

दर्शौ सेमेस्टरकालागि निर्धारित पाठ्यक्रम

Compulsory area:

FAR WESTERN UNIVERSITY  
FACULTY OF LAW

Course Title: Clinical Law-II (Placement)

Level: B.A. LL. B.

Semester: X

Course Code: Law 560

Full Marks: 100

Pass Marks: 50%

Credit: 3(48 hrs.)

Nature: Compulsory

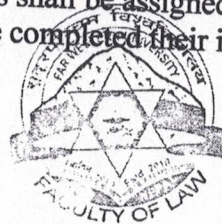
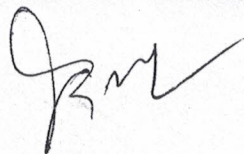
**Course description:** Clinical Law (placement) is a practical course prescribed for X semester B.A., LL. B. students to enable them in a practical knowledge in the field. The B.A., LL. B. Programme aimed at producing skilled human resource in the legal field. Students having knowledge in theories and principles, must have practical experience in the field. Practical knowledge may be obtained in various institutions responsible for the dispensation of justice. So, students of the X semester, shall be deputed to the various places of the legal, administrative, governmental or non-governmental sector.

**Course objectives:**

The main objective of this course is to give placement training to Students and prepare a report for evaluation. The Training course attempts to expose the students to different aspects of legal work carried out by institution where the students are placed. Besides examining the code of professional ethics and etiquette both in theory and in practice, the course addresses the growing social responsibilities and challenges.

**Method and Procedure:** Students shall be placed for six weeks in any concerned legal or other institution which is agreed upon between Campus and host institution such as courts, Lawyer's chambers, libraries, administrative offices, quasi-judicial bodies, prosecution departments, police and correctional institution, commercial corporate establishment, government law offices, legal aid centers, legislative secretariats etc. Students themselves may choose or search for the place of the interest or Programme Coordinator shall manage to place the students in appropriate institutions. This course shall be conducted by designated teacher or other law professional having sufficient knowledge and professional experience. The Programme Coordinator, will be responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Far Western University.

**Evaluation Process:** The course carries 3 Credit hours (100) marks. Out of which 40 marks shall be allocated to internal evaluation, which shall be done by the class teacher. Out of 40 marks, 10 shall be evaluated for attendance. Attendance shall be taken by the responsible authorities where the students has been placed as an intern. Each student shall prepare and submit a report of their work they have completed during internship period in designated format by the campus. 10 marks for class activities where student shall make a presentation of their internship paper and other students shall give their comments on the paper. Each student shall be compulsorily participating in the presentation class. 20 marks shall be allocated for interview by the committee formed by the programme coordinator. Final Internship paper shall be evaluated for 60 marks. 3 members committee involving experienced teachers and research experts shall be assigned for viva-voce or interview. Law practitioners or authorities where students have completed their internship may be invited for interview or viva-voce.



FAR WESTERN UNIVERSITY  
FACULTY OF LAW

Course Title: Dissertation

Level: B.A., LL. B.

Semester X

Course Code: Law 570

Full Marks: 100

Pass Marks: 50%

Credit: 3 (48 hrs.)

Nature: Compulsory

**Course Description:** Dissertation is a practical course for research which is to be completed by the students in final semester of the B.A., LL. B. Level. Legal research has been the integral part of the law study. Students who have reached to the X semester, must translate their theoretical knowledge in research into pragmatic knowledge. Thus, the dissertation course has been introduced designed in the last semester of under graduate level course. This course will enable students in writing research paper, research articles and other type of research writing.

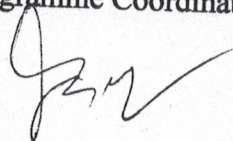
**Course Objectives**

The main objective of writing a Dissertation is to acquaint students with the process of doing research on definite legal issues of law and justice. For this, the students shall submit a proposal in a prescribed format before the Campus within the specified date in the beginning of the tenth semester which may be approved with or without modification. While preparing Dissertation, the students shall have to take the complete guidance of the supervisor appointed by the Campus. As a rule, the supervisor shall have to submit a progress reports of the candidate about the progress of his/her Dissertation.

