

# GENERAL LAW- I

## Grade-XI

*Full Marks: 100*

*Pass marks: 35*

*Teaching Hours: 150*

### **I. Introduction**

A student at the higher secondary level is expected to understand clearly and express with certainty about the basic knowledge of law, fundamental rights and duties and constitutional law of the country. Therefore, this course has been designed for grade XI of the higher secondary level offering general laws as an elective subject, with a view to impart the students basic and fundamental knowledge on general law part I principles of law, constitution and constitutional law of Nepal and also human rights and its protection and promotion in Nepal.

### **II. General Objectives**

**General objectives of this course are to:**

- acquaint the students with the general principles of law, Nepalese law, legal status of person and liability;
- inculcate in them necessary knowledge of constitution, fundamental rights, structure of the states, formation and separation of power of the organs of the government in Nepal;
- provide them with adequate knowledge and information of human rights, human rights instruments, Nepalese efforts towards protecting and promoting human rights and fundamental freedoms; and
- equip them with basic knowledge of general laws and constitution of the country.

### **III. Specific Objective**

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

- explain in their own words the meaning of law, importance and classification of the laws;
- describe in general the existing law making procedures and adjudication system of Nepal;
- define and classify rights as well as duties;
- state the legal status of natural person, artificial person, unborn child and the kinds of liability;
- discuss the constitutional development of Nepal and the basic features of the Interim Constitution of Nepal, 2007;
- distinguish between fundamental rights and duties of the citizens as provided under the existing Nepalese constitution;
- Discuss the organs and functions of the state;

- examine the role and functions of the Council of Ministers, composition and functions of the Constituent Assembly/Legislature;
- analyze the structure and role of Judiciary in the administration of justice in Nepal;
- define and classify the human rights; and
- identify the legal mechanism related to the protection and promotion of human rights in Nepal.

#### IV. Course Scheme

Units	Title	Teaching Hours	Marks
	<b>Part A: Principles of Law</b>	<b>60</b>	<b>40</b>
1	Concept of Law and Sources of law	25	
2	Rights and Duties	15	
3	Person	10	
4	Liability	10	
	<b>Part- B: Nepalese Constitution</b>	<b>60</b>	<b>40</b>
5	Meaning, Kinds and History of Nepalese Constitutional Law	20	
6	Fundamental Rights and Duties of the Citizens; Directive Principles and Policies of the State.	15	
7	State	10	
8	Organs of the Government	15	
	<b>Part - C: Human Rights</b>	<b>30</b>	<b>20</b>
9	Concept and Classification of Human Rights	15	
10	Nepalese Commitment towards Protection and Promotion of Human Rights	15	

## **V. Course Content**

### **Part - A: Principles of Law**

Full Marks: 40

Teaching Hours: 60

#### **Unit - 1: Concept of Law and Sources of law**

**Teaching Hours: 25**

##### **1. Meaning and Importance of Law**

##### **2. Division of Law**

- (a) Substantive Law and Procedural Law
- (b) National Law and International Law
- (c) Civil Law and Criminal Law

##### **3. Nepalese Law**

- (a) Constitution
- (b) Statutes
- (c) Rules
- (d) Regulations
- (e) By-laws
- (f) Executive Orders
- (g) Ordinances
- (h) Case laws

##### **4. Meaning and Importance of Sources of Law**

##### **5. Major Sources of Law**

- (a) Customs: Meaning, Kinds and Importance
- (b) Legislation: Meaning, Kinds and Importance
- (c) Precedent: Meaning, Kinds and Importance
- (d) Other Sources of Law: Judicial writings, Religion, Good Conscience

#### **Unit - 2: Rights and Duties**

Teaching Hours: 15

##### **1. Concept of Rights and Duties**

##### **2. Relation between Rights and Duties**

##### **3. Classification of Rights**

- (a) Constitutional and Legal Rights
- (b) Proprietary and Personal Rights
- (c) Vested and Contingent Rights

**Unit - 3: Person**

Teaching Hours: 10

**1. Meaning of Person**

**2. Kinds of Persons**

- a. Natural Person
- b. Legal Person
  - I. Corporation
  - II. Company
  - III. Trusts
  - IV. Institution

**3. Legal Status of Unborn Child and Dead Person**

**Unit - 4: Liability**

Teaching Hours: 10

**1. Concept of Liability**

**2. Kinds of Liability**

- (a) Civil and Criminal Liability
- (b) Individual, Corporate and Vicarious Liability

**Part- B: Nepalese Constitution**

Total Marks 40

Teaching Hours: 60

**Unit - 5: Concept, Kinds and History of Nepalese Constitutional Law**

Teaching Hours: 20

**1. Concept of Constitution**

**2. Constitution Making Process**

**3. Kinds of Constitution**

- (a) Written and Unwritten Constitution
- (b) Federal and Unitary Constitution
- (c) Rigid and Flexible Constitution
- (d) Evolved and Enacted Constitution

