

Legal Drafting

Grade: 12

Subject Code: Led .210

Credit Hour: 5

Annual Working hours: 160

1. Introduction

Drafting is a professional tool which is essential for professional legal communication. The legal drafting comprises of specific skills, art and knowledge of law and its application in practice. Without required competence of drafting legal documents, no one can be a competent law practitioner who will work in the judiciary and government attorney office, quasi-judicial bodies, local bodies and other institutions. This curriculum is, therefore, introduced to prepare students with basic and fundamental skills on drafting of legal documents.

It is specifically expected through this curriculum that the students will acquire basic skills and art of drafting of documents related to court proceedings, crime investigation, prosecution, mortgage, deed of will, loan deed, property partition deed, and other deeds related to private transactions. Moreover, the curriculum enables the students to prepare drafts of various types of no-objection, recommendation and documents essential for the local government.

This course is structured for a year in accordance with National Curriculum Framework, 2076. It incorporates the level-wise competencies, grade-wise leaning outcomes, scope and sequence of contents, suggested practical/project activities, learning facilitation process and assessment strategies so as to enhance the learning on the subject systematically.

2. Competencies

At the end of this course, the students will have developed the following competencies:

1. Explain the basic principles of legal drafting
2. Demonstrate understanding of core legal documents to be used by courts and various other institutions including the local government body
3. Prepare basic and core legal documents in general use and transactions
4. Prepare basic legal documents used in court proceedings.

3. Grade-wise Learning Outcomes

Unit	Content Area	Learning Outcomes
1.	Introduction to Legal Drafting	1.1 Differentiate legal drafting and other form of drafting. 1.2 State the importance of legal drafting. 1.3 Enlist the general principle of legal drafting.
2.	Drafting of Court Documents	2.1 State the steps and requirements to be fulfilled in drafting deed of complaints. 2.2 Explain the key elements to be mentioned in response deed.

		2.3 Define the FIR and state the components of FIR. 2.4 Describe the charge sheet and enlist the requirements to be met in the drafting charge sheet. 2.5 Enlist the grounds on which <i>thunchhek adesh</i> is issued. 2.6 Explain the procedure to issue <i>thunuwa purji</i>. 2.7 Differentiate between <i>warisnama</i> and <i>adhikrit wareshnama</i> (General Power of Attorney). 2.8 State the procedure of appointment of General Power of Attorney. 2.9 Explain the necessity of letter of consent. 2.10 State the importance of <i>milapatrako nibedan</i>. 2.11 Mention the grounds for filling the <i>berit ko aadesh baddar garne nirnaya</i>. 2.12 Describe the term <i>kaifiyt pratibedan</i> and enlist its components. 2.13 Describe the term <i>wakalatnama</i>. 2.14 Enlist the requirements to be fulfilled in <i>bahasnote</i>. 2.15 Describe the term judgment and its components. 2.16 State the key components to be included petition for appeal. 2.17 Tell the grounds for the issuance of <i>jhagadiya jhikaune aadesh</i>. 2.18 Summarize the legal provision on execution of judgment. 2.19 Enlist the various types of writs and the procedure to file the writ. 2.20 Summarize the legal provision concerning <i>likith jawaf</i>.
3.	Drafting of Private Transaction Documents	3.1 Enlist the various types of private transaction documents. 3.2 State the general requirements to be met in private transaction documents. 3.3 Differentiate between various types of private transaction documents.
4.	Drafting of Commercial Transaction Documents	4.1 State the commercial transaction documents. 4.2 Define contract paper and enlist its key components. 4.3 Define advance payment deed. 4.4 Define exchange Deed.
5.	Drafting of Document in	5.1 State the importance of various types of no objection or recommendation letter.

	General use	5.2 Enlist the key components of recommendation letter. 5.3 Enlist the various types of recommendation letter. 5.4 Identify the authority which issue the particular recommendation letter
6.	Drafting other documents	6.1 Define <i>Muchulka</i> and enlist its types. 6.2 Differentiate between <i>Tarekhparcha</i> and <i>Tarekhharpai</i> . 6.3 Differentiate between Summons and <i>Italayanama</i> . 6.4 Define Warrants. 6.5 Differentiate between <i>Tok aadesh</i> and <i>Tippani aadesh</i> . 6.6 State the grounds for <i>Darpith</i> . 6.7 Describe <i>Pesisthaganko nibedan</i> . 6.8 Describe <i>Hajir hune nibedan</i> .

