

Faculty of Law



Bachelor of Laws (LL.B) Curriculum 2009

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Bachelor of Laws (LL.B.)

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Nepal

Introduction

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

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

Brief History of Legal Education in Nepal

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

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

Review of Bachelor's Level in Law Program

Legal education received by the people can influence the development of the national legal system of the country. Legal education is generally a professional education, which requires adequate desired doctrinal knowledge of law, legal skills and attitude for responding to national needs. The graduates of Tribhuvan University should be able to render legal services to the nation for national development and individuals in complex legal matters, and to defend clients in the litigation procedures in courts. The society expects that the law graduates should render justice and make people aware of human rights protection and of the need for exploitation less social base. It also expects that law graduates should be equipped with adequate knowledge of law and legal skills. For all this, greater attention should be paid to constantly reviewing and improving the curriculum, teaching learning techniques, etc, so that they would all stand professionally at par with those in other countries.

In many universities of the world educational planners, technologists, academicians have developed and been developing new structure, curriculum, instructional techniques and duration of courses. Nepal's legal education of two plus three year's scheme leading to a Certificate in Law and a Bachelor of Law after SLC was felt inadequate. So the curriculum that consisted of law subjects (compulsory and optional) and some Humanities and Social Sciences subjects was realized to be changed. Hence, three years law course after graduation was felt needed in the country. Accordingly, it was introduced in 1996.

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

Tribhuvan University phased out Proficiency Certificate Level in Law (P.C.L.) since the academic year 1996.

Tribhuvan University introduced the three years Bachelor of Laws (LL.B.) programme in the academic year 1996 in the Faculty of Law. The classes of LL.B. were conducted since academic year 1996 in ten

Tribhuvan University campuses and three private campuses affiliated to Tribhuvan University in the country. Recently, the Campuses having LL.B. courses have been reduced to six university Campuses.

The existing curriculum introduced in 1996 was also felt inadequate to respond the need of present national and international development in law, justice as well as political change in Nepal. Consequently, a new curriculum has been introduced in Feb.2009 to replace the curriculum of 1996. Along with political and constitutional changes in the country; the existing curriculum has been extensively revamped to meet the needs of the day in the profession and academics. Accordingly, in the Constitutional Law new content namely presidential system, federalism, secularism etc. has been included and the Press Law has been converted into Media law. Similarly, Procedural Law is given 100 full marks and Evidence Law is separately introduced. In this way all subjects are updated, improved, added and tuned with need of today by allotting new code numbers. The following subjects are newly introduced:

- Child Rights and Juvenile Justice
- Gender and Inclusive Justice
- Law of Insurance
- Professional Ethics and Lawyering Skills
- Victimology
- Clinical Law
- Cyber Law

The 3-year Bachelor of Laws

Curriculum Objectives are:

- to provide the students with in-depth knowledge of law and develop in them skills or reasoning, investigation, analysis and critical thinking, and practical skills necessary for legal career;
- to enable them to communicate and write legal documents in a clear and effective way;
- to convey to them knowledge of law in action and of the role of law in society and to enable them to handle complex legal situations effectively;
- to promote the values of justice, rights and liberty and to make the law graduates from Tribhuvan University able to compete with the law graduate from other universities ;

- to broaden intellectual horizon and develop the personalities of law students; and
- to prepare middle-legal manpower for new roles in national development efforts and private sectors.

Procedure of Curriculum Development

The Faculty Board and the 6 Subject Committees (Jurisprudence, International Law, Constitutional Law, Family & Commercial Law, Procedural Law and Criminal Law) determine the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of Tribhuvan University.

Compulsory and Optional

The course of study consists of 16 compulsory subjects and 24 Optional subjects. The details of the course structures are presented in the pages that follow.

Method of Instruction

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

Evaluation

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

35% to below 45%	Pass
45% below 60%	Second Division
60% below 75%	First Division
75% and above	Distinction

Graduation Requirements

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

Entry Requirements

- Completion of Bachelor's degree (10+2+3) in any discipline or an equivalent program recognized by Tribhuvan University.
- Selection criteria will be determined on the basis of the marks and percentage obtained in the previous Bachelor's Degree in any discipline and or of the entrance test administrated by the Campus.

Teaching Time Allocation

- total number of teaching days 120-150 (in an academic year)
- Duration of each class hour 50 minutes
- A course carrying 100 marks will have 6 periods a week and a course carrying 50 marks will be 3 periods in a week.
- Generally, a course carrying 100 marks will be taught 125 hours and a course carrying 50 marks 62 hours 50 minutes.

Calendar of Operation

There will be two months vacation in addition to other vacations declared by university. The other calendar of operation including the examination schedule will be as per university notification.

Structure of the courses for 3 year Bachelor of Laws

Subject areas	No. of Subjects	Full Marks	Total No. of Hours of instruction in 3 years	Total No. of period in 3 years
Compulsory Subjects	16 subjects (8 subjects carrying 100 full marks each and 8 subjects carrying 50 marks each)	1200	1502	1496
Optional Subjects	6 Optional papers will have to be studied by each student out of 24 optional subjects. (Each paper carrying 50 marks)	300	377	372
Total	22 subjects (out of 40 papers)	1500	1879	1868

Tribhuvan University
Faculty of Law
Bachelor Level of Laws (LL.B.) curriculum structure
I year LL.B.

Course Code No.	Course Title	Nature of Course	Full Marks	Period Per Year
Law 321	Jurisprudence	Compulsory	100	125
Law 322	Procedural Law	Compulsory	100	125
Law 323	Constitutional Law	Compulsory	100	125
Law 324	Comparative Law and Nepalese Legal System	Compulsory	100	125
Law 325	Law of Contract	Compulsory	50	62
Law 326	Family Law	Optional	50	62
Law 327	Media Law	Optional	50	62
Law 328	Administrative Law	Optional	50	62
Law 329	Taxation	Optional	50	62
Law 330	Fiscal Law	Optional	50	62
Law 331	International Trade Law	Optional	50	62
Law 332	Equity and Torts	Optional	50	62
Law 333	Child Rights and Juvenile Justice	Optional	50	62

In the I year Bachelor of Laws (LL.B.) a student is required to take five (5) Compulsory Subjects and any two Optional Subjects out of 8 optional subjects as mentioned in the table above and full marks will be 550. Total teaching period will be 686.

II year LL.B.

Law 421	Criminal Law	Compulsory	100	125
Law 422	Public International Law	Compulsory	100	125
Law 423	Property Law	Compulsory	100	125
Law 424	Methods of Legal Research and Writing	Compulsory	50	62
Law 425	Moot Court, Pre-Trial Preparations and Participation in Trial	Compulsory	50	62
Law 426	Evidence Law	Compulsory	50	62
Law 427	Labour Law	Optional	50	62
Law 428	Election Law	Optional	50	62
Law 429	International Air and	Optional	50	62

	Space Law			
Law 430	Environmental Law	Optional	50	62
Law 431	Refugee Law	Optional	50	62
Law 432	Criminology	Optional	50	62
Law 433	Gender and Inclusive Justice	Optional	50	62
Law 434	Law of Insurance	Optional	50	62

In the II year Bachelor's of Laws (LL.B.) a student is required to carry 6 Compulsory Subjects and any two Optional Subjects out of 8 optional subjects as mentioned in the table above and full marks will be 550. Total teaching period will be 685.

