

Tribhuvan University Faculty of Law



Bachelor of Arts Bachelor of Laws (B.A.LL.B) Curriculum 2015

Integrated Course for Semester System

Curriculum Development Centre
Tribhuvan University
Kirtipur, Kathmandu
Nepal

Tribhuvan University

Faculty of Law



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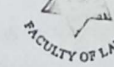


पत्र संख्या:-
Ref. No.
बसानी नं:-

त्रिभुवन विश्वविद्यालय

Tribhuvan University

कानून संकाय
FACULTY OF LAW



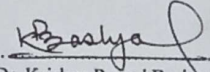
डीनको कार्यालय
DEAN'S OFFICE

मिति:
Date: 27th July, 2022

Foreword

The Faculty of Law, being one of the leading faculties of TU, prides itself in the uniqueness of its vision, mission and academic programs for legal education in the 21st century and is always sensitive to prepare competent human resources in the field of law and justice. As the foremost faculty of law under TU, it provides functional, cost effective and practice learning, which adds lifelong value to qualify education in law for all who seek knowledge and in implementing innovative methods that facilitate in enriching learning experience. The faculty of law equips students with the theory and practice of law, the principles of judicial process, legal development and legislative drafting. The B.A.LL.B. program equips students with basic legal education to enhance their career in legal field. The curriculum contains information that are vital to guide the students and to assist them in the course of their study, registration and the required number of core courses. I deeply acknowledge the contribution, guidance and assistance received from the members of the Academic Board of the Faculty. My sincere thanks goes to all the former Deans of the faculty, their guidance led to the final outcome of this edition of the curriculum.

Finally, with a hope of your constructive comments and suggestions to revamp the curriculum, I thank all who in one way or the other contributed to the success of this program and faculty as well.


Dr. Krishna Prasad Bashyal
Dean
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Foreword

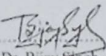
Faculty of Law (FoL), Tribhuvan University (TU) is the oldest and largest institute in the field of legal education at the national level. It has been recognised as a leading institution at the national and international level for imparting legal education. The FoL is always sensitive towards reviewing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

The new semester system of the Bachelor of Arts Bachelor of Laws (B.A. LL.B.) was implemented after the endorsement of the new curriculum from the Academic Year 2072/73 (2015AD) 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 Centre for Curriculum Development, TU for their support and publication of this curriculum on behalf of myself and the whole Faculty.


Prof. Dr. Biju Singh Sijapati
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Foreword

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मिति
Date 12 July 2015

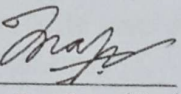
The Office of the Dean, Faculty of Law (FoL), Tribhuvan University is pleased to bring out this newly designed Curriculum for the Bachelor of Arts Bachelor of Laws (B.A.LL.B) as integrated courses for the Semester System. This new Semester System with this new Curriculum is planned to be implemented from the Academic Year 2072/73 BS.

This Curriculum is the outcome of a long exercise among the current and retired faculties and external experts on the subjects. The knowledge and experiences of the past and present curriculum both from Nepal and abroad as to various universities have fully been taken into account. It is hoped that this highly multi-disciplinary Curriculum will certainly meet both the theoretical and practical requirements of today's highly competitive legal markets both nationally and internationally.

The FoL is always sensitive towards reviewing the curriculum on a regular basis so as to meet the newly emerging and ever-changing needs and requirements for the development of competitive Legal Education in Nepal with high quality of teaching, research and professional performance. The major stakeholders of Nepal's legal education are always consulted for inputs. For example, the Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs; the Supreme Court; the Office of the Attorney-General; the Nepal Law Commission; the National Judicial Academy; the Judicial Training Centre; the Commission on the Investigation of the Disappeared Persons; the Nepal Bar Council; the Nepal Bar Association; the Supreme Court Bar Association with their expert representatives. In addition, the Truth and Reconciliation Commission; the UNDP Nepal and the Human Rights Cell of the European Commission for Nepal for Nepal Bar Association were also consulted. The FoL expresses its sincere gratitude to all the institutions and the experts who contributed to this Curriculum.

Finally, the FoL is highly pleased to the TU Curriculum Development Centre for the publication and the Strengthening the Rule of Law and Human Rights Protection System in Nepal Programme (RoLHR), UNDP in Nepal for the total undertaking of this Curriculum design to printing.

The FoL will be pleased to receive any comments and suggestions on this Curriculum for necessary reforms and changes in the future ahead.


Prof. Dr. Tara Prasad Sapkota
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Legal Education in Nepal

Background

The first elementary school for legal training, popularly known as *Sresta Pathsala*, was launched in 1905 AD to produce a number of clerical level trained human resources in the field of law and for the administration of justice. Later in 1954 AD to upgrade the status as well as the access to legal education, the first Law College (affiliated to Patna University in India) was established in Kathmandu. The objective of the then legal education was to produce law graduates who could take up specific jobs in the government and work as high-level legal professionals and practitioners.

The College was de-affiliated from Patna University and was placed under Tribhuvan University (TU) in 1959 AD. In 1971, the National Education System Plan (NESP) was introduced with the objective of producing necessary competent human resources at different levels and in different areas to meet the country's need of legal professionals and practitioners. To address the objective of NESP the Institute of Law was established in 1972 AD and was made responsible for formulating plans and policies to promote legal education in the country and also to undertake academic activities in legal sectors. Accordingly, the Institute started a 2-year of Certificate Level and a 3-Year of Diploma Level courses in law after matriculation.

TU undertook the task of making overall structural changes and converted the Institute of Law into the Faculty of Law (FoL) in 1984. The Semester System was superseded by Annual System. Likewise, the Certificate of Law (CL) was converted into the Proficiency Certificate Level in Law (PCL) and the Diploma in Law

(Dip. in Law) into Bachelor in Law (BL). The FoL was engaged in improving, developing and promoting legal education and conducting research activities.

With the restoration of multiparty democratic system in Nepal in 1990, TU restructured higher education in legal sector as the 3-Year Bachelor in Law (BL) after PCL, and later as the 3-Year Bachelor of Laws (LL.B) to be studied after having graduation in one of the other disciplines or faculties. The degrees of LL.B. and Master of Laws (LL.M) are being offered since 1996 with the revised and advanced curriculum to meet the needs of the time. Similarly, the FoL has also introduced the Degree of Doctor of Philosophy in Law (Ph.D) from 1997. All these programmes are open for foreign students as well.

Hence, TU realised the need to review the annual education system and decided to reintroduce semester systems in 2013. The Central Department of Humanities and Social Sciences, the Institute of Science and Technology the Faculty of Management and the Faculty of Education implemented semester system in 2014.

As regards this Faculty of Law, it has prepared a comprehensive and advanced a 10-semester-based curriculum for B.A.LL.B, early 2015 with the financial support of the Strengthening the Rule of Law and Human Rights Protection System in Nepal Programme (RoLHR), UNDP in Nepal. The Semester System will be introduced from the academic year 2073/2074 BS.

Rationale for Integrated B.A.LL.B Semester Programme

Based on the experiences of the past, the FoL apprehended the need of semester system for the effectiveness of both teaching

and research based activities, exams and results within the given time. This kind of integrated course is crucial for achieving the goal of legal excellence in the legal profession, judiciary, corporate sectors and other national agencies. This course will enrich law students with the firm grounding in Nepal's legal history, research methods and recent development in the world.

21st Century Legal education necessitates appropriate and adequate blending of doctrinal knowledge of law and the oriental professional lawyering skills. It also requires the capability of using the knowledge and skills in real life situations and practical cases. Legal education is an instrument, which prepares legal professionals for national development including private sectors. For the production of professionally skilled and trained human resources in legal sector, modern legal education has developed various methods and techniques. It is supposed to provide intensive theoretical knowledge and structured professional training in law. 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. Proper legal education has a great potential to influence the development of national legal system that helps to meet the needs of the country from domestic legal affairs to international relations, diplomacy, trade and investment.

Legal education needs theoretical knowledge of law pertaining to the cognitive and the affective domains as well as practical professional skills in drafting legal documents and pursuing all litigation procedures. Its objective is to provide arts and skills of

dispute resolution and also 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.

Objectives

The objectives of this newly integrated semester system are to:

- develop professional skills through moot court, client interviewing, mediation/conciliation etc. and to develop effective oral argument or advocacy;
- involve students into the practical application of the law through clinical education and seminars;
- familiarise with the various steps of the trial and hearing proceedings and techniques of cross examination of witness;
- impart legal knowledge from socio-cultural and development perspective;
- produce human resource, equipped with necessary skill, competence and integrity;
- inculcate in students a sense of responsibility towards the society, the nation and the world and of respect for human life;
- develop a base of legal excellence with international and indigenous understandings;
- develop a culture of research by the faculty and the students in order to understand the insights of law and justice
- produce legal human resource and professionals to enter the professions of law research, judicial and government services and legal consultants for public and private enterprises.

Duration and Academic Calendar

This is a full-time 10-Semester Course. So it is meant only to those students who are free to attend the classes in day shift. In the case of the government employee any other public body s/he will be required to submit an official letter of approval before admission. TU academic calendar will operate regularly.

Admission Requirements

Students must have completed the 10+2 or equivalent degree in any disciplines from officially recognised colleges or faculties by TU. The FoL conducts entrance exam of total 100 marks through subjective and objective tests. The subjective test carries 70 marks and the objective test carries 30 marks. Students desirous of studying B.A.LL.B program must have secured their position in the merit list of Entrance Exam. In addition, the FoL applies cut off percentage standard based on their qualifying degree i.e. 10+2 or equivalence for entrance exams to ensure high quality.

Require Notarised Documents

1. Mark-Sheet and Transcript certificates of +2 or its equivalence
2. Character Certificate from the related college or institution
3. Citizenship Certificate
4. Migration Certificate in the case of foreign student(s) studied in the college of foreign country
5. Any other documents that may be required by the FoL.

Placement of 10-Semester Curriculum

First Semester

Course Code No.	Course Titles	Nature of Courses	Credit	Page
Law 421	Legal Method	Compulsory	3	1
LNep 422	Legal Nepali-I	Compulsory	3	4
AEng 423	Alternative English (for Foreigners in Lieu of Legal Nepali)			7
LEng 424	Legal English-I	Compulsory	3	9
Ps 425	Political Science: Theory and Thoughts	Compulsory	3	12
Hist 426	History	Compulsory	3	17
SoAn 427	Sociology and Anthropology	Compulsory	3	20
Eco 428	Economics-I	Compulsory	3	24

Second Semester

Law 431	Jurisprudence-I	Compulsory	3	28
Law 432	Constitutional Law-I	Compulsory	3	31
Law 433	Property Law	Compulsory	3	35
LNep 434 AEng 435	Legal Nepali-II Alternative English (for Foreigners in Lieu of Legal Nepali)	Compulsory	3	40 44
LEng 436	Legal English-II	Compulsory	3	46
Ps 437	International Relations and Diplomacy	Compulsory	3	49
Eco 438	Economics-II	Compulsory	3	53

Third Semester

Law 439	Jurisprudence-II	Compulsory	3	57
Law 440	Constitutional Law-II	Compulsory	3	60
Law 441	Evidence Law	Compulsory	3	65
Law 442	Criminal Law-I	Compulsory	3	69
Law 443	Public International Law-I	Compulsory	3	75
Law 444	Legal Research Methodology	Compulsory	3	79

Fourth Semester

Law 445	Criminal Law-II	Compulsory	3	82
Law 446	Public International Law-II	Compulsory	3	87
Law 447	Comparative Law	Compulsory	3	90
Law 448	Family Law	Compulsory	3	94
Law 449	Law of Contract-I	Compulsory	3	98
Law 450	Procedural Law-I	Compulsory	3	107

Fifth Semester

Law 471	Law of Contract-II	Compulsory	3	110
Law 472	Criminology and Penology	Compulsory	3	116
Law 473	Procedural Law-II	Compulsory	3	121
Law 474	Company Law and Governance	Compulsory	3	125
Law 475	Clinical Law I – Alternative Dispute Resolution	Compulsory	3	130
Law 476 Law 477 Law 478 Law 479	1. Juvenile Delinquency 2. Election Law 3. Cyber Law 4. International Air and Space Law	Optional (any one of this group)	3	131 138 141 146

Sixth Semester

Law 480	Corporate Law and Management	Compulsory	3	149
Law 481	Nepalese Legal System	Compulsory	3	154
Law 482	Intellectual Property Law	Compulsory	3	158
Law 483	International Institutions and Human Rights Law	Compulsory	3	163
Law 484	Interpretation of Law	Compulsory	3	171
Law 485 Law 486 Law 487 Law 488	1. Law of Torts and Consumer Protection 2. Insurance Law 3. Socio-Economic Crime 4. International Humanitarian Law	Optional (any one of this group)	3	175 178 182 186

Seventh Semester

Law 521	Gender and Inclusive Justice	Compulsory	3	191
Law 522	Law, Poverty and Development	Compulsory	3	198
Law 523	Environmental Law	Compulsory	3	203
Law 524	Seminar-I (Doctrinal)	Compulsory	3	211
Law 525	Labour Law	Compulsory	3	212
Law 526	1. Forensic Science	Optional (any one of this group)	3	217
Law 527	2. Fiscal Law			222
Law 528	3. Natural Resources Law			226
Law 529	4. International Refugee Law			231

Eighth Semester

Law 530	Professional Ethics and Lawyering Skills	Compulsory	3	236
Law 531	Moot Court-I (Civil Case)	Compulsory	3	241
Law 532	Private International Law	Compulsory	3	242
Law 533	Administrative Law	Compulsory	3	245
Law 534	Clinical Law-II (Conveyancing)	Compulsory	3	248
Law 535	1. International Rivers and Sea Law	Optional (any one of this group)	3	249
Law 536	2. Forensic Medicine			260
Law 537	3. Investment Law			264
Law 538	4. Media Law			269

Ninth Semester

Law 571	Moot Court-II (Criminal Case)	Compulsory	3	273
Law 572	Law of Banking and Negotiable Instruments	Compulsory	3	274
Law 573	Legislative Drafting	Compulsory	3	280
Law 574	Taxation Law	Compulsory	3	283
Law 575	Seminar-II (Non-Doctrinal)	Compulsory	6	288
Law 576	1. Energy Law	Optional (any one of this group)	3	290
Law 577	2. Victimology			295
Law 778	3. Population Law			299
Law 579	4. Competition Law			302

Tenth Semester

Law 596	Clinical Law-III (Placement)	Compulsory	6	306
Law 597	Social Welfare and Social Work Law	Compulsory	3	307
Law 598	International Trade Law	Compulsory	3	310
Law 599	Dissertation	Compulsory	6	316

Curriculum Summary

There are 77 subjects in total out of which 57 are compulsory and 20 optional having 18 to 21 credits per semester. The subjects of Humanities and Social Sciences are 15 remaining the rest under the discipline of law. The total Credit is 189 and one Credit consists of 16 hours. There are two compulsory subjects as alternatives for foreign students as Legal English instead of Legal Nepali. At the end, students complete 55 compulsory and five optional subjects/courses through both internal and external exams for obtaining the B.A.LL.B Degree.

Teaching Methods

The methods of teaching shall be based on lectures, discussions, tutorials, case studies, research, simulation, moot-court, seminars, workshops, role-playing, problem-solving, self-study, book/article reviews, class presentations, etc. The main features of teaching methods include inter-disciplinary approach with Socratic and participatory methods. Guest lectures by eminent personalities will be an integral part of teaching and research. The medium of teaching and research is English unless it is specified otherwise.

Teaching and Reading Materials

Teachers and students must take references of all legal materials such as the constitutions, legislation, rules and regulations, guidelines, including policies and directives issued by the competent authorities both at national and international levels - at least up to the period of the past six months from the date of the completion of the courses and subsequent exams. Further, both teachers and students are required to refer to the latest editions of reference materials as prescribed and those newly published during the academic periods. In addition to the reference materials prescribed for each of the courses, recent reading materials shall be updated regularly in the website of the FoL at www.fol.edu.np.

Research Activities

The Research unit/cell of the Faculty of Law regularly conducts research projects by involving teachers and students as far as possible. Other activities include organising seminars, workshops and interaction programmes regularly. The TU Centre for Human Rights (TUCHR) and the TU Centre for

Environmental Law (TUCEL) are also involved in academic research and training activities.

The Clinical Law Programme established at Nepal Law Campus also offers practical learning opportunities for students.

Law Journals/Magazines

The FoL is considering the publication of various thematic journals in future. Currently, the Nepal Law Review, published by the Nepal Law Campus, Kathmandu, is the most useful resource material for students.

In addition, students are advised to consult the following law journals and from Nepal and abroad as related to the subject matters:

In Nepali

Nepal Kanoon Patrika (NKP),

Nyayadoot, Nepal Bar Association

Kanoon, Lawyers' Club

In English

Nepal Law Review, Nepal Law Campus, FoL, T, U.

Annual Survey of Nepalese Law/Nepal Bar Council Law Journal,

Nepal Bar Council

NJA Journal, National Judicial Academy

Supreme Bar Journal, Supreme Court Bar Association, Nepal

Business Law Journal, Commercial Law Society, Nepal

Libraries

All of the eight constituent and affiliated campuses/colleges have their own libraries and computer labs as necessary. For more

access to literature and legal materials, the following libraries can also be consulted:

1. Tribhuvan University Central Library
2. Supreme Court Library
3. Nepal Bar Association Library
4. Library of Ministry of Law and Justice
5. Central Law Library
6. The American Center, The American Library
7. British Council Library
8. Water and Energy Commission Secretariat Library

Internal Evaluation and Final Exams

The exams are conducted as internal and external as final through written in-class assessments and written in each semester. Internal assessments are conducted by the concerned class teachers. Final board exam of each semesters are carried by the FoL. The course of Legal Research Methodology and practical ones such as Clinical Law, Seminar and Dissertation carry internal and external evaluation marks plus viva-voce/interview as specified. The theoretical subjects carry 40% marks from internal assessment based on class attendance, assignment, presentation and project work etc. with the pass mark of 50%. Meanwhile, in case the percentage of marks obtained in internal exam exceeds the semester-end examination marks by more than 20%, the marks obtained in the internal exam will be adjusted only up to 20%.

No student shall be allowed to proceed from the one semester to the other without obtaining pass mark at least in one subject. Students failing in not more than two subjects throughout the 10 semesters shall be given the chance for make-up exams in the following cycle of regular exams and

within one month after the publication of final result of 10th semester. In addition, 80% of class attendance is mandatory.

In case of failure but with reasonable justifications, students with 70% attendance shall be given a chance to appear in the exam with the submission of required documents or certificate(s). TU rules and procedures shall equally be applicable.

Curriculum Revision and Development

The Twenty-Seven-members of Faculty Board and the Seven Subject Committees (Jurisprudence, International Law, Constitutional Law, Family and Commercial Law, Procedural Law, Criminal Law and Humanities and Social Sciences) will revamp the curriculum determining the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of TU taking into account the emerging international trends.

Legal Method

First Semester

Course Code: Law 421

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

Legal method is the overall study of and orientation to the discipline of law, legal system, judicial functions and legal profession, and legal aid schemes in Nepal. The objective of this course is to familiarise students with the fundamental tools and techniques essential to law practice, including research methods, analysis, organisation, drafting skills and preparing legal documents. The course also covers the available findings of law and legal materials found through primary and secondary sources.

Unit 1: Introduction to Legal Method (10 hrs)

- 1.1 Meaning and Definition of Law
- 1.2 Law as a Separate Discipline
- 1.3 Classification of Law
- 1.4 Concept of Legal Method
- 1.5 Importance of Legal Method
- 1.6 Approaches to Legal Method

Unit 2: Legal Research and Legal Writing (10 hrs)

- 2.1 Legal Research and Legal Writing
- 2.2 Kinds of Legal Research
- 2.3 Judge Made Law and Uses of Legal Reasoning
- 2.4 Deductive and Inductive Reasoning
- 2.5 Fallacies – Typical Errors in Reasoning

- 2.6 Legal and Non-Legal and Authoritative and Non-Authoritative Legal Materials
- 2.7 Finding out the Law

Unit 3: Functions of Law (8 hrs)

- 3.1 Law as an Instrument of Regulating Human Behavior
- 3.2 Law as an Instrument of Justice
- 3.3 Law as an Instrument of Political Order
- 3.4 Law as an Instrument of Social Welfare, Social Change and Social Control
- 3.5 Law as an Instrument of Environmental Protection
- 3.6 Law as an Instrument of Development

Unit 4: Introduction to Nepalese Legal System (11 hrs)

- 4.1 Salient Features of Nepalese Legal System
- 4.2 Making, Implementation and Interpretation of Law
- 4.3 Fundamental, General and Specific Laws
- 4.4 Public and Private Laws
- 4.5 Judicial System of Nepal
 - 4.5.1 Hierarchy of Courts
 - 4.5.2 Jurisdiction of Courts
 - 4.5.3 Tribunals and Quasi-Judicial Bodies

Unit 5: Legal Profession and Ethics (9 hrs)

- 5.1 Legal Education
- 5.2 Professional Ethics and Code of Conduct for Lawyers, Judges and Public Prosecutors
- 5.3 Bar-Bench Relations
- 5.4 Functions of Nepal Bar Council
- 5.5 Notary Public
- 5.6 Pro-Bono Services
- 5.7 Legal Aid

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Legal Nepali-I

First Semester
Course Code No: LNep 422
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

पाठ्यक्रमको तहगत उद्देश्य
यस पाठ्यक्रमको उद्देश्य विद्यार्थीहरूलाई नेपाली भाषाको सामान्य अध्ययनपछि कानुनी क्षेत्रमा प्रयोग हुने कानुनी भाषाका बारेमा विशेष ज्ञान उपलब्ध गराउनु हो । यसअन्तर्गत भाषा र भाषिकाको प्रयोजनप्ररक भेदहरूका बारेमा सैद्धान्तिक एवं व्यावहारिक ज्ञान, नेपालमा प्रचलित विभिन्न राष्ट्रिय भाषा र भाषिकाहरूमा प्रयुक्त व्याकरणका साथै पदावली र शब्दावलीका बारेमा शिक्षा प्रदान गरिन्छ । यसमा कानुनी नेपाली पदावलीहरूको परिचयका साथै तिनीहरूको विशिष्ट प्रयोग, वर्गीकरण र विश्लेषण गर्दै सामान्य भाषा र कानुनी भाषामा प्रयुक्त भिन्नहरूका केही प्राविधिक एवं पारिभाषिक शब्दहरूको निर्वचन, शब्दार्थज्ञान र प्रयोगात्मक अभ्यासबाट भाषिक अभिव्यक्तिको क्षमता वृद्धि गरिन्छ ।

१. भाषा परिचय (२२ घण्टा)

- १.१ भाषाको सामान्य परिचय
- १.२ भाषाका विशेषताहरू
- १.३ नेपाली भाषाको उत्पत्ति, विकास र वर्तमान स्थिति
- १.४ नेपाली भाषाका क्षेत्रीय भाषिकाहरूको परिचय
- १.५ नेपालमा बोलिने नेपालका केही राष्ट्रिय भाषाहरूको सङ्क्षिप्त परिचय
- १.६ भाषाको प्रयोजनप्ररक पक्ष
- १.७ प्रयोजनप्ररक भाषाको परिचय र व्यवहार क्षेत्र
- १.८ कानुनी नेपाली भाषाको सामान्य परिचय र वर्गीकरण
- १.९ सामान्य नेपाली र कानुनी नेपाली भाषामा पाइने अन्तर

२. नेपाली साहित्यिक रचनाहरूको अध्ययन र समीक्षा (२६ घण्टा)

- २.१ कविता
लक्ष्मीप्रसाद देवकोटा – यात्री
भूपि शेरचन – हामी
- २.२ कथा
पुष्कर शम्शेर – परिवन्द
विश्वेश्वरप्रसाद कोइराला – दोषी चश्मा
- २.३ निबन्ध
शंकर लामिछाने – गोधूलि संसार
कृष्णचन्द्र सिंह प्रधान – मेरो यात्रा : टुकुचादेखि विष्णुमतीसम्म
- २.४ एकाङ्की
विजय मल्ल – पुराणको हराएको पाना

सन्दर्भ सामग्रीहरू

- दयाराम श्रेष्ठ (सं.), पुष्कर शमशेरका कथाहरू, ललितपुर: साभा प्रकाशन, २०४४ ।
लक्ष्मीप्रसाद देवकोटा, *भिखारी*, ललितपुर: साभा प्रकाशन, २०५१ ।
बालकृष्ण पोखरेल, *राष्ट्रभाषा*, ललितपुर: साभा प्रकाशन, २०५५ ।
गोविन्द घिमिरे, *कानुनी नेपाली भाषा*, ललितपुर: साभा प्रकाशन, २०६८ ।
ऐं, *प्रयोजनप्ररक नेपाली*, ललितपुर: साभा प्रकाशन, २०६७ ।
रुद्र खरेल, *विशेष नेपाली*, काठमाडौं, पैरवी प्रकाशन, २०५५ ।
साभा प्रकाशन, *नेपाली साहित्यिक रचना*, ललितपुर: साभा प्रकाशन, २०७१ ।
विष्णु लुइटेल्, *तत्सम शब्दको वर्णविन्यास*, ललितपुर: साभा प्रकाशन, २०५३ ।
नेपाली बृहत् शब्दकोश, काठमाडौं: नेपाल प्रज्ञा प्रतिष्ठान, २०७२ ।
चूडामणि बन्धु (सं.), *नेपाली एकाङ्की* (भाग ३), ललितपुर: साभा प्रकाशन, २०४० ।

ऐं, साभा कविता, ललितपुर: साभा प्रकाशन, २०४९ ।
भैरव अर्याल, साभा निबन्ध, ललितपुर: साभा प्रकाशन, २०६८ ।
मुलुकी ऐन, २०२०, काठमाडौं: कानून किताब व्यवस्था समिति, २०६६ ।
टोपबहादुर सिंह, कानुनी शब्दकोश, काठमाडौं: पैरवी प्रकाशन, २०७२ ।
शङ्करकुमार श्रेष्ठ, नेपाली कानुनी शब्दकोश, काठमाडौं: पैरवी प्रकाशन, २०६९ ।
ज्ञान्दबहादुर श्रेष्ठ, कानुनी लिखतका मसौदा, काठमाडौं: पैरवी प्रकाशन, २०६७ ।
नेपाल कानून पत्रिकामा प्रकाशित विभिन्न फैसलाहरू ।
कानून, न्यायदूत, सर्वोच्च बार जर्नल, पैरवी तथा कानूनसम्बन्धी अन्य पत्रिकामा
प्रकाशित सामग्रीहरू ।

Alternative English

(For Foreigners in Lieu of Legal Nepali)

First Semester

Course Code No: LEng 423

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

This course is designed for non-Nepali-speaking students who, after the completion of the course, will have better insight into the working life as lawyers. So, the objective of this course is to provide them with the knowledge of various aspects of subject matters of law, legal language, grammar, etc., including western philosophy of law and their analysis.

Unit 1: Plain Language for Lawyers (10 hrs)

- 1.1 Fundamentals
- 1.2 Overused Words and Formulas
- 1.3 Little Words: Big Problems
- 1.4 What about the Rules of Legal Interpretation

Unit 2: Plato and Aristotle (10 hrs)

- 2.1. Plato: Virtue is Knowledge
Justice
Education
- 2.2 Aristotle: The Rule of Law: The New Art of the Statesman

Unit 3: Study on Philosophy (I) (10 hrs)

- 3.1 The Foundation of Logic

- 3.2 Democracy and Aristocracy
- 3.3 The Roman Lawyers
- 3.4 Matter and Mind

Unit 4: Study on Philosophy (II) (10 hrs)

- 4.1 Benedetto Croce: The Philosophy of the Spirit
- 4.2 Bertrand Russell: The Logician
- 4.3 Intelligence and Morals
- 4.4 John Stuart Mills on Liberty

Unit 5: Socialist Philosophy (8 hrs)

- 5.1 Marxist Literary Theory and Criticism
- 5.2 Orientalism
- 5.3 Ideology
- 5.4 Gender

References

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- Asprey, Michele M., *Plain Language for Lawyers*, (4th Ed.), New Delhi: Universal Law Publishing, 2011.
- Durant, Will, *The Story of Philosophy*, New Delhi: Oxford University Press, 2006.
- George, H., Sabine, Thomas & L. Thorson, *A History of Political Theory*, Illinois: Dryden Press, 1973.
- Jeremy, Hawthorn, *A Glossary of Contemporary Literary Theory* (4th Ed.), Haryana: Replica Press Pvt. Ltd., 2011.

Legal English–I

First Semester

Course Code No: LEng 424

Credit: 3

Duration: 48 Hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to make students familiar with the grammar of spoken and written English, and improve their ability to prepare general legal documents and memoranda in English. They will also learn the basic usage of contemporary English, and enhance proficiency in understanding legal texts and materials, and be skilled in presentations at different events and forums, including courts.

Unit 1: Grammar (8 hrs)

- 1.1 Speech Sounds and Transcription
- 1.2 Stress, Intonation
- 1.3 Varieties of English (A Communicative Grammar of English: Part One)
Grammar in Spoken and written English; Levels of Uses: the 'Common Core'; Geographical and National Varieties; Formal and Informal English; Impersonal Style; Polite and Familiar Language; Tactful and Tentative Language; Literary, Elevated or Rhetorical Language.

Unit 2: Grammar in Use: Section A and B: Concepts (8 hrs)

- 2.1 Nouns
- 2.2 Articles

- 2.3 Tenses
- 2.4 Condition and Contrast
- 2.5 Statements, Questions and Responses
- 2.6 Denial and Affirmation
- 2.7 Agreement and Disagreement
- 2.8 Degrees of Likelihood
- 2.9 Attitudes to Truth

Unit 3: Grammar in Use: Section C and D (8 hrs)

- 3.1 Emotive Emphasis
- 3.2 Permission and Obligation
- 3.3 Friendly Communication
- 3.4 Vocative
- 3.5 Linking Signals
- 3.6 Dividing the Message into Tone Unit
- 3.7 Fronted Topic and Inversion
- 3.8 Cleft Sentence
- 3.9 Prepositions

Unit 4: Plain Language (8 hrs)

- 4.1 What is Plain Language?
- 4.2 Structure
- 4.3 Words
- 4.4 Legal Affectations and Nasty Habit
- 4.5 Plain Language Vocabulary

Unit 5: The Language of the Law (8 hrs)

- 5.1 Nature/ Functions of Legal English
- 5.2 Features of Legal English
 - 5.2.1 Types of Legal English

- 5.2.2 Language of the Courts
- 5.2.3 Development of Modern Legal English
- 5.2.4 Sources of Legal English
- 5.2.5 What Makes Legal Language Difficult
- 5.2.6 Legal Terms of Arts
- 5.2.7 Legal Jargons
- 5.2.8 Legal Meaning May Differ from General English

Unit 6: Basic Standard of Legal Writing (8 hrs)

- 6.1 Elements of Good Style: Clarity, Consistency and Effectiveness
- 6.2 What is to Avoid
- 6.3 British and American English

References

Books

- Michele, M. Asprey, *Plain Language for Lawyers* (4th Ed.), New Delhi: Universal Law Publishing Co. PVT. LTD., 2011.
- Rupert, Haigh, *Legal English*, (3rd Ed.), London: Routledge, 2012 (Special Indian Edition).
- Geoffrey, Leech & Jan, Svartvik, *A Communicative Grammar of English* (3rd Ed.), New Delhi: Routledge, 2009.
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- Sharma, Sirjana, *Sharpen Your English Vocabulary*, Kathmandu: Sirjana Sharma, 2072 BS.
- Shrestha, Shanker Kumar, *Dictionary of Law and Justice* (2nd Ed.), Kathmandu: Pairavi Prakashan, 2012.

Political Science: Theory and Thoughts

First Semester

Course Code: PS 425

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objective of this course is to provide basic knowledge about the concepts, thoughts and theories of political philosophy and science. The course includes the nature and the kinds of states, sovereignty, governments and their functioning, including their interrelationship with the subject of law.

Unit 1: Introduction to Political Science and Political Thought (5 hrs)

- 1.1 Definition, Nature and Scope of Political Science
- 1.2 Methods of Political Science and Its Relations to Other Sciences

Unit 2: Theory and Nature of State (5 hrs)

- 2.1 Theory of Origin of State
- 2.2 Nature of State
- 2.3 Historical Development of the State
- 2.4 Concept of Welfare State

Unit 3: Sovereignty and Law (4 hrs)

- 3.1 Nature of Sovereignty, Characteristics of Sovereignty
- 3.2 Austin's Theory of Sovereignty
- 3.3 Classification of Sovereignty

- 3.1.1 Legal and Political Sovereignty
- 3.1.2 *De Jure* and *De Facto* Sovereignty
- 3.4 Law as the Expression of General Will

Unit 4: Forms of Government (8 hrs)

- 4.1 Law as the Expression of General Will
- 4.2 Presidential and Parliamentary Forms of Governments
- 4.3 Unitary and Federal Governments
- 4.4 Organs of a Government: Legislature, Executive and Judiciary

Unit 5: Democracy (4 hrs)

- 5.1 Theory of Separation of Power and Check and Balance
- 5.2 Principles of Democracy
- 5.3 Welfare State and Democracy in Modern Times
- 5.4 State and Non-State Actors in Democracy
- 5.5 Challenges of Democracy

Unit 6: Political Parties and Adult Franchise (5 hrs)

- 6.1 Political Parties in Adult Franchise
- 6.2 Concept and Development of Adult Franchise
- 6.3 Electoral System and Representation
- 6.4 Types of Electoral System and Representation

Unit 7: Political Thoughts (15 hrs)

- 7.1 Plato: Justice and Ideal State
- 7.2 Aristotle: State, Classifications of Governments and Citizenship
- 7.3 Cicero: Concept of Law
- 7.4 Machiavelli: Statecraft
- 7.5 Karl Marx: Dialectical Materialism, Class Struggle,

- Surplus Value, and Withering Away of the State
 7.6 Gandhi: Theory of Non-Violence
 7.7 J.S. Mill: Liberalism

References

Books

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- Asirvatham, Eddy & Misra, K.K., *Political Theory*, New Delhi: S. Chand & Company, 2011.
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- Shiwakoti, Gopal, *Rajaniti Bicharadhara Ra Bishleshan* (in Nepali), Kathmandu: Pairavi Prakashan, 2072 BS.
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- , *Nepal: Political Parties and Parliament*, New Delhi: Adroit Publications, 2004.
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- Laski, Harold J., *Grammar of Politics*, Delhi: Surjeet Publications, 2012.

- Surplus Value, and Withering Away of the State
- 7.6 Gandhi: Theory of Non-Violence
- 7.7 J.S. Mill: Liberalism

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- Asirvatham, Eddy & Misra, K.K., *Political Theory*, New Delhi: S. Chand & Company, 2011.
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- Hadenius, Alex (ed.), *Democracy's Victory and Crisis*, Cambridge: Cambridge University Press, 1997.
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Siwakoti 'Chintan', Gopal, "The Role of Civil Society and Democratization in Nepal: Human Rights Perspectives" in Ananda Shrestha (ed.), *The Role of Civil Society and Democratization in Nepal, Kathmandu: Nepal Foundation for Advanced Studies & Friedrich-Ebert Stiftung* (1998).

History

First Semester

Course Code: Hist 426

Credit: 3

Duration: 48 hrs

Pass Mark: 50%

Nature: Compulsory

Course Objectives

The objective of this course is to provide general knowledge of political and legal history of Nepal from ancient times to the present. The course covers the major political events, uprisings and movements as well as the achievements made through constitutional documents for state functioning, including the role of the judiciary and other players.

