

**Purbanchal University
Faculty of Law
Syllabus for Three Years LL.B
Advanced Jurisprudence**

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 301

Course Objectives

The objectives of this course are:

- To introduce students with Classical Legal Thought and their applicability in order to address the contemporary legal problems.
- To develop critical understanding of modern concepts of jurisprudence.
- To expose contemporary approaches of jurisprudence

Contents

Unit 1: Introduction to Jurisprudence

- i. Meaning and Definition of Jurisprudence
- ii. Nature, Scope and Importance of Jurisprudence

Unit 2 Thoughts/School of Jurisprudence

- i. Natural Law School
- ii. Analytical School
- iii. Historical School
- iv. Sociological School
- v. Realist School
- vi. Socialist School

Unit 3: Recent Trends and Issues of Jurisprudence

- i. Public Interest Litigation
- ii. Critical Legal Studies
- iii. Feminism and Jurisprudence
- iv. Ethnic Relation and Law
- v. Post Modernism

Unit 4: Definition and Sources of Law

- i. Meaning, purpose and Importance and Kinds of Law
- ii. Sources of Law:
 - a. Legislation
 - b. Precedent
 - c. Custom
 - d. Others

Unit 5: Concept of Rights and Duties

- i. Definition of Rights and Duties
- ii. Elements, Kinds and Theories of Rights
- iii. Broad Form of Co-relation between Rights and Duties

- iv. Concrete and Institutional Rights
- v. Principle of Utility
- vi. Protection of Interest of Individuals and Groups

Unit 6: Concept of Justice

- i. Meaning and Importance of Justice
- ii. Kinds of Justice
 - a. Criminal Justice
 - b. Civil Justice
 - c. Distributive Justice
 - d. Corrective Justice
- iii. Equality and Impartiality
- iv. Justice for Offenders and Justice for Victims
- v. Concept of Judicial Activism and Self-restraint

Unit 7: Personality

- i. Definition of Person
- ii. Kinds of Person
 - a. Natural Person
 - b. Artificial Person
- iii. Legal Status of;
 - a. Dead Person
 - b. Unborn Person
 - c. Animal and Idol
- iv. Theories of Corporate Personality

Unit 8: Possession and Ownership

- i. Definition, Kinds and Acquisition and Termination of Possession and Ownership
- ii. Encumbrances, Res-nullius things and Il-legal possession

Unit 9: Philosophy of Law

- a. Formalism vs. Pragmatism
- b. Determinacy vs. Indeterminacy
- c. Idealism
- d. Marxism
- e. Consequentialism
- f. Contextualism

Recommended Books

1. Bhimarjun Acharya, A Misconception on Nepalese Legal System and Jurisprudence, 2001, Nepal Law Review, Vol. 14, Nepal Law Campus.
2. Bhimarjun Acharya, Indigenizing the Nepalese Legal System: Cases for Debate, 2001, Essays on Constitutional Law, Vol 34-35, Kathmandu
3. CeLRRd, Baseline Survey on Juvenile Justice System of Nepal, 2010.
4. David Boucher and Paul Kelly (eds.), Social Justice From Home to Walzer, Routledge, London (1998).
5. Dr. S.R. Myneni, Jurisprudence (Legal Theory) 2nded, reprint 2007.
6. Dr. Yubaraj Sagroula, Jurisprudence: The Philosophy of Law, 2010; Kathmandu School of Law
7. George C. Christie, Jurisprudence, West Publishing, (1972)

8. Julius Stone, Social Dimension of Law and Justice, Universal Publication, (1999)
9. Julius Stone, The Province and Function of Law, Universal Publication, (1999)
10. Lon L. Fuller, The Morality of Law
11. Oliver Mendelsohn and Upendra Baxi (eds.), The Rights of Subordinated Peoples, Oxford, Delhi, (1996)
12. Prof. Nomita Aggarwal, Jurisprudence (Legal Theory), Central Law Publications, Allahabad, 2008
13. R.W.M. Dias, Jurisprudence, 5thed, Aditya Books Pvt. Ltd. New Delhi
14. Ranjit Bhakta Pradhanang and Kishor Silwal, **Bidhisashtra**, Ratnapustak Bhandar
15. The Constitution of Nepal, 2063
16. The Nepali Constitution (2072)
17. Tom Campbell, Justice, Humanities Press International Inc.,(1988)
18. W. Friedmann, Legal Theory, (1999)
19. Yubaraj Sangroula – Condemned to Exploitation, Trafficking of Girls and Women, KSL, 2001

