

**Faculty of Law
Tribhuvan University**



**Bachelor of Arts Bachelor of Laws (B.A. LL.B)
Curriculum
2010**

Integrated Course

**Curriculum Development Centre
Tribhuvan University
Kirtipur, Kathmandu
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Office of the Dean

Faculty of Law

Tribhuvan University

Exhibition Road, Kathmandu

Nepal

Brief History of Legal Education in Nepal

When the first elementary school for legal training (*Sresta Pathshala* as it was locally known) was started in Nepal in 1905, its main objective was to produce a bunch of clerical level trained manpower to work for the administration of justice. By way of upgrading the status of as well as the access to legal education, the first law college (then affiliated to Patna University in India) was established in Kathmandu in 1954 with aims to produce law graduates who are needed to take up specific jobs in government and to work as high level legal professionals and practitioners.

The college was de-affiliated from Patna University and was placed under Tribhuvan University (TU) in 1959. In 1971, the National Education System Plan (NESP) was introduced with the objective of producing necessary competent manpower of different levels and in different areas in order to meet the country's manpower needs for its development goals. In the process of implementation of the NESP the Institute of Law was established in 1972 and it was made responsible for formulating plans and policies to promote the cause of legal education in the country and also to undertake academic activities in legal sector. Accordingly, the institute started Two-Year Certificate and further Three-Year Diploma course in law, which involves five years' legal education after matriculation.

In 1984 when TU undertook the task of making overall structural changes and readjustments, Institute of Law was converted into the Faculty of Law. The prevailing semester system of examination was also superseded by the annual examination; the Certificate in Law (C.L.) got renamed as Proficiency Certificate Level in Law (P.C.L.) and the Diploma-in Law (D.L.) as Bachelor in Law (B.L.). Even as the years when it was running as the Institute of Law, the Faculty of Law was engaged in improving, developing and promoting legal education system and expanding research activities in Nepal.

With restoration of multiparty democracy in Nepal in 1990, TU started restructuring higher education sector in law in the form of 3-year Bachelor Level and 3-year LL.B. programs after graduation.

Consequently, P.C.L. and B.L. have been already phased out. The course in LL.B. and LL.M. are being offered since 1996.

In tune with political and constitutional change in the country, TU Faculty of Law has completely overhauled the existing curriculum of LL.M and Three years L.L.B. in 2009.

B.A LL.B. Integrated Five Years Programme

Need

The need for this B.A LL.B. Integrated Five Years Programme is crucial for achieving the goal of legal excellence in the legal profession, Judiciary, corporate bodies and other consuming agencies. This course will be able to enrich law students with firm grounding in Nepal's legal traditions, research and recent development in the world.

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

Legal education should contain theoretical knowledge of law pertaining to the cognitive domains and affective domain as well as practical professional skills in developing writing, petitions, etc. and pursuing all litigation procedures. Its objective should be to provide arts and skills of dispute resolution and to make the students

competent enough to render justice to the people by making them aware of equal rights of all and of human rights protection.

Objectives

The main objectives of B.A LL.B. Integrated Five Years Programme are:

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

Duration

This is a whole time Five-year integrated course meant only for those who are not in employment or engaged in any trade, profession, business or occupation. In case of government employees or any other public body, he or she will be required to produce an official letter of approved leave.

Academic Year

The academic year of this Five year course shall be as determined and declared by University in each year as per the rules of TU

Entry Requirement

The entry requirement for Five year course is Ten Plus Two or its equivalence pass . The Faculty however may announce cut off percentage for applicants if it feels necessary. The merit list for admission will be prepared and published on the basis of marks obtained in the entrance exam and the percentage marks obtained in Plus Two or its equivalence. The total marks will be 200 out of which 100 marks is allotted for entrance test and 100 marks will be reserve for percentage marks obtained in Plus Two or its equivalence.

Documents to be Submitted with Application:

- a) Plus Two or its equivalence (Copy of Certificate)
- b) Mark-Sheet/Transcript (Copy of Certificate)
- c) Migration certificate for foreign students (Copy of Certificate)
- d) Character Certificate issued by the last institution attended.
- e) Citizenship Certificate (Copy of Certificate)
- f) Any other documents as decided by Faculty of Law.

B.A LL.B. Integrated Five Years Programme

I year

Course Code No.	Course Title	Nature of Course	Full Marks	Period Per Year
PS. 351	Political Science	Compulsory	100	125
SoAn 352	Sociology and Anthropology	Compulsory	100	125
Hist. 353	History	Compulsory	100	125
LEng. 354	Legal English	Compulsory	100	125
LNep. 355	Legal Nepali	Compulsory	100	125
Eng. 356	English (in Lieu of Legal Nepali for Foreigner)	Elective (for Foreigner in Lieu of LNep. 355)	100	125
Law 357	Legal Method	Compulsory	100	125
Law 358	Comparative Law and Nepalese Legal System	Compulsory	100	125
SEng. 359	Seminar in English	Non-Credit		

II Year

PS 375	International Relation and Diplomacy	Compulsory	100	125
Eco. 376	Economics	Compulsory	100	125
SW 377	Social Work	Compulsory	100	125
Law 378	Jurisprudence	Compulsory	100	125
Law 379	Constitutional Law	Compulsory	100	125
Law 380	Procedural Law	Compulsory	100	125

Any Two

Law 381	Media Law	Optional	50	62
Law 382	Fiscal Law	Optional	50	62
Law 383	International Trade Law	Optional	50	62
Law 384	Equity and Torts	Optional	50	62
Law 385	Law and Social Welfare	Optional	50	62

III Year

Law 451	Criminal Law	Compulsory	100	125
Law 452	Public International Law	Compulsory	100	125
Law 453	Law of Contract	Compulsory	100	125
Law 454	Property Law	Compulsory	100	125
Law 455	Method of Legal Research and Writing	Compulsory	50	62
Law 456	Evidence	Compulsory	50	62
Law 457	Clinical Law I-Alternative Dispute Resolution	Compulsory	50	62
Law 458	Seminar - I	Compulsory	50	62

Any Two

Law 459	Election Law	Optional	50	62
Law 460	International Air and Space Law	Optional	50	62
Law 461	Refugee Law	Optional	50	62
Law 462	Gender and Inclusive Justice	Optional	50	62
Law 463	Law, Poverty and Development	Optional	50	62

IV Year

Law 551	Administrative Law	Compulsory	100	125
Law 552	Family Law	Compulsory	100	125
Law 553	Environmental Law	Compulsory	100	125

Law 554	Criminology and Penology	Compulsory	50	62
Law 555	Taxation Law	Compulsory	50	62
Law 556	Labour Law	Compulsory	50	62
Law 557	Moot Court, Pre-Trial Preparation and Participation in Trial	Compulsory	50	62
Law 558	Clinical Law-II Litigation Advocacy	Compulsory	50	62
Law 559	Seminar-II	Compulsory	50	62

Any Two

Law 560	Socio-Economic Crime	Optional	50	62
Law 561	Forensic Science	Optional	50	62
Law 562	Law of Sea and International River	Optional	50	62
Law 563	Private International Law	Optional	50	62
Law 564	Law of Insurance	Optional	50	62

V Year

Law 581	International Institutions & Human Rights	Compulsory	100	125
Law 582	Company and Corporation Law	Compulsory	100	125
Law 583	Juvenile Delinquency	Compulsory	50	62
Law 584	Interpretation of Statutes	Compulsory	50	62
Law 585	Law of Banking and Negotiable Instrument	Compulsory	50	62
Law 586	Professional Ethics and Lawyering Skills	Compulsory	50	62
Law 587	Clinical Law III - Project Work	Compulsory	50	62
Law 588	Seminar-III	Compulsory	50	62
Law 589	Dissertation	Compulsory	100	125

Any Two

Law 590	Victimology	Optional	50	62
Law 591	Forensic Medicine	Optional	50	62
Law 592	Intellectual Property Law	Optional	50	62
Law 593	Cyber Law	Optional	50	62
Law 594	Population Law	Optional	50	62
Law 595	International Humanitarian Law	Optional	50	62

Methods of Teaching and Guest Lectures

The method of teaching includes lectures, discussions, case study, tutorial, self-study, question-answer, case studies, research, workshop, seminars, etc. The main features of the teaching method include interdisciplinary approach, and Socratic and co-operative (Participatory) method. The Campus may invite or welcome eminent legal personalities of Nepal and from abroad for lectures or as resource persons.

Library

Nepal law Campus, T.U., has its own library and a computer lab. The collection of relevant textbooks, reference books, law journals and periodicals is increasing day by day for upgrading the quality of legal education in order to help the teachers and students. The Campus has established relations with the following libraries.

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

Journal

The Faculty of Law has so far published a number of issues of a journal under the title "Nepal Law Review" since the days when it was running at the Institute of Law. Although it was stopped for a few years due to resource crunch, now it is being published from Nepal Law Campus regularly.

Research Activities

The Research Branch of the Faculty of Law is also sponsoring some research project annually which will help the teachers and the students. The other programme of the research branch among other is to enroll Ph.D. scholars and to organize seminars, workshops and interaction programmes. The Human Rights Centre and the Environmental Law Centre are also involved in research activities. The Clinical Law Center, and the Legal Aid and Consultancy Service will also be operated and run in which students will also be provided an opportunity to participate.

Examination

- i) There shall be written examination at the end of each academic year in the courses except for Clinical Law, Seminar and Thesis Writing. The 'Legal Research Methodology' and practical courses will carry internal and external evaluation marks Plus interview as specified in respective subject. The theoretical subjects will carry 20% marks for class assessment, presentation, project work etc.
- ii) No students shall be allowed to proceed from first year to the second year unless he/she has passed one subject in the first year examination. No student shall be allowed to appear in the examination unless he/she has secured 80% attendance and presented a class term paper in each subject taught to the satisfaction of the teacher concerned.

Method of Instruction

Instructions will be conducted through lecture (exposition), case study, group discussion, simulation, moot-court, demonstration, role playing, workshop practice, independent study, observation, and research activity, problem solving etc. in English Medium in the day shift.

Evaluation

Central Level annual examination, internal evaluation and interview are the basic criterion for the evaluation of the performance of students. The students have to pass each paper and exam as prescribed in the course separately. A student who passes Five year of study is graded on the basis of Five year's average marks as follows:

75	and above %	Distinction
60	to below 75%	First Division
45	to below 60%	Second Division
Less than 45	percent	Fail

Procedure of Curriculum Development

The Faculty Board and the 7 Subject Committees (Jurisprudence, International Law, Constitutional Law, Family & Commercial Law, Procedural Law, Criminal Law and Humanities and Social Science) determine the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of Tribhuvan University.

Political Science

Course Title: **Political Science**
Course Code No: PS. 351
Duration of the Course: One Year (125 hrs)
Year: I

Full Marks: 100
Pass Mark: 45%
Level : B.A.LL.B.
Nature: Compulsory

Course Objectives

The Objectives of this course are:

- This Course intends to provide basic concepts to students about the political theories and thoughts so that it could help them to understand about the important theories and thoughts, help them to know broader base of the above subject matters, relationship between political science and law.
- To acquaint students with basic political problem and their relations to law.

Contents:-

Unit I : Introduction to Political Science

1. Definition and nature of political science & its scope
2. Method and approaches to the study of political science
3. Relation of Political Science with other social science subject with special reference to law.

Unit II : The Nature of State

1. Definition and elements of state
2. Concept of welfare state

Unit III : Government

1. Presidential and parliamentary form of government
2. Unitary and Federal types of government
3. Organs of Government: Legislative, executive, Judiciary,
4. Theory of separation of power and check and balance.

Unit IV : Democracy

1. Concept of Democracy

2. Types of Democracy : western model and communist Model
3. Role of civil society in Democracy.

Unit V: Concept of Sovereignty

1. Definition and characteristics of Sovereignty
2. John Austin's view on Sovereignty and other views on Sovereignty

Unit VI : Political Parties

1. Definition,
2. Formation
3. Functions.

Unit VII : Theory of Adult Franchise

1. Concept and development of adult Franchise system.
2. Type of election system
3. Theory of proportional Representation

Unit VIII :- Good Governance

1. Concept
2. Application in modern regime

Unit IX : An Introduction to political thought and its relation with Law.

1. Plato : Justice and Ideal State
2. Aristotle : State, Classifications of Government and citizenship
3. Cicero : Concept of Law
4. Machiavelli : Statecraft
5. Medieval Thoughts : St. Augustine and St. Thomas Aquinas
6. Marxism : Dialectical Materialism, class, struggle, surplus value and the view on the state
7. Gandhi : Theory of Non-violence
8. Liberalism : Concept of J.S. Mill

9. Various School of Socialism : Fabian socialism, syndicalism, Guild socialism, Democratic socialism and Nepal.

Recommended Books:

1. Arwold, Bracht, Political Theory
2. Ashirvadam, E. Political Theory
3. Kapoor, A.C. Principles of Political Science
4. Barker, Greek Political Theory
5. Wayper, C.L. Political Thought
6. Joad, C.M. Political Thought
7. Easton, David, The Political system, New York, Alfred, London 1965
8. Cocker, Francis W. Recent Political Thought.
9. Garner S.W., Political Science and Government World Press Calcutta
10. Sabine, George History of Political Theory
11. IDEA, Consolidating Democracy in Nepal
12. Suda, J.P. Theory of Political Thought
13. Pokhrel, Krishna Biswa Ka Pramukh Rajnitik Bicharak
14. Dahal, Ram Kumar Rajnitik Siddhant : Ratno Pustak Bhandar, Kathmandu
15. Gettelee, Raymon G. History of Political Thought
16. UNDP, Women Political Participation and Good Governance, 21st Century Challenges.

Sociology/Anthropology

Course Title: Sociology/Anthropology	Full Marks: 100
Course Code No: SoAn 352	Pass Mark: 45%
Duration of the Course: One Year (125 hrs)	Level : B.A.LL.B.
Year: I	Nature:
	Compulsory

Course Objectives:-

The Objectives of this course in to familiarize students with specific theoretical perspective in Sociology and cultural Anthropology and thereby to help them comprehend social and cultural institutions and processes at the theoretical as well as applied level.

Unit I : Introduction and basic concepts

1. Meaning and definition of sociology and anthropology, similarities and differences between Sociology and Anthropology with other social sciences (Political Science, History, Economics and Psychology), branches of Sociology and Anthropology, origin and development of Sociology and Anthropology in the world context and in Nepal.
2. Society, Culture, Social stratification and differentiation, Status and Role, Caste and Class, Religion, Norms and Values, Social Relationship, Social Structure, Habit, Custom and social codes, leadership, Propaganda, Public Opinion, function and dysfunction.

Unit II : Development Process

1. Concept, Growth & Development, Transformation, Planned and induced Development, Development from above and development from below, Development Process. Modernization, Sanskritization and Westernization.
2. Conflict and development : Spatial, Social, Cultural, Economic, Political and Psychological roots of Conflict in Nepal.

Unit III : Sociology of Law

Definition

1. Historical background
2. Classification of the sociology of Law.

Unit IV : Socialization and acculturation

Meaning Stages and Agents, Nature-Nurture debate, differences between human and animal, differences between socialization and acculturation.

Unit V : Social Institutions

Marriage and Family, Definition, Types, Characteristics & Functions.

Unit VI : Personality and Culture

Definition, Biological and Social factors influencing personality.

Unit VII : Uses of Sociology and Anthropology.

Use of Sociological and Anthropological knowledge in solving problems of society, Use of sociological and Anthropological inputs for making law and criminal Activities.

Unit VIII : Cultural and social change.

Definition, causes, factors and consequences of cultural & Social change and differences between social and cultural change.

Recommended Books:

1. DR. Vatsyayan, **Anthropology: Social and Cultural**, Kedar Nath Ram Nath, 1996-97, Meerut, India.
2. Ember, C.R. and Ember M., **Cultural Anthropology**, Prentice Hall, Inc. Englewood Cliffs, 1985.
3. Gautam, Tika Ram, **Introductory Sociology and Anthropology**, Oxford International Publications, 2063, Kathmandu, Nepal
4. Gautam Tika Ram, **Perspectives on Development** vidyarthi Pustak Bhandar, 2064 Kathmandu, Nepal.
5. Gautam, Tika Ram, **Sociology and Anthropology**, Vidyarthi Prakashan, 2008, Kathmandu, Nepal.
6. Rao, C.N, Shankar, **Sociology**, S. Chand and Company Ltd., Ram Nagar, 2006 New Delhi, India.
7. Sharma, Ram Nath, **General Anthropology**, Lucky Star career Books, A division of Surjeet publication, India.
8. Sharma, Ram Nath, **Introductory Sociology**, Rajhans Prakashan Mandir, 1979, Ram Nagar, Meerut, India.
9. Singh, K. **Principles of Sociology**
10. Tylor E.B., **Dictionary of Anthropology**, Goyal Saab, 1999, Jawahar Nagar, Delhi, India.
11. Bhushan, Vidya and Sachdeva, D.R., **An Introduction to Sociology**, Kitab Mahal, 2002, New Delhi, India.

History

Course Title: **History**

Course Code No: Hist. 353

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- Describe the general history of Nepal during ancient, medieval, and modern period and describe the unification and territorial expansion of Nepal
- State the nature of the political system during Rana Regime and describe the salient features of constitutional development from Govt. of Nepal Act 1948 AD to the Interim constitution of Nepal 2007 AD (2063 B.S.) and after.
- Describe the Anti-Rana and Anti-Panchayat movements and highlight the contributions of various historical personalities in the development of Nepal.
- Get acquainted with the socio-economic and judicial administration of Nepal in its different periods of history.

Contents:

UNIT I : Historiography and Early History of Nepal

1. Source of History – Archaeological, Numismatic Epigraphic, Contemporary Literature, Vansavali
 - Folklore and Oral Tradition
 - The influence of geography on the history of Nepal
2. Rise of three Kingdoms: Khasia Mallas, Simraungarh Nepal Mandala
3. Contribution of the Mallas to the Legal system of Nepal with special reference to Jayasthiti Malla - Codification of Manab Nayastra.
4. Contribution of Ram Shah to the development of Legal and judicial system.

UNIT II : Shah dynasty and establishment of Rana Rule.

1. Unification under Prithvi Narayan Shah, Legal System in the light of Divaya Upadesa
2. Legal Reforms of Bhimsen Thapa
3. Rise of Jung Bahadur and codification- Muluki Ain 1854 AD (1910 B.S)
4. Causes and effects of the Democratic movement of 2007 B.S., and 2046 B.S. & 2062B.S.
5. Mulukin Ain of 1963 and its various amendments (11 amendments)

UNIT III : Constitutional Development in Nepal

1. Government of Nepal Act 2004 BS, Interim constitution 2007 B.S., Constitution of 2015 and 2019 B.S., Refferendum, Constitution of 2047 B.S.
2. Popular- democratic movement (2062-63)and impact on Legal system, with special reference to Interim constitution 2063 B.S.

UNIT IV : Socio-economic reforms and judicial system

1. legal development in Kirat, lichhavi and Malla Period
2. i. Judicial administration (Central and local) system during Modern Period.(1768-1951 AD)
ii. Pradhan Nayalaya Ain ,2008 B.S., Supreme Court Acts 2013, 2049 B.S.
iii. Civil Right Act, 2012 B.S.; State Cases Act 2049 B.S.; Evidence Act 2031, Efforts to Draft Criminal Procedure and Penal Codes (2067)
3. Social Reform :- Child Marriage, widow remarriage, Sati and Slavery system, Woman right to property social reforms Act 2033 to till date.
4. Economic reforms: - Land Tenures Raiker, Jagir, Birta, Gutti, Kipat.

UNIT V : Relation with India and China

30

1. Nepal and two world war of 1914 & 1939 A.D
2. Treaty of 1923 A.D. and political status of Nepal.
3. Critical Analysis of Treaty of 1816 A.D and 1950.

4. Treaty of Betravati (1792) and Thapathali (1850).

Recommended Books:

1. Khanal, Bishal , **Regeneration of Legal system of Nepal**, Kathmandu
2. Chatterjee, Bhola, **Nepal's Experiments with Democracy**, Calcutta : World press, (1967)
3. Regmi, Dilli Raman, **Ancient Nepal**, Calcutta, : Firma K.L. Mukhopadhyay, (1960)
4., **Medieval Nepal**, Firma K.L. Mukhopadhyay, 3 vols. (1965)
5., **Modern Nepal** K.L. Mukhopadhyay (1961).
6. Francis, Hamilton **An Account of the kingdom of Nepal**. Edinburgh: Archibald constable and co., (1819).
7. Adhikari, Krishna Kant, **Nepal under Jung Bahadur**, Kathamandu
8. Ojha, Meena, **Student politics and Democracy in Nepal** (1940-2008), New Delhi : Nirala Publication, (2010)
9. Shah, Rishi Kesh, **Nepali Politics : Retrospect and Prospect**, Delhi :- Oxford University press (Second Edition) (1978)
10., **Politics in Nepal, New Delhi**, Manohar, (1993)
11. Gyawali, S.P. **Towards better legal Order**, Voice of Nepal (Pvt) Ltd. (1969).
12.**Towards Rule of law**, Kathmandu, Ministry of Information and Broadcasting, (1970).
13.**Peoples History** (Glimpses of Recent Nepalese History 1950-2008), New Delhi, Nirala Publication, (2010).
14. Vaidya, Tulsi Ram, **An advanced history of Nepal**, Anmol Publication, Delhi.
15. Singh, Top Bahadur, **Nepalko Sambaidhanik Itihas Ra Sambaidhanik Abhilekh**, Pairavi, Kathmandu (2066)
16. Vaidya and Manandhar, **Crime and punishment in Nepal**, Bini and Purna, (1984).

Legal English

Course Title: **Legal English**

Course Code No: LEng. 354

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course Objectives

The Objectives of this course are :

- To acquaint the students with the basic usage aspects of contemporary English,
- To expose the students to advanced contemporary legal English written by the native speakers.
- To enable the students to use legal English efficiently in its jurisdiction.

Contents:-

Unit I : Language of the law

1. The nature of legal language
2. The function of legal language
3. The features of legal language
4. Types of legal language
5. What to look for in the language of the law

Unit II : Legal system

1. Sources of Law
2. The Court System
3. Criminal Justice and Criminal Proceeding
4. Civil Procedure
5. Tribunals
6. Solicitors
7. Barristers
8. Advocates/Senior Advocates
9. Working Lives
10. Judges
11. A law form's Structure and Practice

Unit III : Legal Professionals in Practice

1. Client Care Procedure
2. Money Laundering Procedure
3. Client Correspondence
4. Explanations and Clarifications
5. Legalese

Unit IV : Law in Practice

1. Business Organization
2. Formation of Company
3. Raising Capital by Share Sale
4. Debt Financing : Secured Lending
5. Company Directors and Company Secretaries
6. Insolvency and Winding up
7. Alternative Dispute Resolution
8. Corporation tax
9. Mergers and Acquisitions
10. Anti-competitive Behaviour

Unit V : Liability

1. Tort : Personal Injury
2. Tort : Clinical Negligence

Unit VI Contract

1. Forming Contract 1
2. Forming Contract 2
3. Structure of Commercial Contract
4. Express and Implied Terms
5. Exclusion, Imposition and Standard Clauses
6. Privity of Contract, Discharge, and Remedies
7. Standard Terms in the Sale and Supply of Goods
8. Licensing Agreements and Computer Programs
9. Commercial Lease

Unit VII : Commercial Leases

1. Buying and Selling Commercial Property
2. Employment Law

Unit VIII : Copy Right and Patent

1. Trademarks, Domain names, and Remedies for IP Infringement
2. Information Technology and Law
3. Environmental Law

Unit IX : What is Plain Language

1. What is Plain language?
2. Plain Language around the World
3. Structure
4. Words

Unit X : Grammatical Structures to avoid

1. Legal Affectations and Other Nasty Habits
2. A plain Language Vocabulary
3. Email and the Internet
4. Document Design Basics
5. Designing Documents for the Computer Screen.

Unit XI : Foreign Words Used in Legal Field, and Documents

1. Synonyms and Antonyms
2. Words often confused with.

Unit XII : Grammar

1. Varieties of English
2. Grammar in Spoken and Written English
3. Intonation
4. Phonetic Symbols and Transcriptions
5. Geographical and National Varieties
6. Levels of Uses: Formal and Informal English
 - a. Section A: Concepts
 - b. Section B: Information, Reality and Belief
 - c. Section C: Mood, Emotion and Attitudes
 - d. Section D: Meanings in Connected Discourse

Prescribed Books:

1. Brown, Gillian D., Rice, Sally, **Professional English in Use (Law)**, Cambridge University Press

2. Leech, Geoffrey, Svartvik, Jan, **A Communicative Grammar of English**, 3rd edition
3. Eastwood, John **Advanced Oxford Practice Grammar**, Oxford University Press
4. Thorne., Sara, **Mastering Advanced English**, MacMillan
5. Adhikari, Sita Ram, **Learner's Authentic English Grammar**, Utsav Books Prakashan
6. Asprey, Michele M, **Plain Language for Lawyers**, 3rd edition

Reference Books

1. **Black 's Law Dictionary**
2. Daniel Jones. **Cambridge English Pronouncing Dictionary**, Cambridge University Press
3. **English Legal Terminology, Legal Concepts in Language**, First Indian Print (2009)
4. Yule, George, **Oxford Practice Grammar**, Oxford University Press
5. Eastwood, John, **Oxford Learner's Grammar**, Oxford University Press
6. Judy Pearsall. **The New Oxford Dictionary**, Oxford University Press.
7. Hall, Kermit J, **1001 Legal Words**. (2003)
8. **Osborn's Concise Law Dictionary**, Edited by Sheila Bone
9. Askey, Simon and McLeod, **Studying Law** (Second Edition, 2008)

Guidelines for teaching

In teaching this course, the teacher,

- a. Should familiarize the students with the subject-matter of each text and the ideas and the ideas it contains.
- b. Should acquaint the students with the register, idioms and usage in all texts mentioned above.
- c. Should convince the students that the place and context of words can suggest special meaning.
- d. should encourage the students to take part in the discussion of the given text, and
- e. Should allow the students to use their critical minds and creativity concerning the given texts.

Marks allotted

1. Plain language for lawyers:	25
2. Professional English in use:	25
3. Vocabulary:	10
4. Grammar:	30
5. Translation:	10

Questions types

1. Long-answer questions :	3
2. Short-answer questions :	4
3. Grammar :	6
4. Word-meanings and/or usage:	10
5. Translation (advanced Nepali passage)	

Note: Foreign students will be provided with a passage concerning law, or a question on human rights or constitutional theory or international law.

कानुनी नेपाली (Legal Nepali)

पाठ्य शीर्षक : कानुनी नेपाली (Legal Nepali)	पूर्णाङ्क : १००
पाठ्यांश संकेत नं. : नेपाली ३५५	उत्तीर्णाङ्क : ४५%
पाठ्यांश समयवधि : १ वर्ष (१२५ घण्टा)	तह : वि.ए. एलएल.वि.
वर्ष : पहिलो	प्रकृति : अनिवार्य

पाठ्यक्रमका उद्देश्यहरू :-

यस पाठ्यक्रमका निम्न उद्देश्यहरू रहेका छन्:-

- यस तहमा अध्ययन गर्ने विद्यार्थीहरूलाई नेपाल सरकारका विभिन्न कार्यालय, संस्थान र व्यावसायिक संस्थानहरूमा राजपत्रांकित वा सोसरहका सेवामा काम गर्दा उच्चस्तरको नेपाली भाषामा विशेष शुद्धताका साथै वागव्यवहार, बोध र लेखापढी सक्षम रूपमा गर्न सक्ने,
- कानुनी नेपाली भाषाका भाषिक संरचनाअन्तर्गतका सूक्ष्म तथा कानुनी नेपाली शब्दभण्डारको वैशिष्ट्यको ज्ञान र प्रयोग गर्न व्यापक अभ्यासद्वारा आफूले सुनेका, देखेका, पढेका, सोचेका र अनुभव गरेका कुरा उच्चस्तरीय कथ्य र लेख्य कानुनी नेपाली भाषाका माध्यमबाट शुद्ध र सशक्त रूपमा व्यक्त गर्न सक्ने,
- उच्चस्तरीय ज्ञान-विज्ञान व्यवहारका विभिन्न क्षेत्रमा प्रयुक्त नेपाली भाषाका विशेष भाषिक संरचना, शब्दावली र शब्दार्थको ज्ञान र प्रयोग गर्न र विशेषतः कानुनी फाँटमा राष्ट्रभाषा नेपालीका माध्यमबाट व्यक्त गरिएका उच्चस्तरीय विचार र अनुभूति तथा तिनका शैलीगत वैशिष्ट्यलाई राम्ररी आत्मसात् गरी सो बोधलाई शुद्धसँग विषयका प्रकृति र प्रयोजन अनुसार विभिन्न शैलीमा स्तरीय र सशक्त नेपाली भाषाका माध्यमबाट प्रौढताका साथ व्यक्त गर्न सक्ने,
- कानुनी नेपाली भाषामा प्रयोग गरिने विशिष्ट नेपाली भाषाका विशेष शब्दावली, वाक्यरचना र अभिव्यक्तिगत सूक्ष्मताको बोध गर्न सक्ने,

- नेपाली भाषाका विभिन्न क्षेत्रका उच्चस्तरीय पुस्तक, लेख र लेखापढीको पठन गर्ने, तिनका विशेष बुँदाको टिपोट र संक्षेपीकरण गर्ने तथा तिनका गहन चिन्तन र भावको विवेचना गर्न सक्ने,
- कानुनी विषयसँग सम्बन्धित कुनै विषयवस्तुका बारेमा मूलभूत सत्यतथ्यलाई नछुटाई अनुच्छेद लेखन र टिप्पणी लेखन गर्नसक्ने सीपको अभ्यास गर्न सक्ने,
- निर्धारित विभिन्न विधाका साहित्यिक रचना पढ्दा प्राप्त अनुभवमा आधारित बुँदाटिपोट, सारांश लेखन, विशिष्ट तथा मार्मिक पंक्तिका भावविचारको व्याख्या वा विस्तृतीकरण अभ्यास, सम्बन्धित कृतिभित्रका विशिष्ट गद्य-अनुच्छेदका गहन अभिप्राय, अभिव्यक्ति-तीक्ष्णता र भाषिक संरचनाका वैशिष्ट्य (शब्दार्थगत र पदावली तथावाक्यका अर्थ-वैशिष्ट्यसमेत) सँग सम्बन्धित विवेचनात्मक उत्तरापेक्षी बोध प्रश्नको उत्तर दिन सक्ने र
- निर्धारित रचनाको केन्द्रीय भाव पत्ता लगाई घटनाका सूक्ष्म पक्षलाई केलाउने र सामान्य समीक्षा गर्न सक्ने तुल्याउनु यस पाठ्यक्रमको मूलभूत उद्देश्य रहेको छ ।

पाठ्यवस्तुको विवरण

एकाइ १ : भाषा परिचय

२०

- भाषाको सामान्य परिचय
- भाषाका विशेषताहरू
- नेपाली भाषाको उत्पत्ति, वर्तमान स्थिति र विकास
- नेपालमा बोलिने भाषाहरूको संक्षिप्त परिचय
- नेपाली भाषाका क्षेत्रीय भाषिकाहरूको परिचय
- प्रयोजनपरक भाषाको परिचय र व्यवहारक्षेत्र

एकाइ २ : कानुनी नेपाली भाषा

२०

- कानुनी नेपाली भाषाको सामान्य परिचय ।
- सामान्य नेपाली र कानुनी नेपाली ।

- (आ) ज्ञान-विज्ञानका विविध फाँटमा प्रयुक्त नेपाली भाषाका भेद र विशेषताहरू ।
- (ख) ऐतिहासिक आधारमा कानुनी नेपाली भाषाको विकास प्रक्रिया ।
- (ग) कानुनी नेपाली भाषाका शब्दगत, वाक्यगत तथा अभिव्यक्तिगत विशेषताहरू ।
- (घ) कानुनी नेपाली भाषामा वर्ण-विन्याससम्बन्धी व्यवस्था तथा लेख्य चिन्हको प्रयोग ।

एकाइ ३ : कानुनी नेपाली भाषाको प्रयोगसम्बन्धी विशेष व्यवहारिक अभ्यास १०

- (क) कानुनी नेपाली भाषाका शब्दहरूको रचनागत प्रक्रियाको ज्ञान र अभ्यास
- (ख) कानुनी नेपाली वाक्यहरूको रचनागत प्रक्रियाको ज्ञान र अभ्यास
- (अ) निम्नलिखित कानुनी टुक्का र वाक्यांशहरूको प्रयोग गर्ने अभ्यास :
- अङ्ग पुग्नु, आकर्षित हुनु, आइ खोल्नु, इन्साफ जाँच्नु, इमानधर्म सम्झनु, असुल हुनु, उपचार प्रदान गर्नु, कठघरामा उभिनु, कारण खोल्नु, किनारा गर्नु, कैफियत तलब गर्नु, कैफियत गर्नु, खडा गर्नु, खत खाप्नु, खलल पार्नु, गवाही दिनु, घुर खाप्नु, चलन चलाउनु, चित्तले देख्नु, जारी गर्नु, जाहेर गर्नु, जिकिर लिनु, जिरह गर्नु, मुख मिल्नु, बात लाग्नु, म्याद ठेक्नु, ठट्टा मस्करी गर्नु, ठहर गर्नु, ततिम्बा गर्नु, प्रकट गर्नु, प्रमाण लाग्नु, पेसीमा चढ्नु, पोल्नु, फुर्सद पाउनु, बन्दसवाल गर्नु, बातिल गर्नु, बिगो भर्नु, मुकरर हुनु, मुल्लबी जगाउनु, मुखसाबित हुनु, सोधपुछ गर्नु, सुनुवाइ गर्नु, सद्दे कित्ते छुट्याउनु,

लगत कट्टा गर्नु, लगत कस्नु, सुनि पाउनु, शङ्काको घेरामा राख्नु, शपथ खानु आदि ।

- (आ) निम्नलिखित कानुनी पारिभाषिक शब्दहरूको निर्माणप्रक्रिया, शब्दार्थ ज्ञान र प्रयोगको अभ्यास :
- अख्तियारनामा, अभियोगपत्र, अनुसूची, अड्गभड्ग, अधिग्रहण, अभिलेख, अनुबन्ध, अमान्य, अध्यादेश, अभियुक्त, अन्तरकालीन, अभियोजन, अनमेल, अधिकारक्षेत्र, अधिकारपृच्छा, अधिवक्ता, असुलउपर, अंशपत्र, अंशसर्वस्व, अकर्ण, अलिफार्से, आबर्जे, आशय, इतलायनामा, इच्छापत्र, इबी, उजुर, उपदफा, उपचार, उपनियम, उपधारा, उखडा, उत्प्रेषण, एकाघर, एमिकस क्यूरी, ऐन, कसुर, कबुलियतनामा, कुटपिट, कर्तव्यज्यान, कर्तव्यवाला, कागजात, कानुन, काबु, कैद, खण्डे फैसला, खत, खानतलासी, खोटा टक, खामबन्दी, गैरन्यायिक, गफलत, गैरकानुनी, घुसखोर, चस्मदिद गवाह, चोरी, चोके व्याज, छोडपत्र, छोडखानी, जग्गादपोट, जायजात, जन्मकैद, जिरह, जाहेर, जबर्जस्ती करणी, जुल्मी, जिउनी, जालसाजी, जायज, ठिनी, ठेक्कापट्टा, ढड्डा, तदर्थ, तामेल, तहकिकात, तजबिज, तारेख, तायदाती फार्म, थुनुवा, दायित्व, दृष्टिबन्धक, दुरुत्साहन, दरपिठ, दफा, दाइजो, धारा, धरौट, न्यायाधीश, न्यायाधिकरण, नियम, नकबजनी नजिर, निषेधाज्ञा, नाबालिग, नियमापत्ति, निलम्बन, निखन्नु, नायब, प्रतिरक्षा, प्रतिवादी, प्रत्याभूति, प्रतिउत्तरपत्र, प्रत्यायोजन, प्रतिवेदक, प्रबन्धपत्र, पुनरावेदक, प्राकृतिक न्याय, परमादेश, पूर्ण इजलास, पूर्वापराधी, पुर्पक्ष, प्रवेशाज्ञा, प्राङ्गन्याय, पेसी, पदेन, पेवा, प्रकरण, पुनरालोकन, फरार, फौजदारी, फिरादपत्र, फडके, बदनियत, बेरित, बकपत्र, बात, बरामद, बदर, बयान, बिगो,

बन्दसवाल, बुँदा, ब्रम्हनिसाफ, बक्सौनी, भूल, भरपाई, भ्रष्टाचार, भवितव्य, मतियार, मिलापत्र, मुचुल्का, म्यादी पुर्जी, मुखसाबित, मनासिब, मिसिल, मुल्लबी, रोहबर, रीतपूर्वक, राजकाज, रहजनी, लालमोहर, लावारिस, लापरबाही, लखबन्धक, बन्दीप्रत्यक्षीकरण, वादी, विधिविज्ञान, विशेषज्ञ, विबन्धन, वेश्यावृत्ति, वयस्क, विनियम, बारदात, वारेस, सनाखत, संरक्षक, सर्जमिन, साविक, स्वेच्छाचारी, साधक, सहअभियुक्त, संविधान, सुपर्यवेक्षण, सबुदमुखी, समाह्वान, संयुक्त इजलास, स्त्रीधन, सम्बन्धविच्छेद, स्वीकारोक्ति, साबिती, हकवाला, हाजिरजमानी, हुलिया, हिरासत, हिनामिना, हालवाला, हदम्याद, क्षेत्राधिकार, क्षतिपूर्ति आदि ।

एकाइ ४ : कानुनी लिखतहरूको संरचनागत ज्ञान र व्यावहारिक प्रयोगको अभ्यास १०

- (क) सूचना
- (ख) निवेदन
- (ग) घरायसी लिखत (भरपाई, तमसुक, बैनाबट्टा आदि)
- (घ) अदालती लिखत (फिराद, बकपत्र, फैसला, मुचुल्का आदि ...)

