

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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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'

FACULTY OF LAW.

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 influences 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 statues 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
Law 401	Criminal Law	Compulsory	100	125
Law 402	International Institutions and Human Rights	Compulsory	100	125
Law 403	Property Law	Compulsory	100	125
Law 405	Moot Court, Pre-Trial Preparations and Participation in Trial	Compulsory	100	125
Law 404	Methods of Legal Research and Writing	Compulsory	50	62
Law 406	Evidence Law	Compulsory	50	62
Law 407	Labor Law	Optional	50	62
Law 408	Election Law	Optional	50	62
Law 409	International Air and Space Law	Optional	50	62
Law 410	Environment Law	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.

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>Administrative Law</u>	<u>46</u>
<u>Taxation Law</u>	<u>50</u>
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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

Course No: Law 301

Duration of the Course: One Year (125 Hrs)

Year: I

Full Marks: 100

Pass Marks: 35

Level: LL.B.

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

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
- 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 Possessidendi* 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

Jurisprudence

- 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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Course Title: **Procedural Law**

Course No: Law 302

Duration of the Course: One Year [125 Hrs]

Year: I

Full Marks: 100

Pass Marks: 35

Level: LL.B.

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 in 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 Deeds (*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.)
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- 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.)
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- 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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- and II (in Nepali). Kathmandu: National judicial Academy. (2018)
- Ojha, Pawan Kumar, Pokhrel, Ganga Prasad and Ojha, Preksha. **Procedural Law: Principle and Practice** (in Nepali). (3rd edn.). Kathmandu: Lumbini Prakashan. (2076 B.S.)
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- 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.)

Course Title: **Constitutional Law**

Course No: Law 304

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 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

- 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, Janakpudtham, Dhanusa et al. Case Certiorari and Mandamus, NKP Constitutional Bench 2076, Part-2, No. 1 D.N. 0017
- 18.2 Advocate Gopal Swakoti 'Chintati' 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 Phansalaharu, Vol. 1, p. 32
- 18.4 Advocate Ravindra 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 Secretariat et al. Ibid, p. 451
- 18.8 Reena Bajracharya vs. Cabinet Secretariat et al. Ibid, p. 160
- 18.9 Rajendra Parajuli vs. RCCC, NKP 2062, Vol. 11, D. No. 7618
- 18.10 Senior Advocate Sarbajya Rana 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

- Pairavi Prakashan, (2020)
- Anderson, G. *Federalism: An Introduction*, Oxford University Press, (2008)
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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)
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 - Bhattarai, Shyam Kumar (edr), *Constitutional Law Resource Materials* (in Nepali), Kathmandu: Office of the Attorney General, (2075 B.S.)
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 - Gyawali, Chandra Kanta et al. *Federalism in the World*, (1st edn.), Kathmandu: Pairavi Publication, (2010)
 - Gyawali, Chandra Kanta (Dr.), *Constitutional Law of Nepal* (in Nepali), (8th 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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- _____. **Modern Constitutions.** Delhi: Oxford University Press. (1984)

Public International Law

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

- 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

- 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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- 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

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

Law of Contract

- 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

Law of Contract

- iv) Distinction between Coercion and Undue Influence
- 5.2.3 Misrepresentation
 - i) Meaning of Misrepresentation
 - ii) Presumption of Misrepresentation
 - iii) Consequences of Misrepresentation
- 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
- 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
- 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, Duties

- 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

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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

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 - Parajuli, D.N. (Dr.) **Law Relating to General Contract**. Kathmandu: Pairavi Book House Pvt. Ltd. (2075 B.S.)
 - Parajuli, D.N. et al. **Mercantile Law CAP – 1** (3rd edn.). Kathmandu: Januka Book House Pvt. Ltd.
 - _____, **Law Relating to Specific Contract and Case Law**, Pairavi Book House Pvt. Ltd. (2075 B.S.)
 - Pollock, F. and Mulla, D.F. **Indian Contract and Specific Relief Acts**. Bombay: N.M. Tripathi Pvt. Ltd.
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 - Trietal, G.H. **Law of Contract**. London: Sweet and Maxwell
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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 as 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

Family Law

- 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 Adoption
- 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 Inheritance
- 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

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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.
- Muluki Criminal Procedure, 2074 B.S.
- Hindu Marriage Act, 1955 (India)
- Special Marriage Act, 1954 (India)
- Uniform Marriage and Divorce Act, 1970 (U.S.A.)
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- Nandan, D. **Marriage, Divorce and Hindu Law**. Allahabad. (1989)
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Media Law

Media Law

Course Title: **Media Law**

Course No: Law 307

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 introduce the constitutional and legal regime relating to mass media
- to impart knowledge on media regulation, freedom of media and protection of persons and institutions working in different sectors of mass media.
- to impart knowledge on legal limitations and civil and criminal liabilities of people working in mass media

Unit – 1: Introduction

- 1.1 Meaning and Concept of Mass Media
- 1.2 Development of Mass Media
- 1.3 Types of Mass Media
- 1.4 Significance of Mass Media
- 1.5 Regulation of Mass Media (Tort law, Civil and Criminal Jurisdiction)

Unit – 2: Constitutional Regime and Mass Media

- 2.1 Freedom of Opinion and Expression
- 2.2 Freedom of Press and Publication
- 2.3 Right to Information
- 2.4 Right to Privacy
- 2.5 Ground of Reasonable Restrictions and Constitutional Remedies against Violation of above Rights
- 2.6 Privileges of Parliament
- 2.7 General Emergency

Unit- 3: Laws and Regulating Institutions of Different Sectors of**Mass Media**

- 3.1 Commercial Television
- 3.2 Commercial Radio
- 3.3 Newspapers and Magazine
- 3.4 Advertising , Cinemas
- 3.5 Films and Documents
- 3.6 Internet (Online, Media and Blog)

Unit – 4: News and Information Gathering

- 4.1 Professionalism in Journalism (Code of Conduct)
- 4.2 Investigative Journalism and Right to Privacy
- 4.3 Confidentiality of Sources of Information and Responsibility of Journalist
- 4.4 News Information through Direct and Indirect Source

Unit – 5: Copy Rights and Mass Media

- 5.1 Definition of Creation and Copyright over Creation
- 5.2 Qualifying Requirements for Copyright Protection
- 5.3 Ownership of Copyright
- 5.4 Exceptions to Copyright
- 5.5 Infringement of Copyright, Liabilities and Defenses

Unit – 6: Classified Information

- 6.1 Definition and Kinds
- 6.2 Punishment for Disclosure
- 6.3 Defenses against Disclosure
- 6.4 Public Interest Disclosures (Whistle Blowing)

Unit - 7: Contempt of Court and Mass Media

- 7.1 Meaning and Concept of Contempt of Court
- 7.2 Civil Contempt and Criminal Contempt of Court

- 7.3 Sanction for Contempt of Court

Unit – 8: Institutional Mechanism

- 8.1 National Information Commission (NIC)
 - 8.1.1 Composition of NIC
 - 8.1.2 Judicial Power and Functions
- 8.2 Press Council
 - 8.2.1 Composition of Press Council and its Powers and Functions
 - 8.2.2 Code of Conduct of Journalists
 - 8.2.3 Disciplinary Actions and Sanctions against Violation of Code of Conduct

Unit-9: Complain Against Mass Media/ Recent Trends

- 9.1 Complaints to Press Council
- 9.2 Complaints to Ministry of Information
- 9.3 Complaints to Court of Law
- 9.4 Alternatives to Court Proceedings

Unit-10: Prescribed Cases

- 10.1 *Madhav Kumar Basnet vs. Government of Nepal* NKP 2070. Vol. 55. D.N. 9051. Decision date 2070/9/28
- 10.2 *Thir Prasad Pokhrel vs. Harihar Birahi.* NKP 2049. D.N. 8. p. 770
- 10.3 *Bhupendra Prasad Pokhrel vs. Cabinet Secretariat.* NKP 2064. No. 5. p. 585
- 10.4 *Mihir Kumar Thakur vs. Bhesh Jung Badal.* NKP 2066. Vol. 51. D.N. 8283. Decision Date 2066/07/11
- 10.5 *Department of Administration vs. Jana Aastha Weekly.* NKP 2070. D.N. 11.p. 1392

Reading Materials

- Constitution of Nepal (2072 B.S.)

- *Muluki Civil Code*, 2074 B.S.
- *Muluki Criminal Code*, 2074 B.S.
- *Right to Information Act*, 2064 B.S.
- *Press and Publications Act*, 2048 B.S.
- *Copy Right Act*, 2059 B.S.
- *Documents Secrecy Act*, 2039 B.S.
- *Press Council Act*, 2048 B.S.
- *Administration of Justice Act*, 2073 B.S.
- *Supreme Court Rules*, 2074 B.S.
- *Right to Privacy Act*, 2075 B.S.
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Course Title: Administrative Law

Course No: Law 308

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 students with nature and function of Administrative Law
- to impart knowledge on role of Administrative Law in control of abuse of power, kinds of administrative actions and means of control, and institutions and means of enforcement of administrative law

Unit – 1: Introduction

- 1.1 Definition, Nature, Scope, Importance and Sources of Administrative Law
- 1.2 Relationship between Constitutional Law and Administrative Law
- 1.3 Good Governance and Role of Administrative Law

Unit – 2: Basic Doctrines of Administrative Law

- 2.1 Rule of Law
- 2.2 Separation of Powers and Checks and Balances

Unit – 3: Classification of Administrative Actions

- 3.1 Need for the Classification
- 3.2 Distinction between Delegated Legislation, Executive, Judicial and Quasi-Judicial Functions

Unit – 4: Delegated Legislation

- 4.1 Meaning, Scope, Importance and Types of Delegated Legislation
- 4.2 Reasons for Growth of Delegated Legislation
- 4.3 Limitations on Delegated Legislation
- 4.4 Control over Delegated Legislation: (Parliamentary Judicial Procedural and other Mechanisms)

Unit – 5: Principles of Natural Justice

- 5.1 Meaning, Nature and Scope of Natural Justice
- 5.2 Limbs of Natural Justice
- 5.3 *Nemo iudex in Causa sua*
- 5.4 *Audi Alteram partem*

Unit – 6: Quasi-Judicial Bodies and Administrative Tribunals

- 6.1 Meaning, Nature, Structure, Functions and Procedures of Quasi – Judicial Bodies
- 6.2 Reasons for the Growth of the Quasi – Judicial Bodies
- 6.3 Meaning, Nature and Functions of Administrative Tribunals
- 6.4 Control over Administrative Adjudication

Unit – 7: Administrative Discretion and Judicial Control

- 7.1 Nature of Administrative Discretion
- 7.2 Judicial control over Administrative Discretion
- 7.3 Remedies Available to Citizens against Abuse of Administrative Discretion through Writs Petitions

Unit – 8: Ombudsman

- 8.1 Introduction and Nature
- 8.2 Authority of Ombudsman
- 8.3 Complaints, Investigation (with Reports) and Decisions
- 8.4 Powers and Function of Commission for Investigation of Abuse of Authority
- 8.5 Independence and Integrity of Commission for Investigation of Abuse of Authority

Unit – 9: Role of Supreme Court in the Development of Administrative Law in Nepal

Unit - 10: Prescribed Cases

- 10.1 *Cheese Kumara Ghale on behalf of Teelu Ghale vs. District Police Office, Hanumandhoka et al.* NKP 2051, p. 890.
- 10.2 *Rajeev Parajuli vs. RCCC.* NKP 2062. Vol. 11. D.N. 7618.
- 10.3 *Baburam Poudyal vs. His Majesty's Government.* NKP 2051. Vol. 3. p. 143.
- 10.4 *Bisshower Pd. Koirala vs. Nepal Government et al.* NKP 2016. D.N. 56
- 10.5 *ChitraDev Joshi vs. Judicial Council et al.* NKP 2069. Vol. 6. p. 1047

Reading Materials

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- Bhattarai, Shyam Kumar. **Constitutional and Administrative Law: Constitutional Theories and Judicial Approach** (in Nepali). (3rd edn.). Dillibazar. Kathmandu: Sopan Masik. (2076 B.S.)
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Taxation LawCourse Title: **Taxation Law**

Course No: Law 309

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 acquaint students with concept of taxation, nature and construction of taxation of laws
- to familiarize students with taxation laws prevailing in Nepal, especially Income Tax Act, VAT Act, House and Land Tax Act and Wealth Tax Act
- to enable students to have an understanding of leading cases relating to taxation decided by the Supreme Court of Nepal

Unit – 1: Introduction

- 1.1 Meaning, Concept and Objectives of Taxation
- 1.2 Nature of Taxation
- 1.3 Kinds of Tax

Unit – 2: Taxation Law

- 2.1 Meaning of Taxation Law
- 2.2 Principles of Taxation Law
- 2.3 Rules of Construction of Taxation Law
- 2.4 Relation between Finance Act and Tax Act

Unit – 3: Constitutional Framework of Taxation

- 3.1 Taxing Power and Right to Property
- 3.2 Taxing Procedures (Local, Province, Central)
- 3.3 Recent Provision (Federal Procedure)

Unit – 4: Income Tax Law

- 4.1 Concept of Income and Basic Terminology under Income Tax Act, 2058
- 4.2 Heads of Income

- 4.3 Income from Employment
- 4.4 Income from Business
- 4.5 Income from Investment
- 4.6 Calculation of Assessable Income, Deduction and Allowances
- 4.7 Method of Filling Tax Returns
 - 4.7.1 Assessment of Tax
 - 4.7.2 Payment of Tax
 - 4.7.3 Recovery of Tax
 - 4.7.4 Tax Deduction at Source

Unit – 5: Value added tax

- 5.1 Concepts of VAT
- 5.2 Registration for VAT
- 5.3 Collection of VAT
- 5.4 Return of VAT
- 5.5 Payment and Recovery of VAT

Unit – 6: Wealth Tax, House and Land Tax and House Rent Tax: Objectives and Legal Provisions as to Assessment Payment and Recovery of Tax**Unit – 7: Rights and Duties of Taxpayer****Unit – 8: Tax Administration**

- 8.1 Kinds of Authorities (Administrative, Quasi-Judicial & Judicial)
- 8.2 Powers and Functions of the Authorities

Unit–9: Judicial Control over Tax Administration (Jurisdiction Powers and Procedure)**Unit – 10: Tax related Offenses, Prosecution and Penalties and Appeal****Unit – 11: Prescribed Cases**

- 11.1 Ministry of Finance, Inland Revenue Department, Tax

Course Title: Taxation Law

Course No: Law 309

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 acquaint students with concept of taxation, nature and construction of taxation of laws
- to familiarize students with taxation laws prevailing in Nepal, especially Income Tax Act, VAT Act, House and Land Tax Act and Wealth Tax Act
- to enable students to have an understanding of leading cases relating to taxation decided by the Supreme Court of Nepal

Unit – 1: Introduction

- 1.1 Meaning, Concept and Objectives of Taxation
- 1.2 Nature of Taxation
- 1.3 Kinds of Tax

Unit – 2: Taxation Law

- 2.1 Meaning of Taxation Law
- 2.2 Principles of Taxation Law
- 2.3 Rules of Construction of Taxation Law
- 2.4 Relation between Finance Act and Tax Act

Unit – 3: Constitutional Framework of Taxation

- 3.1 Taxing Power and Right to Property
- 3.2 Taxing Procedures (Local, Province, Central)
- 3.3 Recent Provision (Federal Procedure)

Unit – 4: Income Tax Law

- 4.1 Concept of Income and Basic Terminology under Income Tax Act, 2058
- 4.2 Heads of Income

- 4.3 Income from Employment
- 4.4 Income from Business
- 4.5 Income from Investment
- 4.6 Calculation of Assessable Income, Deduction and Allowances
- 4.7 Method of Filling Tax Returns
 - 4.7.1 Assessment of Tax
 - 4.7.2 Payment of Tax
 - 4.7.3 Recovery of Tax
 - 4.7.4 Tax Deduction at Source

Unit – 5: Value added tax

- 5.1 Concepts of VAT
- 5.2 Registration for VAT
- 5.3 Collection of VAT
- 5.4 Return of VAT
- 5.5 Payment and Recovery of VAT

Unit – 6: Wealth Tax, House and Land Tax and House Rent Tax: Objectives and Legal Provisions as to Assessment Payment and Recovery of Tax**Unit – 7: Rights and Duties of Taxpayer****Unit – 8: Tax Administration**

- 8.1 Kinds of Authorities (Administrative, Quasi-Judicial & Judicial)
- 8.2 Powers and Functions of the Authorities

Unit-9: Judicial Control over Tax Administration (Jurisdiction Powers and Procedure)**Unit – 10: Tax related Offenses, Prosecution and Penalties and Appeal****Unit – 11: Prescribed Cases**

- 11.1 Ministry of Finance, Inland Revenue Department, Tax

- Office, Biratnagar vs. Mahendra Kumar Golchha.* NKP 2063. Vol 7. D.N. 7730
- 11.2 *Pashupati Wire Products vs. Inland Revenue Department, Tax Office, Biratnagar.* NKP 2066. Vol. 10. D. N. 8253
- 11.3 *Mittal Tea Industries Pvt .Ltd. vs. Department of Inland Revenue.* NKP 2066. Vol. 6. D.N. 8173
- 11.4 *Advocate Komales Dwiwedi vs. Office of the Prime Minister and Council of Minister et al.* NKP 2067. Vol. 9. D.N. 8452
- 11.5 *Gyanendra Shrestha vs. Director General Revenue Investigation Department.* NKP 2067. Vol. 5. D.N. 8375

Reading Materials

- Constitution of Nepal (2072 B.S.)
- House and Land Rent Act, 2023 B.S.
- Income Tax Act, 2058 and Rules, 2059 B.S.
- Interpretation of Statutes Act, 2010 B.S.
- Land Revenue Act, 2034 B.S.
- Revenue Tribunal Act, 2031 B.S.
- Value Added Tax Act, 2052 B.S. and Rules, 2053 B.S.
- Wealth Tax Act, 2047 B.S.
- *Muluki Civil Code*, 2074 B.S.
- *Muluki Criminal Code*, 2074 B.S.
- Adhikari, Biswadeep. **Income Tax Law: Then and Now** (in Nepali). Kathmandu: Bhrikuti Publication. (2059 B.S.)
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- Adhikari, Chandramani (Dr.). **Tax Laws of Nepal** (in Nepali). (2nd edn.). Kathmandu: Pairavi Prakashan. (2073 B.S.)
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- Khadka, Rup Bahadur. **Sales Taxation in Nepal.** Kathmandu: Ratna Pustak Bhandar. (2014)
- _____. **The Nepalese Tax System** (2nd edn.). Kathmandu: Pairavi Prakashan. (2014)
- _____. **The SAARC Tax System** (1st edn.). Kathmandu: Pairavi Prakashan. (2015)
- Subedi, Babu Ram. **Value Added Tax.** Kathmandu: Bhrikuti Publication. (1998)

Fiscal LawCourse Title: **Fiscal Law**

Course No: Law 313

Duration of the course: One year [62 Hrs]

Year: I

Full Marks: 50

Pass Mark: 18

Level: LL.B

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart knowledge on laws relating to implementation of fiscal policies and collection of revenues
- to familiarize students with laws relating to government expenditure and legal devices for audit and control

Unit – 1: Fiscal Laws of Nepal

- 1.1 Meaning of Public Finance
- 1.2 Meaning, Concept, Nature of Fiscal Laws
- 1.3 Brief History of Fiscal Legislation in Nepal
- 1.4 Fiscal policies of Nepal

Unit- 2: Fiscal Provisions under the Constitution of Nepal

- 2.1 Federal Financial Procedure
- 2.2 State Financial Procedure
- 2.3 Local Financial Procedure
- 2.4 State Obligation and Directive Principles and Policies
- 2.5 Taxing Power of State
- 2.6 Guarantee of Debt

Unit – 3 Laws Relating to the Implementation of Fiscal Policies

- 3.1 Law of Income Tax
- 3.2 Law of Property Tax
- 3.3 Law of Custom Duty
- 3.4 Law of Excise Duty
- 3.5 Economic Procedure and Financial Accountability

Unit – 4: Laws Relating to Government Loan and Guarantee

- 4.1 Law Relating to Government Loan and Guarantee
- 4.2 Laws Relating to Treasury Bills [Rastriya Reen]

Unit – 5: Laws Relating to Government Expenditure and Audit

- 5.1 Laws of Government Expenditure
- 5.2 Laws Relating to the Audit of Government Expenditure
- 5.3 Power and Function of the Auditor General

Unit – 6: Laws Relating to Revenue Collection

- 6.1 Value Added Tax [VAT]
- 6.2 Land Tax
- 6.3 Law of Stamp Duty

Unit – 7: Prescribed Cases

- 7.1 *Biswonath Jajodiya vs. Office of Value Added Tax. Lazimpat. Kathmandu. Collection of Revenue Tribunal Decisions. Vol. 1 Year 2059. Vat Appeal Case No 101/958 D.N. 52. Year 2059*
- 7.2 *Hasan Mohammad vs. His Majesty's Government of Nepal. Case. Custom Evasion of Rice. Collection of Revenue Tribunal Decisions. Vol. 1 Year 2059. Appeal Case No. 18 D.N.14 year 2059*
- 7.3 *Pitamber Prasad Acharya et al. vs. Ministry of Finance et. al. NKP 2071. No. 4. P. 422*
- 7.4 *Suresh Kumar Aggrawal vs. VAT Department. VAT Case. Collection of Revenue and Tribunal Decisions. Vol. 1 Year 2060. Vat Appeal Case No.78/754 D.N. 94*
- 7.5 *Surya Tobacco Company Pvt. Ltd. et al. vs. Inland Revenue Office, Bara et al. NKP 2067. No. 7. P. 1075*

Reading Materials

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- Adhikari, Bishwadeep. **Income Tax Law: Then and Now.** Kathmandu:

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- Adhikari, Chandra Mani. **Taxation in Nepal**. Kathmandu: Pairavi Prakashan. (2056 B.S.)
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 - Khadka, Rup. **The Nepalese Tax System**. Kathmandu: Pairavi Prakashan. (2014)
 - Khanal, Shambhu Prasad (Dr.). **Fiscal Law**. Kathmandu: Pratyush Publications. (2071 B.S.)
 - Neupane, Awatar. **Fiscal Law**. Kathmandu: Corporate Legal Research Center. (2017)
 - Shrestha, Bijaya. **Revenue Jurisprudence: Principles and Practices**. Kathmandu: Lumanti Prakashan. (2046 B.S.)
 - Singh, S.K. **The Fiscal System of Nepal**. Kathmandu: Ratna Pustak Bhandar. (1977)
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 - Tiwari, Narayan Raj. **Income Tax System in Nepal**. Kathmandu: Pairavi Prakashan. (2056 B.S.)

