



Tribhuvan University
Faculty of Law

Master of Laws (LL.M.) Curriculum in Semester System
(Four-Semester)
2017

Curriculum Development Center
Tribhuvan University
Kirtipur, Kathmandu
Nepal

Tribhuvan University
Faculty of Law



Master of Laws (LL.M) Curriculum in Semester System
(Four-Semester)
2017

Curriculum Development Center
Tribhuvan University
Kirtipur, Kathmandu
Nepal

Third Semester

| Course Code No. | Course Title | Page No. |
|-----------------|--|----------|
| Law 171 | Jurisprudence - III | 116 |
| Law 172 | Seminar | 121 |
| Law 173 | Constitutional Law- III (Civil Liberties and Civil Rights) | 122 |
| Law 174 | International Law- III (International Humanitarian Law) | 128 |
| Law 175 | Commercial Law- III (Laws on Foreign Investment and Arbitration) | 135 |
| Law 176 | Criminal Law-III (Criminology) | 142 |
| Law 177 | Nepalese Environmental Law-I | 148 |

Fourth Semester

| Course Code No. | Course Title | Page No. |
|-----------------|--|----------|
| Law 181 | Jurisprudence-IV | 156 |
| Law 182 | Thesis | 159 |
| Law 183 | Constitutional Law- IV (Federalism) | 160 |
| Law 184 | International Law - IV (International Refugee Law) | 167 |
| Law 185 | Commercial Law – IV (International Trade Laws and Commercial Contracts) | 176 |
| Law 186 | Criminal Law-IV (Penology and Victimology) | 182 |
| Law 187 | Nepalese Environmental Law- II | 188 |

Master of Laws (LL.M)

**Office of the Dean
Faculty of Law
Tribhuvan University
Exhibition Road, Kathmandu
Nepal**

Table of Content

Page No.

1. Historical Background

1-10

Curriculum

First Semester

| Course Code No. | Course Title | Page No. |
|-----------------|--|----------|
| Law 151 | Jurisprudence-I | 11 |
| Law 152 | Legal System | 20 |
| Law 153 | Legal Research Methodology-I | 24 |
| Law 154 | Constitutional Law- I (Constitutionalism) | 29 |
| Law 155 | International Law-I (Public International Law) | 37 |
| Law 156 | Commercial Law- I (Laws of Corporate Management Governance and Industrial Relation) | 47 |
| Law 157 | Criminal Law –I (Substantive Criminal Law) | 53 |
| Law 158 | International Environmental Law - I | 65 |

Second Semester

| Course Code No. | Course Title | Page No. |
|-----------------|--|----------|
| Law 161 | Jurisprudence- II | 71 |
| Law 162 | Nepalese Legal System | 77 |
| Law 163 | Legal Research Methodology-II | 83 |
| Law 164 | Constitutional Law- II (Governmental Structure and Judicial Review) | 87 |
| Law 165 | International Law-II (International Human Rights Law) | 94 |
| Law 166 | Commercial Law- II (Corporate Finance and Securities Regulation) | 100 |
| Law 167 | Criminal Law –II (Substantive Criminal Law) | 104 |
| Law 168 | International Environmental Law – II | 111 |

Publisher:

Curriculum Development Center
Tribhuvan University
Kirtipur, Kathmandu
Nepal
Tel: No. 4-330856, 4-3334040

@ 2017 by CDC, TU All rights reserved

Effective from April 2017

First Edition:

300 copies
Jestha 2074
May 2017

Price:

Printers:

Tribhuvan University Press
Kirtipur, Kathmandu, Nepal
Tel: 4-331320, 4-331321

Faculty of Law

Introduction

The Faculty of Law of Tribhuvan University is one of the oldest and largest Faculties in the country. Tribhuvan University was established in 1959 AD and the Faculty of Law was established in 1972 AD in the name of Institute of Law. In 1984, the same Institute of Law was converted into the Faculty of Law. The Faculty of Law has been conducting 3-year post-graduate LL.B. programme, 5-year B.A.LL.B. integrated double degree graduate programme, 2-year LL.M. and 3-year LL.M. programmes and 3-year Ph.D. programme. Among all the universities of Nepal the Ph.D. in Law Programme is offering by only the TU, Faculty of Law, Dean's Office. There are six constituent Campuses (Mahendra Multiple Campus, Dharan; Mahendra Bindeshwori Multiple Campus, Rajbiraj; Nepal Law Campus, Kathmandu; Butwal Multiple Campus, Butwal; Prithivi Narayan Multiple Campus, Pokhara; and Mahendra Multiple Campus, Nepalgunj) and two affiliated campuses (Hari Khetan Multiple Campus, Birgunj and National Law College; Sanepa, Lalitpur) under the Faculty of Law. Currently, more than 13,000 students are studying in the different campuses including affiliated campuses under the Faculty of Law.

Brief History of Legal Education in Nepal

The first elementary school for legal training (*Sresta Pathasla* as it was locally known) was started in 1905 AD with the objective to produce a bunch of clerical level trained human resources to work for the administration of justice. For upgrading the status of legal fraternity as well as the access to legal education, the Nepal Law College (then affiliated to Patna University in India) was established in Kathmandu in 1954 AD with the aim to produce law graduates who are needed to take up specific jobs in government and works as high-level legal professionals and practitioners.

The Nepal Law College was de-affiliated from Patna University and was placed under Tribhuvan University (TU) in 1960 AD. In 1971, the National Education System Plan (NESP) was introduced with the objective of producing necessary competent human resources at different levels and in different areas in order to meet the need of human resources for the country's 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 legal education in the country and also to undertake academic activities in legal sector. Accordingly, the Institute started 2-year Certificate level and 3-year Diploma course in law with comprehensive curriculum. Out of 1100 full marks, 600 marks was given for law, 400 marks was set aside for humanities and social science subjects and 100 marks was set aside for languages, which involved five years legal education after matriculation.

In 1984, TU undertook overall structural changes and readjustments. The Institute of Law was converted into the Faculty of Law and the prevailing semester system was also superseded by annual system; the Certificate in Law (C.L.) 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 in the years when it was running as the Institute of Law, the Faculty of Law was generously engaged in improving, developing and promoting legal education system and expanding research activities in Nepal.

With the restoration of multiparty democratic system in Nepal in 1990, TU restructured higher education sector in law in the form of 3-year B.L. and 3-year LL.B. programmes after graduation. Consequently, P.C.L. and B.L. were phased out in 1995. The courses-LL.B. and LL.M. are being offered since 1996 and the Ph.D. in Law from 1997.

The rationale behind the introduction of LL.M. course is to develop the students of the faculty on critical thinking, humanistic values and holistic perception as needed for the present day in our societal context. The curriculum has been completely changed in February 2009 to respond the need of 21st 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 traditional around us, aims to promote and disseminate the knowledge of law of legal process in the light of the country's socio-cultural perspective and the development goals. To this end, the programme is designed to produce human resources possessed with the essential skill, competence and integrity for assuming responsible role in such way that they can make productive contribution in the area of the administration of justice and the functioning of a just, dynamic and democratic society. The LL.M. course envisages imparting strong sense of responsibility towards society and a great sense of respect for humanity and at the same time to develop the highest standards *inter-alia* of professional behavior and spirit of dedication for welfare of the people and the betterment of their life style.

In tune with political and constitutional change in the country, TU Faculty of Law has completely overhauled the existing curriculum of post-graduate 3-year LL.B. and 2-year LL.M. programmes. In 2010, 5-year B.A.LL.B. integrated program after plus two level has been introduced and 3-year LL.M. programme also introduced in 2012 AD.

In 2013, Tribhuvan University decided to reintroduce Semester system in all of the faculties. In the first phase it has implemented in Master Degree Programmes at the Central Campus of Tribhuvan University and in the second phase in all degree programmes at the campuses of the Kathmandu Valley and in the third phase in all degree programmes of Tribhuvan University. As per the decision of the Tribhuvan University, the Faculty Board of the Faculty of Law had decided to introduce Semester system in 2015. Then the Faculty has been implemented Semester system

in the B.A.LL.B. programme in 10-semester, LL.M. programmes in 4-semester and 6-semester from this year (2017).

Rational for Master of Laws (LL.M.) Four-Semester Programme

The Faculty of Law has started 4-semester Master of Laws (LL.M.) programme for those who want to take career as jurists, academicians, legal scholars, legal consultants and specialized 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 republic federal democratic system.

The need of the LL.M. programme in semester system is crucial for achieving the goal of legal excellence backed by highly trained jurists, scholars and lawyers of national standing as well as of international status in Nepal. The 4-semester LL.M. course will be able to enrich law students with firm grounding in Nepal's legal traditions, research and latest development in the world as well as for timely exams and results with higher scores.

Objectives

The main objectives of LL.M. programme are:

- To impart legal knowledge from socio-cultural and development perspective;
- To produce human resources equipped with legal 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 for the professions of law teaching, research, judicial and government services and consultants for public and private enterprises.

Duration

This is a full-time four-semester course and the normal duration of the course shall be 24 months. The students who are not employed or engaged in any trade, profession, business or occupation are eligible. In the case of the government employee or any other public body, the students will be required to produce an official letter of approved leave for LL.M. study before admission. Students failing to complete the requirements in 48 months have to reenroll if they want to be awarded LL.M. degree.

Academic Calendar

The academic session of LL.M. course shall be as determined by the Faculty of Law, Dean's Office as per the rules of TU. The regular academic calendar of TU and/or the Faculty of Law will operate.

Admission Procedure

The number of students shall be fixed by the Faculty Board in the recommendation of Central Department of Law. Students applying for the semester programme must fill the application form with all details of their personal information and past academic records. The Office of the Dean is responsible to undertake entrance examination of the students for enrollment in the LL.M. programme. Students are enrolled on merit basis by following the academic calendar. Out of total number of the enrollment of students, 20 percent will be enrolled in inclusive basis and the rest will be in free-competition basis. The inclusive quota will comprise the following groups from among the economically deprived section of the society:

- Female
- *AdibasiJanajati*
- *Madheshi*
- *Dalits*
- Differently able
- Backward Areas (SLC passed in the backward area as indicated by the Government of Nepal).

Entry Requirement

The entry requirement for LL.M. course is B.L. or LL.B. or B.A.LL.B. pass from any university recognized by the TU Curriculum Development Center. The Faculty of Law has determined 40% cut off percentage to qualify for getting admission on the basis of merits. However, the Dean's office reserves the right to revise the cut off percentage and announce if it feels necessary. The merit list for admission shall be prepared and published on the basis of marks obtained in the entrance exam and in the transcript of tertiary education.

Documents to be submitted with Application Form

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

Structure of LL.M. Course in Four-Semester

There are 30 subjects in LL.M curriculum, of which 10 subjects are compulsory and 20 subjects are optional under five disciplines. A student who wants to be awarded LL.M degree should earn 60 credits, of which 36 credits from compulsory and 24 credits from optional subjects. A student can opt any two optional subjects out of five, 6 credits each from the same discipline in each semester. Out of two optional subjects, the student must write thesis in either of optional subject. The structure of four-semester LL.M. curriculum is as follows:

First Semester

| Course Code No. | Course Title | Nature of Course | Credit Hours |
|-----------------|---|------------------|--------------|
| Law 151 | Jurisprudence-I | Compulsory | 3 |
| Law 152 | Legal System | Compulsory | 4 |
| Law 153 | Legal Research Methodology-I | Compulsory | 3 |
| Law 154 | Constitutional Law- I (Constitutionalism) | Optional | 3 |
| Law 155 | International Law-I | Optional | 3 |
| Law 156 | Commercial Law- I (Laws of Corporate Management and Industrial Relation) | Optional | 3 |
| Law 157 | Criminal Law-I (Substantive Criminal Law) | Optional | 3 |
| Law 158 | International Environmental Law-I | Optional | 3 |

Second Semester

| Course Code No. | Course Title | Nature of Course | Credit Hours |
|-----------------|---|------------------|--------------|
| Law 161 | Jurisprudence- II | Compulsory | 3 |
| Law 162 | Nepalese Legal System | Compulsory | 4 |
| Law 163 | Legal Research Methodology-II | Compulsory | 3 |
| Law 164 | Constitutional Law- II (Governmental Structure and Judicial Review) | Optional | 3 |
| Law 165 | International Law-II (International Human Rights Law) | Optional | 3 |
| Law 166 | Commercial Law- II (Corporate Finance and Securities Regulation) | Optional | 3 |
| Law 167 | Criminal Law –II (Substantive Criminal Law) | Optional | 3 |
| Law 168 | International Environmental Law – II | Optional | 3 |

Third Semester

| Course Code No. | Course Title | Nature of Course | Credit Hours |
|-----------------|---|------------------|--------------|
| Law 171 | Jurisprudence – III | Compulsory | 3 |
| Law 172 | Seminar | Compulsory | 4 |
| Law 173 | Constitutional Law- III (Civil Liberties and Civil Rights) | Optional | 3 |
| Law 174 | International Law- III (International Humanitarian Law) | Optional | 3 |
| Law 175 | Commercial Law- III (Laws on Foreign Investment and Arbitration) | Optional | 3 |
| Law 176 | Criminal Law-III (Criminology) | Optional | 3 |
| Law 177 | Nepalese Environmental Law-I | Optional | 3 |

Fourth Semester

| Course Code No. | Course Title | Nature of Course | Credit Hours |
|-----------------|--|------------------|--------------|
| Law 181 | Jurisprudence- IV | Compulsory | 3 |
| Law 182 | Thesis | Compulsory | 6 |
| Law 183 | Constitutional Law- IV (Federalism) | Optional | 3 |
| Law 184 | International Law – IV (International Refugee Law) | Optional | 3 |
| Law 185 | Commercial Law – IV (International Trade Laws and Commercial Contracts) | Optional | 3 |
| Law 186 | Criminal Law-IV (Penology and Victimology) | Optional | 3 |
| Law 187 | Nepalese Environmental Law- II | Optional | 3 |

In the first and second semesters, a student is required to study three compulsory and two optional subjects in each semester respectively. Similarly, in the third and fourth semesters, a student is required to study two compulsory and two optional subjects in each semester respectively. A student requires writing thesis on the theme approved by the academic supervisor designated by the Research Committee of the Central Department of Law.

Methods of Teaching and Guest Lectures

The main features of the teaching methods include inter-disciplinary approach, Socratic and Participatory. The method of teaching includes interactive lectures, discussion, tutorial, self-study, question-answer, case studies, research, project work, and seminars and so on. The class teacher instructs the students to make presentation on any topic or issues in the class. The class teacher of different

subjects may with the consent of the HoD of the Central Department of Law, invite eminent legal personalities of Nepal and from abroad as Guest Lecturer or as resource persons. The Convener of the Seminar subject requires inviting eminent legal personalities of Nepal and from abroad as Resource persons. The Convener of Seminar subject may prepare roster of the resource persons in consultation with the HoD of the Central Department of Law/LL.M. Management Committee. One credit hour is equal to 16 class hours. However, there will be no classes for the Thesis and students are required to write Thesis under the supervision of the Academic supervisor designated by the Central Department of Law.

Library

Each campus, constituent and affiliated has its own library and computer labs. The collection of relevant textbooks, reference books, law journals and periodicals is increasing day-by-day for upgrading the quality of legal education in order to help the teachers and students. The LL.M. students can access the following libraries located in Kathmandu.

1. Tribhuvan University Central Library
2. Supreme Court Library
3. Nepal Bar Association Library
4. Library of Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs
5. Central Law Library
6. American Center and American Library
7. The British Council Library
8. Water and Energy Commission Secretariat Library

Journal

The Faculty of Law has so far published a number of issues of a journal named "Nepal Law Review" since the day when it was running as the Institute of Law. Although it was stopped for 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. Currently, Nepal Law Campus is publishing the Nepal Law Review. The affiliated National Law College is being publishing NALC Law Journal annually.

In addition, Nepal Bar Council Journal, National Judicial Academy Journal, *Nyayadoot* (Nepal Bar Association), Supreme Bar Journal (Supreme Court Bar Association), Business Law Journal are available in the Libraries in each Campus. *Nepal Kanoon Patrika* (Supreme Court) are essential for the study of cases decided by the Supreme Court of Nepal also available in the Campus libraries.

Research Activities

The Research Committee of the Faculty of Law sponsors some research projects time-to-time, which helps the teachers and the students. Besides other programmes, of the Research Committee conducts Ph.D., organize seminars, workshop and interaction programmes. TU Center for Human Rights and TU Center for Environmental Law are also involved in research and other academic activities. Both the Campuses-Nepal Law Campus and the National Law College are in the process to establish Clinical Law Programme with the aims to train the students in practical subjects.

Attendance Requirements

Students are required to maintain 80 percent attendance in average. Students failing to maintain 80 percent attendance shall not obtain marks for attendance under the internal evaluation. However, in case of occurring serious illness and other situations that is out of control of the student and who has maintained 70 percent attendance can be given opportunity to appear in the semester-end examinations upon submission of proofs with written application. No students shall be allowed to appear in the internal examination unless he/she has presented a class term paper in each subject taught to satisfaction of the teacher concerned.

Examinations and Result

There shall be three kind of examinations, i.e., oral, presentation and written. A class teacher can take oral or written or both assessments, internal assessment and semester-end exam will be written. Semester-end exam will be held two times in a year. The Office of the Dean will conduct semester-end exams. Result of the semester-end exam will be published within 3 months from the final day of exam. The last semester's result will be published within 2 months from the final day of the exam. All answer books will be examined at the Examination Section of the Office of the Dean.

Evaluation Methods of Examinations

Two kinds of evaluation system will be adopted for evaluation of students' performance; these include internal assessment and external (semester-end/semester) examination. The internal and external evaluation shall have a total weight of 40 and 60 percent respectively in each subject. Students have to obtain 50 percent marks to pass in both exams-internal and semester-end. Without passing internal exam students shall not be qualified to appear in semester-end exam.

Total weight of internal exam is divided into internal assessment; term paper/class presentation/unit test/report writing/project work/home assignment; and class attendance, and so on, upon the recommendation of Subject Committees and approval by the Faculty Board.

In case, the percentage of marks obtained by students in internal exam exceeds the semester-end examination marks by 20 percent or more, the marks obtained in the internal exam will be retained up to 20 percent more only.

Make-up/retake Examination

Students failing in first, second and third semester exams shall appear in make-up exams in the following cycle of exams. Students failing in not more than two subjects in the fourth semester shall be given opportunity to appear in make-up exam within one month after the final result.

Grading System

The Faculty of Law shall adopt Semester Grade Point Average (SGAP) and Cumulative Grade Point Average (CGPA) as prescribed in the TU Semester System Operational Guidelines, 2070.

Thesis

The student passes in the first and second semester can write a thesis. Student failing in two subjects in the third semester can also write a thesis but cannot submit until and unless passing all the subjects. The total weight of the thesis is 6 credits.

Scholarship

Students will receive scholarship as per rules and regulation of TU.

Credit Transfer and Withdrawal

The Faculty of Law will allow students to transfer the credits earned by them in similar program of other universities as recognized by TU as prescribed in the TU Semester System Operational Guidelines, 2070.

Unfair mean and Punishment

- A student copying thesis/project report of other students and, if found and proved guilty, s/he will restricted to write thesis for one academic year (12 months).
- Students cannot change roll number and answer books.
- Students possessing cheating materials (written/printed/electronic device etc.) or copying from such material will refrain to sit in the exam of the day.
- Students tearing off exam paper will be restricted to appear in exam for the next two years (24 months).
- Students taking exam paper out of exam will be restricted to appear in the exam for the next two years (24 months).

- Students forcing other to leave the examination will be restricted to appear in the exam for the next one year (12 months).
- Students using indecent and/abusive language against invigilator/superintendent/or any officer will refrain to appear in exam for the next two years (24 months).
- A Semester Examination Committee at the Office of the Dean shall recommend punishment after due consideration of the type of disorderly conduct reports of the invigilator, the center superintendent/any other official deputed by the university.

Graduation

The LL.M. Degree will be awarded upon its successful completion of all the following requirements:

- A successful completion of total 60 credit hours with minimum passing grade in all courses with CGPA of 3.
- A minimum of grade "B"
- Completion of course for the fulfillment of the requirement of the master program must occur 48 months from the time of registration.

Curriculum Revision and Development

The Faculty Board of 29-members and the nine Subject Committees, i.e., Jurisprudence, International Law, Constitutional Law, Commercial Law, Procedural Law, Criminal Law, Environmental Law, Property and Family Law, and Humanities and Social Sciences) determine the basic issues relating to curriculum development in response to the need of the country and in pursuance of the policy and guidance of TU taking into account the emerging international trends. This Semester system curriculum was prepared taking more than two years and curriculum of various universities of national and international were observed. Experts of the concerned subjects inside and outside the Faculty of Law were involved in the development of this curriculum. The curriculum has encapsulated the norms and values of rule of law, human rights, social inclusion, and legal aid. Social inclusion is the new value adopted after the establishment of federal republic democratic system in Nepal. The Academic Council of TU has approved this curriculum upon the recommendation of the Faculty Board. The Faculty Board recommends upon recommendation of the Subject Committees.

Jurisprudence-I

Course Title: Jurisprudence-I
Course Code: Law 151
Duration of the Course: 48 hrs
Semester: First
Nature: Compulsory

Period per Week: Three
Credit Hours: 3 Credits
Pass Mark: 50%
Level: LL.M.

Course Description:

This is a compulsory course of LL.M. First Semester. This course is designed to provide the students clear understanding on the meaning and theories of Jurisprudence, basic jurisprudential concept 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:

The General objectives of this course are:

- To impart knowledge and familiarize the students with the meaning and theories of jurisprudence, 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 the legal ideology and the growing needs of changing society.

The specific objective of this course is to produce human resource equipped with knowledge, skill, competence and integrity required for assuming new and responsible role in society.

Unit-I Introduction to Jurisprudence

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To enable students with the meaning, nature and scope of jurisprudence. | 1. Meaning and Definition of Jurisprudence. 2. Nature and scope of jurisprudence 3. Importance of Jurisprudence | 5 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:

- Allott, Antony. *The Limits of Law*. London: Butterworth and Co.Ltd. (1980)
- Austin, J. *The Province of Jurisprudence Determined*. Indian Economic Reprint, (2010)
- Bhandari, Surendra. "Jurisprudence in 21st Century: Whether the Province of Jurisprudence Determined or Identified?". *Nepal Law Review*. Vol. 14. Kathmandu: Nepal Law Campus. (2000-2001)
- Dias, R. M. D. *Jurisprudence* (5th ed.). New Delhi: Aditya Books Pvt. Ltd. (1994)
- Dworkin, Ronald. *Laws Empire* (2nd Indian Reprint). (2008)
- Freeman, M. D. A. *Lloyd's Introduction to Jurisprudence*. (7th ed.). London: Sweet and Maxwell Ltd.
- Friedmann, W. *Legal Theory* (5th ed.). New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- Giudice, Michael et al. (eds.). *The Methodology of Legal Theory*. Vol. 1. England: Ashgate Publishing Limited. (2010)
- Hart, H. L. A. *The Concept of Law* (2nd ed.). Oxford Indian Paperbacks. (1961)
- Hart, H. L. A. *Definition and Theory in Jurisprudence and Philosophy*. Oxford: Oxford University Press. (1983)
- M. Julius Stone, *Legal System and Lawyer's Reasonings* (2nd Indian Reprint). New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2004)
- Murphy, Jeffrie G. and Jules L. Coleman. *Philosophy of Law: An Introduction to Jurisprudence*. New Delhi: Oxford University Press. (2004)
- Pound, Roscoe. *Jurisprudence*. Vol. I. New Jersey: The Law Book Exchange Ltd. (1959)
- Richard, A Posner. *The Problems of Jurisprudence*. (1st Indian Reprint). Universal Law Publishing Co. Pvt. Ltd. (2010)
- Thapa, Kamal Raj. "The Cabbage We Know as Jurisprudence: A Composition of One Layer upon Another". *Kathmandu School of Law Review*. Vol. 2. Issue 1. (2013)

Unit-II Schools of Jurisprudence

a. Natural Law School:

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| Understanding the emergence of natural philosophy of law, its revival and modern trends. | 1. Emergence of Natural Law Philosophy 2. Revival of Natural Law. 3. Recent Trends. | 8 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:

- Aristotle. *Necomachean Ethics*
- Bix, Brian H. "Natural Law: The Modern Tradition". *The Oxford Handbook of Jurisprudence & Philosophy of Law*. (1st pub.). Oxford: Oxford University Press. (2002)
- Cicero. *The Republic*. Oxford: Oxford University Press
- Dworkin, Ronald. "Political Judge and the Rule of Law". *Comparative Constitutional Law*. Lucknow: Eastern Book Company. (1985)
- Finnis, John. *Natural Law and Natural Rights*. Oxford: Oxford University Press
- Finnis, John. "Natural Law: The Classical Tradition". *The Oxford Handbook of Jurisprudence and Philosophy of Law*. (1980)
- Fuller, Lon L. "Positivism and Fidelity to Law- A Reply to Professor Hart". *Harvard Law Review*. Vol. 71. (1958)
- Fuller, Lon L. *Anatomy of Law*. England: Penguin Books Ltd. (1968)
- Fuller, Lon L. *The Morality of Law* (2nd Indian Reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2000)
- George, Robert P. "Natural Law and Positive Law: The Autonomy of Law". *Essays on Legal Positivism*. Oxford: Clarendon Press. (1996)
- Hart, H. L. A. "Positivism and The Separation of Law and Morals" *Harvard Law Review*. Vol.71. No. 4. (1958)
- Hart, H. L. A. *Law, Liberty and Morality*. London: Oxford University Press. (1963)
- Hart, H. L. A. *The Concept of Law* (2nd ed.). New Delhi: Oxford University Press

- Hart, H.L.A. "Are There any Natural Rights?" *Arguing About Law*. Routledge, London. (2009)
- Iyer, V. R. Krishan. "The Juristic Manifesto of the Human Person". *Law and Justice: An Anthology*. New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2003)
- Locke, John. *Two Treatises of Government*. (1674)
- Murphy, Mark C. "Natural Law Jurisprudence". *Legal Theory*, Vol.9. available at <http://journals.cambridge.org/LEG> December. (2003)
- Paine, Thomas. *The Rights of Man*. South Australia: The University of Adelaide. (2005)
- Radbruch, Gustav. "Five Minutes of Legal Philosophy". *Oxford Journal of Legal Studies*. Vol. 26. No. 1. (2006)
- Shapiro, Scott J. "Authority". *The Oxford Handbook of Jurisprudence and Philosophy of Law*. Oxford: Oxford University Press. (2002)

b. Analytical School of Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| Understanding the meaning and nature of classical as well as modern positivism. | 1. Analytical school: meaning and nature of positivism, 2. Classical Positivism 3. Pure theory of law. 4. Modern Positivism | 8 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:

- Austin, John. *The Province of Jurisprudence Determined*. New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2010)
- Bentham, Jeremy. *A Fragment on Government*. The Law Book Exchange. (2001)
- Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation*. New Delhi: Universal Law Publishing Co. (1781)
- Bentham, Jeremy. *Of Laws in General*. University of London. (1945)
- Dworkin, Ronald. *Laws Empire*. (2nd Indian Reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2008)

- Dworkin, Ronald. *Taking Rights Seriously*. (4th Indian Reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2008)
- Fuller, Lon L. "Positivism and Fidelity to Law—A Reply to Professor Hart". *Harvard Law Review*. Vol. 71. (1985)
- Hart, H. L. A. *Essays in Jurisprudence and Philosophy*. Oxford: Clarendon Press. (1983)
- Hart, H. L. A. *Law, Liberty and Morality*. London: Oxford University Press. (1963)
- Hart, H. L. A. *The Concept of Law*. Delhi: Oxford University Press. (1961)
- Hobbes, "Leviathan". *Lloyd's Introduction to Jurisprudence*. (7thed.). London: Sweet & Maxwell Ltd. (2001)
- Kelsen, Hans. *The Pure Theory of Law*. New Jersey: The Law book Exchange. Ltd. (1935)
- Raj, Joseph. *The Authority of Law*. New Delhi: Universal Law Publishing Co. (1979)

C. Historical School

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| Understanding the basic conceptions of historical school with focus on contributions of Savigny and Maine. | 1. Savigny's contributions 2. Henry Maine's anthropological approach | 8 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:

- Jennings, Sir Ivor. *The Law and The Constitution* (5th ed.). London: ELBS
- K.C., Kaisher Bahadur. *The Judicial Customs of Nepal*. Kathmandu: Ratna Pustak Bhandar. (1971)
- Maine, Sir Henry Sumner. *Ancient Law*, (1st pub.). New Delhi: Omega Publications. (2006)
- Nader, Laura. *Anthropological Study of Law*
- Paton, G. W. *A Textbook of Jurisprudence* (4th ed.). New Delhi: Oxford University Press. (2005)
- Robson, William A. "Sir Henry Maine Today". *Modern Theories of Law* (Indian Economic Reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2005)
- Savigny, F. K. Von. *Of the Vocation of Our Age for Legislation and Jurisprudence*. (1832)

- Sethna, M. J. *The Essentials of An Ideal Legal System*. University of Bombay (1969)
- Vinogradoff, Sir Paul. *Introduction to Historical Jurisprudence*. Kitchener Batoche Books Ltd. (2002)

d. Sociological School

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| To provide Knowledge of Sociological approaches prior to Dean Roscoe Pound and his contributions and recent trends | 1. Sociological approaches prior to Dean Roscoe Pound. 2. Dean Roscoe Pound's Contributions. 3. Recent Trends | 8 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:

- Banakar, Reza. "Sociological Jurisprudence". *An Introduction to Law and Social Theory*. Oxford: Hart Publishing. (2002)
- Bhandari, Surendra. *Court-Constitution and Global Public Policy: A Study on Nepalese Perspective* (1st pub.). Kathmandu: Democracy, Development and Law. (1999)
- Cardozo, J. *The Nature of the Judicial process*. New Delhi: Universal Law Publishing Co. (1921)
- Carpenter, William S. *Foundation of Modern Jurisprudence*. New York: Appleton-Century-Crofts. Inc. (1958)
- Catterrell, Roger. *The Sociology of Law: An Introduction* (1st Indian ed.). New Delhi: Oxford University Press. (2007)
- Durkheim, E. *The Division of Labour of Society*. (1893)
- Duxbury, Neil. *Patterns of American Jurisprudence* (1st pub.). New York: Oxford University Press. (1995)
- Ehrlich, Eugen. *The Fundamental Principle of the Sociology of Law*. (1913)
- Friedmann, W. *Law and Social Change*. New Delhi: Universal Law Publishing Co. (2010)
- Jhering, Rudolf Von. *Law as a Means to an End*. Boston: The Boston Book Company. (1913)
- Laski, Harold J. "M. Duguit's Conception of the State". *Modern Theories of Law* (Indian economic reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2005)

- MacIVER, R. M. *The Modern State* (1st Indian Reprint). Delhi: Surjeet Publication. (2006)
- Mathieu, Deflem. *Sociology of Law: Visions of Scholarly Tradition*. New York: Cambridge University Press. (2008)
- Pound, Roscoe. *Jurisprudence*. Vol.I-IV (6th print.). New Jersey: The Law Book Exchange. Ltd. (2008)
- Pound, Roscoe. *The Ideal Element in Law*. Available in <http://oll.libertyfund.org/titles/pound-the-ideal-element-in-law>
- Pound, Roscoe. *An Introduction to the Philosophy of Law* (2nd Indian Reprint). New Delhi: Universal Law Publishing Co. Pvt. Ltd. (1998)
- Rawls, John. *The Law of Peoples* (2nd Indian reprint.). New Delih: Universal Law Publishing Co. Pvt. Ltd. (2012)
- Selznick, P. "The Sociology of Law". *Lloyd's Introduction To Jurisprudence*. (1959)
- Sethna, M. J. *An Essentials of An Ideal Legal System*. (1st pub.). Bombay University. (1968)
- Sharma, K. L. "Sociology of Law and Legal Profession: A Cross-Cultural Theoretical Perspective". *Legal Research and Methodology* (1st reprint). New Delhi: The Indian Law Institute. (2006)
- Subedee, Nutan Chandra. "Sociology of Law: An Overview of Conceptual Framework". *Nepal Law Review*. Vol.24. Kathmandu: Nepal Law Campus, T.U. (2012)
- Unger, R. M. *Law in Modern Society Toward a Criticism of Social Theory*. New York: The Free Press. (1976)
- Weber, Max. *Economic and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press. (1968)

e. Realist School

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To familiarize students with the American and Scandinavian Realism | 1. American Realism 2. Scandinavian Realism | 6 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:

- Duxbury, Neil. *Patterns of American Jurisprudence* (1st pub.). Oxford: Oxford University Press. (1995)

- Frank, J. *Law and the Modern Mind*. (1949)
- Gray, J. C. *The Nature and Sources of the Law*. (1924)
- Hart, H. L. A. "American Jurisprudence Through English Eye: The Nightmare and Noble Dream". *The Essays in Jurisprudence and Philosophy in Law*. (1977)
- Holmes, Oliver Wendell. "The Path of the Law". *Philosophy of Law*. New York; Macmillan Publishing Company. (1993)
- Holmes, Oliver Wendell. *The Common Law*. (1881)
- Llewellyn, Karl. *The Bramble Bush*. (1930)
- Tamanaha, Brian Z. *Realistic Socio-Legal Theory Pragmatism and A Social Theory of Law*. Oxford; Oxford University Press. (1999)

f. Socialist school

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| To acquaint students with dialectical and historical materialism and withering away of law and state | 1. Dialectical and Historical Materialism 2. Withering away of Law and State | 5 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:

- Abraham, Francis and John Henry Morgan. *Sociological Thought*. Delhi: Macmillan India Ltd. (1985)
- Allen, K. *Law in the Making*. New Delhi: Universal Law Publishing Co. Ltd. (1997)
- Allott, Antony. *The Limits of Law*. London: Butterworth and Co. Ltd. (1980)
- Banakar, Reza and Max Travers. *An Introduction to Law and Social Theory*. Oxford: Hart Publishing. (2002)
- Baxi, Upendra. *Marx, Law and Justice*. Bombay: N.M. Tripathi Private Ltd. (1993)
- Bodenheimer, Edgar. *Jurisprudence: The Philosophy and Method of Law*. Delhi: Universal Law Publishing Co. Ltd. (1996)
- Chen, P. M. *Law and Justice: The Legal System in China (2400B.C. to 1960 A.D.)*. (1973)
- Collins, Hugh. *Marxism and Law*. (1982)
- Cotterrell, Roger. *The Politics of Jurisprudence: A critical Introduction to Legal Philosophy* (Indian ed.). Delhi: Oxford University Press

- Dhyani, S. N. (Dr.). *Fundamentals of Jurisprudence: The Indian Approach* (2nd ed.). Allahabad: Central Law Agency. (1997)
- Duxbury, Neil. *Patterns of American Jurisprudence*. Oxford: Oxford University Press. (1995)
- Fine, Robert. "Marxism and the Social Theory of Law". *An Introduction to Law and Social Theory*. Oxford: Hart Publishing. (2002)
- Finnis, John. *Natural Law and Natural Rights*. Oxford: Oxford University Press. (1980)
- Freeman, M. D. A. *Lloyd's Introduction to Jurisprudence* (7th ed.). London: Sweet and Maxwell Ltd. (2001)
- Friedmann, W. *Legal Theory* (5th ed.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (1999)
- Fuller, Lon L. *The Morality of Law* (2nd Indian reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2000)
- Gauba, O. P. *Constitutionalism in A Changing Society.*, New Delhi: Gitanjali Publishing House. (1984)
- Gutteridge. *Comparative Law: An introduction to the Comparative Method of Legal Study and Research*. New Delhi: Universal Law Publishing Co.Ltd. (2010)
- Hart, H. L. A. *The Concept of Law* (2nd ed.). New Delhi: Oxford University Press. (1961)
- MacCoubrey, Hilaire (Prof.) and Nigel D. White (Dr.). *Textbook on Jurisprudence* (3rd ed.). London: Blackstone Press Limited. (1999)
- Maguir, John M. *Marx's Theory of Politics*. Cambridge University Press. (1978)
- Marx, Karl and Friedrich Engels. *The Communist Manifesto*. England: Penguin Books Ltd. (1888)
- Marx, Karl. *An Introduction to Critique of Political Economy*. Moscow: Progress Publishers. Available on: <https://www.marxists.org/archive/marx/works/1859/critique-pol-economy>
- Marx, Karl. *Critique of Hegel's Philosophy of Right*. Written: 1843-44. Translated by Joseph O'Malley. Oxford: Oxford University Press. Available on: <http://www.marxists.org/archive/marx/works/1843/critique-hpr/index.htm>, (1973)
- Morrison, Wayne. *Jurisprudence: From the Greeks to Post-Modernism*. New Delhi: Lawman (India) Private Ltd. (1997)
- Mukhia, Bal Bahadur. *Comparative Jurisprudence*. Part-I. Kathmandu: T and M Mukhia. (2011)
- Yudin, P. *Soviet Legal Philosophy*. Harvard University Press. (1951)

Legal System

Course Title: Legal System
Course Code: Law 152
Duration of the Course: 64 hrs
Semester: First
Nature: Compulsory

Period per Week: Four
Credit Hours: 4 Credits
Pass Mark: 50%
Level: LL.M.

