

**Rajarshi Janak University**  
**Faculty of Humanities and Law**

Course Title : Nepalese Constitution  
Course Code: Law 114  
Nature of the Course: Compulsory  
Semester : Third  
Program : B.A.L.L.B.  
Credits : 3

Full Marks : 100  
Pass Marks: 50%  
Time per Period: 1 hr  
Total Periods: 48

### **COURSE DESCRIPTION**

This course is designed to acquaint learners with the fundamental knowledge and concept of constitutional law. It imparts students with knowledge on constitutionalism and the state mechanism to govern the nation. This course enables the students to understand the idea of constitutional government, techniques to secure the fundamental rights of citizens and making government accountable and attaining the citizenry control over government. Various aspects of constitutionalism and its basic elements are central scope of constitutional law. It is equally designed to enable learners to consult, analyze and understand fundamental aspects of federal structure dealing with public power and managing the state affair in between federal, provincial and local government. This course offers knowledge and techniques and skills about constitutionalism, federalism, rule of law, fundamental rights and constitutional government of Nepal.

### **LEARNING OUTCOMES**

At the end of the course, learners will be competent to:

- Understand and possess the fundamental knowledge and skills about meaning, scope and sources of constitution and constitutional law.
- Understand and generalize the foundational skills and ideas on constitution and constitutional theory remarkably constitutionalism, federalism and the techniques and criteria of constitutional government.
- Acquire and explain the values of fundamental rights and techniques of right to remedy along with the interrelation between directive principles and its enforceability.
- Explain and discuss the various aspects of parliamentary form of government, its process and potentiality.
- Understand and access to the theory and practices of independence of judiciary, its functions and scopes of constitutional interpretation, nature of jurisdiction and access to justice.
- Understand and explain the process of formation of the various branch of government, their scope and function as well as accountability under Nepal's constitution.

  
Vice-Chancellor



## Methods of Instruction

- Lecturer method
- Discussion Method
- Participatory Method
- Problem solving
- Case studies, case law preparation and presentation
- Self-study and Research work

## COURSE CONTENTS

### Unit I: Introduction to Constitution and Constitutional Law (10 hrs)

- 1.1 Meaning, Nature, Definition and Scope of Constitution
- 1.2 Types of the Constitution
- 1.3 Sources of the Constitution and Constitutional Law
- 1.4 Development of written Constitutional practices from 2004 BS to 2007 BS
- 1.5 Basic Features of the Constitution of Nepal, 2072 (2015)
- 1.6 Judicial Role and Constitutional Responsibility

### Unit II: Theory of the Constitution: Constitutionalism & Nepalese Practices (10 hrs)

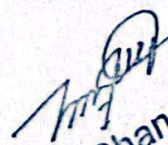
- 2.1 Meaning and Definition of Constitutionalism
- 2.2 Various forms of Constitutionalism
- 2.3 Basic requirements of Constitutionalism
  - 2.3.1. Democracy
  - 2.3.2. Supremacy of the Constitution
  - 2.3.3. Limited Government
  - 2.3.4. Fundamental Rights
  - 2.3.5. Separation of Power; Check and Balance
  - 2.3.5. Independence of Judiciary
  - 2.3.6. Rule of Law
- 2.4 Meaning and Nature of Directive Principles, Policies and Obligations
- 2.5 Interrelation between Fundamental Rights and Directive principles

### Unit III: The Executive (10 hrs)

- 3.1 Constitutional Position of the Head of the Government
- 3.2 Formation of the Federal Government: Prime Minister and Council of Ministers
- 3.3 Functions of the Government
- 3.4 Role and Responsibilities of the Prime Minister; Council of Ministers
- 3.5 Formation and Constitutional Position of Provincial and Local Government
- 3.6 Autonomy and Interrelationship between Various Governments under Federal Structure
- 3.7 Constitutional Control over Executive: Vote of no Confidence & Impeachment motion

### Unit IV: The Legislative (8 hrs)

- 4.1 Meaning, Nature and Scope of the Legislature
- 4.2 Composition and Dissolution of the House of Representatives and National Assembly
- 4.3 Constitutional Position and Function of Legislature
- 4.4 Legislative Process and Committee System
- 4.5 Parliamentary Privileges and its Limitations
- 4.6 Dual Parliament and its Interrelation

  
Vice-Chancellor



## **Unit V: The Judiciary (10 hrs)**

5.1 Meaning and Scope of Independence of Judiciary

5.2 Judicial Structure and Tiers of the Court

5.3 Jurisdiction of the Supreme Court: Ordinary/Extraordinary/ Writ jurisdiction/ Judicial Review/ Contempt of Court/Court of Record.

5.4 Role and Responsibility of the Chief Justice

5.5 Judicial Council: Role and Responsibility

5.6 Jurisdiction of the Appeal and District Court

### **References:**

- The Constitution of Nepal, 2072 (2015)
- Anderson, G., (2008). Federalism: An Introduction, New Delhi: Oxford University Press.
- Basu, Durga Das (2008). Comparative Constitutional Law: New Delhi, Wadhwa and Company.
- Bashyal, Binod, (2068). Sambidhanik Kanoon, Kathmandu. Lumbini Publication.
- Dicey, A. V. (1975). An Introduction to the Law of the Constitution, New Delhi: Universal Law Publication.
- Dhungel, Surya P.S. et. Al., (1998). Commentary on the Nepalese Constitution, Kathmandu: DELF.
- Strong, C. F., (1973). The History of Modern Political Constitution, India: Surjeet Publication.
- Thapa, Kamal Raj (2023). Sambidhanbad ra Sambidhan. Kathmandu. Unnati Publication.
- Wheare, K. C., (1971). Modern Constitutions, London: Oxford University Press.

