

**Faculty of Law  
Tribhuvan University**



**Master of Laws  
LL.M.  
(Three Years Part Time)  
Curriculum  
2012**

**Curriculum Development Centre  
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Kirtipur, Kathmandu  
Nepal**

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**Master of Laws**  
**LL.M.**  
**(Three Years Part Time)**

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Exhibition Road, Kathmandu  
Nepal



## Historical background

The Faculty of Law, Tribhuvan University introduced LL.M. Course in 1996. The rationale behind the introduction of this course was to develop among the students the faculty of critical thinking, humanistic values and holistic perception as needed for the present day society. The curriculum has been completely changed in February 2009 to respond to the need of the 21<sup>st</sup> century as well as to accommodate the new development in law, justice and Nepal's political system. The programme, by virtue of the rich heritage of legal thoughts and traditions around us, aims to promote and disseminate the knowledge of law and of legal processes in the light of the country's socio-cultural perspectives and development goals. To this end, the programme is designed to produce manpower possessed of the essential skill, competence and integrity for assuming responsible roles in such a way that they can make positive contributions in the area of the administration of justice and the functioning of a just, dynamic and democratic society. The kind of legal education that this course envisages to impart is of a nature that can fairly inculcate in the minds of the students a strong sense of responsibility towards society and a great sense of respect for humanity and at the same time develop in them the highest standards *inter-alia* of professional behavior and a spirit of dedication for the welfare of the people and the betterment of their life style.

When the first elementary school for legal training (*Sresta Pathshala* as it was locally known) was started in Nepal in 1905, its main objective was to produce a bunch of clerical level trained manpower to work for the administration of justice. By way of upgrading the status of as well as the access to legal education, the law college (then affiliated to Patna University in India) was established in Kathmandu in 1954 with aims to produce law graduates who are needed to take up specific jobs in government and to work as high level legal professionals and practitioners.

The college was de-affiliated from Patna University and was placed under Tribhuvan University (TU) in 1959. In 1971, the National Education System Plan (NESP) was introduced with the objective of producing necessary competent manpower of different levels and in different areas in order to meet the country's manpower needs for its development goals. In the process of implementation of the NESP the Institute of Law was established in 1972 and it was made responsible for formulating plans and policies to promote the cause of legal education in the country and also to undertake academic activities in the legal sector. Accordingly, the institute started Two-Year Certificate and further Three-Year Diploma course in law, which involves five years' legal education after matriculation.

In 1984 when TU undertook the task of making overall structural changes and readjustments, the Institute of Law was converted into the Faculty of Law. The prevailing semester system of examination was also superseded by the annual examination; the Certificate in Law (C.L.) got renamed as Proficiency Certificate Level in Law (P.C.L.) and the Diploma-in Law (D.L.) as Bachelor in Law (B.L.). Even as the years when it was running as the Institute of Law, the Faculty of Law was engaged in improving, developing and promoting legal education system and expanding research activities in Nepal.

With the restoration of multiparty democracy in Nepal in 1990, TU started restructuring the higher education sector in law in the form of 3-year Bachelor Level and 3-year LL.B. programs after graduation. Consequently, P.C.L. and B.L. have been already phased out. The course in LL.B. and LL.M. are being offered since 1996.

In tune with political and constitutional change in the country, TU Faculty of Law has completely overhauled the existing curriculum of after graduation three years LL.B and two years LL.M programme. In 2010, B.A.LL.B five years integrated program after plus two levels has been introduced and this year three years part-time LL.M programme has been introduced as stated below.

### **Master of Laws (LL.M.) Three Years Part Time Programme Need**

The Faculty of Law has started Master of Laws (LL.M.) programme for those who want to take career as jurists, academicians, legal scholars, legal consultants and likewise, legal professionals. This programme is designed to orient the students towards research so that they can play a more constructive role in the development of law and the legal system in Nepal's new democratic set up.

The need for this LL.M. programme is crucial for achieving the goal of legal excellence backed by a body of highly trained jurists, scholars and lawyers of national standing as well as of international status in Nepal. The LL.M. course will be able to enrich law students with firm grounding in Nepal's legal traditions, research and recent development in the world.

### **Objectives**

The main objectives of LL.M. programme are:

- to impart legal knowledge from socio-cultural and development perspective;
- to produce manpower equipped with necessary skill, competence and integrity;
- to inculcate in students a sense of responsibility towards the society, the nation and the world and of respect for human life.
- to develop a base of legal excellence with international and indigenous understandings;
- to promote research by the faculty and the students in order to understand the insights of law and justice
- to prepare legal scholars, jurists and academicians to enter the professions of law teaching, research, judicial and government services and legal consultants for public and private enterprises

### **Duration**

This is a **part time three-year course** generally meant only for those who are in employment or engaged in any trade, profession, business or occupation or who are not in a position to study in whole-time two years programme during day time. This programme has to be run in morning shift unless otherwise permitted by a decision of Faculty Board of Tribhuvan University.

### **Academic Year**

The academic year of LL.M. course shall be as determined and declared by LL.M. Management Committee of Nepal Law Campus, Central Department of Law, in each year as per the rules of TU

### **Entry Requirement**

The entry requirement for LL.M. course is B.L. or LL.B. or B.A.LL.B pass. The Faculty however may announce cut off percentage for applicants if it feels necessary. The merit list for admission will be prepared and published on the basis of marks obtained in the entrance exam.

### Documents to be submitted with Application:

- a) B.L. /LL.B./B.A.LL.B degree (Certificate Copy)
- b) B.L./LL.B./B.A.LL.B. Mark-Sheet/Transcript (Certificate Copy)
- c) Migration certificate for foreign students (Certificate Copy)
- d) Character Certificate issued by the last institution attended.
- e) Citizenship Certificate (Certificate copy)
- f) Any other documents as decided by Faculty of Law.

### Scheme for Three year part time LL.M. Courses of Study

#### LL.M. I year

Course Code No.	Course Title	Nature of Course	Full Marks	Period Per Year
Law 651	Comparative Jurisprudence-I	Compulsory	100	125
Law 652	Legal Research Methodology	Compulsory	100	125
Law 653	Seminar	Compulsory	100	125

#### LL.M. II Year

Law 751	Comparative Jurisprudence-II	Compulsory	100	125
Law 752	Constitutional Law-I ( Constitutionalism )	Optional	100	125
Law 753	Commercial Law –I	Optional	100	125
Law 754	International Law – I	Optional	100	125
Law 755	Criminal Law-I ( Substantive and International Criminal Law )	Optional	100	125
Law 756	Environmental Law-I (International Environmental Law)	Optional	100	125
Law 757	Refugee Law-I	Optional	100	125

#### LL.M. III Year

Law 781	Nepalese Legal System	Compulsory	100	125
Law 782	Thesis	Compulsory	100	125
Law 783	Constitutional Law-II (Civil Liberties)	Optional	100	125
Law 784	Commercial Law –II	Optional	100	125
Law 785	International Law - II (International Human Rights and Humanitarian Law)	Optional	100	125
Law 786	Criminal Law-II (Criminology, Penology and Victimology)	Optional	100	125
Law 787	Environmental Law-II (Comparative Environmental Law)	Optional	100	125
Law 788	Refugee Law-II	Optional	100	125

In the first year's LL.M. programme, a student is required to study three compulsory subjects. Similarly, in the second year, a student is required to study one compulsory subject and two optional subjects. In the third year, a student is required to opt two

compulsory and the second part of the same two optional (specialization) subject which he/she has opted in the second year LL.M. The student will not be allowed to study subject in which he/she did not answer the question in entrance exam.

### **Methods of Teaching and Guest Lectures**

The method of teaching includes lectures, discussions, case study, tutorial, self-study, question-answer, case studies, research, workshop, seminars, etc. The main features of the teaching method include inter-disciplinary approach, and Socratic and co-operative (Participatory) method. The LL.M. management Committee or the Convenors of different subjects may, with the consent of the Head of Central Law Department, invite or welcome eminent legal personalities of Nepal and from abroad as guest lectures or as resource persons.

### **Library**

Nepal law Campus, T.U., has its own library and a computer lab. The collection of relevant textbooks, reference books, law journals and periodicals is increasing day by day for upgrading the quality of legaleucation in order to help the teachers and students. The LL.M. Management Committee has established relations with the following libraries.

1. Tribhuvan University Central Library
2. Supreme Court Library
3. Nepal Bar Association Library
4. Library of Ministry of Law and Justice
5. Central Law Library
6. American Center, American Library, USIS
7. The British Council Library

### **Journal**

The Faculty of Law has so far published a number of issues of a journal under the title "Nepal Law Review" since the days when it was running as the Institute of Law. Although it was stopped for a few years due to resource crunch, now it is being published regularly keeping in view the need of the LL.M. classes and Ph.D. research work under the Faculty.

### **Research Activities**

The Research Committee of the Faculty of Law is also sponsoring some research project annually which will help the teachers and the students. The other programme of the research committee, among other, is to enroll Ph.D. scholars and to organize seminars, workshops and interaction programmes. The Human Rights Centre, the Environmental Law Centre, the Refugee Law Centre and the Legal Aid and Consutancy Centre are also involved in research and other academic activities.

### **Examination**

- i) There shall be written examination at the end of each academic year in the courses prescribed except for Seminar and Thesis Writing. While the 'Legal Research Methodology' will carry 75 marks for written examination and 25 marks for internal practical evaluation. The 'Seminar' will carry 50 marks for final seminar report evaluation, 25 for internal practical evaluation and 25 marks for viva-voce. The 100 and 75 marks examinations shall have four and three hour duration respectively. Minimum pass marks in each subject shall be 50 percent of the full marks.



- ii) No students shall be allowed to proceed from first year to the second year unless he/she has passed one subject in the first year examination. No student shall be allowed to appear in the examination unless he/she has secured 75% attendance and presented a class term paper in each subject taught to satisfaction of the teacher concerned. There shall be a viva-voce of thesis which carries 25% of the mark of the thesis.

### **Evaluation**

Central Level annual examination for all the first,second and third year courses is the basic criterion for the evaluation of the performance of students. The students have to pass each paper as prescribed in the course separately. A student who passes two year of study is graded on the basis of two year's average marks as follows:

75	and above %	Distinction
60	to below 75%	First Division
50	to below 60%	Second Division
Less than 50	percent	Fail

# Comparative Jurisprudence-I

Course Title: <b>Comparative Jurisprudence-I</b>	Period Per Week: Four
Course No: Law 651	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: I	Pass Marks: 50
Nature: Compulsory	Level : LL.M.

## Course Description:

This is a compulsory course for LL.M First Year. This course is designed to provide the students clear understanding of the meaning and theories of Jurisprudence, basic jurisprudential concepts and social dimension of law. It also provides the students about knowledge and important trends in the understanding of the theories of jurisprudence with special reference to Nepal.

## Course Objectives:

1. General objective of this course is:
  - to impart knowledge and familiarize the students with the meaning and theories of jurisprudence. This course is to provide the students juristic philosophy, social dimensions of law, law in contemporary society and contemporary juristic philosophy.
  - to inculcate the ideas in the mind of students about the subject of law in the contemporary society, particularly, in the context of the Nepalese society
  - to develop a critical faculty among the students.
  - to acquaint the students with legal ideology and the growing needs of a changing society.
  
2. The specific objective of this course is to produce human resource equipped with knowledge, skill, competence and integrity required for assuming new and responsible roles in society.

### Unit –I: Nature and Theories of Jurisprudence

Objectives	Contents	Time Allotted	Instructional Techniques	Instructional Materials	Evaluation
To enable the students to understand different theories of Jurisprudence	<b>Nature and Theories of Jurisprudence</b> a. Meaning and nature of Jurisprudence and Comparative Jurisprudence b. Natural School of Law since its Emergence to present c. Analytical School since its Emergence to Present	40 Hours	Lecture Method, Paper Presentatio, Discussion, Question- Answer	White Board, Board Marker pen, OHP, Power Point.	Paper Presentatio, Question- Answer, write ups.

	d. Historical School and its Ideology e. Advent of Realism and Its impact f. Sociological School jurisprudence g. Socialist School of jurisprudence				
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### Reading Materials:

- Dr. Bal Bahadur, Mukhia, *Comparative Jurisprudence I: Social, Political and Economic Dimensions of Law*, A & M Mukhia, Kathmandu, Nepal, (2011)
- J.W., Harris, *Legal Philosophies*, Butterworth, London, (1980)
- Jeffrie, G & Jules L. Coleman, Murphy, *Philosophy of Law*, Oxford University Press, Delhi, (1997)
- M.D.A, Freeman, *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London. (2001)
- Roger, Cottrell, *The Sociology of Law* (2<sup>nd</sup> ed), Butterworth, London, (1990)
- Rogor, Lottsell *The Politics of Jurisprudence*, Butterworth, London, (1989)
- Wayne, Morrison, *Jurisprudence: From Greeks to Post-Modernism*, Lawman India Ltd, (1997)

### Unit-II: Trends in Jurisprudence

To enable the students to understand issues and trends in Jurisprudence	<b>Trends in Jurisprudence:</b> Critical Legal Studies Liberalism, Neo-liberalism and Post-liberalism Post-modernism Feminist Jurisprudence Jurisprudence in Nepalese Perspective.	20 hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups
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### Reading Materials

- Guy Paulland, *Judicial Process & the Decline o Twentieth Century American Liberalism* 16 Harv, J. OF Legis 2. at 283-3000, (1979)
- James Boyle, (ed), *Critical Legal Studies*, Darmouth, Sydney, (1992)
- Karl-Heinz, Ladeur, *Post-Modern Constitutional Theory: A Prospect for the Self Organizing Society-The Future of Liberalism after the End of History*, 60 Modern Law Review 5, at 617-629, (1997)
- Lon L. Fuller, *Positivism & Fidelity to Law* –Reply to Prof. Hart
- M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London, (2001)

### Unit-III: Theories of Justice

To familiarize the students with the concept of justice, equality and rule of law.	<b>Theories of Justice:</b> Concept and Kinds of Justice Aristotle's Theory of Justice Rawls' Theory of Justice Nozick's Theory of Justice Dworkin's Theory of Justice Justice, Equality and Rule of Law	20 hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups
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#### Reading Materials:

- Dr. Bal Bahadur, Mukhia, *Comparative Jurisprudence I: Social, Political and Economic Dimensions of Law*, A & M Mukhia, Kathmandu, Nepal, (2011)
- Desmond S. King, *The New Rights*, The Dosey Press, Chicago, (1987)
- M.D.A Freeman, *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London, (2001)
- P.J. Fitzgerald, *Salmond on Jurisprudence*, (12<sup>th</sup> ed), N.M Tripathi P.Ltd., Bombay, (1966)
- Ronald Dworkin, *Taking Rights Seriously*, Universal Book Traders, (1996)
- Stephen Guest, *Ronald Dworkin*, Edinburgh University Press, Edinburgh, (1992)

### Unit- IV: Social Dimension of Law

To acquaint the students with the social dimension of law.	<b>Social Dimension of Law</b> Theory of Social Engineering and Balancing of Interests Law as an Instrument of social Change and Control Participatory Law Making Process Court, Public Interest Litigation and Alternative Dispute Resolution (ADR).	20 Hours	Lecture Method, Discussion Method.	White Board, Tranparency, Power Point	Paper presentation
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## Reading Materials

- David, M. Trubek, *Back to the Future: The Short Happy of the Law and Society, Movement*, 18, Florida State University, L.REV, 1 at 1, (1990)
- Ellen S Cohen & Susan O.White, *Legal Socialization Effects on Democratization*, International Social Science Journal, UNESCO at 151-172, (1997)
- Joseph Raj, *The Authority of Law*, Clarendon Press, Oxford at 1963-179, (1979)
- Julius Stone, *Human Law and Human Justice*, Stanford University Press, Stanford at 322-356, (1968)
- R Cotterrell, *The Sociological Concept of Law*, 10 J.L & SOC, at 241, (1983)
- W Friedmann, *Law in Changing Society* (2<sup>nd</sup> ed), axwell, Universal Book Traders, (1997)

### Unit-V: Critical Study of Jurisprudential Concepts

To enable the students to acquaint with study of critical Jurisprudential concepts	<b>Critical Study of Jurisprudential Concepts:</b> a. Concept of legal rights and Duties, b. Relationship between rights and duties c. Legal and Natural Person d. Sanctity of Person.	10 Hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups
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## Reading Materials:

- Dr. Bal Bahadur, Mukhia, *Comparative Jurisprudence I: Social, Political and Economic Dimensions of Law*, A & M Mukhia, Kathmandu, Nepal, (2011)
- Desmond S King, *The New Rights*, The Dosey Press, Chicago, (1987)
- John Rawls, *A Theory of Justice*, Oxford University Press, (1972)
- P.J. Fitzgerald, *Salmond on Jurisprudence*, (12<sup>th</sup> ed), N.M Tripathy P.Ltd, India, (1966)
- R.W.M Dias, *Jurisprudence* (3<sup>rd</sup> ed), Aditya Book Pub.Ltd, New Delhi, (1985)
- Ronald Dworkin, *Taking Rights Seriously*, Universal Book Traders (1<sup>st</sup> Indian Reprint), (1996)
- Roscoe Pound, *Introduction to the Philosophy of Law* (2<sup>nd</sup> ed), Yale University Press/Universal Law Pub, (1998)

### Unit-VI: Possession, Ownership and Liability

To familiarize the students with the concepts of possession, ownership and liability.	<b>Possession, Ownership and Liability</b> a. Concept of possession b. Possessory remedies c. Concept of Ownership d. Sanctity of Property e. Concept of Liability f. Civil and Criminal Liability	15 hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups
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## Reading Materials:

- Bal Bahadur Mukhia, *Comparative Jurisprudence: Social, Political and Economic Dimensions of Law*, A &M Mukhia, Kathmandu, Nepal, (2004)
- Ellen S Cohen & Susan O.White, *Legal Socialization Effect on Democratization*, INTERNATIONAL SOCIAL SCIENCE JOURNAL, UNESCO, (1997)
- Joseph Raz, *The Authority of Law*. Clarendon Press, Oxford, London, (1997)
- Julius Stone, *Human Law & Human Justice*, Stanford University Press, Stanford, (1968)
- M, Trubek David, *Back to the Future: The Short Happy of the Law and Society Movement*, 18 Florida State Univ. :L.Rev. 1, at 1, (1990)
- Roger Cottrell, *The Sociology of Law* (2<sup>nd</sup> ed), Butterworth, London, (1990)
- W Friedmann, *Law in Changing Society* (2<sup>nd</sup> ed), Sweet & Maxwell/Universal Book Traders, (1997)

## Prescribed / References

Prescribed	References
Boyle James (ed), <i>Critical Legal Studies</i> , Darmouth Sydney, (1992)	Harris, J.W, <i>Legal Philosophies</i> , Butterworth, London, (1980),
Freeman, M.D.A, <i>Lloyd's Introduction to Jurisprudence</i> , (International Student Edition), Sweet & Maxwell, London, (1996)	Hart, H.L.A, <i>The Concept of Law</i> , Clarendon Press, (1994)
Friedmann, W, <i>Law in Changing Society</i> (2 <sup>nd</sup> ed), Sweet & Maxwell/Universal Book Traders, (1997)	Holmes, O.H., <i>The Path of Law</i> , Harvard Law Review-5, (1997),
Ghai, Yash Pal, et.el, <i>The Political Economy of Law a Third World Reader</i> , Oxford University Press, Delhi, (1987)	Rawls, John, <i>A Theory of Justice</i> , Oxford University Press, (1972),
Morrison, Wayne, <i>Jurisprudence: From Greeks to Post-Modernism</i> , Lawman India Ltd, (1997)	Raz, Joseph, <i>The Authority of Law</i> , Clarendon Press, Oxford, London, (1997),
Mukhia, Bal Bahadur, <i>Comparative Jurisprudence: Social, Political and Economic Dimensions of Law</i> , A &M Mukhia, Kathmandu, Nepal, (2004)	Satavaropoulos, Nicos, <i>Objectivity in Law</i> , Clarendon Press, (1996)

## Legal Research Methodology

Course Title: <b>Legal Research Methodology</b>	Period Per Week: Four
Course No: Law 652	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: I	Pass Mark: 50
Nature: Compulsory	Level : LL.M.

### Course Description

The course is designed to acquaint with the different aspect of Legal Research, its methodology and legal writing with a view to inculcate the importance of Legal Research and legal writing. Out of the 100 marks allotted to this subject, 75 marks will be evaluated by external examination and remaining 25 marks will be examined through internal practical evaluation.

### Course Objectives:

- To introduce basic concept of Legal Research
- To Impart knowledge to students on methods and designs of Legal Research
- To impart knowledge on doctrinal, empirical, sociological and socio-Legal Research.
- To acquaint the students with the tools of data collection and the techniques of data analysis
- To impart knowledge and information about impact of the legal actions.
- To impart know-how and skill on preparation of project report

### Unit 1 Introduction

Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To enable the students to understand the basic concept of research and its difference with legal writing.	<ol style="list-style-type: none"> <li>1. Meaning, types and objectives of Research</li> <li>2. Stages of Research</li> <li>3. Meaning, Scope and importance of Legal Research</li> <li>4. Legal Research and Legal Writing</li> <li>5. Historical and Contemporary role of Legal Research</li> <li>6. Legal Research in Nepalese context</li> </ol>	15	Lecture, Question-Answer, Paper Presentation, Group Discussion and Case analysis	Statutes, Cases, Books, Articles, Reports and Notes.	Oral question, paper presentation and written examination

#### Reading Materials

- C.R. Kothari, *Research Methodology; Methods and Techniques*, New Delhi: Wishwa Prakashan, (1995)
- Fred N. Kerlinger, *Foundations of Behavioral Research*, Second Edition, Delhi: Surjeet Publication, (2000)
- Kenneth D. Bailey, *Methods of Social Research*, New York: Macmillan Publishing Co. Inc., (1978)
- S.K. Verma and M. Afzal Wani (ed.), *Legal Research and Methodology*, Delhi: ILI: Delhi;

(2006)

- Tunkel, Victor, *Legal Research (Handbook) Law Finding and Problem Solving*, First Rep., Universal Book Traders, (1994)
- Wasby S., "Some Problems of Conceptualization and Measurement", *5 Law and SOC. REV.*, 41, (1970)
- Zina 'O' Leary, *The Essential Guide to Doing Research*, New Delhi: Vistaar Publications, (2004)

## Unit 2

### Identification of Research Problem and Preparing a Research Proposal

To familiarize the students with the research problem and research proposal.	<ol style="list-style-type: none"> <li>1. Factors affecting problem selection</li> <li>2. Criteria of a good research problem</li> <li>3. Operationalisation of the terms used</li> <li>4. Reviewing the relevant literature</li> <li>5. Formulation of a research proposal.</li> </ol>	20	-do-	-do-	-do-
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#### **Reading Materials**

- C.R. Kothari, *Research Methodology; Methods and Techniques*, New Delhi: Wishw Prakashan, (1995)
- Fred N. Kerlinger, *Foundations of Behavioral Research*, Second Edition, Delhi: Surjeet Publication, 2000
- Kenneth D. Bailey, *Methods of Social Research*, New York: Macmillan Publishing Co. Inc., (1978)
- S.K. Verma and M. Afzal Wani (ed.), *Legal Research and Methodology*, Delhi: ILI: Delhi; (2006)
- Therese L. Baker, *Doing Social Research*, Second Edition, McGraw Hill, Inc., (1994)

## Unit 3

### Research Design

To impart knowledge on different parts of Research Design.	<ol style="list-style-type: none"> <li>1. Meaning and purpose of Research Design</li> <li>2. Different Research Designs</li> <li>3. Hypothesis- Meaning, types, criteria and importance</li> <li>4. Variables-Meaning, Types and Criteria</li> </ol>	10	-do-	-do-	-do-
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#### **Reading Materials**

- C.R. Kothari, *Research Methodology; Methods and Techniques*, New Delhi: Wishw Prakashan, (1995)
- Fred N. Kerlinger, *Foundations of Behavioral Research*, Second Edition, Delhi: Surjeet Publication, (2000)
- Kenneth D. Bailey, *Methods of Social Research*, New York: Macmillan Publishing Co. Inc., (1978)
- S.K. Verma and M. Afzal Wani (ed.), *Legal Research and Methodology*, Delhi: ILI: Delhi; (2006)
- Therese L. Baker, *Doing Social, Research*, (Second Edition), McGraw Hill Inc. (1994)
- Zina 'O' Leary, *The Essential Guide to Doing Research*, New Delhi: Vistaar Publications, (2004)

## Unit 4

### Methods of Research

To impart knowledge on different methods of research.	<ol style="list-style-type: none"> <li>1. Survey Research             <ol style="list-style-type: none"> <li>a. Idea of Survey- Types of Surveys, Universe, Sample, Sample size and Strategy for Sampling.</li> </ol> </li> </ol>	15	-do-	-do-	-do-
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	<ol style="list-style-type: none"> <li>2. Experimental Research- Methods and types of experiments</li> <li>3. Field Research and Observational Studies- The methods and components of field study</li> <li>4. Case Studies- Definition and designing of case studies. Statistical Vs. Case Studies</li> <li>5. The Library Method- finding relevant printed materials, using online and computer researches</li> <li>6. Historical Research- Meaning and use of historical method and historiography in research.</li> <li>7. Comparative Research- use of comparative method in Legal Research</li> </ol>				
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**Reading Materials**

- C.R. Kothari, *Research Methodology; Methods and Techniques*, New Delhi: Wishw Prakashan, (1995)
- Fred N. Kerlinger, *Foundations of Behavioral Research*, Second Edition, Delhi: Surjeet Publication, (2000)
- S.K. Verma and M. Afzal Wani (ed.), *Legal Research and Methodology*, Delhi: ILI: Delhi, (2006)
- Therese L. Baker, *Doing Social Research*, (Second Edition), McGraw Hill, Inc. (1994)
- Zina 'O' Leary, *The Essential Guide to Doing Research*, New Delhi: Vistaar Publications, (2004)

**Unit 5**  
**Styles of Legal Research**

To acquaint the students with doctrinal, non doctrinal and other styles of Legal Research	<ol style="list-style-type: none"> <li>1. Meaning, Characteristics and importance of doctrinal research</li> <li>2. Meaning, Characteristics and importance of non-doctrinal research</li> <li>3. Basic ideas regarding sociological and socio-Legal Research</li> <li>4. Difference between-doctrinal and non-doctrinal, sociological and socio-Legal Research</li> </ol>	10	-do-	-do-	-do-
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**Reading Materials**

- S.K. Verma and M. Afzal Wani (ed.), *Legal Research and Methodology*, Delhi: ILI: Delhi; (2006)

<b>Unit 6</b>					
<b>Data Collection</b>					
To give knowledge of different tools of collecting primary and secondary data as well as measurement and scaling.	<ol style="list-style-type: none"> <li>1. Use of Data in Research</li> <li>2. Tools of Collecting primary Data               <ol style="list-style-type: none"> <li>a. Questionnaire</li> <li>b. Interview and Schedules</li> <li>c. Observation</li> </ol> </li> <li>3. Measurement and Scaling techniques</li> <li>4. Collection of Secondary Data</li> </ol>	15	-do-	-do-	-do-
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• C.R. Kothari, <i>Research Methodology; Methods and Techniques</i>, New Delhi: Wishw Prakashan, (1995)</li> <li>• Fred N. Kerlinger, <i>Foundations of Behavioral Research</i>, Second Edition Delhi: Surjeet Publication, (2000)</li> <li>• Kenneth D. Bailey, <i>Methods of Social Research</i>, New York: Macmillan Publishing Co. Inc., (1978)</li> <li>• S.K. Verma and M. Afzal Wani (ed.), <i>Legal Research and Methodology</i>, Delhi: ILI: Delhi, (2006)</li> <li>• Tunkel, Victor, <i>Legal Research (Handbook) Law Finding and Problem Solving</i>, First Rep., Universal Book Traders, (1994)</li> <li>• Therese L. Baker, <i>Doing Social Research</i>, Second Edition, McGraw Hill, Inc. (1994)</li> <li>• William J. Goode and Paul K. Hatt, <i>Methods in Social Research</i>, Mc. Graw Hall, (1985)</li> <li>• Zina 'O' Leary, <i>The Essential Guide to Doing Research</i>, New Delhi: Vistaar Publications, (2004)</li> </ul>					
<b>Unit 7</b>					
<b>Data Analysis and Interpretation</b>					
To acquaint students with techniques of data analysis and interpretation.	<ol style="list-style-type: none"> <li>1. Editing, Coding and Tabulation of data</li> <li>2. Analysis- Univariate and Multivariate analysis               <ul style="list-style-type: none"> <li>- Descriptive Vs. Inferential analysis of data.</li> </ul> </li> <li>3. Co-relation, Regression and time-series analysis</li> <li>4. Factor and content analysis</li> <li>5. Interpretation of Data- Meaning and techniques of data interpretation</li> </ol>	15	-do-	-do-	-do-
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• C.R. Kothari, <i>Research Methodology; Methods and Techniques</i>, New Delhi: Wishw Prakashan, (1995)</li> <li>• Fred N. Kerlinger, <i>Foundations of Behavioral Research</i>, Second Edition, Delhi: Surjeet Publication, (2000)</li> <li>• S.K. Verma and M. Afzal Wani (ed.), <i>Legal Research and Methodology</i>, Delhi: ILI: Delhi; (2006)</li> <li>• Therese L. Baker, <i>Doing Social, Research</i>, (Second Edition), McGraw Hill Inc. (1994)</li> <li>• Wasby S., "Some Problems of Conceptualization and Measurement", 5 <i>Law and SOC. REV.</i>, 41, (1970)</li> <li>• William J. Goode and Paul K. Hatt, <i>Methods in Social Research</i>, Mc. Graw Hall, (1985)</li> </ul>					

<b>Unit-8</b>						
<b>Legal Impact Analysis and study of Judicial Behavior</b>						
To impart knowledge on measurement of the impact of legal action as well as judicial behavior.	1. Meaning, purpose and ways of measurement of the impact of legal action 2. Jurimetrics for study of judicial behavior 3. Voting behavior and opinion writing 4. Sentencing studies	10				
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>S.K. Verma and M. Afzal Wani (ed.), <i>Legal Research and Methodology</i>, Delhi, ILI: Delhi; (2006)</li> </ul>						
<b>Unit-9</b>						
<b>Preparation of Project Report</b>						
To impart knowledge on preparation of project report	1. General idea of Project Report 2. Steps in Preparation of Project Report 3. Use of Uniform Rule of Citation 4. Preparation of Bibliography	10	-do-	-do-	-do-	
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>Anthony C. Winder, J., Ray McCuen, <i>Writing the Research Paper</i>; A Handbook, Sixth Edition, Heinle, Thomson Corporation, (2003)</li> <li>Columbia Law Review (Editors and Comp)., <i>The Blue book A Uniform System of Citation</i>, 16th Edition, (1997)</li> <li>C.R. Kothari, <i>Research Methodology; Methods and Techniques</i>, New Delhi: Wishw Prakashan, (1995)</li> <li>S.K. Verma and M. Afzal Wani (ed.), <i>Legal Research and Methodology</i>, Delhi: ILI, (2006)</li> <li>Therese L. Baker, <i>Doing Social, Research</i>, (Second Edition), McGraw Hill, Inc. (1994)</li> </ul>						
<b>Unit-10</b>						
<b>Ethics in Research</b>						
To familiarize with the importance and code of ethics in research	1. How to Remain Ethical? 2. Avoiding Plagiarism 3. Code of Ethics in Research	5	-do-	-do-	-do-	
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>Kenneth D. Bailey, <i>Methods of Social Research</i>, New York: Macmillan Publishing Co. Inc., (1978)</li> <li>S.K. Verma and M. Afzal Wani (ed.), <i>Legal Research and Methodology</i>, Delhi: ILI, (2006)</li> </ul>						

### **References:**

1. Winder Anthony C., McCuen Jo Ray, *Writing the Research Paper*; A Handbook, Sixth Edition, Heinle, Thomson Corporation, (2003)
2. Columbia Law Review (Editors and Comp.), *The Blue book: A Uniform System of Citation*, 16th Edition, (1997)
3. Kothari, C.R. *Research Methodology; Methods and Techniques*, New Delhi: Wishwa Prakashan, (1995)
4. Kerlinger, Fred N., *Foundations of Behavioral Research*, Second Edition, Delhi:

- Surjeet Publication, (2000)
5. Bailey, Kenneth D., *Methods of Social Research*, New York: Macmillan Publishing Co. Inc., (1978)
  6. Verma S.K. and Afzal M. Wanin (ed.), *Legal Research and Methodology*, Delhi: ILI, (2006)
  7. Baker, Therese L., *Doing Social Research*, (Second Edition), McGraw Hill Inc., 1994
  8. Victor, Tunkel, *Legal Research (Handbook) Law Finding and Problem Solving*, First Rep., Universal Book Traders, (1994)
  9. S. Wasby "Some Problems of Conceptualization and Measurement", 5 *LAW AND SOC. REV.*, 41, (1970)
  10. William J. Goode and Paul K. Hatt, *Methods in Social Research*, McGraw Hall, (1985).
  11. 'O' Leary Zina, *The Essential Guide to Doing Research*, New Delhi: Vistaar Publications, (2004)
  12. Mukhia, Bal Bahadur Dr. (2011) *Legal Research Methodology*, Malati Mukhiya, Kathmandu, Nepal

## Seminar

Course Title: <b>Seminar</b>	Period Per Week: Four
Course No: Law 653	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: I	Pass Mark: 50
Nature: Compulsory	Level : LL.M.

### Course Description

The course is designed to give practical knowledge to students. Out of 100 marks allotted to this subject, 50 marks will be based on written seminar report including paper submitted at the end of the session for final evaluation (external). Out of remaining 50 marks, 25 will be assessed through internal practical evaluation and 25 marks will be reserved for viva voce. Internal evaluation of the students shall be done on the basis of standards and rules set by the Central Department of Law. In this subject, the Convenor shall, in the beginning, take introductory class for clarifying the objectives, modes and general instruction of seminar.

Besides, the resource person may be invited by Convener from among the persons listed in the rosters prepared by the Central Department of Law for the purpose of observing seminar presentation and discussion and to suggest for the improvement of the paper.

### Course Objectives

The main objective of Seminar is to familiarize the students with the process of finding a research oriented / objective solution on various legal issues on law and justice through practical work. The students will finalize the topic of seminar with the approval of Convener within the specified date from the beginning of the class and then write, present and defend his finding of the seminar paper in the class. The students shall also continuously involve in the discussion in other's paper. By doing this, it is aimed that students will develop their capabilities and confidence in solving any legal & contemporary issues.

## Comparative Jurisprudence-II

Course Title: <b>Comparative Jurisprudence-II</b>	Period Per Week: Four
Course No: Law 751	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Compulsory	Level : LL.M.

### Course Description:

This is a compulsory course for LL.M Second Year. This course is designed to acquaint the students with the comprehensive nature of comparative jurisprudence. It provides students the knowledge about the structure and functions of law in society. It assists students to understand the relationship between law, society, state, and development. The course also imparts knowledge about federalism, secularism, right to self-determination, political economy and issues and future direction of law.

### Course Objectives:

1. The general objectives of the course are to impart knowledge about the sociology of law, political economy, and legislative-executive and structural functionalism of law, state, and development.
2. The specific objective of this course is to produce human resource equipped with knowledge, skill and competence.

### Unit-I: Law and Society

Objectives	Contents	Time Allotted	Instructional Techniques	Instructional Materials	Evaluation
To familiarize students about sociology of law, and legislative-executive and judicial structural functionalism.	<b>Law and Society</b> (i) Structure and functions of Law and society. (ii) Sociology of Law (iii) Legislative-Executive and Judicial Structural-functionalism.	20 Hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups.

### Reading Materials

- Bal Bahadur Mukhia, *Comparative Jurisprudence: Social, Political and Economic Dimensions of Law*, A & M Mukhia, Kathmandu, Nepal, (January 2004)
- David M Trubek, "Back to the Future: The Short Happy of the Law and Society Movement", 18 *Florida State Univ, L.REV.* at 1, (1990)
- Ellen Cohen, S & White, O. Susan, **Legal Socialization Effect on Democratization**, International Social Science Journal, UNESCO at 151-172, (1997)
- James Foster & Amartya Sen, *Utilitarianism & Beyond*, Cambridge University Press, (1997)

- Joseph Raj , *The Authority of Law*, Clarendon Press, Oxford, at 163-179, (1979)
- Julius Stone, *Human Law & Human Justice*, Stanford University Press, at 322-355, (1968)
- R.W.M Dias, *Jurisprudence* (3<sup>rd</sup> ed), Aditya Book Pub.Ltd, New Delhi, (1985)
- Roger Cottrell, *The Sociology of Law* (2<sup>nd</sup> ed), at 241., Butterworths, London, (1990)
- Ronald Dworkin, *Taking Rights Seriously*, Universal Book Traders (1<sup>st</sup> Indian Reprint), (1996)
- S. Desmond King, *The New Rights*, The Dosey Press, Chicago, (1987)
- S.N Dhani, *Fundamentals of Jurisprudence*, Central Law Agency, Allahabad, (1987)
- Sara Joseph, *Political Theory & Power*, E.J. Brill, New York., (1988)
- Upendra Baxis, *The Future of Human Rights*, Oxford University Press, London, (2002)
- Vago Steven, *Law and Society* (6 ed.), Prentice Hall, New Jersey, (2000)
- W Friedmann, *Law in a Changing Society* (2<sup>nd</sup> ed), Sweet & Maxwell, University, (1997)

## Unit II: Law and State

Objectives	Contents	Time allotted	Instructional Techniques	Instructional Materials	Evaluation
To make the students able to understand law and state, unitary system v. federalism, secularism and right to religion, right to self-determination, participation, inclusion and autonomy.	<b>Law and State:</b> (i) Unitary system v. Federalism (ii). Participation and Inclusion, (iii) Autonomy. (iv) Secularism and Right to religion (v) Right to Self-determination.	20 hours.	Lecture Method, discussion method	White board, board marker pen, OHP, Power point	Paper presentation, question answer, home assignment.

