

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Property Law**

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Compulsory

Course Code: 401

Course Objectives

- To give theoretical knowledge of the law of property with reference to Nepalese laws.
- To impart critical knowledge of the nature and development of land law in Nepal.
- To enable the students to have analysis of leading cases relating to property law decided by Supreme Court of Nepal.

Contents

Unit- 1 Introduction of the Law of Property

- I. Meaning of the Property
- II. Theories of Property
- III. Kinds of Property

Unit- 2 Possession

- I. Definition and Essential Elements of Possession
- II. Kinds of Possession
- III. Acquisition and Termination of Property
- IV. Encumbrances, Res-nullius things and Illegal Possession

Unit- 3 Ownership

- I. Definition and Elements of Ownership
- II. Kinds of Ownership
- III. Acquisition and Termination of Ownership

Unit- 4 Constitutional Position of Property Rights in Nepal

Unit- 5 Property Law in Nepal: Provisions under the Civil Muluki (Code) Act, 2074

Unit- 6 Traditional Land Tenure System in Nepal

- I. Birta
- II. Guthi
- III. Kipat
- IV. Raikar
- V. Ukada
- VI. Jagir
- VII. Jhora
- VIII. Kharka etc.

Unit- 7 Modern Land Law in Nepal

- I. Land Act, 2021
- II. Guthi Corporation Act, 2033
- III. Land Acquisition Law

IV. Laws on Land Administration

V. Compensation

Unit- 8 Intellectual Property Law in Nepal

I. Meaning and Concept of IP

II. Kinds

III. Rights and Obligation

IV. Infringement and Remedies

Recommended books

1. Birta Abolition Act 2016
2. Convention for the Protection of new varieties of Plant, 2000
3. Convention on Bio-diversity 1992
4. Dr. Ananda Mohan Bhattraai, Displacement and Rehabilitation Program, Policy and Law, India (2001)
5. Dr. Sushil Raj Pandey, Political Economy of Nepal.
6. Ghuti Sansthan Act, 2033
7. Land Acquisition Act and Regulation, 2034
8. Land Concerning Act, 2021.
9. Land Measurement Act, 2019
10. M.C. Regmi, Land Ownership in Nepal, University of California Press, 1976
11. Malpot Act, 2034
12. Muluki Civil (Code) Act, 2074 and Muluki Civil Procedure (Code) Act, 2074
13. Gunanidhi Neupane, Property law in Nepal, Lumbini Prakasan, Kathmandu, 2064

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Company Law**

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Compulsory

Course code: 402

Course Objectives

The objectives of this course are:

- To provide students with understanding of the basic concept, principles, features and functions of Company.
- To familiarize them with the legal provisions mentioned in the Company Law of Nepal.

Contents

Unit- 1 Introduction to the Company Law

- I. Concept, Meaning and Definition of a Company
- II. Historical Development of Company Law
- III. Incorporation of Company
- IV. Characteristics of Company
- V. Types of Company
- VI. Fundamental Distinction between the Common Forms of Organization
- VII. Lifting the corporate veil
- VIII. The agency relationship
- IX. Promoter and Pre-incorporation contracts

Unit-2 The Memorandum of Association and Articles of Association

- I. The characteristics and content of the MoA
- II. Corporate capacity
- III. The Alteration of the MoA
- IV. The Characteristics of AoA
- V. The legal effect of the corporate constitution
- VI. Alteration of AoA
- VII. Enforceable obligation which are outside the scope of a Company's Article

Unit- 3 Legal Incidents of Membership

- I. Definition of Members and Restrictions on Membership
- II. Distinction between Member and Shareholder
- III. The Relationship between Member and the BoD

Unit- 4 Organs of the Company

Directors

- I. Definition of Director
- II. Appointment and Qualification of a Director
- III. Retirement, Resignation, Vacation and Removal of Directors

- IV. Board of directors
- V. Duties of Directors
- VI. Remedies for breach

Meetings

- I. What constitute a meeting
- II. Types of meeting
- III. Meeting procedures
- IV. Power of the Courts to order meeting
- V. Quorum, Chairman and voting
- VI. Membership right in voting
- VII. Resolution