International Trade LawCourse Title: **International Trade Law**

Full Marks: 50

Course No: Law 310

Pass Marks: 18

Duration of the course: One year [62 Hrs]

Level: LL.B

Year: I

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart to the students knowledge of International trade with the help of United Nations documents, UNCITRAL and UNCTAD papers and the World Trade Organization
- to familiarize the students with International Trade regime particularly developed by the WTO
- to enable the students to analyze provisions of the Nepalese laws on business transactions, and
- to impart the knowledge on the existing trade treaties of which Nepal is a party

Unit – 1: Concept of International Trade Law:

- 1.1 Meaning and Concept of International Trade Law
- 1.2 Importance of International Trade Law
- 1.3 Sources of International Trade Law

Unit – 2: Inco terms

- 2.1 Purpose of Incoterms
- 2.2 Incoterms 2010 EXW, FCA, CPT, CIP, DAT, DAP, DDP, FAS, FOB, CFR, CIF

Unit – 3: Standard Form Contract

- 3.1 Nature, Use and Kinds of Standard Form Contract.

Unit – 4: Bill of Lading

- 4.1 Definitions of Bill of Lading as defined in different International Instruments.
- 4.2 Kinds and Characteristics of Bill of Lading
- 4.3 Rights and Duties of Shipper and Carrier with Particulars

Reference to the UN Convention on Carriage of Goods by Sea
[Hamburg rules]

Unit – 5: International Sales of Goods

- 5.1 History of international Sale of Goods
- 5.2 Importance of unified International Sales of Goods
- 5.3 UNCITRAL Convention
- 5.4 Obligation of the Seller
- 5.5 Right of Seller
- 5.6 Obligation of Buyer
- 5.7 Rights of Buyer
- 5.8 Risk of Loss
- 5.9 Remedies for Breach of the Contract.

Unit – 6: Financing of International Trade

- 6.1 Bill of Exchange
- 6.2 Direct Payment
- 6.3 Documentary Credits

Unit – 7: Foreign Exchange

- 7.1 Importance of Foreign Exchange in International Trade
- 7.2 Foreign Exchange Restrictions
- 7.3 Main provisions of the Foreign Exchange [Regulations] Act, 2019 [1962] B.S

Unit – 8: Transnational Enterprises [TNCs] and International Trade

- 8.1 Meaning of TNCs and Joint Ventures
- 8.2 Role of TNCs in International Trade
- 8.3 TNCs and Joint Ventures in Nepal

Unit – 9: World Trade Organization [WTO] and Regional Trade Organization

- 9.1 WTO

- 9.1.1 Introduction
- 9.1.2 Genesis [including Uruguay Round Report 1994]
- 9.1.3 Principles, Objectives, Function and Scope of WTO
- 9.1.4 Organs and Working of WTO
- 9.1.5 Settlement of Disputes under WTO Set up
- 9.1.6 Need to align Nepali law in Tune with WTO Norms
- 9.2 Regional Trade Organizations
 - 9.2.1 SAPTA [SAARC Preferential Trading Arrangement]
 - 9.2.2 Role of the GATT 1994 in the Field of International Trade
 - 9.2.3 Special reference International Trade with Special Reference to Least Developed Land-Locked Countries.

Unit – 10: UNCTAD

- 10.1 Organization of UNCTAD
- 10.2 Role of UNCTAD in the Field of International Trade Law.

Unit – 11: European Economic Community and European Union [EU]

- 11.1 Genesis of the EEC
- 11.2 Role of the EEC in the field of International Trade Law.
- 11.3 Establishment of EU

Unit – 12: Settlement of disputes

- 12.1 Arbitration, Judicial Settlement, Negotiation, Good Offices, Mediation, Conciliation or Injury
- 12.2 UNCITRAL Rules on International Commercial Arbitration
- 12.3 UNCITRAL Model Law
- 12.4 UNICITRAL Conciliation Rules
- 12.5 MIGA
- 12.6 ICSID
- 12.7 International Chamber of Commerce Rules on

Unit – 13: Enforcement of Foreign Judgment and Awards

Reading Materials

- Arbitration Act, 2005 B.S.
- Foreign Investment and Transfer of Technology Act, 2075 B.S.
- Adhikari, Chandra Mani. **World Trade Organization and Nepal** (in Nepali). Kathmandu: Pairavi Prakashan. (2062 B.S.)
- Qureshi, Asif H. & Ziegler, Andreas R. **International Economic Law** (3rd edn.). London: Sweet & Maxwell. (2011)
- Bossche, Peter Van den & Lion, Werner. **The Law and Policy of the World Trade Organization** (3rd edn.). Cambridge: Cambridge University Press. (2012)
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- Koul, A.K. **Legal Framework of UNCTAD in World Trade**. Leyden, (1997)
- Krueger, Anne. (edr). **The WTO as an International Organization**.

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Course Title: Law of Torts

Course No: Law 311

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 acquaint students with basic concept of tort, general principles of torts and its development
- to enable the students to distinguish between torts, crime and breach of contract
- to familiarize the students about the tort law provisions and its objective pursuant to Muluki Dewani Samhitain Nepali context
- to familiarize the students about the law of negligence and professional mal practices as well as remedies of torts and various liabilities.
- to enable the students to have critical appreciation of leading cases relating to tort law

Unit – 1: Introduction to Tort

- 1.1 Meaning and Definition of Tort
- 1.2 Essential Element of Tort
- 1.3 Foundation of Tortious Liability and Difference between Tortious Liability with other Types of Liabilities
- 1.4 Strict Liability against Tort
- 1.5 Comparison between Tort and Crime, Contract and Breach of Contract.

Unit – 2: Tort under Muluki Civil Code, 2074 B.S.

- 2.1 General Introduction to Practice of Tort Law in Nepal
- 2.2 Actions that amounts to Tort under Muluki Civil Code, 2074 B.S.
- 2.3 Conditions of Liability of Parents, Guardian and Owners of Chattels, House Owner's and Property Owners

- 2.4 Liability for Unauthorized Entry and Compensation
- 2.5 Liability of Defective Production, Proving Defective Production and Release from Liability

Unit – 3: Types and practice of Tort Law in International Scenario

3.1 Types of Torts

3.1.1 Intentional Tort against Person:

Assault Battery, False imprisonment, Misappropriation of the Right to Publicity, Invasion of Right to Privacy, Defamation of Character- Libel and Slander, Intentional Infliction of Emotional Distress/Nervous Shock, Malicious Prosecution

3.1.2 Intentional Tort against Physical and Incorporeal Personal Property:

Trespass to Land and Trespass to and Conversion of Personal Property

3.1.3 Unintentional Tort (Tort of Negligence):

- i) Definition and Meaning of Negligence
- ii) Element of Negligence
- iii) Duty of Care, Breach of Duty and Injury to Plaintiff
- iv) Burden of Proof in an Action for Negligence

3.1.4 Special Negligence Doctrine:

Negligent infliction of emotional Doctrines, Negligence *per se*, *Res ipsa Loquitur*, Danger Invites Rescue Doctrine, Social host Liability of Common Careers

3.1.5 Defenses Against Negligence:

Superseding or Intervening Event, Assumption of the Risk, Contributory Negligence, Comparative Negligence, Causation in Fact and Proximate Cause

Unit – 4: Special Business Torts

- 4.1 Entering Certain Business and Professions without License
- 4.2 Unfair Competition
- 4.3 Disparagement
- 4.4 False Advertising
- 4.5 Fraud or Deceit
- 4.6 Deceiving Consumer and Defective Production and Supply

Unit – 5: Professional Malpractice

- 5.1 Duty of Care of Professionals
- 5.2 Professional Malpractice
- 5.3 Legal Malpractice, Medical Malpractice and Accounting Malpractice

Unit – 6: Remedies against Tort

- 6.1 Damages and Types
- 6.2 Injunctions
- 6.3 Specific Restitution of Property

Reading Materials

- *Muluki Civil Code*, 2074 B.S.
- Acharya, Rajendra Kumar (Dr.). **Law of Tort** (in Nepali) (1st edn.). Malarani, Arghakhanchi: Mrs. Parvati Acharya. (2074 B.S.)
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- Murphy, John. **Street on Torts** (11th edn. Indian Reprint). Oxford: Oxford University Press. (2006)
- Nicholas, J. McBride & Roderick, Bagshaw, **Tort Law** (1st Indian edn.). (2003)
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- Pillai, P.S.A. **Law of Torts** (9th edn.). New Delhi: Asian Educational Services. (2004)
- Ratna Lal & Dhiraj Lal. **The Law of Torts** (2nd edn.). Nagpur: Wadh & Company. (1992)
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- Law Publishing. (2006)
- Steel, Jenny, **Tort Law: Text, Cases and Materials.** (2nd edn.). Oxford University Press (2017)

Juvenile Justice

Course Title: **Juvenile Justice**

Full Marks: 50

Course no.: Law 312

Pass Marks: 18

Duration of the Course: One year (62 Hrs)

Level: LL.B.

Year: I

Nature: Optional

Course Objective:

The main objectives of this course are:

- to familiarize students with concept of Juvenile Delinquency, Juvenile Justice System and understand it in comparison with the concept of Crime and Criminal Justice System.
- to exposes students with national and international legal frameworks related to juvenile justice.
- to acquaint students with various causative factors and theories of juvenile delinquency.
- to enable students to understand current scenario of Nepalese juvenile justice system

Unit – 1: Introduction to Juvenile Justice

- 1.1 Concept and Rational of Juvenile Justice
- 1.2 Model of Juvenile Justice
- 1.3 Juvenile Justice verses Criminal Justice
- 1.4 Historical Development of Juvenile Justice

Unit – 2: Juvenile Delinquency

- 2.1 Meaning and Definition of Juvenile
- 2.2 Concept of Juvenile Delinquency
- 2.3 Guiding Principles for Protection of Juvenile
- 2.4 Types of Juvenile Delinquency
- 2.5 Delinquent verses Criminal

Unit – 3: Theories of Juvenile Delinquency

- 3.1 Biological Theories
- 3.2 Psychological Theories
- 3.3 Sociological Theories

Unit – 4: Legal Framework on Juvenile Justice

- 4.1 International Framework
 - 4.1.1 UN Convention on the Rights of the Child, 1989
 - 4.1.2 UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules)
 - 4.1.3 UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines)
 - 4.1.4 UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (JDL Rules)
 - 4.1.5 UN Minimum Rules for Non-Custodial Measures, 1990 (Tokyo Rules)
 - 4.1.6 UN Guidelines for Action on Children in the Criminal Justice System, 1997 (Vienna Guidelines)
 - 4.1.7 Other International Instruments (UDHR, 1948; UN Standard Minimum Rules for the Treatment of Prisoners, 1955 (Nelson Mandela Rules); ICCPR, 1966)
- 4.2 National Framework
 - 4.2.1 Constitution of Nepal, (2072 B.S.)
 - 4.2.2 Children's Act, 2018 (2075 B.S.)
 - 4.2.3 Muluki Criminal Code, 2017 (2074 B.S.)
 - 4.2.4 Criminal Offence (Punishment Determination & Execution) Act, 2017 (2074 B.S.)
 - 4.2.5 Juvenile Justice Performance (Procedure) Rules, 2019 (2075 B.S.)
 - 4.2.6 National Plan of Action for Children, 2004/05-2014/15 (2061/62-2071/72 B.S.)
 - 4.2.7 National Child Policy, 2012 (2069 B.S.)
 - 4.2.8 Five Years Strategic Plans of Nepalese Judiciary

Unit– 5: Juvenile Justice Administration

- 5.1 Investigation of Juvenile Delinquency
- 5.2 Prosecution of Juvenile Delinquency
- 5.3 Juvenile Court (Bench and Adjudication Procedure)
- 5.4 Role of Child Psychologist and Social Worker
- 5.5 Correctional Institutions
- 5.6 Diversion: Concept and Techniques (Pre-Trial, During Trial, and Post -Trial Diversion)
- 5.7 Community Mediation

Unit- 6: Prescribed Cases

- 6.1 *Advocate Ashish Adhikari on behalf of Bablu Godia vs. Banke District Court et al.* Writ No. 3390 of the Year 2057 B.S. Habeas Corpus. Date of Decision: 2057/12/12 B.S.
- 6.2 *Advocate Bal Krishna Mainali vs. His Majesty's Government. Ministry of Home Affairs et al.* Writ No. 3505 of the Year 2056 B.S. Mandamus et al. Date of Decision: 2058/04/23 B.S.
- 6.3 *Advocate. Pushpa Raj Poudel on behalf of Biren Lama vs. Kathmandu District Court et.al.* NKP (2072) Vol. 9. D.N. 9469.
- 6.4 *Government of Nepal on behalf of Baukai Shada Musahar vs. Dipak Shada (Changed name).* NKP (2073). Vol. 4. D.N.9580.
- 6.5 *Ishwor Rishidev vs. Government of Nepal. Rape.* NKP 2074. Vol.6. D.N. 9826.

Reading Materials

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

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- Juvenile Justice Performance (Procedures) Rules, 2075 B.S.
- **Annual Report on State of Children in Nepal** (in Nepali). Harihar Bhawan, Lalitpur: Secretariat of the Juvenile Justice Coordination Committee. (2074 B.S.)
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- Pradhananga, Rajit Bhakta (Prof. Dr.). Mainali, Laxmi Prasad et al. **Children Rights and Justice in Nepal** (1st edn.). Kathmandu: Criminal Law Subject Committee. Faculty of Law. Tribhuvan University and Lalitpur: Central Child Welfare Board. (2012)

Criminal Law

Course Title: **Criminal Law**

Code no: Law 401

Duration of the course: One Year (125 Hrs)

Year: II

Full Marks: 100

Pass Marks: 35

Level: L.L.B.

Nature: Compulsory

Course Objectives:

The main objectives of this course are:

- to enable students understand basic and fundamental understanding of Criminal Law.
- to familiarize students with general principles of Criminal law and Criminal liability.
- to impart knowledge on provisions of Criminal law.
- to acknowledge students with basic knowledge of International Criminal Law and jurisdiction of International Criminal Court.
- to acquaint students with leading cases decided by the Supreme Court of Nepal.

Unit-1: Meaning and Nature of Criminal Law

- 1.1 Concept, Nature and Classification of Crime and Criminal Law
- 1.2 Differences between Crime, Tort and Other Civil Wrongs.
- 1.3 Types of Criminal Liability
 - 1.3.1 Relative Liability
 - 1.3.2 Strict Liability
 - 1.3.3 Vicarious Liability
- 1.4 Jurisdiction of Criminal Law
 - 1.4.1 Territorial
 - 1.4.2 Extra-territorial
 - 1.4.3 Personal
 - 1.4.4 Universal
 - 1.4.5 Extradition

Unit-2: Historical Evolution of Criminal Law in Nepal

- 2.1 Criminal Law before Codification.
- 2.2 Criminal Law after Codification
 - 2.2.1 *Muluki Ain*, 1910 B.S.
 - 2.2.2 *Muluki Ain*, 2020 B.S.
 - 2.2.3 *Muluki Criminal Code*, 2074 B.S.
 - 2.2.4 *Muluki Criminal Procedure Code*, 2074 B.S.
 - 2.2.5 Criminal Offences (Determination of Sentence and Execution) Act, 2074 B.S.

Unit -3: General Principles of Criminal Law

- 3.1 *Ignorantia Juris Non Excusal*
- 3.2 *Nullum Crimen Sine Lege*
- 3.3 *Nullum Poena Sine Lege*
- 3.4 *Actio Personalis Moritur Cum Persona*
- 3.5 *Actus Non Facit Reum Nisi Means Sit Rea*
- 3.6 Principle of Double Jeopardy
- 3.7 Principle of Legality

Unit -4: Elements of Crime

- 4.1 *Actus Reus* and its Forms.
- 4.2 *Mens Rea* and its Forms.
- 4.3 Doctrine of Causation
- 4.4 Doctrine of Transferred Malice

Unit -5: Stages of Crime and Inchoate Crimes

- 5.1 Stages of Crime
 - 5.1.1 Intention
 - 5.1.2 Preparation
 - 5.1.3 Attempt
 - 5.1.4 Completion of Crime

- 5.2 Inchoate Crime
 - 5.2.1 Incitement / Abetment / Instigation
 - 5.2.2 Conspiracy
 - 5.2.3 Attempt

Unit-6: Parties to the Crime

- 6.1 Meaning of Parties to Crime
- 6.2 Classification of Parties to the Crime
 - 6.2.1 Principle Offender
 - 6.2.2 Secondary Offender
 - 6.2.3 Corporations under Corporate Criminal Liability

Unit-7: General Defenses

- 7.1 Concept and Meaning of General Defenses
- 7.2 Classification of General Defenses
- 7.3 Excusable General Defenses
 - 7.3.1 Infancy
 - 7.3.2 Insanity
 - 7.3.3 Mistake
- 7.4 Intoxication
- 7.5 Justifiable General Defenses
 - 7.5.1 Private Defense: Self Defense, Defense of Chastity, Defense of Property
 - 7.5.2 Necessity
 - 7.5.3 Duress
 - 7.5.4 Superior Order

Unit-8: Property Offences

- 8.1 Theft
- 8.2 Cheating
- 8.3 Looting (*Lutpit*)

Unit-9: Offences against Person

- 9.1 Homicide
- 9.2 Abortion
- 9.3 Hurt (*Kutpit*)
- 9.4 Human Trafficking & Transportation
- 9.5 False Imprisonment
- 9.6 Abduction/Kidnapping

Unit-10: Sexual Offences

- 10.1 Rape
- 10.2 Incest
- 10.3 Sexual Harassment/Indecent Assault
- 10.4 Unnatural Sexual Offences
- 10.5 Bigamy

Unit-11: Socio-Economic Offences

- 11.1 Organized Crime
- 11.2 Bribery and Corruption
- 11.3 Banking Crime
- 11.4 Money Laundering
- 11.5 Drug offences
- 11.6 Cyber Crime

Unit -12: Offences Relating to Documents

- 12.1 Forgery
- 12.2 Coercion (*Karkap*) / Criminal Use of Force
- 12.3 Crime against Official Secrets

Unit -13: Prescribed Cases

- 13.1 *Government of Nepal vs. Munna Miya Ansari alias Gulab Miya Ansari*. NKP 2076. Vol. 9. D.N. 10361. p. 1994.
- 13.2 *Shyam Kumar Ram vs. Government of Nepal*. NKP 2076. Vol. 9. D.N. 10349. p. 1865.