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

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 302

Course Objectives

The objectives of this course are:

- To make students familiar with fundamental principles of procedural laws,
- To acquaint students with rules of procedures in Nepal
- To acquaint students with judicial process of Nepal

Contents

Unit -1 Introduction

- i. Meaning, Definition, Nature and Importance of Procedural Law.
- ii. Relation between Substantive and Procedural Laws
- iii. General, Summary and Special Procedural Laws
- iv. Distinction between Criminal and Civil Procedural Laws
- v. Procedure in Judicial, Quasi-Judicial and ADR

Unit- 2 Basic Principles of Procedural Law

- i. Principle of Natural Justice
- ii. Principle of *Res Judicata*
- iii. Principle of *Stare Decisis*
- iv. Principle of *Amicus Curiae*

Unit-3 Law of Limitation

- i. Limitation in Criminal Offences
- ii. Limitation in Civil Disputes
- iii. Limitation in Contractual Obligations
- iv. Principle of *Laches*
- v. Distinction between Limitation and Notice

Unit-4 Hierarchy of Courts, Quasi Judicial Bodies ADR and Jurisdiction

- i. Hierarchy of Courts
- ii. Trial Court Jurisdiction
- iii. First Appeal Court's Jurisdiction
- iv. Special Court's Jurisdiction
- v. Supreme Court's Jurisdiction
- vi. Quasi Judicial Bodies Jurisdiction
- vii. ADR

Unit- 5 Stages and Techniques of Civil and Criminal Litigation

Unit- 6 Procedures Relating to Execution of Judgment

Unit- 7 Administration of Justice System and Application of Procedural Law

- i. Challenges of Procedural Law
- ii. Formalism and Procedural Law
- iii. Justice and Procedural Law

Recommended Books

1. Appellate Court Regulations, 2073
2. Constitution of Nepal
3. D. Lake Rusmey (Ed.) Master Advocate's Handbook, National Institute for Trial Advocacy
4. District Court Regulations,
5. Gyanendra Bahadur Shrestha, Outline of Procedural Law, Pairavi Prakashan, Kathmandu.
6. Judicial Administration Act
7. Leading Cases of Supreme Court
8. Muluki Ain, 2020
9. Pawan Kumar Ojha, Procedural Law
10. Rebatiraman Khanal, Writ Nibedan, Sajha Prakashan
11. Robert Keeton, Basic Expressions for Trial Lawyers Supplement to Trial Tactics and Methods, Little Brown Company.
12. State case Regulations, 2055
13. State Cases Act 2049 and Regulations, Government Attorneys' Regulations.
14. Summary Procedures Act 2028
15. Supreme Court Act and Regulations,
16. Muluki Civil (Code) Act, 2074
17. Muluki Civil Procedure (Code) Act, 2074
18. Muluki Criminal (Code) Act, 2074
19. Muluki Criminal Procedure (Code) Act, 2074

Faculty of Law
Syllabus for Three Years LL.B
Subject: Contract Law

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 303

Course Objectives

Objectives of this course are:

- To familiarize students with general principles of Contract Law, and
- To impart knowledge of comparative and critical understanding of the Nepalese and foreign Laws on Contract.

