

FAR-WESTERN UNIVERSITY

FACULTY OF LAW



Course Title: Criminal Justice System

Level: B.A. LL.B.

Semester: V

Credit hrs.

Course code: Law 305

Full Marks: 100

Pass Marks: 50%

Duration: 45 hrs.

Nature Compulsory

Course Description: This course is designed for students who seeks the knowledge about the basic concept of criminal justice system. It includes role and responsibility of actors of criminal justice system and deals with typical processes under each stage of Criminal Justice System. This course is designed for inculcating the knowledge regarding Constitutional rights of offender and Constitutional rights of Victim of Crime as guaranteed by the Constitution of Nepal.

Course Objectives:

Followings are the Main Objectives of This Course:

- To provide the basic knowledge on theoretical aspect of Criminal Justice System.
- To provide the basic knowledge about the actors and stages of Criminal Justice System.
- To acquaint students about the theory and practice of Criminal Justice System in Nepal.
- To acquaint students about the role and responsibility of actors of Criminal Justice System under Nepalese Criminal Law.
- To provide the knowledge to the students regarding constitutional rights of offender vs Constitutional rights of victim of crime.

Unit 1- Introduction

8hrs.

- 1.1 Concept and goals of Criminal Justice
- 1.2 Origin and Evolution of Criminal justice system
- 1.3 Inter-relation of Criminal justice system with criminal law and criminology
- 1.4 Human Right perspective on Criminal Justice System
- 1.5 Criminal Justice v Impunity

Unit 2- Principles of Criminal Justice System Regarding Rights of Accused

10hrs.

- 2.1 Principle of ex post facto law
- 2.2 Principle of double jeopardy
- 2.3 Principle regarding right against self-incrimination
- 2.4 Principles of Fair Trial
- 2.5 Principle of Plea Bargaining

Unit 3- Stages and typical Processes of Criminal Justice Process

12hrs

3.1 Investigation Processes: Crime, Reported Crime, Investigation prior to arrest, Arrest, Booking, Release without prosecution, Initial Appearance, Preliminary Hearing

3.2 Prosecution and Pretrial Processes: coordination with police, receiving police report, Prosecution decision, preparation and submission of charge sheet

3.3 Adjudication Processes: Arraignment, Trial, Adjudication Decisions (Acquittal and Conviction)

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3.4 Sentencing Processes: Sentencing hearing, Sentencing Decisions, Information, Probation, and Appeal

3.5 Punishment and alternatives to Prison (Correction Process): Fine, Community service, Labor Prison, Open Prison, Parole, commutation of punishment, alteration of punishment, pardon, Release, After care

Unit 4- Role and responsibility of Implementing Agencies

8hrs.

4.1 Police

4.2 Prosecution and Defense Lawyer

4.3 Court

4.4 Penal Institutions

4.5 Other Specialized Agencies

Unit 5- Crime Victim and Criminal Justice System

7hrs.

5.1 The history of the Role of Crime Victim

5.2 Constitutional Rights Crime Victim

5.3 Restorative Justice v Retributive Justice

5.4 Victim Protection

5.5 Victim Participation in each stages: Investigation to Punishment and Correction (especially in correction, alteration and pardon etc.)

Case Laws: gideon v Wainwright, 372 U.S., (1963), Miranda Vs Arizona, 384 U.S. 436 (1966), Ishwar Bogati v GON, NKP 2074, Vol. 3, Decission no. 9774, Ram Bahadur Hamal v GON, NKP 2067, Vol. 4, Decission no. 8345,

Reading Materials:

1. Adler, Freda and et al., *Criminology*, New York, McGraw Hill, Inc.
2. Reid, Sui Titus, *Crime and Criminology*, New York: Fourth Edition.
3. Reid, Sui Titus, *Criminal Justice*, New York: USA.
4. Williams, Katherine S., *Textbook on Criminology*. London: Blackstone Press. (Indian Reprint 2001).

References:

Robinson, Matthew B., *Justice Blind? Ideals and Realities of American Criminal Justice*, First Edition

Vibhute, K. I. , *Criminal Justice*, Lucknow: Eastern Book Company.

Muluki Criminal Procedure Code, 2074 and Rules

Criminal offences (Sentencing and Execution) Act, 2074 and Rules



FAR-WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Law of Criminal Procedure.

Level: B.A. LL.B.

Course Code: Law 310

Semester: V

Duration: 45 Hrs.

Full Marks: 100

Pass Marks: 50%

Credit: 3

Nature: Compulsory

Course Description: Criminal trial of an accused has to go through various procedure. This course covers the procedures of various kinds of criminal cases initiated by an individual or by the state. Every case either initiated by an individual or state has to go under some prescribed procedure. This course is designed to provide knowledge to the students on all procedure to be followed in criminal cases.

Course Objectives:

Followings are the Main Objectives of This Course:

- To provide the basic knowledge of criminal procedure law of Nepal
- To provide the basic knowledge about the Pre-trial procedure, trial procedure and post-trial procedure in criminal cases
- To acquaint students with the practical knowledge of procedural law of Nepal
- To acquaint students with the principle of jurisdiction and criminal proceedings in various courts, jurisdiction and applied procedures.

Unit I: Introduction to Criminal Procedure (6 Hrs.)

1.1. Pre-trial Procedure

- 1.1.1. First Information Report (FIR) and Its Registration Process
- 1.1.2. Appointment of Investigation Officer
- 1.1.3. Spot Investigation and Crime Scene (Muchulka)
- 1.1.4. Preliminary Report to Government Attorney
- 1.1.5. Warrant Notice to Accused
- 1.1.6. Search Notice
- 1.1.7. Statement of Accused
- 1.1.8. Other Investigation
- 1.1.9. Preparation of Investigation Report
- 1.1.10. General Principles of Criminal Justice System

Unit II: Prosecution System of Criminal Cases (16 Hrs.)

- 2.1. Initiation and Defense of Individual Criminal Cases (Filing of Complaint Paper, Notice to Defendant and Furnishing Notice, Filing the Defense, Collection and Examination of Evidence, Final Hearing and Judgement, Execution of Judgement.)
- 2.2. Initiation and Defense of Criminal Cases Where the State acts as Prosecutor.
 - 2.2.1. Filing of Charge-sheet
 - 2.2.2. Statement of Accused in Court
 - 2.2.3. Preliminary Hearing and Court's Order(a). Provisions Relating to Judicial Custody (b). Bail Application ©. Date of Presence
 - 2.2.4. Warrant Notice to Accused, if Accused is not presence in the Court.



- 2.2.5. Collection of Evidence (a). Proceedings Related to the Taking of Documentary Evidence (b). Statement of Witness and Expert Opinion ©. Process of Identification of Material Evidence
- 2.2.6. Adjournment and Transfer of Cases
- 2.2.7. Provision of Withdrawal or Compromise of the Case
- 2.2.8. Final Hearing and Decision
- 2.2.9. Hearing for Sentencing

Unit III: Appeal Procedure (7 Hrs.)

- 3.1. Filing of Appeal
- 3.2. Ex-part Hearing and Order
- 3.3. Notice To Respondent and Rejoinder
- 3.4. Final Hearing and Judgement
- 3.5. Review Procedure of Decision by Supreme Court

Unit IV: Procedure of Execution of Judgement (9 Hrs.)

- 4.1. General Procedure for The Execution of Judgement.
- 4.2. Application for Execution of Judgements in Criminal Cases
- 4.3. Process of Seizing and Recovery of Fine
- 4.4. Procedure of Forfeiture
- 4.5. Determining the Term of Imprisonment and its Enforcement.

Unit V: Prescribed Cases (7 Hrs.)

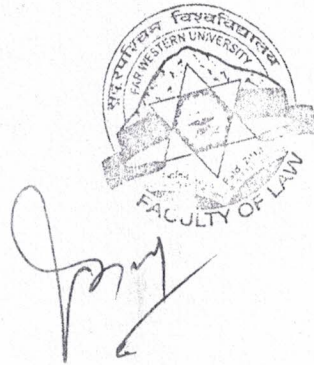
- 5.1. Nepal Government Vs. Ashokman Shakya, 1, NKP, (2069), D.N. 8754
- 5.2. Nanda Devi Joshi Vs. Nepal Government, 1, NKP, (2969), D.N.8760
- 5.3. Nepal Government Vs. Prem Bahadur Khakda Chhetri et.al, 10 NKP (2073)
- 5.4. Rabin Shrestha Vs. Kathmandu District Court, 9 NKP, (2073)
- 5.5. Nepal Government Vs. Bir Bahadur Lohar et.al, 9 NKP, (2073)

Reading Materials

- Muluki Civil Procedural Code, 2074
- Muluki Criminal Procedural Code 2074
- 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, Kathmandu: Lumbini Prakashan, 2076
- Neupane, Gunanidhi, Karyabidhi Kanoon (in Nepali), Kathmandu: Lumbini Prakashan, 2065
- Adam, J.C. & Adam, J.C. Criminal Investigation: A Practical Text Book for Magistrates, Police Officers and Lawyers (2nd Edition), London: Sweet& Maxwell, 1934
- Bhattarai, Anand Mohan et.al, Problems and Solutions Related to Execution of Decisions, Lalitpur: Nepal Judicial Academy, 2065
- D. Lake Rusmey (Ed.) Master Advocate's Hand Book, National Institute for Trial Advocacy



- Haydock, Herr and Stempel, Fundamental of Pretrial Litigation
- Khanal, Rebatriaman, Writ Nibedan, Sajha Prakashan
- Keeton, Robert, Basic Expression for Trial Lawyers Supplement to Trial Tactics and Methods, Little Brown Company.