- 13.3 *Government of Nepal vs. Ram Lal Mukhiya et al.* NKP 2076. D.N. 20352. p. 1901.
- 13.4 *Sunita Nepali vs. Mid-Western Region. Armed Police Force*. NKP 2076. Vol. 1. D.N. 10166. p. 43.
- 13.5 *Government of Nepal vs. Dhruva Bahadur Sunar*. NKP 2076. Vol. 1. D.N. 10176. p. 116.
- 13.6 *Mathura Dhakal vs. Government of Nepal*. NKP 2075. Vol. 11. D.N. 10142. p. 2125.
- 13.7 *Government of Nepal vs. Mitthe Alias Thag Bahadur Sunar*. NKP 2075. Vol. 9. D.N. 10090. p. 1671.
- 13.8 *Sanga Bahadur Tamang vs. Government of Nepal*. NKP 2075. Vol. 8. D.N. 10067. p. 1473.
- 13.9 *Indra Prasad Khanal vs. Government of Nepal*. NKP. 2068. Vol. 7. D.N. 8659. p. 1235
- 13.10 *Tara Rajbhandari (Karki) vs. Government of Nepal*; NKP 2065. Vol. 6. D.N. 7974. p. 687

Reading Materials

- Constitution of Nepal (2072 B.S.)
- *Muluki Criminal Code*, 2074 B.S.
- *Muluki Criminal Procedure Code*, 2074 B.S.
- Criminal Offences (Determination of Sentences and Execution) Act, 2074 B.S.
- Rome Statute of International Criminal Court, 1998
- Banking Crimes & Punishment Act, 2064 B.S.
- Commission for the Investigation of Abuse of Authority Act, 2059 B.S.
- Crime and Punishment against State Act, 2046 B.S.
- Narcotics Drugs (Control) Act, 2033 B.S.
- Electronic Transaction Act, 2063 B.S.
- Human Trafficking & Transportation (Control) Act, 2064 B.S.
- Prevention of Corruption Act, 2059 B.S.

- Prevention of Money Laundering Act, 2064 B.S.
- Acharya, Madhav Prasad (Prof.) and Bhattarai, Ganesh Bahadur. **Criminal Jurisprudence**. (1st edn.). Kathmandu: Authors themselves. (2009)
- Ashworth, Andrew. **Principles of Criminal Law** (3rd edn.). London: Oxford University Press. (1999)
- Bhandari, Som Kanta *et al.* (eds.). **Jeeu Jyan Sambandhi Aparadhko Prabrittigat Ausandhan Kendra**. Ramshahpath, Kathmandu: Mahanyayadhibaktako Karyalaya, Aparadhshastriya Anusandhan Kendra. (2074, Bhadra)
- _____. **Arthik/Samajik Aparadhko Prabrittigat Adhyayan**. Ramshahpath, Kathmandu: Mahanyayadhibaktako Karyalaya, Aparadhshastriya Anusandhan Kendra. (2074, Bhadra)
- Dahal, Kedar. **Muluki Criminal Code** (in Nepali). (1st edn.). Kathmandu: Pairavi Book House Pvt. Ltd. (2074 B.S.)
- Dahal, Kashi Raj. **Criminal Jurisprudence** (in Nepali). (1st edn.). Kathmandu: Nepal Law Society. (2053 B.S.)
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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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- Mainali, Laxmi Prasad. "International Criminal Law and its Challenges." **Nyayadoot** (English Special Issue). Year 41. No. 193. Vol. 7. Kathmandu: Nepal Bar Association. (2011)
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- Parajuli, Ramesh. (Dr.). "Structural Aspects of Criminal Liability in

- Nepal." **Nepal Bar Council Law Journal**. Vol. XVII. Kupondol. Lalitpur: Nepal Bar Council. (2019)
- _____. "Human Trafficking: A Transnational Organized Crime under Nepalese Context". **Nyayadoot**. Issue 2. Kathmandu: Nepal Bar Association. (2065 B.S.)
- _____. "Offenses Relating to Medical Treatment under the Muluki Criminal Code. 2074 B.S." **NJA Journal**. Vol. 12. No.1. (2018)
- Pokharel, Durga Bandhu *et al.* (eds.). **Mahila Tatha Balbalika Biruddha Hune Aparadh Niyantran (Saidhdantik Abadharana, Kanoon Ra Nyayik Dristikon) Srot Samagri**. Ramshahpath, Kathmandu: Mahanyayadhibaktako Karyalaya. (2071 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.). and Mainali. Laxmi Prasad. (Prof. Dr.). **Introduction to Criminal Law** (in Nepali). Kathmandu: Lumbini Publication. (2073 B.S.)
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- Sangroula, Yubaraj (Dr.). *et al.* **Criminal Justice System: Nepalese Jurisprudence** (in Nepali). (1st edn.). Kathmandu: Office of the Attorney General. (2069 B.S.)
- Sharma, Lokendra (Dr.). **Foreign Criminal Law** (in Nepali). (1st edn.). Kathmandu: Pragati Pustak Sadan. (2064 B.S.)
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- Turner, JW CECIL. **Kenny's Outline of Criminal Law** (19th edn.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (3rd Indian Reprint 2006)
- Vaidya, Tulasi Ram & Manandhar, Tri Ratna. **Crime and Punishment in Nepal: A Historical Perspective** (1st edn.). Kathmandu: Bini Vadya and Purna Devi Manandhar. (1985).
- Williams, Glanville. **Text Books of Criminal Law** (2nd edn.). Delhi: Universal Publishing Co. Pvt. Ltd. (1st Indian Reprint 1999).

International Institutions and Human Rights

Course Title: International Institutions and Human Rights Full Marks: 100

Course No: Law 402

Duration of the Course: One Year (125 Hrs)

Year: II

Pass Marks: 35

Level: LL.B.

Nature: Compulsory

Course Objectives:

The main objectives of this course are:

- to acquaint the students with the role of International Institutions in the maintenance of world peace and security.
- to impart knowledge on Regional and International Organizations promoting mutual co-operation to fight against illiteracy, poverty, backwardness, torture and discriminations.
- to orient the students with the origin, rationale and legal instruments (National and International) pertaining to human rights.
- to appraise the Nepalese legal provisions on human rights.

PART ONE-International Institutions

Unit – 1: Introduction to International Institutions

- 1.1 Definition of International Institution
- 1.2 Nature and Scope of International Institution
- 1.3 Classification of International Institution
- 1.4 Role and importance of International Institutions

Unit – 2: Evolution of International Institutions

- 2.1 The Holy Alliance
- 2.2 Concert of Europe
- 2.3 Hague System
- 2.4 League of Nations

Unit -3: United Nations

- 3.1 Historical Background
- 3.2 Purpose and Principles of United Nations
- 3.3 Membership of United Nations
- 3.4 Principal Organs of United Nations and Their Functions and Role

3.4.1 UN General Assembly

3.4.2 UN Security Council

3.4.3 Economic and Social Council

3.4.4 Trusteeship Council

3.4.5 International Court of Justice

i) Introduction of the Court

ii) Membership

iii) Composition of Court

iv) Jurisdiction of the Court (Contentious Jurisdiction and Advisory Opinion)

v) Prescribed Cases

3.5 Contentious Jurisdiction:

3.5.1 Corfu Channel (*United Kingdom of Great Britain and Northern Ireland vs. Albania*)

3.5.2 Asylum (*Colombia vs. Peru*)

3.5.3 Temple of Preah Vihear (*Cambodia vs. Thailand*)

3.5.4 Jadhav (*India vs. Pakistan*)

3.6 Advisory opinion:

3.6.1 Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)

3.6.2 Competence of the General Assembly for the Admission of a State to the United Nations

3.6.3 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

3.6.4 Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965

Unit-4: Major Specialized Agencies of UN (Purpose and Objectives, Power and Function, Structure)

- 4.1 UNESCO. ILO. IMF. ICAO. FAO. IBRD. ICSID (under World Bank Group)

Regional Organizations (Purpose and Objectives Functions, Composition)

- 4.2 ADB. ASEAN. SAARC. BMISTEC. AIIB. AALCO. Arab League. AU. EU. OAS

PART TWO-International Human Rights

Unit – 5: Introduction to Human Rights

- 5.1 Concept of Human Rights: Meaning, Definition, Nature and Scope of Human Rights
5.2 Theories of Human Rights: Natural, Liberal, Marxist, and Social Theory
5.3 Evolution of Human Rights

Unit – 6: Classification and Generation of Human Rights

- 6.1 Economic, Social and Cultural Rights
6.2 Civil and Political Rights
6.3 Collective Human Rights
6.4 Right to Self-determination and Rights of Indigenous Population
6.5 Right of Minorities and Marginalized Communities

Unit – 7: Core Human Rights Treaties

- 7.1 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965
7.2 International Covenant on Civil and Political Rights (ICCPR), 1966
7.3 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
7.4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
7.5 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984

- 7.6 Convention on the Rights of the Child (CRC), 1989
7.7 International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW), 1990
7.8 International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 2006
7.9 Convention on the Rights of Persons with Disabilities (CRPD), 2006

Unit – 8: International Protection of Human Rights

- 8.1 Human Rights protection under UN Charter
8.1.1 Human Rights Council and Subsidiary Bodies of Human Rights Council (UPR, Advisory Committee and Special Procedure)
8.2 Treaty Bodies and Their Complaint Procedures
8.2.1 Committee on the Elimination of Racial Discrimination (CERD)
8.2.2 Human Rights Committee (HRC)
8.2.3 Committee on Economic, Social and Cultural Rights (CESCR)
8.2.4 Committee on the Elimination of Discrimination Against Women (CEDAW)
8.2.5 Committee Against Torture (CAT)
8.2.6 Committee on the Rights of the Child (CRC)
8.2.7 Committee on Migrant Workers (CMW)
8.2.8 Committee on Disability

Unit – 9: Regional Human Rights Protection System

- 9.1 European System
9.2 Inter-American System
9.3 African System

- 9.4 Caribbean System
- 9.5 Asian and South Asian Initiatives

Unit – 10: Domestic Implementation of Human Rights

- 10.1 State Obligation
 - 10.1.1 Legislative measures
 - 10.1.2 Administrative measures
 - 10.1.3 Judicial measures
 - 10.1.4 National Human Rights Institutions
- 10.2 New Trends in Human Rights

Reading Materials

- Charter of the Organization of African Unity 25 May 1963
- Charter of the United Nations 24 October 1945, 1 UNTS XVI
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 10 December 1984, United Nations Treaty Series, Vol. 1465
- Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, United Nations, Treaty Series, Vol. 1249
- Convention on the Rights of Persons with Disabilities: Resolution Adopted by the General Assembly, 24 January 2007, A/RES/61/106
- Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, Vol. 1577
- Covenant of the League of Nations, 28 April 1919
- European Convention for the Protection of Human Rights and Fundamental Freedoms as Amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5
- International Convention for the Protection of All Persons from Enforced Disappearance 20 December 2006
- International Convention on the Elimination of All Forms of Racial Discrimination 21 December 1965, United Nations, Treaty Series Vol. 660
- International Convention on the Protection of the Rights of All

- Migrant Workers and Members of their Families 18 December 1990, A/RES/45/158
- International Covenant on Civil and Political Rights 16 December 1966, United Nations, Treaty Series, Vol. 999
- International Covenant on Economic, Social and Cultural Rights 16 December 1966, United Nations, Treaty Series, Vol. 993
- Statute of the International Court of Justice 18 April 1946
- UN General Assembly, Universal Declaration of Human Rights 10 December 1948, 217 A (III) African Charter on Human and Peoples' Rights ("Banjul Charter") 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I, L, M, 58 (1982)
- Amerasinghe, C. F. **Principles of the Institutional Law of International Organizations**, Cambridge University Press. (2005)
- **American Convention on Human Rights. "Pact of San Jose"**. 22 November 1969. Costa Rica
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- International Court of Justice. **The International Court of Justice Handbook**
- Mainali, Laxmi Prasad (Prof. Dr.). (edr), **Nepal Kanoon Paricharcha**, No. 1, Kathmandu: Nepal Law Campus, Faculty of Law, Tribhuvan University, (2076, Kartik)
- Office for High Commissioner for Human Rights. **Working With the United Nations Human Rights Program**. (A Civil Society Handbook). (2008)
- Parajuli, D.N. and Shrestha, Manish Kumar. **International Institutions**

- and Human Rights (in Nepali). (3rd edn.). Bagbazar, Kathmandu. Sanrab Publication. (2018)
- Sharma, Gopal (Dr.). **International Institutions, Human Rights and Humanitarian Law (including SAARC)** (in Nepali). (1st edn.) Kathmandu: Pairavi Prakashan. (Reprint 2070 B.S.)
 - Simkhada, Shambhu Ram. **Human Rights Human Wrongs in the Scale of Human Conscience**. Kiwi Publishers Pvt. Ltd. (2018)

Property Law

Course Title: **Property Law**

Course No: Law 403

Duration of the Course: One Year (125 Hrs)

Year: II

Full Marks: 100

Pass Mark: 35

Level: LL.B

Nature: Compulsory

Course Objectives:

The main objectives of this Course are:

- to give general and theoretical knowledge of the law of property with special reference to Nepalese laws.
- to impart critical knowledge of the nature and development of land law in Nepal.
- to enable the students to have critical appreciation of leading cases relating to property law decided by Supreme Court of Nepal.

Unit – 1: Introduction of the Law of Property

- 1.1 Meaning of the Term Property
- 1.2 Concept of Property
- 1.3 Kinds of Property
- 1.4 Theories of Property

Unit – 2: Modes of Acquisition and Transfer of Property

Unit – 3: Constitutional and Legal Position of Property Rights in Nepal

Unit – 4: Property Law in Nepal (Critical Study of Relevant Provisions of the *Muluki Civil Code, 2074*)

- 4.1 *Guthi* (Legal Provision on Trust)
- 4.2 Possession
- 4.3 Ownership
- 4.4 Legal Provisions on Land Cultivation
- 4.5 Legal Provisions on Land Encroachment
- 4.6 Legal Provisions on House Construction/Rent
- 4.7 Legal Provisions on Partition (*Ansa Banda*)
- 4.8 Legal Provision on Succession

- 4.9 Legal Provision on Money Lending Transaction (Lenden Byabahar)
- 4.10 Legal Provision on Registration of Deeds (Likhat Parit)
- 4.11 Legal Provision on Charity and Gift (Dan Bakas)
- 4.12 Servitude (Subhidabhar)
- 4.13 Usufruct (Phalopvog)

Unit – 5: Traditional Land Tenure System in Nepal

- 5.1 Birta (Privileged Land Ownership)
- 5.2 Guthi (Institutional Land Ownership)
- 5.3 Jagir (Land Assignment System)
- 5.4 Kipat (Communal Land Ownership)
- 5.5 Jamindari and Talukdari (Feudalistic Land Ownership)
- 5.6 Rakam (Labour Land Ownership)
- 5.7 Ukhada (Tenancy of Jamendary Land in Palhi Majhkhand)
- 5.8 Mahajani (A system of Tenancy at will)
- 5.9 Rajya Rajauta (Abolished Feudatory states within the State of Nepal)
- 5.10 Raikar (Revenue Payable Registered Land)
- 5.11 Khaokar (A Land Tenure system for occupying Land zamindari)
- 5.12 Jhora (Reclaimed Land in Eastern Terai)
- 5.13 Kharka (Pasture Land)

Unit – 6: Existing Laws on Land Redistribution and Land use

- 6.1 Lands Act, 2021 and Rules (with Latest Amendments)
- 6.2 Guthi Corporation Act, 2033 (with Latest Amendments)
- 6.3 Birta Eradication Act, 2016 (with Latest Amendments)
- 6.4 Ukhada Act, 2021 (with Latest Amendments)
- 6.5 Nepal Trust Act, 2064 (with Latest Amendments)

Unit – 7: Existing Laws on Land Administration and Measurement

- 7.1 Land Measurement Act, 2019 and Rules
- 7.2 Land Revenue Act, 2034

Unit – 8: Land Acquisition Law

- 8.1 Land Acquisition Act, 2034
- 8.2 Land Acquisition Rules, 2026

Unit – 9: Intellectual Property Law in Nepal

- 9.1 Meaning
- 9.2 Kinds
- 9.3 Rights and Obligations
- 9.4 Remedies

Unit- 10: Prescribed Cases

- 10.1 *Narayan Dutta Baral vs. Chief Land Measurement Office.* NKP 2045/590 D.N. 3398
- 10.2 *Padam Bahadur Bhandari et.al. vs Nepal Govt. et.al.* NKP 2063 Vol. 8. p. 1021. D.N. 7747.
- 10.3 *Sam Tuliya Devi et.al. vs. Maheshwor Shahu Kannu.* NKP 2046. Vol. 6. p. 631. D.N. 3850.
- 10.4 *Chandraman Nanju vs Krishna Bhakta Khayargoli.* NKP 2069. Vol. 11. p. 1692. D.N. 8920
- 10.5 *Santosh Swornakar vs. Ganga Mahato.* NKP 2069 Vol. 2. p. 235. D.N. 8774
- 10.6 *Bishu Bhattarai vs. Raj Kumari Basnet.* NKP 2070 Vol. 4. p. 591. D.N. 9001
- 10.7 *Vikkiratna Shakya vs. Kulratna Shakya.* NKP 2071 Vol. 11. p. 1838. D.N. 9279
- 10.8 *Kamar Singh Bhandari vs. Karna Bahadur Chand.* NKP 2069. Vol. 12. p. 1778. D.N. 8927
- 10.9 *Ritsu Mishra vs. Makhamali Mishra.* NKP 2073 Vol. 12. p. 2241. D.N. 9724

Reading Materials:

- Constitution of Nepal (2072 B.S.)
- *Birta* Eradication Act, 2016 B.S.
- Copyrights Act, 2059 B.S.
- *Muluki* Civil Code, 2074 B.S.
- *Guthi* Corporation Act, 2033 B.S.
- Land (Measurement) Act, 2019 B.S. and Rules, 2058 B.S.
- Land Acquisition Act, 2034 B.S.
- Land Revenue Act, 2034 B.S. and Rules, 2036 B.S.
- Lands Act, 2021 B.S. and Rules, 2021 B.S.
- Nepal Trust Act, 2064 B.S. and Rules, 2065 B.S.
- Patent, Design and Trademark Act, 2022 B.S.
- *Ukhada* Act, 2021 B.S.
- Basnyat, Surendra Bir Singh. **House Land Related Law Precedents** (in Nepali). Kathmandu: Renu Prakashan (2058 B.S.)
- Dahal, Kedar (edr.). **Explanatory Commentary of Muluki Civil Code** (in Nepali). Kathmandu: Pairavi Book House Pvt. Ltd. (2076 B.S.)
- Fitzgerald, P.J. **Salmond on Jurisprudence** (12th edn.). New Delhi: University Law Publishing Co. Pvt. Ltd. (1970). Indian Economy Reprint 2010)
- Friedmann, W. **Law in Changing Society**. New Delhi: Sweet & Maxwell. Universal Book Traders (1996)
- Hidayatullah, M. **Right to Property and the Indian Constitution**. Calcutta: Calcutta University in Association with Arnold Heinemann. (1983)
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- Megary, R.E. & Wade, H.W.R. **The Law of Real Property** (6th edn.).

- Mukhia, Bal Bahadur (Dr.). **Comparative Jurisprudence Part-1**. (Chapter-VI). Kathmandu: Malati Mukhia & Tamanna Mukhia. (2011)
- Mukhia, Bal Bahadur (Prof. Dr.). and Parajuli, D.N. (Dr.). **Law Relating to Property in Nepal**. Surya Binayak, Bhaktapur: B.B. Mukhia and Aditya Mukhia. (May 8, 2020)
- Regmi, M.C. **Land Tenure and Taxation in Nepal**. Kathmandu: Ratna Pustak Bhandar. (1978)
- Shrestha, Gyaindra Bahadur. **Property Law** (in Nepali). Kathmandu: Pairavi Prakashan. (2072 B.S.)

Moot Court, Pre-Trial Preparations and Participation in Trial
Course Title: Moot Court, Pre-Trial Preparations and Participation in Trial

Course No: Law 405

Duration of the Course: One Year (125 Hrs)

Year: II

Full Marks: 100

Pass Marks: 35

Level: LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to give practical skills to students for preparing a case file containing all legal documents in the case assigned by campus.
- to give a practical knowledge to the students of oral argument or advocacy.
- to familiarize students with the various steps of the trial and hearing proceedings.
- to provide knowledge to the students about interviewing (to the clients) techniques and pre-trial/hearing preparations.

Course Description and Evaluation

The course contains three main components namely moot court, pre-trial/hearing preparation (interviewing to clients), and participation in trial proceedings. All these components are designed to provide practical knowledge to the students. At the completion of the session, students will have to submit a moot court file assigned by the campus along with examination form for its evaluation. There will be internal and external examinations in both the subject. The full marks for external and internal examination will be 60 and 40 marks respectively. The internal examination will be conducted through a viva-voce and evaluation of moot court file prepared and submitted by the students. Out of 40 marks allotted to internal examination, viva-voce carries 15 marks and other 25 marks is allocated for evaluation of moot court file. The external examination will be conducted in written format. In written examination students will be asked to produce drafts of important legal documents. Students shall be required to prepare draft of following documents.

