

Tribhuvan University

Faculty of Law



Bachelor of Laws (LL.B.) Curriculum

(New Course)

2076/77 B.S.(2019/20 A.D.)

Curriculum Development Centre
Tribhuvan University
Kirtipur, Kathmandu
Nepal

Tribhuvan University

Faculty of Law



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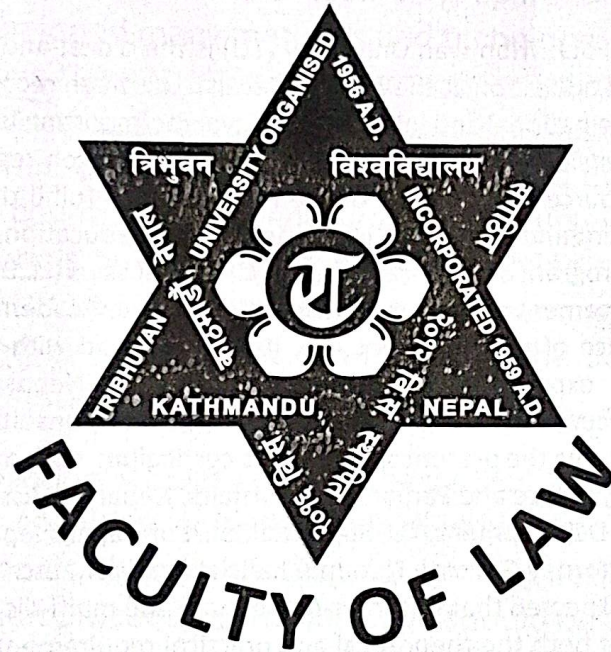
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Bachelor of Laws (LL.B.)



Office of the Dean

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पत्र संख्या:-

Ref. No.

चलानी नं:-

त्रिभुवन विश्वविद्यालय

Tribhuvan University

कानून संकाय

FACULTY OF LAW

FACULTY OF LAW

डीनको कार्यालय

DEAN'S OFFICE

मिति:

DATE: 17 June 2020

Foreword

Faculty of Law (FoL), Tribhuvan University (TU) is the oldest and largest institute in the field of legal education at the national level. It has been recognized as a leading institution at the national and international level for imparting legal education. The FoL is always sensitive towards reviewing the curriculum on regular basis to meet the human resource requirement of the nation and to fulfill the demands of the new development and innovation in the field of legal education, law and justice.

The program of the three-years Bachelors of Laws (LL.B.) has implemented after the endorsement of the new curriculum from the Academic year 2053 (1996 AD) by the Office of the Dean, FoL, TU. It was designed with the support of the professors and experts of the curriculum both from Nepal and abroad while preparing this curriculum. Nevertheless, the FoL also consulted all the national stakeholders to give the present shape of this curriculum, such as Nepal Bar Council, Ministry of Law, Justice and Parliamentary Affairs, Nepal Bar Association, Centre for the Curriculum Development, TU, Supreme Court of Nepal, Nepal Law Commission, Office of the Attorney General, National Judicial Academy, etc.

It is expected that this inter-disciplinary and multi-disciplinary curriculum will surely meet both the theoretical and practical requirements of the national as well as international highly competitive legal markets.

As the curriculum is the reflection of the knowledge to be imparted to the students and guidelines for the faculties, therefore, the FoL is going to reprint this curriculum once again.

The FoL will highly appreciate any comments and feedback to improve and revise this curriculum. At last, we would like to extend our sincere thanks to the Higher Education Improvement Project (HEIP) Tribhuvan University, Kirtipur and Center for Curriculum Development, TU for their support and publication of this curriculum on behalf of myself and the whole Faculty.

Prof. Dr. Bijay Singh Sijapati

Dean

'DEAN'

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Introduction

Legal education in the 21st century requires appropriate and adequate blending of doctrinal knowledge of law and professional lawyering skills orientation. It also requires the capability of using the knowledge and skills in real life situations and live cases. Legal education is an instrument which prepares legal professionals for national development and private sectors. For effective legal human resource preparation modern legal education has developed many methods and techniques. It is supposed to provide intensive theoretical knowledge and structured professional training in law. Many countries around the world have considerably changed the method of instruction in curriculum and duration of legal education. Many countries have redesigned the courses of instruction and reading materials by introducing problem solving methods which encourage students to participate actively in the learning process. Legal education received by the student can influence the development of the national legal system.

Legal education should contain theoretical knowledge of law pertaining to the cognitive domains and affective domain as well as practical professionals skills in developing writing, petitions etc. and pursuing all litigation procedures. Its objective should be to provide arts and skills of dispute resolution and to make the students competent enough to render justice to the people by making them aware of equal rights of all and of human rights protection.

Brief History of Legal Education in Nepal

In Nepal legal education was introduced with the objective of producing low level clerical human resource. The first law college was established in 1954 in Kathmandu. Affiliated to Patna University, the college started to produce law graduates in the country but the courses of study consisted for the most part on Indian laws. The affiliation was transferred to Tribhuvan University in the 1960. Legal education was recognized under the National Education System Plan (NESP). Accordingly, Certificate in Law after SLC and Diploma in law were commenced under the institute of law in 1972. The two programs together covered a period of five years after School Leaving Certificate (SLC). It tried to make a great breakthrough in the legal education system in the country by

incorporating Nepalese laws in the course of study. In the 1980-1986 Tribhuvan University underwent a massive restructuring. Consequently the institute of law renamed the faculty of law empowered to frame academic policies and coordinate activities concerning legal education in Nepal.

Review of Bachelors Level in Law Program

Legal education received by the people can influence the development of the national legal system of the country. Legal education is generally a professional education, which requires adequate desired doctrinal knowledge of law, legal skills and attitude responding to national needs. The graduates of Tribhuvan University should be able to render legal services to the nation for national development and individuals in complex legal matters, and to defend clients in the litigation procedures in court. The society expects that the law graduates should render justice and make people aware of human rights protection and of the need for exploitation less social base. It also expects that the law graduated should be equipped with adequate knowledge of law and legal skills. For all this greater attention should be paid to constantly reviewing and improving the curriculum teaching learning techniques so that they would all stand professionally at par with those in other countries.

In many universities of the world educational planners, technologies, academicians have developed and been developing new structures curriculum, institutional techniques and duration of courses. Nepal's legal education of two plus three year's scheme leading to a Certificate in Law and a Bachelor of Law after SLC was felt inadequate. So the curriculum that consisted of law subjects (compulsory and optional) and some humanities and social sciences subjects was realized to be changed. Hence, three years law course after graduation was felt needed in the country. Then, it was introduced in 1996 accordingly.

Curriculum of Three Years LL.B. has been modified on the basis of the enforcement of Muluki Civil Code, Muluki Criminal Code and also the creation and amendments of the others special statutes in conformity with the provisions of the Constitution of Nepal, 2015 (2072 B.S.) promulgated by the Second Constituent Assembly of Nepal.

Again, the syllabus was reviewed and introduced to be applicable only for newly admitted students from 2076 B.S. (2019 A.D.)

The Three Years Bachelor of Laws (LL.B.) Programme

Tribhuvan University phased out Proficiency Certificate level of law (PCL) since the academic year 1996.