Contents

Unit- 1 Introduction

- I. Meaning and Definition of Contract
- II. Evolution of Contract Law in Nepal
- III. Essential Elements of Valid Contract
- IV. Difference between Contract and Agreement

Unit- 2 Offer and Acceptance

- I. Meaning of Offer and Acceptance
- II. Rules regarding Offer and Acceptance
- III. Revocation and Lapse of Offer
- IV. Counter Offer
- V. Communication of Offer and Acceptance
- VI. Termination of Offer and Acceptance

Unit- 3 Consideration

- I. Meaning of Consideration
- II. Rules regarding the Consideration
- III. Exception to the "No Consideration no Contract"
- IV. Types of Consideration
- V. Adequacy of Consideration

Unit-4 Capacity to Contract

- I. Meaning of Contractual Capacity
- II. General Rule regarding the Contractual Capacity
- III. Exceptions regarding the Contractual Capacity

Unit- 5 Free Consent

- I. Needs of Free Concept
- II. Legal Effects of Contract Cased by
 - Coercion
 - Undue Influence
 - Misrepresentation

- Fraud
- Mistake

Unit- 6 Quasi Contract

- I. Meaning of Quasi Contract
- II. Legal Provision of Quasi Contract in Nepalese Contract Act

Unit- 7 Contingent Contract

- I. Rules regarding the Contingent Contract
- II. Difference between Wagering Agreement Contingent Contract
- III. Legal Provision of Contingent Contract in Nepalese Contract Act

Unit- 8 Performance of Contract

- I. Meaning of Performance of Contract
- II. Modes, Methods, Place and Time of Performance of Contract

Unit- 9 Termination of Contract

- I. Meaning of Termination of Contract
- II. Method of Termination of Contract
 - By Performance
 - By Operation of Law
 - By Breach
 - By Agreement
 - By Impossibility of Performance

Unit- 10 Remedies for Breach of Contract

- I. Damages
- II. Restitution
- III. Injunction
- IV. Specific Performance
- V. Quantum Merit
- VI. Arbitration

Unit- 11 Law of Agency

- I. Meaning and Feature of Agency
- II. Modes of Creating of Agency
- III. Types of Agent
- IV. Termination and Revocation of Agency
- V. Duties of the Agent to the Principal and Principal's duty to the Agent
- VI. Rights and Duties of an Agent
- VII. Termination of an agent

Unit- 12 Bailment and Pledge

- I. Meaning and Definition of Bailment and Pledge
- II. Rights and Duties of Bailor and Bailee
- III. Rights and Duties of Finder of Lost Goods
- IV. Rights and Duties of Pawner and Pawnee
- V. Pledge by Non-owner

Unit- 13 Indemnity and Guarantee

- I. Meaning and Nature of Indemnity and Guarantee

- II. Right and Duty of Indemnifier and Indemnity-holder
- III. Types of Guarantee
- IV. Rights, Duties and Liability of Surety
- V. Discharge of Surety

Unit- 14 Law of Sale of Goods

- I. Meaning of Sale of Goods
- II. Types of Goods
- III. Difference between Sale and Agreement to Sell
- IV. Condition and Warranties
- V. Transfer of Ownership
- VI. Rights and Duties of Seller and Buyer and Unpaid Seller

Unit- 15 Law of Carriage

- I. Meaning of Carriage
- II. Classification of Carrier
- III. Rights and Duties of Carriers
- IV. Charter Party
- V. Contract of Affreightment
- VI. Bill of Lading

Unit- 14 Negotiable Instruments

- I. Concept and Features of Negotiable Instrument
- II. Types of Negotiable Instrument
- III. Holder and Holder-in -due course
- IV. Discharge of Negotiable Instrument

Unit- 15 Arbitration

- I. Meaning and Essentials of Valid Arbitration
- II. Arbitration Award
- III. Legal Provision under the Arbitration Act

Recommended Books

1. Anson's Law of Contract, 28th ed., 2002
2. Avtar Singh, Law of Contract and specific Realief, Dastern Book Company Lacknow, 8th edition, Reprinted, 2004
3. Pollock and Mulla on Indian Contract Law (Vol 1 and 2) 12th edition, 2001
4. KC Yadav Kumar , Contract Law: A Comparative study, Pairavi Prakashan, 1st ed 2016, Kathmandu

Acts

1. Arbitration Act, 2055 BS
2. Contract Act, 2056 BS
3. Nepal Agency Act, 2014 BS
4. Partnership Act, 2020 BS
5. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
6. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

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

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 304

Course Objectives

Objectives of the course are :

- To make the student familiar with the concepts and principles of constitution and constitutionalism
- To help them understand the evolution of the constitutional law,
- To enable them to apply constitutional principles in the context of Nepal,
- To prepare them to apply concept of rule of law and supremacy of the constitution in practice, and
- To make them able to compare and analyze different constitutions of the world.

