FAR WESTERN NIVERSITY



Faculty of Law

Course Title: Agrarian Law

Semester IV

Level: B.A, LL. B.

Full Marks 100

Course duration: 3 Credit (45 hrs)

Pass Marks 50%

Course code: Law 255

Nature: Compulsory

Course description: The Constitution of Nepal guarantees the right to food and food sovereignty. Right to food could only be guaranteed when agricultural land is properly used for agriculture. Feudal system of land ownership has gradually been changing in Nepal. Laws regulations and policies have been changed and made expediently. Law students shall acquire knowledge about the traditional and modern land system of Nepal. Besides students shall have idea about the land classification and land administration of Nepal after studying this course.

Course objectives: This course has following objectives:

-to give idea to the students on food right and food sovereignty

-to impart knowledge traditional and modern land system of Nepal

- to provide knowledge on land administration system of Nepal

-to acquaint students on agriculture and agriculture related laws

Unit One: Introduction to Agrarian Law

- 1.1. Concept meaning and importance of agrarian law
- 1.2. Historical development of agrarian law in Nepal
- 1.3. Concept of right to food and food sovereignty
- 1.4.Concept of food security
- 1.5.Food sovereignty in historical perspective
- 1.6.Food sovereignty as government policy

Unit Two: Land System in Nepal

2.1. Classification of Land

- 2.1.1. Traditional land system (*Talukdar*, *Jimmuval*, *Mukhiya*)
- 2.2. Classification based on method of acquisition and land revenue
- 2.2.1. Birta/Kipat,
- 2.2.2. Raikar/jirayat
- 2.2.3. Ukhada,
- 2.2.4. Guthi

- 2.2.5. Jagir/Khanki,
- 2.2.6. Jhora
- 2.2.7. Kharka
- 2.2.8. Khaikar
- 2.2.9. Mahajani
- 3. Modern land system
- 3.1.Residential area
- 3.2.Industrial area
- 3.3. Agricultural area
- 3.4. Occupational area
- 3.5. Mine and Minerals area
- 3.6.Forest area
- 3.7. River, Stream and lake and wetland area
- 3.8. Area of Public use
- 3.9. Cultural and archeological area
- 4. Production based classification
- 4.1.Abbal
- 4.2.Doyam
- 4.3.Sim
- 4.4.Chahar
- 5. Ownership based classification (as per the Land Revenue Act 2034)
- 5.1.Government land
- 5.2. Public Land
- 5.3.Community land

Unit Three: Land administration system

- 3.1. Land record system (Motha, field book, shresta. Lalpurja)
- 3.2. Tenancy (acquisition of tenancy, rights and duties of tenant, transfer, and termination of tenancy)
- 3.3. Land revenue
- 3.4. Kut (submission of crops to landowner)
- 3.5. Exemption of revenue
- 3.6. Land acquisition and compensation
- 3.7. Land Bank (Bhumi Bank)
- 3.8. Land Survey or measurement (traditional and modern)

Unit Four: Land Disputes and remedies

4.1. Settlement of land disputes



4.2. Land encroachment (Jagga Khichola, Jagga Aavad garne, and Jagga Pajan, Land concealment (Jagga Dapot, concealment of land revenue (Tiro dapot)

Unit Five: Agriculture and law

- 4.1. Agriculture reform and modernization.
- 4.2. Consolidation of Land (Chaklabandi).
- 4.3. Land Pulling
- 4.4. Objectives of Seed Law and Seed Policy.
- 4.5. Objectives of Pesticide law.
- 4.6. Types and licensing of pesticides.
- 4.7. Law relating to Protection and use of Livestock.
- 4.8. Grain law 2033.
- 4.9. Livestock health and service Act 2055.
- 4.10. Slaughter house and Meat inspection Act 2055.
- 4.11. Agro bio-diversity Policy 2063.
- 4.12. Agricultural occupation Promotion Policy 2063.

Textbooks:

Mahesh C. Regmi, Land Tenure and Taxation in Nepal (1978), Ratna Pustak Bhandar, Kathmandu.

Mahesh C. Regmi, Land Ownership in Nepal (2014), Adroit Publication,

Revatiraman Khanal, Muluki Ain kehi bibechna, (2046) Sajha Prakashan, Kathmandu

Kanoon Kitab Byavastha Samiti, Muluki Devani Sanghita Ain 2074,

Gyaindra Bahadur Shrestha, Ain Sangraha Bhag-1 (2079), Pairavi Publications, Kathamandu.

Gyaindra Bahadur Shrestha, Sampatti Kanoon, (2076) Pairavi Publication, Kathamandu.

Dr. Govind Tandon, Nepalko Guthi Byavastha, Sagrila Books, Kathmandu.