### Reading Materials

- A.C Kapoor, *World Constitution*, Delhi: S. Chada and Co. Ltd., 2010
- Dr. Bal Bahadur Mukhia, *Comparative Jurisprudence I*, Malati and Agam Mukhia, Kathmandu, Nepal, (2011)
- C.F Strong, *Modern Constitutional Law*.
- **Constitution of the Kingdom of Nepal 1990**
- **Encyclopedia of Social Science**
- Gabriel A Almond, & G.Bingham Powell, *Comparative Politics*, Feffer & Simons Inc. New York, (1966)
- J.C Johari, , *Comparative Politics*, Sterling Publishers P.Ltd, New Delhi, (1980)
- K.C. Wheare, *Federal Government*, London: The English Language Book Society and Oxford University Press, 1968
- **The Interim Constitution of Nepal 2063 B.S.**

### Unit III: Political Economy of Law

Objectives	Contents	Time allotted	Instructional Techniques	Instructional Materials	Evaluation
To enable the students to know about political economy of law, as well as law, poverty and environment.	<b>Political Economy of Law</b> i. Concept and Notion of Political Economy. ii. Law and Politics iii. Law and Economics iv. Law and Poverty v. Laws and Environment	25 hours	Lecture method, discussion method	White board, board marker pen, OHP	Paper presentation

### Reading Materials

- Amartya Sen & Williams Bernard (eds), *Utilitarianism & Beyond*, Cambridge University Press, (1999)
- Sara Joseph, *Political Theory & Power*, E.J, Brill, New York, at 49-84, (1988)
- Hussain et.al (eds), *The Political Economy of Hunger*, Oxford University Press, Delhi at 13-45, (1999)
- James Dreze, & Amartya Sen, *Introduction to Political Economy of Hunger*, Oxford University Press, Delhi., (1999)
- James Foster, & Amartya Sen, *On Economic Inequality*, Clarendon Press, Oxford, (1997)
- Javed Maswood, *International Political Economy and Globalization*, World Scientific Publishing Company P.Ltd, Singapore, (1999)
- Jeffrey Rosen, "Overcoming Posner Book Review on Overcoming Law", 105 *YALE L.J.2* at 581-610, (1995)
- Richard A Posner, *Overcoming Law*, Harvard University Press, Cambridge, at 387-470, (1995)
- Richard J. Pierce, Jr, "A Comment on Imperfect Alternatives: Choosing Institutions in Law, Economics & Public Policy", 83 *CAL L.REV* 3, at 941-951, (1995)
- Upendra Baxi, (ed), *Poverty and Law*, N.M Tripathy. Bombay, (1988)
- Yash Pal Ghai, et.al *The Political Economy of Law in a Third Reader*, at 177-212, (1987)

### Unit-IV: Law and Development

Objectives	Contents	Time Allotted	Instructional Techniques	Instructional Materials	Evaluation
To enable the students to understand the concept of law and development and their	<b>Law and Development</b> (i) Concept of Development. (ii) Relationship between law and development.	25 Hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups.



relationship with peace, effective government, transparency and government procurement.	(ii) Peace and Development (iii) Effective Government, Transparency and Government procurement. (iv) Communication Jurisprudence				
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### Reading Materials:

- Dr. Bal Bahadur Mukhia, *Comparative Jurisprudence-I*: Social, Political and Economic Dimensions of Law, A & M Mukhia, Kathmandu, Nepal, (January 2011)
- E.F. Schumacher, *Small is Beautiful*, Vintage Coant, (1993)
- Joseph E Sliglitz, "The Role of Government in Economic Development", in Burno Michael & Boris Pleskobic (eds), *Annual World Bank Conference on Development Economics* (1996),
- Michael Conant, the *Constitution & Economy*, University of Oklahoma Press, Norman, (1991)
- Surendra Bhandari *World Trade Organization and Developing Countries*, Deep & Deep Publication, India, (1998)
- W Friedmann, *Law in Changing Society*, Sweet & Maxwell/Universal Book Traders, (1997)
- World Bank, *World Development Reports*, Oxford University Press, 1992-2007.

### **Unit-V: Issues of Jurisprudence and Future Direction of Law.**

Objectives	Contents	Time Allotted	Instructional Techniques	Instructional Materials	Evaluation
To familiarize students about issues in jurisprudence and future direction of law.	<b>Issues in jurisprudence and future Direction of Law</b> (i) Law and Morality (ii) Formalism v Pragmatism (iii) Determinacy v. Indeterminacy (iv) Cognitivism v. Non-cognitivism. (v) Semanticism v. Interpretivism (vi) Globalization v. Localization (vii) Future of Law.	35 Hours	Lecture Method, Paper Presentation, Discussion, Question-Answer	White Board, Board Marker pen, OHP, Power Point	Paper Presentation, Question-Answer, write ups.

### Reading Materials

- Dr. Bal Bahadur Mukhia, *Comparative Jurisprudence-I*, A&M Mukhia, Kathmandu, Nepal, (January 2011)

- Brian Bix, *Law, Language & Legal Determinacy*, Clarendon Press, (1993)
- H.L.A, Hart, *The Concept of Law*, Clarendon Press, (1994)
- J.M Balkin, *Understanding Legal Understanding: The Legal Subject & the Problem of Legal Conference*, Yale Law Journal. (1993),
- Javed Maswood, *International Political Economy and Globalization*, World Scientific Publishing Company P.Ltd, Singapore, (1999)
- Jeffrey Rosen *Overcoming Posner*, Book Review on Overcoming Law, Yale Law Journal-2, (1995)
- John Austin, *A Positivistic Conception of Law*, in Fienberg & Gross (eds), (1980)
- John P MacCormic, *Habermas' Discourse Theory of Law: Bringing Anglo-American and Continental Legal Traditions*, (1997)
- Kent Greenwalt, "Too Thin & Too Rich: Distinguishing Features of Legal Positivism", Robert P. George (ed), *Autonomy of Law*, Clarendon Press, Oxford, (1993)
- Lon L. Fuller, "Positivism & Fidelity to Law, A Reply to Professor Hart", Freeman, M.D.A, *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London, (2001)
- Madan K. Dahal, (ed), *Impact of Globalization in Nepal*, NEFAS, Kathmandu, Nepal, (1998)
- Mary Gregor, (ed), *Immanuel Kant, Groundwork of the Metaphysics of Morals*, Cambridge University Press, U.K, (1998 Reprinted)
- Nicos Stavropoulos, *Objectivity in Law*, Clarendon Press, Oxford, (1996)
- Oliver Wendell Holmes, "The Path of Law", *Harvard Law Review*, (1997)
- Richard A. Posner *Overcoming Law*, Harvard University Press, Cambridge, (1995),
- Richard A. Posner, *The Problematics of Legal and Moral Theory*, Harv.L.Rev, (1998)
- Richard J Pierce Jr. *A Comment on Imperfect Alternatives: Choosing Institutions in Law*, (1995)
- Sara, Joseph, *Political Theory & Power*, E.J. Brill, New York, (1988)
- Scott Brewer, *Exemplary Reasoning: Semantic, Pragmatics and the Rational Force of Legal Argument by Analogy*, (1996)
- Stanley Fish, "Almost Pragmatism: The Jurisprudence of Richard Posner, Richard Rotry & Ronald Dworkin" in Brint Michael & William Weaner (eds), *Pragmatism in Law and Society*, (1991)
- Stephen Guest, *Ronald Dworkin* (2<sup>nd</sup> ed), Edinbug University Press, (1997)
- Surendra Bhandari, *Word Trade Organization and Developing Countries*, Deep & Deep Publication, India. (1998)
- W. Friedmann, *Law in a Changing Society* (2<sup>nd</sup> ed), Sweet & Maxwell/Universal Boook Traders, (1997)
- Wayne, Morrison, *Jurisprudence: From Greeks to Post-Modernism*, Lawman India Ltd, (1997)
- William Twining, , *Globalization and Legal Theory*, Butterworth, London, (2000)

### Prescribed / References

Prescribed	References
1. Boyle James (ed), <i>Critical Legal Studies</i> , Darmouth Sydney, (1992)	1 Anaya, S.James, <i>Indigenous Peoples in International Law</i> , Oxford University Press, New York, (2000)
2. Freeman, M.D.A, <i>Lloyd's Introduction to Jurisprudence</i> , (International Student Edition), Sweet & Maxwell, London, (1996)	2 Baxi, Upendra (ed), <i>Poverty and Law</i> , N.M Tripathy, Bombay, (1988)
3. Friedmann, W, <i>Law in Changing Society</i> (2 <sup>nd</sup> ed), Sweet & Maxwell/Universal Book Traders, (1997)	3 Encyclopedia Americana
4. Ghai, Yash Pal, et.el <i>The Political Economy of Law a Third World Reader</i> , Oxford University Press, Delhi, (1987)	4 Encyclopedia Britannica
5. Greyor, Mary (ed), <i>Immanuel Kant, Groundwork of the Metaphysics of Morals</i> (Reprinted), Cambridge University Press, U.K., (1998)	5 Encyclopedia of Social Science.
6. Morrison, Wayne, <i>Jurisprudence: From Greeks to Post-Modernism</i> , Lawman India Ltd., (1997)	6 Harris, J.W <i>Legal Philosophies</i> , Butterworth, London, (1980),
7. Mukhia, Bal Bahadur, (January 2004), <i>Comparative Jurisprudence: Social, Political and Economic Dimensions of Law</i> , A &M Mukhia, Kathmandu, Nepal	7 Hart, H.L.A, <i>The Concept of Law</i> , Clarendon Press, (1994)
	8 Holmes, O.H., "The Path of Law", <i>Harvard Law Review</i> -5, (1997)
	9 Rawls, John, <i>A Theory of Justice</i> , Oxford University Press, (1972)
	10 Raz, Joseph, <i>The Authority of Law</i> , Clarendon Press, Oxford, London, (1997)

## Constitutional Law- I (Constitutionalism)

Course Title: <b>Constitutiona Law- I (Constitutionalism)</b>	Period Per Week: Four
Course No: Law 752	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description:

Constitutional Law-I (Constitutionalism) will critically focus on institutional part (the structural and functional aspects) of constitutional law. This will deal with major issues of Governance such as federalism, the formation of the government, interrelation among three wings of the government, separation of powers, checks and balances, emergency, amendment, interpretation, election, dissolution, constitutional bodies, president, parliament, judiciary, constitutional history of institutional development and modern trends etc. This paper will be basically focus on the provisions meant for ensuring effective functioning of limited government and it may be named as a "Governance".

### Course Objectives:

The objectives of the course are as follows:

- a. To produce creative and critical minds for good governance of the country;
- b. To give knowledge about institutional and functional aspects of constitutional law in depth and in comparative perspective so that they could be an effective support to executive, legislative and judicial wings of the government to improve the quality of their decisions.
- c. To be specialized constitutional experts and to help citizens for seeking their problems solved through legal institutions.
- d. To produce competent manpower capable enough to work at policy making level. More than application they should be active in analysis, evaluation and reform in existing laws and creation of new laws and institutions.

<u>Unit-1</u> <b>CONSTITUTION AND CONSTITUTIONALISM</b>					
<i>Objectives of the unit</i>	<i>Contents in the instructional unit</i>	<i>Time for each unit</i>	<i>Instructional technique for each unit</i>	<i>Instructio nal material for each unit</i>	<i>Assessment of each unit</i>
To give in depth and critical knowledge about the theoretical concept of constitutional	<b>CONSTITUTION AND CONSTITUTIONALISM</b> 1. Sources, Scope and nature of Constitution as a politico-legal document 2. Analysis of	8 periods /16 hrs	Lecture, discussions, question answers, case analysis	Text books and reference books	Identification of success stories and instances of failure in the process of Nepalese constitutionalism. Critical analysis

<p>law and constitutionalism and its operational modalities in the context of UK (where there is unwritten constitution) and federalism in INDIA, USA and Nepal (where there are written constitutions)</p> <p>The students will be given the critical knowledge about the concept of limited government and different mechanisms to ensure constitutionalism .</p>	<p>advantages and disadvantages of written and unwritten constitutions, unitary and federal constitutions, flexible and rigid constitutions.</p> <ol style="list-style-type: none"> <li>3. Basic Features of a federal constitution.</li> <li>4. General discussion about American federalism and Indian Federalism</li> <li>5. Concept of Constitutionalism and its operational modalities in the context of U.K /unwritten constitution and Nepal, India or USA/written constitutions.</li> <li>6. Legal and Political constitutionalism</li> <li>7. Problems and prospects of ensuring effective constitutionalism in Nepal.</li> </ol>				<p>of the reasons behind such failures and successes</p>
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• C.F. Strong, <i>Modern Constitutional Law</i></li> <li>• D.D Basu, <i>Constitutional Law of India</i></li> <li>• Surya P. Dhungel and others, <i>Commentary on the Nepalese Constitution</i>, Delf: Kathmandu, 1998</li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> <li>• H.M. Seervai, <i>Constitutional Law of India</i>, Delhi, Universal Book Traders, 1999, Vols. I, II, III</li> <li>• Hillary Barnnette, <i>Constitutional and Administrative Law</i></li> <li>• Hood &amp; Phillips, <i>Comparative Constitutions</i></li> <li>• K.C. Wheare., <i>Modern Constitutions</i></li> <li>• K.C.Wheare, <i>Federal Government</i></li> <li>• Kanak Bikram Thapa and Bharat Uprety (edi.), <i>Constitutional law of Nepal</i>, pub. by FREEDeAL</li> <li>• M.P.Jain, <i>Indian Constitutional Law</i>, Sixth edition, Reprint, Nagpur, Butterwards wadhawa, 2011</li> <li>• Ridges, <i>Constitutional Law of England</i></li> <li>• Sir Ivor Jennings, <i>Cabinet Government</i></li> <li>• Sir Ivor Jennings, <i>Parliament</i></li> </ul>					

<ul style="list-style-type: none"> <li>• Sir Ivor Jennings, <i>The Law and The Constitution</i></li> <li>• Stone, Seidman, Sunstein and Tushnet, <i>Constitutional Law</i></li> <li>• V. N Shukla, <i>Constitutional Law of India</i></li> <li>• Wade and Phillips, <i>Constitutional Law</i></li> </ul>					
<b>Unit-2</b> <b>PREAMBLE</b>					
To understand the increasing relevance of Preamble in modern constitutionalism	<u>PREAMBLE</u> 1. Constitutional status of preamble 2. Preamble, Basic structure and Interpretation of constitution	2 period 4 hr	Lecture, discussions, question answers, analysis of relevant cases from India and Nepal.	Text books, reference materials and cases.	Analysis of preamble in the constitution of Nepal and India
<b>Reading Materials</b> <ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• C.F. Strong, <i>Modern Political Constitutions</i>, London: Sidgwick and Jackson, 1963</li> <li>• D.D Basu, <i>Constitutional Law of India</i></li> <li>• Dhungel and others, <i>Commentary on the Nepalese Constitution</i></li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> <li>• H.M. Seervai, <i>Constitutional Law of India</i></li> <li>• Hillary Barnette, <i>Constitutional and Administrative Law</i>, Great Britain: Carendish Publishing, 2004</li> <li>• Hood &amp; Phillips, <i>Comparative Constitutions</i></li> <li>• K.C. Wheare., <i>Modern Constitutions</i></li> <li>• K.C.Wheare, <i>Federal Government</i></li> <li>• Kanak Bikram Thapa and Bharat Uprety (edi.), <i>Constitutional law of Nepal</i>, pub. by FREEDEAL</li> <li>• M.P.Jain, <i>Constitutional Law of India</i></li> <li>• Ridges, <i>Constitutional Law of England</i></li> <li>• Sir Ivor Jennings, <i>Cabinet Government</i></li> <li>• Sir Ivor Jennings, <i>Parliament</i>, Great Britain: Cambridge University Press, 1959</li> <li>• Sir Ivor Jennings, <i>The Law and The Constitution</i></li> <li>• Stone, Seidman, Sunstein and Tushnet, <i>Constitutional Law</i></li> <li>• V. N Shukla, <i>Constitutional Law of India</i></li> <li>• Wade and Phillips, <i>Constitutional Law</i></li> </ul>					
<b>Unit-3</b> <b>SEPARATION OF POWERS WITH DOCTRINE OF CHECK AND BALANCE</b>					
To give the critical idea of separation of powers and doctrine of check and balance as it is applied in USA, India, UK and Nepal.	<u>SEPARATION OF POWERS WITH DOCTRINE OF CHECK AND BALANCE</u> 1. Separation of powers and check and balance in U.S constitution: relevant provisions, interpretations and applications. 2. Separation of powers	6 periods/ 12 hrs	Lecture, discussions, question answers, analysis of relevant cases from USA, India and Nepal.	Text books, reference materials and cases.	Discussion on hypothetical problems of violation of separation of powers and the remedies available for such problems under the constitutional

	and check and balance in India and U.K constitution: relevant provisions, interpretations and applications.				law of Nepal
	3. Separation of Powers and check and balance in Nepalese constitution: relevant provisions, interpretations and applications.				

#### Reading Materials

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- C.F. Strong, *Modern Political Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*, Delhi: Universal Book Traders, 1999, Vol. I, II and III
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*, London: Oxford University Press, 1966
- K.C.Wheare, *Federal Government*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDeAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

#### Unit-4

#### RULE OF LAW

To give critical knowledge about the changing dimensions of the concept and content of the Rule of Law and its enforcement through constitutional mechanisms	<u>RULE OF LAW</u> 1. Critical analysis of the concept and content of Rule of Law. 2. Rule of Law and parliamentary sovereignty in UK. 3. Rule of law, basic structure theory and judicial supremacy. 4. Rule of Law and the Interim Constitution of Nepal. 5. Institutions responsible	4 periods/ 8 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials and cases.	Assessment of Rule of Law situation in Nepal and identification of problem areas and constrains in enforcement of Rule of law in Nepal.
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in different countries.	for enforcement of Rule of Law.				
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• C.F. Strong, <i>Modern Political Constitutions</i></li> <li>• D.D Basu, <i>Shorter Constitution of India</i>, Nagpur, Wadhwa, 2001</li> <li>• Dhungel and others, <i>Commentary on the Nepalese Constitution</i></li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> <li>• H.M. Seervai, <i>Constitutional Law of India</i></li> <li>• Hillary Barnette, <i>Constitutional and Administrative Law</i></li> <li>• K.C. Wheare., <i>Modern Constitutions</i></li> <li>• K.C.Wheare, <i>Federal Government</i>, Kal</li> <li>• Bharat Uprety, Kalyan Shrestha and Kanak Bikram Thapa (edi.), <i>Constitutional law of Nepal</i>, Kathmandu, FREEDEAL, 1997</li> <li>• M.P.Jain, <i>Constitutional Law of India</i></li> <li>• Ridges, <i>Constitutional Law of England</i></li> <li>• Sir Ivor Jennings, <i>Cabinet Government</i>, Great Britain: Cambridge University Press, 1959</li> <li>• Sir Ivor Jennings, <i>Parliament</i></li> <li>• Sir Ivor Jennings, <i>The Law and The Constitution</i></li> <li>• Stone, Seidman, Sunstein and Tushnet, <i>Constitutional Law</i></li> <li>• V. N Shukla, <i>Constitutional Law of India</i></li> <li>• Wade and Phillips, <i>Constitutional Law</i></li> </ul>					
<p><b>Unit-5</b> <b>EXECUTIVE</b></p>					
<p>To give a critical idea of executive wings of the Government.</p> <p>To study their role and limitations from the point of view of constitutional, organizational and functional point of view.</p>	<p><u>EXECUTIVE</u></p> <ol style="list-style-type: none"> <li>1. President as a head of state: its election process and its constitutional role</li> <li>2. The formation of the cabinet government and its relation with the President.</li> <li>3. The collective responsibility of the cabinet and its accountability to the parliament.</li> <li>4. The role and responsibility of the Prime Minister in the constitutional set up of Nepal.</li> </ol>	<p>6 periods/ 12 hrs</p>	<p>Lecture, discussions, question answers, case analysis</p>	<p>Text books, reference materials, articles and cases.</p>	<p>Assessment of functioning of President in Nepal under the Interim Constitution and its comparison with the constitutional monarchy in the past.</p>
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• C.F. Strong, <i>Modern Political Constitutions</i></li> <li>• D.D Basu, <i>Constitutional Law of India</i></li> <li>• Dhungel and others, <i>Commentary on the Nepalese Constitution</i></li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> </ul>					



- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*
- K.C.Wheare, *Federal Government*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

### Unit-6

### LEGISLATURE

<p>To give a critical idea of the legislative wings of the Government with special focus on parliament as a final body to decide the law, policy and money matters of the government.</p> <p>To study their role and limitations from the point of view of constitutional, organizational and functional point of view.</p>	<p><u>LEGISLATURE</u></p> <ol style="list-style-type: none"> <li>1. Role and responsibility of Constituent Assembly as National Parliament</li> <li>2. Parliamentary control over executive</li> <li>3. Privileges of parliament</li> <li>4. Defection in parliament</li> <li>5. Committee system in parliament and its comparison with the committee system of UK</li> <li>6. The role of the opposition</li> <li>7. Critical analysis of the role of the speaker.</li> </ol>	<p>6 periods/ 12 hrs</p>	<p>Lecture, discussions, question answers, case analysis, discussion of political behaviors</p>	<p>Text books, reference materials, articles and cases.</p>	<p>Assessment of functioning of parliamentary system in Nepal under the Interim Constitution and its comparison with the functioning of parliamentary system in UK.</p>
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#### **Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*, Tenth edition, New Delhi, Universal Law Publication Co. Pvt. Ltd, 2003
- C.F. Strong, *Modern Political Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*

- Gerald Gunther, *Constitutional Law*, Newyork: The foundation Press Inc., 1986
- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*
- K.C.Wheare, *Federal Government*, London, The English Language Book Society and Oxford University Press, 1968
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-7**  
**CONSTITUENT ASSEMBLY**

To give an idea about the composition, working process and constitution making process of constituent assembly.	<u>CONSTITUENT ASSEMBLY</u> 8. Process of election of constituent assembly 9. Process of constitution making 10. Committee system in constitution making process	4 periods/ 8 hrs	Lecture, discussions, question answers, comparative analysis	Text books, reference materials, articles .	Assessment of constitution making process in India, America and Nepal
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- C.F. Strong, *Modern Political Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Constitutional Administrative Law*, Sweet and Maxwell, 1978
- K.C. Wheare., *Modern Constitutions*
- K.C.Wheare, *Federal Government*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-8**  
**JUDICIARY**

<p>To give comprehensive and critical knowledge about the constitutional role of the judiciary (specially Supreme Court) in enforcing constitutional limitations, fundamental rights and directive principles of state policy. To make a performance evaluation of the Supreme Court with the critical analysis of the cases decided by it.</p>	<p><b>JUDICIARY</b></p> <ol style="list-style-type: none"> <li>1. Independence of judiciary: theory and practice.</li> <li>2. Judicial review and democracy</li> <li>3. Power to enforce fundamental and legal rights</li> <li>4. Scope of judicial review in Nepal (constitutional amendments, legislation and administrative action) and its comparison with the scope of judicial review in UK</li> <li>5. Political question doctrine and its application in India, USA and Nepal</li> <li>6. Public Interest Litigation and judicial activism: constitutional mandate and its interpretations (comparison with the practice in India and USA)</li> <li>7. Contempt of court</li> <li>8. Extra-ordinary, ordinary and advisory jurisdiction of the Supreme Court.</li> </ol>	<p>12 periods/ 24 hrs</p>	<p>Lecture, discussions, question answers, case analysis, discussion of political behaviors</p>	<p>Text books, reference materials, articles and cases.</p>	<p>Comparative analysis of scope of judicial review in Nepal and UK and discussion on the reasons behind the difference.</p>
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*, Tenth Edition, New Delhi: Universal Law Publishing Co., Pvt. Ltd., 2003
- C.F. Strong, *Modern Political Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*
- K.C.Wheare, *Federal Government*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREDEAL
- M.P.Jain, *Constitutional Law of India*

- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-9**  
**MISCELLANEOUS**

<p>1.To give critical knowledge about the constitutional regulations, limitations and registration of political parties.</p> <p>2.To give a critical idea about the Constitutional Bodies under the scheme of the Interim Constitution of Nepal and the jurisprudential basis for their creation as autonomous bodies.</p> <p>3.To give knowledge about the process and limitations on constitution amending power.</p> <p>4.To give a critical and comparative idea of emergency provisions in India, USA and Nepal</p>	<p><u>MISCELLANEOUS</u></p> <p>1. Political Parties: constitutional requirements, limitations and immunities.</p> <p>2. Constitutional Bodies: problems and prospects of their independence and their relation with other wings of the government (special focus on Abuse of Authority Investigation Commission as an Ombudsman and Election Commission)</p> <p>3. Procedural and substantive limitations on power of constitutional amendment in Nepal (with special reference and comparison to Basic Structure theory of India). Constitutional amendments through judicial interpretation and development of conventions</p> <p>4. Emergency power in Nepal and its comparison with Indian and US system.</p>	<p>10 periods/ 20 hrs</p>	<p>Lecture, discussions, question answers, case analysis, discussion of political behaviors</p>	<p>Text books, reference materials, articles and cases.</p>	<p>Assessment of behavior of political parties in the context of constitutional vision and identification of provisions which need to be reformed.</p> <p>Assessment of practical problems faced by these bodies in realizing constitutional independence</p> <p>Identification of provisions requiring amendments and see how far they are consistent with basic structure of the Interim Constitution of Nepal.</p> <p>Assess the constitutional provisions of Emergency and see if it can work in the geo-political context of Nepal.</p>
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- C.F. Strong, *Modern Political Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*
- K.C.Wheare, *Federal Government*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDeAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-10**

**MODERN TREND AND DEVELOPMENT OF CONSTITUTION**

To give an idea about the new trends in constitutional development in democratic countries of the world (including Nepal) and make an assessment of their relevance for Nepal.	<u>MODERN TREND AND DEVELOPMENT OF CONSTITUTION</u>	4 <sup>1</sup> /2 periods/ 9 hrs	Lecture, discussions, question answers, case analysis, discussion of political behaviors	Journals, Text books, reference materials, articles and cases.	Assess how far Nepalese constitution has kept in track with the new trends of constitutional development around the world.
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- C.F. Strong, *Modern Political Constitutions*
- Cart, J. Friedrich, *Constitutional Government and Democracy*, New Delhi: Oxford and IHB Publishing Co. 1974
- D.D Basu, *Constitutional Law of India*
- David M. O'Brien, *Constitutional Law and Politics, Struggle for Power and Government Accountability*, Volum One, Sixth Edition, New Yourk:
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hillary Barnnette, *Constitutional and Administrative Law*
- Hood & Phillips, *Comparative Constitutions*
- K.C. Wheare., *Modern Constitutions*

- K.C.Wheare, *Federalism*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- M.P.Jain, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Sir Ivor Jennings, *Cabinet Government*
- Sir Ivor Jennings, *Parliament*
- Sir Ivor Jennings, *The Law and The Constitution*, London: The English Language Book Society and Hoddr and Stoughlon, 1976
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*
- WW Norton and Company, 2005, *Constitutional Law and Politics, Civil Rights and Civil Libertis*, Volum Two, Sixth Edition, New York: WW Norton and Company, 2005

### **Reading Materials**

1. The students are also required to study the following materials:
  - a. The research articles published in different journals of Nepal and abroad.
  - b. The materials supplied by the teacher in the class.
  - c. Cases prescribed by the teacher in the class.

## Commercial Law-I

Course Title: <b>Commercial Law-I</b>	Period Per Week: Four
Course No: Law 753	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

The course is designed to familiarize students with different aspects of commercial law focusing on company law. The course gives the students in-depth knowledge on incorporation and operation of company, corporate management, corporate governance, corporate finance, merger and acquisition, winding up of a company and MRTP issues and promotion of competition.

### Course objectives:

- To familiarize the students with the basic issues of contemporary Company/Corporation Law and enable them to suggest the best solution to tackle those issues.
- To impart comparative and critical knowledge of commercial law of Nepal as compared to the Laws of EU, India, UK, USA and others as relevant.
- To enable the students to make critical appreciation of leading cases.

### Unit 1 Incorporation and Operation of Company

Objectives	Contents	Time allotted	Inst Tech.	Ins. Materials	Eva. Tech
To enable the students to understand and explain the theoretical and practical aspects of formation, operation and regulation of companies as well as company contracts critically and comparatively	1. Formation, Operation and Regulation of Companies 2. Company Contracts	16 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• Dr. Chakhun, H.S., <i>Worker's Participation in Management</i>, Commercial Law Journal, Vol I, 2004</li> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London)., Ch. 1-5, 12-14</li> <li>• Mayson, et. al. <i>Company Law</i>, Ch 1-5</li> <li>• Morse, G. <i>Company Law</i>, Sweet &amp; Maxwell.</li> <li>• <i>Palmer's Company Law</i> (in vols), Ch-1-2</li> <li>• Saharary, H.K. <i>Company Law</i>.</li> </ul>					
<b>Unit 2 Corporate Management</b>					
-To make the students able to understand and examine the various roles of shareholders,	1. Roles of shareholders, directors and other organs and officers of	34 hrs	do	do	do

<p>directors and other organs and officers of the company</p> <p>-To familiarize how employees and workers participate in corporate management.</p> <p>-To explain the voting process and rights of shareholders in private public companies</p> <p>-To acquaint with legal measures for the protection of minority shareholders and prevention of mismanagement.</p>	<p>the company</p> <p>2. Worker, participation in management.</p> <p>3. Voting process and rights of shareholders</p> <p>4. Prevention of oppression of minority shareholders</p> <p>5. Prevention of mismanagement of a company</p>				
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London)., Ch.,1, 5, 8, 9, 13, 14,16, 18, 19, 22, 23, 26</li> <li>• Mayson, et. al. <i>Company Law</i>. Ch 14-18</li> <li>• Morse, G. <i>Company Law</i>, Sweet &amp; Maxwell, Ch-12, 14-17</li> <li>• <i>Palmer's Company Law</i> (in vols), Ch-52-53,69</li> <li>• Saharary, H.K. <i>Company Law</i></li> <li>• Sangal, P.S., <i>National and Multinational Companies: Some legal issues</i>, Ch 1, 2</li> </ul>					
<p><b>Unit 3 Corporate Governance</b></p>					
<p>To help the students get thorough understanding and also acquire expressive power on incorporation aspects; ultravires doctrine, powers, duties and liabilities of Board of Directors and Shareholders, the rule in Royal British Bank v Turquand and the doctrine of indoor management.</p> <p>Further to enable the students to get a clear understanding of the concept of Corporate governance and its relationship within a firm or company and its connection outside agents.</p> <p>To familiarize with the philosophy of modern corporation and make an evaluation of corporate social responsiveness</p>	<p>1. Corporate Powers and Liability, Corporate governance</p> <p>2. Social Responsibilities of companies</p>	14 hrs	do	do	do
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London)., Ch. 8-9</li> <li>• <i>Palmer's Company Law</i> (in vols), Ch-26-27</li> </ul>					
<p><b>Unit 4 Corporate Finance</b></p>					
<p>To give the students a thorough understanding of various aspects of corporate finance in which they will make an examination of contemporary corporate practices in dealing with company capital, corporate securities dividend, bonus shares, rights issue.</p>	<p>1. Corporate finance: Share Capital, Bonus Shares, Right Issue, Corporate Securities (Share</p>	38 hrs	do	do	do



To examine the law and practice of securities exchange business as well as aspect of abuse of insider trading and other restraints imposed to curb it in Nepal and elsewhere (USA, EU and India)	Debenture, Bonds) 2. Public Securities Sales 3. Insider Trading 4. Accounts and Auditing of a company				
To give thorough understanding of recent accounts and auditing practice of companies					
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London), Ch. 9-16, 18, 20, 23</li> <li>• <i>Palmer's Company Law</i> (in vols), Ch-39-43</li> </ul>					
<b>Unit 5 Merger and Acquisition</b>					
To make the students able to explain the modern trends of corporate mergers and acquisition of companies; show the drawbacks of the Nepalese company law in this regard, and also suggest ways and means for its improvement.	1. Merger of Company 2. Acquisition of Company	6 hrs	do	do	do
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London), Ch. 27-28</li> <li>• Morse, G. <i>Company Law</i>, Sweet &amp; Maxwell, Ch-27-31</li> <li>• Mayson, et. al. <i>Company Law</i>, Ch 20</li> </ul>					
<b>Unit 6 Winding up of a Company</b>					
To help the students get a thorough understanding of legal process of winding up including liquidation, insolvency and dissolution of company.	1. Voluntary 2. Compulsory	9 hrs	do	do	do
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London).</li> </ul>					
<b>Unit 7 MRTP Issues and Promotion of Competition</b>					
To make the students able to understand and examine the modern law and practice against MRTP and Promotion of Competition and Consumer protection.	1. MRTP issues 2. Promotion of Competition 3. Consumer Protection	8 hrs	do	do	do
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• <i>Gower's Principles of Modern Company Law</i>. (Sweet &amp; Maxwell, London).</li> </ul>					

### **Reading Materials (Latest edn.)**

Prescribed Reading Materials	Recommended Reference Materials
<b>1) Acts (up to date).</b> 1. The Company Act, 2063 (2007) 2. The Competition Act, 2063 (2007) 3. The Consumer Protection Act, 2054 (1993) 4. The Contract Act, 2056 (2000) 5. The Corporation Act, 2021 (1964)	1. Bhandari, M.C.: <i>Guide to Company Law Procedure</i> (in parts). 2. Boyle & Birds <i>Company Law</i> , Universal Law Publishing Co. Pvt. Ltd.,

6. The Insolvency Act, 2063 (2007)	6. Delhi.
7. The Securities Exchange Act, 2063 (2007)	3. <b>Datta on the Company Law</b> (Orient Law House, New Delhi).
<b>2) Prescribed Books (Latest edn.)</b>	4. Elake A. & Bond, H.J. <b>Company Law</b> , U.K.
1. <b>Butterworth's Company Law</b> (London)	5. Eourne N. <b>Company Law</b> .
2. <b>Gower's Principles of Modern Company Law</b> . (Sweet & Maxwell, London).	6. Fox D. & Bowen, M. <b>The Law of Private Companies</b> , Sweet & Maxwell, London.
3. Krakman R.et.al, <b>The Anatomy of Corporate Law</b> , New York, Oxford , 2004.	7. Hicks, A & Goo, S.H. <b>Cases &amp; Materials on Company Law</b> , U.K.
4. <b>Palmer's Company Law</b> (in vols)	8. Hirani, M.H. <b>The Company Law Related to Social Responsibility of Company Directors</b> , APH Pub. Corp., New Delhi.
5. <b>Palmer's Corporate Insolvency</b> (in vols). (Sweet & Maxwell, London)	9. Jacoby N.H. <b>Corporate Power and Social responsibility</b> , Macmillan Pub, New York.
6. Pennigton R.R., <b>Company Law</b> . (Butterworth's)	10. Karki, Bharat B. "Development of Company Law and Practice in Nepal", in S.P. Dhungel (ed), <b>The Legal System of Nepal</b> , Delhi, (1985)
7. Romano, R: <b>Foundations of Corporate Law</b> , New York, Foundation Press, 1993.	11. Kraus & Walt (ed). <b>The Jurisprudential Foundations of Corporate and Commercial Law</b> , Cambridge University Press. (2000)
<b>3) Prescribed Cases:</b>	12. Mayson, et. al. <b>Company Law</b>
1. 1. <i>Bedkrishna Shrestha v. Govinda Krishna Shrestha</i> , Kanoon Bibaranika, 2041, year 2, additional 1.	13. Morse, G. <b>Company Law</b> , Sweet & Maxwell.
2. <i>Bhuminanda Sharma Dawadi v. HMG</i> , 062/5/6, Some Landmarks Precedents of Supreme Court on Commercial Law, ist. ed., (1959-2005)	14. Ramaiya, A. <b>Guide to Companies Act</b> (in parts), Wadwa & Company, New Delhi.
3. <i>Himalayan Securities and Finance Ltd. v. District Administration office, Kathmandu</i> , NKP 2060 (Aashad-Shrawan)	15. Saharary, H.K. <b>Company Law</b> .
4. <i>Jhavarmal Goenka v. Rastriya Baniyja Bank, Janakpur</i> , NKP, 2042/180 (Locus standi)	16. Other materials including other Articles, Cases and Reports to be supplied by the concerned Teacher.
5. <i>Maheshowar Sharma Poudel v. Jagadish Aagrwal</i> , Some Landmark Precedents of the Supreme Court on Commercial Law ist.ed., (1959-2005), SC, 2006.	
6. <i>Maheshowerman Shrestha v. HMG Council of Ministers et.al.</i> , writ no.2511 (2052), Date of Decision 2054/8/6, Some Landmark Precedents of the Supreme Court on Commercial Law, ist. ed. (1959-2005), SC, 2006	
7. <i>Mohan Lal Shrestha v. Bijaya K. Shaha</i> , NKP, 2055/425 (Legal Personality)	
8. <i>Prakash Bahadur Singh et.al v. Nepal Match Co. et.al.</i> , NKP 2045/655	
9. <i>Prakash Shrestha v. HMG</i> , Nepal, NKP, 2061/687 (Separate Legal Personality)	
10. <i>Purusottam Acharya v. Boris and Restaurant Pvt. Ltd.</i> NKP 2044/934 (Locus standi)	
11. <i>Shankarlal Agrawal v. Nepal Lever Ltd. et.al.</i> , Some Landmark Precedents of the Supreme Court on Commercial law, ist.ed. (1959-2005), SC, 2006.	
12. <i>Shushila Rani Rana v. Hotel Jaya International</i> , NKP, 2041/259 (Locus standi)	
13. <i>Tej Raj Pant v. Board of Directors, Timber Corporation et.al.</i> NKP 2044/895 (Government Company)	
14. <i>Tulkaman Lama v. Prime Minister et. al</i> , NKP, 2061/731 (Corporate Social Responsibility)	
15. <i>Yogi Narahari Nath v. Prime Minister Girija Prasad Koirala et.al.</i> NKP, 2053/33 (Social Responsibility)	

## International Law-I

Course Title: <b>International Law-I</b>	Period Per Week: Four
Course No: Law 754	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

The course is designed to impart the basic knowledge and information of international law to LLM Students in such a way as to inculcate in them an understanding of the importance of the international law and at the same time to equip them with an analytical approach for the resolution of problems concerning national/international matters. This course shall be taught with reference to Nepalese Laws, Treaties, and Practice as applicable. This course is optional for Master of Laws programme students.

