



T.U. Courses of Study
for
**THREE YEARS BACHELOR OF LAWS
(LL.B)
PROGRAMME**

**EFFECTIVE FROM JULY, 1996
Re Printed: Sept, 2006**

**Nepal Law Campus
Tribhuvan University**
Exhibition Road, Kathmandu.
NEPAL
Phone No.: 4225358
P.O.Box 1247

Introduction

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

It is constantly being felt that the present system of legal education in Nepal is not adequate for inculcating true professional skills to the law students. In Nepal, the class instruction is given mainly through class lectures. The students who come to enroll in PCL in law after completing SLC might have found it difficult to understand legal concepts and legal systems, and professional development for them might become a far cry. Even after they crossed the Bachelor level law students might face difficulty in using the knowledge of law acquired in the classroom in real life situations and live cases. For improving the quality of legal education and preparing competent professional legal manpower for national development and private sectors efforts need to be made.

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

Brief History of Legal Education in Nepal

In Nepal legal education was introduced with the objective of producing low-level clerical manpower. The first law college was established in 1954 in Kathmandu. Affiliated to Patna University, the college started to produce law graduates in the country but the courses of study consisted, for the most part, on Indian laws. The affiliation was transferred to Tribhuvan University in the 1960. Legal education was reorganized under the National Education System Plan (NESP), Certificate in Law and the Diploma in Law were commenced under the Institute of Law in 1972. The two programs together covered a period of five years after School Leaving Certificate (SLC). Significantly, it made a great breakthrough in the legal education system in the country by incorporating Nepalese laws in the courses of study. In the 1980-1986 Tribhuvan University underwent

a massive restructuring. Consequently, the Institute of Law renamed the Faculty of Law empowered to frame academic policies and coordinate activities concerning legal education in Nepal.

Review of Proficiency Certificate Level in Law Program

In Nepal, students who completed SLC could seek admission to Proficiency Certificate Level Law, and on fulfillment of all the criteria of admission as set by Tribhuvan University and the campus they used to get enrolled for a study of two years. This type of provision is not found in most other universities and it raises the question of practical and appropriate to enroll SLC-pass students to professional legal education. Naturally, they seem to be not mature enough for complex legal concepts and acquiring lawyering skills. In other words, it would be quite pertinent to raise the queries. Will the Proficiency Certificate undergraduates in law be able to render legal advice and plead in the adjudication process effectively? Will they be adequately equipped with adequate theoretical background of law and practical lawyering skills? For becoming competent lawyers and competent legal manpower they need rigorous study and training. In the context of changes in the experiences and practices of SAARC and other Asian countries legal education in Nepal needs modification. It should aim at upgrading and raising the quality of legal education as professional education.

In 1972, the Institute of Law prepared a 2-years comprehensive curriculum for legal education, which consisted of Elementary Law subjects and some Humanities and Social Science subjects for the Proficiency Certificate Level. The Social Science and Humanities subjects including languages were included in the course of study. In such a situation, it seems that the learning of actual law subjects and attainment of legal skills are stated staked. Of the 1100 marks 600 full marks are given to law subject and the remaining 400 marks are set aside for Social Science, Humanities and language subjects.

Career opportunity for those who have completed Proficiency Career opportunities for those who cross the proficiency Certificate in Law are: they are qualified for entering government and public and private enterprises and eligible for admission at the Bachelor level first year. Before the implementation of the Bar Act, they could plead, up to Appellate Courts within the country.

Review of 3-years Bachelor of Law (B.L.) Programme in Nepal

Legal education received by the people can influence the development of the national legal system of the country. Legal education is professional education, which requires adequate desired doctrinal knowledge of law, legal skills and attitude for responding to national needs. The graduates of the law compuses of Tribhuvan University should be able to render legal services to the nation for national development and individuals in complex legal matters, and to defend clients in the litigation procedures in courts. The society expects that the law graduates should render justice and make people aware of human rights protection and of the

need for an exploitationless social base. It also expects that law graduates should be equipped with adequate knowledge of law and legal skills. For all this, greater attention should be paid to constantly reviewing and improving the curriculum teaching learning techniques, etc, so that they would all stand professionally at par with those in other countries.

In many universities of the world educational planners, technologists, academicians have developed and been developing new instructional techniques, curriculum, structures, and restructuring duration of courses. But the existing legal education in Nepal is still traditional. The existing Bachelor of law curriculum consists of law subjects (compulsory and optional) and some Humanities and Social Sciences subjects. It is being constantly felt that the present system may not be enough to provide adequate professional knowledge to the law students. The practical courses of study contains moot-court, but the moot-court has regrettably been overlooked.

The Three-years Bachelor of Laws (LL.B) Programme

Tribhuvan University phased out Proficiency Certificate Level in Law (P.C.L.) since the academic year 1995. B.L. programme is existing for those students who completed Proficiency Certificate Level in Law.

Tribhuvan University introduced the three years Bachelor of Laws (LL.B) programme in the academic year 1996 in the Faculty of Law. The classes of LL.B. have been conducting since academic year 1996 in ten Tribhuvan University campuses and three private campuses affiliated to Tribhuvan University.

The 3-year Bachelor of Laws.

Curriculum Objectives

- to provide the students with in-depth knowledge of law and develop in them skills of reasoning, investigation, analysis and critical thinking, and practical skills necessary for legal career;
- to enable them to communicate and write legal documents in a clear and effective way;
- to convey to them knowledge of law in action and of the role of law in society and to enable them to handle complex legal situations effectively;
- to promote the values of justice, rights and liberty and to make the law graduates from Tribhuvan University able to compete with the law graduates from other universities of Asia (SAARC region at least);
- to broaden intellectual horizon and develop the personalities of law students; and
- to prepare middle-level legal manpower for new roles in national development efforts and private sectors.

Procedure of Curriculum Development

The Faculty Board and the 6 Subject Committees (Jurisprudence,

International Law, Constitutional Law & Administrative Law, Family law & Commercial Law, Procedural Law, and Criminal law) will determine the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of Tribhuvan University.

Compulsory and Optional

The courses of study consist of 15 compulsory subjects and 18 Optional subjects. The details of the courses structures are presented in the pages that follow:

Methods of Instruction

Instructions will be conducted through lecture (exposition), case study, group discussion, simulation, moot-court, demonstration, roleplaying, workshop practice, independent study, observation, and re-search activity, problem solving.

Evaluation

Each student will have to pass in each paper of the annual examination. Each annual (final) examination will be conducted in accordance with the Tribhuvan University direction and guidance. The candidates will have to pass both theoretical and practical examinations, and the grading will be as follows:

35 to 44%	Pass
45 to 59	Second division
60 to 74%	First division
75 and above	Distinction

Graduation Requirements

In order to earn a Bachelor's degree in Law student must pass each annual (final) examination, securing a minimum of 35% marks in each paper. All other requirements must be fulfilled.

B/F Entry Requirements

- i) Completion of Bachelor's degree (10+2+3) in any discipline or an equivalent program recognized by Tribhuvan University.
- ii) Completion of the Proficiency Certificate Level in Law shall be eligible for admission to Bachelor Level Program in Law and in accordance with the old curriculum of Bachelor in Law, only for five years from the date of termination of Proficiency Certificate Level in Law.
- iii) Selection criteria will be determined on the basis of the marks and percentage obtained in the previous Bachelor Degree in any discipline and of the entrance test administered by the Faculty.

Teaching Time Allocation

- i) Total number of teaching days: 120-150 (in an academic year)
- ii) Duration of each class hour 50 minutes
- iii) A course carrying 100 marks will have 6 class periods a

week and a course carrying 50 marks will be 3 periods in a week.

- iv) Generally, a course carrying 100 marks will be taught 125 hours and a course carrying 50 marks 62 hours 50 minutes.

H. Calendar of Operation

Entrance

Teaching in campuses begins

Pooja Vacation

Winter Vacation

Summer vacation

Annual Examination

- August 1-30 (one month)
- September 1
- October (one month) - actual date to be fixed according to the T.U. Calendar January (one month for the Hills and 15 days for the Terai calendar.
- Summer vacation June (15 days for the and one month for the Terai)
- July (one month)

Structure of the courses for the 3-year Bachelor of Laws

Subject areas	No. of Subjects	full marks	Total no. of Hours of instruction in 3 years	Total no. of periods in 3 years
Compulsory subjects	15 Subjects (9 subjects carrying 100 full marks each and 6 subjects carrying 50 marks each)	1200	1502	1497
Optional subjects	6 Optional Papers will have to be studied by each student out of 18 Optional and 2 proposed subjects. (Each paper carrying 50 marks).	300	377	372
Total	21 Subjects (out of 33 papers)	1500	1879	1869

TRIBHUVAN UNIVERSITY

Faculty of Law

Bachelor Level of Laws (LL.B.) curriculum structure B/F I year LL.B.

Course No	Compulsory Subjects	Full Marks	Periods Per Week	PDS. Per Year
Law 301	Jurisprudence	100	6	125
Law 302	Procedural Law and Law of Evidence	100	6	125
Law 303	Constitutional Law	100	6	125
Law 304	Public International Law	100	6	125
Law 305	Company and Corporation law	50	3	62
	Optional (Any two)			
Law 306	Family Law	50	3	62
Law 307	Press law	50	3	62
Law 308	Equity and Torts	50	3	62
Law 309	Administrative Law	50	3	62
Law 310	Population Law	50	3	62
Law 311	Fiscal Law	50	3	62
	TOTAL	550	33	686

In the 1 year Bachelor of Laws (LL.B.) a student is required to take five (5) Compulsory Subjects and any two Optional Subjects out of 6 optional subjects as mentioned in the table above and full marks will be 550. Total teaching periods will be 686.

TRIBHUVAN UNIVERSITY

Faculty of Law

B/F II year LL.B. curriculum structure:

Course No	Compulsory Subjects	Full Marks	Periods Per Week	PDS. Per Year
Law 401	Criminal Law	100	6	125
Law 402	International Institutions & Human Rights	100	6	125
Law 403	Property Law	100	6	125
Law 404	Methods of Legal Writing and Legal Research	50	3	62
Law 405	Interpretation of Statutes	50	3	62
Law 406	Moot-Court	50	3	62
	Optional Subjects (Any two)			62
Law 407	Labour Law	50	3	62
Law 408	Election Law	50	3	62
Law 409	International Air & Space Law	50	3	62
Law 410	Taxation Law	50	3	62
Law 411	Environmental Law	50	3	62
Law 412	Refugee Law	50	3	62
	TOTAL	550	33	685

In the II year Bachelor of Law (LL.B.) a student is required to carry 6 compulsory subjects and two optional subjects out of 6 optional subjects as mentioned in the table. Total full marks and total periods in the second academic year will be 550 and 685 respectively.

TRIBHUVAN UNIVERSITY

Faculty of Law

III year Bachelor of Laws (LL.B.) curriculum structure:

Course No	Compulsory Subjects	Full Marks	Periods Per Week	PDS.Per Year
Law 501	Major Legal Systems	100	6	125
Law 502	Hindu Jurisprudence & Nepalese Legal System	100	6	125
Law 503	Law of Contract	50	3	62
Law 504	Internship	50	3	62
	Optional Subjects (Any two)			62
Law 505	Law of the Sea & International Rivers	50	3	62
Law 506	Law of Banking and Negotiable Instruments	50	3	62
Law 507	Private International Law	50	3	62
Law 508	Criminology	50	3	62
Law 509	International Trade Law	50	3	62
Law 510	Intellectual Property	50	3	62
	TOTAL	400	24	498

In the third year (III Year) Bachelor of Laws (LL.B.) a student is required to carry four (4) compulsory subjects and any two optional subjects out of six (6) optional subjects as mentioned. Total full marks in the third academic year of LL.B. will be 400 and 498 periods.

Three Years LL.B. Programme

Detail Courses of Study

TRIBHUVAN UNIVERSITY Faculty of Law

- | | |
|-------------------------------------|-------------------|
| 1. Course Title : Jurisprudence | 4. Full Marks:100 |
| 2. Course No : 301 | 5. Pass Mark: 35% |
| 3. Nature of the course: Compulsory | 6. 1 Yr:LL.B |

Course Objectives:

The main objectives of this course are:

- to impart to the students basic ideas of jurisprudential concepts.
- to enable the students to understand the origin, development, nature, kinds, and utility of Law with reference to the Nepalese Legal system.

Contents in the Instructional Unit

- I **Introduction of Jurisprudence:**
 - Definition
 - Nature
 - Scope
 - Importance of the study
- II **Schools of Jurisprudence:**
 - Natural law school, Sociological School
 - Historical law school, Socialist school
 - Analytical school of Law, Realist school

Definition of Law
Function of Law
- III **Sources of law:**
 - Custom: meaning, kinds
 - Legislation meaning, kinds, codification
 - Precedent meaning, kinds
 - Juristic writings. professional opinions, reasons, equity, Justice
 - Good conscience.

IV The concept of justice:

- meaning of Justice
- kinds of Justice
- importance of Justice

VI Rights and Duties:

- Definition of rights and duties
- Elements and theories of legal rights
- Relation between rights and duties
- Classification of rights:
- Perfect and imperfect rights
- Legal and equitable rights.
- Positive and negative rights
- Rights in rem and right in personam
- Proprietary and personal rights
- Vested and contingent rights
- Principal and accessory rights
- Primary and sanctioning rights
- Rights in re-proria and rights in realiena

VII Possession

- Meaning and importance
- Constituent elements
- Animus possidendi, corpus possessions.
- Types of possession
- Possession in law
- Possession in fact
- Mediate possession
- Corporeal possession
- Incorporeal possession
- Constructive possession
- Concurrent possession immediate possession
- Possessor remedies
- Immediate possession
- Acquisition continuation and termination of possession
- Possessory remedies.

VIII Ownership

- Meaning and subject matter of ownership
- Classification:
- Sole ownership and co-ownership
- Corporeal and incorporeal ownership
- Trust and beneficial ownership
- Absolute and limited ownership
- Vested and contingent ownership
- Acquisition continuation and terminaton of ownership
- Ownership and possession.

- IX Nature and meaning of personality:**
- Meaning of person and personality
 - Kind of person
 - natural person
 - legal person
 - Double capacity and double personality
 - The legal status of
 - dead person
 - unborn person
 - animal
- X Corporations:**
- Meaning and concept of corporation
 - Theories of corporate personality
- XI Obligation:**
- Meaning of obligation
 - Kind of obligations
- XII Liability**
- Meaning of liability
 - Kinds of liability

Text Books:-

1. Fitzgerald Salmond P.J. Salmond on Jurisprudence Sweet and Max-well Limited, New Fetter Lane London (Reprinted) 1985
2. Lord Lloyd of Hamstead, Introduction to. Jurisprudence Stevens and Sons. London 1979.

Reference Books:-

1. Royal, H.L. Jurisprudence, London Publication 1995
2. Sangraula, Y.R. Kanoon Shastra Ra Kanoon Ko Sidhdiranta (3 rd Edition) Pairabi Pustak Bhandar, Kathmandu. 2050 B.S.
3. Pradhananga, Rajit Bhakta Bishi Shastra Ko Samanya Parichaya Ratna Pustak Bhandar, Kathmandu. 2047 B.S.
4. Lamsal, Narayan Prasad Bidhi Shastra Ratna Pustak Bhandar, Kathmandu. 2048 B.S.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Procedural Law
and Law of Evidence
 2. Course No : 302
 3. Nature of the course: Compulsory
- Course Objectives:**

4. Full Marks:100
5. Pass Mark: 35%
6. 1 Yr:LL.B

The main objective of this course is to provide the basic knowledge of :

- various parts of Procedure Law and Evidence
- habit of making comparative study of Procedural Law and the Law of Evidence.

Contents in the instructional unit

- I **Introduction:**
 - Definitions of procedural law
 - Importance
 - Scope
 - Relation between procedural law and substantive law
- II **Courts and Justice:**
 - Meaning of Justice
 - Hierarchy of courts and their Jurisdictions
 - Supreme court
 - Appellate court
 - District court
 - Nature and functions of quasi-judicial bodies
 - Arbitration as a tool for resolution of disputes.
- III **Theory and practice of:**
 - Original Jurisdiction
 - Appellate Jurisdiction
 - Extra ordinary Jurisdiction
 - Revisional Jurisdiction
 - Review Jurisdiction
- IV **Some basic principles of litigation**
 - Limitation
 - Resjudicata
 - Natural Justice
 - Locus-standi
 - Stare-decisis
- V **Principles of advocacy:**
 - Professional ethics
 - Rules of advocacy
 - Amicus curie

- VI General principles of drafting:**
- Legislative drafting
 - Court oriented drafting from complaint of Judgement in civil and criminal matters.
 - Drafting related to execution of orders/decess.
 - Drafting related to the incorporation of company and organizations
- VII Introduction:**
- Meaning of evidence
 - Kinds of evidence
 - Role of the law of evidence
 - Nature of the law evidence
 - Historical development of the law of evidence in Nepal.
- VII Facts:**
- Meaning and concept
 - Facts in issue
 - Relevant facts
- IX Facts which need not be proved**
- Judicial notice
 - Formal admission
 - Presumption
- X Hearsay rule and its exceptions:**
- Admission and confession
 - Statement on the spot
 - Dying declaration
 - Special statement by person on particular occasions.
 - Facts recorded in public documents
 - Facts recorded in books of account
 - Facts in books and articles
 - Statement given by witness in other cases.
- XI Opinions**
- Burden of proof
 - Estoppel
 - documentary evidence
 - Oral evidence
 - Examination of witnesses
 - Privileges of witnesses

Text Books:

Pradhananga, Rajit Bhakta
General Introduction to the Nepal Law of Evidence
Ratna Pustak Bhandar, Kathmandu 2050 B.S.