Reference

Jagadish Chandra Regmi, Nepalko Baidhanik Prampra, (2036 B.S.) T. U Curriculum Development Centre, Katmandu.

Surendra Bir Singh Basnyat, Ghar Jagga Sambandhi kanoon (2058 B.S.), Kathmandu.

Gyaindra Bahadur Shrestha, Muluki Ain: Ek Tippani, Paravi, Kathamandu.

Acts and Regulations

Muluki Dewani Sanghita (Muluki Civil Code Act) Ain 2074

Muluki Dewani karybidhi Sanghita (Muluki Civil Procedure Code) 2074

Bhumi Sambandhi (Land Act) Ain, 2021, tatha niyamvali (Land Rules)

Bhumi Prashasn (Land Administration Act) Ain

Jagga napjnach (Land Survey Act) Ain 2019

Malpot (Land Revnue Act) Ain 2034

Guthi (Trust Act) Ain

Birta Unmulan Ain 2016

Bioobijan (Seed Act) Ain 2045

Bhu Upayog (Land Use) Sambandhi Ain 2076

Food Right and Food Sovereignty Act 2075

Khadhya Ain (Food Act) 2023 and Rules 2027 Rules 2056

Khani tatha Khanij Padartha Ain (Mines and Mineral Act) 2042

Kharka Jagga Rastriyakaran Ain 2031 and Rules 2033

Guthi Sangsthan Ain (Trust Corporation Act 2033

Immovable Property Confiscation (Achal Sampati Adhigrahan) Act 2013 and Rule 2016

Land Acquisition (Jagga Prapti) Act 2034

(Concerned teacher is required to teach relevant cases decided by Supreme Court of Nepal).





Course Title: General Principles of Contract

Level: B.A, LL. B.

Full Marks 100

Course duration: 3 Credit (45 hrs.)

Pass Marks 50%

Semester IV

Course code: Law 250

Nature: Compulsory

Course description: This course compulsory course is designed to provide and enable the students to have clear knowledge and skills in the subject. This course is expected acquaint students with an idea of the basic elements of formation of contract, validity of the contract, and termination of contract. This course involves the knowledge of performance of contract So far as this course of General Principles of Contract is concerned it is a very important and lucrative course in the professional market. Thus the scope of Corporate Lawyer needs no explanation.

Course objectives:

The main Objectives of this course are:

- to familiarize the students with the general principles of Law of Contract, and kinds of contract,
- to impart the students comparative and critical knowledge of Nepalese and Foreign Laws of Contract including case laws,
- to enable the students to understand the various elements of contract for the formation of contract,
- to make them aware about void and voidability of contract,
- to help them understand the basic objective of contract i.e. performance of contract, and consequences of non-performance i.e. that is breach of contract, and also the resultant activities leading to remedies of breach of contract.

Unit I: Introductory

- 1. Meaning and Definition of the term "Contract" and "Contract Law"
- 2. Contract vis-à-vis Agreement
- 3. Nature of the Law of Contract
- 4. Theories of contract and Contract Law as a source of law.
- 5. Essential Elements of a valid contract
- 6. Kinds of Contract: General and Special, other variants and Standard form of contract.
- 7. Historical development of the law of contract in Nepal.
- 8. Features of Nepalese Contract Law Provisions under Muluki Civil Code Act, 2074 B.S.

Unit II: Formation of Contract

- 1. Contract to be legally enforceable
- 2. Capacity to contract
 - a. Meaning of Capacity to contract

Jan /

- b. Persons Incompetent to Contract
 - i. Minor
 - ii. Person of unsound mind
 - iii. Other persons disqualified by law
- c. Provisions of Nepalese Contract Act
- 3. Autonomy of Parties
- 4. Free consent

5. Offer

- a. Meaning of Offer
- b. Rules regarding valid Offer
- c. Types of Offer
- d. Communication of Offer
- e. Termination of Offer

6. Acceptance

- a. Meaning of Acceptance
- b. Rules regarding Acceptance
- c. Communication of Acceptance
- d. Revocation and Lapse of Acceptance

7. Public Offer

8. Consideration

- a. Meaning of Consideration
- b. Rules regarding Consideration
- c. Kinds of Consideration
- d. Privity of Contract
- e. The Rule No Consideration no Contract
- f. Consideration in Nepalese Law of Contract

9. Place of Contract

10. Indirect or quasi Contract

- a. Meaning of Quasi-contract
- b. Rules regarding Quasi-contract
- c. Doctrine of Quantum Meruit
- d. Nepalese Contract Act provision on quasi-contract

11. Contingent Contract

- a. Meaning and Basic Elements of Contingent Contract
- b. Rules regarding Contingent Contract
- c. Nepalese Contract Act Provisions on Contingent Contract