### Objectives

- To acquaint the students with concept and status of international law;
- To enable them to make a critical appraisal of the functioning of the international law;
- To enable them to evaluate problems in the field and thereby seek domestic and international solutions.
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### Unit-I

#### Introduction of International Law

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To familiarize the students with the origin, development, sources and evidence of international law. It also aims to deal with the relationship of international law and municipal law. The increasing role of individuals and private corporations in the international plane would also be dealt with.	<b>Introduction to International Law:</b> - Origin & Development of International Law - Sources and Evidence of International Law. - Relation between International Law and Municipal Law - Subject of International Law.	<b>20 hrs.</b>	<b>Lecture/Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis / Seminar</b>	Text & reference books, articles etc reading materials along with selected cases, seminar papers and other reference materials. Power-point presentation.	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as possible.
<b>Reading Material:-</b> <ul style="list-style-type: none"> <li>• Akehurst's <i>Modern Introduction to International Law</i>, Peter Malanczuk, 1997 Routledge, London and New York.</li> </ul>					

- D. J. Harris, *Cases and Materials on International Law*, Fourth edition, Sweet & Maxwell, 1991, Reprint (1994)
- Damrosch, Lori F. & et. al, *International Law, Cases and Materials*, Fourth Edition, West Publishing Co., United States of America.
- Elizabeth, Beyerly, *Public International Law: A Guide to Information Sources*. London : Mansell Publishing Ltd., (1991)
- *Encyclopedia of Public International Law* / Published under the auspices of the Max Planck Institute for Comparative Public Law and International Law; under the direction of Rudolf Bernhardt. [Consolidated library ed.] Amsterdam; New York: North-Holland Pub. Co.; T. O. Elias, New Horizons In International Law, Second Revised Edition, Martinus Nijhoff Publishers, Dordrecht/Boston/London. (1992)
- George Schwarzenberger, *A Manual of International Law*, Fifth Edition, Universal Law Publishing Company Pvt. Ltd., (2000)
- Guide to *International Legal Research* / compiled by the editors and staff of the George Washington University Journal of International Law and Economics. Charlottesville,
- Henkin & et. al, *International Law*, Fourth Edition, Basic Documents Supplement, West Group.
- Ian Brownlie (edi) *Basic Documents in International Law* /, 4th ed. Oxford: Clarendon Press; New York: Oxford University Press, (1995)
- Ian Brownlie, *Principles of Public International Law*, Sixth Edition, Oxford University Press, (2003)
- James R Fox, *Dictionary of International and Comparative Law*. U.S.A.: Oceana Publications, (1997)
- Janis W. Mark, et.al *International Law, Cases and Commentary*, Thornton/ West, 3rd edition (2006)
- Malcom Shaw N, *International Law*, Fifth Edition, Cambridge University Press, 2003.
- Oppenheim's *International Law*, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd, 1996. First Indian Reprint, (2003)
- R. Higgins, *The Development of International Law through the Political Organs of the United Nations*, Oxford University Press London (1969) (Reprint)
- Rebecca MM Wallace, *International Law*, Third Edition, Universal Law Publishing Company, (2003)
- V. D. Degan, *Sources of International Law*. The Hague: Martinus Nijhoff Publishers, (1997)

## Unit-II

### Law of Treaties

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To acquaint the students with origin and development to law of treaties. The main features of Vienna Convention on Law of Treaties, 1969 such as the conclusions and entry into force, reservations, observance,	Law of Treaties : Definition and Governing Law - Conclusion and Entry into Force - Reservations - Observance, Application and Interpretation. - Invalidity of Treaties	<b>20 hrs.</b>	<b>Lecture/Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis / Seminar</b>	Text & reference books, articles etc reading materials along with selected cases, seminar papers and other reference	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as possible.

<p>applications and interpretations besides invalidation, termination and suspension of treaties The Constitutional provision of State of Nepal dealing with Treaty, Treaty Act, 1990 and some reported cases of State of Nepal would also be dealt with. By this, students are supposed to acquire the knowledge of different consequences of treaty aspects so that they acquire adequate skill and expertise to work as negotiators in the future.</p>	<p>- Termination or Suspension of Treaties. - Constitutional and Legislative measures of State of Nepal including the status of treaty provisions in national courts.</p>			<p>materials. Power-point presentation.</p>	
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**Reading Material:-**

- *Akedurst's Modern Introduction to International Law*, Peter Malanczuk, Routledge, London and New York. (1997)
- D. J. Harris, *Cases and Materials on International Law*, Fourth edition, Sweet & Maxwell, 1991, (Reprint 1994)
- George Schwarzenberger, *A Manual of International Law*, Fifth Edition, Universal Law Publishing Company Pvt. Ltd., (2000)
- Henkin & et. al, *International Law*, Fourth Edition, Basic Documents Supplement, West Group.
- I.M. Sinclair, *The Vienna Convention on Law of Treaties*, Manchester University Press, (1973)
- Ian Brownlie, (edi) *Basic Documents in International Law*, 4th ed. Oxford: Clarendon Press; New York: Oxford University Press, (1995)
- Ian Brownlie, *Principles of Public International Law*, Sixth Edition, Oxford University Press, (2003)
- Jan Klabbbers, *The Concept of Treaty in International Law*, Kluwer Law International The Hague, London, Boston, (1996)
- Lori F. Damrosch & et. al, *International Law, Cases and Materials*, Fourth Edition, West Publishing Co., United States of America.
- Malcom N. Shaw, *International Law*, Fifth Edition, Cambridge University Press, (2003)
- Narayan Belbase, & et. al, *National Implementation of the Convention on Biological Diversity*, IUCN, Nepal, (1999)
- Oppenheim, *International Law*, Longman London, (1970)
- Oppenheim's *International Law*, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd,

- 1996. First Indian Reprint, (2003)
- Rebecca MM Wallace, *International Law*, Third Edition, Universal Law Publishing Company, (2003)
- S. Rosenne, , *Breach of Treaty*, Cambridge University Press, London, (1990)
- T. O. Elias, *New Horizons In International Law*, Second Revised Edition, Martinus Nijhoff Publishers, Dordrecht/Boston/London, (1992)
- T.O. Elias *The Modern Law of Treaties*, Oceana, Dobbs NY.(1974)

### Unit-III

#### Diplomatic & Consular Relations

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To impart analytical skill and knowledge to the students of the international law on diplomatic & consular relations besides the functions, privileges and immunities provided to them. Act relating to Immunities and Privileges to Foreign State and Diplomatic Representative, 1970 of State of Nepal would also be dealt with besides some reported cases and practice.	<b>Diplomatic &amp; Consular Relations:</b> - Development of Diplomatic Privilege and Immunities. - Vienna Convention on Diplomatic Relations, 1961. - Appointment, , Function of Diplomatic Mission, Immunities and Privileges of Diplomats and Inviolability - Vienna Convention on Consular Relations, 1963 - Appointment, Function of Consuls - Immunities and Privileges of Consuls and Diplomats - Immunities of State Representative, International Organizations, Their Agents, Officials and Invitees. - Nepalese Law	<b>20 hrs.</b>	<b>Lecture/Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis / Seminar</b>	Text & reference books, articles etc reading materials along with selected cases, seminar papers and other reference materials. Power-point presentation .	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as possible.

#### Reading Material:-

- *Akedurst's Modern Introduction to International Law*, Peter Malanczuk, 1997 Routledge, London and New York.
- D. J. Harris, *Cases and Materials on International Law*, Fourth edition, Sweet & Maxwell, 1991, Reprint (1994)
- George Schwarzenberger, *A Manual of International Law*, Fifth Edition, Universal Law Publishing Company Pvt. Ltd., (2000)

- Henkin & et. al, *International Law*, Fourth Edition, Basic Documents Supplement, West Group.
- Ian Brownlie, (edi) *Basic Documents in International Law* 4th ed. Oxford: Clarendon Press; New York: Oxford University Press, (1995)
- Ian Brownlie, *Principles of Public International Law*, Sixth Edition, Oxford University Press, (2003)
- Lori F. Damrosch & et. al, *International Law, Cases and Materials*, Fourth Edition, West Publishing Co., United States of America.
- Luke T. Lee, *Consular Law and Practice*, Clarendon Press, Oxford (1991)
- Malcom N. Shaw, *International Law*, Fifth Edition, Cambridge University Press, 2003.
- Oppenheim, *International Law*, Longman London (1970)
- *Oppenheim's International Law*, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd, 1996. First Indian Reprint, (2003)
- Rebecca MM Wallace, *International Law*, Third Edition, Universal Law Publishing Company, (2003)

#### Unit-IV

#### Law of the Sea and International Watercourse Law :

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To impart essential knowledge & skill to students about the genesis and legal provisions on different aspects to law of sea and to enable them for the analytical and rational assessment of the provisions of the law of sea. This will help them formulate their viewpoints independently on different issues connected with the law of the sea like those of transit and trade besides exploration of exploitation of seas by land locked states. International Watercourse: Non-Navigational Uses will also be dealt with. This topic would enable	Law of the Sea and International Watercourse Law : -Development of Law of Sea. -United Nations Conventions on Law of the Sea, 1982: -Territorial Sea and right to innocent Passage -Contiguous Zone, Exclusive Economic Zone, Continental Shelf, High Seas. -Marine Environment and Marine Scientific Research. -Trade and Transit Rights of Land Locked States. -Seabed Authority. -International Watercourse Law: Non-navigational Uses, Information of	20 hrs.	Lecture/Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis / Seminar	Text & reference books, articles etc reading materials along with selected cases, seminar papers and other reference materials. Power-point presentation.	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as possible.

student to understand importance of international watercourse law. Information of Navigational Uses.	Navigational Uses in Brief.				
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**Reading Material:-**

- Ian Brownlie, *Principles of Public International Law*, Sixth Edition, Oxford University Press, (2003)
- Kishor Uprety, *The Transit Regime for Land Locked States*, The World Bank, (2006)
- L.K. Upadhyaya, , Reflection on the Problems and Prospects of Landlocked Countries in International Law, *Nepal Law Review*, Vol. 1 (3), (Oct-Dec, 1978)
- --- , A Review of Doctrinal Foundation of the Right of Free Access to the Sea for Landlocked Countries, *Nepal Law Review* Vol. 3 (2), (Oct. 1979)
- ----- , Views on Fishing Rights of Landlocked Countries in the EEZ under the new convention of Law of the Sea (1982), *Nepal Law Review*, Vol. 9 (1), (July 1985)
- ----- , Evolution of the concept of Continental Shelf and Law of the Sea, *Nepal Law Review*, Vol. 9 (4), (April 1986)
- ----- , Representation of Landlocked and Geographically Disadvantaged Countries in the Council of International Seabed Authority, *Nepal Law Review*, Vol. 10 (1), (July 1987)
- ----- , Regional Cooperation in South Asia and Landlocked Nepal, *Nepal Law Review*, Vol. 10 (3), (1987)
- Lori F. Damrosch & et. al, *International Law, Cases and Materials*, Fourth Edition, West Publishing Co., United States of America.
- O'Connel, *Law of the Sea* (Vols2), Oxford University Press, London (1982)
- *Oppenheim's International Law*, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd, 1996. First Indian Reprint, (2003)
- R.P.Anand, *Origin and Development of Law of the Sea*, N.M. Tripathi Bombay, (1982)
- Stephen McCaffrey, *The Law of International Watercourse: Non-navigational Uses*, University Press, (2001)
- United Nations Convention on the Law of the Sea, 1982 United Nations, New York.

**Unit-V**

**Law of the Air and Outer Space:**

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To familiarize the students with the laws of Air and Outer Space. Air Carriers Liability towards passengers and cargo especially under Montreal Convention, 1999,	Law of the Air and Outer Space: - Development of Air Law. - Main Features of Chicago Convention, 1944. - Air Carrier's Liability towards	25 hrs.	Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question	Text & reference books, articles etc reading materials along with selected cases, seminar	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as



<p>Warsaw Convention, 1929 and Hague Protocol, 1955 etc would be dealt with. Some of the reported cases experienced by aggrieved Nepalese from national and international law perspective would also be dealt with. Civil Aviation policies and legislations of State of Nepal would also be dealt with. The main objective of this topic is to provide comparative perspective to students, who eventually would know the practical aspects of civil aviation legislations from international and domestic perspectives.</p>	<p>Passengers and Cargo under different Conventions' Regime</p> <ul style="list-style-type: none"> <li>- Civil Aviation Policies and Legislations in Nepal.</li> <li>- The Law of Outer Space and Celestial Bodies</li> <li>- Liability For Accidents</li> <li>- Recent Trends.</li> </ul>		<p><b>answer, case analysis / Seminar</b></p>	<p>papers and other reference materials. Power-point presentation .</p>	<p>possible.</p>
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**Reading Material:-**

- Georgette Miller, *Liability In International Air Transport*, The Warsaw System in Municipal Courts, Kluwer-Denver, The Netherlands.
- H. Drion, *Limitation of Liabilities In International Law*, The Hague, Martinus Nijhoff, (1954)
- H.A. Wassenbergh, , *Aspect of Air Law and Civil Air Policy in the Seventies*, Nijhoff, The Hague, (1970)
- Lori F. Damrosch & et. al, *International Law, Cases and Materials*, Fourth Edition, West Publishing Co., United States of America.
- McWhinney, Adward, *Freedom of the Air*, Sijhoff, Leyden (1968)
- Millar, Georgette, *Liability in International Air Transport*, Kluwer, The Netherlands, (1994)
- *Oppenheim's International Law*, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and
- Shawcross and Beaumont, *Air Law*, Fourth Edition, London Butterworths and Volume 1 to 3 (2007-2008) on Treaties and EC Materials.

## Unit-VI Dispute Settlement

Objectives	Contents	Time Allotted	Inst. Tech.	Inst. Mat	Eva. Tech.
To familiarize the students with different aspects of the settlement of disputes. Such aspects include non-adjudicatory procedures, Judicial Settlement procedures such as International Court of Justice besides the dispute settlement mechanism under the United Nations Convention on Law of the Sea, III and World Trade Organization.	<b>Dispute Settlement :</b> - Amicable and Non-Adjudicatory <b>Procedure:</b> Negotiation, Good Offices, Inquiry, Mediation, Conciliation - Dispute Settlement through United Nations and Other International Organizations, Regional Organizations - Arbitration Judicial Settlement: The International Court of Justice, Other form of Dispute Settlement and Specialized International Tribunals - Outline of non-amicable settlements of disputes	20 hrs.	<b>Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis / Seminar</b>	Text & reference books, articles etc reading materials along with selected cases, seminar papers and other reference materials. Power-point presentation.	Verbal and written presentation. Presentation of term paper and discussion on it. Each one should participate as much as possible.
<b>Reading Material:-</b> <ul style="list-style-type: none"> <li>• Akedurst's <i>Modern Introduction to International Law</i>, Peter Malanczuk, 1997 Routledge, London and New York.</li> <li>• D. J. Harris, <i>Cases and Materials on International Law</i>, Fourth edition, Sweet &amp; Maxwell, 1991, (Reprint 1994)</li> <li>• George Schwarzenberger, <i>A Manual of International Law</i>, Fifth Edition, Universal Law Publishing Company Pvt. Ltd., (2000)</li> <li>• Henkin &amp; et. al, <i>International Law</i>, Fourth Edition, Basic Documents Supplement, West Group.</li> <li>• Ian Brownlie, <i>Principles of Public International Law</i>, Sixth Edition, Oxford University Press, (2003)</li> <li>• L.C. Green, <i>International Law through the Cases</i>, Cambridge University press London, (1951)</li> <li>• Lori F. Damrosch &amp; et. al, <i>International Law</i>, Cases and Materials, Fourth Edition, West Publishing Co., United States of America.</li> <li>• M Shahabudden <i>President in the World Court</i>, Cambridge University Press London, (1996)</li> <li>• Malcom N. Shaw, <i>International Law</i>, Fifth Edition, Cambridge University Press, (2003)</li> <li>• Oppenheim, <i>International Law</i>, Longman London (1970)</li> <li>• <i>Oppenheim's International Law</i>, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd, 1996. First Indian Reprint, (2003)</li> </ul>					

- Rebecca MM Wallace, *International Law*, Third Edition, Universal Law Publishing Company, (2003)
- Shaw, Malcolm N., *International Law* Cambridge University press, Cambridge (1997)
- Stephen M Schwelbel., *Justice in International Law*, Cambridge University Press, Cambridge, (1994)
- T. O. Elias, *New Horizons In International Law*, Second Revised Edition, Martinus Nijhoff Publishers, Dordrecht/Boston/London.(1992)

#### Prescribed/ References

Prescribed	References
<ol style="list-style-type: none"> <li>1. Anand, R.P. <i>Origin and Development of Law of the Sea</i>, N.M. Tripathi Bombay, 1982.</li> <li>2. Brownlie, Ian <i>Principles of Public International Law</i>, Sixth Edition, Oxford University Press, 2003.</li> <li>3. Damrosch F. Lori &amp; et. al, <i>International Law, Cases and Materials</i>, Fourth Edition, West Publishing Co., United States of America.</li> <li>4. Elias, T. O. <i>New Horizons In International Law</i>, Second Revised Edition, Martinus Nijhoff Publishers, Dordrecht/ Boston/ London.1992.</li> <li>5. Henkin &amp; et. al, <i>International Law</i>, Fourth Edition, Basic Documents Supplement, West Group.</li> <li>6. Mc Nair A.D. <i>Law of Treaties</i>, Stevens and Sons 1961.</li> <li>7. McCaffrey, Stephen <i>The Law of International Watercourse: Non-navigational Uses</i>, University Press, 2007.</li> <li>8. Oppenheim, <i>International Law</i>, Longman London1970.</li> <li>9. <i>Oppenheim's International Law</i>, Ninth Edition, Vol. 1, Peace Introduction and Part 1 and Parts 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd, 1996. First Indian Reprint, 2003.</li> <li>10. Shawcross and Beaumont, <i>Air Law</i>, Fourth Edition, London Butterworths and Volume 1 to 3 (2007-2008) on Treaties and EC Materials.</li> <li>11. The Law of the Sea, United Nations Convention on the Law of the Sea, 1983 United Nations, New York.</li> <li>12. Upreti, Kishor <i>The Transit Regime for Land Locked States</i>, The World Bank, 2006.</li> </ol>	<ol style="list-style-type: none"> <li>1. Adhikari, Pravakar Environmental Protection Issues related to Civil Aviation, Nepal Law Journal, Vol. 15, Number 1 &amp; 2, 2002.</li> <li>2. Adhikari, Pravakar New Law of the Sea-Harnessing the Common Heritage, I and II, The Rising Nepal, The Rising Nepal, October 02 and 03, 1992 respectively.</li> <li>3. Adhikari, Pravakar On the Brink of Collapse, The Kathmandu Post, January 29, 2002.</li> <li>4. Airport Certificate Regulation, 2004</li> <li>5. Airport Charges Rules, 2058</li> <li>6. Aviation Policy, 2050 and 2063</li> <li>7. Aviation Security (Management) Rules, 2046</li> <li>8. Civil Aviation Investigation of Accident) Rules, 1962</li> <li>9. Civil Aviation Act, 1959.</li> <li>10. Civil Aviation Authority Act, 2053</li> <li>11. Civil Aviation Regulation, 1996 and 2002 .</li> <li>12. Foreign State and Diplomatic Representative Privileges and Immunities Act, 1970.</li> <li>13. Interim Constitution, 2007 of State of Nepal.</li> <li>14. International Legal Materials (ILM)</li> <li>15. Nepal Treaty Act, 1990.</li> <li>16. Proceedings of Seminar on Legal Aspects of Civil Aviation Policy, Department of Civil Aviation, International Law Institute Nepal, 1996.</li> <li>17. Royal Nepal Airlines Act, 1963</li> <li>18. United Nations Treaty Series (U.N.T.S.)</li> </ol> <p><a href="http://www.un.org">www.un.org</a>, <a href="http://www.ici-cij.org">www.ici-cij.org</a>, <a href="http://www.un.org/Depts/los">www.un.org/Depts/los</a>, <a href="http://www.icao.int">www.icao.int</a></p>

## Criminal Law-I (Substantive and International Criminal Law)

Course Title: <b>Criminal Law-I (Substantive and International Criminal Law)</b>	Period Per Week: Four
Course No: Law 755	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description:

Criminal Law - 1 (Substantive and International Criminal Law) critically focuses on the institutional aspect (Functional and structural aspects) of criminal law and criminal liability. It deals with major substantive and conceptual issues of criminal law such as Function of Criminal Law, Structural Aspect of Criminal Liability (the Constituent Elements of a Crime: *Actus Reus*, *Mens Rea*, Interrelation between *Actus Reus* and *Mens Rea*, Historical Development of Criminal Law in Nepal, Inchoate Offences, Parties to the Crime, General Defence), Some major specific offences (Homicide, Offences against Women and Property Offences), Concept of International Criminal Law and Some Major Categories of International Crimes. This course basically focuses on the provisions meant for ensuring effective functioning of domestic and international criminal law and criminal justice system.

### Course Objectives:

- To produce creative and critical minds for effective functioning of criminal justice system in the country.
- To give the learners knowledge about functional aspect of criminal law, institutional and structural aspects of criminal liability in depth and in comparative perspectives so that they could be an effective support to all wings of the government for improving and effective functioning of criminal justice system in the country.
- To produce specialized criminal law experts who can help citizens in getting their problems solved through legal institutions who are working for criminal justice system.
- To produce competent manpower capable enough to work at the policy making level and get actively involved in the analysis, evaluation, reform and reconstruction of existing laws relating to the criminal justice system.
- To acquaint the students with modern trends in criminal law in Nepal, India, England and common law Jurisdictions.
- To familiarize the students with the concept of international criminal law, its development, general principles and some major international crimes.

<b>Unit 1</b>					
<b>Functional Aspect of Criminal Law</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart the knowledge	1.1. General Introduction to Function of Criminal Law and Functional Mechanism	12 hrs	Lecture, Question-Answer,	Statutes, cases, Books,	Oral question, paper

to students on general introduction and functional mechanism of Criminal Law	<p>of Criminal Law</p> <p>1.1.1 Meaning, Nature and Classification of Function of Criminal Law</p> <p>1.1.2 Interrelation between Law, Society and criminal Law in Society</p> <p>1.1.3 Functional Mechanism of Criminal Law and Its Component Parts</p> <p>1.2. Main Functions of Criminal Law</p> <p>1.2.1 Criminalization of Human Conduct (Criminalizing Human Conduct)</p> <p>1.2.2 Enforcing Appropriate Sanction to Guilty Person</p> <p>(i) Retributive Justification of Criminal Sanction</p> <p>(ii) Deterrent Justification of Criminal Sanction</p> <p>(iii) Preventive or Incapacitating Justification of Criminal Sanction</p> <p>(iv) Reformatory of Rehabilitatory Justification of Criminal Sanction</p>		Paper Presentation, Group Discussion, Case analysis	Articles, Reports and Notes.	presentation, written examination
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### READING MATERIALS

Prescribed	References/Recommended
<p>1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press. (4<sup>th</sup> ed.) (2003)</p> <p>2. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell, (2<sup>nd</sup> ed.) (1998)</p> <p>3. C.M.V. Clarkson, and H. Keating, M. <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell, (4<sup>th</sup> ed.) (1998).</p> <p>4. Jonathan Henring, <i>Criminal Law</i> London: Pargrame MacMillan, (4<sup>th</sup> ed.) (2005)</p> <p>5. Jonathan Henring, <i>Criminal Law: Text and Materials</i>. London: MacMillan, (4<sup>th</sup> ed.) (2005)</p>	<p>1. S. T., Reid, <i>Criminal Law</i> New York: MacMillan, (2<sup>nd</sup> ed.), (1992)</p> <p>2. William Wilson, <i>Criminal law: Doctrine and Theory</i>. London: Longman, (1998)</p>

### Unit - 2

#### Structural Aspect of Criminal Liability

Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To give knowledge on	2.1.General Introduction to Structural Aspect of Criminal Liability (Meaning of Criminal	20 hrs	-do-	-do-	-do-

structural aspects of Criminal Liability	Liability, Principles of Criminal Liability, Elements of the Crime or Structural Aspect of Criminal Liability) 2.2.The Constituent Elements of Crime 2.2.1.The Physical Element of Crime: <b>Actus Reus</b> A) Meaning and Constituent Elements of <b>Actus Reus</b> B) Act, Omission, State of Affairs and Possession as an <b>Actus Reus</b> of Crime 2.2.2.The Mental Element of Crime: <b>Mens Rea</b> A) Meaning and Interrelation between Blame, Responsibility and <b>Mens Rea</b> B) Categories of <b>Mens Rea</b> and Degree of Culpability (i) Intention (ii) Knowledge (iii) Recklessness (iv) Negligence C) Transferred Malice 2.3. Coincidence of <b>Actus Reus</b> and <b>Mens Rea</b> 2.4. Crimes of Strict Liability 2.5. Corporate Criminal Liability				
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### READING MATERIALS

Prescribed	References/Recommended
1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press, (4 <sup>th</sup> ed.) (2003)	1. A. Norrie, <i>Crime, Reason and History: A Critical Introduction to Criminal Law</i> . London: Eidenfeld and Nicolson, (2004)
2. Cross Card and Jones, <i>Introduction to Criminal Law</i> London: Butterworths, (14 <sup>th</sup> ed.) (1998)	2. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company, (2 <sup>nd</sup> ed.). (1978)
3. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell, (2 <sup>nd</sup> ed.) (1998)	3. H. L. A. Hart, and T. Honore, <i>Causation in the Law</i> , Oxford Craronded Press, (2 <sup>nd</sup> ed.) (1985)
4. C.M.V. Clarkson, and H. Keating, M. <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell, (4 <sup>th</sup> ed.) (1998)	4. M. P. Acharya, & R. B. Pradhananga, <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar, (2050).
5. Jonathan Henring, <i>Criminal Law</i> London: Pargrame MacMillan, (4 <sup>th</sup> ed.). (2005)	5. P. Brett, <i>An Inquiry into Criminal Guilt</i> . Austrlia: The Law Book Company, (1963)
6. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian, (4 <sup>th</sup> ed.) (2005)	6. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar, (1 <sup>st</sup> ed.) (2053)
7. N. Lacey, and C. Wells, <i>Reconstructing Criminal Law</i> London: Butterworths, (3 <sup>rd</sup> ed.) (2005)	7. S. T. Reid, <i>Criminal Law</i> New York: MacMillion, (2 <sup>nd</sup> ed.) (1992)
8. Smith and Hogan <i>Criminal Law</i> London: Butterworths, (10 <sup>th</sup> ed.) (2003)	8. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman, (1998)
9. Williams G., <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing, (2 <sup>nd</sup> ed.) (1982)	

<b>Unit - 3:</b>						
<b>Historical Development of Criminal Law in Nepal</b>						
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech	
To acquaint the students with the Historical Development of Criminal Law in Nepal including the judicial initiates	3.1. General Introduction and Classification of History of Criminal Law in Nepal 3.2. Criminal Law in Nepal before Codification of <i>Muluki Ain</i> , 1910 B.S. A) <i>Kirata</i> Period B) <i>Licchavi</i> Period C) <i>Malla</i> Period D) <i>Shaha</i> Period (Before Codification of <i>Muluki Ain</i> , 1910 B.S.) 3.3. Criminal Law in Nepal after Codification A) The <i>Muluki Ain</i> (The Legal Code) 1910 B.S. B) The <i>Muluki Ain</i> (The Legal Code) 1927 B.S. C) The <i>Muluki Ain</i> (The Legal Code) 1992 B.S. 3.4. The <i>Muluki Ain</i> (The Legal Code) 2020 B.S. - Emergence of Secular Criminal Law in Nepal 3.5. Historical Development of Criminal Law in Nepal after the Popular People's Movement, 2046 B.S. (1990 A.D.) 3.6. The Roles of Draft Penal Codes in Development of Criminal Law in Nepal A) The Proposed Draft Nepal Code, 2012 B.S. B) The Proposed Draft Nepal Code, 2030 B.S. C) The Proposed Draft Nepal Code, 2058 B.S. D) The Proposed Draft Nepal Code, 2059 B.S. 3.7. The Role of Judicial Legislation and Judicial Activity in Development of Criminal Law in Nepal	12 hrs	-do-	-do-	-do-	

### READING MATERIALS

Prescribed	References/Recommended
1. R. B. Pradhananga, Dr. <i>Homicide Law in Nepal</i> . Kathmandu: Ratna Pustak Bhandar, (2001)	1. R. B. Pradhananga, Dr. "Judicial Legislation and Judicial creativity in Evolution of Nepalese Homicide Law: A Critical Observation". <i>Nepal Law Review 1-2</i> . Kathmandu: Nepal Law Campus, (2001) 2. ----- "A Text on the Proposed Draft Criminal Code - 2058". <i>Annual Survey of Nepalese Law - 2003</i> . Kathmandu: Nepal Bar Council, (2001). 3. ----- "A Brief Study on Traditional Classification of Crimes and Codification of Criminal Laws in Nepal". <i>Nyadoot</i> . English Special Issue. (2003) 4. ----- "An Overview of Efforts towards Codification of

	<p>Criminal Law". <i>Nepal Law Review</i>, Vol. 16. Kathmandu: Nepal Law Campus, (2003)</p> <p>5. ----- "Overview of Law of Homicide in Nepal: Modern Context". <i>Annual Survey of Nepalese Law</i>. Kathmandu: Nepal Bar Council, pp. 253-319, (2000)</p> <p>6. ----- "The Nepalese Draft Penal Codes in Evolution of Homicide Law in Nepal: A Critical Review". 31 <i>Nyayadoot</i> 117. Kathmandu: Nepal Bar Association, pp. 1-11, (2001)</p> <p>7. -----"Judicial Legislation and Judicial Creativity in Evolution of Nepalese Homicide Law: A critical Observation". 14 <i>Nepal Law Review</i> 1-2. Kathmandu, Nepal Campus, pp. 49-60, (2001)</p> <p>8. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> (1<sup>st</sup> ed.). Kathmandu: Ratna Pustak Bhandar, (2053)</p> <p>9. T.R. Vaidya, and T. R. Manandhar, <i>Crime and Punishment in Nepal: A Historical Perspective</i>. Kathmandu: Vaidya and Manandhar (1985)</p>
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<b>Unit – 4</b>					
<b>Parties to a Crime</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To familiarize the students with parties to crime, principle and secondary offender	4.1. General Introduction to Parties to Crime (Meaning, Nature, Classification of Parties to Crime and Principles Applicable to Parties to Crime) 4.2. Principal Offender 4.3. Secondary Offender/Accessory	9 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press, (4 <sup>th</sup> ed.) (2003)	1. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978).
2. Cross Card, and Jones <i>Introduction to Criminal Law</i> London: Butterworths. (14 <sup>th</sup> ed.) (1998).	2. M. P. Acharya, & R. B Pradhananga,. <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050).
3. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998)	3. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar, (1 <sup>st</sup> ed.) (2053)
4. C.M.V. Clarkson and H. M. Keating, <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (1998)	4. S. T. Reid, <i>Criminal Law</i> New York: MacMillion. (2 <sup>nd</sup> ed.) (1992)
5. Jonathan Henring, <i>Criminal Law</i> London: Pargame MacMillan. (4 <sup>th</sup> ed.) (2005).	5. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)
6. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian. (4 <sup>th</sup> ed.) (2005)	
7. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10 <sup>th</sup> ed.) (2003).	
8. Williams, G. <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing. (2 <sup>nd</sup> ed.) (1982)	



<b>Unit – 5</b>					
<b>Inchoate Offences</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart in depth knowledge on Inchoate Offences, incitement, criminal conspiracy and criminal attempt	5.1. General Introduction to Inchoate Offences (Meaning, Nature, Justifications behind Criminalization of Inchoate Offences, Classification of Inchoate Offences) 5.2. Incitement (Abetment) A) Meaning, Nature, Justifications behind Criminalization of Incitement B) The Constituent Elements of Incitement (i) The Physical Element: <b>Actus Reus</b> of Incitement (ii) The Mental Element: <b>Mens Rea</b> of Incitement 5.3. Criminal Conspiracy A) Meaning, Justification and Classification of Criminal Conspiracy B) The Constituent Elements of Criminal Conspiracy A) The Physical Element of Criminal Conspiracy: <b>Actus Reus</b> B) The Mental Element of Criminal Conspiracy: <b>Mens Rea</b> 5.4. Criminal Attempt A) Meaning, Nature, Justification and Classification of Criminal Attempt B) The Constituent Element of Criminal Attempt (i) The Physical (conduct) Element: <b>Actus Reus</b> (ii) The Mental Element: <b>Mens Rea</b>	10 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press, (4 <sup>th</sup> ed.) (2003) 2. Cross Card, and Jones <i>Introduction to Criminal Law</i> London: Butterworths. (14 <sup>th</sup> ed.) (1998).	1. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978).

3. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998)	2. M. P. Acharya, & R. B Pradhananga., <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050).
4. C.M.V. Clarkson and H. M. Keating, <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (1998)	3. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar, (1 <sup>st</sup> ed.) (2053)
5. Jonathan Henring, <i>Criminal Law</i> London: Pargrame MacMillan. (4 <sup>th</sup> ed.) (2005).	4. S. T. Reid, <i>Criminal Law</i> New York: MacMillan. (2 <sup>nd</sup> ed.) (1992)
6. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian. (4 <sup>th</sup> ed.) (2005)	5. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)
7. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10 <sup>th</sup> ed.) (2003).	
8. Williams, G. <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing. (2 <sup>nd</sup> ed.) (1982)	

<b>Unit – 6</b>					
<b>General Defenses</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To make the students able to examine the general defenses and it's categories as well as justifiable defenses	6.1. General Introduction to General Defenses (Meaning, Nature and Classification of General Defenses) 6.2. Main Categories of General Defenses 6.2.1. Excusable Defenses A) Mistake (i) The Rationale and Justification of Mistake as General Defense (ii) Meaning, Nature and Kind of Mistake • Mistake of Law • Mistake of Fact B) Infancy (i) The Rationale and Justification of Infancy as Defense (ii) Meaning and Criminal Liability of Children C) Insanity (i) The Rationale and Justification of Insanity as General Defense (ii) Meaning, Nature and Kinds of Insanity (iii) Distinction between Insanity, Automatism and Diminished Responsibility D) Intoxication (i) The Rationale and Justification of Intoxication as General Defense	12 hrs	-do-	-do-	-do-

	(ii) Meaning, Nature and Classification of Intoxication 6.2.2. Justifiable Defenses A) Consent (i) The Rationale and Justification of Consent as General Defense (ii) The Nature and Degree of the Harm Permitted by this Defense B) Necessity (i) The Rationale of Necessity as General Defense (ii) The Nature, Meaning and Significance of Necessity C) Duress (i) The Rationale and Justification of Duress as General Defense (ii) The Nature, Meaning and Limitation of Duress D) Private Defense (i) The Rationale of Private Defense as General Defense (ii) The Nature, Meaning and Limitation of Private Defense E) Meaning, Nature and Classification of Private Defense (a) Self-Defense (b) Defense of Property (c) Defense of Chastity of Women				
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### READING MATERIALS

Prescribed	References/Recommended
1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press, (4 <sup>th</sup> ed.) (2003)	1. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978).
2. Cross Card, and Jones <i>Introduction to Criminal Law</i> London: Butterworths. (14 <sup>th</sup> ed.) (1998).	2. M. P. Acharya, & R. B Pradhananga., <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050).
3. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998)	3. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar, (1 <sup>st</sup> ed.) (2053)
4. C.M.V. Clarkson and H. M. Keating, <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (1998)	4. S. T. Reid, <i>Criminal Law</i> New York: MacMillan. (2 <sup>nd</sup> ed.) (1992)
5. Jonathan Henring, <i>Criminal Law</i> London: Pargame MacMillan. (4 <sup>th</sup> ed.) (2005).	5. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)
6. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillan. (4 <sup>th</sup> ed.) (2005)	
7. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10 <sup>th</sup> ed.) (2003).	
8. Williams, G. <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing. (2 <sup>nd</sup> ed.) (1982)	

<b>Unit – 7</b>					
<b>Homicide Law</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To enable the students to understand different aspects of homicide law	7.1. General Introduction to Homicide Law 7.1.1 Criminalization of Homicide and its Rationality 7.1.2 Definition of Homicidal Offences and its Classification 7.1.3 Categories of Culpable Homicide (A) Murder (B) Manslaughter 7.2. The Essential Ingredients of Culpable Homicide A) The Physical Element of Culpable Homicide: <i>Actus Reus</i> B) The Causal Element of Culpable Homicide: Causation C) The Mental Element of Culpable homicide: <i>Mens Rea</i> 7.3. Statutory Framework of Nepalese Homicide Law Judicial Attitudes and Judicial Trends of Nepalese Judiciary in Homicide Cases	16 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. A Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press. (4 <sup>th</sup> ed.) (2003) 2. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998). 3. Jonathan Henring, <i>Criminal Law</i> (4 <sup>th</sup> ed.). London: Pargrame MacMillan, (2005) 4. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian. (4 <sup>th</sup> ed.) (2005). 5. R. B. Pradhananga, Dr. <i>Homicide Law in Nepal</i> . Kathmandu: Ratna Pustak Bhandar. (2001) 6. Williams G., <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing. (2 <sup>nd</sup> ed.) (1982).	1. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978). 2. H. L. A. Hart, and T. Honore, <i>Causation in the Law</i> , Oxford Craronded Press. (2 <sup>nd</sup> ed.). (1985). 3. M. P. Acharya, & R. B. Pradhananga, <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050). 4. ----- <i>Introduction to the Law of Homicide</i> . Kathmandu: Law Textbook Publication co, (1985) 5. ----- <i>Introduction to Crimes against Life and Human Body</i> . Kathmandu: Ratna Pustak Bhandar, (1997) 6. R. B. Pradhananga, "Infanticide Law in Nepal: Theory and Judicial Practice", <i>Annual Survey of Nepalese Law</i> . Kathmandu: Nepal Bar Council. (2003) 7. R. B. Pradhananga, "Overview of Law of Homicide in Nepal: Modern Context". <i>Annual Survey of Nepalese Law</i> . Kathmandu: Nepal Bar Council, pp. 253-319. (2000). 8. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar. (1 <sup>st</sup> ed.) (2053). 9. S. Yea, <i>Unrestrained Killings and the Law</i> . Delhi: Oxford University Press. (1998) 10. S. T. Reid, <i>Criminal Law</i> New York: MacMillion. (2 <sup>nd</sup> ed.) (1992) 11. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)

**Unit –8**  
**Offences against Women**

Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To provide knowledge on different offences against women focusing on rape, trafficking and domestic violence against women.	<p>8.1. General Introduction to Offences</p> <p>8.1.1 Justification and Rational behind Criminalization of Offences against Women</p> <p>8.1.2 Definition and Classification of Offences against Women</p> <p>8.1.3 Categories of Offences against Women</p> <p>8.2. Rape</p> <p>8.2.1 General Introduction, Meaning, Nature and Classification of Rape</p> <p>8.2.2 The Essential Ingredients of Rape</p> <p>(i) The Physical Element of Rape: <b>Actus Reus</b></p> <p>(ii) The Mental Element of Rape: <b>Mens Rea</b></p> <p>8.2.3 Statutory Framework of Nepalese Rape Law</p> <p>8.2.4 Judicial Attitudes and Judicial Trends of Nepalese Judiciary in Rape Law</p> <p>8.3. Trafficking of Women</p> <p>8.3.1 General Introduction, Nature, Meaning and Classification and Justifications and Rationale behind Criminalization of Trafficking of Women.</p> <p>8.3.2 The Essential Ingredients of Trafficking of Women</p> <p>(iii) The physical element of Trafficking of Women: <b>Actus Reus</b></p> <p>(iv) The mental element of Trafficking of Women: <b>Mens Rea</b></p> <p>8.3.3 Statutory Framework of Nepalese Law of Trafficking</p>	12 hrs	-do-	-do-	-do-

	8.3.4 Judicial Attitudes and Judicial Trends of Nepalese Judiciary in Human Trafficking cases				
	8.4. Domestic Violence against Women				
	8.4.1 Introduction to Offence of Domestic Violence (Meaning, Nature, Classification, Justifications and Rationale behind Criminalization of Offence against Domestic Violence)				
	8.4.2 Domestic Violence Law as an Emerging Law in Nepalese Criminal Law				
	8.4.3 The Proposed Domestic Violence (Control) Bill, 2065 (2008)				

### READING MATERIALS

Prescribed	References/Recommended
1. A. Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press. (4 <sup>th</sup> ed.) (2003)	1. J. P. Bhatnagar, <i>Offences against Women</i> . New Delhi: Ashoka Law House. (1993)
2. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998).	2. K. K. Singh, and R. Bagga, <i>Law of Sexual Offences</i> . New Delhi: The Law Book Co., (1994)
3. C.M.V. Clarkson, and H. Keating, M. <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (1998).	3. Lawyers Collective & Women's Rights Initiative <i>Domestic Violence and Law: Report of Colloquium on Jurists for Women Empowerment through Law</i> . New Delhi: Butterworths, India, (2000)
4. Jonathan Henring, <i>Criminal Law</i> London: Pargrame MacMillan. (4 <sup>th</sup> ed.) (2005).	4. P. Carter, and R. Harrison, <i>Offences of Violence</i> . London: Waterlow Publishers, (1991)
5. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian. (4 <sup>th</sup> ed.) (2005)	5. R. B. Pradhananga, Dr. and Dilli R. Shrestha, "The Changing Context of Marital Rape in Nepal: A Critical Observation". <i>Nepal Law Review</i> , Vol. 18, Kathmandu: Nepal Law Campus, (2005)
6. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10 <sup>th</sup> ed.) (2003).	6. ----- "Rape Victim in the Criminal Justice System of Nepal: A Critical Observation". <i>Nepal Bar Council Law Journal</i> , Volume 7, Lalitpur: Nepal Bar Council, (2008)
	7. R. B. Pradhananga, Dr. and Purna Shrestha, "Domestic Violence against Women: Concept, History and Existing Laws". <i>Annual Survey of Nepalese Law</i> . Kathmandu: Nepal Bar Council, (2005)
	8. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar. (1 <sup>st</sup> ed.) (2053)
	9. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)

<b>Unit – 9</b>					
<b>Property Offences</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To provide the knowledge of property offences	9.1. General Introduction to Property Offences (Meaning, Nature, Justifications and Rationale behind Criminalization of Property Crime and Classification of Property Offences) (i) Acquisitive Offences (ii) Offences of Damage or Destruction 9.2. Theft 9.2.1 The Meaning of Theft 9.2.2 The Physical Element of Theft: <b>Actus Reus</b> 9.2.3 The Mental Element of Theft: <b>Mens Rea</b> 9.3. Categories of the Theft in Nepal Judicial Attitudes and Judicial Trends of Nepalese Judiciary in Theft Cases	12 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. A Ashworth, <i>Principles of Criminal Law</i> Oxford: University Press. (4 <sup>th</sup> ed.) (2003) 2. C.M.V. Clarkson, <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998). 3. C.M.V. Clarkson, and H. Keating, M. <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (2005). 4. Jonathan Henring, <i>Criminal Law</i> London: Pargrame MacMillan. (4 <sup>th</sup> ed.) (2005). 5. Jonathan Henring, <i>Criminal Law: Text and Materials</i> London: MacMillian. (4 <sup>th</sup> ed.) (2005) 6. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10 <sup>th</sup> ed.) (2003).	1. G.P. Fletcher, <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978). 2. M. P. Acharya, & R. B Pradhananga., <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050). 3. R. B. Pradhananga, and M. R. Pokharel, <i>A General Introduction Criminal Law</i> Kathmandu: Ratna Pustak Bhandar, (1 <sup>st</sup> ed.) (2053) 4. S. T. Reid, <i>Criminal Law</i> New York: MacMillion. (2 <sup>nd</sup> ed.) (1992) 5. William Wilson, <i>Criminal law: Doctrine and Theory</i> . London: Longman. (1998)

<b>Unit –10</b>					
<b>International Criminal Law</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart general knowledge on International Criminal Law focusing on Genocide, Crime against humanity, War Crimes and	10.1. General Introduction to International Criminal Law (Meaning, Nature Historical Development and Principles of International Criminal Law) 10.2. Major Categories of International Crimes A) Genocide	10 hrs	-do-	-do-	-do-

Crime of Aggression	B) Crimes against humanity C) War crimes D) Crime of Aggression				
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### READING MATERIALS

Prescribed	References/Recommended
1. K. Kittichaisaree, <i>International Criminal Law</i> . Oxford: University Press, (2001)	1. Ananda Mohan Bhattarai, Dr. "The Treaty of Rome and the Issue of Ratification by Nepal: A Note". Concept Paper. Unpublished (2002) 2. FOHRID <i>International Instruments Developed Against Impunity</i> . Kathmandu: Human Rights and Democratic Forum, (2064) 3. M Cherif.. Bassiouni, <i>INTERNATIONAL CRIMINAL LAW A Draft International Criminal Code</i> . The Netherlands: SIJTHOFF & NOORDHOFF Alphen aan den Rijn, (1980)

### READING MATERIALS FOR ALL UNITS

Prescribed	References/Recommended
1. Ashworth, A <i>Principles of Criminal Law</i> Oxford: University Press. (4 <sup>th</sup> ed.) (2003).	1. Acharya, M. P. & Pradhananga, R. B. <i>Criminal Law and Criminal Justice</i> . Kathmandu: Ratna Pustak Bhandar (2050).
2. Card, Cross and Jones <i>Introduction to Criminal Law</i> London: Butterworths. (14 <sup>th</sup> ed.) (1998).	2. ----- <i>Introduction to the Law of Homicide</i> . Kathmandu: Law Textbook Publication co. (1985).
3. Clarkson, C.M.V. <i>Understanding Criminal Law</i> London: Sweet and Maxwell. (2 <sup>nd</sup> ed.) (1998)	3. ----- <i>Introduction to Crimes against Life and Human Body</i> . Kathmandu: Ratna Pustak Bhandar. (1997).
4. Clarkson, C.M.V. and Keating, H. M. <i>Criminal Law Text and Materials</i> London: Sweet and Maxwell. (4 <sup>th</sup> ed.) (1998).	4. Bassiouni, M. Cherif <i>INTERNATIONAL CRIMINAL LAW A Draft International Criminal Code</i> . The Netherlands: SIJTHOFF & NOORDHOFF Alphen aan den Rijn. (1980).
5. Henring, Jonathan <i>Criminal Law</i> London: Pargrame MacMillan. (4 <sup>th</sup> ed.) (2005).	5. Bhatnagar, J. P. <i>Offences against Women</i> . New Delhi: Ashoka Law House. (1993).
6. Henring, Jonathan <i>Criminal Law: Text and Materials</i> London: MacMillan. (4 <sup>th</sup> ed.) (2005).	6. Bhattarai, Dr. Ananda Mohan "The Treaty of Rome and the Issue of Ratification by Nepal: A Note". Concept Paper. Unpublished. (2002).
7. Kittichaisaree, K. <i>International Criminal Law</i> . Oxford: University Press. (2001)	7. Brett, P. (1963). <i>An Inquiry into Criminal Guilt</i> . Australia: The Law Book Company.
8. Lacey, N. and Wells, C. <i>Reconstructing Criminal Law</i> London: Butterworths. (3 <sup>rd</sup> ed.) (2005).	8. Carter, P. and Harrison, R. <i>Offences of Violence</i> . London: Waterlow Publishers. (1991).
9. Pradhananga, Dr. R. B. <i>Homicide Law in Nepal</i> .	9. Fletcher, G.P. <i>Rethinking Criminal Law</i> Boston: Little, Brown and Company. (2 <sup>nd</sup> ed.) (1978).
	10. FOHRID <i>International Instruments Developed Against Impunity</i> . Kathmandu: Human Rights and Democratic Forum (2064).
	11. Hart, H. L. A. and Honore, T. <i>Causation in the Law</i> , Oxford Craronded Press. (2 <sup>nd</sup> ed.) (1985).
	12. Lawyers Collective & Women's Rights Initiative <i>Domestic Violence and Law: Report of Colloquium on Jurists for Women Empowerment through Law</i> . New Delhi: Butterworths, India. (2000)
	13. Norrie, A. <i>Crime, Reason and History: A Critical Introduction to Criminal Law</i> . London: Eidenfeld and Nicolson (2004).



<p>Kathmandu: Ratna Pustak Bhandar. (2001).</p> <p>10. Smith and Hogan <i>Criminal Law</i> London: Butterworths. (10<sup>th</sup> ed.) (2003).</p> <p>11. Williams, G. <i>Textbook of Criminal Law</i> New Delhi: Universal Law Publishing. (2<sup>nd</sup> ed.) (1982).</p>	<p>14. Pradhananga, Dr. R. B. "Judicial Legislation and Judicial creativity in Evolution of Nepalese Homicide Law: A Critical Observation". <i>Nepal Law Review</i> 1-2. Kathmandu: Nepal Law Campus (2001)</p> <p>15. ----- "A Text on the Proposed Draft Criminal Code - 2058". <i>Annual Survey of Nepalese Law - 2003</i>. Kathmandu: Nepal Bar Council (2001).</p> <p>16. ----- "A Brief Study on Traditional Classification of Crimes and Codification of Criminal Laws in Nepal". <i>Nyadoot</i>. English Special Issue (2003)</p> <p>17. ----- "An Overview of Efforts towards Codification of Criminal Law". <i>Nepal Law Review</i>, Vol. 16. Kathmandu: Nepal Law Campus, (2003)</p> <p>18. ----- "Infanticide Law in Nepal: Theory and Judicial Practice", <i>Annual Survey of Nepalese Law</i>. Kathmandu: Nepal Bar Council (2003).</p> <p>19. ----- "Mitigated Homicide in Nepal: Theory and Judicial Practice". <i>Nepal Law Review</i>, Vol. 17. Kathmandu: Nepal Law Campus, (2004)</p> <p>20. ----- "Overview of Law of Homicide in Nepal: Modern Context". <i>Annual Survey of Nepalese Law</i>. Kathmandu: Nepal Bar Council, pp. 253-319, (2000)</p> <p>21. ----- "The Nepalese Draft Penal Codes in Evolution of Homicide Law in Nepal: A Critical Review". 31 <i>Nyayadoot</i> 117. Kathmandu: Nepal Bar Association, pp. 1-11, (2001)</p> <p>22. -----, "Judicial Legislation and Judicial Creativity in Evolution of Nepalese Homicide Law: A critical Observation". 14 <i>Nepal Law Review</i> 1-2. Kathmandu, Nepal Campus, pp. 49-60, (2001)</p> <p>23. Pradhananga, Dr. R. B. and Shrestha, Dilli R.. "The Changing Context of Marital Rape in Nepal: A Critical Observation". <i>Nepal Law Review</i>, Vol. 18, Kathmandu: Nepal Law Campus, (2005)</p> <p>24. -----, "Rape Victim in the Criminal Justice System of Nepal: A Critical Observation". <i>Nepal Bar Council Law Journal</i>, Volume 7, Lalitpur: Nepal Bar Council, (2008)</p> <p>25. Pradhananga, Dr. R. B. and Shrestha, Purna "Domestic Violence against Women: Concept, History and Existing Laws". <i>Annual Survey of Nepalese Law</i>. Kathmandu: Nepal Bar Council, (2005)</p> <p>26. Pradhananga, R. B. and Pokharel, M. R. A <i>General Introduction Criminal Law</i> (1<sup>st</sup> ed.). Kathmandu: Ratna Pustak Bhandar, (2053)</p> <p>27. Reid, S. T. <i>Criminal Law</i> (2<sup>nd</sup> ed.). New York: MacMillon, (1992)</p> <p>28. Singh, K. K. and Bagga, R. <i>Law of Sexual Offences</i>. New Delhi: The Law Book Co., (1994)</p> <p>29. Vaidya, T.R. and Manandhar, T. R. <i>Crime and Punishment in Nepal: A Historical Perspective</i>. Kathmandu: Vaidya and Manandhar, (1985)</p> <p>30. Wilson, William, <i>Criminal law: Doctrine and Theory</i>. London: Longman, (1998)</p> <p>31. Yea, S., <i>Unrestrained Killings and the Law</i>. Delhi: Oxford University Press, (1998)</p>
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## Environmental Law-I (International Environmental Law)

Course Title: <b>Environmental Law-I (International Environmental Law)</b>	Period Per Week: Four
Course No: Law 756	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

This course is designed to acquaint students with an overview of the development of international environmental law. It will basically focus on responses of international environmental law to global, regional and to some extent bilateral environmental issues and problems. The course will firstly examine the basic principles dealing with environmental issues and problems.

### Course Objectives

1. To impart specialized knowledge on international environmental law
2. To inculcate critical thinking and approach to international environmental issues and problems
3. To produce competent human resources capable in making critical appraisal to contemporary international environmental law as well as able to serve either domestic and international institutions or agencies

### Unit-I

#### Concepts, Development and Principles of International Environmental law

<u>Objectives</u>	<u>Contents</u>	<u>Time Allotted</u>	<u>Inst. Tech</u>	<u>inst. Mat.</u>	<u>Eva. Tech.</u>
To familiarize students with environmental problems, issues and challenges as well as concept, development and principles of international environmental law	1.1 Environmental problems, Issues and Challenges 1.2 Concepts and scope 1.3 Foundations and Structures 1.4 Historical Development 1.5 Principles of International Environmental Law and Justice 1.6 Sources and law making process 1.7 techniques and procedures for implementing international environmental law	30 hrs.	Lecture/Socratic method Discussion and paper presentation by students	Textbooks, Articles, seminar papers and other reference materials Overhead projector, PowerPoint etc.	Assessment of oral and written presentation, class participation and home assignment

## Reading Materials

- A. Kiss, *et al*; *International Environmental Law*; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; *International Law and The Environment Past Achievements and Future Challenges*; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; *International Environmental Law and Policy*; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands,; *Principles of International Environmental Law*; Manchester University Press (1995)Unit 2

### Unit-2

#### International Biodiversity and Natural Resources Law

<u>Objectives</u>	<u>Contents</u>	<u>Time Allotted</u>	<u>Inst. Tech</u>	<u>inst. Mat.</u>	<u>Eva. Tech.</u>
To make students familiar with international legal responses to the protection, preservation, conservation and sustainable use of biodiversity and natural resources	2.1 Concepts 2.2 Sustainable use of land and mineral resources 2.3 Sustainable use and protection of fresh water, sea and ocean and resources 2.4 Conservation of forest resources 2.5 Conservation of species or group of species ( migratory, wildlife, marine and other resources ) 2.6 Protection and conservation of Wetlands of International Importance 2.7 Preservation of World Heritage 2.8 Protecting the atmosphere and outer- space 2.9 Sustainable use of energy	30 hrs	Do	Do	Do

## Reading Materials

- A. Kiss, *et al*; *International Environmental Law*; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; *International Law and The Environment Past Achievements and Future Challenges*; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; *International Environmental Law and Policy*; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands,; *Principles of International Environmental Law*; Manchester University Press (1995)Unit 2

### Unit-3

#### International Climate Change law

<u>Objectives</u>	<u>Contents</u>	<u>Time Allotted</u>	<u>Inst. Tech</u>	<u>inst. Mat.</u>	<u>Eva. Tech.</u>
Students will be able to understand the problems of climate change and	3.1 Concepts 3.2 Causes of climate Change 3.3 Impacts of Climate Change 3.4 International regulatory measures	10 hours	-do-	-do-	-do-

existing legal responses	3.5 Compliance, monitoring and enforcement 3.6 Future of Climate Change				
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### **Reading Materials**

- A. Kiss, *et al*; ***International Environmental Law***; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; ***International Law and The Environment Past Achievements and Future Challenges***; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; ***International Environmental Law and Policy***; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands.; ***Principles of International Environmental Law***; Manchester University Press (1995)Unit 2

### **Unit 4**

#### **International Law of Pollution Control**

<b><u>Objectives</u></b>	<b><u>Contents</u></b>	<b><u>Time Allotted</u></b>	<b><u>Inst. Tech</u></b>	<b><u>inst. Mat.</u></b>	<b><u>Eva. Tech.</u></b>
To appraise various forms of transboundary pollutions and international responses	4.1 Concept and kinds of Pollution 4.2 Transboundary Atmospheric Pollution 4.2.1 Causes 4.2.2 Legal measures 4.3 Transboundary Water and marine Pollution 4.3.1 Causes 4.3.2 Legal measures 4.4 Other forms of Transboundary pollution	20 hrs	Do	Do	Do

### **Reading Materials**

- A. Kiss, *et al*; ***International Environmental Law***; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; ***International Law and The Environment Past Achievements and Future Challenges***; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; ***International Environmental Law and Policy***; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands.; ***Principles of International Environmental Law***; Manchester University Press (1995)Unit 2

### **Unit-5**

#### **International law of Weapons, Wastes, Military activities and Armed Conflict**

<b><u>Objectives</u></b>	<b><u>Contents</u></b>	<b><u>Time Allotted</u></b>	<b><u>Inst. Tech</u></b>	<b><u>inst. Mat.</u></b>	<b><u>Eva. Tech.</u></b>
Students will be able to know the environmental problems of different types of	5.1 Control,regulation and management of different weapons 5.2 Control,regulation and management of different types of wastes and materials with special reference to	10 hrs	<u>Do</u>	<u>Do</u>	<u>Do</u>

weapons and wastes and legal responses	transboundary movement of toxic and hazardous wastes 5.3 Regulation and control of war,military activities and armed conflict affecting environment				
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### **Reading Materials**

- A. Kiss, *et al*; *International Environmental Law*; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; *International Law and The Environment Past Achievements and Future Challenges*; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; *International Environmental Law and Policy*; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands,; *Principles of International Environmental Law*; Manchester University Press (1995)Unit 2

### **Unit 6**

#### **International Environmental Law and Trade**

<b><u>Objectives</u></b>	<b><u>Contents</u></b>	<b><u>Time Allotted</u></b>	<b><u>Inst. Tech</u></b>	<b><u>inst. Mat.</u></b>	<b><u>Eva. Tech.</u></b>
To familiarize with existing environmental protection regime in international trade	6.1 Linkages between Environment and International Trade 6.2 Institutional Responses of WTO under Marrakesh Agreement and Other International Economic and Financial Institutions 6.3 General Agreement on Tariffs and Trade, Agreement on Technical Barriers to Trade and Agreement on Sanitary and Phytosanitary Measures 6.4 GATS, TRIPS and Convention on Biodiversity 6.5 Eco-Labeling Scheme	15 hrs	Do	Do	Do

### **Reading Materials**

- A. Kiss, *et al*; *International Environmental Law*; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; *International Law and The Environment Past Achievements and Future Challenges*; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; *International Environmental Law and Policy*; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands,; *Principles of International Environmental Law*; Manchester University Press (1995)Unit 2

### **Unit 7**

#### **International Environmental Governance**

<b><u>Objectives</u></b>	<b><u>Contents</u></b>	<b><u>Time Allotted</u></b>	<b><u>Inst. Tech</u></b>	<b><u>inst. Mat.</u></b>	<b><u>Eva. Tech.</u></b>
To provide basic knowledge about	7.1. States 7.2. International Organizations	10 hrs	Do	Do	Do

environmental governance through various actors	7.2.1.History				
	7.2.2.Global Organizations				
	7.2.3.Regional and Sub- regional Organizations: SAARC, SACEP and ICIMOD				
	7.2.4.Organizations Established by Environmental Treaties				
	7.3. Non-Governmental Actors				
	7.3.1.Scientific Community				
	7.3.2.Environmental Organizations				
	7.3.3.Legal Groups				
	7.3.4.Corporate Sectors				
	7.3.5.Individuals				
	7.3.6.The Media				

### Reading Materials

- A. Kiss, *et al*; **International Environmental Law**; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)
- B.W, Patricia, *et al*; **International Law and The Environment Past Achievements and Future Challenges**; Oxford University Press (2<sup>nd</sup> ed. 2002)
- D. Hunter, et. al; **International Environmental Law and Policy**; Foundation Press (2<sup>nd</sup> ed. 2002)
- P. Sands,; **Principles of International Environmental Law**; Manchester University Press (1995)Unit 2

### **Prescribed/ Reference**

Prescribed	Reference
1. Boyle <i>et al</i> (eds.); <b>International Law and Sustainable Development-Past Achievements and Future Challenges</b> ; Oxford (2001 Paperback)	1. Beach, H.L., <i>et al</i> ; <b>Transboundary Freshwater Dispute Resolution: Theory, Practice, and Annotated References</b> ; United Nations University Press, Tokyo (2000)
2. Bowers, C.A; <b>Educating for Eco-Justice and Community</b> ; The University of Georgia Press (2001)	2. Bouvier, A.; “Recent Studies on the Protection of the Environment in Time of Armed Conflict”; in M.K Balachandran & R. Vargese (eds.), <b>Introduction to Humanitarian Law</b> ; International Committee of the Red Cross, New Delhi (1999) reprint
3. D.G. Craig <i>et al</i> (eds.); <b>Capacity Building for Environmental Law in the Asian and Pacific Region; Approaches and resources</b> ; Vol. I and II. ADB (2 <sup>nd</sup> ed., 2003)	3. Bunyan, B.; “Introduction” in Bryant, B., (ed.), <b>Environmental Justice Issues, Policies, and Solutions</b> ; Islands Press, USA (1995)
4. Desai, B; <b>Institutionalizing International Environmental Law</b> ; Transnational Publishers Inc. (2003)	4. Chambers, W. Brandee, <b>Interlinkages and the Effectiveness of MEAs</b> ( UNU Press,2008 )
5. Hunter, D. et. al; <b>International Environmental Law and Policy</b> ; Foundation Press (2 <sup>nd</sup> ed. 2002)	5. C. Bellman et. al (ed.); <b>Trading in knowledge-Development Perspectives on TRIPS</b> ; ICTSD and Earthscan (2003)
6. IUCN <i>et al</i> ; <b>Caring for the</b>	6. Cullet, P.; <b>Differential Treatment in International Environmental Law</b> ; Ash gate Publishing (2003)
	7. Descamps,Hannes et.al., <b>International Documents on Environmental Liability</b> ( Springer 2008 )
	8. Deter, I.; “Restrictions on Weapons” in <b>The Law of War</b> ; Cambridge University Press, Cambridge (2 <sup>nd</sup> , ed., 2000)

<p><b>Earth-A Strategy for Sustainable Living</b> (1991)</p> <p>7. Kiss, A. <i>et al</i>; <b>International Environmental Law</b>; Transnational publisher Inc. (3<sup>rd</sup> ed., 2003)</p> <p>8. Patricia, B.W, <i>et al</i>; <b>International Law and The Environment Past Achievements and Future Challenges</b>; Oxford University Press (2<sup>nd</sup> ed. 2002)</p> <p>9. SACEP <i>et al</i>; <b>South Asia Handbook of Treaties and Other Legal Instrument in the Field of Environmental Law</b>; SACEP <i>et al</i>, Policy No. 1 (1997)</p> <p>10. Sands, P.; <b>Principles of International Environmental Law</b>; Manchester University Press (1995)</p> <p>11. United Nations Environment Programme, <b>Handbook of Environmental Law</b>; UNEP</p> <p>12. WCED; <b>Our Common Future</b>; Oxford, Delhi (1989)</p>	<p>9. Kiss, Alexander <i>et al.</i>, <b>Guide to International Law</b>, ( Martinus Nijhoff, 2007 )</p> <p>10. Kormos, Cyril ( Ed.), <b>Handbook on International Wilderness: Law and Policy</b>, ( The WILD Foundation, Colorado and Fulcrum Publishing- Golden Colorado, 2008)</p> <p>11. MacRoy, Richard. <b>Regulation, Enforcement and Governance of Environmental Law</b> (Cameron May 2008)</p> <p>12. M. Patkar (ed.); <b>River Linking: A Millennium Folly?</b>; National Alliance of People's Movement &amp; Initiative, Pune (2004)</p> <p>13. McCaffrey, S.C; <b>The law of International Water Courses: Non-Navigational Uses</b> (Oxford Monographs in International Law); Oxford University (2001)</p> <p>14. Nanda, V .P <i>et al</i>; <b>International Environmental Law and Policy for the 21st Century</b>, (2003)</p> <p>15. Nathalie J. Chalifour, <i>et al.</i>, (edi.), <b>Land Use Law for Sustainable Development</b>, IUCN Academy of Environmental Law Research Studies, Cambridge University Press (2007)</p> <p>16. Pant, A.P. (Dr.) <i>et al</i> (eds.); <b>Nepal Law Review</b>, Environmental Law Special Issue; Vol. 15, Number 1 &amp; 2 (2002)</p> <p>17. Peter P. Rogers, <i>et al.</i>, <b>An introduction to Sustainable Development</b>, The continuing Education Division, Harvard University (2006)</p> <p>18. Richardson Benjamin J, <b>Socially responsible investment law: Regulating the Unseen Polluters</b> (Oxford University Press, 2008)</p> <p>19. Subedi, S.P.; "Foreign Investment and Sustainable Development" in F. Weiss <i>et al</i> (eds.); <b>International Economic Law with a Human Face</b>; Kluwer Law International, The Hague</p> <p>20. Subedi, S.P., <b>Dynamics of Foreign Policy and Law A Study of Indo-Nepal Relations</b>, Oxford (2005)</p> <p>21. Upreti, K. <i>et al</i>; <b>Conflict and Cooperation on South Asia's International Rivers-A Legal Perspectives</b>, The World Bank, Washington DC (2002)</p> <p>22. Walker, S.; <b>The TRIPS Agreement Sustainable Development and the Public Interest Discussion Paper</b>; IUCN environmental Policy and Law Paper No. 41 (2003)</p> <p>23. World Commission on Dams; <b>Dams and Development: A New Framework for Decision-Making</b>, The Report of the World Commission on Dams; Earthscan, London (2000)</p> <p><b>Journals/Reports/Newsletters</b></p> <p>14. Pant, A.P. (eds.); <b>Nepal Law Review</b>, Environmental Law Special Issue; Vol. 15, Number 1 &amp; 2 (2002)</p>
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**Note:** Inst. Tech. refers instruction technique, Inst. Mat. refers instruction materials, and Eva. Tech. refers evaluation technique.

## Refugee Law-I

Course Title: <b>Refugee Law-I</b>	Period Per Week: Four
Course No: Law 757	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: II	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

This course gives the student in-depth knowledge of asylum, migration, forced migration, international displacement, refugees, human security, new trends in refugee law, refugee protection, UNHCR's role and causes of refugee plight and law of state responsibility. It also deals with criteria for determination of refugee status, rights of refugee's major provisions of international and regional instruments applicable to refugees and solution of refugee problem.

### Course Objective

The objectives of the course are:

1. To impart knowledge relation to asylum, forced migration, guiding principles of internal displacement, legal positions of IDPs, criteria UNHCR treatment on IDPs and refugees.
2. To impart the students depths. knowledge about protection of refugees, new trends in refugee law and issues relating to refugees in Nepal
3. To enable the students to know the role of UNHCR in the protection of the refugees as well as role of municipal law and NGOs in this regard
4. To acquaint the students with the causes of plight of refugees and human displacement in the world with special reference to South Asia.
5. To give sound knowledge on solution of refugee problem like resettlement, local integration in any country, resettlement and voluntary repatriation.

<u>Unit 1</u>					
<b>Asylum, Migration, Forced Migration, Internal Displacement and Refugee</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
On the Completion of this unit the students will be able to: i)write and analyze sanctity of persons, human rights, asylum, migration and forced migration; ii)analyze the criteria for determining the status of refugees and internally displaced persons;	1. Introduction to Asylum 2. Safe Country of origin and safe country of asylum. 3. Political asylum and refugee status 4. Introduction to Migration, Forced Migration and stateless person 5. Internally Displaced Person (IDPs) 6. Meaning and	14 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination



iii) explain guiding principles on internal displacement and measures to solve their problems as well as UNCHR treatment of refugees and IDPs.	difinition of refugee				
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention Relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne Van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the State*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework*, Kathmandu, Nepal (2000)

**Unit 2**  
**Development, and New Trends of Refugee Law**

On the completion of this unit the students will be able to: i)explain the historical development of refugee law; ii)describe major dimensions of refugee law, international instruments and soft laws on refugees;	1. Historical Development of Refugee Law 1.1 Different approaches on definition of refugees before 1951 1.2 Development of refugee law after 1951 2. Major dimensions of Refugee: Hard and Soft laws on Refugees. 3. International instruments and	10 hrs	-do-	-do-	-do-
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	sources of Refugees Law. 4. New Trends in Refugee Law and Protection of Refugees				
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement*: International Security, Human Vulnerability and the state, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in international Law*, Clarendon Press Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework*, Kathmandu, Nepal (2000)

**Unit 3**

**International Protection of refugees and other Persons in need of Protection  
Situation**

to understand the concept of protection of refugees and other persons in need of protection situation people, describe the structure of UNHCR; differentiate mandate refugee from convention refugee; explain the mandate and functions of UNHCR to secure effective protection as well as promoting the rights of refugees and analyze the standard applicable to refugee quo refugees.	<ol style="list-style-type: none"> <li>1. Refugee Protection</li> <li>2. Structure of the Office of the United Nations of High Commissioner for Refugee (UNHCR) and its Refugee Protection Role <ol style="list-style-type: none"> <li>a) Protection at the Border</li> <li>b) Prevention as means of protection: <ol style="list-style-type: none"> <li>i) constructive prevention</li> <li>ii) necessary prevention</li> </ol> </li> </ol> </li> <li>3. Mandate and Function of UNHCR to secure effective protection</li> <li>4. Promoting and safeguarding the rights of Refugee.</li> <li>5. Required Standards of treatment of refugees under the 1951 Convention and its Protocol of 1967</li> <li>6. Standards applicable to refugee and quo-refugees: <ol style="list-style-type: none"> <li>a) The convention Travel Documents</li> </ol> </li> </ol>	18 hrs	-do-	-do-	-do-
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	b) Treatment of refugee entering illegally c) Expulsion of refugees d) Principle of Non-Refoulment 7. Protection of Refugees in Municipal Law i) Procedures for the determination of refugee status and the criteria for the grant of residence ii) Termination of refugee status and the principle of acquired rights. 8. Role of concerned NGOs.				
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne Van Selm (ed), <i>Refugees and Forced Displacement: International Security, Human Vulnerability and the State</i>, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)</li> <li>• Erika Feller &amp; Turk Volker <i>et.al. Refugee Protection in International Law</i>, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)</li> <li>• Gill. S. Goodwin- Guy, <i>The Refugee in International Law</i>, Clarendon Press Oxford University, USA, (1990)</li> <li>• James C Hathaway, the <i>Law of Refugee Status</i>, Butterworths, Toronto, Canada.</li> <li>• Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)</li> <li>• Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)</li> <li>• Ranabir Samaddar, (ed), <i>Refugee and the State</i>, Sage Publications, New Delhi, (2003)</li> <li>• Tapan K Bose &amp; Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)</li> <li>• Tapan K Bose, <i>Protection of Refugees in South Asia: Need for legal Framework</i>, Kathmandu, Nepal (2000)</li> </ul>					
<b><u>Unit 4</u></b>					
<b>Causes of Refugees and Internally Displaced Persons in the World including South Asia and Nepal.</b>					
to impart the knowledge of the cause of plight of refugees and the law of state responsibility in various part of the world, explain displacement and protection of internally displaced persons and to analyze UNHCR's role in ethnic conflict and refugee's situation of South Asia.	1. Cause of Refugees plight and the laws of state responsibility in various parts of the world (Ethnic conflict, political conflict, non international armed conflict, environmental causes, developmental works), 2. Displacement of Human beings 3. Protection regime for internally displaced person 4. Role of UNHCR in Protection of IDPs 5. Refugee in South Asia	16 hrs	-do-	-do-	-do-

	<ul style="list-style-type: none"> <li>i) Forced migration in India</li> <li>ii) Conflict related displacement in Sri-Lanka,</li> <li>iii) Refugees and forced migration in Pakistan;</li> <li>iv) Refugees and displacement in Bangladesh</li> </ul>					
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne van Selm (ed), <i>Refugees and Forced Displacement: International Security, Human Vulnerability and the State</i>, United Nations University Press, Tokyo, Mana Publication, New Delhi, India. (2004)</li> <li>• Erika Feller &amp; Turk Volker <i>et.al. Refugee Protection in International Law</i>, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)</li> <li>• Gill. S. Goodwin- Guy, <i>The Refugee in International Law</i>, Clarendon Press Oxford University, USA, (1990)</li> <li>• James C Hathaway, the <i>Law of Refugee Status</i>, Butterworths, Toronto, Canada.</li> <li>• Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)</li> <li>• Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)</li> <li>• Ranabir Samaddar, (ed), <i>Refugee and the State</i>, Sage Publications, New Delhi, (2003)</li> <li>• Tapan K Bose &amp; Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)</li> <li>• Tapan K Bose, <i>Potection of Refugees in South Asia: Need for Legal Framework</i>, Kathmandu, Nepal (2000)</li> </ul>						
<b>Unit-5</b>						
<b>Refugee Status Determination Procedure and rights of refugees</b>						
to assess the criteria for determination of refugee status, review determination of refugee status by states, distinguish Convention refugees from Mandate refugees, explain determination of refugee status by UNHCR and analytically state the rights of refugee and causes of loss of refugee status.	<ol style="list-style-type: none"> <li>1. Criteria for determination of Refugee Status</li> <li>2. Determination of refugee Status by States <ul style="list-style-type: none"> <li>a) Convention Refugees</li> <li>b) Mandate Refugee</li> </ul> </li> <li>3. Determination of Refugee Status by UNHCR</li> <li>4. Refugees: Women and Children</li> <li>5. Rights of refugees (Social, cultural economic and political rights of refugees)</li> </ol>	14 hrs	-do-	-do-	-do-	
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne van Selm (ed), <i>Refugees and Forced Displacement: International</i></li> </ul>						

Security, Human Vulnerability and the state, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)

- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)
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- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal* (2000)

### Unit-6

#### **International Instruments and Regional Instruments applicable to Refugees and other Persons in Need of Protection**

<p>to elucidate the major provision of the Geneva Convention 1951 and its Protocol 1967, survey relevant provisions of four Geneva Convention and Two additional Protocols 1977, evaluate the provision of OAU Convention Governing the Specific Aspects of Refugee Problem in Africa, 1969 and discuss pertinent UN General Assembly resolutions and EXCOM resolution</p>	<ol style="list-style-type: none"> <li>1. Geneva Convention Relating to the Status of Refugees 1951 and the Protocol Relating to The Status of Refugees 1967</li> <li>2. Four Geneva Convention 1949 and the Two Geneva Protocols 1977</li> <li>3. The Convention Relating to the Status of Stateless Persons, September 28, 1954</li> <li>4. OAU Convention Governing the Specific Aspects of Refugee Problem in Africa, 1969</li> <li>5. Cartagena Declaration on Refugees, 1984.</li> <li>6. Convention on the Reduction of Statelessness, August 30, 1961</li> <li>7. UN General Assembly Resolutions and the Executive Committee of the UN High Commissioner for Refugees (EXCOM) Resolution.</li> </ol>	16 hrs	-do-	-do-	-do-
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#### **Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford

- University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Protection of Refugees in South Asia: Need for Legal Framework*, Kathmandu, Nepal (2000)

**Unit-7**  
**Solution of Refugee Problem**

<p>to explain the provisions of ways of solving the refugee problem, discuss UNCHR'S voluntary repatriation one of Convention 1951 regarding repatriation, clarify the voluntary repatriation in complex political circumstances and in conflict and discuss the Executive Committee Conclusion- voluntary repatriation.</p>	<ol style="list-style-type: none"> <li>1. Voluntary Repatriation:               <ol style="list-style-type: none"> <li>1.1 UNHCR's mandate for voluntary repatriation. The statute The 1951 Convention on the status of refugees General Assembly Resolutions. UNHCR Executive Committee Conclusions Request by the Secretary General</li> <li>1.2 UNHCR role in voluntary repatriation operations</li> <li>1.3 The Protection Content of voluntary repatriation Voluntaries</li> <li>1.4 Repatriation in complex political circumstances and in conflict</li> <li>1.5 UNHCR's mandate for returnee Monitoring</li> <li>1.6 Executive Committee Conclusion 18 (xxxxi)- Voluntary repatriation)</li> </ol> </li> <li>2. Local Integration:               <ol style="list-style-type: none"> <li>2.1 Naturalization</li> <li>2.2 Core Rights: Residence, citizenship, documentation, right to work, right to property, social cultural and political rights</li> </ol> </li> <li>3. Third Country Resettlement</li> </ol>	17 hrs	-do-	-do-	-do-
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global

Consultations on International Protection, Cambridge University Press, London (2003)

- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Protection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal* (2000)

**Unit-8**  
**Few Related Cases:**

<p>to understand the cases studied and write the abstract of cases relating to the judgments, domestic legal provisions and relevant international provisions.</p>	<ol style="list-style-type: none"> <li>1. Subject Terms: Sri-Lankans, Tamils, Refugee Status applications, undocumented asylum seekers, rejection at border, non-refoulement principle, and right to appeal. Country; Republic of Germany (1990) Administrative Court Relevant International Provisions: Geneva Convention Relating to the Status of Refugee, 1951 Article 33. Reference AN 12 E 9041574</li> <li>2. Subject terms: Tamils, Sri-lankas, refugee states determination, well-founded fear of persecution, internal conflict. Country: Australia, English (1990), Federal Court of Australia Title of Decision: Shanmugaraja Thavarajasthingam, Applicant v. the Minister of State for Immigration, Reference: No G 797 of 1989 International Provisions: Convention Relating to the Status of Refugees, 1951, Article 1A(2)</li> <li>3. Subject terms: Salvadorans, internal conflict, persecution of family members, political opinion Country: United States of America (1991) Title of Decision: Echeverria-Hernandez v. US Immigration Reference:923 F2d 688, United States Court of Appeals, 9th Circuit 1991 Relevant International Provisions: Four Geneva Convention IV of 1949, Convention Relating to the Status of Refugee 1951 Article 1A (1) and 1A(2).</li> <li>4. Subject Terms: Vietnamese, refugee</li> </ol>	<p>10 hrs</p>	<p>-do-</p>	<p>-do-</p>	<p>-do-</p>
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	<p>status determination, country of origin, boat people, and burden of proof. Country: Hong Kong, 1990, High Court Title of Decision: R.V. Director of Immigration and Refugee Status Relevant International Provision: Convention Relating to the status of Refugee, 1951 and its protocol 1967.</p> <p>5. Many other relevant cases can be available on the websites mentioned in the references hereunder and referred in the class</p>				
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention Relation to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework*, Kathmandu, Nepal (2000)

**Unit-9**  
**Legal Framework for Refugee Protection in South Asia and Nepal**

to be familiar with the refugee law and policies of South Asia and Nepal	<ol style="list-style-type: none"> <li>1. Refugee law and changing scenario from the South Asian Perspective</li> <li>2. Need of policies on resolving refugee problems and need for Refugee Law in South Asia.</li> <li>3. Prospects of Legal framework dealing with refugees and issues of refugees in Nepal.</li> </ol>	10 hrs	-do-	-do-	-do-
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention Relating to the Status of Refugee 1951 and Protocol Relating to the Status of Refugees, (1967)
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework*, Kathmandu, Nepal (2000)



## Reading Materials

Prescribed	Reference
1. Bose, Tapan K & Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal, (1997)	1. An introduction to the International Protection of Refugees, Training Module, June, UNHCR
2. Bose, Tapan K, <i>Potection of Refugees in South Asia: Need for legal Framework, Kathmandu, Nepal</i> , (2000)	2. Asian African Legal Constitutive Committee, International Refugee and Humanitarian Law, published by AALCC, New Delhi, (1991)
3. Chimni, B.S. (ed.) <i>International Refugee Law, Sage Publishers India Pvt. Ltd, New Delhi, India</i> , (2002)	3. Basic International Legal Documents on Refugees, UNHCR, New Delhi, (2nd Ed. 1998)
4. Feller, Erika & Volker Turk et.al. <i>Refugee Protection in International Law</i> , UNHCR's Global Consultations on International Protection, Cambridge University Press, London, (2003),	4. Conclusions on the International Protection of Refugees, adopted by the Executive Committee of the UNHCR Programme, UNHCR, Geneva (1991)
5. Gasser, Hans-Peter, <i>International Humanitarian Law: An introduction, The International Red Cross and Red Crescent Movement</i> , Henry Dunant Institute, Haupt, (1993),	5. Convention Relating to the Status of Refugee 1951 and Protocol Relating to the Status of Refugees, (1967)
6. G.B. Ramcharan (Dr.), <i>Humanitarian Good Offices in International</i> , Martinus Nijhoff Publishers, the Hague, London, Boston, (1983)	6. Determination of Refugee Status, RLD-2 Training Module, Training with UNHCR
7. Goodwin-Gill. S. Guy, <i>The Refugee in International Law</i> , Clarendon Press Oxford University, USA, (1990)	7. Human Rights and Refugees, Fact Sheet No. 20, World Campaign for Human Rights, United Nations, Geneva, June (1993)
8. Hathaway, James C, the <i>Law of Refugee Status</i> , Butterworths, Toronto, Canada, (1991)	8. Merrills, J.G., & H. Roberstson, <i>Human Rights in the World: An introduction to the Study of the International Protection of Human Rights</i> , Manechester Unit Press, (1990)
9. Hingorani, R.C, <i>Humanitarian Law</i> (2nd ed), Oxford & IBH Publishing Co/Pvt. New Delhi, , (1991)	9. Mukhi Bal Bahadur, <i>COMPARATIVE JURISPRUDENCE</i> , A&M Mukhia, Kathmandu, Nepal, (January 1, 2004)
10. ...., <i>Modern International Law</i> , (2nd ed), Oxford & IBH publishing Co. New Delhi, India, (1982)	10. Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR, Kathmandu., (April 26-27, 1994)
11. Joly, Danjele & Olive Nettieton et. al (1992), <i>Refugees</i> , Westview Press, Colorado, USA.	11. Protocols Additional to the Geneva Conventions International Committee of the Red Cross (12 August, 1949)
12. Kapoor, S.K, <i>International Law</i> (4th ed), Central Law Agency, Universal Book Traders, Allahabad, India, (1986)	12. The Geneva Conventions International Committee of the Red Cross. (12, August 1949)
13. Minear, Larry & Thomas G. Weiss, <i>A Handbook for Practitioners, Humanitarian Action in Times of War</i> , Lunne Rienner Publishers Inc, USA, (1993)	13. The State of the World's Refugees, the Challenge of Protection, United Nations High Commissioner for Refugees, Penguin Books (1993)
14. Newman, Edward & Joanne van Selm (ed), <i>Refugees and Forced Displacement: International Security, Human Vulnerability and the state</i> , United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)	14. Websites: <a href="http://www.unhcr.ch">www.unhcr.ch</a> , <a href="http://www.icj.cij.org/icj_ideedisiosn">www.icj.cij.org/icj_ideedisiosn</a> <a href="http://www.un.org/icty/judgement.htm">www.un.org/icty/judgement.htm</a> <a href="http://www.ictr.org">www.ictr.org</a>
15. Samaddar, Ranabir (ed), <i>Refugee and the State</i> , Sage Publications, New Delhi, (2003)	
16. Starke, J.G., <i>Introduction to International Law</i> (9th ed), Butterworths, London, (1984)	

## Nepalese Legal System

Course Title: <b>Nepalese Legal System</b>	Period Per Week: Four
Course No: Law 781	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: III	Pass Mark: 50
Nature: Compulsory	Level : LL.M.

### Course Description:

This is a compulsory course for the students of LL.M. third year. The course contains concept of legal system, analysis of Nepalese legal history, reception of law and characteristics of Nepalese legal system.

### Objectives:

- The general objective of this course is to introduce to the students the general concept, evolution, its underlying philosophy, the nature of reception, the law making process, the judicial process, the law enforcing process and the distinctive features of the Nepalese legal system.
- The specific objective is to produce manpower with competence for promoting the rule of law and a just society.

<b>Unit 1</b> <b><u>Notions of Legal System</u></b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To familiarize students about the Notions of Legal System	1. Meaning of Legal System 2. Sources of Legal System 3. Kinds of Legal System 4. Autonomy of Legal System	20 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination
<b>Reading Materials</b> See unit-2					
<b>Unit 2</b> <b><u>Major Legal Systems</u></b>					
To enable the students to understand the different major Legal System of the world	- Criteria for the classification of Major Legal Systems - Major Legal Systems of the World: a. Common Law b. Civil Law c. Religious: i. Hindu Law ii. Muslim Law d. Japanese Law e. Socialist Law	25 hrs	-do-	-do-	-do-

	f. Chinese Law - Comparison among the major legal systems				
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### Reading Materials

#### Reference Materials for chapter 1 and 2:

- A.K.H. Makhnenco, *The State Law of the Socialist Countries*, Progress Publishers, Moscow, (1976)
- Amber P. Pant, "Belayatko Kanoon Pranali Aitihasic Pariprekchhyama", *Nepal Law Review*, Vol.10, No. 2, Nepal Law Campus, Kathmandu Nepal ( Oct.,1986)
- Amber P. Pant, "Jurisprudential Study on some Fundamental Aspects of Legal System", *Justice*, vol.1, Gyangun Research Institute (GRI), Kathmandu, Nepal, (1991)
- Debbie Legall, "Sharia: Faith-based law", *International Bar News*, International Bar Association, London, September(2007).
- Dhurba Bar Singh Thapa, "Nepalko Kanoon Pranali Ek Sangchhipta Vivechhana", 6 *Nyayadoot* 1, also reprinted at No. 110, Nepal Bar Association.
- Dr. Swami Prapannacharya, *Vedama Ke Chha?* Sajha Prakashan, Lalitpur, Sixth Edition (2060 B. S.)
- Gajendra Keshari Banstola, " Rigbediya Savyata Gyanma Matra Hoina Bigyanma Ra Nyayama Pani Aadharit Chha", *Law Bulletin*, Year-6, No.9, Vol.57, Nepal Law Society, Kathmandu, Nepal (1993).
- Gajendra Keshari Banstola, "Agenuma Poleko Alu", *Nyaya Prateek*, Vol.5, No. 7, Binod Roka, Kathmandu, Nepal (1986).
- Gajendra Keshari Banstola, "Shreyanswobidharmo Biguna", *Nepal Law Review*, Vol.10, No. 2, Nepal Law Campus, Kathmandu Nepal ( Oct.,1986).
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- Gajendra Keshari Banstola, "Vedharu Jadbuddhika Pralap Hun Ta?", *Law Bulletin*, Year-6, No.7, Vol.55, Nepal Law Society, Kathmandu, Nepal (1992).
- Ganesh Raj Sharma, "Independence of the Judiciary", *Essays on Constitutional Law*, vol.26, Nepal Law Society, Kathmandu, Nepal (1998).
- H.Patrick Glenn, *Legal Traditions of the World*, Oxford University Press Inc., New York, Second Edition, (2004)
- Henry J. Abbrahm, *Judicial Process*, Oxford University Press, Delhi (1975)
- Hermes Pazzaglini, "Chinese Law Past and Present and Recent Legislative Developments", *Business Law International*, Vol. 8 No. 3, International Bar Association, London (November, 2007).
- J. Duncan M. Derret ( ed.), *An Introduction to Legal Systems*, Universal Law Publishing Co. Pvt. Ltd. ,Delhi, First Indian Reprint,(1999)
- John Wheeler, *The English Legal System*. Person Education Limited, England, First Edition, (2002)
- Joseph Raz, *The Concept of Legal System*, Clarendon Press, Oxford 2nd ed. Rep. (1997).
- Julius Stone, *Legal System and Lawyer's Reasonings*, Universal Law Publishing Co. Pvt. Ltd. ,Delhi,(2004).
- Klaus Schubert, "German Legal Education: A Brief Introduction", *Law Bulletin*, Year-6, No.7, Vol.55, Nepal Law Society, Kathmandu, Nepal (1992)
- Konard Zweigert *et al* (Translated by Tony Weir), *Introduction to Comparative Law*, Oxford University Press inc. New york, Third Revised Edition,(1998)
- Mary Ann Glendon *et al* *Comparative Legal Traditions in a Nutshell*, West Group, St. Paul Minn., USA, Second Edition, 4<sup>th</sup> Print (2004)
- Michael Bogdan, *Comparative Law*, Kluwer and Taxation Publishers, 1<sup>st</sup> Edition ,Sweden, (1994)
- Paras Diwan, *Modern Hindu Law* Allahabad Law Agency, Faridabad Haryana, (1997).

- Pravakar Adhikari *et.al.* "Nepal", In Prof. Dr. R. Blanpain (edi.), *International Encyclopedia Law*, Kluwer Law International (2007)
- Priya Nath Sen, *General Principles of Hindu Jurisprudence*, Allahabad Law Agency (1984)
- Rebati Raj Tripathi, *Nepalese Legal System, A Jurisprudential and Comparative Appraisal*, Lumbini Prakashan (2008)
- Rene David *et al.* *Major Legal System in the world Today, An Introduction to the Comparative Study of Law*, Stevens & Sons, London, Third Edition London,(1985)
- U. Baxi, *The Crisis of Indian Legal System*, Vikash Publication House Pvt. Ltd. (1982)

### Unit 3

#### History of Nepalese Legal System

To enable the students to know about the history of Nepasele Legal System	1. History of Nepalese Legal System A. Kirat Period B. Lichchhavi Period C. Malla Period D. Shah Period (From the era of P. N. Shah to the era of Panchayat System) E. Post Panchayat Period 2. Major Codes in the History of Nepal : - Nyayabikashini - <i>Sihiti</i> of Ram Shah - Country Code, 1854	20 hrs	-do-	-do-	-do-
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#### **Reading Materials**

See Unit-4

### Unit 4

#### Present Nepalese Legal System

to acquaint the student with the knowledge of present Nepalese Legal System	Present Nepalese Legal System A. Introduction of Indigenous Law and Reception of Law B. Characteristics C. Formal and Informal System D. Law Making Process E. Judicial Process F. Impact of Major Legal System G. Codification	20 hrs	-do-	-do-	-do-
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#### **Reading Materials**

*Reference Materials for chapter 3 and 4:*

- Andras Hofer, *The Caste Hierarchy and the State in Nepal, A Study of the Muluki Ain of 1854*, Himal Books Lalitpur, Second edition, (2004).
- Babu Ram Acharya *et al* (ed.), *Badamaharaja Dhiraj Shree Panch Prithvi Narayan Shahko Dibya- Upadesha*, Prof. Shreekrishna Acharya, Kathmandu, Third Revised Edition, (2061 B.S.)
- Babu Ram Acharya, *Nepalko Sangchhipta Britanta*, Prof. Shreekrishna Acharya, Kathmandu, (2063 B.S.)
- Badri Bahadur Karki, "Muluki Ain of B.S. 1910: Some Interesting Legal Observations" reproduced in Dr. Jagadish Chandra Regmi, *Nepalko Vaidanik Parampara*, Tanneri Prakashan, Third Edition, (2060 B.S.).
- Badri Bahadur Karki, A Frame-work for the Federal Judiciary of Nepal, *Nyayadoot*, Chaitra-Baishakh, 2064/65 B.S. Nepal Bar Association, (2064/65 B.S.)
- Bharat Raj Upreti *et al* (editors) *Nepalko Sambaidhanik Kanoon*, FREEDeAL, Kathmandu, (2054 B.S.)
- Bharat Raj Upreti, "Erosion of Judicial Independence & Integrity in Nepal" *Justice*, vol.2, Gyangun

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- Bishal Khanal, "Emerging Problem of Stability in Structural set up of Judiciary in Nepal", *Essays on Constitutional Law*, Vol.19,Nepal Law Society, Kathmandu (1995).
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- Bishal Khanal, "The Concept Received but the content ignored: A Dilemma with the legal system of Nepal", 12 *NLR* 1, (1998).
- Bishal Khanal, *Nepalko Nyaya Prashashan Ek Aitihashik Simhabalokan*,Kathmandu (1985).
- Bishal Khanal, *Regeneration of Nepalese Law*, Bhrikuti Academic
- Bishal Khanal,"Court Management System Vital Area of Judicial Administration", *Law Bulletin*,Year 7, Number 1, Volume 61, Nepal Law Society,Kathmandu (1994).
- Bishwo Nath Upadyaya,*Naya Muluki Ain : Ek Parichaya,Panchayatka Bibhinna Pakchhya*, His Majesty's Government, Ministry of Information and Communication,Department of Information, (2025 B.S.)
- Chandra Kanta Gyawali, "*Federal Administrative System, Restructuring of the State*, Miss Amita Gyawali, Kathmandu. (2064 Magh)
- Dhana Bajra Bajracharya & Tek Bahadur Shrestha, *Shahkalka Avilekh*, T.U. & Nepal Asiali Study Cente (2038 B.S.) .
- Dhana Bajra Bajracharya, *Lichchhavi Kalka Avhilekh*, T.U. & Nepal Asiali Study Centre, (2030) .
- Dhurba Bar Singh Thapa, "Legal Education: A Policy Perspective For Nepal" *Nepal Law Review*, Vol.2,No. 2,Institute of Law, Kathmandu Nepal (1978).
- Dr. Dilli Raman Regmi, *Ancient Nepal*, K.L.Mukhopadhy, Culcutta,
- Dr. Dilli Raman Regmi, *Medieval Nepal*,Vol. I & II Firma K. L. Mukhopadhy, Culcutta (1965/66 respectively) .
- Dr. Jagadish Chandra Regmi, *Nepalko Vaidanik Parampara*, Tanneri Prakashan Third Edition, (2060).
- Dr. Rajit Bhakta Pradhananga,"The Nepalese Draft Penal Codes in Evolution of Homicide Law in Nepal: A Critical Review",*Nyayadoot*,vol. 31, No. 117,Nepal Bar Association,Kathmandu, (2001)
- Dr. Ram Krishna Timalsona (ed.), *Some Landmark Decisions of the Supreme Court of Nepal*, Supreme Court of Nepal (2003).
- Dr. Jagadish Chandra Regmi, "A Historical Survey of the Nepalese Legal System", Surya Prasad Sharma Dhungel *et al* (ed.), *Readings in the Legal system of Nepal*, Law Publications (1986) .
- Ganesh Raj Sharma, Independence of the Judiciary, 26 *Essays on Const. Law*. (1998).
- Har Govinda Singh Pradhan,"Affairs of Law", *Essays on Const. Law*, vol. 32 Nepal Law Society,Kathmandu (June,2000).
- Imman Singh Chemjong, *History and Culture of Kirat People*, Part I & II (1966).
- Institute for Legal Research and Resources, Analysis and Reform of the Criminal Justice System in Nepal,Celrrd,Kathmandu (1999).
- Institute of Law, Kathmandu,Nepal, *Nepal Law Review* Special Issue of the seminar entitled "Legal Education in Nepal",Vol.1, No. 2,(July- September,1977).
- K.K. Adhikari,"Criminal Cases and their punishments before and during the period of Jung Bahadur", *Contemporary Nepalese Studies*, vol. 3 .Kathmandu,(1976).
- Kashi Raj Dahal,"Sambidhan Ra Najirko Paripalan", *Essays on Constitutional Law*,Vol.22,Nepal Law Society, Kathmandu (1996).
- Kedar Nath Dahal,"An Introduction to Muluki Ain",*Nepal Law Review*,Vol.4 No. 4,Institute of Law, Kathmandu,Nepal.
- Kedar Nath Dahal,"Government cases and their prosecution in Nepal",*Nepal Law Review*.Vol. 6 No. 1,Institute of Law, Kathmandu,Nepal (July,1982).
- Kusum Shrestha , "Our Judiciary in Limbo", *Essays on Constitutional Law*,Vol.7,Nepal Law Society,Kathmandu (1991).
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- Laxman P. Aryal, Competent Judges alone can keep Judiciary from tarnishing its image, 28 *Essays on Const. L.* (1998).

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- Prakash Osti (ed.), *Kanoonsambandhi Kehi Etihasisik Abhilekharu*, Lawyer's Club, Kathmandu, Nepal (2063 B.S.)
- Prakash Osti, *Hamro Kanooni Itihaska Kehi Jhankiharu*, Pairavi Book House, Kathmandu, (2063 B.S.)
- Prof. Dinesh Raj Pant, *Nyayabikashini (Manavnyayastra, A Law enacted by King Jayasthiti Malla in Nepal Era 500 (AD 1380)* Co-publication of Kanoon Bi-monthly Law Journal, Lawyer's Club, Kathmandu (2065 B.S.)
- Publications, Kathmandu (2000).
- Purna Man Shakya, "Spotlight on the Process of Selection and Appointment of Judges in Nepal", *Supreme Bar Journal*, No. 2 Supreme Court Bar Association, Kathmandu Nepal, (Chaitra 2064 B.S.)
- Rajaram Subedi, "Prachinkaldekhi Shree Panch Surendra Bir Bikram Shahdevsammako Nyayapranali", *Nepal Law Review*, Vol. 6 No. 1, Institute of Law, Kathmandu, Nepal (July, 1982).
- Ramesh Bikram Karki, "Human Rights in China" *Justice*, vol. 2, Gyangun Research Institute (GRI), Kathmandu, Nepal (1995).
- Rewati Raman Khanal, "Historical Perspective of Judicial Tradition in Nepal, Readings in the Legal system of Nepal", Surya Prasad Sharma Dhungel *et al* (ed.), *Readings in the Legal system of Nepal*, Law Publications (1986).
- Rewati Raman Khanal, "Nepalko Kanoon Paddhatiko Bishesta", *Nepal Law Review*, Vol. 6, No. 4, Institute of Law, Kathmandu Nepal (April, 1983).
- Rewati Raman Khanal, *Nepalko Kanooni Itihasko Ruprekha*, Sarswati Khanal, Kathmandu, (2059 B.S.)
- Rishikesh Shaha, *Ancient and Medieval Nepal*, Ajay Kumar Jain for Manohar Publishers and Distributors, New Delhi (1992).
- Shambhu Prasad Gyawali, "Nyayako Samrakchhyanma Shree Paanch Mahendrako Yogdan", *Nepal Kanoon Patrika*, 2019 part of articles, Kathmandu, Nepal.
- Shambhu Prasad Gyawali, "Nepalese Legal System: A Historical Perspective", Surya Prasad Sharma Dhungel *et al* (ed.), *Readings in the Legal system of Nepal*, Law Publications (1986).
- Supreme Court of Nepal, *Justice in Nepal*, (1982)
- Supreme Court of Nepal, Supreme Court Golden Jubilee Souvenir, (2062)
- Surya Prasad Sharma Dhungel, Abaidhanik Bidhanbata Baidhanik Sambidhansamma, *Kanoon*, Vol. 4 No. 1, Falgun 2044, Nepal Law Book Management Company Pvt. Ltd., Kathmandu.
- Tahir Ali Ansari, "Nepalma Kanoon Tarjumako Bikas", *Nepal Law Review*, Vol. 10, No. 2, Nepal Law Campus, Kathmandu Nepal (Oct., 1986).
- Warren E. Burger, "The Doctrine of Judicial Review", *Essays on Constitutional Law*, Vol. 8, Nepal Law Society, Kathmandu (1991).

**Unit 5**  
**Judicial System**

To impart knowledge on Judicial System of major legal system and Nepal	Comparative Study of Nepalese Judicial System with the unitary and federal judicial system of Major countries.	15 hrs	-do-	-do-	-do-
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**Reading Materials**  
See unit-6

**Unit 6**  
**Legal Profession**

To impart knowledge on Legal Profession	Comparative Study of Nepalese Legal Profession with the unitary and federal Legal Profession of Major countries.	15 hrs	-do-	-do-	-do-
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of major legal system and Nepal					
<b>Reading Materials</b> <b>Reference Materials for chapter 5 and 6:</b> <ul style="list-style-type: none"> <li>• B.P. Mishra <i>et al</i>, "Legal Profession: A Comparative Study", <i>Advocacy</i>, Vol.1, No. 4 Kathmandu, Bhadra-Kartik (2057B.S.)</li> <li>• F.S. Nariman, "Independence of the Legal Profession and of the Judiciary", <i>Essays on Constitutional Law</i>, Vol.15, Nepal Law Society, Kathmandu (1993)</li> <li>• Laxman Aryal, "Evolution of Nepalese Legal Profession", Surya Prasad Sharma Dhungel <i>et al</i> (ed.), <i>Readings in the Legal system of Nepal</i>, Law Publications (1986) .</li> <li>• The relevant portion of the reference materials under chapter 1-4</li> </ul>					
<b>Unit 7</b> <b>Reforms in Nepalese Legal System</b>					
To give knowledge about the Reforms in Nepalese Legal System	Prescription for Reforms in Nepalese Legal System	10 hrs	-do-	-do-	-do-
<b>Reading Materials</b> <b>Reference Materials for chapter 7:</b> <ul style="list-style-type: none"> <li>• Annual Reports of Supreme Court</li> <li>• Dr. Abhishek M.Singhvi, "Harnessing the Capabilities of Judiciary for more Expeditious Disposal" the paper presented in the Fourth SAARCLAW Conference, Kathmandu, (31 March-2 April, 1995)</li> <li>• Kalyan Shrestha, "Harnessing the Capabilities of Judiciary to meet challenges for Expeditious Delivery of Justice" the paper presented in the Fourth SAARCLAW Conference, Kathmandu, 31 March—2 April, 1995.</li> <li>• Supreme Court of Nepal, <i>Strategic Plan of the Nepalese Judiciary</i>, Kathmandu (2004)</li> </ul>					
<b>References</b> <b>Journals:</b> <ol style="list-style-type: none"> <li>1. Annual Survey of Nepalese Law</li> <li>2. Essays on Constitutional Law</li> <li>3. Journal of Judicial Council</li> <li>4. Kanoon</li> <li>5. Kanoon Bibarinika</li> <li>6. National Judicial Academy Journal</li> <li>7. Nepal Kanoon Patrika</li> <li>8. Nepal Law Review</li> <li>9. Nyayadoot</li> <li>10. Purnima</li> <li>11. Supreme Court Bar Journal</li> </ol>					

## Thesis

Course Title: <b>Thesis</b>	
Course No: Law 782	Full Marks: 100
Duration of the Course: One Year (125 hrs)	
Year: III	Pass Mark: 50
Nature: Compulsory	Level : LL.M.

### Course Description

The Thesis is designed and introduced to undertake research in a topic approved by Central Department of Law. It carries 100 full marks out of which 75 marks will be evaluated by external examination and remaining 25 marks will be evaluated by viva voce.

### Course Objectives:

The main objective of writing a Thesis is to acquaint students with the process of doing research on definite legal issues of law and justice. For this, the students shall submit a proposal of Thesis in a prescribed format before the Head of Central Department of Law within the specified date from the beginning of the Second Year which may be approved with or without modification. While preparing Thesis, the students shall have to take the complete guidance of the supervisor appointed by the Central Department of Law. As a rule, the supervisor shall have to submit a progress reports of the candidate about the progress of his/her Thesis.

After completing the Thesis, it has to be submitted before the central Department of Law with the recommendation of the supervisor within the specified date. A candidate must submit three copies of the Thesis to the Central Department of Law. Thesis must be prepared by applying the standard rule of citation and bibliography as instructed by the Central Department of Law.



## Constitutional Law II (Civil liberties)

Course Title: <b>Constitutional Law II (Civil liberties)</b>	Period Per Week: Four
Course No: Law 783	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

Constitutional law II (Civil Liberties) will deal with fundamental rights and their enforcement. It will also investigate the relation of fundamental rights with basic structure, emergency, directive principles of state policy, legal rights etc. This paper will deal with the definition and interpretation of important fundamental rights in the constitution of Nepal, their comparison with similar rights in India, USA and UK. The scope of change, enforcement and interpretation of fundamental rights in the light of modern context will be extensively dealt with. It will also include the study of interrelation between fundamental rights and directive principles. Fundamental rights have to be seen in the context of institutional arrangement. In this context this paper shall also deal with the different techniques available for enforcement of the fundamental rights. The relation of fundamental rights with executive, legislature and judiciary may be analyzed. In fact fundamental rights may be so extensively studied that one year would be just enough. So Constitutional Law II (Civil Liberties) will mainly focus on Fundamental Rights. This paper may be called as "Civil Liberties".

### Course Objectives

The objectives of the course are as follows:

- a. To produce creative and critical minds for good governance of the country;
- b. To give in depth knowledge about civil liberties/fundamental rights in comparative perspective.
- c. To produce constitutional experts on civil liberties and to enable them to help citizens for seeking their problems solved through legal institutions.
- d. To produce competent manpower capable enough to work at policymaking level. More than application they should be active in analysis, evaluation and reform in existing interpretations of provisions related to civil liberties in the constitutional law of Nepal.

<b>Unit-1 GENERAL</b>					
Objectives	Contents in the instructional unit	Time for each unit	Instructional technique for each unit	Instructional material for each unit	Assessment of each unit
To give in depth and critical knowledge about the theoretical concept of civil liberties/rights.	GENERAL 1 .Meaning, sources and scope of civil liberty (Fundamental Rights as a part of civil	6 periods/ 12 hrs	Lecture, discussions, question answers, case analysis	Text books, cases, research articles and	Identification and classification of civil liberties (based on

To give an in depth idea about the constitutional status of fundamental rights and its relation with Directive Principles of State Policy and the concept of Basic structure.	liberty) 2. Fundamental Rights and Legal Rights 3. Fundamental Rights with limitation on State/Definition of State 4. Fundamental Rights and Directive Principles of State Policy (comparison and relation) 5. Fundamental Rights and Basic Structure 6. Suspension of fundamental rights in emergency			reference books	Hofeild's analysis) from the existing legal regime of Nepal.  Exercise to identify the fundamental rights that may have the status of Basic structure.  Exercise to identify the instruments and agencies of the State.
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDeAL
- *M.P.Jain*, Constitutional Law of India
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-2**  
**EQUALITY**

To give the critical idea of the concept of equality as understood and interpreted by the courts in Nepal with comparative references to equality in USA, India and UK.	<b>EQUALITY</b> 1. Equality as conceived in Art.13 of the Interim Constitution of Nepal. 2. Equality as conceived in Art. 14 to 18 of the constitution of India. (Reasonable Classification / Arbitrary Power / Protective Discrimination etc.) 3. Equality as conceived in XIVth/Vth Amendment	8 periods/ 16 hrs	Lecture, discussions, question answers, analysis of relevant cases from USA, India and Nepal.	Text books, reference materials and cases.	Discussion on hypothetical problems of violation of right to equality and the remedies available.
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	of US constitution. (Rational basis test, suspect classifications etc.)				
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• Bhimarjun Acharya, Ph.d, <i>Fundamental Rights of the World Constitutions</i></li> <li>• D.D Basu, <i>Constitutional Law of India</i></li> <li>• Dhungel and others, <i>Commentary on the Nepalese Constitution</i></li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> <li>• H.M. Seervai, <i>Constitutional Law of India</i></li> <li>• Hood &amp; Phillips, <i>Comparative Constitutions</i></li> <li>• Kanak Bikram Thapa and Bharat Uprety (edi.), <i>Constitutional law of Nepal</i>, pub. by FREEDeAL</li> <li>• <i>M.P.Jain</i>, Constitutional Law of India</li> <li>• Ridges, <i>Constitutional Law of England</i></li> <li>• Stone, Seidman, Sunstein and Tushnet, <i>Constitutional Law</i></li> <li>• V. N Shukla, <i>Constitutional Law of India</i></li> <li>• Wade and Phillips, <i>Constitutional Law</i></li> </ul>					
<b>Unit-3</b>					
<b><u>LIFE AND LIBERTY</u></b>					
<p>To give critical knowledge about the changing dimensions of the concept and content of the term Life and Personal Liberty and its enforcement through constitutional mechanisms in different countries.</p> <p>To make a comparative analysis of procedural safeguards provided by different constitutions.</p>	<p>LIFE AND LIBERTY</p> <ol style="list-style-type: none"> <li>1. Right to Life and Personal Liberty in Nepal. (Contents of Life and Personal Liberty, Procedural safeguards, preventive detention etc.) Its relation with Right to Equality and other freedoms.</li> <li>2.. Right to Life and Personal Liberty in India. (Contents of Life and Personal Liberty, Procedural safeguards etc.)</li> <li>3. Life and Liberty under Vth Amendment of US Constitution. (Substantive and procedural due process)</li> </ol>	<p>7 periods/ 14 hrs</p>	<p>Lecture, discussions, question answers, case analysis</p>	<p>Text books, reference materials and cases.</p>	<p>Assessment of constitutional protection of Life and Personal liberty in Nepal and identification of problem areas and constrains in enforcement.</p>
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• Bhimarjun Acharya, Ph.d, <i>Fundamental Rights of the World Constitutions</i></li> </ul>					

- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDAL
- **M.P.Jain**, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

#### Unit-4

#### SPEECH AND PRESS

<p>To give a critical idea of freedom of speech as a basic right for democracy. And to see how they have been developed over a period of time in India and USA and see how far they are relevant for Nepal.</p>	<p>SPEECH AND PRESS</p> <ol style="list-style-type: none"> <li>1. Freedom of Speech and Press in the Interim Constitution of Nepal. (content of speech, reasonable restrictions etc)</li> <li>2. Freedom of Speech in India (content and restrictions)</li> <li>3. Freedom of Expression in First Amendment of the US Constitution. (symbolic speech, obscenity, hate speech, kinds of restrictions etc)</li> </ol>	<p>8 periods/ 16 hrs</p>	<p>Lecture, discussions, question answers, case analysis</p>	<p>Text books, reference materials, articles and cases.</p>	<p>Case studies of violations of freedom of speech in Nepal. Verification of constitutionality of ordinary laws dealing with restrictions on freedom of speech.</p>
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#### Reading Materials

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Fundamental Rights on Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDAL
- **M.P.Jain**, *Constitutional Law of India*
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

<b>Unit-5</b>					
<b>PROFESSION, OCCUPATION, INDUSTRY OR TRADE</b>					
To give a critical idea of the freedom and its relevance in the context of mixed economy, privatization and liberalization.	PROFESSION, OCCUPATION, INDUSTRY OR TRADE 1. Freedom of Profession, Occupation, Industry or Trade in Nepal. (definition of profession, occupation etc, state monopoly and reasonable restrictions) 2. Freedom of Profession, Occupation, Industry or Trade in India. (definition of profession, occupation etc, state monopoly and reasonable restrictions)	4 periods/ 8 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials, articles and cases.	Identification of interrelation between freedom of occupation with right to property, life and equality.
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• A.C. Kapoor, <i>World Constitutions</i></li> <li>• A.V. Dicey, <i>An Introduction to the Study of the Law of the Constitution</i></li> <li>• Bhimarjun Acharya, Ph.d, <i>Fundamental Rights of the World Constitutions</i></li> <li>• D.D Basu, <i>Constitutional Law of India</i></li> <li>• Dhungel and others, <i>Commentary on the Nepalese Constitution</i></li> <li>• Gerald Gunther, <i>Constitutional Law</i></li> <li>• H.M. Seervai, <i>Constitutional Law of India</i></li> <li>• Hood &amp; Phillips, <i>Comparative Constitutions</i></li> <li>• Kanak Bikram Thapa and Bharat Uprety (edi.), <i>Constitutional law of Nepal</i>, pub. by FREEDERAL</li> <li>• <i>M.P. Jain</i>, Constitutional Law of India</li> <li>• Ridges, <i>Constitutional Law of England</i></li> <li>• Stone, Seidman, Sunstein and Tushnet, <i>Constitutional Law</i></li> <li>• V. N Shukla, <i>Constitutional Law of India</i></li> <li>• Wade and Phillips, <i>Constitutional Law</i></li> </ul>					
<b>Unit-6</b>					
<b>CRIMINAL JUSTICE</b>					
To make a critical study of procedural safeguards for an accused and compare it with the due process requirements in US.	CRIMINAL JUSTICE 1. Constitutional rights regarding criminal justice in the Interim Constitution of Nepal. 2. Study relevant cases from US and India (dealing with double jeopardy, self incrimination, right to counsel, legal aid etc.)	7 <sup>1</sup> / <sub>2</sub> periods 15 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials, articles and cases.	Case analysis and discussion

**Reading Materials**

- A.C. Kapoor, *Select Constitutions*, Delhi: S Chand and Corpoor, Ltd, 2010,
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*, Tenth Edition, New Delhi: Universal Law Publisity Co. Pvt. Ltd., 2003
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDeAL
- *M.P.Jain*, Constitutional Law of India
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-7**  
**INFORMATION**

To study about the importance of disclosure of public information in good governance.	INFORMATION 1. Right to Information in the Interim Constitution of Nepal.	1 period 2 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials, articles and cases.	Analysis of possible limitations on disclosure requirements in the interest of state security.
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDeAL
- *M.P.Jain*, Constitutional Law of India
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-8**  
**PROPERTY**

To give comprehensive and critical knowledge about the relevance of	PROPERTY 1. Right to Property in the Interim Constitution of Nepal. (Police power,	6 periods/ 12 hrs	Lecture, discussions, question answers, case analysis, discussion of	Text books, reference materials, articles and cases.	Analysis of constitutional changes in India with regard to right to
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fundamental right to property in the context of distributive justice and socio-economic reform.	<p>eminent domain)</p> <p>2. Right to Property in India (constitutional development)</p> <p>3. Property and due process in US constitution</p>		political behaviors		property and its relevance in Nepal.
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#### Reading Materials

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*, Kathmandu, Pairavi Book House, 2008
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- *M.P.Jain*, Constitutional Law of India
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitution Law of India*, Lucknow: Eastern Book Company, 2006
- Wade and Phillips, *Constitutional Law*

### Unit-9 **RELIGION**

To give and critical and comparative idea about the freedom of religion and the concept of secular state.	<p>RELIGION</p> <p>1. Right to religion under the Interim Constitution of Nepal (restrictions, conversions, Hindu Kingdom, functional secularism).</p> <p>2. Freedom of religion in USA and India (concept of secular state)</p>	5 periods/ 10 hrs	Lecture, discussions, question answers, case analysis, discussion of political behaviors	Text books, reference materials, articles and cases.	Assessment of behavior of political parties in the context of constitutional vision and identification of provisions which need to be reformed.
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#### Reading Materials

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- *M.P.Jain*, Constitutional Law of India

- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-10  
PRIVACY**

To give an in depth idea of privacy as a modern constitutional right to preserve human dignity. Also to introduce the idea of privacy as a penumbral right in India and USA.	PRIVACY  1. Right to privacy in the Interim Constitution of Nepal and its comparative analysis with right to privacy in US and India.	4 periods 8 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials, articles and cases.	Analysis of <i>Annapurna Rana's</i> Case.
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- Reading Materials**
- A.C. Kapoor, World Constitutions
  - A.V. Dicey, An Introduction to the Study of the Law of the Constitution
  - Bhimarjun Acharya, Ph.d, Fundamental Rights of the World Constitutions
  - D.D Basu, Constitutional Law of India
  - Dhungel and others, Commentary on the Nepalese Constitution
  - Gerald Gunther, Constitutional Law
  - H.M. Seervai, Constitutional Law of India
  - Hood & Phillips, Comparative Constitutions
  - Kanak Bikram Thapa and Bharat Uprety (edi.), Constitutional law of Nepal, pub. by FREEDAL
  - **M.P.Jain, Constitutional Law of India**
  - Ridges, Constitutional Law of England
  - Stone, Seidman, Sunstein and Tushnet, Constitutional Law
  - V. N Shukla, Constitutional Law of India
  - Wade and Phillips, Constitutional Law

**Unit-11  
CONSTITUTIONAL REMEDIES**

To give an in depth knowledge about the remedies available to the citizens and how they can enforce fundamental rights.	CONSTITUTIONAL REMEDIES  1. Extra-ordinary remedies for the enforcement of fundamental rights (comparative perspective with special focus on Nepal and India). 2. Public Interest Litigation, Judicial Activism and its limitations in Nepal (with relevant references to Indian experiences). 3. Public Interest Litigation in US	4 periods 8 hrs	Lecture, discussions, question answers, case analysis	Text books, reference materials, articles and cases.	Analysis of cases and its impact on behaviors of political wings of government.
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- **M.P.Jain**, Constitutional Law of India
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- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Unit-12****MODERN TRENDS IN DEVELOPMENT OF CIVIL LIBERTIES**

To give an idea about the new trends in constitutional development in democratic countries of the world (including Nepal) and make an assessment of their relevance for Nepal.	MODERN TRENDS IN DEVELOPMENT OF CIVIL LIBERTIES	2 periods/ 4 hrs	Lecture, discussions, question answers, case analysis, discussion of political behaviors	Journals, Text books, reference materials, articles and cases.	Assess how far Nepalese constitution has kept in track with the new trends of constitutional development around the world.
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**Reading Materials**

- A.C. Kapoor, *World Constitutions*
- A.V. Dicey, *An Introduction to the Study of the Law of the Constitution*
- Bhimarjun Acharya, Ph.d, *Fundamental Rights of the World Constitutions*
- D.D Basu, *Constitutional Law of India*
- Dhungel and others, *Commentary on the Nepalese Constitution*
- Gerald Gunther, *Constitutional Law*
- H.M. Seervai, *Constitutional Law of India*
- Hood & Phillips, *Comparative Constitutions*
- Kanak Bikram Thapa and Bharat Uprety (edi.), *Constitutional law of Nepal*, pub. by FREEDEAL
- **M.P.Jain**, Constitutional Law of India
- Ridges, *Constitutional Law of England*
- Stone, Seidman, Sunstein and Tushnet, *Constitutional Law*
- V. N Shukla, *Constitutional Law of India*
- Wade and Phillips, *Constitutional Law*

**Recommended Reading materials**

1. The students are also required to study the following materials:
  - a) The research articles published in different journals of Nepal and abroad.
  - b) The materials supplied by the teacher in the class.
  - c) Cases prescribed by the teacher in the class.