Course Description:

This is compulsory course for the students of LL.M. First Semester. This course contains concept of legal system, analysis of Nepalese legal history, reception of law and philosophy of Nepalese legal system.

Course Objective:

The general objective of this course is to introduce to the students about the notions of Legal System and to enable the students understand the different Major Legal Systems of the world and produce quality human resource possessed of the skill, competence and integrity that are essential for assuming new roles in a democratic society and promoting the rule of law for a just and dynamic society.

Unit - I

Notions of Legal System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To familiarize students about the notions of Legal System | 1.1. Meaning of Legal System 1.2. Source of Legal System 1.3. Kinds of Legal System 1.4. 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 |

Reading Materials:

- Raz, Joseph. *The Concept of Legal System* (2nd ed.). Oxford: Clarendon Press. (1997)
- Konard, Zweigert et al. *Introduction to Comparative Law* (3rd revised ed.). New York: Oxford University Press. (1998)
- David, Rene et al. *Major Legal System in the World Today: An Introduction to the Comparative Study of Law* (3rd ed.). London: Stevens and Sons. (1985)
- Derret, J. Duncan M. (ed.). *An Introduction to Legal Systems*. (1st Indian reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (1999)

Unit - II

Major Legal System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|--|--|---------------|-------------|-----------|------------|
| To enable the students to understand the different Major Legal System of the world | 2.1. Criteria for the Classification of Major Legal System 2.2. Major Legal System of the world a. Common Law b. Civil Law c. Religious: i Hindu Law ii Muslim Law d. Japanese Law e. Socialist Law f. Chinese Law 2.3. Utility of Comparative law 2.4. Comparison Among the Major Legal Systems | 24 hrs | Do | Do | Do |

Reading Materials:

- Abbrahm, Henry J. *Judical Process*. Delhi: Oxford University Press. (1975)
- Adhikari, Pravakar et al. "Nepal". *International Encyclopedia Law*. Kluwer Law International. (2007)
- Banstola, Gajendra Keshari. "Vaidic Nyaya". *Kanoon Byabasaya Rajat Jayanti Smarika*. Kathmandu: Supreme Court Bar Association. (2050 B.S.)
- Banstola, Gajendra Keshari. "Vedharu Jadbuddhika Pralap Hun Ta?". *Law Bulletin*. Year 6. No.7. Vol.55. Kathmandu: Nepal Law Society. (1992)
- Banstola, Gajendra Keshari. "Agenuma Poleko Alu". *Nyaya Prateek*. Vol.5. No.7. Kathmandu: Binod Roka. (1986)
- Banstola, Gajendra Keshari. "Rigbediya Savyata Gyanma Matra Hoina Bigyanma Ra Nyayama Pani Aadharit Chha". *Law Bulletin*. Year 6. No.9. Vol.57. Kathmandu: Nepal Law Society. (1993)
- Banstola, Gajendra Keshari. "Shreyanswobidharmo Biguna". *Nepal Law Review*. Vol.10. No. 2. Kathmandu: Nepal Law Campus. (1986)
- Baxi, U. *The Crisis of Indian Legal System*. Vikash Publication House Pvt. Ltd. (1982)
- Bogdan, Michael. *Comparative Law* (1st ed.). Sweden: Kluwer and Taxation Publishers. (1994)

- David, Rene et al. *Major Legal System In the World Today: An Introduction to the Comparative Study of Law* (3rd ed.). London: Stevens and Sons. (1985)
- Derret, J. Duncan M. (ed.). *An Introduction to Legal Systems*. (1st Indian reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (1999)
- Diwan, Paras. *Modern Hindu Law*. Faridabad, Haryana: Allahabad Law Agency, (1997)
- Glendon, Mary Ann et al. *Comparative Legal Traditions In a Nutshell* (2nd ed.), USA: West Group. St. Paul Minn. (2004)
- Glenn, H. Patrick. *Legal Traditions of the World* (2nd ed.). New York: Oxford University Press Inc. (2004)
- Konard, Zweigert et al. *Introduction to Comparative Law* (3rd revised ed.). New York: Oxford University Press. (1998)
- Legall, Debbie. "Sharia: Faith-based Law", *International Bar News*. London: International Bar Association. (2007)
- Makhnenko, A.K.H. *The State Law of the Socialist Countries*. Moscow: Progress Publishers. (1976)
- Pant, Amber P. "Belayatko Kanoon Pranali Aitihasic Pariprekchhyama". *Nepal Law Review*. Vol.10. No. 2. Kathmandu: Nepal Law Campus. (1986)
- Pant, Amber P. "Jurisprudential Study on some Fundamental Aspects of Legal System". *Justice*. Vol.1. Kathmandu: Gyangun Research Institute (GRI). (1991)
- Pazzaglini. "Hermes Chinese Law Past and Present and Recent Legislative Developments". *Business Law International*. Vol.8. No.3. London: International Bar Association. (2007)
- Prapannacharya, Swami (Dr.). *Vedama Ke Chha?* (6th ed.). Lalitpur: Sajha Prakashan. (2060 B. S.)
- Raz, Joseph. *The Concept of Legal System* (2nd ed.). Oxford: Clarendon Press. (1997)
- Schubert, Klaus. "German Legal Education: A Brief Introduction". *Law Bulletin*. Year6. No.7. Vol.55. Kathmandu: Nepal Law Society. (1992)
- Sen, Priya Nath. *General Principles of Hindu Jurisprudence*. Allahabad Law Agency (1984)
- Sharma, Ganesh Raj. "Independence of the Judiciary". *Essays on Constitutional Law*. Vol.26. Kathmandu: Nepal Law Society. (1998)
- Stone, Julius. *Legal System and Lawyer's Reasonings*. Delhi: Universal Law Publishing Co. Pvt. Ltd. (2004)

- Thapa, Dhurba Bar Singh. "Nepalko Kanoon Pranali Ek Sangchhipta Vivechhana. *Nyayadoot*. No. 110. Kathmandu: Nepal Bar Association
- Tripathee, Rewati Raj. *Nepalese Legal System: A Jurisprudential and Comparative Appraisal*. Kathmandu: Lumbini Prakashan. (2008)
- Wheeler, John. *The English Legal System* (1st ed.). England: Pearson Education Limited. (2002)

Unit - III

Legal Profession

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|---|---|---------------|-------------|-----------|------------|
| To impart knowledge on Legal Profession of Major legal system and Nepal | 3.1. Nepalese Legal Profession from the History to the present 3.2. Comparative Study of Nepalese Legal Profession with the Unitary and Federal System of Major Countries. | 20 hrs | Do | Do | Do |

Reading Materials:

- Aryal, Laxman. "Evolution of Nepalese Legal Profession". *Readings in the Legal system of Nepal*. Law Publications. (1986)
- F.S. Nariman. "Independence of the Legal Profession and of the Judiciary". *Essays on Constitutional Law*. Vol.15. Kathmandu: Nepal Law Society. (1993)
- Mishra, B.P. et al. "Legal Profession: A Comparative Study". *Advocacy*. Vol.1. No. 4. Kathmandu. (2057B.S.)

Legal Research Methodology - I

Course Title: Legal Research Methodology-I
Course Code: Law 153
Duration of the Course: 48 hrs
Semester: First
Nature: Compulsory

Period per Week: Four
Credit Hours: 3 Credits
Pass Mark: 50%
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, 60 marks will be evaluated through external examination and remaining 40 marks will be examined through internal practical evaluation.

Course Objectives:

The main objectives of the course are:

- To introduce basic concept of legal research
- To impart knowledge to student on methods and designs of legal research,
- To impart knowledge on doctrinal, empirical, sociological and socio-legal research
- To impart know-how and skill on preparation of a Research Proposal,

Unit - I

Introduction

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|--|--|
| To enable the students to understand the basic concept of research and its difference with legal writing | 1. Meaning types and objectives of Research 2. Stages of Research 3. Meaning, Scope and importance of Legal Research 4. Legal Research and Legal Writing 5. Case Law Research | 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

- D. Biley, Kenneth. *Methods of Social Research*. New York: Macmillan Publishing Co. Inc. (1978)

- Kerlinger, Fred N. *Foundations of Behavioral Research*. Second Edition Delhi: Surjeet Publication, (2000).
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: Wishwa Prakashan. (1995)
- Leary, Zina 'O' *The Essential Guide to Doing Research*. New Delhi: Vistaar Publications. (2004)
- Tunkel, Victor, *Legal Research (Handbook) Law Finding and Problem Solving* First Rep. Universal Book Traders. (1994)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: ILLI. (2006)
- Wasby S., "Some Problems of Conceptualization and Measurement". *5 Law and SOC. REV.* 41. (1970)

Unit - II

Identification of Research Problem and Preparing a Research Proposal

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|--|
| To familiarize the students with the research problem and research proposal | 1. Factors affecting problem selection 2. Criteria of a good research problem 3. Operationalisation of the terms used 4. Reviewing the relevant literature 5. Formulation of a research proposal | 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:

- Baker, Therese L. *Doing Social Research*. (2nd ed.). Mc Graw Hill. Inc. (1994)
- D.Biley, Kenneth. *Methods of Social Research*. New York: Macmillan Publishing Co. Inc. (1978)
- Kerlinger, Fred N. *Foundations of Behavioural Research*. (Second Edition) Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: WishwaPrakashan. (1995)
- Verma, S.K. and M. Afzal Wani (ed.) *Legal Research and Methodology*. Delhi: ILLI. (2006)

Unit - III

Research Design

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|--|
| To impart knowledge on different parts of research Design | 1. Meaning and purpose of research design 2. Different research designs 3. Hypothesis- Meaning, types, criteria and importance 4. Variables-Meaning, Types and Criteria | 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:

- Baker, Therese L. *Doing Social Research*. (2nd ed.). Mc Graw Hill. Inc. (1994)
- D.Biley, Kenneth. *Methods of Social Research*. New York: Macmillan Publishing Co. Inc. (1978)
- Kerlinger, Fred N. *Foundations of Behavioral Research*. (2nd ed.). Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: WishwaPrakashan. (1995)
- Leary, Zina 'O' *The Essential Guide to Doing Research*. New Delhi: Vistaar Publications. (2004)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: ILL. (2006)

Unit - IV

Methods of Research

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|--|--|
| To impart knowledge on different methods of research | 1. Survey research a Idea of survey- Types of Surveys, Universe, Sample, Sample size and Strategy for sampling 2. Experimental Research- Methods and types of experiments 3. Field Research and Observational Studies- The method and components of a field study 4. Case Studies- Definition and designing of case studies. Statistical Vs Case studies 5. The Library Method- finding relevant printed materials, using online and computer research 6. Historical Research- Meaning and use of historical method and historiography in research. 7. Comparative Research- Use of comparative method in legal research. | 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:

- Baker, Therese L. *Doing Social, Research* (2nd ed.). Mc Graw Hill. Inc. (1994)
- Kerlinger, Fred N. *Foundations of Behavioural Research* (2nd ed.) Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: WishwaPrakashan. (1995)
- Leary, Zina 'O' *The Essential Guide to Doing Research*. New Delhi: Vistaar Publications. (2004)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: ILI. (2006)

Unit - V Styles of Legal Research

| Objectives | Contents | Time allotted | Inst Tech | Ins. Mat. | Eva. Tech |
|---|---|---------------|---|--|--|
| To acquaint the students with doctrinal, non doctrinal and other styles of legal research | <ol style="list-style-type: none"> 1. Meaning, Characteristics and Importance of doctrinal research 2. Meaning, Characteristics and Importance of doctrinal non-research 3. Basic ideas regarding sociological and socio-legal research 4. Difference between doctrinal and non-doctrinal, sociological and socio-legal research. | 8 hrs. | Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis | Statutes, Cases, Books, Articles, Reports and Notes. | Oral question, paper presentation, written examination |

Reading Material:

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

Constitutional Law - I

Course Title: Constitutional Law I (Constitutionalism)

Course Code: 154

Duration of the Course: 48 hrs

Semester: First

Nature: Optional

Period Per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

This course of Constitutionalism will critically focus on the concept of limited government and the different legal and political mechanisms to keep the government within the limit of constitution and prevent it from becoming unlimited in nature and arbitrary in character. It will deal with political mechanisms to control the major organs of government and it will also deal with judicial mechanisms to keep the political wings of government within its bound. It will also deal with other related institutional checks and balances. This course will basically focus on the provisions meant for ensuring effective functioning of limited government and it is therefore named as "Constitutionalism".

Course Objectives:

The objectives of the course are as follows:

- To produce creative and critical minds for good governance of the country;
- To give indepth knowledge and comparative perspective on institutional and functional aspects of constitutional law in depth and in comparative perspective.
- To produce constitutional expert and to help citizens for solving their problems solved through legal institutions.
- To produce competent and capable human resource 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.

Unit - II

Varieties of Constitutionalism

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|------------|------------|
| To acquaint students with various forms of constitutionalism. | 1. Liberal View of Constitutionalism 2. Socialist View of Constitutionalism 3. Constitutionalism in Developing Countries | 8 hrs | Lecture, discussions, question answers, case analysis | | |

Readings Materials:

- Andrews, W.G. *Constitutions and Constitutionalism* (Third edition). New Delhi: affiliated East-West Press Pvt. Ltd. (n.d.)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Lexis Nexis, Butter worths, Wadhwa. 2010.
- Friedrich, Carl J. *Constitutional Government and Democracy*. New Delhi: Oxford and IBH Publishing Co (1974)
- Gouba, O.P. *Constitutionalism in a Changing Society*. New Delhi: Gitanjali Publishing House. (1984)
- Graber, Mark A. *A New Introduction to American Constitutionalism*. New York. Oxford University Press. (2015)
- Johary, J.C. *Comparative Politics*. New Delhi: Sterling Publishing Pvt. Ltd. (1980)
- Wheare, K.C. *Modern Constitutions*. London: Oxford University Press. (1971)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS. (1975)

Unit - III

Separation of Powers and Checks and Balances

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|---|
| 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. | <ol style="list-style-type: none"> 1. Theory of Separation of powers and checks and balances 2. Separation of powers and check and balance in Presidential System (U.S Constitution) and Parliamentary System (India and U.K Constitution) 3. Separation of Powers and check and balance in Nepalese Constitution. | 6 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 law of Nepal |

Readings Materials:

- Friedrich, Carl J. *Constitutional Government and Democracy*. New Delhi: Oxford and IBH Publishing Co.(1974)
- Gouba, O.P. *Constitutionalism in a Changing Society*. New Delhi: Gitanjali Publishing House. (1984)
- Graber, Mark A. *A New Introduction to American Constitutionalism*. New York: Oxford University Press. (2015)
- Jain, M.P and S.N. Jain. *Principles of Administrative Law*. Nagpur:Lexis Nexis Butterworths Wadhwa. (2008)
- Johary, J.C. *Comparative Politics*. New Delhi: Sterling Publishing Pvt. Ltd. (1980)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS. (1975)
- Barnette, Hilaire. *Constitutional and Administrative Law*. London: Cavendish Publishing Limited. (2002)
- Basu, D.D. *Introduction to the Constitution of India*. NewDelhi : Prentice Hall of India Private Limited. (1998)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butter worths, Wadhwa. (2010).
- Jain, M.P. *Constitutional Law of India*. Nagpur:Lexis Nexis Butterworths Wadhwa. (2011)
- Jennings, Sir Ivor. *The Britain Constitution*. New Delhi: Universal Book stall. (1990)
- Seervai, H.M. *Constitutional Law of India*. Vol.1. Bombay: N.M. Tripathi Private Ltd. (1991)

- Seervai, H.M. *Constitutional Law of India*. Vol. 3. Bombay: N.M. Tripathi Private Ltd. (1996)
- Seervai, H.M. *Constitutional Law of India*. Vol.2. Delhi: Universal Book Traders (1999)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company (2006)

Unit - IV Rule of Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|--|---|
| To give critical knowledge about the changing dimensions on the concept and content of the Rule of Law and its enforcement through constitutional mechanisms in different countries. | 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. | 6 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials and cases. | Assessment on Rule of Law situation in Nepal and identification of problem and constrains in enforcement of Rule of law in Nepal. |

Readings Materials:

- Barnette, Hilaire. *Constitutional and Administrative Law*. London: Cavendish Publishing Limited. (2002)
- Dicey, A.V. *An Introduction to the Study of the Law of the Constitution*. Delhi: Universal law Publishing Co.Pvt. Ltd. (2003)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butter worths, Wadhwa. (2010).
- Gouba, O.P. *Constitutionalism in a Changing Society*. New Delhi: Gitanjali Publishing House. (1984)
- Graber, Mark A. *A New Introduction to American Constitutionalism*. New York: Oxford University Press. (2015)
- Jain, M.P and S.N. Jain. *Principles of Administrative Law*. Nagpur: Lexis Nexis
- Jennings, Sir Ivor. *The Law and the Constitution*. Great Britain : ELBS and Hodder and Stoughton. (1976)
- Jain, M.P and S.N. Jain. *Principles of Administrative Law*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2008)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS. (1975)

Unit - V

Constitutionalism in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|--|--|
| <p>To give a critical idea of executive wings of the Government.</p> <p>To study their role and limitations from the constitutional, organizational and functional point of view.</p> <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.</p> | <ol style="list-style-type: none"> 1. General Background of Constitutionalism in Nepal 2. Legislative Control over Executive at the Federal and Provincial Level. 3. Dissolution of parliament / provincial legislature 4. Role of constitutional bodies 5. Periodic Election of Parliament and Provincial Legislature 6. Judicial Control Over Political Wings of Government through Judicial Review of Constitutional Amendment, Laws and Executive actions. 7. Enforcement of Fundamental Rights as a Limitation on Government. | 14 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials, articles and cases. | Assessment of the existing constitution and its comparison with the past Constitution. |

Readings Materials:

- Chaturvedi, S.K. Nepal; *Internal Politics and Its Constitutions*. New Delhi: Inter-India Publications. (1992)
- Dahal, Ram Kumar. *Constitutional and Political Developments in Nepal*. Kathmandu : Ratna Pustak Bhandar. (2001)
- Dhungel, Surya and others. *Commentary on the Nepalese Constitution*. Kathmandu: DeLF. (1998)
- Singh, Tope Bahadur. *Constitution and Constitutional Law of Nepal*. Kathmandu: Ratna Pustak Bhandar. (2046 B.S.)
- Uprety, Bharat Raj and Others (ed.). *Constitutional law of Nepal*. Kathmandu: FREEDEAL. (2054 B.S.)

Unit - VI

Miscellaneous

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|--|---|
| <p>To give critical knowledge about the constitutional regulations, limitations and registration of political parties.</p> <p>To give knowledge about the process and limitations on constitution amending power.</p> <p>To give a critical and comparative idea on emergency provisions in India, USA and Nepal.</p> | <p>1. Political Parties: constitutional requirements, limitations and immunities.</p> <p>2. Procedural and substantive limitations on power of constitutional amendment in Nepal (with special reference and comparison to Basic Structure theory).</p> <p>Constitutional amendments through judicial interpretation and development of conventions</p> <p>3 Emergency power in Nepal and its comparison with Indian and US system.</p> | 6 hrs | Lecture, discussions, question answers, case analysis, discussion of political behaviors | Text books, reference materials, articles and cases. | <p>Assessment on behavior of political parties in the context of constitutional vision and identification of provisions which need to be reformed.</p> <p>Identification of provisions requiring amendments and see how far they are consistent with basic structure of the 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> |

Readings Materials:

- Friedrich, Carl J. *Constitutional Government and Democracy*. New Delhi: Oxford and IBH Publishing Co. (1974)
- Gouba, O.P. *Constitutionalism in a Changing Society*. New Delhi: Gitanjali Publishing House. (1984)
- Graber, Mark A. *A New Introduction to American Constitutionalism*. New York: Oxford University Press. (2015)
- Johary, J.C. *Comparative Politics*. New Delhi: Sterling Publishing Pvt. Ltd. (1980)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS. (1975)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (1998)

- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Lexis Nexis, Butter worths, Wadhwa. (2010).
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa, (2011)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)
- Seervai, H.M. *Constitutional Law of India*. Vol. 3. Bombay: N.M. Tripathi Private Ltd. (1996)

International Law - I

Course Title: International Law-I (Public International Law)

Course Code: Law 155

Duration of the Course: 48 hrs

Semester: First

Nature: Optional

Period Per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

The course is designed to impart the basic knowledge of Public International Law. It has also attempted to equip the students 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.

Course 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.

Unit - I

Introduction to International Law

| Objective | Contents | Time Allotted | Inst. | Inst. | Eva. |
|--|--|---------------|---|---|--|
| | | | Tech. | Mat. | Tech. |
| To familiarize the students with the concept, sources and subjects of international law. It also focuses on legal provisions of Nepal for internalization of International Law. The increasing role of individuals and private corporations in the international plane would also be dealt with. | 1.1. Definition, Nature and Scope 1.2. Sources of International Law 1.3. Subjects of International Law 1.4. Legal Provisions of Nepal concerning Internalization of International Law | 8 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text & reference books, articles etc. reading material 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 Materials:

- Akerdust's *Modern International Law*. London: Routledge. (1997)
- B.S., Chimni. *International Law and World Order: A Critique of Contemporary Approaches*. New Delhi: Sage Publications. (1993)
- Cassese, Antonio. *International Law* (2nd ed.). Oxford: Oxford University Press. (2005)
- Damrosch, Lori F. *International Law Cases and Materials* (4th ed.). West Group. (2001)
- Elias, T.O. *New Horizons in International Law*. London: Martinus Nijhoff Publishers. (1992)
- Friedmann, Wolfgang. *The Changing Structure of International Law* (1st ed.). New York: Columbia University Press. (1964)
- Henkin et.al. *International Law* (4th ed.). Basic Documents Supplement, West Group
- Hingorani, R.C. *Modern International Law*. New Delhi: Oxford and IBH Publishing Company. (1987)
- Ian, Brownlie. *Principles of Public International Law* (8th ed.). Oxford: Oxford University Press. (2012)
- JL, Brierly. *The Law of Nations* (6th ed.). Oxford: Oxford University Press. (1963)
- K.C., Yadav Kumar. *International Law: Theory and Praxis*. Kathmandu: Pairavi Prakashan. (2016)
- Malcom, N. Shaw. *International Law* (6th ed.). Cambridge: Cambridge University Press. 2008
- Oppenheim's *International Law* (9th ed.). (First Indian reprint) Vol.1. Peace. Introduction and Part I and Part 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd. 1996. (2003)
- Starke, J.G. *An Introduction to International Law* (4th ed.). (Indian reprint). Kent: Butterworth and Publishers. (2013)

Unit - II

The Law of Treaties

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| <p>To acquaint the students with an overview on the concept of Treaties. The main features of the Vienna Convention on the Law of Treaties, 1969 such as the conclusions and entry into force, reservation, observance, applications and interpretations besides invalidation, termination and suspension of treaties. The Constitutional provisions 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>2.1. An overview on the concept of Treaties</p> <p>2.2. Conclusion of Treaties</p> <p>2.3. Entry into force and implementation of Treaties</p> <p>2.4. Observance, application and interpretation of Treaties</p> <p>2.5. Treaty making power under the Constitution of Nepal, 2072 B.S. (2015 A.D.) and Nepal Treaty Act, 2047 B.S. (1990 A.D.)</p> | 10 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text & reference books, articles etc. reading material 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 Materials:

- Akerdust's *Modern International Law*. London: Routledge. (1997)
- B.S., Chimni. *International Law and World Order: A Critique of Contemporary Approaches*. New Delhi: Sage Publications. (1993)
- Cassese, Antonio. *International Law* (2nd ed.). Oxford: Oxford University Press. (2005)
- Damrosch, Lori F. *International Law Cases and Materials* (4th ed.). West Group. (2001)

- Elias ,T.O. *New Horizons in International Law*. London: Martinus Nijhoff Publishers. (1992)
- Elias, T.O. *The Modern Law of Treaties*. Oceana, Dobbs NY. (1974)
- Friedmann, Wolfgang. *The Changing Structure of International Law* (1st ed.). New York: Columbia University Press. (1964)
- Henkin et.al. *International Law* (4th ed.). Basic Documents Supplement, West Group
- Hingorani, R.C. *Modern International Law*. New Delhi: Oxford and IBH Publishing Company. (1987)
- JL, Brierly. *The Law of Nations* (6th ed.). Oxford: Oxford University Press. (1963)
- K.C., Yadav Kumar. *International Law: Theory and Praxis*. Kathmandu: Pairavi Prakashan. (2016)
- Malcom, N. Shaw. *International Law* (6th ed.). Cambridge: Cambridge University Press. 2008
- McNair, A.D. *Law of Treaties*. Stevens and Sons. (1961)
- Oppenheim's *International Law* (9th ed.). (First Indian reprint) Vol.1. Peace Introduction and Part I and Part 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd. 1996. (2003)
- Rosenne, S. *Breach of Treaty*. London: Cambridge University Press. (1990)

Unit - III

Diplomatic and Consular Relations

| Objective | Contents | Time Allotted | Inst. | Inst. | Eva. |
|---|---|---------------|---|---|--|
| | | | Tech. | Mat. | Tech. |
| To impart analytical skill and knowledge to the students on Diplomatic & Consular Relations besides the functions, privileges and immunities provided to them. Act relating to Immunities & Privileges to Foreign State and Diplomatic Representative, 1970 of Nepal would also be dealt with besides some reported cases and practice. | 3.1 General understanding of Diplomacy and functions of Diplomatic Missions | 8 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text and reference books, articles etc. reading material 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. |
| | 3.2 Diplomatic Privileges and Immunities with reference to Vienna Convention on Diplomatic Relations, 1961 A.D. | | | | |
| | 3.3 Consular Immunities and Privileges with reference to Vienna Convention on Consular Relations, 1963 A.D. | | | | |
| | 3.4 Privileges and Immunities of Special Missions and International Organizations | | | | |
| | 3.5 Diplomatic Immunities and Privileges of Foreign State and Representative Act, 2027 B.S. (1970 A.D.) | | | | |

Reading Materials:

- Akerdust's *Modern International Law*. London: Routledge. (1997)
- Aryal Dornath and et al. *Diplomatic Dealings*. Apex Educational Academy. (2011)
- Barston, R.P. *Modern Diplomacy*. Longman Group UK Limited. (1998)

- Damrosch, Lori F. *International Law Cases and Materials* (4th ed.). West Group. (2001)
- Henkin et.al. *International Law* (4th ed.). Basic Documents Supplement, West Group
- Hingorani, R.C. *Modern International Law*. New Delhi: Oxford and IBH Publishing Company. (1987)
- K.C., Yadav Kumar. *International Law: Theory and Praxis*. Kathmandu: Pairavi Prakashan. (2016)
- Malcom, N. Shaw. *International Law* (6th ed.). Cambridge: Cambridge University Press. 2008
- Oppenheim's *International Law* (9th ed.). (First Indian reprint) Vol.1. Peace, Introduction and Part I and Part 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd. 1996. (2003)
- Starke, J.G. *An Introduction to International Law* (4th ed.). (Indian reprint). Kent: Butterworth and Publishers. (2013)
- T.Lee, Luke. *Consular Law and Practice*. Oxford: Clarendon Press. (1991)
- Wallace, Rebecca MM. *International Law*. (3rd ed.). Universal Law Publishing Company. (2003)

Unit - IV

Law of the Sea and International Watercourse Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To impart essential knowledge & skill to the students on the general concept of the Law of the Sea and to enable them for the analytical and rational assessment of the provisions on the Law of the Sea. This will help them to formulate their viewpoints independently on different issues connected with the Law of the Sea like trade and transit rights of land locked states. More focus on trade and transit rights will be dealt with reference to Nepal. International Watercourse: Non Navigational Uses will also be dealt with reference to Nepal. | <p>4.1 General concept of the Law of the Sea</p> <p>4.2 Trade and Transit Rights of Landlocked States with special reference to Nepal</p> <p>4.3 International Watercourse Law: Non-navigational Uses with reference to Nepal</p> | 6 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text and reference books, articles etc. reading material 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 Materials:

- Adhikari, Pravakar and Roshani Giri. "Unendorsed Obstruction in Border by India and Violation of Nepal's International Law Rights". *Nepal Bar Council Law Journal*. Vol. XIII. and XIV. (2014/2015)
- Damrosch, Lori F. *International Law Cases and Materials* (4th ed.). West Group. (2001)
- Elias, T.O. *New Horizons in International Law*. London: Martinus Nijhoff Publishers. (1992)
- Friedmann, Wolfgang. *The Changing Structure of International Law* (1st ed.). New York: Columbia University Press. (1964)
- Henkin et.al. *International Law* (4th ed.). Basic Documents Supplement. West Group

- Hingorani, R.C. *Modern International Law*. New Delhi: Oxford and IBH Publishing Company. (1987)
- Ian, Brownlie. *Principles of Public International Law* (8th ed.). Oxford: Oxford University Press. (2012)
- K.C., Yadav Kumar. *International Law: Theory and Praxis*. Kathmandu: Pairavi Prakashan. (2016)
- Mc Caffrey, Stephen. *The Law of International Watercourse: Non-Navigational Uses*. Oxford: Oxford University Press. (2007)
- Uprety, Kishor. *The Transit Regime for Land Locked States*. The World Bank. (2006)

Unit - V

Law of the Air and Outer Space

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To familiarize the students with the Laws of Air and Outer Space. Air Carrier's Liability towards passengers and cargo would be dealt with concerned International Instruments. Some of the reported cases experience 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 . | 5.1 Evolution and Development of Air Law 5.2 Role and Features of International Civil Aviation Organization 5.3 Air Carrier's Liability towards Passengers and Cargo 5.4 Law of Outer Space and Celestial Bodies 5.5 Legislative and Judicial Trends in Aviation Sector in Nepal | 10 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text and reference books, articles etc. reading material 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 Materials:

- Chen, B. *Studies in International Space Law*. Oxford: Oxford University Publication. (1999)
- Drion, H. *Limitation of Liabilities in International Law*. The Hague, Martinus Nijhoff. (1954)
- Havel and Sanchez. *The principles and Practice of International Aviation Law*. Cambridge University Press. (2014)
- Jasentuliyana, Nandasiri. *Space Law: Development and Scope*. Greenwood Publishing Group. (1992)
- Kreindler, J. L. *Aviation Accident Law* (revised ed.). New York. (2001)
- Lachs, M. *The Law of Outer Space: An Experience in Contemporary Lawmaking*. (1972)
- Oppenheim's *International Law* (9th ed.). (First Indian reprint) Vol.1. Peace. Introduction and Part I and Part 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd. 1996. (2003)
- Shawcross and Beaumont. *Air Law* (4th ed.). Vol.1 -3. Treaties and EC Materials. London: Butterworths. (2007-2008)

Unit - VI

Settlement of International Disputes

| Objective | 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 the International Court of Justice besides the dispute settlement mechanism under the World Trade Organization. Forcible/Coercive measures of settlement of International Disputes shall be discussed. | 6.1 Peaceful Settlement of International Disputes 6.2 Dispute Settlement Mechanism under the WTO 6.3 Forcible / Coercive measures of Settlement of International disputes | 6 hrs | Lecture/ Socratic method. Discussion, case study, project and paper presentation by students, question answer, case analysis/ seminar | Text and reference books, articles etc. reading material 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 Materials:

- B.S., Chimni. *International Law and World Order: A Critique of Contemporary Approaches*. New Delhi: Sage Publications. (1993)
- Damrosch, Lori F. *International Law Cases and Materials* (4th ed.). West Group. (2001)
- Elias, T.O. *New Horizons in International Law*. London: Martinus Nijhoff Publishers. (1992)
- Friedmann, Wolfgang. *The Changing Structure of International Law* (1st ed.). New York: Columbia University Press. (1964)
- Green, L.C. *International Law through the Cases*. London: Cambridge University press. (1951)
- Ian, Brownlie. *Principles of Public International Law* (8th ed.). Oxford: Oxford University Press. (2012)
- K.C., Yadav Kumar. *International Law: Theory and Praxis*. Kathmandu: Pairavi Prakashan. (2016)
- M Schwelbel, Stephen, *Justice in International Law*. Cambridge: Cambridge University Press. (1994)
- Malcom, N. Shaw. *International Law* (6th ed.). Cambridge: Cambridge University Press. 2008
- Oppenheim's *International Law* (9th ed.). (First Indian reprint) Vol.1. Peace Introduction and Part I and Part 2 to 4, edited by Sir Robert Jennings and Sir Arthur Watts, Pearson Education Ltd. 1996. (2003)
- Schwarzenberger, George. *A Manual of International Law* (5th ed.). Universal Law Publishing Company Pvt. Ltd. (2000)
- Hllier Tim. *Principles of Public International Law* (2nd ed.). Cavendish Publishing Limited. (1999)

Commercial Law - I

Course Title: Commercial Law-I (Laws of Corporate Management and Industrial Relation)

Course Code: Law 156

Period per Week: Three

Duration of the Course: 48 hrs

Credit Hours: 3 Credits

Semester: First

Pass Mark: 50%

Nature: Optional

Level: LL.M.

Course Description:

The course is designed to familiarize the different aspects of commercial law focusing on corporate management, governance and labor relation. The course has been divided into two parts. The first part of the course comprises three units giving the students in-depth knowledge on incorporation, formation, operation of a company, the position of promoters, regulation of company, management of company, corporate governance and corporate social responsibility. The second part of the course comprises four units dealing on conceptual aspect of industrial relation, labor law and its principles employment conditions, industrial relation and Democracy.

Course Objectives:

- To familiarize the students with the basic issues of contemporary corporate 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 other countries.
- To produce specialized commercial law experts who can help citizens and corporate bodies in getting their problems solved through legal institutions who are working in corporate affairs.
- To produce competent human resources capable enough to work at the policy making level get actively involved in the evaluation, reform and reconstruction of existing laws relating to the commercial sectors.
- To enable the students to make critical appreciation of leading cases.

