Jurisprudence

KSLU LL.B. — Complete Exam-Ready Study Bundle (All Five Units)

KSLU LL.B. Study Bundle

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Notes Version: **vtest**

June 2026

> ***Read this first page, then go to your unit.*** *This single file holds the whole subject: how to use the notes, the rules that win marks, and all units of content. Everything is in plain English, every Latin maxim is translated in [brackets], and every topic is built backwards from the real exam questions.*

How to Use These Notes

What this is. A complete, exam-focused bundle covering all five units of KSLU Jurisprudence. Every topic is built from one question: *what will the examiner ask, and how do I score full marks?* High-frequency questions get the most space; the years listed under each question tell you where to spend revision time.

The 100-mark paper. Long answers carry **16 marks**, the short-note question (Q.No.8) carries **8 marks each (8×2)**, and the explanatory-note question (Q.No.9) carries **10 marks each (10×2)**. The ★ rating under every topic tells you how often it has actually been asked from 2011 to 2026.

Who it is for. The first-time learner (understand before memorising), the revision student (fast high-yield recall), and the last-week crammer (which questions repeat and how to answer them).

What is inside every topic — the same blocks, in the same order:

Block	Its job	The mark it earns
Previous Year Questions	Real questions + years asked	What to prepare and how often it repeats
The Hook	A true story / landmark-case opener	Memorable; a strong opening line
Jurist / Statutory Quotes	Exact definitions	Examiners reward precise authority
In Simple Terms	Plain-English translation	Ensures you *understand*
The Visual (chart)	Maps the topic structure	Recall and structure at a glance
Case Laws	Landmark judgments + ratio	Case names with years are pure marks
▤ **Tracker +** ⚠ **Risk Alert**	Answer plan + applied IRAC	Converts knowledge into a scoring answer

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

The 4-step study plan. (1) Read the PYQ box first. (2) Understand, then memorise. (3) Trace the chart from memory. (4) Rehearse the Tracker and one Risk Alert.

The 10 Rules That Win Marks

1. **Lead with a definition + roadmap.**
2. **Follow the Blueprint Tracker** stage by stage.
3. **Name the jurist AND the work/era** every time (Austin, Savigny, Pound, Holmes…).
4. **Quote the exact definition** where given.
5. **Translate every Latin maxim in [brackets].**
6. **Use the four IRAC headings** for problems; spot the decoy fact.
7. **Always give a definite verdict.**
8. **Use the chart's structure** to organise the body.
9. **Close with a short, confident conclusion.**
10. **Manage time** so no high-mark question is left unwritten.

Disclaimer. *A study aid, not a substitute for the prescribed texts (Salmond, Dias, Paton). Jurisprudence is a theory subject — cross-check jurists' positions against your prescribed book. © Medha-Academy.in · KSLU LL.B. · For personal academic use.*

UNIT 1 — Nature of Jurisprudence & Schools

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1. Meaning, Nature, Scope & Value of Jurisprudence

Previous Year Questions

- ***[16M]*** *Define Jurisprudence. Explain its nature, scope and significance / value. (Jan2011, Jan2012, Dec2013, Jun2014, Dec2015, Jun2015, Jun2016, Dec2018, Apr2021, Apr2022, Nov2022, Apr2023, Jun2025, Jan2026)* ★★★
- ***[16M]*** *Discuss the nature of law and the difficulties in defining law. (Jun2014, Jun2016)* ★
- ***[8M]*** *Value / utility of Jurisprudence. (Apr2022, Feb2025)* ★

The Hook

In 1832 a quiet London professor named **John Austin** resigned his chair because almost no students attended his lectures. The subject he taught — the *philosophy of law* — seemed too abstract to matter. A century later every law student in the common-law world

studies what he wrote. That is jurisprudence: the subject that looks “useless” until you realise it decides *what law even is* before any statute can apply.

What is Jurisprudence?

The word comes from the Latin *jurisprudentia* [knowledge of law, or skill in law]. It is not the study of any one branch of law like contract or crime. It is the study of **law in the abstract** — its nature, its sources, and its basic concepts.

Jurisprudence asks the questions that ordinary law takes for granted: *What is law? Where does it come from? What do we mean by a “right”, a “duty”, “ownership” or “possession”?* It is sometimes called the **“grammar of law”** — just as grammar is not any one sentence but the structure behind all sentences, jurisprudence is the structure behind all legal rules.

Because different jurists answered “what is law?” differently, jurisprudence grew into rival **schools** (Natural Law, Analytical, Historical, Sociological, Realist) — the rest of this unit.

> ***Salmond:*** *“Jurisprudence is the science of the first principles of the civil law.”*

> ***Austin:*** *“Jurisprudence is the philosophy of positive law.” (positive law = law actually laid down by a sovereign, as opposed to morality.)*

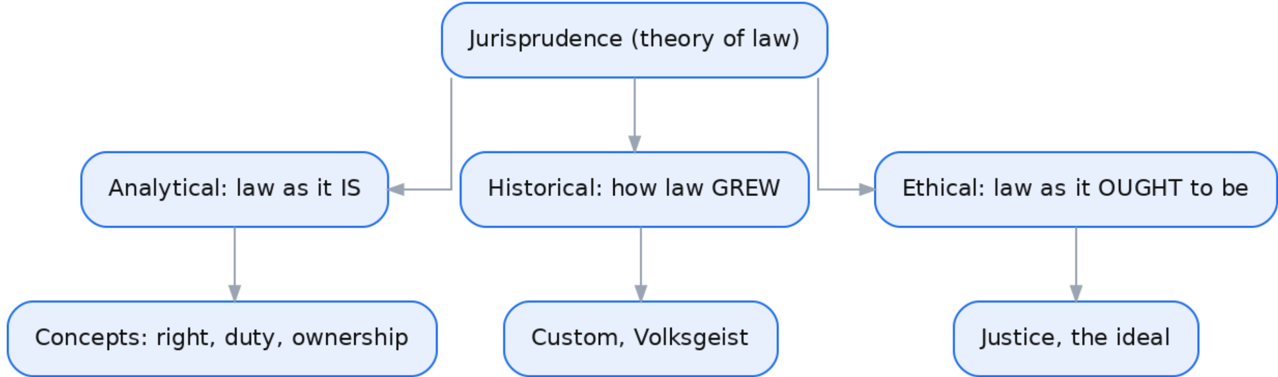
In Simple Terms: Jurisprudence is the *theory* of law. It does not tell you the punishment for theft; it tells you what makes a rule a “law” at all, and gives you the vocabulary (right, duty, ownership) that every other subject uses.

Kinds / scope (Salmond’s division): - **Analytical** — analyses law *as it is* (the concepts: right, duty, ownership). - **Historical** — studies how law *developed* over time. - **Ethical** — studies law *as it ought to be* (its ideal, justice).

Value / utility of Jurisprudence: - It is the **“eye of law”** — it gives a trained understanding of legal concepts used everywhere. - It sharpens **logical and critical thinking** in lawyers and judges. - It helps in **interpreting statutes** and filling gaps where the bare Act is silent. - It is of **educational value** — it grasps the law as a whole rather than memorising rules.

Why law is hard to define: law is used in many senses (moral law, natural law, scientific law, state law), it changes from age to age and place to place, and each school stresses a different element (command, custom, reason, social welfare). So no single definition has ever satisfied everyone — which is itself a central theme of the subject.

The Visual



Case Laws

- ***Kesavananda Bharati v. State of Kerala (1973)*** — jurisprudential reasoning (basic structure) shaped how the Constitution itself is read; theory driving doctrine.
- ***Donoghue v. Stevenson (1932)*** — shows law growing from principle (the "neighbour" idea) rather than from a fixed code; jurisprudence in action.