Unit- 5 Capital, Dividends and Shares

- I. Capital
- II. Dividends
- III. Shares (Types, Allotments, Transfer Reduction of shares and Bye Back of Shares)
- IV. Debenture
- V. Charges

Unit- 6 Corporate Reconstructions, Mergers and Takeovers and Amalgamation

- I. Introduction
- II. Reconstruction
- III. Mergers
- IV. Takeovers
- V. Amalgamation

Unit- 7 Corporate Governance and Corporate Social Responsibility

- I. Theories and Practices
- II. Nepalese Legal Provision

Unit- 8 Insider Trading

Unit- 9 Oppression and Mismanagement

Unit- 10 Criminal Liability

Unit- 11 Liquidation

- I. Voluntary Winding Up
- II. Compulsory Winding Up

Recommended Books

1. Avatar Singh: Company Law, (Latest Publication) Eastern Book Company, India
2. Bharat Raj Upreti, Company Law (Nepali Version), 2nd edition, 2064 B.S., *Kanun Anusandhan tatha Bikas Forum*(FREEDEAL)
3. Black's Law Dictionary, 7th Edition (1999)
4. Davies Paul L., Gower and Davies' Principles of Modern Company Law, 7th Ed., Sweet and Maxwell, London (2003)
5. Morse Geoffrey, Charlesworth and Morse: Company Law, 15th Ed., Sweet and Maxwell(1996)
6. *Nepal Kanoon Patrika* , Supreme Court of Nepal
7. Shanker Kumar Shrestha, Dictionary of Law and Justice, 2004 edition, Pairavi Prakashan
8. The Companies Act 2063 B.S., Nepal
9. The Insolvency Act 2063 B.S., Nepal
10. The Securities Act, 2063 B.S., Nepal

Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Criminal Law

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Compulsory

Course code: 403

Course Objectives

The objectives of this course are:

- To provide knowledge of basic principles of criminal law. It aims to cover basic governing laws in which the government is the prosecutor as stated in state cases Act 2049 B.S.
- To give a comprehensive knowledge in criminal law covering all the cases in which the aggrieved party is the plaintiff.
- To enable students analyze and apply the case law established by the Supreme Court of Nepal.
- To impart critical knowledge on criminal jurisprudence.
- To provide comparative knowledge of criminal law of Nepal including India and Britain in appropriate area.

Contents

Part- One Principles of Criminal Law

Unit- 1 Introduction

- I. Concept, Meaning and Nature of Crime and Criminal Law
- II. Jurisdiction of Criminal Law
- III. Difference between Crime, tort and Civil wrongs
- IV. Classification of Criminal Liability
 - Relative Liability
 - Strict Liability
 - Vicarious Liability
 - Classification according to the Rules of Procedure

Unit- 2 General Principle of Criminal Law

- I. Ignorance of Law is no excuse
- II. Act alone does not amount to guilt, it must be accompanied by means rea
- III. Doctrine of Double Jeopardy
- IV. Criminal Law has no Retrospective effect
- V. Crime dies with Criminal
- VI. Presumption of Innocent

Unit- 3 Elements of Crime

- I. *Actus reus*: Act, Omission, State of Affairs and Causation
- II. *Means rea*: Intention, Recklessness, Negligence and Motive
- III. Transferred Intention (transfer of malice)

Unit- 4 Stages of Crime and Inchoate Crime

- I. Stages of Crime

- Intention
 - Preparation
 - Attempt
 - Complete Crime
- II. Inchoate Crime
- Incitement/ Abetment/ Instigation
 - Conspiracy
 - Attempt

Unit- 5 Parties to the Crime

- I. Meaning to a Parties to a Crime
- II. Classification of Parties to the Crime
- Principal Offender
 - Secondary Offender

Unit- 6 General Defense

- I. Concept of General Defense
- II. Rational and Justifications behind General Defense
- III. Classification of General Defense
- IV. Excusable General Defense
- Infancy
 - Insanity
 - Mistake
 - Intoxication
- V. Justifiable General Defense
- Private Defense (Self Defense, Defense of Chastity, Defense of Property)
 - Necessity
 - Duress and Coercion
 - Superior Order
 - Inevitable Accident

