

## **International Institutions and Human Rights**

Course Title: <b>International Institutions and Human Rights</b>	Full Marks: 100
Course No: Law 521	Pass Mark: 35%
Duration of the Course: One Year (125 hrs)	Level : LL.B.
Year: III	Nature: Compulsory

### **Course Objective:**

The objectives of the course are:

- to acquaint the students with the role of International institutions in the maintenance of the world peace and security.
- to familiarize them with the development of the law through International organizations.
- to identify the constitutions of regional and International organizations in the field of mutual co-operation to fight against illiteracy, poverty backwardness torture and discriminations.
- to orient the students with the origin, rationale and legal instruments (national and International) pertaining to human rights.
- to appraise the Nepalese legal provisions on human rights.

### **I. Introduction to International Institutions**

- Definition
- Nature and scope
- Classification
- Role and importance

### **II. Origin and Development in International Institution**

- International conferences
- The Holy Alliance
- The Concert of Europe
- The Hague Systems
- League of Nations

### **III. United Nations**

- Historical Background
- Purpose and principles
- Membership

- Organs of the UN (composition), power, functions and achievements of each organ
- The General Assembly and its role in Peace Process and uniting for Peace Resolutions
- The Security Council and its role in peace keeping
- The Economic and Social Council
- The Trusteeship Council
- The Secretariat and
- The Secretary General

#### IV. International Court of Justice:

- Background
- Composition
- Access to the court

##### a. Compulsory Jurisdiction

Ad-hoc jurisdiction  
 The Asylum case of Haya  
 Dele Torre  
 Voluntary jurisdiction  
 Corfu channel case

##### b. Advisory Jurisdiction

(Condition of Admission of state to membership in the United Nations)  
 Law to be applied by the court  
 Decision of the court and enforcement of the judgment: development of International law through ICJ.

#### V. Some major specialized agencies of the UN and other International agencies:

ESCO, ILO, IMF, IBRD, ICAO, FAO, UPU and UNICEF.

#### VI. Outline of some Regional organizations:

ESCAP, ADB, ASEAN, AALCC (now OAA), SAARC, BMIST, OAU, EEC and OAS

#### VII. Introduction to Human Rights:

- Historical perspective
- Emergence of H.R. on a subject of national and International rules of law

- Concept of dignity of human person vis-à-vis human right refugee law and humanitarian law

#### VIII. International Protection of Injury to Aliens

- Denial of justice and International responsibility
- Violations of Human Rights and International responsibility
  - a. The International minimum standard of justice and the principle of Equality
  - b. Conflicting principles as applied to treatment of alien's property

#### IX. Humanitarian Intervention

- Rescue operation
- UN, Charter

#### X. Rights of members of vulnerable group

- Rights of children
- Prevention of discrimination and protection of minorities
- The advancement of women
- UN, High commission for refugees
- The other International instruments generally

#### XI. International instrument concerned with Human Rights

- The United Nations charter
- Universal Declaration of Human Rights
- International convention on the elimination of all forms of racial discrimination
- International covenant on civil and political rights with optional protocol
- International covenant on economic, social and cultural rights
- Covenant against torture and other cruel, inhuman or degrading treatment or punishment

#### XII. Regional and National Arrangements on Human Rights

- The European Convention on Human Rights
- The American Convention on Human Rights
- The African Convention on Human Rights
- Consideration for Asian Convention and SAARC

- Major court Decisions relating to Human Rights
- Recent trends

**Prescribed Materials:**

1. Amerasinghe, C.F. *Principles of the Institutional Law of International Organizations*, Cambridge, (1996)
2. Bermjardt, R. (edi), *Encyclopedia of Public International Law, International Organization*, "Encyclopedia of the Social Science" (New York; The Macmillan company, Used by permission of the Macmillan company. (1937)
3. Bowett, D.W. *The Law of International Institutions*, 4<sup>th</sup> edition, London, (1982)
4. Cheever, Daniel S. and Haviland, H. Field Jr *Organizing for Peace: International Organization in World Affairs*, Boston, Houghton Mifflin company. (1954)
5. Dahal Kashiraj, *Human Rights Jurisprudence* (in Nepali) Nepal Law Society (2050)
6. Dixon, Martin. and McCorquodale, Robert. *Cases and Materials on International Law*, Lawman (India) Pvt. Ltd. New Delhi, First India Reprint. (1995)
7. Fawcett, J.E.S. *The Application of the European Convention on Human Rights*, Clearandout Press Oxford, (1987)
8. Friedmann, W. *The Changing Structure of International Law*, Vakil and Sons Pvt. Ltd, Bombay, (1963)
9. Georges, Abi-saab (ed). *The Concepts of International Organization*, UNESCO, France, (1981)
10. Gerard, P. and Mangone, J. *A Short History of International Organization*, New York McGraw Hill Book Company, (1954)
11. Henkin, Pugh, Schachter, *International Law Cases and Materials*, West Publishing Company, (1997)
12. Higgins, Rosalyn. *Development of International Law Through the Political Organs of United Nations*, Oxford University, Press. London, (1963)
13. Janis, Mark. *An Introduction to International Law*, New Delhi, Aditya Books, at (First India Edition). (1989)
14. Malla, Katak. *Human Rights*, Kathmandu. (in Nepali).
15. *Manual on Human Rights Reports*, U.N. publication, Sales No. E 91 XII Vol.1, (1991)
16. Reuter, P. *International institutions* London, (1958)

17. Robertson, A.H. *Human Rights in the Worlds*, Manchester, (1972)
18. Schermers, H.G and Blokker, N.M. *International Institution Law*, 3<sup>rd</sup> edition, The Hague, (1995)
19. Sharma, Gopal Dr. *An Outline of International Organizations*, Ratna Pustak Bhandar, Kathmandu, (1990)
20. Sharma, Gopal Dr. *Human Rights*, (in Nepali) Kathmandu, (1993)
21. Shaw, Malcolm N. *International Law*, Cambridge University, Cambridge (1997)
22. Singh, Nagendra. *Human Rights and International Cooperations*, S.Chand, New Delhi. (1969)
23. Siwakoti Chintan, Gopal (edi.), *Commentary on Supreme judgments related to Human Rights* (in Nepali) Human Rights Center, Faculty of Law (T.U.) (2056)
24. Siwakoti Chintan, Gopal (edi.), *Human Rights and Legal remedies in Nepal* (in Nepali), Human Rights Center, Faculty of Law (T.U.) (2056)
25. Thapa, S. *UN and Specialized Agencies* Kathmandu, CDC, TU, (1977)
26. Tripathi, D. *Human Rights*, (in Nepali) Kathmandu, (1993)
27. *United Nations Action in the Field of Human Rights*, U.N. Publication sales No. E88 XI Vol.2. (1988)
28. Upadhyaya, Lakshman *Antarastriya Kanoon Eham Samandhka Paripekshma Nepalko Prayas*, Gorkha Patra Sansthan, Kathmandu, (2043)
29. Upadhyaya, Lakshman Prof. Dr. *Teacher's Guide on Teaching of International Institutions and Human Rights Law*, Tribhuvan University Curriculum Development Centre, Kirtipur, Kathmandu, (2000)
30. Wallace, Rebecca M.M. *International Law*, Universal Book Traders, Delhi India Reprint), (1995)
31. White, N., *The Law of International Organizations*, Manchester, (1996)

## Interpretation of Statutes

Course Title: **Interpretation of Statutes**  
Course No: Law 522  
Duration of the Course: One Year (62 hrs)  
Year: III

Full Marks: 50  
Pass Mark: 35%  
Level : LL.B.  
Nature: Compulsor,

### Course Objectives:-

The Main Objectives of this course are:

- to state the general idea about theories and methods of Statutory Interpretation
- to study the Interpretation of Constitution, Deeds and Wills and Presumption
- to analyse the Interpretation of Statute Act, 2010 B.S.