Reference Book:

1. Mulla
Civil Procedure Law

- N.M. Tripathi, Bombay 1993
2. Monir
Law of Evidence
University Publication, Allahabad, 1993
 3. Neupane, G.N. Procedural Law
Ratna Pustak Bhandar (2049.B.S.)
 4. Ojha, P.K. Procedural Law
Athrai Prakashan, (2048.B.S.)
 5. Shrestha. G.B, Outline of Procedural Law
Pairavi Prakashan (2051B.S.)

TRIBHUVAN UNIVERSITY
Faculty of Law

- | | |
|--------------------------------------|---------------------|
| 1. Course Title : Constitutional Law | 4. Full Marks : 100 |
| 2. Course No : 303 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Compulsory | 6. I Yr : LL.B. |

Course Objectives:-

The main objectives of this course are :

- to give sketch of consitutionalism in Nepal.
- to provide a wide-ranging knowledge of fundamental rights and of their relation with directive principles and Judicial techniques of enforcement.
- to acquaint the students with the constitutional framwork for enforcement. of constitutional monarchy, the cabinet system of government and show their relation with the people and the parliament.
- to give critical ignites into the Judicial trends in making interpretations of constitutional provisions, Judicial independence and Judicial activism in a new perspective.
- to familiarize the students with a critical study of the parliamentary system and procedure of work in Nepal with special emphasis on the constitutional framwork.
- to acquaint the student with critical study of constitutional standards for relation between individual and state and between executive, Judiciary and legislature.
- to impart a comparative knowledge of the above mentioned subjects with reference to their state of affairs in the UK, USA and India.

Contents in the instructional Unit:-

I Introduction :

- I - Meaning, scope and sources of constitutional law.

- Constitutional law:
- Constitutional enactment
- Judicial interpretation
- Constitutional conventions.

Constitutionalism:

- Meaning and dimensions
- Classification of constitution.
- Written and unwritten
- rigid and flexible
- unitary and federal
- Parliamentary and presidential
- Constitution as a fundamental law of the land: its implications and basis
- Separation of powers and checks and balances
- Theoretical explanation
- Constitutional framework:
 - Presidential model and
 - Parliamentary model
- Rule of Law
- Theoretical concept
- Constitutional framework for its implementation
- Constitutional monarchy: Theory and practice
- Preamble of the Constitution

II Historical Development:

- comparative study of the executive, legislative judiciary and of the fundamental rights under the constitutions of 2004, 2007, 2015, 2019 and 2047 B.S.

III Directive Principles of State Policy

- Rationale, constitutional status and techniques of enforcement.

IV Fundamental Rights:

- Right and equality
- Right to freedom
- Press and publication right
- Right regarding criminal justice
- Right against preventive detention
- Right to information
- Right to property
- Right to religion
- Right against exploitation
- Right against exile
- Right to privacy
- Right to constitutional remedies.

V Executive

- Role of the king under the constitution of Nepal 2047 B.S.
- Formation of cabinet government
- Collective responsibility of the government
- Role of the Prime Minister under the constitution.

- Constitutional mandate for the cabinet to aid and advise the king.

VI Legislature:

- Constitution of parliament
- Dissolution of parliament
- Privileges of parliament
- Parliamentary control over executive
- Committees system

VII Judiciary:

- Independence of Judiciary concept and constitutional provision.
- Power of supreme court to review of legislation and administrative action.

Power of the supreme court to enforce fundamental and legal rights.

- Public interest litigation
- Retrospective overruling

Contempt of court:

Principles of constitutional interpretations:

brief introduction

Theory of direct and inevitable effects of:

fundamental rights

Doctrine of fraud on constitution

Doctrine of harmonious contraction

Doctrine of severability

Doctrine of colorable legislation

Political issues out of courts jurisdiction

VIII Political Parties:

Constitutional restrictions and regulations

IX Miscellaneous:

- Amendment of the constitution and basic structure
- Emergency

Text Book:-

1. Singh, Top Bahadur

Constitution and the Constitutional law of Nepal, Kanoon Pathyapustak
Prakashan, Kathmandu 2039

2. Uprety, B. & Thapa, K.

Constitutional Law of Nepal
FREEDEAL, Kathmandu 1992

Reference Book:-

1. Jain, M.P.

Constitutional Law

Allahabad, India 1980

2. Thapa, Bikran & Uprety, B.

Constitutional Law of Nepal
FREEDEAL, Kathmandu 1992

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Public International Law
2. Course No : 304
3. Nature of the Course : Compulsory

4. Full Marks : 100
5. Pass Mark : 35%
6. I Yr : LL.B.

Course Objectives:-

The main objectives of this course are :

- To provide an understanding of public International Law and its meaning, basis, historical background and general principles.
- To enable the students to make critical analysis of the world situation vice-versa the International Law.

I Introduction:-

- Definition
- Origin and Importance
- Basis of International Law
- General Principles and rules of Public International Law
- The relation between International Law and Municipal Law.

II Sources of International law and Codification

- Treaties
- Custom
- General principles of law
- Judicial reason
- Writings of the publicists
- Resolution of the general assembly and security council
- Draft conventions of International Law commission
- Modern trends
- State practice

III Subject of International Law:

- State:
- Concept of state and sovereignty.
- Modes of acquiring and losing state territory
- Individuals (position individual in International Law)
- International organizations.

IV Recognition:

- Nature of recognition
- Recognition of government and state.
- Effect of recognition and non-recognition.
- Defecte and de jury recognition

V Nationality:

- Importance and function
- Modes of acquiring and losing nationality
- Statelessness
- Double nationality

Asylum

- Meaning and function
- Types of Asylum
- Right of asylum

- Obligation of Asylum
- State of refugees Extradition:

Extradition:

- Meaning and function
- Basis of extradition
- Political offense and International offense

State Responsibility:

- Treatment of aliens
- Nationality of aliens

Contractual liability

- Exhaustion of local remedies rule

VI Jurisdiction and Immunities

- Territorial Jurisdiction
- Personal Jurisdiction
- Maritime Jurisdiction
- Jurisdiction in aero-space

VII Immunities and Privilege

- Diplomatic immunity
- Consular immunities
- Immunities of special missions
- Immunity of foreign states
- Immunity of privileges of international organization
- Limitations of immunities.

VIII State Succession

- Theory of state succession
- Succession of state
- Succession of government
- Succession of international organization.

IX Treaties:

- Meaning and importance of treaties.
- Types of treaties
- Ratification of treaties
- Reservation of treaties
- Condition of treaties
- Puncta Sunt Servanda.
- Rebus Sic Stantibus
- Introduction of treaties.
- Termination of treaties
- Effects of war on treaties
- Treaty-making power under the Constitution of Nepal.

X Intervention

- Definition of Intervention
- Humanitarian Intervention
- Intervention by Invitation

XI Settlement of International disputes

- Peaceful means
- Inquiry and Negotiation
- Mediation and good offices

- Conciliation and UN efforts
- Arbitration (ICA)
- Judicial settlement
- Compulsive means
- Relation and reprisal
- Embargo and pacific blockade

XII Use of force and war

- Definition of war
- Attempts for outlawing of war
- Principles of prohibition of use of force
- Force under the UN Charter
- Definition of aggression
- Self-defense and collective self defense
- Collective security

XIII Laws of warfare

- Conventions of 1899 and 1907 and subsequent Conventions
- Geneva Protocol (1925)
- Legality of war
- Prisoners of war
- Right of angary
- War crimes.

XIV Blockade

- Meaning of Blockade
- Characteristics and validity of blockade
- Breach of blockade

XV Contraband:

- Meaning
- Forms

XVI Neutrality:

- Meaning of Neutrality
- Neutrality and Non-alignment
- Neutrality under the Un charter
- Rights and Duties of a neutral country
- Concept of Peace Zone:

Text-Books

1. Starke, J.G: An introduction of Public International Law, butterworths London 1997
2. Brownlie: Principles of Public International Law 4th Editions Oxford University:1990
3. Hingorani, R.C. Modern International Law, Oxford and IBH publishing Company, New Delhi 1982

References

1. Sharma, Dr. Gopal, Public International Law, Ratna Pustak Bahandur, Kathmandu 1990
2. Poudel, Madhav, Public International Law, Konoon Kitab Pvt. Ltd., Nepal 1989.
3. Sharma, Gopal, International Law in Nutshell, Pathya Samagri Prakashan, Kathmandu 1990

TRIBHUVAN UNIVERSITY
Faculty of Law

1. Course Title : Company and Corporation Law
2. Course No : 305
3. Nature of the Course : Compulsory
4. Full Marks : 50
5. Pass Mark : 35%
6. I Yr : LL.B.

Course Objectives:-

The main objectives of this course is to provide the students with sound knowledge of :

- The company law including the historical aspect and legal principles.
- The nature and types of their public corporations
- Organizations and their functions
- Some related cases from Nepal

Contents in the Instructional Unit

I Historical aspect of the Law of Company and Corporation.

- Origin and development of public corporations and private companies in general.
- Origin and development of public corporation and private companies in Nepal

II Basic legal principles of public corporations and private companies:

- The concept of the corporations of company for a legal person.
- Autonomy
- Perpetual succession

III Nature and Types of Public Corporation and Private Companies.

- Public Corporation with charters.
- Public Corporation formed under the Company Act-2021
- Public Corporations formed under the Corporations Act-2021
- Public Corporations formed under the Development Board Act-2013
- Private Companies Selling Shares to a restricted number of shareholders.
- Companies selling shares to the public, which are better known as Public Companies.
- Difference between private firms
- Public Companies, Private Companies, Public Corporations and Government Companies.

IV Organization Structure and Management of Companies

- Pre-incorporation agreements
- Company prospectus
- Articles and Memorandum of Association
- Certificate of incorporation
- Membership
- Shares: Types, allotment and transfer
- Debentures and stock

- Board of directors: Functions, Powers, duties, and responsibilities.
- Functions and responsibilities of the chief executive who may be formed as managing director.
- General manager or manager.
- Delegation of authority from the board to the management.
- Company Secretary
- Foreign Companies
- Corporate control and the different forms it assumes
- Corporate meeting the conduct affairs of the company or corporation.
- Liquidation
- Suits and proceedings by and against companies and corporations.
- Social responsibilities of companies.

V Prescribed Cases

- Tarani Prasad Adhikari V.G.M.
Surya Bahadur, NEKA. PA. 2045/1093
- Pashupati Giri, Bijendra Bahadur Basnet Et. al. NE.KA.PA.2045/1
- Prakash Bahadur Singh et. al. Vs
Nepal Matc/co.et.al.NE.KA.PA.2045/655
- Khem Chandra Characia Vs. H.M.G.Dex of Industries, NE.KA.PA.
265/507
- Surya Narayan Das Vs Dairy
Development Corporation Head Office, Kathmandu, NE.KA.PA
2045/419
- Tek Raj Pant Vs. Board of Directors
Timber Corporation et. al. NE.KA.PA.2044/895
- Purusottam Acharya, Vs Boris and Restaurant Pvt. Ltd. NE.KA.PA.
2044/934
- Sushilrani Vs Hotel Jaya International NE. KA.PA. 2040/901
- Piyus Raj Panday Vs Tax office Kathmandu NE.KA.PA. 2040.901
- Guheshweri Prasad Lohani Vs
Biratnagar Jute Mills, Biratnagar NE.KA.PA. 2036/327

Text Books:

1. Singh Avatar, Company Law, 4th Edition, Eastern Book, Delhi 1982
2. Uprety, B.R. Nepal Company Kanoon Nepal Law Society,
Kathmanud 2043 B.S.
3. Gower's Principles of Modern Company Law, 4th Edition, Stevens
and Sons, London 1979.
4. Nepal Company Act 2021: B.S. Kanoon Kitab. Byawastha Smith
Ministry of Law and Justice.
5. Nepal Development Board Act 2013 B.S. Kanoon Kitab Byawastha
Smiti, Ministry of Law and Justice.
6. Nepal Finance Company Act 2043 B.S. Kanoon Kitab Byawastha
Samiti, Ministry of Law and Justice.
7. Nepal Securities (listing) Regulation 2046 B.S. Kanoon Kitab

- Byawastha Samiti, Ministry of Law and Justice.
8. Nepal Securities Transaction Act 2040 B.S. Kanoon Kitab Byawarth Samiti, Ministry of Law and Justice.
 9. Relevant Issue Nepal Kanoon Patrika, Supreme Court of Nepal.

Reference

1. Shukla. M.C. Mercantile Law. Twelfth Revised Edition 5 Chand and Company Ltd. Ram Nagar, New Delhi 1983
2. Sen, A.K. Commercial Law Eighteenth Edition. The World Press Pvt. Ltd. Calcutta 1985

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Family Law
2. Course No : 306
3. Nature of the Course : Optional

4. Full Marks : 50
5. Pass Mark : 35%
6. I Yr. LL.B.

Course Objectives

The main objectives of this course are:

- to spell out the background and development of family
- to acquaint the students with the comparative knowledge of the Nepalese, Indian, American and the English family law in brief.
- to familiarize the students with important decisions of the courts of Nepal relating to family law.

Contents in the Instructional Unit

I Introduction:

- Concept and Scope of family law
- Historical development of family law in Nepal

II Marriage

- Concepts of Marriage
- Condition of Marriage
- Nullity of Marriage
- Punishable Marriage
- Justifiable Marriage
- Custom and usage pertaining to marriage in Nepal

III Civil Marriage

- Conditions for a valid civil marriage
- Procedural requirements

IV Husband and Wife:

- Right to Company
- Separation of husband and wife
- Restriction of conjugal rights
- Grounds of divorce

- Divorce suit
- Child custody
- Status of children
- Maintenance and support for children
- V Adultery and Jari:**
 - Meaning and Concept
 - Definition between adultery, Jari and Bigamy
 - Punishments
- VI Adoption:**
 - Meaning of Concept
 - Adoption in Traditional Hindu law
 - Condition of adoption
 - Status of adopted Son
 - Conditions for invalidating adoption
 - Adoption by foreigners
 - Dolaji and adopted daughters
- VII Partitions:**
 - Meaning and concept of partition.
 - Ancestral and other property
 - Joint family and coparcenary
 - Rights and duties of Manager or Karla
 - Procedure of partition
 - Man Chhuran partition of Kitchen
 - Maintenance Jiuni
- VIII Women's property (Istri Dhan)**
 - Meaning of women's property
 - Kinds of women property
 - Succession of women's property.
- IX Inheritance (Aputali)**
 - Meaning of Inheritance
 - Inheritance in classical Hindu Law
 - Daughter's right in inheritance
 - Other's right in inheritance
- X Family court:**
 - Meaning
 - Scope of family court
- XI Leading Cases:**
 - Mujirlal Yadav Vs Ram- Yadav. NE. KA. PA. 2046/1087
 - Babu Lal Teli Vs Teli et. al. NE. KA. PA. 2045/96
 - Trithaman Shakya et. al Vs Jamuna Devi Shakya
 - NE. KA.PA. 2044/555
 - H.M.G. vs NE. NA. PA. 2044/259
 - Prabalal Jung Thapa Vs UMA Dil- Show Thapa et. al. NE. KA. PA. 2042/044
 - Begumbini Musa & Man et. al. Vs Naina Kumari Thapa, NE. KA. PA. 037
 - Shanti Devi Thapa Vs Jagat Kumari et. al. NE. KA. PA. 2035/ 133
 - Bachhi Bista Chetri vs. Bahadur Bista Chhetri et. al. NE. KA.PA. 2034/138
 - Lal Bahadur Shati Vs Lal Bahadur Shati et. al. NE. KA. PA. 2026/114

- Sundar Lal Vs Jagat Maya 2020 SAR
- Sundar Lal Vs Jagat Maya 2020
- Sarbuchha Adalat nirnyasar Sangraha pra- sa. 305/9 by Lal Dev Bhatt.
- Puhum Kumari, s et. al. Vs. Poona Devi Thakuri, NE.,KA.PA. 2036/65

Text Book

1. Thapalia, Shanta Nepal Ko Pariwarik Kanoon: Sahayog Tatha Paramarsha Kendra 2046
2. Muluki Ain 2051
 - Kanoon Kitab Byabastha Samiti 2051

Reference

1. Nandan Devaki Marriage, Dirorce and Hindu Law Allahabad 1989

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|------------------------------------|--------------------|
| 1. Course Title : Press Law | 4. Full Marks : 50 |
| 2. Course No : 307 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. I Yr. LL.B. |

Course Objectives

The main objectives of this course are to make the students knowledgeable about:

- The press and its historical background
- The press and the constitutional provisions governing it
- The Nepal Journalist Association
- the rules and regulations of RSS
- The concept of publication
- The contempt of court.

Contents in the instructional unit

I Introduction:

- Meaning and nature of press Law
- Basic theories of press

II Source and historical development of the Press Law

III Constitutional Provision

- Freedom of speech and expression
- The right to publish
- The right of information.

