Kathmandu School of Law (KSL)
Purbanchal University
Suryabinayak-4, Dadhikot, Bhaktapur

Syllabus of LL.M. Program

KSL offers three different two year LL.M. programmes. They are:

1) LL.M. in Human Rights and Gender Justice
2) LL.M. in Criminal Law and Justice
3) LL.M. in Business and International Trade Laws
4) LL.M. in International Law

Graduates holding B.A. LL.B./LL.B. or bachelor’s degree in law from any accredited university are eligible to apply for the course.
# COURSE OUTLINE OF LL.M. PROGRAM

## 1. Human Rights & Gender Justice

### First Year

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## 2. Criminal Law & Justice:

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### 3. Business in International Trade Laws

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### 4. International Law

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1. LL.M. IN HUMAN RIGHTS & GENDER JUSTICE

First Year

1) Legal Research

Course Objectives:
Objectives of this course are:
- To help students develop critical knowledge of fundamental concepts, elements and processes of legal research,
- To help them develop research based professionalism,
- To encourage involvement in multi-faceted research of laws, and
- To help thereby development of laws and justice in Nepal.

Contents:
1. Research Ethics and Plagiarism
2. Introduction to the Legal Research
3. Importance and Scope of Research in Law
4. Types of Research
5. Tools and Methodologies of Research
6. Case Law Research
   a. Background & Development of Behavioral Approach
   b. Case Law Organization
   c. Case Law Location Methods
7. Legislative Research
   a. Research on Constitution
   b. Research on Statutes
8. Secondary Source of Data in Legal Research
9. Collection of Primary Data in Legal Research
   a. Importance of Primary Sources
   b. Tools and Techniques of Primary Data Collection
10. Rules of Citation
12. Jurimetrics Study
13. Computer Assisted Legal Research
14. Legal Research and Sociology of Law
   a. Need based approach
   b. Interest based approach

Reference:
5. Legal Research, 1985, Indian Law Institute, India,
6. Dr. Myneni, 1997, Legal Research Methodology, Pioneer Books

2) Jurisprudence and Comparative Study of Legal System

Course Objectives:
The objective of this course is to:
- To help students critically understand the tenets and trends of various legal systems, and thus prepare them to develop critical analysis of concepts and principles of laws.
- To impart knowledge on theoretical base of the Nepalese system, and thus develop it as a viable system to address the needs.

Contents:
1. Schools of Legal Thoughts
   a. Natural School of Legal Thoughts
   b. Positive School of Legal Thoughts
   c. Historical School of Legal Thoughts
   d. Sociological School of Legal Thoughts
   e. Realists School of Legal Thoughts
   f. Economics School of Legal Thoughts
2. Introduction to Comparative Law
3. Method in Comparative Law
4. Introduction to Major Legal Systems of the World
   a. Hindu Legal System
   b. Islamic Legal System
   c. Common Law System
   d. Civil Law System
   e. Chinese Legal System
   f. Japanese Legal System
5. Nature of Global Legal Problems
6. Comparison of History and Sources
7. Basic Concepts and Application of Legal Transplants
8. Comparative Law Method in Various Schools of Legal Thoughts
   a. Historical School of Legal Thoughts
   b. Sociological School of Legal Thoughts
9. Comparative Legal Study of Religion, Race, Untouchability, Secularization and Gender Equality
10. Comparative and Critical Appraisals of Human Rights Domestication Process
    a. Rationalization of Statutes
    b. Judicial Contribution in Domestication of Human Rights Instruments
11. Development Challenges and Legal Systems
    a. Comparative study of Environmental Problems and Laws
    b. Displacement and Laws
12. Globalization and International Rule of Law: Comparative Law Perspective
13. Historical Development of Nepali Legal System: Comparative Law and Questions regarding Legal Transplants

References
17. Lloyd, Introduction to Jurisprudence (Sweet and Maxwell, 1996).
23. Yubaraj Sangroula, Jurisprudence: The Philosophy of Law Oriental Perspective with Special Reference to Nepal (Kathmandu School of Law, 2010).

