



**Tribhuvan University  
Faculty of Law**

**Bachelor of Arts Bachelor of Laws (B.A.LL.B)  
Curriculum  
2025 A.D.**

**Integrated New Course for Semester System**

**Curriculum Development Center  
Tribhuvan University  
Kirtipur, Kathmandu  
Nepal**

**Bachelor of Laws (B.A.LL.B) Curriculum 2025 A.D.**

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Tribhuvan University  
**Faculty of Law, Dean's Office**  
Balkhu, Kathmandu, Nepal



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Balkhu, Kathmandu

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पत्र  
चलानी नं:-

त्रिभुवन विश्वविद्यालय  
Tribhuvan University  
कानून संकाय  
FACULTY OF LAW

डीनको कार्यालय  
DEAN'S OFFICE

Date: 15 August 2025  
मिति :

### Foreword

The Office of the Dean, Faculty of Law (FoL), Tribhuvan University, is pleased to present the newly redesigned and expanded curriculum for the Bachelor of Arts Bachelor of Laws (B.A.LL.B.) program, designed as an integrated course under the Semester System. This revised curriculum will be implemented starting from the Academic Year 2081/82 B.S.

This updated curriculum is the result of extensive consultations and collaborative efforts involving both current and former senior faculty members, as well as external subject-matter experts. It has been developed in alignment with the **Labour Market Driven Policy (LMDP)** of the University Grants Commission (UGC) to make legal education more relevant, contemporary, and responsive to both national and global needs.

To better address the evolving legal landscape, this curriculum incorporates contemporary legal trends, significant case law developments, and recent policy reforms in Nepal. It has been expanded from seven to nine subject committees, with a corresponding increase in total credit hours from 189 to 204. These enhancements are designed to provide students with a well-rounded, practice-oriented, and multidisciplinary education that effectively bridges the gap between theoretical understanding and practical application.

We are confident that this forward-looking curriculum will better equip our students to compete effectively in today's dynamic legal market, both in Nepal and abroad. The Faculty of Law remains committed to regularly reviewing and updating its academic programs to meet the dynamic needs of legal education and professional development. This curriculum is also **at par with the Nepal Bar Council Education Rules 2077 B.S. (2020 A.D.)**

We extend our heartfelt gratitude to all institutions and experts who contributed their insights and efforts in shaping this curriculum. I would like to express my sincere thanks to **Prof. Dr. Bal Bahadur Mukhia** for his invaluable contribution in editing and proofreading this curriculum. Special thanks are also extended to the Curriculum Development Center, Tribhuvan University, for their invaluable support in the publication of this curriculum.

We welcome constructive feedback and suggestions from all stakeholders to further refine and improve the curriculum in the future.

**Prof. Dr. Krishna Prasad Bashyal**  
Dean

## **Legal Education in Nepal**

### **Background**

The first elementary school for legal training/education, popularly known as Sresta Pathsala, was established in 1905 A.D. to produce several clerical-level trained human resources in the field of law and for the administration of justice. Later in 1954 A.D., to upgrade the status to ensure access to legal education as well. The first Law College affiliated to Patna University in India was established in Kathmandu. The objective of the legal education was to produce law graduates for specific jobs in the government and work as high-level, competent legal professionals and practitioners required for the smooth functioning of public administration.

The College was de-affiliated from Patna University and was affiliated under Tribhuvan University (TU) in 1959 AD. In 1971 A.D. the National Education System Plan (NESP) was introduced to produce necessary competent human resources at different levels and in different areas, and legal education was considered one that required a proper intervention and was also recognized in the plan. To address the objective of NESP, the Institute of Law was established in 1972 A.D., and was responsible for formulating plans and policies to promote legal education in the country, and further undertake academic activities in the legal professional sectors. Accordingly, the Institute started a 2-year Certificate Level and a 3-Year Diploma Level course in law after matriculation/SLC.

The Tribhuvan University undertook the task of making overall structural changes, and in the process, the Institute of Law was renamed and converted into the Faculty of Law (FoL) in 1984 A.D. The Annual System superseded the earlier Semester System in the Institute of Law in the Faculty of Law. Likewise, the Certificate of Law (CL) was converted into the Proficiency Certificate Level in Law (PCL) and the Diploma in Law (Dip. in Law) into Bachelor's in Law (BL). The Faculty of Law (FoL) was engaged in improving, developing, and promoting legal education and conducting research activities needed for the nation.

With the restoration of a multiparty democratic system in Nepal in 1990 A.D., TU restructured higher education in the legal sector and introduced the 3-Year Bachelor in Law (BL) after PCL, and later as the 3-Year Bachelor of Laws (LL.B.) to be studied after graduation in one of the other disciplines or faculties. The degrees of LL.B. and Master of Laws (LL.M.) have been offered since 1996 A.D. with a revised and advanced curriculum to meet the needs of the time. Similarly, the FoL has also introduced the Degree of Doctor

of Philosophy (Ph.D.) in Law from 1997 A.D. All these programmes are open for foreign students as well.

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

Regarding the Faculty of Law, it was prepared to prepare a comprehensive and advanced 10-semester curriculum for the B.A.LL.B. program in early 2015. In alignment with the University Grants Commission's Labor Market Driven Policy (LMDP) and the guidelines of the Nepal Bar Council, the faculty of Law has comprehensively redesigned and expanded its curriculum in 2025. It now integrates both Humanities, Social Sciences, and Law subjects, offering a balanced combination of theoretical knowledge and practical skills. The syllabus has been updated to address contemporary jurisprudential trends on law, justice, and human rights, recent case laws, revised textbooks, and current policy changes in Nepal. This newly developed course has been restructured and extended to cover nine subject committees, up from the previous seven, with an increase in total credit hours from 189 to 204. These additional credit hours have been carefully integrated within the existing semester framework to ensure that the academic timeline remains unaffected. Overall, this enhanced curriculum is designed to deliver a well-rounded, practice-oriented, and multidisciplinary legal education-equipping students with the knowledge and skills necessary to connect classroom knowledge with real-world application.

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

Based on the experiences of the past, the Faculty of Law (FoL) apprehended the need for a semester system for the effectiveness of both teaching and research-based activities, exams, and results within the given time. This kind of integrated course is crucial for achieving the goal of legal excellence in the legal profession, judiciary, corporate sectors, and other national agencies. This course has enriched the law students with a firm grounding in Nepal's legal history, research methods, and recent developments in the world.

The 21<sup>st</sup> Century Legal education necessitates appropriate and adequate blending of doctrinal knowledge of law and the orientation of professional lawyering skills. It also requires the capability of using the knowledge and skills in real-life situations and practical cases. Legal education is an instrument that prepares legal professionals for national development, including the

private sector. For the production of professionally skilled and trained human resources in the legal sector, modern legal education has developed various methods and techniques. It is supposed to provide intensive theoretical knowledge and structured professional training in law. Many countries have redesigned the courses of instruction and reading materials by introducing problem-solving methods, which encourage students to participate actively in the learning process. The proper legal education has a great potential to influence the development of the national legal system that helps to meet the needs of the country, from domestic legal affairs to international relations, diplomacy, trade, and investment.

Legal education needs theoretical knowledge of law pertaining to the cognitive and affective domains as well as practical professional skills in drafting legal documents and pursuing all litigation procedures. Its objective is to provide arts and skills of dispute resolution, and also make the students competent enough to render justice to the people by making them aware of the equal rights of all.

### **Objectives**

The objectives of the integrated semester system are to

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

## Duration and Academic Calendar

This is a full-time 10-Semester Course. It is designed only for those students opting to attend the classes in the day shift. In the case of the government employee, any other public body, s/he will be required to submit an official letter of approval before admission. TU's academic calendar is operating regularly.

## Admission Requirements

Applicants must have completed the 10+2 or an equivalent degree in any discipline from an institution officially recognized by Tribhuvan University (TU). The Faculty of Law conducts an entrance examination of 100 marks, comprising both subjective (70 marks) and objective (30 marks). Candidates must secure a position on the entrance exam merit list. Furthermore, the Faculty applies a cutoff percentage based on the applicant's qualifying degree (10+2 or equivalent) to ensure academic quality.

## Required Notarized Documents

1. Mark sheet and transcript certificates of +2 or its equivalent;
2. Character certificate from the relevant college or institution;
3. Citizenship certificate;
4. Migration certificate (for foreign students who studied in a foreign institution);
5. Any other documents as required by the Faculty of Law.

## Placement of 10-Semester Curriculum

First Semester				
Course Code	Course Title	Nature	Credit Hours	Page No.
LAW5001	Legal Method	Compulsory	3	1
LNEP5002 AENG5003	Legal Nepali -I Alternative English (for Foreigners in Lieu of Legal Nepali)	Compulsory	3	6
LENG5004	Legal English – I	Compulsory	3	8
POT5005	Political Theory	Compulsory	3	11
NEH5006	Nepalese History	Compulsory	3	14
SOC5007	Sociology	Compulsory	3	17
ECO5008	Economics - I	Compulsory	3	20
			<b>21</b>	

<b>Second Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5101	Jurisprudence - I	Compulsory	3	23
LNEP5102 AENG5103	Legal Nepali – II Alternative English (for Foreigners in Lieu of Legal Nepali)	Compulsory	3	29
LENG5104	Legal English – II	Compulsory	3	31
POTH5105	Political Thoughts	Compulsory	3	34
GLOH5106	Global History	Compulsory	3	36
ANTH5107	Anthropology	Compulsory	3	39
ECO5108	Economics – II	Compulsory	3	42
			<b>21</b>	
<b>Third Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5201	Jurisprudence – II	Compulsory	3	45
LAW5202	Constitutional Law – I	Compulsory	3	48
IRD5203	International Relations and Diplomacy	Compulsory	3	53
LAW5204	Criminal Law - I	Compulsory	3	56
LAW5205	Public International Law – I	Compulsory	3	61
LAW5206	Property Law	Compulsory	3	65
LAW5207	Comparative Law	Compulsory	3	70
			<b>21</b>	

<b>Fourth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5301	Criminal Law - II	Compulsory	3	73
LAW5302	Public International Law – II	Compulsory	3	77
LAW5303	Constitutional Law – II	Compulsory	3	81
LAW5304	Family Law	Compulsory	3	85
LAW5305	Law of Contract – I	Compulsory	3	89
LAW5306	Procedural Law – I	Compulsory	3	95
LAW5307	Nepali Legal System	Compulsory	3	98
			<b>21</b>	
<b>Fifth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5401	Law of Contract – II	Compulsory	3	102
LAW5402	Criminology and Penology	Compulsory	3	107
LAW5403	Procedural Law – II	Compulsory	3	111
LAW5404	Company Law and Governance	Compulsory	3	115
LAW5405	International Institutions	Compulsory	3	119
LAW5406	Legal Research Methodology	Compulsory	3	122
LAW5407	1. Juvenile Delinquency	Optional (any ONE of this group)	3	125
LAW5408	2. Election Law			129
LAW5409	3. Securities Law			132
LAW5410	4. International Air and Space Law			137
			<b>21</b>	

<b>Sixth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5501	Corporate Law and Management	Compulsory	3	141
LAW5502	Intellectual Property Law	Compulsory	3	146
LAW5503	Human Rights Law	Compulsory	3	151
LAW5504	Interpretation of Law	Compulsory	3	157
LAW5505	Law of Torts and Consumer Protection	Compulsory	3	162
LAW5506	Seminar - I (Doctrinal)	Compulsory	3	165
LAW5507	1. Insurance Law	Optional (any ONE of this group)	3	167
LAW5508	2. Socio Economic Crime			171
LAW5509	3. International Humanitarian Law			175
LAW5510	4. Forensic Science			179
			<b>21</b>	
<b>Seventh Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5601	Evidence Law	Compulsory	3	184
LAW5602	International Trade Law	Compulsory	3	190
LAW5603	Environmental Law	Compulsory	3	194
LAW5604	Clinical Law I - Alternative Dispute Resolution	Compulsory	3	199
LAW5605	Administrative Law	Compulsory	3	202
LAW5606	Labour Law	Compulsory	3	207

LAW5607	1. Forensic Medicine	Optional (any ONE of this group)	3	212
LAW5608	2. Fiscal Law			216
LAW5609	3. International Refugee Law			220
LAW5610	4. Media Law			225
			<b>21</b>	
<b>Eighth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5701	Law, Poverty and Development	Compulsory	3	228
LAW5702	Gender and Inclusive Justice	Compulsory	3	231
LAW5703	Moot Court - I (Civil Case)	Compulsory	3	235
LAW5704	Private International Law	Compulsory	3	236
LAW5705	Cyber Law and Artificial Intelligence	Compulsory	3	241
LAW5706	Clinical Law - II (Conveyancing)	Compulsory	3	245
LAW5707	1. International Rivers and Sea Law	Optional (any ONE of this group)	3	248
LAW5708	2. Natural Resources Law			254
LAW5709	3. Investment Law			259
LAW5710	4. Business and Human Rights Law			264
			<b>21</b>	
<b>Ninth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5801	Moot Court - II (Criminal Case)	Compulsory	3	268
LAW5802	Law of Banking and Negotiable Instruments	Compulsory	3	270

LAW5803	Legislative Drafting	Compulsory	3	275
LAW5804	Taxation Law	Compulsory	3	278
LAW5805	Seminar - II (Non-Doctrinal)	Compulsory	6	283
LAW5806	1. Energy Law	Optional (any ONE of this group)	3	285
LAW5807	2. Victimology			290
LAW5808	3. Population Law			293
LAW5809	4. Competition Law			297
			<b>21</b>	
<b>Tenth Semester</b>				
<b>Course Code</b>	<b>Course Title</b>	<b>Nature</b>	<b>Credit Hours</b>	<b>Page No.</b>
LAW5901	Clinical Law-III (Placement)	Compulsory	3	301
LAW5902	Social Work and Social Welfare Law	Compulsory	3	303
LAW5903	Professional Ethics and Lawyering Skills	Compulsory	3	308
LAW5904	Dissertation	Compulsory	6	313
			<b>15</b>	
<b>Total Credit Hours</b>			<b>204</b>	

### Curriculum Summary

There are **81 subjects** in total, of which **61 are compulsory** and **20 are optional**, with each semester comprising **15 to 21 credit hours**. Among these, **19 subjects fall under Humanities and Social Sciences**, while the remaining subjects belong to the **discipline of law**. The total number of **credits required is 204**, with **one credit equating to 16 hours** of instruction.

For Foreign students, there are **two compulsory alternative subjects**, such as **Legal English** in place of **Legal Nepali**. To obtain the **B.A.LL.B degree**, students must complete **59 compulsory** and **5 optional subjects/courses** through a combination of internal and external examinations.

## **Teaching Methods**

The methods of teaching are based on **lectures, discussion, tutorials, case studies, research, simulation, moot-court, seminars, workshops, role-playing, problem-solving, self-study, book/article reviews, class presentations, case law studies, field visits (visits of courts, police offices, civil societies, international institutions, Parliament (both Houses-House of Representatives and National Assembly) etc.** The main features of teaching methods include an interdisciplinary approach, including the **Socratic Method and the participatory method.**

The guest lectures by **eminent personalities** are an integral part of **teaching and research.** The medium of teaching and research is **English** unless it is specified otherwise in the course/syllabus.

## **Teaching and Reference Materials**

Teachers and students must take references of all legal materials such as the **constitutions, legislation, rules and regulations, guidelines, including policies and directives** issued by the competent authorities both at **national and international levels, at least up to six months** from the date of the completion of the courses and subsequent exams.

Leading case laws shall be taught alongside the relevant provisions of Nepalese legislation in the course of covering each corresponding topic.

Any changes in legislation or case law related to the subject that occur up to three months prior to the semester-end examination shall be considered an integral part of the course.

In addition, both teachers and students are required to consult the **latest editions of prescribed reference materials**, as well as any **newly published resources**, during the academic period. Updated reference materials, beyond those prescribed for each course, will be **regularly posted on the Faculty of Law's website at [www.fol.edu.np](http://www.fol.edu.np).**

## **Research Activities**

The **Research Unit/Cell** of the Faculty of Law regularly conducts research projects, involving **faculty members and students whenever possible.** Other activities include **seminars, workshops, and interaction programs** on a regular basis.

The **TU Centre for Human Rights (TUCHR)** and the **TU Centre for Environmental Law (TUCEL)** are also actively involved in **academic research and training activities**.

### **Law Journals/Magazines**

The Faculty of Law (FOL) is considering the publication of various thematic journals in the future. The FoL has published the first peer-reviewed Journal titled Tribhuvan University Faculty of Law Journal (TUJL) annually. Furthermore, the constituent campus, like Nepal Law Campus, also has a regular peer-reviewed journal titled Nepal Law Review.

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

#### **In Nepali:**

- *Nepal Kanoon Patrika (NKP)*
- *Nyayadoot* – Nepal Bar Association
- *Kanoon* – Lawyers' Club

#### **In English:**

*Tribhuvan University Law Journal*, FoL, T.U.  
*Nepal Law Review*, Nepal Law Campus, FoL, T, U.  
*Annual Survey of Nepalese Law/Nepal Bar Council Law Journal*, Nepal Bar Council  
*NJA Journal*, National Judicial Academy  
*Supreme Bar Journal*, Supreme Court Bar Association, Nepal  
*Business Law Journal*, Commercial Law Society, Nepal

### **Libraries**

All eight constituent and affiliated campuses/colleges have their own libraries and computer labs as necessary. For more access to literature and legal materials, the following libraries can also be consulted:

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

### **Internal Evaluation and Final Exams**

Examinations are conducted as both **internal** and **external (final)**, through **written in-class evaluations** and **semester-end written exams**. Internal examinations are conducted by the respective course instructor/professor.

The **final Board Examinations for each Semester are administered by the Faculty of Law (FoL)**.

Courses such as **Legal Research Methodology** and practical components like **Clinical Law, Seminar, and Dissertation** include both **internal and external evaluation**, along with a **viva-voce/interview**, as specified in the curriculum. Theoretical subjects carry **40% of the total marks** from internal assessments, based on **class attendance, assignments, presentations, project work**, etc., with a **minimum pass mark of 50%**. However, if the percentage of marks obtained in the internal assessment exceeds the semester-end examination marks by more than **20%**, the internal marks will be **adjusted to not exceed 20% threshold**.

### **Progression and Attendance Requirements**

No student shall be allowed to progress from one semester to the next **without passing at least one subject** in the current semester.

Students who **fail in no more than two subjects** throughout the 10 semesters shall be given an opportunity to appear in **make-up examinations**, which will be conducted during the next cycle of regular exams or **within one month after the publication of the final result of the 10<sup>th</sup> semester**.

A **minimum of 80% class attendance** is mandatory to be eligible to sit for exams. However, in cases of failure to meet the 80% requirement due to **valid and justified reasons**, students with at least **70% attendance** may be allowed to appear in the exam, provided they **submit the required supporting documents or certificates**.

All other **provisions of the Tribhuvan University Act, rules, regulations, and procedures** shall apply equally.

### **Curriculum Revision and Development**

The **Twenty-Seven members of the Faculty Board** and the **Nine Subject Committees** (Jurisprudence, International Law, Constitutional Law, Family Law, Commercial Law, Procedural Law, Criminal Law, Environmental Law, Humanities and Social Sciences) **revamped the curriculum**, addressing the fundamental issues related to **curriculum development** in response to the **needs of the country** and under the **policies and guidelines of Tribhuvan University (TU)**, while also considering contemporary **international trends**.



# Legal Method

## First Semester

**Course Code:** LAW 5001

**Full Marks:** 100

**Credit:** 3 **Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with the fundamental concepts, classifications, and methods of law
- To develop the skills of students in legal research, writing, and reasoning on various issues of legal research and methodology.
- To acquaint students with the Nepalese legal system, professional ethics, and enhance knowledge of the responsibilities of legal practitioners
- To enhance students' ability to solve problems in legal contexts

## Unit 1: Introduction of Legal Method

**(10 Hours)**

- 1.1 Meaning and Definitions of Law
- 1.2 Classification of Law
- 1.3 Concept of Legal Method
- 1.4 Kinds of Legal Method
- 1.5 Importance of Legal Method
- 1.6 Approaches of Legal Method
- 1.7 Concept of Legal Maxim

## Unit 2: Legal Research and Legal Writing

**(12 Hours)**

- 2.1 Legal Research and Legal Writing
  - 2.1.1 Meaning and Concept of Research
  - 2.1.2 Significance of Research
  - 2.1.3 Objective of Research
  - 2.1.4 Major Approved Styles of Research
  - 2.1.5 Criteria of Good Research
  - 2.1.6 Meaning and Concept of Legal Research
  - 2.1.7 Nature and Scope of Legal Research
  - 2.1.8 Purpose of Legal Research

- 2.1.9 Characteristics of Legal Writing
- 2.1.10 Scope of Legal writing
- 2.2 Kinds of Legal Research
- 2.3 Judge Made Law and Use of Legal Reasoning
- 2.4 Deductive and Inductive Reasoning
- 2.5 Fallacies- Typical Errors in Reasoning
- 2.6 Legal and Non-Legal and Authoritative and Non-Authoritative  
Legal Materials
- 2.7 Finding of Law

**Unit 3: Functions of Law (8 Hours)**

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

**Unit 4: Introduction to Nepali Legal System (10 Hours)**

- 4.1 Salient Features of Nepali Legal System
  - 4.1.1 Indicators of Nepali Legal System
  - 4.1.2 Influencing Factors in the Formation of Law and Nepali  
Legal System
- 4.2 Making, Implementation and Interpretation of Law
- 4.3 Fundamental, General and Specific Laws
- 4.4 Public and Private Laws
- 4.5 Judicial System of Nepal
  - 4.5.1 Hierarchy of Courts
  - 4.5.2 Jurisdictions of Courts
  - 4.5.3 Tribunals and Quasi-Judicial Bodies

**Unit-5 Legal Education, Profession and Ethics (8 Hours)**

- 5.1 Legal Education
  - 5.1.1 Objective of Legal Education
  - 5.1.2 Evolution of Legal Education in Nepal
  - 5.1.3 Theoretical Foundation of Legal Education

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

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### **Article**

- Khadka, C. S. Empirical Method in Legal Research, Nepal Law Review, 28 (1&2), 434-439

# कानुनी नेपाली-१

प्रथम सिमेष्टर

पाठ्यांश सङ्केत नं: LNEP5002

क्रेडिट: ३

पाठ घण्टा: ३ (४८ घण्टा)

पूर्णाङ्क: १००

उत्तीर्णाङ्क: ५०५

प्रकृति: अनिवार्य

## पाठ्यक्रमको उद्देश्य

- विद्यार्थीहरूलाई नेपाली भाषाको उद्गम र विकास बताउन एवम् भाषाको सामान्य परिचय दिन र भाषाका विशेषताहरूको व्याख्या गर्न सक्ने बनाउनु,
- नेपालमा बोलिने भाषापरिवारहरूको सङ्क्षिप्त चर्चा गर्न तथा नेपाली भाषाका भाषिक भेदहरूको स्पष्ट जानकारी लिई तिनको विशिष्टता पहिचान गर्न सक्ने बनाउनु,
- भाषानीति र योजनाको मर्म तथा आवश्यकता बोध गर्न सक्ने बनाउनु,
- विद्यार्थीहरूमा कविता, कथा, निबन्ध र उपन्यास विधाका रचनात्मक कृतिहरूको अध्ययनबाट भाषिक तथा सिर्जनात्मक क्षमताको विकास गर्नु ।

## एकाइ १: भाषा खण्ड

(२५ घण्टा)

- १.१ भाषाको परिचय र विशेषता
- १.२ साङ्केतिक भाषाको सामान्य परिचय
- १.३ नेपाली भाषाको उत्पत्ति, विकासक्रम र वर्तमान स्थिति
- १.४ नेपाली भाषाको भौगोलिक भेद : परिचय र प्रकार
- १.५ नेपाली भाषाको सामाजिक भेद : परिचय र प्रकार
- १.६ नेपाली भाषाको प्रयोजनपरक भेद : परिचय र प्रकार
- १.७ प्रयोजनपरक भाषामा भेदहरू देखिनुका कारणहरू
- १.८ सामान्य नेपाली भाषा र प्रयोजनपरक भाषामा पाइने अन्तर
- १.९ नेपालमा बोलिने भाषा परिवारहरू र त्यस अन्तर्गतका भाषाहरूको सङ्क्षिप्त परिचय
- १.१० नेपालको भाषानीति र योजना: सामान्य परिचय र प्रयोग

## एकाइ २: रचना खण्ड

(२३ घण्टा)

२.१ कविता

हामी

भूपी शेरचन

मेरी छोरी

लक्ष्मी माली

२.२ कथा

परिबन्द

पुष्कर शमशेर

पहिचान

माया ठकुरी

२.३ निबन्ध

सत्य सोभो हुन्छ

लक्ष्मीप्रसाद देवकोटा

मानिस पग्लिरहेछ

दीनानाथ शर्मा

२.४ उपन्यास

आतोओडा

जानुका खतिवडा

## सन्दर्भ सामाग्रीहरु

खतिवडा, जानुका (२०७९), आतोओडा, काठमाडौं : कलम प्रकाशन ।

गौतम, देवीप्रसाद (२०४९), नेपाली भाषा परिचय, ललितपुर : साभा प्रकाशन ।

घिमिरे, गोविन्द (२०६७), प्रयोजनपरक नेपाली, ललितपुर : साभा प्रकाशन ।

ठकुरी, माया (२०६९), प्रियंवदा, काठमाडौं : रत्न पुस्तक भण्डार ।

देवकोटा, लक्ष्मीप्रसाद (२००२), लक्ष्मी निबन्ध सङ्ग्रह, ललितपुर : साभा प्रकाशन ।

पोखरेल, बालकृष्ण (२०५३), राष्ट्रभाषा, ललितपुर : साभा प्रकाशन ।

बन्धु, चूडामणि (२०७७), भाषाविज्ञान, ललितपुर : साभा प्रकाशन ।

भाषा आयोगको वार्षिक प्रतिवेदन (आठौं) (२०८० श्रावण -२०८१ आषाढ), काठमाडौं  
: भाषा आयोग।

माली, लक्ष्मी (२०६२), आगोको याम, काठमाडौं : मूल्याङ्कन प्रकाशन गृह प्रा. लि. ।

रजौरे, पूर्णिमा (२०८२), कानुनी नेपाली भाषा परिचय र रचना समीक्षा, काठमाडौं  
: सानरब प्रकाशन ।

लुइटेल, खगेन्द्रप्रसाद (२०७४), नेपाली वर्णविन्यास, काठमाडौं : आठराई पब्लिकेसन  
प्रा. लि. ।

शर्मा, दीनानाथ (२०७०), अक्षरको खेती, काठमाडौं : शमी सम प्रकाशन गृह ।

शेरचन, भूपी (२०२६), घुम्ने मेचमाथि अन्धो मान्छे, ललितपुर : साभा प्रकाशन ।

श्रेष्ठ, दयाराम (सम्पा. २०४४), पुष्कर शमशेरका कथाहरू, ललितपुर : साभा  
प्रकाशन ।

# Alternative English

(For Foreigners in Lieu of Legal Nepali)

## First Semester

**Course Code:** AENG5003

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip non-Nepali-speaking students with the fundamentals of legal language, plain language usage, grammar, and the rules of legal interpretation for effective legal communication.
- To acquaint students with a foundational knowledge of Western legal philosophy through the study of key thinkers such as Plato, Aristotle, and Roman legal traditions.
- To develop students' critical and analytical thinking skills through the exploration of core philosophical concepts related to law, logic, morality, and liberty.
- To acquaint students with modern socio-political and literary theories, including Marxism, Orientalism, gender theory, and literary criticism, to students, to contextualize legal thought within broader cultural and ideological perspectives.

### Unit 1: Plain Language for Lawyers

**(10 Hours)**

1.1 Fundamentals

1.2 Overused Words and Formulas

1.3 Little Words: Big Problems

1.4 What about the Rules of Legal Interpretation

### Unit 2: Plato and Aristotle

**(10 Hours)**

2.1 Plato: Virtue is Knowledge

2.1.1 Justice

2.1.2 Education

2.2 Aristotle: The Rule of Law: The New Art of the Statesman

**Unit 3: Study on Philosophy (I) (10 Hours)**

- 3.1 The Foundation of Logic
- 3.2 Democracy and Aristocracy
- 3.3 The Roman Lawyers
- 3.4 Matter and Mind

**Unit 4: Study on Philosophy (II) (10 Hours)**

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

**Unit 5: Socialist Philosophy (8 Hours)**

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

**References Books**

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

# Legal English - I

## First Semester

**Course Code:** LENG5004

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To develop students' proficiency in both written and oral legal English, focusing on effective grammar, legal language usage, and the ability to communicate legal concepts clearly and precisely in various professional contexts.
- To familiarize students with the essential principles of legal writing, including clarity, consistency, and structure, while emphasizing the specific characteristics of legalese and the importance of drafting clear legal documents and contracts.
- To enable students to apply the concept of plain language in legal writing, improving accessibility and comprehension for non-experts, and enhancing their ability to draft legal content that adheres to modern legal communication standards.
- To improve students' ability to comprehend and interpret complex legal and literary texts, strengthening their critical thinking and analytical skills when faced with legal issues in literature and real-world legal scenarios.

## Unit 1: Basic Grammar for Legal Writing

**(7 Hours)**

1.1 Grammar in Spoken and Written English

1.2 Speech Sounds and Transcription

1.3 Stress, Intonation

1.4 Varieties of English - British and American English

1.5 Aspects of Spoken English

1.6 Tenses

1.7 Articles

**Unit 2: Grammar in use for Legal writing (9 Hours)**

- 2.1 Nouns/Pronouns
- 2.2 Reported Speech
- 2.3 Voice
- 2.4 Linking Signals
- 2.5 Prepositions
- 2.6 Condition and Contrast
- 2.7 Denial and Affirmation
- 2.8 Permission and Obligation
- 2.9 Dividing the Message into Tone Unit

**Unit 3: The Language of the Law (8 Hours)**

- 3.1 Introduction to Legal English
- 3.2 Punctuation for Legal Writing
- 3.3 Basic Standards of Legal Writing
- 3.4 Elements of Good Style: Clarity, Consistency, and Effectiveness
- 3.5 What to Avoid
- 3.6 Specific Characteristics of Legalese

**Unit 4: Language Usage for Lawyers (8 Hours)**

- 4.1 What is Plain Language?
- 4.2 Plain Language around the World
- 4.3 Structure
- 4.4 Words
- 4.5 Plain Language Vocabulary
- 4.6 Plain Language and the Law

**Unit 5: Enhancing Fundamental Skills for Lawyers (8 Hours)**

- 5.1 Networking – Preparing for a Networking Event
- 5.2 Telephoning & Conference calls
- 5.3 Legal Writing – Writing Short Emails
- 5.4 Five Key Skills for Legal Writing
- 5.5 Contract Drafting and Review

**Unit 6: Comprehension and Interpretation: Legal Issues in Literature (8 Hours)**

- 6.1 James Baldwin – “Stranger in the Village”

- 6.2 Kate Chopin – “A Respectable Woman”
- 6.3 Rabindranath Tagore – “Profit and Loss”
- 6.4 O Henry - “The Gift of the Magi”
- 6.5 Alfred North Whitehead – “Religion and Science”
- 6.5 Judy Brady – “I Want a Wife”
- 6.6 Edgar Allan Poe – “The Tell-Tale Heart”
- 6.7 Kanakmani Dixit – “Desperation for Translation”

### References Books

- Aggarwala, N.K. (1996). *Essentials of English Grammar and Composition*. Goyal Brothers Prakashan.
- Asprey, M. M. (2011). *Plain language for lawyers* (4<sup>th</sup> ed.). Universal Law Publishing Co. Pvt. Ltd.
- BA-Second-Year-20-short-stories-by-Sybil-Marcus.pdf
- Costello, N., & L. Kulbicki (2023). *Practical English language skills for lawyers: Improving your Legal English*. Routledge.
- Haigh, R. (2012). *Legal English* (3<sup>rd</sup> ed., Special Indian ed.). Routledge.
- Ingels, M. B. (2006). *Legal English communication skills*. M. Ingels & Acco.
- Leech, G., & J. Svartvik (2013). *A communicative grammar of English*. Routledge.
- Shrestha, S. K. (2017). *Dictionary of law and justice*. Pairavi Prakashan.
- The Story and Its Writer: An Introduction to Short Fiction by Ann Charters pdf
- Yadugiri, M. A., & G. Bhasker (2019). *English for law* (2<sup>nd</sup> ed.). Cengage.

# Political Theory

## First Semester

**Course Code:**POT5005

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with basic concepts, perceptions, values, and norms about the political theories.
- To enable students to make a critical analysis of the different ideas and philosophies of political matters
- To enable students to link the political philosophy with current changes across the world in political governance
- To enhance the capacity of the students to identify the common problems associated with the issues of political governance in modern forms of politics.

## Unit 1: Introduction to Political Science (12 Hours)

1.1 Definition, Nature and Scope

1.2 Methods to study Political Science

1.3 Approaches to Study Political Science

1.3.1 Traditional Approaches: Philosophical, Legal, Historical and Institutional Approaches

1.3.2 Modern Approaches: Behavioral Approach, System (Input-Output) Approach, Interdisciplinary Approach

1.4 Relationship between Political Science and other Social Science and Law Subjects

## Unit 2: The State (4 Hours)

2.1 Definition and Nature

2.2 Elements of State

2.3 Concept of Welfare State

**Unit 3: Sovereignty (4 Hours)**

- 3.1 Concept, Nature and Characteristics
- 3.2 Austin and Others' Views on Sovereignty
- 3.3 Political and Legal Sovereignty

**Unit 4: The Government (10 Hours)**

- 4.1 Presidential and Parliamentary forms of Government
- 4.2 Federal and Unitary types of Government
- 4.3 Organs of Government: Legislative, Executive and Judiciary
- 4.4 Separation of Powers – Check and Balance

**Unit 5: Democracy (5 Hours)**

- 5.1 Concept and Principles of Democracy
- 5.2 State and Non-State Actors in Democracy
- 5.3 Concept of Good Governance and Democracy
- 5.4 Challenges of Democracy

**Unit 6: Political Parties (3 Hours)**

- 6.1 Definition, Formation and Functions

**Unit 7: Election System (10 Hours)**

- 7.1 Concept of Election and Election System
- 7.2 Theory of Representation
- 7.3 Types of Election Systems: Plurality/Majority, Proportional and Mixed Election System

**References Books**

- Agrawal, R.C. (2004). *Political Theory*. New Delhi: S. Chand and Company.
- Asirvatham, E. & K.K Mishra (2011). *Political Theory*. New Delhi: S. Chand and Company.
- Held, David. (1987). *Models of Democracy*. California: Stanford University Press.
- Kapur, A. C. (1987). *Principles of Political Science*. New Delhi: S. Chand and Company.
- Mahajan, V.D. (2010). *Political Theory*. New Delhi: S. Chand and Company.

- Potter, D. et.al. (eds.). (1997). *Democratization*. Cambridge: Policy Press.
- Reilly, B. & Per Nordlund (2008). *Political Parties in Conflict-Prone Societies: Regulation, Engineering, and Democratic Development*. Tokyo: United Nations University Press.
- Reynolds, A. R., & Ben et.al. (2008). *Electoral System Design*. The New International IDEA Handbook. Stockholm: International IDEA.
- Watts, R. L. (2008). *Comparing Federal Systems*. Montreal and Kingston: Institute of Inter-Governmental Relations.

# Nepali History

## First Semester

**Course Code:** NEH5006

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with the philosophy of history and development of Historiography (history of historical writings) in the ancient, medieval, and modern periods.
- To equip students with the knowledge of the nature, topography, origin of the History of Nepal, and different dynasties' rule in the ancient, medieval, and modern periods.
- To acquaint the students with the socio-political system of the Lichchavis and Mallas of Kathmandu Valley, The Khas-Mallas of Karnali Empire, and Karnatkas of Simaurangarh, the Baisis, the Chaubisis and their timely reforms.
- To familiarize the students with the factors of repeated disintegration in different periods, the need for unification of Modern Nepal in the leadership of Shah Kings, the Rana regime (rise and fall), and their reforms.

## Unit 1: Historiography and Early History of Nepal (5 Hours)

1.1 Introduction, Sources of History (Archaeological, Numismatic, Epigraphic, Literary, and Genealogical)

1.2 Short Account of Pre-history of Nepal (The Gopals, Mahispal and Kiratas).

## Unit 2: Ancient History (8 Hours)

2.1 The Lichchavis, (Mandev, Shivadev, Amshuvarma, Narendra dev and Jaidev 2<sup>nd</sup>)

2.2 The Administrative System of the Lichchavis, Panchali, and the Local Administrative System

**Unit 3: Early-Medieval Period (10 Hours)**

- 3.1 An Introduction of Nepal-Mandala; Jaisthiti Malla and Yakshya Malla.
- 3.2 Factors behind different Reforms of Jaisthiti Malla (Codification of Manv Naya Sastra / Naya Vikasini).
- 3.3 An Introduction of Simaraunagarh State and Administrative System of the Karnatakas.
- 3.4 An Introduction of the Khasa Empire of the Karnali basin and their Administration.

**Unit 4: Later-Medieval Period (10 Hours)**

- 4.1 An introduction of the Baisi, Chaubisi, Mallas of the Kathmandu Valley and the Sena kings of the East Nepal.
- 4.2 The Administrative System of the Baisi, the Chaubisi, the Sena Kingdoms and the Mallas (Mahindra Malla, Ram Shah, Pratap Malla and Siddhinarasingh Malla).

**Unit 5: Modern Period (15 Hours)**

- 5.1 Unification of Nepal; highlighting the Marawat, Lavdaprasamana and Batshalya administrative policy of Shah Kings of Nepal. (Prithvinarayan Shah to Girvan Yuddha Vikram Shah).
- 5.2 Administrative System of "Greater Nepal" under the Shah Kings.
- 5.3 Rise of Janga Bahadur Rana and the Rana Oligarchy.
- 5.4 Muluki Ain: (Factors behind the Legal Code of 1910 BS (1846 A.D.)).
- 5.5 Causes of Revolution of 2007 B.S (1951 AD).
- 5.6 Causes of the end of Panchayat Rule and Restoration of Democracy 2046 B.S (1990 AD).

**References Books**

- Adhikary, K. K. (1995). *A short Historiography*, Kathmandu: Buku.
- Adhikary, S. M. (1988). *The Khasa Kingdom*, Jaipur: Nirala Publications.
- Agrawal, H. N. (1976). *The Administrative System of Nepal*, New Delhi: Vikas Publishing House.

- Bazracharya, D. (2028). Karnali pradeshko Aitihāsik Rooprekha, (An Outline History of Karnali Region), *Karnali Pradesh Ek Bito Aadhyan*, Jumla: Bhimprasad Shrestha.
- Bazracharya, D. & T. Shrestha (2035). *Panchali Sasan Paddatiko Aitihāsik Rooprekha* (An outline History of Panchali Administrative System) Kathmandu: CNAS.
- Bazracharya, D. (2030). *Lichchavikalaka Abhilekh*, (Inscriptions of the Lichchavi Period), Kathmandu: CNAS.
- Hamilton, F. (1819). *An Account of the Kingdom of Nepal*, Edinburgh: Archibald Constable and Co.
- Subedi, R. (2081). *Nepalko Tathya Itihas* (Factual History of Nepal, Kathmandu: Sikha Books.
- Sharma, D. P. (2065). *Nepal Ko Itihas*, Kathmandu: Ratna Pustak Bhandar.

# Sociology

## First Semester

**Course Code:** SOC5007

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a basic understanding of sociology, relations, development, theories, and other issues
- To enable students to identify the issues and problems associated with various forms of social institutions
- To equip students with knowledge on the comparative components on major subject matters of sociological theories and applicability in the modern social framework
- To develop students' ability to examine the relevancy of different forms of social problems and also their relation with social institutions

## Unit 1: Introduction

**(10 Hours)**

1.1 Meaning, Definition and Importance

1.2 Nature and Scope

1.3 Relationship between Sociology and other Social Sciences  
(Anthropology, History, Political Science, Economics, Psychology, and Law)

1.4 Origin and development of Sociology in the World and in Nepal

1.5 Subdivisions of Sociology

1.6 Uses of Sociology

## Unit 2: Basic Sociological Concepts

**(6 Hours)**

2.1 Society

2.2 Culture

2.3 Social Norms and Values

2.4 Social Roles and Status

2.5 Social Institution

2.6 Social Structure

**Unit 3: Sociology of Law (6 Hours)**

- 3.1 Meaning, Definition, and Development of Concept of Sociology of Law
- 3.2 Sociology of Law as a branch of Sociology or as a part of Sociological Jurisprudence
- 3.3 Some Theories of Sociology of Law
  - 3.3.1 Emile Durkheim
  - 3.3.2 Karl Marx
  - 3.3.3 Max Weber
  - 3.3.4 Roscoe Pound

**Unit 4: Socialization (6 Hours)**

- 4.1 Meaning definition and importance of Socialization
- 4.2 Types of Socialization (primary Socialization, secondary socialization, anticipatory Socialization and resocialization)
- 4.3 Stages of Socialization (Infancy, Childhood, Adolescence, Adulthood and Old Age)
- 4.4 Agents of Socialization (Family, Peer Group, School, Religion, Mass Media, Work Place, State, and Total Institution)
- 4.5 Nature Nurture Debate on Human behavior

**Unit 5: Social Change and Development (6 Hours)**

- 5.1 Meaning, Definition Importance of Social Change
- 5.2 Factors Affecting Social Change
- 5.3 Meaning and Definition and Importance of Development
- 5.4 Dimension of Development
- 5.5 Processes of Social Change and Development (Modernization, Industrialization, Urbanization, Globalization)
- 5.6 Planned Development in Nepal Development

**Unit 6: Social Institutions (8 Hours)**

- 6.1 Marriage
- 6.2 Family
- 6.3 Kinship
- 6.4 Economy
- 6.5 Education
- 6.6 Politics

## **Unit 7: Contemporary Social Issues in Nepal (8 Hours)**

- 7.1 Unemployment and Labour Migration
- 7.2 Social inclusion and Affirmative Action
- 7.3 Madhesh Movement and Issue of citizenship
- 7.4 Domestic Violence
- 7.5 Federalism and State Restructuring
- 7.6 Caste Discrimination and Untouchability Issue

### **References Books**

- Crenshaw, K. (2019). **On Intersectionality: Essential Writings**. New Press.
- Giddens, A. (2002). *Sociology*. UK: Polity Press.
- Milovanovic, D. (2003). *An Introduction to the Sociology of Law*. Criminal Justice Press.
- Rao, C N S. (2005). *Principles of Sociology with an Introduction to Sociological Thought*. S Chand and Company Ltd.
- Ritzer, G. (2021). *Sociological Theory*, Fifth edition. Publication: McGraw-Hill
- Turner, J. H. (2015). *The Structure of Sociological Theory*. New Delhi; Rawat Publications.

# Economics - I

## First Semester

**Course Code:** ECO5008

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the basic concept and knowledge of contemporary economic theory, principles and practices both at micro and macro levels
- To familiarize students with economic terminologies, words and phrases
- To enable the students to identify Nepal's own natural, physical and human resources and its potentials
- To familiarize the students with the process of budget and plan formulation in Nepal

### Unit 1: Principles of Economics

**(12 Hours)**

1.1 Definition – Adam Smith, Marshall, and Robbins

1.2 Scope: Subject Matter and Nature of Economics

1.3 Approaches of Economics: Micro, Macro and Interdependence

1.4 Basic Economic Issues: Scarcity and Choice; and Economic Problems

1.5 Production Possibility Curve

### Unit 2: Theory of Demand and Supply

**(10 Hours)**

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

2.2 Theory of Supply: Meaning, Determinants, Law of Supply, Movement and Shift in Supply Curve

2.3 Determination of Equilibrium Price and Quantity

2.4 Change in Demand and Supply, and Effects in Equilibrium Price and Quantity

2.5 Concepts of Utility: Meaning and Types; Cardinal Utility Approach and Ordinal Utility Approach: Meaning, Assumptions, and Differences

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

- 3.1 Concepts of Cost: Explicit and Implicit, Accounting and Opportunity and Economic Cost
- 3.2 Nature of Short Run Total, Average and Marginal Cost Curves
- 3.3 Revenue and its Nature in Different Markets
- 3.4 Different forms of Market: Perfect Competition, Monopoly, Monopolistic Competition and Oligopoly (Meaning, Features, Price and Output Determination)

**Unit 4: Economic Development (10 Hours)**

- 4.1 Meaning and Concept of Economic Growth and Economic Development
- 4.2 Indicators of Economic Development
- 4.3 Basic Characteristics and Problems of Developing Countries
- 4.4 Approaches to Development: Liner Stages Theory, Structural Change Model, and Theory of Economic Dependency
- 4.5 Issues in Development
  - 4.5.1 Poverty: Meaning, Types and Policies of Poverty Reduction
  - 4.5.2 Income Distribution and Inequalities: Meaning, Causes and Measurement
  - 4.5.3 Unemployment: Meaning, Dimensions
  - 4.5.4 Co-operative Societies: Meaning, Types and Importance

**Unit 5: Nepalese Economics (8 Hours)**

- 5.1 Characteristics/ Features of Nepalese Economy
- 5.2 Potentials of Nepalese Economy: Water, Energy, Forest, Minerals, Human Resources, Agriculture and Tourism
- 5.3 Planning in Nepal: Meaning, Importance, Process of Plan Formulation, Constraints of Plan Implementation
- 5.4 Current Plan: Objectives, Strategies, Priorities and Resource Allocation
- 5.5 Budget in Nepal: Meaning, Types, Process of Budget Formulation, Challenges of Budget Formulations

## References Books

- Dwivedi, D.N. (2003). *Microeconomics Theory and Applications*. New Delhi: Pearson Education Pvt. Ltd.
- Gautam, S. & Surendra Lamsal (2011). *Microeconomics*. Kathmandu: Sunrise Publications Pvt. Ltd.
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- Samuelson, P. A. & W. D. Nordhaus. (2009). *Economics*. New Delhi: Tata McGraw Hill Publishing Company.
- Todaro, M.P. (1993). *Economic Development in the Third World*. Hyderabad, India: Orient Longman Ltd.

# Jurisprudence-I

## Second Semester

**Course Code:** LAW5101

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the knowledge of the philosophy of law as a distinct discipline
- To equip students with discourse on the concept and recent development in jurisprudence
- To familiarize students with the subject relating administration of justice, theory of justice
- To enhance the knowledge of the students on the various new trends on the subject matter of jurisprudence and law in contemporary societies

### Unit 1: Introduction to Jurisprudence

**(5 Hours)**

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

### Unit 2: Meaning and Sources of Law

**(5 Hours)**

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

**Unit 3: Schools of Jurisprudence** (22 Hours)

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

**Unit 4: Trends of Jurisprudence** (8 Hours)

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

**Unit 5: Administration of Justice** (8 Hours)

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

**References Books**

- Bashyal, K. & Bishnu Bashyal (2082). *An Introduction to Jurisprudence, Kathmandu: Sushant Bashyal, Prashant Bashyal & Binisha Kalika*
- Belbase, K. (2069). *An Introduction to Jurisprudence (Nepali), Kathmandu: MM Publication, 2*
- Bodenheimer, E. (2011). *Jurisprudence - The Philosophy and the Method of the Law*, New Delhi: Universal Law Publishing.
- Cotterrell, R. (2008). *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy (2<sup>nd</sup> Ed.)* New Delhi: Oxford University Press.
- Curzon, L.B. (1993). *Jurisprudence (Lecture Notes)*, London: Cavendish Publishing Ltd.
- Dhyani, S.N. (2011). *Fundamentals of Jurisprudence: The Indian Approach*, Allahabad: Central Law Agency.
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- Freeman, M. D. A. (2021). *Lloyd's introduction to Jurisprudence*. Sweet and Maxwell.
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- Mukhia, B. B. Prof. (2019.). *Comparative Jurisprudence-Part-I*, Kathmandu: Malati Mukhia & Tamanna Mukhia.
- Paton G.W. (2014). *A Textbook of Jurisprudence* (4<sup>th</sup> Ed.), New Delhi: Oxford University Press.
- Pradhananga, R. B. & Kishor Silawal, (2071 B.S.). *Bidhishastrako Samanya Rooprekha* (in Nepali), Kathmandu: Bhrikuti Academic Publications.
- Sangroula, Y.R. (2014.). *Jurisprudence-The Philosophy of Law*, New Delhi: The Loquitur Publishing Company PLC.
- Suri, R. (2009). *Jurisprudence*, Place: Cambridge University Press.
- Wacks, R. (2009.). *Understanding Jurisprudence: An Introduction to Legal Theory*, New Delhi: Oxford University Press.
- Wasti, P. (2065). *NYAYAVIKASINI (Manavnyashastra)*, Kathmandu: Lawyers Club.