IV History of Press in Nepal

- History of the publications of newspapers and magazines in Nepal
- Publication of the Gorkhapatra
- Newspapers and bulletins

- Newspaper and magazines published in different languages
- Newspapers and bulletins published by different institutions.
- V Press Law in Nepal**
 - The history of Press Law up to 2017 B.S.
 - The Press and Publication Act of 2019 B.S. including the Press and Registration Act
 - Press and Publication Act of 2049 and regulations.
- VI Nepal Journalist Association**
 - History
 - Professional activities
 - Social responsibility
- VII Nepal Press Council**
 - Jurisdiction
 - Code of conduct for the press
 - Activities
- VIII News Agencies:**
 - Rashtriya Samachar Samiti (RSS)
 - Rules and regulations of RSS
 - RSS and other news agencies.
- IX Gorkhapatra Sansthan:**
 - Rules and regulations
 - Semi Government Corporation
 - Activities
- X Other Aspects of publication:**
 - Mass Communication
 - Copyright Act
 - Investigative Journalism
 - Watergate and the media
 - Advertising
- XI Press content of Court**
 - Legislative and defamation
 - Press and contempt of Court
 - Press and contempt of Legislative
 - Press and defamation

Text Book

1. Law relating to printing and publication of Nepal Pub. Kath. 1984
2. The Constitution of the Kingdom of Nepal 1990.
Kanoon Byawastha Samiti, Ministry of Law & Justice, 1990
3. Law of Defamation, Indian Law Institute New Delhi, 1984
4. Devkota, Grishma Bahadur, Nepal Ko Chhapakhana, Ra Patra.
Patirka Ko Itihash Sahaja Prakashan, Second Edition, Kath. 2051
5. Dahal, Kashi Raj. Press Jurisprudence, Nepal Law Society, Kath.
First Edition, 1992

Reference

1. Nepal Kanoon Patrika, Supreme Court of Nepal
2. Nyadoot, Nepal Bar Association, Kath. Nepal.

TRIBHUVAN UNIVERSITY
Faculty of Law

1. Course Title : Equity and Torts
2. Course No : 308
3. Nature of the Course : Optional

4. Full Marks : 50
5. Pass Mark : 35%
6. I Yr. LL.B.

Course Objectives

The main objectives of this course are:-

- to expose students to the basic principle of the common law concept of Equity and Torts.
- to introduce Procedural and evidentiary rules of the common law which are applicable to Tort as well as the Equity Law.
- to expose the student to the case Laws in the field Equity and Torts.

Contents in Instructional unit

- I Introduction to the Law of Torts**
 - Definition and general principles
 - Comparison of tort with crime and breach of contract
 - Mental state
- II Torts relating to land**
 - Trespass
 - Nuisance
- III Torts in regard to chattels**
 - Trespass
 - Conversion
 - Detinue
 - Replevin
- IV Trespass to the Person:**
 - Assault
 - Battery
 - False Imprisonment
- V Defamation**
 - Libel
 - Slander
- VI Negligence**
 - Duty of care
 - Standard of care
 - Forceability
 - Contributory negligence
 - Damages
 - Res-ipsa.
- VII Liability for dangerous chattels**
- VIII Liability for dangerous premises
(Occupier's liability)**
- IX Vicarious liability**

- X Discharge of torts
- XI Misrepresentations (Deceit)
- XII Strict liability
- XIII Remedies for torts
- XIV History and development of principles of equity
- XV The maxims of equity
- XVI Trusts and trustees

Text Books:

1. Singh P.S. Law of Torts, Delhi, 1984
2. Salmond & Heuston, The law of Torts (19th Edition), Sweet and Maxwell, 11 New Feters Lane, London, 1987
3. Ratan Lal & Dhiraj Lal, The Law of Torts (22nd Edition, Reprint, Wadhwa & Company Pvt. Ltd. 1993.)
4. Bangaria R.K., The Law of Torts (4th Edition) Allahabad Law Agency, Law Publishers 1976.
5. Megarry R.E. & Baker P.V. Snell's Principles of Equity (27th Edition), London, Sweet and Maxwell Ltd. 1996.
6. Mandsly, R.H. Hanbury's Modern Equity (19th Edition), London, Stevenson Son's Ltd. 1969.
7. Street Harry, The Law of Torts (6th Edition), London, Butter worths 1976.

Reference:

1. The Bamboy Law Reporter, Law Publishers India Pvt. Ltd. Vol. 1989-1994

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|--------------------------------------|--------------------|
| 1. Course Title : Administrative Law | 4. Full Marks : 50 |
| 2. Course No : 309 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional : | 6. I Yr. LL.B. |

Course Objectives:

The main objectives of the course are:-

- to acquaint the students with structure, definition and scope of the administrative law.
- to make them aware of various kinds of remedies available to the people.
- to make them know about the nature and functions of gross/individual bodies.
- to acquaint them with the privilege and immunities of state and

also with the growth of rights and liabilities of public corporations, to enable them to learn about general function of ombudsman and the commission on prevention of abuse of authorities.

Contents of the instructional Unit

I Introduction

- Importance of the study of administrative law
- Definition and scope of administrative law
- Sources of Administrative Law and Rule of Law
- Separation of powers and its effects on administrative law (Leap tribunal system)

II Classification of Administration

- Need for the classification of legislative, executive, judicial and quasi-judicial functions,
- Distinction between judicial and quasi-judicial functions.

III Administrative Power and Judicial Control

- Nature of administrative power
- Exercise of absolute discretionary power
- Duty to act judicially
- Judicial control of administrative power

IV Administrative Tribunal and Quasi-Judicial Bodies:

- Nature and functions of administrative tribunals
- Judicial control of administrative tribunals.
- Lack of jurisdiction and decline of jurisdiction.
- Determination of question of fact
- Determination of question of Law.

V Principles of Natural Justice

- No man a judge in his own cause.
- Audi Alteram partem
- Reasoned decision.

VI Delegated Legislation

- Legislative process, forms of delegated legislation Reasons for the growth of delegated legislation.

- Types of delegated legislation Limitation of the delegation of legislative power.

- Nature of rules by Laws and administrative disruption.

- Control of delegated legislation, publication antecedent publicity, consultation with experts and effected interest parliamentary control, judicial control (Doctrine of ultra vires)

VII Remedies of citizens against administrative action

Functions,

Writs: Habeas- corpus, Mandamus, Certiorari Prohibition, quowarrant.

VIII Ombudsman

- Ombudsman and its principles
- Authority of Ombudsman, Complaints, investigation (with reports), Independence and integrity, Abuse of authority, Investigation Commission

Text-Books:

1. Jain & Jain, Administrative Law, N.M. Tritathi, Bombay, 1985
2. Bhattarai Shree Prasad, Administrative Law of Nepal, Mrs. Bhattarai, Kathmandu, 2042, B.S.
3. Trippathi et.al. Administrative Law, Private Ltd. Bombay, 1974

Reference Books:

1. Singh, Top Bahadur, Constitutional Law of Nepal, Kanon Pathyapustak Prakashan, Kathmandu, 2039.
2. Sangroula, Yug Raj
Administrative Law, Pub. Pairavi Prakashan, Kathmandu.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|------------------------------------|--------------------|
| 1. Course Title : Population Law | 4. Full Marks : 50 |
| 2. Course No : 308 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. I Yr. LL.B. |

Course Objectives

The Main objectives of this course are:-

- to initiate the students for the review and analysis of laws which bear directly or indirectly on population factors
- to make the students aware of the facts that certain laws have direct impacts on the size of population and that present problems of population can be controlled gradually and effectively by appropriate legislation.

Contents in the Intrucctional unit:

I Introduction to background

- Definition and nature of pupulation law
- Scope and contents of pupulation law
- Relation between pupulation law and human rights
- Development of pupulation law.
- Relation between law and pupulation dynamics.

II The Regulation of Fertility

- Law relating to contraception
- Law relating to sterilization
- Law relating to abortion

III Marriage and Fertility Regulation

- Law of marriage (including bigamy, polygamy and polyandry)
- Legal rights and obligations within marital

- Law relating the age of marriage and influence marriage on family
- Role of Woman in family
- Equality and fertility
- Marital dissolution and its impact on fertility behaviour
- Legal right and obligations after marital status
- Legal and customary provision with regard to woman's participation in public life and decision making.

IV Law and Child

- legal status minors
- Status in civil matters
- Status under criminal law.
- Legal provisions on protection of children
- Legal provisions in support of children.
- Legitimacy of children

V Criminal offenses and penology

- Sexual offenses (rape bigamy adultery, incest prostitution etc. and their impacts on fertility.
- Penal provisions effecting ability of prisoners of continuing family relationship (conjugal rights of prisoners)

VI Law of Economics factors

- Distribution of economic benefits and their impact on fertility
- Law of taxation and its impact on the size of family
- Land tenure system and its impact on the size of family
- Law and their impact on the size of family
- Law of inheritance and its impact on the size of the family.

VII Law of Migration

- Immigration
- Emigration
- Personal mobility

VIII Miscellaneous provisions

- Equality of sexes
- Sonship and adoption
- Legal and customary provisions regarding male off-springs.

.XI

Text Book:

1. Kafle, Balram Law and Population of Nepal, Legal Service and Research Center, Kath. 2040 B.S.

Reference

1. Sangal, S.P. Special numbers of National Institute of Health and Family Planning Life, Government of India, New Delhi 1984
2. Kafle, Balram Report of Project on Law and Family Population in Nepal, Institute of Law 1978

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|------------------------------------|--------------------|
| 1. Course Title : Fiscal Law | 4. Full Marks : 50 |
| 2. Course No : 311 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. I Yr. LL.B. |

Course Objectives

This main objectives of this course are to describe and explain:

- The development and content of fiscal laws in Nepal,
- Laws relating to implementation of fiscal policies,
- Law relating to government expenditure and legal devices for audit and control,
- Laws relating to collection of revenues.

Contents in the Instructional unit

- I **Fiscal Laws of Nepal**
 - Meaning and nature of fiscal law.
 - Brief history of fiscal legislation in Nepal
 - Constitutional provisions relating of financial procedure and finance Bill.
- ii **Laws relating to the implementation of fiscal policies**
 - Law of income tax
 - Law of property tax
 - Law of custom duty
 - Law of excise duty
 - Law of sales tax
- iii **Laws relating to the government loan and guarantee**
 - Laws relating to loan and guarantee
 - Law relating to treasury bills (Rashtraya Reen)
- IV **Laws relating to government expenditure and audit.**
 - Law of government expenditure
 - Laws relating to the audit of government expenditure
 - Power and functions of the Auditor General.
- V **Laws relating to revenue collection**
 - Hotel tax
 - Aviation tax
 - Entertainment tax
 - Vehicle tax
 - Land tax
 - Value added tax (VAT)
 - Law of stamp duty.

Text- Books

1. The Constitution of the Kingdom of Nepal 1990 (2047 B.S.)
2. Palkiwala, N. "Income Tax Law of India, Vol. II"
N.M. Tripathi Bombay, 1986.

Reference book/materials

1. Different Journals, Local/International.
2. Relevant Acts, Rules and Regulations of Nepal

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No. : 401
2. Course Title : Criminal Law
3. Nature of the Course : Compulsory
4. Full Marks : 50
5. Pass Mark : 35%
6. I Yr. LL.B.

Course objective :

- To enable the students to have the basic and fundamental knowledge of criminal law.
- To teach the general principles of criminal law and criminal liability.
- To impart comparative knowledge on relevant provisions of the criminal Codes of India, U.K. with special reference to Nepalese statutes.
- To enable the students to have critical appreciation of leading cases decided by the Supreme Court of Nepal.

Contents in the instructional unit:

- I. **General introduction to criminal law:**
 - a. Nature and meaning of criminal law.
 - b. Jurisdiction of criminal law
Territorial jurisdiction. Extra-territorial jurisdiction Personal jurisdiction
 - c. The question of extradition.
 - D. Difference between crime, tort and civil offenses.
- II. **Concept of Crime and its classification:**
 - a. Definition of Crime.
 - b. Classification of Crime : According to Principles of Criminal liability.
 - i Crimes of relative liability.
 - ii Crime of strict liability.
 - iii Crimes and vicarious liability.
- III. **Historical development of criminal law in Nepal :**
 - a Criminal law in Nepal before codified law.
 - b Criminal law in Nepal from Muluki Ain 1910 to 2007 B.S.
 - c Criminal law from 2007 B.S. to 2046 B.S. in Nepal.
 - d Criminal law after restoration of Democracy 2046 to present.
- IV. **General Principle of Criminal Law:**
 - a Ingrat Juries non excusot (Ignorance of law is no excuse.)
 - b Nullam Crime sine ledge (no crime without violation of law.)
 - c Principle of double jeopardy.
 - d Actus personalize moriber cum persony.
 - e Crime dies with the criminal.
 - f Principle of exposit facto law.
 - g Criminal law has no retrospective effect.
- V. **Elements of Crime :**
 - a Meaning of Actus rious and elements of actus rius-act

- Omission and state of affairs.
- b Meaning of mens rea and kinds of mens rea (Intention, recklessness, negligence and motive)
- c Causation
- VI. **Stage of Crime :**
 - a Intentions, preparation, Attempt, Completion of crime
 - b Incitement Abatement
 - c Conspiracy
 - d Attempt
- VII. **Parties to the Crime :**
 - i Treating of parties to the crime
 - ii Kinds of parties to the crime
 - a Principal of offenders
 - b Secondary offenders
- VIII. **General Defenses :**
 - 1 Meaning of general defense
 - 2 Kinds of general defense
 - a Infancy
 - b Insanity
 - c Mistake
 - d Drunkenness and drill taking
 - e Necessity
 - f Compulsion, coercion
 - g Superior order
 - h Private defense : Self defense. Defense of property, defense of chastity.
- IX. **Offense against person :**
 - 1 Homicide and kinds of homicide
 - 2 Abortion
 - 3 Assault and Battery
 - 4 False imprisonment
 - 5 Abduction and trafficking of human beings.
- X. **Offenses against property :**
 - a Theft
 - b Arson
 - c Looting (Lutpiti)
 - d Offenses against animals
- XI. **Forgery :**
 - Forgery of documents
- XII. **Sexual offenses:**
 - a Rape
 - b Incest
 - c Indecent assault
 - d Unnatural offences
- XIII. **Offenses against state :**
- XIV. **Bribery and Corruption :**
- XV. **Leading cases : (10 leading cases)**

Leading cases : related to unit No. XV.

- (१) भुवानी बस्नेत क्षेत्री विरुद्ध श्री ५ को सरकार मु: कर्तव्य ज्यान ने.का.प. (२०३१) पृ. ८७
(आपराधिक कार्यको विद्यमानता)
- (२) श्री ५ को सरकार विरुद्ध जिम्मेदार कमी
मुद्दा : जर्जस्ती करणीको जर्जस्ती करणीको आवश्यकतय । नेकाप २०.....पृ.
- (३) श्री ५ को सरकार वि. हर्य बहादुर आडवन्द्ये समेत मुद्दा : कर्तव्य ज्यान ने.का.पा. (२०४१) पृ. ३२७ (सरेको मनसाय र तथ्यको प्रय) ।
- (४) श्री ५ को सरकार वि. अब्दुल फत्ते मुसलमान मुद्दा : कर्तव्य ज्यान ने.का.प. (२०४४) पृ. ८४० (परस्पर सहमतिमा भएको हत्या) ।
- (५) श्री ५ को सरकार वि. शोभादर्य पटेल समेत मुद्दा: सर्वस्व ज्यान:ने.का.प. (२०४५) पृ. २२२) लापरवाहियुक्त हत्या र सवारी ज्यान)
- (६) कर्णवहादुर क्षेत्री वि. श्री ५ को सरकार मुद्दा: ज्यान ने.का.प. (२०३७) पृ. १७८ यवितव्य हत्या र मनसाय पेरित हत्यामा अन्तरनिहित धिन्नता) ।
- (७) श्री ५ को सरकार वि. बाबु मन्जरी 'आचार्य' समेत मुद्दा: ज्यान ने.का.प. (२०४०) विशेषाङ्क पृ. २९७ समित्वको रक्षा: आत्मरक्षा) ।
- (८) कर्म सिंह राई वि. श्री ५ को सरकार मुद्दा: ज्यान मार्ने उद्योग ने.का.प. (२०४२० पृ. ४९५ (ज्यान मार्ने उद्योग र ज्यान मार्ने उद्योगको आवश्यक तत्व)
- (९) श्री ५ को सरकार वि. रामेश्वर: राजत बारे समेत मुद्दा: ज्यान मारी लाश वेपत्ता पान्यो, ने.का.प. (२०४१) पृ. ३६० (फौजदारी कानूनको क्षेत्राधिकार) ।
- (१०) श्री ५ को सरकार विरुद्ध नारुदेवी भण्डारी मुद्दा: गर्भपतन ज्यान ने.का.प. (२०४५) १०९ (गर्भपतन र ज्यान मुद्दामा अन्तर) ।

नोट : उपरोक्त सम्बन्धमा कुनै नयाँ फैसला भै माथिको फैसलालाई प्रभाव परेमा त्यस्तो फैसला समेत अध्ययन गर्नु पर्नेछ ।

Text Books :

१. माधव प्रसाद आचार्य र रजित भक्त प्रधानाङ्क, ज्यान सम्बन्धी अपराधका परिचय: कानूनी पाठ्यपुस्तक कम्पनी १९८०
२. रजित भक्त प्रधानाङ्क, नेपाली फौजदारी कानूनको परिचय, रत्न पुस्तक भण्डार २०५०
३. Gaur K.D. Law of Crimes, published by Oxford and IBH, Connaught Circus, New Delhi, 1993

Reference :

1. Kenny's outline of criminal law
2. Baldya and Manandhar Crime and punishment in Nepal.
3. श्रेष्ठ र पण्डित, फौजदारी कानूनका परिचय ।
4. सुरेन्द्र भण्डारी, फौजदारी कानून ।
5. लक्ष्मी प्रसाद दाहाल, फौजदारी कानून सिद्धान्त र व्यवहार ।
6. सपुदगी ऐन ।
7. राज्य विरुद्धका अपराध र सजाय ऐन २०४६
8. Gaur, Dr. H.S. Indian penal code
9. Smith, J.C. and B. Nogan, Criminal law

10. Nigam R.C. Principles of criminal law vo. and I and II
11. माधव प्रसाद आचार्य र रंजित भक्त प्रधानाङ्ग, फौजदारी कानून र फौजदारी न्याय, रत्न पुस्तक भण्डार, २०४९
12. नेपाल अधिराज्यको संविधान २०४७
13. मुलुकी ऐन
14. सप्तःचार निवारण ऐन २०१७
15. भार सम्भार दुरुपयोग अनुसन्धान आयोग ऐन २०४८

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No. : 402

4. Full Marks : 100

2. Course Title : International Institutions
and Human Rights

5. Pass Mark : 35%

3. Nature of the Course : Compulsory

6. All Yrs: II LL.B.

Course objective :

The objectives of the course are :

- To acquaint the students with the role of international institutions in the maintenance of the world peace and security.
- To familiarize them with the development of the law through international organizations.
- To identify the constitutions of regional and international organizations in the field of mutual co-operation to fight against illiteracy, Poverty backwardness torture and discriminators.
- To orient the students with the origin rationale and legal instruments (national and international) pertaining to human rights.
- To assess the Nepalese legal provisions on human rights.