> ### ▤ *16-MARK ESSAY BLUEPRINT TRACKER*
>
> - ***STAGE 1 ⟶ Hook + Roadmap:*** *open with jurisprudentia and Salmond's "science of first principles"; say you will cover meaning, nature, scope and value.*
> - ***STAGE 2 ⟶ Meaning & nature:*** *the "grammar/eye of law"; theory not any one branch.*
> - ***STAGE 3 ⟶ Scope (Salmond's three divisions):*** *Analytical / Historical / Ethical, one line each.*
> - ***STAGE 4 ⟶ Value + difficulty of definition:*** *utility points; why no single definition works.*
> - ***STAGE 5 ⟶ Verdict:*** *jurisprudence is foundational — it tells us what law is before we apply it.*

> ⚠ ***FACT-PATTERN RISK ALERT***
>
> ***Scenario:*** *A student argues jurisprudence is "useless" because it never states the punishment for any crime. (decoy: confusing practical law with legal theory.)*
>
> - ***I — ISSUE:*** *Does jurisprudence have practical value if it states no punishments?*
> - ***R — RULE:*** *Jurisprudence is the science of first principles (Salmond) — the "eye of law" that supplies the concepts every branch uses.*
> - ***A — ANALYSIS:*** *It is not meant to state punishments; it equips the lawyer to interpret statutes, fill gaps and understand rights/duties — the decoy treats theory and practice as the same thing.*
> - ***C — CONCLUSION:*** *The criticism fails; jurisprudence is foundational, not useless.*

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2. Natural Law School

> ***Previous Year Questions***
>
> - ***[16M]*** *Discuss the natural law theory and state its attractions / the criticisms against it. (Jan2012, Jun2014, Dec2014, Jun2017, Jun2018, Dec2017, Apr2022, Apr2022b, Jan2026)* ★★★
> - ***[16M]*** *"Law is a dictate of reason" / "Reason alone should make law" — Explain. (Dec2014, Dec2017, Jun2014)* ★★
> - ***[8M]*** *Natural Law. (Jun2013, Aug2024)* ★

The Hook

At the **Nuremberg trials (1945–46)** Nazi officials defended themselves by saying "we only obeyed the law of our State." The tribunal answered that some laws are so unjust they are *not law at all*. That answer is pure **natural law** — the oldest idea in jurisprudence, that there is a higher law of reason above the State's commands.

What is Natural Law?

Natural law theory says law is based on **reason, morality and justice**, not merely on the will of a ruler. A rule that grossly violates morality (*lex iniusta non est lex* [an unjust law is not a true law]) loses its character as law.

It runs through history in stages: - **Ancient (Greek):** Heraclitus, the Stoics — a universal law of nature governs all. - **Roman:** Cicero — "true law is right reason in agreement with nature"; the *jus naturale*. - **Medieval: St. Thomas Aquinas** — divided law into Eternal,

Divine, Natural and Human law; human law must conform to natural law. - **Renaissance / social contract: Hobbes, Locke, Rousseau** — natural rights and the social contract. - **Modern revival (20th c.): Lon Fuller** (inner morality of law), **John Finnis** (basic goods); revived after the horrors of WWII.

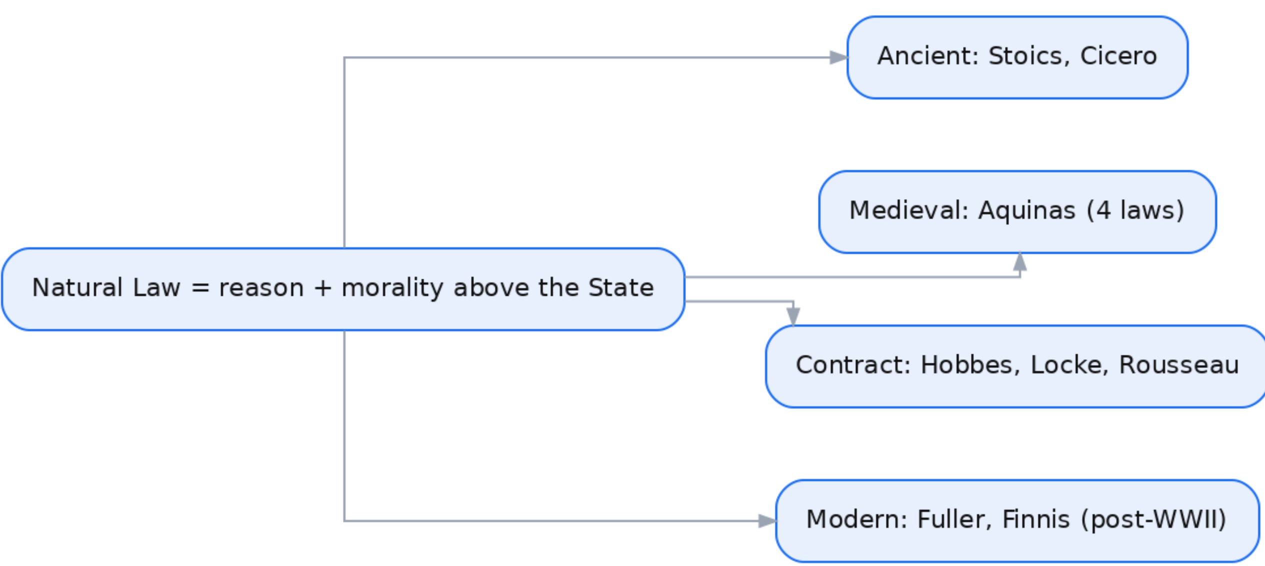
> ***Cicero:*** *"True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting."*

In Simple Terms: There is a higher moral law, known through human reason, that every man-made law should match. If a State's law is deeply unjust, natural lawyers say it does not truly bind the conscience.

Attractions / merits: it links law to morality and justice; it inspired **natural rights**, the American and French declarations, and modern **human rights** and our own **Fundamental Rights**; it gives a standard to judge bad laws.

Criticisms: "reason" and "morality" are vague and vary between people; it confuses *what law is* with *what law ought to be*; it cannot easily explain why unjust laws are still enforced by courts.

The Visual



Case Laws

- ***Kesavananda Bharati v. State of Kerala (1973)*** — the "basic structure" is a natural-law style limit of reason above even constitutional amendment.
- ***Maneka Gandhi v. Union of India (1978)*** — "procedure established by law" must be just, fair and reasonable; morality read into law.
- ***A.K. Gopalan v. State of Madras (1950)*** — the earlier, narrower view, later overruled; useful as contrast.

▤ *16-MARK ESSAY BLUEPRINT TRACKER*

- ***STAGE 1* ⟶ *Hook + Roadmap:*** *Nuremberg + lex iniusta non est lex; you will trace the theory, its stages, attractions and criticisms.*
- ***STAGE 2* ⟶ *Core idea:*** *law grounded in reason and morality, not mere will.*
- ***STAGE 3* ⟶ *Historical stages:*** *Ancient → Aquinas → Social Contract → Modern revival.*
- ***STAGE 4* ⟶ *Attractions vs criticisms:*** *human rights inspiration vs vagueness of "reason".*
- ***STAGE 5* ⟶ *Verdict:*** *natural law endures as the moral conscience of law — visible in our Fundamental Rights.*

⚠ *FACT-PATTERN RISK ALERT*

Scenario: *A regime passes a properly enacted statute ordering a minority's property seized without compensation; an official pleads "I followed the law." (decoy: valid enactment treated as the end of the inquiry.)*

- ***I — ISSUE:*** *Can a formally valid but grossly unjust statute claim the authority of true law?*
- ***R — RULE:*** *Natural law — lex iniusta non est lex; an unjust law lacks the moral force of law (Aquinas, Fuller).*
- ***A — ANALYSIS:*** *Proper enactment answers validity, not justice; the decoy stops at form. Reason condemns confiscation without compensation, echoing Nuremberg.*
- ***C — CONCLUSION:*** *On natural-law reasoning the statute forfeits the character of true law, though a positivist would still call it "law".*

3. Imperative / Analytical Theory (Austin & Hart)

> ### *Previous Year Questions*
>
> - ***[16M]*** *Critically examine "law as the command of the sovereign" (Austin's Imperative theory). (Jan2012, Dec2012, Dec2015, Nov2020) ★★ (the Austin essay alone; this topic, taken with Hart, is ★★★ overall)*
> - ***[16M]*** *Discuss "law as a system of rules" / Hart's analysis of the concept of law. (Jun2011, Jun2013, Aug2024) ★★★*
> - ***[8M]*** *Command of the sovereign / Law as command. (Jun2011, Jun2018, Jun2025, Jan2026) ★★*
> - ***[8M]*** *Gunman situation; Rules of Recognition. (Jun2013, Apr2022) ★*

The Hook

A gunman points a pistol and says "hand over your money." You obey — but no one calls that a *legal* duty. **H.L.A. Hart** used exactly this "gunman writ large" example to show what was wrong with Austin's theory: real law is not just being *forced* to obey, it is feeling *obliged* by a rule. This single example reshaped 20th-century jurisprudence.