Unit 1: Introduction (4 hrs)

- 1.1 Origin of Nepal Valley and an Antiquity of the Word 'Nepal'
- 1.2 *Gopala, Mahisapala and Kirat Dynasties*
- 1.3 Lumbini and Janakpur
- 1.4 Ancient and Medieval Nepal

Unit 2: Ancient and Medieval Nepal (8 hrs)

- 2.1 *Licchavi Period – Origin History*
- 2.2 *Early Medieval Period – Nepal Mandala, Khasa Kingdom and Simrongarh*
- 2.3 *Later Medieval Period – Malla, Baise-Chaubise and Sen Kingdoms*

Unit 3: Unification and After (8 hrs)

- 3.1 *Creation of Modern Nepal – Prithivi Narayan Shah, Rajendra Laxmi, Bahadur Shah and Bhimsen Thapa*

- 3.2 Nepal- Tibet-Wars and Betrabi Treaty (1792)
- 3.3 Anglo- Nepal War and Sugauli Treaty (1816)
- 3.4 Political Instability in Nepal (1837-46)

Unit 4: Rana Regime (10 hrs)

- 4.1 Assassination of Mathbar Singh Thapa with the Rise of Jang Bahadur and foundation of Rana Rule
- 4.2 Conspiratorial Politics – Assassination of Ranaudip, Bir Dev's Expulsion, Chandra Shamsheer's 1923 Treaty and Expulsion of 'C' Class Ranas
- 4.3 Relations with Tibet, China and the British Thapathali Treaty (1856)
- 4.4 1950 Movement and End of Rana Rule

Unit 5: Political Experiments (1951-90) (10 hrs)

- 5.1 1950 Movement and the End of Rana Rule
- 5.2 Political Instability (1951-58)
- 5.3 Parliamentary Rule (1959-60)
- 5.4 Panchayat Era with Special Reference to Second Constitutional Amendment (1975) and National Referendum (1980)
- 5.5 1990 Movement

References

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Sociology and Anthropology

First Semester

Course Code: SoAn 427

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The general objective of this course is to familiarize students with the nature and structure of Nepali society, culture and institutions in relation to law and justice. Students are expected to be able to understand local, national and global processes of rapid social and cultural change and critically think and analyse those issues in the context of Nepal from legal perspectives.

Unit I: Introduction to Basic Concepts (6 hrs)

- 1.1 Meaning and Definition of Sociology and Anthropology
- 1.2 Similarities and Differences between Sociology and Anthropology with Other Social Sciences (Political Science, History, Economics, Psychology, Law, Linguistic and Medical Anthropology)
- 1.3 Branches of Sociology and Anthropology
- 1.4 Origin and Development of Sociology and Anthropology
- 1.5 Society, Culture, Social Stratification and Differentiation
- 1.6 Status and Role, Caste and Class
- 1.7 Religion, Norms and Values
- 1.8 Social Relationship, Social Structure, Habit, Custom and Relationship
- 1.9 Custom and Social Codes
- 1.10 Leadership, Propaganda, Public Opinion
- 1.11 Function and Dysfunction

Unit 2: Development Process (6 hrs)

- 2.1 Concept, Growth and Development and Transformation
- 2.2 Planned and Induced Development
- 2.3 Development from above and Development from Below
- 2.4 Development Process: Modernization, Westernisation and Globalisation
- 2.5 Conflict and Development: Spatial, Social, Cultural, Economic, Political and Psychological Roots

Unit 3: Sociology and Anthropology of Law (4 hrs)

- 3.1 Historical Background
- 3.2 Classification of the Sociology and Anthropology of Law

Unit 4: Socialisation and Acculturation (4 hrs)

- 4.1 Meaning, Stages and Agents
- 4.2 Nature-Nurture Debate
- 4.3 Differences between Human and Animal
- 4.4 Differences between Socialisation
- 4.5 Assimilation and Acculturation

Unit 5: Social Institutions (6 hrs)

- 5.1 Marriage, Family and Kinship
- 5.2 Types, Characteristic and Functions

Unit 6: Personality and Culture (4 hrs)

- 6.1 Definition
- 6.2 Biological and Social Factors Influencing Personality

Unit 7: Uses of Sociology and Anthropology (4 hrs)

- 7.1 Use of Sociological and Anthropological Knowledge in Solving Problems

- 7.2 Use of Sociological and Anthropological Inputs for Making Law
- 7.3 Indigenous Knowledge of Social Justice

Unit 8: Cultural and Social Change (4 hrs)

- 8.1 Definition, Causes, Factors and Consequences of Cultural and Social Changes
- 8.2 Differences between Social and Cultural Change

Unit 9: Discussion on Contemporary Social Issues (10 hrs)

- 9.1 Social Inclusion and Positive Discrimination
- 9.2 Unemployment and Labour Migration
- 9.3 Problem of Untouchability
- 9.4 Women and Domestic Violence
- 9.5 Federalism and Restructuring of State and Law

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Economics-I

First Semester

Course Code: Eco 428

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The main objective of this course is to acquaint students with the basic concept and knowledge of contemporary economics theory, principles and practices both at micro and macro levels; to make familiar with economic terminologies, words and phrases. The course further describes Nepal's own natural, physical and human resources and contemporary problems, and efforts made for resolving them.

Unit 1: Principles of Economics (12 hrs)

- 1.1 Definition - Adam Smith, Marshall, Robbins; Green Economy
- 1.2 Scope, Subject Matter and Nature of Economics
- 1.3 Approaches of economics
 - 1.3.1 Micro and Macro Approach, Meaning and Importance
 - 1.3.2 Positive and Normative Economics
- 1.4 Basic Economic Issues: Scarcity and Choice and Economic Problems
- 1.5 Production Possibility Curve and Opportunity Cost – General Introduction Only

Unit 2: Theory of Demand and Supply (10 hrs)

- 2.1 Theory of Demand: Meaning, Determinants, Law of Demand, Movement and Shift in Demand Curve

- 2.2 Theory of Supply: Meaning, Determinants, Law of Supply, Movement and Shift in Supply Curve
- 2.3 Determination of Equilibrium Price and Output, Market Equilibrium
- 2.4 Simultaneous Change in Demand and Supply
- 2.5 Concepts of Utility: Meaning and Types of Utility, Marshallian Utility Approach and Indifference Curve Approach (General Introduction)

Unit 3: Cost, Revenue and Product Pricing (8 hrs)

- 3.1 Concepts of Cost and Revenue and Its Nature in Different Markets
- 3.2 Different forms of Market: Perfect Competition, Monopoly and Imperfect Competition (Meaning, Features, Price and Output Determination)
- 3.3 Forms of Business Organisation: Sole Proprietorship, Partnership, Joint Stock Company and Cooperative Societies

Unit 4: Economic Development (8 hrs)

- 4.1 Meaning and Concept of Economic Growth and Economic Development
- 4.2 Indicators of Economic Development
- 4.3 Basic Characteristics and Problems of Economic Development with Special Reference to Developing Countries.
- 4.4 Approaches to Development: Linear Stages Theory, Structural Change Model, and Theory of Economic Dependency, Human Development Approach and Sustainable Development
- 4.5 Issues in Development:

- 4.5.1 Poverty and Its Dimensions
- 4.5.2 Unemployment and Its Dimensions
- 4.5.3 Inclusion and Economic Justice

Unit 5: Nepalese Economics (10 hrs)

- 5.1 Characteristics of Nepalese Economy
- 5.2 Potentials of Nepalese Economy: Water, Energy, Forest, Minerals, Human Resources, Agriculture and Biodiversity
- 5.3 Planning in Nepal: Meaning, Importance, Process of Plan Formulation, Overview of Past Plans
- 5.4 Current Plan: Objectives, Strategies, Programmes and Resource Allocation
- 5.5 Budget in Nepal: Meaning, Process of Budget Formulation, Challenges and Major Constraints

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- Dahal, Madan K. (ed.), *Impact of Globalization in Nepal*, Kathmandu: Nepal Foundation for Advanced Studies & Friedrich Ebert Stiftung, 2005.
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Jurisprudence-I

Second Semester

Course Code: Law 431

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart students the knowledge of philosophy of law as a distinct discipline, including concept and recent development in jurisprudence. The course also covers the subject matters of justice, equality, rights and duties.

Unit 1: Introduction to Jurisprudence (5 hrs)

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

Unit 2: Meaning and Sources of Law (5 hrs)

- 2.1 Meaning and Definition of Law
- 2.2 Kinds of Law
- 2.3 Sources of Law
 - 2.3.1 Legislation
 - 2.3.2 Precedent
 - 2.3.3 Custom
 - 2.3.4 Equity, Justice and Good Conscience
 - 2.3.5 Juristic Writings and Professional Opinions

Unit 3: Schools of Jurisprudence (22 hrs)

- 3.1 Natural Law School
- 3.2 Historical School
- 3.3 Analytical School
- 3.4 Sociological School
- 3.5 Socialist School
- 3.6 Realist School

Unit 4: Trends of Jurisprudence (8 hrs)

- 4.1 Critical Legal Studies
- 4.2 Feminist Jurisprudence
- 4.3 Post-Modernism

Unit 5: Administration of Justice (8 hrs)

- 5.1 Concept and Meaning of Justice
- 5.2 Types of justice- Distributive and Corrective
- 5.3 Administration of Justice - Civil and Criminal

References

Books

- Wasti, Prakash, *NYAYAVIKASINI (Manavnyashastra)*, Kathmandu: Lawyers Club, 2065 BS.
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- Lamsal, Narayan Prasad, *Bidhishastra* (in Nepali), Kathmandu: Pairavi Prakashan, 2070 BS.

Constitutional Law—I

Second Semester

Course Code: Law 432

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students the concept and the subject matters of constitutional law and how it functions. The course also covers the principle aspects of the rule of law and separation of powers for checks and balances in the function of a state, including comparative merits and demerits of different types of constitutions.

Unit 1: Introduction (10 hrs)

- 1.1 Meaning and Definition of Constitutional Law
- 1.2 Scope and Subject Matters of Constitution
- 1.3 Sources of Constitutional Law – Constitutional Enactments, Judicial Precedents, Customs and Conventions, Statutes, Secondary Legislations and Books of Authority
- 1.4 Concept and Meaning of Constitutionalism
- 1.5 Various Forms of Constitutionalism

Unit 2: Supremacy of Constitution (6 hrs)

- 2.1 Constitution as a Fundamental Law of Land
- 2.2 Independence of Judiciary
- 2.3 Judicial Review of Legislation

Unit 3: Classification of Constitution (10 hrs)

- 3.1 Written and Unwritten Constitution
- 3.2 Rigid and Flexible Constitution

- 3.3 Federal and Unitary Constitution
- 3.4 Republican and Monarchical Constitution
- 3.5 Parliamentary and Presidential Constitution

Unit 4: Rule of Law (4 hrs)

- 4.1 Concept of Rule of Law
- 4.2 Background Principles of Rule of Law

Unit 5: Separation of Powers and Checks and Balances (8 hrs)

- 5.1 Conceptual Framework of the Separation of Powers
- 5.2 Principles of Checks and Balances
- 5.3 Separation of Powers and Checks and Balances under Presidential and Parliamentary Constitution

Unit 6: Basic Features of Unitary and Federal System (10 hrs)

- 6.1 Basic Features of Unitary and Federal System
- 6.2 Merits and Demerits of Unitary System
- 6.3 Merits and Demerits of Federal System
- 6.4 Division of Power among Different Tiers of Government in Federal System

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Books

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Property Law

Second Semester

Course Code: Law 433

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students theoretical knowledge about the concept and development of property law in Nepal, including ownership and possession, in comparison with the laws of other countries, mainly India and the United Kingdom. The focus will be on the land tenure systems, their management, disposal and dispute resolutions.

Unit 1: Introduction of Property Law (12 hrs)

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

Unit 2: Modes of Acquisition and Transfer of Property (8 hrs)

- 2.1 Modes of Acquisition of Property from Jurisprudential Standpoint
- 2.2 Modes of Acquiring Ownership of Property
- 2.3 Acquisition and Transfer of Property in Nepal
- 2.4 Transfer and Acquisition of Ownership of Intellectual Property in Nepal

Unit 3: Traditional Land Tenure System in Nepal (8 hrs)

- 3.1 *Kipat* (Tenure System Belonging to Indigenous Peoples e.g. *Sunuwar, Rai, Limbu, Lepcha, Chepang*) System in Nepal
- 3.2 *Birta* (Privileged Land Ownership) System
- 3.3 *Jagir* (Land Assignment) System
- 3.4 *Raikar* (Land Revenue Payable for Registered Land) System
- 3.5 *Kharka* (Pasture Land) System
- 3.6 *Guthi* System
- 3.7 *Rakam* (Labour Land Ownership) System
- 3.8 *Rajya Rajauta* (Abolished Feudatory States within the State of Nepal) System
- 3.9 *Jamindari* and *Talukdari* (Feudalistic Land Ownership) System
- 3.10 *Mahajani* (A System of Tenancy of Land at Will) System
- 3.11 *Ukhada* (Tenancy of *Jamindari* Land in *Pallo-Majhkhand*) System
- 3.12 *Jhora* (Reclaimed Land in Eastern Tarai) System
- 3.13 *Khaakar* (Land System for Occupying Land under *Jamindarship*) System

Unit 4: Property Law in Nepal with Special Reference to the Provisions of National Code (*Muluki Ain*) and Statutes (12 hrs)

- 4.1 *Kalyan Dhan* (Chapter on Vacantia)
- 4.2 *Guthi* (Legal Provisions on Trust)
- 4.3 *Jagga Aawad Garneko* (Legal Provisions on Land Cultivation)
- 4.4 *Jagga Pajaniko* (Legal Provisions on Land Eviction)
- 4.5 *Jagga Michneko* (Legal Provisions on Land Encroachment)

- 4.6 *Aamsa Bandako* (Legal Provisions on Partition)
- 4.7 *Ghar Banauneko* (Legal Provisions on Construction of Building/House)
- 4.8 *Aputaliko* (Legal Provisions on Succession)
- 4.9 *Lenden Byabaharko* (Legal Provisions on Money Lending Transaction)
- 4.10 *Registrationko* (Legal Provisions on Registration on Deeds)
- 4.11 *Dan Bakasko* (Legal Provisions on Charity and Gift)
- 4.12 Land Act, 2021 and Regulations
- 4.13 Guthi Corporation Act, 2033
- 4.14 Nepal Trust Act, 2064
- 4.15 Land Measurement and Survey Act 2019 and Its Regulations
- 4.16 Land Revenue Act, 2034
- 4.17 Land Acquisition Act, 2034

Unit 5: Relevant Court Cases (8 hrs)

- Baburam Kurmi vs. Kallu Kurmi, *Nepal Kanoon Patrika (NKP)* (2046), No. 1, P. 96.
- Kanchha Ratna Tuladhar & Others vs. Maya Devi Tuladhar, *NKP* (2043), No. 9, P. 915.
- Kiran Mainali vs. Mahumad Taukir Miya, *NKP* (2043), No. 10, P. 968.
- Kuldip Prasad Dhungel vs. Hari Prasad Upadhyaya & Others, *NKP* (2045), No. 1, P. 17.
- Loknath Upadhyaya vs. Devi Maya Bhattarai & Others, *NKP* (2062), No. 6, P. 670.
- Mithlesh Kumar Singh vs. Prime Minister & Others, *NKP* (2056), No. 7, P. 478.

Mouje Lal Yadav vs. Rambaran Yadav, *NKP* (2046), No. 10, P. 1081. Ratna Keshari Udas vs. Land Revenue Department & Others, *NKP* (2043), No. 10, P. 1041.

Narayan Dutta Baral vs. Chief Land Measurement Office, *NKP* (2045), No. 3, P. 590.

Narendara Bikram Singh Thapa vs. Guthi Corporation, *NKP* (2045), No. 6, P. 590.

Padam Bahadur Bhandari & Others vs. Government of Nepal, *NKP* (2063) NO. 8, P. 1021.

Padam Bahadur Karki & Others vs. Mankumari Basnet & Others, *NKP* (2061), No. 2, P. 212.

Padma Laxmi Rajbhandari vs. Krishna Chandra Devi Rana, *NKP* (2045), No. 11, P. 1225.

Pitambar Bhusal & Others vs. Krishna Raj Upadhyaya, *NKP* (2038), No. 8, P. 1.

Punya Maya Bhattarai vs. Land Revenue Office, Jhapa & Others, *NKP* (2041), No. 12, P. 1090.

Ram Krishna Pandit Chhetri vs. Nani Maiya Pandit, *NKP* (2047), NO. 3, P. 258.

Shantidevi Thapa vs. Jagat Kumari Shah & Others, *NKP* (2035), No. 6, P. 133.

Tirthaman Shakya & Others vs. Jamuna Devi Shakya, *NKP* (2044), No. 5, P. 556.

Suryaman Shrestha vs. Amardevi Shrestha, *NKP* (2045), No. 4, P. 361.

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Legal Nepali-II

Second Semester

Course Code: LNep 434

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

पाठ्यक्रमको तहगत उद्देश्य

यस पाठ्यक्रमको उद्देश्य विद्यार्थीहरूलाई मूलतः कानुनी भाषाका बारेमा विशिष्ट ज्ञान उपलब्ध गराउनु हो । यस अन्तर्गत भाषा र भाषिकाको प्रयोजनपरक भेदहरूका बारेमा सैद्धान्तिक एवं व्यावहारिक ज्ञान, नेपालमा प्रचलित कानुनी नेपाली भाषामा प्रयुक्त व्याकरणका साथै कानुनी पदावली र शब्दावलीका बारेमा शिक्षा प्रदान गरिन्छ । यसमा कानुनी नेपाली पदावलीहरूको परिचयका साथै तिनीहरूको विशिष्ट प्रयोग, वर्गीकरण र विश्लेषण गर्दै सामान्य भाषा र कानुनी भाषामा प्रयुक्त भइरहेका केही प्राविधिक वा पारिभाषिक शब्दहरूको निर्वचन, शब्दार्थ ज्ञान र प्रयोगात्मक अभ्यासबाट भाषिक अभिव्यक्तिको क्षमता वृद्धि गरिन्छ । विभिन्न घरायसी लिखत र अदालती लिखतको लेखन शैलीका बारेमा परिचित गराउनु यसको अर्को उद्देश्य हो ।

पाठ्यांश शीर्षकहरू

१. कानुनी नेपाली भाषा

१.१ ऐतिहासिक आधारमा कानुनी नेपाली भाषाको विकास प्रक्रिया

१.२ कानुनी नेपाली भाषाका शब्दगत, अर्थगत, वाक्यगत र अभिव्यक्तिगत विशेषताहरू

२. कानुनी नेपाली भाषाको व्याकरणगत पक्षको अध्ययन

२.१. कानुनी नेपाली भाषामा सर्वनाम, विशेषण र क्रियाको प्रयोग

२.२ कानुनी नेपाली भाषामा पदयोग र पदवियोग

२.३ कानुनी नेपाली भाषामा विभक्ति र वाच्यको प्रयोग

२.४ कानुनी नेपाली भाषामा संयोजक र निपातको प्रयोग

२.५ कानुनी नेपाली भाषामा लैङ्गिक तटस्थता

३. कानुनी नेपाली भाषामा वर्णविन्याससम्बन्धी व्यवस्था तथा लेख्य चिन्हको प्रयोग

४. कानुनी नेपाली भाषाका शब्दहरूको रचनागत प्रक्रिया, शब्दार्थ ज्ञान र प्रयोगका अभ्यास

अख्तियारनामा, अभियोगपत्र, अनुसूची, अङ्गभङ्ग, अधिग्रहण, अभिलेख, अमान्य, अध्यादेश, अभियुक्त, अन्तरकालीन, अभियोजन, अनमेल, अधिकारक्षेत्र, अधिवक्ता, अंशपत्र, अंशसर्वस्व, इच्छापत्र, उपदफा, उपचार, उपनियम, उपधारा, कबुलियतनामा, कुटपिट, कागजात, गैरकानुनी, चोरी, छोडपत्र, जग्गादपोट, तदर्थ, थुनुवा, न्यायाधीश, न्यायाधिकरण, निषेधाज्ञा, नाबालिग, नियमापत्ति, प्रतिरक्षा, प्रतिवादी, प्रतिउत्तरपत्र, प्रत्यायोजन, प्रवन्धपत्र, पुनरावेदक, परमादेश, पूर्वापराधी, प्रवेशाज्ञा, प्राङ्गनाय, पुनरालोकन, फिरादपत्र, बदनियत, बेरित, बकपत्र, बन्दसवाल, ब्रम्हनिसाफ, भ्रष्टाचार, भवितव्य, मतियार, मिलापत्र, राजकाज, लावारिस, लापरवाही, बन्दीप्रत्यक्षीकरण, विशेषज्ञ, विनियम, संरक्षक, सर्जमिन, स्वेच्छाचारी, सहअभियुक्त, संविधान, सुपर्यवेक्षण, समाह्वान, स्त्रीधन, सम्बन्धविच्छेद, स्वीकारोक्ति, हकवाला, हदम्याद, क्षेत्राधिकार, क्षतिपूर्ति, आदि ।

५. कानुनी नेपाली टुक्काहरूको प्रयोग गर्ने अभ्यास

अङ्ग पुग्नु, आकर्षित हुनु, आइ खोल्नु, इन्साफ जाच्नु, इमानधर्म सम्झनु, उपर हुनु, उपचार प्रदान गर्नु, कठघरामा उभिनु, कारण खोल्नु, किनारा गर्नु, कैफियत तलब गर्नु, खडा गर्नु, खत खाप्नु, खलल पार्नु, गवाही दिनु, घुर खाप्नु, चलन चलाउनु, जारी गर्नु, जाहेर गर्नु, जिक्तिर लिनु, जिरह गर्नु, मुख मिल्नु, बात लाग्नु, म्याद ठेक्नु, ठट्टा मस्करी गर्नु, ठहर गर्नु, ततिम्बा गर्नु, प्रकट गर्नु, प्रमाण लाग्नु, पेसीमा चढ्नु, पोल्नु, फुर्सद पाउनु, बन्दसवाल गर्नु, बातिल गर्नु, बिगो भर्नु, मुकरर हुनु, मुल्लबी जगाउनु, मुखसावित हुनु, सोधपुछ गर्नु, सुनुवाइ गर्नु, सद्दे कित्तै छुट्ट्याउनु, लगत कट्टा गर्नु, लगत कस्नु, शङ्काको घेरामा राख्नु, शपथ खानु, आदि ।

६. कानुनी लिखतहरूको संरचनागत ज्ञान र व्यावहारिक प्रयोगको अभ्यास

- ६.१ सूचना
- ६.२ निवेदन
- ६.३ घरायसी लिखत (भरपाई, बैनावट्टा र करारनामा)
- ६.४ अदालती लिखत (फिरादपत्र, जाहेरी दरखास्त र मुचुल्का)

७. कानुनी रचना तथा अभिव्यक्ति शिल्पसम्बन्धी अभ्यास

- ७.१ कानुनी वाक्य रचनाको अभ्यास
- ७.२ कानुनी अनुच्छेद लेखनको अभ्यास

८. कानुनी गद्यको बोध तथा अभिव्यक्ति

- ८.१ कानुनी गद्यको बुँदाटिपोट र संक्षेपीकरण गर्ने अभ्यास
- ८.२ कानुनी गद्यको बोध
- ८.३ कानुनी गद्यलाई स्वतन्त्र रूपमा व्याख्या गर्ने अभ्यास (कानुनी गद्यको बोधका निमित्त न्यायदूत, कानुन, पैरवी आदि कानुनसँग सम्बन्धित पत्र-पत्रिकामा प्रकाशित विभिन्न गद्य रचनाहरू) ।

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नेपाल प्रज्ञा प्रतिष्ठान, *नेपाली बृहत् शब्दकोश*, काठमाडौं: नेपाल प्रज्ञा प्रतिष्ठान, २०७२ ।

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शङ्करकुमार श्रेष्ठ, *नेपाली कानुनी शब्दकोश*, काठमाडौं: पैरवी प्रकाशन, २०६६ ।
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कानुन, न्यायदूत, सर्वोच्च बार जर्नल, पैरवी तथा कानुनसम्बन्धी अन्य पत्रिकामा प्रकाशित सामग्रीहरू ।

Alternative English

(For foreigner in lieu of Legal Nepali)

Second Semester

Course Code: LEng 435

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objective

The objective of this course is to acquaint non-Nepali speaking students with Nepali literatures especially poetry and novel from critical points of views focusing on humanities, culture, economics, sociology, etc.

Unit 1: Poetry (24 hrs)

- 1.1 Definition of Poetry
- 1.2 Reading Poetry
- 1.3 Language of Poetry
- 1.4 Definition of Poem
- 1.5 Tone
- 1.6 Words and Meaning
- 1.7 Figures of Speech
- 1.8 Conceit
- 1.9 Symbol
- 1.10 Image and Imagery
- 1.11 Paradox
- 1.12 Rhyme and Rhythm
- 1.13 Metres
- 1.14 Appreciation
- 1.15 Criticism

Unit 2: Novel (24 hrs)

- 2.1 Author

- 2.2 Theme of the Novel in General
- 2.3 How Author Arrange Events
- 2.4 Narration
- 2.5 Author's Attitude and Irony
- 2.6 Plot and story
- 2.7 Setting
- 2.8 Characters
- 2.9 Theme: Modi Aain
- 2.10 Subtitle of the Novel
- 2.11 Events
- 2.12 Literature Blend with Law
- 2.13 Appreciation
- 2.14 Critical Study

References

Books

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- Koirala, B.P., *Modi Aain*, (translation by Jaya Raj Acharya), Kathmandu: Centre for Democracy and Development, 2069 BS.
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Legal English–II

Second Semester

Course Code: LEng 436

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to strengthen the capacity of students both in spoken and written skills and techniques in English, and make them able to understand and write standard legal English as do the native English speakers.

Unit 1: Professional English in Use (6 hrs)

- 1.1 Legal Systems
- 1.2 Sources of Law: Common Law and Legislation
- 1.3 The Court System
- 1.4 Criminal Justice and Criminal Proceedings
- 1.5 Civil Procedure
- 1.6 Tribunals

Unit 2: Legal Professionals – Soliciting (7 hrs)

- 2.1 Solicitors
- 2.2 Barristers
- 2.3 Client Correspondence
- 2.4 Legalese
- 2.5 Forming Contract 1
- 2.6 Formation of Contract 2
- 2.7 Commercial Leases

Unit 3: Legal Professionals – Advocacy (8 hrs)

- 3.1 Drafting Legal Documents: Language and Structure

- 3.2 Court Advocacy
- 3.3 Negotiation
- 3.4 Latin Words and Phrases

Unit 4: Critical Thinking: The Language of Reasoning (5 hrs)

- 4.1 What is Critical Thinking and How to Improve It
- 4.2 Identifying Reasons and Conclusions: The Language of Reasoning
- 4.3 Understanding Reasoning: Different Patterns of Reasoning

Unit 5: Critical Thinking: Interpretation (5 hrs)

- 5.1 Understanding Reasoning: Assumptions, Context and Thinking Map
- 5.2 Clarifying and Interpreting Expressions and Ideas
- 5.3 Acceptability of Reasons, Including Their Credibility

Unit 6: Critical Thinking: Judging (7 hrs)

- 6.1 Judging the Credibility of Sources Skillfully
- 6.2 Evaluating Inferences: Deductive Validity and Other Grounds
- 6.3 Evaluating Inferences: Assumptions and Other Relevant Arguments
- 6.4 Reasoning about Casual Explanations
- 6.5 Decision Making: Options, Consequences, Values and Risk

Unit 7: Book Review (10 hrs)

Grisham, John, *Theodor Boone: The Accused Half the Man, Twice the Lawyer*

- 7.1 Features of Novel
- 7.2 Literature Blend with Law
- 7.3 Critical Study

References

Books

- Sara, Thorn, *Mastering Advanced English Language*, New Delhi: Macmillan Press, 1997.
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International Relations and Diplomacy

Second Semester

Course Code: Ps 437

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objective of this course is to familiarize students with the role of foreign policy in the conduct of international relations. The course covers concept, nature and development of diplomacy, understanding the security interest and development needs of smaller versus bigger states, and the norms and skills of negotiation and bargaining.

Unit 1: Introduction to International Relations and Diplomacy

(10 hrs)

- 1.1 Concept, Nature and Scope of International Relations/ Diplomacy
- 1.2 Traditional and Scientific Approaches to the Study of International Relations
- 1.3 Development of International Relations
- 1.4 Recent Trends in Contemporary International Relations and the Significance of Diplomacy in Foreign Policy

Unit 2: Concepts of International Relations (10 hrs)

- 2.1 Balance of Power in International System
- 2.2 Interdependency and Dependency
- 2.3 Impact of Globalisation
- 2.4 Security of Small States in Global Order
- 2.5 Nepal's Foreign Policy: The Dynamics of Strategic Space

Unit 3: Positivist and Post-positivist Theories of International Relations (5 hrs)

- 3.1 Idealism
- 3.2 Realism and Neo-Realism
- 3.3 Constructivism

Unit 4: Diplomacy: Theory and Practice (10 hrs)

- 4.1 Diplomacy: Meaning, Nature and Scope
- 4.2 Objectives of Diplomacy
- 4.3 Historical Development of Diplomacy
- 4.4 Types of Diplomacy: Net Diplomacy, Political, Economic, Military and Cultural Diplomacy
- 4.5 Distinction between Old and New Diplomacy

Unit 5: Law of Diplomatic Intercourse (10 hrs)

- 5.1 History of the Law of Diplomatic Intercourse
- 5.2 Classification of Diplomatic Agents, Their Appointment, Credentials and Reception
- 5.3 Functions and Jurisdictions of the Diplomatic Agents
- 5.4 Privileges and Immunities of Diplomatic Agents
- 5.5 Termination of a Diplomatic Mission
- 5.6 The Consular Service: Origins, Legal Status, Grades, Functions, Privileges and Immunities of the Consuls

Unit 6: Future of Diplomacy (5 hrs)

- 6.1 Shifting Trends in Modern Diplomacy
- 6.2 Diplomacy: Art of Negotiation, Who Negotiates? New Players in the Old Game
- 6.3 New Dimensions in Diplomacy
- 6.4 Emerging Challenges of Diplomacy

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- Dharamdasani, M.D., *Nepal's Foreign Policy*, New Delhi: Anmol Publications, 2005.
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Siwakoti 'Chintan', Gopal, "Nepal under a Big Neighbour's Shadow", in Imtiaz Alam (ed.), *Whither South Asia?* Sapan: South Asian Studies, Vol. 1, Lahore: Free Media Foundation, 2006.

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Economics-II

Second Semester

Course Code: Eco 438

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objective of this course is to provide students with advance knowledge on the types of different economic systems, trade, finance and institutions at national, regional and international levels. The course also covers contemporary economic and financial problems/crisis and the interrelationship between law and economics towards finding appropriate solutions.

Unit 1: Economic Systems (8 hrs)

- 1.1 Capitalist, Socialist and Mixed Economy: Concept, Features and Appraisals
- 1.2 Market Economy: Economic Liberalisation, Privatisation and Globalisation
- 1.3 Schools of Economic Thoughts: Classical, Neo-Classical, Keynesian and Monetarist

Unit 2: Money and Banking (6 hrs)

- 2.1 Money: Concept, Role and Functions
- 2.2 Banking: Meaning and Types
- 2.3 Role and Functions of Central and Commercial Banks
- 2.4 Meaning and Roles of Non-Banking Financial Institutions
- 2.5 Cooperative Societies: Meaning, Types and roles

Unit 3: International Trade (6 hrs)

- 3.1 Meaning and Importance of International Trade

- 3.2 Concept of Balance of Trade and Balance of Payment
- 3.3 International Institutions: WTO, SAFTA, NAFTA, Regional Trade and IFIs (WB, IMF)
- 3.4 Problems of Transit Economy

Unit 4: Public Finance (6 hrs)

- 4.1 Meaning and Importance of Public Finance
- 4.2 Sources of Government Revenue
- 4.3 Classification of Government Expenditure
- 4.4 Tax system: Meaning, Classification and Types
- 4.5 Budget: Concept, Types and Understanding as a Tool of Social Welfare and Economic Justice with Special Reference to Nepal

Unit 5: Macro Economic Issues and Policies (10 hrs)

- 5.1 Business Cycles: Meaning, Phase and Control
- 5.2 Inflation: Concept, Types, Effects and Control
- 5.3 Macro-Economic Policies
 - 5.3.1 Monetary Policy: Meaning, Objectives, Types, Tools and Roles
 - 5.3.2 Fiscal Policy: Meaning, Objectives, Types, Tools and Roles

Unit 6: Law and Economics (12 hrs)

- 6.1 Relationship between Economics and Law
- 6.2 Economics as a basis of Social Welfare and Social Justice
- 6.3 Economic Efficiency: Caldor Hicks and Pareto Efficiency Conditions
- 6.4 Concept of Market Failure: Meaning and Causes
- 6.5 Externality: Meaning, Types and Effects of Externality
- 6.6 Role of Government to Control Externality
- 6.7 Meaning and Concept of *Coase Theorem*
- 6.8 Game Theory: Dominant Strategy, Nash Equilibrium and Prisoners Dilemma

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Jurisprudence-II

Third Semester

Course Code: Law 439

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart students about the knowledge of philosophy of law as a distinct discipline, and the concept and classification of jurisprudence as well as the trends. The course also covers subject matters of justice and equality, rights and duties in substantive manners.

Unit 1: Concept of Rights and Duties (10 hrs)

- 1.1 Concept and Classification of Rights
- 1.2 Elements and Theories of Legal Rights
- 1.3 Kinds of Legal Rights
- 1.4 Concept and Classification of Duties
- 1.5 Relationship between Rights and Duties

Unit 2: Person (10 hrs)

- 2.1 Meaning and Nature of Person and Personality
- 2.2 Types of Person - Natural and Legal Person
- 2.3 Double Capacity and Double Personality
- 2.4 Legal Status of Unborn Person, Dead Person and Animals
- 2.5 Theories of Corporate Personality

Unit 3: Property (8 hrs)

- 3.1 Concept and Importance of Property
- 3.2 Kinds of Property

Unit 4: Liability (5 hrs)

- 4.1 Concept of Liability
- 4.2 Kinds of Liability: Civil, Remedial, Penal, Vicarious and Absolute or Strict
- 4.3 General Conditions of Liability

Unit 5: Obligation (5 hrs)

- 5.1 Meaning and Concept of Obligation
- 5.2 Types of Obligation

Unit 6: Possession (5 hrs)

- 6.1 Concept of Possession
- 6.2 Constituent Elements of Possession
- 6.3 Kinds of Possession
- 6.4 Acquisition, Continuation and Termination of Possession
- 6.5 Possessory Remedies

Unit 7: Ownership (5 hrs)

- 7.1 Concept of Ownership
- 7.2 Kinds of Ownership
- 7.3 Relationship between Ownership and Possession

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Constitutional Law-II

Third Semester

Course Code No: Law 440

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students with the concept and the subject matters of constitutional law and teach how it functions. The course covers the subjects of fundamental rights, directive principles and policies, formations and functions of legislature, executive and judiciary, interpretation of constitutions and judicial activism for government accountability and state responsibility.

