

छैठौं सेमेष्टरको निर्धारित पाठ्यक्रम

Compulsory area:

FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Civil Procedure Code

Level: B.A., LL. B

Course Code: Law 360

Semester: VI.

Full Marks: 100

Pass Mark: 50%

Credit: 3 (48 hrs.)

Nature: Compulsory

Course Description: Law Students must be taught about civil and criminal procedures. This course is directly relevant to the court proceedings about which law students must have to study to be a lawyer in future. This course provides extensive knowledge about the court procedures, applicable in the civil cases and civil procedures. General principles of relating to civil procedures, procedures applicable in the individual civil cases (byaktivadi hune dewani) and government civil cases (sarkarvadi hune dewani), procedure of furnishing notice to the defendant, submission of rejoinder, date, extension of date, power of attorney, evaluation of the evidences, hearing, appeal proceedings, ADR, writ proceedings and judgement execution are to be taught to the students in this course.

Course Objectives:

The main Objectives of this Course are as Followings:

- To provide the Knowledge about the Court structure and their jurisdiction.
- To provide the basic knowledge of civil procedural laws of Nepal.
- To acquaint the students with the practical knowledge of civil proceeding of Nepal.
- To provide the knowledge about the detail provisions of civil procedure code of Nepal.

Unit I: Introduction to Court Procedure

1.1. General Principles under Muluki Civil Procedure Code 2074

1.2. Trail procedure

1.2.1. Procedure of civil case to which an individual is a party (byaktivadi hune dewani mudda)

1.2.2. Procedure of a civil cases to which government is a party (sarakarbdi hune dewani muddha)

1.2.3. Procedure of furnishing notice to Defendant (myad tameli)

1.2.4. Procedure regarding Extension of time and date (myad tarikh thamaune)

1.2.5. Filing the rejoinder (pratiuttar firaune)

1.2.6. Date (tarikh)

1.2.7. Power of Attorney (wadesh)

1.2.8. Preliminary Hearing



- 1.2.9. Interim and Interlocutory order
- 1.2.10. Examination and evaluation of evidence
 - evaluation of documentary evidence
 - Examination of witness
- 1.2.11. Postponement of case (Multavi)
- 1.2.12. Transfer of Case (sthanantaran)
- 1.2.13. Compromise and mediation (milaptra, melmilap)
- 1.2.14. Final Hearing

Unit II: Appellate Proceedings

- 2.1. Procedure of First Appeal
 - 2.1.1. Filing of an Appeal
 - 2.1.2. Ex-part Hearing
 - 2.1.3. Notice to Respondent
 - 2.1.4. Written Statements of Respondent (Re-joinder)
 - 2.1.5. Final Hearing
- 2.2. Procedure of Second Appeal
 - 2.2.1. Appeal Proceeding in Supreme Court
 - 2.2.2. Proceeding for Special Leave petition and registration (*dohoryaipau*)
 - 2.2.3. Leave petition for appeal and registration (*punaravedanko anumati*)
 - 2.2.4. Notice to Respondent
 - 2.2.5. Written Statement of Respondent
 - 2.2.6. Final Hearing
 - 2.2.7. Proceeding regarding review (*punarawalokan*)

Unit III: Alternative Dispute Resolution

- 3.1. Arbitration and it's Procedure
- 3.2. Mediation and It's Procedure

Unit IV: Writ Proceedings

- 4.1. Filing of Writ Petition
- 4.2. Preliminary Hearing and Interim or Show-Cause Order
- 4.3. Notice to Respondent
- 4.4. Written Statement of Respondent
- 4.5. Final Hearing

Unit V: Proceedings for Execution of Judgements

- 5.1. Application for Execution of Judgement



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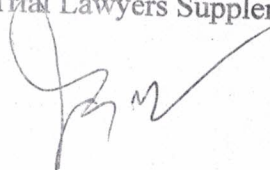
- 5.2. Role of Judgement Execution Directorate.
- 5.3. Procedure of Bigo Bharaune, Chalan Chalaune, Registration of Deeds (Likhath Pass), Admission and Discharge of Ownership (Dakhil-Kharej), Mutation of Name (Namsari), Partiation (Banda-Chuttaune)
- 5.4. Complaint against the judgement Executing Officer

Prescribed Cases (Teachers need to teach prescribed cases in relevant unit of this course)

- 5.5. Padam Bahadur Karki Vs. Manakumari et.al, 2 NKP, 212 (2061)
- 5.6. Samir Khan Vs. Kathmandu District Court et.al, 9 NKP, 1465 (2071)
- 5.7. Shivanath Shah Kanoo Vs. Bishwonath Shah Kanoo et. al. 5 NKP 697 D.N. 8820 (2069)
- 5.8. Pradip Kumar Prasad Shah Kalalar Vs. Ram Bhajan Raya Yadav et.al. 10NKP (2073)
- 5.9. Kuldev Raj Shahi Vs. Roman Raj Shahi et.al. 7 NKP (2067)

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
- High 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 Kanooon (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: Comparative Law and Major Legal Systems

Full Marks: 100

Level: B.A. LL.B.

Pass Marks: 50%

Course Code: Law 365

Credit: 3 (48 hrs.)

Semester: VI

Nature: Compulsory

Course Description: This course is designed for students who seeks the knowledge of Comparative law and major legal systems. It includes basic concept of comparative law and technique of comparison of various legal systems. This course is designed for inculcating the knowledge regarding various legal systems covering their court structure and legal profession.

Course Objectives

The objectives of this course are:

- To inculcate the students about the comparative law and methods of comparison.
- To impart the knowledge to the students with the basic and fundamental knowledge of the major legal systems of the world.
- To enable them to analyze and understand the similarities and differences between the major legal systems of the world and laws of some countries.
- To enable the students to compare different legal systems

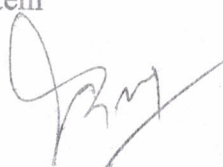
Course details:

Unit I- Comparative Law (7 hrs)

1. Concept and Genesis of Comparative Law
2. Relationship and distinction with other disciplines
3. Importance for Studying Comparative Law
4. The Functions, Objectives and Uses of Comparative Law
5. Division of Comparative Law
6. Problems of Studying Foreign Law
7. Nature and Position of Comparative Law in the Era of Globalization

Unit-II Major Legal Systems (4 hrs)

1. Concept and Origin of Legal System
2. Components of Legal System



3. Criteria for grouping of Legal Systems into Major Families
4. Major Legal Systems in the World

Unit III- Common Law System (8 hrs)

1. Concept, Origin and Development of English Law and American Law
2. Sources of English Law and American Law
3. Court Structure of English Law and American Law
4. Legal Profession in English Law and American Law

Unit-IV Civil Law System (8 hrs)

1. Origin, Development and Sources of Civil Law System
2. Concept and Origin of Roman, French and German Law
3. Court Structure of Roman, French and German Law
4. Legal Profession in Roman, French and German Law

Unit V- Socialist Legal System (4 hrs)

1. Concept, Origin and Development
2. Sources

Unit VI- Religious Legal System (4 Hrs)

1. Concept and origin of Muslim and Hindu Law
2. Schools of Muslim and Hindu Law
3. Sources of Muslim and Hindu Law

Unit VII- Comparison of Legal Systems (4 hrs)

1. Inquisitorial versus Adversarial System
2. Comparison between Common Law System and Civil Law System

Unit – VIII- Confucian and Modern Laws of the South and East Asia - (6 hrs)

1. Chinese Law

- a. Concept and Sources of Confucian and Modern Chinese Law
- b. Court structure and Legal Profession