## कानुनी नेपाली - २

दोस्रो सिमेष्टर

पाठ्यांश सङ्केत नं: LNEP5102

क्रेडिट: ३

पाठ घण्टा: ३ (४८ घण्टा)

पुर्णाङ्क: १००

उत्तीर्णाङ्क : ५०५

प्रकृति : अनिवार्य

### पाठ्यक्रमको उद्देश्य

- विद्यार्थीहरूलाई कानुनी नेपाली भाषाको परिचयात्मक तथा व्याकरणगत पक्षको बोध गराई यसको ऐतिहासिक विकासक्रमबारे बताउन सक्ने बनाउनु,
- कानुनी नेपाली पद पदावलीहरूको निर्वचन गरी तिनको शब्दार्थ ज्ञान र प्रयोगात्मक अभ्यासबाट भाषिक क्षमताको अभिवृद्धि गर्न तथा लैङ्गिकताको कोणबाट तटस्थ भाषा प्रयोगको ज्ञान प्राप्त गर्न सक्ने बनाउनु,
- घरायसी तथा अदालती लिखितसम्बन्धी ज्ञान लिई यससम्बन्धी लेखन सीप प्रदर्शन गर्न सक्ने बनाउनु,
- कानुनी विषयवस्तुसम्बद्ध सङ्कथनको बोध गर्न तथा सम्बन्धित कथनहरूको स्वतन्त्र व्याख्या गर्न सक्ने बनाउनु

### एकाइ १: कानुनी नेपाली भाषा

(२८ घण्टा)

१.१ कानुनी नेपाली भाषाको सामान्य परिचय र वर्गीकरण

१.२ कानुनी नेपाली भाषाका विशेषताहरू

(क) शब्दगत विशेषता

(ख) वाक्यगत विशेषता

(ग) अर्थगत विशेषता

(घ) अभिव्यक्तिगत विशेषता

१.३ कानुनी नेपाली भाषा उठानको सन्दर्भ र ऐतिहासिक विकासक्रम

१.४ कानुनी नेपाली भाषाको व्याकरणगत पक्ष

(क) सर्वनाम : सैद्धान्तिक परिचय, प्रयोग र महत्त्व

(ख) विशेषण : सैद्धान्तिक परिचय, प्रयोग र महत्त्व

(ग) क्रियापद : सैद्धान्तिक परिचय, प्रयोग र महत्त्व

(घ) संयोजक : सैद्धान्तिक परिचय, प्रयोग र महत्त्व

(ङ) पदयोग र पदवियोग : सैद्धान्तिक परिचय , प्रयोग र महत्त्व

१.५ कानुनी नेपाली भाषामा लैङ्गिक तटस्थताको अवस्था र प्रयोग

१६ कानुनी पारिभाषिक शब्दहरू एवम् टुक्काहरूको अर्थ , रचनाविधान र प्रयोगको अभ्यास

(क) पारिभाषिक तथा प्राविधिक शब्दको सामान्य परिचय र प्रचलित केही शब्दहरूको अर्थ इतलायनामा, वारदात, कोर्ट फी , घा जाँच, जेथा, तहकिकात, तामेली, नजीर, पुर्णक्ष, पेसी, बरामद, बिगो, मिसिल, मिनाहा, रोहबर, रिट, लिलाम, साबिती, वारेस, साधक, हुलिया, सनाखत, उद्योग, कर्तव्यज्यान, उपचार, प्रत्यर्थी, बोकाहा, बालबिज्याइँ, उल्टी, फिरौती ।

(ख) कानुनी शब्दहरूको रचनाविधान, अर्थ र प्रयोग साक्षीपरीक्षण, क्षतिपूर्ति, अभियोजन, सर्जमिन, बेरीत, मिलापत्र, प्रतिउत्तरपत्र, प्रतिवादी, दरपीठ, मतियार, फुकुवा, बकपत्र, दण्डसजाय, समाह्वान, थुनछेक, अभियुक्त, स्वेच्छाचारी, तजबीजपत्र, स्वीकारोक्ति, कागजात, परमादेश, बन्दीप्रत्यक्षीकरण, विशेषाधिकार, दुष्कृति, तदर्थ, जग्गादपोट, निषेधाज्ञा, थुनुवा, इच्छापत्र, भवितव्य, सम्बन्धबिच्छेद, अध्यादेश, बन्दसवाल, अभियोगपत्र, क्षेत्राधिकार, अन्तरकालीन, तिरोभरो, हदम्याद, उपदफा, मानहानि, प्रत्यायोजन, बदनियत, थुनुवापूर्जी, तायदाती, मानाचामल, हातपात, दैयादार, ठगी, नाबालिग, पुनरावेदन ।

(ग) कानुनी टुक्काहरूको अर्थ र प्रयोग बात लाग्नु, मुख मिल्नु, आड खोल्नु, मुकरर हुनु, खत खाप्नु, ततिम्बा गर्नु, मुल्लबी राख्नु, ठहर गर्नु, अङ्ग पुग्नु, म्याद ठेक्नु, सर्वस्व गर्नु, जिरह गर्नु, जाहेर गर्नु, बातिल गर्नु, मुचुल्का उठाउनु, सकार गर्नु, बयान लिनु, जमानत बस्नु, दसी भेट्नु, हात हाल्नु, किनारा गर्नु ।

१७ वर्णविन्यास तथा लेख्य चिह्नसम्बन्धी आधारभूत व्यवस्था र कानुनी नेपाली भाषामा महत्त्व

## एकाइ २: कानुनी व्यावहारिक लिखतहरूको परिचय र संरचनागत पक्ष

(१२ घण्टा)

२.१ सूचना

२.२ निवेदन

२.३ भरपाई, करारनामा (घरायसी लिखत)

२.४ फिरादपत्र, जाहेरी दरखास्त, प्रतिउत्तरपत्र, वारिसनामा (अदालती लिखत)

## एकाइ ३: कानुनी गद्य रचना, बोध तथा अभिव्यक्ति शिल्पसम्बन्धी अभ्यास (८ घण्टा)

- ३.१ कानुनी वाक्य रचनाको अभ्यास
- ३.२ कानुनी अनुच्छेद लेखनको अभ्यास
- ३.३ कानुनी विषयवस्तु एवम् उक्तिहरूको स्वतन्त्र व्याख्या गर्ने अभ्यास
- ३.४ कानुनी गद्यको बोध प्रश्नोत्तर, बुँदा टिपोट र सङ्क्षेपीकरण गर्ने अभ्यास ।

### सन्दर्भ सामाग्रीहरू

- अधिकारी, सीताराम र सुरेन्द्रवर सिंह थापा (सन् २०२२), *प्रयोगात्मक कानुनी नेपाली-अङ्ग्रेजी शब्दकोश*, काठमाडौं : सानरब प्रकाशन ।
- धिमिरे, गोविन्द (२०६८), *कानुनी नेपाली भाषा*, ललितपुर : साभा प्रकाशन ।
- थापा, सुरेन्द्रवर सिंह (२०७३ फागुन-वैशाख : पूर्णाङ्क ७९), 'कानुनी नेपाली भाषाको कालविभाजन', *समकालीन साहित्य*, नेपाल प्रज्ञा प्रतिष्ठान ।
- पोखरेल, बालकृष्ण (२०५५), *पाँचसय वर्ष*, ललितपुर : साभा प्रकाशन ।
- मुलुकी देवानी *संहिता*, २०७४ र *मुलुकी देवानी कार्यविधि संहिता*, २०७४ (२०८१), काठमाडौं : कानुन किताब व्यवस्था समिति ।
- मुलुकी अपराध *संहिता*, २०७४, *मुलुकी फौजदारी कार्यविधि संहिता*, २०७४ र *फौजदारी कसुर (सजाय निर्धारण तथा कार्यान्वयन) ऐन*, २०७४ (२०८१), काठमाडौं : कानुन किताब व्यवस्था समिति ।
- लुइटेल, खगेन्द्रप्रसाद (२०७४), *नेपाली वर्णविन्यास*, काठमाडौं : आठराई पब्लिकेसन प्रा.लि. ।
- सिंह, टोपबहादुर (२०७२), *कानुनी शब्दकोश*, काठमाडौं : पैरवी प्रकाशन ।
- नेपाल कानुन परिचर्चा, कानुन, न्यायदूत, सर्वोच्च बार जर्नल, पैरवी र कानुनविषयक अन्य पत्रिका एवम् जर्नलका विभिन्न अङ्कहरू ।

# Alternative English

(For foreigner in lieu of Legal Nepali)

## Second Semester

**Course Code:** AENG5103

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To develop students' proficiency in legal English by focusing on plain language, legal grammar, and the principles of legal interpretation essential for effective legal communication.
- To acquaint students with foundational knowledge of classical Western philosophy, particularly the legal and ethical theories of Plato, Aristotle, and Roman legal thought.
- To develop students' ability to analyze critically key philosophical concepts such as logic, morality, democracy, liberty, and the relationship between matter and mind.
- To familiarize students with major modern socio-political and literary theories, including Marxist theory, Orientalism, ideology, and gender studies, in order to broaden students' understanding of the cultural and theoretical contexts of law.

## Unit 1: Poetry

**(24 Hours)**

- 1.1 Definition of Poetry
- 1.2 Reading Poetry
- 1.3 Language of Poetry
- 1.4 Definition of Poem
- 1.5 Tone
- 1.6 Words and Meaning
- 1.7 Figures of Speech
- 1.8 Conceit
- 1.9 Symbol
- 1.10 Image and Imagery
- 1.11 Paradox

1.12 Rhyme and Rhythm

1.13 Meters

1.14 Appreciation

1.15 Criticism

**Unit 2: Novel**

**(24 Hours)**

2.1 Author

2.2 Theme of the Novel in General

2.3 How Author Arrange Events

2.4 Narration

2.5 Author's Attitude and Irony

2.6 Plot and story

2.7 Setting

2.8 Characters

2.9 Theme: Modi Aain

2.10 Subtitle of the Novel

2.11 Events

2.12 Literature Blend with Law

2.13 Appreciation

2.14 Critical Study

**References Books**

Hutt, M. (1996), *Devkota's Munamadan* (1<sup>st</sup> Ed.), Lalitpur: Sajha Prakashan.

Koirala, B.P., *Modi Aain*, (translation by Jaya Raj Acharya (2059 B.S/ 2002 A.D), Kathmandu: Centre for Democracy and Development.

Gill, .R (2006). *Mastering English Literature* (3<sup>rd</sup> Ed.), London: Palgrave Macmillan.

Shrestha, S. K ( 2012). *Dictionary of Law and Justice* (2<sup>nd</sup> Ed.), Kathmandu: Pairavi Prakashan.

## Legal English - II

### Second Semester

**Course Code:** LENG5104

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To equip students with the ability to identify, evaluate, and analyze reasoning, assumptions, and conclusions in legal contexts, fostering strong decision-making and reasoning abilities essential for legal practice and advocacy.
- To strengthen students' abilities in oral advocacy, negotiation, and legal presentations, while improving their written legal skills, including drafting legal documents, client correspondence, and legal contracts.
- To acquaint students with a comparative understanding of legal systems, sources of law, and the court system, focusing on the practical application of legal English in various professional contexts, including litigation, legal advising, and commercial transactions.
- To expose students to literary works that highlight themes of justice, morality, and societal issues, enabling them to draw connections between literature and law to deepen their understanding of legal principles and ethical considerations in real-world contexts.

### Unit 1: Critical Thinking: The Language of Reasoning (7 Hours)

1.1 What is Critical Thinking and How to Improve It

1.2 Identifying Reasons and Conclusions: The Language of Reasoning

1.3 Understanding Reasoning: Different Patterns of Reasoning

### Unit 2: Critical Thinking: Observation and Interpretation (7 Hours)

2.1 Understanding Reasoning: Assumptions, Context and a Thinking Map

2.2 Clarifying and Interpreting Expressions and Ideas

2.3 The Acceptability of Reasons: Including Their Credibility

**Unit 3: Critical Thinking: Judging (6 Hours)**

- 3.1 Judging the Credibility of Sources Skillfully
- 3.2 Evaluating Inferences: Deductive Validity & Other Grounds
- 3.3 Evaluating Inferences: Assumptions and Other Relevant Arguments
- 3.4 Reasoning about Casual Explanations
- 3.5 Decision Making: Options, Consequences, Values and Risks

**Unit 4: Oral Advocacy and Communication (6 Hours)**

- 4.1 Court Advocacy
- 4.2 Negotiation
- 4.3 Dealing with Difficult People: 10 Point Guide
- 4.4 Making a Presentation
- 4.5 Legal Translation- Theory and Practice

**Unit 5: Professional English in Use: Comparative Study with Nepalese Legal system (12 Hours)**

- 5.1 Legal Systems
- 5.2 Sources of Law: Legislation and Common Law
- 5.3 The Court System
- 5.4 Criminal Justice & Criminal Proceedings
- 5.5 Civil Procedure
- 5.6 Solicitors / Barristers
- 5.7 Client correspondence
- 5.8 Forming a Contract 1 & 2
- 5.9 Commercial Leases
- 5.10 Information Technology Law and Cyber Crime

**Unit 6: Comprehension and Interpretation: Literature Blend with Law (10 Hours)**

- Susan Sontag – “Beauty”
- William Faulkner – “Barn Burning”
- Max Maxwell – “The Moral Bankruptcy of Faith”
- Thomas Jefferson – “The Declaration of Independence”
- D.H. Lawrence – “The Cocksure Women and Hen sure Men”
- Martin Luther King Jr. – “I Have a Dream”
- Tillie Olsen-”I Stand Here Ironing”
- William Carlos William- “The Use of Force”

## References

### Books

BA-Second-Year-20-short-stories-by-Sybil-Marcus.pdf

Brown, G. D. & Sally Rice. (2008). *Professional English in Use (Law)*.

New Delhi: Cambridge University press (First south Asian Edition).

Fisher, A. (2001). *Critical Thinking: An Introduction*. New Delhi: Cambridge University Press.

Haigh, R. (2012). *Legal English* [3<sup>rd</sup> Ed. (Special Indian edition)], London: Routledge.

Shrestha, S.K. (2017). *Dictionary of Law and Justice*. Kathmandu: Pairavi Prakashan.

The story and Its Writer: An Introduction to Short Fiction by Ann Charters pdf

Toulmin, S.E. (2003). The Uses of Argument (pp. 87-134). Cambridge University Press.

Wolff, L. (2011). Legal Translation. In K. Windle & K. Malmkjaer (Eds.), *The Oxford Handbook of Translation Studies* (pp. 228-242. Oxford University Press.

# Political Thoughts

## Second Semester

**Course Code:** POTH5105

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students with basic concepts about the political thoughts so that it could help them to understand about the important thoughts to be discuss under the political science.
- To enable students to make a critical analysis of the different ideas and philosophy of political matters.
- To develop students' ability to generate new ideas that support to drive existing political crisis.
- To familiarize the students on Eastern political values and thoughts.

### Unit 1: Classical Greek and Roman Political Thinkers (12 Hours)

- 1.1 General Introduction to Political Thought and their Relation to Law
- 1.2 Plato: Justice and Ideal State
- 1.3 Aristotle: State, Classification of Government and Citizenship
- 1.4 Cicero: Concept of Law

### Unit 2: Contractualists (6 Hours)

- 2.1 Thomas Hobbes: Concept of Absolute Monarchy
- 2.2 John Locke: Concept of Liberal Democracy
- 2.3 Jean Jaques Rousseau: Concept of Popular Sovereignty (General Will)

### Unit 3: Medieval and Modern Political Thinkers (10 Hours)

- 3.1 Machiavelli: Statecraft
- 3.2 John Stuart Mill: Concept of Liberty
- 3.3 Karl Marx: Dialectical Materialism, Class struggle, Surplus Value and View on State and law

**Unit 4: Eastern Political Thinkers (10 Hours)**

- 4.1 Manu: Raj Dharma
- 4.2 Kautilya: Theory of Saptang (Statecraft)
- 4.3 Gandhi: Theory of Non-Violence and Truth Calling

**Unit 5: Socialism (10 Hours)**

- 5.1 Socialism: Concept and Characteristics
- 5.2 Democratic Socialism: Concept, Characteristics
- 5.3 Democratic Socialism: Relevance to Nepal

**References Books**

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- Sabine, G. H. (1973). *A History of Political Theory*. New Delhi: Oxford and IBH Publishing Co. Pvt. Ltd.
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# Global History

## Second Semester

**Course Code:** GLOH5106

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the general history of the World from ancient to modern period.
- To familiarize students with the knowledge on ancient Civilizations of the World.
- To enable the students to explain the nature of political system which effected the development of different civilizations in the medieval period.
- To equip students with knowledge of the Western and Eastern pattern of human civilization and Wars of Independence.

## Unit 1: Ancient Period

**(9 Hours)**

1.1 Definition of Human Civilization

1.2 Ancient River Valley Civilizations

1.2.1 Egyptian Civilization; Introduction: Pyramid Age, Political and Administrative System, Aristocrats, Intellectuals and Farmers

1.2.2 Development of Babylonian Civilization, Hammurabi Code, Hanging Garden

1.2.3 Greek Civilization and Development of City States

1.2.4 Roman Civilization; Introduction of City States: The Twelve Tablets, Struggles of Plebeians, Patricians

## Unit 2: Indus Valley, Hwang-Ho and Yangtze Civilization (9 Hours)

2.1 Indus Valley Civilization

2.1.1 Introduction: The Early Vedic Period, The Later Vedic Period, History of Smritis and Puranic Development

2.2 Hwang-Ho and Yangtze Civilization of China

2.2.1 Introduction: Chinese Society and Political System

- 2.2.2 Imperial Tsar Period of Russia
- 2.2.3 Japanese Emperor, Feudalism: Shogun, Barons and Knights, The Meiji Restoration of 1868

**Unit 3: Medieval Period (10 Hours)**

- 3.1 England
  - 3.1.1 Anglo- Saxon Age
  - 3.1.2 The Norman Period
  - 3.1.3 Magna Carta, Petition of Rights, the Great Charter
  - 3.1.4 The Origin and Growth of Parliamentary System
  - 3.1.5 Development of Cabinet System.
- 3.2 France
  - 3.2.1 Rise of the French Monarchy
  - 3.2.2 Louis XIV, Xiv and XVI
  - 3.2.3 Louis XVI and The French Revolution,
  - 3.2.4 Napoleon, and His Reforms (Code Napoleon)

**Unit 4: Unification of Germany and Italy (10 Hours)**

- 4.1 Unification of Germany
  - 4.1.1 Unification of Germany and the Foundation of the Great Empire
  - 4.1.2 Bismarck, Rise and Fall
- 4.2 Unification of Italy
  - 4.2.1 Italy before the Unification
  - 4.2.2 Emperor Victor Emanuel 2<sup>nd</sup>
  - 4.2.3 Mazzini, Garibaldi and Unification of Italy

**Unit 5: Medieval and Modern India (10 Hours)**

- 5.1 History of Medieval and modern India
  - 5.1.1 The Turks and the Mughal Rule in India
  - 5.1.2 Advent of Europeans, Power Struggle and the British Colony, The Sepoy Mutiny
  - 5.1.3 Indian War of Independent 1947

**References Books**

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- Chaudhary, K. C. (1990). *Living History*, 1 & 11, Calcutta: Oriental Book Company.
- Deva, A. (1975). *Manab Samajka Itihas* 1, (History of Human Society)
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- Dutt, D.. (1972). *Viswa Sabhyataki Rooprekha*, (An Outline History of the World, New Delhi: Arya Book Depo.
- Gautam, R. (2050). *Europeko Rajnitik Itihas (1789-1945)* (Political History of Europe), Ratna Pustak Bhandar.
- Grant, A. J. (1913). *A History of Europe*, Calcutta: Longmans' Green and Company
- Krout, J. A. (1947). *New Outline History of the United States*, New York: Barnes and Noble, INC.
- Loon, H. W. Van. (1939). *The Story of Mankind*, Great Britan: The British Publishers Guide.
- Meharotra, P. (1963). *Adhunik Europe* (Modern Europe), Lucknow: The Upper India Publishing House.
- Olsen, K. W. (1970). *An Outline of America History*, Washington: U. S. Information Agency.
- Schroeder, R. C. (1915). *An Outline of American Government*, Washington: U. S. Information Agency.
- Sriniwasachari, G. (1975). *A Global History Since 1850*, The peacock Press Publishers.

# Anthropology

## Second Semester

**Course Code:** ANTH5107

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a basic understanding of anthropology and its scope
- To equip students with basic anthropological theories and their application
- To enable students to discuss human culture and society
- To familiarize the students with the anthropological approach

## Unit 1: Introduction

**(6 Hours)**

1.1 Meaning, Definition, and Nature, Scope of Anthropology

1.2 Branches/Subdivisions of Anthropology

1.3 Origin and Development of Anthropology in the World and in Nepal

1.4 Relationship of Anthropology with other Social Sciences: Sociology, History, Economics, Political Science, Psychology, and Law

## Unit 2: Anthropological Perspectives on Culture

**(9 Hours)**

2.1 Theory of Cultural Evolution

2.2 Theory of Cultural Diffusionism

2.3 Structural Functionalism

2.4 Theory of Symbolism

2.5 Post-Modernism and Anthropology

## Unit 3: Evolution of Human Society and Culture through Time

**(6 Hours)**

3.1 Hunting and Gathering Society

3.2 Pastoral Society

3.3 Agricultural Society

- 3.4 Industrial Society
- 3.5 Postindustrial Society

**Unit 4: Socio-cultural Processes (3 Hours)**

- 4.1 Enculturation, Acculturation, and Assimilation
- 4.2 Sanskritization, Nepalization, Globalization
- 4.3 Social Integration, Social Exclusion, and Inclusion

**Unit 5: Social Institutions (6 Hours)**

- 5.1 Marriage
- 5.2 Family
- 5.3 Kinship
- 5.4 Economy
- 5.5 Religion
- 5.6 Education

**Unit 6: Social Stratification (5 Hours)**

- 6.1 Meaning Definition, Characteristics of Social Stratification
- 6.2 Types of Social Stratification
- 6.3 Caste and Class
- 6.4 Gender, Feminism and Sexuality
- 6.5 Social Structures
- 6.6 Race and Ethnicity

**Unit 7: Anthropology and Development (5 Hours)**

- 7.1 Meaning, Definition and Dimension of Development
- 7.2 Development, Anthropology and Anthropology of Development
- 7.3 Developmental Practices in Nepal
- 7.4 State-Centered Development
- 7.5 People Centered Development
- 7.6 NGO/INGO Centered Approaches
- 7.7 Market-Centered Approach

**Unit 8: Contemporary Social Issues (5 Hours)**

- 8.1 Caste Based Discrimination and Dalit Movement in Nepal
- 8.2 Ethnic Inequality and Adivasi-Janajati Movement in Nepal

8.3 Regionalism and Madhesh Movement

8.4 Gender, Domestic Violence, Women's Movement in Nepal

8.5 Federalism and State Restructuring in Nepal

**Unit 9: Anthropological Research Methods**

**(3 Hours)**

9.1 Field Work

9.2 Ethnographic Research

9.3 Participant Observation

9.4 Interview

9.5 Research Ethics and Plagiarism

**References Books**

Charlotte S. S (1986). *Dictionary of Anthropology*, Mac Millan Press Ltd.

Conrad P. K. (2002). *Anthropology the Exploration of Human Diversity*, 9<sup>th</sup> edition MAcgraw Hill Higher Education.

Peregrine, C. R & Ember M. E. et.al (2002). *Anthropology*, 10<sup>th</sup> edition, Pearson Education Asia.

Pokharel, B. (2013). *Theories and Practices of Practices of Development*, Dhaulagiri Journal of Sociology and anthropology.

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William A H.H. E S Prince D. W. & Bunny Macbride. (2008). *Introduction to Anthropology*, Wardsworth part of Cengage Learning India Ltd.

# Economics-II

## Second Semester

**Course Code:** ECO5108

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students with knowledge about the various economic systems of the world
- To acquaint students with major issues in the economics like trade, finance and institutions in place at national, regional and international levels
- To enable student to examine the discourse on the contemporary economic and financial problems/crises
- To enhance students' ability to examine the interrelationship between law and economics.

## Unit 1: Economic Systems and Macroeconomic Evolution (8 Hours)

- 1.1 Capitalist, Socialist and Mixed Economy: Concept, Features and Appraisals
- 1.2 Economic Liberalization, Privatization and Globalization
- 1.3 Schools of Economic Thoughts: Classical, Neo-Classical, Keynesian and Monetarist

## Unit 2: Money and Banking

(6 Hours)

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

## Unit 3: International Trade

(6 Hours)

- 3.1 Meaning and Importance of International Trade
- 3.2 Concept of Balance of Trade and Balance of Payment
- 3.3 World Trade Organization (WTO), Regional Trade Agreements (SAFTA, BMISTEC)
- 3.4 Role of International Financial Institutions (WB, IMF)

**Unit 4: Public Finance (6 Hours)**

- 4.1 Meaning and Importance of Public Finance
- 4.2 Sources of Government Revenue
- 4.3 Classification of Government Expenditure
- 4.4 Tax System: Meaning, Classification, Types (Direct and Indirect), Canon of Good Tax System
- 4.5 Budget as a Tool of Social Welfare and Economic Justice

**Unit 5: Macro Economic Issues and policies (10 Hours)**

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

**Unit 6: Law and Economics (12 Hours)**

- 6.1 Market Failure: Meaning, Types and Sources/Causes
- 6.2 Government Response to Market Failure: Monopoly Regulation, Antitrust Policy, Tax, Subsidy, Operating Control, Control of Environmental pollution
- 6.3 Economic Efficiency and Justice: Pareto efficiency and Kaldor Hicks efficiency
- 6.4 Coase Theorem: Transaction Cost and Market Efficiency
- 6.5 Economic Analysis of Law: Introduction, Origin and History, Major Schools, Objectives, Approaches, and Stages
- 6.6 Economic Rationale for Legal Rules with Reference to Contract Law, Property Law, Tort Law etc.
- 6.7 Game Theory: Dominant Strategy, Nash Equilibrium and Prisoner's Dilemma

**References Books**

- Anderson, J.E. (1994). *Public Policy Making (3<sup>rd</sup> edition)*. New York: Holt Rinehart.
- Due, J. F. (1992). *Government Finance of the Public Sector*. Richard D. Irwin, Home-Wood Illinois.

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# Jurisprudence-II

## Third Semester

**Course Code:** LAW5201

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To impart students about the knowledge of philosophy of law as a distinct discipline.
- To help students to know about the concept and classification of jurisprudence as well as the trends.
- To provide critical issues in the jurisprudence like the matters of justice and equality, rights and duties in substantive manners.
- To provide comprehensive understanding on various issues of ownership, possession and other issues in law.

### Unit 1: Concept of Rights and Duties

**(10 Hours)**

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

### Unit 2: Person

**(10 Hours)**

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

### Unit 3: Property

**(8 Hours)**

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

- Unit 4: Liability** (5 Hours)
- 4.1 Concept of Liability
  - 4.2 Kinds of Liability: Civil, Remedial, Penal, Vicarious and Absolute or Strict
  - 4.3 General Conditions of Liability
- Unit 5: Obligation** (5 Hours)
- 5.1 Meaning and Concept of Obligation
  - 5.2 Types of Obligation
- Unit 6: Possession** (5 Hours)
- 6.1 Concept of Possession
  - 6.2 Constituent Elements of Possession
  - 6.3 Kinds of Possession
  - 6.4 Acquisition, Continuation and Termination of Possession
  - 6.5 Possessory Remedies
- Unit 7: Ownership** (5 Hours)
- 7.1 Concept of Ownership
  - 7.2 Kinds of Ownership
  - 7.3 Relationship between Ownership and Possession

**References Books**

- Bashyal, K. & Bishnu Bashyal. (2082). *An Introduction to Jurisprudence, Kathmandu: Sushant Bashyal, Prashant Bashyal & Binisha Kalika*
- Belbase, K. (2069 B.S.). *Bidhishastrako parichaya* [Introduction to jurisprudence] (in Nepali). MM Publication.
- Bodenheimer, E. (2011). *Jurisprudence: The philosophy and the method of the law*. Universal Law Publishing.
- Cotterrell, R. (2008). *The politics of jurisprudence: A critical introduction to legal philosophy*. Oxford University Press.
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- Dhyani, S. N. (2011). *Fundamentals of jurisprudence: The Indian approach*. Central Law Agency.
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- Wasti, P. (2065 B.S.). *Nyayavikasini (Manavnyashastra)* [The evolution of justice-Human jurisprudence] (in Nepali). Lawyers Club.

# Constitutional Law -I

## Third Semester

**Course Code:** LAW5202

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with knowledge about the meaning and definition of the constitution and constitutional law.
- To develop students' ability to explain major constitutional principles, including constitutionalism, the rule of law, and separation of powers and checks and balances.
- To enable students to explain various types of constitutions and provide a comparative understanding of major constitutions in the world.
- To enable students to comprehend both theoretical and implementation aspects of constitutional issues and participate meaningfully in legal discourse to create a critical mass on constitutionalism.

## Unit 1: Introduction

**(10 Hours)**

- 1.1 Meaning and definition of Constitution and Constitutional Law
- 1.2 Nature and Scope of Constitutional Law
- 1.3 Sources of Constitutional law
  - 1.3.1 Constitution and Its Amendment
  - 1.3.2 Statutes
  - 1.3.3 Secondary Legislation
  - 1.3.4 Judicial Decisions
  - 1.3.5 Custom and Convention
  - 1..3.6 Literatures of Constitutional Experts/Scholars

## Unit 2: Constitutionalism

**(8 Hours)**

- 2.1 Concept and Meaning of Constitutionalism
- 2.2 Essential Elements of Constitutionalism

## 2.3 Varieties of Constitutionalism

### 2.3.1 Legal and Political Constitutionalism

### 2.3.2 Liberal, Socialist and Developing Constitutionalism

## **Unit 3: Rule of Law (6 Hours)**

### 3.1 Concept of the Rule of Law

### 3.2 Evolution of the Principle of Rule of Law

### 3.3 Basic Principles of Rule of Law

### 3.4 Rule of Law in Nepal

## **Unit 4: Separation of Power and Checks and Balances (7 Hours)**

### 4.1 Concept of Separation of Power

### 4.2 Principle of Check and Balance

### 4.3 Separation of Power and Check and Balance under Presidential Constitution

### 4.4 Separation of Power and Check and Balance under Parliamentary Constitution

### 4.5 Separation of Power and Check and Balance in Nepal

## **Unit 5: Classification of Constitution (7 Hours)**

### 5.1 Written and Unwritten Constitution

### 5.2 Rigid and Flexible Constitution

### 5.3 Federal and Unitary Constitution

### 5.4 Republican and Monarchical Constitution

### 5.5 Parliamentary and Presidential Constitution

## **Unit 6: Unitary and Federal System (10 Hours)**

### 6.1 Unitary System

#### 6.1.1 Features of Unitary System

#### 6.1.2 Distribution of power in Unitary System

### 6.2 Federal System

#### 6.2.1 Features of Federal System

#### 6.2.2 Meaning and Types of Federalism

#### 6.2.3 Structure of State and Division of State Power

#### 6.2.4 Basic Features of Nepalese Federalism

#### 6.2.5 Interrelations between Federal, State and Local Level

#### 6.2.6 Merits and Demerits of the Federalism

## References Books

- Acharya, B. (2020). *Constitution and constitutionalism*. Pairavi Prakashan.
- Barnett, H. (2024). *Constitutional and administrative law* (15<sup>th</sup> ed.). Routledge.
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- Bashyal, B. (2080 B.S.). *Sambaidhanik kanoon* [Constitutional law] (in Nepali). Advocate Basandhari Kharel.
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- Dhungana, S. K. (2077 B.S.). *Nepalko sambidhan ra sambaidhanik kanoon: Part 1* [Nepal's constitution and constitutional law: Part 1] (in Nepali). Pairavi Book House.
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- Singh, M. P. (2022). *V. N. Shukla's Constitution of India* (12<sup>th</sup> ed.). Eastern Book Company.
- Singh, T. B. (2046 B.S.). *Constitution and constitutional law of Nepal* (3<sup>rd</sup> ed.). Ratna Pustak Bhandar.
- Thapa, K. R. (2080 B.S.). *Sambidhan bad ra sambidhan* [Constitutionalism and the constitution] (in Nepali). Sanrab Prakashan.
- Tripathi, H. B. (2002). *Fundamental rights and judicial review in Nepal* (1<sup>st</sup> ed.). Pairavi Prakashan.
- Wheare, K. C. (1963). *Federal government*. Oxford University Press.

# International Relations and Diplomacy

## Third Semester

**Course Code:** IRD5203

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students with basic knowledge of International Relations and Diplomacy to the students.
- To acquaint students with foundational knowledge of International Relations theories, foreign policy, law and diplomacy.
- To familiarize the students with knowledge of the world history, major issues of International Relations, diplomacy and law.
- To acquaint with the concept of International Relations, Power, Balance of Power, major theories of international relations, major current issues of international relations, different aspects of foreign policy, law and diplomacy.

## Unit 1: Introduction to International Relations (8 Hours)

- 1.1 Concept, Definition and Scope of International Relations
- 1.2 International Relations since 1945 (World War II, Cold War, War on Terror etc.)
- 1.3 Recent Trends in Contemporary International Relations
- 1.4 Power, Elements of National Power, Soft, Hard and Smart Power
- 1.5 Concept and Technique of Balance of Power

## Unit 2: Theories of International Relations (5 Hours)

- 2.1 Realism and Neo-realism
- 2.2 Liberalism and Neo-liberalism
- 2.3 Marxism
- 2.4 Constructivism
- 2.5 Feminism

**Unit 3: Major issues of International Relations (8 Hours)**

- 3.1 War and Peace
- 3.2 Globalization
- 3.3 Climate Change
- 3.4 Terrorism
- 3.5 Nationalism
- 3.6 Human security
- 3.7 Human rights
- 3.8 Migration
- 3.9 Humanitarian Intervention in World Politics

**Unit 4: Foreign Policy (8 Hours)**

- 4.1 Concept and Definition of Foreign Policy and National Interest
- 4.2 National Interests, Directive Principles, State Policy and Guiding Principle of Nepal's Foreign Policy (Constitution provision)
- 4.3 Foreign Policy of Nepal (2077)
- 4.4 Determinants of Nepal's Foreign Policy
- 4.5 Foreign Policy of Nepal since Prithivi Narayan Shah to until now
- 4.6 Nepal relations with India, China and USA
- 4.7 Nepal role in United Nation, SAARC and BIMSTEC

**Unit 5: Introduction to Diplomacy (5 Hours)**

- 5.1 Concept, Definition and Techniques of Diplomacy
- 5.2 Bilateral and Multilateral Diplomacy
- 5.3 Economic Diplomacy
- 5.4 Formal and Informal Diplomacy
- 5.5 Military Diplomacy
- 5.6 Public Diplomacy
- 5.7 Old and New Diplomacy

**Unit 6: Law and Diplomacy (9 Hours)**

- 6.1 Diplomatic Agents and their Appointments
- 6.2 Vienna Convention on Diplomatic Relations, 1961

- 6.3 Vienna Convention on Consular Relations, 1963
- 6.4 Function of a Diplomatic and Consular Missions
- 6.5 Privilege and Immunities of Diplomatic Missions and Diplomatic Agents
- 6.6 Diplomatic Negotiation
- 6.7 Rights and Challenges of Landlocked Developing Countries (Nepal)

**Unit 7: Nepal Bilateral Treaty with India and China (5 Hours)**

- 7.1 Treaty of Peace and Friendship between Nepal and India 1950
- 7.2 Treaty of Trade and Transit between Nepal- India (1960) with periodic revisions
- 7.3 Treaty of Peace and Friendship between Nepal and China, 1960
- 7.4. Recent Development in Bilateral Treaty with India and China

**References Books**

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- Aryal, D., & R.P.ubedi (2010). *Diplomatic dealings*. Apex Academy.
- Baylis, J., & S.Smith (2020). *The Globalization of World Politics an introduction to international relations*. (8<sup>th</sup> Edition). Oxford University Press.
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- Malhotra, V. K. (2015). ***International relations***. (4<sup>th</sup> Edition). Anmol Publication.
- Ministry of Foreign Affairs Nepal (Website)
- Roberts, S. I. (2012). ***Satow's diplomatic practice***. (6<sup>th</sup> Edition). Oxford University Press UK
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# Criminal Law-I

## Third Semester

**Course Code:** LAW5204

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint the students with knowledge of the fundamental principles of criminal law.
- To familiarize students with the different types of offences and defenses in criminal law.
- To develop students' ability enhance knowledge of students for comparative understanding of criminal law across the USA, UK, and India.
- To enable the students for analyzing the leading cases of Supreme Court of Nepal.

## Unit 1: General Introduction to Criminal Law (10 Hours)

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

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

- 2.1 Criminal Law before Codification
  - 2.1.1 Kirant Period
  - 2.1.2 Lichhabi Period
  - 2.1.3 Malla Period
  - 2.1.4 Shaha Period

- 2.2 Criminal Law after Codification
  - 2.2.1 *Muluki Ain* 1910 B.S (1853 A.D)
  - 2.2.2 *Muluki Ain* 2020 B.S (1963 A.D)
- 2.3 *Muluki Criminal Code, 2074* (2017 A.D)

**Unit 3: General Principles of Criminal Law (6 Hours)**

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

**Unit 4: Elements of Crime (8 Hours)**

- 4.1 Introduction to elements of crime
- 4.2 Meaning and constituent elements of *Actus Reus*
- 4.3 Forms of Human Conduct
  - 4.3.1 Act
  - 4.3.2 Omission
  - 4.3.3 State of Affairs
- 4.4 Meaning and Categories of *Mens Rea*
  - 4.4.1 Intention
  - 4.4.2 Knowledge
  - 4.4.3 Recklessness
  - 4.4.4 Negligence
- 4.5 Doctrine of Transferred Malice

**Unit 5: Stages of Crime and Inchoate Offence (5 Hours)**

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

**Unit 6: Parties to the Crime (4 Hours)**

- 6.1 Meaning and classification of Parties to the Crime
  - 6.1.1 Principal Offender
  - 6.1.2 Secondary Offender
  - 6.1.3 Innocent Agent
  - 6.1.4 Corporate Criminal Liability
- 6.2 Accessories before Fact
- 6.3 Accessories during Fact
- 6.4 Accessories after Fact

**Unit 7: General Defenses (10 Hours)**

- 7.1 Concept and Meaning of General Defenses
- 7.2 The Rationale and Justification of General Defenses
- 7.3 Classification of General Defenses
  - 7.3.1. Excusable Defense
    - (a) Infancy
    - (b) Insanity
    - (c) Mistake
    - (d) Intoxication
  - 7.3.2 Justifiable Defenses
    - (l) Private Defense
      - (a) Self-Defense,
      - (b) Defense of Property
      - (c) Defense of Chastity

- (II) Necessity
- (i) Duress
- (ii) Superior Order

### **Prescribed Cases**

- Bhuvane Basnet Kshetri vs. His Majesty's Government of Nepal, *Nepal Kanoon Patrika* (NKP) (2031B.S), No. 3, P. 87 (case Related to murder and actus reus).
- His Majesty's Government of Nepal vs. Mayashwori Damini, NKP (2037 B.S), No. 11, P. 261 (case Related to the crime that dies with the criminal).
- His Majesty's Government of Nepal vs. Rameshwar Raut Barai & Others, NKP (2041 B.S), No. 4, P. 360 (case Related to jurisdiction in criminal law).
- Tirtha Dangol vs. His Majesty's Government of Nepal, NKP (2042B.S), No. 5, P.435 (case Related to insanity).
- Idris Miya vs. His Majesty's Government of Nepal, NKP (2044), No. 2, P. 259 (case Related to personal jurisdiction in criminal law).
- Uttam Lama vs. His Majesty's Government of Nepal, NKP (2061), No. 9, P.1092 (case Related to retrospective effect of law).
- Tek Bahadur Reule vs. His Majesty's Government of Nepal, NKP (2061), No. 11, P. 1486 (case Related to transferred malice).
- Jasman Limbu vs. Government of Nepal, NKP (2069 B.S), No. 1, P.84 (case Related to conspiracy).
- Government of Nepal vs. Sanjeev Kumar Singh Yadav & Others, NKP (2064), No.10, P.1312 (case Related to the plea of self-defence in murder).
- Manish Shrestha vs. Government of Nepal, NKP (2070 B.S), No.8, P.1050 (case Related to *Nullum Crimen Sine Lege*).
- Government of Nepal v. Kesh Bahadur Budhathoki, NLR (2062B.S), DN 7491., (Mistake of Fact)
- HMG vs Balmanjari, Homicide, NKP (2040B.S); p.279. (General Defence)

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- Vaidya, T. R., & T.R. Manandhar (1985). *Crime and punishment in Nepal: A historical perspective*. Binis Baidya & Purna Devi Manandhar.
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- Williams, G. (2017). *Textbook of criminal law* (South Asian ed.). Sweet & Maxwell and Thomson Reuters.

# Public International Law–I

## Third Semester

**Course Code:** LAW5205

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with a comprehensive knowledge of public international law, including its meaning, nature, historical background, basis, and role in the global legal system.
- To enable students to critically assess and analyze the interplay between global situations and international law, and to have an understanding of how international law adapts to and influences world events.
- To equip students with the skills necessary to apply the processes, techniques, and principles of international law in real-world scenarios to contribute to a better world.
- To develop students' ability to explore foundational concepts in international law such as recognition, state responsibility, nationality, statelessness, refugees, asylum, extradition, jurisdiction, and immunities, along with providing a solid foundation for understanding the mechanisms that regulate international relations.

## Unit 1: Introduction

**(5 Hours)**

1.1 Definition, Nature, and Scope of International Law

1.2 Origin and development of International Law

1.3 Basis of International Law

1.4 Relation between International Law and Municipal Law

## Unit 2: Sources of International Law

**(6 Hours)**

2.1 Treaties

2.2 Custom

2.3 General Principles of Law

2.4 Judicial Decisions

- 2.5 Writings of the Most Highly Qualified Publicists
- 2.6 Equity, Justice and Good Conscience (*Ex Aequo et Bono*)
- 2.7 Other Sources of International Law
  - 2.7.1 Resolution of the General Assembly and Security Council
  - 2.7.2 Draft Conventions of the International Law Commission
  - 2.7.3 State Practice, Considerations of Humanity and Modern Trends

**Unit 3: International Legal Personality (6 Hours)**

- 3.1 State
- 3.2 Individuals
- 3.3 International Organizations
- 3.4 Insurgents, Belligerents, Mercenaries, and Terrorists
- 3.5 Multinational Corporations

**Unit 4: Recognition and State Succession (8 Hours)**

- 4.1 Meaning and Types of Recognition
- 4.2 Theories of Recognition
- 4.3 Recognition of Government and State
- 4.4 Effect of Recognition and Non-Recognition
- 4.5 Concept and Theories of State Succession
- 4.6 Succession of State and Government
- 4.7 Succession of International Organization
- 4.8 Legal Consequences of State Succession

**Unit 5: Nationality (4 Hours)**

- 5.1 Meaning and Importance of Nationality
- 5.2 Modes of Acquiring and Losing Nationality
- 5.3 Nationality of Corporations and Assets
- 5.4 Issue of Statelessness and Refugees

**Unit 6: Asylum and Extradition (3 Hours)**

- 6.1 Meaning and Types of Asylum
- 6.2 Rights and Duties of Asylum-Seekers
- 6.3 Concept of Extradition

**Unit 7: State Responsibility** (5 Hours)

- 7.1 Nature of State Responsibility
- 7.2 Consequences of an Internationally Wrongful Act
- 7.3 Diplomatic Protection of Nationals
- 7.4 Contractual Liability
- 7.5 Treatment of Aliens and Their Assets
- 7.6 Exhaustion of Local Remedial Rule

**Unit 8: Jurisdiction** (5 Hours)

- 8.1 Concept of State Sovereignty and Jurisdiction
- 8.2 Basis of Jurisdiction
- 8.3 Forms of Jurisdiction
  - 8.3.1 Territorial Jurisdiction
  - 8.3.2 Personal Jurisdiction
  - 8.3.3 Maritime Jurisdiction
  - 8.3.4 Jurisdiction in Aero-Space

**Unit 9: Immunities and Privileges** (6 Hours)

- 9.1 Diplomatic Immunities
- 9.2 Consular Immunities
- 9.3 Immunities of Special Missions
- 9.4 Immunity of Foreign States
- 9.5 Immunity and Privileges of International Organizations
- 9.6 Limitations on Immunities
- 9.7 Recent Trends on Immunities and Privileges

**References Books**

- Bashyal, B. (2013). *Sarbanjanik antarastriya kanoon* (2<sup>nd</sup> ed.) [Public international law] (in Nepali). Lumbini Prakashan.
- Boas, G. (2012). *Public international law: Contemporary principles and perspectives*. Edward Elgar Publishing.
- Brownlie, I. (2008). *Principles of public international law* (7<sup>th</sup> ed.). Oxford University Press.
- Cassese, A. (1988). *International law in a divided world*. Clarendon Press.
- Crawford, J. (2012). *Brownlie's principles of public international law* (8<sup>th</sup> ed.). Oxford University Press.

- Harris, D. J. (1998). *Cases and materials on international law* (5<sup>th</sup> ed.). Sweet & Maxwell.
- Henderson, C. W. (2010). *Understanding international law*. Wiley-Blackwell.
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- Starke, J. G. (1997). *An introduction to public international law*. Butterworth.
- Talmon, S. (2016). *Essential texts in international law*. Edward Elgar Publishing.
- Upadhyaya, L. K. (1999). *Teaching of public international law*. Kirtipur: Curriculum Development Centre, Tribhuvan University.

# Property Law

## Third Semester

**Course Code:** LAW5206

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a foundational understanding of property law, including its concepts, classifications, historical development in Nepal, and the legal significance of ownership and possession.
- To enable students to analyze the legal mechanisms of property acquisition, transfer, inheritance, and partition, along with related procedures, documentation, and landmark judicial interpretations within the Nepali legal framework.
- To familiarize students with Nepal's land tenure systems and land laws, including traditional forms, land reforms, acquisition, compensation processes, co-ownership structures, tenancy regulations, and the administration of trusts and charitable institutions.
- To equip students with knowledge of intellectual property law and dispute resolution mechanisms, focusing on the protection of rights related to copyrights, patents, trademarks, and the role of courts and ADR in resolving property-related issues.

## Unit 1: Introduction to Property Law

**(5 Hours)**

1.1 Concept of Property

1.2 Theories of Property

1.3 Kinds of Property

1.4 Importance of Property

1.5 Historical Development of Property law in Nepal

1.6 Sources of Property Law in Nepal

1.7 Constitutional Provisions on Property Rights in Nepal

1.8 "Property" as interpreted by the Supreme Court of Nepal

**Unit 2: Ownership and Possession (4 Hours)**

- 2.1 Concept of Ownership and Possession
- 2.2 Types of Ownership and Possession
- 2.3 Modes of acquisition of Ownership and Possession
- 2.4 Relationship between Ownership and Possession
- 2.5 Adverse Possession and Illegal Acquisition as Interpreted by the Supreme Court of Nepal

**Unit 3: Acquisition and Transfer of property (4 Hours)**

- 3.1 Modes of Acquisition of Property
  - 3.1.1 Possession including Adverse Possession
  - 3.1.2 Prescription
  - 3.1.3 Agreement
  - 3.1.4 Inheritance
- 3.2 Transfer of Property
  - 3.2.1 Partition
  - 3.2.2 Sale
  - 3.2.3 Mortgage
  - 3.2.4 Gift
  - 3.2.5 Auction
  - 3.2.6 Will (*Asthaloh*)
- 3.3 Registration and Documentation of Property Transaction in Nepal

**Unit 4: Land Law and Land Tenure System in Nepal (8 Hours)**

- 4.1 Overview of Land Laws in Nepal
  - 4.1.1 Land Act, 2021 B.S
  - 4.1.2 Guthi Corporation Act, 2033 B.S
  - 4.1.3 Nepal Trust Act, 2064 B.S
  - 4.1.4 Land Measurement and Survey Act, 2019 B.S
  - 4.1.5 Land Revenue Act, 2034 B.S
  - 4.1.6 Land Acquisition Act, 2034 B.S
- 4.2 Traditional Land Tenure System in Nepal
  - 4.2.1 Kipat
  - 4.2.2 Birta
  - 4.2.3 Jagir

4.2.4 Guthi

4.2.5 Jamindari and Talukdari

4.2.6 Mohi

4.3 Land Reform and their Impact on Property Ownership

**Unit 5: Land Acquisition and Compensation (3 Hours)**

5.1 Principle of Eminent Domain

5.2 Procedures for Land Acquisition in Nepal

5.3 Determination of Compensation for Acquired Land

5.4 Landmark-Judgment

**Unit 6: Co-ownership and Joint Property (2 Hours)**

6.1 Rights and Duties of Co-owners

6.2 Management and Division of Co-owned Property

6.3 Dissolution of Co-Ownership

**Unit 7: Succession and Inheritance (3 Hours)**

7.1 Concept of Succession and Inheritance

7.2 Rights and Liabilities of Heirs and Beneficiaries

7.3 Procedures of claiming Inheritance in Nepal

7.4 Landmark Judgments

**Unit 8: Partition (4 Hours)**

8.1 Concept and Significance of Partition in Property Law

8.2 Types of Partition

8.3 Procedures and Formalities for Seeking Partition in Nepal

8.4 Landmark Judgments

**Unit 9: Tenancy and Land Laws (2 Hours)**

9.1 Rights and Obligations of Landlords and Tenets

9.2 Upper Ceiling of Land Ownership and Tenancy

**Unit 10: Trusts and Charitable Institutions (2 Hours)**

10.1 Trusts as Legal Entity for Property Management

10.2 Formation and Administration of Trusts in Nepal

10.3 Charitable Institutions and their Regulatory Framework

**Unit 11: Registration of Deeds and Documents (2 Hours)**

- 11.1 Importance and Purpose of Registering Property Deeds and Documents
- 11.2 Obligatory Registration of various types of Deeds
- 11.3 Registration Process and Requirements
- 11.4 Transfer of Land Property without Registration of Deed.

