

# **Syllabus for BA LLB First Semester**



Mid-Western University, School of Law, Surkhet, Nepal

**Mid-Western University**

**School of Law**

**BALLB Program**

**2018**

## Course Framework

**Program: BALLB**

**Semester: First**

S. N.	Course Code	Course Title	Credit Hour	Types of Course
1.	LAW 311	Fundamental Principles of Jurisprudence	3: 00	Theoretical
2.	LAW 312	Legal and Judicial History of Nepal	3: 00	Theoretical
3.	LAW 313	Introduction to Political Thoughts	3: 00	Theoretical
4.	LAW 314	Fundamentals of the Nepalese Economy	3: 00	Theoretical
5.	LAW 315	Introduction to Sociology	1.5: 00	Theoretical
6.	LAW 316	Introduction to Justice Institutions (clinical)	1.5: 00	Practical
		Six Subjects	<b>15 : 00</b>	5- Theoretical 1- Practical

## Fundamental Principles of Jurisprudence (LAW 311)

**Types of Course: Theoretical (Compulsory)**

**Credit: 03:00**

S. N.	Course Number	Course Title	Major Course Outlines
1.	LAW 311	Fundamental Principles of Jurisprudence	<p><b>1. Meaning and Definition of Law</b></p> <ul style="list-style-type: none"> <li>a. Concept of Law</li> <li>b. Definition of different scholars</li> <li>c. Understanding of general people about law</li> </ul> <p><b>2. Meaning and Definition of Jurisprudence</b></p> <ul style="list-style-type: none"> <li>a. Definition of jurisprudence in Generic Sense</li> <li>b. Definition of jurisprudence in Particular Sense</li> <li>c. Kinds of Jurisprudence</li> <li>d. Scope of Jurisprudence</li> </ul> <p><b>3. Types of Law</b></p> <ul style="list-style-type: none"> <li>a. Substantive and Procedural law</li> <li>b. Civil and Criminal law</li> <li>c. Public and Private law</li> <li>d. National and International Law</li> <li>e. Constitutional law</li> <li>f. Administrative Law</li> <li>g. Federal Law, State Law and Local Law</li> <li>h. Commercial Law</li> <li>i. Law of Contract</li> <li>j. Tort Law</li> <li>k. Environment Law</li> <li>l. Family Law</li> </ul> <p><b>4. Different schools of Jurisprudential Thought</b></p> <p><i>A. Natural School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. Ancient Period (Heraclitus, Socrates, Aristotle)</li> <li>ii. Medieval Period (Thomas Aquinas)</li> <li>iii. Period of Renaissance (Hugo Grotius, Hobbes, John Locke, Rousseau, Immanuel Kant)</li> </ul>