2. Japanese Law



- a. Concept and Sources of the Japanese Law
 - b. Court Structure and Legal profession
3. Indian Legal System
- a. Concept and Sources of Indian Legal Systems
 - b. Court Structure and Legal Profession

Prescribed Reading Materials

1. Bogdan, Michael, **Comparative Law**, Norway: Kluwer Law and Taxation Publishers, 1994
2. David, Rene and Brierley, John E.C., **Major Legal Systems in the World Today**, (Second Edition), London: Stevenson, 1996
3. Gutteridge, H. C., **Comparative Law**, New Delhi: Universal Law Publishing Co., Indian Reprint, 2010
4. K.C., Yadav Kumar and Paudel, Bibek Kumar, **Major Legal Systems: A Reader**, Kathmandu: MM Publication, 2017
5. Paudel, Bibek Kumar, **General Introduction to Comparative Law (Second Edition)**, Kathmandu: MM Publication, 2016.
6. Zweigert, Konrad and Kotz, Hein, **An Introduction to Comparative Law**, (Third Edition), Oxford: Clarendon Press, 1998

Reference Materials

1. Derret, J.D.M. (ed.), **An Introduction to Legal Systems**, New Delhi: Universal Law Publishing Co., Indian Reprint, 2011
2. Dulal, T. P; **Major Legal Systems**, Kathmandu: Pairavi Prakashan, 2065 B.S
3. Khanal, B, **Major Legal Systems of the World**, Kathmandu: Brikuti Pustak, 2054 B.S
4. Sen, Priya Nath, **General Principle of Hindu Jurisprudence**, Allahabad Law Agency, 1984



FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: Law of Corporate Governance

Full Marks: 100

Level: B.A. LL.B.

Pass Mark: 50%

Course Code No: Law 370

Credits: 3 (48 hours)

Semester: VI

Nature: Compulsory

Course Description: This course is prepared and prescribed for B.A. LL.B. level of Far Western University Faculty of Law. This is 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, it is expected that the students will attain the desired legal knowledge and understanding as well as practical skills of lawyering, including legal advocacy, and conveyancing. After the completion of the course, the students will be well equipped with the basic knowledge of various aspects of corporate governance and would preferably be able to enter in a legal profession and judicial service as well.

So far as this course of Law of Corporate Governance 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 concept of Corporate Governance, its scope and the historical aspects,
- to acquaint them the principles and models of Corporate Governance,
- to impart them knowledge about international codes and guidelines on corporate Governance leading towards corporate good governance, or voluntary codes of best practice
- to enable them to understand the interest of stakeholders of Corporate Governance,
- to provide them knowledge to make critical appreciation of corporate issues/problems and find out mechanisms of control of corporate governance.

Unit I : Introductory

1.1 Meaning and Definition, Nature, Characteristics and Importance of Corporate Governance

1.2 History and Development of Corporate Governance

1.3 Scope and sources of Corporate Governance



1.4 Incorporation, Ownership, Management, Administration and Operation of Corporate Organizations.

1.5 Principles of Corporate Governance:

- (1) The Cadbury Report on Corporate Governance (UK 1992)
- (2) OECD Principles of Corporate Governance, 1999, 2004 and 2015
- (3) The Sarbanes - Oxley Act (US, 2002), and
- (4) Other Codes and Guidelines

1.6 Models of Corporate Governance:

- (1) Continental Europe, (Two-tier board System) i.e. Executive and supervision
- (2) Anglo-American Model (Single - tiered Board system or the unitary system)
- (3) Founder Centrism (integrates the founder and non-founder leadership new theory)

Unit II: Issues/Challenges of Corporate Governance

2.1 Relating to Corporate Management and also relating to Corporate Finance; which may be termed as:

- (a) Principal - Agent Conflict
- (b) Principal - Principal conflict (multiple principal problem)
- (c) Other themes: Nature and Extent of Corporate Accountability; Economic efficiency and shareholder welfare

Unit III: Principles of Regulatory Framework

3.1 Codes and Guidelines under six Parameters of Corporate Governance

- (1) Ensuring the basis for an effective corporate governance framework
- (2) The rights and equitable treatment of shareholders and key ownership functions
- (3) Institutional investors, stock markets, and other intermediaries
- (4) The role of stakeholders in corporate governance
- (5) Disclosure and transparency
- (6) The responsibilities of the board

Unit IV: Improved Enabling General Laws relating to Corporate Governance (Refer relevant section wise provisions):

1. Companies Act, 2063
2. Insolvency Act, 2063
3. Securities Act, 2063



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4. Nepal Rastra Bank Act, 2058
5. Banks and Financial Institutions Act, 2073
6. Banking offence and Punishment Act, 2064
7. Income Tax Act, 2058
8. Insurance Act, 2049
9. Cooperatives Act, 2074
10. State-owned Enterprises (PES) laws
11. Asset (Money) Laundering Prevention Act, 2064

Unit V: Corporate Governance Mechanisms and Control

- (i) Internal Monitoring System by shareholders in private companies, internal auditors
- (ii) External Monitoring (by External Auditor)

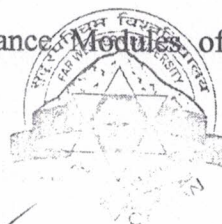
Reading Materials

Prescribed Cases

1. Some landmark, Precedents of the Supreme Court on Commercial Law
2. OECD Principles of Corporate Governance, 1999, 2004, and 2015 A.D.
3. OECD Guidelines on Corporate Governance of State-Owned Enterprises, 2015
4. Report of the Committee in the Financial Aspects of Corporate Governance, the Cadbury Report (Cadbury Code, UK 1992)

Recommended Reading materials:

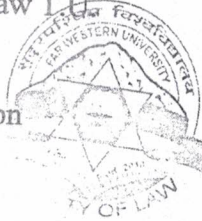
1. Gower's Principles of Modern Company Law. London: Sweet & Maxwell (2009).
2. SEBON, Corporate Governance Practices in Nepal, Nepal (2004)
3. SEBON, Corporate Governance Modules of Best Practices, Nepal (2005)
4. The Basel Committee on Banking Supervision, Principles of Basel committee (2013)
5. ADB Corporate Governance Principles for Business Enterprises (2003).
6. Uprety Bharat Raj, Corporate Governance: Legal and Regulatory Perspective, Principles, and Practices, SEBON,
7. Report of the World Bank (ROSC), on the Corporate Governance, Country Assessment, Nepal (2005)
8. Institute of Company Secretaries of India, Corporate Governance Modules of Best Practices (2009).
9. IFC, Corporate Governance and Development - An update (2012)



10. Sharma, Ramroop Krishna, A study of Corporate Governance Practice in India, the M.S. University of Barroda, Gujrat, India (2012).

Journals

1. **Bar Council Journal**, 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



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FAW WESTERN UNIVERSITY
FACULTY OF LAW

Course title: Nepalese Legal System

Level: B. A, LL. B.

Semester: VI

Course code: 375

Full Marks 100

Pass Marks 50%

Credit hrs: 3 (48 hrs.)

Nature: Compulsory

Course description: The historical part of any discipline plays the most important role to determine the way of coming days. Nepalese legal system is based on historical development of Nepalese legal system. The course provides knowledge on legal system and judicial system of different periods of Nepalese legal history. The syllabus also discuss on concept, origin, sources and characteristics of Nepalese legal system. It also provides knowledge regarding recent trends of Nepalese legal system includes formal and informal judicial trend of Nepal.

