

Rajarshi Janak University
Faculty of Humanities and Law
Office of the Dean



BA-LLB Program - 4th Semester
Syllabus

Rajarshi Jyoti University
Faculty of Humanities and Law



Course Title: Criminal Law- I
Course Code: Law 121
Nature of the Course: Compulsory
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Substantive Criminal Law outlines what constitutes a crime and its accompanying punishment. Substantive Criminal Law ensures that a prosecutor must prove to secure a conviction to the convicted. Substantive Criminal Law differs from procedural law, which governs the process of how a case is handled in court, including rules of evidence and the timeline of legal proceedings. Substantive Criminal Law includes principles like self-defense or insanity and determines if specific conduct is illegal, from misdemeanors like petty theft to offences such as homicide. This course has been designed to acquaint basic knowledge of substantive criminal law. This course of substantive criminal law enumerates definition of crime, establishes punishments, and outlines the elements necessary to prove guilt. It provides a framework for social order by defining acceptable and unacceptable behaviors and the consequences for breaking rules. Understanding this area of law is crucial for legal professionals, policymakers, and citizens to grasp the principles of criminalization, constitutional rights, and the justifications for state-imposed penalties.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- Explain the functional aspects of Criminal Law.
- Familiarize students with the general principles of Criminal Law.
- Inquire about effective functioning of the Criminal Justice System
- Critically interpret about the relevancy of various provisions of Criminal Law.
- Analytically discuss about various theories of criminal liability.
- Interpret the modern trends of Criminal Law.
- Explain about the various National & International Instruments related to substantive Criminal Law.
- Interpret the leading cases decided by Supreme Court of Nepal related to the Criminal Liability.



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. General Introduction to Criminal Law [15 hrs.]**
 - 1.1 Meaning and Nature of Crime
 - 1.2 Difference between Crime, Tort and Other Civil Wrong
 - 1.3 Nature, Function and Classification of Criminal Law
 - 1.4 General Principles of Criminal Law (Muluki Criminal Code, 2074 B.S.)
 - 1.5 Criteria of Criminalization (Aggravating Factors and Mitigating Factors)
 - 1.6 Criminal Liabilities: Strict Liabilities; Joint Liabilities; Vicarious Liabilities
 - 1.7 Jurisdiction of Criminal Law: Territorial, Extra-Territorial, Personal, Universal
- 2. Elements of Crime [13 hrs.]**
 - 2.1 "*Actus reus*" and its Forms: Act, Omission, Possession (Strict Liability), State of Affairs
 - 2.2 "*Mens rea*" and its Forms: Intention (Transferred Malice), Knowledge, Recklessness, Negligence
 - 2.3 Corporate Criminal Liability
- 3. Parties to the Crime [8 hrs.]**
 - 3.1 Classification: Principal Offender, Secondary Offender, Innocent Agent
 - 3.2 Applicable Principles
- 4. Stages of Crime [12 hrs.]**
 - 4.1 Stages of Crime: Intention, Preparation, Attempt, Completion of Crime
 - 4.2 Inchoate Offence: Incitement/Abetment/Instigations, Conspiracy, Attempt

Referred Cases:

- Bhuvane Basnet Kshetri vs. HMG, NKP 2031, No. 3, p. 87
- GON vs. Sanjeev Kumar Singh Yadav & Others, NKP 2064, No. 10, p. 1312
- GON vs. Vasanta Kumar Yadav et. al, NKP 2064, No. 4, p. 426
- Hendric Otto vs. GON, NKP 2069, No. 7, p. 1076
- HMG vs. Abdul Phatte Musلمان, NKP 2044, No. 8, p. 840



- HMG vs. Mayashwori Damini, NKP 2037, No. 11, p. 261
- HMG vs. Rameshwar Raut Barai & Others, NKP 2041, No. 4, p. 360.
- Idris Miya vs. HMG, NKP 2044, No. 2, p. 259
- Indra Prasad Khanal vs. GON, NKP 2068, No. 7, p. 1235
- Janak Tripathi & Others vs. HMG, NKP 2062, No. 9, p. 269
- Jasman Limbu vs. GON, NKP 2069, No. 1, p. 84
- Mahendra Raj Bam vs. HMG, NKP 2051, No. 4, p. 226
- Manish Shrestha vs. GON, NKP 2070, No. 8, p. 1050
- Tirtha Dangol vs. HMG, NKP 2042, No. 5, p. 435
- Triratna Chitrakar vs. GON, NKP 2066, No. 5, p. 784
- Tek Bahadur Reule vs. HMG, NKP 2061, No. 11, p. 1486
- Uttam Lama vs. HMG, NKP 2061, No. 9, p. 1092

References:

- The Constitution of Nepal, 2072 (2015).
- Muluki Criminal Code, 2074 (2017).
- Muluki Criminal Procedural Code, 2074 (2017).
- Criminal Offences (Determination of Sentences and Execution) Act, 2074 (2017).
- Banking Crimes and Punishment Act, 2064 (2007).
- Commission for the Investigation of Abuse of Authority Act, 2059 (2003).
- Rome Statute of International Criminal Court, 1998.
- Acharya, Madhav P. & Rajit Bhakta Pradhananga (2053 B.S). Criminal Law and Criminal Justice, Kathmandu: Ranta Pustak Bhandar.
- Ashworth, Andrew (2011). Principles of Criminal Law, 6th Ed., London: Oxford University Press.
- Herning, Jonathan (2014). Criminal Law: Text, Cases and Materials, 6th ed., London: Oxford University Press.
- Reid, Sue Titus (2012). Criminal Law: The Essentials, 2nd ed., London: Oxford University Press.
- Vaidya, Tulsiram & Tri Ratna Manadhar (1985). Crime and Punishment in Nepal: A Historical Perspective, 1st ed., Kathmandu: Bini Vaidya and Purna Devi Vaidhya.



Course Title: Consumer Protection Law
Course Code: Law 122
Nature of the Course: Compulsory
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Consumer Protection Law (CPL) is a body of law designed to protect consumers from unfair, deceptive, or fraudulent business practices. It ensures safety, fair prices, and accurate information, allowing for legal remedies if sellers engage in unsafe practices, false advertising, or unethical trading. Major areas of CPL include product safety, fair contracts, and data privacy. So, CPL Protects against dangerous goods or services. CPL suggests mandatory disclosure of pricing, ingredients, warranties, and expiration dates. CPL prevents of monopolies and forced bundling of products. CPL also prohibits of deceptive advertising and unfair contract terms. Consumer laws also apply to digital marketplaces, ensuring data privacy and addressing deceptive online practices. The ultimate goal is to foster a fair, safe, and transparent marketplace.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- gain knowledge of their rights, including the right to safety, information, choice, and to be heard.
- learn to analyze contracts, identify unfair contract terms, and avoid pitfalls in both online and offline shopping.
- gain deeper understanding of the legal framework designed to safeguard buyers from unfair business practices, faulty products, and misleading information.
- act as rational, informed consumers and enables businesses to operate within ethical and legal boundaries
- addresses modern challenges, such as e-commerce, digital products, data privacy, and misleading advertising, ensuring awareness of regulations tailored to online transactions.
- file complaints, utilize in-house machinery (e.g., Central Consumer Protection Authority), and use alternative dispute resolution to resolve issues regarding unfair trade practices.
- legal remedies for faulty goods, such as repair, replacement, or refund, especially under regulations like the Consumer Protection Act 2018 (2018).