**Unit 12: Intellectual Property Law (6 Hours)**

- 12.1. Overview of Intellectual Property Law
- 12.2. Copyrights, Patent, Trademark, Design, Trade Secrets, Goodwill
- 12.3. Protection and Enforcement of Intellectual Property Rights in Nepal
- 12.4. Landmark Judgments

**Unit 13: Dispute Resolution in Property Matters (3 Hours)**

- 13.1 Alternative Dispute Resolution (ADR) Mechanisms in Nepal
- 13.2 Role of the Courts in Resolving Property Matters.

**Prescribed Cases**

*Ramdulari Sravan Baishnav vs. Saligram Sravan Baishnav*, NKP. 2065 B.S, D.N. 7939

*Dawa Tasi Lama vs. GoN*, NKP, D.N. 9499

*Sanu Shrestha vs. GON*, N.K.P 2074 B.S, D.N. 9986

*Guljariya Devi Yadavni vs. Gunjeshwari Devi Yadav*, NKP.2074 B.S, D.N. 9850.

*Kaman Bahadur Khadka. vs. Shiwa Kumari Khadka*, NKP. 2063 B.S, D.N. 7792

*Jhagmi Palvar Bist vs. Diki Dolkar Palvar Bist*, NKP 2067 B.S, D.N. 8359.

*Minbahadur Basnet vs. Bedkumari Basnet*, NKP 2059 B.S, D.N. 7087

*Adv. Om Prakash Aryal vs. GoN*, 078-WC-0004, Decision. Date 2080-10-24

*Kiran Shoes vs. Dept. of Industry*, NKP 2062 B.S, D.N. 7536.

*Mount Bruary vs. United Bruary*, NKP. 2067 B.S, D.N. 8356.

*Ram Pratap Khadka vs. Kathmandu Metropolitan Police*, Hanumandhoka, NKP. 2072 B.S, D.N. 9435

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- Dahal, K. (Ed.). (2076 B.S.). *Explanatory commentary of Muluki civil code* [in Nepali]. Pairavi Book House Pvt. Ltd.
- Devkota, S. (2077, Ashoj). *Achal sampati hastantaran ko likhat ko registration ra yasko apabad* [Registration of immovable property transfer documents and its exceptions] [in Nepali]. *Nepal Kanoon Paricharcha*, (2). Nepal Law Campus, Faculty of Law, Tribhuvan University.
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- Regmi, M. C. (1978). *Land tenure and taxation in Nepal*. Ratna Pustak Bhandar.
- Shrestha, G. B. (2072 B.S.). *Property law* [in Nepali]. Pairavi Prakashan.

# Comparative Law

## Third Semester

**Course Code:** LAW5207

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with the foundations of comparative law, including its origin, functions, and relevance in the globalized legal context.
- To acquaint students with fundamental knowledge of major legal systems of the world, such as Common Law, Civil Law, Socialist Law, Religious Legal Systems, and Confucian Law.
- To enable students to analyze and compare the structures, sources, and legal professions of different legal systems, including those of the UK, USA, France, Germany, China, Japan, and India.
- To develop students' ability to identify similarities and differences between legal systems, fostering critical understanding of legal traditions and their practical implications in various jurisdictions.

## Unit 1: Comparative Law and Legal Systems (12 Hours)

- 1.1 Concept and Genesis of Comparative Law
- 1.2 Relationship and Distinction with other Disciplines
- 1.3 Importance for Studying Comparative Law
- 1.4 The Functions, Objectives and Uses of Comparative Law
- 1.5 Division of Comparative Law
- 1.6 Problems of Studying Foreign Law
- 1.7 Nature and Position of Comparative Law in the Era of Globalization
- 1.8 Concept and Origin of Legal System
- 1.9 Components of Legal System
- 1.10 Criteria for grouping of Legal Systems into Major Families
- 1.11 Major Legal Systems in the World

- Unit 2: Common Law System (8 Hours)**
- 2.1 Concept, Origin and Development of English Law and American Law
  - 2.2 Sources of English Law and American Law
  - 2.3 Court Structure of English Law and American Law
  - 2.4 Legal Profession in English Law and American Law
- Unit 3: Civil Law System (8 Hours)**
- 3.1 Origin, Development and Sources of Civil Law System
  - 3.2 Concept and Origin of Roman, French and German Law
  - 3.3 Court Structure of Roman, French and German Law
  - 3.4 Legal Profession in Roman, French and German Law
- Unit 4: Socialist Legal System (4 Hours)**
- 4.1 Concept, Origin and Development
  - 4.2 Sources
- Unit 5: Religious Legal System (4 Hours)**
- 5.1 Concept and origin of Muslim and Hindu Law
  - 5.2 Schools of Muslim and Hindu Law
  - 5.3 Sources of Muslim and Hindu Law
- Unit 6: Comparison of Legal Systems (4 Hours)**
- 6.1 Inquisitorial versus Adversarial System
  - 6.2 Common Law System and Civil Law System
- Unit 7: Confucian Law, Modern Laws of the South Asia and East Asia (8 Hours)**
- 7.1 Chinese Legal System
    - 7.1.1 Concept of Confucian Law
    - 7.1.2 Concept and Sources of Modern Chinese Law
    - 7.1.3 Court Structure and Legal Profession
  - 7.2 Japanese Legal System
    - 7.2.1 Concept and Sources of the Japanese Law
    - 7.2.2 Court Structure and Legal profession
  - 7.3 Indian Legal System
    - 7.3.1 Concept and Sources of Indian Legal Systems
    - 7.3.2 Court Structure and Legal Profession

## References Books

- Dahal, K. (Ed.). (2076 B.S.). *Explanatory commentary of Muluki Civil Code*. Kathmandu: Pairavi Book House Pvt. Ltd.
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# Criminal Law-II

## Fourth Semester

**Course Code:** LAW5301

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students with a comprehensive understanding of offences against property and person, including specific crimes such as theft, arson, homicide, human trafficking, kidnapping, and defamation, along with relevant legal provisions and judicial interpretations in Nepal.
- To familiarize students with various sexual offences, including rape, incest, pedophilia, sexual harassment (including workplace-related), and unnatural sexual conduct, enabling critical legal analysis and application.
- To develop students' skill to analyze offences related to marriage and legal documentation, such as bigamy, child marriage, fraudulent marriages, forgery, and fraud, with emphasis on the legal consequences and landmark cases in the Nepali context.
- To enable students to explore offences against the state and review significant legal cases, enhancing their understanding of treason, sedition, crimes against state security, and the broader application of criminal law principles in real-life scenarios.

### Unit 1: Offence against Property

**(8 Hours)**

#### 1.1 Meaning and classification of Property Offences

##### 1.1.1 Theft

##### 1.1.2 Cheating

##### 1.1.3 Looting

##### 1.1.4 Arson

### Unit 2: Offences against Person

**(15 Hours)**

#### 2.1 Homicide

##### 2.1.1 Definition and Classification of Homicide

- 2.1.2 Provisions relating to the Homicide in Nepal
- 2.2 Abortion
- 2.3 Hurt (*Kutpit*)
- 2.4 Human Trafficking and Transportation
  - 2.4.1 Definition and types of Human Trafficking
- 2.5 Abduction and Kidnapping
  - 2.5.1 Distinction between Abduction and Kidnapping
- 2.6 Criminal Defamation
  - 2.6.1 Libel
  - 2.6.2 Slander
- 2.7 Domestic Violence

**Unit 3: Sexual Offences (9 Hours)**

- 3.1 Rape
- 3.2 Incest
- 3.3 Pedophile
- 3.4 Sexual Harassment and Sexual Harassment at Workplace
- 3.5 Unnatural Sexual Offences

**Unit 4: Offence Relating to Marriage (6 Hours)**

- 4.1 Types of Punishable Marriage
  - 4.1.1 Bigamy
  - 4.1.2 Child Marriage
  - 4.1.3 Incestuous Marriage
  - 4.1.4 Fraudulent Marriage

**Unit 5: Offences Related to Documents (4 Hours)**

- 5.1 Forgery
- 5.2 Fraud

**Unit 6: Offences against State (6 Hours)**

- 6.1 Treason
- 6.2 Sedition
- 6.3 Crime against Official Secrets

**Prescribed Cases**

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

- His Majesty's Government of Nepal vs. Abdul Phatte Muslman, NKP (2044B.S), No.8, P.840 (case Related to suicide pact).
- Mahendra Raj Bam vs. His Majesty's Government of Nepal, NKP (2051B.S), No.4, P.226, (case Related to essential element of an attempt to murder).
- Janak Tripathi & Others vs. His Majesty's Government of Nepal, NKP (2062B.S), No. 9, P. 269 (case Related to the proof of rape).
- Government of Nepal vs. Vasanta Kumar Yadav et al, NKP (2064B.S), No. 4, P. 426 (cases Related to the difference between No.6 and No. 14 of Chapter on Homicide).
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- Tiratna Chitrakar vs. Government of Nepal, NKP (2066B.S), No. 5, P.784 (case Related to the sexual abuse of children).
- Indra Prasad Khanal vs. Government of Nepal, NKP (2068 B.S), No. 7, P.1235 (case Related to vehicular homicide and different categories of mens rea and reckless vehicular homicide).
- Hendric Otto vs. Government of Nepal, NKP (2069B.S), No. 7, P.1076 (case Related to the sexual abuse of children).
- Ramesh Nyaupane vs. GON, Muddha: Jabarjasti Karani (Case no. 0077-CF-0002) Nirnaya Miti: 2079-03-09. (Prof of Rape)
- Santosh Kumar Yadav vs. GON, (2080 B.S), No. 1, D.N. 11015 (Child Marriage and Statutory Rape)

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## Public International Law–II

### Fourth Semester

**Course Code:** LAW5302

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of public international law, particularly the regulation of treaties, armed conflicts, and hostile situations among nations.
- To familiarize students with the methods of resolving disputes and addressing armed conflicts, focusing on treaties, the use of force, neutrality, intervention, and related legal concepts.
- To equip students with the tools to critically analyze contemporary global issues and the application of international law in conflict situations.
- To enable students to propose workable solutions for the resolution of international disputes and conflicts based on principles of international law.

### Unit 1: Treaties

(7 Hours)

- 1.1 Meaning, Types and Importance of Treaties
- 1.2 Concept of *Jus Cogens*, *Pacta Sunt Servanda* and *Rebus Sic Stantibus*
- 1.3 Conclusion, Reservation, Ratification and Termination of Treaties
- 1.4 Interpretation of Treaties and *Travaux Preparatoires*
- 1.5 Effects of War on Treaties
- 1.6 Treaty Making Power under the Constitution of Nepal

### Unit 2. Use of Force and War

(8 Hours)

- 2.1 Meaning and Types of War
- 2.2 Historical Evolution of Laws of War
- 2.3 Concept of *jus ad bellum*, *jus in bello* and *jus contra bellum*
- 2.4 Principles of Prohibition of Use of Force under the UN Charter

- 2.5 Aggression
- 2.6 Self-Defense and Collective Security

**Unit 3: Neutrality (3 Hours)**

- 3.1 Meaning of Neutrality
- 3.2 Concept of Neutrality, Neutralization, Non-Alignment and Neutralism

**Unit 4: Intervention (4 Hours)**

- 4.1 Concept of Intervention
- 4.2 Humanitarian Intervention
- 4.3 Intervention by Invitation
- 4.4 Regional Peace Keeping and Enforcement Actions

**Unit 5: Blockade (3 Hours)**

- 5.1 Meaning of Blockade
- 5.2 Characteristics and Validity of Blockade
- 5.3 Breach of Blockade and Its Consequences

**Unit 6: Contraband (2 Hours)**

- 6.1 Meaning
- 6.2 Forms
- 6.3 Prize Court

**Unit 7: Laws of Armed Conflicts (9 Hours)**

- 7.1 Introduction to International Humanitarian Law
- 7.2 Protection of Wounded, Sick and Shipwrecked
- 7.3 Protection of Civilians
- 7.4 Protection of Prisoners of War
- 7.5 Means and Methods of Warfare
- 7.6 War Crimes

**Unit 8: Means of Settlement of International Disputes (12 Hours)**

- 8.1 Peaceful Means
  - 8.1.1 Diplomatic Methods
    - (a) Negotiation
    - (b) Good Offices and Mediation
    - (c) Inquiry and Conciliation

- 8.1.2 Institutional Methods
  - (i) United Nations Organization (UNO)
  - (ii) Regional Organization
- 8.1.3 Binding or Judicial Methods
  - (a) Arbitration
  - (b) Judicial Settlement (ICJ & ITLOS)
- 8.2 Compulsive Means
  - 8.2.1 Retortion, Retaliation and Reprisals
  - 8.2.2 Embargo
  - 8.2.3 Pacific Blockade
- 8.3 Emerging Trends in Dispute Settlement

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- Boas, G. (2012). *Public international law: Contemporary principles and perspectives*. Edward Elgar Publishing Limited.
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# Constitutional Law-II

## Fourth Semester

**Course Code:** LAW5303

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of history of constitutional foundations, including principles, structures, and norms governing a country.
- To develop students' ability exploring knowledge about fundamental rights and their relationship with directive principles of state policies.
- To enable students to elucidate the roles, powers, and limitations of the three branches of government.
- To enhance students' capacity to comprehend constitutional issues including imposition of emergency powers, amendments of the constitution, political parties, and the functions of various constitutional bodies.

### Unit 1: Constitutional History of Nepal

**(6 Hours)**

- 1.1 Pre-Constitutional History of Nepal
- 1.2 Constitutional History of Nepal
- 1.3 Major events of Nepalese Constitutional History
- 1.4 Basic Features of the Constitution of Nepal

### Unit 2: Fundamental Rights and Duties

**(6 Hours)**

- 2.1 Different Types of Rights
- 2.2 Origin and Development of Fundamental Rights
- 2.3 Major Fundamental Rights and Duties in the Constitution of Nepal
- 2.4 Limitations of the Fundamental Rights on the State
- 2.5 Remedies for the Enforcement of Fundamental Rights

**Unit 3: Directive Principles, Policies and Obligations of the State**  
**(4 Hours)**

- 3.1 Enforcement Mechanism of Directive Principles, Policies and Obligations of the State
- 3.2 Role of Judiciary in Enforcing Directive Principles
- 3.3 Relationship between Fundamental Rights and Directive Principles of the State

**Unit 4: The Executive** **(10 Hours)**

- 4.1 Executive in the Three Levels of Government
- 4.2 Interrelationship between the Federation, Provinces and Local Level
- 4.3 Constitutional Role and Responsibility of the President of Nepal
- 4.4 Role and Responsibility of Provincial Head of the Province
- 4.5 Role and Responsibility of the Prime Minister
- 4.6 Constitution of Council of Ministers in the Federal Government
- 4.7 Function, Responsibility and Accountability of Council of Ministers
- 4.8 Emergency Power
- 4.9 Role and Responsibility of Chief Minister

**Unit 5: The Legislature** **(9 Hours)**

- 5.1 Division of Legislative Power in Federal System
- 5.2 Composition of Federal Parliament
- 5.3 Functions of Parliament
- 5.4 Parliamentary Control Over Executive
- 5.5 Privileges and Immunity of Parliament
- 5.6 Committee System in Parliament
- 5.7 Dissolution of Parliament
- 5.8 Provincial and Local legislature and their Limitation on Legislation

**Unit 6: The Judiciary** **(9 Hours)**

- 6.1 Principle of Independence of Judiciary
- 6.2 Structure of Judiciary

- 6.3 Appointment, Service, Privileges, and Removal of Chief Justice & Judges of Supreme Court
- 6.4 Jurisdiction of the Supreme Court
- 6.5 Constitutional Bench and its Role
- 6.6 Concept of Judicial Review
- 6.7 Contempt of Court
- 6.8 Major Principles of Constitutional Interpretation

**Unit 7: Constitutional Amendment, Constitutional Functionaries and Political Party (5 Hours)**

- 7.1 Political Parties
- 7.2 Constitutional Bodies
- 7.3 Amendment of the Constitution and basic Structure Doctrine

**References Books**

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- Singh, T. B. (1989). *Constitution and constitutional law of Nepal* [in Nepali] (3<sup>rd</sup> ed.). Ratna Pustak Bhandar.
- Thapa, K. B., & B.R. Upreti (2<sup>nd</sup> ed.). (2054). *Constitutional law of Nepal* [in Nepali]. FREEDAL.
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# Family Law

## Fourth Semester

**Course Code:** LAW5304

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a foundational understanding of Nepalese family law, including its meaning, nature, scope, historical development, and recent trends, while examining its social and legal implications.
- To equip students with detailed knowledge of key components of family law, such as marriage, divorce, adoption, partition, inheritance, child custody, and surrogacy, emphasizing relevant legal provisions, procedures, and rights and duties of family members.
- To develop students' ability to analyze family law through a gender and rights-based lens, including perspectives on sexual minorities, alimony, succession rights, and child welfare, and to assess the gaps between law and practice in Nepal.
- To familiarize students with the structure and function of family courts and dispute resolution mechanisms, comparing Nepalese practice with international models to promote effective justice delivery in sensitive family matters.

### Unit 1: Introduction of Family Law

**(6 Hours)**

1.1 Meaning of Family Law

1.2 Nature: and scope of Family Law

1.3 Importance of Family Law

1.4 Historical Development of Nepalese Family Law

1.5 Recent Trends of Family Law

### Unit 2: Marriage

**(8 Hours)**

2.1 Concept of Marriage

2.2 Classical marriage and Modern Marriage

- 2.3 Conditions of Valid Marriage
- 2.4 Void and Voidable Marriage
- 2.5 Punishment of Marriage - Child marriage, Polygamy, Incest  
Marriage and Conflicting issue like Jari, Living together,  
Automatic Marriage, Sexual minorities and Marriage Rights
- 2.6 Procedural Requirements of Marriage (like Necessity of  
Social Marriage, Registration of Marriage)
- 2.7 Registered Marriage-Court Marriage
- 2.8 Consequence of Marriage with included Right and Duties of  
Husband and Wife

**Unit 3: Matrimonial remedies (8 Hours)**

- 3.1 Concept of Divorce- Religious notion and Right- based  
Approach
- 3.2 Concept of New aspect of Matrimonial Reliefs (Judicial  
Separation, Restitution of Conjugal Rights)
- 3.3 Theories of Divorce
- 3.4 Procedures of Divorce Court and Judicial Committee
- 3.5 Property Rights after Divorce, Alimony and Maintenance
- 3.6 In congruency of Law and Practice of Divorce
- 3.7 New Trends, Consequence of Divorce

**Unit 4: Relation between Parents and Children (6 Hours)**

- 4.1 Paternity and Maternity
- 4.2 Responsibility of Parents and Children- Best Interest of Child
- 4.3 Custody of Child and Parental Authority
- 4.4 Guardianship
- 4.5 Curatorship
- 4.6 Surrogacy, In Vitro Fertilization (IVF)
- 4.7 Court Perspective towards the Right of Child Custody

**Unit 5: Adoption (6 Hours)**

- 5.1 Concept of Adoption
- 5.2 Conditions of Adoption
- 5.3 Procedure of Adoption
- 5.4 Status of adopted Child

- 5.5 Responsibility of the Adoptive Parents
- 5.6 Conditions for Invalidating Adoption
- 5.7 Termination of Adoption
- 5.8 Inter-Country Adoption

**Unit 6: Partition, Property and Inheritance (11 Hours)**

- 6.1 Concept of Partition
- 6.2 Historical Development of the Laws of Partition
- 6.3 Ancestral property, Personal property and Joint property
- 6.4 Coparceners and Coparceners Right on Property
- 6.5 Manager of the House and Property in Common
- 6.6 Kitchen Separation and Reunion of Families
- 6.7 Jiyuni
- 6.8 Partition from Gender Perspective
- 6.9 Deed of Partition
- 6.10 Inventory of Property
- 6.11 Meaning of Inheritance
- 6.12 Heirs to the Inheritance
- 6.13 Disqualification for Inheritance
- 6.14 Rights and Obligations of Successor

**Unit 7: Family Court and Family Law Cases (4 Hours)**

- 7.1 Special Nature: of Family Law Cases (Children involved, Relation within Family involved, Sensitive, Requirement of Speedy Justice)
- 7.2 Family Court and its Importance
- 7.3 Separate Family Court or Existing System of Court for Family Issues
- 7.4 Foreign Practice of Family Court

**Prescribed Cases**

Puran Samsher J.B.R. vs. Krin Rana, N.K.P 2075 B.S Vol.4, D.No. 9999

Krishna Serchan vs. Padam Kumari Serchan N.K.P, 2067 B.S Vol.4, ,  
D.No. 8487

Prem Prasad Timilsina vs. Ramananda Timilsina N.K.P, 2075 B.S Vol.4,  
D.No. 10035

Rabindra Kami vs. Tilottama Kami N.K.P 2062 B.S , Vol.4, D.No. 7528  
Puspa raj vs. Nepal Government N.K.P 2074 B.S , Vol.4, D.No. 9757  
Dr. Rajaram Karki vs. Usha karki N.K.P, 2067 B.S Vol.4, D.No. 8487  
Dr. Rajaram Karki vs Usha karki N.K.P 2070 B.S , Vol.4, D.No. 9014  
Sunil Babu Pant vs. GON and Others N.K.P 2065 B.S Vol,4 D.No. 7958  
Sudhansu Koirala vs. Snidha Mainali N.K.P 2077 B.S , D.No. 10482  
Naryan Prasad Tharu vs. Harendra Kumar Chaudhari N.K.P 2076 B.S ,  
Vol.4, D.No. 10394  
Meera Dhungana vs. HMG N.K.P 2052 B.S , Vol.4, D.No. 6013  
Sukum Thapa vs. Pitamber Thapa, N.K.P 2076 B.S Vol. 9 D.No. 10346

### **References Books**

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Mohnot N. &, Richa Vinod Singh , (2018), Surrogacy and the law,  
Mohan law house India  
Chatterjee I. (2019). Gender justice and Feminist Jurisprudence,  
Central Law Publications, Allahabad india.

# Law of Contract-I

## Fourth Semester

**Course Code:** LAW5305

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with a foundational understanding of the meaning, evolution, sources, and key principles of contract law, including its relevance in contemporary society and its reflection in Nepalese legal context.
- To equip students with analytical skills to interpret the formation, classification, and terms of contracts, including doctrines such as privity, promissory estoppel, and unjust enrichment, along with comparative and international perspectives.
- To develop students' ability comprehend understanding of legal concepts related to performance, breach, discharge, and remedies of contract, emphasizing the procedural and substantive aspects of Nepalese contract law.
- To enable students to evaluate critically case laws and practical application of contract law principles, including void and voidable contracts, e-contracts, arbitration, and judicial remedies, enhancing students' legal reasoning and problem-solving skills.

## Unit 1: Introduction

**(8 Hours)**

1.1 Concept of Contract

1.2 Genesis of Contract Law

1.3 Sources of Contract Law

1.4 Freedom of Contract and its Limitation

1.5 Essentials of Valid Contract

1.6 Convention on the Law Applicable to Contractual Obligations  
1980 (Rome Convention)

1.7 Influence of International Human Rights in Contract

1.8 Role and Significance of Contract in Society

1.9 Historical Development of Nepalese Contract Law

1.10 Basic Features of Nepalese Contract Law

**Unit 2: Classification and Kinds of Contract (4 Hours)**

2.1 Indirect/ Quasi Contract

2.1.1 Concept of Quasi Contract

2.1.2 Doctrine of Unjust Enrichment

2.1.3 Nepalese Provisions

2.2 Contingent Contract

2.2.1 Concept of Contingent Contract

2.2.2 Distinction between Contingent Contract and Wagering Agreement

2.2.3 Nepalese Provisions

2.3 E-Contract: Validity and Enforceability

**Unit 3: Formation of Contract (8 Hours)**

3.1 Capacity to Contract

3.1.1 Meaning and Capacity to Contract

3.1.2 Incapacity to Contract by Minors, Persons of Unsound Mind, Disqualified Persons

3.1.3 Legal Consequences of Contract made with Person with incapacity

3.2 Party Autonomy and Limitations on Freedom of Contract

3.3 Offer

3.3.1 Meaning of Offer

3.3.2 Rules Regarding Valid Offer

3.3.3 Type of Offer

3.3.4 Communication of Offer; Electronic Communications and Emails

3.3.5 Revocation and Termination of Offer

3.3.6 Offer and General Invitation to Treat/ Offer

3.3.7 Nepalese Provisions

3.4 Acceptance of Offer

3.4.1 Meaning of Acceptance

3.4.2 Rules Regarding Valid Acceptance

- 3.4.3 Communication Effectiveness of Acceptance: By Performance, by Promissory Acceptance, Acceptance by Silence or Inaction, Electronic Acceptance
- 3.4.4 Revocation and Termination of Acceptance: Proposal Presented Before the Public
- 3.4.5 Nepalese Provisions
- 3.5 Consideration
  - 3.5.1 Meaning and Nature of Consideration-*Nudum Pactum*
  - 3.5.2 Rules regarding Consideration, Unlawful Consideration and its Effect
  - 3.5.3 Kinds and Adequacy of Consideration
  - 3.5.4 Doctrine of Privity of Contract and Consideration: Exceptions
  - 3.5.5 Doctrine of Promissory Estoppels
  - 3.5.6 Nepalese Provisions

**Unit 4: Terms of Contract**

**(2 Hours)**

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

**Unit 5: Void and Voidable Contract**

**(8 Hours)**

- 5.1 Void Contract
  - 5.1.1 Unlawful Agreements
  - 5.1.2 Statutory Illegality
  - 5.1.3 Immoral Agreements and Agreement Opposed to Public Policy
  - 5.1.4 Impossible Contract
  - 5.1.5 Uncertain Contract
  - 5.1.6 Nepalese Legal Provisions
- 5.2 Voidable Contract
  - 5.2.1 Consent

- 5.2.2 Exception of free consent and Consequence:
  - (i) Coercion/ Duress
  - (ii) Undue Influence
  - (iii) Fraud
  - (iv) Misrepresentation/ Deceit
  - (v) Mistake
- 5.2.3 Effects of without Free Consent
- 5.2.4 Nepalese Provisions
- 5.3 Comparison between Void and Voidable Agreements

**Unit 6: Performance of Contract and Assignment of Contract** **(8 Hours)**

- 6.1 Concept Performance of Contract
- 6.2 Types of performance: Actual and Attempted
- 6.3 Requisites of Valid Tender
- 6.4 Provisions of Nepalese Contract law
- 6.5 Meaning of Assignment of Contract
- 6.6 Rules regarding Assignment and of Rights, Liabilities and Exceptions
- 6.7 Assignment by Operation of Law
- 6.8 Provisions under Nepalese Contract law

**Unit 7: Discharge of a Contract** **(4 Hours)**

- 7.1 Discharge by Breach of Contract: Actual Breach and Anticipatory Breach
- 7.2 Discharges by Performance
- 7.3 Discharge by Operation of law
- 7.4 Discharge by Agreement by Parties
- 7.5 Discharge by Impossibility and Doctrine of Frustration
- 7.6 Discharge by Lapse of Time

**Unit 8: Breach of Contract and Remedies** **(6 Hours)**

- 8.1 Meaning of Breach of Contract
- 8.2 Types of Remedies
  - 8.2.1 Self Help Remedies: Sell, Forfeiture or use of security or Bank Guarantee, Recovery from advance or Deposit
  - 8.2.2 Recession from contract

8.2.3 Judicial Remedies: Suit for damages, Right for restitution, Suit for specific Performance, Injunction, and Suit of Quantum Meruit

8.2.4 Arbitration

### **Prescribed Cases**

Chitra Bahadur Karki vs. Maniram Agrwal, N.K.P 2071 B.S, Vol. 10, D.No. 9264 (Meaning of contract / No consideration No contract)

Pradip Raj Pandey v. Karmalaxmikanshakar, N.K.P 2071 B.S, Vol. 10 3, D.No. 9368 (Doctrine of Frustration)

Damodar Ropways and Construction Company v. Ministry of Finance, NKP 2073 B.S Vol 5 D.No. 9591 (FULL Bench, Free Consent)

Dewta Baniya v. Durga Prasad Baniya et.al, NKP 2074 B.S Vol.3 D.No.9782 (Void Contract)

Madav Kumar Karki v. High Court Patan and Others, N.K.P 2077 B.S. Vol..3 D.No. 10461 (Parties are Autonomous)

Tularatna Bajracharya v. Tara Shrestha Patravansh, N.K.P 2077 B.S, Vol..8, D.No. 10548, (Larger Full Bench, Essential Elements of Valid Contract)

Pawan Raj Bhandari v. Ram Shrestha, N.K.P 2078, Vol..8, D.No. 10724 (Performance of Contract)

Devi Khatri v. Dev Bahadur Gurung, N.K.P 2069 B.S, Vol..11M D.No. 10969 (Doctrine of Unjust Enrichment)

Nepal Recreation Center Pvt. Ltd. v. Soaltee Hotel Ltd, N.K.P 2080 B.S, Vol..3, D.No. 11044 (Termination of Contract)

Shree Ram Sharma Devkotta v. Sudip Kumar Sharma, N.K.P 2080 B.S, Vol..8, D.No.11156 (Limitation of Contract)

Summit Hotel Pvt. Ltd. V. Sarada Prasai and others, N.K.P (2070 B.S), Vol 2, P. 288 (Specific Performance)

Tirtha Kumari Rana V. Ram Shanker Shrestha, NKP (2040 B.S) (Specific Performance)

Department of Roads v, Nepal Adarsha Company Pvt. Ltd. NKP (2068 B.S) No. 6 D.No

Achyut Prasad Kharel v. Government of Nepal, N.K.P. 2064 B.S, Vol 5

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# Procedural Law–I

## Fourth Semester

**Course Code:** LAW5306

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students with theoretical knowledge about the basic principles of procedural law.
- To acquaint students with related legal provisions and the court trends on basic principles of procedural law and application of legal procedure thereof.
- To familiarize students with basic idea about modern trends in procedural law with its historical development in Nepal.
- To develop students' ability to comprehend the court structure and the jurisdiction of the court.

### Unit 1: Introduction to Procedural Law (8 Hours)

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

### Unit 2: Basic Principles of Procedural Law (12 Hours)

- 2.1 Principle of Jurisdiction
- 2.2 Principle of Public Interest Litigation (PIL)
- 2.3 Principle of Natural Justice
- 2.4 Principle of *Locus-Standi*
- 2.5 Principle of *Stare-Decisis* and *Ratio-Decidendi*
- 2.6 Principle of *Res-Judicata* and *Double Jeopardy*
- 2.7 Principle of *Limitation/Laches*

**Unit 3: General Introduction to Court Procedures (12 Hours)**

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

**Unit 4: Alternative Dispute Resolutions (6 Hours)**

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

**Unit 5: Recent Practices (10 Hours)**

- 5.1 Separate Bench Systems
  - 5.1.1 Civil Bench
  - 5.1.2 Criminal Bench
  - 5.1.3 Juvenile Bench
  - 5.1.4 Commercial Bench
  - 5.1.5 Constitutional Bench
  - 5.1.6 Family Bench
  - 5.1.7 Live Streaming
- 5.2 *Amicus-Curie*
- 5.3 Continuous Hearing
- 5.4 In-Camera Hearing
- 5.5 Use of Information Technology
- 5.6 Differentiated Case Management (DCM) Model in Nepal

**Prescribed Cases**

*Kallu Tharu (Chaudhary) vs. Appellate Court, Dipayal Doti & Others*, NKP (2060 B.S), No. 3/4, P. 317, D.No. 7209.

*Parsuram Banjade vs. Durgadas Shrestha*, Bagmati Special Court, Kathmandu & Others, NKP (2027B.S), No. 7, P. 157, D.No. 547

*Pradip Kumar Agrawal vs. Tax Office Morang*, NKP 2052 B.S., No. 7, D.No. 6032.

*Narayanhari Gajurel vs. Civil Service Commission*, NKP 2051 B.S, No.12, D.No. 5019.

*Chandrakala Devi Rajputani vs. Land Reform Office*, NKP 2044 B.S, No. 10, D.No. 3227.

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- Adam, J. C., & J.C Adam (1934). *Criminal investigation: A practical textbook for magistrates, police officers and lawyers* (2nd ed.). London: Sweet & Maxwell.
- Bhattarai, A. M., et al. (2065 B.S.). *Problems and solutions related to the execution of decisions*. Lalitpur: Nepal Judicial Academy.
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- Dhungel, L. (2080 B.S.). *Karyabidhi kanoon* (in Nepali).
- Neupane, G. (2065 B.S.). *Karyabidhi kanoon* (in Nepali). Kathmandu: Lumbini Prakashan.
- Ojha, P. K. (2070 B.S.). *Procedural law*. Kathmandu: Lumbini Prakashan.
- Pandit, S. P. (2008). *Law and justice: Articles, commentaries, and memoirs*. Kathmandu: Umadevi Pandit.
- Shrestha, G. B. (2072 B.S.). *Karyabidhi kanoonko rooprekha* [Outline of procedural law] (in Nepali). Kathmandu: Pairavi Prakashan.
- Writ nibedan: Siddhanta ra byabahar* [Writ petition: Theory and practice] (in Nepali). (2068 B.S.). Kathmandu: Pairavi Prakashan

# Nepali Legal System

## Fourth Semester

**Course Code:** LAW5307

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with the Nepalese legal system, including its definition, global context, and various legal traditions such as common law, civil law, and religious legal systems.
- To enable students to examine the historical evolution of Nepal's legal framework by analyzing key dynastic periods, major legal codes, and the influence of both formal and non-formal legal systems.
- To enhance students' ability to explore the structure, features, and current challenges of the contemporary Nepalese legal system, including constitutional provisions, law-making processes, codification efforts, and the impact of foreign and cultural influences.
- To develop students' ability to analyze the organization and role of the judiciary and legal profession in Nepal, including the structure and jurisdiction of courts, the role of precedents, the history of legal education and advocacy, and legal aid mechanisms.

## Unit 1: Legal Systems: Introduction

**(6 Hours)**

1.1 Definition of Legal System

1.2 Major Legal Systems around the world

1.2.1 Common Law

1.2.2 Civil Law

1.2.3 Socialist legal system

1.3 Religious Perspectives

1.3.1 Hindu Legal system

1.3.2 Islamic Legal system

**Unit 2: History and Evolution of Nepalese Legal System (12 Hours)**

- 2.1 History of Nepalese Legal System
  - 2.1.1 Kirant Dynasty
  - 2.1.2 Lichchhavi Dynasty
  - 2.1.3 Malla Dynasty
  - 2.1.4 Shah Dynasty
  - 2.1.5 Rana Regime
  - 2.1.6 Panchayat Regime
  - 2.1.7 Post-Panchayat Regime
- 2.2 Major Historical Codes and Documents
  - 2.2.1 *Nyayabikasini*
  - 2.2.2 Code (*Thiti*) of Ram Shah
  - 2.2.3 *Muluki Ain*, 1910 BS
  - 2.2.4 *Nepal sarkarko baidhanik kanoon*, 2004 BS
  - 2.2.5 *Nepal antarim sashan bidhan*, 2007 B.S
  - 2.2.6 *Nepal adhirajyako sambidhan*, 2015 B.S
  - 2.2.7 *Nepalko sambidhan*, 2019 B.S
  - 2.2.8 *Muluki Ain*, 2020 B.S
  - 2.2.9 *Nepal Adhirajyako sambidhan*, 2047 B.S
  - 2.2.10 *Nepalko antarim sambidhan*, 2063 B.S
- 2.3 History and influence of non-formal legal system in Nepal

**Unit 3: Contemporary Nepalese Legal System (14 Hours)**

- 3.1 Reception of Law
  - 3.1.1 Foreign Reception
  - 3.1.2 Religious and Cultural influence
- 3.2 Constitution of Nepal
  - 3.2.1 Preamble
  - 3.2.2 Fundamental Rights
  - 3.2.3 State Policies and Directives
  - 3.2.4 Federalism and Separation of Powers
  - 3.2.5 Law-making process (at all levels)
- 3.3 Codification of Law
  - 3.3.1 Civil Code, 2017 (*Muluki Dewani Sanhita*, 2074 B.S)
  - 3.3.2 Civil Procedure Code, 2017 (*Muluki Dewani Karyabidhi Sanhita*, 2074 B.S)

- 3.3.3 Criminal Code, 2017 (*Muluki Aparadh Sanhita*, 2074 B.S)
- 3.3.4 Criminal Procedure Code, 2017 (*Muluki Faujdari Karyabidhi Sanhita*, 2074 B.S)
- 3.3.5 Penal Code, 2017 (*Faujdari Kasoor (Sajaya Nirdharan Tatha Karyanwayan) Ain*, 2074 B.S)
- 3.4 Contemporary Challenges
  - 3.4.1 Constitutional Challenges
  - 3.4.2 Administrative Challenges
- 3.5 Existing Non-Formal Legal Systems

#### **Unit-4 Nepalese Judicial System**

**(10 Hours)**

- 4.1 Formation, Jurisdiction, and Functioning of Courts and Tribunals
  - 4.1.1 Supreme Court
  - 4.1.2 Constitutional Bench
  - 4.1.3 High Court
  - 4.1.4 District Court
  - 4.1.5 Tribunals
  - 4.1.6 Quasi-judicial bodies
- 4.2 Role of Precedents
- 4.3 Contempt of Court
- 4.4 Challenges of Nepalese Judiciary

#### **Unit-5 Legal Profession**

**(6 Hours)**

- 5.1 History of Legal Profession in Nepal (including Notary Public)
- 5.2 Legal Education in Nepal
- 5.3 Nepal Bar Council
  - 5.3.1 Founding and successive reforms
  - 5.3.2 Nepal Bar Council Act, 2050 B.S
  - 5.3.3 Rules of Professional Code of Conduct of Legal Practitioners, 2079 B.S (2023)
- 5.4 Nepal Bar Association
  - 5.4.1 History
  - 5.4.2 Supreme Court Bar, High Court Bar, District Court Bar
- 5.5 Legal Aid

5.5.1 Legal Aid Act, 2053 B.S

5.5.2 Legal Aid Rules, 2054 B.S

### References Books

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- Bajracharya, D. B., & Shrestha, T. B. (2038 B.S.). *Shahkalka avilekh*. Tribhuvan University & Nepal Asiali Study Center.
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- Khanal, B. (2000). *Regeneration of Nepalese law*. Bhrikuti Academic Publications.
- Khanal, B. (2017). *Nepalko nyaya prashashan: Ek aitihashik simhabalokan* (3<sup>rd</sup> ed.). Bhrikuti Academic Publications.
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- Shrestha, G. B. (2075 B.S.). *Muluki aparadh sanhita, 2074; Muluki faujdari karyabidhi sanhita, 2074; Faujdari kasoor (sajaya nirdharan tatha karyanwayan) ain, 2074: Mool dafa sahit ek tippani*. Pairavi Prakashan.
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# Law of Contract-II

## Fifth Semester

**Course Code:** LAW5401

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the conceptual and operational parameters of specific contracts.
- To familiarize students with basic issues in contemporary contract law and explore the best legal remedies.
- To develop students' skills to critically analyze specific contracts in the context of Nepal.
- To enable students to make a critical appraisal of leading cases of Nepal.

## Unit 1: Contract of Indemnity and Guarantee

**(8 Hours)**

### 1.1 Contract of Indemnity

1.1.1 Concept of Contract of Indemnity

1.1.2 Types of Contract of Indemnity

1.1.3 Features of Contract of Indemnity

1.1.4 Rights and Duties of Indemnified

1.1.5 Rights and Duties of Indemnifier

1.1.6 Contract of Subrogation

(i) Meaning and Legal Basis of Subrogation

(ii) Rights and Liabilities of Parties in Subrogation

1.1.7 Provisions of Nepalese Contract Law

### 1.2 Contract of Guarantee

1.2.1 Concept of Contract of Guarantee

1.2.2 Basic features of Contract of Guarantee

1.2.3 Types of Guarantee Contracts

1.2.4 Continuing Guarantee

1.2.5 Rights, Duties, and Liability of Guarantor/Surety

1.2.6 Termination of Contract of Guarantee

- 1.2.7 Ground of Invalidation of Contract of Guarantee
- 1.2.8 Provisions of Nepalese Contract Law

**Unit 2: Contract of Bailment**

**(8 Hours)**

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

**Unit 3: Contract of Pledge and Pawn**

**(8 Hours)**

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

**Unit 4: Contract of Agency**

**(8 Hours)**

- 4.1 Meaning of Agent and Agency
- 4.2 Features of Contract Agency
- 4.3 Modes of Creating Agency
- 4.4 Types of Agent
- 4.5 Delegation of Authority to Agent and Exception
- 4.6 Rights, Duties and Personal Liability of Agent
- 4.7 Distinction between Agent, Sub-Agent and Substituted Agent
- 4.8 Rights and Duties of Principal
- 4.9 Termination of Contract of Agency
- 4.10 Nepalese Legal Provisions

**Unit 5: Contract of Lease** **(2 Hours)**

- 5.1 Meaning and Nature of Lease contract
- 5.2 Essential Elements and Formation
- 5.3 Rights and Duties of Lessor and Lessee
- 5.4 Termination of Lease
- 5.5 Nepalese Legal Provision

**Unit 6: Contract Hire Purchase** **(2 Hours)**

- 6.1 Meaning and Nature of Hire Purchase contract
- 6.2 Essential Elements and Formation
- 6.3 Rights and Duties
- 6.4 Termination of Hire Purchase contract
- 6.5 Nepalese Legal Provision

**Unit 7: Contract of Sales of Goods** **(6 Hours)**

- 7.1 Meaning of Goods, Kind of Goods and Sale of Goods
- 7.2 Essential Features of Contract of Sale of Goods
- 7.3 Distinction between Sales and Agreement to Sale
- 7.4 Pricing of Goods
- 7.5 Conditions and Warranties in Contract of Sale
- 7.6 Concept of Privity in Sale
- 7.7 Horizontal V. Vertical Privity
- 7.8 Rules Regarding Delivery and Transfer of Title and Risk of Loss of Goods
- 7.9 Rights and Duties of Seller and Buyer
- 7.10 Provisions of Unpaid Seller and Rights of the Unpaid Seller
- 7.11 Buyer's Remedies against the Seller
- 7.12 Conditions under which Contract of Sale of Goods become Void
- 7.13 Provisions of Nepalese Contract Law

**Unit 8: Contract of Carriage** **(8 Hours)**

- 8.1 Meaning of Contract of Carriage
- 8.2 Characteristics of Carriage and Contract of Carriage
- 8.3 Kinds of Carriage
  - 8.3.1 Carriage by Land

- (i) Meaning and Classification of Land Carrier
- (ii) Rights, Duties and Liabilities of Common Carrier
- (iii) Termination of Carrier's Liability

#### 8.3.2 Carriage by Rail

- (a) Meaning of Rail Carrier
- (b) Rights, Duties and Liability of Railway Administration

#### 8.3.3 Carriage by Sea

- (i) Meaning of Ship Carriage
- (ii) Contract of freight and Its Kinds
- (iii) Charter Party Classes and Clauses
- (iv) Bills of Lading
- (v) Inco Terms
- (vi) Use of Inco Terms in Nepal
- (vii) Master of Ship: Meaning,
- (viii) Rights and Duties of Master of Ship

#### 8.3.4 Carriage of Air

- (a) Meaning
- (b) Documents Relating to Carriage by Air
- (c) Liabilities of the Air Carrier

### 8.4 Provisions of Nepalese Contract Law

#### **Prescribed Cases**

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

Swamil Shrestha vs. Nepal Oil Corporation, NXP (2055B.S), No. 6, P. 340.

Rastriya Baniya Bank vs. Purnakala Aryal, NKP (2066B.S), No. 10, P. 1705.

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

Keshavkisi vs. International Leasing and Finance Company Limited et.al, NKP 2058 B.S, V.3/4, D. No. 6986 (Full Bench)

Pushpa Rawal Rayamajhi vs. Nepal Bank Limited, Central Office et.al, NKP 2069 B.S, V.7, D. No. 8861 (Surety)

Kamala Amatya vs. Himalayan Bank Limited, et.al, NKP 2070 B.S, V.4, D. No. 8997 (Guarantee)

Lumbini Bank Limited vs. Sangita Tripathi, 2073 B.SV 8, D. No. 9646  
Full Bench (Guarantee)  
Satish Kumar Bohra vs. Ministry of Industry, Commerce and Supplies  
et.al, NKP 2076 B.S, V.3, D. No. 10227(Bank Guarantee)  
Bipin Hada vs. Nepal Rastra Bank et.al, N.K.P. 2076 B.S, V. 12, D. No.  
10398 (Counter Guarantee)

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Allahabad: Allahabad Law Agency.  
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Maxwell.

# Criminology and Penology

## Fifth Semester

**Course Code:** LAW5402

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with comprehensive knowledge on the nature, scope, and sociological foundations of criminology, including the classification and causes of crime.
- To develop students' ability to examine classical and contemporary schools of criminological thought and apply these theories to analyze criminal behavior and the criminal justice system.
- To enable students' ability to critically explore various forms, theories, and purposes of punishment, along with modern approaches to offender rehabilitation and alternatives to incarceration.
- To enable students to assess sentencing practices and correctional measures in Nepal, linking legal case studies with criminological and penological theories.

### Part 1: Criminology

#### Unit 1: Introductory

**(12 Hours)**

- 1.1 Concept, Nature and Scope of Criminology
- 1.2 Sociology of Crime and Criminology
- 1.3 Study Methods of Criminology
- 1.4 Classification of Crime and Criminal
- 1.5 Concept and Goal of Criminal Justice System
- 1.6 Recent Trends to Criminology

#### Unit 2: Schools of Criminology

**(10 Hours)**

- 2.1 Traditional School
- 2.2 Biological School
- 2.3 Psychological School
- 2.4 Sociological School

2.5 Economic School

2.6 New Approaches- Feminist, Racial, Green, Digital Criminology

**Unit 3: Factors of Crime**

**(3 Hours)**

3.1 Personal Factors

3.1.1 Mental Ailments

3.1.2 Physical Ailments

3.2 Situational Factors

3.2.1 Family

3.2.2 School

3.2.3 Peer Group

3.2.4 Neighborhood

3.2.5 Mass Media

3.2.6 Religion and Culture

3.2.7 Conflict

3.2.8 Political system

3.2.9 Economic system

3.2.10 Administration of Justice

**Unit 4: Role of the Police to Control Crime**

**(4 Hours)**

4.1 Goals, Objectives and Functions of Police Organization

4.2 Development of police organization

4.3 Role of police in prevention of crime

4.4 Police and investigation of crime

4.5 Police and protection of crime victim

4.6 Police and protection of offender

**Part 2: Penology**

**Unit 5: Reaction to Crime**

**(8 Hours)**

5.1 Concept of Punishment

5.2 Sociology of Punishment

5.3 Approaches of Punishment

5.3.1 Punitive Approach

5.3.2 Therapeutic Approach

5.3.3 Preventive Approach

- 5.4 Theories of Punishment
  - 5.4.1 Retributive Theory
  - 5.4.2 Deterrent Theory
  - 5.4.3 Rehabilitative/Reformative Theory
- 5.5 Types of Punishment
  - 5.5.1 Capital Punishment
  - 5.5.2 Corporal Punishment
  - 5.5.3 Other forms of Punishment

**Unit 6: The Prison System and Its Alternative (6 Hours)**

- 6.1 Meaning and Purposes of Prison
- 6.2 Historical Development of Prison
- 6.3 Prison Reform
- 6.4 Problems of Prison System
- 6.5 Efforts of Nepalese Prison Reform
- 6.6 Alternative to Prison
  - 6.6.1 Fine and Restitution
  - 6.6.2 Probation and Parole
  - 6.6.3 Community Service
  - 6.6.4 After Care Programme
  - 6.6.5 Other alternatives as per Nepalese Penal Law

**Unit 7: Sentencing System (5 Hours)**

- 7.1 Concept of Sentencing
- 7.2 Difference between Conviction and Sentencing
- 7.3 Presentencing Report and Problems of Presentencing Report Framing
- 7.4 Sentencing Decision and Problems in Sentencing Decision Making

**Prescribed Cases**

Advocate Ratna Bahadur Bagchand vs. Council of Ministers and others, Writ No. 46/061, Date of Decision 2062/1/8 B.S, Subject: Untouchability.

Sunil Babu Panta vs Council of Ministers and others, Writ No. 917/064, Date of Decision 2064/9/6 B.S, Subject: Identification of Third

Gender.

Jeet Kumari Pangeni vs. Council of Ministers and others, Writ No. 0035/064, Date of Decision 2060/11/11 B.S, Subject: Marital Rape.

Krishna Bahadur Rana vs. HMG (Mandamus), Rehabilitation to victim; Case No. 357, D,D 2061/9/6 B.S.

Jung Bahadur Singh vs. Office of PM and Council of Ministers and others, Writ No.

2066/1222, NKP 2068 B.S, Vol. 6, p. 986, D.N. 8631, Subject: Sexual rights of the prisoners.

