

## Course Plan

Course Title: <b>Jurisprudence</b>	Course Code: <b>21 LLLC109</b>
Programme: <b>LL.B</b>	Semester: <b>II</b>
Credits: 4	L-T-P: 3-1-0
ISA Marks: 50	ESA Marks: 50
Course Teacher: <b>Dr.S. G Goudappanavar</b>	Date of Preparation: 21-02-2022
Course Plan Reviewer: Dr.Sunitha B H	Date of Review: 24-02-2022

### Course Objective:

- Empower students to analyse the theories and concepts by various jurists.
- Develop in the student the capacity for critical thought on the relationship between law and justice and the like.
- Legal education needs to teach both law and its context- social, political and theoretical.
- Analysis of legal concepts concerning law with reference to ancient and modern Indian Legal Thought.
- Equip students to apply the learning to the factual problems.
- To empower the students to prepare or argue the case in the court logically, critically and comprehensively.
- To study the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system.
- This course is designed primarily on English model, but native India Orientation is given wherever possible.
- Write research paper on various legal issue with interdisciplinary lens.

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Course Teacher:

Reviewer:

### Course Outcomes (COs):

1. Explain the differences between major schools of jurisprudence concerning the nature of law.
2. Critically appraise the relationship between theory and practice.
3. Analyse law and policies, their internal consistency, and foundational assumptions.
4. Construct well-reasoned arguments rooted in jurisprudence.
5. Examine contemporary legal debates and issues from a philosophical perspective.

### Mapping of Course Outcomes (COs) with Program Outcomes

Course Outcomes (COs)	Relevant Program Outcomes (POs)
CO -1	1,2,3,4,6,8,11, 13
CO-2	1,3,4,5, 7, 8,14
CO-3	2,6,7, 8, 9, 11
CO-4	2,3,4, 5, 6, 7,11,13
CO-5	1,4,6,7,8,9,14

### Course Content

Unit Contents	Number of Sessions
Unit I	16
Unit II	12
Unit III	14
Unit IV	14
Unit V	14
<b>Total</b>	<b>70</b>

Course Teacher:

Reviewer:

**Prescribed Text Books:**

1. Fitzgerald, Salmond Jurisprudence (1999)
2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)

**References:**

1. W. Friedman, Legal Theory, New Delhi: Universal, 1999.
2. V. D. Mahajan, Jurisprudence and Legal Theory, Lucknow; Eastern, 1996 Reprint.
3. Bodenheimer, Edgar, Jurisprudence, Harvard University Press, Revised Edition, 1974.
4. Judicial Process, Benjamin N. Cardozo, Yale University Press, 1921.
5. Theory of Justice, John Rawls, Belknap Press, 1971.

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Course Teacher:

Reviewer:

### Unit Wise Plan

Unit Number: I Meaning and nature of 'Jurisprudence', Purpose and value of Jurisprudence, Schools of Jurisprudence: Natural law - Plato, Aristotle, Johan Locke, Imperative Theory - Austin and Hart, Legal Realism.	Planned Sessions: 16
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### Unit Learning Outcomes

Unit Learning Outcomes	Cos	BL
Introduction and Schools of Jurisprudence	CO-2	BL-3
Meaning of Jurisprudence, legal theory Purpose and applicability of Jurisprudence	CO-2	BL-4
Schools of Jurisprudence: Natural law - Plato, Aristotle, Johan Locke,	CO-1&2	BL-5
Imperative Theory - Austin and Hart,	CO-1&2	BL-5
Legal Realism-Holmes, Gray, Frank	CO-1&2	BL-5

### Topic Wise Plan

Sl.No.	Topic	Number of Sessions	Pedagogy
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Course Teacher:

Reviewer:

1	Introduction and Schools of Jurisprudence	1	Lecture & discussion Method
2	Meaning of Jurisprudence, legal theory Purpose and applicability of Jurisprudence	2	Lecture & discussion Method
3	Schools of Jurisprudence: Natural law - Plato, Aristotle, Johan Locke,	6	Lecture & discussion Method
4	Imperative Theory - Austin and Hart,	4	Lecture & discussion Method
5	Legal Realism-Holmes, Gray, Frank	3	Lecture & discussion Method

**Prescribed Reading(s) / Learning Resource(s)**

1. Fitzgerald, Salmond Jurisprudence (1999)
2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)
3. Bodenheimer, Edgar, Jurisprudence, Harvard University Press, Revised Edition, 1974.

