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**Kathmandu School of Law (KSL)**  
**Suryabinayak-4, Dadhikot, Bhaktapur,**  
**Bagmati Province, Nepal**

**Syllabus**  
**of**  
**B.A. LL.B. Program**  
**[Revised 2075 B.S.]**

Published by : Kathmandu School of Law (KSL), August, 2024

**Syllabus**

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# COURSE OUTLINE OF B.A. LL.B. PROGRAM

## B.A. LL.B. First Year

S.N.	Course Code	Course Title	Contact Hours (Total)	Credit Hours	Full Marks		Total Full Marks	Pass Marks	
					University Exam	Internal Exam		University Exam	Internal Exam
1	401	Political Theory Thoughts	120	4	80	20	100	28	07
2	402	Economics	120	4	80	20	100	28	07
3	403	History of Nepal	120	4	80	20	100	28	07
4	404	Sociology	120	4	80	20	100	28	7
5	405	General Principles of Law	120	4	80	20	100	28	07
6	406	General Concept of Law	60	2	40	10	50	14	3.5
7	407	Theories of Logic and Legal Reasoning	60	2	40	10	50	14	3.5
8	408	Clinical Works	60	2	40	10	50	14	3.5
		Total Marks					650		

## B.A. LL.B. Second Year

S.N.	Course Code	Course Title	Contact Hours (Total)	Credit Hours	Full Marks		Total Full Marks	Pass Marks	
					University Exam	Internal Exam		University Exam	Internal Exam
1	511	Legal English	120	4	80	20	100	28	07
2	512	Legal Nepali	120	4	80	20	100	28	07
3	513	International Relations and Diplomacy	120	4	80	20	100	28	07
4	514	Legislative Principles and Law Making Process	120	4	80	20	100	28	07
5	515	Principles and Rules of Procedural Law	120	4	80	20	100	28	07
6	516	Sociology of Law	120	4	80	20	100	28	07
7	517	Criminal Law	120	4	80	20	100	28	07
8	518	Clinical Course (Practical Course): Visits of Jails and Preparation of the Report on Sentencing System and Reforms	60	2	40	10	50	14	3.5
		Total Marks					750		

## B.A. LL.B. Third Year

S.N.	Course Code	Course Title	Contact Hours (Total)	Credit Hours	Full Marks		Total Full Marks	Pass Marks	
					University Exam	Internal Exam		University Exam	Internal Exam
1	620	International Human Rights Law	120	4	80	20	100	28	7
2	621	Principles of Interpretation (Interpretation of Statutes)	60	2	40	10	50	14	3.5
3	622	Law of Evidence	60	2	40	10	50	14	3.5
4	623	Public International Law	120	4	80	20	100	28	7
5	624	Constitutional Law and Constitutionalism	120	4	80	20	100	28	7
6	625	Legal Research	120	4	80	20	100	28	7
7	626	Professional Ethics	120	4	80	20	100	28	7
8	627	Clinical Legal Education: Effective Legal Writing Civil Case	60	2	40	10	50	14	3.5
9	628	Clinical Work: Advocacy Service to Community (Outreach Program)	60	2	40	10	50	14	3.5
		Total Marks					700		

**B.A. LL.B. Fourth Year**

S.N.	Course Code	Course Title	Contact Hours (Total)	Credit Hours	Full Marks		Total Full Marks	Pass Marks	
					University Exam	Internal Exam		University Exam	Internal Exam
1	729	Clinical Education: Community Outreach and Rural Law Advocacy Service	60	2	40	10	50	14	3.5
2	730	Advanced Jurisprudence	120	4	80	20	100	28	07
3	731	Contract Law	120	4	80	20	100	28	07
4	732	Company Law	120	4	80	20	100	28	07
5	733	Administrative Law	120	4	80	20	100	28	07
6	734	Clinical Legal Education: Effective Legal Writing Criminal Case	120	4	80	20	100	28	07
7	735	Settlement of International Disputes	60	2	40	10	50	14	3.5
		Total Marks					600		
<b>Optional Subject (Any One Group)</b>									
		<b>(A) Criminal Law Group</b>							
7	736	A.1. Forensic Science and Medical Jurisprudence	120	4	80	20	100	28	07
8	737	A.2. Criminology and Penology	120	4	80	20	100	28	07
		<b>(B) Business Law Group</b>							
9	738	B.1. Banking and Insurance Law	120	4	80	20	100	28	07
10	739	B.2. International Trade Law	120	4	80	20	100	28	07
		<b>(C) Constitutional Law Group</b>							
11	740	C.1. Law on Good Governance	120	4	80	20	100	28	07
12	741	C.2. Electoral Law	120	4	80	20	100	28	07
		<b>(D) Environment &amp; Development Law Group</b>							
13	742	D.1. Environment Law	120	4	80	20	100	28	07
14	743	D.2. Water and River Law	120	4	80	20	100	28	07
		Total Common Marks					600		
		Optional Marks					200		
		Grand Total					800		

Note: The Total marks varies as per the optional subjects.

- Total Marks for Students choosing Criminal Law Group = 800
- Total Marks for Students choosing Business Law Group = 800
- Total Marks for Students choosing Environment Law Group = 800

**B.A. LL.B. Fifth Year**

S.N.	Course Code	Course Title	Contact Hours (Total)	Credit Hours	Full Marks		Total Full Marks	Pass Marks		Remarks
					University Exam	Internal Exam		University Exam	Internal Exam	
1	832	Legal Philosophy	120	4	80	20	100	28	07	
2	833	Agrarian Law	120	4	80	20	100	28	07	
3	834	Labor Law	60	2	40	10	50	14	3.5	
4	835	International Humanitarian Law and Conflict Resolution	60	2	40	10	50	14	3.5	
5	836	Conservation Law	120	4	80	20	100	28	07	
6	837	Private International Law	60	2	40	10	50	14	3.5	
7	838	Pre-Trial Presentation, Trial Advocacy and Appellate Advocacy	60	2	40	10	50	14	3.5	
8	839	Clinical Education Course: Legal Professionalism Development	60	2	40	10	50	14	3.5	
9	840	Dissertation					50			Pass Marks 25
		<b>Total Marks</b>					600			
<b>Optional Subject (Any One Group)</b>										
<b>(A) Criminal Law Group</b>										
9	841	A.1. Law against Organized Crime	120	4	80	20	100	28	07	
10	842	A.2. Fiscal Crime Law	120	4	80	20	100	28	07	
<b>(B) Business Law Group</b>										
11	843	B.1. Intellectual Property	120	4	80	20	100	28	07	
12	844	B.2. Taxation Law	120	4	80	20	100	28	07	
<b>(C) Constitutional Law Group</b>										
13	845	C.1. Law of Equity, Torts and Consumer Protection	120	4	80	20	100	28	07	
14	846	C.2. Law on Gender and Disadvantaged Sections of Population	120	4	80	20	100	28	07	
<b>(D) Environment &amp; Development Law Group</b>										
15	847	D.1. Energy Law	120	4	80	20	100	28	07	
16	848	D.2. Civil Aviation and Tourism Law	120	4	80	20	100	28	07	
		<b>Total Common Marks</b>					600			
		<b>Optional Marks</b>					200			
		<b>Grand Total</b>					800			

**Note:** The Total marks vary as per the optional subjects.

- Total Marks for Students choosing Criminal Law Group = 800
- Total Marks for Students choosing Business Law Group = 800
- Total Marks for Students choosing Environment Law Group = 800

# Syllabus of B.A. LL.B.

## B.A. LL.B. FIRST YEAR

### 1) Political Theory and Thoughts

#### Course Objectives:

Objectives of this course are:

- To introduce students to major theories and thoughts of political science;
- To encourage students to develop understanding of various aspects of political system, politics, state, governance etc; and
- To acquaint students with challenges of democracy and role of law in maintaining and developing political system with the special reference to Nepal and other countries of South Asia.

#### Methodology of Teaching:

- Orientation lectures for foundation understanding of contents
- Every student must prepare a critical research paper at least in one of the theme covered by the subject
- Visit of the parliament, principal parties, ministries, and seminars on contemporary political debates.

#### Contents:

##### Part A: Political Theories

1. **Introduction to Political Science**
  - a. Nature of Political Science
  - b. Definition of Political science
  - c. Scope of Political Science
  - d. Relation of Political Science with other Social Science and Law
  - e. Method and Approaches of the Study of Political Science
2. **The Nature of State**
  - a. Definition of State
  - b. Elements of State
  - c. Theories on 'Origin of State'
  - d. Inter-relationship of Law and State
3. **Concept of the Welfare State**
4. **Types of Government**
  - a. Presidential Form of Government
  - b. Parliamentary Form of Government
  - c. Unitary Government
  - d. Federal Government

5. **Organs of State**
  - a. Executive
  - b. Legislative
  - c. Judiciary
  - d. Theory of Separation of Power and Check and Balance:
6. **Democracy**
  - a. Concepts of Democracy
  - b. History of Democracy in the World
  - c. History of Democracy in Nepal
  - d. Importance of Civil Society in Democracy
7. **Theory of Sovereignty**
  - a. Definition of Sovereignty
  - b. Characteristics of Sovereignty
  - c. John Austin's Theory of Sovereignty and Its Criticism
8. **Political Party**
  - a. Concept of Political Party
  - b. Formation and Function of Political Party
  - c. Political Parties in South Asia: A Critical Discourse on Success and Failures
9. **Franchise and Election**
  - a. Theory of Franchise - Concept and Development
  - b. Types and Methods of Elections
10. **Concept of Good Governance**
  - a. Definition of Governance
  - b. Interface of Governance, Human Rights and Development
  - c. Devolution of powers

##### Part B - Political Thoughts

1. General Introduction to Different Political Thoughts and Their Relation to Law and Justice
2. **Plato:** Concept of Justice, and Ideal State
3. **Aristotle:** State, Classification of Governments and Citizenship and Ethics
4. **Cicero:** Concept of Law
5. **Machiavelli:** Statecraft
6. **Contractualists:**
  - Thomes Hobbes:** Concept of Absolute Monarchy
  - John Lock:** Concept of Liberal Democracy
  - J.J. Rousseau:** Concept of Popular Sovereignty

7. **J.S. Mill:** Concept of Liberty
8. **Karl Marx :** Class Struggle and Views on State and Law
9. **Manu :** *Raj Dharma*
10. **Kautilya :** *Saptang* Theory and State Craft
11. **Kong Fu Tzu:** Educated Monarchy and Citizens

### Recommended Books

#### Part A

1. A.C. Kapoor, Principles of Political Science
2. Arnold Bracht, Political Theory
3. Bertrand Russell, History of Western Philosophy, Routledge3.
4. Dahal, Ram Kumar, *Rajnitik Siddhyant*, Ratna Pustak Bhandar
5. David E. Aptee, Introduction to Political Analysis
6. Easton, David, The Political System, New York, Alfred, London, 1965
7. Garner S.W., Political Science & Govt. World Press, Calcutta

#### Part B

1. Barker, Greek Political Theory, Cambridge, 1994
2. C.L. Wayer - Political Thought, Surjeet Publication, 2007
3. C.M. Joad, Political Thought, R.S. Chaurasia Publication, 2003
4. D.R. Bhandari - History of European Political Thought, Bappco Publication, 2006
5. Francis W. Coker, Recent Political Thought, The World Press Pvt. Ltd., Reprinted, 1993
6. George H. Sabine, History of Political Theory, Holt Rinehart Winston, New York, 3<sup>rd</sup> Ed., 1961
7. IDEA, Consolidating Democracy in Nepal, 1997
8. J.P. Suda: Theory of Political Thought
9. Krishna Pokharel, *Biswa Ka Pramukh Rajanaitik Bicharak*
10. Raymond G. Gettlee, History of Political Thought, 2<sup>nd</sup> Revised Ed., Allen & Vrwinn
11. UNDP, Women Political Participation and Good Governance, 21<sup>st</sup> century Challenges
12. William T. Blum, Theories of Political System : Classics of Political Thoughts and Modern Political Analysis, 3<sup>rd</sup> Ed., Chatham House, 2002

## 2) Economics

### Course Objectives

Objectives of this course are:

- To familiarize students with basic tenets of different economic systems and planning with special reference to Nepal, and
- To familiarize them with various concepts of public finance, public expenditure, public revenue and discuss their role in developing countries, and explain the objectives, role and theory of fiscal policy, budgetary policy and budget formulation.
- To Provide broad understanding of relationship between economics and law.

### Methodology of Teaching

- Review of various planning of Nepal.
- Orientation Lectures on principles and concepts
- Every student must prepare a research work on one of the themes covered by the subject.
- Interactions with development and planning experts and economists. Teachers must arrange special seminar programs
- Visit of the Planning Commission, Ministry of Finance and other relevant institutions such as Nepal Rastra Bank

### Contents

1. **Introduction to Economics**
  - a. Definition, Methodology and Scope of Economics
  - b. Forms of economic analysis
  - c. Basic Concept and percepts - economic problems, economic rationality, optimality,

- behavior of firms in market.
- d. Interdependence between microeconomics and macroeconomics
- e. Development of macroeconomics - Classical, Keynesian and Monetarist
- f. Concepts of national income
- g. Market failure and role of government
- h. Capitalist, Socialist and Mixed Economy - Concept and Definition, Distinctive Features and Merits and Demerits

#### 2. **Economic History of Nepal**

- a. Brief economic history of Nepal
- b. Resource base of Nepali economy
- c. The structure of Nepali economy
- d. Highlights on contemporary inflation Situation

#### 3. **Economics and Law**

- a. Economic analysis of law.
- b. Methods of Economic Analysis as tools of Legal Decisions and Analysis.
- c. Competition Law, Intellectual Property Rights, Contract Law, Social Rights, and Property Law and Economics.
- d. Economic Factors that influence Law: Economic Development, Social Justice, Poverty, Labor, etc.
- e. Directive Principles of the Constitution of Nepal with reference to Distribution of Resources
- f. Right to Equality in Sharing Resources and State's Affirmative Actions for Securing

- Interest of Women, Children, Aged and other Marginalized Groups in Nepal
- g. Laws Protecting Economic Interest of People
- Right to Property in Constitution
  - Right Against Appropriation of Individual Property by State- Land Acquisition Law in force
  - Right to Employment with Basic Minimum Salary- Labor Law in force
  - Right to Social Security- Pension, Provident Fund, Cooperatives, Insurance Laws in force

**4. Economic Development and Planning**

- a. Growth Characteristic of Developing Countries with Special Reference to SAARC region and China, Concept and Distinction between Economic Development and Growth
- b. Concept and Definition of Planning - Its Need, Types, Planning in Nepal. (A General Survey on Different Plans Prospects of Forthcoming Plan)
- c. Concept, Causes and Policy measures of Poverty

**5. Public Finance:**

- a. Concept of Public Finance :
- i. Classical and Modern Concepts
  - ii. Role of Public Finance in Developing Countries
- c. Public Expenditure :
- i. Principles of Public Expenditure
  - ii. Causes of Excessive Growth of Public Expenditure
- c. Public Revenue :
- i. Importance and Source
  - ii. Principles of Taxation,
  - iii. Impact, Incidence and Shifting of Taxation
  - iv. Effects of Taxation
- e. Public Debt:
- i. Internal and External Borrowing,
  - ii. Management of Public Debt
- c. Fiscal Policy : Objective and Role
- d. Government Budgetary:
- i. Components of Budget
  - ii. Budget Formulation,
  - iii. Budgetary Policy
  - iv. Deficit Financing
  - v. Concept of Federal Finance
- f. Public Enterprises:
- i. Role of Public Enterprises in Developing Countries,
  - ii. Price and Out Price Policies of Public Enterprises

**6. New Trends**

- a. Welfare Economics
- Concept
  - Pareto Optimality

- b. Liberalization of the Nepali Economy
- c. Foreign Aid and Concept of Aid for Trade
- d. International Market and Global Financial Crises.
- e. Economics of Free Trade.

**Recommended Books**

1. A.R. Prest - Public Finance in Underdeveloped Countries, Vikas Publishing House, 2003.
2. Bhatia, H.L. - Public Finance, Vikas Publishing House, 1999.
3. Corter, Robert and Ulen, Thomas - Law and Economics, Pearson Education, 2005.
4. Dwivedi, D.N. - Principles of Economics, Vikas Publishing House, 1999.
5. Lekhi, R.K. - The economics of development and planning, Kalyani Publication, 2005.
6. Mier - Leading issues on Development Economics, Oxford University Press, 2000
7. N.M. Singh - A Comparative Study of Capitalism and Socialism, 1970.
8. R. H. Coase, The Problem of Social Cost, Journal of Law and Economics, Vol. 3. (Oct., 1960), pp. 1-44.
9. Richard A. Posner, Economic Analysis of Law, Aspen Publishers, 2011.
10. Sen Amartya - Poverty and Femine, Oxford India Paper Backs, 1999.
11. Shing, S.K. - Pbulic Finance in Theory and Practice, S. Chand & Company Ltd., 2004.
12. Slavin, Stephen L., Economics, M.C. Graw-Hill Irwin, 2002.
13. Stiglitz, Joseph - Making Globalisation Work, wwnorton & company, 2006.
14. Todaro, M.P, - Economic Development, Addition-wasley Reading, 2003.
15. Vaish, M.C. - Macro Economics, Kalyani Publication, 2001 A.D.
16. On Nepal:
  - a. NEFAS : Debt Trap and Its Management in Nepal, 1998.
  - b. NEFAS : Development Challenges for Nepal, 2000.
  - c. OXFEM (GB) &NLA : Economic Liberalization in Nepal: Sequence and Process, 2003.
  - d. Economic Survey of Nepal, Ministry of finance, Nepal (Current Issue)
  - e. Madan Kumar, Dahal (Editor) - Nepalese economy: Towards Building a strong Economic Nation State, Central Department of Economics, TU and New Hira Books Enterprises, 2004.
  - f. Acharya, Keshav Prasad, A Brief Review of Foreign Aid in Nepal, Action Aid Nepal, 2002.

### 3) History of Nepal

#### Course Objectives

Objectives of this course are :

- To familiarize students with general history of ancient, medieval and modern Nepal,
- To acquaint them with the basic knowledge of growth of the Nepalese political, social, and economic life, and
- To help them investigate the law and legal history of Nepal.

#### Methodology of Teaching

- Lectures for foundation understanding of various historical facts and issues
- Visits of relevant sites and interactions with historians
- Students shall prepare comparative research papers with history of other legal systems,
- Seminars with lawyers and historians

#### Contents:

1. **Introduction**
  - a. Influence of Geography on the History of Nepal
2. **Early History of Nepal**
  - a. Early Settlements
  - b. Early Dynasties :*Gopal, Mahispal and Kirat*
  - c. Situation of Law and Legal System in *Kirat* Period
3. **The *Lichhavi* Period (1st Century to 8th Century A.D.)**
  - a. Origin and Foundation of *Lichhavi* Kingdom
  - b. Social, Economic and Political System
  - c. Legal and Judicial Systems
4. ***Malla* Period**
  - a. Origin of *Malla* Dynasty
  - b. *Malla* King and Socio-political and Economic Systems
  - c. Contribution of *Mallas* in Legal System of Nepal
    - Codification - *Manab Nayasatra*
    - Judicial Administration established by *Manab Nayasatra*
5. **Principalities**
  - a. Legal Contribution of Principalities
6. ***Shah* Period**
  - a. Emergence of the *Shah* Dynasty
  - b. Contribution of *Ram Shah* to the Development of Legal and Judicial System in Nepal
  - c. *Prithvinyan Shah* and Unification of Nepal: Contribution in Development of Legal and Justice System in Nepal
  - d. *Divya Upadesa* of *Pritvinarayan Shah*
  - e. Sources of Law in *Shah* Period
  - f. Legal and Judicial Administration of *Shah* Kings

7. ***Rana* Regime**
  - a. Rise, Consolidation and Fall of *Rana* Regime
  - b. *Muluki Ain* 1910 B.S (Introduction, Importance, Features and Implications)
  - c. Treaty with British Colonial Rule in India
  - d. *Bir Sumsber's Sanad* to Gurkha Recruitment in the British Colonial Army and 1947 Tripartite Treaty
  - e. Nepal Governance Act 2004 B.S. and Its Importance
  - f. Judicial System During *Rana* Regime
8. Democracy Movement of 2007 and Its Impact in Legal System
9. Fundamental Characteristics and Importance of Nepal Interim Governance Act 2007, *Pradhan Nyayalaya Ain* (Apex Court Act), 2008, Citizens' Right Act, 2012, and the Constitution of Nepal 2015
10. *Panchayat* Regime, and Its Legal System: State Cases Act, 2017, Evidence Act, 2031 and Efforts to Draft Criminal Procedure and Penal Codes.
11. Popular Democracy Movement of 2046 B.S., and Interim Constitution 2063.
12. Civil Strife and Impacts in Lives of People, including 12 Points Agreement
13. 2006 (2063) Popular Rise of People and Restoration of House of Representatives
14. Historic Declaration of the House of Representatives
15. Comprehensive Peace Accord and Interim Constitution of Nepal: Main Features and Importance
16. Election of Constituent Assembly and Constitution Making
17. Declaration of Nepal as a Republic

#### Recommended Books

1. Adrain Server: Aspects of Modern Nepalese History, Vikash Pub., Helhi, 1996
2. Bishal Khanel, An Overview of Administration of Justice System of Nepal, Kathmandu (in Nepali)
3. Bishal Khanel, Regeneration of Legal System of Nepal, Kathmandu, Bhrikuti Publication, Kathmandu, 2000.
4. CeLRRd, Analysis and Reform of the Criminal Justice System in Nepal, Kathmandu, 1999
5. D.R. Regmi :*Medieval Nepal* Vols. I and II
6. Daniel Wright: History of Nepal
7. Dr. Yubaraj Sangroula: Criminal Justice System of Nepal, 2011
8. Hamilton Francis :*An account of the kingdom of Nepal*, Asian Education Service, Delhi, 1986.
9. Jagadish Chandra Regmi :*Prachin Nepal Ko Rajnaitik Itiba*, Royal Nepal Academy

10. Krishna Kant Adhikari :*Nepal Under Jung Babadur*. Vol. 1846-1877 Buku Publication, Kathmandu, 1984
11. Report on Workshop on Criminal Justice System, June 1998. ILRR.
12. Risikesh Shah :*Ancient Medieval and Nepal* Vol. I and II Manohar Publishers, 1997
13. Risikesh Shah :*Modern Nepal* 2 Vols. Manohar Publishers (1990)
14. See, Articles by Rewati Raman Khanal, Subash Nembang, Gejendra Keshari Bastola in Various Issues of *Nayadoot Kanoon* and *Nepal Law Review*.
15. Tulsī Ram Vaidya :*An advanced history of Nepal* Anmol Publication Delhi, 1994
16. सुधानाथ पन्त : नेपालको कानुनी व्यवस्था र प्रजातन्त्रको विकासको दर्पण: जुमिष्ट एण्ड कम्पनी प्रा.लि., काठमाडौं (२०६३)
17. प्रकाश वस्ती : कानुनसम्बन्धी केही ऐतिहासिक अभिलेखहरू : कानुन व्यवसायी क्लब, काठमाडौं, (२०६३)
18. प्रकाश वस्ती : हाम्रो कानुनी इतिहासका केही भर्नाहरू, पैरवी बुक हाउस, काठमाडौं, २०६३
19. डा. जगदीशचन्द्र रेग्मी : नेपालको वैधानिक परम्परा : तन्नेरी प्रकाशन, काठमाडौं, तेस्रो एडिसन, २०६०
20. डा. नारायणप्रसाद संग्रौला: आधुनिक नेपालको इतिहास: विद्यार्थी पुस्तक भण्डार: काठमाडौं, चौथो एडिसन, २०६४
21. ज्ञानमणी नेपाल: नेपालको माध्यमिक कालको इतिहास मकालु बुक्स एण्ड स्टेशनर्स, काठमाडौं, २०६२
22. Nyayabikashini, UNDP, न्यायमा पहुँच अभिवृद्धि परियोजनाको आर्थिक सहयोगमा कानुन व्यवसायी क्लब, काठमाडौं, २०६५
23. तुलसीराम वैद्य र त्रिरत्न मानन्धर: आधुनिक नेपालको प्रशासनिक इतिहास : नेपाल र एशियाली अनुसन्धान केन्द्र, पुल्चोक, २०५३
24. नेपालको संक्षिप्त वृत्तान्त: बाबुराम आचार्य, काठमाडौं, २०६३
25. बाबुराम आचार्य: चीन तिब्बत र नेपाल: काठमाडौं, २०५९
26. बाबुराम आचार्य र योगी नरहतीनाथ महाराजाधिराज पृथ्वीनारायण शाहको दिव्य उपदेश २०६१, काठमाडौं
27. सिल्मा लेमी, नेपाल हिन्दु अधिराज्यको इतिहास (पहिलो खण्ड), हिमाल किताब, ललितपुर, नेपाल, २००५
28. सिल्मा दोस्रो खण्ड, २००७

## 4) Sociology

### Course Objectives

- To acquaint students with the key elements of society
- To impart knowledge on the internal mechanism of society.
- To provide some insights into sociological theories upto recent trends
- To introduce sociology of Nepal and sociology as interdisciplinary discipline for foundation of law and its implication for legal research and development.

### Methodology of Teaching

- Lectures for foundation understanding of various facts and issues
- Students shall prepare comparative research papers
- Seminars

### Contents

#### 1. Introduction:

- a. Sociology: *Meaning, nature and scope.*
- b. The evolution of Sociology: *Contribution of August Comte, Emile Durkheim and Herbert Spencer). Development of sociological theories.*
- c. Sub-divisions: *Political sociology, Economic Sociology, Industrial Sociology, Rural Sociology, Urban Sociology, Sociology of law.*
- d. Sociology and other social sciences: *Relation of Sociology with political science, Economics, social psychology, Anthropology and History.*
- e. Man, law and society.

#### 2. Basic Sociological Concepts:

- a. Social & Cultural processes:
  - Cooperation: *meaning, definition, role and characters.*

- Conflict: *meaning, definition, causes, role.*
  - Competition: *meaning, definition, value and characters.*
  - Acculturation: *meaning, definition, characters.*
  - Assimilation: *meaning, definition, characters.*
  - Socialization: *meaning, process and theories ( C.H. Cooley, GH Mead)*
- b. Elements of Social structures:
- Society: *meaning, definition and characteristics*
  - Culture: *meaning, definition, types and characteristics*
  - Social institution: *meaning, definition and characteristics,*
  - Social status and role:
    - *Meaning, definition, types of status*
    - *Meaning, definition, characteristics of role.*
  - Social Norms and Values:
    - *Meaning, nature and characters of Norms and values.*
    - *Types of social norms*  
(Folkways, Mores, Customs-meaning, definition, characteristics)
  - Social structure & function: meaning, definition of social structure (Views of Nadel, Radcliffe Brown and Talcott Parson)
  - Meaning, definition and types of social function.

#### 3. Individual and Society:

- a. Relationship between Individual and Society
- b. *(Social Contract Theory and Organismic Theory)*
- c. Indispensability of society for individual and Vice Versa
- d. *(The feral cases, the growth of self, importance of social heritage)*

- e. Human & Animal Societies: *Need of society for animals, differences between Human and Animal societies (Biological and Socio-cultural differences)*
  - f. Social Control: *Meaning, definition, nature, purpose, mechanism.*
  - g. Social order: *Meaning, definition, Nature and Problem.*
  - h. Social Deviance and Conformity: *meaning, Causes, types & social significance.*
4. **Social Stratification: Caste, Class, Ethnicity and Gender.**
- a. Meaning, characteristics and origin of stratification
  - b. Caste & Ethnic based inequality:
  - c. Class based inequality
  - d. Gender based inequality
5. **Historical evolution of Nepali Nationhood (since the birth of Nepali Nation-state)**
- a. Hinduism
  - b. Sanskritization
  - c. Nepalization
  - d. Westernization
  - e. Modernization
  - f. Urbanization
6. **Sociological Theories:**
- a. Emile Durkheim & B. Malinowski (*structural functional theory*)
  - b. Max Weber & Talcott Parson: (*social action theory*)
  - c. Ralph Dahrendorf & Karl Marx: *conflict theory*
  - d. Alfred Schutz :*Phenomenology*
  - e. George Homans: *Social Exchange Theory*
  - f. Erving Goffman: *Symbolic interactionism*
  - g. Claude Levi-Strauss, Michael Foucault :*Structuralism & Post Structuralism/ post modernism*

7. **Sociology of Nepal:**

- a. Structure of Nepalese society: *Demographic structure ( Age, sex, religion, language, caste, ethnic diversity)*
- b. Issues of national integration: *emerging problem and prospects in Nepalese society*
- c. Path to multiculturalism and pluralism: *state-restructuring & federal issues in New Nepal*
- d. Local indigenous social institutions: *Guthi, Parma, Dhikuri, Rodhighar, Deuki,*
- e. Agrarian structure: *recent trends in land tenure system, land reform program 1964 & afterwards.*

**Recommended Books:**

1. Jena DN & Mohapatra,UK, 'Social Change: Themes and Perspectives', Kalyani Publishers, Ludhiana, 2002
2. MacIver RM & Page Charles H., Society: An Introductory Analysis: Macmillan India Ltd, New Delhi 2001.
3. Mahajan, Gurpreet 'The Multicultural Path: Issues of Diversity and Discrimination in Democracy', Sage Publication India Pvt. Ltd, New Delhi, 2002
4. Regmi, RishiKeshav, 'The essentials of Sociology', Buddha Academic Publishers & Distributors Pvt. Ltd., Kathmandu, 2002
5. Schaefer, Richard T & Lamm Robert P, 'Sociology', Tata Mcgraw-Hill Publishing Company Pvt. Ltd., New Delhi, 1999
6. Slattery Martin, 'Key Ideas in Sociology', Nelson Thornes Ltd, Cheltenham, 2003
7. Verghese KE,'General Sociology', Macmillan India Limited, New Delhi 1992
8. Vidyabhusan and DR Sachadeva, 'An Introduction to Sociology', Kitav Mahal: New Delhi, 1983

## 5) General Principles of Law

**Course Objectives:**

Objectives of this course are :

- To acquaint students with basic knowledge of the concepts, principles and theories of laws from jurisprudential perspective, and
- To prepare students for study of legal science in upper classes.