Part- Two

Unit- 7 Offence against the Property

- I. Theft
- II. Cheating
- III. Looting
- IV. Arson

Unit- 8 Offence against Person and Human Dignity

- I. Homicide
- II. Abortion
- III. Assault and Battery
- IV. False Imprisonment
- V. Abduction/Kidnapping
- VI. Human Trafficking

Unit- 9 Sexual Offence and Offence relating to Marriage

- I. Rape

- II. Incest
- III. Sexual Harassment/Indecent Assault
- IV. Unnatural Sexual Offence (Homo sexuality, Bestiality)
- V. Bigamy and Polygamy

Unit- 10 Socio-Economic Offences

- I. Bribery and Corruption
- II. Banking Crime
- III. Money Laundering
- IV. Crime Relating to Narcotic Drugs
- V. Cyber Crime
- VI. Offence against Social Custom and Caste Discrimination
- VI. Offence against Witch Craft Social by Cott of Sick person

Unit- 11 Offence Related to Documents and Official Secrets

- I. Forgery
- II. Crime relating to Official Secret

Recommended Books

1. Analysis and Reforms of Criminal Justice System in Nepal, CeLRRD, 1999.
2. Andrew Ashworth, Principles of Criminal Law, 5th Ed. Oxford University Press, 2006.
3. Basline Survey on Criminal Justice System of Nepal, Center for Legal Research and Resource Development (CeLRRd), 2000.
4. Criminal Jurisprudence, Prof. Madhav Pd. Acharya and Ganesh Bhattarai, 2065, Kathmandu
5. Diane Birch etal, Blackstone's Criminal Practice 9th ed. Blackstone press limited, 1999
6. Dr. Rajit Bhakta Pradhanang, Homicide Law in Nepal, Concept History and Judicial Practice, 1st ed., Ratna Pustak Bhandar, Kathmandu, 2001.
7. Glanville, Williams, Textbook of Criminal Law Stevens and Sons, London 1978.
8. Janet Dine and Tames Gobert Cases and Materials on Criminal Law (1993) Balckstone Press Limited.
9. K.D. Gaur, Criminal Law cases and Materials 4th ed. Lexis Nexis Battworths New Delhi, 2005
10. Kannoon Bi Monthly and Nayaydoot Monthly
11. Lafare, Criminal Law 3rd, Wayne R. Lafave, Criminal Law 3rded, West Group USA 2000.
12. Ratanlal and Dhirajlal, The Indian Penal Code
13. Smith and Hogan, Criminal Law Cases and Materials, 4th ed., Butterworth & Co. Ltd, 1990
14. William Wilson, Criminal Law doctrine and theory Longman UK 1998.
15. Muluki Criminal (Code) Act, 2074 and Muluki Criminal Procedural (Code) Act, 2074
16. kmf}hbf/L sfg'g Ps ;ldlffTds ljj]rgf, k|f= dfwjk|;fb cfrfo{, ab|L k|;fb eG8f/L, e[s'6L Ps]8]dLs klAns]zg @)^#, sf7df8f}+
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Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Interpretation of Statutes

Full Marks: 50

Pass Marks: 18

Year: II

Nature: Compulsory

Course code: 404

Course Objectives

- To provide basic knowledge to students on different rules and principles of interpretation of statutes and their importance in practice, and
- To sensitize students about these rules and their application in practice.