III year LL.B.

Law 521	International Institutions and Human Rights	Compulsory	100	125
Law 522	Interpretation of Statutes	Compulsory	50	62
Law 523	Professional Ethics and Lawyering Skills	Compulsory	50	62
Law 524	Company and Corporation Law	Compulsory	50	62
Law 525	Project Work / Internship	Compulsory	50	62
Law 526	Law of the Sea and International Rivers	Optional	50	62
Law 527	Law of Banking and Negotiable Instruments	Optional	50	62
Law 528	Private International Law	Optional	50	62
Law 529	Intellectual Property Law	Optional	50	62
Law 530	Population Law	Optional	50	62
Law 531	Victimology	Optional	50	62
Law 532	Clinical Law	Optional	50	62
Law 533	Cyber Law	Optional	50	62

In the III year Bachelor of Laws (LL.B.) a student is required to take five (5) Compulsory Subjects and any two Optional Subjects out of 8 optional subjects as mentioned in the table above and full marks will be 400. Total teaching period will be 497.

Jurisprudence

Course Title: Jurisprudence

Course No: Law 321

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 35%

Level : LL.B.

Nature: Compulsory

Course Objectives

The objectives of this course are:

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

Unit I: Introduction to Jurisprudence

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

Unit II: Schools of Jurisprudence

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

Unit III: Trends in Jurisprudence

1. Critical Legal Studies
2. Feminist Jurisprudence
3. Post- modernism

Unit-IV: Definition and Sources of Law

1. Definition of Law
2. Purpose of Law
3. Functions of Law
4. Kinds of Law
5. Sources of Law
 - (a) Custom: Meaning and kinds of custom
 - (b) Legislation: Meaning and kinds of legislation
 - (c) Precedent: Meaning and kinds of precedent
 - (d) Conventions
 - (e) Juristic writings, professional opinion, reason, equity, justice and good conscience.

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

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

Unit-VI: Rights and Duties

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

Unit-VII: Person

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

Unit-VIII: Property:

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

Unit-IX: Obligation and Liability

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

Unit-X: Possession

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

Unit-XI: Ownership

1. Meaning and Subject matter of Ownership
2. Classification of Ownership
 - (a) Sole and Co-ownership
 - (b) Corporeal and Incorporeal Ownership
 - (c) Trust and Beneficial Ownership

- (d) Absolute and Limited Ownership
- (e) Vested and Contingent Ownership

3. Acquisition, continuation and termination of ownership
4. Ownership and Possession

Text and Reference Materials

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

Procedural Law

Course Title: Procedural Law

Course No: Law 322

Duration of the Course: One Year (125 hrs)

Year: I

Full Marks: 100

Pass Mark: 35%

Level : LL.B.

Nature: Compulsory

Course objectives:

The main objectives of this course are:

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

Unit-1 Introduction

- 1.1 Definition, nature and importance of procedural law
- 1.2 Difference between:
 - Procedural law and Substantive law
 - Civil and Criminal Procedure
 - General, Summary and Special procedure
 - Procedure in Judicial, Quasi-judicial and ADR

Unit-2 Basic Principles of Procedural Law

- 2.1 Locus-standi
- 2.2 Limitation
- 2.3 Laches
- 2.4 Alternative Remedy
- 2.5 Stare decisis
- 2.6 Res-judicata
- 2.7 Natural Justice
- 2.8 Amicus-Curiae

Unit-3 Jurisdiction of Courts, Other Bodies and ADR

- 3.1 Meaning, nature and kinds of Jurisdiction
- 3.2 District Court's Jurisdiction
- 3.3 Appellate Court's Jurisdiction
- 3.4 Special Court's Jurisdiction
- 3.5 Supreme Court's Jurisdiction
- 3.6 Jurisdiction of Quasi-Judicial Bodies (QJB)
- 3.7 ADR

Unit-4 Stages and Techniques of Trial Proceedings

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

Unit-5 Stages and Techniques of Appellate Proceedings

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

Unit-6 Writ, Review and Revision Proceedings

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

Unit-7 Proceedings of QJB and ADR

- 7.1 Procedure applicable in QJD
- 7.2 Procedure applicable in ADR: Mediation, Arbitration and Negotiation.

Unit-8 Proceedings for Execution of Judgments, Orders etc.

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

Unit 9 Recent Trends

- 9.1 Adversary (accusatorial), inquisitorial and mixed system
- 9.2 Development and recent trends of procedural laws in Nepal.

Unit- 10 Prescribed Leading Cases

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

Prescribed Materials

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2. Neupane, G.N., *Procedural Law*, Lumbini Prakashan (2065)

Reference Materials

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2. Bakshi, P.M., Mulla *The Code of Civil Procedure*, Butterworths, New Delhi (2002)

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5. Jain, M.P. et.al., *M.P.Jain's The Code of Civil Procedure* (2004)
6. Justice Pandit, Sharadha Prasad, *Law and Justice, Articles, Commentaries and Memoirs*, published by Pandit, Umadevi (2008)
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9. Ojha, P.K., *Some Basic Principles on Law and Justice*, part first (In Nepali) Pawan Manju Ojha Foundation (2064)
10. Pathak, N. et.al., *Nirnaya Sar Kosh*, Pairavi (latest edition)
11. *Shrestha, Gyayendra Bahadur, Aadalati Karyabidhi*, Pairabi Publication, (2065)
12. *Shrestha, Gyayendra Bahadur, Writ Nibedan Siddanta Ra Byabahar*, Pairabi Publication, (2064)

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

Constitutional Law

Course Title: Constitutional Law

Full Marks: 100

Course No: Law 323

Pass Mark: 35%

Duration of the Course: One Year (125 hrs)

Level : LL.B.