Austin's Imperative (Command) Theory

This is the **Analytical / Positivist** school — it studies law *as it is*, separating it sharply from morality. John Austin (1832) gave the famous formula:

> ***Austin:*** *"Law is the command of the sovereign, backed by a sanction."*

Three key ideas (*Austin's trinity*): **Command** (an expressed wish), **Sovereign** (a determinate superior whom the bulk of society habitually obeys and who obeys no one), and **Sanction** (the evil/penalty that enforces the command). Duty = liability to a sanction.

In Simple Terms: For Austin, a rule is "law" simply because the supreme power of the State ordered it and can punish you for breaking it — whether it is good or bad is a separate question.

Criticisms of Austin: ignores **custom, precedent and conventions** (not commanded by anyone); cannot explain laws that **confer powers** (e.g. how to make a will) rather than issue threats; the idea of an unlimited, indivisible sovereign does not fit modern democracies with a constitution and federalism; reduces law to mere force.

Hart's "Law as a System of Rules"

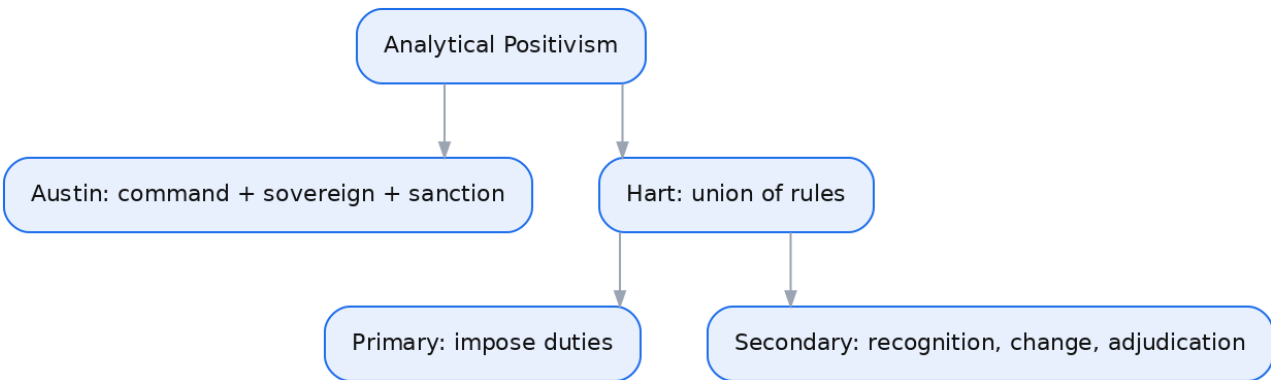
H.L.A. Hart (1961, *The Concept of Law*) rebuilt positivism. Law is not commands but a **union of two kinds of rules**: - **Primary rules** — impose duties (do not steal). - **Secondary rules** — confer powers and run the system: the **rule of recognition** (tells us what counts as valid law), **rules of change** (how to make/amend law) and **rules of adjudication** (how to decide disputes).

Hart distinguished being **"obliged"** (forced, like by the gunman) from being **"under an obligation"** (accepting a rule from the *internal point of view*).

> ***Hart:*** *"Law is the union of primary and secondary rules."*

In Simple Terms: Law works because officials and citizens *accept* a master rule (the rule of recognition) that identifies valid law — not because everyone is merely scared of punishment.

The Visual



Case Laws

- ***A.K. Gopalan v. State of Madras (1950)*** — early positivist reading: law valid because enacted by procedure, morality set aside.
- ***ADM Jabalpur v. Shivkant Shukla (1976)*** — pure positivism taken to its limit (rights suspended because the law said so); widely criticised and later disowned — the danger of command-theory thinking.

▤ *16-MARK ESSAY BLUEPRINT TRACKER*

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Hart's gunman; you will state Austin, criticise him, then give Hart's improved rule-based answer.*
- ***STAGE 2 ⟶ Austin's trinity:*** *command, sovereign, sanction — with the definition quote.*
- ***STAGE 3 ⟶ Criticisms of Austin:*** *custom, power-conferring rules, modern sovereignty.*
- ***STAGE 4 ⟶ Hart's rescue:*** *primary + secondary rules; rule of recognition; obliged vs obligation.*
- ***STAGE 5 ⟶ Verdict:*** *law is best seen as an accepted system of rules, not naked command.*

⚠ *FACT-PATTERN RISK ALERT*

Scenario: *A long-standing trade custom is enforced by a court, though no legislature ever "commanded" it. A student says it cannot be law because there is no sovereign command. (decoy: assuming all law must be commanded.)*

- ***I — ISSUE:*** *Can custom and precedent be "law" under the command theory?*
- ***R — RULE:*** *Austin says law = sovereign command; but Hart shows valid law is what the* ***rule of recognition*** *identifies.*
- ***A — ANALYSIS:*** *The custom fits Hart's rule of recognition (courts accept it as a source), but not Austin's command — exposing the very gap critics attack. The decoy assumes Austin's narrow test is the only one.*
- ***C — CONCLUSION:*** *The custom is law on Hart's analysis; the command theory's failure here is its main weakness.*

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4. Historical School

Previous Year Questions

- ***[16M]*** *Analyse the Historical School and point out its major criticisms. (Dec2013, Aug2024)* ★★
- ***[8M]*** *Historical school / its characteristics. (Jan2011, Jun2012)* ★
- ***[8M]*** *Volksgeist. (Dec2013, Jun2014, Apr2021)* ★★

The Hook

In 1814 Germany debated whether to copy France's shiny new civil code. **Friedrich Carl von Savigny** said no — law cannot be *manufactured* like a machine; it grows slowly from a nation's history, language and shared spirit. His pamphlet launched the **Historical School** and the famous idea of the **Volksgeist**.

What is the Historical School?

It holds that law is **found, not made**. Law is a product of the **Volksgeist** [the spirit / common consciousness of the people] — it develops organically from custom, habit and national character, like language, and the legislator only gives formal shape to what already lives in the people.