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: **Law of Banking**

Course Code No: Law 315

Course Credits: 3 (45 hours)

Semester: V

Full Marks: 100

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 to the Fifth Semester B.A. LL.B. level students. This is a compulsory course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature the School of Law has expected that after the completion of the course the students will be well equipped with the basic knowledge of humanities and social science and based on the foundation that they will attain the desired legal knowledge and understanding as well as practical skills of lawyering, including legal advocacy, and conveyancing. After graduating Bachelor of Arts and Bachelor of Laws the graduates would be able to enter any profession like law teaching, law practice, legal office or admit to LL.M. course and proceed towards carrier progression.

So far as this course of Law of Banking 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 give clear and detailed knowledge of the principles and practice of the law of banking and negotiable instruments in Nepal to the students,
- to acquaint the students with the role and functions of various kinds of banks,
- to familiarize the students with the interactive and specialized role of banks dealing with banker-customer relationship, bank deposits, lending, payment, securities, guarantees, trade finance, recovery of bank loans, foreign exchange,
- to impart the students clear knowledge about the principles and banking practice of negotiable instruments complying the Negotiable Instruments Act, 2034, and
- to enable the students to have critical appreciation of leading case laws relating to law of banking and negotiable instruments, and or with banking offences and punishments.

Unit I : Introductory (5 hrs.)

1. Origin, meaning, necessity and importance of bank and banking system
2. Types of Banks: Structural, Functional and Operational



3. Functions of Banking: Primary and Secondary
4. Historical background of banking system and banking law of Nepal.

Unit II: Law relating to Central Bank (10 hrs.)

1. Establishment, composition, management, functions and powers of Nepal Rastra Bank.
2. Monetary Functions and operation of open market.
3. Foreign Exchange Regulation
4. Bank and Financial Advisor of the Government.
5. Regulation, Inspection and Supervision of Banks and Financial Institutions.
6. Directives Issued by Nepal Rastra Bank.

Unit III: Law relating to Commercial Banks: (20 hrs.)

1. Establishment, management and functions of Commercial banks
2. Privileges and banking procedures of commercial banks
3. Financial Institutions in Nepal
4. The Banker-Customer relationship
 - Possible relationships:
Bailor-bailee, Trustee-beneficiary, Agent-Principal, Debtor-creditor
 - Types of customer:
Individuals, minors, private firms, partnership firms, Companies and corporation, other body corporate, e.g., NGOs and INGOs
 - Deposits and operation of accounts of the customer
 - Duties of Banker: Cheque payment and secrecy
5. Bank Lending and Securities
 - a. Different methods of charging securities - Pledge, Hypothecation, Trust receipts, Assignments, Mortgage
 - b. Different types of security and their perfection
 - c. Goods and commodities, shares and debenture, insurance policies, bank deposits, national saving bonds, gold, immovable property, personal and corporate guarantee, promissory note, letter of comfort.
6. Recall and Recovery of Bank Loans
7. Trade Finance
 - a. Legal characters of demand guarantees
 - b. Basic features and fundamental principles of letter of credit



Unit IV: Law relating to negotiable instruments (6 hrs.)

1. Meaning, importance, features and types of Negotiable Instruments
2. Parties to Negotiable Instrument and their rights and liabilities
3. Negotiation and Endorsement, Presentation, Acceptance and Disclosure
4. Noting and Protesting

Unit V: Banking Offences and Punishment. (4 hrs.)

- Kinds of Banking Offences, Investigation and Prosecution
- Punishment against banking offences

Prescribed Cases:

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

Reading Materials

Prescribed Legal Texts (with amendments)

1. Bank and Financial Institutions Act, 2073
2. Bank and Financial Institutions Loan Recovery Act, 2058 and Rules 2058
3. Bank and Financial Institutions Loan Recovery Rules, 2002
4. Banking Offence and Punishment Act, 2064
5. Foreign Exchange (Regulation) Act, 2019
6. Negotiable Instruments Act, 2034
7. Nepal Rastra Bank Act, 2058
8. Securities Act, 2063
9. Secured Transactions Act, 2063
10. Some Landmark Precedents of the Supreme Court on Commercial law



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Recommended Readings (Latest edition)

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

Journals

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



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Law of Corporate Management

Course Code No: Law 320

Course credits: 3 Cr. (45 hours)

Semester: V

Full Marks: 100

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 to the Fifth Semester B.A. LL.B. students. This is a compulsory course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature the School of Law has expected that after the completion of the course the students will be well equipped with the basic knowledge of humanities and social science and based on that foundation they will attain the desired legal knowledge and understanding as well as practical skills of lawyering, including legal advocacy, and conveyancing. After graduating Bachelor of Arts and Bachelor of Laws the graduates would be able to enter any profession like law teaching, law practice, legal office or admit to LL.M. course and proceed towards carrier progression.

So far as this course of Law of Corporate Management 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 historical aspects and legal principles of company and company law,
- to acquaint the students about the features of law of Corporate Management because it being a specialized area of corporate law needs special care and attention to better understand the subject,
- to impart them an understanding of the nature, types, organization and functions of the Companies
- the students will be provided knowledge about incorporation of different types of companies and their management.
- to enable students to make critical appreciation of leading company cases of Nepal involving incorporation, conversion, convening meetings, administering, merger,

protecting the interests of shareholders, debenture holders, creditors, consumers and the like.

Unit I : Introduction (5 hrs.)

1. Concept, Definition, Nature and Scope of Company and Company Law.
2. Historical aspects of companies and Companies Law
3. Evolution of companies and companies law in general
4. Features of Company
 - (a) Legal Personality (Body corporate), Perpetual succession, limited liability, separate property and finances, transferable shares, capacity to sue and be sued, and professional management.
 - (b) Doctrine of lifting the corporate veil and exceptions
 - (c) Distinction between company and proprietorship, partnership and public corporations
5. Types of Companies
 - (a) Public Limited Company
 - (b) Private Limited Company
 - (c) Government Company
 - (d) Foreign Company and Multinational Company
 - (e) Holding and Subsidiary Company
 - (f) Profit not distributing company
 - (g) Single Shareholder Company

(Unit II: Incorporation of Company and its consequences. (4 hrs.)

1. Registration and Certificate of Incorporation
2. Recognition of Corporate Personality and its consequences
3. Number of shareholders
4. Terms to be abided by company
5. Requirement to carry specific transactions for incorporating a public company
6. Role of Company Registrar's Office (CRO)
7. Conversion of Private Company into Public Company
8. Conversion of Public Company into Private Company

Unit III: Organizational Structure and Management of Companies (14 hrs.)

1. Promoters and Pre-incorporation agreements
2. Memorandum of Association of Company and Articles of Association, and their amendments



3. Prospectus of Company, its publication and liability for matters contained in it

4. Meetings of Company

(1) General Meetings of Company

- Annual General Meeting
- Extra-ordinary General Meeting

(2) Annual General Meeting

- (a) Importance of Annual General meeting
- (b) Holding of Annual General Meeting and its procedure
- (c) Consequences of failure of calling general meeting
- (d) Directors required to be present in the Meeting
- (e) Legality of Meeting
- (f) Cases of restriction in attendance and voting in the meeting
- (g) Right to vote in general meeting and voting by Proxy
- (h) Provision on voting in election of director(s)
- (i) Quorum
- (j) Preparation of documents for annual general meeting
- (k) Agenda for Meeting and Decision
- (l) Discussion and Decision
- (m) Maintaining of Minutes
- (n) Submission of Report to CRO prior to holding to Annual General Meeting
- (o) Return of annual statement to the CRO after holding Annual General Meeting
- (p) Fine to be imposed for failing to submit returns

(3) Extra-ordinary General Meeting

- (a) Holding of Extra-ordinary General Meeting
- (b) Special Resolutions to be presented in the Meeting
- (c) Provisions on sending abstract of financial Statement to Shareholders

5. Board of Directors of Company

(1) Meaning and Need of Board of Directors

(2) Kinds of Directors:

- (a) First Directors
- (b) Alternative Director
- (c) Managing Director
- (d) Independent Director

(3) Number of Directors



- (4) Appointment of Directors
- (5) Share qualification of Directors
- (6) Disqualification for being appointed or continue to hold the office as a Director
- (7) Disqualification for being appointed as an independent Director
- (8) Term of Office of Directors
- (9) Remuneration and other emoluments of Directors
- (10) Disclosure of Directors
- (11) Transaction with Company in which Director is involved
- (12) Director to make disclosure on shares
- (13) Powers and duties of Board of Directors
- (14) Appointment of Managing Director, and management of company
- (15) Meeting of Board of Directors
- (16) Notice of Meeting of Board of Directors
- (17) Responsibilities and duties of Directors
- (18) Disclosure about securities
- (19) Prohibition to grant loans to officers and shareholders
- (20) Prohibition on giving false statements by officers
- (21) Transaction with other person and jurisdiction of company (Limitation of the Doctrine of *Ultra vires*,
- (22) Company to be bound (limitation of the doctrine of *Ultra vires*)
- (23) Restriction on the authority of Directors
- (24) Validity of acts already done

6. Other Officers of Company

Appointment, Power, Functions and Duties of Chief Executive Officer, Manager,
Company Secretary and other officer level employees

Unit IV: Breach of Corporate Duties and Remedies (8 hrs.)