Contents

Unit- 1 Introduction

- I. Meaning of Interpretation of Statutes
- II. Objectives of Interpretation of Statutes
- III. Important Principles of Interpretation of Statutes

Unit- 2 Different Parts of Statutes

- I. **Internal Parts of the Statutes**
 - Title, Preamble, Marginal Notes, Heading, Schedules, Punctuation, Provision and Exception
 - Commencement, Repeal and Revival of Legislation
- II. **External Parts of the Statutes**
 - Historical Setting, Dictionaries, Reference Books, Parliamentary History and Conventions
- III. **Consolidating and Codifying Statutes**

Unit- 3 Rules of Interpretation

a. General Rules

- Literal Rule, Golden Rule, Mischief Rule
- Beneficial Rule
- Construction *ut res magis valeat quam pareat*

b. Subsidiary Rule

- *ejusdem generise* Rule
- *noscitur a sociis*
- *reddendo singula singulis*
- *expressio unius est exclusio alterius* Rule
- *contemporanea expositio*
- Construction of Words in Bonana Partem

Unit- 4 Hindu Law (Mimangas)

Unit- 5 Issues of Construction

- Deeds and Will
- Constitution, Negotiable Instrument
- Treaties and Convention
- World Trade Organization
- Restrictive Construction
- Prevent Evasion or Abuse
- Construction to avoid Collusion with other Provisions
- Exceptional Construction

Unit- 6 Presumption

- Constitutionality of Statute
- Jurisdiction
- Retrospection Legislation
- Violation of International Obligations

Unit- 7 General Introduction of the Interpretation Statute Act, 2010

Unit- 8 Principle of Drafting

- Acts and Regulations

Recommended Books:

1. Black Law Dictionary (Latest Edition)
2. Dworkin, Gerald, Construction of Deeds and Statutes, Universal Law Pub., 5th ed. 2003
3. Eskridge William, Dynamic of Statutory Interpretation, Universal Law Pub. 1st ed. 2000
4. Law Lexicon (Latest Edition)
5. Nepal Rastra Bank Act, 2058
6. P. St. Langan, Maxwell on the Interpretation of Statute
7. Public Procurement Act 2063 BS
8. Ravi Sharma Aryal, Interpretation of Treaties, Law and Practice, Deep and Deep Publication Pvt. Ltd., Delhi, 2003
9. Singh Avtar, Introduction to Interpretation of Statutes, Wadhwa & Co. 2nd ed, 2005
10. Singh, G.P., Principles of Statutory Interpretation, Wadhwa & Co, 6th ed. 1996
11. Special Court Act, 2059
12. The Interpretation of Statute Act 2010 B.S

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Evidence Law**

Full Marks: 50

Pass Marks: 18

Year: II

Nature: Compulsory

Course code: 405

Course Objectives

The objectives of this course are:

- To enable students to have critical appreciation of various kinds of evidences and leading cases relating to law of evidence
- To provide the knowledge about different forms of evidences, their importance and testimony in the due course of collection of evidences and presentation in litigation process
- To appraise students of the ways and means of using and applying evidences in legal arguments, and court pleadings.
- To discuss theories and principles of evidence law in general and each form of evidence.

Contents

Unit- 1 Introduction

- I. Meaning, Nature and Scope of the Law of Evidence
- II. Historical development of Law of Evidence

Unit- 2 Classification of Evidence

- I. Original and Hearsay Evidence
- II. Direct and Circumstantial Evidence
- III. Primary and Secondary Evidence
- IV. Oral, Documentary and Real Evidence
- V. Exhibits and their Evidential Value
- VI. Physical Concept of Forensic Science
 - Physical Evidence
 - Scientific Evidence
 - Medical Evidence (Medical Report, Case firm Report etc.)

Unit- 3 Basic Principles Law of Evidence

- I. Evidence must be confined to the matters in Issue
- II. Best Evidence must be Produced
- III. Hearsay Evidence in no Evidence
- IV. He who Asserts must Prove
- V. Estoppel

Unit- 4 Facts in Issue and Relevant Fact

Unit- 5 Facts which need not be Proved

- I. Meaning and concept of Facts, Facts in Issue and Relevant Facts
- II. Facts which need to be Proved
- III. Facts which need not to be Proved