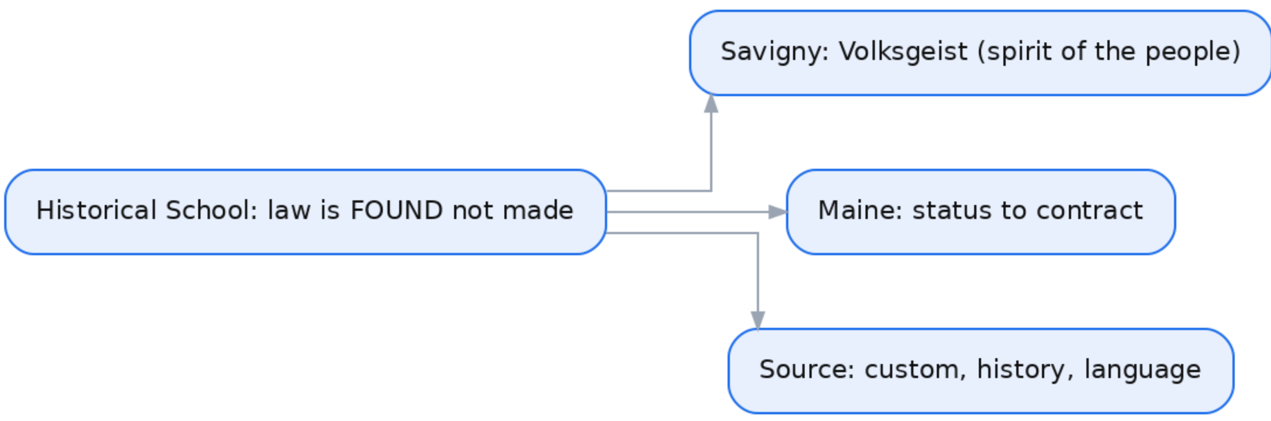
Key jurists: **Savigny** (Volksgeist; law grows with the nation and dies with it), **Sir Henry Maine** (law moves "from **status to contract**" as societies progress — a more balanced version), and **Puchta**.

> ***Savigny:*** *"Law is not made, it is found; it grows with the growth and strengthens with the strength of the people, and dies away as the nation loses its individuality."*

In Simple Terms: Law is like a nation's mother-tongue — it grows naturally out of the people's life and history; you cannot simply invent a perfect code and impose it.

Criticisms: over-stresses the past and resists useful reform/codification; **Volksgeist is vague** (whose spirit, in a diverse society?); ignores that much law *is* deliberately made by legislatures and even imposed (e.g. Roman law adopted in Germany; English law in India); plays down the role of judges and conscious law-reform. **Maine** corrected Savigny's excesses.

The Visual



Case Laws

- ***Collector of Madura v. Moottoo Ramalinga (1868)*** — "clear proof of usage will outweigh the written text of the law"; custom recognised, a historical-school idea.

- ***Hindu / personal-law custom cases generally*** — customs of a community given legal force, illustrating law drawn from the people's practice.

▤ *16-MARK ESSAY BLUEPRINT TRACKER*

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Savigny's 1814 refusal to copy France; you will explain Volksgeist, the jurists, and the criticisms.*
- ***STAGE 2 ⟶ Core idea:*** *law is found, grows from custom and Volksgeist.*
- ***STAGE 3 ⟶ Jurists:*** *Savigny, Maine (status to contract), Puchta.*
- ***STAGE 4 ⟶ Criticisms:*** *vagueness, anti-reform, ignores made-law.*
- ***STAGE 5 ⟶ Verdict:*** *valuable as a corrective (law has roots in society) but incomplete — modern law is largely made.*

⚠ *FACT-PATTERN RISK ALERT*

Scenario: *A community's age-old custom conflicts with a newly enacted statute; a litigant insists the custom must prevail because "law grows from the people." (decoy: treating Volksgeist as overriding statute.)*

- ***I — ISSUE:*** *Does a people's custom override a valid statute?*
- ***R — RULE:*** *Historical school values custom, but a custom must be ancient, reasonable and* ***not opposed to statute*** *to be enforced.*
- ***A — ANALYSIS:*** *Volksgeist explains custom's origin but does not give it supremacy over the legislature; the decoy over-reads Savigny. A custom contrary to statute fails the validity test.*
- ***C — CONCLUSION:*** *The statute prevails; custom survives only where it meets the legal requisites and is not displaced by enacted law.*

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5. Sociological School

Previous Year Questions

- ***[16M]*** *Explain the Sociological School / contributions of Roscoe Pound. (Jun2014, Jun2016)* ★★
- ***[16M]*** *Explain the schools of jurisprudence (overview). (Nov2022b, Feb2025)* ★★

The Hook

American judge **Roscoe Pound** said the lawyer should be a **“social engineer”** — the law’s job is to balance competing human wants with the least friction and waste, exactly as an engineer balances forces in a bridge. Law, on this view, is a tool for social welfare, not an end in itself.

What is the Sociological School?

It studies law in relation to **society** — its actual working effects, not its logical form. Law is a means to **social ends** and must serve the welfare of the community.

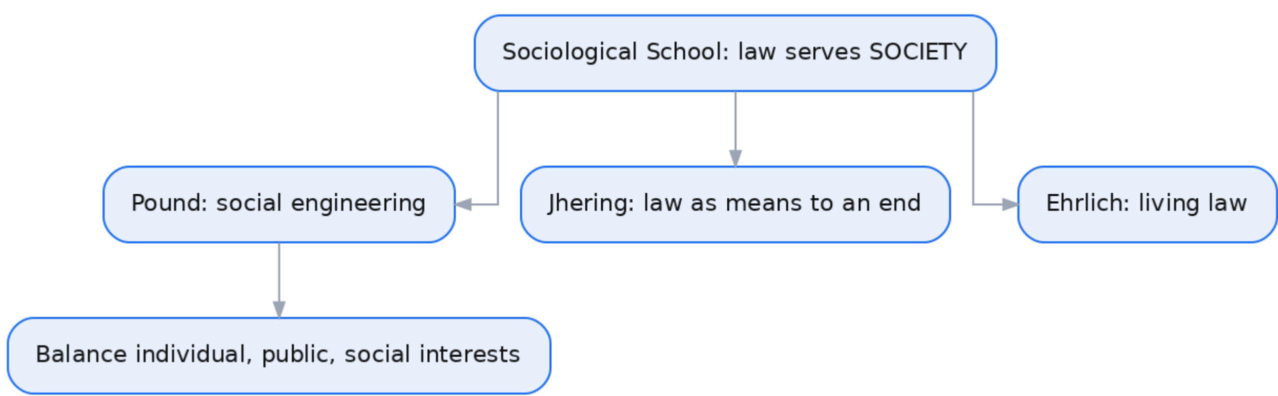
Key jurists: **Roscoe Pound** (law as **social engineering**; balancing **interests** — individual, public and social); **Rudolf von Jhering** (law as a means to an end, the “jurisprudence of interests”); **Eugen Ehrlich** (“the centre of gravity of legal development lies not in legislation… but in society itself” — the *living law*); **Léon Duguit** (social solidarity).

> ***Roscoe Pound:*** *law is “social engineering” — “a process of balancing competing interests to secure the maximum satisfaction of wants with the minimum of friction and waste.”*

In Simple Terms: Law is a practical instrument for organising society and resolving clashing interests; judge a law by what it *does* for people, not by its neat logic or ancient roots.

Merits & criticism: it inspired welfare legislation, public-interest litigation and law-reform; but “balancing interests” gives little precise guidance on *how* to weigh them, and it blurs law with sociology.

The Visual



Case Laws

- ***M.C. Mehta v. Union of India (1987)*** — absolute liability fashioned to protect society from hazardous industry; law as social engineering.

- ***Vishaka v. State of Rajasthan (1997)*** — court framed guidelines to meet a pressing social need (workplace harassment); law responding to society.