Contents in the instructional unit:

- I. Introduction to international institutions
 - * Definition
 - * Nature and scope
 - * Classification
 - * Role and importance
- II. Origin and development in international institution:
 - * International conferences
 - * The Holy alliance
 - * The concert of Europe
 - * The Hague systems

- III. **League of Nations :**
 - * Preamble and purposes
 - * Major Objectives
 - * Functioning of the league
 - * Voting procedures
 - * Success and failure of the league
- IV. **United Nations:**
 - * Historical Background
 - * Purpose and Principles
 - * Membership
 - * Organs of the UN (Composition), power, functions and achievements of each organ) .
 - * The General Assembly
 - * The Security Council
 - * The Economic and social council
 - * The Trusteeship council
 - * The secretariat and
 - * The Secretary General
- V. **International Court of Justice:**
 - * Background
 - * Composition
 - * Access to the court
 - * Jurisdiction of the court
 - a. Compulsory Jurisdiction
 - ad-hoc jurisdiction
 - the Asylum case of Haya dele Torre
 - voluntary Jurisdiction
 - Corfu channel case
 - b. Advisory Jurisdiction
 - (Conditions of Admission of state to membership in the united Nations)
 - Law to be applied by the court
 - Decision of the court and enforcement of the judgment :
 - development of international law through the ICJ.
- VI. **Some major specialized agencies of the UN and other international agencies :**
UNESCO. ILO. IMF. IBRD. ICAO. FAO. UPU. and UNICEF.
- VII. **Outline of some Regional organizations :**
ESCAP. ADB. ASEAN. AALCC. SAARC, OAU, EEC and OAS.
- VIII. **Introduction to Human Rights :**
 - * Historical perspective
 - * Emergence of H.R. on a subject of national and international rules of law.
 - * Concept of dignity of human person vis-a-vis human right. refugee law and humanitarian law.
- IX. **International Protection of Injury to Aliens :**

- Denial of justice and international responsibility.
 - Violations of Human Right and international responsibility.
 - a. The international minimum standard of justice and the principle of Equality.
 - b. Conflicting principles as applied to treatment of alien's property.
- X. Humanitarian Intervention**
- Rescue operation.
 - UN. Charter.
- XI. Rights of Members of vulnerable group :**
- Rights of children.
 - Prevention of discrimination and protection of minorities.
 - The advancement of woman.
 - UN. High commission for Refugees.
 - The other international instruments generally.
- XII. International instrument concerned with Human Rights :**
- The United Nations charter.
 - Universal Declaration of Human Rights.
 - International convention on the elimination of all forms of racial discrimination.
 - International covenant on civil and political rights with optional protocol.
 - International covenant on economic, social and cultural rights.
 - Covenant against torture and other cruel, inhuman or degrading treatment or punishment.
- XIII. Regional and National Arrangements on Human Rights :**
- The European Convention on Human Rights.
 - The American Convention on Human Rights.
 - The African Convention on Human Rights.
 - Consideration for Asian Convention and SAARC
 - Major Court Decisions Relating to Human Rights.
 - Recent Trends.

Text Books :

1. Lillich Newsman International Human Rights. Problems of law and Policy, Little Brown and Company, 1997.
2. Sharma G. International Organizations. Kathmandu, 1990. (in Nepali)
3. Sohn, Louis B. and Thomas Buergenthal International Protection of Human Rights. New York 1973.

References :

1. Robertson, A.H., Human Rights in the worlds, Manchester 1972.
2. Malla, Katak. Human Rights. Kathmandu (in Nepali).
3. Sharma, Dr. G. Human Rights. Kathmandu 1993 (in Nepali).
4. Tripathi, D. Human Rights. Kathmandu 1993 (in Nepali).

5. Higgins, Rosalyn, Development of International Law through the Political Organs of United Nations. Oxford University Press. London. 1963.
6. Thapa, S. UN and Specialized Agencies Kathmandu, CDC, T.U. 1977.
7. Faucet J.E.S. the Application of the European Convention on Human Rights. 1987. Clearandon Press Oxford 1987.
8. Singh, Nagendra, Human Rights, and International Coöperations S. Chand, New Delhi, 1969.
9. Boweet, D.W. The Law of International Institutions. Steven's and Sons. London 1982.
10. United Nations Action in the field of Human Rights U.N. Publication sales No. E88 XI Vol.-2, 1988.
11. Manual on Human Rights Reporting, U.N. publication, sales No. E 91 XII Vol.-1, 1991.
12. Hemkin, Pugh Schachter smite, International law cases and materials West Publishing Company 1957.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|--------------------------------------|---------------------|
| 1. Course No. : 403 | 4. Full Marks : 100 |
| 2. Course Title : Property Law | 5. Pass Mark : 35% |
| 3. Nature of the Course : Compulsory | 6. I Yr. LL.B. |

Course objective :

1. To give general and theoretical knowledge of the law of property with special reference to Nepalese laws.
2. To impart a comparative and critical knowledge of the law of property of Nepal as compared to the laws of India and U.K.
3. To impart critical knowledge of the nature and development of land law in Nepal.
4. To enable the students to have critical appreciation of leading cases relating to property law decided by supreme court of Nepal.

Contents in the instructional Unit :

- I. Introduction of the law of property :
 - * Meaning of the term property.
 - * Kinds of propety.
- II. Modes of acquisition and transfer of property :
- III. Examination of constitutional and legal rights of property in Nepal
- IV. Critical study of relevant provisions of the following mahals (chapters) of Muluki Ain:
 - 1 KALYANDHAN
 - 2 JAMANIBASNEKO

- 3 GUTHIKO
- 4 JAGGA AAWAD GARNEKO
- 5 JAGGA PAJANIKO
- 6 JAGGA MICHNNEKO
- 7 GHAR BANAUNNEKO
- 8 LOGNAE SWASNIKO
- 9 AAMSA BANDAKO
- 10 STRIAAMS DHANKO
- 11 DHARMA PUTRAKO
- 12 APPUTALKO
- 13 LENDENBYABAHAR.KO
- 14 NASODHARAUTIKO
- 15 DAMASHAHIKO
- 16 REGISTRASANKO
- 17 DAN BAKASKO
- 18 BANKI NATIRNEKO

V. **Traditional land tenure system of Nepal :**

1. Privileged land ownership (Birta).
2. Institutional land ownership (Guthe).
3. Land assignment system (Jagir).
4. Communal land ownership (Kipat).
5. Feudalistic land ownership (Jamindari and Talukdari).
6. Labour Land ownership (Rakam).
7. Ukhada
8. Mahajani
9. Rajya Rajauta
10. Raikar
11. Others (Khaikar jhora, kharka. and sandhi sarpan).

VI. **Existing law of land redistribution and land use :**

1. Land Act, 2021 (1964) and rules.
2. Guthi Corporation Act 2033 (1976).
3. Birta Eradication Act 2016 (1960).
4. Ukhada Act 2021.

VII. **Existing laws of land administration :**

1. Land Measurements Act. 2019 (1962) and rules.
2. Land Administration Act. 2024 (1978),
3. Land Revenue Act. 2034 (1978)

VIII. **Intellectual property law in Nepal :**

IX. **Leading cases:**

1. Shanti Devi Thapa Vs Jagat Kumari et. al.
ne. Ka Pa 2035/133
2. Padma Laxmi Rajbhandari Vs. Krishna Chandra Devi
NE. KA. PA. 2045/1225
3. Shiv Gautam et. al. Vs. Toyanath Pandey
NE. KA. PA. 2046/1
4. Suryaman Shrestha Vs. Aamas Devi Shrestha
NE. KA. PA. 2045/345

5. Ram Krishna Pandi Vs. Nani Maiva Pandey
6. Kancha Ratna Tuladhar et. al. Vs. Maya Devi Tuladhar
Ne.Ka.Pa. 2043/915
7. Kuldip Pd. Dhunge/ Vs. Hari Pd. Upadhaya et.
Ne.Ka.Pa. 2045/17
8. Niran Mainali Vs. Mohd Tankir Niya
Ne.Ka.Pa. 2048/968.
9. Punya Maya Bhattari Vs. Land Revenue Office, Thapa et. al.
NE. KA. PA. 2041/1090
10. Pitambar Bhusal et. al. Vs. Krishna Raj Upadhaya
NE.KA. PA. 2038/ (8)
11. Bahuram Kumari Vs. Kalhe Kumari
NE.KA.PA. 2046/96
12. Bhoj Lal Yadav Vs. Rambran Yadav
NE.KA.PA. 2046/108
13. Ram Tuliya Devi et.al. Vs. Maheshwor Kannelial
NE.KA.PA. 2046/63
14. Trithaman Shakya Vs. Jamuna Devi Shakya
NE.KA.PA. 2044/556
15. Suresh Lal Pd. Kumi Vs. Makabal Ahemed et. al.
NE.KA.PA. 2046/117
16. Ram Sunder Mahat Vs. Land Reform Officer, Sirha et.al
NE.KA.PA.
17. Narayan Putta Baral Vs. Chief Land measurement Office
NO. 6 Land.
18. Mrs. Ratna Keshari Udas Vs. Land Revenue Dept et. al.
NE.KA.PA. 2043/104
19. Narendra Bikram Thapa Vs. Guthi Cooperation Head
Office
Kathmandu.
NE.KA.PA. 2045/590
20. Sanu Kaji Vs. Tilak Bahadur
NE.KA.PA. 2027/338

Bext Books :

1. The Constitution of the Kingdom of Nepal 2047 (1990).
2. G.B. Shrestha Muluki Ain-Ek Tippani, Pairavi, Kathmaud, 2050
B.S.

References :

1. Krishna Menon. The Law of Property.
2. San G.M., The Law of Property.
3. Mukherjee. Hindu Law of religious and haruable trnsts.
4. Mulla. India Registration Act, 1973 edition.
5. Gyandra Bahadur Shrestha, Sampati Konoon (Nepal Law
Bocks Co. 2041).
6. Regmi M.C. Land Ownership in Nepal.

7. Regmi M.C. Land Terure and Taxation in Nepal.
8. Bhoomi Raj Bhandari, Nepal Ko Byabaharik Kanoon Tatha Malpot Prasasnama 'Comupture to Prayog 2046.
9. Fitzerald, Salmond on Jurisprudence (Latest edition)
10. French, Civil Code
11. S.M. Shah, Lectures on Transfer of Property.
12. Relvant issues of Nepal Kanoon Patrika, Nyaydoot, and Nepal Law Review.
13. Govind Sharma, Sampati Kanoon, 2046.
14. Earlies Acts, Rules, Orders and Cases.
15. Relevant cases as reported.
16. Acts:
 - a Muluki Ain
 - b Bhoomi Samandhi Ain 2021 and rule.
 - c Guthi Samanshan Ain 2033 B.S.
 - d Birta Unmulan Ain 2016 B.S.
 - e Jagga (Nepjanch) Ain 2019 B.S. and rule.
 - f Ukhada Smbandhi Ain 2021 B.S.
 - g Raptidozn Bikeschhetra Jaminko (Bikri Bitaran) Vyabastha Ain 2024 B.S.
 - h Bhoomi Prashasan Ain 2024 B.S.
 - i Jhora Chletrako Jaga Sambandhi Ain 2025
 - j Kharka Jaga Rastriyakaran Ain 2031
 - k Patent, Design and Trademark Aing 2022 B.S.
 - l Pratilipi Adhikar Ain 2022 B.S.
 - m Malpot Ain 2034 B.S.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No : 404

2. Course Title : Methods of Legal Writing and Legal Research

5. Nature of the Course : Compulsory

3. Full Marks : 50

4. Pass Mark : 35%

6. II Yr : LL.B.

Course Objectives:-

- To familiarize the students with the general concept and methods of legal writing.
- To acquaint the students with the philosophy of legal research.
- To provide the knowledge of the technique of selection, collection and interpretation of primary and secondary material to sociological research
- Students will be able to design and execute scale research assignment.

contents in the instructional unit :

- I. Introduction to legal writing and legal research and its importance in legal education :**
 - a Concept and philosophy
 - b Purpose
 - c Meaning
 - d The Scope
 - e Importance
- II. Types and approaches to legal research:**
 - a Historical approach
 - b Comparative approach
 - c Analytical approach
 - d Doctrinal and non-doctrinal approach
- III. Choosing the research problem and formulation of research proposals**
 - a Factors affecting problem selection
 - b applied versus pure research
 - c The research proposal
- IV. The Tools of Research**
 - a The Questionnaire
 - b Observation
 - c The Interviews
 - d The Survey
- V. Data collection and analysis :**
 - a Sorting and Tabulation
 - b Scaling Technique
 - c Analysis presentation and interpretation
- VI. The Research Report :**
 - a. Formate of the research
 - b. Style of writing
 - c. Rules of foot-note and bibliography

Text Books :

1. Legal Research and Research Methodology, Indian Law Institute.
2. Robert Ross, Research An Introduction.
3. Rajit, B. Pradhananga, An Introduction to legal research and research methodology.

References :

1. John, W. Best Research in Education.
2. Judian L. Simon and Paul Burstein Basic research method in social science.
3. C. Moser and G. kalton. Survey methodin social investigation

4. Fred N. Kerlinger. Foundation of behavioral research.
5. Kate L. Turabian, A Manual for writers.
6. William J. Goode and Paul K. Harty method in social research.
7. Kenneth D. Bailey Method, of social research.
8. Harry Teitelbaum, Write a thesis, A guide to the research paper
9. Howard K. Walf and Prem. R. Pant Social science research and thesis writing
10. Fred N. Kerlinger Foundations of behavioral Research.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No : 405

2. Course Title : Interpretation of Statutes

3. Nature of the Course : Compulsory

4. Full Marks : 50

5. Pass Mark : 35%

6. II Yr : LL.B.

Course Objectives:-

The course has the objective to familiarize the students with general idea about theories and methods of the statutory interpretation and the student will be able to :

- state the importance of statutes
- interpret the Statutes with rules
- construct deeds will etc.
- state the methods of construction of statute
- state presumption
- interpret the interpretation of statute act. 2010 B.S.

Contents in the Instructional unit :

I. Meaning objectives, importance kinds and principle of Interpretation :

II. Role and Importance of :

- a. The different parts of a statutes. Title preamble, marginal notes:
Headings schedules, punctuation provision and exception.
- b commencement repeal and revival of legislation.
- c The external aspects:

Historical setting, parliamentary history conventions and dictionaries and reference books.

- d Consolidating and codifying statutes.
- III. Rules of interpretation :
 - a General Rules:
 - Literal rule, mischief rule, golden rule, construction ut res magis valeat quam pereat. Reading words in their context. Statutory aspects and external aspects.
 - b Beneficial rule.
 - c Subsidiary rule :
 - i. Eiusdem generis rule
 - ii. Noscitur a sociis
 - iii. Re-oddendo singula singuli
 - iv. Expression unius rule
 - v. Contemporanea expositio
 - vi. Construction of words in banan partem
- IV. Construction of deeds and wills
- V. Construction of the constitution
- VI. Restrictive construction
- VII. Construction to prevent evasion or abuse
- VIII. Construction to avoid collision with other provisions
- IX. Exceptional construction
- X. Presumption:
 - a. Presumption against the common law.
 - b. Presumption of constitutionality of a statute.
 - c. Presumption regarding jurisdiction
 - d. Presumption against retrospective legislation.
 - e. Presumption against violation of international law.
 - f. Presumption against intending injustice or absurdity.
 - g. Presumption against imparting obligation or permitting advantage.
 - h. Presumption against intending what is inconvenient or unreasonable.
- XI. Intention attributed to the legislature when it express none:
- XII. The interpretation of Statute Act 2010 B.S.