Unit 1: Introduction to Constitutional History of Nepal (8 hrs)

- 1.1 Pre-Constitutional Norms and Laws
- 1.2 Government of Nepal Act, 2004 BS (1948)
- 1.3 Interim Constitution, 2007 BS (1951)
- 1.4 Constitution of the Kingdom of Nepal, 2015 BS (1959)
- 1.5 Constitution of Nepal, 2019 BS (1962)
- 1.6 Constitution of the Kingdom of Nepal, 2047 BS (1990)
- 1.7 Interim Constitution of Nepal, 2063 BS (2007)
- 1.8 Constitution of Nepal, 2072 BS (2015)

Unit 2: Fundamental Rights and Directive Principles, Policies and Obligations (8 hrs)

- 2.1 Fundamental Rights and Their Enforcement Mechanisms
- 2.2 Directive Principles and Their Enforcement Mechanisms

- 2.3 Comparison of Directive Principles of State Policy with Fundamental Rights

Unit 3: Legislature (8 hrs)

- 3.1 Formation of Legislature
- 3.2 Function of Legislature
- 3.3 Privileges of Legislature
- 3.4 Committee System of Legislature
- 3.5 Dissolution of Legislature
- 3.6 Legislative Control over Executive

Unit 4: The Executive (8 hrs)

- 4.1 Constitutional Role of the Head of the State
- 4.2 Formation of Council of Ministers
- 4.3 Function of Council of Ministers
- 4.4 Role of Prime Minister under the Constitution
- 4.5 Responsibility and Accountability of the Council of Ministers

Unit 5: Judiciary (8 hrs)

- 5.1 Concept of Independence of Judiciary and Related Constitutional Provisions
- 5.2 Structure of Court System in Nepal
- 5.3 Powers and Functions of Supreme Court
- 5.4 Major Principles of Constitutional Interpretation
 - 5.4.1 Theory of Direct and Inevitable Effect on Fundamental Rights
 - 5.4.2 Doctrine of Fraud on Constitution
 - 5.4.3 Doctrine of Political Question

Unit 6: Miscellaneous (8 hrs)

- 6.1 Constitutional Bodies
- 6.2 Amendment of Constitution
- 6.3 Emergency Power

Relevant Court Cases

- Advocate Gopal Siwakoti 'Chintan' & Others vs. Ministry of Finance, Nepal Kanoon Patrika (NKP) (2051), No. 4, P. 255.*
- Hari Prasad Nepal & Others vs. Prime Minister Girija Prasad Koirala, Sambaidhanik Bibadsambandhi Saroboccha Adalatka Phaisalaharu (2000), Vol. 1, P. 32.*
- Advocate Rabiraj Bhandari & Others vs. Prime Minister Manmohan Adhikari & Others, Ibid, P. 54.*
- Surya Prasad Sharma Dhungel vs. Godawari Marble Industries Ltd., Ibid, P. 175.*
- Reena Bajrachary vs. Cabinet Secretariat & Others, Ibid, P. 160.*
- Madhv Kumar Basnet vs. Ministry of Communication and Information, Ibid, P. 225.*
- Nanda Kumari Rawal vs. Ministry of Industry & Others, Ibid, P. 317.*
- Advocate Radheshyam Adhikari vs. Cabinet Secretariat & Others, Ibid, P. 451.*
- Advocate Sapana Pradhan Malla vs. Ministry of Law Justice and Parliamentary Affairs, Ibid, P. 325.*
- Marbury vs. Madison, 5 US (1 Cranch) 137 (1803).*
- Maneka Gandhi vs. Union of India, AIR 1978 SC 597*
- Keshavananda Bharati vs. State of Kerala, AIR, 1973. SC. 1461.*

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- Acharya, Bhimarjun, *Fundamental Rights in the World Constitutions*, Kathmandu: Pairavi Prakashan, 2008.
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Evidence Law

Third Semester

Course Code: Law 441

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

This course as an indispensable part of both substantive and procedural laws enables the students to appreciate the concepts underlying the law of evidence and identifies the recognised forms of evidence and its subject, seeks to impart to the student the skills of examination and appreciates documentary evidence in order to find out the truth. The art of examination and cross-examination and shifting nature of burden of proof are crucial topics. The concepts of the law of evidence are significant parts of study in this course.

Unit 1: Introduction (8 hrs)

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

Unit 2: Basic Principles of Law of Evidence (6 hrs)

- 2.1 Evidence Must be Confined to the Matters in Issue
- 2.2 Best Evidence Must be Produced
- 2.3 Hearsay Evidence is No Evidence
- 2.4 One Who Asserts Must Prove
- 2.5 Principle of Estoppel

Unit 3: Facts and Principles (6 hrs)

- 3.1 Meaning, Concepts and Importance of Facts
- 3.2 Facts in Issue and Relevant Facts
- 3.3 Facts to Be Proved
 - 3.3.1 Facts in Issue
 - 3.3.2 Relevant Facts
 - 3.3.3 Facts Not be Proved
 - 3.3.4 Formal Admission
 - 3.3.5 Judicial Notice
 - 3.3.6 Presumption

Unit 4: Evidences When Admissible and Inadmissible (7 hrs)

- 4.1 Admissible Evidence
 - 4.1.1 Admission and Confession
 - 4.1.2 Statement on the Spot
 - 4.1.3 Dying Declaration
 - 4.1.4 Statements by Persons of Special Conditions
 - 4.1.5 Facts Recorded in Public Documents
 - 4.1.6 Facts Recorded in Books of Accounts
 - 4.1.7 Facts Published in Books or Articles
 - 4.1.8 Matters Recorded in Regular Statistics, Lists and Statements, etc.
 - 4.1.9 Statements of Witnesses in Other Cases
 - 4.1.10 Investigation Documents
 - 4.1.11 Certificate, Report, Other Document and Any Matter or Material Evidence (*Dasi*) Attested by Witness
 - 4.1.12 Expert's Opinion
 - 4.1.13 Statement of Witness
- 4.2 Inadmissible Evidence
 - 4.2.1 Confession under Threat, Inducement etc.

- 4.2.2 Statement Expressed for the Purpose of Compromise
- 4.2.3 Statement not Recorded as Witness at Court
- 4.2.4 Character
- 4.2.5 Privileges

Unit 5: Classification of Evidence (7 hrs)

- 5.1 Relevancy: Direct and Circumstantial
- 5.2 Physical Structure: Documentary, Oral and Material
- 5.3 Probative Value: Primary and Secondary

Unit 6: Burden of Proof (7 hrs)

- 6.1 General Concepts
- 6.2 Rules of Burden of Proof under:
 - 6.2.1 Evidence Law
 - 6.2.2 Corruption Law
 - 6.2.3 Drugs Law
 - 6.2.4 Human Trafficking
 - 6.2.5 Other Laws

Unit 8: Relevant Court Cases (7 hrs)

- Shahadev Singh Sikh & Others, *Nepal Kanoon Patrika (NKP)* (2032), No. 7, P. 175.
- Marshakala Karki vs. Tribhuvan Airport Custom Office & Others, *NKP* (2034), No. 5, P. 134.
- Mona Sir Rain Kachary vs. Jeun Khatun, *NKP* (2048), No. 1, P. 8.
- Keshav Prasad Ghimire vs. His Majesty's Government of Nepal, *NKP* (2036), No. 4, P. 108.
- Devendra Shumsher JBR vs. Late Lila Shumsher JBR & Others, *NKP* (2045), No. 8, P. 743.

- Baldev Upadhyaya vs. Gita Bhattarai & Others, *NKP* (2049), No. 6, P. 538.
- His Majesty's Government of Nepal vs. Kailash Mahato & Others, *NKP* (2057), No. 4, P. 268.
- His Majesty's Government of Nepal vs. Devi Maya Ranabhat, *NKP* (2057), No. 8/9, P. 685.
- His Majesty's Government of Nepal vs. Diwakar Pandit, *NKP* (2060), No. 1/2, P. 64.

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- Kafle, Padma Raj, *Likhat Parikchhyan Bigyan*, Kathmandu: Sarita Kafle, 2069.

Criminal Law-I

Third Semester

Course Code: Law 442

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students the knowledge of fundamental principles of criminal law, the types of offences and defences. A comparative knowledge from USA, UK and India will also be taught, including the leading Nepal Supreme Court decisions.

Unit 1: General Introduction to Criminal Law (10 hrs)

- 1.1 Meaning and Nature of Criminal Law
- 1.2 Meaning and Nature of Crime
- 1.3 Difference between Crime, Tort and Breach of Contract
- 1.4 Classification of Crime
- 1.5 Jurisdiction of Criminal Law
 - 1.5.1 Territorial Jurisdiction
 - 1.5.2 Extra-Territorial Jurisdiction
 - 1.5.3 Personal Jurisdiction
 - 1.5.4 Universal Jurisdiction
- 1.6 Extradition

Unit 2: Historical Evolution of Criminal Law in Nepal (5 hrs)

- 2.1 Criminal Law Before Codification
- 2.2 Criminal Law After Codification
 - 2.2.1 *Muluki Ain* 1910 BS

- 2.2.2 *Muluki Ain* 2020 BS
- 2.3 Role of Draft Criminal Codes in Evolution of Criminal Law
 - 2.3.1 Draft Nepal Penal Code 2012 BS
 - 2.3.2 Proposed Draft Criminal Code 2030 BS
 - 2.3.3 Proposed Draft Criminal Code 2058 BS
 - 2.3.4 Proposed Draft Criminal Code 2059 BS
 - 2.3.5 Proposed Draft of Criminal Code 2067 BS

Unit 3: General Principles of Criminal Law (5 hrs)

- 3.1 Introduction to General Principles of Criminal Law
- 3.2 Principles of Criminal Law
 - 3.2.1 *Ingnoratia Juris Non Excusat* (Ignorance of Law is No Excuse)
 - 3.2.2 *Nullam Crimen Sine Lege* (No Crime without the Law)
 - 3.2.3 *Nulla Poena Sine Lege* (No Punishment without the Law)
 - 3.2.4 *Sine Lege Stricta* (Principle of Strict Construction)
 - 3.2.5 *Actus Personal is Moritur Cum Persona* (Crime Dies with the Criminal)
 - 3.2.6 Principle of *Ex Post Facto* Law
 - 3.2.7 Principle of Double Jeopardy

Unit 4: Elements of Crime (10 hrs)

- 4.1 Introduction
- 4.2 Meaning of *Actus Reus* and Its Requirements
- 4.3 Forms of Human Conduct
 - 4.3.1 Act
 - 4.3.2 Omission
 - 4.3.3 State of Affairs

- 4.4 Meaning of *Mens Rea*
- 4.5 Main Categories of *Mens Rea*
 - 4.5.1 Intention
 - 4.5.2 Knowledge
 - 4.5.3 Recklessness
 - 4.5.4 Negligence
 - 4.5.5 Doctrine of Transferred Malice

Unit 5: Stages of Crime and Inchoate Offence (3 hrs)

- 5.1 Stages of Crime
 - 5.1.1 Intention
 - 5.1.2 Preparation
 - 5.1.3 Attempt
 - 5.1.4 Complete Crime
- 5.2 Inchoate Offence
 - 5.2.1 Incitement/Abetment
 - 5.2.2 Criminal Conspiracy
 - 5.2.3 Criminal Attempt

Unit 6: Parties to the Crime (3 hrs)

- 6.1 Meaning of Parties to the Crime
- 6.2 Classification of Parties to the Crime
- 6.3 Principal Offender
- 6.4 Secondary Offender
- 6.5 Innocent Agent
- 6.6 Criminal Liability to Legal Person

Unit 7: General Defenses (7 hrs)

- 7.1 Concept and Meaning of General Defenses
- 7.2 The Rationale and Justification behind General Defenses
- 7.3 Classification of General Defenses
 - 7.3.1 Excusable Defense
 - 7.3.1.1 Infancy

- 7.3.1.2 Insanity
- 7.3.1.3 Mistake
- 7.3.1.4 Intoxication
- 7.3.2 Justifiable Defenses
 - 7.3.2.1 Private Defense
 - 7.3.2.1.1 Self-Defense,
 - 7.3.2.1.2 Defense of Property
 - 7.3.2.1.3 Defense of Chastity
 - 7.3.2.2 Necessity
 - 7.3.2.3 Duress
 - 7.3.2.4 Superior Order

Unit 8: Relevant Court Cases (6 hrs)

- Bhuvane Basnet Kshetri vs. His Majesty's Government of Nepal, *Nepal Kanoon Patrika (NKP)* (2031), No. 3, P. 87 (case Related to murder and *actus reus*).
- His Majesty's Government of Nepal vs. Mayashwori Damini, *NKP* (2037), No. 11, P. 261 (case Related to the crime that dies with the criminal).
- His Majesty's Government of Nepal vs. Rameshwar Raut Barai & Others, *NKP* (2041), No. 4, P. 360 (case Related to jurisdiction in criminal law).
- Tirtha Dangol vs. His Majesty's Government of Nepal, *NKP* (2042), No. 5, P. 435 (case Related to insanity).
- Idris Miya vs. His Majesty's Government of Nepal, *NKP* (2044), No. 2, P. 259 (case Related to personal jurisdiction in criminal law).
- Uttam Lama vs. His Majesty's Government of Nepal, *NKP* (2061), No. 9, P. 1092 (case Related to retrospective effect of law).
- Tek Bahadur Reule vs. His Majesty's Government of Nepal, *NKP* (2061), No. 11, P. 1486 (case Related to transferred malice).

- Jasman Limbu vs. Government of Nepal, *NKP* (2069), No. 1, P. 84 (case Related to conspiracy).
- Government of Nepal vs. Sanjeev Kumar Singh Yadav & Others, *NKP* (2064), No. 10, P. 1312 (case Related to the plea of self-defence in murder).
- Manish Shrestha vs. Government of Nepal, *NKP* (2070), No. 8, P. 1050 (case Related to *Nullum Crimen Sine Lege*).

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- Acharya, Madhav Prasad, *Aparadhashastra* (in Nepali), Kathmandu: Bhrikuti Academic Publications, 2071 BS.
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Public International Law-I

Third Semester

Course Code: Law 443

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students with an understanding of public international law and its meaning, basis, historical background and general principles. It also enables student to conduct critical appraisals of interplay between world situation and International Law. It will equip the students with the skills to use the processes and techniques of International Law for better world.

Unit 1: Introduction (5 hrs)

- 1.1.1 Definition, Origin, Nature and Importance of International Law
- 1.1.2 Basis of International Law and General Principles of International Law
- 1.1.3 Relation between International Law and Municipal Law

Unit 2: Sources of International Law and Codification (5 hrs)

- 2.1.1 Treaties, Custom, General Principles of Law, Writings of the Most Highly Qualified Publicists
- 2.1.2 Equity, Justice and Good Conscience (*Ex Aequo et Bono*)
- 2.1.3 Resolution of the General Assembly and Security Council

- 2.1.4 Draft Conventions of International Law Commission
- 2.1.5 Modern Trends
- 2.1.6 State Practice, Considerations of Humanity and Modern Trends

Unit 3: Subjects of International Law (5 hrs)

- 3.1 State
- 3.2 Concept of State and Sovereignty
- 3.3 Individuals (Position of Individuals in International Law)
- 3.4 International Organisations
- 3.5 Insurgents, Belligerents and Other Entities

Unit 4: Recognition and State Succession (8 hrs)

- 4.1 Meaning and Nature of Recognition
- 4.2 Recognition of Government and State
- 4.3 Effect of Recognition and Non-Recognition
- 4.4 Types of Recognition
- 4.5 Theories of State Succession
- 4.6 Succession of State
- 4.7 Succession of Government
- 4.8 Succession of International Organisation

Unit 5: Nationality (3 hrs)

- 5.1 Meaning, Importance and Functions of Nationality
- 5.2 Modes of Acquiring and Losing Nationality
- 5.3 Statelessness
- 5.4 Issue of Non-Resident Nepalese (NRN) and British-Gurkha Soldiers

Unit 6: Asylum (2 hrs)

- 6.1 Meaning and Function
- 6.2 Types of Asylum

- 6.3 Rights of Asylum
- 6.4 Rights and Duties of Asylum-Seekers Vis-a-Vis Asylum Granting Country

Unit 7: Extradition (2 hrs)

- 7.1 Meaning and Function
- 7.2 Mutual Legal Assistance
- 7.3 Principles and Bases of Extradition

Unit 8: State Responsibility (5 hrs)

- 8.1 The Conditions for International Responsibility
- 8.2 Consequences of an Internationally Wrongful Act
- 8.3 Diplomatic Protection of Nationals
- 8.4 Treatment of Aliens
- 8.5 Contractual Liability
- 8.6 Exhaustion of Local Remedial Rule

Unit 9: Jurisdiction and Immunities (5 hrs)

- 9.1 Concept of Jurisdiction
- 9.2 Territorial Jurisdiction
- 9.3 Personal Jurisdiction
- 9.4 Maritime Jurisdiction
- 9.5 Jurisdiction in Aero-Space

Unit 10: Immunities and Privilege (5 hrs)

- 10.1 Diplomatic Immunities
- 10.2 Consular Immunities
- 10.3 Immunities of Special Missions
- 10.4 Immunity of Foreign States
- 10.5 Immunity and Privileges of International Organisations
- 10.6 Limitations on Immunities

Unit 11: Treaties (6 hrs)

- 11.1 Meaning and Importance of Treaties, Concept of *Jus Cogens*, *Pacta Sunt Servanda* and *Rebus Sic Stantibus*
- 11.2 Types of Treaties, Conclusion and Termination of Treaties, Ratification of Treaties and Reservation of Treaties, Rights of Third Parties
- 11.3 Interpretation of Treaties and *Travaux Preparatoires*
- 11.4 Effects of War on Treaties
- 11.5 Treaty Making Power under the Constitution of Nepal

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- Shiwakoti, Gopal, *Sarbajanik Antarasriya* (in Nepali), Kathmandu: Pairavi Prakashan, 2066 BS.
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Legal Research Methodology

Third Semester

Course: Law 444

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to equip students the knowledge about theoretical concepts and practical competencies of research, writing and critical thinking. The course includes an introduction to the legal research and writing process, including identifying legal problems, ethical issues and concluding legal solutions.

Unit 1: Introduction (8 hrs)

- 1.1 Meaning, Types and Importance of Research
- 1.2 Purposes of Research
- 1.3 Meaning and Importance of Legal Research

Unit 2: Approaches and Tools of Legal Research (12 hrs)

- 2.1 Approaches to Legal Research
 - 2.1.1 Historical
 - 2.1.2 Analytical
 - 2.1.3 Comparative
 - 2.1.4 Doctrinal
 - 2.1.5 Non-Doctrinal
- 2.2 Tools of Legal Research
 - 2.2.1 Interview
 - 2.2.2 Questionnaire and Schedules
 - 2.2.3 Observation

2.2.4 Surveys

Unit 3: Formulation of Research Problems (8 hrs)

- 3.1 Problem Identification
- 3.2 Factors Affecting Problem Selection
- 3.3 Literature Review
- 3.4 Formulation of Research Proposal
- 3.5 Research Design

Unit 4: Research Data (12 hrs)

- 4.1 Meaning and Importance of Data
- 4.2 Sources of Data
- 4.3 Qualitative and Quantitative Data
- 4.4 Primary and Secondary Data
- 4.5 Processing, Analysis and Interpretation of Data
- 4.6 Measurement and Scaling Techniques

Unit 5: Research Report and Rule of Citations (8 hrs)

- 5.1 Introduction to Research Report
- 5.2 Lay-Out of Research Report
- 5.3 A Uniform Rule of Citation and Bibliography
- 5.4 Research Ethics and Plagiarism

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- Bhandari, Surendra, *Legal Research*, Kathmandu: Atharai Publication, 2050 BS.
- Pradhananga, Rajit Bhakta, *Kanooni Anusandhan Tatha Anusandhan Paddhati* (in Nepali), Kathmandu: Bhrikuti Academic Publications, 2064 BS.
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Criminal Law-II

Fourth Semester
Course Code: Law 445
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to provide students the knowledge about the specific offenses. A comparative knowledge from USA, UK and India will also be taught, including leading Nepali Supreme Court decisions.

Unit 1: Property Offences (8 hrs)

- 1.1. Meaning of Property Offences
- 1.2. Classification of Property Offences
 - 1.2.1 Acquisitive Offence
 - 1.2.2 Non-Acquisitive Offence
- 1.3. Theft
- 1.4. Cheating
- 1.5. Arson (*Agajani*)

Unit 2: Offences against Person (15 hrs)

- 2.1. Homicide
- 2.2. Attempt to Murder
- 2.3. Abortion
- 2.4. Physical Attack (*Kutpit*)
- 2.5. Human Trafficking and Transportation
- 2.6. Abduction/Kidnapping

Unit 3: Sexual Offences (10 hrs)

- 3.1. Rape
- 3.2. Incest
- 3.3. Indecent Assault (*Ashyakarni*)
- 3.4. Sexual Abuse
- 3.5. Sexual Harassment
- 3.6. Unnatural Sexual Offences

Unit 4: Offence Related to Marriage (3 hrs)

- 4.1. Void, Voidable and Punishable Marriage
- 4.2. Bigamy (*Bahubibaha*)
- 4.3. Adultery

Unit 5: Offences Related to Documents (4 hrs)

- 5.1. Forgery
- 5.2. Fraud (*Jalsaji*)
- 5.3. Coercion (*Karkap*)

Unit 6: Relevant Court Cases (8 hrs)

Bhuvane Basnet Kshetri vs. His Majesty's Government of Nepal, *Nepal Kanoon Patrika (NKP)* (2031), No. 3, P. 87 (case Related to murder and *actus reus*).

Idris Miya vs. His Majesty's Government of Nepal, *NKP* (2044), No. 2, P. 259 (case of bigamy.)

His Majesty's Government of Nepal vs. Abdul Phatte Muslman, *NKP* (2044), No. 8, P. 840 (case Related to suicide pact).

Mahendra Raj Bam vs. His Majesty's Government of Nepal, *NKP* (2051), No. 4, P. 226, (case Related to essential element of an attempt to murder).

Janak Tripathi & Others vs. His Majesty's Government of Nepal, *NKP* (2062), No. 9, P. 269 (case Related to the proof of rape).

- Government of Nepal vs. Vasanta Kumar Yadav et al, *NKP* (2064), No. 4, P. 426 (cases Related to the difference between No. 6 and No. 14 of Chapter on Homicide).
- Triratna Chitrakar vs. Government of Nepal, *NKP* (2066), No. 5, P.784 (case Related to the sexual abuse of children).
- Indra Prasad Khanal vs. Government of Nepal, *NKP* (2068), No. 7, P. 1235 (case Related to vehicular homicide and different categories of *mens rea* and reckless vehicular homicide).
- Hendric Otto vs. Government of Nepal, *NKP* (2069), No. 7, P. 1076 (case Related to the sexual abuse of children).

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- ___ et al, *Phoujadari Kanoonko Parichaya* (in Nepali), Kathmandu: Bhrikuti Academic Publications, 2062 BS.
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- Raut, Balram Prasad, "Criteria to Measure Mens Rea to Impose Corporate Criminal Liability", Kathmandu: Nepal Bar Council Journal, 2011.
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— *Phoujadari Muddako Karyabidhisambandhai Kanoonlai Samsodhan Ra Ekikaran Garna Baneko Bidheyak Phoujadari Karyabidhi Samhita, 2067 Daphawar Byakhyatmak Tippani* (in Nepali), Ibid.

— *Phoujadari Kasurma Sajaya Nirdharan Tatha Karyanwayan Garne Sambandhama Byabasya Garne Baneko Phoujadari Kasur (Sajaya Nirdharan Tatha Karyanwayan) Ain 2067 Daphawar Byakhyatmak Tippani*, (in Nepali), Ibid.

Public International Law–II

Fourth Semester

Course Code: Law 446

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students an understanding of the branch of public international law that deals with hostile situations among nations, and the ways to regulate and ultimately resolve the problem and enable them to make critical analysis of the world situation and propose with a workable solution to the contemporary problems.

Unit 1: Use of Force and War (8 hrs)

- 1.1 Definition of War
- 1.2 Attempts for Outlawry of War
- 1.3 Principles of Prohibition of Use of Force under the UN Charter
- 1.4 Definition of Aggression
- 1.5 Self-Defense and Collective Security

Unit 2: Neutrality (5 hrs)

- 2.1 Meaning of Neutrality
- 2.2 Neutrality, Neutralisation, Non-Alignment and Neutralism
- 2.3 Neutrality under the UN Charter
- 2.4 Rights and Duties of a Neutral Country

Unit 3: Intervention (5 hrs)

- 3.1 Definition of Intervention

- 3.2 Humanitarian Intervention
- 3.3 Intervention by Invitation

Unit 4: Blockade (5 hrs)

- 4.1 Meaning of Blockade
- 4.2 Characteristics and Validity of Blockade
- 4.3 Breach of Blockade

Unit 5: Contraband (5 hrs)

- 5.1 Meaning
- 5.2 Forms
- 5.3 Prize Court

Unit 6: Laws of Armed Conflicts (10 hrs)

- 6.1 Conventions of 1899 and 1907 and Subsequent Conventions
- 6.2 Geneva Protocol (1925)
- 6.3 Legality of War
- 6.4 Prisoners of War
- 6.5 Right of Angary
- 6.6 War Crimes

Unit 7: Settlement of International Disputes (10 hrs)

- 7.1 Peaceful Means
- 7.2 Negotiation, Good Offices and Mediation
- 7.3 Inquiry Commissions and Conciliation Commissions
- 7.4 Arbitration
- 7.5 Judicial Settlement
- 7.6 Efforts UN and Regional Organisation
- 7.7 Compulsive Means
- 7.8 Retortion, Retaliation and Reprisals
- 7.8 Embargo and Pacific Blockade

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- Brownlie, Ian, *Principles of Public International Law*, Oxford: Oxford University Press, 1990.
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- Shiwakoti, Gopal, *Sarbajanik Antarastriya Kanoon* (in Nepali), Kathmandu: Pairavi Prakashan, 2066 BS.

Comparative Law

Fourth Semester
Course: Law 447
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to inculcate students about comparative law and methods of comparison as well as basic knowledge about major legal systems of the world. The course also aims to enable them to analyse and understand the similarities and differences between the major legal systems of the world and laws of some countries, and be able to compare different legal systems.

Unit 1: Comparative Law (10 hrs)

- 1.1 Concept and Evolution of Comparative Law
- 1.2 Relationship and Distinction with Other Disciplines
- 1.3 Importance for Studying Comparative Law
- 1.4 The Functions, Objectives and Uses of Comparative Law
- 1.5 Division of Comparative Law
- 1.6 Methods of Comparative Law
- 1.7 Factors, Theories and Criteria of Grouping of Legal Systems into Legal Family
- 1.8 Problems of Studying Foreign Law
- 1.9 Nature and Position of Comparative Law in the Era of Globalisation

Unit 2: Major Legal Systems (30 hrs)

- 2.1 Common Law System

- 2.1.1 Concept, Development and Sources of Common Law
- 2.1.2 Concept and Sources of English and American Law
- 2.1.3 Court Structure and Legal Profession under English and American Law
- 2.2 Civil Law System
 - 2.2.1 Concept, Development and Sources of Civil Law System
 - 2.2.2 Concept and Development of Roman, French and German Law
 - 2.2.3 Court Structure and Legal Profession under French and German Law
- 2.3 Socialist Legal System
 - 2.3.1 Concept, Development and Sources of Socialist Law
 - 2.3.2 Characteristics of Socialist Legal System
- 2.4 Religious Legal System
 - 2.4.1 Concept and Sources of Muslim and Hindu Law
 - 2.4.2 Schools of Muslim and Hindu Law

Unit 3: Modern Laws of the South East Asia (8 hrs)

- 3.1 Chinese Law
 - 3.1.1 Concept and Court Structure
 - 3.1.2 Legal Profession of Chinese Law
- 3.2 Japanese Law
 - 3.2.1 Concept and Court Structure
 - 3.2.2 Legal Profession of Japanese Law
- 3.3 Indian Law
 - 3.2.3 Concept and Court Structure
 - 3.2.4 Legal Profession of Indian Law

References

Books

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- K.C., Yadav Kumar, "Why Teach Comparative Law in Law Schools?", *Nepal Law Review*, Kathmandu: Nepal Law Campus, Year 35, Vol. 22, No. 1 & 2 (2010).
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Family Law

Fourth Semester
Course Code: Law 448
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to impart the knowledge of family law and family issues and acquaint the students the comparative knowledge of the Nepalese, Indian, American and the English family laws in brief. The course also enables them to analyse the challenges of Nepalese family law and familiarise them with leading relevant cases from the Supreme Court.

Unit 1: Introduction (8 hrs)

- 1.1 Meaning, Nature and Scope of Family law
- 1.2 Functions of Family Law
- 1.3 Sources of Family Law
- 1.4 Importance of Studying Family Law
- 1.5 Historical Development of Family Law of Nepal
- 1.6 Impact of Gender Justice in the Nepalese Family Law
- 1.7 Recent Trends and Criticism of Family Law

Unit 2: Marriage (12 hrs)

- 2.1 Concept of Marriage
- 2.2 Right to Marry
- 2.3 Condition of Valid Marriage
 - 2.3.1 Condition of Traditional and Civil Marriage
 - 2.3.2 Difference between Registration of Marriage and Registered Marriage
 - 2.3.3 Procedural Requirements of Registered Marriage

- 2.3.4 Civil Marriage and Third Gender Rights
- 2.4 Nullity of Marriage
- 2.5 Polygamy, Adultery, *Jari* and Conflicting Issues
- 2.6 Custom and Usage Pertaining to Marriage in Nepal
- 2.7 Cohabitation/Living Together

Unit 3: Matrimonial Reliefs (12 hrs)

- 3.1 Concept of Matrimonial Reliefs
- 3.2 Grounds for Matrimonial Reliefs
- 3.3 Bars to Matrimonial Reliefs
- 3.4 Types of Matrimonial Reliefs
 - 3.4.1 Judicial Separation
 - 3.4.2 Restitution of Conjugal Rights
 - 3.4.3 Divorce
- 3.5 Paternity, Surrogacy and Protection of Child

Unit 4: Adoption (4 hrs)

- 4.1 Concept and Scope of Adoption
- 4.2 Conditions of Adoption
- 4.3 Status of Adopted Children
- 4.4 Conditions for Invalidating Adoption
- 4.5 Adoption by Foreigners

Unit 5: Partition and Property (8 hrs)

- 5.1 Concept and Scope of Partition
- 5.2 Ancestral Joint Property and Personal Property
- 5.3 Joint Family and Coparcener
- 5.4 Gender Equation in Partition
- 5.5 Rights and Duties of Manager or *Karta*
- 5.6 Women as *Karta*
- 5.7 *Mano Chhuttine*
- 5.8 Maintenance (*Jiyuni*)

- 5.9 Reunion of Families
- 5.10 Women's Property

Unit 6: Inheritance (Aputali) (2 hrs)

- 6.1 Meaning of Inheritance
- 6.2 Daughter's Right in Inheritance
- 6.3 Other's Right in Inheritance

Unit 7: Family Court (2 hrs)

- 7.1 Meaning, Scope and Nature of Family Court
- 7.2 Jurisdiction of Family Court

Relevant Court Cases

- Ratna Sambhab Tuladhar vs. Sonam Tuladhar, *Nepal Kanoon Patrika (NKP)* (2041), No. 5, P. 424.
- Koushila Devi Ghimire vs. Parbati Devi Pandey, *NKP* (2048), No. 11, P. 745.
- Meera Kumari Dhungana vs. His Majesty's Government of Nepal, *NKP* (2052), No. 6, P. 462.
- Chijkaji Gurung vs. Aashmaya Gurung, *NKP* (2055), No. 1, P. 30.
- Chitra Bahadur Khadka & Others vs. Puspa Kumari Khadka, *NKP* (2058), No. 3/4, P. 178.
- Rabindra Kami vs. Tilattama Kami, *NKP* (2062), No. 4, P. 474.
- Shomeswor Prasad Kayastha vs. Shivashankar Das & Others, *NKP* (2066), No. 5, P. 850.
- Devi Gurung vs. Raju, *NKP* (2068), No. 3, P. 454.
- Miraj Shrestha vs. Manamaya Gharti Chhetri & Others, *NKP* (2070), No. 12, P. 1562.

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Contract Law-I

Fourth Semester

Course: Law 449

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to acquaint students with the conceptual and operational parameters of general principles of contract law, and familiarise them with basic issues of contemporary contract law and best solutions to offer. The course also imparts comparative and critical knowledge of Nepalese and foreign laws on general contract so as to enable them to make critical appreciation of leading cases of Nepal while familiarizing with relevant foreign cases on law of contract.

Unit 1: Introduction (6 hrs)

- 1.1 Concept and Genesis of Contract and Contract Law
- 1.2 Freedom of Contract and Its Limitation
- 1.3 Nature, Function and Scope of Contract
- 1.4 Essentials of Valid Contract
- 1.5 Influence of International Human Rights in Contract Law
- 1.6 Classification and Kinds of Contract
- 1.7 Historical Development of Nepalese Contract Law
- 1.8 Basic Features of Nepalese Contract Law

Unit 2: Formation of Contract (12 hrs)

- 2.1 Contractual Capacity
 - 2.1.1 Meaning of Capacity to Contract

- 2.1.2 Incapacity to Contract by Minors, Persons of Unsound Mind
- 2.1.3 Provisions of Nepalese Contract Law
- 2.2 Party Autonomy
- 2.3 Offer and Acceptance
 - 2.3.1 Offer
 - 2.3.1.1 Meaning of Offer
 - 2.3.1.2 Rules Regarding Valid Offer
 - 2.3.1.3 Types of Offer
 - 2.3.1.4 Communication of Offer
 - 2.3.1.5 Revocation of Offer
 - 2.3.1.6 Termination of Offer
 - 2.3.1.7 Offer and General Invitation to Offer
 - 2.3.1.8 Provisions of Nepalese Contract Law
 - 2.3.2 Acceptance of Offer
 - 2.3.2.1 Meaning of Acceptance
 - 2.3.2.2 Rules Regarding Valid Acceptance
 - 2.3.2.3 Communication of Acceptance
 - 2.3.2.4 Revocation and Termination of Acceptance
 - 2.3.2.5 Contract According to Proposal Presented Before the Public
 - 2.3.2.6 Provisions of Nepalese Contract Law
- 2.4 Indirect/Quasi Contract
 - 2.4.1 Concept of Quasi Contract
 - 2.4.2 Doctrine of Unjust Enrichment
 - 2.4.3 Provisions of Nepalese Contract Law
- 2.5 Contingent contract
 - 2.5.1 Concept of Contingent Contract
 - 2.5.2 Distinction between Contingent Contract and Wagering Contract
 - 2.5.3 Provisions of Nepalese Contract Law

Unit 3: Consideration (3 hrs)

- 3.1 Meaning of Consideration
- 3.2 Rules Regarding Consideration
- 3.3 Kinds of Consideration
- 3.4 Doctrine of Privity of Contract
- 3.5 Doctrine of Promissory Estoppel
- 3.6 Nepalese Contract Act, 2000

Unit 4: Terms of Contract (5 hrs)

- 4.1 Meaning of Terms of Contract
- 4.2 Types of the Terms, Contents and Status of Terms
- 4.3 Parole Evidence Rule
- 4.4 Standard Form of Contract
- 4.5 Exclusion Clauses
- 4.6 Statutory and Judicial Restrictions to the Exemption Clauses

Unit 5: Void and Voidable Contract (8 hrs)

- 5.1 Void Contract
 - 5.1.1 Unlawful Agreements
 - 5.1.2 Statutory Illegality
 - 5.1.3 Contract in Restraint of Trade or Commerce or Profession, Marriage and Service and Exceptions
 - 5.1.4 Illegal, Immoral Agreements and Agreements Opposed to Public Policy
 - 5.1.5 Impossible Contract
 - 5.1.6 Uncertain Contract
 - 5.1.7 Contract by Incompetent Party
 - 5.1.8 Illegality of Object and Consideration
 - 5.1.9 Provisions of Nepalese Contract Law
- 5.2 Voidable Contract
 - 5.2.1 Reality of Consent

- 5.2.2 Factors Affecting Free Consent
- 5.2.3 Contracts Concluded through
 - 5.2.3.1 Coercion/Duress: Meaning, Consequences and Exceptions of Coercion
 - 5.2.3.2 Undue Influence: Meaning, Presumption and Consequences of Undue Influence
 - 5.2.3.3 Fraud: Meaning, Essentials and Consequences of Fraud
 - 5.2.3.4 Misrepresentation/Deceit: Meaning, Presumption and Consequences of Misrepresentation
 - 5.2.3.5 Mistake: Meaning, Types and Consequences of Mistake
- 5.2.4 Provisions of Nepalese Contract Law

Unit 6: Performance of Contract and Assignment of Contract (4 hrs)

- 6.1 Performance of Contract
 - 6.1.1 Discharge of Performance
 - 6.1.2 Concept of Performance of Contract
 - 6.1.3 Types of Performance
 - 6.1.4 Requisites of Valid Tender
 - 6.1.5 Rules Regarding Performance of Contract
 - 6.1.6 Performance of Reciprocal Promises
 - 6.1.7 Vicarious Performance
 - 6.1.8 Contracts Having No Need to Be Performed
 - 6.1.9 Provisions of Nepalese Contract Law
- 6.2 Assignment of Contract
 - 6.2.1 Meaning of Assignment of Contract
 - 6.2.2 Rules Regarding Assignment of Contractual Rights and Liabilities and Exceptions

- 6.2.3 Assignment by Operation of Law
- 6.2.4 Provisions of Nepalese Contract Law

Unit 7: Termination/Discharge of Contract (10 hrs)

- 7.1 Concept of Termination/Discharge of Contract
- 7.2 Modes of Termination
 - 7.2.1 Discharge by Performance
 - 7.2.2 Discharge by Breach of Contract
 - 7.2.3 Discharge of Contract by Operation of Law
 - 7.2.4 Discharge of Agreement
 - 7.2.5 Discharge by Impossibility and Doctrine of Frustration
 - 7.2.6 Discharge by Lapse of Time
- 7.3 Remedies for Breach of Contract
 - 7.3.1 Meaning of Remedies of Breach of Contract
 - 7.3.2 Types of Remedies of Breach of Contract
 - 7.3.2.1 Self-Help Remedies: Sell, Forfeiture or Use of Security or Bank Guarantee, Recovery from Advance or Deposit
 - 7.3.2.2 Exoneration/Recession
 - 7.3.3 Judicial Remedies
 - 7.3.3.1 Rescission/Cancellation of the Contract
 - 7.3.3.2 Suit for Damages
 - 7.3.3.3 Quantum Meruit
 - 7.3.3.4 Right of Restitution
 - 7.3.3.5 Suit for Specific Performance
 - 7.3.3.6 Suit for Injunction/Special Order
 - 7.3.3.7 Arbitration

Relevant Court Cases

- Achyut Prasad Kharel vs. Government of Nepal, *Nepal Kanoon Patrika (NKP)*, (2064), No. 5, P. 533.
- Amar Adarsha Secondary School & Others vs. Krishna Bahadur Shrestha, *NKP* (2068), No. 6, P. 1028.
- Apex Builders Pvt. Ltd. vs. Nepal Food Corporation, *NKP* (2047), No.7, P. 553.
- Badriraj Pandey vs. Nabaraj Koirala, *NKP* (2044), P. 277.
- Bhairab Prasad Neupane vs. Chitwan Irrigation Project, *NKP* (2046), No. 3, P. 343.
- Birat Thapa vs. Nepal Bangladesh Bank Ltd. Head Office, Bijuli Bazar & Others, *NKP* (2071), No. 5, P. 630.
- Chandra Bahadur Mabo vs. Lakh Bahadur Mabo, *NKP* (2065), No. 1, P. 46.
- Damodar Ropeways vs. HAZAMA Corporation & Others, *NKP* (2069), No. 2, P. 131.
- Department of Roads vs. Himal Construction Company, *NKP* (2066), No. 1, P. 49. Ltd., *NKP* (2044), No.8, P. 857. No. 2, P. 288.
- Department of Roads vs. Nepal Adarsha Company Pvt. Ltd., *NKP* (2068), No. 7, P. 1156.
- Dhrub Shumsher J.B.R. vs. Navaraj Sharma, *NKP* (2022), P. 134.
- Summit Hotel Pvt. Ltd. vs. Sarada Prasai & Others, *NKP* (2070),
- Gunaraj Upadhyaya vs. Shyam Shamsheer, *NKP* (2023), No. 6, P. 145.
- Hari Prasad Joshi vs. Hikmat Bahadur Malla, *NKP* (2067), No. 6, P. 1018.
- Ircon International Ltd. vs. Rawani Devi Mahoto & Others, *NKP* (2069), No. 11, P. 1689.
- Janak Singh Sehgal vs. Dwarika Prasad Arya, *NKP* (2019), P. 252.
- Ministry of Finance vs. Damodar Ropeways Construction Company & Others, *NKP* (2067), No. 5, P. 742.