Unit- 1 Introduction

- I. Meaning, Definition, Scope and Importance of Constitution
- II. Sources of Constitutional Law
- III. Difference between Constitution and Constitutional Law
- IV. Constitution and Constitutionalism

Unit- 2 Historical Development of Constitution

- I. Government of Nepal Act, 2004 B.S
- II. Interim Governance Act, 2007 B.S
- III. The Constitution of Kingdom of Nepal, 2015
- IV. The Constitution of Nepal, 2019
- V. The Constitution of Kingdom of Nepal, 2047 B.S
- VI. The Interim Constitution of Nepal 2063 B.S
- VII. The Constitution of Nepal

Unit- 3 Classification of Constitution

- I. Written and Unwritten Constitution
- II. Rigid and Flexible Constitution
- III. Federal and Unitary Constitution
- IV. Republican and Monarchical Constitution
- V. Parliamentary and Presidential Constitution

Unit- 4 Concept of Rule of Law

Unit- 5 Concept of Separation of Powers and Check and Balance

Unit- 6 Fundamental Rights, Directive Principles and Policies of the State

- I. Meaning and Importance of Fundamental Rights
- II. Remedies for Violation of Fundamental Rights
- III. Guarantee and Protection of Fundamental Rights under the Constitutional Provision
- IV. Landmark Judgment on Fundamental Rights
- V. Significance of Directive Principles and Policies of the State

Unit- 7 The Executive

- I. Constitutional Position of Head of the State
- II. Formation of the Council of Minister
- III. Responsibility and Accountability of the Council of Minister
- IV. Role and function of Prime Minister and Council of Minister in Nepal

Unit- 8 The Legislature

- I. Composition of the Parliament
- II. Function of the Parliament
- III. Committees System in Parliament
- IV. Dissolution of Parliament
- V. Responsibility and Accountability of the Parliament
- VI. Legislative Control over the Executive Body

Unit- 9 The Judiciary

- I. Basic Concept of Independent of Judiciary
- II. Structure/level of Judiciary
- III. Contempt of Court
- IV. Judicial Council and Judicial Service Commission in Nepal
- V. Supreme Court as Court of Record
- VI. Role of Judiciary to Protect and Promote Human Right

Unit- 10 Constitutional Bodies and Their Composition and Function

Unit- 11 Miscellaneous

- I. Emergency Provisions
- II. Political Parties
- III. Citizenship
- IV. Contemporary Issues of Constitutional Law

Recommended Books

1. The Constitutions of Nepal (All)
2. Wade and Phillips, Constitutional Law
3. D.D. Basu, Constitutional Law of India, 1973, Published by S.C. Sarkar & Sons Pvt. Ltd.
5. Iver Jennings, The Law and the Constitution, 5thed, 1973, Pub. by ELBS, London
6. Judicial Administration Act,
7. S.P.Dhungel and et.al., Commentary on the Nepalese Constitution, Kathmandu, 1998, Pub. by DELF lawyers Inc., Kathmandu
8. Bharatraj Upereti and et.al.,(eds.), Constitutional Law of Nepal, Kathmandu (in Nepali
9. Durga Das Basu, Comparative Federalism, 1987, Publication by Prentice – Hall of India Pvt. Ltd., New Delhi
10. A.V. Dicey, An Introduction to the Law of the constitution, 10th Edition, Publication by Universal Law Publishing Co. Pvt. Ltd., Delhi.
11. M.P. Singh, V.N. Shukla Constitution of India 10th Ed., Pub. by Eastern B.Co. Lucknow
12. Kamal Raj Thapa (ed), Governance, Constitution and Contemporary Issues, 2066, Pub. by LRAF Pvt. Ltd., Kathmandu
13. Dr. Bhimarjun Acharya, Fundamental Rights in the World Constitutions (2008), Pairavi Book House, Putalisadak, Kathmandu
14. Dr. Bhimarjun Acharya, Mavlik Adhikar Ka Yayamharu (Dynamics of Fundamental Rights), 2009, National Peace Campaign, Kathmandu