▤ 16-MARK ESSAY BLUEPRINT TRACKER

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Pound's "social engineer"; you will explain the school, its jurists and its impact.*
- ***STAGE 2 ⟶ Core idea:*** *law as a means to social ends; study its working effects.*
- ***STAGE 3 ⟶ Jurists & tools:*** *Pound (engineering, interests), Jhering, Ehrlich (living law), Duguit.*
- ***STAGE 4 ⟶ Application:*** *PIL, welfare laws, M.C. Mehta, Vishaka.*
- ***STAGE 5 ⟶ Verdict:*** *the most practical, India-relevant school — though "balancing interests" needs careful judicial restraint.*

⚠ FACT-PATTERN RISK ALERT

Scenario: *A factory's lawful operations cause pollution harming nearby residents; the owner argues he breaks no specific statute. (decoy: "no statute broken" treated as "no liability".)*

- ***I — ISSUE:*** *Should law intervene to protect society where no precise statute is breached?*
- ***R — RULE:*** *Sociological school — law is social engineering balancing interests; courts may craft liability for social welfare (M.C. Mehta, absolute liability).*
- ***A — ANALYSIS:*** *The residents' social interest in a safe environment outweighs the owner's individual interest; the decoy assumes only a written statute can ground liability, ignoring law's social purpose.*
- ***C — CONCLUSION:*** *Law can and should intervene; the owner is liable on social-engineering reasoning.*

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6. Legal Realism

Previous Year Questions

- ***[16M]*** *Explain / discuss Legal Realism; how is it different from Austin's theory? (Jun2012, Dec2016, Jun2019)* ★★
- ***[8M]*** *Legal Realism. (Dec2015, Dec2018, Jun2025)* ★

The Hook

Justice **Oliver Wendell Holmes** told American law students: forget grand theories — *“The prophecies of what the courts will do in fact… are what I mean by the law.”* In other words, if you want to know the law, watch what the **judge actually does**, not what the rule-book says. That is **Legal Realism**.

What is Legal Realism?

Realism is a branch of the sociological approach that focuses on **law in action** — especially the behaviour of **judges**. It is sceptical of the idea that judges merely “find” and mechanically apply fixed rules; in truth the **personality, experience and social context** of the judge shape decisions.

Two streams: **American Realism** (**Holmes, Karl Llewellyn, Jerome Frank**) — law is what courts do in fact; and **Scandinavian Realism** (**Hägerström, Olivecrona, Alf Ross**) — more philosophical, treating legal concepts as psychological facts.

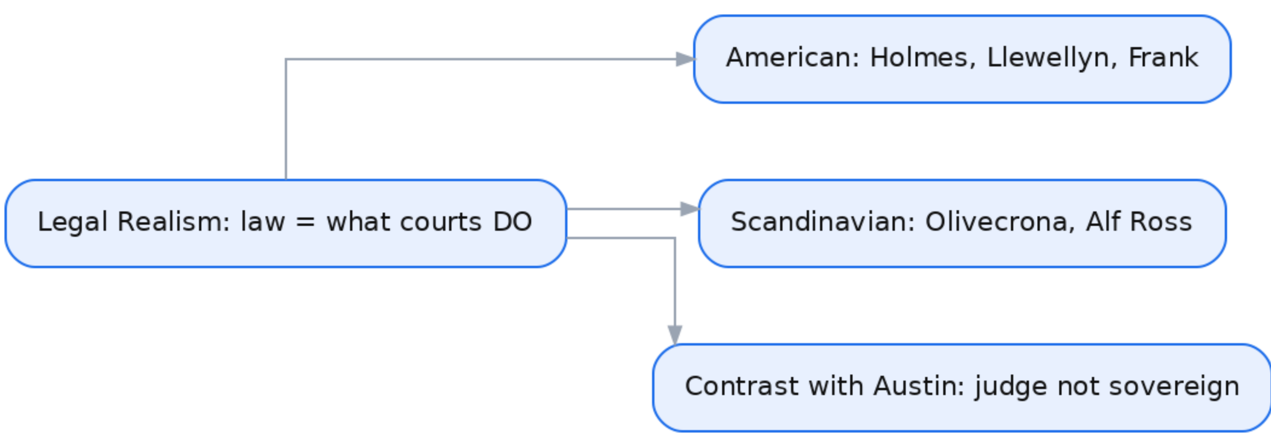
> ***Oliver Wendell Holmes:*** *“The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law.”*

In Simple Terms: “The law” is really a prediction of how courts will decide. Realists study the human, practical reality of judging rather than abstract definitions.

Realism vs Austin (the favourite exam contrast): - Austin: law = **command of the sovereign** (the legislature). Realists: law = **decisions of the courts** (the judge). - Austin is **abstract and rule-centred**; realism is **concrete and court-centred**. - For Austin the judge applies law; for the realist the judge, in deciding, effectively *makes* it.

Criticism: over-emphasises judges and litigation, neglecting settled statute law that never reaches court; exaggerates uncertainty.

The Visual



Case Laws

- ***Golaknath v. State of Punjab (1967)*** & ***Kesavananda Bharati (1973)*** — sharply divided benches on the same text show decisions turning on judicial outlook, not mechanical rules — realism illustrated.
- ***Maneka Gandhi v. Union of India (1978)*** — judges expanded "personal liberty" by creative interpretation; law as what the court actually did.

▤ *16-MARK ESSAY BLUEPRINT TRACKER*

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Holmes's "prophecies"; you will define realism, its streams, and contrast it with Austin.*
- ***STAGE 2 ⟶ Core idea:*** *law in action; the judge at the centre.*
- ***STAGE 3 ⟶ Streams:*** *American (Holmes, Llewellyn, Frank) and Scandinavian.*
- ***STAGE 4 ⟶ Realism vs Austin:*** *court-centred vs command-centred (the marks-scoring contrast).*
- ***STAGE 5 ⟶ Verdict:*** *a healthy, realistic correction to rigid positivism, though it overstates judicial freedom.*

⚠ *FACT-PATTERN RISK ALERT*

Scenario: *Two benches read the same statutory words and reach opposite results. A student says one of them must have "got the law wrong". (decoy: assuming a single mechanically-correct answer always exists.)*

- ***I — ISSUE:*** *How can the same rule yield opposite decisions?*
- ***R — RULE:*** *Legal Realism — law is what courts do in fact; the judge's outlook and context shape outcomes (Holmes, Frank).*
- ***A — ANALYSIS:*** *The divergence shows rules are not self-applying; the decoy assumes a perfect mechanical answer. Realism explains the split without calling either judge dishonest.*
- ***C — CONCLUSION:*** *Both are "law" until settled by the higher/larger bench — realism, not Austin's command theory, best explains the reality.*

Quick Revision & Case Law Table

One-line memory hooks

- **Jurisprudence:** the *grammar / eye of law* — theory of law; Salmond's "science of first principles"; scope = Analytical, Historical, Ethical.
- **Natural Law:** reason + morality above the State; *lex iniusta non est lex*; Aquinas → Fuller; inspired human rights.
- **Austin (Imperative):** law = **command + sovereign + sanction**; criticised for ignoring custom & power-conferring rules.
- **Hart:** law = **union of primary + secondary rules**; rule of recognition; *obliged* vs *obligation* (gunman).
- **Historical (Savigny):** law is *found not made*; **Volksgeist**; Maine — *status to contract*.
- **Sociological (Pound):** law as **social engineering**; balance interests; Ehrlich's *living law*.
- **Realism (Holmes):** law = what **courts do in fact**; judge-centred; contrast with Austin's sovereign.

Master Case List for Unit 1

Case	Topic	One-line ratio
Kesavananda Bharati (1973)	Natural law / Realism	Basic structure = reason above amendment power.
Maneka Gandhi (1978)	Natural law / Realism	Law/procedure must be just, fair and reasonable.
A.K. Gopalan (1950)	Analytical positivism	Validity by enacted procedure; morality set aside (later narrowed).
ADM Jabalpur (1976)	Analytical positivism	Command-theory taken to its dangerous limit; later disowned.
Collector of Madura (1868)	Historical school	Clear usage can outweigh the written text.
M.C. Mehta (1987)	Sociological school	Absolute liability crafted for social protection.
Vishaka (1997)	Sociological school	Court frames rules to meet a social need.
Golaknath (1967)	Legal realism	Divided benches show decisions turn on judicial outlook.

End of Unit 1.

Jurisprudence

KSLU LL.B. — Question Bank · Model Answers (Essays & Problems)

KSLU LL.B. Question Bank

Medha-Academy

www.medha-academy.in

Notes Version: **v1.1**

June 2026

> ***Read this first, then go to your unit.*** *This companion to the study notes gives you a full, exam-ready* ***model answer*** *to every essay and fact-pattern problem asked in past KSLU Jurisprudence papers — grouped by unit and topic in the same order as the notes. Short notes (8M) are answered in the study-notes bundle, not here.*

How to Use This Question Bank

What this is. A rehearsal book. The study notes teach the concept; this bank shows you how to *write the marks* — a complete answer in the exact shape an examiner rewards.