- Poyas Transport Company Pvt. Ltd. vs. Hetauda Cement Factory Ltd., NKP (2044), No. 8, P. 857.
- Richhood Multiple Pvt. Ltd. vs. Baniya Bank Branch Office Birgunj & Others, NKP (2068), No. 7, P. 1162.
- Sadar Devi Yadavni vs. Kedearwati Yadavni, NKP (2046), P. 235.
- Shanti Devi Shah vs. Biratnagar Nagar Panchayat, NKP (2043), No.6, P. 598.
- Siddhiganesh Trading Co. vs. Janakpur Cigarette Factory, NKP No.1, (2045), P. 5.
- Sitaram Kedia vs. Ministry of Forests Babarmahal, NKP (2046), No.11, P. 1183.
- Thuli Kanchi Kamini vs. Kanchho Kami, NKP (2048), No.9, P. 547.
- Tirtharaj Kumar Rana vs. Ramshanker Shrestha, NKP (2040), No. 7, P. 298.

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—, "Standard Form of Contract: Issues at National and International Application", *Nyayadoot*, No. 179, Vol. 7 (Special English Edition), Kathmandu: Nepal Bar Association (2009).

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___, "Implied Terms in a Contract of Sale with Special Reference to Prevailing Nepalese Contract Act 2056", *Molung Educational Frontier*, No. 2 (2012).

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Ghimire, Saroj K., "Damages and a Primary Remedy for Breach of Contract: Common Law Perspective", *Commercial Law Journal*, Kathmandu: Commercial Law Society (2013).

Procedural Law-I

Fourth Semester

Course Code: Law 450

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objective of the course is to provide theoretical knowledge about the basic principles of procedural law. The course will also provides to the student about related legal provisions and the court trends on basic principles of procedural law and application of legal procedure thereof. The students will acquire basic idea about modern trends in procedural law with its historical development in Nepal. The course also informs to the students about court structure and the jurisdiction of the court.

Unit 1: Introduction to Procedural Law (12 hrs)

- 1.1 Meaning, Nature and Importance of Procedural Law
- 1.2 Difference between Substantive Law and Procedural Law
- 1.3 Procedural Aspect of Common Law System and Continental (Civil) Law System
- 1.4 Basic Character of Nepalese Procedural Law

Unit 2: Basic Principles of Procedural Law (6 hrs)

- 2.1 Principle of Natural Justice
- 2.2 Principle of *Locus-Standi*
- 2.3 Principle of *Stare-Decisis* and *Ratio-Decidendi*
- 2.4 Principle of *Res-Judicata*
- 2.5 Principle of Limitation/Laches

Unit 3: General Introduction to Court Procedures (12 hrs)

- 3.1 General Procedure
 - 3.1.1 Civil Procedure
 - 3.1.2 Criminal Procedure
- 3.2 Summary and Special Procedures
- 3.3 Difference between Judicial and Quasi-Judicial Procedures
- 3.4 Characteristics of Nepalese Procedural Law

Unit 4: Alternative Dispute Resolutions (8 hrs)

- 4.1 Arbitration and Its Procedures
- 4.2 Mediation and Its Procedures

Unit 5: Recent Practices (10 hrs)

- 5.1 Separate Bench Systems
 - 5.1.1 Civil Bench
 - 5.1.2 Criminal Bench
 - 5.1.3 Juvenile Bench
 - 5.1.4 Commercial Bench
- 5.2 *Amicus-Curie*
- 5.3 Continuous Hearing
- 5.4 In-Camera Hearing
- 5.5 Use of Information Technology

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Ojha, Pawan Kumar, *Procedural Law*, Kathmandu: Lumbini Prakashan, 2070 BS.

Adam, J.C. & Adam, J.C., *Criminal Investigation: A Practical Textbook for Magistrates, Police Officers and Lawyers* (2nd Ed.), London: Sweet & Maxwell, 1934.

Bhattarai, Ananda Mohan et al, *Problems and Solutions Related to Execution of Decisions*, Lalitpur: Nepal Judicial Academy, 2065 BS.

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Mainali, Laxmi Prasad, "Legal Provisions Relating to Limitations in Nepal: An Analysis", *LACC LENS*, No. 17, Lalitpur: Legal Aid & Consultancy Centre (2013).

Contract Law-II

Fifth Semester
Course Code: Law 471
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to acquaint students with the conceptual and operational parameters of specific contracts and familiarise the students with the basic issues of contemporary contract law with the best solutions available to offer. The course also imparts them comparative and critical knowledge of Nepalese and foreign laws on general contract and enables for making critical appraisal of leading cases of both Nepal and abroad.

Unit 1: Contract of Indemnity and Guarantee (8 hrs)

1.1 Contract of Indemnity

- 1.1.1 Concept of Contract of Indemnity
- 1.1.2 Types of Contract of Indemnity
- 1.1.3 Features of Contract of Indemnity
- 1.1.4 Rights and Duties of Indemnified
- 1.1.5 Rights and Duties of Indemnifier
- 1.1.6 Contract of Subrogation: Concept of Subrogation
- 1.1.7 Provisions of Nepalese Contract Law

1.2 Contract of Guarantee

- 1.2.1 Concept of Contract of Guarantee
- 1.2.2 Basic features of Contract of Guarantee
- 1.2.3 Types of Guarantee Contracts
- 1.2.4 Continuing Guarantee

- 1.2.5 Rights, Duties and Liability of Guarantor/Surety
- 1.2.6 Termination of Contract of Guarantee
- 1.2.7 Ground of Invalidation of Contract of Guarantee
- 1.2.8 Provisions of Nepalese Contract Law

Unit 2: Contract of Bailment (8 hrs)

- 2.1 Meaning of Bailment
- 2.2 Difference of Contract of Bailment with Pledge, Hypothecation and Sale
- 2.3 Basic Features of Bailment
- 2.4 Types of Bailment
- 2.5 Rights and Duties of Bailer and Baillie
- 2.6 Termination of Contract of Bailment
- 2.7 Condition at which a Contract of Bailment Becomes Void
- 2.8 Finder of Lost Goods: Meaning, Rights and Duties of Finder of Lost Goods

Unit 3: Contract of Pledge and Pawn (8 hrs)

- 3.1 Meaning of Pledge/Pawn and Distinction between Bailment and Pledge/Pawn
- 3.2 Basic Features of Valid Pledge
- 3.3 Rights and Duties of Pledger/Pawnor and Pledgee/Pawnee
- 3.4 Provisions of Nepalese Contract Law

Unit 4: Contract of Agency (8 hrs)

- 4.1 Meaning of Agent and Agency
- 4.2 Features of Contract Agency
- 4.3 Modes of Creating Agency
- 4.4 Types of Agent

- 4.5 Delegation of Authority to Agent and Exception
- 4.6 Rights, Duties and Personal Liability of Agent
- 4.7 Distinction between Agent, Sub-Agent and Substituted Agent
- 4.8 Rights and Duties of Principal
- 4.9 Termination of Contract of Agency
- 4.10 Provisions of Nepalese Contract and Agency Related - Laws

Unit 5: Contract of Sales of Goods (8 hrs)

- 5.1 Meaning of Goods, Kind of Goods and Sale of Goods
- 5.2 Essential Features of Contract of Sale of Goods
- 5.3 Distinction between Sales and Agreement to Sale
- 5.4 Pricing of Goods
- 5.5 Conditions and Warranties in Contract of Sale
- 5.6 Concept of Privity in Sale, Horizontal vs. Vertical Privity
- 5.7 Rules Regarding Delivery and Transfer of Title and Risk of Loss of Goods
- 5.8 Rights and Duties of Seller and Buyer
- 5.9 Provisions of Unpaid Seller and Rights of the Unpaid Seller
- 5.10 Buyer's Remedies against the Seller
- 5.11 Conditions under which Contract of Sale of Goods become Void
- 5.12 Provisions of Nepalese Contract Law

Unit 6: Contract of Carriage (8 hrs)

- 6.1 Meaning of Contract of Carriage
- 6.2 Characteristics of Carriage and Contract of Carriage
- 6.3 Kinds of Carriage
 - 6.3.1 Carriage by Land
 - 6.3.1.1 Meaning and Classification of Land Carrier

- 6.3.1.2 Rights, Duties and Liabilities of Common Carrier

- 6.3.1.3 Termination of Carrier's Liability

6.3.2 Carriage by Rail

- 6.3.2.1 Meaning of Rail Carrier

- 6.3.2.3 Rights, Duties and Liability of Railway Administration

6.3.4 Carriage by Sea

- 6.3.4.1 Meaning of Ship Carriage

- 6.3.4.2 Contract of Affreightment and Its Kinds

- 6.3.4.3 Charter Party Classes and Clauses

- 6.3.4.4 Bill of Lading

- 6.3.4.5 Master of Ship: Meaning, Rights and Duties

6.3.5 Carriage of Air

- 6.3.5.1 Meaning

- 6.3.5.2 Documents Relating to Carriage by Air

- 6.3.5.3 Liabilities of the Air Carrier

6.4 Provisions of Nepalese Contract Law

Relevant Court Cases

Nepal Electricity Authority vs. Modern Malewalls Ltd., Compendium of Some Landmark Precedents of the Supreme Court on Commercial Law (2015-2062), 2063, Part 4, P. 518.

Bijaya Kumar Shah vs. Department of Excise, Kathmandu, *Nepal Kanoon Patrika (NKP)* (2040), P. 438.

Pradeep Kumar Kedia vs. Ministry of Forests, *NKP* (2046), No. 11, P. 1183.

Bishnu Prasad Upadhyaya vs. Rastriya Banijya Bank, *NKP* (2059), No. 9/10, P. 659.

Gauri Parbati Nirman Sewa Pvt. Ltd. vs. Kathmandu Greater Municipality, *NKP* (2065), No. 8, P. 1048.

Swamihal Shrestha vs. Nepal Oil Corporation, *NKP* (2055), No. 6, P. 340
Rastriya Banijya Bank vs. Purnakala Aryal, *NKP* (2066), No. 10, P. 1705.

Madan Bahadur Thapa vs. Khindra Bahadur Thapa, *NKP* (2060), No. 3/4, P. 178.

Education & Sports Ministry vs. S.P. Nepal Enterprises & Others, *NKP* (2069), No. 12, P. 1854.

Nepal Orient Magnesite Pvt. Ltd. vs. Debt Recovery Appellate Tribunal et al, *NKP* (2068), No. 4, P. 706.

Krishna Bahadur Shrestha vs. Prachanda Shamsher, *NKP* (2025), No. 4, P. 80.

Kapilmuni vs. Deep Kumari, *NKP* (2020), P.80.

Shiva Prasad & Others vs. Institute of Sanskrit Studies Dang & Others, *NKP* (2046), P. 7.

Prem Bahadur Basnet vs. Agriculture Development Bank, Jhapa & Others, *NKP* (2044), P. 589.

Everest Bank Ltd. Head Office vs. Debt Recovery Appellate Tribunal & Others, *NKP* (2069), No. 4, P. 601.

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Criminology and Penology

Fifth Semester

Course Code: Law 472

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart knowledge of crime, criminology and penology to the students. It will familiarise students with various causes of crimes, response to crimes, concepts and theories of the punishment, reform and rehabilitation of offenders and analysis of court cases.

Part I: Criminology

Unit 1: Introduction (12 hrs)

- 1.1. Concept, Nature and Scope of Criminology
- 1.2. Study Methods of Criminology
- 1.3. Classification of Crime and Criminal
- 1.4. Concept, Nature and Purpose of Criminal Law and Criminal Justice System
- 1.5. Modern Trends to Criminology
- 1.6. Interrelation between Criminology, Penology and Victimology

Unit 2: Schools of Criminology (10 hrs)

- 2.1. Traditional School
- 2.2. Biological School
- 2.3. Psychological School
- 2.4. Sociological School
- 2.5. Economic School

Unit 3: Factors of Crime (3hrs)

- 3.1. Personal Factors
- 3.2. Family
- 3.3. School
- 3.4. Environmental Factors
- 3.5. Peer Group
- 3.6. Neighborhood
- 3.7. Media and Movies

Unit 4: Role of the Police to Control Crime (4 hrs)

- 4.1. Goals, Objectives and Functions of Police Organisation
- 4.2. Development of Police Organisation
- 4.3. Role of Police in Prevention of Crime
- 4.4. Police and Investigation of Crime
- 4.5. Police and Protection of Crime Victim
- 4.6. Police and Protection of Offender

Part II: Penology

Unit 5: Reaction to Crime (8 hrs)

- 5.1. Concept of Punishment
- 5.2. Approaches to Punishment
 - 5.2.1. Punitive Approach
 - 5.2.2. Therapeutic Approach
 - 5.2.3. Preventive Approach
- 5.3. Theories of Punishment
 - 5.3.1. Retributive Theory
 - 5.3.2. Deterrent Theory
 - 5.3.3. Rehabilitative/Reformatory Theory
- 5.4. Types of Punishment
 - 5.4.1. Capital Punishment

- 5.4.2. Corporal Punishment
- 5.4.3. Other Forms of Punishment

Unit 6: The Prison System and Its Alternative (6 hrs)

- 6.1. Meaning and Purposes of Prison
- 6.2. Historical Development of Prison
- 6.3. Prison Reform
- 6.4. Defect underlying the Prison System
- 6.5. The Nepalese Prison System
- 6.6. Alternative to Prison
 - 6.6.1. Fine and Restitution
 - 6.6.2. Probation and Parole
 - 6.6.3. Community Service

Unit 7: Sentencing System (3 hrs)

- 7.1. Concept of Sentencing
- 7.2. Difference between Conviction and Sentencing
- 7.3. Sentencing Policies and Principles in Nepal

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Phoujadari Muddako Karyabidhisambandhai Kanoonlai Samsodhan Ra Ekikaran Garna Baneko Bidheyak Phoujadari Karyabidhi Samhita, 2067 Daphawar Byakhyatmak Tippani (in Nepali), Ibid.

Phoujadari Kasurma Sajaya Nirdharan Tatha Karyanwayan Garne Sambandhama Byabasya Garne Baneko Phoujadari Kasur (Sajaya Nirdharan Tatha Karyanwayan) Ain 2067 Daphawar Byakhyatmak Tippani (in Nepali), Ibid.

Procedural Law-II

Fifth Semester

Course Code: Law 473

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The course will familiarise students with the principle of jurisdiction and criminal proceedings in various courts, jurisdictions and applied procedures.

Unit 1: Jurisdiction of the Court (8 hrs)

- 1.1 Meaning and Nature of Jurisdiction
- 1.2 Trial Court
- 1.3 Jurisdiction of Appeal Court
- 1.4 Jurisdiction of Administrative Court, Tribunals and Other Quasi-Judicial Bodies
- 1.5 Jurisdiction of Supreme Court
- 1.6 Ordinary Jurisdiction
 - 1.6.1 Hearing the Appeal
 - 1.6.2 Correctional Jurisdiction (No. 17 of Country Code, 2020)
 - 1.6.3 Review
 - 1.6.4 Revision
- 1.7 Extra-Ordinary Jurisdiction (Hearing of Writ Petition)

Unit 2: Legal Provision Relating to Trial Proceedings in

Regular Courts (10 hrs)

- 2.1 Civil Proceedings:
 - 2.1.1 Filing the Complaint Paper

- 2.1.2 Notice to Defendant and Furnishing of Notice, e.g. Process, Summon and Subpoena and Application for Time Extension
- 2.1.3 Filing the Defense
- 2.1.4 Power of Attorney
- 2.1.5 Statement of Witness and the Parties
- 2.1.6 Court's Order
- 2.1.7 Collection and Evaluation of Evidence
- 2.1.8 Postponement of Dates
- 2.1.9 Compromise on the Case
- 2.1.10 Judgement
- 2.2 Criminal Proceedings: First Information Report (FIR), Statement of Accused, Spot Investigation Report (*Muchulka*), Charge Sheet, Bail Application, Notice to the Defendant, Warrant Notice and Postponement

Unit 3: Appeal Proceedings (10 hrs)

- 3.1 Filing of Appeal
- 3.2 *Ex-Parte* Hearing
- 3.3 Notice to Respondent
- 3.4 Written Statement of Respondent
- 3.5 Compromise (Settlement of Case)
- 3.6 Final Hearing and Judgment
- 3.7 Writ Procedure
 - 3.7.1 Filing the Writ Petition
 - 3.7.2 Show-Cause
 - 3.7.3 Interim, Internal, Interlocutory and Stay Orders
 - 3.7.4 Notice to Respondent
 - 3.7.5 Written Response
 - 3.7.6 Compromise
 - 3.7.7 Final Hearing and Decision

- 3.8 Ordinary Procedure
 - 3.8.1 First Hearing on Application Lodged in Supreme Court
 - 3.8.2 Appeal Procedure
 - 3.8.3 Application for Review
 - 3.8.4 Application for Revision
 - 3.8.5 Settlement of Case (Compromise)

Unit 4: Execution of Judgment (10 hrs)

- 4.1 Application for Execution of Judgments in Civil and Criminal Cases
- 4.2 Role of Judgement Execution Directorate
- 4.3 Compromise between the Parties in the Situation of Execution
 - 4.3.1 Forfeiture
 - 4.3.2 Force Closure

Unit 5: Application for Execution of Judgments in Criminal Cases (10 hrs)

- 5.1 Determining the Term of Imprisonment
- 5.2 Time of Imprisonment for Life and Conversion of Confiscation of Entire Property into Imprisonment
- 5.3 Filing the Complaint against the Proceeding Taken by Execution Officer

Relevant Court Cases

- Samir Khan vs. Kathmandu District Court & Others *NKP* (2071), No. 9, P. 1465, (Habeas Corpus case).
- Kallu Tharu (Chaudhary) vs. Appellate Court, Dipayal Doti & Others, *NKP* (2060), No. 3/4, P. 317.
- Pasang Dawa Tamang (Lopchan) vs. Government of Nepal, *NKP* (2058), No. 3/4, P. 188.

Parsuram Banjade vs. Durgadas Shrestha, Bagmati Special Court, Kathmandu & Others, NKP (2027), No. 7, P. 157.

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—, *Writ Nibedan: Siddanta Ra Byabahaar* (in Nepali), Kathmandu: Pairavi Prakashan, 2068 BS.

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Ojha, Pawan Kumar, *Some Basic Principles on Law and Justice*, Part I, Kathmandu: Pawan Manju Ojha Foundation, 2064 BS.

Adam, J.C. & Adam, J.C., *Criminal Investigation: A Practical Textbook for Magistrates, Police Officers and Lawyers* (2nd Ed.), London: Sweet & Maxwell, 1934.

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Pandit, Sharda Prasad, *Law and Justice, Articles, Commentaries and Memoirs*, Kathmandu: Umadevi Pandit, 2008.

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Supreme Court of Nepal, Full Bench Report, NKP (2060), No. 5/6, P. 408.

NJA, *Mediation Related Informative Source Materials*, Lalitpur: National Judicial Academy, (2065)

Company Law and Governance-I

Fifth Semester

Course Code: Law 474

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objective of this course is to provide students the knowledge and conceptual understanding of Company laws and management, corporate governance and relations among stakeholders and understanding of various provisions of the company laws and practices.

Unit 1: Introduction and Historical Development of Companies

(12 hrs)

- 1.1 Meaning and Origin of Company
- 1.2 Characteristics of Company and Comparison of Company with Sole Trader and Partnership and Public Enterprises
- 1.3 Theory of Corporate Personality and Lifting the Corporate Veil
- 1.4 Effects of Registration of Companies
- 1.5 Historical Development of Companies in Nepal and in Common Laws
- 1.6 Terms to be Abided by the Companies
- 1.7 Conversion of Companies from Public to Private and Private to Public

Unit 2: Promotion and Incorporation of Companies (8 hrs)

- 2.1 Meaning of Promotion, Promoter and Pre-Incorporation Contract
- 2.2 Procedure of Incorporation of Company
- 2.3 Importance and Contents of Memorandum of Association and Articles of Association
- 2.4 Doctrine of *Ultra Vires*, Constructive Notice and Indoor Management
- 2.5 Shareholders Agreement, Unanimous Agreement
- 2.6 Amendment to the Memorandum of Association and Articles of Association

Unit 3: Share Capital of Companies (8 hrs)

- 3.1 Meaning and Nature of Share
- 3.2 Share Capital, its Importance and Types of Share Capital
- 3.3 Shares and Stock, Kinds of Shares: Preference Shares, Equity Shares, Rights Shares, Sweat Equity Shares and Bonus Shares
- 3.4 Power/Rights of Equity Shareholders
- 3.5 Issue of Shares: Private Placement of Shares, Buy and Offer for Sale, By Inviting Public through Prospectus and Issue of Shares to the Existing Shareholders
- 3.6 Share Certificate, Transfer of Shares and Forfeiture of Shares and Reduction of Share Capital

Unit 4: Prospectus (2 hrs)

- 4.1 Meaning and Contents of Prospectus
- 4.2 Underwriting and Brokerage Contracts
- 4.3 Liabilities for Misstatement in Prospectus

Unit 5: Investment, Financing and Debenture (6 hrs)

- 5.1 Meaning of Investment and Legal Provisions Regarding Compliance of Investment

- 5.2 Meaning and Nature of Foreign Investment, Foreign Direct Investment and Portfolio Investment
- 5.3 Meaning, Definition and Features of Debenture
- 5.4 Issue of Debenture and Its Kinds
- 5.5 Difference between Shareholder and Debenture Holder
- 5.6 Meaning of Financing, Importance of Trade Financing and Provisions Relating Financing

Unit 6: Dividends (2 hrs)

- 6.1 Meaning of Dividend
- 6.2 Declaration of Dividend and its Procedure
- 6.3 Payment of Dividend, Interim Dividend Unpaid and Unclaimed Dividend and Their Status
- 6.4 Repatriation of Dividend under Foreign Investment and Technology Transfer Related Laws

Unit 7: Modern Types of Companies (4 hrs)

- 7.1 Single Shareholders Companies
- 7.2 Foreign Companies
- 7.3 Non-Profit Distributing Companies
- 7.4 Companies Limited by Guarantees
- 7.5 Properties Management Companies
- 7.6 Multinational Companies
- 7.7 Offshore Companies

Unit 8: Winding Up of a Company (6 hrs)

- 8.1 Meaning of Winding Up and Liquidation
- 8.2 Voluntary Winding Up of the Company and Procedures
- 8.3 Compulsory Winding Up, Grounds and Procedures

- 8.4 Appointment of Liquidator, Effect of Liquidators Appointment, Their Powers, Responsibilities and Liabilities
- 8.5 Liabilities of Officers during Winding Up Proceedings
- 8.6 Preferential Payments and Closure of Company

Relevant Court Cases

- Arun Chandra vs. Nepal Rastra Bank, *Nepal Kanoon Patrika (NKP)* (2063), No. 11, P. 1434.
- Nepal Airlines Corporation vs. Harati Travels, *NKP* (2067), No. 12, P. 2086.
- Piyus Raj Pandey vs. Tax Office Kathmandu, *NKP* (2040), No. 12, P. 901.
- Purusottam Acharya vs. Boris and Restaurant Pvt. Ltd., *NKP* (2044), No. 9, P. 934.
- Shankar Law Agrawal vs. Nepal Lever Limited, *NKP* (2057), No. 5, P. 427.
- Sushila Rani Rana vs. Hotel Jaya International, *NKP* (2040), No. 3, P. 259.
- Jyoti Spinning Mills Ltd. vs. Department of Industry, *NKP* (2057), No. 5, P. 453.
- Connors Bros vs. Connors (1940) 4 All E R 179 UK.
- Jones vs. Lipman (1962) 1. W.L.R. 832.
- Lee vs. Lee's Air Farming Ltd. 1961 A.C. 12 UK.
- Re R.G. Films Ltd. (1953) 1 All E.R. 615 UK.
- Salomon vs. Salomon & Co. Ltd. 1897 A.C. 22 UK.

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- Vinod Publication, *A Ramaiya's Company Law Digest*, New Delhi: 2014.
- Singh, Avatar, *Company Law* (16th Ed.), Lucknow: Eastern Book Company, 2015.
- Ulf, Bernitz, *Company Law and Economic Protectionism*, Oxford: Oxford University Press, 2010
- Upreti, Bharat Raj, *Company Kanoon* (in Nepali), Kathmandu: FREEDEL, 2064 BS.

Clinical Law –I: Alternative Dispute Resolution

Fifth Semester

Course Code: Law 475

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The general objectives of this Clinical Law course are to acquaint students with the negotiation, conciliation, arbitration, mediation and dispute resolution practices through simulation exercises.

Course Description and Evaluation

This course shall be conducted by the assigned teacher having at least ten years of professional experience. The Campus Chief, In-Charge of Law or any other senior and experienced teacher designated by Campus Chief or in charge of law will be the coordinator who is responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Tribhuvan University. A course outline and the number of students admitted in each academic session in this course will be notified by the Campus. Students shall submit a report within the given time at the end of academic session.

The seminar shall carry 3 Credit. Out of this, 40% marks shall be allotted to internal evaluation, which shall be given by the class teacher, and remaining 10% will be evaluated in *viva-voce* conducted by a 3-member committee having at least 10 years of experience in teaching or law practice or serving as a judge or public prosecutor. Remaining 50% shall be evaluated by the external examiner.

Juvenile Delinquency

Fifth Semester

Course Code: Law 476

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to impart knowledge on the theory of juvenile delinquency, child deviant behavior and causative factors of juvenile delinquency. The course further offers comparative knowledge of national and international legal principles and frameworks and recent judicial trends.

Unit 1: Introduction to Juvenile Justice (9 hrs)

- 1.1 Meaning and Definition of Juvenile
- 1.2 Concept and Rational of Juvenile Justice
- 1.3 Principles of Juvenile Justice
- 1.4 Models of Juvenile Justice
- 1.5 Historical Development of Juvenile Justice
- 1.6 Differences between Juvenile Justice and Criminal Justice

Unit 2: Juvenile Delinquency (4 hrs)

- 2.1 Concept of Juvenile Delinquency
- 2.2 Forms of Child Deviant Behavior
- 2.3 Causative Factors of Juvenile Delinquency
- 2.4 Types of Juvenile Delinquency

Unit-3: Theories of Juvenile Delinquency (6 hrs)

- 3.1 Biological Theories

- 3.2 Psychological Theories
- 3.3 Sociological Theories

Unit 4: National Law, Policy and Plans on Juvenile Justice

(12 hrs)

- 4.1 Constitutional Provisions
- 4.2 Legal Provisions
- 4.3 Regulatory Provisions
- 4.6 National Plan of Action for Children
- 4.7 National Child Policy
- 4.8 Five Years Strategic Plans of Nepalese Judiciary

Unit 5: International Instruments Relevant to Juvenile Justice

(6 hrs)

- 5.1 UN Convention on the Rights of the Child, 1989
- 5.2 UN Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules)
- 5.3 UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines)
- 5.4 UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (JDL Rules)
- 5.5 UN Minimum Rules for Non-Custodial Measures, 1990 (Tokyo Rules)
- 5.6 UN Guidelines for Action on Children in the Criminal Justice System, 1997 (Vienna Guidelines)

Unit 6: Juvenile Justice System in Nepal (6 hrs)

- 6.1 Investigation in Juvenile Delinquency Cases
- 6.2 Prosecution of Juvenile Delinquency Cases
- 6.3 Adjudication and Disposition of Juvenile Delinquency Cases
- 6.4 Juvenile Correction

- 6.5 Diversion
- 6.6 Restorative Justice

Relevant Court Cases

- Advocate Ashish Adhikari on Behalf of Bablu Godia vs. Banke District Court & Others, Writ No. 3390 (2057 BS), Date of Decision 2057/12/12 BS.
- Advocate Ashish Adhikari on Behalf of Keshav Khadka vs. Ministry of Home Affairs & Others, Writ No. 70 (2058 BS), Habeas Corpus, Date of Decision 2058/12/13 BS.
- Advocate Bal Krishna Mainali vs. Ministry of Home Affairs & Others, Writ No. 3505 (2056 BS), Mandamus & Others, Date of Decision 2058/04/23 BS.
- Advocate Kalyan K.C. on Behalf of Saroj Rai vs. District Administration Office, Kathmandu & Others, Writ No. 0025 (2066 BS), Date of Decision 2066/06/26 BS.
- Advocate Santosh Kumar Mahato vs. Office of the Prime Minister and the Council of Ministers & Others, Writ No. 60 (2061 BS), Mandamus & Others, Date of Decision 2062/10/09 BS.
- Advocate Sapna Malla Pradhan on Behalf of Forum for Women, Law and Development vs. Office of the Prime Minister and Council of Ministers & Others, *NKP* (2064), No. 9, P. 1208.
- Advocate Sita Sharan Mandal on Behalf of Choilang Lama vs. Child Correction Home Management Committee & Others, Writ No. 0016 (2067 BS), Date of Decision 2067/06/26.
- Mahesh Kumar Chaudhary vs. Government of Nepal, Incest Rape, *Nepal Kanoon Patrika (NKP)* (2064), No. 1, P. 415.
- Pleader Tara Devi Khanal on Behalf of Raj Kumar Rai vs. Ministry of Home Affairs & Others, Writ No. (2058), Date of Decision 2058/10/02 BS.

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- Mainali, Laxmi Prasad, *Juvenile Justice System in Nepal*, Kathmandu: Pairavi Prakashan, 2072 BS.
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AJAR, *Human Rights Standards on Criminal Justice: International Instruments Relevant to Administration of Justice* (2nd Ed.), Kathmandu: Access to Justice and Advocacy Rights, Nepal, 2009.

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—, *Compilation of National and International Laws on Juvenile Justice*, Lalitpur: Juvenile Justice Coordination Committee Secretariat, 2071 BS.

—, *Case Current State of Cases Heard from the Juvenile Bench: Study Report* (in Nepali), Lalitpur: Juvenile

- Justice Coordination Committee Secretariat, 2069 BS.
- JS, *Protection Guidance of Crime Victim Women/Children and Witnesses* (in Nepali), Kathmandu: Judges' Society, 2065 BS.
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- NJA & CCWB, *Compilation of Judgments Relating to Juvenile Justice and Child Rights* (in Nepali), Lalitpur: National Judicial Academy and Central Child Welfare Board, 2067 BS.
- OAG, *Resource Material on Crime Control against Women and Children: Theoretical Concept, Law and Judicial Approach* (in Nepali), Kathmandu: Office of the Attorney-General, 2071 BS.
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- , "Hard Laws on Juvenile Justice: An Overview", *Nepal Law Review*, No. 1 & 2. Kathmandu: Nepal Law Campus (2010).
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- , "Juvenile Justice System in Australia: An Overview", *Nyayadoot*, No. 203, Kathmandu: Nepal Bar Association (2069 BS).
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- , "Restorative Justice in the Context of Juvenile Justice", *Nepal Bar Council Law Journal*, 2013, Lalitpur: Nepal Bar Council, (2014).

Election Law

Fifth Semester
Course Code: Law 477
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objectives

The objectives of this course are to give knowledge to students about the general concepts and principle of elections, forms of elections, electoral laws and practices in Nepal with historical background.

Unit 1: General Background (5 hrs)

- 1.1 Concept and Forms of Representation
- 1.2 Meaning and Importance of Election
- 1.3 Meaning and Importance of Election Law
- 1.4 Idea of Adult Franchise

Unit 2: Basic Concept (14 hrs)

- 2.1 An introduction to Electoral Systems- Direct and Indirect, Majority, Proportional and Mixed Systems
- 2.2 Electoral System Family in the World - Their Advantages and Disadvantages
- 2.3 Requirements of Election- Qualification of Voters, Candidates, Delimitation of Election, Districts (Constituencies) and Voting Process
- 2.4 Bi-Elections, Recall and Secret Ballot System
- 2.5 Nature of Voting Right

Unit 3: Election Authorities (8 hrs)

- 3.1 Composition, Power and Functions of Election Commission

- 3.2 Subsidiary Bodies of Election Commission.
- 3.3 Appointment, Power and Function of Polling Officer, Presiding Officer and Returning Officers
- 3.4 Role of Political Parties in Election

Unit 4: Development of Election Law in Nepal (10 hrs)

- 4.1 History of Election Law in Nepal
- 4.2 Interim Constitution of Nepal, 2063 BS
- 4.3 Election (Crime and Punishment) Act, 2063 BS
- 4.4 Election Commission Act, 2063 BS
- 4.5 Election Code of Conduct
- 4.6 Provisions for Observation/Surveillance of Election

Unit 5: Election Crime and Punishment (9 hrs)

- 5.1 Crimes Relating to Election
- 5.2 Punishment for Election Crimes
- 5.3 Election Tribunal: Jurisdiction and Trial
- 5.4 Safeguards for Free, Fair and Impartial Elections

Relevant Court Cases

- Mulchandra Azad vs. Madan Mohan Joshi & Others, *Nepal Kanoon Patrika (NKP)* (2025), No. 12, P. 322.
- Communist Party of Nepal vs. Election Commission, *NKP* (2051), No. 5, P. 314.
- Som Prasad Sapkota vs. Election Commission, *NKP* (2051), No. 9, P. 693.
- Mangol National Organisation vs. Election Commission, *NKP* (2052), No. 1, P. 19.
- Peshal Dahal & Others vs. Parliament Secretariat, *NKP* (2056), No. 1, P. 6.