Unit III: Validity of Contract

1. Void Contracts / Lack of legality of objects

- a. Meaning and Importance of Legality of object
- b. Unlawful Agreements
- c. Agreements opposed to Public Policy
- d. Void Agreements
- e. Uncertain and Impossible Contract
- f. Wagering Agreement
- g. Nepalese Contract Act Provisions

2. Voidable contract

a. Coercion

- Meaning of Coercion
- Consequences of Coercion
- Exceptions

b. Undue Influence

- Meaning of Undue Influence
- Presumption of Undue Influence
- Consequence of Undue Influence

c. Fraud

- Meaning of Fraud
- Essential elements of Fraud
- Consequence of Fraud

d. Misrepresentation

- Meaning of Misrepresentation
- Presumption of Misrepresentation
- Consequence of Misrepresentation

e. Provisions of Nepalese Contract Act

Unit IV: Performance and Assignment of Contract

- 1. Performance of Contract
 - a. Meaning and Importance of Performance of Contract
 - b. Types of Performance of Contract
 - Type and Requisites of Contract
 - c. Rules regarding Performance of Contract
 - d. Nepalese Contract Act Provisions on Performance of Contract

2. Assignment of Contract

- a. Meaning of Assignment of Contract
- b. Rules regarding Assignment of Contract



Unit V: Termination of Contract and Remedies for Breach of Contract

- 1. Meaning of Termination/ Discharge of Contract
- 2. Modes of Termination/ Discharge of Contract
- 3. Doctrine of Supervening Impossibility and Frustration
- 4. Breach of Contract
 - Meaning and Types of Breach of Contract
- 5. Remedies for Breach of Contract
 - Meaning
 - Kinds of Remedies: Damages, Recession, Injunction, Specific Performance, Restitution, *Quantum Merit*,
- 6. Nepalese Contract Law provisions on Termination / Discharge of Contract and Remedies for Breach of Contract

Prescribed Cases:

- 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 Irragiatation 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. BittiNirwanSewa 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. TulasiMaharjan, NKP 2063/1008.
- 10. Jal Utpanna Prokop NiyantranBhivag vs. PU.Be.Aa. Patan, NKP 2063/633.
- 11. Lal Bdr. Khatri vs. Jaya Lal Subedi, NKP, 2063/1340.
- 12. Maya Gurung vs. Durga Upadhyaya, 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. BiratBdr. Khadka, NKP 2064/1100.
- 16. Saraswoti Devi Aryal vs. Chadra Kr. Shrestha, NKP 2061/324.
- 17. Suman P. Sharma vs. SunowloKhimti Construction, 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.

Reading Materials

Prescribed Legal Texts (with amendments)

- 1. Muluki Civil Code Act, 2074, Part 5 (Chapter 1 to 15)
- 2. Arbitration Act, 2055
- 3. Some Landmark Precedents of the Supreme Court on Commercial Law



Recommended Readings (Latest editions)

- 1. Atiyan P.S., An Introduction to Law of Contract.
- 2. Blanpain, R, Adhikari and Upreti K., *International Encyclopedia*, Khuwar Law International, (2007)
- 3. Chesire and Fiffort, Law of Contract
- 4. Karki, Bharat B. (Prof. Dr.), Provisions Relating Contract and Other Liabilities in Muluki Civil Code, 2074 B.S; Nepal Law Review (2076 B.S.)
- 5. Karki, Bharat B. (Prof. Dr.), The Arbitration Act, 1999 and the Implementation related Issues, *2 Business Law Journal*, vol. 2, (2004)
- 6. Karki, Bharat B. (Prof. Dr.), Standards Form Contract (S.F.C.): Issues at National and International Application, 179 Nyayadoot, Vol. 7 (2009)
- 7. Karki, S.B. and Mishra, B. Business Law, Ayush Publication Kathmandu (2005)
- 8. Nair, M. Krishna, The Law of Contract
- 9. Parajuli, Purusottam, KararSambandhi Kanoon
- 10. Redmond, Mercantile Law.
- 11. Sen & Mitra, Commercial Law.
- 12. Trietel's Law of Contract
- 13. Upreti, Bharat, Contract Law, Free deal (Nepali version) (2066)
- 14. Wagle, Rishikesh, Legal Environment of Business in Nepal.

Journals

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



FAR WESTERN UNIVERSITY FACULTY OF LAW

Course Title: Law of Insurance Semester: IV

Course Code No: Law 260 Full Marks: 100

Course Duration: 3 Credits (45 hours)

Pass Mark: 50%

Level: B.A. LL.B. Nature: Compulsory

Course Description: This course is prepared and prescribed by Far Western University faculty of Law for the Fourth Semester B.A.LL.B. Level. This is a compulsory course designed to provide and enable students to have clear knowledge and skills in the area of insurance law. Being an integrated, multi-disciplinary and practical, this course expects students to be well equipped with the basic knowledge of insurance including legal advocacy and competency n the area. So far as this course of Law of Insurance is concerned it is a very important and lucrative course in the professional market.

