

Nepali Legal System

Grades: 12

Subject Code: Nls. 110

Credit Hours: 5

Working Hours: 160

1. Introduction

Legal system reflects social behavior of a particular country and also the political and cultural trends of any nation. It consists of both law making and law implementing process. It represents the history and civilization of a particular country and incorporates long inherited legal customs and practices. At present in Nepal, political changes have brought massive changes into law and legal system. This curriculum is, therefore, introduced to acquaint students the fundamental knowledge of Nepali Legal System.

This curriculum on Nepali legal system familiarizes students with the Nepali legal history, legal system and legal education along with its development and aspects of world influence on them. It also presents the court system, justice dispensation procedures and role and functions of the lawyer in the society and legal education.

The curriculum has been offered as per the structure of National Curriculum Framework. It provides a comprehensive outline of level-wise competencies, grade-wise learning outcomes and scope and sequence of contents, suggested practical/project activities, learning facilitation process and assessment strategies.

2. Competencies

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

1. Demonstrate understanding of the concept, importance and types of legal system.
2. Outline and explain various legal systems prevalent worldwide including their fundamental features and their influences in Nepali legal system.
3. Illustrate the history of legal education and profession of Nepal including their present status.
4. Distinguish between eastern and western legal systems and practices emphasizing on the Hindu Dharma Sastra/Philosophy and their influence/role in development of Nepali legal system.
5. Evaluate the position and basis of the Nepali law, legal system and various legal concepts prevalent in Nepal.
6. Explain the judicial institutions and their functions.

3. Grade-wise Learning Outcomes

S.N.	Content Area	Learning Outcomes
1	Introduction to Legal System	1.1 Define and explain legal system. 1.2 State the importance and characteristics of legal system. 1.3 Outline the concept of legal system and its dimensions.
2	Types of Major Legal	2.1 Compare and distinguish between major types of legal system.

	System	2.2 Classify various countries based on the legal system they have been following. 2.3 Evaluate major legal system based on their features and criteria. 2.4 Locate the major sources of various legal system.
3	Introduction to Hindu Jurisprudence	3.1 Trace the development of Hindu dharma/jurisprudence. 3.2 Locate various sources of Hindu dharma/jurisprudence. 3.3 Infer various school of thought of Hindu dharma and legal system. 3.4 Distinguish Hindu legal system from rituals and religion. 3.5 Analyze some of the basic characteristics of Hindu legal system. 3.6 Examine the influence and contribution of Hindu Dharma in Nepali context.
4	Development of Nepali Legal System	4.1 Illustrate and show the gradual development of Nepali legal system. 4.2 Categorize the numbers of laws and codes Nepal have enacted and implemented in various span of time. 4.3 Compare between various forms of legal and judicial system prevalent in Nepal before and after codification. 4.4 Compare between various constitutions that Nepal have brought. 4.5 Practically diagnose the historical context of various categories of law that Nepal have had adopted.
5	Introduction to Nepali Legal System	5.1 Demonstrate the sources of Nepali legal system. 5.2 Explain the characteristics of Nepali legal system. 5.3 Evaluate court system, their respective hierarchy. 5.4 Categorize various courts and tribunals. 5.5 Distinguish between the formal court system and alternative dispute resolution mechanism.
6	Influence of Major Legal system in Nepali Legal System	6.1 Discover the extent of influence of various legal systems to Nepali legal system. 6.2 Compare Nepali legal system with major families of legal system. 6.3 Assess the relationship of Nepali legal system with other legal systems. 6.4 Locate the originality of Nepali legal system.
7	Legal Education in Nepal	7.1 Explain the historical development of legal education in Nepal. 7.2 Illustrate the importance of legal education. 7.3 Examine the track of Legal education in Nepal compare various categories of available modes of legal education. 7.4 Explain legal education in schools, vocational education and university sytem. 7.5 Evaluate the importance of legal education in context of

		restructured Nepal through the Constitution of Nepal.
8	Legal Profession in Nepal	8.1 Explain the historical development of legal professions in Nepal. 8.2 Analyze the regulating body of lawyers in Nepal i.e. Nepal Bar Council and its composition. 8.3 Illustrate the importance of legal profession. 8.4 Categorize and compare various types of law practitioners. 8.5 Examine the code of conducts of law practitioners. 8.6 Demonstrate the categories of lawyers in Nepal. 8.7 Discover lawyers as social engineers.

4. Scope and Sequence of contents

S.N	Content Area	Elaboration of Contents	Working Hours
1	Introduction to Legal System	1.1 Concept and meaning of legal system 1.2 Importance of legal system 1.3 Characteristics of legal system 1.4 Difference between law and legal system 1.5 Various dimensions of legal system	14
2	Types of Major Legal System	2.1 Sources and fundamental characteristics of major legal systems 2.1.1 Common legal system 2.1.2 Civil legal system 2.1.3 Socialist legal system 2.1.4 Religious legal system	20
3	Introduction to Hindu Jurisprudence	3.1 Meaning and nature of Hindu jurisprudence 3.2 Evolution of Hindu jurisprudence 3.3 Sources of Hindu law 3.4 The schools of Hindu law 3.5 Concept of justice in Hindu jurisprudence	12
4	Development of Nepali Legal System	4.1 Legal system of Nepal before codification 4.1.1 Laws of <i>Kirat</i> 4.1.2 Laws of <i>Lichhavi</i> 4.1.3 Laws of <i>Malla</i> period 4.1.4 Contribution of <i>Ram Shah</i> 4.2 Legal system of Nepal after codification 4.2.1 <i>Muluki Ain, 1910 B.S</i> 4.2.2 <i>Muluki Ain, 2020</i> and beyond	22

