



**LBU
FHSS**



**Semester 01
to
Semester 10**



**B.A.LL.B
SYLLABUS**



Background

Lumbini Buddhist University (LBU), an autonomous public institution of higher education, was founded in 2004. Its establishment was a direct outcome of a proposal endorsed at the First World Buddhist Summit, convened in Lumbini in 1998. The university is dedicated to educating both domestic and international students, aiming to enrich the global academic community by integrating core Buddhist values and fostering world peace.

In 2018, Lumbini Buddhist University (LBU) initiated the diversification of its academic offerings by incorporating higher education in non-Buddhist subjects, specifically expanding into the arts, social sciences, and applied science disciplines. This new strategic orientation culminated in the establishment of a five-year program in Law, Arts, and Buddhism. The program endeavors to harmonize legal education with Buddhist jurisprudence and ethical values. Its primary objective is to enhance the Nepalese legal profession by providing students with a comprehensive theoretical and practical understanding of legal principles across both indigenous and international legal traditions. Consequently, this curriculum equips students with knowledge of Buddhist and comparative legal traditions, as well as recent developments in the field of legal studies. Furthermore, it enables students to comprehend the doctrinal aspects of law and cultivates essential professional competencies.

Objectives of the Program

The primary aims of the BALLB program are as follows:

- To produce skilled and ethical professionals for the legal field.
- To ensure academic excellence in both international and indigenous legal systems.
- To promote critical research on law and its role in society.
- To prepare legal experts guided by Buddhist philosophy and ethics.

Eligibility

Applicants who have secured a minimum of second division marks in their Higher Secondary (10+2) or equivalent Intermediate level examinations are eligible to apply for admission to the BALLB program. Eligible candidates must complete and submit the prescribed application form, which is available either at the City Campus in Butwal or through the designated online platform. Admission to the program is conducted annually. All applicants are required to appear in a written entrance examination, followed by an interview as part of the selection process. The annual intake for the BALLB program is limited to a maximum of 140 students.

Duration of the Program

The BALLB program is a five-year integrated course structured according to the semester system. Each academic year consists of two semesters, totalling ten semesters over the program's duration. The curriculum includes coursework, internships, and research components.

Medium of Instruction

The medium of instruction, academic supervision, and evaluation will be both English and Nepali. Students are expected to deliver presentations, complete written assignments, and sit for examinations following the criteria specified in the course syllabi.

Teaching Methods

The pedagogical approach employed in the BALLB program incorporates a combination of lectures, discussions, oral and written presentations, the use of audio-visual aids, seminar papers, book reviews, moot court activities, and field visits. The program emphasizes project-based learning, promoting active student engagement within a semester-based framework. However, individual faculty members may adopt pedagogical styles they deem most appropriate for the respective course content.

Class Attendance

Students are generally required to maintain a minimum of 80% attendance in each course in order to be eligible to sit for the end-of-semester examinations. Participation in fieldwork, report writing, and internships involves mandatory visits to relevant institutions or field sites, as specified in the course requirements.

Internal Evaluation

Each course is evaluated out of 100 marks, in which the final examination carries 60 marks (60 percent) and the internal examination carries 40 marks (40 percent). The subject teacher will be responsible for conducting the internal assessment of students.

The Academic Council has proposed the following structure as a guideline for internal assessments; however, it does not apply to field studies, internships, or courses with practical or experimental components.

Internal Assessment of the Students

The internal assessment for the B.A.L.L.B program carries a weightage of 40%, distributed as follows:

a. Attendance..... 5 marks.

Five marks are allotted for attendance (subject to a minimum 80% compulsory attendance). Marks are awarded based on the following attendance percentages:

80 -84%	= 1 Marks
85-88%	= 2 Marks
89-92 %	= 3 Marks
93-96%	= 4 Marks
97 and above	= 5 marks

b. Unit wise or class performance assessment (10+5) 15 marks.

(Out of this 15 marks 10 marks for the participation by the concern students relating to the unit-wise (assignment) teaching learning activities and 5 marks for the presentation in the class by the students as per the assigned topics by the concern teacher to them. It is expected to reveal students' activities relating to teaching learning activities in the class).

c. Term Paper or Report Writing 10 marks.

(Every student will be assigned one topic by the concern teacher related to the subject to write a term paper approximately of 15 pages as per the nature of the topic assigned and the concerned area. It will be a kind of mini-research relating to the subject as per the topics.

If students are assigned for the field visit, they must submit a report regarding the activities of the field visit, which will be evaluated as 10 marks as to the term paper assignment.

d. Pre-Board Examination 10 Marks

e. The mark obtained by students should be shown to the related student if they want to see.

f. The concerned subject teacher has to submit the internal mark as mentioned above to the Campus chief within time.

External Evaluation

Sixty percent of student marks or grades will come from an external exam, which will be conducted by the Controller of Examinations. Details about the exam will be provided by the program administration later.

Student Portfolio System

The Dean's Office has required all semester-based students at LBU to keep a file of their exams, written assignments and presentations in every subject for internal evaluation. The file should be given to the subject teacher after the last day of classes but before the final exam.

Graduation

To graduate from the BALLB program, students must complete a minimum number of required courses with a total of 180 credits, with not less than 50 marks or 2.5 GPA in each course. A cumulative grade point average (CGPA) of 2.5 is required for graduation. The University will convert all numerical grades into letter grades based on an approved conversion method.

Course Structure

A complete list of courses in the BALLB program is provided below.

Basic Considerations

All prescribed courses are expected to include the latest case studies and developments in the field.

Faculties are requested to apply clinical methods where relevant.

First Semester

Subject Code	Name of The Subject	Credit hour
BALLB311	Fundamental Principles of Law	3
BALLB312	Legal and Judicial History of Nepal	3
BALLB313	Legal English and Communication -I	3
BALLB314	Introduction to Buddhist Studies	3
BALLB315	Introduction to Political Science	3
Total		15

Second Semester

Subject Code	Name of The Subject	Credit hour
BALLB321	Jurisprudence-I	3
BALLB322	Procedural Law-I	3
BALLB323	Nepalese Legal System	3
BALLB324	Buddhist Philosophy of Law	3
BALLB325	Legal English and Communication –II	3
BALLB326	Introduction to Sociology	3
Total		18

Third Semester

Subject Code	Name of The Subject	Credit hour
BALLB331	Constitutional Law-I	3
BALLB332	Procedural Law –II	3
BALLB333	Law of Evidence	3
BALLB334	Fundamentals of Economics	3
BALLB335	Legal Nepali (Only for Nepalese Students)	3
BALLB336	Legal Research Methodology	3
Total		18

Fourth Semester

Subject Code	Name of The Subject	Credit hour
BALLB341	Constitutional Law-II	3
BALLB342	Criminal Law-I	3
BALLB343	Major Legal System	3
BALLB344	Company Law	3
BALLB345	Public International Law-I	3
BALLB346	Meditation and Stress Management	1.5
BALLB347	Clinical Law (Field Study and Report Writing)	1.5
Total		18

Fifth Semester

Subject Code	Name of The Subject	Credit hour
BALLB351	Criminal Law-II	3
BALLB352	Administrative Law –I	3
BALLB353	Environmental Law	3
BALLB354	Public International Law-II	3
BALLB355	Principles of Law-making Process	3
BALLB356	Human Rights Law	3
BALLB357	Clinical Law (Field Study and Report Writing)	1.5
Total		19.5

Sixth semester

Subject Code	Name of The Subject	Credit hour
BALLB361	Administrative Law –II	3
BALLB362	Contract Law-I	3
BALLB363	Criminology and Victimology	3
BALLB364	Private International Law	3
BALLB365	Family Gender and Social Justice	3
BALLB366	Land and Real Estate Law	Elective (Any One) 3
BALLB367	Taxation Law	
BALLB368	Population Law	
BALLB369	Agrarian Law	
BALLB3610	Buddhist Ethics	
BALLB3611	Clinical Law (Field Study and Report Writing)	1.5
Total		19.5

Seventh Semester

Subject Code	Name of The Subject	Credit hour
BALLB371	Property Law	3
BALLB372	Moot Court I (Civil Cases)	6
BALLB373	Professional Ethics and Lawyering Skills	3
BALLB374	Contract Law-II	3
BALLB375	Labour Law	3
BALLB376	Election Law	Elective (Any One) 3
BALLB377	Refugee Law	
BALLB378	Cyber Law	
BALLB379	Media Law	
Total		21

Eighth Semester

Subject Code	Name of The Subject	Credit hour
BALLB381	Banking Law	3
BALLB382	Interpretation of Statutes	3
BALLB383	Research Seminar and Presentation	3
BALLB384	Moot Court II (Criminal Cases)	6
BALLB385	Public Interest Litigation and Social Responsibility	3
Elective (Any One)		
BALLB386	Air and Space law	3
BALLB387	Energy and Natural Resources Law	
BALLB388	International Rivers, Sea and Border Law	
BALLB389	Tourism Law	
BALLB3810	Buddhism and Contemporary Society	
Total		21

Ninth Semester

Subject Code	Name of The Subject	Credit hour
BALLB391	Jurisprudence-II	3
BALLB392	Intellectual Property Law	3
BALLB393	Trail Advocacy	3
BALLB394	Organizational Crime Law	3
BALLB395	Clinical Law- Placement and Internship	3 Elective (Any One) 3
BALLB396	Forensic Science	
BALLB397	Insurance Law	
BALLB398	Public Procurement Law	
Total		18

Tenth Semester

Subject Code	Name of The Subject	Credit hour
BALLB3101	International Trade and Arbitration Law	3
BALLB3102	International Humanitarian and Conflict Law	3
BALLB3103	Consumer Protection and Competition Law	3
BALLB3104	Law and Development	3
BALLB3105	Dissertation	6
Total		18

Total: 186

Career Prospects for our Students

A BALLB from Lumbini Buddhist University (LBU) in Nepal offers a wide array of career opportunities in the legal field. Graduates can pursue traditional legal practice, working as advocates in litigation for civil or criminal cases, or joining law firms as associates. The government sector is another significant avenue, with roles as public prosecutors or even in the judicial service after competitive exams. With the growth of Nepal's economy, there's increasing demand for corporate lawyers in businesses, banks, and financial institutions, handling compliance and contracts. Beyond traditional roles, graduates can explore opportunities in Legal Process Outsourcing (LPO), or serve as legal advisors for NGOs and INGOs. The program also prepares individuals for careers in academia as law teachers or researchers, and in the field of human rights advocacy and social justice. Furthermore, a BALLB provides a strong foundation for pursuing higher studies, like an LLM, to specialize further.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program
First Semester Courses

Course code	Subjects	Credits
BLLB 311	Fundamental Principles of Law	3
BLLB 312	Legal and Judicial History of Nepal	3
BLLB 313	Introduction to Buddhist Studies	3
BLLB 314	Introduction to Political Sciences	3
BLLB 315	Legal English and Communication I	3

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Fundamental Principles of Law

Semester: I

Credit Hours: 48

Teaching Hours: 48

Course Code: BALLB 311

Full Marks: 100

Objectives	• To make students familiar with the concept of law • To provide information about different aspects of law • To make students capable of explaining the concepts of personalities, right and duties, liability, property, ownership and so forth
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Course Components:

Unit	Unit Title	Contents	Lecture Hours
1.	Basic Concepts of Law	I. Definition of Law II. Functions of Law III. Sources of Laws: a. Custom b. Precedent c. Legislation IV. Classification of Laws: V. Public and Private Law VI. Substantive and Procedural Law VII. Municipal and International Law VIII. Civil Law and Criminal Law	12
2.	Rights and Duties	I. Concept of Rights and Duties II. Types of Rights and Duties III. Theories of Rights IV. Elements of Rights V. Relation between Rights and Duties	8

3.	Personality	I. Concept of Person and Personality II. Types of Persons III. Characteristics of Legal Person and Natural Person IV. Theories of Personality V. Nepalese Concept of Personality	6
4.	Liability	I. Concept of Liability II. Nature of Liability III. Types of Liability IV. Theories of Liability V. Conditions for Liability	6
5.	Property	I. Concept of Property II. Nature of Property III. Types of Property IV. Acquisition and transfer of Property V. An acquaintance with Property law in Nepal	6
6.	Possession and Ownership	I. Concept of Possession and Ownership II. Nature of Possession and Ownership III. Types of Possession and Ownership IV. Rights and Duties created by Possession and Ownership V. Relation between Possession and Ownership VI. Acquisition and Termination of Possession	10

References:

1. Donald L. Carper, Norbert J. Mietus, T.E. Shoemaker, *Understanding the Law*, Bill West, second Edition.
2. Prof. Nomita Aggrawal, *Jurisprudence*, a Legal Theory
3. Narayan Pd. Lamsal, *Principle of Law*, Second Edition, Ratna Pustak Bhandar. 2050,
4. H.L.A. Hart, *The Concept of Law*, Oxford University Press, Second Edition 1961.
5. Dr. T. Padma, K.P.C. Rao, *The Principle of Jurisprudence*, ALT Publication, 2011.
6. Yubaraj Sangroula, *Jurisprudence, the Philosophy of Law: Oriental Perspective with Special Reference to Nepal*, Kathmandu School of Law. 1st edition 2010,
7. Yubaraj Sangroula, *Jurisprudence and Legal Theory*, 6th Edition, Kathmandu School of Law.

8. Avatar Singh, *Introduction to Jurisprudence*, 1st edition Reprint, 2005, wadhawa and Company Law Publisher.
9. A. K. Sakar, *Summary of Salmond Jurisprudence*, 3rd Edition, 1973, Gopson's Paper LTD.
10. Laxmi Sapkota, *General Concept of Law*, 1st edition 2018/2074, Sahayatra Publication.
11. Yubaraj Sangroula, *Jurisprudence and Legal Theory*, 3rd edition 2050, PairabiPrakashan.
12. Yubaraj Sangroula, *Jurisprudence and Legal Theory*, 4th edition 2050, Pairabi Prakashan.
13. W. Friedmann, *Legal Theory*, 5th edition, Universal Law and Publishing Co. Pvt. Ltd.
14. Constitution of Nepal, 2074.
15. *Muluki Ain* Civil Code 2074.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Legal and Judicial History of Nepal

Semester: I

Credit Hour: 3

Teaching Hours: 48 Course

Code: BALLB312

Full Marks: 100

Objectives	- To impart useful knowledge about the history of Nepal and its Law and Legal System - To familiarize students with the historical basis of Nepal's legal system in its socio, economics and political aspects
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Course Components:

Unit	Unit Title	Contents	Lecture Hours
1	Early History of Nepal	I. Early Settlements II. Early Dynasties: <i>Gopal, Mahispal and Kirat</i> . III. Situation of law and legal system in Kirat period	7
2	The Lichhavi Period	➤ Origin of Lichhavi dynasty ➤ Social, economic and political systems ➤ Legal and Judicial Systems: a. Crime and punishment b. Court System	7

3	Malla Period	I. Origin of <i>Malla</i> dynasty II. Socio-political and economic systems III. Contribution of <i>Mallas</i> in Legal system of Nepal a. Codification- Manabnyayasastra b. Judicial Administration established by Manabnyayasastra	7
4	The Shah Period	➤ Emergence/Origin of <i>Shah</i> dynasty ➤ Contribution of <i>Ram Shah</i> in the development of legal and judicial system in Nepal ➤ <i>Prithvinarayan Shah</i> and unification of Nepal: Contribution in Development of legal and justice system in Nepal ➤ <i>Divya Upadesh</i> of <i>Prithvinarayan Shah</i> ➤ Sources of Law in <i>Shah</i> Period ➤ Legal and Judicial Administration of <i>Shah</i> Kings	10
5	Rana Regime	I. Rise, and Fall of Rana Regime II. Muluki Ain 1910 B.S. (Importance and Features) III. Judicial System During Rana Regime	7

6	Constitutional Development of Nepal	I. Meaning and Definition of Constitution II. Fundamental Characteristics of: a. Nepal Governance Act, 2004 (BS) b. Nepal Interim Governance Act, 2007 (BS) c. Constitution of Kingdom of Nepal, 2015 (BS) d. Constitution of Nepal, 2019 (BS) e. Constitution of Kingdom of Nepal, 2047 (BS) f. Interim Constitution of Nepal, 2063(BS) g. Constitution of Nepal	10
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References:

1. Adrian Server, *Aspects of Modern Nepalese History*, Vikash Pub, Delhi, 1996.
2. Bishal Khanal, *An overview of Administration of Justice System of Nepal*, Kathmandu.
3. Bishal Khanal, *Regeneration of Legal System of Nepal*, Kathmandu, Bhrikuti Publication, Kathmandu, 2000.
4. Yubaraj Sangroula; *Criminal Law and Justice System: Comparative Study of the Criminal Justice System of Nepal with Reference to China, India, Japan, U.S.A. and U.K.* Sahayatra Publication, 2018.
5. CELRRD, *Analysis and Reform of the Criminal Justice System in Nepal*, Kathmandu, 1999.
6. D. R. Regmi, *Medieval Nepal* Vole I and II.
7. Daniel Wright, *History of Nepal*.
8. Yubaraj Sangroula, *Criminal Justice System of Nepal*, 2011
9. Francis Hamilton, *An Account of the Kingdom of Nepal*, Asian Education Service, Delhi, 1986.
10. Jagadish Chandra Regmi: *Prachin Nepal ko Rajnaitiik Itihas*, Royal Nepal Academy.
11. Krishna Kant Adhikari, *Nepal Under Jung Bahadur*. Vol. 1846-1877 Buku Publication, Kathmandu, 1948
12. Rishikesh Shah, *Ancient Medieval Nepal* Vole I and Vole II Manohar Publishers, 1997
13. Rishikesh Shah, *Modern Nepal* Vol I and II Manohar Publishers, 1990
14. Articles by Rewati Raman Khanal, Subash Nembang, Gajendra Keshari Bastola in various Issues of Nyayadoot Kanoon and Nepal Law Review.
15. Constitution of Nepal 2074.
16. Muluki Ain (Civil and Criminal Code) 2074.

**Lumbini Buddhist University Faculty
of Humanities and Social Sciences
BALLB Program**

Course title: Introduction to Buddhist Studies

Semester: I

Paper: 3

Code: BALLB 313

Credit Hour: 3

Teaching Hours: 48

Full Marks: 100

Objectives	➤ To acquaint students with Buddhist ethics ➤ To identify the discourses of Buddhist jurisprudence scattered in Buddhist canonical and sub- canonical literature and familiarize students with them ➤ To enable students to explain and write about important concepts and traditions of Buddhist canonical and sub- canonical literature and universal teachings of Buddha
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Course Components:

Unit	Unit Title	Contents	Lecture Hours
1	Nepal as a Homeland of the Buddhas	I. Gotihawa: Birthplace of Krakuchhanda Buddha II. Niglihawa: Birthplace of Kanakmuni Buddha III. Lumbini: Birthplace of Shakyamuni Buddha IV. Life of Shakyamuni Buddha: Birth, Childhood and Education, Renunciation, Searching of Ultimate Truth, Enlightenment. V. First Turning the Wheel of Law VI. Mahaparinirvana and Distribution of Relics	8
2	Prominent Buddhist	I. Lumbini II. Buddhagaya III. Saranatha IV. Kapilvastu	10

	Historical Sites	V. Kapilavastu VI. Devadaha VII. Ramagrama VIII. Swayambhu Mahachaitya IX. Bouddha Mahachaitya	
3	Buddhism of Nepal	I. Buddhism of Nepal Mandala II. Theravada Buddhism in Nepal III. Northern Buddhism of Nepal	6
4	Fundamental Teachings of the Buddha	I. Four Noble Truths II. The Law of Dependent Origination III. Three Universal characteristics IV. Five Precepts and Their Universal Features V. Buddhist Ethics VI. Karma and its Effects VII. Arahat and Bodhisattva Ideal VIII. Buddhist Meditation	8
5	Mahayana Buddhism	I. Bodhicitta and Bodhicitta generation II. The Concept Six Perfection III. Definition of Vajrayana IV. Vajrayana Meditation	6
6	Buddhist literature	I. Origin and Development of Pali literature II. Tripitak III. Origin and development of Sanskrit Buddhist Literature IV. Tantra Literature	5
7	Major Buddhist Festivals	I. <i>Buddha Jayanti</i> II. <i>Samyaka Mahadan</i> III. <i>Manirumbu</i>	5

References:

Bapat, P .V , *2500 Years Of Buddhism* , New Delhi: Ministry of Information and Broadcasting Government of India, 1956.
 Bajracharya Dunda Bahadur (trans) *Digha Nikaya* , Kathmandu: Bir- Purna Pustakala Sangrahalaya , 2000 .
 Bajracharya Dunda Bahadur (trans) *The Majjhim Nikaya* , Kathmandu: Bir- Purna Pustakala Sangrahalaya , 2001

Bidari Basanta , *Lumbini : A Haven of Sacred Refuge*, Lumbini: The Auther , 2007
Bidari Basanta , *Kapilvastu : The World of Siddhartha* , Lumbini: The Auther , 2007
Pradhan, Bhuvan Lal, *Nepal Ma Buodddha Dharma* , Kathmandu : Nepal Rajkiya Pragna Pratisthan
,2045 B.S.

Rahula Walpola , *What the Buddha taught* ,London : The Gordon Fraser Gallery Ltd,1959 . Rijal,
Narayan Prasad, *Bouddhaadarsha* , Kathmandu: Byoma Kusuma Buddhadharma Sangha ,2070
B.S

Rijal, Narayan Prasad, *Mahayanabouddhaadarsha* , Kathmandu: Byoma Kusuma Buddhadharma
Sangha , 2073 B.S

Santina Peter Della , *The Tree of Enlightenment* , Taiwan: Corporate Body of The Buddha
Education Foundation ,1977.

Thero Narada, *The Buddha and His Teachings* , Taiwan: Corporate Body of The Buddha
Education Foundation ,1988.

Vhikku , Amritananda , *Buddha Jibani* , Kathmandu : Aanandakuti Bihar 2013 B.S.

**Lumbini Buddhist University Faculty
of Humanities and Social Sciences
BALLB Program**

Course title: Introduction to Political Science

Semester: I
Teaching Hours: 48
Full Marks: 100

Credit Hours: 3
Code: BALLB 314

Objectives	➤ To acquaint students with basic concepts, theories and functioning of the state. ➤ To provide students comprehensive knowledge and understanding of theories of state and basic concepts ➤ To explain the functioning of state & government
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Course Components:

Unit	Unit Title	Contents	Lecture Hours
1	Introduction and Theories	I. Nature of Political Sciences II. Definition, Aims and Scope of Political Science III. Theories of Political Science • Divine and Force theory • Organic theory • Idealist theory • Individualist theory • Theory of social Contract IV. Relationship between Political Science and Law	8
2	Concept of State and its organs	I. Concept of state and its elements II. Government and its relation with state III. Constitution – features and classification IV. Legislature – concept, types and functions V. Executive - concept and functions VI. Judiciary- functions, judicial review and independence of judiciary VII. Separation of powers	10
3	Political Thoughts	I. Democracy i. Meaning and features	12

		ii. Schools of Democracy II. Socialism i. Socialism- meaning and features ii. Schools of Socialism • Fabianism • Syndicalism • Guild socialism III. Marxism i. Concept of Marxism ii. Historical and dialectical materialism iii. Concept of class and class struggle iv. Merits and demerits of Marxism IV. Liberalism i. Liberalism - meaning and features ii. Merits and demerits V. Totalitarianism i. Meaning and features ii. Schools of Democracy	
4	Welfare State and Good Government	I. Concepts of Welfare State II. Concept of Good Government III. Application to Modern State Crafts	6
5	Unitary and Federal System of Government	I. Unitary system of Government – features, merits and demerits II. Federal system of Government –features, merits and demerits III. Co-federal and Quasi Federal Government	6
6	Parliamentary and other forms of Government	I. Parliamentary form - features, merits and demerits II. Presidential form- features, merits and demerits III. Other forms of Government	6

Textbooks:

1. Eddy Asirvatham & K.K. Misra *Political Theory*; S. Chand & Company Ltd., Delhi
2. A.C. Kapur 'Principles of Political Science'; S. Chand & Company Ltd., Delhi
3. Eddy Asirvatham & K.K. Misra, *Political Theory*, S. Chand & Company Ltd., Delhi
2. A.C. Kapur, *Principles of Political Science*, S. Chand & Company Ltd., Delhi

References:

1. Myneni 'Political Science for Law Students'; Allahabad Law Agency
2. R.L. Gupta 'Political Theory'
3. Vishoo Bhagwan 'Indian Political thinker';
4. Amal Ray & Bhattacharya, *Political Theory: Ideas and Institution*
5. Myneni, *Political Science for Law Students*, Allahabad Law Agency
6. R.L. Gupta, *Political Theory*
7. Vishoo Bhagwan, *Indian Political thinker*
8. Amal Ray & Bhattacharya, *Political Theory: Ideas and Institution*

Nepali Books:

- १ निशंकोच अभिव्यक्ति, प्राध्यापक डाक्टर युवराज संग्रौला
- २ नेपालको संविधान २०७२
- ३ नलेखिएको इतिहास, राधाकृष्ण मैनाली
- ४ प्रयोगशाला, सुधीर शर्मा
- ५ अनुभव र अनुभुती, डिल्ली रमण रेग्मी
- ६ पृथ्वीनारायण शाहदेखि राजा ज्ञानेन्द्रसम्मको नेपालको इतिहास, पुन्य प्रताप राणा

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Legal English and Communication

Semester: I

Credit Hours: 3

Teaching Hours: 48

Code: BALLB 315

Full Marks: 100

Objectives	➤ To familiarize students with the basic conventions of legal communication and legal writing ➤ To help students develop legal writing skills ➤ To help them develop critical and analytical skills
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Course Components:

Unit	Unit Title	Contents	Lecture Hours
1	Basic Composition Genres and Skills	I. Reading Comprehension of General Legal Texts II. Paragraph & Précis Writing III. Note Taking IV. Abstract Writing V. Proposal and Report Writing VI. Petition Writing VII. Drafting and Conveyancing	12
2	Language, Communication and Law	I. Formal & Informal Communication II. Barriers to Communication III. Culture and Language Sensitivity IV. Non-verbal Communication: Importance and Types (Paralanguage, Body Language, Proximity etc.) V. Legal Maxims VI. Foreign Words, Urdu and Farci Words VII. Legal Counseling and Interviewing	12

3	Legal Communication	I. Legal Writing II. Mooting III. Reading and Analysis of Writings by Eminent Jurists(Cases, Petitions and Judgments)	8
4	Literature and Law	I. <i>Justice</i> a play by John Galsworthy and <i>Arms and the Man</i> by George Bernard Shaw II. <i>Final Solutions</i> , a play by Mahesh Dattani III. <i>The Road to Freedom</i> , biography of Nelson Mandela	8
5	Legal System	I. Court System II. Criminal Justice/ Criminal Proceeding III. Civil Procedure IV. Tribunal V. Solicitors VI. Cavalcades VII. Judges VIII. A Law forms Structure and Practice	8

Textbooks:

1. J.S. Singh & Nishi Behl, *Legal Language, Writing and General English*, Allahabad Law Agency, 2009
2. N.R. Madhava Menon, *Clinical Legal Education*, Eastern Book Company, 2011 (Reprint)

References:

1. Jenny Chapman, *Interviewing and Counselling*, Routledge Cavendish, 2000 (2nd Edn)
2. Stephens P. Robbins, *Organizational Behaviour*, Pearson Education India, 2013 (15th Edn)
3. John Galsworthy, *Justice*, F.Q. Books, 2010
4. Varinder Kumar, Raj Bodh, et.al., *Business Communication*, Oscar Publication, 2010

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program
Second Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB321	Jurisprudence-I	3
BALLB322	Procedural Law-I	3
BALLB323	Nepalese Legal System	3
BALLB324	Buddhist Philosophy of Law	3
BALLB325	Legal English and Communication –II	3
BALLB326	Introduction to Sociology	3
Total		18

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Jurisprudence

Semester	: II	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB321	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This compulsory course for students in the second semester of the Bachelor of Arts Bachelor of Laws (BALLB) program, is precisely designed to impart a thorough understanding of jurisprudential meaning, seminal theories, and core legal concepts, alongside the complicated social dimensions of law. Furthermore, it seeks to familiarize students with significant historical developments and contemporary trends within jurisprudential thought, with particular emphasis on their applicability and relevance within the Nepalese legal framework.

Objectives

- To grasp the foundational concepts and philosophical dimensions of jurisprudence.
- To analyze major legal theories and their societal implications.
- To evaluate diverse legal ideologies and schools of thought.
- To assess the influence of jurisprudential schools on Nepalese law.
- To cultivate critical perspectives on law's nature and function in contemporary society.

Course Components:

Unit –I	Fundamental aspects of jurisprudence	12 Hours
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- 1.1. Introduction and definition of jurisprudence
- 1.2. Nature of jurisprudence
- 1.3. Scope of jurisprudence
- 1.4. Kinds of jurisprudence
- 1.5. Importance of jurisprudence
- 1.6. Relation of jurisprudence with others social science

Unit –II	Natural school of law	7 Hours
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- 2.1. Fundamentals of Natural School
- 2.2. Development of natural law
 - 2.2.1. Greek period
 - 2.2.2. Roman period
 - 2.2.3. Christian period
 - 2.2.4. Medieval period
 - 2.2.5. Modern period
- 2.3. Influence of natural law in Nepal

Unit -III	Historical school of law	6 Hours
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- 3.1. Fundamentals of historical school
- 3.2. Karl Von Savigny (1779-1861)
- 3.3. Criticism On Karl Von Savigny
- 3.4. Sir Henry Maine (1822-1888)

3.5. Influence of historical law in Nepal

Unit -IV	Analytical school of law	8 Hours
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- 4.1. Fundamentals of Analytical school
- 4.2. Jeremy Bentham
- 4.3. Bentham's Utilitarianism
 - 4.3.1. John Austin
- 4.4. Criticism of John Austin
 - 4.4.1. H.L.A. Hart
 - 4.4.2. Hans Kelson and pure theory of law
 - 4.4.3. Criticism of pure theory of law
- 4.4.4 Influence of analytical law in Nepal

Unit -V	Sociological school of law	7 Hours
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- 5.1. Fundamentals of Sociological school
- 5.2 Auguste Comte
- 5.3 Max Weber
- 5.4 Rudolf Von Ihering
- 5.5 Rosco Pound
- 5.6 Pound theory of social Engineering
- 5.7 Influence of sociological law in Nepal

Unit -VI	Socialist school of law	4 Hours
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- 6.1. Fundamentals of Socialist school (Das Capital, The Communist Manifesto) Karl Marx
- 6.2. Social structure
- 6.3. Basic structure and super structure
- 6.4. Class struggle
- 6.5. Law is a instrument of exploitation
- 6.6. Influence of socialist law in Nepal

Unit -VII	Realist school of law	4 Hours
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- 7.1. Fundamentals of Realist school
- 7.2. American realism
 - 7.2.1. Holmes
 - 7.2.2. Gray
 - 7.2.3. Llewellyn
 - 7.2.4. Jerome Frank
- 7.3. Criticism of American Realism
- 7.4. Scandinavian Realism
 - 7.4.1. Hagerstrom
 - 7.4.2. Lundstede
 - 7.4.3. Olivercrona
 - 7.4.4. Alf Cross
- 7.5. Distinction between American and Scandinavian Realism
- 7.6. Influence of realist law in Nepal

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Bodenheimer, Edgar. *Jurisprudence*. Harvard University Press, 2018.

Dias, R.W.M. *Jurisprudence*. 5th ed., LexisNexis, 2017.

Fitzgerald, P.J. *Salmond on Jurisprudence*. N.M. Tripathi Pvt. Ltd., 1966.

Friedmann, W. *Legal Theory*. 5th ed., Sweet & Maxwell, South Asian ed., 2019.

Hart, H.L.A. *The Concept of Law*. 2nd ed., Oxford University Press, 1961.

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Mahajan, V.D. *Jurisprudence and Legal Theory*. 5th ed., Eastern Book Company, 1987.

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Rao, K.P.C. *The Principle of Jurisprudence*. ALT Publication, 2011.

Sakar, A.K. *Summary of Salmond Jurisprudence*. Gopsons Paper Ltd., 1973.

Sangroula, Yubaraj. *Jurisprudence: The Philosophy of Law*. 3rd print, Lex and Juris Publication, 2018.

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Tripathi, B.N. *Jurisprudence (The Legal Theory)*. 19th ed., Allahabad Law Agency, 2012.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Procedural Law - I

Semester	: II	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB322	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course offers a foundational understanding of the principles governing the procedural aspects of litigation, examining the interplay between procedural law and substantive law, and exploring the policy considerations underlying specific legal doctrines.

Course Objectives

- To identify the fundamental concepts and inherent nature of procedural law.
- To acquire a comprehensive understanding of the core principles of procedural law.
- To familiarize themselves with the essential terminology utilized in court practice.
- To demonstrate a proficient understanding of procedural law through formal assessments and assigned tasks.

Course Components:

Unit –I	Introduction	10 Hours
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- 1.1. **Concept of court and judiciary:** Court structure and hierarchy in Nepal. Regular court, specialized court, quasi-judicial bodies and Judicial Committee at the local government level.
- 1.2. **Procedural law:** Concept, distinction with substantive law, importance, nature and scope.
- 1.3. **Ubi jus ibi remedium:** Types of remedy - private law remedy and public law remedy; Alternative remedy and extraordinary remedy.
- 1.4. Adversarial system and inquisitorial system of law

Unit –II	Basic Principles of Procedural Law	20 Hours
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- 2.1 **Jurisdiction:** Concept, short introduction to ordinary jurisdiction, extraordinary jurisdiction, territorial jurisdiction, extraterritorial jurisdiction, subject matter jurisdiction, in rem jurisdiction, in personam jurisdiction etc. Jurisdiction of regular court, specialized court, quasijudicial bodies and Judicial Committee at the local government level.
- 2.2 **Limitation:** Concept; distinction with laches; statutory tolling versus equitable tolling.
- 2.3 **Locus Standi:** Concept, locus standi in civil case, criminal case and in PIL
- 2.4 **Stare Decisis:** Concept, types, rigidity, hierarchy of precedent, weakening factors of precedent, ratio decidendi and obiter dicta. 2.5 Natural Justice: Audi alteram partem and Nemo judex causa sua
- 2.6 **Res Judicata:** Concept, constructive res judicata
- 2.7 **Other general principles of procedural law** provided in Muluki Civil Procedural Code, 2074.

Unit -III	Terms and Concepts used in the Nepalese Court Practice	14 Hours
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- 3.1. Firad (Suit), Abhiyogpatra (Charge-sheet), Jaheri (complaint), Pratiuttar (Written statement), Pratidabi (Counter Claim), Myad (Summon), Tarekh (Date of Presence), Court fees and other charges, Cause of Action and Accrual of cause of Action, Wares (Power of Attorney), Adhikrit Wares (Specific power of Attroney),

Darpath (endorsement), Multabi (Pending), Appeal (Punarabedan), Revision (Dohoryaune), Review (Punarabalokan), Kayalnama (withdrawal), Joinder, non-joinder and mis-joinder.

Unit –IV	Legal formalities prescribed for drafting in Muluki Civil Procedural Code, 2074.	4 Hours
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4.1 Provision relating to signature, thumb impression, validity of deed, description to be mentioned in deed, etc.

Reading Materials

1. Fitzgerald, P.J. *Salmond on Jurisprudence*. 12th ed., Sweet and Maxwell, 1966.
2. Kharel, L.P. *An Introduction to Procedural Law*. 1st ed., Pairavi Prakashan, 2074 B.S.
3. Ojha, P.K. *Procedural Law*. 1st ed., Pairavi Prakashan, 2054 B.S.
4. Shrestha, G.B. *Outline of Procedural Law*. 20th ed., Pairavi Prakshan, 2076 B.S.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Nepalese Legal System

Semester	: II	Credit Hours	: 3
Paper	: III	Lecture Hours	: 48
Code	: BALLB323	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course is designed to enable students to convey the concept of a legal system and to identify major legal systems globally. It facilitates an exploration of the intricate relationships between law and religion. The curriculum encompasses various characteristics, sources, and dimensions of the Nepalese legal system. Furthermore, this course familiarizes students with the judicial system, the legal profession, and the influences of diverse legal frameworks on the Nepalese legal landscape.

Course Objectives

- To define legal system concepts, sources, and typologies.
- To classify major global legal systems based on established criteria.
- To analyze the relationship between law and religion.
- To describe the contemporary Nepalese legal system's key aspects.
- To explain recent trends in Nepalese law, including law-making, precedents, and justice administration.
- To evaluate the ongoing reformation processes within the Nepalese legal system.

Course Components:

Unit –I	Notions of the Legal system	4 Hours
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- 1.1. Meaning of the Legal System
- 1.2. Sources of the Legal System
- 1.3. Kinds of the Legal System
- 1.4. Autonomy of the Legal System

Unit –II	Major Legal Systems	10 Hours
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- 2.1. Criteria for the Classification of Major Legal Systems
- 2.2. Major Legal Systems of the World
 - 2.2.1. Common Law: Origin, Development and Sources
 - 2.2.2. Civil Law: Origin, Development and Sources
 - 2.2.3. Socialist Law: Origin, Development and Sources
 - 2.2.4. Chinese Law: Origin, Development and Sources
 - 2.2.5. Japanese Law: Origin, Development and Sources

Unit -III	Religion and Law	8 Hours
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- 3.1. Hinduism and Law:
 - 3.1.1. Introduction to the Hindu Philosophy of Law
 - 3.1.2. Development, Sources and Schools of Hindu Law
- 3.2. Islam and Law:
 - 3.2.1. Introduction to Sariah Law
 - 3.2.2. Development, Sources and Schools of the Islamic Law
- 3.3. Christianity and Law: Introduction to Biblical /Mosaic law and the Canon Law
- 3.4 Buddhism and Law: Introduction to the Buddhist Approach to Law

Unit –IV	Present Nepalese Legal System	10 Hours
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- 4.1. Introduction to Indigenous Law and Reception of Law
- 4.2. Characteristics of the Nepalese Legal System
- 4.3. Sources of the Nepalese Law
- 4.4. Codification and Lawmaking Process in Nepal
- 4.5. The Prosecution System in Nepal
- 4.6. Recognition of Precedents in Nepal
- 4.7. Legal Education in Nepal

Unit –V	Judicial System and Legal Profession in Nepal	8 Hours
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- 5.1. Introduction to the Judicial System of Nepal
- 5.2. Comparative study of Nepalese Judicial System
- 5.3. Administration of Justice: Judicial, Quasi-Judicial, PIL and ADR in Nepal
- 5.4. Nepalese Legal Profession
- 5.5. Comparative Study of Nepalese Legal Profession

Unit –V	Reformation of Nepalese Legal System	8 Hours
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- 6.1. Influence of Common Law on the Existing Nepalese Legal System
- 6.2. Influence of Civil Law on the Existing Nepalese Legal System
- 6.3. Influence of Socialist law on Existing Nepalese Legal System
- 6.4. Influence of Religious Law on Existing Nepalese Legal System

Textbooks and Additional Materials:

1. Adhikari, Krishna Kant. *Nepal Under Jung Bahadur: 1846-1877*. Buku Publication, 1948.
2. Awasti, Prakash. *Hamro Kanooni Itihaskakho Jankariharu*. Pairavi Book House, 2063 B.S.
3. Bajracharya, Dhanabajra. *Lichchhavikalka Abhilekh*. Center for Nepal Asian Students, Tribhuvan University, 2030 B.S.
4. CELRRD. *Analysis and Reform of the Criminal Justice System in Nepal*. CELRRD, 1999.
5. *Constitution of Nepal 2074*.
6. Gyawali, Shambhu Prasad. *Byakti Ra Bichar: Ek Wakilko Samsmaran Ra Chintan*. Jagdamba Prakashan, 2055 B.S.
7. Hamilton, Francis. *An Account of the Kingdom of Nepal*. Asian Education Service, 1986.
8. *Kanoonsambabdhi Kehi Eitihaskik Abhilekhharu*. Lawyers Club, 2063 B.S.
9. Khanal, Bishal. *Regeneration of Legal System of Nepal*. Bhrikuti Publication, 2000.
10. *Muluki Civil Code, 2074*.
11. *Muluki Criminal Code, 2074*.
12. Mukhia, Bal Bahadur. *Comparative Jurisprudence: Theories and Recent Trends of Jurisprudence, Social, Economic and Political Dimensions of Law*. Agam & Malati Mukhia, 2004.
13. Mukhia, Bal Bahadur. "Contemporary Legal Education in Nepal and Relevance of Its Contribution." *Tribhuvan University Journal*, vol. XXV, no. 1, 2005.
14. Mukhia, Bal Bahadur. "Nepalese Jurisprudence at a Glimpse and Role of Legal Education for its Advancement." *Nepal Law Review*, vol. 17, 2004.
15. Mukhia, Bal Bahadur. "Participatory Law Making Process in Nepal: Theory and Practice." *NYAYADOT*, vol. 5, Nepal Bar Association, 2013.
16. Pant, Dinesh Raj. *Nayabikashini (Manavnyayasatra- A law Enacted by King Jayasthiti Malla in Nepali Era 500 (AD 1380)*. Co-publication of Kanoon, Lawyers Club, 2065 B.S.
17. Sangroula, Yubaraj. *Criminal Justice System of Nepal*. Sahayatra Publication, 2011.
18. Sen, Priyanath. *General Principle Of Hindu Jurisprudence*. Allahabab Law Agency, 1984.

19. Server, Adrian. *Aspects of Modern Nepalese History*. Vikash Publication, 1996.
20. Shah, Rishikesh. *Ancient Medieval Nepal*. Vols. I and II, Manohar Publishers, 1997.
21. Shah, Rishikesh. *Modern Nepal*. Vols. I and II, Manohar Publishers, 1990.
22. Shrestha, Gyaindra Bahadur. *Nepalko Kanooni Byabastha*. Pairavi Prakashan, 2072 B.S.
23. Siwakoti, Shesh Raj. *Justice: Law, Justice and Legal System*. Pairavi Prakashan, 2007.
24. *System of Nepal with Reference to China, India, Japan, U.S.A. and U.K.* Sahayatra Publication, 2018.
25. Tripathi, Rewati Raj. *Nepalese Legal System: A Critical Edition and Translation of the Manav-Dharmasastra*. Oxford University Press, 2009.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Buddhist Philosophy of Law

Semester	: II	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB324	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course provides law students with foundational knowledge of the Buddhist approach to law and its application within global legal systems. It encompasses key legal domains such as Buddhist law, Buddhist jurisprudence, penal and offense regulations within the Buddhist order, Buddhist polity, Buddhist jurisdiction, and categories of rights as defined by Buddhist legal principles, all directly relevant to contemporary legal and justice systems. The syllabus emphasizes the ethical dimensions of legal practices worldwide, advocating for the establishment of equitable legal and judicial frameworks founded on principles of equality, honesty, truthfulness, righteousness, and impartial justice.

Course Objectives

- To acquire a comprehensive understanding of Buddhist law and jurisprudence, rooted in natural law principles.
- To embrace ethical legal practices characterized by honesty, truthfulness, righteousness, and equitable justice, drawing from the foundational tenets of Buddhist law.
- To recognize Buddhist law as a potential source for developing 'Ideal Law' to foster equitable legal systems globally.
- To demonstrate a commitment to respecting and promoting the rights of human beings, non-human beings, and the natural environment.
- To familiarize themselves with the Vinaya Rules applicable to the Buddhist Sangha, thereby enhancing their critical reasoning and ethical discernment in legal practice.

Course Components:

Unit -I	Introduction to Buddhist Jurisprudence	9 Hours
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- 1.1. Meaning and Concept of Law and Jurisprudence
- 1.2. Significance of Law and Jurisprudence in a state
- 1.3. Comparative Study of Jurisprudence and Vinaya (code of monastic disciplinary rules)
- 1.4. Natural Law, the Foundation of Buddhist Law

Unit -II	Sources of Buddhist Jurisprudence	6 Hours
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- 2.1. Five Precepts, Eight Precepts and Ten Precepts
- 2.2. Samma Vaca (Right Speech), Samma Kamanto (Right Action), and Samma Aajivo (Right Livelihood)
- 2.3. Bodhisattva Vows
- 2.4. Vinaya (code of monastic disciplinary rules)

Unit -III	Pratimoksha (Buddhist Rules for Monastic Discipline), Offence and Penalty in Buddhist Order	9 Hours
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- 3.1. Four Parajika (Disrobing offences)
- 3.2. Two Aniyata Dhamma (Indefinite Rules)
- 3.3. Thiry Nisaggiya Pacittiya Dhamma (Confession with forfeiture)
- 3.4. Ninety two Pacittiya Dhamma (Rules Entailing Confession)
- 3.5. Seven Adhikarna Samatha Dhamma (Settlement of Disputes)

Unit -IV	Buddhist polity	9 Hours
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- 4.1. Introduction to 'Polity'
- 4.2. Aganna Sutta, the Buddhist Text on Origin of Polity
- 4.3. Practice of Dus Raj Dhamma, a Guideline to an Ideal Ruler.
- 4.4. Discourses of Buddha to Prasenjit Kosala and Bimbisara on Welfare State
- 4.5. Ashoka

Unit -V	Buddhist Jurisdiction	9 Hours
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- 5.1. Buddhist Verdict, based on Equality
- 5.2. Mind as the Forerunner of States,
- 5.3. Law of Kamma (Karma)
- 5.4. Connection of Trilakkhana to Jurisdiction
- 5.5. Buddhist Justice to Nature

Unit -VI	Categories of Rights in Buddhist Law	6 Hours
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- 6.1. Human Rights
- 6.2. Animal Rights (Rights of all creatures)
- 6.3. Rights of vegetation
- 6.4. Rights of Nature and the Environment

Reading Materials:

1. Bajracharya, Dunda Bahadur. *Dighanikaya*. Bir-Purna Memorial Publication, 1989.
2. Bajracharya, Dunda Bahadur. *Majjhima Nikaya*. Birpurna Memorial Publication, 1987.
3. *Gems of Buddhism*. The Corporate Body of the Buddha Educational Foundation, 1996.
4. Guest, Stephen, et al. *Jurisprudence and Legal Theory*. University of London Press, 2000.
5. Mahasthavir, Amritananda. *Buddhakalin Mahilaharu*. Anandakuti Vidyapeeth, 1973.
6. Mahasthavir, Amritananda. *Buddhakalin Rajpariwara*. Anandakuti Vidyapeeth, 1973.
7. Mahasthavir, Amritananda. *Grihivinaya*. Dharma Kirti Boudha Adhyayan Gosthi, 2000.
8. Manandhar, Surokshya. *Gender and Feminist Studies*. Oxford Book House, 2011.
9. Narada. *Life of Buddha*. Buddhist Missionary Society, 1964.
10. Sankrityayana, Rahula. *Vinaya Pitaka*. Samyaka Prakashan, 2008.
11. Sangraula, Y.R. *Jurisprudence: Philosophy and Law*. Pairavi Prakashan, 2008.
12. Upadhyaya, Bharat Singh. *Pali Sahitya Itihas*. Bibhuti Mishra, 2000.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Legal Writing and Communication -II (English II)

Semester	: II	Credit Hours	: 3
Paper	: v	Lecturer Hours	: 48
Code	: BALLB325	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course builds upon foundational communication skills, focusing on advanced legal writing techniques and effective oral advocacy. It emphasizes the development of sophisticated analytical, drafting, and presentation abilities essential for complex legal contexts.

Course Objectives

- To enhance proficiency in both oral and written legal English communication.
- To develop advanced reading comprehension skills for complex legal texts.
- To produce clear, concise, and effective legal writing and drafts.
- To master active listening and effective speaking skills for legal advocacy, interviewing, and advising.
- To execute successful negotiation strategies within a legal context.

Unit -I	Legal English	3 Hours
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- 1.1. Legal English as English for Specific Purposes (ESP) History of English law, why legal English?

Unit -II	Enhancing fundamental skills	12 Hours
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- 2.1. *Comprehension and interpretation*: essay (Thomas Jefferson "The Declaration of Independence"); story (Guy de Maupassant "Moonlight"); and poetry (Theodore Roethke "My Papa's Waltz")
- 2.2. *Reading for writing*: persuasive discourse (elements, D. H. Lawrence "Cocksure Women and Hensure Men"); descriptive discourse (elements, "Structuring a Descriptive Essay"); narrative discourse (elements, George Orwell "Shooting an Elephant")
- 2.3. *Reading for speaking*: Socratic Method (Max Maxwell "The Moral Bankruptcy of Faith") Listening skills: audio-visual material (Reitman, J., Dir. "Thank you for Smoking")
- 2.4. *Translation*: Issues and Practice

Unit -III	Specific characteristics of legalese	6 Hours
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- 3.1. *Lexicons*: common terms with uncommon meaning, foreign words and phrases, legal terms
- 3.2. *Syntax*: syntactic atoms [word classes, phrasal categories (prepositional phrases, phrasal verbs), functional categories (discourse markers, multiple negatives)]; sentence (coordination and subordination; passive structures, repetitive expressions and syntactic structures [parallel sentence, doublets and triplets]; impersonal writing Present debate on legalese and the direction.
- 3.3. *Translation*: from English to Nepali and Nepali to English

Unit -IV	Producing the oral product	9 Hours
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- 4.1. *Essential skill*: oral presentation (enunciation, pace, pitch, posture, mannerism, eye contact)
- 4.2. *Product*: court advocacy (exercise - moot court), interview and advice (cross-examination)

Unit -V	Producing the written product	15 Hours
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- 5.1. *Essentials*: legal discourse and its mechanism, identifying audience, determining purpose, generating data (taking notes), formatting, organizing information Product: pre-meeting, meeting and post-meeting documents (memorandum, notice, and minutes); external correspondences (job application, appointment letter, letter of claim); agreements; court documents (injunction orders, statements of case, court orders and decisions)

Unit -VI	Readings (classroom purpose and self-study)	3 Hours
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- 6.1. Witness statements, tort claim, brief to counsel, statements of case, court decisions (other legal documents)
- 6.2. Novel/Drama (a text to each student for review)

Evaluation Scheme

In-Semester evaluation	40%
End- Semester evaluation	60%
Total	100 %

Special Instruction

The instructor will have to rely on many scattered resources to fulfil the objective of this course. The texts given below are some examples.