15. Bhimarjun Acharya, Making Constitution Through Constituent Assembly, 2006, Pairavi Prakashan, Putalisadak, Kathmandu
17. Michel Rosenfeld and Andras Sojo, The Oxfore Handbook of Comparative Constitutional Law (2012)
18. Vikram David Amar and Mark V Tushnet, Global Perspective on Constitutional Law, Oxford University Press (2009)
19. Ran Hirschl, Comparative Matters, The Renaissance of Comparative Constitutional Law, Oxford University Press (2014)

Subject: Legal Research

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 305

Course Objectives

Objectives of this course are:

- To introduce students with fundamental methods of legal research,
- To help them in developing habit of using research methods in professional pursuit, and
- To help them develop professionalism based on empirical research habit.

Contents

Unit- 1 Introduction to Research and Research Methodology

Unit- 2 Research as a tool of obtaining Scientific Knowledge

Unit- 3 Common Sense and Scientific Knowledge

Unit- 4 Importance and Scope of Research in Law

Unit- 5 Types of Research

Unit- 6 Tools and Methodologies of Research

Unit- 7 Types and Collection of Data

Unit- 8 Skill of Research Report and Report Writing

Unit- 9 Case Law Research

- I. Types of Authority: Primary and Secondary
- II. Case Law Organization: Official and Unofficial Version, The Organization of Reported Cases
- III. Case Law Location Method

Unit- 10 Legislative Research

- I. Constitutional Law Location Method
- II. Topic Method
- III. Descriptive World Method
- IV. Research on Statutes

Unit- 11 Rules of Citation

Recommended Books:

1. CR Kothari, Research Methodology Methods & Techniques, 1990, Wishwa Prakashan, New Delhi
2. Fred N. Kerhinger, Foundations of Behavioral Research, 2002, Surjeet Publication, Delhi
3. HK Wolff and P.R. Pant, Social Science Research and Thesis Writing, 2005, Buddha Academic Enterprises, Kathmandu

Subject: Legislative Principles

Full Marks: 100

Pass Marks: 35

Year: I

Nature: Compulsory

Course code: 306

Course Objectives

Objectives of this course are:

- To make students aware of principles and goals of making laws by legislative body;
- To help students understand various factors involved in and responsible for making laws by legislative body;
- To enable them understand effectiveness of legislation as a -tool for shaping the structure of the society and people's life in modern times, and
- To acquaint them with legislative trends and policy in Nepal.

Contents

Unit- 1 General Concept of Legislation

- I. Meaning, Definition and Importance of Legislation
- II. Types of Legislation
- III. General Legislative Process of Law
- IV. Types of Legislation: Constitution, Act, Rule, Regulation, Bye-laws, Ordinance, Orders

Unit- 2 Objectives of Legislation

- I. Social Change and Social Control
- II. Bentham's Principle of Utility
- III. Empowering People to enjoy rights and benefits
- IV. Good Governance

Unit- 3 Law Making Process

- I. Law Making Process under the: Autocratic and Democratic System of Governance
- II. Provision of Constitution and Law regarding the Law making Process
- III. Drafting Bill
- IV. Adoption of Bill: Government and Private Bill
- V. Committee Hearing
- VI. Final Adoption

Unit 4 Influence of Law Making Process

- I. Education, Media, Religion, Morality,
- II. Political Structure, Economic Structure, Social Structure and Societal Value System

Unit- 5 Behaviour and Accountability of Law Makers

Unit- 6 Role of Nepal Law Commission: The Machinery of Law Reform

Recommended Books

1. A.V. Dicey; Law and Public Opinion in England, 2nd Ed., Universal Law Publishing Co. Pvt. Ltd., 1998.
2. B.R. Atre, Legislative Drafting, 2nd Edition, Universal Law Publishing Co. Pvt. Ltd., 2006