**Methodology of Teaching**

- Lectures for foundation understanding of the fundamental principle and theories of law
- Students must prepare reports on perception of common people on law and theoretical discourse by jurists

**Contents**

1. **Meaning and Definition of Law**

- a. Meaning of Law in Generic Sense

- b. Concept of law and morality

2. **Types of Law**

- a. Classification of Law
  - Substantive and Procedural Law
  - Civil and Criminal Law
  - Public and Private Law
  - Common and Statutory Law
  - Legislation, Case Law and Customary Law

3. **Importance of Law**

- a. Law as an Instrument of Regulating Human Behavior
- b. Law as a Guide for Settlement of Disputes
- c. Law as a Means of Change in the Society
- d. Law as a Safeguard for Protecting Interest of Weaker Section in the Society
- e. Law as an Instrument Promoting Socio-economic Justice in the Society

- f. Law as a Means of Framing Systematic Structure of Society- Means of Social Engineering
4. **Sources of Law**
- a. Custom
- b. Precedent
- c. Legislation
5. **Law Making Process**
- a. Ancient Law Making Process
- Fundamental evolutionary Features of Ancient Laws (Henry Maine's Concept)
  - Role of Social Factors in Evolution of Law(Savigny's Concept)
  - Ancient Law Making Process in Nepal (Codification of *Manab Naya Shashtra and Muluki Ain, 1910 B.S. and Law Making by Istbibar, Sabal, Kbadga Nisana and Sanads*)
  - Colonization of South Asia and imposition of western law in South Asia
  - Impact of imposition colonial laws in indigenous systems of law
- b. Modern Law Making Process, with reference to Nepal
- Factors Promoting Legislative Law Making Process in Nepal
  - Role of Judiciary in Law Making in Nepal
6. **Legal Theories**
- a. Natural Law of School
- Classical Natural Law
  - Medieval Natural Law
  - Modern Natural Law
  - Contribution of Natural Law School
  - Natural Legal Thought and Nepal
- b. Positivism
- Causes of Emergence of Positivism
  - Features of Positivism
  - Contribution of Positivism in Development of Legal Science
  - Types of Positivism
    - i) Analytical school
      - Basic Tenets and Foundations
      - Strengths and Weaknesses
      - Contribution
      - Analytical School and Nepal
    - ii) Historical School
      - Basic Tenets and Foundations
      - Strengths and Weaknesses
      - Contribution
      - Historical School and Nepal
    - iii) Sociological School
      - Basic Tenets and Foundations
      - Strengths and Weaknesses
      - Contribution
      - Sociological School and Nepal
    - iv) Realist school
      - Basic Tenets and Foundations
- Strengths and Weaknesses
- Contribution
- Realist School and Nepal
- v) Economic School
- Basic Tenets and Foundations
  - Strengths and Weaknesses
  - Contribution
  - Economic School and Nepal
8. **Interrelation between Law and Society**
9. **Legal Psychology and Trends of Compliance and Enforcement of Law in Nepal**
10. **Significance of Human Rights instruments in rationalization of domestic laws (in common).**
11. **Interface of human rights, development and laws.**
12. **Pragmatist Approach to Law.**
- Recommended Books:**
1. Dr. Bijai Narain Mani Tripathi, An Introduction to Jurisprudence, 14th ed, Allahabad Law Agency, Faridabad, 2001
  2. Dr. S.N. Dhyani, Fundamentals of Jurisprudence the Indian Approach; Central Law Agency, Allahabad, 2004
  3. Dr. Yubaraj Sagroula, Jurisprudence: The Philosophy of Law, Kathmandu School of Law, 2010
  4. Dr. Yubaraj Sangroula, *Kanoon Sastra Ra Kanoon Ka Sidhanta*, Kathmandu School of Law, 2009
  5. Edgar Bodenheimer, Jurisprudence the Philosophy and Method of the Law, Revised edition, Universal Law Publishing Co. Pvt. Ltd. Delhi, 2004
  6. George C. Christie, Jurisprudence Text and readings on the philosophy of law, West Publishing Co, U.S., 1973
  7. M.D.A. Freeman, LOYD's Introduction to Jurisprudence, 7th ed. Sweet & Maxwell Ltd. London, 2005
  8. Michael Doherty, Jurisprudence: The Philosophy of Law. 2nd ed, Old Bailey Press, Grey Hound Road, London, 2001
  9. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
  10. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
  11. Prof. Nomita Aggarwal, Jurisprudence (Legal Theory), Central Law Publications, Allahabad, 2008
  12. Q.W.M. Dias, Jurisprudence, 5th ed, Aditya Books Pvt. Ltd., New Delhi, 1985
  13. Ronald Dworkin, Law's Empire, Universal Law Publishing Co. Pvt. Ltd. Delhi, 2002
  14. The Oxford Handbook of Jurisprudence & Philosophy of Law Edited by Juell Coleman & Scott Shapir; Oxford University Press, New York, 2002

15. V. D. Mahajan, Jurisprudence Legal Theory, 5th ed, Eastern Book Co. Lucknow, 2005

16. W. Fredmann, Legal Theory, 5th ed, Universal Law Publishing Co. Pvt. Ltd. Delhi, 2003

## 6) General Concepts of Law

### Course Objectives:

Objectives of this course are:

- To impart knowledge of basic ideas on various concepts of law, which have been in daily concern of people;
- To help students understand theoretical knowledge of legal concepts; and
- To help them develop conceptual background of laws relating to family, property, contract etc.

### Methodology of Teaching

- Lectures for foundation understanding of various facts and issues
- Students shall prepare comparative research papers
- Seminars

### Contents:

#### 1. Rights and Duties

- a. Definition of Right and Duty
- b. Types of Rights and Duties
- c. Relation between Right and Duty
- d. Elements of Rights
- e. Theories of Rights: Will Theory and Interest Theory

#### 2. Personality

- a. Definition of Person
- b. Kinds of Person – Natural and Legal Person
- c. Personality of Fetus, Dead Body, Animal and Idol
- d. Theories of Corporate Personality- Fiction Theory, Concession Theory, Bracket Theory and Realist Theory

#### 3. Possession

- a. Definition and Essential Elements of Possession
- b. Kinds of Possession
- c. Acquisition and Termination of Possession
- d. Encumbrance, Res-nullius thing and Illegal Possession
- e. Forms of Rights Available Under Possession

#### 4. Ownership

- a. Definition and Elements of Ownership
- b. Kinds of Ownership
- c. Acquisition and Termination of Ownership
- d. Forms of Rights Available Under Ownership

#### 5. Property

- a. Definition
- b. Kinds of Property
- c. Acquisition and Transfer of Property
- d. Property Law in Nepal
  - Partition (aungsabanda)

- Inheritance (*aputali*)

e. Modes of Property Transfer in Nepal

#### 6. Marriage and Adoption

- a. Definition
- b. Conditions of Legal Marriage in Nepal
- c. Void and Voidable Marriage in Nepal
- d. Termination of Marriage
  - Modes and Consequences of Termination of Marriage.
- e. Adoption (Concept, Criteria and Processes)

#### 7. Guthi and Trust

- a. Meaning and Definition
- b. Concept of Guthi in Nepal

#### 8. Concept of Obligation (Meaning and Types)

#### 9. Contract

- a. Definition
- b. Criteria of Valid Contract
- c. Termination of Contract
- d. Remedies in Violation of Contract

#### 10. Guthi and Trust

- a. Meaning and Definition
- b. Status of Guthi and Trust
- c. Guthi as a Special Concept in Nepal

#### 10. Crime

- a. Definition
- b. Classification of Crimes

#### 11. Justice

- a. Definition
- b. Types of Justice
- c. Principles of Justice (Just, Fair and Reasonable)

#### 12. Administration of Justice

- a. Civil and Criminal Justice- concept of public and private prosecution (*Sarkaradi Fauzdari and Duniabadi Fauzdari*)
- b. Theories of Punishment
- c. Juvenile Justice

#### 13. Alternative Dispute Resolution

- a. Definition
- b. Kinds - Negotiation, Mediation, Arbitration, Conciliation
- c. Importance

### Recommended Books

1. Anson's Contract Law, 28th edition, 2002
2. Avtar Singh, Contract Law, 8th edition, reprinted 2004
3. Children Act 2048
4. Contract Act of Nepal, 2056 BS
5. Criminal Jurisprudence, Prof. Incharge Madhav Pd. Acharya and Asst. Prof. Ganesh Bhattarai, 2009

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>6. Dispute Resolution in Nepal (CVICT report, 2007)</li> <li>7. Dr. S.R. Myneni, Jurisprudence (Legal Theory) 2<sup>nd</sup> ed, reprint 2007.</li> <li>8. Dr. Yubaraj Sagroula, Jurisprudence: The Philosophy of Law, 2010; Kathmandu School of Law</li> <li>9. मध्यस्थता ऐन २०५५</li> <li>10. Evidence Act 2031</li> <li>11. G.W. Paton, A text book on Jurisprudence, 4th edition, 2005</li> <li>12. Muluki Criminal (Code) Act, 2074 &amp; Muluki Criminal Procedure (Code) Act, 2074</li> <li>13. Muluki Civil (Code) Act, 2074 &amp; Muluki Civil Procedure (Code) Act, 2074</li> <li>14. Guthi Sansthan Act 2033</li> <li>15. Holland on Jurisprudence, 13th edition, Universal Law Publishing Co. Pvt. Ltd. Reprint 2004</li> </ol> | <ol style="list-style-type: none"> <li>16. Interim Constitution of Nepal 2063 (2007)</li> <li>17. Juvenile Justice Procedure Act 2063</li> <li>18. Marriage Registration Act. 2028</li> <li>19. Muluki Ain (Country code)</li> <li>20. Narendra Pd. Pathak, Najir Sangraha</li> <li>21. R.W.M. Dias, Jurisprudence, 5<sup>th</sup>ed, Aditya Books Pvt. Ltd. New Delhi</li> <li>22. Salmond on Jurisprudence, PJF itzeferald, 12th edition, Universal Law Publishing Co. Pvt. Ltd. Reprint 2004</li> <li>23. State Cases Act, 1993.</li> <li>24. Sudeep Gautam and Ashish Adhikari, Business Law, 2006</li> <li>25. W. Friedman, Legal Theory, 3rd edition, Universal Law Publishing Co. Pvt. Ltd. 3rd Indias Reprint 2003</li> <li>26. Yubaraj Sangroula, <i>Kanoon Sastra Ra Kanoon Ka Sidhanta</i>, Kathmandu School of Law, 2009</li> </ol> |
|--|---|

## 7) Theories of Logic and Legal Reasoning

### Course Objectives

This course expects to address the following objectives:

- To acquaint students with basic system of logic in order to help them in finding truth; and
- To strengthen students' cognitive/analytical capacity.

### Methodology of Teaching

- Lectures for foundation understanding of the science of logic
- Interactions and discussions

### Contents

1. **Definition of 'Logic'.**
  - a. Relation between logic and Law
  - c. Function of Legal Language
  - d. Logic as Right Reasoning
2. **Methods of Logic**
  - a. Deductive Method
  - b. Inductive Method
3. **Syllogism**
4. **Logical Fallacy**
  - a. **Types of Logical Fallacy**
5. **Perception and Theories**
6. **Empiricism and truth**
7. **Definition of truth**
8. **Science & Common Sense**
  - a. The values of science
  - b. Evaluating scientific explanation
    - Relevance
    - Testability
    - Computability with previously well-established hypothesis

- Predictive
  - Simplicity
9. Legal Reasoning
    - a. Judicial Reasoning
    - b. Interpretation of Law and Reasoning
    - c. Use of facts in Court of Law
    - d. Nature of Legal Arguments

### Recommended Materials:

1. Bertrand Russell, History of Western Philosophy, special Indian edition, 2010.
2. Fernando Atria, On Law and Legal Reasoning (2001). Steven J. Burton, An Introduction to Law and Legal Reasoning (2d ed. 1995).
3. Edward H. Levi, An Introduction to Legal Reasoning (1949).
4. Kenneth J. Vanavelde, Thinking Like a Lawyer: An Introduction to Legal Reasoning (1996).
5. Lloyd L. Weinred, Legal Reason: The Use of Analogy in Legal Argument, CUP, 2005.
6. Introduction Books on Hindu, Buddhist and Islamic Philosophies.
7. Pandit Rajmani Tiganait, Seven systems of Indian Philosophy, 1983, The Himalayan International Institute of Yoga science and Philosophy. ([www.himalayaninstitute.org](http://www.himalayaninstitute.org))
8. Dr. Yubaraj Sagroula, Jurisprudence: The Philosophy of Law, 2010; Kathmandu School of Law
9. Yubaraj Sangroula, *Kanoon Sastra Ra Kanoon Ka Sidhanta*, Kathmandu School of Law, 2009

## 8) Clinical Works (Practical Course)

Evaluation is done on the basis of performance and participation of students

### Clinical Works

1. Engagement in Study of the case files and observation visit of the trial and appellate level courts.
2. Observation of 'client dealing' skills of lawyers
3. Visit of 'areas inhabited by poor and disadvantaged communities' and preparing a report on situation of access to justice.
4. Engagement in conducting research activities to find out situation of the enforceability and impact of laws and preparation of work report.
5. Conducting street law programs to educate people about compliance of such laws as 'traffic regulations' preserving ambience of public places; and helping needy people in getting services from concerned departments.
6. Reading newspapers to 'identify issues of legal relevance' and preparing reports.

### Recommended Books

1. Civil Procedure code- Justice Naimuddin Ahamed, Member law commission, Published by Bangladesh Institute A law an International

- Affairs.
2. Clinical Legal Education, NR. Madhava Menon, Easten Book Company- p.33, 41, 99, 204.
3. N Gold k Mackie and V. Twining, Learning Lawyer's Skills Bulterwoths.
4. Kailash Rai, Legal Ethics, Central Law Publication.
5. Moot Court Pre-Trial preparation and participation in Trial Proceedings, Central Law Agency.
6. Moot Court, Pre-trial preparation and participation and participation in Trial Proceedings and Viva-voce
7. Paper cutting available at KSL Library Includes
  - a. Legal Issues : Community Lawyering, for poor, disadvantage etc.
  - b. State's institute to provide legal aid.
  - c. Delay in court proceedings etc.
8. Paralegal Training Manual, CeLRRd, 2010
9. Professional Responsibility Standards, Rules & Statutes 1995-96 ed<sup>n</sup>
10. The Lawyering Process, Tary Bellow, Be Moulton
11. जिल्ला अदालत नियमावली
12. उच्च अदालत नियमावली
13. सर्वोच्च अदालत नियमावली

## B.A. LL.B. SECOND YEAR

### 1) Legal English

#### Course Introduction

This course has mainly **two components** to expose students to Contemporary English usage, and Standard English used in the field of law, including legal documents and some other subjects allied to law, namely politics, history and sociology.

#### 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 the legal field,

The course is divided into the following Units. Each unit requires intensive teaching-learning.

#### Guidelines for Teaching

While teaching this course, the teacher;

- a. Should familiarize the students with the subject-matter of each text and idea 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 convey special meaning.
- d. Should encourage the students to take part in the discussion in the given text, and
- e. Should persuade the students to use their critical minds and creativity concerning the given text.

#### Marks Allocated

- |                                 |    |
|---------------------------------|----|
| 1. Plain language for Lawyers:  | 20 |
| 2. Professional English in Use: | 25 |
| 3. Grammar:                     | 20 |
| 4. Vocabulary:                  | 5  |

5. Half the Man, Twice the Lawyer	20
6. Comprehension (Passage should be lifted from the Unseen)	5
7. Translation: *	5
<b>Total</b>	<b>80</b>

**\*Note:** Foreign Students will be provided with the passage concerning law/a question on human rights/constitutional theory or international law.

**Questions Types**

1. Long-answer questions (One critical question is compulsory):	(3x10)= 30
2. Short-answer questions :	(5x3)= 15
3. Grammar :	(5x4)= 20
4. Word-meanings and/or usage:	(1x5)= 5
5. Translation(Advanced Nepali Passage, From Nepali to English)	(1x5)= 5
6. Comprehension (Passage)	(1x5)= 5
<b>Total</b>	<b>80</b>

**1. Language of the Law**

- a. The Nature of Legal Language
- b. The Function of Legal Language
- c. The Features of Written Legal Language
- d. Types of Legal Language
- e. What to look for in the Language of the Law
- f. Modern Constitution

**2. The Legal Systems**

- a. Legal Systems
- b. Sources of Law
  - (i) Legislation,
  - (ii) Precedent
  - (iii) Custom
- c. The Court System
- d. Criminal Justice and Criminal Proceedings
- e. Civil Procedure
- f. Tribunals

**3. Legal Professionals**

- a. Solicitors
- b. Barristers
- c. Working Lives
- d. Judges
- e. A Law form's Structure and Practice

**4. Legal Professionals in Practice**

- a. Client care Procedures
- b. Money Laundering Procedures
- c. Client Correspondence
- d. Explanations and Clarification
- e. Legalese

**5. Law in Practice**

- a. Business Organization
- b. Formation of Company
- c. Raising Capital by Share Sale
- d. Debt Financing: Secured Lending
- e. Company Directors and Company Secretaries

- f. Insolvency and Winding up
- g. Alternative Dispute Resolution
- h. Corporation Tax
- i. Mergers and Acquisitions

**6. Liability and Contract**

- a. Tort : Personal Injury Claim
- b. Tort : Clinical Negligence
- c. Forming a Contract 1
- d. Forming a Contract 2
- e. Structure of a Commercial Contract
- f. Express and Implied Terms
- g. Exclusion, Imitation and Standard Clauses
- h. Privity of Contract, Discharge of Contract, and Remedies for breach of contract.
- i. Commercial Leases

**7. Intellectual Property**

- a. Copy Right and Patent
- b. Trade Marks, Domain Names, and Remedies for IP Infringement

**8. Information Technology Law & Environmental Law**

- a. Information Technology Law and Cyber crime
- b. Environmental Law

**9. Language Usage**

- a. What is Plain Language?
- b. Plain Language around the World
- c. Structure
- d. Words
- e. A plain Language Vocabulary

**10. Foreign Words Used in Legal Field, and Documents**

- a. Latin Words and Phrases
- b. Synonyms and Antonyms
- c. Words often Confused with

**11. Half the Man, Twice the Lawyer (= Intensive Study)**

**12. Grammar 1**

- a. Varieties of English
- b. Grammar in Spoken and Written English
- c. Intonation
- d. Phonetic Symbols and Transcriptions
- e. Geographical and National Varieties
- f. Levels of Uses: Formal and Informal English

**Grammar 2**

- 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

**Recommended Books**

1. **Black 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. Geoffrey Leech, Jan Svartvik. **A Communicative**

- Grammar of English**, 3<sup>rd</sup> edition
- George Yule, Oxford Gpractice Grammar, Oxford University Press, 2010, 2011.
  - George Yule. **Oxford Practice Grammar**, Oxford University Press
  - Gillian D. Brown, Sally Rice. **Professional English in Use (Law)**, Cambridge University Press
  - John Eastwood. **Oxford Learner's Grammar**, Oxford University Press
  - John Grisham. **Half the Man, Twice the Man**, Gopsons, India, 2010
  - Judy Pearsall. **The New Oxford Dictionary**, Oxford University Press.
  - Michele M Asprey. **Plain Language for Lawyers**, 3rd edition
  - Osborn's Concise Law Dictionary**, Edited by Sheila Bone
  - Sara Thorne. **Mastering Advanced English**, Macmillan
  - Sidney Greenbaum Randolph Quirk. A Student's Grammar of the English**
  - Sita Ram Adhikari. **Learner's Authentic English Grammar**, Utsav Books Prakashan
  - The Language Of Law (CDC)

## 2) Legal Nepali

### अंक विभाजन

पाठ्यांश शीर्षक	अंक
भाषा परिचय	१०
कानुनी नेपाली भाषा परिचय	१०
कानुनी नेपाली भाषाको प्रयोगसम्बन्धी विशेष व्यावहारिक अभ्यास	१४
कानुनी लिखतको संस्थागत ज्ञान र व्यावहारिक प्रयोगको अभ्यास	८
कानुनी रचना र अभिव्यक्ति शिल्प सम्बन्धी अभ्यास	८
कानुनी गद्यको बोध तथा अभिव्यक्ति	१०
साहित्यिक भेदको बोध तथा आस्वादन	२०
<b>जम्मा</b>	<b>८०</b>

### उद्देश्यहरू

यस पाठ्यक्रमका निम्न उद्देश्यहरू रहेका छन् :-

- नेपालमा प्रचलित कानुनी भाषा विकासको तुलनात्मक अध्ययन प्रति विद्यार्थीहरूलाई आकर्षित गर्ने संरचनात्मक ज्ञान, तथा
- कानुनी भाषाको बोध र अभिव्यक्तिको माध्यमबाट विद्यार्थीहरूको भाषिक क्षमताको अभिवृद्धि गर्ने

### एकाइ क : भाषा परिचय

पाठ्य विषयवस्तु

- भाषा र यसका विशेषताहरूको सामान्य परिचय
- (क) संसारका भाषाहरूको पारिवारिक वर्गीकरणको आधार तथा भारोपेली, द्रविड, आग्नेली तथा भोटबर्मेली भाषिक परिवारको परिचय ।  
(ख) नेपालमा बोलिने भाषाहरूको संक्षिप्त परिचय ।
- नेपाली भाषाको उत्पत्ति र विकास ।
- नेपाली भाषाका क्षेत्रीय भाषिकाहरूको परिचय ।
- नेपाली भाषाको वर्तमान स्थिति ।
- भाषाका भेदहरूको सङ्क्षिप्त परिचय  
(क) प्रयोजनपरक भाषा  
(ख) लेख्य र कथ्य भाषा  
(ग) भाषा र सामाजिक भाषिका

### एकाइ ख : कानुनी नेपाली भाषाको परिचय

पाठ्य विषयवस्तु

- कानुनी नेपाली भाषाको सामान्य परिचय ।

- (क) सामान्य नेपाली र कानुनी नेपाली ।  
(ख) कानुनी नेपाली र साहित्यिक, राजनैतिक, शैक्षिक, वैज्ञानिक तथा प्राविधिक क्षेत्रमा प्रयुक्त नेपाली भाषाका भेदहरूका विशेषताहरूको परिचय ।
- कानुनी नेपाली भाषाको विकास प्रक्रिया ।  
(क) जयस्थिति मल्ला र राम शाहको र्थित बन्देज तथा पृथ्वीनारायण शाहको दिव्योपदेशमा प्रयुक्त कानुनी भाषिक स्वरूप ।  
(ख) वि.सं. १९१० को मुलुकी ऐनको कानुनी भाषा ।  
(ग) २०२० पछिको मुलुकी ऐनमा प्रयुक्त कानुनी भाषा, वर्तमानको कानुनी भाषाका चुनौतीहरू।
- कानुनी नेपालीका शब्दगत, वाक्यगत तथा अभिव्यक्तिगत विशेषताहरू ।
- कानुनी नेपाली भाषामा वर्ण-विन्यास सम्बन्धी व्यवस्था तथा लेख्य चिन्हको प्रयोग

### एकाइ ग : कानुनी नेपाली भाषाको प्रयोग सम्बन्धी विशेष व्यावहारिक अभ्यास

पाठ्य विषयवस्तु

- कानुनी शब्दहरूको रचना प्रक्रियाको ज्ञान र अभ्यास
- कानुनी वाक्यहरूको विश्लेषण तथा संश्लेषण प्रक्रियाको ज्ञान र अभ्यास
- (क) निम्नलिखित कानुनी टुक्का र वाक्यांशहरूको प्रयोग गर्ने अभ्यास :  
कैफियत तलब गर्नु, कैफियत गर्नु, मुख मिल्नु, न्यायका नौ सिङ हुनु, खलल पार्नु, बात लाग्नु, आकर्षित हुनु, लगत कस्नु, उपर हुनु, म्याद ठेक्नु, खत खाप्नु, लगत कट्टा गर्नु, ठहर गर्नु, पेसीमा चढ्नु, ठट्टा मस्करी गर्नु, चित्तले देख्नु, अंग पुग्नु, वातिल गर्नु, खडा गर्नु, सुनि पाउनु, तर्तिम्बा गर्नु, मुलतबी जगाउनु, प्रमाण लाग्नु, कारण खोल्नु, प्रकट गर्नु, जिरह गर्नु, शंकाको घेरामा राख्नु, सोधपुछ गर्नु, जिर्किर लिनु, घुर खाप्नु, आड खोल्नु, विगो भर्नु, चलन चलाउनु, बन्द सवाल गर्नु, किनारा गर्नु, इन्साफ जाँच्नु, शपथ खानु, जिरह गर्नु, गवाही दिनु, उपचार प्रदान गर्नु, सुनुवाइ गर्नु, मुकरर हुनु, जारी गर्नु, जाहेर गर्नु, फुर्सद पाउनु, सद् किर्ते छुट्टयाउनु, मुख साबित हुनु, इमान धर्म सम्भन्नु, पोल्नु ।  
(ख) निम्नलिखित कानुनी पारिभाषिक शब्दहरूको निर्माणक्रिया, शब्दार्थ ज्ञान र प्रयोगको अभ्यास :

अवैधानिक थुना, अख्तियारनामा, अभियोगपत्र, अनुसूची, अमानुषिक व्यवहार, अंगभंग, अधिग्रहण, अभिलेख, अनुबन्ध, अनुच्छेद, अमान्य, अध्यादेश, अभियुक्त, अन्तरकालीन, अनुचित विलम्ब, अभियोजन, अनमेल, अधिकार क्षेत्र, अधिकारपृच्छा, अधिवक्ता, अन्तरिम अपराध, असुलउपर, अपवादात्मक व्यवस्था, अंश, अंशपत्र, अंशसर्वस्व, अकर्ण, अनुचित लाभ, अचल सम्पत्ति, अदालती बन्दोबस्त, अलिफार्से, आगे, आवर्ज, अन्तर्कालीन आदेश, आशय करणी, आशय, इतलायनामा, इच्छापत्र, इबी, उजुर, उपदफा, उपचार, उपनियम, उपधारा, उखडा, उत्प्रेषण, उल्टी फैसला, उजराती, एकाघर, एमिकस क्यूरी, ऐन, कसुर, कबुलियतनामा, कुटपिट, कर्तव्यज्यान, कर्तव्यवाला, कागजात, कानून, कलम कब्जा, काबु, करार, कैद, खण्डे फैसला, खत, खानतलासी, खोटा टक, खामबन्दी, गैरन्यायिक, गफलत, गैरकानुनी, घुसखोर, चस्मदिद गवाह, चोरी, चोके ब्याज, छोडपत्र, छेडखानी, जग्गादपोट, जायजात, जन्मकैद, जिरह, जाहेर, जबर्जस्ती करणी, जुल्मी, जिउनी, जालसाजी जायज, ठिनी, ठेक्कापट्टा, ढडडा, दुझ, तदर्थ, तामेल, तहकिकात, तजविज, तारेख, तारेखपर्चा, तायदाती फार्म, थुनुवा, दायित्व, दृष्टिवन्धक, दुरुत्साहन, दरपिट, दफा, दाइजो, धारा, धरौट, न्यायाधीश, न्यायाधिकरण, नियम, नजिर, निषेधाज्ञा, नाबालक, नियमापत्ति, निलम्बन, निखन्नु, नायव, प्रतिरक्षा, प्रतिवादी, प्रत्याभूति, प्रतिउत्तरपत्र, प्रत्यायोजन, प्रतिवेदक, प्रबन्धपत्र, पुनरावेदक, प्राकृतिक न्याय, परमादेश, पूर्ण इजलास, पूर्वापराधी, पुष्पक्ष, प्रवेशाज्ञा, प्राडन्याय, पीडित व्यक्ति, पेसी, प्रस्ताव, प्रस्तावित व्यक्ति, पदेन, पेवा, प्रकरण, पुनरावलोकन, फरार, फौजदारी, फिरादपत्र, फडके, बदनियत, बेरित, बकपत्र, बाल विज्याई, बात, बरामद, बदर, बयान, बिगो, बन्दसवाल, बेगार, बुँदा, बालबुर्जा, ब्रम्हनिसाफ, बक्सोनी, भूल, भरपाई, भ्रष्टाचार, भवितव्य, मतिथार, मिलापत्र, मुचुल्का, म्यादी पुर्जी, मुखसावित, मनासिव, मिसिल, मुलतवी, रोहवर, रितपूर्वक, राजकाज, रहजनी, लालमोहर, लावारिस, लापरवाही, लखबन्धक, बन्दी प्रत्यक्षीकरण, व्यक्ति, वादी, विधिविज्ञान, विशेषज्ञ, विबन्धन, वेश्यावृत्ति, वयस्क, वादी, विनियम, वारदात, वारेस, सनाखत, संरक्षक, सर्जमिन, साविक, स्वेच्छाचारी, साधक, सहअभियुक्त, संविधान, सुपरिवेक्षण, सबुदमुखी, समाहवान, संयुक्त इजलास, स्त्रीधन, सम्बन्धविच्छेद, स्वीकारोक्ति, साबिती, हकवाला, हाजिरजमानी, हुलिया, हिरासत, हिनामिना, हालवाला, हदम्याद, हितग्राही व्यक्ति, क्षेत्राधिकार, क्षतिपूर्ति ।

**एकाइ घ : कानुनी लिखतहरूको संरचनागत ज्ञान र व्यावहारिक प्रयोगको अभ्यास**

पाठ्य विषयवस्तु

- निम्नलिखित प्रकृतिका सूचनाहरू लेख्ने अभ्यास
  - सूचना
  - निवेदन
  - धरायसी लिखत
  - अदालती लिखत

**एकाइ ङ : कानुनी रचना तथा अभिव्यक्तिशिल्प सम्बन्धी अभ्यास**  
पाठ्य विषयवस्तु

- कानुनी अनुच्छेद लेखनको अभ्यास
- समसामयिक कानुनी समस्यामा टिप्पणी गर्ने अभ्यास
- कानुनी कथनलाई स्वतन्त्र रूपमा व्याख्या गर्ने अभ्यास

**एकाइ च : कानुनी गद्यको बोध तथा अभिव्यक्ति**

पाठ्य विषयवस्तु

- कानुनी गद्यको बोध
- कानुनी गद्यको बुँदा टिपोट र सङ्क्षेपीकरण गर्ने अभ्यास
- कानुनी गद्य
  - वाल नरसिंह कुँवर, रणबहादुर शाहको हत्या प्रतिवेदन (१८६३), कानून २७
  - शम्भु प्रसाद ज्ञवाली, नेपालमा न्याय मण्डलको पुनरगठन (२००८), कानून २६
  - कृष्ण श्रेष्ठ, राष्ट्रको सर्वाङ्गिका विकासमा कानून व्यवसायी, न्यायदूत २३
  - हरिहर दाहाल, अदालतको अवहेलना, न्यायदूत ३३
  - प्रकाश वस्ती, वारको इतिहास, कानून १९
  - डिल्लीराज आचार्य, न्यायिक संस्कृतिमा भान्से विचारी, कानून ७
  - डा. युवराज संग्रौला, फौजदारी न्याय प्रशासन, कानून २५
  - विश्वनाथ उपाध्याय, प्रतिनिधिसभा विघटनको सिफारिश, कानून १४
  - हरि थापा, हरिप्रसाद प्रधानको पुनरखोजी, कानून १२
  - लक्ष्मण प्रसाद अर्याल, कानूनमा प्राण हाल्ने कसले, न्यायदूत ११

**एकाइ छ : साहित्यिक भेदको बोध तथा आस्वादन ।**

पाठ्य विषयवस्तु

- उपन्यास
  - पर्खाल भित्र र बाहिर - पारिजात
- नाटक
  - पत्थरको कथा - विजय मल्ल
- कथा/निबन्ध
  - परिवन्द - पुष्कर शमशेर
  - एक रात - विश्वेश्वरप्रसाद कोइराला
- निबन्ध
  - वीरहरू - लक्ष्मीप्रसाद देवकोटा
  - मपाई - भैरव अर्याल
  - तोरीलाहुरे चोकमा एक छिन - रुद्र खरेल
- कविता
  - उद्बोधन - लक्ष्मीप्रसाद देवकोटा
  - तिमी को - गोपालप्रसाद रिमाल
  - हामी - भूपि शेरचन

**पाठ्यपुस्तक**

- बालकृष्ण पोखरेल - राष्ट्र भाषा - साभा प्रकाशन
- रुद्र खरेल - विशेष नेपाली - पैरवी प्रकाशन
- फौजदारी कार्यविधिको दिग्दर्शन - कानून अन्वेषण तथा स्रोत विकास केन्द्र (सेलर्ड)
- पुष्कर शमशेरका कथाहरू - साभा प्रकाशन
- लक्ष्मी निबन्ध संग्रह - साभा प्रकाशन
- जय भुँडी - रत्न पुस्तक भण्डार
- हिमालचुली - सं इश्वर बराल - साभा प्रकाशन
- आमाको सपना - साभा प्रकाशन
- घुम्ने मेचमाथि अन्धो मान्छे - साभा प्रकाशन
- पत्थरको कथा - साभा प्रकाशन

११. पर्खाल भित्र र पर्खाल बाहिर, पारिजात स्मृति केन्द्र - म्हेपी, काठमाडौं  
 १२. तोरीलाहुरे चोकमा एक छिन - रुद्र खरेल

सन्दर्भ पुस्तक

१. मुलुकी ऐन - कानुनी किताब व्यवस्था समिति, काठमाडौं ।  
 २. टोपबहादुर सिंह - नेपाली कानुनी शब्दकोश, पाठ्यक्रम विकास केन्द्र  
 ३. मानवअधिकार प्रशिक्षण निर्देशिका - कानुन अन्वेषण तथा

- स्रोत विकास केन्द्र (सेलर्ड)  
 ४. अपराधशास्त्र - माधवप्रसाद आचार्य  
 ५. नेपाली फौजदारी कानूनको विश्लेषणात्मक अध्ययन - सेलर्ड  
 ६. कानून र न्यायदूत पत्रिकाका विभिन्न अङ्कहरू  
 ७. व्यक्ति र व्यक्तित्व - शम्भु प्रसाद ज्ञवाली  
 ८. वकिल नभएमा - प्रकाश वस्ती  
 ९. कानून तर्जुमासम्बन्धी अवधारणात्मक पक्षहरू - नेपाल कानून आयोग

### 3) International Relations and Diplomacy

**Course Objectives**

Objectives of this course are:

- To provide fundamental knowledge to students about the International Relations and Diplomacy;
- To make them able to understand the consequences and importance of International Relations and Diplomacy in international and peace and order; and
- To expose students in historical transition of the world politics and relations.

