

Secondary Education Curriculum

2076

Procedural Law

Grade: 11

Subject Code: Prl.207

Credit Hour: 5

Annual Working hours: 160

1. Introduction

Procedural law is a tool to apply substantive laws into work or practice. It is a fundamental tool of professionalism for law practitioners. Without the knowledge of procedural law, the study of law becomes futile. This curriculum aims to enhance the knowledge and skills of the students on substantive law and procedural law with core procedures applied in the judicial and quasi-judicial bodies in the context of Nepal. It is expected that the theoretical and practical contents provided through the present structure would make the students capable of using procedural knowledge in the legal field as well as in their practical life.

It embodies concept, meaning, nature, principles and importance of procedural law. It also contains types of procedures and the principles of natural justice and other principles as well. Moreover, the curriculum focuses to enhance the knowledge and skills of the students on legal procedures relating it with the rights and duties as provided by the substantive laws.

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. Describe concept, nature, importance and principles of the procedural law
2. Differentiate between substantive law and procedural law
3. Demonstrate understanding about the legal procedures as provided by substantive law
4. Explain civil and criminal procedures
5. Explain different types of court procedures
6. Explain the concept of evidence law
7. Demonstrate the skills of pleading in civil and criminal cases
8. Explain court management system
9. Explain the process of appeal court against the decision made by the judicial bodies
10. Explain the procedures of execution of judgment.
11. Define Court management and identify the use of ICT in case management.

3. Grade-wise Learning Outcomes

S.N.	Content Area	Learning outcomes
1	Concept and Nature of Procedural Law	1.1 Define nature and concept of procedural law. 1.2 Explain the importance of procedural law. 1.3 Differentiate between procedural and substantive law.
2	Types of Procedures	2.1 Explain the various types of Procedures. 2.2 Differentiate between general, summary and special procedures. 2.3 Describe appellate and trial court procedures. 2.4 Describe Writ Procedure and Juvenile justice procedure.
3	Principles of Procedural Law	3.1 Explain the principles of Natural Justice. 3.2 Summarize the concept of Locus Standi. 3.3 Explain the Principles of Jurisdiction. (Chetradhikar). 3.4 Differentiate between limitation and laches. 3.5 Explain the Principles of res-judicata (prang nyaya). 3.6 Define the Principles of stare decisis. 3.7 Differentiate between ratio deeedendi and obiter dicta.
4.	Laws of Evidence	4.1 Explain the meaning and definition of evidence law. 4.2 Enlist the various types of primary and secondary evidence. 4.3 Differentiate between primary and secondary evidence. 4.4 Describe the process of collection and examination of evidence. 4.5 Explain the process of examination of witness.
5	Court proceedings and Law of Evidence	5.1 Explain the requirements to be met in legal documents. 5.2 Calculate Court fee and charges. 5.3 Explain the procedure of registration of complaints. 5.4 Tell the legal provisions concerning notice to the parties. 5.5 Describe the procedure of issuance of warrant. 5.6 Explain the procedure concerning appearance in the court. 5.7 State the procedure concerning examination of evidence witness. 5.8 Describe the procedure concerning documentation of Parties' statement. 5.9 Tell the procedure adjournment. 5.10 Illustrate the meaning of revocation and discover condition of withdrawal of cases. 5.11 Interpret the meaning and procedure of mediation. 5.12 Describe and interpret procedures concerning judgment execution of judgment and correction of the order and judgment.
6	Civil and Criminal Procedures	6.1 Explain the procedures of registration of complaints. 6.2 Describe and discuss the process of issuance of italayanama and other relevant notices. 6.3 Examine the procedure of myad tameli. 6.4 Express the procedure of stay and release (rokka ra

		<p>phukuwa).</p> <p>6.5 Describe and examine the procedure of filing of first information.</p> <p>6.6 State the condition and procedure of arrest and detention of suspects.</p> <p>6.7 Discover the procedure of filing of charge sheet and prosecution.</p> <p>6.8 Describe the procedure concerning bail and remand.</p>
7.	Court Management	<p>7.1 Summarize the meaning of Court Management.</p> <p>7.2 Describe and explain concept of Case Flow Management.</p> <p>7.3 List out the Use of ICT in Case Management</p> <p>7.4 Appraise the Bench Decorum</p> <p>7.5 Explain Court Client Relationship.</p>