Tribhuvan University introduced the three years Bachelor of Laws (LL.B.) programme in the academic year 1996 in the faculty of law. The classes of LL.B. were conducted since academic year 1996 in ten Tribhuvan University campuses and three private campuses affiliated to Tribhuvan University in the country. Recently, the campuses having LL.B. courses have been reduced to six university Campuses.

The existing curriculum introduced in 1996 was also felt inadequate to respond the need of present national and international development in law, justice as well as political change in Nepal. Consequently, a new curriculum has been introduced in Feb. 2009 to replace the curriculum of 1996. Along with political and constitutional changes in the country; the existing curriculum has been extensively revamped to meet the need of the day in the profession and academics. Accordingly, in the constitutional law new content namely presidential system, federalism, secularism etc. has been included and the Press law has been converted into media law. Similarly, procedural law is given 100 full marks and evidence law is separately introduced. In this way all subjects are updated, improved, added and tuned with need of today by allotting new code numbers. The following subjects are newly introduced.

The 3 year Bachelor of Laws

Curriculum Objectives are:

- To provide the students with in depth knowledge of law and develop in them skills or reasoning, investigation, analysis and critical thinking and practical skills necessary for legal career
- To enable them to communicate and write legal documents in a clear and effective way

- To convey to them knowledge of law in action and of the role of law in society and to enable them to handle complex legal situations effectively
- To promote the values of justice, rights and liberty and to make the law graduates from Tribhuvan university able to compete with the law graduate from other universities
- To broaden intellectual horizon and develop the personalities of law students and
- To prepare middle legal human resource for new roles in national development efforts and private sectors

Procedures of Curriculum Development

The faculty board and the 9 subjects Committees (Jurisprudence, International Law, Constitutional Law, Commercial Law, Civil and Family Law, Procedural Law, Criminal Law, Environmental Law, Humanities and Social Science Committee) determine the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of Tribhuvan University.

Compulsory and Optional

The course of study consists of 16 compulsory subjects and 23 optional subjects. The details of the course structures are presented in the pages that follow

Method of Instruction

Instructions will be conducted through lecture (exposition), case study, group discussion, moot-court, demonstration, role playing, workshop practice, independent study, observation and research activity, problem solving

Evaluation

Each student has to pass in each paper of the annual examination. Each annual (final) examination will be conducted in accordance with the Tribhuvan University direction and guidance. The students shall have to

pass both theoretical and practical examination and the grading will be as follows

75% and above	Distinction
60% - 75%	First Division
45% - 60%	Second Division
35% - 45%	Pass

Graduation Requirements

In order to earn a Bachelors degree in law student must pass each annual (Final) education, securing a minimum of 35% marks in each paper. All other requirements must be fulfilled.

Entry requirements

- Completion of Bachelors degree [(10+2)+3] in any discipline or an equivalent program recognized by Tribhuvan University
- Selection criteria will be determined on the basis of the marks and percentage and or of the entrance test administered by the campus.

Teaching Time Allocation

- Total number of teaching days 240 (in an academic year)
- Duration of each class hour 50 minutes
- As course carrying 100 marks will have 6 periods a week and a course carrying 50 marks will be 3 periods in a week
- A course carrying 100 marks will be taught 125 hours and a course carrying 50 marks 62 hours and the teaching period shall be of 50 minutes

Calendar of Operation

There will be two months vacation in addition to other vacations

declared by university. The other calendar of operation including the examination schedule will be as per university notification

Structure of the courses for 3 years Bachelor of Laws

Subject areas	No. of subjects	Full Marks	Total of Hours of instruction in 3 years	Total No. of period in 3 years
Compulsory Subjects	16 subjects (10 subjects carrying 100 full marks each and 6 subjects carrying 50 marks each)	1300	162500 Hr	11520
Optional Subjects	6 optional papers will have to be studied by each student out of 23 optional subjects in 3 years. (Each paper carrying 50 marks)	300	37500 Hr	2160
Total	22 subjects (out of 39 papers)	1600	200000 Hr	13680

Tribhuvan University

Faculty of Law

Bachelor Level of Laws (LL.B.) Curriculum Structure

1st year LL.B.

Course Code No	Course Title	Nature of Course	Full Marks	Period Per Year
Law 301	Jurisprudence	Compulsory	100	125
Law 302	Procedural Law	Compulsory	100	125
Law 304	Constitutional Law	Compulsory	100	125
Law 303	Public International Law	Compulsory	100	125
Law 305	Law of Contract	Compulsory	100	125
Law 306	Family Law	Optional	50	62
Law 307	Media Law	Optional	50	62
Law 308	Administrative Law	Optional	50	62
Law 309	Taxation Law	Optional	50	62
Law 313	Fiscal Law	Optional	50	62
Law 310	International Trade Law	Optional	50	62
Law 311	Law of Torts	Optional	50	62
Law 312	Juvenile Justice	Optional	50	62

In 1 year Bachelor of Laws (LL.B.) a student is required to take Five (5) Compulsory subjects and any Two Optional subjects out of 8 Optional subjects as mentioned in the table above and full marks will be 600.

2nd year LL.B.

Course Code No	Course Title	Nature of Course	Full Marks	Period Per Year
2 hrs Law 401	Criminal Law <i>Exam 082-12-29</i>	Compulsory	100	125
2 hrs 083-01-02 Law 402	International Institutions and Human Rights <i>Note</i>	Compulsory	100	125
2 hrs 01-04 Law 403	Property Law <i>083-01-04</i>	Compulsory	100	125
2 hrs 01-07 Law 405	Moot Court, Pre-Trial Preparations and Participation in Trial <i>Note</i>	Compulsory	100	125
2 hrs 01-06 Law 404	Methods of Legal Research and Writing <i>Note</i>	Compulsory	50	62
2 hrs 01-08 Law 406	Evidence Law	Compulsory	50	62
Law 407	Labor Law	Optional	50	62
2 hrs 01-10 Law 408	Election Law <i>Note</i>	Optional	50	62
Law 409	International Air and Space Law	Optional	50	62
2 hrs 01-13 Law 410	Environment Law <i>Note</i>	Optional	50	62
Law 411	Refugee Law	Optional	50	62
Law 412	Criminology and Penology	Optional	50	62
Law 413	Gender and Inclusive Justice	Optional	50	62
Law 414	Law of Insurance	Optional	50	62

In II year Bachelor of Laws (LL.B.) a student is required to take Six (6) Compulsory subjects and any Two Optional subjects out of 8 Optional subjects as mentioned in the table above and full marks will be 600.

(37)

3rd year LL.B.

Course Code No	Course Title	Nature of Course	Full Marks	Period Per Year
Law 501	Comparative Law & Nepalese Legal System	Compulsory	100	125
Law 502	Interpretation of Statutes	Compulsory	50	62
Law 503	Professional Ethics and Lawyering Skills	Compulsory	50	62
Law 504	Company Law	Compulsory	50	62
Law 505	Seminar	Compulsory	50	62
Law 506	Law of the Sea and International Rivers	Optional	50	62
Law 507	Law of Banking and Negotiable Instruments	Optional	50	62
Law 508	Private International Law	Optional	50	62
Law 509	Intellectual Property Law	Optional	50	62
Law 510	Population Law	Optional	50	62
Law 511	Victimology	Optional	50	62
Law 512	Cyber Law	Optional	50	62

In III year Bachelor of Laws (LL.B.) a student is required to take Five (5) Compulsory subjects and any Two Optional subjects out of 8 Optional subjects as mentioned in the table above and full marks will be 400.