Unit Wise Plan

Unit Number: II  Sociological School - Roscoe Pound, Historical School - Savigny, Functions and purpose of law, Justice and its	Planned Sessions:  12 sessions
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Course Teacher:

Reviewer:

<p>kinds (Aristotle), questions of law and fact, Civil and Criminal Administration of Justice, Theories of Punishment and Secondary functions of the Court.</p>	
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### Unit Learning Outcomes

Unit Learning Outcomes	Cos	BL
Sociological School - Roscoe Pound, Historical School - Savigny,	CO-1&2	BL-5
Functions and purpose of law, Justice and its kinds (Aristotle),	CO-2&3	BL-5
questions of law and fact,	CO-3	BL-2
Civil and Criminal Administration of Justice, Theories of Punishment and Secondary functions of the Court.	CO-2&3	BL-4

Sl.No.	Topic	Number of Sessions	Pedagogy
1.	Sociological School - Roscoe Pound,	3	Lecture and Discussion Method

Course Teacher:

Reviewer:

	Historical School - Savigny,		
2.	Functions and purpose of law, Justice and its kinds (Aristotle),	3	Lecture and Discussion Method
3.	questions of law and fact	2	Lecture and Discussion Method
4.	Civil and Criminal Administration of Justice, Theories of Punishment and Secondary functions of the Court.	4	Lecture, Discussion and Case study Method

**Prescribed Reading(s) / Learning Resource(s)**

**1. Fitzgerald, Salmond Jurisprudence (1999)**

**2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)**

**3. Bodenheimer, Edgar, Jurisprudence, Harvard University Press, Revised Edition,1974.**

Unit Wise Plan

Unit Number: III	Planned Sessions:
Sources of Law: Legislation - Meaning and definition, Kinds of legislation, Characteristic of law, Advantage of legislation, interpretation of law,	14 sessions

Course Teacher:

Reviewer:

<p>Precedent – Doctrine of stare decisis, Hierarchy of Courts in India, Necessity of precedents, Advantage of precedents, Kinds of precedents, Reporting system of court decision, Ratio decidendi, obiter dicta, Theory of determining ratio decidendi, Difference between legislation and precedent, Custom – Meaning, Reasons for customs, Kinds of Custom, Characteristics of custom, Advantages and Disadvantage of custom, Difference between legislation and custom.</p>	
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
<p>Sources of Law: Legislation - Meaning and definition, Kinds of legislation, Characteristic of law, Advantage of legislation, interpretation of law,</p>	<p>CO-2 &amp;3</p>	<p>BL-3</p>
<p>Precedent – Doctrine of stare decisis, Hierarchy of Courts in India, Necessity of precedents, Advantage of precedents, Kinds of precedents, Reporting system of court decision, Ratio decidendi, obiter dicta, Theory of</p>	<p>CO-2,3&amp;5</p>	<p>BL-5</p>

Course Teacher:

Reviewer:

determining ratio decidendi, Difference between legislation and precedent,		
Custom – Meaning, Reasons for customs, Kinds of Custom, Characteristics of custom, Advantages and Disadvantage of custom, Difference between legislation and custom.	CO-3	BL-3

S.No.	Topic	Number of Sessions	Pedagogy
1.	Sources of Law: Legislation - Meaning and definition, Kinds of legislation, Characteristic of law, Advantage of legislation, interpretation of law,	5	Lecture, Discussion and Case Study Method
2.	Precedent – Doctrine of stare decisis, Hierarchy of Courts in India, Necessity of precedents, Advantage of precedents, Kinds of precedents, Reporting system of court decision, Ratio decidendi, obiter dicta, Theory of determining ratio decidendi, Difference between legislation and precedent,	6	Lecture, Discussion and Case Study Method
3.	Custom – Meaning, Reasons for customs, Kinds of Custom, Characteristics of custom, Advantages and Disadvantage of custom, Difference between	3	Lecture and Discussion Method

Course Teacher:

Reviewer:

	legislation and custom.		
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**Prescribed Reading(s) / Learning Resource(s)**

**1.Fitzgerald, Salmond Jurisprudence (1999)**

**2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)**

**3.Judicial Process, Benjamin N. Cardozo, Yale University Press, 1921.**

<p>Unit Number: IV  Legal Concepts: Right and wrong, Meaning and scope of Right, Characteristic of Rights, Right in its wider sense; Kinds of Rights, Ownership: Meaning and definition of ownership, Content of ownership, Idea of Ownership, Different kinds of Ownership, Difference between Possession and Ownership; Ownership and welfare state, Possession: Importance of possession, Meaning of possession, Possession in fact, Possession in law, Difference between possessions in fact and law, Kinds of possession, Nature of Personality, Status of the Unborn Child and Dead Persons, and Animals, Kinds of legal person, Advantage of legal persons, Double capacity and double personality, Civil and Criminal liabilities of Corporation and its liability.</p>	<p>Planned Sessions: 14</p>
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**Unit Learning Outcomes**

Course Teacher:

Reviewer:

Unit Learning Outcomes	COs	BL
Legal Concepts: Right and wrong, Meaning and scope of Right, Characteristic of Rights, Right in its wider sense; Kinds of Rights,	CO-3,4 &5	BL-5
Ownership: Meaning and definition of ownership, Content of ownership, Idea of Ownership, Different kinds of Ownership, Difference between Possession and Ownership; Ownership and welfare state,	CO-2&4	BL-4
Possession: Importance of possession, Meaning of possession, Possession in fact, Possession in law, Difference between possessions in fact and law, Kinds of possession,	CO-2,3&4	BL-5
Nature of Personality, Status of the Unborn Child and Dead Persons, and Animals, Kinds of legal person, Advantage of legal persons, Double capacity and double personality, Civil and Criminal liabilities of Corporation.	CO-2,4 &5	BL-5