**4. The Short History of Constitutional Development of Nepal.**

**5. The Basic Features of the Constitution of Nepal**

**Unit - 6: Fundamental Rights and Duties of the Citizens; Directive Principles and Policies of the State.**

Teaching Hours: 15

1. **Concept of Fundamental Rights and Duties**
2. **Fundamental Rights Guaranteed by the Constitution of Nepal.**
3. **Fundamental Duties of the Citizens**
4. **State Responsibilities, Directive Principles and Policies of the State incorporated in the Constitution of Nepal**

**Unit - 7: State**

Teaching Hours: 10

1. **Concept and structure of the State**
2. **Unitary and Federal Structure**
3. **Merits and Demerits of Unitary and Federal System**
4. **Local Self Governance (Local Autonomy)**
5. **Federal Democratic Republic**

**Unit - 8: Organs of the Government**

Teaching Hours: 15

1. **The Executive**
  - (a) The Formation and functions of the Council of Ministers
2. **The Legislature**
  - (a) Composition of the Legislature/Parliament in Nepal
  - (b) The Functions of the Legislature/ parliament
3. **The Judiciary**
  - (a) The Structure of the Nepalese Judiciary
  - (b) The Supreme Court: Composition and Jurisdiction

**Part - C: Human Rights**

Total Full Marks: 20

**Unit - 9: Concept and Classification of Human Rights**

Teaching Hours: 15

1. **Concept of Human Rights**
2. **Classification of Human Rights**
  - (a) Civil and Political Rights
  - (b) Social, Economic and Cultural Rights
  - (c) Rights of Children
  - (d) Women Rights
  - (e) Rights of Dalits, indigenous People and Ethnic Minorities

**Unit – 10: Nepalese Commitment towards Protection and Promotion of Human Rights**

Teaching Hours: 15

1. **Legal Mechanisms**
  - (a) Constitution of Nepal
  - (b) Statute: The Treaty Act, 1991

## 2. Enforcement of Human Rights

- (a) The Supreme Court of Nepal on the Implementation of International Instruments of Human Rights.
- (b) The National Human Rights Commission.

### VI. Instructional Materials:

- Reference books
- Constitution and related Acts and Rules of Nepal
- Case Laws
- Journals and other relevant available Materials

### VII. Instructional Techniques

- Lecture
- Problem solving
- Discussion
- Group Works/Pair works
- Project Works
- Court and field observation

### VIII; Evaluation of Scheme

Students' level of understanding and knowledge about the subject matter will be evaluated on the basis of written examination with duration of three hours as mentioned below:

S.N.	Nature of Questions	Total questions to be asked	Required no of answers to attempted	Weightage for each
1	Long answer questions	4	3	10 x3=30
2	Short answer questions	6	5	8x5=40
3	Very Short answer questions (Notes)	7	6	5x6=30
Total		17	14	100

### Reference Books

1. The Interim Constitution of Nepal, 2007
2. Fitzgerald, Salmond (Latest edition), Salmond on Jurisprudence (Reprinted), Sweet and Maxwell; London
3. Lamsal, Narayan Prasad, (Latest Edition), Bidhi Shastra, Ratna Pustak Bhandar, Kathmandu, Nepal.

4. Pradhananga, Rajit Bhakta and Kishore Silwal(Latest Edition), Bidhi Shastra Ko Samanya Rupreckha (A General Outline of Jurisprudence), Ratna Pustak Bhandar, Kathamndu, Nepal.
5. Sangroula, Yubaraj (2058), Kanoon Shastra Tatha Kanoon Ka Shidhanta, Pairabi Prakashan.
6. Singh, Top Bahadur, (2039 B.S.) Constitution and Constitutional Law of Nepal, Kanoon Pathya Pustak Prakashan, Kathmandu, Nepal.
7. Sharma, Gopal Dr. (1992), Human Rights in Nepal, Kathmandu, Nepal.
8. Thapa, Kanak Bikram Prof. and Bharat Raj Upreti(Latest Edition), Constitutional Law of Nepal, FREEDEAL, Kathmandu, Nepal.

# GENERAL LAW-II

## Grade-XII

*Full Marks: 100*

*Teaching Hours: 175*

### I. Introduction

A student at the higher secondary level is expected to understand clearly and express with certainty about the basic knowledge of substantive law, procedural law and drafting of legal documents. Therefore, this course has been designed for grade XII of the higher secondary level offering general law II as an elective subject, with a view to impart the students with required knowledge of substantive and procedural law as well as the required skill of drafting legal documents.