**Contents**

**1. Introduction to International Relations**

- a. Concept of international relations.
- b. Different theories of international relations.
  - System Theory, Game Theory, Communication Theory
  - Realism: Balance of Power
  - Liberalism/Pluralism
  - Constructivism: in between the global and domestic politics

**2. History of International Relations**

- a. Peace treaty of Westphalia
- b. Peace treaty of Versailles
- c. Locarno Agreements
- d. The Kellogg - Briand Pact
- e. The Munich Pact

**3. Diplomacy**

- a. Definition and Nature of Diplomacy
- b. Function of Diplomats
- c. Classification of Diplomats & Counsels,
- d. Types of Diplomacy: Democratic Diplomacy, Totalitarian Diplomacy, Personal Diplomacy etc.
- e. Propaganda & Diplomacy, Propaganda as a part of Diplomacy in current International Relation
- f. Diplomacy before and after First World War
- g. Diplomacy after Second World War
- h. Cold War era and diplomacy

**4. Foreign Relation of Fascist Italy & Nazi Germany.**

- a. Mussolini and Fascist Doctrine and his Foreign

Policy & Relation

- b. Weimar Republic and its failure
- c. Hitler & Nazi's Movement, Success & Failure
- d. Holocaust and its impact in international relations

**5. The Second World War of the Peace Treaties, 1939-1950**

- a. Causes of Second World War, War Time Conference and its important, Peace Negotiation and Peace Treaties, Peace Treaties after 2<sup>nd</sup> World War
- b. War Criminals & Trials.
- c. German War Criminals & Nuremberg trial
- d. Japanese War Criminals & Tokyo trial
- e. Recent Trends & Changes
  - Former Yugoslavia
  - Rwanda
  - Kosovo
  - Sierra Leone
  - East Timor

**6. Disarmament and Arms Control**

- a. Meaning and Nature of Disarmament and Arms Control,
- b. Arms Control Process in International Relation
- c. Role of United Nations
- d. Role of USA and USSR (Russia)
- e. Small Arms Control and International Relation
- f. Land Mines and International Relation

**7. Cold War after World War II**

- a. Cause and Origin of Cold War.
- b. Division of the World between the Warsaw Pact and NATO
- c. Impact of cold war in development of peaceful international order
- d. Impact of cold war in functions of the United Nations

**8. Non- Alignment Movement and its Impact on International Peace and Order**

- a. Origin and development of Aligned Movement (NAM)
- b. Success of NAM
- c. Nepal's Role in NAM

**9. Nepal in World Politics**

- a. Foreign Policy of Nepal – Nepal and China –

Nepal and India – Nepal and USA, Nepal and Russia (USSR) and Nepal and EU

- b. Nepal's Peace Zone proposal; and why the concept was dropped informally.
- c. Nepal's relations within SAARC;
- d. Formation of SAARC, Role played by Nepal in SAARC to make it a viable organization

**11. Nepal and Peace keeping works of the UN**

- a. History of Nepal's participation in peace keeping mission
- b. UN Missions Nepal has played role in peace keeping
- c. UNMIN and its Evaluation

**Recommended Books**

1. Devraj Dahal and Nischal Nath Pandey, Comperhensive Security in South Asia, FES and IFA, 2006.
2. Dr. Shastra Dutta Pant, Nepal-India Border Problems, SIRUD, Kathmandu, 2006
3. Harish Kapur, Foreign Policies of India's Prime Ministers, Lancer International, 2009

4. Institute of Foreign Affairs Policy Study Series, Institute Foreign Affairs, (IFA), Kathmandu, Nepal.
5. James N. Wolfs, An Introduction to International Relations, Power and Justice, Prentice Hall.
6. Navnita Chadha Behera (ed.), International Relations in South Asia; SAGE, 2008.
7. Roy A.C. International Relations, Since 1919
8. S.D. Muny, Nepali Foreign Policy, New Delhi.
9. S.J.R. Baliram, International Organization, Vikash Publication.
10. T.R. Vaidya and B.R. Bajracharya (ed.), Nepal: International Perspective, Amol Publications Pvt. India, 1996
11. Various Issues of Sainaik Aawaj, A Journal of Gurkha Ex-Servicemen Organization.
12. Wright, Quincy, The Study of International Relations, Times of India Publication, Bombay.
13. Dr. Yubaraj Sangroula, "Nepal's Foreign Relations: Critical Understanding" in Nepalese Legal System, Human Rights Perspective, KSL, 2005

**4) Legislative Principles and Law Making Process**

**Course Objectives**

Objectives of this course are:

- To make students aware of principles and goals of making laws by legislative body;
- To help students understand various factors involved in and responsible for making laws by legislative body;
- To enable them understand effectiveness of legislation as a -tool for shaping the structure of the society and people's life in modern times, and
- To acquaint them with legislative trends and policy in Nepal.

**Contents**

1. **General Concept of Legislation**
  - a. Definition of legislation
  - b. Importance of legislation to strengthen order, development and justice
  - c. Types of legislation:
    - i. Constitution- role and significance of constitution;
    - ii. Acts- roles and significance of Acts;
    - iii. Regulations- importance of regulations;
    - iv. Bye laws;
    - v. Ordinance; and
    - vi. Government standing orders.
2. **Use of Legislation as a State's Tool of Power on People in Autocracies- a critical observation.**
3. **Use of Legislation as a State's Tool of Power to Administer Good Governance**

4. Use of Legislation as tool of empowering people to enjoy rights and benefits
5. Objectives of Legislation- Social Change and Social Control
6. Bentham's Theory of Legislation (Principle of Utility) – Bentham's Morals and Legislation
7. Importance of Public Opinion in the Law Making Process
8. **Instrumentalities that Influence Social Behavior and Law Making Process**
  - a. Education, Media, Religion, Morality, Economic Structure, Political Structure, Social Structure and Societal Value System
9. Provisions of Constitution Regarding Legislative Law Making Process, including how Fundamental Rights, Directive Principles, Basic Features of Constitution contribute in determining the shape of law
10. **Drafting Principles of Legislation**
  - a. Role of Interest Group
  - b. Identification of the problems to be addressed by the legislation
  - c. Framing of legislative Policy
  - d. Identification of policy alternatives
  - e. Formulation of the draft proposal for bill
  - f. Formulation of the draft bill
11. **Law Making Process in Nepal**
  - a. Drafting of Bill
  - b. Adoption of Government Bills
  - c. Adoption of Private Bills

- d. Committee Hearing
- e. Plenary Discussion
- f. Final Adoption
12. **Subordinate Legislation Making in Nepal**
  - a. Rules
  - b. Regulations
  - c. Orders of notice
  - d. Bye-laws
  - e. Scheme
13. Law making at Local Level, Provincial and Federal Level under Constitutional Framework of Nepal
14. Practical Exercises of Drafting Legislative Bills. (Students will Prepare Various Draft Bills and Perform a Discussion in Moot-Parliamentary Session)
15. Importance of Legal Research in Law Making Process
16. Role of Law Commission- The machinery of Law Reform
17. Behavior and Accountability of Law Makers
18. Law making and control making: Differences

**Recommended Books**

1. A.V. Dicey; *Law and Public Opinion in England, 2<sup>nd</sup> Ed., Universla Law Publishing Co. Pvt. Ltd., 1998.*
2. B.R. Atre, *Legislative Drafting, 2<sup>nd</sup> Edition, Universal Law Publishing Co. Pvt. Ltd., 2006*
3. Bhimarjun Acharya, *Making of Constitution through constituent Assembly, Pairavi Prakashan, Kathmandu, 2006.*
4. Cornelius M. Kerwin, *Rule Making, Universal Books Traders, Delhi, 1997*
5. J. Bentham, *Introduction to the Principles of Morals and Legislation, Universal Law Publishing Co. Pvt. Ltd., Delhi, 2004.*
6. Kamal Raj Thapa (ed), *Governance, Constitution and Contemporary Issues, 2066.*
7. Nepal Constitution Foundation, *Legislative Drafting and Oversight Function of Nepalese Parliament, A Process of Law (2015)*
8. P.M. Bakshi, *An introduction to Legislative Drating, 5<sup>th</sup> edition, Tripathi Pvt. Ltd., Bombay, 1995.*
9. Roscoe Pound; *Introduction to Philosophy of Law, Yale University press, U.K., 2006.*
10. Upendra Baxsi, *Bentham Theory of Legislation, 7<sup>th</sup> Reprint Sirohi Brothers Pvt. Ltd., 2006*
11. V.C.A. R.A.C. CRABBE, *Legislative Drafting, Canvendish Publishing Ltd., Londo, 1993.*
12. *W. Friedmann, Legal Theory, 5<sup>th</sup> ed., Universla Law Publishing Co. Pvt. Ltd., Delbi, 2003.*
13. *The Constitution of Nepal 2015*
14. *Activities, Manual and Publications of Nepal Law Commission and Parliament of Nepal*
15. *Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074*
16. *Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074*
17. नेपालमा कानून आयोग, कानून तर्जुमा दिग्दर्शन, सोपान प्रेस प्रा.लि., काठमाडौं, २०६६
18. नेपाल कानून आयोग, कानून तर्जुमा सम्बन्धी अवधारणात्मक पक्षहरू, हाइलड प्रेस प्रा.लि. काठमाडौं २०६४

**5) Principles and Rules of Procedural Law**

**Course Objectives**

Objectives of this course are:

- To make students familiar with fundamental principles of procedural laws To acquaint students with rules of procedures in Nepal
- To acquaint students with judicial process of Nepal

**Contents**

**1. Introduction**

- a. Importance of the Study of Procedural Law
- b. Relation between Substantive and Procedural Laws
- c. Summary and General Procedural Laws
- d. Special Procedures
- e. Distinction between Criminal Procedural and Civil Procedural Laws
- f. Procedures for Alternative Dispute Resolution – Negotiation, Mediation and Arbitration
- g. Principles of Procedural Fairness in relation to Interim Constitution of Nepal 2063
- h. Writ Procedures

**2. Some Basic Principles of Procedural Law**

- a. Principle of Natural Justice
- b. Principle of *Res Judicata*
- c. Principle of *Stare decisis*
- d. Principle of *Amicus Curiae*

**3. Law of Limitation (Concepts and Importance)**

- a. Limitation in Criminal Offenses
- b. Limitation in Civil Disputes.
- c. Limitation in Contractual Obligations
- d. Principle of Laches.
- e. Distinction Between Limitation and Notice(*mayad*)

**4. Hierarchy of Courts and Their Jurisdictions**

- a. Trial Court's Jurisdiction
- b. First Appeal Court's Jurisdiction
- c. Supreme Court's Jurisdiction
- d. Doctrine of Hierarchy of Court on the Basis of Precedent
- e. Doctrine of Hierarchy of Court on the Basis of Appeal

- f. Doctrine of Extraordinary Jurisdiction
5. **Jurisdiction of Quasi Judicial Bodies**
  - a. Reasons of Growth for Quasi Judicial Bodies and their Judicial Authorities
  - b. Procedures Applicable in the Quasi Judicial Bodies
6. **Procedure Relating to Various Stages of Civil and Criminal Litigation**
7. **Procedures Relating to Execution of Judgement**
8. **Appellate Procedure**
9. **Administration of Justice System and Application of Procedural Law**
  - a. Challenges of Procedural Law
  - b. Formalism and Procedural Law
  - c. Justice and Procedural Law

**Recommended Books**

1. Analysis and Reforms of the Criminal Justice System in Nepal, CeLRRd, 1999.
2. Appellate Court Regulations, 2048
3. Constitution of Nepal
4. D. Lake Rusmey (Ed.) Master Advocate's Handbook, National Institute for Trial Advocacy
5. District Court Manual, CeLRRd
6. District Court Regulations, 2052
7. Draft Criminal Procedures Code of Nepal.
8. Gertrude Block, Effective Legal Writing
9. Gyanendra Bahadur Shrestha, Outline of Procedural Law, Pairavi Prakashan, Kathmandu.
10. Haydock, Herr and Stempel, Fundamentals of Pretrial Litigation
11. Judicial Administration Act 2048
12. Leading Cases of Supreme Court
13. Muluki Ain, 2020
14. Paralegal Manual, CeLRRd
15. Pawan Kumar Ojha, Procedural Law
16. Rebatiraman Khanal, Writ Nibedan, Sajha Prakashan
17. Robert Keeton, Basic Expressions for Trial Lawyers Supplement to Trial Tactics and Methods, Little Brown Company.
18. State case Regulations, 2055
19. State Cases Act 2049 and Regulations, Government Attorneys' Regulations.
20. Summary Procedures Act 2028
21. Supreme Court Act and Regulations, 2049
22. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
23. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

## 6) Sociology of Law

**Course Objectives**

Objective of this course are:

- To introduce students with basic concept of relations between law and sociology,
- To introduce students with the theories related with sociology of law, and
- To help students analyze sociology of law in the Nepalese context.
- To help students to analyze the legal provisions to find whether they adequately address the current social problems

**Contents**

1. **Meaning and Concept of Sociology of Law**
  - a. Meaning of Sociology of Law
  - b. Conceptual Development of Sociology of Law
  - c. Sociology of Law as a Sub-division of Sociology
  - d. Sociology of Law as a Part of Sociological Jurisprudence
  - e. Basic Propositions of Sociology of Law
  - f. The Social Realities of the Law
2. **Some Theories on Sociology of Law:**
  - a. Emile Durkheim
  - b. Max Weber
  - c. Karl Marx
  - d. Roscoe Pound: Social Engineering and Balance of Conflicting Interest.
3. **Sociology of Law in Nepal**
  - a. Historical Development of Nepali Law with Reference to Ancient to Modern Social Contexts.
  - b. Nepali Society and New code both Muluki Criminal/Civil (Code) Act, 2074.
  - c. Nepali Society and Nepalese Constitutions.
  - d. Provision on Protection of Ethnicity, Religion and Language (judicial Attitude also) in the Constitution of the of Nepal.
4. **Reflection of Social Changes in Judicial Process and Administration of Justice:**
  - a. Meera Dhungana v. HMG (Equality in Property)
  - b. Man Bahadur Bishokarma v. HMG (Untouchability)
  - c. Reshma Thapa Vs Office of the Primeminister & Cabinet Secretariat & others, certiorari (Witchcraft Case)
  - d. Rina Bajracharya v. Royal Nepal Airlines Corporation. (Gender Equality)
  - e. Tara Poudel v. Kaski District Court (Incest case)
5. **Problems of the Enforcement of Law**
  - a. Past and Present Legal Psychology
  - b. Problem of Power Relation

- Gender
  - Caste
  - Class
- c. Analysis of Present Law and order Situation and the Role of Law

**Recommended Books**

1. Constitutions of Nepal
2. Ehrlich, E., Fundamental Principles of

- Sociology of Law, New York, 1972.
3. Friedman, W.G. 1951 Law and Social Change in Contemporary Britain, London, Sweet and Maxwell.
  4. Muluki Ain.
  5. Regmi, D.R, Ancient Nepal, Calcutta, Mukhapadhy, 1969.
  6. Georges Gurvitch, Sociology of Law, 2001.

## 7) Criminal Law

**Course Objectives**

Objectives of this course are:

- To provide knowledge of basic principles of criminal law. It aims to cover basic governing laws including Muluki Criminal (Code) Ain 2074 and Muluki criminal Procedural (Code) Ain 2074.
- To give a comprehensive knowledge in criminal law covering all the cases in which the aggrieved party is the plaintiff.
- To enable students analyze and apply the case law established by the Supreme Court of Nepal.
- To impart critical knowledge on criminal jurisprudence.
- To provide comparative knowledge of criminal law of Nepal including India and Britain in appropriate area.

**Contents**

1. **General introduction of criminal law**
  - a. Introduction of criminal law
  - b. Definition of criminal law
  - c. Nature of Criminal Law
  - d. Jurisdiction of Criminal Law
  - e. Necessity of criminal law
  - f. Distinction of Crime from Tort and Breach of Contract
2. **Concept of Crime**
  - a. Introduction of crime
  - b. Definition of Crime
  - c. Essential element of crime
    - Human conduct
    - Prohibited by public law
    - Provision of criminal sanction
  - d. Classifications of crime
    - On the basis of subject matter
    - On the basis of gravisness
    - On the basis of bailment
    - On the basis of morality
    - On the basis of principle of criminal liability
3. **Criminal liability**
  - a. Meaning of Criminal liability
  - b. Classification of Criminal Liability

- Relative Liability (the Four Stages of Crime)
  - Strict Liability
  - Vicarious Liability
  - Inchoate Liability
- c. General Principles of Criminal Liability
- Ignorance of law no excuse
  - Act alone does not amount to guilt; it must be accompanied by mens rea.
  - Doctrine of double jeopardy
  - Criminal law has no retrospective effect.
  - Maximum certainty
  - Strict Construction
  - Crime dies with the criminal
  - Presumption of Innocence.
2. **Elements of Crime**
    - a. *Actus reus*: Act, Omission, State of Affairs,
    - b. Act Committed Through Innocent Agent
    - c. Act Committed in a Series of Fragmentation Forming Part of the Same Transaction.
    - d. *Mens rea* :
      - Intention
      - Recklessness
      - Negligence
      - Motive
    - e. Transferred Intention (Transfer of Malice)
    - f. *Actus reus* and *Mens rea* must Concur Together to Give Criminal Liability
  3. **General Defenses**
    - a. Infancy
    - b. Insanity
    - c. Drunkenness and Drug Taking
    - d. Self Defense (Private Defense)
    - e. Necessity
    - f. Duress and Coercion
    - g. Consent
    - h. Mistake
    - i. Superior Order
    - j. Inevitable accident
  4. **Stages of crime**
    - a. **Intention**
    - b. **Preparation**
    - c. **Attempt**
    - d. **Actual commission**

5. **Inchoate Offences**
    - a. Incitement
    - b. Conspiracy
    - c. Attempt
  6. **Parties to the Crime**
    - A. Introduction of Parties to the Crime
    - B. Classification of Parties to the Crime
      - a. Principal Offender
        - i. Actual dour/perpetrator
        - ii. Commander
      - b. Accessories
        - i. Accessories Before the Fact
        - ii. Accessories on the Fact
        - iii. Accessories After the Fact
        - iv. Waiving the enterprise
        - v. Entrapment
        - vi. Vague Knowledge of Crime (mens rea)
        - vii. Passive observation (actus reus)
        - viii. Consequence remotely connected
        - ix. Transferred Malice when relevant in relation to abettors
        - x. Cases where perpetrator immune, abettor liable
        - xi. Abettors immune under duress
        - xii. Conspirators equally liable
        - xiii. No abettors in provocative incident except inciter
        - xiv. No abettor in negligent offence except inciter
  7. **General principle of Criminal justice**
  8. **Aggravative factor and Mitigate factor for gravity of crime**
  9. **Offence against person**
    - Homicide
    - Abortion (offence against fetus protection)
    - Assault and Battery
    - False Imprisonment
    - Offence relating person mislaid
    - Kidnapping and Hostage taking
    - Transportation and Trafficking in Human Beings
    - Domestic Violence
  10. **Offences Relating to sex**
    - Rape
    - Incest
    - Custodial sex
    - Unnatural Sex offences (Homo Sexuality, Bestiality)
    - Pedophile
    - Sexual Harassment
  11. **Offences relating marriage**
    - Unconsent marriage
    - Incest marriage
    - Child marriage
    - Polygamy marriage
    - Transaction marriage
  12. **Offences Relating to Medical Case and Treatment**
  13. **Offence against state and society**
    - Offence against state
    - Offence against public peace
    - Offence relating to disobey the public authority's authority
    - Offence against public justice
    - Offence against public interest, health, security, and ethic
    - Offence relating to arms and ammunition
    - Offence relating to explosive substance
    - Offence against national and public resources
  14. **Offence relating to religion and ethic**
    - Offence relating to religion
    - Offence relating to discrimination and other discarding behave
  15. **Offence relating to property**
    - Banking offence
    - Offence relating to Theft and dacoit
    - Offence relating to Cheating, criminal fraudulent and extortion
    - Offence relating to currency
    - Offence relating to ticket
    - Offence relating to measurement and weigh
    - Offence relating to document
    - Offence relating to criminal trespass and criminal persecution
  16. **Offense relating to animal**
  17. **Offense relating to narcotic drug**
  18. **Offense relating to Motoring**
  19. **Offense relating to Bribery and corruption**
  20. **Cyber crime**
- Recommended Books**
1. Analysis and Reforms of Criminal Justice System in Nepal, CeLRRD, 1999.
  2. Andrew Ashworth, Principles of Criminal Law, 5<sup>th</sup> Ed. Oxford University Press, 2006.
  3. Basline Survey on Criminal Justice System of Nepal, Center for Legal Research and Resource Development (CeLRRd), 2000.
  4. Criminal Jurisprudence, Prof. Madhav Pd. Acharya and Ganesh Bhattarai, 2065, Kathmandu
  5. Diane Birch etal, Blackstone's Criminal Practice 9<sup>th</sup> ed. Blackstone press limited, 1999
  6. Dr. Rajit Bhakta Pradhanang, Homicide Law in Nepal, Concept History and Judicial Practice, 1<sup>st</sup> ed., RatnaPustakBhandar, Kathmandu, 2001.
  7. Glanville, Williams, Textbook of Criminal Law Stevens and Sons, London 1978.
  8. Janet Dine and Tames Gobert Cases and Materials on Criminal Law (1993) Balckstone

- Press Limited.
9. K.D. Gaur, Criminal Law cases and Materials 4<sup>th</sup> ed. Lexis NexisBattworths New Delhi, 2005
  10. Kannoon Bi Monthly and Nayaydoot Monthly
  11. Lafare, Criminal Law 3<sup>rd</sup>, Wayne R. Lafave, Criminal Law 3<sup>rd</sup>ed, West Group USA 2000.
  12. National Workshop on Criminal Justice System in Nepal : Existing Relaties and Prospective Reforms, 1997, ILRR.
  13. Ratanlal and Dhirajlal, The Indian Penal Code
  14. Report on Impact of Corruption in Criminal Justice System on Women, CeLRRD, 2000 AD
  15. Report on Study of Counter Corruption Legal Framework, CeLRRD, 2000 AD
  16. Smith and Hogan, Criminal Law Cases and Materials, 4<sup>th</sup> ed., Butterworth & Co. Ltd, 1990
  17. William Wilson, Criminal Law doctrine and theory Longman UK 1998.
  18. Muluki Pannel (Code) Act, 2074
  19. Muluki Criminal Procedure (Code) Act, 2074
  20. फौजदारी कानून एक समिक्षात्मकविवेचना, प्रा. माधवप्रसाद आचार्य, बन्नी प्रसाद भन्डारी, भृकुटी एकेडेमीकंपब्लिकेशन २०६३, काठमाडौं
  21. जाइन्द्र बहादुर श्रेष्ठ, मुलुकी ऐन, पैरवीप्रकाशन
  22. प्रा.डा. रजितभक्त प्रधानाड, डा. लक्ष्मीप्रसाद, फौजदारी कानूनको परिचय, लुम्बिनी प्रकाशन, २०७३

## 8) Clinical Course: Visits of Jails and Preparation of the Report on Sentencing System and Reforms

### Course Objectives:

- To expose students to contemporary sentencing system adopted by the state and help critical analysis of the impact thereof
- To help students understand the 'impact of punishments' in society, family and individual's life.

### Contents

1. Desk Work by students on legal provisions on penal or sentencing system in Nepal. The desk work will be supervised by the faculty.
2. Visit of jail conditions and preparation of situational report.
3. Condition of lives in jails and situation of enjoyment of human rights- a critical empirical report.
4. Evaluation of reform initiated by the Government.
5. Presentations.
6. Advocacy of rights of prisoners in various prisons
7. Legal assistance and psycho-social counseling for prisoners who are likely to finish prison terms and preparing for home going.
8. Each individual or group of student will take a particular jail for study.

### Evaluation

- The report submitted and presented by students before the class shall be evaluated together with the written work submitted by them. Since it is a practical course students should secure 50% mark to pass the subject.

### Methodology

- The methodology of conducting course shall be planned by course teacher specifying the date of field visit, report submission, presentation before the class and evaluation. This mark shall be added in university examination.

### Recommended Books:

1. Anjen Boin, Crafting Public Institutions: Leadership in Two Prison System, Published by Lymne Rienner Publishers Inc. USA, 2001
2. Basic Education in Prisons United Nations and UNESCO, Institute for Education 1995
3. Nepal's Penal System: An Agenda for Change, Centre for Victims of Torture Nepal. 1<sup>st</sup> ed. Kathmandu, 2001
4. Penal Reform in Nepal, Published by PRI and CVICT, Kathmandu 2000.
5. Tulasi Ram Baidhya, Tri Ratna Tuladhar, Crime and Punishment in Nepal; A Historical Perspective, Published by Bini Vaidhya and Purna Devi, Kathmandu 1985
6. कारागार सुधारको दिग्दर्शन, यातना पीडित सरोकार केन्द्र, प्रथम संस्करण, काठमाडौं, २०५५
7. गोपाल गुरागाईं, कारागार भित्र कारागार, प्रकाश अनौपचारिक क्षेत्र सेवा केन्द्र (इन्सेक) प्रथम संस्करण, काठमाडौं, २०५४

**B.A. LL.B. THIRD YEAR****1) International Human Rights Law****Course Objectives**

Objectives of this course are:

- To familiarize students with concepts and principles of human rights law
- To discourse the normative framework of human rights mainly developed out after world wars
- To familiarize students with international and regional human rights mechanisms protecting individual vis a vis group rights ,
- To help develop capacity of students to conduct comparative study of domestic laws in the light of international human rights laws, and
- To help students build capacity to apply international human rights instruments in the domestic situation with special reference to poor and marginalized communities.

**Contents****1. Human Rights**

- a. Philosophy, Politics and History of Human Rights
- b. Nature of Human Rights
- c. Tools and Strategies of Human Rights Application.
- d. Human Rights and Law.

**2. Basic Concepts of Human Rights**

- a. Source of Human Rights
- b. Contemporary Debates on Human Rights: Dichotomy between Civil and Political Rights and Economic, Social and Cultural Rights, Liberalism, Utilitarianism,
- c. Nexus between Right to Life and Adequate Standards of Living
- d. Basic Needs as Human Rights
- e. Right to Development and Sound Environment

**3. Human Rights and Cultural Relativism**

- a. Defining Cultural Relativism
- b. Relativity and Universality
- c. Varieties of Cultural Relativism
- d. Caste and Cultural Relativism in Nepal
- e. Gender and Cultural Relativism in Nepal

**4. Evolution of International Human Rights****Norms, Values and Rules-**

- a. Ancient traditions such as Hinduism, Buddhism, Confucianism, Islamic jurisprudence, Christianity etc.
- b. Western historical documents (English Documents, French and American Declaration).
- b. League of Nations and Human Rights (Development of Anti-Slavery Convention and ILO).
- c. UN Charter and Human Rights.
- d. International Bill of Human Rights
  - Universal Declaration of Human Rights
  - Twin Covenants and Optional Protocols (ICESCR and ICCPR)

**5. Rights of Different Groups under Key Human Rights Treaties**

- a. Elimination of Discrimination
  - Racial Discrimination
  - Discrimination Against Women
- b. Rights of Child
- c. Rights of Migrant Workers
- d. Rights of Persons with Disabilities
- e. Rights of Minorities and Indigenous Peoples

**6. Protection of Human Rights during Civil Strife**

- a. Meaning and Definition
- b. International Conventions and Treaties Permitting Use of Arms
- c. Code of Conduct of Law Enforcement Officials While Using Arms
- d. Control of Illegal Mob and Detention during Civil Strife

**7. Protection of Human Rights during State of Emergency, Armed Conflict**

- a. Definition of State of Emergency
- b. Procedural Requirements for the Declaration of State of Emergency
- c. Non-derogable and derogable Human Rights and State Obligation during State of Emergency
- d. Protection of Human Rights particularly of Vulnerable Groups in Armed Conflicts
- e. Rights Against Torture and Enforced Disappearance

- f. Code of Conducts of Law Enforcement Officials
  - g. Judicial Guarantees
  - 8. Administration of Justice and Fair Trial**
    - a. Concept, Elements and Principles of Fair Trial
    - b. Stages of Fair Trial and Protection under Human Rights Standards
    - c. Protection of Fair Trial during State of Emergency
    - d. Guarantees to Protection and Participation of Victims
    - e. Rights of Juveniles
    - f. Legal Remedies
  - 9. Human Rights Enforcement Mechanisms**
    - a. Charter-based Mechanisms
      - Universal Periodic Review
      - Special Procedures
    - b. Treaty-based Mechanisms
      - State Party Reporting
      - Complaint Mechanisms
  - 10. Regional Human Rights Framework**
    - a. European Human Rights System
    - b. Inter-American Human Rights System
    - c. African Human Rights System
    - d. Initiatives for the establishment of Asian and other Sub-Regional Human Rights System
  - 11. Nepal's Commitment to Protect and Promote Human Rights**
    - a. Status of Ratification of Human Rights Instruments
    - b. Constitutional Frameworks -9.2.Statutes
    - c. Enforcement and Implementation Mechanisms
      - Supreme Court Judgments on Applicability of International Instruments
      - National Human Rights Institutions
        - National Human Rights Commission
        - Others
  - 12. Role of National and International Non-Governmental Organizations**
    - a. Advocacy for the Ratification
    - b. Watchdog for the Protection of Human Rights
    - c. Promotional Activities
- Recommended Books**
1. Asbjorn Eide et al (Edited) "*Economic Social and Cultural Rights*" Second Revised Edition, (Kluwer Law International, 2001)
  2. Beth A. Simmons, "*Mobilizing for Human Rights, International Law and Domestic Politics*" (Cambridge University Press, 2009)
  3. Debi Chattarjee et. Al. (edited), '*Human Rights Theory and Practice*' [South Asian Publishers, Delhi, 2002]
  4. Dr. H. O. Agarwal, "*International Law and Human Rights*" (13<sup>th</sup> edition), Central Law Publications, Delhi, 2006)
  5. Gudmunder Alfredsson and Asbjorn Eide. (edited), "*The Universal Declaration of Human Rights*" [Martinus Nijhoff Publishers, 1999]
  6. Human Rights and *Development*, Edited by Dr. Mizanur Rahman (Published by ELCOP, 2002)
  7. *Human Rights in International Law* (Council of Europe Publishing (Universal law Publishing Co. (3<sup>rd</sup> Edition, 2007, 1<sup>st</sup> Indian Reprint 2009)
  8. Implementing the Convention on the *Rights of the Child*, Edited by Jame R. Himes, Unicef (Martinus Nijhoff Publishers, 1995)
  9. J.K. Das, "*Human Rights and Indigenous Peoples*", [Efficient Offset Printers, 2001]
  10. Jack Donnelly, "*Universal Human Rights in Theory and Practice* ", [Cornell University Press, London, 3<sup>rd</sup> print 1993 and 2005] Darren J Q, Byrne, "*Human Rights: An Introduction*, [Pearson Education Limited 2003 (3<sup>rd</sup> Indian Reprint, 2005) ]
  11. Janusz Symonides (edited) "*Human Rights Concept and Standards*", [UNESCO publishing, Rawat Publications, 2002]
  12. Mahendra P. Singh, Helmut Goerlich, Michael von Hauff, "*Human Rights and Basic Needs*" (Universal law Publishing Co., 2008)
  13. MV Raju, "*HUMAN RIGHTS Today and Tomorrow Role of Human rights Commission and Others*") Swastik Publications, Delhi, 2010
  14. Niamh Reilly, "*Women's Human Rights*", (Polity Press, Cambridge, UK, 2009)
  15. Philip Alston and Mary Robinson, "*Human rights and Development Towards Mutual Reinforcement*", (Indian edition), Oxford University Press, 2006)
  16. Rahul Rai, *Monitoring International Human Rights*, [Authors Press, 2002]
  17. Sandra Fredman (edited by), "*Discrimination and Human Rights: The Case of Racism* (Vol.XI/1), [Academy of Oxford University press, 2001]
  18. Steven Foster, "*The Judiciary, Civil Liberties and Human Rights*", Edinburgh University Press, 2006
  19. Upendra Baxi, "*The future of Human Rights*", [Oxford Publication, Second Ed. 2006]
  20. V.T. Patil, "*Human Rights Development in South Asia*", [Authors Press, 2003]
  21. Yubaraj Sangroula, "*Concepts and Evolution of Human Rights: Nepalese Perspectives*" [KSL, 2005]

**(Interpretation of Statutes)****Course Objectives**

Objective of the course are :

- To provide basic knowledge to students on different rules and principles of interpretation of statutes and their importance in practice, and
- To sensitize students about these rules and their application in practice.