**Method and Procedure:** Programme Coordinator at the beginning of the X semester, shall notify the students to submit a research proposal on any topics relevant to the legal and social study. A 3 member research committee involving experience law teacher and other research expert shall review the proposal and approve it. After approval of the research proposal submitted by the students, the Programme Coordinator shall organise an orientation class on dissertation writing. The Programme Coordinator shall appoint dissertation supervisor for each student. Students shall prepare their dissertation paper under the guidance and supervision of the supervisor. Students within three months of the final examination must submit 3 copies of the dissertation paper to the Programme Coordinator. Within the 15 days of the final submission of the dissertation paper, the Programme Coordinator shall notify the date for the viva voce.

**Evaluation Process:** The Dissertation paper carries 3 Credit hours (100 marks). Out of these 100 marks, 40 marks shall be allocated for internal examinations and 60 marks shall be allotted for the evaluation of dissertation paper submitted by the students.

Out of the 40 marks allocated for the internal evaluation, 10 marks shall be allocated for attendance, 10 marks shall be allocated for consultation with supervisor and 20 marks for the viva-voce. Final dissertation paper shall be examined by the experienced teacher having good knowledge of research. Controller of the Examinations shall arrange for the evaluation of the dissertation paper in coordination of the Programme Coordinator of B.A., LL. B. Programme.



FAR WESTERN UNIVERSITY  
FACULTY OF LAW

**Course Title:** Interpretation of Statute

**Level:** B.A., LL. B.

**Semester:** X

**Course Code:** Law 565

**Full Marks:** 100

**Pass Marks:** 50%

**Credit:** 3(48 hrs.)

**Nature:** Compulsory

**Course Description:** Interpretation is the process by which the true sense of the meaning of the word used in a Statute is understood. Interpretation is important to ascertain the meaning of the Statute and to find the intent of the legislature. Generally, some amount of interpretation is often necessary when a court case involves a statute. Sometimes the words of the statute have a plain and straightforward meaning. But in many cases, there is some ambiguity or vagueness in the words of the statute that must be resolved by the judge. To find the meanings of statutes, judges use various tools and methods of statutory interpretation, including traditional canons of statutory interpretation, legislative history, and purpose. Therefore, statutory interpretation is the juridical understanding of statutes, case law and the rules and principles to construct meaning for judicial purposes. Nepal has accepted multiples sources of law including Constitution, followed by statutory law, customary law; as well as court precedent, and international law. When faced with ambiguity, these laws are interpreted by the court through the process of statutory interpretation. Thus, the course is very important to understand and articulate how Nepal's judiciary interprets laws.

**Course Objectives:** This course has following objectives:

- to impart students with the basics of statutory interpretation and constitutional interpretation.
- to develop students' ability to read and understand with laws including Constitution, statutory law and case law.
- to equip students with critical thinking and reasoning skills to interpret the meaning of legislative provisions by applying the rules of statutory interpretation
- to acquaint students with application of rules of interpretation in practice
- to analyze the Interpretation of Statute Act, 2010 B.S.

**Course Details:**

**Unit I - Introduction**

- 1.1. Meaning of the term 'Statute'
- 1.2. Types of Statutes
- 1.3. Commencement, Repeal and Revival of Statute
- 1.4. Meaning of interpretation
- 1.5. Kinds of Interpretation



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- 1.6. Importance of Interpretation
- 1.7. Interpretation and Construction
- 1.8. Aids to interpretation
  - 1.8.1. Intrinsic aids
  - 1.8.2. Title (Long title and Short title)
  - 1.8.3. Preamble
  - 1.8.4. Headings
  - 1.8.5. Marginal notes
  - 1.8.6. Schedules
  - 1.8.7. Punctuation
  - 1.8.8. Proviso
- 1.9. Extrinsic aids
  - 1.9.1. Historical setting
  - 1.9.2. Parliamentary history and debates
  - 1.9.3. Official reports including Law Reform Commission reports
  - 1.9.4. Explanatory memoranda issued by government departments
  - 1.9.5. Textbooks and dictionaries
  - 1.9.6. International conventions
  - 1.9.7. Travaux preparatoires
  - 1.9.8. Other statutes such
  - 1.9.9. Uniform court decisions and usage