			<ul style="list-style-type: none"> <li>iv. Modern Period (Rudolf Stammler, Prof, Rawls, Francois Geny)</li> <li>v. Basic tenants</li> <li>vi. Relevancy in Nepalese context</li> </ul> <p><i>B. Analytical School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. Scholars: John Austin “Command Theory”, Jeremy Bentham “Utilitarian Theory”, HLA Hart “Union of Primary rule and Secondary Rule Theory”, Kelsen “Pure Law Theory”, “Grundnorm Theory”</li> <li>ii. Basic Tenants</li> <li>iii. Relevancy in Nepalese context</li> </ul> <p><i>C. Historical School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. Scholars: Sir Henry Maine, “Concept of static and progressive society”, Karl Von Savigny, “Concept of National Imprint of Law”</li> <li>ii. Basic Tenants</li> <li>iii. Relevancy in Nepalese Context</li> </ul> <p><i>D. Sociological School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. Roscoe Pound “Social Engineering Theory”, “Balancing Interest Theory”</li> <li>ii. Ihering “Purpose Theory”, “Balancing Conflict in Interest Theory”, “Social Utilitarian”</li> <li>iii. Ehrlich “Living Law Theory”</li> <li>iv. Leon Duguit “Social Solidarity Theory”</li> <li>v. Basic Tenets</li> <li>vi. Relevancy in Nepalese Context</li> </ul> <p><i>E. Realist School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. American Realism <ul style="list-style-type: none"> <li>a. Gray</li> <li>b. Oliver Holmes</li> <li>c. Jerome Frank</li> <li>d. Llewellyn</li> </ul> </li> <li>ii. Scandinavian Realism <ul style="list-style-type: none"> <li>a. Hagerstown</li> <li>b. Olivercorn</li> </ul> </li> </ul>
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			<ul style="list-style-type: none"> <li>c. A.V.Lundstedt</li> <li>d. Alf Ross</li> </ul> <ul style="list-style-type: none"> <li>iii. Difference between American and Scandinavian Realism</li> <li>iv. Basic Tenants</li> <li>v. Relevancy in Nepalese Context</li> </ul> <p><i>F. Economic School of Thoughts</i></p> <ul style="list-style-type: none"> <li>i. Karl Marx theory of communism</li> <li>ii. Basic tenants</li> <li>iii. Relevancy in Nepalese Context</li> </ul> <p><b>5. Introduction to Eastern and Western Jurisprudence and Laws</b></p> <p>A. Jurisprudence in Eastern Philosophy</p> <p>B. Definition and theories of different eastern Scholars.</p> <ul style="list-style-type: none"> <li>i. Narad</li> <li>ii. Chanakya</li> <li>iii. Confucius</li> </ul> <p>C. Comparative study between Eastern and Western Jurisprudence</p> <p><b>6. Morality and Ethics</b></p> <ul style="list-style-type: none"> <li>a. Fuller's Theory of Morality</li> <li>b. Relationship between law and morality, ethics</li> <li>c. Difference between law and morality, ethics</li> </ul> <p><b>7. Rights, Duties, Justice</b></p> <p>A. Definition of Rights and Duties</p> <p>B. Elements of Rights and Duties</p> <p>C. Relationship between Rights and Duties</p> <p>D. Types of Rights:</p> <ul style="list-style-type: none"> <li>i. Fundamental Rights and Legal Rights,</li> <li>ii. Human Rights</li> <li>iii. Perfect and Imperfect Rights</li> <li>iv. Absolute and Contingent Right</li> <li>v. Right in Rem and Right in Personam,</li> </ul>
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			vi. Inheritable and Uninheritable Rights vii. Rights in <i>re propria</i> and rights in <i>re aliena</i> E. Types of Duties i. Fundamental Duties ii. Moral and legal duty iii. Positive and Negative duty  <b>8. Administration of Justice</b> a. Meaning and conceptual development of Administration of Justice b. Kinds of Administration of Justice c. Methods of Justice Administration d. Concept of Public and private prosecution
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#### RECOMMENDED READINGS:

1. Jurisprudence and Legal Theory, Dr. Yuba Raj Sangroula, Sahayatra Publication, 2074
2. Jurisprudence and Legal Theory, VD Mahajan, Eastern Book Company
3. Lloyd's Introduction to Jurisprudence, MDA Freeman FBA, Sweet and Maxwell, 2016
4. Jurisprudence, The Philosophy of Law, Dr. Yuba Raj Sangroula, The Loquitur Publishing Company, 2014
5. Introduction to Legal Theories, Basic Jurisprudential studies, Md. Maimul Ahsan Khan, Bangladesh Institute of Islamic Thought, 2016
6. Jurisprudence, The Philosophy and Method of the Law, Edgar Bodenheimer, Universal Law Publishing Co. Pvt. Ltd
7. Introduction to Jurisprudence, Dr. Avatar Singh, Wadhwa and Company, 2005
8. The Morality of Law, Lon L. Fuller, Universal Law Publishing Co. Pvt. Ltd., 2004
9. Modern Theories of Law, Ivor Jennings, Universal Law Publishing Co. Ltd., 2005
10. Dias Jurisprudence, University of Cambridge
11. The Concept of Law, H.L.A. Hart, Oxford University Press, 2007
12. Jurisprudence, Narayan Prasad Lamsal, Pairavi Publication, 2063
13. Philosophy 100 essential thinkers, The idea that have shaped our world, Phillip Stokes, 2012
14. Indian Philosophy, Vol. 1, Jadunath Sinha, New Central Book Agency, 2012
15. Indian Philosophy, Vol. 2, S. Radha Krishnan, 2014
16. पूर्विय सोच र स्रोत, डिल्लीराम गौतम, काठमाण्डौ स्कूल अफ ल, २०६६