The 3-step drill. (1) Read the question and try a 2-minute plan from memory. (2) Read the model answer; note the structure, the cases, the verdict. (3) For problems, re-do the IRAC in your own words under time.

Priorities. The ★ rating shows how often a question repeats — ★★★ (5+ times) is a near-certainty; do these first. The Priority Index below lists them ranked.

House rules that win marks. Lead with a definition + roadmap; name the jurist **and** the work/era; quote the exact definition; for problems use the four IRAC headings and always give a definite verdict. The underlined fragments in each answer are the must-write cores — read alone they form a passing skeleton.

Exam Pattern & Mark Weights

> *100-mark paper.* ***Q.No.9*** *carries* ***20 marks*** *(two explanatory notes × 10);* ***Q.No.8*** *is short notes (8 × 2 = 16); the remaining questions carry* ***16 marks*** *each. Answer Q.No.9 plus five of the remaining questions, as the paper directs. Jurisprudence is a theory paper — essays dominate; fact-pattern problems are rare and usually appear as "with decided cases" or "with illustrations".*

Mark slot	What it is	How many to attempt	Where it’s drilled
16M	Long essay	~5–6 in the paper	Section A of each unit
10M	Explanatory note (Q.No.9)	2	Section A (compressed)
8M	Short note (Q.No.8)	2	Study-notes bundle
Problems	Fact-pattern / applied, IRAC	0–1	Section B of each unit

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Priority Index — Questions by Frequency

Rank	Question (short)	Type	Times asked	Unit
1	Necessity of administration of justice; civil vs criminal	16M	★★★ (13)	2
2	Define jurisprudence; nature, scope & value	16M	★★★ (14)	1
3	Define/explain legal right; characteristics & kinds	16M	★★★ (14)	4
4	Legislation as a source; advantages over precedent	16M	★★★ (10)	3
5	Circumstances weakening the binding force of precedent	16M	★★★ (10)	3
6	Theories of punishment & their merits	16M	★★★ (12)	2
7	Define negligence; essentials & theories	16M	★★★ (11)	5
8	Concept/kinds of possession; in law vs in fact	16M	★★★ (16)	4
9	Kinds of ownership; possession vs ownership	16M	★★★ (15)	4
10	What is obligation? Nature, kinds & sources	16M	★★★ (11)	5
11	Essential requisites of a valid custom	16M	★★★ (8)	3
12	Vicarious liability; vs strict liability	16M	★★★ (10)	5
13	Natural law theory; attractions & criticisms	16M	★★★ (9)	1
14	Define person; nature of personality; incorporation	16M	★★★ (8)	4
15	Austin’s command theory — critically examine	16M	★★ (4) — topic 1.3 with Hart is ★★★	1

Year Index — Questions by Paper

Year (paper)	Essays asked (by Q-id)	Problems
Jan2026 (100)	Q1.1, Q2.4, Q3.2, Q3.4, Q4.1, Q4.3	—
Jun2025 (80)	Q1.1, Q2.5, Q2.6, Q3.2, Q3.3, Q4.4, Q5.5	—
Feb2025 (80)	Q1.7, Q2.4, Q3.2, Q4.4, Q5.5	—
Aug2024 (80)	Q1.1, Q2.5, Q3.1, Q4.3, Q5.4, Q5.6	—
Oct2023 (80)	Q2.5	—
Apr2023 (80)	Q1.1, Q2.5, Q3.2, Q3.4, Q4.4, Q5.3, Q5.6	—
Nov2022 (100)	Q2.1, Q3.2, Q4.1, Q4.3, Q4.4	—
Nov2022 (80)	Q1.7, Q2.4, Q3.3, Q4.1, Q5.1, Q5.5	—
Apr2022 (100)	Q1.2, Q2.5, Q3.3, Q4.3, Q5.7	—
Jun2019 (100)	Q1.5, Q3.2, Q4.1, Q4.3, Q4.4, Q5.6	—
Dec2018 (100)	Q4.1, Q4.5, Q5.1	—
Jun2018 (100)	Q1.2, Q3.3, Q4.1, Q4.3	P5.1
Jun2017 (100)	Q1.2, Q2.5, Q3.3, Q4.2, Q4.3, Q4.4	P5.1
Dec2015 (100)	Q1.1, Q1.3, Q2.4, Q3.3, Q4.4, Q4.5, Q5.3	—
Dec2013 (100)	Q1.1, Q1.6, Q2.3, Q2.4, Q3.3, Q5.2, Q5.5	—
Jun2012 (100)	Q1.5, Q2.4, Q2.6, Q4.4, Q5.5, Q5.6	—
Jan2011 (100)	Q1.1, Q2.5, Q5.6	—

(Index is indicative — many years repeat the same high-frequency essays; cross-refer the per-unit `*Asked:*` lines for the complete year list.)

UNIT 1 — Nature of Jurisprudence & Schools · Question Bank

Jurisprudence · KSLU LL.B. · Medha-Academy.in

> ***Scope of this unit's bank:*** *full model answers to every **essay** (16M / 10M) asked in past KSLU papers for this unit. Short notes (8M) are answered in the study-notes bundle, not here. Unit I sets no fact-pattern problems.*

A. Essay Questions — Model Answers

Q1.1 — `[16M]` Define Jurisprudence. Explain its nature, scope and significance (value).

> *Asked: 2011(100), 2012(100), 2013(100), 2014(100), 2015(100), 2016(100), 2018(100), 2021(100), 2022(100), 2022(80), 2023(80), 2025(80), 2026(100) · ★★★ · Notes: Unit 1 → Nature of Jurisprudence*

Introduction. The word *jurisprudence* comes from the Latin *jurisprudentia* [knowledge or skill in law]. Jurisprudence is the science of the first principles of law — not any one branch like contract or crime, but the theory behind all law: its nature, sources and basic concepts. This answer explains its meaning, nature, scope and value.

Meaning and nature

1. It is the "grammar of law" — just as grammar is the structure behind every sentence, jurisprudence is the structure behind every legal rule. It asks the questions ordinary law assumes: *what is law, where does it come from, what is a right or a duty?*
2. It is the "eye of law" — it gives the trained understanding of legal concepts (right, duty, ownership, possession) that every other subject borrows. It is theoretical, not practical: it states no punishment for any crime.
3. Its nature is that of a social science — it studies law as a living social institution, growing and changing with society, so no single fixed definition has ever satisfied every jurist.

Scope — Salmond's three divisions

1. Analytical jurisprudence — studies law **as it is**: it analyses the basic concepts (right, duty, ownership, possession, person) and the sources of law in a developed legal system. Austin is its founder.
2. Historical jurisprudence — studies law **as it grew**: how law developed through custom and history over time (Savigny, Maine).
3. Ethical jurisprudence — studies law **as it ought to be**: the ideal of justice the law should pursue (the natural-law tradition).

Value / utility of jurisprudence

1. It trains the legal mind — it sharpens logical and critical thinking, teaching the lawyer to grasp law as a connected whole rather than memorising rules.
2. It aids interpretation — its concepts and principles help judges interpret statutes and fill gaps where the bare Act is silent.
3. It has educational and practical value — it gives the common vocabulary of all branches of law and a standard (justice) by which to judge and reform bad laws.

Why law is hard to define: "law" is used in many senses (moral, natural, scientific, State law), it varies from age to age and place to place, and each school stresses a different element — command (Austin), custom (Savigny), reason (natural law) or social welfare (Pound). This very difficulty is a central theme of the subject.

Leading definitions

- ***Salmond*** — "Jurisprudence is the science of the first principles of the civil law."
- ***Austin*** — "Jurisprudence is the philosophy of positive law" [law actually laid down by a sovereign].
- ***Ulpian (Roman)*** — "Jurisprudence is the knowledge of things divine and human, the science of the just and the unjust."