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<u>Media Law</u>	<u>41</u>
<u>Administrative Law</u>	<u>46</u>
<u>Taxation Law</u>	<u>50</u>
<u>Fiscal Law</u>	<u>54</u>
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2nd Year

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<u>Methods of Legal Research and Writing</u>	<u>94</u>
<u>Evidence Law</u>	<u>97</u>
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Jurisprudence

Course Title: **Jurisprudence**

Full Marks: 100

Course No: Law 301

Pass Marks: 35

Duration of the Course: One Year (125 Hrs)

Level: LL.B.

Year: I

Nature: Compulsory

Course Objectives

The objectives of this course are:

- to impart knowledge about meaning, scope and importance of jurisprudence, schools of jurisprudence and modern trends.
- to impart knowledge about definition and sources of law, concept of justice and rights and duties.
- to acquaint the student with the nature and meaning of various legal concepts such as person, property, obligation, possession, and ownership

Unit – 1: Introduction to Jurisprudence

- 1.1 Meaning and Definition of Jurisprudence
- 1.2 Scope and Importance of Jurisprudence
- 1.3 Kinds of Jurisprudence

Unit – 2: Schools of Jurisprudence

- 2.1 Natural School of Law
- 2.2 Historical School of Law
- 2.3 Sociological School of Law
- 2.4 Analytical / Positivist School of Law
- 2.5 Realist School of Law
- 2.6 Socialist School of Law

Economic

Unit – 3: Trends in Jurisprudence

- 3.1 Critical Legal Studies
- 3.2 Feminist Jurisprudence
- 3.3 Postmodernism

Unit – 4: Definition and Sources of Law

- 4.1 Definition of Law

- 4.2 Purpose of Law / Importance of Law
- 4.3 Functions of Law
- 4.4 Kinds of law ✓
- 4.5 Sources of Law
 - 4.5.1 Legislation: Meaning and Kinds
 - 4.5.2 Precedent: Meaning and Kinds
 - 4.5.3 ✓ Custom: Meaning and Kinds
 - 4.5.4 Conventions
 - 4.5.5 Juristic Writings, Reason, Equity, Justice and Good Conscience etc

Unit – 5: Concept of Justice

- 5.1 Meaning of Justice
- 5.2 Importance of Justice
- 5.3 Kinds of Justice
 - 5.3.1 Criminal Justice
 - 5.3.2 Civil Justice
 - 5.3.3 Distributive Justice
 - 5.3.4 Corrective Justice

Unit – 6: Rights and Duties

- 6.1 Definition of Rights
- 6.2 Elements and Theories of Rights
- 6.3 Kinds of Legal Rights
 - 6.3.1 Perfect and Imperfect Rights
 - 6.3.2 Legal and Equitable Rights
 - 6.3.3 Positive and Negative Rights
 - 6.3.4 Rights in Rem and Right in Personam
 - 6.3.5 Proprietary and Personal Rights
 - 6.3.6 Vested and Contingent Rights
 - 6.3.7 Principal and Accessory Rights
 - 6.3.8 Primary and Sanctioning Rights

6.3.9 Rights in *Re-propria* and Rights in *Re-aliena*

6.4

Meaning and Kinds of Duty

6.5

Relationship between Rights and Duties

Unit – 7: Person

7.1 — Meaning of Person and Personality

7.2 — Kinds of Person

7.2.1 Natural Person

7.2.2 Legal Person

7.3

Double Capacity and Double Personality

7.4

Legal Status of:

7.4.1 Dead Person

7.4.2 Unborn Person

7.4.3 Animal

7.5 Theories of Corporate Personality

Unit – 8: Property

8.1 ✓ Basic Concept of Property

8.2 Importance of Property

8.3 Kinds of Property

Unit – 9: Obligation and Liability

9.1 Meaning and Kinds of Obligation

9.2 Meaning and Kinds of Liability

Unit – 10: Possession

10.1 Meaning and Importance of Possession

10.2 Constituent Elements of Possession: *Animus Possidendi* and *Corpus Possessionis*

10.3 Types of Possession

10.3.1 Possession in Law and Possession in Fact

10.3.2 Mediate and Immediate Possession

- 10.3.3 Corporeal and Incorporeal Possession
- 10.3.4 Constructive Possession
- 10.3.5 Concurrent Possession
- 10.3.6 Acquisition, Continuation & Termination of Possession
- 10.3.7 Possessory Remedies

Unit – 11: Ownership

- 11.1 Meaning and Subject Matter of Ownership
- 11.2 Classification of Ownership
 - 11.2.1 Sole and Co-ownership
 - 11.2.2 Corporeal and Incorporeal Ownership
 - 11.2.3 Trust and Beneficial Ownership
 - 11.2.4 Absolute and Limited Ownership
 - 11.2.5 Vested and Contingent Ownership
- 11.3 Acquisition, Continuation and Termination of Ownership
- 11.4 Ownership and Possession

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Procedural Law

Course Title: Procedural Law

Full Marks: 100

Course No: Law 302

Pass Marks: 35

Duration of the Course: One Year [125 Hrs]

Level: LL.B.

Year: I

Nature: Compulsory

Course Objectives

The objectives of this course are:

- to provide the basic knowledge of civil and criminal procedural law of Nepal
- to acquaint students with the practical knowledge of procedural law of Nepal

Unit – 1: Introduction

- 1.1 Meaning, Nature and Importance of Procedural Law
- 1.2 Comparison between Procedural and Substantive law
- 1.3 General, Summary and Special Procedures

Unit – 2: General Principles and Recent Trends of Procedural Law

- 2.1 General Principles
 - 2.1.1 Principles of Natural Justice
 - 2.1.2 *Locus standi*
 - 2.1.3 Limitation
 - 2.1.4 Laches
 - 2.1.5 *Stare decisis*
 - 2.1.6 *Res-judicata*
 - 2.1.7 *Amicus- Curiae*
- 2.2 Principles adopted in *Muluki* Civil Procedure Code, 2074 B.S.
- 2.3 Development and Recent Trends of Procedural Laws of Nepal
 - 2.3.1 Separate Bench Systems
 - 2.3.2 Continuous Hearing

2.3.3 *In-camera* Hearing

2.3.4 Use of Information Technology

Unit – 3: Jurisdiction of Courts, Specialized Courts and Judicial Bodies

3.1 Meaning, Nature and Kinds of Jurisdiction

3.2 Jurisdiction of Local Judicial Bodies

3.3 Jurisdiction of District Court

3.4 Jurisdiction of High Court

3.5 Jurisdiction of Supreme Court

3.6 Jurisdiction of Special Court

3.7 Jurisdiction of Quasi-Judicial Bodies

Unit – 4: Stages and Techniques of Original Court Proceedings

4.1 **Kinds of Hearing:** —

Preliminary Hearing, Merit (Final) Hearing, Sentencing Hearing

4.2 **Civil Proceedings:** Filing of Suits and Its Requirements, Withdrawal of Cases, Notice to the Defendants, Filing of Defense, Date of Presence (Tarikh), Persons Mentioned in Referred Writings and Deeds (*Petbolima Ullekhbhayeko*), Agent and Power of Attorney, Court's Order (Inter-locutory, Interim and Final), Provisions and Conditions for stay, Collection of Evidence, Statements of Parties and Witnesses, Postponement (*Multavi*), Compromise of Case (*Milapatra Ra Melmilap*) and Judgment

4.3 **Criminal Proceedings:** First Information Report (FIR), Statement of Accused, Spot Investigation Report/Crime Scene (*Muchulka*), Filing of Charge Sheets/Complaints, Statement of Accused in Court, Bail Application and Courts Order, Notice to Defendant and Accused, Collection of Evidence, Statement of Parties and Witnesses, Warrant Notice and Postponement, Withdrawal of Cases/Compromise and Judgment (Difference between Decision and Final Order, Types of Decision).

