

**Secondary Education Curriculum
2076**

Constitutional Law

Grades: 11
Credit hrs: 5

Subject code: Col. 317
Working hrs: 160

1. Introduction

Constitution is the foundation for validity of laws in every modern democratic state. The study of constitutional law is considered pre-eminent for understanding the system of governance, which necessarily includes the philosophy, provisions and compliance of fundamental rights. As a matter of fact, the present course, is introduced primarily with a view to impart fundamental and basic knowledge on and of constitutional law so that the students may transform themselves into moderate human resource of law as well as to build a base for learning for the advanced levels.

This curriculum incorporates the history of constitution making, the structure of the constitution, various tiers of the Government and the reason behind the uniqueness of constitution. It also pays equal attention to the understanding of the limited government, separation of powers, some fundamental principles of constitutional law.

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 so as to enhance the learning on the subject systematic.

2. Competencies

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

1. Demonstrate an understanding of general principles and theories about state, government, fundamental rights, federalism, constitutional bodies, and constitution making procedures in the context of Nepal's constitutional law.
2. Explain the general historical perspectives of the Constitution of Nepal as well as importance and functions of the government in relation to the Constitution of Nepal.
3. Distinguish between various types of constitutions.
4. Explain with the ideas on constitution making and amendment procedures prescribed by the Constitution of Nepal.
5. Discuss the existing federal structure and local government system in Nepal.
6. Be prepared to apply fundamental rights in the context of violation of fundamental and legal rights.

3. Grade-wise Learning Outcomes

S.N.	Content Area	Learning Outcomes
1	Concept & Definition of Constitution	<p>1.1 Identify the characteristics and importance of Constitution.</p> <p>1.2 Outline the concept of constitution and analyze common elements of constitutionalism.</p> <p>1.3 Distinguish between limited and unlimited governments.</p>
2	Constitution Making Process	<p>2.1 Identify the different processes of constitution making.</p> <p>2.2 Explain the constitution making process of Nepal.</p> <p>2.3 Highlight the process of the making of the Constitution of Nepal through constituent assembly.</p>
3	Types of Constitution	<p>3.1 Compare and contrast between various types of constitutions.</p> <p>3.2 Illustrate various types of constitution on the basis of the nature, making, amendments, objectives and development.</p> <p>3.3 Examine the basic strengths and weaknesses of the Constitution of Nepal.</p>
4.	Fundamental Rights, Duties and Directive Principles and Policies of state	<p>4.1 Compare fundamental rights, fundamental duties and directive principles with special emphasis on the provisions enshrined into the Constitution of Nepal.</p> <p>4.2 Categorize different types of fundamental rights and directive policies.</p> <p>4.3 Recognize prerequisite of emergency and derogation of the fundamental rights</p> <p>4.4 List the constitutional remedies upon the breach or violation of fundamental rights.</p>
5	Power Distribution Structure of Nepal	<p>5.1 Outline the powers of different tiers of government in the schedules of the constitution of Nepal.</p> <p>5.2 Compare between unitary structure of the State and the federal structure with their merits and demerits.</p> <p>5.3 Explain the idea of separation of power and check and balance, including devolution/decentralization of power.</p>
6	Structure of Federal Government under the Constitution of Nepal	<p>6.1 List tiers of Governments and their powers.</p> <p>6.2 Identify the major bodies of federal government, with their major functions, powers and duties.</p> <p>6.3 Demonstrate broader understanding of major state structures and their functioning.</p> <p>6.4 Recognize the structure and list the jurisdictions of judiciary at different levels.</p>
7.	Structure of State Government under the	<p>7.1 Recognize the structure and composition of the state Government.</p>