  
Vice-Chancellor



**Rajarshi Janak University**  
**Faculty of Humanities and Law**



Course Title: Comparative Law  
Course Code: Law 115  
Nature of the Course: Compulsory  
Semester: Third  
Program: B.A.LL.B.  
Credits: 3

Full Marks: 100  
Pass Marks: 50%  
Time per Period: 1 hr  
Total Periods: 48

### **Course Description**

Comparative law is the study and comparison of different legal systems to identify their similarities and differences. Its purpose is to better understand one's own legal system, foster understanding between nations, assist in law reform, and promote the development of law by examining how other countries handle legal issues. It is a discipline that looks beyond national borders to understand the multifaceted nature of law, including its rules, institutions, culture, and history.

### **General Objectives**

On the completion of the course students will be able to:

- Identify the different approaches to comparative law.
- distinguish and apply the basic elements of the research methods of comparative law.
- can reflect on the main differences of the civil law and common law tradition and how it affects Nepalese Legal System.
- know how the Nepalese legal culture relates to the civil law and common law tradition and how it is influenced by different legal traditions and historical and societal context.
- Compare the role of the judge and the status of jurisprudence (case law) in the Anglo-American and continental legal traditions.

### **Methods of Instruction**

- Lecturer method
- Discussion Method
- Participatory Method
- Problem Solving
- Case studies, Case Law preparation and presentation
- Self-study and Research work

Vice-Chancellor



## **Content In Detail**

- 1. Introduction to Comparative Law (6 hrs)**
  - 1.1 Meaning, Definition & Nature of Comparative Law
  - 1.2 History of Comparative Law
  - 1.3 Goals and Methods of Comparative Law
  - 1.4 Scope and Relevancy of Comparative Law
- 2. Major Legal system (Concept, Development, Sources, Court Structure & Legal Professions of) (25 hrs)**
  - 2.1 Common Legal System
  - 2.2 Civil Legal System
  - 2.3 Socialist Legal system
  - 2.4 Religious System
- 3. Comparative Study of Legal System of Selected Countries (Concept, Development and Sources) (10 hrs)**
  - 3.1 Indian Legal System
  - 3.2 Chinese Legal System
  - 3.3 Japanese Legal System
- 4. Critical Appraisal (7 hrs)**
  - 4.1 Influence of Indian, Chinese and Japanese Legal System in Nepalese Legal System
  - 4.2 Comparative Law and Legal Transplant: Advantages and disadvantages
  - 4.3 Role of NGO and INGO as the persuasive force behind the policy and legislative draft; its consequences

## **References:**

- Bibek Kumar Poudel (2016). General Introduction to Comparative Law. (2nd edition). Kathmandu: MM Publications.
- George Mousourakis (2019). Comparative Law and Legal Traditions Historical and Contemporary Perspectives. Switzerland: Springer
- H.C. Gutteridge (1946). Comparative Law. United Kingdom: Cambridge University Press.
- Mauro Bussani & Ugo Mattei (eds.). (2012). The Cambridge Companion to Comparative Law, United Kingdom: Cambridge University Press.
- Meryll Dean (2002). Japanese Legal System. United Kingdom: Cavendish Publishing
- Micheal Bogdan (1994). Comparative Law. (1st edition). Sweden: Kluwer and Taxation Publishers.
- Raymond Youngs (2014). English, French & German Comparative Law. New York: Routledge.
- Rene David & John E.C. Brierley (1985). Major Legal Systems in the World Today. London: Stevens & Sons.
- Rewati Raj Tripathi (2073). Nepalese Legal System. Kathmandu: Lumbini Prakashan.
- S.R. Myneni (2021). Legal Systems in the World (2nd edition). Hyderabad: Asia Law House.
- Yadav Kumar K.C. & Bibek Kumar Poudel (2017). Major Legal Systems. (1st edition). Kathmandu: MM Publications.



**Rajarshi Janak University**  
**Faculty of Humanities and Law**



Course Title: Legal Research  
Course Code: Law 116  
Nature of the Course: Compulsory  
Semester: Third  
Program: B.A.LL.B.  
Credits: 3

Full Marks: 100  
Pass Marks: 50%  
Time per Period: 1 hr  
Total Periods: 48

## **COURSE DESCRIPTION**

This course is designed to acquaint students with the concepts and meaning of legal research. The course is designed to impart kinds of research, including doctrinal, empirical research, data collection tools, analysis of data, presentation of data, and socio-legal research to students. The course enables students to acquire knowledge and skills in collecting literature and writing a review of the literature. The course also enables students to prepare the layout of the legal research report. The course imparts to students the knowledge of the code of ethics in legal research. The course encourages students to be involved in multi-faceted research of laws. The course thereby helps in the development of laws, legal research, and justice in Nepal.

## **General Objectives**

This course is designed with the following general objectives:

- To familiarize them with the various aspects of Legal Research in Nepal.
- To acquaint with the identification & formulation of the Research Problem.
- To enable them to discuss the relevance of the Literature Review.
- To acquaint them with the Research Proposal, Variables & Research Hypothesis.
- To impart knowledge about the sources of Data Collection.
- To familiarize them with the data analysis and interpretation.