Course objectives: This course is designed to:

- a. to acquaint the students the basic notion of Nepalese legal system and judicial trend.
- b. impart knowledge to the students on historical development of Nepalese legal system.
- c. to familiarize the students on foundation and recent trend of Nepalese legal system along with the judicial trend.
- d. impart knowledge to the students on sources of law in different periods of Nepalese legal system.
- e. to provide knowledge to the students on impact of Hindu theology in Nepalese legal system.

Course details

Unit I: Introduction (5 hrs.)

1.1. Concept of Nepalese Legal System

1.2. Philosophical foundation of Nepalese Legal System

Unit Two: Legal system during Kirat and Lichhavi Period (7 hrs.)

2.1. Legal system of the Kirat period

2.2. Sources of law in kirat period

2.3. Legal system of the Lichhavi period

2.4. Sources of law in Lichhavi period

2.5. Judicial system of kirat and lichhavi period



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2.6. Impact of Hindu Law

Unit II: Legal system of Malla period (6 hrs)

3.1. Legal system and judicial system of Malla period

3.2. Legal reforms of Jayasthiti Malla and Mahendra Malla

3.3. Sources of law in Malla period

Unit IV: Legal and judicial system of Shah period (4 hrs.)

4.1. Legal reforms of Ram Shah

4.2. Legal reforms of Prithivi Narayan Shah

4.3. Sources of law in Shah period

Unit V: Legal system of Rana period (9 hrs.)

5.1. Codification of law (Muluki Ain 1910 B. S.) and its salient features

5.2. Major reforms in Rana period

5.3. Legal system and judicial administration during the Rana period

5.4. Sources of law in Rana period

Unit VI: Legal system from 2007 B.S. to till now (20 hrs.)

6.1. Salient features of Nepalese legal system.

6.2. Constitutional development of Nepal

6.3. Sources of existing Nepalese law

6.4. Recognition of precedents in Nepal

6.5. Trends of General Codes (Muluki Ain 2020 B.S. and its features)

6.6. General Introduction and Features of Muluki Code Criminal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code)

6.7. Trend in Specific Legislation: Administration of justice in Nepal, y judicial, Specialized courts, tribunals local bodies, quasi- judicial bodies

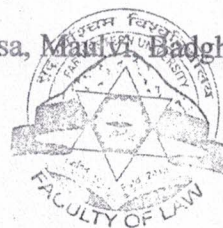
6.8. PIL and ADR

6.9. Other informal system of administration of justice – Bhalmansa, Maula, Badghar, Pancheti, Mukhiya etc.

6.10. Legal education and legal profession of Nepal

6.11. Recent trends of Nepalese legal system

6.12. Impact of other legal system in Nepalese legal system.



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Recommended Texts

Derret, J.D.M. (edr.) **An Introduction to Legal Systems**. New Delhi: Universal Law Publishing (2011) (Third Indian Reprint).

Khanal, Bishal, **Regeneration of Nepalese Law**, Kathmandu, Bhrikuti Acedemic Publications (2001)

Khanal, Rewati Raman, **Nepalko Kanooni Itihasko Ruprekha**, (1st edn.), Mrs Saraswoti Khanal, (2059 B.S.).

Osti, Prakash, (Edr.), **Kanoon Sambandhi Kehi Aitihaskik Abhilekharu** (1st edn.), Kathmandu, Lawyers' Club, (2063 B.S.).

Osti, Prakash, **Hamro Kanooni Itihaska Kehi Jhankiharu**, (1st edn.), Kathmandu, Pairavi Book House, (2063 B.S.)

Dhungel, Laxmi, Narayan, **Comparative Law and Nepalese Legal Systems** (in Nepali), Kathmandu, Deepak Pustak Bhandar, (2075 B.S.)

Raj, Joseph, **The Concept of a Legal System**, (2nd edn.), Oxford, New York, Clarendon Press, (1980).

Sen, Priya Nath, **General Principle of Hindu Jurisprudence**, Allahabad, Allahabad Law Agency, (1984).

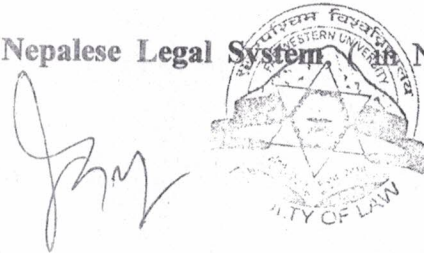
Sharma, Gokulesh, **An Introduction to Legal Systems of the World**, New Delhi, Deep and Deep Publications (2008).

Shrestha, Gyaindra Bahadur, **Hindu Jurisprudence and Nepalese Legal System**, Kathmandu, Pairavi Publication (2056 B.S.)

Singh, Top Bahadur, **Constitutional History of Nepal and Constitutional Documents** (in Nepali) (2nd edn), Kathmandu, Pairavi Prakashan, (2076 B. S.).

Tripathee, Rewati Raj, **Nepalese Legal System: A Jurisprudence and Comparative Appraisal**, Kathmandu, Lumbini Publication (2073 B.S.)

Sharma, Lokendra (Dr.), **Comparative Law and Nepalese Legal System** (in Nepali), Kathmandu, Lumbini Publication (2074 B.S.)



FAR-WESTERN UNIVERSITY

FACULTY OF LAW

Course Title: Sociology of Law
Level: B.A., LL. B.
Semester: VI
Course code: Law 380

Full Marks: 100
Pass Marks: 50%
Cr. hrs: 3 (48 hrs.)
Nature: compulsory

Course description: No law can be imagined without society and no society remains worth living without law. Law should be studied relatively to the social development. When society changes, law changes. Occasionally law is found responsible for bringing the changes in the society, yet it is the law that goes side by side with social changes when there is unrest in the society because of the conflicting interest among social groups, law resolves it. This course opens avenues for the student to know about the relationship between law and society. The course aimed at providing knowledge to the students about theoretical foundation of sociology of law, social dimension of law, law as an instrument of change and social control as well. Further the course explains relationship between law and state power and ideology and legal profession in the social context.

Course objectives: The objectives of the course are;

- to impart knowledge on social basis of law, social solidarity, and social cohesion,
- to provide idea about the relationship between other area of social science,
- to acquaint students with the role of law in the social change and social control,
- to familiarize students with the legal profession, professional knowledge, ideological functions of law and courts.

Course details:

Unit I: Introduction (8 hrs.)

- 1.1. Sociology, society, and social basis of Law
- 1.2. Theoretical foundation of sociology of law
 - 1.2.1. Rationalization of the law: Max Weber
 - 1.2.2. Law and Social Solidarity: Emile Durkheim
 - 1.2.3. Law and social cohesion: Pound
 - 1.2.4. Social system and social structure

Unit II: Social dimension of law (8 hrs.)

- 2.1. Relations of law with other discipline
 - 2.1.1. Law and economy: the political economy of law



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- 2.1.2. Law and politics: the role of democratic law
- 2.1.3. Law and culture: the balance of values through norms

2.1.4. Law and history

Unit III: Law as an instrument of social change (8 hrs.)

- 3.1. Law and Social Change
- 3.2. Constitutional pattern and legal change
- 3.3. Legislative strategies for promoting social change
- 3.4. Limitations of law and social change
- 3.5. Revolution, civil disobedience, and legal change.

Unit IV: Law and Social control (7 hrs.)

- 4.1. Social control as an integral process
- 4.2. legal and extra-legal social control
- 4.3. State, power and the control of personal liberty and economic rights
- 4.4. Types of social control
 - 4.4.1. Direct social control
 - 4.4.2. Indirect social control.
 - 4.4.3. Self-control

Unit V: Law, power, and Ideology (4 hrs.)