Reading Materials

1. Febrero, J.L.S. *Legal English and Translation: Theory and Practice*. Fecha Publicación, 2003.
2. Garner, Bryan A. *The Elements of Legal Style*. 2nd ed., Oxford UP, 2002.
3. Gerson, S.J., and S. M. Gerson. *Technical Communication: Producing the Product*. Pearson, 2010.
4. Giannoni, D.S., and C. Frade. *Researching Language and the Law: Textual Features and Translation Issues*. Peter Lang AG, 2010.
5. Haigh, R. *Legal English*. 2nd ed., Routledge, 2009.
6. Ingels, M.B. *Legal English Communication Skills*. Acco, 2006.
7. Krois-Linder, A., and Translegal. *International Legal English: A Course for Classroom and Self Study Use*. 2nd ed., Cambridge UP, 2011.
8. "Legal Documents Online." *legaldocs.com*, www.legaldocs.com. Accessed 2 June 2025.
9. *Legal Writing in Plain English*. 2nd ed., U of Chicago P, 2013.
10. Maxwell, M. "The Moral Bankruptcy of Faith." *socraticmethod.net*, 2009, www.socraticmethod.net/morality/page1.htm. Accessed 2 June 2025.
11. McKay, W. R., and H. E. Charlton. *Legal English: How to Understand and Master the Language of Law*. Pearson Education Limited, 2005.
12. Rylance, P. *Legal Writing and Drafting*. Blackstone Press Limited, 1994.
13. Stanojević, M. "Legal English – Changing Perspective." *Linguistics and Literature*, vol. 9, no. 1, 2011, pp. 65-75.
14. *Thank You for Smoking*. Directed by J. Reitman, Twentieth Century Fox, 2005.
15. Tiersma, P.M. *Legal Language*. U of Chicago P, 2000.
16. *Tradition and Change in Legal English: Verbal Constructions in Prescribed Texts*. European Academic Publishers, 2005.
17. Williams, C. "Legal English and Plain Language: An Introduction." *ESP across Cultures*, 2004, pp. 111-24.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Introduction to Sociology

Semester	: II	Credit Hours	: 3
Paper	: VI	Lecturer Hours	: 48
Code	: BALLB326	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course introduces students to the foundational principles of sociology, its core terminologies, and subject matter. It explores the intricate relationship between sociology and law, emphasizing the significance of sociological understanding within the legal field. Key topics include major theoretical perspectives of sociology, social institutions, social stratification, and socio-cultural change and development. The course also delves into the sociology of law and analyzes contemporary social issues.

Course Objectives

Upon completion of this course, students will be able to:

- To identify the fundamental nature and structures of society and culture.
- To acquire foundational knowledge regarding sociological theories and the organization of society.
- To analyze social institutions, social stratification, and processes of social change and development.
- To explore the symbiotic relationship between sociology and legal frameworks.
- To examine various contemporary social issues through a sociological lens.

Course Components:

Unit -I	Introduction	4 Hours
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- 1.1. Meaning and definition of Sociology
- 1.2. Nature of Sociology
- 1.3. Subject matter of Sociology
- 1.4. Emergence of Sociology
- 1.5. Relationship of Sociology with other social sciences and Law
- 1.6. Uses of Sociological knowledge

Unit -II	Foundation of society	8 Hours
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- 2.1. Society
- 2.2. Culture
- 2.3. Social norms and values
- 2.4. Social status and role
- 2.5. Socialization
- 2.6. Social group and organization
- 2.7. Social Capital
- 2.8. Crime and deviance
- 2.9. Social control

Unit -III	Theoretical perspectives	6 Hours
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- 3.1. Functional Perspective
- 3.2. Marxist Perspective
- 3.3. Interpretive Perspective
- 3.4. Post- Modern Perspective

Unit -IV	Social institutions	4 Hours
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- 4.1. Meaning and definitions,
- 4.2. Features and functions
- 4.3. Types (Family, Marriage, Kinship, Economy, Polity and Religion)

Unit -V	Social stratification	6 Hours
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- 5.1. Meaning, definition and features
- 5.2. Approaches
- 5.3. Social Stratification in Nepalese context

Unit -VI	Social and cultural change	4 Hours
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- 6.1. Meaning, definition and features
- 6.2. Process
- 6.3. Factors
- 6.4. Consequences

Unit -VII	Development	4 Hours
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- 7.1. Notion of development
- 7.2. Development and social change
- 7.3. Growth, progress and change
- 7.4. Sustainable development

Unit –VIII	Sociology of law	8 Hours
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- 8.1. Historical background
- 8.2. Social dimension of law
- 8.3. Social Justice
- 8.4. Theory of social engineering and balancing of interest
- 8.5. Law as an instrument of social change and control
- 8.6. Participatory Law-making process
- 8.7. Social change by first codify law of Nepal

Unit –IX	Contemporary social issues	4 Hours
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- 9.1. Federalization and restructuring of the state
- 9.2. Social inclusion
- 9.3. Nationalism
- 9.4. Unemployment and international migration

Primary Reading Materials:

- Bhusan, Bidhya, and D.R. Sachdeva. An Introduction to Sociology. Kitab Mahal, 2002.
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Additional Reading Materials:

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- Gunaratne, Arjun, editor. Dalits of Nepal: Towards Dignity, Citizenship, and Justice. Himal Books, 2010.
- Höfer, Andras. The Caste Hierarchy and the State in Nepal: A Study of Muluki Ain 1854. Himal Books, 2004. Lempert, David. "Sociology of Law." Political and Legal Anthropology Review, 1996.
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- Mishra, Chaitanya. "Bikash, Rajniti ra Samajik Pariwartan (Development Politics and Social Change)." Badlindo Nepali Samaj, edited by Rajendra Maharjan, Fine Print, 2010.
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- Sen, Amartya. Inequality Reexamined. Harvard UP, 1992.
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Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program
Third Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB331	Constitutional Law-I	3
BALLB332	Procedural Law –II	3
BALLB333	Law of Evidence	3
BALLB334	Fundamentals of Economics	3
BALLB335	Legal Nepali (Only for Nepalese Students)	3
BALLB336	Legal Research Methodology	3
Total		18

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Constitutional Law-I

Semester	: III	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB331	Full Marks	: 100
Nature: Compulsory			

Course Description:

This course provides a foundational understanding of constitutional law, covering its core principles, fundamental rights, and evolution. It focuses on the application of constitutional principles within the Nepalese legal system, including constitutional remedies, judicial activism, public interest litigation, and the process of constitutional amend

Course Objectives:

- To articulate fundamental principles of Constitutional Law, including constitutionalism, separation of powers, judicial review, and the rule of law.
- To analyze the nature, scope, and judicial interpretations of fundamental rights and directive principles of state policy.
- To explain the historical evolution of constitutional law.
- To apply constitutional principles within the Nepalese legal framework.
- To evaluate constitutional remedies for the enforcement of fundamental rights, and assess the roles of judicial activism and public interest litigation.
- To describe the provisions for constitutional amendment.

Course Components:

Unit -I	Introduction	9 Hours
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- 1.1. (Constitution, Constitutional law and Constitutionalism, Rule of Law, Separation of Power, and Judicial Review, Definitions of key words)

Unit -II	Constitutional history of Nepal and Nepalese Constitutional Law	9 Hours
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- 2.1. (Historical Perspective, Genesis and making of the new Nepalese Constitution, Salient features of the new Constitution, Preamble of the Constitution: its significance and judicial interpretation)

Unit -III	Fundamental Rights and Duties	15 Hours
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- 3.1. **Right to live with dignity (Article 16);** extended view of ‘right to life’, right against exploitation (Article 29), right against torture (Article 22), right of victims of crime (Article 21), right against preventive detention (Article 23), constitutionality of preventive detention laws, right against exile (Article 45)
- 3.2. **Right to freedom** (Right against deprivation of personal liberty, freedom of opinion and expression, freedom to assemble peaceably and without arms, freedom to form political parties, freedom to form unions and associations, freedom to move and reside in any part of Nepal, freedom to practice any profession, carry on any occupation, and establish and operate any industry, trade and business in any part of Nepal (Article 17), right relating to property (Article 25), doctrine of reasonable restrictions, right to communication (Article 19, right to information (Article 27), right to privacy Article 28)
- 3.3. **Right to Equality** (Article 18), Affirmative Action’ and Doctrine of Reasonable Classification’, Rule against ‘Arbitrariness’, Constitutionality of Reservation Policy, right against untouchability and discrimination

(Article 24), rights of women (Article 38), rights of children (Article 39), rights of senior citizens (Article 41) and rights of dalits (Article 40)

- 3.4. **Economic, social and cultural rights** (right relating to food (Article 36), right to employment (Article 33), right relating to health (Article 35), right to clean environment (Article 30), right to housing (Article 37), right relating to education (Article 31), right to social security (Article 43), rights of the consumer (Article 44), and right to language and culture (Article 32).
- 3.5. **Rights relating to justice** (Article 20): Protection against ex post facto laws, Double Jeopardy, Self-incrimination)
- 3.6. **Right to religion** (secularism in Nepal, right to freedom of religion and restrictions) (Preamble, Articles 3, 4 and 26)

Unit -IV	Relation between Fundamental Rights and Directive Principles	3 Hours
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- 4.1. Article 50

Unit -V	Constitutional Remedies to Enforce Fundamental Rights	6 Hours
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- 5.1. (Articles 1, 46, 47, 133, 144, etc.) Compensation under Article 46, Writ jurisdiction, public interest litigation, and judicial activism)

Unit -VI	Amendability of the Constitution	6 Hours
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- 6.1. (Article 274 of the Constitution of Nepal)

Special instruction

The instructor is expected to use all important case laws while teaching this subject, giving due emphasis to the precedents established by the Supreme Court of Nepal.

Evaluation Scheme

In-semester evaluation	40 %
(Course instructor will develop appropriate criteria based on LBU Semester Vinium)	
End-semester evaluation	60 %
Total	100 %

References:

- Acharya, Bhimarjun. *Fundamental Rights in the World Constitutions*. Pairavi Book House, 2008.
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- Interim Constitution of Nepal, 2007.
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- Rosenfeld, Michel, and Andras Sajó. *The Oxford Handbook of Comparative Constitutional Law*. Oxford UP, 2012.
- Shukla, V.N., and M.P. Singh. V.N. *Shukla's Constitution of India*. Eastern Book Co., 1990.
- Thapa, Kamal Raj, ed. *Governance, Constitution and Contemporary Issues*. LRAF Pvt. Ltd., 2066 B.S.
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- Wade, E.C.S., et al. *Constitutional Law*. 7th ed., Longmans, 1965.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Procedural Law-II

Semester	: III	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB332	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course provides a concise overview of the fundamental principles of procedural law. It details the specific rules of procedure applicable in Nepal and elucidates the country's judicial process.

Course Objectives:

- To explain the fundamental principles of procedural laws;
- To describe rules of procedures in Nepal; and
- To elaborate the judicial process of Nepal.

Course Components:

Unit –I	Introduction	6 Hours
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- 1.1. Short introduction to types of Court Procedure Prevailing in Nepal
 - 1.1.1. General Procedure C.P.C & Cr. P. C
 - 1.1.2. Special Procedure
 - 1.1.3. Summary Procedure

Unit –II	Procedures of Civil Suits as prescribed in Muluki Civil Procedure Code, 2074	12 Hours
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- 2.1. **Trial Stage:** Lodgment of plaint, Summon, Serving of Summon, Written statement and Counter claim, Preliminary hearing, Date of Presence, Court Representative, Interlocutory order, Examination of Document and witness, hearing and judgment, Multabi, Holding of Summon and date of presence, Compromise.
- 2.2. Appeal, Revision, Review Procedure.
- 2.3. Execution Procedure.

Unit -III	Procedure of Criminal prosecution as prescribed in Muluki Criminal Procedure Code, 2074	12 Hours
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- 3.1. **Pretrial Stage:** Informing the commission of crime and Investigation.
- 3.2. **Trial Stage:** Filing of Charge-sheet, Preliminary proceeding of case, Arrest warrant and Summon, Jail-Bail, Date of Appearance, Appointment of representative, Transfer and Stay of case, examination of evidence and witness, Withdrawal of case, compromise, hearing and Judgment.
- 3.3. Sentencing
- 3.4. Appeal, Revision and Review Procedure.
- 3.5. Confirmation (Sadhak Janchne) Procedure.
- 3.6. Execution Procedure.

Unit –IV	Juvenile Justice Procedure	6 Hours
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Unit –V	Writ procedure and PIL	6 Hours
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Unit -VI	Short introduction to ADR Techniques and its procedures	6 Hours
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- 6.1. Arbitration
- 6.2. Mediation
- 6.3. Conciliation

Evaluation of 40% (Course instructor will develop appropriate criteria based on LBU Semester Vinium)

References

I. Primary Legal Sources (Nepalese Law):

- Muluki Civil Procedure Code, 2074 (मुलुकी देवानी कार्यविधि संहिता, २०७४)
- Muluki Criminal Procedure Code, 2074 (मुलुकी फौजदारी कार्यविधि संहिता, २०७४)
- Juvenile Justice Act, 2075 (बाल न्याय ऐन, २०७५)
- Constitution of Nepal (नेपालको संविधान).
- Arbitration Act, 2055 (मध्यस्थता ऐन, २०५५)
- Mediation Act, 2068 (मेलमिलाप ऐन, २०६८)
- Supreme Court Rules (सर्वोच्च अदालत नियमावली)
- High Court Rules (उच्च अदालत नियमावली)
- District Court Rules (जिल्ला अदालत नियमावली)

II. Secondary Sources

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Law of Evidence

Semester	: III	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB333	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course offers a comprehensive exploration of the law of evidence, focusing on both theoretical foundations and practical application. Students will gain a deep understanding of various types of evidence, their significance, and the proper methods for their collection, presentation, and utilization within the litigation process. The course emphasizes leading cases and equips students with the skills to effectively integrate evidence into legal arguments and court pleadings.

Course Objectives:

- To analyze and appreciate the diverse forms of evidence and landmark cases within the law of evidence.
- To identify and recall different categories of evidence, their practical importance, and their role in testimony throughout the evidence collection and litigation processes.
- To demonstrate proficiency in effectively using and applying evidence in legal arguments and court pleadings.
- To critically discuss the overarching theories and principles of evidence law, as well as the specific nuances of each form of evidence.

Course Components:

Unit –I	Introduction	3 Hours
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- 1.1. Meaning, Nature & Scope of the Law of Evidence
- 1.2. Principles of Evidence and Evidence Law
- 1.3. Historical Development of Law of Evidence in Nepal

Unit –II	Relevant Fact and Fact in Issue	3 Hours
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- 2.1. Facts
 - 2.1.1. Physical and
 - 2.1.2. Psychological.
- 2.2. Facts in issue
 - 2.2.1. Admissible Fact
 - 2.2.2. Corroborative Fact
 - 2.2.3. Proof
 - 2.2.4. Conclusive Proof

Unit -III	Classification of Evidence	4.5 Hours
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- 3.1. Types of evidences
 - 3.1.1. Original and Hearsay Evidence
 - 3.1.2. Direct and Circumstantial Evidence
 - 3.1.3. Primary and Secondary Evidence
 - 3.1.4. Oral, Documentary and Real Evidence
 - 3.1.5. Exhibits and Their Evidential Value
- 3.2. Basic Concept of Forensic Science

- 3.2.1. Physical Evidence
- 3.2.2. Scientific Evidence
- 3.2.3. Medical Evidence
 - 3.2.3.1. Medical Report
 - 3.2.3.2. Case firm Report
 - 3.2.3.3. Autopsy Report

Unit –IV	Facts which Need not be Proved	3 Hours
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- 4.1. Formal Admission
- 4.2. Judicial Notice
- 4.3. Presumption

Unit –V	Deposition and Testimony	6 Hours
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- 5.1. Admission and Confession
- 5.2. Statement on the Spot
- 5.3. Dying Declaration
- 5.4. Special Statements by Person on Particular Occasions
- 5.5. Facts Recorded in Public Documents
- 5.6. Facts Recorded in Books of Account
- 5.7. Facts Published in Books or Articles
- 5.8. Statement Given by Witness in Other Cases
- 5.9. Document Prepared at Time of Investigation
- 5.10. Certificate, Report and Special Kinds of Statistics

Unit -VI	Expert Reports and Opinions	6 Hours
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- 6.1. Expert: person possessing special knowledge, skill or experience in foreign law, science, art, handwriting or finger impression etc.
- 6.2. Duty of expert
- 6.3. Value of expert opinion
- 6.4. Admissibility of expert opinion

Unit -VII	Burden of Proof (With Reference to Established Theories and Provisions of Evidence Act of Nepal)	6 Hours
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- 7.1. Definition
- 7.2. Standard of proof in the United States: Legal standards for burden of proof (indications, suspicion, believe, Probable cause, credible evidence, Preponderance of the evidence, Clear and convincing evidence, Beyond reasonable doubt
- 7.3. Standard of proof in Nepal

Unit -VIII	Estoppel	3 Hours
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- 8.1. Definitions
- 8.2. Types

Unit –IX	Plea of Alibi	4.5 Hours
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- 9.1. Definitions
- 9.2. Essentials of Plea of Alibi
- 9.3. Plea of Alibi under the Evidence Act of Nepal

Unit –X	Procedure Relating to Collecting Evidences	3 Hours
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- 10.1. Types of evidences
- 10.2. Guidelines for collecting evidences

Unit -XI	Custody of Physical Evidences	3 Hours
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- 11.1. Chain of Custody
- 11.2. Principles of Physical evidences

Unit -XII	Witness	3 Hours
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- 12.1. Definitions
- 12.2. Examination and Cross-Examination of Witnesses
- 12.3. Privileges of Witnesses

Evaluation of 40% (Course instructor will develop appropriate criteria based on LBU Semester Vinium)

References:

1. Elliott, D.W. *Manual of the Law of Evidence*. 11th ed., Universal Law Publishing Co. India, 2001.
2. Green, Eric D., and Charles R. Nesson. *Problems, Cases and Materials on Evidence*. 2nd ed., Little Brown Company, 1994.
3. Howard, MN, Peter Crane, and Daniel A. Hochberg. *Phipson on Evidence*. 14th ed., Sweet & Maxwell, 1990.
4. Kean, Adrian. *The Modern Law of Evidence*. 6th ed., Oxford University Press, 2006.
5. *Muluki Civil (Code) Act, 2074*.
6. *Muluki Civil Procedure (Code) Act, 2074*.
7. *Muluki Criminal (Code) Act, 2074*.
8. *Muluki Criminal Procedure (Code) Act, 2074*.
9. Murphy, Peter. *Murphy on Evidence*. 10th ed., Oxford University Press, 2007.
10. Sangroula, Yubaraj. "Criminal Jurisprudence in Nepal – The Process and Challenges." *National Workshop on Criminal Justice System in Nepal*, 1997.
11. *Sarkar on Evidence*. 2nd ed., Dwivedi Publishing Company, 2007.
12. Sharma, B.R. *Forensic Science in Criminal Investigation*. 4th ed., Universal Law Publishing Co. Pvt. Ltd., 2003.
13. Toyloar, Alan. *Principles of Evidence*. 2nd ed., Cavendish Publishing Limited, 2000.
14. Tripathi, Haribansh. "Existing Modality of Criminal Trial System in Nepal: The Lacunas, Challenges and Prospective Reforms." *National Workshop on Criminal Justice System in Nepal, ILR*, 1997.
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Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Fundamentals of Economics

Semester	: III	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB334	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a foundational understanding of economic principles and their intersection with legal frameworks, with a particular emphasis on the Nepalese context. Students will explore diverse economic systems, the theory and practice of economic planning, and key financial policies such as public finance, expenditure, and revenue. The course also delves into the principles, role, and theories underpinning fiscal and budgetary policies, including the process of budget formulation. Ultimately, students will be able to critically analyze how economic realities and legal structures mutually influence each other in Nepal.

Course Objectives

- To analyze and differentiate various economic systems and their application, with a specific focus on economic planning in Nepal.
- To evaluate and elaborate on key financial policies, including public finance, public expenditure, and public revenue, as they pertain to the Nepalese economic landscape.
- To articulate and explain the fundamental principles, roles, and theories of fiscal policy, budgetary policy, and the process of budget formulation.
- To integrate and synthesize economic concepts with legal principles to understand their interdependent relationship.

Course Components:

Unit –I	Introduction	9 Hours
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- 1.1. Definition, Methodology and Scope of Economics
- 1.2. Forms of economic analysis
- 1.3. Basic Concept and percepts – economic problems, economic rationality, optimality, behavior of firms in market.
- 1.4. Interdependence between microeconomics and macroeconomics
- 1.5. Development of macroeconomics - Classical, Keynesian and Monetarist
- 1.6. Concepts of national income
- 1.7. Market failure and role of government
- 1.8. Capitalist, Socialist and Mixed Economy - Concept and Definition, Distinctive Features and Merits and Demerits

Unit –II	Economic History of Nepal	3 Hours
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- 2.1. Brief economic history of Nepal
- 2.2. Resource base of Nepali economy
- 2.3. The structure of Nepali economy
- 2.4. Highlights on contemporary inflation Situation

Unit -III	Economics and Law	12 Hours
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- 3.1. Economic analysis of law.
- 3.2. Methods of Economic Analysis as tools of Legal Decisions and Analysis.

- 3.3. Competition Law, Intellectual Property Rights, Contract Law, Social Rights, and Property Law and Economics.
- 3.4. Economic Factors that influence Law: Economic Development, Social Justice, Poverty, Labor etc.
- 3.5. Directive Principles of the Constitution of Nepal with reference to Distribution of Resources
- 3.6. Right to Equality in Sharing Resources and State's Affirmative Actions for Securing Interest of Women, Children, Aged and other Marginalized Groups in Nepal
- 3.7. Laws Protecting Economic Interest of People
 - 3.7.1. Right to Property in Constitution
 - 3.7.2. Right Against Appropriation of Individual Property by State- Land Acquisition Law in force
 - 3.7.3. Right to Employment with Basic Minimum Salary- Labor Law in force
 - 3.7.4. Right to Social Security- Pension, Provident Fund, Cooperatives, Insurance Laws in force

Unit –IV	Economic Development and Planning	4.5 Hours
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- 4.1. Growth Characteristic of Developing Countries with Special Reference to SAARC region and China,
- 4.2. Concept and Distinction between Economic Development and Growth
- 4.3. Concept and Definition of Planning - Its Need, Types, Planning in Nepal. (A General Survey on Different Plans Prospects of Forthcoming Plan)
- 4.4. Concept, Causes and Policy measures of Poverty

Unit –V	Public Finance	9 Hours
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- 5.1. Concept of Public Finance:**
 - 5.1.1. Classical and Modern Concepts
 - 5.1.2. Role of Public Finance in Developing Countries
- 5.2. Public Expenditure :**
 - 5.2.1. Principles of Public Expenditure
 - 5.2.2. Causes of Excessive Growth of Public Expenditure
- 5.3. Public Revenue :**
 - 5.3.1. Importance and Source
 - 5.3.2. Principles of Taxation,
 - 5.3.3. Impact, Incidence and Shifting of Taxation
 - 5.3.4. Effects of Taxation
- 5.4. Public Debt:**
 - 5.4.1. Internal and External Borrowing,
 - 5.4.2. Management of Public Debt
- 5.5. Fiscal Policy : Objective and Role**
- 5.6. Government Budgetary:**
 - 5.4.1. Components of Budget
 - 5.4.2. Budget Formulation,
 - 5.4.3. Budgetary Policy
 - 5.4.4. Deficit Financing
 - 5.4.5. Concept of Federal Finance
- 5.7. Public Enterprises:**
 - 5.7.1. Role of Public Enterprises in Developing Countries,
 - 5.7.2. Price and Out Price Policies of Public Enterprises

Unit -VI	New trend in Economics	4.5 Hours
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- 6.1. Welfare Economics: Concept and Pareto Optimality
- 6.2. Liberalization of the Nepali Economy
- 6.3. Foreign Aid and Concept of Aid for Trade
- 6.4. International Market and Global Financial Crises.
- 6.5. Economics of Free Trade.

Unit -VII	Nepalese Economy	6 Hours
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- 7.1. Basic features of Nepalese economy
- 7.2. Major indicators, poverty and its rural and urban dimensions.
- 7.3. Potential of Nepalese economy: Natural resources (water, Forests and Minerals), Human Resources, Tourism, Agriculture and Bio-diversity
- 7.4. Planning in Nepal: Overview of different plans and economic status till previous plans
- 7.5. Current plan: Objectives, Strategies, programs and resources allocations
- 7.6. Budget in Nepal: Process, challenges and major constraints.

Special instruction

The instructor is expected to use all important economic principle and trend in the world.

Evaluation Scheme

In-semester evaluation	40 %
(Course instructor will develop appropriate criteria based on LBU Semester Vinium)	
End-semester evaluation	60 %
Total	100 %

Reading Materials

Acharya, Keshav Prasad. *A Brief Review of Foreign Aid in Nepal*. Action Aid Nepal, 2002.

Bhatia, H.L. *Public Finance*. Vikas Publishing House, 1999.

Coase, R.H. "The Problem of Social Cost." *Journal of Law and Economics*, vol. 3, Oct. 1960, pp. 1-44.

Corter, Robert, and Thomas Ulen. *Law and Economics*. Pearson Education, 2005.

Dahal, Madan Kumar, editor. *Nepalese Economy: Towards Building a Strong Economic Nation State*. Central Department of Economics, TU and New Hira Books Enterprises, 2004.

Dwivedi, D.N. *Principles of Economics*. Vikas Publishing House, 1999.

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Lekhi, R.K. *The Economics of Development and Planning*. Kalyani Publication, 2005.

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OXFEM (GB) & NLA. *Economic Liberalization in Nepal: Sequence and Process*. 2003.

Posner, Richard A. *Economic Analysis of Law*. Aspen Publishers, 2011.

Prest, A.R. *Public Finance in Underdeveloped Countries*. Vikas Publishing House, 2003.

Schumacher, E.F. *Small Is Beautiful: Economics As If People Mattered: 25 Years Later...With Commentaries*. Hartley & Marks Publishers, 1999.

Sen, Amartya. *Poverty and Famine*. Oxford India Paperbacks, 1999.

Shing, S.K. *Public Finance in Theory and Practice*. S. Chand & Company Ltd., 2004.

Singh, N.M. *A Comparative Study of Capitalism and Socialism*. 1970.

Slavin, Stephen L. *Economics*. M.C. Graw-Hill Irwin, 2002.

Stiglitz, Joseph. *Making Globalisation Work*. W.W. Norton & Company, 2006.

Todaro, M.P. *Economic Development*. Addison-Wesley Reading, 2003.

Vaish, M.C. *Macro Economics*. Kalyani Publication, 2001.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Legal Nepali (Only for Nepali Students)

Semester : III	Credit Hours : 3
Paper : V	Lecturer Hours : 48
Code : BALLB335	Full Marks : 100
Nature : Compulsory	

उद्देश्य

यस पाठ्यक्रम अनुरूप सफलतापूर्वक अध्ययन गरिसकेपछिका विद्यार्थीहरू निम्न अनुसारका क्षेत्रहरूमा सक्षम हुनेछन् :
 नेपाली भाषाका विभिन्न क्षेत्रका उच्च स्तरिय पुस्तक, लेख हरूको पठन गर्ने, बुदाँ टिपोट, संक्षेपीकरण गर्ने तथा तिनका गहन चिन्तन र भावको विवेचना गर्न सक्ने
 नेपालमा प्रचलित कानुनी नेपाली भाषाको विकास एवम् संरचनाबारे व्याख्या गर्न, तथा कानुनी नेपाली भाषाको मौखिक र लिखित रूपमा बोध र अभिव्यक्ति गर्न नेपाली भाषा साहित्य र कानुनी भाषा बीचको अन्तरसम्बन्धबारे विश्लेषण गर्न ।
 कानुन विषयका विभिन्न शब्दहरूको अर्थ जानी प्रयोग गर्न सक्ने । नेपाली भाषा र कानुनी नेपाली भाषाको फरक छुट्याई प्रयोग गर्न सक्नु ।

विषयवस्तु

एकाइ	शीर्षक (पाठ्य विषयवस्तु)	पाठ घण्टी
१	भाषा परिचय १. भाषा र यसका विशेषताहरूको सामान्य परिचय २. (क) संसारका भाषाहरूको पारिवारिक वर्गीकरणको आधार तथा भारोपेली, द्रविड, आग्नेली तथा भोटबर्मेली भाषिक परिवारको परिचय । (ख) नेपालमा बोलिने भाषाहरूको संक्षिप्त परिचय । ३. नेपाली भाषाको उत्पत्ति र विकास । ४. नेपाली भाषाका क्षेत्रीय भाषिकाहरूको परिचय । ५. नेपाली भाषाको वर्तमान स्थिति । ६. भाषाका भेदहरूको सङ्क्षिप्त परिचय (क) प्रयोजनपरक भाषा (ख) लेख्य र कथ्य भाषा (ग) भाषा र सामाजिक भाषिका	६
२	कानुनी नेपाली भाषाको परिचय पाठ्य विषयवस्तु १. कानुनी नेपाली भाषाको सामान्य परिचय । (क) सामान्य नेपाली र कानुनी नेपाली । (ख) कानुनी नेपाली र साहित्यिक, राजनैतिक, शैक्षिक, वैज्ञानिक तथा प्राविधिक क्षेत्रमा प्रयुक्त नेपाली भाषाका भेदहरूका विशेषताहरूको परिचय । २. कानुनी नेपाली भाषाको विकास प्रक्रिया ।	६

	(क) जयस्थिति मल्ला र राम शाहको थिति बन्देज तथा पृथ्वीनारायण शाहको दिव्योपदेशमा प्रयुक्त कानुनी भाषिक स्वरूप ।	
	(ख) वि.सं. १९१० को मुलुकी ऐनको कानुनी भाषा ।	
	(ग) २०२० पछिको मुलुकी ऐनमा प्रयुक्त कानुनी भाषा, वर्तमानको कानुनी भाषाका चुनौतीहरू ।	
	३. कानुनी नेपालीका शब्दगत, वाक्यगत तथा अभिव्यक्तिगत विशेषताहरू ।	
	४. कानुनी नेपाली भाषामा वर्ण-विन्यास सम्बन्धी व्यवस्था तथा लेख्य चिन्हको प्रयोग	
३	कानुनी नेपाली भाषाको प्रयोग सम्बन्धी विशेष व्यावहारिक अभ्यास	६
	१. कानुनी शब्दहरूको रचना प्रक्रियाको ज्ञान र अभ्यास	
	२. कानुनी वाक्यहरूको विश्लेषण तथा संश्लेषण प्रक्रियाको ज्ञान र अभ्यास	
	३. (क) कानुनी टुक्का र वाक्यांशहरूको प्रयोग गर्ने अभ्यास : कैफियत तलब गर्नु, कैफियत गर्नु, मुख मिल्नु, न्यायका नौ सिङ हुनु, खलल पार्नु, बात लाग्नु, आकर्षित हुनु, लगत कस्नु, उपर हुनु, म्याद ठेक्नु, खत खाप्नु, लगत कट्टा गर्नु, ठहर गर्नु, पेसीमा चढ्नु, ठट्टा मस्करी गर्नु, चित्तले देख्नु, अंग पुग्नु, वातिल गर्नु, खडा गर्नु, सुनि पाउनु, ततिम्बा गर्नु, मुल्टवी जगाउनु, प्रमाण लाग्नु, कारण खोल्नु, प्रकट गर्नु, जिरह गर्नु, शंकाको घेरामा राख्नु, सोधपुछ गर्नु, जिकिर लिनु, घुर् खाप्नु, आड खोल्नु, बिगो भर्नु, चलन चलाउनु, बन्द सवाल गर्नु, किनारा गर्नु, इन्साफ जाँच्नु, शपथ खानु, जिरह गर्नु, गवाही दिनु, उपचार प्रदान गर्नु, सुनुवाइ गर्नु, मुकरर हुनु, जारी गर्नु, जाहेर गर्नु, फुर्सद पाउनु, सद्दे किर्ते छुट्याउनु, मुख साबित हुनु, इमान धर्म सम्झनु, पोल्नु ।	
	ख) कानुनी पारिभाषिक शब्दहरूको निर्माणक्रिया, शब्दार्थ ज्ञान र प्रयोगको अभ्यास : अवैधानिक थुना, अख्तियारनामा, अभियोगपत्र, अनुसूची, अमानुषिक व्यवहार, अंगभंग, अधिग्रहण, अभिलेख, अनुबन्ध, अनुच्छेद, अमान्य, अध्यादेश, अभियुक्त, अन्तरकालीन, अनुचित विलम्ब, अभियोजन, अनमेल, अधिकार क्षेत्र, अधिकारपृच्छा, अधिवक्ता, अन्तरिम अपराध, असुलउपर, अपवादात्मक व्यवस्था, अंश, अंशपत्र, अंशसर्वस्व, अकर्ण, अनुचित लाभ, अचल सम्पत्ति, अदालती बन्दोबस्त, अलिफार्से, आगे, आवर्जे, अन्तर्कालीन आदेश, आशय करणी, आशय, इतलायनामा, इच्छापत्र, इवी, उजुर, उपदफा, उपचार, उपनियम, उपधारा, उखडा, उत्प्रेषण, उल्टी फैसला, उजराती, एकाघर, एमिकस क्यूरी, ऐन, कसुर, कबुलियतनामा, कुटपिट, कर्तव्यज्यान, कर्तव्यवाला, कागजात, कानुन, कलम कब्जा, काबु, करार, कैद, खण्डे फैसला, खत, खानतलासी, खोटा टक, खामबन्दी, गैरन्यायिक, गफलत, गैरकानुनी, घुसखोर, चस्मदिद गवाह, चोरी, चोके व्याज, छोडपत्र, छोडखानी, जग्गादपोट, जायजात, जन्मकैद, जिरह, जाहेर, जबर्जस्ती करणी, जुल्मी, जिउनी, जालसाजी जायज, ठिनी, ठेक्कापट्टा, ढड्डा, ढुङ्गा, तदर्थ, तामेल, तहकिकात, तजबिज, तारेख, तारेखपर्चा, तायदाती फार्म, थुनुवा, दायित्व, दृष्टिबन्धक, दुरुत्साहन, दरपिठ, दफा, दाइजो, धारा, धरौट, न्यायाधीश, न्यायाधिकरण, नियम, नजिर, निषेधाज्ञा, नाबालक, नियमापत्ति, निलम्बन, निखन्नु, नायब, प्रतिरक्षा, प्रतिवादी, प्रत्याभूति, प्रतिउत्तरपत्र, प्रत्यायोजन, प्रतिवेदक, प्रबन्धपत्र, पुनरावेदक, प्राकृतिक न्याय, परमादेश, पूर्ण इजलास, पूर्वापराधी, पुर्पक्ष, प्रवेशाज्ञा, प्राडन्याय, पीडित व्यक्ति, पेसी, प्रस्ताव, प्रस्तावित व्यक्ति, पदेन, पेवा, प्रकरण, पुनरावलोकन, फरार, फौजदारी, फिरादपत्र, फडके, बदनियत, बेरित, बकपत्र, बाल विज्याइँ, बात, बरामद, बदर, बयान, बिगो, बन्दसवाल, बेगार, बुँदा, बालबुर्जा, ब्रम्हनिशाफ, बक्सौनी, भूल, भरपाई, भ्रष्टाचार, भवितव्य, मतियार, मिलापत्र, मुचुल्का, म्यादी पुर्जी, मुखसाबित, मनासिब, मिसिल, मुल्टवी, रोहबर, रितपूर्वक, राजकाज, रहजनी, लालमोहर, लावारिस, लापरवाही, लखबन्धक, बन्दी प्रत्यक्षीकरण, व्यक्ति, वादी, विधिविज्ञान, विशेषज्ञ,	

	विबन्धन, वेश्यावृत्ति, वयस्क, वादी, विनियम, वारदात, वारेस, सनाखत, संरक्षक, सर्जमिन, साविक, स्वेच्छाचारी, साधक, सहअभियुक्त, संविधान, सुपरिवेक्षण, सबुदमुखी, समाह्वान, संयुक्त इजलास, स्त्रीधन, सम्बन्धविच्छेद, स्वीकारोक्ति, साबिती, हकवाला, हाजिरजमानी, हुलिया, हिरासत, हिनामिना, हालवाला, हदम्याद, हितग्राही व्यक्ति, क्षेत्राधिकार, क्षतिपूर्ति ।	
४	कानुनी लिखतहरूको संरचनागत ज्ञान र व्यावहारिक प्रयोगको अभ्यास	९
	१. निम्नलिखित प्रकृतिका सूचनाहरू लेख्ने अभ्यास	
	(क) सूचना	
	(ख) निवेदन	
	(ग) घरायसी लिखत	
	(घ) अदालती लिखत	
५	कानुनी रचना तथा अभिव्यक्तिशिल्प सम्बन्धी अभ्यास	४.५
	१. कानुनी अनुच्छेद लेखनको अभ्यास	
	२. समसामयिक कानुनी समस्यामा टिप्पणी गर्ने अभ्यास	
	३. कानुनी कथनलाई स्वतन्त्र रूपमा व्याख्या गर्ने अभ्यास	

आन्तरिक मूल्याङ्कन ४० प्रतिशतका आधारहरू

सन्दर्भ ग्रन्थहरू

कानुनी गद्य

- (क) बाल नरसिंह कुँवर, रणबहादुर शाहको हत्या प्रतिवेदन (१८६३), कानुन २७
- (ख) शम्भु प्रसाद ज्ञवाली, नेपालमा न्याय मण्डलको पुनरगठन (२००८), कानुन २६
- (ग) कृसुम श्रेष्ठ, राष्ट्रको सर्वाङ्गीण विकासमा कानुन व्यवसायी, न्यायदूत २३
- (घ) हरिहर दाहाल, अदालतको अवहेलना, न्यायदूत ३३
- (ङ) प्रकाश वस्ती, बारको इतिहास, कानुन १९
- (च) डिल्लीराज आचार्य, न्यायिक संस्कृतिमा भान्से विचारी, कानुन ७
- (छ) डा. युवराज संग्रौला, फौजदारी न्याय प्रशासन, कानुन २५
- (ज) विश्वनाथ उपाध्याय, प्रतिनिधिसभा विघटनको सिफारिश, कानुन १४
- (झ) हरि थापा, हरिप्रसाद प्रधानको पुनरखोजी, कानुन १२
- (ञ) लक्ष्मण प्रसाद अर्याल, कानुनमा प्राण हाल्ने कसले, न्यायदूत ११

पाठ्यपुस्तक

- १. बालकृष्ण पोखरेल - राष्ट्र भाषा - साभा प्रकाशन
- २. फौजदारी कार्यविधिको दिग्दर्शन - कानुन अन्वेषण तथा स्रोत विकास केन्द्र (सेलर्ड)
- ३. लक्ष्मी निबन्ध संग्रह - साभा प्रकाशन
- ४. जय भुँडी - रत्न पुस्तक भण्डार
- ५. हिमालचुली - सं ईश्वर बराल - साभा प्रकाशन
- ६. आमाको सपना - साभा प्रकाशन
- ७. घुम्ने मेचमाथि अन्धो मान्छे - साभा प्रकाशन

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Legal Research Methodology

Semester	: III	Credit Hours	: 3
Paper	: VI	Lecturer Hours	: 48
Code	: BALLB336	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course introduces students to the fundamental methods and ethical considerations of legal research. It's designed to equip you with the practical skills necessary to conduct effective legal research, both for academic purposes and professional practice. You'll learn how to identify relevant sources, apply appropriate research methodologies, and develop empirical research projects, all while adhering to the highest standards of research ethics.

Course Objectives:

- To explain the foundational methods and approaches used in legal research.
- To apply various legal research methodologies effectively in your professional and academic endeavors.
- To develop and execute original empirical legal research projects.
- To demonstrate awareness and adherence to key ethical principles in legal research.

Course Components:

Unit –I	Introduction	6 Hours
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- 1.1. Meaning of Research
- 1.2. Types of Research
 - 1.2.1. Action Research
 - 1.2.2. Experimental Research
 - 1.2.3. Case Law Research
 - 1.2.4. Legislative Research
 - 1.2.5. Case study Research
 - 1.2.6. Sociological Research
 - 1.2.7. Scientific Research
- 1.3. Objectives of Research
- 1.4. Features of Research
- 1.5. Importance of Research
- 1.6. Research Methods and Methodology
- 1.7. Meaning and Importance of Research in Law

Unit –II	Approaches to Legal Research	3 Hours
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- 2.1. Historical Research Approach
- 2.2. Comparative Research Approach
- 2.3. Analytical Research Approach
- 2.4. Doctrinal Research Approach
- 2.5. Non-Doctrinal Research Approach

Unit -III	Research Design and Formulation of Research Problems	4.5 Hours
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- 3.1. Factors Affecting Problem Selection
- 3.2. Problem Identification
- 3.3. Criteria for Selection of Problem
- 3.4. Literature Review
- 3.5. Formulation of a Research Proposal

3.6. Research Design

Unit –IV	Tools of Legal Research	3 Hours
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- 4.1. Survey
- 4.2. Observation
- 4.3. Interview
- 4.4. Questionnaire and Schedules

Unit –V	Data Collection, Analysis, Interpretation and Presentation	7.5 Hours
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- 5.1. Meaning of Data Collection
- 5.2. Importance of Data Collection
- 5.3. Sources of Data
- 5.4. Primary and Secondary Sources of Data
- 5.5. Qualitative and Quantitative Data
- 5.6. Processing and Analysis of Data
- 5.7. Interpretation and Presentation of Data
- 5.8. Measurement and Scaling Techniques

Unit -VI	Uniform Rules of Citation and Bibliography	3 Hours
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- 6.1. Meaning of Citation
- 6.2. Importance and Purpose of citation
- 6.3. Short Form Citation Marks
- 6.4. Citation of Books and other Documents
- 6.5. Uniform Rules of Bibliography
- 6.6. Research Ethics and Plagiarism or Piracy

Unit -VII	Proposal and Report Writing	6 Hours
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- 7.1. Introduction to Research Writing
- 7.2. Proposal Writing
- 7.3. Report writing

Unit -VIII	Preparation of the Research Design	15 Hours
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- 8.1. Jurimetrics
- 8.2. Computerised Research-- A study on Legal Research Program such as Lexis & West Law Coding
- 8.3. Classification and Tabulation of Data--Use of Cards for Data Collection- Rule for Tabulation , Explanation or Tabulated Data
- 8.4. Analysis of Data
- 8.5. Role of Computers in the Field of Legal Education and Research

Evaluation of 40% (Course instructor will develop appropriate criteria based on LBU Semester Vinium)

Reading Materials:

1. Bhandari, Surendra. Legal Research. Athari Publication, 2050 BS.
2. Kampbell, J., R. Shrestha, and L. Stow. "The Use and Misuse of Social Science Research in Nepal." CNAS, 1979.
3. Kerhinger, Fred N. Foundations of Behavioral Research. Surjeet Publication, 2002.
4. Kothari, C.R. Research Methodology: Methods and Techniques. Wishwa Prakashan, 1995.
5. Mukhia, Bal Bahadur. Legal Research Methodology at a Glimpse. Maliti & Aditya, 2011.
6. Myneni, S.R. Legal Research Methodology. Illahabad Law Agency, 1997.
7. Pradhananga, Ranjit Bhakta. Kanooni Anusandhan Paddhati. Bhirkuti Academic Publication, 2064 BS.
8. Wolff, H.K., and P.R. Pant. Social Science Research and Thesis Writing. Buddha Academic Enterprises, 2005.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program
Fourth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB341	Constitutional Law-II	3
BALLB342	Criminal Law-I	3
BALLB343	Major Legal System	3
BALLB344	Company Law	3
BALLB345	Public International Law-I	3
BALLB346	Meditation and Stress Management	1.5
BALLB347	Clinical Law (Field Study and Report Writing)	1.5
Total		18

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Constitutional Law-II

Semester	: IV	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB341	Full Marks	: 100
Nature	: Compulsory		

Course Description

Building upon foundational constitutional principles, this course provides an advanced and in-depth examination of key institutional structures and critical concepts within constitutional law, with a primary focus on the Constitution of Nepal. Students will delve into the intricacies of federalism, analyzing its design and operation in Nepal in comparison to other systems. The course meticulously explores the nature, scope, and functions of the legislative and executive branches, including the formation, roles, accountability, and responsibilities of the Council of Ministers. A significant portion of the course is dedicated to the judiciary, covering its independence, the principles of judicial review and activism, and the Nepalese court system. Furthermore, students will gain an understanding of essential constitutional doctrines of interpretation, emergency powers, citizenship, Public Interest Litigation (PIL), and the roles of various constitutional bodies.

Course Objectives

- To analyze the fundamental concepts of federalism and compare the Nepalese federal system with other models globally.
- To examine the nature, scope, and pivotal role of the legislative branch within the constitutional framework of Nepal.
- To explain the formation, functions, accountability, and responsibilities of the Council of Ministers as prescribed by the Constitution of Nepal.
- To critically analyze the principles of judicial independence, judicial review, and judicial activism, alongside the structure and operation of the Nepalese court system and the concept of contempt of court.
- To describe the foundational doctrines and methods used in constitutional interpretation.
- To outline the basic concepts of emergency powers, citizenship provisions, Public Interest Litigation (PIL), and the functions of key constitutional bodies in Nepal.

Course Components:

Unit –I	Federalism	10 Hours
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- 1.1. Introduction of the Federalism
- 1.2. Features of federal system
- 1.3. The distribution of state power in the federal system
- 1.4. Federalism in Nepal
- 1.5. Division of power and Interrelation between Federal, Province and local Government of Nepal.

Unit –II	Legislature	7 Hours
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- 2.1. Composition of the parliament
- 2.2. Function of the parliament
- 2.3. Privilege of the parliament of Nepal
- 2.4. Role of opposition of Nepal
- 2.5. Types and role of the committee in the parliament.

Unit -III	Executive	7 Hours
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- 3.1. Constitutional position of the head of the state.
- 3.2. Formation of the Government (council of minister)
- 3.3. Responsibility and Accountability of the Government.
- 3.4. Role and Function of prime minister and council of minister.

Unit –IV	Judiciary	8 Hours
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- 4.1 Concept of independence of judiciary and related constitutional provision.
- 4.2. Structure of court system of Nepal.
- 4.3. Power and function of Supreme Court.
- 4.4. Supreme court as a court of record of Nepal.
- 4.5. Contempt of court.
- 4.6. Judicial review.
- 4.7. Judicial Activism.

Unit –V	Principle of constitution Interpretation	8 Hours
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- 5.1. Theories of Direct and inevitable effect on fundamental right.
- 5.2. Doctrine of Fraud on Constitution.
- 5.3. Doctrine of political question.
- 5.4. Doctrine of harmonious construction
- 5.5. Doctrine of Severability
- 5.6. Doctrine of colourable legislation
- 5.7. Doctrine of necessity

Unit -VI	Miscellaneous	8 Hours
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- 6.1. Emergency power
- 6.2. Citizenship
- 6.3. Political parties.
- 6.4. Constitutional bodies.
- 6.5. Public interest litigation (PIL)

Special instruction

The instructor is expected to use all important case laws while teaching this subject giving due emphasis to the precedents established by the Supreme Court of Nepal.

Evaluation Scheme

In-semester evaluation	40 %
End-semester evaluation	60 %
Total	100 %

Reading Materials:

Acharya, Bhimarjun. *Fundamental Rights in the World Constitutions*. Pairavi Book House, 2008.

---. *Making Constitution Through Constituent Assembly*. Pairavi Prakashan, 2006.

Acharya, Bhimarjun, and Mavlik Adhikari. *Dynamics of Fundamental Rights*. National Peace Campaign, 2009.

Adhikari, Bipin. *Salient Features of the New Constitution of Nepal*. 2016.

Amar, Vikram David, and Mark V. Tushnet. *Global Perspective on Constitutional Law*. Oxford University Press, 2009.

Barnett, Hilaire. *Constitutional & Administrative Law*. Taylor & Francis, 2010.

Basu, D.D. *Comparative Federalism*. Prentice-Hall of India Pvt. Ltd., 1987.

---. *Constitutional Law of India*. S.C. Sarkar & Sons Pvt. Ltd., 1973.

---. *Shorter Constitution of India*. 14th ed., vol. 1 & 2, LexisNexis Butterworths Wadhwa, 2011.

The Constitutions of Nepal. (Include specific promulgation years for each constitution being referenced, e.g., *The Interim Constitution of Nepal, 2063 (2007)*; *Constitution of Nepal, 2072 (2015)*, etc.)

Dhungel, S.P., et al. *Commentary on the Nepalese Constitution*. DELF Lawyers Inc, 1998.

Dicey, A.V. *An Introduction to the Law of the Constitution*. 10th ed., Universal Law Publishing Co. Pvt. Ltd, 1961.

Hirschl, Ran. *Comparative Matters: The Renaissance of Comparative Constitutional Law*. Oxford University Press, 2014.

Jennings, Ivor. *The Law and the Constitution*. 5th ed., ELBS, 1973.

Judicial Administration Act, 1992. (Full name and promulgation year of the Act)

Rosenfeld, Michel, and Andras Sajó. *The Oxford Handbook of Comparative Constitutional Law*. Oxford University Press, 2012.

Shukla, V.N., and M.P. Singh. *V.N. Shukla's Constitution of India*. Eastern Book Co., 1990.

Thapa, Kamal Raj, editor. *Governance, Constitution and Contemporary Issues*. LRAF Pvt. Ltd., 2066.

Upreti, B.R., et al., editors. *Constitutional Law of Nepal*. (In Nepali).

Wade, E.C.S., A.W. Bradley, and G. Godfrey Phillips. *Constitutional Law*. 7th ed., Longmans, 1965.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Criminal Law - I

Semester	: IV	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB342	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course provides a comprehensive study of substantive criminal law, focusing on its foundational principles, evolving concepts, and practical application. We'll explore the core elements of crime, delve into critical issues and historical developments in criminal law, and examine general principles. While the primary focus will be on Nepalese criminal law, the course will also incorporate a comparative study of practices in the USA and the UK to broaden understanding. By the end of this course, students will gain a solid grasp of criminal law's basic rules, understand their practical application, and be able to interpret and apply legal principles to diverse factual scenarios.

Course Objectives

- To interpret and apply the general principles of criminal law, along with the specific elements of common law crimes and defenses, to various factual situations.
- To understand the judicial standards and their role in the administration of criminal justice.
- To explore criminal law from a variety of perspectives, appreciating its complexities and nuances.
- To acquire comprehensive knowledge of the fundamental rules and principles governing criminal law.
- To grasp the practical application of criminal law within the Nepalese legal system and in comparative contexts.

Course Components:

Unit –I	Concept of Crime	7 Hours
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- 1.1. Meaning of Crime
- 1.2. Elements of Crime
- 1.3. Classification of Crime
- 1.4. Difference between Crime, Tort and Civil Offenses

Compulsory Readings (Subject to the Revision)

Books

- Loveless, Janet. *Criminal Law: Text, Cases, and Materials*. 3rd ed., Oxford University Press, 2012, pp. 4-11, 15.
- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 33-68.