	Constitution of Nepal	7.2 Identify the functions, powers and duties of state government, enactment of acts and adoption of annual budget. 7.3 Demonstrate an understanding of the election of state assembly and the formation of Government.
8.	Structure of Local Level Government under Constitution of Nepal	8.1 Explain the meaning of local level Government, its types, compositions and their specific rights and powers. 8.2 Describe the composition, election, function, powers and responsibilities of the local Government. 8.3 Differentiate between the three tiers of the Governments under the Constitution of Nepal. 8.4 Examine the idea of autonomy and self-governance.
9.	Security Agencies of Nepal under Constitution of Nepal	9.1 Categorize various security agencies of Nepal under the constitution of Nepal. 9.2 Identify the structure and list powers, functions and responsibilities of Nepal Army, Nepal Police, Armed Police Force and National Investigation Department.
10.	Commissions and Constitutional Bodies	10.1 List an understanding of and list various commissions and constitutional bodies with their composition, functions, rights and duties under the Constitution of Nepal.

4. Scope and Sequence of Contents

S. N	Content Area	Contents	Working Hours
1	Concept & Definition of Constitution	1.1 Definition of constitution 1.2 History of constitutional development 1.3 Importance, features and elements of constitution 1.4 Concept of constitutionalism and limited government 1.5 Constitutional development in Nepal	8
2	Constitution Making Process	2.1 Meaning and concept of constitution making 2.2 Constitution making by commission 2.3 Constitution making by experts 2.4 Constitution making by Constituent Assembly 2.5 Constitution making by referendum	12
3	Types of Constitution	3.1 Written and unwritten constitution 3.2 Federal and unitary constitution 3.3 Rigid and flexible constitution 3.4 Evolutionary and enacted constitution	6

4.	Fundamental Rights, Duties and Directive Principles and Policies of state	<p>4.1 Concept and definition of fundamental rights</p> <p>4.2 Different types of fundamental rights guaranteed by the Constitution of Nepal</p> <p>4.3 Fundamental duties of citizens</p> <p>4.4 Emergency and derogation of fundamental rights</p> <p>4.5 Remedies in the violation of fundamental rights</p> <p>4.6 Concept and definition of directive principles and policies of state</p>	20
5	Power Distribution Structure of Nepal	<p>5.1 Concept of state and government</p> <p>5.2 Organs of Government: Legislative, executive and judicial</p> <p>5.3 Concept of unitary and federal structure of State</p> <p>5.4 Doctrine of separation of power and check and balance</p> <p>5.5 Power distribution between federal government, state government and local government: federal power list, state power list, local government power list, concurrent power list, and residual power.</p>	20
6	Structure of Federal Government under the Constitution of Nepal	<p>6.1 President and Vice-president of Nepal: election, tenure, functions, powers and duties</p> <p>6.2 Federal council of ministers: composition & structure, power & functions and election and appointment of prime minister and ministers.</p> <p>6.3 Federal parliament: composition and election of the house of representative and national assembly</p> <p>6.4 Functions, powers and duties of federal parliament: enactment of acts, ratification of treaties, approval of the appointments and adoption of annual budget</p> <p>6.5 Dissolution of house of representatives</p> <p>6.6 Judiciary: jurisdiction (functions, powers and duties) of the courts, tribunals and quasi-judicial bodies</p> <p>6.7 Appointments, impeachment or removal of judges</p>	22
7.	Structure of State Government under Constitution of Nepal	<p>7.1 Structure and composition of the state government: state council of ministers and state assembly</p>	8