एकाइ ५ : कानुनी रचना तथा अभिव्यक्तिशिल्पसम्बन्धी अभ्यास १०

- (क) कानुनी वाक्य रचनाको अभ्यास
- (ख) कानुनी अनुच्छेद लेखनको अभ्यास

एकाइ ६ : कानुनी गद्यको बोध तथा अभिव्यक्ति १०

- (क) कानुनी गद्यको बुँदाटिपोट र संक्षेपीकरण गर्ने अभ्यास
- (ख) कानुनी गद्यको बोध
- (ग) कानुनी गद्यलाई स्वतन्त्र रूपमा व्याख्या गर्ने अभ्यास (कानुनी गद्यको बोधको निमित्त कानून, न्यायदूत, पैरवी आदि कानूनसँग सम्बन्धित पत्र-पत्रिकामा प्रकाशित विभिन्न गद्यरचनाहरू)

एकाइ ७ : साहित्यिक रचनाहरूको अध्ययन र समीक्षा २०

- (क) एकाङ्की नाटक
भतेर - बालकृष्ण सम
- (ख) कथा
(अ) परालको आगो - गुरुप्रसाद मैनाली
(आ) लोग्ने - पुष्करशमशेर
(इ) शत्रु - विश्वेश्वरप्रसाद कोइराला
(ई) कृष्ण र खुकुरी - गोविन्दबहादुर मल्ल गोठाले
- (ग) निबन्ध
(अ) मान्छे जादू - लक्ष्मीप्रसाद देवकोटा
(आ) देखेको - बालकृष्ण सम
(इ) अमरावती कान्तिपुरी नगरी - भैरव अर्याल
- (घ) कविता
(अ) यात्री - लक्ष्मीप्रसाद देवकोटा
(आ) तिमि को ? - गोपालप्रसाद रिमाल
(इ) वैशाख - माधवप्रसाद घिमिरे
(ई) हामी - भूपि शेरचन
(उ) लाहुरेलाई एक रोगी प्रेमिकाको पत्र - पारिजात

पाठ्यपुस्तक

१. नेपाली गद्य सङ्ग्रह भाग २ - साभा प्रकाशन
२. साभा कविता - साभा प्रकाशन, २०४९
३. पोखरेल, बालकृष्ण - राष्ट्र भाषा, साभा प्रकाशन
४. घिमिरे, गोविन्दप्रसाद - कानुनी नेपाली भाषा, लेखक स्वयं
५. घिमिरे, गोविन्दप्रसाद - प्रयोजनपरक नेपाली
६. खरेल, रुद्र - विशेष नेपाली, पैरवी प्रकाशन
७. उपाध्याय, केशव, सुवेदी, देवीप्रसाद (संपा.), समका एकाङ्की नाटक, नेपाल राजकीय प्रज्ञा प्रतिष्ठान
८. लुईटेल, विष्णु - तत्सम शब्दको वर्णविन्यास, साभा प्रकाशन

९. सुवेदी, देवीप्रसाद

- वर्णविन्यास एक चिनारी, नेपाली
भाषा सेवा केन्द्र

सन्दर्भ सामग्री

१. मुलुकी ऐन, २०२० कानुनी किताब व्यवस्था समिति, काठमाडौं
२. सिंह, टोपबहादुर नेपाली कानुनी शब्दकोश, पाठ्यक्रम विकास केन्द्र
३. आचार्य, माधवप्रसाद अपराधशास्त्र
४. कानून, न्यायदूत र पैरवी पत्रिकाका विभिन्न अङ्कहरू
५. वस्ती, प्रकाश वकिल नभएमा
६. खनाल, रेवतीरमण नेपालमा कानुनी मस्यौदा सिद्धान्त र व्यवहार
७. भट्ट, लवदेव मस्यौदा विधि
८. भट्टराइ, हर्षनाथ शर्मा प्रशासकीय तथा कानुनी शब्दकोश
९. कानून तर्जुमा सम्बन्धी अवधारणात्मक पक्षहरू - नेपाल कानून
आयोग कानून तर्जुमा दिग्दर्शन विकास आयोजना
१०. कानून तर्जुमा दिग्दर्शन, नेपाल सरकार, नेपाल कानून आयोग (म.प
बाट २०६६/४/१९ मा स्वीकृत

English

Course Title: **English**

Course Code No: Eng. 356

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Elective

Course Objectives

This course has been designed for non-Nepali citizens who are not familiar with Nepali language and are unable to study Vernacular Nepali, a compulsory subject. The subject will cover different subject-matters concerning law, legal, legal language, and grammar.

Course content

Unit -I :

1. Fundamentals
2. Overused words and Formulas
3. Little words: big problems
4. What about the rules of legal interpretation?
5. Email and the internet

Unit -II :

1. The Context of Plato
2. Socrates
3. The Ethical Problem
4. Aristotle: The Historical Background
5. The Foundation of Logic
6. Democracy and Aristocracy

Unit- III :

1. Spinoza
2. Matter and Mind
3. Intelligence and Morals
4. Schopenhauer: The Age
5. The Man

Unit- IV:

1. (Benedetti Croce) The Philosophy of the Spirit
2. (Bertrand Russell) The Logician
3. (George Santayana) Reason and Science
4. (John Dewey) Education
5. Science and Politics

Unit - V : (A Communicative Grammar of English) Part Three: A-Z in English Grammar

Prescribed Books

1. Asprey, Michele M, **Plain Language for Lawyers.** 3rd edition (2009)
2. Durant , Will, **The Story of Philosophy.** (2006)
3. Leech, Geoffrey :Svartvik, Jan, **A Communicative Grammar of English** (Latest edition)

Legal Method

Course Title: **Legal Method**

Course Code No: Law 357

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- to Knowledge about the meaning, sources and functions of law
- to acquaint the Students with the legal materials and the competence to find the law by the use of law library.
- to enable the students to understand the different facets of legal method, Judicial Process, Legal Profession and legal Aid in Nepal.
- to enable the students to know the concept of Legal system and help them to think and act like a lawyer & to respond to law studies.

Unit I : Concept of Law

1. Meaning and Definition of Law.
2. Purpose of Law.
3. Kinds of Law
4. Importance of Law
5. Sources of Law
 - a) Custom : Meaning & kinds
 - b) Legislation : Meaning and Kinds
 - c) Precedent : Meaning and Kinds
 - d) Convention
 - e) Juristic Writing, Professional Opinion, Reason, Equity, Justice & good Conscience.

Unit II : Functions of Law & its relation with other discipline:

1. Law as an Instrument of regulating Human Behavior.
2. Law as an Instrument of Social Welfare, Social Change & Social Control.
3. Law as an instrument of environmental Protection.
4. Law as an Instrument of development.
5. Law as an instrument of Political Order.

6. Law as an Instrument of Justice.
7. Relation of Law with other discipline, such as Political Science, Economics, Sociology, Social Work, Psychology, Science etc.
8. Impact of other discipline & Public Opinion on Law.

Unit III : Legal Method :

1. Concept of Legal Method as distinct Method
2. Kinds of Legal Method
3. What are the Legal and Non-Legal Material and authoritative and non-authoritative Legal Material?
4. How to find out Law? Using Law Library
5. Importance of Case Law & Law reporting
6. Legal Research and Legal Writing

Unit IV : Judicial Process in Nepal

1. Judicial Process distinguished from legislative, administrative and other Process.
2. Kinds of Judicial process : Adversary, inquisitorial, PIL and Arbitration
3. Stages in Judicial Process : Pre-trial, Trial, appellate, revision etc.
4. Hierarchy of Courts, Special Courts, Administrative Courts, Labour Court and Tribunals.
5. Appointment & removal of judges and staffs (Judicial Council and Judicial Service Commission).
6. Power and Function of the Attorney General.
7. Role of Law Commission.

Unit V : Legal Profession and Legal Aid in Nepal

1. History of Legal Profession
2. Nepal Bar Council Act & Rules
3. Legal education, training and capacity building of lawyers
4. Nepal Bar Association and its branches
5. Legal aid
6. Pro-bono services of Lawyers
7. Professional ethics of Lawyers

Text and Reference Materials

1. Aggarwal, Nomita Dr., *Jurisprudence*, Central Law Publication, Allahabad, India. (1997)
2. Constitutions and Relevant Statutes
3. Fitzgerald, P.J, *Salmond on Jurisprudence*, N.M Tripathi, Bombay. (Recent Edition)
4. Lord Llyod of Hamstead, *Introduction to Jurisprudence*, Stevens and Sons, London. (1979)
5. **Kanoon Tarjuma Digidarshan**, Nepal Government, Nepal Law Comission (Cabinet Approval on 2066/4/19 B.S.)
6. **Kanoon Tarjuma Sambandhi Abadharanatmak Pachyahu**, Nepal Law commission, Kanoon Tarjuma Digidarshan Bikas Ayojana
7. Mukhia, Bal Bahadur, (*Comparative Jurisprudence*, A& Malati Mukhia, Kathmandu, Nepal. 2004)
8. Pradhananga, Rajit Bhakta & Kishore Silwal, *A General Outline of Jurisprudence*, Ratna Pustak Bhandar, Kathmandu, Nepal. (2055 B.S)
9. Rai, Kailash, Dr, **Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations**, Central Law Publications (2005)
10. Romatz, David S & Kathleen Elliot Vinsoon *Legal Analysis* , Carolina Academic Pres, North Carolina. (1998)
11. Sangroula, Y.R. *Kanoon Shastra Ra Kanoon Ko Sidhantha* (3rd ed), Parirabi Pustak Prakashan, Kathmandu, Nepal (2050 B.S)

Comparative Law and Nepalese Legal System

Course Title: **Comparative Law and Nepalese Legal System** Full Marks: 100

Course No: Law 358

Duration of the Course: One Year (125 hrs)

Year: I

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course Objectives

The objectives of this course are:

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

Unit I : Introduction

- 1 Meaning and Importance of Comparative Law
- 2 Comparative Approach to Legal Studies
- 3 Meaning and Definition of legal system and major legal system of the world.

Unit II : Major Legal System

- 1 Common Law Family: Origin, development, sources.
- 2 Civil Law Family: Origin, development, sources
- 3 Socialist Law Family: Origin, development, sources
- 4 Religious Law Family: School and sources of Muslim and Hindu family of Law.
- 5 Comparison between Major Families of Law

Unit III : Comparison of Laws of some Countries in terms of concepts and sources of law, system of courts and legal profession

- 1 Comparative Study between Roman, French, German, and Japanese Law

- 2 Comparative Study between English law and the law of the United States of America.
- 3 Comparative Study between the Chinese law and the Socialist Legal System
- 4 Comparative Study between Hindu law and Muslim law.

Unit IV : Historical Development of Nepalese Legal System

- 1 Law before the Lichhavi Period.
- 2 Legal System of Lichhavi
- 3 Social and Legal Reformation during Malla Period.
- 4 Legal and Judicial Reforms of Ram Shah and Prithvi Narayan Shah.
- 5 Codification of Law (Muluki Ain 1910 B.S)
- 6 Legal System and Judicial Administration during 1904 B.S to 2007 B.S.
- 7 Period from 2007 to 2017 B.S.
- 8 Period from 2017 to 2047 B.S.
- 9 Period from 2047 B.S.

Unit V : Reformation of Nepalese Legal System

- 1 Impact of Religious/Hindu Law on existing Nepalese Legal System.
- 2 Impact of Common Law on the existing Nepalese Legal System.
- 3 Impact of Civil Law on the existing Nepalese Legal System.
- 4 Impact of Socialist/economic Law on the existing Nepalese Legal System.

Unit VI : Recent Trends of Nepalese Legal System

- 1 Characteristics of existing Nepalese Legal System: concepts; sources; original or hybrid.
- 2 Codification and Law making process in Nepal.
- 3 Recognition of precedents in Nepal.
- 4 Prosecution system in Nepal.
- 5 Administration of Justice: Judicial, Quasi Judicial, PIL, and ADR in Nepal.

Prescribed Materials

1. David, Rene and Brierley John E.C; *Major Legal Systems in the World an*
2. Khanal R.R., *Nepalko Kanooni Etihasko Rooprekha*, Mrs.Saraswoti Khanal (2059)
3. Khanal, B., *Regeneration of Nepalese Law*, Bhrikuti Academic Publications (2000)
4. *Introduction to the Comparative Study of Law*, London Stevens and Sons (1985)
5. Shrestha, G.B, *Hindu Jurisprudence and Nepalese Legal System*, Pairavi (2056)

Reference Materials

1. Adhikari Pravakar⁴ *et.al*, "Nepal", In Prof. Dr. R. Blanpain (edi.), *International Encyclopedia Law*, Kluwer Law International (2007)
2. Bogdan, M., *Compaative Law*, Kluwer (1994).
3. Dhungel, S.P.S. *et.al*, *Readings in the Legal System of Nepal*, Law Publications (1986)
4. Dulal, T.P; *Major Legal Systems*, Pairavi (2065 B.S)
5. Glandon, M.A. & *et.al*. *Comparative Legal Traditions*, West pub.co.Minnesota (1985).
6. Khanal, B, *Major Legal Systems of the World*, Brikuti Pustak (2054 B.S)
7. Osti, Prakash (editor), *Kanoonsambandhi Kehi Etihaskik Abhilekharu*, Lawyer's Club, Kathmandu,Nepal 2063 B.S.
8. Osti, Prakash *Hamro Kanooni Itihaska Kehi Jhankiharu*, Pairavi Book House, Kathmandu, 2063 B.S.
9. Pant Dinesh Raj Prof., *Nyayabikashini (Manavnyayasastra, A Law enacted by King Jayasthiti Malla in Nepal Era 500 (AD 1380)* Co-publication of Kanoon Bi-monthly Law Journal, Lawyer's Club, Kathmandu (2065 B.S.)
10. Sen, Nath Priya *General Principle of Hindu Jurisprudence*, Allahabad Law Agency (1984)
11. Weir, T., (trans.), K.Zweigert & H.Kotz, *An Introduction to Comparative Law*, Clarendon paperbacks (Oxford) (1992).

Seminar-in English

Course Title: **Seminar-in English** Full Marks: Non-Credit
Course Code No: SEng. 359 Pass Mark: 45%
Duration of the Course: One Year (125 hrs) Level : B.A.LL.B.
Year: I Nature:

Course Descriptions

There will be seminar **classes** of English in LLB First Year. Each of the students must write a seminar- paper and present it in the class. Not only this, each of them must participate in the seminar activities. Each of them must take part in turn. Though a non-credit course, everyone is obliged to take part in it regularly. The students will learn what a seminar paper is, what basic features it has, and how to write it in English.

Objectives

This course aims to help the students,

- Improve their language skills of English,
- Learn the knowledge of seminar paper-writing,
- And learn all the formality and requirements that the participants should acquire.

International Relation and Diplomacy

Course Title: **International Relation and Diplomacy** Full Marks: 100
Course Code No: PS 375 Pass Mark: 45%
Duration of the Course: One Year (125 hrs) Level : B.A.LL.B.
Year: II Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- to impart to the Students the knowledge of concept nature, scope, approaches, development and trends of international relation
- to familiarize Students with balance of power, national interest foreign policy and the management of international relations.
- to enable the Students to expose with concept, nature, development, types & future of diplomacy
- to provide knowledge about diplomacy & diplomat

Unit I : Introduction to International Relations

2. Concept, nature & Scope
3. Traditional and Scientific approaches to the study of International Relation
4. Development of International relations
5. Recent trends in contemporary International Relation

Unit III : Power and Capabilities of Nation State

1. National Power : Concept, Determinates & Limitations.
2. Balance of Power : Concept, Devices & Significance

Unit III : National Interest and Foreign Policy

1. National Power : Meaning, Dimension and Limitation
2. National interest and foreign Policy
3. Foreign Policy : Concept and determinates (Variable of foreign policy decision making)
4. Non-aligned movement : development and relevance at present

Unit IV : Introduction to Diplomacy

1. Meaning, nature and Characteristics
2. Evolution and development of diplomacy
3. Comparative analysis of western and eastern diplomatic practices
4. Nature & Characteristics of old and new diplomacy
5. Types of diplomacy
6. Political, Economic, Military & Cultural diplomacy

Unit V : Introduction of Diplomat

1. Function, Privileges & Immunities of diplomats
2. Characteristics of a good diplomat

Unit VI : Future of Diplomacy

1. Structure, Methods and Issue of contemporary diplomacy.
2. Negotiation and Bargaining
3. Future of diplomacy

Reading Materials

1. Buzan, Barry, **The Making of Foreign Policy** : A comparative Perspective, Brighton Sussex : wheat sheaf Books, (1987)
2. Calvert Peter, **The Foreign Policy of New States, Brighton, Sussex** : Wheat sheaf Books, (1986)
3. Corebelt, P.E., **Law in Diplomacy**, Glonchester, M.A. : Peter Smith, (1967)
4. Cahill, Kevin M.(ed), **Preventive Diplomacy**, London Rontledge (2000)
5. Ghai, K.K., International Relation : **Theory and the Practice of International Politics**, Kalyani Publishes, New Delhi (2007)
6. Giniger, H., **Diplomacy** : Hwo Nations Negotiate New York : Harper & Row, (1973)
7. Hastedt, Glen, **American Foreign Policy** : Part Present, Future, Englewood Cliffs, NJ: Prentice-Hall (1988)
8. INKle, F.C., **How Nations Negotiate**, Rpt. Washington D.C. : Geortadn University School of Foreign Service, 1982

9. Jack Son R. & Sorensen, G. **Introduction to International Relation** : Theories & Approaches Oxford University Prem (1999)
10. Khanna, U.N., **International Relation**, Vikash Publishing House Pvt. Ltd (2008)
11. Malhotra, V.K., **International Relation**, Anmol Publication Pvt. Ltd., New Delhi (2008)
12. Palmer, Norman D. & Parkin, Howgrd C., **International Relation**, Oxford University Prem (2007)
13. Rana, Kishan S., **Bilateral Diplomacy**, Means, Publication, New Delhi (2002)

Economics

Course Title: Economics	Full Marks: 100
Course Code No: Eco. 376	Pass Mark: 45%
Duration of the Course: One Year (125 hrs)	Level : B.A. LL.B.
Year: II	Nature: Compulsory

Course Objectives:-

This course intends to impart basic knowledge of economics, fundamental concepts and their implications in overall process of transformations where law plays vital role. Students are expected to acquire efficiency in handling economic perspective while dealing with major issues of legal and social concerns.

Contents:-

Unit I : Introduction :

1. Meaning, scope and subject matter of Economics
2. Scarcity and economic problems
3. Micro and Macro approaches
4. Economics, Law and their interdependence

Unit II : Demand and Supply

1. Demand Theory
2. Supply Theory
3. Market equilibrium
4. Market : Concepts & forms of Market (Perfect competition, Monopoly & Imperfect competition)
 - i. Private Undertaking
 - ii. Public enterprises
 - iii. Public/ Private-Partnerships
5. Business Models

Unit III :Economic System

1. Capitalism, Socialism and Mixed Economy : Concepts, feature and appraisals
2. Market economy, Liberalization, Globalization and privatization

3. Classical, Neo-classical, Keynesian, monetarist, structuralist and institutionalist schools
4. Free trade and WTO, SAFTA, NAFTA and Regional Trade

Unit IV : Money, Banking and fiscal policy

1. Concept, role and importance of Money
2. Inflation-concept and impacts
3. Central banking-role and functions
4. Commercial Banking-role and functions
5. Financial institutions and their role in economy
6. Fiscal and monetary policy- concepts and roles

Unit V : Development

1. Meaning and trends in development economics
2. Distinction between economic growth and development
3. Approaches to development –linear stages theory, structural change model, dependency theory, Neo-classical counter approach, New Growth theory and human development approaches
4. Issues in development
 - i. Poverty and income distribution
 - ii. Unemployment and its dimensions
 - iii. Inclusion and economic justice

Unit VI : Public Finance and International Trade

1. Meaning and importance of Public Finance
2. Sources of government revenue with reference to taxation
3. Public expenditure with reference to maximum welfare approach
4. Budget-concepts, kinds and understanding as a tool of social justice
5. International Trade – Introduction and importance with reference to BOT, BOP, and constraints of transit economy

Unit VII : Nepalese Economy

1. Basic features of Nepalese economy
2. Major indicators, poverty and its rural and urban dimensions

3. Potentials of Nepalese economy: Natural resources (Water, forests and Minerals), Human Resource, Tourism, Agriculture and biodiversity
4. Planning in Nepal : Overview of different plans and economic status till previous plans
5. Current plan : Objectives, Strategies, programmes and resource allocations
6. Budget in Nepal: Process, challenges and major constraints

Recommended Books:

1. Cook, Brain J, **Bureaucracy & Self-Government** , John Hopkins University Press, Baltimore Maryland (2006)
2. David Begg, **Economics**,The MCGraw-Hill Companies
3. D.N. Dwivedi, **Principles of Economics**, Vikas Publishing House Pvt. Ltd., Delhi
4. Due, John F., **Government Finance: Economics of the Public Sector**, Richard D. Irwin, Home-Wood, Illinois (1992)
5. Kanel, Nav Raj, Khadka, Keshab **et al**, **Principles of Economics**, Buddha Academic Publisher, Kathmandu (2010)
6. . Dewett , K.K, Varma, J.D, **Elementary Economic Theory**, S. Chand and Company, New Delhi
7. Lipsey, Richard G. and Chrystal, K. Alec **Principles of Economics**, Oxford University Press, Oxford, New Delhi. (2008)
8. Dawadi, Ramesh Nath, **Nepalese Economics Introductory Text Book**, Brikuti Academic Publications
9. Sloman, John **Economics**, Prentice-Hall of India New Delhi. (2009)
10. Todaro, M.P. and Smith, **Economic Development**, Addison-Wesley, PEA-LPE, Herlow, New Delhi (2009)
11. World Bank, **Globalization, Growth and Poverty**, The World Bank Oxford University press, New York. (2002)
12. Bays, William, Melvin, Michael, **Text Book of Economic**, Biztantra, New Delhi

Social Work

Course Title: **Social Work**

Course Code No: SW 377

Duration of the Course: One Year (125 hrs)

Year: II

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- Understand the basic concepts, principles, methods and practice of social work and be familiar with the history, philosophy, ideology and approaches of social work;
- Develop an understanding of the role of the Social Welfare Council in the work of INGO and NGO; explore the role of the social worker in the development process and understand the skills required in communication for development;
- Develop a critical understanding of Social policy and its linkage with development issues, plans and programs;
- Acquire skills in administrative processes for the effective management of services
- Be able to assess the impact of social, economic and political change on the family and social work intervention;
- Develop an understanding the vital role of the INGO, NGO and Citizens Organizations in the Development of Nepal;
- Explore meaning and scope of social action and identify strategies and activities for social action and its need for the marginalized/vulnerable segment of the community;
- Understand the systematic marginalization and their empowerment process;
- Develop the capacity to work in team and ability to effectively collaborate with team members in meeting group team goals;

Unit I : Introduction - Social Work

1. concept and definition
2. principles and values
3. attributes of professional social work
4. historical development of social work in the West and Eastern context with special reference to Nepal

5. changing trends in social work practice
6. social work profession:- purpose, objectives, philosophy, and scope
7. value, ethics in social work

Unit II : Institutional Arrangements

1. Nepal as a Social Welfare State;
2. Ministry of Women, Children and Social Welfare;
3. Social Welfare Council of Nepal;

Unit III : Philosophy of Social Work

1. Philosophy and ideology of social work organizations;
2. Social Welfare and Social Development
3. Recognize the linkages between development issues and social policies, plans and programs

Unit IV : Communication and Empowerment

1. Communication for development
2. Communication as strategies for empowerment
3. Welfare programs, advocacy and social campaign

Unit V : Social Work and the Family

1. Concept, meaning, objective of family and child welfare
2. Role of the social worker and skills required to work with families

Unit VI : Social Action

1. Introduction and scope
2. Values, assumption and principle
3. Social action activities
4. Organizing marginal and vulnerable section for social action
5. Roles of leader in social action
6. systematic marginalization: concept, sensitization, empowerment
7. social reforms and movement

Unit VIII : Social Work and Development

Role of NGO's and civil society in the planned development of the nation.

Unit IX: Project Formulation

1. Project Formulation:
2. Needs Assessment,
3. Proposal writing,
4. Program planning,
5. Staffing, budgeting, time schedule, mobilization of resources, funds, accounts, report writing,
6. Evaluation of the Project

Textbooks/References:

1. Barry, Norman P., **Welfare: Concept in Social Thought**, Delhi, Viva Books Private Ltd., 2002
2. Blume, Hilary, **Fund Raising: London**, Routledge & Kegan Paul
3. Chowdry, Paul D, **Social Welfare Administration**: Delhi, Athram & Sons
4. Gupta N. S.: **Principles and Practice of Management**, Delhi: Light and Life Publications
5. Hardy, Charles, **Understanding Voluntary Organizations**: London, Penguin Books
6. Jaganathan U, **Administration & Social Change**: Delhi, Uppal Publishing House
7. Kulkarni P. D., **Social Policy and Social Development**: Madras: ASSWI
8. Mishra Ramesh, **Society and Policy: Theoretical Perspective on welfare**: London, Macmillan Press
9. Miller, K., **Communication Theories: Perspectives, processes, and contexts**. 2nd edition New York: McGraw-Hill, 2005.
10. Rino J. Patti: **Social Welfare Administration**: Managing Social Programs in a Developmental Context, New Jersey, Prentice Hall, 1983
11. Dubey, S N, **Administration of Social welfare programmes in India**: Samaiya Publications
12. Suppe, M.A. and Wells C.C., **The Social Work Experience: An Introduction to Profession and its Relationship to Social Welfare Policy**, USA, McGraw-Hill Companies Inc., 1996
13. Warham, J.: **An Introduction to Administration for Social Workers**, Routledge & Kegan Paul, London

Jurisprudence

Course Title: **Jurisprudence**

Course No: Law 378

Duration of the Course: One Year (125 hrs)

Year: II

Full Marks: 100

Pass Mark: 45%

Level : B.A LL.B.

Nature: Compulsory

Course Objectives

The objectives of this course are:

- to impart the students about meaning, scope and importance of jurisprudence.
- to inculcate the knowledge about schools of jurisprudence, Critical Legal Studies, Feminist Jurisprudence and Post modernism.
- to impart knowledge about the definition and sources of law, concept of justice and rule of law and rights and duties
- to acquaint the students with the nature and meaning of person, property and kinds of property.
- to enable the students to understand about obligation, its kinds, possession, kinds of possession, ownership and kinds of ownership.

Unit I : Introduction to Jurisprudence

1. Meaning and Definition of Jurisprudence
2. Scope and Importance of Jurisprudence
3. Kinds of Jurisprudence

Unit II : Schools of Jurisprudence

1. Natural Law School
2. Historical School
3. Sociological School
4. Analytical School
5. Realist School
6. Socialist School

Unit III : Trends in Jurisprudence

1. Critical Legal Studies
2. Feminist Jurisprudence

3. Post- modernism

Unit-IV : The Concept of Justice and Rule of Law:

1. Meaning of Justice
2. Importance of Justice
3. Kinds of Justice
 - a. Criminal Justice
 - b. Civil Justice
 - c. Distributive Justice
 - d. Corrective Justice
4. Rule of Law

Unit-V : Rights and Duties

1. Definition of Rights
2. Elements and theories of Rights
3. Kinds of Rights.
 - a. Perfect and Imperfect Rights
 - b. Legal and Equitable Rights
 - c. Positive and Negative Rights
 - d. Rights in Rem and Right in personam
 - e. Proprietary and Personal Rights
 - f. Vested and Contingent Rights
 - g. Principal and Accessory Rights
 - h. Primary and Sanctioning Rights
 - i. Rights in re-propria and rights in re-aliena.
4. Meaning and kinds of duties
5. Relationship between rights and duties

Unit-VI : Person

1. Meaning of Person and Personality
2. Kinds of Person
 - a. Natural Person
 - b. Legal Person
3. Double Capacity and double Personality
4. Legal Status of: (a) Dead Person, (b) Unborn Person, (c) Animal.
5. Theories of Corporate Personality

Unit-VII: Property:

1. Basic Legal Concept of Property
2. Importance of Property
3. Kinds of Property

Unit-VIII: Obligation and Liability

1. Meaning and kinds of Obligation
2. Meaning and Kinds of Liability

Unit-IX: Possession

1. Meaning and importance of possession
2. Constituent Elements of Possession: Animus Possidendi, Corpus Possessionis
3. Types of Possession
 - a. Possession in Law
 - b. Possession in Fact
 - c. Mediate and Immediate Possession
 - d. Corporeal Possession
 - e. Incorporeal Possession
 - f. Constructive Possession
 - g. Concurrent Possession
4. Acquisition, Continuation and Termination of Possession
5. Possessory Remedies

Unit-X : Ownership

1. Meaning and Subject matter of Ownership
2. Classification of Ownership
 - a. Sole and Co-ownership
 - b. Corporeal and Incorporeal Ownership
 - c. Trust and Beneficial Ownership
 - d. Absolute and Limited Ownership
 - e. Vested and Contingent Ownership
3. Acquisition, continuation and termination of ownership
4. Ownership and Possession

Text and Reference Materials

1. Aggarwal, Nomita Dr., *Jurisprudence*, Central Law Publication, Allahabad, India. (1997)
2. Constitutions and Relevant Statutes
3. Curzon, L.B *Jurisprudence* (Lecture Notes,) Cavendish Publishing Ltd, London. (1993)
4. Fitzgerald, P.J, *Salmond on Jurisprudence*, N.M Tripathi, Bombay. (Recent Edition)
5. Lamsal, Narayan *Bidhi Shastra (Jurisprudence)*, Ratna Pustak Bhandar, Kathmandu, Nepal. (2048 B.S)
6. Lord Llyod of Hamstead, *Introduction to Jurisprudence*, Stevens and Sons, London. (1979)
7. Mukhia, Bal Bahadur, (*Comparative Jurisprudence*, A& Malati Mukhia, Kathmandu, Nepal. 2004)
8. Pradhananga, Rajit Bhakta & Kishore Silwal, *A General Outline of Jurisprudence*, Bhrikuti Publication, Kathmandu, Nepal. (2062 B.S)
9. Romatz, David S & Kathleen Elliot Vinsoon *Legal Analysis* , Carolina Academic Pres, North Carolina. (1998)
10. Sangroula, Y.R. *Kanoon Shastra Ra Kanoon Ko Sidhantha* (3rd ed), Parirabi Pustak Prakashan, Kathmandu, Nepal (2050 B.S)
11. Tripathi, B.N. *Jurisprudence (Legal Theory)*, Allahabad Law Agency, India

Constitutional Law

Course Title: **Constitutional Law**

Course No: Law 379

Duration of the Course: One Year (125 hrs)

Year: II

Full Marks: 100

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Compulsory

Course objectives:

The main objectives of this course are;

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

Unit I : Introduction

1. Definition of Constitutional Law
2. Sources of Constitutional Law
3. Statutes
4. Secondary legislation and other rules
5. Judicial decision
6. Non legal rules/ Convention, Custom
7. Books of authority
8. Difference between Constitution and Constitutional Law
9. Constitution Making Process

Unit II : Classification of Constitution

1. Written and Unwritten Constitution
2. Rigid and Flexible Constitutions
3. Federal and Unitary Constitutions
4. Republican and Monarchical Constitutions
5. Parliamentary and Presidential Constitutions

Unit III : Constitutional History of Nepal

1. Pre Constitutional norms and laws
2. Government of Nepal Act, 1948
3. Interim Constitution, 1951
4. The Constitution of the Kingdom of Nepal, 1959
5. The Constitution of Nepal, 1962
6. The Constitution of the Kingdom of Nepal, 1990
7. The Interim Constitution of Nepal, 2007

Unit VI : Constitutionalism and Constitutional Principles

1. The concept and meaning of Constitutionalism
2. Various forms of Constitutionalism

Unit V: Rule of Law

1. Concept of the Rule of Law
2. Background principles of Rule of Law

Unit VII : Separation of Powers and Checks and Balances

1. Conceptual framework of the Separation of Powers
2. Principles of Checks and Balances
3. Separation of Powers and Checks and Balances under Presidential and Parliamentary Constitution

Unit VIII : Unitary System

1. Meaning and Nature of Unitary System
2. Distribution of power under Unitary System
3. Merits and Demerits of Unitary Systems

Unit IX : Federal System

1. Meaning of Federalism
2. Essential features of Federal System

3. Distribution of State Power in the Federal System
4. Merits and demerits of the Federal System

Unit X : Directive Principles of the State Policy;

1. Constitutional Status and Techniques of Enforcement.
2. Comparison of Directive Principles with Fundamental Rights

Unit XI : Fundamental Rights

1. Right to freedom
2. Right to equality
3. Right against untouchability and racial discrimination
4. Rights regarding publication, broadcasting and press
5. Rights regarding environment and health
6. Education and cultural rights
7. Rights regarding employment and social security
8. Right to property
9. Rights of women
10. Right to social justice
11. Rights of children
12. Right to religion
13. Rights regarding justice
14. Right against preventive detention
15. Right against torture
16. Right to information
17. Right to privacy
18. Right regarding labor
19. Right against exile
20. Right to constitutional remedy

Unit XII : Legislature- Parliament

1. Constitution of legislature – parliament
2. Functions of legislature- parliament
3. Privileges of legislature – parliament
4. Committees system in Parliament
5. Dissolution of legislature – parliament
6. Legislative (parliamentary) control over executive

Unit XIII : The Executive

1. Constitutional role of the Head of the State
2. Formation of Council of Ministers
3. Functions of the Council of Ministers
4. Role of the Prime Minister under the Constitution
5. Responsibility and accountability of the Council of Ministers

Unit XVI : Judiciary

1. Concept of the Independence of judiciary and Constitutional provisions
2. Court structure
3. Supreme Court
4. Appointments and qualifications of judges of the Supreme Court
5. Conditions of service and privileges of the Chief Justice and other Judges
6. Removal of the Chief Justice and the Judges of the Supreme Court
7. Jurisdiction of the Supreme Court
8. Contempt of Court

Unit XV : Principles of Constitutional Interpretation: A brief introduction

1. Theory of direct and inevitable effect of fundamental rights
2. Doctrine of fraud on constitution
3. Doctrine of harmonious construction
4. Doctrine of severability
5. Doctrine of colorable legislation
6. Doctrine of Political Question

Unit XVI : Political Parties

1. Constitutional provisions governing political parties

Unit XVII : Provisions regarding Amendment of the Constitution**Unit XVIII : Provisions regarding Emergency Powers****Reference Materials**

1. Acharya, Bhimarjun, Dr. *Fundamental Rights of the World Constitutions* (2008)
2. Adhikari, Bipin (ed.) **Nepal :Design Options for the New Constitution**, NCF, TUFL and SC Bar Association KTM (2010)
3. Anderson, G, *Federalism: An Introduction*, Oxford University Press, (2008)
4. Basnet, G.B., *The Crisis for Civil Liberties and Human Rights* (2008)
5. Bogdanor, Vernon, *Politics and the Constitution*; Essays on British Government, England: Dartmouth Publishing Company Limited, (1996)
6. Dahal, Gopal Prasad, Dr. *Public Interest Litigation*(in Nepali) (2065)
7. Dhungel, Dr. Surya P.S. et al., *Commentary on The Nepalese Constitution*, Kathmandu: DeLF, Srptember (1998)
8. Gyanwali, Chandra Kant, *Constitution, Constitutionalism, Constituent Assembly and Restructuring of State* (in Nepali) Mrs. Vijaya Gyawali (2064)
9. Gyanwali, Chandra Kant and Raj, Prakash A., **Federalism in the World**, First edi. (2010)
10. Jain, M.P, *Indian Constitutional Law*, Lexis Nexis Wadhwa Nagpur, Fifth Edition (Reprint 2009)
11. Jennings. W. Ivor, *The British Constitution* 5th Edition, Universal Book Stall, New Delhi, (1994)
12. Sehgal, B.P. Singh **Law, Justice and Judiciary in India**, Deep and Deep
13. Strong, C.F., *Modern Political Constitutions*, 8th edition, London: The ELBS and Sidgwick and Jackson Limited, (1973)
14. Thapa, K.B. and Uprety, B, *Constitutional Law of Nepal*, FREEDEAL, KTM (1992)
15. Wheare K.C, *Federal Government*, The English Language Book Society, Oxford University Press, (1963)
16. Wheare, K.C, *Modern Constitution*, 8th Edition, London: Oxford University Press, (1971)

Procedural Law

Course Title: **Procedural Law** Full Marks: 100
Course No: Law 380 Pass Mark: 45%
Duration of the Course: One Year (125 hrs) Level : B.A. LL.B.
Year: II Nature: Compulsory

Course objectives:

The main objectives of this course are:

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

Unit I : Introduction

1. Definition, nature and importance of procedural law
2. Difference between:
 - a. Procedural law and Substantive law
 - b. Civil and Criminal Procedure
 - c. General, Summary and Special procedure
 - d. Judicial and Quasi-judicial Procedure
3. Recent Trends
 - a. Adversary (accusatorial), inquisitorial and mixed system
 - b. Development and recent trends of procedural laws in Nepal.