Text Books :

1. P.St Langan. Maxwell on the Interpretation of Statutes (Latest edition)
2. Jagadish Swarup, Interpretation of Statutes Legislation.

References :

1. P.J. Fitzgerald, Salmond on Jurisprudence (Latest edition)
2. Bindra, Interpretation Statutes
3. Interpretation of Statute Act. 2010 B.S.

TRIBHUVAN UNIVERSITY
Faculty of Law

1. Course No : 406

2. Course Title : Moot Court

5. Nature of the Course : Compulsory

3. Full Marks : 50

4. Pass Mark : 35%

6. II Yr : LL.B.

Course Objectives:-

The objective of this course is to impart to the students practical skills of a lawyer. By this training the students will also be able to appreciate the principles of law better.

अभ्यास अदालतमा हालसम्म प्रचलित रहिआएको पद्धतिमा केही पृथक फरक गर्नुपर्ने अनिवार्यता भएको छ । कारण आज मिसिल तयार गर्ने कार्य ज्ञानार्जनका लागि नभई औपचारिकताका लागि हो भन्ने कुराले जरा गाडेको छ । एक जना विद्यार्थीले तयार गरेको मिसिल सार्ने विकृति पद्धति स्थापित भएको छ र तसर्थ अब अभ्यास अदालतलाई निम्नानुरूपमा संचालन गर्नु जरुरी छ ।

परिवर्तन गरिने मूल कुरा :

1. परीक्षण विधिको सम्बन्धमा कानून संकायको कानूनमा स्नातक ६ वर्ष कानून तथा न्यायका क्षेत्रमा कार्यरत व्यक्ति वा शिक्षकहरू दक्षका रूपमा नियुक्ति हुने गरी खास आधारहरू तोकी ३ जनाको समिति बनाई सो समितिबाट ३० प्रतिशत मौखिक र ७० प्रतिशत मुटकोर्टको आधारमा मुल्याङ्कन गरिने छ ।
2. यौटा देवानी यौटा सरकारबादी फौजदारी मुद्दाको कल्पनिक मुद्दा हरेक वर्षका लागि विषय समितिले निर्धारित गर्नेछ । यसरी निर्धारित मुद्दालाई सम्बन्धित कानून र नजिर समेत समावेश गरी अभ्यास गराइने विस्तृत विषय सहित कार्य सूचि बनाइने छ । यसै कार्य सूचिको आधारमा अध्यापकले पशिक्षण दिने मस्यौदा तयार गराउने र जाँचन कार्य गर्नु पर्नेछ । कार्य सूचिमा मुद्दाका विभिन्न चरणहरू (बहश समेत) र आवश्यक सम्पूर्ण मस्यौदाहरू समावेश गरिनु पर्नेछ ।
3. विद्यार्थीलाई देवानी वा फौजदारी (सरकारबादी) मध्ये रोजिको कुनै एक मुद्दाको मिसिल पेश गर्ने सुविधा दिइने छ ।

पाठ्यक्रम अध्यापन प्रविधि

कानूनमा हप्तामा २ (दुई) दिन नियमित कक्षा राख्ने स्वीकृत मुद्दा र तोकिएको विषय विभाजन अनुसार अध्यापन/छलफल/ प्रश्नोत्तरका माध्यमले मस्यौदा गराउने (मिसिल) तयार गराउने ।
विद्यार्थीले गरेर ल्याएका मस्यौदालाई शिक्षकले जाँची हेरी फिर्ता गराउने प्रबन्ध मिलाउने ।
लिखित र मौखिक परीक्षा लिइदा अनूत्तीर्ण भएका विद्यार्थीका विषयमा शिक्षालाई जानकारी दिने ।

TRIBHUVAN UNIVERSITY
Faculty of Law

1. Course No : 407
2. Course Title : Labour Law
5. Nature of the Course : Optional

3. Full Marks : 50
4. Pass Mark : 35%
6. II Yr : LL.B.

Course Objectives:-

1. To acquaint the students with provision of Labour Act. 2048(1991) and Labour Rules 2050(1993) and Trade Union Act. 2050 (1993). This course will help to promote the concept of industrial relation and labour management relations for promoting industrial peace.
2. To give knowledge about social security of the labourers including compensation for injury.
3. To impart knowledge about disputes setting procedure.
4. To give knowledge of industrial jurisprudence with reference to collective bargaining and unfair practices.
5. To give knowledge about wages.
6. To provide knowledge of industrial jurisprudence with reference to collective bargaining of unfair practices.
7. To give an idea of ILO.

1. Contents in the instructional unit :

I. Introduction :

- a Meaning and source of labour law.
- b Meaning and scope of Industrial jurisprudence.
- c An Introduction of ILO.

II. Constitutional framework and labour law:

- a Constitutional provisions.
- b History of Nepalese labour legislation.

III. Application and scope of labour law. 2048 B.S.

- a. Law relating to employment and social security.
- b. Law of hours & works.
- c. The Law of wages.
- d. Payment of wage, wage period deduction etc.
- e. Law of health and safety.
- f. Law relating to compensation for injury and death.

IV. The law of profit sharing :

V. Law of workers welfare with reference to ILO :

VI. Machinery for settlement of industrial disputes under the labour Act. 2048 :

- a. Machinery for settlement of disputes.
- b. Penalties i.e. disciplinary proceedings.
- c. Strikes and lockouts.

VII. Law of Child labour and child.

VIII. Law of women workers :

- IX. Labour participation in management.
- X. Concept of collective bargaining : Advantage and disadvantage.
- XI. Law of Trade Union in Nepal.

Text Books:

1. K.R. Dahal, Industrial Jurisprudence, Parabi Publications Putali sadak, Kathmandu 2050.
2. P.K. Ojha Industrial Jurisprudence athrai Publications Putalisadak Kathmandu 2045.
3. O.P. Malhotra, Law of Industrial Disputes VOI. 1 & 11 N.M. Tripathi 164, Samaldas Gandhi Marga, Bombay.
4. Labour Act, 2048 (1992) & Rules 250.
5. Child ren Act, 2048 (1992) & Rules 2051
6. Trade Union Act. 2049 (1993) and Rules.
7. Bonus Act. 2030

References :

1. Mamant, S.R., Industrial iurnisprudence
2. ILO publication, Collective Bargaining. Industrial Relation. Growth of labour registration.
3. ILO Publication relating to the units prescription the course.
4. Constitution of the Kingdom of Nepal, 2047.
5. Mimistry of Labour and Industry of India Report of the National Commission Labour 1969.
6. V.V. Giri Labour Problem in India 1966.
7. Indian Trade Union Act. 1926.
8. Indian Minimum Wages Act. 1948.
9. Indian Industrial Disputes Act, 1947.
10. Indutrial Apren membership Act. 2033.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No : 408
2. Course Title : Election Law
5. Nature : Optional

3. Full Marks : 50
4. Pass Mark : 35%
6. II Yr : LL.B.

Course Objectives:-

The objectives of this course are :

- To give knowledge to the students about the general principle of the law of election and related provision of the constitution.
- To acquaint the students with the various levels of election i.e.

- from the Village Development Committee to District Development Committee and lastly of the National parliament.
- To spell out the background and development of the election law in Nepal.
- To acquaint the students with the basic election procedure as prescribed by law, and
- To familiarize the students with the modern trends, concepts and Development in the field of election law.

Contents in the instructional unit :

- I. **General Introduction :**
 - a Meaning & importance of Election Law.
 - b Basic concept of the multiparty election & parliamentary election.
 - c Development of Election Law in Nepal.
- II. **Basic Concept :**
 - a Adult Franchise.
 - b Direct & indirect election.
 - c The majority system & proportional representation.
 - d The single transferable vote.
 - e Electoral constituencies.
 - f Electoral Collage
 - g Re-call.
 - h Voting right- whether a legal or fundamental right.
- III. **Elections to the Legislature:**
 - a Representative Assembly (Pratinidhi Sabha)
 - b National Assembly (Rastriya Sabha)
- IV. **Election to local committees:**
 - a Village development committee.
 - b District development committee.
 - c Municipalities (Nagar-Palika)
- V. **Legal provisions as to co-operation, nominations and by election.**
- VI. **Election Authorities :**
 - a Constitutional power and function of election commission
 - b Appointment power and function of polling officer, presiding officer, and returning officers.
 - c Role of election commission regarding election procedure.
- VII. **Role of political parties in election and code of conduct.**
- VIII. **Violation of election law and punishment :**
 - a Crimes relation to election.
 - b Election tribunal: jurisdiction & trial.
 - c Punishment for election crimes.
- IX. **Provision for observation/surveillance of election.**

Text Books :

1. Shrestha, K.M.; Election law in Nepal.
2. Aryal, N.K.; Election theory, values & norms.

Reference :

1. The constitution & the constitutional law of Nepal. Topo Bahadur Singh.
2. C.F. Strong- Morden constitutions.
3. Pratinidhi Sabha sadshya Nirbachan Act. 2048
4. Rastriya Sabha Sadshya Nirbachan Act. 2048
5. Cabrie Almond & Sidney Kerba, The civic culture (1959.)
6. Samul Basnes & Max Kuble, Political Action (1979.)
7. Paul F. Lazarsfield, the People Choice (1994.)
8. Paul F. Lazarsfield, the People Choice (1994.)
9. Nepal Law Review 36 and 37.
10. Kishar Uprety, Election System and its Impact on Democracy.
11. Essay on Constitutional Law, Nepal Law society Vol-3
12. Constitutions of the Kingdom of Nepal, 2047.
13. Election Commission Act 2047.
14. Election (Crime and Punishment) Act. 2047.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|---|--------------------|
| 1. Course No : 409 | 3. Full Marks : 50 |
| 2. Course Title : International Air and Space Law | 4. Pass Mark : 35% |
| 5. Nature of the Course : Optional | 6. II Yr : LL.B. |

Course Objectives:-

1. To impart the students the knowledge relating to international and national laws of air and space.
2. To acquaint the students with the principles and practices of aerial navigation with critical appreciation of the growing importance of the air space law.
3. To enable the students to analyse the contribution of the ICAO in the progressive development of air law.
4. To familiarize the students with contribution of UN in development of the air and space law.

Contents in the instructional unit :

- I. Introduction :
 - i. Meaning scope and sources of international air and space law.
 - ii. Importance of international air and space law.
 - iii. Civil Aviation legislation in Nepal.

- iv International air Law convention to which Nepal is a party.
- v Air Service agreement concluded by Nepal.
- vi Recent trends.
- II. **Air space :**
 - i Definition of air space.
 - ii Sovereignty over air space.
 - iii Nationality, and registration of aircraft.
 - a Nationality of Aircraft.
 - b International law and procedure on registration of aircraft.
- III. **Role and functions of ICAO :**
 - i Composition, role, functions, safety measures and settlement of international disputes.
 - ii Features of Chicago Convention.
- IV. **Carriers' liability :**
 - i Warsaw Convention and the Hague Protocol
 - ii The Guadalajara Convention and Montreal Agreement on Nonscheduled carriers liability.
 - iii Nepalese experience on carrier's liability.
- V. **Hijacking :**
 - i Meaning of aerial piracy.
 - ii Tokyo Convention.
 - iii Hague Convention.
 - iv Montreal Convention.
 - v Nepalese law on hijacking with special reference to Tokyo, Hague, Montreal Conventions.
- VI. **Damage :**
 - The Rome convention on damage caused by foreign aircraft to third parties on the surface.
- VII. **Law of outer space:**
 - i Definition.
 - ii Distinction between air space and outer space.
 - iii Doctrine of sovereignty.
 - iv Liability for accident by objective in the outer space.
 - v Special protection to Astronaut disarmament in outer space.
 - vi Outer space treaty to which Nepal is a party.

Text Books :

1. Martin, Peter, et.al (eds.), Shawcross and Beaumont's Air Law. Butterworths, London 1977.

Reference :

1. Nancy Douglas Ayner, Aerial Hijacking as an International Crime, Nijhoff, leyden, 1974.
2. MC Nair, Lord, The law of Air, London. 1964.
3. Wassenberge, H.A. Aspects of Air Law and Civil Air Law Policy in the seventies, Hijhoff, 1970.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No : 407

3. Full Marks : 50

2. Course Title : Taxation Law

4. Pass Mark : 35%

5. Nature of the Course : Optional

6. II Yr : LL.B.

Course Objectives:-

- i To give preliminary knowledge of the concept of taxation to the students.
- ii To acquaint the students with the nature and construction of taxation laws.
- iii To give basic idea and to familiarize the students with taxation laws prevailing in Nepal, especially Income Tax, Act, Sales Tax Act, House and Land Tax Act and Wealth Tax Act.
- iv To enable the students to have an understanding of leading cases relating to taxation decided by the supreme court of Nepal.

Contents in the instructional unit:

- I. Introduction :
 - a Meaning and objectives of taxation.
 - b Kinds and nature of taxation.
 - c Rules of construction of taxation law.
 - d Nature of taxation law.
- II. Basic Concepts and Basis of Charges :
 - a Concepts and definition of income.
 - b Basis of charge of income tax.
 - c Relation between Finance Act and Income Tax Act.
 - d Definitions of basic terminology under Income Tax Act. 2031 (1974.)
- III. Concept of Total Income :
 - a Concept of total income.
 - b Scope of total income.
 - c Meaning and kinds of sources of income.
 - d Relation between different sources.
- IV. Computation of Total Income :
 - a Computation of total income under different sources of needs.
 - b Expenditure allowed under different heads of income.
 - c Deduction allowable while computing net income.
- V. Exempted Income :
 - a Kinds and nature of exempted income.
 - b Incidence of double taxation.
 - c Exemptions granted by the government in certain cases.
- VI. Filing of Returns and Assessment :
 - a Procedure of filing returns.
 - b Procedure for filing of returns of firm, company minor, non resident etc.
 - c Assessment and its procedure.

- d Norms to be followed by the taxing officer.
 - e Different types of assessment.
 - f Assessment of small Tax payers, firm company, minor, etc.
- VII. Income tax Authorities :**
- a Kinds of authorities (Administrative and Judicial.)
 - b Power and functions of the authorities
 - c Appointment and organization.
- VIII. Collection, Recovery and Refund of Tax :**
- a Collection of taxes.
 - b Advance tax collection.
 - c Recovery
 - d Refund of tax.
- IX. Offences. Prosecution and Penalties :**
- a Different offences under the Income Tax Act, 2031.
 - b Modes and procedures of prosecution.
 - c Penalties impossible for different offences
- X. Appeal and Revision :**
- a Jurisdiction of appellate authorities.
 - b Grounds of appeal.
 - c Procedure for appeal.
 - d Powers of tribunal.
 - e Revision and its types.
 - f Procedure for revision.
 - g Writs.
- XI. Sales Tax/Value Added Tax (VAT) :-**
- a Nature, concept, charge and purpose of Sales Tax Act, 2023 (1966) and/or Aalue Added Tax.
 - b Basic terminology and interpretation.
 - c Procedure for returns and assessment of Sales tax.
 - d Collection and recovery.
 - e Penalties under the Act.
 - f Appeals
- XII. Wealth Tax and House and Land Tax :**
- a Nature concept, charge and purpose of Wealth Tax Act. 2047 (1991.)
 - b Interpretations of basic terminology under the Wealth Tax Act 2047 (1991.)
 - c Procedure for returns and assessments of Wealth Tax.
 - d Collection and recovery.
 - e Penalties under the Act.
 - f Appeals
 - g House and Land Tax Act, 2013 (1973.)
- XIII. Prescribed cases :**
1. Ramji Prasad Shah V. Tax Office Jankpur et. al. NE. KA. PA. 2047/147
 2. Bia Lal Shah V. Tax Offices. Janakapur et. al. NE. KA. PA. 2047/139

3. Hans Raj Gochha V. Tax Offices, Biratnager NE. KA. PA. 2046/355
4. Mahan Lal Surabail V. Tax Offices, Birgunj et. al. NE. KA. PA. 2045/1178
5. Nepal Resort Pvt. Ltd. Honkong. V. Tax Offices, Kathmandu NE. KA. PA. 2045/944.
6. M.D. Kishor Kalwar V. Tax Offices, Kathmandu NE. KA. PA. 2045/573.
7. Gosh International Pvt. Ltd. V. Tax Offices, Birgunj et. al. NE. KA. PA. 2045/123
8. Narayan Shrestha V. Ta Destination Committee, Tax Department, Lazimpat et. al. NE. KA. PA. 2044/287
9. Kulbir Singh Tuladhar V. Central Regional Court, Kathmandu et. al. NE. KA. PA. 2043/1011
10. Aanand Bhakta Raihandhari V. H.M.G. Ministry of Finance et. al. NE. KA. PA. 2043/499
11. Value added Tax Act, 2052 B.S. and Rules.

Text Books :

1. Desai Dr. S.S.M., Principles of Taxation.
2. Ojha, Pawan K., Kar Kanoon (in Nepali.)
3. Acts :
 - a Constitution of the Kingdom of Nepal, 2047 (1990.)
 - b Income Tax Act, 2031 (1974) and Rules 2039 (1982.)
 - c Interpretation of Statutes Act, 2010 (1954.)
 - d Revenue Tribnnal Act, 2031 (1974.)
 - e Tax Disposal commission Act, 2033 (1974.)
 - f Sales Tax Act, 2023 (1965) and Rules.
 - g Wealth Tax Act, 2047 (1990.)
 - h House and Land Tax Act, 2019 (1962.)
 - i Value Added Tax 2053.

