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Personality (in Jurisprudence)

Personality means the capacity of a person or entity to have rights and duties in the eyes of law.

In simple words:

👉 **Anyone who can hold legal rights and legal obligations is called a “legal person” and has personality.**

Definition

Legal Personality is the status given by law to an entity which enables it to enjoy rights and be subject to duties.

Types of Personality in Jurisprudence

1. Natural Person

These are **human beings**.

- Example: you, me, any living human
- Rights: right to life, property, reputation, etc.
- Duties: obey law, pay taxes, etc.

2. Juridical / Artificial Person

These are **non-human entities** recognized by law as persons.

- Example:
 - Companies
 - Corporations
 - Universities
 - Registered societies
 - Idol (in Hindu law)
- They can:
 - Own property
 - Sue and be sued
 - Enter into contracts

3. Legal Fiction

Sometimes law **assumes** personality even if it does not exist naturally.

- Example:
 - Corporation as a person
 - Idol treated as a legal person
 - River (in some judgments)

Importance of Personality

- Without personality, **no legal rights**
- Without personality, **no legal duties**
- Law works only on persons (natural or artificial)

Primary Right and Secondary Right (Legal Concept)

In **Jurisprudence**, rights are often divided into **Primary Rights** and **Secondary Rights** based on **when and why they arise**.

1. Primary Right

Meaning

A **Primary Right** is an **original and independent right** which exists **before any violation**.

👉 It is the **main right** given by law.

Key Points

- Exists **normally in society**
- Does **not depend on breach**
- Its violation gives rise to a secondary right

Examples

- Right to life
- Right to property
- Right to reputation
- Right to personal liberty
- Right to perform a contract

Example (Simple)

If A owns a house,

→ A has a **primary right** to enjoy and possess that house peacefully.

2. Secondary Right

Meaning

A **Secondary Right** arises **only after the violation of a primary right**.

👉 It is a **remedial right**.

Key Points

- Comes into existence **after breach**
- Purpose is **to provide remedy**
- Enforced through courts

Examples

- Right to compensation (damages)
- Right to injunction
- Right to specific performance
- Right to restitution

Example (Simple)

If B illegally enters A's house,

→ A's **primary right** is violated

→ A gets a **secondary right** to:

- claim damages, or
- seek injunction, or
- recover possession

Difference Between Primary and Secondary Rights

Basis	Primary Right	Secondary Right
Nature	Original	Remedial
Time	Exists before breach	Arises after breach
Purpose	Enjoyment of right	Remedy for violation
Dependency	Independent	Dependent on breach
Enforced	Normally enjoyed	Enforced by court

Important Jurist View

Salmond:

Primary rights are those rights which exist independently of any wrong, while secondary rights are those which arise only after the violation of a primary right.

One-Line Exam Answer

Primary rights are original rights existing independently, whereas secondary rights arise after the breach of primary rights to provide legal remedies.

Appeal Time (Limitation for Appeal)

Appeal time means the **maximum period fixed by law within which an appeal must be filed** before a higher court.

If the appeal is filed **after this time**, it is **barred by limitation**, unless delay is condoned.

Legal Basis

- **Limitation Act, 1963**
- Relevant mainly under **Articles 114–117** (depending on court)

General Appeal Time Limits (India)**1. Appeal from Decree (Civil Cases)**

- **To High Court: 90 days**
- **To any other court: 30 days**

2. Criminal Appeal

- **Against conviction or sentence:**
Usually **30–60 days** (depends on the court and statute)
- **State appeal against acquittal:**
90 days (generally)

3. Appeal to Supreme Court

- **Civil appeal: 90 days**
- **Criminal appeal: 60 days**

4. Appeal under Special Laws

- Time varies according to the **special statute**

Example:

- Consumer Protection Act
- Income Tax Act
- Motor Vehicles Act

👉 **Special law overrides Limitation Act**

When Does Appeal Time Start?

👉 From the **date of judgment / decree / order**,

OR

👉 From the date when **certified copy** is made available (in many cases).

Delay in Filing Appeal

- Court may allow appeal after time if:
 - **Sufficient cause** is shown
- This is called **Condonation of Delay** (Section 5, Limitation Act).

One-Line Exam Answer

Appeal time is the statutory period prescribed by law within which an appeal must be filed, failing which it becomes barred by limitation unless delay is condoned.

Question what is the meaning of PW?

