

सातौं सेमेष्टरका लागि निर्धारित पाठ्यक्रम

FAR-WESTERN UNIVERSITY  
FACULTY OF LAW

Course Title: Environmental Law.

Level: B.A. LL. B.

Semester VII

Course code: Law 405

Full Marks: 100

Pass Marks 50%

Credit hrs.: 3 (48 hrs.)

Nature: compulsory.

**Course Description:** Environmental degradation has been the major problem at global level. Global warming and ozone depletion has become the major threat to the global environmental balance. This course aims to make students to understand the environmental issues at national and global level. Therefore, this course covers contemporary environmental issues, international environmental laws and Nepalese laws on environmental law. After completion of this course, students shall be able to understand environmental problems and the way of resolving them.

**Course objective:** The main objectives of this course are as follows;

- to acquaint students with the importance of environment
- impart knowledge to the students about the pertinent environmental issues at different levels.
- acquaint students about the measures taken for environmental protection, and
- with the judicial decisions and norms prevailing at international and national level.

**Course details:**

**Unit I: Introduction**

(Lectures - 8)

- 1.1. Meaning, Nature, Scope of Environment
- 1.2. Contemporary Environmental Issues
  - 1.2.1. Climate Change
  - 1.2.2. Ozone Layer Depletion
  - 1.2.3. Pollution: Atmospheric, Water, Land, Noise, Plastic
  - 1.2.4. Loss of Biodiversity
  - 1.2.5. Depletion of Cultural Heritage
- 1.3. Concept, Definition and Importance of Environmental Law
- 1.4. Environmental Law from Human Rights perspective

**Unit II: Public Interest Law and General Environmental Principles (Lectures - 8)**

- 2.1. Environment Protection and Public Interest Law
- 2.2. Meaning and Scope of General Environmental Principles
  - 2.2.1. No Harm Rule Principle
  - 2.2.2. Precautionary Principle
  - 2.2.3. Preventive Principle
  - 2.2.4. Principle of Common but Differentiated Responsibility
  - 2.2.5. Polluter Pays Principle
  - 2.2.6. Public Trust Doctrine
  - 2.2.7. Sustainable Development



**Unit III: International Environmental Law and Environment Protection (10 hrs.)**

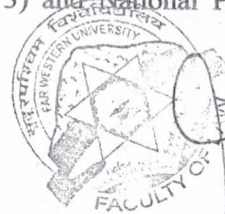
- 3.1. Concept, Scope, Sources and Application of International Environmental Law
- 2.2. Critical study of Stockholm Conference on Human Environment, 1972 and Rio Conference on Environment and Development, 1992
  - 2.2.1. Stockholm Declaration
  - 2.2.2. Rio Declaration
- 2.3. Multilateral Environmental Agreements to which Nepal is a party
  - 2.3.1. The Convention of Wetlands of International Importance, 1971 (Ramsar Convention)
  - 2.3.2. Convention Concerning the Protection of World Cultural and Natural Heritage, 1972
  - 2.3.3. Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
  - 2.3.4. Vienna Convention for the Protection of the Ozone Layer, 1985 and Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
  - 2.3.5. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
  - 2.3.6. UN Convention on Biological Diversity, 1992
  - 2.3.7. UN Framework Convention on Climate Change, 1992, Kyoto Protocol, 1995 and Paris Agreement, 2015
  - 2.3.8. UN Convention to Combat Desertification, 1994

**Unit IV: Global, Regional and National Environment Protection Agencies (Lectures: 6)**

- 4.1 Global Environmental Agencies
  - 4.1.1 United Nations Environment Programme (UNEP)
  - 4.1.2 Global Environment Facility (GEF)
  - 4.1.3 United Nations High Level Political Forum on Sustainable Development (UNHLPFSD)
- 4.2 Regional Environmental Agencies
  - 4.2.1 South Asian Cooperative Environment Programme (SACEP)
  - 4.2.2 South Asia Wildlife Enforcement Network (SAWEN)
- 4.3 Nepalese Government Agencies

**Unit V: Environmental Laws of Nepal (Lectures: 16)**

- 5.1 Constitutional provisions
  - 5.1.1. Right to Clean Environment, Right to Dignified Life, Right to Health, Right to Language and Culture, Right to Food, Directive Principles, Policies, and Responsibilities of the State and Fundamental Duties
- 5.2 Environment Protection Act, 2076 (2019) and Environment Protection Regulation, 2077 (2020)
- 5.3 National Civil Code, 2074 (2017) and National Criminal Code, 2074 (2017)
- 5.4 Laws Related to Biodiversity, Wildlife and Culture
  - 5.4.1. Forest Act, 2076 (2019) and Forest Regulation, 2077 (2020)
  - 5.4.2. National Parks and Wildlife Conservation Act, 2029 (1973) and National Parks and Conservation Rules, 2030 (1974)



- 5.4.3. An Act to Regulate and Control International Trade in Endangered Wild Fauna and Flora, 2074 (2017)
- 5.4.4. Aquatic Animal Protection Act, 2017 (1960)
- 5.4.5. Ancient Monuments Preservation Act 2013, (1956) (amended 1988) and Ancient Monuments Preservation Rules, 2046 (1989).
- 5.5 Laws Related to Water
- 5.5.1 Water Resources Act, 2049 (1992)
- 5.5.2 Soil and Watershed Conservation Act, 2039 (1982)
- 5.5.3 National Wetlands Policy, 2059 (2003)
- 5.6 Laws Related to Climate Change
- 5.6.1. Sagarmatha Declaration on Climate Change, 2066 (2009)
- 5.6.2. National Adaptation Programme of Action to Climate Change, 2067 (2010)
- 5.6.3. National Framework on Local Adaptation Plans for Action, 2068 (2011)
- 5.6.4. National Climate Change Policy, 2076 (2019)
- 5.7 Laws Related to Pollution Prevention and Control
- 5.7.1. Solid Waste Management Act, 2068 (2011)
- 5.7.2. Pesticides Management Act, 2076 (2019)
- 5.7.3. Industrial Enterprises Act, 2076 (2020)

**Prescribed Cases:** (concerned teacher must refer the cases in concerned unit)

Prasad Dhungel Sharma and Others vs. Godavari Marble Industries and Others, NKP (2052), Decision Number 04

Yogi Narahari Nath and Others vs. Prime Minister Girija Prasad Koirala and Others, NKP (2053), Number 1, Decision Number 6127

Narayan Prasad Devkota and Others vs. Prime Minister and Council of Ministers and Others, NKP (2067), Writ Number 066-WO-0521

Advocate Shailendra Prasad Ambedkar and Others vs. PM and Council of Ministers and Others, Writ Number 077-WC-0099

Advocate Prakash Mani Sharma and Others vs. PM and Council of Ministers and Others, NKP (2069), Number 11, Writ Number 2063-WO-0218, Decision Number 8922



Advocate Prakash Mani Sharma and Others vs. Prime Minister and Council of Ministers and Others, NKP (2073), Number 4, Writ Number 065-WF-0005, Decision Number 9575

Advocate Khagendra Subedi and Others vs. GON and Others, NKP (2075), Number 9, Writ Number 067-WO-0694

Ram Chandra Simkhada and Others vs. PMO and Council of Ministers and Others, NKP (2076), Number 2, Writ Number 068-WO-0597

Padam Bahadur Shrestha vs. PM and Council of Ministers and Others, NKP (2076), Number 3, Writ Number 074-WO-0283

#### References:

Sanjay Adhikari and Rupa Basnet, *Simhavalokana of Conservation Law (Mata Bhumih Putruanhan Prthivya)*, 2024

Dr. Tara Prasad Sapkota, *An Introduction to Environmental Law and General Principles*, Kathmandu: Integrated Law Firm and Consultancy Publication, 2<sup>nd</sup> Edition, 2014

Susan Wolf and Neil Stanley, *Wolf and Stanley on environmental Law*, Routledge Taylor and Francis Group, 6<sup>th</sup> Edition 2014

Dr. Tara Prasad Sapkota, *An Observation on Global Climate Change*, Kathmandu: Integrated Law Firm and Consultancy Publication, 2012

S. C. Shastri, *Environmental Law*, Eastern Book Company, 4<sup>th</sup> Edition, 2012

Dr. Bijay Singh Sijapati, *Environmental Protection and Justice*, Kathmandu: Pairavi Publication, 2012

Laxman Guruswamy, *International Environmental Law in a Nutshell*, 4<sup>th</sup> Edition, 2011

Dr. Bijay Singh Sijapati, *Environmental Law*, Kathmandu: Sajha Publication, 2011

John R. McNeill, Jose Augusto Padua, Mahesh Rangarajan (Eds), *Environmental History – As If Nature Existed*, Oxford University Press, 2010

T. Padma and K. P. C. Rao, *The Principles of Environmental Law*, Hyderabad: ALT Publication, 2010

Dr. Ananda Mohan Bhattarai, *Protection of Himalayan Biodiversity – International Law and Regional Legal Framework*, Kathmandu: Mandala Book Point, 2010

James Garvey, *The Ethics of Climate Change: Right and Wrong in a Warming World*, Continuum International Publishing Group, 1<sup>st</sup> South Asian Edition, 2009

Patricia Birnie and Alan Boyle, *International Law and the Environment*, 2<sup>nd</sup> Edition, 2009

P. B. Sahasrananan, *Handbook of Environmental Law*, Oxford University Press, 2009

Dr. Ashok Dawan, *A Textbook of Environmental Studies*, Saurabh Publishing House, 2008



- J. Timmons Roberts and Bradley C. Parks, *A Climate of Injustice -- Global Inequality, North-South Politics, and Climate Policy*, The MIT Press, 2007
- RodaVerheyen, *Climate Change Damage and International Law -- Prevention Duties and State Responsibility*, MartinusNijhoff Publishers, 2005
- Dr. Ananda Mohan Bhattarai and Dil Raj Khanal, *Communities, Forests and Law of Nepal -- Present State and Challenges*, Kathmandu: Pro Public, FECOFUN and CIEL publication, 2005
- Ravi Sharma Aryal, *CITES Implementation in Nepal and India: Law, Policy and Practice*,  
Kathmandu:Bhrikuti Academic Publication, 2004
- Alexandre Kiss and Dinah Shelton, *International Environmental Law*, Transnational Publication, 3<sup>rd</sup> Edition, 2004
- D. G. Craig, N. A. Robinson and K. Kheng-Lian (Eds.), *Capacity Building for Environmental Law in the Asia and Pacific Region: Approaches and Resources*, Volume 1 and 2, 2<sup>nd</sup> Edition, ADB, 2003
- Ananda Mohan Bhattarai, *Displacement and Rehabilitation in Nepal: Law, Policy and Practice*,  
New Delhi: Anmol Publications, 2001
- Ramachandra Guha, *Environmentalism -- A Global History*, Oxford University Press, 2000
- Narayan Belbase, *National Implementation of the Convention on Biological Diversity -- Policy and Legislative Requirements*, IUCN, 1999
- The Report of the Commission on Global Governance, *Our Global Neighbourhood*, Oxford University Press, 1995
- Narayan Belbase, *The Implementation of International Environmental Law in Nepal*, IUCN, 1993



# FAR-WESTERN UNIVERSITY

## FACULTY OF LAW

Course Title: Gender and Inclusive Justice

Level: B.A, LL. B.