## Commercial Law II

Course Title: <b>Commercial Law II</b>	Period Per Week: Four
Course No: Law 784	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1 hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

The course is designed to impart basic knowledge to the students on different aspects of the law of privatisation, foreign investment and transfer of technology regime, foreign investment regulation in Nepal, commercial aspects of transfer of technology, commercial arbitration and conciliation/mediation, impact of WTO regime on Nepalese business

### Course objectives

The objectives of this course is to familiarize the students with the modern trends of Law relating to the four areas privatisation, foreign investment, commercial arbitration and the WTO regime into which course content is divided. Though these areas are recently emerging as challenges in the global context, the thrust of the course is on the existing Nepalese Law taught on a comparative basis with the relevant foreign and international models and developments.

### Unit 1 Privatization

Objectives	Contents	Time allotted	Int. tech	inst. Mat.	Eva. Tech
To make the students able to examine the rationale and procedure of privatization.	Privatization 1. Concept, Genesis, Process, Regulation and International Experience of Privatization. 2. Privatization of PEs in Nepal. (a) Background and Strategies, Policy, Programme and Practice of Privatization (b) Legal Regulation of Privatization, Modes and Procedure (c) Trends and Evaluation of Privatization Programme.	20	Lecture, question - answer, paper presentation, case analysis, group discussion	Statutes, cases, Books, Articles, Notes, Reports	Oral Question, paper Presentation, Written Examination

Reading Materials						
Prescribed			Reference			
1. I. Adam Smith Institute. <i>An Introduction to Privatization</i> , Kathmandu, Nepal. (1999) 2. DFID. <i>An Independent Review of the Privatization Programme in Nepal</i> , Kathmandu, Nepal. (2000-2001) 3. <i>Interim Report of High Level Corporation Reforms Recommendation Committee</i> , Kathmandu. (2007) 4. Ministry of Finance, Privatization cell. <i>Monitoring Privatized Enterprises: A Report on Performance of Privatized Enterprises</i> , Kathmandu, December (1999) 5. Ministry of Finance. <i>Policy Paper on Privatization of Public Enterprises</i> , HMG, Kathmandu. (1991) 6. Ministry of Finance. <i>White Paper on the Privatization issues</i> , Ministry of Finance, HMG, Kathmandu. (1994) 7. <i>Privatization Act, 1993</i> . 8. Privatization Policy since Sixth Periodic plan onwards. 9. <b>Case Law:</b> (a) <i>Bal Krishna Neupane v HMG</i> , NKP (1997). (b) <i>Balaram Neupane v the Prime Minister and Council of Ministers, Singhdurbar Kathmandu et.al</i> , NKP (2004). (c) <i>Ram Prasad Bhattarai v HMG</i> , NKP (1995). (d) <i>Reshem Lal Vaidya v Ministry of Finance, Privatization cell</i> , (2002). (e) Other latest leading Cases.			1. ADB. <i>Privatization: Policies, Methods and Procedure, Manila</i> . (1985) 2. Chandra, S. et.al. <i>Privatization of Public Enterprises</i> , New Delhi: Wadhawa & Com. Law Pub., (1997) 3. Commonwealth Secretariat. <i>Management of the Privatization Process: A Guide to Policy making and Implementation</i> , London, (1994) 4. Ganesh, G. <i>Privatization Experience Around the World</i> , Mittal Publication, (1998) 5. Gray, L.C. <i>Privatization in the Developing World</i> , London: Greenwood Press, (1990) 6. Kanesalingam, V.(ed.). <i>Privatization: Trends and Experience in South Asia</i> , Delhi: Macmillan India Ltd., (1991) 7. Karki, B.B. <i>Kanoon</i> , (1994) 8. Karki, Bharat B.(Dr.). <i>Constitutional Justification and Determination of Legal Process</i> (Nepali version), <i>NYAYADOOT</i> , Kartik-Mangshir, (1993) 9. Kirkpatric et. al. <i>Privatization in Less Developed Countries</i> , London: Harvester Wheatsheaf, (1998) 10. Letwin, O. <i>Privatization in the World</i> , London: Cassel Edu. Ltd, (1998) 11. Manandhar, N. <i>Public Enterprises and Privatization</i> , Kathmandu, (1998) 12. Morrison, W. <i>Proving Privatization Can work in South Asia</i> , Adam Smith Institute, Kathmandu, (1999) 13. Pro Public. <i>Privatization: Expectation and Reality</i> , Kathmandu, (2000) 14. Rastra Bank. <i>Privatization of Public Enterprises in Nepal: Lessons of Experience</i> , Kathmandu, (1995) 15. SCOPE. <i>Privatization Policy and Process in Nepal</i> , Kathmandu, (1997) 16. Sudedi, Surya. <i>International Investment Law</i> , Hart Publishing (2008) 17. Upadhyaya A. <i>Privatization: Trends, Experience and Challenges</i> , 28 <i>NYAYADOOT</i> , vol. 99, Issue 4, Conference Issue, (1997) 18. World Bank. <i>Working Papers on Privatization</i> .			
Unit II Foreign Investment and Transfer of Technology Regime						
Objectives	Contents		Time allotted	Int. tech	inst. Mat.	Eva. Tech
To make the students able to: - Understand and examine the impact which the globalisation of Trade, finance and firm	Foreign Investment and Transfer of Technology Regime 1. Foreign Investment Regulation a. Concept, Forms of FDI, Development of FDI and MNCs, Need to regulate FDI and MNCs. b. International Legal Regulation - Policy and Legal Framework. 2. Foreign Investment Regulation in Nepal		40	do	do	do

<p>structure has been making on law both internationally and domestically.</p> <p>- Evaluate the different approaches to domestic regulation of transnational business including the problems in banking, regulation and</p> <p>- interpret the regulation of intellectual property with the bearing of trade issues on the transfer of technology.</p>	<ol style="list-style-type: none"> <li>a. Forms and Development of FDI in Nepal, and Policy Framework.</li> <li>b. Legal Regulation of FDI and MNCs in Nepal: General and Sectoral.             <ol style="list-style-type: none"> <li>i. Legal Regulation of FDI in Industries.</li> <li>ii. Legal Regulation of FDI in Banks and Financial Institutions, and other Sectors.</li> <li>iii. Evaluation of FDI Experience in Nepal.</li> </ol> </li> <li>c. Structure of Joint Venture Foreign Collaboration Agreements.</li> </ol> <p>3. Commercial Aspects of Transfer of Technology.</p> <ol style="list-style-type: none"> <li>a. Concept, Forms and Development of Transfer of Technology.</li> <li>b. Need to Regulate Transfer of Technology.             <ol style="list-style-type: none"> <li>i. International Legal Regulation of Transfer of Technology and Intellectual Property.</li> </ol> </li> <li>c. Regulation of Transfer of Technology in Nepal: Background, Policy and Legal Framework, Evaluation</li> </ol>				
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### Reading Materials

Prescribed	Reference
<ol style="list-style-type: none"> <li>1. Bretton-woods Agreement 1961.</li> <li>2. Convention Establishing the Multilateral Investment Guarantee Agency 1985.</li> <li>3. Convention Establishing the WIPO 1967.</li> <li>4. OECD Guidelines for MNEs 1976.</li> <li>5. Other relevant international instruments:</li> <li>6. The WTO Agreements 1994.</li> <li>7. UNDRIT Principles of International Commercial Contracts (Rome 1994).</li> <li>8. World Bank Guidelines on the Treatment of FDI 1992.</li> </ol>	<ol style="list-style-type: none"> <li>1. Adams, J. &amp; Maskey, B. <i>Corporate Governance in Nepal</i>, Kathmandu, (2002)</li> <li>2. Bailey D.et.al. <i>Making Transnational Accountable</i>, London: Routledge, (1991)</li> <li>3. Bainbridge, D. <i>Intellectual Property</i>, Indian Reprint, (2003)</li> <li>4. Bista, R. <i>Foreign Direct Investment in Nepal</i>, Kathmandu Centre for Integrated Development Studies, (2005)</li> <li>5. Bromberg, A.R. <i>Cases and Materials on Regulation of International Business and Economic Regulation</i>, No.10, (1999)</li> <li>6. <i>Business Law Journal</i> (Periodic), Commercial Law Society Nepal.</li> <li>7. Chitrakar, R.C. <i>Foreign Investment in Nepal</i>, CEDA, (1986)</li> <li>8. Cornish W.R., <i>Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights</i>, London, Sweet &amp; Maxwell, (1997)</li> <li>9. Correa C.M. &amp; Kumar N. <i>Protecting Foreign Investment</i>, London, (2003)</li> <li>10. Correa, C and Kumar N. <i>Protecting Foreign Investment: Implications of a WTO Regime and Policy Options</i>, New Delhi: AF, (2003)</li> <li>11. Dahal, M.K. (ed.). <i>Impact of Globalization in Nepal</i>, NEFAS, (1998)</li> </ol>
<p><b>Industrial Property Treaties</b></p> <ol style="list-style-type: none"> <li>1. Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure (1977).</li> <li>2. European Patent Convention (1973).</li> <li>3. Hague Agreement Concerning the International Deposit of Industrial Designs (1925).</li> <li>4. Lisbon Agreement for the Protection of Appellation of Origin and their International Registration (1958).</li> <li>5. Locarno Agreement Establishing an International Classification of Industrial Designs (1968).</li> </ol>	

<p>6. Madrid Agreement Concerning the International Registration of Marks (1891) and its Protocol (1989).</p> <p>7. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891).</p> <p>8. Nairobi Treaty on the Protection of the Olympic Symbol (1981).</p> <p>9. Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957).</p> <p>10. Paris Convention for the Protection of Industrial Property (1833), (1967), (1971).</p> <p>11. Patent Cooperation Treaty (PCT) (1970).</p> <p>12. Patent Treaty 2000.</p> <p>13. Strasbourg Agreement Concerning the International Patent, Classification (1971).</p> <p>14. Trade Mark Law Treaty (TLT) (1994).</p> <p>15. Vienna Agreement Establishing An International Classification of Figurative Elements of Marks (1973).</p> <p>16. Washington Treaty on Intellectual Property in Respect of Integrated Circuits (1989).</p> <p><b>Copy rights and Neighbouring Rights Treaties</b></p> <p>1. Berne Convention for the Protection of Literary and Artistic Works (1886) (Paris Act, 1971 as amended in 1979).</p> <p>2. Brussels Convention Relating to the Distribution of Programme Carrying Signals Transmitted by Satellite (1974).</p> <p>3. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (1971).</p> <p>4. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).</p> <p>5. WIPO Copyright Treaty (WCT) (1996).</p> <p>6. WIPO Performance and Phonograms Treaty (WPPT) (1996).</p> <p><b>B. Acts, Rules, Policies and Reports</b> (including amendments)</p> <p>1. Bank and Financial Institutions Act, 2006.</p> <p>2. Bank and Financial Institutions Loan Recovery Act, 2001.</p> <p>3. Banking Offence and Punishment Act, 2007.</p> <p>4. Building and Operation of Privately Financed Infrastructure Project (BOT) Act, 2007 and Regulation 2003.</p> <p>5. Construction Business Act, 2000.</p> <p>6. Copyrights Act, 2002.</p> <p>7. EU Convention and Directives on Money Laundering.</p> <p>8. Foreign Exchange (Regulation) Act, 1961.</p>	<p>12. Dept of Industry. <i>Industrial Property Journal</i>, Govt. of Nepal.</p> <p>13. Dept of Industry. <i>Procedural Manual for Foreign Investment</i>, Govt. of Nepal.</p> <p>14. Dept of Industry. <i>Trademark Directory</i>, Govt. of Nepal.</p> <p>15. Ellinger &amp; Lomnica. <i>Modern Banking Law</i>, Oxford (1994)</p> <p>16. FIAS Nepal. <i>Attracting FDI to Nepal's Infrastructure</i>, a report, IFC &amp; The World Bank, Kathmandu, July (1998)</p> <p>17. FNCCI. <i>Nepal and the World: A Statistical Profile</i> (Yearly).</p> <p>18. Folsom, R. (ed.). <i>International Business Transactions</i>, Latest edition.</p> <p>19. G-7 Nations Financial Action Task Force's Recommendations, Interpretations and Best Practices on Money Laundering and Financing on Terrorism.</p> <p>20. GEFONT. <i>Focus to MNCs</i>, Kathmandu, (2006)</p> <p>21. <i>Harvard Journal of Law &amp; Technology</i>.</p> <p>22. Hirst P. &amp; Thompson G. <i>Globalization in Question</i>, London: Polity Press, (1996)</p> <p>23. Indian Institute of Banking &amp; Finance. <i>International Banking Legal &amp; Regulatory Aspects</i>, Macmillan, New Delhi: Macmillan 2007.</p> <p>24. Indian Institute of Banking &amp; Finance. <i>International Banking Operation</i>, New Delhi: Macmillan, (2007)</p> <p>25. <i>International Legal Materials</i>.</p> <p>26. IPRAD. <i>Understanding Reforms in Nepal</i>, Kathmandu, (2005)</p> <p>27. Karki, Bharat B. (Dr.), <i>Legal Regulation of Multinational Corporations in Nepal and India: Some Problems and Prospects</i>, Ph.D. thesis, <i>Faculty of Law</i>, University of Delhi, Delhi, (1987)</p> <p>28. Koul &amp; Ahuja. <i>The Law of Intellectual Property Rights: In Prospect and Retrospect</i>, Faculty of Law, University of Delhi, (2001)</p> <p>29. Koul &amp; Ahuja., <i>Law of Copyright: From Gutenberg's Invention to Internet</i>, Faculty of Law, University of Delhi, (2001)</p> <p>30. Kraus and Walt. <i>The Jurisprudential Foundations of Corporate and Commercial Law</i>, Cambridge, (2000)</p> <p>31. Marrielle, K. <i>International Contract</i>, Sweet &amp; Maxwell, (1996)</p> <p>32. Ministry of Commerce. <i>Working Party on the Accession of Nepal: Consolidated list of Questions</i>, Kathmandu, (1999)</p> <p>33. Ministry of Finance, <i>Financial Sector</i></p>
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<p>Rules 1962.</p> <p>9. Foreign Investment and One-window Policy, 1992.</p> <p>10. Hydropower Development Policy, 2001.</p> <p>11. Industrial Policy, 1992</p> <p>12. Information Technology Policy, 2000.</p> <p>13. International Financial Transactions Act, 1998.</p> <p>14. Investment Board Act, 2010 (2068)</p> <p>15. KPMG Study Report (Financial Status of Nepal Bank Ltd. &amp; Rastriya Banijya Bank, World Bank), 1998.</p> <p>16. Labour Act, 1991.</p> <p>17. Monetary Policy 2008</p> <p>18. Money Laundering Prevention Act, 2008.</p> <p>19. Multimodal Transport Act, 2006.</p> <p>20. National Labour Policy, 2000.</p> <p>21. Nepal Petroleum Act, 1983.</p> <p>22. Nepal Rastra Bank Act, 2001.</p> <p>23. Nepal Rastra Bank's Unified Directives issued by Nepal Rastra Bank.</p> <p>24. Patent, Design and Trade Marks Act, 1965.</p> <p>25. Plan Documents (from First Five year plan 1956/1960 onwards.</p> <p>26. Promotion of Competition and Market Protection Act, 2007.</p> <p>27. Securities Act, 2006.</p> <p>28. Telecommunications Policy, 2000.</p> <p>29. The Company Act, 2006.</p> <p>30. The Contract Act, 2000.</p> <p>31. The Foreign Investment and Technology Transfer Act, 1992.</p> <p>32. The Industrial Enterprises Act, 1992.</p> <p>33. The Interim Constitution of Nepal, 2007..</p> <p>34. Tourism Policy, 1995</p> <p>35. Trade Policy, 1992.</p> <p>36. UNCTAD. Draft UN Code on Transfer of Technology 1986.</p> <p>37. UNCTAD. Draft UN Code on Transfer of Technology, 1986.</p> <p>38. UNCTAD. World Investment Report (yearly)</p> <p>39. UNCTC. Draft UN Code of Conduct on TNCs, (Series A, No.4), 1990.</p> <p>40. UNDP, Commercial Banks Problems and Strategy Analysis Study (CBPASS) .Report 1992, prepared by Booz Allen and Hamilton.</p>	<p><b>Reform Strategy Paper</b>, Govt. of Nepal, Kathmandu, (2000)</p> <p>34. MOICS, GTZ &amp; Private Sector Promotion Project. <b>Foreign Investment Guide for Nepal</b>, Kathmandu, (2006)</p> <p>35. MOICS. <b>The Nepalese Journal of Industry, Commerce and Supplies</b>.</p> <p>36. <b>Nabhi's Manual For Foreign Collaboration &amp; Investment in India: Law &amp; Procedure</b>, New Delhi.</p> <p>37. Narayanan, P. <b>Intellectual Property Law</b>, Delhi: Eastern Law House.</p> <p>38. <b>Nepal Rastra Bank 50 Years</b>.</p> <p>39. Pro Public. <b>National Study on TRIPS Agreement and Policy Response</b>, a study report, Kathmandu August, (2001)</p> <p>40. Pustun Pradhan. <b>Copy Right in Nepal</b>, CEDA, (1998)</p> <p>41. Regmi, R.R.. <b>Banking Law of Nepal</b>, Kathmandu, (2007)</p> <p>42. SAARC Law Nepal. <b>Eighth SAARC Law Conference Report</b>, Kathmandu, (2000)</p> <p>43. Sangal, P.S. <b>National and Multinational Companies: Some Legal Issues</b>, New Delhi, (1981)</p> <p>44. Singhania, D.C. <b>Foreign Collaboration &amp; Investment in India</b>, New Delhi..</p> <p>45. Sornarajah M. <b>The International Law on Foreign Investment</b>, Cambridge Univ. Press (1995)</p> <p>46. Swami, D. <b>Multinational Corporations and the World Economy</b>, New Delhi, (1980)</p> <p>47. The Basel Core Principles on Banking Supervision on Money Laundering and Financing of Terrorism.</p> <p>48. <b>The Journal of WIPO</b></p> <p>49. U.N. <b>The Future WTO Agenda and Developing Countries</b>, New York, (2000)</p> <p>50. UN University. <b>The World Economy, An Special Issue on FDI</b>, vol.29, No.1, Helsinki January (2006)</p> <p>51. UN/ICC. <b>An Investment Guide to Nepal</b>, UNCTAD/ITE/IA/2003/2.</p> <p>52. UNCTC. <b>National Legislation and Regulation on Foreign Investment</b>.</p> <p>53. Wallace, C.D. <b>Legal Control of Multinational Enterprises</b>, Hague.</p>
<p><b>C. Case Law:</b></p> <p>1. Advocate Bharatmani Gautum v HMG, <b>NKP</b> (2001).</p> <p>2. Bcelona Traction, Light and Power co. Ltd. (Belgium v Spain), <b>ICJ Reports</b> (1970).</p> <p>3. Binaya Regmi v Labour Court Gyaneshwor et.al, <b>Some Landmark Precedents of the Supreme Court on Commercial Law</b>, ist.ed,</p>	<p><b>Articles</b></p> <p>1. K.C., F.B. <b>Foreign Investment in Nepal &amp; South Asia</b>, Issues of Governance in NEPAL, ist.ed. NEFAS, Kathmandu, (2001)</p> <p>2. Karki, Bharat B. (Dr.) "The Legal Structure of Joint Investment Banking in Nepal. A Priori</p>

<p>(1959-2005), Supreme Court, (2006)</p> <p>4. Kalidas Dangol v Nepal Arab Bank Ltd. et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st.ed (1959-2005), Supreme Court, (2006)</p> <p>5. Needle Industries (India) Ltd v Needle Industries Newey (India) Holding Ltd., <i>AIR</i> (1981) SC 1298.</p> <p>6. Orind Magnesite Co. v HMG et. al, <i>Supreme Court Bulletin</i> (1998).</p> <p>7. Rajendra Kumar Kunwar et.al v Rastriya Banijya Bank, Kathmandu et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st.ed., (1959-2005), Supreme Court, (2006)</p> <p>8. Singh Bruary Nepal Pvt. Ltd. v B.B.B. Group Germany, <i>NKP</i> (1994).</p> <p>9. Suman Sumsher Thapa v Board of Directors, Nepal Arab Bank Ltd, Kathmandu et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st.ed., (1959-2005), Supreme Court, (2006)</p> <p>10. Surendra Pal Agrawal v Tax office et.al, <i>NKP</i> (1991).</p> <p>11. Sureshchandra Aagrawala v Dept. of Industy et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st.ed. (1959-2005), Supreme Court, (2006)</p> <p>12. Union Carbide Corporation v Union of India, <i>AIR</i> (1992) SC 248.</p>	<p>Preposition Towards Development," 20 <i>NYAYADOOT</i>, Special Issue, Vol.20, (1990)</p> <p>3. Karki, Bharat B. (Prof.Dr.). <i>Legal Regulation of Foreign Investment in Nepal</i>, Industrial Sector Specific, <i>13 NEPAL LAW REVIEW</i>, Nos.1 &amp; 2, (1999)</p> <p>4. Mukhia, B.B. "A Brief Survey on Intellectual Property Law and International Systems of Co-operation and Their Role in Strengthening Intellectual Property Regime in Nepal", <i>5 Annual Survey of Nepalese Law</i>, (2003)</p> <p>5. Poudel, M. <i>The Legal Framework for Foreign Investment in Nepal</i>, <i>1 Annual Survey of Nepalese Law</i>, (2000)</p> <p>6. Subedi, S. (Dr.) "The Prospects and Problems of offshore Banking in Nepal," <i>NYAYADOOT</i>, Special Issue, (2004)</p> <p>7. Tiwari S. "The Evolution of Banking Laws in Nepal", <i>5 Annual Survey of Nepalese Law</i>, (2003)</p> <p>8. Upreti, K. &amp; Alwis, R. <i>Legal &amp; Policy Aspects of Private Foreign Investment in Nepal</i>, TRANSNATIONAL LAW, (1994)</p>
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### Unit III: Commercial Arbitration and Conciliation/Mediation

Objectives	Contents	Time allotted	Int. tech	inst. Mat.	Eva. Tech
<p>To enable the students to have an understanding and examination of non-international and international arbitration and mediation /conciliation as the means of setting commercial disputes which they come across through many international modes and rules of arbitration and</p>	<p>Commercial Arbitration and Conciliation/Mediation</p> <p>a. Concept of ADR in Commercial Disputes, Development of Different ADR Mechanisms, Norms and Practices of Arbitration, Conciliation/Mediation.</p> <p>b. Rules of International Commercial Arbitration, Conciliation/Mediation: UNCITRAL Model Law and Rules ICC, ICSID, LCIA and other Frameworks of Internation Commercial Arbitration, Conciliation/Mediation.</p> <p>c. National Rules on Commercial Arbitration: Arbitration Act, 1999 and other Sectoral Laws.</p> <p>d. Recognition and Enforcement of Foreign Arbitral Awards in Nepal and elsewhere.</p> <p>e. Practice and Evaluation of Commercial Arbitration and Conciliation/Mediation in</p>	40	do	do	do

conciliation /mediation.	Nepal.				
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Prescribed	Reference
1. AAA International Arbitration Rules.	1. American Journal of Comparative Law.
2. Convention on Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).	2. Berger. <i>International Economic Arbitration</i> , (1993)
3. European Convention on International Commercial Arbitration, Geneva, 1961.	3. Carr & Kidner. <i>Statutes &amp; Conventions on International Trade Law</i> . London: CPL, (1993)
4. Fiscal Procedure Act, 1999 and Fiscal Administration Regulation 2007.	4. Chapman, M.J. <i>Commercial and Consumer Arbitration Statutes and Rules</i> , London, (1997)
5. ICC ADR Rules and Guide to ICC ADR Rules 2001.	5. Chowdhury & Saharay. <i>Law of Arbitration &amp; Conciliation</i> , New Delhi: Eastern Law House, (1996)
6. ICC Dispute Board Rules, 1 September 2004.	6. Collins,. <i>The Law Governing the Agreement and Procedure in International Arbitration in England</i> , Contemporary Problems in International Arbitration, (1987)
7. ICC Rules for a Pre-arbitral Referee Procedure, 1 January 1990.	7. Delaume, G.R. <i>Transnational Contracts - Applicable Law and Settlement</i> (A Study on Conflict Avoidance), The Parker School of Foreign and Comparative Law, New York: Oceana Pub. Inc, Dobbsferry, (1978)
8. ICC Rules for Expertise, 1 January 2003.	8. Fouchard, Gaillard, Goldman on <i>International Commercial Arbitration</i> , The Hague: Kluwer Law International.
9. ICC Rules of Arbitration 1998 (Paris).	9. Gaja, G.(ed), <i>International Commercial Arbitration, New York Convention</i> , New York: Dobbs Ferry, Oceana Pub., (1978)
10. ICSID Rules of Procedure for Arbitration 1985 (ICSID Basic Documents).	10. Gillies and Moens. <i>International Trade and Business: Law, Policy and Ethics</i> , Sydney: CP, (1998)
11. ICSID Rules of Procedure for the Institution of Conciliation and Arbitration Proceedings.	11. Girsberger and Hausmaninger, <i>Arbitration International</i> . (1992)
12. Local Governance Act, 1999.	12. Hirsch, M. <i>The Arbitration Mechanism of the ICSID</i> , International Arbitration Law Library, London: Martinus Nijhoff Pub, (1993)
13. London Court of International Arbitration Rules 1985.	13. ICC Publications - Collection of ICC Arbitral Awards.
14. Mediation (Court Procedure) Regulation, 2002.	14. ICCA Year Book on Commercial Arbitration.
15. Model Rules on Arbitral Procedure 1958 (2), International Law Commission Year Book.	15. Indian Law Institute. <i>Annual Survey of Indian Law</i> , New Delhi.
16. Nepal Airlines Corporation Act, 1972.	16. Kwatra, G.K. <i>The New Arbitration &amp; Conciliation Law of India</i> , The Indian Council of Arbitration, New Delhi, (1996)
17. NEPCA Arbitration Procedure Regulation 2003.	17. Mustill and Boyd. <i>Commercial Arbitration</i> , (1989)
18. PAC Model Rules on Arbitral Procedure (Code) 1958 (UNGA Res. 1262, November 1985).	18. NEPCA Bulletin.
19. Public Procurement Act, 2007.	19. Rau, A.S. et.al. <i>Mediation and other Non-Binding ADR Process</i> , New York: University
20. The Arbitration Act, 1999.	
21. The Bonus Act, 1972.	
22. The Contract Act, 2000.	
23. The Development Board Act, 1957.	
24. The WTO DSU 1994.	
25. UNCITRAL Arbitration Rules 1976.	
26. UNCITRAL Conciliation Rules 1980.	
27. UNCITRAL Model Conciliation Law 2002.	
28. UNCITRAL Model Law on International Commercial Arbitration 1985.	



<p>29. UNCITRAL Notes on Organizing Arbitral Proceedings, 1996.</p> <p>30. Washington Convention on the Settlement of Investment Disputes Between States and Nationals of other States 1965.</p> <p>31. WIPO Mediation Rules 1994.</p> <p><b>B. Case Law:</b></p> <p>1. Agriculture Input Corporation v East India Transport Agency et.al, <i>NEPCA Bulletin</i>, 2002.</p> <p>2. Amodananda Mishra v Appellate Court Patan et.al, <i>NKP</i> 2006.</p> <p>3. B.T. Construction Co. v HMG, Dept of Irrigation, Bagmati Irrigation Project et.al, <i>A Compendium of Arbitration Decisions</i>, NEPCA.</p> <p>4. Bijaya Kumar Agrawal v Rabindranath Majumdar, <i>A Compendium of Arbitration Decisions</i>, NEPCA, 1996.</p> <p>5. Bridgeline Corporation v Agriculture Input Corporation, <i>NEPCA Bulletin</i>, 1999.</p> <p>6. Chandra Kumar Golchha v Court of Appeal et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st ed. 2015-2062 (1959-2005) Supreme Court, Nepal, 2006.</p> <p>7. Flora Nepal Pvt. Ltd. v Court of Appeal Patan, <i>NKP</i> 2006.</p> <p>8. HMG Dept of Road v Prakash Construction et.al, <i>NEPCA Bulletin</i>, 2000.</p> <p>9. Karisma Impex v National Trading Limited et.al, <i>A Compendium of Arbitration Decision</i>, NEPCA, 1996.</p> <p>10. Kirtichand Thakur v Court of Appeal Lalitpur et.al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i>, 1st ed., (1959-2005), Supreme Court, Nepal, 2006</p> <p>11. Krishna Chandra Jha V Dinesh Bhakta Shrestha et.al, <i>Some Landmark Precedents Propounded by the Supreme Court on Commercial Law</i>, 1st ed., (1956-2006), Supreme Court, Nepal, 2006.</p> <p>12. Melamchi Drinking Water Committee v Sanaula Khimti Construction Co., <i>NKP</i> 2004.</p> <p>13. Nara International Himalayan Spring Water Co. Ltd. v Hulas Steel Industries Pvt. Ltd. et.al, <i>Supreme Court Bulletin</i>, vol.22, 2004.</p> <p>14. Oriend Magnesite v HMG et. al, <i>A Compendium of Arbitration Decisions</i> 1996, NEPCA, 1996.</p>	<p>Casebook Series, (2002)</p> <p>20. Redfern and Hunter. <i>Law and Practice of International Commercial Arbitration</i>, (1986)</p> <p>21. <i>Russel on Arbitration</i>, London: Maxwell.</p> <p>22. Sanders, P. <i>The Work of UNCITRAL on Arbitration and Conciliation</i>, 2nd ed., The Hague: Kluwer Law International, (2004)</p> <p>23. Sujan, M.A. <i>Law Relating to Government Contracts</i>.</p> <p><b>Articles</b></p> <p>1. Karki, Bharat B. (Prof. Dr.). Commercial Mediation: International Provisions and Procedures, Mediation special Issue, <i>BUSINESS LAW JOURNAL</i>, vol.10, (2007)</p> <p>2. Karki, Bharat B. (Prof. Dr.). A Comparative Analysis of Some of the Important Rules of Commercial Arbitration in Existence", a paper presented in the Silver Jubilee International Conference on Settlement of International Commercial Disputes on 13-15 Oct 2003 at Kuala Lumpur, Malaysia, RCA Later Published in <i>NYAYADOOT</i>, Special Issue, (2005)</p> <p>3. Karki, Bharat B. (Prof. Dr.). UNCITRAL, Model Law on International Commercial Arbitration and Nepalese Arbitration Law, <i>NYAYADOOT</i>, Special Issue 141, vol.4. (1985)</p> <p>4. Karki, Bharat B. (Prof. Dr.). The Arbitration Act, 1999 and the Implementation -related Issues, 2 <i>BUSINESS LAW JOURNAL</i>, Vol.2, (2004)</p> <p>5. Sharma, I.C., Recent Development of Arbitration in Nepal, 13 NEPAL LAW REVIEW, 1 &amp; 2.</p> <p>6. Sharma, I.C., Alternate Methods of Dispute Resolution and Concept and Procedure of Arbitration, <i>NEPCA Bulletin</i>, No.3.</p> <p>7. To What Extent the Arbitration [Court Procedure] rules will help to speedy disposal of cases?, <i>NYAYADOOT</i>, English Special Issue (2003)</p> <p>8. Suvedi, Om. Nepali Experience and Experiment with Arbitration on Commercial Disputes, 1 <i>NJALJ</i> (2007).</p> <p>9. Upreti B. Arbitration Act, 1999 and the Issues Raised by it, (Nepali Version), 30 <i>NYAYADOOT</i>, vol III, No.2, (2000)</p> <p>10. Sharma, N.D. Arbitration, <i>NEPCA Bulletin</i> No.12, (2003)</p> <p>11. Yadav, B. Problems Faced in Nepal in the Settlement of Disputes Through Arbitration, <i>NEPCA Bulletin</i> No.11, (2002)</p> <p>12. Karki, Bharat B. (Prof. Dr.). Practice of Conciliation in the Settlement of Commercial</p>
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15. Rupjyoti v Kathmandu District Court et. al, <i>Some Landmark Precedents of the Supreme Court on Commercial Law</i> , 1st. ed, (1959-2005), Supreme Court, Nepal, 2006.	Disputes in Nepal, <i>ANNUAL SURVEY OF NEPALESE LAW</i> , Nepal Bar Council. (2001)
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#### Unit IV: Impact of WTO Regime on Nepalese Business Activities

Objectives	Contents	Time allotted	Int. tech	inst. Mat.	Eva. Tech
To provide to the students an understanding of the legal framework and substantive law of WTO, and its dynamics against the background of a diversity of national interests and economic policies of Nepal.	Impact of WTO Regime on Nepalese Business Activities (a) WTO's reach on Industry and Commerce. (b) WTO and LDCs . (c) S & DT and Nepalese Obligations to WTO Trading Regime. (d) Impact of WTO Regime on Nepalese Industry and Commerce: Evaluation of Costs and Benefits.	25	do	do	do

#### Reading Materials

Prescribed	Reference
1) Intellectual Property Treaties as referred in Unit II:	1. Action Aid & Pro Public. <i>Seed of Monopoly: Impact of TRIPs Agreement on Nepal</i> , Kathmandu, (2000)
2) UNCTAD, <i>The LDC Report</i> 1999	2. Action Aid Nepal & SAWTEE. <i>Road to Concur</i> , Kathmandu, (2003)
3) WTO Agreements 1994 (texts) - <i>Final Act, Marrakesh Agreement Establishing the WTO, Multilateral Agreements on Trade in Goods, GATS, TRIPs, DSU, TPRM, Plurilateral TAs, Ministerial Decisions &amp; Declarations, UCFS, and GATT</i> 1947 (1994).	3. Baxi, P.M.. <i>Law on Technology Transfer</i> , New Delhi, (1994) 4. Bhandari, S.et.al. <i>Nepal's Accession to the WTO: Challenges &amp; Opportunities for Nepal</i> , Kathmandu, (2005) 5. Dasgupta & Debroy. <i>Salvging the WTO's Future-Doha and Beyond</i> , New Delhi: Rajeev Gandhi Foundation, New Delhi, 2002. 6. Debroy, B. <i>Intellectual Property Rights</i> , New Delhi, (1998) 7. Gallagher, P. <i>Guide to the WTO and Developing Countries</i> , Kluwer Law International, (2000) 8. Jackson, J.H. <i>The World Trading System: Law and Policy of International Economic Relations</i> , (1998)
4) WTO. <i>Hong Kong Ministerial Declaration</i> , 2005.	9. Karki, Bharat B. <i>A Legal Study on the WTO &amp; Nepal: Developmental Expectations &amp; Challenges</i> , a research report, Faculty of Law, D.O., T.U., Kathmandu, (1999)
5) WTO. <i>Nepal's Memorandum on Foreign Trade Regime</i> , 1998 (text).	10. Krueger A.O.(ed). <i>The WTO As An International Organization</i> , Oxford, 1999.
6) WTO. <i>Protocol on the Accession of the Kingdom of Nepal, Cancun</i> , 11 September 2003 (text).	11. Lanjouw, G.J. <i>International Trade Institutions</i> , Longman, (1995) 12. MOICS. <i>Nepal's Memorandum of Foreign Trade Regime</i> , HMG, (1998) 13. NEFAS. <i>WTO, Globalization and Nepal</i> , Kathmandu, (2001) 14. NEFAS. <i>WTO, Regional Co-operation and Nepal</i> , Kathmandu, (1999) 15. Nepal Gazettee. <i>Extraordinary 5A+I</i> , dated 20 May, (2004) 16. Nepal Rastra Bank. <i>Nepal's WTO Service Sector Commitments and Its impact on Balance of Payment Situation</i> , a report, Kathmandu, (2005)

	<p>17. Nepal Rastra Bank. <i>WTO and Nepal</i>, Kathmandu</p> <p>18. Qureshi, et.al, <i>The Legal and Moral Aspects of International Trade</i>, Routledge, (1998)</p> <p>19. Sansad. <i>The Game of WTO</i>, (Nepali version), Kathmandu, (2005)</p> <p>20. SAWTEE &amp; CUTs, CITEE, <i>Regional Integration in the WTO Era: South Asia at Crossroads</i> - Discussion Paper, (2002)</p> <p>21. Shrestha &amp; Baral. <i>WTO, South Asia and Nepal</i>, Kathmandu, (2002)</p> <p>22. UNCTAD. <i>The LDCs 1998 Report</i>, New York, (1998)</p> <p>23. USAID. GATT'S Uruguay Round and Nepal, prepared by Dr. N.P. Chosen for Economics/Private Sector Division, (18 March, 1994)</p> <p>24. Watal J. <i>Intellectual Property Rights in the WTO and Developing Countries</i>, New Delhi: Oxford, (2001)</p> <p>25. WIPO. <i>The Agreement Between WIPO &amp; WTO</i>, (1996)</p> <p>26. WTO. <i>Guide to GATT Law and Practice</i>, Geneva (1995)</p> <p>27. WTO. <i>Implementation of Special and Differential Treatment Provisions in WTO Agreements and Decisions</i>, WT/COMTD/W/77.</p> <p>28. WTO. Ministerial Conference, Sixth Session, Hongkong, 13-18 December 2005, Doha work Programme, <i>Ministerial Declaration</i>, WT/MN/(05). (Adopted on 18 December 2006)</p> <p>29. WTO. <i>The Guide to the Uruguay Round Agreements</i>. USA: Kluwer Law International, (1999)</p> <p>30. WTO. <i>Trading into the Future</i>. Geneva, (1997)</p> <p>31. WTO. <i>Understanding the WTO</i>, (2003)</p> <p><b>Articles</b></p> <p>1. Karki, Bharat B. "Nepal in the Process of Accession to the WTO: A Survey of Legal-Economic Implications", <i>ANNUAL SURVEY OF NEPALESE LAW</i>, (2002)</p> <p>2. Karki, Bharat B. "Nepal's Accession to WTO: what Beyond 2004", <i>ANNUAL SURVEY OF NEPALESE LAW</i>, (2004)</p> <p>3. Karki, Bharat B. "Nepal's Membership of the World Trade Organization: Challenges &amp; Opportunities", Liu Guofu (ed.), <i>LEGAL RELEVANCE AND GOOD GOVERNANCE: Comparative Law Study in the Asia Pacific Region</i>, Shantou University Law Series, China, (2008)</p> <p>4. Khatun, F.(Dr.). Hong Kong and LDCs - Little Chee, <i>CENTAD</i>, vol.2, No.1, (Jan-Mar 2006)</p> <p>5. Pandey, P.(Dr.). at the SAWTEE meeting of 22 April 2005, <i>Kantipur</i>, 23 April, 2005)</p> <p>6. Press Release. A Paper "one year after WTO Membership: Where do we stand?" presented by Prachanda Man Shrestha, Joint-Secretary of the MOICS and Head of the WTO Cell, at a Programme organized by SAWTEE (22 April, 2005)</p> <p>7. Shrestha, S.M. "Nepal's Accession to the WTO: Challenges and Opportunity", mimeo, (8 November, 2003)</p>
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## International Law-II (International Human Rights and Humanitarian Law)

Course Title: <b>International Law-II(International Human Rights and Humanitarian Law)</b>	Period Per Week: Four
Course No: Law 785	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

The Course is designed to impart basic knowledge and information to the students on the Law of Human Rights and International Humanitarian Law, to inculcate in them the importance of the law and thereby equip them with the skill required to make an analytical approach to the study and find solutions to the problems of this branch of International law. This course is optional for students of the Master of Laws program.