Prakash Mani Sharma vs. Council of Ministers and others, NKP 2065 B.S, Vol 4. D.N. 7952

Subject: Sexual rights of the women prisoners.

HMG vs. Samjhana Lamichhane, (Murder: Infanticide), NKP 2060 B.S, D.N. 7169, p 77.

Shanti B.K. vs. HMG, NKP 2061 B.S, Vol. 6, p. 769.

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Ahuja, R. (2000). *Criminology*. Rawal Publications.

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Tripathi, H. B. (n.d.). *Criminology*. Nepal Kanoon Kitab Co.

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## Procedural Law–II

### Fifth Semester

**Course Code:** LAW5403

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To familiarize students with the concept and structure of judicial jurisdiction in Nepal, including trial, appellate, administrative, and constitutional jurisdictions.
- To enable students to analyze the legal procedures involved in civil and criminal trial proceedings in regular courts.
- To familiarize students with appellate and writ procedures, including processes in the High Court, Supreme Court, and Constitutional Bench.
- To develop students' ability to interpret court practices related to judgment execution and critically examine landmark case laws relevant to court jurisdiction and procedures.

### Unit 1: Jurisdiction of the Court

**(12 Hours)**

1.1 Meaning and Nature of Jurisdiction

1.2 Jurisdiction of Lower (Trial) Court

1.3 Jurisdiction of Higher (Appeal Hearing) Court

1.4 Jurisdiction of Administrative Court, Tribunals and Other Quasi- Judicial Bodies

1.5 Jurisdiction of Supreme Court

1.5.1 Ordinary Jurisdiction

(a) Hearing the Appeal

(b) Correctional Jurisdiction

(c) Review

(d) Revision

1.5.2 Extra-Ordinary Jurisdiction (Hearing of Writ Petition)

**Unit 2: Legal Provision Relating to Trial Proceedings (Civil) in Regular Courts (8 Hours)**

2.1 Civil Proceedings:

2.1.1 Filing the Complaint Paper

2.1.2 Notice to Defendant and Furnishing of Notice, e.g. Process, Summon and Subpoena and Application for Time Extension

2.1.3 Filing the Defense

2.1.4 Power of Attorney

2.1.5 Statement of Witness and the Parties

2.1.6 Court's Order

2.1.6.1 Internal Order, Interlocutory Order and Interim Order

2.1.7 Collection and Evaluation of Evidence

2.1.8 Postponement of Dates

2.1.9 Withdrawal and Compromise on Civil Cases

2.1.10 Judgement

**Unit 3: Legal Provision Relating to Trial Proceedings (Criminal) in Regular Courts (8 Hours)**

3.1 Criminal Proceedings:

3.1.1 First Information Report (FIR)

3.1.2 Statement of Accused

3.1.3 Spot Investigation Report (Muchulkas such as Lasjach, Ghatanasthal, Khantalasi, Baramadi)

3.1.4 Charge Sheet

3.1.5 Bail Application; General date, Bail and Jail Order

3.1.6 Notice to the Defendant

3.1.7 Warrant Notice

3.1.8 Withdrawal, Compromise Criminal Cases and Postponement

3.1.9 Final Hearing and Sentencing Hearing

**Unit 4: Appeal Proceedings (10 Hours)**

4.1 Filing of Appeal

4.2 Ex-Parte Hearing

- 4.3 Notice to Respondent
- 4.4 Written Statement of Respondent
- 4.5 Final Hearing and Judgment
- 4.6 Writ Procedure in High Court and Supreme Court
  - 4.6.1 Filing the Writ Petition including PIL
  - 4.6.2 Show-Cause notice and Stay Order
  - 4.6.3 Notice to the Respondent and Written Response
  - 4.6.4 Withdrawal
  - 4.6.5 Hearing and Final Order
- 4.6 Other Ordinary Procedure in Supreme Court
  - 4.6.1 Application for Revision
  - 4.6.2 Application for Review
- 4.7 Procedure of Constitutional Bench

#### **Unit 5: Execution of Judgment**

**(10 Hours)**

- 5.1 Application for Execution of Judgments in Civil and Criminal Cases
- 5.2 Role of Judgement Execution Directorate
- 5.3 Compromise between the Parties in the Situation of Execution
- 5.4 Determining the Term of Imprisonment
- 5.5 Filing the Complaint against the Proceeding Taken by the Execution Officer

#### **Prescribed Cases**

- Samir Khan vs. Kathmandu District Court et.al NKP (2071 B.S), No. 9, D.No. 9245
- Pasang Dawa Tamang (Lopchan) vs. Government of Nepal, NKP (2058), No. 3/4, D.No.6992
- Pradip Kumar Sah vs. Rambhajan Yadav, NKP (2073 B.S), No. 10, D.No. 9690.
- Shivnath Sah Kanu vs. Vishwanath Sah Kanu, NKP (2069 B.S), No. 5, D.No. 8820.
- Tripuradevi Jha vs. Kathmandu District Court, NKP (2057 B.S), No. 3/4, D.No. 6996

## References Books

- Adam, J. C., & J. C. Adam (1934). *Criminal investigation: A practical textbook for magistrates, police officers and lawyers* (2<sup>nd</sup> ed.). London: Sweet & Maxwell.
- Bhattarai, A. M., et al. (2065 B.S.). *Problems and solutions related to execution of decisions*. Lalitpur: National Judicial Academy.
- CeLRRd. (1999). *Analysis and reforms of the criminal justice system*. Kathmandu: Centre for Legal Research and Resource Development.
- National Judicial Academy. (2065 B.S.). *Mediation-related informative source materials*. Lalitpur: NJA.
- Neupane, G. (2065 B.S.). *Procedural law*. Kathmandu: Lumbini Prakashan.
- Ojha, P. K. (2064 B.S.). *Some basic principles on law and justice* (Part I). Kathmandu: Pawan Manju Ojha Foundation.
- Pandit, S. P. (2008). *Law and justice: Articles, commentaries and memoirs*. Kathmandu: Umadevi Pandit.
- Shrestha, G. B. (2068 B.S.). *Writ nibedan: Siddanta ra byabahaar* (in Nepali). Kathmandu: Pairavi Prakashan.
- Shrestha, G. B. (2072 B.S.). *Karyabidhi kanoonko rooprekha* (in Nepali). Kathmandu: Pairavi Prakashan.
- Supreme Court of Nepal. (2060 B.S.). *Full bench report, NKP, No. 5/6, p. 408*.

# Company Law and Governance

## **Fifth Semester**

**Course Code:** LAW5404

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## **Course Objectives**

The objectives of the course:

- To equip students with a comprehensive understanding of the concept, characteristics, and legal personality of companies, including their classification and comparison with other business forms.
- To enable students to critically analyze the procedural and legal aspects of company formation, incorporation, corporate contracts, and constitutional documents under Nepalese company law.
- To develop students' ability to examine the legal framework governing corporate capital structure, shareholding, dividend distribution, borrowing, and the rights and liabilities associated with different stakeholders.
- To equip students with the knowledge to assess the legal provisions related to the dissolution, liquidation, restructuring, and winding up of companies, concerning the duties of company officers and relevant regulatory authorities.

## **Unit 1: Introduction**

**(8 Hours)**

1.1 Genesis of Company and Company Law

1.2 Historical Development of Company Laws in Nepal

1.3 Meaning and Characteristics of the Company

1.4 Comparison between the Company and other forms of Business

1.5 Concept of Corporate Personality, Corporate Veil, Limited Liability, and Corporate Citizenship

1.6 Types of Company

**Unit 2: Formation and Incorporation of Company (10 Hours)**

- 2.1 Notion of Promotion, Formation and Incorporation of Company
- 2.2 Promoters: Meaning, Position, Duties, Rights, Responsibilities
- 2.3 Shareholders: Meaning, Position, Duties, Rights, Responsibilities
- 2.4 Incorporation of Company: Procedural Aspects and Results (Refusal and Acceptance) of Incorporation
- 2.5 Incorporation of Foreign Company
- 2.6 Role and Responsibilities Office of Company Registrar
- 2.7 The Corporate Constitution: MOA and AOA and major Contents
- 2.8 Doctrine of Ultra Vires
- 2.9 Doctrine of Constructive Notice
- 2.10 Doctrine of Indoor Management and Its Exceptions
- 2.11 Certificate of Incorporation and Commencement of Business

**Unit 3: Corporate Contract and Conversions of Company(4 Hours)**

- 3.1 Meaning of Corporate Contract and its Limitation
- 3.2 Preliminary Contracts entered into by Promoters
- 3.3 Pre-incorporation Contracts
- 3.4 Post-incorporation Contracts
- 3.5 Conversion of Private Company into Public Company
- 3.6 Conversion of Public Company into Private Company

**Unit 4: Corporate Capital (12 Hours)**

- 4.1 Meaning of Capital and Its Types
- 4.2 Meaning and Nature of a Share
- 4.3 Types of Shares
- 4.4 Comparison between Equity Shares and Preference Shares
- 4.5 Prospectus: Meaning and Contents Prospectus and Liabilities for Misstatement in Prospectus
- 4.6 Issue of Securities at Premium
- 4.7 Issue of Sweat Equity Shares
- 4.8 Shares with Differential Voting Rights

- 4.9 Issue of Bonus Shares
- 4.10 Rights Issue
- 4.11 Alteration of Share Capital
- 4.12 Reduction of Share Capital
- 4.13 Buy Back of Securities
- 4.14 Borrowing Power of Company: Ultra Vires Borrowing
- 4.15 Debenture: Issue of Debenture and Its Formalities, Types of Debenture and Differences between Share and Debenture

**Unit 5: Divisible Profits and Dividend (4 Hours)**

- 5.1 Meaning and Definition of Dividend
- 5.2 Declaration of Dividend and Its Procedures
- 5.3 Payment of Dividend
- 5.4 Interim Dividend, Unpaid Dividend and Unclaimed Dividend and their Status
- 5.5 Repatriation of Return in Case of Foreign Investment

**Unit 6: Dissolution, Liquidation or Winding up of Company (10 Hours)**

- 6.1 Meaning of Dissolution of Company
- 6.2 Meaning of Winding up or Liquidation of Company
- 6.3 Modes of Winding up of Company
  - 6.3.1 Voluntary Winding up of Company
  - 6.3.2 Compulsory Winding up, Ground and Procedures
  - 6.3.3 Deregistration of Company
- 6.4 Appointment of Liquidator, Effects of Appointment of Liquidator, Functions, Duties and Powers of Liquidator
- 6.5 Restructure of Company
- 6.6 Liabilities of Officers in the Course of Winding Up
- 6.7 Preferential Payments
- 6.8 Striking Off Name of Company

**Prescribed Cases**

- CIAA vs. Rabindralal Shrestha, NKP 2074 B.S, Vol.1, D.No. 9752, Pages 162 (Limited Liability)
- Hari Bhakta Shrestha vs. College of Applied Vision, NKP 2080 B.S, Vol. 5, D.No. 11091, Pages 865 (Liquidation of Company)

Kirendra Bahadur Pradhan vs. Hetaunda Industrial Sector, NKP 2075 B.S, Vol.1, D.No. 9940, Pages 174 (Liquidation of Company)

Nepal Insurance Company Limited vs. Labour Court, NKP 2072 B.S, Vol.5, D.No. 9402, Pages 856 (Transfer of Share)

Prakash Raj Sharma vs. Labour Court, NKP 2070 B.S, Vol.8, D.No. 9039, Page 963 (Full Bench)

Raj Kumar Upreti vs. Raghav Kumar Mishra, NKP 2075 B.S, Vol.2, D.No. 9954, Pages 305 (Corporate Criminal Liability)

Rishi Prasad Jaisi vs. Dilli Prasad Sapkota, NKP 2078 B.S, Vol.9, D.No. 10744, Pages 1313 (Corporate Criminal Liability)

Shrijan Manandar vs. Raj Kumar Karna, NKP 2079 B.S, Vol.11, D.No. 10971, Pages 1973 (Right to Protect Minority Shareholder)

Sumargi Parajuli vs. Himalaya Spring Water, NKP 2074 B.S, Vol.5, D.No. 9809, Pages 829 (Legal Personality, Corporate Personality, Separate Legal Personality or Separate Legal Entity, Distinct Personality, Limited Liability, Separate from its Members)

Tara Prasad Lamichhane vs. Tara Prasad Poudel, NKP 2080 B.S, Vol.1, D.No. 11022, Pages 168 (Doctrine of Ultra Vires)

### References Books

Davies, P. L. (2022). *Principles of modern company law* (10<sup>th</sup> ed.). Sweet & Maxwell.

Dignam, A., & Lowry, J. (2020). *Company law* (11<sup>th</sup> ed.). Oxford University Press.

Farrar, J. H. (1998). *Farrar's company law* (4<sup>th</sup> ed.). Butterworths.

Gower, L. C. B. (2021). *Principles of modern company law* (11<sup>th</sup> ed.). Sweet & Maxwell.

Grier, N. (2012). *Company law* (3<sup>rd</sup> ed.). Routledge.

Hannigan, B. (2018). *Company law* (5<sup>th</sup> ed.). Oxford University Press.

Kershaw, D. (2012). *Company law in context: Text and materials* (2nd ed.). Oxford University Press.

Mayson, S., & D. French et. al (2019). *Mayson, French & Ryan on company law* (36<sup>th</sup> ed.). Oxford University Press.

Palmer, F. B. (2020). *Palmer's company law* (25<sup>th</sup> ed.). Sweet & Maxwell.

Sealy, L. S., & S. Worthington (2016). *Cases and materials in company law* (11<sup>th</sup> ed.). Oxford University Press.

Singh, A. (2021). *Company law* (17<sup>th</sup> ed.). EBC Publications.

# International Institutions

## Fifth Semester

**Course Code:** LAW5405

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of the nature, structure, functions, and legal framework of international organizations.
- To enable students to analyze the role of international organizations in promoting international peace, security, and development.
- To develop students' ability to evaluate the functioning and impact of the United Nations system, its principal organs, and specialized agencies.
- To enable students to examine Nepal's engagement with international and regional organizations and understand recent trends in international cooperation.

## Unit 1: Introduction to International Organizations (6 Hours)

- 1.1 Meaning, nature, and source of law international organization.
- 1.2 Origin and development of International Organization
- 1.3 Structure of International organizations
- 1.4 Classification of International organizations
- 1.5 Legal personality of international organizations

## Unit 2: Introduction to United Nations (10 Hours)

- 2.1 Historical development of United Nations
- 2.2 Purpose and Principles of United Nations
- 2.3 Membership of United Nations
- 2.4 Principle organs of the United Nations
  - 2.4.1 General Assembly: Structure and Functions
  - 2.4.2 Security Council: structure and functions
  - 2.4.3 Economic and Social Council: Structure and functions

- 2.4.4 Trusteeship Council: Structure and Functions
- 2.4.5 International Court of Justice: Composition and Jurisdiction
- 2.4.6 Secretariat

**Unit 3: United Nations Specialized Agencies (20 Hours)**

- 3.1 Basis for the creation of specialized agencies
- 3.2 General nature and function of Specialized Agency
- 3.3 Specialized Agencies (structure and functions)
  - 3.3.1 International Labour Organization (ILO)
  - 3.3.2 Food and Agriculture Organization (FAO)
  - 3.3.3 World Health Organization (WHO)
  - 3.3.4 United Nations Education, Scientific and Cultural Organization (UNESCO)
  - 3.3.5 International Tele-communication Union (ITU)
  - 3.3.6 Universal Postal Union (UPU)
  - 3.3.7 International Fund for Agriculture and Development (IFAD)
  - 3.3.8 United Nations Industrial Development Organization (UNIDO)
  - 3.3.9 World Meteorological Organization (WMO)
  - 3.3.10 World Intellectual Property Organization (WIPO)
  - 3.3.11 World Bank (WB)
  - 3.3.12 International Financial Corporation (IFC)
  - 3.3.13 International Development Association (IDA)
  - 3.3.14 International Monetary Fund (IMF)
- 3.4 Legal Personality of Specialized Agencies

**Unit 4: Introduction to Regional Organizations (Nature, Composition and Functions) (6 Hours)**

- 4.1 European Union (EU)
- 4.2 Organization of American States (OAS)
- 4.3 Organization of African Unity (OAU)
- 4.4 South Asian Association for Regional Cooperation (SAARC)
- 4.5 Association of South- East Asian Nation (ASEAN)

## **Unit 5: Nepal in International organizations and Regional Organization (6 Hours)**

### 5.1 Nepal and United Nations

5.1.1 Nepal and Peacekeeping Mission

5.1.2 Nepal in UN Bodies

5.1.3 Nepal in SAARC

5.1.4 Nepal in BIMSTEC

### 5.2 Recent trends of international organizations

## **References Books**

Aust, A. (2010). *Handbook of international law* (2<sup>nd</sup> ed.). Cambridge University Press.

Brownlie, I. (n.d.). *Public international law*. Oxford University Press.

Sands, P., & P. Klein (2011). *Bowett's law of international institutions* (South Asian ed.). Sweet & Maxwell.

Shaw, M. N. (2017). *International law* (8<sup>th</sup> ed.). Cambridge University Press.

Shearer, I. A. (n.d.). *Starke's international law*. Universal Book Publishing Company.

Thapa, K. B. (2021). *An introduction to law of international institutions*. Legal Insight Pvt. Ltd.

United Nations. (n.d.). *Basic facts about the United Nations*. United Nations Publications.

United Nations. (n.d.). *UN today*. United Nations Publications.

# Legal Research Methodology

## Fifth Semester

**Course Code:** LAW5406

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the foundational concepts, types, and significance of legal and socio-legal research within the broader context of legal education and practice.
- To equip students with knowledge of various research approaches, tools, techniques, and methods essential for conducting systematic and ethical legal research.
- To develop students' abilities in identifying, formulating, and analyzing legal research problems, including designing research proposals and applying both doctrinal and non-doctrinal methods.
- To enhance students' skills in legal writing, citation, data analysis, and the preparation of structured research reports, while promoting critical thinking, ethical standards, and awareness of emerging trends like jurimetrics and AI in research.

### Unit 1: Introduction of Research

**(8 Hours)**

- 1.1 Meaning, Type, and Importance of Research
- 1.2 Scope of Legal Research
- 1.3 Development of Legal Research in Nepal
- 1.4 Utility of Socio-legal Research

### Unit 2: Approaches of Legal Research

**(8 Hours)**

- 2.1 Historical Legal Research Approach
- 2.2 Analytical Legal Research Approach
- 2.3 Comparative Research Approach
- 2.4 Doctrinal Research Approach
- 2.5 Non-Doctrinal Research Approach

**Unit 3: Tools and Techniques of Data Collection (8 Hours)**

- 3.1 Census and Sampling
- 3.2 Interview
- 3.3 Observation
- 3.4 Questionnaire and Schedules
- 3.5 Case Study / Focused-Group Discussion
- 3.6 Survey

**Unit 4: Formulation of Research Problems (8 Hours)**

- 4.1 Realization of Problem
- 4.2 Identification of Problem
- 4.3 Statement of Problem
- 4.4 Literature Review
- 4.5 Factors affecting problem Selection
- 4.6 Formulation of Hypothesis
- 4.7 Formulation of Research Proposal
- 4.8 Research Design

**Unit 5: Research Data (6 Hours)**

- 5.1 Meaning, Importance and Sources of data
- 5.2 Qualitative and Quantitative Data
- 5.3 Primary and Secondary Authorities
- 5.4 Processing, Analysis and Interpretation of Data
- 5.5 Measurement and Scaling Techniques

**Unit 6: Research Report and Rule of Citation (5 Hours)**

- 6.1 Introduction to Research Report
- 6.2 Lay-out of Research Report
- 6.3 Precautions in Report Writing
- 6.4 A Uniform Rule of Citation and Bibliography
- 6.5 Research Ethics and Plagiarism
- 6.6 Recent Trend: Jurimetrics / Use of AI in Research

**References Books**

- Bailey, K. D. (1978). *Methods of social research*. New York: The Free Press.
- Belbase, K. (2065 B.S.). *Legal research and writing*. Kathmandu: Lumbini Publication.

- Bhandari, S. (2050 B.S.). *Legal research*. Kathmandu: Atharai Publication.
- Chaudhary, N. (2023). *Text book of legal method*. Kathmandu: Mission Legal Service Pvt. Ltd.
- Goode, W. J., & P.K.Hatt (1985). *Methods in social research*. New York: McGraw Hill.
- Mukhia, B.B (2016). *Legal Research and Methodology at a Glimpse*, Kathmandu; Malati Mukhia and Aditya Mukhia.
- Mukhia, B.B & D.N Parajuli (2020), *Manual of Uniform Citation Style for Legal Research*, Kathmandu: Nepal Law Campus, T.U
- Kothari, C. R. (1995). *Research methodology: Methods and techniques*. New Delhi: Wishwa Prakashan.
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- Myneni, S. R. (2007). *Legal research methodology*. Faridabad: Allahabad Law Agency.
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- Pradhananga, R. B. (2064 B.S.). *Kanooni anusandhan tatha anusandhan paddhati*. Kathmandu: Bhirkuti Academic Publications.
- Tathan, L., & E. Higgins (2014). *Successful legal writing* (2<sup>nd</sup> ed.). New Delhi: Thompson Reuters.
- T. Padma, & K.P.C.Rao (n.d.). *Legal research methodology* (1<sup>st</sup> ed.). Hyderabad: Asia Law House.
- Verma, S. K., & M.A Wani (Eds.). (2006). *Legal research and methodology*. Delhi: Indian Law Institute.
- Wolf, H. K., & P.R. Pant (1999). *A handbook for social science research and thesis writing*. Kathmandu: P. R. Pant.

# Juvenile Delinquency

## **Fifth Semester**

**Course Code:** LAW5407

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To provide students with foundational knowledge of juvenile delinquency, its types, causative factors, and developmental context.
- To familiarize students with major theoretical perspectives explaining juvenile delinquency, including biological, psychological, and sociological approaches.
- To develop ability of students to comprehend national and international legal frameworks, principles, and models governing juvenile justice.
- To enable students to analyze the juvenile justice system in Nepal, including procedures, landmark judgments, current trends, and rehabilitative approaches.

## **Unit 1: Juvenile Delinquency**

**(10 Hours)**

- 1.1 Meaning and Definition of Juvenile
- 1.2 Stages of Human Development
- 1.3 Impact of Human Development on Mental State of Juvenile
- 1.4 Concept of juvenile delinquency
- 1.5 Juvenile delinquent v juvenile in conflict of law
- 1.6 Types of juvenile delinquency
- 1.7 Emerging Issues in Juvenile delinquency

## **Unit 2: Theories of Juvenile Delinquency**

**(8 Hours)**

- 2.1 Biological theories
- 2.2 Psychological theories
- 2.3 Sociological theories
- 2.4 Recent Trends of theories of delinquency

**Unit 3: Causative Factors of Juvenile Delinquency (6 Hours)**

- 3.1. Individual Factors
  - 3.1.1 Physical Ailments
  - 3.1.2 Mental Ailments
- 3.2 Situational Factors
  - 3.2.1 Family
  - 3.2.2 School
  - 3.2.3 Peer Group
  - 3.2.4 Neighborhood
  - 3.2.5 Mass Media

**Unit 4: Introduction to Juvenile Justice (8 Hours)**

- 4.1 Concept and rationale of juvenile justice
- 4.2 Principles of juvenile justice
- 4.3 Models of juvenile justice
- 4.4 Historical development of juvenile justice
- 4.5 Differences between juvenile justice and criminal justice

**Unit 5: Legal Framework Relating to Juvenile Justice (10 Hours)**

- 5.1 National Legal Framework (juvenile justice related provisions only)
  - 5.1.1 The Constitution of Nepal
  - 5.1.2 The Children's Act, 2048 B.S. (1992)
  - 5.1.3 The Children's Rules, 2051 B.S. (1995)
  - 5.1.4 The Juvenile Justice (Procedure) Rules, 2063 B.S. (2006)
  - 5.1.5 The Muluki Aparadh Samhita, 2074
- 5.2 International Legal Framework (juvenile justice related provisions only)
  - 5.2.1 UN Convention on the Rights of the Child, 1989
  - 5.2.2 UN Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules)
  - 5.2.3 UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (Riyadh Guidelines)
  - 5.2.4 UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (JDL Rules)
  - 5.2.5 UN Minimum Rules for Non-Custodial Measures, 1990 (Tokyo Rules)

5.2.6 UN Guidelines for Action on Children in the Criminal Justice System, 1997 (Vienna Guidelines)

**Unit 6: Juvenile Justice System in Nepal (6 Hours)**

- 6.1 Investigation in juvenile delinquency
- 6.2 Prosecution of juvenile delinquency
- 6.3 Adjudication and disposition of juvenile delinquency cases
- 6.4 Juvenile correction
- 6.5 Diversion
- 6.6 Restorative justice

**Prescribed Cases**

Advocate Ashish Adhikari on behalf of Bablu Godia vs. Banke District Court et al., Writ No. 3390 of the year 2057 B.S., Habeas Corpus, Date of Decision: 2057/12/12 B.S.

Advocate Bal Krishna Mainali vs. His Majesty's Government, Ministry of Home Affairs et al., Writ No. 3505 of the Year 2056 B.S., Mandamus et al., Date of Decision: 2058/04/23 B.S.

Advocate Ashish Adhikari on behalf of Keshav Khadka vs. His Majesty's Government, Ministry of Home Affairs et al., Writ No. 70 of the year 2058 B.S., Habeas Corpus, Date of Decision: 2058/12/13 B.S.

Pleader Tara Devi Khanal on behalf of Raj Kumar Rai vs. Ministry of Home Affairs et al., Writ No. 25 of the year 2058, Habeas Corpus, Date of Decision: 2058/10/02 B.S.

Advocate Santosh Kumar Mahato vs. Office of the Prime Minister and the Council of Ministers et al., Writ No. 60 of the year 2061 B.S., Mandamus et al., Date of Decision: 2062/10/09 B.S.

Mahesh Kumar Chaudhary vs. Government of Nepal, Incest Rape, NKP 2064 B.S., D.No. 7833, P. 415.

Advocate Kalyan K.C. on behalf of Saroj Rai vs. District Administration Office, Kathmandu et al., Writ No. 0025 of the year 2066 B.S., Habeas Corpus, Date of Decision: 2066/06/26 B.S.

Advocate Sita Sharan Mandal on behalf of Choilang Lama vs. Child Correction Home Management Committee et al., Writ No. 0016 of the year 2067 B.S., Habeas Corpus, Date of Decision: 2067/06/26.

Advocate Sapna Malla Pradhan on behalf of Forum for Women, Law and Development (FWLD) and on her own behalf vs. Office of the Prime Minister and Council of Ministers et al, NKP 2064 B.S., No. 9, D.N. 7880, p. 1208.

### **ReferencesBooks**

- Ahuja, R. (2000). *Criminology*. New Delhi: Rawal Publications.
- Bynum, J. E., & W.E. Thompson (1999). *Juvenile delinquency: A sociological approach* (4<sup>th</sup> ed.). London: Allyn and Bacon.
- Champion, D. J. (2004). *The juvenile justice: Delinquency, processing and the law* (4<sup>th</sup> ed.). NJ: Prentice Hall.
- Mainali, L. P., et.al (Eds.). (2017). *Juvenile delinquency*. Kathmandu: Faculty of Law.
- Paranjape, N. V. (2023). *Criminology and penology*. Prayagraj: Central Law Agency.
- Vashishtha, S. (2024). *Ahamad Siddique's criminology, penology and victimology*. India: Eastern Book Co.

# Election Law

## Fifth Semester

**Course Code:** LAW5408

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To equip students with a foundational understanding of the concepts, principles, and importance of election law, including its historical development in Nepal.
- To familiarize students with various electoral systems such as the First Past the Post (FPTP), Proportional Representation (PR), and Mixed/Parallel systems, along with their theoretical underpinnings and practical applications.
- To enable students to critically examine the legal framework governing elections in Nepal, including constitutional provisions, election procedures, and the roles of election management bodies.
- To enhance students' ability to analyze key legal issues related to election justice through the study of relevant laws, offences, tribunals, and landmark case laws in Nepal.

### Unit 1: Basic Concept of Election Law

**(7 Hours)**

1.1 Concept, Meaning, and Importance of Election and Election Law

1.2 Development of the Election System in Nepal

### Unit 2: Fundamentals of Election

**(8 Hours)**

2.1 Introduction to voter roll

2.2 Qualification of voters, candidates

2.3 Delimitation of electoral constituencies

2.4 Voting process and secret ballot

2.5 By-election, and recall

2.6 Concept of Free, Fair and Periodic Election

**Unit 3: Theories of Representations (6 Hours)**

- 3.1 Theory of representations
- 3.2 Safeguards to free, fair, and impartial election
- 3.3 Challenges of Representation in Nepal

**Unit 4: Variety/Family of Electoral System (7 Hours)**

- 4.1 First Past the Post (FPTP) System
- 4.2 Proportional Representation (PR) System
- 4.3 Mixed/Parallel System

**Unit 5: Laws on Election in Nepal (8 Hours)**

- 5.1 Constitutional and Statutory Provision
- 5.2 International Practice
- 5.3 Code and Practice

**Unit 6: Election Management Bodies (EMB)/Election Authority (7 Hours)**

- 6.1 Constitution, Power and Functions of Election Commission (EC)
- 6.2 Subsidiary Entities to the EC in the Province and Local Level
- 6.3 Appointment, power and function of Returning Officer and its subordinates, Polling/Presiding Officer
- 6.4 Role of Political Party in Election

**Unit 7: Election Justice (5 Hours)**

- 7.1 Offences related to election
- 7.2 Punishment on offences related to election
- 7.3 Jurisdiction of election tribunal

**Prescribed Cases**

Mulchandra Azad vs. Madan Mohan Joshi and et al, Nepal Kanoon Patrika (NKP), 2025 B.S, Issue No 12, D.No. 450.

Parabhu N Chaudhary on behalf of Nepal Communist Party vs. Election Commission, Kathmandu and et al; NKP 2051 B.S, Issue No 5 P 314, D.No. 4905.

Som Prasad Sapkota vs. Election Commission and et al, NKP 2051 B.S, Issue No 9 P 693, D.No. 4973

Gopal Gurung, President of Mangol Nat. Organization vs. Election

Commission, Kathmandu, NKP (2052 B.S) No 1 P 19, D.No. 5030  
Peshal Dahal and et al vs. Parliament Secretariat and et al, NKP 2056  
B.S, Issue No 1 P 6, D.No. 6648  
Mihir K Thakur vs. Election Commission and et al, NKP 2062 B.S, D.No.  
7541  
Adv. Bal Krishna Neupane vs. OPCM and et al. Writ No. 079-WC-0053  
Adv. Kamalesh Dwibedi vs. OPCM and et al. NKP 2064 B.S, Issue 7,  
D.No. 7866  
Adv. Sunil Ranjan Singh vs. Election Commission and et al (Writ No.  
067- WS – 0019, Case: - Certiorari et al.)

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- Kataliya, A. B. (2003). *Democracy and election laws*. Deep & Deep Publications.
- Nepal South Asia Centre. (1999). *Comparative electoral process in South Asia*.
- Nepal, S. M. (2075 B.S.). *Election law of Nepal*. Parabi Prakashan.
- Parajuli, D. N. (2077 B.S.). *Election law*. Lumbini Prakashan.
- Pokharel, K. (2080 B.S.). *Government and election in Nepal*. Bidhyarthi Pustak Bhandar.
- Russo, F., & Cotta, M. (n.d.). Political representation: Concepts, theories and practices in historical perspective (Chapter 1). In *Political representation in a comparative perspective*. <https://www.elgaronline.com/edcollchap/edcoll/9781788977081/9781788977081.00007.xml>
- Thompson, D. F. (2001). Political representation. In *International encyclopedia of the social & behavioral sciences*.

# Securities Law

## Fifth Semester

**Course Code:** LAW5409

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of securities, including stocks, bonds and to enable them explore the fundamental concepts and legal framework governing securities.
- To enhance students' skill to examine laws related to the issuance and trading of securities and analyze the role of regulatory bodies in maintaining market integrity and protecting investors.
- To familiarize students with the rights and obligations of key stakeholders-investors, issuers, and intermediaries.
- To enable students to apply securities law principles through real-world scenarios, case studies, and enhance students' ability to interpret and respond to legal and regulatory challenges in the financial sector.

### Unit 1: Introduction to Securities Law

**(4 Hours)**

- 1.1 Meaning of securities.
- 1.2 Types of Securities: Stocks, bonds, derivatives, and others.
- 1.3 Need for securities and their regulation.
- 1.4 Genesis of securities law
- 1.5 Development of securities law and regulation in Nepal

### Unit 2: Market Infrastructure and Institutions

**(6 Hours)**

- 2.1 Primary Market and Secondary Market Intermediaries
- 2.2 Role and Function
- 2.3 Merchant Bankers
- 2.4 Functions and Significance of Stock Exchanges
- 2.5 Operation and Trading Mechanism of Stock Exchange
- 2.6 Brokers and Dealers
- 2.7 Settlement of Securities, Stock Market Indices, Risk

Management, Surveillance, and Mechanism at Stock Exchanges.

2.8 Demutualization of Stock Exchanges

2.9 Securitization

**Unit 3: Institutional Mechanism for Security Regulation in Nepal** (6 Hours)

3.1 Overview of key regulatory bodies: OCR, SEBON, NEPSE and CDSC and Stock Brokers

3.2 Governing laws and functions of securities regulating Bodies

3.3 Legal provisions regarding securities regulation in Nepal.

**Unit 4: Disclosure Requirements** (6 Hours)

4.1 Importance of disclosure in securities markets

4.2 Periodic and event-based disclosures

4.3 Prospectus requirements for public offerings

4.4 Continuous disclosure obligations for listed companies

4.5 Legal consequences of non-compliance

4.6 Nepalese legal provisions

**Unit 5: Insider Trading** (4 Hours)

5.1 Definition and types of insider trading

5.2 Legal framework prohibiting insider trading

5.3 Role of regulatory bodies in detecting insider traders

5.4 Prosecution and defense insider traders

5.5 Punishment

**Unit 6: Securities Fraud and Market Manipulation** (4 Hours)

6.1 Definition and forms of securities fraud

6.2 Market manipulation techniques

6.3 Nepalese Legal provisions

6.4 Prosecution and defense

6.5 Punishment

**Unit 7: Corporate Governance and Securities Law** (6 Hours)

7.1 Corporate governance and securities Governance

7.2 Role of the board of directors and the management in securities compliance

- 7.3 Shareholder right under corporate governance
- 7.4 Legal obligations of corporate officers in securities matters
- 7.5 Corporate governance reforms and their impact on securities law

**Unit 8: Public Offerings and Private Placements (6 Hours)**

- 8.1 Legal requirements for public offerings
- 8.2 Credit rating law and practice in Nepal
- 8.3 Legal provisions of underwriters in public offerings
- 8.4 Legal provisions of private placements
- 8.5 Exemptions from registration under securities law
- 8.6 Comparative analysis of public offerings and private placements

**Unit 9: Mutual Funds and Collective Investment Schemes (4 Hours)**

- 9.1 Definition and types of mutual funds
- 9.2 Legal framework governing mutual funds
- 9.3 Role of asset management companies (AMCs) and trustees
- 9.4 Investor protection in mutual funds
- 9.5 Regulation of collective investment schemes
- 9.6 Recent trends in Collective Investment Schemes

**Unit 10: Global Securities Markets (4 Hours)**

- 10.1 Overview of global securities markets
- 10.2 Cross-border securities offerings and trading
- 10.3 International regulatory frameworks and cooperation
- 10.4 Impact of globalization on securities regulation
- 10.5 Case studies on international securities law

**Unit 11: Recent Developments in Securities Law (2 Hours)**

- 11.1 Analysis of recent legal reforms in securities law
- 11.2 Emerging trends in the securities market
- 11.3 Role of technology in securities trading (e.g., algorithmic trading, blockchain)
- 11.4 Regulatory challenges and future outlook

### **Prescribed Cases**

- Commission for the Abuse of Authority vs. Yubraj Sharma, N.K.P 2069 B.S, Vol 9, D. No. 8886
- Himalaya Distillery Ltd. vs. Raj Bahadur Shah, N.K.P 2068 B.S, Vol 5, D. No. 8614
- Indra Shekhar Khadka vs. Nepal Rastra Bank, N.K.P 2063 B.S, Vol 10, D. No. 7770
- Nepal Stock Exchange Executive Committee et. al vs. Commission for Investigation of Abuse of Authority, NKP 2066 B.S Vol. 10 D. No. 8235
- Prem Prasad Sanjel vs. Office of Prime Minister and Council of Minister et. al., NKP 2068 B.S Vol. 1 D. No. 8534
- Rajan Adhikari vs. Government of Nepal, Council of Ministers, et. al., NKP 2066 B.S Vol. 10 D. No. 8234
- Sushila Panthi vs. Samsheer Kumar Shrestha, N.K.P 2068 B.S, Vol 3, D. No. 8586
- Tom Kristian Larsen vs. Large Tax Payers Lalitpur, N.K.P 2077 B.S, Vol 12, D. No. 10610
- Unity Life International vs. Government of Nepal, N.K.P. 2069 B.S, Vol 4, D. No 8814

### **References Books**

- Branson, D. M. (2017). *Understanding securities law* (7<sup>th</sup> ed.). Carolina Academic Press, Durham, NC, USA.
- Coffee, J. C. & H. A. Sale et.al (2021). *Securities regulation: Cases and materials* (13<sup>th</sup> ed.). Foundation Press, New York, NY, USA.
- Fox, M. B.R & L.R. Glosten et.al (2019). *Securities markets and corporate governance: A study of the interaction between markets and law*. Oxford University Press, Oxford, UK.
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- Institute of Company Secretaries of India. (2020). *Securities laws and capital markets* (New syllabus ed.). ICSI, New Delhi, India.
- Loss, L. & J. Seligman et. al (2011). *Securities regulation* (12<sup>th</sup> ed.). Aspen Publishers, New York, NY, USA.

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- Sekhar, K. (2016). *Guide to SEBI, capital issues, debentures & listing* (4<sup>th</sup> ed.). LexisNexis, Gurgaon, India.
- Singh, R. K., & S.K. Singh (2016). *Law and regulation of public offering of corporate securities*. Oxford University Press, New Delhi, India.
- Zad, N. S., & D.Bajpai (2022). *Securities laws & capital markets* (2<sup>nd</sup> ed.). Taxmann Publications, New Delhi, India.

# International Air and Space Law

## Fifth Semester

**Course Code:** LAW5410

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with the historical and conceptual development of air and space law, with the knowledge relating to International and national laws of air and space
- To familiarize students with the principles and practices of aerial navigation with a critical appreciation of the growing importance of the air and space law
- To enable the students to analyze the contribution of the ICAO in the progressive development of air law
- To enable students to comprehend the contribution of the UN in the development of the air and space law.

## Part I: International Air Law

### Unit 1: Introduction to International Air Law (4 Hours)

- 1.1 Meaning, sources, and subjects of International Air law
- 1.2 Basic principles of International Air law
- 1.3 Historical Development of Air Law: Paris Convention, Regional and Private Conference on International Air Law
- 1.4 State Sovereignty in International Air Law

### Unit 2: International Civil Aviation (6 Hours)

#### A. Chicago Convention, 1944

- 2.1 Introduction/Background of the Convention
- 2.2 Territorial Jurisdiction under it
- 2.3 Sovereignty over Aerospace
  - 2.3.1 Nationality and Registration of Aircraft
  - 2.3.2 International Law and Procedure on Registration of Aircraft (Discuss the national legislative context too)
- 2.4 Freedom of Airspace vs. Sovereignty of Airspace Debate
- 2.5 Air Traffic Control (Scheduled and Non-scheduled Traffic)

**Unit 3: Governance of International Civil Aviation (4 Hours)**

**B. ICAO (Chicago Convention, 1944; Part II)**

- 3.1 Admissions and Membership of ICAO
- 3.2 Organs of ICAO
- 3.3 Its Powers and Functions
- 3.4 Settlement of International Disputes

**Unit 4: Aviation Liability/ Carriers' Liability (4 Hours)**

- 4.1 The Warsaw Convention of 1929, The Hague Protocol, 1955, the Montreal Agreement of 1966, the Guatemala City Protocol in 1971, the Montreal Protocols of 1975, The IATA and ATA Inter-Carrier Agreement, 1997, Montreal Protocol No. 4 and Cargo Operations, Rome Convention on damage caused by foreign aircraft to a third party on the surface, 1952, The Montreal Convention (1999)
- 4.2 Nepalese experience on carrier's liability.

**Unit 5: Anti-Hijacking and Aviation Terrorism (8 Hours)**

- 5.1 Meaning of aerial piracy/ unlawful seizure of Aircraft
- 5.2 Causes and Its Impact on Aviation Industry
- 5.3 Tokyo Convention, 1963
- 5.4 Montreal Protocol, 2014 (Protocol to amend Tokyo Convention)
- 5.5 Hague Convention, 1970 (The Anti-Hijacking Convention)
- 5.6 Beijing Protocol to Hague Convention, 2010
- 5.7 Beijing Convention, 2010
- 5.8 Nepalese law on anti-hijacking

**Unit 6: Aviation Laws in Nepal (4 Hours)**

- 6.1 International Air Law Instruments to which Nepal is a Party
- 6.2 Air Service Agreement
- 6.3 Civil Aviation Legislation in Nepal
- 6.4 Governance of Civil Aviation in Nepal
- 6.5 Dispute Settlement Mechanism of Aviation in Nepal

**Unit 7: Contemporary Challenges/Issues at the Global Level and in the Nepalese Context of the Aviation Sector (3 Hours)**

**Part II: Law of Outer Space**

## Unit 8: Law of Outer Space

(15 Hours)

- 8.1 Meaning, sources, and subjects of international law of Outer Space
- 8.2 Importance of International law of Outer Space
- 8.3 Distinction between air space law and the law of outer space and also definition and delimitation between aerospace and outer space
- 8.4 The Outer Space Treaties: The Outer Space Treaty 1967, The Rescue Agreements 1968, The Liability Convention 1972, The Registration Convention 1975, The Moon Agreement 1979
- 8.5 UNO Principles: Direct Broadcasting 1982, Remote Sensing 1968, Nuclear Power 1992
- 8.6 The role of UNCOPUS (UN Committee on Peaceful Use of Outer Space)
- 8.7 Outer space treaty to which Nepal is a party.
- 8.8 Contemporary Challenges/Issues of Outer Space

### References Books

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- Bartsch, R. (2020). *International aviation law: A practical guide* (2<sup>nd</sup> ed.). Routledge.
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- Havel, B. F., & G.S.Sanchez (2014). *The principles and practice of international aviation law*. Cambridge University Press.
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- Mathen, J. V. B. (1997). *The politics of space: A history of US-Soviet/ Russian competition and cooperation in space* (1<sup>st</sup> ed.).
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- Reynolds, G. H., & Merques, R. P. (2019). *Outer space: Problems of law and policy* (1<sup>st</sup> ed.). Routledge.
- Scott, B. I., & A. Trimarchi (2020). *Fundamentals of international aviation law and policy* (1<sup>st</sup> ed.). Routledge.
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- United Nations Office for Outer Space Affairs. (n.d.). *Space law: Development and scope*. <https://www.unoosa.org/oosa/en/ourwork/spacelaw/index.html>

# Corporate Law and Management

## Sixth Semester

**Course Code:** LAW5501

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with a foundational and practical understanding of company law, including the roles and responsibilities of the Board of Directors, shareholders, and key managerial personnel.
- To develop students' ability to analyze legal principles of corporate governance, shareholder protection, and financial accountability through company meetings, accounts, and audits.
- To acquaint students with corporate social responsibility (CSR), ethical business practices, and regulatory frameworks governing corporate conduct in Nepal and internationally.
- To develop students' ability to evaluate critically landmark national and international case laws, enhancing students' ability to address real-world corporate legal issues and promote ethical corporate leadership.

## Unit 1: The Board of Directors and Directors (10 Hours)

### 1.1 Concept and Distribution of Corporate Powers

1.2 Separation of Ownership and Control

1.3 The Board of Directors and its Structure and Composition

1.4 The Role of the Board of Directors

1.5 The Meeting Board of Directors and Formalities of Board Meeting

1.6 Passing Resolution through Circulation

1.7 Directors: Qualification, Appointment, and Remuneration of Directors and Removal of Directors

1.8 Disclosure System and Report of the Board and its Contents

- 1.9 Director's Duties towards the Company, Individual Shareholders and Other Stakeholders
- 1.10 Director's Duties of Skill, Care and Diligence
- 1.11 Directors' Various Duties of Good Faith and Loyalty,
- 1.12 Duty to act within Powers,
- 1.13 Duty to exercise Independent Judgment,
- 1.14 Duty to Promote the Success of the Company
- 1.15 Duty to Avoid the Conflict of Interest
- 1.16 Fiduciary Duty of Directors
- 1.17 Duty not to Accept Benefits from third Parties
- 1.18 Delegation of Authority by the Board Directors to Corporate Officers

**Unit 2: Shareholder's General Meeting (8 Hours)**

- 2.1 Need of Corporate Meetings
- 2.2 Types of General Meeting: Annual General Meeting and Extraordinary General Meeting and Procedural of Convening of Valid General Meeting
- 2.3 Notice and Contents of Notice of Meeting
- 2.4 Class Meeting
- 2.5 Quorum in Meeting
- 2.6 Proceedings of General Meeting
- 2.7 Ordinary and Special Resolutions
- 2.8 Minutes and Certification of Minutes
- 2.9 Individual and Collective Rights of Shareholders

**Unit 3: Accounts and Auditing of the Company (7 Hours)**

- 3.1 Account of Companies
- 3.2 Requirements of Keeping the Books of Account
- 3.3 Accounting Standards
- 3.4 Financial Statement
- 3.5 Concept of Auditing and its Types
- 3.6 Appointment of Auditor
- 3.7 Qualification and Disqualification of Auditor
- 3.8 Removal of Auditor
- 3.9 Functions, Duties and Powers of Auditor

3.10 Report of Auditor and its Standards

3.11 Punishment for Contravention

**Unit 4: Majority Rule and Protection of Minority Shareholders**

**(7 Hours)**

4.1 Concept of Majority Rule

4.2 The Principle of Non-interference

4.3 Justification and Advantages of Rule in Foss vs. Harbotalle

4.4 Exceptions of Rule in Foss vs. Harbotalle

4.5 Majority Rule and Minority Rights under the Companies Act

4.6 Prevention of Operation and Mismanagement

4.7 Derivative and Other Actions

**Unit 5: Concepts of Corporate Governance and Corporate Social Responsibility**

**(12 Hours)**

5.1 Corporate Governance a Conceptual Prospective

5.2 Corporate Governance a Theoretical Prospective

5.3 Objectives of Corporate Governance System

5.4 Sources of Corporate Governance

5.4.1 Company Legislation

5.4.2 Securities Laws

5.4.3 Banking and Insurance Laws

5.4.4 Corporate Constitution: the Memorandum of Association and Articles of Association

5.4.5 Listing Rules

5.4.6 Codes of Corporate Governance

5.4.7 International Standards of Corporate Governance

5.5 Corporate Governance Models: Anglo-American Model of Corporate Governance and German-Japanese Model of Corporate Governance

5.6 The Legal and Regulatory Frameworks of Corporate Governance

5.7 Corporate Governance Reforms in Nepal

5.8 Thematic Aspect of Corporate Social Responsibility

5.9 Approaches to Implementing Corporate Social Responsibility

5.10 Emergence of CSR as an Independent Concept

- 5.11 Concepts Related to CSR
  - 5.11.1 Corporate Philanthropy
  - 5.11.2 Corporate Sustainability
  - 5.11.3 Ethics
  - 5.11.4 Corporate Governance
- 5.12 Mandatory CSR
- 5.13 Environmental Responsibility of Company
- 5.14 Human Rights Responsibility of Company
- 5.15 Corporate Responsibility towards the Consumers

**Unit 6: Key Managerial Personnel in the Company and their Appointment (6 Hours)**

- 6.1 Appointment of Managing Director
- 6.2 Position and Role of Managing Directors
- 6.3 Appointment of Chief Executive Officer
- 6.4 Position and Role of Chief Executive Officer
- 6.5 Historical Perspective of the Company Secretary Role and Function
- 6.6 The Role of the Company Secretary in the Corporate Governance System
- 6.7 Appointment of Company Secretary
- 6.8 The Company Secretary's Role and Function in the Organizational Context
- 6.9 The Company Secretary's Role and Function in the Processual Context

**Prescribed Cases**

- Piyus Raj Pandey vs. Tax Office Kathmandu, N.K.P 2040 B.S, Vol. 12, Page 901
- Unity Life International vs. Office of Council of Ministers, N.K.P 2069, No. 4, Page 643
- Arun Chandra vs. Nepal Rastra Bank, N.K.P 2063 B.S, Vol. 11, Page 1434
- Nepal Airlines Corporation vs. Harati Travels, N.K.P 2067 B.S, Vol.. 12, D.No. 2086
- Dodge vs. Ford Motor Co., 204 Mich. 459, 170 N.W. 668 (1919).

Salomon vs. A. Salomon & Co. Ltd. [1897] A.C. 22 (H.L.).  
Foss vs. Harbottle, 67 E.R. 189 (1843).  
Percival vs. Wright [1902] 2 Ch. 421.  
Re Smith & Fawcett Ltd. [1942] Ch. 304.  
Hutton vs. West Cork Railway Co. (1883) 23 Ch. D. 654.