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. General Background (12 hrs.)

- 1.1 Meaning and Definition of Consumer Protection
- 1.2 Origin and Development of Consumerism and Consumer Protection
- 1.3 Principles of Consumer Protection
- 1.4 Objectives and Importance of Consumer Protection Law
- 1.5 Functions of Consumer Protection Law
- 1.6 Protection and Promotion of Consumers Rights
- 1.7 Duties of Producers/Vendors
- 1.8 Consumer dispute, defect, deficiency in Service
- 1.9 Unfair Trade Practices, Restrictive Trade Practices
- 1.10 Particulars to be mentioned in Consumer Goods

2. Product Liability (6 hrs.)

- 2.1 Product Liability Action
- 2.2 Liability of Product Manufacturer
- 2.3 Liability of Product Service Provider
- 2.4 Liability of Product Sellers
- 2.5 Exceptions to Product Liability Action

3. Prohibited Actions Regarding Consumer Goods and Services (6 hrs.)

- 3.1 Adulteration
- 3.2 Black Marketing (Smuggling)
- 3.3 Dumping of Goods
- 3.4 Mixing
- 3.5 Price Hacking
- 3.6 Absence of Listing of Price

4. Consumer Protection in Nepal (10 hrs.)

- 4.1 Objective and Importance of Consumer Protection Act, 2075 (2018)
- 4.2 Other Laws related to the Protection of Consumer Rights
- 4.3 Composition, Function, Duties and Power of Consumer Protection Council
- 4.4 Power and Functions of Gov. to Systematize and Control of the supply of Consumer Goods and Services
- 4.5 Consumer Associations and their role in the protection of Consumer's Rights
- 4.6 Complaint Mechanism
- 4.7 Penalty and Compensation Claim Settlement Mechanism

5. Consumer Rights Enforcing Institutions in Nepal (8 hrs.)

- 5.1 Judiciary
- 5.2 Ministry of Supply
- 5.3 Consumer Protection Council
- 5.4 Nepal Bureau of Standards and Metrology
- 5.5 Department of Food Technology and Quality Control
- 5.6 Department Of Commerce (DOC)
- 5.7 Municipality and Local Administration Office
- 5.8 Police Offices
- 5.9 Office of the Market Inspector
- 5.10 District Surveillance and Compensation Committee
- 5.11 National Human Right Commission

6. Emerging Issues in Consumer Protection (6 hrs.)

- 6.1 WTO and Consumer Protection
- 6.2 E-Commerce and Consumer Rights
- 6.3 Role of Civil Society in Consumer Protection
- 6.4 Access to justice and Consumer Laws
- 6.5 ADR in resolution of Consumer disputes

Referred Cases

- Surya Prasad Sharma Dhungel v. Godavari Marble Industries and Others, NKP 2053, No.1, D.N. 4
- Bharat Mani Gautam and Others v. Council of Ministers and Other, Writ No. 3054 of the year 2054 (SC 2056/03/29 BS) (1999 AD).
- Madhav Kumar Basnet v. H.M.G. and Others, Writ no. 3341 of the year 2055 (SC 2055/06/27 BS) (1998 AD).
- Prakash Mani Sharma v. Nepal Drinking Water Corporation and Others, NKP, 2058, DN 7042.
- Himal Cement Company v. Dhurba Bahadur Karki, NKP 2058, DN 7046
- Dr. Dinesh Bikram Shah vs. Shrijana K.C. and Sharita K.C. (Bhoj Raj Aair representing Janahit Samrakshan Manch), NKP 2066, No. 11, D.N. 8262.
- Dr. Asok Samsher JBR vs. Sabitri Devi Sapkota, NKP 2067, No. 3, D.N. 8323
- Chandra Kanta Gyawali v. Office of the Prime Minister and Council of Ministers, NKP 2067, DN 8324.
- Jyoti Baniya on behalf of the Consumer Protection Forum v. Office of the Prime Minister. and Office of the Council of Ministers and Others, NKP 2074, DN 9920.
- Dr. Sudha Thapa vs. Subba Pulami Magar, NKP 2075, No. 1, D.N. 9927
- Neshar Ahamad Miya vs. Prithivi Chand Hospital, Ramgram, Nawalparasi, and the Employee Dr. Pramod Paudel et. al, NKP 2075, No. 7, D.N. 10061
- Dr. Buddha Basnet vs. Consumer Rights Protection Forum, NKP 2077, No. 12, D.N. 10621

Reading Materials

- The Constitution of Nepal, 2072 (2015).
- Muluki Civil Code, 2074 (2017).
- Muluki Civil Procedure Code, 2074 (2017).
- Muluki Criminal Code, 2074 (2017).
- Muluki Criminal Procedural Code, 2074 (2017).
- Consumer Protection Act, 2075 (2018).
- Essential Services Operation Act, 2014 (1957).
- Essential Commodities Control (Authorization) Act, 2017 (1961).
- Food Act, 2023 (1967).
- The Local Administration Act, 2028 (1971).
- Black-marketing and Some Other Social Offences and Punishment Act, 2032 (1975).
- Drug Act, 2035 (1978).
- Nepal Standards (Certification Mark) Act, 2037 (1980).
- The Animal Slaughterhouse and Inspection of Meat Act, 2055 (1999).
- Competition Promotion and Market Protection Act, 2063 (2007).
- Local Government Operation Act, 2063 (2007).
- United Nations Guidelines for Consumers Protection, (1985).
- Barowalia, Dr. J. N. & Abhishek Barowalia (2024). Commentary on the Consumer Protection Act. (8th edn.), New Delhi: Universal, Lexis Nexis.
- Majumdar, P. K. & R P Kataria (2020). Law of Consumer Protection in India. (9th edn., Reprinted 2025), India: Orient Publishing Company.
- Padman, Shyam (2023) The Law of Consumer Protection. (4th edn.), India: Lexis Nexis
- Verma, S.K. & M. Afzal Wani (2004). A Treatise on Consumer Protection Laws. New Delhi: Indian Law Institute.

Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Company Law
Course Code: Law 123
Nature of the Course: Compulsory
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Commercial law, also known as mercantile or business law, is the body of law that governs the rights, relations, and conduct of individuals and businesses engaged in commerce, trade, and sales. It covers legal issues spanning contract law, sales, intellectual property, and financing, ensuring business transactions are conducted legally and fairly. Commercial law enables smooth business operations by establishing clear rules for trade, protecting assets, and providing mechanisms for dispute resolution. Studying commercial law provides essential knowledge for establishing companies, conducting transactions, managing intellectual property, and understanding consumer protection laws. Commercial law offers versatile career paths, including corporate law, finance, banking, international trade, and roles in consultancy. Expertise in this field helps organizations make informed decisions, mitigate risks, and create wealth. It covers international trade and provides a globally applicable skill set, particularly through programs in reputable institutions.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- Gain a comprehensive understanding of contract law, agency, business entities (partnerships, corporations), and sale of goods.
- Analyze legal doctrines regulating business transactions, including contracts, company law, and consumer rights.
- Ability to identify legal risks in business activities and implement strategies to mitigate them.
- Develop skills to draft, analyze, and interpret commercial contracts and agreements, such as sales, leases, and agency agreements.
- Understanding the legal frameworks governing consumers, competition, and international trade.
- Ability to articulate legal concepts to both legal and non-legal stakeholders.
- Explain about the various National & International Instruments related to Company Law.
- Interpret the leading cases decided by Supreme Court of Nepal related to the Company Law.

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. General Background (8 hrs.)**
 - 1.1 Meaning and Definition of Company
 - 1.2 Nature and Types of Companies
 - 1.3 Historical Development of Company Law in Nepal
 - 1.4 Theories of Corporate Personality
 - 1.5 Doctrine of "*Lifting of Corporate Veil*", "*Ultra Vires*", "*Constructive Notice*" and "*Indoor Management*".
 - 1.6 Conversion of Companies from Public to Private and vice-versa
- 2. Incorporation and Registration of a Company (6 hrs.)**
 - 2.1 Memorandum of Association (MOA) and Articles of Association (AOA)
 - 2.2 Company Prospectus
 - 2.3 Certification of Incorporation and Registration of a Company
 - 2.4 Promoters and their roles and responsibilities
- 3. Organizational Structure and Operation of a Company (8 hrs.)**
 - 3.1 The Board of Directors: Appointment Procedure, Roles and Responsibilities, Conditions for Disqualification, and Process of Removal
 - 3.2 General Meeting of Shareholders: Types and Formalities
 - 3.3 Managing Director (MD) / Chief Executive Officer (CEO): Functions and Duties
 - 3.4 Modern Legal Compliance: Corporate Social Responsibility and Corporate Liability
- 4. Share and Dividends (12 hrs.)**
 - 4.1 Meaning and Nature of Share, Share Capital, and Stock
 - 4.2 Types of Shares: Preference Share, Equity Share, Rights Share, Sweat Equity Share and Bonus Share
 - 4.3 Rights of Equity Shareholders: electing directors, receive dividends (if declared), share in remaining assets during liquidation, rights issue, inspect corporate records, and transfer ownership freely.
 - 4.4 Issue of Share: Private Placement of Shares, Initial Public Offering (IPO)
 - 4.5 Share Certificate, Transfer of Shares, Forfeiture of Shares, Reduction of Share Capital
 - 4.6 Meaning and Nature of Dividend
 - 4.7 Declaration of Dividend and its Procedure

4.8 Payment of Dividend, Interim Dividend Unpaid, Unclaimed Dividend and their status

5. Investment, Financing and Debenture (8 hrs.)

5.1 Meaning of Investment and Legal Provisions regarding Compliance to Investment

5.2 Meaning and Nature of Foreign Investment, Foreign Direct Investment, and Portfolio Investment

5.3 Meaning and Importance of Financing; Provisions relating to Financing

5.4 Meaning, Definition and Features of Debenture and its Kinds

6. Winding Up of a Company (6 hrs.)

6.1 Meaning of Winding Up / Liquidation

6.2 Voluntary Winding Up of the Company and Procedures

6.3 Compulsory Winding Up, Grounds and Procedures

6.4 Appointment of Liquidator; Powers, Responsibilities and Liabilities of Liquidators

6.5 Preferential Payments and Closure of a Company

Relevant Cases:

- Kirendra B. Pradhananga vs. Hetauda Industrial Zone, NKP 2075, No. 1, D.N. 9940
- Saraswati Shrestha vs. Sunrise Bank Ltd., NKP 2075, No.1, D.N. 9871
- Unity Life International Ltd. vs. GoN, NKP 2069, No. 4, D.N. 8814
- Himalayan Distillery vs. Office of Company Registrar, NKP 2068, No. 5, D.N. 8614
- Nepal Airlines Corporation vs. Harati Travels, NKP 2067, No. 12, pp. 2086
- Arun Chandra vs. Nepal Rastra Bank, NKP 2063, No. 11, pp. 1434
- Shankar Lal Agrawal vs. Nepal Lever Ltd., NKP 2057, No. 5, pp. 427
- Jyoti Spinning Mills Ltd. vs. Department of Industry, NKP 2057, No. 5, pp.453
- Purushottam Acharya vs. Boris & Restaurant Pvt. Ltd., NKP 2044, No. 9, pp. 934
- Piyus Raj Pandey vs. Tax Office Kathmandu, NKP 2040, No. 12, pp. 901
- Sushila Rani Rana vs. Hotel Jaya International, NKP 2040, No.3, pp. 259
- Connors Bros vs. Connors (1940) 4 All E. R. 179 UK
- Jones vs. Lipman (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
- Solomon vs. Solomon and Co. Ltd. (1897) A. C. 22 UK

Reading Materials

- Bank and Financial Institutions Act, 2075
- Foreign Investment and Technology Transfer Act (FITTA), 2075
- Company Act, 2063
- Corporation Act, 2021

- Insolvency Act, 2063
- Nepal Development Board Act, 2063
- Security Exchange Act, 2063
- Cheeseman, Henry (2013). Contemporary Business Law (8th edn.). Prentice Hall: Pearson Education
- Neupane, Awatar (2076 B.S.). company Law. Kathmandu: Pairavi Book House Pvt. Ltd.
- NJA (2075 B.S.). Compilation of Commercial Judgements, 2075. Kathmandu: National Judicial Academy.
- Singh, Avatar (2015). Company Law (16th edn.) Lucknow: Eastern Book Company.
- Upreti, Bharat Raj (2064 B.S.). Company Law (in Nepali). Kathmandu: Law, Research and Development Forum.