Unit-I
Incorporation and Operation of Company

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | 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 and diverse doctrines critically and cooperatively. | 1. Corporate personality including concept of Corporate veil and incorporation of Companies 2. Promoters-Meaning, Position, Duties, Rights, Responsibilities and Liabilities 3. Company Constitution (Memorandum of Association and Articles of Association) including doctrine of Ultra vires and Shareholder's Agreement | 10 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Mayson, French and Ryan. *Company Law* (33rd ed.). London: Oxford University Press. (2016)
- Morse, Geoffrey. *Palmer's Company Law (5 Volumes)* (25th ed.). London: Sweet and Maxwell. (2016)
- Sahary, H. K. *Company Law* (6th ed.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2012)
- Stephen, Girvin et al. *Charlesworth's Company Law* (18th ed.) London: Sweet and Maxwell. (2010)
- Sangal, P. S. *National and Multinational Companies: Some Legal Issue.*
- Singh, Avtar. *Company Law* (16th ed.). Lucknow: Eastern Book Company. (2015)

Unit - II
Corporate Management

| Objective | Contents | Time Allotted | Inst. | Inst. | Eva. |
|---|---|---------------|-------|-------|-------|
| | | | Tech. | Mat. | Tech. |
| To make the students able to understand and examine the basic thought of corporate management including the roles of shareholders, directors and officers of the company, to acquaint with legal measures for the protection of minority shareholders | <ol style="list-style-type: none"> 1. Directors: Appointment, Removal, Position, Role and Responsibilities, Role of Independent Directors, The Board of Directors and its Committees 2. Position and Role of Company Officers-Managing Director, Chief Executive Officer, Company Secretary; 3. Corporate Meetings: Meeting of Board of Directors, General Meetings: Kinds of Meeting, Procedure of Calling Meetings, Company's Resolution and Shareholder's right 4. Distribution of Powers of a Company-Division of Powers between Board and General Meeting, Board and Management 5. Rule in <i>Foss v Harbottle</i>, Prevention of Oppression of Minority Shareholders and Prevention of Mismanagement of a company. | 10 hrs | Do | Do | DO |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.) London: Sweet and Maxwell. (2012)
- Mayson, French and Ryan. *Company Law* (33rd ed.). London: Oxford University Press. (2016)
- Morse, Geoffrey. *Palmer's Company Law (5 Volumes)* (25th ed.). London: Sweet and Maxwell. (2016)
- Sahary, H. K. *Company Law* (6th ed.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2012)
- Stephen, Girvin et al. *Charlesworth's Company Law* (18th ed.) London: Sweet and Maxwell. (2010)
- Sangal, P. S. *National and Multinational Companies: Some Legal Issue.*
- Singh, Avtar. *Company Law* (16th ed.). Lucknow: Eastern Book Company. (2015)

Unit - III

Corporate Governance and Social Responsibility

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|-------------|------------|------------|
| To make the students able to understand and examines the basic thought of corporate governance and corporate social responsibility. | <ol style="list-style-type: none"> 1. Concept of Corporate Governance: Different system of Corporate Governance, Impact of Legal Traditions and the Rule of Law on Corporate Governance, Legal Reforms of Corporate Governance in Nepal 2. Concept of Corporate Social, human rights and Environmental Responsibility and its implication | 6 hrs | Do | Do | Do |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Mayson, French and Ryan. *Company Law* (33rd ed.). London: Oxford University Press. (2016)
- Morse, Geoffrey. *Palmer's Company Law (5 Volumes)* (25th ed.). London: Sweet and Maxwell. (2016)
- Sahary, H. K. *Company Law* (6th ed.). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2012)
- Stephen, Girvin et al. *Charlesworth's Company Law* (18th ed.). London: Sweet and Maxwell. (2010)
- Sangal, P. S. *National and Multinational Companies: Some Legal Issue.*
- Singh, Avtar. *Company Law* (16th ed.). Lucknow: Eastern Book Company. (2015)

Unit-IV:

Industrial Relation

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To make the students able to understand labor movement and its role on industrial relation. | <ol style="list-style-type: none"> 1. Labour Movement and Its Impact on Economic Development 2. Industrial Relation and its Role on Corporate Management | 4 hrs | Do | Do | Do |

Reading Materials:

- Chandra, Mahesh and N.M. Tripathi. *Industrial Jurisprudence*

- Dahal, Kasi Raj. *Industrial Jurisprudence*. Kathmandu: Pairavi Prakashan. (2050 B.S.)
- Ojha, Pawan Kumar. *Industrial Jurisprudence*. Kathmandu: Lumbini Publication. (2072 B.S.)
- Smith, IT. and J.C. Wood. *Industrial Law* (2nd ed.). (1983)
- Thapa, Sitamaiya Singh. *An Introduction to Labour Law of Nepal*. Kathmandu: Nepal Law society. (1991)
- Thapaliya, Agni Prasad. *An Outline of Labour Jurisprudence*. Kathmandu: Sopan Monthly. (2013)

Unit - V

Labour Law and Its Principles

| Objective | Contents | Time Allotted | Inst. | Inst. | Eva. |
|--|---|---------------|-------|-------|-------|
| | | | Tech. | Mat. | Tech. |
| To familiarize the students on the basic concept of industrial jurisprudence, principles of labour laws, the role of ILO on standard setting and constitutional provisions relating to labour and basic nature and scope of labour law of Nepal. | <ol style="list-style-type: none"> 1. Industrial Jurisprudence, Principles of Labour Laws 2. Global character of Labour Law and ILO's Role of Standard Setting 3. Constitution and Labour Law, Nature and Scope of Labour Law of Nepal | 6 hrs | Do | Do | DO |

Reading Materials:

- Giri, V.V. *Labour Problems in Indian Industries*. (1972)
- Ojha, Pawan Kumar. *Industrial Jurisprudence* (2nd ed.). Kathmandu: Lumbini Publication. (2072 B.S.)
- Thapaliya, Agni Prasad. *An Outline of Labour Jurisprudence*. Kathmandu: Sopan Monthly. (2013)

Unit - VI

Employment Conditions

| Objective | Contents | Time Allotted | Inst. | Inst. | Eva. |
|--|---|---------------|-------|-------|-------|
| | | | Tech. | Mat. | Tech. |
| To make the students able to understand and examine the process of hire, terms and conditions of work, security of job and concept of hire and fire. | <ol style="list-style-type: none"> 1. Process of Hire and Employment Contract 2. Terms and Conditions of Work, Security of Job and Concept of Hire and Fire | 4 hrs | Do | Do | Do |

Reading Materials:

- ILO. Labour Administration: Profile of Nepal. Kathmandu: International Labour Organization. (1998)
- Ojha, Pawan Kumar. *Industrial Jurisprudence* (2nd ed.). Kathmandu: Lumbini Publication. (2072 B.S.)
- Siwakoti Chintan, Gopal. "Labour Law and Practices in Nepal in Workers Right for New Century", *Asia Pacific Labour Law Review*. Hongkong: Asia Monitor Resource Center. (2003)
- Thapaliya, Agni Prasad. *An Outline of Labour Jurisprudence*. Kathmandu: Sopan Monthly. (2013)

Unit - VII Industrial Relation and Democracy

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To make the students able to understand the concept of social dialogue, managerial and trade union rights, collective bargaining and conflict resolution process, trade union dynamics and role of trade union in Nepal, participation in management and industrial democracy. | 1. Social Dialogue 2. Managerial and Trade Union Rights 3. Collective Bargaining and Conflict Resolution Process, Trade Union Dynamics and Role Played by Trade Unions in Nepal 4. Participation in Management 5. Industrial Democracy and Rule of Law and Concept of Decent Work. | 8 hrs | Do | Do | DO |

Reading Materials:

- Fox, D. and M. Bowen. *The Law of Private Companies*. London: Sweet and Maxwell
- Hicks, A. and S.H. Goo. *Cases and Materials on Company Law*. U.K.
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)
- Ramiya, A. *Guide to Companies Act*. New Delhi: Wadhwa and Company
- Upreti, Bharat Raj. *Company Law* (In Nepali). Kathmandu: FREEDEAL

Criminal Law - I

| | |
|---|-------------------------|
| Course Title: Criminal Law-I (Substantive Criminal Law) | Period Per Week: Three |
| Course Code: Law 157 | Credit Hours: 3 Credits |
| Duration of the Course: 48 hrs | Pass Mark: 50% |
| Semester: First | Level: LL.M. |
| Nature: Optional | |

Course Description:

Criminal Law-I (Substantive 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 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 and General Defense).

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 there could be an 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.
- To produce competent human resource 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 of criminal law in Nepal, India, England and common law Jurisdictions.

Unit - I
Functional Aspects of Criminal Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| To impart the knowledge to the students on general introduction and functional mechanism of Criminal Law | <p>1.1 General Introduction to Function of Criminal Law and Functional Mechanism 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.</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 of Human Conduct)</p> <p>1.2.2 Enforcing Appropriate Sanction against 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 or Rehabilitatory Justification of Criminal Sanction</p> | 8 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:

- Ashworth, A. *Principles of Criminal Law*. (6th ed.). Oxford University Press. (6th ed.). (2011)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. *Criminal Law: Text and Materials* (7thed.). London: Sweet and Maxwell. (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Henring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford, (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Balram Prasad Raut. "Concept of Criminalization, Penalization and Principle of Legality in Nepali Judicial Discourse". *NJA Law Journal*, Vol.6. Kathmandu: National Judicial Academy. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Foujdari KanoonKo Parichaya* (in Nepali). (3rd Revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer. (2012)

Unit - II
Structural Aspects of Criminal Liability

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To impart the knowledge on Structural Aspect of Criminal Liability | <p>2.1 General Introduction to Structural Aspect of Criminal Liability (Meaning of Criminal Liability, Principles of Criminal Liability, Elements of the Crime)</p> <p>2.2 Constituent Elements of Crime</p> <p>2.2.1. Physical Element of Crime: <i>Actus Reus</i></p> <p>(i) Meaning and Constituent Elements of Actus Reus</p> <p>(ii) Act, Omission, State of Affairs and Possession as an Actus Reus of Crime</p> <p>2.2.2 The Mental Element of Crime: <i>Mens Rea</i></p> <p>i) Meaning and Interrelation between Blame, Responsibility and <i>Mens Rea</i></p> <p>ii) Categories of <i>Mens Rea</i> and Degree of Culpability</p> <p>(a) Intention</p> <p>(b) Knowledge</p> <p>(c) Recklessness</p> <p>(d) Negligence</p> <p>(iii) Transferred Malice</p> <p>2.3. Coincidence of <i>Actus Reus</i> and <i>Mens Rea</i></p> <p>2.4. Crimes of Strict Liability</p> <p>2.5. Corporate Criminal Liability</p> | 14 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:

- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. Text and Materials. *Criminal Law* (7th ed.). London: Sweet and Maxwell. (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Henring, Jonathan, *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Balram Prasad Raut. "Concept of Criminalization, Penalization and Principle of Legality in Nepali Judicial Discourse". *NJA Law Journal*. Vol. 6. Lalitpur: National Judicial Academy. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Faujdarī Kanoonko Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.), Shreeprakash Upreti and Ashok Kumar Basnet. "Mens Rea in Draft Criminal Code, 2067: An Analytical Commentaries". *Supreme Court Bar Journal*. Vol. 6. Kathmandu: Supreme Court Bar Association. (2060 B.S.)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer (2011)

Unit - III

Historical Development of Criminal Law In Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To acquaint the students with Historical Development of Criminal Law in Nepal | <p>3.1 General Introduction and Classification of History of Criminal Law of Nepal</p> <p>3.2 Criminal Law in Nepal before Codification of the <i>Muluki Ain</i>, 1910 B.S.</p> <p>3.2.1 Kirat Period</p> <p>3.2.2 Lichhavi Period</p> <p>3.2.3 Malla Period</p> <p>3.2.4 Shah Period (Before Codification of the <i>Muluki Ain</i>, 1910 B.S.)</p> <p>3.3 Criminal Law in Nepal after Codification of the <i>Muluki Ain</i>, 1910 B.S.</p> <p>3.3.1 <i>Muluki Ain</i>, 1910 B.S.</p> <p>3.3.2 <i>Muluki Ain</i>, 1927 B.S.</p> <p>3.3.3 <i>Muluki Ain</i>, 1992 B.S.</p> <p>3.4 <i>Muluki Ain</i>, 2020 B.S.</p> <p>3.5 Historical Development of Criminal Law in Nepal After the Popular People's Movement, 2046 B.S.</p> <p>3.6 Role of Draft Penal Codes in Development of Criminal Law in Nepal</p> <p>3.6.1 The Proposed Draft Penal Code, 2012 B.S.</p> <p>3.6.2 The Proposed Draft Penal Code, 2030 B.S.</p> <p>3.6.3 The Proposed Draft Penal Code, 2058/59 B.S.</p> <p>3.6.4 The Proposed Draft Penal Code, 2067 B.S.</p> <p>3.7 Role of Judicial Legislation and Judicial Creativity in Nepal in Development of Criminal Law</p> | 8 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:

- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti, "Review of Codification of Nepali Criminal Law". *NJA Law Journal*, Vol.8. Lalitpur: National Judicial Academy. (2014)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Foujdari KanoonKo Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "A Text on the Proposed Draft Criminal Code 2058". *Annual Survey of Nepalese Law*. 2001. Vol.II. Kathmandu: Nepal Bar Council. (2002)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "The Nepalese Draft Penal Codes in Evolution of Homicide Law In Nepal: A Critical Review". *Nyayadoot*. No.117. Kathmandu: Nepal Bar Association. (2001)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "A Brief Study on Traditional Classification of Crimes and Codification of Criminal Laws in Nepal". *Nyayadoot* (English Special Issue). Kathmandu: Nepal Bar Association. (2003)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "An Overview of Efforts Towards Codification of Criminal Law". *Nepal Law Review*. Vol.16. Kathmandu: Nepal Law Campus. (2003)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "Judicial Legislation and Judicial Creativity in Evolution of Nepalese, Homicide Law: A Critical Observation". *Nepal Law Review*. Vol.14, Kathmandu: Nepal Law Campus. (2001)
- Pradhananga, Rajit Bhakta (Prof. Dr.). "Overview of Law of Homicide in Nepal: Modern Context", *Annual Survey of Nepalese Law*. Vol.I. Kathmandu: Nepal Bar Council. (2000)
- Pradhananga, Rajit Bhakta (Prof. Dr.). *Homicide Law in Nepal: Concept. History and judicial Practice*. (1st ed.). Kathmandu: Ratna Pustak Bhandar. (2001)
- Vaidya, Tulasi Ram and Tri Ratna Manandhar. *Crime and Punishment in Nepal: A Historical Perspective* (1st ed.). Kathmandu: Bini Vaidya and Purna Devi Manandhar. (1985)

Unit - IV Parties to the Crime

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To familiarize the students with parties to crime, principal and secondary offender | 4.1 General Introduction to Parties to the Crime 4.2 Meaning, Nature and Classification of Parties to the Crime 4.3 Principles Applicable of Parties to the Crime 4.4 Main Categories of Parties to the Crime 4.4.1 Principal Offender 4.4.2 Secondary Offender 4.4.3 Innocent Agent | 6 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:

- Acharya, Madhav Prasad and Rajit Bhakta Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Clarkson, C.M.V., H.M. Keating and S.R. Cunningham. *Criminal Law: Text and Materials* (7th ed). London: Sweet and Maxwell. (2010)
- Clarskson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law*. Boston: Little Brown and Company. (1978)
- Hening, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford. (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Foujdari Kanoonko Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Rajesh Kumar Katuwal, "Parties to Crime Under Nepalese Criminal Law: An Analysis". *Nepal Law Review*. Vol.25. Kathmandu: Nepal Law Campus. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.). Balram Prasad Raut et al., "Critical Observation on Law of Complicity in Homicide". *Nepal Law Review*. Vol.20. Kathmandu: Nepal Law Campus. (2008)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nded). Oxford University Press. (2012)

- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*, New York: Wolters Kluwer. (2012)
- Smith and Hogan. *Criminal Law* (13th ed.). London: Butterworths. (2003)
- Williams, Glanville. *Textbook of Criminal Law* (2nd ed.). Delhi: Universal Law Publishing. (1982)
- Wilson, William. *Criminal Law: Doctrine and Theory*. London: Longman. (1998)

Unit - V

Inchoate Offence

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To impart depth knowledge of Inchoate Offences (Incitement, Criminal Conspiracy and Criminal Attempt) | <p>5.1 General Introduction to Inchoate Offence (Meaning, Nature, Justification behind Criminalization and Classification of Inchoate Offence)</p> <p>5.2 Incitement (Abetment)</p> <p>5.2.1 Meaning, Nature and Justification behind Criminalization of Incitement</p> <p>5.2.2 Constituent Elements of Incitement</p> <p>(i) Physical Element: <i>Actus Reus</i> of Incitement</p> <p>(ii) Mental Element: <i>Mens Rea</i> of Incitement</p> <p>5.3 Criminal Conspiracy</p> <p>5.3.1 Meaning, Nature and Justification behind Criminalization of Criminal Conspiracy</p> <p>5.3.2 Constituent Elements of Criminal Conspiracy</p> <p>(i) Physical Element of Criminal Conspiracy: <i>Actus Reus</i></p> <p>(ii) Mental Element Criminal Conspiracy: <i>Mens Rea</i></p> <p>5.4. Criminal Attempt</p> <p>5.4.1 Meaning, Nature, Justification behind Criminalization of Criminal Attempt)</p> <p>5.4.2 Constituent Elements of Criminal Attempt</p> <p>(i) Physical Element of Criminal Attempt: <i>Actus Reus</i></p> <p>(ii) Mental Element of Criminal Attempt: <i>Mens Rea</i></p> | 6 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:

- Acharya, Madhav Prasad and Rajit Bhakta Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. *Criminal Law: Text and Materials* (7th ed.). London: Sweet and Maxwell. (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law* (2nd ed.). Boston: Little Brown and Company. (1978)
- Henring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford. (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Faujdar KanoonKo Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.). and Rajesh kumar Katuwal. "Changing Context of Inchoate Offences in Nepal: Concept and Practices". *Bar Council Journal*, Vol.XI. Kuponadol. Lalitpur: Nepal Bar Council. (2012)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer. (2012)
- Smith and Hogan. *Criminal Law* (13th ed.). London: Butterworths. (2003)
- Williams, Glanville. *Text Books of Criminal Law* Delhi: Universal Law Publishing (1982)
- Wilson, William *Criminal Law: Doctrine and Theory*. London: Longman. (1998)

Unit - VI General Defense

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|--|--|---|
| <p>To make the students able to examine the General Defense and its categories as well as justifiable defense</p> | <p>6.1 General Introduction to General Defense (Meaning, Nature and Classification of General Defense)</p> <p>6.2 Main Categories of General Defense</p> <p>6.2.1 Excusable Defense</p> <p>(i) Mistake</p> <p>(a) Rationale and Justification of Mistake as General Defense</p> <p>(b) Meaning, Nature and Kinds of Mistake (Mistake of Law and Mistake of Fact)</p> <p>(ii) Infancy</p> <p>(a) Rationale and Justification of infancy as Defense</p> <p>(b) Meaning and Criminal Liability of Children</p> <p>(iii) Insanity</p> <p>(a) Rationale and Justification of Insanity as General Defense</p> <p>(b) Meaning, Nature and Kinds of Insanity</p> <p>(c) Distinction between Insanity, Automatism and Diminished Responsibility</p> <p>(iv) Intoxication</p> <p>(a) Rationale and Justification of Intoxication as General Defense</p> <p>(b) Meaning, Nature and Classification of Intoxication</p> <p>6.2.2 Justifiable Defense</p> <p>(i) Consent</p> <p>(a) Rationale and Justification of Consent as General Defense</p> <p>(b) Nature and Degree of the Harm Permitted by this Defense</p> <p>(ii) Necessity</p> <p>(a) Rationale and Justification of Necessity as General Defense</p> <p>(b) Meaning, Nature and Significance of Necessity</p> <p>(iii) Duress</p> <p>(a) Rationale and Justification of Duress as General Defense</p> <p>(b) Nature, Meaning and Limitation of Duress</p> <p>(iv) Private Defense</p> <p>(a) Rationale and Justification of Private Defense as General Defense</p> <p>(b) Meaning, Nature and Classification of Private Defense (Self-Defense, Defense of Property and Defense of Chastity)</p> | <p>6 hrs</p> | <p>Lecture, Question-Answer, Paper Presentation, Group Discussion, Case Analysis</p> | <p>Statutes, Cases, Books, Articles, Reports and Notes</p> | <p>Oral Question, Paper Presentation, Written Examination</p> |

Reading Materials:

- Acharya, Madhav Prasad and Rajit Bhakta Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. *Criminal Law Text and Materials* (7th ed.). London: Sweet and Maxwell. (2010)
- Clarskson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law* (2nd ed.). Boston: Little Brown and Company. (1978)
- Herring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford. (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Foujdari KanoonKo Parichaya* (in Nepali). (3rd revise ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). London: Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer. (2012)
- Smith and Hogan. *Criminal Law* (13th ed.). London: Butterworth. (2003)
- Williams, Glanville. *Text Books of Criminal Law* (2nd ed.). Delhi: Universal Law Publishing. (1982)
- Wilson, William. *Criminal Law: Doctrine and Theory*. London: Longman. (1998)

International Environmental Law - I

Course Title: International Environmental Law-I

Course Code: Law 158

Duration of the Course: 48 hrs

Semester: First

Nature: Optional

Period per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

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.

Course Objectives:

- To impart specialized knowledge on international environmental law.
- To inculcate critical thinking and approach to international environmental issues and problems.
- To produce competent human resource 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

Concept and Principles of International Environmental Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|--|---|
| To familiarize students with environmental problems, issues and challenges as well as concept and principles of international environmental law and justice. | 1.1 Concept, Scope and Foundations 1.2 Environmental problems, issues and challenges 1.3 Historical development 1.4 Principles of International Environmental law and justice 1.5 Sources and law making process 1.6 Implementation mechanism of international environmental law | 10 hrs | Lecture/ Socratic method, discussion, and paper presentation by the students | Textbooks, Articles, seminar papers and other reference material, overhead projector, Power point etc. | 50% internal assessment (oral and/ or written assessment, reading quiz, presentation, class participation, and home assignment) and 50% external assessment (through final exam). |

Reading Materials:

- Anton, Donald K. *International Environmental Law*. Edward Elgar Publishing (Available at Online). (2016).
- Benidickson, Jamlem et al. (ed.). *Environmental Law and Sustainability after Rio*. IUCNAEL Series. Edward Elgar Publishing. (2011)
- Birnie, Patricia W. and Alan E. Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Bosselmann, Klaus. *Earth Governance*. Edward Elgar Publishing (Available at Online). (2016)
- Boyle, Alan and David Freestone (ed.). *International Law and Sustainable Development: Past Achievements and Future Challenges*. Oxford University Press (1999)
- Dupuy, Pierre-Marie and Jorge E. Vinuales. *International Environment Law*. Cambridge University Press. (2015)
- Ebbesson, Jonas and Okawa, Phoebe (ed.). *Environmental Law and Justice Context*. Cambridge University Press. (2009)
- Fisher, Douglas. *Research Handbook on Fundamental Concepts of Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Hey, Ellen. *Advanced Introduction to International Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kiss, Alexander et al. *International Environmental Law* (2nd ed.). Transnational Publisher Inc. (2003)
- Kramer, Ludwing. *Enforcement of Environmental Law*. Edward Elgar Publishing. (2016)
- Lawrence, Peter. *Justice for Future Generations*. Edward Elgar Publishing (Available at Online). (2016)
- Martin, Paul et al. (ed.). *Environmental Governance and Sustainability*. IUCNAEL Series. Edward Elgar Publishing. (2012)
- Mottershead, T. (ed.). *Environmental Law and Enforcement in the Asia Pacific Rim*. Sweet and Maxwell Asia. (2002)
- Paddock, Lee et al. (ed.). *Compliance and Enforcement in Environmental Law*. IUCNAEL Series. Edward Elgar Publishing. (2012)
- Paul, Martin et al. (ed.). *Implementing Environmental Law*. IUCNAEL Series. Edward Elgar Publishing. (2015)
- Paul, Martin et al. (ed.). *The Search for Environmental Justice*. IUCNAEL Series. Edward Elgar Publishing. (2015)

- Percival, Robert V. *Global Environmental Law at a Crossroads*. Edward Elgar Publishing (Available at Online). (2016)
- Sand, Peter H. *The History and Origin of International Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)
- Sapkota, T. P. *An Introduction to Environmental Law and General Principles* (2nd ed.). Integrated Law Firm and Consultancy Pvt. Ltd. (2014)
- Sijapati, B. S. *Environmental Protection: Law and Justice*. Kathmandu: Pairavi Prakashan. (2012)
- Sijapati, B. S. *Environmental Law: A Study on International and National Perspective*. Kathmandu: Sajha Prakashan. (2011)

Unit - II

International Biodiversity and Natural Resources Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To make students familiar with international legal responses to the protection, preservation, conservation, and sustainable use of biodiversity and natural resources. | 2.1 Concept 2.2 Sustainable use of land and mineral resources 2.3 Sustainable use and protection of fresh water, sea and ocean 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 Sustainable use of Biotechnology(GMOs and LMOs) 2.9 Recent Trends | 20 hrs | Do | Do | Do |

Reading Materials:

- Birnie, Patricia W. and Alan E Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Bowman, Michael, Peter Davies and Edward Goodwin. *Research Handbook on Biodiversity and Law*. Edward Elgar Publishing (Available at Online). (2016)
- Calster, Geert Van and Vandenberghe Wim. *Research Handbook on Climate Change Mitigation Law*. Elgar Publishing (Available at Online). (2016)
- Chazournes, Laurence Boisson de and Mara Tignino. *International Water Law*. Edward Elgar Publishing (Available at Online). (2016)

- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kidd, Michael et al. (ed.). *Water and the Law Towards Sustainability*. IUCNAEL Series. Edward Elgar Publishing. (2014).
- Kidd, Michael, Loretta Feris and Tumai Murombo. *Water and the Law*. Edward Elgar Publishing (Available at Online). (2016)
- Kiss, Alexander et al. *International Environmental Law* (2nd ed.). Transnational Publisher Inc. (2003)
- Maes, Frank et al. (ed.). *Biodiversity and Climate Change*. IUCNAEL Series. Edward Elgar Publishing. (2013).
- Maes, Frank, AN Cliquet and Willemien du Plessis. *Biodiversity and Climate Change*. Edward Elgar Publishing (Available at Online). (2016)
- Pant, Amber Prasad. "Nepal's Legal Initiatives on Land Use for Sustainable Development". *Land Use Law for Sustainable Development*. IUCAN Academy of Environmental Law Research Studies. Cambridge University Press. (2006)
- Pant, Amber Prasad. "A Legal and Policy Framework on Nepal's River Water: Domestic and Bilateral Persperctive". *Kanoon*. No.95. (2012)
- Rayfuse, Rosemary. *Research Handbook on International Marine Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Reid, Colin T. and Nsoh Walters. *The Privatisation of Biodiversity*. Elgar Publishing (Available at Online). (2016)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)

Unit - III

International Climate Change Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| Students will be able to understand the problems of climate change and existing legal responses | 3.1 Concept 3.2 Causes of Climate Change 3.3 Impacts of Climate Change 3.4 International regulatory measures on Climate change 3.5 Compliance, monitoring and enforcement 3.6 Recent Trends | 8 hrs | DO | DO | Do |

Reading Materials:

- Baxi, Upendra. "Some Newly Emergent Geographies of Injustice: Boundaries and Boarders in International Law". *Indian Journal of Global Legal Studies*. Vol.23. Issue 1. Indian University Press. (2016)

- Baxi, Upendra. "Towards a Climate Change Justice Theory". *Journal of Human Rights and Environment*. Vol.7, No. 1. Edward Elgar Publishing Ltd. (2016)
- Bouthillier, Yves Le et al. (ed.). *The Law and Policy of Biofuels*. IUCNAEL Series. Edward Elgar Publishing. (2016)
- Delimatsis, Panagiotis. *Research Handbook on Climate Change and Trade Law*. Edward Elgar Publishing (Available at Online). (2016)
- Gerrard, Michael B. and Katrina Fischer Kuh (ed.). *The Law of Adaptation to Climate Change: US and International Aspects*. ABA. (2012)
- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kiss, Alexander et al. *International Environmental Law* (2nd ed.). Transnational Publisher Inc. (2003)
- Kreiser, Larry et al. *Carbon Pricing*. Edward Elgar Publishing (Available at Online). (2016)
- Kreiser, Larry et al. *Environmental Pricing*. Edward Elgar Publishing (Available at Online). (2016)
- Patricia, B.W. and Alan E. Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Patricia, B.W. et al. *International Law and the Environment Past Achievements and Future Challenges* (2nd ed.). Oxford University Press. (2002)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)
- Sapkota, T. P. *An Observation on Global Governance of Climate Change* (2nd ed.). Integrated Law Firm and Consultancy. Pvt. Ltd. (2014).
- Voigt, Christina. *Research Handbook on REDD-Plus and International Law*. Edward Elgar Publishing (Available at Online). (2016)
- X, Jianchu et al. *The Melting Himalayas- Regional Challenges and Local Impacts of Climate Change on Mountain Ecosystem and Livelihood*. Kathmandu: ICIMOD. (2007)

Unit - IV

International Law of Pollution Control

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| 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 and Impacts 4.3.2 Legal Measures 4.3 Transboundary Water and Marine Pollution 4.3.1 Causes and Impacts 4.3.2 Legal Measures 4.4 Other forms of Transboundary Pollution and their Legal Measures | 10 hrs | DO | DO | DO |

Reading Materials:

- Gillespie, Alexander. *Waste Policy*. Edward Elgar Publishing. (Available at Online)
- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kiss, Alexander et al. *International Environmental Law* (2nd ed.). Transnational Publisher Inc. (2003)
- Marsden, Simon. *Trans-boundary Environmental Governance*. Edward Elgar Publishing (Available at Online). (2016)
- Patricia, B.W. et al. *International Law and the Environment Past Achievements and Future Challenges* (2nd ed.). Oxford University Press. (2002)
- Patricia, W. Birnie and Alan E. Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)

Jurisprudence - II

Course Title: Jurisprudence-II
Course Code: Law 161
Duration of the Course: 48 hrs
Semester: Second
Nature: Compulsory

Period Per Week: Three
Credit Hours: 3 Credits
Pass Mark: 50%
Level: LL.M.

Course Description:

This is a compulsory course of LL.M. Second Semester. This course is designed to provide the students clear understanding of the meaning and theories of Jurisprudence, basic Jurisprudential concept 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:

The general objectives of this course are:

- To impart knowledge and familiarize the students with the meaning and theories of jurisprudence, 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 acquaint the students with the legal ideology and the growing needs of changing society.

The specific objective of this course is to produce human resource equipped with knowledge, skill, competence and integrity required for assuming new and responsible role in society.

Unit - I

Trends in Jurisprudence

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To enable students understanding the CLS, Feminism, Post-Modernism and Liberalism. | 1. Critical Legal studies 2. Feminism 3. Post-Modernism 4. Liberalism | 6 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:

- Raut, Shashi Adhikary. *Gender and Human Rights*. Manbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)
- Raut, Shashi Adhikary. *Feminist Jurisprudence: An Overview*. LACC LENS. Vol. 17. Manbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)
- Aquinas, St. Thomas. "Whether Woman Should Have Been Made in the First Production of Things". *Issues in Feminism: An Introduction to Women's Studies*
- Balkin, J. M. "Deconstructive Practice and Legal Theory". *Yale Law Journal*. (1987)
- Balkin, J. M. "Understanding Legal Understanding: The Legal Subject and the Problem of Legal Coherence". *Lloyd's Introduction To Jurisprudence*. (1993)
- Banakar and Max Travers. *An Introduction to Law and Social Theory*. Oxford: Hart Publishing. (2002)
- Bartlett, Katherine T. "Feminist Legal Methods". *Lloyd's Introduction To Jurisprudence*. (1990)
- Boyd, Susan and Elizabeth Sheehy. *Canadian Feminist Perspectives on Law*. (1986)
- Boyle, James. *Critical Legal Studies*. Sydney: Darmouth. (1992)
- Bridgeman, Jo and Susan Millns. *Feminist Perspectives on Law*. London: Sweet and Maxwell. (1998)
- Cossman, Brenda. "Feminist Legal Theory". *The Thatched Patio*. Vol. 3. No. 4. Sirilanka. (1990)
- Cotterrell, Roger. *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy* (2nd ed.). Delhi: Oxford University Press
- Dworkin, Andrea. "Antifeminism". *In Feminism, An Introduction to Women's Studies*.
- Dworkin, Ronald. "Liberal Community". *California Law Review*. Vol.77. Issue No.3. (1989)
- Eskridge, William N. *Dynamic Statutory Interpretation* (2nd Indian reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (2009)
- Fletcher, Ruth. "Feminist Legal Theory". *An Introduction to Law and Social Theory*. Oxford: Hart Publishing (2002)
- Freeman, MDA. *Lloyd's Introduction to Jurisprudence*. London: Sweet and Maxwell
- Fromm, Erich. *The Fear of Freedom* (1st special Indian ed.). Routledge Classics (1942)
- Hayek, F. A. *Constitution of Liberty* (1st Indian reprint). London: Routledge Classics. (2012)
- Jamieson, D. *The Poverty of Postmodernist Theory*. (1991)

- Kelman, Mark. ***A Guide to Critical Legal Studies***. (1st Indian reprint). New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2010)
- Kennedy, Duncan. "How the Law School Falls: A Polemic". ***Yale Review of Law and Social Action***. (1970)
- Ladeur, Karl Heinz. "Post-Modern Constitutional Theory: A Prospect for the Self Organizing Society-The Future of Liberalism after the End of History". Available in ***Modern Law Review***. Vol.5. (1997)
- Lock, John. ***Two Treaties of Government***
- Lyotard, Jean Francois. "Answering the Question: What is Postmodernism?". ***Lloyd's Introduction to Jurisprudence***. (1984)
- Mackinnon, Catharine A. "Consciousness-Raising". ***Issues in Feminism: An Introduction to Women's Studies***
- Mill, Harriet Taylor and John Stuart Mill. "Papers on Woman's Rights". ***Democracy, Difference and Social Justice***. New Delhi:Oxford University Press. (1998)
- Mill, J. S. On Liberty. Kitchener: Batoche Books. (1859)
- Morrison, Wayne. ***Jurisprudence: From the Greeks to Post-Modernism***. (1st Indian reprint) New Delhi: Lawman (India) Private Limited. (1997)
- Nietzsche, Friedrich. ***Selected Stories*** (1st ed.). New Delhi: Mahaveer Publishers. (2011)
- NJA. ***Gender Justice***. Hariharbhawan, Lalitpur: National Judicial Academy. (2062 B.S.)
- NJA. ***Landmark Decisions of the Supreme Court, Nepal on Gender Justice***. Hariharbhawan, Lalitpur: National Judicial Academy. (2010)
- Patterson, D. "Postmodern Jurisprudence: The Truth of Propositions of Law". ***Lloyd's Introduction to Jurisprudence***.
- Paull and Guy. "Judicial Process and the Decline of Twentieth Century American Liberalism". 16 Harv., J. J. Of Legis 2. (1979)
- Ruth, Sheila. ***Issues In Feminism: An Introduction to Women's Studies*** (4th ed.). California: Mayfield Publishing Company
- Scott, Sionaid Bouglas. ***Law after Modernity***. Oxford: Hart Publishing. (2013)
- Tushnet, Mark. ***Why the Constitution Matters***. (1st Indian reprint). New Delhi: Universal Law Publishing Co. Pvt. Ltd. (2011)
- Unger, Robert. ***The Critical Legal Studies Movement***, (1984)
- Wacks, Raymond. ***Philosophy of Law: A Very Short Introduction***. Oxford: Oxford University Press. (2006)
- Wicke, Jennifer. "Postmodern Identity and the Legal Subject". ***Lloyd's Introduction To Jurisprudence***. (1991)
- Wicke, Jennifer. ***Postmodern Identity and the Legal Subject***. (1991)
- Wollstonecraft, Mary. ***A Vindication of the Rights of Woman***. (1792)

Unit - II

Theories of Justice

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To provide Knowledge of different theories of Justice | 1. Aristotle's theory of Justice: 2. Rawl's Theory of Justice 3. Nozick's Theory of Justice 4. Dworkin's Theory of Justice | 12 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:

- Dworkin, Ronald. *Justice for Hedgehogs*. Cambridge: The Belknap Press, Harvard University Press. (2011)
- Nozick, Robert. *Anarchy, State and Utopia* (reprinted). Oxford: Blackwell Publishers Ltd. (1999)
- Dworkin, Ronald. "Political Judge and the Rule of Law". *Comparative Constitutional Law*. Lucknow: Eastern Book Company
- Sandel, Michael J. *Justice What's The Right Thing To Do?*. London: Penguin Books Ltd. (2010)
- Simmond, N.E. *Central Issues in the Jurisprudence*. Lucknow: Eastern Book Company. (1986)
- Rawls, John. *A Theory of Justice* (2nd Indian reprint). Delhi: Universal Law Publishing Co. Pvt. Ltd. (1971)

Unit - III

Legal Rights and Duties

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To acquaint students with the relationship between rights and duties | 1. Legal Rights and Duties 2. Relationship between rights and duties 3. Hohfeld's scheme | 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:

- Dias, *Jurisprudence* (5th ed.). New Delhi: Aditya Books (P.) Ltd. (1994)
- Dworkin, Ronald. *Taking Right Seriously*. Delhi, India: Universal Law Publishing Co. Ltd. (1996)
- Fitzgerald, P. J. *Salmond on Jurisprudence*. India: N. M. Tripathy Pvt. Ltd. (1966)
- Hohfeld, Wesley Newcomb. "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning". 23 *Yale L. J.* 16. (1913)
- Mukhia, Bal Bahadur. *Comparative Jurisprudence*. Part- I Kathmandu: T and M Mukhia. (2011)
- Douzinas, C. and R. Warrington. "A Well-Founded Fear of Justice: Law and Ethics in Post modernity". *Lloyd's Introduction jurisprudence*. (1991)
- Douzinas, C. and R. Warrington. "A Well-Founded Fear of Justice: Law and Ethics". *Postmodernity*. (1991)
- Douzinas, C. and R. Warrington. "Postmodern Jurisprudence". *Lloyd's Introduction to Jurisprudence*. (1991)
- Duxbury, Neil. *Patterns of American Jurisprudence* (1st pub.). New York: Oxford University Press. (1995)
- Mukhia, Bal Bahadur. *Comparative Jurisprudence*. Part- I. Kathmandu: T and M Mukhia. (2011)
- Murphy, Jeffrie G. and Jules L. Coleman. "Philosophy of Law". *An Introduction to Jurisprudence*. New Delhi: Oxford University Press. (1990)
- Santos, B. de Sousa. "The Postmodern Transition: Law and Politics". *Lloyd's Introduction To Jurisprudence*. (1991)
- Santos, B. de Sousa. "The Postmodern Transition: Law and Politics". *Lloyd's Introduction To Jurisprudence*. (1991)
- Scales, Ann C. "The Emergence of Feminist Jurisprudence: An Essay". *Lloyd's Introduction To Jurisprudence*. (1986)

Unit - IV

Person

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To familiarize students with person and theories of corporate personality | 1. Person and Personality 2. Double capacity and personality 3. Theories of corporate personality | 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:

- Dias, *Jurisprudence* (5th ed.). New Delhi: Aditya Books (P.) Ltd. (1994)
- Simmond, N.E. *Central Issues in the Jurisprudence*. Lucknow: Eastern Book Company. (1986)

Unit - V

Property

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To make students understanding on modes of acquisition, kinds and sanctity of property | 1. Modes of acquisition of property 2. Kinds of Property 3. Sanctity of property | 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:

- Locke, John. *Of Property from Two Treaties of Government*
- May, Larry, Nancy E. Snow and Angela Bolte. *Legal Philosophy Multiple Perspectives.*, California: Mayfield Publishing Company. (2000)

Nepalese Legal System

Course Title: Nepalese Legal System

Course Code: Law 162

Duration of the Course: 64 hrs

Semester: Second

Nature: Compulsory

Period per Week: Four

Credit Hours: 4 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

This is compulsory course for the students of LL.M. second semester. The Course contains the concept of legal system, analysis of Nepalese legal history, and knowledge of present Nepalese Legal System.