Year: I

Nature: Compulsory

Course objectives:

The main objectives of this course are;

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

I. Introduction

- Definition of Constitutional Law
- Sources of Constitutional Law
- Statutes
- Secondary legislation and other rules
- Judicial decision
- Non legal rules/ Convention, Custom
- Books of authority
- Difference between Constitution and Constitutional Law

II. Classification of Constitution

- Written and Unwritten Constitution
- Rigid and Flexible Constitutions
- Federal and Unitary Constitutions
- Republican and Monarchical Constitutions
- Parliamentary and Presidential Constitutions

III. Constitutional History of Nepal

- Pre Constitutional norms and laws
- Government of Nepal Act, 1948
- Interim Constitution, 1951
- The Constitution of the Kingdom of Nepal, 1959
- The Constitution of Nepal, 1962
- The Constitution of the Kingdom of Nepal, 1990
- The Interim Constitution of Nepal, 2007

VI. Constitutionalism and Constitutional Principles

- The concept and meaning of Constitutionalism
- Various forms of Constitutionalism

V. Rule of Law

- Concept of the Rule of Law
- Background principles of Rule of Law

VII. Separation of Powers and Checks and Balances

- Conceptual framework of the Separation of Powers
- Principles of Checks and Balances
- Separation of Powers and Checks and Balances under Presidential and Parliamentary Constitution

VIII. Unitary System

- Meaning and Nature of Unitary System
- Distribution of power under Unitary System

IX. Federal System

- Meaning of Federalism
- Essential features of Federal System
- Distribution of State Power in the Federal System
- Merits and demerits of the Federal System

X. Directive Principles of the State Policy;

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

XI. Fundamental Rights

- Right to freedom
- Right to equality
- Right against untouchability and racial discrimination
- Rights regarding publication, broadcasting and press
- Rights regarding environment and health
- Education and cultural rights
- Rights regarding employment and social security
- Right to property
- Rights of women
- Right to social justice
- Rights of children
- Right to religion
- Rights regarding justice
- Right against preventive detention
- Right against torture
- Right to information
- Right to privacy
- Right regarding labor
- Right against exile
- Right to constitutional remedy

XII. Legislature- Parliament

- Constitution of legislature – parliament
- Functions of legislature- parliament
- Privileges of legislature – parliament
- Committees system in Parliament
- Dissolution of legislature – parliament
- Legislative (parliamentary) control over executive

XIII. The Executive

- Constitutional role of the Head of the State
- Formation of Council of Ministers
- Functions of the Council of Ministers
- Role of the Prime Minister under the Constitution

- Responsibility and accountability of the Council of Ministers

XVI. Judiciary

- Concept of the Independence of judiciary and Constitutional provisions
- Court structure
- Supreme Court
- Appointments and qualifications of judges of the Supreme Court
- Conditions of service and privileges of the Chief Justice and other Judges
- Removal of the Chief Justice and the Judges of the Supreme Court
- Jurisdiction of the Supreme Court
- Contempt of Court

XV. Principles of Constitutional Interpretation: A brief introduction

- Theory of direct and inevitable effect of fundamental rights
- Doctrine of fraud on constitution
- Doctrine of harmonious construction
- Doctrine of severability
- Doctrine of colorable legislation
- Doctrine of Political Question

XVI. Political Parties

- Constitutional provisions governing political parties

XVII. Provisions regarding Amendment of the Constitution

XVIII. Provisions regarding Emergency Powers

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2. Anderson, G, *Federalism: An Introduction*, Oxford University Press, (2008)
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Comparative Law and Nepalese Legal System

Course Title: **Comparative Law and Nepalese Legal System**

Full Marks: 100

Course No: Law 324

Pass Mark: 35%

Duration of the Course: One Year (125 hrs)

Level : LL.B.

Year: I

Nature: Compulsory

Course Objectives

The objectives of this course are:

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

Unit 1-Introduction

- 1.1 Meaning and Importance of Comparative Law
- 1.2 Comparative Approach to Legal Studies
- 1.3 Meaning and Definition of legal system and major legal system of the world.

Unit-2 Major Legal System

- 2.1 Common Law Family: Origin, development, sources.
- 2.2 Civil Law Family: Origin, development, sources
- 2.3 Socialist Law Family: Origin, development, sources
- 2.4 Religious Law Family: School and sources of Muslim and Hindu law family.
- 2.5 Comparison between Major Families of Law

Unit-3 Comparison of Laws of some Countries in terms of concepts and sources of law, system of courts and legal profession

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

- 3.2 Comparative Study between English law and the law of the United States of America.
- 3.3 Comparative Study between the Chinese law and the Socialist Legal System
- 3.4 Comparative Study between Hindu law and Muslim law.

Unit-4 Historical Development of Nepalese Legal System

- 4.1 Law before the Lichhavi Period.
- 4.2 Legal System of Lichhavi
- 4.3 Social and Legal Reformation during Malla Period.
- 4.4 Legal and Judicial Reforms of Ram Shah and Prithvi Narayan Shah.
- 4.5 Codification of Law (Muluki Ain 1910 B.S)
- 4.6 Legal System and Judicial Administration during 1904 B.S to 2007 B.S.
- 4.7 Period from 2007 to 2017 B.S.
- 4.8 Period from 2017 to 2047 B.S.
- 4.9 Period from 2047 B.S.

Unit-5 Reformation of Nepalese Legal System

- 5.1 Impact of Religious/Hindu Law on existing Nepalese Legal System.
- 5.2 Impact of Common Law on the existing Nepalese Legal System.
- 5.3 Impact of Civil Law on the existing Nepalese Legal System.
- 5.4 Impact of Socialist/economic Law on the existing Nepalese Legal System.

Unit-6 Recent Trends of Nepalese Legal System

- 6.1 Characteristics of existing Nepalese Legal System: concepts; sources; original or hybrid; impact of Hindu concept of law, justice and duty of king; etc.
- 6.2 Codification and Law making process in Nepal.
- 6.3 Recognition of precedents in Nepal.
- 6.4 Prosecution system in Nepal.
- 6.5 Administration of Justice: Judicial, Quasi Judicial, PIL, and ADR in Nepal.

Prescribed Materials

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

Reference Materials

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

Law of Contract

Course Title: Law of Contract
Course No: Law 325
Duration of the Course: One Year (62 hrs)
Year: I

Full Marks: 50
Pass Mark: 35%
Level : LL.B.
Nature: Compulsory

Course Objectives:

The Main Objectives of this course are:

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

PART- A

General Principles and Provisions of Contract

I. Introductory

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

II. Formation of Contract

A. Offer

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

B. Acceptance

1. Meaning of Acceptance
2. Rules regarding Acceptance
3. Communication of Acceptance

4. Revocation and Lapse of Acceptance

III. Consideration

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

IV. Capacity to Contract

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

V. Free Consent

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

3. Provisions of Nepalese Contract Act

VI. Legality of Object and Consideration

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

VII. Quasi-Contract

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

VIII. Contingent Contract

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

IX. Performance of Contract

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

X. Assignment of Contract

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

XI. Termination/Discharge of Contract

1. Meaning of Termination/Discharge of Contract
2. Modes of Termination/Discharge of Contract
3. Doctrine of Supervening Impossibility
4. Breach of Contract
- Meaning and Types of Breach of Contract

5. Remedies for Breach of Contract
- Meaning and Kinds of Remedy
6. Nepalese Contract Act provisions on Termination/
Discharge of Contract