## Legal and Judicial History of Nepal (LAW 312)

**Types of Course: Theoretical (Compulsory)**

**Credit: 03:00**

S. N.	Course Number	Course Title	Course Outlines
2.	LAW 312	Legal and Judicial History of Nepal	<p><b>1. Introduction to Early History of Nepal</b></p> <p>A. Influence of Geography on the History of Nepal</p> <ol style="list-style-type: none"> <li>i. Early Settlements</li> <li>ii. Early Dynasties                             <ol style="list-style-type: none"> <li>a. Gopal Dynasty</li> <li>b. Mahispal Dynasty</li> <li>c. Kirant Dynasty</li> </ol> </li> </ol> <p>B. Situation of Law and Legal System in Kirant Dynasty</p> <ol style="list-style-type: none"> <li>a. Crime and Punishment</li> <li>b. Ordeal System</li> <li>c. Court System</li> <li>d. Mundhum and its types</li> <li>e. Position of Women in Social, Economic and Political</li> </ol> <p><b>2. The Lichhavi Period (1<sup>st</sup> Century to 8<sup>th</sup> Century)</b></p> <p>A. Origin and Foundation of Lichhavi Kingdom</p> <p>B. Social, Economic and Political System</p> <p>C. Legal and Judicial Systems</p> <ol style="list-style-type: none"> <li>i. Judicial Administration (Central, Provincial and Local Level Administration)</li> <li>ii. Crime and Punishment</li> <li>iii. Ordeal System</li> <li>iv. Women's Position during Lichhavi Dynasty</li> <li>v. Foreign Relations</li> </ol> <p><b>3. Malla Period</b></p> <p>A. Origin of Malla Dynasty</p> <p>B. Malla King and Socio-political and Economic Systems</p>

			<p>C. Contribution of <i>Mallas</i> in Development of Legal System</p> <p>D. Era of Codification (Manabnyayasastra/Nyayavikasini)</p> <p>E. Administrative and Judicial System During <i>Malla</i> Dynasty</p> <p>F. Ordeal System</p> <p>G. Reforms brought by Jayasthiti Malla</p> <p>H. Position of Women during <i>Malla</i> Dynasty</p> <p><b>4. Principalities:</b> Legal Contribution of Principalities (बाईसे चौबिसे राज्य)</p> <p><b>5. Shah Period</b></p> <p>A. Emergence of <i>Shah</i> Dynasty</p> <p>B. Contribution of <i>Ram Shah</i> in the Development of Legal and Judicial System in Nepal (26 Thitis of Ram Shah)</p> <p>C. <i>Prithvinarayan Shah</i> and Unification of Nepal: Contribution in Development of Legal and Justice System in Nepal (Pre and Post-Unification)</p> <p>D. <i>Divya Upadesh</i> of <i>Prithvinarayan Shah</i></p> <p>E. Sources of Law in <i>Shah</i> Period</p> <p>F. Legal and Judicial Administration of <i>Shah</i> Kings.</p> <p><b>6. Rana Regime</b></p> <p>A. Rise, Consolidation and Fall of Rana Regime</p> <p>B. Reforms/Judicial Contribution of Jung Bahadur Rana</p> <p>i. Muluki Ain 1910 B.S. (Introduction, Importance, Features and Implications)</p> <p>ii. Court of Justice</p> <p>iii. Attempt to Control Sati System, Slavery System</p> <p>C. Anglo-Nepalese War</p> <p>D. Treaty with British Colonial Rule in India</p>
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			<p>E. <i>Bir Shumsher's Sanad</i> to Gurkha Recruitment in the British Colonial Army and 1947 Tripartite Treaty</p> <p>F. Nepal Governance Act 2004 B.S. and Its Importance</p> <p>G. Judicial System During <i>Rana</i> Regime</p> <p><b>7. Democracy Movement of 2007:</b> Impact of the Democratic Movement in Legal System</p> <p><b>8. Constitutional and Legal Development:</b> Fundamental Characteristics and Importance of:</p> <ul style="list-style-type: none"> <li>i. Nepal Interim Governance Act 2007</li> <li>ii. Pradhan Nyayalaya Ain (Apex Court Act, 2008)</li> <li>iii. Citizens' Right Act, 2012</li> <li>iv. Constitution of Nepal 2015</li> </ul> <p><b>9. Panchayat Regime and Its Legal System:</b></p> <p><b>Introduction to:</b></p> <ul style="list-style-type: none"> <li>i. State Cases Act, 2017</li> <li>ii. Evidence Act, 2031</li> <li>iii. Criminal Procedure and Penal Codes and Civil Code 2074</li> </ul> <p><b>10. Democratic Movement</b></p> <ul style="list-style-type: none"> <li>i. Popular Democracy Movement 2046 B.S.</li> <li>ii. Interim Constitution 2063</li> </ul> <p><b>11.</b> Civil Strife and Impacts in Lives of People, Including 12 Points Agreement</p> <p><b>12.</b> 2006 (2063) Popular Rise of People and Restoration of House of Representatives</p> <p><b>13.</b> Historic Declaration of the House of Representatives</p> <p><b>14.</b> Comprehensive Peace Accord and Interim Constitution of Nepal: Main Features and Importance</p>
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			<p><b>15.</b> Election of Constituent Assembly and Constitution Making</p> <p><b>16.</b> Declaration of Nepal as Republic</p> <p><b>17.</b> Declaration of Nepal as Federal Democratic Republican State: The Constitution of Nepal</p>
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#### RECOMMENDED READINGS:

1. Constitution of Nepal, 2074.
2. Muluki Civil and Criminal Code 2074.
3. Adrain Server: Aspects of Modern Nepalese History, Vikash Pub. Delhi, 1996.
4. Bishal Khanal, An overview of Administration of Justice System of Nepal, Kathmandu
5. Bishal Khanal, Regeneration of Legal System of Nepal, Kathmandu, Bhrikuti Publication, Kathmandu, 2000
6. Dr. Yubaraj Sangroula; Criminal Law and Justice System: Comparative Study of the Criminal Justice System of Nepal with Reference to China, India, Japan, U.S.A. and U.K. Sahayatra Publication, 2018
7. CeLRRd, Analysis and Reform of the Criminal Justice System in Nepal, Kathmandu, 1999
8. D.R. Regmi: Medieval Nepal Vol. I and II.
9. Daniel Wright: History of Nepal.
10. Dr. Yubaraj Sangroula: Criminal Justice System of Nepal, 2011
11. Hamilton Francis: An account of the Kingdom of Nepal, Asian Education Service, Delhi 1986.
12. Jagadish Chandra Regmi: Prachin Nepal ko Rajnaitik Itihas, Royal Nepal Academy
13. Krishna Kant Adhikari: Nepal under Jung Bahadur. Vol. 1846-1877 Buku Publication, Kathmandu, 1948
14. Risikesh Shah: Ancient Medieval Nepal Vol. I and II Manohar Publishers, 1997
15. Rishikesh Shah: Modern Nepal Vol. I and II Manohar Publishers, 1990
16. See Articles by Rewati Raman Khanal, Subash Nembang, Gajendra Keshari Bastola in Various Issues of Nyayadoot Kanoon and Nepal Law Review.
17. Narendra Prasad Pathak, Comparative Constitutions of Nepal.
18. Narayan Prasad Sangroula: History of Modern Nepal 2071.
19. Nayavikasini.

## Introduction to Political Thoughts (LAW 313)

**Types of Course: Theoretical (Compulsory)**

**Credit: 03: 00**

S.N.	Course Number	Course Title	Major Course Outlines
5.	LAW 313	Introduction to Political Thoughts	<p><b>1. Definition of Political Science</b> Definitions by: Paul Janet, Gettle, Bluntschil, Garner, Seely, Goodnow and other key thinkers. Analyzing thinkers' expression and foreseeing what Politics is by juxtaposing to students' understanding.</p> <p><b>2. Concept of State and Government</b> Definitions of state; elements of states; theories on origination on states; definitions of government; development of governments; welfare state.</p> <p><b>3. Social Contract Theories</b> Concept; key figures; values of social contract theories; pros and cons</p> <p><b>4. Capitalism Vs. Marxism</b> Meaning; key figures; basic ideologies; current implications; fundamental differences between capitalism and Marxism.</p> <p><b>5. Democracy</b> Definitions; development of democratic history in Nepal and South Asia; different dimensions of democracy; direct and indirect democracy; Majoritarian Vs. plural democracy; liberal vs. social democracy.</p> <p><b>6. Forms of Government</b> Government types; parliamentary vs presidential; unitary vs federal; and organs of government with formation in context of Nepal</p> <p><b>7. Separation of Powers</b></p>

			<p>Needs; evolutions and provision of separation of powers among organs of government; situation in Nepal and policy of Check and balance.</p> <p><b>8. Federal System of Government</b></p> <p>Concept; emergence; present realities; key strength and practices of successful federal nations in the world.</p> <p><b>9. Political History and Transition in Nepal</b></p> <p>Key political events and updates from post Rana regime to present: introduction of democracy; Panchayat; restoration of democracy; commencement of Maoist movement; republican revolution; constituent assembly; reconstruction of nation and first ever federal election of Nepal.</p>
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#### RECOMMENDED READINGS:

1. राजनीतिक विचारधाराको इतिहास, रमेशचन्द्र अधिकारी
2. राजनीतिक विचारधाराको इतिहास, गोपालशिवाकोटी
3. निशंकोच अभिव्यक्ती, प्राध्यापक डाक्टर युवराज संग्रौला
4. Political Theory: Ideas and Institution, Amal Roy and Mohit Bhattacharya
5. Political Theory: A. Heywood.
6. नेपालको संविधान २०७२
7. नलेखिएको इतिहास, राधाकृष्ण मैनाली
8. प्रयोगशाला, सुधीर शर्मा
9. अनुभव र अनुभुती, डिल्ली रमण रेग्मी
10. पृथ्वीनारायण शाह देखी राजा ज्ञानेन्द्र सम्मको नेपालको इतिहास, पुन्यप्रताप राणा
11. Principle of Political Science, A. C Kapoor.
12. समसामयिक लेखहरु