Semester: VII

Course Code: Law 410

Full Marks: 100

Pass Marks:50%

Credit: 3 (48 hrs.)

Nature: Compulsory

**Course description:** Gender is the socially constructed norms, roles, and attributes considered appropriate for men, women and people of other genders. Gender equality ensures equal rights, responsibilities, opportunities, and respect for men, women, and people of other genders. Gender equality ensures that women, men and people of other genders have equal rights, opportunities, and respect. Social inclusion includes the inclusion of women, girls, adolescents and young people, the elderly, people living with disabilities, ethnic minorities, religious minorities, stigmatized people. This course aims at providing knowledge to the students about the gender and gender justice, notion of patriarchy and matriarchy, feminism, international practices in gender justice, Nepal's constitutional and legal arrangement, and legal arrangements in social inclusion.

**Course objectives:** The objectives of this course are;

- to impart knowledge about the concept of gender and gender justice.
- to provide idea and notion of feminism and patriarchy.
- to inculcate students about the international practices and norms about the gender and gender justice.
- to teach students about the Nepalese constitutional and legal provisions on gender justice and social inclusion.

**Course details:**

**Unit – I Concept of Gender Justice (7 hrs.)**

- 1.1. Concept of gender and gender justice.
- 1.2. Distinction between 'sex'(nature) and 'gender'(culture)
- 1.3. Notion of patriarchy, and discrimination,
- 1.4. Notion of division of labour and discrimination.
- 1.5. Marginalization and double marginalization
- 1.6. Concept and types of Equality (formal and substantive)
- 1.7. Equality and affirmative action



## **Unit II. Gender Justice and Feminist Movement (5 hrs.)**

- 2.1. Concept of Feminism and emergence of Feminist movement
- 2.2. Theories of Feminism
  - 2.2.1. Liberal Feminism
  - 2.2.2. Radical Feminism
  - 2.2.3. Cultural Feminism
  - 2.2.4. Socialist Feminism

## **Unit- III: Gender Justice in International Perspectives (8 hrs.)**

- 3.1. Universal Declaration of Human Rights -1948
- 3.2. International Covenant Civil and Political Rights- 1966
- 3.3. International Covenant of Economic Social and Cultural Rights- 1966
- 3.4. Convention for the Elimination of All sorts of Discrimination Against Woman-1979
- 3.5. Declaration on the Elimination of violence Against Women 1993
- 3.6. Beijing Declaration, 1990
- 3.7. International Convention on the Rights of the People with Disability- 1994
- 3.8. ILO Related Conventions and Recommendations

## **Unit – IV: Constitutional and Legal Provision on Gender Justice. (15 hrs.)**

### **4.1. Constitutional Provision concerning Gender Justice**

4.1.1. Fundamental Rights: Right to Property, Right to employment, Reproductive health Right, Identity/Citizenship Rights, Right to social Justice, Rights of women, Directive principle and policy.

4.1.2. Legal Rights: Marriage and Divorce, gender-based violence, sexual violence, domestic violence, trafficking in person.

## **Unit – V: Inclusive Justice (10 hrs.)**

- 5.1. Concept and meaning of inclusive Justice
- 5.2. Exclusion v Inclusion
- 5.3. Inclusion of women in state mechanism
- 5.4. Inclusion of Indigenous people in state mechanism
- 5.5. Inclusion of Dalit
- 5.6. Inclusion of minority
- 5.7. Inclusion of *Tharu* community
- 5.8. inclusion of persons with Disability

### **Leading cases:**

*Meera Dhungana v HMG Cabinet secretariat at all. writ No 55 of 2058 B.S.*



*Adv Sapana Pradhan Malla v HMG Cabinet Secretariat at all.* Writ No 56 of 2058 B.S.

*Adv Reshma Thapa v HMG Cabinet Secretariat at all.* NKP 2062, Decision No 7498, Vol. 2, p. 205.

*Adv Sharmila Parajuli v HMG Cabinet secretariat at all.* N.K.P 2061, Decision No 7479 Vol. 10 p.1312.

*Dil Bahadur Bishwokarma v HMG cabinet secretariat at all.* NKP 2062, Decision No 7531, Vol. 4 p. 492.

*Pro-Public at all v HMG at all.* Writ No ws-128 of 2063.

*Jitkumari Pangeni at all. v HMG Prime Minister's Office and at all.* NKP 2065, Decision No 7951, Vol. 4, p. 398.

*Sapana Pradhan Malla v HMG et. all.* N.K.P. 2065, Decision No 8038, Vol 11, p 1358.

*Jyoti Poudel et. all. v GON et all,* N.K.P. 2066, Decision No 8282, Vol 12 p. 2011.

*Suntali Dhami (Shahi) v Office of the Prime Minister & Cabinet secretariat,* N.K.P. 2068, Decision No 8541, Vol. 1, p. 112.

*Laxmi et all v Office of the Prime Minister & Cabinet secretariat,* N.K.P. 2067, Decision No 8464 Vol. 9, p 1551.

*Tek Tamrakar v GON Cabinet secretariat,* NKP 2062, Decision No 7550, Vol 6, p 680.

**Reading materials:**

1. Yadav, P. Social Transformation in Post-conflict Nepal: A Gender Perspective. (2016), Taylor & Francis, United Kingdom.
2. Agarwal Nomita, Women and Law in India, (2002) New Century Publications, Delhi.
3. Agarwal Rashma, and Rao B.V.L.N., Gender Issues- A Road Map to Empowerment, (2004.) Shipra Publication, New Delhi.
4. Vandana Shiva, Staying Alive: Women, Ecology and Development, (1989) Zed Books London.
5. Bhasin Kamala, Understanding Gender, Kali for Women, (2000), New Delhi.
6. Choudhry Maitrayee (ed.), Feminism in India, (2004) Kali for Women, New Delhi.
7. Kant Anjani, Women and the Law, (1997) A.P.H. Publishing Corporation, New Delhi.
8. FES Nepal, Gender Justice in Nepal, Issues and Perspectives, (2021) Sanepa Lalitpur.
9. Pierce Jennifer, Gender Trials: Emotional Lives in Contemporary Law Firms, (1996) University of California Press.
10. Weisberg D. Kelly, Feminist Legal Theory (1993) Temple University Press.





11. Dr. Chatterjee Ishita, Gender Justice And Feminist Jurisprudence (2019), Central Law Publications.
12. Chawla, Monika Gender Justice: Women and Law in India, (2006) Deep & Deep Publications Delhi.
13. Kannabhiran Kalapana (ed), WOMEN AND LAW CRITICAL FEMINIST PERSPECTIVES (2014) Sage Publications India.
14. Duara Juliette Gregory, Gender Justice and Proportionality in India: Comparative Perspectives (Routledge Advances in South Asian Studies).
15. Gopalan Sarla, Towards Equality -- The Unfinished Agenda -- Status of Women in India (2001) National Commission for Women.
16. Dhanda Amita, Parashar Archana (ed) Engendering Law Essays in Honour of Lotika Sarkar (Eastern Book Depot).
17. Kapur Ratna and Cossman Brendia, Subversive Sites: Feminist Engagements with Law in India (1996).
18. Acharya, Meena, & Mathema, P., Acharya, B. (1999). Women in Nepal, Philippines: Asian Development Bank, Programs Department West and Office of Environment and Social Development.
19. Promoting Gender Equality and Social Inclusion: Nepal's Commitments and obligations. Nepal: INHURED International.



**FAR WESTERN UNIVERSITY**  
**FACULTY OF LAW**

**Course Title: Law, Poverty and Development**

**Level: B. A. LL. B.**

**Course Code No: Law 415**

**Credit hrs.: 3 (48 hrs.)**

**Full Mark: 100**

**Pass Mark: 50%**

**Semester: VII**

**Nature: Compulsory**

**Course Description:** This course will provide general introduction to poverty, law and development. The United Nations has committed itself to lower the number of poor people in the world and has been adopting different declaration and programmes. Moreover, the development has been considered as the rights of the people than the charity. The poverty prevails in the world despite the global, regional and local efforts. Thus, the course will explore the relationship between poverty, law and development. The course is comprised of seven units.

**Course Objectives:**

This course has the following objectives.

- Introduce students to different conceptions of poverty;
- Discuss the impoverishing role of law and legal institutions and analyze the role of legal resources in combating poverty;
- Discuss contemporary efforts at poverty reduction through assertion of legal obligations;
- Assess the extent to which States are individually and collectively taking steps to create an enabling environment for the realization of the right to development;
- Identify the relationship between poverty, law and development both in national and international context.

**Course details:**

**Unit I: Concept of Poverty**

**6**

1.1. Meaning and Definition of Poverty

1.2. Forms and Causes of Poverty

1.3. Measurement of Poverty

**Unit II: Prevalence of Poverty and Its Reduction in Nepal**

**3**

2.1. Poverty Status in Nepal

2.2. Policies and Programmes Adopted at Reducing Poverty

**Unit III: Basic Rights of the Poor and Nepalese Legal Provision**

**13**



- 3.1. Right to Food
- 3.2. Right to Housing
- 3.3. Right to Health
- 3.4. Right to Education
- 3.5. Right to Employment and Social Protection
- 3.6. Right to Development

**Unit IV: Concept and Meaning of Development**

6

- 4.1. Concept and Meaning of Development
- 4.2. Right Based Approach to Development
- 4.3. Poverty Reduction and Development
- 4.4. Interface between Law, Poverty and Development

**Unit V: Development Goals Set by the UN: MDG and SDG**

6

- 5.1. Assessment of MDG Goal Achievement
- 5.2. Major Provisions of SDG
- 5.3. Challenges of SDG

**Unit VI: Global and Regional Measures in Poverty Reduction**

10

- 6.1. Role of the World Bank in Poverty Reduction
- 6.2. Role of IMF in Poverty Reduction
- 6.3. Role of the UN GA in Poverty Reduction
- 6.4. Role of the Asian Development Bank in Poverty Reduction
- 6.5. Role of the SAARC in Poverty Reduction

**Unit VII: Aid Effectiveness**

4

- 7.1. Paris Declaration on Aid Effectives
- 7.2. Aid Effectiveness and Nepal

**Reading Materials:**

Baxi, Upendra (ed.) *Law and Poverty: Critical Essays*. Bombay: N M Tripathi, 1988

Spicker, Paul. *The Idea of Poverty*. New Delhi: Rawat Publication, 2007.