Unit II : Basic Principles of Procedural Law

1. *Locus-standi*
2. Limitation
3. Laches
4. Alternative Remedy
5. *Stare decisis*
6. *Res-judicata*
7. Natural Justice

Unit III : Jurisdiction of Courts, Other Bodies and ADR

1. Meaning, nature and kinds of Jurisdiction

2. District Court's Jurisdiction
3. Appellate Court's Jurisdiction
4. Administrative Court's Jurisdiction
5. Special Court's Jurisdiction
6. Supreme Court's Jurisdiction
7. Jurisdiction of Quasi-Judicial Bodies (QJB)

Unit IV : Stages and Techniques of Trial Proceedings

1. Civil Proceedings: Filing of Suits and its requirements, Notice to the Defendants, Filing of Defense, Date of Presence, Power of Attorney, Courts' Order (interlocutory, interim & final), Collection of Evidence, Statements of Parties and Witnesses, Postponement and Compromise of case and Judgment
2. Criminal Proceedings: Filing of Complaints / Charge sheets, Statement of Accused, Bail application and Courts Order, Notice to Defendant and Accused, Collection of Evidence, Statement of Parties and Witnesses, Postponement, Compromise and Withdrawal of cases, Judgment.

Unit-V : Stages and Techniques of Appellate Proceedings

Civil and Criminal Proceedings: Filing of Appeal, Ex-parte hearing, Notice to Respondent, Written Statements of Respondents, Final hearing and judgment.

Unit VI : Writ, Review and Revision Proceedings

1. Writ Proceedings: Filing of writ petition, show cause order, stay order, notice to the respondent, written statement, final hearing and decision.
2. Review and revision Proceedings

Unit VII : Proceedings of QJB

1. Procedure applicable in QJD

Unit-VIII : Proceedings for Execution of Judgments, Orders etc.

Procedure for the Execution and enforcement of Judgment in Civil and Criminal cases in Nepal.

Unit- IX : Prescribed Leading Cases

1. Advocate Radheshyam Adhikari vs. HMG. Council of Ministers Secretariat & others, (Three Judges, Special Bench), **NKA**, 2048 no. 12 p. 810
2. Full Bench Report (Pratibedan) no. 7, 2060 (Three Judges Full Bench) Decision no. 7220, **NKP** 2060 nos. 5/6 p. 408
3. Kallu Tharu (Kallu Chaudhary) vs. Appellate Court, Dipayal Doti & others, (Division Bench), **NKP** 2060 nos. 3 / 4 p. 317
4. Padam Bahadur Karki vs. Manakumari et. al **NKP** 2061 p. 212
5. Parsu Ram Banjare vs. Durga Das Shrestha, Bagmati Special Court, Kath. & others (Division Bench), **NKP** 2027 no. 7 p. 157
6. Pasang Dawa Tamang (Lopchan) vs. HMG, (Division Bench) **NKP** 2058 Nos. 3 4, p. 188
7. Pradip Kumar Agrawal vs. Tax Office, Morang, Biratnager, (Seven Judges Full Bench) **NKP** 2052 no. 7 p. 542
8. Ratan Lal Agrawal vs. Father James Dressman, Chairman of Swiss Agency, (Three Judges Full Bench) **NKP** 2044 no. 2 p. 148
9. Tripura Devi Jha vs. Kali Devi Jha and others (Division Bench) **NKP** 2058 no. 3 page 211
10. Tulsi Ram Upadhyaya Timilsina vs. Ram Dwoj Karki, (Six Judges Full Bench), **NKP** 2028 no.1 p.1

Prescribed Materials

1. Shrestha, G.B, **Outline of Procedural Law of Nepal**, Pairavi Prakshan (2060)
2. Neupane, G.N., **Procedural Law**, Lumbini Prakashan (2065)

Reference Materials

1. Adam.,& Adam,J.C.,**Criminal Investigation A Practical Textbook for Magistrates, Police Officers and Lawyers**, Universal (2nd Indian Reprint)

2. Bakshi,P.M.,Mulla **The Code of Civil Procedure**, Butterworths,New Delhi (2002)
3. Bhattarai, Ananda Mohan, Dr. *et.al*, **Problems and Sollutions related to Execution of Decisions** (in Nepali) , NJA Nepal (2065)
4. **Civil Procedure Code** 2067 B.S., Civil Law improvement and Updating working Committee 2067
5. **Collections of District Court's Decisions**, (in Nepali) NJA Nepal (2065)
6. Jain, M.P. *et.al.*, **M.P.Jain's The Code of Civil Procedure** (2004)
7. Justice Pandit, Sharadha Prasad, **Law and Justice, Articles, Commentaries and Memoirs**, published by Pandit, Umadevi (2008)
8. **Mediation Related Infromative Source Material** (in Nepali), NJA Nepal (2065)
9. Ojha, P.K., **Procedural Law**, Pairavi (2054)
10. Ojha,P.K.,**Some Basic Principles on Law and Justice**,part first (In Nepali) Pawan Manju Ojha Foundation (2064)
11. Pathak, N.*et.al.*,**Nirnaya Sar Kosh**,Pairavi (latest edition)
12. **Shrestha, Gyayendra Bahadur, Aadalati Karyabidhi**, Pairabi Publication, (2065)
13. **Shrestha, Gyayendra Bahadur, Writ Nibedan Siddanta Ra Byabahaar**, Pairabi Publication, (2064)

Note: Students are required to study the existing Acts, Rules and provisions of the constitution and civil code of Nepal.

Media Law

Course Title: **Media Law**

Course No: Law 381

Duration of the Course: One Year (62 hrs)

Year: II

Full Marks: 50

Pass Mark: 45%

Level : B.A LL.B.

Nature: Optional

Course Objective

The Main Objectives of this course are:

- to introduce the constitutional and legal regime about the mass media
- to study about the legal and institutional arrangement for regulating and monitoring of different sectors of mass media
- to study about the freedom and rights of the persons and institutions working in different sectors of mass media
- to study about the legal limitations and civil and criminal liabilities of people working in mass media

Unit I : Constitutional Regime and Mass Media

1. Freedom of opinion and expression (Article 12 (3) (a))
2. Grounds of reasonable restriction and tests of reasonability of restriction Article 12 (3) (1)
3. Freedom of Press and Publication, grounds of restriction and immunities of press (Article 15)
4. Right to Information and limitations thereof (Article 27)
5. Right to Privacy and Mass Media
6. Constitutional remedies against violation of above rights (Article 32, 107 (1) (2))
7. Privileges of parliament and reporting right of mass media (Article 77)
8. General Emergency and Mass Media (Article 143)

Unit II : Contempt of court and mass media

1. Meaning and concept of contempt of court
2. Civil contempt and criminal contempt of court
3. Sanction for contempt of court

Unit II : Media Crimes

1. Defamation, Obscenity, indecency and blasphemy
2. Defences against the above crimes

3. Remedies against above crimes

Unit VI : Copy right and Mass Media

1. Definition of creation and copy right over creation
2. Qualifying requirements for copyright protection
3. The ownership of copyright
4. Exceptions to copyright
5. Infringement of copyright, liabilities and defenses

Unit V : Classified Information

1. Definition and kinds of classified information
2. Punishment for disclosure of classified information
3. Defences against disclosure of classified informations
4. Public interest disclosures (Whistle Blowing)

Unit VI: Institutional Mechanism

1. National Information Commission:
 - a. Composition of NIC
 - b. Judicial Power and Functions
2. Press Council:
 - a. Composition of Press Council and its Powers and functions.
 - b. Code of conduct of journalists
 - c. Disciplinary actions and sanctions against violation of code of conduct

Unit VII :Laws and Regulating Institutions of Different Sectors of Mass Media

1. Commercial Television
2. Commercial Radio,
3. News papers and Magazines,
4. Advertising, Cinema,/Films and Documentaries,
5. Internet (Online, Media and Blog)

Unit VIII : News and Information Gathering

1. Investigative journalism and right to privacy
2. Confidentiality of sources of information and responsibility of journalist

3. News information through direct and indirect source

Unit XI : Complaints Against Mass Media

1. Complaints to Press Council
2. Complaints to Ministry of Information
3. Complaints to Court of law
4. Alternatives to Court Proceedings

Reading materials

Cases

1. Advocate Madhav Kumar Basnet vs. Ministry of Information and Communication (2056 Writ no 3638)
2. Badri Prasad Gupta vs. Chief Anchaladhis Bishnu Mani Adi, *NKP* 2028 Vol 13 P 155
3. Baikuntha Pd Upadhyaya vs. Sadar Police Goshwara, *NKP* 2018 P 173
4. CDO office Kathmandu v. Editor of Nirmal Weekly Journal, *NKP* 2039 Vol 15 P 9
5. Dron Prasad Dahal vs. Shri Prasad Acharya (Criminal Miscellaneous no 128 Crminal File 055-11-18)
6. Gopal Shiwakoti v. Ministry of Finance, *NKP* 2051 vol 4 P 255
7. Krishna Prasad Shiwakoti V. Office of the Anchaladhis Bagmati Anchal, *NKP* 2040 P 244
8. Madan Mani Dixit vs. His Majesty's Government, Cabinet Secretariat et all, *NKP* 2035 Vol 20 P 167
9. Mrs Sumitra Gupta v. Cabinet Secretariat, *NKP* 2046 P 850
10. Rajendra Singh Rathore v. Ministry of Communication et all, *NKP* 2045 P 390
11. Ram Prasad Upadhyaya vs. His Majesty's Government, *NKP* 2027 Vol 12 P 258
12. Tej Kharel v. Office of the Anchaladhis Bagmati Anchal, *NKP* 2040 special issue P 250
13. Thir Prasad Pokhrel vs. Harihar Birahi, *NKP* 2049 Vol 8 P 770

Acts and rules

1. Cinemas (Production, Demonstration and Distribution) Act 2026

2. Civil Rights Act 2012
3. Copy Right Act 2059
4. Defamation Act 2016
5. National Broadcasting Act 2049
6. National News Committee Act 2019
7. Other media related laws
8. Patent Design and Trademark Act 2022
9. Press and Publication Act 2026
10. Press Council Act 2048
11. Radio Act 2014
12. Right to Information Act 2064
13. Rules and bylaws made under the above laws
14. The Interim Constitution of Nepal 2063 and other past constitutions of Nepal

References

1. *"An Agenda for Change on Right to Freedom of Expression in Nepal"* ARTICLE 19 (2009)
2. Dahal, Kashi Raj, Press Jurisprudence, Nepal Law Society, Kath. First Edition, (1992)
3. Devkota, Grishma Bahadur, *Nepal Ko Chhapakhana Ra Patra Patrika Ko Itihas*, Sajha Prakashan, Second Edition, Kath. (2051)
4. Gallant, Simon, *"Media Law, A Practical Guide to Managing Publication Risks"*
5. Law Relating to Printing and Publication of Nepal, Published Kath. (1984)
6. *Law of Defamation*, Indian Law Institute, New Delhi, (1984)
7. Mendal, T., *Right to Information: A Comparative Survey*, UNESCO, Paris (2002)

Fiscal Law

Course Title: **Fiscal Law**

Course No: Law 382

Duration of the Course: One Year (62 hrs)

Year: II

Full Marks: 50

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

- to study laws relating to implementation of fiscal policies
- to study laws relating to government expenditure and legal devices for audit and control
- to study laws relating to collection of revenues

Unit I : Fiscal laws of Nepal

1. Meaning and nature of fiscal laws
2. Brief history of fiscal legislation in Nepal
3. Constitutional provisions relating to financial procedure and finance bill
4. Fiscal policy of Nepal

Unit II : Laws relating to the implementation of fiscal policies

1. Law of income tax
2. Law of property tax
3. Law of custom duty
4. Law of excise duty

Unit III : Laws relating to government loan and guarantee

1. Law of government expenditure
2. Laws of relating to treasury bills (Rashtra Reen)

Unit V : Laws relating to government expenditure and audit

1. Law of government expenditure
2. Laws relating to the audit of government expenditure
3. Power and function of the Auditor General

Unit VI : Laws relating to revenue collection

1. Value-added tax (VAT)

2. Land tax

3. Law of stamp duty

Reading Materials

Leading Cases

1. Annapurna Soap and Chemical Industries pvt Ltd. V. Internal Revenue Office, Dharan, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2056-57, Income Tax Appeal Case no 391 Decision No. 85.
2. Biswonath Jajodiya V. Office of Value Added Tax, Lazimpat, Kathmandu, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2059, Vat Appeal Case no 101/958 Decision No. 52, year 2059.
3. Dr. Indrajitlal vs. His Majesty's Government, Case: Custom Evasion in Import of Medicines, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2052, Appeal Case no 34 Decision No. 185 year 2052.
4. Hasan Mohammad vs. His Majesty's Government, Case: Custom Evasion in Import of Rice, *Collection of Revenue Tribunal Decisions*, Vol. I, Year 2059, Appeal Case no 18, Decision No. 14, year 2059.
5. Hukum Chandra Duggad v. Internal Revenue Office, Kailali, Dhangadi, Case: Income Tax (2056/57), *Collection of Revenue Tribunal Decisions*, Vol. I Year 2058, Appeal Case no 32 Decision No. 52 year 2058.
6. Jitendra Kumar Luni V. Customs Office, Biratnagar Rani, Case: Over Valuation for Custom purpose, *Collection of Revenue Tribunal Decisions*, Vol. I, Year 2058, Appeal Case no 353 Decision No. 46, year 2058.
7. Olumpia Textile Industries pvt Ltd. V. Department of Value Added Tax, Lazimpat, Kathmandu, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2059, Vat Appeal Case no 233/947 Decision No. 71, year 2059.
8. Pashupati Iron and Steel Pvt Ltd v. Internal Revenue Office, Dharan, Sunsari, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2060, Case: Vat (2055/56) Appeal Case no 149 Decision No. 79, year 2060.

9. Suresh Kumar Aggarwal vs. VAT Department, VAT Case, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2060, Appeal Case no 78/754 Decision No. 94, year 2060.
10. Tikaraj Maske et all v. Mechi Customs Office, Kakarvitta, Jhapa, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2051, Appeal Case no 901 and 907

Text-Books

1. Interim Constitution of Nepal, 2063 B.S
2. Palkiwala, N. "*Income Tax Law of India*, Vol. II"

Reference book/materials

1. Bista, Balgovinda, *Public Finance and Budget Management in Nepal* Pairabi Prakashan, 2054
2. Khadka, Rup Narayan, *Value Added Tax in Nepal: Principles and Practices*, Ratna Pustak Bhandar, Kathmandu
3. Khanal, Shambhu.P, Dr., *Fiscal Law*, Prashanti Prakashan Putalisadak (2065)
4. Relevant Acts. Rules and Regulations of Nepal
5. Relevant Journals: Local/International.
6. Shrestha, Bijaya, *Revenue Jurisprudence: Principles and Practices* Lumanti Prakashan, 2046
7. Singh, S.K., *The Fiscal System of Nepal*, Ratna Pustak Bhandar, Kathmandu 1977.

International Trade Law

Course Title : International Trade Law	Full Marks: 50
Course Code No: Law 383	Pass Mark: 45%
Duration of the Course: One Year (62 hrs)	Level : B.A. LL.B.
Year: II	Nature: Optional

Course Objectives

The Main Objectives of this course are:

- to impart to the students knowledge of International trade with the help of United Nations documents, UNCITRAL and UNCTAD papers and the World Trade Organization.
- to appraise the students with the contributions of the UN and its specialized agencies in the field of International trade law.
- to familiarize the students with International trade regime, particularly developed by the WTO.
- to enable the students to analyze provisions of the Nepalese laws on business transactions, and
- to enable them access the existing trade treaties of which Nepal is a party.

Unit I :Concept of International Trade Law:

1. Meaning and concepts
2. Genesis
3. Importance
4. Sources

Unit II : Incoterms

1. Purpose of Incoterms
2. Incoterms

Unit III : Standard Form Contract

Nature, Use and kinds of standard form contract.

Unit IV : International Transportation of Goods and Bill of Lading

1. International Transportation of Goods by Multi Model Transportation, ship and Aircraft
2. Bill of Lading

- a. Definitions of bill of lading as defined in different International instruments.
- b. Kinds and characteristics of bill of lading
- c. Rights and duties of shipper and carrier with particulars reference to the UN convention on carriage of goods by sea (Hamburg rules).

Unit V : International Sale of Goods

- a. History of International sale of goods
- b. Importance of unified International sale of goods
- c. UNCITRAL Convention
- d. Obligation of the seller
- e. Right of seller
- f. Obligations of buyer
- g. Rights of buyer
- h. Risk of loss
- i. Remedies for breach of the contract.

Unit VI : Financing of International Trade and Foreign Investment

1. Financing of International Trade
 - a. Bill of exchange
 - b. Direct payment
 - c. Documentary credits
2. Foreign Investment

Unit VII : Foreign Exchange

1. Importance of foreign exchange in International trade
2. Foreign exchange restrictions
3. Main provisions of the foreign exchange (Regulations) Act, 2019 (1962) B.S.

Unit VIII : Transnational Enterprises (TNCs) and International Trade

1. Meaning of TNCs and joint ventures
2. Role of TNCs in International trade
3. TNCs and joint ventures in Nepal

Unit IX : World Trade Organization (WTO) and Regional Trade Organizations

1. WTO
 - a. Introduction
 - b. Genesis (including Uruguay Round Report 1994)
 - c. Principles, Objectives, Functions and Scope of WTO
 - d. Organs and working of WTO
 - e. Settlement of Disputes under WTO set up
 - f. Need to align Nepali law in tune with WTO norms
2. Regional Trade Organizations
 - a. SAPTA (SAARC Preferential Trading Arrangement)
 - b. Role of the GATT 1994 in the field of International trade
 - c. Special reference International trade with special reference to least developed land-locked countries.

Unit X : UNCTAD

1. Organization of UNCTAD
2. Role of UNCTAD in the field of International trade law.

Unit XI : European Economic Community and European Union (EU)

1. Genesis of the EEC
2. Role of the EEC in the field of International trade law
3. Establishment of EU

Unit XII : Settlement of disputes

1. Arbitration, judicial settlement, negotiation, good offices, mediation, conciliation, or injury.
2. UNCITRAL rules on International Commercial Arbitration
3. UNCITRAL Model Law
4. UNCITRAL Conciliation Rules
5. MIGA
6. ICSID
7. International Chamber of Commerce Rules on International Commercial Arbitration.
8. Arbitration Act, 1999

Unit XIII : Enforcement of Foreign Judgment and Awards

1. Recognition and enforcement of foreign judgment and awards
2. The 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Reading Materials

Prescribed

1. Schmitthoff, C.M. *Export Trade (The Law and Practice of International Trade)*, London (1993)

Reference

1. Arbitration Act, 1999
2. Contract Act, 2056
3. Foreign Investment and Transfer of Technology Act,
4. Karki, Bharat Bdr. (Prof.Dr.), Legal Regulation of Foreign Investment in Nepal, Industrial Sector Specific, 13 **Nepal Law Review**, Nos. 1 & 2 (1999)
5. Karki, Bharat Bdr. (Prof.Dr.), "The Legal Structure of Joint Investment Banking in Neapl A Prior Preposition Towards Development, 20 **Nyayadoot**, Special Issue, Vol. 20 (1990)
6. Karki, Bharat Bdr. (Prof.Dr.), **Leagl Regulation of Multinational Corporations in Nepal and India: Some Problems and Prospects**, PH.D. Thesis, Faculty of Law, University of Delhi, Delhi (1987)
7. Karki, Bharat Bdr. (Prof.Dr.), "Commercial Medication : Provisions and Procedures", Mediation Special Issue, **Business Law Journal**, Vol.10 (2007)
8. Karki, Bharat Bdr. (Prof.Dr.), "A Comparative analysis of Some of the important Rules of Commercial Arbitration in Existence," a Paper presented in the Silver Jubilee International Conference on Settlement of International Commercial Dispute on 13-15 October 2003 at Qualalumpur, Malasiya, RCA Later Published in **NYADOOT** Special issue 2005.
9. Karki, Bharat Bdr. (Prof.Dr.), "UNCITRAL, Model Law on International Commercial Arbitration and Nepalese Arbitration Law", **NYADOOT** special issue 141, Vol.4

10. Karki, Bharat Bdr. (Prof.Dr.), "The Arbitration Act 1999 and the implementation related issue", 2 **BUSINESS LAW JOURNAL Vol. 2 (2004)**
11. Karki, Bharat Bdr. (Prof.Dr.), "Practice of Conciliation in the settlement of Commercial Disputes in Nepal", **Annual Survey of Nepalese Law**, Nepal Bar Council (2001)
12. Karki, Bharat Bdr. (Prof.Dr.), **A Legal Study on the WTO and Nepal : Development Expectations and Challenges**, A research report. Faculty of Law, D.O., T.U. Kathmandu, (1999)
13. Karki, Bharat Bdr. (Prof.Dr.), "Nepal in the Process of accession to the WTO: A survey of Legal Economic Implication", **Annual Survey of Nepalese Law** (2002)
14. Karki, Bharat Bdr. (Prof.Dr.), "Nepal Accession to WTO: what beyond 2004", **Annual Survey of Nepalese Law**, (2004)
15. Karki, Bharat Bdr. (Prof.Dr.), "Nepal's Membership of the World Trade Organization : Challenges and Opportunities", Liu Guofu (ed.), **Legal Relevance and Good Governance : Comparative Law Study in the Asia Pacific Reason**, Shantou University Law Series China, (2008)
16. Karki, Bharat Bdr. (Prof.Dr.), "Nepal's Entry into WTO & Aftermath", **KANOON**, Karki, Bharat Bdr. (Prof.Dr.), Karki, Bharat Bdr. (Prof.Dr.), Vol. 76, (31 August, 2009)
17. Koul, A.K. **Legal Framework of UNCTAD IN World Trade**, Leyden, (1997)
18. Negotiable Instruments Act 2034
19. Maithisen, P.S.R.F. **A Guide to European Community Law**, London (1990)
20. Multi Model Transportation Goods Act 2063
8. Sangal, P.K. and et.al. **National and Multinational Companies: Sources Legal Issues** N.M. Tripathy, Bombay (1981)
9. **UN: United Nations Commission on International Trade Law (UNCITRAL) Year Books for the last ten years.**
10. UNCTAD. GATT and AALCC (now OAAAC) Documents

Equity and Torts

Course Title: **Equity and Torts**

Course No: Law 384

Duration of the Course: One Year (62 hrs)

Year: II

Full Marks: 50

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

- to acquaint students with the basic concepts and notion of equity and torts
- to familiarize the students with the development of the principles of equity in common law system.
- to familiarize the students with general principles of torts.
- to introduce procedural and evidentiary rules of the common law in the realm of Tort and Equity law.
- to enable the students to distinguish between torts, crime and breach of contract
- to familiarize the students with the remedies of torts

Unit I : Concept of Equity

1. Meaning and Nature of Equity
2. Origin and Development of Equity
3. Equitable Remedies
4. The Maxims of Equity

Unit II : Concepts of Trusts

1. Meaning and Nature of Trusts
2. Classification of Trusts
3. Origin and Development
4. Breach of Trusts
5. Appointment and Termination Trustees
6. Power, Rights and Duties of Trustees

Unit III: Concept and General Principles of Torts

1. Concept of Torts
2. Mental State in Tortious Liability

3. Comparison of Torts with Crime, Contract, Quasi-contract, Breach of Trust and Bailment
4. Personal Capacity
5. General Defense (Justification) in Torts
6. Discharge and extinction of Torts
7. Remedies in Torts
8. Law of Torts in Nepalese Perspectives

Unit IV : Trespass

1. Concept
2. Trespass to Person
3. Trespass to Land
4. Trespass to Chattels

Unit V: Nuisance

1. Concept
2. Defenses
3. Remedies

Unit VI : Defamation

1. Concept
2. Slander
3. Libel
4. Defamation of a Class a person and deceased person
5. Defenses and remedies

Unit VII : Negligence

1. Meaning, Nature and Concept of Negligence
2. Duty of Care and Standard of Care
3. Contributory Negligence
4. Res-ipsa Loquitur
5. Defenses

Unit VIII : Liability

1. Concept
2. Strict Liability
3. Vicarious Liability

Unit IX : Misrepresentation (Deceit)

1. Concept
2. Fraud or Deceit
3. Fraud by Agent
4. Negligent Misstatement
5. Reading Materials

Unit X : Consumerism and Specific Performance

1. Consumerism in Nepal : Food adulteration, drugs and cosmetics - essential commodities
2. Provisions of Consumer Protection Act, 1964
3. Specific Performance

Prescribed

1. Mandsly, R.H. Hansberry's Modern **Equity**, London: Stevenson and Sons' Ltd. (19th ed.) (1969.)
2. Megarry, R.E. and Baker P.V. **Snell's Principles of Equity**, London: Sweet and Maxwell. (27th ed.) (1966).
3. Ratan Lal and Dhiraj Lal, **Law of Torts**, Nagpur: Wadhwa and Company, (Reprint: 1996)
4. Redmond, W. D. and Stevens, I. N., **General Principles of English Law**, London: M & E Handbooks
5. Salmond and Hueston **The Law of Torts**, London: Sweet and Maxwell. (19th ed.) (1987).
6. Singh, Dr. Avtar, **Introduction to Law of Torts**, New Delhi: Wadhwa and Company Law Publisher. (1st ed.). (2001)
7. Singh, S.P./Singh, Indrajit P., **Law of Tort**, Delhi: Universal Law Publishing Co. Pvt. Ltd. (4th ed.) (2006).
8. Winfield and Jolowicz, **Law of Tort**, London: Sweet and Maxwell (12th ed.) (1984).

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1. Bangaria, R.K, **The Law of Torts**, Allahabad, Law Agency. (4th ed.) (1976)
2. Curzon, L.B. **Equity and Trusts**, London: Cavendish Publishing Limited. (1st ed.) (1993).
3. Elliott, Catherine and Quinn, Frances, **Tort Law**, Harlow: Pearson Education Limited. (3rd ed.) (2001).

4. Gandhi. B. M., **Law of Torts**, (3rd ed.). (2006).
5. Green, Dr. David, **Law of Torts**, London: Cavendish Publishing Limited. (2nd ed.) (1995).
6. Harpwood, Vivienne, **Law of Tort**, London: Cavendish Publishing Limited. (2nd ed.) (1996).
7. Iyer, Ramaswami, **The Law of Torts**, Bombay: N.M. Tripathi, Pvt. Ltd.
8. Nicholas, J McBride & Roderick Bagshaw, **Tort Law**, (1st Indian ed.). (2003).
9. Pandey, Dr. J.N/ Pandey, Vijay Kumar, **Law of Torts with Consumer Protection Act, 1986 and motor Vehicles Act, 1988** Allahabad: Central Law Publications. (6th ed.) (2007).
10. Pillai, P. S. A. **Law of Torts**, Revised by Avatar Sing. (9th ed.) (2004).
11. Proposed Draft Civil Code, 2067 B.S.
12. Ram John, Mohammed, **Sourcebook on law of Trusts**, London: Cavendish Publishing Limited.
13. Rogers, W.V.H., **The Law of Tort**, London: Sweet and Maxwell. (2nd ed.) (1994).
14. Street Harry, **The Law of Torts** (6th ed.). London: Butterwoths. (1976).
15. **The Bombay Law Reporter**. Law Publisher India Pvt. Ltd. Vol. 8, 1989-1994.
16. **The Draft Civil Code** (Dewani Samhita), 2067 B.S.
17. Weir, Tony **A Casebook on Tort** (8th ed.). London: Sweet and Maxwell Limited. (1996)

Law and Social Welfare

Course Title: **Law and Social Welfare** Full Marks: 50
Course No: Law 385 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A. LL.B.
Year: II Nature: Optional

Course Objectives:

The Objectives of this Course are:

- to impart basic knowledge about the concept of Social Welfare, Guiding Principles and measures regarding Social Welfare
- to acquaint the Students with International responses regarding Social Welfare
- to enable the Students to understand Nepalese responses regarding Social Welfare
- to provide knowledge about the judicial interpretations regarding Social Welfare

Unit I: Introduction to Social Welfare

- 1 Meaning, and Concept of Social Welfare
- 2 Social Welfare as State responsibility
- 3 Social Welfare to Whom ?
- 4 Various Social Welfare Measures

Unit - II: Child and Law

- 1 Concept, Meaning and Definition of Child
- 2 Laws Relating to Child :
 - a. International Legislation
 - i. UN Declaration on the Rights of the Child, 1924, 1959
 - ii. Universal Declaration of Human Rights, 1948
 - iii. International Covenants on Civil and Political Rights, 1966 and Optional Protocol
 - iv. International Covenants on Economic, Social, and Cultural Rights, 1966
 - v. Convention on the Rights of the Child, 1989
 - b. National Legislation and Policies :
 - i. Constitutional Provisions

- ii. Act Relating to Children, 2048 and its Rules
 - iii. Muluki Ain and Draft Civil Code
 - iv. National Policies
- c. Judicial Interpretations

Unit III : Women and Law

- 1 Concept and Meaning of Women
- 2 Status of Women in Society -Social, Political, Economic and Legal Status
- 3 Empowerment of Women ;
 - a. International Efforts for the Empowerment of Women
 - b. Domestic Efforts for the Empowerment of Women
- 4 Situation of Women in Nepal with reference to efforts made for the upliftment of the position of Women

Unit IV: Elderly People and Law

- 1 Meaning and Definition of Elderly People
- 2 Position of Elderly People in Society
- 3 Global Responses to the Elderly People
- 4 National Responses Towards Elderly People
- 5 Judicial Interpretation

Unit V : Differently-abled Persons and Law

- 1 Definition and Concept of Differently-abled Persons
- 2 Law Relating to Rights of Differently -abled Persons
 - a. International Legislation
 - i. Universal Declaration of Human Rights, 1948
 - ii. U.N. Convention on the Rights of Persons with Disabilities, 2006
 - b. National Legislation
 - i. Constitutional Provisions
 - ii. Act for the Protection and Welfare of Disables, 1983
 - iii. Rules for the Protection and Welfare of Disables, 1995
 - iv. National Policies and Plan of Action on Disabilities, 2006 (Government of Nepal)
- 3 Judicial Interpretations

Suggested Readings: -

1. Act relating to Children, 2048.
2. **Ayogko Yek Dasak, Important Press Release (2057-2067 B.S.)** National Human Rights Commission (Jestha 2067)
3. Act for the Protection and Welfare of Disables, 1983 and Rules for the Protection and Welfare of Disables, 1995
4. Belbase, Krishna, "The Question of Ageing People's Rights, Interest and Protection and Nepalese Provisions About it", 2001 , A mini Research Report presented to the Faculty of Law, Dean's Office.
5. Convention on the Rights of Child, 1989
6. **CCWB, National Regional and International Legal Provisions Regarding Children**, Pulchowk :Central Welfare Board
7. Convention on Elimination of All Forms of Discrimination Against Women, 1989
8. Eighth Plan, 2049-2054
9. Gautam, Bharat Mani, **Nepal Law Journal, Special issue on the Rights of the Child**, Vol.1, 1998
10. GON, Statistical Year Book of Nepal, 2001
11. Interim Constitution of Nepal, 2063
12. International Plan of Action on Ageing and United Nations Principles for Older Person, 1998
13. Jain, S.N. (ed.), **Child and the Law**, ILI (1979)
14. Judith Randel and Other (ed.), **The Ageing and Development Report ; Poverty, Independence and the World's Older Peoples**, London: Help Age International / Earthscan Publication Ltd., 1999
15. Koirala, A.P. "Violations of Human Rights of People Disabilities in Nepal," **Disabled Empowerment**, National Monthly, Kartik (2061)
16. Muluki Ain, 2020, Various Chapters
17. **Nepalma Bal Adhikarko Awastha**, Annual Report 2009, National Human Rights Commission
18. Ninth Plan, 2054 - 2059
19. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, 1999
20. Programme of Action of the World Summit for Social Development, 1995
21. Programme of Action of the International Conference on Population and Development, 1994
22. Second UN Conference on Human Settlements; 2049-2054.
23. Second UN Conference on the Human Settlements, Global Plan of Action, 1996
24. Social Welfare Act, 2049
25. Universal Declaration of Human of Human Rights, 1948,
26. Vienna International Plan of Action, 1982
27. Universal Declaration of Human Rights, 1948
28. U.N. Convention on the Rights of Persons with Disabilities, 2006

Criminal Law

Course Title: **Criminal Law**

Course Code No: Law 451

Duration of the Course: One Year (125 hrs)

Year: III

Full Marks: 100

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The objectives of this course are:

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

Course Contents

Part 1 Principles of Criminal Law

Unit I : General Introduction to Criminal Law:

1. Concept, meaning and nature of Crime and Criminal law.
2. Difference between crime, tort and civil wrong
3. Classification of Crime on the basis of Principles of Criminal liability.
 - a. Crimes of relative liability
 - b. Crimes of strict liability
 - c. Crimes of vicarious liability.
 - d. Crimes of inchoate liability
 - e. Crimes of Joint Liability
4. Jurisdiction of criminal law:
 - a. Territorial jurisdiction
 - b. Extra-territorial jurisdiction

- c. Personal jurisdiction
5. Extradition

Unit II : Historical Evolution of Criminal Law in Nepal

1. Criminal Law before codification.
2. Criminal law after codification
 - a. The *Muluki Ain*, 1910 B.S.
 - b. The *Muluki Ain*, 1920 B.S
 - c. The Draft Nepal Penal Code, 2012 B.S.
 - d. The Proposed Draft Criminal Code, 2030 B.S.
 - e. The Proposed Draft Criminal Code, 2058 B.S.
 - f. The Proposed Draft Criminal Code, 2059 B.S.
 - g. The Proposed Draft Criminal Code, 2067 B.S.

Unit III : General Principles of Criminal Law

1. General Introduction to General Principles of Criminal Law
2. General Principles of Criminal Law
 - a. *Ingnorantia juris non excusat* (Ignorance of law is no excuse)
 - b. *Nullum crimen sine lege* (No crime without the law)
 - c. *Nulla poena sine lege* (No punishment without the law)
 - d. Principle of *ex post facto* law
 - e. Principle of double jeopardy
 - f. *Actus personalis moritur cum persona* (Crime dies with the criminal)
 - g. Principle of Presumption of Innocence
 - h. Principle of Fair Trial

Unit IV: Elements of Crime

1. Meaning of *Actus Reus* and Its Requirements
2. Forms of Human Conduct
 - a. Act
 - b. Omission
 - c. State of Affairs
3. Meaning and Principles of Causation
4. Meaning of *Mens Rea*,
5. Categories of *Mens Rea*
 - a. Intention

- b. Recklessness
- c. Negligence
- 6. Doctrine of transferred malice

Unit V : Stages of Crime and Inchoate Crime

- 1. Stages of Crime:
 - a. Intention/Conspiracy
 - b. Preparation,
 - c. Attempt,
 - d. Complete Crime
- 2. Inchoate crime:
 - a. Incitement/Abetment/Instigation
 - b. Conspiracy
 - c. Attempt

Unit VI : Parties to the Crime:

- 1. Meaning of Parties to Crime
- 2. Classification of Parties to the Crime
- 3. Principal Offender
- 4. Secondary Offender

Unit VII : General Defenses:

- 1. Concept and Meaning of General Defenses
- 2. Rationale and Justifications behind General Defenses
- 3. Classification of General Defenses
 - a. Excusable General Defenses
 - Infancy
 - Insanity
 - Mistake
 - Intoxication
 - b. Justifiable General Defenses
 - Private Defense: Self Defense, Defense of Chastity, Defense of Property
 - Necessity
 - Duress
 - Superior order

**Part- 2
Specific Offences**

Unit VIII : Property Offences

- 1. Theft
- 2. Cheating
- 3. Looting (*Lutpit*)
- 4. Arson (*Agjani*)

Unit IX : Offence against Person and Human Dignity:

- 1. Homicide
- 2. Abortion
- 3. Hurt (*Kutpit*)
- 4. Human Trafficking and Transportation
- 5. Abduction/Kidnapping

Unit X : Sexual Offences and Offences relating to Marriage

- 1. Rape
- 2. Incest
- 3. Sexual Harassment/Indecent Assault
- 4. Unnatural Offences
- 5. Bigamy: Polygamy (Polygene and Polyandry)

Unit XI : Offences Related to Documents and Official Secrets

- 1. Forgery
- 2. Coercion (*Karkap*)
- 3. Crime Against Official Secrets

Unit XII : Socio-Economic offences

- 1. Kidnapping and Abduction
- 2. Corruption and Bribery
- 3. Banking Crime and Corporate Crime
- 4. Crime against Competition Promotion and Market Protection
- 5. Cyber Crime

Part- 3

International Criminal Law

Unit XIV : International Crime and Criminal Law

1. Concept and meaning of International Criminal Law
2. Development of International Criminal Law
3. Jurisdiction of International Criminal Court
4. Applicability of ICC Statute
5. Classification of International Crimes
 - a. The crime of Genocide
 - b. Crimes against Humanity
 - c. War Crimes
 - d. Crime of Aggression

Leading cases:

1. Bhuvane Basnet Kshetri Vs GON, Case: Murder, NKP, 2031, p.87 (Actus Reus)
2. Dil Bahadur Baraili Vs GON, *SC Bulletin, No. 411, P. 29*
3. GON Vs Kanhaiya Raya Kurmi et. al., Case Murder, NKP, 2064, p. 549 (Transferred Malice and Murder)
4. GON Vs Abdul Phatte Musalman, Case: Murder, NKP, 2044, p. 840 (Suicide Pact)
5. GON Vs Rameshwar Raut Barai et.al., Case: Murder, NKP, 2041, p. 360 (Jurisdiction of Criminal Law)
6. GON Vs Sanjeev Kumar Sihnggh Yadav et.al., Case: Murder, NKP, 2064, (Plea of Self defence)
7. GON Vs Vasanta Kumar Yadav et.al., Case: Murder, NKP, 2064, p. 426 (Difference between no. 6 and no.14 of Homicide)
8. Jank Tripathi Vs GON, Case: Rape, NKP, 2062, p. 269 (Proof of Rape)
9. Mahendra Raj Bam Vs GON, Case : Attempt to Murder, NKP, 2051, p. 226, (Essential Element of Attempt to Murder)
10. Triratna Chitrakar Vs GON, NKP, 2066, p.784

Note: Any amendments made by the court's subsequent decision in the aforesaid decisions are required to be studied.