Writ Petition (Writ Nibedan), Reply (Likhit Jawaf), First Information Report (Jaheri Darkhast), Statement of the

Defendant (Pratibadiko Bayan), Charge Sheet (Abhiyog Patra), Law Suit/Complaint (Phiradpatra), Rejoinder (Pratiuttar Patra), Power of Attorney/Authorized Power of Attorney (Warishnama/Adhikrit Warishnama), Contract paper (Kararnama), Description of Partition Property (Amshako Tayadati Phantbari), Appeal (Punaravedanpatra), Application for Revision of Case (Mudda Dohoryaunakalagi diene Nibedanpatra), Pleading Note/Submission (Bahasnote), Petition for Agreement or Reconciliation (Milapatrako Darkhast), Application for Postponing Date and Date for Presence (Myad, Tarikh Thamaune Nibedan), Application for Quashing the Stoppage and Unlawful Order (Rokka Tatha Beritko Aadesh Badar Sambandhi Nibedan), Application for the Execution of Judgment (Phaisala Karyanwayanko Nibedan).

The pass marks in examinations (both internal and external) will be 40% each. Campus shall constitute a three member committee having at least 5 Years of experiences in teaching or practicing law for conducting the internal examination (viva-voce and checking of the moot court file).

Reading Materials

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- Bhandari, Somkanta. **Legal Drafting** (in Nepali). Kathmandu: Pairavi Book House Pvt. Ltd. (2076 B.S.)
- Khanal, Rewati Raman. **Writ Petition: Theory and Criticism** (in Nepali). Pulchowk, Lalitpur : Sajha Prakashan. (Latest Edition)
- Shrestha, Gyaindra Bahadur. **Court Procedure** (in Nepali). (3rd edn.). Kathmandu: Pairavi Prakashan. (2075 B.S.)
- Shrestha, Gyaindra Bahadur. **Drafting of Legal Documents and Professional Ethical Rules and Legal Skills** (in Nepali). Kathmandu: Pairavi Prakashan. (2075 B.S.)
- _____. **Writs: Law and Practice** (in Nepali). (3rd edn.). Kathmandu: Pairavi Prakashan. (2075 B.S.)

Methods of Legal Research and Writing

Course Title: **Methods of Legal Research and Writing**

Course No: Law 404

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Compulsory

Course Objectives:

The main objectives of this Course are:

- to acquaint students with the philosophy of legal research
- to familiarize students with the general concept and methods of legal writing
- to provide knowledge about the techniques of collection, analysis and interpretation of data in research.
- to depart know how about Idea and Layout of research report.

Unit – 1: Introduction

- 1.1 Meaning and Types of Research
- 1.2 Objectives of Research
- 1.3 Meaning, Nature and Types of Legal Research
- 1.4 Importance of Legal Research
- 1.5 Forms and Styles of Legal Writing

Unit – 2: Approaches of Legal Research

- 2.1 Doctrinal and Non-doctrinal Research Approach
- 2.2 Historical Research Approach
- 2.3 Comparative Research Approach
- 2.4 Analytical Research Approach

Unit – 3: Formulation of Research Problems and Research Proposal

- 3.1 Selection of Research Topic
- 3.2 Factors Affecting Problem Identification
- 3.3 Criteria of a Research Problem
- 3.4 Formulating a Research Proposal

Unit - 4: Research Design

- 4.1 Meaning and Nature of Research Design
- 4.2 Types of Research Design
- 4.3 Importance of Research Design

Unit – 5: Tools of Research

- 5.1 Surveys
- 5.2 Questionnaire and Schedules
- 5.3 Interview
- 5.4 Observation

Unit-6: Data Collection and Treatment

- 6.1 Meaning and Nature of Data
- 6.2 Forms of data
 - 6.2.1 Quantitative and Qualitative Data
 - 6.2.2 Primary and Secondary Data
- 6.3 Processing and Analysis of Data
- 6.4 Interpretation and Presentation of Data
- 6.5 Measurement and Scaling Techniques

Unit-7: The Research Report

- 7.1 Idea of Research Report
- 7.2 Format of the Research Report
- 7.3 Rules of Citation and Foot-Notes
- 7.4 Rules of Bibliography
- 7.5 Avoidance of Plagiarism

Reading Materials

- Bailey, Kenneth D. **Methods of Social Research**. New York: The Free Press. (1978)
- Belbase, Krishna (Prof. Dr.). **Legal Research Methodology (In Nepali)** (5th edn.). Kathmandu: Unnati Publication (2074 B.S.)
- Cothari, C.R. & Garg, Gaurav. **Research Methodology: Methods and Techniques**. New Delhi: New Age International Publishers. (2015)

- Devkota, Sanad et al. **Legal Research Methodology**. Kathmandu: Pairavi Prakashan. (2013)
- Giri, Hima Raj. **Legal Research Method. Theory and Research** (1st edn.). Kathmandu: Pairavi Prakashan. (2014)
- Goode, William J. and Hatt, Paul K. **Methods in Social Research**. Mc. Graw Hall. (1985)
- Kerlinger, F.N. **Foundations of Behavioral Research**. New Delhi: Surjeet Publications. (2018)
- Mainali, Laxmi Prasad (Prof. Dr.). (edr). **Nepal Kanoon Paricharcha**. No. 1. Kathmandu: Nepal Law Campus, Faculty of Law, Tribhuvan University. (2076, Kartik)
- Mukhia, Bal Bahadur (Dr.). **Legal Research and Methodology at a Glance** (1st edn.). Kathmandu: Malati Mukhia and Aditya Mukhia. (2011)
- Mukhia, Bal Bahadur (Prof. Dr.). and Parajuli, D.N. (Dr.). **Manual of Uniform Citation Style for Legal Research** (1st edn.). Kathmandu: Nepal Law Campus. (2020)
- Pant, Prem Raj. **Social Science Research and Thesis Writing** (5th edn.). Kathmandu: Buddha Academic Enterprises Pvt. Ltd.
- Pradhananga, Rajit Bhakta (Prof. Dr.). **Legal Research and Research Methodology** (2nd edn.). Kathmandu: Lumbini Publication. (2074 B.S.)
- Tathan, Laura & Higgins, Edrina. **Successful Legal Writing** (2nd edn.). New Delhi: Thompson Reuters. (2013)
- Tewari, H.N. (Dr.). **Legal Research Methodology**. India: Allahabad Law Agency. (2008)
- Verma, S.K. and Wani, M. Afzal (edrs). **Legal Research and Methodology**. New Delhi: ILI. (2006)
- Yaqin, Anwarul. **Legal Research and Writing Methods**. Naghpur: Lexis Nexis Butterworths Wadhwa. (2008)

Course Title: Evidence Law

Course No: Law 406

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to provide the basic knowledge of law of evidence
- to acquaint students with the practical knowledge of collection and evaluation of evidences

Unit – 1: Introduction

- 1.1 Meaning, Nature and Kinds of the Evidence
- 1.2 Nature and Importance of Law of Evidence
- 1.3 Historical Development of the Law of Evidence in Nepal

Unit - 2: Classification of Evidence

- 2.1 On the Basis of Relevancy: Direct and Circumstantial
- 2.2 On the Basis of Physical Structure: Documentary, Oral and Material
- 2.3 On the Basis of Probative Value: Primary and Secondary

Unit – 3: Basic Principles of Law of Evidence

- 3.1 Evidence must be confined to the fact in issue
- 3.2 Best evidence must be produced
- 3.3 Hearsay evidence is no evidence
- 3.4 One who asserts must prove
- 3.5 Principle of Estoppels

Unit - 4: Facts which need or need not to be proved

- 4.1 Meaning and Concept of Facts - Fact in Law and Fact in Issue
- 4.2 Facts which need to be proved
 - 4.2.1 Facts in Issue

4.2.2 Relevant Issue

- 4.3 Facts which need not to be proved
- 4.3.1 Formal Admission
- 4.3.2 Judicial Notice
- 4.3.3 Presumption

Unit - 5: Evidences when admissible and inadmissible

- 5.1 Admissible Evidence
- 5.1.1 Admission and Confession
- 5.1.2 Statement on the Spot
- 5.1.3 Dying Declaration
- 5.1.4 Statement by Persons of Special Conditions
- 5.1.5 Facts Recorded in Public Documents
- 5.1.6 Facts Recorded in Books or Articles
- 5.1.7 Facts Published in Books or Articles
- 5.1.8 Matters Recorded in Regular Statistics, Lists and Statements etc.
- 5.1.9 Statement of Witness in other Cases.
- 5.1.10 Investigation document
- 5.1.11 Certificate, Report, other Document; and any Matter or Material Evidence (Dashi) Attested by Witness.
- 5.1.12 Expert's Opinion
- 5.1.13 Statement of Witness
- 5.2 Inadmissible Evidence
- 5.2.1 Confession under Threat, Inducement, etc
- 5.2.2 Statement Expressed for the Purpose of Compromise
- 5.2.3 Statement not Recorded as Witness at Court
- 5.2.4 Character
- 5.2.5 Privileges

Unit - 6: Burden of Proof

- 6.1 General Concept
- 6.2 Shifting of Burden
- 6.3 Preponderance of Evidence in Civil Cases
- 6.4 Burden of Proof under Nepali Laws:
- 6.4.1 Evidence Law
- 6.4.2 Corruption Law
- 6.4.3 Narcotics Drugs Law
- 6.4.4 Woman's Trafficking
- 6.4.5 Other Laws

Unit-7: Prescribed Cases

- 7.1 *Miss Marshakal Kaski vs. Chief Custom Officer. Shree Tribhuvan Airport Custom Office et al.* 5 NKP 134 (2034)
- 7.2 *Devendra Shamshere J. B. R. vs. Late Lila Shamshere J.B.R. et al.* 8 NKP 743 (2045)
- 7.3 *Baldev Upadhaya vs. Gita Bhattarai et al.* 6 NKP 538 (2049)
- 7.4 *His Majesty's Government of Nepal vs. Devi Maya Ranabhatt* NKP 2057. No. 8/9, P. 685
- 7.5 *His Majesty's Government of Nepal vs. Diwakar Pandit* NKP 2060. No. 1/2. P. 64

Reading Materials

- Evidence Act, 2031 B.S.
- Chandrachud, Y.V. et al. (eds). Ratanlal and Dhirajlal. **The Law of Evidence** (21st edn.). (2004 B.S.)
- Dahal, Kedar. **Law of Evidence: Theory and Practice** (in Nepali). (1st edn.). Kathmandu: Pacific Law Associates. (2070 B.S.)
- Dahal, Laxmi Prasad. **Evidence Law: Evidence Act- Some Interpretation** (in Nepali). (1st edn.). Kathmandu: Aatharai Enterprises. (2046 B.S.)
- Elliott, D.W. (edn.). Phipson and Elliot. **Manual of the Law of Evidence**

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- (1st Indian Reprint) Universal Law Publishing. (2001)
- K.C., Prakash. **Law of Evidence**. (1st edn.). Bhaktapur: Author himself. (2016)
- Kafley, Padmaraj. **Likhat Parikshan Bigyan**. Kathmandu: Sarita Kafley. (2069 B.S.)
- Monir, M. **Textbook on the Law of Evidence** (8th edn.). New Delhi: Universal Law Publishing. Co. (2011)
- Nandan, D. (Rev). Chief Justice M. Monir. **Principles and Digest of the Law of Evidence**. Universal Law Publishing. (2004)
- Osti, Prakash. **Evidence Law** (in Nepali) (5th edn.). Kathmandu: Pairavi Prakashan. (2074 B.S.)
- Parajuli, Ramesh (Dr.). "Forensic Science and its Historical Development in Nepali Justice Administration" **Prosecution Journal**. Vol. 4. Kathmandu: Office of the Attorney General. (2018)
- Pradhanang, Rajit Bhakta (Prof. Dr.). **A General Introduction to Nepalese Law of Evidence**. Kathmandu: Pairavi Book House Pvt. Ltd. (2076 B.S.)
- Sangroula, Yubaraj (Dr.). (edr). **D.N.A. Bishleshan Abam Baigyanik Praman Sambandhi Kanoonshastra**. (1st edn.). Kathmandu: Kanoon Anbeshan Tatha Srot Bikas Kendra. (2070 B.S.)
- Sharma Shalabh, Rajendra. **Evidence Law** (in Nepali). Kathmandu: Lumbini Publication. (2075 B.S.)
- Shrestha, Gyaindra Bahadur. **Evidence Act, 2031: A Brief Commentary** (in Nepali). (3rd edn.). Kathmandu: Pairavi Prakashan . (2068 B.S.)
- Shrestha, Pradeep Kumar. **The Law of Evidence**. Kathmandu: Pairavi Book House Pvt. Ltd. (2019)
- Singh, Avtar. **Principles of the Law of Evidence**. Allahabad: Central Law Publications. (2018)
- Ursekar, H.S. (Rev.). M, Monir. **Law of Evidence**. Allahbad: The Universal Book Agency. (2002)

Labour Law

Labour Law

Course Title: **Labour Law**

Course No: Law 407

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Marks: 18

Level: LL.B

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart knowledge on basic concept of Labour Law, Labour Jurisprudence, International Labour Organization (ILO) and relevant Nepalese Acts
- to inculcate knowledge about fundamental elements of labour law like concept of industrial relations, labour employment laws; labour welfare and social security; occupational safety and health care; disciplinary action etc
- to impart knowledge about Trade Unions and its activities
- to impart knowledge to the students about labour disputes with reference to Labour Court and Central Level Labour Advisory Committee

Unit – 1: Introduction

- 1.1 Meaning and Scope of Labour law
- 1.2 ILO, its Origin and its Core Labour Standards
- 1.3 Industrial Jurisprudence and Fundamental Rights of the Workers
- 1.4 History of Labour Legislation in Nepal

Unit – 2: Labour Employment

- 2.1 Appointment
- 2.2 Wages
- 2.3 Hours of work
- 2.4 Child Workers and Women Workers
- 2.5 Outsourcing of Employees
- 2.6 Issues of Hire and Fire

Unit – 3: Law of Labour Welfare and Social Security

- 3.1 Meaning of Labour Welfare, Need of Labour Welfare, Welfare Fund, Child Care Centre, Leave
- 3.2 Meaning of Social Security, Provident Fund, Gratuity, Workmen's Compensation and Employee's Motivation.

Unit – 4: Occupational Safety and Health Care.**Unit – 5: Concept of Industrial Disputes and Collective Bargaining**

- 5.1 Individual Grievances, Collective Grievances
- 5.2 Collective Bargaining
- 5.3 Strikes and Lock-out

Unit – 6: Disciplinary Action

- 6.1 Misconduct
- 6.2 Kinds of Punishment

(Suspension, Domestic Inquiry, Right of Representation i.e. Explanation and Appeal before Labour Court)

Unit – 7: Trade Union

- 7.1 Meaning, Registration, Authority and Function of Trade Union, Hierarchy of Trade Unions.

Unit – 8: Dispute Settlement

- 8.1 Labour office, Labour Courts and its Jurisdiction, Central Level Labour Advisory Committee

Unit-9: Prescribed Cases

- 9.1 *Casino Royal vs. Labour Court*. NKP 2064. Vol.5.p.625
- 9.2 *International Center for Integrated Mountain Development vs. Labour Court*. Writ No. 3125(2062). (Decision date 2064/12/5).
- 9.3 *Nepal Insurance vs. Labour Court*. Writ No 3625. Year 2061
- 9.4 *Pro-Public vs. Ministry of Women. Children and Social welfare*.

NKP 2060.No.9/10. P 726. Decision No. 7268

- 9.5 *Pro-public vs. Nepal Independent Trade Union of Hotel*. Writ No 0602 (2063)

Reading Materials:

- Bonus Act, 2030 B.S.
- Constitution of Nepal (2072B.S.)
- Labour Act, 2074 B.S. and Rules, 2075 B.S.
- Trade Union Act, 2049 B.S. and Rules, 2050 B.S.
- Social Security Fund Act, 2074 B.S.
- Social Security Plan Operation Procedures, 2075 B.S.
- Dahal, Kashi Raj. **Industrial Jurisprudence** (in Nepali). Kathmandu: Pairavi Prakashan. (2050 B.S.)
- K.C., Narendra Kumar and Giri, Himraj. **Labour Law** (in Nepali). (1st edn.). Kathmandu: Pairavi Prakashan. (2071 B.S.)
- Mainali, Ashrusha. **Situation of Access to Justice to Nepalese Returnee Female Migrant Workers**. Bangkok. Thailand: Mahidol University. (2017)
- 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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- Thapaliya, Agni Prasad. **An Outline of Labour Jurisprudence**. Kathmandu: Sopan Monthly. (2013)

Election Law

Course Title: Election Law

Course No: Law 408

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart knowledge to students about general concepts and principle of the law of election to acquaint students with various forms of election i.e. Majority, Proportional and Mixed systems.
- to spell out background and development of election law in Nepal.
- to acquaint students with basic election procedures as prescribed in Constitution and relevant laws of Nepal
- to familiarize students with modern trends and development in regard to election law.

Unit – 1: Basic Concept of Election Law

- 1.1 Meaning and Importance of Election
- 1.2 Meaning and Nature of Election Law
- 1.3 Concept and Forms of Representation
- 1.4 Nature of Voting Right
- 1.5 Idea of Adult Franchise
- 1.6 Introduction to Electoral Systems- Direct and Indirect, Majority, Proportional and Mixed Systems
- 1.7 Recall and Secret Ballot System

Unit – 2: Electoral System in Nepal

- 2.1 Electoral process for members of the House of Representatives and National Assembly
- 2.2 Electoral process for members of State and Local Assemblies
- 2.3 Electoral Process for National Assembly
- 2.4 Election of President and Vice-President

2.5

Requirement of Elections-Qualification of Voters, Registration of Voters, Delimitation of Election Constituencies (Districts), Voting Process and Bi-elections under the Constitution and Laws of Nepal

Unit – 3: Election Authorities

- 3.1 Composition, Functions, Duties and Powers of Election Commission
- 3.2 Subsidiary Bodies of Election Commission
- 3.3 Appointment, Functions, Duties and Powers of Polling Officer, Presiding Officer and Returning Officers
- 3.4 Role of Political Parties in Election

Unit – 4: Laws Relating to Election in Nepal

- 4.1 History of Election and Electoral Laws in Nepal
- 4.2 Constitution of Nepal (2072 B.S.)
- 4.3 Election (Offenses and Punishment) Act, 2073
- 4.4 Election Commission Act, 2073
- 4.5 Election Code of Conduct
- 4.6 Provision for observation/ Surveillance of Election

Unit – 5: Election Offenses and Punishment

- 5.1 Offenses Relating to Election
- 5.2 Punishment for Election Offenses
- 5.3 Hearing of Election Disputes in Different Levels: Jurisdiction and Trial
- 5.4 Safeguards for Free, Fair and Impartial Elections

Unit – 6: Prescribed Cases

- 6.1 *Mulchand Azad vs. Madan Mohan Joshi*, NKP (2025)
- 6.2 *Communist Party of Nepal vs. Election Commission*, 36 NKP 314 (2051)
- 6.3 *Mihir Kumar Thakur et al. vs. Election Commission*, 5

- NKP 593 (2062)
- 6.4 Advocate Kamlesh Dwivedi vs. Prime Minister and Secretariat of Council of Ministers, 7 NKP 827 (2064)
- 6.5 Bikas Lakai Khadka et al. vs. Office of the Prime Minister and The Council of Ministers et al. 10 NKP 1288 (2070)

Reading Materials

- Constitution of Nepal (2072 B.S.)
- Members of House of Representatives Election Act, 2074 B.S.
- National Assembly Member Election Act, 2075 B.S.
- Local Level Election Act, 2073 B.S.
- Political Party Act, 2073 B.S.
- Voters List Act, 2073 B.S.
- State Assembly Member Election Act, 2074 B.S.
- Chakravarty Parni, **Democratic Government and Electoral Process** (1st edn.). New Delhi: Kamiska Publishers. (1997)
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- Kafatiya, AnandBallabh. **Democracy and Election Laws** (1st edn.). New Delhi: Deep and Deep Publications. (2007)
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Assembly Electoral Process With Reference to Human Rights, Gender Equality and Social Inclusion Perspectives (A Research Report). Kathmandu: Forum for Protection of Human Rights Nepal. (2008)

- Marasini, Shanta and Neupane, Kisan. **Election Law** (in Nepali). (1st edn.). Kathmandu: Lumbini Prakashan. (2072 B.S.)
- Mishra, Birendra Prasad. **Democracy, Electoral System and Representation**. Kathmandu: Nepal South Asia Center. (2060 B.S.)
- Yadav, Ayodhee Prasad (edr). **Election History of Nepal**. Kantipath, Kathmandu: Election Commission. (2073 B.S.)
- Yadav, Ayodhee Prasad. **Short Outline of Electoral System: Nepalese Context**. Kathmandu: Bidhyarthi Pustak Bhandar. (2065 B.S.)