Conclusion. Jurisprudence is the theory or philosophy of law — the eye and grammar of law. It does not decide individual cases but supplies the concepts, the critical method and the ideal of justice on which the whole legal system rests, and is therefore foundational to legal education and practice.

Q1.2 — `[16M]` Discuss the Natural Law theory and state its attractions and the criticisms against it. ("Law is a dictate of reason" — Explain.)

> *Asked: 2012(100), 2014(100), 2014(100), 2017(100), 2018(100), 2017(80), 2022(100), 2022(80), 2026(100) · ★★★ · Notes: Unit 1 → Natural Law School*

Introduction. Natural law theory holds that law is founded on reason, morality and justice — a higher, universal law above the commands of any State. Its motto is *lex iniusta non est lex* [an unjust law is not a true law]. "Law is a dictate of reason" means that genuine law is discovered by human reason as that which is just, not merely what a ruler decrees.

Core idea

1. Law and morality are linked — a rule that grossly violates morality loses its character as true law. This is the opposite of positivism, which separates law from morals.
2. It is universal and unchanging — natural law is the same for all people at all times because it flows from reason and nature, not from local will.

Historical development (stages)

1. Ancient (Greek/Stoic; Cicero) — the Stoics taught a universal law of nature; **Cicero** said "true law is right reason in agreement with nature… unchanging and everlasting."
2. Medieval (St. Thomas Aquinas) — divided law into **Eternal, Divine, Natural and Human** law; human law is valid only so far as it conforms to natural law.
3. Social-contract period (Hobbes, Locke, Rousseau) — natural rights and the social contract; Locke's life, liberty and property inspired modern rights.
4. Modern revival (Fuller, Finnis) — post-WWII — **Lon Fuller's** "inner morality of law" and **John Finnis's** basic goods revived the theory after the Nazi horrors exposed by the Nuremberg trials.

Attractions / merits

1. It is the source of human rights — it inspired the American Declaration, the French Declaration of the Rights of Man, and our own **Fundamental Rights**.
2. It gives a moral standard — it lets us judge and resist unjust laws instead of blindly obeying them.

Criticisms

1. "Reason" and "morality" are vague — they differ from person to person and age to age, so natural law gives no certain test.
2. It confuses "is" with "ought" — positivists (Austin, Hart) object that it mixes what law *is* with what it *should be*; courts still enforce unjust but valid laws.

Leading cases

- ***Kesavananda Bharati v. State of Kerala (1973)*** — the "basic structure" doctrine is a natural-law style limit of reason above even the amending power.
- ***Maneka Gandhi v. Union of India (1978)*** — "procedure established by law" must be just, fair and reasonable; morality read into law.

Conclusion. Natural law endures as the moral conscience of law. Though criticised for vagueness, it gave the world the idea of human rights and a standard to test unjust laws — visible today in the Fundamental Rights and the basic-structure doctrine.

Q1.3 — `[16M]` Critically examine "Law is the command of the sovereign" (Austin's Imperative Theory).

> *Asked: 2012(100), 2012(100), 2015(100), 2020(100) · ★★ · Notes: Unit 1 → Imperative / Analytical Theory*

Introduction. Austin's **Imperative (Command) theory** is the foundation of the **Analytical / Positivist** school, which studies law **as it is** and separates it sharply from morality. Austin (1832) defined it: "Law is the command of the sovereign, backed by a sanction."

Austin's trinity — the three elements

1. Command — law is an expressed **wish** of the sovereign that another shall act or forbear; it is a general command, not a casual order.
2. Sovereign — a **determinate human superior** whom the **bulk of society habitually obeys**, and who himself obeys no other. Sovereignty is unlimited and indivisible.
3. Sanction — the **evil or penalty** that enforces the command; the fear of the sanction is what gives the command its force. A **duty** is the liability to a sanction.

In effect: for Austin a rule is "law" simply because the supreme power ordered it and can punish disobedience — whether it is good or bad is a separate question (*"the existence of law is one thing; its merit or demerit another"*).

Critical examination — the weaknesses

1. Ignores custom and precedent — customary law and judge-made law are real law yet were commanded by no sovereign.
2. Cannot explain power-conferring laws — many laws (how to make a will, a contract, a marriage) **confer powers**, they do not threaten; they are not commands backed by sanctions.
3. The indivisible sovereign does not fit modern States — in a democracy with a written constitution and federalism, sovereignty is **limited and divided**; there is no unlimited Austinian sovereign.
4. Reduces law to force — Hart's "**gunman writ large**" shows that being *obliged* by threats is not the same as being *under an obligation*; law rests on **acceptance**, not mere fear. A society obeys traffic rules and tax laws largely because it accepts them as binding, not only because a sanction looms.
5. International law and constitutional law do not fit — international law has no sovereign and no organised sanction, yet it is treated as law; a constitution limits the very legislature Austin called sovereign. The theory would wrongly deny these the name of law.

Merits (in fairness)

1. Clarity and certainty — by tying law to the State's will and sanction, Austin gave a simple, definite test of what counts as law and separated it cleanly from morality.
2. It correctly captures statute law — for the large body of enacted, sanction-backed law, Austin's model is broadly accurate and remains a useful starting point.

Leading cases / authority

- ***A.K. Gopalan v. State of Madras (1950)*** — early positivist reading: a law is valid because duly enacted, morality set aside.
- ***ADM Jabalpur v. Shivkant Shukla (1976)*** — command-theory thinking taken to its dangerous limit (rights suspended because the law said so); later disowned.

Conclusion. Austin's theory rightly stresses that law is the will of the State enforced by sanction, but it is too narrow — it ignores custom, precedent and power-conferring rules and rests on an outdated idea of an unlimited sovereign. Hart's "union of primary and secondary rules" is the better modern positivist account.

Q1.4 — `[16M]` Discuss Hart's analysis of the concept of law ("Law as a system of rules").

> *Asked: 2011(100), 2013(100), 2024(80) · ★★★ · Notes: Unit 1 → Imperative / Analytical Theory*

Introduction. H.L.A. Hart, in *The Concept of Law* (1961), rebuilt positivism after Austin. Hart's central thesis is that "law is the union of primary and secondary rules" — not commands backed by threats, but a system of rules that officials and citizens **accept**.

Critique of Austin (the starting point)

1. The "gunman writ large" — a gunman who says "your money or your life" *obliges* you by force, but creates no legal **obligation**. Austin's command theory cannot tell the difference between being **obliged** (forced) and being **under an obligation** (bound by an accepted rule).
2. The internal point of view — law works because people accept rules as standards of behaviour from the inside, not merely because they fear punishment.

The two kinds of rules

1. Primary rules — rules that **impose duties**: they tell people what they must do or not do (do not steal, do not assault). A society of only primary rules would be uncertain, static and inefficient.

2. Secondary rules — rules that **confer powers** and run the system; they cure the defects of primary rules. They are of three kinds:
    - Rule of recognition — the master rule that tells us **what counts as valid law** (cures *uncertainty*).
    - Rules of change — how law is **made and amended** (cures the *static* quality).
    - Rules of adjudication — how disputes are **authoritatively decided** (cures *inefficiency*).

Significance

1. Law is a self-regulating system — the rule of recognition, accepted by officials from the internal point of view, identifies valid law without needing an Austinian sovereign who obeys no one. The system stands on accepted rules, not on one supreme commander.
2. It explains what Austin could not — custom, precedent and power-conferring rules all fit, because the rule of recognition can accept a statute, a precedent or an ancient custom alike as a source of valid law.
3. It keeps law and morality separate — Hart remains a positivist: a rule can be valid law (identified by the rule of recognition) even if it is unjust, though he accepts a "minimum content of natural law" needed for any society to survive.