### Course Objectives

- To acquaint the students with the concepts and status of International Human Rights and Humanitarian Law.
- To enable them to make a critical appraisal of the functioning of the laws.
- To sensitize them to the sufferings of mankind and help them to devise ways and means for the protection of the values, dignity and worth of the human beings.
- To prepare them for Human Rights advocacy so as to create a just society of nations based on the foundations of Human Rights, Democracy, Rule of Law and Development.

<b>Unit 1</b>					
<b>Introduction of IHL</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To acquaint the students with the origin, development & purpose of IHL & to impart to them knowledge & information about the nature & Sources of IHL.	Origin, development & purpose of IHL.	8 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• Bory Francoise, <i>Origin and Development of IHL</i>, ICRC, Geneva, (1982)</li> <li>• Sandoz Yves <i>International Dimension of IHL</i>. Dordrecst, marritines Nijhoff Publishers (1988)</li> </ul>					

<b>Unit 2</b>						
<b>Peacetime and Wartime IH and HRL</b>						
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech	
To acquaint the students with the concept if IHL & human rights in time of peace & conflict & to enable them to analyze strained relation & thereby to suggest measures to ease unruly/ worse/ conflict situations.	i) Peacetime & Wartime IHL and HR Concept. ii) Peacetime HL Refugee Law: Origin, definition & development Acceptance of refugee-principal of non-refoulement Rights, duties, protection, IDP-return or resettlement- reunion of families torture & Legal status of Refugees in Nepal.	20 hrs	-do-	-do-	-do-	
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>• Brownlie, <i>Basic Document on Human Rights</i>, Oxford Clarendon Press, (1995)</li> <li>• R.C. Hingorani (ed), <i>Humanitarian Law</i> Oxford IBH, New Delhi, (1987)</li> <li>• S. Guy Goodwin-Gill <i>The Refugee in International Law</i>, Clarendon Press London, (1983)</li> </ul>						
<b>Unit 3</b>						
<b>IH and HRL</b>						
To impart to the students knowledge about the legal provisions of the Geneva Conventions of 1949 & their protocols.	Humanitarian Law and Human Rights. Humanitarian International Law- Nature Sources of IHL, the protection in time of war, the amelioration of the condition of the wounded & sick in the armed forces in the field, the amelioration of the condition of the wounded & ship-wrecked members armed forces & treatment of prisoner of war. Protection of the defenseless civilians in time of armed conflict and war. Distinction between combatants and non-combatants Limitation on the means and method of warfare and protection of Cultural Heritage and property	32 hrs	-do-	-do-	-do-	
<b>Reading Materials</b>						
<ul style="list-style-type: none"> <li>• David Weissbrodt <i>et.al.</i>, <i>International Human Rights Law and Introduction</i>, University of Pennsylvania Press (2007)</li> <li>• Geneva Convention for the Amelioration of the condition of the wounded &amp; sick in the arm forces in the field, (August 12, 1949)</li> <li>• Geneva Convention for the Amelioration of the condition of the wounded&amp; sick &amp; shipwrecked members of the arm forces in sea, (August 12, 1949 )</li> <li>• Geneva Convention relating to treatment of prisoners of war of August 12, 1949. Geneva Convention relating to the protection of civilian person in time of war. (August 12, 1949)</li> <li>• M.K.Belachandran &amp; <i>et.al.</i>(eds), <i>Introduction to International Law</i>, ICHLR, New Delhi (1997)</li> <li>• R.C. Hingorani(ed), <i>Humanitarian law</i> Oxford IBH, New Delhi (1987)</li> <li>• R.C. Hingorani; <i>Prisoners of War</i>, N M Tripathy, Bombay, (1970)</li> </ul>						

<b>Unit 4</b>					
<b>Origin and Development of HR</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart to the students essential knowledge & information about the origin, development & working of International Human Rights Law & enable them to assess the contributions made by the UN in the field of Human Rights.	Human Rights- Origin & development in pre- and post UN era, Recent trends in Human Rights- Generation of Human Rights, First, Second & Third.	15 hrs	-do-	-do-	-do-
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• Karel Vasak(ed), <b>The International Dimensions of Human Rights</b>, Vols 2, Greenwood Press Westford, (1982)</li> <li>• Newman &amp; Weissbrodt, <b>International Human Rights Law and Policy</b>, 2005</li> <li>• Richard Falk <b>Human Rights &amp; State Sovereignty</b>, Holmes &amp; Meier Publishers Inc, New York (1981)</li> <li>• Sohn &amp; Buergenthal, <b>International Protection of Human Rights</b> Bobbs, Merill Co. Inc. New York (2007)</li> </ul>					
<b>Unit No. 5</b>					
<b>Implementation of IH and HRL</b>					
To make students aware to the legal provisions on the implementation of IHL & Human Rights Law under national, regional & International bodies and to make them capable of analyzing and suggesting measures toward effective implementation of the laws.	Implementation of IHL &HRTS Law through various agencies. Human Rights implementation through national, regional & International mechanism, (legislative, executive & judicial)- NHRC- Role of Legal Profession, NGOs & Media- UNHCHR, Rome Statue on International Criminal Court. Nepal's proposed Draft to set up Fact finding, Truth and Reconciliation Commission and her attempt to curb impunity.	25 hrs	-do-	-do-	-do-
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• David Weissbrodt &amp; Peggy, L Hicks, <b>Implementation of Human Rights &amp; HIL in situation of arm conflict</b>, International Review of Red Cross (March-April, 1993)</li> <li>• Gerard Niungeko, <b>The Implementation of IHL &amp; the principle of Sovereignty</b> , Intl. review of the Red-Cross, (March-April 1991)</li> <li>• Hurst Hannum (ed), Guide to <b>International HRTS Practice</b> Philadelphia Up, nia Press (1986)</li> <li>• L.K. Upadhyaya, Prof. Dr. <b>Towards the development and implementation of HRTS law in Nepal</b> Washington DC. CIES,(Memograph) (1996)</li> <li>• Yves Sandoz <b>Implementing International HRL in International Dimensions of HIL</b> Dordrecst, Martines Nijhoff Publishers. Pages 259-282. (1998)</li> </ul>					
<b>Unit No. 6</b>					
<b>IH and HRL in Nepal</b>					
To impart to the students knowledge about Nepal's participation in The Multilateral Treaty Regime	International HL & HRTS vis-a-vis Nepal - A study on Intl. instruments on Intl. HRTS & Humanitarian law	25 hrs	-do-	-do-	-do-

and to enable the pros & cons of the treaties to which Nepal is a party.	of which Nepal is party. - Review of Nepalese legislation on IHL & HRTS.				
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• HMG/N MOLAJ, Nepal Treaty Series, complete set.</li> <li>• League of Nations LNTS (Relevant volumes only)</li> <li>• Sita Shrestha, Nepal &amp; the UN, New Delhi.</li> <li>• UN, UN treaty series (Relevant volumes only)</li> </ul>					

### Prescribed / Reference

Prescribed	Reference
1) Balachandran, <i>et.al.</i> (eds), <i>Introduction to International Humanitarian Law</i> , ICHLR, New Delhi (1997)	1. Atle Grah-Madsen, <i>The Status of a Refugee in International Law</i> . Vols 2, AW Sijhoff Leyden (1966)
2) Brownlie, Ian. <i>Basic Document on Human Rights</i> , Oxford, Clarendon Press (1995)	2. Basu,Durga Das. <i>Human Rights in Constitutional Law</i> , Printace Hall of India Pvt. Ltd, New Delhi (1994)
3) Bory, Francoise. <i>Origin and Development of IHL</i> , ICRC, Geneva, (1982)	3. Geneva Convention For The Amelioration of The Condition of The Wounded & Sick In The Arm Forces In The Field, August 12, 1949.
4) Goodwin-Gill, Guy S. <i>The Refugee in International Law</i> , Clarendon Press London (1983)	4. Geneva Convention For The Amelioration of The Condition of The Wounded & Sick & Shipwrecked Members of The Arm Forces At Sea of August 12, 1949.
5) Yves Sandoz. <i>International Dimensions of IHL</i> . Dordrecst, Martinis Nijhoff Publishers (1988)	5. Geneva Convention Relating To The Protection of Civilian Person In Time of War of (August 12, 1949)
6) Hingorani, R.C. <i>Prisoners of War</i> , N M Tripathy, Bombay, (1970)	6. Geneva Convention Relating To Treatment of Prisoners of War of August 12, 1949.
7) Hingorani, R.C. (ed), <i>Humanitarian law</i> Oxford IBH, New Delhi (1987)	7. Hathaway, James C. <i>The Law of Refugee Status</i> , Butterworths, Toronto, (1991)
8) Hannum,Hurst (ed), <i>Guide to International HRTS Practice</i> Philadelphia University Press 1986.Second Edition (1992)	8. Henkin, Louis (ed). <i>The International Bill of Rights</i> , Columbia University Press, New York, (1998)
9) Meron, Theodor. <i>Human Rights and Humanitarian Norms as Customary law</i> , Clarendon Press, Oxford (1989)	9. HMG/N, MOLAJ, <i>Nepal Treaty Series</i> , Complete Set.
10) Newman & Weissbrodt, <i>International Human Rights Law and Policy</i> , (1996)	10. Karel Vasak(ed), <i>The International Dimensions of Human Rights</i> , Vols. 2, Greenwood Press, Westford, (1982)
11) Niungeko, Gerard. <i>The Implementation of IHL &amp; the principle of Sovereignty</i> , Intl. review of the Red-Cross, March-April (1991)	11. L.K. Upadhyaya, Prabhakar Adhikary & others, "Refugees, A Possible Legal Framework for Nepal", S.K. Silwal and et.al;(eds), <i>Proceedings of the workshop on refugee laws in Nepal</i> , Prospects & Possibilities, Tribhuvan University, Kathmandu, (1994)
12) O'Flaherty, <i>Human Right &amp; the UN</i> , Sweet & Maxwell, London (1996)	12. <i>League of Nations</i> , LNTS (Relevant Volumes only)
13) Richard Falk <i>Human Rights &amp; State Sovereignty</i> , Holmes & Meier Publishers Inc; New York (1981)	13. <i>Proceedings of The first National Seminar on Intl. Humanitarian law</i> , Sponsored jointly by Nepal Red Cross
14) Sandoz Yves <i>Implementing International HRL in International Dimensions of HL</i> . Dordecst, Martines Nijhoff Publishers. pages 259-282 (1988)	
15) Sohn & Buergenthal, <i>International Protection of Human Rights</i> Bobbs Merrill Co. Inc. New York (1973)	
16) Richard Falk <i>Human Rights &amp; State Sovereignty</i> , Holmes & Meier Publishers Inc;	

<p>New York (1981)</p> <p>17) Upadhyaya L.K., Prof. Dr., <i>Towards the development and implementation of HRTS law in Nepal</i> Washington DC. CIES, 1996.(Memograph)</p> <p>18) Weissbrodt, David &amp; Peggy, L Hicks, <i>Implementation of HRTS &amp; HI in Situation of Arm Conflict</i>, International Review of Red Cross March-April, (1993)</p>	<p>Society and ICRC, Kathmandu, (Dec 1986)</p> <p>14. Scott Davidson, <i>Human Rights</i>, Open University Press, Philadelphia, (1993)</p> <p>15. Shrestha, Sita. <i>Nepal &amp; the UN</i>, New Delhi.</p> <p>16. UN, <i>UN Treaty series</i> (Relevant Volumes only)</p>
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## Criminal Law-II (Criminology, Penology and Victimology)

Course Title: <b>Criminal Law-II (Criminology, Penology and Victimology)</b>	Period Per Week: Four
Course No: Law 786	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description:

Criminal Law II (Criminology, Penology and Victimology) has three parts. Part first presents an overview of criminology explaining its nature, scope and causes of crime. This part also critically focuses on the subject of organized crime as well as concept of Juvenile Delinquency. Second Part of this course deals with the theories of punishment in different horizons and process of re-socialization as a means to alternatives of prison. Furthermore, this part gives clear-cut idea about the process of sentencing, philosophy and its application in Nepal. Third part of this course highlights on the concept of Victimology, which is a new emerging concept in the Nepalese criminal justice system. In this part focus is given to give the knowledge on rights of the victim, role of the victim in the criminal justice process and development of rational victim justice concept in Nepal.

### Course Objectives:

The purpose of this course is to train the students for professional practice, academic instruction or further research in Criminology, Penology and Victimology. The objective of the course is as follows:

- To make the students able to examine the different areas of criminology and its utility
- To give critical knowledge about the causes of crime and its rationality.
- To produce proficient manpower to deal with organized crime for its prevention.
- To familiarize the students with the underlying principles of juvenile delinquency and its preventive approach
- To impart knowledge on different methods of reacting crimes and its underlying theories.
- To spell our students about the different norms of resocializing the offenders and its importance.
- To acquaint the students with the sentencing policy and familiarize them with Nepalese sentencing process.
- To inculcate about the importance of the Victimological concept in criminal justice system.

<b>Unit – 1</b>					
<b>Introduction of the subject of Criminology</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart knowledge on nature scope and methods of Criminology	1.1 Nature and scope of criminology 1.2 Study methods of criminology	10 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination

## READING MATERIALS

Prescribed	References/Recommended
1. Edwin Sutherland, and Donald Cressy, <i>Principles of Criminology</i> . J. B. Lippincott Company (1978). 2. Sue Titus Reid, <i>Crime and Criminology</i> . Mc Graw Hill Higher Education Group Inc, (1997)	3. Ahmad Siddique, <i>Criminology: Problems &amp; Perspectives</i> Eastern Book Company (4 <sup>th</sup> ed.) (1997). 4. Francis T. Cullen, and Robert Agnew, <i>Criminological Theory Past to Present</i> Roxbury Publishing Company, Los Angeles, California. (2 <sup>nd</sup> ed) (2003). 5. Madhav Acharya, <i>Criminology</i> . Kathmandu: Ratna Pustak Bhandar (2057).

<b>Unit – 2</b>					
<b>Theoretical Developments in Criminology</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To give knowledge on theoretical developments in criminology	2.1.Pre-Classical, Classical and Neo-classical School 2.2.Biological Theories 2.3.Psychological Theories 2.4.Social Structure Theories 2.5.Social Process Theories 2.6.Social Conflict Theories	10 hrs	-do-	-do-	-do-

## READING MATERIALS

Prescribed	References/Recommended
1. Edwin Sutherland, and Donald Cressy, <i>Principles of Criminology</i> . J. B. Lippincott Company. (1978). 2. Frank Schmallegger, <i>Criminology Today</i> Pearson/Prentice Hall. (4 <sup>th</sup> ed.). (2006). 3. Katherine Williams, <i>Textbook on Criminology</i> . London: Blackstone Press. (2001).	1. C.R. Bartol, <i>Criminal Behaviour A Psychological Approach</i> . Prentice Hall New Jersey. (1991) 2. Clive R. Hollin, <i>Psychology and Crime</i> . London: Routledge, (1998). 3. E. Joseph, (ed.) <i>Classics of Criminology</i> Waveland Press, Long Jacoby Grove Illinois. (3 <sup>rd</sup> ed.). (1979). 4. Francis T. Cullen, and Robert Agnew, <i>Criminological Theory Past to Present</i> Roxbury Publishing Company, Los Angeles, California. (2 <sup>nd</sup> ed). (2003). 5. John Hagan, <i>Modern Criminology: Crime, Criminal Behavior and it's Control</i> Singapore: McGraw-Hill Book Co. (1987). 6. Swaaningen R Van, <i>Critical Criminology</i> . London: Sage Publication. (1997).

<b>Unit – 3</b>					
<b>Organized Crime</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To provide knowledge on organized crime with the focus on drug trafficking, Arms trafficking, human trafficking, smuggling and money laundering	3.1 Concept of Organized Crime 3.2 History of Organized Crime 3.3 Characteristics of Organized Crime 3.4 Major Activities of Organized Criminal Groups 3.4.1 Drug Trafficking 3.4.2 Arms Trafficking 3.4.3 Human Trafficking	20 hrs	-do-	-do-	-do-

	3.4.4 Smuggling 3.4.5 Money Laundering 3.5 Nepalese Experience on organized crime				
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### READING MATERIALS

Prescribed	References/Recommended
1. Frank Schmalleger, <i>Criminology Today</i> Pearson/Prentice Hall. (4 <sup>th</sup> ed.) (2006).	1. <i>Nepalese Money Laundering Act, 2006</i> 2. Paper Presented at MOHA, NEPLA - UNAFEI Joint seminar (2000). " <i>Effective Countermeasures to Combat Organized Crime in Criminal Justice Processes</i> (Dec 19-22, 2000 in Kathmandu.

<b>Unit – 4</b>					
<b>Juvenile Delinquency and its Treatment and Prevention</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To give in-depth knowledge on different aspects of Juvenile Delinquency and its Treatment and Prevention	4.1 Introduction of the Concept of Delinquency 4.2 Theories of Delinquency 4.3 Causative Factors of Delinquency 4.4 National and International Policy & Legislative Concerns for Children 4.5 Judicial Interventions in Relation to Justice for "Children in Conflict with Law" 4.6 Juvenile Delinquency: Problems and Solutions in Nepal	20 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. Robert. Agnew, <i>Juvenile Delinquency: Causes and Control</i> . Roxbury Publishing Company, Los Angeles.	1. CWIN <i>Juvenile Delinquency in Nepal</i> . Kthamandu: Child Workers in Nepal Concerned Centre. (2003) 2. Gullolta Adams, and Montemayor (eds.). <i>Delinquent Violent Youth Theory and Interventions</i> . Sage Publications. (1998) 3. Kishore. Silwal, "Juvenile Justice System in Nepal: An Overview". <i>Nepal Law Review</i> , Vol.18, No 1 & 2, (2005) 4. KSL. <i>Juvenile Justice System in Nepal</i> , Bhaktapur: Kathmandu School of Law, (2003) 5. Laxmi Prasad. Mainali, "Juvenile Delinquency: Its Treatment and Prevention." <i>NYAYADOOT</i> . Bi-monthly, Year 39, No. 175, Vol.. Kathmandu: Nepal Bar Association, pp. 6-26. (Shrawan - Bhadra, 2065) 6. PPR Nepal <i>A Research Book on A Critical Analysis of Juvenile Justice System in Nepal</i> (1 <sup>st</sup> ed.). Kathmandu Forum for Protection of People's Rights, Nepal, (2007).

<b>Unit – 5</b>					
<b>Punishment Philosophies and Types of Sanctions</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To give knowledge on different aspects of punishments and sanctions	5.1.Philosophies of Punishment 5.2.Types of Formal and Informal Sanctions	8 hrs	-do-	-do-	-do-

	5.3. Issues in the Sociology of Punishments				
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### READING MATERIALS

Prescribed	References/Recommended
1. Micheal Dohetry, <i>Criminal Justice And Penology</i> Old Bailey Press. (2 <sup>nd</sup> ed) (2000).	1. Christopher Harding, <i>Sentencing and the Penal System Test and Materials</i> . London: Sweet & Maxwell, Laurence Koffman, (1988). 2. David Scot, <i>Penology</i> . Sage Publications. (2008). 3. Micheal Cavadino, <i>The Penal System: An Introduction</i> Sage, Dignan Thousand Oaks, (3 <sup>rd</sup> ed.) (2002). 4. Rajit Bhakta, Pradhananga, Prof. Dr. Shree Prakash Uprety, "Historical Evolution of Punishment System in Nepal". <i>NYAYADOOT</i> Year 38, No. 171, Vol. 6, (English Special Issue). Kathmandu: Nepal Bar Association, pp. 53-65. (2008). 5. Rani Dhavan Shankardass, (ed.) <i>Punishment and the Prison; Indian and International Perspective</i> . New Delhi: Sage Publication. (2000). 6. Stephen Keeling, and Rabindra Bhattari, <i>Nepal's Penal System: An Agenda for Change</i> . Kathmandu: Centre for Victims of Torture Nepal (CIVICT). (2001).

<b>Unit – 6</b>					
<b>Prison System and Its Development</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To familiarize the students with concept of prison and its development in Nepal	6.1. Concept of Prison and its Development 6.2. Prison System in Nepal	6 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. Micheal Dohetry, <i>Criminal Justice And Penology</i> Old Bailey Press. (2 <sup>nd</sup> ed) (2000).	1. David Scot, <i>Penology</i> . Sage Publications (2008). 2. Micheal Cavadino, <i>The Penal System: An Introduction</i> Sage, Dignan Thousand Oaks. (3 <sup>rd</sup> ed.) (2002). 3. Prison Reform International (1995). <i>Making Standards Work: An International Handbook on Good Prison Practice</i> (The Hague). 4. Rajit Bhakta Pradhananga, Prof. Dr. "Prison System in Nepal: An Overview". <i>Nepal Law Review</i> , Vol. 19, No. 1 & 2. Kathmandu: Nepal Law Campus, Faculty of Law, T.U. (2006) 5. Rani Dhavan Shankardass, (ed.) <i>Punishment and the Prison; Indian and International Perspective</i> . New Delhi: Sage Publication. (2000). 6. Stephen Keeling, and Rabindra Bhattari, <i>Nepal's Penal System: An Agenda for Change</i> . Kathmandu: Centre for Victims of Torture Nepal (CIVICT). (2001) 7. Tulsi Ram Vaidya, and Triratna Manandhar, <i>Crime and Punishment in Nepal</i> . Kathmandu: Bini Vaidya and Purnadevi Manandhar (1989).

<b>Unit – 7</b>					
<b>Re-socialization and Alternatives to Prison</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To impart knowledge and re-socialization and alternative to prison covering community work service, fines and restitution as well as probation, parole and after care program	7.1.Community Work Service, Fines and Restitution 7.2.Probation 7.3.Parole 7.4.After Care Program	15 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. Micheal Cavadino, <i>The Penal System: An Introduction</i> Sage, Dignan Thousand Oaks. (3 <sup>rd</sup> ed.). (2002).	1. Shankardass, Rani Dhavan (ed.) <i>Punishment and the Prison; Indian and International Perspective.</i> New Delhi: Sage Publication. (2000)

<b>Unit – 8</b>					
<b>Principles of Sentencing</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To provide knowledge on principles of sentencing and it's process, models and Nepalese practice	8.1 Concept and Rationale of Sentencing 8.2.Aims and Function of Sentencing 8.3 Principles and Polices of Sentencing 8.4.Process of Sentencing a. Sentencing Strategies- Indeterminate, Presumptive, Mandatory, Determinate b Sentencing Hearing c. Sentencing Decision d. Formal Sentencing f. Victim Participation 8.5.Sentencing Models 8.6 Nepalese Sentencing Process	16 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. Andrew Ashworth, <i>Sentencing and Criminal Justice.</i> London: Butterworths (1995). 2. Christopher Harding, <i>et. al., Sentencing and Panel System.</i> London: Sweet & Maxwell. (1988). 3. Sue Titus Reid, <i>Crime and Criminology.</i> Mc Graw Hill Higher Education Group Inc, (1997). 4. Sui Titus Reid, : <i>Criminal Justice</i> , Brown and Bench Mark, (1995) 5. Susan Eastin, <i>et. al., Sentencing and Punishment: The Quest for Justice.</i> , New York: Oxford University Press. (2005).	1. Ahmad Siddique, <i>Criminology: Problems &amp; Perspectives</i> Eastern Book Company. (4 <sup>th</sup> ed.) (1997). 2. Manson, Allan <i>Law of Sentencing.</i> Canada: Irwin Law, Toronto. (2001).

<b>Unit – 9</b>					
<b>Concept and Evolution of Victimology</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
To acquaint the students with the concept and evolution of victimology including in Nepal	9.1 Meaning, Scope and Development of Concept of Victimology 9.2 Underlying principles of victim justice 9.3. Role of Victim in the Criminal Justice System 9.4. Rights of the Victim 9.5. Emerging trends and policies in Nepal 9.6. Nepalese Legal Aspects and its Practical Problems Regarding Victims	20 hrs	-do-	-do-	-do-

### READING MATERIALS

Prescribed	References/Recommended
1. Andrew Karmen, <i>Crime Victims: An Introduction To Victimology</i> Wadsworth Thomson Learning. (4 <sup>th</sup> ed.) (2001). 2. Basia Spalek, <i>Crime Victims, Theory, Policy and Practice</i> New York: Palgrave Macmillan. (1 <sup>st</sup> ed.) (2006). 3. Shankar Kumar Shrestha, Dr. <i>A Step towards Victim Justice System</i> . Kathmandu: Pairavi Prakasan. (2001).	1. Frank Schmalleger, <i>Criminology Today</i> Pearson/Prentice Hall. (4 <sup>th</sup> ed.) (2006). 2. Madhav Acharya, <i>Criminology</i> . Kathmandu: Ratna Pustak Bhandar. (2057). 3. Stephon Schafer <i>Victimology, the Victim and His Criminals</i> . Virginia: Reston Publishing Company. (1977). 4. William, Parsonage H. <i>Perspective on Victimology</i> . London: Sage Publications (1979).

### READING MATERIALS FOR ALL UNITS

Prescribed	References/Recommended
1. Agnew, Robert. <i>Juvenile Delinquency: Causes and Control</i> . Roxbury Publishing Company, Los Angeles 2. Andrew, Ashworth <i>Sentencing and Criminal Justice</i> . London: Butterworths (1995). 3. Doherty, Micheal <i>Criminal Justice And Penology</i> Old Bailey Press. (2 <sup>nd</sup> ed) (2000). 4. Eastin, Susan <i>Sentencing and Punishment: The Quest for Justice</i> . New York: Oxford University Press. (2005). 5. Harding, Christopher, <i>et. al.</i> , <i>Sentencing and Panel System</i> . London: Sweet & Maxwell. (1988) 6. Reid, Sue Titus <i>Crime and Criminology</i> . Mc Graw Hill Higher Education Group Inc,	1. Acharya, Madhav <i>Criminology</i> . Kathmandu: Ratna Pustak Bhandar, (2057). 2. Adams, Gullolta and Montemayor (eds.) <i>Delinquent Violent Youth Theory and Interventions</i> . Sage Publications. (1998). 3. Bartol, C.R. <i>Criminal Behaviour A Psychological Approach</i> . Prentice Hall New Jersey. (1991) 4. Cavadino, Micheal <i>The Penal System: An Introduction</i> Sage, Dignan Thousand Oaks. (3 <sup>rd</sup> ed.) (2002). 5. Cullen, Francis T. and Agnew, Robert <i>Criminological Theory Past to Present</i> Roxbury Publishing Company, Los Angeles, California, (2 <sup>nd</sup> ed) (2003) 6. CWIN <i>Juvenile Delinquency in Nepal</i> . Kathmandu: Child Workers in Nepal Concerned Centre, (2003). 7. Downes, David <i>Understanding Deviance</i> (4 <sup>th</sup> ed.). Paul Rock: Oxford University Press, (2003). 8. Hagan, John <i>Modern Criminology: Crime, Criminal Behavior and its Control</i> Singapore: McGraw-Hill Book Co., (1987). 9. Hollin, Clive R. <i>Psychology and Crime</i> . London: Routledge, (1998).

<p>(1997).</p> <p>7. Reid, Sui Titus, <i>Criminal Justice</i>, Brown and Bench Mark, (1995)</p> <p>8. Schmallegger, Frank <i>Criminology Today</i> (4<sup>th</sup> ed.). Pearson/Prentice Hall, (2006)</p> <p>9. Shrestha, Dr. Shankar Kumar <i>A Step towards Victim Justice System</i>, Kathmandu: Pairavi Prakasan, (2001)</p> <p>10. Sutherland, Edwin and Cressy, Donald <i>Principles of Criminology</i>. J. B. Lippincott Company, (1978).</p> <p>11. Williams, Katherine <i>Textbook on Criminology</i>. London: Blackstone Press, (2001).</p>	<p>10. Joseph, E. (ed.) <i>Classics of Criminology</i> (3<sup>rd</sup> ed.). Waveland Press, Long Jacoby Grove Illinois, (1979).</p> <p>11. Karmen, Andrew <i>Crime Victims: An Introduction To Victimology</i> Wadsworth Thomson Learning, (4<sup>th</sup>ed.) (2001).</p> <p>12. Keeling, Stephen and Bhattari, Rabindra <i>Nepal's Penal System: An Agenda for Change</i>. Kathmandu: Centre for Victims of Torture Nepal (CIVICT), (2001).</p> <p>13. KSL. <i>Juvenile Justice System in Nepal</i>, Bhaktapur: Kathmandu School of Law (2003)</p> <p>14. Mainali, Laxmi Prasad. "Juvenile Delinquency: Its Treatment and Prevention." <i>NYAYADOOT</i>. Bi-monthly, Year 39, No. 175, Vol. Shrawan - Bhadra, Kathmandu: Nepal Bar Association, pp. 6-26. (2065)</p> <p>15. Manson, Allan <i>Law of Sentencing</i>. Canada: Irwin Law, Toronto. (2001)</p> <p>16. <i>Nepalese Money Laundering Act, (2006)</i></p> <p>17. Paper Presented at MOHA, NEPLA - UNAFEI Joint seminar "<i>Effective Countermeasures to Combat Organized Crime in Criminal Justice Processes</i> (Dec 19-22, 2000 in Kathmandu, (2000).</p> <p>18. PPR Nepal <i>A Research Book on A critical Analysis of Juvenile Justice System in Nepal</i> (1<sup>st</sup> Ed.). Kathmandu Forum for Protection of People's Rights, Nepal. (2007).</p> <p>19. Pradhananga, Prof. Dr. Rajit Bhakta "Prison System in Nepal: An Overview". <i>Nepal Law Review</i>, Vol. 19, No. 1 &amp; 2. Kathmandu: Nepal Law Campus, Faculty of Law, T.U. (2006).</p> <p>20. Pradhananga, Prof. Dr. Rajit Bhakta, Uprety, Shree Prakash "Historical Evolution of Punishment System in Nepal". <i>Nyayadoot</i> Year 38, No. 171, Vol. 6, (English Special Issue), Kathmandu: Nepal Bar Association, pp. 53-65. (2008).</p> <p>21. Prison Reform International <i>Making Standards Work: An International Handbook on Good Prison Practice</i> (The Hague), (1995).</p> <p>22. Scot, David <i>Penology</i>. Sage Publications (2008).</p> <p>23. Shankardass, Rani Dhavan (ed.) <i>Punishment and the Prison; Indian and International Perspective</i>. New Delhi: Sage Publication. (2000).</p> <p>24. Siddique, Ahmad <i>Criminology: Problems &amp; Perspectives</i> Eastern Book Company. (4<sup>th</sup> ed.) (1997).</p> <p>25. Silwal, Kishore. "Juvenile Justice System in Nepal: An Overview". <i>Nepal Law Review</i>, Vol.18, No 1 &amp; 2, (2005)</p> <p>26. Spalek, Basia <i>Crime Victims, Theory, Policy and Practice</i> New York: Palgrave Macmillan, (1<sup>st</sup> ed.) (2006).</p> <p>27. Stephon Schafer <i>Victimology, the Victim and His Criminals</i>. Virginia: Reston Publishing Company, (1977).</p> <p>28. Vaidya, Tulsi Ram and Manandhar, Triratna <i>Crime and Punishment in Nepal</i>. Kathmandu: Bini Vaidya and Purnadevi Manandhar, (1989)</p> <p>29. Van, Swaaningen R <i>Critical Criminology</i>. London: Sage Publication, (1997).</p> <p>30. William, Parsonage H. <i>Perspective on Victimology</i>. London: Sage Publications. (1979)</p>
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## Environmental Law-II (Comparative Environmental Law)

Course Title: <b>Environmental Law-II (Comparative Environmental Law)</b>	Period Per Week: Four
Course No: Law 787	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description

This course is designed to familiarize students with constitutional, legal and judicial approaches to environmental law in Nepal. It focuses on different contemporary issues and problems in the field of environmental law. It also aims to briefly compare the relevant units with the environmental law of India, UK and USA. The implementation of multilateral environmental agreements in the context of Nepal will also be critically examined. An attempt will be made to relate the Chinese Environmental law in relevant areas as possible.

### Course objectives

1. To impart comparative knowledge on contemporary environmental law of Nepal.
2. To produce environmental law manpower capable to serve the growing needs and interests of the country.
3. To develop environmental law experts in dealing with the issues and problems relating to environmental protection.