National Planning Commission, Nepal. *The Fifteenth Plan (Fiscal Year 2019/20 – 2023/24)*  
Kathmandu (Only selected portion)

National Planning Commission, Nepal. *Nepal and the Millennium Development Goals Final Status Report 2000-2015*. Kathmandu, 2016

Sen, Amartya. *Development as Freedom*. New York: Alfred Knopf, 1999



(Introduction Chapter only) Available at

<http://fs2.american.edu/dfagel/www/Philosophers/Sen/DevelopmentAsFreedomIntroNch1NEW.pdf>

Shrestha, Tejman. "Right to Food: Translating Justiciability Theory into Practice." in *INFORMAL* Vol. 34, No. 3 & 4, December 2014 (Joint Issue). INSEC: Kathmandu, 2014

"Right to Health in Nepal: Fundamental Rights or Statutory Rights?" in *Kanoon*, Vol. 117, 2017  
*Existing Laws and Policies on Rights of Women, Dalit and Disabled Persons and Their Implementation Status*. INSEC: Kathmandu, 2073.

*Existing Laws and Policies on Rights to Food, Education and Health and Disabled Persons and Their Implementation Status*. INSEC: Kathmandu, 2073.

United Nations General Assembly. Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development. UN Doc No A/HRC/30/22

United Nations. Millennium Development Goals.

Available at <http://www.un-documents.net/mdg.htm>

The Millennium Development Goals Report 2015 available at

[https://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](https://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf)

Sustainable Development Goals.

Available at <https://sdgs.un.org/goals>

UNDP. *Human Development Report 2000: Human Rights and Human Development*.

New York: Oxford University Press, 2000 (Only Introduction and I Chapter)

Alston, Philip. and Robinson, Mary(eds.) *Human Rights and Development: Towards Mutual Reinforcement*, Oxford/New York: OUP, 2005.



- Andreassen, Bard A. and Marks, Stephen P. (eds.) *Development as a Human Right: Legal, Political and Economic Dimensions* (2nd ed.). Antwerp, Intersentia, 2010.
- Cisse, Hassane. "Legal Empowerment of the Poor: Past, Present, Future" in *The World Bank Legal Review*, Vol. 4. Washington, DC: The World Bank, 2013.
- Dahal, Madan K. et al. *Development Challenges for Nepal*. Kathmandu: Nepal Foundation for Advanced Studies & Finnish International Agency for Development Agency, 1999.
- Gonsalves, Collin et al (eds). *Right to Food*. New Delhi: Human Rights Law Network, 2004.
- Keeling, Stephen J. (ed). *Pro-Poor Governance Assessment Nepal*. Kathmandu: Enabling State Programme, 2001.
- Marks, Stephen P. (ed). *Implementing the Right to Development: The Role of International Law*. Friedrich-Ebert-Stiftung: Geneva, 2008.
- Maskay, Bishwa Keshar. *Non-Governmental Organizations in Development: Search for a New Vision*. Kathmandu: Center for Development and Governance, 1998.
- Parajuli, Jana Kalyan and Lamichhane, Bimal Prasad. *An Outline of Law, Poverty and Development*. Pokhara, 2017.
- Salomon, M.E. *Global Responsibility for Human Rights: World Poverty and the Development of International Law* (OUP, 2007)



**FAR WESTERN UNIVERSITY  
FACULTY OF LAW**

Course Title: Labour Law  
Level: B. A, LL. B.  
Seventh VII  
Course Code: Law 420

Full Marks: 100  
Pass Marks: 50%  
Credit: 3 (48 hrs.)  
Nature: Compulsory

**Course Description:** This course prescribed for the B. A, LL. B. Level students aims at providing basic knowledge of labour law and labour jurisprudence. This course widely covers the concept of the labour law, labour standards, international labour organization, its composition and functions, collective bargaining, constitutional and legal provisions on labour protection, concept of labour related social security, institutional arrangement of dispute settlement of labour related disputes, and trade unions and int's importance.

**Course Objectives**

The main objectives of this course are;  
to impart knowledge to the students regarding labour law jurisprudence and the concept and principles of labour law, including the work of International Labour Organization and its role on setting of global labour jurisprudence. The course also provides students about Nepalese labour laws, polices and standards as well as related administrative and judicial institutions, including trade unions, and court decisions.

**Unit I: Introduction to Labour Law (10 hrs)**

- 1.1 Concept, Nature, meaning, and scope, of labour jurisprudence.
- 1.2 Nature, meaning, evolution, source and features of labour laws.
- 1.3 Some fundamental concepts relating to labour laws:
  - 1.3.1. basic human rights of worker
  - 1.3.2. employment policy
  - 1.3.3. social security
  - 1.3.4. industrial relations
  - 1.3.5. managerial rights
  - 1.3.6. trade union rights
  - 1.3.7. collective bargaining
  - 1.3.8. unfair labour practice
  - 1.3.9. peaceful settlement of industrial dispute
  - 1.3.10. protection of right of some special group of worker
  - 1.3.11. role of government

**Unit II: International Labour Organisation (3 hrs)**

- 2.1 ILO, its origin, organisational structure and functions.
- 2.2 ILO on development of global labour standard/jurisprudence.
- 2.3 Core International Labour Standards.

**Unit III: Constitution and Legal Provisions of Labourer (18 hrs)**

- 3.1. Fundamental rights of the worker.



- 3.2. Historical development of labour legislation in Nepal
- 3.3. Salient feature of the Nepali Labour Act
- 3.3. Appointment Process:
  - 3.3.1. Classification of job
  - 3.3.2. Appointment of workers and employees
  - 3.3.3. Employment of women, young and children
  - 3.3.4. Job Security and Retrenchment
  - 3.3.5. Security of job from termination
  - 3.3.6. Lay off
  - 3.3.7. Retrenchment and Reinstatement
- 3.4. Compulsory Retirement (5 hrs)
- 3.5. Remuneration/Wages, Allowances and Their Protection
  - 3.5.1. Minimum remuneration/ basic wage and its fixation
  - 3.5.2. Dearness allowance
  - 3.5.3. Annual increment of remuneration (grade)
  - 3.5.4. Protection of remuneration/wage, allowance etc. and remedy there off
  - 3.5.5. Minimum Remuneration Fixation Committee and its power and functions
  - 3.5.6. Leave
  - 3.5.7. Misconduct and Punishment of Employers and Employee
- 4.6. Provisions relating to special enterprises.

**Unit IV: Health, Safety and Welfare (2 hrs)**

- 4.1. Provision on health and safety
- 4.2. Provision on welfare
- 4.3. Recent developing trends on health and safety in Nepal

**Unit V: Provisions on Social Security (2 hrs)**

- 5.1. Provident fund
- 5.2. Gratuity
- 5.3. Workman's compensation
- 5.4. Recent developing trends on Social Security in Nepal

**Unit VI: Labour Disputes (4 hrs)**

- 6.1. Provisions for the prevention of labour disputes
- 6.2. Provisions for the settlement of labour disputes
- 6.3. Industrial actions: strikes and lock out and the process
- 6.4. Collective bargaining
- 6.5. By partite and tri partite dialogue
- 6.6. Role of Labour Court

**Unit VII: Labour related Authorities (2 hrs)**

- 7.1. Labour Department and Labour Office and their power and functions
- 7.2. Labour Officers and Factory Inspectors and their power and functions
- 7.3. Industrial Relation Committee, National Labour Advisory Committee



## **Unit VIII: Trade Unions and Its Importance (2 hrs)**

8.1. Concept of Trade Unions with reference to right to association

8.2. Legal provisions of Trade Union under Trade Union Act 1992

### **Leading Cases:**

1. *Casino Royal Vs. Labour Court*, NKP 2064, Vol. 5. P 625
2. *Dr. Rupjyoti Vs. Labour Court*, NKP 2063 No. 4, 407
3. *International Center for Integrated Mountain Development Vs. Labour Court*, Writ No. 125 (2062), (Decision date 2064/12/5)
4. *Mukunda Bahadur Bista Vs. Labour Court*, NKP 2063 No.8 p 1099
5. *Nepal Battery Company, Balaju Industrial Estate Pvt. Ltd Vs. Ministry of Labour*, NKP 2059, No. 11/12, p. 726, Decision No 7150
6. *Nepal Insurance Vs. Labour Court*, Writ No. 3625, Year 2061.
7. *Olampia Textile Vs. Labour Court*, NKP 2064/371
8. *Pro-public Vs. Ministry of Women, Children and Social Welfare*, NKP 2060, No. 9/10, p 726, Decision No 7268
9. *Pro-public Vs. Nepal Independent Trade Union of hotel*, Writ No 0602(2063)
10. *Purushottam Bhandari Vs. Ministry of Transport and labour Management 2058*, Writ No3232, (Important Decisions related to Labour Law, Part II p 379)

### **Reading Materials:**

#### **A. Prescribed Materials:**

##### **I. Text Books:**

1. Dahal, Kashi Raj. *Industrial Jurisprudence*, Pairavi Publication, Kathmandu, 2050.
2. Ojha, Pawan Kumar. *Industrial Jurisprudence*, Lumbini Publication, Putalisadak.
3. Ojha, Pawan Kumar. *Labour Law Part I*, 2nd edition.
4. Ojha, Pawan Kumar. *Labour Law Part II*, first edition.
5. Thapa, Sitamaiya Singh, *An Introduction of Labour law of Nepal*, Nepal Law Society, Kathmandu, 1991.
6. International Labour Organization, Kathmandu, *Labour Administration: Profile of Nepal*, Kathmandu (1998).
7. Supreme Court of Nepal, Leading Commercial Cases.