- 5.1. Law, class, and Power.
- 5.2. Ideological functions of law: Marx
- 5.3. Law in the corporate society.

Unit VI: Professional Guardianship of Law (10 hrs.)

- 6.1. Introduction to Legal Profession
- 6.2. Professional unity and stratification of legal work
- 6.3. Client interest and Public Interest



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- 6.4. Professional knowledge
- 6.5. Courts and disputes
- 6.6. Judge and state
- 6.7. Ideological functions of the courts

References:

Michael Freeman, *Lloyd's Introduction to Jurisprudence* (2021) Sweet & Maxwell, UK

Mathieu Deflem, (2008) *Sociology of Law: Visions of a Scholarly Tradition*, Cambridge University Press, New York

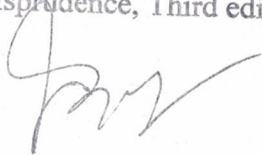
W. Friedman, (2001) *Law in the Changing Society*, second ed, Universal Law Publishing Co. Pvt. Ltd. Delhi.

Roger Cotterrel, (1992) *The Sociology of Law*, second edition, Butterworths, London.

Hilaire McCoubrey and Nigel D. White, *Jurisprudence* (1999), Blackstone Press Ltd., London.

Raymond Wacks, (2012) *Understanding Jurisprudence*, Third edition, New York

Julious Stone, *Social Dimension of Law*,



**FAR WESTERN UNIVERSITY
FACULTY OF LAW**

Course Title: Law of Arbitration and Mediation

Course Code No: Law 385

Levels: B.A., LL.B.

Semester: VI

Full Marks: 100

Pass Mark: 50%

Credits: 3 (48 hours)

Nature: Optional

Course Description:

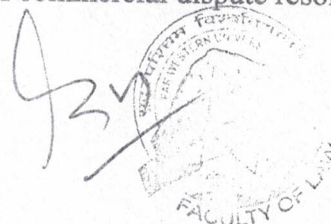
This course is prepared and prescribed by Far Western University Faculty of Law for the B.A., LL.B.VI semester students. This is an optional course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature, the faculty of law has expected that after the completion of the course, the students will be well equipped with the basic knowledge of theories of arbitration and mediation and students shall 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 Arbitration and Mediation is concerned it is a very important and lucarative 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/agreement is the foundation of every business, so it is important to know its historical aspects and legal principles of contractual dispute resolution, and particularly the legal aspects of commercial dispute resolution by Arbitration and Mediation,
- to acquaint the students about the features of law of commercial dispute resolution by Arbitration and Mediation, 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 international conventional and institutional rules particularly of UNCITRAL, ICC rules on arbitration, mediation, dealing with commercial dispute resolution,
- to provide them understanding about this subjects vastness attracting its international rules and norms having its nexus with International Trade and commercial Law, and
- to provide them knowledge to make critical appreciation of Arbitration Act, Mediation Act and case laws of Nepal particularly to the aspects of commercial dispute resolution.



Unit I: ADR, Arbitration, Mediation

Concept, meaning and scope of Alternative Dispute Resolution (ADR), Development, Kinds: Binding Dispute Resolution i.e. Arbitration, Non-binding dispute resolution i.e. mediation, conciliation, negotiation, med-arb and the like, and law relating to ADR.

Concept, Meaning, Scope, Importance, Development, Advantages and Disadvantages of Arbitration, Kinds of Arbitration (Commercial and Non-Commercial, Domestic and International; *Ad hoc* and Institutional, Arbitration), Features of Arbitration Agreement.

Concept, Meaning, Scope, Importance, Development, Advantages and Disadvantages of Mediation, Kinds of Mediation (Commercial and Non-Commercial Domestic and Institutional *Ad hoc* and Institutional), Features of Mediation Agreement.

Unit II: Nepalese Law on Commercial Arbitration

1. Background of Nepalese Law on Commercial Arbitration

(a) Early form: Panchayats/informal, and private tribunals

(b) *ad hoc* / domestic tribunals in small government contracts

(c) Scattered statutory provisions on Commercial arbitration

(d) Institutional International Commercial contracts under UNCITRAL, ICC & other Rules of Commercial Arbitration

(e) The Arbitration Act 1981 as the first general special legislation on Commercial Arbitration

(f) Aspects for the enactment of the existing Arbitration Act, 1999

2. Arbitration Act, 1999

(a) Features of UNCITRAL Model Law 1985 based Arbitration Act, 1999:

(i) Special Procedural Regime for International Commercial Arbitration

(ii) Arbitration Agreement and Settlement of Dispute

(iii) Composition of Arbitral Tribunal

(iv) Jurisdiction of Arbitral Tribunal

(v) Conduct of Arbitral Proceedings

(vi) Making Award and Termination of Proceedings

(vii) Recourse against Award

(viii) Recognition and Enforcement of Foreign Arbitral Awards

(b) Steps of Commercial Arbitration (Arbitral Process, Procedures and Proceedings under this Act).

(c) Arbitration (Court Procedure) Regulation, 2002

(d) Addressing of problems/ issues

(e) Suggestive: Simulation/Classroom Mock tribunal session

3. Arbitral Procedures Regulation of Nepal Council of Arbitration (NEPCA) 2072 (2015)

Unit III: Nepalese Law on Commercial Mediation

1. Background of Commercial Mediation in Nepal

(a) Traditional (informal) methods of dispute settlement



- (i) Mythological basis: for compromise, amicable settlement, reconciliation, mediation, conciliation through Vedas, religious scriptures like Manusmriti, Sukraniti, Yagyabalkya Dharmashra, Kautilyaniti, etc.
- (ii) Conferring through traditional or local dispute settlement practices by organizing Panchayats, by adopting Mukhiya system, Badghar system, Khadayanji system, sitting of Magar, Gurungs, Mahat/Mathawar, Tamu dhi societies, system of Guthi (religious/charitable trusts), etc.
- (b) Formal/Legislative basis or source; enacting mediatory provisions in scattered legislations starting with Muluki Ain 1853, Sanads, and other sectoral Acts and Regulations particularly in the field of Banking Foreign Investment, Labour Bonus, Company, privatization, Local Governance, Court and tribunals.
- (c) Existing Mediation (*Melmilan*) Act, 2068 (2011) as an Umbrella Act for Court referred/annexed mediation, community mediation, commercial mediation. Its compatibility with the international principles and rules of international commercial mediation.
- (d) Steps (provisions, process, procedures and proceedings of Mediation) under the present Nepalese Mediation Act, 2068 (2011)

Unit IV: International Commercial Arbitration

1. Introduction, Development and Features of International Commercial Arbitration
2. Essential elements of International Commercial Contracts (Agreements): agreement to arbitrate; definition and scope of disputes subject to arbitration; the means for selecting the arbitration; the choice of arbitral seat; adoption of institutional or ad hoc arbitration rules; the language for the conduct of arbitration, choice of applicable law; arbitrator qualifications; interim relief; costs; other procedural matters and enforcement of arbitral awards.
3. Current major international rules of International Commercial Arbitration
 - (1) UNCITRAL Arbitration Rules (2021)
 - (2) Others: ICC International Court of Arbitration Rules of Arbitration (2021), London Court of International Arbitration Rules (2023), Washington Convention on the Resolution of International Settlement of Investment Disputes (ICSID) between States and Nationals of other states (ICSID) 1965.
4. Enforcement of International Commercial Arbitral Awards:

Under United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention).