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Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Ethics & Lawyering Skills for Lawyers
Course Code: Law 124
Nature of the Course: Compulsory
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Professional ethics refers to the moral principles and codes of conduct (integrity, confidentiality, conflict of interest management) that guide lawyers to act with honesty, fairness, and competence toward clients, courts, and the public. Lawyering skills are the practical, technical abilities—communication, legal research, drafting, negotiation, and advocacy—required to represent clients effectively. Professional ethics includes duties towards clients ensuring undivided loyalty, maintaining confidentiality (professional secrecy), and avoiding conflicts of interest. It also includes acting with honesty toward the court, avoiding fraudulent evidence, and providing truthful statements. It also persuades for maintaining professional independence to provide unbiased advice, even if it contradicts the client's wishes. It also ensures dealing fairly with opposing counsel, parties, and the public. Professional ethics advocates for justice by upholding the rule of law, protecting client interests, and sometimes serving the public interest. In contrast, lawyering skills contains communication and interviewing skills which includes listening, questioning, and building trust with clients. Lawyering skills comprises legal counseling by providing sound, ethical, and practical advice to clients, helping them make informed decisions. Legal research and analysis include identifying the relevant law and applying it to the facts. Legal drafting comprises creating legal documents (contracts, pleadings, briefs) that are precise and accurate. Lawyering skills also comprises representing clients in disputes, mediation, or court settings.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- familiarize students with the principles governing legal practice, including loyalty, confidentiality, and independence.
- deter unethical practices, such as negligence, corruption, or breach of trust, by understanding the disciplinary consequences.
- equip students with essential practical skills, including client interviewing, counseling, negotiation, and advocacy techniques.
- ensure legal practitioners understand their duties toward clients, courts, and society, balancing zeal for a client's case with the duty to uphold justice.
- teach lawyers how to behave honestly and with integrity, thus preserving the reputation and dignity of the legal profession.

- enable students to recognize and handle scenarios where personal or professional interests may conflict with those of their clients.

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. Professional Ethics (12 hrs.)**
 - 1.1 Meaning, Nature and Need of Professional Ethics (Legal Ethics)
 - 1.2 Principles of Professional Ethics (Legal Ethics)
 - 1.3 Profession Responsibility (duty) of Legal Professionals towards: Court; Client; Opposing Party; Colleagues
 - 1.4 Maintaining Professional Independence
 - 1.5 Advocacy for Justice
 - 1.6 Duty of Legal Professionals to render Legal Aid
 - 1.7 Judicial Mannerism: Court Decorum; Dress Code; Language
 - 1.8 Bar-Bench Relation
- 2. Legal Professionals in Nepal (11 hrs.)**
 - 2.1 History of Nepalese Legal Profession
 - 2.2 Contribution of Legal Professionals
 - 2.3 Legal Professionals (Lawyers, Judges, Public Prosecutors, Notary Public, Para-Legal) under prevailing Laws
 - 2.4 Nepal Bar Association: Establishment and Formation; Function, Powers and Duties
 - 2.5 Nepal Bar Council: Establishment and Formation; Function, Powers and Duties
 - 2.6 Para-Legal Services and its Importance
- 3. Advocacy Skills (15 hrs.)**
 - 3.1 Communication & Interviewing
 - 3.2 Legal Counseling
 - 3.3 Detailed Case Analysis and Comprehensive Legal Research
 - 3.4 Legal Drafting
 - 3.5 Negotiation and Advocacy
 - 3.6 Pleading and Conveyancing Skills
 - 3.7 The Capacity to Adapt to Constantly Evolving Courtroom Environments- Courtroom Presence
 - 3.8 Ethical Advocacy and Professional Conduct
 - 3.9 Public Interest Lawyering Skills
 - 3.10 Pro-Bono work

3.11 Embracing ADR



4. Code of Conduct for Legal Professionals in Nepal (10 hrs.)

- 4.1 Code of Conduct for Lawyers, Judges, Public Prosecutors, Notary Public and Para-Legal
- 4.2 Complain Procedure for not following Code of conduct
- 4.3 Investigative Procedure and Other Disciplinary Actions
- 4.4 Punishment according to Code of Conduct

Prescribed Cases

- Adv. Harihar Dahal vs. Man Bahadur Gurung, NKP 2050, No. 1, pp. 24
- Rabilal Chaudhary vs. Nepal Bar Council, NKP 2053, No. 10, pp. 711
- Mithilesh Kumar Singh vs. Council of Ministers and Others, NKP 2055, No. 11, pp. 619
- Adv. Narayan Koirala vs. Syangja District, NKP 2058, No. 9/10, pp. 542
- Adv. Lila Mani Poudel vs. Council of Minister & Others, NKP 2060, No. 5/6, pp. 354
- Diwas Acharya vs. GoN, NKP 2060, No. 7/8, D.N. 7238
- Adv. Sapana Pradhan Malla vs. GoN, NKP 2064, No. 9, D.N. 7880
- Pasupati Karki vs. GoN, NKP 2067, No. 9, D.N. 8455
- Adv. Surendra Kumar vs. GoN, NKP 2072, No. 2, D.N. 9339
- Adv. Chandan Raj Regmi vs. Laya Prasad Baskota (unpublished), Case No: 075-MS-0021 (Decision Date: 2076/02/14)

Reading Materials

- Rules of Professional Code of Conduct of Legal Practitioners, 2079 (2023).
- Nepal Bar Council Act, 2050 (1993).
- Code of Conduct for Judges, 2074 (2017).
- Shrestha, Gyaindra Bahadur (2075 B.S.). Kannoni Likharka Masyauda Ebam Byabasayik Acharsamhita Ra Kanooni Siip (in Nepali). Kathmandu: Pairavi Prakashan.
- Mainali, Laxmi Prasad (prof. Dr.) (edr.) (2076). Nepal Kannon Paricharcha (Vol. 1). Kathmandu: Nepal law Campus, Faculty of Law, Tribhuvan University.
- Dahal, Ganesh (2070 B.S.). Kanoon Byabasaiko Byabasaik Acharan Tatha Peshagat Siip (in Nepali). Kathmandu: Pratyush Prakashan.
- Bhattarai, Ram Prasad (2072 B.S.). Legal Drafting and Lawyering Skills. Kathmandu: Pairavi Prakashan.
- Aryal, Keshav Raj (2013). Professional Ethics and Lawyering Skills. Kathmandu: Dipawali Books.
- Tathan, Laura & Edrina Higgins (2013). Successful Legal Writing (2nd edn.). New Delhi: Thompson Reuters.
- Mallik, B.C.J (2014). The Art of a Lawyer (11th edn.). New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- Joshi, Nayan (2010). Legal Writing & Drafting. New Delhi: Kamal Publisher



Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Evidence Law
Course Code: Law 125
Nature of the Course: Compulsory
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