Course objectives:

The Objectives of this course are:

- to familiarize the students with the general concepts, principles, process and basic types of insurance policies,
- to acquaint the students with the theoretical knowledge of insurance system and the practical approach of legal regulation of insurance business in Nepal,
- to impart laws related to insurance industry and insurance policy structure involving life insurance, non-life insurance and Reinsurance policies
- to provide them clear understanding about the role the insurance Intermediaries play in the execution of insurance policies, and
- to enable the students to have critical appreciation of leading cases relating to law of insurance.

Unit I: Introduction

- Definition, Nature, Scope and objective of Insurance and Insurance Law
- Kinds of Insurance
- Functions of Insurance
- Origin and History of Insurance and Insurance Law in general and in the Nepalese Context in particular
- Features of Nepalese Insurance Law



Unit II: Insurance Contract

- 1. Nature and Elements of Insurance Contract
- 2. Classification of Insurance Contract
- 3. Formation of the Insurance Contract/ Policy
- 4. Unfair Terms in Consumer Insurance Policies and liabilities
- 5. Void, voidable or Discharged contracts
- 6. Temporary Cover and Cover Note
- 7. Duration and Renewal of Insurance Policies
- 8. Premium
 - Meaning
 - Payment of Premium (Rate, Procedure and Mode)
 - Days of Grace
 - Return of Premium

Unit III: Regulation of Insurance Business

- 1. Development of State Control over Insurance Business
- 2. Constitution, Management and authority of Insurance Board
- Status of Insurer (licensing and de-licensing, professional responsibilities, duties and liabilities.
- 4. Insurance Tariff Advisory Committee
- 5. Re-insurance Policy: Scope, Types and claim procedure
- 6. Protection of Policy holders
 - (a) Payment Procedure of Insurance claims
 - (b) Disputes regarding policy claims
 - (c) Settlement of Insurance Dispute and liabilities.
- 7. Insurance offences, Penalties and Investigation Proceedings.

Unit IV: Intermediaries

- 1. Meaning and Scope of Insurance Intermediaries
- 2. Agents, Surveyors and Brokers
- 3. Relevant Agency Principles
- 4. The Regulation of Intermediaries

Unit V: Life Insurance and Non-Life Insurance

(a) Life Insurance



- 1. Meaning Nature and Types of Life Insurance
- 2. Contractual Formalities and Disclosure
- 3. Insurance claim
- 4. Assignment of Life Policy

(b) Non-Life Insurance

 Meaning, Nature and Principles of Non-Life Insurance and Types of Non-Life Insurance Policies: Fire, Marine, Motor Accident, Personal, Aviation, Contractor's All Risks, and Engineering and Miscellaneous

Reading Materials

Prescribed (Legal Texts with amendments)

- 1. (Nepalese) Insurance Act, 2049 and Rules (with amendments)
- 2. Reinsurance Regulation
- 3. Rastriya Beema Sansthan Act, 2025
- 4. Advocate Bharat Mani Gautam Vs. His Majesty's Government of Nepal, *NKP* 2058, Decision No. 7004, Page 280.
- 5. Guidelines issued by Nepalese Insurance Board.
- 6. Some Landmark Precedents of the Supreme Court on Commercial Law.

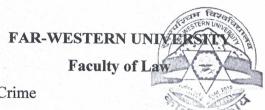
Recommended Readings (with latest amendments)

- 1. Mishra, M.N. et.al., Insurance: Principles and Practice, India
- 2. Birds, John, Modern Insurance Law, London, Sweet & Maxwell (1977)
- 3. Steele, T. John, Principles and Practice of Insurance, U.K., London
- 4. Vats, R.M., Laws Relating to Insurance, India

Journals

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





Course title: Law of Specific Crime

Course Duration: 3 Credit (45 Hours)

Course Code No: Law 265

Level: B.A. LL.B.

Semester IV

Full Marks: 100

Pass Marks 50%

Nature: Compulsory

Course Description: Law of Specific Crimes is a branch of public law. It deals with specific crimes. This course covers principles and provisions of criminal law of Nepal regarding specifics offences.

Course Objectives: The objectives of this course are:

- To impart comparative knowledge on relevant legal provisions of the criminal laws of Nepal with special reference to India, UK and USA.
- To enable the students to understand the principles of specific crimes.
- To enable the students to analyze case laws on the basis of principle and provisions of criminal law of Nepal.