Cases

- *Devendra Pudasaini vs. Government of Nepal*. NKP 2074, Issue 7, D.N. 9844.
- *Government of Nepal vs. Kuleshor Raut*. NKP 2074, Issue 3, D.N. 9965.

Journal Article

- Lamond, Grant. "What is a Crime?" *Oxford Journal of Legal Studies*, vol. 27, no. 4, 2007, pp. 609-632.

Assignment

The classroom will be divided into five groups, and assigned as follow:

Group	Assignment
A.	Prepare and Present the PowerPoint Presentation on Meaning of Crime
B.	Prepare and Present the PowerPoint Presentation on Elements of Crime
C.	Prepare and Present the PowerPoint Presentation on Classification of Crime
D.	Prepare and Present the PowerPoint Presentation on Difference between Crime, Tort and Civil Offenses
E.	Prepare and Present the PowerPoint Presentation on two case-laws - Devendra Pudasaini vs. Government of Nepal & Government of Nepal vs. Kuleshor Raut.

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -II	Gender Introduction to the Criminal Law, Jurisdiction and Extradition	5 Hours
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- 2.1. Meaning and Nature of Criminal Law
- 2.2. Scope of Criminal Law
- 2.3. Sources of Criminal Law
- 2.4. Importance of Criminal Law
- 2.5. Jurisdiction under Criminal Law
 - 2.5.1 Territorial Jurisdiction
 - 2.5.2. Extra-Territorial Jurisdiction
 - 2.5.3. Personal Jurisdiction
 - 2.5.4. Universal Jurisdiction
- 2.6. Extradition

Reading Assignment (Subject to the Revision)

Books

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 3-26.

Cases

- *HMG vs. Balram Raut Barai et al.* NKP 2041, Issue 4, DN 1970.

Journal Article

- Helenius, Dan. "The If, How, and When of Criminal Jurisdiction – What is Criminal Jurisdiction Anyway?" *Bergen Journal of Criminal Law and Criminal Justice*, vol. 3, no. 1, 2015, pp. 22-47.

Classroom Assignment

The classroom will be divided four five groups, and assigned as follow:

Group	Assignment
A.	Prepare and Present the PowerPoint Presentation on Meaning, Nature and Scope of Criminal Law
B.	Prepare and Present the PowerPoint Presentation on Sources of

	Criminal Law Importance of Criminal Law
C.	Prepare and Present the PowerPoint Presentation on Jurisdiction under Criminal Law
D.	Prepare and Present the PowerPoint Presentation on Extradition in Criminal Law, with special reference to the Nepalese Laws

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -III	Historical Development of Nepalese Criminal Law	5 Hours
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3.1. Before the Codification

3.2. After the Codification, with special reference to the Muluki Codes.

Reading Assignment (Subject to revision)

Books

- Ministry of Law, Justice and Parliamentary Affairs. *Major Features of Civil and Criminal Codes*. 2075, pp. 21-43.
- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 67-88.

Journal Articles:

- Paudel, Bibek Kumar. "An Account of History of Nepalese Criminal Law before Codification of 1910 BS." *Nepal Law Review*, vol. 24, no. 1 & 2, 2012, pp. 222-36.
- Paudel, Bibek Kumar. "Development of Written Criminal Law in Nepal." *Nepal Law Review*, vol. 26, no. 1 & 2, 2014-2015, pp. 159-73.
- Sangroula, Yubaraj. "History of Criminal Justice System: Some Milestones and Cracks." *Nepal Bar Council Law Journal*, vol. 10, 2010, pp. 1-80.

Classroom Assignment

The classroom will be divided four five groups, and assigned as follow:

Group	Assignment
A.	Prepare and Present the PowerPoint Presentation on Historical Development of Nepalese Criminal Law Before the Codification
B.	Prepare and Present the PowerPoint Presentation on Historical Development of Nepalese Criminal Law After the Codification.
C.	Prepare and Present the PowerPoint Presentation on Article Review of Yubaraj Sangroula (2010), History of Criminal Justice System: Some Milestones and Cracks, Nepal Bar Council Law Journal, Vol. 10, pp. 1-80.

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -IV	Gender Introduction to the Criminal Law, Jurisdiction and Extradition	6 Hours
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4.1. *Ignorantia Juris Non Excusat* (Ignorance of the law is no excuse)

4.2. *Nullum Crimen* [Nulla Peona] Sine Lege (no crime [or punishment] without a penal law punishing it)

4.3. *Sine Lege Stricta* (Principle of Strict Construction)

4.4. *Actus Personal is Moritur* Cum Persona (Crime Dies with the Crime)

4.5. *Ex post facto* law

4.6. Benefit of Doubt Goes to the Accused

4.7. Double Jeopardy

Reading Assignment (Subject to the Revision)

Books

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 89-120.

Case Laws:

- Government of Nepal vs. Ishwor Pokhrel, NKP 2066, Issue 8, DN 8200.
- HMG vs. Mayasor Dameni, NKP 2037, Issue 11, DN 1414.
- Lama Moktan, Dil Bahadur vs. Government of Nepal, NKP 2077, Issue 6, DN 10513.
- Mahesh Chapagain vs. Government of Nepal, NKP 2070, Issue 12, DN 9097.
- Manish Shrestha vs. Government of Nepal, NKP 2070, Issue 8, DN 9047.

Classroom Assignment

The classroom will be divided four five groups, and assigned as follow:

Group	Assignment
A.	Prepare and Present the PowerPoint Presentation on Ignorantia Juris Non Excusat, Nullum Crimen [Nulla Peona] Sine Lege and Sine Lege Stricta.
B.	Prepare and Present the PowerPoint Presentation on Actus Personal is Moritur Cum Persona, Ex post facto law, Benefit of Doubt Goes to the Accused & Double Jeopardy
C.	Prepare and Present the PowerPoint Presentation on General Principles of Criminal Law as provided by the Muluki Criminal Code, 2074 (2017).
D.	Prepare and Present the PowerPoint Presentation on the principles adopted by the following case laws: • HMG vs. Mayasor Dameni • Government of Nepal vs. Ishwor Pokhrel • Manish Shrestha vs. Government of Nepal • Mahesh Chapagain vs. Government of Nepal • Dil Bahadur Lama Moktan vs. Government of Nepal

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit –V	Elements of Crime	10 Hours
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5.1. Introduction

5.2. Essential Elements of Crime

5.2.1. Actus Reus: Constituent Requirements, Act, Omission, State of Affairs,

5.2.2. Mens Rea: Introduction, Test, Intention, Knowledge, Recklessness, Negligence

5.3. Act Committed Through Innocent Agent

5.4. Transferred Intention (Transfer of Malice)

Reading Assignment (Subject to the Revision)

Books

- Cross, Noel. *Criminal Law & Criminal Justice: An Introduction*. SAGE Publication, 2010, pp. 1-48.
- Loveless, Janet. *Criminal Law: Text, Cases, and Materials*. 3rd ed., Oxford University Press, 2012, pp. 36-168.

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 67-88.

Case:

- HMG vs. Nar Bahadur Reule, NKP 2061, Issue 11, DN 7466

Class Modality

This unit shall be taught through lecture method. Teacher will follow the controlled and information centered approach in which teacher works as a role resource in classroom instruction. Content is presented as a whole and the students learn through listening and memorization. The teacher provides information, concepts, facts, events, theories, laws, principles etc.

Unit –VI	Stages of Crime	2 Hours
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- 6.1. Intention
- 6.2. Preparation
- 6.3. Attempt
- 6.4. Actual commission

Reading Assignment (Subject to the Revision)

Books

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 149-54.

Case:

- Government of Nepal vs. Shankar B.K., NKP 2075, Issue 8, Decision No. 10070

Class Modality

This unit shall be taught through lecture method. Teacher will follow the controlled and information centered approach in which teacher works as a role resource in classroom instruction. Content is presented as a whole and the students learn through listening and memorization. The teacher provides information, concepts, facts, events, theories, laws, principles etc.

Unit –VII	Inchoate Offences	2 Hours
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- 7.1. Incitement
- 7.2. Conspiracy
- 7.3. Attempt

Reading Assignment (Subject to the Revision)

Books

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 155-78.

Class Modality

Before the class, the students are expected to read the Prescribed Book. This class shall be based on the Socratic Method. The classroom experience will be a shared dialogue between teacher and students in which both are responsible for pushing the dialogue forward through questioning. The "teacher," or leader of the dialogue, will ask probing questions in an effort to expose the values and beliefs which frame and support the thoughts and statements of the participants in the inquiry. The students will ask questions as well, both of the teacher and each other.

Unit –VIII	Parties to the Crime	3 Hours
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- 8.1. Introduction
- 8.2. Classification: Principal Offender and Accessory

Reading Assignment (Subject to the Revision)

- Loveless, Janet. *Criminal Law: Text, Cases, and Materials*. 3rd ed., Oxford University Press, 2012, pp. 217-70.
- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 155-78.

Article:

- Som Kanta Bhandari, **An Analysis of Parties to the Crime in Muluki Criminal Code** (under publication)

Case:

Government of Nepal vs. Jasman Limbu et al., NKP 2069, Issue 1, Decision No. 8758

Class Modality

This unit shall be taught in both the Lecture Method and Socratic Method.

Unit –IX	General Defense	8 Hours
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- 9.1. Meaning and Rationale of General Defense
- 9.2. Types of General Defense
 - 9.2.1. Infancy
 - 9.2.2. Insanity
 - 9.2.3. Drunkenness and Drug Taking
 - 9.2.4. Self Defense (Private Defense)
 - 9.2.5. Necessity
 - 9.2.6. Duress and Coercion
 - 9.2.7. Consent
 - 9.2.8. Mistake
 - 9.2.9. Superior Order
 - 9.2.10. Inevitable accident

Reading Assignment (Subject to the Revision)**Books**

- Pradhananga, Rajit Bhakta, and Somkanta Bhandari. *Introduction to the Criminal Law*. 4th ed., Lumbini Publication, 2077, pp. 198-226.

Case:

Government of Nepal vs. Sanjeeb Kumar Yadav et al., NKP 2064, Issue 10, DN 7888

Devendra Pudasini vs. Government of Nepal, NKP 2074, Issue 7, DN 9844

Udaya Shankar Mandal vs. Surkhet District Court, NKP 2075, Issue 1, DN 9930

Journal Article:

Lamond, Grant. "What is a Crime?" *Oxford Journal of Legal Studies*, vol. 27, no. 4, 2007, pp. 609-32.

Classroom Assignment

The classroom will be divided four five groups, and assigned as follow:

Group	Assignment
A.	Prepare and Present the PowerPoint Presentation on Meaning and Rationale of General Defense.
B.	Prepare and Present the PowerPoint Presentation on Types of General Defense - a. Infancy & b. Insanity
C.	Prepare and Present the PowerPoint Presentation on Types of General Defense - c. Drunkenness and Drug Taking, d. Self Defense (Private Defense) & e. Necessity
D.	Prepare and Present the PowerPoint Presentation on Types of General Defense - c. Drunkenness and Drug Taking, d. Self Defense (Private Defense) & e. Necessity
E.	Prepare and Present the PowerPoint Presentation on the

	principles adopted by the following case laws: • Government of Nepal vs. Sanjeeb Kumar Yadav et al. • Devendra Pudasini vs. Government of Nepal, NKP 2074 • Udaya Shankar Mandal vs. Surkhet District Court
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The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Other Reference Materials (For Further Reading)

- Acharya, Madhav Pd., and Badri Pd. Bhandari. *An Analytical Comment on Criminal Law*. Ratna Pustak Bhandar, 2063.
- Acharya, Madhav Pd., and Ganesh Bdr. Bhattarai. *Criminal Jurisprudence*. Bhrikuti Academic Publications, 2014.
- Gross, Hayman. *A Theory of Criminal Justice*. New York University, 1997.
- Pillai, P. S. Sreedharan. *Criminal Law*. 3rd ed., Batterworths Wadhwa, 2011.
- Shrestha, Gyaindra Bahadur. *An Introduction to Criminal Law*. Nepal Kanun Kitab Company Pvt., 2050.
- Turner, J. W. Cecil. *Kenny's Outline of Criminal Law*. 19th ed., Cambridge University Press, 1988.
- Vaidya, Tulasi Ram, and Tri Ratna Manadhar. *Crime and Punishment in Nepal: A Historical Perspective*. Bini Vaidya and Purna Devi Manandhar, 1985.
- Williams, Glanville. *A Text Book of Criminal Law*. 2nd ed., Stevens and Sons, 1983.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Major Legal System

Semester	: VI	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB343	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course offers a foundational understanding of comparative law, exploring the major legal systems of the world and their historical, philosophical, and practical underpinnings. We'll analyze the fundamental concepts, structures, and methodologies of these diverse systems, enabling you to identify both their shared characteristics and key distinctions. By examining legal approaches from various countries, you'll develop the analytical skills necessary to compare and contrast different legal traditions effectively.

Course Objectives

- To understand the core principles and methodologies of comparative law.
- To identify and describe the major legal systems prevalent across the globe.
- To analyze and differentiate the similarities and differences between various legal systems and specific national laws.
- To apply comparative methods to critically assess different legal approaches to common problems.

Course Content:

Unit -I	Common Law System	8 Hours
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- 1.1. Concept, Development and Sources of Common Law
- 1.2. Concept, Sources of English and American Law
- 1.3. Court Structure and Legal Profession under English and American Law

Unit -II	Civil Law System	8 Hours
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- 2.1. Concept, Development and Sources of Civil Law System
- 2.2. Concept and Development of Roman, French and German Law
- 2.3. Court Structure and Legal Profession under French and German Law

Unit -III	Socialist Legal System	4 Hours
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- 3.1. Concept, Development and Sources of Socialist Law
- 3.2. Characteristics of Socialist Legal System

Unit -IV	Religious Legal System	6 Hours
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- 4.1. Muslim Law
 - 4.1.2. Concept and Origin of Muslim Law
 - 4.1.3. Schools of Muslim Law
 - 4.1.4. Sources of Muslim Law
- 4.2. Hindu Law
 - 4.2.1. Concept and Origin of Hindu Law
 - 4.2.2. Sects and Schools of Hindu Law
 - 4.2.3. Sources of Hindu Law

Unit -V	Comparative Law	10 Hours
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- 5.1. Concept and evolution of Comparative Law
- 5.2. Relationship and Distinction with other Disciplines
- 5.3. Importance for studying Comparative Law
- 5.4. Functions, Objectives and Uses of Comparative Law
- 5.5. Division of Comparative Law
- 5.6. Methods of Comparative Law
- 5.7. Factors, Theories and Criteria of Grouping of Legal Systems into Legal Family
- 5.8. Problems of Studying Foreign Law
- 5.9. Nature and Position of Comparative Law in the Era of Globalization

Unit -VI	Comparison Between Major Legal Systems	4 Hours
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- 6.1. Comparison Between Common Law and Civil Law
- 6.2. Comparison Between Adversarial and Inquisitorial Process

Unit -VII	Modern Laws of South East Asia	8 Hours
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- 7.1. Chinese Law
 - 7.1.1. Concept and Sources of Chinese Law
 - 7.1.2. Court Structure
 - 7.1.3. Legal Profession in China
- 7.2. Japanese Law
 - 7.2.1. Concept and Sources of Japanese Law
 - 7.2.2. Court Structure
 - 7.2.3. Legal Profession in Japan
- 7.3. Indian Law
 - 7.3.1. Concept and Sources of Indian Law
 - 7.3.2. Court Structure of Modern India
 - 7.3.3. Legal Profession in India
 - 7.3.4. Legal Education in India

Reading Materials:

1. Abbrahm, Henry J. *Judicial Process*. Oxford University Press, 1975.
2. Adhikari, Pravakar, et al. *Nepal, International Encyclopedia Law*. Kluwer Law International, 2007.
3. Baxi, U. *The Crisis of Indian Legal System*. Vikash Publication House Pvt. Ltd., 1992.
4. Bogdan, Michael. *Comparative Law*. 1st ed., Kluwer and Taxation Publishers, 1994.
5. David, Rene, et al. *Major Legal Systems in the World Today: An Introduction to the Comparative Study of Law*. 3rd ed., Stevens and Sons, 1985.
6. Derrett, J. Duncan M., editor. *An Introduction to Legal Systems*. 1st Indian reprint, Universal Law Publishing Co. Pvt. Ltd., 1999.
7. Derrett, J.D.M. *An Introduction to Legal Systems*. 3rd Indian print, Universal Law Publishing, 2011.
8. Gutteridge, H.C. *Comparative Law*. Indian print, Universal Law Publishing, 2010.
9. K.C., Yadav Kumar, and Bibek Kumar Paudel. *Comparative Legal Systems: A Primer*. Sita K.C. and Shobha Paudel, 2011.
10. Konard, Zweigert, et al. *Introduction to Comparative Law*. 3rd revised ed., Oxford University Press, 1998.
11. Mishra, B.P., et al. "Legal Profession: A Comparative Study." *Advocacy*, vol. 1, no. 4, 2057 B.S.
12. Mukhia, Bal Bahadur. *Comparative Jurisprudence: Theories and Recent Trends of Jurisprudence, Social, Economic and Political Dimensions of Law*. Agam & Malati Mukhia, 2004.
13. Nariman, F.S. "Independence of the Legal Profession and of the Judiciary." *Essays on Constitutional Law*, vol. 15, Nepal Law Society, 1993.

14. Pant, Dinesh Raj. *Nayabikashini (Manavnyayasastra- A law Enacted by King Jayasthiti Malla in Nepali Era 500 (AD 1380))*. Co-publication of Kanoon, Lawyers Club, 2065 BS.
15. Paudel, Bibek Kumar. *An Outline of Law*. MM Publication, 2015.
16. ---. *General Introduction to Comparative Law*. MM Publication, 2011.
17. Raz, Joseph. *The Concept of Legal System*. 2nd ed., Clarendon Press, 1997.
18. Sen, Priyanath. *General Principle of Hindu Jurisprudence*. Allahabad Law Agency, 1984.
19. Shah, Rishikesh. *Ancient Medieval Nepal*. Vol. I and II, Manohar Publishers, 1997.
20. Sharma, Gokulesh. *An Introduction to Legal Systems of the World*. Deep & Deep Publications, 2008.
21. Siwakoti, Shesh Raj. *Justice: Law, Justice and Legal System*. Pairavi Prakashan, 2007.
22. *System of Nepal with Reference to China, India, Japan, U.S.A. and U.K.* Sahayatra Publication, 2018.
23. Tripathi, Rewati Raj. *Nepalese Legal System: A Critical Edition and Translation of the Manav-Dharmasastra*. Oxford University Press, 2009.
24. Wasti, Prakash. *Nyayavikasini (Manavnyashastra)*. Lawyers Club, 2065 B.S.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Company Law

Semester	: IV	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB344	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive introduction to company law, covering its fundamental principles and historical evolution. Students will gain a thorough understanding of the entire lifecycle of a company, from its conceptualization and various types to the intricate processes of incorporation, including the drafting of Memorandum of Association (MOA) and Articles of Association (AOA), and registration procedures. The course will also delve into the critical aspects of company finance, specifically focusing on share capital, and will conclude with an examination of the concept and procedures for the winding up of a company. Additionally, students will be introduced to the basic functioning of the share market.

Course Objectives

- To describe the foundational concepts of a company and explain the historical development and evolution of company law.
- To articulate the process of company incorporation, draft a Memorandum of Association (MOA) and Articles of Association (AOA), and comprehend the procedures for company registration.
- To differentiate and explain the various types of companies. Describe the fundamental concepts related to the share capital of a company.
- To outline the basic concept of company winding up and explain the procedural steps involved in the dissolution of a company.
- To understand the essential concepts and operations of the share market.

Course Components:

Unit –I	Introduction and historical development of the Company	8 Hours
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- 1.1. Concept and meaning of the company
- 1.2. History of the company
- 1.3. Development of company law in UK
- 1.4. Development of company law in Nepal

Unit -II	Incorporation of the company	10 Hours
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- 2.1. Pre incorporation contract.
- 2.2. Memorandum of association and Article of association.
- 2.3. Drafting of MOA, AOA and Power of attorney.
- 2.4. Procedure of incorporation of company in company register office. (Included Name reservation, approval of the name, online upload the all Document MOA, AOA, Power of attorney and notarized citizenship certificated of all share holders)

Unit -III	Types of the company	8 Hours
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- 3.1. Public limited companies
- 3.2. Private limited companies

- 3.3. Profit not distributing companies
- 3.4. Multinational companies
- 3.5. Foreign companies
- 3.6. Holding and subsidiary companies.

Unit -IV	Share capital of the company	6 Hours
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- 4.1. Meaning and nature of share
- 4.2. Importance and types of share capital
- 4.3. Kinds of share:
 - 4.3.1. Preference share
 - 4.3.2. Equity share
 - 4.3.3. Right share
 - 4.3.4. Bonus share

Unit -V	Winding up of a company	8 Hours
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- 5.1. Concept and meaning of winding up
- 5.2. Voluntary winding up of the company and procedures
- 5.3. Compulsory winding up of the company and procedures k. Liquidators
 - 5.3.1. Appointment
 - 5.3.2. Powers
 - 5.3.3. Function
 - 5.3.4. Duties
 - 5.3.5. Liabilities
- 5.4. Preferential payment and closure of company

Unit -VI	Share market	8 Hours
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- 6.1. Concept and meaning of share market
- 6.2. Primary share and secondary share
- 6.3. IPO, FPO
- 6.4. BROKER
- 6.5. NEPSE
- 6.6. SEBON

Special instruction

The instructor is expected to use all important case laws while teaching this subject giving due emphasis to the precedents established by the Supreme Court of Nepal.

Evaluation Scheme

In-semester evaluation	40 %
End-semester evaluation	60 %
Total	100 %

References:

Relevant court cases

- Arun Chadra vs. Nepal Rastra Bank, Nepal Kanoon patrika (NKP)(2063), No. 11, p. 1434.
- Nepal Airlines Corporation vs. Harati Travels, NKP (2067),No.12,p.2086.
- Piyus Raj pandey vs. Tax Office Kathmandu, NKP (2040), No.12,p.901
- Purusottam Acharya vs. Boris and restaurant pvt.Ltd.,NKP (2044) No. 9, p. 934.
- Shankar Law Agrawal vs. Nepal Lever Limited, NKP (2057), No. 5,p. 427

Sushila Rani Rana vs. Hotel Jaya International, NKP (2040), No.3,p.259 Jyoti Spinning Mills Ltd. vs. Department of Industry, NKP (2057) No. 5, p. 453.
 Connors Bros vs. Connors (1940) 4 All E R 179 UK.
 Jones vs. Lipma (1962) 1. W.L.R 832.
 Lee vs. Lee's Air Farming Ltd. 1961 A.C 12 UK.
 Re R.G. Films Ltd. (1953) 1 All E.R. 615 UK.
 Salomon vs. Salomon & Co. Ltd. 1897 A.C. 22 UK.

Reading Materials:

1. Bhandari, M.C., and R.D. Makheeja. A Guide to Memorandum of Articles and Incorporation of Companies. LexisNexis Butterworth Wadhwa, 2011.
2. Bernitz, Ulf. Company Law and Economic Protectionism. Oxford University Press, 2010.
3. Cheeseman, Henry. Contemporary Business Law. 8th ed., Pearson Education, 2013.
4. Davies, Paul L. Gower's Principles of Modern Company Law. 8th ed., Sweet & Maxwell, 1979.
5. Hopt, Klaus J. Capital Markets & Company Law. Oxford Publishing, 2003.
6. Keenan, Denis. Smith & Keenan's Company Law. 12th ed., Longman Pearson Education, 2002.
7. Kosmin, Leslie, QC. Company Meetings and Resolutions. Oxford University Press, 2012.
8. Lowry, John. Pettet's Company Law: Company Law and Corporate Finance. 4th ed., Pearson, 2012.
9. Mayson, French & Ryan. Company Law. 24th ed., Oxford University Press, 2012.
10. Morse, Geoffrey. Charlesworth & Morse: Company Law. 15th ed., Sweet & Maxwell, 1996.
11. Singh, Avatar. Company Law. 16th ed., Eastern Book Company, 2015.
12. Upreti, Bharat Raj. Company Kanoon. FREEDEL, 2064 BS.

ACTS

1. Company Act 2063
2. Private Firm Registration Act, 2014

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Public International Law-I

Semester	: IV	Credit Hours	: 3
Paper	: V	Lecturer Hours	: 48
Code	: BALLB345	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a foundational understanding of **Public International Law**, examining its profound impact on both national legal systems and the intricate global order. We'll explore the core concepts, principles, and evolving nature of international law. The course is designed to equip you with the essential knowledge and analytical skills needed to delve into more specialized areas of international law, and to effectively apply international legal principles in real-world cases, as well as in your research and writing.

Course Objectives

- To explain the fundamental concepts and principles of public international law.
- To analyze the dynamic relationship between public international law and domestic legal systems.
- To identify and describe the changing contours and contemporary issues within the international legal framework.
- To apply international legal principles to specific factual scenarios.
- To utilize foundational knowledge of international law in further specialized studies, research, and legal writing.

Course Components:

Unit –I	Introduction of International Law	
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- 1.1. Origin, Evolution and basis of International Law
- 1.2. Meaning and Definition of International law and International Relations
- 1.3. Nature and functions of International Law
- 1.4. Scope and Limitations of International Law

Unit –II	Subjects of International Law	
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- 2.1. State as subject Of International Law and the Elements of Statehood
- 2.2. Non State Actors as subject of International Law
 - 2.2.1. International Organization as subject of International law
 - 2.2.2. Individuals as subject of International Law
 - 2.2.3. MNCs, NGOs, INGOS, Terrorist Organization

Unit -III	Sources of International Law	
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- 3.1. Meaning, Classification and Hierarchy of Sources of International Law
- 3.2. Treaty/Conventions
- 3.3. Customary International Law
- 3.4. General Principles Recognized by Civilized State
- 3.5. Judicial Decisions and Writings of the Highly Qualified Publicists
- 3.6. Declarations and Resolutions adopted by International Organizations
- 3.7. Other Sources- Conferences, Summits, Works of International Law Commission

Unit –IV	Principles of International Law	
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- 4.1. Basic Concepts and Codification of Principles under different International Instruments.
- 4.2. Principle of Sovereignty and Sovereign Equality
- 4.3. Principle of Pacta Sunt Servanda
- 4.4. Principle of non-use of force or its threat
- 4.5. Principle of Peaceful settlement of International Disputes
- 4.6. Principle of non-Interference of Internal Affairs
- 4.7. Principle of Self-determination
- 4.8. Principle of Co-operation

Unit –V	Relationship between National and International Laws	
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- 5.1. Theories describing relationship of National and International Law
- 5.2. Domestication of International Law into National Law
- 5.3. National law before international courts and tribunals
- 5.4. Nepalese position

Unit -VI	Jurisdiction and Immunity of the State	
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- 6.1. Jurisdiction
 - a. General principles of jurisdiction
 - b. Civil and criminal jurisdiction
 - c. Universal Jurisdiction
 - d. Areas outside sovereignty of States and jurisdiction of States therein
 - e. Jurisdiction of States under law of Sea and Air Space
- 6.2. Immunity
 - 6.2.1. General concepts of immunity
 - 6.2.2. State Immunity
 - 6.2.3. Diplomatic Immunity
 - 6.2.4. Sovereign Immunity

Unit -VII	Recognition	
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- 6.1. Theories of Recognition
 - 6.1.1. Constitutive Theory
 - 6.1.2. Declaratory Theory
- 6.2. Modes of Recognition
 - 6.2.1 De-facto Recognition
 - 6.2.2. De-jure Recognition
- 6.3. Recognition of States and Recognition of governments

Unit -VIII	Law on State Responsibility	
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- 8.1. Basic Concept of State Responsibility
- 8.2. ILC Contribution on Law of State Responsibility
- 8.3. Condition of State Responsibility and Concept of “ Internationally Wrongful Act”
- 8.4. Notion of Attribution/ Imputability
- 8.5. Defense of State Responsibility and Exception to Defen

References Conventions

1. Convention on the Prevention and Punishment of the Crime of Genocide. 1948.
2. Convention Nation Convention Against Torture. 1985.
3. Declaration on Principles of International Law Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nation. 1970.
4. ILC Draft Articles on the Responsibility of States for Internationally Wrongful Act. 2001.

5. International Covenant on Civil and Political Rights. 1966.
6. International Covenant on Social, Economic and Cultural Rights. 1966.
7. The Montevideo Convention on the Rights and Duties of States. 1933.
8. Rome Statute of the International Criminal Court. 2002.
9. Statute of the International Court of Justice. 1945.
10. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. 1967.
11. UN Charter. 1945.
12. United Nation Convention on the Law of Seas. 1982.
13. Vienna Convention on Consular Relations. 1963.
14. Vienna Convention on Diplomatic Relations. 1961.
15. Vienna Convention on Law of Treaties. 1969.

Cases

1. The Case of the S.S Lotus 1927.
2. Reparation for Injuries Suffered in the Service of the United Nations 1949.
3. Temple of Preah Vihear (Cambodia v. Thailand) 1961.
4. South West Africa (Liberia v. South Africa) 1962.
5. North Sea Continental Shelf (Federal Republic of Germany/Netherlands) 1969.
6. Fisheries Jurisdiction (United Kingdom v. Iceland) 1973.
7. Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America 1984.
8. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) 1996.
9. Legality of the Use by a State of Nuclear Weapons in Armed Conflict 1996.
10. Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)
11. Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory 2004.
12. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) 2005.
13. Accordance with international law of the unilateral declaration of independence in respect of Kosovo 2010.
14. Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening) 2012
15. Jadhav (India v. Pakistan) 2019.

Books

1. Brown, Chester. *A Common Law of International Adjudication*. Oxford University Press, 2007.
2. Crawford, James. *Brownlie's Principles of Public International Law*. Oxford University Press, 2012.
3. Damrosch, Lori F., editor. *International Law, Cases and Materials*. West Publishing, 2001.
4. Evans, M., editor. *International Law*. Oxford University Press, 2010.
5. Fitzmaurice, Gerald. *The Law and Procedure of the International Court of Justice*. Cambridge University Press, 1986.
6. Gray, Christine. *Judicial Remedies in International Law*. Oxford University Press, 1987.
7. Harris, D.J. *Cases and Materials on International Law*. 7th ed., Sweet & Maxwell, 2010.
8. Higgins, Rosalyn. *Problems and Process: International Law and How We Use It*. Clarendon Press, 1994.
9. Hollis, D.B., editor. *The Oxford Guide to Treaties*. Oxford University Press, 2012.
10. Jennings, Robert Y., and Arthur Watts, editors. *Oppenheim's International Law. Volume I: Peace*. 9th ed., Longman, 1992.
11. Paulsson, J. *Denial of Justice in International Law*. Cambridge University Press, 2005.
12. Rosenne, Shabtai. *The Law and Practice of the International Court, 1920-2005*. Martinus Nijhoff Publishers, 2006.
13. Sands, Philippe, et al. *Manual on International Courts and Tribunals*. Oxford University Press, 2003.
14. Schreuer, Christoph, et al. *The ICSID Convention: A Commentary*. 2nd ed., Cambridge University Press, 2009.
15. Shany, Yuval. *The Competing Jurisdictions of International Courts and Tribunals*. Oxford University Press, 2003.
16. Shaw, Malcolm N. *International Law*. Cambridge University Press, 2008.
17. Allott, Philip. *The Health of Nations: Society and Law Beyond the State*. Cambridge University Press, 2002.
18. Zimmermann, Andreas, et al. *The Statute of the International Court of Justice: A Commentary*. Oxford University Press, 2006.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Meditation and Stress Management

Semester	: IV	Credit Hours	: 1.5
Paper	: VI	Lecturer Hours	: 24
Code	: BALLB346	Full Marks	: 50
Nature	: Compulsory		

Course Description

This course offers a comprehensive exploration of stress and its management through a Buddhist lens. It examines the nature, causes, signs, and impacts of stress on human life. The curriculum integrates traditional Buddhist principles and practices, particularly meditation and mindfulness, as practical methods for preventing and coping with stress. Beyond theoretical understanding, the course emphasizes holistic approaches to mental purification, physical well-being, and healthy habits. Through both classroom learning and experiential lab sessions, including meditation, recreational activities, and self-awareness programs, students will develop practical skills to cultivate a stress-free and fulfilling life.

Course Objectives

- To define stress and articulate its fundamental nature.
- To analyze the various causes and impacts of stress on individuals.
- To explain and internalize Buddhist principles and practices applicable to stress management.
- To identify nascent stress responses and implement prompt coping strategies.
- To apply techniques for cultivating a stress-free and happy life.
- To develop and maintain healthy habits for sustained well-being.

Course Components:

Unit -I	Introduction to Stress Management	6 Hours
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- 1.1. Definition of Stress and Stress management
- 1.2. Categories of Stresses and their symptoms
- 1.3. Stressors / Causes of stress
- 1.4. Sign of Stress
- 1.5. Impact of Stress

Unit -II	Buddhist Approach to Stress Prevention	6 Hours
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- 2.1. Observance of Five Precepts
- 2.2. Journey Through Noble Eightfold Path
- 2.3. Practices of Six Perfection
- 2.4. Cultivation of Wisdom
- 2.5. Law of Dependent Origination and Uprooting the causes of stresses
- 2.6. Destruction of Great Mass of Stresses – Maha Dukkakhandha Suta

Unit -III	Buddhist Method of Treatment of Stress Disorder	8 Hours
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- 3.1. Anapanasati and Vipassana Meditation (Lab activity)
- 3.2. Guarding Mind with Full Awareness
- 3.3. Practice of 'Four Noble Sublimes'

- 3.4. Introspection at the Event Within and Without
- 3.5. Understanding Things and events as they Truly are
- 3.6. Honesty and Simplicity
- 3.7. Seven Method of Managing Stresses – Sabbasava Sutta

Unit -IV	Miscellaneous Tools to Manage Stresses	4 Hours
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- 4.1. Management (Self, Domestic and Work-Place)
- 4.2. Time Management
- 4.3. Regular Exercises
- 4.4. Mindful Morning and Evening Walk
- 4.5. Candid Transaction - Candid Behavior
- 4.6. Smart Thinking and Smart Reasoning
- 4.7. 'Let Go' / 'Take it easy' Strategy
- 4.8. Transferring Situation
- 4.9. Accepting Situation
- 4.10. Food Habit and Nutrition
- 4.11. Hydrotherapy and Massage
- 4.12. Games and Sports
- 4.13. Recreation and Retreat
- 4.14. Listening Music
- 4.15. Balance between Rest and Activities
- 4.16. Isolation from humans and Cyber gadgets
- 4.17. Hobby Chasing Habit
- 4.18. Financial Wellness
- 4.19. Keep Busy Policy
- 4.20. Familial Health and Hygiene
- 4.21. Sleep Habit
- 4.22. Sharing feelings
- 4.23. Hard work with Efficiency
- 4.24. Cultivation of Satisfaction
- 4.25. Forget and Forgive policy
- 4.26. Crying
- 4.27. Proper Dress up
- 4.28. Physical fitness
- 4.29. Skillful Hands
- 4.30. Caring of Self
- 4.31. Niskam Karma
- 4.32. Prompt Action Against the Stressors
- 4.33. Medical Treatment for Physiological Stress Disorder
- 4.34. Work First Habit
- 4.35. Spiritual Height
- 4.36. Neatly one step at a time in front of heaps of work
- 4.37. Avoid people or events who are "stress carriers."
- 4.38. 10 minutes' conscious relaxation before sleep.
- 4.39. Assertiveness
- 4.40. Adoption of a pet.
- 4.41. Flexibility
- 4.42. Avoidance of "Negaholics"

Lab Activities to Manage Stress

- Mindful Meditation (Anapasati) (5 minutes' meditation every working day)

Out Door Activities

- 10 Days' Vipassana (Optional)
- Games and Sport (Optional)

- 45 minutes Morning and Evening Meditation (Every day)
- Practices of Conscious Thinking , Conscious Speech and Conscious Activities (Every time)
- Practices of (Stress) Awareness (Every moment)
- Practices of 'Look into yourself' (Every event)
- Contemplation on Loving Kindness (Every Moment)

Method of Assessment:

Class discussions, writing assignments, Inspection of lab activities, Oral Report, Objective tests, essay questions and Class seminars

Reading Materials and Videos:

- Frits Koster, Buddhist Meditation in Stress Management, Silkworm Books, 2007
- Jon Kabat-Zinn, Where Ever You Go, There You Are, Hachette Books, 2005
- Dr. Robert Schachter, Mindfulness for Stress Management, Althea Press 2019
- Glenn Wallis, Basic Teachings of the Buddha, Modern Library, 2007
- Robert Right, Why Buddhism is True - The Science of Meditation and Enlightenment, Simon and Suchster, 2009
- David McMahan; Eric Braun, Meditation, Buddhism and Science, Oxford University Press, USA, 2017
- (Goenka on Stress Management)
- <https://www.youtube.com/watch?v=mn41tTuym0M> (Goenka on stress management)

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Clinical Law (Field Study and Report Writing)

Semester	: IV	Credit Hours	: 1.5
Paper	: VII	Lecturer Hours	: 24
Code	: BALLB347	Full Marks	: 50
Nature	: Compulsory		

Course Description:

Clinical Law This course provides an immersive, hands-on experience in clinical legal practice, bridging the gap between theoretical knowledge and practical application. Through a series of structured clinical works, you'll develop essential legal skills crucial for effective legal practice. You'll learn to collect and analyze legal data, and write and present comprehensive legal reports.

Course Objectives

- To collect and analyse legal data effectively.
- To write and present comprehensive legal reports.

Clinical Works

This course emphasizes practical application through a series of clinical works designed to develop essential legal skills:

1. **Case File Engagement:** Students will engage in the study of case files and observe proceedings at both trial and high courts.
2. **Lawyer Observation:** Students will observe lawyers' client-dealing skills in real-world scenarios.
3. **Community Access to Justice Report:** Students will visit underprivileged communities to assess and report on their access to justice.
4. **Legal Research and Impact Assessment:** Students will conduct research to evaluate the enforceability and impact of laws, preparing detailed work reports.
5. **Street Law Programs:** Students will conduct street law programs to educate the public on legal compliance, such as traffic regulations and maintaining public spaces, and assist individuals in accessing services from relevant departments.
6. **Legal Relevance Identification:** Students will read newspapers to identify issues of legal relevance and prepare analytical reports.

Reading Materials:

1. Ahamed, Naimuddin. *Civil Procedure Code*. Bangladesh Institute of Law and International Affairs.
2. Bellow, Gary, and Bea Moulton. *The Lawyering Process*. Foundation Press.
3. CeLRRd. *Paralegal Training Manual*. 2010.
4. Menon, N.R. Madhava. *Clinical Legal Education*. Eastern Book Company.
5. *Moot Court, Pre-Trial Preparation and Participation in Trial Proceedings*. Central Law Agency.
6. Gold, Neil, et al. *Learning Lawyer's Skills*. Butterworths.
7. *Professional Responsibility Standards, Rules & Statutes*. 1995-96 ed.
8. Rai, Kailash. *Legal Ethics*. Central Law Publication.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program
Fifth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB351	Criminal Law-II	3
BALLB352	Administrative Law –I	3
BALLB353	Environmental Law	3
BALLB354	Public International Law-II	3
BALLB355	Principles of Law-making Process	3
BALLB356	Human Rights Law	3
BALLB357	Clinical Law (Field Study and Report Writing)	1.5
Total		19.5

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Criminal Law II

Semester	: V	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB351	Full Marks	: 100
Nature	: Compulsory		

Course Objectives:

- To familiarize students with the fundamentals of crime and criminal law and enable them to differentiate between crime, tort, and civil wrong.
- To explain students with the fundamental concepts, elements, phases, and parties associated with crime, as well as the acceptable general defenses within the Criminal Justice System.
- To inform students on the function of forensic science in the criminal justice system and to enable students to comprehend national laws pertaining to a variety of specific offenses.
- To familiarize pupils with significant criminal cases decided by the Supreme Court of Nepal.

Course Components:

Unit -I	Introduction and Classification of Crime on the Basis of Liability	8 Hours
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- 1.1. Introduction to the Crime and Criminal
- 1.2. Law
 - Classification of Crime on the Basis of Liability
 - 1.2.1. Relative Liability
 - 1.2.2. Strict Liability
 - 1.2.3. Vicarious Liability
 - 1.2.4. Inchoate Liability
 - 1.2.5. Joint Liability

Unit -II	Property Offences	8 Hours
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- 2.1. Meaning of Property Offences
- 2.3. Theft
- 2.4. Cheating
- 2.5. Looting
- 2.6. Arson

Unit -III	Offence against Person	10 Hours
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- 3.1. Homicide
- 3.2. Abortion
- 3.3. Assault and Grievous Hurt
- 3.4. Human Trafficking and Transportation
- 3.5. Abduction, Kidnapping and Enforced Disappearance
- 3.6. Offence relating to treatment
- 3.7. Offence relating to Untouchability and Degrading treatment

Unit -IV	Sexual Offences	8 Hours
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- 4.1. Rape/Marital Rape
- 4.2. Incest
- 4.3. Indecent Assault (Asaya Karani)
- 4.4. Sexual Harassment
- 4.5. Unnatural Sexual Offences

Unit -V	Offence Related to Marriage	8 Hours
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- 5.1. Void Marriage
- 5.2. Marry in Incestuous Relation
- 5.3. Child Marriage
- 5.4. Bigamy
- 5.5. Dowry

Unit -VI	Offence Related to Document and Official Secret	6 Hours
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- 6.1. Forgery
- 6.2. Coercion (Kaarkaap)
- 6.3. Crime against Official Secrets

LEADING CASES

- Bhuwane Basnet Kshetri v. HMG; NKP 2031, No. 3, p 87.
HMG v. Rameshwor Raut Barai et.al.; NKP 2041, No. 4, p 360.
Idris Miya v. HMG; NKP 2044, No. 2, p 259.
HMG v. Abdul Phatte Musalman; NKP 2044, No. 8, p 840.
Mahendra Raj Bam v. HMG; NKP 2051, No. 4, p 226.
Uttam Lama v. HMG; NKP 2061, No. 9, p 1092.
Tek Bahadur Reule v. HMG; NKP 2061, No. 11, p 1486.
Janak Tripathi et.al. v. HMG; NKP 2062, No. 9, p 269.
GoN v. Vasanta Kumar Yadav et.al.; NKP 2064, No. 4, p 426.
Triratna Chitrakar v. GoN; NKP 2066, No. 5, p 784.
Indra Prasad Khanal v. GoN; NKP 2068, NO. 7, p 1235.
Hendric Otto v. GoN; NKP 2069, No. 7, p 1076.
Jasman Limbu v. GoN; NKP 2069, No. 1, p 84.
GoN v. Sanjeev Kumar Singh Yadav et.al.; NKP 2064, No. 10, p 1312.
Manish Shrestha v. GoN; NKP 2070, No. 8, p 1050.

References:

- Pradhananga, Rajit Bhakta et.al., Phaujadari Kanoonko Parichaya (in Nepali), Kathmandu: Bhrikuti Academic Publications, 2063 B.S.
Pradhananga, Rajit Bhakta & Khatiwada, Punya Prasad, Nepalma Niwarak Najarbanda Sambandhi Kanoon: Yek Aadhyan, Kathmandu: Bhrikuti Academic Publications, 2064 B.S.
Khatiwada, Punya Prasad, Nepalma Manis Bepatta Parne Samasya (in Nepali); Kathmandu: Research Centre for Conflict Studies & Forum for International Law, Nepal 2065 B.S.
Acharya, Madhav Prasad, Aparadhshastra (in Nepali), Kathmandu: Bhrikuti Academic Publications, 2071 B.S.
Acharya, Madhav Prasad & Bhandari, Badri Prasad, Phoujadari Kanoonko Samikshyaatmaak Bibechana (in Nepali), Kathmandu Bhrikuti Academic Publications, 2063 B.S.
Acharya, Madhav Prasad & Pradhananga, Rajit Bhakta, Jeeu Jyaan Sambandhi Aparadhko Parichaya (in Nepali), Kathmandu: Ratna Pustak Bhandar, 2053 B.S.
Acharya Subash, Textbook on Criminal Law, Kathmandu: Pairavi Prakashan, 2074 B.S.
Parajuli, Ramesh "Human Trafficking, A Transnational Organized Crime under Nepalese Context" Nyayadoot Issue 2, Kathmandu: Nepal Bar Association (2065 B.S.).
Raut, Balram Prasad, "Criteria to Measure Mens Rea to Impose Corporate Criminal Liability", Nepal Bar Council Journal, Kathmandu: Nepal Bar Council (2011). Raut, Balram Prasad, "Concept of Criminalization of Human Conduct", Nepal Law Review, Kathmandu: Nepal Law campus (2007-2008).
NJA, Jabarjasti Karani Balatkaar Sambandhi Kanooni Byabastha Ra Karyanwayanko Sthiti (in Nepali), Lalitpur: National Judicial Academy (2071 B.S.) Constitution of Nepal, 2074 B.S.
Muluki Ain, 2020 B.S.
Country Criminal (Code) Act, 2074 B.S.
Country Criminal Proceedings (Code) Act, 2074 B.S.
Criminal Offence (Punishment Determination & Execution) Act, 2074 B.S.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Administrative Law I

Semester	: V	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB352	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive introduction to Administrative Law, exploring its fundamental nature, functions, and core principles. You'll gain a deep understanding of how administrative law serves as a crucial mechanism for controlling the abuse of power by government agencies and promoting the rule of law **and** good governance. The course will cover various types of administrative actions, the means by which they are controlled, and the institutions responsible for enforcing administrative law. Additionally, you'll learn about the processes and procedures followed by quasi-judicial bodies.

Course Objectives

- To explain the nature and core functions of administrative law.
- To identify and articulate the fundamental concepts and principles that underpin administrative law.
- To analyze the crucial role of administrative law in preventing the abuse of power by public authorities.
- To understand how administrative law contributes to the promotion of the rule of law and good governance.
- To differentiate various kinds of administrative actions and **explain** the mechanisms for their control.
- To describe the institutions and methods used for the enforcement of administrative law.
- To outline the processes and procedures governing quasi-judicial bodies.

Course Components:

Unit -I	Introduction	12 Hours
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- 1.1. Meaning and Definition of Administrative Law
- 1.2. Nature and Scope of Administrative Law
- 1.3. Historical development of Administrative Law
- 1.4. Importance and Sources of Administrative Law
- 1.5. Relationship between Constitutional law and Administrative Law
- 1.6. Good Governance and role of Administrative Law
- 1.7. Welfare State and Administrative Law
- 1.8. Recent Trends and Criticism

Unit -II	Basic Doctrines of Administrative Law	8 Hours
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- 2.1. Rule of law
- 2.2. Separation of power
- 2.3. Checks and balance
- 2.4. Judicial Review
- 2.5. Recent trends and criticism

Unit -III	Classification of Administrative Action/Power	8 Hours
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- 3.1. Need for the classification of Administrative action/power
- 3.2.. Legislative Functions

- 3.3. Executive Function
- 3.4. Judicial function
- 3.5. Quasi-judicial function

Unit -IV	Delegated Legislation	7 Hours
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- 4.1. Meaning, Importance, and types of Delegated
- 4.2. Legislation
- 4.3. Reason for the growth of the delegated legislation
- 4.4. Limitation of the delegated legislation
- 4.5. Control over the delegated legislation (Parliamentary Control and Judicial control)

Unit -V	Quasi Judicial Bodies	7 Hours
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- 5.1. Function and procedure of Quasi-judicial bodies
- 5.2. Administrative court
- 5.3. Revenue Tribunal
- 5.4. District administrative office
- 5.5. Labor office
- 5.6. Local government (Municipality and Rural Municipality)
- 5.7. Others (Forest, Land and Police)

Unit -VI	Administrati on of Justice	6 Hours
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- 6.1. Meaning and conceptual development of Administration of Justice
- 6.2. Kinds of Administration of Justice
- 6.3. Methods of Justice Administration
- 6.4. Concept of Public and private prosecution

Reading Materials:

Barnett, Hilaire. *Constitutional and Administrative Law*. Cavendish Publishing, 2002.

Basu, D.D. *Comparative Administrative Law*. 19th ed., Wadhwa & Company, 2006.

Bhattarai, Shayam Kumar. *Constitutional and Administrative Law*. 3rd ed., Sopan Monthly, 2076 BS.

Borchard, Edwin. "French Administrative Law." *Yale Law School Legal Scholarship Repository*, Yale Law School.

The Constitution of Nepal. 2015.

Dicey, A.V. *An Introduction to the Law of the Constitution*. 10th ed., Universal Law Publishing Co. Pvt., 1961.

Income Tax Act and Regulations.

Jackson, Paul, and Patricia Leopold. *Constitutional & Administrative Law*. 8th ed., Sweet & Maxwell, 2001.

Jain, M.P., and S.N. Jain. *Principles of Administrative Law*. 4th ed., Wadhwa and Company, 2003.

Judicial Administration Act.

Local Administrative Act and Regulations.

Local Self Governance Act and Regulations, 2055/56.

Metzler, Edward L. "The Growth and Development of Administrative Law." *Marquette Law Review*, 1935.

Muluki Civil (Code) Act, 2074.

Muluki Civil Procedure (Code) Act, 2074.

Muluki Criminal (Code) Act, 2074.

Muluki Criminal Procedure (Code) Act, 2074.

Pandey, Keshav. *Administrative Law*. 2nd ed., Ramesh Silwal, 2056 BS.

Shrestha, Mangal Krishna. *Public Administration in Nepal*.

Wade, W.R., and C.F. Forsyth. *Administrative Law*. 9th ed., Oxford University Press, 2004.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Environmental Law

Semester	: V	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB353	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course explores the multifaceted relationship between law and the environment, emphasizing the critical importance of environmental protection and the preservation of cultural heritage. We'll examine key environmental challenges at various scales, from local to global, and analyze the national and international legal frameworks designed to address them. The course will also delve into significant judicial decisions that have shaped environmental law, providing students with a comprehensive understanding of both the theoretical underpinnings and practical application of legal instruments in safeguarding our natural and cultural resources.

Course Objectives

- To explain the critical importance of environmental protection and cultural heritage preservation.
- To identify and analyze pertinent environmental issues and their impact at local, national, and international levels.
- To understand and apply relevant national and international statutory provisions and judicial decisions related to environmental law and cultural heritage.