## **Methods of Instruction**

- Lecturer method
- Discussion Method
- Participatory Method
- Problem solving
- Case studies, case law preparation and presentation
- Self-study and Research work

  
Vice-Chancellor



## **COURSE CONTENTS**

### **UNIT – I INTRODUCTION TO LEGAL RESEARCH (20 HRS)**

#### **1.1 Relevancy of Legal Research**

#### **1.2 Types of (Legal) Research**

- a) Doctrinal and Empirical Research
- b) Descriptive and Analytical Research
- c) Applied and Fundamental Research
- d) Qualitative and Quantitative Research
- e) Historical Research
- f) Sociological Research
- g) Legislative Research
- h) Socio-Legal Research
- i) Case-Law Research

#### **1.3 Identification and Formulation of Research Problem**

- a) Steps to Identify and Formulate Research Problem
- b) Factors Affecting the Research Problem Identification

#### **1.4 Reviewing of Concerned Literature in Research**

- a) Relevancy of Reviewing of Literature in Research
- b) Techniques of Literature Review: Scanning, Identifying, Note-Taking
- c) Types of Note-Taking: Direct Quotations, Paraphrasing, Summarizing
- d) Organization of the Source: Chronological, Thematic, Methodological

#### **1.5 Research Hypothesis**

- a) Null and Alternative Hypothesis
- b) Importance of Hypothesis in Research

#### **1.6 Measurement of Variables in Research**

- a) Nature and Importance of Variables
- b) Types of Variables: Dependent, Independent, Moderating, Intervening Variables

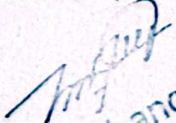
### **UNIT-II RESEARCH METHODOLOGY (12 HRS)**

#### **2.1 Preparation of Research Design**

- a) Meaning and Need of Research Design
- b) Features of Good Research Design

#### **2.2 Sources of Data Collection:**

- a) Primary Authority of Law: Constitution, Acts, By-Laws, Ordinances, Precedent
- b) Secondary Authority of Law: Textbook, Journal Articles, Research Reports, Legal Digest, Legal Encyclopedia, Legal Dictionary, Treaties

  
Vice-Chancellor



### **2.3 Methods or Techniques of Legal Studies:**

- a) Primary Data Method: Observation, Interview (Schedule), Questionnaire, Survey, Focus Group Discussion, Case Study, Experimental Method
- b) Secondary Data Method: Case Law Method, Cumulative Record Card
- c) Sampling Method: Advantages and Limitations of Sampling, Probability and Non-Probability Sampling, Sampling and Non-Sampling Errors.

## **UNIT-III DATA ANALYSIS AND INTERPRETATION (12 HRS)**

### **3.1 Method of Analysis of Qualitative Data:**

- a) Content Analysis, Thematic Analysis, Narrative Analysis
- b) Comparative Analysis, Historical Analysis
- c) Case-Law Analysis, Legal Impact Analysis

### **3.2 Use of Technology in the Interpretation of Data:**

- a) Use of SPSS and Other Statistical Software
- b) Jurimetrics and Judicial Behavior

### **3.3 Measurement and Scaling Techniques in Legal Research:**

- a) Scale of Measurement: Nominal Scale, Ordinal Scale, Interval Scale, Ratio Scale, Socio-Metric Scale
- b) Scaling Techniques: Likert-Type Scale, Thurstone Scale, Guttman Scale, Attitude Scale
- c) Validity and Reliability of the Obtained Result

## **UNIT-IV PREPARATION OF RESEARCH REPORT (4 HRS)**

### **a) Concept of Research Report**

- Meaning and purpose of a research report
- Characteristics of a good research report (clarity, objectivity, coherence, accuracy, and logical organization)
- Types of research reports (thesis, dissertation, project report, article, analytical report, case study, etc.)