4. Scope and Sequence of contents

Unit No.	Content Area	Elaboration of contents	Working Hours
1	Concept and Nature of Procedural Law	<p>1.1 Meaning and definition of procedure law</p> <p>1.2 Nature of procedural law</p> <p>1.3 Importance of procedural law</p> <p>1.4 Relationship and differences between procedural law and substantive law</p>	22
2	Types of Procedures	<p>2.1 General procedure</p> <p>2.2 Summary Procedure</p> <p>2.3 Special procedure</p> <p>2.4 Appellate and Trial Court Procedures</p> <p>2.5 Writ procedure and juvenile justice procedure</p>	12
3	Principles of Procedural Law.	<p>3.1 Principle of Natural Justice</p> <p>3.2 Principles of <i>Locus Standi</i> (<i>Hakdaiya</i>).</p> <p>3.3 Principles of Jurisdiction. (<i>Chhetradhikar</i>)</p> <p>3.4 Principles of Limitation (<i>hadmyad</i>)</p> <p>3.5 Principles of <i>Res-judicata</i> (<i>prangnyaya</i>).</p> <p>3.6 Principles of <i>Stare decisis</i> (<i>faisala sthiratako siddhanta</i>), <i>ratio decidendi</i> (<i>Nirnayadhar</i>) and <i>obiterdicta</i> (<i>prasangik kathan</i>)</p>	18
4.	Law of Evidence	<p>4.1 Meaning and definition of Evidence</p> <p>4.2 Kinds of Evidence:</p> <p>4.2.1 Primary Evidence:</p> <p>4.2.1.1 Documentary evidence</p> <p>4.2.1.2 Physical evidence (<i>Dashi Praman</i>)</p> <p>4.2.2 Secondary Evidence</p> <p>4.2.2.1 Hearsay evidence</p> <p>4.2.2.2 Oral evidence</p> <p>4.3 Collection and examination of evidence</p> <p>4.4 Examination of witness (<i>Sakshi parikshan</i>)</p>	12

5	Court Proceedings and Law of Evidence	5.1 Test of the validity of documents (<i>Kagajjanch</i>) 5.2 Court fees and charges 5.3 Procedures relating to: 5.3.1 Response to the parties (<i>myad ra suchana jari</i>) 5.3.2 Issuance of warrant 5.3.3 Appearance in the court by person or power of attorney (Waris). 5.3.4 Examination of evidence and witness 5.3.5 Documentation of parties' statement 5.3.5 Adjournment 5.3.6 Revocation and withdrawal of cases 5.3.7 Mediation (<i>melmilap</i>) and <i>milapatra</i> 5.3.8 Hearing of cases and judgments 5.3.9 Judgment and its execution 5.3.10 Correction of the order and judgment	28
6	Civil and Criminal Procedures	6.1 Introduction to Civil Procedures 6.1.1 Procedure of registration of complaints (<i>Firadpatra</i>) 6.1.2 Issuance of <i>Italayanama</i> and other relevant notices 6.1.3 Procedures of <i>myaad tameli</i> 6.1.4 Procedure regarding endorsement 6.2 Introduction to Criminal Procedures 6.2.1 Filing of First Information Report (FIR) 6.2.2 Arrest and detention of suspect 6.2.3 Filing of charge sheet 6.2.4 Prosecution 6.2.5 Bail and remand	18
7.	Court Management	7.1 Introduction to Court Management 7.2 Cash flow management 7.3 Use of Information Technology in case management 7.4 Bench Decorum 7.5 Court-client relationship	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.	Concept and Nature of Procedural Law	1.1 Collect different definition of procedural law of various scholars, jurists and present in the class room	4

		1.2 Make hand written chart of nature of procedural law and discuss in class.	
2.	Types of Procedures	2.1 Debate and discuss regarding various types of procedures and present in the class.	6
3.	Principles of Procedural Law.	3.1 Make a chart of principles of procedural law and discuss in group and write a short reflection report on it.	6
4.	Law of Evidence	4.1 Carry out the interaction between expert and teachers about evidence.	6
5.	Court Proceedings and Law of Evidence	5.1 Field visit of nearest court, judicial committee, or quasi-judicial bodies, prepare the report on legal proceedings and make presentation in the class.	12
6.	Civil and Criminal Procedures	6.1 Carry out role play or simulations on civil and criminal case proceedings and write a short reflection report about it.	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 Methods and Process

This course aims to blend both theoretical and practical aspects of knowledge and skills required procedural law. Therefore, it is to be taught by a competent teacher involving with law practice. In general, 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 general methods and strategies, the most specifically identified and the concerned law should be used for detailed knowledge on particular course component. The Civil Code, 2074, Criminal Code of Nepal 2074, Judicial Administration Act, Government Cases Act, 2049, Summary Procedure Act 2028 are to be used as reading materials as needed.

7. 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 in this subject covers 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 covers 75 percent of 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.