Prescribed Cases:

1. Agriculture Input Corporation vs East India Transport Agency et.al, *NEPCA Bulletin*, 2002.
2. Aamodananda Mishra v. Appellate Court Patan et.al, *NKP* 2006.
3. B.T. Construction Co. v HMG, Dept of Irrigation, Bagmati Irrigation Project et.al, *A Compendium of Arbitration Decisions*, NEPCA.



4. Bijaya Kumar Agrawal v Rabindranath Majumdar, *A Compendium of Arbitration Decisions*, NEPCA, 1996.
5. Bridgeline Corporation v Agriculture Input Corporation, *NEPCA Bulletin*, 1999.
6. Chandra Kumar Golchha v Court of Appeal et.al., *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed. 2015-2062 (1959-2005) Supreme Court, Nepal, 2006.
7. Flora Nepal Pvt. Ltd. v Court of Appeal, Patan. *NKP*, 2006
8. HMG Dept of Roads v Prakash Construction et.al, *NEPCA Bulletin*, 2000.
9. Karisma Impex v National Trading Limited et.al, *A Compendium of Arbitration Decisions*, NEPCA, 1996.
10. Kirtichand Thakur v Court of Appeal Lalitpur et.al, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed., (1959-2005), Supreme Court, Nepal, 2006.
11. Krishna Chandra Jha V Dinesh Bhakta Shrestha et.al, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed. (1956-2006), Supreme Court, Nepal, 2006.
12. Melamchi Drinking Water Committee v Sanaula Khimti Construction Co., *NKP* 2004.
13. Nara International Himalayan Spring Water Co. Ltd. v Hulas Steel Industries Pvt. Ltd. et.al, *Supreme Court Bulletin*, vol. 22, 2004.
14. Oriend Magnesite v HMG et.al, *A Compendium of Arbitration Decisions*, NEPCA 1996.
15. Rupjyoti v Kathmandu District Court et.al, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed, (1959-2005), Supreme Court, Nepal, 2006.

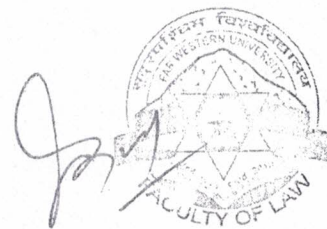
Reading Materials

Prescribed Legal Texts (with amendments)

1. Arbitration Act, 2055 (1999)
2. Mediation Act, 2068 (2011)
3. Muluki Civil Code, 2074, Part 5 (Chapters 1 to 15)
4. Some Landmark Precedents of the Supreme Court on Commercial Law.
5. Yearly Bulletin of Nepal Council of Arbitration (NEPCA).
6. Convention on Recognition and Enforcement of Foreign Arbitral Awards (1958).
7. All the legal texts of International Rules of Commercial Arbitration and Mediation as referred in different units of this syllabus.

Recommended Readings (latest edition)

11. AAA, *Handbook on Mediation*, JurisNet 2nd ed. 2010.
12. Carr Swanson and Randolph, LLC, *Advanced Mediation course for Lawyers and Business Entrepreneurs*, June 2006 organized by NJA, NBA & FNCCI in support of ARD, Inc. Rule of Law Project, USAID/Nepal.
13. Feehily, Ronan *International Commercial Mediation*, Cambridge University Press, New Delhi, 2022.
14. Hirsch, M. *The Arbitration Mechanism of the ICSID*, International Arbitration Law Library, London: Martinus Nijhoff Pub, (1993).



15. Karki, Bharat B. (Prof. Dr.), Commercial Mediation: International Provisions and Procedures, Mediation special Issue, **Business Law Journal**, vol. 10, (2007).
16. Karki, Bharat B. (Prof. Dr.), Provisions Relating to Contract and Other Liabilities in Muluki Civil Code Act, 2074 B.S; **Nepal Law Review** (2076 B.S.).
17. Karki, Bharat B. (Prof. Dr.), The Arbitration Act, 1999 and the Implementation - related Issues; **2 Business Law Journal**, vol. 2, (2004).
18. Karki, Bharat B. (Prof. Dr.), Standards Form Contract (S.F.C.): Issues at National and International Application, 179 **Nyayadoot**, Vol. 7 (2009).
19. Kwatra, G.K. *The New Arbitration & Conciliation Law of India*, The Indian Council of Arbitration, New Delhi, (1996).
20. Rau, A.S. et.al., *Mediation and other Non-Binding ADR Process*, New York: University Casebook Series, (2002).
21. Redfern and Hunter, *Law and Practice of International Commercial Arbitration*, (1986).
22. *Russel on Arbitration*, London: Maxwell.
23. Sandar, Rogers and Cole, *Dispute Resolution: Negotiation Mediation, Arbitration and other Processes*, Kluwer, 6th ed. 2012.

Journals

9. **Annual Survey of Nepalese Law**, Nepal Bar Council
10. **Business Law Journal**
11. **Kanoon**, Lawyers Club, Nepal
12. **Nepal Bar Council Law Journal**, Nepal Bar Council Nepal
13. **NJA Journal**, National Judicial Academy
14. **Nepal Law Review**, Nepal Law Campus, Faculty of law T.U.
15. **Nyayadoot**, NBA, Nepal
16. **Supreme Bar Journal**, Supreme Court Bar Association

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Optional area:

**FAR WESTERN UNIVERSITY
FACULTY OF LAW**

Course Title: Intellectual Property Law

Course Code No: Law 390

Credit hrs.: 3 Credit (48 hours)

Semester: VI

Full Marks: 100

Pass Marks: 50%

Level: B.A. LL.B.

Nature: optional

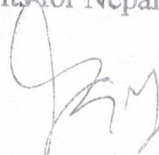
Course description: This course is prepared and prescribed to the Fourth Semester B.A.LL.B. level of students. This is a compulsory course designed to provide and enable the students to have clear knowledge and skills in the subject. Being an integrated, multi-disciplinary and practical course by nature, the completion of the course the students will be well-equipped with the basic knowledge of concept intellectual property, industrial property and copy roight. Besides students shall have knowledge on national and international legal provisions regarding intellectual property.

So far as this course of Intellectual Property Law is concerned it is a very important and lucarative course in the professional market. Thus, the scope of Corporate Lawyer needs no explanation.

Course Objectives:

Followings are the Main Objectives of This Course:

1. To impart knowledge about meaning, kinds and sources of intellectual property law to the students.
2. To inculcate in them the understanding of the nature, kinds, ownership, transfer of ownership, fair use, infringement, remedies against infringement of copyright as provided in the laws of Nepal.
3. To familiarize the students with knowledge of the provisions of copyright and related rights provided by international treaties and conventions.
4. To acquaint students with the nature and meaning of industrial property viz. trade mark, patent, copyright, industrial design, geographical indications, protection against unfair trade practices, trade secrets, etc.
5. To enable the students to assess the benefits for Nepal from International Instruments dealing with intellectual property.



Course details:

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

1. Concept of Intellectual Property
2. Importance of Intellectual Property.
3. Kinds of Intellectual Property
 - a. Industrial Property
 - b. Copyright
4. Sources of Intellectual Property Law.