**Contents****1. Introduction**

- Meaning of Interpretation of Statute
- Objectives of Interpretation of Statute
- Forms of Interpretation of Statute
- Important Principles of Interpretation

**2. Interpretation of Statues**

- Different Parts of Statutes:
- Titles, Preamble, Marginal Notes, Heading, Schedules, Punctuation, Proviso and Exception
- Commencement, Repeal and Revival of Legislation
- The External Aspects:
- Historical Setting, Dictionaries, References Books and Parliamentary History and Conventions
- Consolidating and Codifying Statutes

**3. Rules of Interpretation**

- General Rules (Literal Rule, Mischief Rule, Golden Rule, Construction *ut res magis valeat quam pereat*)
- Beneficial Rule
- Subsidiary Rule (*ejusdem generis* Rule, *noscitur a sociis*, *reddendosingula singulis, expressio unius est exclusio alterius* Rule, *contemporanea expositio*, Construction of Words in Bonana Partem)

**4. Hindu Law “Mimangsa”(Some Important Aspect)****5. Issues on Construction**

- Deeds and Wills
- Constitution,
- Negotiable Instrument, Premium etc.
- Special Provision of an Act.
- International Treaties and Convention
- Trade & Contracts and their terminology
- Restrictive Construction
- Prevent Evasion or Abuse
- Construction to Avoid Collusion with Other Provisions
- Exceptional Construction
- Construction Rules identified in Statutes, International Agreements, Treaties.

**6. Presumptions**

(Constitutionality of a Statute, Jurisdiction, Retrospection Legislation, Violation of International Obligations)

**7 Purposive Interpretation and H.L.A. Hart's**

**Penumbra and Ronald Dworkin's Hard Cases.**

- General Introduction of The Kanoon Byakhya Ain, 2010**
- Principles of Drafting(Acts, and Regulations)**

**Recommended Books:**

- Black Law Dictionary (Latest Edition)
- Dworkin, Gerald, Construction of Deeds and Statutes, Universal Law Pub., 5<sup>th</sup> ed. 2003
- Eskridge William, Dynamic of Statutory Interpretation, Universal Law Pub. 1<sup>st</sup> ed. 2000
- Law Lexicon (Latest Edition)
- Nepal Rastra Bank Act, 2058
- P. St. Langan, Maxwell on the Interpretation of Statute
- Public Procurement Act 2063 BS
- Ravi Sharma Aryal, Interpretation of Treaties, Law and Practice, Deep and Deep Publication Pvt. Ltd., Delhi, 2003
- Singh Avtar, Introduction to Interpretation of Statutes, Wadhwa & Co. 2<sup>nd</sup> ed, 2005
- Singh, G.P., Principles of Statutory Interpretation, Wadhwa & Co, 6<sup>th</sup> ed. 1996
- Special Court Act, 2059
- Supreme Court Procedure Act 2028
- The Interpretation of Statute Act 2010 B.S

**Case:**

- मनोरथ गिरी वि. नेपाल सरकार, नजिर संग्रह, भाग १०(ख), पृ. ४२, पु.वे.अ. मिति ०५६/१२/१६/४
- रिना बज्राचार्य वि. म.प.स., नेकाप ०५७, नि.नं. ६८९८, पृ. ३७६, नजिर संग्रह भाग १०(ख)
- देवेन्द्र आले वि. नेपाल सरकार, नेकाप, ०६१, नि.नं. ७४३४, पृ. १५५६
- भुवन कार्की वि. लो.से.आ. नजिर संग्रह ९(ख)
- आशामान बज्राचार्य वि. वा.अ. वि.अदालत, नेकाप ०२१, नि.नं. ५४६, पृ. १५०
- राणेश वाफले वि. अध्यक्ष ए.वे.कु.म समेत नेकाप ०५२, नि.नं. ६९३३, पृ. ९९७
- रत्न शाक्य वि. पु.वे.अ. पाटन, नेकाप ०५१, नि.नं. ४९३८, पृ. ४८९
- हरी सुन्दर श्रेष्ठ वि. उपादेवी नौलारवा, नेकाप. २०६२, नि.नं. ७५४७, पृ. ६३९
- ओम प्रकाश तपडिया वि. मपस, नेकाप ०६४, नि.नं. ७८१९, पृ. २७२
- इश्वर प्रसाद अधिकारी वि. प्र.म. समेत, नेकाप ०६४, नि.नं. ७८६७, पृ. ९५४
- कुमार थपलिया वि. नेपाल सरकार, नेकाप ०६४, नि.नं. ७८८४, पृ. १२६८
- कुमार श्रेष्ठ वि. अल्टिमेट डेस्टिनेशन प्रा.लि., नेकाप ०५९, नि.नं. ७०७३, पृ. १६६
- गिरिजा प्र. कोइराला वि. अदुअआ, नेकाप ०६१, नि.नं. ७४०७, पृ. ८४७
- विश्वेसी प्र. कोइराला वि. प्र.म. नेपाल सरकार, नेकाप ०१६, नि.नं. ५६, पृ. २७८
- धनलक्ष्मीश्रेष्ठेनी वि. वम व श्रेष्ठ समेत नेकाप ०१८, नि.नं. १५७, पृ. १५०
- रामशिश साह वि. मपस, नेकाप ०४१, नि.नं. १८८५, पृ. ६२
- विश्वराज शाक्य समेत वि. राष्ट्रपति रामवरण यादव, रि.नं. ०६६, ००५०

### 3) Law of Evidence

#### Course Objectives

Objectives of this course are :

- To enable students to have critical appreciation of various kinds of evidences and leading cases relating to law of evidence
- To provide the knowledge about different forms of evidences, their importance and testimony in the due course of collection of evidences and presentation in litigation process
- To appraise students of the ways and means of using and applying evidences in legal arguments, and court pleadings.
- To discuss theories and principles of evidence law in general and each form of evidence.

#### Contents

##### 1. Introduction

- a. Meaning, Nature & Scope of the Law of Evidence
- b. Principles of Evidence and Evidence Law
- b. Historical Development of Law of Evidence in Nepal

##### 2. Relevant Fact and Fact in Issue

##### 3. Classification of Evidence

- a. Basic Concepts as per their nature
  - Original and Hearsay Evidence
  - Direct and Circumstantial Evidence
  - Primary and Secondary Evidence
  - Oral, Documentary and Real Evidence
  - Exhibits and Their Evidential Value
- b. Basic Concepts as per the Forensic Science
  - Physical Evidence
  - Scientific Evidence
  - Medical Evidence
    - Medical Report
    - Case-firm Report
    - Autopsy Report

##### 4. Facts which Need not be Proved

- a. Formal Admission
- b. Judicial Notice
- c. Presumption

##### 5. Deposition and Testimony

- a. Admission and Confession
- b. Statement on the Spot
- c. Dying Declaration
- d. Special Statements by Person on Particular Occasions
- e. Facts Recorded in Public Documents
- f. Facts Recorded in Books of Account
- g. Facts Published in Books or Articles

- h. Statement Given by Witness in Other Cases
- i. Document Prepared at Time of Investigation
- j. Certificate, Report and Special Kinds of Statistics

##### 6. Expert Reports and Opinions

##### 7. Burden of Proof (With Reference to Established Theories and Provisions of Evidence Act of Nepal)

##### 8. Estoppel

##### 9. Plea of Alibi

##### 10. Procedure Relating to Collecting Evidences

##### 11. Custody of Physical Evidences

##### 12. Examination and Cross-Examination of Witnesses

##### 13. Privileges of Witnesses

#### Recommended Books:

1. Adrian Kean, The Modern Law of Evidence, 6<sup>th</sup> ed. Oxford University Press, 2006.
2. Alan Toyloar, Principles of Evidence, 2<sup>nd</sup> ed. Cavendish Publishing Limited, 2000.
3. D.W. Elliott, Manual of the Law of Evidence, 11<sup>th</sup> ed., Universal Law Publishing Co. India, 2001.
4. Dr. Yubaraj Sangroula, Criminal Jurisprudence in Nepal – The Process and Challenges in Development: National Workshop on Criminal Justice System in Nepal 1997, (Article)
5. Eric D. Green, Charles R. Nession, Problems, cases and Materials on Evidence, 2<sup>nd</sup> ed. Little Brown Company, 1994.
6. B.R. Sharma, Forensic Science in Criminal Investigation. Fourth ed. 2003, Universal Law Publishing Co. Pvt. Ltd.
7. Haribansh Tripathi, Existing Modality of Criminal Trial System in Nepal: The Lacunas, Challenges and Prospective Reforms: National Workshop on Criminal Justice System in Nepal, 1997, ILR (Article)
8. M.N. Howard, Peter Crane, Daniel A, Hochberg, Phipson on Evidence, 14<sup>th</sup> Ed. Sweet & Maxwell, 1990.
9. Murphy Peter, Murphy on Evidence (1995)
10. Sarkar on Evidence, 2<sup>nd</sup> ed. 2007, Dulivedi Publishing Company
11. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
12. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
13. प्रकाश वस्ती, प्रमाण कानून, दोस्रो संस्करण २०४४

## 4) Public International Law

### Course Objectives

Objectives of this course are :

- To provide basic knowledge of Public International Law to the students,
- To provide an understanding to them on Public International Law, particularly its fundamental principles, rules and norms, and
- To enable them to make critical analysis of Public International Law Jurisprudence.

### Contents

1. **General Introduction**
  - a. Definition, Nature and Importance
  - b. Historical Development of International Law
  - c. International Law and Municipal Law
2. **Sources of International Law**
  - a. Meaning of Source
  - b. Treaties
  - c. Customs
  - d. General Principles of Law
  - e. Judicial Decisions and ICJ Practices
  - f. Resolutions Adopted by International Organizations
  - g. Other Sources of International Law
3. **Subjects of International Law**
  - a. International Organizations
  - b. Other Specific Subject of International Law
  - c. Position of Individuals in International Law
4. **Recognition**
  - a. Meaning of Recognition
  - b. Recognition of State and Government
  - c. Theories on Recognition
  - d. *De facto*, *De jure* and *Ad hoc* Recognition
  - e. Conditional and Implied Recognition
  - f. Legal Effects of Recognition
  - g. Withdrawal of Recognition and Non Recognition
5. **State Territory and Jurisdiction**
  - a. Meaning of State Territory
  - b. Principle of Territorial Sovereignty
  - c. Traditional and Modern Modes of Acquisition of State Territory
  - d. State Jurisdiction
    - Territorial Jurisdiction
    - Personal Jurisdiction
    - Universal Jurisdiction
  - e. Principles of Criminal Jurisdiction
  - f. Jurisdictional Immunities of States
6. **Nationality**
  - a. Meaning and Importance
  - b. Modes of Acquiring and Losing Nationality
  - c. Statelessness and Double Nationality
  - d. Aliens and Their Status and Expulsion of Aliens
  - e. Asylum and Status of Refugees
7. **State Succession**
  - a. Concept of State Succession and Its Foundation
  - b. Merger, Succession, Dissolution of State and New State
  - c. Succession to Treaties
  - d. Succession with Respect to Matters Other Than Treaties
    - Political Rights
    - Public Debt
    - Private Contracts
    - Torts
8. **State Responsibility**
  - a. Concept and Nature of State Responsibility
  - b. Treatment of Aliens and Diplomatic Protection
  - c. Expropriation of Foreign Property and Related Issues
9. **Law of Treaties**
  - a. Meaning, Types and Importance of International Treaties
  - b. Conclusion of Treaties, Mode of Expression of State Consent (Signature, Ratification, Accession)
  - c. Various Stages of Conclusion of Treaty
  - d. Reservation to Treaties
  - e. Entry into Force and Implementation of Treaties
  - f. Treaty interpretation
  - g. Condition of the Validity of Treaties
  - h. Termination of Treaties
  - i. Treaties and Third States
  - j. Treaties and *Jus Cogens*
  - k. Treaty Provision Under the Constitution of Nepal, 2063 and Nepal Treaty Act, 1990
10. **Law of the Sea**
  - a. Concept of the Law of the Sea and Its Codification
  - b. Legal Status of Various Maritime Zone Territorial Sea, Innocent Passage, Contiguous Zone, EEZ, Continental Shelf, Archipelagic States
  - c. The High Seas – Jurisdiction and Its Legal Status
  - d. International Seabed Authority
  - e. Landlocked States and Their Rights
  - f. Nepal's Situation and Its Effort in International Forum
11. **Diplomatic Law**
  - a. General Characteristics of Modern Diplomatic and Consular Law
  - b. Meaning of Diplomacy and Diplomatic Mission
  - c. Classification of Diplomats, Functions of Diplomatic Missions, Diplomatic Personnel, Legal Status of Diplomatic Mission, Diplomatic

- Bag etc.
- d. Diplomatic Privileges and Immunities
- e. Concept of Consular Functions
- f. Concept of Special Mission and Its Privileges and Immunities
- g. Immunities and Privileges of UNO and Its Specialized Agencies

**12. Use of Force and War**

- a. Meaning of War and Concept of 'Just War'
- b. Legality of War and Use of Force, Self-defense, National Liberation Movement, Collective Defense, Protection of Nationals Abroad
- c. Regulation of War, Commencement and Effect of War, Limitation of War
- d. Definition of Aggression
- e. Termination of War and Hostilities

**Recommended Books**

1. A. Cassese, *International Law* (Oxford: OUP 2001).
2. D. B. Hollis, ed., *The Oxford Guide to Treaties*, (Oxford: OUP 2012).
3. Harris, *Cases and Materials on International Law* (7<sup>th</sup> edn, 2010)

4. James Crawford, *Brownlie's Principles of Public International Law*, (Oxford: OUP 2012).
5. Lori F. Damrosch eds., *International Law, Cases and Materials* (New York: West Publishing 2001).
6. M. Evans (ed), *International Law* (Oxford: OUP 2010).
7. Malcolm N Shaw, *International Law*, (Cambridge: CUP 2008)
8. Rosenne, *The Law and Practice of the International Court, 1920-2005* (2006).
9. W. M. Reisman, *Systems of Control in International Adjudication and Arbitration. Breakdown and Repair.* (1992).
10. Zimmermann et al, *The Statute of the International Court of Justice: A Commentary* (2006).
11. KC Yadav Kumar , *Refugee Law: Theory and praxis A Nepalese Perspective*, Pairavi Prakashan, 1<sup>st</sup> ed 2016, Kathmandu
12. KC Yadav Kumar , *International Law: Theory and praxis*, Pairavi Prakashan, 1<sup>st</sup> ed 2016, Kathmandu

## 5) Constitutional Law and Constitutionalism

**Course Objectives**

Objectives of the course are :

- To make the student familiar with the concepts and principles of constitution and constitutionalism
- To help them understand the evolution of the constitutional law,
- To enable them to apply constitutional principles in the context of Nepal,
- To prepare them to apply concept of rule of law and supremacy of the constitution in practice, and
- To make them able to compare and analyze different constitutions of the world.

**Teaching Method**

- Comparative and Doctrinal

**Contents**

**1. Constitution and Constitutionalism**

- a. Meaning and Importance of Constitution and Constitutionalism
- b. Constitutionalism - Historical Perspective
- c. Scope, Nature and Sources of Constitutional Law

**2. Historical Development of Constitution in Nepal**

**3. Emergence and meaning of Comparative Constitutional Law.**

**Comparative Constitutional Studies-<sup>1</sup>**

- a. Nepal
- b. U.K.
- c. U.S.A.
- d. India
- e. Japan
- f. China
- g. South Africa
- h. Bangladesh
- i. Pakistan
- j. Sri-Lanka
- k. Bhutan
- l. Maldives
- m. Afghanistan

**4. Fundamental Rights / Civil Liberties of the Citizen in Nepal's Constitution: Historical Comparative Discourse<sup>2</sup>**

**5. Fundamental Rights,<sup>3</sup> Directive Principles and Policies of the State**

- a) Meaning, nature and importance of Fundamental Rights
- b) Guarantee and protection of fundamental rights in South Asian Constitutions
- c) Critical observation of the situation of protection of fundamental rights in South Asian countries
- d) Landmark judgments of judiciaries of South Asian Countries on fundamental rights (Role of Judiciary to defend FR)
- e) Significance of Directive Principles, Policies and Obligations of the State
- f) Justifiability of Directive Principles and the South Asian perspectives
- g) Interrelation between Directive Principles, Policies and Obligations of the State with Fundamental Rights

6. **Doctrine of Separation of Powers in South Asian Constitutions<sup>5</sup>**
7. **The Executive<sup>7</sup>**
  - a. Constitutional Position of Head of the States
  - b. Formation of the Government with focus on Nepal
  - c. Responsibility and Accountability of the Government
  - d. Role and Function of Prime Minister and Council of Minister in Nepal
8. **The Legislature**
  - a. Composition of the Parliament
  - b. Functions of the Parliament with focus
  - c. Privileges of the Parliament in Nepal
  - d. Role of Oppositions in Nepal
  - e. Legislative and Financial Procedure in the Parliament in Nepal
  - f. Types and Role of the Committees in the Parliament in Nepal
9. **The Judiciary**
  - a. Basic Concept of Independence of Judiciary
  - b. Structure of Judiciary with Reference to Power and Functions in Nepal
  - c. Contempt of Courts
  - d. Judicial Council and Judicial Service Commission in Nepal
  - e. Supreme Court as Court of Record in Nepal
  - f. Role of Judiciary to protect and promote human rights in South Asia
  - g. Judicial accountability
10. **Constitutional Bodies**
  - a. National Human Rights Commission (NHRC)
  - b. Commission for the Investigation of Abuse of Authorities (CIAA)
11. **Federalism and Division of State Power**
  - a. Meaning and nature of Federalism
  - b. Federalism and constitutional provisions
  - c. Division of State Power according to the Constitution
12. **Miscellaneous**
  - a. Emergency Provisions
  - b. Political Parties
  - c. Citizenship
  - b. Contemporary Issues of Constitutional Law

- c. Constitution making process

**Recommended Books**

1. A.V. Dicey, An Introduction to the Law of the constitution, 10th Edition, Publication by Universal Law Publishing Co. Pvt. Ltd., Delhi.
2. Bharatraj Upereti and et.al.,(eds.), Constitutional Law of Nepal, Kath<sup>m</sup>ndu (in Nepali
3. Bhimarjun Acharya, Making Constitution Through Constituent Assembly, 2006, Pairavi Prakashan, Putalisadak, Kathmandu
4. D.D. Basu, Constitutional Law of India, 1973, Published by S.C. Sarkar & Sons Pvt. Ltd.
5. Dr. Bhimarjun Acharya, Fundamental Rights in the World Constitutions (2008), Pairavi Book House, Putalisadak, Kathmandu
6. Dr. Bhimarjun Acharya, Mavlik Adhikar Ka Yayamharu (Dynamics of Fundamental Rights), 2009, National Pe<sup>c</sup>e Campaign, Kathmandu
7. Durga Das Basu, Comparative Federalism, 1987, Publication by Prentice – Hall of India Pvt. Ltd., N<sup>ew</sup> Delhi
8. Iver Jennings, The Law and the Constitution, 5th ed, 1973, Pub. by ELBS, London
9. Judicial Administration Act, 1992
10. Kamal Raj Thapa (ed), Governance, Constitution and Contemporary Issues, 2066, Pub. by LRAF Pvt. Ltd., Kathmandu
11. M.P. Singh, V.N. Shukla Constitution of India 10th Ed., Pub. by Eastern B.Co. Lucknow
12. Michel Rosenfeld and Andras Sojo, The Oxfore Handbook of Comparative Constitutional Law (2012)
13. Ran Hirschl, Comparative Matters, The Renaissance of Comparative Constitutional Law, Oxford University Press (2014)
14. S.P. Dhungel and et.al., Commentary on the Nepalese Constitution, Kathmandu, 1998, Pub. by DELF lawyers Inc., Kathmandu
15. The Constitutions of Nepal (All)
16. Vikram David Amar and Mark V Tushnet, Global Perspective on Constitutional Law, Oxford University Press (2009)
17. Wade and Phillips, Constitutional Law

## 6) Legal Research

**Course Objectives**

Objectives of this course are:

- To introduce students with fundamental methods of legal research,
- To help them in developing habit of using research methods in professional pursuit, and
- To help them develop professionalism based on empirical research habit.

**Contents**

1. Introduction to Research and research methodology
2. Research as a tool of obtaining scientific knowledge
3. Epistemology
5. Importance and Scope of Research in Law
6. Types of Research
7. Tools and Methodologies of Research
8. Type of Data

9. **Data Collection and Tabulation**
10. **Research Report and Report Writing**
11. **Introduction to Legal Research**
12. **Nature of Legal Research**
13. **Case Law Research**
  - a. Background of Development and Behavioral Approach
    - Types of Authority: Primary and Secondary Authority.
    - The Foundation.
    - The Court System and Hierarchy of Courts
  - b. Case Law Organization:
    - The Official and Unofficial Versions
    - The Organization of Reported Cases
    - Subject Access
  - c. Case Law Location Method:
    - Table of Cases Method
    - Defendant-Plaintiff Table
    - Word and Phrases Volumes
    - Descriptive Word Method
    - Topic Method
    - Location Method in Nepal Kanoon Patrika
    - Location in All India Reporters
    - Location Method in American Law Reporter
14. **Legislative Research**
  - a. Constitution
    - Constitutional Law Location Methods
    - Topic Method
    - Descriptive Word Method
    - Finding and Updating Constitutional Provisions
    - Finding and Updating Interpretive Cases
- b. Research on Statutes
  - Organization of Statutes
  - Official Sources (Rajpatra and Ain Sangraha in Nepal)
  - Unofficial Sources
  - Law Location Methods
  - Popular Name Method
  - Table Method
  - Topic Method
  - Descriptive Word Method
  - Finding and Updating Statutes in Nepal
15. **Secondary Source Research**
  - a. Secondary Source Organization.
  - b. Hierarchy of Secondary Authority
  - c. Opinions of Persons Heading Institutions
  - d. Law in Journals Articles
  - e. Research Reports
  - f. Treaties
  - g. Legal Encyclopedias
  - h. Legal Dictionaries
16. **Rules of Citation**
17. **Process of Research Project Development**
18. **Computer Assisted Legal Research**

**Recommended Books:**

1. CR Kothari, Research Methodology Methods & Techniques, 1990, Wishwa Prakashan, New Delhi
2. Fred N. Kerhinger, Foundations of Behavioral Research, 2002, Surjeet Publication, Delhi
3. HK Wolff and P.R. Pant, Social Science Research and Thesis Writing, 2005, Buddha Academic Enterprises, Kathmandu

## 7) Professional Ethics

**Course Objectives**

Objectives of this course are:

- To introduce students with fundamental concepts and principles of legal professional ethics,
- To help them develop ethical professionalism,
- To prepare them take up legal profession in a professional manner, and
- To strengthen the ethical standard of legal profession in Nepal.

**Contents**

1. **Regulation of Lawyers:** Problem of Law and Ethics
2. **Regulation of Lawyers:** Statutes and Standards, including UN Standards
3. **Introduction to the Basic Principles of Professional Responsibility of Lawyers**
  - a. Identity and Roles
  - b. Lawyers as Professionals: Some Moral Issues
  - c. The Ideology of Advocacy, Procedural Justice and Professional Ethics
  - d. Responsibility, Authority and Choice
4. **Understanding of Ethics**
  - a. Client-Lawyer Relationship (Competence and Confidentiality)
  - b. Client-Lawyer Relationship (Agency, Fiduciary, Loyalty, Diligence, Information, Advice, Autonomy, Termination of Service)
  - c. Interference with Relationship/ Improper Acquisition of Confidentiality
  - d. Financing Legal Services
  - e. Lawyer Client Conflicts
  - f. Advocacy Ethics (Confidentiality and Truth)
  - g. Advocacy Ethics (Falsity, Literal Truth, Frivolity, Abuse)
  - h. Negotiation
  - i. Quality Control (Controls and Limits on Practice)
  - j. Quality Control (Malpractice and Liability)
  - k. Quality Control ( Lay Involvement/ Ancillary Business)
5. **Professional Responsibility & Ethics in Public Practice**

6. **Professional Responsibility in Corporate Practice**
7. **Tax Lawyering and Professional Responsibility**
8. **Judicial Conduct of Lawyers:** Lawyers Responsibility as an Officer of the Court.
9. **Gender and Juvenile justice and Legal Professional Responsibility.**
10. **Exploring Patterns of Thinking:**
  - a. Reason and Experience
  - b. The Profession of the Law.
  - c. Polarities and Paradox
11. **State of professional ethics in South Asia**
12. **Importance of Clinical Legal Education in promoting professional responsibilities of lawyers in South Asia**

**References:**

**Professional Ethics**

1. Gillers, Regulation of Lawyers: Problems of Law and Ethics; 5<sup>th</sup> Ed. Aspen 1998.
2. John S. Dzienkowski, Professional Representation Standard, Rules and Statements, West Publishing Com., (1995-96)
3. Crystal, Introduction to Professional Responsibility, Aspen 1998.

4. Freedman, Understanding Ethics, Mathew Bender 1990.
5. D.S.R. Maynerhi, Legal Research Methodology. 1997 Pioneer.Books
6. Legal , (Legal Research, (Collection of Articles) 1985, Indian Law Institute.
7. Wolfram, Modern Legal Ethics, West, 1986.
8. Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism. 1981, West Publishing Company.
9. Constitution of the International Bar Association.
10. Constitution of the Law Asia.
11. Constitution of SAARC Law.
12. Nepal Bar Council Act and Regulations, 2051
13. V.K.V. Krishna Swami Aiyer, Professional Conducts and Advocacy.
14. Hahn & Elizabeth A. Stanko, Judge, Lawyer, Victim and Thief, Northeastern Nicole University Press (DATE)
15. H.R. Bhardwaj, Law, Lawyers and Judges, Konark Publishers (DATE)

## 8) Clinical Legal Education: Effective legal writing (Civil Case)

**Course Objectives**

- To familiarize students with basic ideas of legal writing,
- To help them build skills of effective communication through writing, which consists of systematic farming of issues and proper language, and
- To build practical experience of students through exercise of simulation.

**Contents**

**1. Grammar and Meaning**

- a. Some Definitions of Grammatical Terms
- b. Punctuation
  - When to Use a Comma
  - When to Use a Semi-Colon
  - When to Use a Colon
  - When Use a Dash
  - When to Use a Possessive Apostrophe
  - When to Use a Hyphen
  - When and Where to Use Question Marks
  - How to Recognize and Punctuate Relative Clauses

**2. Formation of Sentence**

**3. Formation of Paragraph**

- a. Paragraph Development According to Topics
- b. Definition
- c. Classification
- d. Process

- e. Illustration
- f. Cause and Effect
- g. Comparison and Contrast
- h. Induction
- i. Deduction

**4. Formation of Block of Paragraphs**

- a. Facts Group (Definition, Analysis and Conclusion)
- b. Law Groups (Definition, Analysis and Conclusion)
- c. Analysis Groups (Definition, Description and Conclusion)

**5. Legal Writing Styles**

- a. Writing It Clearly
- b. Use Periodic Sentences Cautiously, Vary Your Sentence Structure
- c. Use Connectors Carefully
- d. Language as Connectors
- e. Commas as Connectors
- f. Replace Vague Connecting Words With Specific Words
- g. Say it affirmatively
- h. Use Expletives Sparingly
- i. Put Modifiers where they Belong
- j. Avoid Archaic Language
- k. Don't Make Impossible Comparisons
- l. Make General Assertions First
- m. Put Your Ideas into Appropriate Order

- n. Prefer Chronological Development
- o. Use Logical Development
- 6. **Writing Reasoning**
  - a. Placing Facts into Fact Categories
  - b. Using Fact Categories in Legal Analysis
  - c. Writing a Case Analysis
  - d. Analoging
  - e. Synthesizing
- 7. **Drafting of Commercial and Corporate Documents**
- 8. **Drafting of Litigation Documents and Practical Exercises**
  - a. Civil Cases will be Given Each Year Differently
  - b. Students will have to Complete One Case in Each of Civil Case
  - c. Facilitation of Drafting will be Associated with Clinical Work
  - d. Student will present their Case in Simulation Court presided over by a Panel
  - e. Students must work under guidance of lawyers in assigned law firms

**Recommended Books**

1. Gayendra Bahadur Shrestha, Procedural Law, Pairavi Prakashan (Nepali)
2. Gretrude Block, Effective Legal Writing, 1992, Foundation Press.
3. Judicial Administration Act
4. Muluki Ain, Adalati Bandobasta Ko Mahal
5. Nepal Kanoon Patrikas, Supreme Court of Nepal
6. Rebat Raman Khanal, Mashuda Bidhi, Saja Prakashan (Nepali)
7. Summary Procedure Act, 2028
8. Supreme (2049), Appellate (2048) and District Court (2052) Regulations
9. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
10. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
11. नियम संग्रह एक परिचय (मूल दफासहित) ज्ञानन्द्रबहादुर श्रेष्ठ, पैरवी प्रकाशन, काठमाडौं (२०५६)

## 9) Clinical Work: Advocacy Service to Community (Outreach Program)

**Course Objectives**

This practical course is expected to:

- Expose students to the ground reality of awareness about law among the people;
- Prepare students work for building legal awareness of people;
- Help build civic sense among the people.

**Contents**

1. Concept of Social Engineering
2. Responsibility of lawyers towards community: Workshops followed by research work on impact of ,and impression on, legal profession in empowerment of people
3. Social Justice mission and participation of lawyers
4. Democracy and contribution of lawyers in its strengthening: Workshops followed by outreach program.
  - a. Students will place themselves in a community for works and conduct legal awareness program for a period of one month under supervision of faculties
  - b. Students will help local people to develop strategies to legally empower community based organizations such as community forestry group, irrigation users' groups etc.
  - c. Students will prepare critical reports on their works for evaluation of their performance
5. Law and development: Role of lawyers to promote development: Workshops followed by presentations.