Course Components:

Unit -I	Introduction	6 Hours
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- 1.1. Meaning and Scope of Environment and Environmental Law
- 1.2. Environmental Law from Human Rights perspective
- 1.3. Environment and Cultural Heritage Protection and Public Interest Litigation

Unit -II	General Principles of Environmental law	10 Hours
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- 2.1. Principle of Cultural Heritage
- 2.2. International Principles of Conservation and Preservation Precautionary Principle
- 2.3. Preventive Principle
- 2.4. Principle of Common but Differentiated
- 2.5. Responsibility
- 2.6. Polluter Pays Principle
- 2.7. Public Trust Doctrine
- 2.8. Principle of Sustainability and Sustainable Development

Unit -III	International Environmental Laws and Cultural Heritage Protection	8 Hours
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- 3.1. Stockholm Conference on Human
- 3.2. Environment, 1972 and Rio Conference on Environment and Development, 1992 The Convention of Wetlands of International Importance, 1971 (Ramsar Convention)
- 3.3. Convention Concerning the Protection of World Cultural and Natural Heritage, 1972
- 3.4. Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
- 3.5. UN Convention on Biological Diversity, 1992
- 3.6. UN Framework Convention on Climate Change, 1992, Kyoto Protocol, 1995 and Paris Agreement, 2015

3.7. UN Convention to Combat Desertification, 1994

Unit -IV	Environmental Agencies for the Protection of Environment	6 Hours
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- 4.1. United Nations Environment Programme (UNEP)
- 4.2. United Nations Education, Scientific and Cultural Organization (UNESCO)
- 4.3. South Asian Association of Regional Cooperation (SAARC)
- 4.4. Nepalese Government Agencies of Environmental and Cultural Heritage Protection
- 4.5. Non-Governmental Organizations of Environmental and Cultural Heritage Protection

Unit -V	Environmental Laws and Policies of Nepal	10 Hours
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- 5.1. Constitutional provisions Environment Protection Act, 2076 (2019 AD) and Environment Protection Regulation, 2077 (2020 AD)
- 5.2. National Civil Code, 2074 (2017 AD) and National Criminal Code, 2074 (2017 AD)
- 5.3. Forest Act, 2076 (2019 AD)
- 5.4. National Parks and Wildlife Conservation Act, 2029 (1973 AD)
- 5.5. An Act to Regulate and Control International
- 5.6. Trade in Endangered Wild Fauna and Flora, 2074 (2017 AD)
- 5.7. Solid Waste Management Act, 2068 (2011 AD)
- 5.8. Pesticides Management Act, 2076 (2019 AD)
- 5.9. Industrial Enterprises Act, 2076 (2020 AD)

Unit -VI	Relevant Case Laws	8 Hours
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- 6.1. Surya Prasad Dhungel Sharma and Others vs. Godavari Marble Industries and Others, NKP 2052, Decision Number 04
- 6.2. Yogi Narahari Nath and Others vs. Prime Minister Girija Prasad Koirala and Others, NKP 2053, Decision Number 6127
- 6.3. Advocate Khagendra Subedi and Others vs. GON and Others, NKP 2075, Decision Number 10086
- 6.4. Padam Bahadur Shrestha vs. PM and Council of Ministers and Others, NKP 2076, Decision Number 102106.8.
- Advocate Prabin Pandak and Others vs. GON, PMO and Others, NKP 2075, Decision Number 10024

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Public International Law -II

Semester	: V	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB354	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a foundational understanding of Public International Law, exploring its meaning, philosophical basis, historical evolution, and general principles. We'll examine the complex interplay between international legal norms, domestic (municipal) law, and significant case law. With a specific focus on Nepal's practices and experiences, this course will equip you with the tools to critically appraise contemporary international issues through a comprehensive legal lens.

Course Objectives

- To explain the meaning, theoretical basis, historical development, and general principles of Public International Law.
- To critically appraise contemporary international issues by integrating knowledge of international law, municipal law, relevant case law, and the practices of Nepal.

Course Components:

Unit -I	Nationality	4 Hours
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- 1.1. Importance and Functions Nationality
- 1.2. Modes of Acquiring and Losing Nationality
- 1.3. Migration , Internal Displacement , Refugees
- 1.4. Statelessness and IDPs
- 1.5. Double Nationality (issue raised by Non -resident Nepali national shall be discussed under this unit)

Unit -II	Asylum	4 Hours
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- 2.1. Meaning and function of Asylum
- 2.2. Types of Asylum
- 2.3. Rights of Asylum
- 2.4. Obligations of asylum
- 2.5. State of Refugees extradition

Unit -III	Extradition	4 Hours
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- 3.1. Meaning and Function
- 3.2. Basis of Extradition as developed by International law vis a vis Nepal Extradition Act ,2045
- 3.3. political offence and International Criminal offence
- 3.4. Mutual legal assistance

Unit -IV	Treaties	6 Hours
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- 4.1. Meaning and Importance of Treaties
- 4.2. Types of Treaties
- 4.3. Ratification of Treaties

- 4.4. Reservation of Treaties
- 4.5. Condition of Treaties
- 4.6. Interpretation of Treaties
- 4.7. Termination of Treaties
- 4.8. Effect of war on treaties
- 4.9. Treaty making power under the Nepal Treaty Act, 2047.

Unit -V	Neutrality	10 Hours
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- 5.1. Meaning of Neutrality
- 5.2. Neutrality and Non-Alignment
- 5.3. Neutrality under the UN charter
- 5.4. Rights and Duties of a Neutral Country
- 5.5. Concept of peace Zone
- 5.6. Characteristics of Legal Person and Natural Person
- 5.7. Nepalese Concept of Personality
 - 5.7.1. Intervention
 - 5.7.1.1. Definition of Intervention
 - 5.7.1.2. Humanitarian Intervention
 - 5.7.1.3. Intervention by Invasion
 - 5.7.2. Blockade
 - 5.7.2.1. Meaning of Blockade
 - 5.7.2.2. Characteristics and Validity of Blockade
 - 5.7.2.3. Breach of Blockade
 - 5.7.3. Contraband
 - 5.7.3.1. Meanings and Forms of Contraband

Unit -VI	Use of force and war	4 Hours
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- 6.1. Definitions of War
- 6.2. Attempts for an Outlawry of War
- 6.3. Principles of Prohibition of use of Force under the Un Charter
- 6.4. Definitions of aggressions
- 6.5. Self Defense and Collective self Defense
- 6.6. Collective Security

Unit -VII	State Succession	2 Hours
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- 7.1. Theory of State Succession
- 7.2. Succession of State
- 7.3. Succession of Government
- 7.4. Succession of International Organization

Unit -VIII	Settlement of International Dispute	4 Hours
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- 8.1. Peaceful Means
- 8.2. Inquiry and Negotiations
- 8.3. Mediation and Good Offices
- 8.4. Conciliation and UN efforts
- 8.5. Arbitration (ICA ,ICSID and other bodies)
- 8.6. Judicial settlement
- 8.7. Compulsive means
- 8.8. Relation and Reprisal
- 8.9. Embargo and Pacific Blockade

Unit -IX	International Humanitarian Law and Law of Warfare	10 Hours
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- 9.1. International Humanitarian Law
- 9.2. Meaning , nature, principles, scope and sources of IHL
- 9.3. Conventions of 1899 and 1907 ; Geneva
- 9.4. Conventions (including Four Geneva Conventions of 1894 and their protocols) and other subsequent conventions regulate the area.
- 9.5. Geneva Protocol (1925)
- 9.6. Legality of War
- 9.7. Prisoners of War
- 9.8. Right of Angary
- 9.9. War crimes including the provisions of the Rome Statute on International Criminal Court and Provisions of Prominent Tribunals to try war Crimes.

Reading Materials:

1. Cassese, Antonio. International Law. Oxford University Press, 2001.
2. Crawford, James. Brownlie's Principles of Public International Law. Oxford University Press, 2012.
3. Damrosch, Lori F., editor. International Law, Cases and Materials. West Publishing, 2001.
4. Evans, M., editor. International Law. Oxford University Press, 2010.
5. Harris, D.J. Cases and Materials on International Law. 7th ed., Sweet & Maxwell, 2010.
6. Hollis, D.P., editor. The Oxford Guide to Treaties. Oxford University Press, 2012.
7. K.C., Yadav Kumar. International Law: Theory and Praxis. 1st ed., Pairavi Prakashan, 2016.
8. ---. Refugee Law: Theory and Praxis, A Nepalese Perspective. 1st ed., Pairavi Prakashan, 2016.
9. Reisman, W.M. Systems of Control in International Adjudication and Arbitration: Breakdown and Repair. Yale University Press, 1992.
10. Rosenne, Shabtai. The Law and Practice of the International Court, 1992-2005. Martinus Nijhoff Publishers, 2006.
11. Shaw, Malcolm N. International Law. Cambridge University Press, 2008.
12. Zimmermann, Andreas, et al. The Statute of the International Court of Justice: A Commentary. Oxford University Press, 2006.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Principles of Law Making Process

Semester	: V	Credit Hours	: 3
Paper	: V	Lecturer Hours	: 48
Code	: BALLB355	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course offers a comprehensive study of legislation, exploring the principles and goals that guide legislative bodies in the creation of laws. We'll examine the diverse factors and influences that shape the law-making process. A core focus will be on understanding legislation as a powerful tool for social engineering, analyzing its effectiveness in shaping societal structures and individual lives in modern times. Furthermore, the course will specifically acquaint students with legislative trends and policy-making in Nepal, providing insight into the practical aspects of law-making in the country.

Course Objectives

- To explain the fundamental principles and goals underlying the legislative process.
- To analyze the various factors that influence and drive law-making by legislative bodies.
- To evaluate the effectiveness of legislation as a tool for shaping society and individual lives in contemporary contexts.
- To identify and understand current legislative trends and policy-making approaches in Nepal.

Course Components:

Unit –I	Introduction to Legislation	8 Hours
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- 1.1. Meaning, Definition and Importance of Legislation
- 1.2. Forms of legislative instruments:
 - 1.2.1. Supreme legislation (Constitution, Act, Code) and Subordinate legislation and its types (Rule, Regulation, Bye-laws, Ordinance, Orders)

Unit –II	Objectives of Legislation	9 Hours
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- 2.1. Social Change and Social Control
- 2.2. Bentham's Theory of law (Utility) and elements of law (Source, Subjects, Objects, Extent, Aspects, Force, Expression, Remedial Appendages)
- 2.3. Fuller's Theory of Demands of law (Generality, Understandable, Publication, Applicable, No Contradictory, No Retrospective, No Unstability, No Beyond Demand)

Unit –III	Law Making Process	12 Hours
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- 3.1. Law Making Process under the: Autocratic and Democratic System of Governance
- 3.2. Executive stage of legislation
- 3.3. Legislative stage of legislation Assentation
- 3.4. Publishing stage of legislation
- 3.5. Drafting Bill and Parts of a Statute (Brief introduction)

- 3.6. Adoption of Bill: Government and Private Bill
3.7. Law making in parliamentary Committee Hearing

Unit –IV	Influence of Law Making Process	6 Hours
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- 4.1. Education, Media, Religion, Morality,
4.2. Political Structure, Economic Structure, Social Structure and Societal Value System

Unit –V	Behaviour and Accountability of Law Makers	7 Hours
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- 5.1. Selection and authority of legislator
5.2. Conflict of Interest
5.3. Lobbying and Interest group
5.4. Public opinion Vs. Interest group

Unit –VI	Law Making Process in Nepal	6 Hours
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- 6.1. History of Law making in Nepal (Manav Nyayashastra/ManavNyayabikasini, Muluki Ain, 1910)
6.2. Provisions of Present Constitution regarding the Law Making in Federal, Provincial and Local Level (Constitution of Nepal Part 7, 8 and 9)
6.3. Role of Nepal Law Commission: The Machinery of Law Reform.

Reading Materials:

Acharya, Bhimarjun. *Making of Constitution through Constituent Assembly*. Pairavi Prakashan, 2006.
Atre, B.R. *Legislative Drafting*. 2nd ed., Universal Law Publishing Co. Pvt. Ltd., 2006.
Baxsi, Upendra. *Bentham Theory of Legislation*. 7th reprint, Sirohi Brothers Pvt. Ltd., 2006.
Bentham, J. *Introduction to the Principles of Morals and Legislation*. Universal Law Publishing Co. Pvt. Ltd., 2004.
The Constitution of Nepal. 2015.
Crabbe, V.C.A. R.A.C. *Legislative Drafting*. Cavendish Publishing Ltd., 1993.
Dicey, A.V. *Law and Public Opinion in England*. 2nd ed., Universal Law Publishing Co. Pvt. Ltd., 1998.
Friedmann, W. *Legal Theory*. 5th ed., Universal Law Publishing Co. Pvt. Ltd., 2003.
Khadka, Arjun Kumar. *An Overview of Legislative Drafting in Nepal*. Federal Parliament, 2020.
Kerwin, Cornelius M. *Rule Making*. Universal Books Traders, 1997.
Manual and Publications of Nepal Law Commission and Parliament of Nepal.
Nepal Constitution Foundation. *Legislative Drafting and Oversight Function of Nepalese Parliament: A Process of Law*. 2015.
Pound, Roscoe. *Introduction to Philosophy of Law*. Yale University Press, 2006.
Thapa, Kamal Raj, editor. *Governance, Constitution and Contemporary Issues*. 2066.
Zander, Michael. *The Law Making Process*. 6th ed., Cambridge, 2004.
नेपालमा कानून आयोग, *कानून तर्जुमा दिग्दर्शन*, सोपान प्रेस प्रा.लि., काठमाडौं, २०६६ ।
नेपाल कानून आयोग, *कानून तर्जुमा सम्बन्धी अवधारणात्मक पक्षहरु*, हाइलड प्रेस प्रा.लि. काठमाडौं २०६४ ।

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: International Human Rights Law

Semester	: V	Credit Hours	: 3
Paper	: VI	Lecturer Hours	: 48
Code	: BALLB356	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive introduction to human rights law, exploring its foundational concepts, principles, and the evolution of both individual and group rights within international and regional frameworks. We'll examine the key mechanisms established to protect these rights globally. A significant focus will be on equipping you with the skills to conduct comparative studies of domestic laws in light of international human rights standards. Furthermore, the course aims to develop your capacity to apply international human rights instruments to domestic situations, with a particular emphasis on advocating for the rights of poor and marginalized communities.

Course Objectives

- To explain the fundamental concepts and principles of human rights law.
- To identify and analyze international and regional mechanisms for the protection of individual and group human rights. Conduct comparative studies of domestic laws in light of international human rights legal standards.
- To apply international human rights instruments to domestic situations, particularly in advocating for poor and marginalized communities.

Course Components:

Unit -I	Introduction to Human Rights	6 Hours
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- 1.1. Historical background of International Human Rights
- 1.2. Emergence of Human Rights on a subject of National and International rules of Law
- 1.3. Universality of HR
- 1.4. Meaning, nature and sources of Human Rights

Unit -II	International Protection of Injury to Aliens	6 Hours
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- 2.1. Denial of Justice and International Responsibility
- 2.2. Violation of HR and International Responsibility

Unit –III	The International Court of Justice	10 Hours
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- 3.1. Background
- 3.2. Composition
- 3.3. Access to the Court
- 3.4. Jurisdiction of the Court
- 3.5. ICJ's Contribution in Development of International Human Rights Law. (The Corfu Channel Case and Nottebohm Case)

Unit –IV	Rights Relating to Members of Vulnerable Groups	7 Hours
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- 4.1. Rights of Children
- 4.2. Prevention of discrimination and protection of minorities and advancement of Women UN

4.4. High Commission for Refugees

Unit –V	International Instrument Concerned with Human Rights	9 Hours
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- 5.1. The UN Charter
- 5.2. Universal Declaration of Human Right (UDHR 1948)
- 5.3. International Convention on the Elimination of all forms of Racial Discrimination
- 5.4. International Convention on Economic, Social and Cultural Rights
- 5.5. Convention against Torture and Other Cruel in Human or Degrading Treatment or Punishment

Unit –VI	Regional and National Arrangements on Human Rights	10 Hours
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- 6.1. European Convention on HR
- 6.2. The American Convention on HR
- 6.3. The African Convention on HR
- 6.4. Consideration for Asian Convention and SAARC
- 6.5. National Human Rights Commission (Nepal)

Reading Materials:

1. Agarwal, H.O. *International Law and Human Rights*. 13th ed., Central Law Publications, 2006.
2. Alfredsson, Gudmundur, and Asbjørn Eide, editors. *The Universal Declaration of Human Rights*. Martinus Nijhoff Publishers, 1999.
3. Alston, Philip, and Mary Robinson. *Human Rights and Development: Towards Mutual Reinforcement*. Indian ed., Oxford University Press, 2006.
4. Archer, Clive. *International Organizations*. Routledge, 2007.
5. Baxi, Upendra. *The Future of Human Rights*. 2nd ed., Oxford Publication, 2006.
6. Dahal, Devraj, and Nischal Nath Pandey. *Comprehensive Security in South Asia*. FEE and IFA, 2006.
7. Eide, Asbjorn, et al., editors. *Economic, Social and Cultural Rights*. 2nd rev. ed., Kluwer Law International, 2001.
8. Foster, Steven. *The Judiciary, Civil Liberties and Human Rights*. Edinburgh University Press, 2006.
9. Fredman, Sandra, editor. *"Discrimination and Human Rights": The Case of Racism*. Vol. XI/1, Academy of Oxford University Press, 2001.
10. *Human Rights in International Law*. 3rd ed., Universal Law Publishing Co., 2007. (1st Indian Reprint 2009).
11. Ignam, Kumar. *An Introduction to World Trade Organizations*. Kathmandu School of Law, 2009.
12. James and Wolfs. *An Introduction to International Relations*. Institute of Foreign Affairs (IFA).
13. Mahendra P. Singh, Helmut Goerlich, and Michael von Hauff. *Human Rights and Basic Needs*. Universal Law Publishing Co., 2008.
14. Patil, V.T. *Human Rights Development in South Asia*. Authors Press, 2003.
15. Rai, Rahul. *Monitoring International Human Rights*. Authors Press, 2002.
16. Raju, M.V. *Human Rights: Today and Tomorrow, Role of Human Rights Commission and Others*. Swastik Publications, 2010.
17. Rahman, Mizanur, editor. *Human Rights and Development*. ELCOP, 2002.
18. Reilly, Niamh. *Women's Human Rights*. Polity Press, 2009.
19. Sangroula, Yubaraj. *Concepts and Evolution of Human Rights: Nepalese Perspectives*. KSL, 2005.
20. Symonides, Janusz, editor. *Human Rights: Concept and Standards*. UNESCO Publishing, Rawat Publications, 2002.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Clinical Law (Field Study and Report Writing)

Semester	: V	Credit Hours	: 1.5
Paper	: VII	Lecturer Hours	: 24
Code	: BALLB357	Full Marks	: 50
Nature	: Compulsory		

Course Description

This course examines the complications of contemporary sentencing systems, reviewing the theories and practices adopted by states. Students will critically analyze the far-reaching impact of punishments on society, families, and individuals. The curriculum also focuses on the lived experiences within penal institutions, requiring an exploration of the economic, social, psychological, and mental conditions of prisoners, as well as the physical state of correctional facilities. Through theoretical study and practical inquiry, this course aims to foster a nuanced understanding of modern penology and its societal implications.

Course Objectives

- To analyze contemporary sentencing systems adopted by states and critically assess their societal impact.
- To understand the multifaceted impact of punishments on individuals, families, and society at large.
- To investigate the economic, social, psychological, and mental conditions of prisoners, and **assess** the physical conditions of jails.

Evaluation

Student performance will be evaluated based on the report submitted and presented before the class, along with other written work.

Methodology

The course teacher will outline the specific methodology for this course, including dates for field visits, report submissions, class presentations, and evaluations.

Reading Materials

1. Baidhya, Tulasi Ram, and Tri Ratna Tuladhar. *Crime and Punishment in Nepal: A Historical Perspective*. Bini Vaidhya and Purna Devi, 1985.
2. Boin, Anjen. *Crafting Public Institutions: Leadership in Two Prison Systems*. Lynne Rienner Publishers Inc., 2001.
3. Centre for Victims of Torture Nepal. *Nepal's Penal System: An Agenda for Change*. 1st ed., 2001.
4. Penal Reform International and Centre for Victims of Torture Nepal. *Penal Reform in Nepal*. 2000.
5. United Nations and UNESCO Institute for Education. *Basic Education in Prisons*. 1995.
6. *कारागार सुधारको दिग्दर्शन*, यातना पीडित सरोकार केन्द्र, प्रथम संस्करण, काठमाडौं, २०५५ ।
7. गोपाल गुरागाई, *कारागार भित्र कारागार*, अनैपचारिक क्षेत्र सेवा केन्द्र (इन्सेक) प्रथम संस्करण, काठमाडौं, २०५४ ।

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Sixth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB361	Administrative Law –II	3
BALLB362	Contract Law-I	3
BALLB363	Criminology and Victimology	3
BALLB364	Private International Law	3
BALLB365	Family Gender and Social Justice	3
BALLB366	Land and Real Estate Law	Elective (Any One) 3
BALLB367	Taxation Law	
BALLB368	Population Law	
BALLB369	Agrarian Law	
BALLB3610	Buddhist Ethics	
BALLB3611	Clinical Law (Field Study and Report Writing)	1.5
Total		19.5

Faculty of Humanities and Social Sciences

BALLB Program

Course title: Administrative Law-II

Semester	: VI	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB361	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides an in-depth examination of Administrative Law, building upon foundational principles to explore its critical role in modern governance. A central focus will be on the principle of natural justice and its application, alongside a detailed understanding of the Judicial Administration Act 2073. Students will critically analyze how administrative law functions as a vital mechanism for controlling the abuse of state power and actively promoting the rule of law and good governance. The curriculum will cover various types of administrative actions, the legal means of their control, and the institutions responsible for the enforcement of administrative law. Emphasis will be placed on familiarizing students with leading Nepalese administrative law cases to illustrate practical application and judicial interpretation.

Course Objectives

- To explain and apply the fundamental principle of natural justice.
- To summarize the key provisions and implications of the Judicial Administration Act 2073.
- To analyze the crucial role of administrative law in controlling the abuse of governmental power.
- To understand how administrative law contributes to the promotion of the rule of law and good governance.
- To differentiate various types of administrative actions and identify the legal means for their control.
- To describe the institutions and methods responsible for the enforcement of administrative law.
- To identify and discuss leading administrative law cases in Nepal, demonstrating their significance.

Course Components:

Unit -I	Principle of Natural Justice	8 Hours
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- 1.1. Meaning, Nature and scope of Natural Justice
- 1.2. Fair Hearing/ Audi Alteram partem
- 1.3. Nemo judex in causa sua/Doctrine of Bias
- 1.4. Due Process of law
- 1.5. Reasoned Decision

Unit -II	Administrative Discretion and Judicial Control	8 Hours
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- 2.1. Nature of Administrative Discretion
- 2.2. Judicial control over administrative discretion
- 2.3. Remedies available to the citizens against abuse of Administrative discretion through writs

Unit -III	Administration of Justice	8 Hours
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- 3.1. Concept of Administration of Justice
- 3.2. Importance of Administration of Justice
- 3.3. Salient features of Administration of Justice Act, 2073 (2016)
- 3.4. Strengths and Weaknesses of Administration of justice Act, 2073 (2016)

Unit -IV	Ombudsman	8 Hours
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- 4.1. Introduction, Nature, Scope and Functions
- 4.2. Authority of Ombudsman
- 4.3. Complaints, Investigation and Decisions
- 4.4. Nepalese Practice on Ombudsman
- 4.5. Commission for Investigation of Abuse of Authority (CIAA)
- 4.6. Salient features of CIAA Act, 2048

Unit -V	Public Undertakings	6 Hours
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- 5.1. Reason for Establishment
- 5.2. Types and Functions
- 5.3. Controls Mechanisms
- 5.4. Concept of Privatization

Unit -VI	Role of Court in Development of Administrative Law	10 Hours
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- 6.1. Role of the Supreme Court for the Development of Administrative law in Nepal
- 6.2. Writs
- 6.3. Habeas Corpus
- 6.4. Mandamus
- 6.5. Certiorari
- 6.6. Prohibition
- 6.7. Quo-Warranto

Reading Materials:

1. Basu, D.D. *Comparative Administrative Law*. 19th ed., Wadhwa & Company, 2006.
2. *The Constitution of Nepal*. 2015.
3. Dicey, A.V. *An Introduction to the Law of the Constitution*. 10th ed., Universal Law Publishing Co. Pvt., 1961.
4. *Income Tax Act, 2058*.
5. *Income Tax Regulations*.
6. Jain, M.P., and S.N. Jain. *Principles of Administrative Law*. 4th ed., Wadhwa and Company, 2003.
7. *Justice Administration Act, 2073 (2016)*.
8. *Local Government Operation Act, 2074*.
9. Massey, I.P. *Administrative Law*. 10th ed., Eastern Book Company, 2022.
10. Metzler, Edward L. "The Growth and Development of Administrative Law." *Marquette Law Review*, 1935.
11. *Muluki Civil Code, 2074*.
12. *Muluki Civil Procedure Code Act, 2074*.
13. *Muluki Criminal Code, 2074*.
14. *Muluki Criminal Procedure Code, 2074*.
15. Pandey, Keshav. *Administrative Law*. 2nd ed., Ramesh Silwal, 2056 BS.
16. Phillips, O. Hood, and Patricia Leopold. *Constitutional & Administrative Law*. 8th ed., Sweet & Maxwell, 2001.
17. Wade, W.R., and C.F. Forsyth. *Administrative Law*. 12th ed., Oxford University Press, 2022.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Contract Law- I

Semester : VI	Credit : 3
Paper : II	Lecturer Hours : 48
Code : BALLB362	Full Marks : 100
Nature : Compulsory	

Course Description

This course provides a comprehensive introduction to the general principles of contract law, with a particular focus on the Nepalese legal system. You'll explore the fundamental concepts of contractual relationships and the legal obligations that arise from business dealings and transactions. The course aims to equip you with the knowledge and analytical skills to understand the valid legal framework of contracts in Nepal, critically assess leading contract cases, and determine the legal status of parties involved in various contractual agreements. This understanding is essential for both general legal literacy and future professional legal activities.

Course Objectives

- To explain the main principles of contract law, including the valid legal framework for contracts in Nepal.
- To articulate the concept of the law of obligation about the general principles of contractual agreements as prescribed by the Nepalese National Civil Code 2074.
- To critically analyze leading contract law cases.
- To determine the legal status of parties to a contract based on the nature of their established relationship, as per the provisions of the Muluki Civil Code 2074.

Unit -I	Introductory	6 Hours
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- 1.1. Concept of Contractual Relationship and Creation of Obligation.
- 1.2. Types of Contract.
- 1.3. Essential Elements of a Valid Contract (Various Grounds Which Gives Rise to the Valid Obligation against the Parties)

Unit -II	Formation of Contract (Offer and Acceptance)	6 Hours
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- 2.1. Rules Regarding Valid Offer and Acceptance
- 2.2. Modes of Offer and Acceptance and their communication
- 2.3. Termination of Offer and Acceptance

Unit -III	Consideration	6 Hours
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- 3.1. Concept of Consideration
- 3.2. Rules Regarding Consideration
- 3.3. Exceptions to the Rule "No Consideration no Contract".
- 3.4. Doctrine of Privity of Contract

Unit -IV	Contractual Capacity	6 Hours
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- 4.1. Meaning of Contractual Capacity
- 4.2. Persons Incompetent to a Contract
- 4.3. Minor
- 4.4. Person of Unsound Mind
- 4.5. Persons Disqualified by Law

Unit -V	Free Consent	6 Hours
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- 5.1. Concept of Free Consent
- 5.2. Factors Affecting Free Consent:
- 5.3. Coercion
- 5.4. Undue Influence
- 5.5. Misrepresentation
- 5.6. Fraud
- 5.7. Mistake

Unit -VI	Legality of Object and Consideration	6 Hours
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- 6.1. Concept of Lawful Object and Consideration
- 6.2. Agreements opposed to the Public Policy
- 6.3. Concept of Void Contract
- 6.4. Contingent Contract

Unit -VII	Fulfilment of Contractual Obligation (Performance of Contract)	6 Hours
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- 7.1. Concept of Fulfilment of Contractual Obligation
- 7.2. Rules regarding Fulfilment of Contractual Obligation
- 7.3. Termination of Contractual Obligation
- 7.4. Concept of Breach of Contract and Remedies for Breach of Contract

References;

Cases:

- Achyut Prasad Kharel Vs HMG, NKP 2064/533
Amar Adarsha Secondary School Vs. Krishna Bahadur Shrestha, NKP2068, No.6 p1028.
Anil Kumar Pokharel Vs. Kathmandu District Court NKP 2064/460
Bir Shankar Kashai Vs. Anita Lama NKP 2063/395
Chandra Kumar Golchha Vs. Punarabedan Adalat, Patan NKP 2062/376
Dhana Maya Maharjan Vs. Tulasi Maharjan NKP 2063/1008
Government of Nepal Vs. Bhairaja Pradhan NKP 2063 Vpl. 20 P 1319
Ircan International Ltd. Vs. Rawani Devi Mahoto & Others, NKP 2069, No 11 P. 1689
Jal Utpanna Prokop Niyantran Bibhag Vs. Punarabedan Adalat, Patan NKP 2063/633
Prithvi Bahadur Maharjan Vs. Birat Bahadur Khadka NKP 2064/1100

Reading books

1. Singh, Avtar. *Law of Contract*. Eastern Book Company, 2013.
2. Beatson, J., et al. *Anson's Law of Contract*. 29th ed., Oxford University Press, 2010.

3. Dhungana, Suresh Kumar. *Law of Contract*. Sanrab Prakashan, 2079 BS.
4. Kalika, Satya Narayan. *Law of Contract*. Pairavi Prakashan, 2018.
5. Karki, S.B. *An Introduction to Law of Contract*. Tilasmi Publication Pvt. Ltd., 2075 BS.
6. *Muluki Civil Code 2074*. Part II, secs. 30–53.
7. *Muluki Civil Code 2074*. Part V, secs. 493–691.
8. Parajuli, D.N. *Law Relating to Specific Contract and Case Law*. Pairavi Book House Pvt. Ltd., 2075 BS.
9. Paudel, Bibek Kumar. *Law of Contract*. M.M. Publication. (Year not provided in original source).
10. Upreti, Shree Prakash. *Business Law*. Samjhana Publication Pvt. Ltd., 2075 BS.

EVALUATION SCHEME

In-semester:

- a) Unit Assignment Task, Critical Comments / Review, Interaction with the Tutor, Webinar / Seminar, Case Study
- | | |
|--------------------------|----------|
| a. Home Assignments etc. | 15 Marks |
| b. Term Paper Writing | 10 Marks |
| c. Pre-Board Examination | 10 Marks |
| d. Attendance | 5 Marks |

End-semester:

- a) Short Answer Questions Five 30 Marks
 b) Critical Analysis and Problem Solving
Long Answer Question Two 20 Marks
 c. Multiple Choice Questions Ten 10Marks

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Criminology and Victimology

Semester	: VI	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB363	Full Marks	: 100
Nature	: Compulsory		

Course Description:

This course offers a comprehensive exploration of the theoretical and philosophical underpinnings of criminology, penology, and victimology. We'll delve into the core concepts of crime, the criminal, the victim, and punishment. The curriculum covers the various causes of crime and juvenile delinquency, societal reactions to these phenomena, and the principles guiding sentencing, correction, and offender rehabilitation. A significant focus will be placed on understanding victim protection systems and the state's responsibility, integrating Nepalese constitutional and legal provisions with broader theoretical frameworks. Ultimately, this course aims to equip students with the ability to critically analyze case law through the lens of criminological and victimological theories.

Course Objectives

- To explain the fundamental concepts of crime and criminology.
- To identify and analyze various causes of crime and juvenile delinquency, as well as societal reactions to them.
- To articulate the core concepts and diverse theories within criminology, penology, and victimology.
- To describe the principles and methods for the reformation and rehabilitation of offenders within society.
- To understand the basic concepts of sentencing.
- To explain victim protection systems and the state's responsibility as outlined in legal and constitutional provisions.
- To link specific case law to relevant theories of criminology and victimology.

Unit -I	Introductory	7 Hours
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- 1.1. Concept, Nature and Scope of Criminology
- 1.2. Study Methods of Criminology
- 1.3. Concept, Nature and Purpose of Criminal Law and Criminal Justice System

Unit -II	Theories of Crime Causation	12 Hours
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- 2.1. Pre-Classical Theory
- 2.2. Classical and Neoclassical theory
- 2.3. Biological Theory
- 2.4. Psychological Theory
- 2.5. Sociological Theory
- 2.6. Economic Theory

Unit -III	Role of the Police to Control Crime	8 Hours
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- 3.1. Objectives, Need and Functions of Police Organization
- 3.2. Role of police in prevention of crime
- 3.3. Role of police in investigation of crime

3.4. Role of Police protection of crime victim and offender

Unit -IV	Reaction to Crime	10 Hours
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- 4.1. Concept of Punishment
- 4.2. Approaches and Theories of Punishment
- 4.3. Types of Punishment
- 4.4. The Prison and its alternatives
- 4.5. The Problems of Nepalese Prison System

Unit -V	Sentencing System	5 Hours
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- 5.1. Concept of Sentencing
- 5.2. Difference between Conviction and Sentencing
- 5.3. Major Features of Nepalese Sentencing Law

Unit -VI	Victimology	6 Hours
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- 6.1. Concept of crime victim and Victimology
- 6.2. Objective of Restorative Justice
- 6.3. Crime victim protection
- 6.4. Rights of crime victim
- 6.5. Constitutional and legal frameworks of Nepal regarding crime victim

Leading Cases:

1. *Advocate Ratna Bahadur Bagchand, vs Council of Ministers and others*, Writ No. 46/061, Date of Decision 2062/1/8, (Untouchability)
2. *HMG Vs. Samjhana Lamichhane*, (Murder: Infanticide), NKP 2060, DN 7169, p 77.
3. *Jeet Kumari Pangenj vs Council of Ministers and others*, Writ No. 0035/064, Date of Decision 2060/11/11, (Marital Rape)
4. *Jung Bahadur Singh vs Office of PM and Council of Ministers and others*, Writ No. 2066/1222, NKP 2068, Vol. 6, p. 986, DN 8631, (Sexual rights of the prisoners)
5. *Krishna Bahadur Rana vs HMG* (Mandamus), (Rehabilitation to victim) Case No. 357, DD 2061/9/6.
6. *Praksh Mani Sharma vs Council of Ministers and others*, NKP 2065, Vol 4. DN 7952 (Sexual rights of the women prisoners)
7. *Ranjan Koirala vs HMG* (Decision Date: 2079-02-12)
8. *Shanti B.K. vs HMG*, NKP 2061, Vol. 6, p. 769. (Mitigating factors)
9. *Sunil Babu Panta vs Council of Ministers and others*, Writ No. 917/064, Date of Decision 2064/9/6, (Identification of Third Gender)

Reading Materials:

1. Acharya, Madhav P. *Criminology*. Bhrikuti Academic Publications, 2014.
2. ---. *Criminology Penology*. Bhrikuti Academic Publications, 2012.
3. Ahuja, Ram. *Criminology*. Rawal Publications, 2000.
4. Burke, Roger Hopkins. *An Introduction of Criminological Theory*. Willan Publishing.
5. Cressey, Donald R., and E.H. Sutherland. *Principles and Criminology*. Indian Reprint.
6. Mainali, Laxmi Prasad, et al., editors. *Juvenile Delinquency*. Faculty of Law, 2017.
7. Paranjape, N.V. *Criminology and Penology with Victimology*. Central Law Publications, 2012.
8. Qadri, S.M.A., editor. *Ahmad Siddque's Criminology and Penology*. 6th ed., Eastern Book Co., 2011.
9. Robert, I. Simon. *Bad Men Do What Good Men Dream*. Byword Books Private Limited, 2008.
10. Williams, Katherine S. *Textbook on Criminology*. Indian Reprint, Blackstone Press, 2001.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Private International Law

Semester	: VI	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB364	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive study of Private International Law, also known as Conflict of Laws. It addresses how legal disputes involving elements from multiple jurisdictions are resolved, a necessity in our increasingly globalized world. The course will examine fundamental legal terms, theories, and principles governing issues like jurisdiction, choice of law, choice of forum, and the enforcement of foreign judgments. We will critically analyze both national frameworks, including Part 6 of Nepal's Muluki Civil (Code) Act, and international perspectives, drawing upon relevant Nepalese case law.

Course Objectives

- To explain key theoretical and practical aspects of private international law.
- To define core concepts such as jurisdiction, choice of law, choice of forum, characterization, nationality, domicile, renvoi, and principles related to personal status, family law, contracts, torts, and foreign judgments.
- To analyze the nature and functions of conflict of laws principles in various private-law relationships.
- To demonstrate advanced knowledge of the major concepts, values, principles, and rules of conflict of laws, articulating their interrelationships.

Unit -I	Meaning, Nature and Scope of Private International Law	6 Hours
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- 1.1. Meaning and Nature of Private International Law
- 1.2. Scope of Private International Law
- 1.3. Differences between Public International Law and Private International Law
- 1.4. Historical Development and Unification of Private International Law
- 1.5. Theories of Private International Law: Justice, Comity, Public Policy etc.
- 1.6. Functions of Private International Law
- 1.7. General Frameworks and Characteristics of Nepali, Indian and English Private International Law Rules.

Unit -II	Fundamental Concepts and Issues in Private International Law	8 Hours
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- 2.1. Characterisation or Classification as to the Cause of Action and as to the Rule of Law.
- 2.2. Connecting Factors: lex causae, lex domicilii, lex patriae, lex loci celebrationis, lex fori, lex contractus, lex loci delicti, lex loci actus, lex incorporationis, lex protectionis etc..
- 2.3. Meaning and Elements of Incidental Question and Dépeçage.
- 2.4. Meaning, Applicability, Proof and Exclusion of Foreign Law.
- 2.5. Doctrine of Renvoi: Meaning, Scope and Application.
- 2.6. Difference between Substance and Procedure.

Unit -III	Domicile, Nationality and Residence	6
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- 3.1. Meaning and Importance of the Concept of Domicile.the Rule of Law.
- 3.2. The Principles of Domicile.
- 3.3. The Elements of Domicile: Intention and Residence.
- 3.4. The Acquisition and Ascertainment of Domicile: Domicile of Origin and Domicile of Choice,
- 3.5. Domicile and Categories of Persons: Prisoners, Persons liable to deportation, Refugees and fugitives, Invalids, Members of the Armed Forces, Employees and Diplomats.
- 3.6. Domicile of Dependency: Married Women and Dependent Persons.
- 3.7. Domicile of Corporations
- 3.8. Domicile and Nationality.
- 3.9. The Concepts of Residence.

Unit -IV	Jurisdiction	8 Hours
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- 4.1. Meaning of Jurisdiction.
- 4.2. Foreign Sovereign Immunity and Act of State Doctrine.
- 4.3. Bases of Jurisdiction
 - 4.3.1. Presence within the jurisdiction.
 - 4.3.2. Submission to the jurisdiction.
 - 4.3.3. Service out of the jurisdiction.
 - 4.3.4. Choice of Court or Forum Selection Agreements.
 - 4.3.5. *Forum Conveniens* and *Forum Non Conveniens*.
 - 4.3.6. Doing Business within the Jurisdiction.
 - 4.3.7. An Act Done Within the Jurisdiction or Causing an Effect Done Elsewhere. within the Jurisdiction by an Act
 - 4.3.8. Ownership, Use or Possession of Property within the Jurisdiction.
 - 4.3.9. Other Relationships to the Jurisdiction.
- 4.4. Jurisdiction of a Nepali Court in matters involving foreign elements.
- 4.5. Jurisdiction under Brussels and Lugano Conventions.
- 4.6. Loss of Jurisdiction and *Lis alibi pendens*.
- 4.7. Limitations on Jurisdiction.
- 4.8. Stays and Restraint of Proceedings.

Unit -V	Recognition and Enforcement of Foreign Judgments	4 Hours
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- 5.1. The Status of Foreign Judgments.
- 5.2. Finality of Foreign Judgments and Conditions for Enforcement.
- 5.3. Grounds for Not Recognising and Enforcing Foreign Judgments..
- 5.4. Recognition and Enforcement of Foreign Judgments in India, EU and the United States.
- 5.5. Recognition and Enforcement of Foreign Judgments in Nepal.

Unit -VI	Laws of Obligations	6 Hours
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- 6.1. Commercial Contracts
 - 6.1.1. Foreign Contracts and the Conflict Resolution Process.
 - 6.1.2. Determining the Applicable Law.
 - 6.1.3. Choice of Law: Expressed and Implied Choice.
 - 6.1.4. Determining the Proper Law in the Absence of Choice of Law.

- 6.1.5. Choice of Law Rules as to the Formation, Validity and Contracts. Performance and Discharge of
- 6.2. Torts
- 6.2.1. Choice of Law Rules as to Foreign Torts
- 6.2.2. Scope of the Applicable Law.

Unit -VII	Law of Marriage and Matrimonial Causes	6 Hours
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- 7.1. Definition of Marriage.
- 7.2. Validity of Marriage
- 7.2.1. Formal Validity of Marriage and the *lex loci celebrations* rule.
- 7.2.2. Essential Validity of Marriage; Rules and Exceptions.
- 7.3. Polygamous Marriage.
- 7.4. Same-sex Marriages.
- 7.5. Legitimacy of Children.
- 7.6. Divorce, Nullity and Judicial Separation.
- 7.6.1. Jurisdiction to grant a divorce, annulment or judicial separation.
- 7.6.2. Applicable Law in Divorce, Nullity and Judicial Separation.
- 7.6.3. Recognition of Foreign Divorce Judgments.
- 7.6.4. Financial Relief after Divorce.
- 7.6.5. Matrimonial Property.
- 7.7. Parenthood and Adoption.
- 7.7.1. Legal Parenthood and Transferring Legal Parenthood.
- 7.7.2. Adoption.
- 7.7.3. Hague Convention on Intercountry Adoption.
- 7.7.4. Foreign Adoption Outside the Hague Convention.

Unit -VIII	Law of Property	4 Hours
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- 8.1. Introduction
- 8.2. The Distinction Between Movable and Immovable Property.
- 8.3. Jurisdictional issues relating to Immovable Property.
- 8.4. Applicable Law.
- 8.5. Transfer of Movables.
- 8.6. Transfer of Property Rights Through Succession.
- 8.7. Cross-border Succession and Nepali Law.

References;

1. Govindaraj, V.C. *The Conflict of Laws in India: Inter-Territorial and Inter-Personal Conflict*. 2nd ed., Oxford University Press India, 2019.
2. Harding, Maebh. *Conflict of Laws*. 5th ed., Routledge, 2014.
3. Hill, J., and M. Ní Shúilleabháin. *Clarkson & Hill's Conflict of Laws*. 5th ed., Oxford University Press, 2016.
4. Pokharel, Bhadrakali. "Provisions Relating to Private International Law in Muluki Civil (Code) Act, 2074." *Civil and Criminal Code-Resource Materials (Part 1)*, National Judicial Academy, Aashadh 2075.
5. Torremans, Paul, and James J. Fawcett, editors. *Cheshire, North & Fawcett: Private International Law*. 15th ed., Oxford University Press, 2017.

Cases:

1. *British South Africa v Companhia de Mocambique* [1893] AC 602.
2. *Hyde v. Hyde* [L.R. (1866) 1 P.M. 130 at P. 133].
3. *Krishnaraj Pande et al vs. Sabina Pande*, Ne. Ka. Pa. 2068, Issue 3, Decision No. 8572.

4. *Kuwait Airways Corp v Iraqi Airways Co* [2002] 2 AC 883.
5. *Leroux v Brown* [1852] 12 CB 801.
6. *Miller v. Whiteworth Street Estates* (1970) 2 W.L.R. 728.
7. *Nouvion v. Freeman* (1889) 15 AC 1.
8. *Ogden v. Ogden* (1908), 159 Fla. 604, 33 So.2d 870, 873.
9. *Pemberton v Hughes* [1899] 1 Ch 781.
10. *Phillips v Eyre* [1870] LR 6 QB 1.
11. *Sayers v. International Drilling Co.* (1971) 3 All E.R. 163.
12. *Schemmer v Property Resources Ltd* [1974] 3 All ER 451.
13. *Schwebel v Ungar* [1964] 48 DLR (2d) 644.
14. *Smt. Satya v. Teja Singh*, AIR 1975 SC 105.
15. *United States of America v Inkley* [1989] QB 255 at 265.
16. *William and Humbert Ltd v. W. & H. Trade Marks (Jersey) Ltd.* (1085) 3 W.L.R 501.

Statute:

1. *Muluki Devani Samhita*, 2074, Part VI (Provisions Relating to Private International Law).

Journal Articles:

- A Fiorini, “The Evolution of Private International Law”, 57 *International and Comparative Law Quarterly* (2008), pp. 969-984.
- Adrian Briggs , “Which foreign judgments should we recognise today?” (1987) 36 *International and Comparative Law Quarterly* 240 -259 .
- Adrian Briggs, “In praise and defence of renvoi” (1998) 47 *International and Comparative Law Quarterly* 877.
- C Forsyth ‘Characterisation Revisited: An Essay in the Theory of the English Conflict of Laws’ (1998) 114 *Law Quarterly Review* 141.
- C. Clarkson , “Matrimonial property on divorce: all change in Europe” (2008) 2 *Journal of Private International Law*, 421-442 .
- D Stewart, ‘Private International Law: A Dynamic and Developing Field’ (2009) 30 *University of Pennsylvania Journal of International Law* 1121–31.
- Gotlieb A. E., “The incidental question revisited – theory and practice in the conflict of laws” (1977) 26 *International and Comparative Law Quarterly* 734.
- John F. Coyle, "The Canons of Construction for Choice-of-Law Clauses", 92 *Washington Law Review* 631 (2017).
- K Boele-Woelki , “For better or worse: The Europeanization of international divorce law” (2010) 12 *Yearbook of Private International Law*, 1-26 .
- L. Trackman, ‘Domicile of Choice in English Law: An Achilles Heel?’ (2015) 11 *Journal of Private International Law* 317.
- Marco Raiteri, “Citizenship as a Connecting Factor in Private International Law for Family Matters” in *Journal of Private International Law*, Vol. 10, No. 2 (August 2014), pp 309-334.
- P Pfund , “Intercountry adoption: The 1993 Hague Convention: its purpose, implementation, and promise” (1994) 28 *Family Law Quarterly* 53-88 .
- P. St.J. Smart, “Domicile of Choice and Multiple Residence” in *Oxford Journal of Legal Studies*, Vol. 10 (Winter 1990), pp. 572-578.
- R. Fentiman, “Foreign law in English courts” (1992) 108 *Law Quarterly Review* 142.
- S Pitel, “A modern approach to enforcing judgments” [2004] *Lloyd’s Maritime and Commercial Law Quarterly* 288.
- S. Symeonides , “Rome II and tort conflicts: A missed opportunity” (2008) 56 *American Journal of Comparative Law* 173-222 .
- T. Hartley, “The policy basis of the English conflict of laws of marriage” (1972) 35 *Modern Law Review* 571.
- Weizuo Chen & Gerald Goldstein, “The Asian Principles of Private International Law: objectives, contents, structure and selected topics on choice of law” in *Journal of Private International Law*, volume 13 No. 2 (2017), pp. 411-434. Adrian Briggs, *Private International Law in English Courts*, 2nd Edition (Oxford University Press, 2023).

Journals

- *Journal of Private International Law*, all volumes.
- *Yearbooks of Private International Law*, all volumes.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Family Gender and Social Justice

Semester	: VI	Credit Hours	: 3
Paper	: V	Lecturer Hours	: 48
Code	: BALLB365	Full Marks	: 100
Nature	: Compulsory		

Objective:

- To make students familiar with the development of the concept of family and evolution of family law in different time frame in Nepal .
- To enable the students to examine the law relating to Gender justice in Nepal.
- To provide information about the existing provisions of family law under Muluki Civil code 2074 and procedural knowledge with some comparative study with other nations as well.
- To familiarize the students with the leading Family law cases of Nepal.

Course Components:

Unit –I	Introduction and History	6 Hours
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- 1.1. Concept and Scope of Family Law
- 1.2. Historical development of Family Law of Nepal
- 1.3. Impacts of Gender Justice in Nepalese Family Law.

Unit -II	Marriage	10 Hours
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- 2.1. Concept of Marriage
- 2.2. Types of Marriage as per Muluki Civil Code 2074
- 2.3. Difference between Registration of Marriage and Registered Marriage
- 2.4. Conditions of Marriage
- 2.5. Nullity of Marriage
- 2.6. Punishable Marriage (polygamy, adultery, and Conflicting Issues)
- 2.7. Custom and Usage Pertaining to Marriage in Nepal
- 2.8. Cohabitation/ Living Together

Unit -III	Husband and wife	10 Hours
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- 3.1. Right to Company
- 3.2. Separation of Husband and Wife
- 3.3. Restriction of Conjugal Rights
- 3.4. Grounds of Divorce
- 3.5. Reunion of Divorced Husband and Wife
- 3.6. Status of Children
- 3.7. Maintenance and Support for Children

Unit -IV	Adoption	6 Hours
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- 4.1. Concept and Scope of Adoption

- 4.2. Conditions of Adoption as per Muluki Civil Code, 2074
- 4.3. Status of Adopted Children
- 4.4. Condition for Invalidating Adoption
- 4.5. Adoption by Foreigners

Unit -V	Partition and Inheritance	8 Hours
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- 5.1. Concept and Scope of Partition and Inheritance
- 5.2. Ancestral Joint Property and Personal Property
- 5.3. Joint Family and Coparcenary
- 5.4. Gender Equation in Partition
- 5.5. Procedure of Partition
- 5.6. Daughters Right in Inheritance
- 5.7. Provisions on Muluki Civil Code, 2074

Unit -VI	Laws Relating to Gender Justice in Nepal	8 Hours
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- 6.1. Constitutional Provision on Gender Justice
- 6.2. Civil Law (Muluki Civil Code, 2074) Provisions on Gender Justice
 - 6.2.1. Property
 - 6.2.2. Employment
 - 6.2.3. Reputation
 - 6.2.4. Reproductive Health
 - 6.2.5. Status
- 6.3. Criminal Law (Muluki Criminal Code, 2074) Provisions on Gender Justice
 - 6.3.1. Domestic Violence
 - 6.3.2. Rape and Sexual Harassment
 - 6.3.3. Trafficking
 - 6.3.4. Dowry
 - 6.3.5. Witchcraft

Enactments:

1. *Constitution of Nepal*. 2015.
2. *Constitution of Nepal*, 2072.
3. *Gender Equality Act*, 2063.
4. *Muluki Civil Code*, 2074.
5. *Muluki Civil Procedure Code*, 2074.
6. *Muluki Criminal Code*, 2074.
7. *Muluki Criminal Procedure Code*, 2074.
8. *National Woman Commission Act*, 2063.