Leading cases / illustration

- ***Kesavananda Bharati v. State of Kerala (1973)*** — the Constitution itself works as Hart's rule of recognition, identifying what is valid law and limiting amendment.
- ***A.K. Gopalan (1950)*** — contrast: the narrow positivist reading that Hart's "internal acceptance" enriches.

Conclusion. Hart's "union of primary and secondary rules" is the most refined modern positivist theory. By replacing "command" with "accepted rules" and introducing the rule of recognition, he answered Austin's critics while keeping law and morality distinct.

Q1.5 — `[16M]` Explain Legal Realism. How is it different from Austin's theory?

> *Asked: 2012(100), 2016(100), 2019(100) · ★★ · Notes: Unit 1 → Legal Realism*

Introduction. Legal Realism studies "law in action" — what the courts actually do, not what the rule-book says. Justice **Oliver Wendell Holmes** put it sharply: "The prophecies of what the courts will do in fact… are what I mean by the law." It is a sceptical, practical, judge-centred approach.

Core idea

1. Law is what courts do — to know the law on a point, predict how a judge will decide; "the law" is essentially a forecast of judicial behaviour.

2. Rules are not self-applying — the **personality, experience and social context** of the judge shape the decision; judges, in deciding novel cases, effectively **make** law rather than merely "find" it.

The two streams

1. American Realism (Holmes, Llewellyn, Jerome Frank) — focuses on the **actual behaviour of courts**; Frank stressed the "human element" and the uncertainty of fact-finding at trial.
2. Scandinavian Realism (Hägerström, Olivecrona, Alf Ross) — more philosophical; treats legal concepts (right, duty) as **psychological facts** and rejects metaphysical notions of binding force.

Realism vs Austin — the contrast (the marks-scoring part)

Basis	Austin (Command theory)	Legal Realism
What is "law"	Command of the **sovereign** (legislature)	What the **courts do** in fact (the judge)
Focus	Abstract, rule-centred	Concrete, court-centred
The judge	Merely **applies** law	In deciding, effectively **makes** law
Method	Logical analysis of commands	Empirical study of decisions

Merits of realism

1. It is practical and honest — it studies the law as litigants actually experience it, exposing the gap between the rule in the book and the result in court.
2. It promotes reform — by showing that judges make choices, it encourages openly examining the social consequences of decisions, a spur to law reform.

Criticism of realism

1. Over-emphasises courts and litigation — most settled statute law is obeyed and never reaches a court at all, so equating "law" with "what courts do" is too narrow.
2. Exaggerates uncertainty — it understates how far rules genuinely guide and constrain judges; most cases are decided predictably by clear rules, not by the judge's mood.

Leading cases

- ***Golaknath (1967)*** and ***Kesavananda Bharati (1973)*** — sharply divided benches on the same text show decisions turning on judicial outlook — realism illustrated.
- ***Maneka Gandhi v. Union of India (1978)*** — judges expanded "personal liberty" by creative interpretation; law as what the court actually did.

Conclusion. Legal realism is a healthy, realistic correction to rigid positivism — it shifts attention from the sovereign's command to the judge's decision. It differs from Austin in being court-centred and empirical, though it overstates judicial freedom.

Q1.6 — `[16M]` Analyse the Historical School of jurisprudence and point out its major criticisms.

> *Asked: 2013(100), 2024(80) · ★★ · Notes: Unit 1 → Historical School*

Introduction. The Historical School holds that law is "found, not made" — it grows organically from the spirit and life of a people. Its founder **Friedrich Carl von Savigny** opposed copying foreign codes, arguing that law expresses the **Volksgeist** [the common consciousness or spirit of the people].

Core idea

1. Law grows like language — it develops slowly from custom, habit and national character; the legislator only gives formal shape to what already lives in the people.
2. Volksgeist is the true source — Savigny: law "grows with the growth and strengthens with the strength of the people, and dies away as the nation loses its individuality."

Leading jurists

1. Savigny — propounded the Volksgeist; warned against premature codification that freezes a living, growing law.
2. Sir Henry Maine — gave a balanced version: progressive societies move "**from status to contract**" — from fixed status-based relations to freely chosen contractual ones.
3. Puchta — developed Savigny's ideas, stressing the interaction of popular custom and the State.

Major criticisms

1. Volksgeist is vague — in a diverse society, *whose* spirit is the law? The idea cannot be pinned down or tested.
2. It over-stresses the past and resists reform — it discourages useful codification and conscious law-reform, treating slow growth as the only legitimate path.
3. It ignores deliberately made and borrowed law — much law **is** consciously enacted (and even imposed, e.g. Roman law received in Germany, English law in India); Savigny under-rates the legislator and the judge.
4. Maine corrected Savigny's excesses — by showing law also advances through conscious reform, legal fictions, equity and legislation, not by silent growth alone.

Merits (in fairness)

1. It checked blind imitation — it rightly warned against copying foreign codes wholesale and ignoring a nation's own customs and conditions.

2. It gave custom its due — it explained why customary and personal law (as in India) command real obedience: they rise from the people's own life, not an external command.

Leading cases

- ***Collector of Madura v. Moottoo Ramalinga (1868)*** — "clear proof of usage will outweigh the written text of the law" (within limits) — custom recognised as law.
- ***Hurpurshad v. Sheo Dyal (1876)*** — a custom must be ancient, certain and reasonable to be enforced — the historical source admitted through a strict test.

Conclusion. The Historical School is valuable as a corrective — it reminds us that law has deep roots in society and custom — but it is incomplete, because modern law is largely made by legislatures and shaped by judges, not merely "found" in the Volksgeist.

Q1.7 — `[16M]` Explain the Sociological School of jurisprudence (and the schools of jurisprudence generally).

> *Asked: 2014(100), 2016(100), 2022(80), 2025(80) · ★★ · Notes: Unit 1 → Sociological School*

Introduction. The Sociological School studies law in relation to society — its actual working and effects — and treats law as a means to social ends. Its leading figure, **Roscoe Pound**, called law "**social engineering**": the lawyer balances competing human wants like an engineer balancing forces.

Core idea

1. Law serves society — it is an **instrument** for organising social life and securing welfare, judged by what it *does* for people, not by its logical form or ancient roots.
2. It studies "law in action" — the real effect of legal rules on society, bridging law and sociology.

Leading jurists and tools

1. Roscoe Pound — social engineering — law balances **interests**, which he classified as **individual, public and social**, to secure "the maximum satisfaction of wants with the minimum of friction and waste."
2. Rudolf von Jhering — law as a means to an end — law is the result of a constant struggle of social interests; the "jurisprudence of interests."
3. Eugen Ehrlich — the living law — "the centre of gravity of legal development lies not in legislation… but in society itself"; the real law is the order people actually live by.
4. Léon Duguit — social solidarity — law's basis is the interdependence of people; the rule that promotes solidarity is law.

Place among the schools (overview)

1. Natural law asks what law *ought* to be (reason/morality); Analytical (Austin/Hart) studies law *as it is*; Historical studies how law *grew*; Sociological/Realist studies law's *social working and the courts*. The sociological school is the most practical and reform-oriented, and the most relevant to Indian welfare law and PIL.

Merits and criticism

1. Practical and reform-driving — it inspired welfare legislation, public-interest litigation and protective laws, making law a living instrument of social change rather than a closed logical system.
2. Imprecise — "balancing interests" gives little exact guidance on *how* to weigh them, and by merging law with sociology it risks leaving judges to legislate under the cover of "social welfare."

Leading cases

- ***M.C. Mehta v. Union of India (1987)*** — absolute liability fashioned to protect society from hazardous industry; law as social engineering.
- ***Vishaka v. State of Rajasthan (1997)*** — the Court framed guidelines to meet a pressing social need (workplace harassment) — law responding to society.

Conclusion. The Sociological School treats law as a tool of social welfare and engineering, and is the most India-relevant of the schools — visible in PIL and welfare legislation — though its "balancing of interests" needs careful judicial restraint.

End of Unit 1 Question Bank.