On the breach of Corporate duties there are following three types of remedies available under the Companies Act:

1. Administrative Remedies: in the form of Investigation
 - (1) Power of CRO to call for explanation and issue Instruction
 - (2) Power of CRO to depute Inspector for Investigation
 - (3) Functions, duties and Powers of Inspector
 - (4) Assistance to be rendered to Inspector
 - (5) Report to be submitted to the CRO



- (6) Expenses of Investigation
2. Legal/ Adjudicatory Remedies for the Protection of Shareholders
 - (1) Power to prevent directors and officers from doing unauthorized act (Acts *ultravires* doctrine and Rule in *Foss v. Harbottle* and Exceptions on Majority Powers and Minority Rights through individual action)
 - (2) Remedy for act done against rights and interests of Shareholders (Individual or class action for the prevention of oppression on minority and mismanagement of the company)
 - (3) Right to shareholder to institute case on behalf of company (Derivative action).
3. Regular Proceedings of Law Suits and Punishment under Chapter 17 of Companies Act, 2063

Unit V: Miscellaneous (14 hrs.)

1. Special Provisions or Provisions on Different types of companies
 - (1) Special Provisions relating to Private Company
 - (a) Consensus agreement
 - (b) Power of Shareholder to inspect books of account
 - (c) Return of transactions
 - (d) Holding of annual general meeting not required
 - (e) Adoption of written resolution by private company
 - (f) Deemed participation in general meeting
 - (g) Special exemption to companies carrying on prescribed transaction
 - (2) Provisions on Holding and Subsidiary Companies
 - (a) Holding Company's control over subsidiary company
 - (b) Holding company to enclose documents of subsidiary company
 - (c) Prohibition on investment in holding company
 - (3) Provisions relating to Single Shareholder Company
 - (a) Single Shareholder Company not required to call meeting of the board of directors and general meeting
 - (b) Transfer and transmission of shares of Single shareholder company
 - (4) Provisions relating to Foreign Companies
 - (a) Registration of foreign company
 - (b) Submission of documents by foreign companies
 - (c) Books of account, audit and annual report of foreign company
 - (d) Power of attorney



- (e) Cancellation of registration and liquidation of foreign company
- (5) Provisions relating to company Not Distributing Profits
 - (a) Establishment of company not distributing profits
 - (b) Special provisions relating to company not distributing profits
- (6) Conversion of corporation owned by Government of Nepal into company
- 2. Merger of Companies

- (1) Merger between public and private companies and *vice versa*.
- (2) Procedure of Merger or unification or alteration in, or transfer of, shares of the company or the sell of entire assets.
- (3) Rights of dissenting shareholder.
- (4) Conditions under which the Registrar's Office may not consent merger.

Prescribed Cases

1. Bhuminda Sharma Dawadi v HMG, 062/5/6, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed., (1959-2005), Supreme Court, 2006.
2. Khem Chandra Chaurasia v H.M.G. Dept. of Industries, **NKP** 2065/507.
3. Piyus Raj Panday v. Tax Office Kathmandu, **NKP** 2040/901
4. Prakash Bahadur Singh et.al, v Nepal Match Co.et.al., **NKP** 2045/655.
5. Prakash Shrestha v HMG Nepal, **NKP** 2061/687.
6. Purusottam Acharya v. Boris and Restaurant Pvt. Ltd., **NKP** 2044/934.
7. Surya Narayan Das v Dairy Development Corporation Head Office, Kathmandu, **NKP** 2045/419.
8. Sushilrani v Hotel Jaya International, **NKP** 2040/901.
9. Tarini Prasad Adhikari v. G.M. Surya Bahadur, **NKP** 2065/1093.
10. Tej Raj Pant v. Board of Directors, Timber Corporation et.al., **NKP** 2044/895.

Reading Materials

1. Bank and Financial Institutions Act, 2073.
2. Company Act, 2063.
3. Corporations Act, 2021.
4. Insolvency Act, 2063.
5. Nepal Development Board Act, 2063.
6. Securities Act, 2063.
7. Some Landmark Precedents of the Supreme Court on Commercial Law.

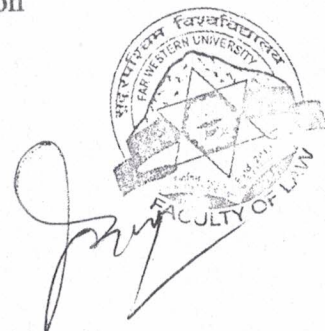
Recommended Readings



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

Journals

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



**FAR-WESTERN UNIVERSITY
FACULTY OF LAW**

Course Title: Law of International Organizations
Semester: V
Course Code: Law 301
Level: B. A. LL. B.

Full Marks: 100
Pass Marks: 50%
Credit: 3 (45 hrs.)
Nature: Compulsory

Course Description: International organizations have been playing prominent role in the field of international cooperation. United Nations and its allies have very effective role in maintaining international peace and security. International organizations have been the major actors in the global phenomenon. United Nations particularly is given the role of maintaining the international peace security at global level. Besides, United Nations through its other specialized agencies is also responsible for coordination of international development in the specific area. Regional organizations work independently in regional level problem and are found more effective in solving regional problems more appropriately. At the same time such organizations work in coordination with United Nations in global problems. Nepal since long has been playing important role in global level. The course is expected to provide comprehensive knowledge to students in relations to the functions of international organizations.

Course Objectives

The major objectives of the course are:

- to impart knowledge about the nature structure role and functions of international organizations.
- to analyze the role of international organizations in maintaining international peace and security and cooperation in the international development.
- to evaluate the role of international organization
- to impart knowledge to the students about the entire United Nations system specialized agencies, regional organization and their functioning system.

Specific Objectives:

Unit 1: Introduction to International Organizations (5 hrs.)

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

Unit 2: Introduction to United Nations (10 hrs.)

- 2.1 Historical development of United Nations
- 2.2 Purpose and Principles of United Nations
- 2.3 Membership of United Nations
- 2.4 Principle organs of the United Nations
 - 2.4.1 General Assembly: Structure and Functions
 - 2.4.2 Security Council: structure and functions
 - 2.4.3 Economic and Social Council: Structure and functions
 - 2.4.4 Trusteeship Council: Structure and Functions
 - 2.4.5 International Court of Justice: Composition and Jurisdiction



2.4.6 Secretariat

Unit 3: United Nations Specialized Agencies (20 hrs.)

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

Unit 4: Introduction to Regional Organizations (Nature, composition and Functions) (5 hrs.)

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

Unit 5: Nepal in International organizations and Regional Organization (5 hrs.)

- 5.1 Nepal and United Nations
 - 5.1.1 Nepal and Peacekeeping Mission
 - 5.1.2 Nepal in UN Bodies
 - 5.1.3 Nepal in SAARC
 - 5.1.4 Nepal in BIMSTEC

Reading Materials:

A. Prescribed Materials

1. Sands Philippe Q.C. and Klein Pierre, Bowette's Law of International Institutions, Sweet and Maxwell, South Asian Edition, 2011.
2. Thapa Karna Bahadur, An Introduction to Law of International Institutions, Legal Insight Pvt. Ltd. Kathmandu, 2021.
3. Shaw Malcolm N., Q.C. International Law, Eighth Edition, Cambridge University Press, 2017.
4. Aust Anthony, Handbook of International Law, second edition, Cambridge University Press, 2010.



5. Shearer Starke's International Law, Universal Book Publishing Company, Delhi
6. Ian Brownly Public International Law, Oxford.
7. United Nations, UN Today
8. United Nations, Basic Fact About United Nations.



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Law of Specific Contracts

Course Code: Law 325

Level: B.A. LL.B.

Semester: V



Full Marks: 100

Pass Mark: 50%

Credit hrs. 3 (45 hours)

Nature: Compulsory

Course Description:

This course is prepared and prescribed by Far Western University Faculty of Law to the Fifth Semester B.A.LL.B. This is a compulsory course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature the School of Law has expected that after the completion of the course the students will be well equipped with the basic knowledge of humanities and social science and based on that foundation they will attain the desired legal knowledge and understanding as well as practical skills of lawyering, including legal advocacy, and conveyancing. After graduating Bachelor of Arts and Bachelor of Laws the graduates would be able to enter any profession like law teaching, law practice, legal office or admit to LL.M. course and proceed towards carrier progression.