The law of evidence sets out rules about what evidence can be introduced to prove facts in a trial. An item of evidence is described as "inadmissible" if the law of evidence does not allow it to be introduced at a trial and "admissible" if the law of evidence allows it to be introduced to prove or disprove a particular fact. The law of evidence is a set of legal rules governing how facts are proved in court, determining what information is admissible, relevant, and allowed to be presented to a tribunal. It covers witness testimony, documents, and physical evidence in both civil and criminal cases to ensure fair proceedings. Evidence can be introduced by both sides in a case and is something that proves or disproves a particular fact, it makes the existence or non-existence of that fact more likely.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- distinguish between direct and circumstantial evidence, as well as real and testimonial evidence.
- master concepts of relevance, admissibility, and the "weight" (probative value) of evidence.
- apply rules governing hearsay, character evidence, opinion evidence, and expert testimony.
- learn when evidence—even if relevant—must be excluded, such as in cases of improper acquisition or if its prejudicial effect outweighs its probative value.
- identify which party bears the burden of proof (both legal and evidential) and the required standard of proof (e.g., beyond a reasonable doubt vs. balance of probabilities).
- apply evidence law to complex, hypothetical, or real scenarios, creating strong legal arguments regarding the admission or exclusion of evidence.
- critically analyze the rules of evidence, evaluating their purpose and effectiveness within the adversarial system, particularly concerning fairness, constitutional requirements, and the right to a fair trial.
- handle special types of evidence, such as confessions, electronic/digital evidence, and the testimony of vulnerable witnesses.

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. General Background (12 hrs.)

- 1.1 Meaning, Nature, Scope, and Importance of Evidence
- 1.2 Classification of Evidence:
 - a) Relevancy: Direct and Circumstantial
 - b) Physical Structure: Documentary, Oral, and Material
 - c) Probative Value: Primary and Secondary
- 1.3 Nature and Importance of Law of Evidence
- 1.4 Historical Development of Law of Evidence in Nepal

2. Basic Principles of Law of Evidence (6 hrs.)

- 2.1 Evidence must be confined to the fact in issue
- 2.2 Best evidence must be produced
- 2.3 Hearsay evidence is no evidence
- 2.4 One who asserts must prove
- 2.5 Principle of estoppel

3. Facts and Principles (8 hrs.)

- 3.1 Meaning, Concepts and Importance of Facts
- 3.2 Facts in Issue and Relevant Facts
- 3.3 Facts which need to be Proved: Facts in Issue; Relevant Facts (Circumstantial); State of Mind; State of Body
- 3.4 Facts which need not to be proved: Fact Admitted; Facts within Judicial Notice; Presumption of Law

4. Evidence when Admissible and Inadmissible (14 hrs.)

- 4.1 Admissible Evidence
 - a) Admission and Confession
 - b) Statement on the Spot
 - c) Dying Declaration
 - d) Statement by Person of Special Conditions
 - e) Facts Recorded in Public Documents
 - f) Facts Recorded in Books or Articles
 - g) Matter Recorded in Regular Statistics, Lists and Statements etc.
 - h) Statement of Witness in Other Cases
 - i) Investigation Document
 - j) Certificate, Report, Other Documents, and any Matter or Material Evidence (Dashi) Attested by Witness



- k) Expert Opinion
- l) Statement of Witness

4.2 Inadmissible Evidence

- a) Confession under threat, Inducement etc.
- b) Statement Expressed for the Purpose of Compromise
- c) Statement not Recorded as Witness at Court
- d) Character
- e) Privileges

5. Burden of Proof (8 hrs.)

5.1 General Concept; and Shifting of Burden

5.2 Preponderance of Proof under Nepali Laws

5.3 Burden of Proof under Nepali Laws:

- a) Evidence Law
- b) Corruption Law
- c) Narcotics Drugs Law
- d) Human Trafficking Law
- e) Other Laws

Relevant Cases

- Marshakala Karki vs. Tribhuvan Airport Custom Office & Others, NKP 2034, No. 5, pp. 134
- Keshav Prasad Ghimire vs. HMG, NKP 2036, No. 4, pp. 108
- Devendra Shumsher JBR vs. late Lila Shumsher JBR & Others, NKP 2045, No. 8, pp. 743
- Mona sir Rain Kachary vs. Jeun Khatun, NKP 2048, No. 1, pp. 8
- Baldev Upadhyay vs. Gita Bhattarai & Others, NKP 2049, No. 6, pp. 538
- HMG vs. Kailash Mahato & Others, NKP 2057, No. 8/9, pp. 685
- HMG vs. Diwakar Pandit, NKP 2060, No. 1/2, pp. 64
- Ramhari Lamichhane v. GoN, NKP 2068, DN 8695
- Yakshyadhoj Karki v. High Court Patan, 2076, DN 10369

Reading Materials

- Evidence Act, 2031 B.S.
- Shrestha, Gyaindra Bahadur (2068 B.S.). Praman Kannon 2031: Ek Sangchhipta Tippani (in Nepali). Kathmandu: Pairavi Prakashan.
- Wast, Prakash (2053 B.S.). Praman Kanoon (in Nepali). Kathmandu: Pairavi Prakashan
- Pradhananga, Rajit Bhakta (2061 B.S.). Nepali Praman Kanoon Ko Samanya Parichaya (in Nepali). Kathmandu: Bhrikuti Academic Publication
- Sharma, Rajendra Shalav (2068 B.S.). Law of Evidence. Kathmandu: Lumbini Publication.
- Chandrachud, Y. U. (2004), The Law of Evidence, 21st edn., Nagpur: Wadhwa and Company.



Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Clinical Works- Interaction with Lawyers & Public Prosecutors

Course Code: Law 126

Nature of the Course: Compulsory (Practical)

Semester: Fourth

Year: Second

Program: B.A.LL.B.

Credits: 3

Full Marks: 100

Pass Marks: 50%

Time per Period: 1 hr

Total Periods: 48

COURSE DESCRIPTION

The syllabus for Clinical Works: Interaction with Lawyers and Public Prosecutors is a practical component of Clinical Legal Education (CLE) designed to bridge the gap between theoretical law and professional practice. It focuses on courtroom observation, case file analysis, and understanding the roles of legal professionals, primarily focusing on criminal defense and prosecution procedures. Observing and assisting in client interviews, legal counseling, case theory development, and negotiating with prosecutors. Students are attached to courts (District or Superior Courts) to observe criminal litigation, including hearings, bail applications, and trials. Engagement with public prosecutors to understand their role in conducting investigations, filing indictments (charge sheets), managing evidentiary materials, and preparing for trial. Training in reviewing case files to understand criminal procedure, evidence handling, and the preparation of "Witness Statements". Exposure to the code of conduct for lawyers, prosecutor ethics, and dealing with potential conflicts of interest. The course aims at engaging in simulations of criminal proceedings; visiting correctional facilities to understand the sentencing process, rights of the accused, and rehabilitation programs; submitting detailed reports on court observations, interaction sessions, and jail visits; participating in legal aid clinics or legal literacy programs to assist indigent individuals.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- understand the practical stages of criminal law from arrest to sentencing.
- develop advocacy, communication, and legal drafting skills.
- build familiarity with professional legal work environments and courtroom etiquette.
- offer opportunities to observe working styles of Lawyers and Prosecutors, and assist them to understand challenges and prospects of the legal profession

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. Engagement with Lawyers (15 hrs.)