Course Contents

Unit-I: Offences against Person (20 hrs)

- 1. Homicide
- 2. Infanticide
- 3. Abortion
- 4. Hurt (Kutpit)
- 5. Human Trafficking and Transportation
- 6. Abduction/Kidnapping
- 7. Acid Attack
- 8. Domestic Violence

Unit-II: Sexual Offences (10 hrs)

- 1. Rape
- 2. Incest
- 3. Indecent Assault (Ashyakarni)
- 4. Pedophilia

Jan 1

- 5. Sexual Harassment at work place
- 6. Polygamy
- 7. Unnatural Sexual Offences

Unit - III: Property related Offences (5 hrs)

- 1 Theft
- 2 Cheating
- 3 Looting (Lutpit)
- 4 Arson (Agajani)
- 5 Bribery

Unit-IV: Offences Related to Documents (4 hrs)

- 1. Forgery
- 2. Fraud (Jalsaji)
- 3. Coercion (Karkap)
- 4. Crime against official secretes

Unit V: Cyber Crimes (6 hrs)

- 1 Cyber bulling
- 2 Voyeurism
- 3 Cyberstalking
- 4 Hacking
- 5 Cyber terrorism

Leading cases

- 1 Bhuvane Basnet Kshetri vs GoN, Case: Murder, NKP 2031, p. 87 (Actus Reus).
- 2 Dil Bahadur Baraili vs GoN, SC Bulletin, No. 14, p. 29.
- 3 GoN vs Abdul Phatte Muslman, Case: Murder, NKP 2044, p. 840 (Suicide Pact).
- 4 GoN vs Kanhaiya Raya Kurmi et. al. Case: Murder, NKP 2064, p. 549 (Transferred Malice and Murder).
- 5 GoN vs Rameshwar Raut Barai et. al., Case: Murder, NKP 2041, p. 360 (Jurisdiction of Criminal Law).
- 6 Government of Nepal vs Ashok Sitikhu and others, NKP 2069, DN 8761, p. 149, (Related with Attempt of Murder).

- 7 Govinda Bahadur Karki v. Government of Nepal, Case: Murder, NKP, 2065, Vol. 11, p.1369
- 8 Hendric Otto vs GoN, Case: Unnatural Sex.
- 9 Janak Tripathi vs GoN, Case: Rape, NKP 2062, p. 269 (Proof of Rape)
- 10 Mahedra Raj Bom vs GoN, Case: Attempt to Murder, NKP 2051, p. 226. (Essential Elements of Attempt to Murder)
- 11 Mahendra Raj Bam v GON, Case: Attempt to Murder, NKP, 2051, p. 226, (Essential Element of Attempt to Murder)
- 12 Robin alias Narayan Paudel vs GoN, Case: Marriage after Rape.
- 13 Shanti B.K. v. Government of Nepal, Case: Murder, NKP, 2061, Vol. 6, p.769
- 14 Sharmila Parajuli v Council of Minister et al., NKP, 2062, Vol. 10, p. 1312
- 15 Triratna Chitrakar vs GoN, NKP 2066, p. 784.

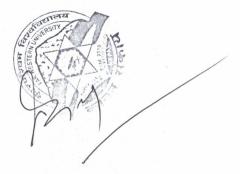
Prescribed Reading Materials

- 1. Pillai, P.S.A., Criminal Law, Bombay: N.M. Tripathi Limited.
- 2. Pradhananga, Dr. Rajit Bhakta, *Homicide Law in Nepal*, (2001), Ratna Pustak Bhandar, Kathmandu.
- 3. Pradhananga, Prof. Dr. Rajit Bhakta et. al., *Introduction to Criminal Law* (In Nepali), (2063), Bhrikuti Academy Publications, Kathmandu.
- 4. Acharya, Madhav Prasad and Bhandari, Badri Prasad, *A Critical Study on Criminal Law* (In Nepali), (2063), Bhrikuti Academy Publications Kathmandu.

References

- 1. Ashworth, Andrew, *Principles of Criminal Law* (3rd ed.), (1999), Oxford University Press, London.
- 2. Smith, J.C. and Hogan B., *Criminal Law* (10th ed.), (2002), Butterworth Lexis Nexis, London.
- 3. Vaidya, Tulsi Ram and Manandhar, Tri Ratna, *Crime and Punishment in Nepal: A Historical Prospective*, (1st ed.) (1985) Binis Baidya and Pruna Devi Manandhar Kathmandu.
- 4. Williams, Glanville, *Text Book of Criminal Law*, (1999), Universal Publishing Co. Pvt. Ltd. (1983), (First Indian Reprint), Delhi.