Unit – 5: Alternative Dispute Resolution (ADR)

5.1 Arbitration and Its Procedures

5.2 Mediation and Its Procedures

Unit – 6: Appellate Proceedings

Filing of Appeal, *Ex-parte* Hearing, Notice to Respondent, Written Statements of Respondents (Rejoinder), Final Hearing and Judgment, Application for Special Leave to Appeal

Unit – 7: Writ, Review & Revision Proceedings

7.1 Writ Proceedings: Filing of Writ Petition, Show Cause Order, Stay Order, Notice to the Respondent, Written Statement (Rejoinder), Final Hearing, Decision and Execution

7.2 Review and Revision Proceedings

Unit – 8: Proceedings for Execution of Civil and Criminal Judgments, Orders etc.

8.1 General Procedure for the execution of Judgment

8.1.1 Application for Execution of Judgments in Civil and Criminal Cases

8.1.2 Role of Judgment Execution Directorate

8.1.3 Bigo Bharaune, Chalan Chalaune, Registration of Deed (*Likhat Pass*), Admission and Discharge of Ownership (*Dakhil Kharej*), Mutation of name (*Namsari*), Partition (*Banda Chuttaune*) etc.

8.1.4 Compromise between the Parties in the Situation of Execution

i) Process of Seizing and Recovery of Fine

ii) Foreclosure (*Multavi*) and its procedure

iii) Determining the Term of Imprisonment and its Enforcement

iv) Filing the Complaint against the Proceeding taken by Execution Officer

Unit-9: Prescribed Cases

9.1 *Parsu Ram Banjade vs. Durga Das Shrestha. Bagmati Special Court, Kathmandu et al.* 1 NKP 157 (2027)

D.N. 547

- 9.2 *Ratan Lal Agrawal vs. Father James Dressman, Chairman of Swiss Agency*, 2 NKP 148 (2044)
- 9.3 *Pradip Kumar Agrawal vs. Tax Office, Morang, Biratnagar*, 7 NKP 542 (2052)
- 9.4 *Tripura Devi Jha vs. Kali Devi Jha et al.* 3 NKP 211 (2058)
- 9.5 *Pasang Dawa Tamang (Lopchan) vs. His Majesty's Government*, 3 NKP 188 (2058)
- 9.6 *Kallu Tharu (Kallu Chaudhary) vs. Appellate Court, Dipayal Doti et al.* ¾ NKP 317 (2060)
- 9.7 *Padam Bahadur Karki vs. Manakumari et al.* 2 NKP 212 (2061)
- 9.8 *Samir Khan vs. Kathmandu District Court et al.* 9 NKP 1465 (2071)
- 9.9 *Pradip Kumar Prasad Shah Kalwar vs. Ram Bhajan Raya Yadav et al.* 10 NKP (2073)
- 9.10 *Shivanath Shah Kanoo vs. Biswonath Shah Kanoo et al.* 5 NKP 697 D.N. 8820 (2069)

Reading Materials

- *Muluki Civil Procedure Code*, 2074 B.S.
- *Muluki Criminal Procedure Code*, 2074 B.S.
- *Muluki Civil Procedure Rules*, 2075 B.S.
- *Muluki Criminal Procedure Rules*, 2075 B.S.
- *Criminal Offences (Determination and Execution of Punishment) Act*, 2074 B.S.
- *Criminal Offences (Determination and Execution of Punishment) Rules*, 2075 B.S.
- *Judicial Administration Act*, 2073 B.S.
- *Supreme Court Rules*, 2074 B.S.
- *High Court Rules*, 2073 B.S.

- District Court Rules, 2075 B.S.
- Acharya, Basant. **Mediation** (in Nepali). (1st edn.). Kathmandu: Dreamland Publication Pvt. Ltd. (2076 B.S.)
- Acharya, Binod Mohan. **A Brief Outline of the Judicial System of Nepal** (in Nepali). (2nd edn.). Kathmandu: Parichit Chhapakhana. (2074 B.S.)
- Bhandari, Rajendra Kumar and Ojha, Pawan Kumar (Prof.). **Mediation: Principles and Practice**. (in Nepali). (1st edn.). Kathmandu: Former Judge's Forum, Nepal. (2074 B.S.)
- Devkota, Sanad. **Procedural Law: Principle and Practice**. Kathmandu: Unnati Prakashan. (2076 B.S.)
- Kiran Paudel et al. (eds.). **Muluki Aparadh (Sanghita) AIN, 2074; Muluki Phoujdari Karyabidhi (Sanghita) Ain, 2074 Ra Phoujdari Kasoor (Sajaya Nirdharan Tatha Karyanwayan) Ain, 2074 Le Gareka Naya Byabastha Ra Sarkari Okilko Bhumika (Srot Samagri)**. Ramshahpath, Kathmandu: Mahanyayadhibaktako Karyalaya. (2074, Mangsir)
- Mainali, Laxmi Prasad (Prof. Dr.). (edr). **Nepal Kanoon Paricharcha**. No. 1. Kathmandu: Nepal Law Campus, Faculty of Law, Tribhuvan University. (2076, Kartik)
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- Naupane, Basudev et al. (eds.). **Resource Materials Regarding Civil and Criminal Code, 2075 (Part-1 and 2)**. Kathmandu: National Judicial Academy. (2075, Bhadra)
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- Ojha, Pawan Kumar, Pokhrel, Ganga Prasad and Ojha, Preksha. **Procedural Law: Principle and Practice** (in Nepali). (3rd edn.). Kathmandu: Lumbini Prakashan. (2076 B.S.)
 - Pillai, K.N. and Chandra Shekharan, R.V. Kelkar's. **Criminal Procedure**. Lucknow: EBC, (2019)
 - Ratanlal and Dhirajlal. **The Code of Criminal Procedure** (21st edn.). Haryana: Lexis Nexis. (2018)
 - Shrestha, Gyaindra Bahadur. **Court Procedure** (in Nepali) (3rd edn.). Kathmandu: Pairavi Prakashan . (2075 B.S.)
 - _____. **Outline of Procedural Law of Nepal** (in Nepali) Kathmandu: Pairavi Prakashan. (2076 B.S.)