Course Objective:

The general objective of this course is to introduce to the students the general concept of legal system, its process of evolution, its underlying philosophy, major Legal System, the judicial process of the Nepalese Legal System.

Unit - I

History of Nepalese Legal System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To enable the students to know the History of Nepalese Legal System | <p>1.1 History of Nepalese Legal System</p> <p>A. Kirat Period</p> <p>B. Lichchhavi Period</p> <p>C. Malla Period</p> <p>D. Shah Period (From the era of P.N.Shah to the era of Panchayat System)</p> <p>E. Post Panchayat Period</p> <p>1.2. Major code in the history of Nepal</p> <p>A. Nayabikashini</p> <p>B. <i>Sthiti</i> of Ram Shah</p> <p>C. Country Code 1854</p> <p>1.3. Recent Codes</p> | 16 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:

- Adhikari, K.K. "Criminal Cases and Their Punishments Before and During the Period of Jung Bahadur". *Contemporary Nepalese Studies*. Vol. 3. Kathmandu. (1976)
- Bajracharya, Dhana Bajra and Tek Bahadur Shrestha. *Shahkalka Avilekh*. Kirtipur, Kathmandu: T.U. and Nepal Asian Study Center. (2038 B.S.)
- Bajracharya, Dhana Bajra. *Lichhavi Kalka Avhilekh*. Kirtipur, Kathmandu: T.U. and Nepal Asian Study Centre. (2030 B.S.)
- Chemjong, Imman Singh. *History and Culture of Kirat People*. Part I and II. (1966)
- Gyawali, Shambhu Prasad. "Nepalese Legal System: A Historical Perspective". *Readings in the Legal System of Nepal*. Law Publications. (1986)
- Hofer, Andras. *The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1854* (2nd ed.). Lalitpur: Himal Books. (2004)
- *Kanoon Sambandhi Kehi Aithasik Abhilekhharu*. Kathmandu: Lawyer's Club, Kathmandu. (2063 B.S.)
- Karki, Badri Bahadur. "Muluki Ain of B.S. 1910: Some Interesting Legal Observations". *Nepalko Vaidanik Parampara* (3rd ed.). Tanneri Prakashan. (2060 B.S.)
- Khanal, Rewati Raman. "Historical Perspective of Judicial Tradition in Nepal, Readings in the Legal System of Nepal". *Readings in the Legal System of Nepal*. Law Publications. (1986)
- Khanal, Rewati Raman. *Nepalko Kanooni Itihasko Ruprekha*. Kathmandu: Saraswati Khanal. (2059 B.S.)
- Mainali, Laxmi Prasad. "The First Legal Code: A Milestone in Nepalese Legal System". *Nyayadoot*. No.172. Kathmandu: Nepal Bar Association. (2064 B.S.)
- Osti, Prakash (ed.). *Kanoonsambandhi Kehi Etihaskik Abhilekhharu*. Kathmandu, Nepal: Lawyer's Club. (2063 B.S.)
- Osti, Prakash. *Hamro Kanooni Itihaska Kehi Jhankiharu*. Kathmandu: Pairavi Book House. (2063 B.S.)
- Pant, Dinesh Raj (Prof.). "Nyayabikashini (Manavnyayastra, A Law enacted by King Jayasthiti Malla in Nepal (Era 500 A.D.-1380 A.D.))". *Kanoon Bi-monthly Law Journal*. Kathmandu: Lawyer's Club. (2065 B.S.)
- Regmi, Dilli Raman (Dr). *Medieval Nepal*. Vol. I and II. Culcutta: Firma K. L. Mukhopadhyaya. (1965/66)
- Regmi, Jagadish Chandra (Dr.). "A Historical Survey of the Nepalese Legal System". *Readings in the Legal system of Nepal*. Law Publications. (1986)
- Regmi, Jagadish Chandra (Dr.). *Nepalko Vaidanik Parampara* (3rd ed.). Tanneri Prakashan. (2060 B.S.)
- Subedi, Rajaram. "Prachinkaldekhi Shree Panch Surendra Bir Bikram Shahdevsammako Nyayapranali". *Nepal Law Review*. Vol.6. No.1. Kathmandu, Nepal: Institute of Law, T.U. (1982)

- Upadyaya, Bishwo Nath. *Naya Muluki Ain: Ek Parichaya, Panchayatka Bibhinna Pakchhya*. His Majesty's Government, Ministry of Information and Communication, Department of Information. (2025 B.S.)

Unit - II

Present Nepalese Legal System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|--|---|---------------|-------------|-----------|------------|
| To acquaint the students with the knowledge of present Nepalese Legal System | 2.1. Introduction of Indigenous Law and Reception of Law 2.2. Characteristics 2.3. Formal and Informal System 2.4. Law Making Process 2.5. Judicial Process 2.6. Impact of Major Legal System 2.7. Codification | 16 hrs | DO | DO | DO |

Reading Materials:

- Acharya, Babu Ram et al. (ed.). *Badamaharaja Dhiraj Shree Panch Prithvi Narayan Shahko Dibya- Upadesha* (3rd revised ed.). Kathmandu: Prof. Shreekrishna Acharya. (2061 B.S.)
- Acharya, Babu Ram. *Nepalko Sangchhipta Britanta*. Kathmandu: Prof. Shreekrishna Acharya. (2063 B.S.)
- Ansari, Tahir Ali. "Nepalma Kanoon Tarjumako Bikas". *Nepal Law Review*. Vol.10. No. 2. Kathmandu, Nepal: Nepal Law Campus. (1986)
- Aryal, Laxman P. "Competent Judges Alone can keep Judiciary From Tarnishing its image". *Essays on Constitutional Law*. Vol.28. Kathmandu: Nepal Law Society. (1998)
- Banjade, Mohan. "Nyayik Sakriyata: Saidhantik Charcha". *Essays on Constitutional Law*. Vol. 22. Kathmandu: Nepal Law Society. (1996)
- Burger, Warren E. "The Doctrine of Judicial Review". *Essays on Constitutional Law*. Vol.8. Kathmandu: Nepal Law Society. (1991)
- CeLRRD. *Analysis and Reform of the Criminal Justice System in Nepal*. Kathmandu: Center for Legal Research and Resource Development. (1999)
- Dahal, Kashi Raj. "Sambidhan Ra Najirko Paripalan". *Essays on Constitutional Law*. Vol.22. Kathmandu: Nepal Law Society. (1996)
- Dahal, Kedar Nath. "An Introduction to Muluki Ain". *Nepal Law Review*. Vol.4. No. 4. Kathmandu: Institute of Law, T.U.
- Dahal, Kedar Nath. "Government Cases and Their Prosecution in Nepal". *Nepal Law Review*. Vol. 6 No. 1. Kathmandu, Nepal: Institute of Law. (1982)
- Gyawali, Chandra Kanta. *Federal Administrative System, Restructuring of the State*. Kathmandu: Miss Amita Gyawali. (2064 B.S.)

- Gyawali, Shambhu Prasad. "Nyayako Samrakchhyanma Shree Paanch Mahendrako Yogdan". *Nepal Kanoon Patrika*. Kathmandu, Nepal. (2019 B.S.)
- *Justice in Nepal*. Kathmandu: Supreme Court of Nepal. (1982)
- Karki, Badri Bahadur. A Framework for the Federal Judiciary of Nepal. *Nyayadoot*. Kathmandu: Nepal Bar Association. (2064/65 B.S.)
- Karki, Ramesh Bikram. "Human Rights in China". *Justice*. Vol.2. Kathmandu, Nepal: Gyangun Research Institute. (1995)
- Khanal, Bishal. "Emerging Problem of Stability in Structural Set up of Judiciary in Nepal". *Essays on Constitutional Law*. Vol.19. Kathmandu: Nepal Law Society. (1995)
- Khanal, Bishal. "The Concept Received but the Content Ignored: A Dilemma with the Legal System of Nepal". 12 *NLR* 1. (1998)
- Khanal, Bishal. *Nepalko Nyaya Prashashan Ek Aitihashik Simhabalokan*. Kathmandu. (1985)
- Khanal, Bishal. *Regeneration of Nepalese Law*. Kathmandu: Bhrikuti Academic Publications. (2001)
- Khanal, Rewati Raman. "Nepalko Kanoon Paddhatiko Bishesta". *Nepal Law Review*. Vol.6. No. 4. Kathmandu, Nepal: Institute of Law, T.U. (1983)
- Khanal, Bishal. Court Management System Vital Area of Judicial Administration". *Law Bulletin*. Year 7. No. 1. Vol. 61. Kathmandu: Nepal Law Society. (1994)
- *Pachashaun Barsha Swarna Mahotsab Smarika*. Kathmandu: Nepal Bar Association. (2062 B.S.)
- Pradhan, Har Govinda Singh. "Affairs of Law". *Essays on Constitutional Law*. Vol.32. Kathmandu: Nepal Law Society. (2000)
- Pradhananga, Rajit Bhakta (Dr.). "The Nepalese Draft Penal Codes in Evolution of Homicide Law in Nepal: A Critical Review". *Nyayadoot*. Vol.31. No.117 Kathmandu: Nepal Bar Association (2001)
- Regmi, Dilli Raman (Dr.). *Ancient Nepal*. Culcutta: K.L. Mukhopadhyaya
- Shaha, Rishikesh. *Ancient and Medieval Nepal*. New Delhi: Ajay Kumar Jain for Manohar Publishers and Distributors. (1992)
- Shakya, Purna Man. "Spotlight on the Process of Selection and Appointment of Judges in Nepal". *Supreme Bar Journal*. No. 2. Kathmandu, Nepal: Supreme Court Bar Association. (2064 B.S.)
- Sharma Dhungel, Surya Prasad. "Abaidhanik Bidhanbata Baidhanik Sambidhansamma". *Kanoon*. Vol.4. No.1. Kathmandu: Nepal Law Book Management Company Pvt. Ltd. (2044 B.S.)
- Sharma, Ganesh Raj. Independence of the Judiciary. *Essays on Constitutional Law*. Vol.26. Kathmandu: Nepal Law Society. (1998)
- Shrestha, Kusum. "Our Judiciary in Limbo". *Essays on Constitutional Law*. Vol.7. Kathmandu: Nepal Law Society. (1991)
- *Supreme Court Golden Jubilee Souvenir*. Kathmandu: Supreme Court of Nepal (2062 B.S.)

- Thapa, Dhurba Bar Singh. "Legal Education: A Policy Perspective For Nepal". *Nepal Law Review*. Vol.2. No. 2. Kathmandu: Institute of Law. (1978)
- Timalsena, Ram Krishna (Dr.). (ed.). *Some Landmark Decisions of the Supreme Court of Nepal*. Supreme Court of Nepal. (2003)
- Upreti, Bharat Raj et al. (ed.). *Nepalko Sambaidhanik Kanoon*. Kathmandu: FREEDERAL. (2054 B.S.)
- Upreti, Bharat Raj. "Erosion of Judicial Independence and Integrity in Nepal". *Justice*. Vol.2. Kathmandu: Gyangun Research Institute. (1995)

Unit - III Judicial System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|---|--|---------------|-------------|-----------|------------|
| To impart knowledge on Judicial of Major Legal System and Nepalese System | 3.1 Comparative Study of Nepalese Judicial System with the unitary and federal Judicial System of Major Countries. | 16 hrs | Do | Do | Do |

Reading Materials:

- Mainali, Laxmi Prasad. "The First Legal Code: A Milestone in Nepalese Legal System". *Nyayadoot*. No.172. Kathmandu: Nepal Bar Association. (2064 B.S.)
- Shiwakoti, Shesh Raj. Law Bibliography. No.1. Kathmandu: Shesh Raj Shiwakoti. (1985)
- Shrestha, Kalyan. "Harnessing the Capabilities of Judiciary to meet challenges for Expeditious Delivery of Justice". The paper presented in the Fourth SAARC LAW Conference. Kathmandu: 31 March—2 April. (1995)
- Singhvi, Abhishek M. (Dr.). "Harnessing the Capabilities of Judiciary for More Expeditious Disposal". The paper presented in the Fourth SAARC LAW Conference, Kathmandu: 31 March-2 April. (1995)
- Supreme Court of Nepal. *Strategic Plans of the Nepalese Judiciary*. Kathmandu: Supreme Court of Nepal. (2004–2008, 2009–2013 and 2014–2018)

Unit - IV
Reform in Nepalese Legal System

| Objective | Contents | Time Allotted | Inst. Tech. | Ins. Mat. | Eva. Tech. |
|--|---------------------------------------|---------------|-------------|-----------|------------|
| To give knowledge about the Reforms in Nepalese Legal System | 4.1. Reforms in Nepalese Legal System | 16 hrs | Do | Do | Do |

Reading Materials:

- Mainali, Laxmi Prasad. "The First Legal Code: A Milestone in Nepalese Legal System". *Nyayadoot*. No.172. Kathmandu: Nepal Bar Association. (2064 B.S.)
- Shiwakoti, Shesh Raj. Law Bibliography. No.1. Kathmandu: Shesh Raj Shiwakoti. (1985)
- Shrestha, Kalyan. "Harnessing the Capabilities of Judiciary to meet challenges for Expeditious Delivery of Justice". The paper presented in the Fourth SAARC LAW Conference. Kathmandu: 31 March—2 April. (1995)
- Singhvi, Abhishek M. (Dr.). "Harnessing the Capabilities of Judiciary for More Expeditious Disposal". The paper presented in the Fourth SAARC LAW Conference, Kathmandu: 31 March-2 April. (1995)
- Supreme Court of Nepal. *Strategic Plans of the Nepalese Judiciary*. Kathmandu: Supreme Court of Nepal. (2004–2008, 2009–2013 and 2014–2018)

Legal Research Methodology - II

Course Title: Legal Research Methodology- II

Course Code: Law 163

Duration of the Course: 48 hrs

Semester: Second

Nature: Compulsory

Period per Week: Four

Credit Hours: 3 Credits

Pass Mark: 50%

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, 60 marks will be evaluated through external examination and remaining 40 marks will be examined through internal practical evaluation.

Course Objectives:

The main objectives of the course are:

- To acquaint students with 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 - I

Data Collection

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|--|
| To give knowledge of different tools of collecting primary and secondary data as well as measurement and scaling. | <ol style="list-style-type: none"> 1. Use of Data in Research 2. Tools of Collecting primary Data <ol style="list-style-type: none"> a. Interview b. Questionnaire and Schedules c. Observation 3. Quantitative and Qualitative Data. 4. Measurement and Scaling techniques 5. Collection of Secondary data. | 14 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:

- Baker, Therese L. *Doing Social, Research* (2nd ed.). Mc Graw Hill. Inc. (1994)
- Biley, Kenneth D. *Methods of Socical Research*. New York: Macmillan Publishing Co. Inc (1978)
- Goode William J. and Paul K. Hatt. *Methods in Social Research*. Mc. Graw Hall, (1985)
- Kerlinger, Fred N. *Foundations of Behavioural Research* (2nd ed.). Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: WishwaPrakashan. (1995)
- Leary, Zina 'O' *The Essential Guide to Doing Research*. New Delhi: Vistaar Publications. (2004)
- Tunkel, Victor. *Legal Research (Handbook) Law Finding and Problem Solving*. (First Rep). Universal Book Tradors. (1994)
- Upadyaya A. "Paradox of Quantitative and Qualitative Methods". *Nepal Law Review*. Vol.25. (2013)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: ILL. (2006)

Unit - II

Data Analysis and Interpretation

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|--|
| To acquaint students with techniques of data analysis and interpretation. | 1. Editing, coding and tabulation of data 2. Analysis- Univariate and multivariate analysis - Descriptive Vs. Inferential analysis of data. . 3. Co-relation, Regression and time series analysis 4. Factor and content analysis. 5. Interpretation of Data-meaning and techniques of data interpretation | 13 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:

- Baker, Therese L. *Doing Social, Research* (2nd ed.). Mc Graw Hill. Inc. (1994)

- Goode William J. and Paul K. Hatt. *Methods in Social Research*. Mc. Graw Hall (1985)
- Kerlinger, Fred N. *Foundations of Behavioural Research*. (2nd ed.). Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology: Methods and Techniques*. New Delhi: Wishwa Prakashan. (1995)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: ILL. (2006)
- Wasby S. "Some Problems of Conceptualization and Measurement". *Law and SOC. REV.* 41. (1970)

Unit - III

Legal Impact Analysis and Study of Judicial Behaviour

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|--|--|
| To impart knowledge on measurement of the impact of legal action as well as judicial behaviour | 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 | 8 hrs | Lecture, Question-Answer, Paper Presentation, Group Discussion, Case analysis | Statutes, Cases, Books, Articles, Reports and Notes. | Oral question, paper presentation, written examination |

Reading Material:

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

Unit - IV

Preparation of Project Report

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|--|
| 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 | 8 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:

- Baker, Therese L. *Doing Social, Research* (2nd ed.) Mc Graw Hill, Inc. (1994)
- Columbia Law Review Editors (Comp.) *The Blue book a Uniform System of Citation*. (16th ed.). (1997)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: WishwaPrakashan. (1995)
- Verma, S.K. and M. Afzal Wani (ed.). *Legal Research and Methodology*. Delhi: III. (2006)
- Winder, Anthony C. J Ray Mc Cuen. *Writing the Research Paper*. A Handbook (Sixth Edition). Heinle. Thomson Corporation. (2003)

Unit - V Ethics in Research

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To familiarize with the importance and code of ethics of research | 1. How to Remain Ethical? 2. Avoiding Plagiarism 3. Code of Ethics in Research | 5 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:

- Biley, Kenneth D. *Methods of Socical Research*. New York: Macmillan Publishing Co. Inc (1978)
- Verma, S.K. and M. Afzal Wani (ed.) *Legal Research and Methodology*. Delhi: III (2006)
- Bailey, Kenneth D. *Methods of Socical Research*. New York: Macmillan Publishing Co. Inc (1978)
- Columbia Law Review Editors (Comp.) *The Blue Book a Uniform System of Citation* (16th ed.) (1997)
- Kerlinger, Fred N. *Foundations of Behavioural Research* (2nd ed.) Delhi: Surjeet Publication. (2000)
- Kothari, C.R. *Research Methodology; Methods and Techniques*. New Delhi: Wishwa Prakashan. (1995)
- Royce A. Singleton. JR. Bruce Straits. *Approaches to Social Research* (4th ed.) New York: Oxford University Press. (2005)
- Winder, Anthony. C. McCuen Jo Ray. *Writing the Research Paper*. A Handbook (Sixth Edition) Heinle. Thomson Corporation. (2003)
- Yakin, Anwarul. *Legal Research and Writing Methods*. Nagpur: Lexis Nexis Butter worthsWadhwa. (2008)

Constitutional Law - II

Course Title: Constitutional Law –II (Governmental Structure and Judicial Review)
 Course Code: 164
 Duration of the Course: 48 hrs
 Semester: Second
 Nature: Optional

Period Per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

This Course will focus on institutional part (the structural and Judicial Review) of constitutional law. It will deal with major Government structures such as different levels of government, the formation of the government, interrelation among three wings of the government, separation of powers and checks and balances, emergency powers, amendment and interpretation of Constitution, constitutional bodies, president, parliament, judiciary etc. This course will basically focus on the provisions meant for ensuring effective functioning of limited government and judicial review. It may be named as a **Governmental Structure and Judicial Review**. While dealing with the subject, comparative study will be done with similar provisions of the constitutions of USA, India and Nepal.

Course Objectives:

The objectives of the course are as follows:

- To produce creative and critical minds for good governance of the country,
- To give knowledge about institutional and functional aspects of constitutional law indepth 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.
- To produce specialized constitutional experts and to help citizens for seeking their problems solved through legal institutions.
- To produce competent and capable human resource 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.

Unit - I Levels of Government in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|------------------------|---|--|
| To give general idea on federal scheme of multilevel governance in Nepal | 1. Three levels of government in Nepal 2. Scheme of territorial and subject matter jurisdiction of each level of government | 4 hrs | Lecture and discussion | Text books, reference materials, articles and cases | Comparative assessment of governmental structure in federal and unitary constitutions of Nepal |

Reading Materials:

- Austin, Grainville. *The Indian Constitution; Cornerstone of a Nation*. New Delhi: Oxford University Press. (2000)
- Austin, Grainville. *Working A Democratic Constitution; A History of the Indian Experience*. New Delhi: Oxford University Press. (2007)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butterworths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi: Prentice Hall of India Private Limited. (1998)
- Bradley, A.W and Keith Ewing (ed.). Wade and Bradley, *Constitutional and Administrative Law*. UK: ELBS with Longman. (1993)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. I. New York: WW Norton and Company. (2005)
- Government of Nepal. *Constitution of Nepal*. Kathmandu: Law Book Management Committee. (2015)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Jennings, Sir Ivor. *Cabinet Government*. London: Cambridge University Press (1959)
- Kapoor, A.C. and K.K. Mishra. *Selected Constitutions*. New Delhi: S. Chand and Company, Pvt. Ltd. (2013)
- Phillips, O. Hood & Paul Jackson. *Constitutional and Administrative Law*. London: Sweet and Maxwell. (2002)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS. (1975)

Unit - II Executive

| Objective | Contents | Time Allotted | Inst Tech. | Inst Mat. | Eva Tech. |
|---|--|---------------|---|---|-----------|
| To give critical idea on executive wings of the Government. | 1. Role and responsibility of President of Nepal/Governor of Province 2. The role of the cabinet government and its relation with the President | 8 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials, articles and cases | (10) |
| To study their role and limitations from the constitutional, organizational and functional point of view. | 3. The collective responsibility of the cabinet (federal and Provincial) and its accountability to the parliament /Provincial Legislature 4. The role and responsibility of the Prime Minister/Chief Minister in the constitutional set up of Nepal | | | | |

Reading Materials:

- Austin, Grainville. *The Indian Constitution; Cornerstone of a Nation*. New Delhi: Oxford University Press. (2000)
- Austin, Grainville. *Working A Democratic Constitution; A History of the Indian Experience*. New Delhi: Oxford University Press. (2007)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butterworths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi: Prentice Hall of India Private Limited. (1998)
- Bradley, A.W and Keith Ewing (ed.). *Wade and Bradley; Constitutional and Administrative Law*. UK: ELBS with Longman. (1993)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. I. New York: WW Norton and Company. (2005)
- Government of Nepal. *Constitution of Nepal*. Kathmandu: Law Book Management Committee. (2015)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Jennings, Sir Ivor. *Cabinet Government*. London: Cambridge University Press. (1959)
- Kapoor, A.C. and K.K. Mishra. *Selected Constitutions*. New Delhi: S. Chand and Company, Pvt. Ltd. (2013)

- Phillips, O. Hood & Paul Jackson. *Constitutional and Administrative Law*. London: Sweet and Maxwell. (2002)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)

Unit - III Legislature

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|--|------------|
| To give critical idea on 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. | 1. Role and responsibility of National Assembly and House of Representatives 2. Parliamentary control over executive 3. Privileges of parliament 4. Committee system in parliament and its comparison with the committee system of UK | 12 hrs | Lecture, discussions, question answers, case analysis, discussion of political behaviors | Text books, reference materials, articles and cases. | DO |
| To study their role and limitations from the point of view of constitutional, organizational and functional point of view. | 5. The role of the opposition 6. Critical analysis of the role of the speaker. 7. Role of the Provincial Legislature and its limitations | | | | |

Reading Materials:

- Austin, Grainville. *The Indian Constitution ; Cornerstone of a Nation*. New Delhi: Oxford University Press. (2000)
- Austin, Grainville. *Working A Democratic Constitution ; A History of the Indian Experience*. New Delhi: Oxford University Press. (2007)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butterworths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (1998)
- Bradley, A.W and Keith Ewing (ed.). *Wade and Bradley; Constitutional and Administrative Law*. Uk: ELBS with Longmam. (1993)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. I. New York: WW Norton and Company. (2005)
- Government of Nepal. *Constitution of Nepal*. Kathmandu: Law Book Management Committee. (2015)

- Jain, M.P. *Constitutional Law of India*. Nagpur: Laxis Nexis Butterworths Wadhwa, (2011)
- Jennings, Sir Ivor. *Cabinet Government*. London: Cambridge University Press(1959)
- Kapoor, A.C. and K.K. Mishra. *Sellected Constitutions*. New Delhi:S. Chand and Company, Pvt. Ltd. (2013)
- Phillips, O. Hood & Paul Jackson. *Constitutional and Administrative Law*. London: Sweet and Maxwell (2002)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)

Unit - IV Judiciary

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|--|------------|
| 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. | 1. A critical evaluation of role of constitutional bench in Interpretation of constitution 2. Power of Supreme court/High court to enforce fundamental and legal rights 3. Political question doctrine and its application in India, USA and Nepal | 14 hrs | Lecture, discussions, question answers, case analysis, discussion of political behaviors | Text books, reference materials, articles and cases. | DO |
| To make a performance evaluation of the Supreme Court with the critical analysis of the cases decided by it. | | | | | |

Reading Materials:

- Acharya, Bhimarjun. *Comparative Systems of Judicial Review*. Karhmandu: A. K. Books Publication. (2012)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butterworths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (1998)
- Government of Nepal. *Constitution of Nepal*. Kathmandu: Law Book Managment Committee. (2015)
- Jaffe, Louis. L. *Judicial Control of Administrative Action*. Boston Toronto: Little Brown and Company. (1965)

- Jain, M.P. and S.P.Jain. *Principles of Administrative Law* (4th ed.). Nagpur India: Wadhwa and Company (1993)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa (2011)
- Kapoor, A.C. and K.K. Mishra. *Selected Constitutions*. New Delhi: S. Chand and Company, Pvt. Ltd. (2013)
- Smith, DE. *Judicial Review of Administrative Action*. London: Stevens and Sons Limited. (1980)
- Sitowiss, Silvia. *Judicial Review and the Law of the Constitution*. Delhi: Yale University Press. (1996)
- Tribe, Laurence. H. *American Constitutional Law*. New York: The Foundation Press INC. (1988)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)

Unit - V Judicial Review

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|--|------------|
| To give critical idea on the role being played by the judiciary as an arbiter and final interpreter of constitution | 1 Judicial review and democracy 2 Judicial Review of Constitutional Amendment and Basic Structure Theory 3 Judicial Review of Legislation (federal, provincial and local). 4 Judicial Review of Administrative Action | 10 hrs | Lecture, discussions, question answers, case analysis, discussion of political behaviors | Text books, reference materials, articles and cases. | DO. |

Reading Materials:

- Acharya Bhimarjun. *Comparative Systems of Judicial Review*. Kathmandu: A. K. Books and Publications. (2012)
- Acharya, Bhimarjun. "Why the Judicial Review Matters". *ESSAYS ON CONSTITUTIONAL LAW*. Vol. 33. (2001)
- Allen, Michael & Brain Thompson. *Cases and Materials on Constitutional & Administrative Law* (7th ed.). Oxford: Oxford University Press. (2003)
- Bailey, S.H., B.L. Jones & A.R. Mowbray, *Cases and Materials on Administrative Law* (2nd ed.). London: Sweet & Maxwell Ltd. (1992)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butterworths, Wadhwa. (2010)

- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (1998)
- Government of Nepal. *Constitution of Nepal*. Kathmandu: Law Book Managment Committee. (2015)
- Wade, H. W.R. *Administrative Law*. England: Oxford University Press. (1982)
- Jaffe, Louis L. *Judicial Control of Administrative Action*. Boston Toronto: Little Brown and Company. (1965).
- Jain, M.P. and S.P.Jain. *Principles of Administrative Law*. (4th ed.). Nagpur India: Wadhwa and Company. (1993)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Kapoor, A.C. and K.K.Mishra. *Selected Constitutions*. New Delhi: S. Chand and Company Pvt. Ltd. (2013)
- Smith, DE. *Judicial Review of Administrative Action*. London: Stevens and Sons Limited. (1980)
- Snowiss, Sulvia. *Judicial Review and the Law of the Constitution*. Delhi: Yale University Press. (1996)
- Tribe, Laurence. H. *American Constitutional Law*. New York: The Foundation Press Inc. (1988)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)
- Trapathi, Hari Bansha. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002)

International Law - II

Course Title: International Law-II (International Human Rights Law) Period Per Week: Three
 Course Code: Law 165 Credit Hours: 3 Credits
 Duration of the Course: 48 hrs Pass Mark: 50%
 Semester: Second Level: LL.M.
 Nature: Optional

Course Description:

The course mainly intends to analyze the domestic laws and policies in the light of international human rights instruments. For this the course is divided into five instructional units. First unit of the course provides for concept, genesis, philosophical or ideological approach and generation theories of human rights. Second unit comprises international system of human right protection particularly United Nations' role in promotion and protection of human rights. Regional protection mechanism in particular, European, African, and inter-American system of human right protection and possibility of Asian human rights protection mechanism shall be covered in third unit. Fourth unit of the course offers the provisions of national laws, policies and national human rights institutions. Fifth unit of the course deals with politics of human rights and relevance of human rights with the cultural values.

Course Objective:

The course is intended to give students a comprehensive idea about international human right law (IHRL) and its broad interrelationship with some of the other branches of international law. Moreover, the course aims at providing comprehensive knowledge on philosophy, origin, development and application of human rights. The course aims at departing knowledge on the effective application of human rights at international, regional and national level. The course aims at providing knowledge to the students on the functioning of UN Human Right Council, the periodic review, procedure and admissibility of individual communication system under treaty committees.

Unit - I

Introduction to Human Rights

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To impart knowledge about concept, Development philosophy and ideological approach of human rights | 1. Concept, Genesis and development of Human Rights 2. Philosophical or Ideological approach to human rights in International Law 3. Generation theory of human rights | 8 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:

- Byrne, J O Darren. *Human Rights: An Introduction*. Pearson Education. (2008)
- Donnelly, Jack. *Universal Human Rights in Theory and Practice* (2nd ed.). India: Manas Publication. (2010)
- Clapham, Andrew. *Human Right: A very Short Introduction*. Oxford University Press. (2007)
- Woodiwiss, Anthony. *Human Rights*. Routledge. (2005)
- Buergenthal, Thomas. *International Human Rights in a Nutshell*. West Publishing Co. (1988)
- Karel Vasak (ed.). *The International Dimensions of Human Rights*. Vol.2. Greenwood Press Westford. (1982)
- Newman and Weissbrodt. *International Human Rights Law and Policy*. (2005)
- Richard Falk. *Human Rights & State Sovereignty*. Holmes & Meier Publishers Inc. New York. (1981)
- Sohn & Buergenthal. *International Protection of Human Rights*. Merill Co. Inc. New York. (2007)

Unit - II United Nations System and Human Rights

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To provide detail knowledge to the students about the United Nations Human Right system and their protection mechanism | <ol style="list-style-type: none"> 1. Charter of the United Nations and protection of Human Rights 2. Protection of collective rights of the groups and individuals 3. Protection of minorities 4. Prohibition of Genocide 5. Prohibition of discrimination women, children and caste/ethnicity, disability 6. Principle of self-determination as human rights 7. Protection Mechanism under UN | 15 hrs | Do | Do | Do |

Reading Materials:

- Tomuschat, Christian. *Human Rights between Idealism and Realism* (2nd ed.). Oxford: Oxford University Press. (2008)
- Steiner, J Henry and Philip Alston. *International Human Rights in the Context: Law, Politics and Morals* (2nd ed.). Oxford University Press. (2000)
- Ineke, Boerefijn. *The Reporting Procedure under the Covenant on Civil and Political Rights (Practice and Procedures of the Human Rights Committee)*. School of Human Rights Research. (1999)
- Donnelly, Jack. *Universal Human Rights in Theory and Practice* (2nd ed.). India: Manas Publication. (2010)
- Clapham, Andrew. *Human Right: A very Short Introduction*. Oxford University Press. (2007)
- Buergenthal, Thomas. *International Human Rights in a Nutshell*. West Publishing Co. (1988)

Unit - III Regional protection mechanism

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|-------------|------------|------------|
| To give knowledge to the students about the regional human rights mechanism and search for possibility of Asian human right system | <ol style="list-style-type: none"> 1. European system 2. Inter-American system 3. African system 4. Need for Asian system | 10 hrs | Do | Do | Do |

Reading Materials:

- Brownlie, Ian. *Basic Document on Human Rights*. Oxford Clarendon Press. (1995)
- Steiner, J Henry and Philip Alston. *International Human Rights in the Context: Law, Politics and Morals* (2nd ed.). Oxford University Press. (2000)
- Sohn & Buergenthal. *International Protection of Human Rights*. New York Bobbs MerrillCo. Inc. (2007)
- Newman & Weissbrodt. *International Human Rights Law & Policy*. (1996)

Unit - IV National protection mechanism

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To equip students with knowledge of national protection system of human rights and analyse national laws and policy on human rights | <ol style="list-style-type: none"> 1. Constitutional and legal mechanism 2. National human rights institutions 3. Emergency and Human Rights (Specific focus shall be given on constitutional, legal and institutional mechanism for human right protection in Nepal) | 8 hrs | Do | Do | Do |

Reading Materials:

- Sohn & Buergenthal. *International Protection of Human Rights*. New York: Bobbs, MerrillCo. Inc. (2007)
- GoN/MOLAJ. *Nepal Treaty Series*. Complete Set
- Shrestha, Sita. *Nepal & the UN*. New Delhi.
- UN. *UN Treaty Series*. (Relevant volumes only)

Unit - V Modern Trends in human rights

| Objectives | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To enhance knowledge of the students on the relation between culture and human rights and the politics of human right. | <ol style="list-style-type: none"> 1. Defining cultural relativism 2. Cultural relativism and human rights 3. Human Rights and politics | 7hrs | Do | Do | Do |

Reading Materials:

- Brownlie, Ian. *Basic Document on Human Rights*. Oxford Clarendon Press, (1995)
- Tomuschat, Christian. *Human Rights between Idealism and Realism* (2nd ed.). Oxford: Oxford University Press. (2008)
- Langford, Malcolm (ed.). *Social Rights Jurisprudence*. Cambridge University Press. (2008)
- Robertson, A.H. and J.G. Merrills. *Human Rights in the World* (4th ed.). Universal Law Publishing. (2005)
- Donnelly, Jack. *Universal Human Rights in Theory and Practice* (2nd ed.). India: Manas Publication. (2010)
- Thapa, Karna Bahadur. "Judicial Enforceability of Economic, Social and Cultural Rights: A study of Some Supreme Court Verdicts". *Nepal Law Review* .Vol. 24, No 1 and 2. (2012)
- K.C., Yadav kumar. "Principle of Self Determination and Claim of Swadhin Madhes Reality or Myth". *Bisleshan*. Biratnagar: NUTA PG Campus. (2008)
- Sharma, Laxmi. "Justiciability of Economic, Social and Cultural Rights Judgment in Nepal". *Nepal Law Review*. Vol. 23. No. 1 and 2. (2011)
- Tomuschat, Christian. *Human Rights between Idealism and Realism* (2nd ed.). Oxford: Oxford University Press. (2008)
- Langford, Malcolm (ed.). *Social Rights Jurisprudence*. Cambridge University Press. (2008)
- Steiner, J Henry and Philip Alston. *International Human Rights in the Context: Law, Politics and Morals* (2nd ed.). Oxford University Press. (2000)
- Ineke, Boerefijn. *The Reporting Procedure under the Covenant on Civil and Political Rights (Practice and Procedures of the Human Rights Committee)*. School of Human Rights Research. (1999)
- Malcolm, N. Shaw. *International Law* (5th ed.). Cambridge University Press. (2005)
- Robertson, A.H. and J.G. Merrills. *Human Rights in the World* (4thed.). Universal Law Publishing. (2005)
- Byrne, J O Darren. *Human Rights: An Introduction*. Pearson Education. (2008)
- David, P. Forsythe. *Human Right and World Politics* (2nd ed.). University of Nebraska Press. (1984)
- Donnelly, Jack. *Universal Human Rights in Theory and Practice* (2nd ed.). India: Manas Publication. (2010)
- Clapham, Andrew. *Human Right: A Very Short Introduction*. Oxford University Press. (2007)
- Woodiwiss, Anthony. *Human Rights*. Routledge. (2005)
- Charlesworth, Hilary and Christine Clarkin. *The Boundaries of International Law: A Feminist Analysis*. Jura Publication. (2003)
- Danspeckgruber, Wolfgang. *The Self-Determination of People*. Lynne Rienner Publishers. (2002)
- Buergenthal, Thomas. *International Human Rights in a Nutshell*. West Publishing Co. (1988)

Commercial Law - II

Course Title: Commercial Law-II (Corporate Finance and Securities Regulation)
 Course Code: Law 166
 Duration of the Course: 48 hrs
 Semester: Second
 Nature: Optional

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

The course is designed to familiarize with the different aspects of corporate finance and securities law. The course gives the students in-depth knowledge on various aspects of corporate finance including equity finance, securities regulation, debt finance, conservation of corporate finance and protection of investors and creditors. This course is divided into six units. The first unit covers basic conceptual aspects of corporate finance. The second unit deals with share and debenture. The third unit covers securities regulation. The fourth unit deals with corporate account and audit. The fifth unit covers merger and acquisition and the last unit covers corporate liquidation.