4. Scope and Sequence of Contents

Unit	Content Area	Elaboration of Content	Working Hours
1.	Introduction to Legal Drafting	1.1 Introduction to Legal Drafting 1.2 Importance of Legal Drafting 1.3 Basic principles on techniques of legal drafting 1.4 Difference between legal drafting and legislative drafting	8
2.	Drafting of Court Documents	2.1 Drafting of deed complaint (<i>Phiradpatra</i>) 2.2 Response Document (<i>Pratiuttarpatra</i>) 2.3 First Information Report (<i>Jaheeri darkhasta</i>) 2.4 Charge Sheet (<i>Abhiyogpatra</i>) 2.5 <i>Thunchhek</i> adesh 2.6 <i>Thunuwa purji</i> 2.7 Power of Attorney (<i>Warisnama</i>) 2.8 General Power of Attorney (<i>Adhikrit warishnama</i>) 2.9 Letter of Consent (<i>Manjurinama</i>) 2.10 <i>Milapatrako nivedan</i> 2.11 <i>Beritko adesh badar garne nibedan</i> 2.12 <i>Kaiphayat prativedan</i> 2.13 <i>Wakalatnama</i>	25

		2.14 <i>Bahasnote</i> 2.15 Judgment and Appeal (<i>Phaisalara punaravaden patra</i>) 2.16 <i>Jhagadiya jhikauna aadesh</i> 2.17 <i>Phaisala karyanwayanko nivedan</i> 2.18 Writ petitions and <i>Likhitjawaph</i>	
3.	Drafting of Private Transaction Documents	3.1 Sale Deed (<i>Rajinama likhaat</i>) 3.2 Mortgage deed (<i>Bhogbandhaki likhaat</i>) 3.3 Sight of assets mortgage (<i>Dristibandhakilikhaat</i>) 3.4 Deed of bail (<i>Jamanat likhaat</i>) 3.5 Loan Deed (<i>Kapali tamasuk</i>) 3.6 Partition Deed (<i>Angsabanda</i>) 3.7 Deed of will (<i>Bakash patra</i>)	15
4.	Drafting of Commercial Transaction Documents	4.1 Contract paper(<i>Kararnama</i>) 4.2 Advance Payment deed (<i>Bainabatta</i>) 4.3 Exchange deed (<i>Sattapatta likhaat</i>)	15
5.	Drafting of Documents in General use	5.1 No-objection or recommendation letters (<i>Shipharis pattra</i>) 5.2 <i>Shipharispattra</i> for citizenship 5.3 Certificate from municipality or 5.4 <i>Gaupalika</i> 5.5 <i>Shipharispattra</i> for sale of property 5.6 From municipality or <i>Gaupalika</i> 5.7 <i>Shipharispattra</i> for sale of property from municipality or <i>Gaupalika</i> 5.8 <i>Shipharispattra</i> for connection of Electricity, telephone and water Supply 5.9 <i>Shipharispattra</i> for certification of resident for passport, survey of the land and similar other services 5.10 <i>Shipharispattra</i> for conjugal, Matrimonial and offspring relation	10
6.	Drafting other documents	6.1 <i>Muchulka, Tarekh parcha, Tarekh bharpai, Bharpai, summons, Italayanama, warrants, tok adesh, tippani adesh, darpith, peshi</i>	7

		<i>sthaḡanko nibedan, Haḡirhune nibedan</i>	
		Total:	80

5. Practical Activities

Practical is integral part of Secondary Education Curriculum. It focuses more on skill development than knowledge building. It consists of project work, group work, presentation, observation, internship etc. Total of 80 hours has been designated to practical activities and will be carried out under the guidance and monitoring of teacher. Following are only sample practical activities, teacher can assign any relevant practical activity as per requirement.

Unit	Content Areas	Practical/project Activities	Working Hours
1	Drafting of Court Documents	2.1 Draft the following legal documents: 2.1.1 Deed complaint (<i>Phiradpatra</i>) 2.1.2 Response Document (<i>Pratiuttarpatra</i>) 2.1.3 First Information Report (<i>Jaheri darkhasta</i>) 2.1.4 Charge Sheet (<i>Abhiyogpatra</i>) 2.1.5 <i>Thunchhek adesh</i> 2.1.6 <i>Thunuwa purji</i> 2.1.7 Power of Attorney (<i>Warisnama</i>) 2.1.8 General Power of Attorney (<i>Adhikrit warishnama</i>) 2.1.9 Letter of Consent (<i>Manjurinama</i>) 2.1.10 <i>Milapatrakon nivedan</i> 2.1.11 <i>Beritko adesh badar garne nibedan</i> 2.1.12 <i>Kaiphayat prativedan</i> 2.1.13 <i>Wakalatnama</i> 2.1.14 <i>Bahasnote</i> 2.1.15 Judgment and Appeal (<i>Phaisala ra Puneravaden patra</i>) 2.1.16 <i>Jhagadiya jhikauna aadesh</i> 2.1.17 <i>Phaisala karyanwayanko nivedan</i> 2.1.18 Writ petitions and <i>Likhit jawaph</i>	30
2.	Drafting of Private Transaction Documents	3.1 Draft the following legal documents: 3.1.1 Sale Deed (<i>Rajinama likhaat</i>) 3.1.2 Mortgage deed (<i>Bhogbandhaki likhaat</i>) 3.1.3 Sight of assets mortgage (<i>Dristibandhaki likhaat</i>) 3.1.4 Deed of bail (<i>Jamanat likhaat</i>) 3.1.5 Loan Deed (<i>Kapali tamasuk</i>) 3.1.6 Partition Deed (<i>Angsabanda</i>)	15