### Unit-1 Introduction of Law of Interpretation

I. Meaning, objectives, importance, kinds and principle of Interpretation:

II. Role and Importance of :

a. The different parts of Statutes :

1. Title
2. Preamble
3. Heading
4. Marginal Note
5. Schedules
6. Punctuation
7. Proviso
8. Exception

b. The External aspects:

1. Historical Setting
2. Parliamentary History
3. International Conventions
4. Dictionaries & Text Books

c. Commencement, Repeal and Revival of Legislation

d. Consolidating and codifying statutes

### Unit-2 Rules of Interpretation

I. Rules of interpretation :

a. General Rules :

1. Literal rule

2. Mischief rule
3. Golden rule
4. Construction ut res magis valeat quam pereat.
5. Reading words in their context : Statutory aspects
  - b. Subsidiary rule:
    - (i) Ejusdem generis rule
    - (ii) Noscitur a sociis
    - (iii) Re-ddendo singula singuli
    - (iv) Expression unius rule
    - (v) Contemporanea expositio
    - (vi) Construction of words in bonam partem
  - c. Beneficial rule

### Unit-3 Construction of Constitution, Deeds and Wills

1. Construction of Constitution
2. Construction of Deeds and Wills

### Unit-4 Restrictive, Exceptional and other Construction

1. Restrictive construction
2. Construction to avoid collision with other provisions
3. Exceptional construction

### Unit-5 Presumption

1. Presumption against the common law.
2. Presumption of constitutionality of a statute
3. Presumption regarding jurisdiction
4. Presumption against retrospective legislation
5. Presumption against violation of international law
6. Presumption against intending injustice or absurdity
7. Presumption against imparting obligation or permitting advantage
8. Presumption against intending what is inconvenient or unreasonable

### Unit-6 Intention attributed to the legislature when it express none

1. Intention attributed to the legislature when it express none

### Unit-7 Interpretation of Statute Act, 2010 B.S.

III. The Interpretation of Statute Act 2010 B.S.

### Reading Materials

#### Text Books :

1. Bindra, *Interpretation Statutes*
2. Langan, P. *St Maxwell on the Interpretation of Statutes* (Latest Edition)
3. Swarup, Jagadish *Interpretation of Statutes Legislation.*
4. *Interpretation of Statute Act*, (2010 B.S)

#### References :

1. Fitzgerald, P.J. *Salmond on Jurisprudence* (Latest Edition)
2. Pant, Amber Prasad Dr., *et.al., Teacher's Guide on Interpretation of Statutes* ( LL.B.), CDC TU ( 2000)
3. Shrivastav, R.D. *Interpretation of Statutes*

### Professional Ethics and Lawyering Skills

Course Title: **Professional Ethics and Lawyering Skills**

Full Marks: 50

Course No: Law 523

Pass Mark: 35%

Duration of the Course: One Year (62 hrs)

Level : LL.B.

Year: III

Nature: Compulsory

#### Course Objectives

The main objectives of this course are:

- to provide the basic knowledge of various aspects of professional ethics absolutely essential in the legal profession.
- to ensure that all students are aware of the practical aspects of drafting, pleading, and conveyancing skills essential for practicing advocates.
- to familiarize with skills of advocacy, public interest, lawyering, legal aid, and literacy, and para-legal services.

#### Unit 1-Professional Ethics

- 1.1 Concepts and Principles
- 1.2 Professional responsibility of lawyers towards client, opposite party, court, society and state.
- 1.3 Bar-Bench relations
- 1.4 Professional ethics under the existing laws of Nepal
- 1.5 Investigation and other Disciplinary Action on the violation of professional ethics in Nepal.

#### Unit: 2 Drafting, Pleading, and Conveyancing skills in Nepal

- 2.1 Legislative drafting:
  - 2.1.1 General principles
  - 2.1.2 Laws and Skills of Legislative Drafting
- 2.2 Court Oriented written pleadings from plaints, answers to execution of judgments/ orders etc in civil and criminal cases.
- 2.3 Conveyancing: (i) Sale Deed (ii) Lease and Contract Deed (iii) Gift and Will Deed (iv) Adoption Deed (v) Exchange Deed (vi) Separation of co-owners or Reunion Deed (vii) Mortgage Deed (viii) Loan Deed (ix)

Guarantee Deed (x) Promissory Note (xi) Power of Attorney  
(xii) Deed Poll (xiii) Indenture

**Unit: 3 Advocacy skills in Nepal**

- 3.1 Concepts and Rules of Advocacy.
- 3.2 Communication skills for Lawyers:
  - General Presentations
  - Client Interviewing and Advising
  - Negotiation
  - Oral Arguments
  - Examination of Witnesses
- 3.3 Trial Advocacy skill
  - Case Oriented Legal Research
  - Case Preparations
  - Organization of arguments

**Unit: 4, Public Interest, Lawyering skills, and legal aid**

- 4.1. Public interest lawyering
- 4.2 Legal Aid
- 4.3 Legal Literacy
- 4.4 Para-legal services
- 4.5 Writing case Comments, editing of law journals, law office management and accountancy for lawyers
- 4.6 Notary Public

**Unit: 5 Prescribed Cases**

- 5.1 Advocate Lila Mani Poudel vs. HMG Council of Minister Secretariat & others, *NKP* 2060 nos. 5 / 6 p. 354
- 5.2 Advocate Narayan Prasad Koirala vs. Syanja District Court & others, *NKP* 2058 nos. 9 / 10 p. 542
- 5.3 Badri Bahadur Karki vs. CIAA (Five Judges Full Bench), *NKP* 2058 nos. 5 / 6 p. 239
- 5.4 Kalpana Sharma vs. Tilak Prasad Adhikari & others *NKP* 2059 nos. 3 / 4 p. 178
- 5.5 Madhusudan Bhattarai vs. Narendra Bahadur Chand, *NKP* 2059 nos. 3 / 4 p. 210
- 5.6 Ravilal Chaudhary Tharu vs. Nepal bar Council & others, *NKP* 2053 no. 10 p. 711

- 5.7 Ravindra Bhattarai vs. HMG Council of Ministers & others order sought under Art. 88(1) of the Constitution..., *NKP* 2055 no. 11 p. 615
- 5.8 Subarna Prajapati vs. Kavre Palanchowk District Court & others, *NKP* 2046 no. 9 p. 946
- 5.9 Tuel Manya Chakradhar vs. Supreme court Bar Association President Shambhu Thapa, *NKP* 2053 no. 7 p. 611

**Reading Materials**

**Prescribed**

1. Code of Conduct of Lawyers, 1994
2. Disciplinary Committee (Management) Rule 2002
3. Kharel, S.K. et.al., *Basic Skills for Lawyer*, NBA in Assistance of Embassy of U.K.,
4. Nepal Bar Council Act, 1993
5. Shrestha, G.B., *Drafting of Legal Document*, Pairavi

**Reference**

1. Abbey, R. M. et.al, *A Practical Approach to Conveyancing*, Blackstone/Universal (First Indian Reprint 2000)
2. Atre, B.R; *Legislative Drafting-Principles and Techniques*, Universal (2001).
3. Blake, S; *The Practical Approach to Legal Advice and Drafting*, Universal (First Indian reprint 2000)
4. Evans, K; *Advocacy at the Bar-A Beginner's Guide*, Universal Book Traders (First Indian Reprint 1998)
5. Evans, K; *The Golden Rules of Advocacy*, Universal Book Traders (First Indian Reprint 1994)
6. Harwood, M; *Conveyancing Law and Practice*, Lawman (India) Pvt. Ltd, New Delhi (1995)
7. Hyam, M., *Advocacy Skills*, Universal (2002)
8. Jai Lal, *Conveyancing, Deeds, Forms and Precedents*, Universal (1995)
9. Malik, B., *The Art of a Lawyer*, (Advocacy-Cross Examination), Universal (1999)
10. Munkman, J.H; *The Technique of Advocacy*, Universal (First Indian Reprint 1999)
11. Pannett, A; *Legal Practice Handbook-Managing the law Firm*, Universal (First Indian Reprint 2001).