Reading Materials

1. Acharya, Madhav Prasad and Pradhananga, Rajit Bhakta., *An Introduction to Law of Homicide (In Nepali)*, Kathmandu: Ratnapustak Bhandar (2053)
2. Acharya, Madhav Prasad and Bhandari, Badri Prasad, , *A Critical Study on Criminal Law(In Nepali)*, Kathmandu: Bhrikuti Academy Publications (2063)
3. Gaur, K.D. *Law of Crimes* New Delhi: Oxford and IBH, Connaught Circus, (Latest ed.).
4. Kittichaisaree, Kriangsak. *International Criminal Law*. New York: Oxford University Press.
5. Pillai, P.S.A. *Criminal Law*. Bombay: N.M. Tripathi Limited
6. Pradhananga, Dr. Rajit Bhakta *Homicide Law in Nepal*. Kathmandu: Ratna Pustak Bhandar. (2001).
7. Pradhananga, Prof. Dr. Rajit Bhakta et.al., *Introduction to Criminal Law(In Nepali)*, Kathmandu: Bhrikuti Academy Publications(2063)
8. Slye, Ronald C.et.al., *International Criminal Law: the essentials*, New York: Walters Kluwer, (2009)
9. Acharya, Madhav Prasad and Pradhananga, Rajit Bhakta., *An Introduction to Law of Homicide (In Nepali)*, Kathmandu: Ratnapustak Bhandar (2053)
10. Acharya, Madhav Prasad and Bhandari, Badri Prasad, , *A Critical Study on Criminal Law(In Nepali)*, Kathmandu: Bhrikuti Academy Publications (2063)
11. Gaur, K.D. *Law of Crimes* New Delhi: Oxford and IBH, Connaught Circus, (Latest ed.).
12. Kittichaisaree, Kriangsak. *International Criminal Law*. New York: Oxford University Press.
13. Pillai, P.S.A. *Criminal Law*. Bombay: N.M. Tripathi Limited
14. Pradhananga, Dr. Rajit Bhakta *Homicide Law in Nepal*. Kathmandu: Ratna Pustak Bhandar. (2001).
15. Pradhananga, Prof. Dr. Rajit Bhakta et.al., *Introduction to Criminal Law(In Nepali)*, Kathmandu: Bhrikuti Academy Publications(2063)
16. Slye, Ronald C.et.al., *International Criminal Law: the essentials*, New York: Walters Kluwer, (2009)

References/Recommended

1. Ashworth, Andrew *Principles of Criminal Law* (3rd ed.). London: Oxford University Press. (1999).
2. Smith, J.C. and Hogan B. *Criminal Law* (10th ed.). London: Butterworth Lexis Nexis. (2002).
3. Turner JW CECIL *Kenny's Outline of Criminal Law* (19th ed.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (1966). (Third Indian Reprint 2006).
4. Vaidya, Tulasi Ram, Manandhar Tri Ratna *Crime and Punishment in Nepal: A Historical Prospective* Kathmandu: Bini Vaidya and Purna Devi Manandhar. (1st ed.). (1985).
5. Williams, Glanville *Text Book of Criminal Law* Delhi: Universal Publishing Co. Pvt. Ltd. (1983). (First India Reprint 1999).
6. Sehgal, B.P. Singh, **Global Terrorism-Problem and Perspectives**, Deep and Deep
7. Acharya, Madhav Prasad and Pradhananga, Rajit Bhakta, *Criminal Law and Criminal Justice(In Nepali)*, Kathmandu: Ratnapustak Bhandar (2050)
8. Osti, Prakash (ed.), *Some Historical Documents relating to Law (In Nepali)*, Kathmandu: Lawyers Club
9. Paudel, Bibek Kumar, 'War Crime: A Brief Appraisal', **Nayadoot**, Kathmandu: Nepal Bar Association, No. 182, Vol. 3, (2009).
10. Paudel, Bibek Kumar, 'General Defences: Justification and Excuse', **Nepal Law Review**, Kathmandu: Nepal Law Campus, Vol. 20, No. 1 & 2, 2007-2008.
11. FOHRID, **Impunity and Accountability: Application of Retroactive Provision in the Serious Crimes under International Law**(2008).
12. FOHRID, **Aantarastriya Phaujdari Adalat Ek Chinari** (2008).
13. INSEC, **Aantarastriya Phaujdari Adalat ko Rome Bidhan ra Bartaman Nepali Phaujdari Kanun Ek Addhyan** (2066).
14. *Interim Constitution of Nepal, 2063*
15. *Muluki Ain, 2020*
16. *Prevention of Corruption Act, 2059*
17. *Commission for the Investigation of Abuse of authority Act, 2059*
18. *Human Trafficking and Transportation (Control)Act, 2064*
19. *Banking Offence and Punishment Act, 2064*
20. *Money Laundering Prevention Act, 2064*
21. *Electronic Transaction Act, 2063*
22. *Extradition Act, 2045*
23. *Offences Against State and Punishment Act, 2046*
24. *Narcotic Drugs (Control) Act, 20633*
25. *Jasusi Act, 2019*
26. *Gender Equality Act, 2063*
27. *Proposed Draft Criminal Codes, 2067*
28. *Rome Statute of International Criminal Court, 1998 and its amendment of 10 July 2010.*

Public International Law

Course Title: **Public International Law** Full Marks: 100
Course Code No: Law 452 Pass Mark: 45%
Duration of the Course: One Year (125 hrs) Level : B.A.LL.B.
Year: IV Nature: Compulsory

Objectives

The main objectives of this course are:

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

Unit I : Introduction:

1. Definition
2. Origin and importance
3. Nature and basis of International Law : Global, Regional and Bilateral Principles and Practices
4. General Principles and rules of Public International Law
5. The relation between International Law and Municipal Law shall be appraised at the backdrop of Nepal Treaty Act, 2046.

Unit II : Sources of International Law and Codification:

1. Treaties
2. Custom
3. General principles of law (including Ex aequo et bono)
4. Judicial reason
5. Writings of the publicists
6. Resolution of the General Assembly and Security Council.
7. Draft Conventions of International Law Commission.
8. Modern trends (including consideration of humanity)
9. State practice.

Unit III : Subject of International Law:

1. State

2. Concept of state and sovereignty
3. Modes of acquiring an losing state territory
4. International Institutions
5. Individuals (position of individual in International Law: this includes, inter alia, Migration, displaced person, refugees and Human rights))
6. Private Corporations/MNCs/MNEs

Unit IV : Recognition:

1. Nature of recognition
2. Recognition of government and state
3. Effect of recognition and non-recognition
4. De facto and de jure recognition

Unit V : Nationality:

1. Importance and function
2. Modes of acquiring and losing nationality:
3. Statelessness/ Migration/ IDPs/ Refugees
4. Double nationality (issue raised by Non-resident Nepali National shall be discussed under this unit)

Asylum

1. Meaning and function
2. Types of Asylum
3. Right of asylum
4. Obligation of asylee
5. State of refugees extradition

Extradition

1. Meaning and function
2. Basis of extradition as developed by International law vis-à-vis Nepal Extradition Act, 2045
3. Political offense and International criminal offense
4. Mutual legal assistance

State Responsibility

1. Treatment of aliens
2. Nationality of aliens

Transnational Economic Law, Business Law, and Contractual liability

1. New International Economic Order

2. General Agreement on Tariff and Trade and World Trade Organization
3. Nepal's Accession to the WTO and harmonization of laws of Nepal in tune with the WTO norms.
4. Organs and functioning of WTO
5. Exhaustion of local remedial rule and Settlement of Disputes under global settings (including WTO disputes settlement mechanisms).

Unit VI : Jurisdiction and Immunities

1. Territorial Jurisdiction
2. Personal Jurisdiction
3. Maritime Jurisdiction
4. Jurisdiction in aero-space.

Unit VII : Immunities and Privilege

1. Diplomatic immunities
2. Consular immunities
3. Immunities of special missions
4. Immunity of foreign states
5. Immunity of privileges of International organization
6. Limitations of immunities.

Unit - VIII : State Succession

1. Theory of state succession
2. Succession of state
3. Succession of government
4. Succession of International organization

Unit IX : Treaties

1. Meaning and importance of treaties
2. Types of treaties
3. Ratification of treaties
4. Reservation of treaties
5. Condition of treaties
6. Pacta Sunt Servanda
7. Rebus Sic Stantibus
8. Interpretation of treaties

9. Termination of treaties
10. Effects of war on treaties
11. Treaty making power under the Interim Constitution of Nepal and Nepal Treaty Act, 2047.

Unit X : Neutrality

1. Meaning of Neutrality
2. Neutrality and non alignment
3. Neutrality under the UN charter
4. Rights and Duties of a neutral country
5. Concept of peace zone.

Intervention

1. Definition of intervention
2. Humanitarian intervention
3. Intervention by invasion

Blockade

1. Meaning of Blockade
2. Characteristics and validity of blockade
3. Breach of blockade

Contraband

1. Meaning
2. Forms

Unit XI : Settlement of International disputes : Peaceful and Compulsive

1. Peaceful means :
 - a. Inquiry and Negotiations
 - b. Mediation and good offices
 - c. Conciliation and UN efforts
 - d. Arbitration (ICA, ICSID and other bodies)
 - e. Judicial settlement
2. Compulsive means
 - a. Relation and reprisal
 - b. Embargo and pacific blockade

Unit XII : Use of force and war

1. Definition of war
2. Attempts for an outlawry of war

3. Principles of prohibition of use of force under the UN Charter
4. Definition of aggression
5. Self-defense and collective self defense
6. Collective security

**Unit XIII : International Humanitarian Law and Laws of warfare:
International Humanitarian Law:**

1. Meaning, nature, principles, scope, sources and development of IHL
2. Concept of Combatants and Non-Combatants
3. Conventions of 1899 and 1907; Geneva Conventions (including Four Geneva Convention of 1949 and their Protocols) and other subsequent Conventions to regulate the area.
4. Geneva Protocol (1925)
5. Legality of war
6. Prisoners of war
7. Right of Angary
8. War crimes including the provisions of the Rome Statute on International Criminal Court and provisions of prominent Tribunals to try war crimes.

Prescribed Materials

1. Adhikari, Pravakar, "An Overview of Constitutional and Legal Provisions of Nepal Concerning Internalization of International Law", **Nepal Law Review**, Vol. 21 NO. 1& 2. (2009)
2. Brownlie, Ian. **Principles of Public International Law** 4th Editions Oxford University (1990)
3. Hingorani, R.C. **Modern International Law**, Oxford and IBH publishing company, New Delhi (1982)
4. Starke, J.G. **An Introduction of Public International Law**, Butterworths London (1997)

References Materials:

1. Basyal, Binod, **Public International Law**, Lumbini Publication Kathmandu, Nepal (2009)
2. Poudel, Madhav. **Public International Law**, Koonoon Kitab Pvt. Ltd., Nepal (1989)

3. Sharma, Gopal Dr. **International Law in Nutshell**, Pathya Samagri Prakashan, Kathmandu (1990)
4. Sharma, Gopal Dr. **Public International Law**, Ratna Pustak Bhandar, Kathmandu (1990)
5. Upadhyaya, Lakshman. **An Introduction to Background and Meaning of International Law** (Antarastriya Kanoon Paribhasha Yebam Prista Bhumigat Chinari in Nepali), Nepal Law Review, Vol. 3, Jan. (1980)
6. Upadhyaya, Lakshman Prof. Dr. Teacher's Guide on **Teaching of Public International Law**, Tribhuvan University Curriculum Development Centre, Kirtipur, Kathmandu, (2000)

Law of Contract

Course Title: **Law of Contract**

Course Code No: Law 453

Duration of the Course: One Year (125 hrs)

Year: III

Full Marks: 100

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

2. Rules regarding Acceptance
3. Communication of Acceptance
4. Revocation and Lapse of Acceptance

Course Objectives:

The Main Objectives of this course are:

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

Part- A

General Principles and Provisions of Contract

Unit I : Introductory

1. Meaning of the term "Contract".
2. Nature of the Law of Contract
3. Essential Elements of Contract
4. Kinds of Contract
5. Historical development of the law of contract in Nepal
6. Basic feature of Nepalese Contract Act, 2056

Unit II : Formation of Contract

A. Offer

1. Meaning of Offer.
2. Rules regarding valid Offer.
3. Types of Offer.
4. Communication of Offer.
5. Termination of Offer.

B. Acceptance

1. Meaning of Acceptance

Unit III : Consideration

1. Meaning of Consideration.
2. Rules regarding Consideration.
3. Kinds of Consideration
4. The Rule - 'No Consideration no Contract'.
5. Consideration in Nepalese Law of Contract.

Unit IV : Capacity to Contract

1. Meaning of Capacity to Contract:
2. Persons Incompetent to Contract
 - a. Minor
 - b. Person of unsound mind
 - c. Other Persons disqualified by law.
3. Provision of Nepalese Contract Act

Unit V : Free Consent

1. Meaning of Free Consent
2. Factors Affecting Free Consent
 - a. **Coercion**
 - Meaning of Coercion
 - Consequences of Coercion
 - Exceptions
 - b. **Undue Influence**
 - Meaning of Undue Influence
 - Presumption of Undue Influence
 - Consequences of Undue Influence
 - c. **Misrepresentation**
 - Meaning of Misrepresentation
 - Presumption of Misrepresentation
 - Consequence of Misrepresentation
 - d. **Fraud**
 - Meaning of Fraud
 - Essential elements of Fraud
 - Consequences of Fraud

e. Mistake

- Meaning of Mistake
 - Types of Mistake
 - Consequences of Mistake
3. Provisions of Nepalese Contract Act

Unit Vi : Legality of Object and Consideration

1. Meaning and Importance of Legality of object.
2. Unlawful Agreements
3. Agreements opposed to Public Policy
4. Void Agreements
5. Uncertain and Impossible Contract
6. Wagering Agreement
7. Nepalese Contract Act Provisions.

Unit VII : Quasi-Contract

1. Meaning of Quasi-Contract
2. Rules regarding Quasi-Contract
3. Doctrine of *Quantum Meruit*
4. Nepalese Contract Act provisions on quasi-contract

Unit VIII : Contingent Contract

1. Meaning & Basic Elements of Contingent Contract
2. Rules regarding Contingent Contract
3. Nepalese Contract Act Provisions on Contingent Contract

Unit IX : Performance of Contract

1. Meaning and Importance of Performance of Contract
2. Types of Performance of Contract
 - Types and Requisites of a valid Tender
3. Rules regarding Performance of Contract
4. Nepalese Contract Act Provisions on Performance of Contract

Unit X : Assignment of Contract

1. Meaning of Assignment of Contract.
2. Rules Regarding Assignment of Contract.

Unit XI :Termination/Discharge of Contract

1. Meaning of Termination/Discharge of Contract
2. Modes of Termination/Discharge of Contract
3. Doctrine of Supervening Impossibility
4. Breach of Contract
 - Meaning and Types of Breach of Contract
5. Remedies for Breach of Contract
 - Meaning and Kinds of Remedy
6. Nepalese Contract Act provisions on Termination/Discharge of Contract

**Part-B
Specific Contract**

Unit XII : Contract of Indemnity and Guarantee.

- 1. Contract of indemnity.**
 - a. Meaning of Contract of Indemnity
 - b. Features of Contract of Indemnity
 - c. Kinds of Contract of Indemnity
 - d. Rights and Duties of Indemnity-holder and Indemnifier.
- 2. Contract of Guarantee.**
 - a. Meaning of Contract of Guarantee.
 - b. Basic features of Contract of Guarantee.
 - c. Types of Guarantee.
 - d. Continuing Guarantee
 - e. Rights, Duties and Liability of Surety
 - f. Discharge of Surety from Liability
 - g. Grounds of invalidation of Contract of Guarantee.
- 3. Nepalese Contract Act provisions on Contract of Indemnity and Guarantee.**

Unit XIII : Contract of Bailment and Pledge.

- 1. Bailment**
 - a. Meaning of Bailment
 - b. Basic feature of Bailment
 - c. Types of Bailment

- d. Rights and Duties of Bailor and Bailee.
- e. Termination of Bailment.
- f. Finder of Lost Goods - Meaning and Rights and Duties of Finder of Lost Goods.

2. Pledge/Pawn.

- a. Meaning of Pledge/Pawn
- b. Basic features of valid Pledge
- c. Rights and Duties of the Pledgee/Pawnee and Pledger/Pawner
- d. Pledge by Non-owner
- e. Distinction between Bailment and Pledge.

3. Nepalese Contract Act provisions on Bailment and Pledge.

Unit XIV : Contract of Agency

- 1. Meaning of Contract of Agency
- 2. Basic features of Contract of Agency.
- 3. Modes of Creating Agency
- 4. Types of Agent
- 5. Delegation of authority to Agent
 - Meaning and Exception
- 6. Rights, Duties and Personal liability of Agent
- 7. Distinction between Sub-agent and Substituted Agent
- 8. Rights and Duties of Principal
- 9. Termination of Agency.
- 10. Law relating to Agency in Nepal

Unit XV : Contract of Sale of Goods.

- 1. Meaning of Contract of Sale of Goods.
- 2. Characteristics of Contract of Sale of Goods.
- 3. Sale and Agreement to Sell
 - Meaning and Differences
- 4. Goods
 - Meaning and its kinds
- 5. Condition and Warranties
 - Meaning and Comparison
- 6. Doctrine of *caveat emptor*
 - Meaning and Exception

- 7. Transfer of Ownership.
 - a. Meaning of Transfer of Ownership
 - b. Rules regarding transfer of ownership.
- 8. Transfer of Title
 - Meaning and Exceptions
- 9. Performance of Contract of Sale of Goods
 - Meaning and steps
- 10. Unpaid Seller
 - Meaning, Characteristics and Rights
- 11. Buyer's remedies against Seller.
- 12. Conditions under which Contract of Sale of Goods becomes void.

Unit XVI : Contract of Carriage.

- 1. Meaning of Contract of Carriage.
- 2. Characteristic of Carriage and Contract of Carriage.
- 3. Kinds of Carriage.
 - a. Carriage by Land
 - Meaning and Classification of Land Carrier
 - Rights, Duties and Liabilities of Common Carrier.
 - Termination of Carrier's Liability.
 - b. Carriage by Rail
 - Meaning
 - Rights, Duties and Liability of Railway Administration
 - c. Carriage by sea
 - Meaning and Definitions of Ship Carriage
 - Contract of Affreightment
 - Kinds
 - Charter Party Classes and Clauses
 - Billing of Lading
 - Master of Ship
 - Meaning, Rights and Duties
 - d. Carriage by Air
 - Meaning
 - Documents relating to Carriage by Air
 - Liabilities of the Air Carrier

Unit XVII : Law of Arbitration.

1. Meaning and Importance of arbitration
2. Essential Elements of arbitration.
3. Arbitrator.
 - Meaning, Number, qualification and Appointment
4. Rights and Duties of Arbitrator.
5. Removal of Arbitrator
6. Award
 - Meaning and Elements of Valid Award
 - Setting aside an Award
 - Execution of an Award
7. The provisions of Nepalese Arbitration Act, 2055.

Unit XVIII : Case Law:

1. Achyut Pd. Kharel vs. HMG, *NKP* 2064/533.
2. Anil Kr. Pokheral vs. Kathmandu District Court, *NKP* 2064/460.
3. Bhairab Neupane vs. Chitwan Irrigation project, *NKP* 2046/334.
4. Bir Maya Limbu vs. Rana Maya Limbu, *NKP* 2061/942.
5. Bir Shanker Kashai. vs. Anita Lama, *NKP* 2063/395.
6. Bitti Nirwan Sewa vs. Pu.Be.Aa.Patan, *NKP* 2064/1558.
7. Chandra Kr. Golchha vs. Pu.Be.Aa. Patan, *NKP* 2062/376.
8. Chhue Lama vs. Ishwari Devi, **Supreme Court Bulletin**, year 2 vol.26, No. 8 (2050) p.1.
9. Dhana Maya Maharjan vs. Tulasi Maharjan, *NKP* 2063/1008.
10. Jal Utpanna Prokop Nyantran Bhivag vs. PU.Be.Aa Patan, *NKP* 2063/ 633.
11. Lal Bdr. Khatri vs. Jaya Lal Subedi, *NKP*, 2063/1340.
12. Maya Gurung vs. Durga Upadhyay, *NKP* 2061/565.
13. Nani Chauri Maharjan vs. Rabindra Maharjan, *NKP* 2062/1243.
14. Nepal Government vs. Bhairaja Pradhan, *NKP* 2063, Vol 10, P.1319
15. Prithvi Bd. Maharjan vs. Birat Bdr. Khadka, *NKP* 2064/1100.

16. Saraswoti Devi Aryal vs. Chadra Kr. Shrestha, *NKP* 2061/324.
17. Suman P. Sharma vs. Sunowlo Khimti Constuction, *NKP* 2063, Vol.5, P.593
18. Vijaya Chandra Lama vs. Everest Paper Mills Pvt. Janakpur, *NKP* 2064/30.
19. Vijaya Kr. Shah vs. HMG, *NKP* 2049/435.

Text Books: (Latest Edition)

1. Anson's Law of Contract
2. Arbitration Act, 2055 (Legal Text)
3. Singh, Avatar, Law of Contract
4. Singh, Avatar, Principles of Mercantile Law
5. Bhandari, Surendra, Legal Environment of Business, (in Nepali), Kathmandu
6. Karki, S.B. & Mishra, B., **Business Law**, Kathmandu, (2005)
7. Nepal Contract Act, 2056 (Legal Text)
8. Upreti, Bharat Raj, Law of Contract {Nepali version}, Kathmandu

References (Latest edition)

1. Atiyan P.S., **An Introduction to Law of Contract**.
2. Blanpain, R, Adhikari and Upreti K., **International Encyclopedia**, Khuwar Law International, (2007)
3. Chesire and Fiffort, **Law of Contract**
4. **Civil Code 2067**, Civil Law Reform and Updating Working Group (2067)
5. Karki, Bharat B. (Prof. Dr.), The Arbitration Act, 1999 and the Implementation - related Issues, **2 Business Law Journal**, vol.2, (2004)
6. Karki, Bharat B. (Prof. Dr.), Standards Form Contract (S.F.C.) : Issues at National and International Application, 179 **Nyayadoot**, Vol. 7 (2009)
7. Karki, S.B. and Mishra, B., **Business Law**, Ayush Publication Kathmandu (2005)
8. Nair, M. Krishna, **The Law of Contract**
9. Parajuli, Purusottam, **Karar Sambandhi Kanoon**
10. Redmond, **Mercantile Law**.
11. Sen & Mitra., **Commercial Law**.

12. *Trietel's Law of Contract*
13. *Upreti, Bharat, Contract Law, Free deal (Nepali version) (2066)*
14. Wagle, Rishikesh, *Legal Environment of Business in Nepal*

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal.
5. **NJA Journal**, National Judicial Academy
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Property Law

Course Title: **Property Law**
 Course Code No: Law 454
 Duration of the Course: One Year (125 hrs)
 Year: III

Full Marks: 100
 Pass Mark: 45%
 Level : B.A.LL.B.
 Nature: Compulsory

Course Objectives:

The Main Objectives of this course are:

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

Unit I : Introduction of the law of Property:

1. Meaning of the term property
2. Theories of property
3. Kinds of property
4. Concept of Ownership

Unit II : Modes of Acquisition and Transfer of Property.

Unit III : Constitutional Position of Property Rights in Nepal

Unit III : Property Law in Nepal (Critical Study of Relevant Provisions of the Following Chapters of Muluki Ain):

1. Kalyandhan (Hidden Treasure)
2. Guthiko (Legal provisions on Trust).
3. Jagga Aawad Garneko (Legal Provisions on Land Cultivation)
4. Jagga Pajaniko (Legal Provisions on Land Arrangement)
5. Jagga Michneko (Legal Provisions on Land Encroachment)
6. Ghar Banauneko (Legal Provision on House Construction)
7. Lognae Swasniko (Legal Provisions on Husband and Wife)

8. Aamsa Bandako (Legal Provisions on Partition)
9. Striaams Dhanko (Legal Provisions on Women's Property)
10. Dharma Putra, Dharma Putriko (Legal Provisions on Adoption)
11. Apputaliko (Legal Provisions on Succession)
12. Lenden Byabaharko (Legal Provisions on Money Lending Transactions)
13. Registrasanko (Legal Provisions on Registration of Deeds)
14. Dan Bakasko (Legal Provisions on Charity and Gift)

Unit IV : Traditional Land Tenure System in Nepal:

1. Birta (Privileged Land Ownership)
2. Guthi (Institutional Land Ownership)
3. Jagir (Land assignment System)
4. Kipat (Communal Land Ownership)
5. Jamindari and Talukdari (Feudalistic Land Ownership)
6. Rakam (Labour Land Ownership)
7. Ukhada (Tenancy of Jamendary Land in Palhi-Majhkhand)
8. Mahajani (A system of Tenancy at will).
9. Rajya Rajauta (Abolished Feudatory States within the State of Nepal).
10. Raikar (Revenue payable Registered Land).
11. Khaokar (A land tenure system for occupying land zamindari)
12. Jhora (Reclaimed land in Eastern Terai).
13. Kharka (Pasture Land).

Unit V : Existing Laws on Land Redistribution and Land use:

1. Lands Act, 2021 and Rules
2. Guthi Corporation Act, 2033
3. Birta Eradication Act, 2016
4. Ukhada Act, 2021
5. Nepal Trust Act, 2064

Unit VI : Existing Laws on Land Administration and Measurement

1. Land Measurement Act, 2019 and Rules
2. Land Revenue Act, 2034

Unit VII : Land Acquisition Law:

1. Land Acquisition Act, 2034
2. Land Acquisition Rules, 2026

Unit VIII : Intellectual Property Law in Nepal:

1. Meaning
2. Kinds
3. Rights and Obligations
4. Remedies

Unit IX : Examination of Constitutional and Legal Rights of Property in Nepal

Unit X : Leading Cases:

1. Baburam Kurmi vs Kallu Kurmi, *NKP* 2046/96.
2. Kancha Ratna Tuladhar et.al. vs. Mayadevi Tuladhar, *NKP* 2043/915.
3. Kiran Mainali vs Mahamad Taukir Miya, *NKP* 2043/968.
4. Kuldip pd. Dhungel vs Hari Pd. Upadhyaya et.al., *NKP* 2045/17.
5. Loknatha Upadhyaya vs Devimaya Bhattarai et.al., *NKP* 2062/670.
6. Mithilesh Kumar Singh vs The Rt. Hon'ble Prime Minister et.al., *NKP* 2056/478.
7. Mouje Lal Yadav vs Rambaran Yadav, *NKP* 2046/1081.
8. Mrs. Ratna Keshari Udas vs. Land Revenue Dept. et. al., *NKP* 2043/1041.
9. Narayan Dutta Baral vs Chief Land Measurement Office, *NKP* 2045/590.
10. Narendra Bikram Thapa vs Guthi Corporation, Head Office, *NKP* 2045/590.
11. Padam Bahadur Bhandari et.al. vs Nepal Govt. et.al., *NKP* 2063/1021.
12. Padam Bahadur Karki vs Mankumari Basnet et.al., *NKP* 2061/212.
13. Padma Laxmi Rajbhandari vs. Krishna Chandra Devi Rana, *NKP* 2045/1225.

14. Pitambar Bhusal vs Krishna Raj Upadhyaya, (*NKP* 2038/No.3/1).
15. Punya Maya Bhattarai vs Land Revenue Office, Jhapa et.al., *NKP* 2041/1090.
16. Ram Krishna Pandit vs Nani Maiya Pandit, *NKP* 2047/258.
17. Sam Tuliya Devi et.al. vs. Maheshwor Shahu Kannu, *NKP* 2046/631.
18. Shatidevi Thapa vs Jagat Kumari Shah et.al., *NKP* 2035/133.
19. Suryaman Shrestha vs Amardevi Shrestha, *NKP* 2045/361.
20. Supreme Court, Leading Civil Cases
21. Tirthaman Shakya vs Jamuna Devi Shakya, *NKP* 2044/556.

Reading Materials:

Legal Texts (as amended)

1. Birta Eradication Act, 2016
2. Civil Code and Civil Procedure Code 2067, Nepal Government, Ministry Law and Justice
3. Copyrights Act, 2059 and Rules
4. Guthi Corporation Act, 2033
5. Land (Measurement) Act, 2019 and Rules
6. Land Acquisition Act, 2034 and Rules
7. Land Revenue Act, 2034
8. Lands Act, 2021 and Rules
9. Muluki Ain, 2020
10. Nepal Trust Act, 2064
11. Patent, Design and Trademark Act, 2022
12. The Interim Constitution, 2063.
13. Ukhada Act, 2021

Text Books:

1. Neupane, Gunanidhi *Property Law in Nepal*, Lumbini Prakashan, Kathmandu, (2064)
2. Shrestha, G.B. *Law of Property*, Pairavi, Kathmandu, (2050)
3. Shrestha, G.B. *Muluki Ain: A Commentary*, Pairavi, Kathmandu, (2064)

Reference Books:

1. Basnyat, Surendra Bir Singh, *House Land Related Law Precedents Principles (in Nepali)*, Renu Prakashan (2058)
2. Dr. Shanta Thapalia, *Family Law*, Kathmandu.
3. Fitzgerald, *Salmond on Jurisprudence*, (Latest Edition).
4. Karki, Bharat Bahadur Prof. Dr., *Teacher's Guide on Property Law*, CDC, T.U., (2000)
5. Menon, Krishna *The Law of Property*.
6. Regmi, M.C. *Land Ownership in Nepal*, Kathmandu, (1976)
7. Regmi, M.C. *Land Tenure and Taxation in Nepal*, Kathmandu, Ratna Pustak Bhandar, (1978)
8. Shah, S.M. *Lectures on Transfer of Property*.

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Methods of Legal Research and Writing

Course Title: **Methods of Legal Research and Writing** Full Marks: 50

Course No: Law 455

Duration of the Course: One Year (62 hrs)

Year: III

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives:

The objectives of this course are:

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

Unit I : Introduction

1. Meaning and types of research
2. Objectives of research
3. Meaning, nature and types of legal research
4. Importance of legal research
5. Forms and styles of legal writing

Unit II : Approaches to Legal Research

1. Historical research approach
2. Comparative research approach
3. Analytical research approach
4. Doctrinal and Non-doctrinal research approach

Unit III : Formulation of research problem and Research Proposal

1. Factors affecting problem selection
2. Criteria of a research problem
3. The Research Design
4. Formulating a research proposal

Unit -IV : Tools of Research

1. The surveys

2. The questionnaire and Schedules
3. The interview
4. Observation

Unit V : Data Collection and Treatment

1. Primary and Secondary Data
2. Processing and Analysis of Data
3. Interpretation and Presentation of data
4. Measurement and Scaling techniques

Unit VI : The Research Report

1. Idea of research report
2. Layout of the research report
3. Rules of Foot-notes and Bibliography

Prescribed Materials

1. Bhandari, Surendra, *Legal Research*, Kathmandu: Aath Rai Publication, (2050)
2. Belbase, Krishna, *Legal Research and Writing*, Kathmandu: Lumbini Publication, (2065)
3. Pradhananga, Rajit Bhakta, *An introduction to Legal Research and Methodology*, Kathmandu: Bhrikuti Academy, (2064)

Reference Materials:

1. Bailey, Kenneth D., *Methods of Social Research*, New York: The Free Press, (1978)
2. Goode William J. and Hatt, Paul K., *Methods in Social Research*, Mc Graw Hall, (1985)
3. Kothari, C.R., *Research Methodology; Methods and Techniques*, New Delhi: Wishwa Prakashan, (1995)
4. Verma S.K. and Wani M. Afzal (ed.), *Legal Research and Methodology*, Delhi: ILI, (2006)
5. Wolf and Pant, *A Handbook for Social Science Research and Thesis writing*, Second Edition, Kathmandu: P.R. Pant, (1999)

Evidence Law

Course Title: **Evidence Law**

Course No: Law 456

Duration of the Course: One Year (62 hrs)

Year: II

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

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

Unit I : Introduction

1. Meaning, nature, kinds, scope and importance of Evidence and the law of evidence.
2. Historical Development of the Law of evidence in Nepal.

Unit II : Basic Principles of Law of Evidence in Nepal

1. Evidence must be confined to the matters in issue.
2. Best evidence must be produced.
3. Hearsay evidence is no evidence.
4. He who asserts must prove.
5. Principle of Estoppel

Unit III : Facts which need or need not be proved

1. Meaning and concept of facts, facts in issue, and relevant facts.
2. Facts which need to be proved.
 - a. Facts in Issue
 - b. Relevant Issue
3. Facts which need not be proved
 - a. Formal admission
 - b. Judicial Notice
 - c. Presumption

Unit IV : Evidences when admissible and inadmissible

1. Admissible Evidence

- a. Admission and Confession
 - b. Statement on the Spot
 - c. Dying Declaration
 - d. Statement by persons of special conditions
 - e. Facts recorded in Public documents
 - f. Facts recorded in Books of Account
 - g. Facts published in Books or Articles
 - h. Matters recorded in regular Statistics, Lists, Statements, etc.
 - i. Statement of witness in other cases.
 - j. Investigation document
 - k. Certificate, Report, other document; and any matter or material evidence (dashi) attested by witness.
 - l. Expert's opinion
 - m. Statement of witness
2. Inadmissible Evidence
 - a. Confession under threat, inducement etc
 - b. Statement expressed for the purpose of compromise
 - c. Character
 - d. Privileges.

Unit V : Classification of Evidence

1. On the basis of Relevancy: Direct and Circumstantial
2. On the basis of Physical Structure: Documentary, Oral and Material
3. On the basis of Probative Value: Primary and Secondary

Unit VI : Burden of Proof in Nepal

1. General Concepts
2. Rules of Burden of Proof under:
 - a. Evidence law
 - b. Corruption law
 - c. Drugs law
 - d. Woman's trafficking
 - e. Other laws.

Unit VII : Prescribed Leading Cases

1. Baldev Upadhyaya vs. Gita Bhattarai & others (Division Bench), *NKP* 2049 no. 6 p. 538
2. Devendra Shamshere J. B. R. vs. Late Lila Shamshere J.B.R. & others (Five Judges Full Bench) *NKP* 2045 no. 8 p. 743
3. HMG vs. Devi Maya Ranabhat (Division Bench) *NKP* 2057 no. 8 / 9 p. 685
4. HMG vs. Diwakar Pandit, (Division Bench), *NKP* 2060 nos. 1 / 2 p. 64
5. HMG vs. Kailash Mahato & others (Three Judges Full Bench), *NKP* 2057 no. 4 p. 268
6. HMG vs. Sahadev Singh Sikh & others (Division Bench) *NKP* 2032 no. 7 p. 175
7. Keshav Prasad Ghimire vs. HMG (Division Bench), *NKP* 2036 no. 4 p. 108
8. Megh Raj Raut vs. HMG (Five Judges Full Bench), *NKP* 2057 no. 2 p. 92
9. Miss Marshakal Kaski vs. Chief Custom Officer Shree Tribhuvan Airport Custom Office and others, (Division Bench), *NKP* 2034 no. 5 p. 134
10. Mona Sir Rain Kachary vs. Jeun Khatun (Division Bench), *NKP* 2048 no. 1 p. 8

Reading Materials

Prescribed

1. Osti, Prakash, *Evidence Law* (Praman Kanoon), Pairavi (2053)
2. Pradhanang, R.B, *A General Introduction to the Nepalese Law of Evidence*, Bhrikuti Academic Pub. (2061)
3. Shrestha, G.B., *Evidence Law*, Pairavi (2049)

Reference

1. Elliott, D.W. (ed) *Phipson and Elliott Manual of the Law of Evidence*, Universal Law publishing (1st Indian Reprint 2001)
2. Hon'ble Mr. Justice Chandrachud, Y.V. et.al(ed.), Ratanlal and Dhirajlal, *The Law of Evidence*, (21st ed. 2004)
3. Justice Nandan, D; (Rev), Chief Justice *M. Monir Principles and Digest of the Law of Evidence*, Universal Law Publishing (2004)
4. Ursekar, H.S. (Rev.), *M.Monir Law of Evidence*, The Universal Book Agency, Allahabad (2002)

Clinical Law I Alternative Dispute Resolution

Course Title: **Clinical Law I Alternative Dispute Resolution**

Full Marks: 50

Course No: Law 457

Pass Mark: 45%

Duration of the Course: One Year (62hrs)

Level : B.A. LL.B.