## Fundamentals of the Nepalese Economy (LAW 314)

**Types of Course: Theoretical (Compulsory)**

**Credit: 03: 00**

**Objectives of this course are:**

- To familiarize students with basic tenets of different economic systems and planning with special reference to Nepal, and
- To familiarize them with various concepts of public finance, public expenditure, public revenue and discuss their role in developing countries, and explain the objectives, role, and theory of fiscal policy, budgetary policy, and budget formulation.
- To provide broad understanding of relationship between economics and law.

### **Methodology of Teaching**

- Review of various planning of Nepal.
- Orientation Lectures on principles and concepts
- Every student must prepare a research work on one of the themes covered by the subject.
- Interactions with development and planning experts and economists. Teachers must arrange special seminar programs
- Visit of the Planning Commission, Ministry of Finance, and other relevant institutions such as Nepal Rastra Bank.

S. N.	Course Number	Course Title	Major Course Outlines
3.	LAW 314	Fundamentals of the Nepalese Economy	<b>1. Introduction to Economics</b> <ul style="list-style-type: none"><li>a. Definition, Methodology and Scope of Economics</li><li>b. Forms of Economic analysis - Micro Vs. Macro, Partial Vs. General, Static Vs. Dynamic, Positive Vs. Normative, Short Run Vs. Long Run</li><li>c. Basic Concept and percepts - Economic problems, economic rationality, optimality.</li><li>d. Interdependence between Micro and Macro Economics</li><li>e. Development of Macro Economics - Classical, Keynesian and Monetarist</li><li>f. Various concepts of National Income</li><li>g. Relation between Economics and Law</li><li>h. Factors that influence laws - Economic development, Social Justice, Poverty, Child Labour etc.</li></ul>

			<ul style="list-style-type: none"> <li>i. Market Failure and Role of Government</li> </ul>
			<p>2. <b>Economic History of Nepal</b></p> <ul style="list-style-type: none"> <li>a. Brief Economic History of Nepal</li> <li>b. Resource Base of Nepali Economy</li> <li>c. The Structure of Nepali Economy</li> <li>d. Highlights on Contemporary Inflation Situation</li> </ul>
			<p>3. <b>Economic System</b></p> <ul style="list-style-type: none"> <li>a. Capitalist, Socialist and Mixed Economy – Concept and Definition, Distinctive Features and Merits and Demerits</li> <li>b. Directive Principles of the Constitution of Nepal with reference to Distribution of Resources</li> <li>c. Right to Equality in Sharing Resources and State's Affirmative Action for Securing Interest of Women, Children, Aged and other Marginalized Groups in Nepal</li> <li>d. Laws Protecting Economic Interest of People <ul style="list-style-type: none"> <li>i. Right to Property in Constitution</li> <li>ii. Right Against Appropriation of Individual Property by State- Land Acquisition Law in force</li> <li>iii. Right to Employment with Basic Minimum Salary- Labor Law in force</li> <li>iv. Right to Social Security- Pension, Provident Fund, Cooperatives, Insurance Laws in force</li> </ul> </li> </ul>
			<p>4. <b>Economic Development and Planning</b></p> <ul style="list-style-type: none"> <li>a. Growth Characteristics of Developing Countries with Special Reference to SAARC region and China, Concept and Distinction between Economic Development and Growth</li> <li>b. Concept and Definition of Planning; its Need, Types, Planning in Nepal. (A General Survey on Different Plans Prospects of Forthcoming Plan)</li> <li>c. Concept, Causes and Policy measures of Poverty</li> </ul>

			<p><b>5. Public Finance:</b></p> <ul style="list-style-type: none"> <li>a. Concept of Public Finance: (i) Classical and Modern Concepts (ii) Role of Public Finance in Developing Countries</li> <li>b. Public Expenditure: (i) Principles of Public Expenditure (ii) Causes of Excessive Growth of Public Expenditure</li> <li>c. Public Revenue: (i) Importance and Source (ii) Principles of Taxation, (iii) Impact, Incidence and Shifting of Taxation (iii) Effects of Taxation</li> <li>d. Public Debt: (i) Internal and External Borrowing, (ii) Management of Public Debt</li> <li>e. Fiscal Policy: Objective and Role</li> <li>f. Government Budgetary: (i) Components of Budget (ii) Budget Formulation, (iii) Budgetary Policy (iv) Deficit Financing (v) Concept of Federal Finance</li> <li>g. Public Enterprises: (i) Role of Public Enterprises in Developing Countries, (ii) Price and Out Price Policies of Public Enterprises</li> </ul> <p><b>6. New Trends</b></p> <ul style="list-style-type: none"> <li>a. Welfare Economics (Concept, Pareto Optimality)</li> <li>b. Liberalization of the Nepali Economy</li> <li>c. Foreign Aid</li> </ul>
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#### RECOMMENDED READINGS:

1. A.R. Prest - Public Finance in Underdeveloped Countries, Vikas Publishing House, 2003
2. Bhatia, H.L. - Public Finance, Vikas Publishing House, 1999.
3. Corter, Robert and Ulen, Thomas - Law and Economics, Pearson Education, 2005.
4. Dwivedi, D.N. - Principles of Economics, Vikas Publishing House, 1999.
5. Lekhi, R.K. - The economics of development and planning, Kalyani Publication, 2005.
6. Mier - Leading issues on Development Economics, Oxford University Press, 2000
7. N.M. Singh - A Comparative Study of Capitalism and Socialism, 1970.
8. Sen Amartya - Poverty and Famine, Oxford India Paper Backs, 1999.
9. Shing, S.K. - Public Finance in Theory and Practice, S. Chand & Company Ltd., 2004.
10. Slavin, Stephen L., Economics, M.C. Graw-Hill Irwin, 2002.

11. Stiglitz, Joseph - Making Globalization Work, ww.norton& company, 2006.
12. Todaro, M.P, - Economic Development, Addition-wasley Reading, 2003.
13. Vaish, M.C. - Macro Economics, Kalyani Publication, 2001 A.D.
14. On Nepal:
  - a. NEFAS: Debt Trap and Its Management in Nepal, 1998.
  - b. NEFAS: Development Challenges for Nepal, 2000.
  - c. OXFEM (GB) &NLA: Economic Liberalization in Nepal: Sequence and Process, 2003.
  - d. Economic Survey of Nepal, Ministry of finance, Nepal (Current Issue)
  - e. Madan Kumar, Dahal (Editor): Nepalese economy: Towards Building a strong Economic Nation State, Central Department of Economics, TU and New Hira Books Enterprises, 2004.
  - f. Acharya, Keshav Prasad: A Brief Review of Foreign Aid in Nepal, Action Aid Nepal, 2002.

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## Introduction to Sociology (LAW 315)

**Types of Course: Theoretical (Compulsory)**

**Credit: 1.5: 00**

S. N.	Course Number	Course Title	Major Course Outlines
4.	LAW 315	Introduction to Sociology	<p><b>1. Introduction to Sociology</b></p> <ul style="list-style-type: none"> <li>a. Development of Western Sociology and forces responsible for the rise of Western Sociology</li> <li>b. Sociology as a Discipline: Nature, scope and relations of Sociology with other social sciences</li> <li>c. Western Sociology in its formative years: Herbert Spencer, Augusta Comte, Charles Darwin</li> <li>d. Non-western Sociology: Thoughts of Ibn Khaldun</li> <li>e. Development of Sociology in Nepal</li> </ul> <p><b>2. Basic Concepts</b></p> <ul style="list-style-type: none"> <li>a. Culture</li> <li>b. Value</li> <li>c. Multiculturalism and Pluralism</li> <li>d. Folklore</li> <li>e. Roles and Status</li> <li>f. Ethnocentrism and Relativism</li> <li>g. Fundamentalism</li> </ul> <p><b>3. Theories</b></p> <ul style="list-style-type: none"> <li>A. Classical Approach to Sociology <ul style="list-style-type: none"> <li>a. Karl Marx: Class, Conflict, Historical Materialism, Dialectic, Stages of Human Society Evolution, Alienation, Surplus Value, Capital</li> <li>b. Max Weber: Rationality, Authority, State, Bureaucracy, Protestant Ethics and Capitalism</li> <li>c. Emile Durkheim: Division of Labor, Solidarity, Suicide, Social fact and Law</li> </ul> </li> <li>B. Contemporary Approach to Sociology <ul style="list-style-type: none"> <li>a. Talcott Parson: System Theory</li> <li>b. Anthony Giddens: Theory of Structuration</li> </ul> </li> </ul>