12. Rose, W.M; *Pleadings without Tears-a Guide to legal drafting*, Universal book Traders (1995)
13. Rylance, P., *Legal Writing and Drafting*, Universal (2000).
14. Sherr, A; *Legal Practice Handbook Advocacy*, Universal Book Traders (First Indian Reprint 1994)
15. Ugrs', *Pleadings and Practice*, Universal, (2003)

Note: Students are required to study the existing Acts, Rules and provisions of the constitution and civil code as well as disciplinary actions taken by Nepal Bar Council.

## Company and Corporation Law

Course Title: <b>Company and Corporation Law</b>	Full Marks: 50
Course No: Law 524	Pass Mark: 35%
Duration of the Course: One Year (62 hrs)	Level : LL.B.
Year: III	Nature: Compulsory

### Course Objectives:-

The Main Objectives of this course are:

- to study the historical aspects and legal principles.
- to analyse the nature, types, organization and functions of the public corporation
- to study some related Leading cases of Nepal

### I. Historical aspects of the law of company and corporation

1. Origin and development of public corporations and companies in general.
2. Origin and development of public corporations and companies in Nepal.

### II. The basic legal principles of public corporations and companies:

1. The concept of incorporation of company or corporation as a legal person.
2. Basic characteristics of a company and a public corporation.

### III. Nature and types of public corporations and companies:

1. Public Corporation with charter.
2. Public companies formed under Company Act, 2063.
3. Public Corporations formed under the Corporations Act, 2021.
4. Public Corporations formed under the Development Board Act, 2013.
5. Private Companies selling shares to a restricted number of shareholders.
6. Companies selling shares to the public.
7. Difference between private firms and the companies.
8. Public companies, private companies, public corporations, non-profit making companies and Government companies.

#### IV. Organizational Structure and Management of Companies

1. Pre-incorporation agreements
2. Company prospectus
3. Articles and Memorandum of Association
4. Certification of incorporation
5. Membership
6. Shares: Types, allotment and transfer
7. Debenture and stock
8. Board of directors: Functions, Powers, duties, and responsibilities.
9. Functions and responsibilities of the chief executive.
10. General Manager or manager
11. Delegation of authority from the board to the management.
12. Company secretary
13. Foreign Companies.
14. Corporate control and the different forms of control
15. Corporate meeting.
16. Winding up.
17. Suits and proceedings by and against companies and corporations.
18. Corporate liability
19. Social responsibilities of companies.
20. Workers participation in the management

#### V. Decided Cases

1. Bhuminda Sharma Dawadi v HMG, 062/5/6, *Some Landmark Precedents of the Supreme Court on Commercial Law*, 1st ed., (1959-2005), Supreme Court, 2006.
2. Khem Chandra Chaurasia v H.M.G. Dept. of Industries, *NKP* 2065/507.
3. Piyus Raj Panday v. Tax office Kathmandu, *NKP* 2040/901.
4. Prakash Bahadur Singh et.al, v Nepal Match co.et.al., *NKP* 2045/655.
5. Prakash Shrestha v HMG Nepal, *NKP* 2061/687.
6. Purusottam Acharya v. Boris and Restaurant Pvt. Ltd., *NKP* 2044/934.

7. Surya Narayan Das v Diary Development Corporation Head Office, Kathmandu, *NKP* 2045/419.
8. Sushilrani v Hotel Jaya International, *NKP* 2040/901.
9. Tarini Prasad Adhikari v. G.M. Surya Bahadur, *NKP* 2065/1093
10. Tej Raj Pant v. Board of Directors, Timber Corporation et.al. *NKP* 2044/895.

#### Reading Materials

##### Relevant Laws of Nepal

1. Bank and Financial Institutions Act, 2063.
2. Company Act, 2063.
3. Corporations Act, 2021.
4. Insolvency Act, 2063.
5. Nepal Development Board Act, 2063.
6. Securities Exchange Act, 2063.

##### Reference

1. *Gower's Principles of Modern Company Law*, Latest Edition, London.
2. Karki, Bharat B. (Dr. Prof.), *Teacher's Guide for the LL.B. Course on Company and Corporation Law*, Faculty of Law, T.U.
3. Neupane, Avtar, *Company Law* (Nepali version), Commercial Law Society, Kathmandu, (2063)
4. Sen, A.K., *Commercial Law*, Eighteenth Edition, The World Press Pvt. Ltd., Calcutta (1985)
5. Shiwakoti, S. & Shrestha, S. (ed.), *Company Cases and Supreme Court* (Gyangun Kanon Academy), (Nepali version).
6. Shukla M.C., *Mercantile Law*. Latest Edition, New Delhi.
7. Singh Avatar, *Company Law*, Latest Edition, Delhi.
8. Uprety, B.R. *Company Law*, (Nepali version), Free deal, Kathmandu, 2064 (2007).
9. Uprety, B.R., *An Introduction of Insolvency Law (in Nepali)* FNCCI/CFG Project



### Project Work / Internship

Course Title: Project Work/Internship	Full Marks: 50
Course No: Law 525	Pass Mark: 35%
Duration of the Course: One Year (62 hrs)	Level : LL.B.
Year: III	Nature: Compulsory

#### Course Objectives:-

- The subject has two different components. The students will have to take up one of the subject as permitted by Campus.
- The objective of the Project Work is to enable students to undertake a research on definite legal issues approved by the Campus.
- The objective of internship is to acquaint students with practical knowledge in any area of law through internship.

#### 1. Project Work:

- In the final year of Bachelors of Laws, students will undertake a research on the topic approved by campus.
  - Student will firstly submit a proposal to the campus and the campus will thereafter appoint the guide for supervising the student.
  - The student should prepare the Project Work in close consultation with the guide.
  - Following requirements have to be met and followed by student and guide :
1. Subject selection: The student should select topic related to the subject passed in the first or second year
  2. Proposal: The proposal submitted by the student should also include the content and reference materials
  3. Guide: No guide will be appointed to any one who is not eligible to teach and hasn't been experienced at least five years in legal field.
  4. Supervision technique: The student will be in contact with the guide at least once every fifteen days to get the direction of the supervisor and get signature of the guide on these dates.
  5. Recommendation of the guide: The guide should submit a recommendation by evaluating on the dedication, creativity, intellectual capability and originality of the student as well as

on number of consultations with and compliance of instructions of the guide.