### **b) Format of research Report**

- Preliminary sections
- Main body of the report
- Supplementary sections

  
Vice-Chancellor



## References:

- ❖ Bailey, Kenneth D. **Methods of Social Research**. New York: The Free Press (1978).
- ❖ Baker, Therese L. **Doing Social Research** (2<sup>nd</sup> edn.). Mc. Graw Hill Inc. (1994).
- ❖ Belbase, Krishna (Prof. Dr.). **Legal Research Methodology** (in Nepali) (5<sup>th</sup> edn.). Kathmandu: Unnati Publication (2074 B.S.)
- ❖ Cothari, C.R. & Garg, Gaurav. **Research Methodology: Methods and Techniques**. New Delhi: New Age International Publishers (2015).
- ❖ Devkota, Sanad et. al. **Legal Research Methodology**. Kathmandu: Pairavi Prakashan (2013).
- ❖ Giri, Hima Raj. **Legal Research Method: Theory and Research**. Kathmandu: Pairavi Prakashan (2013).
- ❖ Goode, William J. & Hatt, Paul K. **Methods in Social Research**. Mc. Graw Hall (1985).
- ❖ Kerlinger, F.N. **Foundation of Behavioral Research**. New Delhi: Surjeet Publication (2018).
- ❖ Kothari, C.K. **Research Methodology: Methods and Techniques**. New Delhi: Wilsey Eastern Limited (2009).
- ❖ Mukhia, Bal Bahadur (Dr.). **Legal Research Methodology at a Glance**. Kathmandu: Malati Mukhia & Aditya Mukhia (2011).
- ❖ Myneni, S.R. (Dr.). **Legal Research Methodology** (2<sup>nd</sup> edn.). India: Allahabad Law Agency (2001).
- ❖ Pant, Prem Raj. **Social Science Research and Thesis Writing** (6<sup>th</sup> edn.). Kathmandu: Buddha Academic Enterprises Pvt. Ltd.(2012).
- ❖ Prahananga, Rajit Bhakta (Prof. Dr.). **Legal Research and Research Methodology** (2<sup>nd</sup> edn.). Kathmandu: Lumbini Publication (2074 B.S.).
- ❖ Tathan, Laura & Higgins, Edrina. **Successful Legal Writing** (2<sup>nd</sup> edn.). New Delhi: Thompson Reuters (2013).
- ❖ Tewari, H.N. (Dr.). **Legal Research Methodology**. India: Allahabad Law Agency (2008).
- ❖ Verma, S.K. & Wani, M. Afzal (eds.). **Legal Research and Methodology**. New Delhi: Indian Law Institute (2006).
- ❖ Yaqin, Anwarul. **Legal Research and Writing Methods**. Naghpur: Lexis Nexis Butterworths Wadhwa (2008).

## Articles:

- ❖ Khadka, Chandra Shekhar. *"Empirical Method in Legal Research"*. Nepal Law Review. Year 41 Vol. 28 No. 1 & 2. Kathmandu: Nepal law Campus (2018-2019).
- ❖ Luitel, Bishnu. *"Plagiarism As An Intellectual Offence"*. Nepal Bar Council Law Journal. Lalitpur: Nepal Bar Council (2018).
- ❖ Thapa, Kamal Raj. *"Socio-Legal Research: A Jurisprudential Impression"*. Nepal Law Review. Year 36 Vol. 23 No. 1 & 2. Kathmandu: Nepal Law Campus (2011).
- ❖ Upadhayay, Animesh. *"Paradox of Quantitative and Qualitative Methods"*. Nepal Law Review. Year 38 Vol. 25 No. 1 & 2. Kathmandu: Nepal Law Campus (2013).

## E Sources:

- ❖ Website of Nepal Law Commission: [www.lawcommission.gov.np](http://www.lawcommission.gov.np)
- ❖ Website of Office of the Attorney General of Nepal: [www.ag.gov.np](http://www.ag.gov.np)
- ❖ Website of National Judicial Academy (of Nepal): [www.njanepal.org.np](http://www.njanepal.org.np)
- ❖ Website of National Human Right Commission (of Nepal): [www.nhrcnepal.org](http://www.nhrcnepal.org)



**Rajarshi Janak University**  
**Faculty of Humanities and Law**



**Course Title:** Labour Law  
**Course Code:** Law 117  
**Nature of the Course:** Compulsory  
**Semester:** Third  
**Program:** B.A.LL.B.  
**Credits:** 3

**Full Marks:** 100  
**Pass Marks:** 50%  
**Time per Period:** 1 hr  
**Total Periods:** 48

## **COURSE DESCRIPTION**

Labour law is a body of rules that governs the relationship between employers and employees by setting out rights, obligations, and regulations for the workplace. Its primary purpose is to protect employees from exploitation by ensuring fair treatment, and its scope includes issues like minimum wage, working hours, workplace safety, and the right to organize. Labour law aims to create a balance of power between employers and employees and can be divided into individual law (between employer and employee) and collective law (involving unions and employer associations). This course has been designed so that the students acquaint the basic understanding of Labour Law and apply the knowledge in their future endeavor.

### **Course Objective**

After the completion of the course, students will be able to:

- Interpret the basic concept of Labour Law like, labour rights and welfare, social security, occupational safety and health care, industrial relations
- Identify the lapses in labour contracts, and will also be able to solve by various methods.
- Enumerate the provision in ILO Conventions
- Discuss the concept of Labour Jurisprudence
- Interpret the cases related to the labour disputes

### **Methods of Instruction**

- Lecturer method
- Discussion Method
- Participatory Method
- Problem solving
- Case studies, case law preparation and presentation
- Self-study and Research work

## **COURSE CONTENT**

- 1. Introduction to Labour Law (8 hrs)**
  - 1.1 Meaning, Nature and Scope of Labour Law
  - 1.2 Evolution of Labour Law
  - 1.3 Meaning and Component Industrial Relation
  - 1.4 Fundamental Rights of the Workers
  - 1.5 History of Labour Legislation in Nepal
  - 1.6 Trade Union: Authority and Functions
  - 1.7 Concept of Labour Jurisprudence