So far as this course of Law of Specific Contracts 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 norm that contract is the foundation of every business, so it is important to know its historical aspects and Legal Principles of Contract and particularly the Legal aspects of Specific Contracts,
- to acquaint the students about the features of law of specific contract because it being a specialized area of corporate law needs special care and attention to better understand this subject matter particularly in their standard forms,
- to impart them knowledge about different types of specific contracts viz Law of Contract of Guarantee, Collateral and deposit, Bailment, Agency, Sale of Goods, Carriage of Goods, Lease and Hire purchase,
- to provide them understanding about this subjects vastness attracting its international norms having its nexus with International Trade Law, and

- to provide them knowledge to make critical appreciation of leading Contract Law cases of Nepal particularly to the aspects of Specific Contracts.

Unit I: Contract of Guarantee, and Contract Relating to Collateral and Deposit

1. Contract of Guarantee

- a. Meaning of Contract of Guarantee
- b. Basic features of Contract of Guarantee
- c. Type 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
- h. Contract relating to Indemnity
- i. Contract relating to subrogation
- j. Nepalese contract law provision on contracts of Guarantee, Indemnity and Subrogation

2. Contract relating to Collateral and Deposit

1. Meaning of Contracts relating Collateral and Deposit
2. Collateral or Deposit to be returned.
3. Rights of Person obtaining Collateral or Deposit
4. Consequences of pledging property without sufficient title as collateral or deposit
5. Creditors to have equal status
6. Nepalese Contract law provisions on Collateral and Deposit.

Unit II: 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 of 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. Nepalese Contract law relating to Agency



[Handwritten signature]

Unit III: 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. Determination of Price of goods
6. Payment of Price of Goods
7. Condition and Warranties
8. Description of Goods
9. Goods to be of satisfactory Quality
10. Sale through samples
11. Title of ownership of Goods
12. Transfer of Ownership of Goods
 - a. Meaning of Transfer of Ownership
 - b. Rules regarding transfer of ownership
13. Risk to be born by the concerned party
14. Buyers right to inspect goods
15. Delivery of goods
16. Time line for delivery of goods.
17. Handover of documents of sold goods.
18. Unpaid Seller
 - Meaning, Characteristics and Rights
19. Goods not to be delivered in a quality different from the contracted Quantity
20. Special Provisions concerning compensation
21. Conditions under which Contract of Sale of Goods becomes void.
22. Nepalese Contract Law provisions relating to Sale of Goods.

Unit IV: Contract of Carriage of Goods.

1. Meaning of Contract of Carriage of Goods.
2. Characteristics of Carriage and Contract of Carriage of Goods.
3. Nepalese Contract Law provisions on Carriage of Goods
4. Kinds of Carriage of Goods.
 - a. Carriage by Land
 - Meaning and Classification of Land Carrier
 - Rights, Duties and Liabilities of Common Carrier.



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

Unit V: Other Contracts

1. Contracts Relating to 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
 - g. Nepalese Contract Law provisions on Bailment.
2. **Lease contract**
 - Meaning, Terms and Conditions
 - Responsibilities of Lessor
 - Responsibilities of Lessee
 - Tenure of Lease contract
 - Special Provisions relating to lease contract of Immovable property
 - Termination of Lease Contract
 - Nepalese Contract Law provisions on Lease Contract
3. **Hire Purchase Contract**



- Meaning, and Terms and conditions of Hire Purchase Contract
- Transfer of the title of ownership
- Responsibilities of Parties (Owner and Hirer)
- Termination of Contract of Hire Purchase
- Nepalese Contract Law Provisions on Hire Purchase Contract

4. Arbitration Agreement

- a) Meaning and Importance of Arbitration
- b) Essential Elements of Arbitration.
- c) Arbitrator.
 - Meaning, Number, qualification and Appointment
- d) Rights and Duties of Arbitrator
- e) Removal of Arbitrator
- f) Arbitral Proceedings
- g) Award
 - Meaning and Elements of Valid Award
 - Setting aside an Award
 - Execution of an Award
- h) Recognition and Enforcement of Foreign Arbitral Awards
- i) The provisions of Nepalese Arbitration Act, 2055.

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 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 Niyantran Bhivag vs. PU.Be.Aa. Patan, **NKP** 2063/633.
11. Lal Bdr. Khatri vs. Jaya Lal Subedi, **NKP**, 2063/1340.
12. Maya Gurung vs. Durga 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. Birat Bdr. Khadka, *NKP* 2064/1100.
16. Saraswoti Devi Aryal vs. Chadra Kr. Shrestha, *NKP* 2061/324.
17. Suman P. Sharma vs. Sunowlo Khimti 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 edition)

1. Anson's Law of Contract
2. Atiyan P.S., *An Introduction to Law of Contract*.
3. Chesire and Fiffort, *Law of Contract*
4. Karki, Bharat B. (Prof. Dr.), *Provisions Relating Contract and Other Liabilities in Muluki Civil Code Act, 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. Koffman, L, et.al, *Law of Contract*, Oxford University Press Inc., New York (2007)
9. Nair, M. Krishna, *The Law of Contract*
10. Paudel, Bibek K., *Law of Contract*, MM Publication, Kathmandu (2069 B.S.)
11. Singh, Avtar Dr., *Principles of the Law of Sale of Goods and Hire Purchase*, Eastern Book Company, Lucknow (2000)
12. Singh, Avtar Dr., *Law of Carriage (Air, Land and Sea)*, Eastern Book Company, Lucknow (2000).
13. *Trietel's Law of Contract*
14. Upreti, Bharat, *Contract Law, Free deal (Nepali version)* (2066)
15. 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: Cyber Law

Credit hrs.: 3 (45 hrs.)

Level: B.A, LL. B.

Course Code: Law 355

Full Marks: 100

Pass Marks: 50%

Semester: V

Nature: Optional

Course Description: This course intends to provide knowledge to the students on cybercrime, cyber space and existing legal governance system. Every system is computerized and every system need to be secured. Cybercriminal activities are increasing in e-village day by day and individual and corporate data and other governmental secret information are at peril. Cybercrime is not a newly emerged crime as a result of technology. Cyber law establishes norms, principles for how individuals and business should interact with digital technology and protect data and other information. Cyber hacking and cyber bullying are such a activities those place in the domain of crime and often damage individual and institutional reputation as well. Therefore, students of this age need to have knowledge of cyber law to cope with the recent problems envisioned in the computer technology domain.

Course Objectives

- To make students understand the concept of cyber law, cyber security and Cyber Jurisprudence
- To impart knowledge on various aspects of Cybercrime
- To provide students with knowledge on the provisions of Cyber law in Constitutional and legislative framework in Nepal and International Instruments
- To learn about the various types of security standards

Unit I: General Introduction of Cyber Law (8 Hours)

1. Meaning, Nature and Importance of Cyber Law & Cyberspace
2. Scope of Cyber Jurisprudence
3. Jurisdiction of Law and Technology
4. Development of Information Communication Technology
5. Challenges Cyber Security
6. Digitalization, globalization of Computer Networks
7. Internet and Virtual world



Unit II: Criminalization of Cybercrime (12 Hours)

- 2.1 Understanding of Cybercrime
- 2.2 Modus Operandi and Nature of Cybercrime
- 2.3 Characteristics of Cybercrime
- 2.4 Reasons for Cybercrime
- 2.5 General Classification of Cybercrime
 - 2.5.1 Crime Against individual
 - 2.5.2 Crime against property
 - 2.5.3 Crime against the state or society at large
 - 2.5.4 Crime against the global village
- 2.6 Prosecution in Cyber Crime:
 - 2.6.1 Role of INTERPOL
 - 2.6.2 Role of Investigating Officers (including INTERPOL)
 - 2.6.3 4.6.2 Role of Public Prosecutor
 - 2.6.4 4.6.3 Role of Adjudicating Officer

Unit III: Consumer Protection (4 Hours)

- 4.1 Meaning, Nature and importance of E-commerce
- 4.2 Challenges of online business
- 4.3 Online contracts and digital rights
- 4.4 Consumer protection in e-commerce
- 4.5 Role of Certifying Authority to protect of e-commerce

Unit IV: Intellectual Property Rights in Computer Software and Cyberspace (6 Hours)

- 5.1 Understanding of Intellectual Property rights
- 5.2 Importance of Computer Software and digital property
- 5.3 Patenting Software application
- 5.4 Trademark and Domain names
- 5.5 Trade secret, Semiconductor, Design and geographical indicators
- 5.6 Challenges of digital property
- 5.7 WIPO provisions relating to Intellectual Property Rights
- 5.8 Cyber Frauds, Identity Theft, Cyber Security, Database Protection in Cyber Space



Unit V: Laws relating Cyber Laws in Nepal and International Instruments (10 Hours)

- 6.1 Constitutional Protection of Cyber Law in Nepal
- 6.2 Provisions of Cyber Law in Muluki Penal Code, 2074
- 6.3 Electronic Transaction Act, 2063 (2006)
- 6.4 Laws relating to Copyright Act, 2059 (2002)
- 6.5 Laws relating to Patent, Design and Trademark Act, 2022 (1965)
- 6.6 National Cyber Security Policy, 2080
- 6.7 Budapest Convention on Cyber Crime, 2001

Unit VI: Institutional Mechanism of Cyber Law in Nepal (5 Hours)