### II. General Objectives

**General Objectives of this Course are to:**

- impart and equip the students with the basic knowledge of substantive law (both criminal and civil) and principles of procedural law;
- acquaint them with the general introduction of legal drafting;
- inculcate in them basic skills of preparing model of law-suit (complaint), FIR, charge sheet, model of defence, preparation of models of documents such as deed of transfer of ownership, deed of mortgage in the sight of asset, loan deed, deed of residuary will probate and so on; and
- impart them basic knowledge about the major crimes, principles of criminal law, elements of crime, property law, family law and contract law, principles of procedural law, jurisdiction of courts and court proceedings.

### III. Specific Objectives

**At the end of completion of this course the students will be able to:**

- differentiate substantive law from procedural law;
- define crime and describe the elements and stages of crime;
- explain all the basic principles of criminal law;
- discuss the offence relating to forgery of documents, fraud, coercion and existing law dealing with such crime in Nepal;
- state the difference between theft, cheating and looting;
- define homicide and write in detail all the relevant legal measures dealing with homicide law in Nepal;
- clarify the basic principles of procedural law;
- identify the constitutional and legal provision relating to jurisdiction of courts and quasi-judicial bodies;

- prepare models of law-suit (complaint), charge sheet and other types of contract papers and deeds;

#### IV. Course Scheme

Units	Title	Teaching Hours	Marks
	Part - A: Substantive Law (Criminal and Civil Law)	65	40
1	Introduction to Crime and Criminal Law	15	
2	Basic Principles of Criminal Law	10	
3	Certain Major Crimes	15	
4	Introduction to Civil Law	05	
5	Property Law, Family Law, Law of Contract	20	
	Part - B: Procedural Law	60	40
6	Introduction to Procedural Law	10	
7	Basic Principles of Procedural Law	15	
8	Jurisdiction of Courts and Quasi-Judicial Bodies	15	
9	Introduction to Court Proceedings	20	
	<b>Part - C: General Introduction to Legal Drafting</b>	25	20
10	Court related Documents	10	
11	Private Documents	10	
12	Commercial Documents	05	

#### V. Course Content

##### Part - A: Substantive Law (Criminal and Civil Law)

40 Marks Teaching Hours: 65

##### Unit - 1: Introduction to Crime and Criminal Law

Teaching Hours: 15

###### 6. Concept and Nature of Criminal Law

###### 7. Concept of Crime

###### 8. Classification of Crime

###### 9. Elements of Crime

(a) *Actus Reus*: Act, Omission and the State of Affairs

(b) *Mens Rea*: Intention, Recklessness, Negligence and Motive

###### 10. Stages of Crime

(a) Intention

(b) Preparation

- (c) Attempt
- (d) Completion of Crime

**Unit - 2: Basic Principles of Criminal Law**

Teaching Hours: 10

- 4. Ignorance of Law is no Excuse**
- 5. *Nullam crimen sine lege***
- 6. Principles of double jeopardy**
- 7. Crime dies with the Criminal**
- 8. Principles of *expost facto* Law**
- 9. *Actus non facit reum nisi mens sit rea***

**Unit - 3: Certain Major Crimes**

Teaching Hours: 15

- 3. Offence Against Document**
  - (a) Forgery of document
  - (b) Forgery (Jalsaji)
  - (c) Coercion
- 4. Offence Against Property**
  - (a) Theft
  - (b) Cheating
  - (c) Looting (Lootpit)
- 3. Offence against Person**
  - (a) Homicide
  - (b) Assault (Kutpit)
  - (c) Trafficking of Human being
  - (d) Kidnapping
- 4. Cyber Crime**

**Unit 4: Introduction to Civil Law**

Teaching Hours: 05

- 3. Concept of Civil Law**

**Unit - 5: Property Law, Family Law, Law of Contract**

Teaching Hours: 20

- 6. Property Law**
  - (a) Law of Transaction (Lenden vyawahar)
  - (b) Law of Gift and Will Deed of Donation (Dan Bakas)
- 7. Family Law**
  - (a) Law of Marriage

- (b) Law of Partition (Angsha Banda)
- (c) Law of Succession and Inheritance (Aputali)
- (d) Law of Adoption (Dharmaputra)
- (e) Law of Women's Property (Shtri Dhan)

**8. Law of Contract**

- (a) Meaning and Elements of Contract
- (b) Contract and Agreement
- (c) Kinds of Contract
  - (i) Valid Contract
  - (ii) Void Contract
  - (iii) Voidable Contract
  - (iv) Quasi-contact

*Part - B: Procedural Law*

Marks - 40

Teaching Hours: 60

**Unit - 6: Introduction to Procedural Law**

Teaching Hours: 10

- 5. Concept and Nature of Procedural Law**
- 6. General, Summary and Special Procedure**