			<ul style="list-style-type: none"> <li>c. World System Theory, Dependency, Globalization and its critic</li> <li>d. Dipankar Gupta: Modernity</li> <li>e. M N Srinivas: Sanskritization, Westernization, Modernization</li> <li>f. Michel Foucault: Post Structuralism</li> </ul> <p><b>4. Interplay of Society, Economy and State</b></p> <ul style="list-style-type: none"> <li>a. Marriage, Family, Kinship, State, Civil Society</li> </ul> <p><b>5. Social Transformation (especial reference to Nepal)</b></p> <ul style="list-style-type: none"> <li>a. Social Movements: Women, Janjati, Madhesi, Dalit</li> <li>b. Migration</li> <li>c. Development and Foreign Aid</li> <li>d. Demography</li> <li>e. Nationalism</li> <li>f. Modernization</li> </ul> <p><b>6. Stratification (to be taught with reference to Nepal after giving a general overview of the concept)</b></p> <ul style="list-style-type: none"> <li>a. Caste</li> <li>b. Class</li> <li>c. Gender</li> <li>d. Ethnicity</li> <li>e. Region</li> </ul>
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#### RECOMMENDED READINGS:

1. Giddens Anthony. 2010: *Sociology*. New Delhi. Wiley India(Reprint)
2. Ritzer George. 2011: *Sociological Theory*. New Delhi. TATA McGRAW-HILL
3. Abraham M Francis: (latest edition). *Modern Sociological Theory An Introduction*. New Delhi. Oxford University Press
4. Sharma Prayag Raj: 2012. *THE STATE AND SOCIETY IN NEPAL* Historical foundations and contemporary trends. Kathmandu Himal Books
5. Mishra Chaitanya. 2067VS: *Badalindo Nepali Samaj*. Lalitpur. Fine Print Publication
6. Chhetri Ram Bahadur, Tulsi Ram Pandey, Laya Prasad Uprety. 2010. *Anthropology and Sociology in Nepal: Taking Stock of Teaching, Research and Practice*. Kathmandu. Central Department of Sociology/Anthropology

7. Pandey Devendra Raj.2009: *Nepal's Failed Development: Reflections on the Mission and Maladies*. Kathmandu. Nepal South Asia Center
8. Gupta Dipankar. 2014: *Mistaken Modernity: India Between Worlds*. India. Harper Collins
9. Aahuti. 2014: *Varna Systems and Class Struggle in Nepal*. Lalitpur. SAMATA Foundations
10. Uprety Laya Prasad, Binod Pokharel, Suresh Dhakal (eds). 2017: *Kinship Studies in Nepali Anthropology*. Kathmandu, Central Department of Sociology/Anthropology
11. Bhattachan Krishna B. 2013: Ethno politics and ethno development: an emerging paradigm in Nepal- with a postscript, in *Nationalism and Ethnic Conflict in Nepal identities and mobilization in Nepal after 1990*, eds Mahendra Lawoti and Susan I Hangen
12. Ghurey G S.2017: Features of Caste System, in *Caste and Democratic Politics in India*, ed. Ghanshyam Shah, pp 38-59, Permanent Black New Delhi
13. Dumont Louis. 2017: Hierarchy: Theory of 'Varna', in *Caste and Democratic Politics in India*, ed Ghanshyam Shah, pp. 60-79, Permanent Black New Delhi
14. Bhatta Chandra Dev. 2012: Unveiling Nepal's Civil Society. *Journal of Civil Society*8 (2):pp 185-199
15. Parajuli, Ramesh. 2003: Civil Society and Parliament. In "Nepal: Political Parties and Parliament." Lok Raj Baral ed., pp.172-200. New Delhi: Adroit Publishers.
16. KC Gaurab. 2014: *Kamaune the cultural and economic imaginaries of migration*. Kathmandu. Center for Study of Labour and Mobility
17. Pathak Pradeep .2010: *Relationship between democracy, good governance, and civil society: A case study from Nepal* (unpublished paper submitted to Department of Sociology and Social Policy, University of Sydney)
18. Pathak Pradeep .2011: *Role of civil society in conflict transformation and sustainable peace* (unpublished paper submitted to Department of Sociology and Social Policy, University of Sydney)
19. Census of Nepal, 1991, 2001, 2011.

