal research. In this sense, jurisprudence is the science of the first principles of civil law. The words that Salmond uses in his definitions can be explained as under-1. Law: According to Salmond, the Act is the body of principles recognized and applied by the state in the management of justice. 2. Civil law: The term civil law comes from the Latin word Civitas, which means state. Thus, civil law means a law made by the state. This means that the law of the land, unlike other bodies r ules, to which the name of the law was extended by analogy. 3. Science: According to Salmond, if we use the term science in the broadest acceptable sense, as with systematic knowledge of any subject of intellectual research, jurisprudence can be defined as the science of civil law. It is a science that differs from art and points in the broadest sense to all those subjects that directly or indirectly relate to the science of law. Salmond says that as a law science there can be three kinds of jurisprudence - a. Expository or systematic jurisprudence that deals with the content of the actual legal system as existing at any time, whether past or present. b. A legal history that relates to in the process of historical development. c. The science of legislation whose purpose is to issue a law in the way it should be. It examines the ideal future of the legal system and the purpose it can serve. Austin: According to Austin, jurisprudence is a philosophy of positive law. He was the first lawyer to make jurisprudence as a science. By the term Positive Law he means jus positivum, that is, the law laid down by the political chief for command of obedience on the part of his subjects. Austin divides jurisprudence into two parts, i.e., general jurisprudence; and (ii) Special jurisprudence. S t u d y n a m a . . c o m s t u d y n a m a . . c o m jurisprudence notes llb pdf free download

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