		7.2 Functions, powers and duties of state assembly: enactment of acts and adoption of annual budget 7.3 Election of state assembly	
8.	Structure of Local Level Government under Constitution of Nepal	8.1 Composition, election, function, powers and duties of the local level government: local executives and local assembly (district, municipal and village assembly) 8.2 Judicial committee	8
9.	Security Agencies of Nepal under Constitution of Nepal	9.1 National security council 9.2 Composition, power, functions and responsibilities of Nepal Army, Nepal Police, Armed Police Force and National Investigation Department.	8
10.	Commissions and Constitutional Bodies	10.1 General Introduction to Constitutional Bodies such as Commission on Investigation of Abuse of Authority, Auditor General, Election Commission, Public Service Commission, Attorney General and other Constitutional bodies/Commissions.	8
		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. No.	Content Area	Practical/Project Activities	Working Hours
1.	Concept & Definition of Constitution	1.1 Collect five different definitions of Constitution both in Nepali and English from various sources and display them in classroom wall. 1.2 Prepare handwritten chart of all seven constitution of Nepal including total number of Part, Articles, annexure and number of amendments followed by presentations as a group competition.	5
2.	Constitution Making Process	2.1 Watch the videos, documentary, movies related to constitution making process in Nepal and other countries and discuss about them in class. 2.2 Participate in debate on the best methods of constitution making organized by the school/teacher. 2.3 Participate in constitution making role play: mock	5

		assembly or expert committee.	
3.	Types of Constitution	3.1 Make presentations in classroom on various types of constitution and discuss in the classroom.	2
4.	Fundamental Rights, Duties and Directive Principles and Policies of state	4.1 Preparing comparative charts of fundamental rights and duties in all the constitutions of Nepal. 4.2 Bring any two case laws related to fundamental rights, duties and directive principles and policies and making presentation in class.	6
5.	Power Distribution Structure of Nepal	5.1 Make chart of single powers lists and concurrent power list of all the three tiers of government. 5.2 Make a presentation on conditions and criteria for the check and balance of different organs of government with illustrations.	6
6.	Structure of Federal Government under the Constitution of Nepal	6.1 Participate in debate, speech regarding the power, functions and role of federal government organized by the school/teacher.	5
7.	Structure of State Government under Constitution of Nepal	7.1 Carry out the interaction with the elected members of state assembly of the concerned election constituency regarding the power, functions and duties of state government and their law making process. 7.2 Carry out mock state assembly session.	5
8.	Structure of Local Level Government under Constitution of Nepal	8.1 Carry out interaction with the head/deputy-head, ward president of the respective locality regarding the power, functions and duties of local government. 8.2 Field visit of the local government offices including judicial committee and writing a report.	2
9.	Security Agencies of Nepal under Constitution of Nepal	9.1 Field visit of either offices or institution of various units of federal security agencies like Nepal Army, Nepal Police, Armed Police Force, etc. and writing a report.	2
10.	Commissions and Constitutional Bodies	10.1 Field visit of any of the constitutional bodies or commissions, their district or regional office nearby to school and preparing a report./Enlisting the numbers of Constitutional bodies and preparing the charts displaying their functions, roles and responsibilities.	2
		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

The teacher will use a variety of student centered methods and techniques in delivering the course. Besides other subject specific methods, the following methods and techniques could be employed in delivering the course.

- a. Interactive lectures
- b. Socratic method
- c. Group work and individual work and presentation
- d. Collaborative method
- e. Role play and simulation
- f. Seminar method
- g. Field visit
- h. Discussion
- i. Question answer

7. Student Assessment

Assessment is an important aspect of teaching learning process which serves two purposes: assessment of learning and assessment for learning. Both formative and summative evaluation will be carried out to measure the student's learning. Formative assessment is mainly to bring improvement in students' learning and it is to be done on continuous basis. The following strategies could be used for the formative assessment.

- Assessment of students' everyday learning through appropriate technique like question answer, home work.
- Presentation of assignments by the students.
- Students' participation in discussion and other class tasks.
- Project work completion.
- Weekly, monthly and trimester tests.

Summative assessment will be done through internal and external evaluation.

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 and class work, participation in activities)	3
2	Trimester exam (3 marks from each trimester exam)	6
3	Project/practical works, reports and presentation, viva	16
Total		25

b. External Evaluation

The external evaluation of the students' learning will carry 75% weightage and will be based on written examination. The types and number of question will be as per the test specification chart developed by the Curriculum Development Centre.