Unit- 6 Admissible and Inadmissible Evidence

- I. Admission and Confession
- II. Statement on the Spot
- III. Dying Declaration
- IV. Special Statements by Person on Particular Occasions
- V. Facts Recorded in Public Documents
- VI. Facts recorded in Books or Articles
- VII. Facts recorded in Accounts
- VIII. Statement given by Witness in other Cases
- IX. Document prepared at the time of Investigation
- X. Certificate, Report and any Matter and material evidence (dasi) attested by Witness
- XI. Expert's Opinion
- XII. Statement of Witness
- XIII. In admissible Witness
 - Confession under Threat, Inducement etc.
 - Statement Expressed for the purpose of Compromise
- XIV. Statement not Recorded as Witness at Court
- XV. Character and Privileges

Unit- 8 Burden of Proof in Nepal

Unit- 9 Procedure relating to Collecting Evidence

Unit- 10 Custody of Physical Evidence

Unit- 11 Examination and Cross-Examination of Witness

Recommended Books:

1. Adrian Kean, The Modern Law of Evidence, 6th ed. Oxford University Press, 2006.
2. Alan Toyloar, Principles of Evidence, 2nd ed. Cavendish Publishing Limited, 2000.
3. D.W. Elliott, Manual of the Law of Evidence, 11th ed., Universal Law Publishing Co. India, 2001.
4. Dr. Yubaraj Sangroula, Criminal Jurisprudence in Nepal – The Process and Challenges in Development: National Workshop on Criminal Justice System in Nepal 1997, (Article)
5. Eric D. Green, Charles R. Nession, Problems, cases and Materials on Evidence, 2nd ed. Little Brown Company, 1994.
6. Forensic Science in Criminal Investigation. B.R. Sharma Fourth ed. 2003, Universal Law Publishing Co. Pvt. Ltd.
7. Haribansh Tripathi,, Existing Modality of Criminal Trial System in Nepal: The Lacunas, Challenges and Prospective Reforms: National Workshop on Criminal Justice System in Nepal, 1997, ILR (Article)
8. M.N. Howard, Peter Crane, Daniel A, Hochberg, Phipson on Evidence, 14th Ed. Sweet & Maxwell, 1990.
9. Murphy Peter, Murphy on Evidence (1995)
10. Sarkar on Evidence, 2nd ed. 2007, Dulivedi Publishing Company
11. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
12. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Labour Law**

Full Marks: 50

Pass Marks: 18

Year: II

Nature: Compulsory

Course code: 406

Course Objectives

Objective of this Course are:

- To introduce students a basic knowledge on Labor Law
- To give students a basic understanding on industrial relations
- To give students the capacity to understand the current industrial regime and analyze labour related laws in Nepal

Contents

Unit- 1 Introduction

- I. Meaning, Nature and Scope of Labour Law
- II. Industrial Relation

Unit- 2 Recruitment Process

- I. Method of Vacancy Announcement
- II. Probation
- III. Employment Contract
- IV. Completion of Recruitment Process
- V. Specific Issues (Employment of Foreigners, Women and adolescents)

Unit- 3 Working Terms and Conditions

- I. Hours of Work
- II. Remuneration
- III. Holiday and Leave
- IV. Security of Service

Unit- 4 Disciplinary Action

- I. Concept
- II. Objectives
- III. Misconduct
- IV. Kinds of Punishment
- V. Action

Unit- 5 Welfare and Social Security

- I. Labour Welfare
- II. Social Security

Unit- 6 Occupational Safety and Health

Unit- 7 Industrial Dispute

- I. Industrial Grievances
- II. Collective Bargaining
- III. Industrial Actions

Unit- 8 Trade Union

- I. Meaning
- II. Objectives
- III. Establishment
- IV. Governing Constitution
- V. Type and Functions
- VI. Nepalese Legal System and International Standards

Recommended Reading Materials

1. Domestic Laws:
 - a. Labour Act 2074
 - b. Trade Union Act 2049
 - c. Child Labour (Prohibition and Regulation) Act 2056
 - d. Foreign Employment Act, 2064
2. International Laws:
 - a. Relevant ILO Conventions
 - b. Migrant Workers Convention, 1990.
3. Books:
 - a. Kashi Raj Dahal, Industrial Jurisprudence - Labor Law (In Nepali)
 - b. Sita Maya Singh Thapa, An Introduction to Labor Law of Nepal (In Nepali)
 - c. Pawan Kumar Ojha, Labor Law