International Air and Space Law

Course Title: **International Air and Space Law** Full Marks: 50
Course No: Law 409 Pass Marks: 18
Duration of the Course: One Year (62 Hrs) Level: LL.B.
Year: II Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart the students the knowledge relating to International and National Laws of air and space
- to acquaint the students with the principles and practices of aerial navigation with critical appreciation of the growing importance of the Air Space Law
- to enable the students to analyze the contribution of the ICAO in the progressive development of Air Law
- to familiarize the students with contribution of UN in development of the Air and Space Law.

Unit – 1: Introduction

- 1.1 Meaning, Scope and Sources of International Air & Space Law
- 1.2 Importance of International Air and Space law
- 1.3 Civil Aviation Legislations in Nepal
- 1.4 International Air law Conventions to which Nepal is a Party
- 1.5 Air Service Agreements
- 1.6 Environmental Aspects of Civil Aviation
- 1.7 Recent trends

Unit – 2: Air Space

- 2.1 Definition of Air Space
- 2.2 Sovereignty over Air Space
- 2.3 Nationality and Registration of Aircraft
- 2.4 International Law and Procedure on Registration of Aircraft

Unit – 3: Role and Functions of ICAO

- 3.1 Features of Chicago Convention
- 3.2 Composition, Role, Functions and Settlement of International Disputes

Unit – 4: Carriers' Liability

- 4.1 Montreal Convention, 1999.
- 4.2 Nepalese experience on Air Carrier's Liability.

Unit – 5: Hijacking

- 5.1 Meaning of Aerial Piracy/ Unlawful Seizure of Aircraft
- 5.2 Tokyo Convention
- 5.3 Hague Convention
- 5.4 Montreal Convention
- 5.5 Nepalese Laws and Experience on Hijacking

Unit – 6: Damage

- 6.1 The Rome Convention on Damage caused by Foreign Aircraft to Third Parties on the Surface 1952
- 6.2 Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft

Unit – 7: Law of Outer Space

- 7.1 Definition
- 7.2 Distinction between Air Space and Outer Space
- 7.3 Doctrine of Sovereignty
- 7.4 Liability for accident by objective in the Outer Space
- 7.5 Special protection to Astronaut in Outer Space
- 7.6 Outer Space Treaties to which Nepal is Party

Reading Materials

- Airport Certificate Regulation, 2061 B.S.
- Airport Charges Rules, 2058 B.S.

International Air and Space Law

- Aviation Policy, 2050 and 2063 B.S.
- Aviation Security (Management) Rules, 2046 B.S.
- Accident Investigation Regulation, 2071 B.S.
- Civil Aviation Authority Act, 2053 B.S.
- Civil Aviation Regulation, 1996 and 2002
- Nepal Airlines Act, 1963
- Outer Space Treaty, 1967
- Nuclear Test Ban Treaty, 1963
- Agreement on the Rescue of Astronauts, the Return of Astronauts & the Structures of Objects Launched into Outer Space, 1968
- Moon Treaty, 1979
- Convention on the International Liability for Damages caused by Space Objects, 1972
- Convention on Registration of Objects launched into Outer Space, 1974
- Ayner, Nancy D. **Aerial Hijacking as an International Crime**. Nijhoff, Leyden. (1974)
- Lyall, Francis and Larsen, Paul B. **Space Law: A Treaties**, Taylor and Francis. (2017)
- Martin, Peter and others (edrs.). **Shawcross and Beaumont's Air Law**. London: Butterworths. (1977)
- Adhikari, Pravakar. Environmental Protection Issues Related to Civil Aviation. **Nepal Law Review**. Vol. 15. Number 1 & 2. Kathmandu: Nepal Law Campus. (2002)
- Wassenberge, H.A. **Aspects of Air Law and Civil Air Law Policy in the Seventies**. Nijhoff. (1970)

Environmental Law

Environmental Law

Course Title: **Environmental Law**

Course No: Law 410

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Optional

Course Objectives:

The main objectives of this course are:

- to impart basic knowledge of environment law and principles.
- to introduce different aspects of international environmental law and developments in international environmental law.
- to familiarize the students with the history and contemporary environment law of Nepal.

Unit – 1: Introduction

- 1.1 Introduction to Environment and Environmental Problems
- 1.2 General Introduction to Environmental Law
- 1.3 Nature and Scope of International Environmental Law
- 1.4 Historical Development of International Environmental Law
- 1.5 International Environmental Institutions
- 1.6 International Decisions and Awards:
 - Lake Lanoux Arbitration, 1957
 - Trail Smelter Arbitration, 1938-41
 - Bering Sea Arbitration, 1893
 - Pulp Mills Case, 2010
 - Gabčíkovo Nagymaros Case, 1997

Unit – 2: Principles of Environmental Law

- 2.1 Substantive Principles
 - 2.1.1 Principle of Good Neighborliness
 - 2.1.2 Duty to Avoid Environmental Harm (No Harm Principle)

Environmental Law

- 2.1.3 Prevention Principle
- 2.1.4 Precautionary Principle
- 2.1.5 Polluters Pay Principle
- 2.1.6 Intergenerational Equity
- 2.1.7 Public Trust Doctrine
- 2.1.8 Framework Principle of Human Rights and the Environment
- 2.1.9 Sustainable Development Principle
- 2.1.10 Principle of Common but Differentiated Responsibility
- 2.2 Procedural Principles
 - 2.2.1. Prior Informed Consent
 - 2.2.2. Public/Stakeholders Participation
 - 2.2.3 Environment Assessment
 - 2.2.4 Principle of Trans-boundary Notification and Consultation on Potential Impacts

Unit – 3: Legal Framework for the Environmental Protection

- 3.1 Legal Tools Relating to Pollution Control
- 3.2 Law Relating to Conservation of Biodiversity and Protection of Endangered Species
- 3.3 Law Relating to National Parks and Wildlife Reserves
- 3.4 Law Relating to Forests
- 3.5 Law Relating to Water Resources
- 3.6 Law Relating to Climate Change
- 3.7 Law Relating to Land, Land Use and Conservation
- 3.8 Law Relating to Cultural Heritage
- 3.9 Recent Trends in Global Environmental Protection

Unit – 4: Environmental Law and Policy in Nepal

- 4.1 Historical Development of Environment Protection in Nepal

Environmental Law

- 4.2 Nepali Constitutional Framework and the Environment
- 4.3 Introduction and Basic Features of Environment Related Policies
- 4.4 Basic Features, Protection Standards and Principles of Environmental Protection 2076 and Rules 2077
- 4.5 Environment protection in Muluki Civil Code 2074 and Muluki Criminal Code 2074.
- 4.6 Environmental Protection Provisions in Local Government Operation Act 2074.
- 4.7 Institutional Arrangements for the Protection of Environment
- 4.8 Implementation Status of International Environment Treaties

Unit – 5: Regional environmental related institutions

- 5.1 SAARC
- 5.2 SACEP
- 5.3 ICIMOD

Unit – 6: Prescribed Cases

- 6.1 *Godavari Marble Cases (Surya Prasad Dhungel vs. Marble Industries. NKP Golden Jubilee Special Issues pp.132-150, 169, (2052)*
- 6.2 *Prakash Mani Sharma et al. vs. Office of the Prime Minister et al. NKP 2073. D.N. 9575).*
- 6.3 *Padam Bahadur Shrestha vs. Office of the Prime Ministers et al. Decision Date 2075/9/30. NKP 2076. Vol. 3. D.N. 10210*
- 6.4 *Narayan Prasad Devkota vs. Office of the PM and Council of Ministers, NKP 2067, D N. 8521.*
- 6.5 *Advocate Ram Kumar Acharya vs. Office of the Prime Minister and Council of Ministers, D.N. 8942.NKP 2070*

Reading Materials

- Constitution of Nepal (2072 B.S.)
- Ancient Monument Act, 2013 B.S.
- Aquatic Protection Act, 2017 B.S.
- Drinking Water Corporation Act, 2046 B.S.
- Electricity Act, 2049 B.S. & Rules, 2050 B.S.
- Environment Protection Act, 2053 B.S. and Environmental Protection Rules, 2054 B.S.
- Forest Act, 2076 B.S.
- Industrial Enterprise Act, 2073 B.S. and Rules, 2075 B.S.
- Local Government Operation Act, 2074 B.S.
- Lumbini Development Fund Act, 2042 B.S.
- Mine and Mineral Act, 2042 B.S.
- *Muluki Civil Code*, 2074 B.S.
- *Muluki Criminal Code*, 2074 B.S.
- National Parks and Wildlife Protection Act, 2076 B.S.
- Nature Conservation Fund Act, 2039 B.S.
- Pashupati Area Development Fund Act, 2044 B.S.
- Private Forest Nationalization Act, 2013 B.S.
- Soil and Watershed Conservation Act, 2039 B.S.
- Solid Waste and Resource mobilization Act, 2044 B.S.
- Tourism Act, 2045 B.S.
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- _____. "Legal Framework of South Asia for the Protection of Environment: A Bird Eye View." **Nepal Bar Council Law Journal**. Vol. 14/15 Kupondol, Lalitpur: Nepal Bar Council. (2016)
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 - "International Environmental Law. Part-2, Kathmandu: Pairavi Prakashan. (2019)
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Refugee Law

Refugee Law

Course Title: Refugee Law

Course No: Law 411

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Mark: 18

Level: LL.B.

Nature: Optional

Course Objectives:

The objective of this course are to acquaint students with the concept, nature, scope and sources of Refugee law as well as protection of international and regional instruments and mechanisms.

Unit-1: Introduction

- 1.1 Concept, Nature, Scope and Sources of Refugee Law
- 1.2 Relations between Human Rights Law, Humanitarian Law and Refugee Law

Unit -2: Definition of Refugee

- 2.1 Definition of Refugee of Historical Perspective (1920- to date)
- 2.2 Persons in Refugee- like Situations, Internally Displaced Persons, Stateless Person, Migrant, Fugitive from Justice and Asylum Seekers

Unit-3: Concept of Asylum and Principles

- 3.1 Concept and Rights of Asylum
- 3.2 Types of Asylum
- 3.3 Duties of the Asylum Granting State and Asylee
- 3.4 Principle of Non- Refoulement

Unit-4: Determination of Refugee Status

- 4.1 Criteria for the Determination of Refugee Status
- 4.2 Procedures for the Determination of Refugee Status

Unit-5: International Efforts for the Protection of the Refugee

- 5.1 International Refugee Law Protection Mechanism
- 5.2 International Human Rights Law Protection Mechanism

Refugee Law

- 5.3 International Humanitarian Law Protection Mechanism
- 5.4 Regional Protection Mechanism of Refugee Law

Unit-6: Role of International Organization

- 6.1 UNHCR
- 6.2 ICRC

Unit-7: Other International Protection of Refugee Law

- 7.1 Temporary Protection
- 7.2 Subsidiary protection
- 7.3 Country of Origin and Safe Country of Asylum
- 7.4 First Country Asylum

Unit-8: Legal Framework of Refugee in Nepal

- 8.1 Nepal's Initiative for Durable Solution.
- 8.2 Situation of Refugees in Nepal (Tibetan, Bhutanese, Rohingya etc.)
- 8.3 Prospects for Refugee Law in Nepal

Reading Materials

- Chimmini, B.S (edr). **International Refugee Law: A Reader**. New Delhi: Sage Publications. (2007)
- Goodwin-Gill, S. Guy. **The Refugee in International Law**. USA: Cleardoon Press Oxford University. (1990).
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- Sharma, Laxmi. "Rights and Realities of Refugee Women." **LACC Lens Journal**, Vol. 17. Manbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)

Criminology and Penology

Course Title: **Criminology and Penology**

Course No: Law 412

Duration of the Course: One Year (62 Hrs)

Year: II

Full Marks: 50

Pass Mark: 18

Level: LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart knowledge on students regarding Criminology and Penology
- to discuss various theories and approaches of Criminology and Penology
- to acquaint students with role of police in criminology
- to impart students knowledge on prison system and its alternatives

Unit-1: General Introduction to Criminology

- 1.1 Concept, Meaning, Nature and Scope of Criminology
- 1.2 Study Methods of Criminology
- 1.3 Interrelationship between Criminology and Penology

Unit-2: Theories of Crime Causation

- 2.1 Pre-Classical Theory
- 2.2 Classical and Neo-Classical Theory
- 2.3 Biological Theory
- 2.4 Psychological Theory
- 2.5 Economic Theory
- 2.6 Sociological Theory

Unit-3: Causative Factors of Crime

- 3.1 Personal Factors
- 3.2 Situational Factors

Unit-4: Punishment and Approaches

- 4.1 Concept of Punishment
- 4.2 Types of Punishment

- 4.3 Approaches to Punishment
- 4.4 Theories of Punishment

Unit-5: Prison System and Its Alternatives

- 5.1 Meaning and Development of Prison System
- 5.2 Alternatives to Prison System
- 5.3 Alternatives to Prison in Nepal

Unit-6: Sentencing System

- 6.1 Concept of Sentencing
- 6.2 Difference between Conviction and Sentencing
- 6.3 Sentencing Policy of Nepal

Unit-7: Prescribed Cases

- 7.1 *Advocate Ratna Bahadur Bagchand vs. Council of Ministers et al.* Writ No. 46/061, Date of Decision 2062/1/8
- 7.2 *Sunil Babu Panta vs. Council of Ministers et al.* Writ No. 917/064, Date of Decision 2064/9/6
- 7.3 *Jung Bahadur Singh vs. Office of PM and Council of Ministers et al.* Writ No. 2066/1222, NKP 2068, Vol. 6, p. 986. D.N. 8631,
- 7.4 *Prakash Mani Sharma vs. Council of Ministers et al.* NKP 2065, Vol 4. D.N. 7952
- 7.5 *Shanti B.K. vs. His Majesty's Government*, NKP 2061, Vol. 6, p. 769.

Reading Materials

- Criminal Offences (Determination of Sentences and Execution) Act, 2074 B.S.
- Children's Act, 2075 B.S.
- Prison Act, 2019 and Rules, 2020 B.S.
- *Muluki Criminal Code*, 2074 B.S.
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Gender and Inclusive Justice

Course Title: **Gender and Inclusive Justice** Full Marks: 50
 Course No: Law 413 Pass Marks: 18
 Duration of the Course: One Year (62 Hrs) Level: LL.B.
 Year: II Nature: Optional

Course Objectives

The main objectives of this course are:

- to acquaint the students with meaning, nature and scope of Gender and Inclusive Justice
- to familiarize the students with the international instruments relevant to the Gender and Inclusive Justice
- to enable the students to examine the laws relating to Gender and Inclusive Justice in Nepal
- to enable the students to appraise the role of judiciary for upholding Gender and Inclusive Justice in Nepal

Unit-1: Introduction

- 1.1 Concept, Meaning and Kinds of Justice.
- 1.2 Meaning, Nature, Kinds and Scope of Gender Justice.
- 1.3 Meaning, Nature and Scope of Inclusive Justice.
- 1.4 Rights of Women, Dalits, Indigenous/Ethnic Groups (*Adivasi Janajati*), *Madhesi* Communities and other Groups.

Unit-2: International Instruments relating to Gender and Inclusive Justice.

- 2.1 Universal Declaration of Human Rights, 1948
- 2.2 International Covenant on Economic, Social and Cultural Rights, 1966
- 2.3 International Covenant on Civil and Political Rights, 1966
- 2.4 Optional Protocols to the International Covenant on Civil and Political Rights, 1966.
- 2.5 Convention on the Elimination of All Forms of

- 2.6 Discrimination against Women, 1979
- 2.7 Declaration on Violation against Women, 1993
- 2.8 International Convention on the Elimination of All Forms of Racial Discrimination 1965 & its Optional Protocols.
- 2.9 Convention on the Rights of Persons with Disabilities and Optional Protocol (CRPD 2006).
- 2.10 Convention on Indigenous and Tribal People 1989 (ILO Convention 169).
- 2.11 Declaration on Indigenous Peoples, 2007.

Unit-3: Fundamental Principal of Gender and Inclusive Justice

- 3.1 Right to Equality
- 3.2 Right to Non-Discrimination
- 3.3 Right to Freedom
- 3.4 Right to Equal Decision of Family Matters
- 3.5 Right to Protection
- 3.6 Right to Consent of Family Members
- 3.7 Right to Choice of Work
- 3.8 Right to Respect within Family Members
- 3.9 Right to State Obligation towards Family
 - 3.9.1 Key Rights of Family Members
 - 3.9.2 Right and Duty of Family Members

Unit-4: Laws relating to Gender Justice in Nepal

- 4.1 Constitutional Provisions on Gender Justice.
- 4.2 Civil Law Provisions on Gender Justice (Property, Employment, Reputation, Reproductive Health and Status)

Unit-5: Domestic Violence

- 5.1 Concept and Definition of Violence
- 5.2 Forms and Kinds of Family Violence

Gender and Inclusive Justice

- 5.2.1 Physical Violence
- 5.2.2 Emotional Violence
- 5.2.3 Mental Violence
- 5.2.4 Sexual Violence
- 5.2.5 Economic Violence
- 5.2.6 Neglect Violence
- 5.3 Remedy and Compensation of Domestic Violence

Unit-6: Criminal Law Provisions on Gender Justice

- 6.1 Sexual Harassment
- 6.2 Dowry
- 6.3 Witchcraft
- 6.4 *Chaupadi*

Unit-7: Inclusive Justice

- 7.1 Constitutional and Legal Provisions on Right of Women
- 7.2 Constitutional and Legal Provisions Against Untouchability
- 7.3 Constitutional and Legal Provision on the Rights of Indigenous/Ethnic groups (*Adivasi Janajati*)
- 7.4 Constitutional and Legal Status of *Madhesi* Communities
- 7.5 Constitutional and Legal Rights of Differently Able (Differently Abled)
- 7.6 Constitutional and Legal Rights of Senior Citizens
- 7.7 Constitutional and Legal Rights of Third Gender (LGBTI)
- 7.8 Need for a Comprehensive Law on Inclusive Justice.

Unit-8: Role of Judiciary in upholding Gender & Inclusive Justice in Nepal

- 8.1 *Jyoti Lamsal Paudel et al. vs. Secretariat of Council of Ministers*, Writ No. 8883 (2012)
- 8.2 *Ratna Bahadur Bagchand vs. His Majesty's Government*.