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

1. Industrial Property

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

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

Unit III: International Conventions on Intellectual Property:

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



Unit IV: Existing Legal Frameworks of Intellectual Property in Nepal

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

UNIT V: Institutional Mechanism in Nepal

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

Leading Cases:

- a. *Suresh Chandra Agrawal vs. Department of Industry et.al.*, NKP 2049/791 S.C. decision no. 4605
- b. *Nurpratap Rana vs. Department of Industry Tripureshwor Kathmandu et.al.* Some landmark Precedents of the Supreme Court on Commercial Law, 1st ed. (1959-2005), Supreme Court, 2006
- c. *Mihir Kumar Thakur vs. Bhesjung Badal Lamichhane* NKP (2066) No. 12, p 2017.

Reading Materials:

1. Legal Texts (with amendments):

- a. Copyright Act, 2002
- b. Copyright Rule, 2004
- c. Consumer Protection Act, 2019
- d. Electronic Transaction Act, 2006
- e. Patent, Design and Copyright Act, 1965
- f. Export-Import (Control) Act, 1957 (as amended)



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- g. Foreign Exchange Regulation Act, 1974
- h. Foreign Investment and Technology Transfer Act, 2019
- i. Company Act, 2006
- j. WTO, TRIPs Agreement 1994

3. References

- 1) Cornish, W.R., *Intellectual Property*, (3rd ed), Sweet and Maxwell, Universal Book Traders, Indian Reprint, New Delhi, 1995.
- 2) Chawla, Alka, *Copyright and Related Rights: National and International Perspective*, (First ed.), Macmillan India Ltd., 2007.
- 3) Narayan, P., *Intellectual Property*, (3rd ed.), Eastern Law House, New Delhi, 1990.
- 4) Sangal, P.S., *Intellectual Property Law*, R.K. Naroola, New Delhi, 1994.
- 5) Sople, V.V., *Managing Intellectual Property and the Strategic Imperative*, Prentice Hall of India P. Ltd., New Delhi, 2006.
- 6) Shahalia, Manu, Luv, *Perspective in Intellectual Property Law*, Universal Law Publishing Co. P. Ltd., 2003
- 7) Wadehra, B.L., *Law Relating to Patents, Trademarks, Copyrights, Designs and Geographical Indications*, (2nd ed), Universal Law Publishing Co. P. Ltd., India, 2000.
- 8) Mukhia, Bal Bahadur, *Legal Aspects of Incorporated Property Rights with Special Reference to Industrial Property in Nepal*, (Research), Faculty of Law, Tribhuvan University, 2001.



FAR-WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: International Humanitarian Law.

Level: B. A, LL. B.

Semester VI

Course Code: Law 395

Full Marks: 100

Pass Marks: 50%

Credit hrs.: 3 (48 hrs.)

Nature: Optional

Course Description: People who are not taking part in the hostility such as the civilian, prisoners of war, injured combatants have continuously been victim during the armed conflict. Besides, cultural property representing certain era of human civilization, and objects of non-military nature and use are also destroyed during the armed conflict. International humanitarian law is the only legal regime which provides protection to the people of protected category and objects in both international and non-international armed conflict. Thus, its necessary to provide knowledge to the students about nature, scope, and importance of international humanitarian law consequences upon violation of international humanitarian law.

Objectives of the course: The objectives of this course are:

- to provide knowledge about international humanitarian law or law of war.
- to enhance understanding of students about different types of conflict and the applicable laws. -
- to imparts knowledge on the interface between international humanitarian law and international criminal law
- to impart knowledge on the implementation and accountability mechanisms under international humanitarian law.

Unit I: Introduction to International Humanitarian Law (7 hrs)

- 1.1 Definition and nature of IHL
- 1.2 Origin and development of IHL
- 1.3 Sources of IHL
- 1.4 Basic Principles of IHL
- 1.5 Relation between IHL and IHRL, IHL and ICL, IHL and Refugee Law

Unit II: Concept and Classification of Armed Conflicts (7 hrs.)

- 2.1. Definition of armed conflict
- 2.2. Classification of armed conflict
 - 2.2.1. International armed conflict
 - 2.2.2. Non-International armed conflict
 - 2.2.3. Internationalized non-international armed conflict.
- 2.2.IHL regime applicable in various types of conflicts

Unit III: Protected Persons under IHL (8 hrs.)

- 3.1. Wounded, sick, and shipwrecked.
- 3.2. Civilian population or people not taking part in the hostility.
- 3.3. Prisoners of War (POWs)
- 3.4. Medical personnel, chaplain,
- 3.5. Women, children, and refugees

Unit IV: limitation on Conduct of Hostilities (8 hrs.)



- 4.1. Limitation on the Means of warfare
- 4.2. Limitation on Method of warfare
- 4.3. Military objects
- 4.4. Prohibition on attack against cultural property
- 4.5. Other protected objects (civilian objects etc)

Unit V: Implementation and Enforcement of International Humanitarian Law (18 hrs.)

- 5.1. War crimes and grave breaches
- 5.2. individual criminal responsibility, superior orders and command responsibility
- 5.3. Measures to implement of IHL at International and national level.
 - 5.3.1. Role of International Criminal Tribunal-Ad hoc, Hybrid Courts and International Criminal Court.
- 5.4. Role of ICRC in the promotion and enforcement of IHL.

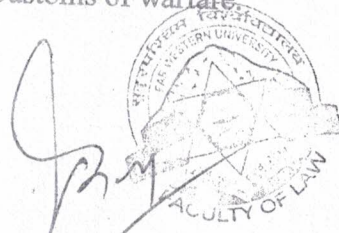
Reading Materials:

I. Textbooks:

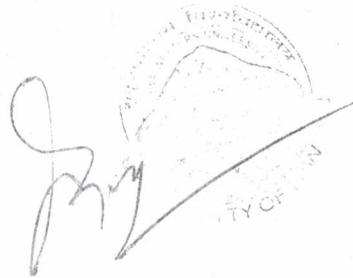
1. Harland, Christopher. *Basic Documents on International Humanitarian Law South Asia Collection*. Delhi: ICRC Regional Delegation, 2011
2. Maybee, Larry and Benarji Chakka, *International Humanitarian Law A Reader for South Asia*, Delhi: ICRC, 2009
3. Balchandran, M. K., and Rose Vergese, *Introduction to International Humanitarian Law*, Delhi: ICRC, 1997
4. Wanta, Tirth Raj *Aanta Rostriya Manaviya Kanoonka Vividh Paksha* (Translated and Edited), ICRC, 2006
5. Fleck, Deter (Ed.). *Handbook of International Humanitarian Law in Armed Conflict*, Oxford, 1995
6. Kalsoven, Frits and Liesbeth Zegveld *Constraint on Waging of War*, Geneva: ICRC, 2001
7. Marco Sasso'li, Antoine A. Bouvier, and Anne Quintin. *How Does Law Protect in War* (3rd ed.), Geneva: ICRC, 2011
8. *Direct Participation in the Hostilities*, Geneva, ICRC

II. International Instruments:

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949
2. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, of 12 August 1949
3. Geneva Convention Relative to the Treatment of the Prisoners of War, of 12 August 1949
4. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, of 12 August 1949
5. Protocol Additional to the Geneva Conventions, of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflict (Protocol I) of 8 June 1977
6. Protocol Additional to the Geneva Conventions, of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflict (Protocol II) of 8 June 1977
7. Protocol Additional to the Geneva Conventions, of 12 August 1949, and Relating to the Adoption of Distinctive Emblem (Protocol III)
8. Convention for the protection of cultural property in the Event of Armed Conflict, The Hague, 1954 and its First protocol of 14 May 1954, and Second Protocol of 26 March 1999 and other conventions relating to the Laws and Customs of warfare



9. Convention on the Rights of Child 20 November 1989 and its Optional Protocol on Child Involvement in the Armed Conflict, of 25 May 2000
10. Rome Statute of International Criminal Court 1998
11. ICTY Statute 1993, ICTR Statute 1994, and Statute of Special Court for Sierra Leone



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FAR WESTERN UNIVERSITY
FACULTY OF LAW

Course Title: **Law of Consumer Protection**

Level: B.A. LL.B.