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Moot Court**

Full Marks: 50

Pass Marks: 18

Year: II

Nature: Compulsory

Course Code: 407

Course Objectives

Objective of this Course are:

- To give practical skills to students fro preparing a case file containing all legal document in the case assigned by Campus/College.
- To give a practical knowledge of oral argument or advocacy.
- To familiarize the students with the various steps of the trial and hearing proceedings.
- To provide the knowledge of interviewing techniques and pre-trial/hearing preparations (interviewing to clients)

Contents

Course Description and Evolution

The Course contains three main Components namely Moot Court, Pre-trial hearing preparations (interviewing the client) and Participation in trial proceedings. All these components are designed to provide practical knowledge to the students. At the completion of the session, students will have to submit a moot court file assigned by the College along with examination form for the external evaluation. The full marks for the external and internal evaluation will be done through viva-voice and the pass marks in both the external and internal examinations will be 50 percent of the full marks. The College shall constitute a three member committee having at least 7 years experience in teaching or practicing law for conducting the viva-voice examination.

Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Criminology and Penology

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Optional (Criminal Law Group)

Course code: 408

Course Objectives

The objectives of this course are:

- To provide theoretical base of crime and criminality and explore theories of criminal behavior,
- To identify the problems of juvenile and critically assess measures to prevent juvenile delinquency, and step taken by the government for the welfare of the juveniles,
- To critically assess theories of punishment in the context of Nepalese sentencing policy, identify problems relating to prison system and explore alternatives to prison system, and
- To evaluate other systems of punishment including fine and reparation by the offender.

Contents

1. Introduction:

- a. Meaning, Definition and Scope of Criminology
- b. Utility of Criminology
- c. Study Methods of Criminology

2. Traditional Concept of Crime:

- a. Demonological Approaches
- b. The Free Will Theory
- c. The Classical/neo Classical Theory
- d. The Geographical Theory

3. Biological Concept of Crime:

- a. The Concept of **Positivism/Topological Theory** (Lombroso, Garafalo and Ferri)
- b. Chromosome Theory
- c. Mental Testers Theory (Feeble Minded Theory)
- d. Psycho-analysis Theory
- e. Phrenology and Crime

4. Economic Concept of Crime:

- a. The Poverty and Crime
- b. Economic Prosperity of Crime
- c. The Marxist Theory of Crime
- d. White Colour Crime
- e. Comparison of Traditional Crime with White Colour

5. Sociological Concept of Crime:

- a. The Social Disorganization Theory
- b. The Anomie Theory
- c. The Differential Association Theory
- d. The Environmental Theory

6. Multiple Causation and Crime:

- a. The Multiple Causation Theory
- b. Family Condition and Crime
- c. School and Crime
- d. Mass Media and Crime
- e. Gender, Cast, Race and Crime

7. Theories of Punishment:

- a. Definition of Punishment
- b. Theories of Punishment

8. Traditional Style of Punishment:

- a. Capital Punishment
- b. Corporal Punishment
- c. Banishment and Transportation
- d. Social Disagree

9. The Prison System:

- a. Historical Development of Prison System
- b. Reform in Prison System
- c. The Nepali Prison System
- d. Advantage and Disadvantage of Prison System

10. Re-socialization of Offenders:

- a. Probation
- b. Parole
- c. Treatment of Offenders
- d. After Care Program

11. Juvenile Delinquency:

- a. Introduction to the Juvenile Delinquency
- b. Causes of Juvenile Delinquency
- c. Differences between Crime and Juvenile Delinquency
- d. Modern Approach to Deal with Juvenile Delinquency (Reformatory home, Probation,

After Care Program, Juvenile Court, Diversion, Basic)

12. Sentencing Policy of the Court:

- a. The Court Proceeding
- b. Hearing Process
- c. Conviction and Sentencing
- d. Nepali Sentencing Policy