6. Evaluation: The guide will submit evaluation on the Project Work based on the level of creativity and originality.
7. Interview. A viva-voce examination will be conducted on 30 % full marks by a three member committee appointed by campus comprising of experts having at least six years of experience in legal field with eligibility to teach law.
8. An information will be communicated to guide if the students who has submitted the Project Work will be failed,

#### 2. Internship:

The student will be placed before any reputed institutions for Internship wherein the student will learn practical knowledge on topic approved by Campus. The student will submit a report of practical work on the recommendation of an institution for evaluation. The campus will conduct viva-voce on 30% full marks by a three member committee appointed by campus comprising of experts having at least six years of experience in legal field with eligibility to teach law.

## Law of the Sea and International Rivers

Course Title : **Law of the Sea  
and International Rivers**  
Course No: Law 526  
Duration of the Course: One Year (62 hrs)  
Year: III

Full Marks: 50  
Pass Mark: 35%  
Level : LL.B.  
Nature: Optional

### Course Objectives

The objectives of the course are:

- to introduce the students to the classical and modern concept of the laws of the sea and International rivers.
- to equip them with analytical perspectives of the subject matter
- to familiarize them with important features of the law of the sea.
- to acquaint the students with the evolution of the law of International rivers and their utilization for mutual benefits.
- to make the students aware of the global concern pertaining to preservation of environment and the resources of the sea for the generations to come.

### I. Introduction

- Meaning, Nature and Scope of the Law of the Sea.
- Evolution of the Law of the Sea.
- Sources of the Law of the Sea.

### II. Territorial Sea

- Legal status and breadth of territorial Sea.
- Baseline for measurement of the Territorial Water.
- Straits bays and gulf.
- Delimitation
- Right of innocent passage.

### III. Contiguous Zone

- Concept and scope
- Breadth

### IV. Continental Shelf

- Nature and the concept of continental shelf
- Delimitations
- Sea bed and ocean floor

- Rights of landlocked states

### V. Economic Zone

- Concept and scope
- Delimitations
- Resources
- Rights and duties of coastal states vis-a-vis the landlocked and GDS in the Exclusive Economic Zone (EEZ)
- Legal status of the EEZ

### VI. High Seas

- Concept and scope
- Freedom of the high seas
- Piracy

### VII. Land-locked and Geographically Disadvantaged States

- Concept and nature of land-locked and geographically disadvantaged states
- Right of access of land-locked states to and from the sea and freedom of transit
- Rights of geographically disadvantaged states

### VIII. International Sea Bed Authority

- Decline of common heritage of deep ocean resources
- Exploration and exploitation of deep ocean resources
- Power and functions of the International Sea Bed Authority
- Protection and preservation of the Marine Environment
- Settlement of disputes

### IX. International Rivers

- Definition
- Historical background of International rivers.
- Rights and duties of Upper and lower riparian vis-a- vis down stream benefits and its practices.
- Rights and duties of co-riparian states.
- Principles of utilization of International rivers.
- Freedom of navigation in International rivers.
- Principle and practice in regard to pollution control.
- The European commission of the Danube.

- International joint commission.
- Barcelona Convention
- Bangkok Convention
- Helsinki rules on the uses of waters of International rivers.

**X. Mutual co-operation in the field of rivers between Nepal and India**

- Koshi
- Gandaki
- Mahakali
- International legal-regime of Asian and African rivers (Ganga, Niger, Nile, river Danube, Koshi)
- Role of UN in International rivers.

**Prescribed Reading Materials**

1. Bhasin, A.S. (ed). *Documents on Nepal's Relation with India and China (949-66)*, New Delhi. (1970)
2. Columbus, John C. *The International Law of the Sea*, London (Longmen), (1967)
3. Friedmann, W. *The Future of the Oceans*, New York, (1970)
4. Mangone, Gerald J. *Law of the World Ocean*, Columbia, (1981)
5. Oda, Shigeru. *The Law of the Sea in Our Time* vol. 2 Leyden (1977)
6. Salman M.A. Salmon, et.al, *Conflict and Cooperation on South Asia's International Rivers the World Bank* (2002)
7. Starke. J.G. *Introduction to International Law*, Delhi (1988)
8. Subedi, S.P. *Dynamics of Foreign Policy and Law A Study of Indo-Nepal relations*, oxford (2002)
9. Upadhyaya, Lakshman, "Representation of Landlocked and Geographically Disadvantaged Countries in the Council of International Seabed Authority", *Nepal Law Review*, Vol. 10 (1), (July 1987)
10. Upadhyaya, Lakshman, "Evolution of the concept of Continental Shelf and Law of the Sea", *Nepal Law Review*, Vol. 9 (4), (April 1986)
11. Upadhyaya, Lakshman, "Regional Cooperation in South Asia and Landlocked Nepal", *Nepal Law Review*, Vol. 10 (3), (1987)
12. Upadhyaya, Lakshman, "Views on Fishing Rights of Landlocked Countries in the EEZ under the new convention of

Law of the Sea" (1982), *Nepal Law Review*, Vol. 9 (1), (July 1985)

13. Upadhyaya, Lakshman. , "A Review of Doctrinal Foundation of the Right of Free Access to the Sea for Landlocked Countries", *Nepal Law Review* Vol. 3 (2), (Oct. 1979)
14. Upadhyaya, Lakshman. "Reflection on the Problems and Prospects of Landlocked Countries in International Law", *Nepal Law Review*, Vol. 1 (3), (Oct-Dec, 1975)

## Law of Banking and Negotiable Instruments

Course Title: Law of Banking and Negotiable Instruments	Full Marks: 50
Course No: Law 527	Pass Mark: 35%
Duration of the Course: One Year (62 hrs)	Level : LL.B.
Year: III	Nature: Optional

### Course Objectives:

The Main Objectives of this course are:

- to give comparative, clear and detailed knowledge of the Principles and practice of the law of banking and negotiable instruments in Nepal to the students.
- to acquaint the students with the role and functions of various kinds of Banks.
- to enable the students to have critical appreciation of leading cases relating to law of banking and negotiable instruments decided by the Supreme Court of Nepal.

### 1. Introductory

- 1) Origin, meaning and necessity of bank
- 2) Types of Banks
- 3) Importance of banking system
- 4) Historical background of banking system and banking law of Nepal

### 2. Law relating to Central Bank

- Establishment, composition, functions and powers of Nepal Rastra Bank

### 3. Law relating to commercial banks:

- Establishment, management and functions of Commercial banks
- Privileges and banking procedures of commercial banks

### 4. The Banker-Customer relationship

- 1) Possible relationships:
  - Bailor-bailee, Trustee-beneficiary, Agent-Principal, Debtor-creditor
- 2) Types of customer:

- Individuals, minors, private firms, partnership firms, Companies and corporation, other body corporates, e.g., NGOs and INGOs

### 3) Deposits and accounts of the customer:

- Demand deposit and current account, saving deposit and account, Term deposit and account
- Combining of accounts
- Passbook and statements of account

### 5. Duties of Banker

- 1) Duty to pay cheque
- 2) The duty of secrecy and its exceptions

### 6. Bank Lending and Securities

- 1) Different methods of charging securities
  - Pledge, Hypothecation, Trust receipts, Assignments, Mortgage
- 2) Different types of security and their perfection
- 3) Goods and commodities, shares and debenture, insurance policies, bank deposits, national saving bonds, gold, immovable property, personal and corporate guarantee, promissory note, letter of comfort