References:

1. Khanal, Bishal, and Sombhojen Limbu. *Family Law at Crossroads*. Pairavi Books, 2077/2078 BS.
2. Nandan, D. *Marriage, Divorce and Hindu Law*. Allahabad, 1989.
3. Shrestha, Gyendra B. *Law of Property*. Pairavi, 2050 BS.
4. Subedi, Madhusudhan. *History of Hindu Marriage*. Sanumaya Subedi, 2056 BS.
5. ---. *History of the Arrange Marriage - A Sacrament*. Sanumaya Subedi, 2066 BS.
6. Thapalia, S. *Family Law of Nepal*. 2046 BS.
7. UNIFEM / Pro Public. *A Compendium of Gender Justice Cases*. Pairavi, 2060 BS.

Journals:

- *Annual Survey of Nepalese Law*. Nepal Bar Council.
- *Kanoon*. Lawyers Club Nepal.
- *Nepal Bar Council Law Journal*. Nepal Bar Council.
- *NJA Journal*. National Judicial Academy.

- *Nyayadoot. NBA.*

Related Cases:

- Chijkaji Gurung vs Aashmaya Gurung ,NKP2058 \178, Decission no 6494
- Chitra Khadka et.al vs puspa kumari khadka ,NKP2058 Decission no 6991
- Devi Gurung vs Raju ,NKP 2068,No 12 ,P 454
- Kaushalya Devi Ghimire vs parbati Devi pandey ,NKP 2048\745
- Meera kumari dhungana vs HMG , ,NKP 2052\462, No
- Miraj shrestha vs Manamaya Gharti Chhettri & others NKP 2070 No 12, p.1562
- Puran Shamsher Jabara v Kiran Rana, Decision No 9999, NKP 2075, part 4
- Ratna Sambhav Tuladhar vs Sonam Tuladhar ,NKP 2041/425 ,no 5 Decission no 1987

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Taxation Law

Semester	: VI	Credit Hours	: 3
Paper	: VII	Lecturer Hours	: 48
Code	: BALLB367	Full Marks	: 100
Nature	: Optional (Elective)		

Course Description

This course provides a comprehensive understanding of tax laws and tax planning, equipping students with essential knowledge for decision-making in both corporate and governmental sectors. It covers the fundamental concepts, meaning, and definitions of taxation, alongside an in-depth examination of Nepal's constitutional provisions on taxation, tax laws, and tax administration system. We'll explore various direct and indirect taxes prevalent in Nepal, including income tax, value-added tax (VAT), customs duties, and excise duties. The course also delves into judicial remedies in tax cases, the principles of double taxation avoidance agreements, and the basics of international taxation. A key focus will be on the concept and application of tax planning within the Nepalese context.

Course Objectives

- To interpret and apply Nepal's taxation laws, including provisions related to income tax, value-added tax, customs, and excise duties.
- To understand the constitutional framework of taxation in Nepal and the country's tax administration system.
- To analyze judicial remedies available in tax disputes and interpret relevant Supreme Court decisions.
- To explain the concept and practical application of tax planning in Nepal.
- To describe the principles of double taxation avoidance agreements and basic concepts of international taxation.
- To function as effective tax law consultants in the corporate sector or tax officers in governmental and private capacities.

Course Components:

Unit -I	Introduction to Taxation or Taxation Law	5 Hours
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- 1.1. Concept, Meaning and Definition of Taxation
- 1.2. Objectives and Basis Kind of Taxation
- 1.3. Canons, Burden, and Principles of Taxation
- 1.4. Tax Planning
- 1.5. Role of Taxation in Public Finance
- 1.6. Role of Taxation in Welfare Functions of Government
- 1.7. Evolution of Taxation

Unit -II	Constitution and Tax Laws	2 Hours
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- 2.1. Constitutional Provision about Taxation
- 2.2. Fundamental Rights and Taxation
- 2.3. Enactment Procedure of Taxation Act as a Money Bill
- 2.4. Right and Duties of Taxpayer
- 2.5. Relation Between Finance Act and other Tax Laws Books

Unit -III	Income Tax Laws	18 Hours
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- 3.1. Concept of Income
- 3.2. Objective of Income Tax Act 2058
- 3.3. Features of the Income Tax Act 2058
- 3.4. Basic Terminology Use in Income Tax Act
- 3.5. Heads and Sources of Income
 - 3.5.1. Income From Employment
 - 3.5.2. Income From Business
 - 3.5.3. Income From Investment
 - 3.5.4. Income From Other Heads or Sources
- 3.6. Computation or Assessable of Taxable Income
- 3.7. Expenditure, Deduction and Allowances
- 3.8. Filing or Return of Income
 - 3.8.1. Self-assessment Return of Income
 - 3.8.2. Amended Assessment
 - 3.8.3. Jeopardy Assessment
- 3.9. Quantification and Tax Imposing
- 3.10. Carry Forward of Loss and Set Off
- 3.11. Tax Deductive Source (TDS) and Refund
- 3.12. Collection, Recovery, and Charges of Income Tax
- 3.13. Avoidance, and Evasion of Tax
- 3.14. Concept of double taxation avoidance Agreement.
- 3.15. Concept and Provisions of International Taxation in Income Tax Act, 2058.
- 3.16. Offences and Penalties According to Income Tax Act 2058
- 3.17. Tax Disposal Commission

Unit -IV	Value Added Tax (VAT)	12 Hours
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- 4.1. Introduction to Value Added Tax
 - 4.2. Principles of Value Added Tax
 - 4.3. Advantages and Dis-advantages of Value Added Tax
 - 4.4. Value Added Tax Rate
 - 4.5. Alternatives to Value Added Tax
 - 4.6. Value Added Tax Laws
 - 4.6.1. Basic Terminology Use in Value Added Tax Act
 - 4.6.2. Purpose and Basis of Value Added Tax
 - 4.6.3. Taxable Goods and Services
 - 4.6.4. Registration and Cancellation of Registration of
 - 4.6.5. Place and Time of Supply, Rate of VAT and Taxable Price
 - 4.6.6. Payment and Credit of VAT.
 - 4.6.7. Filing and Return of VAT
 - 4.6.8. Assessment and Re-assessment of VAT
 - 4.6.9. Audit and Investigation
 - 4.6.10. Refund of VAT
 - 4.6.11. Recovery of VAT
 - 4.6.12. Powers and Functions of Tax officer in Accordance with
 - 4.6.13. Reward, Offences, and Penalties in Accordance with
- Registration of Firms in VAT
- Value Added Tax Act 2052
Value Added Tax Act

Unit -V	Custom Duty	2 Hours
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- 5.1. Objectives and Legal Provisions as to Imposition, Assessment, Payment of Custom Duty
- 5.2. Facility and Exemption of Custom Duty

- 5.3. Evasion of Custom Duty
- 5.4. Fines and Penalty
- 5.5. Appeal Provision

Unit -VI	Excise Duty	2 Hours
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- 6.1. Objectives and Legal Provisions as to Imposition, Assessment, Payment of Excise Duty
- 6.2. Evasion of Excise Duty
- 6.3. Fines and Penalty
- 6.4. Appeal Provision

Unit -VII	Legal Provisions of Wealth Tax, House and Land Tax and Local Tax	2 Hours
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- 7.1. Objectives and Legal Provisions as to Imposition, Assessment, Payment and Recovery of Wealth Tax, House, and Land Tax
- 7.2. Property Exemption for Tax
- 7.3. Tax Exemption or Assessment
- 7.4. Concept of Local Tax
- 7.5. System and Law of Local Taxation in Nepal

Unit –VIII	Tax Administration	3 Hours
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- 8.1. Structure of Inland Revenue Administration and Custom Duty Administration in Nepal
- 8.2. Kinds of Authorities and Their Administrative and Quasi-Judicial Power and Functions
- 8.3. Control Mechanism in the Tax Administration
- 8.4. Administrative Review Over Tax Assessment and Decision taken by Tax Authority

Unit –IX	Judicial Remedies	2 Hours
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- 9.1. Judicial Control Over Tax Administration, Decisions and Assessment of Tax
- 9.2. Appeal Procedure Under Tax Laws
- 9.3. Hearing Appeal by Revenue Tribunal and Supreme Court
- 9.4. Writ Jurisdiction

Reading Assignment

Books

1. Adhikari, Chandra Mani. Taxation in Nepal. 1st ed., Paivari Publication, 2005.
2. Bhattarai, Ishwor, and Girija Prasad Koirala. Taxation in Nepal. 7th ed., Asmita Books Publisher & Distributors Pvt. Ltd., 2068 BS.
3. Constitution of Nepal. 2015.
4. Dhungel, Laxmi Narayan. Tax Laws in Nepal. 1st ed., Legal Insight Pvt. Ltd., 2021.

Cases:

1. *Big Taxpayer Office, Harihar Bhawan, Lalitpur Vs. Standard Charter Bank Limited, Kathmandu- 34, NKP 276, No 6. Decision No. 10297.*
2. *Mittel Tea Industries Pvt. Ltd. Bhadrapur-4 Jhapa Vs. Value Added Tax Department (Inland Revenue Department), Lazimpat Kathmandu, NKP 2066, No. 6, Decision No. 8173.*
3. *Ncell Private Limited Vs. Large Taxpayer Office et.al.(Registration No. 074-WF-0015) (Filed on 2074/09/12)*
4. *Shree Ram Sugar Mills Limited Vs. Internal Revenue Department, Lazimpat, Kathmandu, NKP, 2076, No. 8, Decision No. 10338.*

5. *Surya Nepal Pvt. Ltd. Kantipath, Kathmandu Vs. Internal Revenue Department, Lazimpat, Kathmandu, NKP 2076, No. 10, Decision No. 10379.*
6. *Time Pharmaceuticals Pvt. Ltd. Vs. Internal Revenue Office Chitawan, NKP, 2065, No. 3, Decision No. 7943.*

ACTS

1. Custom Duty Act, 2064,
2. Excise Duty Act, 2058,
3. House and Land Tax Act, 2019.
4. Income Tax Act 2058,
5. Income Tax Rules 2059,
6. Local Government Operation Act, 2074.
7. Property Tax Act, 2047.
8. Value Added Tax Act, 2052.
9. Value Added Tax Directives, 2069.
10. Value Added Tax Rules, 2053.

Articles:

1. Dhungel, Laxmi Narayan. "Concept of Double Taxation and Avoidance Agreement with Special Reference to Recent Nepal-Indo Double Taxation Avoidance Agreement." *Nepal Bar Council Journal*, 2013.
2. ---. "Legal Provision of Tax Avoidance in Nepal." *Nepal Law Review*, vol. 24, 2012.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Buddhist Ethics

Semester	: VI	Credit Hours	: 3
Paper	: X	Lecturer Hours	: 48
Code	: BALLB3610	Full Marks	: 100
Nature	: Optional (Elective)		

Course Description

This course offers a comprehensive introduction to the foundational teachings of Buddhist ethics, focusing on their practical application to contemporary moral challenges. We'll explore core Buddhist concepts, the integral role of morality in the Buddhist path to liberation, and essential moral principles. The curriculum is designed to equip you with a deep understanding of Buddhist perspectives on critical issues such as warfare, terrorism, abortion, suicide, environmental concerns, gender and sexuality, and economic matters, enabling you to engage critically with complex ethical dilemmas in today's world.

Course Objectives

- To understand the relevance of Buddhist moral doctrines in contemporary society.
- To demonstrate proficiency in key areas of Buddhist ethics.
- To apply Buddhist ethical viewpoints to analyze and address modern societal issues.

Course Components:

Unit -I	Buddhist Morality	8 Hours
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- 1.1. The four noble truths
- 1.2. Karma
- 1.3. Merit
- 1.4. Precepts
- 1.5. Non-violence and Compassion
- 1.6. Six perfections

Unit -II	Ethics East and West	8 Hours
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- 2.1. Ethics east and west
- 2.2. Classification of ethics
- 2.3. Theories of ethics
- 2.4. Comparative ethics Virtue ethics
- 2.5. Four styles of Buddhist ethics
- 2.6. The fourteen precepts of the order of Inter-being

Unit –III	Buddhist Environmental Ethics and Sexuality	8 Hours
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- 3.1. Animals and the Environment
- 3.2. Vegetarianism
- 3.3. Animal experimentation
- 3.4. Marriage and sexual misconduct
- 3.5. Homo sexuality

3.6. Sex and procreation

Unit –IV	War and Terrorism	8 Hours
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- 4.1. Classical sources on war
- 4.2. Buddhism at war
- 4.3. Compartmentalization of values
- 4.4. The concept of a "Just war"
- 4.5. Terrorism
- 4.6. Buddhist Diplomacy

Unit –V	Abortion	8 Hours
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- 5.1. Buddhist embryology
- 5.2. Abortion and the precepts
- 5.3. Human beings and persons
- 5.4. Persons and Skandhas
- 5.5. Abortion in Buddhist countries
- 5.6. Value of Life

Unit –VI	Cloning and Suicide in Buddhism	8 Hours
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- 6.1. Self-immolation
- 6.2. Euthanasia
- 6.3. Art of dying
- 6.4. Life after death
- 6.5. The Science of Cloning
- 6.6. Cloning and Buddhism

Reading Materials:

1. Barnhart, Michael. "Buddhism and the Morality of Abortion." *Journal of Buddhist Ethics*, vol. 5, 1998, pp. 276-97.
2. Bhikkhu Nyanamoli. *The Path of Purification*. Shambhala Publications, 1976.
3. Blackburn, Simon. *Ethics: A Very Short Introduction*. Oxford University Press, 2003.
4. Cone, M., and R. Gombrich, translators. *The Perfect Generosity of Prince Vessantara*. Clarendon Press, 1977.
5. Crosby, K., and A. Skilton. *The Bodhicaryavatara*. Oxford University Press, 1996.
6. Harvey, P. *An Introduction to Buddhist Ethics: Foundations, Values and Issues*. Cambridge University Press, 2000.
7. Jayatilleke, K. "The Ethical Theory of Buddhism." *The Mahabodhi*, vol. 78, 1970, pp. 192-97.
8. Keown, Damien. *Buddhist Ethics: A Very Short Introduction*. Oxford University Press, 2005.
9. Queen, Christopher. *Engaged Buddhism in the West*. Wisdom, 2000.
10. White, Lynn, Jr. "The Historical Roots of Our Ecological Crisis." *Science*, vol. 155, no. 3767, 10 Mar. 1967, pp. 1203-07.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Clinical Law (Field Study and Report Writing)

Semester	: VI	Credit Hours	: 1.5
Paper	: XI	Lecturer Hours	: 24
Code	: BALLB3611	Full Marks	: 50

Nature: Compulsory

Course Objectives

This practical course is expected to:

- Expose students to the ground reality of awareness about law among the people;
- Prepare students work for building legal awareness of people;
- To Find out the performance and problem of local judicial committee.

Contents

1. Responsibility of Law student towards community: Workshops followed by research work on impact and impression of legal profession in empowerment of people
2. Access to Justice and Role of Legal Professional.
3. Democracy and contribution of Law student in it's strengthening.
4. Students will place themselves in a community for works and conduct legal awareness/literacy program.
5. Students will help local people to develop strategies to legally empower community based organizations such as community forestry group, irrigation users' groups, youth club, Child Club, women's cooperative, Moms Groups, etc.
6. Students will prepare reports on their works for evaluation of their performance
7. Student will support and find out the problem to solve the legal issue for local judicial committee to there own local government.

Recommended Books:

Bonita, Rebort and Linda. L. Schlueter: Legal Research Guide: Patterns and Practice. Contemporary Legal Education Series. The Michies Company. Law Publisher, Vergina
H.K. Wolf, P.R. Pant, Social Science Research and Thesis Writing, 4th ed., Buddha Academic Publishers, Kathmandu, 2005
Local Government Operation Act, 2074
Muluki Criminal Code 2074 & Muluki Criminal Procedure Code 2074
Muluki Civil Code 2074 & Muluki Civil Procedure Code 2074

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Seventh Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB371	Property Law	3
BALLB372	Moot Court I (Civil Cases)	6
BALLB373	Professional Ethics and Lawyering Skills	3
BALLB374	Contract Law-II	3
BALLB375	Labour Law	3
BALLB376	Election Law	Elective (Any One) 3
BALLB377	Refugee Law	
BALLB378	Cyber Law	
BALLB379	Media Law	
Total		21

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Property Law

Semester : VII	Credit Hours : 3
Paper : I	Lecturer Hours : 48
Code : BALLB371	Full Marks : 100
Nature: Compulsory	

Course Description

This course offers a comprehensive theoretical and practical exploration of Property Law, with a primary focus on the Nepalese legal system. We'll delve into the fundamental concepts, principles, and historical development of property rights in Nepal, including the evolving landscape of land law. The curriculum emphasizes a critical analysis of leading Supreme Court of Nepal cases related to property, enabling students to understand the practical application and judicial interpretation of property laws in the country.

Course Objectives

- To explain the theoretical foundations and core principles of property law in the Nepalese legal context.
- To analyze the nature and historical development of land law in Nepal.
- To critically assess leading Supreme Court of Nepal decisions concerning property law.

Course Components:

Unit -I	Introduction of the Law of Property	10 Hours
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- 1.1. Meaning and Importance of property and property law
- 1.2. Historical Development of Property law in Nepal
- 1.3. Nature of the Property
- 1.4. Theories of Property
- 1.5. Kinds of Property

Unit -II	Traditional Land Tenure System in Nepal	6 Hours
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- 2.1. *Birta*
- 2.2. *Guthi*
- 2.3. *Kipat*
- 2.4. *Raikar*
- 2.5. *Ukada*
- 2.6. *Jagir*
- 2.7. *Jhora*
- 2.8. *Kharka etc.*

Unit –III	Modern Land Law in Nepal	10 Hours
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- 3.1. Land Act, 2021
(Celling of land: person, exemption from upper celling,)
- 3.2. Guthi Corporation Act, 2033, Provision Relating to Trust (Muluki Civil Code, 2074)
- 3.3. Land Acquisition Act, 2034
(power of GoN to acquire land, power to acquire land for institution, compensation for losses)
- 3.4. Muluki Civil Code, 2074 (general provision relating to property)

3.5. Constitutional Provision of Property Rights in Nepal

Unit –IV	Intellectual Property Law in Nepal	6 Hours
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- 4.1. Meaning and Concept of IP
- 4.2. Kinds
- 4.3. Rights and Obligation
- 4.4. Infringement and Remedies

Unit –V	Provision Relating to Use of Property	8 Hours
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- 5.1. Property inviolable
- 5.2. Prohibition of use of other's Property
- 5.3. Adoption of Safety Measures
- 5.4. Building a House
- 5.5. To leave land putting window, channeling water of house or roof, making safety tank adjoining to neighbor's land digging well or Kuwa etc.)

Unit –VI	Possession and Ownership	8 Hours
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- 6.1. Definition and Essential Elements of Possession and Ownership
- 6.2. Acquisition and Termination of Property
- 6.3. Encumbrances, Res-nullius things and Illegal Possession
- 6.4. Kinds of Possession and Ownership (Nepalese Provision)

Reading Materials:

- 1. *Birta Abolition Act 2016.*
- 2. Bhattra, Ananda Mohan. *Displacement and Rehabilitation Program, Policy and Law.* India, 2001.
- 3. *The Constitution of Nepal.* 2015.
- 4. *Convention for the Protection of New Varieties of Plants.* 2000.
- 5. *Convention on Biological Diversity.* 1992.
- 6. *Guthi Corporation Act, 2033.*
- 7. *Ghuti Sansthan Act, 2033.*
- 8. *Land Acquisition Act and Regulation, 2034.*
- 9. *Land Concerning Act, 2021.*
- 10. *Land Measurement Act, 2019.*
- 11. *Malpot Act, 2034.*
- 12. *Muluki Civil (Code) Act, 2074.*
- 13. *Muluki Civil Procedure (Code) Act, 2074.*
- 14. Neupane, Gunanidhi. *Property Law in Nepal.* Lumbini Prakasan, 2064 BS.
- 15. Pandey, Sushil Raj. *Political Economy of Nepal.*
- 16. Regmi, M.C. *Land Ownership in Nepal.* University of California Press, 1976.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Moot Court – I (Civil Cases)

Semester	: VII	Credit Hours	: 6
Paper	: II	Lecturer Hours	: 96
Code	: BALLB372	Full Marks	: 100
Nature	: Compulsory		

Course Description

This practical course, *Moot Court-I (Civil)*, immerses undergraduate students in the essential skill of drafting documents for civil cases. Through hands-on assignments and lectures, you'll learn how to prepare critical legal documents and understand their purpose within civil trial proceedings. The curriculum focuses on an extensive list of civil case documents, and you'll be encouraged to draft these for various types of civil disputes to maximize practical experience. This course aligns with the Nepal Bar Council Advocate Examination syllabus and best practices in advocacy, preparing you for real-world legal activities.

Course Objectives

- To identify and understand the documents generally required during civil trial proceedings, including court judgments.
- To familiarize yourself with the necessary elements and purpose of major civil case documents.
- To draft practical legal documents used in civil cases, consistent with the Nepal Bar Council Advocate examination syllabus and general advocacy practice.

Course Contents

The curriculum includes the following list of documents for preparation throughout the semester. This list is not exhaustive; your college or course instructor may add other documents as necessary.

Petition (*Firadpatra*)

Court application to extend the deadline for the response *Myad Thamne Nivedan*

Statement of the Defendant *Pratiuttarpatra*

Court Date Notification *Tarekh parcha*

Court Date Booklet *Tarekh Bharpai/Kitab*

Extension of period/date *Myad Tarekh Thamne*

Power of Attorney *Wareshnama* (specific and general both)

Letter to the concerned office *Sambandhit nikaya lai patra*

Interlocutory Order including stoppage *Rokka sahito Antarkaalin Aadesh*

Application to superior court on interlocutory order (under Civil Procedure Code, 2017, Section 157) *Antarkaleen aadesh uparko nivedan (Dewani Karyavidhi Sanhita, 2074, Section 157)*

Mediation (*Melmilap*)

Witness Examination *Sakshi bakpatra and cross-examination*

Rescission of the case *Mudda wapas*

Dispute resolution through quasi-judicial bodies or ADR means *Ardhyanyayik nikaya tatha ADR marfat bibad samadhan*

Acceptance of the case (if applicable) *Mudda Sakar garne*

Compromise *Milapatra*

Oral and written submission notes of the Lawyer (*Bahasnote*)

Court Decision (*Faisala*)

Judgment execution *Faisala Karyanwayan*

Appeal *Punarabedan*

Appeal decision *Punaraabedan Faisala*.

Evaluation Method

The course carries 6 Credits. Out of this, 60% marks is allotted to internal evaluation by the class teacher and another 40% is evaluated in Viva-voce conducted by a 3-member committee, including the class teacher, having at least 10 years of experience in teaching of law or law practice or as a judge or public prosecutor.

Course book:

- Shrestha, Gyaindra Bahadur, *Kanooni Likharka Masauda*, Pairavi Prakashan, 2078.

Reference Book:

- Shrestha, Gyaindra Bahadur, *Karyabidhi Kanoonko Rooprekha* (Outline of Procedural Law), Pairavi Prakashan, 2076.
- Adhikari, Bishwadeep, *Hadmyad*, Madhuvan Prakashan, 2076.

Legal Documents:

- Civil Procedure Code, 2017 (*Muluki Dewani Karyabidhi Sanhita*, 2074)
- Civil Procedure Rules, 2018 (*Dewani karyavidhi Niyamawali*, 2075)
- Supreme Court Rules, 2017 (*Sarwochcha Adalat Niyamawali*, 2074)
- High Court Rules, 2016 (*Uchcha Adalat Niyamawali*, 2073)
- District Court Rules, 2018 (*Jilla Adalat Niyamawali*, 2075)
- Civil Procedure Rules, 2018 (*Muluki Dewani Karyabidhi Niyamabali*, 2075)

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Professional Ethics and Lawyering Skills

Semester	: VII	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB373	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course offers a comprehensive overview of the legal profession in Nepal, tracing its historical development and examining current practices. It also provides a comparative perspective on the legal profession and codes of conduct in select foreign countries. Key topics include the specific codes of conduct for government attorneys, judges, and private lawyers, alongside the roles of Notary Publics and the concept of judicial recusal. Furthermore, the course introduces students to essential legal aid mechanisms such as Public Interest Litigation (PIL), Legal Aid, and Paralegal services, while developing critical lawyering skills, advocacy skills, and legal drafting abilities.

Course Objectives

- To explain the history and current practices of the Nepalese legal profession.
- To compare the legal profession and codes of conduct in Nepal with those of other countries.
- To identify and apply the codes of conduct for government attorneys, judges, and private lawyers, and understand the roles of Notary Public and judicial recusal.
- To describe the concepts and applications of Public Interest Litigation, Legal Aid, and Paralegal services.
- To develop fundamental lawyering, advocacy, and legal drafting skills.

Unit -I	General Introduction to legal profession	4 Hours
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- 1.1. Concept and definition of Legal Profession
- 1.2. Introduction and definition of Legal Profession
- 1.3. Necessity and importance of legal profession
- 1.4. Classification of Lawyers
- 1.5. Professionalism and Practice

Books:

- Acharya, Bhimarjun. *Kanoon ra Rajniti*, 1st ed. Alliance Law House. 2071 B.S.

Cases:

- Ram Bahadur Hamal vs Jail Department, N.K.P (2067), Issue 4, decision no. 8345.
- Kanti Ram Dhungana NKP (2077), Issue 4, decision no. 10479

Journal Article:

- Basnet, Advocate Lalit Bahadur, (2069 B.S), "Kanoon Wyawasayako Mahatwo ra Kanoon Myawasayko Chunauiharu", *Kanoon Daimasik*, vol. 62 , p. 10.

Classroom Assignment	
The classroom will be divided into five groups and assigned as follows:	
Group	Assignment
A	Concept and definition of Legal Profession
B	Introduction and definition of Legal Profession
C	Necessity and importance of legal profession
D	Classification of Lawyers
E	Professionalism and Practice

The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -II	Historical Development of Legal Profession	5 Hours
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- 2.1. Before 2013 B.S
- 2.2. 2013 B.S to 2025 B.S
- 2.3. 2025 B.S to 2049 B.S

Books:

- *Sworna Mahotsab Smarika 50 Barsha*, (2062 B.S), Special edition, Nepal Bar Association.

Cases:

- Yagya Murti Banjade vs Durga Das et.al NKP (2027) decision no. 547
- Sarwaghyaratna Tuladhar vs Member of Rastriya Panchayat, NKP (2035) decision no. 1197, pg. 168
- Kusum Shrestha, NKP (2023), Issue 1, decision no. 327

Journal Article:

Gyanwali, Sambhu Prasad, (2057 B.S), *Kanoon Wyawasaya ko Bikash*, *Nepal Bar Council Bulletin*, Half yearly, Year 2, vol.1, Issue 1., p. 5.

Books

- Nepal Bar Association. *Sworna Mahotsab Smarika 50 Barsha*. Special ed., 2062 B.S.

Cases

- Yagya Murti Banjade v. Durga Das et al. *Nepal Kanoon Patrika (NKP)*, 2027, decision no. 547.
- Sarwaghyaratna Tuladhar v. Member of Rastriya Panchayat. *Nepal Kanoon Patrika (NKP)*, 2035, decision no. 1197, p. 168.
- Kusum Shrestha. *Nepal Kanoon Patrika (NKP)*, 2023, issue 1, decision no. 327.

Journal Article

- Gyanwali, Sambhu Prasad. "Kanoon Wyawasaya ko Bikash." *Nepal Bar Council Bulletin*, vol. 1, no. 1, 2057 B.S., p. 5.

Classroom Assignment	
The classroom will be divided into three number of groups and assigned as follows:	
Group	Assignment
A	Before 2013 B.S
B	2013 B.S to 2025 B.S
C	2025 B.S to 2049 B.S
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -III	Present Provision of Legal Profession in Nepal	6 Hours
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- 3.1. Formation of Nepal Bar Council and its functions, duties and responsibility
- 3.2. Formation, operation and establishment of Nepal Bar Association (NBA)
- 3.3. Interrelation between NBA and Nepal Bar Council
- 3.4. Law Firm Registration, management, renewal and termination
- 3.5. Contempt of Court and Court Decorum

Books:

1. Paudel, Mukunda Sharma. *Peshagat Aacharan ra Wakalat Sambandhi Sip*. 1st ed., Sankalpa Legal Chamber, 2078 BS.
2. Paudel, Mukunda Sharma, et al. *Adhiwakta Darpan*. 3rd ed., Tilashmi Publication, 2077/78 BS.

Cases:

1. Harihar Dahal vs District Judge, Kaski et. al , NKP (2050), Issue.1 , decision no. 4684, pg.24
2. Advocate Mukunda Sharma Paudel vs Jailer, District Jail Office Kaski, decision by Appellate Court Pokhara, Appellate Judge Ram Kumar Prasad Shah and Khil Raj Regmi, 2050

Journal Article:

1. *Pairavi Law Journal*. 2039 BS, vol. 4.
2. Paudel, Mukunda Sharma. "Bar Benchko Sambandha Bibechanatmak Charcha." *Verdit*, vol. 5, no. 17, 2077 BS.
3. ---. "Kanoon Wyawasaya ra Kanoon Wyawasayamaa Sudhar ka Upaya." *Pairavi Law Journal*, vol. 3, 2077 BS.

Classroom Assignment	
The classroom will be divided into five groups and assigned as follows:	
Group	Assignment
A	Formation of Nepal Bar Council and its functions, duties and responsibility
B	Formation, operation and establishment of Nepal Bar Association (NBA)
C	Interrelation between NBA and Nepal Bar Council
D	Law Firm Registration, management, renewal and termination
E	Contempt of Court and Court Decorum
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -IV	General Knowledge of Legal Profession and Code of Conduct of some selected foreign countries	5 Hours
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- 4.1. India
- 4.2. United Kingdom (UK)
- 4.3. United States of America (USA)
- 4.4. Germany
- 4.5. France
- 4.6. China

Books:

1. Dulal, Tanka. *Wishwokaa Pramukh Kanoon Pranaliharu*. 4th ed., MK Publications, 2065 BS.
2. Khanal, Bishal. *Major Legal System of the World*. Bhrikuti Publication.
3. Tripathi, Rewati Raj. *Nepalko Kanoon Pranali*. Pairavi Book House, 2076 BS.

Classroom Assignment	
The classroom will be divided into six groups and assigned as follows:	
Group	Assignment
A	India
B	UK
C	USA
D	Germany
E	France
G	China
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -V	Code of Conduct of Government Attorney, Judges and Defense/Private Lawyers, Notary Public, and Judicial Recusal	7 Hours
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- 5.1. Code of Conduct of Government Attorney
- 5.2. Code of Conduct of Judges
- 5.3. Code of Conduct of Defense Lawyers
- 5.4. Dress Code and Court Decorum
- 5.5. Restriction on legal practice in Nepal
- 5.6. International Bar Association (IBA) principles on conduct for the legal profession
- 5.7. Code of Conduct of Notary Public
- 5.8. Judicial Recusal

Books:

1. Aryal, Keshav Raj. *Professional Ethics and Lawyering Skills*. Dipawali Books, 2013.
2. Bhattarai, Ananda Mohan. *Nyayik Aachara ra Nyayadhishko Aachar Sanhita Ek Adhyayan*. 2nd ed., National Judicial Academy, 2077 BS.
3. Paudel, Mukunda Sharma. *Peshagat Aacharan ra Wakalat Sambandhi Sip*. 1st ed., Sankalpa Legal Chamber, 2078 BS.
4. Shrestha, Narayan Prasad. *Nepalko Bartaman Nyaya Wyawsthama Nyayadhish*. 3rd ed., Sabita Shrestha, 2077 BS.

Cases:

Lawadev Bhatta vs Rupandehi District Court, NKP (2030), Issue.1, decision no. 758

Journal Articles:

1. Itani, Kamal Prasad. "Swocchaa ra Nispaksha Nyayakaa laagi Nyayik Recusal ra Abhyash." *Supreme Court Bar Journal*, vol. 20, 2079 BS.
2. Paudel, Mukunda Sharma. "Kanoon Wyawasayiko Aachar Sanhita ra Peshagat Chunautiharu." *Nepal Legal Practitioners Bulletin*, vol. 23, 2078 BS.

Classroom Assignment

The classroom will be divided into seven groups and assigned as follows:	
Group	Assignment
A	Code of Conduct of Government Attorney
B	Code of Conduct of Judges
C	Code of Conduct of Defense Lawyers
D	Restriction on legal practice in Nepal
E	International Bar Association (IBA) principles on conduct for the legal profession
F	Code of Conduct of Notary Public
G	Judicial Recusal
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -VI	Public Interest Litigation, Legal Aid, Legal Literacy and Paralegal	10 Hours
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- 6.1. Constitution of Nepal and PIL
- 6.2. Special law in Nepal and PIL
- 6.3. PIL provision in general law, Muluki Civil Code 2074 and Muluki Criminal Code, 2074
- 6.4. Notary Public and its function, duties and responsibility
- 6.5. Legal Literacy and Paralegal
- 6.6. Free Legal Aid in Nepal
 - 6.6.1. Pro Bono Legal Aid
 - 6.6.2. Free Legal Aid by *Baitanik* Lawyers
 - 6.6.3. Free Legal Aid by District Legal Aid Committees
 - 6.6.4. Free Legal Aid by some NGOs/INGOs
 - 6.6.5. Free Legal Aid by NBA Unit Women cell
 - 6.6.6. Free Legal Aid by Amicus Curie and other experts

Books :

Acharya, Bhimarjun. *The Concept of Judicial Review*. Pairavi Prakashan, 2020.

Cases:

- Advocate Om Prakash Aryal vs Lokman Singh Karki et. al NKP (2074), Issue. 11 decision no. 9710
 Advocate Bal Krishna Neupane vs Council of Ministers Secretariat et.al NKP (2064), Issue.1, decision no. 6313
 Santosh Bhattarai vs Kanakmani Dikshit et.al NKP (2064), Issue. 4, decision no. 7840
 Advocate Santosh Kumar Mahato vs Judicial Council et. al. NKP (corruption control shahi ayog)
 Bharatmani Jangam vs Parliament Secretariat, Singha Durbar et.al NKP)2058(, vol. 9/10, decision no. 7030
 (Penson cancellation of Member of Parliament, larger full bench)

Journal Article:

1. Basnet, Madhav Kumar. "Making the State Responsible for Well-being of People: A Critical Study of Practice of Public Interest Litigation in Nepal." *Annual Survey of Nepalese Law*, vol. 4, 2003, p. 197.
2. Lamsal, Nagendra. "Judicial Initiatives for Safeguarding Public Interest Litigation in Nepal." *Nepal Bar Council Law Journal*, vol. 17, 2018, pp. 342-54.
3. Pradhan, Dewendra. "Nyayik Punarawalokan ra Sarwajanik Sarokarko Wiwad: Nepalko Abhyash ra Anubhaw." *Nyayadoot*, vol. 221, 2077 BS.

Classroom Assignment	
The classroom will be divided into six groups and assigned as follows:	
Group	Assignment
A	Constitution of Nepal and PIL
B	Special law in Nepal and PIL
C	PIL provision in general law , Muluki Civil Code 2074 and Muluki Criminal Code, 2074
D	Notary Public and its function, duties and responsibility
E	Notary Public and its function, duties and responsibility
F	Free Legal Aid in Nepal
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -VII	Lawyering Skills, Art of Advocacy, Art of drafting and dissenting opinion of Judges	12 Hours
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- 7.1. Court oriented Legal Drafting
 - 7.1.1. Plaintiff/ Complainant paper
 - 7.1.2. Respondent paper
 - 7.1.3. Writ etc
- 7.2. Legislative Drafting documents
 - 7.2.1. Act, Rule and Regulation and Order
- 7.3. Conveyencing legal drafting
 - 7.3.1. Loan Deed
 - 7.3.2. House Rent Contract etc
- 7.4. Brief Pleading Note and Written Pleading Note (*Bahas* Note)
- 7.5. Dissenting opinion of Judges
- 7.6.
 - 7.6.1. Tunga Sumsher Jabara vs Indian Airlines Cooperation, NKP 2029, vol.1, decision no. 694 (Larger full bench - 11 member)
 - 7.6.2. Tularatna Bajracharya vs Tara Shrestha Patra Bansa, NKP 2077 , VOL 8. decision no. 10548 (Larger full bench - 7 member)
 - 7.6.3. Jit Kumari Pudasaini vs Nepal Government, NKP 2065, VOL. 6, decision no. 7973, (full bench - 3 judges)
 - 7.6.4. Angjeng Lama vs Bardiya District Court et al., 078-NF-007 (Habeas Corpus, decision date 2078/9/29)
- 7.7. Communication skill of lawyers towards client
- 7.8. Case oriented Legal Research
- 7.9. Client Interviewing and Advising

Books:

1. Abbey, R.M., et al. *A Practical Approach to Conveyancing*. 1st Indian reprint, Universal Book Traders, 2000.
2. Atre, B.R. *Legislative Drafting: Principles and Techniques*. Universal Book Traders, 2001.
3. *Conceptual Aspects of Law Making*. Nepal Law Commission, 2007.

4. Munkman, J.H. *The Technique of Advocacy*. 1st Indian reprint, Universal Book Traders, 1999.
5. Paudel, Mukunda Sharma. *Peshagat Aacharan ra Wakalat Sambandhi Sip*. 1st ed., Sankalpa Legal Chamber, 2078 BS.

Journal Articles:

1. Bhatta, Diwakar. "Bahas Kala Awashayak Gyan Tahtha Sipko Sandarbha." *Nepal Bar Council Bulletin*, vol. 22, 2077 BS.

Classroom Assignment	
The classroom will be divided into eight groups and assigned as follows:	
Group	Assignment
A	Court oriented Legal Drafting
B	Legislative Drafting documents
C	Conveyencing legal drafting
D	Brief Pleading Note and Written Pleading Note (Bahas Note)
E	Dissenting opinion of Judges
F	Communication skill of lawyers towards client
G	Case oriented Legal Research
H	Client Interviewing and Advising
The presentation will be followed by Q&A session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Other Reading Materials:

- Ansari, Tahir Ali. *Faisala Lekhan Bidhi*. Pairavi Publication, 2063 BS.
- Bhandari, Somakanta. *Kanooni Masyauda Lekhan*. Pairavi Book House, 2077 BS.
- Dhungel, Laxmi Narayan. *Kanoonko Tulanatmak Adhyaan tatha Nepali Kanooni Pranali*. Deepak Pustak Bhandar, 2075 BS.
- Gyanwali, Sambhu Prasad. *Wykti ra Wichar Ek Wakil Ko Sasmaran ra Chintan*. 1st ed., Jagadamba Publication, 2055 BS.
- Khanal, Rewati Raman. *Anubhuti and Abhiwykti*. Pradipti Printing and Publication Pvt. Ltd., 2073 BS.
- Mallik, B.C.J. *The Art of a Lawyer*. 11th ed., Universal Law Publishing Co. Pvt. Ltd.
- *Nyaya Chautari*. Judges Society Nepal, vol. 4, 2067 BS.
- Paudel, Mukunda Sharma, et al. *Adhiwakta Darpan*. 3rd ed., Tilashmi Publication, 2077/78 BS.
- Pope, David, and Dar Hill. *Mooting and Advocacy Skills*. Thompson Reuters, 2014.
- Shrestha, Gyaindra Bahadur. *Kanooni Likhata Masyouda Ebam Byabasayik Aacharsamhita Ra Kanooni Sip*. Pairavi Publication, 2075 BS.
- Shrestha, Kusum. *Supreme Court Bar Journal*, souvenir special edition, vol. 15, 2076 BS.
- Tathan, Laura, and Edrina Higgins. *Successful Legal Writing*. 2nd ed., Thompson Reuters, 2013.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Contract Law II

Semester	: VII	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB374	Full Marks	: 100
Nature: Compulsory			

Course Description

This course provides a comprehensive introduction to the general principles of contract law, with a particular focus on the Nepalese legal system. You'll explore the fundamental concepts of contractual relationships and the legal obligations that arise from business dealings and transactions. The course aims to equip you with the knowledge and analytical skills to understand the valid legal framework of contracts in Nepal, critically assess leading contract cases, and determine the legal status of parties involved in various contractual agreements. This understanding is essential for both general legal literacy and future professional legal activities.

Course Objectives

- To explain the main principles of contract law, including the valid legal framework for contracts in Nepal.
- To articulate the concept of the law of obligation with reference to the general principles of contractual agreements as prescribed by the Nepalese National Civil Code 2074.
- To critically analyze leading contract law cases.
- To determine the legal status of parties to a contract based on the nature of their established relationship, as per the provisions of the Muluki Civil Code 2074.

Course contents

a. Law of Obligation (National Civil Code 2074 Part V) 20+10+10=40

- i. Concept of Contractual relationship and creation of Obligation under it.
- ii. Types of Contract
- iii. Essential Elements of a valid contract (Various grounds which gives rise to the valid obligation against the parties including contingent)contingent contract
- iv. Performance of contract
- vi. Discharge of contractual obligation
- viii. Breach of contract

Obligation under Specific Contract:

a. Obligation Created under the Contract of Agency (Chapter 10)

- i. Concept of Contract of Agency
- ii. Right and Duties of the Principal and Agent
- iii. Termination of the Contractual Relation of the Agency

b. Obligations under buy and sale of goods contract (Chapter 6)

- i. Concept of Buy and Sale of Goods Contract
- ii. Condition and Warranty
- iii. Doctrine of *Caveat Emptor*
- iv. Transfer of Ownership
- v. Status of Unpaid Seller

c. Obligations under relationship of carriage (Chapter 11)

- i. Modes of Carriage
- ii. Rights and Duties of Common and Private Carrier

d. Obligations under the Contracts of Lease Chapter-12

- i. Concept of Contract of Lease
- ii. Rights and Duties of lesser and lessee
- iii. Termination of Contract of lease

e. Domestic Employment and Obligations Relating to Payment of Wage (Chapter 14)

- i. Obligation of the Domestic Employer to pay wage

- ii. Obligation of the Domestic Employee
- f. Provisions Relating to Quasi-Contracts and Unjust Enrichment (Chapter 15 &16)**
 - i. Creation of the Contractual Relationship under the Quasi-Contract
 - ii. Various Cases of Creation of Obligation under Quasi Contract
 - iii. Concept of Unjust Enrichment
- g. Provisions Relating to Consumable Defective Goods (Chapter-18)**
 - i. Concept of the Defective Production of the consumable goods
 - iii. Discharge of Obligation from the Defective Production

Text Book:

- 2. *Anson's Law of Contract.*
- 3. Dhungel, Suresh Kumar. *Law of Contract.*
- 4. *Nepal Muluki Civil Code 2074.* Part II, secs. 30–53.
- 5. *Nepal Muluki Civil Code 2074.* Part V, secs. 493–691.
- 6. Paudel, Bibek Kumar. *Law of Contract.*
- 7. Singh, Avtar. *Law of Contract.*
- 8. Upreti, Bharat. *Law of Contract.*

EVALUATION SCHEME

In-semester Evaluation 40 %

- a. Unit Assignment Task, Critical Comments / Review, Interaction with the Tutor, Webinar / Seminar, Case Study
Home Assignments etc. 15 Marks
- b. Term Paper Writing 10 Marks
- c. Pre-Board Examination 10 Marks
- d. Attendance 5 Marks

End-semester Evaluation 60%

- a. Short Answer Questions Five 30 Marks
- b. Critical Analysis and Problem Solving
Long Answer Question Two 20 Marks
- c. Multiple Choice Questions Ten 10 Marks

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Labour Law

Semester	: VII	Credit Hours	: 3
Paper	: V	Lecturer Hours	: 48
Code	: BALLB375	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive examination of Labour Law, focusing on its theoretical underpinnings and practical application within the Nepalese legal system. You will explore the fundamental elements of Nepal's labour legal framework, including acts, rules, directives, and procedural law. The course delves into the concept of employment law, analyzing various contractual agreements that define employer-employee relationships and associated responsibilities and liabilities. Furthermore, we will investigate the fundamental structure and standards of the International Labour Organization (ILO), examining their incorporation into Nepalese law. Key topics include labour employment, welfare, social security, occupational safety and health, industrial disputes, and trade unions.

Course Objectives

- To explain the core concepts of labour law and its application in society.
- To analyze the main elements of Nepal's labour legal framework, including relevant acts, rules, and the role of the Labour Court.
- To articulate the concept of employment law, particularly concerning contractual agreements.
- To describe the nature of employer-employee relationships, including responsibilities and liabilities under Nepalese law and legal philosophy.
- To discuss the organizational structure of the International Labour Organization (ILO) and its international labour standards, along with their incorporation into Nepal's legal system.
- To elucidate Nepal's labour dispute settlement mechanisms, with specific reference to the Labour Court.
- To explain the legal provisions governing trade unions in Nepal.
- To understand the fundamental elements of labour jurisprudence, encompassing labour employment, welfare, social security, occupational safety and health, industrial disputes, and trade unions.

Course Content

Unit -I	Historical Development of Labour legislation (in Nepal)	6 Hours
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- 1.1. Concept of Labour law and scope of it
- 1.2. ILO, how it works and the major International Labour Standards adopted by the ILO.
- 1.3. Industrial Jurisprudence and Fundamental Rights of the workers
- 1.4. Historical Development of Labour Legislation in Nepal

Unit -II	Terms and conditions of Labour's Employment	6 Hours
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- 2.1. Modes of employment of labours
- 2.2. Employment of foreign workers
- 2.2. Working hours of the workers (Chap VII)
- 2.3. Laws relating to the remuneration (wage). (Chap VIII)

Unit -	Legal provisions relating to workers welfare and facilities	6 Hours
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III		
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- 3.1. Concept of workers welfare
- 3.2. Leave facilities
- 3.3. Provisions relating to Social Security of the workers

Unit -IV	Provision relating to Occupational Safety and Health	6 Hours
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- 4.1. Responsibilities of the employer against the workers and non-workers
- 4.2. Duties of the workers
- 4.3. Special provisions relating to occupational safety and health
- 4.4. Special provisions relating to occupational safety and health in special types of industries and services. (Tea estate, Construction work, Transport workers, Tourism workers, and Domestic workers).

Unit -IV	Industrial Disputes and Collective Bargaining	6 Hours
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- 5.1. Individual grievances and Collective grievances
- 5.2. Collective Bargaining
- 5.3. Strikes and Lock-outs

Unit -VI	Disciplinary Actions	6 Hours
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- 6.1. Misconducts of the workers and employees
- 6.2. Kinds of punishment as per the misconduct of the workers and employees

Unit -VII	Trade Unions (TU ACT 2049)	6 Hours
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- 7.1. Concept of Traded Unions and Registration of Trade Unions
- 7.2. Level of Trade Unions

Unit -VIII	Miscellaneous	6 Hours
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- 8.1. Labour Office,(Chap XV) Labour Courts, (XXII) Central Level Labour Advisory Committee, (Chap XVI) (Child labour, Women workers.)

Prescribed cases :

S. No.	Parties to the cases	Precedent developed	Reference
1.	Casino Royal Vs. Labour Court	Cases related to probationary period	NKP 2064 vol. 5 Decision No 7849
2.	Medicare National Hospital & Research Centre vs. Labour Court	Cases Related to reinstatement even after resignation	2064-WO-1029, Decision date: 2069.01.03
3.	Jagdish Chauhan Vs.	Cases related to provide the	NKP 2069, vol. 1

	<i>Nepal Bank Ltd.</i>	opportunities of being heard.	Decision No 8752
4.	Tank Bahadur Niroula Vs. Ministry of Education, Singhdurbar	Cannot treat discontinuation of service period after reinstatement of service]	NKP 2073 vol. 8 Decision No 10329
5.	G. Four S Security Servises, Nepal Vs. Labour Court.	Cannot treat contractual employee merely mentioning contract, and to be treated as permanent	NKP 2073 vol. 2 Decision No. 9522
6.	D.A.V Sushil Kedia Bishwa Bharati Vs .Labour Court	Right to form Trade Union in School]	NKP 2069 vol. 2 Decision No. 8775
7.	Rajib Bastola Vs. Government of Nepal	Cases related to form more than four Trade Unions	NKP 2071 vol. 3 Decision No. 9129
8.	Ratna Feed Industries Pvt. Ltd. Vs. Labour Court	Cases related to the invalid decision made by non managerial authority]	NKP 2068 vol. 5 Decision No. 8611
9.	National Free employees Meeting Centre Vs. Government of Nepal	Cases related to social security	NKP 2071 Vol 5 Decision No. 9154
10.	Utsarga Prakashan Pvt. Ltd Vs. Labour Court	Cases related to the permanent permanent employee though appointed under a contract for long period {]	2063–WO–0730 (703) Decision date: 2068.02.08
11.	Bhubaneswaar Sahu Teli Vs. Sunder Kant Mandal	Not giving reasonable wage, facilities, social security or providing less facilities below the provision of law or discriminatorily amounts to labour exploitation.	NKP 2077, Vol 5 Decision No 10498
12.	Santosh Shah Teli Vs. Government of Nepal	Cases related to the Interpretation of theapplicability of the Labour Act.	078-WO-0250 Decision date: 2079.02.10

EVALUATION SCHEME

In-semester Evaluation 40 %

- Unit Assignment Task, Critical Comments / Review, Interaction with the Tutor, Webinar / Seminar, Case Study
Home Assignments etc. 15 Marks
- Term Paper Writing 10 Marks
- Pre-Board Examination 10 Marks
- Attendance 5 Marks

End-semester Evaluation 60%

- a) Short Answer Questions Five 30 Marks
- b) Critical Analysis and Problem Solving
- Long Answer Question Two** 20 Marks
- c. Multiple Choice Questions Ten 10 Marks

Text Books:

- 1. Dahal, Kasi Raj, *Industrial Jurisprudence*, Pairavi Publication, IKathmandu, 2050.
- 2. Ojha, Pawan Kumar, *Industrial Jurisprudence* tharai, Publication, Putalisadak
- 3. Ojha, Pawan Kumar, *Labour Law Part I & II* Atharai, Publication, Putalisadak
- 4. ILO, *Labour Administration: Profile on Nepal Kathmandu*, 1998.