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Boatright, J. R. (2017). *Ethics and the conduct of business* (8<sup>th</sup> ed.). Pearson.

Crane, A. & D. Matten et.al (2019). *Business ethics: Managing corporate citizenship and sustainability in the age of globalization* (5<sup>th</sup> ed.). Oxford University Press.

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Deakin, S., & B. Markesinis (2019). *Markesinis and Deakin's tort law* (8<sup>th</sup> ed.). Oxford University Press.

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Monks, R. A. G., & N. Minow (2011). *Corporate governance* (6<sup>th</sup> ed.). Wiley.

Sealy, L. S., & S. Worthington (2016). *Cases and materials in company law* (11<sup>th</sup> ed.). Oxford University Press.

Solomon, J. (2020). *Corporate governance and accountability* (5<sup>th</sup> ed.). Wiley.

# Intellectual Property Law

## Sixth Semester

**Course Code:** LAW5502

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of the meaning, concept, and various forms of intellectual property (IP), alongside the theories and sources of intellectual property law.
- To enable students to comprehend in-depth knowledge of international legal instruments and conventions governing intellectual properties, including patents, trademarks, copyrights, industrial designs, geographical indications, trade secrets, and more.
- To familiarize students with the concepts of ownership, infringement, and remedies related to intellectual property rights, and to develop practical skills for enforcing IP rights through legal mechanisms.
- To equip students with the knowledge of Nepalese intellectual property law, including relevant legal provisions, Supreme Court decisions, and the role of institutions responsible for IP protection and enforcement in Nepal.

## Unit 1: Introduction to Intellectual Property and Intellectual Property

**Law**

**(7 Hours)**

1.1 Concept and Major Forms of Intellectual Property (IP)

1.2 Philosophy and Theories of Intellectual Property

1.2.1 Labour Theory

1.2.2 Personality Theory

1.2.3 Utilitarian Theory

1.3 Meaning, Nature, and Origin of Intellectual Property Rights (IPRs)

1.4 Economic Value and Importance of Intellectual Property

- 1.5 Concept and Sources of Intellectual Property Law
- 1.6 International Intellectual Property Regime for the Protection of Intellectual Property
  - 1.6.1 Historical Development of Intellectual Property Laws
  - 1.6.2 Major Conventions on IP (Paris Convention, Berne Convention, and WIPO Convention)
  - 1.6.3 Role and Functions/Objectives of WIPO and Significance of WTO: TRIPS Agreement

**Unit 2: Law of Patent (7 Hours)**

- 2.1 Concept, Types and Elements of Patent (Patentability)
- 2.2 Justifications on Protection of Patent
- 2.3 Subsistence, Ownership and Term of Patent; Patent Specification
- 2.4 Exercise of Patent: Assignment v. Licensing; Compulsory Licensing
- 2.5 Enforcing Patent: Patent Infringement Claims, Defenses and Remedies in Patent Infringement
- 2.6 National and International Instruments
  - 2.6.1 The Patent, Design and Trademark Act, 2022 (Patent related Provisions)
  - 2.6.2 WIPO Administered Treaties relating to Patent
  - 2.6.3 TRIPS Agreement (Patent related Provisions)

**Unit 3: Law of Industrial Design (7 Hours)**

- 3.1 Concept and Elements of Industrial Design
- 3.2 Justifications on Protection of Industrial Design
- 3.3 Subsistence, Ownership and Term of Industrial Design
- 3.4 Exercise of Trademark: Assignment v. Licensing
- 3.5 Enforcing Industrial Design: Design Infringement Claims, Defenses and Remedies in Design Infringement
- 3.6 National and International Instruments
  - 3.6.1 The Patent, Design and Trademark Act, 2022 (Industrial Design related Provisions)
  - 3.6.2 WIPO Administered Treaties relating to Industrial Design
  - 3.6.3 TRIPS Agreement (Industrial Design related Provisions)

**Unit 4: Law of Trademark (8 Hours)**

- 4.1 Concept and Elements of Trademark
- 4.2 Justifications on Protection of Trademark
- 4.3 Functions and Types/Kinds of Trademark and Trademark Distinctiveness Spectrum
- 4.4 Subsistence, Ownership and Term of Trademark:
- 4.5 Exercise of Trademark: Assignment vs. Licensing
- 4.6 Enforcing Trademark: Trademark Infringement Claims, Defense and Remedies in Trademark Infringement
- 4.7 National and International Instruments
  - 4.7.1 The Patent, Design and Trademark Act, 2022 (Trademark related Provisions)
  - 4.7.2 WIPO Administered Treaties relating to Trademark
  - 4.7.3 TRIPS Agreement (Trademark related Provisions)

**Unit 5: Law of Copyright (8 Hours)**

- 5.1 Concept, Scope and Elements of Copyright
- 5.2 Justifications on Protection of Copyright
- 5.3 Subsistence of Copyright
  - 5.3.1 Copyright Ownership and Term of Copyright
  - 5.3.2 Economic Rights and Moral Rights
  - 5.3.3 Neighbouring Rights (Related Rights)
- 5.4 Exercise of Copyright: Assignment v. Licensing; Compulsory Licensing
- 5.5 Enforcing Copyright: Copyright Infringement Claims, Defenses and Remedies in Copyright Infringement
- 5.6 Permitted Use and Fair Dealing/Fair Use and Six-Factor Test
- 5.7 National and International Instruments
  - 5.7.1 The Copyright Act, 2059
  - 5.7.2 WIPO Administered Treaties relating to Copyright
  - 5.7.3 TRIPS Agreement (Copyright related Provisions)

**Unit 6: General Introduction to Other Types of Intellectual Properties (6 Hours)**

- 6.1 Geographical Indication (GI)
- 6.2 Layout Design of Integrated Circuits (LDIC)

- 6.3 Trade Secrets:
  - 6.3.1 Confidential Information
  - 6.3.2 Undisclosed Information
  - 6.3.3 Test Data
- 6.4 Protection of New Variety of Plants and Plant Breeder's Rights
- 6.5 Intellectual Property Perspective on:
  - 6.5.1 Traditional Knowledge (TK)
  - 6.5.2 Traditional Cultural Expression (TCE)
  - 6.5.3 Genetic Resources (GR)
- 6.6 Protection against Unfair Competition

**Unit 7: Role and Functions of Organizations Dealing with Intellectual Properties in Nepal (5 Hours)**

- 7.1 Department of Industry - Industrial Property Section (DOI - IP Section)
- 7.2 Nepal Copyright Registrar's Office (NCRO)
- 7.3 Department of Archive (National Archive), Custom Offices and Post Offices
- 7.4 Nepal Standard and Quality Office Relating to National Standard Mark (NS - Mark)
- 7.5 Collective Management Organizations (CMOs): Music Royalty Collection Society - Nepal

**Prescribed Cases**

- Suresh Chandra Agrawal vs. Dept. of Industries et.al, NKP 2049 B.S, Issue 8, D.No. 4606, p. 791.
- Nurpratap Rana vs. Department of Industries et.al NKP 2062, Number 5, D.N. 7536, p. 539.
- Madan Pd. Lamsal vs. Repsona Publication Pvt. Ltd., NKP 2068 B.S, Number 9, D.No 8686, p. 1545.
- CA. K. N. Modi vs. Pradeep Kumar Aanchalia, NKP 2076 B.S, Number 7, D.No. 10303, p. 1384.
- Karma Ghale vs. Anju Upreti Dhakal, NKP 2068 B.S, Number 3, D.No. 8577, p. 448.

- Dr. Daman Bdr. Amatya vs. Department of Industry, NKP 2067 B.S, Number 4, D.No. 8356, p. 650.
- Mihir Kumar Thakur vs. Bhesh Jung Badal Lamichhane, NKP 2066 B.S, Number 12, D.No. 8283, p. 2017.
- Gopal Bhattarai et.al. vs. Nepal Government, Writ No. 072-CR-1763, Decision Date: 2080/02/28.

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# Human Rights Law

## Sixth Semester

**Course Code:** LAW5503

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a comprehensive understanding of human rights concepts, principles, philosophies, and the development of human rights law at international, regional, and national levels.
- To familiarize students with the various human rights protection mechanisms, both state and non-state actors; duties and responsibilities, and the enforcement mechanisms through international and regional human rights systems.
- To enable students to explore the rights of marginalized and vulnerable groups, including minorities, indigenous people, and the impact of different cultural and political contexts on human rights protection.
- To develop students' ability to analyze critically human rights issues, including the role of non-state actors, the universality vs. cultural relativism debate, and the evolving responsibilities for protecting human rights, such as the Responsibility to Protect (R2P).

### **Unit 1: Introduction of Human Rights (8 Hours)**

- 1.1 Concept, Principles and Nature of Human Rights
- 1.2 Evolution and Development of Human Rights law
- 1.3 Philosophical Foundation of Human Rights

### **Unit 2: Classification of Human Rights (8 Hours)**

- 2.1 Critics on Generations of Human Rights
- 2.2 Civil and Political Rights
- 2.3 Economic, Social and Cultural Rights

- 2.4 Right to Environment
- 2.5 Right to Development
- 2.6 Right to Self-Determination
- 2.7 Rights of Minorities, Marginalized Groups and Indigenous People

**Unit 3: International Protection of Human Rights (10 Hours)**

- 3.1 United Nations Human Rights Mechanisms
- 3.2 Human Rights Enforcement Mechanisms
  - 3.2.1 Charter-based Mechanism
    - 3.2.1.1 Human Rights Council
    - 3.2.1.2 Universal Periodic Review
    - 3.2.1.3 Special Procedures
    - 3.2.1.4 Advisory Committee
    - 3.2.1.5 Complaint Procedure
  - 3.2.2. Treaty-based Mechanism
    - 3.2.2.1 Human Rights Committee
    - 3.2.2.2 Committee on Economic, Social and Cultural Rights
    - 3.2.2.3 Committee on the Elimination of All Forms of Racial Discrimination
    - 3.2.2.4 Committee on the Elimination of All Forms of Discrimination against Women
    - 3.2.2.5 Committee Against Torture (Sub-Committee on prevention of Torture)
    - 3.2.2.6 Committee on the Rights of the Child
    - 3.2.2.7 Committee on the Rights of persons with Disabilities
    - 3.2.2.8 Committee on Enforced Disappearances
    - 3.2.2.9 Committee on the protection of the rights of all Migrant workers and members of their families.

**Unit 4: Regional Arrangements for Human Rights Protection (6 Hours)**

- 4.1 European System
- 4.2 Inter-American System
- 4.3 African System

- 4.4 Asia-Pacific Initiatives
- 4.5 South Asia Regional Initiatives
- 4.6 Arab System

**Unit 5: Domestic enforcement of Human Rights (6 Hours)**

- 5.1 Status of ratification of Human Rights instruments
- 5.2 Constitutional Framework
  - 5.2.1 Fundamental Rights
  - 5.2.2 Directive Principles and Policy
  - 5.2.3 National Human Right Commissions & other commission
  - 5.2.4 Judicial Enforcement of Human rights
- 5.3 Role of Non-state actors and Private actors

**Unit 6: Human Rights Protection during Special Situation (5 Hours)**

- 6.1 State of Emergency
- 6.2 Riots, Uprisings, Civil Strikes
- 6.3 Armed Conflicts
- 6.4 Humanitarian Crises
- 6.5 Humanitarian Intervention and its Justifications

**Unit 7: Critical Approaches to Human Rights (5 Hours)**

- 7.1 Asian and Western Human Rights Values
- 7.2 Universalism and Cultural Relativism
- 7.3 Responsibilities to Protect (R2P)

**References Books**

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# Interpretation of Law

## Sixth Semester

**Course Code:** LAW5504

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with foundational knowledge of statutory and constitutional interpretation, including key concepts, types of statutes, and interpretative approaches.
- To develop students' ability to apply established rules of interpretation, both primary and secondary legal texts, such as statutes, constitutions, contracts, and wills.
- To enhance students' ability to analyze reasoning skills through the use of interpretative tools and doctrines, including liberal, literal, harmonious, and purposive constructions.
- To familiarize students with Nepal's statutory interpretation practices, including the Interpretation of Statute Act, 2010 B.S., and landmark court decisions shaping legal interpretation in Nepal.

## Unit 1: Introduction

**(7 Hours)**

1.1 Meaning of the term 'Statutes'

1.2 Types of Statutes

1.3 Commencement, Repeal, and Revival of Statute

1.4 Meaning of interpretation

1.5 Kinds of Interpretation

1.6 Importance of Interpretation

1.7 Interpretation and Construction

## Unit 2: Aids to Interpretation

**(10 Hours)**

2.1 Aids to interpretation

2.1.1 Intrinsic aids

(i) Title (Long title and Short title)

- (ii) Preamble
- (iii) Headings
- (iv) Marginal notes
- (v) Schedules
- (vi) Punctuation
- (vii) Proviso

## 2.2 Extrinsic aids

### 2.2.1 Historical setting

- (a) Parliamentary history and debates
- (b) Official reports, including Law Reform Commission reports
- (c) Explanatory memoranda issued by government departments
- (d) Textbooks and dictionaries
- (e) International conventions
- (f) Travaux preparators
- (g) Other statutes such
- (i) Uniform court decisions and usage

## **Unit 3: Rules of Interpretation**

**(12 Hours)**

### 3.1 Rules of Interpretation

#### 3.1.1 Primary Rules of Interpretation

- (i) Literal rule
- (ii) Golden rule
- (iii) Mischief rule

#### 3.1.2 Secondary Rules of Interpretation

- (a) Ejusdem generis
- (b) Noscitur a sociis
- (c) Reddendo singula singuli
- (d) Expressio unius
- (e) Contemporanea exposition
- (f) Construction of words in bonam partem

#### 3.1.3 Mimansa Rule of Interpretation

### 3.2 Interpretation concerning the subject matter of Statute

#### 3.2.1 Taxing Statutes

- 3.2.2 Penal Statutes
- 3.2.3 Remedial and Beneficial Statutes
- 3.2.4 Interpretation of codifying statute and consolidating statute

**Unit 4: Construction**

**(6 Hours)**

- 4.1 Liberal Construction
- 4.2 Beneficial Construction
- 4.3 Restrictive/ Literal Construction
- 4.4 Construction Ut Res Magis Valeat Quam Pareat
- 4.5 Harmonious Construction
- 4.6 Construction to avoid collision with other provisions
- 4.7 Exceptional Construction

**Unit 5: Construction of Constitution, Contract, Deeds, and Will**

**(6 Hours)**

- 5.1 Construction of Constitution
  - 5.1.1 Harmonious Construction
  - 5.1.2 Construction Ut res magis valeat quam pereat
  - 5.1.3 Liberal interpretation
  - 5.1.4 Progressive interpretation
  - 5.1.5 Purposive interpretation
- 5.2 Constitutional Construction and influencing factors
  - 5.2.1 'Stare decisis' principle
  - 5.2.2 Doctrine of ultra-vires
  - 5.2.3 Doctrine of implied powers
  - 5.2.4 Doctrine of implied prohibition
  - 5.2.5 Doctrine of colorable legislation
  - 5.2.6 Doctrine of eclipse
  - 5.2.7 Doctrine of fraud of the constitution
  - 5.2.8 Doctrine of Pith and Substance
  - 5.2.9 Doctrine of Severability
- 5.3 Construction of Contract
- 5.4 Construction of Deeds
- 5.5 Construction of Will

## **Unit 6: Presumption**

**(4 Hours)**

- 6.1 Presumption against change in the common law
- 6.2 Presumption of constitutionality of a statute
- 6.3 Presumption regarding jurisdiction
- 6.4 Presumption against retrospective legislation
- 6.5 Presumption against violation of international law
- 6.6 Presumption against intending injustice or absurdity
- 6.7 Presumption against impairing obligation or permitting advantage
- 6.8 Presumption against intending what is inconvenient or unreasonable

## **Unit 7: An Introduction of Interpretation Law of Nepal (3 Hours)**

- 7.1 Interpretation of Statute Act 2010 B.S.
- 7.2 Recent Trends on Interpretation of Statutes

### **Prescribed Cases**

Dr. K.I. Singh vs. Government of Nepal, D.No. 279, NKP 2022 B.S.

Man Bahadur Limbu vs. Gajjal Limbu, D.No. 814, NKP 2031B.S.

Kanchha Prajapati vs. Nhuchche Kumar Prajapati, D.No. . 4350, NKP 2048 B.S.

Lok Bhakta Samsher Ja. Ba. Ra. vs. Rama Devi Rajbhandari, D.N. 6625, NKP 2055 B.S.

Suman Sahi vs. Government of Nepal, D.No. . 9792, NKP 2074 B.S.

Ammara Mahara vs. Mahesh Mahar (Mahara), D.NO.10178, NKP 2076B.S.

Anjan K.C. case D.No. . 10523, NKP 2077 B.S.

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General Clauses Act, 1897 (India).

Interpretation Act, 1978 (United Kingdom).

# Law of Torts and Consumer Protection

## Sixth Semester

**Course Code:** LAW5505

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with a foundational and analytical understanding of tort law, including its historical development, essential elements, categories, and distinctions from criminal and contractual liabilities, with emphasis on its application in the Nepalese legal context.
- To enable students to examine the legal capacities, limitations, justifications, and liabilities in tort law, including doctrines such as strict, absolute, and vicarious liability, and to understand the mechanisms for discharge of tortious liability.
- To develop students' ability to explore the judicial and extrajudicial remedies available in tort law, and assess recent trends and judicial responses specific to Nepal, fostering the ability to critically evaluate legal outcomes.
- To develop comprehensive knowledge of students about consumer protection laws in Nepal, covering legislative frameworks, rights and responsibilities, regulatory mechanisms, prohibited practices, and the role of consumer courts in safeguarding consumer interests.

## Unit 1: Introduction to Tort Law

**(12 Hours)**

- 1.1 Historical Development, Definition, and Functions of Tort Law
- 1.2 The Nature and Scope of Tortious Liability
- 1.3 Essential Components and Categories of Torts
- 1.4 Fundamental Elements Constituting a Tort
- 1.5 Distinction between Tort, Crime and Contractual Breaches
- 1.6 Relevance of malice, motive, intention and fault in law of torts
- 1.7 The Application of Tort Law in the Nepalese Legal System

**Unit 2: Parties and Justifications in Tort (10 Hours)**

- 2.1 Legal Capacity to Sue and Be Sued in Tort Actions
- 2.2 Limitations and Exceptions on the Right to Sue or Be Sued
- 2.3 Theoretical Justifications for Tort Liability and Defenses

**Unit 3: Tort Liability and Discharge Mechanisms (4 Hours)**

- 3.1 The Doctrine of Strict and Absolute Liability
- 3.2 Principles of Vicarious Liability and its Scope
- 3.3 Legal Mechanisms for Discharging Tortious Liability: Definitions and Categories

**Unit 4: Remedies in Tort Law (4 Hours)**

- 4.1 Judicial Remedies: Compensation, Injunctions, and Declaratory Relief
- 4.2 Extrajudicial Remedies: Self-Help and Alternative Dispute Resolution
- 4.3 Legal Provision of Nepal relating to remedies in tort actions
- 4.4 Recent trends and judicial response in tort law in Nepal

**Unit 5: Principles of Consumer Protection (6 Hours)**

- 5.1 Evolution and Conceptualization of Consumer Protection
- 5.2 Goals, Significance, and Mechanisms of Consumer Protection Legislation
- 5.3 Consumer Rights and Obligations of Suppliers and Manufacturers

**Unit 6: Consumer Protection in the Nepalese Context (12 Hours)**

- 6.1 Historical Context and Development of Consumer Protection in Nepal
- 6.2 Legislative Objectives and Impact of Consumer Protection Laws
- 6.3 Structure, Roles, Responsibilities, and Authority of the Consumer Protection Council
- 6.4 Strategies for the Safeguarding and Advancement of Consumer Rights
- 6.5 Governmental Powers and Responsibilities in Regulating Consumer Goods and Services

- 6.6 Mandatory Information Requirements for Consumer Goods
- 6.7 Prohibited Practices Concerning Consumer Goods and Services
- 6.8 Mechanisms for Penalties and Settlement of Compensation Claims
- 6.9 Analysis of Relevant Statutes and Landmark Judicial Decisions
- 6.10 Consumer Court and its jurisdiction

### References Books

- Aiyer, R. (1990). *The law of torts*. N.M. Tripathi.
- Bangia, R. K. (1999). *Law of Torts* (14<sup>th</sup> ed.). Allahabad Law Agency.
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## Seminar–I (Doctrinal)

### Sixth Semester

**Course Code:** LAW5506

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To equip students with foundational knowledge and practical skills in legal research methodology, with an emphasis on the doctrinal approach using primary and secondary sources.
- To develop students' ability to identify, analyze, and critically engage with contemporary legal issues through independent research and structured academic inquiry.
- To enhance students' competencies in legal writing, presentation, and academic communication, fostering the ability to construct coherent and persuasive legal arguments.
- To build students' confidence and professional readiness by simulating real-world legal research practices, including peer discussion, feedback incorporation, and oral defense through viva-voce.

### Course Description and Evaluation

This seminar is a practical exercise designed to engage B.A.LL.B. students with doctrinal legal research on contemporary legal issues. The students are required to select a topic that is related to law and/or legal issues. With the approval of the seminar teacher/convener, the students conduct in-depth research to prepare a seminar paper, which they will present to the class. The seminar emphasizes collaborative learning, so active participation in discussions is mandatory. The students receive comments, feedback, and suggestions during the class presentation. Incorporating feedback received in the class presentation from the seminar teacher, the students need to submit a final seminar paper for final evaluation.

This practical course carries 3 Credits. This means the seminar paper is evaluated for 100 marks. Out of this, 40 marks (40%) are allotted to internal evaluation by the seminar teacher, and another 10 marks (10%) are evaluated in viva-voce conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. The remaining 50 marks (50%) are evaluated by the external examiner.

# Insurance Law

## Sixth Semester

**Course Code:** LAW5507

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To equip students with a foundational understanding of the concepts, principles, and historical development of insurance law, with specific attention to its role in a globalized economy and in the Nepalese context.
- To enable students to comprehend and analyze the structure and legal framework of insurance contracts, including life, non-life, and re-insurance, along with key doctrines such as insurable interest, utmost good faith, subrogation, and proximate cause.
- To familiarize students with the regulatory environment of insurance in Nepal, including the functions, powers, and governance of the Nepal Insurance Authority, as well as the laws related to registration, supervision, and liability of insurers.
- To develop students' ability to practically apply insurance law, including understanding claims procedures, the role of insurance intermediaries, and analyzing judicial decisions relevant to insurance disputes in both legal and business settings.

## Unit 1: Introduction

**(6 Hours)**

1.1 Introduction to Insurance.

1.2 Role and Importance of Insurance.

1.3 Definition and Nature of Insurance Laws

1.4 History of Insurance and Insurance Law in General

1.5 Concept of insurance in the Globalized Economy

1.6 History and Development of Insurance and Insurance Laws  
in Nepal.

1.7 Prevailing Insurance Laws of Nepal.

**Unit 2: General Principles of Law of Insurance (10 Hours)**

- 2.1 Contract of Insurance
- 2.2 Nature and Classification of Insurance: Life Insurance Non-Life Insurance and Re-Insurance
- 2.3 Parties, Principles of Good Faith in Contracts, Disclosure and Representation of Insurance Contract
- 2.4 Insurable Interest: Definition, Nature and Duration
- 2.5 Premium: Definition, Mode or Method of Payment Days of Grace, Forfeiture and Return of Payment
- 2.6 The Risk: Meaning, Elements and Scope of Risk, Commencement, Attachment; Duration, Alteration, Risk and Duty Assured and Application of Rules in Different Insurance
- 2.7 Assignment of the Subject-Matter. Assignment of the Insurance Policy, Nature and Manner of Assignment, Assignment of Life and Non-life Policy and Warranties and Disclosure
- 2.8 Claim: Doctrine of Proximate Cause, Burden of Proof Doctrine of Contribution, Doctrine of Subrogation and Claim Procedure for Reinsurance

**Unit 3: Life Insurance (6 Hours)**

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

**Unit 4: Non-Life Insurance (6 Hours)**

- 4.1 Meaning and Nature of Non-Life Insurance
- 4.2 Kinds of Non-Life Insurance Fire Insurance, Motor Vehicles Insurance, Marine Insurance, Engineering Contractor's Risk

- Insurance, Aviation Insurance, Miscellaneous Insurances
- 4.3 Insurance against Third Party Risks and the Mo Vehicles
- 4.4 Claim: Process of payment against Non-Life Insurance Claim and Complaint

**Unit 5: The Insurance Regulatory and Development of Authority in Nepal (4 Hours)**

- 5.1 Nepal Insurance Authority
- 5.2 Composition
- 5.3 Function, Duty and Power of Insurance Regulatory Development Authority in Nepal.
- 5.4 Chairperson and member Qualification
- 5.5 Regulation, Inspection and Supervision
- 5.6 Action, Offence, Punishment and Fine

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

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

**Unit 7: Insurance Intermediaries (6 Hours)**

- 7.1 Law of Agency and meaning of Intermediaries.
- 7.2 Registration of Insurance Agent, Surveyor and Broker
- 7.3 Disqualification of Insurance Agent, Surveyor and Broker
- 7.4 Code of Conduct of Intermediaries

## **Prescribed Cases**

- Ram Bahadur Kshetri vs. Sagarmatha Insurance Company Limited, N.K.P 2080 B.S, Vol. 12, D.No. 11220
- Rameshratna Bajracharya and Others vs. Nepal Aushadhi Limited, Babarmahal, Kathmandu, N.K.P 2079 B.S, Vol. 3, D.No. . 10832
- Vijay Bahadur Shah vs. Government of Nepal, N.K.P 2077 B.S, Vol. 5 D.No. . 10497
- Dr. Pranav Sen vs. Jayshree Shyam Suppliers' Proprietor Ashok Kumar Agrawal, N.K.P 2076 B.S, Vol. 10, D.No. 10731.
- National Insurance Company vs. Prof. Ashok Kumar Aggarwal, N.K.P 2076 B.S. Vol. 10, D.No. 10371
- Premraj Bhatt vs. Ministry of Finance, N.K.P 2076 B.S, Vol. 2 D.No. 10191
- Rastriya Bima Sansthan vs. Indrajeet Tiwari, N.K.P 2069 B.S, No. 4, P. 574
- Everest Insurance Ltd. vs. Narayan Prasad Parajuli et.al. N.K.P 2067 B.S, No. 12, P. 2135

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- Jain, R. (2001). *Insurance law & practice* (1<sup>st</sup> ed.). Jas Book Agency.
- Kumar, G. (2006). *Kumar's A treatise on insurance laws* (7<sup>th</sup> ed.). Law Publishers.
- Labour Organisation. (1985). *New insurance law* (1<sup>st</sup> ed.). Union Book.
- Marthy, K. S. N., &K.V.S Sharma (2007). *Modern law of insurance in India* (1<sup>st</sup> ed.). LexisNexis Butterworths Wadhwa.
- Singh, B. (2000). *New insurance law* (1<sup>st</sup> ed.). Union Book Publishers.

## Socio-Economic Crime

### Sixth Semester

**Course Code:** LAW5508

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

### Course Objectives

The objectives of the course:

- To acquaint students with a foundational understanding of socio-economic crimes, including their nature, characteristics, classifications, and societal impact, with a specific focus on organized crime and white-collar offenses.
- To develop students' ability to analyze the evolution, structure, and operations of organized criminal groups, along with their major activities such as drug trafficking, human trafficking, money laundering, cybercrime, and wildlife smuggling.
- To enable students to explore the nature, causes, and types of white-collar and political crimes, examining their occurrence across professions and their distinction from traditional crimes, including crimes such as terrorism, sedition, genocide, and war crimes.
- To familiarize students with the national and international legal frameworks, mechanisms, and judicial decisions addressing socio-economic and political crimes in Nepal, and to critically assess the effectiveness of current enforcement and policy measures.

### Unit 1: Introduction (8 Hours)

- 1.1 Concept of Socio-Economic Crime
- 1.2 Nature and Characteristics of Socio-Economic Crime
- 1.3 Kinds of Socio-Economic Crime
- 1.4 Impact of Socio-Economic Crime
- 1.5 Approaches to Socio-Economic Crime

**Unit 2: Organized Crime (12 Hours)**

- 2.1 Concept of Organized Crime
- 2.2 Historical Evolution of Organized Crime
- 2.3 Nature and Characteristics of Organized Crime
- 2.4 Major Organized Criminal Groups
- 2.5 National and International Mechanisms for Combating Organized Crime

**Unit 3: Major Activities of Organized Criminal Groups (10 Hours)**

- 3.1 Drug Trafficking
- 3.2 Human Trafficking
- 3.3 Arms Trafficking
- 3.4 Smuggling precious Goods
- 3.5 Money Laundering
- 3.6 Cybercrime and Online Fraud
- 3.7 Illegal Wildlife Trading

**Unit 4: White Collar Crime (8 Hours)**

- 4.1 Definition and Concept of White Collar Crime
- 4.2 Evolution of White Collar Crime
- 4.3 Nature and Characteristics of White Collar Crime
- 4.4 Types of White Collar Crime
- 4.5 Causes of White Collar Crime
- 4.6 White Collar Crime in Different Professions
- 4.7 Comparison between White Collar Crime and Traditional Crime

**Unit 5: Political Crimes (10 Hours)**

- 5.1 Concept and Characteristics of Political Crime
- 5.2 Types of Political Crimes
  - 5.2.1 Terrorism
  - 5.2.2 Assassination
  - 5.2.3 Violence
  - 5.2.4 Treason
  - 5.2.5 Sediton
  - 5.2.6 Espionage

- 5.2.7 Extra-Judicial Killings
- 5.2.8 Genocide
- 5.2.9 War crimes
- 5.2.10 Crime against Humanity
- 5.3 Organized Criminal and Politician Nexus
- 5.4 Impact of Political Crimes on Governance

### **Prescribed Cases**

- Dhana Kumari Sitaula vs. Government of Nepal, NKP, 2066 B.S, Vol.11, D.No. 8269. (Case: Drug, Subject: Onus of Proof)
- Sita Ram Giri vs. GON (075-CR- 0224), Decision Date 2080-03-25. (Element of Organized Crime)
- Arjun Lamsal alias Dinesh Aale vs. GON, Nepal Kanoon Patrika (NKP) 2078 B.S, Vol. 4, D.No. 10668. (Organized Crime: Narcotic Drug)
- Ram Bahadur Gurung vs. GON, Nepal Kanoon Patrika (NKP) 2072 B.S, Vol. 8, D.No. 9453. (Organized Crime: Counterfeiting of Currency)

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- Adler, F., & G.O W. Mueller et.al (n.d.). *Criminology*. McGraw Hill.
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# International Humanitarian Law

## Sixth Semester

**Course Code:** LAW5509

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To develop students' ability on a foundational knowledge of International Humanitarian Law (IHL), including its definitions, sources, principles, and historical evolution, with emphasis on its relationship with other branches of international law.
- To enable students to classify different types of armed conflict and understand the legal distinctions and rules applicable to each, including international, non-international, and internationalized conflicts.
- To equip students with knowledge of the protection granted under IHL to persons and objects, such as civilians, combatants, cultural property, and the environment, along with the distinction between lawful and unlawful means and methods of warfare.
- To enable students to examine the mechanisms for enforcement and accountability under IHL, including individual and command responsibility, international tribunals, the International Criminal Court, and national enforcement mechanisms, with a case study on the armed conflict in Nepal.

## Unit 1: Introduction of IHL

**(8 hours)**

1.1 Definition and scope of IHL

1.2 Sources of IHL

1.2.1 Hague Law and Geneva Law

1.2.2 Customary International Humanitarian Law

1.2.3 Marten's Clause

1.3 Historical development of IHL

- 1.4 Principle of IHL
  - 1.4.1 Principle of distinction
  - 1.4.2 Principle of Military Necessity
  - 1.4.3 Principle of Proportionality
  - 1.4.4 Principle of Humanity
- 1.5 Interplay between IHL and other branches of International Law
  - 1.5.1 IHL and International Human Rights Law
  - 1.5.2 IHL and International Criminal Law
  - 1.5.3 IHL and International Refugee Law

**Unit 2: Classification of Armed Conflict (6 hours)**

- 2.1 International Armed Conflict
- 2.2 Non-International Armed Conflict
- 2.3 Military Occupation
- 2.4 Internationalized Armed Conflict
- 2.5 Examples of Contemporary Armed Conflicts

**Unit 3: Protected Persons and Objects under IHL (15 hours)**

- 3.1 Protection of civilians
  - 3.1.1 Civilian
  - 3.1.2 Women
  - 3.1.3 Children
  - 3.1.4 Refugees
  - 3.1.5 War correspondents and Journalist
  - 3.1.6 Levi en masse
  - 3.1.7 Loss of Civilian Protection and Direct Part in Hostilities
- 3.2 Combatant
  - 3.2.1 Combatant
  - 3.2.2 Medical and religious persons
- 3.3 Sick, Wounded, Shipwrecked (Hors de combat)
- 3.4 Prisoners of War
  - 3.4.1 Prisoners of War
  - 3.4.2 Spies
  - 3.4.3 Mercenaries
  - 3.4.4 Mercenaries and Private Military Security Company/ Personnel

- 3.5 Difference between civilians and combatants
- 3.6 Civilian objectives
- 3.7 Military objectives
- 3.8 Difference between civilian objects and military objectives
- 3.9 Protection of cultural property
- 3.10 Protection of environment

**Unit 4: Means And Methods of Warfare (8 hours)**

- 4.1 Prohibited means of warfare
  - 4.1.1 Expanding bullets
  - 4.1.2 Poison and poisoned weapons
  - 4.1.3 Chemical weapons
  - 4.1.4 Biological weapons
  - 4.1.5 Certain Conventional Weapons (Incendiary weapons, Blinding laser weapons, Mines, booby traps and other devices)
  - 4.1.6 Anti-personnel mines
  - 4.1.7 Explosive Remnants of War
  - 4.1.8 Cluster Munition
  - 4.1.9 Nuclear Weapons
- 4.2 Prohibited methods of warfare
  - 4.2.1 No quarter order
  - 4.2.2 Perfidy
  - 4.2.3 Starvation
  - 4.2.4 Pillage
  - 4.2.5 Reprisals against non-military objectives
- 4.3 Cyber warfare and the use of drones

**Unit 5: Enforcement of International Humanitarian Law (11 hours)**

- 5.1 Grave breaches Geneva Conventions and war crimes
- 5.2 Individual responsibility and Command Responsibility
- 5.3 International and national mechanisms for enforcing IHL
- 5.4 Role of international tribunals (Nuremberg Tribunal, Tokyo Tribunal, International Criminal Tribunal for Former Yugoslavia, International Criminal Tribunal for Rwanda)

- 5.5 International Criminal Court and Jurisdiction (War Crimes, Crime Against Humanity, Aggression, Genocide)
- 5.6 Challenges and limitations of enforcement
- 5.7 Case study of Armed Conflict in Nepal

### **References Books**

- Crawford, E., & A. Pert (2019). *International humanitarian law*. Cambridge University Press.
- Fleck, D. (Ed.). (2013). *The handbook of humanitarian law in armed conflicts*. Oxford University Press.
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- Maybee, L., & B. Chakka (Eds.). (2018). *International humanitarian law: A reader for South Asia*. South Asian Human Rights Documentation Centre.
- Sassòli, M., & A.A Bouvier et. al (2019). *International humanitarian law: Rules, controversies, and solutions to problems arising in warfare*. Edward Elgar Publishing.
- Sassòli, M. & A. Bouvier (2011). *How does law protect in war?* International Committee of the Red Cross (ICRC)
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# Forensic Science

## Sixth Semester

**Course Code:** LAW5510

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To familiarize students with the concept, scope, and significance of forensic science and its development in Nepal.
- To acquaint students with various types of physical and biological forensic evidence, including their collection, preservation, and scientific examination methods.
- To develop students' understanding of Nepalese legal provisions and case laws related to forensic science, and the role of expert opinions in judicial proceedings.
- To equip students with the knowledge of procedures for examination, cross-examination and re-examination of forensic experts in courts, along with ethical and admissibility considerations.

### Unit 1: Introduction

**(3 Hours)**

- 1.1 Concept, Importance, Scope and Fields of forensic science
- 1.2 Principles of forensic science
- 1.3 History and development of forensic science in Nepal

### Unit 2: Physical Evidences

**(5 Hours)**

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

**Unit 3: Prints (4 Hours)**

- 3.1 Fingerprints: History, Importance, Classification
- 3.2 Lifting & Examination of fingerprints
- 3.3 Features of minutiae pattern in fingerprints
- 3.4 Importance of footprints, shoe-marks, glove-prints, tyre-marks

**Unit 4: Biological Evidences (4 Hours)**

- 4.1 Types of biological evidences: Blood, semen, saliva & other body fluids
- 4.2 Importance of biological evidences
- 4.3 Scientific examination of biological evidences
- 4.4 Significance of ABO blood types in paternity and crime investigation.

**Unit 5: DNA Evidence (5 Hours)**

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

**Unit 6: Trace Evidences (4 Hours)**

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

**Unit 7: Toxicology (6 Hours)**

- 7.1 Classification of toxic substances
- 7.2 Toxicity value (dose response reaction)
- 7.3 Acute & chronic toxicity

- 7.4 Types & evidential value of forensic toxicology samples (viscera, blood & other body fluids)
- 7.5 Handling and sample preservation
- 7.6 General concept of scientific examination of toxicology samples (Extraction, Identification, Confirmation by TLC, GC, GCMS,)
- 7.7 Significance of blood alcohol concentration (BAC) in drink & drive case.

**Unit 8: Narcotic Drugs and Psychotropic Substances (4 Hours)**

- 8.1 Introduction & classification of narcotic drugs
- 8.2 Analytical aspects of narcotic drugs & psychotropic substances (Preliminary testing, Identification, Confirmation & Interpretation of results)
- 8.3 Significance of quantitative estimation of heroin narcotic drugs on the basis of legal aspect.

**Unit 9: Questioned Document (5 Hours)**

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

**Unit 10: Ballistics and Explosives (4 Hours)**

- 10.1 Introduction & classification of firearms.
- 10.2 Characteristics and firing mechanism of firearms
- 10.3 Matching crime and testing bullets & cartridge cases in firearms
- 10.4 Identification of date, range and time of firing
- 10.5 Nature, types and examination of explosives
- 10.6 Evidence collection techniques in post blast investigation

## Unit 11: Expert Opinion

(4 Hours)

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

### Prescribed Cases

Government of Nepal vs. Maan Kumari Nepali et. al., NKP 2068 B.S. Issue 12, D. No. 8726.

Pirtam Shah Kalwar vs. Nagia Devi Kurmi, Civil Appeal No. 6922 of the year 2057 B.S , D. D. 2061/09/29 B.S

Balkrishna Subedi vs. Kunti Maya Chwai, NKP 2042 B.S., Decision No. 2573, D.D. 2042/11/20 B.S

Devi Gurung vs. Nita Gurung, NKP 2068 B.S., Decision No. 8578.

Laxmi Kumari Mishra (Shrestha) vs. Makhmali Mishra et.al; Angsha chalan, FB, NKP 2073, V 12, D.No. 9724

Ram Sahi etal. vs. Prem Kumari Sahi etal.; Angsha Chalan; DB; D.No. 10854, P 639

Surendra Maharjan vs. HMG, NKP 2056 B.S., Decision No. 6674.

Government of Nepal vs. Mangal Bahadur Tamang, NKP 2076 B.S. Decision No 10368.

HMG vs. Gordan William Rabinson, NKP 2061 B.S. Issue 8, Decision No. 7421, p. 980.

Bahyai Lal Mahato vs. Ram Kumar Mahato, Civil Appeal No. 5900 of the year 2056 B.S., D. D. 2061/04/29 B.S.

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### **Articles**

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# Evidence Law

## Seventh Semester

**Course Code:** LAW5601

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To develop students' ability on a foundational basis of the principles, nature, and importance of evidence law, including its historical development and emerging trends, particularly within the context of Nepal.
- To familiarize students with the structure, provisions, and practical application of the Evidence Act, 2031, including key concepts such as admissibility, types of evidence, burden of proof, and witness examination.
- To equip students with the knowledge and skills to assess the relevance, reliability, and legal value of various forms of evidence-including documentary, digital, and expert evidence-within civil and criminal proceedings.
- To acquaint students with international dimensions of evidence law, including Nepal's obligations under mutual legal assistance treaties and relevant international conventions.

## Unit 1: Introduction

**(4 Hours)**

1.1 Meaning Evidence and Evidence Law

1.2 Nature of Evidence and Evidence Law

1.3 Importance of Evidence and Evidence Law

1.4 Classification of Evidence: Relevancy, Physical Structure, Probative Value

1.5 Historical Development of the Law of Evidence in Nepal

1.6 Emerging trends in evidence law

**Unit 2: Basic Principles of Law of Evidence (2 Hours)**

- 2.1 Evidence must be confined to the matters in issue
- 2.2 Best Evidence must be produced
- 2.3 Hearsay Evidence is no evidence
- 2.4 One who asserts must provide proof.
- 2.5 Principle of Estoppels
- 2.6 Evidence to corroborate: Contradiction and corroboration

**Unit 3: Facts and Facts in Issue (4 Hours)**

- 3.1 Concept of Facts
- 3.2 Facts in Issue and Relevant Facts
- 3.3 Facts to be proved
  - 3.3.1 Facts in Issue
  - 3.3.2 Relevant Facts
  - 3.3.3 Facts Not to be proved
  - 3.3.4 Judicial Notice
  - 3.3.5 Formal Admission
  - 3.3.6 Presumption

**Unit 4: Admissibility and inadmissibility of Evidence (10 Hours)**

- 4.1 Admissible Evidence
  - 4.1.1 Admission and Confession: Retracted Confession, Extra Judicial Confession and Confession in a joint trial
  - 4.1.2 Statement on the Spot
  - 4.1.3 Dying Declaration
  - 4.1.4 Statements by persons in special condition
  - 4.1.5 Facts recorded in public documents
  - 4.1.6 Facts recorded in books of accounts
  - 4.1.7 Facts published in books or articles
  - 4.1.8 Matters recorded in regular statistics, and statements, etc.
  - 4.1.9 Statement of Witness in Other Cases
  - 4.1.10 Investigation Documents

- 4.1.11 Certificate, Report, Other Documents and any matter or material evidence attested by witness
- 4.1.12 Expert's Opinion and Third Parties
- 4.1.13 Statement of witness
- 4.1.14 Evidentiary Value of Statement of witness in civil and criminal Evidence
- 4.2 Inadmissible evidence
  - 4.2.1 Confession under threat, inducement, etc.
  - 4.2.2 Statement expressed for the Purpose of Compromise
  - 4.2.3 Statement not recorded as Witness at court
  - 4.2.4 Character
  - 4.2.5 Privileges
- 4.3 Digital Evidence
  - 4.3.1 Meaning and Scope of Digital Evidence
  - 4.3.2 Types of Digital Evidence
  - 4.3.3 Collection and Preservation of Evidence
  - 4.3.4 Challenges in Digital Evidence
  - 4.3.5 Future Trends and Innovations
  - 4.3.6 Status of Digital Evidence in Nepal
  - 4.3.7 AI and Evidence

**Unit 5: Collection, Verification and Examination of Evidence (10 Hours)**

- 5.1 Agencies Responsible for the Collection of Evidence
- 5.2 Verification of Evidence and its effect on the Evidentiary Value
- 5.3 Examination of Evidence in Civil Case:
  - 5.3.1 Documentary Evidence Examination
    - (i) Production of documentary evidence
    - (ii) Evidence to be mentioned
    - (iii) Request for leave to produce evidence
    - (iv) Return of originals
    - (v) Not to examine evidence prior to submission of statement of defense
    - (vi) Power to cause document to be executed

(vii) To make deposition whether document is genuine or forged

(viii) To examine affected parties

(ix) Evidence to be collected by Appeal Court

5.3.2 Witness Examination

5.3.3 Digital Forensic

5.4 Examination of Evidence in Criminal Case

5.4.1 Examination of expert witness

5.4.2 Cross examination of the co-accused

5.4.3 Document named as forged or fraud to be kept in the case-file

5.4.4 Witness to be examined on fixed day

5.4.5 Power to examine witness on commission

5.4.6 Deposition to be taken before bench

5.4.7 Witness may be examined through video conference

5.4.8 Demeanor, appearance of witness may be recorded

5.4.9 Witness once examined not to be re-examined

5.4.10 Summons or warrant for arrest may be issued to witness ought to be examined

5.4.11 Daily and travel allowance and security to be provided to witness

5.4.12 Witness or evidence may be examined even outside the State of Nepal

**Unit 6: Burden of Proof**

**(6 Hours)**

6.1 General Concept

6.2 Burden of Proof with Plaintiff

6.3 Burden of Proof with Defendant

6.4 Burden of Proof in General Law

6.5 Burden of Proof in Special Law

**Unit 7: International Dimensions of Evidence Law**

**(6 Hours)**

7.1 Mutual Legal Assistance (MLA)

7.2 Nepal's Mutual Legal Assistance Act, 2070

7.3 Hague Evidence Convention (1970)

7.4 UN Conventions (UNCAC, UNTOC)

7.5 Nepal's treaty obligations and participation

### **Prescribed Cases**

- Puskar Gautam vs. Government of Nepal, N.K.P 2080 B.S. Vol 6, D.No. 11103
- Nishan K.C vs. Government of Nepal, N.K.P 2080 B.S. Vol 10, D. No., 11175
- Lal Bhadur Bhujel vs. Government of Nepal, N.K.P 2079 B.S. Vol 1, D.No. 10810
- Hari Prasad Chaulagain vs. Government of Nepal, N.K.P 2079B.S., Vol 2, D.No. 10825
- Ram Shai vs. Prem Kumari Sahi, N.K.P 2079 B.S. Vol 4, D.No. 10854
- Government of Nepal vs. Gurudev Adhikari, N.K.P 2079 B.S. , Vol 6, D.N. 10891
- Hareram Yadav vs. Rameshwor Thakur Bhahari, N.K.P 2078 B.S., Vol 2, D.No. 10644
- Bir Bahadur Bot vs. Government of Nepal, N.K.P 2078 B.S. , Vol 11, D.No. 10773
- Liladhar Rijal vs. Bel Prasad Rijal, N.K.P 2077 B.S. , Vol 7, D No. 10531
- Kanchi Tamang vs. Ratnamaya Tamang, N.K.P 2076 B.S. , Vol 1, D.No. 10164
- Government of Nepal vs. Padam Bhadur Gurung, N.K.P 2075 B.S. , Vol 6, D.No. 10035

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# International Trade Law

## Seventh Semester

**Course Code:** LAW5602

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with concepts, theories, and development of international trade and trade law, including efforts toward its unification.
- To equip students with knowledge of key legal instruments, mechanisms, and institutions governing international trade, including the UN, UNCITRAL, UNCTAD, and the WTO.
- To enable students to examine the legal frameworks governing international sale of goods, transport, financing, Incoterms, and dispute resolution through international commercial arbitration.
- To develop students' ability to explore emerging global issues in international trade law, such as digital trade, ESG standards, trade and human rights, and the role of AI in trade compliance.

### Unit 1: Concept of International Trade Law

**(4 Hours)**

1.1 Meaning of international trade.

1.2 Theories of international trade

1.2.1 Mercantilism,

1.2.2 Absolute Advantage Theory and

1.2.3 Comparative Advantage Theory

1.3 Development of the law of international trade.

1.4 Efforts to unify international trade law.

### Unit 2: International Sale of Goods

**(6 Hours)**

2.1 Nature of sale of goods contract.

2.2 Importance of the unification of law of contract for International Sale of Goods

- 2.3 Basic features of the UN Convention on Contracts for International Sale of Goods
- 2.4 Seller's Obligations under international sale of goods
- 2.5 Buyer's Obligations under international sale of goods
- 2.6 Remedies available for buyers and sellers under international sale of goods contract.

**Unit 3: International Transport Law (6 Hours)**

- 3.1 International transaction in international trade.
- 3.2 Transport Documents and Bill of Lading: legal character, use and importance.
- 3.3 Obligations of transporter of goods on sea, air, and road/rail.
- 3.4 Transporter's liability: Conditions, extent and exceptions.
- 3.5 Multi-model Transportation of Goods
- 3.6 Law and standards governing multi-model transportation of goods in Nepal.

**Unit 4: Financing of International Trade (4 Hours)**

- 4.1 Bill of Exchange
- 4.2 Direct Payment
- 4.3 Documentary Credits

**Unit 5: Incoterms (2 Hours)**

- 5.1 Objectives
- 5.2 Practice

**Unit 6: World Trade Organization (WTO) (16 Hours)**

- 6.1 History of the multilateral trade regime
- 6.2 Basic structure of the law of the WTO
- 6.3 Fundamental principles of the WTO.
  - 6.3.1 Market Access
  - 6.3.2 Non-Discrimination
  - 6.3.3 Transparency
  - 6.3.4 Restrictions on unfair trade
  - 6.3.5 Special and Differential treatment of developing and least developed countries.