Year: III

Nature: Compulsory

Course objectives:

- The general objectives of Clinical Law course is to involve Students into the Practical Application of the Law, including the Procedural Technicalities of Pleading, Conveyancing, registration and other procedural requirement and significantly client interaction, negotiation, mediation and dispute resolution through simulation exercises.
- The Clinical Law I will focus on dispute resolution methods , Client interviewing and counseling, litigation planning, investigation Strategies, negotiation and mediation.

Course description and Evaluation

This course shall be conducted by assigned teacher having at least ten years of professional experience. The Campus Chief, In-Charge of Law or any other senior and experienced teacher designated by Campus Chief or in charge of law will be the Coordinator who is responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Tribhuvan University. A course outline and the number of students admitted in each academic session in this course will be announced by the Campus. A report of the works and experience of students will have to be submitted by students within the prescribed date at the end of academic session. This course carries 50 marks out of which 25 marks will be assessed by supervising teacher or institution and remaining 25 marks will be evaluated in viva-voce conducted by Campus.

Seminar I

Course Title: **Seminar I**
Course No: Law 458
Duration of the Course: One Year (62hrs)
Year: III

Full Marks: 50
Pass Mark: 45%
Level : B.A. LL.B.
Nature: Compulsory

Course Objectives

The main objective of Seminar is to familiarize the students with the process of finding a research oriented / objective solution on definite legal issues on law and justice through practical work. The students will choose the topic of seminar with the approval of Class Teacher within the specified date from the beginning of the class and then write, present and defend his finding of the seminar paper in the class. The students shall also continuously involve in the discussion in other's paper. The Campus may also assign one particular topic of Seminar for all the Students. If it will be so, then all the Students will devote whole year in that particular Seminar topic. By doing this, it is aimed that students will develop their capabilities and confidence in solving any legal & contemporary issues.

Course Description

The course is designed to give practical knowledge to students. Out of 50 marks allotted to this subject, 25 marks will be based on written seminar report including paper submitted at the end of the session for final evaluation (external). Out of remaining 25 marks, 15 will be assessed through internal practical evaluation and 10 marks will be reserved for viva voce. Internal evaluation of the students shall be done on the basis of standards and rules set by the Campus. In this subject, the Class Teacher shall, in the beginning, take introductory class for clarifying the objectives, modes and general instruction of seminar. Besides, the resource person may be invited by Class Teacher from among the persons listed in the rosters prepared by the Campus for the purpose of observing seminar presentation and discussion and to suggest for the improvement of the paper.

Election Law

Course Title: **Election Law**
Course No: Law 459
Duration of the Course: One Year (62 hrs)
Year: III

Full Marks: 50
Pass Mark: 45%
Level : B.A. LL.B.
Nature: Optional

Course Objectives:

The objectives of this course are:

- to give knowledge to students about general principle of the law of election and related provisions of the constitution.
- to acquaint students with various forms of election i.e. Majority, Proportional and Mixed systems.
- to spell out background and development of election law in Nepal.
- to acquaint students with basic election procedure as prescribed by law, and
- to familiarize students with modern trends, concepts and development in the field of election law.

Unit I : General Background:

1. Concept and forms of Representation.
2. Meaning and importance of Election
3. Meaning and nature of Election law
4. Idea of Adult Franchise

Unit II : Basic Concept:

1. An introduction to electoral systems – Direct and Indirect, Majority, Proportional and mixed systems.
2. Requirement of elections – Qualification of voters, Registration of voters, Delimitation of election districts (Constituencies), Voting process.
3. Bi-elections, recall and secret ballot system
4. Nature of Voting right

Unit III : Election Authorities:

1. Composition, power and functions of Election Commission.
2. Subsidiary bodies of Election Commission.
3. Appointment, power and function of polling officer, presiding officer and returning officers.

4. Role of Political parties in election.

Unit IV : Laws Relating to Election in Nepal:

1. History of Election Law in Nepal
2. Interim Constitution of Nepal, 2063
3. Election (Crime and Punishment) Act, 2063
4. Election Commission Act, 2063
5. Election Code of Conduct
6. Provisions for observation / Surveillance of election.

Unit V : Election Crime and Punishment:

1. Crimes relating to election
2. Punishment for election crimes
3. Election tribunal: Jurisdiction and trial
4. Safeguards for free, fair and impartial elections

Prescribed Cases

1. Mulchand Azad Vs. Madan Mohan Joshi, **NKP** (Reprint) 281 (2025)
2. Communist Party of Nepal V. Election Commission, 36 **NKP** 314 (2051)
3. Som Prasad Sapkota Vs. Election Commission, **NKP** 693 (2051)
4. Mangol National Organization V. Election Commission, 37 **NKP** 19 (2052)
5. Peshal Dahal and others Vs. Parliament Secretariat, 1 **NKP** 6 (2056)
6. Mihir Kumar Thakur and others Vs. Election Commission, 5 **NKP** 593 (2062)
7. Advocate Kamlesh Dwivedi Vs. PM and Secretariat of Council of Ministers, 7 **NKP** 827 (2064)

Text Books

1. Shrestha, K.M., *Election Law*, Kathmandu: Vidhyarthi Pustak Bhandar, (2050)
2. Basnet, L.B., *Election Law*, Kathmandu: Aath Rai Pustak Bhandar

References

1. Election (Crime and Punishment) Act, 2063
2. Election Commission Act, 2063
3. Interim Constitution of Nepal, 2063
4. IDEA, Forms of Election Systems, New Handbook of International IDEA, (2005)

International Air and Space Law

Course Title: **International Air and Space Law** Full Marks: 50
 Course Code No: Law 460 Pass Mark: 45%
 Duration of the Course: One Year (62 hrs) Level : B.A. LL.B.
 Year: III Nature: Optional

Course Objectives:-

The Main Objectives of this course are:

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

Unit I : Introduction:

1. Meaning scope and sources of International air and space law
2. Importance of International air and space law
3. Development of Air and Space Law (1910-1919 Paris Con., Madrid Con. 1926, Havana Con. 1928, Warsaw Con. 1929, Chicago Con. 1944)
4. Civil Aviation legislation in Nepal
5. International Air law convention to which Nepal is a party
6. Air Service agreement concluded by Nepal
7. Recent trends

Unit II : Air space:

1. Definition of air space
2. Sovereignty over air space
 - a. Nationality and registration of aircraft
 - b. International law and procedure on registration of aircraft

Unit III : Role and functions of ICAO:

1. Composition, role, functions, safety measures and settlement of International disputes
2. Features of Chicago Convention

Unit IV : Carriers' Liability:

1. Warsaw Convention 1929 and Hague Protocol 1955 and the Montreal Convention of 1999.
2. The Guadalajara Convention and Montreal Agreement on Nonscheduled carrier's liability
3. Nepalese experience on carrier's liability.

Unit V : Hijacking:

1. Meaning of aerial piracy/ unlawful seizure of Aircraft
2. Tokyo Convention
3. Hague Convention

Unit VI : Montreal convention

1. Nepalese law on hijacking with special reference to Tokyo, Hague, and Montreal Conventions.
2. Damage:
3. The Rome convention on damage caused by foreign aircraft to third parties on the surface 1952

Unit VII : Law of Outer space:

1. Definition
2. Distinction between air space and outer space
3. Doctrine of sovereignty
4. Liability for accident by objective in the outer space
5. Special protection to Astronaut disarmament in outer space
6. Outer space treaty to which Nepal is party.

Reading Materials**Text Books and Statutes:**

1. Airport Certificate Regulation, 2004.
2. Airport Charges Rules, 2058.
3. Aviation Policy, 2050 and 2063.

4. Aviation Security (Management) Rules, 2046.
5. Civil Aviation (Investigation of Accident) Rules, 1962.
6. Civil Aviation Act, 1959.
7. Civil Aviation Authority Act, 2053.
8. Civil Aviation Regulation, 1996 and 2002.
9. Draft of Airlines Liability Act, 2065.
10. Martin, Peter. et. al (eds), **Shawcross and Beaumont's Air Law**, Butterworths, London 1977.
11. Nepal Airlines Act, 1963.

References:

1. Ayner, Nancy D. *Aerial Hijacking as an International Crime*, Nijhoff, Leyden, (1974)
2. McNair, Lord. *The Law of Air*, London
3. Upadhyaya, Lakshman Prof. Dr. *Teachers' Guide for Teaching of International Air and Space Law*, Tribhuvan University Curriculum Development Centre, Kirtipur Kathmandu, (2000)
4. Wassenberge, H.A. *Aspects of Air Law and Civil Air Law Policy in the Seventies*, Nijhoff, (1970)

Refugee Law

Course Title: **Refugee Law**

Course Code No: Law 461

Duration of the Course: One Year (62 hrs)

Year: III

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Optional

Course Objectives:

The objectives of the course are:

- to Acquaint the students with the meaning, nature, scope and history of refugee law.
- to Familiarize the students with the International instruments relevant to refugees, asylum seekers and persons in refugee like situation.
- to Acquaint the students with various state practices in the treatment of refugees and asylum seekers.
- to Familiarize the students with the role and mandates of the UNHCR and other agencies in the protection of refugees.
- to Enable the students to contribute to the development of legal framework for refugee law in Nepal.

Unit I : Introduction:

1. Nature, sources, scope and history of refugee law.
2. Relations between human rights law, humanitarian law and refugee law.

I. Definition of Refugees:

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

Unit II : The concepts of asylum and the principle:

1. Rights of Asylum
2. Types of Asylum
3. Duties of the state of Asylum and Asylees
4. Principle of non-refoulement

Unit III : Status determination Procedure:

1. Review and comparison of state practices
2. Individual determination/prima facie determination
3. Loss of state (cessation and revocation)

Unit IV : International efforts for the protection of refugee and other persons in need of protection:

1. 1951 Geneva Refugee Convention and Protocol
2. OAU Convention
3. The Cartagena Declaration
4. Rights and Duties of Refugees
5. The Four Geneva Convention
6. The two convention of statelessness
7. General Human Rights Instruments
8. The U.N. General Assembly
9. And the Exom resolution

Unit V : International Organizations concerned with the refugees and other persons in need of protection:

1. The UNHCR
2. ICRC

Unit VI : New trends in Refugee Law:

1. Temporary protection
2. Safe country of origin and safe country of asylum
3. First country of asylum

Unit VII : Refugees in the world with particular reference to Asia including Nepal:

1. Complex humanitarian crisis the cases of Cambodia Somalia and former Yugoslavia
2. Rights and Duties of Refugees
3. Prospects for possible legal framework for refugee law in Nepal

Reading Materials

Prescribed

1. Atle, Grahi Maden. *The Status of Refugees and International Law*. Vol. 1 and 2, A.W. Leyden 1966.
2. Gowlland, Vera. and Samson, Klous. (eds) *Problems and Prospects of Refugees*, The Graduate Institute of International Studies, Geneva, 1992.
3. Guy, Goodwin. *The Refugees in International Law*, Oxford Clarendon Press, 1983 Gill.

Reference

1. AALCC, Combined Report 26-30th Sessions, New Delhi, AALCC Secretariat, 1992.
2. AALCC, Reports and Selected Documents of the Thirty Second Session, New Delhi, 1993, Chapter II on Refugees.
3. Bhandari, Surendra Dr. *Teaching of Refugee Law*, Tribhuvan University Curriculum Development Centre, Kirtipur, Kathmandu, 2000.
4. Hingorani, R.C. (ed) *Humanitarian Law*. New Delhi, Oxford & IBH, New Delhi, 1987.
5. Madsen, Grohi., Atle. *The Status of Refugees and International Law*, vol. 1 & 2 Leyden, 1996.
6. The Faculty of Law, T.U. & UNHCR (Nepal), *Proceeding of the World Conference on Refugee Law in Nepal: Prospects and Future*, Kathmandu 1994.
7. UNHCR, Collections of *International Instruments Concerning Refugees*, Geneva, 1979.
8. UNHCR, *The State of the World's Refugees*.

Gender and Inclusive Justice

Course Title: **Gender and Inclusive Justice** Full Marks: 50
Course Code No: Law 462 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A. LL.B.
Year: III Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

Unit I : Introduction

Concept of Justice: Meaning and Kinds.
Meaning, Nature, Kinds & Scope of Gender Justice.
Meaning, Nature & Scope of Inclusive Justice.
Rights of Women, Dalits, Indigenous/ethnic groups (Adivasi Janajati), Madhesi Communities and other groups.

Unit II : International Instruments relating to Gender and Inclusive Justice.

1. Universal Declaration of Human Rights 1948
2. International Covenant on Economic, Social and Cultural Rights 1966
3. International Covenant on Civil and Political Rights 1966
4. Optional Protocols to the International Covenant on Civil and Political Rights 1966.
5. Convention on the Elimination of All Forms of Discrimination against women 1979
6. Declaration of Violation Against Women 1993

7. International Convention on the Elimination of All Forms of Racial Discrimination 1965 & its optional protocols.
8. Convention on the Rights of Persons with Disabilities and optional Protocol (RPD 2006).
9. Convention on Indigenous and Tribal People 1989 (ILO Convention 169).
10. Declaration on Indigenous Peoples, 2007.

Unit III : Laws relating to Gender Justice in Nepal

1. Constitutional provisions on Gender Justice.
2. Civil law provisions on Gender Justice (property, employment, reputation, reproductive health, and status)
3. Criminal Law provisions on Gender Justice (Domestic violence, rape, sexual harassment, trafficking, dowry, witchcraft)

Unit-IV: Inclusive Justice: Right of the Dalits, Indigenous/Ethnic groups, Madhesi communities & other groups (Differently abled, senior citizens & internally displaced persons) in Nepal

1. Constitutional & legal provisions against untouchability
2. Constitutional and legal provision on the rights of indigenous/ethnic groups (Adivasi Janajati)
3. Constitutional and legal status of Madhesi communities
4. Constitutional and legal rights of Differently able (Differently abled), Senior Citizens and Internally Displaced Person
5. Need for a comprehensive law on inclusive justice.

Unit V : Role of Judiciary in upholding Gender & Inclusive Justice in Nepal.

1. Babu Krishna Maharjan V Office of the Council of Ministers ,Writ No. 3666 of 2061
2. Lal Bahadur Nepali et.al V Secretariat of Council of Ministers, *NKP*. 2061, No. 4
3. Man Bahadur B.K. V. HMG/Nepal, Writ No. 2506 of 2049
4. Meera Dhungana V. HMG/ Ministry of Law Justice and Parliamentary Affairs *NKP* 2052, vol. 6, p. 462

5. Meera Dhungana V. HMG/MLJPA, Writ No 110 of 2059 B.S.
6. Ratna Bahadur Bagchand V.HMG, Writ No.46 of 2061
7. Resma Thapa V HMG/Nepal, Writ No 2891 of 2058
8. Sapana Pradhan Malla V. HMG/Nepal, Writ No 34 of 2060
9. Sita Acharya V Public Service Commission, Writ No. 3975 of 2056
10. Sudarshan Subedi V.Secretariat of Council of Ministers, *Some Important Precedents relating to Public Welfare established by Supreme court* (2015-2062), part 8,2063,p.171

Prescribed Books

- 1) National Judicial Academy, *Laingik Nyaya: Shrot Samagri* (Nepali version), Kathmandu, (2062 B.S.)
- 2) Siwakoti, Gopal 'Chintan' (edt.), *Manab Aadhikar Sambandi Sorbocha Aadalatka Faisalahaaruko Tippani*, T.U. Manab Aadhikar Kendra, Faculty of Law, (2059)
- 3) Siwakoti, Gopal 'Chintan' (edt.), *Nepalma Manab Aadhikar tatha Kanuni Upachar*, T.U. Manab Aadhikar Kendra, Faculty of Law, (2059)
- 4) Steiner H.J. & Alston P., *International Human Rights in Context*, Oxford, (2000)
- 5) Supreme Court, **Leading Constitutional Cases**

Reference:

1. Acharya M, *Efforts of Promotion of Women* in Nepal, TPFM/FES (2003)
2. Acharya M, *Gender Equality and Empowerment of Women*, Kathmandu, UNFPA, (1997)
3. Beijing Platform for Action and Beijing Declaration 1995.
4. Belbase,K.,*Bridhdahaarooko Hak, Hit Yabam Surakshhyako Prsna Ra Nepalma Tatsambandhi Byabastha*, A Mini Research Report Saubmitted to Faculty Of Law,T.U., (2057)
5. Bhasin K. *Understanding Gender*, New Delhi, Kali for Women, (2000)
6. Bhasin K., *What is Patriarchy*, New Delhi, Kali for Women, (1993)

7. Bhattarai S.K. and Koirala U, *Sarbochha Adalatbata Jari Bhayeka Nirdeshanatmak Aadheshharuko Karyanowyanko Abastha* (In Nepali), N.J.A, Kathmandu, (2063 B.S.)
8. CBS, *Population Monograph of Nepal*, Kathmandu, (2003/04)
9. Convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of others (1949)
10. Convention on the Nationality of Married Women 1957
11. Convention on the Political Rights of Women 1952
12. Convention on the Rights of the Child 1989.
13. HMG/MWCSW, *National Plan of Action for Implementing CEDAW*, Kathmandu, (2004)
14. HMG/MWCSW, *National Plan of Action of Gender Equality and Women Empowerment*, Kathmandu, HMG/MWCSW, (2004)
15. Human Trafficking Control Act, 2064 B.S.
16. *Ibid*, *Mahila Adhikarko Sandarbhamo youn Tatha Prajanan Swasthya Sambandhi Adhikar Ra Nepalma Yasko Sthiti*, A Mini Research Report Submitted to Faculty Of Law, T.U., (2057)
17. *Ibid*, *Violation against women and Efforts of its Elimination*, A Research Report submitted to UGC.
18. ILO Convention (No. 100) Concerning Equal Remuneration for Men and Women Workers for work of Equal Value 1951.
19. Interim Constitution of Nepal, (2063)
20. Kaplan T., "Women's Rights and Human Rights; Women as Agents of Social Change" in Marjorie Agosin (edt.) *Women Gender and Human Rights: A Global Perspective*, New Delhi, Rawal Publications, (2003)
21. Kapur R. and Crossman B. "On Women Equality and the Constitution: Through the Looking Glass of Feminism" in NRM Menon (edt.) *National Law School Journal*, Special Issue on Feminism and Law, Vol. 1, Bangalore, NLSI University, (1993)
22. Karki, Bharat Bahadur Prof. Dr. "Impact of Conflict on Dispensation of Justice", *The Telegraph*, vol. 23, No 36 November 8, Wednesday (2006)
23. Karki, Bharat Bahadur Prof. Dr. "Role of Judiciary in Upholding Justice" *The Telegraph*, vol. 23, no. 39, Nov. 29, Wednesday (2006)
24. Khanal B., *Human Rights and Development*, Kathmandu, Manjusha, (2006)
25. Koirala, A.P., "Violation of Human Rights of People of Disabilities in Nepal" *Disabled Empowerment*, National monthly, Kartik (2061)
26. Malla S.P., *Baseline Study of Inheritance Right of Women*, Kathmandu: FWLD, (2000)
27. Malla S.P., *Discriminatory Laws Against Women: An update Study*, Kathmandu: FWLD and The Ford Foundation, (2007)
28. Malla S.P., *Special Measures for Women and their Impact*, Kathmandu, Forum for Women, Law and Development, (2003)
29. Muluki Ain.
30. Nepal Government, *Nepal Government's 3 years Interim Plan*, (2007)
31. Sangroula, Y. and Pathak, G., *Gender and Laws: Nepalese Perspective*, Kathmandu: Pairavi Prakashan, (2002)
32. Sharma P., et. al, *Laingik Nyaya Sambandhi Muddhaharuko Sangalo (Collection of Gender Justice Cases)* Kathmandu, Unijem and Pro-public, (2060 B.S.)
33. Social Welfare Act, 2049 B.S.
34. Thapalia S, "Vaivahik Valatkar : Kanoonko Samsodhan Aabasyak" (In Nepali), *Prachi*, Vol 52 (2004.)
35. Thapalia S. and Subedi N, "Male Culture of Law: An Instrument of Oppression of women", *Nepal Law Review*, vol. 19, no 1 and 2, Kathmandu, Nepal Law Campus, (2006)
36. West R., "Jurisprudence and Gender" in Smith (edt.) *Feminist Jurisprudence*.

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
5. **NJA Journal**, National Judicial Academy
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Law, Poverty and Development

Course Title: **Law, Poverty and Development** Full Marks: 50
Course No: Law 463 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A. LL.B.
Year: III Nature: Optional

Course Objectives:

The objectives of this Course are:

- To impart basic knowledge about the concept of poverty and development.
- To acquaint the students with the poverty reduction and development plan, policies and programmes.
- To enable the students to understand the international responses to reduce poverty and ensure development.
- To give knowledge of Nepalese Laws to contribute to development by responding poverty.

UNIT I : Concept of Poverty

- 1 Meaning and Definition of Poverty
- 2 Forms of Poverty
- 3 Identification and Measurement of Poverty
- 4 Poverty and Impoverishment
- 5 Determinants of Impoverishment
- 6 Causes of Poverty

UNIT II : Basic Rights of the Poor:

- 1 Right to Food
- 2 Right to Housing
- 3 Right to Employment
- 4 Right to Education
- 5 Compensation and Insurance Scheme
- 6 Social security system
- 7 Assistance in cases of Unemployment, Old age, Sickness, Disablement and Maternity

UNIT III : Measures of Poverty Reduction:

- 1 Global Response
- 2 Regional Response

- 3 Bi lateral Response
- 4 World Bank, ADB and other Financial Organizations

UNIT IV : Poverty Reduction in Nepal:

- 1 Causes of Poverty
- 2 Legal Arrangements for Poverty Reduction in Nepal
- 3 Poverty Reduction Strategy of the Government of Nepal
- 4 Judicial Initiatives
- 5 Role of Foreign Aid in Poverty Reduction of Nepal

UNIT V : Development:

- 1 Concept and Meaning of Development
- 2 Criteria of Development
- 3 Development and Poverty Reduction
- 4 Sustainable Development
- 5 Law and Development

Reading Materials:

1. Baxi, U. (ed.), **Law and Poverty**, Tripathi (1988)
2. Bista, Dor Bahadur, **Fatalism and Development; Nepal's Struggle for Modernization**, Kolkata: Orient Longman Pvt. Ltd. (2008)
3. Bongartz, Heinz, Dahal, Dev Raj, **Development Studies; Self-Help organizations, NGOs and Civil Society**, Kathmandu: NEFAS/ FES (2008)
4. Calvert, Harry, **Social Security Laws** (1978)
5. **Eighth Five Year Plan (1991-96)**
6. Leela Krishnan, P. et al, (eds.), **Tribal Welfare; Law and Practice**, Cochin University Department of Law (1985)
7. Murphy, A.W. et al, **Law and Poverty**, Tripathi (1973)
8. **Nepal Human Development Report** (relevant issues)
9. **Ninth Five Year Plan** (1997-2002)
10. Saxena, D.R., **Tribals and the Law**, New Delhi: Deep and Deep Publications (1997)
11. Sen, Amratya, **Development and Freedom**, New Delhi, 2000.
12. **Tenth Five Year Plan (2002-2007)**
13. **The Millenium Development Goal, 2002**

Administrative Law

Course Title: **Administrative Law** Full Marks: 100
Course No: Law 551 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A. LL.B.
Year: IV Nature: Compulsory

Course Objectives

The main objectives of this course are:

- The Nature and Function of Administrative Law
- The role of Administrative Law in control of abuse of power
- The kinds of Administrative actions and means of control
- The institutions and means of enforcement of administrative law

Unit I : Introduction

1. Definition, Nature, Scope, Importance and Sources of Administrative Law
2. Relationship between constitutional law and administrative law
3. Good governance and role of administrative law

Unit II : Basic Doctrines of Administrative Law

1. Rule of law
2. Separation of powers and checks and balance

Unit III : Classification of Administrative Actions

1. Need for the classification
2. Distinction between Legislative, Executive, Judicial and Quasi-judicial functions

Unit IV : Delegated Legislation

1. Meaning, Scope, Importance and Types of Delegated Legislation
2. Reasons for the Growth of the Delegated Legislation
3. Limitations on delegated legislation
4. Control over the delegated legislation: (Parliamentary, Judicial, procedural and other control mechanisms)

Unit V : Principles of Natural Justice

1. Meaning, Nature and Scope of Natural Justice
2. Limbs of Natural Justice
3. Nemo Judex in Causa Sua
4. Audi Alteram Partem

Unit VI : Quasi Judicial Bodies and Administrative Tribunals

1. Meaning, Nature, Structure, Functions and Procedure of Quasi-judicial Bodies
2. Reasons for the growth of the Quasi-judicial bodies
3. Meaning, Nature and Functions of Administrative Tribunals
4. Control over Administrative Adjudication

Unit VII : Administrative Discretion and Judicial Control

1. Nature of Administrative Discretion
2. Judicial Control over administrative discretion
3. Remedies available to the citizens against abuse of administrative discretion through Writs

Unit VIII : Ombudsman

1. Introduction
2. Authority of Ombudsman
3. Complains, Investigations (with reports) and decisions
4. Powers and Function of Commission for Investigation of Abuse of Authority
5. Independence and Integrity of Commission for Investigation of Abuse of Authority

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

Text-Books

1. Dr. Dahal, Gopal Prasad, *Public Interest Litigation*(in Nepali) (2065)
2. Jain & Jain, *Administrative Law*
3. **Kanoon Tarjuma Digidarshan**, Nepal Government, Nepal Law Commission (Cabinet Approval on 2066/4/19 B.S.)

4. **Kanoon Tarjuma Sambandhi Abadharanatmak Pachyaharu,**
Nepal Law commission, Kanoon Tarjuma Digdarshan Bikas
Ayojana
5. Khanal, Dr. Shambhu.P, *Administrative Law*
6. Massey, I.P, *Administrative Law*
7. Pandey, Keshav Raj, *Administrative Law*(in Nepali), Ramesh
Silwal (2065)
8. Sangroula, Dr. Yuba Raj, *Administrative Law*
9. Sathe, S. P, *Administrative Law*
10. Wade, HRW, *Administrative Law*

Family Law

Course Title: **Family Law**

Course Code No: Law 552

Duration of the Course: One Year (125 hrs)

Year: IV

Full Marks: 100

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to spell out the background and development of family (single and joint) and evaluate the causes of dissolution of joint family system.
- to acquaint the students with the comparative knowledge of the Nepalese, Indian, American and the English family law in brief.
- to familiarize the students with the leading Family law cases of Nepal.

Unit I : Introduction

1. Concept and Scope of Family law
2. Historical development of Family law of Nepal.
3. Impact of gender justice in the Nepalese Family Law.

Unit II : Marriage

1. Concept of Marriage.
2. Condition of Marriage.
3. Nullity of Marriage.
4. Punishable Marriage.
5. Justifiable Marriage.
6. Custom and usage pertaining to marriage in Nepal.

Unit III : Civil Marriage

1. Conditions for a valid civil marriage.
2. Procedural requirements.

Unit IV : Husband and Wife

1. Right to Company.
2. Separation of husband and wife.
3. Restriction of conjugal rights.
4. Grounds of divorce.

5. Divorce suit.
6. Reunion of divorced husband and wife.
7. Child custody.
8. Status of children.
9. Maintenance and support for children.

Unit V : Adultery and Jari:

1. Concept of Adultery and Jari.
2. Distinction between Adultery, Jari and Bigamy.
3. Punishments.

Unit VI : Adoption:

1. Concept and scope of Adoption.
2. Adoption in Traditional Hindu Law.
3. Conditions of adoption.
4. Status of Adopted Son.
5. Conditions for invalidating adoption.
6. Adoption by foreigners.
7. Adopted daughter.

Unit VII : Partition

1. Concept and scope of Partition.
2. Ancestral Joint Property and Personal Property.
3. Joint family and coparcenary.
4. Gender equation in Partition.
5. Rights and duties of Manager or Karta.
6. Procedure of Partition.
7. Mano Chhuttine (Partition of Kitchen) separation.
8. Maintenance Jiuni.
9. Reunion of Families.

Unit VIII : Women's property (Istri Dhan)

1. Meaning of women's property
2. Kinds of women's property
3. Succession of women's property

Unit IX : Inheritance (Aputali)

1. Meaning of Inheritance

2. Inheritance in classical Hindu Law
3. Daughter's right in inheritance
4. Other's right in inheritance

Unit X : Family court:

1. Concept of Family Court.
2. Scope of Family court.

Unit XI : Leading Cases:

1. Babu Lal Saha vs. Ram Babu Sahi, *NKP* 2045/96, No. 2, Decision no.3352.
2. Chijkaji Gurung vs Aashmaya Gurung, *NKP* 2055/30 No.1, Decision No. 6494
3. Chitra Khadka et.al. vs Puspa Kumari Khadka, *NKP* 2058/178, No. ¾, Decision No. 6991
4. Ganga Prasad Bhattarai vs Pusparaj Bhattarai, *NKP* 2056/760, No. 10, Decision No. 6799
5. Kaushalya Devi Ghimire vs Parbati Devi Pandey, *NKP* 2048/745
6. Meera Kumari Dhungana vs. HMG, *NKP* 2052/462, No. 6
7. Meera Kumari Dhungana vs. Ministry of Law, Justice and Parliamentary Affairs, writ no.3392/2050.
8. Narendra Mulmi vs Krishna Mulmi, Sc. *NKP* 2060/700, No. 10, Decision No. 7265
9. Purna Sunwar vs Indra B. Bhandari, *NKP* 2052/647, No. 8, Decision No. 6046
10. Ratna Sambhab Tuladhar vs Sonam Tuladhar, *NKP* 2041/425, No. 5, Decision No.1987
11. Trithaman Shakya et. al. vs Jamuna Devi Shakya, *NKP*, 2044/555, No. 5

Prescribed Reading (as amended)

1. Gender Justice Act, 2063.
2. Muluki Ain, 2020 (relevent chapters).
3. The Interim Constitution, 2063.

References:

1. Civil Code and Civil Procedure Code 2067, Nepal Government, Ministry of Law and Justice
2. Nandan, D., *Marriage, Divorce and Hindu Law*, Allahabad, (1989)
3. Shrestha, Gyendra B., *Law of Property*, Pairavi, Kathmandu, (2050)
4. Shrestha, Gyendra B., *Muluki Ain, A commentry*, Pairavi, Kathmandu, (2056)
5. Subedi, Mudhusudhan, *History of Hindu Marriage*, (in Nepali), Published by Ms. Sanumaiya Subedi, (2056)
6. Subedi, Mudhusudhan, *History of The Aran Marriage-A Sacrament*, Published by Sanumaiya Subedi, (2066)
7. Thapalia, S., *Family Law of Nepal* (Nepali version), Kathmandu, (2046)
8. UNIFEM/Pro Public, *A compendium of Gender Justice Cases*, Pairavi, Kathmandu, (2060)

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Bar Council Nepal.
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Environmental Law

Course Title: Environmental Law	Full Marks: 100
Course No: Law 553	Pass Mark: 45%
Duration of the Course: One Year (125 hrs)	Level : B.A. LL.B.
Year: IV	Nature: Compulsory

Course Objectives

The Main Objectives of this course are:

- to Impart the students with the basic knowledge of environmental law and principles.
- to Acquaint the students with the different aspects of international environmental law.
- to Familiarize the students with the history and existing environmental law of Nepal.

Unit I : Introduction

1. Meaning, nature and scope of environmental Law
2. Global, Regional and National Environmental Problems and issues: Loss of biological diversity, disappearance of species, climate change, global warming, green house effect, depletion of ozone layer, acid rain and Pollution etc.
3. Principles of Environmental law
 - a. Polluter pays principle
 - b. Precautionary principle
 - c. Public trust doctrine
 - d. Sustainable development
 - e. Responsibility not to cause environmental damages
 - f. Principles of Preventive Action
 - g. Principles of Good Neighborliness and International Cooperation
 - h. Principles of Common but Differentiated Responsibility
 - i. Environmental Impact Assessment
 - j. Other Principles

Unit II : International Environmental Law

1. Meaning, nature, kinds and sources of International Environmental Law 1 Period
- 2.. Brief Introduction on Global Conferences
 - a. United Nations Conference on Human Environment 1972 (Stockholm)
 - b. UNCED 1992 (Rio)
 - c. WSSD 2002 (Johannesburg)
3. Selected Multilateral Environmental Agreements (MEAs)
 - a. Convention on International Trade in Endangered Species (CITES) 1973
 - b. Ramsar Convention 1972
 - c. Convention Concerning the Protection of the world Cultural and Natural Heritage 1972
 - d. Vienna Convention on Ozone Layer Depletion (1985)
 - e. Montreal Protocol (1987) and subsequent amendments
 - f. Trans-boundary Movements of Hazardous Wastes (1989)
 - g. Framework Convention on Climate Change (FCCC) 1992 and Kyoto Protocol (1997)
 - h. Convention on Biological Diversity 1992 and Bio safety Protocol 2000
 - i. Agenda- 21 1992
 - j. Convention Against Desertification 1994
 - k. Other environmental treaties to which Nepal has become a party
 - l. Convention on Non-navigational uses of International Water Courses 1997
 - m. Treaty Banning Nuclear Weapons Tests 1963
 - n. Outer space Treaty 1967
 - o. Other treaties to which Nepal is a party

Unit III : International Environmental Institutions

1. United Nations Environmental Program (UNEP)
2. Commission on Sustainable Development (CSD)
3. Global Environmental Facility (GEF)
4. Conference of Parties and other bodies formed under MEAs
5. Other International Institutions

Unit IV : Regional Approach for the Protection of Environment:

1. South Asian Association for Regional Cooperation (SAARC)
2. South Asia Cooperative Environment Programme (SACEP)
3. International Center for Integrated Mountain Development(ICIMOD)

Unit V : Environmental Laws of Nepal

1. Brief History of Environment Protection in Nepal
2. Constitutional Provision and Environment
- 3, Policy of Nepal Government for the Protection of Environment
 - a. National Conservation Strategy
 - b. Nepal Environmental Policy and Action Plan
 - c. EIA Guidelines
 - d. Periodic Plans
 - e. Industrial Policy
4. Chapters of National Code : Muluki Ain 1964 (2020B.S.)
 - a. Of fire
 - b. Of Animals
 - c. Of Lands
 - d. Other Provisions
5. Forest Law
 - a. Forest Protection (Special arrangement) Act 1967
 - b. Plant Protection Act, 1982
 - c. Soil and Watershed Conservation Act 1982
 - d. Forest Act 1992
 - e. Forest Regulations
6. Wildlife and Biological Diversity Law
 - a. National Parks and Wildlife Conservation Act 1972
 - b. Rules regarding to the conservation of National Parks i.e. Chitwan National Park Rules, Royal Bardiya National Parks Rules etc.
 - c. Conservation Area Management Regulations
 - d. Aquatic Animals Protection Act 1960 (2017)
7. Cultural Heritage Law
 - a. Ancient Monuments Protection Act. 1956 (2013)
 - b. Lumbini Development Fund Act 1985 (2042)
 - c. Pashupati Area Development Fund Act 1987 (2044)
 - d. Guthi Corporation act 1977 (2033 B.S)

8. National Heritage Law
9. Water Resource Law
 - a. Soil and Watershed Conservation Act 1982 (2039)
 - b. Drinking Water Corporation Act 1983 (2040)
 - c. Water Resources Act. 1992 (2049) and its regulation
 - d. Electricity Act 1992 (2049)
10. Pollution Prevention and Control Law
 - a. Solid Waste (Management and Resource Mobilization) Act 1987 (2044)
 - b. Tourism Act 1988 (2045)
 - c. Industrial Enterprises Act 1992 (2049)
 - d. Labour Act 1990 (2048) Chapter 5. Sec. 27-36
 - e. Mining and Minerals Act 1985 (2042)
 - f. Local Self Governance Act 1998
 - g. Local Self Governance Regulation 1999
 - h. Petroleum Act, 2040 B.S.
11. Environment Protection Act and Rules (1996 and 1997) 1 Period
12. Other Laws
13. Institutional and Environmental Protection in Nepal
14. Judiciary and Environmental Protection in Nepal
15. Environmental Impact Assessment Law
16. Recent Trend on Environmental Law

(Decisions of the Supreme Court in selected Cases.)