3) Nepalese laws on Gender & Accessibility to Justice

Course Objectives:
- To critically introduce students with Nepalese Jurisprudence in relation to Gender and women's accessibility to justice, and
- To help through students involvement in research in this area rationalize the Nepalese Legal System

Contents:
1. Introduction of Foundation of the Nepalese Legal System
   • Historical Growth of Nepalese Legal System
   • Influence of Hindu Values in Framework of Nepalese Legal System
1. Customary Values and Laws of Nepal in relation to Women’s Status
2. Women’s Personality and Laws:
   - Women’s Capacity to Contract Laws
   - Women’s Capacity to Inherit Parental Position and Property
   - Women’s Capacity to Succeed Rights and duties of natal families
   - Constitutional History of Gender Equality
   - Legislative Efforts to Enforce the Article 18, the Proviso of Sub-Article (3).
   - Judicial Activism in relation to Article 18, including Proviso of sub-article (3).
   - Trends and Challenges.
5. Domestication of Convention on Elimination of all Forms of Discrimination Against Women
   - Critical overview of Government of Nepal’s efforts to legislate laws to safeguard equality.
   - Critical Overview of Government of Nepal’s efforts to legislate laws to restrict traditional discriminatory practices.
   - Critical Overview of Government of Nepal’s efforts to provide access to policy making, judicial proceedings and other forms of remedy against violence.
   - Critical Overview of Government of Nepal’s efforts to secure participation of women in politics, civil and military services.
   - Critical Overview of Government of Nepal’s efforts to safeguard women’s right to maternity, reproductive health and protection against practices prejudicial to their health.
   - Critical Overview of Government of Nepal’s initiatives to fulfill the Commitment under the Constitution and International Treaties, Conventions and declarations.
6. Marital Laws
   - Freedom of Marriage
7. Protection against Sexual Exploitation Violence:
   - Rape
   - Incest
   - Sexual Harassment
   - Trafficking Sexual Exploitation
   - Domestic Violence
8. Abortion and Family Planning Laws
9. Judicial System and Gender Issues
   - Overview of Legislation concerning accessibility to judicial proceedings
   - Socio-legal obstacles for unrestricted access to justice.
   - Fairness of Criminal proceedings for helping women to have access to justice
   - Protection of the Right to privacy during judicial proceedings
10. Issues of Social Stigmas and Judicial proceedings
11. Compensation for Crimes against person and property of women.
12. Role of National Women’s Commission in Protecting Women’s Rights

Reference Books:
5. Local Government Operation Act, 2017
6. Civil Service Act and Regulations.
7. Muluki Civil Code Act, 2017
9. HMG’s Thematic Report on CEDAW to UN.
11. Yubaraj Sangraula, Condemn to exploitation; Trafficking of women and girls. Kathmandu School of Law, (2001)

4) Civil and Political Right and Thematic Mechanism for Enforcement of Human Rights

Course Objectives:
- To develop critical understanding of students on rights guaranteed by international conventions and treaties on human rights,
- To help create an environment for rationalization of the domestic laws, and
- To help build capacity to apply international human rights instruments in the domestic situation.
Contents:

Part ‘A’
1. Evolution of International Human Rights Law
    - Special Features of Human Rights
    - Kinds of Human Rights
    - Subjects of Human Rights.
    - Human Rights vs. Basic Needs
    - Interdependence and Indivisibility of Human Rights
2. The fundamental Concepts of Human Rights
    - Special Features of Human Rights
    - Kinds of Human Rights
    - Subjects of Human Rights.
    - Human Rights vs. Basic Needs
    - Interdependence and Indivisibility of Human Rights
3. Human Rights and Cultural Relativism
   a. Defining Cultural Relativism
   b. Relativity and Universality
   c. Varieties of Cultural Relativism
   d. Caste and Cultural Relativism in Nepal
   e. Gender and Cultural Relativism in Nepal
   f. Human Rights and People’s Rights
   g. Group’s Rights in Human Rights Framework
   h. Cultural Rights and Cultural Identity.
4. Right to Fair Trial
   - Right to be Presumed Innocent
   - Right to Legal Counsel, the Meaning and Scope and Roles of Lawyers
   - Right to Public and adequate Hearing, the Extent and Limitation
   - Right Against Illegal Detention, the Meaning, Extent and Safeguards
   - Right Against Torture Under
5. Right to Nationality and Marriage.
6. Protection of Human Rights During Civil Strife
   - Meaning and Definition
   - International Conventions and Treaties Permitting Use of Arms
   - Code of Conduct of Law Enforcement Officials while Using Arms
   - Control of Illegal Mob and Detention during Civil Strife
7. Human Rights during Emergency and Armed Conflicts
   - Definition of Emergency and Armed Conflict
   - Vulnerable groups during Armed Conflicts, Women, Children, Minority, Refugees, Aliens, and Journalist
      a. Protection Afforded to Vulnerable Groups by International Human Rights Law
      b. Minimum International Standards Applicable to Protection of Vulnerable Groups
      - International Conventions and Treaties Applicable During Conflict
8. Nepal’s Commitment to Protect and Promote

Human Rights
- Constitution
- Statutes
- Enforcement of Human Rights
  a. Supreme Court Judgments on Applicability of International Instruments
  b. National Human Rights Commission
  c. Accountability and Impunity