- 5. Sehgal, B.P. Singh, Global Terrorism and Perspectives, Deep and Deep.
- 6. The Constitution of Nepal
- 7. The Muluki Criminal Code, 2074
- 8. The Prevention of Corruption Act 2059.
- 9. Human Trafficking and Transportation Act 2064
- 10. Extradition Act 2070
- 11. Narcotic Drugs (Control) Act, 2033
- 12. Electronic Transaction Act, 2063





Faculty of Law

Course title: Nepalese Constitutions

Level: B.A, LL. B.

Course duration: 3 Credit (45 hrs)

Course code: Law 240

Semester IV

Full Marks 100

Pass Marks 50%

Nature: Compulsory

Course description: Constitution as the fundamental law of the land is based on social norms and values. Constitution is such machinery which runs the country in proper way. The syllabus is expected discusses about the constitutional development of Nepal. It also covers the detail knowledge on fundamental rights and directive principles of state policies provided for in different constitutions of Nepal made in different time. The course also entails the comparative knowledge of legislature, executive, judiciary specially based on federal system and also discuss on important recent provisions relating to amendment of constitution, citizenship, political parties, emergency powers and constitutional bodies in various constitution of Nepal including latest one.

Course objectives: The objectives of this are as follows;

- a) Provide knowledge to the studentson function of constitution.
- b) To acquaint students on constitutional history and background of constitution making in Nepal.
- c) Impart idea on fundamental rights and directive principles of state policies provided for in different constitution of Nepal.
- d) Provide detail knowledge about provision of legislature, executive, judiciary and also acquaint students with provisions regarding amendment of constitution, political parties, emergency powers, citizenship and constitutional bodies contained in different constitution of Nepal.

Unit one

Constitutional History of Nepal

(8 hrs)

- Pre constitutional Norms and Laws
- Government of Nepal Act 2004 B.S. (1948)

- Interim Constitution 2007 B.S. (1951)
- Constitution of the Kingdom of Nepal 2015 B.S. (1959)
- Constitution of Nepal 2019 B.S. (1962)
- Constitution of the Kingdom of Nepal 2047 B.S. (1990)
- Interim Constitution of Nepal 2063 B.S. (2007)
- Constitution of Nepal 2072 B.S. (2015)

Unit Two

History of constitutional making process in Nepal

- Making of Government of Nepal Act 1948
- Making of Interim constitution 1951
- Making of Constitution of Kingdom of Nepal 1959
- Making of Constitution of Nepal 1962
- Making of Constitution of Kingdom of Nepal 1990
- Making of Interim constitution of Nepal 2007
- Making of Constitution of Nepal 2015

Fundamental Rights and Directive Principles of State Policies (7 hrs.)

- Meaning and importance of Fundamental Rights.
- Fundamental rights under the Nepalese constitutions
- Directive principles and policy of state in Nepalese constitution

Unit: Three

Legislature

(7hrs)

- Functions of legislature
- Privileges of legislature
- Committees system of legislature.
- Dissolution of legislature.
- Legislative control over executive.

Unit: Four

The Executive (7 hrs)

- Constitutional role of the Head of the state.
- Formation of Council of Ministers.
- Functions of Council of Ministers.
- Role of the Prime Minister under the constitution.

Responsibility and accountability of the Council of Ministers.

Unit: Five

Judiciary (7 hrs)

- Structure of court system in Nepal.
- Appointment and qualifications of judges of supreme court and judges of other courts.
- Conditions of service and privileges of the chief justice and other judges.
- Powers and functions of supreme court.
- Contempt of court

Unit: Six

Miscellaneous (9 hrs)

- Constitutional bodies.
- Amendment of the constitution.
- Emergency powers.
- Political parties.
- Citizenship.

Recommended Texts:

Kharel, Laxmi Prasad, Constitutional Law & Comparative Nepalese Constitutions, (2013) Kharel Legal Service Centre, (Reprint), Kathmandu.

Bashyal Binod, Sambaidhanik kanoon (Nepali), 2077, Bashundhara Kharel, Kathmandu, Dhungel, Surya Prasad, Commentary on the Nepalese Constitution1998, Kathmandu.

Singh, Top Bahadur, Constitutional History of Nepal and constitutional documents (Nepali) 2nded. (2076 B.S), Pairavi Prakashan, Kathmandu.

Thapa, Kanak Bikram, and Uprety, Bharat Raj, Constitutional Law of Nepal (1992) Law Research and Development Forum, Kathmandu.

Gyawali, Chandra Kant, Constitutional Law of Nepal, (Nepali), 6thed.(2076 B.S.) Pairavi publication, Kathmandu.

Acharya, Bhimarjun, Fundamental Rights in the World Constitutions (2008), Pairavi Book House, Kathmandu.

Dahal, Gopal Prasad, Public Interest Litigation: Theory, Law and Practice, (Nepali), 1sted. (2065 B.S.), Gopal Prashad Dahal, Biratnagar.