- 6.4 Non-Tariff Barriers (TBT, SPS and Licensing Procedures)
- 6.5 Exceptions (General and Specific exceptions)
- 6.6 Trade Remedies (Anti-dumping Duty and Countervailing Duty)
- 6.7 WTO Dispute Settlement Mechanism Agreement on Agriculture 6 . 8
- 6.9 Regulation and Standard of Trade in Services.
- 6.10 Basic structure of the TRIPS Agreement.
- 6.11 Trade Facilitation Agreement.

**Unit 7: International Commercial Arbitration (6 Hours)**

- 7.1 International commercial arbitration.
- 7.2 Basic principles and standards of international commercial arbitration.
- 7.3 Supervisory jurisdiction over arbitral proceeding
- 7.4 Setting Aside of an arbitral award
- 7.5 Enforcement of foreign arbitral awards: Practice and Principles.

**Unit 8: Emerging Issues in International Trade Law (4 Hours)**

- 8.1 Digital trade and block chain-based trade documentation.
- 8.2 ESG (Environmental, Social, and Governance) standards in global trade.
- 8.3 Trade and human rights/labor standards.
- 8.4 AI and trade compliance.

**References Books**

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# Environmental Law

## Seventh Semester

**Course Code:** LAW5603

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with concepts, scope, and significance of environmental law, including pollution control, environmental responsibility, and liability frameworks.
- To enable students to examine key principles of environmental law and the evolution of environmental justice in global and national contexts.
- To enhance students' ability to comprehend international and Nepalese environmental laws, including major treaties, constitutional provisions, and policy instruments.
- To develop students' ability to analyze problems and solve them through case study analysis and understanding of institutional mechanisms for environmental governance.

### **Unit 1: Introduction to Environmental Law (6 Hours)**

- 1.1 Concept, Meaning and Scope of Environmental Law
- 1.2 Concept, Meaning and Types of Environmental Pollution
- 1.3 Concept of Extended Producer Responsibility (EPR)
- 1.4 EIA, IEA, Environmental Audit
- 1.5 Environmental Liability
  - 1.5.1 Law of Tort and the Environment
  - 1.5.2 Law of Crimes and the Environment
  - 1.5.3 Human Rights and the Environment

### **Unit 2: General Principles of Environmental Law (10 Hours)**

- 2.1 Principles of Environmental Law
  - 2.1.1 Preventive Principle
  - 2.1.2 Polluter Pays Principle

- 2.1.3 Precautionary Principle
- 2.1.4 Principle of Common Heritage of Human Kinds
- 2.1.5 Principle of Good Neighborliness and International Cooperation
- 2.1.6 Principle of Common but Differentiated Responsibilities
- 2.1.7 Principle of No Significant Harms
- 2.1.8 Principle of Sustainable Development
- 2.1.9 Principle of Intergenerational Equity and Intra-Generational Equity
- 2.1.10 Principle of Environmental Justice

**Unit 3: International Environmental Law (10 Hours)**

- 3.1 Introduction to International Environmental Law
- 3.2 Multilateral Environmental Agreements to which Nepal is a party
  - 3.2.1 UN Framework Convention on Climate Change 1992
  - 3.2.2 UN Convention to Biodiversity 1992
  - 3.2.3 UN Convention to Combat Desertification 1994
  - 3.2.4 Convention Concerning the Protection of the World Cultural and Natural Heritage 1972 and Convention for the Safeguarding of the Intangible Cultural Heritage 2003
  - 3.2.5 Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973
  - 3.2.6 Vienna Convention for the Protection of the Ozone Layer 1985 and Montreal Protocol on Substances that Deplete the Ozone Layer 1987
- 3.3 International Environmental Law and Current Trends

**Unit 4: Institutional Mechanisms (6 Hours)**

- 4.3 Concept and Objectives of the Environmental Institutions
  - 4.3.1 Global Environmental Institutions
    - (a) UNEP
    - (b) UN High Level Political Forum on Sustainable Development

- 4.3.2 South Asia Regional environmental institutions
  - (i) South Asia Cooperative Environment Program (SACEP)
  - (iii) South Asian Association for Regional Cooperation (SAARC)
- 4.3.3 National Environmental Institutions
  - (a) Ministry of Forest and Environment
  - (b) Department of National Parks and Wildlife Conservation

**Unit 5: Environmental Laws of Nepal (14 Hours)**

- 5.1 Concept, History of Environmental Protection in Nepal
- 5.2 Sources of Nepalese Environmental Laws
- 5.3 Constitution of Nepal and Environment
  - 5.3.1 Right to Clean Environment
  - 5.3.2 Right to Food
  - 5.3.3 Right to Cultural Practice
  - 5.3.4 Right to Consumer Protection
  - 5.3.5 Right to Health
  - 5.3.6 Environment Protection and Public Interest Litigation
- 5.4 Forest and Water Conservation Laws
- 5.5 Biodiversity and Wildlife Conservation Laws
- 5.6 National (Cultural and Natural) Heritages Preservation Laws
- 5.7 Pollution Prevention and Control Laws
- 5.8 Climate Change Policies and Action Plans

**Prescribed Cases**

- Surya Prasad Sharma Dhungel et.al vs. Godavari Marble Industries et.al. NKP (2052 B.S), P. 168.
- Prakash Mani Sharma et.al. vs. Council of Ministers et.al Writ No. WF-0005, NKP (2073B.S), D.No. 9575
- Prakash Mani Sharma & Others vs. PM and Council of Ministers et.al NKP (2076 B.S), Writ no. 074-WO-0748, D.No. 10409
- Tulsi Simkhada vs. PM and Council of Ministers & Others, NKP (2076 B.S), D.No. 10230

Padam Bahadur Shrestha vs. PMO et. al. NKP (2076 B.S), D.No. 10210  
Adv. Khagendra Subedi and Others vs. GON et.al. Writ number 067-  
WO-0694, D.No. 10086  
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- Weiss, E. B. (Ed.). (1992). *Environmental change and international law: New challenges and dimensions*. United Nations University Press.

# Clinical Law – I: Alternative Dispute Resolution

**Seventh Semester**

**Course Code:** LAW5604

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To develop students' practical skills in negotiation, conciliation, mediation, and arbitration through simulation exercises and real-world exposure to ADR mechanisms.
- To familiarize students with the principles, procedures, and ethical considerations involved in alternative dispute resolution (ADR), both in domestic and international contexts.
- To develop students' ability in legal writing and research by guiding them in drafting ADR-based reports using proper citation rules and by fostering academic integrity.
- To enable students to integrate theoretical knowledge with experiential learning through proposal writing, report preparation, class presentations, and field visits to ADR institutions.

## Unit 1: Practical work

**(20 Hours)**

- 1.1 The students are familiarized in various techniques and skills of ADR Process viz.
  - 1.1.1 Communication Skill,
  - 1.1.2 Listening Skills,
  - 1.1.3 Negotiation Skills,
  - 1.1.4 Issue identification,
  - 1.1.5 Moderated/ Unmoderated Caucus,
  - 1.1.6 Options generation etc.
- 1.2 The students are introduced a fictional case for Negotiation, Mediation, and Arbitration and are guided to prepare for mock sessions/role play, demonstration based on the skills learned.
- 1.3 Practical visit to the Arbitration Centers and Mediation Centers.

**Unit 2: Citation Rule and Avoiding Plagiarism (2 Hours)**

- 2.1. Different Citation Style and the Significance of Uniform Rule of Citation
- 2.2. Avoiding Unethical Practices in Academia and Plagiarism.
- 2.3. Learning Citation Styles for Constitution, Statute, Judgments, International Treaties, Official Reports, Books, Journal Articles, Magazine Articles, Newspapers, Electronic Articles, and Webpages etc.

**Unit 3: Style of Writing Research Proposal and ADR Report (Doctrinal) (3 Hours)**

- 3.1 Selection of Topic and its Approval
- 3.2 Literature Review
- 3.3 Framing of the Research Questions

**Unit 4: Submission of Research Proposal and Its Presentation (5 hours)**

- 4.1 Submission of Research Proposal to the Course Instructor/ Convener
- 4.2 Presentation of Research Proposal in the Class Room

**Unit 5: Writing, Submission of report and Its Presentation (20 Hours)**

- 5.1 Writing and Submission of Draft Report
- 5.2 Checking and Submission of Final ADR Report

**References Books**

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Acharya, B. (2003). ***Alternative Dispute Resolution Process***. NYAYADOOT, Vol. 147. Nepal Bar Association.

# Administrative Law

## Seventh Semester

**Course Code:** LAW5605

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with the legal foundations of modern administration and constitutional mandates including rule of law, good governance, accountability, and transparency.
- To enable students to comprehend the judicial role in relation to governmental functions, including protection of citizens' rights and evaluation of governmental actions' legitimacy.
- To develop students' skill to establish common values and practices of welfare government and good governance through accountability mechanisms, transparency, and efficient public service delivery.
- To enhance students' ability to be capable of implementing administrative justice principles and contributing to institutional excellence in governance.

## Unit 1: Theoretical Understanding on Administrative Law(5 Hours)

1.1 Meaning, Nature, Need and Signification of Administrative Law

1.2 Relevancy and Difference between Constitutional and Administrative Law

1.3 Scope of Administrative Law

1.4 Sources of Administrative Law

## Unit 2: Fundamental principles and Theories of Administrative Law (8 Hours)

2.1 Theories of Administrative Law

2.1.1 Green Light Theory

2.1.2 Red Light Theory

- 2.1.3 Amber Light Theory
- 2.2 Fundamental Principles of Administrative Law
  - 2.2.1 Rule of Law
  - 2.2.2 Separation of Power and Check and Balance
  - 2.2.3 Principle of Good Governance
  - 2.2.4 Doctrine of Judicial Review
  - 2.2.5 Principle of Estoppels
  - 2.2.6 Doctrine of Legitimate Expectation
  - 2.2.7 Accountability and Responsibility
  - 2.2.8 Transparency
  - 2.2.9 Principle of Natural Justice
  - 2.2.10 Doctrine of Necessity
  - 2.2.11 Doctrine of Reasonability
  - 2.2.12 Classification of Power
  - 2.2.13 Conflict of Interest
  - 2.2.14 *Droit Administratif*: Introduction, Scope and Influences

**Unit 3: Classification of Administrative Authority (4 Hours)**

- 3.1 Meaning, Need and Importance of Classification of Power
- 3.2 Administrative Power: Nature, Scope and Legitimacy
- 3.3 Delegated Legislation
- 3.4 Administrative Adjudication

**Unit 4: Delegated Legislation, its Constitutionality and Limitation (5 Hours)**

- 4.1 Delegated Legislation: Meaning and Importance
- 4.2 Nature and Constitutionality of Conditional, Delegation and Sub-Delegation
- 4.3 Scope and Limitation
- 4.4 Controlling Mechanism over Delegated Legislation:
  - 4.4.1 Legislative Scrutiny and Committee Process
  - 4.4.2 Judicial Control over Delegated Legislation
  - 4.4.3 Miscellaneous Limitation, e.g., Consultation, Approval and Publication

**Unit 5: Quasi-judicial Bodies (6 Hours)**

- 5.1 Meaning and Rationality of Administrative Adjudication
- 5.2 Nature and Procedure of Administrative Adjudication
- 5.3 Constitutionality and its Scope
- 5.4 Various Tribunal under Administrative setup
  - 5.4.1 Administrative Court: Formation and Jurisdiction
  - 5.4.2 Depth Recovery Tribunal: Formation; Jurisdiction and Procedure
  - 5.4.3 Revenue Office, Forest Office, CRO, Land Reform Office
  - 5.4.4 Local Government: Judicial Committee
- 5.5 Fundamental Limitation over Quasi-Judicial Bodies:
  - 5.5.1 Duty to Act Judicially: Openness/Fairness/Impartiality/ Accessibility/ Professionalism
  - 5.5.2 Principle of Natural Justice: Mandatory Rules to Adjudication
  - 5.5.3 Finality of Jurisdiction: Supremacy of Regular Court Judicial Supervision

**Unit 6: Administrative Discretion (5 Hours)**

- 6.1 Meaning and Nature of Administrative Discretion
- 6.2 Scope and Importance
- 6.3 Limitation and Controlling over Administrative Discretion
  - 6.3.1 Political and Structural Accountability
  - 6.3.2 Constitutional Limitation
  - 6.3.3 Judicial Control: Extra Ordinary Jurisdiction, Judicial Review and Writ Jurisdiction
  - 6.3.4 Abuse of Discretion
  - 6.3.5 Failure to Exercise Discretion
  - 6.3.6 Application of Natural Justice
  - 6.3.7 Scope of Ombudsman over Discretionary Power

**Unit 7: Principle of Natural Justice (5 Hours)**

- 7.1 Meaning and Scope of the Application of Natural Justice
- 7.2 Limbs of Natural Justice:
  - 7.2.1 Right to be Heard /*audi alteram partem*
  - 7.2.2 Freedom from Bias/*nemo iudex causa sua*

- 7.2.3 Due Process
- 7.2.4 Reasoned Decision
- 7.3 Natural Justice as Limitation over Administrative Actions and Adjudication

**Unit 8: Ombudsmen, Anti-Corruption Measures and Building Transparent and Accountable System (5 Hours)**

- 8.1 Ombudsmen: Meaning, Nature and Scope
- 8.2 CIAA: Constitutional Position, Authority, Complains and Power of Investigation, Role and Efficacy to Institutionalize Integrity System in Government
- 8.3 NIC: Introduction, Scope and Authority and Role and Power to Ensure Transparency in Governance
- 8.4 Parliamentary Committees (selected): Scope and Authority, Role and its Effectiveness
- 8.5 National Vigilance Center: Authority, Scope and Function, Monitoring and Investigation and Role to Ensure Good Governance and Accountability

**Unit 9: Remedy against Government: Modern Trends and Development (5 Hours)**

- 9.1 Judicial Remedy: Judicial Review, Writ Jurisdiction and PIL
- 9.2 Tortious Liability of Government
- 9.3 Injunction Relief
- 9.4 Citizen Charter
- 9.5 Safety of Individual Citizen and Remedy against Official Misconduct
- 9.6 Civil Action against Police Personal and Civilian Review Board
- 9.7 Internal Review: Complain Handling Mechanism and Departmental Action

**References Books**

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- Carr, C. (1960). *Delegated legislation: Parliament—A survey*. Hart Publishing.

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#### **Article**

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# Labour Law

## Seventh Semester

**Course Code:** LAW5606

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with labour jurisprudence, principles of labour law, including the work of International Labour Organization and labour jurisprudence
- To equip students with the knowledge of Nepalese labour laws, policies and standards
- To acquaint students with issues related to administrative and judicial institutions, including trade unions, and court decisions.
- To enable students to identify the major trends in emerging issues in labour law.

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

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

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

**Unit 2: International Labour Organisation (3 Hours)**

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

**Unit 3: Constitution and Labour Laws (3 Hours)**

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

**Unit 4: Nepalese Labour Laws (16 Hours)**

- 4.1 Terminologies Used in Definition and Salient Feature of the Nepali Labour Laws
- 4.2 Appointment Process
  - 4.2.1 Classification of Job
  - 4.2.2 Appointment of Workers and Employees
- 4.3 Employment of Women, Young and Children
- 4.4 Job Security and Retrenchment
  - 4.4.1 Security of Job from Termination
  - 4.4.2 Lay Off
  - 4.4.3 Retrenchment and Reinstatement
- 4.5 Compulsory Retirement
- 4.6 Remuneration/Wages, Allowances and Their Protection
  - 4.6.1 Minimum Remuneration/Basic Wage and Its Fixation
  - 4.6.2 Dearness Allowance
  - 4.6.3 Annual Increment of Remuneration (Grade)
  - 4.6.4 Protection of Remuneration/Wage, Allowance etc. and Remedy Thereof

4.6.5 Minimum Remuneration Fixation Committee and Its Power and Functions

4.7 Leave

4.8 Misconduct and Punishment of Employers and Employees

**Unit 5: Health, Safety and Welfare (2 Hours)**

5.1 Provision on Health and Safety

5.2 Provision on Welfare

5.3 Evolving Trends on Health and Safety in Nepal

**Unit 6: Provisions on Social Security (2 Hours)**

6.1 Provident Fund

6.2 Gratuity

6.3 Workman's Compensation

6.4 Evolving Trends on Social Security in Nepal

**Unit 7: Labour Disputes (4 Hours)**

7.1 Provisions for the Prevention of Labour Disputes

7.2 Provisions for the Settlement of Labour Disputes

7.3 Industrial Actions: Strikes and Lock Out and the Process

7.4 Collective Bargaining

7.5 Settlement of Labour Disputes through Bipartite and Tripartite Dialogues Role of Labour Court

7.6 Role of Labour Court

**Unit 8: Authorities (2 Hours)**

8.1. Labour Department and Labour Office and Their Power and Functions

8.2 Labour Officers and Factory Inspectors and Their Power and Functions

8.3 Industrial Relation Committee, National Labour Advisory Committee

**Unit 9: Trade Unions and Its Importance (2 Hours)**

9.1 Brief Overview of International and National Labour Movement

9.2 Concept of Trade Unions with Reference to Right to Association

9.3 Legal Provisions of Trade Union under Trade Union Act, 1992

### **Prescribed Cases**

Casino Royal vs. Labour Court, *Nepal Kanoon Patrika*. NKP (2064 B.S), Vol. 5, P. 625.

Rup Jyoti vs. Labour Court, NKP (2063 B.S), No. 4, P. 407.

International Centre for Integrated Mountain Development vs. Labour Court, Date of Decision 2064/12/5 B.S.

Mukunda Bahadur Bista vs. Labour Court, NKP 2063 B.S, No. 8, P. 1099.

Nepal Battery Company, Balaju Industrial Estate Pvt. Ltd. vs. Ministry of Labour, NKP 2059B.S, No. 11/12, P. 726.

Nepal Insurance vs. Labour Court, Writ No. 3625 (2061B.S).

Olampia Textile vs. Labour Court, NKP (2064), No. 3, P. 371.

Pro-Public vs. Ministry of Women, Children and Social Welfare, NKP (2060 B.S), No. 9/10, P. 726.

Pro-Public vs. Nepal Independent Trade Union of Hotel, Writ No. 0602 (2063 B.S).

Purushottam Bhandari vs. Ministry of Transport and Labour Management, Writ No. 3232 (2058 B.S), *Shramsambandhi Mahatwapurna Najirharu*, Part II, P. 379.

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Giri, H. R., & K.C., N. K. (2071 B.S.). *Shram Kanoon* (in Nepali). Pairavi Prakashan.

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Thapa, S. S. (1991). *An introduction to labour law of Nepal*. Nepal Law Society.

Thapaliya, A. P. (2013). *An outline of labour jurisprudence*. Sopan Monthly.

Labour Law. (2058 B.S.). *Labour law* (Part I, 2<sup>nd</sup> ed.). Democracy Development and Law.

Labour Law. (2064 B.S.). *Labour law* (Part II, 1<sup>st</sup> ed.). Pawan Manju Ojha Foundation.

# Forensic Medicine

## Seventh Semester

**Course Code:** LAW5607

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with the fundamental concepts, scope, and legal relevance of forensic medicine, including its application in death investigations, injury analysis, and toxicology.
- To develop students' ability to comprehend and explain medico-legal procedures such as post-mortem examinations, documentation of injuries, and examination protocols in cases of sexual and physical assault.
- To enable students to apply forensic medical knowledge in legal proceedings, including expert testimony, medical negligence, and human rights-related investigations such as custodial deaths and torture.
- To familiarize students with Nepalese legal provisions, case laws, and international guidelines relevant to forensic medicine and the role of medical practitioners in the justice system.

### Unit 1: Introduction

**(4 Hours)**

1.1 Definition, Scope and Branches of Forensic Medicine

1.2 Application of Forensic Medicine in Legal Sector

1.3 History of Forensic Medicine

### Unit 2: Death Investigation

**(6 Hours)**

2.1 Definition and Types of Death

2.2 Investigation of Death in Nepal

2.2.1 Types of Inquest

2.2.2 Role of Police

2.2.3 Role of Forensic Expert

2.2.4 Legal Provisions

- 2.3 Principles and Procedure of Autopsy
- 2.4 Autopsy in Infants
- 2.5 Collection of different Samples during Autopsy
- 2.6 Chain of Custody

**Unit 3: Injuries (5 Hours)**

- 3.1 Classification and Medico-Legal significance of Injuries
- 3.2 Documentation and Reporting of Injuries
- 3.3 Cranio-Cerebral Injuries
- 3.4 Bite Marks

**Unit 4: Asphyxia (8 Hours)**

- 4.1 Definition and Types of Asphyxia Deaths
- 4.2 Mechanism of Death in Asphyxia
- 4.3 Manner of Death in Asphyxia

**Unit 5: Clinical Forensic Medicine (9 Hours)**

- 5.1 Sexual Offences and Sexual Perversions
- 5.2 Abortions
- 5.3 Signs of Delivery
- 5.4 Infant Deaths
- 5.5 Child Abuse
- 5.6 Procedures and Protocols for Examination of
  - 5.6.1 Sexual Assault – Victim/Suspect
  - 5.6.2 Physical Assault – Victim/Suspect
- 5.7 Gender based Violence: Definition and Procedures for Examination
- 5.8 Drunkenness Examination
- 5.9 Istanbul Protocol
- 5.10 Age estimation in the Living, the Dead and Skeletal remains

**Unit 6: Role of Forensic Medicine in Human Rights Issues (6 Hours)**

- 6.1 Examination of Detainees
- 6.2 Torture
  - 6.2.1 Definition and Guidelines

- 6.2.2 Procedure and Protocol for Examination and Reporting based on International Standards
- 6.3 Age Estimation – Guidelines and Principles
- 6.4 Investigation of Custodial Deaths
- 6.5 Roles of Forensic Medicine in Extra-Judicial Killings and Disappearances
- 6.6 Role of Forensic Medicine in Mass Disasters

**Unit 7: Toxicology (5 Hours)**

- 7.1 Definition, Classification and Nature of Poisons
- 7.2 Clinical Features of Poisons
- 7.3 General Management of Poisons Fistanbul
- 7.4 Sample Collection and use of Preservatives in Poisoning Cases

**Unit 8: Medical Negligence and Remedies (5 Hours)**

- 8.1 Medical Negligence versus Medical Malpractice
- 8.2 Criminal Medical Negligence versus Civil Medical Negligence
- 8.3 Breach of Medical Ethics and Legal Remedies for Medical Negligence in Nepal
- 8.4 Security of Health Professionals and Institutions

**Prescribed Cases**

- Ram Bahadur Basnet vs. Government of Nepal*, NKP 2065 B.S., Issue 7, D.No. 7985, Decision Date: 2065/06/09 B.S., p.804
- Buddha Ahir et al. vs. Jung Bahadur Ahir*, Civil Appeal No. 8668 of the year 2060 B.S., Decision Date: 2066/08/02 B.S.
- Binay Manandhar vs. Government of Nepal*, NKP 2067 B.S., *Jestha*, D.No. 8311, Decision Date: 2066/04/15 B.S.
- Madhav Pant vs. His Majesty's Government*, Criminal Appeal No. 2351 of the year 2056 B.S., Decision Date: 2060/04/23 B.S.
- Government of Nepal vs. Man Kumari Nepali et al.*, NKP 2068 B.S., Issue 12, D.No. 8726, Decision Date: 2068/09/05 B.S.
- Dhan B. Tamang vs. HMG*, NKP 2043 B.S., , D.No. 2895, p. 1045
- Madhujar Raj Bhandari vs. HMG*, NKP 2057 B.S., D.No. 6949, p. 750
- Roustam Nat vs. HMG*, NKP 2054B.S., , D.No. 6441, p. 519

*Government of Nepal vs. Malati Devi Kalwar*, NKP 2064 B.S., Issue 12, D.N. 7908, Decision Date: 2064/09/06 B.S., p.1600  
*Padam B. Magar vs. HMG*, NKP 2038, D.N. 8568, P 350  
*Dr. Dinesh Bikram Shah vs. Srijana K.C.*, NKP 2066 B.S., *Falgun*, Decision Date: 2066/07/29 B.S.  
*Ravi K Gupta on behalf of Vayodha Hospital Pvt. Ltd. along with 2 doctors vs. Pallavi Shrestha*, High Court Patan, District Court; Certiorary/mandamus; 079-WO-0159; Decision date: 2079/09/07

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Mant, A. K. (Ed.). (1995). *Taylor's principles and practices of medical jurisprudence* (13<sup>th</sup> ed.).  
Mathiharan, K., & A.K.Patnaik. (Eds.). (2010). *Modi's medical jurisprudence and toxicology* (23<sup>rd</sup> ed.).  
Parajuli, R. (2021). *Forensic jurisprudence* (2<sup>nd</sup> ed., 2024). Kathmandu, Nepal: Pairavi Book House.

# Fiscal Law

## Seventh Semester

**Course Code:** LAW5608

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To equip students with fiscal law, including its constitutional foundations, legislative frameworks, and role in public finance management within a welfare-oriented state.
- To enhance students' skill to explore the structure and functioning of fiscal federalism in Nepal, focusing on intergovernmental fiscal arrangements, revenue distribution, and the roles of key fiscal institutions.
- To enable students to critically examine the impact of international organizations and global economic trends on national fiscal systems, including issues like tax competition, digital economy, and environmental sustainability.
- To equip students with practical skills in applying fiscal legislation and audit-related laws, enabling them to analyze, interpret, and engage with real-world fiscal policies and public finance practices in legal and economic contexts.

### Unit 1: Introduction

**(5 Hours)**

1.1 Meaning of Public Finance

1.2 Concept of Fiscal Power and its Limitations

1.3 Meaning of Fiscal Law

1.4 Sources of Fiscal Law

1.5 Importance of Public Finance in a Welfare state

1.6 Role of Public Finance in Economic Planning and Development

### Unit 2: International Fiscal Law

**(7 Hours)**

2.1 Moral Rationale of International Fiscal Law

2.2 WTO Membership and Its Impact on Fiscal Imbalances

- 2.3 Impact of the World Bank, IMF, and Other International Organizations on National Fiscal Law
- 2.4 Impact of Development Agencies on the Finances of Developing Countries

**Unit 3: Fiscal Federalism of Nepal (9 Hours)**

- 3.1 Structure of State and Distribution of State Power
- 3.2 Intergovernmental Fiscal Arrangement
- 3.3 Revenue Sharing
- 3.4 Distribution of Royalty obtained from Natural Resources
- 3.5 Provisions of Grants
- 3.6 Foreign Assistance and Internal Loans
- 3.7 Public Expenditure Arrangement
- 3.8 Power and Functions of Natural Resources and Fiscal Commission

**Unit 4: Constitutional Framework of Fiscal Law (9 Hours)**

- 4.1 Constitutional Framework of Federal level
- 4.2 Constitutional Framework of State level
- 4.3 Constitutional Framework of Local level
- 4.4 Relationship between Fiscal Law Directive Principle and State Policies
- 4.5 Budget Formulation and Implementation
- 4.6 Constitution Framework on Revenue, Expenditure and Debt
- 4.7 Fiscal Policy of Nepal
- 4.8 Role of Natural Resources and Fiscal Commission

**Unit 5: Fiscal Legislation of Nepal (14 Hours)**

- 5.1 Brief Introduction and relevance of Income Tax
- 5.2 Brief Introduction and relevance Periodic Tax Recovery
- 5.3 Brief Introduction and relevance Property Tax
- 5.4 Brief Introduction and relevance Custom Duty
- 5.5 Brief Introduction and relevance Excise Duty
- 5.6 Brief Introduction and relevance Value Added Tax
- 5.7 Brief Introduction and relevance House and Land Tax
- 5.8 Brief Introduction and relevance of Appropriation Act

- 5.9 Brief Introduction and relevance of Law relating to Public Debt
- 5.10 Brief Introduction and relevance of Law Relating to Guarantee
- 5.11 Brief Introduction and relevance of Intergovernmental Fiscal Arrangement Act
- 5.12 Brief Introduction and relevance of Intergovernmental Fiscal Arrangement Act

## **Unit 6: Legislation related to Audit and Government Accounts**

**(4 Hours)**

- 6.1 Powers and Functions of the Auditor General
- 6.2 Audit at Federal, Provincial, and Local Levels
- 6.3 Audit of Government Offices and State-Owned Enterprises
- 6.4 Reports of the Auditor General
- 6.5 Legal Framework Governing Public Audit
- 6.6 Role of Audit in Promoting Transparency and Accountability

### **Prescribed Cases**

- Bhojraj Ghimire vs. Ram Prasad Nayak, N.K.P 2067 B.S, Vol 9 D.No. 8533
- Dev Badadur Lawati vs. National Commercial Bank Limited, Central Office, Kathmandu, N.K.P 2079 B.S, Vol 8, D.No. 10922
- Manohar Raj Ghimire vs. Inland Revenue Department, N.K.P 2079 B.S, Volume 5, D.No. 10879.
- Pitamber Prasad Acharya & amp; Others vs. Ministry of Finance and Others, N.K.P 2071B.S, No. 4, P.422.
- RajBahadur Shah vs. Council of Ministers, Secretariat, N.K.P 2068 B.S, Vol 10, D.No. 8694
- Rup Jyoti vs. Ministry of Finance, NKP 2054 B.S , D.No. 6307, p.37
- Sonam Raptan Tuladar vs. Inland Revenue Department, Lazimpat, Kathmandu, N.K.P 2076 B.S, Vol 12, D.No. 10805.

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- Cordes, J. J. & R.D Ebel et.al. (Eds.). (2005). *The encyclopedia of taxation and tax policy* (2<sup>nd</sup> ed.). Washington, DC: Urban Institute Press.

- Hyman, D. N. (2014). *Public finance: A contemporary application of theory to policy* (11<sup>th</sup> ed.). Boston: Cengage Learning.
- Khadka, R. (2015). *The Nepalese tax system*. Kathmandu: Pairavi Prakashan.
- Khadka, R. (2015). *The SAARC tax system*. Kathmandu: Pairavi Prakashan.
- Musgrave, R. A., & P.B. Musgrave. (1989). *Public finance in theory and practice* (5<sup>th</sup> ed.). New York: McGraw-Hill.
- Neupane, A. (2017). *Fiscal law*. Kathmandu: Corporate Legal Research Center.
- OECD. (2011). *Tax policy reform and economic growth*. Paris: OECD Publishing.
- Rosen, H. S., & T.Gayer (2015). *Public finance* (10<sup>th</sup> ed.). New York: McGraw-Hill Education.
- Stiglitz, J. E. & J.K Rosengard (2015). *Economics of the public sector* (4<sup>th</sup> ed.). New York: W.W. Norton & Company.

# International Refugee Law

## Seventh Semester

**Course Code:** LAW5609

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with nature, sources, and evolution of International Refugee Law, including key definitions, legal distinctions, and its relationship with Human Rights and Humanitarian Law.
- To enable students to examine international and regional legal frameworks, principles, and institutions related to refugee protection, including core instruments like the 1951 Refugee Convention, the 1967 Protocol, and the role of UNHCR, ICRC, and IOM.
- To develop students' ability to analyze refugee status determination procedures, rights and responsibilities of refugees, and special protection considerations related to age, gender, and diversity, including complementary forms of protection.
- To enhance students' ability to analyze Nepal's refugee context, legal framework, and obligations, while exploring durable solutions, global responsibility-sharing mechanisms, and emerging issues such as climate-induced displacement and mixed migration.

## Unit 1: Introduction

**(6 hours)**

1.1 Concept, Nature, Sources and Scope of International Refugee Law

1.2 Origin and development of International Refugee Law

1.3 Definition of Refugee from a historical perspective: 1920 to present (OAU, Cartagena, etc.)

1.4 Similarities and differences between Refugee, asylum-seekers, migrants, Internally Displaced Persons (IDPs), stateless persons and fugitive

- 1.5 Relationship between International Human Rights Law, International Humanitarian Law and International Refugee Law

**Unit 2: The International and Regional Legal Framework for Refugee Protection (10 hours)**

- 2.1 Overview of the International and Regional Legal Framework
  - 2.1.1 The 1951 Refugee Convention and its 1967 Protocol
  - 2.1.2 The Organization of African Unity Convention of 1969
  - 2.1.3 Cartagena Declaration of 1984
  - 2.1.4 Council of Europe: European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
  - 2.1.5 Asian-African Legal Consultative Organization's (AALCO) Bangkok Principles on the Status and Treatment of Refugees of 1966
  - 2.1.6 New York Declaration for Refugees and Migrants, 2016 and the Global Compact on Refugees, 2018
- 2.2 The principle of Refugee Protections
  - 2.2.1 Principle of non-*refoulement*
  - 2.2.2 Principle of privacy
  - 2.2.3 Principle of non-penalization for illegal entry or stay,
  - 2.2.4 Principle of non-discrimination
  - 2.2.5 Principle of minimum standard of treatment
- 2.3 The role and mandate of UNHCR, ICRC and IOM

**Unit 3: The Refugee Status Determination (8 hours)**

- 3.1 Refugee Status Determination procedure
- 3.2 Individual Determination vs. *Prima Facie* Determination
- 3.3 Inclusion and Exclusion from refugee status
- 3.4 Cessation of refugee status
- 3.5 Revocation and cancellation of refugee status
- 3.6 Complementary Forms of International Protection

- 3.7 Specific protection considerations
  - 3.7.1 Age, Gender, and Diversity
  - 3.7.2 Children in the Refugee Context
  - 3.7.3 Gender Perspectives in Refugee Protection

**Unit 4: Rights and Responsibilities (7 hours)**

- 4.1 Overview on rights and responsibilities of refugees
- 4.2 Freedom of movement and detention
- 4.3 Refugee rights: right to asylum, right to education, right to work, right to family unity, right to legal identity, status and documentation

**Unit 5: Mixed Movements (3 hours)**

- 5.1 Migrants and Trafficked Persons
- 5.2 Forced displacement (Climate change, disasters (natural and human-made) and development projects)

**Unit 6: Refugee related issue in Nepal (8 hours)**

- 6.1 Overview of refugee population in Nepal: Tibetan refugees, Bhutanese refugees and “UNHCR mandate refugees”
- 6.2 Nepal’s obligation under International Human Rights laws relevant to refugee protection
- 6.3 Domestic legal and institutional framework for Refugees in Nepal
- 6.4 Notable Case Law of Nepal

**Unit 7: Durable Solutions and Responsibility Sharing (6 hours)**

- 7.1 Resettlement (Complementary Pathways)
- 7.2 Repatriation
- 7.3 Local Integration
- 7.4 Responsibility Sharing at International Level
  - 7.4.1 Global Compact on Refugees
  - 7.4.2 The Comprehensive Refugee Response Framework

## Prescribed Cases

- Abdi Fahad Yusuf vs Department of Immigration et.al, NKP 2077 B.S, Vol.5 D.No. 10503 (Somalian Citizen)
- Abdul Khali vs. office of the Prime minister and Council of Ministers et al NKP 2068 B.S, Vol. 9, D.No. 8684. (Pakistani Citizen)
- Hadi Havir Habib vs. Ministry of Home affairs of Government of Nepal et.al NKP 2066 B.S, Vol.1 D.No, 8055 (Iraqi Citizen)
- Mohamod Rasid vs. Ministry if Home Affairs, Government of Nepal et.al, NKP 2064 B.S, Vol.6 D.No7860 (Pakistani Citizen)
- Abdolkhani and Karimnia vs. Turkey*, Appl. No. 30471/08, Council of Europe: European Court of Human Rights, 22 September 2009.
- Al-Saadoon and Mufdhi vs. United Kingdom*, Application no. 61498/08, Council of Europe: European Court of Human Rights, 2 March 2010.
- Chahal vs. The United Kingdom*, 70/1995/576/662, Council of Europe: European Court of Human Rights, 15 November 1996.
- Cyprus vs. Turkey*, 25781/94, Council of Europe: European Court of Human Rights, 10 May 2001.
- Hirsi Jamaa and Others vs. Italy* , Application no. 27765/09, Council of Europe: European Court of Human Rights, 23 February 2012.
- Ireland vs. The United Kingdom*, 5310/71, Council of Europe: European Court of Human Rights, 13 December 1977.

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- Chimni, B. S. (Ed.). (2002). *International refugee law*. Sage Publishers.
- Costello, C. & M. Foster et.al (Eds.). (2021). *The Oxford handbook of international refugee law*. Oxford University Press.
- Feller, E., & V.Türk et.al (Eds.). (2003). *Refugee protection in international law: UNHCR's global consultations on international protection*. Cambridge University Press.
- Goodwin-Gill & G. S et.al (2021). *The refugee in international law* (4<sup>th</sup> ed.). Oxford University Press.
- Hathaway, J. C. (2021). *The rights of refugees under international law* (2<sup>nd</sup> ed.). Cambridge University Press.

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- Islam, R., & J.H. Bhuiyan (Eds.). (2013). *An introduction to international refugee law*. Brill Nijhoff.
- K. C., Y. K. (2016). *Refugee law theory and praxis: A Nepalese perspective*. Pairabi Prakashan.
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- McAdam, J. (2007). *Complementary protection in international refugee law*. Oxford University Press.
- Phuyal, H. (1996). *Refugee law*. Pairabi Books Prakashan.
- Supreme Court of Nepal. (2023). *Landmark decisions of the Supreme Court of Nepal related to refugee protection*. Supreme Court of Nepal.
- Vrachnas, J. & K. Boyd et.al (2005). *Migration and refugee law: Principles and practice in Australia*. Cambridge University Press.

# Media Law

## Seventh Semester

**Course Code:** LAW5610

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To familiarize students with the basic concepts, nature, and constitutional framework governing mass media.
- To acquaint students with key institutional mechanisms relevant to mass media operations and regulation.
- To develop students' ability to comprehensive understanding of legal concepts affecting media practice, including contempt of court and copyright protections.
- To equip students with knowledge about media crimes and appropriate legal remedies to address media-related violations.

### Unit 1: Introductory Part

**(5 Hours)**

- 1.1 Concept of Mass Media
- 1.2 Origin and development of Mass Media
- 1.3 Rational and Relevancy of Mass Media
- 1.4 Regulation of Mass Media

### Unit 2: Constitutional Framework and Mass Media

**(8 Hours)**

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

**Unit 3: Laws and Regulating Institutions of Different Sectors of Mass Media (6 Hours)**

- 3.1 Commercial Television
- 3.2 Commercial Radio
- 3.3 Newspapers and Magazine
- 3.4 Advertisement and Cinemas
- 3.5 Short films and Documentaries
- 3.6 Cyber Space

**Unit 4: Contempt of Court and Mass Media (5 Hours)**

- 4.1 Concept and Meaning of Contempt of court
- 4.2 Types of Contempt of court
- 4.3 Sanction on Contempt of court

**Unit 5: Copy Right and Mass Media (6 Hours)**

- 5.1 Definition of Creation of Copyright over Creation
- 5.2 Qualifying Requirement for Copyright Protection
- 5.3 Ownership of Copyright
- 5.4 Infringement of Copyright, Liability and Defense

**Unit 6: Institutional Mechanism (7 Hours)**

- 6.1 National Information Commission
  - 6.1.1 Composition of National Information Commission
  - 6.1.2 Major Power, Functions and duties of National Information Commission
  - 6.1.3 Judicial Power and Functions
- 6.2 Press Council
  - 6.2.1 Composition of Press Council and Its Powers and functions
  - 6.2.2 Code and Conduct of Journalists
  - 6.2.3 Disciplinary Actions and Sanctions against Violation of Code of Conduct

**Unit 7: Media Crime (6 Hours)**

- 7.1 Defamation, Libel & Slander
- 7.2 Obscenity and Indecency

- 7.3 Blasphemy
- 7.4 Hate Speech
- 7.5 Remedies against the above crimes

## **Unit 8: Remedy against Misuse of Mass Media and Recent Trends** **(5 Hours)**

- 8.1 Complaints to Press Council
- 8.2 Complaints to Ministry of Information
- 8.3 Alternatives to Court Proceedings
- 8.4 Recent Trends

### **Prescribed Cases**

Advocate Madhav Kumar Basnet vs. Ministry of Information and Communication, NKP (2058 B.S), Vol. 7/8, p 392  
Bhupendra Prasad Pokhrel vs. Cabinet Secretariat, NKP (2064 B.S), No 5, P 585  
Tej Kharel vs. HMG  
Santosh Bhattarai vs. HimalKhabar  
Ratna Kumari Shrestha vs. Kantipur Publications  
Thir Prasad Pokhrel vs. BimarshaSaptahik, NKP (2049 B.S), No 8, P, 770  
Rajan Adhikari vs. SakuntalaThapa/Nihita Biswas  
Mihir Kumar Thakur vs. Bheshe Bhadur Badal  
Yadunath Khanal vs. Government of Nepal

### **References Books**

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Bloy, D., & S. Hadwin (2013). *Law and media*. Sweet & Maxwell.  
Divan, M. G. (n.d.). *Facets of media law* (3<sup>rd</sup> ed.). Eastern Book Company.  
Haeussler, & E. F. Paul et.al(n.d.). *Introductory mathematical analysis* (13th ed.). Pearson.  
Hoffmann, L. D. & G.L. Bradley et.al (n.d.). *Applied calculus* (11<sup>th</sup> ed.). McGraw Hill.  
Robertson, G., & A. Nicol (2008). *Media law*. Penguin Books.

# Law, Poverty and Development

## **Eighth Semester**

**Course Code:** LAW5701

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## **Course Objectives**

The objectives of the course:

- To acquaint students with the different dimensions and definitions of poverty, its causes, forms, and how it is measured, with particular focus on Nepal's context.
- To enable students to evaluate the role of law, legal institutions, and rights-based legal frameworks both nationally and internationally, addressing poverty and promoting development.
- To develop students' skill to examine major global and regional efforts in poverty reduction, including the Sustainable Development Goals (SDGs), and assess the impact of international financial institutions and aid mechanisms.
- To enhance students' ability to develop critical insight into the intersection of poverty, law, and development, with the ability to assess the legal obligations of states and the effectiveness of various poverty alleviation strategies through case laws, policies, and legal instruments.

### **Unit 1: Introduction to Poverty**

**(5 Hours)**

- 1.1 Concept, Meaning and Definition of Poverty
- 1.2 Forces and Causes of Poverty
- 1.3 Measurement of Poverty

### **Unit 2: Prospects and Challenges of Poverty Reduction in Nepal**

**(4 Hours)**

- 2.1 Poverty Status in Nepal
- 2.2 Policies and Programmes Adopted on Reducing Poverty
- 2.3 Institutional Mechanism for Poverty Reduction

**Unit 3: Basic Rights of the Poor and Nepalese Legal Framework**  
**(15 Hours)**

- 3.1 Constitutional Provision, International Binding Instruments, Specific and General Statutes
  - 3.1.1 Right to Food
  - 3.1.2 Right to Housing
  - 3.1.3 Right to Health
  - 3.1.4 Right to Education
  - 3.1.5 Right to Employment
  - 3.1.6 Social Security and Protection
  - 3.1.7 Right to Development
  - 3.1.8 Relevant Case Laws

**Unit 4: Concept and Meaning of Development** **(6 Hours)**

- 4.1 Concept and Meaning of Development
- 4.2 Right Based Approach to Development
- 4.3 Poverty Reduction and Development
- 4.4 Interface between Law, Poverty and Development

**Unit 5: Development Goals Set by the UN: MDG and SDG (6 Hours)**

- 5.1 Assessment of MDG Goal Achievement
- 5.2 Major Provisions of SDG
- 5.3 Challenges of SDG
- 5.4 Beyond SDG

**Unit 6: Global and Regional Measures in Poverty Reduction (8 Hours)**

- 6.1 Role of the World Bank in Poverty Reduction
- 6.2 Role of IMF in Poverty Reduction
- 6.3 Role of the UN GA in Poverty Reduction
- 6.4 Role of the Asian Development Bank in Poverty Reduction
- 6.5 Role of the SAARC in Poverty Reduction

**Unit 7: Aid Effectiveness** **(4 Hours)**

- 7.1 Paris Declaration on Aid Effectives
- 7.2 Aid Effectiveness and Nepal
- 7.3 Rights of Poor Country or Duty of Developed Country: Loan or Aid?

## Prescribed Cases

- Adv. Madhab Basnet vs. Rt. Honorable PM Girija Prasad Koirala, Writ No 3341 of 2055B.S, Decision Date 2055/06/27 BS, Supreme Court
- Prakashmani Sharma et al vs. Office of Prime Minister Council of Ministers and et al, (Writ No-WO-0388, Nepal Kanoon Patrika Vol 51, 2066 B.S Asoj, Issue 6, p. 961-978)
- Bajuddhin Miyan and et al vs. Office of Prime Minister et. al, (DN 8169) (Writ No -- WO – 0388. Nepal Kanoon Patrika Vol 51, 2066 B.S Asoj, Issue 6, p. 961-978)
- Bhupendra Tamang Thing vs. Government of Nepal (Writ No 072-WO-0178, Decision Date 2073/09/13)
- Tejman Shrestha vs. Secretariat of Parliament et.al, NKP 2068, SC Bulletin, 2072 Ashad
- Laxmi Devi Dhikta vs. Office of Prime Minister and Council of Ministers et.al, NKP 2067B.S Volume 9 D.No.: 8464
- Mahashud Khan vs. Home Ministry of Nepal and et. al, D.No. 10395
- Adv. Amita Gaudel Paudel vs. Office of PM COM and Other, Dec No 9829, Mandamus, special bench NKP, 2074 B.S Issue 6 (Aswin)

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- National Planning Commission, Nepal. (2016). *Nepal and the Millennium Development Goals: Final status report 2000–2015*. Government of Nepal.
- National Planning Commission, Nepal. (2019). *The fifteenth plan (fiscal year 2019/20–2023/24)* (Selected portions). Government of Nepal.
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- Sen, A. (1999). *Development as freedom*. Alfred Knopf. (Introduction chapter available at)
- Spicker, P. (2007). *The idea of poverty*. Rawat Publications.

# Gender and Inclusive Justice

## **Eighth Semester**

**Course Code:** LAW5702

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## **Course Objectives**

The objective of the course:

- To acquaint the students with conceptual clarity on gender and inclusive justice.
- To enable them to examine the existing laws, constitutional provisions relating to gender and inclusive justice in Nepal.
- To develop students' ability to critically analyze national and international legal instruments and remedial mechanisms for the protection and promotion of women human rights.
- To acquaint students with Nepalese Jurisprudence in relation to gender and women's accessibility to justice.

### **Unit 1: Introduction of Gender**

**(7 Hours)**

1.1 Concept of Gender

1.2 The Philosophical Basis of Rights

1.3 Concept of Human Rights and Women's Human Rights

1.4 Concept of Equality, Non-Discrimination and Equity

1.5 Gender Equality and Women's Rights under the General Human Rights Framework

### **Unit 2: Gender and Nepalese Legal System**

**(10 Hours)**

2.1 Influence of Religious and Cultural Values in the Legal System of Nepal

2.2 Introduction of Nepalese Legal System from Gender Perspective

2.3 Gender Issues under the Constitution of Nepal (Fundamental Rights and State Policies)

2.4 Right to Marriage

2.5 Right to Property

- 2.6 Reproductive Rights
- 2.7 Right to Employment
- 2.8 Right to Identity

**Unit 3: Gender-Based Violence**

**(10 Hours)**

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

**Unit 4: Affirmative Actions and Special Measures**

**(5 Hours)**

- 4.1 Concept of Affirmative Action and Inclusive Justice
- 4.2 Concept of Gender Mainstreaming
- 4.3 Gender Responsive Budget
- 4.4 Global Legal Measures

**Unit 5: Inclusive Justice**

**(10 Hours)**

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

**Prescribed Cases**

- Advocate Basundhara Thapa vs. Office of Prime Minister, Council of Minister, NKP 2060 B.S, No. 5/6, DN 7217.
- Dil Bahadur Bishwakarma & Others vs. Cabinet Secretariat & Others, NKP 2062 B.S, No. 4, D.No. 7531

Meera Dhungana vs. Office of Prime Minister, Council of Minister et.al.  
NKP 2064 B.S, No. 6, D.No.7854

Sapana Pradhan Malla vs. Office of Prime Minister et.al. No 9. NKP  
2064 B.S D.No. 7880

Sapana Pradhan Malla vs. Government of Nepal & Others, Nepal  
Sapana Pradhan Malla vs. Office of Prime Minister et.al. No 9. NKP  
2064 B.S D.No. 7880

Sapana Pradhan Malla vs. Government of Nepal et.al. , Nepal  
Sapana Pradhan Malla vs. Government of Nepal et.al. , Nepal Kanoon  
Patrika (NKP) 2065B.S, No. 8, DN.7997

Sunilbabu Panta vs. Government of Nepal et.al. , NKP 2065 B.S, No. 4  
D.No, 8958

Laxmi Devi Dhikta et.al. vs Government et.al. , NKP et.al. NKP 2068  
B.S, No. 1, D.No. 8541

Sunilbabu Panta vs. Government of Nepal et.al. , NKP 2074 B.S, No. 9  
D.No 9875

Sukum Thapa vs. Pitamber Thapa NKP 2076 B.S No. 9, DN 10346

Narayanlal Manandhar vs. Shakti Kumar Basnet, NKP 2077 B.S No. 9,  
D.No. 10573

Indu Tuladhar vs Election Commission, NKP 2078 B.S No. 8, D.No.  
10716??