3. Bhimarjun Acharya, Making of Constitution through Constituent Assembly, Pairavi Prakashan, Kathmandu, 2006.
4. Cornelius M. Kerwin, Rule Making, Universal Books Traders, Delhi, 1997
5. J. Bentham, Introduction to the Principles of Morals and Legislation, Universal Law Publishing Co. Pvt. Ltd., Delhi, 2004.
6. Kamal Raj Thapa (ed), Governance, Constitution and Contemporary Issues, 2066.
7. Nepal Constitution Foundation, Legislative Drafting and Oversight Function of Nepalese Parliament, A Process of Law (2015)
8. P.M. Bakshi, An introduction to Legislative Drafting, 5th edition, Tripathi Pvt. Ltd., Bombay, 1995.
9. Roscoe Pound; Introduction to Philosophy of Law, Yale University press, U.K., 2006.
10. Upendra Baxsi , Bentham Theory of Legislation, 7th Reprint Sirohi Brothers Pvt. Ltd., 2006
11. V.C.A. R.A.C. CRABBE, Legislative Drafting, Canvendish Publishing Ltd., Londo, 1993.
12. W. Friedmann, Legal Theory, 5th ed., Universla Law Publishing Co. Pvt. Ltd., Delhi, 2003.
13. The Constitution of Nepal (2015)
14. Activities, Manual and Publications of Nepal Law Commission and Parliament of Nepal
15. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
16. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
17. g]kfndf sfg"g cfof]u, sfg'g th'{df lbUbz{g, ;f]kfg k[]; k|f=ln=, sf7df8f}+, @)^^
18. g]kfn sfg'g cfof]u, sfg'g th'{df ;DaGwL cjwf/0ffTds klfx?, xfOn8 k[]; k|f=ln= sf7df8f}+ @)^\$

Syllabus for Three Years LL.B
Subject: Family Law

Full Marks: 50

Pass Marks: 18

Year: I

Nature: Compulsory

Course code: 307

Course Objectives

The objectives of this course are:

- To spell out the background and development of family
- To acquire the knowledge regarding the family related matter issues
- To familiarize the students with the leading family law cases of Nepal.

Unit- 1 Introduction

- I. Concept, Meaning and Scope of Family Law
- II. Historical Development of Family Law
- III. Types of Marriage

Unit- 2 Marriage

- I. Concept of Marriage
- II. Valid, Voidable and Void Marriage
- III. Punishable Marriage
- IV. Legal Provision Regarding to Marriage

Unit- 3 Civil Marriage

- I. Condition for a Valid Civil Marriage
- II. Procedural Requirements

Unit- 4 Husband and Wife

- I. Religious Concept of Husband and Wife
- II. Separation of Husband and Wife
- III. Restriction of Conjugal Right
- IV. Grounds of Divorce
- V. Divorce Suit
- VI. Reunion of Divorced Husband and Wife
- VII. Child Custody

Unit- 5 Adultery

- I. Concept of Adultery and Bigamy
- II. Punishment

Unit- 6 Adoption

- I. Concept of Adoption
- II. Adoption in Traditional Hindu Law
- III. Condition of Adoption
- IV. Status of Adopted Son and Daughter
- V. Condition for Invalidating Adoption
- VI. Adoption by Foreigners

Unit- 7 Partition

- I. Concept of Partition
- II. Ancestral Joint Property and Personal Property
- III. Coparcener
- IV. Procedure for Partition
- V. Reunion of Family

Unit- 8 Women's Property

- I. Meaning and Importance of Women's Property
- II. Kinds of Women's Property
- III. Succession of Women's Property

Unit- 9 Inheritance

- I. Meaning of Inheritance
- II. Concept of Inheritance in Hindu Law
- III. Rights over the Inheritance

Unit- 10 Family Court

- I. Concept of Family Court
- II. Scope of Family Court
- III. Procedure for Family Court

Recommended Books

1. Nandan D, Marriage, Divorce and Hindu Law, Allahabad (1989)
2. Shreshtha Gyendra B., Law of Property, Pairavi Prakasan (2050)
3. Subedi Madhusudan, History of Hindu Marriage (in Nepali)
4. Muluki Ain 2020
5. Muluki Civil (Code) Act, 2074
6. Muluki Civil Procedure (Code) Act, 2074