Semester: VI

Course Code: Law 400

Full Marks: 100

Pass Marks: 50%

Credit: 3 (48 hrs.)

Nature: Optional

Course Description: Customer rights often are regarded as human rights. Such a rights directly or indirectly are linked with economic rights and justice. This course aims at imparting knowledge to the students about the protection of consumer rights, consumer responsibility, international legal framework, Nepalese legal provisions on government obligation to protect consumer right, Consumer court and its jurisdiction, punishment and penalty for the violation of consumer rights. Ultimately this course is expected to be helpful in ensuring economic justice of the people.

Course Objectives: This course has following objectives;

- To impart the knowledge to the students with the basic idea of consumer law, consumerism, Consumer rights and responsibility.
- To inculcate the students about the international legal framework on consumer protection.
- To impart knowledge about the consumer protection mechanism in Nepal
- To enable students to analyze and understand the consumer protection, linkage consumer rights with human rights and economic justice.

Course Details:

Unit I: Introduction

(5 hrs.)

1. Meaning of consumer, consumer protection and Consumerism
2. Development of the concept of consumer protection
3. Meaning and development of Law of Consumer protection
4. Scope of Consumer Protection Law
5. Importance of consumer protection
6. Consumer protection and human rights

Unit II: Rights and Responsibility of consumer (6 hrs.).

- I. **Rights of Consumer**
 - a. The right to satisfaction of basic needs
 - b. The right to safety



- c. The right to be informed
 - d. The right to choose
 - e. The right to be heard
 - f. The right to redress
 - g. The right to consumer education
 - h. The right to a healthy environment
- II. Responsibility of Consumer**

- a. Critical awareness
- b. Action
- c. Social concern
- d. Environmental awareness
- e. Solidarity

(3 hrs.)

Unit III: Consumer rights in international legal framework

(13 hrs.)

1. UN Guidelines on Consumer Protection.
2. Objectives and history of UN Guidelines on Consumer Protection.
3. General Principles of Consumer Protection enshrined in UN Guidelines.
4. Guidelines for Consumer Protection.
 - a. Physical safety.
 - b. Promotion and protection of consumers' economic interests.
 - c. Standards for the safety and quality of consumer goods and services.
 - d. Distribution facilities for essential consumer goods and services.
 - e. Measures enabling consumers to obtain redress.
 - f. Education and information programmes.
 - g. Promotion of sustainable consumption.
5. Measures relating to specific areas (Food, Water, Pharmaceuticals.)
6. ASEAN System of Consumer Protection.

Unit IV: Consumer Protection in Nepali Law

(16 hrs.)

1. History of Consumer protection law in Nepal.
2. Provisions on customer protection under the Consumer Protection Act 2075.
 - a. Rights of the consumer.
 - b. Regulation of services and commodities.
 - c. Government obligation supervise and monitor the price, quality, measurement, label, and advertisement of commodity and service.
 - d. Obligation of market and commodity related party
 - e. Prohibited acts regarding goods and services
 - f. Prohibited acts under the Consumer Protection Act 2075
3. **Institutional mechanism for Consumer Protection**
 - a. Consumer Protection Council



- i) Composition, functions,
- b. Rights and duties of consumer protection council
- c. Central, Provincial and Local market monitoring committee and their Power, Functions, rights and duties.
- d. Consumer Court
 - a. Exercise of the jurisdiction
 - b. Contempt of the consumer court

Unit V: Fine, Penalties and Punishment under the Consumer Protection Act 2075 (5 hrs.)

1. Instant Fine.
2. Punishment for the violation of the provisions of the Act.
3. Appeal.
4. Compensation claims and compensation.
5. Compensation Measures.

Leading Cases:

Authorized Director of Vayodha Hospital Pvt. Ltd. vs Pallavi Shrestha Certiorari/ mandamus, (2079) Writ No. 079-Wo-0159.

Advocate Bhoj Raj Ayer on 'behalf of Srijana K.C. Also on 'behalf of Pro-Public vs. Dr. Dinesh Bikram Shah, NKP (2066), vol. 11, Decision No. 8262, Date of Decision, 2066/7/29

Jyoti Baniya on behalf of the Consumer protection Forum (CPF) vs. National Federation of Nepal Transport Professionals, New Baneshwor et.al, NKP (2068), vol. 4, Decision No. 8598, Date of Decision 2067/10/19.

Sanjeev Keshwa et.al v. Prime Minister and Council of Ministers Office, Singh Durbar et.al, NKP 2071, vol. 2, Decision No. 9120, Date of Decision 2070/09/14

Dal Bahadur Dhama vs. Government of Nepal Prime Minister and Council of Ministers Secretariat, Singh Durbar et. all, NKP (2075), vol. 4, Decision No. 9997, Date of Decision 2075/03/14.

Yeti Airlines Pvt. Ltd. vs. Ghamraj Luitel, NKP (2075), vol. 4, Decision No. 9989, Date of Decision 2072/05/31

Bharat Mani Gautam vs. Council of Ministers & Others, NKP (2060), vol. 11, Decision No. 7304, Date of Decision 2060/10/20

Prakash Mani Sharma vs. Nepal Drinking Water Corporation & Others, NKP (2058), vol. 9, Decision No. 7042, Date of Decision 2058/03/26



Dhrub Bahadur Karki vs. Himat Cement Company, NKP (2058), vol. 11/12, Decision No. 7046,
Date of Decision 2058/10/04

Text Book and References:

W.V.H. Rogers, Winfield and Janowicz on Law of Torts (1984) 12th edition, Sweet and Maxwell, London.

Ratan Lal & Dhiraj Lal, The Law of Torts, (1992) (42nd ed), Wadhwa & Co. Nagpur,

Ramaswamy Iyer, The Law of Torts (1990) N.M. Tripathi, Bombay,

Avatar Singh, Introduction to Law of Torts (2001) Wadhwa & Co. Law Publishers, New Delhi.

Tek Prasad Dhungana et. all. Upabhokta Hit Sanrkshan (Consumer Protection: Concept, Law, and Practices, Makalu Publications, Kathmandu.

Iain Ramsey, Consumer Law and Policy, India.

Brain H Harvey, The Law of Consumer Protection and Fair Trading, Butterworths, England.

Dr. Sangita Dhirgare Sehgal & Kamakshi Sehgal, An Insight to Consumer Protection Laws (2020), Heritage Publishers, Delhi.

HEWER, New Directions In Consumer Research (Four Volume Set)(2015) Sage Publisher, India,

Roma Harris, Configuring Health Consumers: Health Work and Imperative of Personal Responsibility (2010), (Health Technology and Society) Palgrave, UK.,

K. Payne, How Much Enough? Buddhism, Consumerism, and the Human Environment, Wisdom, 2010.

D P Wadhwa & N L Rajah, The Law of Consumer Protection, 1st ed. 2022.

Prof. (Dr.) Ashok R. Patil, Commentary on Consumer Protection Act 2019.

Dr. R. K. Bangia, Consumer Protection Laws 9th ed., 2022.

S.C. Tripathi, Consumer Protection Act, 7th ed. 2022.

Claire Andrews, LexisNexis's Enforcement of Consumer Rights and Protections.

Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law.

Justice S. N. Aggarwal, Universal's Supreme Court on Consumer Protection Act.



Acts and Rules:

- Consumer Protection Act 2075 and Rules 2076
- Local Government Operation Act 2074
- Essential Commodity Preservation Act 2012
- Essential Services Operation Act 2012
- Aabashyak Padartha Niyamtran (Adhikar) Ain (Essential padartha control (Rights) Act 2017
- Food Act 2023
- Right to Food and Food Sovereignty Act 2075
- Aamako Dudh Pratisthapan garne bastu (Bikri bitaran) Ain (Breast milk Restitution element (sale and distribution) Act 2049
- Hotel Tatha Madira Bikri Bitaran (Niyamtran) Ain (Hotel and Sale and Distribution of Alcohol (control) Act) 2023
- Aushadhi Ain (Medicine Act) 2035
- Nepal Gunastar (Mark) Nepal Standard (Mark) Act 2037
- Savari Tatha Yatayat byavsthapan Ain (Vehicles and Transportation Management Act) 2049
- Bima Ain (Insurance Act) 2049
- Nagarik Uddyayan Pradhikaran Ain (Civil Aviation Authority of Nepal Act) 2053
- Dursnchar Ain (Telecommunication Act) 2053
- Sadak bord Ain (Road Board Act) 2058
- Pratispradha Prabardhan tatha Bazar Sngrakshan Ain (Competition Promotion and Market Protection Act) 2063
- Bank and Financial Institutions Act 2073
- Muluki Criminal Code 2074
- Muliki Civil Code 2074
- Janaswasthaya Ain (Public Health Act) 2075
- Jibnasak visadi byavasthapan Ain (Pesticides management Act) 2076.



Bigyapn Ain (Advertisement (Regulation) Act) 2076.

Bidyut Niyaman Aayog Ain (Electricity Regulatory Commission Act) 2075

Khanepani tatha sarsafai Ain (Drinking Water and Sanitation Act) 2076.

Reports:

Banijya, Aapurti tatha upabhokta sangrakshan Bibhag (Department of Commerce, Supply and Consumer Protection), Bazar ra upabhokta hit sangrakshan sanga sambandhit kanun haruko punaravalokan, (Review of laws relating to the market and consumer protection, Babarmahal Kathmandu, 2077.

Banijya, Aapurti tatha upabhokta sangrakshan Bibhag (Department of Commerce, Supply and Consumer Protection), Training Manual Related to the market monitoring and consumer protection for the capacity building of the Inspection officer, Kathamandu, 2077.

National Humsan Right Commission, Monitoring Guidelines for Human Rights of Consumer, Lalitpur, 2079.

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**FAR WESTERN UNIVERSITY
FACULTY OF LAW**

Course Title: Socio Economic Crime

Level: B.A.LL.B.

Semester: VI

Course Code: Law 401

Duration: 45 Hrs.

Full Marks: 100

Pass Marks: 50%

Credit: 3 (48 hrs.)

Nature: Optional

Course Description: This course is designed for students who seeks the knowledge of socio-economic offences. It includes basic concept of socio-economic aspect of crime. This course is designed for inculcating the knowledge regarding various types of socio-economic offences of the contemporary world.

Course Objectives

The objectives of this course are:

- To inculcate the students about the relation of crime with economic and social issues.
- To impart the knowledge to the students with the basic idea of socio-economic offences.
- To enable them to analyze and understand the socio-economic aspect of crime.

Unit I: Introduction (10 hrs)

1. Definition, nature and kinds of socio-economic crimes
2. Economic and Social approach to Crime
3. Crime and Poverty
4. Crime and Socio-cultural Issues
5. Crime and Politics
6. Crime and Conflict

Unit II: Organized Crimes (10 hrs)

1. Concept of Organised Crime
2. Nature and Characteristics of Organised Crime
3. Difference Between Organised Crime, Gang Criminality and Political Party
4. Classification of organised Crime
5. Transnational organised Crime
6. Organised crime in Nepalese Society
7. Major Categories of Organised Crime

Unit III: White Collar Crime (10 hrs)

1. Concept of white collar crime
2. Nature and basic characteristics of white collar crime
3. Evolution of concept of white collar crime
4. White collar crime in certain professions and types of White collar Crime
5. Comparison between white collar crime and traditional Crime

Unit IV: Political Crimes (10 hrs)

1. Concept and nature of Terrorism



2. Sociology of Terrorism
3. Types of Terrorism
4. Difference between political crime, organised crime and white collar Crime
5. Counter terrorism
6. Criminal-Politician nexus

Unit-V: Social Evils and Crime (5 hrs)

1. Crime Relating to Caste Based discrimination
2. Crime relating to Superstition

Leading cases

1. *Dhankumari Sitaula vs Government of Nepal*, NKP, 2066, D.NO.8269, P.1893.
2. *Florin Percul vs Government of Nepal*, NKP, 2064, D.NO.7818, P.251.
3. *Government of Nepal vs Lakpa Tamang et al.* NKP, 2066, D.NO.8083, P.314.
4. *Government of Nepal vs Magare Khan et al.* NKP, 2066, D.NO.8243, P.1667.
5. *Bhimsen (Khajur) Pariyar vs Government of Nepal*, NKP, 2061, D.NO.7320, P.101.
6. *Government of Nepal vs Khem Raj Pandey et al.*, NKP, 2066, D.NO.8166, P.926.
7. *Government of Nepal vs Rajesh (Raghu) Lama*, NKP, 2062, D.NO. 7525, P.458
8. *Uttam Lama vs Government of Nepal*, NKP, 2061, D.NO.7432, P.1103.
9. *Bijayanath Bhattarai vs Government of Nepal*, NKP, 2066, D.NO.8194, P.1159.
10. *Government of Nepal vs Kedar Chandra Khanal*, NKP, 2063, D.NO.7712, P.737.

I. Prescribed Reading Materials

1. Ahuja, Ram, *Criminology* (3rd Ed), New Delhi: Rawat Publications.
2. Ahuja, Ram; *Sociological Criminology*, New age International Pvt. Ltd., 1996
3. Barker, J. (2005). *No-nonsense guide to terrorism*. London: Baily Press, 1997
4. Fox, Verhoh, *Introduction to Criminology*, New Jersey: Prentice-Hall Inc., 1976
5. Freda, Adler Gerhard O.W. Muller and William, S. Laufer. *Criminology*, McGraw-Hill, Inc, 1991
6. Hagan, F. E. (1989). *Introduction to criminology: theories, methods and criminal behavior*. Chicago: Nelson-Hall.
7. Paranjape, N.V. (Prof); *Criminology & Penology*, Allahabad: Central Law Publication, 2012
8. Qadari, SMA, Ahmad Siddque's *Criminology and Penology* (6th Edi), India: Eastern Book Co., 2009.
9. Schmallegger, F. (2006). *Criminology today*. (4th Ed.). New Jersey: Pearson/Prentice Hall.

II. Statutes and Rules:

1. The Muluki Criminal Code, 2074.
2. The Prevention of Corruption Act, 2059 B.S.
3. The Commission for the Investigation of Abuse of Authority Act, 2048 B.S.
4. The Human Trafficking and Transportation (control) Act, 2064 B.S.
5. The Narcotic Drugs (control) Act, 2063 B.S.
6. The Untouchability and Caste based Discrimination Act, 2068 B.S.
7. The Banking Offence and Punishment Act, 2064 B.S.
8. The Money Laundering Prevention Act, 2064 B.S.
9. Other related legislations