Part ‘B’
1. Human Rights Enforcement Mechanism
   - Thematic Mechanism
   - Treaty Mechanism
2. UN Committees on Human Rights
   - Human Rights Under the Optional Protocol of ICCPR
   - UN Committee on the Elimination of Racial Discrimination (CERD)
   - Committee against Torture
   - Committee on CEDAW Optional Protocol
3. Protection of Human Rights in International Litigation and Diplomatic Protection
4. State Responsibility for the Violation of International Human Rights
5. Concept and Implications of certain Human Rights as Obligation erga omnes
6. International Human Rights Enforcement Procedures
   - Thematic Procedures comprising special rapporteur and working group on particular topics
   - Complaint procedures under ICCPR, CERD, CAT and CEDAW and ILO conventions
   - 1503 Resolution Procedures
7. Role of Advocates (NGO’s)
8. Remedies Available Under Thematic Mechanism
9. Monitoring of Human Rights
   a. International Institutions
   b. Regional Institutions
   c. National Human Rights Institutions

Reference Books:
Second Year

1) Feminist Jurisprudence

Course Objectives:
- To introduce students with basic principles and the concepts of emerging jurisprudence on feminism
- To develop their capacity of interpretation of legal instruments with feminist perspective, and
- To help the process of gender secularization of the Nepalese Law.

Contents:
1. Foundations and concepts of Feminist Jurisprudence
   - Observation on the situation of Feminist Legal Thought
   - Feminist Theory as a Legal Theory
2. Controversies within Feminist Legal Theory
   - Feminist Discourse, Moral Values and the Law
   - Equality and Physical Difference between Men and Women
   - Pregnancy: Inherent Privilege or Obstacle to Development
   - Abortion: Pro-Choice or Pro-Life
   - Sexual Expression: Right or Pornography
   - Prostitution: Labour or Exploitation
3. Feminist Critical Theories
   - Theoretical Premises
   - Liberal Legalism
   - Rights: Dialects of Rights and Politics

4. Some other issues of Feminist Legal Theory
   - Personality of women
   - Marriage and divorce
   - Statutory Rape
   - Pregnancy
   - Reproduction

5. Masculinity: Concept, Contend and Issues, and its impact on Women

6. Sexual Difference and Equality Theory
   - The Equality Crisis:
     - Gender Equality and Judiciary
     - Men’s Culture and Control Over Women’s Sexuality
     - Women’s Culture: Mother of Humanity
     - Women and Religious Values
   - Reconstructing Sexual Equality
     - Development of Feminist Legal Theory
     - Feminist Critique of Equality
     - Equality as acceptance
     - Acceptance not accommodation
   - Demarginalization of Sex
   - Deconstruction of Gender
     - Difference in opinion about difference between men and women
     - Women’s voice and the critique of Possessive individualism
     - Challenging the Gendered Structure of Wage Labour
7. Feminism, Marxism, Method and the State: Towards Feminist Jurisprudence

8. Technology and gender Issues
   - Impacts of technology on traditional structure of society, convention power imbalance between men and women and laws.
   - Impacts of Medical science and technology in birth control, contraception and abortion on women’s lives and laws.
   - Question of Objectification of Women: Medical Experimentation, Cosmetic Surgery, Sex Selective Abortion, FGM

9. Sexuality and Laws
   - Meaning and definition of sexuality
   - Traditional Laws and control over sexuality of women
   - Impact of Traditional Laws on development of Women’s Personality
   - Patriarchy: meaning, definition, and its efforts to subject women’s personality through control over sexuality

Reference Books

6. Gender and Equality and the Judiciary: Using International Human rights Standards to promote the Human Rights of Women and girl child at the National Level

2) Women’s Human Rights

Course Objectives:
- To introduce students with emerging trends of gender justice and neo-approach to human rights.
- To provide a critical knowledge of Convention on Elimination of all forms of Discrimination against Women (CEDAW)
- To help progress in domestication of international instruments concerning human rights of women.