### 7. Procedure of Recall and Recovery of Bank Loans

### 8. Trade Finance

- Legal characters of demand guarantees
- Basic features and fundamental principles of letter of credit

### 9. Law relating to negotiable instruments

### 10. Law relating to Foreign Exchange Management

### 11. Banking Offence and Punishment.

### 12. Decided Cases:

1. Board of Directors, Nepal Bank Ltd. *et.al.* vs. Raghunath Agrawal, *NKP* 2044/998 (Auction).
2. Dal Bahadur Budha Magar vs. Nepal Bank Ltd., *NKP* 2048/50
3. G.M. Aananda Bhakta Rajbhandari *et.al.* vs. Ballav Shumsher J.B.R., *NKP* 2044/520 (Power of Board of Directors)

4. Gajendra man Pati vs. Maheshworman Shakya, *NKP* 2042/468 (Loan Recovery)
5. Indu Shrestha vs. Rastriya Banijya Bank, *NKP*, Vol.30, No.11, P.1214 (Recovery of Loan)
6. Karishma Impex vs. Rastriya Banijya Bank, *NKP* 2048/891
7. Keshav Kisi *et.al.* vs. International Leading and Finance Co.Ltd. *NKP* 2058/139
8. Nepal Leather Industry Pvt. Ltd. vs. Nepal Indo-swez Bank Ltd., *NKP* 2052/978
9. Purusottam Marwadi vs Nepal Bank Ltd. Head office's behalf its Manager Ananda Bhakta Rajbhandari, *NKP* 2025/74-75 (liability of the Bank)
10. Rastriya Banijya Bank Janakpur Branch vs. Jhawarmal Goenka, *NKP* 2045/216
11. The Fulbari Ltd. vs. Nepal Rastra Bank *et.al.*, *NKP* 2064/1034
12. Uma Agrawal vs. Nepal Bank Ltd. Duhubi Branch *et.al.*, *NKP* 2046/868 (Security)

#### Reading materials

1. **Legal Texts (with amendments)**
  1. Bank and Financial Institutions Act, 2006
  2. Bank and Financial Institutions Loan Recovery Act, 2001.
  3. Bank and Financial Institutions Loan Recovery Rules, 2002
  4. Banking Offence and Punishment Act, 2007
  5. Foreign Exchange (Regulation) Act, 1961
  6. Negotiable Instruments Act, 1977
  7. Nepal Rastra Bank Act, 2001
  8. Secured Transactions Act, 2006
2. **Reference (Latest edition)**
  1. Ellinger E.P. & Lomnicka E., *Modern Banking Law*, Oxford, (1994.)
  2. Gupta, S.N., *The Banking Law in Theory and Practice*, Universal.
  3. Milnes, J. Holden, Pitman, *The Law and Practice of Banking*.
  4. Narayan, P.S., *Law of Negotiable Instruments and Dishonour of Cheques*, Asia Law House.
  5. *Paget's Law of Banking*, Butterworths.
  6. Pennigton, R.R. & Hudson, A.H. ME, *Commercial Banking Law*.

7. Regmi, Reshemraj, *Banking Law of Nepal*, Lumbini Pustak, Kathmandu, (2064)
8. *Sheldon's Practice and Law of Banking*.
9. Shiwakoti, S. & Shrestha, S. (ed.), *Leading Cases of Supreme Court on Banking*, Part 1 & 2, (Gyangun Kanoon Academy), (Nepali version).
10. *Tannan's Banking Law and Practice in India* - India Law House.

### Private International Law

Course Title: **Private International Law** Full Marks: 50  
Course No: Law 528 Pass Mark: 35%  
Duration of the Course: One Year (62 hrs) Level : LL.B.  
Year: III Nature: Optional

#### Course Objectives:

The Main Objectives of this course are:

- to impart the students the knowledge about various aspects of conflicts of laws.
- to acquaint the students with Laws and case law of Nepal of conflicts of laws.
- to expose the students to the practical aspects of the subject matter.

#### **I. Introduction**

- a. Meaning, nature, basis, sources and scope of Private International Law.
- b. Commonly used phrases and words
- c. Difference between public and private International law.
- d. Origin & Development of private International law.
- e. Recent trends
- f. Nepalese Experience on private International law.

#### **II. Jurisdiction**

- a. Meaning, basis and limitations of jurisdiction
- b. Jurisdiction of courts under different conventions
- c. Cause of action/ Lex cause
- d. Persons to whom jurisdiction applies
- e. Who can file suites
- f. Immunity from suites
- g. Jurisdiction: Immovable property
- h. Jurisdiction: in personam
- i. Jurisdiction: in rem
- j. When court will decline jurisdiction

#### **III. Doctrine of renvoi**

- a. Meaning of renvoi

- b. French and English theory of renvoi
- c. Partial and total renvoi
- d. Scope of the application of renvoi

#### **IV. Exclusion of Foreign Law / Extra Territorial Application of Law**

- a. Foreign Revenue Laws
- b. Foreign Penal laws
- c. Foreign Proprietary Legislation
- d. Foreign Laws Repugnant to Public Policy

#### **V. Domicile**

- a. Definition and general principles.
- b. Elements of domicile-intention and Residence
- c. Kinds of domicile-domicile of origin; domicile of choice; domicile of dependence/ dependents.
- d. Domicile of corporation.
- e. Domicile, Citizenship and residence

#### **VI. Marriage, divorce and matrimonial Relief**

- a. Nature of Marriage
- b. Formalities of marriage
- c. Capacity to marry
- d. Consent of Parties
- e. Polygamous marriage
- f. Divorce, nullity and judicial separation
- g. Legitimacy, Legitimizing and adoption
- h. Mental disorder

#### **VII. Property**

- a. Distinction between movable and immovable property
- b. Immovable and Law of the Situs rule
- c. Distinction between tangible and intangible movables
- d. Assignment of intangible movables
  - Debt
  - Negotiable instruments
  - Shares
- e. Succession

### VIII. Foreign Judgments / Awards

- a. Rational and Principle of recognizing foreign judgments /Awards
- b. Direct enforcement
- c. Actionability of foreign judgments/awards
- d. Conclusiveness of foreign judgments/awards
- e. Defense
- f. New York Convention on Reorganization of Foreign Arbitral Awards, 1958

### IX. Procedure

- a. Difference between substance and procedure
- b. Time and model of action
- c. Burden of proof and evidence
- d. Action and extent of remedy
- e. Execution

### Reading Materials

#### Prescribed

1. North, P.M. *et. al.*, *Cheshire and North's Private International Law*, Reed Elsevier (1999) Lexis Nexis Butterworths (First Indian Reprint 2004)
2. Setalvad, Atul., *Conflict of Laws*, Lexis Nexis Butterworths (2007)

#### Reference

1. Bill of Exchange, 2034.
2. Diwan, Paras. *Private International Law*, Deep and Deep Publications, Delhi, 1998.
3. Dicey & Morris. *Conflict of laws*, 13th edition or latest edition
4. Evidence Act, 2031.
5. Foreign Exchange (Regulation) Act, 2019.
6. Graveson, R. Conflict of Law.
7. Income Tax Act, 2031.
8. Leading case, Published in Nepal Kanoon Patrika (such as Tung Shamsher JB Rana v. Indian Airlines).
9. Relevant Sections of the National Code of Nepal (Muluki Ain).
10. The Indian society of International Law, International Conference on Private International Law, 2-3 Dec. 2006, New Delhi ISIL (2006)
11. The Permanent Bureau of the Conference (ed), *Hague Conference on Private International Law Collection of Conventions (1951-1996)*