PW = Prosecution Witness

Meaning

A **Prosecution Witness (PW)** is a person who gives evidence **on behalf of the prosecution** (the side that files the case, usually the State).

How it is used in court

- **PW-1** → First prosecution witness
- **PW-2** → Second prosecution witness
- **PW-3**, and so on...

Each PW is examined, cross-examined, and re-examined during trial.

Example

If a criminal case has 5 prosecution witnesses:

- Doctor → PW-1
- Eye-witness → PW-2
- Investigating Officer → PW-3

Related Terms (very common in exams)

- DW → Defence Witness
- CW → Court Witness
- IO → Investigating Officer

One-Line Exam Answer

PW means Prosecution Witness, i.e., a witness examined by the prosecution to prove its case before the court.

Question what is the meaning of DW in court?

DW = Defence Witness

Meaning

A **Defence Witness (DW)** is a person who gives evidence **on behalf of the accused/defence** to disprove or weaken the prosecution's case.

How it is used in court

- DW-1 → First defence witness
- DW-2 → Second defence witness
- DW-3, and so on...

Role of a DW

- Supports the **innocence of the accused**
- Challenges the credibility of **prosecution witnesses (PW)**
- Helps create **reasonable doubt**

Example

In a criminal trial:

- Accused's friend → DW-1
- Expert witness → DW-2

Related Court Terms

- **PW** → Prosecution Witness
- **CW** → Court Witness

One-Line Exam Answer

DW means Defence Witness, i.e., a witness examined by the accused to support the defence case before the court.

Person

Person and Personality

The word “**person**” is derived from the Latin word **persona**. The term **person** or **personality** has been used in different senses—immaterial, philosophical, and moral. In the philosophical and moral sense, the term has been used to denote the **rational nature or quality of a human being**.

In law, however, the word **person** is given a **wide meaning**. It means that law **personifies even non-human entities** and treats them as **legal persons**. Thus, not only human beings but also **artificial entities** are recognized as persons in the eyes of law.

For example, **corporations, companies, trade unions, and family societies**, as well as institutions like **universities and hospitals**, are recognized as **artificial or juristic persons**. Even certain **objects**, such as **idols**, are treated as **legal persons** under law. These are examples of **artificial personality recognized by law in the modern age**.

Definition of person

1. Savigny

Savigny considered personality as a **fiction of law**.

Definition:

According to Savigny, a person is a being capable of rights and duties, and legal personality is the result of a fiction created by law.

Key idea:

- Only **human beings** are real persons
- Juristic persons exist due to **legal fiction**

2. Salmond

Salmond gave the most commonly quoted definition.

Definition:

A person is any being whom the law regards as capable of having rights and duties.

Key idea:

- Personality depends on **recognition by law**
- Includes both **natural and artificial persons**

3. Holland

Holland emphasized rights rather than duties.

Definition:

A person is such a being as is capable of rights.

Key idea:

- Focus on **legal rights**
- Duties are implied

4. Kelsen

Kelsen viewed personality as a **legal concept**, not a real entity.

Definition:

A person is a legal subject whose rights and duties are determined by a legal order.

Key idea:

- Person is only a **bundle of legal rights and duties**
- No distinction between natural and juristic persons in reality

One-Line Comparative Note (for exams)

Savigny treats legal personality as a fiction, **Salmond** and **Holland** define a person by legal capacity, while **Kelsen** considers a person as merely a legal construct of rights and duties.

Kinds of person > Natural person

Kinds of Person

In jurisprudence, persons are mainly of **two kinds**:

1. **Natural Person**
2. **Artificial (Juristic) Person**

Natural Person

Meaning

A **Natural Person** is a **human being** who is recognized by law as capable of having **rights and duties**.

👉 Every living human being is a natural person in the eyes of law.

Legal Status

- A natural person acquires **legal personality by birth**
- Loses personality **on death**
- Enjoys rights and is subject to duties under law

Rights of a Natural Person

- Right to life and personal liberty
- Right to property
- Right to reputation
- Right to freedom (subject to law)

Duties of a Natural Person

- Duty to obey law
- Duty to respect others' rights
- Duty to perform legal obligations

Special Cases

- **Minor:** Has limited legal capacity
- **Insane person:** Limited capacity
- **Convict:** Certain rights restricted
- **Alien:** Rights subject to law of the land

Example

- Any ordinary human being
- Minor, lunatic, or alien (still natural persons but with restrictions)

One-Line Exam Answer

A natural person is a human being recognized by law as capable of having rights and duties.

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