Prachi Rayamajhi vs. Vashker Singh Karki, NKP 2079 B.S No. 9, DN  
10936

Adhip Pokhrel vs. Minister of Home Appair, Department of Immigration,  
NKP 2080 B.S, No. 5, D.No. 11097

Premilal Chaudhary vs. Office of Prime Minister, Council of Minister,  
NKP 2080 B.S, No. 7, D.No. 11125

Indu Tuladhar vs Election Commission, NKP 2078 B.S. No. 8, D.No.  
10716

Prachi Rayamajhi vs. Vashker Singh Karki, NKP 20 B.S No. 9, D.No.  
10936

Adhip Pokhrel vs. Minister of Home Appair, Department of Immigration,  
NKP 2080 B.S, No. 5, D.No. 11097

Premilal Chaudhary vs. Office of Prime Minister, Council of Minister,  
NKP 2080 B.S, No. 7, DN 11125.

Surendra Badadur Rawal vs. Government of Nepal, Office of Prime Minister, NKP 2080 B.S, No.11 DN 11199

Rukshana Kapali vs. Office of Prime Minister, Council of Minister, Supreme Court Writ No.077-WO-0973, Decision date: 2080-07-20

Munish Acharya vs. Shruti Gautam, Supreme Court Writ No. 073-CI-1672, Decision date: 2080-09-23

### **References Books**

Kandel, D. P. (2005). *Property rights of women in Nepal*. Ratna Pustak Bhandari.

Karki, S. (2068 B.S.). *Laingik samanta* [Gender equality] (in Nepali). Pairavi Prakashan.

Luitel, T. (2061 B.S.). *Manusmriti* (in Nepali). Pairavi Prakashan.

Mainali, L. P., & N. Nepal (2066 B.S.). *Chhuwachhut tatha jatiya bivedsambandhi aparadhko anusandhan tatha anugaman nirdeshika* [Guidelines on investigation and monitoring of crimes related to untouchability and caste-based discrimination] (in Nepali). Nepal.

National Judicial Academy. (2062 B.S.). *Laingik naya: Short samagri [Gender justice: A short resource]* (in Nepali). National Judicial Academy.

Sangroula, Y. R. (2002). *Gender and laws: Nepalese perspective*. Pairavi Prakashan.

Thapa, K. B. (1985). *Women and social change in Nepal: 1951–60*. Ambika Thapa.

## Moot Court–I (Civil Case)

### **Eighth Semester**

**Course Code:** LAW5703

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### **Course Objectives**

The objectives of the course:

- To equip students with practical knowledge and skills in preparing a civil case and/or writ petition including case documentation, oral argument or advocacy through mock sessions.
- To enhance the students' knowledge and skills on various legal proceedings including key steps to follow before and during trials and hearings, and interviewing techniques.
- To enhance students' ability to prepare appellate briefs, applications for bail, injunction, review, appeal and execution of judgments, consent paper, power of attorney, letter of acceptance (sakarmana) etc.
- To develop students' ability to improve oral skills and pleading.

### **Course Description and Evaluation**

This practical course contains three main components namely moot court, hearing preparations (interviewing to clients), and participation in trial proceedings. All these components are designed to provide practical knowledge to the students. At the completion of the session, the students will have to submit a moot court file as assigned along with the examination form for the external evaluation.

The course carries 3 Credits. This means the moot court files (civil case) shall be evaluated for 100 marks. Out of this, 40 marks (40%) are allotted to internal evaluation by the class teacher and another 10 marks (10%) is evaluated through viva-voce conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. The remaining 50 marks (50%) is evaluated by the external examiner.

# Private International Law

## **Eighth Semester**

**Course Code:** LAW5704

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## **Course Objectives**

The objectives of the course:

- To acquaint students with the fundamental principles of Private International Law with a focus on Nepalese law, including its scope, sources, and development.
- To familiarize students with key concepts such as jurisdiction, choice of law, and the recognition and enforcement of foreign judgments and arbitral awards in cross-border disputes.
- To equip students with the knowledge and skills to apply Private International Law principles to civil, commercial, and family-related legal issues, including matrimonial matters and child protection.
- To develop students' ability to critically assess the alignment of Nepalese Private International Law with international treaties, standards, and best practices, and evaluate its procedures in resolving cross-border legal conflicts.

## **Unit 1: Introduction**

**(8 Hours)**

1.1 Meaning, Function, Nature and Scope of Private International Law

1.2 Origin of Private International Law

1.3 Unification of Private International Law and Role of International Organizations and Regional Organizations in the process

1.4 Comparison between Public and Private International Law

1.5 Introduction to Nepalese Private International Law

1.5.1 Sources and Development of Nepalese Private International Law

1.5.2 Codification of Nepalese Private International Law Its Features and Challenges

**Unit 2: Jurisdiction (5 Hours)**

- 2.1 Concept of Jurisdiction and Privileges and Immunities
- 2.2 Kinds of Jurisdiction- Actions in Person and Actions in Rem
  - 2.2.1 Grounds on which Court Assume Jurisdiction in *Personam*
  - 2.2.2 Grounds on which Court assume Jurisdiction in *rem*
- 2.3 Lis Pendens, Forum Non conventions and Other Limitations on the Court's Jurisdiction
- 2.4 Basis of Competency of Nepalese Court in Cross Border Private Disputes and the Limitation

**Unit 3: Characterization, Connecting Factor and Doctrine of Renvoi (5 Hours)**

- 3.1 Characterization
- 3.2 Connecting Factors
- 3.3 Renvoi
  - 3.3.1 Concept and Types
  - 3.3.2 Contemporary International Practices and Relevance of Renvoi
- 3.4 Nepalese Practices on Characterization, Connecting factors and Renvoi

**Unit 4: Domicile, Nationality, Habitual Residence and Residence (5 Hours)**

- 4.1 Meaning and Types of Domiciles
- 4.2 Nationality
- 4.3 Residence and Habitual Residence
- 4.4 Nepalese Practices on Domicile, Nationality, Habitual Residence and Residence

**Unit 5: Private International Law related to Matrimonial Matters and Child Protection (8 Hours)**

- 5.1 Classifying Marriage: Formal Aspects of Marriage and Capacity to Marry
- 5.2 Nullity of Marriage and Legal Approach to Polygamous Marriages and Foreign Same-Sex Marriages and their Recognition

- 5.3 Divorce and Judicial Separation
- 5.4 Child Protection, International Instruments and Nepalese Private International Law
  - 5.4.1 Inter Country Adoption
  - 5.4.2 International Child Abduction by Parents and
  - 5.4.3 Custody and Guardianship
  - 5.4.4 Child Support and Recovery of other forms of Family Maintenance

**Unit 6: Law of Obligation (3 Hours)**

- 6.1 Applicable Law in Contractual Obligations
- 6.2 Applicable Law in Tort
- 6.3 Nepalese Practice on Applicable Law in Contractual and Tortious Matters

**Unit 7: Property (5 Hours)**

- 7.1 Classification of the Property and Rules of Private International Law
- 7.2 Immovable Property
- 7.3 Movable Tangibles and Intangible

**Unit 8: Recognition and Enforcement of Foreign Judgements (5 Hours)**

- 8.1 Concept of Recognition and Enforcement and its Significance
- 8.2 Theoretical Foundation of Recognition and Enforcement of Foreign Judgment
- 8.3 Grounds for Recognition and Enforcement of Foreign Judgment and Defense for Non-Recognition and Enforcement
- 8.4 Nepalese Practices on Recognition and Enforcement of Foreign Judgment
  - 8.4.1 Procedure for Recognition and Enforcement
  - 8.4.2 Grounds for Recognition and Enforcement and Defense for Non- Recognition and Non-Enforcement

## Unit 9: Procedures

(5 Hours)

- 9.1 Classifying Substance and Procedure- Limitation, Evidence Examination and Action and Extent of Remedy
- 9.2 Pleading and Proving of Foreign Law
- 9.3 Exclusion of Foreign Law
- 9.4 Overriding Mandatory norms and Public Policy Exception

### Prescribed Cases

- Tung Sumser JBR vs. Indian Airline Corporation (2024 B.S) 9 N.K.P, D.N. 389. [https://nkp.gov.np/full\\_detail/4460](https://nkp.gov.np/full_detail/4460).
- Minadevi vs. Shatashamsher J.B.R (2029 B.S) 14 N.K.P, D.N. 688. [https://nkp.gov.np/full\\_detail/7474](https://nkp.gov.np/full_detail/7474).
- Umadevi Sundari vs. Rajmata Basanta Kuwarwa (2029 B.S) 14 N.K.P, D.N. 708. [https://nkp.gov.np/full\\_detail/7511](https://nkp.gov.np/full_detail/7511).
- Maria Victoria Subhirana Rotrage vs. Nepal Immigration Department (2067 B.S.) 52 N.K.P D.N. 8505. [https://nkp.gov.np/full\\_detail/3384](https://nkp.gov.np/full_detail/3384).
- Sabina Pandey vs. Puskarraj Pandey (2068 B.S.) 53 N.K.P, D.N. 8572. [https://nkp.gov.np/full\\_detail/141](https://nkp.gov.np/full_detail/141).
- Suman Panta vs. Immigration Department and Others (2074 B.S) 59 N.K.P, D.N. 9921. [https://nkp.gov.np/full\\_detail/8972](https://nkp.gov.np/full_detail/8972).
- Hanil Engineering & Construction Co.Ltd v Appellate Court Patan (2075) 60 N.K.P, D.N. 10138. [https://nkp.gov.np/full\\_detail/9190](https://nkp.gov.np/full_detail/9190)
- Kanika Goel vs. Karan Goel and Immigration Departments and Others, Writ No 078-WH-0198. <https://supremecourt.gov.np/web/assets/downloads/judgements/078-WH-0198.pdf>.
- Adhip Pokhrel vs. Home Ministry and the Immigration Department, 079-WO-0198. <https://supremecourt.gov.np/web/assets/downloads/judgements/079-WO-0198.pdf>
- Sanghi Brothers (Indore) Pvt Ltd vs. High Court Patan, NKP 2022.

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- Baral, S. (2022). Evolving trend of domicile and nationality in private international law with special reference to Nepal. *Nepal Public Policy Review*, 2, 261–285. <https://doi.org/10.3126/nppr.v2i1.48678>
- Briggs, A. (2013). *Conflict of law* (3<sup>rd</sup> ed.). Oxford University Press.
- Collier, J. G. (2004). *Conflict of laws* (3<sup>rd</sup> ed.). Cambridge University Press.
- Diwan, P., & P. Diwan (1998). *Private international law: Indian and English* (4<sup>th</sup> ed.). Deep & Deep Publications.
- Garimella, S. R., & S. Jolly (Eds.). (2017). *Private international law: South Asian states' practice*. Springer Publishing.
- Graveson, R. H. (1969). *The conflict of laws*. Martinus Nijhoff.
- Hill, J., & Shúilleabháin, M. N. (2016). *Clarkson & Hill's conflict of laws* (5<sup>th</sup> ed.). Oxford University Press.
- Jolly, S., & Khanderia, S. (2021). *Indian private international law*. Bloomsbury Publishing.
- Jolly, S., & Malla, P. (2022). Recognition and enforcement of foreign divorce judgments in India and Nepal: A comparative analysis. *Global Journal of Comparative Law*, 11, 197–221.
- Pradhan, D. P. N. (2022). Conflict of laws rules in Nepal. *Business Law International*, 23(1), 71–94.
- Setalvad, A. M. (2007). *Conflict of laws*. LexisNexis Butterworths.
- Sharma, L. (2068 B.S.). *Baiyaktik antarasriya kanoon* [Personal international law] (in Nepali). Pairavi Prakashan.
- Stone, P. (2014). *EU private international law* (3<sup>rd</sup> ed.). Edward Elgar Publishing.
- Symeonides, S. (2008). *American private international law*. Kluwer Law International.

# Cyber Law and Artificial Intelligence

## **Eighth Semester**

**Course Code:** LAW5705

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## **Course Objectives**

The objectives of the course:

- To acquaint students with the development and importance of Cyber Law and Cyber Jurisprudence, including key ideas, sources of cyber law, and current emerging issues.
- To enable students to identify different types of cybercrimes and examine how such crimes are investigated, prosecuted, and adjudicated along with relevant cases.
- To enhance students' ability comprehend laws and rules related to e-commerce, online payments, consumer rights, and data privacy, security and protection.
- To enrich students' ability to explore legal, ethical, and institutional challenges in governing Artificial Intelligence and Cyber Space, focusing on national policies, international and regional agreements, and regulatory bodies.

## **Unit 1: Introduction of Cyber Law**

**(6 Hours)**

- 1.1 Concept and Evolution of Cyber Law
- 1.2 Need and Importance of Cyber Law
- 1.3 Sources of Cyber Law
- 1.4 Nature and Emerging issues of Cyber Law
- 1.5 Fundamental Concept of Cyber Jurisprudence
- 1.6 Developing Cyber Jurisprudence in Nepal

## **Unit 2: Cyber Crime**

**(7 Hours)**

- 2.1 Concept, Nature and Elements of Cyber Crime
- 2.2 Evolution of Cyber Crime
- 2.3 Types of Cyber Crimes and Cyber Criminals
  - 2.3.1 Cyber Crimes Against Person

- 2.3.2 Cyber Crimes Against Property
- 2.3.3 Cyber Crimes Against Society
- 2.4 Investigation of Cyber Crime and Chain of Custody
- 2.5 Cyber Forensics and Admissibility of Electronic/Digital Evidence
- 2.6 Adjudication of Cyber Crimes
- 2.7 Trends of Cyber Crimes in Nepal

**Unit 3: E-Commerce and Consumer Protection (8 Hours)**

- 3.1 Meaning, Scope and Classification of E-Commerce
- 3.2 Digital Signature and Electronic Signature
- 3.3 Concept and Modes of Online Payment System
- 3.4 Legal and Regulatory Framework for Online Payment in Nepal
- 3.5 Meaning and Concept of Digital Cash
- 3.6 Types/Forms of Digital Cash
- 3.7 Concept of E-Commerce and E-Consumer
- 3.8 Policies and Laws for the Protection of E-Consumers in Nepal
  - 3.8.1 E-Commerce Act, 2081
  - 3.8.2 Consumer Protection Act, 2075

**Unit 4: Laws and Policies regarding Cyber Space in Nepal (10 Hours)**

- 4.1 Constitutional Protection of Freedom of Expression and Its Limitations
- 4.2 Provisions Relating to Cyber Security, Data Protection and Online Privacy
- 4.3 Salient Features of Electronic Transaction Act, 2063 (2006)
- 4.4 Other Relevant Polices/Laws
  - 4.4.1 Cyber Crime Related Provisions on The Muluki Criminal Code, 2074
  - 4.4.2 Nepal Telecommunication Act, 2053
  - 4.4.3 Information and Communication Technology Policy, 2072
  - 4.4.4 National Cyber Security Policy, 2080
  - 4.4.5 Cyber Security By-Law, 2077
  - 4.4.6 Directives for Managing the Use of Social Networks, 2080

**Unit 5: Introduction of Artificial Intelligence (7 Hours)**

- 5.1 Meaning, Concept and Scope of Artificial Intelligence
- 5.2 Legal and Ethical Challenges of Artificial Intelligence
- 5.3 Regulatory Approaches to Artificial Intelligence
- 5.4 Artificial Intelligence and Fundamental Rights
- 5.5 Future of Artificial Intelligence Governance
- 5.6 Artificial Intelligence and Cyber Crimes
- 5.7 Block Chain, Crypto-Currency, Digital Economy and E-contracts

**Unit 6: International Instruments of Cyber Crimes (5 Hours)**

- 6.1 UN Mechanism: United Nations Convention Against Cybercrime, 2024
- 6.2 European Mechanism: Budapest Convention on Cyber Crimes, 2001
- 6.3 Regional Mechanisms: African Union Convention on Cyber Security and Personal Data Protection, 2014
- 6.4 Internet Corporation on Assigned Name & Numbers (ICANN) and Domain Name Dispute Policy
- 6.5 INTERPOL (The International Criminal Police Organization)

**Unit 7: Institutional Mechanism of Cyber Space in Nepal (5 Hours)**

- 7.1 Ministry of Communication and Information Technology
  - 7.1.1 Department of Information Technology (IDMC & NITC)
  - 7.1.2 Office of Controller of Certification
- 7.2 Nepal Telecommunication Authority (NTA)
- 7.3 Nepal Police (Cyber Bureau and Digital Forensic Lab)
- 7.4 Federation of Computer Association Nepal (CAN Federation)
- 7.5 Internet Service Providers (ISPs) and Internet Society Nepal (ISOC-Nepal)

**Prescribed Cases**

- Kha Kumari vs. Nepal Government, D. No. 9621 (Prakash Ojha Case)
- Advocate Baburam Aryal vs. GoN, D. No. 9740 (Protection of Call Detail Record)
- Sanjay Kumar Shrestha vs. Kiran Kumar Shrestha (CEO of National

Commercial Bank Ltd.), Offence related to the exploitation of technical banking errors for personal financial gain (Cyber Fraud), D. N. 11180

Bhaktapur 1 vs. Akash B. C. (Offence related to electronic crimes, public morality, and the unauthorized sharing of indecent material.), D. No. 11129

### References Books

Arvind, N. & J. Bonneau et.al (2016). *Bitcoin and cryptocurrency technologies: A comprehensive introduction*. Princeton University Press.

Barkhu, & U. Mohan (2006). *Cyber law and cyber crime*. Asia Law House.

Barowalia, J. N., & A. Jain (2022). *Cyber law & cyber crimes*. Vinod Publications (P) Ltd.

Burt, D., et al. (2014). *Cyber security risk paradox*. Microsoft Security Intelligence, Microsoft Corporation.

Chaudhary, N. (2023). *The art of cyber law and cyber crimes*. Mission Legal Service Pvt. Ltd.

Finlay, S. (2020). *Artificial intelligence for everyone*. Relativistic.

International Telecommunication Union. (2014). *Understanding cybercrime: Phenomena, challenges and legal responses*.

Kumaram, S., G. & Kaur (2024). *Cyber crimes and laws* (3rd ed.). Law & Justice Publishing Company.

Mann, R. J. (2011). *Electronic commerce*. Wolters Kluwer Law and Business.

Paranjape, V. (2010). *Cyber crime and law*. Central Law Agency.

Pathak, C., & Associates. (2023). *Landmark judgments on cyber crimes & cyber laws*. Whitesmann Publishing Co.

Reed, C., & J. Angle (2014). *Computer law*. Oxford University Press.

Sharma, N. P. (2015). *Cyber space and the cyber law*. Koslee Prakashan.

Singh, Y. (2019). *Cyber laws*. LexisNexis.

Tomer, A., Singh, H., Wadhwa et. al (2021). *Cyber law: Emerging trends and challenges*. Redshine Publication.

## Clinical Law – II (Conveyancing)

### Eighth Semester

**Course Code:** LAW5706

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To familiarize students with the principles, structure, and language of legal drafting, particularly in the context of conveyancing and formal legal documentation.
- To equip students with practical skills in drafting a wide range of contractual and property-related legal documents, including loan deeds, mortgage deeds, lease agreements, and sale deeds.
- To enable students to draft legal instruments related to personal and family law, such as adoption deeds, partition deeds, wills, and powers of attorney, based on real-life legal scenarios.
- To enhance students' ability to apply legal drafting skills in professional legal practice.

### Unit 1: Introduction to conveyancing drafting (8 Hours)

- 1.1 Concept, importance, and principles of conveyancing drafting
- 1.2 Essential components of a well-drafted conveyancing document
- 1.3 Legal language, structure, formatting and paper margin in Nepali Paper

### Unit 2: Drafting of Contractual Agreements (10 Hours)

- 2.1 **Loan Deed** – Drafting financial agreements between lender and borrower
- 2.2 **Mortgage Deed** – Legal documentation for secured loans with immovable property
- 2.3 **Service Contract** – Employment/service agreements outlining duties and obligations
- 2.4 **Partnership Deed** – Formation of business partnerships with legal rights and duties

**Unit 3: Drafting Property and Lease Agreements (10 Hours)**

- 3.1 **Rental Agreement** – Legal relationship between landlord and tenant
- 3.2 **Lease Agreement** – Drafting lease terms for commercial and residential properties
- 3.3 **Sale Deed** – Legal transfer of ownership in real estate transactions
- 3.4 **Land Transfer Deed** – Process of transferring land ownership and associated rights.

**Unit 4: Drafting of Family and Personal Law Documents (8 Hours)**

- 4.1 **Consent Paper** – Legal consent documentation for various purposes
- 4.2 **Adoption Deed** – Legal procedure for adoption and parental rights
- 4.3 **Partition Deed** – Division of jointly held property among co-owners
- 4.4 **Separation or Reunion Deed** – Documentation for division or reunion of coparceners

**Unit 5: Drafting of Special Legal Instruments (10 Hours)**

- 5.1 **Gift and Will Deed** – Legal transfer of property through gifts and testamentary documents
- 5.2 **Power of Attorney (General and Special)** – Legal authorization for representation
- 5.3 **Guaranteed Deed** – Ensuring obligations in financial transactions
- 5.4 **Exchange Deed** – Transfer of property or assets through mutual exchange
- 5.5 **Advance Deed** – Documentation for financial advances and security

**Unit 6: Practical Exercises and Dossier (6 Hours)**

- 6.1 The dossier should be neatly hand written and structured in Nepali Paper
- 6.2 All documents must be drafted based on practical case scenarios.

6.3 The final submission will be reviewed by the class teacher followed by feedback and necessary revisions.

6.4 The dossier should be submitted to Campus Administration for viva Voce and final evaluation.

### **References Books**

Bhandari, S. (2077), *Legal drafting writing*, Pairavi Book House Kathmandu.

Khadka P.B (2071), *Legal Drafting: Theory and Practice*, Bidharthy Pustak Bhandar, Kathmandu.

Shrestha, G.B (2075) *Kanooni Likharka Masyouda Ebam Byabasayik Legal Drafting and code of conduct for Lawyer*, Pairavi Publication, Kathmandu.

### **Codes, Rules, Regulations**

Muluki Civil Code, 2017

Muluki Civil Procedure Code, 2017

Muluki Civil Procedural Rules, 2018

Court Regulations

# International Rivers and Sea Law

## Eighth Semester

**Course Code:** LAW5707

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with the classical and modern legal frameworks governing the law of the sea and international rivers, including their historical evolution, sources, and analytical foundations.
- To equip students with in-depth knowledge of the rights, duties, and cooperative mechanisms among co-riparian and coastal states regarding the just, reasonable, and sustainable utilization of shared water resources and maritime zones.
- To enhance students' ability to examine key bilateral, regional, and international legal instruments, dispute resolution mechanisms, and treaties-particularly those relevant to Nepal and the South Asian region-in the context of both trans-boundary rivers and marine regimes.
- To develop students' ability to promote knowledge of environmental, ecological, and equity-based principles in water and marine law, emphasizing sustainable development, protection of marine and riverine ecosystems, and the rights of land-locked and geographically disadvantaged states.

## Part I: International Rivers Law

### Unit 1: International Rivers

**(10 Hours)**

1.1 Definition and Trans-boundary Border Regime

1.2 Historical Demarcation of International Rivers

1.3 Rights and Duties of Co-riparian States and River Basin Communities

1.4 Principles of Utilization of International Rivers

1.5 Freedom of Navigation in International Rivers

- 1.6 Principle and Practice with Regards to Pollution Control
- 1.7 International Instruments and Mechanisms Relating to River and Water Laws

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

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

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

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

**Part II: Sea Law**

**Unit 4: Introduction (4 Hours)**

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

**Unit 5: Territorial Sea (3 Hours)**

- 5.1 Legal Status and Breadth of Territorial Sea
- 5.2 Baseline for Measurement of the Territorial Water

- 5.3 Straits Bays and Gulf
- 5.4 Delimitation
- 5.5 Right of Innocent Passage

**Unit 6: Contiguous Zone (2 Hours)**

- 6.1 Concept and Scope
- 6.2 Breadth

**Unit 7: Continental Shelf (3 Hours)**

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

**Unit 8: Exclusive Economic Zone (EEZ) (3 Hours)**

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

**Unit 9: High Seas (3 Hours)**

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

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

- 10.1 Concept and Nature of Land-Locked and Geographically Disadvantaged States
- 10.2 Right of Access of Land-Locked States to and from the Sea and Freedom of Transit
- 10.3 Rights of Geographically Disadvantaged States

## **Unit 11: International Sea Bed Authority (4 Hours)**

- 11.1 Decline of Common Heritage of Deep Ocean Resources
- 11.2 Exploration and Exploitation of Deep Ocean Resources
- 11.3 Power and Functions of the International Sea Bed Authority
- 11.4 Protection and Preservation of the Marine Environment
- 11.5 Settlement of Disputes

### **Prescribed Cases**

- Bal Krishna Neupane vs. Council of Ministers et.al Nepal Kanoon Patrika (NKP) (2053 B.S), No. 3, P.310.
- Bal Krishna Neupane vs. Council of Ministers et.al NKP (2054 B.S), No. 2, P. 77.
- Ram Chandra Chataut et.al vs. Government of Nepal et.al NKP (2066 B.S), No. 1, P. 85.

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# Natural Resources Law

## **Eighth Semester**

**Course Code:** LAW5708

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To familiarize students with the foundational concepts, classifications, and legal significance of natural resources law in the context of sustainable development, climate change, and ecological balance.
- To enhance ability of students to examine international, regional, and national legal frameworks and principles governing natural resources, including public trust doctrine, polluter pays principle, and environmental justice.
- To develop students' ability to explore the institutional mechanisms and management approaches - such as integrated, community-based, and technological methods - for the effective governance and conservation of natural resources.
- To develop students' capacity to analyze legal challenges, court decisions, and policy opportunities related to natural resources management in Nepal and beyond.

### **Unit 1: Introduction to Natural Resources**

**(2 Hours)**

1.1 Concept, Definition and Scope

1.2 Natural Resources, Sustainable Development and Climate Change

### **Unit 2: Classification of Natural Resources**

**(6 Hours)**

2.1 Renewable

2.1.1 Land (use and acquisition and soil)

2.1.2 Water (land, sea, ground water and wetland)

2.1.3 Forest (biodiversity)

2.1.4 Air (Climate Change, Global Warming)

## 2.2 Non-Renewable

2.2.1 Mines and Minerals (land, deep sea bed)

2.2.2 Natural Heritage (National Parks, Conservation Areas)

2.2.3 Oil and Gas (off shore and on shore)

## **Unit 3: Laws, Policies and Principles**

**(12 Hours)**

### 3.1 Global Laws

3.1.1 Ramsar Convention 1971

3.1.2 Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973

3.1.3 UN Convention on the Conservation of Migratory Species of Wild Animal 1979

3.1.4 UN Framework Convention on Climate Change 1992

3.1.5 UN Convention on Biological Diversity 1992

3.1.6 Agreement on Marine Biodiversity of Areas beyond National Jurisdiction 2023

3.1.7 Aarhus Convention 1998

3.1.8 Sustainable Development Goals 2015-2030

### 3.2 Regional Laws

3.2.1 Malé Declaration on Control and Prevention of Air Pollution and Its Likely Transboundary Effects for South Asia 1998

### 3.3 National Laws

3.3.1 Constitutional Provisions

3.3.2 Land use and land acquisition

3.3.3 Forest Conservation

3.3.4 Water Conservation

3.3.5 Biodiversity and Wildlife Conservation

3.3.6 National Heritage Conservation

3.3.7 Climate Protection

### 3.4 Principles

3.4.1 Public Trust Doctrine

3.4.2 Polluter Pays Principle

3.4.3 Environmental Justice

3.4.4 Sustainable Development

- 3.4.5 Free Prior and Informed Consent
- 3.4.6 Environmental Impact Assessment

**Unit 4: Institutional Mechanisms (8 Hours)**

- 4.1 Global Institute
  - 4.1.1 United Nations Environment Program (UNEP)
  - 4.1.2 IUCN
- 4.2 Regional Institute
  - 4.2.1 South Asia Wildlife Enforcement Network (SAWEN)
  - 4.2.2 Mekong River Commission
  - 4.2.3 Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)
  - 4.2.4 Belt and Road Initiative (BRI)
- 4.3 National Institute
  - 4.3.1 Ministry of Forest and Environment
  - 4.3.2 Ministry of Energy, Water Resources and Irrigation
  - 4.3.3 Ministry of Land Management, Cooperatives and Poverty Alleviation
  - 4.3.4 Ministry of Agriculture and Livestock Development
  - 4.3.5 National Natural Resources and Fiscal Commission
  - 4.3.6 Department of National Parks and Wildlife Conservation
  - 4.3.7 Department of Water Resources and Irrigation
  - 4.3.8 Alternative Energy Promotion Center

**Unit 5: Approaches to Natural Resources Management (8 Hours)**

- 5.1 Holistic Approach
- 5.2 Integrated Approach
- 5.3 Economic and Development Approach
- 5.4 Environmental, Ecological and Ecosystem Approach
- 5.5 Domestic and Trans-boundary Basin Approach
- 5.6 Public, Private and Community Approach
- 5.7 Disaster Prevention, Management and Preparedness Approach
- 5.8 Community-Based Resource Management: Participatory Approaches and Local Governance
- 5.9 Technological Innovations: Role of Technology in Sustainable Resource Management

## **Unit 6: Challenges and Opportunities for Natural Resources Management in Nepal (6 Hours)**

6.1 Constitution, Laws and Policies

6.2 Institutions

### **Prescribed Cases**

Adv. Bal Krishna Neupane vs. Rt. Hon. Prime Minister Girija Prasad Koirala et.al NKP (2054 B.S), Number 2, D.No. 6313

Adv. Prakash Mani Sharma et.al vs. PM and council of Ministers et.al, Writ number 067-WO-1002 and 068-WO-0074

Adv. Prakash Mani Sharma et.al vs. GON et.al, NKP (2073 B.S), Number 4, D.No. 9575

Adv. Narayan Prasad Devkota vs. Rt. Hon. PM and Council of Minister et.al, NKP (2067 B.S), Number 12, D.No. 8521

Adv. Dhananjaya Khanal vs. Rt. Hon. PM and Council of Ministers et.al NKP (2063 B.S), Number 5, D.No. 7695

Rajiv Kumar Gupta et.al vs. CIAA et.al, NKP (2076 B.S), Number 9, D.No. 10358

Bajudin Miya et.al vs. Office of the Prime Minister et.al, NKP (2066 B.S), D.No. 8169

Yogi Nara Hari Nath et.al vs. Rt. Hon. Girija Prasad Koirala et.al, NKP (2053), Number 1, D.No. 6127

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Rasband, J. & J. Salzman et.al (2009). *Natural resources law and policy*. Foundation Press.

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# Investment Law

## **Eighth Semester**

**Course Code:** LAW5709

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To acquaint students with the legal principles, structure, and practices governing investment.
- To enable equip students with the legal frameworks regulating domestic and foreign investment.
- To familiarize students with the laws and regulations governing international, regional, and national financial and trade institutions.
- To acquaint students with the legal roles and responsibilities of key actors involved in investment and financial management.
- To develop the ability of students to analyze and interpret investment laws and regulatory practices in both domestic and international context

### **Unit 1: Introduction**

**(5 Hours)**

1.1 Genesis of Investment

1.2 Types of Investment

1.3 Definition of Investment: Assets and Enterprise Based, Loans and other

1.4 Principles of Investment Law: Expropriation, Free and Equitable Treatment, Full Protection of Security, National Treatment and Most Favored Nation.

1.5 Financial Services and its Impact

1.6 Interest of States in Foreign Investment and Recent Trends.

1.7 Investment management and Corporate Structure

### **Unit 2: Domestic Investment Policies and Law**

**(8 Hours)**

2.1 Constitutional Stipulation of Investment

2.2 Legal Stipulation of Investment

- 2.2.1 Banking and Financial Institution Act
- 2.2.2 Public and Private Investment
- 2.2.3 Private Public Partnership Arrangement
- 2.2.4 Foreign Investment and Technology Transfer Act
- 2.2.5 Industrial Enterprises Act
- 2.2.6 Copyright Act and Patent Design and Trademark Act
- 2.3 Investment Policies
  - 2.3.1 Foreign Investment Policy of Nepal, its shortcomings and analysis
  - 2.3.2 Industrial Policy, Trade Policy, and Sectoral and Sub-Sectoral Policies
  - 2.3.3 One Window Policy
  - 2.3.4 Privatization Policy
  - 2.3.5 Other Related Policies

**Unit 3: International Investment Law**

**(10 Hours)**

- 3.1 Concept and Definition of International Investment
- 3.2 Sources of International Investment Law
- 3.3 International Investment: Foreign Direct Investment and Portfolio Investment
- 3.4 Role of WTO and GATT in Investment law
- 3.5 TRIMS and Nepal's Obligation
- 3.6 TRIPS and Nepal's Obligation
- 3.7 Bilateral Investment Treaty
  - 3.7.1 Generation of Bilateral Investment Treaties
  - 3.7.2 Emerging Trends and Future of BITs
  - 3.7.3 Common Elements under Bilateral Investment Treaties
  - 3.7.4 BITs Concluded by Nepal and its impact on Nepalese Economy
  - 3.7.5 General Comparison of BITs and Multilateral Investment Treaties
  - 3.7.6 Major Global Mechanism for Multilateral Investment Regime

### 3.8 Investment Protection Mechanisms

- 3.8.1 General Overview of EU-Canada Comprehensive Economic and Trade Agreement, Transatlantic Trade and Investment Partnership (US & EU); Libson Treaty of 2009 (EU), RCEP,

### 3.9 Regional Trading Arrangements and Agreements

- 3.9.1 Levels of Regional Cooperation
- 3.9.2 SAARC
- 3.9.3 BIMSTEC
- 3.9.4 Asia Pacific/ ASEAN

## **Unit 4: Procedures for Foreign Investment in Nepal (9 Hours)**

- 4.1 Incorporation
- 4.2 Facilities and Concessions for Foreign Investors
- 4.3 Sectoral Foreign Investment in Nepal
- 4.4 Entry Strategy of Foreign Investment in Nepal: Joint Venture; Wholly Owned Companies; Subsidiaries, Branch Operations, Branch Operations, Liaison Office, Investment Company
- 4.5 Institutional Mechanisms: Investment Board and Department of Industries, OCR and NRB
- 4.6 Foreign Exchange and Repatriation

## **Unit 5: Technology Transfer Regime of Nepal (6 Hours)**

- 5.1 Concept of Technology Transfer
- 5.2 Significance of Technology transfer for Developing Countries
- 5.3 Modes Procedures of the Transfer of Technology
- 5.4 Technology Transfer in IPR
- 5.5 Arrangements of IPR in Licensing and Franchising

## **Unit 6: Foreign Investment and Dispute Settlement Mechanism (10 Hours)**

- 6.1 Law of Remedies in Investment Disputes
- 6.2 Nature of State-to-State Dispute Settlement and Investor-State Dispute Settlement
- 6.3 ICSID Convention and dispute settlement

- 6.4 UNCITRAL and Dispute Settlement
- 6.5 NEPCA
- 6.6 Dispute Settlement under FITTA, Contract laws, Alternative Dispute Resolutions, Judicial Settlement
- 6.7 Recognition and Enforcement of Investment Awards

### **Prescribed Cases**

- Ministry of Finance vs. Damodar Ropeways Construction and Association, NKP 2067 B.S
- Anil Kumar Pokheral vs. Kathmandu District Court, 2064 B.S., Sharawan, D.No. 7836.
- Sanghi Brothers (Indore) Pvt. Ltd. vs. High Court Patan, NKP 2079 B.S., Kartik, D.No. 10904
- Ncell vs. Nepal Government, Supreme Court Larger Full Bench, 076-WO- 0944
- Arun Kumar Ojha vs. Ministry of Finance, Singha Durbar, Kathmandu, N.K.P 2078 B.S., Poush, D.No. 10732.
- Bhawesh Gautam vs. Nepal Government 2074, D.No. 0744-WO- 0590, Magh.
- Dwarikanath Dhungel etal, vs. Large Taxpayers Office (074-WO-0475)
- Renold's holding Ltd vs. Large Taxpayers Office (074-WF-0094)
- Hanil Engineering & Construction Co. Ltd vs. Appellate Court Patan, NKP 2075 B.S. , D.No. 10138.

### **References Books**

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# Business and Human Rights Law

## **Eighth Semester**

**Course Code:** LAW5710

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours **Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To develop students' ability to comprehend intersection between business operations and human rights, including key concepts, historical developments, and the significance of human rights in corporate conduct.
- To enhance students' capacity to analyze the areas of business impact on human rights, such as labor rights, environmental concerns, gender and child rights, indigenous peoples, and supply chains, with attention to conflict zones and transitional justice contexts.
- To develop ability of students to examine international and national frameworks governing business and human rights, focusing on human rights due diligence, impact assessments, corporate governance, and the role of legal and non-legal accountability mechanisms.
- To equip students with ability to explore contemporary challenges, best practices, and future trends in corporate human rights responsibilities, including technological impacts, state cooperation, and strategies for enhancing corporate accountability and human rights protection.

## **Unit 1: Introduction to Business and Human Rights (6 Hours)**

1.1 Conceptual Understanding of business and human rights

1.2 Historical development and key concepts (e.g Corporate Social Responsibility vs. Business and Human Rights)

1.3 Human Rights Principles and Its Nexus with Business

1.4 Importance of human rights in business operation

**Unit 2: Major Areas of Intervention for Business and Human Rights**  
**(12 Hours)**

- 2.1 Business Conduct and Environment and Water
- 2.2 Business conduct and Child Rights
- 2.3 Business Conduct and Gender, Migrant Workers
- 2.4 Business and Human Rights in High Risk and Conflict affected areas
- 2.5 Business Conduct and Indigenous Peoples
- 2.6 BHR and Supply Chain (the entire system of producing and delivering products and services)
- 2.7 Business and transitional justice/peace building process
- 2.8 Labour and workplace safety measures
- 2.9 Business conduct and consumer

**Unit 3: Human Rights Due Diligence**  
**(6 Hours)**

- 3.1 Concept and importance of due diligence
- 3.2 Steps in conducting human rights due diligence, UNGPs (Principles 17-21)
- 3.3 Challenges and best practices

**Unit 4: Human Rights Impact Assessments**  
**(4 Hours)**

- 4.1 Purpose and methodologies of HRIA
- 4.2 Assessment of Human Rights Due Diligence in corporate sectors
- 4.3 Case studies and practical applications

**Unit 5: Corporate Governance and Human Rights**  
**(4 Hours)**

- 5.1 Principles of corporate governance
- 5.2 Role of governance in promoting human rights
- 5.3 Case studies of corporate governance failures and successes

**Unit 6: Legal Remedies and Accountability Mechanisms (8 Hours)**

- 6.1 Judicial and Non-Judicial Remedies (UNGPs Principles 25-31)
- 6.2 State Cooperation in Transnational Businesses
- 6.3 Limits and Barriers in Judicial and Non-Judicial Remedies
- 6.4 Case studies of legal remedies (Domestic and International Practices)

## **Unit 7: Future Trends in Business and Human Rights (8 Hours)**

- 7.1 Emerging issues and trends
- 7.2 Impact of technology on human rights
- 7.3 Future directions for research and practice

### **References Books**

- Bernaz, N. (2016). *Business and human rights: History, law and policy – Bridging the accountability gap* (Human Rights and International Law Series). Routledge.
- Cernic, J. L., & N.C Santarelli (Eds.). (2018). *The future of business and human rights*. Intersentia.
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The Danish Institute for Human Rights. (2019). *Remedy in business and human rights cases: The role of national human rights institutions*. <https://www.humanrights.dk>

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## Moot Court–II (Criminal Case)

### Ninth Semester

**Course Code:** LAW5801

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### Course Objectives

The objectives of the course:

- To equip students with practical skills in legal drafting and courtroom procedures, including the preparation of criminal cases, appellate briefs, bail applications, injunctions, reviews, appeals, and execution of judgments.
- To develop students' advocacy and oral argument skills through active participation in moot court exercises and simulated trial sessions.
- To enhance students' ability by training them in effective client interviewing and case preparation techniques, including interviewing, drafting legal documents such as power of attorney, consent papers, and letters of acceptance (sakarmana).
- To enhance capacity of students providing experiential learning through structured participation in trial proceedings, enabling students to apply theoretical legal knowledge in real-world or simulated legal contexts.

### Course Description and Evaluation

This practical course contains three main components namely moot court, hearing preparations (interviewing clients), and participation in trial proceedings relating to criminal cases. All these components are designed to provide practical knowledge to the students. At the completion of the session, the students will have to submit a moot court file as assigned with the examination form for the external evaluation.

The course carries 3 Credits. This means the moot court files (criminal case) shall be evaluated for 100 marks. Out of this, 40 marks (40%)

are allotted to internal evaluation by the class teacher and another 10 marks (10%) is evaluated through viva-voce conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. The remaining 50 marks (50%) is evaluated by the external examiner.

# Law of Banking and Negotiable Instruments

## **Ninth Semester**

**Course Code:** LAW5802

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Compulsory

## **Course Objectives**

The objectives of the course:

- To equip students with the structure, types, and historical development of the banking system in Nepal, including the roles of central and commercial banks.
- To develop students' ability to examine the legal framework governing banking operations and financial institutions in Nepal, with a focus on licensing, regulatory powers, and relevant laws such as the Bank and Financial Institutions Act and the Negotiable Instruments Act.
- To develop students' ability to analyze key legal concepts related to banker-customer relationships, payment systems, lending practices, securities, and negotiable instruments.
- To enhance students' analytical and practical skills to apply legal principles to real-world banking scenarios and critically evaluating significant Supreme Court decisions related to banking law.

## **Unit 1: Introduction**

**(4 Hours)**

- 1.1 General Introduction to Banking System
- 1.2 Concept, Origin and Development of Bank
- 1.3 Type of Banks
- 1.4 Difference between Central Bank and Commercial Banks/  
Financial Institutions
- 1.5 Historical Evolution of Banking System in Nepal

## **Unit 2: Central Bank**

**(10 Hours)**

- 2.1 Role of Central Bank as a Banker to Other Commercial Banks/  
Financial Institutions and Government
- 2.2 Legal Regime for Central Bank

- 2.2.1 Status of Central Bank
- 2.2.2 Formation and Composition of Central Bank
- 2.2.3 Regulatory Power of Central Bank
- 2.3 Role and Function of Central Bank
  - 2.3.1 Regulation, Inspection and Supervision of Banks and Financial Institutions
  - 2.3.2 Role for Formulating Monetary Policy
  - 2.3.3 Formulating Rules and Regulation for Regulating Foreign Exchange and Reserve
  - 2.3.4 Monetary Function Such as the Issue of Bank Note/ Coins and Operation of Open Market
  - 2.3.5 Role as a Banker, Adviser and Financial Agent for Government

**Unit 3: Laws Relating to Bank and Financial Institutions in Nepal**  
(6 Hours)

- 3.1 Licensing for Operating and Carrying on Financial Transaction
- 3.2 Formation, Composition of Banks and Financial Institutions
  - 3.2.1 Commercial Bank
  - 3.2.2 Development Bank
  - 3.2.3 Finance Companies and Co-operatives
- 3.3 Power and Function of Bank and Financial Institution
  - 3.3.1 Carrying Financial and Monetary Transaction by Banks and Financial Institutions
  - 3.3.2 Accepting Deposit
  - 3.3.3 Supply of Various Kinds of Credits
  - 3.3.4 Recovery of Credits
  - 3.3.5 Maintaining Capital Adequacy
- 3.4 Privilege and Facilities of Banks and Financial Institutions

**Unit 4: Banker-Customer Relationship** (6 Hours)

- 4.1 Bank, Customers and Banking Services
- 4.2 Characteristic of Banker-Customer Relationship
- 4.3 Types of Relationship
  - 4.3.1 Bailer-Bailee
  - 4.3.2 Trustee-Beneficiary

- 4.3.3 Agent-Principal
- 4.4.4 Debtor-Creditor
- 4.4 Types of Customer
  - 4.4.1 Individual Client
  - 4.4.2 Business/Corporate Client
  - 4.4.3 Government Body or Entity Client
- 4.5 Bank as a Depository - The Account
- 4.6 Types of Accounts/Deposits
  - 4.6.1 Current Account
  - 4.6.2 Saving Account
  - 4.6.3 Fixed Deposit/Account
  - 4.6.4 Overdraft Account
  - 4.6.5 Combination of Account
- 4.7 Statement of Account
- 4.8 Bank Charges

**Unit 5: Payment and Payment System (6 Hours)**

- 5.1 Basic Element and Mechanism of Bank Payment
  - 5.1.1 Basic Element
  - 5.1.2 Payment Method: Credit/Debit Transfer
- 5.2 Payment of Cheques
  - 5.2.1 Nature of Cheques
  - 5.2.2 Collection of Cheques
  - 5.2.3 Payment Credit Cards
- 5.3 Settlement and Clearing of Cheque Payment
- 5.4 Duty of Confidentiality of Bank of Its Customers
  - 5.4.1 Nature and Justification of Confidentiality
  - 5.4.2 Customers Consent
  - 5.4.3 Exception to Rule of Confidentiality

**Unit 6: Bank Lending and Security (8 Hours)**

- 6.1 Lending as Facilities and Its Repayment
  - 6.1.1 Draw Down and Demand Facilities
  - 6.1.2 Obligation to Lend
  - 6.1.3 Repayment and Interest

- 6.2 Trade Finance
  - 6.2.1 Bill of Exchange
  - 6.2.2 Trade Bills
  - 6.2.3 Acceptance of Credit
- 6.3 Letter of Credit
  - 6.3.1 Basic Features
  - 6.3.2 Fundamental Principle and the Rule of Uniform Commercial Practice (UCP)
  - 6.3.3 Trust Receipts
- 6.4 Demand Guarantee
  - 6.4.1 Legal Character
  - 6.4.2 Principle of Autonomy
  - 6.4.3 Unconditional Payment upon Demand
  - 6.4.4 Fraud Exception and Enjoining Bank from Paying
  - 6.4.5 Indemnity by Principal Party/Account Party
- 6.5 Security Interest
  - 6.5.1 Creating Security Interest in Movable Property by Bank
  - 6.5.2 Type of Security
    - (i) Pledge
    - (ii) Hypothecation
    - (iii) Hire Purchase
  - 6.5.3 Floating Charge
  - 6.5.4 Perfection of Security Interest
  - 6.5.5 Priority of Security Interest
  - 6.5.6 Enforcement of Security Interest

**Unit 7: Negotiable Instruments**

**(8 Hours)**

- 7.1 Nature and Basic Principle of Negotiable Instruments
- 7.2 Types of Negotiable Instruments
  - 7.2.1 Cheques
  - 7.2.2 Bill of Exchanges
  - 7.2.3 Draft
  - 7.2.4 Promissory Note
- 7.3 Negotiable Instruments, Related Parties and Liabilities
- 7.4 Negotiation and Endorsement
- 7.5 Presentation, Acceptance and Payment
- 7.6 Notice of Dishonor

### **Prescribed Cases**

- Shivaram Timilsina vs. Rastriya Banijya Bank, Nepal Kanoon Patrika (NKP) (2058 B.S), No. 9/10, P. 611.
- Wasir Ahmad Rain vs. Agriculture Development Bank, Bardiya, NKP (2060 B.S), No. 9/10, P. 835.
- Agriculture Development Bank, Nepalganj vs. Jagamba Prasad Gupta, NKP (2063 B.S), No. 4, P. 531.
- Rajendra Kumar Khetan vs. Nepal Rastra Bank, NKP (2065 B.S), No. 3, P. 375.
- Suresh Chandra Paudel vs. Legislative-Parliament Secretariat, NKP (2068 B.S), No. 6, P. 893.
- Bam Prakash Maskey vs Nepal Bangladesh Bank Ltd., NKP 2071 B.S, No. 11, D.No. 9297.
- Advocate Lal Bahadur Basnet vs. Government of Nepal, NKP, 2073 B.S., No. 3, D.No. 9357.
- Binaya Kumar Upadhyaya vs. Mina Sherchan, NKP 2075 B.S., NO. 8. D.No. 10065.
- Sagar Sharma vs. Taxpayer Service Office, NKP 2075 B.S, No. 8, D.No. 10041.

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- Hopgood, M. (1996). *Paget's law of banking*. Butterworths.
- National Judicial Academy. (2075 B.S.). *Compilation of commercial judgements* (In Nepali). National Judicial Academy.
- Regmi, Y. (2076 B.S.). *Modern banking system of Nepal* (In Nepali). Eagle Eye Research Institute (Pvt.) Ltd

# Legislative Drafting

## Ninth Semester

**Course Code:** LAW5803

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To acquaint students with the fundamental concepts, history, and types of legislative drafting, including the essential qualities, tools, and skills required for effective drafting.
- To develop students' ability to comprehend the legal and constitutional principles underlying legislative drafting, such as constitutionality, delegated legislation, procedural fairness, and treaty obligations.
- To equip students with practical knowledge of the legislative drafting process, including the structure and components of a bill, arrangements within a bill, and coordination among legislative stakeholders.
- To enhance students' technical drafting abilities through the study of legislative language, grammar, punctuation, and style, and through hands-on drafting assignments with reference to both national and international legal frameworks.