## Intellectual Property Law

Course Title: **Intellectual Property Law**

Course No: Law 529

Duration of the Course: One Year (62 hrs)

Year: III

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

### Course Objectives

The Main Objectives of this course are:

- to impart the students knowledge of the meaning, kinds and sources of intellectual property law.
- to inculcate in them the understanding of the nature, kinds, ownership, transfer of ownership, fair use, infringement, remedies against infringement of copyright as provided in the laws of Nepal, USA, UK and India.
- to impart the students knowledge of the provisions of copyright and related rights provided by Berne Convention, TRIPS Agreements, Phonogram Convention, WIPO Copyright Treaty, and WIPO Performers and Phonogram Treaty.
- to acquaint the students with the nature and meaning of industrial property viz. trade mark, patent, industrial design, geographical indications, protection against unfair trade practices, trade secrets, etc.
- to enable the students to assess the benefits for Nepal from International Instruments dealing with intellectual property.
- Imparting of Knowledge of the above Course contents shall be carried out through Lecture, discussion, question-answer and problem solving methods of instructional techniques.

### Unit I: Introduction, Importance, and sources of Intellectual Property Law:

1. Concept of Intellectual Property.
2. Importance of Intellectual Property.
3. Kinds of Intellectual Property:
  - a. Industrial Property
  - b. Copyright
4. Sources of Intellectual Property Law.

5. Historical Development of Intellectual Property in Nepal

**Unit II: Meaning and Nature of different term of intellectual property and remedies against infringement of intellectual property rights:**

**1. Industrial Property**

- i. **Patent:** Meaning and nature of patent, term and ownership of patent, acquisition of patent right, infringement of patent right, remedies against infringement of patent.
- ii. **Trademark, Services marks:** Meaning and Nature of trade-mark, acquisition of trade-mark right, infringement of trade mark rights, remedies against infringement of trade-mark rights.
- iii. **Industrial design:** Meaning and nature of design, term and ownership of design, acquisition of design right, remedies against infringement of design right.

2. **Copyright:** Nature and meaning of copyright, kinds of copyright, term and ownership of copyright, right conferred by copyright, infringement of copyright, remedies against infringement of copyright.

**Unit III: International Conventions on Intellectual Property:**

1. Paris Convention for the Protection of Industrial Property, 1883 (as revised in 1971).
2. Trademark Law Treaty, 1994.
3. Nice Agreement Concerning the International Classification of Goods and Services, 1957.
4. Berne Convention for the Protection of Literary and Artistic Works, 1886 (Paris Text 1971)
5. Hague Agreement Concerning the International Deposit of Industrial Designs, 1923.
6. Locarno Agreement Establishing International Classification of Industrial Designs, 1968.
7. Rome Convention, 1961.
8. Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), 1994
9. World Intellectual Property Organization and its Role.

**Unit V: Existing Legal Frameworks of Intellectual Property in Nepal**

1. Harmonization of International norms of Intellectual Property in Nepalese Legal regime.
2. Provisions of Patent, Design and Trademarks Act, 1965 (with amendments).
3. Provisions of Foreign Investment and Technology Transfer Act, 1992 (with amendments).
4. Provisions of Electronic Transactions Act, 2006.
5. Consumer Protection Act, 1998.
6. Export-Import (Control) Act, 1957 (with amendments).
7. Copyright Act, 2002 (with amendments).
8. Foreign Exchange Regulation Act, 1974 (with amendments).

**Unit VI: Institutional Mechanism in Nepal**

1. Functions of Nepal Copyright Registrar's Office.
2. Functions of Nepal Copyright Protection Society.
3. Function of Music Royalty Collection Society-Nepal.
4. Functions of Computer Association of Nepal
5. Functions of Film Producer's Association
6. Functions of Film Development Board.

**Reading materials**

**1. Legal Texts (with amendments):**

- a. Company Act, 2006
- b. Consumer Protection Act, 1998
- c. Copyright Act, 2002
- d. Copyright Rule, 2004
- e. Electronic Transaction Act, 2006
- f. Export-Import (Control) Act, 1957
- g. Foreign Exchange Regulation Act, 1974
- h. Foreign Investment and Technology Transfer Act, 1992
- i. Patent, Design and Copyright Act, 1965

**2. Cases:**

- a. Nurpratap Rana vs. Department of Industry Tripureshwar Kathmandu et.al. *Some landmark Precedents of the Supreme Court on Commercial Law*, 1st. ed. (1959-2005), Supreme Court, 2006



- b. Suresh Chandra Agrawal vs. Department of Industry et.al., *NKP* 2049/791 S.C. decision no.4605

3. References

4. Chawla, Alka, *Copyright and Related Rights: National and International Perspective*, Macmillan India Ltd., (First ed.), (2007)
5. Cornish, W.R., *Intellectual Property*, Sweet and Maxwell, Universal Book Traders, Indian Reprint, New Delhi, (3<sup>rd</sup> ed), (1995)
6. Mukhia, Bal Bahadur Dr., "Role of Effectual CMO for Copyright Protection", *Nyayadoot*, English Special Issue, Year 38, No.171, Vol-6, Nepal Bar Association, Kathmandu, Nepal, (2008)
7. Mukhia, Bal Bahadur Dr., "The Role of Intellectual Property in Economic Progress and Issues in-Nepal", *Nyayadoot*, Nepal Bar Association, Kathmandu, Nepal, (2007)
8. Mukhia, Bal Bahadur, *An Inquiry Into the Legislation of Intellectual Property and Teaching of IP in Nepal* (Research), University Grants Commission, Kathmandu, Nepal, (1997)
9. Mukhia, Bal Bahadur, *Legal Aspects of Incorporated Property Rights with Special Reference to Industrial Property in Nepal*, (Research), Faculty of Law, Tribhuvan University, (2001)
10. Narayan, P., *Intellectual Property*, Eastern Law House, New Delhi, (3<sup>rd</sup> ed), (1990)
11. Sangal, P.S., *Intellectual Property Law*, R.K. Naroola, New Delhi, (1994)
12. Shahalia, Manu, Luv, *Perspective in Intellectual Property Law*, Universal Law Publishing Co.P.Ltd., (2003)
13. Sople, V.V., *Managing Intellectual Property and the Strategic Imperative*, Prentice Hall of India P.Ltd., New Delhi, (2006)
14. Upadhyaya, L.K. Dr., "Intellectual Law Teaching and Research Situation in Nepal", in *WIPO Publication No. 664(E) ISBN92-805-0200X* (1988)
15. Wadehra, B.L., *Law Relating to Patents, Trademarks, Copyrights, Designs and Geographical Indications*, Universal Law Publishing Co. P. Ltd., India, (2<sup>nd</sup> ed), (2000)

## Population Law

Course Title: Population Law

Course No: Law 53C

Duration of the Course: One Year (62 hrs)

Year: III

Full Marks: 50

Pass Mark: 35%

Level : LL.B.

Nature: Optional

### Course Objectives

The Main Objectives of this course are:

- to make students familiar with definition, scope and basic concept of Population and laws related to it
- to develop the students knowledge and understanding about the population situation of Nepal and quality of life issues.
- to make students aware of the laws that impact population growth such as law and policy on Birth, Death, Migration, Marriage, Social Structure of Population e.c.
- to inform about legal interventions for solving population related issues.
- to study about the law as an instrument for management of population.