Constitutional Law

Course Title: **Constitutional Law**

Full Marks: 100

Course No: Law 304

Pass Marks: 35

Duration of the Course: One Year (125 Hrs)

Level: LL.B.

Year: I

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to give an idea of constitutionalism in Nepal
- to provide a wide ranging knowledge of fundamental rights and their relation with directive principles and judicial techniques of enforcement
- to acquaint students with the constitutional framework for enforcement of cabinet system of government and show their relation with people and parliament.
- to give an idea about judicial trends in interpretation of constitutional provisions, judicial independence and judicial activism in a new perspective.
- to acquaint the students with critical study of constitutional standards for relation between individual and state between executive, judiciary and legislature
- to provide basic knowledge on rule of law, separation of powers and techniques of checks and balances and independence of judiciary
- to impart a comparative knowledge on above mentioned subjects with reference to their state of affairs in the UK, USA and India.

Unit – 1: Introduction

- 1.1 Definition of Constitutional Law
- 1.2 Basic Sources of Constitutional law
- 1.3 Constitution and Statutes
- 1.4 Secondary Legislation and Other Rules
- 1.5 Judicial Decision
- 1.6 Non Legal Rules/Convention, Custom
- 1.7 Books of Authority

Constitutional Law

- 1.8 Difference between Constitution and Constitutional Law

Unit – 2: Classification of Constitution

- 2.1 Written Constitution and Unwritten Constitution
2.2 Rigid and Flexible Constitution
2.3 Federal and Unitary Constitution
2.4 Republican and Monarchical Constitution
2.5 Parliamentary and Presidential Constitution

Unit – 3: Constitutionalism

- 3.1 Concept and Meaning of Constitutionalism
3.2 Forms of Constitutionalism

Unit – 4: Rule of Law

- 4.1 Concept of Rule of Law
4.2 Pre-requisites of Rule of Law

Unit – 5: Separation of Powers and Checks and Balances

- 5.1 Doctrine of Separation of Power
5.2 Principles of Checks and Balances
5.3 Separation of Powers and Checks and Balances under Presidential and Parliamentary System
5.4 Separation of Powers and Checks and Balances under Constitution of Nepal

Unit – 6: Federal System

- 6.1/ Meaning and Types of Federalism
6.2/ Essential Features of Federal System
6.3 Structure of State and Division of State Power
6.4 Interrelations between Federal, State and Local Level
6.5/ Merits and Demerits of the Federal system

Unit – 7: Constitutional History of Nepal

- 7.1 Pre-Constitutional Norms and Laws

- 7.2 Government of Nepal Act, 1948
- 7.3 Interim Government Act of Nepal, 1951
- 7.4 Constitution of the Kingdom of Nepal, 1959
- 7.5 Constitution of Nepal, 1962
- 7.6 Constitution of the Kingdom of Nepal, 1990
- 7.7 Interim constitution of Nepal, 2007

Unit – 8: Salient Features of the Constitution of Nepal (2015)

Unit – 9: Fundamental Rights

- 9.1 Origin and Development of Fundamental Rights
- 9.2 Importance of Fundamental Rights and Duties
- 9.3 Fundamental Rights and Duties in the Constitution of Nepal
- 9.4 Right to Constitutional Remedies

Unit – 10: Directive Principles, Policies and Obligations of the State

- 10.1 Constitutional Status and Techniques of Enforcement
- 10.2 Comparison of Directive Principles, Policies and Fundamental Duties

Unit – 11: Federal Legislature

- 11.1 Composition of House of Representatives and Terms of Office of its Members
- 11.2 Composition of National Assembly and Terms of Office of its Members
- 11.3 Functions of Legislature
- 11.4 Privileges of Legislature
- 11.5 Committees system in Legislature
- 11.6 Dissolution of Legislature
- 11.7 Parliamentary Control Over Executive

Unit – 12: Federal Executive

- 12.1 Constitutional Role of the Head of the State
- 12.2 Executive Power
- 12.3 Constitution of the Council of Ministers
- 12.4 Role of the Prime Minister under the Constitution
- 12.5 Responsibility and Accountability of the Council of Ministers

Unit – 13: Judiciary

- 13.1 Concept of the Independence of Judiciary
- 13.2 Structure of Judiciary
- 13.3 Appointment and Qualification of Judges of the Supreme Court
- 13.4 Judicial Council, Constitutional Council and Parliamentary Hearing
- 13.5 Conditions of Service and Privileges of the Chief Justice and Other Judges
- 13.6 Removal of the Chief Justice and the Judges of the Supreme Court
- 13.7 Jurisdiction of the Supreme Court
- 13.8 Contempt of Court

Unit –14: Principles of Constitutional Interpretation

- 14.1 Theory of Direct and Inevitable Effect of Fundamental Rights
- 14.2 Doctrine of Fraud on Constitution
- 14.3 Doctrine of Harmonious Construction
- 14.4 Doctrine of Severability
- 14.5 Doctrine of Colorable Legislation
- 14.6 Doctrine of Political Questions
- 14.7 Doctrine of Eclipse

Unit – 15: Constitutional Provisions Regarding Political Parties

Unit – 16: Provisions Regarding Amendment of the Constitution

Unit – 17: Provisions Regarding Emergency Powers

Unit – 18 : Prescribed Cases

- 18.1 *Advocate Lokendra Bahadur Oli vs. Provincial Assembly, Province No. 2, Janakpurdham, Dhanusa et al. Case: Certiorari and Mandamus, NKP Constitutional Bench 2076. Part-2, No. 1. D.N. 0017*
- 18.2 *Advocate Gopal Siwakoti 'Chintah' et al. Ministry of Finance. NKP 2051. No. 4. p. 255*
- 18.3 *Hari Prasad Nepal et al. vs. Prime Minister Girija Prasad Koirala. Sambaidhanik Bibad Sambaidhanik Bibad Sambandhi Sarbochha Adalatka Phaisalaharu. Vol. 1 p.32*
- 18.4 *Advocate Raviraj Bhandari et al. vs. Prime Minister Manmohan Adhikari et al. Ibid. p. 54*
- 18.5 *Surya Prasad Sharma Dhungel vs. Godawari Marble Industries Ltd. Ibid. p.175*
- 18.6 *Madhav Kumar Basnet vs. Ministry of Communication and Information. Ibid. p. 225*
- 18.7 *Advocate Radheshyam Adhikari vs. Cabinet Secreteriat et al. Ibid. p. 451*
- 18.8 *Reena Bajracharya vs. Cabinet Secreteriat et al. Ibid. p. 160*
- 18.9 *Rajeev Parajuli vs. RCCC. NKP 2062. Vol. 11. D.No. 7618*
- 18.10 *Senior Advocate Sarbagya Ratna Tuladhar vs. Chairman Rastriya Panchayat et al. NKP. 2035. Vol. 1. D. No. 1197*

Reading Materials

- Acharya, Bhimarjun (Dr.). **Fundamental Rights in the World Constitutions.** Kathmandu: Pairavi Book House. (2008)
- _____. **The Concept of Judicial Review.** Kathmandu: Pairavi Prakashan. (2020)
- _____. **Constitutions and Constitutionalism.** Kathmandu: _____