**Recommended Books:**

1. Appellate Court Regulation
2. Bonita, Rebirth and Linda. L. Schlueter: Legal Research Guide: Patterns and Practice. Contemporary Legal Education Series. The Michies Company. Law Publisher, Vergina
3. District Court Regulation
4. H.K. Wolf, P.R. Pant, Social Science Research and Thesis Writing, 4<sup>th</sup> ed., Buddha Academic Publishers, Kathmandu, 2005
5. Judicial Administration Act, 2047
6. Law of Evidence, 2031
7. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
8. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
9. Paralegal Manual, CeLRRd
10. Prof. Nomita Aggarwal, Jurisprudence, 7<sup>th</sup> ed. Central Law Publication, India, 2008.
11. Research Report conducted by KSL student in the comments
12. State Cases Act, 2049
13. Supreme Court Regulation

**B.A. LL.B. FOURTH YEAR****1) Clinical Work: Community Outreach and Rural Law Advocacy Service****Course Objectives**

The principal objectives of the program are:

- To expose students to the actual problems of marginalized and vulnerable groups
- To help students to practically expedience the significance of law as a social engineering by making them apply laws in resolution of problems; and
- To increase the social responsiveness of law students as prospective lawyers and promote ethics to defend social justice

**Contents**

1. In the very outset of the academic year, students shall be required to place themselves in remote rural areas for a period of two months.
2. The students must engage in conducting legal literacy classes for higher and secondary school students on human rights, constitution, criminal procedure and laws relating to property and family
3. The students must conduct an empirical study on 'role and impact of laws in the life of people'.
4. The students must reveal the 'problems of laws relating to distribution of resources, participation in public affairs, gender, social diversity and exclusion and poverty and deprivation.
5. The student should relate their study with the 'subject of advanced jurisprudence', and must investigate the relevance of western jurisprudence with regard to the problems of rural villages.
6. Upon return, the students must present a comprehensive report.

**Recommended books**

1. D. Lake Rumsey, Master Advocates' Hand book, The National Institute for Trial Advocacy Inc. 1986.
2. Deborah L. Rhode, David Luban, The Foundation Press Inc. New York 1995.
3. Dr. Yubaraj Sangroula, Jurisprudence, 1<sup>st</sup> ed. Kathmandu School of Law, 2010.
4. Draft Criminal Procedures Code of Nepal
5. H.K. Wolf, P.R. Pant, Social Science Research and Thesis Writing, 4<sup>th</sup> ed., Buddha Academic Publishers, Kathmandu, 2005
6. Interim Constitution of Nepal, 2063
7. John T. Noonan, JR., Richard W. Painter, Professional and Personal Responsibilities of the Lawyer, The Foundation Press Inc. New York, 1997.
8. Legal Research Guide – Bonita Rebut and Linda. L. Schlueter, Patterms and Prectice Contemporary Legal Education Searies. The Michie Company Law Publisher, Vergnia, 1990.
9. P.J. Fitzgerald, Salmond on Jurisprudence, 12<sup>th</sup> ed., Universal Law Publishing Pvt. Ltd., India, 2004.
10. Prof. Nomita Aggarwal, Jurisprudence, 7<sup>th</sup> ed. Central Law Publication, India, 2008.
11. Ronald D. Rotunda, Professional Responsibility, 5<sup>th</sup> ed., West Group A Thomson Company, 2001.
12. Therse L. Baker, Doing Social Research, 3<sup>rd</sup> ed., McGraw-Hill, 1993
13. Thomas A Mauet, Warren D. Wolfson, Materials in Trial Advocacy, 2<sup>nd</sup> ed., Little Brown and Company, 1987.

**2) Advanced Jurisprudence****Course Objectives**

Objective of this course are:

- To introduce students with Classical Legal Thoughts and their Applicability in order to address the contemporary legal problems,
- To develop critical understanding of modern concepts of jurisprudence,
- To expose contemporary approaches of jurisprudence, and
- To prepare students to interpret laws of Nepal in accordance with the need of the time.

**Contents**

1. Legal Problems of Developing Countries, With Emphasis on Nepalese Situation

- a. Law and Societal Diversity:Representation of Interest Groups (Minorities, Women, Children, Aged, Disabled, Backward Class and Community etc) in Law Making Process (Participation in Political Process)
- b. Law and Distribution of Resource (Opportunity and Participation in Economic Development)
- c. Cultural Tolerance (Participation in Social Development)
- d. Law in relation to Development vs. Environment Protection.
- e. Law and Open Market Economy vs. Subsidy
- f. Role of law in prevention ofCorruption in Good Governance

- g. Rule of Law, Accountability and Transparency  
h. Problem of Enforcement of Law
- 2. Legal Thoughts**
- a. Theories on Law and Morality:
- Analytical School: Bentham and Austin
  - Pure Theory of Law: Kelsen
  - Primary and Secondary Rules Theory: H.L.A. Hart
  - Fuller's Law of Morality
- b. Theories on Historical Evolution of Law, and Patterns of Evolution
- Law as a Living Process of Evolution: Karl Von Savigny (German Historical School)
  - Comparative Study on Evolution of Legal Systems: Hennery Maine (British Historical School)
  - Evolution of Law as a Dialectical Process: Hegel.
  - Biological Evolution of Law: Herbert Spancer
- c. Theories on Determination of Law by Sociological Forces
- Theory of Conflicting Interest: Ihering
  - Theory of Living Law: Erlich
  - Theory of Social Engineering: Roscoe Pound
  - Theory of Social Interdependence: Leon Dugit
  - Theory of Law as a Superstructure of Economic System: Karl Marx
- d. Theories of Determination of Law by Judicial Process:
- American Realism: Justice Holmes
  - Scandinavian Realism: Hangerstrome
  - Application of Realism in Nepal
  - Realism vs. Judicial Activism
- 3. Recent Issues and Trends of Jurisprudence**
- a. Development and Law: Theories of Jurisprudence
- Law as an instrument of development and human security:
  - Security Against Displacement by Development Projects and remedy provided by law
  - Public interest, social justice and law
  - Autonomous Local Self-governance
  - Concept of Welfare State and Right to Well-being
- b. Feminism and Jurisprudence:
- Gender and Sexual Sensitivity in Law
  - Concept of Gender Equity and Empowerment of Women
  - Sexual Subordination, Forms of Violence against Women with Special Reference to Nepal.
  - Economic Subordination of Women, with Special Reference to Nepal
- Legal Status of Women, with Special Reference to Nepal
  - Right Relating to Motherhood and Reproductive Health
  - Role of State in Addressing Inequalities-Policies and Affirmative Actions
- c. Ethnic Relations and Law
- Intersection of Ethnicity
  - Ethnic Groups and Legal Relations
  - Laws on Protection of Ethnic Groups
  - State's Role in Affirmative Actions in Nepal.
  - Law, Science and Technology:
    - Interaction between Legal Principles and Procedures and Scientific Research and Development.
    - Law Regulating Issues like Cloning, DNA Research, Insemination, Plant Grafting, Organ Transplantation and Biological Weapons
    - Judicial Assessment of Expert Scientific Evidence; and Compensation for Damage caused by Scientific Experiments and New Technologies, like Union Carbide in India, Chernobyl Nuclear Break Out.
- 4. Concept of Rights and Correlations**
- a. Claims, Power, Liberty and Immunity.  
b. Concrete and Institutional Rights  
c. Rights and Interests  
d. Principle of Utility  
e. Protection of Interest of Individual and Groups  
f. Protection of Rights and Interests Created by International and Regional Human Rights Instruments
- 5. Concept of Justice**
- a. Equality and Impartiality  
b. Access to Fair Justice and Fairness of Procedures  
c. Justice for Offenders and Justice for Victims  
d. Distributive vs. Corrective Justice  
e. Mechanism of Distributive Justice with Reference to Nepal  
f. Concept of Judicial Activism and Self-restraint
- 6. Some Recent Approaches of Jurisprudence**
- a. Cognitivism vs. Non-cognitivism  
b. Formalism vs. Pragmatism  
c. Universalism vs. Cultural Relativism  
d. Post Modernism  
e. Alternative Lawyering
- 7. Introduction of Modern Institutional Approaches to Justice**
- a. Alternative Dispute Resolution  
b. Conflict Resolution Through Negotiation, Mediation and Arbitration  
c. Justice Through Commissions, i.e. Human Rights Commission, UN Treaty Bodies and International Tribunals

**Recommended Books**

1. Bhimarjun Acharya, A Misconception on Nepalese Legal System and Jurisprudence, 2001, Nepal Law Review, Vol. 14, Nepal Law Campus.
2. Bhimarjun Acharya, Indigenizing the Nepalese Legal System: Cases for Debate, 2001, Essays on Constitutional Law, Vol 34-35, Kathmandu
3. Bhimarjun Acharya, System of Alternative Dispute Resolution, Nayadoot, Vol. 147, Nepal Bar Association.
3. CeLRRd, Baseline Survey on Juvenile Justice System of Nepal, 2010.
4. CeLRRd, Counter Corruption Legal Framework, (Research Document), (2000)
5. David Boucher and Paul Kelly (eds.), Social Justice From Home to Walzer, Routledge, London (1998).
6. Dr. S.R. Myneni, Jurisprudence (Legal Theory) 2nded, reprint 2007.
7. Dr. Yubaraj Sangroula, Jurisprudence: The Philosophy of Law, 2010; Kathmandu School of Law
8. Dr. Yubaraj Sangroula – Condemned to Exploitation, Trafficking of Girls and Women, KSL, 2001
9. George C. Christie, Jurisprudence, West Publishing, (1972)
10. Julius Stone, Social Dimension of Law and Justice, Universal Publication, (1999)
11. Julius Stone, The Province and Function of Law, Universal Publication, (1999)
12. Lon L. Fuller, The Morality of Law
13. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
14. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
15. Oliver Mendelsohn and Upendra Baxi (eds.), The Rights of Subordinated Peoples, Oxford, Delhi, (1996)
16. Prof. Nomita Aggarwal, Jurisprudence (Legal Theory), Central Law Publications, Allahabad, 2008
17. R.W.M. Dias, Jurisprudence, 5th ed, Aditya Books Pvt. Ltd. New Delhi
18. Ranjit Bhakta Pradhanang and Kishor Silwal, Bidhisashtra, Ratnapustak Bhandar
19. The Constitution of Nepal, 2063
20. Tom Campbell, Justice, Humanities Press International Inc., (1988)
21. W. Friedmann, Legal Theory, (1999)
22. यूवराज संग्रौला, कानूनशास्त्र तथा कानूनका सिद्धान्त, काठमाडौं स्कुल अफ ल, २००९ (इ.सं.)

**3) Contract Law**

**Course Objectives**

Objectives of this course are:

- To familiarize students with general principles of Contract Law, and
- To impart knowledge of comparative and critical understanding of the Nepalese and foreign Laws on Contract.

**Contents**

**1. Introduction**

- a. History of Contract Law
- b. Subjective and Objective Theories
- c. Evolution of Contract Law in Nepal

**2 Definition of Contract**

- a. Meaning of Contract
- b. Essentials of a Valid Contract
- c. Difference between Contract and Agreement
- d. Difference between Contract Law & Other Sources of Law

**3 Offer and Acceptance**

- a. Meaning of Offer and Acceptance
- b. Essential Elements of Offer and Acceptance
- c. Rules Regarding Offer and Acceptance
- d. Counter Offer
- e. Communication of Offer and Acceptance
- f. Termination of Offer and Acceptance

**4 Consideration**

- a. Meaning of Consideration
- b. Necessity of Consideration

- c. Types of Consideration
- d. Adequacy of Consideration

**5 Concept of Privity of Contract and Consideration**

**6. Privity of contract under the law of agency**

**7. Capacity to Contract**

- a. General Rule
- b. Exceptions
  - Minor
  - Unsound Mind
  - Disqualified Persons

**8. Free Consent**

- a. Needs of Free Consent
- b. Factors Vitiating Free Consent and Effect
  - Coercion
  - Undue Influence
  - Misrepresentation
  - Fraud
  - Mistake

**9. Void and Voidable Contracts**

**10. Legality of Objects and Consideration**

**11. Performance of Contract (Modes, Methods, Place and Time)**

**12. Termination of Contract**

- a. By Performance
- b. By Operation of Law
- c. By Breach
- d. By Agreement
- e. By Impossibility of Performance/Doctrine of Frustration

- 13. Remedies for Breach of Contract**
- a. Damages
  - b. Restitution
  - c. Injunction
  - d. Specific Performance
  - e. Quantum Merit
  - f. Arbitration
  - g. Doctrine of Unjust Enrichment
- 14. Quasi-Contract**
- a. Meaning of Doctrine of Quantum Merit.
  - b. Nepalese Contract Act's Provision of Quasi Contract
- 15. Standard Form of Contract (Judicial and Legislative Initiatives)**
- 16. Contingent Contract**
- a. Rules Regarding Contingent Contract.
  - b. Difference between wagering Agreement and Contingent Contract
  - c. Provision of Nepalese Contract Act on Contingent Contract
- 17. Agency**
- a. Meaning and Features
  - b. Creation of Agency
  - c. Authority of Agents
    - Actual and Apparent
    - Express
    - Implied
    - Emergency
  - d. Termination and Revocation of Agency
  - e. Sub-Agents and Substituted Agents
  - f. Duties of the Agent to the Principal, Principal's Duty to the Agent
  - g. Effects of Agency on Contracts with Third Person
  - h. Criminal Liability of Principal for the Acts of Agent
  - i. Registration of Agency in Nepal
- 18. Bailment and Pledge**
- a. Bailment
    - Meaning and Features
    - Right and Duties of Bailor
    - Right and Duties of Bailee
    - Right and Duties of Finder of Lost Goods
  - D. Pledge
    - Meaning and Features
    - Distinction Between Bailment and Pledge
    - Right and Duties of Pawner and Pawnee
    - Pledge by Non Owner
- 19. Indemnity and Guarantee**
- a. Indemnity
    - Meaning and Nature
    - Right and Duties of Indemnifier and Indemnity-Holder
  - b. Guarantee
    - Meaning and Nature
    - Types
    - Rights, Duties and Liabilities of Surety
- Discharge of Surety
  - c. Difference Between Indemnity and Guarantee
- 20. Sale of Goods**
- a. Meaning and Nature
  - b. Types of Goods
  - c. Contract of Sale of Goods : Sale and Agreement to Sale; Conditions and Warranties
  - d. Transfer of Property and Transfer of Title
  - e. Rights and Duties of Seller and Buyer
  - f. Rights of the Unpaid Seller
- 21. Partnership**
- a. Meaning and Nature of Partnership
  - b. Relations of Partnership to One Another
  - c. Relations of Partners to Third Parties
  - d. Incoming and Outgoing Partner
  - e. Dissolution of a Firm
  - f. Registration of Firm.
- 22. Law of Carriage**
- a. Meaning and Nature
  - b. Types of Carriers
  - c. Rights, Duties and Liabilities of Carries
  - d. Charter Party
  - e. Contract of Affreightment
  - f. Bill of lading
  - g. Carriage by Air
  - h. Air Carries Liability
- 23. Arbitration**
- a. Meaning and essentials of valid arbitration
  - b. Who can refer dispute to arbitration
  - c. Award
  - d. The Provision relating to Nepal Arbitration Act
- Recommended Books**
1. Anson's Law of Contract, 28<sup>th</sup> ed., 2002
  2. Ashish Adhikari and Sudeep Gautam, Business Law in Nepal, 1<sup>st</sup> ed. Dhaulagari Books and Stationary, 2006
  3. Avtar Singh, Law of Contract and specific Relief, Dastern Book Company Lacknow, 8<sup>th</sup> edition, Reprinted, 2004
  4. KC Yadav Kumar , Contract Law: A Comparative study, Pairavi Prakashan, 1<sup>st</sup> ed 2016, Kathmandu
  5. Pollock and Mulla on Indian Contract Law (Vol 1 and 2) 12<sup>th</sup> edition, 2001
- Acts**
1. Arbitration Act, 2055 BS
  2. Contract Act, 2056 BS
  3. Nepal Agency Act, 2014 BS
  4. Partnership Act, 2020 BS
  5. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
  6. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

## 4) Company Law

### Course Objectives

Objectives of this course are:

- To provide students with understanding of the basic concept, principles, features and functions of Company.
- To familiarize them with the legal provisions mentioned in the Company Law of Nepal.

### Contents

#### 1. Introduction

- a. Concept and Meaning

#### 2. Features of Company

- a. Legal Personality
- b. Perpetual Succession
- c. Limited Liability
- d. Exception of legal personality (Lifting the corporate veil)
- e. Distinction between proprietorship, partnership and company

#### 3. Types of Company

- a. Public Limited Company
- b. Private Limited Company
- c. Government Company
- d. Foreign Companies
- e. Holding and Subsidiary Company
- f. Profit not distributing Company

#### 4. History of Company

- a. Development of Company Law in England
- b. Development of Company in Nepal
  - Primary Stage (Company Act 1994 B.S.)
  - Medieval Stage (Company Act 2007 B. S.)
  - Modern Stage (Company Act 2021, 2053 & 2063 B.S.)

#### 5. Incorporation of Company

- a. Memorandum of Association
  - Elements of Memorandum
- D.. Articles of Association
  - Elements of Articles
- c. Amendment of Memorandum and Articles
- d. Unanimous Agreement
- e. Certificate of Registration/ Incorporation
- f. Pre-Incorporation of Agreement

#### 6. Capital

- a. Shares
  - Types
  - Allotments
  - Transfer
  - Buy-back of Shares
- b. Debentures
- c. Dividends
- d. Prospectus

#### 7. Organs of the Company

- a. Board of Directors
  - Meetings

- Powers
- Functions
- Duties/ Obligations
  - Fiduciary
  - Statutory
  - Duty of Care and Skill
- Liabilities
- Limitations
- Immunities

#### b. General Meeting

- Meetings
- Types
- Power and Importance of General Meeting
- Notice of General Meeting
- Validity of General Meeting
- Special and General Resolution
- Proxies
- Liabilities of Directors Relating to General Meeting
- Companies Liabilities Relating to General Meeting
- Shareholders Rights Relating to General Meeting

#### c. Relation between Shareholders, Directors and the Company

#### 8. Amalgamation

- a. Merger
- b. Take Over

#### 9. Corporate Governance and Corporate Social Responsibilities

- a. Theories and Practices
- b. Development
- c. Nepalese Legal Provision

#### 10. Insolvency

- a. Concept
- b. Nepalese Legal Provision

#### 11. Regulatory Bodies over the Companies

- a. Company Registrar Office
- b. Company Board
- c. Inland Revenue Office
- d. Court

#### 12. Insider Dealing

#### 13. Oppression and Mismanagement

#### 14. Concept of Multinational Companies and Operational Provision

#### 15. Criminal Liabilities

- a. Company
- b. Directors

#### 16. Winding up

- a. Modes of Winding Up
  - Voluntary
  - Compulsory
  - Order of the Court

- b. Liquidators
    - Appointment
    - Powers
    - Functions
    - Duties
    - Liabilities
17. **Controls**
- a. Control of Shareholders over the Management
  - b. Control of Government over the Management
  - c. Control by Registrar over the Management.
  - d. Control by Company Law Board over the Management
18. **Accounts and Audit**
- a. Accounts
    - Preparation of Annual Accounts
    - Preparation of Profit and Loss Accounts
    - Preparation of Balance Sheets
    - Rights of Shareholders and Liabilities of Company Relating to Accounts
    - Liabilities Relating to Accounts and Audit
    - Accounts of Holding and Foreign Companies
  - b. Audit
    - Types
      - Statutory
      - Internal
      - Cost

- Social
  - Special
- c. Auditor
- Appointment
  - Powers and Duties
  - Legal Position
  - Qualification
  - Liabilities and Prosecution

**Recommended Books**

1. Avatar Singh: Company Law, 15<sup>th</sup> edition, 2007, Eastern Book Company, India
2. Bharat Raj Upreti, Company Law (Nepali Version), 2<sup>nd</sup> edition, 2064 B.S., *Kanun Anusandhan tatba Bikas Forum* (FREEDEAL)
3. Black's Law Dictionary, 7<sup>th</sup> Edition (1999)
4. Davies Paul L., Gower and Davies' Principles of Modern Company Law, 7<sup>th</sup> Ed., Sweet and Maxwell, London (2003)
5. Morse Geoffrey, Charlesworth and Morse: Company Law, 15<sup>th</sup> Ed., Sweet and Maxwell (1996)
6. *Nepal Kanoon Patrika*, Supreme Court of Nepal
7. Shanker Kumar Shrestha, Dictionary of Law and Justice, 2004 edition, Pairavi Prakashan
8. The Companies Act 2063 B.S., Nepal
9. The Insolvency Act 2063 B.S., Nepal
10. The Securities Act, 2063 B.S., Nepal

## 5) Administrative Law

**Objectives of this course are:**

- To expose students to basic concepts and principles of Administrative Law,
- To help them understand the role of Administrative Law in promotion of rule of law and good governance, and
- To let them know about processes and procedures of Quasi Judicial Bodies.

**Contents**

1. **Introduction**
  - a. Meaning of Administrative Law
  - b. Nature, Scope and Sources of Administrative Law
  - c. Importance of Administrative Law
2. **Development of Administrative Law**
  - a. Development of Administrative Law
  - b. Welfare State and Administrative law
  - c. Theories of Administrative Law (Red light, Green light and Amber light)
  - d. Droit Administrative
  - e. Rule of Law
  - f. Separation of Power and Check and Balance
3. **Classification of Administrative Power/Action**
  - a. Need of Classification
  - b. Administrative Power
  - c. Legislative Power/Quasi Legislative Power

- d. Judicial Power/Quasi Judicial Power
4. **Delegated Legislation**
  - a. Definition, Scope and Forms of Delegated Legislation
  - b. Reasons for the Growth of Delegated Legislation
  - c. Limitation on Delegated Legislation and Sub Delegation
5. **Control of Delegated Legislation**
  - a) Reasons for Control
  - b) Constitutional and Parliamentary Control
  - c) Judicial Control
  - d) Other Control Mechanisms
6. **Administrative Discretion-**
  - a. Reasons/Need
  - b. Control over Administrative Discretion
7. **Administrative Adjudication**
  - c. Reasons for Growth
  - d. Structure and Procedure of Quasi Judicial Bodies
  - e. Control Over Administrative Adjudication
8. **Quasi Judicial bodies**
  - a. Administrative Court
  - b. Revenue Tribunal
  - c. District Administrative Office

- d. Labor Office
- e. Local government (Municipality and Rural Municipality)
- f. Others (Forest, Land, and Police)
9. **Principles of Natural Justice**
  - a. Doctrine of Bias/Fair Hearing
  - b. Audi Alterm Partem
  - c. Reasoned Decision
  - d. Due Process
10. **Ombudsman**
  - a. Introduction
  - b. Nature, Scope and Functions
  - c. Complaints Handling
  - d. Investigation and Decision
  - e. Prevention of Corruption and Commission for Investigation of Abuse of Authority-Functions, Authorities and Power Delegation
11. **Public Undertakings**
  - a. Reasons for Establishment
  - b. Types and Functions
  - c. Controls Mechanisms
  - d. Concept of Privatization
12. **Supreme Court's Role in Development of Administrative Law in Nepal (Writs-*mandamus*, *certiorari*, *prohibition* and *quo warranto*)**

#### Recommended Books

1. A.V. Dicey, An Introduction to the Law of the constitution, 10<sup>th</sup> Edition, Publication by Universal Law Publishing Co. Pvt. Ltd., Delhi.
2. Civil Service Act and Regulations
3. Commission of the Investigation of Abuse of Authority Act, 2048
4. D.D. Basu, Comparative Administrative Law, 19<sup>th</sup> ed., 2006, Wadhwa & Company
5. Edwin Borchard, French Administrative Law, Yale Law School Legal Scholarship Repository, Yale Law School
6. Edward L. Metzler, The Growth and Development of Administrative Law, Marquette Law Review (1935)
7. Hailaire Barnett, Constitutional and Administrative Law (2002)
8. Income Tax Act and Regulations
9. Judicial Administrative Act
10. Keshav Pandey, Administrative Law, Second Edition, 2056, Pub. by Ramesh Silwal.
11. Local Administrative Act and Regulations
12. Local Self Governance Act and Regulations, 2055/56
13. M.P. Jain & S.N. Jain, Principles of Administrative Law, Wadhwa and Company, Naypur, 4<sup>th</sup> Edition, Reprint, 2003
14. Mangal Krishna Shrestha, Public Administrative in Nepal
15. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
16. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
17. Paul Jackson & Patricia Leopold Constitutional & Administrative Law 8<sup>th</sup> ed. 2001, Sweet & Maxwell
18. Research Report on Counter Corruption Legal Framework, CeLRRd/TAF 2000.
19. W.R. Wade & C.F. Forsyth, Administrative Law, 9<sup>th</sup> edition Publication by Oxford University Press, Delhi The Constitution of Nepal 2015

## 6) मिसिल तयारी, फौजदारी (Effective Legal Writing : Criminal Case)

### Objectives

Objectives of the course are :

- To familiarize students with basic ideas of legal writing relating to criminal case,
- To help them build skills of effective communication through writing, which consists of systematic farming of issues and proper language, and
- To build practical experience of students through exercise of simulation.

### Contents

#### 1. Grammar and Meaning

- a. Some Definitions of Grammatical Terms
- b. Punctuation
  - When to Use a Comma
  - When to Use a Semi-Colon
  - When to Use a Colon
  - When Use a Dash
  - When to Use a Possessive Apostrophe

- When to Use a Hyphen
- When and Where to Use Question Marks
- How to Recognize and Punctuate Relative Clauses

#### 2. Formation of Sentence

#### 3. Formation of Paragraph

- a. Paragraph Development According to Topics
- b. Definition
- c. Classification
- d. Process
- e. Illustration
- f. Cause and Effect
- g. Comparison and Contrast
- h. Induction
- i. Deduction

#### 4. Formation of Block of Paragraphs

- a. Facts Group (Definition, Analysis and Conclusion)
- b. Law Groups (Definition, Analysis and

Conclusion)

- c. Analysis Groups (Definition, Description and Conclusion)

**5. Legal Writing Styles**

- a. Writing It Clearly
- b. Use Periodic Sentences Cautiously, Vary Your Sentence Structure
- c. Use Connectors Carefully
- d. Language as Connectors
- e. Commas as Connectors
- f. Replace Vague Connecting Words With Specific Words
- g. Say it affirmatively
- h. Use Expletives Sparingly
- i. Put Modifiers where they Belong
- j. Avoid Archaic Language
- k. Don't Make Impossible Comparisons
- l. Make General Assertions First
- m. Put Your Ideas into Appropriate Order
- n. Prefer Chronological Development
- o. Use Logical Development

**6. Writing Reasoning**

- a. Placing Facts into Fact Categories
- b. Using Fact Categories in Legal Analysis
- c. Writing a Case Analysis
- d. Analogizing
- e. Synthesizing

**7. Drafting of Litigation Documents and Practical Exercises**

- a. Criminal Cases will be Given Each Year Differently
- b. Students will have to Complete One Case in Each of Criminal Case
- c. Facilitation of Drafting will be Associated with Clinical Work
- d. Student will present their Case in Simulation Courtpresided over by a Panel
- e. Students must work under guidance of lawyers in assigned law firms

**Recommended Books**

1. Gayendra Bahadur Shrestha, Procedural Law, Pairavi Prakashan (Nepali)
2. Gretrude Block, Effective Legal Writing, 1992, Foundation Press.
3. Judicial Administration Act
4. Muluki civil/Criminal (code) Act, 2074.
5. Rebati Raman Khanal, Mashuda Bidhi, Saja Prakashan (Nepali)
6. State Cases Act
7. Summary Procedure Act
8. Supreme, High and District Court Regulations

**7) Settlement of International Disputes**

**Objectives of the Course:**

- To develop a detailed understanding of the nature of international law relating to the settlement of international disputes
- To introduce students to the fundamental rules and principles of international procedural law.
- To introduce students to the various forms and methods of settlement of international disputes.

**Contents:**

1. Jurisdiction of International Dispute Settlement Bodies and Arbitral Tribunals
2. Concept of Admissibility in International Dispute Settlement Bodies and Arbitral Tribunals
3. Justiciability and Arbitrability of a Dispute
4. Applicable Laws
5. Provisional Measures
6. Remedies in International Adjudication
7. Challenge of International decisions and recognition and enforcement of international decisions
8. Denial of Justice
9. Dispute Settlement according to Bilateral Investment Treaties
10. International Court of Justice

11. International Center for Settlement of International Disputes
12. International Tribunal for the Law of the Sea
13. Settlement of International Disputes and the United Nations General Assembly and the Security Council
14. WTO Dispute Settlement Bodies and Processes

**References**

1. Brown, *A Common Law of International Adjudication* (2007).
2. C. McLachlan, L. Shore & M. Weiniger, *International Investment Arbitration: Substantive Principles* (2007).
3. C. Schreuer et al, *The ICSID Convention: A Commentary* (2<sup>nd</sup> ed, 2009).
4. Collier & Lowe, *The Settlement of International Disputes* (1999)
5. Eiriksson, *The International Tribunal for the Law of the Sea* (2000).
6. Fitzmaurice, *The Law and Procedure of the International Court of Justice* (1986).
7. Fouchard, Gaillard, *Goldman on International Commercial Arbitration* (1999, E. Gaillard & J. Savage).
8. Gray, *Judicial Remedies in International Law* (1987).

9. J. Lew, L. Mistelis & S. Kröll, *Comparative International Commercial Arbitration* (2003).
10. J. Paulsson, 'Arbitration Without Privity' (1995) 10 *ICSID Rev-FILJ* 232.
11. J. Paulsson, *Denial of Justice in International Law* (2005).
12. Merrills, *International Dispute Settlement* (4th edn, 2005).
13. *Occidental Petroleum v Ecuador* [2006] QB 432; [2006] 2 WLR 70; [2005] 2 Lloyd's Rep 707.
14. Rosenne, *The Law and Practice of the International Court, 1920-2005* (2006).
15. Sands et al, *Manual on International Courts and Tribunals* (2003).
16. Shany, *The Competing Jurisdictions of International Courts and Tribunals* (2003).
17. Z. Douglas, *The International Law of Investment Claims* (2009).
18. Zimmermann et al, *The Statute of the International Court of Justice: A Commentary* (2006).

## ELECTIVE SUBJECTS

### A. CRIMINAL LAW GROUP

#### A.1 Forensic Science and Medical Jurisprudence

##### Course Objectives

Objectives of this course are:

- To acquaint students with jurisprudence of forensic evidence in trial of cases, and
- To develop skill of utilizing such evidence in the court of law.