Course Objectives:

- To familiarize the students with the basic issues of contemporary corporate finance and enable them to suggest the best solution to tackle those issues.
- To impart comparative and critical knowledge of corporate finance and securities laws of Nepal as compared to the laws of EU, India, UK, USA and other countries.
- To produce specialized commercial law experts who can help citizens and corporate bodies in getting their problems solved through legal institutions who are working in corporate affairs.
- To produce competent human resources capable enough to work at the policy making level get actively involved in the evaluation, reform and reconstruction of existing laws relating to the commercial sectors.
- To enable the students to make critical appreciation of leading cases.

Unit - I

Introduction

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|---|--|
| To acquaint the students with the basic concept of corporate finance. | 1. Meaning, Concept, Scope of Corporation Finance 2. Nature and importance of Corporate Finance | 4 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)

Unit - II

Share and Debenture

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To give the students a thorough understanding of various aspects of share capital. | 1. Concept and sources of Capital 2. Classes and Types of Shares 3. Equity Shares with Differential Rights 4. Issue of Shares at Par, Premium and Discount 5. Forfeiture and Surrender of Shares 6. Bonus Issues; Rights Issues; Private Placement 7. Alteration of Share Capital and Reduction of Capital 8. Buy-Back of Shares 9. Public Issue, Prospectus: Information Memorandum, Contents, Registration, Misrepresentation and Penalties; General Principles Regarding Allotment; 10. Issue of Certificate, Significance of Share Certificate, Legal Effect of share Certificate 11. Debenture, Nature, issue and class | 12 hrs | Do | Do | Do |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)

Unit - III Securities Regulation

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To examine the law and practice of securities exchange. | <ol style="list-style-type: none"> 1. Securities market and securities regulation generally 2. Securities Regulation and Regularity Bodies in Nepal, 3. Insider dealing; Market abuse, OTC market regulation 4. Transfer and transmission of securities 5. Dematerialization of securities. | 8 hrs | Do | Do | Do |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)

Unit - IV Corporate Accounts and Audit

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To give thorough understanding of recent accounts and auditing practice of companies. | <ol style="list-style-type: none"> 1. Books of Accounts 2. Financial Statements 3. Auditors– Appointment, Resignation and Removal; Qualification and Disqualification; Rights, Duties and Liabilities, Audit and Auditor's Report | 6 hrs | Do | Do | Do |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)

Unit - V

Merger and Acquisition

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|-------------|------------|------------|
| To make the students able to explain the modern trends of corporate merger and acquisition of companies, show the drawbacks of Nepalese company law in this regard and suggest ways and means for its improvement. | <ol style="list-style-type: none"> 1. Concept of Merger and Acquisition 2. Its types and Modalities | 8 hrs | Do | Do | Do |

Reading Materials:

- Davis, Paul L. *Gower's Principles of Modern Company Law* (9th ed.). London: Sweet and Maxwell. (2012)
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)

Unit - VI

Corporate Liquidation (Winding Up)

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To help the students get a thorough understanding of legal process of winding up including liquidation, insolvency and dissolution of company | <ol style="list-style-type: none"> 1. Winding up of Companies 2. Mode of winding up of the companies 3. Compulsory Winding up under the Order of the Court (Tribunal), Voluntary winding up, 4. Contributories and Payment of liabilities. | 10 hrs | Do | Do | Do |

Reading Materials:

- Fox, D. and M. Bowen. *The Law of Private Companies*. London: Sweet and Maxwell
- Morse, Geoffrey. *Palmer's Company Law* (25th ed.). London: Sweet and Maxwell. (2016)
- Ramiya, A. *Guide to Companies Act*. New Delhi: Wadhwa and Company
- Hicks, A. and S.H. Goo. *Cases and Materials on Company Law*. U.K.
- Upreti, Bharat Raj. *Company Law* (In Nepali). Kathmandu: FREEDeAL

Criminal Law - II

Course Title: Criminal Law-II (Substantive Criminal Law)

Course Code: Law 167

Duration of the Course: 48 hrs

Semester: Second

Nature: Optional

Period Per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

Criminal Law II (Substantive Criminal Law) critically focuses on some major specific offences (Homicide, Offences against Women and Property Offences). This course basically deals with 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 there could be an 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.
- To produce competent human resource 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 of Nepal, India, England and common law jurisdictions.

Unit - I Homicide Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To enable students to understand different aspect of Homicide Law | <p>1.1. General Introduction to Homicide Law</p> <p>1.1.1. Criminalization of Homicide and its Rationality</p> <p>1.1.2 Definition of Homicide Offence and its Classification</p> <p>1.1.3 Categories of Culpable Homicide</p> <p>(i) Murder</p> <p>(ii) Manslaughter</p> <p>1.2. Essential Ingredients of Culpable Homicide</p> <p>1.2.1 Physical Element of Culpable Homicide: <i>Actus Reus</i></p> <p>1.2.2 Causal Element of Culpable Homicide: Causation</p> <p>1.2.3 Mental Element of Culpable Homicide: <i>Mens Rea</i></p> <p>1.3. Statutory Framework of Nepalese Homicide Law</p> <p>1.4. Judicial Attitudes and Trends in Homicide Cases in Nepal</p> | 20 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:

- Acharya, Madhav Prasad and Rajit Bhakta Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)

- Clarkson, C.M.V., H.M. Keating and S.R. Cunningham. *Criminal Law Texts and Materials* (7th ed.). London: Sweet and Maxwell (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law* (2nd ed.). Boston: Little Brown and Company. (1978)
- Herring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford, (2014)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhan, Ramesh Raj. "Abortion Law: Principle and Provisions" *Nepal Law Review*. Vol. 23. Kathmandu: Nepal Law Campus. (2011)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Kunshang Lama. "The Concept and Evolution of International Homicide Law in Nepal" *Prosecution Journal*. Vol 2. Kathmandu: office of the Attorney General. (2014)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Faujdari Kanoonko Parichaya* (in Nepali) (3rd revised ed.) Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.). *Homicide Law in Nepal Concepts, History and Practice* (1st ed.). Kathmandu: Ratna Pustak Bhandar. (2001)
- Pradhananga, Rajit Bhakta (Prof. Dr.), Khadindra Raj Katuwal and Prakash Niraula. "Changing Context of Mitigated Homicide in Nepal". *Prosecution Journal*. Vol 3. Kathmandu: Office of the Attorney General. (2016)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer (2012)
- Smith and Hogan. *Criminal Law* (13th ed.) London: Butterworths. (2003)
- Williams, Glanville. *Text Books of Criminal Law* (2nd ed.) Delhi: Universal Law Publishing (1982)
- Wilson, William. *Criminal Law: Doctrine and Theory*. London: Longman (1998)

Unit - II Offences against Women

| Objective | Contents | Time Allotted | Inst Tech | Inst Mat | Eva Tech |
|--|--|---------------|-----------|----------|----------|
| To Provide knowledge on different offences against women focusing on rape, trafficking and domestic violence against women | 2.1 General Introduction to Offences against Women | 14 hrs | Do | Do | Do |
| | 2.1.1 Justifications and Rationales behind Criminalization of Offences against Women | | | | |
| | 2.1.2 Definition and Classification of Offences against Women | | | | |
| | 2.1.3 Categories of Offences against Women | | | | |
| | 2.2 Rape | | | | |
| | 2.2.1 General Introduction, Meaning, Nature and Classification of Rape | | | | |
| | 2.2.2 Essential Ingredients of Rape | | | | |
| | (i) Physical Element of Rape: <i>Actus Reus</i> | | | | |
| | (ii) Mental Element of Rape: <i>Mens Rea</i> | | | | |
| | 2.2.3 Statutory Framework of Nepalese Rape Law | | | | |
| | 2.2.4 Judicial Attitudes and Trends in Rape cases in Nepal | | | | |
| | 2.3 Sexual Abuse of Children (Unnatural Sex with Children) | | | | |
| | 2.3.1 Meaning and Nature of Sexual Abuse of Children | | | | |
| | 2.3.2 Essential Ingredients of Sexual Abuse of Children | | | | |
| | (i) Physical Element of Sexual Abuse of Children: <i>Actus Reus</i> | | | | |
| | (ii) Mental Element of Sexual Abuse of Children: <i>Mens Rea</i> | | | | |
| | 2.3.3 Statutory Framework of Sexual Abuse of Children | | | | |
| | 2.3.4 Judicial Attitudes and Trends in Sexual Abuse of Children: Cases | | | | |
| | 2.4 Trafficking of Women | | | | |
| | 2.4.1 General Introduction, Meaning, Nature and Classification of Trafficking of Women | | | | |
| | 2.4.2 Essential ingredients of Trafficking of Women | | | | |
| | (i) Physical Element of Trafficking of Women: <i>Actus Reus</i> | | | | |
| | (ii) Mental Element of Trafficking of Women: <i>Mens Rea</i> | | | | |
| | 2.4.3 Statutory Framework of Nepalese Law of Trafficking of Women | | | | |
| | 2.4.4 Judicial Attitudes and Trends in Human Trafficking Cases | | | | |
| 2.5 Domestic Violence against Women | | | | | |
| 2.5.1 Introduction to Domestic Violence (Meaning, Nature and Classification, Justification and Rationales behind Criminalization of Domestic Violence) | | | | | |
| 2.5.2 Domestic Violence Law as an Emerging Law in Nepalese Criminal Law | | | | | |
| 2.5.3 Domestic Violence (Control) Act, 2066 | | | | | |

Reading Materials:

- Pradhananga, Rajit Bhakta (Prof. Dr.). "Rape Victim in the Criminal Justice System of Nepal: A Critical Observation". *Nepal Bar Council Law Journal*. Vol. VII. Lalitpur: Nepal Bar Council. (2008)
- Acharya, Madhav Prasad and Rajit Bhakt Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Bhatnagar, J.P. *Offences against Women*, New Delhi: Ashoka Law House, (1993)
- Carter, P. and R. Harrison. *Offences of Violence*. London: Warterlow Publishers. (1991)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. *Criminal Law Text and Materials* (7th ed.). London: Sweet and Maxwell. (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law* (2nd ed.). Boston: Little Brown and Company. (1978)
- Henring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford. (2014)
- Lawyers Collective and Women's Rights Initiative. *Domestic Violence and Law; Report of Colloquium on Jurists for Women Empowerment through Law*. New Delhi: Butterworths. (2000)
- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhan, Ramesh Raj. "Law against Rape in Nepal: An Overview". *Nepal Law Review*, Vol. 25. Kathmandu: Nepal Law Campus. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Dilli Ram Shrestha. "The Changing Context of Marital Rape in Nepal: A Critical Observation". *Nepal Law Review*. Vol.18. Kathmandu: Nepal Law Campus. (2005)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Foujdari Kanoonko Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Purna Shrestha. "Domestic Violence against Women: Concept, History and Existing Laws". *Annual Survey of Nepalese Law*. Vol. V. Kathmandu: Nepal Bar Council. (2005)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer. (2012)

- Singh, K.K. and R. Bagga. *Law of Sexual Offences*. New Delhi: The Law Book Co. (1994)
- Smith and Hogan. *Criminal Law* (13th ed.). London: Butterworths. (2003.)
- Williams, Glanville. *Textbook of Criminal Law* (2nd ed.). Delhi: Universal Law Publishing. (1982)
- Wilson, William. *Criminal Law: Doctrine and Theory*. London: Longman. (1998)

Unit - III Property Offences

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To Provide knowledge of Property Offences | 3.1. General Introduction to Property Offences (Meaning, Nature, Justification and Rationale behind Criminalization of Property Offences) 3.2 Classification of Property Offense 3.2.1 Acquisitive Offences 3.2.2 Offences of Damage or Destruction 3.3. Theft 3.3.1. Meaning of Theft 3.3.2. Physical Element of Theft: <i>Actus Reus</i> 3.3.3. Mental Element of Theft: <i>Mens Rea</i> 3.4. Categories of Theft in Nepal 3.5. Judicial Attitudes and Trends in Theft Cases in Nepal | 14 hrs | Do | Do | Do |

Reading Materials:

- Acharya, Madhav Prasad and Rajit Bhakta Pradhananga. *Criminal Law and Criminal Justice*. Kathmandu: Ratna Pustak Bhandar. (2053 B.S.)
- Ashworth, A. *Principles of Criminal Law* (6th ed.). Oxford University Press. (2011)
- Clarkson, C.M.V. H.M. Keating and S.R. Cunningham. *Criminal Law* (7th ed.). London: Sweet and Maxwell. (2010)
- Clarkson, C.M.V. *Understanding Criminal Law* (2nd ed.). London: Sweet and Maxwell. (1998)
- Fletcher, G.P. *Rethinking Criminal Law* (2nd ed.). Boston: Little Brown and Company. (1978)
- Herring, Jonathan. *Criminal Law: Text, Cases and Materials* (6th ed.). Oxford. (2014)

- Lippmann, Matthew. *Contemporary Criminal Law* (3rd ed.). Sage Publication Inc. (2013)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali (Dr.). *Faujdar KanoonKa Parichaya* (in Nepali). (3rd revised ed.). Kathmandu: Lumbini Prakashan. (2073 B.S.)
- Reid, Sue Titus. *Criminal Law: The Essentials* (2nd ed.). Oxford University Press. (2012)
- Robinson, Paul H. and Michael T. Cahill. *Criminal Law*. New York: Wolters Kluwer. (2012)
- Smith and Hogan. *Criminal Law* (13th ed.). London: Butterworths. (2003)
- Williams, Glanville. *Textbook of Criminal Law* (2nd ed.). Delhi: Universal Law Publishing. (1982)
- Wilson, William. *Criminal Law: Doctrine and Theory*. London: Longman. (1998)

International Environmental Law - II

Course Title: International Environmental Law-II
 Course Code: Law 168
 Duration of the Course: 48 hrs
 Semester: Second
 Nature: Optional

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 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.

Course Objectives:

- To impart specialized knowledge on international environmental law.
- To inculcate critical thinking and approach to international environmental issues and problems
- To produce competent human resource 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

International Environmental Law and Trade

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|--|---|
| To familiarize with existing environmental protection regime in international trade. | 1.1 Concept 1.2 Linkage between Environmental and International Trade 1.3 Institutional Responses of WTO under Marrakesh Agreement and Other International Economic and Financial Institutions 1.4 General Agreement in Tariffs and Trade, Agreement on Technical Barriers to Trade and Agreement on Sanitary and Phytosanitary Measures 1.5 GATS, TRIPS and Convention on Biodiversity 1.6 Eco-Labeling Scheme 1.7 Recent Trends | 16 hrs | Lecture/ Socratic method, discussion, and paper presentation by the students | Textbooks, Articles, seminar papers and other reference material, overhead projector, Power point etc. | 50% internal assessment (oral and/ or written assessment, reading quiz, presentation, class participation, and home assignment) and 50% external assessment (through final exam). |

Reading Materials:

- Anton, Donald K. *International Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Birnie, Patricia W. and Alan E Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Bosselmann, Klaus. *Earth Governance*. Edward Elgar Publishing (Available at Online). (2016)
- Fisher, Douglas. *Research Handbook on Fundamental Concepts of Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Hey, Ellen. *Advanced Introduction to International Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kiss, A. et al. *International Environmental Law* (3rd ed.). Transnational publisher Inc. (2003)
- Kramer, Ludwig. *Enforcement of Environmental Law*. Edward Elgar Publishing (Available at Online). (2016)
- Lawrence, Peter. *Justice for Future Generations*. Edward Elgar Publishing (Available at Online). (2016)
- Martin, Paul, Kennedy and Amanda. *Implementing Environmental Law*. Edward Elgar and Publishing (Available at Online)
- Martin, Paul, Sadeq Z Bigdeli and Trevor Daya-Winterbottom. *The Search for Environmental Justice*. Edward Elgar Publishing (Available at Online). (2016)
- Percival, Robert V. *Global Environmental Law at a Crossroads*. Edward Elgar Publishing (Available at Online). (2016)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)

Unit - II

International Environmental Law and Energy

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To familiarize with the principle of clean and sustainable energy and legal and institutional mechanism | 2.1 Concept 2.2 Interrelationship between Environment Law and Energy 2.3 Principles of Clean and Sustainable Energy 2.4 Development of Legal and Institutional Mechanism 2.5 Recent Trends | 8 hrs | Do | Do | Do |

Reading Materials:

- Gerrard, Michael B. (ed.). *The Law of Clean Energy Efficient and Renewables*. ABA. (2011)
- Leal- Arcas, Rafael et al. *International Energy Governance*. Edward Elgar Publishing (Available at Online). (2016)
- Manzano, Jordi Jaria et al. (ed.). *Energy Governance and Sustainability*. IUCNAEL Series. Edward Elgar Publishing. (2016)
- Marjan, Peeters. *Renewable Energy*. Edward Elgar Publishing (Available at Online). (2016)
- Sakmar, Susan L. *Energy for the 21st Century*. Edward Elgar Publishing (Available at Online). (2016)

Unit - III

International Law of Wastes, Weapons, Military Activities and Armed Conflict

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| Students will be able to know the environmental problems of different types of weapons and legal responses | 3.1 Concept 3.2 Regulations for control and management of different types of wastes and materials with special reference to transboundary movement of toxic and hazardous wastes. 3.3 Regulations for control and management of different weapons 3.4 Regulations for control of war, military activities and armed conflict affecting environment. 3.5 Recent Trends. | 12 hrs | DO | DO | DO |

Reading Materials:

- Birnie, Patricia W. and Alan E Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Hunter, David et al. *International Environmental Law and Policy* (4th ed.). Foundation Press. (2010)
- Kiss, Alexander et al. *International Environmental Law* (3rd ed.). Transnational publisher Inc. (2003)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)

Unit - IV

International Environmental Institutions

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|-------------|------------|------------|
| To provide knowledge about environmental governance through various actors | 4.1 Concept 4.2 State as an Actor 4.3 Environmental Organizations 4.3.1 UNO 4.3.2 Regional 4.3.3 Sub-regional 4.3.4 Treaty based Institutions 4.4 Non-Governmental Actors 4.5 Recent Trends | 12 hrs | DO | DO | DO |

Reading Materials:

- Beach, H.L. et al. *Transboundary Freshwater Dispute Resolution: Theory, Practice and Annotated References*. Tokyo: United Nations University Press. (2000)
- Bellman, C. et al. (ed.). *Trading in Knowledge Development Perspectives in TRIPS*. ICTSD and Earthscan. (2003)
- Birnie, Patricia W. and Alan E. Boyle. *International Law and the Environment* (2nd ed.). Oxford University Press. (2002)
- Bouvier, A. "Recent Studies on the Protection of the Environment in Time of Armed Conflict". *Introduction to Humanitarian Law* (reprint). New Delhi: International Committee of the Red Cross. (1999)
- Bowers, C.A. *Educating for Eco-Justice and Community*. The University of Georgia Press. (2001)
- Buriyan, B. (ed.). *Environmental Justice Issues, Policies, and Solutions*. USA: Islands Press. (1995)
- Chambers, W. Brandee. *Interlinkages and the Effectiveness of MEAs*. UNU Press. (2008)
- Craig, D.G. et al. (ed.). *Capacity Building for Environmental Law in the Asian and Pacific Region: Approaches and Resources* (2nd ed.). Vol. I and II. ADB. (2003)
- Cullet, P. *Differential Treatment in International Environmental Law*. Ashgate Publishing. (2003)
- Desai, B. *Institutionalizing International Environment Law*. Transnational Publishers Inc. (2003)
- Descamps, Hannes et al. *International Documents on Environmental Liability*. Springer. (2008)
- Deter, J. *Restrictions on Weapons in the Law of War* (2nd ed.). Cambridge: Cambridge University Press. (2000)
- Hunter, D. et al. *International Environmental Law and Policy* (2nd ed.). Foundation Press. (2002)

- Hunter, David et al. *International Environmental Law and Policy* (3rd ed.) Foundation Press. (2010)
- IUCN et al. *Caring for the Earth: A Strategy for Sustainable Living*. (1991) Publisher Inc. (2004)
- Kiss, Alexander et al. *International Environmental Law* (3rd ed.). Transnational
- Kiss, Alexander et al. *Guide to International Law*. Martinus Nijhoff. (2007)
- Kormos, Cyril (ed.). *Handbook on International Wilderness: Law and Policy*. Colorado: The WILD Foundation. Fulcrum Publishing Golden. (2008)
- MacRoy, Richard. *Regulation, Enforcement and Governance of Environmental Law*. Cameron May. (2008)
- McCaffrey, S.C. *The Law of International Water Courses: Non-Navigational Uses* (Oxford Monographs in International Law). Oxford University. (2001)
- Nanda, V.P. et al. *International Environmental Law and Policy for the 21st Century*. (2004)
- Nathalie, J. Chalifour et al. (ed.). *Land Use Law for Sustainable Development*. IUCN Academy of Environmental Law Research Studies, Cambridge University Press. (2007)
- Pant, A.P. (Dr.) et al. (ed.). *Nepal Law Review: Environmental Law Special Issue*. Vol. 15, No. 1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Patkar, M. (ed.). *River Linking: A Millennium Folly?* Pune: National Alliance of People's Movement and Initiative. (2004)
- Patricia, B.W. et al. *International Law and the Environment Past Achievements and Future Challenges* (2nd ed.). Oxford University Press. (2002)
- Richardson, Benjamin J. *Socially Responsible Investment Law: Regulating the Unseen Polluters*. Oxford University Press. (2008)
- Rogers, Peter P. et al. *An Introduction to Sustainable Development*. The Continuing Education Division. Harvard University. (2006)
- SACEP et al. *South Asia Handbook of Treaties and Other Legal Instrument in the Field of Environmental Law*. Policy No. 1. (1997)
- Sands, P. *Principles of International Environmental Law*. Manchester University Press. (1995)
- Sands, Philippe. *Principles of International Environmental Law* (3rd ed.). Cambridge University Press. (2012)
- Subedi, S.P. "Foreign Investment and Sustainable Development" *International Economic Law with a Human Face*. The Hague: Kluwer Law International.
- Subedi, S.P. *Dynamics of Foreign Policy and Law: A Study of Indo-Nepal Relations*. Oxford. (2005)
- UNEP. *Handbook of Environmental Law*. United Nations Environment Programme.
- Upreti, K. et al. *Conflict and Cooperation on South Asia's International Rivers-A Legal Perspectives*. Washington DC: The World Bank. (2002)
- Walker, S. *The TRIPS Agreement Sustainable Development and the Public Interest Discussion Paper*. IUCN Environmental Policy

Jurisprudence - III

Course Title: Jurisprudence-III
 Course Code: Law 171
 Duration of the Course: 48 hrs
 Semester: Third
 Nature: Compulsory

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

This is compulsory course for LL.M. Third Semester. This Course is designed to acquaint students with the nature of comparative Jurisprudence. It provides students the knowledge about law and society with reference to social basis of law, sociology of law and structural functionalism. Similarly, it assists students to understand the relationship between law and state, legitimacy of law, autonomy of law and law, religion and state. Likewise, it also imparts knowledge about political economy of law with reference to law and politics, economics, globalization, localization and privatization.

Course Objectives:

- The general objective of the course is to provide knowledge on the fundamental components of law and society, basic tenets of law and state and basic principles of political economy of law.
- The specific objectives of this course is to produce human resource equipped with knowledge, skill and competence as deserved for socio-legal expertise.

Unit - I

Law and Society

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To familiarize students with Social basis, Social function, Sociology of Law and Structural Functionalism. | 1. Social Basis of Law 2. Social Functions of Law 3. Sociology of Law 4. Structural Functionalism | 16 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:

- Abraham, M Francis and Morgan John Henry. *Sociological Thought*. New Delhi: Macmillan Publishers India Limited. (2011)
- Abraham, M. Francis. *Modern Sociological Theory: An Introduction*. New Delhi: Oxford University Press. (2012)

- Almond, A Gabriel and Powell G. Bingham. *Comparative Politics*. New York: Feffer and Simons Inc. (1966)
- Mukhiya, Bal Bahadur. *Comparative Jurisprudence Part II*. Kathmandu: A and M Mukhia. (2015)
- Cane, Peter and Conaghan Joanne (ed.). *The New Oxford Companion to Law*. New York: Oxford University Press. (2008)
- Chaitanya, Mishra. *Essays on the Sociology of Nepal*, Kathmandu: Fine Print. (2007)
- Cotterrell Roger. *The Sociology of Law: An Introduction*. New Delhi: Oxford University Press. (2007)
- Cotterrell, Roger. *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy*. New Delhi: Oxford University Press. (2008)
- Dhyani, S.N. *Fundamentals of Jurisprudence*. Allahabad: Central Law Agency. (2004)
- Freeman, M.D.A. *Lloyd's Introduction to Jurisprudence*. London: Sweet and Maxwell. (2008)
- Friedman, W. *Law in Changing Society*. London: Sweet and Maxwell. (1997)
- Haralambos, M with R.M. Heald. *Sociology: Themes and Perspectives*. New Delhi: Oxford University Press. (2012)
- Hart, H.L.A. *The Concept of Law*. New York: Clarendon Press. (1997)
- Indra, Deva (ed.). *Sociology of Law*. New Delhi: Oxford University Press. (2010)
- MacIver, R.M., Page H Charles. *Society: An Introductory Analysis*. New Delhi: Macmillan Publishers India. (2011)
- Mathew, K.K. *Three Lectures*. Lucknow: Eastern Book Company. (1982)
- Pagare, G.K. *Political Science and Competitive Constitutional Law*. New Delhi: Cyber Tech Publication. (2010)
- Paton, G.W. *A Textbook of Jurisprudence*. New Delhi: Oxford University Press. (2014)
- Patterson, Dennis (ed.). *A Companion to Philosophy of Law and Legal Theory*. UK: Blackwell Publishers. (1996)
- Subedee, Nutan Chandra. "Sociology of Law an Overview of Conceptual Framework". *Nepal Law Review*. Year 37. Vol.24. Number 1 and 2. (2012)
- Suri, Ratnapala. *Jurisprudence*. New Delhi: Cambridge University Press. (2011)
- Thomas Roman, *The Sociology of Law*. New Delhi: Sage Publications. (1987)
- Vago, Steven. *Law and Society*. New Jersey: Prentice Hall. (2002)

Unit - II Law and State

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To acquaint students with legitimacy, autonomy and Law, Religion and State. | 1. Relationship Between Law and State 2. Legitimacy of Law 3. Autonomy of Law 4. Law, Religion and State | 16 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:

- Almond, A Gabriel and Powell G. Bingham. *Comparative Politics*. New York; Feffer and Simons Inc. (1966)
- Mukhiya, Bal Bahadur. *Comparative Jurisprudence Part II*. Kathmandu: A and M Mukhia. (2015)
- Baxi, Upendra. *The Crisis of Indian Legal System*. New Delhi: Vikas Publishing House. (1982)
- Cane, Peter and Conaghan Joanne (ed.). *The New Oxford Companion to Law*. New York: Oxford University Press. (2008)
- Cosgrove, Rechar A. *Scholars of the law: English Jurisprudence from Blackstone to Hart*. New Delhi: Universal Publishing Co. Pvt. Ltd. (2006)
- Dworkin, Ronald. *Law's Empire*. Harper Collins London: Fontana Press. (1986)
- Dworkin, Ronald. *Taking Rights Seriously*. New Delhi: Universal Book Traders. (1996)
- Friedman W. *Law in Changing Society*. London: Sweet and Maxwell. (1997)
- Fuller, Lon L. *The Morality of Law*. New Delhi: Universal Law Publishing. (2009)
- George, Robert P. (ed.). *The Autonomy of Law Essays on Legal Positivism*. Oxford: Clarendon Press. (1996)
- Hart, H.L.A. *The Concept of Law*. New York: Clarendon Press. (1997)
- Huntington, Samuel P. *Political Order in Changing Society*. Delhi: Adarsha Books. (2006)
- Johari, J.C. *Comparative Politics*. New Delhi: Sterling Publishers. (1980)
- Mathew, K.K. *Three Lectures*. Lucknow: Eastern Book Company. (1982)
- Mishra, Chaitanya. *Essays on the Sociology of Nepal*. Kathmandu: Fine Print. (2007)
- Pagare, G.K. *Political Science and Competitive Constitutional Law*. New Delhi: Cyber Tech Publication. (2010)

- patterson, Dennis (ed.). *A Companion to Philosophy of Law and Legal Theory*. UK: Blackwell Publishers. (1996)
- Posner, Rechar A. *Overcoming Law*. Harvard: University Press. (1995)
- Raz Joseph. *The Authority of Law: Essays on Law and Morality*. Delhi: Oxford University Press. (1990)
- Srinivasan, T.N. *The Future of Secularism*. New Delhi: Oxford University Press. (2007)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS Publication. (1975)
- Subedee, Nutan Chandra. "General Concept of Secularism and Right to Religion". Vol. 21. *LACC LENS*. (2014)
- Watts, Ronald L. Chattopadhyay Rupak (ed.). *Unity in Diversity Learning from Each Other: Building on and Accommodating Diversities*. Vol.I. New Delhi: Viva Books. (2008)

Unit - III Political Economy of Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|---|--|
| To enable the students to know the issue of Political Economy of Law, Law and Politics, economics and issues of Globalization, Localization and Privatization. | 1. Concept of Political Economy 2. Law and Politics 3. Law and Economics 4. Globalization, Localization and Privatization | 16 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:

- Bahadur, Mukhiya Bal. *Comparative Jurisprudence Part II*. Kathmandu: A and M Mukhia. (2015)
- Cane, Peter and Conaghan Joanne (ed.). *The New Oxford Companion to Law*. New York: Oxford University Press. (2008)
- Dreze, James and Sen Amartya. *Introduction to Political Economy of Hunger*. Delhi: Oxford University Press. (1999)
- Dworkin, Ronald, *Law's Empire*. Harper Collins London: Fontana Press. (1986)
- Ghai, Yash. *The Political Economy of Law A Third World Reader*. Delhi: Oxford University Press. (1987)
- Hart, H.L.A. *The Concept of Law*. New York: Clarendon Press. (1997)
- Johari, J.C. *Comparative Politics*. New Delhi: Sterling Publishers. (1980)
- Mathew, K.K. *Three Lectures*. Lucknow: Eastern Book Company. (1982)

- Oppenheimer, Joe, *Principles of Politics*. New York: Cambridge. (2012)
- Pagare, G. K. *Political Science and Competitive Constitutional Law*. New Delhi: Cyber Tech Publication. (2010)
- Pokharel, Bharat. *Rural Political Economy of Nepal*, Kathmandu: New Hira Books enterprises. (2004)
- Seligson, Mitchell A. and Smith John T. Paise. *Development and Under-Development: The Political Economy of Global Inequality*. New Delhi: Viva Books:Press. (2010)
- Strong, C.F. *Modern Political Constitutions*. London: ELBS Publication. (1975)
- Subedee, Nutan Chandra. "An Issue of Law and Politics". *LL.M. Journal*. Vol.3. (2013)

Seminar

Course Title: Seminar
 Course Code: Law 172
 Duration of the Course: 64 hrs
 Semester: Third
 Nature: Compulsory

Period per Week: Four
 Credit Hours: 4 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description

The Course is designed to give practical knowledge to students. Four credits marks is allotted to this subject. Out of the 100 marks, 60 marks is allotted for written seminar report submitted at the end of the semester for final evaluation (external) and remaining 40 marks is allotted for internal evaluation. Out of 40 marks, 20 marks will be assessed through internal, practical evaluation, 10 marks is allotted for external expert and 10 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 convener shall, in the beginning, take introductory class for clarifying the objectives, modes and instruction for seminar preparation.

Besides, the resource person will be invited by Convener from among the persons listed in the roster prepared by the Central Department of Law for the purpose of evaluating seminar and to suggest for the improvement of the seminar report.

Course Objective:

The main objective of a Seminar is to familiarize the students with the process of finding a research oriented/ objective solution on definite 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 the seminar report in the class. The students shall also continuously involve in the presentation of seminar by other students. By doing this, it is aimed that students will develop their capabilities and confidence in researching with legal & contemporary issues.

Constitutional Law - III

Course Title: Constitutional Law – III (Civil Liberties and Civil Rights) Period Per Week: Three
 Course Code: 173 Credit Hours: 3 Credits
 Duration of the Course: 48 hrs Pass Mark: 50%
 Semester: Third Level: LL.M.
 Nature: Optional

Course Description:

Civil liberties and civil rights will deal with fundamental rights and their enforcement. It is not possible to include all the fundamental rights for study in one semester. Therefore only selected and most important civil liberties have been given priority. This course will also deal with the different techniques of the enforcement of the fundamental rights. While dealing with the subject, comparative study will be done with similar provisions of the Constitutions of USA, India and Nepal.

Course Objectives:

The objectives of the course are as follows:

- To give an idea about the concept of civil rights and civil liberties and explain how each differ with other
- To give critical knowledge about the changing dimensions of the concept and content of civil liberty and civil rights and its enforcement through constitutional mechanisms in different countries.
- To produce experts on concerned subjects and to enable them to help citizens for solving their problems
- To produce competent human resource to work at policy making level.