Gender and Inclusive Justice

- Writ No. 46 of 2061.
- 8.3 *Resma Thapa vs. His Majesty's Government*. Writ No 2891 of 2058
- 8.4 *Advocate Chandra Kant Gyawali vs. Secretariat of Council of Ministers et al.* Writ No. 3342 (2004)
- 8.5 *Sunil Babu Pant vs. Government of Nepal Secretariat of Council of Ministers*. Writ No 917 (2008)

Reading Materials

- Constitution of Nepal (2072 B.S.)
- *Muluki Civil Code*, 2074 B.S.
- *Muluki Criminal Code*, 2074 B.S.
- Human Trafficking and Transportation (Control) Act, 2064 B.S.
- Domestic Violence (Offence and Punishment) Act, 2066 B.S.
- Nepal Government's 3 Years Interim Plan, (2007)
- Social Welfare Act, 2049 B.S.
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949
- Convention on the Nationality of Married Women, 1957
- Convention on the Political Rights of Women, 1952
- Convention on the Rights of the Child, 1989.
- ILO Convention (No.100) Concerning Equal Remuneration Men and Women Workers for Work of Equal Value, 1951.
- Beijing Platform for Action and Beijing Declaration, 1995.
- Acharya, M. **Efforts of Promotion of Women in Nepal**. TPMF/FES. (2003)
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- Bhattarai, Ananada Mohan (Dr.). (edr.). **The Landmark Decisions of the Supreme Court on Gender Justice.** Hariharbhawan, Lalitpur: National Judicial Academy (date not mentioned)
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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)
- Mainali, Laxmi Prasad. **Need, Justification and Challenge of Establishment of the Fast Track Court** (Proceeding Report). Minbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)
- Nepal Marasini, Shanta. **Gender and Inclusive Justice: Nepalese Perspective** (in Nepali). (2nd edn.). Kathmandu: Pairavi Prakashan. (2074 B.S.)
- Sangroula, Yubraj. and Pathak, Geeta. **Gender and Laws: Nepalese Perspective.** Kathmandu: Pairavi Prakashan. (2002)
- Sharma, Prakash Mani et al. **Laingik Nyaya Sambandhi Muddaharuko Sangalo** (Collection of Gender Justice Cases). Kathmandu: Pro-public. (2060 B.S.)
- Siwakoti 'Sitaula', Nirmala. **Gender Equality: A Study** (in Nepali). (1st edn.). Kathmandu: Pairavi Prakashan. (2075 B.S.)
- Tuladhar, Indu. **Supreme Court of Nepal on Gender Equality and Access to Justice.** Kathmandu: Himal Innovative Development Research Pvt. Ltd. (2018)

Law of Insurance

Course Title: **Law of Insurance**

Course No: **Law 414**

Duration of the Course: **One Year (62 Hrs)**

Year: **II**

Full Marks: **50**

Pass Mark: **18**

Level: **LL.B.**

Nature: **Optional**

Course Objectives:

The main objectives of the course are:

- to survey the basic types of insurance policies, legal principle of insurance
- to study the role insurance in society
- to analyze laws related to insurance industry and insurance policy structure and interpretation

Unit - 1: Introduction

- 1.1 History and Functions of Insurance
- 1.2 Classification of Insurance
- 1.3 Legal Definition of Insurance

Unit - 2: Formalities and Formation of the Insurance Contract

- 2.1 Nature and Classification of Insurance Contract
- 2.2 Formation of the Insurance Contract
- 2.3 Formalities
- 2.4 Temporary Cover and Cover Note
- 2.5 Duration and Renewal of Insurance Policies

Unit - 3: Regulation of Insurance

- 3.1 Development of State Control
- 3.2 Impact of Nepalese Insurance Laws
- 3.3 Protection of Policyholders
- 3.4 Constitution, Functions and Powers of Insurance Board of Nepal
- 3.5 Re-insurance Policy Laws and Practice

Unit - 4: Repudiation of Policies and Liability

- 4.1 Unfair Terms in Consumer Insurance Policies and Liability
- 4.2 Void Contracts
- 4.3 Voidable or Discharged Contracts
- 4.4 Repudiating the Contract or Claim
- 4.5 Loss of Right to Avoid or Repudiate

Unit - 5: Premium

- 5.1 Payment of Premium
- 5.2 Return of Premium

Unit - 6: Intermediaries

- 6.1 Agent, Surveyor and Broker
- 6.2 Relevant Agency Principles
- 6.3 Regulation Intermediaries

Unit - 7: Life Insurance

- 7.1 Nature and Types of Insurance
- 7.2 Formalities and Disclosure
- 7.3 Assignment of Life Policy
- 7.4 Trust of Life Policies

Unit - 8: Non-Life Insurance

- 8.1 Meaning and Nature of Fire, Motor, Marine and Personal Insurance
- 8.2 Non- Life Insurance Policies
- 8.3 Principles of Non-Life Insurance

Unit - 9: Impact of Economic Liberalization on the Volume of Insurance Business

- 9.1 Introductions
- 9.2 Performances of Life Insurance Companies
- 9.3 Performances of Non-Life Insurance Companies
- 9.4 Impact of Investment Pattern of Insurance Business

Unit -10: Prescribed cases

- 10.1 *Advocate Bharat Mani Gautam vs. His Majesty's Government of Nepal*. NKP 2058. D.N. 7004. p. 280.
- 10.2 *Rastriya Bima Sansthan vs. Indrajeet Tiwari*. NKP 2069. D.N. 4. p. 574.
- 10.3 *Everest Insurance Ltd. vs. Narayan Prasad Parajuli et al.* NKP 2067. D.N. 12. p. 2135.
- 10.4 *Murari Regmi vs. Hari Shankhar Thakur*. NKP 2064. Vol.5. D.N. 7847
- 10.5 *Laxman Bahadur Shrestha vs. FIR through Sushil Aryal, Nepal Government*. NKP 2063. Vol. 9. D. N. 7758

Reading Materials

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- National Insurance Corporation Act, 2025 B.S.
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Comparative Law and Nepalese Legal System

Course Title: **Comparative Law and Nepalese Legal System**

Course No: Law 501

Duration of the Course: One Year (125 Hrs)

Year: III

Full Marks: 100

Pass Marks: 35

Level: LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to impart the students with basic and fundamental knowledge of major legal systems of the world
- to enable them to analyze and understand the differences between major legal systems of the world and laws of some countries
- to make the students capable to the influences of major legal systems and Hindu Jurisprudence in Nepalese Legal Systems
- to acquaint the students the basic notion of Nepalese Legal System and judicial trend

Unit-1: Introduction

- 1.1 Meaning and Importance of Comparative Law
- 1.2 Evolution of Comparative Law
- 1.3 Functions, Objectives and Utility of Comparative Law
- 1.4 Division of Comparative Law
- 1.5 Methods of Comparative Law
- 1.6 Nature and Position of Comparative Law in the *Era* of Globalization
- 1.7 Problems in Studying Foreign Laws

Unit-2: Major Legal Systems

- 2.1 Introduction to Legal System
 - 2.1.1 Meaning and Definition
 - 2.1.2 Importance
 - 2.1.3 Characteristics
- 2.2 Common Law System

- 2.2.1 Concept, Origin and Development, Features and Sources of Common Law System
- 2.2.2 Impact of Common Law on the Existing Nepalese Legal System
- 2.3 Civil Law System
 - 2.3.1 Concept, Origin, Development, Features and Sources of Civil Law System
 - 2.3.2 Impact of Civil Law on the Existing Nepalese Legal System
- 2.4 Socialist Law System
 - 2.4.1 Concept, Origin, Development, Features and Sources of Socialist Law System
 - 2.4.2 Impact of Socialist Law on the Existing Nepalese Legal System
 - 2.4.3 Current Position of Socialist law
- 2.5 Religious Law System
 - 2.5.1 Hindu Law
 - i) Concept, Origin, Development, Features and Sources of Hindu Law
 - ii) Impact of Hindu Law on the Existing Nepalese Legal System
 - 2.5.2 Muslim Law
 - i) Concept, Origin, Development, Features and Sources of Muslim Law
 - ii) Impact of Muslim Law on the Existing Nepalese Legal System
- 2.6 Comparison among Major Families of Law (Common Law Family, Civil Law Family, Socialist Law Family and Religious Law Family)

Unit-3: Comparison of Laws of Prescribed Countries in Terms of Concept, Origin, Sources System of Court and Legal Profession

- 3.1 Comparative Study among Roman, French, German and Japanese Legal System
- 3.2 Comparative Study between English and American Legal System
- 3.3 Comparative Study between the Socialist and Chinese Legal System
- 3.4 Comparative Study between Hindu and Muslim Legal System

Unit-4: Historical Development of Nepalese Legal System

- 4.1 Legal System of the Kirat Period
- 4.2 Legal System of the Lichhavi Period
- 4.3 Legal System of Malla Period and Legal Reformation
- 4.4 Legal System of Shah Period
 - 4.4.1 Judicial Reforms of Ram Shah
 - 4.4.2 Judicial Reforms of Prithivi Narayan Shah
 - 4.4.3 Codification of Law (*Muluki Ain*, 1910 B. S.)
 - 4.4.4 Judicial Administration during the Rana Period
 - 4.4.5 Development of Law from 2007 to 2017 B.S.
 - 4.4.6 Recognition of Precedent and Writ System
 - 4.4.7 Development of Law from 2017 to 2047 B.S.
 - 4.4.8 Development of Law from 2047 to 2063 B.S.
- 4.5 Development of Law in Republic Period
 - 4.5.1 Development of Law from 2063 to 2072
 - 4.5.2 Development of Law from 2072 to till now
 - 4.5.3 Characteristics of Existing Nepalese Legal System
 - 4.5.4 Codification and Law Making Process in Nepal

- 4.5.5 Introduction to Muluki Codes (Criminal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code) in Nepalese Legal System
- 4.5.6 Investigation and Prosecution System in Nepal in accordance with Criminal Procedure Code, 2074 B.S.
- 4.5.7 Administration of Justice in Nepal by Judicial, Specialized Courts, Tribunals Local Bodies, Quasi-Judicial Bodies
- 4.5.8 PIL and ADR
- 4.6 Existing Position of Comparative Law in Nepal

Reading Materials

- Muluki Civil Code, 2074 B.S.
- Muluki Civil Procedure Code, 2074 B.S.
- Muluki Criminal Procedure Code, 2074 B.S.
- Muluki Criminal Code, 2074 B.S.
- Muluki Criminal Procedure Rules, 2075 B.S.
- Muluki Civil Procedure Rules, 2075 B.S.
- Criminal Offences (Determination of Sentences and Execution) Act, 2074 B.S.
- Criminal Offences (Determination of Sentences and Execution) 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.
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- Osti, Prakash (edr). *Kanoon Sambandhi Kehi Aithasik Abhilekharu*

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- Osti, Prakash. *Hamro Kanooni Itihaska Kehi Jhankiharu* (1st edn.). Putalisadak, Kathmandu: Pairavi Book House. (2063, Chaitra).
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Interpretation of Statutes

Course Title: Interpretation of Statutes

Course No: Law 502

Duration of the Course: One Year (62 Hrs)

Year: III

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Compulsory

Course Objectives:

The objectives of this course is to provide with general knowledge about theories and methods of constitutional and statutory interpretation as well as to familiarize the students with existing laws relating to interpretation in Nepal.

Unit-1: Introduction to Interpretation of Statutes

- 1.1 Meaning of Interpretation of Statutes
- 1.2 Objectives and Kinds of Interpretation of Statutes
- 1.3 General Theories of Interpretation of Statutes

Unit-2: Rules of Statutory Interpretation

- 2.1 Primary Rules
 - 2.1.1 Literal Rule
 - 2.1.2 Golden Rule
 - 2.1.3 Mischief Rule
 - 2.1.4 Construction *ut res magis valeat quam pereat*
 - 2.1.5 Reading Words in their Context
- 2.2 Subsidiary Rules of Interpretation
 - 2.2.1 *Ejusdem Generis*
 - 2.2.2 *Noscitur a Sociis*
 - 2.2.3 *Reddendo Singula Singulis*
 - 2.2.4 *Expressio Unius Est Exclusion Alterius*
 - 2.2.5 *Contemporanea Exposition*
 - 2.2.6 Construction of Words in *Bonam Partem*

Unit-3: Aids to Interpretation

- 3.1 Internal Aids

- 3.1.1 Different Parts of Statutes: Title, Preamble, Heading, Marginal Note, Schedule, Punctuation, Exceptions and Saving Clauses
- 3.1.2 Commencement of Statutes
- 3.1.3 Repeal and Revival of Statutes
- 3.2 External Aids
 - 3.2.1 Historical Setting
 - 3.2.2 Parliamentary History
 - 3.2.3 International Conventions
 - 3.2.4 Dictionaries and Books

Unit-4: Construction

- 4.1 Liberal Construction
- 4.2 Beneficial Construction
- 4.3 Restrictive Construction
- 4.4 Harmonious Construction and Construction to Avoid Collision with other Provision
- 4.5 Purposive Construction
- 4.6 Progressive Construction
- 4.7 Exceptional Construction

Unit-5: Construction of Constitution

- 5.1 Applicable Rules for Constitutional Construction
- 5.2 Interpretation of Fundamental Rights

Unit-6: Presumption

- 6.1 Presumption against the Common Law
- 6.2 Presumption of Constitutionality of a Statute
- 6.3 Presumption Regarding Jurisdiction
- 6.4 Presumption against Retrospective Legislation
- 6.5 Presumption against Violation of International Law

Interpretation of Statutes

- 6.6 Presumption against Intending Injustice or Absurdity
- 6.7 Presumption against Impairing Obligation or Permitting Advantages from One's Wrong
- 6.8 Presumption against Intending What is Inconvenient or Unreasonable

Unit-7: Intention attributed to the Legislature When it Expresses

None

- 7.1 Imperative and Directory Enactments
- 7.2 Absolute and Qualified Duties
- 7.3 Impossibility of Compliance
- 7.4 Private and Public Remedies
- 7.5 Waiver

Unit-8: Interpretation Act of Nepal

- 8.1 Nepal Laws (Interpretation) Act, 2010

Unit-9: Prescribed Cases

- 9.1 *Man Bahadur Limbu vs. Gajjal Limbu*. D.N. 814. NKP 2031
- 9.2 *Kanchha Prajapati vs. Nhuchche Kumar Prajapati et al.* D.N. 4350. NKP 2048
- 9.3 *Lok Bhakta Samsher Ja.Ba.Ra. vs. Rama Devi Rajbhandari*. D.N. 6625. NKP 2055
- 9.4 *Suman Shahi vs. Government of Nepal*. D.N.9792. NKP 2074
- 9.5 *K.I. Singh vs. His Majesty's Government*. NKP 2022. No. 3. p. 56

Reading Materials

- Constitution of Nepal (2072 B.S.)
- Interpretation of Laws Act, 2010 B.S.
- Bindra, N.S. *Interpretation of Statutes*. Nagpur: Lexis Nexis. (2013)
- Dahal, Kedar. *Interpretation of Law* (in Nepali). (1st edn.). Kathmandu:

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- Swarup, Jagadish. *Interpretation of Indian Statutes*. New Delhi: Thomson Reuters. (2014)

Professional Ethics and Lawyering Skills

Course Title: Professional Ethics and Lawyering Skills
 Course No: Law 503
 Duration of the course: One year (62 Hrs)
 Year: III

Full Marks: 50
 Pass Mark: 18

Level: LL.B.

Nature: Compulsory

Course Objectives:

The main objectives of this course are:

- to provide students basic knowledge of various aspects of professional ethics.
- to make students aware of the practical aspects of drafting, pleading, and conveyancing skills.
- to familiarize students with skills of advocacy, public interest lawyering, legal aid, and literacy and para-legal services.

Unit-1: Professional Ethics

- 1.1 Meaning and Nature of Professional Ethics
- 1.2 Principles of Legal Ethics and Professional Ethics
- 1.3 International Standard of the Legal Professionals (Lawyers, Judges and Public Prosecutors)
- 1.4 Professional Responsibility for Lawyers towards Client, Opposite Party, Court, Society and State
- 1.5 Judicial Mannerism
 - 1.5.1 Court Decorum
 - 1.5.2 Dress Code
 - 1.5.3 Language
- 1.6 Bar-Bench Relation

Unit-2: Code of Conduct for Lawyers in Nepal

- 2.1 Code of Conduct
- 2.2 Complaints Procedures
- 2.3 Investigation and Other Disciplinary Actions
- 2.4 Punishment
- 2.5 Code of Conduct of Notary Public

Unit-3: Background of Legal Profession in Nepal

- 3.1 Contribution and Importance of Legal Profession in Nepali Society
- 3.2 History of Nepalese Legal Profession
- 3.3 Laws and Regulations Relating to Legal Profession
- 3.4 Law Firm Registration and Management
- 3.5 History of Nepal Bar Association
- 3.6 Nepal Bar Council Act, 2050 B.S. and its Regulation, 2051
 - 3.6.1 Establishment and Formation
 - 3.6.2 Functions, Powers and Duties
 - 3.6.3 Disciplinary Committee
 - 3.6.4 Examination of Legal Practitioners
 - 3.6.5 Registration of Legal Practitioners
 - 3.6.6 Right to Legal Profession and Privileges
 - 3.6.7 Restrictions on Law Practice

Unit-4: Legislative Drafting

- 4.1 General Principles
- 4.2 Skills of Legislative Drafting

Unit-5: Pleading and Conveyancing skills in Nepal

- 5.1 Court Oriented Written Pleadings from Plaintiff/Complainant to Execution of Judgments/Orders etc. in Civil and Criminal Cases.
- 5.2 Conveyancing:
 - 5.2.1 Sale Deed
 - 5.2.2 Lease and Contract Deed
 - 5.2.3 Gift and Will Deed
 - 5.2.4 Adoption Deed

- 5.2.5 Exchange Deed
- 5.2.6 Separation of coparcener or Reunion Deed
- 5.2.7 Mortgage Deed
- 5.2.8 Loan Deed
- 5.2.9 Guarantee Deed
- 5.2.10 Power of Attorney

Unit-6: Advocacy skills in Nepal

- 6.1 Concepts and Rules of Advocacy.
- 6.2 Communication Skills for Lawyers
 - 6.2.1 General Presentations
 - 6.2.2 Client Interviewing and Advising
 - 6.2.3 Negotiation
 - 6.2.4 Oral Arguments
 - 6.2.5 Examination of Witnesses
- 6.3 Trial Advocacy Skill
 - 6.3.1 Case Oriented Legal Research
 - 6.3.2 Case Preparations
 - 6.3.2 Organization of Arguments

Unit-7: Public Interest Lawyering Skills and Legal Aid

- 7.1 Public Interest Lawyering
- 7.2 Legal Aid
- 7.3 Pro Bono
- 7.4 Legal Literacy
- 7.5 Para-Legal Services
- 7.6 Writing Case Comments, Law Office Management and Legal Auditing
- 7.7 Notary Public

Unit -8: Prescribed Cases

- 8.1 *Diwas Acharya vs. Government of Nepal*. NKP Vol. 7/8 D.N. 7238
- 8.2 *Advocate Sapana Pradhan Malla vs. Government of Nepal*. NKP 2064 Vol. 9. p. 1208. D.N. 7880.
- 8.3 *Pashupati Karki vs. Government of Nepal*. NKP 2067, Vol. 9. D.N. 8455
- 8.4 *Advocate Surendra Kumar vs. Government of Nepal*. NKP 2072.Vol. 2. D.N. 9339
- 8.5 *Advocate Chandan Raj Regmi vs. Laya Prasad Baskota*. (Unpublished but available at SC Court website) case no. 075-MS-0021. Decision date: 2076-02-14, Case Registered on 2076-01-25

Reading Materials

- Code of Conduct of Lawyers, 2053 B.S.
- Disciplinary Committee (Management) Rules, 2058 B.S.
- Nepal Bar Council Act, 2050 B.S.
- Code of Conduct of Judges, 2074 B.S.
- Basic Principles on the Role of Lawyers, 1990
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Company Law

Course Title: **Company Law**

Course No: Law 504

Duration of the course: One year [62 Hrs]

Year: III

Full Marks: 50

Pass Marks: 18

Level: LL.B

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to study the historical aspects and legal principles of Company Law
- to analyze the nature, types, organization, functions, management and operation of the company
- to study the related leading cases of Nepal

Unit-1: Historical Development of Company

- 1.1 Origin and Development of Companies in General
- 1.2 Origin and Development of Companies in Nepal

Unit-2: Historical Development of Company Law

- 2.1 Development of Company Law in General
- 2.2 Development of Company Law in Nepal

Unit-3: The Basic Legal Principles of Companies

- 3.1 Concept of Separate Legal Personality
- 3.2 Doctrine of Lifting the Corporate Veil
- 3.3 Doctrine of *Ultra Vires*
- 3.4 Doctrines of Constructive Notice and Indoor Management

Unit-4: Nature and Types of Companies

- 4.1 Public Corporation with Charter.
- 4.2 Public Companies Formed under Company Act, 2063
- 4.3 Public Corporations Formed under the Corporations Act, 2021
- 4.4 Public Corporations Formed under the Development Board Act, 2013
- 4.5 Difference between Private Firms, Partnership Firms

- 4.6 and the Companies
Public Companies, Private Companies, Non-profit
making Companies and Government Companies,
Foreign Companies, Holding and Subsidiary Companies

Unit-5: Major Documents Related to Company

- 5.1 Memorandum of Association
5.2 Articles of Association
5.3 Pre-Incorporation Contracts
5.4 Unanimous Agreement
5.5 Agreement Between the Shareholders
5.6 Company Prospectus
5.7 Certification of Incorporation

Unit-6: Incorporation and Registration of Company

- 6.1 Meaning of Incorporation of Company
6.2 Promoters and Their Roles and Responsibilities
6.3 Procedures of Incorporation of Company in Nepal
6.4 Registration of Company
6.5 Issue of Certificate of Incorporation
6.6 Commencement of Business

Unit-7: Organizational Structure, Management and Operation of Company

- 7.1 The Board of Directors: Appointment, Disqualifications,
Removal, Roles and Responsibilities of Directors,
Meeting of the Board of Directors and Formalities of
Meeting
7.2 General Meeting of the Shareholders, its Types and
Formalities
7.3 Key Management Personnel of Company
7.4 Corporate Liability

- 7.5 Corporate Social Responsibility
7.6 Workers' Participation in Management

Unit-8: Corporate Securities

- 8.1 Meaning and Types of Corporate Securities
8.2 Capital of Company: Types of Capital, Types of Shares,
Issue of Shares to Public, Allotment, Transfer and
Transmission of Shares, Rights Issue, Bonus Issue
8.3 Debentures and Stock: Class, Issue of Debentures,
Debenture Trustee
8.4 Need of Securities Regulation
8.5 Role of Securities Board of Nepal

Unit-9: Liquidation / Winding up of Company

- 9.1 Meaning of Liquidation/Winding Up
9.2 Deregistration of Company
9.3 Modes of Liquidation/Winding Up: Voluntary and
Compulsory
9.4 Rights and Duties of Liquidator

Unit -10: Prescribed Cases

- 10.1 *Kirendra Bahadur Pradhananga vs. Hetauda Industrial
Zone.* NKP 2075 No. 1 D.N. 9940
10.2 *Saraswati Shrestha vs. Sunrise Bank Ltd.* NKP 2075 No.
1 D.N. 9871
10.3 *Unity Life International Ltd. vs. Government of Nepal.*
NKP 2069 No. 4 D.N. 8814
10.4 *Himalayan Distillery vs. Office of Company Registrar.*
NKP 2068 No. 5 D.N. 8614
10.5 *Bhuminanda Sharma Dawadi vs. His Majesty's
Government.* 062/5/6. Some Landmark Precedents
of the Supreme Court on Commercial Law. 1st edn.