Mihir Kumar Thakur & Others vs. Election Commission, NKP (2062), No. 1, P. 593.
Advocate Kamlesh Dwivedi vs. Prime Minister & Cabinet Secretariat, NKP (2064), No. 7, P. 827.

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Reynolds, Andrew et al, *Electoral System Design: The New International IDEA Handbook*, Stockholm: IDEA, 2005.

Cyber Law

Fifth Semester

Course Code: Law 478

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to impart the knowledge of origin and development cyber law, existing legal regimes nationally and internationally. The impacts of information and communication technology on intellectual property right, financial transactions, privacy and crimes shall be also discussed, including court cases.

Unit 1: Introduction (6 hrs)

- 1.1 Concept, Evolution, Meaning and Nature of Cyber Law
- 1.2 Scope of Cyber Jurisprudence
- 1.3 Emerging Issues of Cyber Law

Unit 2: Cyber Crime (10 hrs)

- 2.1 Meaning and Essential Elements of Cyber Crime
- 2.2 Typology of Cyber Crime
- 2.3 Cyber Forensic and Admissibility of Electronic/Digital Evidence
- 2.4 Investigation of Cyber Crime and Chain of Custody
- 2.5 Jurisdiction of Information Technology (IT) Tribunal and IT Appellate Tribunal

Unit 3: Intellectual Property Rights of Digital Goods and Cyberspace (5 hrs)

- 3.1 Concept of Intellectual Property Rights

- 3.2 Source Code Protection, Copyrights of Computer Program, Software, Semi Conductor, Layout and Designs
- 3.3 Trademarks and Domain Names

Unit 4: E-Commerce and Legal Issues (6 hrs)

- 4.1 Meaning and Scope of E-commerce
- 4.2 Digital Signature/Electronic Signature
- 4.3 Certifying Authority and Controller of Certification Authority
- 4.4 Digital Cash and Online Payment
- 4.5 Consumer Protection in E-Commerce

Unit 5: Existing Laws and Policies in Nepal (5 hrs)

- 5.1 Constitutional Protection of Freedom of Expression
- 5.2 Salient Features of Electronic Transactions Law
- 5.3 Related Provisions of Copyright, Patent, Design and Trademark - Related Laws
- 5.4 Other Relevant Legislations

Unit 6: Internet Governance (9 hrs)

- 6.1 Meaning and Scope of Internet Governance
- 6.2 Internet Governance and Human Rights
- 6.3 Cyber-Security, Data Protection and Privacy
- 6.4 Internet Governance Forum, Regional Internet Governance Forum and National Internet Governance Forum Their Mandate

Unit 7: International Instruments and Mechanisms (7 hrs)

- 7.1 European Instruments and Mechanisms
- 7.2 Internet Corporation on Assigned Name and Numbers (ICANN) and Domain Name Dispute Policy

- 7.3 Legal Effect of Bi-lateral and Multilateral Agreements
- 7.4 INTERPOL and Other International Mechanisms

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International Air and Space Law

Fifth Semester

Course Code: Law 479

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to impart the students with the knowledge of the principles, the laws and the practices relating to air, space and aerial navigations. The course covers both national and international laws and practices.

Unit 1: Introduction (9 hrs)

- 1.1 Meaning, Scope and Sources of International Air and Space Law
- 1.2 Importance of International Air and Space Law
- 1.3 Civil Aviation Legislation in Nepal
- 1.4 International Air Law Conventions to which Nepal is a Party
- 1.5 Air Service Agreement Concluded by Nepal
- 1.6 Recent Trends

Unit 2: Air Law (6 hrs)

- 2.1 Definition of Air Space, Principles of International Air Law
- 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 (4 hrs)

- 3.1 Composition, Role, Functions, Safety Measures and Settlement of International Disputes and Freedoms of Air
- 3.2 Features of Chicago Convention

Unit 4: Carriers' Liability (6 hrs)

- 4.1 Warsaw Convention 1921 and the Hague Protocol 1955
- 4.2 Guadalajara Convention 1961 Guatemala City Protocol 1971
- 4.3 Montreal Convention 1999
- 4.4 Nepalese Experience on Carrier's Liability

Unit 5: Hijacking (9 hrs)

- 5.1 Meaning of Aerial Piracy
- 5.2 Tokyo Convention
- 5.3 Hague Convention
- 5.4 Montreal Convention
- 5.5 Nepalese Law on Hijacking and Its Comparisons with Tokyo, Hague and Montreal Conventions

Unit 6: Damage (4 hrs)

- 6.1 Rome Convention 1952 on Damage Caused by Foreign Aircraft to the Third Parties on the Surface
- 6.2 Montreal Protocol 1978, Montreal Convention 2009 on Damage Caused by Foreign Aircrafts to the Third Parties on the Surface

Unit 7: Law of Outer Space (10 hrs)

- 7.1 Definition
- 7.2 Distinction between Air Space and Outer Space
- 7.3 Doctrine of Sovereignty

- 7.4 Liability for Accident by Objects Launched in Outer Space
- 7.5 Special Protection to Astronauts Disarmament in outer Space
- 7.6 Prospects for Space Tourism Law
- 7.7 Outer Space Treaty to which Nepal is a Party
- 7.8 Recent Trends

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- Nancy Douglas Ayner, *Aerial Hijacking as an International Crime*, Leiden: Martinus Nijhoff Publishers, 1974.
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Corporate Law and Management

Sixth Semester

Course Code: Law 480

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide knowledge and conceptual understanding of corporate laws and management, corporate governance and relations among stakeholders, deep understanding of the various provisions of existing company laws and regulations, including their interpretation through courts.

Unit 1: Board of Directors: Roles and Responsibilities (10 hrs)

- 1.1 Meaning and Importance of Directors, Separation of Ownership and Control
- 1.2 Position of Director in the Company and Types of Directors and Qualification
- 1.3 Powers, Function and Duties of the Directors
- 1.4 Importance of Procedure of Board of Directors Meeting; Authority of Board of Directors and Delegation of the Authority to Managing Directors/ Chief Executive Officer

Unit 2: Shareholders Meeting: Annual General Meeting and Special General Meeting (4 hrs)

- 2.1 Importance of General Meeting of the Company
- 2.2 Procedures of Meeting: Notice, Agendas, Quorum, Proxies, Resolutions and Minutes

- 2.3 Adjournment of Meeting, Default in Holding Annual General Meeting and Consequences
- 2.4 Shareholder's Right Relating to Annual General Assembly

Unit 3: Accounts and Audit (4 hrs)

- 3.1 Books of Account to Be Kept, Inspection of Books of Account and Filing of Annual Accounts
- 3.2 Need and Objective of Audit and Audit Committee
- 3.3 Appointment of Auditor, Status of Auditor and Responsibilities, Rights and Powers of Auditor
- 3.4 Casual Vacancy of Auditor, Removal and Liabilities of Auditor

Unit 4: Corporate Control and Protection of Shareholders (6 hrs)

- 4.1 Corporate Control Over the Management,
- 4.2 Shareholders Rights and Privileges, Shareholders Protection against Oppression and Mismanagement
- 4.3 Derivative Action, Majority Rule and Minority Shareholders Protection

Unit 5: Corporate Governance and Its Mechanisms (12 hrs)

- 5.1 Concepts of Corporate Governance, Theories and Principles of Corporate Governance
- 5.2 Landmarks in Emergence of Corporate Governance (UK, USA and India) and Models of Corporate Governance
- 5.3 Role of Board in Corporate Governance
- 5.4 Role of Shareholder in Corporate Governance
- 5.5 Role of CEO and Management in Corporate Governance
- 5.6 Role of Employees in Corporate Governance
- 5.7 Role of Creditors and Institutional Shareholders in Corporate Governance

- 5.8 Provisions Relating to Corporate Governance under Company Laws

Unit 6: Corporate Liability and Business Ethics (4 hrs)

- 6.1 Civil Liability and Criminal Liability of Companies
- 6.2 Corporate Human Rights Responsibility
- 6.3 Corporate Social Responsibilities
- 6.4 Corporate Environmental Responsibility
- 6.5 Workers Participation in the Management

Unit 7: Company Secretary: Appointment, Roles and Duties of Company Secretary (4 hrs)

- 7.1 Legal Provisions and Practices
- 7.2 Relevant Court Cases

Relevant Court Cases

- Arun Chandra vs. Nepal Rastra Bank, *NKP* (2063), No. 11, P. 1434.
- Connors Bros v Connors (1940) 4 All E R 179 UK.
- Delhi Development Authority vs. Skipper Constructions Co. (P)Ltd.* (1997) 89 Com. Cases 362 (SC) India.
- Jones vs. Lipman (1962), 1. W.L.R. 832.
- McPadden vs. Sidhu* (Court of Chancery Delaware), 964 A. 2d 1262 (2008), USA.
- Nepal Airlines Corporation vs. Harati Travels, *NKP* (2067), No. 12, P. 2086.
- Piyus Raj Pandey vs. Tax Office Kathmandu, *Nepal Kanoon Patrika (NKP)* (2040), No. 12, P. 901.
- Re R.G. Films Ltd (1953) 1 All E.R. 615 UK.
- Re Westmid Packing Services Limited vs. Secretary of State for Trade & Industry & Griffiths* [1998] 2 BCLC 646.
- Unity Life International Ltd. vs. Office of the Council of Ministers, *NKP* (2069), No. 4, P. 643.
- Webneuron Services Ltd., In re* (2009), 149 Comp. Cas 61 (Del).

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- Upreti, Bharat Raj, *Company Kanon* (in Nepali), Kathmandu: FREEDEL, 2064.

Nepalese Legal System

Sixth Semester

Course Code: Law 481

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart the knowledge of the basic and fundamental concept of Nepalese legal system from origin, sources, characteristics and development to the learners. The course also provides critical knowledge about recent trends and modernisation process, including formal and informal system of judicial administration of Nepal.

Unit 1: Introduction (4 hrs)

- 1.1 Concept and Foundation of Nepalese Legal System
- 1.2 Historical Development of Nepalese Legal System

Unit 2: Legal System during Kirat and Lichhavi Period (8 hrs)

- 2.1 Legal System of the Kirat Period
- 2.2 Sources of Kirat Law
- 2.3 Judicial System of Kirat Period
- 2.4 Sources of Lichhavi Law
- 2.5 Judicial System of Lichhavi Period
- 2.6 Impact of Hindu Law

Unit 3: Legal System During Malla Period (8 hrs)

- 3.1 Code of Mahindra Malla
- 3.2 Manavnyayasastra (Nyayavikashini)
- 3.3 Sources of Law During Malla Period
- 3.4 Judicial System of Malla

Unit 4: Legal System During Shah Period (4 hrs)

- 4.1 Legal Reform of Ram Shah
- 4.2 Legal Reform of Prithvinarayan Shah
- 4.3 Sources of Law
- 4.4 Judicial System

Unit 5: Legal System During 1910 to 2007 BS (8 hrs)

- 5.1 Country Code, 1910 and Its Salient Features
- 5.2 Sources of Law in Rana Period
- 5.3 Major Reforms of Ranas: Abolition of Satipratha and Slavery System
- 5.4 Legal System and Judicial Administration During 1910 BS to 2007 BS

Unit 6: Legal System from 2007 to 2063 BS and Beyond (16 hrs)

- 6.1 Concept and Salient Features of Nepalese Law
- 6.2 Constitutional Development of Nepal
- 6.3 Sources of Existing Nepalese Law
- 6.4 Recognition of Precedents in Nepal
- 6.5 Muluki Ain, 2020 and Its Features
- 6.6 Court Structure: Judicial and Quasi-Judicial Bodies
- 6.7 Legal Profession
- 6.8 Other Formal and Informal/Indigenous System of Administration of Justice: Alternative Dispute Resolution, Bhalmansa, Maulavi, Badghar, Pancheti, Mukhiya, Etc.
- 6.9 Recent Trends of Nepalese Legal System
- 6.10 Opportunities and Challenges of Nepalese Legal System

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Intellectual Property Law

Sixth Semester
Course Code: Law 482
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to impart knowledge to students about the meaning, concept, theories, sources and kinds of intellectual property law and familiarise them about ownership, copyright and remedies for infringements. The course also enables them to acquire knowledge about the provisions of various international legal instruments as well as the provisions of some neighboring countries. The focus will be given on existing Nepal legal provisions and implementing institutions as well.

Unit 1: Introduction to Intellectual Property (10 hrs)

- 1.1 Concept, Philosophy and Theories of Intellectual Property
- 1.2 Major Forms of Intellectual Property
- 1.3 Sources of Intellectual Property Law
- 1.4 Importance and Economic Value of Intellectual Property
- 1.5 Historical Development of Intellectual Property
- 1.6 Role of World Intellectual Property Organisation for the Protection of Intellectual Property

Unit 2: Law of Copyright (10 hrs)

- 2.1 Concept, Justification and Elements of Copyright
- 2.2 Subsistence of Copyright Ownership: Economic Rights and Moral Rights

- 2.3 Exercise of Copyright ownership: Assignment, Licensing and Compulsory Licensing
- 2.4 Infringement, Remedies and Defense in Copyright
- 2.5 Permitted Use and Fair Dealing/Fair Use
- 2.6 National and International Instruments
- 2.7 Judicial Approach

Unit 3: Law of Patent (6 hrs)

- 3.1 Concept, Justification and Elements of Patent
- 3.2 Subsistence of Patent, Ownership and Patent Specification
- 3.3 Exercise of Patent: Assignment, Licensing, Compulsory Licensing
- 3.4 Infringement, Remedies and Defense in Patent
- 3.5 National and International Instruments

Unit 4: Law of Trademark (6 hrs)

- 4.1 Concept, Justification and Elements of Trademark
- 4.2 Types of Trademark
- 4.3 Ownership of Trademark, Subsistence and Exercise
- 4.4 Infringement, Remedies and Defense in Trademark
- 4.5 National and International Instruments

Unit 5: Law of Industrial Design (4 hrs)

- 5.1 Concept, Justification and Elements of Industrial Design
- 5.2 Ownership of Industrial Design and Exercise of Trademark
- 5.3 Infringement, Remedies and Defense in Industrial Design
- 5.4 National and International Instruments

Unit 6: General Introduction to Other Forms of Intellectual Property (6 hrs)

- 6.1 Geographical Indication

- 6.2 Lay-Out Design of Integrated Circuits
- 6.3 Trade Secret/Confidential Information
- 6.4 Protection against Unfair Competition
- 6.5 Protection of New Variety of Plants
- 6.6 Traditional Knowledge, Traditional Cultural Expression and Genetic Resources from Intellectual Property Perspective

Unit 7: Authorities and Organisations Dealing with Intellectual Property in Nepal (6 hrs)

- 7.1 Department of Industries, Industrial Property Section
- 7.2 Nepal Copyright Registrar's Office (NCRO)
- 7.3 Department of Archive
- 7.4 Custom Offices, Post Offices, Police Departments and Nodal Officers
- 7.5 Courts
- 7.6 Nepal Standard and Quality Office Relating to National Standard Mark
- 7.7 Collective Management Organisations
- 7.8 Film Development Board and Other Similar Organisations

Relevant Court Cases

- Suresh Chandra Agrawal vs. Department of Industry & Others, *Nepal Kanoon Patrika (NKP)*, No. 8, P. 791.
- Nurpratap Rana vs. Department of Industry & Others, *NKP* (2062), No. 5, P. 539.
- Mihir Kumar Thakur vs. Bhesh Jung Badal Lamichhane (Badal), *NKP* (2066), No. 12, P. 2017.

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International Institutions and Human Rights Law

Sixth Semester

Course Code: Law 483

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to make students familiar with the evolution of international organisations for the protection and promotion of human rights. It also provides critical and comparative knowledge on their nature and functions. The course covers wide ranges of human rights concepts, philosophies and approaches and existing international, regional/sub-regional and national human rights protection instruments and mechanisms. The course also aims to impart critical approaches to human rights, duties and responsibilities of both state and non-state actors and the future of human rights for peace and progress at different levels.

Unit 1: Introduction to International Organisations and Human Rights (4 hrs)

- 1.1 Evolution of International Organisations
- 1.2 International Organisations and Human Rights

Unit 2: Evolution of Human Rights (8 hrs)

- 2.1 Concept, Philosophy and Nature of Human Rights
- 2.2 National Contributions to International Human Rights
- 2.3 National Sovereignty and International Human Rights
- 2.4 Classification of Human Rights

- 2.4.1 Economic, Social and Cultural Rights
- 2.4.2 Civil and Political Rights
- 2.4.3 Collective Rights: Right to Development, Environment, Peace and Progress
- 2.4.4 Rights of Minorities and Marginalised Communities
- 2.4.5 Right to Self-Determination and the Indigenous Populations

Unit 3: International Protection of Human Rights (10 hrs)

- 3.1 United Nations Human Rights Mechanisms
 - 3.1.1 General Assembly
 - 3.1.2 Security Council
 - 3.1.3 Economic and Social Council
 - 3.1.4 Human Rights Council
 - 3.1.5 High Commissioner for Human Rights
 - 3.1.6 Treaty Monitoring Bodies and Complaint Procedures
 - 3.1.6.1 Committee on Economic, Social and Cultural Rights
 - 3.1.6.2 Human Rights Committee
 - 3.1.6.3 Committee on the Elimination of All Forms of Racial Discrimination
 - 3.1.6.4 Committee on the Elimination of Discrimination against Women
 - 3.1.6.5 Committee against Torture
 - 3.1.6.6 Committee on the Rights of the Child
 - 3.1.7 Thematic Groups and Working Groups
 - 3.1.7.1 United Nations Specialised Agencies
 - 3.1.7.2 International Labour Organisation
 - 3.1.7.3 United Nations Educational, Scientific and Cultural Organisation

- 3.1.7.4 World Health Organisation
- 3.1.7.5 United Nations' High Commissioner for Refugees
- 3.1.7.6 International Inter-Governmental Financial and Trade Institutions

Unit 4: Regional Arrangements for Human Rights (5 hrs)

- 4.1 European System
- 4.2 Inter-American System
- 4.3 African System
- 4.4 Asia-Pacific Initiatives
- 4.5 South Asia Regional Initiatives

Unit 5: Domestic Implementation of International Human Rights (8hrs)

- 5.1 Legislative Measures
- 5.2 Executive Measures
- 5.3 Judicial Measures
- 5.4 Administrative Measures
- 5.5 Education, Training and Resource Allocations
- 5.6 Country Reports and Global Period Review

Unit 6: Human Rights Protection under Special Situations (3hrs)

- 6.1 Riots, Uprisings, Blockades and Armed Conflicts
- 6.2 Public Emergencies and Failed States
- 6.3 Humanitarian Crisis, Humanitarian Interventions and Its Justification

Unit 7: Non-State Actors and Human Rights (5hrs)

- 7.1 Political Parties
- 7.2 Non-Governmental Organisations
- 7.3 Transnational Corporations

- 7.4 Academic and Professional Organisations
- 7.5 Other Private Actors

Unit 8: Critical Approaches to Human Rights (5 hrs)

- 8.1 Asian versus Western Human Rights
- 8.2 Globalisation and the Politics of Human Rights
- 8.3 Use and Misuse of Humanitarian Intervention
- 8.4 Role of Human Rights for Peace and Progress
- 8.5 Human Rights Violations, Impunity and Remedial Measures

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Interpretation of Law

Sixth Semester

Course Code: Law 484

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objective

The objectives of this course are to provide general knowledge about theories and methods of constitutional and statutory interpretation as well as the provisions of the Interpretation of Statute Act, 2010 BS.

Unit 1: Introduction to Interpretation of Statutes (8 hrs)

- 1.1 Meaning, Objectives, Importance, Kinds and Principle of Interpretation
- 1.2 Role and Importance of Aids of Construction
- 1.3 Intrinsic Aids of Interpretation
 - 1.3.1 Title
 - 1.3.2 Preamble
 - 1.3.3 Heading
 - 1.3.4 Schedules
 - 1.3.5 Punctuation
 - 1.3.6 Proviso
 - 1.3.7 Commencement
 - 1.3.8 Repeal and Revival of Legislation
- 1.4 Extrinsic Aids of interpretation
 - 1.4.1 Historical Setting
 - 1.4.2 Legislative History
 - 1.4.3 International Instruments
 - 1.4.4 Dictionaries and Textbooks

Unit 2: Rules of Interpretation of Statutes (12 hrs)

- 2.1 General Rules of Interpretation
 - 2.1.1 Primary Rule: Literal Rule
 - 2.1.2 Other Main Rules:
 - 2.1.2.1 Mischief Rule
 - 2.1.2.2 Golden Rule
 - 2.1.2.3 Construction *Ut Res Magis Valeat Quam Pereat*
 - 2.1.2.4 Reading Words in Their Context: Statutory Aspect
 - 2.1.2.5 Reading Words in Their Context: External Aspect
- 2.2 Mandatory and Directory Provisions
- 2.3 Consolidating and Codifying
- 2.4 Beneficial Construction
- 2.5 'Mimangsa Rule' of Hindu Law
- 2.6 Subsidiary or Subordinate Rule
 - 2.6.1 *Ejusdem Generis Rule*
 - 2.6.2 *Noscitur Sociis*
 - 2.6.3 *Re-Ddendo Singula Singuli*
 - 2.6.4 *Expressio Unius Rule*
 - 2.6.5 *Contemporanea Exposition*
 - 2.6.6 Construction of Words in *Bonam Partem*

Unit 3: Interpretation of Constitutions and Private Laws (8 hrs)

- 3.1 Interpretation of Constructions
- 3.2 Interpretation of Private Laws

Unit 4: Restrictive, Exceptional and Other Construction (4 hrs)

- 4.1 Restrictive Construction
- 4.2 Construction to Avoid Collision with Other Provisions
- 4.3 Exceptional Construction

Unit 5: Presumption (5 hrs)

- 5.1 Presumption of Constitutionality of a Statute
- 5.2 Presumption Regarding Jurisdiction
- 5.3 Presumption against Retrospective Legislation
- 5.4 Presumption against Violation of International Law
- 5.5 Presumption against Impairing Obligation or Permitting Advantage from One's Own Wrong
- 5.6 Presumption against Intending What is Inconvenient or Unreasonable
- 5.7 Presumption against Intending Injustice or Absurdity

Unit 6: An Introduction to Nepali Interpretation of Laws and Precedents (5 hrs)

- 6.1 Interpretation Act, 2010 BS
- 6.2 Supreme Court Precedents

Relevant Court Cases

- Ram Bahadur Prajapati vs. Nhechchhe Kumar Prajapati, *Nepal Kanoon Patrika (NKP)* (2048), No. 9, P. 450.
- Lok Bhakta Rana vs. Rama Devi, *NKP* (2055), No. 11, P. 636.
- K.I. Shing vs. His Majesty's Government of Nepal, *NKP* (2022), No. 3, P. 56.
- Yagyamurti Banjade vs. Durga Das, *NKP* (2027), No. 7, P. 157.
- Ratna Devi vs. Prem Man, *NKP* (2042), No. 9, P. 853.

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- Shrestha, Gyandra Bahadur, *Kanoonko Byakhya* (in Nepali), Kathmandu: Pairavi Prakashan, 2068 BS.
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Law of Torts and Consumer Protection

Sixth Semester

Course Code: Law 485

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to acquaint students with the basic concepts and general principles of tort and enable them to distinguish between torts, crime and breach of contract. The course familiarizes with the remedies such as consumerism, consumer protection and existing Nepalese consumer protection laws.

Unit 1: Introduction (12 hrs)

- 1.1 Origin, Meaning and Functions of the Law of Tort
- 1.2 Nature of Tort
- 1.3 Constituents of Tort
- 1.4 General Elements in Tort
- 1.5 Tort in Nepalese Context

Unit 2: Personal Capacity and Justification (12 hrs)

- 2.1 Who can Sue and Be Sued
- 2.2 Who Cannot Sue and Cannot Be Sued
- 2.3 Justification of Tort

Unit 3: Liability and Discharge of Tort (4 hrs)

- 3.1 Strict Liability/Absolute Liability
- 3.2 Vicarious Liability
- 3.3 Meaning and Kinds of Discharge of Tort

Unit 4: Remedies (4 hrs)

- 4.1 Judicial Remedies
- 4.2 Extra Judicial Remedies and Self-Help

Unit 5: Consumer Protection (6 hrs)

- 5.1 Origin, Development and Meaning of Consumerism and Consumer Protection
- 5.2 Objective, Importance and Function of Consumer Protection Law
- 5.3 Rights of Consumer and Duties of Vendor and Producer

Unit 6: Consumer Protection in Nepal (10 hrs)

- 6.1 Consumerism and Consumer Protection in Nepal
- 6.2 Objective and Importance of Consumer Protection Related Laws
- 6.3 Composition, Function, Duties and Power of Consumers Protection Council
- 6.4 Protection and Promotion of Consumer Rights
- 6.5 Power and Functions of Government to Systematise and Control the Supply of Consumer Goods and Services
- 6.6 Particulars to be mentioned in Consumer Goods
- 6.7 Prohibited Actions Regarding Consumer Goods and Services
- 6.8 Penalty and Compensation Claim Settlement Mechanism
- 6.9 Other Related Laws and Judicial Cases

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Books

- Iyer, Ramaswami, *The Law of Torts*, Bombay: N.M. Tripathi, 1990. Ratna Lal & Dhiraj Lal, *The Law of Torts* (42nd Ed.), Nagpur: Wadhwa & Company, 1992.
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Insurance Law

Sixth Semester

Course Code: Law 486

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objective

The objective of the course to acquaint the students with the basic knowledge of the conceptual and operational parameters of insurance law, prevailing insurance law and practice in Nepal and leading court decisions.

Unit 1: Introduction (6 hrs)

- 1.1 Definition and Nature of Insurance and Insurance Law
- 1.2 History of Insurance and Insurance Law in General
- 1.3 Concept of Insurance and Law of Contract, Law of Companies and Law of Torts in the Globalised Economy
- 1.4 History and Development of Insurance and Insurance Laws in Nepal
- 1.5 Prevailing Insurance Laws of Nepal

Unit 2: General Principles of Law of Insurance (10 hrs)

- 2.1 Contract of Insurance
- 2.2 Nature and Classification of Insurance: Life Insurance, Non-Life Insurance and Re-Insurance
- 2.3 Parties, Principles of Good Faith in Contracts, Disclosure and Representation of Insurance Contract
- 2.4 Insurable Interest: Definition, Nature and Duration
- 2.5 Premium: Definition, Mode or Method of Payment, Days of Grace, Forfeiture and Return of Payment
- 2.6 The Risk: Meaning, Elements and Scope of Risk,

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Commencement, Attachment; Duration, Alteration, Risk and Duty Assured and Application of Rules in Different Classes of Insurance

- 2.7 The Policy: Classification of Policies, Form and Contents, Commencement, Duration, Cancellation, Alteration, Rectification, Renewal and Assignment and Construction
- 2.8 Conditions of Policy
- 2.9 Assignment of the Subject-Matter: Assignment of the Insurance Policy, Nature and Manner of Assignment, Assignment of Life and Non-life Policy and Warranties and Disclosure
- 2.10 Claim: Doctrine of Proximate Cause: Burden of Proof; Doctrine of Contribution: Doctrine of Subrogation and Claim Procedure for Reinsurance

Unit 3: Life Insurance (6 hrs)

- 3.1 Definition, Nature and Scope of Life Insurance
- 3.2 Classification of Life Insurance: Whole Life Insurance, Endowment Life Insurance, Term Life and Policy and Formation of a Life Insurance Contract
- 3.3 Events Insured against Life Insurance Contract
- 3.4 Circumstances Affecting the Risk
- 3.5 Claim: Process of Payment, Amounts Recoverable under Life Insurance Policy
- 3.6 Persons Entitled to Payment
- 3.7 Complaint and Settlement of Claim and Payment of Money

Unit 4: Non-Life Insurance (6 hrs)

- 4.1 Meaning and Nature of Non-Life Insurance
- 4.2 Kinds of Non-Life Insurance: Fire Insurance, Motor

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- Vehicles Insurance, Marine Insurance, Engineering and Contractor's Risk Insurance, Aviation Insurance and Miscellaneous Insurances
- 4.3 Insurance against Third Party Risks and the Motor Vehicles
- 4.4 Claim: Process of payment against Non-Life Insurance Claim and Complaint

Unit 5: The Insurance Regulatory and Development Authority in Nepal (4 hrs)

- 5.1 Insurance Board: Constitution and Management; Functions, Duties and Power
- 5.2 Insurance Board's Authority of Inquiry, Investigation and Imposition of Fines

Unit 6: Registration and Regulation of Insurer and Insurer's Liability (10 hrs)

- 6.1 Registration of Insurance Companies: Conditions of Registration and Non-Registration
- 6.2 Insurance Board's Action against the Insurers: Conditions of Non-Renewal of Registration, Condition of Imposition of Ban on the Insurance Business and Conditions of Cancellation of Registration of Insurer
- 6.3 Insurer's Liability of Paying Claims and Compensation
- 6.4 Assets, Accounts and Audit of Insurance Companies
- 6.5 Order of Priority in the Settlement of Liabilities Due to Cancellation
- 6.6 Insurance Tariff Advisory Committee

Unit 7: Insurance Intermediaries (6 hrs)

- 7.1 Registration of Insurance Agents, Surveyor and Broker

- 7.2 Disqualifications of Insurance Agent, Surveyor and Broker
- 7.3 Law of Agency
- 7.4 Code of Conduct of Intermediaries

Relevant Court Cases

- Rastriya Bima Sansthan vs. Indrajeet Tiwari, *Nepal Kanoon Patrika (NKP)* (2069), No. 4, P. 574.
- Everest Insurance Ltd. vs. Narayan Prasad Parajuli & Others, *NKP* (2067), No. 12, P. 2135.

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Socio-Economic Crime

Sixth Semester

Course Code: Law 487

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objective

The objective of the course is to acquaint the learners with the knowledge of socio-economic crimes such as organised crime and white color crime and existing Nepalese laws and judicial decisions.

Unit 1: Introduction (8 hrs)

- 1.1. Definition, Nature and Kinds of Socio-Economic Crimes
- 1.2. Economic Approach to Crime
- 1.3. Crime and Poverty

Unit 2: Organized Crimes (12 hrs)

- 2.1. Concept of Organised Crime
- 2.2. Nature and Characteristics of Organised Crime
- 2.3. Classification of Organised Crime
- 2.4. Transnational Organised Crime
- 2.5. Organised Crime in Nepalese Society

Unit 3: White Color Crime (14 hrs)

- 3.1. Definition of White Color Crime
- 3.2. Nature and Basic Characteristics of White Color Crime
- 3.3. Evolution of Concept of White Color Crime
- 3.4. White Color Crime in Certain Professions
 - 3.4.1. Medical Profession
 - 3.4.2. Engineering

- 3.4.3. Educational Institutions
- 3.4.4. Fake Employment Placement Rackets
- 3.5. Organized Crime and Terrorism
- 3.6. Efforts Towards Controlling the Organised Crime
- 3.7. Comparison between White Color Crime and Traditional Crime

Unit 4: Major Categories of Organised Crimes (8 hrs)

- 4.1. Drug Trafficking
- 4.2. Human Trafficking
- 4.3. Smuggling
- 4.4. Money Laundering

Unit 5: Political Crimes (6 hrs)

- 6.1. In-Power Political Crimes
- 6.2. Out-of-Power Political Crimes

Relevant Court Cases

Dhankumari Sitaula vs. Government of Nepal, *Nepal Kanooor Patrika (NKP)* (2066), No. 11, P. 1893.

Florin Percul vs. Government of Nepal, *NKP* (2064), No. 2, P.251

Government of Nepal vs. Lakpa Tamang & Others, *NKP* (2066), No. 2, P. 314.

Government of Nepal vs. Magare Khan & Others, *NKP* (2066), No. 10, P. 1667.

Bhimsen Pariyar vs. Government of Nepal, *NKP* (2061), No. 1, 101.

Government of Nepal vs. Khem Raj Pandey & Others, *NKP* (2066), No. 6, P. 926.

Government of Nepal vs. Rajesh Lama, *NKP* (2062), No. 4, P. 45

Uttam Lama vs. Government of Nepal, *NKP* (2061), No. 9, P. 1103.
Bijayanath Bhattarai vs. Government of Nepal, *NKP* (2066), No. 7, P. 1159.
Government of Nepal vs. Kedar Chandra Khanal, *NKP* (2063), No. 6, P. 737.

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Pradhananga, Rajit Bhakta, Raut, Balram Prasad and et al, "Corruption: Concept, Theory and Judicial Practices in Nepal", *Nepal Bar Council Law Journal*, Kathmandu: Nepal Bar Council, (2008).

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- "Domestic Violence Laws of Nepal", *Socio-Economic Justice and Women's Right*, in Tripathi, Suresh Mani (ed.), Germany: Lambert Academic Publishing House (2015).
- "Analysis of Law Relating to Cyber Crime in Nepal" in B.C., Nirmal & Singh, Rajanish Kumar (eds.), *Contemporary Issues in International Law*, New Delhi: Satyam Publication (2014).
- "Analysis of Cyber Crime from Jurisprudential Perspective: In Context of Cyber Law in Nepal" in Tripathi, Suresh Mani (ed.), *Emerging Issues and Legal Framework in India*, New Delhi: Educational Publishers (2014).
- "An Analysis of Domestic Violence Laws of Nepal from the Perspective of Women's Rights", *LAAC LENS*: Lalitpur: Legal Aid and Consultancy Centre (2014).

International Humanitarian Law

Sixth Semester
Course Code: Law 488
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objectives

The objectives of this course are to provide knowledge on international humanitarian law (IHL) and to enhance understanding of students about different types of conflict and the applicable laws. The course imparts knowledge on the interface between international humanitarian law and international criminal law as well as the implementation and accountability mechanisms.

Unit 1: Introduction to International Humanitarian Law (7 hrs)

- 1.1 Definition and Nature of IHL
- 1.2 Origin and Development of IHL
- 1.3 Sources of IHL
- 1.4 Basic Principles of IHL
- 1.5 Inter-Relationship between IHL, IHRL (International Human Right Law), ICL (International Criminal Law) and Refugee Law

Unit 2: Classification of Armed Conflicts (7 hrs)

- 2.1 International Armed Conflict
- 2.2 Non-International Armed Conflict
- 2.3 Internationalised Non-International Armed Conflict
- 2.4 Private Actors and Conflict

Unit 3: Protected Persons under IHL (8 hrs)

- 3.1 Wounded Sick and Shipwrecked
- 3.2 Civilian Population or People not taking Part in the Hostility
- 3.3 Prisoners of War (POWs)
- 3.4 Medical Personnel
- 3.5 Women, Children and Refugees

Unit 4: Limitation on Conduct of Hostilities (8 hrs)

- 4.1 Limitation on the Means of Warfare
- 4.2 Limitation on Method of Warfare
- 4.3 Military Objects
- 4.4 Prohibition on Attack against Cultural Property
- 4.5 Other Protected Objects (Civilian Objects, etc.)

Unit 5: Implementation and Enforcement of International Humanitarian Law (18 hrs)

- 5.1 War Crimes and Grave Breaches
- 5.2 Individual Criminal Responsibility, Superior Orders and Command Responsibility
- 5.3 Measures to Implement of IHL at International and National Level
- 5.4 Role of International Criminal Tribunal-Ad Hoc, Hybrid Courts and International Criminal Court
- 5.5 Role of ICRC in the Promotion and Enforcement of IHL

Report(s)

International Committee of the Red Cross, *Internal Conflicts: The Role of Humanitarian Action* (Proceedings of a Conference Organized by Webster University), Geneva: ICRC (1998), *Nepal Kanoon Patrika* (2060), No. 9/10.