		3.1.7 Deed of Will (<i>Bakash patra</i>)	
3.	Drafting of Commercial Transaction Documents	4.1 Draft the following legal documents: 4.1.1 Contract Paper (<i>Kararnama</i>) 4.1.2 Advance Payment Deed (<i>Bainabatta</i>) 4.1.3 Exchange Deed (<i>Sattapattako likhat</i>)	15
4.	Drafting of Documents in General use	5.1 Draft the following legal documents: 5.1.1 No-objection or Recommendation Letters (<i>Sipharish patra</i>) for Citizenship certification from Municipality or <i>Gaunpalika</i> 5.1.2 <i>Sipharish patra</i> for sale of property from Municipality or <i>Gaunpalika</i> 5.1.3 <i>Sipharis patra</i> for connection of electricity, Telephone and water supply. 5.1.4 <i>Sipharishpatra</i> for certification of resident for passport, survey of the land similar other services 5.1.5 <i>Sipharishpatra</i> for conjugal, matrimonial and offspring relation	10
5.	Drafting other documents	6.1 Draft the following legal documents: <i>Muchulka, Tarekh parcha, Tarekh bharpai, Bharpai, Summons, Itlayanama</i> <i>Warrants, Tok adesh, Tippani adesh, Darpith, Peshi</i> <i>Sthaganko nibedan, Hajirhune nibedan</i>	10
		Total:	80

Note: Each student should maintain a file to keep all the records of the practical activities. For the internal assessment, the same is to be taken as the reference.

6. Learning Facilitation Methods and Process

The curriculum aims to blend both theoretical and practical aspects of knowledge and skills required for legal drafting. So, its facilitation process should integrate different methods in course of teaching learning process. As the practical aspect is much focused in the curriculum, the methods and strategies that enable the practical skills in the students are much used in course of content facilitation. Besides other subject specific methods, the following and methods and techniques could be employed in delivering the course.

- Case observation
- Field visit
- Library assignment
- Project work
- Group and individual work
- Presentation

- Lecture and discussion

Apart from these methods and strategies, the assigned teacher must use the most specifically identified and concerned law for detailed knowledge on particular course component. The chapters related to drafting of legal deeds from Civil Code, 2074, Criminal Code of Nepal 2074, Judicial Administration Act, Government Cases Act, 2049, Summary Procedure Act 2028, Special Court Act, 2069 etc. are to be used as reading materials. The project and practical works are to be used on relevant chapter.

6. Student Assessment

Student assessment is an important aspect for assessing the students learning. It is mainly done for measuring student's understanding, knowledge and skill in the subject content. For this purpose, both the formative and summative assessment approaches are used in the subject. So far as formative assessment strategies are concerned, the teacher uses the following assessment strategies:

- Assessment of students' everyday learning
- Presentation of home assignments by the students
- Students' participation in discussions
- Project work completion
- Weekly, Monthly and trimester tests

With reference to summative assessment, both the internal and external evaluation will be utilized.

a. Internal Evaluation

Internal evaluation of this subject covers 50 Percent of the total weightage. Internal evaluation consists of (a) Classroom participation, (b) Marks from trimester examinations, (c) Practical/project work and its report presentation to the teacher; and (d) practical works evaluation and viva voce by external examiner. Mark distribution for these areas of internal evaluation will be as given in the table:

S.N.	Criteria	Marks
1	Classroom participation (Daily attendance, home assignment, classwork, individual, group and class participation in learning, participation in academic and other activities)	3
2	Trimester exam (3 marks from each trimester exam)	6
3	Practical work and project works	16
	Total	25
4	Practical works evaluation and viva-voce by external examiner	25
	Grand Total	50

b. External Evaluation

External evaluation covers 50 percent of the total weightage. The tool for external evaluation of theoretical learning will be a written examination. Types of questions and their marks for the external examination will be based on the test specification developed by Curriculum Development Centre.