##### Contents

##### 1. Introduction

- a. History and Development of Forensic Medicine and Medical Jurisprudence
- b. Status of Forensic Medicine and Science in Nepal
- c. Theories of Forensic Science- Contact and Exchange Principle, Principle of Individuality
- d. Scientific Methods and Legal Aspects of Forensic Science

##### 2. Scientific Basis of Criminal Investigation and Personal Identification

- a. Importance of Physical Evidence in Criminal Investigation and Trial (including chain of the custody of physical evidence)
- b. Personal Identity – Race, Age, Sex, Appearance, Condition
- c. Accessories of Personal Identity – Hair, Tattoo Mark, Blood Groups, DNA Profile etc.
- d. Essentials of Criminal Investigation – Crime Scene Examination, Physical Evidence Collection

##### 3. Post-mortem (Autopsy) Examination

- a. Introduction of Body Parts
- b. Objectives and Rules of Post-mortem
- c. External Examination
- d. Internal Examination
- e. Cause of Death (Where Death is in Doubtful)
- f. Examination of Decomposed Bodies
- g. Examination of Mutilated Bodies, Parts and Fragments
- h. Examination of Bones

##### 4. Cause of Death and Its Importance in Criminal Justice System

Cause, Immediate Effect, General Observation, Symptoms of the following:

- a. Exhumation,
- b. Asphyxia (Hanging, Strangulation, Drowning and Suffocation)
- c. Starvation
- d. Death Due to Cold and Heat
- e. Death Due to Electrocutation and Lightening
- f. Death Due to Burn Injuries
- g. Death Due to Sharp-edged Weapons
- h. Death Due to Mechanical Violence (Ammunition, Gunshot)

##### 5. Estimation of Time of Death Alvor-Mortis, Germination, Effects

##### 6. Medico Legal Aspects of Wounds and Injuries

- a. Introduction of Injuries and Wounds and Their Medico-legal Aspect
- b. Kinds of Injuries and Wounds
- c. Determination of Age
- d. Gravity of Injuries and Cause of Death Due to Injuries
- e. Ante-mortem and Post-mortem Injuries
- f. Difference Between Suicidal, Homicidal and Accidental Wounds

##### 7. Accident

- a. Traffic Accident - Cause and Symptoms
- b. Aircraft Accident – Cause and Symptoms

##### 8. Virginit, Pregnancy and Delivery

- a. Sign of Virginit and Pregnancy
- b. Presumptive and Probable Signs
- c. Biochemical Tests for Pregnancy
- d. Delivery
- e. Sign of Recent and Remote Delivery in Living and Dead

##### 9. Sexual Offence

- a. Rape
  - Examination of Victim
  - Examination of Accused

- Medico Legal Question in Rape Case
  - Sex Related Homicides and Sadism
  - Identification and Individualization of Vaginal Swab and Semen Stains
- b. Unnatural Sexual Offence (Homosexuality, Lesbianism, Bestiality)
- c. Abortion
- Classification
  - ii. Spontaneous Abortion
  - iii. Therapeutic Abortion
  - iv. Evidence of Abortion
- 10. Impotence, Sterility and Artificial Insemination**
- 11. Insanity and Criminal Liability**
- a. Terms Often Used in Evidence
- b. Classification of Mental Diseases
- c. Functional Insanity or Psychosis
- d. Depressive Illness
- e. Schizophrenia
- f. Psychosis Associated with Organic Diseases
- g. The Development of McMaughen Rule to Hingels Test
- 12. Toxicology**
- a. Medico-Legal Aspect of Toxicology
- b. Analytical Aspect of Poisons
- Principles of Forensic Toxicology
  - Nature of Poison and Symptoms
  - Definition and Classification of Poisons
  - Analytical Requirements and Significance of Analysis
  - Comparative Standard of Analytical Technique
- 13. Forensic Identification of Controlled Drugs**
- a. General Concept of Drugs of Abuse – Narcotic, Psychotropic, Sedative, Stimulant, Tranquilizer, Hallucinogen etc.
- b. Reliability of Analytical Methods (Field Tests, Chemical Tests and Instrumental Methods) in Identification and Quantification
- 14. Forensic Application of Physical Evidence**
- a. Glass and Paints
- b. Hair and Fiber
- c. Arson and Explosives
- d. Blood and Body Fluids
- e. Marks and Impressions
- f. Fire Arms
- g. Soil
- 15. Questioned Document**
- a. Handwriting and Handprint Identification
- b. Forgery and Disguise
- c. Alteration and Addition
- d. Ink Comparison and Dating
- e. Paper Comparison and Dating
- 16. Paternity Testing**
- a. Introduction and History
- b. Basic Genetics and Population Genetics

- c. Collection of Blood for Paternity Testing
- d. Red Cell Antigens, Isoenzymes, HLA System and DNA Typing

**17. Expert Opining and Testimony**

**Recommended Text Books**

1. A. Jay Chapman MD, Death of Deduction, Kathmandu, 2001
2. Adrian Keane, The Modern of Evidence, 6<sup>th</sup> ed. Oxford University Press, 2006.
3. Bernard Knight, Lawyer's Guide to forensic medicine, Law Man (India) Pvt. Ltd., 2001
4. BR Sharma, Fire arms in Criminal Investigation & Trials 3<sup>rd</sup> ed. Universal Law Publishing Co. Pvt. Ltd., 2002
5. Criminal Investigation, Swan Son 8<sup>th</sup> Ed., 2003
6. Disputed Documents Examination & Finger Print Identification – 5<sup>th</sup>ed. The Law Book co. H.R. Hardless's 1997
7. Eric D. Green, Charles R. Nesson, Problems, Cases and Materials on Evidence, 2<sup>nd</sup> ed. Little Brown and Company, 1994.
8. Ezas Ahmad Medical Evidence 1996, Ashoka Law House, India, 1996
9. Forensic Science in Criminal Investigation of Trial 4<sup>th</sup> edition Universal Law Publishing, 2005
10. Modi's Medical Jurisprudence and Toxicology, 22<sup>nd</sup> Ed. Butterworths, India, 1999
11. Modis' Mecial Jurisprudence of Toxicology 22<sup>nd</sup> ed. – Butter worths, 1999
12. Modis' Mecial Jurisprudence of Toxicology 2<sup>nd</sup> ed. Moitra & Kaushal Unic Law Publishers, 2001
13. R.A. GREGRY, Scientific Identification of disputed documents finger prints and ballistics, Eastern Book Co., 1984
14. Richard Saferstein, Criminalist: An Introduction to Forensic Science, 1995
15. Samuel Smith, Atlas of Human Body, Medical Legal Guide, Medical Jurisprudence 2000.
16. Wilson R. Harrison, Suspect Document, Their Scientific Examination, Universal Law Publishing, 2003
17. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
18. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

## A.2) Criminology and Penology

### Course Objectives

Objectives of this course are:

- To provide theoretical base of crime and criminality and explore theories of criminal behavior,
- To identify the problems of juvenile and critically assess measures to prevent juvenile delinquency, and step taken by the government for the welfare of the juveniles,
- To critically assess theories of punishment in the context of Nepalese sentencing policy, identify problems relating to prison system and explore alternatives to prison system, and
- To evaluate other systems of punishment including fine and reparation by the offender.

### Contents

1. **Introduction**
  - a. Definition and Classification of Crime and Criminals
  - b. Modern Views on Crime and Criminals
  - c. Study Methods of criminology
2. **Schools of Criminology**
  - a. Pre-classical
  - b. Classical and Neo-classical
  - c. Positive
3. **Theory of Criminology**
  - a. The Concept of Positivism - Lombroso, Garafalo and Ferri
  - b. Chromosome Theory
  - c. Mental Testers Theory (Feeble Minded Theory)
  - d. Psycho-analysis Theory
  - e. Phrenology and Crime
4. **Crime and Economy**
  - a. Economic Approach to Crime
  - b. Marxist Approach to Crime – The socialist Theory of Crime
  - c. White Collar Crime (Privilege Class Crime)
5. **Sociological School**
  - a. Social Disorganization Theory
  - b. Anomie Theory
  - c. Differential Association Theory (Sutherland)
  - d. Environmental Theory
  - e. Multiple Causation Theory
  - f. Geographical Theory
6. **General Causes of Crime**
  - a. Family Condition
  - b. School Condition
  - c. Mass Media and Racism and Gender Differences
7. **Theories of Punishment**
8. **Traditional Style of Punishment**
  - a. Capital Punishment
  - b. Corporal Punishment
  - c. Banishment and Transportation
  - d. Social Disgrace
9. **The prison System**
  - a. Advantage and Disadvantage of Prison System
  - b. Historical Development of Prison System
  - c. Nepalese Prison System - Reformation in Prison System
10. **Re-socialization of Offender**
  - a. Token economy therapy
  - b. Psycho Therapy
  - c. Environmental Therapy
  - d. After care Program
  - e. Conviction Spent Order
11. **Alternative to Prison System**
  - a. Parole
  - b. Probation
  - c. Suspended Sentence
  - d. Release for work
  - e. Open prison
  - f. Community Service
  - g. Fine
12. **Sentencing Policy of The court**
13. **Crime and Juvenile Delinquency**
  - a. Juvenile Delinquency
  - b. Differences between Crime and Juvenile Delinquency
  - c. Welfare Program in Favor of Juvenile Children (welfare committee, Institutes dealing with orphan institutes dealing with Disabled.)
  - d. Modern Approach to deal with Juvenile Delinquency –(Reformatory home, Probation, Boarding Institute, After Care Program, Juvenile Court, Diversion, Basic Provisions of CRC)
14. **Victimology**
  - a. Victim's right to help know the progress of prosecution,
  - b. Compensation
  - c. Rehabilitation in Society
  - d. The existing legal provision in favor of victim.
  - e. Types of Victim- Direct Victim, Indirect Victim, Socio-Economic Victim, Torture Victim
15. **The Current Crime Trend in Nepal**

### Recommended Books

1. Attorney General Office Annual Report
2. Baseline Survey on Juvenile Justice System in Nepal, 2011, CeLRRd
3. Daniel J. Curran and Claire M. Renzetti, The Theories of Crime, USA, 1994
4. Don C. Gibbons, Society, Crime and Criminal Careers: An Introduction to Criminology 3<sup>rd</sup> ed. Prentice Hall of India Private Limited, New Delhi, 1973
5. Dr. Shankar Kumar Shrestha, A Steps Towards Victim Justice System, Nepal, 2001

6. Edited by John Muncie et al., Criminological Perspective, 1st ed., Sage Publications, 1996
7. George B. Vold and Thomas J. Bernard, Theoretical Criminology, 3<sup>rd</sup> ed. Oxford University Press, 1986
8. Henry W. Mannle and J. David Hirschel, Fundamentals of Criminology, 2<sup>nd</sup> ed. Prentice Hall, 1988
9. Katherine S. Williams, Textbook on Criminology, 4<sup>th</sup> ed. Oxford University Press, 2002
10. Larry Siegel, Criminology, 7<sup>th</sup> ed. Wadsworth, USA, 2000
11. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
12. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
13. Prof. M. P. Acharya, Aparadha Shastra, Ratna Pustak Bhandar, Kathmandu, 2057
14. Prof. Madhav Prasad Acharya, Ganesh Bdr. Bhattarai, Criminology, Penology, Lumbini Publication, Kathmandu, 2068
15. Ronald L. Akers, Criminological Theories, 3<sup>rd</sup> ed. Roxbury Publishing Company, Los Angeles, California, 2000
16. Sue Titus Reid, Crime and Criminology, 8<sup>th</sup> ed. McGraw- Hill, 1996
17. Sutherland and Cressey, Principles of Criminology, 5<sup>th</sup> ed. 1955
18. Werner J. Einstadter et.al, Criminological Theory: An Analysis of its Underlying Assumptions, 2<sup>nd</sup> ed. Rowman & Littlefield Publishers Inc. 2006
19. डा. शंकर कुमार श्रेष्ठ, पीडित विधिशास्त्र, पैरवी प्रकाशन काठमाडौं प्रथम संस्करण, २०६२
20. माधव प्रसाद आचार्य, अपराध शास्त्र, तेस्रो संस्करण २०४५, रत्न पुस्तक भन्डार
21. कारागार सुधार समितिको प्रतिवेदन
22. बालबालिका सम्बन्धी ऐन, २०४८
23. कारागार ऐन
24. कारागार नियमावली

## B. BUSINESS LAW GROUP

### B.1) Banking and Insurance Law

#### Course Objectives:

Objectives of this course are:

- To familiarize students with general concepts, process, principles and theoretical knowledge of Banking and Insurance systems, and
- To provide them with advance knowledge on Nepalese banking and insurance laws, rules and regulations.

#### Contents

##### Part-A- Banking Law

1. **Evolution of Banking :**
  - a. Definition of Bank
  - b. Origin of the Concept of Banking
  - c. Evolution of Banking System in Nepal
  - d. Classification of Banks : Functional and Operational
  - e. Structural or Organizational Classification of Banks
  - f. Banks in Public Sector
  - g. Private Sector Banking
  - h. Co-operative Banking
  - i. Incorporation of Banks (Procedures)
2. **Functions of Banking**
  - a. Primary Function of Banking
    - Accounts
    - Loan and Advance
    - Guarantees
    - Fund Transformation and Remittance
  - b. Secondary Functions
  - c. Credit Cards, Stock Investment, Safe Deposit Vault, Safe Custody, Pension Payment, Mutual Arrangement Schemes.
3. **Opening and Operation of Accounts**
  - a. Types of Accounts
  - b. Procedure for Opening of Accounts
  - c. Closer of Accounts
  - d. Appointment of Nominees, and Succession to Accounts
  - e. Methods of Remittance
4. **Lending and Investment Function of Bank**
  - a. Investment Policy of Banks : Aims and Objectives, Procedure for Investment, Manual for Investment.
  - b. Traditional Vs. Modern Banking
  - c. NRB Control on Lending and Investment Functions
  - d. Types of Securities
  - e. Natures of Securities
5. **Negotiable Instruments**
  - a. Features of Negotiable Instruments
  - b. Types of Negotiable Instruments
  - c. Endorsement of Negotiable Instruments
  - d. Presentation and Acceptance
  - e. Dishonor of Negotiable Instruments
  - f. Noting and Protesting
6. **Banks and Its Customers**
  - a. Individual, Minor, Illiterate, Lunatic, Joint Account, Executors and Administrators, Proprietorship, Customers Attorney, Partnership, Government Agency, Corporate

- Body, Non Resident.
7. **Banks in Nepal**
    - a. Commercial Bank
    - b. Agriculture Development Bank
    - c. Development Bank
    - d. Joint Venture Bank
    - e. Cooperative Bank
  8. **Central Bank**
    - a. Nepal Rastra Bank
    - a. Organization and Main Functions of NRB
  9. **Financial Institutions**
    - a. Concept
    - b. Banking Service Provided by Financial Institutions
    - c. Situation of Financial Institution in Nepal
  10.
    - a. Good Governance
    - b. Capital Adequacy
    - c. Monetary policy of Nepal Rastra Bank
    - d. Public debt
    - e. Loan recovery procedure
    - f. Inspection and supervision
  11. **International Monetary Fund**

**Part-B- Insurance Law**

1. **Introduction**
  - a. Definition and Nature of Insurance
  - b. Functions of Insurance
  - c. Principles of Insurance
  - d. Kinds of Insurance
  - e. Types of Insurance Organization
  - f. Insurance Organization in Nepal
  - g. Role and Importance of Insurance
2. **Insurance Contract (Policy)**
  - a. Elements of Insurance Contract
  - b. Subject Matter of Insurance
  - c. Classification of Insurance Contracts
  - d. Duty of Discloser and Non-disclosure
  - e. Material Facts
  - f. Effect of Non-Disclosure
  - g. Burden of Proof
  - h. Indisputable Policies
  - i. Terms and Condition of Policy and Proposal Forms
  - j. Cover Note
  - k. Delivery of the Policy
3. **Life Insurance Policy**
  - a. Definition
  - b. Types
  - c. Formation of Contract
  - d. Willful Misconduct, Suicide
  - e. Amounts Recoverable
  - f. Legal Provisions for Life Insurance Claim
4. **Non-Life Insurance Policy**
  - a. Meaning and Types
5. **Re-insurance Policy**
  - a. Definition
  - b. Why Re-insurance is needed
  - c. Type of Re-insurance
  - d. Claim Procedure for Re- insurance
  - e. Payment of Re- Insurance Premium
  - f. Re-Insurance Recovery, Commission, Profit Commission, Duration. etc.
6. **Insurance Intermediaries**
  - a. Meaning of Intermediaries
  - b. Provision of Intermediaries on Insurance Acts and Regulations
  - c. Procedures for Registering as Intermediaries (Agents, Surveyor and Brokers)
7.
  - a. Procedure for the claim of insured amount
  - b. Discharge Voucher
  - c. Salvage
8. **Disputes of Insurance**
  - a. Disputes Between Insured and Insured
  - b. Disputes Between Insured, Agents and Surveyor
  - c. Mandates and Powers of Attorney
  - d. Secrecy
  - e. Appropriation of Payment and Set Off
  - f. Concept of Ombudsman
9. **Establishment of an Insurance Company and its Legal Provision**
10. **Provision for Renewal of Insurance Companies**
11. **Rights Duties and Powers of Insurance Supervisory Authority**

**Recommended Books**

**Part-A-Banking Law**

1. "Bank and Financial Institution Act 2063 BS"
2. Agricultural Bank Act, 2024
3. Commercial Bank Act, 2031
4. Development Bank Act, 2052
5. Dr. Mukund Mahajan, Fundamentals of Banking, India
6. Finance Company Act, 2042
7. Nepal Rastra Bank Act
  - a. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
  - b. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
8. a. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
  - b. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

**Part-B-Insurance Law**

1. Insurance Acts and Rules of Nepal
2. John T. Steele, Principles and Practice of Insurance, U.K. London.

3. M.N. Mishra, Insurance, Principles and Practices, India
4. R.M. Vats, Laws Relating to Insurance, India
5. Rastrya Beema Sansthan Act

**B.2) International Trade Law**

**Course Objectives**

Objective of the course are:

- To familiarize students with the international trade and arbitration rules and process,
- To impart knowledge to them of the International trade standards & policy, and
- To impart knowledge to them on the UNICITRAL and UNCTAD principles and procedures.
- To impart knowledge to the major issues of Trade and Investment.
- To familiarize to the issues of least developed and land locked Countries.

**Contents**

**Part A : International Trade**

1. **Concept of International Trade Law**
2. **Sources of International Trade Law**
3. **Theories of Trade**
4. **The Law of the WTO**
  - a. Introduction to the Multilateral Trading System
  - b. History and Evolution of GATT
  - c. Objectives and Functions of the WTO
  - d. The WTO as an international organization
  - e. Market Access: Trade Negotiations and Border Measures
  - f. Most Favoured Nation Principle
  - g. National Treatment Principle
  - h. Exceptions
  - i. Dispute Settlement Understanding
  - j. Sanitary and Phytosanitary Measures
  - k. Technical Barriers to Trade
  - l. Subsidies
  - m. Trade Remedies
  - n. Trade in Services
  - o. TRIPS
  - p. Developing Countries and the WTO
5. **Regional Trade Agreements**
  - a. SAFTA
  - b. SATIS
  - c. BIMSTEC
  - c. NAFTA
  - d. Bilateral Trade Agreements
  - e. Nepal-India Trade Agreement
  - f. Nepal-India Transit Agreement
4. **Major issues**
  - a. Promotion of Foreign Investment
  - b. Transfer of Technology
  - d. Restrictive Business Practice and Competition Law
  - f. Multinational Corporation

- g. Debt and Balance and Payment
- h. Concept of Aid for Trade
- i. International Bill and Payments
- j. Concept of Bilateral Investment Treaties
5. **Rights of Landlocked and Least Developed countries**
6. **Law Governing International Sale of Goods Contract and Vienna Convention on International Contract for Sale of Goods**
  - a. Formation of Contract
  - b. Obligations of Buyers and Sellers
  - c. Performance of Contract
  - d. Remedies for Breach of Contract
7. **International Financial Transaction**

**Recommended Books**

1. Annual Report UNCTA, WTO, IMF
2. Constitution of NECPA
3. DOBSON, Panl, Business Law, Sweet & Maxwell, 1997
4. Donald A ball et. all, International Business, McGraw, Hill, Irwin, 2004
5. Dr Y.P. Pant , Problems and the Development of Smaller Countries
6. Gaza, Giorgia, International Commercial Arbitration
7. Hoyle, S.W., The International Trade
8. Jhon H. Willes, International Business law, Environments & Transactions, McGraw Hill Irwin, 2005.
9. Joy Cherian , Investment Contract and Arbitration
10. Lawrence S. Clark et. all, Law & Business the Regulatory Environment, McGraw Hill, inc, 1994
11. Leo Diarcy et. all, Schmitthoff's Export Trade: The Law & Practice of International Trade, Sweet & Maxwell, 10<sup>th</sup> ed, 2000
12. Poul Dobson, Charlesworth's Business Law, Sweet & Maxwell, 16<sup>th</sup> ed, 1997
13. R.Devid and T. Popeson, The Law of International Trade : A New Task For National Legislation or a New Mercatoria
14. Russel, Russel on Arbitration
15. Schmithoff C. M. (Ed), The Sources of The Law of International Trade
16. Trebilcock and Howse, Regulation of International Trade.
17. Van den Bossche, The Law and Policy of the WTO.

## C. CONSTITUTIONAL LAW GROUP

### C.1) Laws on Good Governance

#### Course Objectives:

Objectives of this course are:

- To provide basic knowledge on the modern governance system, and
- To make students familiarized with local governance law of Nepal, and various issues of good governance, its values and norms.

#### Contents

##### 1. Introduction

- a. Meaning and Importance of Law on Good Governance
- b. Concept of Good Governance
- c. Development of Good Governance Law
- d. Basic Tenants of Good Governance
  - Transparency
  - Accountability
  - Participation
  - Rule of Law
  - Equality
  - Fair and Independent Judiciary
  - Civil Society
- e. Challenges of Good Governance in Nepal

##### 2. Federalism in Nepal

- a) Concept of Federalism – Federalism vs Centralization
- b) Forms of Federalism
- c) Federalism debate and discourse in Nepal
- d) The Constitution of Nepal 2015 on Federalism

##### 3. Participation

- a) Concept of Participation (Gender Based Participation and Marginalized People Participation)
- b) Forms of Participation
- c) Gender Based Participation
  - Participation in Political Sector
  - Participation in Development Sector
  - Policy and Legal Framework of Gender Participation
  - Judicial Trends
- d) Marginalized People's Participation
  - Participation in Political Sector
  - Participation in Development Sector
  - Policy and Legal Framework of Marginalized People's Participation
  - Judicial Trends

##### 4. Transparency and Accountability

- a. Concept of Transparency and Accountability
- b. Mechanism of Transparency and Accountability
- c. Bureaucratic and Political Transparency and Accountability
- d. Right to Information

- e. Concept of Free Press vs. Legislative Limitations
- f. Counter Measure for Accountability and Transparency

##### 5. Rule of Law

- a. Component of Rule of Law
- b. Rule of Law and Good Governance

##### 6. Fair and Independent Judiciary

- a. Concept of Fair and Independent Judiciary
- b. Components of Independent Judiciary
- c. Role of Independent Judiciary in Good Governance

##### 7. Civil Society

- a. Concept of Civil Society in Modern Context
- b. Role of Civil Society in Governance
- c. Democratization Process and Civil Society

##### 8. Anti-corruption Majors

- a. Counter Corruption Legal Framework in Nepal
- b. Judicial Trend to Combat Corruption
- c. Impact of Corruption in Enforcement Rule of Law and Fair Justice

#### Recommended Books

1. Act relating to Operation of Local Governance 200
2. Civil Service Laws and Regulations, 2049 & 2050
3. Commission for Investigation of Abuse of Authority Act, 2048 B.S.
4. Corruption Prevention Act, 2059
5. Counter Corruption Legal Framework, Research Report, CeLRRd/TAF, Kathmandu, (2000)
6. Dr. Shastra Dutta Panta, Aspect of Decentralization in Nepal, Sajha Prakashan, Kathmandu, (1989)
7. Dwarika Nath Dhungel and Achyut B. Rajbhandary, Introducing Good Governance in the Public Administration of Nepal, (English Version), 2004, Pub. by CSDG, Lalitpur
8. Good Governance Act, 2064
9. Impact of Corruption in Criminal Justice System on Women, CeLRRd/TAF, Kathmandu (2000)
10. Kamal Raj Thapa, Good Governance for Minimizing the Social Cost of Nepal: A jurisprudential Study (the Dissertation/LL.M. Degree), 2006, AD, submitted to TU, Nepal Law Campus, 2006
11. Nepal Human Development Report: Poverty Reduction and Governance, 2001, Pub. by UNDP, Pulchowk
12. Right to Information Act, 2064 B.S.
13. The Interim Constitution of Nepal 2007
14. The Constitution of Nepal 2015

## C.2) Electoral Law

### Course Objectives:

Objective of the course are:

- To impart knowledge to students about general principles of the law of election and the provision of constitution relating to election and electoral process, and
- To acquaint students with various laws relating to electoral process in Nepal.

### Contents

#### 1. Introduction

- Meaning and Importance of Election Law
- Nature of Election Law
- Basic Concept of the Multiparty Election and Parliament Election
- Historical Development of Election Law in Nepal
- Election System and Constitutionalism

#### 2. Basic Concept

- Concept of Representation
- Adult Franchise
- Electoral College
- Electoral Constituencies
- Recalling representatives
- Voting Rights
- Threshold

#### 3. Electoral System

- Basic concept of direct and indirect election
- Majority System and its types
- Proportional System and its types

#### 5. Election to the elected bodies

- Criteria for the Determination of Electoral Constituencies
- House of Representatives and Constitutional Legal Provisions
- National Assembly and Constitutional Legal Provisions
- Provincial Assembly and Constitutional Legal Provisions
- Local Level Assembly (Municipality and Village Municipality) and Constitutional Legal Provisions

#### 7. Legal Provision as to Co-operation, Nominations, By-election and Midterm Election

#### 8. Election Authority

- Election Commission (Power, Functions and Duties)
- Election/Returning Officer (Powers, Functions and Delegation)
- Polling Officer (Powers and Functions)
- Election Code of Conduct

#### 9. Role of the Political Parties in Election and

### Code of Conduct

#### 10. Crime and Punishment

- Crime and Punishment Relating to Election Offences
- Election Tribunals (Jurisdiction and Trial)

#### 11. Election Observations and Implication

#### 12. Election and Referendum

#### 13. Concept of Reservation in Election System

#### 14. Campaign Financing during Elections

#### 15. Voting from Abroad

### Recommended books

- American Electoral Behavior, Michale M. Gant, Norman R. Luttbeg, F.E. Peacock Publishers, Inc.
- Commission for Determining of Electoral Constituencies Act
- Comparative Electoral Process in South Asia, Nepal South Asia Center, 1999
- Corrupt Practices in Election Law, K.C. Sunny, Eastern Book Company, 1996
- Democracy and election laws, Anand Ballabh Kataliya, Beep & Deep Publication, 2003
- Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, 2005
- Election (Crime and Punishment) Laws
- Election and Governance in Nepal, Lok Raj Baral (ed.), Manohar, 2005
- Election Code of Conduct
- Election Commission Act and Regulations
- Elections as Popular Culture in Asia, Chau Beng Haut, Routledge (2007)
- Electoral System Design, The New International IDEA Handbook (2005)
- Electoral Management Design, The New International IDEA Handbook (2006)
- Election Commission, Nepal, 1992
- Guy S. Goodwin-Gill, Free and Fair Election, New Expanded Edition (2006)
- General Election in Nepal, 1991
- House of Representative Members Election Act
- National Assembly Election Act
- National Dialogue on Affirmative Action and the electoral System in Nepal, Enabling State Programme, 2005
- Reports of Election Observation Groups (DRCN, GEOC, NEOC, NHRC, INSEC, The Carter Center, The EU)
- Representative Democracy and Concept of Free and Fair Election, Raisa Ali, Deepak &

- Deep Publication, 1996
22. The Constitution of Nepal 2015
23. प्रजातन्त्र निर्वाचन प्रणाली र प्रतिनिधित्व, प्रा. डा. वीरेन्द्र प्रसाद मिश्र, नेपाल वीषण एसिया केन्द्र, २०६०

24. संघीय संरचनाका लागि निर्वाचन, मानव विकास तथा शान्ति अभियान (हुडेप नेपाल), २०६६
25. निर्वाचन प्रणालीको प्रारूप: अन्तर्राष्ट्रिय आईडिइएको नयाँ हाते पुस्तक आईडीइए र एसपी, २००६

## D. ENVIRONMENTAL AND DEVELOPMENT LAW GROUP

### D.1) Environment Law

#### Course Objectives:

Objectives of the course are:

- To provide basic knowledge to students on concepts and importance of environmental and pollution control laws,
- To familiarize them with national and international initiatives on the issue of environment protection and pollution control, and the various mechanisms and their activities, and different forms of remedies, and
- To aware them about the concepts and relation of environment and sustainable development.

#### Contents

##### 1. Meaning of Environment

- a. Ecology
- b. Ecosystem
- c. Bio-diversity

##### 2. Genesis of Environment

- a. Early Concept of Environment
- b. Religious and Cultural Mythology
- c. National and International Concern

##### 3. Global Environmental Challenges

- a. Acid Rain
- b. Global Warming
  - The Greenhouse Effect
  - Stratospheric Ozone Depletion
- c. Depletion of Rain Forest
- d. Hazardous Waste
  - Trans-boundary Effect of Hazardous Waste

##### 4. Nepal's Environmental Challenges and Priority

- a. Population Stabilization.
- b. Land Use Planning
- c. Woodland and Vegetation
- d. Pollution Control
- e. Development of Non-polluting Renewable Energy
- f. Waste Recycling
- g. Conservation of Bio-diversity
- h. Environmental Education
- i. Updating Environmental Law

##### 5. Environmental Pollution

- a. Concept of Environmental Pollution
- b. Categories of Environmental Pollution
  - Air Pollution
    - Meaning of Air Pollution
    - Forms of Air Pollution

- Prevention and Control of Air Pollution
- Vehicular Pollution
- Remedies Under the Law
- Water Pollution
  - Meaning of Water Pollution
  - Form of Water Pollution
  - Prevention and Control of Water Pollution
  - Standard of Water Quality
  - Remedies Under the Law
- Noise Pollution
  - Meaning of Noise Pollution
  - Form of Noise Pollution
  - Prevention and Control of Noise Pollution
  - Standard of Noise Quality
  - Remedies Under the Law
- Land Pollution
  - Meaning of Land Pollution
  - Form of Land Pollution
  - Prevention and Control of Land Pollution
  - Remedies Under the Law
- Industrial Pollution
  - Meaning of Industrial Pollution
  - Form of Industrial Pollution
  - Prevention and Control of Industrial Pollution
  - Remedies Under the Law
- 6. Solid and Hazardous Waste Management Laws
  - a. Meaning and Concept of Solid and Hazardous Waste
  - b. Sources and Types of Solid and Hazardous Waste
  - c. National Waste Policies and Laws
  - d. International Waste Laws
  - e. Remedies Under the Law
- 7. The Constitutional and Statutory Provision for Environment Protection
- 8. Common Law Remedies for Environment Protection
- 9. Public Interest Litigation (PIL) and Role of Judiciary towards Environment
- 10. Environmental Impact Assessment (EIA) and

**Environmental Audit**

- a. Meaning of Environment Impact Assessment
- b. Development of Environment Impact Assessment Concept
- c. Operational Procedure of Environment Impact Assessment
- d. Practice of Environmental Impact Assessment in Nepal
- e. Environmental Audit

**11. Sustainable Development and Environment**

- a. Concept and Importance
  - Stockholm Declaration
  - Brundland Commission
  - Earth Summit
  - U.N. Commission on Sustainable Development
  - Kyoto Conference and Pact on Global Warming
  - Global Environmental Facility
- b. Salient Principle of Sustainable Development
  - Inter-generational Equity
  - Use and Conservation of Natural Resources
  - Environmental Protection
  - Precautionary Principle
  - The Polluter Pays Principle

**12. Environmental Management**

- a. Meaning of Environmental Management
- b. Methodology of Environmental Management
- c. Environmental Management System in Nepal

**13. Major International Declaration and Convention**

- a. Stockholm Declaration on the Human Environment

- b. The Rio Declaration on Environment and Development
- c. Convention on Climate Change
- d. Vienna Convention for the Protection of Ozone Layer
- e. Montreal Protection on Substance that Deplete Ozone Layer

**Recommended Books**

1. Batabaran Kanoonko Ruprekha, Binod Parsad Sharma, 2062 BS
2. Environmental Law and Enforcement in the Asia-Pacific Rim, General Editor Terri Mottershead, Sweet & Maxwell Asia, 2002
3. Environmental Protection Law and Regulations, 2053/54 BS
4. General Outline of Environment Law, Agni Prasad Thapalia, 2062 BS
5. Global Environmental Change and International Law, Gurdip Singh, The Indian Society of International Law, New Delhi, 1991
6. Hand Book on Environmental Law, Water Laws, Air Laws, and the Environment, Vol. 2, Sanjay Upadhyay & Videh Upadhya, Lexis Nexis Butterworths, 2002
7. Introduction to Environmental Law, S. Shantla Kumar, Second Edition, 2005, Wadlaw & Company Naypur.
8. Nepal Environmental Policy and Action Plan
9. Principles of Environmental Law, Susan Leolf, Anna White & Neli Stanley, Third edition, 2002
10. Review of Solid Waste Management related Policies and Law in Nepal, MUAN, Ktm, Research paper by Himalayan Counsellor and Attorney's at Law, 2008

**D.2. Water and River Law**

**Course Objectives:**

Objectives of this course are :

- To provide basic knowledge to students on harnessing and development of all forms of surface and ground water and management of these resources,
- To provide basic concept of legal and regulatory framework on water including delineation of water rights and water pricing, and
- To provide basic concept of rights of owner, users and developers of water resources.