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Gender and Inclusive Justice

Seventh Semester

Course Code: Law 521

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to acquaint the students with conceptual clarity on gender and inclusive justice, and also enable them to examine the existing laws, constitutional provisions relating to gender and inclusive justice in Nepal. It also covers national and international legal instruments and remedial mechanisms.

Unit 1: Introduction of Gender and Inclusive Justice (7 hrs)

- 1.1 Concept of Law and Society
- 1.2 Concept of Gender and Inclusive Justice
- 1.3 The Philosophical Basis of Rights
- 1.4 Concept of Human Rights and Women's Human Rights
- 1.5 Concept of Equality, Non-Discrimination and Equity
- 1.6 Gender Equality and Women's Rights under the General Human Rights Framework

Unit 2: Gender and Nepalese Legal System (10 hrs)

- 2.1 Influence of Religious and Cultural Values in the Legal System of Nepal
- 2.2 Introduction of Nepalese Legal System from Gender Perspective
- 2.3 Gender Issues under the Constitution of Nepal (Fundamental Rights and State Policies)
- 2.4 Property Rights

- 2.5 Right to Marriage
- 2.6 Reproductive Rights
- 2.7 Right to Employment
- 2.8 Right to Identity
- 2.9 Relevant Court Cases

Unit 3: Gender-Based Violence (10 hrs)

- 3.1 Domestic Violence
- 3.2 Sexual Harassment
- 3.3 Human Trafficking
- 3.4 Dowry
- 3.5 Witchcraft
- 3.6 Rape
- 3.7 Acid Throwing
- 3.8 Third Gender Rights
- 3.9 Untouchability During Menstruation/Child Birth
- 3.10 Traditional Violent Practices against Women

Unit 4: Affirmative Actions and Special Measures (5 hrs)

- 4.1 Right to Equality and Principle of Non-Discrimination
- 4.2 Concept of Affirmative Action and Inclusive Justice
- 4.3 Global Legal Measures

Unit 5: Inclusive Justice (18 hrs)

- 5.1 Concept of Inclusive Justice
- 5.2 Inclusive Justice: Rights of Indigenous Populations, Ethnic Groups, Madhesi Communities, Dalits (the So Called Untouchables) and Differently Able Persons
- 5.3 Global Legal Measures
- 5.4 National Legal Measures
- 5.5 Need for a Comprehensive Law on Inclusive Justice

Relevant Court Cases

- Sapana Pradhan Malla vs. Government of Nepal & Others, *Nepal Kanoon Patrika (NKP)* (2065), No. 8, P. 917.
- Laxmi Dhikta & Others vs. Government of Nepal, *NKP* (2067), P. 1551.
- Sabina Damai vs. Government of Nepal & Others, *NKP* (2068), P. 247.
- Meera Dhungana vs. Ministry of Law, Justice and Parliamentary Affairs & Others, *NKP* (2057), No. 6, P. 462.
- Sunil Babu Panta vs. Government of Nepal & Others, *NKP* (2064).
- Jyoti Paudel vs. Government of Nepal & Others, *NKP* (2065), No. 4, P. 485.
- Suntali Dhami vs. Council of Ministers & Others, *NKP* (2068), No. 1, P. 112.
- Meera Dhungana vs. Council of Ministers & Others, *NKP* (2063), No. 8, P. 972.
- Sapana Pradhan Malla vs. Office of Prime Minister & Others, *NKP* (2064) No. 9, P. 1208.
- Ramsharan Varma vs. Office of the Prime Minister & Others, Writ No. 0109 (2067).
- Dil Bahadur Bishwakarma & Others vs. Cabinet Secretariat & Others, *NKP* (2062), No. 4, P. 498.
- Advocate Basundhara Thapa vs. Council of Ministers, *NKP* (2060), No. 5/6, P. 389.
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Law, Poverty and Development

Seventh Semester

Course Code: Law 522

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart basic Knowledge to students about the concept of poverty and development and acquaint them with the poverty reduction and development laws, plans, policies and programmes both from national and international perspectives.

Unit 1: Concept of Poverty (6 hrs)

- 1.1 Meaning and Definitions of Poverty and Impoverishment
- 1.2 Forms of Poverty
- 1.3 Causes of Poverty
- 1.4 Identification and Measurement of Poverty

Unit 2: Basic Rights of the Poor (10 hrs)

- 2.1 Right to Food
- 2.2 Right to Housing
- 2.3 Right to Employment
- 2.4 Right to Education
- 2.5 Right to Social Security
- 2.6 Right to Development

Unit 3: Measures of Poverty Reduction (12 hrs)

- 3.1 Global Measures (Including the Role of the United Nations, and International/Regional Financial/Trade Institutions)

- 3.2 Regional Measures (Including the Role of South Asian Association for Regional Co-operation)
- 3.3 Legal Measures (with Reference to Legal Empowerment of the Poor)
- 3.4 Extra-Legal Measures (Economic, Social and Cultural Responses to Poverty Reduction)

Unit 4: Poverty Reduction in Nepal (12 hrs)

- 4.1 Causes of Poverty in Nepal
- 4.2 Legal Arrangements for Poverty Reduction in Nepal
- 4.3 Poverty Reduction Strategy of the Government of Nepal
- 4.4 Judicial Initiatives
- 4.5 Role of Foreign Aid in Poverty Reduction of Nepal
- 4.6 The Reality of Aid and Nepal

Unit 5: Development (8 hrs)

- 5.1 Concept and Meaning of Development
- 5.2 Criteria of Development
- 5.3 Development and Poverty Reduction
- 5.4 Sustainable Development
- 5.5 Law and Development

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Environmental Law

Seventh Semester

Course Code: Law 523

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives are to familiarise students with the environmental problems at different levels and to impart basic knowledge about international environmental laws, environmental justice and principles and evolving trends, including relevant domestic laws, institutions and judicial decisions.

Unit 1: Introduction (6 hrs)

- 1.1 Concept and Philosophy of Environment
- 1.2 Meaning and Definition, Nature, Scope and Kinds of Environment
- 1.3 Climate Change: Global, Regional and National Environmental Problems and Issues
- 1.4 Ozone Layer Depletion, Acid Rain, Nuclear Winter, Atmospheric Pollution
- 1.5 Loss of Biodiversity: Depletion of Cultural Heritage, Energy Issue, and Food Sovereignty Issue
- 1.6 Causes and Effects of Environmental Problems

Unit 2: General Principles of Environmental Law and Justice (10 hrs)

- 2.1 Concept, Meaning, Definition and Kinds of Environmental Law
- 2.2 Concept, Meaning and Definition, Origin and Kinds of Environmental Justice
- 2.3 Principles of Environmental Law

- 2.3.1. Preventive Principle
- 2.3.2. Polluter Pays Principle
- 2.3.3. Precautionary Principle
- 2.3.4. Principle of Inter- and Intra-Generational Equity
- 2.3.5. Principle of Common Heritage of Human Kinds
- 2.3.6. Principle of Good Neighbourliness and International Cooperation
- 2.3.7. Principle of Common but Differentiated Responsibilities
- 2.3.8. Principle of No Significant Harms
- 2.3.9. Principles of Sustainability
- 2.3.10. Principles of Environmental Justice

Unit 3: International Environmental Law (10 hrs)

- 3.1 Meaning, Nature and Scope of International Environmental Law
- 3.1 Sources of International Environmental Law
- 3.2 Kinds of International Environmental Law
- 3.3 Major Provisions of Multilateral Environmental Agreements (MEAs) to Which Nepal is a Party
- 3.4 Major Global and Regional (SAARC) Environmental Agencies for the Protection of Environment

Unit 4: Environmental Laws of Nepal (14 hrs)

- 4.1 Concept, History of Environmental Protection in Nepal
- 4.2 Sources of Nepalese Environmental Laws
- 4.3 Forest Conservation Laws
- 4.4 Water Conservation Laws
- 4.5 Biodiversity and Wildlife Conservation Laws
- 4.6 Cultural Heritage Preservation Laws
- 4.7 Pollution Prevention and Control Laws
- 4.8 Climate Change Policies and Action Plans

Unit 5: Relevant Court Cases (8 hrs)

- Surya Prasad Sharma Dhungel & Other vs. Godavari Marble Industries & Others, *Nepal Kanoon Patrika (NKP)* (2052), P. 168.
- Yogi Narahari Nath vs. Prime Minister Girija Prasad Koirala & Others, *NKP* (2053) No. 1, P. 33.
- Bhoj Raj Aer vs. Ministry of Population and Environment, *NKP* (2061), No. 10, P. 1361.
- Bhoj Raj Aer vs. Ministry of Water Resources & Others, NKP* (2061), No. 10, P. 1288.
- Prakash Mani Sharma & Others vs. His Majesty's Government of Nepal, Writ No. 2898, Decision Date 2061/09/06.
- Bhoj Raj Aer & Others on Behalf of Society for Environment, Law and Good Governance Activities (SELGA) vs. Prime Minister & Others, Writ No. 3377 (2060).
- Narayan Devkota vs. Prime Minister and Council of Ministers & Others, *NKP* (2067), No. 12, P. 2053.
- Advocate Bharat Mani Gautam vs. Council of Ministers & Others, Writ No. 2791 (2057), Date of Decision 2058/2/19.
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Seminar-I (Doctrinal)

Seventh Semester

Course Code: Law 524

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The main objective of the subject is to familiarize the students with the basic skills of conducting a research applying research methodology. The students shall apply doctrinal approach of research which is based on primary and secondary information. The students shall develop their capabilities and confidence in solving contemporary legal problems through this research.

Course Description and Evaluation

This Seminar is a practical exercise requires a topic on any contemporary legal issues with the approval of the class teacher/ convener. Then they are subjected to prepare a research paper followed by presentation in the class. A final paper is to be submitted to the B.A.LL.B Programme Office incorporating of comments and recommendations given by the class teacher and the participating students in the discussions which are mandatory.

This practical course carries 3 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher and another 10% is evaluated in *viva-voce* conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. Remaining 50% is evaluated by the external examiner.

Labour Law

Seventh Semester

Course Code: Law 525

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The main objectives of this course are to impart knowledge to the students regarding labour jurisprudence, principles of labour law, including the work of International Labour Organization and labour jurisprudence. The course also provides students with the knowledge of Nepalese labour laws, policies and standards as well as related administrative and judicial institutions, including trade unions, and court decisions.

Unit 1: Industrial Jurisprudence, Principles and Concepts of Labour Laws (10 hrs)

- 1.1 Nature, Meaning, Scope, Evolution, Role and Features of Labour Jurisprudence
- 1.2 Sources of Labour Laws
- 1.3 Interpretation of Labour Laws
- 1.4 Concepts of Industrial Justice and Labour Court System
- 1.5 Some Fundamental Concepts Relating to Labour Laws
 - 1.5.1 Basic Human Rights of Worker
 - 1.5.2 Employment Policy
 - 1.5.3 Social Security
 - 1.5.4 Industrial relations
 - 1.5.5 Managerial Rights
 - 1.5.6 Trade Union Rights
 - 1.5.7 Social Dialogue (Bi-Partism, Tri-Partism) and Collective Bargaining

- 1.5.8 Industrial Action
- 1.5.9 Unfair Labour Practice
- 1.5.10 Peaceful Settlement of Industrial Dispute
- 1.5.11 Protective Right of Some Special Group of Worker
- 1.5.12 Inter-Relation between Employer, Employee, Society and the State
- 1.5.13 Role of Government

Unit 2: International Labour Organisation (3 hrs)

- 2.1 ILO, Its Origin, Organisational Structure and Functions
- 2.2 ILO's Contribution to Global Labour Standard/ Jurisprudence Setting and Its Process
- 2.3 Core International Labour Standards

Unit 3: Constitution and Labour Laws (3 hrs)

- 3.1 Constitutionality of Labour Laws
- 3.2 Fundamental Rights of the Worker
- 3.3 Historical Development of Labour Legislation in Nepal

Unit 4: Nepalese Labour Laws (16 hrs)

- 4.1 Terminologies Used in Definition and Salient Feature of the Nepali Labour Laws
- 4.2 Appointment Process
 - 4.2.1. Classification of Job
 - 4.2.2. Appointment of Workers and Employees
- 4.3. Employment of Women, Young and Children
- 4.4. Job Security and Retrenchment
 - 4.4.1. Security of Job from Termination
 - 4.4.2. Lay Off
 - 4.4.3. Retrenchment and Reinstatement

- 4.5. Compulsory Retirement
- 4.6. Remuneration/Wages, Allowances and Their Protection
 - 4.6.1. Minimum Remuneration/Basic Wage and Its Fixation
 - 4.6.2. Dearness Allowance
 - 4.6.3. Annual Increment of Remuneration (Grade)
 - 4.6.4. Protection of Remuneration/Wage, Allowance etc. and Remedy Thereof
 - 4.6.5. Minimum Remuneration Fixation Committee and Its Power and Functions

- 4.7. Leave
- 4.8. Misconduct and Punishment of Employers and Employees

Unit 5: Special Enterprise (1 hrs)

- 5.1 Labour Law Provisions Relating to Special Enterprises
- 5.2 Evolving Trends on Health and Safety in Nepal

Unit 6: Health, Safety and Welfare (2hrs)

- 6.1 Provision on Health and Safety
- 6.2 Provision on Welfare
- 6.3 Evolving Trends on Health and Safety in Nepal

Unit 7: Provisions on Social Security (2 hrs)

- 7.1 Provident Fund
- 7.2 Gratuity
- 7.3 Workman's Compensation
- 7.4 Evolving Trends on Social Security in Nepal

Unit 8: Labour Disputes (4 hrs)

- 8.1. Provisions for the Prevention of Labour Disputes
- 8.2. Provisions for the Settlement of Labour Disputes
- 8.3. Industrial Actions: Strikes and Lock Out and the Process
- 8.4. Collective Bargaining

- 8.5. Settlement of Labour Disputes through Bipartite and Tripartite Dialogues
- 8.6. Role of Labour Court

Unit 9: Authorities (2 hrs)

- 9.1. Labour Department and Labour Office and Their Power and Functions
- 9.2. Labour Officers and Factory Inspectors and Their Power and Functions
- 9.3. Industrial Relation Committee, National Labour Advisory Committee

Unit 10: Trade Unions and Its Importance (2 hrs)

- 10.1. Brief Overview of International and National Labour Movement
- 10.2. Concept of Trade Unions with Reference to Right to Association
- 10.3. Legal Provisions of Trade Union under Trade Union Act, 1992

Unit 11: Relevant Court Cases (3 hrs)

- Casino Royal vs. Labour Court, *Nepal Kanoon Patrika (NKP)* (2064), Vol. 5, P. 625.
- Rup Jyoti vs. Labour Court, *NKP* (2063), No. 4, P. 407.
- International Centre for Integrated Mountain Development vs. Labour Court, Date of Decision 2064/12/5.
- Mukunda Bahadur Bista vs. Labour Court, *NKP* (2063) No. 8, P. 1099.
- Nepal Battery Company, Balaju Industrial Estate Pvt. Ltd. vs. Ministry of Labour, *NKP* (2059), No. 11/12, P. 726.
- Nepal Insurance vs. Labour Court, Writ No. 3625 (2061).
- Olampia Textile vs. Labour Court, *NKP* (2064), No. 3, P. 371.

Pro-Public vs. Ministry of Women, Children and Social Welfare,
NKP (2060), No. 9/10, P. 726.
Pro-Public vs. Nepal Independent Trade Union of Hotel, Writ
No. 0602 (2063).
Purushottam Bhandari vs. Ministry of Transport and Labour
Management, Writ No. 3232 (2058), *Shramsambandhi
Mahatwapurna Najirharu*, Part II, P. 379.

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Lumbini Publication, 2072 BS.
- , *Labour Law, Part I* (2nd Ed.), Kathmandu: Democracy
Development and Law, 2058 BS
- , *Labour Law, Part II* (1st Ed.), Kathmandu: Pawan Manju Ojha
Foundation, 2064 BS
- Dahal, Kashi Raj, *Industrial Jurisprudence*, Kathmandu: Pairavi
Prakashan, 2050.
- Giri, Hima Raj & K.C., Narendra Kumar, *Shram Kanoon* (in
Nepali), Kathmandu: Pairavi Prakashan, 2071 BS.
- Thapa, Sitamaiya Singh, *An Introduction to Labour Law of
Nepal*, Kathmandu: Nepal Law Society, 1991.
- ILO, *Labour Administration: Profile of Nepal*, Kathmandu:
International Labour Organisation, 1998.

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- Siwakoti 'Chintan', Gopal, "Labour Law and Practices in Nepal", in
Workers' Rights for the New Century, Asia Pacific Labour Law
Review, Hong Kong: Asia Monitor Resource Center, 2003.
- Ghimire, "Legal Aspects of Labour Strike in Nepal", *Nepal Law
Review*, Vol. 23, No. 182, Kathmandu: Nepal Law Campus
(2011).

Forensic Science

Seventh Semester

Course Code: Law 526

Credit: 3

Duration: 48 hrs

Pass Mark: 50%

Nature: Optional

COURSE OBJECTIVES:

The main objectives of this course are to impart basic knowledge about the concept of forensic science, to familiarize the students about the physical evidence and to orient them with basic knowledge of physical evidence based litigation and trial of the accused in the court rooms, to familiarize the students with Nepalese legal provisions and case laws developed by Nepalese courts on forensic science and to impart knowledge on the steps and procedure for examination, cross-examination and re-examination of experts in the courts.

UNIT 1: INTRODUCTION

- 1.1 Concept, scope and branches of forensic science
- 1.2 Principles of forensic science
- 1.3 History and development of forensic science laboratories in Nepal

UNIT 2: PHYSICAL EVIDENCES

- 2.1. Definition and importance of physical evidences
- 2.2. Role of physical evidences in administration of justice
- 2.3. Chain of custody of physical evidences
- 2.4. Importance of Scene of Crime (SOC) examination and steps involved
- 2.5. Utility of SOC for police, prosecutors, lawyers and court.

- 3.1. Importance of footprints, shoe-marks, glove-prints, tyre-marks

UNIT 3: PRINTS

- 3.2. Fingerprints: History, Importance, Classification
3.3. Lifting & Examination of fingerprints

UNIT 4: BIOLOGICAL EVIDENCES

- 4.1. Types of biological evidences: Blood, semen, saliva & other body fluids
4.2. Importance of biological evidences
4.3. Scientific examination of biological evidences

UNIT 5: DNA EVIDENCE

- 5.1 Nature and structure of DNA
5.2 Importance of DNA evidence
5.3 DNA profiling techniques (STR, Y-STR, DNA sequencing):
Introduction and Significance
5.4 Sample processing and steps of DNA testing process
5.5 Interpretation of DNA profile in paternity disputes,
missing person identification and forensic identification
5.6 DNA Databank: Concept and application

UNIT 6: TRACE EVIDENCES

- 6.1. Hair: Importance, types and examination
6.2. Fibers: Nature, types and importance
6.3. Paint: Nature, types and importance
6.4. Soil: Importance
6.5. Glass: Nature, glass fractures & examination

UNIT 7: TOXICOLOGY

- 7.1. Classification of toxic substances

- 7.2. Toxicity value (dose response reaction)
7.3. Acute & chronic toxicity
7.4. Types & evidential value of forensic toxicology samples
(viscera, blood, body fluid etc.)
7.5. Scientific examination of toxicology samples

UNIT 8: NARCOTIC DRUGS & PSYCHOTROPIC SUBSTANCES

- 8.1. Introduction & classification of narcotic drugs
8.2. Analytical aspects of narcotic drugs & psychotropic
substances (Preliminary testing, identification,
confirmation & interpretation of results)

UNIT 9: QUESTIONED DOCUMENT

- 9.1. Introduction of questioned document
9.2. Examination techniques of written, typed and printed
documents
9.3. Types of document forgery
9.4. Imprint & Security documents (Currency notes,
Passport, Credit cards, Travel cheque etc.)

UNIT 10: BALLISTICS & EXPLOSIVES

- 10.1. Introduction & classification of firearms.
10.2. Identification of date, range and time of firing
10.3. Nature, types and examination of explosives

UNIT 11: EXPERT OPINION

- 11.1. Nature and definition of expert
11.2. Legal procedure of examination & cross examination of
experts
11.3. Admissibility and inadmissibility of expert opinion
11.4. Contradiction of two expert opinions

Recommended Cases:

- 1 Balkrishna Subedi Vs Kunti Maya Chwai, NKP 2042 B.S., Decision No. 2573
Buddha Ahir et. al. Vs Jung Bahadur Ahir, NKP 2066 B.S. Decision No. 8250.
- 3 *Devi Gurung Vs Nita Gurung*, NKP 2068 B.S., Decision No. 8578.
- 4 *Surendra Maharjan Vs HMG*, NKP 2056 B.S., Decision No. 6674.
- 5 *Bahyai Lal Mahato Vs Ram Kumar Mahato*, Civil Appeal No. 5900 of the year 2056 B.S., Decision Date: 2061/04/29 B.S.
- 6 *Government of Nepal Vs Maan Kumari Nepali et. al.*, NKP 2068 B.S. Issue 12, Decision No. 8726.
- 7 *Gopal Prasad Gautam Vs HMG*, Criminal Case No. 1392 of the Year 2052 B.S., Decision Date: 2056/08/08 B.S.
- 8 *HMG Vs Gordan William Rabinson*, NKP 2061 B.S. Issue 8, Decision No. 7421, p. 980.

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- 1) Acharya Ekraj, *Chikitsa Bidhishastra*, Kathmandu, 2059 B.S.
- 2) Modi Jaising P., *Modi's Medical Jurisprudence & Toxicology*, New Delhi: Gopsons Papers Ltd., Ed. 22, (2002)
- 3) Parajuli, Ramesh, *Cross-examination in Nepal and Techniques for a Lawyer to Effectively Cross-examine Forensic Experts*, National Judicial Academy Journal (2010)
- 4) Pradhan Mukul, *Comparative Approach for Minimum Number of Points of Agreements Required Establishing Identical Prints*, Scientific World, Vol. 4, No. 4, (2006)

- 5) Sharma B.R., *Forensic Science for Criminal Investigation and Trials*. New Delhi: Universal Law Publication Co. Pvt. Ltd. (2008)

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- 1) Bhandari Sewak Ram, *Traditional Concept, Scientific examination, and Administration of Justice*, Kanoon, Issue 28.
- 2) Kshetry, Keshab Bahadur Thapa, *Bidhibigyan sanga Sambandhit Lekh Rachana ko sangalo*, Kathmandu: (2069 B.S.)
- 3) Deepak Ratan & Mo. Hasan Zaidi, *Forensic Science in India and the World*, Allahabad: Alia Law Agency. (2008)
- 4) Prof. Dr. Pradhananga, R.B., *Nepali Praman Kanoon Ko Samanya Parichaya*, Kathmandu: Bhrikuti Academic Publication, Pradarshani Marg. (2062 B.S.)

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- Mathiharan, K & Patnaik AK (eds.), *Modi's Medical Jurisprudence and Toxicology* (23rd Ed.), New Delhi: Jaypee Brothers Medical Publishers, 2010.
- Acharya, Ekraj, *Medical Jurisprudence*, Kathmandu: Sandesh Acharya, 2059 BS.

Articles

- Parajuli, Ramesh, "Medical Malpractice: An Emerging Challenge in Nepalese Medico-Legal Sector", *Nepal Bar Council Journal*, Vol., No. (2013).
- , "Medical Negligence: Law, Statistics and Challenges in Nepal", *National Judicial Academy Journal*, Vol. 6, No. 1 (2013).

Fiscal Law

Seventh Semester
Course Code: Law 527
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objective

The objective of this course is to familiarise students with existing laws and institutions relating to financial operation of the state, including revenue collection, expenditure and auditing.

Unit 1: Fiscal Laws of Nepal (6 hrs)

- 1.1 Concept of Public Finance
- 1.2 Meaning and Nature of Fiscal Law
- 1.3 Fiscal Power of the State
- 1.4 Brief History of Fiscal Legislations of Nepal

Unit 2: Constitutional Provisions Relating to Financial Procedure (8 hrs)

- 2.1. State's Obligations and Directive Principles and Policies of the State
- 2.2. Constitutional Provisions Relating to Financial Procedures
 - 2.2.1 Regulation and Control of State Funds
 - 2.2.2. Budget Formulation and Implementation
 - 2.2.3. Appropriation, Finance, Periodic Tax Recovery and Financial Procedures Related Laws in Nepal
- 2.3. Fiscal Policy of Nepal

Unit 3: Laws Relating to the Implementation of Fiscal Policies and Revenue Collection (10 hrs)

- 3.1 Taxing Power of the State Tax Policy Objectives and Constitutional Limitations

- 3.2 Laws Relating to Implementation of Fiscal Policies Through Law of Income Tax, Law of Property Tax, Law of Customs Duty, and Law of Excise Duty
- 3.3 Revenue Collection Through VAT, Land Tax, House and Land Tax and Stamp Duty Related Laws in Nepal

Unit 4: Laws Relating to Government Loan and Guarantee (8 hrs)

- 4.1 Borrowing Power of the State
- 4.2 Law of Government Borrowing of Loans
- 4.3 Law Relating to Government Guarantee
- 4.4 Relevant Nepali Legal Provisions

Unit 5: Laws Relating to Government Expenditure (8 hrs)

- 5.1 Law of Government Expenditure - Constitutional and Legal Provisions
- 5.2 Relevant Nepali Legal Provisions

Unit 6: Laws Relating to Audit of Government Accounts (8 hrs)

- 6.1 Constitutional Provisions - Power and Functions of Auditor-General
- 6.2 Internal Audit
- 6.3 Relevant Nepali Legal Provisions

Relevant Court Cases

- Pitambar Prasad Acharya & Others vs. Ministry of Finance & Others, *Nepal Kanoon Patrika (NKP)* (2071), No. 4, P. 422.
- Advocate Ramchandra Poudel vs. Parliament Secretariat & Others, *NKP* (2068), No. 8, P. 1420.
- Sipradi Trading Pvt. Ltd. vs. Department of Transport & Others, *NKP* (2068), No. 6, P. 766.

- Surya Tobacco Company Pvt. Ltd. & Others vs. Inland Revenue Office, Bara & Others, *NKP* (2067), No. 7, P. 1075.
- Kabindranath Thakur vs. Ministry of Finance & Others, Supreme Court Compendium of Subjective Precedents 2066 BS, Part 10, P. 72.
- Mahendra Raj Pandey vs. Nepal Rastra Bank Central Office & Others, Supreme Court Compendium of Subjective Precedents 2066 BS, Part 10, P. 135.
- Pradeep Kumar Agrawal vs. Tax Office Morang & Others, *NKP* (2052), No.7, P. 542.
- Damodar Ghimire & Others vs. Council of Ministers Secretariat & Others, *NKP* (2053), No. 12, P. 818.
- Rup Jyoti vs. Ministry of Finance, *NKP* (2054), Decision No. 6307, P. 37.
- Advocate Prakashmani Sharma & Others vs. Council of Ministers & Others in Pathak, N. & Khanal, N. (eds.), Supreme Court Judgement on Constitutional Issues, Part 2, Kathmandu: Shakuntala Khanal, 2060 BS, P. 39.
- K.T.R. Nambiar vs. Auditor General, Auditor-General's Office Kathmandu & Others in Compendium of Some Landmark Precedents of the Supreme Court on Commercial Law (2015-2062 BS) 2063 BS, Part 4, P. 159.

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- Kandel, Puspa Raj, *Tax Laws & Tax Planning in Nepal*, Kathmandu: Buddha Academic Publishers and Distributors, 2003.
- Kandel, Puspa, *Corporate Taxation: Issues in Nepalese Perspective*, Kathmandu: Bhawana Prakashan, 2002.
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- Bista, Balgovinda, *Public Finance and Budget Management in Nepal*, Kathmandu: Pairavi Prakashan, 2056 BS.
- Khadka, Rup, *The Nepalese Tax System*, Kathmandu: Pairavi Prakashan, 2014.
- ___, *The SAARC Tax System*, Kathmandu: Pairavi Prakashan, 2015.
- ___, *Modernizing Tax Administration in Nepal*, Kathmandu: Pairavi Prakashan, 2005.
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- Subedi, Baburam, *Value Added Tax and Its Applicability in Nepal*, Kathmandu: Bhrikuti Academic Publications, 1998.
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- Shrestha, Bijaya, *Revenue Jurisprudence: Principles and Practices*, Kathmandu: Lumanti Prakashan, 2046 BS.
- Chandran, V.S. Ram & T.A. Ram Krishnan (eds.), *A.N. Aiyar's Indian Tax Laws*, Chennai: Company Law Institute of India Pvt. Ltd., 2000.
- Gularickar, C.A., *Law and Practice of Wealth Tax and Valuation*, Mumbai: Gularickar, 1998.

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- Harvard University, *Tax Reform in Nepal (A Comprehensive Review Final Report)*, Harvard University, 1997

Natural Resources Law

Seventh Semester

Course Code: Law 528

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objective of this course is to familiarize students with the latest development of natural resources law developed internationally, regionally and nationally. Students will have general overview of knowledge on the existence, depletion, management and inter-relationships among various natural resources, development, environment, ecology and climate change. Special focus will be given in Nepal's national and trans-boundary/regional contexts.

Unit 1: Introduction (3 hrs)

- 1.1 Concept and Definition
- 1.2 Importance and Relevance for Sustainable Development
- 1.3 Interaction with Natural Resources, Environment, Ecology and Climate Change

Unit 2: Classification of Natural Resources (5 hrs)

- 2.1 Land
- 2.2 Water
- 2.3 Flora and Fauna
- 2.4 Mines and Minerals
- 2.5 Air
- 2.6 Marine Resources
- 2.7 National Parks, Lakes, Ponds and Natural Heritages

Unit 3: Laws, Policies and Principles (12 hrs)

- 3.1 Global
- 3.2 Regional
- 3.3 Trans-boundary/Bi-lateral
- 3.4 National
- 3.5 Traditional/Community-Based
- 3.6 Riparian and Common Use Principles and Practices
- 3.7 Public Trust Doctrine

Unit 4: Related Institutions (8 hrs)

- 4.1 Global
- 4.2 Regional
- 4.3 Trans-boundary/Bi-Lateral
- 4.4 Traditional/Community-Based

Unit 5: Natural Resources Law, Policy and Institutions in Nepal (6 hrs)

- 5.1 Constitutional Provisions
- 5.2 Legal Provisions
- 5.3 Institutional Provisions

Unit 6: Approaches to Natural Resources Management (8 hrs)

- 6.1 Holistic Approach
- 6.2 Integrated Approach
- 6.3 Economic and Development Approach
- 6.4 Environmental, Ecological and Ecosystem Approach
- 6.5 Domestic and Trans-boundary Basin Approach
- 6.6 Public, Private and Community Approach
- 6.7 Disaster Prevention, Management and Preparedness Approach

Unit 7: Challenges and Opportunities for Natural Resources Management and Development (6 hrs)

- 7.1 Legal and Policy
- 7.2 Institutional
- 7.3 Trans-Boundary
- 7.4 Regional and Global

References

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- Oli, Krishna Prasad, *Conflict Resolution and Mediation in Natural Resource Management in Nepal*, Kathmandu: IUCN Nepal, 1998.
- Pyakuryal, K.N. & Upreti, B.R. (eds.), *Land, Agriculture and Agrarian Transformation*, Kathmandu: Consortium for Land Research and Policy Dialogue, 2011.
- Upreti, B.R., *Conflict Management in Natural Resources: A Study of Land, Water and Forest Conflict in Nepal* (PhD Dissertation), Wagenignen: Wagenignen University, 2001.
- _____, *Management of Social and Natural Resource Conflict in Nepal: Reality and Alternative*, New Delhi: Adroit Publishers, 2002.
- Upreti, B.R. et al (eds.), *Land Politics and Conflict in Nepal: Realities and Potentials for Agrarian Transformation*, Kathmandu: Community Self Reliance Centre, Human and Natural Resources Studies Centre, Kathmandu University & South Asia Regional Coordination Office of NCCR North-South, 2008.
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Siwakoti 'Chintan', Gopal, Lamsal, Khimaram et al, *Nepalma Jalsrot Tatha Urja Bikas* (in Nepali), Ibid, 2071 BS.

Belbase, Lekhnath & Belbase, Narayan, *Jaibik Vividhata Samrakchhyan Srot Sangalo* (in Nepali), Kathmandu: Pro-Public, 2056 BS.

Ojha, H.R., Timsina, N.P. et al, *Communities, Forests and Governance Policy and Institutional Innovations from Nepal*, New Delhi: Adroit Publishers, 2008.

Ribot, J.C., *Democratic Decentralization of Natural Resources: Institutionalizing Popular Participation*, Washington, DC: World Resources Institute, 2002.

Gadgil, M. and R. Guha, *The Use and Abuse of Nature*, New Delhi:

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Upadhyaya, Madhukar, *Pokhari ra Pahiro: Madhyapahadi Chhetrako Pani-Sanskriti, Khadyapranali ra Bhuchheyako Artharajjiti* (in Nepali), Kathmandu: Nepal Water Conservation Foundation, 2069 BS.

Siwakoti 'Chintan', Gopal et al, *Prakritik Srotsadhansambandhi Ain-Niyam Sangraha* (in Nepali), Kathmandu: Water and Energy Users Federation-Nepal, 2070 BS.

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Upreti, B.R., "The Management of Natural Resource Conflict:

Case Studies from Nepal", *European Bulletin of Himalayan*

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—, "Contributions of Community Forestry in Rural Social Transformation: Some Observations from Nepal", *Journal of Forestry and Livelihoods*, Vol. 1, No. 1, Kathmandu: Forest Action (2001).

—, "Resource Use Negotiation as an Alternate Strategy for Sustainable Water Resource Management: Experience from Nepal", *Journal of Agricultural Education and Extension, International Journal on Changes in Knowledge and Action*

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International Refugee Law

Seventh Semester

Course Code: Law 529

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to acquaint students with the meaning, nature, scope and history of refugee law as well as related international instruments and mechanisms. The course covers various state practices for the treatment of refugees and asylum seekers, and possible refugee legal framework for Nepal.

Unit 1: Introduction (5 hrs)

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

Unit 2: Definition of Refugees (5 hrs)

- 2.1. Definition of Refugees in Historical Perspective (1920-To Date, OAU, Cartagena)
- 2.2. Persons in Refugee-Like Situations, Internally Displaced Persons, Stateless Migrants, Fugitives from Justice and Asylum Seekers

Unit 3: Concepts of Asylum and the Principle (5 hrs)

- 3.1 Rights of Asylum
- 3.2 Types of Asylum
- 3.3 Duties of the State of Asylum and Asylee
- 3.4 Principle of *Non-Refoulment*

Unit 4: Status Determination Procedure (5 hrs)

- 4.1 Review and Comparison of State Practices
- 4.2 Individual Determination vs. *Prima Facie* Determination
- 4.3 Loss of State (Cessation and Revocation)

Unit 5: International Efforts for the Protection of Refugee and Other Persons in Need of Protection (10 hrs)

- 5.1 International Human Rights Instruments and Mechanisms
- 5.2 International Humanitarian Law Instruments and Mechanisms
- 5.3 International Refugee Law Instruments and Mechanisms
- 5.4 Regional Human Rights and Refugee Laws Instruments and Mechanisms

Unit 6: International Organisations Concerned with the Refugees and Other Persons in Need of Protection (6 hrs)

- 6.1 UNHCR
- 6.2 ICRC

Unit 7: New Trends in Refugee Law (5 hrs)

- 7.1 Temporary Protection
- 7.2 Subsidiary Protection
- 7.3 Safe Country of Origin and Safe Country of Asylum
- 7.4 First Country of Asylum
- 7.5 Paradigm Shift after the End of Cold War

Unit 8: Refugees in the World with Particular Reference to Asia, Including Nepal (5 hrs)

- 8.1. Complex Humanitarian Crises the Cases of Cambodia Somalia and Former Yugoslavia
- 8.2. Global Protection of Child and Women Refugee
- 8.3. Prospects for Refugee Law in Nepal

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Books

- Chimni, B.S. (ed.), *International Refugee Law: A Reader*, London: Sage Publications, 2000.
- Grahi, Maden Atle, *The Status of Refugees and International Law*, Vol. 1 & 2, Place: A.W. Leyden, 1966.
- Roy, Sajnay K. (ed.), *Refugees and Human Rights*, Jaypur & New Delhi: Rawat Publicatons, 2001.
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- Upadhyaya, L.K., "Refugees: A Possible Legal Framework for Nepal" published in Proceedings of the Workshop on *Refugee Law in Nepal: Prospects and Possibilities*, Kathmandu: Faculty of Law and United Nations High Commissioners for Refugees, 1994.
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- "Politico-Legal Aspects concerning Bhutanese Refugees and Their Repatriation", *Anubhav Smarika*, Jhapa: Nepal Bar Association, Jhapa Unit (2060 BS).
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- "Legal Condition of Refugees in Nepal: Need for a Regional Approach", Kathmandu: Molung Educational Frontier, Vol. 4, Issue 1 (2014).
- "The Emergence of Contemporary Concept of Temporary Protection, Subsidiary Protection and Internal Relocation Principles: A Paradigm Shift or Tools of Non-Entrée of the Refugees", *Ibid*, Vol. 3, Issue 2 (2013).