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- _____. "Appointment of Judges in the Context of Independent Judiciary in Nepal". **Nepal Law Review**. Year 36. Vol. 23. Kathmandu: Nepal Law Campus. (2011)
- Bhattarai, Shyam Kumar. **Constitutional and Administrative Law: Constitutional Theories and Judicial Approach** (in Nepali). (2nd edn.). Dillibazar, Kathmandu: Sopan Masik. (2075 B.S.)
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- Gyawali, Chandra Kanta (Dr.). **Constitutional Law of Nepal** (in Nepali). (6th edn.). Kathmandu: Pairavi Publication. (2076 B.S.)
- _____. **Federal Governance in Nepal: Comparative Study of Federal Governance of the World** (In Nepali). Kathmandu: Pairavi

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- _____ **People's Sovereignty and Constitutionalism**. Kathmandu: Markline Publication. (2013)
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- Mainali, Laxmi Prasad (Prof. Dr.). (edr). **Nepal Kanoon Paricharcha** No. 1. Kathmandu: Nepal Law Campus, Faculty of Law, Tribhuvan University. (2076, Kartik)
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- Parajuli, Ramesh (Dr.). "Religion and Constitution of Nepal." **Nepal Law Review**. Year 40. Vol. 27. Kathmandu: Nepal Law Campus (2019)
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- Strong, C.F. **Modern Political Constitutions**. (8th edn.). London: The ELBS and Sidgwick and Jackson Limited. (1973)
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- Wheare K.C. **Federal Government**. The English Language Book Society. Oxford University Press. (1963)
- _____ **Modern Constitutions**. Delhi: Oxford University Press. (1984)

Public International Law

Course Title: **Public International Law**

Full Marks: 100

Course No: Law 303

Pass Mark: 35

Duration of the Course: One Year (125 Hrs)

Level: LL.B.

Year: I

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to impart an understanding of Public International Law and its meaning, basis, historical background and general principles of law to the students.
- to enable the students to make critical appraisal of the contemporary International issues at the backdrop of International law *vis-a-vis* municipal law, case law and practices including that of Nepal.

Unit – 1: Introduction

- 1.1 Definition
- 1.2 Origin and Importance
- 1.3 Nature and basis of International Law
- 1.4 General Principles and Rules of Public International Law
- 1.5 The relation between International Law and Municipal Law shall be appraised at the backdrop of Nepal Treaty Act.

Unit – 2: Sources of International Law and Codification

- 2.1 Treaties
- 2.2 Custom
- 2.3 General principles of law
- 2.4 Judicial Decision
- 2.5 Writings of the publicists
- 2.6 Resolution of the General Assembly and Security Council.
- 2.7 Draft Conventions

- 2.8 Modern trends (including consideration of Humanity, Unilateral Declaration)

Unit – 3: Subject of International Law

- 3.1 Concept of State and Sovereignty
3.2 Modes of Acquiring an Losing State Territory
3.3 International Institutions
3.4 Individuals

Unit – 4: Recognition

- 4.1 Meaning and Nature of Recognition
4.2 Recognition of Government and State
4.3 Effect of Recognition and Non-recognition
4.4 *Defacto* and *Dejure* Recognition

Unit – 5: Nationality

- 5.1 Meaning, Importance and Function
5.2 Modes of Acquiring and Losing Nationality
5.3 Statelessness/Migration/IDPs/Refugees/Aliens
5.4 Double nationality (Non-resident Nepali Act)
5.4.1 Asylum
i) Meaning and Function
ii) Types of Asylum
iii) Right and Duties of Asylum– Seekers *vis-a-vis* Asylum Granting State.
5.4.2 Extradition
i) Meaning and Function
ii) Basis of Extradition as Developed by International Law *vis-a-vis* Nepal Extradition Act.
iii) Mutual Legal Assistance Treaty
5.5 State Responsibility

Public International Law

- 5.5.1 Conditions for International Responsibility
- 5.5.2 Consequences of an Internationally Wrongful Act
- 5.5.3 Diplomatic Protection of Nationals
- 5.5.4 Treatment of Aliens
- 5.5.5 Exhaustion of Local Remedies

Unit – 6: Jurisdiction

- 6.1 Concept of Jurisdiction
- 6.2 Territorial Jurisdiction
- 6.3 Personal Jurisdiction
- 6.4 Maritime Jurisdiction
- 6.5 Jurisdiction in Aero-space

Unit – 7: Immunities and Privilege

- 7.1 Diplomatic Privilege and Immunities
- 7.2 Consular Privilege and Immunities
- 7.3 Privilege and Immunities of Special Missions
- 7.4 Privilege and Immunity of Foreign States
- 7.5 Immunity and Privileges of International Organization
- 7.6 Limitations on Immunities
- 7.7 Nepalese Context

Unit – 8: Statehood and State Succession

- 8.1 Theory of State Succession
- 8.2 Succession of State
- 8.3 Succession of Government
- 8.4 Succession of International Organization

Unit – 9: Treaties

- 9.1 Meaning and Importance of Treaties
- 9.2 Concept of *Jus Cogens*, *Pacta Sunt Servanda* and *Rebus Sic Stantibus*

- 9.3 Types of Treaties
- 9.4 Conclusion and Entry into Force of Treaties
- 9.5 Reservation of Treaties
- 9.6 Ratification of Treaties
- 9.7 Interpretation of Treaties and Travaux Préparatoires
- 9.8 Invalidity, Termination or Suspension of the Operation of Treaty
- 9.9 ✓ Effects of War on Treaties
- 9.10 Treaty making power under the Constitution of Nepal and Nepal Treaty Act.

Unit – 10: Settlement of International Disputes

- 10.1 Peaceful means
 - 10.1.1 Inquiry and Negotiations
 - 10.1.2 Mediation and Good offices
 - 10.1.3 Conciliation
 - 10.1.4 Arbitration
 - 10.1.5 Judicial settlement
 - 10.1.6 Efforts of UN and Regional Organizations
- 10.2 Compulsive means
 - 10.2.1 Retortion, Retaliation and Reprisals
 - 10.2.2 Embargo and Pacific Blockade

Unit – 11: Use of Force and War

- 11.1 Definition of War
- 11.2 Attempts for an Outlawry of War
- 11.3 Principles on prohibition of use of force under the UN Charter
- 11.4 Definition of Aggression
- 11.5 Self-defense and Collective Security

11.6 Intervention by Invitation

Unit – 12: International Humanitarian Law 4.35 pm to 5

12.1 Meaning, Nature, Principles, Scope and Sources of IHL

Reading Materials

- Adhikari, Pravakar. "An Overview of Constitutional and Legal Provisions of Nepal Concerning Internalization of International Law." **Nepal Law Review**. Vol. 21, No. 1 & 2. Kathmandu: Nepal Law Campus. (2009)
- Allott, P. **The Health of Nations: Society and Law beyond the State**. (2002)
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- Brownlie, Ian. **Principles of Public International Law** (4th edn.). Oxford University. (1990)
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- _____. "An Introduction to Background and Meaning of International Law" (in Nepali). **Nepal Law Review**. Vol. 3. Kathmandu: Nepal Law Campus. (1980)
- Reisman, W. M. **Systems of Control in International Adjudication and Arbitration**. (1992)
- Zimmermann *et al.* **The Statute of the International Court of Justice: A Commentary**. (2006)