Reference :

1. Kanga and Pathkiwala, Income Tax Law in India.
2. Sundaram Vs. S., The law of Income Tax in India.
3. D.A. Upponi, Tax Jurisprudence.
4. Tiwari, Narayan Raj, Nepalma Aavakar Byabastha (In Nepali.)
5. Lal B.B., Elements of Income Tax (3rd ed. 1981.)
6. Rewati Raman Khanal, Kar Sambandhi Kanoon (Kathmandu, Sajha Publication, 2030.)
7. Siwakoti, Shesh Raj ed. Sarobochha Adalat Ka Kar Sambandhi Naya Niyamharu (Gyan Gun Research Institute, 2051.)
8. Khadka Rup Bahadru, Sales Taxation in Nepal, (Kathmandu, Ratna Pustak Bhandar 2041.)
9. Sukumar Bhattacharya, Law and Practice of Wealth Tax.
10. Revevant Issues of Nepal Kanoon Patrika.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No. : 491
2. Course Title: Environmental Law
3. Full Marks :50
4. Pass Mark : 35%
5. Nature of the Course : Optional
6. II Yr : LL.B

1. Introduction:

3 period

- a. Meaning and scope of environmental law
- b. Present Global, Regional and National Environmental Problems-
Pollution of water, land, air, noise, resource degradation, deforestation, desertification etc.
- c. Global Environmental Issue—Loss of biological diversity, disappearance of species, climate change, depletion of ozone layer, and acid rain, etc.
- d. Emerging principles of Environmental law
 - Polluter pays principle
 - Precautionary principle
 - Public trust doctrine
 - Sustainable development
 - Environmental Impact Assessment
 - Responsibility not to cause environmental damages
 - Principles of Preventive Action
 - Principles of Common but Differentiated Responsibility
 - Principle of Good Neighborliness and International Cooperation

2. International Environmental Law:

- a. Sources of International Environmental Law 1 period
 - Treaties- Hard Law and Soft Law
 - Customary International Law
 - General Principles of International Law
 - Arbitral Awards of Judicial Decisions
 - Other sources
- b. Brief Introduction on Global Conferences 1 period
 - United Nations Conference on Human Environment 1972
 - World Charter for Nature 1982
 - United Nations Commission on Environment and Development (1984-87)
 - UNCED 1992
 - UNGASS 1997 UNSA Special Session (Rio+5)
 - Other Conferences (Rio+10= Sept.2002)
- c. Select Multilateral Environmental Agreements (MEAs) 10 periods
 - Convention on International Trade in Endangered Species (CITES) 1973
 - Ramsar Convention 1972

- Convention Concerning the Protection of the world Cultural and Natural Heritage 1972
- Vienna Convention on Ozone Layer Depletion (1985)
- Montreal Protocol (1987) and subsequent amendments
- Trans-boundary Movements of Hazardous Wastes (1989); Liability and Compensation Protocol
- Framework Convention on Climate Change (FCCC) 1992 and Kyoto Protocol (1997)
- Convention on Biological Diversity 1992
- Objective article 8 and 10, indigenous knowledge and innovations
 - Access and benefit sharing
 - Transfer of technology.
- Convention Against Desertification 1994
- Other environmental treaties to which Nepal has become a party
 - a. International Environmental Institutions
 - United Nations Environmental Program (UNEP)
 - Commission on Sustainable Development (CSD)
 - Global Environmental Facility (GEF)
 - Conference of Parties and other bodies formed under MEAs
 - Other International Institutions
- 3. Regional Approach for the Protection of Environment: 2 period**
 - a. South Asian Association for Regional Cooperation (SAARC)
 - Charter and Summit declaration
 - The regional plan of action on natural disasters and protection of the environment (1992)
 - Other efforts
 - b. South Asia Cooperative Environment Programme (SACEP)
 - c. European Union- Practice for the Protection of International Environment.
 - [Statutory Framework (Treaty of Rome 1957, Single European Act 1987, Treaty on European Union 1992); Institutions (European Parliament, Council, commission and Court of Justice)]
- 4. Environmental Law in Nepal**
 - a. Brief History of Environment Protection in Nepal
 - b. Constitutional Provision and Environment
 - Directive Principles of the Constitution
 - Article 126
 - Other Provisions
 - c. Policy of HMG for the Protection of Environment
 - National Conservation Strategy
 - Nepal Environmental Policy and Action Plan
 - EIA Guidelines
 - Eighth and Ninth plan
 - Industrial Policy

- d. Chapters of National Code 1 period
 - Of fire
 - Of Animals
 - Other Provisions
- e. Forest Law 2 period
 - i Forest Protection (Special arrangement) Act 1967
 - ii Plant Protection Act, 1982
 - iii Soil and Watershed Conservation Act 1982
 - iv Forest Act 1992
 - v Forest Regulations
- f. Wildlife and Biological Diversity Law 3 periods.
 - i King Mahendra Nature Conservation Fund Act 1982.
 - ii National Parks and Wildlife Conservation Act 1972
 - iii Rules regarding to the conservation of National Parks i.e Chitwan National Park Rules, Royal Bardiya National Parks Rules etc.
 - iv Conservation Area Management Regulations.
 - v Aquatic Animals Protection Act 1960 (2017)
- g. Cultural Heritage Law. 1 period
 - i Ancient Monuments Protection Act. 1956 (2013)
 - ii Lumbini Development Fund Act 1985 (2042)
 - iii Pashupati Area Development Fund Act 1987 (2044)
- h. National Heritage Law
- i. Water Resource Law 2 period
 - i Soil and Watershed Conservation Act 1982 (2039)
 - ii Drinking Water Corporation Act 1983 (2040)
 - iii Water Resources Act. 1992 (2049)
 - iv Electricity Act 1992(2049)
- j. Pollution Prevention and Control Law 2 period
 - i Solid Waste (Management and Resource Mobilization) Act 1987(2044)
 - ii Tourism Act 1988 (2045)
 - iii Industrial Enterprises Act 1992(2049)
 - iv Labour Act 199 (2048) Chapter 5 Sec. 27-36
 - v Mining and Minerals Act 1985 (2042)
 - vi Local Self Government Act 1998.
 - vii Local Self Government Regulation 1999.
- k. Environment Protection Act and Rules- (1996 and 1997) 1 period
- l. Other laws
- m. Institutional Framework for the Protection of Environment 1 period
- n. Judiciary and Environmental Protection in Nepal 4 periods
 - i Constitutional Provision/Power of Judicial Review.
 - ii Legal Provision i.e. Citizen's Right Act 1956 and Appellate Court.
 - iii Sec. 10 of Court Procedure of National Code and District Courts.
 - iv Decisions of selected Supreme Court Cases.

- Surya Prasad Dhungel vs. Godavari Marble Industries- 2052-7-14
 - Yogi Narahari Nath vs. HMG Ministry of Education and others.
 - Advocate Bharat Mani Gautam Vs. HMG Council of Ministers Secretariat, Municipalities and others- 2056-3-29
 - Advocate Bharat Mani Gautam Vs HMG Council of Ministers Secretariat; Kathmandu Municipality; Drinking Water Corporation and others-2056-3-29
 - Advocate Bharat Mani Gautam Vs. HMG Council of Ministers Secretariat, Municipalities and others- 2056-2-31
 - Rajendra Parajuli vs. Shree Distilary and others- 2054-7-12
 - Rabyamsa Regmi vs. Lila Raj Subedi-2051-8-2
 - Advocate Prakash Mani Sharma vs. Council of Ministers and others- 2054-2-27
- o. Environmental Impact Assessment Law. 1 period
- i Environment Protection Act and Environment Protection Regulation
 - ii Water Resources Act and rules
 - iii Electricity Act and rules
 - iv Relevant Guidelines

Text Books

1. Belbase, Narayan *The bnplimentarion of International Environmental Law in Nepal* IUCN- The World Conversation Union Kathmandu Nepal, 1997
2. Leeiakrishnan P., *Environmental Law in India* New Delhi; Butterworths: 1999
3. Singh Gurdip, *Environmental Law: International and National Perspectives*, Lawman India Pvt. Ltd. New Delhi 1995
4. नारायण बेल्बासे सं. वातावरणीय कानून तथा न्याय, आई. यु. सि.यन्, न्यायधिस समाज नेपाल, २०५५

References

1. Annin Rosencranz Shyam Divan and Martha L. Noble *Environmental Law and Policy in India Cases, Materials and Statutes*, 1991 Tripathi, Bombay India,
2. Desai Bharat, *Environmental Laws of India Basic Documents* (New Delhi: Lancers, 1994)
3. Birnie, Patrica and Allan Boy ley, *International Law and the Environment* (Oxford Clarendon Press 1992)
4. Osbern, Derek *Earth Summit II Outcomes and Analysis* (London: Earthscan Publication Ltd., 1998)
5. IUCN, UNEP, WWF, *Caring for the Earth: Strategy for Sustainable Living* (Switzerland: IUcN, UNEP, WWF, 1991)
6. Boyle, A. *Environmental Regulations and Economic Growth* (Oxford: Clarendon Press, 1994),
७. शर्मा प्रकाशमणी समेत वातावरण सम्बन्धी मुद्दाहरूको संगालो, प्रो पब्लिक (२०५७)

८. बेल्वासे, डा लेखनाथ समेत, जैविक विविधता संरक्षण श्रोत संगाली, प्रो पब्लिक (२०५७)
९. नेपाल अधिराज्यको संविधान २०४७
१०. मुलुक ऐन आगो लगाउनेको महल, चौपायको महल, पशु करणीको महल,
११. श्री ५ को सरकारको योजनाहरू तथा नीतिहरू
१२. निजि वन राष्ट्रिय करण ऐन २०१३, वन ऐन २०१८ वन बिरवा संरक्षण ऐन २०३२
१३. म-तया जलाधार संरक्षण ऐन २०३९
१४. वन ऐन २०४९
१५. श्री ५ महेन्द्र प्रकृति संरक्षण कोष ऐन २०३९
१६. राष्ट्रिय निकुञ्ज तथा वन्यजन्तु संरक्षण ऐन २०२९
१७. राष्ट्रिय संरक्षण नियमावलिहरू
१८. संरक्षण क्षेत्र व्यवस्था नियमावलि
१९. मध्यवर्ती क्षेत्र व्यवस्थापन नियमावलि २०५२
२०. जलचर संरक्षण ऐन २०१७
२१. प्राचिन स्मारक संरक्षण ऐन २०१३
२२. लुम्बिनी विकास कोष ऐन २०४२
२३. पशुपति क्षेत्र विकास कोष २०४४
२४. खानेपानी संस्थान ऐन २०४०
२५. जलश्रोत ऐन २०४९
२६. विद्युत ऐन २०४९
२७. फोहोर मैला (प्रबन्ध तथा श्रोत परिचालन) ऐन २०४४
२८. पर्यटन ऐन २०४५
२९. औद्योगिक व्यवसाय ऐन २०४९
३०. खानि तथा खनिज पदार्थ सम्बन्धी २०४२
३१. स्थानीय स्वायत्त शासन ऐन २०५२
३२. स्थानीय स्वायत्त शासन नियमावलि २०५६
३३. वातावरण संरक्षण ऐन २०५३ तथा वातावरण संरक्षण नियमावलि २०५४
- Note:** The students are required to keep well informed of the latest Case, Acts on the area of environment of Nepal.

References

1. Anin Rosentanz, Shyam Divan and Marita L. Noble Environmental Law and Policy in India (Tribhuvan University, Nepal)
2. Desai Bhalat Environmental Laws of India Basic Documents (New Delhi, India)
3. Desai Bhalat Environmental Laws of India Basic Documents (New Delhi, India)
4. Osborn, Derek Earth Summit II: Outcomes and Analysis (London: Routledge, 1992)
5. Boyle, A. Environmental Regulations and Economic Growth (Oxford: Blackwell, 1992)
6. Boyle, A. Environmental Regulations and Economic Growth (Oxford: Blackwell, 1992)
7. LUCIUNR WWW (Geneva, 1998)
8. LUCIUNR WWW (Geneva, 1998)
9. LUCIUNR WWW (Geneva, 1998)
10. LUCIUNR WWW (Geneva, 1998)

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course No : 412

2. Course Title : Refugee Law

3. Nature of the Course : Optional

4. Full Marks : 50

5. Pass Mark : 35%

6. II Yr. LL.B.

Course Objectives:-

The objectives of the course are as follows:

- Acquaint the students with the meaning, nature, scope and history of refugee law.
- Familiarize the students with the international instruments relevant to refugees, asylum seekers and persons in refugee like situation.
- Acquaint the students with various state practices in the treatment of refugees and asylum seekers.

- Familiarize the students with the role and mandates of the UNHCR and other agencies in the protection of refugees.
- Enable the students to contribute to the development of legal framework for refugee law in Nepal.

Contents in the instructional Unit:

I. Introduction:

- Nature sources, scope and history of refugee law.
- Relations between human rights law, Humanitarian law and refugee law.

II. Definition of Refugees :

- Definition of refugees in historical perspective (1920-to date. OAU, Cartagena.)
- Persons in refugee-like situations, internally displaced persons, stateless migrants, fugitives from justice and asylum, seekers.

III. The Concepts of asylum and the principle :

- Rights of Asylum.
- Types of Asylum.
- Duties of the state of Asylum and Asylees.
- Principle of non-refoulement.

IV. Status determination Procedure:

- Review and comparison of state practices.
- Individual determination v.s. prima facie determination.
- Loss of state (cessation and revocation.)

V. International efforts for the protection of refugee and other persons in need of protection:

- 1951 Geneva Refugee Convention and Protocol
- OAU Convention.
- The Cartagena Declaration.
- Rights and Duties of Refugees.
- The Four Geneva Convention.
- The two Convention of statelessness.
- General Human Rights Instruments.
- The U.N. General Assembly

And the Exom resolution

VI. International Organizations concerned with the refugees and other Persons in need of protection:

- **The UNHCR**
- ICRC

VII. New trends in Refugee Law:

- Temporary protection
- Safe country of origin and safe country of asylum.
- First country of asylum.

VIII. Refugees in the world with particular reference to Asia including Nepal :

- Complex humanitarian crises the cases of Cambodia-Somalia and former Yugoslavia.
- Prospects for possible legal framework for refugee law in Nepal.

Text Books :

1. Grahl Maden Atle. The Status of refugees and international law. Vol.1 and 2 A.W. Leyden. 1966
2. Vera Gowlland and Klaus Samson (eds.) Problems and prospects of refugees. The graduate institute of International studies Geneva, 1992.
3. Goodwin-Guy The Refugees in International Law Oxford. Clarendon Press 1983 Gill.

Reference :

1. UNHCR, Collections of international instruments concerning Refugees. Geneva 1979.
2. The Faculty of Law, T.U. & UNCHR (Nepal) Proceeding of the world conference on "Refugee law in Nepal. Prospects and future" Kathmandu 1994.
3. AALCC. Reports and selected documents of the Thirty Second Session. New Delhi 1993 Chapter ii on Refugees.
4. Hingorani, R.C. (ed.) Humanitarian law. New Delhi oxford & IBH, New Delhi, 1987.
5. UNHCR The State of the World's Refugees.
6. AALCC combined report 26-30th sessions, New Delhi, AALCC secretariat, 1992.
7. Grohl Madsen, Atle, the status of refugees and international Law, vol. 1 & 2 Leyden, 1966.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|--------------------------------------|---------------------|
| 1. Course Title : Major Legal System | 4. Full Marks : 100 |
| 1. Course No : 501 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Compulsory | 6. III Yr : LL.B. |

Course Objectives:-

- To impart the students with the basic and fundamental knowledge of the major legal systems of the world.
- To enable them to analyse and understand the difference between the major legal system of the world, Such as civil law, common law, socialist law and religious law family.

Contents in Instructional Unit:-

I Introductory:

- a. Legal systems in general.
- b. Classifications of legal systems.
- c. Indigenous and received law.
- d. Comparative approach to legal studies.

II Roman Law

- 1 Introduction
 - a. Importance of the study of Roman law.
 - b. Historical development of Roman law.
2. Sources of Roman law
 - a. Twelve table.
 - b. Corpus Juris civilis (Justinian code)
 - c. Praetor's edit.
 - d. Response prudentium.
 - e. Jus Gentium.
 - f. Custom and tradition.
3. Division of Roman law
 - a. Law of persons.
 - b. Law of property.
 - c. Law of succession.
 - d. Law of procedure.

III Civil Law System

1. Concept and sources
 - a. The concept.
 - b. Historical development.
 - i. Era of customary law.
 - ii. Role of universities.
 - iii. Idea of written law.
 - iv. Influence of Roman law.
 - c. Codification.
 - d. Sources of civil law system.
2. Comparative study of French and German law
 - a. Historical perspective.
 - b. Formation of law.
 - c. Role of case law
 - d. Judicial organization and administrative tribunals.
 - e. Legal Profession.
3. Japanese law
 - a. Historical background.
 - b. Formation of law.
 - c. Court and jurisdiction.
 - d. Legal profession.

IV Common Law System

- a. Introduction
- b. Historical development and modern reforms in English law.
- c. Concept of equity.
- d. Expansion abroad.
- e. Sources of English law.
- f. Court and Jurisdiction.
- g. Legal profession.

V Law of the United states of America

- a. Introduction.
- b. Source of law.

- c. Federal and state law.
- d. Federal and state courts.
- e. Legal profession.