##### **II. Constitution, Statutes and Rules:**

1. Interim Constitution of Nepal, 2063 B.S
2. Labour Act 2048 B.S
3. Labour Rules 2050 B.S and Tea Estate Labour Rules 2050 B.S
4. Trade Union Act 2049 B.S and Rules 2050 B.S
5. Children Act 2048 B.S
6. Prohibition of Child Labour Act 2056 B.S
7. Foreign Investment and Technology Transfer Act 2049 B.S
8. Bonus Act 2030 B.S

#### **B. References:**

##### **I. Books:**

1. Giri, V.V., *Labour Problem in India*.





2. International Labour Organization, International Labour standards.
3. Malhotra, O.P.. *Law of Industrial Disputes*
4. Taxman's *Industrial Law of India*.
5. Industrial Disputes Act 1947 of India
6. Minimum Wage Act 1948 of India.
7. Trade Union Act 1926 of India

**II. Journals:**

1. Annual Survey of Napalese Law, Nepal Bar Council
2. Nepal Law Review, Faculty of Law, Nepal Law campus, T.U
3. Business Law Journal
4. Kanoon, Lawyers Club, Nepal
5. NJA Journals, National Judicial Academy
6. Nepal Bar Council Law Journals, Nepal Bar Council
7. Nyayadoot, Nepal Bar Association, Nepal
8. Supreme Court Bar Journal, Supreme Court Bar Association



**FAR WESTERN UNIVERSITY  
FACULTY OF LAW**

**Course Title: Legal Research Methodology**

**Level: B.A., LL. B.**

**Course code: Law 425**

**Credit: 3 (48 hrs.)**

**Full Marks: 100**

**Pass Marks: 50%**

**Semester: VII**

**Nature: Compulsory**

**Course description:** All disciplines including law are in reality a culmination of the process of research. Research is a continuous process and helps to identify and understand the issues better and find suitable solutions of a problem. Research must be based on suitable methodology and a researcher must be acquainted with the problems and techniques of the research to obtain desired goals. The study of law is closely connected with legal research, which is necessary to give it a proper direction. Sound propositions of law and arguments cannot be constructed without legal research. Therefore, equally indispensable for students of law, lawyers, judges and scholars who specialises in legal research can perform their job effectively. Now, legal research has been an essential part of legal studies. This course aimed at imparting knowledge to the students of B.A., LL. B, about research methodologies such as; problem identification, hypothesis formulation, data analysis, and other tools and techniques of the legal research and writing of a research report, and research ethics.

**Course Objectives**

The objectives of this course are:

- to provide students the knowledge about theoretical concepts and practical competencies of research,
- equip students with concept of legal writing and critical thinking.
- impart knowledge to the students about the problem identification, and find solution of a legal problems.
- to train students in research and writing process, ethical values and finding solutions of problem.

**Unit I: Introduction (3 hrs)**

- 1.1 Meaning, types and importance of research
- 1.2 Meaning, scope, importance and relevance of legal research
- 1.3 Purposes of legal research

**Unit II: Types and approaches of Legal Research (8 hrs)**

- 2.1. Descriptive v. Analytical Research
- 2.2. Applied v. Fundamental Research
- 2.3. Quantitative v. Qualitative Research.
- 2.4. Doctrinal v. Non doctrinal Research
- 2.5. Historical v. empirical Research

**Unit III: Stages in legal Research (12 hrs)**

- 3.1 Identification and formulation of research problem
- 3.2 Literature review
- 3.3 Writing of a research proposal



### **3.1. Formulation of Hypothesis**

3.1.1. Concept,

3.1.2. Sources,

3.1.3. Role and utility of Hypothesis,

3.1.4. Criteria of Hypothesis,

3.1.5. Difficulties in formulation of Hypothesis

3.1.6. Testing of Hypothesis

### **3.2. Research design**

3.2.1 Meaning and definition

3.2.2 Importance of research design

3.2.3 Major steps in preparing Research Design

### **Unit: IV: Research Data (15 hrs)**

4.1. Importance and sources of data

4.2. Techniques of data collection,

4.3. Qualitative and quantitative data

4.4. Primary and secondary Data

4.5. Processing and analysis of Data

4.6. Interpretation of Data.

### **4.1. Methods of Data Collection**

4.1.1. Observation

4.1.2. Interview

4.1.3. Questionnaire

4.1.4. Schedules

4.1.5. Difference between Questionnaires and Schedules

4.1.6. Survey

4.1.7. Samling: meaning, types, methods and universe.

### **Unit V: Research Report and Rule of Citations (10 hrs)**

5.1. Introduction to research report

5.2. Lay-out of research report

5.2.1. Title page

5.2.2. List of tables and figures

5.2.3. Abbreviation

5.2.4. Text chapters

5.2.5. Body part

5.2.6. Conclusion

5.2.7. Bibliography

5.2.8. Rules of citation

5.2.9. Research ethics and plagiarism

5.2.10. Appendices



**Reading Materials:**

**A. Prescribed Materials**

1. Belbase, Krishna, *Legal Research and Writing*, Kathmandu: Lumbini Publication, (latest edition).
2. Pradhananga, Rajit Bhakta, *An Introduction to Legal Research and Methodology* (Nepali), Kathmandu: Bhrikuti Academy, 2064 B.S.
3. Bailey, Kenneth. D., *Methods of Social Research*, (1978) The Free Press, New York.
4. Kothari C.R., Garg Gaurav, *Research Methodology: Methods and Techniques*, 3<sup>rd</sup> ed. (2014) New Age International Publishers Delhi.
5. Goode William J and Hatt, Paul K., *Methods in Social Research*, Mc Graw Hall, (1985)
6. P. Saravanavel, *Research Methodology*, Allahabad: Kitab Mahal, 1987.
7. Verma, S.K. and Wani M. Afzal (ed), *Legal Research and Methodology*, (2006) ILI Delhi.
8. Pant P. R., *Social science Research and Thesis Writing*, (2009) Buddha Academic Publishers, Kathmandu.
9. Stott, David, *Legal Research*, (1993) Cavendish Pub. Ltd.
10. Kerlinger Fred N. *Foundations of Behavioral Research*, (2014) Surjeet Publications, Delhi.



**FAR-WESTERN UNIVERSITY  
FACULTY OF LAW**

**Course Title: Disaster Management Law.**

**Level: B.A., LL. B.**

**Semester: VII**

**Course code: Law 430**

**Full Marks: 100**

**Pass Marks: 50%**

**Credit: 3(48 hrs.)**

**Nature: optional**

**Course Description:**

This program explores disasters as significant disruption to communities or societies, encompassing widespread losses across human, social, natural, economic, and physical assets. It involves mishaps, calamities or serious incidents arising from natural and unnatural causes, beyond immediate community control. Therefore, students must grasp disaster risk, its impact and effective risk management strategies.

It's crucial to equip students with comprehensive knowledge about disasters, covering their definition, origin, nature, causes, and effects. Additionally, emphasis is placed on understanding the significance of Disaster Risk Reduction and Management law, along with insights into international mechanism in this field

**Course Objectives:** The objectives of this course are:

- To provide knowledge on global and national legislative aspects, Disaster law and governance.
- To enhance understanding of students about hazards and disasters.
- To empower students for effective disaster risk management.
- To enhance understanding of students about disaster, Human Rights, humanitarian assistance standards and disaster security.
- To build knowledge and capacity for the development and implementation of the disaster risk reduction plan.

**Unit I: Fundamental Aspect of Disaster (10 hrs.)**

- 1.6 Introduction to Hazard and Disasters understanding their origin and Causes.
- 1.7 Categories of Hazards and Disasters.
- 1.8 Impact and Effects of Disasters.
- 1.9 Disaster Management Cycle.
- 1.10 Evolution of disaster risk management approach.
- 1.11 Principle of crisis management.
- 1.12 Disaster scenario in Nepal, areas and techniques of disaster risk reduction and management.

**Unit II: International mechanism for disaster management (7 hrs.)**

- 2.1 Global disaster legislation.
- 2.2 Role of disaster management of SAARC.



- 2.3 United Nations Office for Disaster Risk Reduction (UNDRR).
- 2.4 International Policy and Practices.
- 2.5 Mobilization of International support for disaster.
- 2.6 Sendai Framework and Nepal's commitment.
- 2.7 Role of United Nations Resident Coordination Office (UNRCO).

**Unit III: National Legal Framework of Disaster (6 hrs.)**

- 3.1 Constitution of Nepal.
- 3.2 National Policy for Disaster Risk Reduction, 2075.
- 3.3 Disaster Risk Reduction and Management Act, 2074.
- 3.4 Disaster Risk Reduction and Management Rules, 2076.
- 3.5 Disaster Risk Reduction and Management Strategic Action Plan, 2075(2018-2030).
- 3.6 Evolution of global DRR Strategic Framework.

**Unit IV: Vulnerable issues and Disaster (12 hrs.)**

- 4.1 Disaster and Human Rights.
- 4.2 Disaster and Security.
- 4.3 Disaster and Development.
  - 4.3.1 Recovery and Rehabilitation (Post disaster reconstruction)
- 4.4 Disaster Management and Role of Civil Society.
- 4.5 Disaster Management and Role of NGOs & INGOs.
- 4.6 Disaster Management and Gender Perspectives (Social inclusion).
- 4.7 Disaster and National Planning Commission.
- 4.8 Disaster and mass communication.
- 4.9 Climate change and its effects on Nepal.
- 4.10 Disaster Risk Governance.
  - 4.10.1 Emergency Response and preparedness.
  - 4.10.2 Incident Command System.
  - 4.10.3 Crisis command and coordination.
- 4.11 Risk Assessment and Mitigation Strategies.
  - 4.11.1 Hazards identification and vulnerability analysis.
  - 4.11.2 Developing effective mitigation plans.
- 4.12 Community Resilience Building.

**Unit V: Role of Government Institutions (10 hrs.)**

- 5.1 The National Disaster Risk Reduction and Management Authority (NDRRMA).
- 5.2 Relationship among the three tiers of government for the management of disaster.
- 5.3 Role of the Ministry of Homes Affairs for the management of disaster.
- 5.4 Role of the Local Government for the management of disaster.
- 5.5 Role of the National Emergency Operation Center (NEOC), Provincial Emergency Operation Center (PEOC), District Emergency Operation Center (DEOC) and Local Emergency Operation Center (LEOC).