		4.2.3 Era of specific statutes (2007 BS and beyond) 4.3 Brief constitutional history of Nepal 4.4 <i>Muluki</i> Codes and Procedures	
5	Introduction to Nepali Legal System	5.1 Introduction of Nepali legal system 5.2 Characteristics of Nepali legal system 5.3 Sources of modern Nepali law 5.4 Judicial system of Nepal 5.4.1 Existing hierarchy of courts in Nepal 5.4.2 Tribunals and quasi-judicial bodies 5.4.3 Judicial committee 5.4.4 General concept of judicial activism & judicial review 5.5 Alternative dispute resolution (negotiation, mediation and arbitration)	22
6	Influence of major legal systems in Nepali Legal System	6.1 Influence of Hindu legal system 6.2 Influence of common legal system 6.3 Influence of civil legal system 6.4 Influence of socialist legal system	10
7	Legal Education in Nepal	7.1 Historical development of legal education in Nepal 7.2 Importance of legal education 7.3 Scope of legal education 7.4 Recent trends of legal education in Nepal 7.5 Basic concept and importance of clinical legal education	10
8	Legal Profession in Nepal	8.1 Historical development of legal profession in Nepal 8.2 Lawyers as social engineers 8.3 Categories of lawyers 8.4 Introduction of Nepal Bar Council 8.5 Code of conduct of lawyers 8.6 Punishment for the violation of code of conduct 8.7 Why do lawyers wear black coats?	10
Total			120

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 40 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.

S.N.	Content Area	Practical Activities	Working Hours
1	Introduction to Legal System	1.1 Prepare a chart differentiating law and legal system. 1.2 Collect five different definitions both in Nepali and English about legal system and present in the class. 1.3 Make a list of various institutions and their respective functions in relation to legal system and present in the class.	4
2	Types of Major Legal System	2.1 Bring black and white map of the world with countries and color them based on the types of legal system respective country follows or prepare the chart of various countries following specific types of legal system. 2.2 Organize debates about various types of legal system and write a short reflection report.	4
3	Introduction to Hindu Jurisprudence	3.1 Prepare a report with chronology of development of specific events of Hindu jurisprudence. 3.2 Enlist the various sources of Hindu jurisprudence with brief introduction and their features.	4
4	Development of Nepali Legal System	4.1 Divide students into five groups and each group shall bring the guiding laws of specific dynasty. 4.2 Visit to the Department of Archaeology for observing the manuscript of <i>Manab Nyaye Sastra</i> . Write a report and present in the class 4.3 Search historical documents or information about Nepali legal system from internet websites and write a report and present in the classroom. 4.4 Prepare a comparative study of the features <i>Muluki Ain 1910 and Muluki 2020</i> and submit to the teacher. 4.5 Prepare a chart on the development of constitutions in Nepal along with their name, year of promulgation, process of promulgation, total number of chapters, articles and annexes.	6
5	Introduction to Nepali Legal System	5.1 Carry out oratory program about the modernization of Nepali legal system and write a short report of it. 5.2 Visit nearby court, judicial or quasi-judicial body, write a report and submit to the teacher. 5.3 Visit a local level mediation center and write a report about it and present in the classroom. 5.4 Make a list of various sources of modern Nepali laws	8

		searching from different sources.	
6	Influence of Major Legal System in Nepali Legal System	6.1 Listen to the lectures from an expert or visiting resource person on the influence of various legal systems on Nepali laws. Prepare some questions, ask the questions to the expert and make notes and discuss in the classroom. 6.2 Visit some religious pundits or priest and talk about the significance of Hindu laws in Nepali laws. 6.3 Conduct a debate program about the originality of Nepali legal system	4
7	Legal Education in Nepal	7.1 Prepare a chart of historical development of legal education of Nepal. 7.2 Carry out simulation on clinical legal education. 7.3 Search from different sources, i.e., books and journals in libraries or websites about the recent trends and scope of legal education in Nepal and abroad. Make a report and discuss in the classroom.	4
8	Legal Profession in Nepal	8.1 Watch videos, documentary movies related to the legal profession. Make notes and discuss on your reflections in the classroom. 8.2 Role play/ simulation of various profession within legal fraternity (advocates/government attorney /judge/ investigator/ journalist/ detective/forensic experts) 8.3 Report writing on the role, responsibility and functions of Nepal Bar Council. 8.4 Have a short term internship in the local level as para legal volunteers.	6
		Total	40

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 Method and Process

Various methods are used for facilitating learning in legal subjects. Some of the major methods and strategies for the facilitation of learning are given below:

- a. Socratic method
- b. Discussion
- c. Demonstration
- d. Problem solving method
- e. Observation
- f. Project works
- g. Field visit/seminar
- h. Case study

- i. Group work and individual work
- j. Jurisprudential inquiry method
- k. Role play and simulation

The teacher shall use appropriate methods and techniques of teaching and facilitating the students in their learning process. The selection of methods and techniques depends on the learning objectives, subject matter, class size, and classroom facilities and so on.

7. Student Assessment

The assessment and evaluation of students' learning will be based on the competencies, learning outcomes and the contents of the curriculum. 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

The internal evaluation in this subject carries 25 percent of the total weightage. It consists of (a) Classroom participation, (b) Marks from trimester examinations and (c) Practical/project work and its report presentation. 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 works, project report and presentation	16
	Total	25

b. External Evaluation

External evaluation of the students will be based on the written examination. It carries 75 percent of the total weightage. The types and number questions will be as per the test specification chart developed by the Curriculum Development Centre.