**Unit - 7: Basic Principles of Procedural Law**

Teaching Hours: 15

- 6. *Locus Standi* (Hak daiya)**
- 7. Limitation (Hadhmyadh)**
- 8. *Res-judicata* (Prangnyaya)**
- 9. *Ratio-decidendi* and *Obiter Dicta* (Nirnayadhar Ra Prasangik Kathan)**
- 10. Principles of Natural Justice (Prakritik Nyaya)**

**Unit - 8: Jurisdiction of Courts and Quasi-Judicial Bodies**

Teaching Hours: 15

- 4. Meaning and nature of jurisdiction**
- 5. Jurisdiction of Court in Nepal**
  - (a) District Court's Jurisdiction
  - (b) Appellate Court's Jurisdiction
  - (c) Supreme Court's Jurisdiction
- 6. Meaning, Nature, Functions and Procedures of Quasi-Judicial Bodies**

**Unit - 9: Introduction to Court Proceedings**

Teaching Hours: 20

1. Testing the validity of Deeds (कागज जाँच)
2. Court Fee (कोर्ट फी)
3. Complaint and its requirements
4. Notice to the Defendant (Summons)
5. protection and its requirements
6. Attorney
7. Evidence (meaning and kinds)
8. Statement of Parties and Witness
9. Postponement
10. Withdrawal of case
11. Compromise of case
12. Judgement (meaning, kinds and execution)

**Part - C: General Introduction to Legal Drafting**

Marks: 20

Teaching Hours: 25

**Unit – 10: Court related Documents**

Teaching Hours: 10

1. Model of Law-suit (complaint)
2. Model of F.I.R.
3. Model of Charge-sheet
4. Model of Defence / Reply (Rejoinder)
5. Power of Attorney (वारिसनामा)
6. Authorized Power of Attorney (अधिकृत वारिसनामा)
7. Application (Petition) –निवेदन)
8. Probate (Letter of Agreement) (मंजुरनामा)

**Unit 11: Private Documents**

Teaching Hours: 10

1. Usufruct Mortgage Deed (भोग बन्धकी तमसुक)
2. A Deed of Mortgage in the sight of Assets (दृष्टि बन्धकी तमसुक)
3. Re-Mortgage Deed (लख-बन्धकी तमसुक)

4. **Deed of Bail (Hostage)** (जमानी-लिखत)
5. **Deed of Will** (बकसपत्र लिखत)
6. **Receipt** (भर्पाइ)
7. **Loan Deed** (कपाली तमसुक)

#### **Unit - 12: Commercial Documents**

Teaching Hours: 05

1. **Contract Paper** (करारनामा)
2. **Act of Paying Advance** (बैनाबद्ध)
3. **Exchange Deed** (सट्टापट्टा लिखत)
4. **Sale Deed** (राजीनामा)

#### **VI. Instructional Materials:**

- Reference books
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- Case Laws
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- Group Works
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## Texts and References

9. The Interim Constitution of Nepal, 2063(2007)
10. Muluki Ain (Country Code) 2020 B.S.
11. Acharya, Madhav Prasad and Rajit Bhakta Pradhananga, (2049 B.S.), फौजदारी कानून र फौजदारी न्याय (**Criminal Law and Criminal Justice**), Ratna Pustak Bhandar, Kathmandu, Nepal
12. Khanal, Rewati Raman, (2055), कानुनी लिखतका मस्यौदा (Legal Drafting), Saja Prakashan
13. Lamsal, Narayan Prasad, (2050 B.S.), पारिवारीक कानून, Ratna Pustak Bhandar, Kathmandu, Nepal.
14. Neupane, G.N., (Latest edition) कार्यविधि कानून (**Procedural Law**), Ratna Pustak Bhandar, Kathmandu, Nepal.
15. Pradhananga, Rajit Bhakta, नेपाली फौजदारी कानूनको सामान्य परिचय, Ratna Pustak Bhandar, Kathmandu, Nepal.
16. Pradhananga, Rajit Bhakta Prof. Dr. (2061), प्रमाण कानूनको सामान्य परिचय, Brikuti Pustak Prakashan
17. .... And Megh Raj et. Al (2061), प्रमाण कानूनको सामान्य परिचय, Brikuti Pustak Prakashan
18. Shrestha, G.B, **Outline of Procedural Law**, Pairabi Prakashan, Kathmandu, Nepal
19. Shrestha, Gyaindra Bahadur, पारिवारीक कानून, Pairabi Prakashan, Kathmandu, Nepal
20. .... (2059), कानुनी लिखतका मस्यौदा, (Legal Drafting), Pairabi Prakashan
21. Thapaliya, Shanta Prof Dr. (Family Law) पारिवारीक कानून