## **Unit II - Rules of Interpretation**

- 2.1. Primary Rules of Interpretation
  - 2.1.1. Literal rule
  - 2.1.2. Golden rule
  - 2.1.3. Mischief rule
  - 2.1.4. Rule of harmonious construction
  - 2.1.5. Beneficiary Rule
- 2.2. Secondary Rules of Interpretation
  - 2.2.1. *Ejusdem generis*
  - 2.2.2. *Noscitur a sociis*
  - 2.2.3. *Reddendo singula singuli*
  - 2.2.4. Expressio unius
  - 2.2.5. *Contemporanea exposition*



*JR*

2.2.6. Construction of words in *bonam partem*

2.2.7. Mimansa Rule of Interpretation

**2.3. Interpretation with reference to the subject matter of Statute**

2.3.1. Taxing Statutes

2.3.2. Penal Statutes

2.3.3. Remedial and Beneficial Statutes

2.3.4. Interpretation of codifying statute and consolidating statute

**Unit III - Construction of Constitution, Deeds and Will**

**3.1. Construction of Constitution**

3.1.1. Harmonious Construction

3.1.2. Construction *Ut res magis valeat quam pereat*

3.1.3. Liberal interpretation

3.1.4. Progressive interpretation

3.1.5. Purposive interpretation

**3.2. Constitutional Construction and influencing factors**

3.2.1. 'Stare decisis' principle

3.2.2. Doctrine of ultra-vires

3.2.3. Doctrine of implied powers

3.2.4. Doctrine of implied prohibition

3.2.5. Doctrine of colourable legislation

3.2.6. Doctrine of eclipse

3.2.7. Doctrine of fraud of constitution

3.2.8. Doctrine of Pith and Substance

3.2.9. Doctrine of Severability

3.2.10. Construction of Deeds and Will

**Unit IV- Presumption**

4.1. Presumption against change in the common law

4.2. Presumption of constitutionality of a statute

4.3. Presumption regarding jurisdiction

4.4. Presumption against retrospective legislation

4.5. Presumption against violation of international law

4.6. Presumption against intending injustice or absurdity.

4.7. Presumption against impairing obligation or permitting advantage

4.8. Presumption against intending what is inconvenient or unreasonable



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## Unit V - Nepal's practice

### 5.1. Interpretation of Statute Act 2010 B.S.

#### Leading Cases:

Dr. K.I. Singh v. Government of Nepal, Decision No. 279, NKP 2022

Man Bahadur Limbu v. Gajlal Limbu, Decision No. 814, NKP 2031

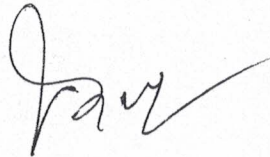
Kanchha Prajapati v. Nhuchche Kumar Prajapati, Decision No. 4350, NKP 2048

Lok Bhakta Samsher Ja. Ba. Ra. v. Rama Devi Rajbhandari, Decision No. 6625, NKP 2055

Suman Sahi v. Government of Nepal, Decision No. 9792, NKP 2074

#### Reading materials:

1. P. St. Langan (eds.), Maxwell on the Interpretation of Statute (12th Edition)
2. Amita Dhanda (eds.), N.S. Bindra's Interpretation of Statutes (12th Edition), Lexis Nexis, 2016
3. Dr. Avatar Singh & Dr. Harpreet Kaur, Introduction to the Interpretation of Statutes
4. Dr. A.B. Kafaltiya, Interpretation of Statutes
5. Kedar Dahal, Kanoon Ko Byakhya (Interpretation of Law)
6. Narendra Kumar K.C. Kanoon Ko Byakhya (Interpretation of Statutes)
7. Interpretation of Statutes Act, 2010 BS
8. Interpretation Act 1978 (UK)
9. General Clause Act 1897 (India)



**FAR WESTERN UNIVERSITY  
FACULTY OF LAW**

Course Title: Social Security Law

Level: B.A. LL. B.

Semester: X

Course Code: Law 575

Full Marks: 100

Pass Mark: 50%

Credit: 3 ( 48 hrs.)

Nature: Compulsory

**Course Description:** This course prescribed for B. A. LL. B. level students of Far Western University gives over all concept of social security. This course covers concept, meaning and importance of social security, social security schemes, comparison between the social security system of Nepal and other countries, social security Law in Nepal, and social security jurisprudence in Nepal.