Jain Sampat, Public Interest Litigation, (2003), Deep and Deep publications, New Delhi. The Constitutions of Nepal (2015)

Interim constitution of Nepal 2007

Constitution of Kingdom of Nepal 1990

Constitution of Nepal 1962

Constitution of Kingdom of Nepal 1959

Interim constitution 1951

Government of Nepal Act 1948



Faculty of Law

Course Title: General Principles of procedural

Level: B.A, LL. B.

Course duration: 3 Credit (45 hrs)

Course code: Law 245

Semester IV

Full Marks 100

Pass Marks 50%

Nature: Compulsory

Course description: This course aims at providing knowledge about general principles, introduction of procedural. The course includes the study of jurisdiction of court, hierarchy of the court system, authority of precedents, administration of justice, and recent trends in procedural law.

Course Objectives: The objectives of this Course are as Follows:

- To provide the basic theoretical knowledge of general principles of procedural law.
- To provide the knowledge of provisions relating to legal provisions as well.
- To provide the knowledge of court trends on basic principles law and application of legal procedure thereof.
- To provide the basic knowledge about the modern trends in procedural law with its development in Nepal
- To provide the theoretical knowledge about Court jurisdiction.

Unit One: Introduction to Procedural Law. (5 hrs)

- 1.1. Meaning, Definition and Nature of Procedural Law
- 1.2. Importance of the Study of Procedural Law
- 1.3. Relation Between Substantive Law and Procedural Law
- 1.4. Basic Character of Nepalese Procedural Law
- 1.5. Kinds of Court Procedure

Unit Two: Basic Principles of Procedural Law. (8 hrs)

- 2.1. Natural Justice
- 2.2. Res-judicata
- 2.3. Locus-standi
- 2.4. Ratio-decidendi and Stare-decisis
- 2.5. Limitation and Laches

Unit Three: Principles of Jurisdiction and Hierarchy of Courts (10 hrs.)

- 3.1. Principle of Jurisdiction
- 3.1.1. Types of jurisdictions
 - Trial and Appellate jurisdiction
 - Ordinary and extra ordinary jurisdiction

- Territorial and Extra territorial jurisdiction
- Personal and universal jurisdiction
- 3.2. Hierarchy of Court and authority of precedent
- 3.2.1. Trial court
- 3.2.2. Appellate court

Unit Four: Administration of Justice (6 hrs.)

- 4.1. Due process of law
- 4.2. Civil administration
- 4.3. Criminal administration
- 4.3. Problems and Challenges of Procedural Law

Unit Five: Recent Trends in Procedural Law (10 hrs.)

- 5.1. Public Interest Litigation
- 5.2. Specialized Courts and Tribunals
- 5.3. Concept of Judicial Review
- 5.4. Concept of Separate Bench System
- 5.4.1. Civil and Criminal Bench
- 5.4.2. Juvenile Bench
- 5.4.3. Commercial Bench
- 5.5. Continuous Hearing
- 5.6. In-camera Hearing
- 5.7. Use of Information Technology in Court Procedure

Prescribed Cases (6 hrs)

- 5.1. Pramod Sharma Vs. Nepal Investment Bank Ltd. 7 NKP (2065), D.N. 7991.
- 5.2. Achyut Prasad Kharel Vs. Pri-minister and Office of Council of Ministers et.al. NKP (2067) D.N. 8364
- 5.3. Bhawani Rajbhat Vs. Yam Bahadur Rajbhat NKP, (2066), D.N. 8132
- 5.4. Pushpa Kamal Dahal Prachanda Vs. Constitutional Council et.al NKP, (2067), D.N. 8406.
- 5.5. Harka Bahadur Sunuwar et.al Vs. Nepal Government, 9 NKP, (2064), D.N. 7878.

Reference and textbooks.

- Muluki Civil Procedural Code, 2074
- Muluki Criminal Procedural Code2074
- Judicial Administration Act 2073
- Summary Procedure Act 2028
- Special Court Act 2059
- Supreme Court Rules 2074
- Hight Court Rules 2073
- District Court Rules 2074
- Local Government Operation Act 2074



- Dhungel, Laxmi Narayan. Procedural Law. First Edition 2078, Kathmandu
- Ojha, Pawan Kumar. Procedural Law (2076), Lumbini Prakashan, Kathmandu:,
- Bhattarai, Anand Mohan et.al, Problems and Solutions Related to Execution of Decisions (2065), Nepal Judicial Academy, Lalitpur.
- D. Lake Rusmey (Ed.) Master Advocate's Hand Book, National Institute for Trial Advocacy..
- Haydock, Herr and Stempel, Fundamental of Pre-trial Litigation.
- Shresth Gyaindra Bahadur, Writ Nibedan Sidhanta ra Byavhar (2064B.S) .Sajha Prakashan,
- Khanal Revatiraman, Writ Nivedan Siddhant ra Vyavahr Kathmandu.
- Keeton, Robert, Basic Expression for Trial Lawyers Supplement to Trial Tactics and Methods, Little Brown Company.