VI Socialist Legal system

- a. The concept.
- b. Law in terms of economic analysis.
- c. Nature of socialist legal system.
- d. Expansion of socialist legal system.
- e. source of socialist law.
- f. Legal system of China.

VII Law of Religious Family

- a. Concept.
- b. Sources of law.
- c. Muslim legal system.
 - i. Introduction.
 - ii. Islam the law.
 - iii. Main school of Muslim law.
 - iv. Sources of Muslim law.
 - v. Marriage and inheritance.
 - vi. Influence of other legal system in Muslim law.
 - vii. Attempts for the reformation of Islamic Law.

Text book:

1. Rene David and E.C. Briery: Major legal System of the World Today.
2. Tanuka Dulal: Major legal Systems. Pairavi, Kathmandu (in Nepali)

References:

1. Hamlicl Ali: Outlines of Roman Law.
2. Sharma: Roman law in the Modern World.
3. R. R. Khanal: Introduction of Major legal Systems of the World (in Nepal.)
4. H.J. Abraham: The Judicial Process.
5. Gutteridge: Comparative Law.
6. Bishal Khanal: Major Legal System (in Nepal.)
7. Jain and Mathur: Comparative Law.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Hindu jurisprudence and Nepalese Legal System
1. Course No : 502
3. Nature of the Course : Compulsory

4. Full Marks : 100
5. Pass Mark : 35%
6. III Yr : LL.B.

Course Objectives:-

1. To impart the basic idea of the fundamental principles and concepts of Hindu Jurisprudence.
2. To make the students understand the influence of Hindu Jurisprudence in Nepalese Legal System.
3. To enable the students to identify the basic notion of Nepalese Legal System.

contents in the instructional unit

I Introduction of Hindu Jurisprudence

- a. Meaning and concept.
- b. Structure of Hindu society.
- c. Nature of Hindu Jurisprudence.
- d. Evolution of Hindu Jurisprudence.

II Hindu concept of law (Dharma)

- a. Meaning of law.
- b. Sources of law.
- c. Schools of law.

III Interpretation

- a. The scope of interpretation.
- b. The method of interpretation
- c. Conflict between text and customs

IV Duty of the King

V Hindu Administration of Justice (The law of Procedures)

VI Hindu concept of Justice

- a. Concept of justice
- b. Concept in civil law
- c. Concept in Criminal law

VII Property Rights

- a. The concept of property right
- b. Acquisitions transfer of property
- c. Womans right of property

VIII Legal concept

- a. Ownership
- b. Possession

- c. Succession
- IX I Commercial Law
 - a. Contract
 - b. Partnership
 - c. Mortgage
 - d. Money lending
- II Family Law
 - a. Marriage Divorce
 - b. Adoption
- X Nepalese Legal System
 - a. The concept and methodology of Nepalese legal Systems in the present context.
- XI Historical Background
 - a.. Law before the Lichhavis
 - b. Legal system of Lichhavis
 - c. Medieval period
 - i. Social and legal orders of Mallas
 - ii. Prithivi Narayan Shah & his legal & judicial reforms
 - e. Period from Prithivi Narayan Shah to Surendra Bikram Shah
 - (i) Law before and after Surendra Bikram Shah
 - (ii) Muluki Ain of 1910
 - f. Legal system and judicial administration during 1904 B.S. to 2007 B.S.
 - g. Period from 2007 to 2017 B.S.
 - h. Period from 2017 to 2047 B.S.
- XII The impact of Hindu law on Nepalese legal system and the nature of present legal systems of Nepal.

Text Book

1. Gyanindra Bahadur Shrestha: Hindu Jurisprudence and Nepalese Legal Systems. Pairavi Parkashan, Kathmandu.
2. Sen. P.N.: An Introduction of Hindu Jurisprudence

References

1. Sarkar, Epochs in Hindu Legal System
2. Derett, Introduction of Mordern Hindu law
3. Hudson, Miscellaneous Essays on Nepal & Tibet
4. Bishal Khanal, Nepalese Legal System
5. Dhana Bajra Bajrachary, Lichhikal Ka Abhilekh
6. Malla on Hindu law
7. Dr. D.R. Gegmi, Judical Customs in Nepal. Shaja Prakashan, Kathmandu.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|--------------------------------------|--------------------|
| 1. Course Title : Law of Contract | 4. Full Marks : 50 |
| 2. Course No : 503 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Compulsory | 6. III Yr : LL.B. |

Course Objectives:-

1. To give general and theoretical knowledge of the law of contract to the students.
2. To impart the students a comparative and critical knowledge of the law of contract especially with reference to laws of Nepal, India and U.K.
3. To enable the students to have critical appreciation of leading cases relating to law of contract decided by Supreme Court of Nepal.

Contents in the Instructional Unit

I Introductory

- Meaning of the terms "Contract" and Law of Contract.
- Kinds of contract.
- Principles of the law of Contract
- Historical development of the law of Contract in Nepal.

II Formation of Contract

- Offer
- Invitation of offer.
- Communication of offer
- Termination of offer
 - a. Revocation
 - b. Lapse of time
 - c. Death
 - d. Rejection

Acceptance

Acceptance must be unqualified communication of acceptance
waiver of acceptance.

Revocation of acceptance

III Intention to create legal relationship

IV Form and Consideration

- Contract under seal
- Contract for which writing is required
- Meaning and kinds of considerations
- Rules of consideration
- Agreement without consideration
- Consideration in Nepali Law of Contract

V Terms of the contract

- Express
- Condition
- Warranties

- Implied
 - Terms implied by customs
 - Terms implied by statute
- VI Privity of contract**
- VII Factors tending to defeat contractual Liability Incapacity of Parties.**
1. Infants
 2. Persons mentally disorder's and drunkards
 3. Lunatic
- Voidable contract
1. Mistake
 2. Duress or coercion
 3. Undue influence
 4. Fraud
 5. Misrepresentation.
- Wagering Contract
- Illegality
1. Agreements to commit crime
 2. Agreements which injure the state in its relations with other states.
 3. Agreements tending to injure public interest
 4. Agreements which tend to prevent the course of justice
 5. Agreements which tend to abuse the legal process.
 6. Agreements which are contrary to social morals.
 7. Agreements which affect the freedom of security of marriage and the due discharge of parental duty.
 8. Agreements which oust the jurisdiction of the courts
 9. Agreements in restraint to trade
 10. Agreements which are not certain.
- VIII Performance and Discharge of Contract:**
- Performance
- Discharge by agreements, by frustration, by breach, by operation of law.
- IX Remedies for Breach of contract.**
- Damages.
 - Quantum meruit
 - Equitable remedies.
 - Specific performance.
 - Injunction.
 - Arbitration.
- X Prescribed Cases**
1. Maniuharsa. Juyti v. H.M.G. et. al. NE. KA PA- 2046/264.
 2. Harikrishna Kulwar v. Nepal Food Corporation NE. KA. PA. 2045/300.
 3. Naresh Bikram Subedi v. C.D.O. office, Rolpa. NE.KA. PA- 2044/032.

4. Priyash Transport Co. v. Hetauda Cement Industry
NE.KA.PA. 2044/857.
5. Javan Bahadur Pradhan v. korean Development corpora
tion et. al, NE.KA. Pa-2044/152.
6. Dr. Badri Raj Pandya v. Navray Koirala, NE. KA. PA- 2044/
277.
7. Jit Bahadur Shrestha v. Bhuvaneshowari Upadhaya, NE.
KA. PA. 042/889
8. Tirth Kumari Rana. v. Ram Shankar Shrestha NE. KA. PA.
040/298
9. Chandra Bahadur v. Shakar Nath Acharya et. al. NE. KA.
PA. 040/165
10. Janak Cigarette Factory v. M.S. Narayan Bhakta Shrestha
et. al. NE. KA. PA. 036/94

Text Books

1. Upreti, Bharat Raj, Karar Kanoon. EK Tulnatmak Addhayayan (in
Nepali)
2. Anson's Law of Contract (latest edition)
3. Nepal Contract Act, 2033 (1996)

Reference

1. Chesire and Ifoot, Law of Contract
2. Atiyan P.S. An Introduction to Law of Contract
3. Pandia P.D. Commercial Law
4. Sen & Mitra, Commercial Law.
5. Cracknell's Law Student Companion.
6. Redmond, Mercantile Law.
7. Parajuli and Acharya, Vanijua Kanoon, Kathmandu, Ratna Pustak
Bhandar, 2046.
8. Parajuli Purusottam, Karar Sambandhi Kanoon, Kathmandu, Ratna
Pustak Bhandar, 2046.
9. Avtar Singh, Law of Contract.
10. Major W.T. The Law of the Contract

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Internship
2. Course No : 504
3. Nature of the Course : Compulsory

4. Full Marks : 100
5. Pass Mark : 35%
6. III Yr : LL.B.

Course Objectives:-

The objectives of the course is to enable students to undertake a research on definite legal issues on the basis of the course "Method of legal writing and legal research"

Internship

- कानून स्नातक तहको अन्तिम वर्षमा विद्यार्थीले कानूनको कुनै एउटा विषयमा कार्यपत्र लेख्नुपर्ने र यसको मूल्याङ्कन हुने पाठ्यांस अनिवार्य छ ।
 - यसका लागि विद्यार्थीले प्रस्ताव पेश गर्ने क्याम्पसले सो स्वीकृति गरेपछि क्याम्पसले प्रशिक्षक तोकिदिने र प्रशिक्षकको निर्देशनमा रही कार्यपत्र तयार गरी पेश गर्ने र यसको मूल्याङ्कन गरिने पद्धति चलिआएको हो ।
 - यस पद्धतिमा विद्यार्थीले प्रशिक्षकसँग समय समयमा सम्पर्क राखी कार्यपत्र तयार गर्नु पर्नेछ ।
 - यस पाठ्यांसलाई उपलब्धिपूर्ण र ज्ञानवर्धक बनाउन निम्नानुसार गरिन वान्छनीय छ ।
१. **विषय छनौट**
कार्यपत्र लेख्ने विषय छनौट गरिदा विद्यार्थीले साधारणतः एल.एल.वि. प्रथम वर्ष र दोस्रो वर्षमा उत्तीर्ण भएको विषय मध्ये कुनै एक विषयमा कार्यपत्र लेख्न विषय छनौट गर्नु पर्नेछ ।
 २. **प्रस्ताव**
विद्यार्थीले उपरोक्तानुसार विषय छनौट गरी पेश गर्ने प्रस्तावका साथमा नै कार्यपत्रका विषय र सन्दर्भ सामग्री लेखी पेश गर्नुपर्ने व्यवस्था गर्ने ।
 ३. **प्रशिक्षक**
कानूनमा स्नातक भै कम्तिमा ५ वर्षको कानूनी क्षेत्रको अनुभव प्राप्त व्यक्तिलाई कानून संकाय, डीन कार्यालयको निर्देशनमा क्याम्पसले प्रशिक्षकको रूपमा तोक्न सक्नेछ । त्यसरी तोकिएका प्रशिक्षकलाई विद्यार्थीको प्रस्ताव उपलब्ध गराइने छ ।
 ४. **प्रशिक्षक विधि**
कम्तिमा १५ दिनमा एक पटक (सदस्य) प्रशिक्षकसँग सम्पर्क राखी प्रशिक्षकको आवश्यक निर्देशन लिनुपर्ने र प्रत्येक पटक प्रशिक्षकसँग सम्पर्क राख्दा प्रशिक्षकबाट मिति लेख्न लगाई सही गराउन पर्ने व्यवस्था गर्ने ।
 ५. **प्रशिक्षकको सिफारिश**
कार्यपत्र साथ प्रशिक्षकलाई सम्पर्क राखेको विवरण पेश गर्नुपर्ने र प्रशिक्षकलाई आफूले निर्देशन दिएका विद्यार्थीहरूको मेहनत सृजनाशिलता, बौद्धिक क्षमता र मौलिकता प्रतिबिम्बित हुने गरी बेग्लै मूल्याङ्कन फाराम गोप्य तवरले क्याम्पसमा पठाउनुपर्ने व्यवस्था गर्ने । यसकालागि छुट्टै फर्म विकसित गर्ने ।

मूल्याङ्कन

- प्रशिक्षकद्वारा प्राप्त सिफारिश फाराम र लेखाइको स्तर बौद्धिकता, मौलिकताका आधारमा मूल्याङ्कन गर्ने ।
६. **मौखिक परीक्षा**

- कानूनमा स्नातक भै ६ वर्ष कानून तथा न्यायका क्षेत्रमा कार्यरत व्यक्ति वा शिक्षकहरू दक्षका रूपमा नियुक्ति हुने गरी कानून संकाय वा कानून संकायले अधिकार प्रत्यायोजन गरेमा क्याम्पसले ३ जनाको समिति बनाई सो समितिबाट सम्बन्धित कार्यपत्र उपर ३०% मौखिक परीक्षा लिई सोको प्राप्ताङ्क त्रि.वि. परीक्षा नियन्त्रण कार्यालयमा पठाउनु पर्नेछ । बाँकी ७०% का लागि त्रि.वि.प.नि.का.ले कार्यपत्रको नियमानुसार मूल्याङ्कन गराउने र उपर्युक्त बमोजिम हुन आउने पूर्णाङ्क १०० को नम्बर एकमुष्ट जोडिनेछ ।
७. असफल विद्यार्थीको जानकारी
प्रशिक्षकलाई निज अन्तर्गत लेखाइएका कार्यपत्रमा असफल हुने विद्यार्थीहरूको जानकारी अनिवार्यतः दिने व्यवस्था गर्ने ।

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|---|---------------------|
| 1. Course Title : Law of the Sea and International Rivers | 4. Full Marks : 100 |
| 2. Course No : 505 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Compulsory Optional | 6. III Yr : LL.B. |

Course Objectives

The objectives of the course are as follows:

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

Contents in the instructional unit

I. Introduction

- Meaning, nature and Scope of the Law of the Sea.
- Evolution of the Law of the Sea.

- Sources of the Law of the Sea.
- II. **Territorial Sea**
 - Legal status and breadth of Territorial Sea.
 - Baseline for measurement of the Territorial Water.
 - Straits bays and gulf.
 - Delimitation
 - Right of innocent passage.
- III. **Contiguous Zone.**
 - Concept and scope
 - Breadth
- IV. **Continental Shelf**
 - Nature and the concept of continental shelf.
 - Delimitations
 - Sea bed and ocean floor
 - Rights of landlocked states
- V. **Economic Zone**
 - Concept and scope
 - Delimitations
 - Resources.
 - Rights and duties of coastal states Vis-a-vis the landlocked and GDS in the Exclusive Economic Zone (EEZ)
 - Legal staufs of the EEZ
- VI. **High Seas**
 - Concept and scope
 - Freedom of the high seas
 - Reasonable use of the high seas
 - Piracy
- VII. **Land-locked and Geographically Disadvantaged States**
 - Concept and nature of land-locked and geographically disadvantaged states.
 - Right of access of land-locked states to and from the sea and freedom of transit.
 - Rights of geographically disadvantaged states
- VIII. **International Sea Bed Authority**
 - Doctrine of common heritage of mankind
 - Exploration and exploitation of deep ocean resources
 - Power and functions of the International Sea Bed Authority.
 - Protection and preservation of the Marine Environment.
 - Settlement of disputes.
- IX. **International Rivers**
 - Definition
 - Historical background of international rivers.

- Rights and duties of co-riparcan states.
 - Principles of utilization of international rivers.
 - Freedom of navigation in international rivers.
 - Principle and practice in regard to pollution control.
 - The European commission of the Danube.
 - International Joint commission
 - Barcelona convention
 - Bangkok convention
 - Helsinki rules on the uses of waters of international rivers.
- X. Mutual co-operation in the field of rivers between Nepal and India.
- Kosi
 - Gandaki
 - Mahakali
 - International legal-rigime of Asian and African rivers (Ganga, Niger, Nile, river Damube, Koshi)
 - Role of UN in International rivers.

Text Books

1. Anand R.P. Origin and Development of Law of the Sea. The Hague Nijhoff, 1983.
2. Uprety, Kishor, Land-locked States and Access to the Sea. Kathmandu 1989.

References

1. O. Connell, D.P., The Law of the Sea, Oxford 1982
2. UN. Third UN Convention on Law of the Sea. 1982.
3. UN. The 1958 Conventions of Law of the Sea. 1958.
4. Columbus. John C. The international Law of the Sea. London (Longmen) 1967
5. Friedmann W. The Future of the Oceans. New York 1971.
6. Mangone, Gerald J. Law of the World Ocean. Calcutta 1981.
7. Oda, Shigeru. The law of the Sea in Our Time vol. 2 Leyden 1977.
8. Starke. J.G. Introduction to International Law, Delhi 1988.
9. League of Nations Treaty Series.
10. United Nations Treaty Series.
11. Bhasin. A.S. (ed). Documents on Nepal's relations with India and China (949-66), New Delhi 1970.

TRIBHUVAN UNIVERSITY

Faculty of Law

1. Course Title : Law of Banking and Negotiable Instruments
2. Course No : 506
3. Nature of the Course : Optional

4. Full Marks : 5
5. Pass Mark : 35%
6. III Yr : LL.B.

Course Objectives:

1. To give comparative, clear and detailed knowledge of the principles and practice of the law of banking and negotiable instruments in Nepal to the students.
2. To acquaint the students with the functions of various kinds of banks.
3. To enable the students to have critical appreciation of leading cases relating to law of banking and negotiable instruments decided by the Supreme Court of Nepal.