- Mukhia, Bal Bahadur, "Jurisprudential Concepts of Rights with Special Reference to Protection of Rights of Refugee and IDPs", *Nepal Law Review*, Vol. 19, Kathmandu: Nepal Law Campus, (2006).
- "A Glance at Refugee Law: Policy and Practice in Nepal", *Nepal Law Review*, Vol. 19, No., Kathmandu: Nepal Law Campus (2006).

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- AHURA Bhutan, *Bhutan: A Shangrila without Human Rights*, Damak: Association of Human Rights Activists, Bhutan (1993).
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Professional Ethics and Lawyering Skills

Eighth Semester
Course Code: Law 530
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to provide the basic knowledge of various aspects of professional ethics, essential in the legal profession and communication, presentation and advocacy skills. The course familiarises them about public interest lawyering, legal aid, para-legal services, legal literacy, Notary Public, law firm management and court practice as well.

Unit 1: Professional Ethics (10 hrs)

- 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 of the Court Room
 - 1.5.2. Dress Code
 - 1.5.3. Language
- 1.6. Bar-Bench Relations

Unit 2: Code of Conduct for Lawyers in Nepal (5 hrs)

- 2.1. Code of Conduct
- 2.2. Complaints Procedures
- 2.3. Investigation and Other Disciplinary Action

- 2.4. Punishment
- 2.5. Code of Conduct of Notary Public

Unit 3: Background of Legal Profession in Nepal (5 hrs)

- 3.1 Contribution and Importance of Legal Profession in the Nepali Society
- 3.2 History of Nepalese Legal Profession
- 3.3 Legal Profession under Nepal Professional Lawyering Related Laws and Regulations
- 3.4 Legal Profession under Supreme Court Regulations
- 3.5 History of Nepal Bar Association
- 3.6 Nepal Bar Council Act, 2050 BS 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: Advocacy Skills (10 hrs)

- 4.1. Communication Skills for Lawyers
- 4.2. Client Interviewing and Legal Counseling
- 4.3. Taking Care of Clients
- 4.4. Organisation of Argument
- 4.5. Oral Argument
- 4.6. General Presentation
- 4.7. Concept and Rule of Advocacy
 - 4.7.1. Art of Advocacy
 - 4.7.2. Trial Advocacy Skill (Pre-Trial Stage and P Stage)

Unit 6: Public Interest, Lawyering Skills and Legal Aid (10 hrs)

- 6.1. Concept, Development and Practices of Public Interest Lawyering
- 6.2. Legal Aid
 - 6.2.1. Concept and Meaning and Principles of Legal Aid
 - 6.2.2. Role of Nepal Bar Association, Courts, Civil Society Organisations and Legal Aid Committee
 - 6.2.3. Mandatory *Pro-Bono*
- 6.3. Legal Literacy
- 6.4. Concept of Para - Legal Services and Its Importance

Unit 7: Law Firm Management and Accountancy of Lawyers (5 hrs)

- 7.1. Organisational Structure (Private Firm, Partnership and Company)
- 7.2. Technical Aspects
- 7.3. Human Resource Aspects
- 7.4. Administrative Procedure
- 7.5. File Management
- 7.6. Client Management and Confidentiality
- 7.8. Information Management
- 7.9. Financial Management, Including Income Tax
- 7.10. Time Management

Relevant Court Cases

- Advocate Lila Mani Poudel vs. Council of Minister & Others, *NKP* (2060), No. 5/6, P. 354.
- Mithilesh Kumar Singh vs. Council of Ministers & Others, *NKP* (2055), No. 11, P. 619.
- Advocate Harihar Dahal vs. Man Bahadur Gurung, *NKP* (2050), No. 1, P. 24.

- Rabilal Chaudhary vs. Nepal Bar Council, *NKP* (2053), No. 10, P. 711.
- Advocate Narayan Koirala vs. Syangja District, *NKP* (2058), No. 9/10, P. 542.

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Moot Court-I (Civil Case)

Eighth Semester

Course Code: Law 531

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students practical knowledge and skills in preparing a civil case and writ oral argument or advocacy through mock session, various steps to follow before and during of trials and hearings, interviewing techniques and prepare appellate briefs, applications for bail, injunction, review, appeal and execution of judgments, consent paper, power of attorney, letter of acceptance (sakarmana) etc.

Course Description and Evaluation

This practical course contains three main components namely moot court, hearing preparations (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 as assigned alongwith the examination form for the external evaluation.

The course carries 3 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher and another 10% is evaluated through *viva-voce* conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. Remaining 50% is evaluated by the external examiner.

Private International Law

Eighth Semester

Course Code: Law 532

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart students the knowledge about the emerging trend and practice of private international law and various aspects of conflicts of laws as well as related to judicial cases laws with reference to Nepal.

Unit 1: Introduction (5 hrs)

- 1.1 Meaning, Function, Nature and Scope of Private International Law
- 1.2 Difference between Public and Private International Law
- 1.3. Origin of Private International Law
- 1.4. Recent Trends of Private International Law
- 1.5. Nepalese Experience on Private International Law

Unit 2: Jurisdiction (5 hrs)

- 2.1 Meaning of Jurisdiction
- 2.2 Kinds of Jurisdiction – actions in Person and Actions in Rem
- 2.3 Jurisdiction of Courts
- 2.4 Classification of the Cause of Action
- 2.5 Lex Cause
- 2.6 Persons to whom jurisdiction applies
- 2.7 Competence

Unit 3: Doctrine of Renvoi (4 hrs)

- 3.1. Operation of Renvoi
- 3.2. French and English Theory of Renvoi
- 3.3. Conflict with the Rule of Choice
- 3.4. The Hague Convention of 1951

Unit 4: Domicile (4 hrs)

- 4.1. Definition and General Principles
- 4.2. Elements of Domicile - Intention and Residence
- 4.3. Kinds of Domicile-Domicile of Origin, Domicile of Choice and Domicile of Dependence
- 4.4. Domicile of Corporation
- 4.5. Domicile and Nationality

Unit 5: Marriage (10 hrs)

- 5.1. Capacity to Marry
- 5.2. Formalities of Marriage
- 5.3. Suits for Nullity of Marriage and Foreign Suits
- 5.4. Suits for Dissolution of Marriage
- 5.5. Dissolution
- 5.6. Restriction and Conjugal Right
- 5.7. Legitimacy, Legitimation and Adoption
- 5.8. Meaning of Legitimacy and Validity of Marriage
- 5.9. Meaning and Effect
- 5.10. Legitimation and Succession
- 5.11. Meaning and Purpose of Adoption
- 5.12. Minority
- 5.13. Mental Disorder

Unit 6: Property (8 hrs)

6. 1. Difference between Movable and Immovable Property
- 6.2 Law of Immovable Movables
- 6.3. Transfer of Choses in Possession

- 6.3.1. *Lex Domicile*
- 6.3.2. *Lex Situs*
- 6.3.3. *Lex Locactus*
- 6.3.4. Proper Law of Transfer
- 6.4 Assignment of Choices for Actions
- 6.5 Debit
- 6.6 Negotiable Instruments
- 6.7 Shares

Unit 7: Foreign Judgements (6 hrs)

- 7.1 Rational for Recognising Foreign Judgments
- 7.2 Principle of Recognition
- 7.3 Direct Enforcement
- 7.4 Actionability of Foreign Judgment
- 7.5 Conclusiveness
- 7.6 Defense

Unit 8: Procedures (8 hrs)

- 8.1. Difference between Substance and Procedure
- 8.2. Time and Model of Action
- 8.3. Burden of Proof and Evidence
- 8.4. Action and Extent of Remedy
- 6.8 Execution

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Administrative Law

Eighth Semester

Course Code: Law 533

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to familiarise students with the nature of state vis-à-vis administrative power and its control through judicial review. The course covers the nature, sources, growth, classification and functions of administrative law and its inter-relationship with constitutional law related to separation of power, fundamental rights and the principles of natural justice in relation to delegated legislation, quasi-judicial bodies and tribunals, Ombudsman and fundamental rights, principles of natural justice and judicial control.

Unit 1: Introduction to Administrative Law (12 hrs)

- 1.1 Nature, Growth and Scope
- 1.2 Sources
- 1.3 Difference between Constitutional Law and Administrative Law
- 1.4 Rule of Law and Separation of Powers for Checks and Balances

Unit 2: Administrative Functions (4 hrs)

- 2.1 Tripartite Functions of Administration
- 2.2 Legislative Function
- 2.3 Quasi-Judicial Function
- 2.4 Administrative Function

Unit 3: Delegated Legislation (4 hrs)

- 3.1. Meaning, Scope and Importance of Delegated Legislation
- 3.2. Factors Leading to the Growth of Delegated Legislation
- 3.3. Limitations on Delegated Legislation
- 3.4. Control Over Delegated Legislation (Legislative, Judicial and Procedural Controls)

Unit 4: Natural Justice (6 hrs)

- 4.1 Nature, Scope and Importance of Natural Justice
- 4.2 Rule against Bias
- 4.3 *Audi Alterm Partum* or the Rule of Fair Trial
- 4.4 Reasoned Decision

Unit 5: Quasi-Judicial Bodies and Administrative Tribunals (6 hrs)

- 5.1. Introduction to Quasi-Judicial Body and Administrative Tribunals
- 5.2. Growth and Importance of Quasi-Judicial Bodies and Administrative Tribunals
- 5.3. Control over Administrative Adjudication

Unit 6: Administrative Discretions (5 hrs)

- 6.1 Nature of Administrative Discretion
- 6.2 Abuse of Discretion
- 6.3 Judicial Control over Discretion

Unit 7: Ombudsman (5 hrs)

- 7.1. Introduction
- 7.2. Need for Ombudsman
- 7.3. Power, Functions, Independence and Integrity of the Commission on the Investigation of the Abuse of Authority

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- Wade, H.W.R. & Forsyth, C.F., *Administrative Law* (10th Ed.), Oxford: Oxford University Press, 2009.

Clinical Law-II (Conveyancing)

Eighth Semester
Course Code: Law 534
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objective of this course is to impart knowledge on drafting of different conveyancing documents namely Loan Deed, Mortgage Deed, Rental Agreement, Lease Deed, Consent Paper, Service Contract, Partnership Deed, Guaranteed deed, Separation of Coparcener or Reunion, Adoption, Exchange Deed, Sale Deed, Gift and Will Deed, Partition, Consent Paper, Power of Attorney, Promissory Note and Indenture etc.

Course Description and Evaluation

This course shall be conducted by the assigned teacher having at least 10 years of professional experience in teaching or law practice or as a judge or public prosecutor. A course outline and the number of students admitted in each academic session in this course shall be noticed in advance. A progress report shall be submitted by the students at the end of the academic session.

This practical course shall carry 3 Credit Hours. Out of this, 40% marks shall be allotted to internal evaluation to be given by the class teacher and another 10% through viva-voce to be conducted by a 3-member committee having at least 10 years of experience in the teaching of law or law practice or as a judge or public prosecutor. Remaining 50% shall be evaluated by the external examiner.

International Rivers and Sea Law

Eighth Semester
Course Code: Law 535
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objectives

The objectives of this course are to introduce students to the classical and modern concept of the laws of the sea and international rivers from analytical perspectives. The course includes some important features of the law of the sea, recent evolution of international law on trans-boundary rivers and just and reasonable utilisation of these resources for mutual benefits through mutual co-operation. The focus will be given on the preservation of these resources both from environment and ecology perspectives as well as for future generations.

Part I: International Rivers Law

Unit 1: International Rivers (10 hrs)

- 1.1 Definition and Trans-boundary Border Regime
- 1.2 Historical Demarcation of International Rivers
- 1.3 Rights and Duties of Co-riparian States and River Basin Communities
- 1.4 Principles of Utilisation of International Rivers
- 1.5 Freedom of Navigation in International Rivers
- 1.6 Principle and Practice as Regards to Pollution Control
- 1.7 International Instruments and Mechanisms Relating to River and Water Laws

Unit 2: Water Related Legal Instruments in Trans-Boundary Rivers (6 hrs)

- 2.1 Nepal and India
 - 2.1.1 Sharada Barrage Deal (1920)
 - 2.1.2 Kosi Agreement (1954)
 - 2.1.3 Gandak Agreement (1959)
 - 2.1.4 Mahakali Treaty (1996)
 - 2.1.5 Agreements with Indian Multinational Corporations/Companies and Other Private (Upper Karnali, Arun III, Upper Marshyangdi II, West Seti, etc.)
- 2.2 Water Related Agreements between Other Trans-boundary Countries of South Asia
- 2.3 Model Water Related Agreements from Other Continents

Unit 3: Trans-boundary River Regimes, Dispute Resolutions and Remedies (6 hrs)

- 3.1 Bi-lateral and Multilateral Regimes (Asian, American, European and African Continents)
- 3.2 Bi-lateral, Regional and International Dispute Resolution Mechanisms and Remedies
- 3.3 Alternative Approaches to Water Resources Management and Benefit-Sharing

Part II: Sea Law

Unit 4: Introduction (4 hrs)

- 4.1 Meaning, Nature and Scope of the Law of the Sea
- 4.2 Evolution of the Law of the Sea
- 4.3 Sources of the Law of the Sea

Unit 5: Territorial Sea (3 hrs)

- 5.1 Legal Status and Breadth of Territorial Sea
- 5.2 Baseline for Measurement of the Territorial Water
- 5.3 Straits Bays and Gulf
- 5.4 Delimitation
- 5.5 Right of Innocent Passage

Unit 6: Contiguous Zone (2 hrs)

- 6.1 Concept and Scope
- 6.2 Breadth

Unit 7: Continental Shelf (3 hrs)

- 7.1 Nature and the Concept of Continental Shelf
- 7.2 Delimitations
- 7.3 Sea Bed and Ocean Floor
- 7.4 Rights of Land-Locked States

Unit 8: Exclusive Economic Zone (EEZ) (3 hrs)

- 8.1 Concept and Scope
- 8.2 Delimitations
- 8.3 Resources
- 8.4 Rights and Duties of Coastal States Vis-a-Vis the Landlocked and GDS in the Legal Status of the EEZ

Unit 9: High Seas (3 hrs)

- 9.1 Concept and Scope
- 9.2 Freedom of the High Seas
- 9.3 Piracy

Unit 10: Land-Locked and Geographically Disadvantaged States (4 hrs)

- 10.1 Concept and Nature of Land-Locked and Geographically Disadvantaged States

- 10.2 Right of Access of Land-Locked States to and from the Sea and Freedom of Transit
10.3 Rights of Geographically Disadvantaged States

Unit 11: International Sea Bed Authority (4 hrs)

- 11.1 Decline of Common Heritage of Deep Ocean Resources
11.2 Exploration and Exploitation of Deep Ocean Resources
11.3 Power and Functions of the International Sea Bed Authority
11.4 Protection and Preservation of the Marine Environment
11.5 Settlement of Disputes

Relevant Court Cases

- Bal Krishna Neupane vs. Council of Ministers & Others, *Nepal Kanoon Patrika (NKP)* (2053), No. 3, P. 310.
Bal Krishna Neupane vs. Council of Ministers & Others, *NKP* (2054), No. 2, P. 77.
Ram Chandra Chataut & Others vs. Government of Nepal & Others, *NKP* (2066), No. 1, P. 85.

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Forensic Medicine

Eighth Semester

Course Code: Law 536

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to acquaint students with the basic concept of forensic medicine, medical evidence and procedure of post-mortem examination/autopsy, including cause and manner of death. It familiarises them with related Nepalese legal provisions, litigation, examination, cross-examination and re-examination processes and case laws.

Unit 1: Introduction and History (4 hrs)

- 1.1 Definition of Forensic Medicine
- 1.2 Scope and Branches of Forensic Medicine
- 1.3 History of Forensic Medicine
- 1.4 Application of Forensic Medicine in Legal Sector

Unit 2: Death Investigation (7 hrs)

- 2.1 Definition and Types of Death
- 2.2 Investigation of Death in Nepal
 - 2.2.1 Types of Inquest
 - 2.2.2 Role of Police
 - 2.2.3 Role of Forensic Expert
 - 2.2.4 Legal Provisions
- 2.3 Principles and Procedure of Autopsy
- 2.4 Principles and Procedures of Autopsy in Infants

Unit 3: Injuries (5 hrs)

- 3.1 Definition, Types and Medico-Legal Significance
- 3.2 Documentation and Reporting of Injuries
- 3.3 Mechanism of Causation of Injuries
 - 3.3.1 Nature of Injuries
 - 3.3.2 Physics of Injury Causation

Unit 4: Asphyxia (3 hrs)

- 4.1 Definition and Types of Asphyxia Deaths
- 4.2 Mechanism of Death in Asphyxia
- 4.3 Manner of Death in Asphyxia

Unit 5: Clinical Forensic Medicine (4 hrs)

- 5.1 Procedures and Protocols for Examination
 - 5.1.1 Sexual Assault – Victim/Suspect
 - 5.1.2 Physical Assault – Victim/Suspect
 - 5.1.3 Gender Based Violence – Victim/Suspect
- 5.2 Drunkenness Examination

Unit 6: Role of Forensic Medicine in Human Rights Issues (7 hrs)

- 6.1 Examination of Detainees
- 6.2 Torture
 - 6.2.1 Definition and Guidelines
 - 6.2.2 Procedure and Protocol for Examination and Reporting Based on International Standards
- 6.3 Age Estimation – Guidelines and Principles
- 6.4 Investigation of Custodial Deaths
- 6.5 Roles of Forensic Medicine in Extra-Judicial Killings and Disappearances
- 6.6 Role of Forensic Medicine in Mass Disasters

Unit 7: Toxicology (4 hrs)

- 7.1 Definition, Classification and Nature of Poisons
- 7.2 Clinical Features of Poisons
- 7.3 General Management of Poisons
- 7.4 Collection of Samples in Case of Poisoning

Unit 8: Medical Jurisprudence (5 hrs)

- 8.1 Medical Negligence
- 8.2 Medical Ethics
- 8.3 Legal Provisions Related to Medical Practice in Nepal
- 8.4 Medical Professionals as Expert Witness
- 8.5 Chain of Custody

Relevant Court Cases

- Government of Nepal vs. Malati Devi Kalwar, *Nepal Kanoon Patrika (NKP)* (2064), No. 12, P. 1600.
- Ram Bahadur Basnet vs. Government of Nepal, *NKP* (2065), No. 7, P. 804.
- Buddha Ahir & Others vs. Jung Bahadur Ahir, Civil Appeal No. 8668 (2060), Date of Decision 2066/08/02.
- Devi Gurung vs. Neeta Gurung, Criminal Appeal No. 3510 (2061), Date of Decision 2067/02/11.
- Binay Manandhar vs. Government of Nepal, *NKP* (2067), No. 2, P. 200.
- Dinesh Bikram Shah vs. Srijana K.C., *NKP* (2066), No. 11, P. 1819.
- Madhav Pant vs. His Majesty's Government, Criminal Appeal No. 2351 (2056), Date of Decision 2060/04/23.
- Government of Nepal vs. Man Kumari Nepali & Others, *NKP* (2068), No. 12, P. 1965.

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- Acharya, Ekraj, *Medical Jurisprudence*, Kathmandu: Sandesh Acharya, 2059 BS.

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- Parajuli, Ramesh, "Medical Malpractice: An Emerging Challenge in Nepalese Medico-Legal Sector", *Nepal Bar Council Journal*, Lalitpur: Nepal Bar Council (2013).
- , "Medical Negligence: Law, Statistics and Challenges in Nepal", *National Judicial Academy Journal*, Vol. 6, No. 1, Lalitpur: National Judicial Academy (2013).

Investment Law

Eighth Semester
Course Code: Law 537
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objectives

The objectives of this course are to acquaint the students with the principles, structures and practices of investment and to enable them to understand different legal forms and structures of domestic investment, including foreign investment. The course also familiarises them with different international, regional and national financial and trade institutions and other actors in investment and management.

Unit 1: Introduction (5 hrs)

- 1.1 Definition of Investment and Investment Law
- 1.2 Real Assets and Financial Assets
- 1.3 Major steps in the Construction of Investment Portfolio
- 1.4 Major Participants in Financial Markets
- 1.5 Types of Financial Markets and Recent Trends

Unit 2: Domestic Investment Policies and Law (5 hrs)

- 2.1 Constitutional Stipulation and Legal Arrangements
- 2.2 Private Investment: Private Firms, Partnerships, Cooperatives, Non-Governmental Organisations (NGOs), Corporate forms: Private and Public Companies, Banks and Financial Institutions, Other Security Funds
- 2.3 Public Investments: Public Enterprises and Companies

- 2.4 Public - Private Partnership Arrangements
- 2.5 Contractual Transactions

Unit 3: Domestic Investment in Industries, Commerce and Services (6 hrs)

- 3.1 Industrial Policy, Trade Policy and Sectoral Policies
- 3.2 Obligations under the World Trade Organization (WTO)
- 3.3 Industrial Investment
- 3.4 Investing in Financial Services
- 3.5 Other Service Sector under Sectoral/Sub-Sectoral Legislations
- 3.6 Investing in Trade and Commerce

Unit 4: Foreign Investment in Nepal (10 hrs)

- 4.1 WTO Obligations Commitments and Concessions
- 4.2 Investment Protection System: Bilateral Investment Treaty, Multilateral Investment Agreement (MIGA), Investment Protection Agreements, Double Taxation Avoidance Agreements, WTO Trade Related Investment Measures (TRIMS), Regional Trading Arrangements, Requirements of Transnational Investment Law
- 4.3 Foreign Investment and One Window Policy in Industrial Investment: Privatisation Policy, Labour Policy, Foreign Exchange Policy and Other Sectorial/Sub-Sectorial Policies
- 4.4 Foreign Direct Investment (FDI) in Manufacturing, Energy, Agro and Forest-Based Products, Mining, Tourism and Service and Construction Industries
- 4.5 Institutional Arrangements: Foreign Joint Venture, Multinational Corporations (MNCs) Operations,

- Wholly-owned and Subsidiary Companies Formation and Branch Operations
- 4.6 Procedures for Industrial Approval and Incorporation of Companies, Facilities and Concessions to Foreign Investors
- 4.7 Relevant Laws of Nepal

Unit 5: Foreign Investment in Banking and Financial Institutions (6 hrs)

- 5.1 Establishment and Operation
- 5.2 Relevant Laws of Nepal

Unit 6: Transfer of Technology (8 hrs)

- 6.1 Principles and Procedures of the Transfer of Technology
- 6.2 Uses and Protection of Intellectual Property Rights (IPR):
- 6.2.1 Meaning and Kinds of IPR
- 6.2.2 Licensing and Franchising Arrangements
- 6.2.3 Patent, Design and Trademarks
- 6.2.4 Provisions on Trade Related Intellectual Properties (TRIPs)

Unit 7: Foreign Investment and Dispute Settlement (8 hrs)

- 7.1 Provisions under the Foreign Investment and Technology Transfer Act (FITTA)
- 7.2 Provisions under the Contract Laws
- 7.3 Provisions under the Alternative Dispute Resolutions
- 7.4 Recognition and Enforcement of Foreign Arbitral Awards
- 7.5 Judicial Settlement

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- Sornarajah, M., *The International Law on Foreign Investment* (2nd Ed.), New York: Cambridge University Press, 2004.
- Upreti, Bharat Raj, *Kampani Kanoon* (in Nepali), Kathmandu: FREEDEAL, 2007.
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- Krishnaswamy, N., "Legislation Relating to Industrial Development", *Asian-Pacific Tax & Investment Bulletin* 7:533-547 (1989).

Media Law

Eighth Semester

Course Code: Law 538

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to acquaint the students with the basic nature and application of media law and enable them to analyse the right and the responsibility of media. The course covers the issues, trends and development in media law.

Unit 1: Introduction (10 hrs)

- 1.1 Meaning, Nature and Scope of Media and Media Law
- 1.2 Areas of Media Law
 - 1.2.1 Radio/TV, Newspaper and Magazines,
 - 1.2.2 Advertising, Cinema/Films and Documentaries
 - 1.2.3 Internet (Online, Media and Blog)
- 1.3 Development of Media in Nepal
- 1.4 Recent Trends of Media law

Unit 2: Constitutional Regime and Mass Media (10 hrs)

- 2.1 Freedom of Opinion and Expression and Media
- 2.2 Press, Publication and Broadcasting Rights
- 2.3 Right to Information and Limitations
- 2.4 Right to Privacy and Mass Media
- 2.5 Privileges of Parliament and Reporting Right of Mass Media
- 2.6 General Emergency and Mass Media
- 2.7 Contempt of Court and Media

Unit 3: Media Related Crimes (10 hrs)

- 3.1 Defamation
 - 3.1.1 Libel or Slander
 - 3.1.2 Reputation
 - 3.1.3 Publication and Justification
 - 3.1.4 Absolute and Qualified Privilege
 - 3.1.5 Fair Comment
- 3.2 Obscenity and Indecency
- 3.3 Hate Speech
- 3.4 Blasphemy
- 3.5 Defenses against the Above Crimes
- 3.6 Remedies against the Above Crimes
- 3.7 Copyright and Mass Media

Unit 4: Information and Privacy (6 hrs)

- 4.1 Kinds of Classified Information
- 4.2 Punishment for Disclosure of Classified Information'
- 4.3 Defenses against Disclosures (Whistle Blowing)
- 4.4 Confidentiality of Sources of Information and Responsibility of Journalist
- 4.5 Right to Privacy and Investigative Journalism

Unit 5: Institutional Mechanism (8 hrs)

- 5.1 Ministry of Information and Communication
- 5.2 Department of Information and Role of Press Registrar
- 5.3 National Information Commission:
 - 5.3.1 Composition of NIC
 - 5.3.2 Judicial Power and Functions
- 5.4 Press Council
 - 5.4.1 Composition of Press Council and Its Powers and Functions
 - 5.4.2 Code of Conduct of Journalists

- 5.4.3 Disciplinary Actions and Sanctions against Violation of Code of Conduct
- 5.5 Federation of Nepali Journalists

Unit 6: Relevant Court Cases (4 hrs)

- Thir Prasad Pokhrel vs. Harihar Birahi, *NKP* (2049), No. 8, P. 770.
Advocate Gopal Siwakoti 'Chintan' et al vs. Ministry of Finance, *NKP* (2051), No. 4, P. 255.
Advocate Madhav Kumar Basnet vs. Ministry of Information and Communication, *NKP* (2058), Vol. 7/8, P. 392.
Bhupendra Prasad Pokhrel vs. Cabinet Secretariat, *NKP* (2064), No. 5, P. 585.
Rishiram Ghimire vs. Cabinet Ministers, *NKP* (2067), No. 2, P. 164.
Supreme Court, Department of Administration vs. Jana-Aastha Weekly, *NKP* (2070), No. 11, P. 1392.
Rajeev Bastola vs. Government of Nepal, *NKP* (2070), No. 12, P. 1443.

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- Robertson, Geoffrey & Nicol, Andrew, *Media Law*, London: Penguin Books, 2008.
Bhattarai, Ram Prasad & Luitel, Ananta Raj, *Media Jurisprudence (Security of Court Principles and Legislative Policies)*, Kathmandu: Pairavi Prakashan, 2011.
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Feintuck, Mike, *Media Regulation, Public Interest and the Law*, Edinburg: Edinburg University Press, 1999.
Devkota, Grishma Bahadur, *Nepalko Chapakhana Ra Patra-Patrikako Itihas* (in Nepali), Lalitpur: Sajha Prakashan, 2051 BS.

Acharya, Suresh & Shuvashankar Kandel, *Patrakarita Ra Kanoon* (in Nepali), Kathmandu: Pairavi Prakashan, 2062 BS.

Department of Journalism, Tribhuvan University & Friedrich Ebert Stiftung, *Patrakarita Byawasta Ra Byabahar* (in Nepali), Department of Journalism, Tribhuvan University & Friedrich Ebert-Stiftung Kathmandu: 2050 BS.

Parajuli, Shekhar & Wonta, Pratyush (eds.), *Nepali Media Sandarbha Grantha* (in Nepali), Kathmandu: Martin Chautari, 2003.

Pathak, Ekraj Suchanako Hak: *Prapti Ra Prayog* (in Nepal), Kathmandu: Pairavi Prakashan, 2072 BS.

Bloy, Duncan & Hadwin, Sara, *Law and the Media*, London: Sweet & Maxwell, 2013.

Moot Court-II: (Criminal Case)

Ninth Semester

Course Code: Law 571

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this practical course are to provide students practical knowledge and skills for preparing a criminal case, oral argument or advocacy through mock session, various steps to follow before and during trials and hearings, interviewing techniques and prepare appellate briefs, applications for bail, injunction, review, appeal and execution of judgments, consent paper, power of attorney, letter of acceptance (sakarmana) etc.

Course Description and Evaluation

This practical course contains three main components namely moot court, hearing preparations (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 as assigned with the examination form for the external evaluation.

The course carries 3 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher and another 10% is evaluated in *viva-voce* conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. Remaining 50% is evaluated through external examinations.

Law of Banking and Negotiable Instruments

Ninth Semester

Course Code: Law 572

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to provide students with the comparative knowledge of the principles and practice of banking and negotiable instrument laws in Nepal and acquaint them with the role and functions of various kinds of banks. The course provides critical analysis of leading cases relating to law of banking and negotiable instruments decided by the Supreme Court.

Unit 1: Introduction (4 hrs)

- 1.1 General Introduction to Banking Systems
- 1.2 Origin and Development of Banking
- 1.3 Type of Banks
- 1.4 Difference between Central Bank and Commercial Banks/Financial Institutions
- 1.5 Development and Origin of Banking System in Nepal

Unit 2: Central Bank (10 hrs)

- 2.1 Role of Central Bank as a Banker to Other Commercial Banks/Financial Institutions and Government
- 2.2 Legal Regime for Central Bank
 - 2.2.1 Status of Central Bank
 - 2.2.2 Formation and Composition of Central Bank
 - 2.2.3 Regulatory Power of Central Bank

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2.3 Role and Function of Central Bank

- 2.3.1 Regulation, Inspection and Supervision of Banks and Financial Institutions
- 2.3.2 Role for Formulating Monetary Policy
- 2.3.3 Formulating Rules and Regulation for Regulating Foreign Exchange and Reserve
- 2.3.4 Monetary Function Such as the Issue of Bank Note/Coins and Operation of Open Market
- 2.3.5 Role as a Banker, Adviser and Financial Agent for Government

Unit 3: Laws Relating to Bank and Financial Institutions (6 hrs)

- 3.1 Licensing for Operating and Carrying on Financial Transaction
- 3.2 Formation, Composition of Banks and Financial Institutions
 - 3.2.1 Commercial Bank
 - 3.2.2 Development Bank
 - 3.2.3 Finance Companies and Co-operatives
- 3.3 Power and Function of Bank and Financial Institution
 - 3.3.1 Carrying Financial and Monetary Transaction by Banks and Financial Institutions
 - 3.3.2 Accepting Deposit
 - 3.3.3 Supply of Various Kinds of Credits
 - 3.3.4 Recovery of Credits
 - 3.3.5 Maintaining Capital Adequacy
- 3.4 Privilege and Facilities of Banks and Financial Institutions

Unit 4: Banker-Customer Relationship (6 hrs)

- 4.1 Bank, Customers and Banking Services
- 4.2 Characteristic of Banker-Customer Relationship

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- 4.3 Types of Relationship
 - 4.3.1 Bailer-Bailee
 - 4.3.2 Trustee-Beneficiary
 - 4.3.3 Agent-Principal
 - 4.4.4 Debtor-Creditor
- 4.2 Types of Customer
- 4.4 Individual Client
- 4.5 Business/Corporate Client
- 4.6 Government Body or Entity Client
- 4.7 Bank as a Depository - The Account
 - 4.7.1 Types of Accounts/Deposits
 - 4.7.1.1 Current Account
 - 4.7.1.2 Saving Account
 - 4.7.1.3 Fixed Deposit/Account
 - 4.7.1.4 Overdraft Account
 - 4.7.1.5 Combination of Account
 - 4.7.2 Statement of Account
 - 4.7.3 Bank Charges

Unit 5: Payment and Payment System (6 hrs)

- 5.1 Basic Element and Mechanism of Bank Payment
 - 5.1.1 Basic Element
 - 5.1.2 Payment Method: Credit/Debit Transfer
- 5.2 Payment of Cheques
 - 5.2.1 Nature of Cheques
 - 5.2.3 Collection of Cheques
 - 5.2.4 Payment Credit Cards
- 5.3 Settlement and Clearing of Cheque Payment
- 5.4 Duty of Confidentiality of Bank of Its Customers
 - 5.4.1 Nature and Justification of Confidentiality
 - 5.4.2 Customers Consent
 - 5.4.3 Exception to Rule of Confidentiality

Unit 6: Bank Lending and Security (8 hrs)

- 6.1 Lending as Facilities and Its Repayment
 - 6.1.1 Draw Down and Demand Facilities
 - 6.1.2 Obligation to Lend
 - 6.1.3 Repayment and Interest
- 6.2 Trade Finance
 - 6.2.1 Bill of Exchange
 - 6.2.2 Trade Bills
 - 6.2.3 Acceptance Credit
- 6.3 Letter of Credit
 - 6.3.1 Basic Features
 - 6.3.2 Fundamental Principle and the Rule of Uniform Commercial Practice (UCP)
 - 6.2.3 Trust Receipts
- 6.4 Demand Guarantee
 - 6.4.1 Legal Character
 - 6.4.2 Principle of Autonomy
 - 6.4.3 Unconditional Payment upon Demand
 - 6.4.4 Fraud Exception and Enjoining Bank from Paying
 - 6.4.5 Indemnity by Principal Party/Account Party
- 6.5 Security Interest
 - 6.5.1 Creating Security Interest in Movable Property by Bank
 - 6.5.2 Type of Security
 - 6.2.1 Pledge
 - 6.2.2 Hypothecation
 - 6.2.3 Hire Purchase
 - 6.5.3 Floating Charge
 - 6.5.4 Perfection of Security Interest
 - 6.5.5 Priority of Security Interest
 - 6.5.6 Enforcement of Security Interest

Unit 7: Negotiable Instruments (8 hrs)

- 7.1 Nature and Basic Principle of Negotiable Instruments
- 7.2 Types of Negotiable Instruments
 - 7.2.1 Cheques
 - 7.2.2 Bill of Exchanges
 - 7.2.3 Draft
 - 7.2.4 Promissory Note
- 7.3 Negotiable Instruments, Related Parties and Liabilities
- 7.5 Negotiation and Endorsement
- 7.6 Presentation, Acceptance and Payment
- 7.7 Notice of Dishonor

Relevant Court Cases

- Shivaram Timilsina vs. Rastriya Banijya Bank, *Nepal Kanoon Patrika (NKP)* (2058), No. 9/10, P. 611.
- Shankar Prasad Bishwakarma vs. Nepal Bank Ltd., Sidharthanagar, *NKP* (2060), No. 1/2, P. 118.
- Wasir Ahamad Rain vs. Agriculture Development Bank, Bardiya, *NKP* (2060), No. 9/10, P. 835.
- Harisundar Shrestha vs. Usha Devi Naulakha, *NKP* (2062), No. 5.
- Agriculture Development Bank, Nepalganj vs. Jagamba Prasad Gupta, *NKP* (2063), No. 4, P. 531.
- Gobardhan Saha vs. Ghanashyam Shrestha, *NKP* (2063), No. 5, P. 582.
- Pratulal Shrestha vs. Rastriya Banijya Bank, Kathmandu, *NKP* (2063), No. 5, P. 601.
- Piyus Bahadur Amatya vs. Nepal Rastra Bank, *NKP* (2064), No. 8, P. 1034.
- Sangita Tripathi vs. Lumbani Bank Ltd., *NKP* (2066), No. 3, P. 499.
- Suresh Bahadur Malla vs. Nepal Rastra Bank, Central Office, *NKP* (2060), No. 1/2, P. 13.