Far Western University
Faculty of Law

Course Title: Public International Law II

Level: B.A, LL. B.

Course duration: 3 Credit (45 hrs)

Course code: Law 235

Semester IV Full Marks 100

Pass Marks 50%

Nature: Compulsory

Course Description: The history shows that there found upheavals in the relation among states. Causing various reasons, such as national security, military purpose, national economic interests, the relation among states may not remain harmonious and it sometimes results in the armed conflict between states. At the time the conflicting interest between the state must be addressed by the international law applicable in war. The course is designed to provide knowledge to the students how peaceful relation results in the conflicts and war between states. Thus, the course incorporates the treaties, peaceful settlement of international disputes, and relation of states in hostile situation and law of war.

Course Objectives: The main objectives of the course are as follows.

-to provide knowledge to the students about the treaties and means of settlement of international dispute,

-to provide knowledge to the students about the coercive means of dispute settlement,

-to impart critical knowledge to the students that how international law works in hostile situation among nations and branch of public international law that deals with hostile situations among nations and resolve the international problems,

Unit 1: Treaties (8 hrs.)

- 1.1 Meaning and functions of treaties.
- 1.2 Concept of Jus cogens, Pacta Sunt Servanda and Rebus Sic Stantibus
- 1.3 Types of treaties, conclusion, ratification of treaties, reservation of treaties, entry into force of treaty, validity of treaty, and termination of treaties.
- 1.4 Interpretation of treaties and travaux preparatoires
- 1.5 Treaty making power under the Constitution of Nepal.
- 1.6 Effects of war on treaties.

Unit 2: Settlement of International Disputes (10 hrs)

- 7.1 Peaceful means of dispute settlement: Negotiation, good offices and Mediation, Inquiry Commissions and conciliation Commissions, Arbitration (ICA), Judicial settlement.
- 7.2 Efforts UN and Regional Organization.
- 7.3 Compulsive means of dispute settlement.
- 7.4 Retortion, retaliation and reprisals.
- 7.5 Embargo and pacific blockade.

Unit 3: Use of Force and War (4 hrs.)

2.1 Definition of war

- 2.2 Prohibition of use of force under the UN Charter
- 2.4 Legality of war or Self-defense and Collective self-defense
- 2.5 Aggression

Unit 4: Neutrality (5 hrs.)

- 2.1 Meaning of Neutrality.
- 2.2 Neutrality, Neutralization, Non-alignment, and Neutralism
- 2.3 Neutrality under the UN charter
- 2.4 Rights and Duties of a neutral country

Unit5: Intervention (4hrs)

- 3.1 Definition of intervention
- 3.2 Humanitarian intervention
- 3.3 Responsibility to Protect.
- 3.3 Intervention by invitation

Unit6: Blockade (2hrs)

- 4.1 Meaning of Blockade
- 4.2 Characteristics and validity of blockade
- 4.3 Breach of blockade

Unit 7: Contraband (2hrs)

- 5.1 Meaning
- 5.2 Forms
- 5.3 Prize Court

Unit 8: Law of war or Armed Conflicts (10 hrs.)

- 6.1 Definition, Concept and nature of war
- 6.2 Types of war or armed conflict
- 6.3 Prohibition and legality of war
- 6.4 Prohibition of means and methods of war.
- 6.5 Concept of Protection of Civilian population and Prisoners of war
- 6.6 International criminal law and international crimes.

Reading Materials:

A. Text Books

- 1. Starke, J.G.. An Introduction of Public International Law, Butterworths, London, 2012
- 2. James Crawford, Brownlie's Principles of Public International Law 8th ed. (2012) Oxford University.
- 3. Hingorani, R.C. Modern International Law (1982), New Delhi.
- 4. Shaw, Malcolm N. International Law, 2012, Cambridge University.
- 5. Kaczorowska Alina, Public International law (2002), Old Baily Press, London.
- 6. Wallace Rebecca M.M., International Law, (2003), Universal Publishing Co., Delhi.

B. References:

1. Sharma, Dr. Gopal Public International Law, (1990), Ratna Pustak Bhandar, Kathmandu.



- 2. Poudel Madhav, Public International Law (1989) Konoon Kitab Pvt. Ltd, Kathmandu:
- 3.Sharma, Dr. Gopal, International Law in Nutshell (1990) PathyaSamagri Prakashan, Kathmandu
- 4. Upadhyaya, L.K. Prof. Dr., Teaching of Public International Law (1999), Tribhuvan University, Curriculum Development Centre, Kathmandu.