(1959-2005). Supreme Court. 2006.

Reading Materials

- Bank and Financial Institutions Act, 2073 B.S.
- Companies Act, 2063 B.S.
- Corporations Act, 2021 B.S.
- Insolvency Act, 2063 B.S.
- Nepal Development Board Act, 2063 B.S.
- Securities Exchange Act, 2063 B.S.
- **A Ramaiya's Company Law Digest.** New Delhi: Vinod Publication. (2014)
- Bhandari & Makheeja. **A Guide to Memorandum of Articles and Incorporation of Companies.** Nagpur: Lexis Nexis Butterworth Wadhwa. (2011)
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- Singh, Avatar. **Company Law** (16th edn.). Lucknow: Eastern Book Company. (2015)
- Ulf, Bernitz. **Company Law and Economic Protectionism.** Oxford: Oxford University Press. (2010)
- Upreti, Bharat Raj. **Company Law** (in Nepali). Kathmandu: Law Research and Development Forum. (2064 B.S.)

Course Title: Seminar
 Course No: Law 505
 Duration of the course: One year (62 Hrs)
 Year: III

Full Marks: 50
 Pass Mark: 18
 Level: LL.B.
 Nature: Compulsory

Course Objectives:

The main objectives of this course are:

- to enable students to undertake a research on definite legal issues.
- to acquaint students with practical knowledge in any area of law on which student conduct the research.

Seminar:

- In the final year of Bachelor of Laws, students will undertake a research on the topic approved by campus.
- Student will firstly submit a proposal to the campus. After approval of the proposal the Supervisor for supervising the student will be appointed by the campus.
- The student should prepare the Seminar Report in close consultation with the Supervisor.
- Following requirements should be met and followed by student and the Supervisor :

1. **Subject Selection:** Both the student and Supervisor must be careful that the topic selected for research must be related to the course syllabus of 3 years LL.B.

2. **Proposal:** The proposal submitted by the student should be prepared on suitable format.

3. **Supervisor:** No Supervisor will be appointed to anyone who is not aware about research and have no experience of teaching or research for at least five year.

4. **Supervision Technique:** The student will be in contact with the Supervisor at least once every fifteen days to get the direction of the supervisor and get signature of the Supervisor on the form provided by the campus.

5. **Recommendation of the Supervisor:** The Supervisor should submit a

recommendation by evaluating on the dedication, creativity, intellectual capability and originality of the student as well as on number of consultations with and compliance of instructions of the Supervisor.

6. **Presentation:** Students shall present the report in the class for discussion and will give final shape to the report by incorporating useful suggestions received from the fellow classmates.

7. **Evaluation:** The final report submitted by the students with recommendation of supervisor shall be subject for evaluation. The mode of evaluation will be interview and final (external) evaluation.

7.1.1 **Interview:** A viva-voce examination will be conducted on 30% (15) full marks by a three member committee appointed by campus comprising of experts having at least five years of experience in legal field with eligibility to teaching and research.

7.1.2 **Final (External) Evaluation:** The report shall be evaluated by the expert of the subject based on level of creativity and originality. The final evaluation will be of 70% (35) marks.

The pass marks in examinations (both Viva-voce and final evaluation) will be 35% each. Students have to secure 35% marks separate in both the examinations (evaluation).

Reading Materials

- Mukhia, Bal Bahadur (Prof. Dr.). and Parajuli, D.N. (Dr.). **Manual of Uniform Citation Style for Legal Research** (1st edn.). Kathmandu: Nepal Law Campus. (2020).

Law of the Sea and International Rivers

Course Title: Law of the Sea and International Rivers Full Marks: 50
Course No: Law 506 Pass Marks: 18
Duration of the Course: One Year (62 Hrs) Level: LL.B.
Year: III Nature: Optional

Course Objectives

The main objectives of the course are:

- to introduce the students to the classical and modern concept of the laws of the sea and international rivers
- to equip them with analytical perspectives of the subject matter
- to familiarize them with important features of the law of the sea and international rivers
- to acquaint the students with the evolution of the law of international rivers and their utilization for mutual benefit with special reference to Nepal
- to make the students aware of the global concern pertaining to preservation of environment and the resources of the sea for the generations to come

Unit-1: Introduction

- 1.1 Meaning, Nature and Scope of the Law of the Sea
- 1.2 Evolution of the Law of the Sea
- 1.3 Sources of the Law of the Sea

Unit-2: Territorial Sea

- 2.1 Legal Status and Breadth of Territorial Sea
- 2.2 Baseline for Measurement of the Territorial Water
- 2.3 Straits Bays and Gulf
- 2.4 Delimitation
- 2.5 Right of Innocent Passage

Unit-3: Contiguous Zone

- 3.1 Concept and Scope of Contiguous Zone
- 3.2 Breadth

Unit-4: Continental Shelf

- 4.1 Nature and the Concept of Continental Shelf
- 4.2 Delimitations
- 4.3 Sea Bed and Ocean Floor
- 4.4 Rights of Landlocked States

Unit-5: Economic Zone

- 5.1 Concept and Scope of Economic Zone
- 5.2 Delimitations
- 5.3 Resources
- 5.4 Rights and Duties of Coastal States vis-a-vis the Landlocked and GDS in the Exclusive Economic Zone (EEZ)
- 5.5 Legal Status of the Exclusive Economic Zone (EEZ)

Unit-6: High Seas

- 6.1 Concept and Scope of High Seas
- 6.2 Freedom
- 6.3 Piracy

Unit-7: Landlocked and Geographically Disadvantaged States

- 7.1 Concept and Nature of Landlocked and Geographically Disadvantaged State
- 7.2 Right of Access of Landlocked States to and from the Sea and Freedom of Transit
- 7.3 Rights of Geographically Disadvantaged States

Unit-8: International Sea Bed Authority

- 8.1 Decline of Common Heritage of Deep Ocean Resources
- 8.2 Exploration and Exploitation of Deep Ocean Resources
- 8.3 Power and Functions of the International Sea Bed Authority
- 8.4 Protection and Preservation of the Marine Environment
- 8.5 Settlement of Disputes

Unit-9: International Rivers

- 9.1 Definition
- 9.2 Historical Background of International Rivers
- 9.3 Rights and Duties of Upper and Lower Riparian *vis-a-vis* Down Stream Benefits and Its Practices
- 9.4 Rights and Duties of Co-riparian States
- 9.5 Principles of Utilization of International Rivers
- 9.6 Freedom of Navigation in International Rivers
- 9.7 Principle and Practice in Regard to Pollution Control
- 9.8 The European Commission of the Danube
- 9.9 International Joint Commission
- 9.10 Barcelona Convention – 1921
- 9.11 Bangkok Convention – 1997
- 9.12 Helsinki Rules on the Uses of Waters of International Rivers – 1966
- 9.13 Berlin Rule – 2004
- 9.14 International Legal-Regime of Asian and African rivers (Ganga, Niger, Nile, River Danube, Koshi)
- 9.15 Role of UN on Non-navigational Use of International Waters.

Unit-10: Mutual Co-operation in the Field of Rivers between Nepal and India

- 10.1 Koshi
- 10.2 Gandaki
- 10.3 Mahakali

Reading Materials

- Bhasin, A.S. (ed). **Documents on Nepal's Relation with India and China**. New Delhi. (1970)
- Columbus, John C. **The International Law of the Sea**. London:

Longman. (1967)

- Friedmann, W. **The Future of the Oceans**. New York. (1971)
- Mangone, Gerald J. **Law of the World Ocean**. Calcutta. (1981)
- Oda, Shigeru. **The Law of the Sea in Our Time** Vol. 2. Leyden. (1977)
- Starke, J.G. **Introduction to International Law**. Delhi (Latest Edition)
- Subedi, S.P. **Dynamics of Foreign Policy and Law: A Study of Indo-Nepal Relations**. Oxford. (2002)
- Upadhyaya, Lakshman Kumar. "Evolution of the Concept of Continental Shelf and Law of the Sea". **Nepal Law Review**. Vol. 9 (4). Kathmandu: Faculty of Law, T.U. (April 1986)
- _____. "Regional Cooperation in South Asia and Landlocked Nepal". **Nepal Law Review**, Vol. 10 (3). Kathmandu: Faculty of Law, T.U. (1987)
- _____. "Representation of Landlocked and Geographically Disadvantaged Countries in the Council of International Seabed Authority". **Nepal Law Review**. Vol. 10 (1). Kathmandu: Faculty of Law, T.U. (July 1987)
- _____. "Views on Fishing Rights of Landlocked Countries in the EEZ under the new convention of Law of the Sea". **Nepal Law Review**. Vol. 9 (1). Kathmandu: Faculty of Law, T.U. (July 1985)
- _____. "Reflection on the Problems and Prospects of Landlocked Countries in International Law". **Nepal Law Review**. Vol. 1 (3). Kathmandu: Institute of Law, T.U. (Oct-Dec, 1978)
- _____. "A Review of Doctrinal Foundation of the Right of Free Access to the Sea for Landlocked Countries". **Nepal Law Review**. Vol. 3 (2). Kathmandu: Institute of Law, T.U. (Oct. 1979)
- Upreti, Kishor. "Conflict and Cooperation on South Asia's International Rivers. A Legal Perspective". **World Bank**. (Book Co-author). (2002). (Also published in Mandarin, Law Press China).
- _____. "Hydropolitics in South Asia: A Comparative Analysis of the Mahakali and the Ganges Treaties." **Natural Resources Law Journal**. University of New Mexico (Co-author). (1999).

- _____, "Legal aspects of sharing and management of transboundary waters in South Asia: Preventing Conflicts and Promoting Cooperation." **Hydrological Sciences Journal** (Co-author). UK. 2011).
- _____, "Managing riparian issues in rural development projects." (Issue 2). **Journal of Law and Rural Development Renewable Energy and Rural Development**. IFAD: (2018).
- _____, "The Kishenganga Arbitration: Reviving the Indus Treaty and Managing Transboundary Hydropolitics." **Chinese Journal of International Law**. Oxford University Press : (2015)
- _____, "Shared Watercourses and Water Security in South Asia. Challenges of Negotiating and Enforcing Treaties. (Monograph, Brill International Water Law Research Perspective) (Co-author). (2018).
- _____, "South Asian Water Treaty Practice: An Overview," **Research Handbook on International Water Law**. (S. Mc. Caffrey, C. Leb & R. Denoon eds., Edward Elgar Pub. (2019).

Law of Banking and Negotiable Instruments

Course Title: **Law of Banking and Negotiable Instruments**

Course No: Law 507

Duration of the course: One year [62 Hrs]

Year: III

Full Marks: 50

Pass Marks: 18

Level: LL.B

Nature: Optional

Course Objectives:

The main objectives of this course are:

- to give comparative, clear and detailed knowledge of the principles and practices of the law of banking and negotiable instruments in Nepal to the students.
- to acquaint the students with the role and functions of various kinds of Banks.
- to enable the students to have critical appreciation of leading cases relating to law of banking and negotiable instruments decided by the Supreme Court of Nepal.

Unit-1: Introductory

- 1.1 Origin, Meaning and Need of Bank
- 1.2 Types of Banks
- 1.3 Importance of Banking System
- 1.4 Historical Background of Banking System and Banking Law of Nepal

Unit-2: Central Bank of Nepal

- 2.1 Establishment, Composition, Functions and Powers of Nepal Rastriya Bank

Unit-3: Law of Banking

- 3.1 Establishment, Management and Functions of Commercial Banks
- 3.2 Privileges and Banking Procedures of Commercial Banks
- 3.3 Other Banks: Establishment, Management and Functions of other Banks

Unit-4: The Banker-Customer Relationship

- 4.1 Possible Relationships: -
 - 4.1.1 Bailor-Bailee, Trustee-Beneficiary, Agent-Principal, Debtor-Creditor
- 4.2 Types of Customer:
 - 4.2.1 Individuals, Minors, Private Firms, Partnership Firms, Companies and Corporations, other Body Corporate, e.g., NGOs and INGOs
- 4.3 Deposits and Accounts of the Customer:
 - 4.3.1 Demand Deposit and Current Account, Saving Deposit and Account, Term Deposit and Account
 - 4.3.2 Combining of Accounts
 - 4.3.3 Passbook and Statements of Account

Unit-5: Duties of Banker

- 5.1 Duty to Pay Cheque
- 5.2 The Duty of Secrecy and its Exceptions

Unit-6: Bank Lending and Securities

- 6.1 Different Methods of Charging Securities
 - 6.1.1 Pledge, Hypothecation, Trust receipts, Assignments, Mortgage
- 6.2 Different Types of Security and Their Perfection
- 6.3 Goods and Commodities, Shares and Debenture, Insurance Policies, Bank Deposits, National Saving Bonds, Gold, Immovable Property, Personal and Corporate Guarantee, Promissory Note, Letter of Comfort

Unit-7: Procedure of Recall and Recovery of Bank Loans

Unit-8: Trade Finance

- 8.1 Legal Characters of Demand Guarantees
- 8.2 Basic Features and Fundamental Principles of Letter of Credit

Unit-9: Law Relating to Negotiable Instruments

Unit-10: Law Relating to Foreign Exchange Management

Unit-11: Banking Offence and Punishment.

Unit-12: Prescribed Cases

- 12.1 *Binaya Kumar Upadhaya vs. Mina Sherchan.* NKP 2075 No. 8 D.N. 10065
- 12.2 *Sagar Sharma vs. Taxpayer Service Office.* NKP 2075 No. 8 D.N. 10041
- 12.3 *Padam Kumar Medhasi Shah vs. Universal Finance Ltd.* NKP 2073 D.N. 9578
- 12.4 *Advocate Lal Babahur Basnet vs. Government of Nepal.* NKP 2073 No. 3 D.N. 9357
- 12.5 *Bam Prakash Maskey vs. Nepal Bangladesh Bank Ltd.* NKP 2071 No. 11 D.N. 9297

Reading Materials

- Bank and Financial Institutions Act, 2073 B.S.
- Bank and Financial Institutions Loan Recovery Act, 2058 B.S.
- Bank and Financial Institutions Loan Recovery Rules, 2059 B.S.
- Banking Offence and Punishment Act, 2064 B.S.
- Foreign Exchange (Regulation) Act, 2019 B.S.
- Negotiable Instruments Act, 2034 B.S.
- Nepal Rastra Bank Act, 2058 B.S.
- Secured Transaction Act, 2063 B.S.
- Berterams, Roeland. **Bank Guarantee in International Trade** (3rd edn.). The Hague: Kluwer Law International. (2004)
- Elinger, E.P. Lomanicka et al. **Ellinger's Modern Banking Law** (1st edn.). New Delhi: Oxford University Press. (2011 First Indian Edition).
- Gupta, S.N. **The Banking Law in Theory and Practice** (3rd edn.). New Delhi: Universal Law Publishing. (1999)
- Hopgood, QC Mark. **Paget's Law of Banking.** London, Edinburgh &

- Dublin: Butterworths. (1996)
- Neupane, Awatar (Dr.). **Banking Law** (in Nepali). (1st edn.). Kathmandu: Pairavi Book House Pvt. Ltd. (2076 B.S.)
 - Regmi, Yogendra. **Modern Banking System of Nepal** (in Nepali). Eagle Eye Research Institute (Pvt.) Ltd. (2076)
 - Milnes, V.J.J. **The Law and Practice of Banking** Vol. I & II. (8th edn.). New Delhi: Universal Law Publishing. (1998)
 - N.J.A. **Compilation of Commercial Judgments, 2075** (in Nepali). Kathmandu: National Judicial Academy. (2075, Magh)

Private International Law

Course Title: **Private International Law**
Course No: Law 508
Duration of the Course: One Year (62 Hrs)
Year: III

Full Marks: 50
Pass Marks: 18
Level: LL.B.
Nature: Optional

Course Objectives:

The main objectives of the course are as follows:

- to understand the basic nature and application of private international law
- to analyze the provision of national legal system in which national courts deal with private law issues that arise in cross-border context
- to develop an appreciation of the role courts can play – in absence of statutory laws with respect to conflict of laws questions
- to analyze currents trends and development in the field of private international law

Unit-1: Introduction

- 1.1 Meaning and Nature of Private International Law
- 1.2 Scope and Application of Private International Law
- 1.3 Subject matter of Private International Law
- 1.4 Origin and Development of Private International Law
- 1.5 Difference between Public and Private International Law
- 1.6 Nepalese Experience on Private International Law Including Civil Code, 2074

Unit-2: Jurisdiction

- 2.1 Exercise of Jurisdiction by National Courts
- 2.2 Rules Determining the Jurisdiction of National Courts
- 2.3 The Jurisdictional competence of National Courts
 - 2.3.1 Actions in *rem*
 - 2.3.2 Actions in *personam*
- 2.4 Limitation on Exercise of Jurisdiction
- 2.5 Immunity from Suits

Unit-3: The Choice of Law

- 3.1 Connecting Factors and Foreign Element
- 3.2 Law Applicable to the Dispute of Conflict Cases
- 3.3 Characterization/Classification
- 3.4 Renvoi: Partial and Total Renvoi
- 3.5 Application of Renvoi

Unit-4: Application and Exclusion of Foreign Law

- 4.1 Substantive and Procedural Law Private
- 4.2 Law Governing Substantive Rights and Procedures
- 4.3 Exclusion of Foreign Law
 - 4.3.1 Revenue Law
 - 4.3.2 Penal Law
 - 4.3.3 Foreign Proprietary Legislation
 - 4.3.4 Foreign Laws Repugnant to Public Policy

Unit-5: Domicile, Nationality and Residence

- 5.1 Concept of Domicile
- 5.2 Acquisition of Domicile of Choice
- 5.3 Domicile of Origin and Domicile of Choice
- 5.4 Domicile of Dependent Persons
- 5.5 Domicile of Married Woman
- 5.6 Domicile: Nationality and Residence

Unit-6: Recognition and Enforcement of Foreign Judgments

- 6.1 Recognition of Foreign Judgments
- 6.2 Enforcement of Foreign Judgments
- 6.3 Execution of Foreign Judgments
- 6.4 Limitations to Enforcement of Foreign Judgments
- 6.5 Enforcement of Foreign Judgments in Nepal

Unit-7: Marriage, Divorce and Matrimonial Relief

- 7.1 Comparison of Marriage and Divorce Law
 - 7.1.1 Formalities of Marriage
 - 7.1.2 Capacity to Marry
 - 7.1.3 Consent of Parties
 - 7.1.4 Polygamous Marriage
- 7.2 Recognition of Foreign Divorce Decision

Unit-8: Children

- 8.1 Introduction
- 8.2 Jurisdiction in Matters of Parental Responsibility
- 8.3 Legitimacy
- 8.4 Legitimation
- 8.5 Adoption
- 8.6 Adoption by Foreign Parents
- 8.7 Guardianship and Custody

Unit-9: Law of Property

- 9.1 Immovable and Movable Properties
- 9.2 Jurisdiction and Applicable Law over Immovable Properties
- 9.3 Inheritance, Estate Administration and Succession
- 9.4 Partition (*Ansha Banda*) and Private International Law
- 9.5 Jurisdiction and Applicable Law of Movables
- 9.6 Assignment of Intangible Movables
 - 9.6.1 Debt
 - 9.6.2 Negotiable Instruments
 - 9.6.3 Shares and Securities

Unit-10: Contracts and International Commercial Arbitration

- 10.1 Applicable Law in Contractual Disputes

Private International Law

- 10.1.1 The Proper Law of Contract
- 10.1.2 Non-Contractual Obligation
- 10.2 Arbitration
 - 10.2.1 Law Governing Arbitration
 - 10.2.2 Law Applicable to The Substance
 - 10.2.3 Conflict Rules and Applicable Law
 - 10.2.4 Action Ability of Arbitral Awards

Unit-11: Applicable Law of Procedure

- 11.1 Substance and Procedure
- 11.2 Time and Model of Action
- 11.3 Burden of Proof and Evidence
- 11.4 Action and Extent of Remedy
- 11.5 Execution

Reading Materials

- *Muluki Civil Code*, 2074 B.S.
- Mutual Legal Assistance Act, 2070 B.S.
- Cheshire, North and Fawcett. **Private International Law**. Oxford: Oxford University Press (2010)
- Dicey, Morris and Collins. **Conflict of Laws**. London: Sweet and Maxwell. (2010)
- Diwan, Paras and Diwan, Peeyush. **Private International Law**. New Delhi: Deep & Deep Publications. (1998)
- **New York Convention on Recognition and Enforcement of Foreign Arbitral Awards, 1958**
- Padma, T. (Dr.). and Rao, K.P.C. **The Principle of Private International Law**, Hyderabad-2: Alt Publications. (2010)
- Sharma, Lokendra (Dr.). **Private International Law (Conflict of Laws)**. (in Nepali). (1st edn.). Kathmandu: Author himself. (2059 B.S.)