References:

- 1. Giri, V.V, *Labour Problem in India*.
- 2. ILO *International Labour Standards*.
- 3. Malhotra, O.P , *Law of Industrial Disputes*.

Journals

- 1. Annual Survey of Nepalese Law, Nepal Bar Council
- 2. Business Law Journal
- 3. NJA Journals
- 4. Nepal Law Review

Statutes:

- 1. Labour Act 2074 and Rules 2075
- 2. Trade Union Act 2049.
- 3. Children's Act, 2075
- 4. Child Labour prohibition Act, 2056.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Election Law

Semester : VII	Credit Hours : 3
Paper : VI	Lecturer Hours : 48
Code : BALLB376	Full Marks : 100
Nature : Optional (Elective)	

Course Description:

This course aims to provide the student with the knowledge of election laws and election program planning for decision making and enable them to work as election law consultants in the participate and represent in the governmental and private sector. This course also covers the general idea of representation and election system through election laws. It will examine the concept, meaning and definition, constitutional and legal provisions of election system in Nepal.

Course Objective:

This course gives ideas to students about the general concepts and principle of elections, forms of elections, electoral laws and practices in history of Nepal.

Course Components:

Unit -I	Introduction to Election law	6 Hours
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- 1.1. Concept and forms of Representation.
- 1.2. General perception and principle of Election
- 1.3. Nature and Importance of Election law
- 1.4. The principle of Adult Franchise

Unit -II	General Concept of Electoral System	14 Hours
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- 2.1. An introduction to electoral systems-
- 2.2. Types of Electoral System; Direct and Indirect, Majority, Proportional and mixed systems.
- 2.2. Requirement of elections- Qualification of voters, Registration of Voters, Delimitation of election districts (Constituencies), Voting process.
- 2.3. Concept of Bi-elections, recall and secret ballot system
- 2.4. Right to vote (Suffrage) and its nature.
- 2.5. Major practices of Electoral System in the world: Advantages and Disadvantage.

Unit -III	Provision of Election Authority	10 Hours
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- 3.1 Introduction of Election Commission
- 3.2 Historical development of Election Commission.
- 3.3. Composition, power and functions of Election Commission.
- 3.4 Subsidiary bodies of Election Commission and delegation of authority.
- 3.5 Appointment, power and function of polling officer, presiding officer and returning officers.
- 3.6 Role of Political Parties in election.

Unit -IV	Historical Development of Election Law in Nepal	14 Hours
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- 4.1 Election system with the Constitutional Development in History

- 4.2 Election law and Interim Constitution of Nepal, 2063
- 4.3 Election law and Federal System of Government.
- 4.4 The constitution of Nepal and Election law
- 4.5 Election of House of Representative
- 4.6 Election of National Assembly
- 4.7 Province Level Election
- 4.8 Local Level Election
- 4.9 Provisions for observation/Surveillance of election

Unit -V	Election Crime and Punishment	4 Hours
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- 5.1. Crime and Punishment relating to Election
- 5.2. Election code of conduct
- 5.3. Formation of Election tribunal
- 5.4 Jurisdiction and trial
- 5.4. Safeguards for free, fair and impartial elections

Reading Assignment

Books

Resource Manual on Electoral Systems in Nepal, Election Commission, Kantipath, Kathmandu
 Resource Manual on Electoral Justice 2019, Election Commission, Kantipath, Kathmandu
 Election History of Nepal, Election Commission, Kantipath, Kathmandu
 Election History of Nepal Part II, Election Commission, Kantipath, Kathmandu
 Shrestha, K.M., Election Law, Kathmandu: Vaidhya Pustak Bhandar, 2050 BS
 Reynolds, Andrew et al, Electoral System Design: The New International IDEA Handbook, Stockholm: IDEA, 2005

Cases:

Dr. Kunwar Indrajeet Singha Vs, HMG, NKP 2016 Decision no. 75
Mulchandra Azad Vs Madan Mohan Joshi&Others, NK2025, no. 12, P.322.
Communist Party of Nepal Cs. Election Commission, NKP 2051, no. 5, P. 314
Som Prasad Sapkota Vs Election Commission, NKP 2051, No. 9 P 693
Rajendra Prakash Lohani Vs Dr. Prakashchandra Lohani, NKP 2058, Decision no. 7027, no 7/8
Rupnarayan Baitha Vs, Election Commission et al, Constitutional Bench, 2076 Decision no. 0014
Dilu Buduja (Badri Pun) et al Vs Govt. et. al, Constitutional Bench, 2076 Decision no. 0195

ACTS

The constitution of Nepal
 Election Commission Act, 2073,
 Election (Crime and Punishment) Act, 2073
 Local Level Election Act, 2073
 Province Assembly Members Election Act, 2074
 House of Representative Members Election Act, 2074
 National Assembly Members Election Act, 2075

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Cyber Law

Semester	: VII	Credit Hours	: 3
Paper	: VIII	Lecturer Hours	: 48
Code	: BALLB378	Full Marks	: 100
Nature	: Optional (Elective)		

Course Description

This course provides a comprehensive introduction to cyber law, exploring its foundational principles within the context of cyberspace and e-commerce. You will gain a thorough understanding of the nature and scope of cybercrime, including principles of criminal liability in the digital realm. The curriculum covers various types of cyber offenses, jurisdictional challenges in cyberspace, and the intricacies of the prosecution process for cybercrime. Furthermore, the course examines relevant national and international legal instruments, developing your analytical skills through the study of significant Supreme Court of Nepal cases related to cyber issues.

Course Objectives

- To explain the concepts of cyber law, e-commerce, and intellectual property, identifying their interrelationships.
- To analyze various legal issues prevalent in cyberspace.
- To understand the different aspects of cybercrime, including types of offenses, jurisdiction, and prosecution.
- To identify and comprehend pertinent provisions of national and international legal instruments related to cyber law and cybercrime.

Course Content

Unit -I	Fundamentals of Cyber Law	5 Hours
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- 1.1. Meaning and Nature of Cyber Law
- 1.2. Importance of Cyber Law
- 1.3. Development of Cyber Law in Nepal
- 1.4. Need and Scope of Cyber Law in Nepal
- 1.5. Sources of Cyber Law

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define Cyber Law
- Affirm nature and importance of Cyber Law
- Explain the Genesis and Development of Cyber Law in Nepal
- Express the Need and Scope of Cyber Law in Nepal
- Specify the Source of Cyber Law

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on Meaning and Nature of Cyber Law
Group-B	Prepare a paper on Importance of Cyber Law
Group-C	Prepare a paper on Development of Cyber law in Nepal
Group-D	Prepare a paper on Scope of Cyber Law in Nepal
Group-E	Prepare a paper on Sources of cyber law

Presentation of the papers will be followed by question answers, comments and suggestions.

Reading Materials:

1. Edwards, Lilian, and Ronald Waelde, editors. *Law and the Internet: A Framework for Electronic Commerce*. HART Publishing, 2000.
2. Lloyd, Ian J. *Information Technology Laws*. Oxford University Press, 2004.
3. Reed, Chris. *Internet Law, Text and Materials*. Butterworth, 2000.
4. Rider, Rodney D. *Guide to Cyber Laws (Information Technology Act, 2000, E-Commerce, Data Protection and The Internet)*. LexisNexis Butterworth, Wadhwa, 2003.
5. Ronald and Marcdonald. *Information Technology Law*. Cavendish Publishing Limited, 2005.
6. Sharma, Narayan Prasad. *Cyberspace and the Cyber Law*. Koselee Prakashan, 2015.
7. Singh, Yatindra. *Cyber Law*. Universal Law Publishing, 2005.

Unit –II	E-Commerce, Intellectual Property and Cyber law	8 Hours
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- 2.1. Meaning, Definition, Importance and Scope of E-Commerce
- 2.2. Digital Signature, Online Payment and Consumer Protection from Digital Forgery in E-Commerce
- 2.3. Meaning, Definition, Important and Scope of Intellectual Property
- 2.4. Copyright, Patent, Trademark and Domain Name Related Rights in Cyber Space
- 2.5. Cyber Frauds, Identity Theft, Cyber Security, Database Protection and Dispute Settlement in Cyber Space
- 2.6. Cyber Forensic and Admissibility of Electronic Evidence in Prosecution

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

Discuss the meaning and scope of E-commerce

Describe terminologies related to E-Commerce

Exemplify the Intellectual Property Rights in Cyber Space

Identify Cyber Frauds, appropriate Database Protection mechanism and Dispute Settlement mechanism in Cyber Space

Discuss about Cyber Forensic and Admissibility of Electronic Evidence in Prosecution

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on Meaning and scope of E-commerce
Group-B	Prepare a paper on law related to digital technologies and E-commerce
Group-C	Prepare a paper on Intellectual Property rights in cyber space
Group-D	Prepare a paper on identification of cyber frauds, dispute settlement mechanism in cyber space
Group-E	Prepare a paper on Admissibility of electronic evidence in prosecution

Presentation of the papers will be followed by question answers, comments and suggestions.

Reading Materials

1. Adhikari, Pravakar. "Emergence of IT and Need of Cyber Law and its Impact on IPR." *Nepal Law Review*, no. 1 and 2, 2004.
2. Fitzgerald, Brian, et al., editors. *Copyright Law, Digital Content and the Internet in the Asia-Pacific*. Sydney University Press, 2006.
3. *Legal Aspects of Incorporeal Property Rights with Special Reference to Industrial Property in Nepal*. Faculty of Law, Tribhuvan University, 2001.
4. Lloyd, Ian J. *Information Technology Laws*. Oxford University Press, 2004.

5. Mukhia, Bal Bahadur. *Intellectual Property Law*. Mission Legal Service P.Ltd, 2015.
6. ---. "Role of Effectual CMO for Copyright Protection." *Nayadoot*, English Special Issue, vol. 6, no. 171, 2008.
7. "The Role of Intellectual Property in Economic Progress and Issue in Nepal." *Nyayadoot*, Nepal Bar Association, 2007.
8. "Role of Law for Strengthening ICT in Nepal." *Annual Survey of Nepalese Law*, Nepal Bar Council, 2001.
9. Reed, Chris. *Internet Law, Text and Materials*. Butterworth, 2000.
10. Rider, Rodney D. *Intellectual Property and the Internet*. Butterworth, 2002.
11. Ronald and Marcdonald. *Information Technology Law*. Cavendish Publishing Limited, 2005.

Unit –III	Issues in Cyber law	7 Hours
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- 3.1. Freedom of Speech and Expression in Cyber Space
- 3.2. Right to Access to Cyber Space/Internet
- 3.3. Right to Privacy Vs Electronic Surveillance (Internet Governance)
- 3.4. Theories in Cyber Space: Territoriality Theory, Nationality Theory, Passive Personality Theory, Protective Theory, Universality theory, Theory suggested in Budapest Convention
- 3.5. Different Aspects of Cyber Jurisprudence:

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Interpret Freedom of Speech in cyberspace
- Express Right to Access to Cyber Space
- Debate about Right to Privacy Vs Electronic Surveillance
- Outline Jurisdiction Theories in Cyber Space
- Specify different aspects of Cyber Jurisprudence

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on Freedom of Speech in cyberspace and issues
Group-B	Prepare a paper on right to access to cyberspace and problems
Group-C	Prepare a paper on Right to Privacy & Electronic Surveillance
Group-D	Prepare a paper on Jurisdiction Theories in Cyberspace
Group-E	Prepare a paper on different aspects of cyber jurisprudence

Presentation of the papers will be followed by question answers, comments and suggestions.

Reference Materials

- Constitution of Nepal, 2072 (2015).
- Edwards & Waelde (ed.), (2000), *Law and the Internet: A Framework for Electronic Commerce*, HART publishing, London.
- Kurbalija, Johan, (2010), *An Introduction to Internet Governance*, Diplo Foundation, Malta.
- Mukhia, Dr. Bal Bahadur, (2015), *Intellectual Property Law*, Mission Legal Service P.Ltd, Lalitpur, Nepal.
- 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.
- Singh, Yatindra Justice, (2005), *Cyber Law*, Universal Law Publishing, New Delhi.
- Verma, S.K. & Mittal, Raman (eds.) (2004), *Legal Dimensions of Cyberspace*, Indian Law Institute, New Delhi.

- Aryal, Babu Ram, (2012), "*Use of Criminal Law to Curb Freedom of Expression Online*", Kathmandu : Internet Society Nepal.
- Nepal, Manish (2018), "*Cyber Victimization of Woman in Nepal: A Survey*" Nepal Bar Council Law Journal, Nepal Bar Council, Kuponhole, Nepal.

Unit –IV	Cybercrime, Cyber Security and Prosecution	12 Hours
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- 4.1. Meaning, Definition and Rationale of Cyber Crime
- 4.2. Main Principles of Criminal Liability
- 4.3. Types of Cyber Crimes:
 - 4.3.1. Cyber Crimes Against Individuals, Institutions and State
 - 4.3.2. Cyber Crime Against Women and Children
- 4.4. Interrelation between Cyber Threat, Cyber Crime and Cyber Security
- 4.5. Jurisdiction of IT tribunal and IT Appellate Tribunal
- 4.6. Prosecution in Cyber Crime:
 - 4.6.1. Role of Investigating Officers (including INTERPOL)
 - 4.6.2. Role of Public Prosecutor
 - 4.6.3. Role of Adjudicating Officer
- 4.7. Punishment in Cyber Crime
- 4.8. Recent Trends in Cyber Crime: Torjon on Smart Phones, Crime through Social Networking, Crime in Cloud Computing, Fake URLs, Phishing, Ransomware, Spyware

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define cybercrime
- State main Principles of Criminal Liability
- Illustrate the Topology of Cyber Crime
- Identify the interrelation between Cyber Threat, Cyber Crime and Cyber Security
- Outline the Jurisdiction of IT Tribunal and IT Appellate tribunal
- Examine the Prosecution process in Cyber Crime
- Express the Punishment in Cyber Crime
- Identify the recent trend in Cyber Crime

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on Principle of criminal liability and topology of cyber crime
Group-B	Prepare a paper on inter-relation between cyber theft, cybercrime and cyber security
Group-C	Prepare a paper on Jurisdiction IT Tribunal and IT Appellate Tribunal
Group-D	Prepare a paper on Prosecution Process in Cybercrime
Group-E	Prepare a paper on recent trends in cybercrime

Presentation of the papers will be followed by question answers, comments and suggestions.

Reference Materials

- Chaubey, Manish Kumar (2013), *Cyber Crimes and Legal Measures*, Regal Publication, Kurnalija, Johan. new Delhi:
- Edwards & Waelde (ed.), (2000), *Law and the Internet: A Framework for Electronic Commerce*, HART publishing, London.
- 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.
- Singh, Yatindra Justice, (2005), **Cyber Law**, Universal Law Publishing, New Delhi.
- Aryal, Babu Ram, (2012), "Use of Criminal Law to Curb Freedom of Expression Online", Kathmandu : Internet Society Nepal.
- Nepal, Manish (2018), "Cyber Victimization of Woman in Nepal: A Survey" Nepal Bar Council Law Journal, Nepal Bar Council, Kuponhole, Nepal.

Unit –V	Domestic Instruments and Policies Related to Cyber Law	9 Hours
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- 5.1. Constitution of Nepal, 2015 (2072 B.S)
- 5.2. Muluki Criminal Code, 2017 (2074 B.S)
- 5.3. Electronic Transaction Act, 2008 (2063 B.S)
- 5.4. Children Act, 2018 (2075 B.S)
- 5.5. Copyright Act, 2002 (2059 B.S)
- 5.6. Patent, Design and Trademark Act, 1965 (2022 B.S)
- 5.7. Foreign Investment and Technology Transfer Act, 2019 (2075 B.S)
- 5.8. The Telecommunication Act, 1997 (2053 B.S)
- 5.9. Information Technology Policies, 2010 (2067 B.S)
- 5.10. Long Term Policies on Information and Communications, 2002 (2059 B.S)
- 5.11. Information Technology Tribunal (Procedural) Rules, 2006 (2064 B.S)
- 5.12. Cases Decided by Supreme Court of Nepal

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

Identify and explain the relevant provisions of the National Instruments related to Cyber Law (provisions of Electronic Transaction Act 2008, Copyright Act 2002, Patent, Design and Trademark Act 1965m FITTA, 2019

Utilize the relevant provisions of the National Instruments related to Cyber Law.

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on major provisions of Electronic Transaction Act 2008, Muluki Criminal Code 2017
Group-B	Prepare a paper on the provisions of Copyright Act 2002, Patent, Design and Trademark Act 1965
Group-C	Prepare a paper on provisions of Foreign Investment and Technology Act 2019 (2075 B.S)
Group-D	Prepare a paper on provisions of the Telecommunication Act 1997, Information Technologies Policies 2010, Information Technology Tribunal (Procedural) Rules 2006
Group-E	Prepare a paper on analysis of relevant decided cases

Presentation of the papers will be followed by question answers, comments and suggestions.

Reference Materials

- Constitution of Nepal, 2015 (2072 B.S)
- Muluki Criminal Code, 2017 (2074 B.S)
- Electronic Transaction Act, 2008 (2063 B.S)
- Children Act, 2018 (2075 B.S)
- Copyright Act, 2002 (2059 B.S)
- Patent, Design and Trademark Act, 1965 (2022 B.S)

Foreign Investment and Technology Transfer Act, 2019 (2075 B.S)
 The Telecommunication Act, 1997 (2053 B.S)
 Information Technology Policies, 2010 (2067 B.S)
 Long Term Policies on Information and Communications, 2002 (2059 B.S)
 Information Technology Tribunal (Procedural) Rules, 2006 (2064 B.S)
 Cases Decided by Supreme Court of Nepal

Unit -VI	Related International Instruments and Cyber Laws of India, U.K& U.S.A	7 Hours
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- 6.1. UNCITRAL Model Law on Electronic Commerce, 1990
- 6.2. WIPO Copyright Treaty, 1996
- 6.3. WPPT, 1996
- 6.3. Budapest Convention on Cyber Crime, 2001
- 6.4. UN Convention on the Use of Electronic Communications in International Contracts, 2005
- 6.5. Computer Misuse Act-UK, 1990
- 6.6. Data Protection Act-UK, 2018
- 6.7. Digital Millennium Copyright Act-USA, 1998
- 6.8. Megan Meir Cyber Bullying Prevention Act-USA, 2008
- 6.9. Information Technology Act-India, 2000 (Amended in 2008)

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

Identify, describe the relevant provisions of the related International Instruments.

Utilize the relevant provisions from the International Instruments related to Cyber Law.

Classroom Assignment

Group	Assignment
Group-A	Prepare a paper on major provisions UNCITRAL Model law on Electronic Commerce, 1990, WCT, 1996.
Group-B	Prepare a paper on the provisions of WPPT 1996
Group-C	Prepare a paper on provisions of Budapest Convention on Cyber Crime, 2001, UN Convention on the Use of Electronic Communications in International Contracts, 2005.
Group-D	Prepare a paper on provisions of Computer Misuse Act, UK, 1990, Data protection Act, UK, 2018
Group-E	Prepare a paper on Digital Millennium Copyright Act , USA, 1998, Information Technology Act 2000, India

Presentation of the papers will be followed by question answers, comments and suggestions.

Reference Materials

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)

Reference Materials

Constitution, Statutes, Rules and Policies

1. Constitution of Nepal, 2015 (2072 B.S)
2. Muluki Criminal Code, 2017 (2074 B.S)
3. Electronic Transaction Act, 2008 (2063 B.S)
4. Children Act, 2018 (2075 B.S)
5. Copyright Act, 2002 (2059 B.S)
6. Patent, Design and Trademark Act, 1965 (2022 B.S)
7. Foreign Investment and Technology Transfer Act, 2019 (2075 B.S)
8. The Telecommunication Act, 1997 (2053 B.S)
9. Information Technology Policies, 2010 (2067 B.S)
10. Long Term Policies on Information and Communications, 2002 (2059 B.S)
11. Information Technology Tribunal (Procedural) Rules, 2006 (2064 B.S)
12. Computer Misuse Act-UK, 1990
13. Data Protection Act-UK, 2018
14. Digital Millennium Copyright Act-USA, 1998
15. Megan Meir Cyber Bullying Prevention Act-USA, 2008
16. Information Technology Act-India, 2000 (Amended in 2008)

Conventions & Treaties

1. UNCITRAL Model Law on Electronic Commerce, 1990
2. WIPO Copyright Treaty, 1996
3. WPPT, 1996
4. Budapest Convention on Cyber Crime, 2001
5. UN Convention on the Use of Electronic Communications in International Contracts, 2005

Books

1. Chaubey, Manish Kumar. *Cyber Crimes and Legal Measures*. Regal Publication, 2013.
2. Edwards, Lilian, and Ronald Waelde, editors. *Law and the Internet: A Framework for Electronic Commerce*. HART Publishing, 2000.
3. Fitzgerald, Brian, et al., editors. *Copyright Law, Digital Content and the Internet in the Asia-Pacific*. Sydney University Press, 2006.
4. Kurbalija, Johan. *An Introduction to Internet Governance*. Diplo Foundation, 2010.
5. Lloyd, Ian J. *Information Technology Laws*. Oxford University Press, 2004.
6. Mukhia, Bal Bahadur. *Intellectual Property Law*. Mission Legal Service P.Ltd, 2015.
7. Reed, Chris. *Internet Law, Text and Materials*. Butterworth, 2000.
8. Rider, Rodney D. *Guide to Cyber Laws (Information Technology Act, 2000, E-Commerce, Data Protection and The Internet)*. LexisNexis Butterworth, Wadhwa, 2003.
9. ---. *Intellectual Property and the Internet*. Butterworth, 2002.
10. Ronald and Marcdonald. *Information Technology Law*. Cavendish Publishing Limited, 2005.
11. Sharma, Narayan Prasad. *Cyberspace and the Cyber Law*. Koselee Prakashan, 2015.
12. Singh, Yatindra. *Cyber Law*. Universal Law Publishing, 2005.
13. Verma, S.K., and Raman Mittal, editors. *Legal Dimensions of Cyberspace*. Indian Law Institute, 2004.

Articles

1. Adhikari, Pravakr. "Emergence of IT and Need of Cyber Law and its Impact on IPR." *Nepal Law Review*, no. 1 and 2, 2004.
2. "An Inquiry Into the Legislation of Intellectual Property and Teaching of IP in Nepal." University Grant Commission, 1997. (Research).
3. Aryal, Babu Ram. "Use of Criminal Law to Curb Freedom of Expression Online." Internet Society Nepal, 2012.
4. "Legal Aspects of Incorporeal Property Rights with Special Reference to Industrial Property in Nepal." Faculty of Law, Tribhuvan University, 2001. (Research).
5. Mukhia, Bal Bahadur. "Role of Effectual CMO for Copyright Protection." *Nayadoot*, English Special Issue, vol. 6, no. 171, 2008.

6. "The Role of Intellectual Property in Economic Progress and Issue in Nepal." *Nyayadoot*, Nepal Bar Association, 2007.
7. Nepal, Manish. "Cyber Victimization of Woman in Nepal: A Survey." *Nepal Bar Council Law Journal*, Nepal Bar Council, 2018.
8. "Role of Law for Strengthening ICT in Nepal." *Annual Survey of Nepalese Law*, Nepal Bar Council, 2001.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Eighth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB381	Banking Law	3
BALLB382	Interpretation of Statutes	3
BALLB383	Research Seminar and Presentation	3
BALLB384	Moot Court II (Criminal Cases)	6
BALLB385	Public Interest Litigation and Social Responsibility	3
Elective (Any One)		
BALLB386	Air and Space law	3
BALLB387	Energy and Natural Resources Law	
BALLB388	International Rivers, Sea and Border Law	
BALLB389	Tourism Law	
BALLB3810	Buddhism and Contemporary Society	
Total		21

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Banking Law

Semester	: VIII	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB381	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive overview of banking law and negotiable instruments. We'll explore the historical evolution and development of both central and commercial banking, with a particular focus on the Nepalese context. The curriculum covers the primary functions of banks, loan recovery processes, and potential offenses within the banking system. We'll also examine the various negotiable instruments used in financial transactions. The course integrates significant case law from both national and international courts to illustrate the development and application of key legal principles in banking and negotiable instruments.

Course Objectives

- To explain the evolution and development of banking systems, their classifications, and functional differences.
- To identify potential offenses inherent in the banking system and related to negotiable instruments.
- To understand the fundamental principles and practical application of banking and negotiable instruments law, drawing from national and foreign court decisions.
- To analyze banking, debt finance, and negotiable instruments law from various perspectives, grasping their scope and practical application.

Course Content

Unit -I	Evolution and Development of Banking Law	6 Hours
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- 1.1 Meaning, Origin, Evolution and Development of Bank in Reference to Nepal,
- 1.2 Banking Law in Nepal, Classification of Bank and their Functions,
- 1.3 Role of International Financial Institutions i.e. IMF, World Bank Group, ADB.

Books

- Grossman, R. S. (2020). *Unsettled account: The evolution of banking in the industrialized world since 1800*. Princeton University Press.
- Ugolini, S. (2017). *The evolution of central banking: Theory and history* (1st ed.). Palgrave Macmillan UK. https://books.google.at/books?id=LOs_DwAAQBAJ
- Mc Cawley, P. (2017). *Banking on the future of Asia and the Pacific: 50 years of the Asian Development Bank*. Asian Development Bank.

Websites:

- <https://www.nrb.org.np>
- <https://www.imf.org>
- <https://www.worldbank.org>
- <https://www.adb.org>

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q &A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Unit –II	Central Bank Law	8 Hours
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- 2.1 Evolution and Development of Central Bank,

2.2 Objectives, Power, Functions and Duty of Central Bank, Formation of Board, Regulatory,
 2.3 Administrative, Quasi-Judicial & Law-Making Power of Nepal Rastra Bank,
 2.4 Major Provisions of Nepal Rastra Bank Act, 2058 and other Relevant Laws, Foreign Exchange Management
 Role of Central Bank, Method of Foreign Exchange Management and Applicable Laws.

Case Law

- Uttam Bahadur Pun vs. NRB, NKP, 2076, Issue 7, Decision No.10316.
- Piyush Bahadur Amatya vs. Nepal Rastra Bank, N.K.P. 2064, Issue 8, Decision No. 7872
- Subash Thapa vs. Nepal Rastra Bank, NKP 2073, Issue 9, Decision No. 9685

Prevailing Law

- Nepal Rastra Bank Act, 2058.
- Foreign Exchange Regulation Act, 2019.
- 2Payment System Act, 2075.
- Public Debt Management Act, 2079.

Books

- Ugolini, S. (2017). *The evolution of central banking: Theory and history (1st ed.)*. Palgrave Macmillan UK. https://books.google.at/books?id=LOs_DwAAQBAJ
- Bossu, W., Itatani, M. M., Margulis, C., Rossi, A. D. P., Weenink, H., & Yoshinaga, A. (2020). *Legal aspects of central bank digital currency: Central bank and monetary law considerations*. Washington, D.C., DC: International Monetary Fund.
- Gortsos, C. V. (2020). *European central banking law: The role of the European Central Bank and national central banks under European law*. Cham, Switzerl and: Springer Nature.
- Goodhart, C. (1988). *The evolution of central banks*. MIT Press.

Websites:

- <https://www.nrb.org.np>
- <https://www.imf.org>
- <https://www.federalreserve.gov>
- <https://www.rbi.org.in>
- <https://www.boc.cn/en>

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Unit –III	Banks and Financial Institution Law	10 Ours
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3.1 Power, Functions and Responsibilities of Bank,
 3.2 License of Bank and Financial Institutions, Board and Senior Management of Bank and Financial Institutions and their Responsibilities,
 3.3 Bank Account and their Types,
 3.4 Sanctity of Debt Contract, Standard Form of Banking Contract,
 3.5 Credit and Deposit Guarantee, Banker-Customer Relation, AML Issues on Banker Customer Relation,
 3.6 Major Provisions of Banks and Financial Institutions Act, 2073 and
 3.7 Directives, Circular and Guideline Issued by NRB.

Case Law

- Rajendra Kumar Khetan vs. NRB, NKP 2065, Issue 3, Decision No. 7949
- Nur Pratap JBR vs. Nepal Rastra Bank et.al., N.K.P. 2064, Issue 11, Decision No. 7899
- Development Bankers Association vs. NRB, NKP 2072, Issue 11, Decision No. 9491

Prevailing Law

- Nepal Rastra Bank Act, 2058.
- Banks and Financial Institutions Act, 2073.
- Payment System Act, 2075.
- Deposit and Credit Guarantee Fund, 2073.
- Muluki (Civil) Code, 2074 (Provisions of Contract).
- Asset (Money) Laundering Act, 2064.
- Unified Directives Issued by NRB.

Books

- Chiu, I. H.-Y., & Wilson, J. *Banking law and regulation*. London, England: Oxford University Press. 2019.
- Leahy, G. *Managing banking relationships* (Gerald Leahy, Ed.). Cambridge, England: Woodhead Publishing. 1997.
- Macey, J. R., Miller, G. P., & Carnell, R. S. *Banking law and regulation: Statutory supplement with recent developments, supplement*. Philadelphia, PA: Aspen. 2002.

Websites:

- <https://www.nrb.org.np>

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Unit -IV	Debt Finance & Recovery Process	8 Hours
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4.1 Principles of Debt Finance, Issues of Debt Finance, Collateral and their Types,

4.2 Banker's Lien, Legal Documentation, Performing Loan & Non Performing Loan, Funded and Non-Funded (Bank Guarantee, Letter of Credit etc) Loan,

4.3 Loan Recovery Process, Liability of Principal and guarantor, Role of Debt Recovery Tribunal and other Courts in Recovery Process,

4.4 Major Provisions on Existing Law on Loan Recovery Process in Nepal.

Case Law

- Lumbini Bank Ltd vs. Sangita Tripathi, NKP 2073, Issue 8, Decision No. 9646.
- Pushpa Rawal Raymajhi vs. Nepal Bank Ltd., NKP 2069, Issue 7, Decision No. 8861.
- Anirudra Sing Shah vs. Agriculture Development Bank, NKP 2069, Issue 12, Decision No. 8934.

Prevailing Law

- Debt Recovery Tribunal Act, 2058
- Banks and Financial Institutions Act, 2073
- Muluki (Civil) Code, 2074 (Provisions of Contract)

Books

- Abeyratne, S. (2019). *Banking and debt recovery in emerging markets: The law reform context*. London, England: Routledge. Retrieved from <https://books.google.at/books?id=RKWbDwAAQBAJ>
- American Law Institute-American Bar Association Committee on Continuing Professional Education. (1980). *Banking and Commercial Lending Law: Resource materials*. American Law Institute-American Bar Association Committee on Continuing Legal Education.
- Australia. Law Reform Commission. (1987). *Debt recovery and insolvency*. Australian Government Pub. Service.
- Yeowart, G., Parsons, R., Murray, E., & Patrick, H. (2016). *Yeowart and parsons on the law of financial collateral*. Cheltenham, England: Edward Elgar Publishing.
- Fleisig, H. W. (2006). *Reforming collateral laws to expand access to finance* (H. Fleisig, M. Safavian, & N. De La Pena, Eds.). Washington, D.C., DC: World Bank Publications. <https://doi.org/10.1596/978-0-8213-6490-1>
- Haentjens, M. (2020). *Financial collateral: Law and practice* (Matthias Haentjens, Ed.). London, England: Oxford University Press.
- Levaggi, P., Marsden, D., & Mooney, P. (2008). *Enforcement and debt recovery: A guide to the new law*. London, England: Law Society.

Websites:

- <https://www.nrb.org.np>

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Unit -V	Negotiable Instruments & Payment System Law	7 Hours
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5.1 Evolution of Negotiable Instruments,

- 5.2 Types of Negotiable Instruments, Holder & Holder in Due Course,
- 5.3 Major Provision on Prevailing Negotiable Instruments Law in Nepal,
- 5.4 Payment System Law as Alternatives of Negotiable Instruments,
- 5.5 Payment System Operator and Payment Service Provider and Applicable Laws in Nepal.

Case Law

- Suresh Chandra Paudel vs. Nepal Rastra Bank, N.K.P. 2068, Issue 6, Decision No. 8627.
- Arjun Bidari vs. Government of Nepal, NKP 2075, Issue 11, Decision No. 10137.
- Maheshworlal Shrestha vs. DM Brick and Tial Factory, NKP 2070, Issue 1, Decision No. 8950.
- Karam Singh Bhandari vs. Karna Bahadur Chand, NKP 2069, Issue 12, Decision No. 8927.

Prevailing Law

- Negotiable Instruments Act, 2034
- Payment System Act, 2075
- Directives and Circular Issued by NRB

Books

- Geva, B., & Peari, S. (2020). *International Negotiable Instruments* (1st ed.). London, England: Oxford University Press.
- Rogers, J. S. (2011). *The end of negotiable instruments: Bringing payment systems law out of the past*. New York, NY: Oxford University Press.
- Huggard, J. P. (2019). *Negotiable instruments law: A detailed explanation of Article 3 of the Uniform Commercial Code*. Carolina Academic Press.

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Unit -VI	Banking and Money Offence	9 Hours
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- 6.1 Meaning and Types of Banking Offence Including the Offence against Digital System, Banking Offence Under Prevailing Law Including Offence of Counterfeit Currency,
- 6.2 Major Criminal Issues of Nepal Rastra Bank Act, 2058, Banks and Financial Institutions Act, 2073, Banking Offence and Punishment Act, 2064, Counterfeit Currency Issues on Muluki (Penal) Code, 2074, and Asset (Money) Laundering Prevention Act, 2064.

Case Law

- Mahendra Prasad Yadav vs. Durga Karki, NKP, 2072, Issue 8, decision No.9452.
- Mandira Devi Dhuju Shrestha vs. Government of Nepal, N.K.P. 2076, Issue 4, Decision No. 10241
- Rubi Joshi vs. Government of Nepal, N.K.P 2073 Issue 5, Decision No. 9608
- Srikrishna Shrestha vs. Government of Nepal, NKP 2069, Issue 2, Decision No. 8767

Prevailing Law

- Nepal Rastra Bank Act, 2058 (Issues of Government of Nepal to be Plaintiff)
- Banks and Financial Institutions Act, 2073 (Issues of Government of Nepal to be Plaintiff)
- Banking Offence and Punishment Act, 2064
- Muluki (Penal) Code, 2074 (Issues of Counterfeit Currency)

Books and Reports

- Russo, C., Lastra, R., & Blair, W. *Research handbook on law and ethics in banking and finance*. Cheltenham, England: Edward Elgar Publishing. 2019.
- Mannino, E. F. *Lender liability and banking litigation*. Law Journal Press. 2022.
- *Reports on Banking Offence and Punishment Related Law in Nepal as Published by Attorney General Office, 2074*. Accessed from: https://ag.gov.np/publication?pub_type=38&page=3

Assignment

Class Presentation, Power Point Presentation, Oral Discussion, and Lecture Notes: The Presentation will be followed by the Q &A Session and Comments from the Lecturer. The respective group as formed by lecturer should submit the final presentation, incorporating the comments.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Interpretation of Statutes

Semester	: VIII	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB382	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course offers a comprehensive introduction to the principles and rules of statutory interpretation, focusing on their crucial role in legal practice. Students will explore the fundamental concepts, theories, and various methods employed in interpreting constitutions, laws, and other statutes. The course examines the practical application of these interpretative rules within Nepal's court system, including an in-depth study of the Interpretation of Statute Act 2010 B.S. By the end of this course, students will understand how these rules are used to make legal decisions and be prepared to apply them in their professional legal work.

Course Objectives

- To explain the general principles, theories, and methods of constitutional and statutory interpretation.
- To understand and apply the provisions of the Interpretation of Statute Act 2010 B.S.
- To utilize various rules of interpretation in practical legal scenarios.

Unit -I	Introduction to Interpretation of Statutes	8 Hours
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- 1.1. Meaning of Interpretation of Statutes.
- 1.2. Objectives and Importance of Interpretation of Statute.
- 1.3. Principles of Interpretation of Statutes.
- 1.4. Kinds of Interpretation.
- 1.5. Role and Importance of Aids of Construction.
- 1.6. Intrinsic Aids of Interpretation.
 - (a). Title (b). Preamble (c). Heading (d). Schedules (e). Punctuation (f). Proviso (g). Commencement (h). Repeal and Revival of Legislation
- 1.7. Extrinsic Aids of Interpretation
 - (a). Historical Setting. (b). Legislative History (c). International Instruments (d). Dictionaries and Textbooks.

Books:

1. *Black's Law Dictionary*. Latest edition.
2. Eskridge, William. *Dynamic of Statutory Interpretation*. Universal Law Publication.
3. Langan, P. St. J. *Maxwell on the Interpretation of Statutes*.

Classroom Activity

This unit shall be taught through lecture method. Teacher will be follow the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and the students learn through listening and memorization.

Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and comments by the teacher.

Unit -II	General Rules of Interpretation of Statutes	10 Hours
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2. General Rule of Interpretation of Statutes
 - 2.1 Literal Rule.
 - 2.2 Mischief Rule

2.3 Golden Rule, Construction UT-res Magi's Valeat Quam per eat. Reading Words in their context: Reading Words In their Context: External Aspect. Interpretation of "Hindu Law" By "Mimamsa Sutra"

Unit -III	Others Rules of Interpretation of Statutes	10 Hours
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- 3.1 Beneficial Rule
- 3.2 Consolidating and Codifying
- 3.3 Subsidiary Rules-
- 3.4 Ejusdem Generis Rule
- 3.5 Noscitur a sociis
- 3.6 Re-Ddendo Singula singuli
- 3.7 Expressio Unius est exclusion alterius
- 3.8 Contemporanea Expositio
- 3.9 Construction of Words in Bonam Patrem.

Cases:

1. *Ratna Devi Vs. Prem Man & Others, NKP (2042), No 9, Decision No. 2493.*
2. *Kanchha Prajapati Vs. Nucche Kumar Prajapati, NKP (2048), No. 9, Decision No. 4350.*
3. *Lok Bhakta Samsher Vs. Rama Devi Rajbhandari, NKP (2055), No. 11, Decision No. 6625.*
4. *Parsuram Banjade Vs. Durga Das Shrestha & Others, NKP (2027), No. 7, Decision No. 7, Decision No. 547.*

Books:

1. Avtar, Singh. *Introduction to Interpretation of Statutes*. 2nd ed., Wadhwa & Co., 2005.
2. *Black's Law Dictionary*. Latest edition.
3. Dworkin, Gerald. *Construction of Deed and Statutes*. 5th ed., Universal Law Publication, 2003.
4. Eskridge, William. *Dynamic of Statutory Interpretation*. Universal Law Publication.
5. Langan, P. St. J. *Maxwell on the Interpretation of Statutes*.
6. *Law Lexicon*. Latest edition.
7. Singh, G. P. *Principles of Statutory Interpretation*. 6th ed., Wadhwa & Co., 1996.

Classroom Activity

This unit shall be taught through lecture and Case analysis method. Teacher will be following the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and the students learn through listening and memorization. Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and comments by the teacher.

Unit -IV	Interpretation of Constitutions and Private Laws	3 Hours
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- 4.1. Interpretation of Constitutions
- 4.2. Interpretation of Private Laws

Books:

- Langan, P. St. J. *Maxwell on the Interpretation of Statutes 12th Edition*, Nagpur: Lexis Nexis Butterworth, 1969.
- Bindra, N.S. *Interpretation of Statutes*, Nagpur: Lexis Nexis, 2013.
- Shrestha, Gyaindra Bahadur, *Kanoonko Byakhya* (in Nepali), Pairavi Prakashan, Kathmandu, 2068 B.S.

Classroom Activity

This unit shall be taught through lecture method. Teacher will be follow the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and the students learn through listening and memorization. Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and comments by the teacher.

Unit -V	Restrictive, Exceptional and Other Construction	5 Hours
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- 5.1. Restrictive Construction
- 5.2. Construction to Avoid collision with Other Provisions.
- 5.3. Exceptional Construction.

Books:

1. Aryal, Ravi Sharma. *Interpretation of Treaties, Law, and Practice*. Deep and Deep Publication Pvt. Ltd., 2003.
2. *Black's Law Dictionary*. Latest edition.
3. Eskridge, William. *Dynamic of Statutory Interpretation*. 1st ed., Universal Law Publication, 2000.
4. Langan, P. St. J. *Maxwell on the Interpretation of Statutes*. 12th ed., LexisNexis Butterworth, 1969.
5. Pant, Ambar Prasad, et al. *Teacher's Guide to Interpretation of Statutes (LL.B.)*. Curriculum Development Center, Tribhuvan University, 2000.
6. Shrestha, Gyanendra Bahadur. *Kanoonko Byakhaya*. Pairavi Prakashan, 2068 B.S.
7. Singh, G. P. *Principles of Statutory Interpretation*. 6th ed., Wadhwa & Co., 1996.

Classroom Activity

This unit shall be taught through lecture method. Teacher will be follow the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and the students learn through listening and memorization.

Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and comments by the teacher.

Unit -VI	Presumption	7 Hours
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- 6.1. Presumption of Constitutionality of a State.
- 6.2. Presumption Regarding Jurisdiction
- 6.3. Presumption against Retrospective Legislation
- 6.4. Presumption against Violation of International Law
- 6.6. Presumption against Intending What is Inconvenient or Unreasonable.
- 6.7. Presumption against Intending Injustice or Absurdity.

Books:

1. Kafaltiya, A.B. *Textbook on Interpretation of Statutes*. 2nd ed., Universal Law Publication, 2017.
2. K.C., Narendra Kumar. *Interpretation of Statutes*. 3rd ed., Tilasmi Publication Kathmandu, 2078.
3. Longan, P. St. J. *Maxwell on the Interpretation of Statutes*. 12th ed., Lexis Nexis.
4. Mathur, D. N. *Interpretation of Statutes*. 3rd ed., Central Law Publication, 2010.
5. Sharma, Narayan Prasad. *Insight into Interpretation of Statutes*. 1st ed., Tilasmi Publication Pvt. Ltd. Kathmandu, 2017.
6. Shrestha, Gyanendra Bahadur. *Interpretation of Statutes*. 4th ed., Pairavi Prakashan Kathmandu, 2078.

Classroom Activity

This unit shall be taught through lecture method. Teacher will be following the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and students learn through listening and memorization.

Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and coments by the teacher.

Unit - VII	Introduction to Nepali Interpretation of Laws and Precedents	5 Hours
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- 7.1. Major Provisions of Nepal Interpretation of Law Act 2010.
- 7.2. Related decisions of Supreme Court of Nepal.

Cases:

1. *Ratna Shakya Vs. Appeal Court, Patan, NKP (2051), Decision No. 4938, p. 489.*
2. *Hari Sundar Shrestha Vs. Usha Devi Naularwa, NKP (2062), Decision No. 7547, p.639.*
3. *Kumar Thapalaya Vs. Nepal Government, NKP (2064), Decision No. 7884, p. 1268.*
4. *Devendra Aale Vs. Nepal Government, NKP (2061), Decision No. 7434, p. 1156.*

Books:

1. K.C., Nanendra Kumar. *Interpretation of Statutes*. 3rd ed., Tilasmi Publication Kathmandu, 2078.
2. *Nepal Interpretation of Law Act, 2010.*

3. Sharma, Narayan Prasad. *Insight into Interpretation of Statutes*. 1st ed., Tilasmi Publication, Pvt. Ltd. Kathmandu, 2017.
4. Shrestha, Gyanendra Bahadur. *Interpretation of Statutes*. 4th ed., Pairavi Prakashan, 2078.

Classroom Activity:

This unit shall be taught through lecture and Case analysis method. Teacher will be following the controlled and give the information centered approach in which teacher work as a role resource in classroom instruction. Content is presented as a whole, and the students learn through listening and memorization.

Student shall prepare term-paper and present in the class. The presentation will be followed by question answer Session and comments by the teacher.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Research Seminar and Presentation

Semester	: VIII	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB383	Full Marks	: 100
Nature	: Compulsory		

Course Description

This three-credit course is designed to equip B.A. LL.B (Hons) students with practical, research-based skills and knowledge. Its primary aim is to enhance students' proficiency in legal research and writing.

Students will finalize their research seminar topics with the approval of their class teacher and the B.A. LL.B program coordinator by a specified date. They will then conduct their research and prepare a seminar paper. Presentations of these papers will be made in the classroom on an assigned date, attended by the class teacher, program coordinator, a resource person, fellow students, and any invited guests.

All regular students are expected to actively participate in every seminar session. The finalized seminar topic, preparation, and presentation must be completed and approved by the class teacher and program coordinator prior to students sitting for their Board Examinations.

Course Objectives

- To enhance students' capacity to carry out research-oriented seminar papers.
- To enable students to present research seminar papers in class skillfully.
- To familiarize students with and enable them to use documentation, citation rules, and review of literature, including references and bibliographies.

Weightage of Examination

Internal Examination

- (a) Class Teacher (practical evaluation & presentation) 60%
- (b) Resource Person (Expert at Seminar Presentation) 40%

Format for Seminar

In presenting a seminar study, there are a number of format specifications which a student is required to follow. These specifications allow the student / researcher to encompass his/her own idiosyncratic (characteristics) contribution within a conventional framework, a framework which is both logical and equitable. By following stringent format requirements, the student/researcher can be systematic and structure in his/her own thinking in terms of theme, unity and clarity as well as he/she can also facilitate the reading only interpretation of his/her work by others.

1. The Preliminary Matters

- (a) ***The Title page***
- (b) ***Recommendation Letter***
- (c) ***Acknowledgement***
- (d) ***Preface or forward***
- (e) ***Abbreviation.***
- (f) ***Glossary of major terms***
- (g) ***Table of cases*** (if any)
- (h) ***Table of diagrams, figures*** (if any)
- (i) ***Contents:*** Contents are required to be produced after the aforesaid preliminary matters.

The Main Text

This part of the study report is to be divided into chapters, headings, sub-headings.

Style of Research Main Report

- 1.1. **Introduction or background of the study:**
- 1.2. **Statement of Problem**
- 1.3. **Objectives of the study**

- 1.4. **Significance of the study**
- 1.5 **Scope or delimitation of the study**
- 1.6. **Methodology of the study**
- 1.8 **Limitation of the Study**
- 1.9. **Review of Literature (if any)**
- 1.10. ***Organization of the study***

Subsequent Chapters

Presentation of Findings

Conclusion and Suggestions/Recommendations

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Moot Court – II (Criminal Cases)

Semester	: VIII	Credit Hours	: 6
Paper	: IV	Lecturer Hours	: 96
Code	: BALLB384	Full Marks	: 100
Nature	: Compulsory		

Course Description:

Moot Court, Legal Drafting – II (Criminal) is a practical course that acquaints the undergraduate students with drafting documents that are used during the investigation and prosecution of criminal cases. The course imparts the knowledge on how to prepare such documents as well as the purpose those documents serve, mainly with practical assignments and lectures. Instead of dividing the curriculum into units, the syllabus includes an inexhaustible list of documents that are expected to be prepared in criminal cases from the point of complaint (FIR) to investigation to appeal. Drafting these documents for various types of criminal cases and disputes is encouraged in order to get most benefit from the course.

Course objectives:

- To acquaint students with essential documents in criminal trial proceedings. This includes investigation reports, prosecution documents, and court judgments.
- To familiarize students with the necessary elements and purpose of major criminal case documents.
- To provide practical experience in drafting criminal case documents. This aligns with the Bar Council Advocate Examination syllabus and general practice, covering documents prepared by complainants, investigative authorities, defendants, and the court.

Course Contents:

The Curriculum contains following list of documents that are to be prepared by the students throughout the semester. The list is not exhaustive; college/course instructor may add other documents as per the necessity.

- FIR Complaint *Jaheri Darkhast*
- Letter of appointment to investigation officer *Anusandhan Adhikarilal Niyukti Patra*
- Site documentation *Ghatanasthal Muchulka*
- Health examination of the victim *Piditko Swasthya Parikshan* (if applicable)
- Post Mortem *Laasjanch Prativedan* (if applicable)
- Identification of the accused *sanakhat*
- Arrest warrant for the arrest of the accused
- Arrest and detention of accused (and its extensions from judge)
- Correspondence to other offices *Sambandhit Nikayalai Patrachar*
- Investigation Report *Anusandhan Prativedan*
- Chargesheet *Abhiyogpatra*
- Notification to the accused
- Statement of response from the accused defendant *Bayan*
- Detention hearing notes *Thunchhek bahas (bahasnote)*
- Order to detain, release on bail, or general date of attendance as required by court (as an interlocutory order)
- Bail proceedings
- Court Date Notification *Tarekh parcha*
- Court Date Booklet *Tarekh kitab*
- Extension of period/date *Myad Tarekh Thamne*
- Petition against the interlocutory order
- Witness statement *Sakshi Bakpatra* (including expert witness)
- Cross examination *Jiraha*
- Plea bargaining
- Final hearing notes *Antim sunuwai (bahasnote)*
- Judgment *faisala*

- Report presented before sentencing *Sajayapurvako Prativedan*
- Sentencing hearing notes *Sajaya nirdharan (bahasnote)*
- Sentencing decision
- Appeal *Punaraavedan*
- Decision of the High Court under appellate jurisdiction
- *Sadhak*
- Revision *Mudda Dohoryai pau*
- Final decision
- Review *Punaraavalokan*

Reading Materials:

Books

- Adhikari, Bishwadeep. *Hadmyad*. Madhuvan Prakashan, 2076.
- Shrestha, Gyaindra Bahadur. *Kanooni Likharka Masauda*. Pairavi Prakashan, 2078.
- Shrestha, Gyaindra Bahadur. *Karyabidhi Kanoonko Rooprekha (Outline of Procedural Law)*. Pairavi Prakashan, 2076.

Legal Documents

- Criminal Procedure Code, 2017 (Muluki Faujdari Karyavidhi Sanhita, 2074).
- Criminal Procedure Rules, 2018 (Muluki Faujdari Karyabidhi Niyamawali, 2075).
- District Court Rules, 2018 (Jilla Adalat Niyamawali, 2075).
- Government Offences Act, 1992 (Sarkari Mudda Sambandhi Ain, 2049).
- High Court Rules, 2016 (Uchcha Adalat Niyamawali, 2073).
- Offence Investigation Rules, 2018 (Kasoorko Anusandhan Sambandhi Niyamawali, 2075).
- Supreme Court Rules, 2017 (Sarwochcha Adalat Niyamawali, 2074).
- The Criminal Offences (Sentencing and Execution) Act, 2017 (Faujdari Kasoor (Sajaya Nirdharan tatha karyanwayan) Ain, 2074).
- The Criminal Offences (Sentencing and Execution) Rules, 2018 (Muluki Kasoor (sajaya nirdharan ra karyanwayan) Niyamawali, 2075).

