लोक सेवा आयोग

नेपाल न्याय सेवा, न्याय समूह, राजपत्रांकित प्रथम श्रेणी, सहसचिव वा सो सरह पदको खुला र आन्तरिक प्रतियोगितात्मक परीक्षाको लागि पाठ्यक्रम

तृतीय पत्र :

सेवा समूह (न्याय) सम्बन्धी विषय (Service Group-Judicial Related Subject)

(नेपाल न्याय सेवा, न्याय समूहको लागि)

उद्देश्य

यस पत्रको उद्देश्य न्याय सेवा न्याय समूहलाई संविधानवाद, कानूनको शासन, स्वच्छ र निष्पक्ष न्यायपालिकाको स्थापना, विकास र महत्वलाई आत्मसात गर्दै राष्ट्रिय र अन्तर्राष्ट्रिय अभ्यासका स्थापित मूल्य र मान्यतालाई न्यायिक निर्णयको माध्यमबाट उच्चतहका न्याय सेवाका अधिकृतले आफूले प्राप्त गरेका सैद्धान्तिक ज्ञानलाई व्यवहारमा उतार्न सक्ने क्षमताको परीक्षण गर्नु हो । न्यायिक सुशासनको माध्यमबाट देवानी, फौजदारी एवं अन्तर्राष्ट्रिय कानूनमा स्वच्छ र पारदर्शी न्याय व्यवस्थाको विकास गरी त्यसबाट शासन संचालनमा पुऱ्याउन सक्ने भूमिकाको ज्ञान उच्चतहका न्यायिक जनशक्तिमा रहोस भन्ने यस पाठ्यक्रमको मुख्य उद्देश्य रहेको छ ।

तृतीय पत्र :

सेवा समूह (न्याय) सम्बन्धी विषय (Service Group-Judicial Related Subject)

(नेपाल न्याय सेवा, न्याय समूहको लागि)

Section (A) - $(1 \times 25) = 25$ Marks

1. Constitutional Development and the Judiciary

1.1 General review of constitutional practice in Nepal

1.2 Salient features of constitution of Nepal

1.3 Constitutionalism, constitutional principles and rule of law

1.4 Separation of power and principle of check and balance

1.5 Judicial independence and power of judicial review

1.6 Self- restraint, judicial activism, public interest litigation and contempt of court

1.7 Structure of judiciary, jurisdiction of courts and constitutional morality

1.8 Constitutional bench – jurisdiction and practice

1.9 Extra-ordinary jurisdiction and its practice

1.10 Special courts and tribunals

Section (B) - $(1 \times 25) = 25$ Marks

2. Judicial Administration and Court Management

2.1 Role of judicial council in strengthening judicial administration and maintaining good governance and independece of judiciary

2.2 Judicial Service Commission and its role

2.3 Administrative autonomy of judiciary and current situation

2.4 Role of judicial staffs in judicial administration

2.5 Concept of court management, its importance and present condition

2.6 Use of ICT (Information and Communication Technology) in court management and judicial transformation, ICT policy of Nepalese judiciary

2.7 Relevance of various committees in courts

2.8 Various aspects of court management – case management, DCM (differentiated case management), record management, human resource management, physical (infra-structure) management, bench management, stakeholders management

2.9 Strategic plan of Nepalese judiciary (history and overview); features of latest five-year strategic plan of judiciary and opportunities and challenges in its implementation

2.10 Judicial good governance and judicial reform initiatives under latest strategic plan of judiciary

Section (C) - $(1 \times 25) = 25$ Marks

3. Court Procedure and Implementation of Judgements

3.1 Overview of criminal procedural law and civil procedural law in Nepal

3.2 General principles of civil procedural law and criminal procedural law

3.3 Concept of writ

3.4 Examining the documents produced in the court

3.5 Concept of preliminary hearing and practice in courts

3.6 Interlocutory and interim order

3.7 Art of writing of the judgements of the court

3.8 Principle of natural justice and its application in judicial process

3.9 Law of evidence and its role on free and fair hearing

3.10 Collection and examination of evidences in civil and criminal cases

3.11 Law and mechanism for executing court judgement

3.12 Execution of court judgements: importance, effectiveness and challenges

Section (D) - $(1 \times 25) = 25$ Marks

4. Miscellaneous

4.1 Concept of jurisprudence

4.2 Influence of new trends of jurisprudence in Nepalese justice system

4.3 History of Nepalese legal system

4.4 Laws relating to judicial personnel administration

4.5 Supreme court on new dimensions of justice – gender justice, juvenile justice, restorative justice, transitional justice, environmental justice, decentralized justice, inclusive justice, corrective and distributive justice

4.6 Good governance and anti-corruption mechanism in Nepal

4.7 History and development of judicial administration in Nepal

4.8 Laws relating to public procurement

4.9 Code of conduct for court personnel

4.10 Access to justice, free legal aid, Pro-bono and mediation

4.11 Legal research

यस पत्रको लिखित परीक्षामा पाठ्यक्रमका खण्डबाट निम्नानुसार प्रश्न सोधिनेछ ।

पत्र	विषय	खण्ड	एकाई	अङ्कभार	परीक्षा प्रणाली	प्रश्नसंख्या x अङ्क	समय
तृतीय	सेवा समूह (न्याय) सम्बन्धी विषय (Service Group -Judicial Related Subject)	A	1	25	Critical Analysis & Problem Solving	१ प्रश्न× २५ अंङ्क	३ घण्टा
		B	2	25		१ प्रश्न× २५ अंङ्क	
		C	3	25		१ प्रश्न× २५ अंङ्क	
		D	4	25		१ प्रश्न× २५ अंङ्क	
	जम्मा प्रश्न संख्या					**४ प्रश्न×२५ अंङ्क**	

पाठ्यक्रम लागू मिति : २०८२/०६/२३