Unit - I

Concept of Civil Right and Liberty

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|--|
| To give an idea about the concept of civil right and civil liberty and explain how each differ with other | 1. Meaning, concept and difference between civil liberty and civil rights 2. Generations of rights | 6 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials and cases. | Problem based test to distinguish between civil liberty and civil rights |

Readings Materials:

- Acharya, Bhimarjun. *Fundamental Rights in the World Constitutions*. Kathmandu: Pairavi Book House, (2008)

- Basnet, Gyan Bahadur. *The Crisis for Civil Liberties and Human Rights*. Kathmandu: Gyan Bahadur Basnet. (2008)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. II. New York: WW Norton and Company. (2005)
- Fisher, Louis. *Constitutional Rights: Civil Rights and Civil Liberties*. USA: Mc Graw Hill Inc. (1995)
- Hayak, F. A. *The Constitution of Liberty*. London and New York: Routledge Classics. (2006)
- Stone, Richard. *Civil Liberties and Human Rights*. UK: Oxford University Press. (2012)
- Sullivan, Kathleen M. and Gerald Gunther. *Constitutional Law*. New York: Foundation Press. (2001)
- Tripathy, Hari Bansh. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002).
- Fenwick, Helen. *Civil Liberties*. New Delhi : Lawman (India) Private Limited. (1995)
- Ross, Laura (ed.). J.S.Mill. *On Liberty*. New York : Esterling Publishing Inc. (2012)
- Hegel, G.W.F. *Outlines of the Philosophy of Right*. New York : Oxford. (2008)

Unit - II

Right to Life and Personal Liberty

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|--|
| To give critical knowledge about the changing dimensions on the concept and content of the term Life and Personal Liberty and its enforcement through constitutional mechanisms in different countries. | 1. Right to Life and Personal Liberty in Constitution of Nepal. 2. Comparative knowledge about Right to Life and Liberty in India and USA 3. Constitutional rights regarding justice in the Constitution of USA, India and Nepal | 8 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials and cases. | Assessment of constitutional protection of Life and Personal liberty in Nepal and identification of problem areas and constrains in enforcement. |
| To make a comparative analysis of procedural safeguards provided by different constitutions. | | | | | |

Readings Materials:

- Austin, Grainville. *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford University Press. (2000)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxi Nexis, Butterworths, Wadhwa. (2010)

- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (2010)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. II. New York: WW Norton and Company (2005)
- Choudhari, Sujit, Madhav Khosla et al. (ed.). *The Oxford Hand Book of the Indian Constitutional Law*. New Delhi: Oxford University Press. (2016)
- Fisher, Louis. *Constitutional Rights: Civil Rights and Civil Liberties*. USA: Mc Graw Hill Inc.(1995)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)
- Stone, Richard. *Civil Liberties and Human Rights*. UK: Oxford University Press. (2012)
- Sullivan, Kathleen M. and Gerald Gunther. *Constitutional Law*. New York: Foundation Press (2001)
- Tripathy, Hari Bansh. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002)

Unit - III

Right to Equality

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|---|
| To give the critical idea on the concept of equality as understood and interpreted by the courts in Nepal with comparative references to equality in USA, India and UK. | <ol style="list-style-type: none"> 1. Equality as conceived in the Constitution of Nepal. 2. Reasonable Classification / Arbitrary Power / Protective Discrimination/ Affirmative Action etc.) 3. Equality and its interpretation in India 4. Equality as conceived in Vth /XIVth Amendment of US Constitution. (Rational basis test, suspect classifications etc.) | 8 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. |

Readings Materials:

- Austin, Grainville. *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford University Press. (2000)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butter worths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (2010)

- Baum., Robert A. *Public Interest Law: Where Law Meets Social Action*. London -Rome-New York: Oceana Publications Inc. (1987)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. II. New York: WW Norton and Company. (2005)
- Choudhari, Sujit, Madhav Khosla et al. (ed.). *The Oxford Hand Book of the Indian Constitutional Law*. New Delhi: Oxford University Press. (2016)
- Fisher, Louis. *Constitutional Rights: Civil Rights and Civil Liberties*. USA: Mc Graw Hill Inc. (1995)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company (2006)
- Stone, Richard. *Civil Liberties and Human Rights*. UK: Oxford University Press (2012)
- Sullivan, Kathleen M. and Gerald Gunther. *Constitutional Law*. New York: Foundation Press. (2001)
- Tripathy, Hari Bansh. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002)

Unit - IV

Freedom of Speech and Press

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|--|
| To give a critical idea on 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 also analyse how far they are relevant for Nepal. | <ol style="list-style-type: none"> 1. Freedom of Speech and Press in the Constitution of Nepal. (content of speech, reasonable restrictions etc) 2. Comparison with Freedom of speech in India and US. | 8 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials, articles and cases. | Case studies on the violations of freedom of speech in Nepal. Verification of constitutionality of ordinary laws dealing with restrictions on freedom of speech. |

Readings Materials:

- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Laxis Nexis, Butter worths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. NewDelhi : Prentice Hall of India Private Limited. (2010)
- Brien, David M.O'. *Constitutional Law and Politics* Vol. II. New York: WW Norton and Company. (2005)

- Fisher, Louis. *Constitutional Rights: Civil Rights and Civil Liberties*. USA: Mc Graw Hill Inc. (1995)
- Jain, M.P. *Constitutional Law of India*. Nagpur: Lexis Nexis Butterworths Wadhwa. (2011)
- Shukla, V. N. *Constitutional Law of India*. Lucknow: Eastern Book Company. (2006)
- Stone, Richard. *Civil Liberties and Human Rights*. UK: Oxford University Press. (2012)
- Sullivan, Kathleen M. and Gerald Gunther. *Constitutional Law*. New York: Foundation Press. (2001)
- Tripathy, Hari Bansh. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002)
- Choudhari, Sujit, Madhav Khosla et al. (ed.). *The Oxford Hand Book of the Indian Constitutional Law*. New Delhi: Oxford University Press. (2016)

Unit - V Right to Property

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|--|--|
| To give comprehensive and critical knowledge about the relevance of fundamental right to property in the context of distributive justice and socio-economic reform. | <ol style="list-style-type: none"> 1. Right to Property in the Constitution of Nepal. (Police power, eminent domain) 2. Comparative knowledge about right to property in India and USA | 8 hrs | Lecture, discussions, question answers, case analysis, discussion of political behaviors | Text books, reference materials, articles and cases. | Analysis of constitutional changes in India with regard to right to property and its relevance in Nepal. |

Readings Materials:

- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Lexis Nexis, Butter worths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi: Prentice Hall of India Private Limited. (1998)
- Brien, David M.O'. *Constitutional Law and Politics*. Vol. II. New York: WW Norton and Company. (2005)
- Waldron, Jeremy. *The Right to Private Property*. Oxford: Clarendon Press. (1990)

- Choudhari, Sujit, Madhav Khosla et al. (ed.). *The Oxford Hand Book of the Indian Constitutional Law*. New Delhi: Oxford University Press. (2016)

Unit - VI Right to Constitutional Remedies

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To give indepth knowledge about the remedies available to the citizens and how they can enforce fundamental rights. | <ol style="list-style-type: none"> 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 and American experiences). 3. Modern Trends in Development of Civil Liberties and Civil Rights | 10 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 |

Readings Materials:

- Banerjee, B.P. *Writ Remedies*. Haryana: Lexis Nexis. (2015)
- Basu, D.D. *Comparative Constitutional Law*. Nagpur: Lexis Nexis, Butter worths, Wadhwa. (2010)
- Basu, D.D. *Introduction to the Constitution of India*. New Delhi : Prentice Hall of India Private Limited. (1998)
- Baum., Robert A. *Public Interest Law: Where Law meets Social action*. London – Rome-New York: Oceana Publications Inc. (1987)
- Chkraborty, R.(ed.). *Prem's Habeas corpus; Fundamental Rights and other Writs*. New Delhi: Ashoka Law House (2006)
- Raut, Shashi Adhikary. *Judicial Activism*. Lalitpur: Legal Aid and Consultancy Centre. (2013)
- Tripathy, Hari Bansh. *Fundamental Rights and Judicial Review in Nepal*. Kathmandu: Pairavi Prakashan. (2002)

International Law - III

Course Title: International Law – III (International Humanitarian Law)

Course Code: LAW 174

Duration of the Course: 48 hrs

Semester: Third

Nature: Optional

Period Per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

The international humanitarian law is applicable in armed conflict in both national and international in character. The application of IHL becomes more complex in non-international armed conflict because the state outrightly denies the existence of armed conflict within its territory and application of IHL instead of its own municipal laws. Armed conflict of any type often results in the massive violation of human rights. In this context, state parties to the armed conflict can't escape from the application of IHL and they are compelled to prosecute the perpetrators of the IHL violation. So the students should have to know how IHL is applicable and perpetrators are made criminally responsible. So the course involves five units comprising basic concept of IHL, categories of the armed conflict, conduct of hostility, application of IHL, and modern trend in IHL.

Course Objective:

The course is intended to give students a comprehensive idea about international humanitarian law (IHL) or the law of armed conflict and its broad interrelationship with some of the other branches of international law. Moreover, the course aims at providing comprehensive knowledge on origin, development and application of International Humanitarian Law. The course also intends to enable students to analyse interplay between International Humanitarian Law and International Human Rights Law.

Unit - I

Introduction and Definition of International Humanitarian Law

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Evaluation Techniques |
|--|--|---------------|---|---|--|
| To explain students about genesis, core principle and basic sources of humanitarian law and interplay between human rights and humanitarian law. | 1.1 Definition of International Humanitarian Law 1.2 Genesis and development of international humanitarian law 1.3 Core principles and sources of IHL 1.4. <i>Jus ad bellum</i> and <i>jus in bello</i> 1.5. International Human Rights and Humanitarian law | 10 hrs | Lecture, Question-Answer, term Papers, writing, Presentation, Group Discussion, Case Analysis | Statutes, Cases, Books, Articles, Reports and Notes | Question answers, Paper, Presentation, Written Examination |

Reading Materials:

- Fleck, Deter. *The Hand Book of International Humanitarian Law* (2nd ed.). Oxford: Oxford University Press. (2008)
- Frits, Kalshoven and Liesbeth Zegveld. *Constraints on Waging of War: An Introduction of International Humanitarian Law* (4th ed.). International Committee of Red Cross. (2011)
- Maybee, Larry et al. *International Humanitarian Law: A Reader for South Asia*. Delhi: International Committee of Red Cross. (2007)
- Mani, V.S. (ed.). *Hand Book of International Humanitarian Law in South Asia*. Oxford: Oxford University Press. (2007)
- Sassoli, Marco et al. *How Does Law Protect In War*. (3rd ed.). Vol. I, II, III. International Committee of Red Cross. (2011)
- Want, Tirth Raj (Translated). *Antarrastriya Manaviya Kanoon Ka Vividh Pakshya: Ek Adhyayan*. Kathmandu: International Committee of Red Cross. (2063 B.S.)
- Droege, Cordula. "Elective Affinities? Human Rights and Humanitarian Law". *International Review of the Red Cross*. Vol. 90, No. 371. (2008)
- Kolb, Robert. "Origin of the Twin Terms *Jus ad Bellum*/*Jus in Bello*". *International Review of the Red Cross*. Vol. 37, No. 320. (1997)

Unit - II
Categories of armed conflicts and applicable laws

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To provide knowledge on categories of armed conflict and applicable laws | 1.1 International armed conflict and applicable laws 1.2 Non-international armed conflict and applicable laws (special focus shall be given to the armed conflict taken place in Nepal) 1.3 Internationalized non-international armed conflict or armed conflict subject to foreign intervention and applicable laws 1.4 Belligerent occupation | 5 hrs | Do | Do | Do |

Reading Materials:

- Stewart, James G. "Towards a Single Definition of Armed Conflict in International Humanitarian Law: a Critique of Internationalized Armed Conflict", *International Review of the Red Cross*, Vol. 85, No. 850. (2003)
- Thapa, Karne Bahadur. "Enforcing Humanitarian Law in Non-International Armed Conflict: a Nepalese Experiences". *Nepal Law Review*, Vol.23, No. 1 and 2, Kathmandu: Nepal Law Campus. (2011)
- Bhusal, Bishnu Maya. "Prosecutorial Processes in Armed Conflicts and State Emergency". *Zubaan Series on Sexual Violence and Impunity in South Asia: A Difficult Transition*. New Delhi. (2016)
- Bhusal, Bishnu Maya. "Failure to Investigate cases of Conflict-era Sexual Violence in Nepal". *Nepal Bar Council Law Journal*. (2013)
- Bhusal, Bishnu Maya. "Access to Justice for Sexual Violence Victims during the armed conflict: A review". *Nepal Bar Council Law Journal*. (2011).
- Ferraro, Tristan, "Determining the Beginning and End of an Occupation under International Humanitarian Law". *International Review of the Red Cross*, Vol. 94, No. 885. (2012)
- "Ensuring National Compliance with IHL: The Role and Impact of National IHL Committees". *International Review of the Red Cross*, Vol. 96, No.895/896. (2014)
- *Case Concerning the Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. Judgment of 19 Dec. (2005)
- Cassese, Antonio. *International Criminal Law*. (2nd ed.). Oxford: Oxford University Press (2008)

Unit - III
Conduct of hostility

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|-------------|------------|------------|
| To impart knowledge on methods particularly in protection of POWs, civilian population and objects, cultural property, and other protected areas and zones, and prohibition of use of certain categories of the weapons during war | 3.1 Method of warfare: A. Protection of prisoners of war B. Protection of civilian population C. Protection of civilian objects and area and institutions (hospitals, place of worship, safety and neutralized zones, and respect distinctive emblems) D. Protection of cultural property E. Protection of wounded, sick and shipwrecked) 3.2 Means of warfare A. Prohibition on weapons B. The principle of prohibition of unnecessary suffering C. Explicit prohibitions or restrictions of certain weapons D. prohibition on Certain Conventional weapons E. Prohibition on the Weapons of mass destruction | 20 hrs | Do | Do | Do |

Reading Materials:

- ICRC. *Geneva Conventions of August 12, 1949*. Geneva. (2007)
- ICRC. *Protocols Additional to the Geneva Conventions of 12, August 1949*. Geneva. (1996)
- Thapa, Karne Bahadur. "Prisoners of War (POWs): Protection Mechanism under International Humanitarian Law". *Nepal law Review*, Vol 22, No 1 & 2. (2010)
- McClelland, Justin. "The Review of Weapons in Accordance with Article 36 of Additional Protocol I". *International Review of the Red Cross*, Vol. 85, No. 850. (2003)
- *Legality of the Threat or Use of Nuclear Weapons*. Advisory Opinion ICJ Rep. (1996)
- Maresca, Louis and Eleanor Mitchell. "Human cost of and legal consequences of nuclear weapons under International Humanitarian Law". *International Review of the Red Cross*, Vol. 97, No. 899. (2015)

- Maslen, Stuart Casey. "The Use of Nuclear Weapons and Human Rights." *International Review of the Red Cross*. Vol.97, No. 899. (2015)

Unit - IV

Application of International Humanitarian Law

| Objective | Contents | Time Allotted | Inst. Tech | Inst. Mat | Eva. Tech. |
|---|--|---------------|------------|-----------|------------|
| To provide knowledge about the implementation of international humanitarian law in pre-conflict and post conflict situation | 4.1 Pre-conflict situation | 8 hrs | Do | Do | Do |
| | A. Obligation to translate and Disseminate Geneva Conventions and Additional Protocols | | | | |
| | B. Adoption of legal and administrative measures | | | | |
| | C. Appointment of legal advisors and Training on IHL to armed forces | | | | |
| | D. Creation of Safety zones and hospital zones | | | | |
| | 4.2. Post conflict situation | | | | |
| | A. Investigation, fact findings on grave breach of Geneva Convention | | | | |
| | B. Prosecution of offenders responsible for the breach of Geneva Convention | | | | |
| C. Reconstruction and Rebuilding | | | | | |
| D. Justice and reparation to the victim of armed conflict (special focus shall be given to the Transitional justice mechanism of Nepal) | | | | | |

Reading Materials:

- Hayner, Priscilla B. *Unspeakable Truth*. Routledge London. (2001)
- Bandi, Govinda Sharma et. al. *Transitional Justice and Right to Remedy: Supreme Court Jurisprudence in Nepal*. Kathmandu: International Commission of Jurists. (2013)
- Borer, Tristan Anne (ed). *Telling Truths*. University of Notre dame press. (2006)
- International Commission of Jurists. *Transitional Justice and Right to a Remedy: Supreme Court Jurisprudence in Nepal*. (2012)
- "Ensuring National Compliance with IHL: The Role and Impact of National IHL Committees". *International Review of the Red Cross*. Vol. 96. No 895/896. (2014)

- Grignon, Julia. "The Beginning of Application of International Humanitarian Law: A Discussion of a Few Challenges" *International Review of the Red Cross*. Vol. 96. No.893. (2014)
- Advocate Rajaram Dhakal v Prime Minister of Nepal. (2004)
- Lubell Naom. "Challenges in applying international humanitarian law to armed conflict". *International Review of the Red Cross*. Vol. 87. No. 860 (2005)

Unit - V

Modern trends and issues in International Humanitarian Law

| Objective | Contents | Time Allotted | Inst. Tech | Inst. Mat | Eva. Tech. |
|---|---|---------------|------------|-----------|------------|
| To instruct students about the recent trend in international humanitarian law | 1.1. Peace keeping and IHL 1.2. Private Security Companies application of IHL 1.3. Drone attack and IHL 1.4. Cyber warfare and IHL | 5 hrs | Do | Do | Do |

Reading Materials:

- Shrestha, Tejman. "Human Rights Violation during the United Nations Peace Keeping Mission: Who is Accountable?" *Nepal Law Review*. Vol. 26, Nos. 1 & 2. (2016)
- Cameron, Lindsey. "Private Military Companies: Their Status under International Humanitarian Law and its Impact on their Regulation". *International Review of the Red Cross*. Vol. 88. No. 863. (2006)
- Case Concerning the Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. Judgment of 19 Dec. (2005)
- Cockayne, James. "The Global Reorganization of Legitimate Violence: Military Entrepreneurs and the Private Face of International Humanitarian Law". *International Review of the Red Cross*. Vol. 88. No. 863. (2006)
- Droege, Cordula. "Get off my cloud: cyber warfare, International humanitarian law, and the protection of civilians." *International Review of Red Cross*. Vol. 94. No. 886. (2012)
- Lin, Herbert. "Cyber conflict and international humanitarian law". *International Review of Red Cross*. Vol. 94. No. 886. (2012)
- Casey- Malse Stuart. "Pandora's box? Drone strikes under *Jus ad bellum*, *jus in bello* and international human rights law". *International Review of Red Cross*. Vol. 94. No. 886. (2012)

- Bandi, Govinda Sharma et. al. *Transitional Justice and Right to Remedy: Supreme Court Jurisprudence in Nepal*. Kathmandu: International Commission of Jurists. (2013)
- Cassese, Antonio. *International Criminal Law* (2nd ed.), Oxford: Oxford University Press. (2008)
- Cryer, Robert et al. *International Criminal Law* (2nd ed.). Cambridge University Press. (2010)
- Fleck, Deter. *The Hand Book of International Humanitarian Law* (2nd ed.). Oxford: Oxford University Press. (2008)
- Frits, Kalshoven and Liesbeth Zegveld. *Constraints on Waging of War: An Introduction of International Humanitarian Law* (4th ed.). International Committee of Red Cross. (2011)
- Harland, Christopher (ed.). *Basic Documents on International Humanitarian Law- South Asia Collection* (3rd ed.). International Committee of Red Cross. (2012)
- Haug, Hans. *Humanity for All: International Red Cross and Red Crescent Movement*. Henry Dunant Institute. (1993)
- Mani, V.S. (ed.). *Hand Book of International Humanitarian Law in South Asia*. Oxford: Oxford University Press. (2007)
- Maybee, Larry et al. *International Humanitarian Law: A Reader for South Asia*. Delhi: International Committee of Red Cross. (2007)
- Melzer, Nils. *Direct Participation in Hostilities*. International Committee of Red Cross. (2009)
- Melzer, Nils. *International Humanitarian Law: A Comprehensive Introduction*. International Committee of Red Cross. (2016)
- Sassoli, Marco et al., *How Does Law Protect In War*. (3rd ed.). Vol. I, II, III. International Committee of Red Cross. (2011)
- Slye, Ronald C. and Beth Van Schaack. *International Criminal Law*. Wolters Kluwer. (2009)
- Vincent, Bernard (ed.). "Humanitarian Debate: Law, Policy, Action, The Evolution of Warfare". *International Review of Red Cross*. Vol. 97. No. 900. Cambridge University Press ICRC. (2015)
- Want, Tirth Raj (Translated). *Antarrastriya Manaviya Kanoon Ka Vividh Pakshya: Ek Adhyayan*. Kathmandu: International Committee of Red Cross. (2063 B.S.)

Commercial Law - III

Course Title: Commercial Law- III (Laws on Foreign Investment and Arbitration)

Course Code: Law 175

Duration of the Course: 48 hrs

Semester: Third

Nature: Optional

Period per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

This course is divided into five units which cover introduction, historical development of foreign investment and foreign investment laws, foreign investment concerning to the investor of host state and the dispute settlement mechanism

Course Objective:

The goal of this course is to acquaint students regarding the changing dimensions of foreign investment and technology transfer laws. In addition to this, students will also evaluate on the importance and role of arbitration for dispute settlement of investment and commercial issues. This course offers an analysis of the key issues and development of investment laws and balancing interest of investor and host country. It also assesses various laws, policies, reforms including national and international instruments relating to foreign investment. Students will be encouraged to adopt analytical modes of study on investment jurisprudence and international case laws. It also enables the students to analyze various contemporary investment issues relating to arbitration and dispute settlement mechanism.

Unit - I
Introduction and Historical Development of Foreign Investment and Foreign Investment Laws

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|---|--|
| To enable the students to understand and explain the theoretical and practical aspects of Foreign investment, types, historical development and realization about the importance of foreign investment in local and international perspective and their regulation under national and international instruments. | <p>Meaning and definition of Foreign investment Types of foreign investment. (FDI, FII, Port Folio Investment) Importance, Risk and benefits of foreign investment</p> <p>Historical development of foreign investment and foreign investment law</p> <p>- Concept of globalization, liberalization & Privatization.</p> <p>International History:</p> <ol style="list-style-type: none"> i. The Colonial period ii. The post colonial period iii. International instruments to Regulate Foreign Investment. iv. The Havana Charter of 1948 v. -The UN Declaration on Permanent Sovereignty over Natural Resources, ---- -Attempts to Develop the Law through the New International Economic Order, The 1974 Charter of Economic Rights and Duties of States, The UN Draft Code of Conduct for Transnational Corporations <p>a. Nepalese history:</p> <ol style="list-style-type: none"> i. Constitutional and Legislative development of investment laws in Nepal ii. Policies and plans relating to foreign investment in Nepal iii. Importance and challenges of foreign investment in Nepal | 14 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Alvarez, José E. *The Public International Law Regime Governing International Investment*. The Hague: Hague Academy of International Law. (2011)
- Delaume, G.R. *Transnational Contracts: Applicable Law and Settlement (A study on Conflict Avoidance)*. New York, Dobbsferry: The Parker School of Foreign and Comparative Law, Oceana Publication Inc. (1978)
- Dolzer, Rudolf, and Christoph Schreuer. *Principles of International Investment Law* (2nd ed.). Oxford: Oxford University Press. (2012)
- Fouchard, Gillard. *Goldmanon International Commercial Arbitration*. The Hague: Kluwer Law International.
- Gaja, G.(ed.). *International Commercial Arbitration*. New York, Dobbs Ferry. New York Convention Oceana Publication. (1978)
- Muchlinski, Peter, Federico Ortino, and Christoph Schreuer (ed.). *The Oxford Handbook of International Investment Law*. Oxford: Oxford University Press. (2008)
- Nicholas, Angelet. *Foreign Investment*. Oxford UP. (2014).
- Nyaupane, Gunanidhi (Prof.). "Privatization". *Annual Survey of Nepalese Law*. Kupondole, Lalitpur: Nepal Bar Council. (2016)
- Sornarajah, M. *International Law on Foreign Investment*. Cambridge University Press. (2010)
- Stiglitz, Joseph E. *Making Globalization Work*. (2006)
- Subedi, Surya (Prof.). *International Investment Law: Reconciling Policy and Principle*. Oxford. (2008)
- Swami, D. *Multinational Corporations and the World Economy*. New Delhi. (1980)

Unit - II Foreign Investment Concern and Control Mechanism

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|---|--|
| To enable the students to understand and explain the theoretical and practical aspects about the risk and legitimate expectations of foreign investment, regulatory powers of host state of Foreign investment and protection mechanism of foreign investment. | <p>Risk and Legitimate Expectations of Foreign Investor,</p> <p>Regulatory Powers of host state and regulatory measures,</p> <p>Regulatory Powers and the Protection Under Investment or State Contracts</p> <p>Fair and Equitable Treatment, The Extent of Protection under the MFN Clause,</p> <p>a. The Notion of International Public Policy and Investment Protection</p> <p>Bilateral and Multilateral Instrument relating of Foreign Investment.</p> <p>b. Mechanism for protecting interest of foreign investor and their right to repatriate the investment.</p> | 14 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Baxi, P.M. *Law on Technology Transfer*. New Delhi. (1994)
- Correa, C and Kumar N. *Protecting Foreign Investment Implications of a WTO Regime and Policy Options*. New Delhi. AF. (2003)

Unit - III Technology Transfer and Intellectual Property Rights

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|--|---|--|
| To enable the students to understand and explain the theoretical and practical aspects of technology transfer, technology agreement and protection of intellectual property rights regimes. | <p>a. Meaning nature and importance of technology transfer, features of technology transfer agreement</p> <p>b. Forms and Commercialisation of Intellectual Property Rights</p> <p>c. Intellectual Property Rights in the Cyber World</p> <p>d. Intellectual Property Rights as Human Right</p> <p>e. Protection and remedial mechanism of IPR under national and international laws.</p> | 10 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Brainbridge, D. *Intellectual Property* (Indian Reprint). (2003)
- Chitrakar, R.C. *Foreign Investment in Nepal*. Kirtipur, Kathmandu: CEDA. (1986)
- Cornish, W.R. *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*. London: Sweet and Maxwell. (1997)
- Correa, C and N. Kumar. *Protecting Foreign Investment Implications of a WTO Regime and Policy Options*. New Delhi. (2003)

Unit - IV Commercial Arbitration and Conciliation/Mediation

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|---|--|
| 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 conciliation/ mediation | <p>Concept of ADR in Commercial Disputes, Development of Different ADR Mechanisms, Norms and Practices of Arbitration.</p> <p>National laws and rules and international rules of commercial arbitration including UNCITRAL Model law and Rules ICC, ICSID, LCIA and other Frameworks of International Commercial Arbitration</p> <p>Recognition and Enforcement of Foreign Arbitral Awards in Nepal and elsewhere.</p> <p>Judicial responses and practices on arbitration matters.</p> | 10 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Carr and Kidner. *Statutes and Conventions on International Trade law*. London: CPL. (1993)
- Chapman, M.J. *Commercial and Consumer Arbitration Statutes and Rules*. London. (1997)
- Chapman, M.J. *Commercial and Consumer Arbitration Statutes and Rules*. London. (1997)
- Chowdhury and Saharay. *Law of Arbitration & Conciliation*. New Delhi: Eastern Law House. (1996)
- Chowdhury and Saharay. *Law of Arbitration and Conciliation*. New Delhi: Eastern Law House. (1996)
- Collins. *The Law Governing the Agreement and Procedure in International Arbitration in England*.

- Hirsch, M. *The Arbitration Mechanism of the ICSID*. London: International Arbitration Law Library, Martinus Nijhoff Publication. (1993)
- Redfern and Hunter. *Law and Practice of International Commercial Arbitration*. (1986)
- *Russel on Arbitration*. London: Maxwell
- Sanders, P. *The Work of UNCITRAL on Arbitration and Conciliation* (2nd ed.). The Hague: Kluwer Law International. (2004)

Criminal Law - III

Course Title: Criminal Law-III (Criminology)
 Course Code: Law 176
 Duration of the Course: 48 hrs
 Semester: Third
 Nature: Optional

Period Per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description

Criminal Law-III (Criminology) presents an overview of criminology, explaining its nature, scope and causes of crime. This part critically focuses on the subject of organized crime as well as concept of Juvenile Delinquency.

Course objectives

The purpose of this course is to train the students for professional practice, academic instruction and/or further research in Criminology. The objectives of the course are 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 human resource to deal with organized crime for its prevention.
- To familiarize the students with the underlying principles of Juvenile Delinquency and its preventive approach.

Unit - I

Introduction of the Subject of Criminology

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|---|--|
| To impart the knowledge on nature, scope and study 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:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr Bhattarai. *Criminology Penology* (1st ed.). Kathmandu: Bhrikuti Academic Publications. (2012)

- Adler, Freda, Gerhard O. W. Muller and William S. Laufer. *Criminology*. McGraw-Hill, Inc. (1991)
- Burke, Roger Hopkins. *An Introduction of Criminological Theory* (4th ed.). Routledge.
- Lilly, J. Robert Francis T. and Richard A. Ball. *Criminological Theory: Context and Consequences* (5th ed.).
- Mainali, Laxmi Prasad. "Criminology: A Brief Study". Prerana, Maharajgunj, Kathmandu: National Police Academy. (2014)
- McLaughlin, Eugene and John Muncie. *Criminological Perspectives: Essential Readings* (3rd ed.).
- Pranjape, Prof. N.V. *Criminology and Penology with Victimology* (15th ed.) Allahabad, India: Central Law Publications. (2010)
- Qadari, S.M.A. *Ahmad Siddique's Criminology and Penology* (6th ed.). Lucknow: Eastern Book Company. (2009)
- Reid, Sue Titus. *Crime and Criminology*. McGraw Hill Higher Education Group Inc. (1997)
- Schmallegger, Frank (Ph.D.). *Criminology Today: An Integrative Introduction* (4th ed.). New Jersey: Pearson Prentice Hall. (2006)
- Srivastava, Surendra Sahai (Dr.). *Criminology, Penology and Victimology* (4th ed.). Allahabad: Central Law Agency. (2012)

Unit - II

Theoretical Development of Criminology

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|-------------|------------|------------|
| To impart the knowledge on theoretical development of criminology. | 2.1 Pre-classical, Classical and Neo-classical Schools of Criminology 2.2 Biological Theories 2.3 Psychological Theories 2.4 Sociological Theories | 10 hrs | Do | Do | Do |

Reading Materials:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr Bhattarai. *Criminology Penology* (1st ed.). Kathmandu: Bhrikuti Academic Publications. (2012)
- Adler, Freda, Gerhard O. W. Muller and William S. Lauer, *Criminology*. McGraw-Hill, Inc. (1991)
- Burke, Roger Hopkins. *An Introduction of Criminological Theory* (4th ed.). Routledge.
- Lilly, J. Robert, Francis T. and Richard A. Ball, *Criminological Theory: Context and Consequences* (5th ed.).

- McLaughlin, Eugene and John Munci. *Criminological Perspectives: Essential Readings* (3rd ed.).
- Pranjape, N.V. (Prof.). *Criminology and Penology with Victimology* (15th ed.). Allahabad, India: Central Law Publications. (2010)
- Qadari, S.M.A. *Ahmad Siddique's Criminology and Penology* (6th ed.). Lucknow: Eastern Book Company. (2009)
- Reid, Sue Titus, Prescribed, *Crime and Criminology*. McGraw Hill Higher Education Group Inc. (1997)
- Schmallegger, Frank (Ph.D.). *Criminology Today: An Integrative Introduction* (4th ed.). New Jersey: Pearson Prentice Hall. (2006)
- Srivastava, Surendra Sahai (Dr.). *Criminology, Penology and Victimology* (4th ed.). Allahabad: Central Law Agency. (2012)
- Williams, Katherine. *Textbook on Criminology*. London: Blackstone Press. (2001)

Unit - III Organized Crime

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|-------------|------------|------------|
| To impart the 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 Drugs Trafficking 3.4.2 Arms Trafficking 3.4.3 Human Trafficking 3.4.4 Smuggling 3.4.5 Money Laundering 3.5 Situation of Organized Crime in Nepal | 10 hrs | Do | Do | Do |

Reading Materials:

- Adler, Freda, Gerhard O. W. Muller and William S. Laufer. *Criminology*. McGraw-Hill. Inc.(1991)
- Mainali, Dhurba. "Combating Money Laundering in Nepal: Problems and its Possible Solution". *Kanoon*. No. 104. Kathmandu: Lawyer's Club. (2071 B.S)
- Parajuli, Ramesh, " Human Trafficking : A Transnational Organized Crime Under Nepalese Context". *Nyayadoot*, No. 174. Kathmandu: Nepal Bar Association. (2065 B.S.)
- Paudel, Bibek Kumar. "Organized Crime: Law and Praxis in Nepal". *Nepal Law Review*. Vol. 23. Kathmandu: Nepal Law Campus. (2011)

- Pradhan, Ramesh Raj. "Historical Development of Narcotic Drugs Law". *LL.M. Journal*. Vol.1. Kathmandu: L.L.M. Students' Forum. Nepal Law Campus. (2009)
- Pradhan, Ramesh Raj. "Narcotic Drugs a Symbol of Human Disaster". *Pokhara Law Review*. Vol. 1, Pokhara: Faculty of Law, Prithivi Narayan Campus. (2010)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Balram Prasad Raut. "Nepalese Experience of Organized Crime: An Appraisal". *Nepal Law Review*. Vol.23. Kathmandu: Nepal Law Campus. (2011)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Narayan Prasad Paudel. "Drugs Abuse: A Global Problem and Legislative Concern." *Nepal Law Review*. Vol. 24. Kathmandu: Nepal Law Campus. (2012)
- Pranjape, N.V. (Prof.). *Criminology and Penology with Victimology* (15th ed.). Allahabad, India: Central Law Publications. (2010)
- Qadari, S.M.A.. Ahmad Siddique's. *Criminology and Penology* (6th ed.). Lucknow: Eastern Book Company. (2009)
- Reid, Sue Titus. *Crime and Criminology*. McGraw Hill Higher Education Group Inc. (1997)
- Schmallegger, Frank (Ph.D.). *Criminology Today: An Integrative Introduction* (4th ed.). New Jersey: Pearson Prentice Hall. (2006)
- Tripathee, Rewati Raj and Somkanta Bhandari,. "An Assessment of Legal Framework to Combat Organized Crimes in Nepal". *Prosecution Journal*. Vol.3. Kathmandu: Office of the Attorney General. (2016)
- Williams, Katherine. Text-book on *Criminology*. London: Blackstone Press. (2010)

Unit - IV

Juvenile Delinquency and its Treatment and Prevention

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To give in depth knowledge on different aspects of Juvenile Delinquency and its Treatment and Prevention | 4.1 Introduction to the Concept of Delinquency 4.2 Theories of Delinquency 4.3 Causative Factors of Delinquency 4.4 National and International Policy and 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 | 18 hrs | Do | Do | Do |

Reading Materials:

- Bynum, Jack E. and William E. Thompson. *Juvenile Delinquency: A Sociological Approach* (4th ed.). London: Allyn and Bacon. (1999)
- CeLRSD. *Baseline Survey on Juvenile Justice System in Nepal*. Kathmandu: Center for Legal Research and Resource Development. (2010)
- Champion, Dean J. *The Juvenile Justice System: Delinquency, Processing and the Law* (2nd ed.). New Jersey: Prentice-Hall, Inc. (2004)
- Cunnen, Chris, and Rob White. *Juvenile Justice: Youth and Crime in Australia* (3rd ed.). South Melbourne: Oxford University Press. (2007)
- Hansaria, Vijay and P.J. Jose (eds.). *Juvenile Justice System Along with Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules, 2007*. New Delhi: Universal Law Publishing Co. (2010)
- Joshi, Narayan. *Law Relating to Juvenile Justice (Care and Protection of Children) Act, 2000* New Delhi: Kamal Publishers. (2011)
- KSL. *Juvenile Justice System in Nepal*. Bhaktapur: Kathmandu School of Law. (2003)
- Kumari, Ved. *The Juvenile Justice System in India From Welfare to Right* (2nd ed.). New Delhi: Oxford University Press. (2010)
- Mainali, Laxmi Prasad (Dr.). *Concept and Theory of Juvenile Delinquency* (1st ed.). Kathmandu: Pairavi Prakashan. (2016)
- Mainali, Laxmi Prasad (Dr.). *Juvenile Justice System in Nepal* (1st ed.). Kathmandu: Pairavi Prakashan. (2016)
- Mainali, Laxmi Prasad. "Juvenile Delinquency within the Periphery of Concept". *Nyayadoot*, No. 196. Kathmandu: Nepal Bar Association. (2068 B.S.)
- Mainali, Laxmi Prasad. "Juvenile Delinquency: Its Treatment and Prevention". *Nyayadoot*, No. 175 Vol. 3. Kathmandu: Nepal Bar Association. (2065 B.S.)
- Mainali, Laxmi Prasad. "Hard Laws on Juvenile Justice: An Overview". *Nepal Law Review*, Vol. 22. Kathmandu: Nepal Law Campus. (2010)
- Mainali, Laxmi Prasad. "Juvenile Delinquent: An Overview". *Nyayadoot* (English Special Issue), Year 42, No. 199. Kathmandu: Nepal Bar Association. (2012)
- Mainali, Laxmi Prasad. "Nepalese Laws on Juvenile Justice: An Overview". *Nyayadoot*, No. 190. Kathmandu: Nepal Bar Association. (2067 B.S.)
- Martin, Gus. *Juvenile Justice: Process and Systems*. New Delhi: Sage Publications. (2005)
- Niraula, Shanta (Prof. Dr.). Sandesh Dhakal and Rom Thapa (ed.). *Child Psychology and Juvenile Delinquency*. Kathmandu: Central Department of Psychology, Tribhuvan University and Lalitpur: Juvenile Justice Co-ordination Committee. (2016)

- PPR Nepal. *A Critical Analysis of Juvenile Justice System in Nepal* (1st ed.). Kathmandu: Forum for Protection of People's Rights, Nepal.
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Laxmi Prasad Mainali et al. (ed.). *Children Rights and Justice in Nepal* (1st ed.). Kathmandu: Criminal Law Subject Committee, Faculty of Law, Tribhuban University and Lalitpur: Central Child Welfare Board. (2012)
- R.N. Choudhry's *Law Relating to Juvenile Justice in India* (3rd ed.). New Delhi: Orient Publishing Company. (2009)
- Regoli, Robert m. and John. D. Hewitt. *Delinquency in Society* (6th ed.). McGraw-Hill. (2006)

Nepalese Environmental Law - I

Course Title: Nepalese Environmental Law-I
 Course Code: Law 177
 Duration of the Course: 48 hrs
 Semester: Third
 Nature: Optional

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

This course is designed to familiarize students with legal and judicial approaches to environmental law in Nepal. It focuses on different contemporary issues and problems in the field of environmental law. The implementation of Multilateral Environmental Agreements (MEAs) in the context of Nepal will also be examined.

Course Objectives:

- To impart the knowledge on contemporary environmental law of Nepal.
- To produce environmental law Experts for fulfilling the growing needs and interests of the country.
- To produce environmental law experts in dealing with the issues and problems relating to environmental protection.