PART-B

Specific Contract

XII. Contract of Indemnity and Guarantee.

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

XIII. Contract of Bailment and Pledge.

1. **Bailment**
 - a) Meaning of Bailment
 - b) Basic feature of Bailment
 - c) Types of Bailment
 - d) Rights and Duties of Bailor and Bailee.
 - e) Termination of Bailment.
 - f) Finder of Lost Goods - Meaning and Rights and Duties of Finder of Lost Goods.
2. **Pledge/Pawn.**
 - a. Meaning of Pledge/Pawn
 - b. Basic features of valid Pledge

- c. Rights and Duties of the Pledgee/Pawnee and Pledger/Pawner
 - d. Pledge by Non-owner
 - e. Distinction between Bailment and Pledge.
3. **Nepalese Contract Act provisions on Bailment and Pledge.**

XIV. Contract of Agency

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

XV. Contract of Sale of Goods.

- 1. Meaning of Contract of Sale of Goods.
- 2. Characteristics of Contract of Sale of Goods.
- 3. Sale and Agreement to Sell
 - Meaning and Differences
- 4. Goods
 - Meaning and its kinds
- 5. Condition and Warranties
 - Meaning and Comparison
- 6. Doctrine of *caveat emptor*
 - Meaning and Exception
- 7. Transfer of Ownership.
 - a. Meaning of Transfer of Ownership
 - b. Rules regarding transfer of ownership.
- 8. Transfer of Title
 - Meaning and Exceptions
- 9. Performance of Contract of Sale of Goods
 - Meaning and steps
- 10. Unpaid Seller
 - Meaning, Characteristics and Rights

- 11. Buyer's remedies against Seller.
- 12. Conditions under which Contract of Sale of Goods becomes void.

XVI. Contract of Carriage.

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

XVII. Law of Arbitration.

- 1. Meaning and Importance of arbitration
- 2. Essential Elements of arbitration.
- 3. Arbitrator.
 - Meaning, Number, qualification and Appointment
- 4. Rights and Duties of Arbitrator.
- 5. Removal of Arbitrator
- 6. Award
 - Meaning and Elements of Valid Award
 - Setting aside an Award

- Execution of an Award
7. The provisions of Nepalese Arbitration Act, 2055.

XVIII. Case Law:

1. Achyut Pd. Kharel vs. HMG, *NKP* 2064/533.
2. Anil Kr. Pokheral vs. Kathmandu District Court, *NKP* 2064/460.
3. Bhairab Neupane vs. Chitwan Irrigation project, *NKP* 2046/334.
4. Bir Maya Limbu vs. Rana Maya Limbu, *NKP* 2061/942.
5. Bir Shanker Kashai. vs. Anita Lama, *NKP* 2063/395.
6. Bitti Nirwan Sewa vs. Pu.Be.Aa.Patan, *NKP* 2064/1558.
7. Chandra Kr. Golchha vs. Pu.Be.Aa. Patan, *NKP* 2062/376.
8. Chhue Lama vs. Ishwari Devi, *Supreme Court Bulletin*, year 2 vol.26, No. 8 (2050) p.1.
9. Dhana Maya Maharjan vs. Tulasi Maharjan, *NKP* 2063/1008.
10. Jal Utpanna Prokop Niyantaran Bhivag vs. PU.Be.Aa Patan, *NKP* 2062/ 633.
11. Lal Bdr. Khatri vs. Jaya Lal Subedi, *NKP*, 2063/1340.
12. Maya Gurung vs. Durga Upadhyay, *NKP* 2061/565.
13. Nani Chauri Maharjan vs. Rabindra Maharjan, *NKP* 2062/1243.
14. Nepal Government vs. Bhairaja Pradhan, *NKP* 2063, Vol 10, P.1319
15. Prithvi Bd. Maharjan vs. Birat Bdr. Khadka, *NKP* 2064/1100.
16. Saraswoti Devi Aryal vs. Chadra Kr. Shrestha, *NKP* 2061/324.
17. Suman P. Sharma vs. Sunowlo Khimti Constuction, *NKP* 2063, Vol.5, P.593
18. Vijaya Chandra Lama vs. Everest Paper Mills Pvt. Janakpur, *NKP* 2064/30.
19. Vijaya Kr. Shah vs. HMG, *NKP* 2049/435.

Text Books: (Latest Edition)

1. Anson's Law of Contract
2. Arbitration Act, 2055 (Legal Text)
3. Avatar Singh, Law of Contract
4. Avatar Singh, Principles of Mercantile Law

5. Bhandari, Surendra, Legal Environment of Business, (in Nepali), Kathmandu
6. Karki, S.B. & Mishra, *Business Law*, Kathmandu, (2005)
7. Nepal Contract Act, 2056 (Legal Text)
8. Upreti, Bharat Rai, Law of Contract {Nepali version}, Kathmandu
- 9.

References (Latest edition)

1. Atiyan P.S., *An Introduction to Law of Contract*.
2. Blanpain, R, Adhikari and Upreti K., *International Encyclopedia*, Kluwer Law International, (2007)
3. Chesire and Fiffort, *Law of Contract*
4. Karki, Bharat B. (Prof. Dr.), The Arbitration Act, 1999 and the Implementation - related Issues, *2 Business Law Journal*, vol.2, (2004)
5. Nair, M. Krishna, *The Law of Contract*
6. Parajuli, Purusottam, *Karar Sambandhi Kanoon*
7. Redmond, *Mercantile Law*.
8. Sen & Mitra., *Commercial Law*.
9. *Trietel's Law of Contract*
10. Wagle, Rishikesh, *Legal Environment of Business in Nepal*

Family Law

Course Title: **Family Law**

Course No: Law 326

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

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

I Introduction

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

II Marriage

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

III Civil Marriage

- Conditions for a valid civil marriage.
- Procedural requirements.

IV Husband and Wife

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

- Reunion of divorced husband and wife.
- Child custody.
- Status of children.
- Maintenance and support for children.

V Adultery and Jari:

- Concept of Adultery and Jari.
- Distinction between Adultery, Jari and Bigamy.
- Punishments.

VI Adoption:

- Concept and scope of Adoption.
- Adoption in Traditional Hindu Law.
- Conditions of adoption.
- Status of Adopted Son.
- Conditions for invalidating adoption.
- Adoption by foreigners.
- Adopted daughter.

VII Partition

- Concept and scope of Partition.
- Ancestral Joint Property and Personal Property.
- Joint family and coparcenary.
- Gender equation in Partition.
- Rights and duties of Manager or Karta.
- Procedure of Partition.
- Mano Chhuttine (Partition of Kitchen) separation.
- Maintenance Jiuni.
- Reunion of Families.

VIII Women's property (Istri Dhan)

- Meaning of women's property
- Kinds of women's property
- Succession of women's property

IX Inheritance (Aputali)

- Meaning of Inheritance
- Inheritance in classical Hindu Law
- Daughter's right in inheritance

Other's right in inheritance

X Family court:

- Concept of Family Court.
- Scope of Family court.