Law of Contract

Course Title: Law of Contract

Course No: Law 305

Duration of the Course: One Year (125 Hrs)

Year: I

Full Marks: 100

Pass Marks: 35

Level: LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to familiarize the students with the basic issues of contemporary contract law and enable them to suggest the best solution to tackle those issues
- to impart the students comparative and critical knowledge of contract law of Nepal as compared to laws of EU, India, U.K., U.S.A. and others as relevant
- to enable the students to make critical appreciation of leading cases

General Principles and Provisions of Contract

Unit – 1: Introductory

- 1.1 Nature of Law of Contract
- 1.2 Concept and Meaning of Contract
- 1.3 Essential Elements of a Valid Contract
- 1.4 Types of Contract
- 1.5 Historical Development of the Law of Contract in Nepal
- 1.6 Basic Feature of Muluki Civil Code, 2074 on Law of Contract

Unit – 2: Formation of Contract

- 2.1 Offer
 - 2.1.1 Meaning of Offer
 - 2.1.2 Rules Regarding Valid Offer
 - 2.1.3 Types of Offer
 - 2.1.4 Rules regarding Communication of Offer
 - 2.1.5 Communication of Offer and its Revocation
 - 2.1.6 Termination of Offer

- 2.2 Acceptance
 - 2.2.1 Meaning of Acceptance
 - 2.2.2 Rules regarding Valid Acceptance
 - 2.2.3 Communication of Acceptance and its Revocation
 - 2.2.4 Termination of Acceptance

Unit – 3: Consideration

- 3.1 Meaning of Consideration
- 3.2 Rules regarding Consideration
- 3.3 Kinds of Consideration
- 3.4 Exceptions to the Rule – “No Consideration, No Contract”
- 3.5 Doctrine of Privity of Contract

Unit – 4: Capacity to contract

- 4.1 Meaning of Capacity to Contract
- 4.2 Persons Incompetent to Contract
 - 4.2.1 Minor
 - 4.2.2 Person of Unsound Mind
 - 4.2.3 Other Persons Disqualified by Law

Unit – 5: Free Consent

- 5.1 Meaning of Consent and Free Consent
- 5.2 Factors Affecting Free Consent
 - 5.2.1 Coercion
 - i) Meaning of Coercion
 - ii) Consequences of Coercion
 - iii) Exceptions
 - 5.2.2 Undue Influence
 - i) Meaning of Undue Influence
 - ii) Presumption of Undue Influence
 - iii) Consequences of Undue Influence

- iv) Distinction between Coercion and Undue Influence

5.2.3 Misrepresentation

- i) Meaning of Misrepresentation
- (ii) Presumption of Misrepresentation
- iii) Consequences of Misrepresentation

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5.2.4 Fraud

- i) Meaning of Fraud
- ii) Essential Elements of Fraud
- iii) Consequences of Fraud
- iv) Distinction between Misrepresentation and Fraud

5.2.5 Mistake

- i) Meaning of Mistake
- ii) Types of Mistake
- iii) Consequences of Mistake

Unit – 6: Legality of Object and Consideration

6.1 Meaning and Importance of Legality of Object and Consideration

7408 6.2 Unlawful Agreements

6.3 Agreements Opposed to Public Policy

6.4 Agreements in Restraint of Trade and its Exceptions

6.5 Void Agreement

6.6 Doctrine of Supervening Impossibility

6.7 Wagering Agreement

Unit – 7: Indirect Contract

7.1 Meaning of Indirect Contract

7.2 Rules Regarding Indirect Contract

7.3 Doctrine of Quantum Merit and its Rules

7.4 Doctrine of Unjust Enrichment

Unit – 8: Contingent Contract

8.1 Meaning and Features of Contingent Contract

8.2 Rules regarding Contingent Contract

Unit – 9: Performance of Contract

9.1 Meaning and Importance of Performance of Contract

9.2 Types of Performance of Contract and Requisites of a Valid Tender

9.3 Rules regarding Performance of Contract

9.4 Assignment of Contract

Unit – 10: Termination of contract

10.1 Meaning of Termination of Contract

10.2 Modes of Termination of Contract

Unit – 11: Breach of Contract and Remedies

11.1 Meaning and Types of Breach of Contract

11.2 Meaning and Types of Remedies

Specific Contracts

Unit – 12: Contract of Indemnity and Guarantee

12.1 Contract of Indemnity

12.1.1 Meaning of Contract of Indemnity

12.1.2 Basic Features of Contract of Indemnity

12.1.3 Rights and Liabilities and Duties of Indemnity Holder and Indemnifier

12.2 Contract of Guarantee

12.2.1 Meaning of Contract of Guarantee

12.2.2 Types of Contract of Guarantee

12.2.3 Salient Features of Contract of Guarantee

12.2.4 Surety, Rights, Duties and Liability of Surety

12.2.5 Condition under which a Surety Discharges

from Liability

12.2.6 Meaning and Revocation of Continuing Guarantee

12.2.7 Grounds of Invalidation of Contract of Guarantee

12.2.8 Differences between Indemnity and Guarantee Contract

Unit – 13: Contract of Bailment and Pledge/collateral

13.1 Bailment

13.1.1 Meaning of Bailment

13.1.2 Basic Features of Bailment

13.1.3 Types of Bailment

13.1.4 Rights and Duties of Bailer and Bailee

13.1.5 Termination of Bailment

13.1.6 Finder of Lost Goods, Rights and Duties of Finder of Lost Goods

13.2 Pledge

13.2.1 Meaning of Pledge

13.2.2 Basic Features of Pledge

13.2.3 Rights and Duties of Pledgee and Pledger

13.2.4 Pledge by Non-owner

13.2.5 Difference between Bailment and Pledge

Unit – 14: Contract of Agency

14.1 Meaning of Contract of Agency

14.2 Basic Features of Contract of Agency

14.3 Modes of Creating Agency

14.4 Types of Agent

14.5 Delegation of Authority of Agent – Meaning and Exception

- 14.6 Rights, Duties and Personal Liability of Agent
- 14.7 Difference between Sub Agent and Substituted Agent
- 14.8 Rights and Duties of Principal
- 14.9 Termination of Agency
- 14.10 Law relating to Agency in Nepal

Unit – 15: Contract of Sale of Goods

- 15.1 Meaning of Contract of Sale of Goods
- 15.2 Characteristics of Contract of Sale of Goods
- 15.3 Sale and Agreement to Sell- Meaning and Difference
- 15.4 Meaning and Types of Goods
- 15.5 Condition and Warranties – Meaning and Comparison
- 15.6 Doctrine of Caveat Emptor – Meaning and Exception
- 15.7 Transfer of Ownership – Meaning and Rules regarding Transfer of Ownership
- 15.8 Transfer of Title - Meaning and Exception
- 15.9 Performance of Contract of Sale of Goods – Meaning and Steps/Rules
- 2082 15.10 Unpaid Seller – Meaning, Features and Rights and Duties
- 15.11 Buyers Remedies against Seller
- 15.12 Conditions under which Contract of Sale of Goods becomes Void