**Contents**

**Part-A- Water Law**

**1. General Introduction to Water Law**

- a. Notion and Purpose
- b. Legal, Historical and Methodological Introduction
- c. Earliest Water Regulations

- d. Importance of Water Law
- 2. Development and Codification of Water Law**
  - a. Major Water Law System of the World
  - b. Sources of Water Law
- 3. Legal System For Water Allocation**
  - a. Theory of Water Rights
    - Classical Theory
    - Territorial Sovereignty Theory
    - Modern Theory
  - b. Water Rights and Legal Pluralism
  - c. Hybrid System
- 4. Ownership and Use of Water Resources**
  - a. Limitation of Water Rights
  - b. Due Diligence
  - c. Priority of Water Use
- 5. Water Related Laws in Nepal**
  - a. Consumption Related Laws

- b. Use Related Laws
- c. Industrial Production Related Laws
- d. Protection Related Laws
- e. Discharge Related Laws
- f. Forms of Laws (Constitutional and Statutory Provision, Court Laws, and Agreements)
- 6. Court Initiation in Water Law**
- 7. Use of Ground Water and Trans-boundary Effect**

**Part – B - River law**

- 1. Basic Legal Concept of River**
  - a. Definition and Distinction
  - b. Interaction and Interdependency of States
  - c. Principles and Practices of Navigational and Non-navigational Use of River
- 2. Historical Development and Codification of International River Law**
  - a. Theories Respecting the Rights of Riparian States
  - b. Principles and Rules Generally Applicable
  - c. Declarations, Conventions and Resolutions Related to the Use of Rivers
- 3. Rights, Duties and Obligations of Upper and Lower Riparian States**
- 4. Principles of Utilities of International Rivers**
- 5. Nepal- India Pattern of Cooperation in Water Resources Development**
  - a. The Koshi Project Agreements
  - b. The Gandak Irrigation and Power Project Agreement
  - c. The Exchange of Letters of 1920
  - d. The Mahakali River Treaty
  - e. Right to Navigation Over Indian River of Nepal
- 6. Decisions of International Court and Arbitration Tribunals**

**Recommended Books**

- 1. Chhatrapati Shingh, Water Rights and Principles of Water Resources Management, ILLI, India.
- 2. Climate Change in the Content of Water, Water and Energy Commission Secretariat, Nepal, 2011
- 3. Consumer Protection Act Regulation, 2053/54 BS
- 4. Convention relating to transboundary water courses.
- 5. Environment Protection Act & Regulation, 2053/54 BS
- 6. Helsinki Rules on Int. Rivers 1966
- 7. ILO 169
- 8. Industrial Enterprises Act, 1992
- 9. Interim Constitution 2007
- 10. Local Self Governance Act/Rules, 2056, 2055
- 11. NAPA, Ministry of Environment
- 12. National Urban Policy, 2007
- 13. National Water Plan 2005, Water and Energy Commission Secretariat
- 14. National Water Resource Strategy 2002, Water and Energy Commission Secretariat
- 15. Nepal Treaty Act, 1990
- 16. Rajendera Pradhan and et. al. (eds.), Water, Land and Law, Changing Rights to Land and Water Law in Nepal, FREEDEAL / WAU / EUR
- 17. Rajendra Pradhan, Water Rights Conflict and Policy, HIMI
- 18. Solid Waste Management & Resource Mobilization Act, 1997/98
- 19. Water Resource Act/Regulation, 1992/93

**B.A. LL.B. FIFTH YEAR****1) Legal Philosophy****Course Objectives:**

The fundamental objectives of the course are:

- To familiarize the students with varying philosophical premises that describe relations of nature and human behaviors;
- To generate interests among the students of 'the study of cognition and empirical findings'; and
- To help students to find justification of the knowledge.

**Contents**

1. Methods of Philosophical Enquiry
  - a. Epistemology
  - b. Metaphysics
  - c. Empiricism
  - d. Cognitivism
  - e. Idealism
  - f. Formalism
  - g. Contextualism
  - h. Pragmatism
  - i. Instrumentalism
  - j. Consequentialism
  - k. Constructivism
  - l. Conventionalism
  - m. Hedonism
2. Perception and Theories about Perception
3. Fundamental Characters of Western and Eastern Philosophy
4. Six Philosophical system of Hinduism
5. Buddhism

6. Confucianism
7. Islamic Philosophy
8. Philosophical Foundation and Discourses on:
  - a. Freedom
  - b. Justice
  - c. Rights
  - d. Right to Property
  - e. Right to Life
  - f. Commercial Law and Law of Contract
9. Legal Objectivity
10. Philosophical Discourses on the ability of Law to Govern: Authority of Law

**Recommended Books**

1. डिल्लीराम गौतम, पूर्वीय सोच र सोत, काठमाडौं स्कुल अफ ल, २०६६
2. Bertrand Russel History of Western Philosophy, 2010
3. Gerald Michaleson, Sun TZU for Success, Adams Media Corporation, 2003
4. Jonathan Barnes, Early Greek Philosophy, Penguin Books 1987
5. Noam Chomsky, Powers and Prospects; Viva Book Pvt. 2007
6. Pandit Rajmani Jigunait, Seven Systems of Indian Philosophy, Himalayan Institute Press, 1989
7. Roscoe Pound, An Introduction to the Philosophy of Law, Yale University Press, 1982

**2) Agrarian Law****Course Objectives:**

Objectives of this course are:

- To provide basic knowledge to students on agricultural and land systems of Nepal,
- To introduce students with agriculture and land laws of Nepal, and
- To familiarize students on utility and implications of agricultural and land laws of Nepal.

**Contents****Part-A- Land Law**

1. Meaning and Importance of Land Law
2. A Brief Historical Sketch of Land Law in Nepal
3. Types of Traditional Land Ownership System
  - a. Birta
  - b. Kipat
  - c. Raikar

d. *Ukhada*

e. *Guthi*

f. *Jagir*

g. *Khangki*

**4. Modern Land Law**

- a. Act Concerning Land , 2021 BS
  - Objectives
  - Features
  - Ownership and Tenure System
  - Breakdown of Tenure System
  - Right and Limitation Over the Landholdings
  - Weaknesses of the Existing Land Law
- b. Laws Relating to *Guthi* in Nepal (Objectives, Importance and Legal Provisions)
- c. Laws on Land Administration
  - Land Administration System in Nepal

- Land Tax and Its Changing Conceptions
- Protection of Public Land - Sarkari, Aailani and Unoccupied Lands
- Nationalization and Management of *Kharka* Land
- d. Land Acquisition Law
  - Land Acquisition and Public Utilization Concept
  - Procedures of Land Acquisition in Nepal
- e. Compensation
  - Compensation to the Land Holders
  - Basis of Determining the Compensation
  - Resettlement and Rehabilitation of Landless People

**5. Land Survey and Measurement Law**

- a. System, including Traditional Measurement System
- b. Procedure
- c. Dispute Settlement Process

**6. Dispute Relating to Land and Settlement**

- a. *Jagga Pajani*
- b. *Jagga Kaichola*
- c. *Registration*
- d. *Jagga Abad*

**Part-B-Agriculture Law**

- 1 Concept of Agriculture Law
- 2 Reforms of Agriculture Law in Nepal
- 3 Modern Agriculture Law in Nepal
  - a. Seed Law (Objectives, Composition of National Seed Board, Its Functions Duties and Powers, Verification of Seed)
  - b. Pesticide Law (Objectives and Implications)
  - c. Agro-Bio-diversity Law
    - Concept of Agricultural Bio-diversity
    - Legal Mechanism for Conservation of Agro-diversity in Nepal
    - Recognition for Traditional Knowledge of Farmers
  - d. Irrigation Law (Concept, Objectives and Importance)
  - e. Laws Relating to Livestocks

- Grazing Rights vs. Controlling Grazing
- Quality Control of Dana Padhartha
- Kharka Jagga Nationalization Laws
- f. Problem of Agricultural Law
  - Agro-Production and Impact of Globalization
  - Problems Concerning Protection of Farmers Rights
  - Problem Concerning Protection of the Agro-based Industries
  - Problem Concerning Unorganized Labor
  - Problems Relating to Agricultural Associations

**Recommended books**

1. Birta Abolition Act 2016
2. Convention for the Protection of new varieties of Plant, 2000
3. Convention on Bio-diversity 1992
4. Dr. Ananda Mohan Bhattra, Displacement and Rehabilitation Program, Policy and Law, India (2001)
5. Dr. Sushil Raj Pandey, Political Economy of Nepal.
6. Ghuti Sansthan Act, 2033
7. Land Acquisition Act and Regulation, 2034
8. Land Concerning Act, 2021.
9. Land Measurement Act, 2019
10. M.C. Regmi, Land Ownership in Nepal, University of California Press, 1976
11. Malpot Act, 2034
12. *Muluki Ain*, 2020
13. National Agriculture Policy, 2061
14. National Seed Policy, 2066
15. Nepal Environment Policy and Action 1993
16. Rotterdam Convention, 2004
17. Seed Act, 1998
18. Stockholm Convention, 2001
19. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
20. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

**3) Labor Law**

**Course Objectives:**

Objective of this course are:

- To introduce students a basic knowledge on Labor Law
- To give students a basic understanding on industrial relations
- To give students the capacity to understand the current industrial regime and analyze labour related laws in Nepal

**Contents**

1. **Introduction**
  - a. Labor Law - meaning, nature and scope
  - b. Industrial Relation - meaning and components
2. **Recruitment Process:**
  - a. Vacancy Announcement - method
  - b. Probation - meaning, process under prevailing legal provisions
  - c. Employment Contract - meaning, nature and contents
  - d. Completion of recruitment process

- e. Specific issues - employment of foreigners, women, and adolescents
- 3. Working Terms and Conditions:**
  - a. Hours of work - domestic legal provisions and international standards, overtime
  - b. Remuneration - meaning, standard setting, protection, additional benefits - bonus
  - c. Holiday and Leave - concept, eligibility, prevailing legal provisions, international standards
  - d. Security of Service- Retrenchment, Resignation, Layoff and Compulsory Retirement - meaning, prevailing legal provisions
- 4. Disciplinary Action:**
  - a. Concept,
  - b. Objectives,
  - c. Misconduct,
  - d. Kinds of punishment, and
  - e. Action.
- 5. Welfare and Social Security:**
  - a. Labour Welfare - meaning, rationale, welfare funds and workplace facilities
  - b. Social Security - meaning, rationale, and contents
- 6. Occupational Safety & Health** - meaning, rationale, and contents.
- 7. Industrial Dispute:**
  - a. Industrial Grievances - meaning, types of grievances (collective & individual)
  - b. Collective Bargaining - meaning, procedure under current legal system, and consequences
- c. Industrial Actions - strikes, lockouts, agreements and their enforcement
- 8. Trade Unions**
  - a. Meaning,
  - b. Objectives,
  - c. Establishment,
  - d. Governing Constitution,
  - e. Type and Functions, and
  - f. Nepalese legal system and international standards.
- 9. Foreign Employments**
  - a. Meaning,
  - b. Main features of Foreign Employment Act, 2064

**Recommended Reading Materials**

1. Domestic Laws:
  - a. Labour Act 2048
  - b. Trade Union Act 2049
  - c. Child Labour (Prohibition and Regulation) Act 2056
  - d. Foreign Employment Act, 2064
2. International Laws:
  - a. Relevant ILO Conventions
  - b. Migrant Workers Convention, 1990.
3. Books:
  - a. Kashi Raj Dahal, Industrial Jurisprudence - Labor Law (In Nepali)
  - b. Sita Maya Singh Thapa, An Introduction to Labor Law of Nepal (In Nepali)
  - c. Pawan Kumar Ojha, Labor Law

## 4) International Humanitarian Law and Conflict Resolution

**Course Objectives:**

- To familiarize the international humanitarian principles and rules of protection of peoples and property.
- To discourse the development of international humanitarian law and mechanisms
- Help students to analyze the scope of national implementation of humanitarian laws, including customary international law and recognised practices
- To acquaint the international initiatives and mechanisms for the effective process of conflict resolution.

**Contents:**

1. General introduction of Humanitarian Law
2. Development of International Humanitarian Law (IHL)
3. Sources of International Humanitarian Law
4. Fundamental Principles of International Humanitarian Law
  - a. Principle of Humanity
  - b. Principle of Necessity
  - c. Principle of Proportionality
  - d. Principle of Distinction
  - e. Principle of Non-discrimination
5. International and Internal Armed Conflict
  - a. Definition of International and Internal Armed Conflict
  - b. Internal Armed Conflict and applicable Humanitarian Laws
  - c. Difference between insurgency and terrorism
6. Four Geneva Conventions and Protocols
  - a. Objectives
  - b. Common Provisions
  - c. General Protection of Sick and Wounded
  - d. General Protection of Prisoners of War
  - e. General Protection of Civilian Population and Objectives
  - f. Special Protection of Alien, Women, Children, Volunteers, Journalists and other Vulnerable People
7. National Commitment and Compliance of IHL
  - a. Ratification of IHL Standards
  - b. Enactment of National Laws and Establishment of Mechanism
  - c. Obligation of parties to the conflict
8. Jurisdiction and Scope of the International criminal Tribunals and Courts

- a. International Military Tribunals (Nuremberg and Tokyo)
  - b. Adhoc International Criminal Tribunals (Former Yugoslavia and Rwanda)
  - c. Rome Statute of International Criminal Court (ICC)
  9. **Role and Objectives of Organizations**
    - a. ICRC
    - b. National Red Cross Societies
    - c. Amnesty International
    - d. Other Specialized Humanitarian Organizations and Agencies
  10. **Dispute Settlement Mechanisms in UN and Humanitarian Laws**
- References Books**
1. Adam Roberts and Richard Guelfeds Documents on the Law of War, (Clarendon Press, 1982) Forum, War and Accountability (ICRC)
  2. Children in Armed Conflict in Nepalese Print Media, Save the Children and (IHRICON, 2003)
  3. Christophe Swinarski, Studies and Essays on International Humanitarian Law and Red Cross Principles (ICRC, Martinus Nijhoff Publishers, 1984)
  4. Commentary on the Geneva Conventions 1949 (I-IV) and Additional Protocols I and II (ICRC)
  5. Dorman Knut, Elements of War Crimes under the Rome Statute of International Criminal Court: Sources and Commentary by (Cambridge University Press, 2004)
  6. Dr. Chuda Bahadur Shrestha, Nepal Coping With Maoist Insurgency-Conflict Analysis and Resolution. Published by Chetana Lokshum, 2004..
  7. Geneva Conventions 1949 and Additional Protocols 1977
  8. Hans Haug, Humanity For All: The International Red Cross and Red-Crescent Movement (Henry Dunant Institution, (Paul Haupt Berne Publishers, 1993)
  9. Humanitarian Law of Armed Conflict: Challenges Ahead, Essays, Edited by Astrid J. M. et. al, Martinus Publishers, 1991
  10. Implementation of IHL: Research Papers, Edited by Frits and Sandoz, Netherland (Martinus Nijhoff Publishers, 1989)
  11. International Humanitarian Laws and Standards compiled and edited by Geeta Pathak Sangroula, (KSL, 2010)
  12. Literatures on Humanitarian Laws, Enforcement Mechanisms and Conflict Resolution (Vol. I) Compiled and Edited By Geeta Pathak Sangroula (Kathmandu School of Law, 2005)
  13. Martinus, The Changing Face of Conflict and the Efficacy of International Humanitarian Law , Nijhoff Publishers, 1991
  14. MK Balachandran and Rose Vargnese (eds.), Introduction to International Humanitarian Law, ICRC Regional Declaration, New Delhi, (1997
  15. National Implementation of IHL, edited by Michael Bothe, Netherlands (Martinus Nijhoff Publishers, 1990)
  16. Segali, Punishing Violations of International Humanitarian Law at the National Level: A Guide for Common Law States
  17. Tomothy L.H. Cormack and jery J. Simposon, Netherlands, The Law of War Crime: National and International Approaches, ed. by (Kluwer Law International, 1997)
  18. UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 1974
  19. Yoram Dinstein, The Conduct of Hostilities under the Law of International Armed Conflict, Cambridge University Press, 2004

## 5) Conservation Law

### Course Objectives:

Objectives of this course are:

- To provide students with a basic knowledge on the Conservation Law,
- To help them to develop capacity of analyzing Conservation Laws of Nepal in the light of existing problems and policies,
- To familiarize students with utility and implications of Conservation Laws.

### Contents

#### 1. Introduction

- a. Concept of Conservation Law
- b. Importance of Conservation Law
- c. Development of Forestry and Other Conservation Laws
- d. Forms of Conservation

#### 2. National Laws of Forestry and Conservation

- a. *In-situ* Conservation Laws
  - National Parks and Wildlife
  - Conservation Area Management
  - Protected Area Management Policy and Guidelines
  - Other Sectoral Laws
- b. *Ex-situ* Conservation Laws

#### 3. Water Resource and Conservation Law

- a. Water Resource Laws
- b. Water Resource Policy
- c. Water Right
- d. Water Resource Management (WRM)

#### 4. Bio-Diversity Conservation Law

- a. Meaning and Importance of Bio-diversity Conservation

- b. Concept of Bio-diversity Conservation
- c. Ecosystem Diversity Conservation
- d. Species Diversity Conservation
- e. Genetic Diversity Conservation
5. **Heritage Site Conservation**
  - a. Meaning and Development of Heritage Site Conservation Law
  - b. Convention for the Protection of World Cultural and Natural Heritage
  - c. Ancient Monument Law
6. **Environmental Law (Green Sector)**
  - a. General Introduction on Environmental Law
  - b. State Rights Over the Natural Resources
  - c. Environmental Impact Assessment
  - d. Environment and Sustainable Development
  - e. Concept of Trans-boundary Conservation
7. **People's Participation**
  - a. Community Forest
  - b. Leasehold Forest
  - c. Religious Forest
  - d. Conservation Area
  - e. Buffer Zone
  - f. Local Self Governance
8. **International Conservation Law**
  - a. Convention on Biological Diversity
  - b. Ramsar Convention on Wetlands
  - c. Convention on International Trade in Endangered Species of Wild Flora and Fauna
  - d. Convention to Combat Desertification
  - e. International Water Laws
  - f. Framework Convention on Climate Change
9. **Incentive Concept and Its Importance in Conservation**
10. **Implementation of the Various International Conservation Laws in Nepal**
11. **Role of Judiciary in Conservation**
12. **Role of Natural Resource Committee**
13. **Problems of Forest Encroachment and Settlement**

#### 14. Crimes and Punishment under Forest and other Conservation Laws

##### Recommended Books

1. Climate Change in the Context of Water, Water and Energy Commission Secretariat, Nepal, 2011
2. De Cyrille Klemm and et.al., Biological Diversity Convention and the Law, Legal Mechanism for conserving Species and Ecosystem, Environmental Policy and Law Paper No 29, IUCN
3. Environmental Acts and Regulations
4. Forestry and Conservation Acts and Regulations.
5. Lyle Glowk and et.al., A guide to Convention on Biological Diversity, Environmental Policy and Law Paper No 30, IUCN
6. NAPA, Ministry of Environment
7. Narayan Balbase and Chiranjavi Bhatara (eds.), Environmental Law and Justice, IUCN, (1997) (In Nepali)
8. Narayan Balbase, National Implementation of the Convention on Biological Diversity Policy and Legislative Requirements, IUCN, (1999)
9. Narayan Balbase, The Implementation of International Environmental Law in Nepal, IUCN, (1997)
10. National Water Plan 2005, Water and Energy Commission Secretariat, Nepal
11. National Water Resource Strategy 2002, Water and Energy Commission Secretariat
12. Ravi Sharma Aryal, CZTES Implementation in Nepal and India Law Polic and Practice WWF-Nepal, 2009
13. Terri Mottorshead ....ed. Environmental Law and Enforcement in Asia-Pacific Rim, Sweet and Maxwell Asia, HongKong, 2002
14. Water Resource Acts and Regulations

## 6) Private International Law

### Course Objectives:

Objectives of this course are:

- To familiarize students with the general concept of the Private International Laws; and
- To provide them general skills about using general principles and rules developed in Private International Law.

### Contents

#### 1. Introduction

- a. Meaning, Nature and Scope of Private International Law
- b. Origin and Development of Private International Law
- c. Difference Between Public and Private International Law

d. Subject matter of Private International Law

#### 2. Jurisdiction

- a. Introduction
- b. Type of Jurisdiction: jurisdiction *in personam*, Jurisdiction *in rem*
- c. The situation when a court assumes jurisdiction
- d. Limitation on exercise of Jurisdiction

#### 3. Classification of Cause of Actions

- a. Introduction
- b. Theories in classification of cause of actions
- c. Its significance in conflict of laws

#### 4. Doctrine of Renvoi

- a. Introduction
- b. Developed Theories
- c. Evolving Trend

#### 5. Personal Connecting Factors

- a. Introduction
- b. Domicile - types and general rules

- c. Nationality
- d. Habitual Residence
- 6. Family Law Related Matters**
  - a. Marriage and Choice of Law Rules
    - Capacity to Marry
    - Formalities of Marriage
  - b. Divorce: jurisdiction, choice of law rules and recognition of foreign decree.
  - c. Children
    - Legitimacy and Legitimation: introduction and effect
    - Adoption: Hague Convention on the Adoption of Children; recognition of foreign adoption and its effect
    - Custody and Guardianship: jurisdiction, choice of law and recognition of foreign order.
- 7. Law of Property**
  - a. Introduction: types, transfer *inters vivos* and intestate succession
  - b. Immovables: jurisdiction and choice of law
  - c. Transfer of Tangible Movables: various theories on choice of laws
  - d. Assignment of Intangible Movables (*Choses in Action*):
    - Introduction,
    - Choice of law rules - assignability, validity of assignment
  - e. Intestate Succession.
- 8. Choice of Law in Contract and International Commercial Arbitration**
  - a. Proper Law
  - b. Formation of Contract- material validity, formal validity and Capacity.
  - c. Interpretation and Discharge of Contract
  - d. Limitations - public policy, mandatory rule
- 9. Foreign Judgments**
  - a. Rationale for Recognizing Foreign Judgements
  - b. Conditions for Recognition
  - c. Conclusiveness of Foreign Judgments
  - d. Defences

- 10. Substance and Procedure**
  - a. Introduction, Problem and Reason for Classification
  - b. Actionability and Proper Parties
  - c. Limitation
  - d. Evidence
  - e. Remedy
- 11. Experiences on Application of the Private International Law in Nepal.**

**Recommended Reading Materials**

**A. Books**

1. Jonathan Hill, *Jaffery on the Conflict of Laws* (London, 1997)
2. Month P.M., *Chesbrire's Private International Law* (London, 1974)
3. Paras Diwan, *Private International Law*, (Delhi, 1998)

**B. Domestic Laws & Cases**

1. Foreign Exchange Regulation Act, 2019
2. Foreign Investment and Technology Transfer Act, 2049
3. Income Tax Act, 2058
4. Muluki Ain
5. Meenadevi Rana v. Santa Samsher; Tunga Samsher v. Indian Airlines Corporation; Indra Pratap Sing v. Uma Sundari Devi; and Sabina Pandey v. Krishna Raj Pandey.

**C. International Conventions**

1. The Brussels Regime
2. European Convention on Custody of Children, 1980
3. Hague Convention on Child Abduction, 1980
4. Hague Convention on Inter -Country Child Adoption, 1993
5. Hague Convention on Recognition of Divorce and Legal Separation, 1968
6. Rome Convention on Contractual Obligation, 1980

## 7) Pre-Trial Presentation, Trial Advocacy and Appellate Advocacy

**Course Objectives:**

Objectives of this course are:

- To introduce students with basic knowledge and skills of law practice, framing of issues, development of arguments and application of laws in actual situation, and
- To prepare themselves to act as professionals while they are still at the stage of studenthood.

**Contents**

**Part A- Pre-Trial Presentation**

**1. Pre-Trial Presentation**

- a. Litigation Planning
  - Litigation Process

- Introduction
- The Law and the Facts
- The Adversary System
- The Client
- Litigation Preparation
- The Planning Process
- Creative Problem Solving
- Factual Analysis and Development
- Plausibility, Credibility and Authenticity Analysis
- Legal Analysis and Reasoning

**2. Investigation**

- a. Client Interviewing and Counseling

- b. Fact Investigation
    - Introduction
    - The Investigation Process
    - Timing of Investigation
    - Investigative Personnel
    - Sources of Information
    - Tangible Objects and Physical Evidence
    - Process and Purposes of Interviews
    - Locating Witnesses
  - c. Fact Investigation and Evidence
    - Types of Witnesses
    - Types of Witness Interviews
    - Interview Questions
    - Interview Topics
    - Interview Techniques
    - Maintaining Witnesses Record
    - Written Statement
    - Advising Witness
    - Use of Experts in Investigation
  - 3. Discovery Practice**
    - a. Purpose of Discovery
    - b. Scope of Discovery
    - c. Methods of Discovery
    - d. Role of Detectives
  - 4. Use of Experts**
    - a. Introduction and Categories of Experts
    - b. Trial Experts
    - c. Retained or Specifically Employed Experts
    - d. The Informally Consulted Expert
  - 5. Pre-Trial Motion Practice**
    - a. Introduction
    - b. Procedure
    - c. Approaching Pre-Trial Motion: Why and how to Approach Pre-Trial Motion?
      - Motion for Meeting with Client in Custody
      - Motion for Protection Against Torture
      - Motion for Medical Treatment
      - Motion for Protection Against Unnecessary Remand
      - Motion for Police Custody Bail
      - Motion Against Jurisdiction
      - Motion for Protection of Fairness of Procedure
    - d. Strategic Use of Motion
      - Ethics of Motion Practice
      - Attacking Unethical Counsel (and Even judges)
      - Withdrawal and Substitution of Counsel
      - Motion for Malpractice
  - 6. Effective Presentation of Motions**
    - a. Practice of Motion in General
    - b. Motion Advocacy
      - Selecting Issues to Present
      - Presenting the Facts
      - Presenting the Law
  - Effective Use of Facts and Laws
  - c. Brief and Memoranda
    - Memorandum Contents
    - Opposition Memorandum
    - Effective Brief writing
  - d. Oral Argument
    - Role of Oral Argument
    - Preparation
    - Oral Presentation
    - Styles of Argument
    - Communication Skills
- Part B: Trial Advocacy**
- 1. Trial Preparation**
    - a. Maintenance of Trial Note Book
    - b. Informal Investigation of the Case : Use of Private Detectives
    - c. Preparation for or Study of the Credibility of Depositions of Witnesses
  - 2. Starting the Trial (Practical Exercise Follows)**
    - a. Investigation of the Perspective of the Case
    - b. Development of the Core Theory
    - c. Framing of Arguments
    - d. Searching of Authorities
    - e. Preparation for Opening Statement
      - Telling Story
      - Common Errors in Opening Statements
    - f. Preparation for Rebuttal
    - g. Preparation for Closing Statement
      - Be Explicit, Not Implicit
      - Organize and Structure the Argument
      - Tie Law with Facts
      - Do Not Read Argument
      - Try Not to Mistake Evidence
      - Memorise Opening and Closing Sentences
  - 3. Examining Witnesses**
    - a. The Language of Examination
    - b. Direct Examination
    - c. Cross-Examination
    - d. The Story-Line in Cross-Examination
    - e. Impeachment Through Prior Inconsistent Statement
    - f. Witness Control
  - 4. Examination of Expert Witnesses**
    - a. Experts Witness and Rules
    - b. Qualifying Experts
    - c. Direct Examination of Experts Witnesses
    - d. Cross-Examining Expert Witnesses
  - 5. Witness Examination Tactics**
    - a. Traps
    - b. Dealing With Dirty Tricks
    - c. Ploys
    - d. The Stock Phrases
    - e. The Right Word
    - f. Breaking the Spell

- g. The Blackboard
- h. An Introduction to Proving Damages
- i. Getting along with Judges
- j. Keeping the Client Happy
- 6. **Final Argument**
  - a. The Law Concerning Final Argument
  - b. Solving Problems with Final Argument
  - c. Analogies in Final Argument
  - d. The Final Five
- 7. **Trial Memorandum and Brief**
- 8. **Trial Skills Exercise (Practice Exercise)**

**Part C: Appellate Advocacy**

- 1. **Trial Judgment Analysis**
  - a. Legal Mistakes
  - b. Mistakes of Facts
- 2. **Issue of Law to be Encountered at Appellate Hearing**
- 3. **Planning Appellate Hearing**
  - a. Preparation
  - b. Formalities
  - c. Style
  - d. Rebuttal
  - e. Use of Authority
  - f. Hot and Cold Benches
  - g. Questions
  - h. Conclusions

**Recommended Books**

- 1. Alan D. Hornstein, Appellate Advocacy, 1984. West Publishing Company.
- 2. Criminal Jurisprudence, Prof. Madhav Prasad Acharya

- 3. Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick: Becoming A Lawyer; A Humanistic Perspective on Legal Education and Professionalism.1981. West Publishing Company.
- 4. Forensic Science in Criminal Investigation by B.R. Sharma
- 5. Gary Bellow and Bea Moulton: The Lawyering Process, Problem Supplement. Foundation Press.
- 6. James W. McElhancy, Trial Notebook. American Bar Association.
- 7. Jurisprudence, Dr. Yubaraj Sangroula
- 8. Jurisprudence, Salmond
- 9. Keith Evans, Advocacy in Court, Universal Publication, (1998)
- 10. Keith Evans, The Golden Rules of Advocacy, Universal Publication, (1999)
- 11. Kenney F. Hegland, Trial and Practice Skills, 1978. West Publishing Company.
- 12. Medical Jurisprudence, By Yek Raj Acharya
- 13. Michael Hyam, Advocacy Skills, Universal Publication (1999)
- 14. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
- 15. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
- 16. Robert M. Bastress and et.al. Interviewing, Counseling and Negotiating-Skill for Effective representation
- 17. Rogers S. Haydock, David F. Herr & Jeffery W. Stempel: Fundamentals of Pre-Trial Litigation.
- 18. Ronald E. Cohen, ed. Criminal Trial Advocacy, 1987.

## 8) Clinical Education Course: Legal Professionalism Development

**Objectives:**

The fundamental objectives of the course are:

- To build professional capacity of the students; and
- To build skills of handling clients

**Contents:**

- 1. Use of case laws as 'authority in arguments in the court'.
- 2. Application of laws in facts- problems and challenges
- 3. Case research and preparation of memorandum (Pleading note)
- 4. Civil and criminal practice- differences
- 5. Client interview and counseling
- 6. Skills of handling cases in 'unpopular situation.
- 7. Development of writing skill
- 8. Moot practice- preparation of memorial and pleadings; art of advocacy.
- 9. Professional ethics
- 10. Justice and legal professionalism

**Recommended Books**

- 1. सरकारी वकिलसम्बन्धी दिग्दर्शन, २०६३
- 2. Bonita, Reborbt and Linda. L. Schlueter: Legal Research Guide: Patterns and Practice. Contemporary Legal Education Series. The Michies Company. Law Publisher, Vergina
- 3. Civil Procedure Code, Justice Naimuddin Ahmed, Memloer Law Commission, Published by Bangladesh institute of Law and International Affairs
- 4. Eligabeth Dvorkim, Jack Himmelstein & Howard Hesnick: Becoming A Lawyer, A Humanistic Perspective on Legal Education and Professionalism 1981. West Publishing Company.
- 5. Gillors, Regulation A Lawyers, Problems and Law and Ethics, 5<sup>th</sup> ed. Aspen 1998
- 6. James W. MC. Elhancy, Trial Notebook, American Bar Association
- 7. Learning Lawyers Skills, N Gold K Mackie

- and W Twiming, Bulterwoths.
8. Legal Ethics, Dr. Kailash Rai, Central Law Publication
  9. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
  10. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
  11. Nepal Kanoon Patrika (NKP)
  12. Professional Ethics of the Lawyers
  13. Robert M. Bastress and et.al. intervening counseling and negotiating, skill for effective representation
  14. Ronald E. Cohen, ed. Criminal Trial Advocacy 1987
  15. Salmond on Jurisprudence, PJF itzeferald, 12th edition, Universal Law Publishing Co. Pvt. Ltd. Reprint 2004
  16. State Case Act 2049+2050 and State Cases Regulations 2050.