- 1.2. Allotment of Shares
- 1.3. Issue of Shares at premium
- 1.4. Shares with different rights and corresponding rights of shareholders
- 1.5. Return of Shares with the Company Registrar's Office (CRO)

## **2. Public Issue of Shares/Securities**

- 2.1. Meaning and Methods of Public offering
- 2.2. Dealing of Securities
- 2.3. Share Certificate

## **3. Payment, Alteration, Reduction and Protection of Share Capital**

- 3.1. Lien on Shares
- 3.2. Payment of amount for Shares
- 3.3. Payment amount of Shares held jointly
- 3.4. Alteration of Share Capital
- 3.5. Reduction of Share Capital
- 3.6. Procedures for obtaining approval of court to reduce share capital
- 3.7. liability of shareholders in respect of reduced share capital
- 3.8. Directors' responsibility in case of loss of net worth of Company

## **4. Purchase by company of its own shares**

- 4.1. Prohibition on Purchase by company of its own shares and
  - 4.2. Exceptions conditions and Procedure on purchase by company of its own shares
  - 4.3. Prohibition on providing loan or financial assistance by company to purchase its own shares, and its exceptions
5. Prohibition on issue or sale of shares at discount and its exception
  6. Issuance of Preference shares and its conditions

## **Unit II: Raising Loans or Issuing Debentures**

1. Company's Power to raise loan and Debenture
  - 2.1.1. Meaning, nature and types of loans and Debentures
  - 2.1.2. Difference between Share and Debentures
  - 2.1.3. Procedures for issuing Debentures
  - 2.1.4. Meaning of Debenture Trustee, its appointment and Dismissal
  - 2.1.5. Agreement between Debenture Trustee and Company



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2.1.6. Right and liabilities of Debenture Trustee

**2. Transacting of Shares or Debenture**

2.2.1. Sale and Pledge of Shares and Debentures

2.2.2. Transmission of Shares or Debentures

2.2.3. Refusal to register share or Debentures

2.2.4. Shareholder and Debenture holder register

2.2.4. Inventory Shares, Debentures and Loans

2.2.5. Ownership of Shares and Debentures

**Unit III: Dividends**

3.1. Meaning of Dividend, Determination of the Amount of Dividend and Distribution of Dividend

3.2. Interim Dividend

3.3. Bonus share

**Unit IV: Accounts and Audit of Company**

4.1. Accounts and Records of Company

4.2. Accounts of Company

4.3. Annual Financial Statement

4.4. Report of Board of Directors

4.5. Inspection of Books of Account

4.5.1. Audit of Company

4.5.2. Appointment of Auditor

4.5.3. Qualifications and Disqualifications of Auditor

4.5.4. Functions and Duties of Auditor

4.5.5. Removal of Auditor

4.5.6. Audit Committee

4.5.7. Formation, Functions, Duties and Powers of Audit Committee

**Unit V: Dissolution of Company**

1. Meaning and kinds of Dissolution or liquidation of company

5.1.1. Voluntary liquidation

5.1.2. Deregistration

5.1.3. Liquidation of Insolvent company



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2. Voluntary Liquidation of Company
  - 5.2.1. Conditions of voluntary liquidation of company
  - 5.2.2. Proceeding of voluntary liquidation
  - 5.2.3. Appointment of Liquidator and Auditor
  - 5.2.4. Powers and Duties of Liquidator
  - 5.2.4. Application of Insolvency Act, 2063
  - 5.2.5. Voluntary Deregistration
  - 5.2.6. Action against Liquidator, Director, Employee or Shareholder
3. Compulsory Deregistration of Company
  - 5.3.1. Deregistration of company not commencing business
  - 5.3.2. Compulsory Deregistration of Defunct Company
4. Special Arrangement of Deregistration
5. Restoration of registration of a deregistered company

#### Prescribed Cases

1. Bhuminanda 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 Dairy 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

##### Acts

1. Companies Act, 2063
2. Insolvency Act, 2063
3. Securities Act, 2063



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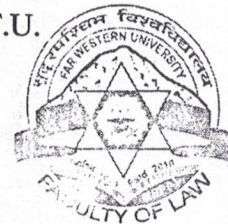
4. Some Landmark Precedents of the Supreme Court on Commercial Law

**Recommended Readings**

1. Freran, Eilis, *Company Law and Corporate Finance*, Eastern Book Company, Lucknow (2003)
2. Gautam, Trilochan, *Company Ain 2063 Ra Company Sachibko Karya Sampadan*, Bikraant Book House Pvt. Ltd. Ghattaghar, Bhaktapur (3rd ed. 2066).
3. *Gower's Principles of Moder Company Law*, Latest Edition, London.
4. Bird, John et.al, *Company Law*, Jordans Publishing Ltd; U.K. (1995).
5. Karki, Bharat B. (Dr. Prof.), *Teacher's Guide for the LL.B. Course on Company and Corporation Law*, Faculty of law, T.U.,
6. Neupane, Avtar, *Company Law*, (Nepali version), Commercial Law Society, Kathmandu (2063)
7. Sen, A.K., *Commercial law*, Eighteenth Edition, The World Press Pvt. Ltd., Calcutta (1985)
8. Shiwakoti, S. & Shrestha, S. (ed.), *Company Cases and Supreme Court* (Gyangun Kanoon Academy), (Nepali version).
9. Shukla M.C., *Mercantile Law*, latest Edition, New Delhi.
10. Singh Avatar, *Company Law*, Latest Edition, Delhi.
11. Uprety, B.R. *Company Law*, (Nepali version), Free deal, Kathmandu, 2064 (2007).
12. Uprety, B.R., *An Introduction of Insolvency Law* (in Nepali) FNCCI/CFG Project.

**Journals**

1. **Annual Survey of Nepalese Law**, Nepal Bar Council
2. **Business Law Journal**
3. **Kanoon**, Lawyers Club, Nepal
4. **NJA Journal**, National Judicial Academy
5. **Nepal Bar Council Law Journal**, Nepal Bar Council, Nepal
6. **Nepal Law Review**, Nepal Law Campus, Faculty of law T.U.
7. **Nyayadoot**, NBA, Nepal
8. **Supreme Bar Journal**, Supreme Court Bar Association



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**FAR WESTERN UNIVERSITY  
FACULTY OF LAW**

Course Title: Forensic Science Law  
Level: B.A., LL.B.  
Credit: 3 (48 hrs.)  
Course Code No.: Law 435

Full Mark: 100  
Pass Mark: 50%  
Semester: VII  
Nature: Optional

**Course Description:** Sufficient techniques have been developed for crime investigation. The application of forensic science in crime investigation has made the administration of criminal justice more efficient. It helps to determine the truth and linkage with various elements of crime scene. Forensic Science is an impartial science that helps the courts to identify the criminals and to provide justice to the crime victims. The forensic work is interrelated to the different agencies (Police, Lawyers, Judges and so on) of the criminal justice system. If any of the above-mentioned agency fail to do their required job, the evidence may loose its value and the victim of crime will be deprived of justice. Thus, the law students who are the future lawyers, investigating officers or the judge must be with the basic knowledge of forensic science. Therefore, this course aims at providing knowledge to the students about basic knowledge of forensic science and its importance in determining evidence those could be collected from human body, documents in question, fire arms and ballistics. The prescribed subject materials in the course will provide sufficient basic knowledge about importance and reliability of forensic evidences as well as grounds for accepting, challenging or rejecting the scientific evidences.

**Course Objectives:**

- To impart basic concept of forensic science.
- To familiarize the students about the physical evidence and scientific methods of examination of physical evidence.
- To impart knowledge on the steps and procedure for examination, cross-examination and re-examination of experts in the courts.
- To enable students to apply basic knowledge of forensic science during litigation and trial accused in the court.
- To Provide a platform for strengthening the continuous reforms and improvements in the Criminal Justice System

**Course Content:**

**UNIT I: Introduction**

- |  |        |
|--|--------|
| 1.1 Concept of Forensic science  | 3 hrs. |
| 1.1.1. Definition, Importance, Scope and fields of forensic science      |        |
| 1.1.2. Principles of forensic science                                    |        |
| 1.1.3. History and development of forensic science laboratories in Nepal |        |
| 1.2 Physical evidences   | 3hrs.  |
| 1.2.1. Definition and types of evidences                                 |        |
| 1.2.2. Role of physical evidences in administration of justice           |        |



1.2.3. Importance of Scene of Crime (SOC) examination and steps involved

1.3 Trace evidences

3 hrs.

- 1.3.1. Hair: Types, importance and examination
- 1.3.2. Fibers: Nature and importance
- 1.3.3. Paint: Nature and importance
- 1.3.4. Soil: Nature and Importance
- 1.3.5. Glass: Nature, importance of glass fractures

**UNIT II: QUESTIONED DOCUMENT AND IMPRESSIVE EVIDENCES**

2.1. Questioned Document examination

5 hrs.

- 2.1.1. Introduction of Questioned document
- 2.1.2. Examination techniques of written, typed and printed documents
- 2.1.3. Types of document forgery
- 2.1.4. Imprint & Security documents (Currency notes, Passport, Credit cards etc)

2.2. Fingerprints

4 hrs.

- 2.2.1. History, Importance and Classification of finger prints.
- 2.2.2. Lifting & Examination of fingerprints
- 2.2.3. Importance of footprints, shoe-marks, glove-prints, tyre-marks

**UNIT III: BIOLOGICAL EVIDENCES AND DNA EVIDENCE**

3.1. Biological Evidences

4 hrs.

- 3.1.1. Nature of biological evidences: Blood, Semen, Saliva & other body fluids
- 3.1.2. Importance of biological evidences
- 3.1.3. Scientific examination of biological evidence
- 3.1.4. Significances of ABO blood types in paternity and crime investigation

3.2 DNA Evidence

6 hrs.

- 3.2.1. Introduction of DNA and importance of DNA evidence
- 3.2.2. Introduction and significance of DNA profiling techniques: STR, Y-STR, mt-DNA
- 3.2.3. Sample processing and steps of DNA testing process
- 3.2.4. Interpretation of DNA profile in paternity disputes, missing person identification and Forensic identification
- 3.2.5. Concept and application of DNA Databank

**UNIT IV: TOXICOLOGY AND NARCOTIC DRUGS**

4.1 Toxicology

5 hrs.

- 4.1.1. Definition and Classification of toxic substances
- 4.1.2. Acute and Chronic toxicity
- 4.1.3. Toxicity value (dose response reaction)
- 4.1.4. Evidential value of forensic toxicology samples (viscera, blood and other body fluid)
- 4.1.5. Handling and sample preservation



- 4.1.6. General concept of scientific examination of toxicology samples (Extraction, Identification, Confirmation by TLC, GC, GCMS,)
- 4.1.7. Significance of Blood Alcohol Concentration (BAC) in drink and drive case.

**4.2 Narcotic drugs and Psychotropic substances**

5 hrs.

- 4.2.1. Introduction and classification of narcotic drugs
- 4.2.2. Analytical aspects of narcotic drugs and psychotropic substances (Preliminary testing, Identification, Confirmation and Interpretation of results)
- 4.2.3. Importance of quantitative estimation of heroin narcotic drugs on the basis of legal aspect.

**UNIT V: BALLISTICS, EXPLOSIVES AND EXPERT OPINION**

**5.1 Ballistics**

3 hrs.