XI Leading Cases:5

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

Prescribed Reading (as amended)

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

References:

1. Nandan, D., *Marriage, Divorce and Hindu Law*, Allahabad, (1989)
2. Shrestha, Gyendra B., *Law of Property*, Pairavi, Kathmandu, (2050)

3. Shrestha, Gyendra B., *Muluki Ain, A commentry*, Pairavi, Kathmandu, (2056)
4. Subedi, Mudhusudhan, *History of Hindu Marriage*, (in Nepali), Published by Ms. Sanumaiya Subedi, (2056)
5. Thapalia, S., *Family Law of Nepal* (Nepali version), Kathmandu, (2046)
6. UNIFEM/Pro Public, *A compendium of Gender Justice Cases*, Pairavi, Kathmandu, (2060)

Media Law

Course Title: **Media Law**

Course No: Law 327

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course Objective

The Main Objectives of this course are:

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

I. Constitutional Regime and Mass Media

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

II. Contempt of court and mass media

- Meaning and concept of contempt of court
- Civil contempt and criminal contempt of court
- Sanction for contempt of court

III. Media Crimes

- Defamation, Obscenity, indecency and blasphemy
- Defences against the above crimes
- Remedies against above crimes

VI. Copy right and Mass Media

- Definition of creation and copy right over creation
- Qualifying requirements for copyright protection
- The ownership of copyright
- Exceptions to copyright
- Infringement of copyright, liabilities and defenses

V. Classified Information

- Definition and kinds of classified information
- Punishment for disclosure of classified information
- Defences against disclosure of classified informations
- Public interest disclosures (Whistle Blowing)

VI. Institutional Mechanism

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

VII. Laws and Regulating Institutions of Different Sectors of Mass Media

- Commercial Television
- Commercial Radio,
- News papers and Magazines,
- Advertizing, Cinemas,
- Films and documentaries,
- Internet (Online, Media and Blog)

VIII. News and Information Gathering

- Investigative journalism and right to privacy
- Confidentiality of sources of information and responsibility of journalist
- News information through direct and indirect source

XI. Complaints Against Mass Media

- Complaints to Press Council
- Complaints to Ministry of Information

- Complaints to court of law
- Alternatives to court proceedings

Reading materials

Cases

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

Acts and rules

1. Cinemas (Production, Demonstration and Distribution) Act 2026
2. Civil Rights Act 2012
3. Copy Right Act 2059
4. Defamation Act 2016
5. National Broadcasting Act 2049
6. National News Committee Act 2019
7. Other media related laws
8. Patent Design and Trademark Act 2022
9. Press and Publication Act 2026

10. Press Council Act 2048
11. Radio Act 2014
12. Right to Information Act 2064
13. Rules and bylaws made under the above laws
14. The Interim Constitution of Nepal 2063 and other past constitutions of Nepal

References

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

Administrative Law

Course Title: Administrative Law

Course No: Law 328

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course Objectives

The main objectives of this course are:

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

I. Introduction

- Definition, Nature, Scope, Importance and Sources of Administrative Law
- Relationship between constitutional law and administrative law
- Good governance and role of administrative law

II. Basic Doctrines of Administrative Law

- Rule of law
- Separation of powers and checks and balance

III. Classification of Administrative Actions

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

IV. Delegated Legislation

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

V. Principles of Natural Justice

Meaning, Nature and Scope of Natural Justice

- Limbs of Natural Justice
- Nemo Judex in Causa Sua
- Audi Alteram Partem

VI. Quasi Judicial Bodies and Administrative Tribunals

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

VII. Administrative Discretion and Judicial Control

- Nature of Administrative Discretion
- Judicial Control over administrative discretion
- Remedies available to the citizens against abuse of administrative discretion through Writs

VIII. Ombudsman

- Introduction
- Authority of Ombudsman
- Complaints, Investigations (with reports) and decisions
- Powers and Function of Commission for Investigation of Abuse of Authority
- Independence and Integrity of Commission for Investigation of Abuse of Authority

IX. Role of the Supreme Court in Development of Administrative Law in Nepal

Text-Books

1. Dr. Dahal, Gopal Prasad, *Public Interest Litigation*(in Nepali) (2065)
2. Jain & Jain, *Administrative Law*
3. Khanal, Dr. Shambhu.P, *Administrative Law*
4. Massey, I.P, *Administrative Law*
5. Pandey, Keshav Raj, *Administrative Law*(in Nepali), Ramesh Silwal (2065)
6. Sangroula, Dr. Yuba Raj, *Administrative Law*

7. Sathe, S. P, *Administrative Law*
8. Wade, HRW, *Administrative Law*

Taxation Law

Course Title: Taxation Law

Course No: Law 329

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course objectives:

The Main Objectives of this course are:

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

1. Introduction

- 1.1 Concept and objectives of taxation
- 1.2 Nature of taxation
- 1.3 Kinds of Tax

2. Taxation Law

- 2.1 Meaning of Taxation Law
- 2.2 Principles of Taxation Law
- 2.3 Rules of Construction of Taxation Law
- 2.4 Relation between Finance Act and Tax Acts.

3. Constitutional Framework of Taxation

- 3.1 Taxing Power and Right to Property
- 3.2 Taxing Procedures

4. Income Tax Law

- 4.1 Concept of Income and basic terminology under Income Tax Act, 2058
- 4.2 Basis of Charge of Income Tax
- 4.3 Heads of Income
- 4.4 Income from Employment

- 4.5 Income from Business
- 4.6 Income from Investment
- 4.7 Calculation of Assessable Income, Deduction and Allowances
- 4.8 Method of Filling Tax Returns
 - Assessment of Tax
 - Payment of Tax
 - Recovery of Tax
 - Tax Deduction at source
5. Value Added Tax
 - 5.1 Concepts of VAT
 - 5.2 Registration for VAT
 - 5.3 Collection of VAT
 - 5.4 Return of VAT
 - 5.5 Payment and Recovery of VAT
6. Wealth Tax, House and Land Tax and House Rent Tax: Objectives and Legal Provisions as to assessment, payment and recovery of tax
7. Rights and duties of Taxpayer
8. Tax Administration
 - 8.1 Kinds of authorities (administrative, quasi-judicial and judicial)
 - 8.2 Powers and functions of the authorities
9. Judicial Control over Tax Administration (Jurisdiction, Powers and Procedure)
10. Tax-related offences, prosecution and penalties and appeal

Reading Materials

Prescribed Cases:

1. Ananda Bhakta Rajbhandari v H.M.G. Ministry of Finance et.al., *NKP* 2043/499
2. Bir Lal Shah v. Tax Office, Janakpur et.al., *NKP* 2047/139
3. Gosh International Pvt. Ltd. v. Customs Office, Birgunj et.al., *NKP* 2045/123