### I. Introduction

- Meaning, Scope and Definition of Population Law
- Demography of Nepal (Size, Composition, Distribution, desegregated situation, socio-culture- religious context of Nepal)
- Importance of study on Population Law

### II. Census Law

- Law relating to census, survey and vital registration

### III. Basic Demographic Components and Law Related there to

- Laws on Citizenship
- Laws Relating to Registration of birth and deaths
- Laws on Migration (Concept of Migration & mobility, Types.
- Permanent, Semi- Permanent temporary & seasonal)
- Causes & consequences of Migration.

- Immigration & Emigration, free border and Treaty of Peace and Friendship with India

#### IV. Family Law and Population

- Law on Marriage, Divorce and Judicial Separation
- Joint Family and Population
- Adoption Law

#### V. Major Factors that are Directly Related to Population (Urbanization)

- Urbanization and Population Growth
- Religion and Population Growth
- Culture and Population Growth

#### VI. Population and Human Rights Issues

- Concept of Human Rights and its Correlation with Population
- Women's Reproductive Right (including fertility) as a Fundamental Right
- Right to Basic Health Service as a Fundamental Right
- Family Planning Laws of Nepal
- Child Rights
- Equality and Gender Discriminations

#### VII. Criminal Offences and Penology

- Reproductive health related offences and its impact on fertility (Infanticide, Rape, Bigamy, Incest, Adultery, Prostitution, Homosexuality, Third Sex)
- Law relating to contraception and Abortion in Nepal
- Law relating to religion and its impact on fertility

#### VIII. Institutional Arrangement for Population Management

- Central Bureau of Statistics
- Ministry of Population and its Functions

#### Reading Materials

##### Text Books

1. Acharaya, Dilli Raj, "*Law of Population*", Pairavi Publication
2. Kafle, Balaram, "*Law and Population of Nepal*", Legal Service and Research Center, Kathmandu,

#### Reference

1. Gurung, Harkha, Dr. (Coordinated ), *Main Report of Domestic and International Migration an Educational Group Studies on Migration*, National Population Commission, ( 2040)
2. *Introduction of Population and Law*, Secretariat of Population Commission, Singha Durbar Kathmandu.
3. *Population Monograph of Nepal*, Vol. .I&, II, Central Bureau of Statistics, Katmandu, (2003.)
4. Tandon, Usha "*Population Law : An Instrument for Population Stabilization*". New Delhi, Deep and Deep, (2003)
5. *Women of the World:Laws and Policies Affecting Their Reproductive Lives*, South Asia Pub, CRR Newyork (2004)

## Victimology

Course Title: Victimology  
Course No: Law 531  
Duration of the Course: One Year (62 hrs)  
Year: III

Full Marks: 50  
Pass Mark: 35%  
Level : LL.B.  
Nature: Optional

### Course Objectives:-

The Main Objectives of this course are:

- to impart the knowledge about various aspects of Victimology to the students.
- to acquaint the students with the rights of Victims.
- to provide knowledge about recent trends of Criminal law and the role of Victim.
- to acquaint the students about the major problems and issues facing by the Nepalese Law regarding to Victimology.
- to impart the knowledge about Truth Commission.
- to acquaint the students about concept and impact of impunity in the society.
- to enable the students to understand some landmark decision regarding to victim justice and victim rights decided by the Supreme Court of Nepal.

### Unit 1: Conceptual Development of Victimology

- 1.1. Meaning and Definition of the Term 'Victimology'
- 1.2. Evolution and Conceptual Development of Victimology
- 1.3. Conceptual Evolution of 'Victim Justice System'
- 1.4. Victimological Development in Nepal

### Unit 2: Meaning and Definition of Crime Victims

- 2.1. Meaning and Definition of Crime Victims
- 2.2. Classifications of Crime Victim

### Unit 3: Rights and Role of Victim

- 3.1. Rights of Victims
- 3.2. Role of Victim in Criminal Justice System
- 3.3. Victim Witness Assistance
- 3.4. Victim Support Management

### Unit 4: The Conceptual Evolution of Victim Justice System

- 4.1. Restorative Justice
- 4.2. Victim Justice System

### Unit 5: State Liabilities towards Victims

- 5.1. Role of Office of the Government Attorney, Nepal Police and victims related to Governmental and Non-governmental Organizations towards Victims
- 5.2. Role of State to Enact Compensatory Legal Provisions
- 5.3. Role of State to Provide Victim Supports

### Unit 6: Nepalese Perspectives on the Victims and the Rights of Victims

- 5.1. Constitutional Provisions
- 5.2. Statutory Provisions

### Unit 7: Concept of Truth Commission and its Feasibility in Nepal

- 7.1. Concept of Truth Commission
- 7.2. Feasibility of Truth Commission in Nepal

### Unit 8: Concept and Impact of Impunity

- 8.1. Concept of Impunity
- 8.2. Impact of Impunity in Nepal as well as in Criminal Justice System

### Unit 9: Decided cases:

1. Bhim Bahadur Oli Vs. HMG, Writ 3394/061, D.D.2062/10/18 (unpublished)
2. Budhi Bahadur Praja Vs. HMG, Writ 3448/063, D.D.2065/1/30 (unpublished)
3. HMG Vs. Ansail Miya, Cr. Appeal No 34422.062, D.D.2064/1/14 (unpublished)
4. HMG Vs. Jugta Sada, Cr. Appeal No 2291.057, D.D.2062/12/7 (unpublished)
5. Jagdish Thapa Vs. HMG, Writ 3326/063, D.D.2065/1/30 (unpublished)
6. Krishna Bahadur Lama Vs. HMG, C.No.5257, D.D.2061/9/6 (unpublished)

7. Rabindra Prasad Dhakal (on behalf of Rajendra Pd. Dhakal) Vs. HMG, *NKP 2064 (Disappeared Person)* Habeas Corpuses No. 2, D.No. 7817, p.179
8. Reshma Thapa Vs. HMG, *NKP 2062* No. 2 p.205
9. Shanti Bishwakarma Vs. HMG, *NKP 2061*, No. 6 p.769

#### Reading Materials Prescribed

1. FOHRID, *Dandahinta-Aabadharana, Samasya Ra Nidhan* (in Nepali), Kathmandu, Forum for Human Rights and Democracy (2064)
2. FOHRID, *Dandahinata Birudda Bikasit Antarasriya Dastabejharu* (in Nepali), Kathmandu, Forum for Human Rights and Democracy (2064)
3. FOHRID, *Dandapidit Ra Nyaye* (in Nepali), Kathmandu, Forum for Human Rights and Democracy (2064)
4. Rajan, V. N., *Victimology in India*. India: Ashish Publishing House. (2001)
5. Shrestha, Dr. Shanker Kumar, *A Step towards Victim Justice System*. Kathmandu: Pairavi Prakashan, (2001 AD).
6. Shrestha, Dr. Shanker Kumar. *Victims Jurisprudence*, (Nepali vernacular). Kathmandu: Pairavi Prakashan, (2062 B.S.)
7. Spalek, Basia *Crime Victim- Theory, Policy and Practice*. New York: Palgrave Macmillan, (2004)
8. The Compensation against Torture Act, 2053 BS
9. The Food Act, 2049 BS
10. The Foreign Employment Act, 2065 BS
11. The Gender Equality Act, 2063 BS
12. The Human Rights Commission Act, 2053 BS
13. The Human Trafficking and Transportation (Control) Act, 2064 BS
14. The Interim Constitution of Nepal, 2063 BS
15. The Muluki Ain, 2020 BS
16. The Proposed Draft of Criminal Code and Criminal Procedure Code, 2058/59
17. The State Cases Act, 2049 BS
18. The Vehicle and Transportation Management Act, 2049 BS