- 5.1.1. Introduction & classification of firearms.
- 5.1.2. Characteristics and firing mechanism of smooth bored firearms
- 5.1.3. Matching of crime & test Bullets and cartridge cases in regular firearms
- 5.1.4. Identification of date, range and time of fire.

**5.2 Explosives**

2 hrs.

- 5.2.1. Nature and classification of explosives
- 5.2.1. Evidence Collection Techniques in Post Blast Investigation,
- 5.2.3. Examination of explosives

**5.3 Expert opinion**

5 hrs.

- 5.3.1. Nature and definition of expert
- 5.3.2. Legal procedure of examination & cross examination of experts
- 5.3.3. Admissibility and inadmissibility of expert opinion
- 5.3.4. Contradiction of two expert opinion

**Reading materials:**

- 1) **Crime scene and Physical Evidence awareness for non-forensic personal**, UNDOC, STNAR/39,1953
- 2) James,S.H.and Nordby, J.J.(2003). **Forensic Science, An introduction to scientific and investigative techniques** CRC Press, USA:
- 3) Modi Jaising P., **Modi's Medical Jurisprudence & Toxicology**, New Delhi: Gopsons Papers Ltd., Ed. 22, (2002)b
- 4) Parajuli, Ramesh, **Cross-examination in Nepal and Techniques for a Lawyer to Effectively Cross-examine Forensic Experts**, National Judicial Academy Journal (2010)
- 5) Pradhan Mukul, **Comparative Approach for Minimum Number of Points of Agreements Required Establishing Identical Prints**, Scientific World, Vol. 4, No. 4, (2006)
- 6) Safestein, Richard, **Criminalistics: An Introduction to Forensic Science**, USA: Prentice Hal Publication (1998 AD)
- 7) Sharma B.R., **Forensic Science for Criminal Investigation and Trials**. New Delhi: Universal Law Publication Co. Pvt. Ltd. (2008)
- 8) Bhandari Sewak Ram, **Traditional Concept, Scientific examination, and Administration of Justice**, Kanoon, Issue 28.



- 9) Bhinu Shova Tuladhar, Examination of Narcotic drugs and poisons in Administration of Justice, Kanoon, Issue 28.
- 10) Bhinu Shova Tuladhar, Trends of poisoning in Nepal, (Vol II) proceeding of Third National conference on science and Technology, March 8-11, 1999
- 11) Chhetry, Keshab Bahadur Thapa, *Bidhibigyan sanga Sambandhit Lekh Rachana ko sangalo*, Kathmandu: (2069 B.S.) Prof. Dr. Pradhananga, R.B., *Nepali Praman Kanoon Ko Samanya Parichaya*, Kathmandu: Bhrikuti Academic Publication, Pradarshani Marg. (2062 B.S.)



FAR WESTERN UNIVERSITY  
FACULTY OF LAW

Course Title: International Refugee Law  
Semester: VII  
Level: B. A, LL.B.  
Course Code: Law 440

Full Marks: 100  
Pass Marks: 50%  
Credit: 3 (48 hrs.)  
Nature: Optional

**Course Description:** Refugee problem has been the humanitarian problem across the globe. Refugee problem being a humanitarian issue, all the countries have to share the burden of refugee across the globe. Millions of the refugees have their lives at risk. This course discusses situation how a person becomes refugee and such a person has the right to asylum as human rights. The course makes students acquaint with concept of international refugee law, describes how refugee problems could be resolved and problems faced by Nepal as a refugee hosting country. Furthermore, this course explains various national and international mechanism for the refugee protection.

**Course Objectives:** The objectives of the course are as follows.

- to provide knowledge about the concept and definition of the refugee law
- to impart knowledge about the concept and principle of asylum
- To make students acquaint with the international instruments on refugee.
- to familiarize students with the international efforts and mechanism dealing with the refugee problems.
- to impart knowledge to the students about the methods of solution of refugee problems.

**Unit I: Introduction (4 hrs.)**

- 1.1. Nature, sources, scope, and history of refugee law.
- 1.2. Interplay between Human Rights Law, and Refugee Law.

**Unit II: Definition of Refugees (6 hrs)**

- 2.1. Definition of refugees in historical perspective (1920-to date, OAU, and Cartagena)
- 2.2. Persons in refugee-like situations, internally displaced persons, stateless migrants, fugitives from justice and asylum seekers.

**Unit III: The Concepts and principle of Asylum (5 hrs)**

- 3.1. Right of Asylum.
- 3.2. Types of Asylums.
- 3.3. Duties of the state of Asylum and Asylee
- 3.4. Principle of *non-refoulement*
- 3.5. Determination of refugee status

**Unit IV: International Efforts for the Protection of Refugee and Other Persons in Need of Protection (14 hrs.)**

- 4.1. 1951 Geneva Refugee Convention and Protocol
- 4.2. OAU Convention
- 4.3. The Cartagena Declaration



- 4.4. Rights and Duties of Refugees
- 4.5. 1949 Geneva Conventions
- 4.6. The conventions of statelessness
- 4.7. General Human Rights Instruments
- 4.8. The U.N. General Assembly and the ExCom resolution

**Unit V. International Organizations Concerned with the Refugees and Other Persons in Need of Protection (4 hrs.)**

- 5.1. The United Nations High Commissioner for Refugee: structure, mandate and functions
- 5.2. International organization for Migration (IOM)
- 5.3. Refugee and role of ICRC

**Unit VI: Durable solution of refugee problems (5 hrs.)**

- 6.1. Voluntary repatriation.
  - 6.1.1. Organized repatriation.
  - 6.1.2. Spontaneous repatriation.
- 6.2. Local Integration.
- 6.3. Resettlement.
- 6.4. IOM's role in resettlement process.

**Unit VII: Refugee problem in Nepal with Particular Reference to Global refugee situation (6 hrs)**

- 7.1. History of refugee problem in Nepal
- 7.2. Causes behind the refugee problem.
- 7.3. Legal framework for refugee protection in Nepal
- 7.4. Refugees from various country: Tibetan refugee, Kashmiris, Afghani refugee, refugees from African continent and Rohingyas.

**Reading Materials:**

**A. Prescribed Materials:**

1. Grahi Maden Atle. The Status of Refugees and International Law. Vol. 1 and 2 A.W. Leyden, 1966.
2. Vera Gowlland and Klous Samson (ed.) problems and prospects of refugees, The Graduate Institute of International Studies, Geneva, 1992.
3. Goodwin- Gill, Guy The Refugees in international Law Oxford Clarendon Press 1983.
4. Chimni B. S. International Refugee Law, Sage Publication, Delhi, 2000.
5. Mainali, L.P., "A Study on the Rights of Refugee Women and Children", submitted to University Grants Commission, Bhaktapur, 2013.

**B. References:**

1. B.S. Chimni, International Refugee Law A Reader Sage Publication (.....) Delhi.
2. UNHCR, Collections of international instruments concerning Refugees. Geneva 1979.
3. The Faculty of Law, T.U. & UNHCR (Nepal) Proceeding of the world conference on "Refugee law in Nepal, Prospects and future" Kathmandu 1994.
4. AALCC, Reports and selected documents of the Thirty Second Session. New Delhi 1993 Chapter II on Refugees.
5. Hingorani, R.C. (ed) *Humanitarian law*. New Delhi: Oxford & IBH, New Delhi, 1987.
6. UNHCR, The State of the World's Refugees.





7. AALCC combined report 26-30<sup>th</sup> sessions, New Delhi: AALCC secretariat, 1992.
8. Grohi Madsen, Atle, The status of refugees in International Law, vol. 1 & 2 Leyden, 1996.
9. Bhandari, Surendra Dr., Teaching of Refugee Law, Tribhuvan University CDC, Kirtipur. Kathmandu, 2000.



**FAR-WESTERN UNIVERSITY  
FACULTY OF LAW**

**Course Title: National defense & Security Law**  
**Level: B.A, LL. B.**  
**Credit: 3 (48 hrs.)**  
**Course Code: Law 445**

**Full Marks: 100**  
**Pass Marks: 50%**  
**Semester VII**  
**Nature: Compulsory**

**Course description:** This course provides a broad conceptual framework for understanding and analyzing the major challenges to national and international security, and for assessing the appropriate policy responses. This course in National Security primarily introduces an episodic study of national security to inculcate in students analytical skills to explore new developments in national security environment. This course intends to impart knowledge to law students; meaning, traditional and non-traditional security, international security system, changing pattern of contemporary security system and issues of the national security.

**Course Objectives:**

- To familiarize students with different trends, components and developments in national security strategies of great and emerging powers as well as small powers
- To acquaint students to events and debates in international politics from the national security perspective Nepal's national security in the light of interrelationships of national power, national interest and national security
- To train students with critical skills and strategies to explore and analyze new trends and developments, especially in national security strategies and national security policies

**Course Contents:**

**UNIT I: FUNDAMENTALS OF NATIONAL SECURITY**

**10 hrs.**

- Unit 1: Introduction and Context
- 1.1. National Security
- 1.2. Principal Theories of International Relations
- 1.3. Traditional Approaches to Preventing War
- 1.4. Diplomacy
- 1.5. Balance of Power
- 1.6. Deterrence
- 1.7. Collective Security
- 1.8. Arms Control

**UNIT II: TRADITIONAL AND NON-TRADITIONAL SECURITY 10 hrs**

- 2.1. Dimensions of Traditional Security
- 2.2. Physical Security
- 2.3. Military Security
- 2.4. Infrastructure Security-Security of Energy and Natural Resources
- 2.5. Financial Security
- 2.6. Personal



- 2.7. Community Security
- 2.8. Cyber Security
- 2.9. Dimensions of Human Security
- 2.10. Ecological Security
- 2.11. Food Security
- 2.12. Health Security
- 2.13. Employment Security
- 2.14. Social Protection for Human Security
- 2.15. Climate Change
- 2.16. Migration Pattern and Human Security

**UNIT III: INTERNATIONAL SECURITY SYSTEM**

**5 hrs.**

- 3.1. Collective Defense
- 3.2. Triple Alliance and Triple Entrant
- 3.3. NATO and Warsaw Pact
- 3.4. Collective Security
- 3.5. League of Nations/United Nations Organizations
- 3.6. Global Security – Set of Ideas Developed by UNO since the End of Cold War

**UNIT IV: CHANGING PATTERNS OF CONTEMPORARY SECURITY SYSTEM- 10 hrs.**

- 4.1. Contemporary Security Paradigm of the USA
- 4.2. Contemporary Security Paradigm of China
- 4.3. Contemporary Security Paradigm of Russia
- 4.4. Quadrilateral Security Dialogue (QUAD)
- 4.5. Role of Informal Strategic Forum between USA, Japan, Australia and India

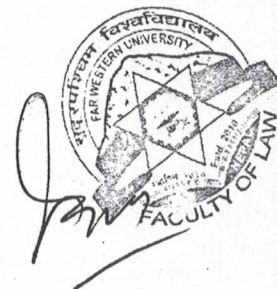
**UNIT V: ISSUES IN NATIONAL SECURITY**

**10 hrs.**

- 5.1 Geography and National Security
- 5.2 Geographical Features Related to Security- Mountains Plateau and Plains
- 5.3. Role of Climate and Weather for Security
- 5.4. Economics of defense in National Security
- 5.5. Internal and External Security Threats
- 5.6. Conventional and Non-Conventional Security Threats
- 5.7. Terrorism and Counter Terrorism
- 5.8. Security Strategies during Global Pandemic

**Recommended Readings**

- Baldwin, D. 'The concept of security', Review of International Studies 23(1) 1997 pp.5–26
- Bhattarai, Rajan, & Geja Sharma Wagle. (2010). *Emerging Security Challenges of Nepal*. Nepal, Kathmandu: Nepal Institute for Policy Studies.
- Mangold, Peter. (1990). *National Security and International Relations*, New York: Routledge
- Romm, Joseph J. (1993). *Defining National Security: The Nonmilitary Aspects*. Council on Foreign Relations Press.
- Rothschild, Emma. 1995. *What is Security?* Deadalus, 53-98.