1. Advocate Bharat Mani Gautam Vs. HMG Council of Ministers Secretariat, and others *Supreme Court Bulletin* year 10 No. 13 Vol 223 pp.10-12 (2058)
2. Advocate Bharat Mani Gautam Vs. HMG Council of Ministers Secretariat, and others- 2056-2-31 Prakash Mani Sharma et.al. (edi), *Compendium of Cases relating to Environment*, Pro-Public, pp.283-289
3. Advocate Bhojraj Iiyer on behalf of Pro-Public Vs. HMG Ministry of Population and Environment, *Supreme Court Bulletin* year 11, No. 1, Vol 235, P. 10 (2059)
4. Advocate Prakash Mani Sharma vs. Council of Ministers and others, *NKP* vol. 39, No. 6, pp312-322, (1997)

5. Gopal Shiwakoti 'Chintan' et al vs. Ministry of Finance (Arun III case), *NKP*, No. 4 (2051 B.S.)
6. Prakash Mani Sharma et. al. vs. HMG, Ministry of Population and Environment et. al. (Setting Pollution Standard), Writ No.3429, decision date 2062-09-04 (17-12-2008). *Some Important Precedents of the Supreme Court relating to Public Welfare*, Vol.08, Supreme Court (2006)
7. Surya Prasad Dhungel vs. Godavari Marble Industries, *NKP Golden Jubilee Special Issues* pp.132-150, 169, (2052)
8. Yogi Narahari Nath vs. HMG Ministry of Education and others *NKP* Vol. 38 No. 1, pp.33-49, (1996)

Prescribed

1. Belbase, Narayan *The Implementation of International Environmental Law in Nepal* IUCN- The World Conversation Union Kathmandu Nepal, 1997
2. Belbase, Narayan (ed.) *Environmental Law and Justice, IUCN, Forum for Justice Nepal*, 2055
3. Leelakrishnan P., *Environmental Law in India* New Delhi; Butterworths: 1999
4. Singh Gurdip, *Environmental Law: International and National Perspectives*, Lawman India Pvt. Ltd. New Delhi 1995

References

1. Adhikari, Pravakar "Environmental Protection Issues related to Civil Aviation", *Nepal Law Review*, Vol. 15, No. 1/2 (2002)
2. Ancient Monument Act 2013
3. Aquatic Protection Act 2017
4. Belbase, Dr. Lekhnath *et.al. Jaibik Bibidhata Samrakshan Shrot Sangalo*, Pro-Public (2057)
5. Bhattarai, Anand Mohan (Dr.), **Protection of Himalayan Biodiversity International Law and Regional Legal Framework**, Mandala Book Point, Kathmandu 2010.
6. Birnie, Patrica and Allan Boy Ley, *Internatioanl Law and the Environment* (Oxford Clarendon Press 1972)
7. Desai Bharat, *Environmental Laws of India Basic Documents* (New Delhi: Lancers, 1994)
8. Drinking Water Corporation Act, 2040

9. Electricity Act, 2049
10. Environment Protection Act 2053 and Environmental Protection Rules 2054
11. Forest Act, 2049
12. Industrial Enterprise Act, 2049
13. IUCN, UNEP, WWF, *Caring for the Earth: Strategy for Sustainable Living* (Switzerland: IUCN, UNEP, WWF, 1991)
14. Local Self-government Act 2055 and its rule 2056
15. Lumbini Development Fund, 2042
16. Mine and Mineral Act, 2042
17. Muliki Ain, Aago Lagauneko Mahal, Chaupayako Mahal, Pashu Karani ko Mahal.
18. National Parks and Wildlife Protection Act, 2039 and different rules
19. Nature Conservation Fund Act, 2039
20. Pant, Amber Prasad Dr., *et.al.*, Teacher's Guide on Environmental Law (LL.B.), CDC, TU (2000)
21. Pashupati Area Development Fund 2044
22. Plan, Policies and programs of Government of Nepal
23. Private Forest Nationalization Act, 2013
24. Rosencranz, Armin, *et. al.*, *Environmental Law and Policy in India Cases, Materials and Statutes*, 2001 Tripathi, Bombay India,
25. Sharma Prakashmani *et. al.*, *Collection of Environmental Cases* (In Nepali), Pro-public (2057)
26. Soil and Watershed Conservation Act, 2039
27. Solid Waste and Resource mobilization Act 2044
28. The Interim Constitution of Nepal 2063
29. Tourism Act, 2045
30. Water Resources Act, 2049

Note: The students are required to keep well informed of the latest Constitution, Acts, Rules, precedents and reading materials in the respective subject area.

Criminology and Penology

Course Title: Criminology and Penology	Full Marks: 50
Course Code No: Law 554	Pass Mark: 45%
Duration of the Course: One Year (62 hrs)	Level : B.A. LL.B.
Year: IV	Nature: Compulsory

Course Objectives

The objectives of this course are:

- To impart knowledge of Crime, Criminology and Penology.
- To familiarizes the student about various causes of crime and reaction to crime.
- To impart the knowledge of concept and various theories of the punishment.
- To give the knowledge regarding reformation and rehabilitation of offenders in his society.
- To familiarize the student about basic concept of Sentencing

Course Contents

Part 1: Criminology

Unit I : Introductory:

1. Concept of Criminology
2. Study method of Criminology
3. Concept and Classification of Crime
4. Concept and Classification of Criminal
5. Concept, Nature and Purpose of Criminal Law and Criminal Justice
6. Modern Trends to Criminology
7. Interrelation between Criminology, Penology and Victimology

Unit II : Schools of Criminology:

1. Traditional Schools
2. Biological School
3. Psychological School
4. Economic School

5. Sociological School
6. Radical School
7. Feminist School
8. Multiple Causations of Crime

Unit III : Factors in Crime

1. Personal Factors
2. Family
3. School
4. Environmental Factors
5. Peer Group
6. Neighborhood
7. Media and Movies

Unit IV : The Police

1. Goals, Objectives and Functions of Police Organization
2. Role of police in Prevention of Crime
3. Police and Investigation of Crime
4. Police and protection of Crime Victim
5. Police and protection of Offender
6. Development of Police organization In Nepal

Part 2: Penology

Unit V : Reaction to Crime

1. Concept of punishment
2. Approaches of Punishment
 - a. Punitive Approach
 - b. Therapeutic Approach
 - c. Preventive Approach
3. Theories of Punishment
 - a. Retributive Theory
 - b. Deterrent Theory
 - c. Rehabilitative/Reformative theory
4. Types of Punishment
 - a. Capital Punishment
 - b. Corporal Punishment
 - c. Other forms of Punishment

Unit VI : The Prison System and Its Alternatives:

1. Historical Development of Prison System
2. Prison Reform
3. Alternative to Prison System
 - a. Probation and Parole
 - b. Community Service
 - c. After care Programme
4. The Nepalese Prison System
5. Defect Underlying the Prison System

Unit VII : Sentencing System

1. Concept of Sentencing
2. Difference between Conviction and Sentencing
3. Stages of Sentencing
4. Nepalese Sentencing Policy

Leading Cases:

1. Bhim Bdr. Pariyar et. al. Vs. HMG, *Supreme Court Bulletin*, No. 17, Year 12 (2060) p18.
2. *Govinda Bahadur Karki V. Government of Nepal*, NKP, 2065, No. 11, p. 1369
3. *HMG Vs. Gorden William Robinson*, Drugs case, NKP, 2061 D. No.7421, P. 980.
4. *HMG Vs. Samjhana Lamichane*, (Murder; Infanticide), NKP 2060; D. No. 3907; P.8366.
5. *Krishna Bdr. Rana Vs. HMG*, (Mandamus), Rehabilitation to victim; Case No.3257; D. D. 2061/9/6. (Unpublished)
6. *Resma Thapa Vs. HMG*, (Mandamus), inhumane behavior as Witch, *NKP* 2062, Vol 2, p. 205.
7. *Shanti B.K. V. Government of Nepal*, NKP, 2061, No. 6, p. 769
8. *Walter Roland Vs. HMG*, Case: Counterfeiting, C. No. 3103, D.D. 2061-1-11. (unpublished)

Reading Materials

Prescribed

1. Acharya, Madhav P., *Criminology* (In Nepali). Kathmandu: Ratna Pustak Bhandar.(2060 B.S.).
2. Ahuja, Ram , *Criminology*. New Delhi: Rawal Publications. (2000).
3. Dohetry, Micheal ,*Criminology* (3rd ed.). London: Id Bailey Press. (1997).
4. Qadri,SMA, *Ahmand Siddque's Criminology and Penology*, (6th ed.), India: Easter Book Co. (2009).
5. Katherine, Williams, *Textbook of Criminology*. London: Blackstone Press. (2001).

References/Recommended

1. Barnes and Tectors, *New Horizon in Criminology*.
2. Cressy, Donald and Sutherland, E.H. *Principles and Criminology*.
3. Cunneen, Chris and Rob White, *Youth and Crime in Australia* (3rd ed.) Oxford University Press. (2007).
4. Empey, LaMar T., Mark C. Stafford and Carter H. Hay, *American Delinquency*, Wadsworth Publishing Company. (1999)
5. Morris. *Deviance and Control*
6. NJA *Concept of Camera Hearing and Method of Implementati*, Kathmandu: National Judicial Academy (2065)
7. Paranjape, Dr. N.P. *Criminology and Administration of Criminal Justice*.
8. Paudel, Bibek Kumar “Punishment: The Concept and Objective”, *Nyayadoot*, Kathmandu: Nepal Bar Association, No. 186, Vol.7, English Special Issue 2010
9. Robert I. Simon, M.D., *Bad Men Do What Good Men Dream*, Delhi: Byword Books Private Limited, (2008)
10. Sharma, Dr. Lokendra, *Criminology* (in Nepali) (2nd ed.). Kathmandu: Nepal Educational Cooperation Centre(2058 B.S.)
11. Taylor, Walton and Yornd. *The New Criminology*. International Library of Sociology.
12. *The Prison Act, 2019 and Rules, 2020 B.S.*

13. Tripathi, Hari Bansh. *Criminology*. Kathmandu: Nepal Kanoon Kitab Co.
14. Tripathi, Dr. Hari Bansh, “Sentencing Approach: Principles and Practices”, *Annual Survey of Nepalese Law*, 2004, pp. 97-98
15. Tripathi, Dr. Hari Bansh, *Sentencing Policy: Principle, Practice and Need of Reform* (In Nepali), Lalitpur: National Judicial Academy, (2067)
16. Varma, Pox., *Introduction to Criminology*.
17. Wilsed, Paul. *The Sociology and Crime and Delinquency in Britain*. Vol. 1 and 2.

Taxation Law

Course Title: **Taxation Law**

Course Code No: Law 555

Duration of the Course: One Year (62 hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course objectives:

The Main Objectives of this course are:

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

Unit I : Introduction

1. Concept and objectives of taxation
2. Nature of taxation
3. Kinds of Tax

Unit II : Taxation Law

1. Meaning of Taxation Law
2. Principles of Taxation Law
3. Rules of Construction of Taxation Law
4. Relation between Finance Act and Tax Acts.

Unit III : Constitutional Framework of Taxation

1. Taxing Power and Right to Property
2. Taxing Procedures

Unit IV : Income Tax Law

1. Concept of Income and basic terminology under Income Tax Act, 2058
2. Basis of Charge of Income Tax

3. Heads of Income
4. Income from Employment
5. Income from Business
6. Income from Investment
7. Calculation of Assessable Income, Deduction and Allowances
8. Method of Filling Tax Returns
 - Assessment of Tax
 - Payment of Tax
 - Recovery of Tax
 - Tax Deduction at source

Unit V : Value Added Tax

1. Concepts of VAT
2. Registration for VAT
3. Collection of VAT
4. Return of VAT
5. Payment and Recovery of VAT

Unit VI : Wealth Tax, House and Land Tax and House Rent Tax: Objectives and Legal Provisions as to assessment, payment and recovery of tax

Unit VII : Rights and duties of Taxpayer

Unit VIII : Tax Administration

1. Kinds of authorities (administrative, quasi-judicial and judicial)
2. Powers and functions of the authorities

Unit IX : Judicial Control over Tax Administration (Jurisdiction, Powers and Procedure)

Unit X : Tax-related offences, prosecution and penalties and appeal

Prescribed Cases:

1. Advocate Prakash Mani Sharma v. Govt. of Nepal, Council of Ministers *et. al.*, (2060.2.1), **Some Landmark Precedents of Supreme Court on Commercial Law**, (1959-2005), Supreme Court, Ist.ed. (2006)
2. Advocate Saraoj Shrestha et.al v. Nepal Telecommunication Corporation, Kathmandu et.al (2059.4.14), **Ibid**
3. Hans Raj Golchha v. Tax Office, Biratnagar et.al., **NKP** 2046/355
4. Lochan Gyawali v. HMG, Tax Office Lalitpur et.al, (2061.5.15), in *Supra* n.1
5. Man Bahadur Sunar v. Tax Office Mahendranagar et.al (2057.5.2). See also Nyayadoot No. 125
6. M.D.Kishor Kalwar v. Tax Office, Kathmandu, **NKP** 2045/573
7. Mohan Lal Surabaji v. Tax Office, Birgunj et. al., **NKP** 2045/1178
8. Nepal Resort Pvt. Ltd. Hongkong v. Tax Office, Kathmandu, **NKP** 2045/944
9. Ramji Prasad Shah v. Tax Office, Janakpur et.al., **NKP** 2047/147
10. Surendra Pal Agrawal v. Tax office, Kathmandu (2048.9.29) **NKP** 2048/612

Acts:

1. House and Land Rent Tax Act, 2023 (1966)
2. House and Land Tax Act, 2019 (1962)
3. Income Tax Act, 2058 and Rules 2059(2003).
4. Interpretation of Statues Act, 2010 (1954)
5. Land Revenue Act, 2034 (1977).
6. Revenue Tribunal Act, 2031 (1974)
7. The Interim Constitution of Nepal, 2063 (2007).
8. Value-added Tax Act, 2052 (1995) and Rules 2053 (1996).
9. Wealth Tax Act, 2047 (1990)

Reference Books (Latest Edition)

1. Adhikari, Bishwadeep, **Income Tax Law: Then and Now** (Nepali version), Bhrikurti, Kathmandu, (2059)
2. Adhikari, Chandramani, **Taxation in Nepal, Planning and Management** (Nepali version), Kathmandu, (2056)
3. Bhattacharya, S., **Law and Practice of Wealth Tax**
4. Desai, Dr. S.S.M., **Principles of Taxation**

5. Internal Revenue Department, **Compilation of Cases of Taxation**
6. Kandel, Pusparaj (Dr.), **Tax Laws & Tax Planning in Nepal**, Kathmandu, (2003)
7. Kandel, Pusparaj (Dr.), **The Context of Tax Reforms and Income Tax Act, 2058**, Kathmandu, (2058)
8. Karki, Bharat B. Prof. (Dr.), **Teacher's Guide on Taxation Law**, C.D.C., T.U., Kathmandu, (2000)
9. -----, Legal Instruments and Institutions to curb corruption, **Annual Survey of Nepalese Law (2005)**, Nepal Bar Council Kathmandu (2006)
10. Khadka, Rup Bahadur **Sales Taxation in Nepal**, Kathmandu, Ratna Pustak Bhandar (2041)
11. Khanal,Rewati Raman, **Kar Sambandi Kannon**, (Nepali version).
12. Ojha, Prawan Kumar, **Kar Kanoon** (Nepali version)
13. Singhanian, U.K., **Taxmann's Direct Taxes: Law & Practice**, New Delhi, (1997)
14. Subedi, Baburam, **Value-Added Tax**, Bhrikuti, Kathmandu, (1998)
15. Supreme Court, **Compilation of Supreme Court Leading Cases on Taxation**
16. Tiwari, Narayan Raj, **Nepalma Aayekar Byabastha** (Nepali version), Kathmandu, (2056)

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Labour Law

Course Title: **Labour Law**

Course Code No: Law 556

Duration of the Course: One Year (62 hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives:

The Main Objectives of this course are:

- to introduce before the student basic concept of Labour law and Labour Jurisprudence and other related Acts.
- to impart knowledge to the students about International Labour Organization (ILO) and its Core Labour Standards
- to inculcate in them knowledge about fundamental elements of labour law like concept of industrial relations, labour employment laws; labour welfare and social security; occupational safety and health care; disciplinary action etc.
- to give knowledge to them about Trade Unions and its activities.
- to impart knowledge to the students about labour disputes with reference to Labour Court and Central Level Labour Advisory Committee

Unit I : Introduction

1. Meaning and scope of labour law
2. ILO, its origin and its Core labour standards.
3. Industrial jurisprudence and fundamental rights of the workers
4. History of Labour legislation in Nepal.

Unit II : Labour Employment Laws

1. Appointment of workers
2. Wages
3. Hours of work
4. Child workers and women workers

Unit III : Law of labour Welfare and Social Security.

1. Meaning of Labour welfare, Need of labour welfare, welfare fund, Child care centre, Leave.

2. Meaning of social security, provident fund, Gruatuity, workemen's compensation, and employee's motivation.

Unit IV : Occupational safety and Health care.

Unit V : Concept of Industrial disputes and Collective bargaining

1. Individual grievances, collective grievances.
2. Collective bargaining
3. Strikes and Lock-out

Unit VI : Disciplinary Action

1. Misconduct
2. Kinds of punishments
(Suspension, domestic inquiry, right of representation i.e. explanation and Appeal before Labour Court.)

Unit VII : Trade Union

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

Unit VIII : Others:

Labour Office, Labour courts and its jurisdiction, Central Level Labour Advisory Committee.

Unit - IX :Prescribed Cases:

1. Casino Royal vs. Labour Court, **NKP** 2064, vol.5. p. 625
2. Dr. Rupjyoti vs. Labour Court, **NKP** 2063 No. 4, p 407.
3. International Center for Integrated Mountain Development vs. Labour Court, Writ No3125 (2062), (Decision date 2064/12/5).
4. Mukunda Bahadur Bista vs. Labour Court, **NKP** 2063 No. 8 p. 1099.
5. Nepal Battery Company Balaju Industrial Estate Pvt. Ltd vs. Ministry of Labour, **NKP** 2059, No. 11/12, p726, Decision No. 7150
6. Nepal Insurance vs. Labour Court, Writ No 3625, Year 2061.
7. Olampia Textile vs. Labour Court, **NKP** 2064/ 371.
8. Prop-Public vs. Ministry of Women, Children and Social welfare, **NKP** 2060, No. 9/10, p 726, Decision No. 7268

9. Pro-public Vs. Nepal Independent Trade Union of Hotel, Writ No 0602 (2063)
10. Purushottam Bhandari vs. Ministry of transport and Labour Management 2058, Writ No 3232, (Important Decisions related to Labour Law, part II p.379).

Legal Texts:

1. Bonus Act, 2030.
2. Interim Constitution, 2063
3. Labour Act, 2048 and Rules
4. Trade Union Act, 20249 and Rules

Text Books

1. Dahal, Kasi Raj, *Industrial Jurisprudence*, Pairavi Publication, Kathmandu, (2050)
2. ILO, *Labour Administration: Profile on Nepal*, Kathmandu, (1998)
3. Ojha, Pawan Kumar, *Industrial Jurisprudence*, Atharai Publication, Putalisadak.
4. Ojha, Pawan Kumar, *Labour Law*, Part I and II.
5. Supreme Court, *Leading Commercial Cases*
6. Thapa, Sita Maiya Singh, *An Introduction of Labour law of Nepal*, Nepal, Law Society, (1991)

Reference (Latest editions)

1. Giri, V.V., *Labour Problem in India*
2. ILO, *International Labour Standards*
3. Malhotra O.P., - *Law of Industrial Disputes*.
4. *Taxman's Industrial Law of India*.

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Moot Court, Pre-Trial Preparations and Participation in Trial

Course Title: **Moot Court, Pre-Trial Preparations and Participation in Trial** Full Marks: 50

Course No: Law 557

Duration of the Course: One Year (62 hrs)

Year: IV

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

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

Course Description and Evaluation

The course contains three main components namely moot court, pre-trial / hearing preparations (interviewing to clients), and participation in trial proceedings. All these components are designed to provide practical knowledge to the students. At the completion of the session, students will have to submit a moot court file assigned by the campus along with examination form for the external evaluation. The full marks for the external and internal examination will be 35 and 15 marks respectively. The internal evaluation will be done through viva-voce and the pass marks in both the external and internal examinations will be 35 percent of the full marks. The campus shall constitute a three member committee having at least 7 years of experience in teaching or practicing law for conducting the viva-voce examination.

Clinical Law II Litigation Advocacy/Drafting, Pleading and Conveyancing

Course Title: **Clinical Law II Litigation Advocacy/Drafting, Pleading and Conveyancing**

Course No: Law 558

Duration of the Course: One Year (62hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A.
LL.B.

Nature:

Compulsory

Course objectives:

The main objectives of this simulations course is to impart knowledge on preparations for trial and strategies. This course will teach techniques of examination and cross-examination of witnesses, argumentation in court, bail applications and injunctions applications. It will also focuses on writing appellate briefs in civil cases, criminal cases and writ petitions and arguing before the appropriate forums. This course will also equip the students to do drafting of pleadings and documents. In conveyancing, drafting of documents like sale deeds, lease deeds, mortgage deeds, agreements, service contracts etc. will be discuss and practiced.

Course description and Evaluation

This course shall be conducted by assigned teacher having at least ten years of professional experience. The Campus Chief, In-Charge of Law or any other senior and experienced teacher designated by Campus Chief or in charge of law will be the Coordinator who is responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Tribhuvan University. A course outline and the number of students admitted in each academic session in this course will be announced by the Campus. A report of the works and experience of students will have to be submitted by students within the prescribed date at the end of academic session. This course carries 50 marks out of which 25 marks will be assessed by supervising teacher or institution and remaining 25 marks will be evaluated in viva-voce conducted by Campus.

Seminar II

Course Title: **Seminar II**

Course No: Law 559

Duration of the Course: One Year (62hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objective of Seminar is to familiarize the students with the process of finding a research oriented / objective solution on definite legal issues on law and justice through practical work. The students will choose the topic of seminar with the approval of Class Teacher within the specified date from the beginning of the class and then write, present and defend his finding of the seminar paper in the class. The students shall also continuously involve in the discussion in other's paper. The Campus may also assign one particular topic of Seminar for all the Students. If it will be so, then all the Students will devote whole year in that particular Seminar topic. By doing this, it is aimed that students will develop their capabilities and confidence in solving any legal & contemporary issues.

Course Description

The course is designed to give practical knowledge to students. Out of 50 marks allotted to this subject, 25 marks will be based on written seminar report including paper submitted at the end of the session for final evaluation (external). Out of remaining 25 marks, 15 will be assessed through internal practical evaluation and 10 marks will be reserved for viva voce. Internal evaluation of the students shall be done on the basis of standards and rules set by the Campus. In this subject, the Class Teacher shall, in the beginning, take introductory class for clarifying the objectives, modes and general instruction of seminar.

Besides, the resource person may be invited by Class Teacher from among the persons listed in the rosters prepared by the Campus for the purpose of observing seminar presentation and discussion and to suggest for the improvement of the paper.

Socio-Economic Crime

Course Title: **Socio-Economic Crime**

Course Code No: Law 560

Duration of the Course: One Year (62 hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Optional

Course Objectives:-

The Main Objectives of this course are:

- To introduce students about socio-economic crime.
- To acquaint students about concept of organized crime.
- To impart knowledge to the students regarding criminal politician nexus.
- To acquaint students on White Color Crime.
- To familiarize the students regarding Nepalese law and practices about the topics.

Course Contents:

Unit I : Introduction

1. Concept of Socio- Economic Crime
2. Crime and Society
3. Sociological Approach to Crime
4. Crime and Politics
5. Economic Approach to Crime
6. Crime and Prosperity
7. Crime and Poverty
8. Syndicate Crime

Unit II : Organized Crime

1. Concept of Organized Crime
2. Characteristics and Nature of Organized Crime
3. Historical Evolution of Concept of Organized Crime
4. Classification of Organized Crime
5. Crime Committed by an Individual and Organized Crime
6. Theories of Organized Crime
7. Trans-border and Trans-national Organized Crime
8. Responses to Organized Crime

Unit III : Organized Crime and Power

1. Criminal Politician Nexus
2. Organized Crime and Political Parties
3. . Organized Crime and Terrorism
4. Organized Crime in Nepalese Society
5. National and International Controlling Measures
6. The Role of Police to Control Organized Crime

Unit IV : Major Activities of Organized Criminal Groups

1. Drug Trafficking
2. Arms Trafficking
3. Human Trafficking
4. Smuggling
5. Money Laundering
6. Trafficking of Stolen Vehicles

Unit V : White-Color Crime

1. Concept of White Color Crime
2. Evolution of White Color Crime
3. Basic Characteristics of White Color Crime
4. Causes of White Color Crime
5. White-Color Crime and Traditional Crime
6. Debates on White Color Crime

Unit VI : Other Socio-Economic Crimes

1. Hostage Taking, Kidnapping and Abduction
2. Corruption : Concept and Causes
3. Banking Crime and Corporate Crime
4. Crime against Competition Promotion and Market Protection
5. Crime against Social Ritual
6. Crime Against Professional Ethics
7. Cyber Crime

Leading Cases:

1. Bhimsel (Khajur) Pariya Vs. Government of Nepal, NKP, 2061, D. No. 7320, P. 101.
2. Bijayanath Bhattarai Vs. Government of Nepal, NKP, 2066, D. No. 8194, P. 1159.

3. Dhankumari Sitaula Vs. Government of Nepal, NKP, 2066, D. No. 8269, P. 1893.
4. Florin Percul Vs. Government of Nepal, NKP, 2064, D. No. 7818, P. 251.
5. Government of Nepal Vs. Kedarchandra Khanal, NKP, 2063, D. No. 7712, P. 737.
6. Government of Nepal Vs. Khem Raj Pandey et al, NKP, 2066, D. No. 8166, P. 926.
7. Government of Nepal Vs. Lakpa Tamang et al, NKP, 2066, D. No. 8083, P. 314.
8. Government of Nepal Vs. Magare Khan et al, NKP, 2066, D. No. 8243, P. 1667.
9. Government of Nepal Vs. Rajesh (Raghu) Lamal, NKP, 2062, D. No. 7525, P. 458.
10. Uttam Lama Vs. Government of Nepal, NKP, 2061, D. No. 7432, P. 1103.

Reading Materials

Prescribed

1. Barlow, Hugh D., *Introduction to Criminology*. Little, Brown and Company, Boston Toronto, (1978)
2. Fox, Vernon *Introduction to Criminology* (). Prentice-Hall Inc. New Jersey, (1976).
3. Freda, Adler Gorhard O.W. Mueller and William. S Laufer, *Criminology*. McGraw-Hill, Inc, (1991).
4. Schmalleger, Frank, *Criminology, Today* (4th Ed.). Pearson Prentice Hall, (2006).
5. Qadri, SMA, *Ahmand Siddque's Criminology and Penology*, (6th ed.), India: Easter Book Co., (2009).
6. Yablonsky, Lewis, *Criminology, Crime and Criminality*. (4th Ed.) New York: Harper and Row., (1990).

References/Recommended

1. Ahuja, Ram, *Sociological Criminology* (). New Age International Pvt. Ltd., (1996).

2. F. Vito, Gennaro, Jeffery R. Maahs and Ronald M. Holmes, *Criminology Theory, Research and Policy*. (2nd Ed.) Jones and Bartlett Publishers, (2007).
3. Gaur, K.D., *Criminal Law and Criminology*. Deep and Deep Publication Pvt. Ltd., (2002).
4. Prof. Dr. Pradhananga, R. B. "Corruption: Concept, Theory and Judicial Practices in Nepal". *Nepal Bar Council Law Journal*, Lalitpur: **Nepal Bar Council**, (2008).
5. Paudel, Bibek Kumar, "A Glance on Banking Offence in Nepal", *Business Law Journal*, Kathmandu: Commercial Law Society Nepal, Vol. 15, 2010
6. Paudel, Bibek Kumar, "Offences against Competition Promotion and Market Protection in Nepal", *Business Law Journal*, Kathmandu: Commercial Law Society Nepal, Vol. 14, 2009
7. Schultz, Donald O., *Critical Issues in Criminal Justice*. Charles C. Thomas, U.S.A., (1975).
8. Tonery, Michael, *The Handbook of Crime and Punishment*. Oxford University Press. (1998).

Forensic Science

Course Title: **Forensic Science Law**

Course Code No: Law 561

Duration of the Course: One Year (62 hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Optional

Course Objectives

The objectives of this course are:

- To impart basic knowledge about the concept of forensic science
- To familiarize the student about the physical evidence and the laboratory based scientific methods of examination of physical evidences that are found in the scene of crime
- To familiarize the students with Nepalese legal provisions and case laws developed by Nepalese Courts on forensic science.
- To orient the student with the basic knowledge of physical evidence based litigation and trial of the accused in the court rooms.
- To impart knowledge on the steps and procedure for examination, cross examination and re-examination of experts in the Courts.

Contents:

Unit I : Introductory

1. Meaning, concept and evolution of forensic science.
2. Principles of forensic science.
3. Fields/Branches of forensic science & Forensic medicine.
4. Scope of forensic science.
5. History & Development of Forensic science laboratories.
6. Recent trends in forensic science.

Unit II : Physical Evidences

1. Definition & Importance of physical evidence.
2. Use of Physical evidence in criminal proceedings.
3. Chain of custody of physical evidences.
4. Definition & importance Scene of Crime (SOC).
5. Steps involved in Examination of Scene of Crime.
6. Utility of SOC for police, prosecutors, lawyers & Court.

Unit III : Fingerprint & footprints evidences

1. Fingerprints: History, Importance, Classification.
2. Lifting & Examination of fingerprints.
3. Fingerprint evidence in the court.
4. Scope of footprints/ shoe marks.
5. Nepalese Case laws.

Unit IV 4: Biological evidences: Blood & other body fluids

1. Nature & types of Blood Group.
2. Collection of blood sample.
3. Scientific examination of blood evidence.
4. Semen, saliva & other body fluids.
5. Nepalese case laws

Unit V : DNA as an Evidence

1. Nature & Structure of DNA
2. Importance of DNA evidence in crime investigation
3. Extraction of DNA from other body fluids.
4. DNA profiling technology.
5. DNA & Paternity disputes
6. DNA & missing person identification.
7. Nepalese Case Laws.

Unit VI : Hair, Clothes, Fibers & Glass

1. Hair: Importance, types & Examination
2. Hair as Evidence in courts
3. Clothes: Nature, types & Examination
4. Fibers: Nature, types & Importance
5. Glass: Nature, Glass fractures & Examination
6. Nepalese practice and Case Laws.

Unit VII: Question Documents

1. Nature & importance of document examination..
2. Examination of Written, Typed & Printed documents.
3. Type of document forgery
4. Imprint & Security Documents (currency notes, Passport, Credit cards, Travel Cheque etc.)
5. Case Laws.

Unit VIII : Ballistics and explosives

1. Nature, Importance & Types
2. Examination of Firearms, Cartridge cases & Bullets.
3. Date, Range & Time of Firing
4. Firearm Injuries.
5. Explosives: Nature & Classification
6. Examination of Explosive substance & devices.
7. Nepalese Case Laws.

Unit IX : Narcotic Drugs & Psychotropic substance

1. Nature & Classification of Narcotic drugs.
2. Administration of drugs.
3. Chemical & Modern Methods of Examination
4. Nepalese Case laws

Unit X : Expert Opinion and its admissibility

1. Nature & Definition of Expert
2. Legal procedure of Examination & Cross examination of Experts
3. Admissibility and inadmissibility of Expert opinion
4. Contradiction of two expert opinions.
5. Leading case laws on expert opinion.

Unit XI : Observation visit to Nepalese Forensic Science Laboratory.

Preparation & Presentation of forensic Science Laboratory visit report

Reading Materials

Prescribed

1. Saferstein, Richard, *Criminalistics; An introduction to Forensic science*, USA: Prentice Hall Publication. (1998 AD)
2. Gross Criminal Investigation, *A Practical Text book for Magistrates, Police Officers & Lawyers*, New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2000)
3. Sharma, BR *Forensic science for Criminal investigation & Trials*. New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2008)
4. Swanson, Chamelin Territo, *Criminal Investigation*, New York McGraw Hill Publication. (2003)

5. Osborn, Albert S, 3rd Ed. *Questioned Documents*, Delhi: Universal Book Traders. (1989)

Reference/Recommended

1. Deepak Ratan & Mo. Hasan Zaidi, *Forensic Science in India & the World*, Allahabad: Alia Law Agency. (2008)
2. Dennis, Prof Ian, *The Law of Evidence*, (3rd Ed.). London: Thomas Sweet & Maxwell Publication. (2007 A.D.)
3. Prof. Dr. Pradhananga, R. B., *Nepali Praman Kanoon ko samanya Parichaya*, (A General Introduction to Nepalese Law on Evidence). Kathmandu: Bhrikuti Academic Publication, Pradasani Marg. (2062 BS).
4. Platt, Richard,) A.D, **Crime Scene: The Ultimate Guide to Forensic Science**, A Dorling Kindersley Pvt. Ltd, UK. (2003)
5. *Evidence Act 2031*
6. *State Cases Act, 2049 BS & Regulation 2055*
7. *Narcotic Drugs (Control) Act 2033*
8. *Nepal Drugs & Psychotropic Substance Act, 1985*

Law of the Sea and International Rivers

Course Title : **Law of the Sea
and International Rivers**

Full Marks: 50

Course Code No: Law 562

Pass Mark: 45%

Duration of the Course: One Year (62 hrs)

Level : B.A. LL.B.

Year: IV

Nature: Optional

Course Objectives

The objectives of the course are:

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

Unit I : Introduction

1. Meaning, Nature and Scope of the Law of the Sea.
2. Evolution of the Law of the Sea.
3. Sources of the Law of the Sea.

Unit II : Territorial Sea

1. Legal status and breadth of territorial Sea.
2. Baseline for measurement of the Territorial Water.
3. Straits bays and gulf.
4. Delimitation
5. Right of innocent passage.

Unit III : Contiguous Zone

1. Concept and scope
2. Breadth

Unit IV : Continental Shelf

1. Nature and the concept of continental shelf

2. Delimitations
3. Sea bed and ocean floor
4. Rights of landlocked states

Unit V : Economic Zone

1. Concept and scope
2. Delimitations
3. Resources
4. Rights and duties of coastal states vis-a-vis the landlocked and GDS in the Exclusive Economic Zone (EEZ)
5. Legal status of the EEZ

Unit VI : High Seas

1. Concept and scope
2. Freedom of the high seas
3. Piracy

Unit VII : Land-locked and Geographically Disadvantaged States

1. Concept and nature of land-locked and geographically disadvantaged states
2. Right of access of land-locked states to and from the sea and freedom of transit at the backdrop of 1982 UN Con. on Law of the Sea, 1965 New York Con. on Transit rights of Landlocked states and Indo Nepal Treaties
3. Rights of geographically disadvantaged states

Unit VIII : International Sea Bed Authority

1. Decline of common heritage of deep ocean resources
2. Exploration and exploitation of deep ocean resources
3. Power and functions of the International Sea Bed Authority
4. Protection and preservation of the Marine Environment
5. Settlement of disputes

Unit IX : International Rivers

1. Definition
2. Historical background of International rivers.

3. Rights and duties of Upper and lower riparian vis-a- vis down stream benefits and its practices.
4. Rights and duties of co-riparian states.
5. Principles of utilization of International rivers.
6. Freedom of navigation in International rivers.
7. Principle and practice in regard to pollution control.
8. The European commission of the Danube.
9. International joint commission.
10. Barcelona Convention
11. Bangkok Convention
12. Helsinki rules on the uses of waters of International rivers.

Unit X: Mutual co-operation in the field of rivers between Nepal and India

1. Koshi
2. Gandaki
3. Mahakali
4. International legal-regime of Asian and African rivers (Ganga, Niger, Nile, river Danube, Koshi)
5. Role of UN in International rivers.

Prescribed Reading Materials

1. Bhasin, A.S. (ed). *Documents on Nepal's Relation with India and China* (949-66), New Delhi, (1970)
2. Columbus, John C. *The International Law of the Sea*, London (Longmen), (1967)
3. Friedmann, W. *The Future of the Oceans*, New York, (1971)
4. Mangone, Gerald J. *Law of the World Ocean*, Calcutta, (1981)
5. Oda, Shigeru. *The Law of the Sea in Our Time* vol. 2 Leyden (1977)
6. Salman M.A. Salmon, et.al, *Conflict and Cooperation on South Asia's International Rivers* the World Bank (2002)
7. Starke. J.G. *Introduction to International Law*, Delhi (1988)
8. Subedi, S.P. *Dynamics of Foreign Policy and Law A Study of Indo-Nepal relations*, oxford (2002)
9. Upadhyaya, Lakshman , "Representation of Landlocked and Geographically Disadvantaged Countries in the Council of

- International Seabed Authority", *Nepal Law Review*, Vol. 10 (1), (July 1987)
10. Upadhyaya, Lakshman, "Evolution of the concept of Continental Shelf and Law of the Sea", *Nepal Law Review*, Vol. 9 (4), (April 1986)
11. Upadhyaya, Lakshman, "Regional Cooperation in South Asia and Landlocked Nepal", *Nepal Law Review*, Vol. 10 (3), (1987)
12. Upadhyaya, Lakshman, "Views on Fishing Rights of Landlocked Countries in the EEZ under the new convention of Law of the Sea" (1982), *Nepal Law Review*, Vol. 9 (1), (July 1985)
13. Upadhyaya, Lakshman. , "A Review of Doctrinal Foundation of the Right of Free Access to the Sea for Landlocked Countries", *Nepal Law Review* Vol. 3 (2), (Oct. 1979)
14. Upadhyaya, Lakshman. "Reflection on the Problems and Prospects of Landlocked Countries in International Law", *Nepal Law Review*, Vol. 1 (3), (Oct-Dec, 1978)

Private International Law

Course Title: **Private International Law**
Course Code No: Law 563
Duration of the Course: One Year (62 hrs)
Year: IV

Full Marks: 50
Pass Mark: 45%
Level : B.A. LL.B.
Nature: Optional

Course Objectives:

The Main Objectives of this course are:

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

Unit I : Introduction

1. Meaning, nature, basis, sources and scope of Private International Law.
2. Commonly used phrases and words
3. Difference between public and private International law.
4. Origin & Development of private International law.
5. Recent trends
6. Nepalese Experience on private International law.