S.No.	Topic	Number of Sessions	Pedagogy
1.	Legal Concepts: Right and wrong, Meaning and scope of Right, Characteristic of Rights, Right in its wider sense; Kinds of Rights,	4	Lecture and Discussion Method
2.	Ownership: Meaning and definition of ownership, Content of ownership, Idea of	3	Lecture, Discussion and Case Study Method

Course Teacher:

Reviewer:

	Ownership, Different kinds of Ownership, Difference between Possession and Ownership; Ownership and welfare state,		
3.	Possession: Importance of possession, Meaning of possession, Possession in fact, Possession in law, Difference between possessions in fact and law, Kinds of possession,	4	Lecture, Discussion and Case study Method
4	Nature of Personality, Status of the Unborn Child and Dead Persons, and Animals, Kinds of legal person, Advantage of legal persons, Double capacity and double personality, Civil and Criminal liabilities of Corporation.	3	Lecture, Discussion and Case study Method

**Prescribed Reading(s) / Learning Resource(s)**

**1. Fitzgerald, Salmond Jurisprudence (1999)**

**2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)**

Unit Number: V Property: Meaning, various definition of Property, Kinds of Property, Jura in re aliena, jura in re propria, Modes of acquiring of property, Obligation: Meaning of obligation, Difference between duty and obligation, Sole obligation, Kinds of sole obligation, Source of	Planned Sessions: 14
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Course Teacher:

Reviewer:

<p>obligation, Liability: Conditions for imposing liability, Wrongful act: Damnum Sine Injuria, Causation, mens rea, Intention, Malice, Negligence and recklessness, Strict liability, Vicarious liability.</p>	
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### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
<p>Property: Meaning, various definition of Property, Kinds of Property, Jura in re aliena, jura in re propria, Modes of acquiring of property,</p>	CO-3 &5	BL-4
<p>Obligation: Meaning of obligation, Difference between duty and obligation, Sole obligation, Kinds of sole obligation, Source of obligation,</p>	CO-5	BL-3
<p>Liability: Conditions for imposing liability, Wrongful act: Damnum Sine Injuria, Causation, mens rea, Intention, Malice, Negligence and recklessness, Strict liability, Vicarious liability.</p>	CO-2,4&5	BL-5

S.No.	Topic	Number of Sessions	Pedagogy

Course Teacher:

Reviewer:

1.	Property: Meaning, various definition of Property, Kinds of Property, Jura in re aliena, jura in re propria, Modes of acquiring of property,	5	Lecture and Discussion Method
2.	Obligation: Meaning of obligation, Difference between duty and obligation, Sole obligation, Kinds of sole obligation, Source of obligation,	4	Lecture and Discussion Method
3.	Liability: Conditions for imposing liability, Wrongful act: Damnum Sine Injuria, Causation, mens rea, Intention, Malice, Negligence and recklessness, Strict liability, Vicarious liability.	5	Lecture and Discussion Method

**Prescribed Reading(s) / Learning Resource(s)**

**1. Fitzgerald, Salmond Jurisprudence (1999)**

**2. Dias, R.W.M., Jurisprudence Delhi Aditya Books(1994)**

Course Teacher:

Reviewer:

Industry/Professional Skills, Human Values, Service Learning

Industry/Professional Skills	To dissect the substantive principles of the Subject and analyse. Analysing, problem solving, Critical thinking
Human Values	Honesty, Morality, Ethics, right conduct
Service Learning (if any)	

Evaluation Scheme for ISA

Assessment	Weightage in Marks
Mid-Term Exam	25
Teacher Chosen Assessment	20
Attendance	5
Total	50

Teacher Chosen Assessment Method

Component	Details	Weightage
Assignment based on Case Study	Students need to submit case study on the cases selected by the Course Teacher.	<b>5 marks</b>
Case study Presentation	Students will have to analyse a judgement and present it in the class.	<b>5 marks</b>
Internals examination	Question given by the course teacher	<b>10 marks</b>

Course Teacher:

Reviewer:



Attendance	96% and above- 5marks 91% to 95% - 4 marks 86%-90% - 3 marks 81%- 85% - 2 marks 76%- 80% - 1 mark	<b>5 marks</b>
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Course Teacher:

Reviewer:

### Weightage of Course Outcomes

Course Outcomes (COs)	Weightage in Assessment
1. Explain the differences between major schools of jurisprudence concerning the nature of law.	20 marks
2. Critically appraise the relationship between theory and practice.	20 marks
3. Analyse law and policies, their internal consistency, and foundational assumptions.	20 marks
4. Construct well-reasoned arguments rooted in jurisprudence.	20 marks
5. Examine contemporary legal debates and issues from a philosophical perspective.	20 marks
<b>Total</b>	<b>100 marks</b>

Course Teacher:

Reviewer: