

REFERENCES

Books

1. Avtar Sing, *Law of Contract and Specific Relief*, (Ninth Edition) Eastern Book Company, Lucknow, India 2005
2. Avtar Sing, *Company Law*, Eastern Book Company, Lucknow, India
3. Avtar Singh, *Law of Arbitration and Conciliation*, (4th Edition), Eastern Book Company, Lucknow, India
4. Avtar Singh, *Law of Sale of Goods and Hire Purchase*, (Fifth Edition), Eastern Book Company
5. Blacks Law Dictionary
6. Chitty and Contract, Volume 1 and 2, Sweet and Maxwell
7. G. H. Treitel, *The Law of Contract*, (10th Edition), Sweet and Maxwell, 1999
8. J. Beatson, *Anson's Law of Contract*, (27th Edition) , Oxford University Press
9. L. C. B. Gower, *Principles of Modern Company Law*, (3rd Edition), International Students Edition
10. T.S. Venkatesa Iyer's, *The Law of Contracts and Tenders*, (Eight Edition Volume 1 and 2), S. Gogia and Company
11. Ashish Adhikari and Sudeep Gautam, *Business Law in Nepal* Dhaulagiri Books and Stationaries, Putalisadak, Kathmandu
12. Satya Narayan Kalika, *Business law*, Buddha Academic Publishers and Distributors Pvt, Ltd, (First Edition 2004), Kathmandu, Nepal
13. *Dias Jurisprudence* (Fifth Edition First Indian Reprint), Aditya Books Pvt. Ltd. New Delhi.

Nepalese Acts

1. Arbitration Act, 2055
2. Companies Act, 2006
3. Consumer Protection Act, 2054
4. Contract Act, 2056
5. Foreign Investment and Technology Transfer Act, 1992
6. Insolvency Act, 2006
7. Muluki Ain, 2020
8. Negotiable Instrument Act, 2034
9. Nepal Rastra Bank Act, 2002
10. Partnership Act, 2020

Indian Act

1. The Indian Contract Act, 1872
2. Indian Sale of Goods Act, 1930

List of Cases

1. Balfoure vs. Balfour
2. Bijaya Kumar Basnet vs. Kathmandu Metropolitan
3. Tirtha Kumari vs. Ramashekhar Shrestha (2010, p. 298)
4. Tirtha Raj Kumari Rana vs. Binod Shankar Shrestha (2049, p. 1)
S.C. held that the essence of an agreement is the meeting of the minds of the parties in full and final agreement.
5. Karishma Impex vs. National Trading Limited



Annex-1

Tribhuvan University

BBS

BUSINESS LAW

Full Mark: 100

Course No.: MGT 204

Nature of the Course: Compulsory (2nd year)

Pass Mark: 35

Introduction

10 LH

Nature of law

Types and Source of Law

Concept and importance of Business Law

Sources of Business Law

Contract

45LH

- Meaning, nature and essentials of a valid contract
- Rules regarding offer and acceptance
- Consideration: meaning and rules regarding consideration
- Contractual capacity, rules regarding minor's agreement, person of unsound mind and disqualified persons
- Free consent: meaning and importance of free consent; void and voidable agreements, (coercion, undue influence, misrepresentation, fraud and mistake)
- Legality of object: meaning and importance of lawful object, effect of unlawful agreements
- Contingent contract: Meaning and rules regarding contingent contract
- Performance of contract: Importance of performance of contract, Rules regarding performance of contract, Rules of assignment of contract
- Termination of contract: Modes of termination and discharge of contract
- Remedies of breach of contract
- Major provisions of Nepal Contract Act

Bailment

16 LH

Meaning of bailment

Rights and duties of Bailor and Bailee

Finder of lost goods (rights and duties of finder of lost goods)

Meaning of Pledge or Pawn

Distinction between Bailment and Pledge

Rights and duties of Pawner and Pawnee

Pledge by non-owner

Agency

12 LH

Meaning and nature of agency

Modes of creating agency

Rights and duties of agent

Right and duties of principal

Delegation of authority

Sub-agent and substituted agent

Termination of agency;

Procedure of registration and effect of non-registration of agency in Nepal

Indemnity and Guarantee

LH12

Meaning of contract of indemnity

Rights and duties of indemnifier and indemnity holder

Meaning of contract of guarantee

Types of guarantee

Difference between indemnity and guarantee

Rights, duties and liabilities of surety

Discharge of surety from liability

Sale of Goods

16LH

- Meaning, feature of sale of goods
- Types of goods
- Conditions and warranties
- Transfer of ownership
- Performance of contract of sale of goods
- Unpaid seller

Company Incorporation and Management

17 LH

- Incorporation of a company
- Legal importance and formalities of meetings minutes and resolutions for a company
- Legal provision regarding board's report
- Appointment of auditor, removal of an auditor rights and power of an auditor
- Dissolution of company modes of winding up

Arbitration

12 LH

- Meaning and importance of arbitration
- Who can refer disputes to arbitration?
- What may be referred to arbitration?
- Powers and duties of arbitrator
- Revocation of arbitrator's authority
- The award
- The provision relating to "Madhystata Ain" in Nepal

Law of Carriage

10 LH

- Meaning and importance of law of carriage
- Classification of carriers
- Rights, duties and liabilities of common carriers
- Contract of affreightment (chapter party and bill of lading)
- Air way bill, other documents relating to carriage by air

Annex 2

Tribhuvan University Faculty of Management

BBA

Credit hour: 3

Detailed Course

- 1. Introduction to Law and Business Law** **2 LH**
 - 1.1 Meaning, nature and characteristics of law
 - 1.2 Meaning, nature and characteristics of business law
 - 1.3 Sources of Nepalese business law

- 2. General Contract** **3 LH**
 - 2.1 Law of contract
 - 2.1.1 Meaning and definition of contract
 - 2.2.2 Essentials elements of a valid contract
 - 2.2.3 Types of contract
 - 2.2.4 Major provision of Nepal Karar Ain, 2056

 - 2.2 Offer and Acceptance **3 LH**
 - 2.2.1 Meaning and definition of an offer
 - 2.2.2 Rules regarding offer
 - 2.2.3 Revocation and lapse of offer
 - 2.2.4 Meaning and definition of acceptance
 - 2.2.5 Rules regarding acceptance
 - 2.2.6 Communication of offer and acceptance

 - 2.3 Contractual Capacity **2 LH**
 - 2.3.1 Meaning of contractual capacity
 - 2.3.2 Legal effects of contract made with an incompetent party to a contract

2.4	Consideration	2 LH
2.4.1	Meaning and definition of consideration	
2.4.2	Rules regarding consideration	
2.4.3	Exceptions to the rule "No consideration no contract"	
2.5	Free consent	2 LH
2.5.1	Concept and importance of free consent	
2.5.2	Meaning, definition and legal effects of contract	
	i. Coercion	
	ii. Undue influence	
	iii. Misrepresentation	
	iv. Fraud and	
	v. Mistake	
2.6	Legality of Object and Consideration	2 LH
2.6.1	Concept and importance of legality of object and consideration	
2.6.2	Conditions of void agreements and unlawful agreement	
2.7	Contingent Contract	2 LH
2.7.1	Meaning, definition and rules regarding contingent contract	
2.8	Quasi Contract	2 LH
2.8.1	Meaning and definition of performance of quasi contract	
2.8.2	Cases of quasi contract as provisioned in Nepal Karar Ain, 2056	
2.9	Performance of Contract	3 LH
2.9.1	Meaning and definition of performance of contract	
2.9.2	Who can demand performance contract?	

2.9.3 Who should perform I lie contract?

2.10 Termination of Contract 2 LH

2.10.1 Meaning and definition of termination of contract

2.10.2 Methods of termination of contract

2.11. Breach of Contract

2 LH

2.11.1. Meaning, definition and types of breach of contract

2.11.2. Remedies for breach of contract

3. Law of Agency

4 LH

3.1 Meaning and definition of agency, agent and principal

3.2 Modes of creating agency and delegation of authority

3.3 Types of agent including co-agent and sub-agent

3.4 Rights and duties of an agent

3.5 Personal liability of an agent

3.6 Termination of agency

4. Law of Sale Goods

4 LH

4.1 Meaning and definition of contract of sales

4.2 Difference between sale and agreement to sale

4.3 Importance of condition and warranty in a contract of sale

4.4 Implied condition and warranty

4.5 Transfer of Ownership

4.6 Rights and duties of unpaid seller

5. Law of Carriage

5 LH

5.1 Meaning and characteristics of carriage

5.2 Classification of carriage

- 5.3 Difference between common and private carrier
- 5.4 Rights duties and liability of common carrier
- 5.5 Contract of affreightment -meaning and types
- 5.6 Difference between charter party and bill of lading
- 5.7 Meaning of air carrier and air consignment notes

6. Negotiable Instruments

4 LH

- 6.1 Concept and feature of negotiable instruments
- 6.2 Promissory notes bills of exchange and cheque
- 6.3 Meaning of holder and holder and -in due-course
- 6.4 Rights of holder and holder -in-due course
- 6.5 Discharge of negotiable instrument

7. Law of Insolvency

12 H

- 7.1 Meaning of insolvency, reorganization and liquidation
- 7.2 Procedures of insolvency
- 7.3 Investigation of insolvency proceedings
- 7.4 Reorganization of company
- 7.5 Liquidation of company

Addendum: At least one case will be administered at the end of each chapter. The students will also complete a project work and a few other assignments as specified by the faculty member.

Annex 3

Purwanchal University Faculty of Management

2006 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. Any lawful contract creates legal relationship and there upon rights and duties between the contracting, parties. In view of the given statement discuss the rights and duties of bailee under a contact bailment.
2. Who is an unpaid seller? What are the rights of unpaid seller against the goods and the buyer?
3. Define business law. Also explain in detail the sources of Nepalese business law.

Group B

Answer any Six questions

[6×8 = 48]

4. Define consideration. Explain the exception to the rule. "No consideration no contract".
5. What is agency? Write down the rights of an agent.
6. What is revocation of offer? On what ground does an offer is revoked?
7. What is pledge? How does it differ from bailment?
8. What is guaranteed? Describe the difference between indemnity and guarantee.
9. What is contingent contract? What are the difference between contingent contract and wagering agreement? Explain.
10. What negotiable instrument? What is the importance of negotiable instrument in modern development of business?
11. Write shorts notes (Any Two)
 - (a) Consideration and warranties
 - (b) Evolution of contract law in Nepal
 - (c) Free consent

Purwanchal University Faculty of Management

2007 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. Define business law. Describe the sources of Nepalese business law.
2. What is contract? What are the essential elements of a valid contract?
3. What is bailment? Briefly state the rights and duties of both the bailer and bailee.

Group B

Answer and Six questions

[8×6 = 48]

4. Define consideration and discuss its importance for a valid contract.
5. Define the term 'Agency'. Discuss the role of agent in the development of modern business.
6. Define the terms 'sale' and 'agreement to sell'. Distinguish between the two with relevant examples.
7. Who is surety? When will he be discharged from his liability?
8. Show the distinguish between the bailment and pledge?
9. Define 'offer' also explain the rules regarding a valid offer.
10. What do you understand by 'free consent'? Is it necessary for a valid contract? Explain with reasons.
11. Write short notes on (any two)
 - (a) Remedies of breach of contract
 - (b) Difference between promissory notes and bill of exchange
 - (c) Types of guarantee.

Purwanchal University Faculty of Management

2008 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. "Contract is foundation upon which superstructure of business is built". Discuss.
2. "Law is not right or might alone business entity but whole community enjoys protection of business law", justify.
3. Business law governs not only business entity but whole community enjoys protection of business law." Explain the above statement.

Group B

Attempt and Six questions

[6×8 = 48]

4. What do you mean by bailment? Discuss rights of bailer under a contract of bailment.
5. Work carried out by an agent is under the legal scope of authority of principal. "Do you agree put reasons??"
6. "An offer is beginning of a lawful contract. "Define offer and discuss".
7. What do you mean by contingent contract? Differentiate it from betting agreement.
8. Why contract of guarantee is called tripartite contract between whom and how many contract take place in order to conclude a contract of guarantee.
9. Write down the rules regarding contract with minor.
10. Who finder of lost goods? Write down the rights of finder of lost goods.
11. Write shorts notes on any Two:
 - (a) Unpaid seller
 - (b) Conditions and warranties
 - (c) Promissory notes.

Purwanchal University Faculty of Management

2009 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. What is business law? What are the sources of Nepalese business law?
2. "The orientation of contractual obligation is to enjoy consideration." Discuss.
3. What do you understand by consent? Discuss things that harm free consent.

Group B

Answer any Six questions

[6×8 = 48]

4. What do you mean by pledge? Write down duties of pledge.
5. What is an offer? Write down rules regarding it.
6. Define contract of guarantee and write down right of surety under contract of guarantee against principal debtor?
7. "Rights of an agent emerge only when he works under the scope of authority delegated to him." Do you agree? Put reasons in favor.
8. What is contingent contract? What are rules regarding it?
9. "Competency is not only things that creates lawful contract". Write down essential of a lawful or valid contract in this context.
10. Write down rights of unpaid seller a contract of sell of goods.
11. Write short notes on any Two:
 - (a) Finder of lost goods
 - (b) Surety and principal debtor
 - (c) Anticipatory breach

Purwanchal University Faculty of Management

20010 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. "Business law is the control mechanism of unlawful business activities". Explain it and discuss the various sources of business law with suitable example.
2. What is law of contract? How does it operate business entity? Describe the essential elements of valid contract.
3. What is contract of agency? Describe the situation of creation and termination of agent.

Group B

Answer any Six questions

[6×8 = 48]

4. What do you mean by performance of contract? Distinguish between termination and breach of contract.
5. Explain contractual capacity and discuss general rules and expectations of contractual capacity.
6. What is bailment? Discuss the right and duties of bailor and bailee.
7. Contract of guarantee is called tripartite contract. Why? Discuss the rights and liabilities of surety and principal debtor.
8. What do you understand by the term 'sale and 'agreement to sell'? Discuss the similarities and dissimilarities with suitable example.
9. What is negotiable instrument? Briefly discuss major instruments which are playing fundamental role of business transaction in Nepal.
10. What is contingent contract? Distinguish between contingent and wagering contract.
11. Write short notes on any Two:
 - (a) Remedies of branch of contract
 - (b) Promissory notes
 - (c) Pledge

Purwanchal University Faculty of Management

20011 (Fifth Semester)

BBA

Subject: Business Law

Full Marks: 80

Time: 3.00 hrs.

Pass Marks: 32

Group A

Attempt any Two questions

[16×2 = 32]

1. What are implied conditions in a contract of sale of goods? Discuss with illustration.
2. Define offer. Also discuss with example, the rules regarding offer.
3. Explain the law relating to Agency in Nepal.

Group B

Answer Six questions

[6×8 = 48]

4. "Where there is no consideration there is no contract". Comment.
5. Discuss the law relating to minor's contract.
6. Define the term "negotiable instrument."
7. What remedies are available to the aggrieved party on the breach of contract? Explain with suitable examples.
8. Distinguish between bailment and sale.
9. What is pledge? Can a non owner make a valid pledge? Discuss.
10. Discuss the method of termination of contract.
11. Write short notes on any Two:
 - (a) Doctrine of caveat emptor
 - (b) Agency by ratification
 - (c) Counter offer