Vice-Chancellor  
10




2. **Labour Welfare, Social Security and Punishment (10 hrs)**
  - 2.1 Provision for Appointment Letter, Basic Wages, Working Hours, Job Security, Lay off
  - 2.2 Prohibition of use of Child Worker
  - 2.3 Prohibition of Discrimination: according to Sex, equal Pay, Treatment in Employment issue
  - 2.4 Provision of Outsourcing; Issue of Hire and Fire
  - 2.5 Rights of Workers to unfair Labour Practices: Social Dialogue; Collective Bargaining
  - 2.6 Workers Health Care, Safety and Welfare
  - 2.7 Provision of Provident Fund; Gratuity; Compensation; Motivation Allowances; Dearness Allowances; Leave
  - 2.8 Disciplinary Action and Punishment on Misconduct
3. **International Labour Organization (ILO) (8 hrs)**
  - 3.1 ILO: its origin, organizational structure, functions and mission
  - 3.2 International Labour Standard
  - 3.3 ILO Core Conventions (No. 29, No. 105, No. 100, No. 111, No. 138, No. 182, No. 87, No. 98)
  - 3.4 Implementation of ILO provisions in National Legislation
4. **Labour Disputes and Authorities (10 hrs)**
  - 4.1 Individual Reverences, Collective Grievances
  - 4.2 Settlement of disputes through Bipartite and Tripartite Dialogue
  - 4.3 Role of Labour Office, Labour Courts in the settlement of disputes
  - 4.4 Industrial Relation committee, Central Level Labour Advisory Committee
  - 4.5 Labour Department and Labour Office: their power and functions
  - 4.6 Labour Officers and Factory Inspectors: their power and functions
5. **Prescribed Cases (12 hrs)**
  - 5.1 Casino Royal v. Labour Court, NKP 2064, No. 5, p.625
  - 5.2 International Centre for Integrated Mountain Development v. Labour Court, Writ no: 3125 (2062) [Decision Date: 2064/12/5]
  - 5.3 Mukunda Bahadur Bista v. Labour Court, NKP 2063, No. 8, p. 1099
  - 5.4 Nepal Battery Company Pvt. Ltd. v. Ministry of Labour, NKP 2059, No. 11/12, p. 726
  - 5.5 Nepal Insurance v. Labour Court, Writ No. 3625 (2061)
  - 5.6 Olympia Textile v. Labour Court, NKP 2064, No. 3, p. 371
  - 5.7 Pro-Public v. Ministry of Women, Children & Social Welfare, NKP 2060, No. 9/10, p.726
  - 5.8 Pro-Public v. Nepal Independent Trade Union of Hotel, Writ No. 0602 (2063)
  - 5.9 Purustottam Bhandari v. Ministry of Transport & Labour Management, Writ No. 3232 (2058)
  - 5.10 Rup Jyoti v. Labour Court, NKP 2063, No. 4, p. 407

*[Signature]*  
Vice-Chancellor.



### References:

- The Constitution of Nepal, 2072 (2015)
- Labour Act, 2074 B.S.; & Rules, 2075 B.S.
- Trade Union Act, 2049 B.S.; & Rules, 2050 B.S.
- Social Security Fund Act, 2074 B.S.
- Social Security Plan Operation Procedure, 2075 B.S.
- ILO Core Conventions (No. 29, No. 105, No. 100, No. 111, No. 138, No. 182, No. 87, No. 98)
- Dahal, Kashi Raj (2050 B.S). Industrial Jurisprudence, Kathmandu: Pairavi Prakashan.
- Giri, Him Raj & Narendra Kumar K.C. (2071 B.S). Shram Kanoon (in Nepali), Kathmandu: Pairavi Prakashan.
- Ojha, Pawan Kumar (2072 B.S). Industrial Jurisprudence (in Nepali), Kathmandu: Lumbini Publication.
- Thapa, Sita Maiya Singh (1991). An Introduction to Labour Law of Nepal, Kathmandu: Nepal Law Society
- ILO (1998). Labour Administration: Profile of Nepal, Kathmandu: ILO.
- Siwakoti 'Chintan, Gopal (2003). Labour Law and Practices in Nepal, in Workers' Rights for the New Century, Asia Pacific Labour law Review, Hong Kong: Asia Monitor Resource Centre.

  
Vice-Chancellor



**Rajarshi Janak University**  
**Faculty of Humanities and Law**

Course Title: Property Law  
Code: Law 118  
Nature of the Course: Compulsory  
Semester: Third  
Program: B.A.LL.B.  
Credit: 3

Full Marks: 100  
Pass Marks: 50%  
Time per Period: 1 hr  
Total Periods: 48

### **COURSE DESCRIPTION**

This course is designed to provide students with theoretical knowledge, philosophy, the concept, importance of property. The course also enables students with the legal rights, ownership, possession, acquisition, and transfer of property with special reference to provisions in the existing laws of Nepal. This course is designed to impart knowledge and skills on partition, inheritance, testamentary gifts, etc. in accordance with the provisions of the Muluki Civil Code, 2017. This course is designed to enable them to develop critical analysis of leading cases decided by the Supreme Court of Nepal and elsewhere.

### **General Objectives**

This course is designed with the following general objectives:

- To familiarize the students with the various theories of property and the historical development of the right to property.
- To inculcate them the importance and kinds of property.
- To acquaint students with laws relating to property in Nepal and development and application of eminent domain doctrine.
- To familiarize them with the main provisions of Muluki Civil Code 2017 relating to ownership, possession, categories of property, acquisition and transfer of property rights, Inheritance, partition etc. in Nepal.
- To acquaint them with the upper ceiling of immovable property provided by the existing laws of Nepal and exemption of upper ceiling.
- To inculcate to students about the leading cases relating to property in Nepal

### **Methods of Instruction**

- Lecturer method
- Discussion Method
- Participatory Method
- Problem solving
- Case studies, case law preparation and presentation
- Self-study and Research work