#### Reference

1. *A Statement of the Rights of Victims of Crime, 1991*
2. *Annual Reports of Supreme Court of Nepal and Office of Attorney General of Nepal.*
3. *Attorney General Guidelines for Victims and Witness Assistance, US Department of Justice, May 2005*
4. Das, Bharat B. *Victims in the Criminal Justice System*. India: APH Publishing Corporation.
5. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985*
6. Devasia, V. V. and Devasia, Leelamma, *Criminology, Victimology and Corrections*. India: Ashis Publishing House.
7. Elias, Robert, *The Politics of Victimization - Victims, Victimology and Human Rights*. New York: Oxford University Press.
8. Singh, S. P., Makkar and Paul C., *Global Perspectives in Victimology*.
9. *The Rome Statute of ICC, 1998*
10. *UN Declaration of Human Rights, 1948*
11. Viano, Ed. Emilio. *Victims' Rights and Legal References- International Perspectives*. USA: The Onati International Institute for the Sociology of Law.
12. William, F. McDonald. *Criminal Justice and Victim*. London: Sage Publications.
13. William, H. Parsonage. *Perspectives of Victimology*. London: Sage Publication.

### **Clinical Law**

Course Title: **Clinical Law**  
Course No: Law 532  
Duration of the Course: One Year (62 hrs)  
Year: III

Full Marks: 50  
Pass Mark: 35%  
Level : LL.B.  
Nature: Optional

#### **Course Objectives**

The main objectives of this course are:

- to acquaint the students with the practical skills of the lawyering generally and advocacy in particular
- to enable the students to develop a sense of social and professional responsibility
- to familiarize with the norms of professional and working ethics
- to appreciate the alternative mode of lawyering.

#### **Course description and Evaluation**

The course is designed generally to give practical training on law to students in the Campus, field or mobile clinic. Students may also be assigned a placement training at specified places or institutions. The course covers a wide range of activities which include working on real client problems, legal aid clinic, legislative drafting, law reform exercises and projects directed towards legal awareness, legal counseling, legal writing and research, law enforcement, public interest litigation and para-legal training. As part of the course, it may offer free legal service for women, dalit and other deprived and weak community involving students under the supervision of teachers in areas related to litigation related services and other legal services. This course shall be conducted by assigned teacher having at least ten years of professional experience. The Campus Chief, In-Charge of Law or any other senior and experienced teacher designated by Campus Chief or in charge of law will be the Coordinator who is responsible to carry out the programme in accordance with the instruction of the Faculty of Law, Tribhuvan University. A course outline and the number of students admitted in each academic session in this course will be announced by the Campus. A report of the works and experience of students will have to be submitted by students within the prescribed date at the end of academic session. This course carries 50 marks out of which 25 marks will be assessed by supervising teacher or institution and remaining 25 marks will be evaluated in viva-voce conducted by Campus.

### **Cyber Law**

Course Title: **Cyber Law**  
Course No: Law 533  
Duration of the Course: One Year (62 hrs)  
Year: III

Full Marks: 50  
Pass Mark: 35%  
Level : LL.B.  
Nature: Optional

#### **Course objectives**

The Main Objectives of this course are:

- to impart to the students knowledge of origin, development and jurisdiction of cyber law.
- to inculcate to students about the aspect of information and communication technology, computers and network systems, internet and virtual world, internet service providers, electronic data interchange, public key infrastructure and electronic/digital signature.
- to acquaint them with the meaning and nature of e-commerce, contract in cyberspace, digital contracts, provisions of UNCITRAL Model Laws on E-commerce, 1996.
- to impart to students concept of intellectual property rights, copyright in computer software, patenting software application, trademarks and domain names, law relating to semi-conductor layout and designs.
- to inculcate them the provision of Electronic Transaction Act, 2006 (2063 B.S.) and other relevant provisions of Nepalese law.
- to impart them about nature, scope and types of cyber crime.
- to enable the students to assess the challenges of cyberspace and benefits of ICT.
- Such knowledge will be transpired to the students through lecture, classroom, problem-solving, question answer method in order to promote their knowledge, comprehension and their capacity in the application of learnt knowledge and skill.

**Unit I: Introduction, Origin and Development of Cyber Law**

1. Evolution, Meaning and Nature of Cyber Law.
2. Relation of Law and Technology.
3. Aspects of Information and Communication Technology
  - a. Computer and network systems
  - b. Internet and Virtual World
    - i. World Wide Web
    - ii. Internet Protocol
    - iii. Internet Service Provider (ISP)
    - iv. Electronic Data Interchange (EDI)
    - v. Public Key Infrastructure and Electronic/Digital Signature
  - c. Telecommunication
    - i. Telephone
    - ii. Cel Phone/Mobile
    - iii. Telex/Fax
4. Need and scope of the study of Cyber Jurisprudence
5. Judicial Control and Jurisdiction of Cyber Space
6. Internet Regulation; Content Regulation and its Authority

**Unit II: Intellectual Property Rights, Computer Software and Cyberspace**

1. The concept of Intellectual Property rights.
2. Copyrights in Computer Software
3. Patenting software applications
4. Trademarks and domain names
5. Law relating to Semi-conductor, layout and designs
6. Cyber Property and Internet

**Unit III: E-Commerce and Legal Issues**

1. Meaning, Nature and Areas of E-commerce
2. Digital Signature/Electronic Signature and Certifyir Authority
3. Data Protection and Privacy
4. Consumer Protection in E-Commerce

**Unit IV: Cyber Crime**

1. Essential Elements of Crime
2. Concept of Cyber Crime, Nature of cyber criminality
3. Types of Cyber Crime

- i. Based on Role of Computer
- ii. Based on perpetrators
- iii. Based on Victims
  - a. Crime affecting individual:
  - b. Crimes affecting economy:
- iv. Based on Contents:

4. Investigation in Cyber Crime
  - i. Investigation Authority & its power
  - ii. Problems in Investigation
  - iii. Liability of Internet Service Provider
5. Jurisdiction of IT Tribunal and IT Appellate Tribunal

**Unit V: Existing Provisions of Cyber Law, relevant laws and policies in Nepal**

1. Provisions of Electronic Transactions Act, 2006.
2. Related Provisions of Copyright Act, 2002 (with amendments).
3. Provisions of Patent, Design and Trademark Act, 1965 (with amendments)
4. Related provisions of Competition Promotion and Market Protection Act, 2006 (2063).
5. Information Technologies Policies 2000
6. Long Term Policies on Information and Communication 2002

**Unit VI: Institutional Mechanism in Nepal:**

1. Functions of Office of Controller of Certifying Authority, Ministry of Environment, Science and Technology.
2. Functions of Nepal Copyright Protection Society.
3. National Information Technology Center
4. High-Level Commission for Information Technology (HLCIT).
5. Function of Computer Association of Nepal

**Reading Materials**

1. Statutes (with amendments)
  - 1) Company Act, 2006
  - 2) Computer Misuse Act, UK
  - 3) Data Protection Act, UK

- 4) Digital Millennium Copyright Act, 2000, USA
  - 5) Electronic Signature in Global and National Commerce Act, 2000, USA
  - 6) Export-Import (Control) Act, 1957
  - 7) Foreign Investment and Technology Transfer Act, 1992
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