## Introduction to Justice Institutions (Clinical) (LAW 316)

**Types of Course: Practical (Compulsory)**

**Credit: 1.5: 00**

S. N.	Course Number	Course Title	Major Course Outlines
5.	LAW 316	Introduction to Justice Institutions (Clinical)	<p><b>1. Introductory Session of the Course</b></p> <p><i>Specific Objective:</i></p> <ol style="list-style-type: none"> <li>To make students know about modality of classes</li> <li>To make students know about process of report writing.</li> <li>To know the understanding level of Students</li> <li>To make students aware about evaluation method</li> </ol> <p><i>Detail Course Outline:</i></p> <ul style="list-style-type: none"> <li>Modality of classes, Reference Resource materials, Objective of Course</li> <li>Workshop and Students Engagement</li> <li>Report Writing, Report Presentation</li> </ul> <p><i>Class Modality:</i> Lecture and Workshop</p> <p><b>2. Introduction to Crime Investigation</b></p> <p><i>Specific Objective:</i> To make students know about the investigating offices and investigation procedures.</p> <p><i>Detail Course Outline:</i></p> <ul style="list-style-type: none"> <li>Meaning and Importance of Investigation</li> <li>Laws and Procedures of investigation</li> <li>Group Division, Task Allocation, Research and Team work in Workshop</li> <li>Observation visit to Investigation office and Interview with Officers</li> <li>Report Presentation of Field Visit to Investigation office</li> </ul> <p><i>Class Modality:</i> Lecture Workshop and Field Visit</p> <p><b>3. Introduction to Prosecution (Roles and Responsibilities of Government Attorney).</b></p>

			<p><i>Specific Objective:</i> To make students familiarize with meaning and procedure of Prosecution</p> <p><i>Detail Course Outline:</i></p> <ul style="list-style-type: none"> <li>• Role, Function and Mandate of Attorney General (Constitutional Provision)</li> <li>• Meaning of Prosecution and Role of Prosecution Officer</li> <li>• Things to be considered while prosecuting</li> <li>• Laws and Process of Prosecution Relation between prosecutor and Investigating Officer</li> <li>• Group Division, Task Allocation, Research and Team work in Workshop</li> <li>• Observation visit to Prosecutors Office and Interview with Prosecution Officers</li> <li>• Report Presentation of Field Visit to Prosecutors Office</li> </ul> <p><i>Class Modality:</i> Lecture Workshop and Field Visit</p> <p><b>4. Introduction to District Court</b></p> <p><i>Specific Objective:</i> To make students know about meaning, jurisdiction, case registration procedures, activities by district courts, etc.</p> <p><i>Detail Course Outline:</i></p> <ul style="list-style-type: none"> <li>• Judiciary in Constitution</li> <li>• Introduction to District Court</li> <li>• Role and Functions of different Departments in District Court</li> <li>• Laws and Procedure of registration of case to implementation of Decisions</li> <li>• Group Division, Task Allocation, Research and Team work in Workshop</li> <li>• Observation visit to District Court and familiarization with case procedure, different sections and departments of court</li> <li>• Report Presentation of Field Visit to District Court</li> </ul>
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## RECOMMENDED READINGS:

1. Association, N. B. (2048). *Nepal Bar Association Charter 2048 BS*. Kathmandu: Nepal Bar Association .
2. Center for Legal Research and Resource Development (CeLRRd). (2059 BS). *Abhiyojan tatha Nyayik Karawahi Digadarshan 205*
3. 9 BS. Kathmandu: Center for Legal Research and Resource Development (CeLRRd).
4. Center for Legal Research and Resource Development (CeLRRd). (2003 AD). *Baseline Survey on Criminal Justice System of Nepal*. Kathmandu: Center for Legal Research and Resource Development (CeLRRd).
5. Center for Legal Research and Resource Development (CeLRRd). (2060 BS). *District Court Manual 2060*. Kathmandu: Center for Legal Research and Resource Development (CeLRRd).
6. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Bar Council Act (Kanoon Byabashayi parishad Ain) 2050 BS*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
7. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2072 BS). *Constitution of Nepal*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
8. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Criminal (Code) Act 2074*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
9. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Criminal Procedure (Code) Act 2074*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
10. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2052). *District Court Regulation (Jilla Adalat Niyamawali) 2052*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
11. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2073). *Justice Administration Act (Nyaya Prashashan Ain) 2073*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
12. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Local Administration Act (Sthaniya Prasasan Ain) 2028 BS*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
13. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Local Level Government Act 2028 BS*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.

14. Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal. (2074). *Police Act (Prahari Ain) 2012*. Kathmandu: Law Books Management Committee, Ministry of Law & Justice, His Majesty's Govt. of Nepal.
15. Menon, N. (2008). *Clinical Legal Education*. Lucknow: Eastern Book Co.
16. Office of Attorney General. (2063 BS). *Prosecutors Manual 2063*. Kathmandu: Office of Attorney General.
17. Pandey, K. (2056 BS). *Administrative Law Second Edition*. Kathmandu: Ramesh Silwal.

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