- 7.1 Nepalese Law enforcement surveillance system
- 7.2 Cyber Bureau of Nepal Police
- 7.3 District Government Attorneys of Nepal
- 7.4 District Courts of Nepal
- 7.5 Certifying Authority of Nepal
- 7.6 National Information Technology Center
- 7.7 Department of Information
- 7.8 Online System of Supreme Court of Nepal

Reading materials:

1. Constitutions and Legislations

- Cases Decided by Supreme Court of Nepal
- Children Act, 2018 (2075 B.S)
- Constitution of Nepal, 2015 (2072 B.S)
- Copyright Act, 2002 (2059 B.S)
- Electronic Transaction Act, 2008 (2063 B.S)
- Foreign Investment and Technology Transfer Act, 2019 (2075 B.S)
- Information Technology Policies, 2010 (2067B.S)
- Information Technology Tribunal (Procedural) Rules, 2006 (2064 B.S)
- Long Term Policies on Information and Communications, 2002 (2059 B.S)
- Muluki Criminal Code, 2017 (2074 B.S)



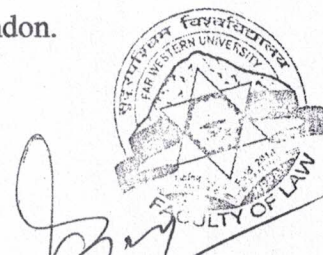
- Patent, Design and Trademark Act, 1965 (2022 B.S)
- The Telecommunication Act, 1997 (2053 B.S)

2. International Instruments

- UNCITRAL Model Law on Electronic Commerce, 1990
- WIPO Copyright Treaty, 1996
- WPPT, 1996
- Budapest Convention on Cyber Crime, 2001
- UN Convention on the Use of Electronic Communications in International Contracts, 2005
- Computer Misuse Act-UK, 1990
- Data Protection Act-UK, 2018
- Digital Millennium Copyright Act-USA, 1998
- Megan Meir Cyber Bullying Prevention Act-USA, 2008
- Information Technology Act-India, 2000 (Amended in 2008)

3. Books

- Chaudhary, Dr. Newal, (2023) *The Art of Cyber Law & Cyber Crimes*, Mission Legal Service Pvt. Ltd., Kathmandu, Nepal.
- Bagchand, Dr. Ratna Bahadur (2080), *Cybercrime: Investigation, Prosecution and Adjudication*, Kathmandu, Nepal.
- Edwards & Waelde (ed.), (2000), *Law and the Internet: A Framework for Electronic Commerce*, HART publishing, London.
- Fitzgerald, Brian, Gao, Fuping et al (eds). (2006), *Copyright Law, Digital Content and the Internet in the Asia-Pacific*, Sydney University Press, Sydney.
- KoseleePrakashan, Kathmandu.
- Lloyd, Ian. J. (2004), *Information Technology laws*, Oxford University Press, London.
- Mani, K. (2011), *Legal Framework On, Cyber Crimes*, 2nd edition, Kamal Publishers, New Delhi.
- Mukhia, Dr. Bal Bahadur, (2015), *Intellectual Property Law*, Mission Legal Service P.Ltd, Lalitpur, Nepal.
- Paranjape, Dr. Vishwanath, (2010), *Cyber Crimes & Laws*, Central Law Agency, Allahabad, India
- Reed, Chris, (2000), *Internet Law*, Text and Materials, Butterworth, London.



- Rider, Rodney D, (2000), *Guide to Cyber Laws* (Information Technology Act, 2000, E-Commerce, Data Protection and The Internet), Nagpur: Lexis Nexis Butterworth, Wadhwa, 2003.
- Rider, Rodney D, (2002), *Intellectual Property and the Internet*, Butterworth, London.
- Ronald & Maredonald (2005), *Information Technology Law*, Cavendish Publishing Limited, London.
- Sharma Vakul, (2002), *Handbook of Cyber Laws*, Macmillan India, Ltd. Delhi.
- Sharma, Narayan Prasad, (2015), *Cyberspace and the Cyber Law*,
- Singh, Justice Yatindra (2005) *Cyber Laws*, 2nd Edition, Universal Law Publishing Co.
- Singh, Yatindra Justice, (2005), *Cyber Law*, Universal Law Publishing,

4. Articles

- Adhikari, Pravakr, (2004), "*Emergence of IT and Need of Cyber Law and its Impact on IPR*", Nepal Law Review, No. 1 and 2 Kathmandu Nepal law Campus (2004).
- Aryal, Babu Ram, (2012), "*Use of Criminal Law to Curb Freedom of Expression Online*", Kathmandu : Internet Society Nepal.
- Chaudhary, Dr. Newal, The Art of Cyber Criminals and Cyber Crimes in Nepal, **Nepal Law Review**, Nepal Law Campus, Year 44, Vol 31, Number 1, 2023.
- Constitution of Nepal, 2072 (2015).
- Mukhia, Bal Bahadur Dr., (2008), "*Role of Effectual CMO for Copyright Protection*", **Nayadoot**, English Special Issue, Year 38, No.171, Vol-6, Nepal Bar Association, Kathmandu, Nepal.
- Nepal, Manish (2018), "*Cyber Victimization of Woman in Nepal: A Survey*" **Nepal Bar Council Law Journal**, Nepal Bar Council, Kuponhole, Nepal.
- Sapkota Kishwor, Laws relating to Cybercrime in Nepal (Nepali), **Nepal Kaanoon Paricharcha**, Vol. 2, Number 2, (2021)
- Sapkota Kishwor, Understanding of Cybercrime in Nepalese Context, **Nepal Law Review**, Year 38, Vol. 25, Number 1&2, (2013), p. 341



FAR WESTERN UNIVERSITY

FACULTY OF LAW

Course Title: Election Law

Course No: Law 330

Credit hrs. 3 (45 hrs.)

Semester: V

Full Marks: 100

Pass Mark: 50%

Level: B.A, LL.B.

Nature: Optional

Course description: Electoral system is considered as the backbone of the democratic system. The constitution of Nepal provides for the sovereignty to be vested in people of Nepal and it is exercised as provided for in the constitution. The best way for exercising the sovereignty is to elect their representatives by the people. So this course aims to impart knowledge to the students about election law, electoral system, election authorities, and election crime and punishment

Course Objectives

The objectives of this course are:

- To give knowledge about the meaning, scope, importance and basic principles of Election Law.
- To impart knowledge about election system, their characteristics, merit and pitfalls.
- To provide the basic knowledge of Nepalese Election Law and Election Process in Nepal
- To familiarize students with Election Jurisprudence in Nepal.

Unit - 1: Introduction to Election Law

- 1.1 Meaning and Scope of Election Law
- 1.2 Importance of Election Law
- 1.3 Concept of adult franchise
- 1.4 Basic principles of Election
- 1.5 General Election, Mid-term Election and By-election
- 1.6 Interrelation between Election and Democracy

Unit - 2: Electoral System

- 2.1 First Past the Post (FPTP)
- 2.2 Proportional Representation (PR)
- 2.3 Mixed Election System
- 2.4 Merit and Pitfall of the above-mentioned Election System

Unit - 3: Election Authorities in Nepal

- 3.1 Composition, Powers and Functions of Election Commission
- 3.2 Appointment, Powers and Functions of Returning Officers and Polling Officers
- 3.3 Role of Political Parties in Election

Unit - 4 : Election Law in Nepal

- 4.1 History of Election in Nepal
- 4.2 Constitutional provisions regarding Election



- 4.3 Election Commission Act, 2017
- 4.4 Electoral Roll Act, 2017
- 4.5 Election (Offence and Punishment) Act, 2017
- 4.6 Political Party Registration Act,
- 4.7 Local Level Election Act, 2017
- 4.8 Code of Conduct for Election
- 4.9 Other Rules and Directives for Election
- 4.10 Judicial Interpretations regarding Election Law

Unit - 5: Election Crime and Punishment

- 5.1 Nature of Election Crimes
- 5.2 Jurisdiction for Election Disputes
- 5.3 Punishments for Election Crimes
- 5.4 Safeguards for free, fair and impartial Elections

Prescribed Cases

1. Kamallesh Dwivedi v. OPMCM, NKP 2064 Vol. 7, DN 7866
2. Rajendra Prasad Lohani v. Prakashchandra Lohani, NKP 2058 vol. 7/8, DN 7029
3. Karna Bahadur Thapa v. Election Commission, NKP 2076 vol. 2, DN 10192
4. Premchandra Rai v. OPMCM, NKP 2075 vol. 6, DN 10039
5. Chandrakanta Gyawali v. OPMCM, NKP 2074 vol. 7, DN 9840
6. Rup Narayan Baitha v. Election Commission et al. NKP Constitutional Bench Part, 2076, Vol 2, DN. 0014

Reading Materials

Legislations

- Constitution of Nepal (2072)
- Election Commission Act, 2017
- Electoral Roll Act, 2017
- Election (Offence and Punishment) Act, 2017
- Political Party Registration Act,
- Local Level Election Act, 2017

Books

- Ayodhi Prasad Yadav, *Nirbachan Pranaliko samkshipta Ruprekha*, 2064
- Chandrakanta Gyawali and Pro. Birendra Prasad Mishra, *Sanghiyatama Nirbachan Pranali*, 2066
- Khem Raj Gyawali, *Loktantrik Nirwahan Bewastapan*,
- Nepal : Electoral Reform Dialogues Report, USAID (IFES/NDI), Kathmandu, 2015
- *Nepalko Nirbachan Itihas*, Election Commission of Nepal,

References

- A.C. Kapur, *Principles of Political Science*, 1997



- Electoral System Design : An Overview of the New International IDEA Handbook
- Devendra Raj Pandey, Comparative Electoral Processes in South Asia, Nepal South Asia Center, Kathmandu, 1999



FAR-WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: International Air and Space Law

Full Marks 100

Pass Marks: 50%

Semester: V
Course Code: Law 335

Nature: Optional
Credit hrs.: 3 (45 hrs.)