Contents in the Instructional unit

- I. **Banking-General**
 - Origin, meaning and necessities of bank, kinds of banks
 - Historical background of banking system in Nepal Rastra Bank
- II. **Central Bank**
 - Establishment and management of Nepal.
 - Functions of Nepal Rastra Bank.
- III. **Commercial Bank**
 - Establishment and management of Commercial Bank.
 - Functions of Commercial Bank of Nepal.
 - Privileges and banking procedures of the Commercial Banks of Nepal.
- IV. **Agricultural Development Bank.**
 - Establishment and management of Krishi Vikas Bank (The Agricultural Development Bank of Nepal).
 - Policies Functions and privileges of Krishi Vikas Bank.
 - Banking procedures of Krishi Vikas Bank.
- V. **Monetary Laws in general**
 - Law relating to Nepal currency
 - Law relating to foreign exchange regulations in Nepal.
- VI. **Negotiable Instruments and Other Instruments**
 - Introduction and meaning of negotiable Instruments.
 - Collection and payment of cheques
 - Bill of Exchanges.
 - Promissory Note.
 - Bank Draft.
 - Distinction between charges and bills

- Endorsement.
- Inland and Foreign Instruments.
- Other Instruments
- Securities
- Stock Exchange Securities
- Bankers Lien
- Guarantees.

VII. International monetary and banking institutions and their system of law applicable to Nepal.

- International Monetary Fund.
- International Bank for Reconstruction and Development.
- Bretton-Woods Agreement Act, 1961.
- Asian Development Bank.

VIII. Leading Cases

1. Bijaya Pratap Rana et. al. Vs. Krishi Bikas Bank Branch NE. KA. PA. 2047.201.
2. Uma Agrawal Vs. Nepal Bank Ltd. Duhubi Branch et al NE. KA. PA. 2046/868
3. Rastriya Banijya Bank, Janakpur Vs Thabarmal Goenka. NE. KA. PA. 2043/216.
4. Nepal Bank Ltd. et. al. Vs. Raghwnath Agrawal. NE. KA. PA. 2044/998.
5. G.M. Anand Bhakta Rajbhandari Vs. Ballav Shamsheer. J.B.R. NE. KA. PA. 2044/520.
6. Gajendra Man Pan Vs. Maheshoerman. NE. KA. PA. 2042/468.
7. Purusottam Madwari Vs. Nepal Bank Ltd. NE. KA. PA. 2025/74

Text-Books

M.C. Shukla, Mercantile Law

R.P. Chondhari, Nepalma Bank Byabastha (T.U.)

Redmond, P.W.D. Law Relating to Banking (Hand Book)

K.C. Sharma, Money, Banking, International Trade, And Public Finance, Kathmandu 2045.

Sheldon's Practice and Law of Banking.

Shuster, M.R. The Public International Law of Money

Ganesh Bilas Upadhyaya & Narayan Raj Tiwari, Mudra Tatha Banking Bankingko Siddhanta Ra Nepalma Banking Byabashtha Ratna Pustak Bhandar, Kathmandu.

Gold Joseph- The IMF and International Law (MMF Publications)

Reference

Nepal Ain Sangraha, Part 4 (b)

Nepal Niyam Sangraha, Part 4 b)

Nepal Rashtra Bank Ain 2012

Existing Rashtra Bank Niyamawaliharu.
Relevant Nepal Kanoon Patrika
Commercial Bank Act, 2031.
Agriculture Development Bank Act 2024.
Negotiable Instrument Act 2034.
Muluki Ain (Relevant Chapters)
Bangaria, Negotiable Instruments Act (Indian)
Bretton-Woods Agreement Act.2018
Selected Decaisions of IMF and Seecd Documents (IMF Publications)

TRIBHUVAN UNIVERSITY
Faculty of Law

- | | |
|---|--------------------|
| 1. Course Title : Private International Law | 4. Full Marks : 50 |
| 2. Course No : 507 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. III Yr : LL.B. |

Course Objectives:-

1. To impart the students the knowledge about various aspects of conflicts of laws.
2. To acquaint the students with Laws and case law of Nepal of conflicts of laws.
3. To expose the students to the practical aspects of the subject matter.

Contents in the instructional Unit.

- I. Introduction
 - a. Meaning, function, nature and scope of Private International law.
 - b. Difference between public and private International law.
 - c. Origin of Private International law.
 - d. Recent Trends.
 - e. Nepalese Experience on Private International law.
- II. Jurisdiction
Meaning, basis of jurisdiction limitation
 - a. Kind of Jurisdiction-actions in person and actions in rem.

- b. Jurisdiction of courts.
 - c. Classification of the cause of action.
 - d. Lex cause
 - e. Persons to whom jurisdiction applies
 - f. Competence.
- III. **Doctrine of renvoi**
- a. Operation of renvoi
 - b. French and English theory of renvoi
 - c. conflict with the role of choice
 - d. The Hague convention of 1951.
- IV. **Domicile**
- a. Definition and general principles.
 - b. Elements of domicile-Intention and Residence
 - c. Kinds of domicile-domicile of origin domicile of choice, domicile of dependence.
 - d. Domicile of corporation.
 - e. Domicile and Nationality
- V. **Marriage**
- a. Capacity to marry
 - b. Formalities of marriage
 - c. Suits for nullity of marriage and foreign suits.
 - d. Suits for dissolution of marriage
 - dissolution
 - Restrictions and conjugal right
 - Legitimacy, legitimation and adoption.
 - e. Meaning of legitimacy-validity of marriage
 - f. Legitimation
 - g. Meaning and effect
 - h. Legitimation and succession.
 - i. Meaning and purpose of adoption.
 - j. Minority
 - k. Mental disorder.
- VI. **Property**
- a. Difference between movable and immovable property
 - b. Law of immovable and movables
 - c. Transfer of chose in possession
 - i. Lex domicile
 - ii. Lex situs
 - iii. Lex locactus
 - iv. Proper law of transfer
 - d. Assignments of choses in action.
 - i. Debit
 - ii. Negotiable instruments
 - iii. Shares.
- VII. **Foreign Judgements**
- a. Rational for recognising foreign judgements.
 - b. Principle of recognition
 - c. Direct enforcement
 - d. Actionability of foreign judgement.
 - e. Conclusiveness
 - f. Defence

- VIII. Procedure
- a. Difference between substance and procedure
 - b. Time and model of action
 - c. Burden of proof and evidence
 - d. Action and extent of remedy
 - e. Execution

Text Books

1. North P.M. Cheshire's Private International law. Butterworths
London 1974.

Reference

1. Graveson, Conflict of Law
2. Diwan, Paras, Private International Law. Delhi
3. Relevant sections of the National code of Nepal (Muluki Ain)
4. Leading case: Published in Nepal Kanoon Patrika
5. Evidence Act, 2031.
6. Foreign Exchange (Regulation) Act, 2019.
7. Income Tax Act, 2031.
8. Bill of Exchange 2034.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|------------------------------------|--------------------|
| 1. Course Title : Criminology | 4. Full Marks : 50 |
| 2. Course No : 508 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. III Yrs : LL.B. |

Course Objectives:-

1. To impart knowledge on the cause of crime and the factors affecting the crime.
2. To explain the concept of the punishment along with the modern trends towards reformation.
3. To impart knowledge on Jevvenile delinquency, it's problem, measures of controls, legal and social means of rehabilitation.

Contents in the instructional unit

- I. Introductory
 - a. Definition and scope of criminology.

- b. Utility of criminology.
- b. Study method of criminology.
- II. Introduction to Crime**
 - a. Universal nature of crime
 - b. Definition of crime
 - c. Classification of crime
 - d. Classification of criminals.
 - e. Nature of criminal law.
 - f. Modern trends as to crime and criminals.
- III. Traditional Explanation of Crime**
 - a. Demonological Approach
 - b. The free will theory
 - c. The classic theory and Neoclassical theory
 - d. The Geographical Theory
- IV. Biological Explanation of Crime**
 - a. The typological theory Lombroso, Garoflo and Farri.
 - b. Phrenology and crime
 - c. The chromosome theory
 - d. The feeble minded theory
 - e. Psychoanalysis theory
- V. Economic Explanation of Crime.**
 - a. The Poverty and crime
 - b. The socialist theory
 - c. Economic prosperity and crime
 - d. White collar crime
 - e. Comparison of traditional crime with white collar crime.
- VI. Sociological Explanation of Crime**
 - a. The social dis-organisation theory
 - b. The Anomie theory
 - c. The differential association theory
 - d. The environmental theory
- VII. Multiple causation and Crime**
 - a. The multiple causation theory
 - b. Family condition and crime
 - c. School condition and crime.
 - d. Mass-media and crime
 - e. Racism and crime.
- VIII Punishment and Theories of Punishment**
- IX Capital Punishment System**
- X. The Prison System :**
 - a. Defect underlying the prison system
 - b. Historical development of prison system
 - c. Reform in prison system
 - d. Alternative to prison system
 - e. The Nepalese prison system
- XI. Other Systems of Punishment**
 - a. Corporal punishment

- b. Banishment and Transportation
- c. Social disgrace.
- d. Fine and Restituaion.
- XII. Re-Socialisation of offenders.**
 - a. Probation
 - b. parole
 - c. Treatment of offenders
 - d. After care programme.
- XIII. Juvenile Delinquency**
 - a. Introduction to Juvenile delinquency
 - b. Difference and inter-relation between Juvenile delinquency and adult crime.
 - c. Causes of Juvenile delinquency.
 - d. Measure taken to prevent Juvenile delinquency, Juvenile Court correctional institutes psychotherapy, alternate programme, Juvenile aid policies.
 - e. Prevailing programmes to promote Juvenile welfare in Nepal.
- XIV Victimology**
Place of the victim in criminal justice.
- XV. Sentencing Policy of the Court**
 - a. The two aspects of court proceeding conviction and sentencing.
 - b. Nepalese sentencing policy.
- XVI. Crime Problem in- Relation to Nepalese Society.**

Text Books

1. Acharya, Madhav. P. Criminology (in Nepali), Ratna Pustak Bhandar, Kathmandu 2051 B.S.
2. Ahmand Siddigue- Criminology.
3. Baghels, D.S.- Criminology (in Hindi)

Reference

1. Pox Varma. Introduction to Criminology
2. Barnes and Tectors, New Horizon in Criminology
3. Paranjane Dr. N.P., Criminology and administration of Criminal Justic.
4. Tan Taylor, Walton and Yound, The New Criminolog. International Library of Sociology.
5. Morris. Deviance and Control.
6. Paul wilesed The Sociology of Crime and Delinquency in Britain. Vol. 1 and 2.

7. Tripathi, Hari Bansh. Criminology. Nepal Kanoon Kitab Co. Kathmandu.
8. Varma, P.P. Crime and Delinquency
9. Sutherland, Principles of Criminology
10. Vold. Theoretical Criminology
11. The Children Act 2048, B.S.
12. The Prison Act, 2019 B.S. & Rules.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|---|--------------------|
| 1. Course Title : International Trade Law | 4. Full Marks : 50 |
| 2. Course No : 509 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. III Yrs : LL.B. |

Course Objectives:-

1. to impart to the students knowledge of international trade with the help of United Nations documents, UNCITRAL and UNCTAD papers and the world Trade Organization.
2. to appraise the students with the contributions of the UN and its specialized agencies in the field of international trade law.
3. to familiarize the students with international trade regime, particularly established by the WTO.
4. to enable the students to analyze provisions of the Nepalese laws on business transactions and
5. to enable them to assess the existing trade treaties of which Nepal is a party.

Contents in the Instructional unit

- I **Concept of International Trade Law:**
 - Meaning and concepts
 - Genesis
 - Importance
 - Sources
- II. **Bill of lading**
 - Definitions of bill of lading as defined in different international instruments
 - Kinds and characteristics of bill of lading
 - Rights and duties of shipper and carrier with particular reference to the UN conventions on carriage of goods by sea (Hamburg rules).

- III. International Sale of Goods.**
- History of international sale of goods
 - Importances of unified International sale of goods.
 - UNCITRAL convention
 - Obligation of the seller
 - Right of seller
 - Obligations of buyer
 - Rights of buyer
 - Risk of loss
 - Remedies for breach of the contract.
- IV. Financing of International Trade**
- Bill of exchange
 - Direct payment
 - Documentary credits
- V. Incoterms**
- Purpose of incoterms
 - Incoterms 1990 EHW. FCA. FAS. FOB. CLF. CIF. CPT. CIP. DAF. DES. DEO. DDU. DDP.
- VI. Foreign Exchange**
- Importance of foreign exchange in international trade
 - Foreign exchange restrictions.
 - Main Provisions of the foreign exchange (Regulations) Act. 2019 (1962) B.S.
- VII. Standard Form Contract**
- Nature. Use and kinds of standard form contract.
- VIII. Transnational Enterprises (TNCs) and International Trade.**
- Meaning of TNCs and joint ventures
 - Role of TNCs in international trade
 - TNCs and Joint ventures in Nepal.
- IX. World Trade Organization (WTO)**
- Organisation of the WTO
 - Uruguay Round Report 1994.
 - SAPTA (SAARC Preferential Trading Arrangement)
 - Role of the GATT 1994 in the field of international trade
- special reference international trade with special reference to least developed land- locked countries.
- X. UNCTAD**
- Organization of UNCTAD
 - Role of UNCTAD in the field of international trade law.
- XI. European Economic Community and European Union (EU)**
- Genesis of the EEC
 - Role of the EEC in the field of international trade law.
 - Establishment of E.U.
- XII. Settlement of disputes.**
- Arbitration, judicial settlement, negotiation, good offices, mediation, conciliation, or inquiry.

- UNCITRAL rules on International Commercial Arbitration.
- UNCITRAL Model Law.
- UNCITRAL Conciliation Rules
- International Chamber of Commerce Rules on International Commercial Arbitration.

XIII. Enforcement of Foreign Judgement and Awards

- Recognition and enforcement of foreign judgement and awards
- The 1958 Newyork Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Text Books

1. Schmith Off, C.M. Export Trade- (The Law and Practice of International Trade). London 1993.

Referencec

1. UN: united Nations Commission on International Trade Law (UNCITRAL) year books for the last ten years.
2. UNCTAD. GATT and AALCC Documents.
3. Kouf. A.K. Legal framework of UNCTAD in World Trade Leyden, 1997.
4. Mathisen P.S.R.F. A guide to European Community Law. London 1990.
5. Sangal, Dr. & Others National and Multinational Companies: Sources Legal Issues N.M. Tripathi, Bombay 1981.

TRIBHUVAN UNIVERSITY

Faculty of Law

- | | |
|---|--------------------|
| 1. Course Title : Intellectual Property | 4. Full Marks : 50 |
| 2. Course No : 510 | 5. Pass Mark : 35% |
| 3. Nature of the Course : Optional | 6. III Yrs : LL.B. |

Course Objectives:-

The objectives of this course is to acquaint the students with the international and national aspects of the laws of copyright, patents, trademarks design etc.

Unit

- I. Introduction
 - Meaning of intellectual property
 - Kinds of intellectual property.

- Meaning and sources of intellectual property law, kinds of intellectual property.
 - Copy-right.
 - Patent
 - Industrial design
 - Trade mark
 - Good will
 - Position of intellectual property law in Nepal.
 - Intellectual property and World Intellectual Property Organization (WIPO)
 - Technical knowledge.
- II. International Aspects of Intellectual property**
- Berne Convention (1886) for the protection of Literary and Artistic works.
 - Paris Convention (1883) for the protection of Industrial Design.
 - Hague Agreement (1923) concerning the International Deposit of Industrial Designs.
 - Lo-carno Agreement (1968) establishing an International Classifications for Industrial Designs.
 - Trade Mark Law Treaty (1994)
 - Trade Related Intellectual Property Right (TRIPS as a part of World Trade Organization (WTO) agreement)
- III. Copyright**
- a. Nature of Copyright
 - b. Kinds of Copyright
 - c. Terms and Ownership of Copyright.
 - d. Right conferred by Copyright
 - e. Infringement of Copyright
 - f. Remedies against infringement of Copyright
 - g. Position in Nepal.
- IV. Patent**
- a. Nature and meaning
 - b. Right and Obligations of a patentee
 - c. Transfer of patent right.
 - d. Infringement of patents
 - e. Position in Nepal.
- V. Industrial Designs**
- Nature and meaning
 - Right and obligation
 - Infringement of industrial design right
 - Remedies
 - Position in Nepal.

VI. Trade Marks

- Nature and meaning
- Right and obligation
- Infringement of Trade Mark right
- Remedies
- Position in Nepal.

Text books

1. P.S. Sangal and K. Ponnuswami (ed.), Intellectual Property Law R.K. Naroola, New Delhi, 1994.
2. P. Narayanan, Intellectual Property Law, Eastern Law House, New Delhi, (1990)
3. Patent Design and Trade Mark Act, 2022 (1965)
4. Copy-right Act 2022 (1965)
5. Industrial Enterprises Act. 2049 (1992)
6. Foreign Investment and Technology Transfer Act. 2049 B.S. (1992)

Reference

1. P.S. Sangal and Kishow Singh (ed.) Paris Convention and India Patent System Legal Issues, Faculty of Law, University of Delhi (1987).
2. W. Cornish, Intellectual Property Law. London.

नेपाल ल. क्याम्पस



पुस्तकालय