Upreti, Bishnu, Bhattarai, Rajan and Wagle, Geja Sharma. (2013). *Human Security in Nepal: Concepts, Issues and Challenges*. Kathmandu: Nepal Institute for Policy Studies.

**Suggested Readings**

Archar, Clive and Et. All (eds). (2014). *Small States and International Security*, New York: *Routledge*

Aditya, Anand. (1997). *The Political Economy of Small States*, Kathmandu: Nepal Foundation for Advanced Studies.

Freedman, Lawrence. (2013). *Strategy: A History*. Oxford University Press.

K.C., Khadga and ET. All (eds.) *Journal of International Affairs*, Vol. 3, No3, May, 2020, Kathmandu: Department of International Relations and Diplomacy, Kirtipur, Kathmandu

Shrestha, Niranjana Kumar and Et. All.(eds.) *Unity Journal*, Vol. II, February, 2021, Kathmandu: Prithwi Narayan Shah Research Center, Nepali Army



**FAR WESTERN UNIVERSITY  
FACULTY OF LAW**

**Course Title: Natural Resources and Conservation Law**

**Level: B.A., LL.B.**

**Semester: VII**

**Course Code: Law 450**

**Full Marks: 100**

**Pass Marks: 50%**

**Credit: 3(48 hrs.**

**Nature: Optional**

**Course Descriptions**

The course contains four main components on "Natural Resources and Conservation Law", namely concepts, international laws, Nepali laws, and decisions of Supreme Court of Nepal governing this aspect. The course will explain meaning, concepts and principles of conservation and uses of natural resources in general and forests and vegetations; mine and minerals; mountain(eering), water and other category of natural resources focusing on laws and policies of Nepal with brief reference of international law relating to natural resources laws.

**Course Objectives**

*The general objectives of this course are to familiarize the students with the concepts and principles of natural resources and conservation, their importance and related laws (constitutional and legal), policies and decisions of Supreme Court with brief reference of international laws governing natural resources and conservation.*

*The specific objective of this course is to enhance the ability of students to critically examine the legal and policy framework and learn the latest development trend on natural resources and conservation in Nepal.*

**Course Details:**

**Unit I: Concepts and Principles (7 hrs)**

1.1 Meaning, definition and importance of Natural Resources and Conservation

1.2 Kinds of Natural Resources

1.2.1 International and National Natural Resources

1.2.2 Exhaustible/ Non-renewable (plants and trees, animals, mine and mineral, fossil fuel: petroleum, coal, natural gas ) and Inexhaustible/ renewable ( air-wind, water, sunlight)Natural Resources

1.2.3 Biotic (plants, animals, -fuels from decay of organic matter) and Abiotic (air, sunlight, water, minerals originated from non-living and inorganic materials) Natural Resources

1.3 Legal Status of Natural Resources and Conservation : Sovereignty over natural resources of one State; shared natural resources of more than one State; common property ( high seas, superjacent airspace) including fish, birds and other migratory species open for reasonable use by all states ;and common heritage ( moon and deep seabed beyond national jurisdiction vested in mankind as a whole )

1.4 General Principles:

1.4.1 Reasonable use

1.4.2 Abuse of Rights

1.4.3 Equity and equitable utilization

1.4.4 Non-discrimination



**Unit II: International Natural Resources Law (7 hrs)**

- 2.1 Global: Initiatives of United Nations governing biodiversity, land/soil conservation, water, air, forests, mine and minerals etc
  - 2.1.1 Beginning to Stockholm Declaration 1972
  - 2.1.2 Stockholm Conference to UNCED 1992
  - 2.1.3 UNCED 1992 to WSSD 2002
  - 2.1.4 From WSSD 2002 to till now
- 2.2 Sustainable Developments Goals
- 2.3 Initiatives of INGOs, namely IUCN, WWF,
- 2.4. Initiatives of SAARC
- 2.5 Bilateral initiatives of Nepal with Republic of China and India

**Unit III: Natural Resources related provisions of Constitution, Policy and Acts of Nepal (12 hrs)**

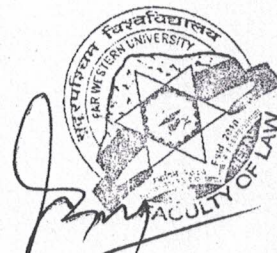
- 3.1 Policies and principles under the Constitution of 2072
  - 3.1.1 National interest and territorial integrity principle
  - 3.1.2 Reasonable restrictions for conservation and protection
  - 3.1.3 Conservation, promotion and environmentally sustainable use of available natural resources
  - 3.1.4 Intergenerational equity principle
  - 3.1.5 Multiple use of water resources with public participation
  - 3.1.6 Conservation and promotion and sustainable use of forest, land, wildlife, birds, plants and biodiversity
  - 3.1.7 Maintaining minimum forest areas for environmental balance
- 3.2 Law making power of Federal, Provincial and Local Government governing Natural Resources
- 3.3 Power and functions of Natural Resources and Fiscal Commission under the Constitution
- 3.4 Provisions of National Natural Resources and Fiscal Commission Act 2074 B.S. and Inter Governmental Fiscal Management Act 2074 B.S.
- 3.5 Other Acts (including drafts) in general governing Natural Resources
- 3.6 Natural Resources Conservation under the Environment Protection Act, 2076

**Unit IV. Conservation of Forest and Protected Areas (7 hours)**

- 4.1 Laws and Policies on conservation of Forest
  - 4.1.1 National Forest Policy 2075 & Strategic Action Plan of Reform of Forest and Environmental area of Nepal 2078, National Environment Policy 2076 and National Climate Change Policy 2076
  - 4.1.2 Forest Act 2076 and Forest Regulations 2079
  - 4.1.3 Legal provisions of different types of National Forests including Forests of Private and Public Land
  - 4.1.4 Formation of User Groups and its' Role in conservation of Forest
  - 4.1.5 Punishments to Armed Forest Protector and others for the offence and violations of Forest Act 2076
- 4.2 Laws and Policies on Control of International Trade of Endangered Wildlife and Plants
- 4.3. Laws and policies of Conservation of National Parks and Wildlife Conservation
- 4.4 Laws and policies related to conservation of Soil and Watershed

**Unit V: Protection and Sustainable Use of Mine and Mineral (7 hours)**

- 5.1 Laws and policies of conservation of Mine and Minerals
- 5.2 Mine and Mineral Act 2042 and Mine and Mineral Rule 2056



5.3 Petroleum Act 2040 and Petroleum Rule 2041

5.4. Coherence of Provisions of Constitution, Mine and Mineral Act, Forest Act and Local Government Administration Act regarding Natural Resources

5.5. Proposed drafts for new laws

**Unit VI: Institutional arrangements (8 hrs)**

6.1 Global institutions

6.2 Regional institutions

6.3 Bilateral institutions

6.4 Institutions under the Constitution and laws in Nepal

6.4.1 National Natural Resources and Fiscal Commission

6.4.2 Ministry, Directorate, Departments, Divisions,

6.4.3. Institutions under the Forest Act

6.4.4. Institution under the Mine and Mineral Act and Petroleum Act

6.4.5 Federal, Provincial and Local Government level Institutions

**Reading Materials**

**Selected Decided Cases**

1. Chandra Bahadur Chaudhary vs. District Forest Office, Gularia, Bardia . NKP 2073 No.3 ( related to forest conservation by community user group)
2. Chandreshwori Karmacharya & others vs. Ashok K.C & others, NKP 2068 No.12 (related to land use and natural resources)
3. Nayan Bahadur Namjali & others vs. District Forest Office, Doti, NKP 2074 No.10 Full Bench and Tara Bahadur Budathoki vs. Prime Minister & Office of the Council of Minister & others, NKP 2075 No.12 ( both related to conservation of forest of private land)
4. Senior Advocate Prakash Mani Sharma & others vs. Prime Minister & Office of the Council of Ministers, Singadharbar, 076-WF-0006, decided on 2079/ 2/12 (Unpublished) (related to forest in proposed Nijgad International Airport area)
5. Senior Advocate Prakash Mani Sharma & others vs. Government of Nepal, Secretariat of the Council of Ministers, Singadharbar, NKP, 2066 No.12 ( related to underground water, forest, air water)
6. Advocate Khagendra Subedi & others vs. Government of Nepal, Prime Minister & Office of Council of Minister, Singadharbar & others, NKP 2075 No.9 ( Phewa Lake, Natural resources)
7. Advocate Prakash Mani Sharma & others vs. Government of Nepal, Council of Minister, Singadharbar & others, (Godavari Marble case), NKP 2073 N.4 and in Senior Advocate Prakash Mani Sharma & others (edited), **Batabaran Sambandhi Mudhaharuko Sangalo** ( Dorso Bhag 2076)
8. Advocate Padam Bahadur Shrestha vs. Prime Minister and Office of Council of Minister & others, NKP, 2076 No.6 (related to law making power for conservation of cow goru, birds, environment and biodiversity)
9. Advocate RamChandra Simkhada & others vs. Government of Nepal, Prime Minister & Office of Council of Ministers & others, NKP 2076 No.2, (related to trustee of natural resources)
10. Advocate Tulasi Simkhada vs. Government of Nepal Prime Minister & office of Council of Minister & others , NKP 2074 no.3 ( related to natural resources, petroleum)