**Course Objectives**

The objectives of this course are:

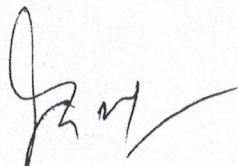
- to provide knowledge about meaning, objectives, nature, scope and importance of Social security.
- to impart knowledge about various kinds of Social security scheme.
- to provide the basic knowledge of Nepalese Social security Law and social security Jurisprudence in Nepal.

**Unit - 1: Introduction to Social security**

- 1.1 Meaning and objectives of social security
- 1.2 Scope and nature of social security
- 1.3 Importance of social security
- 1.4 Social security and social justice
- 1.5 Social security and social welfare
- 1.6 Contributory Social security and noncontributory Social security

**Unit - 2: Schemes of Social security**

- 2.1 Old age security
- 2.2 Single women allowance
- 2.3 Disability allowance
- 2.4 Health insurance and medical treatment facilities
- 2.5 Pension and gratuity
- 2.6 Social security for backwards and marginal community
- 2.7 Social security for endangered race
- 2.8 Child support
- 2.9 Other measures for social security



**Unit - 3: Comparative Social Security System.**

- 3.1 Social security system in United Kingdom (UK)
- 3.2 Social security system in United States of America (USA)
- 3.3 Social Security system in India

**Unit - 4: Social Security Law in Nepal**

- 4.1 History of social security in Nepal
- 4.2 Constitutional provisions regarding social security
- 4.3 Social security Act, 2075
- 4.4 Contributory Social Security Act,
- 4.5 Labour Act, 2074
- 4.6 Trade Union Act,
- 4.7 Provident Fund Act,
- 4.8 Citizen Investment Trust Act,
- 4.9 Civil Service Act, 2049 and other public service related law
- 4.10 Other Rules and Directives for social security

**Unit - 5: Social Security Jurisprudence in Nepal**

- 5.1 Pemba Gurung v. Nakhkhu Karagar et al., NKP 2076 vol. 3 DN 10219
- 5.2 Anjani Kumar Thapa v. OPMCM et al., NKP 2068 vol. 7 DN 8643
- 5.3 Narad Kadenl v. OPMCM et al., NKP 2074 vol. 2 DN 9762
- 5.4 Roshani Poudel v. OPMCM et al., NKP 2077 vol. 6 DN 10526
- 5.5 Bhubaneswar Sahu Teli v. Ministry of Health et al., NKP 2077 vol. 5 DN 10498

**Reading Materials**

- Chudaraj Uprety, Ageing and Social Security System in Nepal: Scope and Challenges, Public Administration Campus, Central Department of Public Administration, Tribhuvan University, Kathmandu, Nepal, =====
- ILO, Introduction to Social Security, ILO, Geneva, 1984
- ILO, ILO Convention, 102, ILO, Geneva.
- John Balddoc et al., Social Policy, Oxford University Press, New Delhi, 2012
- NPC, Assessment of Social Security Allowance Program in Nepal, National Planning Commission, 2012
- Rudra Gautam, (2009), "Social Security Arrangements in Nepal: An Overview", The Economic Journal of Nepal, Vol 32 No. 3 pp 185-201
- Steven Pinch, Worlds of Social Welfare, Routledge, London, 1997

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**Reading Materials:**

- 1 The Constitution of Nepal.
- 2 National Policy for Disaster Risk Reduction, 2018. The Government of Nepal, Ministry of Homes Affairs.
- 3 Disaster Risk Reduction and Management Act, 2074
- 4 Disaster Risk Reduction and Management Rules, 2076
- 5 Nepal Disaster Management Reference Handbook, 2023. ([www.cfe.DMHA.org](http://www.cfe.DMHA.org))
- 6 Sphere Project (Sphere Hand Book in Nepali), DPNep, Nepal
- 7 Amardeep Bhardwaj, PhD. Disaster Management, 2022.
- 8 Disaster risk reduction and management in Nepal: delineation of roles and responsibilities (Summary report, 2020), Oxford Policy Management.
- 9 Nepal Disaster Reports 2009, 2011, 2013, 2015, 2016 and 2019.
- 10 SAARC Disaster Report.
- 11 National Disaster Framework, 2070.
- 12 Disaster knowledge series, 2072.



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