Course description: International Air and Space law has been one of the major areas in international law. International air and space law combines both public and private international law as liability of carrier involves the issue between carrier of one country and victims of another country. Aerial sovereignty as an important aspect of public international law, has been the major concern between states whether aerial navigation is open to each state, or it is subjected to the permission of the state under whose territory aerospace lies. The most important aspect of the air space law is peaceful use of the space and non-militarization of space. This course is designed to offer comprehensive knowledge to the students on basic principles of international air and space law, as well as various international framework on carrier's liability, international regulatory authority of international aviation business and damage made by the foreign aircraft on the surface. Moreover, the course is expected to provide knowledge on international crimes committed against aircrafts. The course aims to impart knowledge on the peaceful use of space.

Objectives:

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

Course Details:

Unit One: Introduction (8 hrs.)

- 1.1. Meaning scope and sources of international air and space law
- 1.2. Importance of international air and space law
- 1.3. Development of Public and private international aviation law
- 1.4. Principles of International Air and Space Law
- 1.5. Sovereignty over air space
- 1.6. Freedoms of Air

Unit Two: Regulatory Authority of International civil Aviation (8 hrs.)

- 2.1. History of International Civil Aviation Organization (ICAO)
- 2.2. Features of Chicago Convention
- 2.3. Establishment of ICAO
- 2.4. Composition and functions of ICAO



Unit Three: International carriage by air (5 hrs.)

- 3.1. Carrier's liability under Warsaw system (Warsaw convention 1921, Hague Protocol 1955)
- 3.2. Carrier's liability under Guadalajara Convention 1961 and Guatemala City Protocol 1971
- 3.3. Carrier's liability under Montreal Convention 1999
- 3.4. Law relating to air carrier's liability in Nepal

Unit Four: Liability for Damage (3 hrs.)

- 4.1. Liability for the damage by foreign aircrafts under Rome Convention 1952
- 4.2. Liability for the damage caused by foreign aircrafts under Montreal Protocol 1978 and Montreal Convention of 2009

Unit 5: Offences relating to the civil aviation (5 hrs)

- 5.1. Hijacking and Unlawful seizure of Aircraft: Meaning or definition and causes of aerial piracy or hijacking
- 5.2. Tokyo Convention on Hijacking
- 5.3. Hague convention on Hijacking
- 5.4. Montreal convention on Hijacking
- 5.5.1. Nepalese law on hijacking and its comparisons with Tokyo, Hague, and Montreal Conventions.

Unit 6: Law of Outer Space (10 hrs)

- 6.1. Definition of Outer Space
- 6.2. Distinction between air space and outer space
- 6.3. Doctrine of sovereignty in outer space
- 6.4. Liability for accident by objects launched in outer space
- 6.5. Protection to Astronauts, disarmament in outer space
- 6.6. Outer space treaty to which Nepal is a party
- 6.7. Recent trends and Prospects for space tourism
- 6.8. Nepal's accession to Space treaties

Unit Seven: Nepal and International Air and space law convention (6 hrs.)

- 7.1. International Air law Conventions to which Nepal is a party
- 7.2. Development of Civil Aviation in Nepal and Nepal's entry into Open Sky policy
- 7.3. Air Service Agreement concluded by Nepal
- 7.4. Civil Aviation legislations in Nepal
- 7.5. Regulatory authorities of Civil Aviation in Nepal

Reading Materials:

I Textbooks:

- 1. Hamilton, J. Scott with Nilsson Sarah, Practical Aviation and Aerospace Law, Sixth edition, Aviation Supplies and Academic Inc. 2015.
- 2. Prof. Ron Bartsch, International Aviation: A Practical Guide, Second edition, Routledge London, 2018.
- 3. Raymond C. Speciale, Fundamentals of Aviation Law, MC Graw Hill, New York, 2006.
- 4. Michael W. Pearson, Foundation of Aviation Law, Ashgate Publishing Limited London, 2015.
- 5. Martin, Peter, et.al (ed), Shawcross and Beaumont's Air Law, London: Butterworths, 1977.

Conventions and Treaties

- 1. Convention Relating to the Regulation of Aerial Navigation (Paris Convention) 1919
- 2. Convention for the Unification of Certain Rules Relating to International Carriage by Air, Signed at Warsaw on 12 October 1929 (Warsaw Convention)



3. Convention on International Civil Aviation, (Chicago Convention) 1944
4. Convention on Offence and Certain other Acts Committed on Board Aircraft, Signed at Tokyo, 1963
5. Convention Supplementary to the Warsaw Convention for the Unification of Certain Rules Relating to the International Carriage by Air Performed by a Person Other than the Contracting Carrier, Signed in Guadalajara, 1961
6. Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw 1929, As amended by the Protocol Done at the Hague on 1955, Signed at Guatemala City, 1971.
7. Convention For the Unification of Certain Rules for International Carriage by Air (Montreal Convention) 1999
8. Convention for the Suppression of the Unlawful Seizure of Aircraft, Signed at The Hague, 1970
9. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal Convention) 1971
10. Convention on the Marking of the Plastic Explosives for the Purpose of Detection, Signed at Montreal on 1 March 1991

II Acts, Regulation Rules Policies Manual Directives

1. Airport Charges, 2067 B.S.
2. Aerodrome Certification Regulations, 2061 B.S.
3. Aviation Security (Management) Rules, 2046 B.S.
4. Air Operator Certificate Requirements (AOCR), 2012
5. Air Traffic Control Manual
6. Airport Emergency Plan (AEP)
7. Airworthiness Inspector Manual
8. AFIS (Aerodrome Flight Information Services) Manual
9. Civil Aviation Act, 2015 B.S. (Amendment, 2053)
10. Civil Aviation Regulations, 2058 B.S. (2002)
11. Civil Aviation Authority of Nepal Act, 2053 B.S.



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Investment Law

Course Code No: Law 340

Duration of the Course: 3 Credits (45 hours)

Semester: V

Full Marks: 100

Pass Mark: 50%

Levels: B.A. LL.B.

Nature: Optional

Course Description:

This course is prepared and prescribed by Far Western University, Faculty of Law to the Fourth Semester B.A. LL.B. students. This is an optional/compulsory course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature the School of Law has expected that after the completion of the course the students will be well equipped with the basic knowledge of humanities and social science and based on that foundation they will attain the desired legal knowledge and understanding as well as practical skills of lawyering, including legal advocacy, and conveyancing. After graduating Bachelor of Arts and Bachelor of Laws the graduates would preferably be able to enter any profession like law teaching, law practice, legal office or admit to LL.M. course and, alternatively they could proceed towards career progression under humanities and social science disciplines as well.

So far as this course of Investment Law 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 acquaint the students with the concept and scope of Investment Law,
- to familiarize students with the principles and models of Investment Law,
- to enable them to understand different legal forms and structures of Investment Law,
- to impart them knowledge about national and international policies, and domestic investment, including foreign investment laws,
- to provide them knowledge to make critical appreciation of corporate issues/problems and find out mechanisms of their appropriate regulation.

Unit 1: Introduction (5 hrs)

- 1.1. Definition of Investment and Investment Law
- 1.2. Real Assets and Financial Assets
- 1.3. Major steps in the construction of Investment portfolio
- 1.4. Major Participants in Financial Markets



1.5. Types of Financial Markets and recent trends

Unit 2: Domestic Investment Policies and Law (5 hrs)

- 2.1 Constitutional Stipulation and Legal Arrangements
- 2.2 Private Investment: Private Firms, Partnerships, Cooperatives, NGOs, Corporate forms: Private and Public Companies, Banks and Financial Institutions, Other Security Funds
- 2.3 Public Investments: Public Enterprises and Companies
- 2.4 Public - Private Partnership Arrangements
- 2.5 Contractual Transactions
- 2.6 Trading Arrangements: Export and Import Trading

Unit 3: Domestic Investment in Industries, Commerce and Services (10 hrs.)

- 3.1. Latest Industrial Policy, Trade Policy and Sectoral Policies
- 3.2. WTO obligations, 1994
- 3.3. Industrial Investment: Industrial Enterprises Act, 2076 and Companies Act, 2063
- 3.4. Investing in Financial Services: Banks and Financial Institutions Act (BAFIA), 2073, Financial Intermediary Act, 2055, Cooperatives Act, 2074
- 3.5. Other Service Sector under sectoral/sub-sectoral Legislations
- 3.6. Investing in Trade and Commerce: Export-Import (Control) Act, 2013; Public Procurement Act, 2063, Contract Law under Civil Code, 2074, and Arbitration Act, 2055 and Rules.