4. Hans Raj Golchha v. Tax Office, Biratnagar et.al., *NKP* 2046/355
5. Kulbir Singh Tuladhar v. Central Regional Court, Kathmandu et.al., *NKP*-2043/1011
6. M.D.Kishor Kalwar v. Tax Office, Kathmandu, *NKP* 2045/573
7. Mohan Lal Surabaji v. Tax Office, Birgunj et. al., *NKP* 2045/1178
8. Narayan Shrestha v. Ta Destination Committee, Tax Department, Lazimpat et.al., *NKP* 2044/287
9. Nepal Resort Pvt. Ltd, Hongkong v. Tax Office, Kathmandu. *NKP* 2045/944
10. Ramji Prasad Shah v. Tax Office, Janakpur et.al., *NKP* 2047/147

Acts:

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

Reference Books (Latest Edition)

- 1) Adhikari, Bishwadeep, *Income Tax Law: Then and Now* (Nepali version), Bhrikurti, Kathmandu, (2059)
- 2) Adhikari, Chandramani, *Taxation in Nepal, Planning and Management* (Nepali version), Kathmandu, (2056)
- 3) Bhattacharya, S., *Law and Practice of Wealth Tax*
- 4) Desai, Dr. S.S.M., *Principles of Taxation*
- 5) Kandel, Pusparaj (Dr.), *Tax Laws & Tax Planning in Nepal*. Kathmandu, (2003)
- 6) Kandel, Pusparaj (Dr.), *The Context of Tax Reforms and Income Tax Act, 2058*, Kathmandu, (2058)
- 7) Karki, Bharat B. Prof. (Dr.), *Teacher's Guide on Taxation Law*, C.D.C., T.U., Kathmandu, (2000)
- 8) Khadka, Rup Bahadur *Sales Taxation in Nepal*, Kathmandu, Ratna Pustak Bhandar (2041)

- 9) Khanal, Rewati Raman, *Kar Sambandi Kannon*, (Nepali version).
- 10) Ojha, Prawan Kumar, *Kar Kanoon* (Nepali version)
- 11) Singhanian, U.K., *Taxmann's Direct Taxes: Law & Practice*, New Delhi, (1997)
- 12) Subedi, Baburam, *Value-Added Tax*, Bhrikuti, Kathmandu, (1998)
- 13) Tiwari, Narayan Raj, *Nepalma Aayekar Byabastha* (Nepali version), Kathmandu, (2056)

Fiscal Law

Course Title: **Fiscal Law**

Course No: Law 330

Duration of the Course: One Year (62 hrs)

Year I

Full Marks: 50

Pass Mark: 35%

Level : LL,B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

I Fiscal laws of Nepal

- Meaning and nature of fiscal laws
- Brief history of fiscal legislation in Nepal
- Constitutional provisions relating to financial procedure and finance bill
- Fiscal policy of Nepal

II Laws relating to the implementation of fiscal policies

- Law of income tax
- Law of property tax
- Law of custom duty
- Law of excise duty

III Laws relating to government loan and guarantee

- Law of government expenditure
- Laws of relating to treasury bills (Rashtraya Reen)

V Laws relating to government expenditure and audit

- Law of government expenditure
- Laws relating to the audit of government expenditure
- Power and function of the Auditor General

VI Laws relating to revenue collection

- Value-added tax (VAT)
- Land tax
- Law of stamp duty

Reading Materials

Leading Cases

1. Annapurna Soap and Chemical Industries pvt Ltd. V. Internal Revenue Office, Dharan, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2056-57, Income Tax Appeal Case no 391 Decision No. 85.
2. Biswonath Jajodiya V. Office of Value Added Tax, Lazimpat, Kathmandu, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2059, Vat Appeal Case no 101/958 Decision No. 52, year 2059.
3. Dr. Indrajitlal vs. His Majesty's Government, Case: Custom Evasion in Import of Medicines, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2052, Appeal Case no 34 Decision No. 185 year 2052.
4. Hasan Mohammad vs. His Majesty's Government, Case: Custom Evasion in Import of Rice, *Collection of Revenue Tribunal Decisions*, Vol. I, Year 2059, Appeal Case no 18, Decision No. 14, year 2059.
5. Hukum Chandra Duggad v. Internal Revenue Office, Kailali, Dhangadi, Case: Income Tax (2056/57), *Collection of Revenue Tribunal Decisions*, Vol. I Year 2058, Appeal Case no 32 Decision No. 52 year 2058.
6. Jitendra Kumar Luni V. Customs Office, Biratnagar Rani, Case: Over Valuation for Custom purpose, *Collection of Revenue Tribunal Decisions*, Vol. I, Year 2058, Appeal Case no 353 Decision No. 46, year 2058.
7. Olumpia Textile Industries pvt Ltd. V. Department of Value Added Tax, Lazimpat, Kathmandu, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2059, Vat Appeal Case no 233/947 Decision No. 71, year 2059.
8. Pashupati Iron and Steel Pvt Ltd v. Internal Revenue Office, Dharan, Sunçari, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2060, Case: Vat (2055/56) Appeal Case no 149 Decision No. 79, year 2060.
9. Suresh Kumar Aggarwal vs. VAT Department, VAT Case, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2060, Appeal Case no 78/754 Decision No. 94, year 2060.

10. Tikaraj Maske et all v. Mechi Customs Office, Kakarvitta, Jhapa, *Collection of Revenue Tribunal Decisions*, Vol. I Year 2051, Appeal Case no 901 and 907

Text-Books

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

Reference book/materials

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

International Trade Law

Course Title: : **International Trade Law**

Course No: Law 331

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

I. Concept of International Trade Law:

- Meaning and concepts
- Genesis
- Importance
- Sources

II. Incoterms

- Purpose of Incoterms
- Incoterms 1990 EHW. FCA. FAS. FOB. CLF. CIF. CPT. CIP. DAF. DES. DEO. DDU. DDP.

III. Standard Form Contract

- Nature, Use and kinds of standard form contract.

IV. Bill of Lading

- Definitions of bill of lading as defined in different International instruments.
- Kinds and characteristics of bill of lading

Rights and duties of shipper and carrier with particulars reference to the UN convention on carriage of goods by sea (Hamburg rules).

V. International Sale of Goods

- History of International sale of goods
- Importance of unified International sale of goods
- UNCITRAL Convention
- Obligation of the seller
- Right of seller
- Obligations of buyer
- Rights of buyer
- Risk of loss
- Remedies for breach of the contract.

VI. Financing of International Trade

- Bill of exchange
- Direct payment
- Documentary credits

VII. Foreign Exchange

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

VIII. Transnational Enterprises (TNCs) and International Trade

- Meaning of TNCs and joint ventures
- Role of TNCs in International trade
- TNCs and joint ventures in Nepal

IX. World Trade Organization (WTO) and Regional Trade Organizations

A. WTO

- Introduction
- Genesis (including Uruguay Round Report 1994)
- Principles, Objectives, Functions and Scope of WTO
- Organs and working of WTO
- Settlement of Disputes under WTO set up
- Need to align Nepali law in tune with WTO norms

B. Regional Trade Organizations

- SAPTA (SAARC Preferential Trading Arrangement)
- Role of the GATT 1994 in the field of International trade
- Special reference International trade with special reference to least developed land-locked countries.