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Public Interest Litigation and Social Responsibility

Semester	: VIII	Credit Hours	: 3
Paper	: V	Lecturer Hours	: 48
Code	: BALLB385	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course offers a comprehensive examination of Public Interest Litigation (PIL) and Social Responsibility within the legal framework. It delves into the core concepts, foundational principles, developmental trajectories, and contemporary issues surrounding PIL and social responsibility. The curriculum will include an in-depth analysis of Nepalese practice, complemented by comparative studies of PIL in the UK, USA, and India.

Course Objectives

- To familiarize students with key perspectives, theories, and trends in Public Interest Litigation and Social Responsibility.
- To provide a historical overview of PIL, engaging students with contemporary legal, social, and political issues from their origins to present-day contexts.
- To equip students with foundational knowledge of PIL concepts and theories, alongside analytical methods for understanding the evolution of Public Interest Litigation in Nepal.

1	Introduction of Public Interest Litigation	6 Hours
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- 1.1 Concept, nature, meaning and importance of Public Interest Litigation (PIL)
- 1.2 Origin and Development of PIL
- 1.3 Differences between PIL and ordinary civil litigation

Reading Assignment (Subject to the Revision)

Books

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 333-35.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 1-26.

Cases

Radheshyam Adhikari vs. HMG NKP 2048 Volum 12 Decision Number 4460 pp 810 (This cases should be studied by analysis its applicability in new Codes)

Journal Article

- Gyawali, Chandra Kanta. *Nayadoot*. "Public and Social Interest Litigation". Nepal Bar Association Conference, 2056.

Unit -II	2.1. Historical Development of Nepalese Public Interest Litigation	7 Hours
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Reading Assignment (Subject to the Revision)

Books

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Historical Development of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on Nepalese Perspectives of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -III	3.1. Concept of Judicial Activism	6 Hours
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Reading Assignment (Subject to the Revision)

Books

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Judicial Activism of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on Limitation of Judicial Activism of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -IV	4.1 Concept of Judicial Review	6 Hours
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Reading Assignment (Subject to the Revision)

Books

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Judicial review of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on Nepalese Perspectives of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -V	5.1 Areas of Public Interest Litigation	6 Hours
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Reading Assignment (Subject to the Revision)**Books**

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on area of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on consumer protection of public interest litigation
Group-C	Prepare and Present the PowerPoint Presentation on personal liberty of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer.

The respective group should submit the final presentation, incorporating the comments.

Unit -VI	6.1 Public Interest Litigation Against The State	7 Hours
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Reading Assignment (Subject to the Revision)**Books**

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Against State of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on Nepalese Perspectives of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -VI	6.1 Public Interest Litigation Against The State	7 Hours
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Reading Assignment (Subject to the Revision)**Books**

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Against State of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on

	Nepalese Perspectives of public interest litigation
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The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Unit -VII	7.1 Social Responsibility and Social Action or Interest Litigation	7 Hours
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Reading Assignment (Subject to the Revision)

Books

- Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078, pp. 341-50.
- Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003, pp. 30-40.

Classroom Assignment

The classroom will be divided two groups, and assigned as follow:

Group	Assignment
Group-A	Prepare and Present the Power Point Presentation on Social Responsibility of public interest litigation
Group-B	Prepare and Present the PowerPoint Presentation on Social Action or Interest Litigation of public interest litigation

The Presentation will be followed by the Q&A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.

Other Reference Materials (For Further Reading)

Books

1. Bakshi, P. *Public Interest Litigations*. 2nd ed., Ashoka Law House, 2006.
2. Gyawali, Chandra Kanta. *Constitutional Law of Nepal*. 7th ed., Pairavi Prakashan, 2078.
3. Gyawali, Chandra Kanta. *Interpretation of The Constitution of Nepal*. Vol. 1, Pairavi Prakashan, 2077.
4. Gyawali, Chandra Kanta. *Interpretation of The Constitution of Nepal*. Vol. 2, Pairavi Prakashan, 2080.
5. Jain, Sampat. *Public Interest Litigation*. Deep and Deep Publication, 2003.

Cases

1. Radheshyam Adhikari vs.HMG NKP 2048 Volum 12 Decision Number 4460 pp 810(This cases should be studied by analysis its applicability in new Codes)
2. Advocate, Santosh Bhandari vs. HMG Nepal, Writ Number 077, WC, 0028 First Dissolution Case
3. Senior Advocate, Dr Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2074, Volume 3, pp 338, Decision number, 9770.
4. Advocate, Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2067, Volume 3, pp 329, Decision number, 8324.
5. Advocate, Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2064, Volume 8, pp 1108, Decision number, 7875.
6. Advocate, Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2063, Volume 1, pp 110, Decision number, 7643
7. Senior Advocate, Dr Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2075, Constitutional Bench, Volume 1, pp 108, Decision number, 0007,
8. Senior Advocate, Dr Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2074, Volume 7, pp 1201, Decision number, 9840
9. Advocate, Chandra Kanta Gyawali, vs. Nepal Government, NKP, 2058, Volume 11, pp 1, Decision number, 3668
10. Sher Bahadur Deuba vs. President of Nepal 077, WC, 0071 Second Dissolution Case.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title:Energy and Natural Resources Law

Semester	: VIII	Credit Hours	: 3
Paper	: VII	Lecturer Hours	: 48
Code	: BALLB387	Full Marks	: 100
Nature	: Optional (Elective)		

Course Objective:

The objective of this course is to provide basic knowledge about the energy development and natural resources mobilization regarding to development energy with upholding sustainability with reference to the conceptual provision and legislative management. It also can contribute to provide legal technical expert to enhance the basic notion on the energy management and natural resources mobilization in Nepal.

Course Components:

Unit -I	Introduction of Energy and Natural Resources Law	8 Hours
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- 1.1. Concept of Energy and Natural Resources
- 1.2. Meaning and Definitions of Energy and Natural Resources
- 1.3. Importance of Natural Sources and Energy
- 1.4. Types of Energy
- 1.5. Conservation of Natural Sources and Sustainable Development
- 1.6. Basic Principles of Natural Resources Management
- 1.7. Organizational Structure of Management of Natural Resources

Unit -II	Different Approach to Natural Resources Management	8 Hours
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- 2.1. Holistic Approach
- 2.2. Integrated Approach
- 2.3. Economic and Development Approach
- 2.4. Environmental, Ecological and Ecosystem Approach
- 2.5. Domestic and Trans-boundary Basin Approach
- 2.6. Public, Private and Community Approach
- 2.7. Disaster Prevention, Management and Preparedness Approach

Unit -III	Classification of Natural Resources	6 Hours
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- 3.1. Renewable and Non-renewable Sources of Energy
- 3.2. National and Local Natural Resources
- 3.3. Exploitation of reserved and Protected Natural Resources
- 3.4. Curative Natural Resources
- 3.5. Trans-boundary Natural Resources

Unit -IV	Right of Ownership to Natural Resources	4 Hours
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- 4.1 Constitutional Provision of Natural Resources
- 4.2 Public and Private Ownership
- 4.3 Implementation of the Right to Ownership on Natural Resources
- 4.5 Lease and Concession Provisions

Unit -V	Interdisciplinary Legislative Provision of Natural Resources for Energy Development	18 Hours
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- 5.1 Industrial Enterprises Law
- 5.2 Special Economic Zone Law
- 5.3 Land Management law
- 5.4 Law related with Land Utilization
- 5.5 Land Acquisition and Management
- 5.6 Environment Law
- 5.7 National Park and Wildlife Conservation Law
- 5.8 Foreign Direct Investment
- 5.9 Forest Law
- 5.10 Public Private Partnership and Investment Law
- 5.11 Public Procurement Law
- 5.12 Labour Law

Unit -VI	Challenges and Opportunities for Natural Resources Management and Energy Development in Nepal	4 Hours
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- 6.1. Legal and Policy
- 6.2. Institutional
- 6.3. Trans-Boundary
- 6.4 Regional and Global

Reading Assignment

Books

Ghimire, M.R. and Jayshwal, V.P., Water and Energy Law, Pairavi Prakashan
 Energy Law and Transactions- LexisNexis Folio
 Energy Law and Policy (American Casebook Series)

Cases:

Madhav Kumar Basnet et al. v Govt of Nepal et. al, NKP 2072 Ashoj Decision No. 9412
 Chakra Bdr. Rokka et. al V Govt of Nepal et. al. 079-WC-0057 , Constitutional Bench Date 2080/12/24
 TATA Projects vs Millennium Challenge Account Nepal et al. Writ No. 080-wo-0548 Date 2080/10/14

ACTS

The constitution of Nepal
 The Environment Protection Act, 2076
 The Electricity Act, 2049
 The Forest Act, 2076
 The Industrial Enterprises Act, 2076
 The Labour Act, 2074
 The Land Utilization Act, 2076
 The Lands Act, 2021
 The Land Acquisition Act, 2034
 The National Parks and Wildlife Conservation Act, 2029
 The Public Procurement Act, 2063

The Public Private Partnership and Investment Act, 2075

The Special Economic Zone Act, 2073

White Paper 2075, on Current Status and Future Roadmap of Energy, Water, Resources and Irrigation Sectors,
Publish by MoEnergy.

Articles:

Treaties:

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Tourism Law

Semester	: VIII	Credit Hours	: 3
Paper	: IX	Lecturer Hours	: 48
Code	: BALLB389	Full Marks	: 100
Nature	: Optional (Elective)		

Course Objective:

The objective of this course is to provide basic knowledge about the tourism and the legislative provision of its professional establishment as an industries. It enhancement of the tourism and will be contributed to provide legal expert for services in this area of tourism in Nepal.

Course Components:

Unit -I	Introduction of Tourism Law	6 Hours
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- 1.1. Concept Tourism and Tourism law
- 1.2. Meaning and Definitions of Tourism
- 1.3. Objective of Tourism Law
- 1.4. Importance of Tourism Law
- 1.5. Constitution and Tourism
- 1.6. Historical Development of Tourism Law

Unit -II	General Concept of Tourism	10 Hours
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- 2.1. Tourism in Different Ideology
- 2.2. Tourism and Pilgrimage and Religion
- 2.2. Tourism and Culture (Sustainable Development)
- 2.3. Tourism and Society
- 2.4. Tourism and Economic Development
- 2.5. Tourism and Aviation
- 2.6. Tourism for Peace and Progress

Unit -III	Tourism Policy of Nepal	6 Hours
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- 3.1. General Overview of Tourism Policy of Nepal
- 3.2. Problems and Challenges of Tourism
- 3.3. Tourism Policy and Federalism
- 3.4. Vision, Goal and Objectives of Tourism Policy
- 3.5. Policies and Strategic Plan of Tourism

Unit -IV	Legislative Management of Tourism	6 Hours
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- 4.1. Development of Tourism Law
- 4.2. Current Nepalese Tourism Law
- 4.3. Constitutional Provision Related with Tourism
- 4.4. Definition of 'Tourist' and Different From of Aliens or Foreigners

Unit -V	Professional Classification of Tourist Under	14 Hours
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	Nepalese Tourism Law	
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- 5.1 Travel and Trekking Agencies
- 5.2 Tourist Stander Hotel, Restaurant and Bar
- 5.3 Mountaineering/ Expedition
- 5.4 Tour Guide
- 5.5 Other Tourism Enterprise
- 5.6 Village and Eco-Tourism
- 5.7 Licensing and Penalties on respected professional.

Unit -VI	Formation of Tourism Board and Autonomy	6 Hours
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- 6.1. Objectives of Tourism Board of Nepal
- 6.2. Legislative Authority of Tourism Board
- 6.3. Institutional Autonomy of Tourism Board
- 6.4 Structure and Formation of Executive Committee of Tourism Board.

Reading Assignment

Books

Sheikh Bilal, Tourism and Hospitality Law, LAMBERT Academic Publishing.
Antoine Maniatis, The Rights to Tourism and Hospitality, Tourism Law Study

Cases:

Barun Highlanders Pvt. Ltd. Vs, HMG, NKP 2061 Decision no. 7380

ACTS

The constitution of Nepal
The Tourism Policy, 2065,
The Tourism Act, 2035
The Nepal Tourism Board Act, 2053
The Forest Act, 2076

Articles:

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Ninth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB391	Jurisprudence-II	3
BALLB392	Intellectual Property Law	3
BALLB393	Trail Advocacy	3
BALLB394	Organizational Crime Law	3
BALLB395	Clinical Law- Placement and Internship	3
BALLB396	Forensic Science	Elective (Any One) 3
BALLB397	Insurance Law	
Total		18

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Jurisprudence II

Semester	: IX	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB391	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course builds upon foundational jurisprudential knowledge by exploring modern concepts and contemporary approaches within the field. It aims to foster a critical understanding of diverse legal theories and their application. A key focus will be on equipping students with the analytical tools necessary to interpret Nepalese laws dynamically, ensuring their relevance and responsiveness to evolving societal needs.

Course Objectives

- To develop a critical understanding of modern jurisprudential concepts.
- To explore contemporary approaches to jurisprudence.
- To prepare students to interpret Nepalese laws in accordance with current societal needs.

Course Contents:

Unit -I	Introduction of Jurisprudence, Law and Morality	9 Hours
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- 1.1. General concept of jurisprudence
- 1.2. Importance of Jurisprudence
- 1.3. Eastern and Western concept of law
- 1.4. Differences between Eastern and Western law
- 1.5. Position of Eastern and western laws in Nepal
- 1.6. Concept of law and morality
- 1.7. Relation between law and morality
- 1.8. Differences between law and morality

Unit -II	Recent Trends and Issues of Jurisprudence	10 Hours
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- 2.1. Public Interest Litigation
 - 2.1.1. Concept and Meaning of PIL
 - 2.1.2. Origin and Development of PIL
 - 2.1.3. The Suo motu Approach
 - 2.1.4. PIL in Nepal
- 2.2. Critical Legal Studies
 - 2.2.1. Concept and origin of CLS
 - 2.2.2. Position of legal liberalism and positivism in CLS
- 2.3. Feminism and Jurisprudence
 - 2.3.1. Gender and sex
 - 2.3.2. Concept of gender equality and empowerment of women
 - 2.3.3. Women centric special incentives (legal provision) in Nepal.
- 2.4. Ethnic Relation and Law
 - 2.4.1. Basic concept of ethnicity and law
 - 2.4.2. Domestic legal policy and institutional framework.
- 2.5. Post Modernism
 - 2.5.1. Concept and Meaning
 - 2.5.2. Application of law in Nepal

Unit -III	Concept of Justice	7 Hours
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- 3.1. Meaning and Importance of Justice
- 3.2. Equality and Impartiality
- 3.3. Distributive Justice and corrective Justice
- 3.4. Justice for Offenders and Justice for Victims
- 3.5. Concept of Judicial Activism and Self-restraint

Unit -IV	Modern Institutional Approaches to Justice	8 Hours
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- 4.1. Alternative Dispute Resolution
 - 4.1.1. Arbitration
 - 4.1.2. Mediation
 - 4.1.3. Negotiation
- 4.2. Justice through Human rights commissions

Unit -V	Approaches of jurisprudence	8 Hours
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- 5.1. Formalism vs. Pragmatism
- 5.2. Determinacy vs. Indeterminacy
- 5.3. Cognitivism vs. Non cognitivism
- 5.4. Idealism
- 5.5. Marxism
- 5.6. Consequentialism
- 5.7. Contextualism

Unit -VI	Law making process and enforcement of Law	7 Hours
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- 6.1. Law making process in democratic regime
- 6.2. Law making process in Nepal ancient to modern (Manav Nyaya Shastra, Muluki Ain 1910 BS and Present Constitutional Process)
- 6.3. Law enforcement in Nepal
- 6.4. Judgement enforcement in Nepal
- 6.5. Problems of enforcement of law in Nepal

Reading Materials:

- Aggarwal, Nomita. *Jurisprudence (Legal Theory)*. Central Law Publications, 2008.
- Boucher, David, and Paul Kelly, editors. *Social Justice From Home to Walzer*. Routledge, 1998.
- Christie, George C. *Jurisprudence*. West Publishing, 1972.
- Dias, R.W.M. *Jurisprudence*. 5th ed., Aditya Books Pvt. Ltd.
- Friedmann, W. *Legal Theory*. 1999.
- Fuller, Lon L. *The Morality of Law*.
- *Lloyd's Introduction to Jurisprudence*. Edited by M.D.A. Freeman, 9th ed., Sweet and Maxwell, 2014.
- Mendelsohn, Oliver, and Upendra Baxi, editors. *The Rights of Subordinated Peoples*. Oxford, 1996.
- Myneni, S.R. *Jurisprudence (Legal Theory)*. 2nd ed., reprint, 2007.
- Pradhanang, Ranjit Bhakta, and Kishor Silwal. *Bidhisashtra*. Ratnapustak Bhandar.
- Sagroula, Yubaraj. *Jurisprudence: The Philosophy of Law*. Kathmandu School of Law, 2010.
- Stone, Julius. *Social Dimension of Law and Justice*. Universal Publication, 1999.
- Stone, Julius. *The Province and Function of Law*. Universal Publication, 1999.
- *The Constitution of Nepal, 2063*.
- *The Nepali Constitution (2072)*.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Intellectual Property Law

Semester	: IX	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB392	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course is designed to impart knowledge on philosophy, theories, importance and kinds of intellectual property. This course acquaints the conditions of patentability, functions of trademark, kinds of trademarks, protection of industrial property in Nepal, and develops the analytical skills and critical analysis of existing law on industrial property in the changed context in Nepal. This course enables students to comprehend kinds of copyright, neighboring rights, major provisions of existing statutes, related conventions, contribution of intellectual property for economic development and shortcomings of the existing laws in Nepal. This course acquaints the role of authorities and organizations dealing with the intellectual property.

Course Objectives

- To impart knowledge of Intellectual Property (IP), covering its meaning, concepts, theories, sources, and types.
- To familiarize students with exclusive rights in industrial property, copyright, and neighboring rights, including remedies against infringements.
- To enable students to acquire knowledge of relevant national and international legal instruments concerning IP.

Course Contents

Unit -I	Introduction to Intellectual Property	6 Hours
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- 1.1 Concept and Philosophy of Intellectual Property
- 1.2 Theories of intellectual Property
- 1.3 Major Forms of intellectual Property
- 1.4 Importance and Economic Value of Intellectual Property

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define and discuss philosophy of intellectual property.
- Describe the major theories of intellectual property
- Critically examine major forms of intellectual property in the context of Nepal
- Discuss the importance and economic value of intellectual property

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on concept and meaning of Intellectual Property
Group-B	Prepare a paper and present on Philosophy and importance of intellectual property
Group-C	Prepare a paper and present on theories of intellectual property

Group-D	Prepare a paper and present on major forms of intellectual property
Group-E	Prepare a paper on role of intellectual property for the economic development of societies and countries..

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Books

1. Cornish, W.R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
2. Mukhia, Bal Bahadur. *Intellectual Property*. Mission Legal Service Pvt. Ltd, Aug. 2015.
3. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
4. Sharma, Rudra, and Yuddha Oli. *Intellectual Property Law, Society and Economic Development*. Yuva Bikash Ko Lagi Sambaidhanik Kendra, 2078 B.S.

Articles

1. Mukhia, Bal Bahadur. "Industrial Property in Nepal Intellectual Property." *Nepal Law Review*, vol. 13, no. 1 & 2, Nepal Law Campus, 1999-2000.

Research Work

1. Mukhia, Bal Bahadur. *An Inquiry into the Legislation of Intellectual Property and Teaching of IP in Nepal*. University Grant Commission, 2001.

Unit -II	Law of Patent	6 Hours
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- 2.1 Concept, Justification and Elements of patent
- 2.2 Conditions of Patentability
- 2.3 Acquisition and transfer of ownership of Patent and Patent Specification
- 2.4 Exercise of patent: Assignment, Licensing, Compulsory Licensing
- 2.5 Infringement, Remedies and Defense in Trademark
- 2.6 National and International Instruments

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

Define Patent and conditions of patentability

State justification and elements of Patent

Describe acquisition ownership of patent and patent specification

Critically examine assignment, licensing and compulsory licensing in the context of Nepal

Highlight on the major provisions domestic laws and International instruments on patent.

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on concept, meaning of Patent and conditions of patentability
Group-B	Prepare a paper and present on Elements of patent
Group-C	Prepare a paper and present on legal provision relating to ownership of patent and patent specification
Group-D	Prepare a paper and present on transfer of ownership of patent, licensing of patent in other countries and Nepal
Group-E	Prepare a paper on major provisions of Patent, Design and Trademark Act 1965 relating to Patent and other related International Instruments.

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Acts and Conventions

- *Patent, Design and Trademark Act 1965.*
- *Paris Convention 1883.*
- *Patent Cooperation Treaty.*
- *TRIPS Agreement 1994.*

Books:

1. Cornish, W.R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
2. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
3. Sangal, P.S. *Intellectual Property Law*. R.K. Niroola, 1994.
4. Suwal, Raj Kumar. *Patent Specification*. CPIN, 2008.

Relevant Cases

1. **Suresh Chandra Agrawal Vs. Department of Industry et.al**, Nepal Kanoon Patrika (NKP), no. 8, p. 791.

Articles

1. Mukhia, Bal Bahadur. "Industrial Property in Nepal Intellectual Property." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 1999–2000.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to Nepal." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 2003.

Research Work

1. Mukhia, Bal Bahadur, *An Inquiry into the Legislation of Intellectual property and Teaching of IP in Nepal*, University Grant Commission, Kathmandu, Nepal, 2001.

Unit -III	Law of Trademark	6 Hours
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- 3.1 Concept, Justification and Elements of Trademark
- 3.2 Types of Trademark
- 3.3 Acquisition and transfer of Ownership of Trademark
- 3.4 Infringement, Remedies and Defense in Trademark
- 3.5 National and International Instruments

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

Define Trademark and shed light on the elements and functions of Trademark.

State the major categories of trademark

Discuss acquisition of ownership of trademark and transfer of ownership of trademarks pursuant to the extant laws of Nepal.

Critically assess the infringement and remedies available as per the industrial property laws in Nepal.

Describe the major provisions domestic laws and International instruments on trademark.

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on meaning of trademark, elements and functions of trademark.
Group-B	Prepare a paper and present on categories of trademark
Group-C	Prepare a paper and present on acquisition and transfer of ownership of trademark in Nepal
Group-D	Prepare a paper and present on infringement of trademark right and remedies available as per the existing statutes in Nepal

Group-E	Prepare a paper on major provisions of Patent, Design and Trademark Act 1965 relating to trademark and other related International Instruments.
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Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Act and Conventions

1. Patent, Design and Trademark Act 1965
2. Paris Convention 1883
3. Trademark Law Treaty 1994
4. TRIPS Agreement 1994

Books:

1. Cornish, W. R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
2. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
3. Sangal, P. S. *Intellectual Property Law*. R.K. Niroola, 1994.
4. Sharma, Rudra, and Yuddha Oli. *Intellectual Property Law, Society and Economic Development*. Yuva Bikash Ko Lagi Sambaidhanik Kendra, 2021.
5. Suwal, Raj Kumar. *Patent Specification*. CPIN, 2008.

Relevant Cases

1. *Nurpratap Rana Vs. Department of Industry et.al*, NKP (2062), no. 5, p. 539
2. *Mayur Biscuits and food Industries v. Department of Industries, et.al*. Writ No.3240, Year 2055
3. *Kiran Shoes Manufactures v. Department of Industries et.al*, Writ No.19, Year 2061,
4. *R.S Kandasamyet.al New Jothi Match Industries*, IPRL, Madras, 1996
5. *American Home Products Crop v. Lupin Laboratories Ltd*, IPRL, 1996

Articles

1. Mukhia, Bal Bahadur. "Industrial Property in Nepal Intellectual Property." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 1999–2000.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to Nepal." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 2003.

Research Work

1. Mukhia, Bal Bahadur. *An Inquiry into the Legislation of Intellectual Property and Teaching of IP in Nepal*. University Grants Commission, 2001.

Unit -IV	Law of Industrial Design	4 Hours
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- 4.1 Concept, Justification and Elements of Industrial Design
- 4.2 Ownership of Industrial Design
- 4.3 Infringement, Remedies and Defense in Industrial Design
- 4.4 National and International Instruments

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define industrial design and shed light on the elements of industrial design.
- State legal provisions of acquisition and termination of ownership of industrial design pursuant to the existing laws of Nepal.
- Discuss legal provisions of remedies against the infringement of industrial design in Nepal and duration of design.
- Describe the major provisions domestic laws and International instruments on Industrial design.

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on meaning of design, elements and functions of design.

Group-B	Prepare a paper and present on provision of design in the existing laws of Nepal
Group-C	Prepare a paper and present on acquisition and transfer of ownership of design in Nepal
Group-D	Prepare a paper and present on infringement of design right and remedies available as per the existing statutes in Nepal
Group-E	Prepare a paper on major provisions of Patent, Design and Trademark Act 1965 relating to industrial design and other related International Instruments.

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Acts and Conventions

1. Patent, Design and Trademark Act 1965
2. Paris Convention 1883
3. TRIPS Agreement 1994

Books:

1. Cornish, W. R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
2. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
3. Sangal, P. S. *Intellectual Property Law*. R.K. Niroola, 1994.
4. Sharma, Rudra, and Yuddha Oli. *Intellectual Property Law, Society and Economic Development*. Yuva Bikash Ko Lagi Sambaidhanik Kendra, 2021.
5. Suwal, Raj Kumar. *Patent Specification*. CPIN, 2008.

Articles

1. Mukhia, Bal Bahadur. "Industrial Property in Nepal Intellectual Property." *NEPAL LAW REVIEW*, vol. 13, no. 1 & 2, Nepal Law Campus, 1999-2000.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to Nepal." *NEPAL LAW REVIEW*, vol. 13, no. 1 & 2, Nepal Law Campus, 2003.

Research Work

1. Mukhia, Bal Bahadur. *An Inquiry into the Legislation of Intellectual Property and Teaching of IP in Nepal*. University Grant Commission, 2001.

Unit -V	Copyright and Related Rights	10 Hours
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- 5.1 Concept, Justification and Elements of Copyright
- 5.2 Subsistence of Copyright Ownership: Economic Rights and Moral Rights
- 5.3 Exercise of Copyright Ownership: Assignment, Licensing and Compulsory Licensing
- 5.4 Infringement, Remedies and Defense in Copyright
- 5.5 Permitted Use and Fair Dealing/ Fair Use
- 5.6 National and international Instruments
- 5.7 Judicial Approach

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define copyright and classify copyright including the economic and moral rights of copyright owner.
- Differentiate between copyright and neighboring rights
- Discuss on the rights of performers, producers of phonogram and rights of broadcasting organizations
- State legal provisions of acquisition and duration of ownership on copyright and neighboring rights.
- Critically discuss on the Fair Use Doctrine and legal provisions stipulated in the Copyright Act 2002 of Nepal.
- Describe the major provisions of Berne Convention 1886, Rome Convention 1961 and TRIPS Agreement 1994.
- Explain the remedies available in case of copyright infringement and plagiarism

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on meaning of copyright, economic and moral rights of an owner of copyright.
Group-B	Prepare a paper and present on difference between copyright and neighboring rights
Group-C	Prepare a paper and present on acquisition and transfer of ownership of copyright and duration of copyright and neighboring rights in Nepal
Group-D	Prepare a paper and present on infringement of copyright and punishment as per the existing Copyright Act 2002 in Nepal and related cases
Group-E	Prepare a paper on major provisions Berne Convention, Rome Convention and TRIPS Agreement,

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Act and Conventions

1. Copyright Act, 2002
2. Berne Convention 1886
3. Rome Convention 1961
4. TRIPS Agreement 1994

Book

1. Chawla, Alka. *Copyright and Related Rights*. Macmillan India, 2007.
2. Cornish, W. R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
3. Mukhia, Bal Bahadur. *Intellectual Property*. Mission Legal Service Pvt. Ltd., 2015.
4. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
5. Sangal, P. S. *Intellectual Property Law*. R.K. Niroola, 1994.

Cases:

- *A and M Records et.al v. Napster*, February 12, 2001
- *GON by Rajendra Manandhar's FIR v. INSEC*, Appellate Court, Patan, Case No 2065 decision date 2067/04/31 B.S.
- *GON v. Tek Bahadur Dangi*, case No.2067, decision date 2067/11/23 B.S.

Articles

1. Mukhia, Bal Bahadur. "Legal Aspects of Computer Software and E-Commerce with Special Reference to Nepal." *Business Law Journal*, no. 4, Commercial Law Society, Aug.–Sept. 2004.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to Intellectual Property in Nepal." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 2003.
3. Mukhia, Bal Bahadur. "Role of Effectual CMO for Copyright Protection." *Nayadoot*, no. 6, Nepal Bar Association, 2007.

Unit -VI	Other Forms of Intellectual Property	6 Hours
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- 6.1. Geographical Indication
- 6.2. Lay-out Design of Integrated Circuits
- 6.3. Trade Secret/ Confidential information
- 6.4. Protection against Unfair Competition
- 6.5. Protection of New Variety of Plants.
- 6.6. Traditional Knowledge, Traditional Cultural Expression and Genetic Resources.

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Define geographical indication
- Discuss on Lay-out design of integrated circuit

Explain the application of trade secret

State legal provisions of relating to protection of against unfair competition in Market Protection and Competition Promotion Act 2063

Critically discuss on New Plant Variety Protection provided in UPOV 1998

Define traditional knowledge and position of TK in Nepal.

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on meaning of geographical indication with suitable examples like, Darjeeling Tea, Ilam Tea, Palpali Topi etc.
Group-B	Prepare a paper and present on integrated circuit
Group-C	Prepare a paper and present on trade secret
Group-D	Prepare a paper and present on protection against unfair competition and position of traditional knowledge in Nepal
Group-E	Prepare a paper on major provisions of International Union for Protection of New Varieties of Plants (UPOV), 1998

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Laws and Conventions

1. *Constitution of Nepal 2015 (2072 B.S.).*
2. *Market Protection and Competition Promotion Act, 2063.*
3. *The International Union for the Protection of New Varieties of Plants, 1998.*
4. *TRIPS Agreement, 1994.*

Book

1. Chawla, Alka. *Copyright and Related Rights*. Macmillan India, 2007.
2. Cornish, W. R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
3. Edenborough, Michael. *Intellectual Property Law*. Cavendish Publication, 1996.
4. Mukhia, Bal Bahadur. *Intellectual Property*. Mission Legal Service Pvt. Ltd., 2015.
5. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
6. Sangal, P. S. *Intellectual Property Law*. R.K. Niroola, 1994.

Articles

1. Mukhia, Bal Bahadur. "Legal Aspects of Computer Software and E-Commerce with Special Reference to Nepal." *Business Law Journal*, no. 4, Commercial Law Society, Aug.–Sept. 2004.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to Intellectual Property in Nepal." *Nepal Law Review*, vol. 13, no. 1–2, Nepal Law Campus, 2003.
3. Mukhia, Bal Bahadur. "Role of Effectual CMO for Copyright Protection." *Nayadoot*, no. 6, Nepal Bar Association, 2007.

Unit -VII	Authorities and Organizations Dealing with Intellectual Property in Nepal	10 Hours
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- 7.1. Department of Industries, Industrial Property Section
- 7.2. Nepal Copyright Registrar's Office (NCRO)
- 7.3. Department Of Archive
- 7.4. Custom Office, post Offices, Police Departments and Nodal Officers
- 7.5. Courts
- 7.6. Nepal Standard and quality office relating to National Standard Mark
- 7.7. Collective Management Organizations

7.8. Film Development Board and Other similar Organizations

7.9. Role of World Intellectual Property Organization for the Protection of intellectual property.

Learning Outcome and Classroom Assignment

As a result of this unit students will be able to:

- Explain the role of Department of Industries, Nepal Copyright Registrar Office for protection of Intellectual Property in Nepal
- Role of WIPO. for protection and promotion of intellectual property in Nepal and harmonizing IP laws in Nepal
- Discuss the role of Police Department, Attorney General Office and Courts in Nepal.
- Describe the role of CMO for collection of royalty

Classroom Assignment

Group	Assignment
Group-A	Prepare and present a paper on the role of Department of Industries, NCRO for registration and protection of intellectual property in Nepal
Group-B	Prepare a paper and present on Role of World Intellectual Property Organization for promotion and protection of intellectual property and harmonization of related national legislation
Group-C	Prepare a paper and present on police department relating to investigation of piracy of intellectual property
Group-D	Prepare a paper and present on Attorney General Office and Courts in the tasks of prosecution and adjudication of IP related cases
Group-E	Prepare a paper on role of collective management organizations (like MRCS-N, Performers Society, Producer Society) in Nepal.

Presentation of the prepared papers will be followed by question answers, comments and suggestions.

Reference Materials

Laws and Conventions

1. Copyright Act 2002
2. Patent, Design and Trademark Act 1965
3. Convention Establishing World
4. TRIPS Agreement 1994

Book

1. Mukhia, Bal Bahadur. "Legal Aspects of Computer Software and E-Commerce with Special Reference to Nepal." *BUSINESS LAW JOURNAL*, no. 4, Commercial Law Society, Aug.-Sept. 2004, Kathmandu.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to in Nepal Intellectual Property." *NEPAL LAW REVIEW*, vol. 13, no. 1 & 2, Nepal Law Campus, 2003, Kathmandu.
3. Mukhia, Bal Bahadur. "Role of Effectual CMO for Copyright Protection." *NYAYADOOT*, no. 6, Nepal Bar Association, 2064 B.S., Kathmandu.

Articles

1. Mukhia, Bal Bahadur. "Legal Aspects of Computer Software and E-Commerce with Special Reference to Nepal." *BUSINESS LAW JOURNAL*, no. 4, Commercial Law Society, Aug.-Sept. 2004, Kathmandu.
2. Mukhia, Bal Bahadur. "Legal Aspects of Incorporeal Property Rights with Special Reference to in Nepal Intellectual Property." *NEPAL LAW REVIEW*, vol. 13, no. 1 & 2, Nepal Law Campus, 2003, Kathmandu.
3. Mukhia, Bal Bahadur. "Role of Effectual CMO for Copyright Protection." *NYAYADOOT*, no. 6, Nepal Bar Association, 2064 B.S., Kathmandu.

Reading Materials and References

Constitution, Statutes and Conventions

- *Constitution of Nepal 2015 (2072 B.S)*

- *Copyright Act 2002*
- *FITTA 2019 (2075 B.S)*
- *Market Protection and Competition Promotion Act 2063*
- *Patent, Design and Trademark Act 1965*
- *Paris Convention, 1883*
- *Berne Convention, 1886*
- *Trademark Law Treaty 1994*
- *Patent Cooperation Treaty, 1970*
- *The International Union for the Protection of New Varieties of Plants, 1998*

Books

1. Chawla, Alka. *Copyright and Related Rights*. Macmillan India, 2007.
2. Cornish, W. R. *Intellectual Property*. Indian reprint, Sweet and Maxwell, 1995.
3. Edenborough, Michael. *Intellectual Property Law*. Cavendish Publishing Limited, 1995.
4. Friedmann, W. *Law in a Changing Society*. Universal Book Traders, 1996.
5. Mukhia, Bal Bahadur. *Intellectual Property*. Mission Legal Service Pvt. Ltd., 2015.
6. Narayan, P. *Intellectual Property Law*. 3rd ed., Eastern Law House, 2015.
7. Sangal, P. S. *Intellectual Property Law*. R. K. Niroola, 1994.
8. Sharma, Rudra, and Yuddha Oli. *Intellectual Property Law, Society and Economic Development*. Yuva Bikash Ko Lagi Sambaidhanik Kendra, 2078 B.S.
9. Sople, V. V. *Managing Intellectual Property and the Strategic Imperative*. Prentice Hall India Ltd., 2006.
10. Suwal, Raj Kumar. *Patent Specification*. CPIN, 2008.
11. Wadehra, B. L. *Law Relating to Patents, Trademark, Copyright, Designs and Geographical Indication*. Universal Law Publishing, 2000.

Articles

1. Mukhia, Bal Bahadur. "Industrial Property in Nepal Intellectual Property." *Nepal Law Review*, vol. 13, no. 1 & 2, Nepal Law Campus, 1999-2000.
2. ---. "Legal Aspects of Computer Software and E-Commerce with Special Reference to Nepal." *Business Law Journal*, no. 4, Commercial Law Society, Aug.-Sept. 2004.
3. ---. "Legal Aspects of Incorporeal Property Rights with Special Reference to in Nepal Intellectual Property." *Nepal Law Review*, vol. 13, no. 1 & 2, Nepal Law Campus, 2003.
4. ---. "Role of Effectual CMO for Copyright Protection." *Nyayadoot*, no. 6, Nepal Bar Association, 2064 BS.

Research Reports

1. Mukhia, Bal Bahadur. *An Inquiry into the Legislation of Intellectual Property and Teaching of IP in Nepal*. University Grant Commission, 2001.

Relevant Cases

1. *Nurpratap Rana Vs. Department of Industry et.al*, NKP (2062), no. 5, p. 539
2. *Mayur Biscuits and food Industries v. Department of Industries, et.al*. Writ No.3240, Year 2055
3. *Kiran Shoes Manufactures v. Department of Industries et.al*, Writ No.19, Year 2061,
4. *R.S Kandasamyet.al New Jothi Match Industries*, IPRL, Madras, 1996
5. *American Home Products Crop v. Lupin Laboratories Ltd*, IPRL, 1996
6. *A and M Records et.al v. Napster*, February 12, 2001
7. *GON by Rajendra Manandhar's FIR v. INSEC*, Appellate Court, Patan, Case No 2065 decision date 2067/04/31 B.S.
8. *GON v. Tek Bahadur Dangi*, case No.2067, decision date 2067/11/23 B.S
9. *Suresh Chandra Agrawal Vs. Department of Industry et.al*, Nepal Kanoon Patrika (NKP), no. 8, p. 791.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Trial Advocacy

Semester	: IX	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB393	Full Marks	: 100
Nature	: Compulsory		

Course Description:

Trial Advocacy is a practical course designed for senior undergraduate students who have gained basic knowledge of civil and criminal procedures. The syllabus aims to acquaint the students with daily workings of a trial advocate, especially in a courtroom. The curriculum starts with theoretical foundations of trial advocacy, including its distinctions from appellate, writ, and public interest advocacy. The course then proceeds to familiarize the students with major stages of civil and criminal trials. Subsequently, the most important unit of the course entails the oral arguments and pleadings. This is followed by the techniques of witness examination, including expert witnesses. Lastly, the curriculum ends with imparting practical knowledge on courtroom manners and behaviors expected of a trial lawyer. This course is designed to be taught and studied in the classroom with regular visits to the courtroom to witness oral arguments of trial cases. Additionally, the course instructors are encouraged to teach the course by making students participate in moot oral arguments in the classroom and evaluate their performance.

Course objectives:

- To introduce the students with a distinct field of trial advocacy as distinct from appellate, writ, or public interest advocacy
- To examine the stages of trial that may be decisive in trial proceedings, from the viewpoint of an advocate
- To acquaint the students with techniques of oral arguments in trial cases, including opening and closing addresses, evidence presentation, counter arguments and claims
- To impart practical knowledge on witness testimony and cross examination, including for expert witnesses
- To familiarize the students on how a trial advocate is expected to behave and act in courtroom, so as to maintain the dignity of the court

Course Contents:

Unit –I	Introduction to Trial Advocacy	8 Hours
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- 1.1. Definition
- 1.2. Practice and History
- 1.3. Differences between trial advocacy and other forms of advocacy (including appellate, writ, and PIL)
- 1.4. Roles of Advocates and Judges in trial advocacy

Unit –II	Trial Proceedings	8 Hours
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- 1.1. Criminal Trial proceedings
 - 1.1.1. Chargesheet
 - 1.1.1. Detention hearing (*thunchhek bahas*)
 - 1.1.1. Pretrial hearing
 - 1.1.1. Jury selection system (in select jurisdiction)
 - 1.1.1. Trial hearing
 - 1.1.1. Extension time period date (*Myad/ Tarekh Thamne*)
- 1.2. Civil trial proceedings
 - 1.1.1. Complaint

- 1.1.1. Reply – with grace period
- 1.1.1. Preliminary hearing
- 1.1.1. Hearing
- 1.1.1. Extension time period date (*Myad/ Tarekh Thamne*)

Unit III	Oral arguments including pleading notes (<i>bahasnote</i>)	16 Hours
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- 2.1. Opening statement
- 2.2. Evidence presentation
- 2.3. Closing arguments
- 2.4. Counter arguments
- 2.5. Pleadings
- 2.6. Pleading notes

Unit IV	Witness examination	10 Hours
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- 3.1. Witness testimony
- 3.2. Cross examination
- 3.3. Examination of expert witnesses

Unit IV	Courtmanship and Courtroom Conduct	6 Hours
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- 4.1 Courtroom decorum
- 4.2 Professional conduct of a trial lawyer

Course book:

1. Malik, B. *The Art of a Lawyer*. 12th ed., Universal Law Publishing Co., 2016.

Reference Books:

1. Dahal, Kedar. *Praman Kanoon Siddhanta ra Byabahar (Law of Evidence)*. Pacific Law Associates, 2070 B.S.
2. Shrestha, Gyaindra Bahadur. *Kanooni Likhatka Masauda*. Pairavi Prakashan, 2078 B.S.
3. ———. *Karyabidhi Kanoonko Rooprekha (Outline of Procedural Law)*. Pairavi Prakashan, 2076 B.S.
4. Upreti, Shriprakash. *Faujdari Nyaya: Siddhanta ra Proyog*. Pairavi Book House, 2077 B.S.

Reference Articles:

1. “Kanoon Vyavasayiko Bhumika ra Daayittwa.” *Nepal Bar Council Bulletin*, vol. 23, year 24, Shrawan 2078 B.S., Nepal Bar Council.
2. Mishra, Bijaya Prasad. “Role of Supreme Court on Legal Profession of Nepal.” *Nepal Bar Council Law Journal* 2019, 2020.
3. Pathak, Narendra Prasad. “Sarkari Wakil – Anubhav ra Anubhuti.” *100 Kanoon*, Lawyers Club Kathmandu, 2070 B.S.
4. Paudel, Mukunda Sharma. “Kanoon Vyavasaya, Aacharsanhita ra Peshagat Chunautiharu.” *Nepal Bar Council Bulletin*, vol. 23, year 24, Shrawan 2078 B.S., Nepal Bar Council.

Legal Documents:

1. *Civil Procedure Code, 2017 (Muluki Dewani Karyabidhi Sanhita, 2074)*. Government of Nepal.
2. *Civil Procedure Rules, 2018 (Muluki Dewani Karyabidhi Niyamawali, 2075)*. Government of Nepal.
3. *Criminal Procedure Code, 2017 (Muluki Faujdari Karyavidhi Sanhita, 2074)*. Government of Nepal.
4. *Criminal Procedure Rules, 2018 (Faujdari Karyabidhi Niyamawali, 2075)*. Government of Nepal.
5. *District Court Rules, 2018 (Jilla Adalat Niyamawali, 2075)*. Government of Nepal.
6. *High Court Rules, 2016 (Uchcha Adalat Niyamawali, 2073)*. Government of Nepal.
7. *Supreme Court Rules, 2017 (Sarwochcha Adalat Niyamawali, 2074)*. Government of Nepal.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Organizational Crime Law

Semester: IX

Paper: IV

Code: BALLB394

Nature: Compulsory

Credit Hours: 3

Lecturer Hours: 48

Full Marks: 100

This course provides an in-depth analysis of organised crime, focusing on its structure, operation, and impact on society. Students will examine the historical development of organised crime, the various types of criminal organizations (including mafias, cartels, and gangs), and their involvement in illegal activities such as drug trafficking, human trafficking, money laundering, and cybercrime etc.

The course will cover theories of organised crime, the role of corruption and violence, and the methods law enforcement agencies use to combat these organizations. Students will also explore the socio-economic and political conditions that enable organised crime to thrive and consider the global dimensions of organised crime, including transnational networks and the challenges of international cooperation.

Through case studies, students will critically assess the effectiveness of current policies and strategies aimed at preventing and controlling organised crime. By the end of the course, students will have a comprehensive understanding of the dynamics of organised crime and its far-reaching implications for national and international security.

Learning Outcomes:

- Comprehend the history and evolution of organised crime.
- Identify the structures and operations of various organised crime groups.
- Analyse the economic, social, and political factors contributing to organised crime.
- Evaluate the effectiveness of law enforcement strategies against organised crime.
- Assess the global impact of organised crime and the challenges of international collaboration.

COURSE CONTENTS

Unit -I	Introduction to Organized Crime	10. Hours
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- 1.1 Definition of organized crime.
- 1.2 Distinction between organized crime and other forms of crime.
- 1.3 Brief history of organized crime (Prohibition Era, Post-Cold War, globalization 'the rise of the Mafia in Italy').
- 1.4 The rise of transnational organized crime.
- 1.5 Types of organized crime groups (Mafia, drug cartels, terrorist organizations, human trafficking networks, cybercriminal organizations).
- 1.6 Characteristics of organized crime groups (hierarchy, continuity, and the use of violence or corruption, etc.).

Unit -II	Economic and Social Impact	4. Hours
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- 2.1 The economic impact of organized crime (Money laundering, black markets).
- 2.2 The social consequences (Violence, corruption, community destabilization).
- 2.3 The relationship between organized crime and poverty, inequality, and state failure.

Unit -III	Transnational Organized Crime	8.Hours
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- 3.1 Drug trafficking and its global impact.
- 3.2 Human trafficking, Arms trafficking and smuggling.
- 3.3 Cybercrime and digital extortion.
- 3.4 Counterfeiting, smuggling, and other illicit markets.
- 3.5 Cross-border operations and the role of technology.
- 3.6 Major international organized crime networks.

Unit -IV	Legal and Policy Frameworks	8.Hours
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- 4.1 National and international laws addressing organized crime (National Criminal Code, UN Conventions).
- 4.2 Law enforcement strategies (Intelligence, undercover operations, asset forfeiture).
- 4.3 Challenges in prosecuting organized crime (witness protection, jurisdictional issues).

Unit -V	New Trends and Emerging Threats	6.Hours
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- 5.1 Impact of technological advancements on organized crime.
- 5.2 Emerging forms of organized crime (environmental crime, illegal wildlife (animal hunting) trade).
- 5.3 Predictions and challenges for law enforcement.

Unit -VI	Role of Corruption and Case Studies	10. Hours
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- 6.1 The relationship between organized crime and corruption.
- 6.2 How organized crime infiltrates governments, law enforcement, and businesses.
- 6.3 Case studies of corruption linked to organized crime.
 - Nepal Government v. Masud Aalam & Others, Decision No. 10668, NKP 2078, No. 4
 - Prithavi Bahadur Pande & Others v. Kathmandu District Court & Others, Decision No. 9667, NKP 2073, No. 9
 - Dipak Kumar Pokharel & Others v. The Council of Ministry, Decision No. 8831, NKP 2069, No. 5
 - Surya Bahadur Pun v. Nepal Government, Decision No. 8784, NKP 2069, No. 3
 - Durga Uprety v. Nepal Government, Decision No. 8321, NKP 2067, No. 2
 - HMG v. Jugat Sada & Others, Decision No. 7752, NKP 2063, No. 8

References:

Books

1. Albanese, J. s. (1996). *Organized Crime in America*. Phoenix, AZ, U.S.A.: Routledge.
2. Albanese, J. S. (2007). *Criminal Justice*. Mishawaka,, U.S.A.: Pearson Education, Limited,.
3. Albanese, J. S. (2010). *Organised Crime in Our Times*. USA: Routledge,.
4. Gandhirajan, C. (2004). *Organised Crime*. New Delhi, India: A.P.H. Publishing.
5. Lama, K. (2021). The Principal International Normative Framework for Combating Organised Crime. *Nepal Bar Council Law Journal*.
6. Wright, A. (2009). *Organised Crime*. New York: Willan Publishing.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Clinical Law: Placement and Internship

Semester: IX

Paper: V

Code: BALLB395

Nature: Compulsory

Credit Hours: 3

Lecturer Hours: 48

Full Marks: 100

Course Objectives

The objectives of this course are:

- Internship course is designed to impart practical knowledge for senior undergraduate students who have gained basic legal knowledge pertaining to Civil, Criminal, Constitutional and so on.
- The motto of Internship is to acquaint students with practical knowledge in any area of law through internship.

Internship and its Evaluation:

The students shall be placed before any reputed institution for Internship wherein the students shall learn practical knowledge on topic approved by Campus/College/School. The students will participate in a concerned institution minimum 30 working days. The student shall submit a report of practical work on the recommendation of an institution for evaluation.

The Campus shall conduct viva-voice on 40% full marks by Evaluation Committee formed by Campus administration comprising of experts having at least 5 years of experience in the legal field with eligibility to teach law. Rest of 60% marks shall be evaluated on the basis of the report submitted by the students on the recommendation of the concerned institution.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Forensic Law

Semester : IX

Paper : VI

Code : BALLB396

Nature : Optional/Elective

Credit Hours : 3

Lecturer Hours : 48

Full Marks : 100

Course Description

This course introduces students to the principles and practices of forensic law, with a focus on the role of scientific evidence in the criminal justice system. It examines the jurisprudence surrounding forensic evidence and its admissibility in court. Topics include crime scene investigation, forensic documentation, analysis of physical and biological evidence, and expert testimony. The course emphasizes the integration of forensic methods with legal procedures to support the administration of justice.

Course Objectives

- To acquaint students with the jurisprudence governing forensic evidence in criminal trials.
- To develop students' skills in analyzing and effectively utilizing forensic evidence in legal proceedings.