- 1.1 Analyze the Roles of Legal Professionals
- 1.2 Legal Counseling
- 1.3 Legal Drafting
- 1.4 Filing of Case
- 1.5 Negotiating with Prosecutors
- 1.6 Observance of Litigation Process: hearings, bail applications, trials.
- 1.7 Code of Conduct for Lawyers, Prosecutor Ethics, and dealing with Potential Conflicts of Interest

2. Engagement with Public Prosecutors (15 hrs.)

- 2.1 Courtroom Observation: primarily focusing on criminal defense and prosecution procedures
- 2.2 Role in Conducting Investigative Oversight: filing indictments (charge sheets), managing evidentiary materials, and preparing for trial
- 2.3 Reviewing Case Files: to understand criminal procedure, evidence handling, and the preparation of "Witness Statements"
- 2.4 Court Representation
- 2.5 Simulations of Criminal Proceedings; Visiting Correctional Facilities to Understand the Sentencing Process
- 2.6 Rights of the Accused and Victims
- 2.7 Rehabilitation Programs

3. Report Writing and Presentation (18 hrs.)

- 3.1 submitting detailed reports on engagement with lawyers
- 3.2 submitting detailed reports on engagement with public prosecutors

Reference Materials

- Government of Nepal (2075 B.S.). Standard and Syllabus of Specialization Training, Office of the Attorney General, Singhadarbar, Kathmandu, Nepal
- United Nations (1990). Guidelines on the Role of Prosecutors. Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
- Rules of Professional Code of Conduct of Legal Practitioners, 2079 (2023).
- Nepal Bar Council Act, 2050 (1993).
- Code of Conduct for Judges, 2074 (2017).
- Shrestha, Gyaindra Bahadur (2075 B.S.). Kannoni Likhatka Masyauda Ebam Byabasayik Aacharsamhita Ra Kanooni Siip (in Nepali). Kathmandu: Pairavi Prakashan.
- Mainali, Laxmi Prasad (prof. Dr.) (edr.) (2076). Nepal Kannon Paricharcha (Vol. 1). Kathmandu: Nepal law Campus, Faculty of Law, Tribhuvan University.

- Dahal, Ganesh (2070 B.S.). Kanoon Byabasaiko Byabasaik Acharan Tatha Peshagat Siip (in Nepali). Kathmandu: Pratyush Prakashan.
- Bhattarai, Ram Prasad (2072 B.S.). Legal Drafting and Lawyering Skills. Kathmandu: Pairavi Prakashan.
- Aryal, Keshav Raj (2013). Professional Ethics and Lawyering Skills. Kathmandu: Dipawali Books.
- Tathan, Laura & Edrina Higgins (2013). Successful Legal Writing (2nd edn.). New Delhi: Thompson Reuters.
- Mallik, B.C.J (2014). The Art of a Lawyer (11th edn.). New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- Joshi, Nayan (2010). Legal Writing & Drafting. New Delhi: Kamal Publisher

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Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Housing Law of Nepal
Course Code: Law 127
Nature of the Course: Optional
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Housing law is a legal framework governing the leasing, ownership, and occupation of residential property, designed to protect the rights of both landlords and tenants. It covers regulations on public and private rentals, repairs, security of tenure, eviction procedures, and antidiscrimination. Housing law includes a range of landlord and tenant issues, covering various areas of law from criminal damage to breach of contract. It also covers possession, forfeiture, homelessness, unlawful eviction, housing fitness, regulation and licensing. This course explores the social, economic, and legal aspects of peoples' aspirations and legitimate expectations for affordable, habitable, and healthy housing. The course traverses a broad range of social, political, and legal issues and examines many aspects of law that are relevant to this topic, including property, contract, public, and human rights law.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- identify current legal and policy issues affecting tenants, occupiers, homeless people and those in housing need
- whether there is a 'right to housing', including the social housing law and policy
- learn about current international and domestic measures relating to housing
- the various regulatory and policy measures that apply to housing in Nepal
- the various mechanisms for owning and/or occupying residential premises and homes
- the provision of housing for specific and disadvantaged groups within society, and in times of crisis and natural disaster.
- understand law concerning rent income collection
- assess the impact of recent case law on housing law

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

4. General Background (8 hrs.)

- 4.1 Meaning and Definition of Housing
- 4.2 Types of Housing
- 4.3 Concept of Title, Ownership & Possession
- 4.4 Ownership of Housing/Apartment
- 4.5 Transfer of Ownership of House
- 4.6 Relationship between Ownership of Land & of House
- 4.7 Anti-Discriminatory measures to protect the rights of Tenant

5. Legal Obligation of Housing Rights (20 hrs.)

- 5.1 Right to Housing
- 5.2 Provisions for (affordable) Housing for Homeless Citizens
- 5.3 Provision of Temporary Housing & Support for Displaced Citizens
- 5.4 Protection from Force Eviction (from one own's property)
- 5.5 Legal Framework Surrounding Eviction for Public Purpose (with due compensation and Resettlement)
- 5.6 Punishment for Providing False Document to Obtain Housing Rights
- 5.7 Responsibility of Local Government for improvement of Slum Area Squatter Settlement
- 5.8 Responsibility of Local Government in Land Development that include Guided Land Development (GLD) and Land Pooling
- 5.9 Judicial and Other Remedies for Housing Rights

6. Design & Construction of House (12 hrs.)

- 6.1 Design, Construction & Use of Housing
- 6.2 Criteria for Construction of House
- 6.3 Types of Documentation with respect to Construction of House
- 6.4 Indigenous Knowledge and Technology for Safer Buildings
- 6.5 Cost-Effective Construction Technologies
- 6.6 Demolition of House

7. Tenancy, House Renting and Tax System (8 hrs.)

- 7.1 Rent Regulation
- 7.2 Rent Collection Method
- 7.3 Tenant Rights and Landlord Obligation
- 7.4 Concept of Co-operative/Community Housing Society
- 7.5 Settlement of Legal Disputes

Reading Materials

- The Constitution of Nepal, 2072 (2015).
- Right to Housing Act, 2075 (2018)).

- Basic Standards on Settlement Development, Urban Planning and building, 2072 (2015).
- Government of Nepal (June 2023). Reference Book on Building By-laws & Building Permit System, Ministry of Federal Affairs & General Administration (MoFAGA) Provincial & Local Governance Support Program (PLGSP) Kathmandu, Nepal.
- Mukherjee A. (2019). The Legal Right to Housing in India. Cambridge University Press.
- Sarkar, P.K. (2000). Housing Laws in India Problems and Remedies. India: Eastern Law House.

