

Jurisprudence and Legal Theories

Grades: 11

Subject code: Jlt.107

Credit Hours: 5

Working Hours: 160

1. Introduction

Jurisprudence is considered as the indispensable subject for the study of any law courses. It includes principles, methods and process to study law; and conceptualizes the underlying philosophy and thoughts of any law. Teaching of jurisprudence is vital for the enhancement of the capacity of students towards realistic interpretation of the provisions of law.

This curriculum, which embodies underlying principles, theories and concepts of law, is introduced primarily with a view to impart to students with foundational knowledge on principles, theories and concepts of law. Through this curriculum, students will practically be able to know about law and its importance, its sources and significance in society and; making and enforcing institutions of law.

Contents in the subject have been selected in such a way that it will cater skills of understanding legal systems and uses in legal practices to the students even in the changed context and situation of the legal system in the country. It incorporates the level-wise competencies, grade-wise learning outcomes, scope and sequence of contents, suggested practical/project activities, learning facilitation process and assessment strategies so as to enhance the learning on the subject systematically.

2. Competencies

At the end of this course, the students will have developed the following competencies:

1. Explain the importance, definition and types of law
2. Discuss several legal thoughts and concepts which are in use in the field of the study of law.
3. Explain general principles and legal thoughts including certain underlying principles which collectively constitute the subject jurisprudence
4. Distinguish between eastern and western legal thoughts and practices
5. Demonstrate understanding about various legal concepts and their implications in understanding of the regime and basis of various legal concepts prevalent in Nepal
6. Illustrate and interpret various legal concepts and their implications in understanding of the regime and basis of various legal concepts prevalent in Nepal
7. Explain and analyze the judicial institutions and their functions from the standpoint of upholding the notion of justice

3. Grade-wise Learning Outcomes

S.N.	Content Area	Learning Outcomes
1	Introduction to Law and Jurisprudence	1.1 Define law through various approaches, scholars and layman's perspective. 1.2 Explain the characteristics and importance of law. 2.1 1.3 Outline the concept of jurisprudence.
2	Types of Law	2.1 Compare and distinguish between various types of law from the perspective of the nature, making, jurisdiction, objectives and development. 2.2 Classify law in various categories. 2.3 Interpret law according to its types and specific nature.
3	Sources of Law	3.1 Locate various sources of law from where law emerges. 3.2 Explain expert opinion, conscience and equity as other sources of law.
4	Various School of Thoughts of Jurisprudence	4.1 Infer various schools of thought regarding the understanding of development and underlying idea of jurisprudence. 4.2 Analyze some of the basic tenants of various schools Of thought of law. 4.3 Distinguish between eastern thoughts of law and western school of thoughts.
5	Rights and Duties	5.1 Learn and classify the concepts of rights and duties. 5.2 Categorize the types and distinguish between the correlativity of rights and duties 5.3 Explain various elements of rights and duties. 5.4 Diagnose what refers to having a right and duty means.
6	Concept of Property	6.1 Explain the meaning and concept of property. 6.2 Categorize property in various types like movable- immovable, tangible and non-tangible. 6.3 Assess the process of transfer and acquisition of property. 6.4 Describe the provisions of property law in Nepal.
7	Possession and Ownership	7.1 Explain the concept and meaning of possession and ownership. 7.2 Compare between having possession and having ownership. 7.3 Assess the differences and relationship between possession and ownership. 7.4 Distinguish between different types of possession and ownership and show the relationship between them. 7.5 Explain the process of the acquisition and termination of possession and ownership. 7.6 Describe Nepali legal provisions of possession and ownership.

8.	Concept of Personality	8.1 Describe the essentialities to have personality including their respective theories. 8.2 Compare and contrast between legal and natural person. 8.3 Describe the legal provisions related to personality in <i>Muluki Civil Code, 2074</i>. 8.4 Identify the legal status of fetus, animal and dead body.
9.	Morality and Law	9.1 Explain the meaning of law and morality. 9.2 Differentiate between law and morality. 9.3 Examine when law and morality overlap with each other.
10.	Concept of Justice	10.1 Interpret and explain the meaning and concept of justice. 10.2 Explain the meaning and conceptual development of administration of Justice. 10.3 Explain the methods and kinds of administration of justice. 10.4 Examine the differences between private and public prosecution.

4. Scope and Sequence of Contents

S.N	Content Areas	Elaboration of Contents	Working Hours
1	Introduction to Law and Jurisprudence	1.1 Concept and meaning of law 1.2 Characteristics of law 1.3 Importance of law 1.4 Concept and meaning of jurisprudence 1.5 Kinds of jurisprudence 1.6 Scope of jurisprudence	20
2	Types of Law	2.1 Substantive and procedural law 2.2 Civil and criminal law 2.3 Public and private law 2.4 National and international Law 2.5 Constitutional law and administrative law 2.6 Federal law, state Law and local law 2.7 Others: commercial law, contract law, Tort law, environment law, family law, cyber law	12
3	Sources of Law	3.1 Sources of law 3.1.1 Custom 3.1.2 Legislation 3.1.3 Precedent 3.2 Others sources: expert opinion, conscience and equity	6
4.	Various Schools of	4.1 Schools of jurisprudence and their characteristics	18

	Thought of Jurisprudence	4.1.1 Natural school 4.1.2 Analytical school 4.1.3 Historical school 4.1.4 Sociological school 4.1.5 Realist school 4.1.6 Economic school 4.2 Eastern jurisprudence and characteristics	
5.	Rights and Duties	5.1 Definition of rights and duties 5.2 Elements of rights and duties 5.3 Types of rights: 5.3.1 Fundamental rights and legal rights, 5.3.2 Human rights and moral rights 5.3.3 Perfect and imperfect rights 5.3.4 Absolute and contingent rights 5.4 Types of duties 5.4.1 Fundamental duties 5.4.2 Moral and legal duty 5.4.3 Positive and negative duty 5.5 Inter-relationship between rights and duties	12
6.	Concept of Property	6.1 Meaning of property 6.2 Types of property 6.3 Acquisition and transfer of property 6.4 Property law in Nepal	12
7.	Possession and Ownership	7.1 Meaning and definition of possession and ownership 7.2 Elements of possession and ownership 7.3 Types of possession and ownership 7.4 Relation between possession and ownership 7.5 Acquisition and termination of possession and ownership 7.6 Nepali legal framework on possession and ownership	12
8.	Concept of Personality	8.1 Meaning of person and personality 8.2 Types of person 8.2.1 Natural person 8.2.2 Legal/Artificial person 8.3 Characteristics of natural person and legal person 8.4 Theories of corporate personality 8.5 Legal provisions related to personality as per <i>Muluki Civil Code, 2074</i> 8.6 Legal status of: 8.6.1 Fetus/unborn child 8.6.1 Animal 8.6.1 Dead body	10

9.	Morality and Law	9.1 Meaning of morality 9.2 Relationship between law and morality 9.3 Difference between law and morality	8
10.	Concept of Justice	10.1 Meaning of justice 10.2 Meaning of administration of justice 10.3 Kinds of administration of justice 10.4 Concept of public and private prosecution	10
		Total	120

5. Practical activities

Practical is integral part of Secondary Education Curriculum. It focuses more on skill development than knowledge building. It consists of project work, group work, presentation, observation, internship etc. Total of 40 hours has been designated to practical activities and will be carried out under the guidance and monitoring of teacher. Following are only sample practical activities, teacher can assign any relevant practical activity as per requirement.

S.N.	Content Areas	Practical Activities	Working Hours
1.	Introduction to Law and Jurisprudence	1.1 Collect five different definitions of law both in Nepali and English from among various scholars, politician and law makers and display in the classroom. 1.2 Group Work competition: Assign students to make handwritten chart of features, importance and scope of jurisprudence and display in the classroom.	4
2.	Types of Law	2.1 Carry out debates among the students regarding the various types of law. 2.2 Enlist various statutes, acts and law enforcing agencies related to the specific category of law.	4
3.	Sources of Law	3.1 Make a presentation on various sources of law using power point slides or in cardboard or in newsprint paper and present in the classroom.	2
4.	Various Schools of Thought of Jurisprudence	4.1 Prepare presentation slides on the significance of each of the jurisprudential thoughts in Nepali context in the groups of 5-6 students. Present it in the classroom and discuss.	6
5.	Rights and Duties	5.1 Make a comparative chart of fundamental rights and duties of the Constitution of Nepal and carry out debate or discussion on correlativity of rights and duties	4
6.	Concept of Property	6.1 Make a chart of different types of property and present in the classroom. 6.2 Carry out the case study from the community on the process of acquisition and transfer of property. Analyze how	4

		property law has helped to regulate it. Present the case study report in the classroom and discuss on the findings and conclusions.	
7.	Possession and Ownership	7.1 Carry out oratory program on the topics of possession and ownership. 7.2 Work in group work for categorization of elements, types, acquisition and termination of ownership and possession. Prepare a presentation and present in the class.	4
8.	Concept of Personality	8.1 Carry out the interaction between the experts and teachers about types of personality and write a short report. 8.2 Enlist various rights to personality of dead body, fetus and animal and present in the class.	5
9.	Morality and Law	9.1 Carry out the debate about law with morality and law without morality. Write a short reflection report. 9.2 Write an essay reviewing the Hart-Fuller Debate.	2
10.	Concept of Justice	10.1 Visit either nearest court, quasi-judicial bodies, judicial committee of the rural municipality or municipality. Write a report on how they are functioning and ensuring justice to the people and present it in the classroom.	5
		Total	40

Note: Each student should maintain a file to keep all the records of the practical activities. For the internal assessment, the same is to be taken as the reference

6. Learning Facilitation Method and Process

Various methods are used for facilitating learning in legal subjects including jurisprudence and legal theories. Some of the major methods and strategies for the facilitation of learning are given below:

- a. Socratic method
- b. Discussion
- c. Demonstration
- d. Problem solving method
- e. Observation
- f. Project works
- g. Field visit/seminar
- h. Case study
- i. Group work and individual work
- j. Jurisprudential inquiry method
- k. Role play and simulation

The teacher shall use appropriate methods and techniques of teaching and facilitating the students in their learning process. The selection of methods and techniques depends on the learning objectives, subject matter, class size, and classroom facilities and so on.

7. Student Assessment

The assessment and evaluation of students' learning will be based on the competencies, learning outcomes and the contents of the curriculum. For this purpose, both the formative and summative assessment approaches are used in the subject. So far as formative assessment strategies are concerned, the teacher uses the following assessment strategies:

- Assessment of students' everyday learning
- Presentation of home assignments by the students
- Students' participation in discussions
- Project work completion
- Weekly, Monthly and trimester tests

With reference to summative assessment, both the internal and external evaluation will be utilized.

a. Internal Evaluation

The internal evaluation in this subject carries 25 percent of the total weightage. It consists of (a) Classroom participation, (b) Marks from trimester examinations and (c) Practical/project work and its report presentation. Mark distribution for these areas of internal evaluation will be as given in the table:

S.N.	Criteria	Marks
1	Classroom participation (Daily attendance, home assignment, classwork, individual, group and class participation in learning, participation in academic and other activities)	3
2	Trimester exam (3 marks from each trimester exam)	6
3	Practical works, project report and presentation	16
	Total	25

b. External Evaluation

External evaluation of the students will be based on the written examination. It carries 75 percent of the total weightage. The types and number questions will be as per the test specification chart developed by the Curriculum Development Centre.