Unit 4: Foreign Investment in Nepal (20 hrs)

- 4.1. WTO Obligations Commitments and Concessions
- 4.2. Investment Protection System: Bilateral Investment Treaty, MIGA, Investment Protection Agreements, Double Taxation Avoidance Agreements, WTO/TRIMS, Regional Trading Arrangements, Requirements of Transnational Investment Law.
- 4.3. Foreign Investment and One window policy in Industrial Investment; Privatization Policy, Labour Policy, Foreign Exchange Policy, Other Sectoral/Sub-sectoral policies.
- 4.4. FDI in Manufacturing, Energy, Agro and Forest based, Mining, Tourism, Service, Construction and other Industries.
- 4.5. Institutional Arrangements; Foreign Joint Venture, MNCs operations, Wholly-owned and subsidiary Companies formation, Branch operations.



- 4.6. Procedure for Industrial Approval and Incorporation of Companies, Facilities and Concessions to foreign investors.
 - 4.7.1 Foreign Investment and Technology Transfer Act (FITTA), 2075 and Investment Board Act, 2070 provisions, and other ADR Provisions. and Recognition and Enforcement of Foreign Arbitral Awards
 - 4.7.2 Transfer of Technology: Uses and Protection of Intellectual Property Rights: Meaning and Kinds of IPR; Licensing and Franchising Arrangements; Patent, Design and Trademarks Act, Copy Rights Act and others, TRIPs provisions
 - 4.7.3 Companies Act, 2063
 - 4.7.4 Industrial Enterprises Act, 2076,
 - 4.7.5 Foreign Exchange Regulation Act (FERA), 2019,
 - 4.7.6 Arbitration Act, 2055 and Rules
 - 4.7.7 Contract Law under Civil Code 2074 and other relevant Acts/Rules.

Unit 5: Foreign Investment in Banking and Financial Institutions (5 hrs)

- 5.1. Establishment and Operation
- 5.2. Relevant Acts:
 - 5.2.1. BAFIA, 2073
 - 5.2.2. Companies Act, 2063
 - 5.2.3. Nepal Rastra Bank Act, 2058, Regulations and Guidelines
 - 5.2.4 Foreign Exchange Regulation Act, 2019

Reading Materials:

A. Prescribed Materials:

- I. Constitution, Statutes and Rules:
 1. Constitution of Nepal, 2072
 2. FITTA, 2075
 3. IEA, 2076
 4. Privatization Act, 2050
 5. BAFIA, 2073
 6. Contract Law under Civil Code, 2074
 7. Arbitration Act, 2055
 8. Public Procurement Act, 2063 and Rules 2064
 9. Company Act, 2063
 10. Private Firm Registration Act, 2014



11. Partnership Act, 2020
12. Cooperatives Act, 2074
13. Societies Registration Act, 2034
14. Competition Promotion and Market Protection Act, 2063
15. Private Financing in Build and Operate of Infrastructure Act, 2063 and Rules

II. Text Books and Articles:

1. Prof. Dr. Bharat B. Karki's Ph.D. Thesis, University of Delhi, Faculty of Law, 1987
2. Prof. Dr. Bharat B. Karki "*Legal Regulation of Foreign Investment in Nepal: Industrial Sector Specific*", 13 Nepal Law Review, 1999
3. Andrew Newcombe & Lluís Paradell, *The Law and Practice of Investment Treaties*, Kluwer 2008
4. Somarajah, M., *The International Law on Foreign Investment* (2nd ed.), Cambridge, 2004.

B. References:

1. Bhati, Usha. *Foreign Investment: Contemporary Issues*, New Delhi: Deep & Deep Pub. 2006
2. Bista, Raghu Bir. *Foreign Direct Investment in Nepal*, Kathmandu, CIDS, 2006
3. Chitrakar, Ramesh Chandra, *Foreign Investment and Technology Transfer Act in Developing Countries: Motivating Factors and Financial and Economic Performance in Nepal*, Aldershot, England, Avery, 1994
4. Chopra, Chanchal, *Foreign Investment in India: Liberalisation and WTO: The Emerging Scenario*, New Delhi: Deep & Deep Pub. 2006
5. Kannan, S. & V. Geetha, *FDI in INDIA: Law, Policy and Procedure* (1st ed.) New Delhi: Thomson Reuters Legal, 2014.
6. Krishnaswamy, N., "Legislation Relating to Industrial Development", in Asian-Pacific Tax & Investment Bulletin 7: 533-547, 1989.
7. K.C., Dr. Fatte Bahadur. *FDI in Nepal*, Kathmandu
8. Nabhi's Manual for Foreign Collaboration & Investment in India: A Nabhi Publication, 4th ed. New Delhi, latest
9. Privatization Reports, Ministry of Finance, GoN.
10. Raut, Bimal Kumar, *Multilateral Transnational Investment Law and Developing Countries*, Kathmandu: LRA, 2000.
11. R.R. Beedu, *Foreign Direct Investment, Policy & Procedures*, 2nd ed. Mumbai, Snow white Pub. 2009



12. Upreti, Bharat Raj. *Company Act*, Kathmandu
13. Upreti, Bharat Raj Upreti. *Contract Act*, Kathmandu
14. Upreti, Kishore and Ruvan de Alwis "Legal and Policy Aspects of Foreign Investment in Nepal", in *Transnational Lawyer*, 7:103-128, Spring 1994.
15. ZVI Bodie, Alex Kane, Alan J. Marcus, *Essentials of Investments*, 5th ed., McGraw Irwin Hill, 2004.



**FAR-WESTERN UNIVERSITY
FACULTY OF LAW**

Course title: Juvenile Delinquency
Credit hrs.: 3 (45 hrs.)
Course Code: Law 345
Nature: Optional

Full Marks: 100
Pass Marks: 50%
Semester: V

Course Description: This course is designed to students who requires detailed knowledge regarding juvenile delinquency. This course provides knowledge regarding causes and prevention of juvenile delinquency in the contemporary society.

Course Objectives

- To impart knowledge on deviation and juvenile delinquency.
- To impart knowledge on theoretical explanation of juvenile delinquency.
- To inculcate the knowledge about causative factors of juvenile delinquency.
- To familiarize students about landmark judgments on juvenile delinquency cases and the current trends.

Unit 1: Introduction to Juvenile Justice (12 hrs)

- 1.1 Meaning and definition of juvenile
- 1.2 Stages of human development and its impact on mental state of juvenile
- 1.3 Concept of juvenile delinquency
- 1.4 Forms of child deviant behavior
- 1.5 Juvenile delinquent v juvenile in conflict with law
- 1.6 Types of juvenile delinquency
- 1.7 Difference between juvenile delinquency and adult criminality
- 1.8 Delinquency: Is a social problem?

Unit-2: Theories of Juvenile Delinquency (6 hrs)

- 2.1 Biological theories
- 2.2 Psychological theories
- 2.3 Sociological theories

Unit-3: Causative Factors and Prevention of Juvenile Delinquency (10)

- 3.1 Causative Factors
 - 3.1.1 Individual Factors
 - 3.1.2 Situational Factors
- 3.2 Prevention of Juvenile Delinquency
 - 3.2.1 Early Intervention
 - 3.2.2 Post Intervention

Unit 4: Juvenile Justice System in Nepal (8 hrs)

- 4.1 Investigation of juvenile delinquency



- 4.2 Prosecution of juvenile delinquency
- 4.3 Adjudication and disposition of juvenile delinquency cases
- 4.4 Juvenile correction
- 4.5 Diversion
- 4.6 Restorative justice

Unit-5: Role and Responsibility of Actors of Juvenile Justice System for the maximum interest of the Delinquent (9)

- 5.1 Role of Police
- 5.2 Role of Government
- 5.3 Role Judge and members Juvenile Bench
- 5.4 Role of Correctional Authorities

Related Cases:

1. *Advocate Ashish Adhikari on behalf of Bablu Godia v. Banke District Court et al.*, Writ No. 3390 of the year 2057 B.S., *Habeas Corpus*, Date of Decision: 2057/12/12 B.S.
2. *Advocate Bal Krishna Mainali v. His Majesty's Government, Ministry of Home Affairs et al.*, Writ No. 3505 of the Year 2056 B.S., *Mandamus et al.*, Date of Decision: 2058/04/23 B.S.
3. *Advocate Ashish Adhikari on behalf of Keshav Khadka v. His Majesty's Government, Ministry of Home Affairs et al.*, Writ No. 70 of the year 2058 B.S., *Habeas Corpus*, Date of Decision: 2058/12/13 B.S.
4. *Pleader Tara Devi Khonal on behalf of Raj Kumar Rai v. Ministry of Home Affairs et al.*, Writ No. 25 of the year 2058, *Habeas Corpus*, Date of Decision: 2058/10/02 B.S.
5. *Advocate Santosh Kumar Mahato v. Office of the Prime Minister and the Council of Ministers et al.*, Writ No. 60 of the year 2061 B.S., *Mandamus et al.*, Date of Decision: 2062/10/09 B.S.
6. *Mahesh Kumar Chaudhary v. Government of Nepal, Incest Rape, NKP 2064 B.S.*, Decision No. 7833, P. 415.
7. *Advocate Kalyan K.C. on behalf of Saroj Rai v. District Administration Office, Kathmandu et al.*, Writ No. 0025 of the year 2066, *Habeas Corpus*, Date of Decision: 2066/06/26 B.S.
8. *Advocate Sita Sharan Mandal on behalf of Choilang Lama v. Child Correction Home Management Committee et al.*, Writ No. 0016 of the year 2067 B.S., *Habeas Corpus*, Date of Decision: 2067/06/26.
9. *Advocate Sapna Malla Pradhan on behalf of Forum for Women, Law and Development (FWLD) and on her own behalf v. Office of the Prime Minister and Council of Ministers et al.*, NKP 2064 B.S., No. 9, D.N. 7880, p. 1208.