### **Course Content:**

#### **Unit 1: Introduction of Property Law (5 hrs)**

- 1.1 Concept, Meaning, And Significance of Property
- 1.2 Historical Development of Property Law
- 1.3 Major Theories of Property( Economic, Social, Eminent Domine)



## **Unit II: General Principles of Transfer of Property (10hrs)**

- 2.1 Rule against perpetuity
- 2.2 Transfer of property during Pendency of a suit
- 2.3 Transfer by ostensible owner and unauthorized person
- 2.4 Doctrine of part performance
- 2.5 Fraudulent transfer

## **Unit III: Introduction, Objectives and Main Features of Property Law in Nepal with Special Reference to the provisions of Country Code (Muluki Ain) and Statutes (15 hrs)**

- 3.1 Relevant Chapters Relating to Immovable Property, Registration of Deeds, Partition and Transaction of Property
- 3.2 Land Act, 2021 and its Regulations
- 3.3 Guthi Corporation Act, 2033
- 3.4 Nepal Trust Act, 2064
- 3.5 Land Measurement and Survey Act 2019 and its Regulations
- 3.6 Land Revenue Act, 2034
- 3.7 Land Acquisition Act, 2034

## **Unit IV: Property Law in Nepal with Reference to Muluki Civil Code and Muluki Civil Procedure Code 2074B.S (18hrs)**

- 4.1 General Provisions Relating to Property
- 4.2 Provisions Relating to Ownership and Possession
- 4.3 Provisions Relating to Utilization of Property
- 4.4 Land Cultivation, Use and Registration
- 4.5 Provisions Relating to Property of Government, Public and Community
- 4.6 Provisions Relating to Guthi (Trust)
- 4.7 Provisions Relating to Usufruct
- 4.8 Provisions Relating to Servitude
- 4.9 Provisions Relating to Donation and Gift
- 4.10 Provisions Relating to Acquisition and Transfer of Property
- 4.11 Provisions Relating to Mortgage of Immovable Property
- 4.12 Provisions Relating to Redemption
- 4.13 Provisions Relating to Registration of Deeds
- 4.14 Provisions Relating to Transaction



## References:

### Relevant Court Cases:

- Baburam Kurmi Vs. Kallu Kurmi, Nepal Kanoon Patrika (NKP) (2046), no. 1, p.96
- Kanchha Ratna Tuladhar et.alv. Maya Devi Tuladhar, NKP (2043) no. 9, p. 915
- Kiran Mainali Vs. Mahumad Taukir Miya, NKP (2043), No. 10 p. 968.
- Kuldip Prasad Dhungel Vs. Hari Prasad Upadhayayet.al, NKP (2045), no. 1 p. 17.
- Loknath Upadhayay Vs. Devi Maya Bhattarai et.al, NKP (2062), no. 6, p. 670.
- Mithlesh Kumar Singh vs Prime Minister et.al, NKP (2056), no. 7 p. 478.
- Mouje Lal Yadav Vs. Ramaran Yadav, NKP (2046), no. 10 p. 1081.
- Ratna Keshari Udas Vs. Land Revenue Department et.al, NKP (2043), no. 10, p. 1041
- Narayan Dutta Baral Vs. Chief Land Measurement office, NKP (2045), no. 3. 590.
- Narendra Bikram Singh Thapa v. Guthi Corporation, NKP (2045), no. 6, p. 590
- Padam Bahadur Bhandari et.alv. Government of Nepal, NKP (2063) No.8, p. 1021
- Padam Bahadur Karki e.al Vs. Man Kumari Basnet et.al, NKP (2061), no. 2, p. 212
- Padam Laxmi Rajbhandari vs. Krishna Chandra Devi Rana, NKP 2045, no. 11 p. 1225.
- Pitambar Bhusal et.al. Vs. Krishna Raj Upadhaya, NKP (2038), no. 8, p.1.
- Punya Maya Bhattraai Vs. Land Revenue Office, Jhapa et.al, NKP (2041), no. 12, p. 1090
- Ram Krishna Pandit Chhetru Vs. Nani Maiya Pandit, NKP (2047), no. 3, p. 258.
- Shantidevi Thapa Vs. Jagat Kumari Shah et.al NKP (2035) no. 6, p. 133.
- Tirtha man Shakya et.alVs. Jamuna Devi Shakya, NKP (2044), No. 5 p. 556.
- Suryaman Shrestha vs. Amardevi Shrestha, NKP (2045), No. 4. P. 361.

### Laws:

- Country Code (Muluki Ain) 2020 B.S (with amendments)
- Muluki Civil Code, 2074 (2017)
- Muluki Civil Procedure Code, 2074 (2017)
- Lands Act 2021 (1964)
- Land Survey Measurement Act, 2019 (1963)
- Land Revenue Act, 2034 (1978)
- Land Act, 2021 and its Regulations
- Guthi Corporation Act, 2033
- Nepal Trust Act, 2064
- Land Acquisition Act, 2034

