

PAPER 7: LEGAL CONCEPTS [Compulsory]

Objectives:

Students at LL. M. level are required to conduct a detailed critical and analytical study of various dimensions of legal concepts, which are the basic tools in the hands of law fraternity to appreciate varied branches of discipline in law. Legal concepts are to be understood as the bridges of comprehension of law in its application in the process of administration of justice. The process of administration of justice would remain incomplete without the comprehension and use of legal concepts. The teacher is required to give instructions to the students by citing examples of decided cases of various legal systems, with special reference to Indian Cases, in which legal concepts have been used by the judges in rendering justice. The unitised syllabus for this course is as follows.

Course Outcome:

On successful completion of the course the student will be able to –

1. to understand the various concepts like right, possession, ownership etc.
2. analyse the meaning of person and property from philosophical perspective
3. critically analyse and research complex problems relating to law and make reasoned and appropriate choices amongst alternatives.

Course content:

Unit I:

Rights: Conception; Definition; characteristics; types; Rights in the wider sense of the term; Jural relationship of Right-Duty, Liberty-No-right, Power-Liability and Immunity-Disability; critique on jural relations; temporal dimensions.

Unit II:

Persons: Concept of personality, status of unborn persons, dead and lower animals; natural and legal persons; corporations: sole, aggregate, limited etc; registered friendly associations. Multinational Corporations and Juristic Personality; Transnational Juristic Personality; Theories of personality.

Unit III

Property: Meaning; Types; Movable and Immovable property; Corporeal and Incorporeal Property; Emergence and expanding regime of Incorporeal property: Patents; Copyrights; Designs; Trademarks, Geographical Indications; Integrated Circuits; Protection of Plant Varieties; Confidential Information.

Unit IV

Possession: Idea of Possession; Possession in Roman Law; Possession in English Law; Possession in Indian Law; Theories of Possession; Judicial Interpretation of Possession in Indian and British Courts. Adverse possession.

Unit V

Ownership: The Idea of Ownership; Analysis of Ownership; Function of Ownership in Social Engineering; Ownership and Allocation of burdens and Benefits; Ownership and Liberty; Ownership and Power; Ownership in India: Tiller of the Land as Owner: Sons of the Soil Theory.

Select Bibliography:

1. R W M Dias, Jurisprudence
2. Salmond on Jurisprudence (ed P J Fitzgerald)
3. G W Paton, A Text-book of Jurisprudence
4. W Friedmann, Law in a Changing Society
5. W N Hohfeld, Fundamental Legal Conceptions As Applied in Judicial Reasoning (ed WW Cook)
6. A Kocourek, Jural Relations
7. J Stone, Legal System and Lawyers' Reasonings
8. M Radin, 'A Restatement of Hohfeld' (1938) 51 Harvard Law Review 1141
9. A L Goodhart, Essays in Jurisprudence and the Common Law
10. F Hallis, Corporate Personality
11. J W Bingham, 'The Nature and Importance of Legal Possession' (1915) 13 Michigan Law Review 534
12. H Bond, 'Possession in Roman Law' (1890) 6 LQR 259
13. D R Harris, 'The Concept of Possession in English Law' in Oxford Essays in Jurisprudence (ed A G Guest) ch 4
14. L C Becker, Property Rights: Philosophical Foundations
15. A A Berle & G C Means, The Modern Corporation and Private Property
16. A M Honore, 'Ownership' in Oxford Essays in Jurisprudence (ed A G Guest)
17. J M Lightwood, A Treatise on Possession of Land
18. J W C Turner, 'Some Reflections on Ownership in English Law' (1941) 19 Canadian Bar Review 342

- **This subject is helpful in skill development of the student, it introduces philosophical idea of Right, ownership, property, possession etc., which is essential for deeper understanding of law and its connotations.**