## ELECTIVE SUBJECTS

### A. CRIMINAL LAW GROUP

#### A.1) Law Against Organized Crime

##### Course Objectives:

- To acquaint students about phenomenon of Organized Crimes in the world,
- To acquaint them on the existing legal provisions against Organized Crimes in Nepal, and
- To introduce them with international measures taken to combat Organized Crimes.

##### Contents

##### 1. Introduction

- a. Definition of Organized Crimes
- b. Specific Features of Organized Crime
- c. Differences Between Crime Committed by an Individual and in an Organized Way
- d. Theory of Organized Crime

##### 2. Types of Crime Committed in Organized Pattern (Transborder and Transnational Crime)

##### 3. Dacoity/Robbery

##### 4. Drug Trafficking

- a. Nature of Drug Trafficking
- b. Pattern and Trend of Drug Trafficking in Nepal
- c. International and Regional Arrangement on Prevention and Suppression of Drug Trafficking

##### 5. Crime of Human Trafficking

- a. Introduction
- b. Causes and Purposes of Trafficking
- c. Problems and Severity of Crime of Trafficking of Girls and Women in Nepal
- d. Changing Trends of Crime of Trafficking
- e. Measure Taken to Combat the Crime of Trafficking
  - National
  - International

##### 6. Arms, Ammunition and Explosives

- a. Smuggling
- b. Factors / Causes
- c. National Legal Framework
- d. International and Regional Measures

##### 7. Insurgency, Terrorism and Conflict

- a. Definition
  - b. National and International Terrorism
  - c. Forms (Hostage Taking, Kidnapping, Hijacking of Aircraft, and Others)
  - d. National, Regional and International Measures
- ##### 8. Money Laundering
- a. Definition
  - b. National Measure to Control Money Laundering
  - c. International Measure to Control Money Laundering
- ##### 9. Other Forms of Organized Crime
- ##### 10. National and International Measures to Control Organized Crimes
- a. Enforcement Agencies (National)
  - b. International Institutions
    - Interpole
    - Others
  - c. Concept of Extradition and Nepalese Legal Framework.

##### Recommended Books

1. Ahmad Siddique Crinology: Problem and Prospective India: Easter Book Co. 4<sup>th</sup> ed, 1997
2. Barash, David P. & Charles P. Webal, (2002) Peace and Conflict Studies, New Delhi, Sage Publication.
3. Condemned to Exploitation: Impact of Corruption in Criminal Justice System on Women, 2000.
4. Graeme Newman (ed.), Global Report on Crime and Justice, New York, (1999) (Published for the United Nations Office for Drug Control and Crime Prevention Center for International Crime Prevention)
5. Larry J. Siegel, Ph.D. "Criminology" 7<sup>th</sup> edition.
6. Michael D. Lyman, Garyw Fotter 'Organied Crime', 1997
7. Prof. Dr. N.V. Paranjape "Criminology and

8. Penology' Central Law Publication, 12<sup>th</sup> Edition  
Prof. Dr. Yubaraj Sangroula, Condemned to Exploitation, Trafficking of Girls and Women, KSL, 2001.
9. Prof. Madhav P. Acharya Criminology, Kathmandu, Ratna Pustak Bhandar
10. Raid Sue Titus, Crime and Criminology, McGraw Hill 8<sup>th</sup> Edition.1999
11. Sutherland, Principles of Criminology,
12. V.K. Anand 1981 Insurgency and Counter Insurgency. A study of modern Guevilla Warfare, New Delhi, Delhi, Deep & Deep Publication.
13. Wallenstein, Understanding Conflict

- Resolution, War, Peace and the Global System, New Delhi Sage Publication.
14. Walter C. Reckless, The Crime Problem, Vikils, Feffer and Simons Private Ltd, India, 1<sup>st</sup> reprint 1971

**Acts**

1. Extradiction Act and Treaties
2. Human Trafficking (Control) Act, 2064 BS
3. Money Laundering (Control) Act, 2064 BS
4. Narcotic Drug (Control) Act, 2033 BS
5. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
6. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

## A.2) Fiscal Crime Law

**Course Objectives:**

Objectives of the course are:

- To acquaint students on the existing phenomena of fiscal crimes,
- To acquaint them with the existing legal provisions against fiscal crimes in Nepal,
- To acquaint them with the lacuna on existing international and national legal mechanisms.
- To familiarize them with the recent modes of fiscal crimes

**Contents**

1. **Introduction of Fiscal Crime**
  - a. Nature and Kinds of Fiscal Crime
  - b. Features of Fiscal Crime
  - c. Theories dealing with Fiscal Crime
2. **Corruption and Abuse of Authority**
  - a. Definition
  - b. Forms
    - Graft
    - Bribe
3. **Pillaging and Embezzlement**
  - a. Pillaging of State Property
  - b. Extortion of Public Fund
  - c. Embezzlement (Case Peon Beda Nath Sapkota v. NBL, Head Office)
  - d. Abuse of Authority
4. **Forgery/ Fraud**
  - a. Illicit Banking Transaction
  - b. Financial Forgery
    - Underground Banking
    - Hundi and Dhikuti
    - Unregistered Lottery
    - Online Fraud
    - Financial Cheating and Deception
5. **Crime Relating to Insurance**
  - a. Premium Fraud (Misrepresentation, Disclosure)
  - b. Claim Fraud
  - c. Arsoning

**6. Bank Fraud**

- a. Mortgage Fraud
- b. Cheque Fraud
- c. Negotiable Instruments Fraud
- d. Debit/Credit Card Fraud

**7. Counter Measures to Prevent Fiscal Crimes**

- a. Institutional
  - National
  - International
- b. Constitutional
- c. Legal

**8. Crimes Relating to Company**

**9. Counterfeit**

- a. Cons & Currency Note
- b. Intellectual Property
- c. Negotiable Instruments

**10. Crime of Tax-evasion**

- a. Income Tax Evasion
- b. VAT Evasion
- c. Excise Dutes
- d. Property Tax Evasion
- e. Custom Duties

**Recommended Books**

1. B.R. Sharma, Bank Frauds, Prevention & Detection, 2<sup>nd</sup> ed. 2003
2. Bank Acts and Regulations, NRB Act.
3. Bribery in International Business Transaction, OECD, 1994
4. CeLLRd/TAF Counter Corruption Legal Framework, 2000
5. Company Act and Regulations
6. Corruption Prevention Act and Regulations
7. E. R. Hardy Lvamy, General Principles of Insurance Law
8. Graham Stephenson, Credit, Debit & Cheque Cards, Law & Practice, Central Law Publishing, 1993
9. Income Tax Act and Regulations

10. Insurance Act and Regulations
11. Interim Constitution of Nepal, 2063
12. Kenny's Outline of Criminal Law
13. M.G. Chittkara, Corruption 'N' Cure, India.
14. Muluki Ain
15. Negotiable Instruments Act, Value Added Act, Costum Duties Act & Rules, Prperty Tax Act & Rules, Excise Duties Act.
16. Smith and Hogan, Criminal Law

**Leading Cases:**

1. DN 6109 , NLR Vol. II. P 972, Samsudeen Ansari v. Nepal Induswish Bank Ltd.
2. DN 6205, NBR 053, Vol. 6, Bal Krishna Neupane v. CIAA
3. DN 7705, NLR 063 Vol. II, P. 1434, Arun Chandra v. Arun Chndra V. NRB, Central Office
4. SC Bulletin, 063, Vol. 1. P.1 (DB)
5. SC Bulletin, 063, Vol. 10. P.18 (DB) Rajendra K. Khetan V. NRB Center Office
6. SC Bulletin, 063, Vol. 14. P.1 (SB) Iswori P,

7. Adhikari V. Government of Nepal  
SC Bulletin, 063, Vol. 20. P.16 (DB) Noor Pratap JBR V. NRB, Center Office

**Other Materials**

1. CIAA Annual Reports, Transparency International Nepal Annual Reports,
2. Geneva Convention 1949 & Heague Convention 1907
3. Global Compact Principle
4. Global Corruption Report, 2004,
5. ICC Rules of Conduct to Combat Extortion & Bribery in International Business Transaction
6. OECD Anti Bribery Convention, UN Convention Conference in Quarter 2009
7. Twelve Tables
8. UN Convention Against Corruption
9. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
10. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 207

## B. BUSINESS LAW GROUP

### B. 1) Intellectual Property

**Objectives:**

Objectives of this course are:

- To familiarise students with the concept of Intellectual Property,
- To examine various philosophical and policy considerations in relation to Intellectual Property rights,
- To help them identify and protect different forms of Intellectual Property.

**Contents:**

1. **Intellectual Property**
  - a. Meaning and major forms of intellectual property
  - b. Theories of property; Justification and Philosophy of intellectual property regime
  - c. Need and the competing rationale for the legal protection of IP
  - d. Role of Intellectual Property in economic & Industrial development, R & D, Technology Transfer and FDI
  - e. Social Culturel Development and role of Intellectual Property Right
  - f. Concept of intellectual property in Nepalese constitution –place of Intellectual Property – A need for a fresh look.
2. **Origin and development of Intellectual Property**
  - a. Copyright
  - b. Patent

- c. Trademark
- d. Design
- e. Other Eools of Intellectual Property
3. **Copyright**
  - a. Concept
    - Concept & justification
    - Basic elements
    - Acquisition, Ownership: Economic & Moral right / Authorship & Ownership
    - Assignment & Licensing
    - Fair dealing and permitted use
    - Infringement, remedies and defense
  - b. Neighbouring Right
    - Performers' Right
    - Right of Sound Recording Companies & Phonogram Producers
    - Right of Broadcasting Organizations
  - c. Copyright Society
4. **Patent**
  - a. Concept and Justification, Kings of Patent
  - b. Basic elements; Patentability & Plant varieties protection
  - c. Patent prosecution
  - d. Ownership Exception and Limitation; Assignment & Licensing
  - e. Patent Revocation
  - f. Infringement, Remedies & Defense
5. **Trade Mark**
  - a. Concept; Justification and Major forms of Marks :Trademark , Trade Name, Service Mark , Service Name, Certification Mark, Collective

- Mark, Associated Mark, Geographic Mark
- b. Basic Elements
- c. Acquisition of right
- d. Ownership; Assignment & Licensing
- e. Infringement Remedies and defense
- f. Passing off
- 6. **Industrial Design**
  - a. Concept and Justification
  - b. Basic Elements
  - c. Acquisition of rights
  - d. Ownership & its limitation; Assignment and licensing
  - e. Infringement remedies and defense; Revocation
  - f. Industrial Design protection and its relation with copyright, patent and Trademark
- 7. **Other forms of Intellectual property**
  - a. Geographical Indication
  - b. Trade Secret
  - c. Layout Design of Integrated circuit
  - d. Plant Varieties Protection
- 8. Traditional Knowledge Treditional Culturel Expression and Folklore and Intellectual Property
- 9. **Enforcement Authority**
  - a. Department of industry, Copyright Registrar 'soffice, Custom Office, Court & other Agencies
- 10. **International protection of IPR**
  - a. Int'l IPR Regime
  - b. Paris Convention, Berne convention & WIPO

- c. Madrid system & TLT,CT
- d. Int'l protection of patent PCT,PTC,PLT
- e. Hague System
- f. GATT-WTO-TRIPS: Dispute settlement Mechanism
- g. Nepalese position in Int'l IP regime

**Recommended Books**

1. Black's Law Dictionary
2. Cetnerin Colston, Principles of Intellectual Property
3. Copyrights Act & Regulation
4. Franchis, W. Rushing, Carole Granz Brown, Intellectual Property Rights in Science, Technology and Economic Performance
5. Law Lexicon
6. P. Noreyanan, Intellectual Property Law
7. Patent Right Design and Trademark Act and Regulation
8. Raj Kumar Suwal, Intellectual Property Jurisprudence, 2011, CIPN (Coming Soon)
9. Raj Kumar Suwal, Patent Specification, 2008, CIPN
10. W.R. Cornish, Intellectual Property
11. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074
12. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074

## B.2) Taxation Law

**Course Objectives:**

Objectives of this course are:

- To introduce students with the prevailing Tax Laws in Nepal,
- To familiarize them on importance of tax systems and importance of Tax Laws, and
- To help them develop specialized knowledge on Tax Laws.

**Contents**

**1. Basic Concept**

- a. Constitutional framework of taxing power, taxing procedure, and fundamental right to property
- b. Budget - tools
- c. Different between Tax and Non Tax revenue
- d. Direct and Indirect taxes
- e. Finance Act and taxation
- f. Rules of interpretation applicable in taxation law
- g. Principles of taxation law

**2. Income Tax**

- a. Global vs Schudular Income tax
- b. Source vs worldwide taxation
- c. Basis of income tax
- d. Income Calculation from Business
- e. Income Calculation from Investment

- f. Income Calculation from Employment
- g. Filing return of income
- h. Assessment of tax
- i. Payment of tax
- j. Recovery of tax
- k. Tax deductionat source (TDS)
- l. International Agreemeents
  - Avoidance of double taxation
  - Meaning & objectives
  - Treaties to which Nepal is a party
- m. Rights and Duties of taxpayer
- n. Crimes and Penalties

**3. Value Added Tax**

- a. Basic Concept of VAT (Meaning, Basis, Tax Credit, Tax refund, Threshold, Invoicing and Accounting)
- b. Main Feature of VAT
- c. Registration for VAT
- d. Collection of VAT
- e. Return of VAT
- f. Assessment of VAT
- g. Payment and Recovery of VAT
- h. Rights and duties of taxpayer
- i. Crimes and Penalties

#### 4. Inland Revenue Administration

- a. Inland Revenue Department
  - Power and Functions
  - Quasi Judicial Power
- b. Inland Revenue Office
  - Power and Functions
  - Jurisdictions
- c. Tax disposal Commission
  - Power and Functions

#### 5. Judicial Control of Tax Administration

- a. Revenue Tribunals
  - Composition and Jurisdiction
- b. Appellate Court
  - Jurisdiction
- c. Supreme Court
  - Review and Revision of tax cases

3. Finance Act (Latest)
4. Handbook, Booklets Published by IRD (Website [www.ird.gov.np](http://www.ird.gov.np))
5. Income Tax Act 2058
6. Income Tax Directives 2066, IRD (Website [www.ird.gov.np](http://www.ird.gov.np))
7. Income Tax Rules 2059
8. Khadka, Rup, Income Taxation in Nepal: Restrospect and Prospect, Ratna Pustak Bhandar, Kathmandu, 2001
9. Khadka, Rup, The Nepalese Tax System, Sajna Prakasan, Kathmandu 2000
10. Revenue Tribunal Act 2031
11. Tax Reform in Nepal: A Comprehensive Review Final Report, Harvard University, 1997
12. The Constitution of Nepal, 2063
13. Value Added Tax Act 2052
14. Value Added Tax Rules 2063
15. Victor Thuronyi, (ed), Tax law design and drafting Vol I and II (IMF), 1998

#### Recommended Books

1. Alan A. Tiat, Value Added Tax: International Practice and Problems (IMF)
2. Bindra NS, Interpretation of Statutes, 1978

## C. CONSTITUTIONAL LAW GROUP

### C.1) Law of Equity, Torts and Consumer Protection

#### Course Objectives:

Objectives of this Course are:

- To acquaint students with concepts and notion of equity and natural justice along with the development of the principles of equity in common law system,
- To provide basic and comparative knowledge on the law of torts in Nepal and other countries, and
- To provide a knowledge of various aspects of consumers protection laws.

#### Contents:

##### Part A- Equity and Torts

#### 1. Introduction

- a. The Concept of Natural Justice
- b. The Concept of Equity
- c. Origin and Development of Equity
- d. Definition of Torts
- e. Classification of Torts
- f. Who Can Sue? Who Can Be Sued?
- g. General Defense in Torts
- h. Discharge of Torts
- i. Remedies in Torts

#### 2. Trespass to the Person

- a. Assault and Battery
- b. False Imprisonment

#### 3. Trespass to Property

- a. Detinue
- b. Conversion
- c. Replevin

- d. Trespass to Chattels
- e. Torts Relating to Land and Other Premises

#### 4. Defamation (Slander and Libel)

#### 5. Negligence

#### 6. Nuisance

#### 7. Strict Liability

#### 8. Vicarious Liability

#### 9. Misrepresentation (Deceit)

#### 10. Development of Equity in Common Law System

#### Part B- Consumer Protection

##### 1. Introduction

- a. Meaning and Concept of Consumer, Consumerism and Consumer Protection
- b. Development of the Concept of Consumer Protection
  - Consumer Sovereignty
  - Effect of Laissez Fair
- c. Four Rights of Consumers
- d. Areas of Consumer Protection Laws
- e. *Caveat Emptor* Concept

##### 2. Problem of Consumer Protection in Nepal

- a. Adulteration
- b. Black Marketing (Smuggling)
- c. Dumping the Goods
- d. Mixing
- e. Price Hiking
- f. Listing the Price

##### 3. Consumer Protection Laws in Nepal

- |  |  |
|--|--|
| <p>a. Consumer Protection Act</p> <ul style="list-style-type: none"> <li>• Objective</li> <li>• Types of Consumer (Consumer of Goods and Consumer of Service)</li> <li>• Rights of Consumer</li> <li>• Undue Trade Practices and Low Quality Goods</li> <li>• Standards of Goods and Services</li> <li>• Consumer Protection Council (Powers, Duties and Functions)</li> <li>• Crime, Punishment and Compensation</li> </ul> <p>b. Sectoral Laws Relating to Consumer Protection</p> <p>c. Consumer Association and Their Role</p> <p>d. Measure for Consumer Protection</p> | <p>3. Consumer Protection Act and Regulations, 2053/54 BS</p> <p>4. Defamation Act, 2011</p> <p>5. Dr.S.N.Dhani, Fundamentals of Jurisprudence,</p> <p>6. Essential Commodities Act</p> <p>7. Heuston and Buckley, Salmond &amp; Heuston on the Law of Torts, 2004, Pub. by Universal Law Publishing Co.</p> <p>8. Law Lexicon</p> <p>9. Measurement Act</p> <p>10. Muluki Criminal (Code) Act, 2074 &amp; Muluki Criminal Procedure (Code) Act, 2074</p> <p>11. Muluki Civil (Code) Act, 2074 &amp; Muluki Civil Procedure (Code) Act, 2074</p> <p>12. Public Offence Act</p> <p>13. Ratnalal and Dhiranlal, Law of Torts, 2002, Publication by Wadhwa &amp; Company</p> <p>14. Snell, Principles of Equity</p> |
|--|--|

**Recommended Books**

1. Black Marketing Act
2. Black's Law Dictionary

**C.2) Law on Gender and Disadvantaged Sections of Population**

**Course Objectives:**

Objectives of this course are:

- To introduce students with concepts and principles of gender justice,
- To acquaint them with emerging principles of jurisprudence of law on gender and disadvantaged sections of population, and
- To familiarize them with existing laws of Nepal on gender and disadvantaged sections of population.

**Contents:**

**1. Gender and Law**

- a. Meaning of Gender and Gender Law.
- b. Concept of Power Relation in Society.
- c. Nepalese Societal Structure- its foundations, values and principles.
- d. Patriarchy as a Foundation of Societal Structure.

**2. Defective Value System**

- a. Subordination of Women's Personality
- b. Traditional Restrictions on Women
- c. Impacts of Restrictions on Development of Women
- d. Men's Control on Sexuality of Women
  - Definition of sexuality
  - Impacts of men's control of sexuality of women
  - Existing laws that reinforce men's control of women's sexuality.

**3. Legal Framework on Women's Rights**

- a) Meaning, concept and extension of Women's Rights
- b) Core Issues of Women's Right- Women's Identity, Women's Empowerment, Marriage and Reproductive Rights, Citizenship, Trafficking

including Sexual Exploitation, Property

c. National Legal Framework;

- Historical Perspectives
- The Constitution of Nepal 2072 (Citizenship, Right to Equality, Right to Employment, Rights of Women, Right to Social Justice)
- Laws on Employment- Civil Service Act, Labor Act, Military Service Act, Police Service Act.

d. International Legal Framework:

- Universal Declaration of Human Rights
  - International Covenant on Civil and Political Rights,
  - International Covenant on Economic, Social and Cultural Rights
  - Convention on Elimination of All-Forms of Discrimination Against Women
  - Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment
  - Convention on the Rights of Child
  - Convention on Political Rights of Women
  - Convention on Suppression of Immoral Trafficking and Protocol
  - ILO Convention
- e. Enforceability of International Conventions in Nepal
- Treaty Act, 1990.
  - Judicial Activism

**4. Violence Against Women**

- a. Meaning of Violence
- b. Types of Violence (Physical, Mental, Social, Domestic, Culture, Sex and Sexual Harassment)
  - Existing Laws Against Violence – *Kulpit, Lutpit Mahals*, Public Offence Act

- c. Trafficking of Women for Sexual Exploitation
  - Definition of Trafficking,
  - Causes, Purposes and Impacts of Trafficking
  - Problem of Reintegration of Rescued Women
- d. Laws on Prevention and Suppression of Violence and Trafficking.
5. **Rights and Problems Relating to Reproduction**
  - a. Meaning Sexuality
  - b. Feminist Approach to Sexuality of Women
  - c. Right to Choice of Space Between Pregnancies
  - d. Right to Abortion
  - e. Right to Choice of Number of Children
6. **Concept of Gender Justice**
  - a. Right to Equal Access to Justice
  - b. Problems, Constraints and Obstructions in Women's Unrestricted Access to Justice
  - c. Gender Biases in Judicial System
7. **Racial Discrimination**
  - Problem of Untouchability in Nepal
  - Laws Prohibiting Untouchability or Racial Discrimination in Nepal
  - International Instruments Prohibiting Racial Discrimination
  - Legislative and Judicial Activism to Prevent Racial Discrimination in Nepal
8. **Problems and Issues faced Disability, Minority and Indigenous population in Nepal**  
**National and International Laws on Disability and Protection of Disabled Persons including elderly population**
9. **National and International Laws on Protection of Minorities, Indigenous and Vulnerable Groups**
10. **National and International Laws on Protection of Children in Especially Different Circumstances (Street children, children in labor market, children in risk of trafficking, children in drug abuse)**

#### Recommended Books

1. Anne Minas, Gender Basics (Feminist Perspectives on Woman and Man), 1993
2. Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2068
3. Children Act 2048
4. Common Wealth Secretariat, Advancing The Human Rights of Women, 1997
5. Condemned to Exploitation, Impact of Corruption in Criminal Justice System on Women, CeLRRd/TAF, 2000.
6. Dalit Human Rights Violations, Atrocities Against Dalits In India. National Public Hearing, April 18-19, 2000. Chennai-Tamil Nadu.
7. Dianne D. Horgan, Achieving Gender Equity, 1995
8. Domestic Violence Act 2063
9. Dr. Yubaraj Sangroula, Condemned to Exploitation: Trafficking of Girls and Women, Kathmandu School of Law, 2001.
10. Employment for Women In Formal Sector in Nepal, New Era, Kathmandu.
11. Flavia Agenes, Law and Gender Inequality, 1999.
12. Katharine T. Bartlett et. al., Feminist Legal Theory, 1993.
13. M.C. From Periphery to Center, Analysis of the Paradigm of Globalization, Casteism Dalitism, Ambedkar Resource Center, Tumkur, India.
14. Muluki Civil Code 2074
15. Muluki Criminal Code 2074
16. Nancy R. Hooyman, Judith Gonyea, Feminist Perspectives on Family Care (Policies for Gender Justice), 1995
17. Padma Lal B.K. et. al., afn clwsf/ / blnt afnafnfsf, 2057
18. Public Offence Act 2028
19. Sap Nepal, Gender and Development, 1999
20. Senior Citizens Act 2063
21. Sexual Harassment Prevention Act 2071
22. The Conditions of Dalits ( Untouchables) in Nepal: Assessment of Impact of Various Development Interventions. UNDP, Nepal/ Team Consult Pvt. Ltd. 1999.
23. The Constitution of Nepal 2074
24. UNDP, Human Development Report, 1995.
25. Vijay Prasad, Untouchable Freedom: A Social History of Dalit Community, 2000

## D. Environmental and Development Law Group

### D.1) Energy Law

#### Course Objectives:

Objectives of this course are:

- To provide students with a general information on Energy Laws of Nepal,
- To introduce them with a situation of enforcement of Energy Laws, and
- To help them assess the utility and implication of Energy Laws.

#### Contents:

1. **Introduction**
  - a. Meaning and Concept of Energy Law
  - b. Development of Energy Law
  - c. Importance of Energy Law
    - Three Goals of Energy (Accessibility, Availability, and Acceptability)
  - d. Areas of Energy Laws (Hydroelectricity Energy, Solar Energy, Wind Energy, and Natural Gas Energy)

2. **Forms of Energy**
  - a. Traditional Energy Sources
  - b. Alternative or Renewable Energy Sources
3. **Hydroelectricity Law**
  - a. Concept of Hydroelectricity and Hydroelectricity Law
  - b. Hydro-electic Projects and Their Importance
  - c. Import and Export of Electricity
    - Criteria for Import and Export
    - Obligations during Import and Export
  - d. Sharing of Burden and Benefits
  - e. Production of Electricity
    - Production by Public Sector
    - Production by Private Sector
    - PPP Model
    - Responsibility in Various Activities (Survey, Production, Extension and Distribution)
  - f. Quality of Electricity
  - g. Sell and Purchase of Electricity
  - h. National Grid System
  - i. Requirements for Grid System in Trans-boundary Supply
  - j. Crime and Punishment Relating to Hydro-Electricity
4. **Law on Wind Energy**
5. **Law on Petroleum Energy**
6. **Law Relating to Solar Energy**
7. **Energy Consumption**
  - a. Determination of Energy Cost
  - b. Basis of Determination of Energy Cost
  - c. Energy Supply as a Service
  - d. Providing Continuous Service
  - e. Right of Peoples Around Project Areas
  - f. Subsidies in Energy Cost
  - g. Energy Consumption and Legal Criteria
8. **Energy Production and Sustainability**
  - a. Necessity of Sustainability
  - b. Legislative Requirements for Sustainability
  - c. Utilization of Energy and Energy Saving
  - d. Environment and Sustainability in Energy Sector
9. **National Policies on Energy Sector**
  - a. Necessity of Liberalization Concept in Energy Sector
  - b. Policy and Legal Issues
10. **Authority of Energy Law in Nepal**
  - a. Electricity Authority (Composition, Purpose and Functions)
  - b. Sectoral Energy Support Authorities
11. **Traditional vs. Alternative Energy and Balancing the Resources**
12. **Dam and Its Construction**
  - a. Construction of Dam and Its Effects
  - b. Responsibility of Constructors
  - c. Displacement of Peoples and their Rehabilitation
  - d. Trans-boundary Responsibility (Allocation of Sovereign Risk)

**Recommended Books**

1. Awareness in energy sector
2. Constitutional Provision on energy
3. Electricity Act and Regulations, 2049 BS
4. Electricity Tarrif Fixation Regulation, 2050 BS
5. Energy (Science, Policy & the Pursuit of Sustainability), edited by Robert Bent L loyd Orr Randall Baker, 2002
6. Energy Policy (National & Regional Implications), Sridhar K. Klatri & Hari Upreti, Nepal Foundation for Advanced Studies (NEFAS) Coalition for Action on South Asian Cooperation (CASAC) in Cooperation with (FES) Nepal 2002
7. Foreign Investment and Technology Transfer Act, 2049 BS
8. Gas Protection Rules, 2017 BS
9. Hydro Power Policy, 1992 & 2001
10. Institutions related with energy sector
11. National Electricity Policy
12. Nepal Electricity Authority Act 2041 BS
13. Nepal Mine Act and Regulations 2023BS/2042 BS
14. Nepal Petroleum Act, 2040
15. Nepal Petroleum Regulation 2041 BS
16. New trends in development of energy Sector
17. Natural Resource Conservation and Sustainable Development in Nepal, H.D. Lekhak & Binod Lekhak, Kshitiz Publication, Oct 2003
18. Small Hydro-power, China's Practice, Tong Jiandong, 2004, (China Water Power Press)
19. Water Resource Act 2049 BS, Regulation 2050 BS
20. Water Use and Waste Water Management, Nishi Dixit, Vista International) Publishing House, Delhi, 2006, 1<sup>st</sup>ed.

**Note:** At least 1 months field visit to different sector

## D.2) Civil Aviation and Tourism Law

**Course Objectives:**

Objectives of this course are:

- To provide students with basic knowledge on Civil Aviation and Tourism Law
- To help them build capacity to analyse the situation of Civil Aviation and Tourism Laws and policies; and
- To familiarize them about the utility and implications of Civil Aviation and Tourism Laws in Nepal.

**Contents:**

**Part-A- Civil Aviation law**

1. **Concept of International Air Law**
2. **The Origin and Development of International Air Law**
3. **Concept of Five Freedoms**
4. **Universalization of Air Law**
5. **Sources of Air Law**
6. **Bodies Governing the Civil Aviation**
  - a. International Bodies
    - ICAO
    - IATA
  - b. National Bodies
    - Civil Aviation Authority
7. **Aircraft and Air Service**
  - a. International Aircrafts
    - Definition
    - Nationality
    - Registration/Deregistration and Marking
    - Certification
    - Equipment and Maintenance
  - b. Domestic Aircrafts
    - Definition
    - Nationality and Registration
    - Certification
    - Document Records
8. **Aircraft Operation**
  - a. International
    - Rights in Air Space
    - Non-Scheduled Flight
    - Scheduled Flight
    - Exclusive Sovereignty Concept, Obligations and Limitations
  - b. Domestic
    - Air Operation and Air Worthiness Certificate
    - Crew
    - Flight Rules
9. **Accident Investigation**
  - a. International Legal Mechanism
  - b. National Legal Mechanism
10. **Carriage by Air**
  - a. Warsaw Convention
  - b. Hague Protocol
  - c. Carriage by Air Laws in Nepal
  - d. Air Carrier's Liability
11. **Civil Aviation Crime**
  - a. Aircraft Hijacking
  - b. Tokyo, Hague and Montreal Conventions
  - c. Crime Against Civil Aviation in Nepal
12. **Commercial Dealing in Aviation**
  - a. Wet and Dry Lease
  - b. Sale and Purchase
  - c. Mortgages
  - d. Liability of Manufacturers

**13. Insurance and Air Transport Services**

- a. Contract of Aviation Insurance
- b. Aviation Insurance Policy
- c. Re-insurance
- d. Insolvency

**Part-B-Tourism Law**

1. **Meaning and Importance of Tourism Law**
2. **Concept of Tourism Law**
3. **Development of Tourism Law in Nepal**
4. **Current Nepalese Tourism Laws**
  - a. Tourism Act
    - Objectives
    - Definition of 'Tourist' and Different Forms of Foreigners
    - Main Provision Under the Tourism Act
    - Sectoral Institutions and Their Obligations (Guiding, Hotel, Travel and Mountaineering)
    - Mountaineering Legal Barriers
  - b. Immigration Law and Tourist
    - Objectives
    - Provision Regarding to Visa for Tourists
  - c. Nepal Tourism Authority Board Act
    - General Introduction
    - Rights, Duties and Function of Board
5. **Facility Under the Law to the Tourist in Nepal**
6. **Control Over the Tourist**
  - a. Liaison Officer- Rights, Duties, and Obligations
7. **Concept of Village and Eco-tourism**

**Recommended Books:**

1. Civil Aviation Act and Regulations
2. D.J. Harris , Cases and Materials on International Law, 4th ed. 1998
3. Immigration Act
4. J.G. Stark, Introduction to International Law, 10th ed. Aditya Books, India (1994)
5. Malcolm N. Shaw, International Law, 4th ed. Cambridge University Press, (1996)
6. Related International Conventions.
7. Tourism Act and Regulations
8. Tourism Authority Board Act

- Note:*
1. Lesson plan formulated by the concerned teacher shall give detail description, methods of teaching, teaching strategy, allocated time frame, internal evaluation system and specific materials to be used.
  2. Teacher must prepare model questions and guidelines for examiner of the papers. The guidelines must state the scope of each content and text books on which the orientation is based.