  
Vice-Chancellor  
15



### Books

- Basyant, Surendra Bir Singh, *House Land- Related Law Precedents* (in Nepali) Kathmandu:
- Renu Prakashan, 2058 BS
- Fitzgerald, P.J, *Salmond on Jurisprudence*, Bombay, N.M. Tripathi, 1996 (Reprinted).
- Hidayatullah, M., *Right to Property and the Indian Constitution*, Calcutta: Calcutta University, in Association with Arnold Heinemann, 1983
- Karki, Bharat Bahadur, *Teacher's Guide on Property Law*, Kirtipur: Curriculum Development Centre, Tribhuvan University, 2000.
- Margery, R.E. and Wade, H.W.R, *The Law of Property* (6<sup>th</sup> ed.), London: Sweet and Maxwell, 2000.
- Neupane, Gunanidhi, *Property Law in Nepal* (in Nepali) Kathmandu: Lumbini Prakashan, 2064 BS.
- Regmi, M.C. *Land Tenure and Taxation in Nepal*, Kathmandu: Ratna Pustak Bhandar, 1978.
- Regmi, M.C, *Land Ownership in Nepal*, 1976.
- Shrestha, Gyaindra Bahadur, *Sampatti Kanoon in Nepali* (Law of Property), Kathmandu: Pairavi Prakashan, 2050 B.S.
- Shrestha, Gyaindra Bahadur, *Muluki Ain: A Commentary*, Kathmandu: Pairavi Prakashan, 2064 B.S.

### Articles

- Mukhia, Bal Bahadur "*Theories and Law of Property in the Nepalese Context*", NEPAL LAW REVIEW, Vol.24, Nepal Law Campus, Tribhuvan University, 2012.

  
Vice-Chancellor



**Rajarshi Janak University**  
**Faculty of Humanities and Law**

**Course Title:** Modern Legal System of Nepal  
**Code:** Law 119  
**Nature of the Course:** Compulsory  
**Semester:** Third  
**Program:** B.A.LL.B.  
**Credits:** 3

**Full Marks:** 100  
**Pass Marks:** 50%  
**Time per Period:** 1:00 hr  
**Total Periods:** 48

**COURSE DESCRIPTION:**

The course is designed for third-semester graduate law students who are expected to know the modern Nepalese legal system. Students are required to develop knowledge, skill relating to legal systems of the Nepal, historical development of law of Nepal, reception of other legal systems, law making process in Nepal, judicial system of Nepal, Model of Criminal justice system of Nepal, Constitutional development of Nepal, legal education and legal profession of Nepal, Civil code and Criminal Code, Sources of existing Nepalese law, Judicial Structure and Administration of Justice (formal, ADR), Salient features of existing Nepalese Legal System and so on.

**General Objectives**

This course is designed with the following general objectives:

- To familiarize students with the meaning, definition, importance and characteristics of a legal system
- To acquaint them with the historical development of legal systems in Nepal
- To impart knowledge regarding major contributions of jurists, scholars, and lawyers for the development of legal systems and criteria of legal system
- To familiarize them with distinguishing and identifying key features Legal System of Nepal
- To acquaint them with the influence of Anglo-American Legal System, Civil Legal System, Socialist Legal System and the Hindu legal system.

**Methods of Instruction**

- Lecturer method
- Discussion Method
- Participatory Method
- Problem solving
- Case studies, case law preparation and presentation
- Self-study and Research work

**Course Contents**

**1. Introduction(5 hrs)**

- 1.1 Meaning, Definition, Importance and Characteristics of a Legal System
- 1.2 Basis of Nepalese Legal System
- 1.3 Modernization of Nepalese Legal System and its Characteristics
- 1.4 Sources of Modern Nepalese Law
- 1.5 Law making process (according to current Constitution)



**2. Legal System of Nepal (sources, judicial system, judicial administration, legal reforms) (20 hrs)**

2.1 Ancient Legal System of Nepal: Kirat Period, Lichhavi Period, Malla Period, Saha Period (up to 2006 B.S), Rana Period

2.2 Modern Legal System of Nepal: Shah Period (after 2007 B.S- 2046 B.S), Period from 2047-2063 B.S; Period from 2063-2072 B.S; Period 2072 B.S onwards

2.3 Constitutional Development of Nepal in brief

2.4 Features of: Muluki Civil Code, 2074 B.S, Muluki Criminal Code, 2074

**3. Influence of Other Legal System to Nepalese Legal System (10 hrs)**

3.1 General Concept of Reception of Law

3.2 Reception from Religious (Hindu) Legal System

3.3 Reception from Civil Legal System

3.4 Reception from Common Legal System

3.5 Reception from Socialist Legal System

**4. Key Features of Modern Legal System of Nepal (9 hrs)**

4.1 Federal-Democratic System of Governance

4.2 Mixed Legal Tradition

4.3 Hierarchical Court Structure

4.4 Independence of Judiciary

4.5 Rule of Law and Fundamental Rights

4.6 Reception of Law

4.7 Codification of Law

4.8 Adversarial Model

**5. Legal Education and Legal Profession in Nepal (4 hrs)**

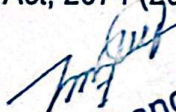
5.1 History of Legal Education in Nepal

5.2 History of Legal Profession in Nepal

**BASIC READINGS & REFERENCES**

**Constitutions, Acts & Rules:**

- Statutory Law of the Government (The Government of Nepal Act), 2004 (1948).
- Nepal Interim Government Legislation (The Interim Government Act), 2007 (1951).
- Constitution of the Kingdom of Nepal, 2015 (1959).
- Constitution of Nepal, 2019 (1962).
- Constitution of the Kingdom of Nepal, 2047 (1990).
- The Interim Constitution of Nepal, 2063 (2007).
- The Constitution of Nepal, 2072 (2015)
- Muluki Civil Code, 2074 (2017)
- Muluki Civil Procedure Code, 2074 (2017)
- Muluki Criminal Code, 2074 (2017)
- Muluki Criminal Procedure Code, 2074 (2017)
- The Criminal Offences (Sentencing and Execution) Act, 2074 (2017)
- Bar Council Act, 2050
- Evidence Act, 2031
- Government Cases Act, 2017/2049
- Legal Practitioners Act, 2025