Reading Materials:

1. Haskell, M.R. & L. Yablonsky, *Crime and delinquency*. Chicago: Rand McNally & Company, 1970
2. Kratcoski, P.C. & L. D. Kratcoski, *Juvenile delinquency*, New Jersey: Printicehall Inc. 1979
3. Kvaraceus, W.C., *Juvenile delinquency a problem for the modern world*, Paris: Unesco, 1964
4. Mainali, Laxmi Prasad(eds.), *Juvenile delinquency*, Kathmandu: Faculty of Law, TU and Juvenile Justice Co-ordination Committee, 2017



5. Mainali, Laxmi Prasad, *Juvenile delinquency: concept and theory* (1st Ed.). Kathmandu: Pairavi Prakashan, 2012

A. References:

1. AF, *Torture of Juveniles in Nepal: A Serious Challenge to Justice System* (1st Ed.). Kathmandu: Advocacy Forum, Nepal. 2010
2. Bhattarai, Rabindra. *Juvenile Justice and Defence Service*. Kathmandu: Access to Justice and Advocacy of Rights (AJAR) Nepal, 2014
3. Bynum, Jack E. and Thompson William E., *Juvenile Delinquency: A Sociological Approach* (4th Ed.), London: Allyn and Bacon, 1999
4. Champion, Dean J.. *The Juvenile Justice: Delinquency, Processing and the Law*, (4th Ed.). NJ: Prentice Hall. 2004
5. NJA, *Research on Functioning of Juvenile Bench in Nepal*, Lalitpur: National Judicial Academy, Nepal, 2012
6. NJA, *Juvenile Justice Resource Compilation* (in Nepali), Lalitpur: National Judicial Academy, 2066 B.S.
7. NJA and CCWB, *Compilation of Judgments Relating to Juvenile Justice and Child Rights, 2067 B.S.* (Nepali), Lalitpur: National Judicial Academy and Central Child Welfare Board., 2067 B.S.
8. OAG, *Resource Material on Crime Control against Women and Children: Theoretical Concept, Law and Judicial Approach* (in Nepali), Kathmandu: Office of the Attorney General, 2071 B.S.
9. OAG and CCWB, *Investigation and Prosecution Manual on Juvenile Justice for Government Attorneys*, (Nepali), Kathmandu: Office of the Attorney General and Lalitpur: Central Child Welfare Board, 2066 B.S.



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Medical Law and Ethics
Level: B.A, LL. B.
Credit: 3 (45 hrs).
Course code: law 350

Full Marks 100
Pass Marks: 50%
Semester V
Nature: Optional

Course Description

This course is intended to acquaint students with various legal dimensions of medical practice. Knowledge about legal and ethical limitations of health care providers and consumers of health service, enables students to advocate effectively in favor of patient rights, patient safety, quality healthcare service, fearless working environment to ethically practicing health care providers. Medical Profession should be prevented from being commercialized, politicized, and commissionalized and should remain as pure service to humanity. New generation lawyers with idea of medical laws and ethics, various forms of medical negligence, medical malpractices, liabilities attached to these issues, will contribute towards strengthening quality care health service in the nation.

Course Objectives

The course aims to:

- a. Inculcate into the minds of students, the conceptual aspects of medical laws and general principles of medical practice.
- b. Aware students with relevant Nepalese legal provisions and ethical limitations of medico-legal profession.
- c. Acquaint students with various medical systems recognized by our health care statutes and mechanism for regulating each system.
- d. Produce lawyers who can frame logics founded on objectivity and scientific basis and contribute for further efficacy strengthening of our healthcare system.
- e. Aware students with rights and duties of all stakeholders of medical practice including those of patients and generate social awareness in this current burning issue.

Course Outcomes

Unit 1. Introduction (8 hours)

- 1.1 Concept of Medical Law and Medical Ethics
- 1.2 General Principles of Medical Ethics
- 1.3 Stakeholders of Healthcare System
- 1.4 Ethics regulating various stakeholders
- 1.5 Laws concerning Healthcare in Nepal



Unit 2. Health care system and laws (10 hours)

- 2.1 Regulation of Ayurved Medical System
- 2.2 Regulation of Allopathic Medical System
- 2.3 Regulation of Homeopathy Medical System
- 2.4 Regulation of Drugs and Pharmaceutical products
- 2.5 Regulation of Nursing Profession

Unit 3. Medical ethics (8 hours)

- 3.1 Physicians
- 3.2 Paramedics (Nurses and Lab Technicians)
- 3.1 Other Health Care providers.

Unit 4. Liability in medical profession (10 hours)

- 4.1 Rights and Duties of Physician
- 4.2 Rights and Duties of Nurse
- 4.3 Rights and Duties of Medical Equipment and Drugs Manufacturers
- 4.4 Rights and Duties of Healthcare Institution
- 4.5 Rights and duties of patients
- 4.6 Medical Negligence and Malpractices: Differences
- 4.7 Action against unethical medical practices (Reporting and Adjudication)
- 4.8 Legal Remedies for medical negligence and malpractices

Unit 5. Recent trends in medical profession (6 hours)

- 5.1 Euthanasia
- 5.2 Causes of Medical Negligence
- 5.3 Forms of Medical Malpractices
- 5.4 Judicial views on Medical Negligence

Dr. Ramesh Parajuli, The Essentials of Forensic Medicine and Toxicology (2021)
Prescribed and Recommended Texts

Books

1. Dr. Ramesh Parajuli; FORENSIC JURISPRUDENCE; (2021); Pairavi Book House, Kathmandu, Nepal.
2. Dr. K.S. Narayan Reddy, The Essentials of Forensic Medicine And Toxicology (2017) Jaypee Brothers Medical Publishers, India.
3. Apurba Nandy, Principles of Forensic Medicine Including Toxicology. (2007) New Central Book Agency, India.
4. C.K. Parikh, Parikh's Textbook of Medical Jurisprudence, Forensic Science and Toxicology (6th ed. 1999) CBS Publishers & Distributors, India.
5. Prof. R.K. Sharma, Fundamentals of Forensic Science and Toxicology (Medical Jurisprudence) (2006)
6. Moitra & Kaushal, Medical Jurisprudence and Toxicology 2 (2nd ed. 2001).
7. A.J Chapman, Death and Deduction - A Reasoned Approach to Forensic Pathology, 238 (1st ed. 2001).



8. P. Jaising Modi, *Modi's Medical Jurisprudence and Toxicology* 320 (B V Subramanyam, 22nd ed. 1999).
- *Nepal Ain Sangraha, Khanda 15; Kanoon Kitab Byabastha Samiti* (Compilation of Healthcare Laws of Nepal)

Articles/Journals:

Dr. Ramesh Parajuli, *Laws Regulating Ayurveda Medicine in Nepal: Critical Study*, THE HEALER: INTERNATIONAL JOURNAL OF AYURVEDA AND INTEGRATIVE MEDICINE; Vol 1 No 1 (2020): Issue | July; Published on: 2020-09-17. {Available on: <https://www.thehealerjournal.org/healer/index.php/healer/article/view/10>} "Cross-examination in Nepal and Techniques for a Lawyer to effectively Cross-examine Forensic Experts."

1. *Offences Relating to Medical Treatment under Muluki Criminal (Code) Act, 2074 B.S.* NJA Journal 2018, Vol. 12, No. 1, National Judicial Academy, Nepal, p. 143
2. *Medical Negligence under Muluki Penal (Code) Act, 2074 B.S.* NBC Law Journal 2017, Nepal Bar Council, p. 237
3. *Liabilities for Medical Negligence: A Critical Analysis of Nepalese Law with Special Emphasis on Consumer Protection Act* Nepal Journal of Legal Studies; V. 1; Issue 1; Nepal Law Campus (2016) p.143
4. *Medical Negligence: Law, Statistics and Challenges in Nepal*, NJA Journal 2013, Volume 6. No. 1 National Judicial Academy, Nepal.
5. *Medical Malpractice: An Emerging Challenge in Nepalese Medico-Legal Sector*, NBC Law Journal 2011/12 (2013) Nepal Bar Council.

THE END