## A. Reading Materials:

### Books

1. **Ban Chetrako Jagga Anya Prayojanko Lagi Diyyeko Jaggako Anugaman Pratibedan** 2076, Nepal Sarkar, Ban तथा Batabaran Mantralaya, Ban तथा Bhu Samrakchyan Bibhag, BabarMahal
2. **Ban Dadeloo Nyantran तथा Sahajikaran Pratibedan** 2076, Nepal Sarkar, Ban तथा Batabaran Mantralaya, Ban तथा Bhu Samrakchyan Bibhag, BabarMahal
3. **Ban, Rastriya Nikunja, Bhu Samrakchyan, Batabaran तथा Sankatapanna Banyajantu Sambandhi Ain तथा Niyamabaliko Sangraha** 2080, Nepal Sarkar, Kanoon, Nyaya तथा Samsadiya Mamil Mantralaya .
4. **Ban तथा banya Jantusanga Sambandhit Rajpatraharuko Sangaloo** 2077, Nepal Sarkar, Ban तथा Batabaran Mantralaya, Rastriya Nikunja तथा Banyajantu Samrakchyan Bhibhag 2077
5. **Bhusal, Madhusudan, Prakritik Srot Byabasthapan**, Pairavi Prakashan, Kathmandu, 2069
6. **Birnie, Patricia et.al., International Law & The Environment**, oxford ,second edition 2002/Fourth edition 2021
7. **Dr. Bhattarai Ananda Mohan et.al., Communities, Forests And Laws of Nepal Present State And Challenges**, Pro-Public, FECOFUN CIEL ( 2005)
8. **Gadgil, M. et.al., The Use and Unuse of Nature**, Oxford University Press 2000
9. **Hamro Kalpabrikchya**, Monthly Magazine published from Forest and Soil Conservation
10. **Kiss, Alexander et.al., International Environmental Law** ,Transnational Publisher Inc. second edition ( 2004 )
11. **Kunming-Montreal Global biodiversity framework**
12. **Nature Conservation National Strategic Framework for Sustainable Development ( 2015-2030 )** , Government of Nepal National Planning Commission July 2015
13. **Ojha, H.R. et al., Communities, Forests and Governance Policy and Institutional Innovations from Nepal**, New Delhi: Adroit Publishers, 2008.
14. **Sands, Philippe, Principles of International Environmental Law vol.1**, Cambridge University Press Fourth edition ( 2018), 1995 edition was published by Manchester University Press
15. **Rasband, James et.al., Natural Resources Law and Policy**, Foundation Press, USA, 2009.
16. **Rastriya Prathamikta Prapta Yojanaka Lagi Ban Chetra Prayog Garne Sambandhi Karyabidhi**, 2074
17. **Siwakoti, Gopal Chintan et.al., Compilations of Natural Resources Related Act-Regulation** ,Kathmandu :Water and Energy User Federation-Nepal, 2070 ( in Nepali )
18. **Siwakoti, Gopal Chintan et.al., Water and Energy Related Act-Rule Compilations**, Kathmandu :Water and Energy User Federation-Nepal, 2070 (in Nepali )
19. **Sustainable Forest Management Resource Book**, WWF Nepal (2020)
20. **Udyogsanga Sambandhit Ain Ra Niyamharuko Sangraha** 2079, Nepal Sarkar Udyog Banijya तथा Aapurti Mantralaya, Singhadarbar Kathmandu Nepal
21. **Upadhyay. Surya Nath, International Watercourses Law And A Perspective on Nepal-India cooperation**, Ekta Books, Kathmandu (2012)
22. **Upreti, B.R., Management of Social and Natural Resource Conflict in Nepal :Reality and Alternative**, New Delhi: Adroit Publishers (2002)

### Articles

1. **Dr. Anand Mohan Bhattarai, "Environmental Management of the Himalayan Watershed : An Inquiry into the Land Related Policies and Laws of Nepal"**, Nepal Law review , Vol.16 no.1&2(2003) pp.98-132





2. Padam Bahadur Shrestha, Nepalko Sandarvama Praktirik Srot (Khani tatha Nadijanya Padartha) ko Utkhanan ra Kanooni Byabastha, **Supreme Bar Journal**, year 17, No.20 (2079)
3. Prof. Dr. Amber Prasad Pant, "Climate Change and Forest Management in Nepal" in Ed Couzens et. al. (edited), **Protecting Forest and Marine Biodiversity The Role of Law**, The IUCN Academy of Environmental Law Series, EE Publishing Ltd (2017) pp.197-226
4. Prof. Dr. Amber Prasad Pant, "International Environmental Governance and the Implementation of Environmental Treaties in Nepal," **Nepal Law Review**, vol.15, no.1&2 (2002) pp.15-56
5. Prof. Dr. Amber Prasad Pant, A "Legal Framework on Nepal's River Water : Domestic and Bilateral Perspective", **Nepal Law Review**, vol.25, No.1& 2 (2013 pp.1-17)
6. Prof. Dr. Amber Prasad Pant, "Nepal's Legal Initiatives on Land Use for Sustainable Development" in Nathalie J. Chalifour et. al.(edited ), **Land Use Law for Sustainable Development**, IUCN Academy of Environmental Law Research Studies, Cambridge University Press (2007) pp.417-432.
7. Prof. Dr. Amber Prasad Pant, " UNCLOS1982 as a Means to Promote Human Rights in Landlocked Countries" in V. K. Ahuja (edited) and Chief Justice Ranjan Gogoi ( Foreword ), " **Human Rights Contemporary Issues Festschrift in the honour of Professor Upendra Baxi**, EBC (2019) pp.271-292
8. Prof. Dr. Bijay Singh Sijapati, "Legal Protection of Biodiversity: International and National Perspectives", **Nepal Bar Council Law journal** , vol.XVII, pp.1-11
9. Prof. Dr. Tara Prasad Sapkota, " Role of United Nations for Bio-Diversity Conservation: Global Perspective", **Nepal Bar Council Law journal** 2019, vol.XVIII , pp.67-83
10. Prof. Surya P. Subedi, "Regulation of Shared Water Resources in International Law: The Challenge of Balancing Competing Demands", **Nepal Law Review** vol.15 No.1&2 (2002) pp.1-15



**FAR WESTERN UNIVERSITY**  
**FACULTY OF LAW**

**Course Title: Principles of Law of Torts**

**Level: B.A., LL.B.**

**Semester: VII**

**Course Code: Law 455**

**Full Marks: 100**

**Pass Marks: 50%**

**Credit: 3 (48 hrs.)**

**Nature: Optional.**

**Course Description:** This course is designed for students who seeks the knowledge about the basic concept of law of torts. Law of Torts is one of the branches of Civil of Law. The term Tort refers to the civil wrong which creates tortious liability. The redress for tortious liability is unliquidated damages.

**Course Objectives**

- to acquaint students with the basic concepts & general principles of tort
- to enable the students to distinguish between torts, crime & breach of contract
- to familiarize the students with the remedies of torts
- to acquaint the students with the provisions of Civil Code regarding tort

**Unit I: Introduction (12 Hrs)**

1. Origin, Meaning & Functions of the Law of Tort
2. Nature of Tort
3. Constituents of Tort
4. General Element in Tort

**Unit II: Personal Capacity and Justification (12 Hrs.)**

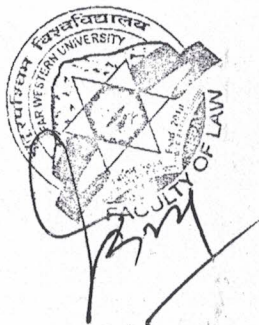
1. Who can sue and be sued
2. Who cannot sue and cannot be sued
3. Justification of Tort

**Unit III: Liability and Discharge of Tort (4 Hrs.)**

1. Strict Liability/Absolute Liability
2. Vicarious Liability
3. Meaning and Kinds of Discharge of Tort

**Unit IV: Specific Torts (13 Hrs.)**

1. False imprisonment
2. Assault
3. Battery



4. Negligence
5. Trespass
6. Defamation

#### **Unit V: Remedies (4 Hrs)**

1. Judicial Remedies
2. Extra judicial remedies: self-help

#### **Prescribed Books**

1. Iyer, Ramaswami. **The Law of Torts**. Bombay: N.M. Tripathi, Pvt. Ltd.
2. Ratna Lal & Dhiraj Lal, **Law of Torts**, Nagpur; Wadhwa & Company
3. Rogers, W.V.H., Winfield and Jolowicz on **Tort**, 12<sup>th</sup> ed., London: Sweet and Maxwell, 1984
4. Singh, Dr. Avtar, **Introduction to Law of Torts**, 1<sup>st</sup> ed., New Delhi: Wadhwa and Company Law Publisher, 2001
5. Singh, S.P. and Singh, Indrajit P., **Law of Tort**, Delhi: Universal Law Publishing Co. Pvt. Ltd. (4<sup>th</sup> ed.) (2006).
6. Murphy, John, **Street on Torts**, 11<sup>th</sup> edition, Oxford: Oxford University Press, (Indian Reprint, 2006).

#### **References**

1. Bangia, R.K., **Law of Torts**, 14<sup>th</sup> edition, Allahabad: Allahabad Law Agency, 1999
2. Consumer Protection Act, 2054 and rules
3. Durga Das Basu, **The Law of Torts**, 10<sup>th</sup> edition, New Delhi: Prentice Hall of India, 1998
4. Elliot Catherin and Quinn, Frances, **Tort Law**, 3<sup>rd</sup> edition, Harlow Pearson Education Limited, 2001
5. Gandhi, B.M., **Law of Tort**, 3<sup>rd</sup> edition, India: Eastern Book Company, 2006
6. Green, Dr. David, **Law of Torts**, 2<sup>nd</sup> ed., London: Cavendish Publishing Limited, 1995
7. Harpwood, Vivienne, **Law of Tort**, 2<sup>nd</sup> ed., London: Cavendish Publishing Limited, 1996
8. Nicholas, J McBride & Roderick, **Bagshaw Tort Law**, 1<sup>st</sup> Indian ed., 2003
9. Pillai, P. S. A., **Law of Torts**, 9<sup>th</sup> ed., Revised by Avatar Sing, 2004
10. Muluki Civil Code, 2074
11. Redmond, W.D. & Stevens, I.N., **General Principles of English Law**, London: M & E HandBooks



12. Rogers, W.V.H. **The Law of Tort**, 2<sup>nd</sup> ed., London: Sweet and Maxwell, 1994
13. Salmond and Heuston, **Law of Torts**, 20<sup>th</sup> edition, 2nd Indian reprint, Universal Book Traders, New Delhi, 1994