Unit – 16: Contract of Carriage of Goods

- 16.1 Introduction and Importance of Law relating to Carriage of Goods
- 16.2 Meaning of Contract of Carriage
- 16.3 Characteristics of Carriage
- 16.4 Carriage by Different Routes
 - 16.4.1 Carriage by Land
 - 16.4.2 Meaning of Carrier and Types of Carriers, Rights, Du

and Liabilities of Common Carriers, Termination of Carrier's Liability

16.4.3 Carriage by Rail, Rights, Duties and Liabilities of Railway Administration

16.4.4 Carriage by Sea: Meaning of Ship Carriage, Contract of Affreightment and its Kinds - Charter party, Classes and Clauses, Bill of Lading, Master of Ship – Meaning, Rights and Duties

16.4.5 Carriage by Air – Meaning, Documents relating to Carriage by Air and Liabilities of Air Carrier

Unit – 17: Law of Arbitration

17.1 Meaning and Importance of Arbitration

17.2 Essential Elements of Arbitration

17.3 Arbitrator: Meaning, Number, Qualification and Appointment, Removal

17.4 Award – Meaning and Elements of Valid Award, Setting Aside and Execution of Award

17.5 Major Provisions of Nepalese Arbitration Act, 2055

Unit – 18: Provisions on Hire Purchase Contract under *Muluki Civil Code, 2074*

Unit – 19: Provisions on Contract Set out in Nepalese *Muluki Civil Code, 2074*

Unit - 20: Prescribed Cases

20.1 *Achyut Pd. Kharel vs. His Majesty's Government.*
D.N.7842. NKP 2064. Vol.5. p. 533

20.2 *Bir Shankar Kashai vs. Anita Lama.* D. N.7673. NKP
2063. Vol.3. p. 395

20.3 *Prithivi Bahadur Maharjan vs. Birat Bahadur Khadka.*
D.N. 7874. NKP 2064. Vol. 8. p. 1100

20.4 *Lal Bahadur Khatri vs. Jaya Lal Subedi.* D.N.7776. NKP
2063. Vol.10. p. 1340

- 20.5 *Nani Chhori Maharjan vs. Rabindra Maharjan*. D.N. 7610. NKP 2062. Vol.10. p. 1243
- 20.6 *Bhairab Neupane vs. Chitwan Irrigation Project*. D.N. 3775. NKP 2046. Vol. 3. p. 343
- 20.7 *Bir Maya Limbu vs. Rana Maya Limbu*. D.N.7416. NKP 2061. Vol. 7. p. 942
- 20.8 *Anil Krishna Pokhrel vs. Kathmandu District Court*. D.N.7836. NKP 2064. Vol.5. p. 460
- 20.9 *Chhue Lama vs. Ishwori Devi*. D.N.4678. NKP 2050. Vol. 1. p. 1
- 20.10 *Nepal Government vs. Bhairaja Pradhan*. D.N. 7774. NKP 2063. Vol. 10. p. 1319

Reading Materials

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Family Law

Course Title: Family Law

Course No: Law 306

Duration of the Course: One Year (62 Hrs)

Year: I

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

- to familiarize the students with background and development of family law in Nepal as well as general principles of family law
- to give knowledge on legal rights of family member, procedural and evidentiary rules, compensation and remedies under family law
- to enable the student to have critical appreciation of leading case relating to family law decided by Supreme Court of Nepal as well District court.

Unit - 1: Introduction

- 1.1 Concept and Scope of Family Law
- 1.2 Sources of Family Law
- 1.3 Historical Background of Family Law in Nepal
- 1.4 Constitutional provisions Relating to Family Law
- 1.5 Impact of Gender Justice in the Nepalese Family Law

Unit – 2: Marriage

- 2.1 Concept and Definition of Marriage
- 2.2 Provisions Relating to Marriage
- 2.3 Conditions of Marriage
- 2.4 Consequence of Marriage (Result of Marriage)
- 2.5 Void Marriage
- 2.6 Voidable Marriage
- 2.7 Offence relating to Marriage
- 2.8 Remarriage
- 2.9 Acquisition of the Surname

2.10 Change of Surname

2.11 Registration of Marriage

Unit – 3: Court Marriage (Civil Marriage)

3.1 Condition for a Valid Court Marriage

3.2 Procedure of Court Marriage

Unit – 4: Divorce

4.1 Concept and Legal Definition of Divorce

4.2 Grounds for Divorce

4.3 Kinds of Divorce

4.3.1 Divorce by Mutual consent

4.3.2 Divorce by Judicial Process

i) Procedure of Divorce

ii) Right and Duty of husband and wife

iii) Alimony

iv) Settlement of Property

v) Reunion of Divorced Husband and Wife

Unit – 5: Law relating to Relation between Parents and their Children

5.1 Concept of Relation

5.2 Relation between Parents and Children

5.3 Status of Children

5.4 Child Custody

5.5 Right and Duty between Parents and their Children

5.6 Maintenance and Support for Children

Unit – 6: Guardianship

6.1 Concept of Guardian

6.2 Kinds of Guardian

6.3 Natural Guardian

- 6.4 Testamentary Guardian
- 6.5 Court Appointed Guardian
- 6.6 *Defacto* Guardian
- 6.7 Right and Duty of Guardianship

Unit – 7: Adoptions

- 7.1 Concept and Scope of Adoption²⁰⁸²
- 7.2 Adoption in Traditional Hindu Law
- 7.3 Conditions for Adoption
- 7.4 Status of Adopted Person
- 7.5 Conditions for invaliding adoption
- 7.6 Process and Legal Adoption by Foreigners

Unit – 8: Partition

- 8.1 Concept and Definition of Partition
- 8.2 Ancestral Coparcener and Personal Property
- 8.3 Proceeding of Partition
- 8.4 Mano Chutinu
- 8.5 Reunion of Families

Unit – 9: Inheritance

- 9.1 Meaning of Inheritance²⁰⁸²
- 9.2 Provisions relating to Inheritance
- 9.3 Other's rights in Inheritance
- 9.4 Right and Obligation of Recipient in Inheritance

Unit – 10: Family Court

- 10.1 Concept of Family Court
- 10.2 Scope of Family court
- 10.3 Family Counseling
- 10.4 Necessity and Importance of Family Court

Unit-11: Prescribed Cases

- 11.1 *Kirin Rana vs. Puran Shamsher Ja. Ba. Ra.* D.N. 15132. N.K.P 2075. Part 60. Shrawan, Part 4
- 11.2 *Narbahadur Acharya vs. Rukminidevi Shah* D.N. 8822. NKP 2069. Part 5
- 11.3 *Mera Dhunga vs. Nepal Government.* NKP 2052. Part 6 Parliament
- 11.4 *Purusotom Prasad Manandhar vs. Uma Manandhar* D.N. 10161 Part 60. NKP 2075. No. 12
- 11.5 *Janga Bahadur vs. Nepal Government.* D.N. 8631. Decision date 2067

Reading Materials

- Constitution of Nepal (2072 B.S.)
- Children's Act, 2075 B.S.
- *Muluki* Civil Code, 2074 B.S.
- *Muluki* Criminal Code, 2074 B.S.
- *Muluki* Civil Procedure Code, 2074 B.S.
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