13. Victimology:

- a. Introduction to Victimology
- b. Victim Rights to Help of the Prosecution

c. The Existing Legal Provision in Favor of Victim

Recommended Books

1. Attorney General Office Annual Report
2. Baseline Survey on Juvenile Justice System in Nepal, 2011, CeLRRd
3. Daniel J. Curran and Claire M. Renzetti, The Theories of Crime, USA, 1994
4. Don C. Gibbons, Society, Crime and Criminal Careers: An Introduction to Criminology, 3rd ed. Prentice Hall of India Private Limited, New Delhi, 1973
5. Dr. Shankar Kumar Shrestha, A Steps Towards Victim Justice System, Nepal, 2001
6. Edited by John Muncie et al., Criminological Perspective, 1st ed., Sage Publications, 1996
7. George B. Vold and Thomas J. Bernard, Theoretical Criminology, 3rd ed. Oxford University Press, 1986
8. Henry W. Mannle and J. David Hirschel, Fundamentals of Criminology, 2nd ed. Prentice Hall, 1988
9. Katherine S. Williams, Textbook on Criminology, 4th ed. Oxford University Press, 2002
10. Larry Siegel, Criminology, 7th ed. Wadsworth, USA, 2000
11. Prof. M. P. Acharya, Aparadha Shastra, Ratna Pustak Bhandar, Kathmandu, 2057
12. Prof. Madhav Prasad Acharya, Ganesh Bdr. Bhattarai, Criminology, Penology, Lumbini Publication, Kathmandu, 2068
13. Ronald L. Akers, Criminological Theories, 3rd ed. Roxbury Publishing Company, Los Angeles, California, 2000
14. Sue Titus Reid, Crime and Criminology, 8th ed. McGraw- Hill, 1996
15. Sutherland and Cressey, Principles of Criminology, 5th ed. 1955
16. Werner J. Einstadter et al, Criminological Theory: An Analysis of its Underlying Assumptions, 2nd ed. Rowman & Littlefield Publishers Inc. 2006
17. Muluki Criminal (Code) Act, 2074 and Muluki Criminal Procedure (Code) Act, 2074
18. 8f= z+s/ s'df/ >]i7, kLI8t ljlwzf:q, k}/jL k|sfzg sf7df8f)+ k|yd ;+:s/Of, @)^@
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Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Banking and Insurance Law

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Optional (Commercial Law Group)

Course code: 409

Course Objectives

The objectives of this course are:

- To familiarize students with general concepts, process, principles and theoretical knowledge of Banking and Insurance systems, and
- To provide them with advance knowledge on Nepalese banking and insurance laws, rules and regulations.

Contents

Part-1 Banking Law

1. Introduction to the Bank:

- a. Meaning and Definition of Bank
- b. Origin and Necessity of the Bank
- c. Importance of Banking System
- d. Evolution of Banking System in Nepal
- e. Classification of Banks

2. Law Relating to Central Bank:

- a. Establishment, Composition, Power and Functions of Central Bank (Nepal Rastra Bank)

3. Law Relating to Bank and Financial Institution:

- a. Establishment and Management of Bank and Financial Institution
- b. Functions of Bank and Financial Institution

4. Opening and Operation of Accounts

- a. Types of Accounts
- b. Procedure for Opening of Accounts
- c. Closer of Accounts
- d. Appointment of Nominees and Succession of Accounts

5. Lending and Investment Function of Bank:

- a. Investment Policy of Banks
- b. NRB Control on Lending and Investment Function
- c. Types of Securities

6. Negotiable Instrument:

- a. Meaning and Definition
- b. Features and Types

- c. Endorsement
- d. Presentation and Acceptance
- e. Dishonor
- f. Noting and Protesting

7. The Banker-Customer Relationship

- a. Possible Relationship: (Bailor-Bailee, Trustee-Beneficiary, Agent-Principal, Debtor-Creditor)
- b. Types of Customer: (Individual, Minors, Private Firms, Partnership Firms, Companies and Corporations etc.)