X. UNCTAD

- Organization of UNCTAD
- Role of UNCTAD in the field of International trade law.

XI. European Economic Community and European Union (EU)

- Genesis of the EEC
- Role of the EEC in the field of International trade law
- Establishment of EU

XII. Settlement of disputes

- Arbitration, judicial settlement, negotiation, good offices, mediation, conciliation, or injury.
- UNCITRAL rules on International Commercial Arbitration
- UNCITRAL Model Law
- UNCITRAL Conciliation Rules
- MIGA
- ICSID
- International Chamber of Commerce Rules on International Commercial Arbitration.
- Arbitration Act, 1999

XIII. Enforcement of Foreign Judgment and Awards

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

Reading Materials

Prescribed

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

Reference

1. Arbitration Act, 1999
2. Contract Act, 2056
3. Foreign Investment and Transfer of Technology Act,
4. Koul, A.K. *Legal Framework of UNCTAD IN World Trade*, Leyden, (1997)
5. Malthisen, P.S.R.F. *A Guide to European Community Law*, London (1990)
6. Sangal, P.K. and et.al. *National and Multinational Companies: Sources Legal Issues* N.M. Tripathy, Bombay (1981)
7. *UN: United Nations Commission on International Trade Law (UNCITRAL) Year Books* for the last ten years.
8. UNCTAD. GATT and AALCC (now OAAAC) Documents.

Equity and Torts

Course Title: **Equity and Torts**

Course No: Law 332

Duration of the Course: One Year (62 hrs)

Year: I

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

Course Objectives

The Main Objectives of this course are:

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

Unit-1 : Concept of Equity

- Meaning and Nature of Equity
- Origin and Development of Equity
- Equity and Trust
- Equitable Remedies
- The Maxims of Equity

Unit-2: Concept and General Principles of Torts

- Concept of Torts
- Mental State in Tortious Liability
- Comparison of Torts with Crime, Contract, Quasi-contract, Breach of Trust and Bailment
- Personal Capacity
- General Defense (Justification) in Torts
- Discharge of Torts
- Remedies in Torts
- Law of Torts in Nepalese Perspectives

Unit-3: Trespass and Nuisance

- Trespass to Person
- Trespass to Land
- Trespass to Chattels
- Nuisance

Unit-4: Defamation

- Slander
- Libel

Unit-5: Negligence

- Meaning, Nature and Concept of Negligence
- Duty of Care and Standard of Care
- Contributory Negligence
- Res-ipsa

Unit-6: Liability

- Strict Liability
- Vicarious Liability

Unit-7: Misrepresentation (Deceit)

- Fraud or Deceit
- Fraud by Agent
- Negligent Misstatement
- Reading Materials
- Prescribed

Mandsly, R.H. *Hansberry's Modern Equity* London: Stevenson and Sons' Ltd. (19th ed.) (1969.)

Megarry, R.E. and Baker P.V. *Snell's Principles of Equity*. London: Sweet and Maxwell. (27th ed.) (1966).

Ratan Lal and Dhiraj Lal. *Law of Torts* Nagpur: Wadhwa and Company, (Reprint: 1996)

Redmond, W. D. and Stevens, I. N. *General Principles of English Law*. London: M & E Handbooks

Salmund and Hueston *The Law of Torts* London: Sweet and Maxwell. (19th ed.) (1987).

- Singh, Dr. Avtar *Introduction to Law of Torts* New Delhi: Wadhwa and Company Law Publisher. (1st ed.) (2001)
- Singh, S.P./Singh, Indrajit P. *Law of Tort* Delhi: Universal Law Publishing Co. Pvt. Ltd. (4th ed.) (2006).
- Winfield and Jolowicz *Law of Tort* London: Sweet and Maxwell (12th ed.) (1984).
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- References/Recommended
- Bangaria, R.K. *The Law of Torts* Allahabad, Law Agency. (4th ed.) (1976)
- Curzon, L.B. *Equity and Trusts*. London: Cavendish Publishing Limited. (1st ed.) (1993).
- Elliott, Catherine and Quinn, Frances *Tort Law* Harlow: Pearson Education Limited. (3rd ed.) (2001).
- Gandhi. B. M. *Law of Torts* (3rd ed.). (2006).
- Green, Dr. David *Law of Torts* London: Cavendish Publishing Limited. (2nd ed.) (1995).
- Harpwood, Vivienne *Law of Tort* London: Cavendish Publishing Limited. (2nd ed.) (1996).
- Iyer, Ramaswami. *The Law of Torts*. Bombay: N.M. Tripathi, Pvt. Ltd.
- Nicholas, J McBride & Roderick Bagshaw *Tort Law*, (1st Indian ed.). (2003).
- Pandey, Dr. J.N./Pandey, Vijay Kumar *Law of Torts with Consumer Protection Act, 1986 and motor Vehicles Act, 1988* Allahabad: Central Law Publications. (6th ed.) (2007).
- Pillai, P. S. A. *Law of Torts* Revised by Avatar Sing. (9th ed.) (2004).
- Proposed Draft Civil Code, 2063 B.S.
- Ram John, Mohammed. *Sourcebook on law of Trusts*. London: Cavendish Publishing Limited.
- Rogers, W.V.H. *The Law of Tort* London: Sweet and Maxwell. (2nd ed.) (1994).

- Street Harry *The Law of Torts* (6th ed.). London: Butterwoths. (1976).
- *The Bombay Law Reporter*. Law Publisher India Pvt. Ltd, Vol. 8, 1989-1994.
- The Draft Civil Code (Dewani Samhita), 2063 B.S.
- Weir, Tony *A Casebook on Tort* (8th ed.). London: Sweet and Maxwell Limited. (1996)

Child Rights and Juvenile Justice

Course Title: **Child Rights and Juvenile Justice** Full Marks: 50

Course No: Law 333 Pass Mark: 35%

Duration of the Course: One Year (62 hrs) Level : LL.B.

Year: I Nature: Optional

Course Objectives:

The Objectives of this Course are:

- to impart basic knowledge of child rights, juvenile delinquency and juvenile justice system.
- to familiarize key components of juvenile justice system in Nepal and other countries.
- to acquaint basic approaches of juvenile justice and organizational setting in Child Correction Home and Community Services.
- to enable the students to understand major problems confronting the juvenile justice system in Nepal.
- to enable the students to have critical appreciation on landmark decisions regarding child rights and juvenile justice.