Unit II ; Jurisdiction

1. Meaning, basis and limitations of jurisdiction
2. Jurisdiction of courts under different conventions
3. Cause of action/ Lex cause
4. Persons to whom jurisdiction applies
5. Who can file suites
6. Immunity from suites
7. Jurisdiction: Immovable property
8. Jurisdiction: inpersonam
9. Jurisdiction: in rem
10. When court will decline jurisdiction

Unit III ; Doctrine of renvoi

1. Meaning of renvoi
2. French and English theory of renvoi
3. Partial and total renvoi
4. Scope of the application of renvoi

Unit IV : Exclusion of Foreign Law / Extra Territorial Application of Law

1. Foreign Revenue Laws
2. Foreign Penal laws
3. Foreign Proprietary Legislation
4. Foreign Laws Repugnant to Public Policy

Unit V : Domicile

1. Definition and general principles.
2. Elements of domicile-intention and Residence
3. Kinds of domicile-domicile of origin; domicile of choice; domicile of dependence/ dependents.
4. Domicile of corporation.
5. Domicile, Citizenship and residence

Unit VI : Marriage, divorce and matrimonial Relief

1. Nature of Marriage
2. Formalities of marriage
3. Capacity to marry
4. Consent of Parties
5. Polygamous marriage
6. Divorce, nullity and judicial separation
7. Legitimacy, Legitimizing and adoption
8. Mental disorder

Unit VII : Property

1. Distinction between movable and immovable property
2. Immovable and Law of the Situs rule
3. Distinction between tangible and intangible movables
4. Assignment of intangible movables
 - a. Debt
 - b. Negotiable instruments
 - c. Shares
5. Succession

Unit VIII : Foreign Judgments / Awards

1. Rational and Principle of recognizing foreign judgments /Awards
2. Direct enforcement
3. Actionability of foreign judgments/awards
4. Conclusiveness of foreign judgments/awards
5. Defense
6. New York Convention on Recognition of Foreign Arbitral Awards, 1958

Unit IX : Procedure

1. Difference between substance and procedure
2. Time and model of action
3. Burden of proof and evidence
4. Action and extent of remedy
5. Execution

Prescribed

1. North, P.M. *et. al.*, *Cheshire and North's Private International Law*, Reed Elsevier (1999) Lexis Nexis Butterworths (First Indian Reprint 2004)
2. Setalvad, Atul., *Conflict of Laws*, Lexus Nexus Butterworths (2007)

Reference

1. Bill of Exchange, 2034.
2. Diwan, Paras. *Private International Law*, Deep and Deep Publications, Delhi, 1998.
3. Dicey & Morries, *Conflict of laws*, 13th edition or latest edition
4. Evidence Act, 2031.
5. Foreign Exchange (Regulation) Act, 2019.
6. Graveson, R. Conflict of Law.
7. Income Tax Act, 2031.
8. Leading case, Published in Nepal Kanoon Patrika (such as Tung Shamsher JB Rana v. Indian Airlines).
9. Relevant Sections of the National Code of Nepal (Muluki Ain).
10. The Indian society of International Law, International Conference on Private International Law, 2-3 Dec. 2006, New Delhi ISIL (2006)
11. The Permanent Bureau of the Conference (edi), *Hague Conference on Private International Law, Collection of Conventions* (1951-1996)

Law of Insurance

Course Title: **Law of Insurance**

Course Code No: Law 564

Duration of the Course: One Year (62 hrs)

Year: IV

Full Marks: 50

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Optional

Course Objectives:

The Objectives of the Course are:

- to survey the basic types of insurance policies, legal principles of insurance.
- to study the role insurance plays in society.
- to analyse laws related to insurance industry and insurance policy structure and interpretation.

Unit I : Introduction

The History and Functions of Insurance

Some Classification of Insurance

The Legal Definition of Insurance

Unit II : Formalities and Formation of the Insurance Contract

1. Nature and Classification of Insurance Contract
2. Formation of the Insurance Contract
3. Formalities
4. Temporary Cover and Cover Note
5. Duration and Renewal of Insurance Policies

Unit III : Regulation of Insurance

1. The Development of State Control
2. Impact of Nepalese Insurance Laws
3. The Protection of Policyholders
4. Constitution, Functions and Powers of Insurance Committee
5. Re-Insurance Policy and Re-Insurance Pool

Unit IV : Repudiation of Policies and Liability

1. Unfair Terms in Consumer Insurance Policies and Liability
2. Void Contracts

3. Voidable or Discharged Contracts
4. Repudiating the Contract or Claim
5. Loss of Right to Avoid or Repudiate

Unit V : Premium

1. Payment of Premium
2. Return of Premium

Unit VI: Intermediaries

1. Agent, Surveyor and Broker
2. Relevant Agency Principles
3. The Regulation of Intermediaries

Unit VII: Life Insurance

1. Nature and Types of Life Insurance
2. Formalities and Disclosure
3. Assignment of Life Policy
4. Trust of Life Policies

Unit VIII: Non-Life Insurance

1. Meaning and Nature of Fire, Motor, Marine and Personal Insurance
2. Non-Life Insurance Policies
3. Principles of Non-Life Insurance

Unit IX: Impact of Economic Liberalization on the Volume of Insurance Business

1. Introduction
2. Performance of Life Insurance Companies
3. Performance of Non-Life Insurance Companies
4. Impact of Investment Pattern of Insurance Business

Reading Materials

Text Books:

1. Ali, Sajid Dr., Mohammad, Riyaz and Masharique, Ahmad, *Insurance in India*, Chapter Seven, (2007)

2. Birds, John, *Modern Insurance Law*, London, Sweet and Maxwell (1997)
3. Insurance Act and Rules
4. Mishra, M. N., *Law of Insurance*, India
5. Re-Insurance Regulation

References Readings:

1. Advocate Bharat Mani Gautam Vs. His Majesty's Government of Nepal, *NKP* 2058, Decision No. 7004, Page 280.
2. Mishra, M.N. and S.B. Mishra, *Insurance: Principles and Practice*, India
3. Rastriya Bima Samiti Act.
4. Steele, T. John, *Principles and Practice of Insurance*, U.K., London
5. Vats, R.M. Laws Relating to Insurance, India
6. Supreme Court, **Leading Commercial Cases**

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council, Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

International Institutions and Human Rights

Course Title: **International Institutions and Human Rights**

Full Marks: 100

Course Code No: Law 581

Pass Mark: 45%

Duration of the Course: One Year (125 hrs)

Level : B.A.LL.B.

Year: V

Nature: Compulsory

Course Objective:

The objectives of the course are:

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

Part I

Unit I : Introduction to International Institutions

1. Definition
2. Nature and scope
3. Classification
4. Role and importance

Unit II : Origin and Development in International Institution

1. International conferences
 - a. The Holy Alliance
 - b. The Concert of Europe
 - c. The Hague Systems
 - d. League of Nations

Unit III : United Nations

1. Historical Background

2. Purpose and principles
3. Membership
4. Organs of the UN (composition), power, functions and achievements of each organ
5. The General Assembly and its role in Peace Process and uniting for Peace Resolutions
6. The Security Council and its role in peace keeping
7. The Economic and Social Council
8. The Trusteeship Council
9. The Secretariat and
10. The Secretary General

Unit IV : International Court of Justice:

1. Background
2. Composition
3. Access to the court
 - a. **Compulsory Jurisdiction**
 - Ad-hoc jurisdiction
 - The Asylum case of Haya
 - Dele Torre
 - Voluntary jurisdiction
 - Corfu channel case
 - b. **Advisory Jurisdiction**

(Condition of Admission of state to membership in the United Nations)

Law to be applied by the court

Decision of the court and enforcement of the judgment: development of International law through ICJ.

Unit V : Some major specialized agencies of the UN and other International agencies:

ECOSOC, ILO, IMF, IBRD, ICAO, FAO, UPU and UNICEF.

Unit VI : Outline of some Regional organizations:

ESCAP, ADB, ASEAN, AALCC(now OAA) , SAARC, BMIST, OAU, EEC and OAS

Part II

Unit VII : Introduction to Human Rights:

1. Historical perspective
2. Emergence of H.R. on a subject of national and International rules of law
3. Concept of dignity of human person vis-à-vis human right refugee law and humanitarian law

Unit VIII : International Protection of Injury to Aliens

1. Denial of justice and International responsibility
2. Violations of Human Rights and International responsibility
3. The International minimum standard of justice and the principle of Equality
4. Conflicting principles as applied to treatment of alien's property

Unit IX : Humanitarian Intervention

1. Rescue operation
2. UN, Charter

Unit X : Rights of members of vulnerable group

1. Rights of children
2. Prevention of discrimination and protection of minorities
3. The advancement of women
4. Role of UN High commission for refugees
5. The other International instruments generally

Unit XI : International instrument concerned with Human Rights

1. The United Nations charter
2. Universal Declaration of Human Rights
3. International convention on the elimination of all forms of racial discrimination
4. International covenant on civil and political rights with optional protocol
5. International covenant on economic, social and cultural rights
6. Covenant against torture and other cruel, in human or degrading treatment or punishment

Unit XII : Regional and National Arrangements on Human Rights

1. The European Convention on Human Rights
2. The American Convention on Human Rights
3. The African Convention on Human Rights
4. Consideration for Asian Convention and SAARC
5. Major court Decisions relating to Human Rights
6. Recent trends

Prescribed Materials:

1. Amerasinghe, C.F. *Principles of the Institutional Law of International Organizations*, Cambridge, (1996)
2. Bermjardt, R. (edi), *Encyclopedia of Public International Law*, International Organization, "*Encyclopedia of the Social Science* (New York ; The Macmillan company, Used by permission of the Macmillan company. (1937)
3. Bowett, D.W. *The Law of International Institutions*, 4th edition, London, (1982)
4. Cheever, Daniel S. and Haviland, H. Field Jr. *Organizing for Peace : International Organization in World Affairs*, Boston, Houghton Mifflin company, (1954)
5. Dahal Kashiraj, *Human Rights Jurisprudence* (in Nepali) Nepal Law Society (2050)
6. Dixon, Martin. and McCorquodale, Robert. *Cases and Materials on International Law*, Lawman (India) Pvt. Ltd. New Delhi, First India Reprint. (1995)
7. Fawcett, J.E.S. *The Application of the European Convention on Human Rights*, Clearandon Press Oxford, (1987)
8. Friedmann, W. *The Changing Structure of International Law*, Vakil and Sons Pvt. Ltd, Bombay, (1964)
9. Georges, Abi-saab (ed). *The Concept of International Organization*, UNESCO, France, (1981)
10. Gerard, P. and Mangone, J. *A Short History of International Organization*, New York McGraw Hill Book Company, (1954)
11. Henkin, Pugh, Schachter, *International Law Cases and Materials*, West Publishing Company, (1997)
12. Higgins, Rosalyn. *Development of International Law Through the Political Organs of United Nations*, Oxford University, Press.London, (1963)

13. Janis, Mark. *An Introduction to International Law*, New Delhi, Aditya Books, at (First India Edition). (1989)
14. Malla, Katak. *Human Rights*, Kathmandu (in Nepali).
15. *Manual on Human Rights Reporting*, U.N. publication, Sales No. E 91 XII Vol.1, (1991)
16. Reuter, P. *International institutions* London, (1958)
17. Robertson, A.H. *Human Rights in the Worlds*, Manchester, (1972)
18. Schermers, H.G and Blokker, N.M. *International Institution Law*, 3rd edition, The Hagure , (1995)
19. Sharma, Gopal Dr. *An Outline of International Organizations*, Ratna Pustak Bhandar, Kathmandu, (1990)
20. Sharma, Gopal Dr. *Human Rights*, (in Nepali)Kathmandu, (1993)
21. Sehgal, B.P. Singh, *Human Rights in India*, Deep and Deep.
22. Shaw, Malcolm N. *International Law*, Cambridge University, Cambridge (1997)
23. Singh, Nagendra. *Human Rights and International Cooperations*, S.Chand, New Delhi, (1969)
24. Siwakoti Chintan, Gopal (edi.), *Commentary on Supreme judgments related to Human Rights* (in Nepali) Human Rights Center, Faculty of Law (T.U.) (2056)
25. Siwakoti Chintan, Gopal (edi.), *Human Rights and Legal remedies in Nepal* (in Nepali), Human Rights Center, Faculty of Law (T.U.) (2056)
26. Thapa, S. *UN and Specialized Agencies* Kathmandu, CDC, TU, (1977)
27. Tripathi, D. *Human Rights*, (in Nepali) Kathmandu, (1993)
28. *United Nations Action in the Field of Human Rights*, U.N. Publication sales No. E88 XI Vol.2, (1988)
29. Upadhyaya, Lakshman *Antarastriya Kanoon Ebam Samandhka Paripekshma Nepalko Prayas*, Gorkha Patra Sansthan, Kathmandu, (2043)
30. Upadhyaya, Lakshman Prof. Dr. *Teacher's Guide on Teaching of International Institutions and Human Rights Law*, Tribhuvan University Curriculum Development Centre, Kirtipur, Kathmandu, (2000)
31. Wallace, Rebecca M.M. *International Law*, Universal Book Traders, Delhi India Reprint), (1995)
32. White, N., *The Law of International Organizations*, Manchester, (1996)

Company and Corporation Law

Course Title: Company and Corporation Law	Full Marks: 50
Course Code No: Law 582	Pass Mark: 45%
Duration of the Course: One Year (62 hrs)	Level : B.A.LL.B.
Year: V	Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- to study the historical aspects and legal principles.
- to analyse the nature, types, organization and functions of the public corporation
- to study some related Leading cases of Nepal

Unit I : Historical aspects of the law of company and corporation

1. Origin and development of public corporations and companies in general.
2. Origin and development of public corporations and companies in Nepal.

Unit II : The basic legal principles of public corporations and companies:

1. The concept of incorporation of company or corporation as a legal person.
2. Basic characteristics of a company and a public corporation.

Unit III : Nature and types of public corporations and companies:

1. Public Corporation with charter.
2. Public companies formed under Company Act, 2063.
3. Public Corporations formed under the Corporations Act, 2021.
4. Public Corporations formed under the Development Board Act, 2013.
5. Private Companies selling shares to a restricted number of shareholders.
6. Companies selling shares to the public.
7. Difference between private firms and the companies.

8. Public companies, private companies, public corporations, non-profit making companies and Government companies.

Unit IV : Organizational Structure and Management of Companies

1. Pre-incorporation agreements
2. Company prospectus
3. Articles and Memorandum of Association
4. Certification of incorporation
5. Membership
6. Shares: Types, allotment and transfer
7. Debenture and stock
8. Board of directors: Functions, Powers, duties, and responsibilities.
9. Functions and responsibilities of the chief executive.
10. General Manager or manager
11. Delegation of authority from the board to the management.
12. Company secretary
13. Foreign Companies.
14. Corporate control and the different forms of control
15. Corporate meeting.
16. Winding up.
17. Suits and proceedings by and against companies and corporations.
18. Corporate liability
19. Social responsibilities of companies.
20. Workers participation in the management

Unit V : Decided Cases

1. Bhuminanda Sharma Dawadi v HMG, 062/5/6, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed., (1959-2005), Supreme Court, 2006.
2. Khem Chandra Chaurasia v H.M.G. Dept. of Industries, *NKP* 2065/507.
3. Piyus Raj Panday v. Tax office Kathmandu, *NKP* 2040/901.
4. Prakash Bahadur Singh et.al, v Nepal Match co.et.al., *NKP* 2045/655.
5. Prakash Shrestha v HMG Nepal, *NKP* 2061/687.
6. Purusottam Acharya v. Boris and Restaurant Pvt. Ltd., *NKP* 2044/934.

7. Surya Narayan Das v Diary Development Corporation Head Office, Kathmandu, *NKP* 2045/419.
8. Sushilrani v Hotel Jaya International, *NKP* 2040/901.
9. Tarini Prasad Adhikari v. G.M. Surya Bahadur, *NKP* 2065/1093
10. Tej Raj Pant v. Board of Directors, Timber Corporation et.al. *NKP* 2044/895.

Relevant Laws of Nepal

1. Bank and Financial Institutions Act, 2063.
2. Company Act, 2063.
3. Corporations Act, 2021.
4. Insolvency Act, 2063.
5. Nepal Development Board Act, 2063.
6. Securities Exchange Act, 2063.
7. Supreme Court, **Leading Commercial Cases**

Reference

1. Gautam, Trilochan, **Company Ain 2063 Ra Company Sachibko Karya Sampadan**, Bikraant Book House Pvt.Ltd. Ghattaghar, Bhatkapur (3rd ed.2066)
2. *Gower's Principles of Modern Company Law*, Latest Edition, London.
3. Karki, Bharat B. (Dr. Prof.), *Teacher's Guide for the LL.B. Course on Company and Corporation Law*, Faculty of Law, T.U.
4. Neupane, Avtar, *Company Law* (Nepali version), Commercial Law Society, Kathmandu, (2063)
5. Sen, A.K., *Commercial Law*, Eighteenth Edition, The World Press Pvt. Ltd., Calcutta (1985)
6. Shiwakoti, S. & Shrestha, S. (ed.), *Company Cases and Supreme Court* (Gyangun Kanoon Academy), (Nepali version).
7. Shukla M.C., *Mercantile Law*. Latest Edition, New Delhi.
8. Singh Avatar, *Company Law*, Latest Edition, Delhi.
9. Uprety, B.R. *Company Law*, (Nepali version), Free deal, Kathmandu, 2064 (2007).
10. Uprety, B.R., *An Introduction of Insolvency Law (in Nepali)* FNCCI/CFG Project

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal.
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Juvenile Delinquency

Course Title: **Juvenile Delinquency** Full Marks: 50
Course Code No: Law 583 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A.LL.B.
Year: V Nature: Compulsory

Course Objectives

The objectives of this course are:

- To impart knowledge on juvenile delinquency, its problem, measures of controls, legal and social means of rehabilitation.
- To enable the students about causes of juvenile delinquency.
- To impart basic knowledge to the student of juvenile delinquency and juvenile justice
- To familiarize the student about national and international instruments relevant to juvenile justice
- To enable the students to understand juvenile justice administration and diversion scheme, restorative justice and best practices.

Contents :-

Unit I : Introduction

1. Definition of Minor
2. Stages of Child Development
3. Child Psychology
4. Concept and Kinds of Child Rights
5. Guiding Principles for the Protection of Children

Unit II : Juvenile Delinquency

1. Concept of Juvenile Delinquency
2. Juvenile Delinquency and Crime
3. Deviant Behaviour of Child
4. Theories on Juvenile Delinquency
5. Causative Factors of Juvenile Delinquency
6. Types of Juvenile Delinquency
7. Juvenile Delinquency in Nepal

Unit III : Juvenile Justice

1. Concept of Juvenile Justice
2. Mechanism of Juvenile Justice
3. Fundamental Issues of Juvenile Justice System
4. Models of Juvenile Justice
5. Juvenile Justice Vs. Criminal Justice
6. Role of Different Institutions to Strengthen Juvenile Justice System in Nepal

Unit IV : National and International Instruments Relevant to Juvenile Justice

1. Constitutional Aspects
2. The Children Act, 1992
3. The Juvenile Justice (Procedure) Regulations, 2006
4. Other Relevant Law
5. International Hard and Soft Law

Unit V : Juvenile Justice Administration

1. Juvenile Aid Police (Women and Children Police Cell)
2. Juvenile Court (Juvenile Bench)
3. Correctional Institutions
4. Psychotherapy
5. Alternate Programme
6. Role of Child Psychologist and Social Worker

Unit VI : Diversions-Schemes

1. Concept and Development
2. Pre-trial Settlement
3. Settlement during Trial
4. Post Trial Settlement
5. Settlement by Community Mediation
6. Multi Agency Support

Leading Cases:

- Advocate Aashish Adhikari (on behalf of Bablu Godia) Vs. Banke District Court et. al., D. Date: 2057/12/12, (Robbery) Habeas Corpus.(unpublished)
- Advocate Aashish Adhikari (on behalf of Shyam Krishna Pahari) Vs. District Police Office et. al., D. Date: 2058/4/29 (Rape); Habeas

Corpus. (unpublished)

- *Bal Krishna Mainali Vs. Prime Minister and Office of the Council of Ministers*, NKP, 2062, Decision No. 7627, P. 1440
- *Devendra Ale Vs. Prime Minister and Office of the Council of Minister et al.* NKP 2061, Decision No. 7434, P. 1156
- *Mahesh Kumar Choudhari Vs. Nepal Government et. al.*, NKP 2064, Decision No. 7833, P. 415.
- *Pode Tamang Vs. Sindhupalchowk District Court et al*, Supreme Court Bulletin, 2058, No. 9, Year 10, p 22.

Reading Materials

Prescribed

1. Acharya, Madhav P., *Criminology* (In Nepali). Kathmandu: Ratna Pustak Bhandar, (2060 B.S.).
2. Ahuja, Ram, *Criminology*, New Delhi: Rawal Publications, (2000).
3. *Bal Nyaya Srot Sangalo*, Lalitpur: Kendriya Bal Kalyan Samiti et. al. (2066).
4. Champion, Dean J, *The Juvenile Justice Delinquency, Processing and the Law* Parenting Hall, (2nd Ed.) (1998).
5. Clemens Bartollas, *Juvenile Delinquency*. (Allyn and Bacon-Boston), (2nd Ed.).
6. CWIN, *Juvenile Delinquency in Nepal*. Kathmandu: Child Workers in Nepal Concerned Centre, (2003).
7. Dohetry, Micheal, *Criminology* (3rd ed.). London: Id Bailey Press, (1997).
8. Hansarai, Vijay and P. I. Jose (2010). *Juvenile Justice System Along with Juvenile justice (Care and Protection of Children) Act, 2000 and Rules 2007 Working Manual for Stakeholders*. New Delhi: Universal Law Publishing Co. Pvt. Ltd.
9. *Juvenile Justice Modern Concepts of Working with Children in Conflict with the Law*. Save the Children UK.
10. KSL. *Juvenile Justice System in Nepal*, Bhaktapur: Kathmandu School of Law, (2003),
11. Kumari, Ved *The Juvenile Justice System in India from Welfare to Rights*. New Delhi: Oxford University Press, (2004).

12. Martin, Gus, *Juvenile Justice Process and Systems*. New Delhi: Sage Publications, (2005).
13. Siddiqui, Ahmand *Criminology: Problem and Prospective* (4th ed.). India: Easter Book Co., (1997).
14. Simonsen and Gordon, *Juvenile Justice in America*. Glencoe Publishing Co. Inc., (1979).
15. Williams, Katherine, *Textbook of Criminology*. London: Blackstone Press, (2001).

References/Recommended

1. *Balbalika Sambandhi Kanoon Rastriya Tatha Antarrastriya Starka Pramukh Byabastha*. Lalitpur: Kendriya Bal Kalyan Samiti.
2. Barnes and Tecters, *New Horizon in Criminology*.
3. *Bharagva's Child Laws*, New Delhi: Kamal Publishers, (2008).
4. Bynum, Jack E. and William E. Thompson *Juvenile Delinquency: A Sociological Approach*. Allyn and Bacon, (1998).
5. Cressy, Donald and Sutherland, E.H. *Principles and Criminology*.
6. Cunneen, Chris and Rob White, *Youth and Crime in Australia* Oxford University Press, (3rd ed.) (2007).
7. Empey, LaMar T., Mark C. Stafford and Carter H. Hay, *American Delinquency*. Wadsworth Publishing Company, (1999).
8. Hoghughi, Masud, *The Delinquent Directions for Social Control*. London: Burnett Books Limited., (1983).
9. Kumari, Ved. *Treatise on the Juvenile Justice Act, 1986* :, The Indian Law Institute, New Delhi (1993).
10. Mainali, Laxmi Prasad, "Balbalika Sambandhi Kanooni Samrachanharu." *NYAYADOOT*, Year 40, Purnanka 181, Anka 2, Jestha-Asar, 2065, Kathmandu: Nepal Bar Association, pp. 44-58.
11. Mainali, Laxmi Prasad, "Juvenile Delinquency: A Challenging Issue of Justice System." *LL. M. JOURNAL*, Year 1, Vol. 1, Kathmandu: LL.M. Students' Forum, Nepal Law Campus, pp. 31-48.
12. Mainali, Laxmi Prasad, "Right to Juvenile Justice as Fundamental Right in New Constitution of Nepal" *NEPAL LAW REVIEW*, Vol. 21, No. 1 and 2, Kathmandu: Nepal Law Campus, Faculty of Law, T.U., pp. 96-108.
13. Mainali, Laxmi Prasad. "Juvenile Delinquency: Its Treatment and Prevention." *NYAYADOOT*. Bi-monthly, Year 39, No. 175, Vol. Shrawan - Bhadra, 2065. Kathmandu: Nepal Bar Association, pp. 6-26.
14. Morris. *Deviance and Control*
15. **Nepalma Bal Adhikarko Awastha**, Annual Report 2009, National Human Rights Commission
16. NJA, *Concept of Camera Hearing and Method of Implementation*. Kathmandu: National Judicial Academy, (2065).
17. Paranjape, Dr. N.P. *Criminology and Administration of Criminal Justice*.
18. PPR Nepa, *A Critical Analysis of Juvenile Justice System in Nepal* (1st Ed.). Kathmandu: Forum for Protection of People's Rights Nepal, (2007).
19. Robert I. Simon, M.D., *Bad Men Do What Good Men Dream*, Delhi: Byword Books Private Limited, (2008)
20. Sharma, Dr. Lokendra, *Criminology* (in Nepali) (2nd ed.). Kathmandu: Nepal Educational Cooperation Centre, (2058 B.S.).
21. *South Asia and the Minimum Age of Criminal Responsibility Raising the Standard of Protection for Children's Rights*. The United Nations Children's Fund (UNICEF) Regional Office for South Asia.
22. Taylor, Walton and Yornd. *The New Criminology*. International Library of Sociology.
23. *The Children Act, 2048 B.S.*
24. *The Prison Act, 2019 and Rules, 2020 B.S.*
25. Tripathi, Hari Bansh. *Criminology*. Kathmandu: Nepal Kanoon Kitab Co.
26. Varma, Pox. *Introduction to Criminology*.
27. Wilsed, Paul. *The Sociology and Crime and Delinquency in Britain*. Vol. 1 and 2.

Interpretation of Statutes

Course Title: **Interpretation of Statutes** Full Marks: 50
Course No: Law 584 Pass Mark: 45%
Duration of the Course: One Year (62 hrs) Level : B.A.LL.B.
Year: V Nature: Compulsory

Course Objectives:-

The Main Objectives of this course are:

- to state the general idea about theories and methods of Statutory Interpretation
- to study the Interpretation of Constitution, Deeds and Wills and Presumption
- to analyse the Interpretation of Statute Act, 2010 B.S.

Unit I : Introduction of Law of Interpretation

1. Meaning, objectives, importance, kinds and principle of Interpretation:
2. Role and Importance of :
3. The different parts of Statutes :
 - a. Title
 - b. Preamble
 - c. Heading
 - d. Marginal Note
 - e. Schedules
 - f. Punctuation
 - g. Proviso
 - h. Exception
4. The External aspects:
 - a. Historical Setting
 - b. Parliamentary History
 - c. International Conventions
 - d. Dictionaries & Text Books
5. Commencement, Repeal and Revival of Legislation
6. Consolidating and codifying statutes

Unit II : Rules of Interpretation

1. Rules of interpretation :

- a. General Rules :
 2. Literal rule
 3. Mischief rule
 4. Golden rule
 5. Construction ut res magis valeat quam pereat.
 6. Reading words in their context : Statutory aspects
- b. Subsidiary rule:
 - (i) Ejusdem generis rule
 - (ii) Noscitur a sociis
 - (iii) Re-ddendo singula singuli
 - (iv) Expression unius rule
 - (v) Contemporanea expositio
 - (vi) Construction of words in bonam partem
- c. Beneficial rule

Unit III : Construction of Constitution

Unit IV : Restrictive, Exceptional and other Construction

1. Restrictive construction
2. Construction to avoid collision with other provisions
3. Exceptional construction

Unit V : Presumption

1. Presumption against the common law.
2. Presumption of constitutionality of a statute
3. Presumption regarding jurisdiction
4. Presumption against retrospective legislation
5. Presumption against violation of international law
6. Presumption against intending injustice or absurdity
7. Presumption against imparting obligation or permitting advantage
8. Presumption against intending what is inconvenient or unreasonable

Unit VI : Intention attributed to the legislature when it express none

1. Intention attributed to the legislature when it express none

Unit-VII: Interpretation of Statute Act, 2010 B.S.

1. The Interpretation of Statute Act 2010 B.S.

Reading Materials

Text Books :

1. Bindra, *Interpretation Statutes*
2. Langan, P.St *Maxwell on the Interpretation of Statutes* (Latest Edition)
3. Swarup, Jagadish *Interpretation of Statutes Legislation.*
4. *Interpretation of Statute Act*, (2010 B.S)

References :

1. Fitzgerald, P.J. *Salmond on Jurisprudence* (Latest Edition)
2. Pant, Amber Prasad Dr.,*et.al.,Teacher's Guide on Inerpretation of Statutes* (LL.B.),CDC TU (2000)
3. Shrivastav, R.D. *Interpretation of Statutes*

Law of Banking and Negotiable Instruments

Course Title: **Law of Banking and Negotiable Instruments**
Course Code No: Law 585
Duration of the Course: One Year (62 hrs)
Year: V

Full Marks: 50
Pass Mark: 45%
Level : B.A.LL.B.
Nature: Compulsory

Course Objectives:

The Main Objectives of this course are:

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

Unit I : Introductory

1. Origin, meaning and necessity of bank
2. Types of Banks
3. Importance of banking system
4. Historical background of banking system and banking law of Nepal

Unit II : Law relating to Central Bank

Establishment, composition, functions and powers of Nepal Rastra Bank

Unit III : Law relating to commercial banks:

1. Establishment, management and functions of Commercial banks
2. Privileges and banking procedures of commercial banks

Unit IV : The Banker-Customer relationship

1. Possible relationships:

- Bailor-bailee, Trustee-beneficiary, Agent-Principal, Debtor-creditor
- 2. Types of customer:
Individuals, minors, private firms, partnership firms, Companies and corporation, other body corporates, e.g., NGOs and INGOs
- 3. Deposits and accounts of the customer:
 - a. Demand deposit and current account, saving deposit and account, Term deposit and account
 - b. Combining of accounts
 - c. Passbook and statements of account

Unit V : Duties of Banker

- 1. Duty to pay cheque
- 2. The duty of secrecy and its exceptions

Unit VI : Bank Lending and Securities

- 1. Different methods of charging securities -Pledge, Hypothecation, Trust receipts, Assignments, Mortgage
- 2. Different types of security and their perfection
- 3. Goods and commodities, shares and debenture, insurance policies, bank deposits, national saving bonds, gold, immovable property, personal and corporate guarantee, promissory note, letter of comfort

Unit : VII : Procedure of Recall and Recovery of Bank Loans

Unit : VIII : Trade Finance

- 1. Legal characters of demand guarantees
- 2. Basic features and fundamental principles of letter of credit

Unit IX : Law relating to negotiable instruments

Unit X : Law relating to Foreign Exchange Management

Unit - XI : Banking Offence and Punishment.

Unit -XII : Decided Cases:

- 1. Board of Directors, Nepal Bank Ltd. *et.al.* vs. Raghunath Aagrawal, **NKP** 2044/998 (Auction)
- 2. Dal Bahadur Budha Magar vs. Nepal Bank Ltd., **NKP** 2048/50
- 3. G.M. Aananda Bhakta Rajbhandari *et.al.* vs. Ballav Shumsher J.B.R., **NKP** 2044/520 (Power of Board of Directors)
- 4. Gajendra man Pati vs. Maheshworman Shakya, **NKP** 2042/468 (Loan Recovery)
- 5. Indu Shrestha vs. Rastriya Banijya Bank, **NKP**, Vol..30, No.11, P.1214 (Recovery of Loan)
- 6. Karishma Impex vs. Rastriya Banijya Bank, **NKP** 2048/891
- 7. Keshav Kisi *et.al.* vs. International Leading and Finance Co.Ltd. **NKP** 2058/139
- 8. Nepal Leather Industry Pvt. Ltd. vs. Nepal Indo-swez Bank Ltd., **NKP** 2052/978
- 9. Purusottam Marwadi vs Nepal Bank Ltd. Head office's behalf its Manager Ananda Bhakta Rajbhandari, **NKP** 2025/74-75 (liability of the Bank)
- 10. Rastriya Banijya Bank Janakpur Branch vs. Jhawarmal Goenka, **NKP** 2045/216
- 11. The Fulbari Ltd. vs. Nepal Rastra Bank *et.al.*, **NKP** 2064/1034
- 12. Uma Agrawal vs. Nepal Bank Ltd. Duhubi Branch *et.al.*, **NKP** 2046/868 (Security)

Reading materials

Legal Texts (with amendments)

- 1. Bank and Financial Institutions Act, 2006
- 2. Bank and Financial Institutions Loan Recovery Act, 2001.
- 3. Bank and Financial Institutions Loan Recovery Rules, 2002
- 4. Banking Offence and Punishment Act, 2007
- 5. Foreign Exchange (Regulation) Act, 1961
- 6. Negotiable Instruments Act, 1977
- 7. Nepal Rastra Bank Act, 2001
- 8. Secured Transactions Act, 2006
- 9. Supreme Court, **Leading cases on Commercial Law**

Reference (Latest edition)

1. Ellinger E.P. & Lomnicka E., *Modern Banking Law*, Oxford, (1994.)
2. Gupta, S.N., *The Banking Law in Theory and Practice*, Universal.
3. Milnes, J. Holden, Pitman, *The Law and Practice of Banking*.
4. Narayan, P.S., *Law of Negotiable Instruments and Dishonour of Cheques*, Asia Law House.
5. *Paget's Law of Banking*, Butterworths.
6. Pennigton, R.R. & Hudson, A.H. ME, *Commercial Banking Law*.
7. Regmi, Reshemraj, *Banking Law of Nepal*, Lumbini Pustak, Kathmandu, (2064)
8. *Sheldon's Practice and Law of Banking*.
9. Shiwakoti, S. & Shrestha, S. (ed.), *Leading Cases of Supreme Court on Banking*, Part 1 & 2, (Gyangun Kanoon Academy), (Nepali version).
10. *Tannan's Banking Law and Practice in India* - India Law House.

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Professional Ethics and Lawyering Skills

Course Title: **Professional Ethics and Lawyering Skills**

Course No: Law 586

Duration of the Course: One Year (62 hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to provide the basic knowledge of various aspects of professional ethics absolutely essential in the legal profession.
- to ensure that all students are aware of the practical aspects of drafting, pleading, and conveyancing skills essential for practicing advocates.
- to familiarize with skills of advocacy, public interest, lawyering, legal aid, and literacy, and para-legal services.

Unit I : Professional Ethics

1. Concepts and Principles
2. Professional responsibility of lawyers towards client, opposite party, court, society and state.
3. Bar-Bench relations
4. Professional ethics under the existing laws of Nepal.
5. Investigation and other Disciplinary Action on the violation of professional ethics in Nepal.