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Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Law of Torts
Course Code: Law 128
Nature of the Course: Optional
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Derived from the Latin *tortus* (crooked/wrong), a tort is a civil wrong that causes loss or harm, resulting in legal liability. The law of torts is a branch of civil law addressing wrongful acts (other than breach of contract) that cause harm or loss, providing remedies like monetary damages. It seeks to compensate victims and deter future wrongdoing. The primary goal is to compensate the victim and restore them to the position they were in before the harm occurred. Unlike criminal law, which is prosecuted by the state to punish offenders, tort law is pursued by private individuals seeking compensation. It is distinct from contract law, as it arises from violations of legal duties rather than broken agreements.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- understanding the duty of care, proving causation, and evaluating defenses to compensate injured parties.
- comprehend the foundational principles, functions, and classification of tort law within private law.
- analyze the essential elements of negligence: duty of care, breach of duty, causation, and resulting damages.
- differentiate between various torts, including intentional torts and unintentional torts.
- identify, analyze, and apply legal principles regarding civil wrongs—such as negligence, defamation, and nuisance—to determine liability and appropriate remedies.
- provide the remedies available to victims, such as compensation (damages) or injunctions, and the defenses available to defendants.

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. General Background (14 hrs.)

- 1.1 Meaning and Definition of Tort
- 1.2 Nature and Constituents of Tort
- 1.3 Constituents of tort – wrongful act, legal damage and remedy – *injuria sine damno* and *damnum sine injuria*; *ubi jus ibi remedium*
- 1.4 Tort vis-a-vis other wrongs e.g. crime, breach of contract, etc.
- 1.5 Relevance of intention, motive and malice in Law of Torts
- 1.6 Classification of Torts:
 - a) torts against human being;
 - b) torts against property;
 - c) tort of negligence
 - d) tort of nuisance;
 - e) constitutional torts;
 - f) other specific form of torts.
- 1.7 Importance and Functions of Law of Tort
- 1.8 Origin of Law of Tort
- 1.9 Law of Tort in Nepali context
- 1.10 Law of Tort and Consumer Protection

2. Distinction between Tort with other Branches of Law (6 hrs.)

- 2.1 Distinction between Tort and Crime
- 2.2 Distinction between Tort and Breach of Contract
- 2.3 Distinction between Tort and Breach of Trust
- 2.4 Distinction between Tort and Quasi-Contract

3. Capacity to Sue or be Sued (6 hrs.)

- 3.1 Who can Sue? (Plaintiffs)
- 3.2 Who can be Sued? (Defendants)
- 3.3 Who cannot Sue? (Exceptions)
- 3.4 Who cannot be Sued? (Exceptions)

4. Justification of Tort (4 hrs.)

- 4.1 Common Justifications/General Defenses in Tort
- 4.2 Justification vs. Excuse

5. Negligence, Liability and Discharge of Tort (8 hrs.)

- 5.1 Theories on Negligence
- 5.2 Elements of Negligence Action: duty to take care, breach of duty, consequent damage
- 5.3 Foundation of Tortious Liability and Difference between Tortious Liability with other types of Liability
- 5.4 Strict Liability/ Absolute Liability
- 5.5 Vicarious Liability
- 5.6 Importance of Tortious Liability
- 5.7 Meaning and Kinds of Discharge of Tort



6. Defamation (5 hrs.)

6.1 Meaning- Libel and slander

6.2 Essential Conditions

6.3 Defenses- Justification by truth, fair and bonafide comments, privilege (absolute and qualified), consent and apology

7. Remedies in Tort (5 hrs.)

7.1 Judicial Remedies in Tort Cases

7.2 Extra-Judicial Remedies and Self-help

7.3 Remedies in International Torts

Referred Cases

- Man Bahadur Limbu vs. Gaja Lal Limbu, NKP 2031, D.N. 814
- Lok Bhakta Shamsher JBR vs. Ramadevi Rajbhandari, NKP 2055, No. 11, D.N. 6625
- Lekhraj Kebatin vs. Bhagwanta Paal et. al., NKP 2056, No. 3, D.N. 6690
- Guna Rajaya Laxmi Shah also known as Smt. Maiya Shah vs. Uttam Prasad Kharel et. al., NKP 2056, No. 4, D.N. 6696
- Rhadendra Kumar Thakur vs. Chandeshwor Mishra Bhumihhaar, NKP 2066, No. 1, D.N. 8061
- GoN vs. Rabi Krisna Joshi et. al., NKP 2067, No. 8, D.N. 8428
- Chairman of Namaste Travels, Mahendraman Shrestha vs. A. C. Garment, NKP 2069, No. 1, D.N. 8744
- Gaudi Tharuni vs. Shankar Prasad Damai et. al., NKP 2069, No. 1, D.N. 8751
- Arvinda Majumdar vs. General Manager Hirouki Nomiyama et. al., NKP 2069, No.2, D.N. 8773
- Jay Prakash Gupta vs. GoN (Investigative Officer of CIAA, Chetnath Ghimire), NKP 2075, No. 6, D.N. 10022
- Toyenath Aryal vs. Sanu Bir Bahadur Thapa Magar, NKP 2075, No. 10, D.N. 10120
- B v An NHS Hospital Trust [2002] 2 All ER 449
- White v. John Warrick & Co., Ltd., (1953) 2 All ER 1021
- Ashby v. White (1703) 2 Lord Raym 938
- Municipal Corpn. of Agra v. Asharfi Lal, AIR 1921 All. 202
- Smith v. Charles Baker and Sons (1891) AC 325 (HL)
- Donoghue v. Stevenson (1932) All ER Rep. 1
- Rylands v. Fletcher (1868) LR 3 HL 330
- State of Rajasthan v. Vidhyawati (1962) Supp. 2 SCR 989
- Prof. Imtiaz Ahmad v. Durdana Zamir (2009) 109 DRJ 357

Reading Materials

- Muluki Civil Code, 2074 (2017).
- Muluki Civil Procedural Code, 2074 (2017).

- Muluki Criminal Code 2074 (2017).
- Muluki Criminal Procedural Code, 2074 (2017).
- Electronic Transaction Act, 2063 (2006).
- Consumer Protection Act, 2075 (2018).
- Individual Privacy Act, 2075 (2018).
- Singa, S. P. & Indrajit P. Singh (2006). Law of Tort (4th edn.). Delhi: Universal Law Publishing
- Singh, Avtar (2001). Introduction to Law of Torts (1st edn.). New Delhi: Wadhwa & Company Law Publisher
- Murphy, John (2006). Street on Torts (11th edn., Indian Reprint). Oxford: Oxford University Press
- Gandhi, B. M. (2006). Law of Tort (3rd edn.). New Delhi: Eastern Book Company
- ILI (2004), A Treaties on Consumer Protection Laws. New Delhi: Indian Law Institute.
- McBride & Bagshaw (2024), Tort Law, (7th edn.). Pearson Education
- Singh, G. P. & Akshay Sapre (2019), The Law of Torts (28th edn.). Lexis Nexis.
- Weir, T. (2004). A Casebook on Tort (10th edn.). Sweet & Maxwell.