### Unit-I

#### Introduction and Development of Environmental Law in Nepal

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To familiarize students with the evolution of environmental law in Nepal with a brief comparative law of few countries.	1.1 General Introduction to Nepalese Environmental Law in Comparison with India, UK and USA 1.2 Environmental protection in Ancient, Medieval and Modern periods of Nepal. 1.3 Structure and Division of Environmental Law 1.4 Human Rights and Environmental Justice	10 hrs.	Lecture/Socratic method Discussion and paper presentation by students	Textbooks, articles, selected cases, seminar papers and other reference materials Overhead projector, PowerPoint etc.	Assessment of oral and written presentation, class participation and home assignments

#### Prescribed Reading Materials

##### A. Books

- A. Rosencranz. *et al*; **Environmental Law and Policy in India**; Oxford /New Delhi (2001)
- Belbase, N. *et al.*; **Environmental Justice and Rural Communities Studies from India and Nepal**, IUCN Nepal, 2007
- C.A Bowers,; **Educating for Eco-Justice and Community**; The University of Georgia Press (2001)
- D.G. Craig *et al* (eds.); **Capacity Building for Environmental Law in the Asian Pacific**



**Region: Approaches and Resources:** Vol. I & II, ADB (2<sup>nd</sup> ed.2003)

- N. Belbase, ; *The implementation of International Environmental Law in Nepal*; IUCN Nepal (1997)
- P. S. Sangal, (Prof.); "The Law as a Tool for environmental conservation and management in India" in Atkinson *et al* (eds.); *Proceedings of the International conference on environment and Law*: 6-8 March 1 992. Leaders Inc. Nepal (1992)
- B.S. Sijapati, (Dr.); Environmental Protection-Law and Justice: Asmita Books Publishers and Distributors, Kath (2003)
- B. Boer, *et al* ;*International Environmental Law in the Asia Pacific*; Kluwer Law International (1998)
- P.Leelakrishnan.; *Environmental Law in India*, Butterworth, New Delhi (2000, reprint)
- J.F. D. Berry, , *The Environmental Law and Compliance Hand Book*, McGraw Hill, EPA, USA,
- S. Bell, *et al*; *Environmental Law*; Oxford (5th ed., 2004)
- Wangxi *et.al*; *Environmental Law in Developing Countries Selected Issues*; IUCN Environmental Policy and Law Paper No. 43 (2001)
- O.P. Dwivedi, *et al* (ed.); "Environmental Protection in the Hindu Religion"; in O.P. Dwivedi, (ed.) *World religion and the Environment*; Gitanjali Publishing House, New Delhi, (1989)
- J.M. Cha.; *Increasing Access to Environmental Justice- A Resource Book for Advocacy and Legal Literacy in South Asia*; ICIMOD, (2007)

#### B. Research Reports

- A.P. Pant; (Prof. Dr.); A Research Report on The Right to Clean and Hygienic Environment under the Nepalese Law: Human Rights Perspectives, Faculty of Law, T.U. (2003)
- T.P. Sapkota, (Dr.); Report on Reconciling of the Environmental Laws of Nepal with the Multilateral Environmental Agreements to which Nepal is a Party., HMG/UNDP Strengthening the Rule of Law Programme (NEP/00/011), (2004)

#### C. Articles/Journals

- A.P. Pant, (Dr.) *et al* (eds.); *Nepal Law Review*, Environmental Law Special Issue; Vol. 15, Number 1 & 2 (2002)
- A.P. Pant, (Dr.); "Legal Protection of Environment in Nepal: Historical Perspectives", *Nyayadoot*, Vol. 74, NO. 5, Year 24, Nepal Bar Association, Kathmandu, (1993)
- A.P. Pant (Dr.); "Environmental Law I in Nepal: An Overview"; *Annual Survey of Nepalese Law* ; Nepal Bar Council, Kathmandu, (2000)
- T. P. Sapkota, (Dr.); "Environmental Justice and Nepalese Laws: An Appraisal", *Nyayadoot* (English Special Issue), Vol.7, No.158, Year 36, Nepal Bar Association, Kathmandu, (2006)
- T. P. Sapkota, (Dr.); "Environmental Rights and Duties of Citizens: Analysis from the Standpoint of the Nepalese Constitution"; *Nyayadoot*, Number 124 (2001)
- T. P. Sapkota, (Dr.); "The Role of Judiciary in Promoting Environmental Justice: Nepalese Perspective", *Nepal Law Review*, Vol.18, No.1&2, Nepal Law Campus, Tribhuvan University, Kathmandu, (2005)

### Unit-2

#### Biodiversity Laws in Nepal

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To provide in-depth knowledge about biodiversity related Nepalese legal provisions with a brief introduction to	2.1 Concept of Biodiversity	32 hrs.	Do	Do	Do
	2.2 General Introduction to Biodiversity Laws of Nepal in Comparison with India, UK and USA				
	2.3 Protection and Conservation of Natural Heritage				
	2.4 Conservation of Forest Resources				

biodiversity law of few countries.	2.5 Protection and Conservation of Protected Areas				
	2.6 Conservation of Wild and Aquatic Life and Their Habitation				
	2.7 Protection and Conservation of Land Resources				
	2.7.1 Land Use, Sustainable Agriculture and Rural Development				
	2.7.2 Urban Planning				
	2.7.3 Sustainable Mountain Development				
	2.7.4 Combating Desertification				
	2.8 Protection and Conservation of Wetlands				
	2.9 Protection of Freshwater Resources				
	2.10 Protection and Conservation of Genetic Resources or Living Modified Organisms (LMOs) and Bio-Safety				
Rights and Duties of Indigenous Peoples and Communities in relation to Biodiversity Conservation					

### Prescribed Reading Materials

#### A. Books

- A. Rosencranz, *et al*; **Environmental Law and Policy in India**; Oxford /New Delhi (2001)
- A.P. Adhikari ;**Urban and Environmental Planning in Nepal-Analysis, Policies and Proposals**; IUCN Nepal (1998)
- A.R. Joshi; *et al* (ed.); **Environmental Management and Sustainable Development at the Cross-road**; AnKuS, Kathmandu, (2003)
- B. Subba.; **Himalayan Waters: promise and Potential Problems and Politics**; Panos South Asia, (2001)
- C.A. Bowers, **Educating for Eco-Justice and Community**; The University of Georgia Press (2001)
- D. Gyawali; **Water in Nepal**; Himal Books and Panos South Asia, Nepal, (2001)
- D.M. Pokharel.; **Legal Aspects of Biodiversity Conservation**; Udaya Books, Kathmandu, (2000)
- HMG/Nepal; **National Conservation Strategy**; ( 1987)
- ----; **National Environmental Policy and Action Plan : Integration Environmental and Development**; (1993)
- ----; **Domesticated Elephants Management Policy**; (2003)
- ----; **Hydropower Development Policy**; (2001)
- ----; HMG; Irrigation Policy,2003; Ministry of Water Resources, Department of Irrigation, (2003)
- ----; Industrial Policy; (1992)
- ----; National EIA Guidelines (1992)
- ----; EIA Guidelines for Forestry Sector (1996)
- ----; National Wetland Policy (2002)
- ----; Nepal Biodiversity Strategy (2003)
- ----;Nepal Environmental Planning Guidelines (1998)
- ----; Protected Area Management Action Plan through NGOs and Other Institutions (2003)
- ----;Sustainable Development Agenda for Nepal (2002)
- ----; The National Conservation Strategy (1987)
- ----;Water Resources Strategy (2001)
- ----;National Water Plan (2006)-
- ----; Wildlife Farming Fertility and Research Strategy (2003)

- ----; *Environmental Protection Act ,1997* and *Environment Protection Rules, 1997* and relevant, constitutional and legal provisions of Nepal
- -----; *A Tiger Action Plan*; (1998)
- ----; *Forestry Master Plan*; (1988/1989)
- ICIMOD; *Land Policies, Land Management and Land Degradation in the Hindu Kush-Himalayas*; ICIMOD, (2000)
- IUCN Nepal; *A Review of the Status and Threats to Wetlands in Nepal*; IUCN Nepal (2004)
- J.F. D Berry., *The Environmental Law and Compliance Hand Book*, McGraw Hill, EPA, USA,
- Laws relating to Biodiversity of India, UK and USA
- N. Belbase.; *National Implementation of the Convention on Biological Diversity*; IUCN Nepal (1 999)
- Natural Science Museum, T.U./ IUCN; *Protected Wild lives and Plants of Nepal- An Introduction to the Context of CITES*, (2001)
- Oli, K.P.; *Collaborative Management of Protected Areas in Asian Region*; IUCN Nepal (1999)
- Pro-Public: *Collection of Environmental Protection Related Cases (Batabaran Samrakchan Sambandhi Muddharuko Sangalo)* (2057 B.S.)
- R. Mackenzie, *et al*; *An Explanatory Guide to the Cartagena Protocol on Bio-Safety*; IUCN Environmental Policy and Law Paper No. 46 (2003)
- R.S. Aryal, *CITES Implementation in Nepal and India-Law, Policy and Practice*; Bhrikuti Academic Publications ,(2004)
- S. Bell, *et al*; *Environmental Law*; Oxford (5th ed., 2004)
- S.Lyster ;*International Wildlife Law*; Cambridge (2000)
- Society for Conservation Biology in Asia; *Action Conservation Biology in Asia*, Resource Himalaya Foundation, Kathmandu, Nepal, 2006
- T.B. Shrestha.; *Nepal Country on Biological Diversity*; IUCN,(1999)
- U.R. Sharma; *et al* (ed.); *Peoples and Protected Areas in South Asia*; IUCN/Resources Himalaya Foundation, (2005)
- UNDP/ICIMOD, *Ecological Cooperation for Biodiversity Conservation in the Himalaya*, UNDP, New York, (1998)
- UNEP; *Agenda 21*, (1992)

#### **B. Research Reports**

- A.P. Pant (Dr.); A Research Report on A Legal Framework of Bio-diversity Conservation in Nepal; Faculty of Law, TU (1998)
- T.P. Sapkota, (Dr.); Report on Reconciling of the Environmental Laws of Nepal with the Multilateral Environmental Agreements to which Nepal is a Party;, HMG/UNDP Strengthening the Rule of Law Programme (NEP/00/011), (2004)

#### **C. Articles/Journals**

- A.M. Bhattarai, (Dr.); “Environmental Management of the Himalayan Watershed: An Inquiry into the Land-related Policies and Laws of Nepal”; *Nepal Law Review*, Vol. 16, No. 1 & (2003)
- A.P. Pant, (Dr.) et. al. (eds.); *Nepal Law Review*, Environmental Law Special Issue; Vol. 15, Number 1 & 2 (2002)
- B.B. Karki, (Prof. Dr.); Bio Prospecting: “Access to Genetic Resources and Bio Prospecting in the context of international Trade with Special reference to WTO: Problems and Prospects to Nepal”; *Nepal Law Review*, Vol. 16, Number 1 and 2, (2003)
- G. Siwkoti, ‘Chintan’; “The Shelving of Arun III in Eastern Nepal”; *Encyclopedia of Sustainability: Successful Campaigning against Large Dams*, Both ENDS, Amsterdam at [www.bothends.org](http://www.bothends.org)
- G. Siwkoti, ‘Chintan’; “Linking the Rivers, Delinking the Relations”; *Praxis Journal*, Dhaka,

<p>Vol. I, No. 1, (Oct.-Dec.2003)</p> <ul style="list-style-type: none"> <li>• M.I. Jeffrey, (QC); “Bio Prospecting: Access to Genetic Resources and Benefit-Sharing under the Convention on Biodiversity and the Bonn Guidelines”; <i>Singapore Journal of Int’l Comp. Law</i>, Vol. 6 (2002)</li> <li>• M.M. Lamsal; “Legislative Obligation under the Biodiversity Convention to Nepal”; <i>Nyayadoot</i>, No. 117 (2001).</li> <li>• S. Bhandari.; "Intellectual Rights over Biological Knowledge: Significance of Documentation and Property Rights and Resources and Traditional Registration of Biological Resources and Knowledge in Nepal"; <i>Nyayadoot</i>; No. 134 (2003);</li> </ul> <p><b>D. Prescribed Court Cases</b></p> <ul style="list-style-type: none"> <li>• Bal Krishna Neupane vs. Prime Minister G.P. Koirala (Tanakpur case), SCB, year 1, No. 11 (1992)</li> <li>• Mohan B Thapa vs. District Forest Office Morang <i>et al</i>, Writ No. 141, 2000 (2057 B.S) decision date Jestha 28, 2058 B.S</li> <li>• Surya Dhungel <i>et. al.</i> vs. Godavari Marble Industries <i>et al</i>, SCB, Year 4, No. 20 (1996)</li> </ul>
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### Unit-3 Cultural Heritage Laws in Nepal

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To provide basic knowledge about cultural heritage laws of Nepal with a brief reference to a few other countries.	3.1 Concept of Cultural Heritage 3.2 General Introduction to Cultural Heritage Laws of Nepal in Comparison with India, UK and USA 3.3 Tangible Cultural Heritage 3.4 Intangible Cultural Heritage	6 hrs.	Do	Do	Do
<p><b>Prescribed Reading Materials</b></p> <p><b>A. Books</b></p> <ul style="list-style-type: none"> <li>• Government of Nepal (GON), Department of Archeology, <i>Inventories of World Heritage Sites of Nepal</i>;</li> <li>• Laws relating to Cultural Heritage of India, UK and USA</li> <li>• S. Amatya, , <i>Water and Culture</i>; Nepal Drinking Water Corporation, Kathmandu, (2003)</li> <li>• Selected materials listed in the web site of UNESCO</li> </ul> <p><b>B. Articles/Journals</b></p> <ul style="list-style-type: none"> <li>• T.P. Sapkota, (Dr.); “Legal Aspects of the Cultural Heritage Preservation: Nepalese Perspective”, <i>Nyayadoot</i> (Bi-Monthly) English Special Issue 2002, Vol.6, No.129, Year 32, Nepal Bar Association, Kathmandu, (2002)</li> </ul> <p><b>C. Prescribed Court Cases</b></p> <ul style="list-style-type: none"> <li>• Prakash Mani Sharma <i>et. al.</i> vs. HMG <i>et.al.</i> (Rani Pokhari Case), NKP, Vol 39, No.6 (1997)</li> <li>• Pro-public <i>et. al.</i> vs. HMG <i>et. al.</i> (UN Park case), Writ No. 3017 7 3018/1995 (2052 B.S.) decided on June 14, 1999 (Jestha 31, 2056) (unpublished)</li> <li>• Yogi Narahari Nath <i>et. al.</i> vs. Prime Minister G.P. Koirala <i>et al</i>, NKP, Vol. 38, No. 1 (1996)</li> </ul>					

### Unit-4 Pollution Control Laws in Nepal

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To critically analyze the concept and kinds of pollution	4.1 Concept of Pollution 4.2 General Introduction to Pollution Control Laws of Nepal in Comparison	20 hrs.	Do	Do	Do

and applicable laws of Nepal for control of pollution with a brief reference to a few other countries.	with India, UK and USA 4.3 Water Pollution Control Laws 4.4 Air Pollution Control Laws 4.5 Land (Soil) Pollution Control Laws 4.6 Food Adulteration/Contamination Control Laws 4.7 Noise Pollution Control Laws 4.8 Other Pollution Control Laws Nepalese laws on Climate Change and control of Depletion of Ozone Layer				
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### Prescribed Reading Materials

#### A. Books

- HMG/Nepal; *Aviation Policy*; (2006)
- Laws relating to Pollution Control of India, UK and USA
- S.N. Chari; *et al* (eds.) *Environmental Management : An Indian Perspective*; MicMillan, Delhi, (2000)

#### B. Articles/Journals

- A.P. Pant. (Dr.); "Policy and Legal Framework for Air Quality Management in Nepal"; *Delhi Law Review*, Vol. 20 (1998)
- P. Adhikari; "Environmental Protection Issues Related to Civil Aviation"; *Nepal Law Review*, Environmental Law Special Issue, Vol.15, No.1&2, Nepal Law Campus, T.U. (2002)
- S.B. Karki; "Water Pollution Control Laws and Judicial Approach"; *Nepal Law Review*, Environmental Law Special Issue, Vol.15, No.1&2, Nepal Law Campus, T.U. (2002)

#### C. Prescribed Court Cases

- Bharat Mani Gautam vs. HMG Cabinet Secretariat (Standard setting for vehicles), SCB, Year 1, No. 13, Vol. 223 (2001)
- Bhoj Raj Aer vs. Ministry of Population and Environment (Standard-setting for water, air and noise), SCB, Year 11, No. 1, Vol. 235 (2002)
- Bhoj Raj Aer vs. Ministry of Water Resources (Pollution tolerance limit case), Writ No. 3305/1999 (2056 B.S.), decided on Shrawan 12, 2058 B.S (unpublished)
- Kedar Bhakta Shrestha vs. Department of Transport *et al* (Three-wheeler diesel tempo case), SCB, Year 10, No. 12 Vol. 222 (2058 B.S)
- Prakash Mani Sharma *et al* vs. Board of Directors, Nepali Drinking Water Corporation, NKP, Vol. 43, No. 9 & 10 (2002)
- Prakash Mani Sharma *et al* vs. HMG Council of Ministers Secretariat *et al.*, (Detailed study should be made of brick kiln of Kathmandu Valley), Writ No.3027, decision date 2062-08-24 (09-12-2005). Some Import Precedents of the Supreme Court relating to Public Welfare, Vol.08, Supreme Court 2006.
- Prakash Mani Sharma *et al.* vs. HMG Council of Ministers Secretariat *et al.*, (Appointment of Environmental Inspectors), Writ No.2898, decision date 2061-09-06 (21-12-2004). Some Import Precedents of the Supreme Court relating to Public Welfare, Vol.08, Supreme Court 2006.
- Prakash Mani Sharma *et al.* vs. HMG, Ministry of Population and Environment *et al.* (Setting Pollution Standard), Writ No.3429, decision date 2065-09-04 (17-12-2008). Some Import Precedents of the Supreme Court relating to Public Welfare, Vol.08, Supreme Court 2006.
- Prakash Mani Sharma *et al.*, vs. Prime Minister G.P. Koirala *et al* (Import of Indian vehicle case), SCB, Year 10, No. 15, Vol. 225 (2058 B.S)
- Prakash Mani Sharma vs. Ministry of Commerce and Supply (Lalitpur stone-crushing case), SCB, Year 11, No. 21, Vol. 39, no. 6 (1997)
- Prakash Mani Sharma vs. Ministry of Local Development *et al.*, (Dumping of waste on the riverbanks), Writ No. 3440/2000 (2057 B.S.), decided on Poush 2, 2058 B.S. (unpublished)

- Raja Ram Shrestha vs. HMG Cabinet Secretariat et. al. (Replacement of diesel-engine three-wheeler by petrol-engine tempo case), SCB, Year 11, No/ 2, Vol. 236 (2002)
- Shatrudhan Prasad Gupta et. al. vs. Everest paper Mills Pvt. Ltd. et. al. (The responsibility of pollution should be bore by the concerned Industry)Writ No. 3180, decision date 2062-02-23 (05-06-2005), Some Import Precedents of the Supreme Court relating to Public Welfare, Vol.08, Supreme court 2006.
- Thaneshwar Acharya et. al. vs. Brikuti Pulp and Paper Ltd. Writ No. 3058/2000 (2057 B.S.), decided on Marga 19, 2058 B.S.

### Unit-5 Energy Laws in Nepal

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To appraise about energy-related laws of Nepal with reference to a few other countries.	5.1 Concept of Energy 5.2 General Introduction of Energy Laws of Nepal in Comparison with India, UK and USA 5.3 Sustainable Use and Protection of Natural and Human-Generated Energy 5.4 Sustainable Use and Protection of Renewable and Non-Renewable e energy	10 hrs.	Do	Do	Do

#### Prescribed Reading Materials

##### A. Books

- A. Shresthacharya, , *Energy Economics in Nepal: Issues and Options*; Udaya Books, Kathmandu, (2002)
- A.J. Bradbrook,; *Energy Law and Sustainable Development*; IUCN Paper No. 47 (2003)
- Government of Nepal; *Rural Energy Policy 2006*; Ministry of Environment, Science and Technology, (2006)
- HMG/Nepal; *State of the Environment –Nepal (Rural Energy)*; Ministry of Population and Environment, (2003)
- K. Rijal, (ed.); *Energy Use in Mountain Areas*; ICIMOD, (1999)
- Laws relating to Energy of India, UK and USA
- UNDP,/UNESCOSOC, World Energy Council World Energy Assessment-Energy and the challenge of Sustainability-overview; (2000)
- Y. Kaya; & K. Yokobori; Environment, Energy and Economy; United Nations University Press, Tokyo (1997)

##### B. Articles/Journals

- B. Giri; Renewable Energy-A Sustainable Guarantee for future”; in *Sustainability the Lasting Fuel*; Forum For Sustainable Development-Nepal, (2003)
- N.P. Kafle; “Renewable Energy A Tool of Poverty Alleviation; in *Sustainability the Lasting Fuel*; Forum For Sustainable Development-Nepal, (2003)
- S.C. Rajan, “Environment and Energy”; in *Environmental Management : An Indian Perspective*; Micmillan, Delhi, (2000)
- T.R. Bajracharya; “Micro Hydro Power in Nepal-Contribution in Rural Development and Avoidance of Carbon Emission”; in *Sustainability the Lasting Fuel*; Forum For Sustainable Development-Nepal, (2003)

**Unit-6**  
**Techniques and Approaches to Environmental Protection in Nepal**

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To provide knowledge about techniques and approaches to environmental protection with reference to a few other countries.	6.1 General Introduction to Techniques and Approaches for Environmental Protection under Nepalese Laws in Comparison with India, UK and USA 6.2 Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA) 6.3 Incentives, Disincentives, Environmental Audit and Taxes 6.4 Environmental Education, Awareness and Capacity Building 6.5 Environmental Information 6.6 Public Participation 6.7 Enforcement, Compliance, Liability and Compensation 6.8 Integrated and Collaborative Approach 6.9 Public Interest Litigation and Judicial Activism	20 hrs.	Do	Do	Do
<b>Prescribed Reading Materials</b>					
<b>A. Books</b>					
<ul style="list-style-type: none"> <li>• B .N. Lohani , , <i>et al</i>; <b>Environmental Impact Assessment for developing Countries in Asia</b>; Vol. I &amp; II, Selected Case Studies, Asian Development Bank, Manila (1997)</li> <li>• B. Cahill; <b>Environmental Audits</b>; Lawrence (5th ed.)</li> <li>• B.D. Pande; <i>et al</i> (eds.); <b>Environmental Education Source Book</b>; IUCN Nepal, (2000)</li> <li>• B.K. Upreti; <b>Environmental Impact Assessment: Process and Practice</b>; Mrs. Uttara Upreti, Kathmandu, (2003)</li> <li>• Government of Nepal; <b>Right to Information Act, 2006</b>, Ministry of Law, Justice and Parliamentary Affairs; Law Books Management Board, (2006)</li> <li>• Hedemann; <b>Enforcement of European Union Environmental Law: Legal Issue and Challenges</b>; (2006)</li> <li>• IUCN; <b>Strategic Environment Assessment-Proceeding of the Regional Strategic Environment Workshop for Senior Planners</b>, (October 30-Nov.1, 2000)</li> <li>• J. Glasson, et. al.; <b>Introduction to Environmental Impact Assessment</b>; Spon Press, London (2nd ed., 1999)</li> <li>• K. Deketelaere, et. al. (eds.); <b>Critical Issues in Environmental Taxation: International and Comparative Perspectives</b>; Richmond Law and Tax Ltd. UK, (2003)</li> <li>• Laws relating to Techniques of and Approaches to Environmental Protection of Nepal, India, UK and USA.</li> <li>• P. Modak, &amp; A.K. Biswas.; <b>Conducting Environmental Impact Assessment for Developing countries</b>; United Nations University Press, Tokyo ( 1999)</li> <li>• P.H.J. Essers; et.al; <b>Environmental Policy and Direct Taxation in Europe</b>; Kluwer Law International (2001)</li> <li>• T. Mottershead; (ed.); <b>Environmental Law and Enforcement in the Asian Pacific Rim</b>, Sweet and Maxwell Asia (2002)</li> </ul>					
<b>B. Articles/Journals</b>					
<ul style="list-style-type: none"> <li>• A.P. Pant; (Dr.); "Environmental Impact Assessment: A study of International and Nepalese Environmental law"; <b>Nepal Law Review</b>, Vol . 13, Number 1 &amp; 2 (1999)</li> </ul>					

- P.M. Shakya; “Development and Enforcement of Environmental Law: Constitutional Aspects”; *Nepal Law Review*, Environmental Law Special Issue, Vol.15, No.1&2, Nepal Law Campus, T.U. (2002)
- R. Ghimire; “Environmental Impact Assessment (EIA) in Nepal; An Overview”; *Nayayadoot* (English Special Issue 2003), Vol. 4, No. 134, Nepal Bar Association, Kathmandu, (2003)
- T.P. Sapkota; (Dr.); “The role of economic approaches for environmental management: Nepalese perspective”, *Nayayadoot* (English Special Issue 2003), Vol. 4, No. 134, Nepal Bar Association, Kathmandu, (2003)

**C. Prescribed Court Cases**

- Gopal Shiwakoti ‘Chintan’ *et al* vs. Ministry of Finance (Arun III case), NKP, No. 4 (2051 B.S.)

**Unit-7**

**Role of Major Groups and Institutions in Nepal**

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To identify, define and analyze the role of local authorities, groups and institutions with reference to a few other countries.	7.1 General Introduction to Major Groups and Institutions in Environmental Management 7.2 Role of Major Groups and Institutions in Environmental management in Nepal in comparison with India, UK and USA - Women - Indigenous People and Local Communities - Local Authorities - Village Development Committees (VDCs) - Municipalities - Solid Waste Management and Resources Mobilization Center - Non-Governmental Organizations (NGOs) - Farmers, Business and Industry; Workers and Trade Unions; and Scientific and Technological Communities	17 hrs.	Do	Do	Do

**Prescribed Reading Materials**

**A. Books**

- IUCN; World Charter for Nature Conservation, (1984)
- Laws relating to Role of Major Groups and Institutions of India, UK and USA
- Stockholm Declaration, (1972)
- UNEP; Agenda 21 (1992)
- UNEP; Rio Declaration (1992)

**B. Articles/Journals**

- T.P. Sapkota; (Dr.); “Role of Local Bodies in Nepal for Environmental Conservation: Problems and Prospects”; *Japanese University Students Association Nepal (JUSAN)*, Vol. VIII, Number 14 (March 2003)
- V. Poornima; “Managing the Environment – A Gender Perspective”; in S.N. Chari; *et al* (eds.); *Environmental Management : An Indian Perspective*; MicMillan, Delhi, (2000)



**Unit-8**  
**Settlement of Environmental Disputes in Nepal**

Objectives	Contents	Time Allotted	Inst. Tech	inst. Mat.	Eva. Tech.
To transmit knowledge about various dispute settlement mechanisms, including ADR in Nepal and other countries	8.1 Concept of Environmental Dispute Settlement Mechanism 8.2 General Introduction to Environmental Dispute Settlement Mechanisms in Nepal in Comparison with India, UK and USA 8.3 Administrative Mechanisms 8.4 Judicial Mechanisms 8.5 Alternative Dispute Resolution Mechanisms	10 hrs.	Do	Do	Do
<b>Prescribed Reading Materials</b>					
<b>A. Books</b>					
<ul style="list-style-type: none"> <li>• C. P.R. Romano,; The Peaceful Settlement of international environmental Disputes-A Pragmatic Approach; Kluwer, ( 2001)</li> <li>• Laws relating to Settlement of Environmental Disputes of India, UK and USA</li> <li>• P.C. Rao et. al. (eds.); <i>Alternatives Dispute Resolution: What It Is and How It Works?</i>; The International Centre for Alternative Dispute Resolution, Universal Law Publishing Co. Pvt. Ltd. (2002 reprint)</li> <li>• R. Leary. <i>et al</i>; The Promise and Performance of Environmental Conflict Resolution; Publications from RFF Press (2003)</li> </ul>					
<b>B. Articles/Journals</b>					
<ul style="list-style-type: none"> <li>• B.S. Sijapati; (Dr.) ; “Judicial Response of Environmental Protection: A Study on Nepalese Perspective”; <i>Nayaydoot.</i>, No. 134 (2003)</li> <li>• B.S. Sijapati, (Dr.); “A Nepalese Legislative and Judicial Response to International Environmental Law: An Overview”; <i>Nepal Law Review</i>, Vol. 16, No. 1 &amp; 2 (2003)</li> </ul>					

**Note:** Inst. Tech. refers instruction technique, Inst. Mat. refers instruction materials, and Eva. Tech. refers evaluation technique.

## Refugee Law-II

Course Title: <b>Refugee Law-II</b>	Period Per Week: Four
Course No: Law 788	Full Marks: 100
Duration of the Course: One Year (125 hrs)	Duration of the Period: 1hrs
Year: III	Pass Mark: 50
Nature: Optional	Level : LL.M.

### Course Description:

Refugee Law II is specialization course for LL.M IIIyear. This course gives the students in-depth knowledge of refugee protection in International law, gender dimensions in refugee law, statelessness, reunion of refugee families, protection of IDPs, roles of International institutions in refugee assistance.

The broad objectives of the course are two fold:

- General objectives of the course are to impart knowledge and skill to the students about recognizing and determination of refugee status, protection of refugees under General International law and treaties, gender dimensions of refugee law, to enable the students to have clarity of provisions of reunion of refugee families and legal frameworks for the right to family unity and reunification, to acquaint them with statelessness and solutions of refugee problems.
- Specific objective of the course is to prepare specialized human resource in the area of refugee law and who will be able to support refugees, IDPs, governmental, non-governmental organizations, related International institutions.

<b>Unit 1</b>					
<b>Refugee Protection in International law</b>					
Objectives	Contents	Time allotted	Inst Tech.	Ins. Mat.	Eva. Tech
to explain about the protection of refugee under general international law and to study the principle of non-refoulment, principle of immunity form penalties for refugee, the concept of internal flight alternative and steps for internal protection	<ol style="list-style-type: none"> <li>1. Recognizing and determination of refugee status</li> <li>2. Protection of refugees under General International law and treaties</li> <li>3. Content and principle of Non-refoulement</li> <li>4. Principle of immunity from penalties for refugees</li> <li>5. Provision of exclusion and cessation of refugee protection</li> <li>6. Internal protection and flight alternative</li> </ol>	15 hrs	Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis	Statutes, cases, Books, Articles, Reports and Notes.	Oral question, paper presentation, written examination

alternative	as an aspect of refugee status determination 7. Concepts of internal flight alternative and steps for assessment of an internal protection alternative 8. Regionalization of International refugee laws and state responsibility.				
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal* (2000)

**Unit 2**

**Gender Dimensions in Refugee Law**

to impart knowledge on the status of refugee women and children plus gender dimensions of displacement and to analysis persecution and gender based discrimination	1. Refugee women and children in refugee law 2. Age and gender in the refugee definition 3. Gender dimensions of displacement 4. Age and gender in asylum seekers 5. Persecution and gender based discrimination 6. Relevant provisions in the International instruments for the protection of refugee women and children.	15 hrs	-do-	-do-	-do-
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of

Refugees, (1967)

- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal* (2000)

**Unit 3**  
**Reunion of Refugee Families and Protection**

to familiarize the status of refugee family and their protection mechanism, as well as internal displacement and reunion of family members	<ol style="list-style-type: none"> <li>1. Refugee family protection</li> <li>2. The Refugee family in International Law</li> <li>3. Right to reunification of refugee family</li> <li>4. Scope of right relating to the close family members and extended family</li> <li>5. Internal displacement and reunion of family members</li> <li>6. Legal frameworks for the right to family unity and reunification with special reference to South Asia.</li> </ol>	15 hrs	-do-	-do-	-do-
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law*, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)
- Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of

South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
• Tapan K Bose, <i>Potection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal</i> (2000)

**Unit 4**  
**Law and Practice of Safety Zones and Changing Nature of Refugee Problems:**

to differentiate refugee from internally displaced persons and to analysis the rights of IDPs under international and domestic laws	<ol style="list-style-type: none"> <li>1. Refugees and IDPs, Guiding principles on internal displacement</li> <li>2. Law and practice of safety zones or safe haven</li> <li>3. Protection of IDPs and their rights under International law and domestic laws.</li> <li>4. Criteria for UNHCR Involvement with IDPs problems</li> <li>5. Changing nature of refugee crisis.</li> </ol>	15 hrs	-do-	-do-	-do-
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**Reading Materials**

- B.S. Chimni, (ed.) *International Refugee Law, Sage Publishers India Pvt. Ltd, New Delhi, India.* (2002)
- Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)
- Edward Newman & Joanne van Selm (ed), *Refugees and Forced Displacement: International Security, Human Vulnerability and the state*, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)
- Erika Feller & Turk Volker *et.al. Refugee Protection in International Law*, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)
- Gill. S. Goodwin- Guy, *The Refugee in International Law*, Clarendon Press, Oxford University, USA, (1990)
- James C Hathaway, the *Law of Refugee Status*, Butterworths, Toronto, Canada.
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)
- Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)
- Ranabir Samaddar, (ed), *Refugee and the State*, Sage Publications, New Delhi, (2003)
- Tapan K Bose & Rita Machanda (eds), *Status, Citizens and Outsiders* (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)
- Tapan K Bose, *Potection of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal* (2000)

**Unit 5**  
**Statelessness Citizenship and Nationality**

to acquaint students with the statelessness, citizenship and nationality	<ol style="list-style-type: none"> <li>1. Basis for Citizenship (jus soli, jus sanguinis, naturalization)</li> <li>2. Concept of statelessness</li> <li>3. Forms of statelessness <ol style="list-style-type: none"> <li>a. De Jure statelessness</li> <li>b. De Facto statelessness <ol style="list-style-type: none"> <li>i. Lack of documentation</li> <li>ii. Inability to enjoy rights on the same footing as persons with documentation on their citizenship.</li> </ol> </li> </ol> </li> <li>4. Causes of statelessness</li> </ol>	30 hrs	-do-	-do-	-do-
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	<p>a. Inefficient or irregular procedures for issuing identity documentation</p> <p>b. Inconsistent registry of vital events including birth</p> <p>c. Remoteness of certain population</p> <p>d. Onerous administration requirements</p> <p>e. Discrimination</p> <p>5. Statelessness in Nepal</p> <p>6. Relevant laws</p> <p>I. International :</p> <p>a. 1961 Convention on Reduction of Statelessness</p> <p>b. Instruments ratified by Nepal</p> <p>c. 1965 International Convention on the Elimination of All Forms of Racial Discrimination</p> <p>d. CEDAW 1979</p> <p>e. ICCPR 1966</p> <p>f. Convention on the Rights of the child, 1989</p> <p>g. Convention (No 169) Concerning Indigenous and Tribal Peoples 1989</p> <p>II. National:</p> <p>a. Interim Constitution of Nepal 2007</p> <p>b. Immigration Act</p>				
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne van Selm (ed), <i>Refugees and Forced Displacement: International Security, Human Vulnerability and the state</i>, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)</li> <li>• Erika Feller &amp; Turk Volker <i>et.al. Refugee Protection in International Law</i>, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)</li> <li>• Gill. S. Goodwin- Guy, <i>The Refugee in International Law</i>, Clarendon Press, Oxford University, USA, (1990)</li> <li>• James C Hathaway, the <i>Law of Refugee Status</i>, Butterworths, Toronto, Canada.</li> <li>• Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)</li> <li>• Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)</li> <li>• Ranabir Samaddar, (ed), <i>Refugee and the State</i>, Sage Publications, New Delhi, (2003)</li> <li>• Tapan K Bose &amp; Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)</li> <li>• Tapan K Bose, <i>Potction of Refugees in South Asia: Need for Legal Framework, Kathmandu, Nepal</i> (2000)</li> </ul>					

<b>Unit 6</b>					
<b>Roles of International Institutions and NGOs in Refugee Assistance</b>					
To explain the role of UNHCR, ICRC, UNDP and UNICEF in assisting and helping to serve refugee problems	<ol style="list-style-type: none"> <li>1. Role of UNHCR</li> <li>2. Role of ICRC</li> <li>3. Role of UN Relief and Works Agency for Palestine Refugees</li> <li>4. Role of Rome based World Food Programme and UNDP</li> <li>5. Role of UNICEF</li> <li>6. Role of UN General Assembly</li> <li>7. Role of UN Office for the Coordination of Humanitarian Affairs</li> <li>8. Role of UNDRO, UN Development Assistance Framework (UNDAF), Office of the High Representative (OHR)</li> <li>9. Roles of other Relevant NGO, ECRE, ACFOA.</li> </ol>	20 hrs	-do-	-do-	-do-
<b>Reading Materials</b>					
<ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention relating to the Status of Refugee 1951 and Protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne van Selm (ed), <i>Refugees and Forced Displacement</i>: International Security, Human Vulnerability and the state, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)</li> <li>• Erika Feller &amp; Turk Volker <i>et.al. Refugee Protection in International Law</i>, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)</li> <li>• Gill. S. Goodwin- Guy, <i>The Refugee in International Law</i>, Clarendon Press, Oxford University, USA, (1990)</li> <li>• James C Hathaway, the <i>Law of Refugee Status</i>, Butterworths, Toronto, Canada.</li> <li>• Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCR Kathmandu. (April 26-27, 1994)</li> <li>• Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)</li> <li>• Ranabir Samaddar, (ed), <i>Refugee and the State</i>, Sage Publications, New Delhi, (2003)</li> <li>• Tapan K Bose &amp; Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)</li> <li>• Tapan K Bose, <i>Potection of Refugees in South Asia: Need for Legal Framework</i>, Kathmandu, Nepal (2000)</li> </ul>					
<b>Unit-7</b>					
<b>Issues of Refugees, IDPs in Nepal</b>					
to impart knowledge on issues of refugees, IDPs and settlement of refugee problems in various part of the world as well as in Nepal	<ol style="list-style-type: none"> <li>1. Tibetan refugees in Nepal and their settlement</li> <li>2. Victims Ethnic cleansing in Bhutan and Mass exodus from Bhutan in Nepal</li> <li>3. Problems of durable solutions</li> <li>4. Refugees and migrants in Nepal from other countries</li> <li>5. IDPs in Nepal and causes of IDPs in</li> </ol>	15 hrs	-do-	-do-	-do-

	Nepal 6. Existing laws to deal with IDPs and refugees.				
<p><b>Reading Materials</b></p> <ul style="list-style-type: none"> <li>• B.S. Chimni, (ed.) <i>International Refugee Law</i>, Sage Publishers India Pvt. Ltd, New Delhi, India. (2002)</li> <li>• Convention Relation to the Status of Refugee 1951 and protocol Relation to the Status of Refugees, (1967)</li> <li>• Edward Newman &amp; Joanne van Selm (ed), <i>Refugees and Forced Displacement: International Security, Human Vulnerability and the state</i>, United Nations University Press, Tokyo, Mana Publication, New Delhi, India, (2004)</li> <li>• Erika Feller &amp; Turk Volker <i>et.al. Refugee Protection in International Law</i>, UNHCR's Global Consultations on International Protection, Cambridge University Press, London (2003)</li> <li>• Gill. S. Goodwin- Guy, <i>The Refugee in international Law</i>, Clarendon Press Oxford University, USA, (1990)</li> <li>• James C Hathaway, the <i>Law of Refugee Status</i>, Butterworths, Toronto, Canada.</li> <li>• Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities" organized by the Faculty of Law, Tribhuvan University and HUHCRKathmandu. (April 26-27, 1994)</li> <li>• Protocols Additional to the Geneva Conventions, International Committee of the Red Cross, (12 August, 1949)</li> <li>• Ranabir Samaddar, (ed), <i>Refugee and the State</i>, Sage Publications, New Delhi, (2003)</li> <li>• Tapan K Bose &amp; Rita Machanda (eds), <i>Status, Citizens and Outsiders</i> (the uprooted Peoples of South Asia), South Asia Forum for Human Rights, Kathmandu, Nepal (1997)</li> <li>• Tapan K Bose, <i>Potection of Refugees in South Asia: Need for legal Framework</i>, Kathmandu, Nepal (2000)</li> <li>• Upadhyaya, L.K. Prof. Dr., "A Glance at Refugee Law: Policy and Practice in Nepal" <i>Nepal Law Review</i>, Vol 19, (2006)</li> </ul>					