Unit - 1: Concept of Rights and Child Rights

- 1.1 Meaning, Nature and Classification of Rights
- 1.2 The Position of Children in Nepal
- 1.3 Meaning Nature and Concept of Child Rights
- 1.4 Fundamental Aspects of Child Rights

Unit - 2: Concept of Justice and Juvenile Justice

- 2.1 Meaning, Nature and Classification of Justice
- 2.2 Meaning, Nature and Concept of Juvenile Justice
- 2.3 The Domestic and International Instruments on Child Rights and Juvenile Justice
- 2.4 Procedural Framework of Nepalese Juvenile Justice System
- 2.5 Actors of Juvenile Justice System
- 2.6 Fundamental Issues Regarding Juvenile Justice System
- 2.7 Role of Different Institutions to Strengthen the Juvenile Justice System in Nepal
- 2.8 Different Models of Juvenile Justice

- 2.9 Alternative Models of Juvenile Justice
- 2.10 Difference between Juvenile Justice and Criminal Justice

Unit - 3: Concept and Theory of Juvenile Delinquency

- 3.1 Meaning and Definition of Juvenile Delinquency
- 3.2 Justification to Treat Juvenile Differently
- 3.3 Childhood Deviant Behaviour
- 3.4 Child and Adolescent Psychology
- 3.5 Theories of Juvenile Delinquency
- 3.6 Causative Factors of Juvenile Delinquency
- 3.7 Types of Juvenile Delinquency
- 3.8 Difference and Interrelation between Juvenile Delinquency and Adult Crime
- 3.9 Juvenile Delinquency: Problem and Solutions

Unit - 4: Juvenile Justice Administration

- 4.1 Juvenile Aid Police (Women and Children Police Cell- Nepal)
- 4.2 Juvenile Court (Juvenile Bench- Nepal)
- 4.3 Correctional Institutions
- 4.4 Psychotherapy
- 4.5 Alternate Programme

Unit - 5: Diversion-Schemes, Restorative Justice and Best Practices

- 5.1 Concept and Development
- 5.2 Pre-trial Settlement
- 5.3 Settlement during Trial
- 5.4 Post Trial Settlement
- 5.5 Settlement by Community Mediation
- 5.6 Multi Agency Support

Unit - 6: Rehabilitation of Juvenile Delinquents in Nepal and Elsewhere

Unit - 7: Judicial Attitudes and Judicial Trends of Nepalese Course Regarding Child Rights and juvenile justice

Reading Materials

Leading Cases

1. Advocate Ashish Adhikari on behalf of Keshab Khadka Vs. Dhankuta District Court et. al., *Supreme Court Bulletin* (2058) No. 6 year 10, p.10
2. Advocate Ashish Adhikari on behalf of Keshav Khadka Vs. His Majesty's Government Cabinet Secretariat et. al, Writ of the Year 2058, *Supreme Court Bulletin*, (2059) No. 4 year 11
3. Advocate Ashish Adhikari on behalf of Poda Tamang Vs. Sindhupalchowk District Court and others, *Supreme Court Bulletin* (2058) No. 9, year 10, p.22
4. Advocate Ashish Adhikari on behalf of Shyam Krishna Pahari Vs. District Police Office et. al., Decided on 2058 Shrawan 29, Supreme Court, (unpublished)
5. Advocate Santosh Kumar Mahato Vs. Prime Minister and Office of the Council of Ministers et.al. *NKP*(2062) No. 8, p.948
6. Ashish Adhikari on behalf of Bablu Godia Vs. Banke District Court et. al., Writ No.3390 of the Year 2057, Decided on 2057 Chaitra 12, Supreme Court (unpublished)
7. Balkrishna Mainali Vs. Ministry of Home Affairs et.al, Writ No.3505 of the Year 2056, Decided on 2058 Shrawan 23, Supreme Court (unpublished)
8. Rajkumar Rai Vs. Kathmandu District Court et al., Writ No.25 of the Year 2058, Decided on 2058 Magh 2, Supreme Court, (unpublished)
9. Santo Tamang Vs. Ilam District Court et at, Decided on 2058 Marga 22, Supreme Court (unpublished)
10. Trilottam Poudel Vs. Ministry of Home Affairs et. al., Writ No.7020, *NKP* (2058), No.7/8, p. 423,

Reading Materials

Prescribed

1. Clemens Bartollas *Juvenile Delinquency*. (Allyn and Bacon-Boston). (2000)
2. CWIN *Juvenile Delinquency in Nepal*. Kathmandu: Child Workers in Nepal Concerned Centre (2003)
3. KSL. *Juvenile Justice System in Nepal*, Bhaktapur: Kathmandu School of Law (2003)
4. Sharma, Dr. Lokendra *Juvenile Law and Juvenile Justice* Kathmandu: Pragati Pustak Sadan (1st Ed.) (2061 B.S.)

5. Simonsen and Gordon *Juvenile Justice in America*. Glencoe Publishing Co. Inc. (1979)

References/Recommended

1. Acharya, Madhav Prasad *Aparadh Shastra* Kathmandu: Ratna Pustak Bhandar. (Reprint) (2057 B.S.)
2. CCWB. *National, Regional and International Legal Provisions Regarding Children*. Pulchowk: Central Child Welfare Board.
3. CeLRRD *Research Report of Trial Court System in Nepal*. Bhaktapur: Centre for Legal Research and Resource Development (2002)
4. *Child Participation Guide Book*, Lalitpur: Central Child Welfare Committee. (2063 B.S)
5. Convention on the Rights of the Child, (1989)
6. Dahal, Kashi Raj. "Nepalma Bal Durachar: Ek Sarvekshan". *Nepal Law Review* Vol. 31, (2041B.S)
7. Gautam, Bharat Mani, Nepal Law Journal, *Special Issue on the Rights of the Child*. Vol. 1, November 1998.
8. Lamichhane, Gopal *Child Related Laws Special Reference to Juvenile Justice in Nepal. A dissertation submitted to Central Department of Law, Nepal Law Campus as a student of LL.M. 2nd Year*. (2004)
9. Mainali, Laxmi Prasad. "Juvenile Delinquency: Its Treatment and Prevention." *NYAYADOOT*. Bi-monthly, Year 39, No. 175, Vol. Shrawan - Bhadra, Kathmandu: Nepal Bar Association, pp. 6-26. (2065)
10. National Judicial Academy, *Concept of Camera Hearing and Method of Implementation*, Kathmandu (2065)
11. Osti, Prakash. "Kathmandu Upatyaka Ra Sal Durachar: Ek Adhyayan Ek Bishleshant". *NYAYADOOT*. No.31.
12. PPR Nepal *A Research Book on A critical Analysis of Juvenile Justice System in Nepal* Kathmandu Forum for Protection of People's Rights, Nepal, (1st Ed.). (2007)
13. Silwal, Kishore. "Juvenile Justice System in Nepal: An Overview". *Nepal Law Review*, Vol.18, No 1 & 2, (2005)
14. Ved Kumari *The Juvenile System in India from Welfare to Rights*. New Delhi: Oxford University Press. (2004)