Krishna Gopal Tandan vs. Nepal Rastra Bank, *NKP* (2060), No. 11/12, P. 918

Arun Chand vs. Nepal Rastra Bank, *NKP* (2063), No. 11, P. 1434.

Nurpratap Ja. Ba. Ra. vs. Nepal Rastra Bank, *NKP* (2064), No. 11, P. 1451.

Rajendra Kumar Khetan vs. Nepal Rastra Bank, *NKP* (2065), No. 3, P. 375.

Suresh Chandra Paudel vs. Legislative-Parliament Secretariat, *NKP* (2068), No. 6, P. 893.

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- Berterams, Roeland, *Bank Guarantee in International Trade* (3rd Ed.), The Hague: Kluwer Law International, 2004.

Article(s)

- Ghimire, Saroj K., "Systematic Risk and International Legal Framework", *Business Law Journal*, Kathmandu (2012).

Legislative Drafting

Ninth Semester

Course Code: Law 573

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The objectives of this course are to impart basic knowledge to the students on legislative drafting and familiarise them with the convention of legislative drafting. It includes drafting skills of legislation, stages of drafting, style, grammar and punctuation of the legislative drafting.

Unit 1: Nature and Scope of Legislative Drafting (6 hrs)

- 1.1 Concept, Meaning and Definition of Legislative Drafting
- 1.2 Kinds of Legislative Drafting
- 1.3 History of Legislative Drafting in Nepal
- 1.4 Qualities, Skills and Tools for Legislative Drafting

Unit 2: Principles Related to Legislative Drafting (10 hrs)

- 2.1 Constitutionality of Law
- 2.2 Supreme and Delegated Legislation
- 2.3 Colorable Legislation
- 2.4 Degree of Criminality and Quantum of Penalty
- 2.5 Procedural Fairness
- 2.6 Victim's Justice
- 2.7 Principles of Interpretation and Drafting
- 2.8 Legislative Domain

Unit 3: Drafting Process of Bills (6 hrs)

- 3.1 Need for Drafting a Bill

3.2. Drafting Process and Coordination between Different Agencies and Stakeholders

- 3.3 Supreme Legislations
- 3.4 Delegated Legislations
- 3.5 Bill Amendment

Unit 4: Structure of a Bill (7 hrs)

- 4.1 Preliminary Part/Provisions
- 4.2 Main Part/Provisions
- 4.3 Final Part/Provisions

Unit 5: Arrangements in a Bill (5 hrs)

- 5.1 Parts, Chapters and Sections
- 5.2 Marginal Notes
- 5.3 Section
- 5.4 Sub-Section
- 5.5 Clause
- 5.6 Sub-Clause
- 5.7 Explanation
- 5.8 Proviso
- 5.9 Exception
- 5.10 Illustration
- 5.11 Cross reference
- 5.12 Schedule
- 5.13 Note
- 5.14 Corrigendum

Unit 6: Language and Drafting Skills of Legislation (14 hrs)

- 6.1 Language, Grammar, Signs, Symbols, Punctuation and Style of Legislative Drafting
- 6.2 Assignment of a Bill for Practical Drafting Skills

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Books

- Nepal Law Commission, *Kanoon Tarjuma Digdarsan*, Kathmandu: Nepal Law Commission, 2066.
- Thornton, G.C., *Legislative Drafting*, London: Tottel Publishing, 1996.
- Chakrabarti, N, Chakrabarti, N.K et al, *Principles of Legislation and Legislative Drafting*, New Delhi: R Cambray And Co. Pvt. Ltd., 2007.
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- Bakshi, P.M., *An introduction to Legislative Drafting*, Bombay: N.M.Tripathi, 1972.
- Xanthaki, Helen, *Drafting Legislation: Art and Technology of Rules for Regulation*, Place: Hart Publishing, 2014.

Taxation Law

Ninth Semester

Course Code: Law 574

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Compulsory

Course Objective

The objective of this course are to impart preliminary knowledge of taxation and related laws in Nepal. The course covers various forms of taxes, disputes and remedies.

Unit 1: Tax Economics (3 hrs)

- 1.1 Nature, Concept and Objectives of Taxation
- 1.2 Kind of Taxation
- 1.3 Canons, Burden and Principles of Taxations
- 1.4 Evolution of Taxation
- 1.5 Role of Taxation in Public Finance
- 1.6 Welfare State and Taxation
- 1.7 Role of Legislation in Taxation

Unit 2: Principle of Taxation Laws (3 hrs)

- 2.1 Meaning and Nature of Taxation Law
- 2.2 Principles of Taxation Law
- 2.3 Nature of Tax Justice System
- 2.4 Rules of Construction of Taxation Law
- 2.5 Relation between Finance Act and Other Tax Laws
- 2.6 Evolution of Taxation Law of Nepal

Unit 3: Constitution and Tax Laws (2 hrs)

- 3.1 Fundamental Rights and Taxation
- 3.2 Constitutional Power of Taxation

- 3.3 Enactment Procedure of Taxation Laws
- 3.4 Rights and Duties of a Tax Payer

Unit 4: Income Tax Laws (15 hrs)

- 4.1 Concept of Income
- 4.2 Basic Terminology under Nepali Income Tax Laws
- 4.3 Heads and Sources of Income
- 4.4 Income from Employment
- 4.5 Income from Business
- 4.6 Income from Investment
- 4.7 Income from Other Head /Source
- 4.8 Computation of Assessable and Taxable Income
- 4.9 Expenditure, Deduction and Allowances
- 4.10 Filing of Return /Self Assessment Return of Income
- 4.11 Carry Forward of Loss and Set Off
- 4.12 Tax Deducted at source (TDS) and Refund
- 4.13 Collection, Recovery and Charges of Income Tax
- 4.14 Basic Concepts of Income Tax in relation to Black Money, Tax Disposal Commission, Avoidance and Evasion of Tax
- 4.15 Offences and Penalties

Unit 5: Value Added Tax (VAT) (10 hrs)

- 5.1 Definition and Background
- 5.2 Principles
- 5.3 Merits and Demerits
- 5.4 VAT Rate
- 5.6 Alternatives to VAT
- 5.7 VAT Laws
 - 5.7.1 Basic Terminology
 - 5.7.2 Purpose and Basis of VAT
 - 5.7.3 Taxable Goods and Services

- 5.7.4 Registration and Cancellation of Registration of Firms
- 5.7.5 Place and Time of Supply, Rate of VAT and Taxable Price
- 5.7.6 Payment and Credit of VAT
- 5.7.7 Filing and Return of VAT
- 5.7.8 Assessment and Reassessment of VAT
- 5.7.9 Audit and Investigation
- 5.7.10 Refund
- 5.7.11 Recovery
- 5.7.12 Powers and Functions of Tax Officer
- 5.7.13 Rewards, Offences and Penalties

Unit 6: Wealth Tax/ House and Land Tax and Local Tax (4 hrs)

- 6.1 Objectives and Legal Provisions to Imposition, Assessment, Payment and Recovery of Wealth Tax, House and Land Tax
- 6.2 Property Exemption from Tax
- 6.3 Tax Exemption
- 6.4 Concept of Local Tax
- 6.5 System and Laws of Local Taxation in Nepal

Unit 7: Tax Administration (2 hrs)

- 7.1 Structure of Inland Revenue Administration of Nepal
- 7.2 Kinds of Authorities and Their Administrative and Quasi-Judicial Powers and Functions
- 7.3 Control Mechanism within the Tax Administration

Unit 8: Judicial Remedies (5 hrs)

- 8.1 Scheme of Judicial control over Tax Administration, Decisions and Assessment on Tax
- 8.2 Administrative Review
- 8.3 Appeal Provision under Tax Laws and Its Process

8.4 Revenue Tribunal

8.5 Writ Jurisdiction

Unit 9: Relevant Court Cases (4 hrs)

Man Bahadur Belbase vs. Tax Office Nepalgunj, *Nepal Kanoon Patrika (NKP)* (2049), No. 6, P. 529.

Man Bahadur Sunar vs. Tax Office Mahendranagar, *NKP* (2058), No. 3/4, P. 109.

Tax Office Nepalgunj vs. Krishna Gopal Agrawal, *NKP* (2061), No. 9, P. 1197.

Tax Office Biratnagar vs. Mahendra Kumar Golchha, *NKP* (2063), No. 7, P. 871.

Laxman Narayan vs. Tax Office Lalitpur, *NKP* (2064), No. 6, P. 758.

Sudarshanlal Shrestha vs. Internal Revenue Office, Chitwan, *NKP* (2065), No. 3, P. 320.

Mittal Tea Industries Pvt. Ltd. vs. Internal Revenue Department, *NKP* (2066), No. 6, P. 1001.

Sita Trade Centre Pvt. Ltd. vs. Internal Revenue Office, Kathmandu, *NKP* (2066), No. 8, P. 1350.

Meena Shakya vs. Internal Revenue Office, *NKP* (2068), No. 5, P. 855.

Pro-Biotech Industries Pvt. Ltd. vs. Large Taxpayer Office, Lalitpur, *NKP* (2068), No. 1, P. 145.

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The SAARC Tax System, Kathmandu: Pairavi Prakashan, 2015.

Modernizing Tax Administration in Nepal, Kathmandu: Pairavi Prakashan, 2005.

Dhakal, Kamaldeep et al, *Fundamentals of Taxation*, Kathmandu: MK Publisher & Distributer, 2014.

Karki, Bharat Bahadur, *Teacher's Guide on Taxation Law*, Kirtipur: Curriculum Development Centre, Tribhuvan University, 1999.

Subedi, Babu Ram, *Value Added Tax*, Kathmandu: Bhrikuti Academic Publications, 1998.

Seminar-II (Non-Doctrinal)

Ninth Semester
Course Code: Law 575
Credit: 6
Duration: 96 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The main objective of this course is to familiarise the students with basic skills of conducting a research applying research methodology. The students shall apply non-doctrinal approach, which is mainly based on primary information. Students may be assigned in a project works related to contemporary issue. While doing so, students shall develop their capabilities and confidence in identification and solving legal problems.

Course Description and Evaluation

This is a practical course and students are required to choose a topic on any contemporary legal issue with the approval of the class teacher/convener. After the acceptance of the topic by the class teacher/convener students shall be involved in collecting necessary data applying the tools like questionnaire survey, interview, focused group discussion, consultation, and field observation, etc. Students shall prepare a seminar paper by analyzing and interpreting the data. The report/paper shall be presented in the class. The students are also required to participate in the discussion on the papers presented by other classmates.

"This practical course carries 6 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher. Out of this 40%, the class teacher will give 10% marks for attendance, 10% marks for presentation and 20% marks for report submission. Another 10% marks will be evaluated in Viva- Voce to be conducted by a three-member committee having at least ten years of experience in teaching of law or law practice or as a hudge or public prosecutor. Remaining 50% is evaluated by the external examiner."

The division of the 6 Credit hours shall be as follows:

- a) Class – 3 Credit Hours
- b) Library visit and data collection – 3 Credit Hours

Energy Law

Ninth Semester
Course Code: Law 576
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Optional

Course Objectives

The objectives of this course are to acquaint students with energy as a resource, its availability, exploration and utilisation for development and nature conservation. The course covers energy related legal issues, national, regional and global legal framework, initiatives and institutions with special focus on Nepal and South Asia.

Unit 1: Introduction (4 hrs)

- 1.1 Concept, Meaning and Definition
- 1.2 Importance
- 1.3 Sources
- 1.4 Types

Unit 2: State of Energy and Issues in Nepal (4 hrs)

- 2.1 Demand Side
- 2.2 Supply Side
- 2.3 Impacts of Unmet Energy Demand
- 2.4 Issues Involved in Generation, Transmission, Distribution and Consumption

Unit 3: Doctrines and Principles Related to Energy (2 hrs)

- 3.1 Correlative Rights Doctrine
- 3.2 Environmental Sustainability Principle

Unit 4: Global, Regional and Bi-lateral Co-operation Initiatives on Energy (10 hrs)

- 4.1 Global Level
 - 4.1.1 Early Notification Liability in Case of Nuclear Accident
 - 4.1.2 Nuclear Safety Measures to be Adopted
 - 4.1.3 Civil Liability for Nuclear Damage
 - 4.1.4 Nuclear Energy and Third Party Liability
 - 4.1.5 Energy in Millennium Development Goals and Sustainable Development Goals
 - 4.1.6 Energy, Sustainable Development and Climate Change
 - 4.1.7 Recent Trends
- 4.2. Regional Level
 - 4.2.1 SAARC Framework Agreement for Energy Co-operation
- 4.3. Bilateral Level between Nepal and India
 - 4.3.1 Electric Power Trade, Cross-border Transmission Interconnection and Grid Connectivity
 - 4.3.2 Kosi Project
 - 4.3.3 Gandak Irrigation and Power Project
 - 4.3.4 Integrated Development of the Mahakali Barrage Including Sarada Barrage, Tanakpur Barrage and Pancheshwar Project
 - 4.3.5 West Seti Project
 - 4.3.6 Arun-3 Hydroelectric Project
 - 4.3.7 Upper Karnali and Other Hydropower Project

Unit 5: Agencies Involved in Promoting Clean Energy at Global and Asia Regional Levels (4 hrs)

- 5.1 United Nations System
- 5.2 World Energy Council

- 5.3 International Energy Agency
- 5.4 The Global Environment Facility
- 5.5 Sustainable Energy for All Forum
- 5.6 Major Economies Forum on Energy and Climate (MEF) and the Group of Twenty (G-20)
- 5.7 The World Bank Group
- 5.8 Asian Development Bank
- 5.9 Asia Clean Energy Forum
- 5.10 Integrated Center for Mountain Development (ICIMOD)

Unit 6: Energy Policies and Laws in Nepal (14 hrs)

- 6.1 Constitutional Provisions
- 6.2 Legal Provisions
- 6.3 National Policies
- 6.4 National Strategies
- 6.5 National Plans

Unit 7: Energy Related Agencies in Nepal (6 hrs)

- 7.1 Ministry of Energy
- 7.2 Ministry of Environment, Science and Technology
- 7.3 Electricity Tariff Fixation Commission
- 7.4 Water and Energy Commission
- 7.5 Water and Energy Commission Secretariat
- 7.6 Nepal Electricity Authority
- 7.7 Department of Electricity Development
- 7.8 Department of Environment
- 7.9 National Trust for Nature Conservation

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- Goldthau, Andreas (ed.), *The Handbook of Global Energy Policy*, New Jersey: Wiley-Blackwell, 2013.
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- Dixit, Ajaya, Adhikari, Pradeep & Bisangkhe, Shiva (eds.), *Constructive Dialogue on Dams and Development in Nepal*, World Conservation Union Nepal & Nepal Water Conservation Foundation, 2004.

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Regmi, Ram Krishna (ed.) *Sustainability: The Lasting Fuel*, Part VI, Kathmandu: Forum for Sustainable Development-Nepal, 2003.

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Victimology

Ninth Semester

Course Code: Law 577

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to impart knowledge of various aspects of victimology, the rights of victims, recent trends in criminal law and the role of victim, major problems and issues. It covers the work of the Truth and Reconciliation Commission (TRC) and Commission on the Investigation of Disappeared Persons (CIDP) as well. The course covers the issues of impunity, victims' perspectives and leading Supreme Court decisions.

Unit 1: Conceptual Development of Victimology (8 hrs)

- 1.1 Definition of Victimology
- 1.2 Evolution of Victimology
- 1.3 Victimological Development in Nepal

Unit 2: Crime Victims (6 hrs)

- 2.1 Nature of Crime Victims
- 2.2 Classification of Crime Victims
- 2.3 International Instruments Related to the Victims of Crime

Unit 3: Rights and Role of Victims (4 hrs)

- 3.1 Rights of Victims
- 3.2 Role of Victim in Criminal Justice System
- 3.3 Victim's Assistance as Witness
- 3.4 Victim Support Management

Unit 4: Victim Justice System (5 hrs)

- 4.1 Restorative Justice
- 4.2 Distributive Justice

Unit 5: State Liabilities towards Victims (6 hrs)

- 5.1 Role of the Government Attorney, Investigating Agencies, Governmental and Non-governmental Organisations
- 5.2 Compensatory Legal Provisions
- 5.3 Role of State to Provide Victim Supports

Unit 6: Truth and Reconciliation Commission and Commission on the Investigation of the Disappeared Persons (7 hrs)

- 6.1 Concept of Truth and Reconciliation Commission
- 6.2 Objectives of TRC
- 6.3 International Norms and Practices of TRC
- 6.4 Concept of Commission on the Investigation of the Disappeared Persons (CIDP)
- 6.5 Objectives of the CIDP
- 6.6 International Norms and Practices of TRC

Unit 7: Concept and Impact of Impunity (4 hrs)

- 7.1 Concept of Impunity
- 7.2 Impact of Impunity in Criminal Justice System of Nepal
- 7.3 Impact of Withdrawing the Government Cases upon Impunity

Unit 8: Relevant Court Cases (8 hrs)

- Madhav Kumar Basnet & Others vs. Government of Nepal, *Nepal Kanoon Patrika (NKP)* (2070), No. 9, P. 1101.
- Suntali Dhami vs. Council of Ministers & Others, *NKP* (2068), No. 1, P. 112.
- Budhi Bahadur Praja vs. His Majesty's Government of Nepal, (2065). Nepal, *NKP* (2064), No. 2, P. 179.

Jagdish Thapa vs. His Majesty's Government of Nepal, Writ No. 3326/065, Date of Decision 2065/12/7.

His Majesty's Government of Nepal vs. Ansail Miya, Cr, Appeal No. 34422/062, Date of Decision 2064/1/14.

Rabindra Prasad Dhakal (on Behalf of Rajendra Prasad Dhakal) vs. His Majesty's Government of Nepal, *NKP* (2064), No. 2, P. 179.

Resma Thapa vs. His Majesty's Government of Nepal, *NKP* (2062), No. 2, P. 205.

His Majesty's Government of Nepal vs. Jugta Sada, Cr, Appeal No. 2291/057, Date of Decision 2062/12/7.

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Pradhananga, Rajit Bhakta & Raut, Balram Prasad, "Criminal Justice and Victim's Rights in Future Constitution (in Nepali)", *Supreme Court Bar Journal*, Kathmandu: Supreme Court Bar Association (2009).

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NJA, *Phoujadari Kanoonsambandhai Prachalit Kanoonlai Samsodhan Ra Ekikaran Garna Baneko Bidheyak Aparadh Samhita, 2067 Daphawar Byakhyatmak Tippani* (in Nepali), Lalitpur: National Judicial Academy, 2070 BS.

—, *Phoujadari Muddako Karyabidhisambandhai Kanoonlai Samsodhan Ra Ekikaran Garna Baneko Bidheyak Phoujadari Karyabidhi Samhita, 2067 Daphawar Byakhyatmak Tippani* (in Nepali), Ibid, (2070 BS).

—, *Phoujadari Kasurma Sajaya Nirdharan Tatha Karyanwayan Garne Sambandhama Byabasya Garne Baneko Phoujadari Kasur (Sajaya Nirdharan Tatha Karyanwayan) Ain 2067 Daphawar Byakhyatmak Tippani* (in Nepali), Ibid.

Population Law

Ninth Semester

Course Code: Law 578

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to impart knowledge of the definition, scope and basic concept of population and laws relating to population and their importance for ensuring a quality life. The course covers issues relating to the impact of population growth, registration processes, migration and immigration in the context of Nepal.

Unit 1: Introduction (5 hrs)

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

Unit 2: Census Related Laws in Nepal (3 hrs)

- 2.1 Laws Relating to Census, Survey and Vital Registration
- 2.2 Related Legal Issues

Unit 3: Basic Demographic Components and Laws (10 hrs)

- 3.1 Laws Relating to Citizenship
- 3.2 Laws Relating to Registration of Birth and Deaths
- 3.3 Laws Relating to Migration (Concept of Migration and Mobility Types)

- 3.4 Permanent, Semi-Permanent, Temporary and Seasonal Migration)
- 3.5 Causes and Consequences of Migrations
- 3.6 Immigration and Emigration, Free Boarder and Treaty of Peace and Friendship with India

Unit 4: Major Factors Related to Population (4 hrs)

- 4.1 Urbanisation and Population Growth
- 4.2 Religion and Population Growth
- 4.3 Culture and Population Growth

Unit 5: Population Policy in Nepal (4 hrs)

- 5.1 Land and Housing Policy
- 5.2 Land and Housing Policy for Urban Areas
- 5.3 Land and Housing Policy for Villages

Unit 6: Offences Related to Reproductive Health (6 hrs)

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

Unit 7: Institutional Arrangement for Population Management (4 hrs)

- 7.1 Central Bureau of Statistics and Its Functions
- 7.2 Ministry of Population and Its Functions

References

Books

- Acharya, Dilli Raj, *Law of Population*, Kathmandu: Pairavi Prakashan, 2051 BS.
- Kafle, Balaram, *Population and Laws in Nepal*, Kathmandu: Legal Service and Research Center.
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Competition Law

Ninth Semester

Course Code: Law 579

Credit: 3

Duration: 48 hrs

Pass Marks: 50%

Nature: Optional

Course Objectives

The objectives of this course are to enable students to critically reflect upon the basic principles and policies of competition law, business ethics and practices that may be restrictive in economic markets through private and public enforcement. The course covers national and international laws and policies relating to competition law to curb anticompetitive activities and facilitate fair and free competition based on country practices.

Unit 1: Introduction (10 hrs)

- 1.1 Relevant Principles of Economics on Competition
 - 1.1.1 Market Definition
 - 1.1.2 Product Substitutability and Market Power
 - 1.1.3 Monopoly, Oligopoly and Workable Competition
 - 1.1.4 Schools of Thoughts on Optimum Competition Policy
 - 1.1.5 Rationale of Competition Law
- 1.2 Historical Background of Competition Law
 - 1.2.1 Influence of US, UK and EU Laws
 - 1.2.2 International Context and Harmonisation Function of Competition Law

Unit 2: Competition Laws in Nepal (12 hrs)

- 2.1 Economic Policies, Sectorial Policies, Consumer Policy and Competition Policy

- 2.2 Evolution of Competition Law under Sectoral Laws
- 2.3 Competition Promotion and Market Protection
- 2.4 Nepal's WTO Obligations as to Competition Policy, Law and Practice
- 2.5 Competition Law and Intellectual Property Rights

Unit 3: Anti-Competitive Practices and Their Control (10 hrs)

- 3.1 Control of Cartels and Other Anti-Competitive Agreements
- 3.2 Prohibition on Abuse of Dominant position
- 3.3 Merger Control
- 3.4 Prohibition on Bid Rigging
- 3.5 Prohibition on Exclusive Dealing
- 3.6 Prohibition on Market Restriction
- 3.7 Prohibition on Tied Selling
- 3.8 Prohibition on Misleading Advertisement

Unit 4: Extraterritoriality and Non-Applicability (6 hrs)

- 4.1 Extra-Territoriality: Cross-Border Issues and Competition Co-operation Agreement between States
- 4.2 Exemption Clauses or Non-Applicability

Unit 5: Enforcement of the Act (10 hrs)

- 5.1 Enforcement Authorities
- 5.2 Enforcement Procedures
- 5.3 Penal Provisions

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Whish, Richard, *Competition Law*, Oxford: Oxford University Press, 2009.

- Gavil, Kovacic, & Baker, *Antitrust Law in Perspective: Cases, Concepts, and Problems in Competition Policy* (2nd Ed.), St. Paul: West Academic Publishing, 2008.
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- Elhauge, E. & D. Geradin, *Global Antitrust Law & Economics*, London: Foundation Press, 2007.

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- Kovacic, William E., "Designing and Implementing Competition and Consumer Protection Reforms in Transnational Economics: Perspective from Mongolia, Nepal, Ukraine and Zimbabwe", *DePaul Law Review*, Vol. 44, Issue 4, Chicago: DePaul University (Spring 1995).

Report(s)

- CI, *Consumers and Competition*, *Global Competition Report*, London: Consumer International (2001).

Clinical Law-III (Placement)

Tenth Semester
Credit: 6
Duration: 96 hrs

Course Code: Law 596
Pass Marks: 50%
Nature: Compulsory

Course Objectives

The main objective of this course is to give placement training to students and enable them to prepare a report for evaluation. The Training course attempts to expose the students to different aspects of legal work carried out by institution where the students are placed. Besides examining the code of professional ethics and etiquette both in theory and in practice, the course addresses the growing social responsibilities and challenges.

Course Description and Evaluation

"Under this course, the students are required to undertake internships for four months either in any courts, institutions, tribunals and law firms or chambers. This course shall be conducted by a designated teacher having at least 10 year's teaching or research professional experience. A course outline and the number of students admitted in each academic session in this course are noticed by the Campus. A placement report shall be submitted by the students at the end of the same semester.

"This practical course carries 6 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher. Out of this 40%, the class teacher will give 10% marks for attendance, 10% marks for presentation and 20% marks for report submission. Another 10% marks will be evaluated in viva-voce to be conducted by a three-member committee having at least ten years of experience in teaching of law or law practice or as a hudge or public prosecutor. Remaining 50% is evaluated by the external examiner."

The division of the 6 Credit hours shall be as follows:

- a) Class – 1 Credit Hours (For class orientation)
- b) Placement – 5 Credit Hours (Placement, Report Writing and Report Presentation)

Social Welfare and Social Work Law

Tenth Semester
Course Code: Law 597
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to provide fundamental knowledge about the concept of social welfare, development, social welfare-based states and challenges for survival. The course focuses on laws, policies and programmes and institutions relating to social security and social welfare services in Nepal. The social work part is related to empirical work by students on social welfare issues and problems regarding their implementation and future law/ policy-making.

Unit 1: Introduction to Social Welfare (7 hrs)

- 1.1. Meaning and Concept of Social Welfare
- 1.2. Development of Social Welfare System
- 1.3. People Entitled to Social Welfare
- 1.4. Social Welfare Measures
- 1.5. Social Welfare as Human Rights
- 1.6. State Responsibility to Social Welfare
- 1.7. Relationship between Social Work with Social Welfare

Unit 2: Protection and Care of Child and Social Welfare System (7 hrs)

- 2.1. Legal Definition of Child
- 2.2. Position of Child in the Society
- 2.3. Global Response to the Welfare of Child

- 2.4. National Response to the Welfare of Child
- 2.5. Judicial Response to the Welfare of Child

Unit 3: Women and Social Welfare System (8 hrs)

- 3.1. Concept of Welfare of Women
- 3.2. Social, Political, Economic, and Legal Status of Women in Society
- 3.3. Global Legal Measures to the Welfare of Women
- 3.4. National Legal Measures to the Welfare of Women
- 3.5. Women's Human Rights and Social Welfare
- 3.6. Judicial Response to the Welfare of Women

Unit 4: Elderly People and Social Welfare System (8 hrs)

- 4.1. Legal Definition of Elderly People
- 4.2. Position of Elderly People in the Society
- 4.3. Global Response to the Welfare of Elderly People
- 4.4. National Legal Measures to the Welfare of Elderly People
- 4.5. Judicial Response to the Welfare of Elderly People

Unit 5: People with Disability and Social Welfare (8 hrs)

- 5.1. Legal Definition of People with Disability
- 5.2. Position of People with Disability in the Society
- 5.3. Global Response to the Welfare of People with Disability
- 5.4. National Response to the Welfare of People with Disability
- 5.5. Judicial Response to the Welfare of People with Disability

Unit 6: Institutional Arrangements for Social Welfare and the Importance of Social Work (10 hrs)

- 6.1. State as a Social Welfare Institution

- 6.2. Ministry of Women, Children and Senior Citizens
- 6.3. National Human Rights Commission
- 6.4. National Women Commission
- 6.5. National Dalit Commission
- 6.6. Social Welfare Council
- 6.7. Central Child Welfare Board
- 6.8. Importance of Social Work
- 6.7. Role of Civil Society Organisations in Social Work and Social Welfare

References

Books

- Pinch, Steven, *Worlds of Social Welfare*, London: Routledge, 1997.
- Balddoc, John, et al, *Social Policy*, New Delhi: Oxford University Press, 2012.
- K.C., Dipendra, *Social Work (in Nepali)*, Kathmandu: Nepal Book House, 2014.

International Trade Law

Tenth Semester
Course Code: Law 598
Credit: 3
Duration: 48 hrs

Pass Marks: 50%
Nature: Compulsory

Course Objectives

The objectives of this course are to impart knowledge about international trade laws and regulations with the help of various multilateral legal instruments and mechanisms developed under the auspices of the United Nations and its Specialised Agencies such as the United Nations Commission on International Trade Law (UNCITRAL), United Nations Conference on Trade and Development (UNCTAD) and World Trade Organisation (WTO) related to international trade. The course further familiarises them with the existing international trade regime, case laws and national obligations of the States Parties, including Nepal.

Unit 1: Concept of International Trade Law (2 hrs)

- 1.1 Meaning and Concepts
- 1.2 Genesis
- 1.3 Importance
- 1.4 Sources

Unit 2: International Sale of Goods (5 hrs)

- 2.1 History of International Sale of Goods
- 2.2 Importance of Unified International Sale of Goods
- 2.3 UNCITRAL Convention
- 2.4 Seller's Obligations
- 2.5 Seller's Right
- 2.6 Buyer's Obligation

- 2.7 Buyer's Right
- 2.8 Risk of Loss
- 2.9 Remedies for Breach of the Contract

Unit 3: International Transport Law (5 hrs)

- 3.1 Contract of Infringement as Defined in Different International Instruments
- 3.2 Kinds and Characteristics of Bill of Lading and Charter Party
- 3.3 Rights and Duties of Shipper and Carrier with Particulars Reference to the UN Convention on Carriage of Goods by Sea (Hamburg Rules)
- 3.4 Multi-modal Transportation of Goods
- 3.5 Carriage by Air, Air Operator's Liability

Unit 4: Financing of International Trade (4 hrs)

- 4.1 Bill of Exchange
- 4.2 Direct Payment
- 4.3 Documentary Credits

Unit 5: Incoterms (3 hrs)

- 5.1 Objectives
- 5.2 Practice

Unit 6: Foreign Exchange (3 hrs)

- 6.1 Importance of Foreign Exchange in International Trade
- 6.2 Foreign Exchange Restrictions
- 6.3 Main Provisions of the Foreign Exchange (Regulations)

Unit 7: Foreign Investment, and Transnational Corporations (TNCs) and International Trade (4 hrs)

- 7.1 Forms of Foreign Investment and Nature Licensing, Distribution and Franchising Agreement, Bi-lateral Investment Treaty
- 7.2 Meaning of TNCs and Joint Ventures
- 7.3 Role of TNCs in International Trade
- 7.4 Code of Conduct of TNCs and Social responsibility of TNCs, Including the Rights of Women Workers, Indigenous Peoples and Migrant Workers etc.
- 7.5 TNCs and Joint Ventures in Nepal

Unit 8: World Trade Organization (WTO) (7 hrs)

- 8.1 Structures
- 8.2 Legal Regime
 - 8.2.1 Market Access
 - 8.2.2 Non-Discrimination
 - 8.2.3 Tariff and Non-Tariff
 - 8.2.4 Trade in Services
 - 8.2.5 Trade in Agricultural Products
- 8.3 Trade Remedies
- 8.4 Exceptions
- 8.5 Uruguay Round Report 1994
- 8.6 SAARC Free Trade Arrangement (SAFTA)
- 8.7 Role of the GATT 1994 in the Field of International Trade
- 8.8 International Trade with Special Reference to Least Developed Land-Locked Countries

Unit 9: United Nations Conference Trade and Development (UNCTAD) (4 hrs)

- 9.1 Structure
- 9.2 Functions in the Field of International Trade Law

Unit 10: European Union (EU) (4 hrs)

- 10.1 Structure
- 10.2 Functions in the Field of International Trade Law

Unit 11: Settlement of Disputes (4 hrs)

- 11.1 Arbitration, Judicial Settlement, Negotiation, Good Offices, Mediation, Conciliation or Injury
- 11.2 UNCITRAL Rules on International Commercial Arbitration
- 11.3 UNCITRAL Model Law
- 11.4 UNCITRAL Conciliation Rules
- 11.5 International Chamber of Commerce Rules on International Commercial Arbitration

12. Enforcement of Foreign Judgements and Awards (3 hrs)

- 12.1 Recognition and Enforcement of Foreign Judgement and Awards
- 12.2 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards

References

Books

- Ingram, Kumar, *An Introduction to World Trade Organization*, Bhaktapur: Kathmandu School of Law, 2009.
- Raghavan, Chakravarthi, *Recolonization: GATT, the Uruguay Round and the Third World*, Penang: Third World Network, 1990.
- Krueger, Anne O. (ed.), *The WTO as an International Organization*, New Delhi: Oxford University Press, 2001 (Second Impression).
- Qureshi, Asif H., *The World Trade Organisation: Implementing*

- International Trade Norms*, Manchester: Manchester University Press, 1996.
- Holloway, David & Daren, Timson-Hunt et al, *Export Trade: The Law and Practice of International Trade*, London: Sweet & Maxwell, 2012.
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- Schaffer, Richard, Agusti, Filiberto & Earle, Beverly, *International Business Law*, South-Western Cengage Learning, 2011.
- Asif, H. Quereshi & Ziegler, Andreas R., *International Economic Law* (3rd Ed.), London: Sweet & Maxwell, 2011.
- Bossche, Peter Van den & Zdou, Werner, *The Law and Policy of the World Trade Organisation* (3rd Ed.), Cambridge: Cambridge University Press, 2012.

Articles

- Subedi, S.P. (with James Waston), "The WTO, Tuna and Dolphins: Has the Environment Lost Another Battle?" *Delhi Law Review*, Vol. 31, Faculty of Law of the University of Delhi (2012).
- Khanal, Shambhu Prasad, "Trade Jurisprudence and Investment Opportunity in Nepal," *Business Law Journal*, Vol. 7, Kathmandu: Commercial Law Society (2005).

Dissertation

Tenth Semester

Credit: 6

Duration: 96 hrs

Course Code: Law 599

Pass Marks: 50%

Nature: Compulsory

Course Objectives

The main objective of this course is to train students on writing a Dissertation by applying professional research methods and techniques. In so doing, the students must apply the standard rules of citation, bibliography and research as prescribed by the Campus.

Course Description and Evaluation

Under this practical academic exercise, the students first chose a specific Dissertation research topic on any one of the contemporary legal/judicial issues, problems or challenges. Then they submit research proposal(s) in the prescribed format at the beginning of the Semester for prior approval of the designated supervisor. The supervisor is also required to submit progress reports of the candidate on the dissertation. Finally, the Dissertation is submitted to the Campus with the recommendation of the supervisor within the specified date for final evaluation.

The Dissertation carries 6 Credits. Out of this, 10% marks is allotted for internal evaluation by the supervisor. Another 30% marks allotted for the Viva-voce to be conducted by a three-member committee having at least ten years of experience in teaching of law or law practice or as a judge or public prosecutor. Rest 60% is evaluated by the external examiner."

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