  
Vice-Chancellor



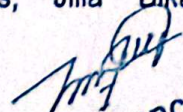
- Muluki Ain, 1910
- Muluki Ain, 2020
- Notary Public Act, 2063
- Rules (Thitis) of King Ram Shah-Law Commission
- House of Representative Regulation, 2075

### Books:

- Awasthi, Prakash, *Hamro Kanooni Itihas Kho Jankarharu*, Kathmandu: Pairavi Book House.
- Bajracharya, Dhana Bajra, *Lichchhavi Kalka Abhilekh*, Kathmandu: Center for Nepal Asian
- Chemjong, I.S. History and Culture of the Kirat People, K.Y.C. 2003
- Cruz, P.D. (2007). *Comparative Law In a Changing World* (3<sup>rd</sup> ed.). Routledge-Cavendish: London 1984.
- David, R. & Brierley, J.E.C. (1985) *Major Legal System's in the World Today*, (3<sup>rd</sup> ed.). Stevens & Sons Ltd: London Oxford: Oxford University Press, 2009.
- Khanal, B., *Regeneration of Nepalese Law*. Kathmandu: Bhrikuti Academy Publications, 2000
- Khanal, R.R., *Nepal Ko Kanooni Itihas Ko Roop Rekha*, Kathmandu: Saraswati Khanal, 2059 BS.
- Mukhia, Bal Bahadur Dr. *"Nepalese Jurisprudence at a Glimpse and Role of Legal Education"*
- Mukhia, Bal Bahadur Dr. *"Contemporary Legal Education In Nepal and Relevance of Its"*
- Mukhia, Bal Bahadur Dr, *"Participatory Law Making Process In Nepal: Theory and Practice"*
- Nembang, Om Prakash (2021). *Modern Legal System: Easy to Understand*, Chosaplungma Law Chamber
- Pant, Dinesh Raj, *Nayabkashini (Manav Nyaya Sastra- A law Enacted by King Jayasthiti Malla*
- Shrestha, Gyandra Bahadur, *Nepalko Kanooni Byabastha* (in Nepali), Kathmandu: Pairavi
- Shrestha, G.B. (2075). *Hindu Jurisprudence and Nepalese Legal System* 6<sup>th</sup> ed.). Kathmandu: Pairavi Prakashan
- Tripathi, Rewati Raj, *Nepalese Legal System: A Critical Edition and Translation of the Manav- Dharma Sastra*, Oxford: Oxford University Press, 2009.

### Articles

- Mishra, Bijay Prasad, "Reception of Law: Special Reference to Nepal", Nepal Law Review 2019
- Dainow, Joseph. "The Civil Law and the Common Law: Some Points of Comparison". The American Journal of Comparative Law, 1967.
- Pimentel, Davi, "Constitutional Concept for the Rules of Law: A Vision for the Post-Monarchy Judicial in Nepal", Washington University Global Studies Law Review, 2010
- Biswama Sthaniya Sarkar, Sambaidhanik Abhas, Jilla Bikash Samiti Mahasang, Nepal 2065

  
Vice-Chancellor



**Rajarshi Janak University**  
**Faculty of Humanities and Law**

Course Title: Clinical Works- Arbitration, Conciliation, Mediation  
Course Code: Law 120  
Nature of the Course: Compulsory (Practical)  
Semester: Third  
Program: B.A.LL.B.  
Credits: 3

Full Marks: 100  
Pass Marks: 50%  
Time per Period: 1 hr  
Total Periods: 48

### **COURSE OBJECTIVE**

Alternative Dispute Resolution (ADR) is a process that uses a neutral third party to help resolve disagreements without going to court. It offers less formal, less expensive, and faster ways to reach a voluntary agreement, often through methods like mediation, conciliation and arbitration. The main steps in ADR are preparation, initial consultation, and the ADR sessions, which conclude with reaching a resolution and formalizing it. Preparation involves understanding the process and goals, while the initial consultation is a meeting with a neutral third party to discuss the dispute and select a method like mediation or arbitration. The sessions involve joint meetings and individual caucuses, leading to a negotiated settlement or a binding decision. The general objective of this Clinical Works: Arbitration, Conciliation, Mediation are to acquaint students with the alternative dispute resolution practices through the classroom simulation exercises.

### **COURSE DESCRIPTION AND EVALUATION**

This course shall be conducted by the assigned faculty having more than five years of professional' experience. The Campus Chief, or the Coordinator of the programme or any other senior and experienced faculty designated by the Campus Chief or the Coordinator of the programme will be the coordinator of the course. Outline of the course will be published by the Dean of the Faculty of Humanities and Law. Report of the works and the development of the students need to be submitted to the Campus within the prescribed date at the end of the academic session. The Clinical Work Carries 100 marks, out of which 40% marks shall be allotted to the internal evaluation, which shall be done by the subject teacher. 10% marks of the course are reserved for the viva-voice conducted by a 3-member committee. Remaining 50% marks shall be evaluated by the external examiner as assigned by the University.

  
Vice-Chancellor