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Rajarshi Janak University
Faculty of Humanities and Law

Course Title: Socio-Economic Crime
Course Code: Law 129
Nature of the Course: Optional
Semester: Fourth
Year: Second
Program: B.A.LL.B.
Credits: 3

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

COURSE DESCRIPTION

Socio-economic crimes are illegal acts motivated by financial gain that damage the economic health of society, often committed by powerful individuals or organizations rather than through physical violence. These offenses frequently involve fraud, corruption, and tax evasion, distorting markets and undermining trust in public institutions. It is driven by greed and the pursuit of money, often ignoring the harm caused to the public. This includes money laundering, tax evasion, VAT fraud, smuggling, embezzlement, and illegal banking activities. It is usually committed by individuals with higher social status or within business contexts, sometimes referred to as "white-collar" crime. It causes severe damage to public revenue, distorts market competition, and can lead to structural corruption. Socio-economic crimes are often fueled by an obsession with money, degradation of ethical values, and economic disparities within a society. They are particularly prevalent in industrial and urban settings where market gain is prioritized over traditional ethical standards. Addressing these crimes requires a combination of strengthened regulations, increased penalties, and efforts to reduce inequality, by addressing the need for better education, job opportunities, and tackling systemic corruption.

LEARNING OUTCOMES

At the end of the course, students will be able to:

- define and analyze the nature of socio-economic offenses, distinguishing them from traditional crimes
- understand nature, causes, and impacts of crimes that affect the social and economic well-being of a nation, such as white-collar crime, tax evasion, and corruption
- examine various forms of socio-economic offenses, including corruption, white-collar crime, tax evasion, food adulteration, and violations of occupational standards.
- study special penal statutes, investigative agencies, and specialized courts designed to handle these specific crimes.
- understand how these crimes negatively affect public health, the national economy, and general public welfare.

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. General Background (6 hrs.)**
 - 1.1 Meaning and Definition of *Socio-Economic Offences*
 - 1.2 Nature and Kinds of *Socio-Economic Offences*
 - 1.3 Interrelationship between Crime and Man (as a social entity)
- 2. Organized Crime (12 hrs.)**
 - 2.1 Meaning and Definition of Organized Crime
 - 2.2 Nature and Characteristics of Organized Crime
 - 2.3 Origin and Development of Organized Crime
 - 2.4 Classification of Organized Crime: Drug Trafficking, Human Trafficking, Arms Trafficking, Extortion, Money Laundering, Smuggling of Migrants, Illegal Trade of Natural Resources and Wildlife
 - 2.5 Interrelationship between Organized Crime and Terrorism
 - 2.6 Nepalese Experience in Organized Crime and measures to Prevent
- 3. White-Collar Crime (10 hrs.)**
 - 3.1 Meaning and Definition of White-Collar Crime
 - 3.2 Nature and Characteristics of White-Collar Crime
 - 3.3 Origin and Development of White-Collar Crime
 - 3.4 Classification of White-Collar Crime: Medical Care and Treatment; Engineering; Educational Institutions; Fake Employment Placement Agencies
 - 3.5 White-Collar Crime in Nepalese Society and measures to Prevent
- 4. Fiscal Crime (8 hrs.)**
 - 4.1 Meaning and Definition of Organized Crime
 - 4.2 Nature and Characteristics of Organized Crime
 - 4.3 Classification of Fiscal Crime: Graft, Bribe, Forgery, Fraud; Banking Fraud; Crime related to Insurance; Counterfeit; Tax Evasion;
 - 4.4 Fiscal Crime in Nepal and measures to Prevent
- 5. Offence Against State (12 hrs.)**
 - 5.1 Meaning and Definition of Offence Against State
 - 5.2 Nature and Characteristics of Offence against State
 - 5.3 Classification of Offence against State: Treason; Pillage of State Property; Extortion of Public Fund; Embezzlement; Abuse of Authority; Duty of Citizen
 - 5.4 Drug Offences: Use as an Offence
 - 5.5 Food Adulteration

- 5.6 Cyber Crime
- 5.7 Political Crime
- 5.8 Offence Related to Animals

Relevant Cases

- Bhimsen Pariyar vs. GoN, NKP 2061, No. 1, pp. 101
- Uttam Lama vs. GoN, NKP 2061, No. 9, pp. 1103
- GoN vs. Rajesh Lama, NKP 2062, No. 4, pp. 458
- GoN vs. Kedar Chandra Khanal, NKP 2063, No. 8, pp. 737
- Florin Percul vs. GoN, NKP 2064, No. 2, pp. 251
- GoN vs. Lakpa Tamang & Others, NKP 2066, No. 2, pp. 314
- GoN vs. Khem Raj Pandey & Others, NKP 2066, No. 6, pp. 926
- Bijaynath Bhattarai vs. GoN, NKP 2066, No. 7, pp. 1159
- GoN vs. Magare Khan & Others, NKP 2066, No. 10, pp. 1667
- Dhan Kumari Sitaula vs. GoN, NKP 2066, No. 11, pp. 1893

Reading Materials

- UN Convention against Corruption (UNCAC), 2003.
- Single Convention on Narcotic Drugs of 1961 (amended by the 1972 Protocol).
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000.
- Muluki Criminal Code, 2074 (2017).
- Muluki Criminal Procedural Code, 2074 (2017).
- Muluki Civil Code, 2074 (2017).
- Muluki Civil Procedural Code, 2074 (2017).
- Human Trafficking and Transportation (Control) Act, 2064 (2007).
- Asset (Money) Laundering Prevention Act, 2064 (2008).
- Narcotic Drugs (Control) Act, 2033 (1976).
- Acharya, Madhav. P. (2048 B.S.). Aparadshrastra (Criminology) (3rd edn.). Kathmandu: Ratna Pustak Bhandar.
- Ahuja, Ram (1996). Sociological Criminology. New Delhi: New age International
- Siegel, L. J. (2006). Criminology: Theories, patterns, & typologies (9th ed.). Belmont, CA: Wadsworth Publishing.
- Paranjape, N. V. (2012). Criminology & Penology. Allahabad: Central Law Agency
- Quadari, SMA (2009). Ahmad Siddque's Criminology and Penology (6th edn.). India: Eastern Book Company
- Sutherland, E. H. (1947). Principles of Criminology (4th edn.). J. B. Lippincott.