### **Unit 1: Nature and Scope of Legislative Drafting (6 Hours)**

- 1.1 Concept, Meaning and Definition of Legislative Drafting
- 1.2 Kinds of Legislative Drafting
- 1.3 History of Legislative Drafting in Nepal
- 1.4 Qualities, Skills and Tools for Legislative Drafting

### **Unit 2: Principles Related to Legislative Drafting (10 Hours)**

- 2.1 Constitutionality of Law
- 2.2 Supreme and Delegated Legislation
- 2.3 Colorable Legislation
- 2.4 Degree of Criminality and Quantum of Penalty

- 2.5 Procedural Fairness
- 2.6 Victim's Justice
- 2.7 Principles of Interpretation and Drafting
- 2.8 Legislative Domain
- 2.9 Pacta Sunt Servanda in respect of treaty obligations

**Unit 3: Drafting Process of Bills (6 Hours)**

- 3.1 Need for Drafting a Bill
- 3.2 Drafting Process and Coordination between Different Agencies and Stakeholders
- 3.3 Supreme Legislations
- 3.4 Delegated Legislations
- 3.5 Bill Amendment

**Unit 4: Structure of a Bill (6 Hours)**

- 4.1 Preliminary Part/Provisions
- 4.2 Main Part/Provisions
- 4.3 Final Part/Provisions

**Unit 5: Arrangements in a Bill (5 Hours)**

- 5.1 Parts, Chapters and Sections
- 5.2 Marginal Notes
- 5.3 Section
- 5.4 Sub-Section
- 5.5 Clause
- 5.6 Sub-Clause
- 5.7 Explanation
- 5.8 Proviso
- 5.9 Exception
- 5.10 Illustration
- 5.11 Cross reference
- 5.12 Schedule
- 5.13 Note
- 5.14 Corrigendum

## **Unit 6: International Treaty obligations and legislative practice**

**(2 Hours)**

- 6.1 Practice of Incorporation of treaty obligations into exist legislation
- 6.2 Making an enabling legislation in compliance with treaty obligations

## **Unit 7: Language and Drafting Skills of Legislation (13 Hours)**

- 7.1 Language, Grammar, Signs, Symbols, Punctuation and Style of Legislative Drafting
- 7.2 Assignment of a Bill for Practical Drafting Skills

### **References Books**

- Atre, B. R. (2001). *Legislative drafting: Principle and techniques*. Universal Law Publishing Co. Pvt. Ltd.
- Bakshi, P. M. (1972). *An introduction to legislative drafting*. N. M. Tripathi.
- Bowman, G. (2006). *The Art of Legislative Drafting. Amicus Curiae*.
- Chakrabarti, N., & N.K Chakrabarti (2007). *Principles of legislation and legislative drafting*. R. Cambray & Co. Pvt. Ltd.
- Dhungana, P. (2081). *Legislative Drafting Method*. Jwala Prakashan
- Husa, J. (2018). Developing legal system, legal transplants and path dependents: Reflections on the rule of law. *Chinese Journal of Comparative Law*, 6(2), 129–150.
- Khadka, A. K. (2023). *Legislative drafting in Nepal*. SANRAB Prakashan.
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- Nepal Law Commission. (2066 B.S.). *Kanoon tarjuma digdarsan* [In Nepali]. Nepal Law Commission.
- Thornton, G. C. (1996). *Legislative drafting* (4<sup>th</sup> ed.). Tottel Publishing.
- Xanthaki, H. (2014). *Drafting legislation: Art and technology of rules for regulation*. Hart Publishing.

# Taxation Law

## Ninth Semester

**Course Code:** LAW5804

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with principles, including the economic, legal, and constitutional basis of taxation, with special reference to the Nepalese context.
- To develop students' ability to comprehend Nepalese tax laws, including income tax, VAT, wealth and local taxes, and their application in practical scenarios such as digital assets and e-commerce.
- To familiarize students with tax administration and enforcement mechanisms, including the structure and powers of tax authorities, compliance procedures, dispute resolution, and judicial remedies available under tax law.
- To enhance students' analytical and practical skills through case law analysis and real-life applications, enabling students to interpret tax laws, assess liabilities, and understand the evolving nature of tax in digital and comparative contexts.

## Unit 1: Tax Economics

**(3 Hours)**

- 1.1 Nature, Concept and Objectives of Taxation
- 1.2 Basic Kinds of Taxation
- 1.3 Canons, Burden and Principles of Taxations
- 1.4 Evolution of Taxation
- 1.5 Role of Taxation in Public Finance
- 1.6 Welfare State and Taxation
- 1.7 Role of Legislation in Taxation

**Unit 2: Principle of Taxation Law (3 Hours)**

- 2.1 Meaning and Nature of Taxation Law
- 2.2 Principles of Taxation Law
- 2.3 Tax Justice System and Nature
- 2.4 Rules of Construction of Taxation Law
- 2.5 Relation between Finance Act and Other Tax Laws
- 2.6 Evolution of Taxation Law of Nepal
- 2.7 Taxonomics and Taxation: Navigating the Tax Implications of Tokenized Assets
- 2.8 Comparative Tax Systems
- 2.9 Taxation and Digital Economy

**Unit 3: Constitution and Tax Laws (2 Hours)**

- 3.1 Fundamental Rights and Taxation
- 3.2 Constitutional Power of Taxation
- 3.3 Enactment Procedure of Taxation Laws
- 3.4 Rights and Duties of a Tax Payer

**Unit 4: Income Tax Laws (15 Hours)**

- 4.1 Concept of income
- 4.2 Basic Terminology under Nepali Income Tax Laws
- 4.3 Heads and Sources of income
- 4.4 Income from Employment
- 4.5 Income from Business
- 4.6 Income from Investment
- 4.7 Income from Other Head/Source
- 4.8 Computation of Assessable and Taxable Income
- 4.9 Expenditure, Deduction and Allowances
- 4.10 Filing of Return/Self Assessment Return of Income
- 4.11 Carry Forward of Loss and Set Off
- 4.12 Tax Deducted at Source (TDS) and Refund
- 4.13 Collection, Recovery and Charges of Income Tax
- 4.14 Basic Concepts of Income Tax in relation to Black Money, Tax Disposal Commission, Avoidance and Evasion of Tax
- 4.15 Offences and Penalties

**Unit 5: Value Added Tax (VAT)****(10 Hours)**

- 5.1 Definition and Background of VAT
- 5.2 Principles of VAT
- 5.3 Merits and Demerits VAT
- 5.4 VAT Rate
- 5.5 Alternatives to VAT
- 5.6 VAT Laws
  - 5.6.1 Basic Terminology
  - 5.6.2 Purpose and Basis of VAT
  - 5.6.3 Taxable Goods and Services
  - 5.6.4 Registration and Cancellation of Registration of Firms
  - 5.6.5 Place and Time of Supply, Rate of VAT and Taxable Price
  - 5.6.6 Payment and Credit of VAT
  - 5.6.7 Filing and Return of VAT
  - 5.6.8 Assessment and Reassessment of VAT
  - 5.6.9 Audit and Investigation
  - 5.6.10 Refund
  - 5.6.11 Recovery
  - 5.6.12 Powers and Functions of Tax Officer
  - 5.6.13 Rewards, Offences and Penalties
- 5.7 VAT Fraud and Evasion
- 5.8 VAT in E-commerce

**Unit 6: Wealth Tax/House and Land Tax and Local Tax (4 Hours)**

- 6.1 Objectives and Legal Provisions as to Imposition, Assessment, Payment and Recovery of Wealth Tax, House and Land Tax
- 6.2 Property Exemption from Tax
- 6.3 Tax Exemption
- 6.4 Concept of Local Tax
- 6.5 Laws of Local Taxation in Nepal
- 6.6 Impact of Taxation on Real Estate Market

**Unit 7: Tax Administration****(2 Hours)**

- 7.1 Structure of Inland Revenue Administration of Nepal
- 7.2 Kinds of Authorities and Their Administrative and Quasi-Judicial Powers and Functions

- 7.3 Control Mechanism within the Tax Administration
- 7.4 E-Governance in Tax Administration
- 7.5 Anti-Corruption Measures in Tax Administration

## **Unit 8: Judicial Remedies**

**(5 Hours)**

- 8.1 Judicial control over Tax Administration, Decisions and Assessment on Tax
- 8.2 Administrative Review
- 8.3 Appeal Provision under Tax Laws and Its Process
- 8.4 Revenue Tribunal
- 8.5 Writ Jurisdiction
- 8.6 Tax Mediation and Arbitration
- 8.7 Impact of International Judgments on Domestic Taxation

### **Prescribed Cases**

- Tax Office Biratnagar vs. Mahendra Kumar Golchha, NKP (2063 B.S), No. 7, P. 871
- Laxman Narayan vs. Tax Office Lalitpur, NKP (2064 B.S), No. 6, P 758.
- Sudarshanlal Shrestha vs. Internal Revenue Office, Chitwan, NKP (2065 B.S), No. 3, P. 320.
- Mittal Tea Industries Pvt. Ltd. vs. Internal Revenue Department, NKP (2066 B.S), No. 6, P. 1001
- Sita Trade Centre Pvt. Ltd. vs. Internal Revenue Office, Kathmandu, NKP (2066 B.S), No. 8, P. 1350
- Meena Shakya vs. Internal Revenue Office, NKP (2068 B.S), No. S. P 855.
- Pro-Biotech Industries Pvt. Ltd vs. Large Taxpayer Office, Lalitpur, NKP (2068B.S), No. 1, P.145.
- Thula Kardata Karyalaya Harihar Bhawan vs. Rajkumar Golchha NKP 2069 B.S No.7 Dec. 8862 p 1272
- Thula Kardata Karyalaya Harihar Bhawan vs. Prime International Pvt. Ltd. NKP 2069 B.S No.11 Dec. 8914
- Dwarikanath Dungel et.al vs. Thula Kardata Karyalaya Harihar Bhawan, Lalitpur, (Ncell Case) Largest full bench, case No 074-Wo-0475 Decision Date 2075/10/23

Advocate Archana Silwal vs. IRD Lazimpat Case No. 077-NF-0035  
Decision Date 2080.10.16 (Full Bench, Bhatbhateni Case)

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- Nepalko kor kanoon* [Nepal's tax law] (4<sup>th</sup> ed.). (2076 B.S.). Pairavi Prakashan. (Original work published 2068 B.S.) (*in Nepali*)
- Shipwright, A., & E. Keeling, E. (2015). *Textbook revenue law*. University of Cambridge Press

## Seminar–II (Non-Doctrinal)

### **Ninth Semester**

**Course Code:** LAW5805

**Credit:** 6

**Teaching Hours:** 96 hours

**Full Marks:** 200

**Pass Marks:** 50%

**Nature:** Compulsory

### **Course Objectives**

The objectives of the course:

- To acquaint students with the foundational principles and methods of legal research, with a focus on non-doctrinal approaches based on primary data collection.
- To develop students' ability in identifying, analyzing, and addressing contemporary legal issues, using empirical research tools such as interviews, surveys, focus group discussions, and field observations.
- To enhance students' skills in data interpretation, legal writing, and academic presentation, through the preparation and defense of research-based seminar papers.
- To build students' confidence and competence of students in conducting independent legal research, promoting critical thinking and problem-solving abilities relevant to real-world legal challenges.

### **Course Description and Evaluation**

This seminar is a practical exercise designed to engage B.A.LL.B. students with non-doctrinal legal research on contemporary legal issues. The students are required to select a topic that is related to law and/or legal issues. With the approval of seminar teacher/convener, the students are required to conduct research applying non-doctrinal methodology and collect necessary data applying the tools like questionnaire survey, interview, focused group discussion, consultation, and field observation. The students are required to prepare a non-doctrinal seminar paper by analyzing and interpreting

the data, which they will present to the class. The seminar emphasizes collaborative learning, so active participation in discussions is mandatory. The students receive comments, feedback and suggestions during the class presentation. Incorporating feedback received in the class presentation and seminar teacher, the students need to submit a final non-doctrinal seminar paper for final evaluation.

This practical course carries 6 Credits. It should be noted that 3 credits are covered by classes and 3 credits are covered by library visits and data collection activities in the field. This means the non-doctrinal seminar paper is evaluated for 200 marks. Out of this, 80 marks (40%) are allotted to internal evaluation by the seminar teacher and another 20 marks (10%) are evaluated in viva-voce conducted by a 3-member committee having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor. The remaining 100 marks (50%) are evaluated by the external examiner.

# Energy Law

## **Ninth Semester**

**Course Code:** LAW5806

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To familiarize students with concepts, importance, and legal dimensions of energy, with a focus on its role in economic development, governance, and sustainability.
- To develop students' ability to analyze global, regional, and national legal frameworks, policies, treaties, and institutional mechanisms related to energy development, cooperation, and climate commitments.
- To enhance students' capacity to examine Nepal's constitutional provisions, legislative instruments, and institutional structures governing energy production, transmission, and cross-border trade.
- To develop students' ability to critically engage with key principles, case law, and international practices in energy law, enabling them to address legal, regulatory, and policy challenges in the energy sector.

## **Unit 1: Introduction to Energy Law**

**(6 Hours)**

- 1.1 Concept, Scope and Importance of Energy
- 1.2 Energy and Economic Development
- 1.3 Energy Poverty, Energy Equity and Energy Governance
- 1.4 Importance, Scope and Sources of Energy Law

## **Unit 2: Energy, Climate Change and Sustainable Development**

**(4 Hours)**

- 2.1 Energy Trilemma
- 2.2 Fundamentals of Climate Change and Sustainable Development

- 2.2.1 UNFCCC and Conference of the Parties (COP)
- 2.2.2 Kyoto Protocol
- 2.2.3 Paris Agreement
- 2.3 Concept of Climate Justice and Just Energy Transition
- 2.4 Climate Finance and Carbon Market Fundamentals

**Unit 3: Doctrines and Principles (2 Hours)**

- 3.1 Correlative Rights Doctrine
- 3.2 Environmental Sustainability Principle

**Unit 4: Energy Resources and Trends in Nepal (4 Hours)**

- 4.1 Trends in Energy Demand Supply in Nepal
- 4.2 Hydro Power and Other Energy Resources
- 4.3 International Commitments (SDGs, NDC, Net-zero target)
- 4.4 Geopolitics, Water Resources and Cross-border Energy Trade

**Unit 5: Global, Regional and National Initiatives on Energy (14 Hours)**

- 5.1 Global Level
  - 5.1.1 Early Notification Liability in Case of Nuclear Accident
  - 5.1.2 Nuclear Safety Measures to be adopted
  - 5.1.3 Civil Liability for Nuclear Damage
  - 5.1.4 Energy in Millennium Development Goals and Sustainable Development Goals
  - 5.1.5 Organization of the Petroleum Exporting Countries
- 5.2 Regional Level
  - 5.2.1 SAARC framework agreement for energy cooperation
  - 5.2.2 BIMSTEC
- 5.3 National Level
  - 5.3.1 Electric Power Trade, Cross-Border Transmission Interconnection and Grid Connectivity
  - 5.3.2 Koshi Treaty
  - 5.3.3 Gandak Treaty
  - 5.3.4 Mahakali Treaty
  - 5.3.5 Recent Trends in National Initiatives on Energy

**Unit 6: Agencies Promoting Clean Energy (4 Hours)**

- 6.1 International Energy Agency
- 6.2 The Global Environment Facility
- 6.3 World Energy Council
- 6.4 Sustainable Energy for All Forum
- 6.5 Major Economies Forum on Energy and Climate (MEF)
- 6.6 The World Bank
- 6.7 Asian Development Bank
- 6.8 South Asian Association for Regional Cooperation (SAARC)

**Unit 7: Legislative and Institutional Framework for Energy Development in Nepal (14 Hours)**

- 7.1 Constitutional Provisions
- 7.2 Acts and Regulations
  - 7.2.1 Electricity Act 1992
  - 7.2.2 Nepal Electricity Authority Act 1984
  - 7.2.3 Electricity Theft Control Act 2002
  - 7.2.4 Electricity Regulatory Commission Act 2014
  - 7.2.5 Hydropower Development Policy
- 7.3 Institutional Mechanisms
  - 7.3.1 Ministry of Energy, Water Resources and Irrigation
  - 7.3.2 Nepal Electricity Regulatory Commission
  - 7.3.3 Water and Energy Commission Secretariat
  - 7.3.4 Nepal Electricity Authority
  - 7.3.5 Department of Electricity Development
  - 7.3.6 Alternative Energy Promotion Center
- 7.4 Power Sector Reform in Nepal

**Prescribed Cases**

- Adv. Bal Krishna Neupane vs. PM Girija Prasad Koirala et.al, NKP (2054 B.S), D.No. 6313
- Ram Chandra Chataut et.al vs. Government of Nepal et.al, NKP (2066 B.S), D.No. 8059
- Gorakhbahadur BC et.al vs. Office of Prime Minister et.al, NKP (2078 B.S), Writ No. 064-WO-0754, D.No. 8982
- Adv. Madhav Kumar Basnet et. al vs. Government of Nepal et.al, NKP

(2072 B.S), Writ No. 064-WS-0030, D.No. 9412  
Chandra Kumari Thani vs. Government of Nepal, Writ No. 079-WC-0057

### References Books

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- Rijal, K. (Ed.). (1999). *Energy use in mountain areas: Trends and patterns in China, India, Nepal and Pakistan*. International Centre for Integrated Mountain Development.
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- The World Bank. (2008). *Development and deployment: Lessons from non-energy sectors* (Working Paper No. 138). The World Bank.
- Tomei, J., & D. Gent (2015). *Equity and the energy trilemma: Delivering sustainable energy access in low income communities*. International Institute for Environment and Development (IIED). <https://www.iied.org>

# Victimology

## Ninth Semester

**Course Code:** LAW5807

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with foundational knowledge of victimology, including its evolution, key theories, and relevance in both Nepalese and international contexts.
- To develop students' ability to examine the legal, constitutional, and institutional frameworks protecting crime victims, including their rights, roles, and participation within the criminal justice system.
- To enhance students' capacity to evaluate mechanisms for victim support and protection, such as counseling, rehabilitation, compensation, and restorative justice practices.
- To enable students to analyze the roles of state and non-state actors in delivering justice, promoting accountability, and supporting long-term recovery for crime victims.

## Unit 1: Introduction to Victimology (10 Hours)

- 1.1 Meaning and Definition of Victimology and Victimization
- 1.2 Evolution of Victimology
- 1.3 Theories of Victimization
- 1.4 Emerging Trends in Victimology

## Unit 2: Crime Victims (8 Hours)

- 2.1 Concept, Nature and types of Crime Victims
- 2.2 National and International Laws Related to Crime Victims

## Unit 3: Rights and Role of Crime Victims (8 Hours)

- 3.1 Constitutional and Legal Rights of Crime Victims
- 3.2 Role of Crime Victims in the Criminal Justice System

**Unit 4: Protection of Crime Victim in Nepal (12 Hours)**

- 4.1 Concept of Crime Victim Protection and Support system
- 4.2 Role of the Investigation and Prosecution
- 4.3 Role of the Judiciary to promote Crime Victim Rights
- 4.4 Role of Penal Institutions
- 4.5 Support System of Crime Victim
  - 4.5.1 Counseling
  - 4.5.2 Rehabilitation Centers and Service Centers
  - 4.5.3 Compensation – Long-Term and Short-Term (Victim’ Fund)
  - 4.5.4 Vocational Training and Educational Support
  - 4.5.5 Physical Therapy and Trauma Healing

**Unit 5: Crime Victims Justice System (10 Hours)**

- 5.1 Concept of Crime Victim Justice System
- 5.2 Concept and role of Restorative Justice
- 5.3 Challenges and Future Prospects of Restorative Justice in Nepal

**Prescribed Cases**

- Madhav Kumar Basnet & others vs. Government of Nepal, Nepal Kanoon Patrika (2070 B.S), No. 9, P.1101.
- Suntali Dhimi vs. Council of Ministers & Others, NKP (2068 B.S), No. 1, P. 112.
- Uma Tamang vs. Government of Nepal, Nepal Kanoon Patrika (2070 B.S), No.11, D.No. 9078.
- Upendra Paswan vs. Nepal Government of Nepal, Nepal Kanoon Patrika (2078 B.S), No. 2, D.No. 10643.
- Adv Joyti Paudel vs. Government of Nepal (2066 B.S) , P.12, D.No. 8282.
- Lok Bahadur Karki vs. Kha Kumari Nepal Government Nepal Kanoon Patrika (2072B.S), Part 2, D.No. 9346.
- Rabindra Prasad Dhakal- Rajendra Pd Dhakal vs. HMG, NKP (2064B.S), No. 2, P.179.

Suman Adhikari et. al., vs. Office of PM and CoM NKP (2071B.S) Vol. 12, D.No. 9303

Bharati Sherpa vs. Regal Dhakal et. al., Writ no. 080-WF-0026  
Advocate Sapna Pradhan Malla on behalf of Women, Law and Development Forum vs. Government of Nepal, Prime Minister and Council of Ministers office (D.No. 7880)

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Shoham, S. G. & P. Knepper et.al (Eds.). (2010). *International handbook of victimology*. CRC Press.

Shrestha, S. K. (2001). *A step towards victim justice system*. Pairavi Prakashan.

Tuladhar, I. (2079 B.S.). *Aaparadh piditko adhikar, kanoon ek prasthanbindu* [Rights of crime victims: A legal standpoint]. Himal Innovative Development and Research Center.

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# Population Law

## **Ninth Semester**

**Course Code:** LAW5808

**Full Marks:** 100

**Credit:** 3

**Pass Marks:** 50%

**Teaching Hours:** 48 hours

**Nature:** Optional

## **Course Objectives**

The objectives of the course:

- To familiarize students with a theoretical understanding of population dynamics, population law, and demographic transitions, including the legal and social implications of population change.
- To enhance ability of students to examine the legal frameworks governing demographic components such as birth, death, migration, census, and citizenship, with a focus on Nepal's laws and policies.
- To develop students' ability to explore the interrelationship between population and human rights, including reproductive health, child rights, gender equality, and legal protections for vulnerable groups.
- To equip students with ability to analyze the institutional mechanisms, criminal laws, and policy instruments related to population management in Nepal, with emphasis on enforcement, family law, and public health.

## **Unit 1: Introduction of Population and Population Law (6 Hours)**

1.1 Meaning and Definition of Population

1.2 Meaning and Definition of Population Law

1.3 Importance of Population Law

1.4 Scope of Population Law

1.4.1 Demography

1.4.2 Determinants of Population Change

1.4.3 Consequences of Population Growth and Decline

1.5 Demographic Transitions Theory

## **Unit 2: Population Management**

**(4 Hours)**

- 2.1 Concept and Definition of Population Management
- 2.2 Importance of Population Management
- 2.3 Measures of Population Management
- 2.4 Population Management Issues and Challenges in Nepal

**Unit 3: Basic Demographic Components and Laws (8 Hours)**

- 3.1 Laws Relating to Citizenship
- 3.2 Laws Relating to Registration of Birth and Death
- 3.3 Laws Relating to Migration
  - 3.3.1 Concept of Migration
  - 3.3.2 Types of Migration: Permanent, Semi-permanent, Temporary and Seasonal
  - 3.3.3 Causes and Consequences of Migration
  - 3.3.4 Concept of Immigration and Emigration
  - 3.3.5 Concept of Open Border
  - 3.3.6 Nepal-India Treaty of Peace and Friendship 1950 and its Impact

**Unit 4: Census Related Laws in Nepal (5 Hours)**

- 4.1 Laws Relating to Census, Survey and Vital Registration
- 4.2 Population Policy in Nepal
- 4.3 National Statistical System
  - 4.3.1 Statistical Act, 2079
  - 4.3.2 The National Identity Card and Registration Act, 2076

**Unit 5: Major Factors Related to Population (4 Hours)**

- 5.1 Urbanization and Population Growth
- 5.2 Religion and Population Growth
- 5.3 Culture and Population Growth
- 5.4 Relationship between Population and Environment

**Unit 6: Population and Human Rights (8 Hours)**

- 6.1 Concept of Human Rights and its Correlation with Population
- 6.2 Basic Human Rights Issues and Related Laws
  - 6.2.1 Right to Basic Health Services and Related Laws
  - 6.2.2 Reproductive Rights and Related Laws

- 6.2.3 Child Rights and Related Laws
- 6.2.4 Rights of Sexual Minorities
- 6.2.5 Equality and Gender Discrimination

**Unit 7: Family Law and Population (3 Hours)**

- 7.1 Family Law
  - 7.1.1 Law on Marriage, Divorce and Judicial Separation
  - 7.1.2 Single and Joint Family and Population
  - 7.1.3 Relationship between Family Law and Population
- 7.2 Adoption Law and Population

**Unit 8: Criminal Offences and Punishment (6 Hours)**

- 8.1 Reproductive Health Related Offences and its Impact on Fertility
  - 8.1.1 Infanticide
  - 8.1.2 Rape
  - 8.1.3 Bigamy
  - 8.1.4 Incest
  - 8.1.5 Adultery
  - 8.1.6 Prostitution
- 8.2 Law relating to Contraception and Abortion in Nepal

**Unit 9: Institutional Arrangement for Population Management in Nepal (4 Hours)**

- 9.1 National Statistics Office
- 9.2 Ministry of Health and Population

**Prescribed Cases:**

- Sharma, P. M. vs. Government of Nepal, N.K.P. 2065 B.S. (Supreme Court of Nepal).
- Dikta, L. vs. Government of Nepal, N.K.P. 2067 B.S (Supreme Court of Nepal).

**References Books**

- Acharya, D. R. (1994). *Law of population*. Pairavi Prakashan. (Published in 2051 B.S.)

- Acharya, S. K. (2018). *Demographic and socio-economic factors affecting birth preparation and complication readiness (BPCR) practices in Nepal*. *Nepal Population Journal*, 23(26).
- International Organization for Migration. (2019). *Migration in Nepal: A country profile 2019*. International Organization for Migration (IOM).
- Marasini, S. (2018). *Population law*. Pairavi Prakashan.
- National Statistics Office. (2022). *National Population Census 2078 (2021)*. Government of Nepal.
- Tandon, U. (2003). *Population law: An instrument for population stabilization*. Deep & Deep Publications.

**Article:**

- Lamichhane, K. (2018). Women's autonomy and utilization of maternal health care services in rural Nepal. *NEPAL POPULATION JOURNAL*.

# Competition Law

## Ninth Semester

**Course Code:** LAW5809

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Optional

## Course Objectives

The objectives of the course:

- To acquaint students with the fundamental principles, evolution, and economic rationale of competition law at both national and international levels.
- To develop students' ability to comprehend an in-depth knowledge of Nepal's legal framework, particularly the Competition Act, 2063 (2007), including the roles and enforcement mechanisms of regulatory bodies like the Competition Promotion and Market Protection Board.
- To enhance ability of students to analyze anti-competitive practices such as cartels, abuse of dominance, and unfair trade practices, and evaluate their legal treatment through case studies and comparative legal analysis.
- To develop students' ability to explore the impact of emerging global trends such as digital markets and extraterritorial enforcement—on competition law and policy, with a focus on consumer protection and sustainable market fairness.

## Unit 1: Introduction to Competition Law

**(10 Hours)**

- 1.1 Definition and Rationale of Competition Law
- 1.2 Historical development of competition law (US, UK/EU laws including Nepalese Competition Law)
- 1.3 Economic theories underpinning competition law
- 1.4 Core Principles of Competition Law (e.g. consumer welfare, market fairness)
- 1.5 The balance between regulation and free market principle

**Unit 2: Legal Framework (8 Hours)**

- 2.1 Overview of national and international competition laws  
Key legislation (e.g., Competition Promotion and Market Protection Act, 2063 (2007), Sherman Act, Clayton Act, European Union Competition Law)
- 2.2 Role of competition authorities (e.g., Competition Promotion and Market Protection Board, Federal Trade Commission, European Commission)
- 2.3 International Obligations of Nepal as to Competition Policy

**Unit 3: Economic Analysis in Competition Law (6 Hours)**

- 3.1 Role of economics in Competition law
- 3.2 Market definition, Types and market power analysis
- 3.3 Economic theories of harm

**Unit 4: Anti-Competitive Practices and Their Control (6 Hours)**

- 4.1 Definition and Types of Anti-Competitive Practices
  - 4.1.1 Cartels and collusion
  - 4.1.2 Abuse of dominant position
  - 4.1.3 Price fixing and Bid rigging
  - 4.1.4 Black Marketing and Exclusive Dealings
  - 4.1.5 Tied Selling and Misleading Advertisement
  - 4.1.6 Market Restrictions and other Anti-Competitive Agreements

**Unit 5: Different Dimensions of Competition Laws (8 Hours)**

- 5.1 Horizontal vs. vertical agreements
- 5.2 Mergers and acquisitions: assessment and control
- 5.3 Monopsony and its implications in labor and product markets
- 5.4 Extraterritoriality: Application of national competition laws beyond borders
- 5.5 Non-Applicability or Exemptions Clauses: Situation where competition laws do not apply
  - 5.5.1 Jurisdictional limitations
  - 5.5.2 Sovereign immunity and its implications for enforcement
- 5.6 International competition law and its impact on national laws

**Unit 6: Nepalese Consumer Court (4 Hours)**

- 6.1 Structure and function of the Nepalese Consumer Court
- 6.2 Interaction between competition law and consumer protection
- 6.3 Role of the Consumer Court in addressing anti-competitive practices
- 6.4 Case studies of consumer court decisions impacting competition

**Unit 7: Recent Development Trends (3 Hours)**

- 7.1 Digital markets and the challenges they pose to competition law
- 7.2 Big/Small tech and Competition issues
- 7.3 Emerging trends in competition policy (e.g., sustainability, data privacy)

**Unit 8: Competition Law Enforcement (3 Hours)**

- 8.1 Role of competition authorities in enforcement
- 8.2 Investigative powers and procedures
- 8.3 Penalties and sanctions for violations

**Prescribed Cases**

- United States vs. Microsoft Corp., 253 F.3d 34 (D.C. Cir. 2001).
- Standard Oil Co. of New Jersey vs. United States, 221 U.S. 1 (1911).
- United States vs. AT & T, 552 F. Supp. 131 (D.D.C. 1982).
- European Commission vs. Google LLC, Case AT.39740 (2017).
- Hoffmann-La Roche vs. Commission, Case 85/76, ECLI: EU:C:1979:36 (1979).
- United States vs. Apple Inc., 791 F.3d 290 (2d Cir. 2015).
- European Commission vs. Intel Corp., Case COMP/C-3/37.990 (2009).
- United States vs. Visa U.S.A., Inc., 344 F.3d 229 (2d Cir. 2003).
- European Commission vs. Microsoft Corp., Case COMP/C-3/37.792 (2004).
- FTC vs. Facebook, Inc., No. 20-3590 (D.D.C. 2021).

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- Bork, R. H. (1993). *The antitrust paradox: A policy at war with itself*. Free Press.
- Ezrachi, A. (2016). *Virtual competition: The promise and perils of the algorithm-driven economy*. Harvard University Press.
- Fox, E. M., & D.A Crane (2020). *Global issues in antitrust and competition law*. West Academic Publishing.
- Gerber, D. J. (2010). *Global competition: Law, markets, and globalization*. Oxford University Press.
- Jones, A., & B, Sufrin (2020). *EU competition law: Text, cases, and materials* (7<sup>th</sup> ed.). Oxford University Press.
- Khan, L. M. (2017). Amazon's antitrust paradox. *The Yale Law Journal*, 126(3), 710–805. <https://www.yalelawjournal.org/article/amazons-antitrust-paradox>
- Kovacic, W. E., & C. Shapiro (2000). Antitrust policy: A century of economic and legal thinking. *Journal of Economic Perspectives*, 14(1), 43–60. <https://doi.org/10.1257/jep.14.1.43>
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- OECD. (2020). *Competition law and policy in the digital economy*. OECD Publishing.
- Whish, R., & D.Bailey (2021). *Competition law* (10<sup>th</sup> ed.). Oxford University Press.

## **Clinical Law–III (Placement)**

### **Tenth Semester**

**Course Code:** LAW5901

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

### **Course Objectives**

The objectives of the course:

- To acquaint students with practical exposure to legal institutions and professional environments, including courts, tribunals, law firms, and legal chambers through structured internship placements.
- To enable students to observe and understand the application of legal principles, procedures, and professional ethics in real-world settings, fostering a deeper understanding of the legal profession.
- To develop students' ability to analyze legal practices and institutional functions, and to critically engage with the challenges and responsibilities of legal professionals in contemporary society.
- To strengthen students' research, writing, and presentation skills through the preparation and submission of a placement report, supported by class orientations and ongoing mentorship.

### **Course Description and Evaluation**

“Under this course, the students are required to undertake internships for four months either in any courts, institutions, tribunals and law firms or chambers. This course shall be conducted by a designated teacher having at least 10 year’s teaching or research professional experience. A course outline and the number of students admitted in each academic session in this course are noticed by the Campus. A placement report shall be submitted by the students at the end of the same semester.

“This practical course carries 6 Credits. Out of this, 40% marks is allotted to internal evaluation by the class teacher. Out of this 40%, the class teacher will give 10% marks for attendance, 10% marks for

presentation and 20% marks for report submission. Another 10% marks will be evaluated in viva-voce to be conducted by a three-member committee having at least ten years of experience in teaching of law or law practice or as a hudge or public prosecutor. Remaining 50% is evaluated by the external examiner.”

The division of the 6 Credit hours shall be as follows:

Class – 1 Credit Hours (For class orientation)

Placement – 5 Credit Hours (Placement, Report Writing and Report Presentation)

# Social Work and Social Welfare Law

**Tenth Semester**

**Course Code:** LAW5902

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with social welfare and social work, including their historical development, key models and policies, and their role in establishing welfare-based states like Nepal.
- To enhance students' ability to analyze the legal, constitutional, and policy frameworks related to the protection and care of vulnerable and marginalized groups, such as children, women, elderly people, persons with disabilities, indigenous communities, and sexual minorities.
- To develop students' ability to examine national and international responses to social welfare and human rights, including legal instruments, institutional mechanisms, and judicial practices aimed at ensuring social security and justice.
- To develop students' skills to conduct empirical research and to do critical analysis of social welfare implementation, promoting informed participation in future legal and policy-making processes related to social justice and human rights.

## Unit 1: Introduction to Social Work and Social Welfare (10 Hours)

1.1 Meaning, Concept and Importance of Social Work and Social Welfare

1.2 Relationship between Social Service, Social Work and Social Welfare

1.3 People Entitled to Social Welfare

1.4 Development of Social Work/Welfare System

1.4.1 Development of Social Work/Welfare System in the US, UK

1.4.2 Development of Social Work/Welfare System in Nepal

- 1.5 Social Welfare Policies, Measures and Models
  - 1.5.1 Policies: *Distributive and Redistributive*
  - 1.5.2 Measures: *Family Centric, Mixed-Economy and Institutional*
  - 1.5.3 Models: *Corporatist, Universal and Residual*
- 1.6 Relationship between State and Social Welfare
  - 1.6.1 State as a Social Welfare Institution
  - 1.6.2 Nepal as a Welfare State
- 1.7 Social Welfare and Social Security
  - 1.7.1 Meaning and Concept of Social Security
  - 1.7.2 Relationship between Social Welfare and Social Security
  - 1.7.3 Social Security and Social Welfare as Human Rights

**Unit 2: Protection and Care of Child and Social Welfare System  
(6 Hours)**

- 2.1 Legal Definition of Child
- 2.2 Status (Position) of Child in the Society (esp. in Nepalese Society)
- 2.3 Global Response to the Welfare of Child
  - 2.3.1 Historical Development (esp. under UN System)
  - 2.3.2 International Legal Instruments
  - 2.3.3 International Institutional Arrangements
- 2.4 National Response to the Welfare of Child
  - 2.4.1 Constitutional Arrangements
  - 2.4.2 Statutory Arrangements: General, Special Law (Specific laws) and Other Indirect laws
  - 2.4.3 Judicial Response (Relevant Judicial Pronouncements)

**Unit 3: Protection and Care of Women and Social Welfare System  
(6 Hours)**

- 3.1 Concept of Welfare of Women: Women's Human Rights and Social Welfare
- 3.2 Socio-Economic, Political, Legal Status of Women in Society (esp. in Nepalese Society)
- 3.3 Global Response to the Welfare of Women
  - 3.3.1 Historical Development (esp. under UN System)
  - 3.3.2 International Legal Instruments

- 3.3.3 International Institutions
- 3.4 National Response to the Welfare of Women
  - 3.4.1 Constitutional Arrangements
  - 3.4.2 Statutory Arrangements: General Laws, Special Law (Specific Laws) and Other Relevant Laws
  - 3.4.3 Judicial Response (Relevant Judicial Pronouncements)

**Unit 4: Protection and Care of Elderly People and Social Welfare System (6 Hours)**

- 4.1 Legal Definition of Elderly People
- 4.2 Socio-Economic and Legal Status of Elderly People in the Society (esp. in Nepalese Society)
- 4.3 Global Response to the Welfare of Elderly People
  - 4.3.1 Historical Development (esp. under UN System)
  - 4.3.2 International Legal Instruments
  - 4.3.3 International Institutions
- 4.4 National Legal Measures to the Welfare of Elderly People
  - 4.4.1 Constitutional Arrangements
  - 4.4.2 Statutory Arrangements: General Laws, Special Law (Specific Laws) and Other Relevant Laws
  - 4.4.3 Judicial Response (Relevant Judicial Pronouncements)

**Unit 5: Protection and Care of People with Disability (PWD) and Social Welfare System (6 Hours)**

- 5.1 Legal Definition of People with Disability
- 5.2 Status (Position) of People with Disability in the Society (esp. in Nepalese Society)
- 5.3 Global Response to the Welfare of People with Disability
  - 5.3.1 Historical Development (esp. under UN System)
  - 5.3.2 International Legal Instruments
  - 5.3.3 International Institutions
- 5.4 National Response to the Welfare of People with Disability
  - 5.4.1 Constitutional Arrangements
  - 5.4.2 Statutory Arrangements: General Laws, Special Law (Specific Laws) and Other Relevant Laws
  - 5.4.3 Judicial Response (Relevant Judicial Pronouncements)

**Unit 6: Protection, Care of other Vulnerable Groups and Social Welfare System (6 Hours)**

- 6.1 Legal Definition of Indigenous People, Sexual Minorities and Marginalized Communities
- 6.2 Status (Position) of Indigenous People, Sexual Minorities and Marginalized Communities (esp. in Nepalese Society)
- 6.3 Global Response to the Welfare of Indigenous People, Sexual Minorities and Marginalized Communities
  - 6.3.1 Historical Development (esp. under UN System)
  - 6.3.2 International Legal Instruments
  - 6.3.3 International Institutions
- 6.4 National Response to Welfare of Indigenous People, Sexual minorities and Marginalized Communities
  - 6.4.1 Constitutional Arrangements
  - 6.4.2 Statutory Arrangements: General Laws, Special Law (Specific Laws) and Other Relevant Laws
  - 6.4.3 Judicial Response (Relevant Judicial Pronouncements)

**Unit 7: Institutional Arrangements for Social Welfare in Nepal (8 Hours)**

- 7.1 Ministry of Women, Children and Senior Citizen
- 7.2 Constitutional Bodies (Constitutional Commissions)
  - 7.2.1 National Human Rights Commission (NHRC)
  - 7.2.2 National Women Commission (NWC)
  - 7.2.3 National Dalit Commission (NDC)
  - 7.2.4 National Inclusion Commission (NIC)
  - 7.2.5 Indigenous Nationalities Commission (INC)
- 7.3 Social Welfare Council (SWC) and NGOs/INGOs
- 7.4 National Child Rights Council (NCRC)

**Prescribed Cases**

- Indukant Sharma Adhikari vs. Jagannathdewal Prison Office, Writ No. 081-WH-0103, Decision Date: 2081-07-06 (Senior Citizen Related)
- Santabahadur Thapa vs. Nepal Government, NKP 2080 B.S, Issue No. 01, D.No. 11231, Pg. No. 65 (Senior Citizen Related)
- Janaki Sai vs. High Court, Patan, NKP 2081 B.S, Issue No. 02, D.No.

11248, Pg. No. 345 (Senior Citizen Related)  
Munish Acharya vs. Shruti Gautam, Writ No. 073-CI-1672, Decision Date: 2080-09-23 (Women Related)  
Pashupati Chaitanya Brahmachari vs. Saradadevi Brahmani, NKP 2081 B.S, Issue No. 5, D.No. 11279, Pg. No. 834 (Women Related)  
Ruksana Kapali vs. Office of Prime Minister, Council of Minister, Writ No. : 077-WO-0973, Decision Date: 2080-07-20 (Sexual Minority Related)  
Adhip Pokhrel vs. MOHA, Department of Immigration, NKP 2080 B.S, Issue No. 5, D.No. 11097, Pg. No. 933 (Sexual Minority Related)  
Nepal Government vs. Krishnabhadur Rai, NKP 2080 B.S, Issue No. 4, D.No. 11066, Pg. No. 630 (PWD Related)  
Pravin Gurung vs. Nepal Government, NKP 2080 B.S, Issue No. 4, D.No. 11093, Pg. No. 890 (PWD Related)  
Changed Name No. 66 (079 Kha) vs. District Police Office, Bardiya, NKP 2080 B.S, D.No. 11058, Pg. No. 550, (Juvenile Justice)  
Changed Name Naya Basti "Ka" vs. Sindhuli District Court, NKP 2081 B.S, D.No. 11242, Pg. No. 221, (Juvenile Justice)  
Kanika Goyal vs. Karan Goyal, NKP 2081B.S, D.No. 11302, Pg. No. 1108, (Juvenile Justice) Premilal Chaudhary vs. Office of Prime Minister, Council of Minister, NKP 2080 B.S, D.No. 11125, Pg. No. 1263, (Indigenous Right Related)  
Surendrabhadur Rawal vs. Nepal Government, Office of Prime Minister and Council of Minister, NKP 2080 B.S, D.No. 11199, Pg. No. 2086 (Inclusion)

### **References Books**

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K. C., D. (2014). Social work (in Nepali). Nepal Book House.  
Lee-Mendoza, T. (2022). Social welfare and social work (4<sup>th</sup> ed.). Central Book Supply Inc.  
Murugan, V., & M. Berg-Wege (2022). Social work and social welfare: An invitation. Routledge.  
Neupane, D. (2018). Social welfare administration: Theory and practice. Mandap Books.  
Pinch, S. (1997). Worlds of social welfare. Routledge.

# Professional Ethics and Lawyering Skills

**Tenth Semester**

**Course Code:** LAW5903

**Credit:** 3

**Teaching Hours:** 48 hours

**Full Marks:** 100

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To familiarize students with professional and legal ethics, including codes of conduct for judges, lawyers, public prosecutors, and notary publics, along with an understanding of bar-bench relations and disciplinary mechanisms.
- To develop students' ability to explore the development and structure of the legal profession in Nepal, focusing on the role and functions of the Nepal Bar Association, Nepal Bar Council, and court regulations governing legal practice.
- To enhance students' advocacy and lawyering skills, including communication, negotiation, client counseling, legal research, trial preparation, and oral presentation techniques.
- To familiarize students with the practical aspects of legal practice, such as public interest lawyering, legal aid, paralegal services, legal literacy, and law firm management, including administrative, technical, and financial operations.

## Unit 1: Introduction

**(6 Hours)**

1.1 Meaning and Nature: of Professional Ethics

1.2 Principles of Professional Ethics and Legal Ethics

1.3 International Standards on Code of Conduct for the Legal Professionals

1.3.1 Judges

1.3.2 Lawyers

1.3.3 Public Prosecutors

1.4 Bar-Bench Relations

**Unit-2. Rules of Professional Code of Conduct of Legal Practitioners  
(7 Hours)**

- 2.1 Existing Code of Conduct for Lawyers in Nepal
  - 2.1.1 Duties and Responsibilities of Legal Practitioners
  - 2.1.2 Obligations of Legal Practitioners
  - 2.1.3 Restriction on working as a legal advisor or litigating as a legal practitioner
  - 2.1.4 Additional conduct to be fulfilled by senior advocates
  - 2.1.5 Responsibilities towards the party
  - 2.1.6 Responsibilities towards the Court and judges
  - 2.1.7 Duties towards the general public
  - 2.1.8 Power of Attorney (wakalatnama)
  - 2.1.9 Dress code for legal practitioners
- 2.2 Complain Procedure, Investigation and Disciplinary Actions
- 2.3 Code of conduct for Notary Public, Complaint and Investigation procedure
- 2.4 Disciplinary Action and Punishment

**Unit 3: Legal Profession in Nepal (10 Hours)**

- 3.1 History of the Nepalese Legal Profession
  - 3.1.1 Before the 2013 B.S
  - 3.1.2 2013 B.S – 2025 B.S
  - 3.1.3 2025 B.S.-2050 B.S
  - 3.1.4 2050 B.S. – onwards
- 3.2 Role of Nepal Bar Association
  - 3.2.1 Establishment and formation of Nepal Bar Association
  - 3.2.2 Criteria of Bar Membership
- 3.3 Nepal Bar Council
  - 3.3.1 Establishment and Formation
  - 3.3.2 Functions, Powers and Duties
  - 3.3.3 Disciplinary Committee
  - 3.3.4 Examination of Legal Practitioners
  - 3.3.5 Registration of Legal Practitioners
  - 3.3.6 Right to Legal Profession and Privileges
  - 3.3.7 Restrictions on Law Practice

- 3.4 Legal Profession under Court Regulations
- 3.5 Contribution and Importance of Legal Profession in the Nepali Society

**Unit 4: Advocacy Skills (10 Hours)**

- 4.1 Communication Skills for Lawyers
- 4.2 Negotiation Skills for Lawyers
- 4.3 Client Interviewing and Legal Counseling
- 4.4 Case research Skills and Preparation
- 4.5 Organization of oral arguments
- 4.6 General Presentation Skills
- 4.7 Rule of Advocacy
  - 4.7.1 Art of Advocacy
  - 4.7.2 Trial Advocacy Skill (Pre-Trial, Trial and Post-Trial)

**Unit 5: Lawyering Skills in PIL and Legal Aid (10 Hours)**

- 5.1 Public Interest Lawyering
- 5.2 Legal Aid Practices
- 5.3 Role of Nepal Bar Association, Courts, Civil Society Organizations, and Legal Aid Committee
- 5.4 Pro-Bono service
  - 5.4.1 Volunteer
  - 5.4.2 Mandatory
- 5.5 Importance of Paralegal Service and Legal Literacy

**Unit 6: Law Firm Management and Accountancy of Lawyers (5 Hours)**

- 6.1 Organizational Structure (Private Firm, Partnership and Company)
- 6.2 Technical Aspects
- 6.3 Human Resource Aspects
- 6.4 Administrative Procedure
- 6.5 File Management
- 6.6 Client Management and Confidentiality
- 6.7 Information Management
- 6.8 Financial Audit of the Law Firm, Financial Management, Including Income Tax, VAT, PAN etc.

### **Prescribed Cases**

- Advocate Narayan Koirala vs. Syanzja District, NKP 2058 B.S, D.No. 7033 (Nepal).
- Badri Bahadur Karki vs. CIAA et al. (Five Judges Full Bench), NKP 2058 B.S, D.No. 7001 (Nepal).
- Chakra Lal Shrestha vs. Patan Appellate Court, NKP 2064 B.S, D.No. 7841 (Nepal).
- Harihar Dahal vs. District Judge, Kaski et al., NKP 2050 B.S, Issue 1, D.No. 4684 (Nepal).
- Kanti Ram Dhungana vs. Metropolitan Police Office Teku Kathmanudu NKP 2077 B.S issue 4, D.No. 10479
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# Dissertation

## Tenth Semester

**Course Code:** LAW5904

**Credit:** 6

**Teaching Hours:** 96 hours

**Full Marks:** 200

**Pass Marks:** 50%

**Nature:** Compulsory

## Course Objectives

The objectives of the course:

- To equip students' ability to conduct legal research by applying professional research methodological rigors.
- To develop students' ability to critically analyze existing legal frameworks including statutes, case law, and policies related to the chosen topic, identifying their strengths, weaknesses, ambiguities, and potential for reform.
- To enhance students' ability to contribute knowledge to existing legal scholarship offering a fresh perspective, a novel analysis, or a new insight into the chosen topic through a dissertation report.
- To equip students with knowledge and skill to find out the solutions of problems and recommend constructive ideas for contemporary legal reform.

## Course Description and Evaluation

A dissertation is a substantial piece of academic writing undertaken by B.A.LL.B. students in 10th semester. It represents the culmination of advanced legal study designed to demonstrate the student's ability to conduct independent research, critically analyze legal issues, and contribute new knowledge or insights to a specific area of law.

The Students are first required to choose a specific Dissertation research topic related to the contemporary legal/judicial issues, problems, or challenges. Secondly, they need to submit research proposals in the prescribed format for prior approval of the dissertation topic, and based on their dissertation, they will be assigned a supervisor. The supervisor is required to guide the student to conduct research and write a dissertation report. The Dissertation is submitted to the Campus

with the recommendation of the supervisor for final evaluation.

The Dissertation carries 6 Credits. It should be noted that 3 credits are covered by classes and 3 credits are covered by research activity including library visit and data collection activities in the field. This means the dissertation is evaluated for 200 marks. It is evaluated on three basic criteria i.e. internal marks provided by the supervisor, oral examination, and evaluation of the dissertation report.

Out of 200 marks, 20 (10%) marks are allotted for internal evaluation by the supervisor. 60 (30%) marks are allotted for the Viva-voce to be conducted by a three-member committee having at least ten years of experience in teaching of law or law practice or as a judge or public prosecutor. The remaining 120 marks (60%) is evaluated by the external examiner.