Intellectual Property Law

Intellectual Property Law

Course Title: Intellectual Property Law
Course No: Law 509
Duration of the course: One year [62 Hrs]
Year: III

Full Marks: 50
Pass Marks: 18
Level: LL.B
Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart the students knowledge of the meaning, kinds and sources of intellectual property law.
- to inculcate in them the understanding of the nature, kinds, ownership, transfer of ownership, fair use, infringement, remedies against infringement of copyright as provided in the laws of Nepal, USA, UK and India.
- to impart the students knowledge of the provisions of copyright and related rights provided by Berne Convention, TRIPS Agreements, Phonogram Convention, WIPO Copyright Treaty, and WIPO Performers and Phonogram Treaty.
- to acquaint the students with the nature and meaning of industrial property viz. trade mark, patent, industrial design, geographical indications, protection against unfair trade practices, trade secrets, etc.
- to enable the students to assess the benefits for Nepal from International Instruments dealing with intellectual property.
- Imparting of Knowledge of the above Course contents shall be carried out through Lecture, discussion, question-answer and problem solving methods of instructional techniques.

Unit-1: Introduction, Importance, and sources of Intellectual Property Law

- 1.1 Concept of Intellectual Property
 - 1.1.1 Importance of Intellectual Property
 - 1.1.2 Kinds of Intellectual Property
 - i) Industrial Property
 - ii) Copyright

- iii) Trademark, Design and Patent Right
- 1.2 Sources of Intellectual Property Law
- 1.3 Historical Development of Intellectual Property in Nepal

Unit-2: Meaning and Nature of Different Term of Intellectual Property and Remedies Against Infringement of Intellectual Property Rights:

- 2.1 Industrial Property
 - 2.1.1 **Patent:** Meaning and Nature of Patent, Term and Ownership of Patent, Acquisition of Patent Right, Infringement of Patent Right, Remedies against Infringement of Patent.
 - 2.1.2 **Trademark, Services Marks:** Meaning and Nature of Trademark, Acquisition of Trademark Right, Infringement of Trademark Rights, Remedies against Infringement of Trademark Rights
 - 2.1.3 **Industrial Design:** Meaning and Nature of Design, Term and Ownership of Design, Acquisition of Design Right, Remedies against Infringement of Design Right.
 - 2.1.4 Trade Secrets
 - 2.1.5 Traditional Knowledge
 - 2.1.6 Utilized Model
 - 2.1.7 Integrated Circuit
 - 2.1.8 Geographical Indication
- 2.2 Copyright Related Rights: Nature and Meaning of Copyright, Kinds of Copyright, Term and Ownership of Copyright, Right Conferred by Copyright, Infringement of Copyright, Remedies against Infringement of Copyright.

Unit-3: International Conventions on Intellectual Property

- 3.1 Paris Convention for the Protection of Industrial Property, 1883 (as revised in 1971)
- 3.2 Trademark Law Treaty, 1994
- 3.3 Nice Agreement Concerning the International Classification of Goods and Services, 1957
- 3.4 Berne' Convention for the Protection of Literary and Artistic Works, 1886 (Paris Text 1971)
- 3.5 Universal Copyright Convention (1972)
- 3.6 Hague Agreement Concerning the International Deposit of Industrial Designs, 1923
- 3.7 Locarno Agreement Establishing: International Classification of Industrial Designs, 1968
- 3.8 Rome Convention, 1961
- 3.9 Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), 1994
- 3.10 WCT, WPPT, 1996

Unit-4: Existing Legal Frameworks of Intellectual Property in Nepal

- 4.1 Provisions of Patent, Design and Trademarks Act (with Amendments)
- 4.2 Provisions of Foreign Investment and Technology Transfer Act, 2073 (with Amendments)
- 4.3 Export-Import (Control) Act, (with Amendments)
- 4.4 Copyright Act, 2002 (with Amendments)

Unit-5: Institutional Mechanism in Nepal

- 5.1 Functions of Industrial Property Section of Department of Industry
- 5.2 Functions of Nepal Copyright Registrar's Office
- 5.3 Functions of Nepal Copyright Protection Society

Intellectual Property Law

- 5.4 Function of Music Royalty Collection Society-Nepal
- 5.5 Functions of Computer Association of Nepal
- 5.6 Functions of Film Producer's Association
- 5.7 Functions of Film Development board
- 5.8 Function of Performer Society
- 5.9 Function of Music Performer Society

Unit – 6: Prescribed Cases

- 6.1 *Nur Pratap Rana vs. Department of Industry, Tripureshwor et al.* NKP 2062. Vol. 5. D.N. 7536, p. 539
- 6.2 *Suresh Chandra Agrawal vs. Department of Industry et al.* NKP 2049/791 S.C. D.N. 4605
- 6.3 *Rajeeb Jung Shah et al. vs. Inland Revenue Department et al.* NKP 2076. Vol. 7. D.N. 10315. p. 1493
- 6.4 *Dr. Daman Bahadur Amatya vs. Prem Dhoj Thapa* NKP 2067. Vol. 4. D.N. 8356. p. 650
- 6.5 *Karma Ghale vs. Anju Upreti Dhakal* NKP 2068 Vol. 3. D.N. 8577. p. 448

Reading Materials

- Company Act, 2063 B.S.
- Consumer Protection Act, 2075 B.S.
- Copyright Act, 2059 B.S.
- Copyright Rules, 2061 B.S.
- Competition Promotion and Market Protection Act, 2063 B.S.
- Electronic Transaction Act, 2063 B.S.
- Export-Import (Control) Act, 2013 B.S.
- Foreign Exchange (Regulation) Act, 2019 B.S.
- Foreign Investment and Technology Transfer Act, 2075 B.S.
- Patent, Design and Trademark Act, 2022 B.S.
- Chawla, Alka, **Copyright and Related Rights: National and International Perspective** (1st edn.). Macmillan India Ltd. (2007)

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- _____. "The Role of Intellectual Property in Economic Progress and Issues in Nepal", **Nyayadoot**. Kathmandu, Nepal: Nepal Bar Association. (2007)
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- _____. **Legal Aspects of Incorporated Property Rights with Special Reference to Industrial Property in Nepal** (Research). Faculty of Law. Tribhuvan University. (2001)
- _____. **Intellectual Property Law**. (1st edn.). Imadol, Lalitpur: Mission Legal Service Pvt. Ltd. (2015)
- Narayan, P. **Intellectual Property** (3rd edn.). New Delhi: Eastern Law House. 1990
- Sangal, P.S. **Intellectual Property Law**, New Delhi: R.K. Naroola. (1994)
- Shahalia, Manu Luv. **Perspective in Intellectual Property Law**. Universal Law Publishing Co. P. Ltd. (2003)
- Sople, V.V. **Managing Intellectual Property and the Strategic Imperative**, New Delhi: Prentice Hall of India P. Ltd. (2006)
- Upadhyaya, Lakshman Kumar (Dr.). **Intellectual Law Teaching and Research Situation in Nepal**. **WIPO Publication**. No. 664 (E) ISBN92-805-0200X (1988)
- Wadehra, B.L. **Law Relating to Patents, Trademarks, Copyrights, Designs and Geographical Indications**. (2nd edn.). India: Universal Law Publishing Co. P. Ltd. (2000)

Population Law

Population Law

Course Title: Population Law

Course No: Law 510

Duration of the course: One year (62 Hrs)

Year: III

Full Marks: 50

Pass Marks: 18

Level: LL.B

Nature: Optional

Course Objectives

The main objectives of this course are:

- to make students familiar with definition, scope and basic concept of Population and laws related to it
- to develop the knowledge and understanding of students about the population situation of Nepal and quality of life issues.
- to make students aware of the laws that impact population growth such as law and policy on Birth, Death, Migration, Marriage, Social Structure of Population etc.
- to inform about legal interventions for solving population related issues.
- to study about the law as an instrument for management of population.

Unit-1: Introduction

- 1.1 Meaning, Scope and Definition of Population Law
- 1.2 Population of Nepal (Size, Composition, Distribution, Desegregated Situation, Socio-Culture-Religious Context of Nepal)
- 1.3 Importance of Study on Population Law

Unit-2: Census Law

- 2.1 Law Relating to Census, Survey and Vital Events Registration
- 2.2 Population Policy of Nepal

Unit-3: Basic Knowledge of Demographic Components and Law Related there to

- 3.1 Fertility, Mortality and Migration
- 3.2 Laws on Citizenship

Population Law

- 3.3 Laws Relating to Registration of Birth and Deaths
- 3.4 Laws on Migration (Concept of Migration and Mobility, Types)
- 3.5 Permanent, Semi-Permanent Temporary and Seasonal)
- 3.6 Law on Marriage, Divorce and Judicial Separation
- 3.7 Causes and Consequences of Migration
- 3.8 Immigration, Emigration and Open Border

Unit-4: Major Factors that are Directly Related to Population

- 4.1 Growth of Population
- 4.2 Relation Between Urbanization and Population Growth
- 4.3 Religion and Population Growth
- 4.4 Culture and Population Growth

Unit-5: Population and Human Rights Issues

- 5.1 Concept of Human Rights and its Correlation with Population
- 5.2 Women's Reproductive Right (Including Fertility) as a Fundamental Right
- 5.3 Right to Basic Health Service as a Fundamental Right
- 5.4 Family Planning Laws of Nepal

Unit-6: Criminal Offences and Penology

- 6.1 Reproductive Health Related Offences and its Impact on Fertility (Infanticide, Rape, Bigamy, Incest, Adultery, Prostitution, Homosexuality, Third Sex)
- 6.2 Law Relating to Contraception and Abortion in Nepal
- 6.3 Law Relating to Religion and its Impact on Fertility

Unit-7: Institutional Arrangement for Population Management

- 7.1 Central Bureau of Statistics – Role and Functions
- 7.2 Ministry of Population and its Functions
- 7.3 Research Institution on Population

Unit-8: Recent Trends - Population and Environment

- 8.1 Basic Concept of Environment
- 8.2 Population Policy and Environment Policy
- 8.3 Population and Resource Management
 - 8.3.1 Population Management
 - 8.3.2 Resources Management
 - 8.3.3 Impact of Human Life

Reading Materials

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Course Title: Victimology

Course No: Law 511

Duration of the Course: One Year (62 Hrs)

Year: III

Full Marks: 50

Pass Mark: 18

Level: LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

- to impart students with knowledge about various aspects of Victimology.
- to acquaint students with rights of victims.
- to inform students about recent initiatives taken by states and non states actors on victim protection.
- to acknowledge students with national and international legal framework on Victimology.
- to help students analyses landmark decisions on victim justice and victim rights.

Unit-1: Conceptual Aspects of Victimology

- 1.1 Meaning and Definition of Victimology
- 1.2 Victim Justice versus Criminal Justice Interrelation
- 1.3 Evolution of Victimology and Victim Justice System
- 1.4 Victimological Development in Nepal

Unit-2: Crime Victims

- 2.1 Meaning and Definition of Crime Victims
- 2.2 Classification of Crime Victims
- 2.3 Rights of Crime Victim
- 2.4 Role of Crime Victim in Criminal Justice System
- 2.5 Crime Victim and Witness Assistance
- 2.6 Victim Support Measures

Unit-3: Victimology and Concerned Stakeholders

- 3.1 Investigator
- 3.2 Prosecutor

Victimology

- 3.3 Adjudicator
- 3.4 Defense Lawyer
- 3.5 Correctional implementation
- 3.6 Other Bodies

Unit-4: Legal Framework on Victimology

- 4.1 National Framework
 - 4.1.1 Constitution of Nepal, 2072 B.S.
 - 4.1.2 Crime Victim Protection Act, 2075 B.S.
 - 4.1.3 Other Laws
- 4.2 International Framework
 - 4.2.1 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (UN Declaration on Victims)

Unit-5: Commission of Inquiry

- 5.1 Concept and Purpose of Commission of Inquiry
- 5.2 Conflict Victims and Transitional Justice Processes
 - 5.2.1 Truth and Reconciliation of Commission
 - 5.2.2 Commission for the Investigation of Enforced Disappeared Persons(CIEDP)

Unit-6: Prescribed Cases

- 6.1 *Bhim Bahadur Oli vs. His Majesty's Government*. Writ 3394/061. D.D. 2062/10/18
- 6.2 *His Majesty's Government vs. Ansail Miya*. Cr. Appeal No 34422.062. D.D. 2064/1/14
- 6.3 *His Majesty's Government vs. Jugta Sada*. Cr. Appeal No 2291.057. D.D. 2062/12/7
- 6.4 *Krishna Bahadur Lama vs. Government of Nepal*. C.No.5257. D.D. 2061/9/6
- 6.5 *Rabindra Prasad Dhakal (on behalf of Rajendra*

Victimology

Pd. Dhakal) vs. Government of Nepal. 2064 (Disappeared Person) Habeas Corpus No. 2. D.N. 7817. p.179

Reading Materials

- Constitution of Nepal (2072 B.S.)
- Food Act, 2075 B.S.
- Foreign Employment Act, 2065 B.S.
- Human Rights Commission Act, 2053 B.S.
- Human Trafficking and Transportation (Control) Act, 2064 B.S.
- Muluki Criminal Procedure Code, 2074 B.S.
- Criminal Offences (Determination of Sentences and Execution) Act, 2074 B.S.
- Vehicle and Transportation Management Act, 2049 B.S.
- Crime Victim Protection Act, 2075 B.S.
- Enforcement Disappearances. Enquiry, Truth and Reconciliation Commission Act, 2071 B.S.
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
- Rome Statute of International Criminal Court, 1998
- Universal Declaration of Human Rights, 1948
- Ashutosh. **Rights of the Accused** (2nd edn.). Universal Law Publishing. (2014)
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Cyber Law

Cyber Law

Course Title: **Cyber Law**

Course No: Law 512

Duration of the Course: One Year (62 Hrs)

Year: III

Full Marks: 50

Pass Marks: 18

Level: LL.B.

Nature: Optional

Course Objectives

The main objectives of the course are:

- to impart to the students knowledge of meaning, origin, development and jurisdiction of cyber law.
- to impart them about nature, scope, new development and types of cyber crime.
- to enable the students to assess the challenges of cyberspace and benefits of ICT.

Unit-1: Cyber Jurisprudence

- 1.1 Introduction, Origin and Development of Cyber Law
 - 1.1.1 Evolution, Meaning and Nature and Development of Cyber Law
 - 1.1.2 Law and Technology, Technology and Development
 - 1.1.3 Information and Communication Technology and ICT Law of Nepal
 - 1.1.4 Computer and Network Systems
 - 1.1.5 Evolution, meaning of Internet and Virtual World
 - i) Internet Protocol
 - ii) Internet Service Provider (ISP)
 - iii) Electronic Data Interchange (EDI)
 - iv) Public Key Infrastructure and Electronic/Digital Signature
 - v) Basic of Computer
 - vi) Development of Computer Education in Nepal
- 1.2 Need and scope of the Study of Cyber Jurisprudence
- 1.3 Judicial Control and Jurisdiction of Cyber Law

Cyber Law

- 1.4 Internet Regulation; Content Regulation and its Authority
- 1.5 Issues and Challenges of Cyber Jurisprudence

Unit-2: Intellectual Property Rights, Computer Software and Cyberspace

- 2.1 Concept of Intellectual Property Rights.
- 2.2 Intellectual Property on Computer Software
- 2.3 Patenting Software Applications
- 2.4 Trademarks and Domain Names
- 2.5 Law Relating to Semi-conductor, Layout and Designs
- 2.6 Cyber Property and Internet
- 2.7 Provision of WIPO, Paris Convention

Unit-3: E-Commerce, Online business and Challenges

- 3.1 Meaning, Nature and Areas of E-Commerce
- 3.2 Digital Signature/Electronic Signature and Certifying Authority
- 3.3 Creation and Authentication of Electronic Records
- 3.4 Digital and Online Contracts
- 3.5 Data Protection and Privacy
- 3.6 Legal Issues of Digital/Electronic Signature
- 3.7 Consumer Protection in E-Commerce
- 3.8 UNCITRAL Model Law on E-Commerce 1996
- 3.9 Digital Number Plate on Vehicle

Unit-4: Cyber Crime

- 4.1 Basic Concept of Crime
- 4.2 Meaning, Modus Operandi, Nature, and Comparative Study of Cyber Crime in Modern Age
- 4.3 Common Types of Cyber Crime
 - 4.3.1 Against Individuals
 - i) Against Person

Cyber Law

- a) Harassment through E-mails
- b) Cyber-stalking
- c) Dissemination of Obscene Material on the Internet
- d) Defamation
- e) Hacking/Cracking
- f) Indecent Exposure.
- ii) Against Property of an Individual
 - a) Computer Vandalism
 - b) Transmitting Virus
 - c) Internet Intrusion
 - d) Unauthorized Control over Computer System
 - e) Hacking/Cracking.
- 4.3.2 Against Organizations
 - i) Against Government, Private Firm, Company, Group of Individuals: -
 - a) Hacking & Cracking
 - b) Possession of Unauthorized Information
 - c) Cyber Terrorism against the Government Organization
 - d) Distribution of Pirated Software etc
- 4.3.3 Against Society at Large and State
 - i) Pornography (Especially Child Pornography)
 - ii) Polluting the Youth through Indecent Exposure
 - iii) Trafficking
- 4.4 Investigation in Cyber Crime
 - 4.4.1 Investigation Authority & its Power
 - 4.4.2 Problems in Investigation
 - 4.4.3 Liability of Internet Service Provider
- 4.5 Jurisdiction of IT Tribunal and IT Appellate Tribunal

Cyber Law

- 4.6 European Convention on Cyber Crime 2001
- 4.7 Crime Relate Social Media and New Trends in Cyber Crime
- 4.8 Online Media Directives and NEWS Broadcast System.
- 4.9 Judicial Trends on Cyber Cases
- 4.10 New Trend
 - 4.10.1 Challenges in Mobile Law
 - 4.10.2 Legal Issues of Cyber Security
 - 4.10.3 Cloud Computing & Law
 - 4.10.4 Social Media & Legal Problems
 - 4.10.5 Spam Laws

Unit -5: Existing Legal Provisions of Cyber, Other Relevant Laws and Policies in Nepal

- 5.1 Provisions of Electronic Transactions Act, 2006
- 5.2 Related Provisions of Copyright Act, 2002 (with Amendments)
- 5.3 Provisions of Patent, Design and Trademark Act, 1965 (with Amendments)
- 5.4 Related provisions of Competition Promotion and Market Protection Act, 2006 (2063)
- 5.5 Information Technologies Policies 2000
- 5.6 Long Term Policies on Information and Communication 2002
- 5.7 IP Policy 2017
- 5.8 Governmental Organization that Accept Computer and Network in Their Daily Activity
- 5.9 Crypto Currencies, Artificial Intelligence, Robotics Science, Security Devices connected to Internet
- 5.10 Threat on Bank and Cyber Warfare

Cyber Law

Unit-6: Institutional Mechanism in Nepal:

- 6.1 Controller of Certifying Authority
- 6.2 Ministry of Science and Technology
- 6.3 Nepal Copyright Registrar Office
- 6.4 National Information Technology Center
- 6.5 High-Level Commission for Information Technology (HLCIT)
- 6.6 Computer Association of Nepal
- 6.7 Information and Technology Council (Newly Formed under Prime Minister)
- 6.8 Nepal Police Cyber Cell
- 6.9 Kathmandu District Court
- 6.10 Nepal Telecommunication Authority
- 6.11 Telecommunication Services Providers Company in Nepal
- 6.12 Department of Information
- 6.13 Press Council and Online Media Directives
- 6.14 Labor Law and Out Sourcing Business in Software
- 6.15 Supreme Court online system, Cause list and Court Procedure through Online.

Reading Materials

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- Export-Import (Control) Act, 2013 B.S.
- Foreign Investment and Technology Transfer Act, 2075 B.S.
- Patent, Design and Trademark Act, 2022 B.S.
- Copyright Act, 2059 B.S.
- Electronic Transaction Act, 2063 B.S.
- Electronic Transaction Regulation, 2064 B.S.
- Telecommunication Act, 2053 B.S.

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- Government Websites Design/Development and Management Guidelines, 2068 B.S.
- Individual Privacy Act, 2075 B.S.
- European Conventions on Cyber Crime, 2001
- WIPO Copyright Treaty, 1997
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