Unit -I	Introduction	10.Hours
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1. History and Development of the Forensic Science and Medical Jurisprudence
2. Theories of Forensic Science
3. Importance of Physical Evidence in Criminal Investigation
4. Essential of Criminal Investigation and Trial (including chain of custody of physical evidence)

Unit -II	Cause of Death	10.Hours
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- 2.1 Exhumation
- 2.2 Asphyxia
- 2.3 Starvation
- 2.4 Death due to Cold and Heat
- 2.5 Death due to burn
- 2.6 Death due to Sharp Edge Weapon
- 2.7 Death due to Medical Violence (Ammunition, Gunshot)

Unit -III	Post-Mortem Examination	10.Hours
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- 3.1 Introduction to Body Part
- 3.2 External Examination
- 3.3 Internal Examination
- 3.4 Cause of Death
- 3.5 Examination of Decomposed Bodies
- 3.6 Examination of Mutilated Bodies, Parts and Fragments
- 3.7 Examination of Bones

Unit -IV	Medico-legal Aspects	10.Hours
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- 4.1 Sexual Offence: a) Rape
 - i. Examination of Victim

- ii. Examination of Accused
- iii. Medico-legal Question in Rape Case
- iv. Identification of Vaginal Swab and Semen Stains
- b) Virginity, Pregnancy and Delivery
- c) Abortion
- d) Insanity
- e) Accident

Unit -V		4.Hours
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5.1 Medico-legal Aspect of Toxicology

5.2 Principles of Forensic Toxicology

Unit -VI	Expert Opinion and Testimony	4.Hours
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- 1. Testimony of Investigator
- 2. Expert Opinion and Reliability
- 3. Examination, Cross Examination and Re-examination

Recommended Books:

- 1. Jay Chapman MD, Death of Deduction, Kathmandu, 2001.
- 2. Adrian Keane, The Modern of Evidence, 6th ed. Oxford University Press, 2006.
- 3. Bernard Knight, Lawyer's Guide to forensic medicine, Law Man (India) Pvt. Ltd., 2001
- 4. BR Sharma, Fire arms in Criminal Investigation & Trials 3rd ed. Universal Law Publishing Co. Pvt. Ltd., 2002.
- 5. Criminal Investigation, Swan Son 8th Ed., 2003
- 6. Disputed Documents Examination & Finger Print Identification – 5th ed. The Law Book co. H.R. Hardless's 1997.
- 7. Eric D. Green, Charles R. Nesson, Problems, Cases and Materials on Evidence, 2nd ed. Little Brown and Company, 1994.
- 8. Ezas Ahmad Medical Evidence 1996, Ashoka Law House, India, 1996.
- 9. Forensic Science in Criminal Investigation of Trial 4th edition Universal Law Publishing, 2005.
- 10. Modi's Medical Jurisprudence and Toxicology, 22nd Ed. Butterworths, India, 1999.
- 11. Modis' Mecial Jurisprudence of Toxicology 22nd ed. – Butter worths, 1999.
- 12. Modis' Mecial Jurisprudence of Toxicology 2nd ed. Moitra & Kaushal Unic Law Publishers, 2001
- 13. R.A. GREGRY, Scientific Identification of disputed documents finger prints and ballistics, Eastern Book Co., 1984.
- 14. Richard Saferstein, Criminalistc: An Introduction to Forensic Science, 1995.
- 15. Samuel Smith, Atlas of Human Body, Medical Legal Guide, Medical Jurisprudence 2000.
- 16. Wilson R. Harrison, Suspect Document, Their Scientific Examination, Universal Law Publishing, 2003.
- 17. Muluki Criminal Code, 2074 & Muluki Criminal Procedure Code, 2074.
- 18. Muluki Civil Code, 2074 & Muluki Civil Procedure Code, 2074.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Course title: Insurance Law

Semester	: IX	Credit Hours	: 3
Paper	: VII	Lecturer Hours	: 48
Code	: BALLB397	Full Marks	: 100
Nature	: Optional/Elective		

Course Description

This course explores the legal framework governing insurance companies, focusing on regulatory bodies, insurance legislation, and compliance requirements. It covers key legal aspects of insurance operations, including company formation, capital adequacy, reporting obligations, underwriting, claims settlement, reinsurance, tariff regulation, investment of reserve funds, and corporate governance. The course also examines relevant legal provisions and the supervisory role of the Insurance Authority, Nepal.

Course Objectives

- To explain the development and nature of insurance laws.
- To apply legal provisions in the establishment and regulation of insurance and reinsurance entities.
- To assess capital and reporting requirements in accordance with legal standards.
- To comply with disclosure obligations and understand consequences of non-disclosure.
- To apply legal procedures in the settlement of insurance claims.
- To explain principles of corporate governance in insurance operations.
- To interpret key legal provisions and describe the regulatory role of the Insurance Authority, Nepal.

Course Details;

Unit –I	Introduction	6 Hours
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- 1.1. Concept of risk; Risk identification; Types of risk facing businesses and individuals; Cost of Risk components of cost of risk, cost tradeoff, and cost of other types of risk; Business risk management and need for risk management; Business risk management organizations.

Unit –II	Risk Aversion, Risk Management and Insurability of Risk	6 Hours
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- 2.1. Concept of risk aversion; Risk aversion and demand for insurance; factors affecting demand for insurance; shareholder diversification; reasons for buying insurance; factors that limit the insurability of risk; contractual provisions that limit coverage; Legal doctrines.

Unit –III	Insurance	4 Hours
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- 3.1. The nature and definition of insurance and insurance law. Element of contract of insurance. Functions of insurance. Subject matter of insurance. History of insurance law in the world and in Nepal. Types of insurance; general insurance, life insurance, reinsurance (meanings, types, natures, risk coverages). Duties of insurers.

Unit –IV	Principles of Insurance	5 Hours
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- 4.1. Principle of indemnity. Principle of insurable interest (in life insurance and non life insurance and insurance of third party interest). Principle of utmost good faith. Principle of proximate cause. Principle of contribution . principle of subrogation. Principle of mitigation. Law of large numbers and law of probability.

Unit -V	Formalities and Formation of the Insurance Contract	4 Hours
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- 5.1. Formation of the insurance contract. Formalities of insurance contract. Insurance proposal form. Insurance policy or product. Temporary cover and cover notes. Duration and renewal of insurance policies. Fraud, nondisclosure and misrepresentation. Practice in and reform of utmost good faith and disclosure.

Unit –VI	Warranties and Conditions	5 Hours
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- 6.1. Warranties, clauses descriptive of the risk agents and the proposal form. Conditions. Practice in and reform of the law of warranties and conditions. Intermediaries (agents, brokers, surveyors, third party administrator and banc assurance). Double insurance.

Unit –VII	Premium	5 Hours
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- 7.1. Premium, rate fixing in insurance, tariff, life table, actuary and its role, assignment of the subject matter of insurance. Assignment of the benefit of an insurance policy. Assignment of the policy. Self insurance. Retention. Social insurance. Formal and informal insurance. Reinstatement; contractual reinstatement and statutory reinstatement.

Unit –VIII	The Measurement of Loss	5 Hours
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- 8.1. Total loss in the case of goods. Total loss in the case of land. Partial loss under an indemnity policy. The insured with a limited interest. Partial loss under an indemnity policy. The insured with a limited interest. Loss under a valued policy. Under insurance. Over insurance. excess and deductibles.

Unit –IX	Insurance Regulation and Insurance Laws	3 Hours
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- 9.1. The financial regulation of insurance business. The development of government control. the impact of existing law relating insurance. The protection of policyholders. Regulating the conduct of insurance business. International relation in insurance. IAIS Concept and objective.

Unit –X	Reinsuranceand Claim Settlement	3 Hours
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- 9.1. Introduction. Characteristics. Advantages. Types. Retrocession. Retention. Local reinsurance and insurance market . brokerage. Claim settlement process. Life insurance claim settlement process and non life insurance claim settlement process according to insurance acts and regulation. Nepalese insurance market and it issues and problems.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences
BALLB Program

Tenth Semester Courses

Subject Code	Name of The Subject	Credit hour
BALLB3101	International Trade and Arbitration Law	3
BALLB3102	International Humanitarian and Conflict Law	3
BALLB3103	Consumer Protection and Competition Law	3
BALLB3104	Law and Development	3
BALLB3105	Dissertation	6
Total		18

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: International Trade and Arbitration Law

Semester	: X	Credit Hours	: 3
Paper	: I	Lecturer Hours	: 48
Code	: BALLB3101	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a comprehensive overview of national and international trade laws and arbitration laws. It examines fundamental legal concepts related to compliance and the evolving landscape of **corporate** accountability within transnational business operations. Emphasis will be placed on strategies enterprises can employ for successful business conduct and dispute settlement.

Course Objectives

- To enhance their understanding of basic trade laws and dispute settlement systems.
- To grasp the concept and development of International Trade Law and Arbitration Law.
- To effectively navigate complex legal situations within their professional careers.
- To develop skills in reasoning, investigation, analysis, critical thinking, and practical application relevant to their future careers.
- To acquire knowledge of existing trade laws and arbitration law practices in Nepal.
- To improve their competitiveness through the study of law in a global context.

Unit -I	Meaning of International Trade Law	5 Hours
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- 1.1. Concept of Law
- 1.2. Kinds of law
- 1.3. Meaning of Trade Law
- 1.4. Sources of Trade Law
- 1.5. Meaning and Sources of International Trade law.
- 1.6. Importance of International Trade Law

Reading Assignment (Subject to the Revision)

Books

1. *International Business Law, Text, Cases, and Readings*. 6th ed., Pearson Education Limited, 2013.
2. Schaffer, Richard, et al. *International Business Law*. 7th ed., South-West Cengage Learning, 2009.

Journal Article

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on Concept and Kinds of Law
B.	Prepare and Present the PowerPoint Presentation on Meaning and Sources of Trade Law
C.	Prepare and Present the PowerPoint Presentation on Meaning and Sources of International Trade Law
D.	Prepare and Present the PowerPoint Presentation on

	Importance of International Trade Law with special references to the Laws of Nepal.
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -II	Some Domestic Laws relating to Trade	7 Hours
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- 2.1. Industrial Enterprises Law
- 2.2. Foreign Investment Law
- 2.3. Labor Law and
- 2.4. Other related laws.

Reading Assignment (Subject to the Revision)

Acts/Website

1. Industrial Enterprises Act, 2073 BS, www.nepallawcommission.gov.np
2. Foreign Investment and Technology Transfer Act, 2075 BS, www.nepallawcommission.gov.np
3. Labor Act, 2074 BS, www.nepallawcommission.gov.np

Books:

1. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
2. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
3. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
4. Uprety, Bharat Raj. *Contract Law*. FREEDEAL, 2066 B.S.
5. Uprety, Bharat Raj. *An Introduction to the Company Law*. FREEDEAL, 2006.
6. Upreti, Sreepakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.

Journal Article:

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on Industrial Enterprises Law
B.	Prepare and Present the PowerPoint Presentation on Foreign Investment Law
C.	Prepare and Present the PowerPoint Presentation on Labor Law
D.	Prepare and Present the PowerPoint Presentation on other related laws
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit - III	International Agencies/Instruments Affecting International Trade laws	10 Hours
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- 3.1. General Agreement on Tariffs & Trade (GATT)/World Trade Organization (WTO)

- 3.2. United Nations Conference on Trade & Development (UNCTAD)
- 3.3. United Nations Commission on International Trade Law (UNCITRAL)
- 3.4. International Monetary Fund (IMF)/World Bank/Asian Development Bank (ADB)
- 3.5. European Union (EU)/South Asian Free Trade Area (SAFTA)/Association of Southeast Asian Nations (ASEAN)/Brazil, Russia, India, China, and South Africa (BRICS)
- 3.6. World Intellectual Property Organization (WIPO)/International Labor Organization (ILO)/Organization for Economic Co-operation and Development (OECD)
- 3.7. Cadbury's Report

Reading Assignment (Subject to the Revision)

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on GATT/WTO, UNCTAD and UNCITRAL
B.	Prepare and Present the PowerPoint Presentation on IMF/World Bank/ADB
C.	Prepare and Present the PowerPoint Presentation on EU/SAFTA/ASEAN/BRICS
D.	Prepare and Present the PowerPoint Presentation on WIPO/ILO/OECD and Cadbury's Report
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit III	- International Sales, Commercial Transaction	5 Hours
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- 4.1. United Nations Convention on Contracts for the International Sale of Goods, 1980
- 4.2. INCOTERMS, 2020 in International Trade
- 4.3. Bill of Lading
- 4.4. Airway Bill

Reading Assignment (Subject to the Revision)

Convention/Website

1. <https://cisg-online.org>
2. <https://incoterms.com>

Books:

1. *International Business Law, Text, Cases, and Readings*. 6th ed., Pearson Education Limited, 2013.
2. Schaffer, Richard, et al. *International Business Law*. 7th ed., South-West Cengage Learning, 2009.

Articles:

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on United Nations Convention on Contracts for the International Sale of

	Goods, 1980
B.	Prepare and Present the PowerPoint Presentation on INCOTERMS, 2020 in International Trade
C.	Prepare and Present the PowerPoint Presentation on Bill of Lading
D.	Prepare and Present the PowerPoint Presentation on Airway Bill
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -V	Concept, Meaning and Features of Arbitration	5 Hours
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- 5.1 Concept of Arbitration
- 5.2 Meaning of Arbitration
- 5.3 Features of Arbitration
- 5.4 Disputes to be settled by Arbitration

Reading Assignment (Subject to the Revision)

Act:

1. Arbitration Act, 2055

Books:

1. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
2. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
3. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
4. Upreti, Sreepakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.

Case:

1. Yagyamani Neupane et al. Vs. Tribhuvan University, Kirtipur et al., Decision No. 10715, 2077/12/03, Division Bench.
2. Rabindranath Shrestha Vs. High Court Patan, Decision No. 10645, 2076/11/13, Division Bench.
3. Dinkar Sharma Vs. NEPCA, Arbitral Tribunal et al. Vs. Decision No. 10586, 2076/03/30, Division Bench.
4. Rabin Maharjan Vs. High Court Patan et al., Decision No. 10557, 2079/09/10, Division Bench.
5. Jagadish Acharya Vs. Public Procurement Office, Tahachal, Kathmandu et al, Decision No. 10529, 2076/01/09, Division Bench.
6. Madhav Kumar Karki Vs. Patan High Court et al., Decision No. 10461, 2075/03/07, Division Bench.
7. Yakshyadhoj Karki Vs. High Court Patan et al., Decision No. 10369, 2076/02/30, Division Bench.
8. HANIL ENGINEERING & CONSTRUCTION CO.LTD Vs. High Court Patan et al., Decision No. 10138, 2074/09/11, Division Bench.
9. Subas Kumar Sarraf Vs. Mr. Steffen Duzink et al., Decision No. 9566, 2071/12/26, Division Bench.

Class Modality

This unit shall be taught through lecture method. Teacher will follow the controlled and information centered approach in which teacher works as a role resource in classroom instruction. Content is presented as a whole and the students learn through listening and memorization. The teacher provides information, concepts, facts, events, theories, laws and principles etc.

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	
A.	Prepare and Present the Power Point Presentation on

	Concept of Arbitration
B.	Prepare and Present the PowerPoint Presentation on Meaning of Arbitration
C.	Prepare and Present the PowerPoint Presentation Features of Arbitration
D.	Prepare and Present the PowerPoint Presentation on Disputes to be settled by Arbitration
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -VI	Arbitrator	8 Hours
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- 6.1. Meaning of Arbitrator
- 6.2. Number of Arbitrator
- 6.3. Disqualification of Arbitrator
- 6.4. Procedure to appoint Arbitrator
- 6.5. Appointment of Arbitrator Under Special Circumstances
- 6.6. Rights/Power, Functions and Duties of Arbitrator

Reading Assignment (Subject to the Revision)

Act:

Arbitration Act, 2055

Books:

5. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
6. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
7. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
8. Upreti, Sreepakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.

Case:

1. Rabindranath Shrestha Vs. High Court Patan, Decision No. 10645, 2076/11/13, Division Bench.
2. Rabin Maharjan Vs. High Court Patan et al., Decision No. 10557, 2079/09/10, Division Bench.
3. Madhav Kumar Karki Vs. Patan High Court et al., Decision No. 10461, 2075/03/07, Division Bench
4. Yakshyadhoj Karki Vs. High Court Patan et al., Decision No. 10369, 2076/02/30, Division Bench.
5. HANIL ENGINEERING & CONSTRUCTION CO.LTD Vs. High Court Patan et al., Decision No. 10138, 2074/09/11, Division Bench.

Journal Articles:

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on Meaning and Number of Arbitrator
B.	Prepare and Present the PowerPoint Presentation on Disqualification of Arbitrator
C.	Prepare and Present the PowerPoint Presentation on Procedure to appoint Arbitrator and Appointment of Arbitrator Under Special Circumstances

D.	Prepare and Present the PowerPoint Presentation on Rights/Power, Functions and Duties of Arbitrator
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit -VII	The Award	6 Hours
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- 7.1. Meaning of Award
- 7.2. Essential of Valid Award
- 7.3. Execution of Award
- 7.4. Execution of foreign Arbitral Award

Reading Assignment (Subject to the Revision)

Act:

Arbitration Act, 2055

Book:

1. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
2. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
3. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
4. Upreti, Sreeprakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.

Case:

- Dinkar Sharma Vs. NEPCA, Arbitral Tribunal et al. Vs. Decision No. 10586, 2076/03/30, Division Bench.

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on Meaning of Award
B.	Prepare and Present the PowerPoint Presentation on Essential of Valid Award
C.	Prepare and Present the PowerPoint Presentation on Execution of Award
D.	Prepare and Present the PowerPoint Presentation on Execution of foreign Arbitral Award
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Unit –VIII	Major Legal Provisions of Arbitration Act, 2055	2 Hours
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- 8.1. Arbitration proceedings
- 8.2. Submission of Claims
- 8.3. Submission of Defense and Counter Claim

- 8.4. Office of the Arbitrator
- 8.5. Expenses of Arbitration
- 8.6. Arbitrator's Remuneration

Reading Assignment (Subject to the Revision)

Act:

Arbitration Act, 2055

Books:

1. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
2. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
3. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
4. Upreti, Sreepakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.

Journal Articles:

This unit shall be taught in both the Lecture Method and Socratic Method.

Classroom Assignment

The classroom will be divided four five groups four five groups, and assigned as follow:	
Group	Assignment
A.	Prepare and Present the Power Point Presentation on Arbitration proceedings
B.	Prepare and Present the PowerPoint Presentation on Essential of Submission of Claims and Submission of Defense and Counter Claim
C.	Prepare and Present the PowerPoint Presentation on Office of the Arbitrator
D.	Prepare and Present the PowerPoint Presentation on Expenses of Arbitration and Arbitrator's Remuneration
The presentation will be followed by the Q & A Session and Comments from the Lecturer. The respective group should submit the final presentation, incorporating the comments.	

Basic Readings and References

1. *Business Law Journal*. Commercial Law Society, Kathmandu, Nepal.
2. Bhandari, Dilliraj. *Business Law*. M.K. Publishers & Distributors, 2016.
3. Innam, Kumar. *An Introduction to World Trade Organization*. Kathmandu School of Law, 2009.
4. Kalika, Satya Narayan. *Principles of Business Law*. Buddha Publication, 2015.
5. Karki, S.B., and B.P. Mishra. *Business Law*. Utsav Book Prakashan, 2072 B.S.
6. *International Business Law, Text, Cases, and Readings*. 6th ed., Pearson Education Limited, 2013.
7. Russell, David St. Jhon, et al. *Russell on Arbitration*. Sweet & Maxwell, 1997.
8. Schaffer, Richard, et al. *International Business Law*. 7th ed., South-West Cengage Learning, 2009.
9. Upreti, Bharat Raj. *An Introduction to the Company Law*. FREEDEAL, 2006.
10. ---. *Contract Law*. FREEDEAL, 2066 B.S.
11. Upreti, Sreepakash. *Business Law*. Samjhana Publications Pvt. Ltd, 2072 B.S.
12. *World Trade Organization: The Results of the Uruguay Round*. WTO Secretariat, 1994.

Enactments

- Arbitration Act, 2055
- Industrial Enterprises Act, 2073
- Foreign Investment & Technology Transfer Act, 2049
- Labor Act, 2074

Website

- www.nepallawcommission.gov
- www.incotermsexplained.com
- <https://www.wto.org>
- <https://unctad.org>
- uncitral.un.org
- <https://www.imf.org>
- <https://www.worldbank.org>
- <https://www.adb.org>
- <https://european-union.europa.eu>
- <https://safta.com>
- <https://asean.org>
- infobrics.org
- <https://www.wipo.int>
- <https://www.oecd.org>
- <https://cadbry.cjbs.archios.info>

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: International Humanitarian Law

Semester	: X	Credit Hours	: 3
Paper	: II	Lecturer Hours	: 48
Code	: BALLB3102	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course introduces the principles of International Humanitarian Law (IHL), also known as the Law of Armed Conflict (LoAC). It examines IHL's application in both international and non-international armed conflicts, alongside the roles of key institutions like the ICRC in ensuring adherence to these laws during hostilities.

Course Objectives

- To familiarize students with the principles of IHL and the rules governing the protection of persons and property during armed conflict.
- To broaden students' knowledge of core IHL documents and major provisions, as well as its relationship with other branches of international law.
- To provide an understanding of IHL enforcement mechanisms.
- To enhance critical thinking regarding the centrality of human rights in all armed conflicts.

Unit -I	Introduction to IHL and LoC	8 Hours
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- 1.1. Meaning, definition and nature of IHL
- 1.2. Origin and development of IHL
- 1.3. Sources of IHL
- 1.4. IHL and other disciplines of international law
 - 1.4.1. IHL and International Human Rights Law (IHRL)
 - 1.4.2. IHL and Refugee Law
 - 1.4.3. IHL and criminal law

Reading Assignment

- ICRC website
- Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Treatise on National Legislation, Case - Law and Other Documents* 3rd Ed, ICRC, New Delhi: 2012.

Class Room Activity/Assignment

Divide class into different groups and ask to prepare in advance a seminar paper on 'ideas of international humanitarian law in major religions' viz. Hinduism, Buddhism, and Islam;

Unit -II	Basic Principles of IHL	4 Hours
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Basic Principles of IHL

- 2.1. The distinction between civilians and combatants.
- 2.2. The prohibition to attack those hors de combat (i.e. those not directly engaged in hostilities).
- 2.3. The prohibition to inflict unnecessary suffering.
- 2.4. The principle of necessity.
- 2.5. The principle of proportionality

Reading Assignment

- https://casebook.icrc.org/a_to_z/glossary/fundamental-principles-ihl

- Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Tratise on National Legislation, Case - Law and Other Documents* 3rd Ed. Delhi: ICRC, 2012.

Classroom activity

Divide class into 5 groups and ask to prepare in advance a seminar paper on 'how each principles are applicable during the armed conflict.

Ask each students to read Common Article 3 of all 4 GC in advance and present in the class

Unit – III	Classification of Armed Conflict	4 Hours
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- 3.1. International Armed Conflict
- 3.2. Non-International Armed Conflict
- 3.3. Internationalized Non-International Armed Conflict
- 3.4. Private Actors and Conflict

Reading Assignment

https://casebook.icrc.org/a_to_z/glossary/classification-conflict

Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Tratise on National Legislation, Case - Law and Other Documents* (3rd Ed). Delhi: ICRC, 2012

Class Room Activity/Assignment

Divide class into 4 groups and ask to prepare the experiences of different societies having such kind of conflict.

Unit -IV	Means and Methods of Warfare	6 Hours
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- 4.1. Limitation on the means of warfare
- 4.2. Limitations on the methods of warfare
- 4.3. Military objects
- 4.4. Prohibition on attack on cultural property

Reading Assignment

<https://guide-humanitarian-law.org/content/article/3/methods-and-means-of-warfare/>

Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Tratise on National Legislation, Case - Law and Other Documents* 3rd Ed. New Delhi: ICRC, 2012.

Class Room Activity

Ask individuals how these limitations were observed or not during the Maoist insurgency in Nepal.

Unit -V	Protected Persons Under IHL	8 Hours
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- 5.1. Wounded Sick and Shipwrecked
- 5.2. Civilian Population or People not taking part in the humanity
- 5.3. Prisoners of War
- 5.4. Medical Personnel
- 5.5. Women, Children and Refugees

Reading Assignment

<https://www.icrc.org/en/war-and-law/protected-persons>

Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Tratise on National Legislation, Case - Law and Other Documents* 3rd Ed, ICRC, New Delhi, 2012.

Class Room Activity/Assignment

Make a five groups in the class and ask individual groups how these persons were protected during the different armed conflicts including the Maoist insurgency in Nepal.

Unit -VI	Implementation and Enforcement of IHL	8 Hours
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- 6.1. War Crimes and Grave Breaches
- 6.2. Individual Criminal Responsibility, Superior orders and command responsibility
- 6.3. Measures to Implement of IHL at International and National Level
- 6.4. Role of International Criminal Tribunal-Ad Hoc, Hybrid Courts and International Criminal Court
- 6.5. ICRC and Enforcement of IHL

Unit -VII	Implementation and Enforcement of IHL	8 Hours
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- 7.1. New Technologies and IHL (rise of new methods of warfare based on technologies and cyber attacks)
- 7.2. Use of autonomous weapons

Reading Assignment

<https://www.icrc.org/en/war-and-law/weapons/ihl-and-new-technologies>

<https://www.icrc.org/en/document/what-you-need-know-about-autonomous-weapons>

Harland, Christopher (ed). *Basic Documents on International Humanitarian Law-South Asia Collection: Treatise on National Legislation, Case - Law and Other Documents* (3rd Ed). New Delhi: ICRC, 2012

Class Room Activity/Assignment

Make a five groups of students in the class and ask individual groups to observe use of technology in the Russia Ukraine war news in the BBC for a week (given time) and prepare report how the technology has expanded the scope of the LoC.

Reading Materials:

1. Fleck, Dieter. *Handbook of International Humanitarian Law*. 4th ed., Oxford, 2021.
2. Harland, Christopher, editor. *Basic Documents on International Humanitarian Law-South Asia Collection: Treatise on National Legislation, Case-Law and Other Documents*. 3rd ed., ICRC, 2012.
3. *ICRC Publications*.
4. Reisman, W. Michael, and Chris T. Antoniou. *The Laws of War: A Comprehensive Collection of Primary Documents on International Laws Governing Armed Conflict*. Vintage Books, 1994.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Consumer Protection and Competition Law

Semester	: X	Credit Hours	: 3
Paper	: III	Lecturer Hours	: 48
Code	: BALLB3103	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course provides a foundational understanding of consumer protection and competition law. In consumer protection, we'll explore core concepts like consumer rights, regulatory frameworks, and enforcement mechanisms. For competition law, the course covers principles of fair and unfair business practices, focusing on key areas such as anti-competitive agreements, abuse of dominant position, and business combinations. The course also incorporates comparative studies of practices in the US, European Community, and India.

Course Objectives

- To provide a foundational understanding of competition law and consumer protection in Nepal and major international jurisdictions.
- To familiarize students with key consumer protection topics, including consumer sovereignty, consumer rights, and relevant legal principles.
- To teach the fundamentals and practices of competition law, encompassing anti-competitive agreements, abuse of dominant position, business mergers, and enforcement mechanisms.
- To enable students to understand legal and institutional frameworks for market competition, effectively represent consumer interests, draft complaints, and comprehend relevant legal provisions.

Part-A

CONSUMER PROTECTION

Unit -I	Introduction	Hours
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- 1.1. Meaning and Concept of Consumer, Consumerism and Consumer Protection
- 1.2. Development of the Concept of Consumer Protection
 - 1.2.1. Consumer Justice
 - 1.2.2. Consumer Sovereignty
 - 1.2.3. Rights of Consumers

Reading Materials

Books

1. Borrie, Gordon. *The Development of Consumer Law and Policy: Bold Spirits and Timorous Souls*. 36th series, Stevens & Sons, 1984.
2. Pridgen, Dee, and Gene A. Marsh. *Consumer Protection Law in a Nutshell*. 4th ed., West Academic Publishing, 2016.

Legal Instruments

- Manual on Consumer Protection, United Nations Conference on Trade and Development (UNCTAD) 2017 Edition
- United Nations Guidelines on Consumer Protection, UNITED NATIONS, New York and Geneva, 2016
- Essential Commodities Act of Nepal 2012
- Consumer Protection Act of Nepal 2075
- Consumer Protection Regulation 2056

Cases

1. Yeti Airlines Pvt. Ltd vs. Ghamraj Luitel NKP 2075, Vol. 4, Decision no. 9989, Division Bench
2. Advocate Kanchan Neupane vs. Nepal Government, Prime Minister and Office of the Council of Ministers, NKP 2075, Vol. 10, Decision no. 10125, Division Bench

Journal Articles

1. Lande, Robert H., and Neil W. Averitt. "Consumer Sovereignty: A Unified Theory of Antitrust and Consumer Protection Law." *Antitrust Law Journal*, vol. 65, 1997, pp. 713–.
2. Sahoo, Sheetal, and Aman Chatterjee. "Consumer Protection – Problem and Prospects." *SSRN Electronic Journal*, vol. 7, 2009.

Unit -II	Responsibilities of the Parties & Issues on Consumer Protection	Hours
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- 2.1. Parties Associated with the Market and their Responsibilities: Producer, Importer, Carrier, Hoarder, Service Provider and Seller
- 2.2. Issues on Consumer Protection: Unfair & Restrictive Trade and Business Practices, Adulteration, Black Marketing, Deceit, Listing the Price, Price Hiking

Reading Materials

Books

1. Dee Pridgen, Gene A. Marsh, *Consumer Protection Law in a Nutshell*, West Academic Publishing 4th ed., 2016.
2. Sławomir Smyczek (Editor), *Consumer protection standards in Europe*, Wydawnictwo Placet Publishing 1st Ed., 2019.

Legal Instruments

- Manual on Consumer Protection, United Nations Conference on Trade and Development (UNCTAD), 2017 Edition
- United Nations Guidelines on Consumer Protection, United Nations, New York and Geneva, 2016
- Essential Commodities Act 2012
- Consumer Protection Act 2075
- Consumer Protection Regulation 2056

Case Laws

Dr. Buddha Basnet vs. Jyoti Baniya, NKP 2077, Vol. 12, Decision no.10621, Division Bench
 Prof. Dr. Bulunda Thapa vs. Susma Thapa, NKP 2074, Vol. 5, Decision no. 9814, Division Bench
 Neshar Ahemad Miya vs. Dr. Pramod Paudel et al, NKP 2075, Vol. 7, Decision no. 10061, Division Bench
 Amarnath Amatya vs. Surya Kumari Adhikari, NKP 2076, Vol. 10, Decision no 10377, Division Bench

Unit -III	Legal and Institutional Framework on Consumer Protection Law	Hours
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- 3.1. International Legal Framework: United Nations Guidelines on Consumer Protection, 9th April 1985
- 3.2. National Legal Framework: Constitution of Nepal 2072, Consumer Protection Act 2075, Other Regulatory Framework
- 3.3. Institutional Framework:
 - 3.3.1. Consumer Protection Council – Formation, Power, Functions and Duties
 - 3.3.2. Enforcement: Consumer Court
 - 3.3.3. Consumer Associations and Their Roles

Reading Materials

Books

- Dee Pridgen, Gene A. Marsh, *Consumer Protection Law in a Nutshell*, West Academic Publishing 4th ed., 2016.

Legal Instruments

1. United Nations Guidelines on Consumer Protection, UNITED NATIONS, New York and Geneva, 2016
2. Constitution of Nepal 2072
3. Essential Commodities Act 2012
4. Consumer Protection Act 2075
5. Consumer Awareness program Directory 2074
6. Standard Measurement and Weight Act 2025
7. Black-marketing and Some Other Social Offenses and Punishment Act, 2032
8. Consumer Protection Regulation 2056

Case

- Kumari Kharel vs. Nepal Government, Mandamus for the Establishment of Consumer Court, Decision Date 2078 Falgun 8, Supreme Court

Further Reading

1. *Landmark Judgements on Consumer Law and Practice 2008–2020*. By Prof. (Dr.) Ashok R. Patil, Ministry of Consumer Affairs, Food & Public Distribution, Government of India & Chair on Consumer Law and Practice, National Law School of India University, 2021.
2. *Treaty on the Functioning of the European Union*, 2012, arts. 12, 114, 169.
3. Winn, Jane K., editor. *Consumer Protection in the Age of 'Information Economy'*. 1st ed., Ashgate Publishing Company, 2006.

Part-B
COMPETITION LAW

Unit -I	Introduction	Hours
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- 1.1. Concept – Enterprise, Product, Competitive Market, Competition, Market Power, Relevant Market
- 1.2. History and Development of Competition Law
- 1.3. Objectives (Economic and Non-economic) & Nature of Competition Law
- 1.4. General Framework of Competition Law (Statutes and Institutions): Harvard School vs. Chicago School

Reading Materials**Books**

- Barry J Macculloch & Angus Rodger, *Competition Law and Policy in the EU and UK*, Routledge, Taylor & Francis Group, Oxon, 6th ed., 2021.
- T Ramappa, *Competition Law in India: Policy, Issues and Developments*, Oxford University Press, New Delhi, 3rd ed., 2013.

Legal Instruments

- Competition Promotion and Market Protection Act, 2064.
- Competition Act of India, 2002.

Cases

- Nirmal Kumar Shrestha vs. Ministry of Physical Infrastructure and Transport, NKP 2075, Vol 1, Decision no. 9926, Division Bench
- Brahm Dutt vs. Union of India, AIR 2005 SC 730
- CCI vs. Steel Authority of India Ltd. & Anr, (2010)10SCC 744

Unit -II	Anti Competitive Agreement	Hours
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- 2.1. Anti- Competitive Agreements
 - 2.1.1. Horizontal Anti Competitive Agreements – agreement to fix price, agreement to limit production and/or supply, agreement to allocate markets, bid rigging, collusive bidding
 - 2.1.2. Vertical Anti Competitive Agreements - tie-in arrangement, exclusive supply/distribution arrangement, refusal to deal
- 2.2. Prohibition of Anti- Competitive Agreements in National and International Laws

Reading Materials**Books**

- Barry J Macculloch & Angus Rodger, *Competition Law and Policy in the EU and UK*, Routledge, Taylor & Francis Group, Oxon, 6th ed., 2021.

Legal Instrument

- Competition Promotion and Market Protection Act 2064
- Competition Act of India 2002

Case

- Builders Association of India vs. Cement Manufacturers', Case No. 29/2010, CCI

- Exclusive Motors Pvt. Ltd vs. Automobile Lamborghini SPA, Case No. 52/2012, CCI
- Express Industry Council of India vs. Jet Airways Ltd & Ors., Case No. 30/2013, CCI

Unit -III	Abuse of Dominant Position	Hours
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- 3.1. Dominant Position: Nature and Measurement (Product & Geography, Market Power, Relevant Market and its Determination)
- 3.2. Abuse of dominant position
- 3.3. Form of Abuse of Dominant Position: Imposing unfair condition or price, Limiting production/market, Denying market access, Using dominant position in one relevant market to gain advantages in another relevant market
- 3.4. Unfair Terms in the Contract
- 3.5. Regulation of Dominant Position

Reading Materials

Books

- Barry J Macculloch & Angus Rodger, Competition Law and Policy in the EU and UK, Routledge, Taylor & Francis Group, Oxon, 6th ed., 2021.

Legal Instruments

- Competition Promotion and Market Protection Act, 2064.
- Competition Act of India, 2002.

Case Laws

- Belaire Apartment Owners' Association vs. DLF Ltd & HUDA, 2011 Comp LR 0239(CCI)
- DLF Ltd. vs. CCI, 2014 Comp LR 01 (CompAT)
- Jagmohan Chhabra And Shalini Chhabra vs. Unitech, 2011 Comp LR 31 (CCI)
- Surinder Singh vs. Board of Control for Cricket in India, [2013] 113CLA579 (CCI)

Journal Articles

- Singh, Vijay Kumar, Competition Law Dominant Position and Its Abuse: Meaning of Dominant Position (September 2014). Module written for e-Pathshala, MHRD Project NME-ICT of Government of India, 2014.

Unit -IV	Regulation of Business Combinations	Hours
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- 4.1. Business Combination
- 4.2. Mergers and Acquisition (M&A)- Horizontal, Vertical, Conglomerate
- 4.3. Regulation of Business Combination - Prohibition of M&A with intent to control competition
- 4.4. Merger and Combinations Control in Major Jurisdictions: Sherman Antitrust Act of 1890, Clayton Antitrust Act of 1914, Competition Act of India 2002, Horizontal Merger Control Guideline 2010,

Book

1. Gaughan, Patrick A. *Mergers, Acquisitions, and Corporate Restructurings*. 7th ed., Wiley, 2018.
2. Macculloch, Barry J., and Angus Rodger. *Competition Law and Policy in the EU and UK*. 6th ed., Routledge, Taylor & Francis Group, 2021.
3. Whish, Richard, and David Bailey. *Competition Law*. 10th ed., Oxford UP, 2021.

Further Readings

1. Dhall, Vinod, editor. *Competition Law Today*. 2nd ed., Oxford UP, 2019.

Journal Articles

1. Kakkar, Avaantika, and Vijay Pratap Singh Chauhan. "Evolving Character of the Indian Merger Control Regime." *Journal on Competition Law and Policy*, Competition Commission of India, vol. 3, Dec. 2022.

Legal Instruments

- *Company Act of Nepal*, 2063.
- *Competition Act of India*, 2002.
- *Competition Promotion and Market Protection Act*, 2064 (2007).
- *Consumer Protection Act of Nepal*, 2075.
- *Treaty on the Functioning of the European Union*, 2012, arts. 101–109.

Cases

- *Etihad Airways and Jet Airways Combination Order*. Competition Commission of India, 12 Nov. 2013.
- *PVR and DT Cinemas Combination Order*. Competition Commission of India, 4 May 2016.
- *Sun Pharma and Ranbaxy Combination Order*. Competition Commission of India, 5 Dec. 2014 and 17 Mar. 2015.
- *United States v. Bayer AG, Monsanto Company, and BASF SE*. Case 1:18-cv-01241, D.C. Cir., 29 May 2018.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Law and Development

Semester	: X	Credit Hours	: 3
Paper	: IV	Lecturer Hours	: 48
Code	: BALLB3104	Full Marks	: 100
Nature	: Compulsory		

Course Description

This course covers four main areas, namely conceptual, historical, international, and then domestic regime of law and development, falling under political, economic, social, environmental and rule of law aspect with brief reference of India and China in this area. The course will explain and analyze standards and indicators used to measure the development and will also analyze the deficiency in the effective implementation of rule of law that promotes development by raising standard of living and quality of life and bring happiness in people.

Course Objectives

- To impart knowledge on the concept of law and development, theories of development, and the interplay between the rule of law and development.
- To familiarize students with international and Nepalese laws related to various facets of development, specifically in political, economic-social, and environmental domains.
- To provide insight into selected judicial decisions of Nepal's Supreme Court concerning development issues.
- To enable students to identify and understand common standards used to measure development levels by the end of the semester.

Unit -I	Introduction to Law and Development	10 Hours
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- 1.1. Meaning and concept of law in brief
- 1.2. Meaning and concept of development
 - 1.2.1. Development as economic growth
 - 1.2.2. Development as lack of poverty (access to key services and minimum basic needs.)
 - 1.2.3. Development as freedom in various dimensions (political freedoms, economic facilities, social opportunities, transparency guarantees and protective security)
 - 1.2.4. Sustainable development
 - 1.2.5. Development as quality of life
 - 1.2.6. Cultural relativism
 - 1.2.7. Standard for the measurement of development
- 1.3. Theories of Development
 - 1.3.1. Economic theories of development
 - 1.3.2. Cultural theories of development
 - 1.3.3. Geographic theories of development
 - 1.3.4. Institutional dimensions of theories of development
- 1.4. Link between Law and development

Books :

1. Our Common Future: Report of the World Commission on Environment and Development. Oxford UP, 1990.
2. Sen, Amartya. Development as Freedom. Oxford UP, 2012, pp. 3–34, 87–110.
3. Subedi, Justice Nahakul. “Justice Sector Reform in Nepal: Law and Development Perspectives.” Supreme Court Bar Journal, vol. 17, 2022.
4. Trebilcock, Michael J., and Mariana Mota Prado. Advanced Introduction to Law and Development. Edward Elgar Publishing, 2014, pp. 1–44.

5. United Nations Environment Programme (UNEP) and Others. Caring for the Earth. 2009.

Pedagogy:

The pedagogy for this unit will be lecture, interaction and questions-answer method. Before coming to class, students are required to read the prescribed reading materials.

Unit -I	Rule of Law and Development	7 Hours
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- 2.1. Meaning of the Rule of Law
- 2.2. Rule of Law and Development
- 2.3. Rule of Law reform for development
 - 2.3.1 Judicial and legal profession reform through corruption control, capacity strengthening and judicial independence
 - 2.3.2. Legal education reform
 - 2.3.3. Reform in police and public prosecution system
 - 2.3.4. Reform in prison and correctional system
 - 2.3.5. Reform in administrative agencies: bureaucracy in tax administration, public utilities, environment protection and election
- 2.4. Rule of law deficiency in effective implementation for development
 - 2.4.1. Resource Constraints
 - 2.4.2. Social- cultural -historical constraints
 - 2.4.3. Lack of political will

Books :

1. Biebesheimer, Christina. "The Impact of Human Rights Principles on Justice Reform in the Inter-American Development Bank." *Human Rights and Development: Towards Mutual Reinforcement*, edited by Philip Alston and Mary Robinson, Oxford UP, 2006, pp. 269–296.
2. Golub, Stephen. "Less Law and Reform, More Politics and Enforcement: A Civil Society Approach to Integrating Rights and Development." *Human Rights and Development: Towards Mutual Reinforcement*, edited by Philip Alston and Mary Robinson, Oxford UP, 2006, pp. 297–326.
3. Subedi, Justice Nahakul. "Justice Sector Reform in Nepal: Law and Development Perspectives." *Supreme Court Bar Journal*, vol. 17, 2022.
4. Trebilcock, Michael J., and Mariana Mota Prado. *Advanced Introduction to Law and Development*. Edward Elgar Publishing, 2014, pp. 45–86, 94–95, 135–136.

Pedagogy :

In this unit, the students will be divided into three groups and assigned as follows: Group A will be assigned to prepare and make a power point presentation on concepts and interrelationship between rule of law and development. Group B will be assigned to prepare and make a power point presentation on rule of law reform for development. Group C will be assigned to prepare and make a power point presentation on rule of law deficiency in effective implementation for development The class teacher will give a lecture or invite other as resource person in the group presentation and thereafter complete the unit course within the assigned class periods applying the lecture and discussions method.

Unit -III	International Law and Development	7 Hours
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- 3.1. Rights and obligations for development under human rights laws
- 3.2. Rights and obligations for development under regional initiations of SAARC
- 3.3. Rights and obligations for development under environmental law in general and in the area of investment, trade, construction etc.
- 3.4. Sustainable development goals
- 3.5. UNs Declaration on Right to Development 1986

Books/Acts :

1. Batra, Hemant K. SAARC & SAARCLAW: Compilation and Text Book. A Goeman Bind HTO Publication, pp. 32–202, 227–333.
2. Chimni, B. S. "The Sen Conception of Development and the Contemporary International Law Discourse: Some Parallels." *The Law and Development Review*, vol. 1, no. 1, 2008.
3. Environment Protection Act, 2019.

4. Forest Act, 2019.
5. Hey, Ellen. Advanced Introduction to International Environmental Law. Edward Elgar Publishing, 2016, pp. 89–105, 133–145.
6. National Parks and Wildlife Conservation Act, 2017.
7. Robinson, Mary. “What Rights Can Add to Good Development.” Human Rights and Development: Towards Mutual Reinforcement, edited by Philip Alston and Mary Robinson, Oxford UP, 2006, pp. 25–41.
8. United Nations. Sustainable Development Goals. Adopted in 2015.
9. Wolfensohn, James D. “Some Reflections on Human Rights and Development.” Human Rights and Development: Towards Mutual Reinforcement, edited by Philip Alston and Mary Robinson, Oxford UP, 2006, pp. 19–24.

Pedagogy :

In this unit, the students will be divided into four groups and assigned as follows: Group A will be assigned to prepare and make a power point presentation on Rights and obligations for development under human rights laws. Group B will be assigned to prepare and make a power point presentation on rights and obligations for development under regional initiatives of SAARC Group C will be assigned to prepare and make a power point presentation for development under environmental law Group D will be assigned to prepare and make a power point presentation on UNs Declarations on Right to Development 1986 vs. UNs Sustainable Development Goals 2015-2030. The class teacher will give a lecture or invite other as resource person in the group presentation and thereafter complete the unit course within the assigned class periods applying the lecture and discussions method.

Unit -IV	Historical Perspective of law and development	5 Hours
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- 4.1. First law and development movement in modern period after 1950s in the world
- 4.2. New law and development movement beginning in the 1990s for good governance
- 4.3. Law and development in neighboring countries: China from 1949 and India from 1947/1950 in brief
- 4.4. Law and Development in Nepal from 1951 with reforms of 1990, 2006 (Comprehensive Peace Accord)

Books

1. Escobar, Arturo. *Encountering Development*. Princeton UP, 2012, pp. 1-20, 212-26.
2. McAlinn, Gerald Paul, and Caslav Pejovic, editors. *Law and Development in Asia*. Routledge, 2012.
3. Prado, Mariana Mota, and Michael J. Trebilcock. *Advanced Introduction to Law and Development*. EE, 2014, pp. 32-62.

Pedagogy:

In this unit, students will be assigned sub-unit for preparations in advance and the classes will be based on Socratic method wherein students may ask questions and forward their knowledge for discussion in the class. The class teacher will finally give concluding lecture.

Unit -V	Policies and law of Nepal for development	12 Hours
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- 5.1. Constitution of Nepal 2015 for political, socio- economic, environmental and overall development
- 5.2. Codifications of Civil, Criminal and Penal laws in 2017
- 5.3. Different laws regulating the political system, rights of people, forms of governments and their law making powers for development
- 5.4. Economic prosperity and poverty alleviation related laws, periodic plan, annual budget and tax system in brief
- 5.5. Laws relating to empowerment, social justice and inclusive justice to different class of people, such as women, children, elderly and senior citizens, people with disability (differently abled) and socially and culturally backward sections, oppressed class, minorities etc, backward regions and right to food , housing, employment, education, social security etc.
- 5.6. Policies and laws for environmental protection and sustainable development
- 5.7. Institutional arrangement for development
- 5.8. Administrations of justice for development
- 5.9. Peace, transitional justice and stability for development

Books/Acts :

1. Blaikie, P.M., John Cameron, and John David Seddon. *Nepal in Crisis: Growth and Stagnation at the Periphery*. Adroit Publisher, 2014.
2. *The Constitution of Nepal*, 2015.
3. *Different Acts in the Field of Economic Prosperity, Social Welfare and Social Justice, Inclusive Justice, Rights to Poor, Deprived and Marginalized, and Socially and Economically Backward Classes and Region, etc.*
4. *Recent Codification of Civil, Criminal and Penal Laws in 2017*.
5. Subedi, Nahakul. "Justice Sector Reform in Nepal: Law and Development Perspectives." *Supreme Court Bar Journal*, vol. 17, no. 17, 2022.
6. Upreti, Bishnu Raj. *Nepal From War to Peace*. Adroit, 2009, pp. 21-99, 233.

Pedagogy:

The method will be interactive lectures and group exercises. The manner of interaction will be Socratic method. while using this method, student will require to come to class with sufficient preparations in order to enable them to participate fully and effectively in the learning process.

Unit -VI	Courts decision related to development	7 Hours
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- 6.1. Keshavman vs. Nepal Electricity Authority and others, NKP 2072 number 6 p. 718 decision no 9389
- 6.2. Advocate Matrika Prasad Niraula vs. Office of the Prime Minister and the Council of Ministers, Government of Nepal and others, NKP 2066 number 8 p. 1353 decision No. 8207
- 6.3. Nirmala Shrestha vs. Manika Devi Shrestha et. And others, NKP 2067 Number 6 p. 1069 decision no 8402
- 6.4. Dumare Kami (aka Dammar B.K) and others vs. OPMCM and others, NKP 2075 number 4 p.60 decision No. 9991 p. 60
- 6.5. Nepal Environment Lawyers Association and others vs. OPMCM, NKP 2067 number 11 p. 52 decision no 8506
- 6.6. Advocate Sailendra Prasad Ambedkar and others vs. OPMCM, decided by large full bench in eight different writ petitions on April 20, 2022(2079/1/7) :unpublished
- 6.7. Senior advocate Prakash Mani Sharma on behalf of Pro- public and vs. OPMCM, decided by largbench in two different writ petitions on may 26, 2022 (2077 Jestha 12):: unpublished

Pedagogy:

These seven cases decided by Supreme Court of Nepal will be discussed and critically analyzed in the class. The relevant part of the decisions will be discussed with reference to particular aspect of development covered in the course sub-units thereby enable students to know the holistic meaning of development that would be sustainable.

Other Reference Materials

Acts /Rules:

1. Comprehensive Peace Accord 2006
2. Constitution of Nepal, 2015
3. Federation, Province and Local Level Coordination and Interrelation Act 2020 (2075)
4. Inclusive Commission Act 2017 (2074)
5. Local Government Operation Act 2018 (2075)
6. Muluki Civil Code/CP Rule 2017
7. Muluki Criminal Code/CRP Rule 2017
8. Muluki Penal Code 2017
9. National Natural Resources and Fiscal Commission Act 2017 (2074)
10. Personal Adjustment Act 2018 (2075)
11. FERA 1962 and Hedging Rule 2019
12. Foreign Investment and Transfer of Technology Act 2018
13. Industrial Enterprises Act 2020
14. Investmentment Act 2019
15. Labour Act 2017
16. Land Acquisition Act 1977
17. Local Infrastructure Development Partnership (Operating Procedure) Rule 2019
18. Periodic Plan /Annual Budget
19. Public Private Partnership and Investment Act 2018

20. Right to Compulsory and Free Education Act 2018
21. Right to Employment Act 2018
22. Right to Food and Food Sovereignty Act 2018
23. Right to Housing Act 2018
24. Right to Public Health Service Act 2018
25. Special Economic Zone Act 201
26. Secured Transaction Act 2006
27. Social Security Act 2017/ Social Security Fund Act

Books

1. Bennett, Lynn. Gender and Social Exclusion in Nepal. Himal Kitab, 2013.
2. Eade, Deborah. Capacity Building: An Approach to People Centered Development. Oxfam, 2000.
3. Goyal, Ashima, editor. The Oxford Handbook of the Indian Economy in the 21st Century. Oxford, 2014.
4. Harrison, Lawrence, et al., editors. Culture Matters. 2001, pp. VVii-XXXIV, 65-77.
5. Mainali, Laxmi Prasad, et al. Crime Related to Untouchability in Nepal. Pairavi, 2010.
6. Maswood, Javed. International Political Economy and Globalization. World Scientific, 2000.
7. Mukherji, Rahul. "Political Economy of Growth." The Oxford Handbook of the Indian Economy in the 21st Century, edited by Ashima Goyal, Oxford, 2014, pp. 32-49.
8. Prado, Mariana Mota, and Michael J. Trebilcock. What Makes Poor Countries Poor? EE, 2011, pp. 1-40.

Lumbini Buddhist University
Faculty of Humanities and Social Sciences

BALLB Program

Course title: Dissertation

Semester : X

Paper : V

Code : BALLB3105

Nature : Compulsory

Credit Hours : 6

Lecturer Hours : 96

Full Marks : 100