Unit II : Drafting, Pleading, and Conveyancing skills in Nepal

1. Legislative drafting:
 - a. General principles
 - b. Laws and Skills of Legislative Drafting
2. Court Oriented written pleadings from plaint/complaint to execution of judgments/ orders etc in civil and criminal cases.
3. Conveyancing: (i)Sale Deed (ii)Lease and Contract Deed(iii)Gift and Will Deed(iv)Adoption Deed(v) Exchange Deed(vi) Separation of coparcener or Reunion Deed(Vii)Mortgage Deed(viii) Loan Deed (ix) Guarantee

Deed (x) Promissory Note (xi) Power of Attorney (xii) Deed Poll (xiii) Indenture

Unit III : Advocacy skills in Nepal

1. Concepts and Rules of Advocacy.
2. Communication skills for Lawyers:
 - a. General Presentations
 - b. Client Interviewing and Advising
 - c. Negotiation
 - d. Oral Arguments
 - e. Examination of Witnesses
3. Trial Advocacy skill
 - a. Case Oriented Legal Research
 - b. Case Preparations
 - c. Organization of arguments

Unit IV : Public Interest, Lawyering skills, and legal aid

1. Public interest lawyering
2. Legal Aid
3. Legal Literacy
4. Para-legal services
5. Writing case Comments, editing of law journals, law office management and accountancy for lawyers
6. Notary Public

Unit V : Prescribed Cases

1. Advocate Lila Mani Poudel vs. HMG Council of Minister Secretariat & others, *NKP* 2060 nos. 5 / 6 p. 354
2. Advocate Narayan Prasad Koirala vs. Syanja District Court & others, *NKP* 2058 nos. 9 / 10 p. 542
3. Badri Bahadur Karki vs. CIAA (Five Judges Full Bench), *NKP* 2058 nos. 5 / 6 p. 239
4. Kalpana Sharma vs. Tilak Prasad Adhikari & others *NKP* 2059 nos. 3 / 4 p. 178
5. Madhusudan Bhattarai vs. Narendra Bahadur Chand, *NKP* 2059 nos. 3 / 4 p. 210
6. Ravilal Chaudhary Tharu vs. Nepal bar Council & others, *NKP* 2053 no. 10 p. 711

7. Ravindra Bhattarai vs. HMG Council of Ministers & others order sought under Art. 88(1) of the Constitution..., *NKP* 2055 no. 11 p. 615
8. Subarna Prajapati vs. Kavre Palanchowk District Court & others, *NKP* 2046 no. 9 p. 946
9. Tuel Many Chakradhar vs. Supreme court Bar Association President Shambhu Thapa, *NKP* 2053 no. 7 p. 611

Prescribed

1. Code of Conduct of Lawyers, 1994
2. Disciplinary Committee (Management) Rule 2002
3. Kharel, S.K. et.al., *Basic Skills for Lawyer*, NBA in Assistance of Embassy of U.K.,
4. Nepal Bar Council Act, 1993
5. Shrestha, G.B., *Drafting of Legal Document*, Pairavi

Reference

1. Abbey, R. M. et.al, *A Practical Approach to Conveyancing*, Blackstone/Universal (First Indian Reprint 2000)
2. Atre, B.R; *Legislative Drafting-Principles and Techniques*, Universal (2001).
3. Blake, S; *The Practical Approach to Legal Advice and Drafting*, Universal (First Indian reprint 2000)
4. Evans, K; *Advocacy at the Bar-A Beginner's Guide*, Universal Book Traders (First Indian Reprint 1998)
5. Evans, K; *The Golden Rules of Advocacy*, Universal Book Traders (First Indian Reprint 1994)
6. Harwood, M; *Conveyancing Law and Practice*, Lawman (India) Pvt. Ltd, New Delhi (1995)
7. Hyam, M., *Advocacy Skills*, Universal (2002)
8. Jai Lal, *Conveyancing, Deeds, Forms and Precedents*, Universal (1995)
9. **Kanoon Tarjuma Digidarshan**, Nepal Government, Nepal Law Commission (Cabinet Approval on 2066/4/19 B.S.)
10. **Kanoon Tarjuma Sambandhi Abadharanatmak Pachyaharu**, Nepal Law commission, Kanoon Tarjuma Digidarshan Bikas Ayojana

11. Malik, B., *The Art of a Lawyer*, (Advocacy-Cross Examination), Universal (1999)
12. Munkman, J.H; *The Technique of Advocacy*, Universal (First Indian Reprint 1999)
13. Pannett, A; *Legal Practice Handbook-Managing the law Firm*, Universal (First Indian Reprint 2001).
14. Rose, W.M; *Pleadings without Tears-a Guide to legal drafting*, Universal book Traders (1995)
15. Rylance, P., *Legal Writing and Drafting*, Universal (2000).
16. Sherr, A; *Legal Practice Handbook Advocacy*, Universal Book Traders (First Indian Reprint 1994)
17. Ugrs', *Pleadings and Practice*, Universal, (2003)

Note: Students are required to study the existing Acts, Rules and provisions of the constitution and civil code as well as disciplinary actions taken by Nepal Bar Council.

Clinical Law III Project Work/Placements

Course Title: Clinical Law III Project Work /Placements	Full Marks: 50
Course No: Law 587	Pass Mark: 45%
Duration of the Course: One Year (62hrs)	Level : B.A. LL.B.
Year: V	Nature: Compulsory

Course objectives:

The main objectives of this course is to give placement training to Students and prepare a project report for evaluation. The Training course attempts to expose the students to different aspects of legal work in Libraries, Lawyer's chambers, courts, administrative offices, quasi-judicial bodies, prosecution departments, police and correctional institution, commercial corporate establishment, government law offices, legal aid centers, legislative secretariats etc. Besides examining the code of professional ethics and etiquette both in theory and in practice, the course addresses the growing social responsibilities and challenges.

Course description and Evaluation

This course shall be conducted by assigned teacher having at least ten years of professional experience. The Campus Chief, In-Charge of Law or any other senior and experienced teacher designated by Campus Chief or in charge of law will be the Coordinator who is responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Tribhuvan University. A course outline and the number of students admitted in each academic session in this course will be announced by the Campus. A report of the works and experience of students will have to be submitted by students within the prescribed date at the end of academic session. This course carries 50 marks out of which 25 marks will be assessed by supervising teacher or institution and remaining 25 marks will be evaluated in viva-voce conducted by Campus.

Seminar III

Course Title: **Seminar III**

Course No: Law 588

Duration of the Course: One Year (62hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives

The main objective of Seminar is to familiarize the students with the process of finding a research oriented / objective solution on definite legal issues on law and justice through practical work. The students will choose the topic of seminar with the approval of Class Teacher within the specified date from the beginning of the class and then write, present and defend his finding of the seminar paper in the class. The students shall also continuously involve in the discussion in other's paper. The Campus may also assign one particular topic of Seminar for all the Students. If it will be so, then all the Students will devote whole year in that particular Seminar topic. By doing this, it is aimed that students will develop their capabilities and confidence in solving any legal & contemporary issues.

Course Description

The course is designed to give practical knowledge to students. Out of 50 marks allotted to this subject, 25 marks will be based on written seminar report including paper submitted at the end of the session for final evaluation (external). Out of remaining 25 marks, 15 will be assessed through internal practical evaluation and 10 marks will be reserved for viva voce. Internal evaluation of the students shall be done on the basis of standards and rules set by the Campus. In this subject, the Class Teacher shall, in the beginning, take introductory class for clarifying the objectives, modes and general instruction of seminar. Besides, the resource person may be invited by Class Teacher from among the persons listed in the rosters prepared by the Campus for the purpose of observing seminar presentation and discussion and to suggest for the improvement of the paper.

Dissertation

Course Title: **Dissertation**

Course No: Law 589

Duration of the Course: One Year (62hrs)

Year: V

Full Marks: 100

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Compulsory

Course Objectives:

The main objective of writing a Dissertation is to acquaint students with the process of doing research on definite legal issues of law and justice. For this, the students shall submit a proposal in a prescribed format before the Campus within the specified date from the beginning of the Fifth Year which may be approved with or without modification. While preparing Dissertation, the students shall have to take the complete guidance of the supervisor appointed by the Campus. As a rule, the supervisor shall have to submit a progress reports of the candidate about the progress of his/her Dissertation.

After completing the Dissertation, it has to be submitted before the Campus with the recommendation of the supervisor within the specified date. A candidate must submit three copies of the Dissertation to the Campus. Dissertation must be prepared by applying the standard rule of citation, bibliography and research as instructed by the Campus.

Course Description

The Dissertation is designed and introduced to undertake research in a topic approved by Campus. It carries 100 full marks out of which 75 marks will be evaluated by external examination and remaining 25 marks will be evaluated by viva voce.

Victimology

Course Title: **Victimology**

Course Code No: Law 590

Duration of the Course: One Year (62 hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A.LL.B.

Nature: Optional

Course Objectives:-

The Main Objectives of this course are:

- To impart the knowledge about various aspects of Victimology to the students.
- To acquaint the students with the rights of Crime Victims.
- To provide knowledge about recent trends of Criminal law and the role of Crime Victim in Justice System.
- To acquaint the students about the major problems and issues facing by the Nepalese Law regarding to Victimology.
- To impart the knowledge about Truth Commission.
- To acquaint the students about concept and impact of impunity in the society.
- To enable the students to understand some landmark decisions regarding to victim justice and rights of Crime Victim.

Contents :-

Unit I: Introductory

1. Concept of Victimology
2. Evolution and Development of Victimology
3. Concept of Victim Justice System
4. The Concept of Restorative Justice
5. Development of Victimology in Nepal

Unit II : Crime Victim

1. Meaning and Definition of Crime Victim
2. Crime Victim and Victim
3. Classification of Crime Victim

Unit III: Rights of Crime Victim

1. Rights of Victim Versus Rights of Offender
2. Crime Victim and Human Rights
3. Crime Victim Participation in Criminal Justice System
4. Protection of Crime Victim
5. Crime Victim Witness Assistance
6. Crime Victim Support Management
7. Crime Victim Compensation Programme

Unit IV: State Liabilities towards Crime Victim

1. Role of Office of the Government Attorney, Nepal Police and victims related to Governmental and Non-governmental Organizations
2. Role of State to Compensatory Legal Provisions
3. Role of State to Provide Supports Crime Victim

Unit V: National and International Instruments on Crime Victim

1. Constitutional Provisions
2. Statutory Provisions
3. International Conventions

Unit VI: Truth and Reconciliation Commission

1. Concept of Truth and Reconciliation Commission
2. Truth and Reconciliation Commission and Crime Victim
3. Truth and Reconciliation Commission and Crime Victim
4. Feasibility of Truth and Reconciliation Commission in Nepal

Unit VII: Impunity and Its Effect on Crime Victim

1. Concept of Impunity
2. Impact of Impunity on Crime Victim
3. Impunity and Criminal Justice System

Leading cases:

1. *Bhim Bahadur Oli Vs. HMG*, Writ 3394/061, D.D.2062/10/18
2. *Budhi Bahadur Praja Vs. HMG*, Writ 3448/063, D.D.2065/1/30
3. *HMG Vs. Ansail Miya*, Cr. Appeal No 34422.062, D.D.2064/1/14
4. *HMG Vs. Jugta Sada*, Cr. Appeal No 2291.057, D.D.2062/12/7
5. *HMG Vs. Tulsi Bakhya* (Rape), NKP 2063, p. 1294

6. *Jagdish Thapa Vs. HMG*, Writ 3326/063, D.D.2065/1/30
7. *Krishna Bahadur Lama Vs. HMG*, C.No.5257, D.D.2061/9/6
8. *Rabindra Prasad Dhakal Vs. HMG*, SCB, 2064/2
9. *Reshma Thapa Vs. HMG*, NKP 2061 p.205
10. *Uttam Lama Vs. HMG*, NKP 2061, p. 1092.

Reading Materials

Prescribed

1. Rajan, V. N., *Victimology in India*. India: Ashish Publishing House, (2001)
2. Shrestha, Dr. Shanker Kumar, *A Step towards Victim Justice System*. Kathmandu: Pairavi Prakashan, (2001 AD).
3. Shrestha, Dr. Shanker Kumar, *Victims Jurisprudence* (Nepali Vernacular). Kathmandu: Pairavi Prakashan, (2062 B.S.).
4. Spalek, Basia, *Crime Victim- Theory, Policy and Practice*. New York: Palgrave Macmillan, (2004).
5. *The Compensation against Torture Act, 2053 BS*
6. *The Food Act, 2049 BS*
7. *The Foreign Employment Act, 2065 BS*
8. *The Gender Equality Act, 2063 BS*
9. *The Human Rights Commission Act, 2053 BS*
10. *The Human Trafficking and Transportation (Control) Act, 2064 BS*
11. *The Interim Constitution of Nepal, 2063 BS*
12. *The Muluki Ain, 2020 BS*
13. *The Proposed Draft of Criminal Code and Criminal Procedure Code, 2067.*
14. *The State Cases Act, 2049 BS*
15. *The Vehicle and Transportation Management Act, 2049 BS*
4. Das, Bharat B, *Victims in the Criminal Justice System*, India: APH Publishing Corporation
5. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985*
6. Devasia, V. V. and Devasia, Leelamma. *Criminology, Victimology and Corrections*, India: Ashis Publishing House
7. Elias, Robert. *The Politics of Victimization - Victims, Victimology and Human Rights*. New York: Oxford University Press
8. Reid, Sue Titus *Crime and Criminology*. Mc Graw Hill Higher Education Group Inc, (1997)
9. Singh, S. P., Makkar and Paul C. *Global Perspectives in Victimology*
10. *The Rome Statute of ICC, 1998*
11. *The Victimologist, Journal of the World Society of Victimology*
12. *UN Declaration of Human Rights, 1948*
13. Viano, Ed. Emilio, *Victims' Rights and Legal References- International Perspectives*. USA: The Onati International Institute for the Sociology of Law
14. Vibhute, K. I. (ed.), *Criminal Justice*, Lucknow: Eastern Book Company, (2004)
15. William, F. McDonald. *Criminal Justice and Victim*, London: Sage Publications
16. William, H. Parsonage, *Perspectives of Victimology*, London: Sage
17. Publication FOHRID, **Impunity: Concept, Problems and Prevention**, (2064).
18. FOHRID, **International Documents developed against Impunity**, (2064).
19. FOHRID, **Crime Victim and Justice**, (2008).
20. Pradhan, Ramesh Raj, "An overview on Victim Justice System Interim Constitution of Nepal", **Nyayadoot**, Kathmandu: Nepal Bar Association, No. 186, Vol.7, English Special Issue 2010, (2010).

References/Recommended

1. *A Statement of the Rights of Victims of Crime, 1991*
2. *Annual Reports of Supreme Court of Nepal and Office of Attorney General of Nepal*
3. *Attorney General Guidelines for Victims and Witness Assistance, US Department of Justice, May 2005*

Forensic Medicine

Course Title: **Forensic Medicine**

Course Code No: Law 591

Duration of the Course: One Year (62 hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Optional

Course Objectives

The objectives of this course are:

- to acquaint the students about the basic concept of forensic medicine
- to familiarize the student about the medical evidence and the method of postmortem examination of a dead body.
- to enable the students to know about the signs of dead body, cause of death and the manner of death.
- to aware the students with Nepalese legal provisions and case laws developed by Nepalese Courts on forensic medicine and expert opinion of medical practitioner.
- to enable the student to apply the basic knowledge of forensic medicine during litigation and trial of the accused in the court rooms.
- to impart knowledge on the steps, procedure and grounds for examination, cross examination and re-examination of medical experts in the Courts.

Course Contents:-

Unit I : Introduction

1. Meaning & definition of forensic medicine
2. Application & scope of forensic medicine
3. Fields of Forensic medicine.
4. Development of forensic medicine in Nepal,
5. General Identification: age, sex, statue, race
6. Personal Positive identification techniques
7. Legal provisions relating to forensic medicine in Nepal

Unit II : Autopsy Examination

1. Meaning, definition and scope.
2. Declaration & Certification of Deaths,

3. Types of death for Medico-Legal Autopsy.
4. Legal provisions & procedure for Autopsy Examination In Nepal
5. Estimation of time of death.
6. External & Internal Examination of dead body.
7. Determination of cause & manner of death.

Unit III : Asphyxial Deaths

1. Death due to hanging,
2. Deaths due to strangulation,
3. Deaths due to drowning
4. Death due to other causes.

Unit IV : Medico-legal aspects of wound & Injuries,

1. Simple & grievous injuries,
2. Abrasions, Bruise, Lacerated wounds,
3. Cut wound & Stab wound,
4. Firearm injuries.
5. Difference between Homicidal, Accidental & Self inflicted wounds.
6. Injury Identification, Documentation & Reporting.

Unit V : Special Medico-legal examination

1. Examination of cases of Domestic violence.
2. Examination of Rape victim,
3. Examination of traffic injuries.
4. Examination of drunkenness/ drunken driving,
5. Examination of mental state & insanity.
6. Examination of bones,
7. Infanticide.

Unit VI : Toxicology

1. Nature & classification of poisons.
2. Routes of Administration of poison
3. External & Internal Examination of body.
4. Chemical Analysis, Modern Analysis techniques.
5. Collection of viscera & other samples from human body,
6. Nepalese practice & Leading case laws.

Unit VII : Expert Opinion of Medical Professionals

1. Medical professional as experts
2. Medical Ethics & Nepal Medical Council Act
3. Provisions relating to expert opinion.
4. Reliability of Expert opinion.
5. Examination of Medical experts by the courts
6. Cross examination of Experts

Unit VII : Forensic Medicine & Human Rights Issues

1. Medical examination of detainees
2. Medical examination of physical & mental torture
3. Role of forensic medicine in Extra Judicial Killings,
4. Investigation of custodial deaths.
5. Role of Forensic medicine in Disappearances,
6. Exhumation & identification of dead bodies.

Unit IX: Visit to Department of Forensic Medicine, Teaching Hospital, TU and preparation of report

Primary Sources:

Nepal Medical Council Act.
Evidence Act 2031, Nepal.

Secondary Sources:

1. Prof Chapman, AJ, **Death & Deduction**, 2nd Edition (Add details)
2. Dikshit , PC (ed.) **HWV Cox Medical jurisprudence & Toxicology**, 2002, 7th Edition,
3. Ganguli ,DK & Dr. Chaudhri, VK, 2008, **Medical Jurisprudence & Toxicology**, Dwivedi Law Agency, Allahabad India
4. Franklin, CA (ed.), **Modi's Medical Jurisprudence & Toxicology**, 21st Edition, Edited by M.D., NM Tripathi Pvt. Ltd.1993 (Update the newly edited book)
5. Knight, Bernard, 2001, **Lawyer's Guide to Forensic medicine**, Lawman (India) Pvt. Ltd. New Delhi
6. **Lexis Nexis, Butterworth Publications**
7. Mason, JK & Smit, R.A. McCall-h, 1997, **Butterworths Medico-Legal Enclyopedia, Lawman** (India) Pvt. Ltd. New Delhi

8. Nijhawan, Vinod, 2008, **Medical Science Helping the Process of Criminal Law**, Vinod Publications (P) Ltd, Delhi
9. Parik,C K, **Medical Jurisprudence & Toxicology**, (Add details)
10. Pillai, VV: **Medical Jurisprudence** (Add details)
11. Reddy, KSN: **Medical Jurisprudence** (Add Details)
12. **Role of Forensic science in investigation of EJK & Disappearances**, US Bar Association, Rule of Law initiative, Nepal.

Intellectual Property Law

Course Title: **Intellectual Property Law**
Course Code No: Law 592
Duration of the Course: One Year (62 hrs)
Year: V

Full Marks: 50
Pass Mark: 45%
Level : B.A.LL.B.
Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

Unit I: Introduction, Importance, and sources of Intellectual Property Law:

1. Concept of Intellectual Property.
2. Importance of Intellectual Property.
3. Kinds of Intellectual Property:
 - a. Industrial Property
 - b. Copyright
4. Sources of Intellectual Property Law.
5. Historical Development of Intellectual Property in Nepal

Unit II: Meaning and Nature of different term of intellectual property and remedies against infringement of intellectual property rights:

1. Industrial Property

- i. **Patent:** Meaning and nature of patent, term and ownership of patent, acquisition of patent right, infringement of patent right, remedies against infringement of patent.
- ii. **Trademark, Services marks:** Meaning and Nature of trade-mark, acquisition of trade-mark right, infringement of trade mark rights, remedies against infringement of trade-mark rights.
- iii. **Industrial design:** Meaning and nature of design, term and ownership of design, acquisition of design right, remedies against infringement of design right.

2. **Copyright:** Nature and meaning of copyright, kinds of copyright, term and ownership of copyright, right conferred by copyright, infringement of copyright, remedies against infringement of copyright.

Unit III : International Conventions on Intellectual Property:

1. Paris Convention for the Protection of Industrial Property, 1883 (as revised in 1971).
2. Trademark Law Treaty, 1994.
3. Nice Agreement Concerning the International Classification of Goods and Services, 1957.
4. Berne Convention for the Protection of Literary and Artistic Works, 1886 (Paris Text 1971)
5. Hague Agreement Concerning the International Deposit of Industrial Designs, 1923.
6. Locarno Agreement Establishing International Classification of Industrial Designs, 1968.
7. Rome Convention, 1961.
8. Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), 1994
9. World Intellectual Property Organization and its Role.

Unit V: Existing Legal Frameworks of Intellectual Property in Nepal

1. Harmonization of International norms of Intellectual Property in Nepalese Legal regime.
2. Provisions of Patent, Design and Trademarks Act, 1965 (with amendments).
3. Provisions of Foreign Investment and Technology Transfer Act, 1992 (with amendments).
4. Provisions of Electronic Transactions Act, 2006.
5. Consumer Protection Act, 1998.
6. Export-Import (Control) Act, 1957 (with amendments).
7. Copyright Act, 2002 (with amendments).
8. Foreign Exchange Regulation Act, 1974 (with amendments).

Unit VI: Institutional Mechanism in Nepal

1. Functions of Nepal Copyright Registrar's Office.
2. Functions of Nepal Copyright Protection Society.
3. Function of Music Royalty Collection Society-Nepal.
4. Functions of Computer Association of Nepal
5. Functions of Film Producer's Association
6. Functions of Film Development Board.

Reading materials

Legal Texts (with amendments):

1. Company Act, 2006
2. Consumer Protection Act, 1998
3. Copyright Act, 2002
4. Copyright Rule, 2004
5. Electronic Transaction Act, 2006
6. Export-Import (Control) Act, 1957
7. Foreign Exchange Regulation Act, 1974
8. Foreign Investment and Technology Transfer Act, 1992
9. Patent, Design and Copyright Act, 1965
10. Supreme Court Leading Cases on Commercial Law

Cases:

1. Nurpratap Rana vs. Department of Industry Tripureshowar Kathmandu et.al. *Some landmark Precedents of the Supreme Court on Commercial Law*, 1st ed. (1959-2005), Supreme Court, 2006

2. Suresh Chandra Agrawal vs. Department of Industry et.al., *NKP* 2049/791 S.C. decision no.4605

References

1. Chawla, Alka, *Copyright and Related Rights: National and International Perspective*, Macmillan India Ltd., (First ed.), (2007)
2. Cornish, W.R., *Intellectual Property*, Sweet and Maxwell, Universal Book Traders, Indian Reprint, New Delhi, (3rd ed), (1995)
3. Mukhia, Bal Bahadur Dr., "Role of Effectual CMO for Copyright Protection", *Nyayadoot*, English Special Issue, Year 38, No.171, Vol-6, Nepal Bar Association, Kathmandu, Nepal, (2008)
4. Mukhia, Bal Bahadur Dr., "The Role of Intellectual Property in Economic Progress and Issues in Nepal", *Nyayadoot*, Nepal Bar Association, Kathmandu, Nepal, (2007)
5. Mukhia, Bal Bahadur, *An Inquiry Into the Legislation of Intellectual Property and Teaching of IP in Nepal* (Research), University Grants Commission, Kathmandu, Nepal, (1997)
6. Mukhia, Bal Bahadur, *Legal Aspects of Incorporated Property Rights with Special Reference to Industrial Property in Nepal*, (Research), Faculty of Law, Tribhuvan University, (2001)
7. Narayan, P., *Intellectual Property*, Eastern Law House, New Delhi, (3rd ed), (1990)
8. Sangal, P.S., *Intellectual Property Law*, R.K. Naroola, New Delhi, (1994)
9. Shahalia, Manu, Luv, *Perspective in Intellectual Property Law*, Universal Law Publishing Co.P.Ltd., (2003)
10. Sople, V.V., *Managing Intellectual Property and the Strategic Imperative*, Prentice Hall of India P.Ltd., New Delhi, (2006)
11. Upadhyaya, L.K. Dr., "Intellectual Law Teaching and Research Situation in Nepal", in *WIPO Publication No. 664(E) ISBN92-805-0200X* (1988)
12. Wadehra, B.L., *Law Relating to Patents, Trademarks, Copyrights, Designs and Geographical Indications*, Universal Law Publishing Co. P. Ltd., India, (2nd ed), (2000)

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council , Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Cyber Law

Course Title: **Cyber Law**

Course Code No: Law 593

Duration of the Course: One Year (62 hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Optional

Course objectives

The Main Objectives of this course are:

- to impart to the students knowledge of origin, development and jurisdiction of cyber law.
 - to inculcate to students about the aspect of information and communication technology, computers and network systems, internet and virtual world, internet service providers, electronic data interchange, public key infrastructure and electronic/digital signature.
 - to acquaint them with the meaning and nature of e-commerce, contract in cyberspace, digital contracts, provisions of UNCITRAL Model Laws on E-commerce, 1996.
 - to impart to students concept of intellectual property rights, copyright in computer software, patenting software application, trademarks and domain names, law relating to semi-conductor layout and designs.
 - to inculcate them the provision of Electronic Transaction Act, 2006 (2063 B.S.) and other relevant provisions of Nepalese law.
 - to impart them about nature, scope and types of cyber crime.
 - to enable the students to assess the challenges of cyberspace and benefits of ICT.
- Such knowledge will be transpired to the students through lecture, classroom, problem-solving, question answer method in order to promote their knowledge, comprehension and their capacity in the application of learnt knowledge and skill.

Unit I : Introduction, Origin and Development of Cyber Law

1. Evolution, Meaning and Nature of Cyber Law.
2. Relation of Law and Technology.
3. Aspects of Information and Communication Technology

- a. Computer and network systems
- b. Internet and Virtual World
 - i. World Wide Web
 - ii. Internet Protocol
 - iii. Internet Service Provider (ISP)
 - iv. Electronic Data Interchange (EDI)
 - v. Public Key Infrastructure and Electronic/Digital Signature
- c. Telecommunication
 - i. Telephone
 - ii. Cel Phone/Mobile
 - iii. Telex/Fax
- 4. Need and scope of the study of Cyber Jurisprudence
- 5. Judicial Control and Jurisdiction of Cyber Space
- 6. Internet Regulation; Content Regulation and its Authority

Unit II : Intellectual Property Rights, Computer Software and Cyberspace

- 1. The concept of Intellectual Property rights.
- 2. Copyrights in Computer Software
- 3. Patenting software applications
- 4. Trademarks and domain names
- 5. Law relating to Semi-conductor, layout and designs
- 6. Cyber Property and Internet

Unit III : E-Commerce and Legal Issues

- 1. Meaning, Nature and Areas of E-commerce
- 2. Digital Signature/Electronic Signature and Certifying Authority
- 3. Data Protection and Privacy
- 4. Consumer Protection in E-Commerce

Unit IV : Cyber Crime

- 1. Essential Elements of Crime
- 2. Concept of Cyber Crime, Nature of cyber criminality
- 3. Types of Cyber Crime
 - i. Based on Role of Computer
 - ii. Based on perpetrators

- iii. Based on Victims
 - a. Crime affecting individual:
 - b. Crimes affecting economy:
- iv. Based on Contents:
- 4. Investigation in Cyber Crime
 - i. Investigation Authority & its power
 - ii. Problems in Investigation
 - iii. Liability of Internet Service Provider
- 5. Jurisdiction of IT Tribunal and IT Appellate Tribunal

Unit V : Existing Provisions of Cyber Law, relevant laws and policies in Nepal

- 1. Provisions of Electronic Transactions Act, 2006.
- 2. Related Provisions of Copyright Act, 2002 (with amendments).
- 3. Provisions of Patent, Design and Trademark Act, 1965 (with amendments)
- 4. Related provisions of Competition Promotion and Market Protection Act, 2006 (2063).
- 5. Information Technologies Policies 2000
- 6. Long Term Policies on Information and Communication 2002

Unit VI : Institutional Mechanism in Nepal:

- 1. Functions of Office of Controller of Certifying Authority, Ministry of Environment, Science and Technology.
- 2. Functions of Nepal Copyright Protection Society.
- 3. National Information Technology Center
- 4. High-Level Commission for Information Technology (HLCIT).
- 5. Function of Computer Association of Nepal

Reading Materials

Statutes (with amendments)

- 1. Company Act, 2006
- 2. Computer Misuse Act, UK
- 3. Data Protection Act, UK
- 4. Digital Millennium Copyright Act, 2000, USA

5. Electronic Signature in Global and National Commerce Act, 2000, USA
6. Export-Import (Control) Act, 1957
7. Foreign Investment and Technology Transfer Act, 1992
8. Information Technology Act, 2000, India
9. Patent, Design and Copyright Act, 1965
10. The Copyright Act, 2002
11. The Electronic Transaction Act, 2006
12. The Telecommunication Act, 1997

International Conventions and Model Laws

1. European Conventions on Cyber Crime, 2001
2. WIPO Copyright Treaty, 1997
3. UNCITRAL Model Law on Electronic Commerce, 1996
4. United Nations Convention on the Use of Electronic Communications in International Contracts, 1998

Text books

1. Cornish, W.R., *Intellectual Property* Sweet and Maxwell, Universal Book Traders, Indian Reprint, New Delhi (3rd ed), (1995)
2. Kumar, Krishna, *Cyber Law: Intellectual Property and E-Commerce Security*, Dominant Publishers & Distributors, Delhi, India, (2001)
3. Lloyd, Ian J, *Information Technology Law*, Oxford University Press, (4th ed) (2004)
4. Nandan, Kamatha, *Law Relating to Computers, Internet, E-Commerce*, Universal Law Publishing Co. Ltd., India, (2002)
5. Narayan, P., *Intellectual Property*, Eastern Law House, New Delhi, (2nd ed) (1990)
6. Rao, S.V. Joga, *Law of Cyber Crimes and Information Technology Law* Wadhawa and Companies, Nagpur, (1st ed), (2004)
7. Reed, Chris, *Internet Law: Text and Materials* Butterworths, (1st ed) (2000)
8. Reiter, Bumenfeld and Boulding, *Internet Law for the Business Lawyer*, American Bar Association, U.S.A, (2001)
9. Rider, Rodney D., *Guide to Cyber Laws (Information Technology Act, 2000, E-Commerce, Data Protection and The Internet* Wadhawa and Companies, Nagpur, (2nd ed) (2003)

10. Sood, Vivek, *Cyber Law Simplified* Tata McGraw-Hill Publishing Company Limited, (Second reprint), (2003)
11. Verma, S.K. and Mittal, Raman (ed), *Legal Dimensions of Cyberspace* Indian Law Institute, (1st ed), (2004)

References

1. Adhikari, Pravakar, "Emergence of IT & Need of Cyber Law and its Impact on IPR", *Nepal Law Review*. Vol. No. 1 & 2, (2004)
2. Adhikari, Pravakar, "Legislative Challenge in Nepalese Telecom Sector: Problems and Prospects", *Nepal Law Review* Vol. 19, No. 1 & 2, (2006)
3. Bainbridge, David I., *Introduction to Computer Law* Pearson education, (4th ed.), (2000)
4. Ballon, Leviadwong (ed.), *Seventh Annual Internet Law Institute*, Vols. I & II, Practising Law Institute, New York, (2003)
5. Edwards and Waelde(ed.), *Law and the Internet-a framework for electronic commerce*, HART Publishing, (2nd ed.) (2000)
6. Kalakota and Whinston, *Frontiers of Electronic Commerce* Pearson Education, (12th Indian Reprint), (2004.)
7. Kumar, G.Ram, *Cyber Crimes-a primer on Internet threats and Email abuses*, Viva Books Private Limited, (1st ed.) (2006)
8. Lawrence, Penelope, *Law on the Internet-A practical guide* Sweet and Maxwell, (1st ed.), (2000)
9. Mukhia, Bal Bahadur, *Legal Aspects of Incorporeal Property Rights with Special Reference to Industrial Property in Nepal*, (Research), Faculty of Law, Tribhuvan University, (2001)
10. Mukhia, Bal Bahadur Dr., *"The Role of Intellectual Property in Economic Progress and Issues in Nepal"*, Nyayadoot, Nepal Bar Association, Kathmandu, Nepal, (2007)
11. Mukhia, Bal Bahadur, *"An Inquiry Into the Legislation of Intellectual Property and Teaching of IP in Nepal"* (Research), University Grants Commission, Kathmandu, Nepal, (1997)
12. Mukhia, Bal Bahadur, *Role of Law for Strengthening ICT in Nepal*, Annual Survey of Nepalese Law, Vol.V, Nepal Bar Council, (2001)
13. Rao, S.V Joga, *Computer Contracts and Information Technology Law* Wadhwa and Companies, Nagpur, (2nd ed), (2005)
14. Rider, Rodney D., *Intellectual Property and the Internet* Butterworths, (1st ed.), (2002)

15. Rider, Rodney D., Rider, *Business Process Outsourcing, Data Protection and Information Security*, Wadhwa and Company, (1st ed.) (2007)
16. Rosenoer, Jonathon, *Cyber Law, The law of the Internet* Springer-Verlag, (1st ed), (1997)
17. Rowland and Macdonald, *Information Technology Law*, Cavendish Publishing Limited, (3rd ed), (2005)
18. Singh, Yatindra Justice, *Cyber Law* Universal Law Publishing Company Private Limited, (2nd ed.), (2005)

Journals

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of Law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association

Population Law

Course Title: **Population Law**

Course No: Law 594

Duration of the Course: One Year (62 hrs)

Year: V

Full Marks: 50

Pass Mark: 45%

Level : B.A. LL.B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

Unit I : Introduction

1. Meaning, Scope and Definition of Population Law
2. Demography of Nepal (Size, Composition, Distribution, desegregated situation, socio-culture- religious context of Nepal)
3. Importance of study on Population Law

Unit II : Census Law

Law relating to census, survey and vital registration

Unit III : Basic Demographic Components and Law Related there to

1. Laws on Citizenship
2. Laws Relating to Registration of birth and deaths
3. Laws on Migration (Concept of Migration & mobility, Types.
4. Permanent, Semi- Permanent temporary & seasonal)
5. Causes & consequences of Migration.

- Immigration & Emigration, free border and Treaty of Peace and Friendship with India

Unit IV : Family Law and Population

- Law on Marriage, Divorce and Judicial Separation
- Joint Family and Population
- Adoption Law

Unit V : Major Factors that are Directly Related to Population (Urbanization)

- Urbanization and Population Growth
- Religion and Population Growth
- Culture and Population Growth

Unit VI : Population and Human Rights Issues

- Concept of Human Rights and its Correlation with Population
- Women's Reproductive Right (including fertility) as a Fundamental Right
- Right to Basic Health Service as a Fundamental Right
- Family Planning Laws of Nepal
- Child Rights
- Equality and Gender Discriminations

Unit VII : Offences Related to Reproductive Health

- Reproductive health related offences and its impact on fertility (Infanticide, Rape, Bigamy, Incest, Adultery, Prostitution, Homosexuality, Third Sex)
- Law relating to contraception and Abortion in Nepal
- Law relating to religion and its impact on fertility
- Punishment

Unit VIII : Institutional Arrangement for Population Management

- Central Bureau of Statistics
- Ministry of Population and its Functions

Reading Materials

Text Books

- Acharaya, Dilli Raj, "*Law of Population*", Pairavi Publication
- Kafle, Balam, "*Law and Population of Nepal*", Legal Service and Research Center, Kathmandu,

Reference

- Gurung, Harkha, Dr. (Coordinated), *Main Report of Domestic and International Migration an Educational Group Studies on Migration*, National Population Commission, (2040)
- Introduction of Population and Law*, Secretariat of Population Commission, SinghaDurbar Kathmandu.
- Population Monograph of Nepal*, Vol. I&, II, Central Bureau of Statistics, Katmandu, (2003.)
- Sehgal, B.P. Singh, **Women, Law and Birth Control in India**, Deep and Deep
- Sehgal, B.P. Singh, **Law and Population Policy in India**, Deep and Deep
- Tandon, Usha "*Population Law : An Instrument for Population Stabilization*". New Delhi, Deep and Deep, (2003)
- Women of the World:Laws and Policies Affecting Their Reproductive Lives*, South Asia Pub, CRR Newyork (2004)

International Humanitarian Law

Course Title: **International Humanitarian Law** Full Marks: 100
Course Code No: Law 595 Pass Mark: 45%
Duration of the Course: One Year (125 hrs) Level : B.A. LL.B.
Year: V Nature: Optional

Course Objectives:

The main objectives of the course shall be;

- to impart knowledge about the Humanitarian Law in general
- to enable them to understand the nature of conflict
- to acquaint students with the Procedure relating to application of IHL on trial
- to provide knowledge about criminal trials

Unit I : Concept of IHL

1. Definition
2. Origin and development of IHL
3. Sources of IHL
4. Basic principles of IHL
5. Links between IHL and IHRTS

Unit II: Legal categories of the conflicts

1. International and Non International (Internal/Civil) Armed Conflicts
2. Internal Disturbances
3. Regime of IHL applicable to the situation

Unit III : General Obligation of Human Treatment

1. Treatment of Civilians
2. Treatment of POWs
3. Treatment of wounded, sick and shipwrecked
4. Treatment of women, children and other vulnerable groups
5. Role of Human rights Agencies- ICRC

Unit IV: General limitation on conduct of hostilities

1. Military necessity
2. protection of civilian properties
3. Protection cultural properties
4. Means and methods of warfare

Unit V : State Obligation in Time of peace and during armed conflict

1. National Implementation of Geneva Conventions
2. National Implementation
3. International Implementation
4. Role of ICC and International War Crime Tribunals
5. Emerging trends.

Reading Materials:

1. Balchandran, M. K and Vergese, Rose, **Introduction of International Humanitarian Law**, ICRC Regional Delegation New Delhi, 1997
2. Commentary of Geneva Conventions
3. Cultural Property convention 1954 and it' protocol
4. Hingorani, R.C, **International Humanitarian Law**, 1991
5. Humanitarian Law (Question and Answer) ICRC, Geneva
6. Human Rights In the World, A.H. Robertson & J. G. Merrils, Oxford University Press
7. International Humanitarian Law, Reader for South Asia, ICRC Regional Delegation New Delhi, 2009
8. Protocols Additional to Geneva conventions 1949
9. The Four Geneva Conventions of 1949 and
10. Various Issues of International Review of Red Cross. Military Act and other Relevant Nepalese Legislations