Part- II Insurance Law

1. Introduction:

- a. Meaning, Definition and Functions of Insurance
- b. Basic Principles of Insurance
- c. Classification of Insurance
- d. Types of Insurance Organization and Insurance Organization in Nepal
- e. Role and Importance of Insurance

2. Formation of the Insurance Contract:

- a. Nature and Classification of Insurance Contract
- b. Essential Elements of Insurance Contract
- c. Duty to Discloser and Non-discloser and its effect
- d. Burden of Proof
- e. Temporary Cover and Cover Note

3. Establishment of an Insurance Company and Its Legal Provisions:

4. Provision for Renewal of Insurance Companies

4. Provision for Regulating Authority

5. Life Insurance Policy

6. Non Life Insurance Policy

7. Re-Insurance Policy

Recommended Books

Part-A-Banking Law

- 1. "Bank and Financial Institution Act 2073 BS"
- 2. Dr. Mukund Mahajan, Fundamentals of Banking, India
- 3. Nepal Rastra Bank Act, 2058

Part-B-Insurance Law

- 1. Insurance Acts and Rules of Nepal
- 2. John T. Steele, Principles and Practice of Insurance, U.K. London.
- 3. M.N. Mishra, Insurance, Principles and Practices, India
- 4. R.M. Vats, Laws Relating to Insurance, India
- 5. Rastrya Beema Sansthan Act

Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Subject: Laws on Good Governance

Full Marks: 100

Pass Marks: 35

Year: II

Nature: Optional (Constitutional Law Group)

Course Code: 410

Course Objectives

Objectives of this course are:

- To provide basic knowledge on the modern governance system, and
- To make students familiarized with local governance law of Nepal, and various issues of good governance, its values and norms.

Contents

1. Meaning and Importance of Law on Good Governance
2. Concept of Good Governance
3. Development of Good Governance
4. Basic Elements of Good Governance
(Transparency, Accountability, Participation, Rule of Law, Decentralization, Fair and Independent Judiciary, Civil Society etc.)
5. Decentralization and Federalism
 - General Concept of Decentralization and Federalism
 - Decentralization and Federalism in Political, Development, Justice, Financial Sector
6. **Participation:**
 - Concept of Participation (Gender Based and Marginalized People Participation in Political, Development Sector, Policy, Legal Framework and Judicial Trend in Participation)
7. **Transparency and Accountability:**
 - Concept of Transparency and Accountability
 - Mechanism of Transparency and Accountability
 - Bureaucratic and Political Transparency and Accountability
 - Right to Information
 - Concept of Free Press Vs. Legislative Limitation
 - Counter Measures for Transparency and Accountability
8. **Rule of Law:**
 - Concept of Rule of Law

- Rule of Law and Good Governance
- Basic Tenants of Rule of Law

9. Basic Concept of Fair and Independent Judiciary in Good Governance

10. Role of Civil Society and Anti-Corruption Measures

Recommended Books

1. Act relating to Operation of Local Governance 2073
2. Civil Service Laws and Regulations, 2049 & 2050
3. Commission for Investigation of Abuse of Authority Act, 2048 B.S.
4. Corruption Prevention Act, 2059
5. Counter Corruption Legal Framework, Research Report, CeLRRd/TAF, Kathmandu, (2000)
6. Dr. Shastra Dutta Panta, Aspect of Decentralization in Nepal, Sajha Prakashan, Kathmandu, (1989)
7. Dwarika Nath Dhungel and Achyut B. Rajbhandary, Introducing Good Governance in the Public Administration of Nepal, (English Version), 2004, Pub. by CSDG, Lalitpur
8. Good Governance Act, 2064
9. Impact of Corruption in Criminal Justice System on Women, CeLRRd/TAF, Kathmandu (2000)
10. Kamal Raj Thapa, Good Governance for Minimizing the Social Cost of Nepal: A jurisprudential Study (the Dissertation/LL.M. Degree), 2006, AD, submitted to TU, Nepal Law Campus), 2006
11. Nepal Human Development Report: Poverty Reduction and Governance, 2001, Pub. by UNDP, Pulchowk
12. Right to Information Act, 2064 B.S.
13. The Interim Constitution of Nepal 2007
14. The Constitution of Nepal (2015)