Unit - I

Introduction to Environmental Law in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|--|---|
| To familiarize students with the evolution of environmental laws of Nepal. | 1.1 General Introduction 1.2 Environmental Protection in Ancient, Medieval and Modern period of Nepal. 1.3 Structure and Division. 1.4 Approaches to Environmental Justice. 1.5 Constitutional Safeguard to Environment | 10 hrs | Lecture/ Socratic method Discussion and paper presentation by students. | Textbooks, articles, selected cases, seminar papers and others reference materials, Overhead projector, power point etc. | 50% internal assessment (oral and/ or written assessment, reading quiz, presentation, class participation, and home assignment) and 50% external assessment (through final exam). |

Reading Materials:

- Belbase, N. et al. *Environmental Justice and Rural Communities Studies from India and Nepal*. IUCN Nepal. (2007)
- Belbase, N. et al. *The Implementation of International Environment Law in Nepal*. IUCN Nepal. (1997)
- Boer, B. et al. *International Environmental Law in the Asia pacific*. Kluwer Law International. (1998)
- Bowers, C.A. *Educating for Eco-Justice and Community*. The University of Georgia Press. (2001)
- Cha, J.M. *Increasing Access to Environmental Justice-A Resource for Advocacy and Legal in SouthAsia*. ICIMOD. (2007)
- Craig, D.G. et al. (ed.). *Capacity Building for Environmental Law in the Asian Pacific Region: Approach and Resource* (2nd ed.). Vol. I and II. ADB. (2003)
- Dwivedi, O.P. et al. (ed.). "Environmental Protection in the Hindu Religion". *World Religion and the Environmental*. New Delhi: Gitanjali Publishing House. (1989)
- Pant, A.P. (Dr.) et al. (ed.). *Nepal Law Review* (Environment Law Special Issue). Vol.15. No.1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Pant, A.P. (Dr.). "Recognitions and Provisions on Green Constitutional Jurisprudence". *Kanoon*. No.100. Kathmandu: Lawyers Club, Nepal. (2013)
- Pant, A.P. (Dr.). "Environmental Law in Nepal: An Overview". *Annual Survey of Nepalese Law*.
- Pant, A.P. (Dr.). "Legal Protection of Environment in Nepal: Historical Perspectives". *Nyayadoot*. Vol. 74. No.5. Year 24. Kathmandu: Nepal Bar Association. (1993)
- Pant, A.P. (Prof. Dr.). *A Research Report on Clean and Hygienic Environment under the Nepalese Law: Human Rights Perspectives*. Faculty of Law, T.U. (2003)
- Sapkota, T.P. (Dr.). "The Role of Judiciary in Promoting Environmental justice: Nepalese Perspective". *Nepal Law Review*. Vol.18. No. 1 and 2. Kathmandu: Nepal Law Campus. (2005)
- Sapkota, T.P. (Dr.). "Environmental Justice and Nepalese Laws: An Appraisal". *Nyayadoot* (English Special Issue). No.158. Year 36. Kathmandu: Nepal Bar Association. (2006)
- Sapkota, T.P. (Dr.). "Environmental Provision under the Interim Constitution of Nepal, 2007: An Appraisal". *Nepal Law Review*. Vol. 22. No. 1 and 2. Kathmandu: Nepal Law Campus. (2010)
- Sapkota, T.P. (Dr.). "Environmental Rights and Duties of Citizens: Analysis from the Standpoint of the Nepalese Constitution". *Nyayadoot*. No.124. Kathmandu: Nepal Bar Association. (2001)

- Sapkota, T.P. (Dr.). *Report on Reconciling of the Environment Laws of Nepal with the Multilateral Environment Agreements to Which Nepal is a Party.* HMG/UNDP Strengthening the Rule of Law Programme (NEP/00/011). (2004)
- Sapkota, T.P. (Prof. Dr.). "The Role of Religions and Culture for the Protection of Environment". *Environmental Law Journal*. Vol.1. No.1. Kathmandu: Environmental Development and Conversation Legal Forum. (2016)
- Sapkota, T.P. (Prof. Dr.). *Legal and Judicial Approach of Environmental Justice in Nepal* (2nd ed.). Kathmandu: Integrated Law Firm and Consultancy Pvt. Ltd. (2014)
- Sijapati, B.S. (Dr.). *Environmental Protection-Law and Justice*. Kathmandu: Pairavi Prakashan. (2012)
- Wangxi et al. *Environmental Law in Developing Countries Selected Issues*. IUCN Environmental Policy and Paper No.43. (2001)

Unit - II Biodiversity Laws in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|-------------|------------|------------|
| To provide in depth knowledge about biodiversity related Nepalese legal provisions. | 2.1 General Introduction 2.2 Protection and Conservation of Natural Heritage 2.3 Conservation of Forest Resources 2.4 Protection and Conservation of Protected Areas 2.5 Conservation of Wild and Aquatic Life and their Habitation 2.6 Protection and Conservation of Land Resources 2.7 Conservation of wetlands 2.8 Protection of Fresh Water Resources 2.9 Protection and Conservation of Genetic Resources or Genetically Modified Organism (GMOs) & Living Modified Organisms (LMOs) and Bio-Safety. | 20 hrs. | Do | Do | Do |

Prescribed Court Cases :

- *Bal Krishna Neupane vs. G.P. Koirala* (Tanakpur Case). SCB. Year 1. No.11. (1993)
- *Mohan Thapa vs. District Forest Office Morang et al.* Writ No.141. 2000 (2057 B.S.). Decision Date: Jestha 28, 2058 B.S.
- *Narayan Devkota vs. Office of the Prime Minister and Council of Ministers et al.* Writ No. 066-Wo-052 (2066 B.S.). Decision Date: 2067.04.21 B.S.

- *Surya Dhungel et al. vs. Godavari Marble Industries et al.* SCB. Year 4. No.25. (1996)

Reading Materials:

- Adhikari, A.P. *Urban and Environmental Planning in Nepal Analysis, Policies and Proposal*. IUCN Nepal. (1998)
- Aryal, R.S. *CITES Implementation in Nepal and India-Law, Policy and Practice*. Kathmandu: Bhrikuti Academic Publications. (2004)
- Belbase, N. *National Implementation of the Convention on Biological Diversity*. IUCN Nepal. (1999)
- Bhandari, S. "Intellectual Rights over Biological Knowledge: Significance of Documentation and Property Rights and Resources and Traditional Registration of Biological Resource and Knowledge in Nepal". *Nyayadoot*. No 134. Kathmandu: Nepal Bar Association. (2003)
- Bhattarai, A.M. (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 and 2. Kathmandu: Nepal Law Campus. (2003)
- Bhattarai, A.M. (Dr.). *Protection of Himalayan: International Law and Regional Framework*. Kathmandu: Mandala Book Point. (2010)
- Gyawali, D. *Water in Nepal*. Himal Books and Panos South Asia, Nepal. (2001)
- 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)
- Jeffrey, M.I. (QC). "Bio Prospecting: Access to Genetic Resource and Benefit Sharing under the Convention on Biodiversity and the Bonn Guidelines". *Singapore Journal of International Comp. Law*. Vol.6. (2002)
- Joshi, A.R. et al. (ed.). *Environmental Management and Sustainable Development at the Cross-Road*. Kathmandu: Ankus. (2003)
- Karki, B.B. (Prof. Dr.). "Bio Processing: 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. No. 1 and 2. Kathmandu: Nepal Law Campus. (2003)
- Lamsal, M.M. "Legislative Obligation under the Biodiversity Convention to Nepal". *Nyayadoot*. No.117. Kathmandu: Nepal Bar Association. (2001)
- Natural Science Museum. T.U./IUCN. *Protected Wild Lives and Plants of Nepal: An Introduction to the Context of CITES*. (2001)
- Oli, K.P. *Areas in Collaborative Management of Protected Asian Region*. IUCN Nepal. (1999)

- Pant Amber Prasad (Dr.). "Some Basic Aspects of Water and Principles Regarding International Water Courses". *Nyayadoot*. No.88. Kathmandu: Nepal Bar Association. (1996)
- Pant Amber Prasad (Dr.). Review of Bilateral Treaties of Nepal and India on Nepal's Transboundary Water Resources. *Nyayadoot*. No.108. Kathmandu: Nepal Bar Association. (1999)
- Pant Amber Prasad (Prof. Dr.). "Environmental Security, Forest Conservation and National Security". *Kanoon*. No 95. Kathmandu: Lawyer's Club, Nepal. (2012)
- Pant, A.P. (Dr.) at al. (ed.). *Nepal Law Review* (Environmental Law Special Issue). Vol.15. No. 1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Pant, Amber Prasad (Prof. Dr.). "A Legal and Policy Framework on Nepal's River Water: Domestic and Bilateral Perspective". *Kanoon*. No.95. Kathmandu: Lawyer's Club, Nepal. (2012)
- Pant, Amber Prasad (Prof. Dr.). "A Legal and Policy Framework on Nepal's River Water: Domestic and Bilateral Perspective". *Kanoon*. No 95. Kathmandu: Lawyer's Club, Nepal. (2012)
- Pant, Amber Prasad (Prof. Dr.). "Nepal's Legal Initiatives on Land Use for Sustainable Development". *Land Use Law for Sustainable Development*. IUCAN Academy of Environmental Law Research Studies, Cambridge University Press. (2006)
- Parth, A.P. (Dr.). *A Research Report on a Legal Framework of Biodiversity Conservation in Nepal*. Kathmandu: Faculty of Law, TU. (1998)
- Pokharel, D.M. *Legal Aspects of Biodiversity Conservation*. Kathmandu: Udaya Books. (2000)
- Pro-Public. *Collection of Environmental Protection Related Cases (Batabarana Samrakchan Sambandhi Muddharuko Sangalo)*. (2057 B.S)
- Sapkota, T.P. (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)
- Sharma, U.R. et al. (ed.). *Peoples and Protected Areas in South Area*. Himalaya Foundation. (2005)
- Shrestha, T.B. *Nepal Country on Biological Diversity*. IUCN. (1999)
- Siwakoti' Chintan', G. "Linking the Rivers Delinking the Relations". *Praxis Journal*. Vol. 1. No. 1. Dhaka. (Oct-Dec. 2003)
- Siwakoti' Chintan', G. "The Shelving of Arun III in Eastern Nepal". *Encyclopedia of Sustainability: Successful Campaigning against Large Dam*. Both ENDS. Amsterdam at www.bothends.org
- Society for Conservation Biology in Asia. *Action Conservation Biology in Asia*. Kathmandu, Nepal: Himalayan Foundation. (2006)
- Subba, B. *Himalayan Waters: Promise and Potential Problems and Politics*. Panos South Asia. (2001)

- Subedi, S.P. "Access to Environmental Justice in a Politically Unstable Environment: A Case Study of Nepal". *Access to Environmental Justice: A Comparative Study*. The Hague: Brill/MartinusNijhoff (2007)
- UNDP/ICIMOD. *Ecological Cooperation for Biodiversity Conservation in the Himalaya*. New York: UNDP. (1998)
- UNEP. Agenda 21. (1992)

Unit - III

Cultural Heritage Laws in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|-------------|------------|------------|
| To provide basic knowledge about cultural heritage laws of Nepal. | 3.1 Concept and General Introduction | 6 hrs | Do | Do | Do |
| | 3.2 Tangible and Intangible Cultural Heritage | | | | |
| | 3.3 Recent Trends | | | | |

Reading Materials:

- Amatya, S. *Water and Culture*. Kathmandu: Nepal Drinking Water Corporation. (2003)
- GON. *Inventories of World Heritage Sites of Nepal*. Government of Nepal, Department of Archeology
- Sapkota, T.P. (Dr.). "Legal Aspects of the Cultural Heritage Preservation: Nepalese Perspective". *Nyayadoot* (English Special Issue). Vol.6. No.129. Year 32. Kathmandu: Nepal Bar Association. (2002)

Unit - IV

Pollution Control Laws in Nepal

| Objective | Contents | Time Allotted | Inst. Tech | Inst. Mat | Eva. Teah |
|---|--|---------------|------------|-----------|-----------|
| To analyze critically on the concept and kinds of pollution and prevailing laws of Nepal for pollution control with a brief reference to India. | 4.1 Concept | 12 hrs | Do | Do | Do |
| | 4.2 General Introduction | | | | |
| | 4.3 Water Pollution Control Laws | | | | |
| | 4.4 Air Pollution Control Laws | | | | |
| | 4.5 Land Pollution Control Laws | | | | |
| | 4.6 Food Adulteration/ Contamination Control Laws | | | | |
| | 4.7 Noise Pollution Control Laws | | | | |
| | 4.8 Visual Pollution Control Laws | | | | |
| | 4.9 Nepalese Laws on Climate Change and Depletion of Ozone Layer | | | | |

Prescribed Court Cases :

- *Bharat Mani Gautam vs. HMG Cabinet Secretariat* (Standard Setting for Vehicle). *SCB*. Vol. 223. No. 13. Year 1. (2001)
- *Bhoj Raj Aer vs. Ministry of Population and Environment* (Standard Setting for Water, Air and Noise). *SCB*. Vol. 235. No.1. Year 11. (2002)
- *Bhoj Raj Aer vs. Ministry of Water Resource* (Pollution Tolerance Limit Case). Writ No. 3005/1999 (2056 B.S.). Decided on Shrawan 12, 2058 B.S. (Unpublished)
- *EDCLF vs. Kathmandu Municipality et al.* (Vision Pollution Case). Writ No. 071-WO-0007. Decision Date: 2072.05.16
- *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. Prime Minister G.P. Koirala et al.* (Import of Indian Vehicle Case). *SCB*. Vol. 225. No.15. Year 10. (2058 B.S.)
- *Prakash Mani Sharma et al. vs. Board of Directors, Nepal Drinking Water Corporation.* *NKP*. Vol.43. No. 9 and 10. (2002)
- *Prakash Mani Sharma et al. vs. HMG Council of Ministers Secretariat et al.* (Detailed study should be made of bricks kiln of KTM 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 of Nepal. (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.8. Supreme Court of Nepal. (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.8. Supreme Court of Nepal. (2006)
- *Prakash Mani Sharma et al. vs. Ministry of Commerce and Supply.* (Lalitpur Stone-Crushing Case). *SCB*. Vol.39. No.6. Year 11. (1997)
- *Prakash Mani Sharma et al. vs. Ministry of Local Development et al.* (Dumping of Waste on the Riverbank). Writ No. 3440/2000 (2057 B.S.). Decided on Poush 2, 2058 B.S. (Unpublished)
- *Raja Ram Shrestha vs. HMG Cabinet Secretarial et al.* (Replacement of Diesel-Engine Three Wheeler by Petrol Engine Tempo Case). *SCB* Vol. 236 Year 11. No.2. (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.8. Supreme Court of Nepal. (2006).

- *Thaneshwar Acharya et al. vs. Brikuti Pulp and Paper Mills Ltd.* Writ No. 3058/2000 (2057 B.S.). Decided on Marga 19, 2058 B.S.

Reading Materials:

- Adhikari, P. "Environmental Protection Issues Related to Civil Aviation". *Nepal Law Review* (Environmental Laws Special Issues). Vol.15. No.1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Karki, S.B. "Water Pollution Control Laws and Judicial Approach". *Nepal Law Review* (Environmental Laws Special Issue). Vol.15. No. 1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Pant, A.P. (Dr.). "Policy and Legal Framework for Air Quality Management in Nepal". *Law Review*. Vol.20. Delhi. (1998)
- Sapkota, T.P. (Dr.). "Nepalese Laws on Brown Environmental Sector: An Overview". *Nepal Law Review*. Vol. 25. No.1 and 2. Kathmandu: Nepal Law Campus. (2013)

Jurisprudence - IV

Course Title: Jurisprudence-IV
 Course Code: Law 181
 Duration of the Course: 48 hrs
 Semester: Fourth
 Nature: Compulsory

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

This is compulsory course for LL.M. Fourth Semester. This Course is designed to communicate comprehensive nature of comparative Jurisprudence to the students. It imparts students the knowledge about the issues of Jurisprudence with reference to Formalism vs Pragmatism, Determinacy vs Indeterminacy, Cognitivism vs Non-Cognitivism, Semanticism vs Interpretivism and Law and Morality. Similarly, it provides students the knowledge about law and governance law and corruption control. Likewise, it also imparts knowledge about law, poverty and development with focus on basic human needs, measures for poverty alleviation, social security and law and sustainable development.

Course Objectives:

- The general objective of the course is to provide knowledge about the key issues of Jurisprudence, fundamental spirit of Law and Governance and new emerging trends on law, poverty and development.
- The specific objective of this course is to produce skilled and competent human resource with potential knowledge as deserved for good governance and develop expertise.

Unit - I

Issues of Jurisprudence

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|--|
| To provide Knowledge to the students on key issues of Jurisprudence | 1. Formalism Vs. Pragmatism 2. Determinacy Vs. Indeterminacy 3. Cognitivism Vs. Non-Cognitivism 4. Semanticism Vs. Interpretivism 5. Law and Morality | 18 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:

- Mukhia, Bal Bahadur. *Comparative Jurisprudence Part II*. Kathmandu: A and M Mukhia. (2015)
- Fuller, Lon L. *The Morality of Law*. New Delhi: Universal Law Publishing. (2009)
- Freeman, M.D.A. *Lloyd's Introduction to Jurisprudence*. London: Sweet and Maxwell. (2008)
- Stone, Julius. *Human Law and Human Justice*. Stanford: University Press. (1968)
- Patterson, Dennis (ed.). *A Companion to Philosophy of Law and Legal Theory*. UK: Blackwell Publishers. (1996)
- Cane, Peter and Conaghan Joanne (ed.). *The New Oxford Companion to Law*. New York: Oxford University Press. (2008)
- Dworkin, Ronald. *Taking Rights Seriously*. New Delhi: Universal Book Traders. (1996)
- Friedman, W. *Law in Changing Society*. London: Sweet and Maxwell. (1997)
- Baxi, Upendra. *The Crisis of Indian Legal System*. New Delhi: Vikas Publishing House. (1982)
- Cotterrell, Roger. *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy*. New Delhi: Oxford University Press. (2008)
- Reichard, Posner. *An Overcoming Law*. Harvard: University Press. (1995)

Unit - II

Law and Governance

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|--|---|
| To familiarize students with the issues of Governance and Corruption Control. | 1. Concept of Governance 2. Issues of Governance 3. Good governance 4. Law and corruption control | 15 hrs | Statutes, Cases, Books, Articles, Reports and Notes | Oral Question, Paper Presentation, Written Examination | Statutes, Cases, Books, Articles, Reports and Notes |

Reading Materials:

- Mathur, Kuldip. *From Government to Governance: A Brief Survey of Indian Experience*. Delhi National Book Trust, India. (2011)
- Baxi, Upendra. *The Crisis of Indian Legal System*. New Delhi: Vikas Publishing House. (1982)
- Huntington, Samuel P. *Political Order in Changing Society*. Delhi: Adarsha Books. (2006)

- Mathew, K.K. *Three Lectures*. Lucknow: Eastern Book Company. (1982)
- Pagare, G.K. *Political Science and Competitive Constitutional Law*. New Delhi: Cyber Tech Publication. (2010)
- Akhtiyar, Durupayog Anusandhan Aayog. *Bhrastrachar Niyantara Sambandhama Vayeka Sambaidanik tatha kanooni Byabastha*. Kathmandu: A.D.A.A. (2068 B.S.)
- *Bhrastrachar Biruddha Samyukta Rastra Sanghiya Mahasandhi*. A.D.A.A. (2067 B.S.)
- Thapa, Hari Bahadur. *Anatomy of Corruption*. Kathmandu: Publisher Sangita Thapa. (2002)

Unit - III Law, Poverty and Development

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|--|---|
| To acquaint students with human needs, poverty alleviation and issue of development. | 1. Concept of basic human needs and poverty 2. Measures for poverty alleviation 3. Poverty and social security 4. Poverty and Development 5. Law and Sustainable Development | 15 hrs | Statutes, Cases, Books, Articles, Reports and Notes | Oral Question, Paper Presentation, Written Examination | Statutes, Cases, Books, Articles, Reports and Notes |

Reading materials:

- Spicker, Paul. *The Idea of Poverty*. New Delhi: Rawat Publications. (2007)
- Graaff, Johann. *Introduction to Sociology: Poverty and Development*. Oxford University Press. (2003)
- Sen, Amarty. *Poverty and Famines*. New Delhi: Oxford University Press. (1982)
- Agarwal, A.N. and Singh S.P. *The Economics of Under Development*. USA: Oxford University Press. (1970)
- Sen, Amarty. *Development as Freedom*. Delhi: Oxford University Press. (2000)
- Escobar, Arturo. *Encountering Development: The Making and Unmaking of the Third World*. USA: Princeton University Press. (2012)
- Gautam, Vasker, Jagannath, Adhikari and Purna, Basnet. *Nepalma Garibko Bahas*. (in Nepali). Kathmandu: Martin Chautari. (2006)
- Seligson, Mitchell A and Smith John T. *Development and Underdevelopment: The Political Economy of Global Inequality*. New Delhi: Viva Books. (2010)
- Dahal, Madan K and Dev Raj, Dahal. *Environment and Sustainable Development*. Kathmandu: NEFAS and FLS. (2005)
- Bista, Dor Bahadur. *Fatalism and Development: Nepal's Struggle for Modernization*. Orient Longman Pvt Ltd. (2008)

Thesis

Course Title: Thesis
Course Code: Law 182
Duration of the Course: 96 hrs
Semester: Fourth
Nature: Compulsory

Period per Week: Four
Credit Hours: 6 Credits
Pass Mark: 50%
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 6 credits which will be evaluated by external examiner and students have to face viva-voce. Out of the 100 marks, 60 marks will be allotted for external examination and remaining 40 marks will be allotted for viva-voce. Out of 40 marks, 30 marks will be allotted to the expert and remaining 10 marks is allotted for HoD of the Central Department of Law.

Course Objective:

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 Fourth Semester which may be approved with or without modification.

The students shall have to prepare the Thesis under the guidance of supervisor. 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 loose binding copies of the Thesis to the Central Department of Law. Students shall have to defend viva-voce conducted by the Department and submit final report by incorporating the suggestions provided by the expert during viva-voce. Thesis must be prepared by applying the standard rule of citation and bibliography as instructed by the Central Department of Law.

Constitutional Law - IV

Course Title: Constitutional Law -IV (Federalism)
 Course Code: 183
 Duration of the Course: 48 hrs
 Semester: Fourth
 Nature: Optional

Period Per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

Federalism is a new form of government for the people of Nepal. They have not yet been experienced, exposed and engaged in this form of government. Federalism is a very complicated form of government. Three levels of government operate and administer the day to day life of the people. So this subject has to be properly understood and interpreted to ensure maximum benefit to the people of Nepal. The course deals with different levels of government and their interrelationship. It is meant to produce skilled human resource to guide the policy makers, law administrators and judges for ensuring harmony and justice to all. While dealing with the subject, comparative study will be done with similar provisions of the Constitutions of USA, India and Nepal.

Course Objectives:

The objectives of the course are as follows:

- To give an idea about the concept of federalism, kinds of federalism and different process of federalizations.
- To give critical knowledge about the way that federalism functions and the way it is designed to maintain unity in diversity in Nepal.
- To produce experts on concerned subject and to enable them to help citizens for solving their problems.
- To produce competent and capable human resource to work at policy making level.

Unit - I Introduction

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|---|--------------------------------|--|
| To give in depth and critical knowledge about the theoretical concept of federalism and its operational modalities in the context of USA, India and Nepal. To give the critical knowledge about the rationale and essential features of federal constitution. | 1. Meaning and Concept of federalism | 12 hrs | Lecture, discussions, question answers, case analysis | Text books and reference books | 1. Identification of essential features of federal constitution of United States of America, India and Nepal. 2. The assessment on the process of federalisation in the above countries. 3. Assessment of federal provisions in Nepal's Constitution |
| | 2. Essential features of federal constitution | | | | |
| | 3. Kinds of Federal constitutions | | | | |
| | 4. Process of federalisation (aggregation and disaggregation process) | | | | |
| | 5. Brief introduction to Basic features of Nepalese Federalism | | | | |

Readings Materials:

- Anderson, George. *Federalism: An Introduction*. Oxford University Press. (2008)
- Basu, D.D. *Comparative Federalism*. Nagpur: Wadhwa and Company. (2008)
- Burgess, Michael. *Comparative Federalism: Theory and Practice*. London: Routledge. (2006)
- Dicey, A.V. *An Introduction to the Study of the Law of the Constitution*. Delhi: Universal law Publishing Co.Pvt. Ltd. (2003)
- Friedrich, Carl.J. *Trends of Federalism in Theory and Practice*. New York: Praeger. (1968)
- Gyawali, Chandra Kanta. and Prakash A. Raj. *Federalism in the World*. (1st ed.). (2010)
- Hicks, Urshula K. *Federalism: Failure and Success: A Comparative Study*. London: Macmillan. (1978)
- Karki, Buddhi. and Rohan, Idrishina (ed.). *The Federalism Debate in Nepal*. UNDP/SPCBN. (2014)
- Loughlin, John et al. (ed.). *Routledge Handbook of Regionalism and Federalism*. Special Nepal Edition. London and New York: Routledge (2013)

- Strong, C.F. *Modern Political Constitutions*. London: EUBS. (1975)
- Verney, Douglas V. "Federalism: Federative System and Federations. The United States, Canada and India". *Publius: The Journal of Federalism*. (1995)
- Watts, Ronald W. *Comparing Federal Constitutions*. (3rd ed.). London: Mc Gill, Queen's University Press. (2008)
- Wheare, K.C. *Federal Government*. (4th ed.). London: Oxford University Press. (1963)

Unit - II

Legislative Division of Power

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|--|--|---|
| To give comparative knowledge on Legislative Division of Power in Different Federal constitutions vis a vis Federal constitution of Nepal | <ol style="list-style-type: none"> 1. Division of Legislative power in US constitution 2. Division of Legislative power in Indian Constitution 3. Division of Legislative power in Nepal constitution 4. Principles of conflict resolution in the field of legislation | 8 hr | Lecture, discussions, question answers, analysis of relevant cases from India and Nepal. | Text books, reference materials and cases. | Analysis of various legislative lists, their overlapping and conflicts. Case review and discussion on the method and principles applied to resolve the conflicts in India and other federal jurisdictions |

Readings Materials:

- Anderson, George. *Federalism: An Introduction*. Oxford University Press. (2008)
- Basu, D.D. *Comparative Federalism*. Nagpur: Wadhwa and Company (2008)
- Burgess, Michael. *Comparative Federalism: Theory and Practice*. London: Routledge. (2006)
- Friedrich, Carl.J. *Trends of Federalism in Theory and Practice*. New York: Praeger. (1968)
- Gyawali, Chandra Kanta. and Prakash A. Raj. *Federalism in the World*. (1st ed.). (2010)
- Hicks, Urshula K. *Federalism: Failure and Success: A comparative Study*. London : Macmillan . (1978)
- Karki, Buddhi. and Idrishina, Rohan. (ed.). *Participatory Constitution Making in Nepal: Issues of Process and Substance*. UNDP/SPCBN. (2014)

- Karki, Buddhi. and Rohan, Idrishina (ed.). *The Federalism Debate in Nepal*. UNDP/SPCBN. (2014)
- Loughlin, John et al. (ed.). *Routledge Handbook of Regionalism and Federalism*. Special Nepal Edition. London and New York: Routledge (2013)
- Tushnet, Mark. et al. (ed). *Routledge Handbook of Constitutional Law*. Special Nepal Edition. London and New York: Routledge (2013)
- Verney, Douglas V. "Federalism: Federative System and Federations. The United States, Canada and India". *Publius: The Journal of Federalism*. (1995)
- Watts, Ronald W. *Comparing Federal Constitutions*. (3rd ed.). London: Mc Gill, Queen's University Press. (2008)
- Wheare, K.C. *Federal Government*. (4th ed.). London: Oxford University Press (1963)

Unit - III

Center State Relations

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|---|--|---|
| To give the critical idea of power relation between Center and State | <ol style="list-style-type: none"> 1. Legislative relation between Center and Provinces 2. Administrative relation between Center and Provinces. 3. Financial relation between Center and Provinces 4. Comparison with Indian and US constitutional provisions and practices | 8 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 misuse and use of power and the remedies available for such problems under the constitutional law of Nepal |

Readings Materials:

- Anderson, George. *Federalism: An Introduction*. Oxford University Press. (2008)
- Basu, D.D. *Comparative Federalism*. Nagpur: Wadhwa and Company (2008)
- Burgess, Michael. *Comparative Federalism: Theory and Practice*. London: Routledge .(2006)
- Friedrich, Carl.J. *Trends of Federalism in Theory and Practice*. New York: Praeger. (1968)
- Gyawali, Chandra Kanta. and Prakash A. Raj. *Federalism in the World*. (1st ed.). (2010)

- Hicks, Urshula K. *Federalism: Failure and Success: A Comparative Study*. London: Macmillan. (1978)
- Karki, Buddhi. and Idrishina, Rohan. (ed.). *Participatory Constitution Making in Nepal: Issues of Process and Substance*. UNDP/SPCBN. (2014)
- Karki, Buddhi. and Rohan, Idrishina (ed.). *The Federalism Debate in Nepal*. UNDP/SPCBN. (2014)
- Loughlin, John et al. (ed.). *Routledge Handbook of Regionalism and Federalism*. Special Nepal Edition. London and New York: Routledge. (2013)
- Verney, Douglas V. "Federalism: Federative System and Federations. The United States, Canada and India". *Publius: The Journal of Federalism*. (1995)
- Watts, Ronald W. *Comparing Federal Constitutions*. (3rd ed.). Mc Gill. Queen's University Press (2008)
- Wheare, K.C. *Federal Government*. (4th ed.) London: Oxford University Press (1963)

Unit - IV Structure and Role of Judiciary in Nepalese Federalism

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|--|--|
| To give critical knowledge about the structure of judiciary and role of different levels of judiciary in ensuring and maintaining constitutionalism and division of power among different tiers of government of Nepal. | <ol style="list-style-type: none"> 1. Structure of judiciary in Nepal and its comparison with US 2. Constitutional bench vs Constitutional Court in federal context 3. Role of Supreme Court and High Court in Federal Nepal | 12 hrs | Lecture, discussions, question answers, case analysis | Text books, reference materials and cases. | Assessment on arbitral role of court in conflict between province and federal government, inter province disputes, disputes between province and local unit and inter local unit disputes. Evaluation of performance of constitutional bench in interpretation of federal constitution |

Readings Materials:

- Anderson, George. *Federalism: An Introduction*. Oxford University Press. (2008)
- Basu, D.D. *Comparative Federalism*. Nagpur: Wadhwa and Company. (2008)
- Burgess, Michael. *Comparative Federalism: Theory and Practice*. London: Routledge. (2006)
- Friedrich, Carl.J. *Trends of Federalism in Theory and Practice*. New York: Praeger. (1968)
- Gyawali, Chandra Kanta. and Prakash A. Raj. *Federalism in the World*. (1st ed.). Kathmandu: (2010)
- Verney, Douglas V. "Federalism: Federative System and Federations. The United States, Canada and India". *Publius: The Journal of Federalism*. (1995)
- Watts, Ronald W. *Comparing Federal Constitutions*. (3rd ed.). Mc Gill. Queen's University Press (2008)

Unit - V Unity in Diversity

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|--|--|
| To give in depth knowledge about the constitutional provisions and their use for protection of national unity, territorial integrity, national security. | 1. Constitutional powers of the central government to ensure national unity, territorial integrity and national security. | 8 hrs | Lecture, discussions, question answers, case analysis Observation trips and Field visit by the class (optional) | Text books, reference materials, articles and cases. | Assessment on changing perceptions in national interest and national values. |
| To give in depth idea about the constitutional design to promote and protect diversity of culture, language and religion of Nepal. | 2. Constitutional powers and responsibilities of Central Government, provinces and local units to preserve promote and guarantee the cultural, linguistic and religious diversity in Nepal | | | | |

Readings Materials:

- Anderson, George. *Federalism: An Introduction*. Oxford University Press. (2008)
- Basu, D.D. *Comparative Federalism*. Nagpur: Wadhwa and Company (2008)
- Burgess, Michael. *Comparative Federalism: Theory and Practice*. London: Routledge. (2006)
- Friedrich, Carl. J. *Trends of Federalism in Theory and Practice*. New York: Praeger. (1968)
- Gyawali, Chandra Kanta and Prakash A. Raj. *Federalism in the World*. (1st ed.). Kathmandu: (2010)
- Loughlin, John et al. (ed.). *Routledge Handbook of Regionalism and Federalism*. Special Nepal Edition. London and New York: Routledge. (2013)
- Verney, Douglas V. "Federalism: Federative System and Federations. The United States, Canada and India". *Publius: The Journal of Federalism*. (1995)
- Watts, Ronald W. *Comparing Federal Constitutions*. (3rd ed.). Mc Gill. Queen's University Press. (2008)
- Wheare, K.C. *Federal Government*. (4th ed.). London: Oxford University Press. (1963)

International Law - IV

Course Title: International Law-II (International Refugee Law)

Course Code: Law 184

Duration of the Course: 48 hrs

Semester: Fourth

Nature: Optional

Period Per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

Refugee Law as the specialization course gives the students in-depth knowledge of refugee status determination under the 1951 Convention and its Protocol and UNCHR's mandate, non refoulement, provisions of exclusion, cessation and cancellation of refugee status, Nepal's relevant legal framework, Bhutanese refugees, Tibetan refugees, urban refugees in Nepal, International Protection and Types of Protection, durable solution of refugee problems such as voluntary repatriation, local integration, third country resettlement, core concepts of internally displaced persons (IDPs), solutions of IDPs, relevant national, and international laws, IDPs in the context of Nepal, bases for citizenship and domicile, forms and causes of statelessness and case studies related to refugees in South Asia, Middle East, Europe and Africa.

Course Objective:

General objectives of the course are to impart knowledge and skill to students about refugee status determination, forced migration, Internally Displaced Persons (IDPs), provision of non-refoulement in international law, exclusion and cessation from refugee status, obligations of states to refugees without signing the 1951 Convention and its Protocol 1967, the relevant instruments ratified by Nepal, status of Bhutanese refugees, Tibetan and urban refugees, Nepal's Supreme Court cases and opinion relating to refugees, types of protection including the protection of refugee women, children, refugees with disabilities, persons of UNHCR's concern and responsibility sharing of international community, durable solution of refugee problems such as voluntary repatriation, third country resettlement and local integration including their rights, international and national laws and policies relating to IDPs, forms of statelessness, bases for citizenship and case related to refugees.

Specific objective of the course is to prepare specialized human resource in the field of refugee law who will be able to support refugees, IDPs, related governmental institutions and international institutions and strengthening refugee law.

Unit - I
Definition of Refugee, Prima facie recognition versus individual status determination, responsibilities of refugees

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|--|---|
| To inculcate history of refugee problem and disseminate definition of refugee and non-refoulement enshrined in the international & regional instruments, refugee status determination & exclusion of refugee status to students and enable them to explain the aforementioned matters lucidly. | <ol style="list-style-type: none"> 1. Historical context 2. Definition of refugee under 1951 Convention, Its Protocol and Regional Instruments 3. Prima facie recognition versus individual refugee status determination 4. Non refoulement 5. Regional approaches to the Refugee definition 6. Responsibilities of Refugees 7. Who is not a Refugee <ol style="list-style-type: none"> i. Exclusion ii. Cessation iii. Cancellation | 12 hrs | Lecture, Socrates method, question-answer, presentation and discussion methods Case Analysis | Relevant Conventions and Protocols Regional relevant instruments, Books, Articles, Reports, Thesis, Cases. | Oral, question, paper presentation, written tests |

Reading Materials:

- Chimni, B.S. (ed.). *International Refugee Law*. New Delhi: Sage Publishers India Pvt. Ltd. (2002).
- Feller, Erika and Turk Voker et al. *Refugee Protection in International Law*. UNCHR
- Goodwin Gill, S. Guy. *The Refugee in International Law*. USA: Clarendon Press Oxford University. (1990)
- Hathaway, James C. *The Law of Refugee Status*. Toronto, Canada: Butterworths. (1991)
- K.C., Yadav Kumar. *Refugee Law Theory and Praxis A Nepalese Perspective*. Kathmandu: Pairabi Prakashan. (2016)
- K.C., Yadav Kumar. "Who is Not a Refugee? The Grounds for Exclusion, Cessation and Cancellation of Refugee Status". *LACC Lens*. Vol.17. Hariharbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)

- Khanal, Shambhu Prasad. "Refugee Problem in South Asia and Need for a Regional Mechanism". *Supreme Court Bar Journal*. Kathmandu: Supreme Court Bar Association. (2070 B.S.)
- Mukhia, Bal Bahadur. "Jurisprudential Concept of Rights with Special Reference to Protection of Rights of Refugees and IDPs". *Nepal Law Review*. Vol.19. Kathmandu: Nepal Law Campus. (2006)
- Mukhia, Bal Bahadur. *Comparative Jurisprudence Part -I*. Kathmandu: Malati and Tamanna Mukhia. (2011)
- Proceedings of the Workshop on "Refugee Law in Nepal: Prospects and Possibilities". Organized by UNHCR and Faculty of Law, Kathmandu. April 26-27, 1994
- Saakha, Kusum. "Status of Refugee Children under International Instrument". *Nyayadoot*. Kathmandu: Nepal Bar Association. (2010)

Unit - II
Legal Overview

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|--|---|
| To provide students about the obligations of states including Nepal to refugees, application of non-refoulement, status of Bhutanese refugees, Tibetan, urban refugees and relevant Supreme Court cases relating to refugees and To make students able to discuss the legal frameworks dealing with refugees.. | <ol style="list-style-type: none"> 1. States obligations to refugees without signing the 1951 Convention through International Law 2. International Instruments ratified by Nepal <ol style="list-style-type: none"> i. ICCPR- Non-refoulement (Articles 2,6,7) ii. CAT (Non-refoulement (Article 3) iii. CRC -Obligations to Refugee/ Asylum Seekers Children(Article 22) 3. Nepal's Domestic Legal Framework. <ol style="list-style-type: none"> i. Nepal Treaty Act 1991 ii. Immigration Act, 1992 iii. Refugees in Nepal | 10 hrs | Lecture, Socrates method, question-answer, presentation and discussion methods, case analysis. | Relevant Conventions and Protocols Regional relevant instruments, Books, Articles, Reports, Theses, Cases. | Oral, question, paper presentation, written tests |

| | | | | |
|--|--|--|--|--|
| (a) Refugees from Bhutan | | | | |
| 1) Prima-facie status pre-1993 arrivals | | | | |
| 2) Modus Operandi | | | | |
| (b) Tibetan Refugees | | | | |
| i. Prima-facie recognition for Tibetans arriving prior to 1990 | | | | |
| ii. Security implications for Nepal. | | | | |
| (c) Urban Refugees & Asylum-seekers | | | | |
| 3) Various Supreme Court Cases and opinion. | | | | |

Reading Materials:

- Chimni, B.S (ed.). *International Refugee Law*. New Delhi: Sage Publishers. Pvt. Ltd. (2002)
- Feller, Erika and Turk Voker et al. *Refugee Protection in International Law*. UNHCR. (2003)
- Goodwin Gill, S. Guy. *The Refugee in International Law*. USA: Clarendon Press Oxford University. (1990)
- Hathaway, James C. *The Law of Refugee Status*. Toronto, Canada: Butterworths. (1991)
- K.C., Yadav Kumar. "International Conventions Concerning Refugees: Their Rights with Special Reference to Nepal". *NUTA*. Vol.3. Biratnagar: PG Campus Unit. (1998)
- K.C., Yadav Kumar. "Who is Not a Refugee? The Grounds for Exclusion, Cessation and Cancellation of Refugee Status". *LACC Lens*. Vol.17. Hariharbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)
- Khanal, Shambhu Prasad. *Refugee Problem in South Asia and Need for a Regional Mechanism*. *Supreme Court Bar Journal*. Kathmandu: Supreme Court Bar Association. (2070)
- Mukhia, Bal Bahadur. "Jurisprudential Concept of Rights with special Reference to Protection of Rights of Refugees and IDPs". *Nepal Law Review*. Vol.19. Kathmandu: Nepal Law Campus. (2006)
- Mukhia, Bal Bahadur. "Refugee Issues and Convention, its Protocol International Relations and Foreign Affairs". *Sopan Monthly*. March, 2012
- Mukhia, Bal Bahadur. *Comparative Jurisprudence Part-I*. Kathmandu: Malati and Tamanna Mukhia. (2011)

- Proceedings of the Workshop on *Refugee Law in Nepal: Prospects and Possibilities*. Organized by UNHCR and Faculty of Law, T.U., Kathmandu, April 26-27, 1994
- Saakha, Kusum. "Status of Refugee Children under International Instrument". *Nyayadoot*. Kathmandu: Nepal Bar Association. (2010)
- Upadhyaya, Lakshman Kumar. "Refugees: A Possible Legal Framework for Nepal". *Proceedings of the Workshop on Refugee Law in Nepal: Prospects and Possibilities*. Organized by UNHCR and Faculty of Law, T.U., April 26-27 (1994)
- K.C., Yadav Kumar. "How and How not to Conduct Legal Analysis of Case Law". *Nepal Law Review*. Vol.26. Kathmandu, Nepal Law Campus. (2014-2015)

Unit - III

UNCHR'S Mandate

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|--|---|
| To familiarize students with the international protection of refugee, types of protection, UNCHR's mandate, responsibility sharing and differentiate refugees and IDPs, statelessness and make them able to explain these matters. | <p>1. International Protection and Types of Protection</p> <p>i. Required when a person's country of origin is unable or unwilling to protect a refugee person</p> <p>(a) Actors of Protection</p> <p>(b) Actors of Persecution</p> <p>(c) State may be compelled in Persecution or incapable of Preventing It</p> <p>I Protection from refoulement</p> <p>ii. Protection while in the country of asylum</p> <p>a. Women</p> <p>b. Children</p> <p>c. Addressing safety within camp settings</p> | 10 hrs | Lecture, Socrates method, question-answer, presentation and discussion methods, case analysis. | Relevant Conventions and Protocols Regional relevant instruments, Books, Articles, Reports, Thesis, Cases. | Oral, question, paper presentation, written tests |

| | | | | | |
|--|--|--|--|--|--|
| d. Persons with disabilities, socially vulnerable persons or persons with other Specific protection concerns | | | | | |
| 1. Persons of Concern to UNHCR | | | | | |
| i. Refugees | | | | | |
| ii. Asylum seekers | | | | | |
| iii. Internally Displaced Persons (IDPs) | | | | | |
| iv. Statelessness | | | | | |
| 1. UNHCR Statute | | | | | |
| 2. Country Agreement: Cooperation with Host Governments | | | | | |
| 3. Burden/ Responsibility Sharing | | | | | |

Reading Materials:

- Chimni. B.S (ed.). *International Refugee Law*. New Delhi: Sage Publishers Pvt. Ltd. (2002)
- Feller, Erika and Turk Voker et al. *Refugee Protection in International Law*, UNHCR. (2003)
- Goodwin Gill, S. Guy. *The Refugee in International Law*. USA: Clarendon Press Oxford University. (1990)
- Hathaway, James C. *The Law of Refugee Status*. Toronto, Canada: Butterworths. (1991)
- K.C Yadav Kumar. "Who is Not a Refugee? The Grounds for Exclusion, Cessation and Cancellation of Refugee Status". *LACC Lens*. Vol.17. Hariharbhawan, Lalitpur: Legal Aid and Consultancy Centre. (2013)
- K.C., Yadav Kumar. "Principles and Praxis of International Protection A Brief Overview of International Refugee Law. *Nepal Law Review*. Vol.25. Kathmandu: Nepal Law Campus. (2013)
- Mukhia, Bal Bahadur. "Jurisprudential Concept of Rights with Special Reference to Protection of Rights of Refugees and IDPs". *Nepal Law Review*. Vol.19. Kathmandu: Nepal Law Campus. (2006)
- Mukhia, Bal Bahadur. "Refugee Issues and Convention, its Protocol, International Relations and Foreign Affairs". *Sopan Monthly*. Kathmandu, March, 2012

Unit - IV Durable Solution

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|--|---|
| To inculcate durable solution of refugees for instance, voluntary repatriation, local integration, third country resettlement and make them explain durable solution of refugees and their rights clearly. | <p>1. Repatriation</p> <p>i. Voluntary Repatriation</p> <p>ii. Only when the Country of Origin is sufficiently safe</p> <p>iii. Repatriation is only Possible when the states involved, the country of origin is sufficiently dedicated to permitting the safe and dignified return of refugees</p> <p>2. Local Integration</p> <p>i. Naturalization</p> <p>ii. Core Rights: Residence, Citizenship Documentation, Right to Work, Rights to Property, Social/Cultural/ Political Rights</p> <p>iii. Rights of Refugee in Nepal.</p> <p>3. Third Country Resettlement</p> <p>i. Methodologies</p> <p>(a) Individual Resettlement</p> <p>(b) Group Resettlement</p> <p>i. Legal Requirements of Resettlement Countries</p> | 8 hrs | Lecture, Socrates method, question-answer, presentation and discussion methods, case analysis. | Relevant Conventions and Protocols Regional relevant instruments, Books, Articles, Reports, Theses, Cases. | Oral, question, paper presentation, written tests |

Reading Materials:

- Chimni, B.S. (ed.). *International Refugee Law*. New Delhi: Sage Publishers Pvt. Ltd. (2002)
- Feller, Erika and Turk Voker et al. *Refugee Protection in International Law*. UNHCR. (2003)
- Goodwin Gill, S. Guy. *The Refugee in International Law*. USA: Clarendon Press Oxford University. (1990)
- Hathaway, James C. *The Law of Refugee Status*. Toronto, Canada: Butterworths. (1991)
- K.C. Yadav Kumar. "Who is Not a Refugee? The Grounds for Exclusion, Cessation and Cancellation of Refugee Status". *LACC Lens*. Vol.17. Hariharbhawan, Lalitpur: Legal Aid and Consultancy Center. (2013)
- Mukhia, Bal Bahadur. "Jurisprudential Concept of Rights with Special Reference to Protection of Rights of Refugees and IDPs". *Nepal Law Review*, Vol.19. *Nepal Law Campus*. (2006)
- Saakha, Kusum. "Status of Refugee Children under International Instrument". *Nyayadoot*. Kathmandu: Nepal Bar Association. (2010)

Unit-V

Internally Displaced Persons (IDPs)

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|---|
| To familiarize students with core concepts and relevant international and national laws and policies relating to internally displaced persons (IDPs) and to enable them to analyze the rights of IDPs and solution of their problems. | 1. Core Concepts 2. Relevant Laws 3. International (a) UN Guiding Principles on Internal Displacement, Kampala Convention i. National a. National Policies on Internally Displaced Persons (2007) | 8 hrs | Lecture, Socrates method, question-answer, presentation and discussion methods, case analysis | Relevant Conventions and Protocols Regional relevant instruments, Books, Articles, Reports, Theses, Cases. | Oral, question, paper presentation, written tests |

Reading Materials:

- Chimni, B.S. (ed.). *International Refugee Law*. New Delhi: Sage Publishers Pvt. Ltd. (2002)
- Feller, Erika and Turk Voker et al. *Refugee Protection in International Law*. UNHCR. (2003)
- Goodwin Gill, S. Guy. *The Refugee in International Law*. USA: Clarendon Press Oxford University. (1990)
- Hathaway, James C. *The Law of Refugee Status*. Toronto, Canada: Butterworths. (1991)
- Mukhia, Bal Bahadur. "Jurisprudential Concept of Rights with Special reference to Protection of Rights of Refugees and IDPs". *Nepal Law Review*. Vol 19. Kathmandu: Nepal Law Campus. (2006)
- Newma, Edward and Joanne Van Selm (ed.). *Refugees and Forced Displacement: International Security, Human Vulnerability and the State United Nations*. New Delhi: University Press. (2004)
- Samadhar, Ranabir. (ed.). *Refugee and the State*. New Delhi: Sage Publication (2003)

Commercial Law - IV

Course Title: Commercial Law- IV (International Trade Laws and Commercial Contracts)

Course Code: Law 185

Duration of the Course: 48 hrs

Semester: Fourth

Nature: Optional

Period per Week: Three

Credit Hours: 3 Credits

Pass Mark: 50%

Level: LL.M.

Course Description:

This course is framed to introduce students with the basic idea of international trade regime, its origin and development in the first unit. The Second Unit covers the role of international institutions for facilitating international trade and International Commercial contract and sales of goods is followed in Unit three. Unit Four discusses in detail about the sales of good and Unit Five highlights about the financing issues in international trade including financial instruments like letter of credit, bank guarantee and their judicial interpretations with case laws

Course Objective:

The goal of the course is to acquaint the students with the major primary sources of law of international trade and commercial contracts, in particular those related to sales, and the related instruments and resources. The focus is of international level. It does not cover regionally-focused instruments or economic integration organizations. It also does not focus on the complexities of some contracts related to sales, such as those of insurance, financing, dispute settlement.

Mainly this course includes trade finance, which means use of letter of credit and bank guarantee in facilitating payment mechanism under international contract.

Finally, the objective of this course is to familiarize and empower the students with the modern trends of international trade and commercial contracts law.

Unit - I

Introduction to International Trade Laws

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|--|---|--|
| To acquaint the students with the international trading regime, its development and reactions in this session. In addition the concept of liberalization, globalization, including trading system and impact of globalization on the global trading system and human rights will be analyzed. | <p>a. Basic idea on International trade regime, Origin and development of international trade law, nature and scope</p> <p>b. International trading system- Liberalization of trade and commerce,</p> <p>c. The globalization of world economy, political and financial system</p> <p>d. The role of international trade in global development and impact of globalization on the global trading system</p> <p>e. International trade and human rights</p> <p>f. International legal framework for the international trade</p> <p>g. Different principles terms and issues of international trade</p> | 10 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, Cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- Folsom, R. (ed.). *International Business Transactions*. U.S.A. (1992)
- Young, Shik Lee. *Economic Development Through World Trade: A Developing World Perspective*. Kluwer Law International. (2008)
- Young, Shik Lee. *Reclaiming Development in the World Trading System*. Cambridge Publication. (2016)

Unit - II

Role of international Institutions for facilitating international trade

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|---|--|
| The necessity of Bretton Woods, its outcome and establishment. Reason for establishment of International Institutions will be explored | a. The Contribution of Bretton woods System. b. International finance institutions, World Bank, IMF, GATT/WTO, Role of UNO, UNCTAD, UNCITRAL | 10 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Reading Materials:

- A Guide to UNCITRAL Basic facts about the United Nations Commission on International Trade Law. United Nations Commission on International Trade Law. (2013)
- Binder, Peter. *International Commercial Arbitration and Conciliation in UNCITRAL Model Law Jurisdictions*. Sweet and Maxwell. (2009)
- Johnes, Kent. *Who's Afraid of the WTO?* Oxford University Press. (2004)
- Jones, Kent. *Reconstructing the World Trade Organization for the 21st Century* Oxford University Press. (2015)
- Matsushita, Mitsuo, Thomas J. Schoenbaum, Petros C. Mavroidis and Michael Hahn. *The World Trade Organization Law: Practice, and Policy*. Oxford University Press. (2015)

Unit - III

Introduction to International Commercial Contracts and their Nature

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|--|---|--|
| The nature, content, impact and enforceability of international commercial contracts will be analyzed | a. Definition, features and nature of Commercial Contracts b. Meaning and nature of International Commercial contracts and International Commercial Contracts under Domestic Law | 5 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

Unit - IV

International Sales of Goods Contract and related Instruments

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|--|---|--|
| The objective of this Unit is to highlight on international contract for sale of goods performance of contract and remedies in case of breach, UN Convention on the Contract for International sale of goods and principles of International Commercial Contracts will be analyzed | a. Definition of an international contract for sale of goods b. Nature of goods, property and title, possession and delivery, Risk and frustration, performance of contract and remedies in case of case of breach c. The UN Convention on the Contract for International sale of goods, 1980 d. Principles of International Commercial Contracts (UNIDROIT), 1994 e. The Hague Convention on the Law Applicable to Contracts for International Sale of Goods 1987 f. Application of Incoterms 2010 in international sales g. Legal framework for international Sale of Goods in Nepal h. And other international legal instruments | 12 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |

- #### Reading Materials:
- Bonell, Michael Joachim and Olaf Meyer (ed.). *The Impact of Corruption on International Commercial Contracts*. OUP. (2014)
 - Cordero, Giuditta. *International Commercial Contracts*. Cambridge University Press. (2014)
 - Martin, Ken, Joshua Thomson and Leigh Warnick. *Principles of international Commercial Contract*. Australia: Thomson Reuters. (2015)
 - Mukwiri, Jonathan. *Commercial Contract Law*. Cambridge. (2006)

Reading Materials:

- * Cordeiro Moss, Giuditta *International Commercial Contracts: Applicable Sources and Enforceability* (2014)
- * Fox, William F. *International Commercial Agreements and Electronic Commerce* (5th rev. ed.) (2013)
- * Honnold, John O. *Uniform Law for International Sales under the 1980 United Nations Conventions* (1st ed.) (1999)
- * ICC *Rules for the Use of Domestic and International Trade Terms, Incoterms* (2010)
- * Köppenell, Marielle et al. *International Contracts* (1st ed.). London: Sweet and Maxwell (1996)
- * Moure, Alexis. *Applications of the Vienna International Sales Convention in Arbitration*. 17 ICC Int'l Ct. of Arb. Bull. No. 1. (2006)
- * Schwenger, Ingeborg and Christopher Kee. *International Sales Law: The Actual Practice*. 29 Penn St. Int'l. Rev. 425-441. (2011)
- * Schwenger et al. *Global Sales and Contract Law* (3rd ed.). (2012)

Reading Materials:

- * Bertrams, Roeland F. *Bank Guarantees in International Trade* (3rd ed.). Paris: Kluwer Law International, ICC Publication. (2004)
- * Gao, Xiang. *The Fraud Rule in the Law of Letters of Credit* (1st ed.). Hague: Kluwer Law International. (2002)
- * Kozolchik, Orlis. *Bank Guarantees and Letter of Credit: Time for a Return to the Falls*. University of Pennsylvania. (2006)
- * Mughasha, Agasha. *The Law of Letter of Credit and Bank Guarantee*. Federation Press. (2007)

Unit - V

Financing in International Trade

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|---|---------------|--|---|--|
| To acquaint the students with financial instruments used in the international trade regime and their governing rules including judicial interpretation on those instruments including documents relating to letter of credit and bank guarantee. | a. Nature and Type and Role of Letter of Credit and Independent Bank Guarantee | 11 hrs | Lecture, Question-answer, Paper presentation, Group discussion and Case analysis | Statutes, cases, Books, Articles, Reports and Notes | Attendance, Oral test, Paper presentation, Written examination |
| | b. Uniform Custom and Practices (UCP) | | | | |
| | c. Uniform Rule for Demand Guarantee (URDG) | | | | |
| | d. Rules and policy of Nepal in relation to Letter of Credit and Bank Guarantee | | | | |
| | e. Role of court in enforcing and interpreting laws, rules and practice relating to Bank Guarantee and Letter of Credit | | | | |

Criminal Law - IV

Course Title: Criminal Law-IV (Penology and Victimology)
 Course Code: Law 186
 Duration of the Course: 48 hrs
 Semester: Fourth
 Nature: Optional

Period Per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description

Criminal Law-IV (Penology and Victimology) has two parts. Part I presents an overview concept on the theories of punishment in different horizons and process of re-socialization as a means to alternatives of prison. Further, this part gives clear-cut idea about the process of sentencing, philosophy and its application in Nepal. Second Part of this course highlights on the concept of Victimology, which is a new concept in the Nepalese criminal justice system. In this part focus is given to the knowledge on rights of the victim, role of the victim in the criminal justice process and in 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 and/or further research on Penology and Victimology. The objectives of the course are as follows:

- 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.

Unit - I

Punishment Philosophies and Types of Sanctions

| Objective | Contents | Time allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|--|---------------|---|---|--|
| To give knowledge on different aspects of Punishments and Sanction. | 1.1 Philosophies of Punishments 1.2 Types of Formal and Informal Sanction 1.3. Issues in Sociology of Punishment | 6 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:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr. Bhattarai. *Criminology Penology* (1st ed.). Kathmandu: Bhrikuti Publications. (2012)
- Cavadino, Michael. *The Penal System: An Introduction* (3rd ed.). Sage, Dignan Thousand Oaks. (2002)
- Doherty, Michael. *Criminal Justice and Penology* (2nd ed.). Old Bailey Press (2000)
- Harding, Christopher. *Sentencing and the Penal System Text and Materials*. London: Sweet and Maxwell. (1998)
- Keeling, Stephen J. and Rabindra Bhattarai (ed.). *Nepal's Penal System: An Agenda for Change* (1st ed.). Kathmandu: Centre for Victims of Torture Nepal (CVICT). (2001)
- Paranjape, N.V. (Prof.). *Criminology and Penology with Victimology* (15th ed.) Central Allahabad: Law Publications. (2012)
- Poudel, Bibek Kumar. "Punishment: The Concept and Objective". *Nyayadoot*. No. 186. Kathmandu: Nepal Bar Association
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti. "Historical Evolution of Punishment System in Nepal". *Nyayadoot*. No. 171 (English Special Issue). Kathmandu: Nepal Bar Association. (2008)
- Scot, David, *Penology*. Sage Publications. (2008)
- Shankardas, Rani Dhavan, (ed.). *Punishment and the Prison: Indian and International Perspective*. New Delhi: Sage Publications. (2000)
- Srivastava, Surendra Sahai (Dr.). *Criminology, Penology and Victimology* (4th ed.). Allahabad: Central Law Agency. (2012)

Unit - II

Prison System and Its Development

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To familiarize the students with the concept of prison and its development in Nepal. | 2.1. Concepts of Prison and Its Development 2.2. Prison System in Nepal | 6 hrs | Do | Do | Do |

Reading Materials:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr. Bharrarai. *Criminology Penology* (1st ed.). Kathmandu: Bhrikuti Academic Publications. (2012)
- Cavadino, Michael. *The Penal System: An Introduction* (3rd ed.). Sage, Dignan Thousand Oaks. (2002)

- Dohetry, Michael. *Criminal Justice and Penology* (2nd ed.). Old Bailey Press. (2000)
- Keeling, Stephen J. and Rabindra Bhattarai (ed.). *Nepal's Penal System: An Agenda for Change* (1st ed.). Kathmandu: Centre for Victims of Torture Nepal (CVICT). (2001)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti. "Historical Evolution of Punishment System in Nepal: An Overview". *Nyayadoot*. No. 171 (English Special Issue). Kathmandu: Nepal Bar Association. (2008)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti. "Prison System in Nepal: An Overview". *Nepal Law Review*. Vol. 19. Kathmandu: Nepal Law Campus. (2006)
- Pranjape, N.V. (Prof.). *Criminology and Penology with Victimology* (15th ed.). Allahabad, India: Central Law Publications. (2012)
- Prison Reform International. *Making Standards Work: An International Handbook on Good Prison Practice*. The Hague. (1995)
- Qadari, S.M.A., Ahmad Siddique's *Criminology and Penology* (6th ed.). Lucknow: Eastern Book Company. (2002)
- Shankardas, Rani Dhavan (edr.). *Punishment and the Prison: Indian and International Perspective*. New Delhi: Sage Publications. (2000)
- Srivastava, Surendra Sahai (Dr.). *Criminology and Penology with Victimology* (4th ed.). Allahabad: Central Law Agency. (2012)
- Upreti, Shreeprakash. "Penal Provision Under Nepalese Law: A Critical Study". *Nepal Bar Council Law Journal*. Vol. IX. Kuponadol, Lalitpur: Nepal Bar Council. (2010)
- Vaidya, Tulsī Ram and Tri Ratna Manandhar. *Crime and Punishment in Nepal: A Historical Perspective* (1st ed.). Kathmandu: Bini Vaidya and Purna Devi Manandhar. (1985)

Unit - III

Re-socialization and Alternatives to Prison

| Objective | Contents | Time allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To impart knowledge on re-socialization and alternative to prison covering community work service, fines and restitution as well as probation, parole and after care program | 3.1 Community Work Service, Fines and Restitution 3.2 Probation 3.3 Parole 3.4 After Care Program | 10 hrs | Do | Do | Do |

Reading Materials:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr. Bhattarai. *Criminology and Penology* (1st ed.). Kathmandu: Bhrikuti Academic Publications. (2012)

- Cavadino, Michael. *The Penal System: An Introduction* (3rd ed.). Sage, Dignan Thousand Oaks. (2002)
- Keeling, Stephen J. and Rabindra Bhattarai (ed.). *Nepal's Penal System: An Agenda for Change* (1st ed.). Kathmandu: Centre for Victims of Torture Nepal (CVICT). (2001)
- Pradhan, Ramesh Raj. "Community Work Service of Offenders". *Nepal Law Review*. Vol.20. Kathmandu: Nepal Law Campus. (2008)
- Pranjape, N.V. (Prof.). *Criminology and Penology with Victimology* (15th ed.). Allahabad, India: Central Law Publications. (2012)
- Prison Reform International. *Making Standards Work: An International Handbook on Good Prison Practice*. The Hague. (1995)
- Qadari, S.M.A. *Ahmad Siddique's Criminology and Penology* (6th ed.). Lucknow: Eastern Book Company. (2012)
- Shankardas, Rani Dhavan (edr.). *Punishment and the Prison: Indian and International Perspective*. New Delhi: Sage Publications. (2002)

Unit - IV

Principles of Sentencing

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|-------------|------------|------------|
| To provide knowledge on principles of sentencing and its process, models and Nepalese practice. | 4.1. Concept and Rationale of Sentencing 4.2. Aims and Functions of Sentencing 4.3. Principles and Policies of Sentencing 4.4. Process of Sentencing 4.4.1. Sentencing Strategies (i) Indeterminate (ii) Presumptive (iii) Mandatory (iv) Determinate 4.4.2. Sentencing Hearing 4.4.3. Sentencing Decision 4.4.4. Formal Sentencing 4.4.5. Victim's Participation 4.5. Sentencing Models 4.6. Nepalese Sentencing Process | 12 hrs | Do | Do | Do |

Reading Materials:

- Acharya, Madhav Pd. (Prof.) and Ganesh Bdr. Bhattarai. *Criminology and Penology* (1st ed.). Kathmandu: Bhrikuti Academic Publications. (2012)

- Ashworth, Andrew. *Sentencing and Criminal Justice* London: Butterworths. (1995)
- Bhattarai, Ganesh. "Sentencing Policy in Nepal". *Kathmandu Law Review*. Vol.1. No.1. Bhaktapur: Law Students Society. Kathmandu School of Law. (2008)
- Bhattarai, Rabindra. "Principles of Sentencing in Criminal Justice System". *Kathmandu Law Review*. Vol.1. No.1. Bhaktapur: Law Students Society. Kathmandu School of Law.(2008)
- Eastin, Susan et al. *Sentencing and Punishment: The Quest for Justice*. New York: Oxford University Press. (2005)
- Harding, Christopher et al. *Sentencing and Penal System*. London: Sweet and Maxwell. (1998)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti. "A Critical Observation of the Proposed Sentencing Act". *Prosecution Journal*. Vol.1. Kathmandu: Office of the Attorney General. (2011)
- Pradhananga, Rajit Bhakta (Prof. Dr.) and Shreeprakash Upreti. "An Overview of Concept and Principle of Sentencing Process". *Pokhara Law Review*. Vol.1. Pokhara: Faculty of Law, Pritivi Narayan Campus. (2010)
- Tripathi, Rewati Raj. "Historical Overview on Sentencing Practice in Nepal with Special Reference to Homicide Cases". *Prosecution Journal*, Vol.2. Kathmandu: Office of the Attorney General. (2014)
- Tripathi, Hari Bansha (Dr.). "Sentencing Approach: Principle and Practices". *Annual Survey of Nepalese Law*. Vol.V. Kathmandu: Nepal Bar Council. (2005)
- Upreti, Shreeprakash. "Sentencing Process: A Theoretical Perspective". *Nepal Law Review*, Vol.20. Kathmandu: Nepal Law Campus. (2008)

Unit - V

Concept and Evolution of Victimology

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To acquaint the students with the concept and evolution of victimology in Nepal. | 5.1. Meaning, Scope and Development of Concept of Victimology 5.2. Underlying Principles of Victim Justice 5.3. Role of the Victim in Criminal Justice System 5.4. Rights of the Victim 5.5. Emerging Trends and Policies in Nepal 5.6. Nepalese Legal Aspects and Its Practical Problems Regarding Victims | 14 hrs | Do | Do | Do |

Reading Materials:

- Karmen, Adrew. *Crime Victims: An Introduction to Victimology* (4th ed.). Wadsworth Thomson Learning. (2001)
- Laura, J Moriarty. *Controversies in Victimology* (2nd ed.). Anderson Publishing (LexisNexis Group) . (2008)
- Paranjape, N.V. (Prof.). *Criminology, Penology and Victimology* (15th ed.). Allahabad: Central Law Publication. (2012)
- Pradhan, Ramesh Raj. "An Overview on Victim Justice System in Interim Constitution of Nepal". *Nyayadoot* (English Special Issue). No.186. Kathmandu: Nepal Bar Association. (2010)
- Rajan, V.N. *Victimology in India*: Ashish Publishing House. (2001)
- Shrestha, Shankar Kumar (Dr.). "Post-crime Victimization". *Prosecution Journal*. Vol.1. No. 1. Kathmandu: Office of the Attorney General. (2011)
- Shrestha, Shankar Kumar (Dr.). "Crime Victim and Around". *Nyayadoot*. No. 177. Kathmandu: Nepal Bar Association
- Shrestha, Shankar Kumar (Dr.). "Victim Justice System: A New Thought and a New Legal Philosophy". *Annual Survey of Nepalese Law*. Vol.III. Kathmandu: Nepal Bar Council. (2003)
- Shrestha, Shankar Kumar (Dr.). *A Step Towards Victim Justice System* (1st ed.). Kathmandu: Pairavi Prakashan. (2001).
- Shrestha, Shankar Kumar (Dr.). *Premises for the Victims of Crimes* (1st ed.). Kathmandu: Pairavi Prakashan. (2012)
- Spalek, Basia. *Crime Victims: Theory, Policy and Practice*. New York: Palgrave McMillan. (2006)
- Srivastava, Surendra Sahai (Dr.). *Criminology, Penology and Victimology* (4thed.). Allahabad: Central Law Agency. (2012)

Nepalese Environmental Law - II

Course Title: Nepalese Environmental Law-II
 Course Code: Law 187
 Duration of the Course: 48 hrs
 Semester: Fourth
 Nature: Optional

Period per Week: Three
 Credit Hours: 3 Credits
 Pass Mark: 50%
 Level: LL.M.

Course Description:

This course is designed to familiarize students with legal and judicial approaches to environmental law in Nepal. It focuses on different contemporary issues and problems in the field of environmental law. The implementation of Multilateral Environmental Agreements in the context of Nepal will also be examined.

Course Objectives:

- To impart the knowledge on contemporary environmental law of Nepal.
- To produce environmental law Experts for fulfilling the growing needs and interests of the country.
- To develop environmental law experts in dealing with the issues and problems relating to environmental protection.

Unit - I Energy Law in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|---|---|---------------|---|---|---|
| To appraise about energy-related laws of Nepal. | 1.1 General Introduction 1.2 Protection and Sustainable use of different kinds of Energy 1.3 Regulatory Measures and Institutional Mechanism 1.4 Recent Trends | 10 hrs. | Lecture/ Socratic method Discussion and paper presentation by students | Textbooks, articles, selected cases, seminar papers and others reference materials, Overhead projector, point etc | 50% internal assessment (oral and/or written assessment, reading quiz, presentation, class participation, and home assignment) and 50% external assessment (through final exam) |

Reading Materials:

- Bajracharya, T.R. "Micro Hydro Power in Nepal-Contribute in Rural Development and Avoidance of Carbon Emission". *Sustainability the Lasting Fuel*. Forum for Sustainable Development-Nepal. (2003)

- Bradbrook, A. J. *Energy Law and Sustainable Development*. IUCN Paper No. 47. (2003)
- Giri, B. "Renewable Energy Sustainable Guarantee for future". *Sustainability the Lasting Fuel*. Forum for Sustainable Development-Nepal. (2003)
- Kafle, N.P. "Renewable Energy a tool of Poverty Alleviation". *Sustainability the Lasting Fuel*. Forum for Sustainable Development-Nepal. (2003)
- Rijal, K. (ed.). *Energy Use in Mountain Areas*. ICIMOD. (1999)
- Rural Energy Policy*. Government of Nepal, Ministry of Environment, Science and Technology. (2006)
- Shrestha and Acharya. *A Energy Economic in Nepal: Issue and Option*. Kathmandu: Udaya Books. (2002)
- State of the Environment -Nepal (Rural Energy)*. HMG/Nepal, Ministry of Population and Environment. (2003)

Unit - II

Techniques and Approaches to Environmental Protection in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To provide knowledge on technique and approaches to environmental protection in Nepal. | 2.1 General Introduction 2.2 Initial Environmental Examination (IEE), Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) 2.3 Incentives, Disincentives, Environmental Audit & Taxes 2.4 Environmental Education, Awareness & Capacity Building 2.5 Environmental Information 2.6 Public Participation 2.7 Enforcement, Compliance, Liability & Compensation 2.8 Integrated & Collaborative Approach 2.9 Public Interest Litigation & Judicial Activism | 18 hrs | Do | Do | Do |

Prescribed Court Cases:

- Advocate Ram Kumar Acharya on behalf of EDCLF vs. Office of the Prime Minister et al.* Writ No. 68-WO-0639 (EIA of Protected Areas). Decision Date: 2069.05.26
- Gopal Siwakoti 'Chintan' et al. vs. Ministry of Finance.* (Arun III Case). NKP. No. 4. (2051 B.S.)

Reading Materials:

- Ghimire, R. "Environmental Impact Assessment (EIA) in Nepal; An Overview". *Nyayadoot* (English Special Issue). Vol.4. No. 134. Kathmandu: Nepal Bar Association. (2003)
- IUCN. *Strategic Environmental Assessment-Proceeding of the Regional Strategic Environmental Workshop for Senior Planners*. (Oct. 30-Nov. 1, 2000)
- Lohani, B.N. et al. "Environmental Impact Assessment for Developing Countries in Asia". *Selected Case Studies*. Vol. I and II. Manila: Asian Development Bank. (1997)
- Pande, B.D. et al. (eds.). *Environmental Education Source Book*. IUCN Nepal. (2000)
- Pant, A.P. (Dr.). "Environmental Impact Assessment: A Study of International and Nepalese Environmental Law". *Nepal Law Review*. Vol. 13. No.1 and 2. Kathmandu: Nepal Law Campus. (1999)
- Right to Information Act**. Government of Nepal, Ministry of Law, Justice and Parliamentary Affairs, Law Book Management Board. (2006)
- Sapkota, T.P. (Dr.). "The Role of Economic Approaches for Environmental Management: Nepalese Perspective". *Nyayadoot* (English Special Issue). Vol. 4. No.134. Kathmandu: Nepal Bar Association. (2003)
- Shakya, P. M. "Development and Enforcement of Environmental Law; Constitutional Aspect". *Nepal Law Review* (Environmental Law Special Issue). Vol. 15. No.1 and 2. Kathmandu: Nepal Law Campus. (2002)
- Upreti, B.K. *Environmental Impact Assessment: Process and Practice*. Kathmandu: Mrs. Uttara Upreti. (2003)

Unit - III

Role of Major Groups & Institutions in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To identify, define & analyze the role of local authorities, groups and institutions of Nepal. | 3.1 General Introduction 3.2 Role of Major Groups & Institutions in Environmental Management - Women - Indigenous People & Local Communities - Local Authorities - Village Development Committees (VDCs)/ Village Councils - Municipalities - Solid Waste Management Technical Support Center - Non-Governmental Organization (NGOs) - Framers, Business & Industry; workers & Trade Unions; & Scientific & Technological Communities | 10 hrs. | Do | Do | Do |

Reading Materials:

- IUCN. *World Charter for Nature Conservation*. (1984)
- Pant, Amber Prasad (Prof.Dr.). "Solid Waste Management Act 2068 for Clean Environment". *Kanoon*. No.93. Kathmandu: Lawyer's Club, Nepal. (2012)
- Sapkota, T.P. (Dr.). "Role of Local Bodies in Nepal for Environmental Conservation: Problems and Prospects". *Japanese University Students Association Nepal (JUSAN)*. Vol. VIII. No. 14. (March 2003)

Unit - IV

Settlement of Environmental Disputes in Nepal

| Objective | Contents | Time Allotted | Inst. Tech. | Inst. Mat. | Eva. Tech. |
|--|--|---------------|-------------|------------|------------|
| To transmit knowledge about various dispute settlement mechanisms, including ADR in Nepal. | 4.1 Concept 4.2 General Introduction 4.3 Legal Measures and Institutional Mechanism 4.4 Judicial & Quasi-Judicial Mechanisms 4.5 Alternative Dispute Resolution Mechanisms | 10 hrs | Do | Do | Do |

Reading Materials:

- Sapkota, T.P. (Dr.). "Environmental Justice and Nepalese Laws: An Appraisal". *Nyayadoot* (English Special Issue). Vol.7. No. 158. Year 36. Kathmandu: Nepal Bar Association. (2006)
- Sijapati, B.S. (Dr.). "A Nepalese Legislative & Judicial Response to International Environmental Law: An Overview". *Nepal Law Review*. Vol.16. No.1 and 2. Kathmandu: Nepal Law Campus. (2003)
- Sijapati, B.S. (Dr.). "Judicial Response of Environmental Protection: A Study on Nepalese Perspective". *Nyayadoot*. No. 134. Kathmandu: Nepal Bar Association. (2003)

Printed by
Tribhuvan University Press
Kirtipur, Kathmandu, Nepal
Tel: 4331320, 4331321