Contents:

   - UDHR, ICCPR, ICESCR, CRC Convention on Suppression of Immoral Trafficking, Convention Against Slavery.
     - Limitations of existing international human rights system.
     - The guarantees of non-discrimination on the basis of sex
     - Role of human rights treaty bodies
     - Relevance of the International practices to domestic advancement of women’s human rights
2. Role of Women’s Specific International Instruments for the Advancement of Women’s human Rights.
• Convention on Elimination of all forms of Discrimination against Women (CEDAW)
  - Provisions on equality and non-discrimination
  - State’s responsibilities
  - Committee on the Elimination on discrimination against Women
  - General Recommendations of CEDAW Committee
  - Reports of state parties
• Convention on Political Rights of Women

3. Invocation of the Convention or Similar Instruments in Domestic Courts (International and Domestic case study)
• Violence against women-sexual harassment.
• Legal capacity
• Discrimination in Political and Public life-citizenship and access to public office
• Discrimination in the family, community and state
• Discrimination in criminal justice-access to criminal justice

4. Gender Jurisprudence and Judiciary
• Roles of Judges
• Composition of judiciary
• Systematic Partiality
• Gender bias and legal analysis
• The meaning of “discrimination”
• Meaning of reasonableness

5. Regional Standard of Women’s Rights
• Inter-American Convention of Human Rights
• European Convention on Human Rights
• African Charter
• SAARC Charter and Convention on Trafficking of Women

6. National Human Rights Institutions
• National Human Rights Commission
• National Women Commission

7. Situation of Domestication of CEDAW in Nepal
• Constitution
• Statutes
• State Policies and Practices
• Supreme Court Judgements

Reference Books:
1. UN Conventions, ICCPR, ICESCR, UDHR, CEDAW, PRW and others.
2. Kristine Adams and Andrew Byrnes (Eds), Gender Equality and Judiciary, Common Wealth Secretariat (1999)
4. ILRR: Equal Rights to Daughters and Son (1996)

Course Objectives:
• To help create an environment for rationalization of the domestic laws, and
• To help build capacity to apply international human rights instruments relating to Economic, Social and Cultural rights in the domestic situation.

3) Economic Social and Cultural Rights
Content:
1. Introduction
   a. Historical and philosophical development of economic and social rights
   b. Status of economic, social and cultural rights in international human rights law
   c. Nature and bearer of ESC rights
2. International Covenant on Economic, Social and Cultural Rights and UNESCR Committee
   a. Right to food
   b. Right to housing
   c. Right to education
   d. Right to health
   e. Other ESC rights
3. Economic and Social Rights in Regional Human Rights Instruments
   a. African Charter on Human and Peoples Rights
   b. American Convention on Human Rights
   c. Declaration on the Basic Duties of Association of Southeast Asian Nations People’s and Government
   d. Charter of Economic Rights and Duties of the States
   e. Cairo Declaration on Human Rights in Islam
   f. EU Social Charter
4. Economic, Social and Cultural Rights and Non-State Actors
   a. Multinational Companies
   b. Human Rights Organizations
5. Justiciability of ESC rights and the Role of Courts
   a. Importance of judicial interpretation of ESC rights
   b. Forms of special remedies in cases of violations of ESC rights.
   c. Concept, methodology and importance strategic litigation for the implementation of ESC rights
   d. Fundamental Rights under the Constitution
   e. Directive Principles and state policies under the Constitution
   f. Selected case studies
      i. Olga Tellis vs. Bombay Municipal Cooperation (India)
      ii. Soobramoney vs. Minister of Health (South Africa)
      iii. Nepalese judicial stand and case studies
6. Role of NHRIs in Enforceability of Economic, Social and Cultural Rights
7. Other thematic issues and their connection to ESC rights
   a. Right to development
   b. Labor law and right to work (including right at work)

Reference and Reading Materials
11. National Human Rights Commission Act and Regulation
12. National Women Commission Act and Regulation
2. LL.M. IN CRIMINAL LAW & JUSTICE

First Year

1) Legal Research
2) Comparative Legal System

These two subjects are common for all LL.M. Programs

3) Criminal Law Cases & Materials

Course Objectives:
The objective of this course is to provide
- A critical study on the existing criminal legislation
- Knowledge on the jurisprudence of criminal law & justice develop by the supreme court of Nepal along with cross reference of other countries

Contents:
Unit I: Criminal Library
- Elements of crime; Actus Reus, Mens Rea
- General defenses
- Inchoate offences: incitement, conspiracy & attempt
- Parties to crime
- Related cases

Unit II: offences against persons
- Homicide,
- Assault, battery false imprisonment,
- Offences related to medical treatment
- Human trafficking & kidnapping

Unit III; offences against property
- Theft, deception cheating Loot,
- Forgery & fraud of documents, Arson
- Offences against cattle’s animals

Unit IV: offences related to sex
- Marriage, Bigamy, Polygamy, child marriage
- Rape, Incest
- Indecent assault, bestiality and other sexual offences.

Unit V: offences against the state
- Offences against the state, terrorism
- Public offences
- Bribery & corruption, counterfeiting
- Offences related to narcotic drugs
- Related cases

Unit VI: miscellaneous offences
- Defamation
- Offences related to road accidents & traffic regulation
- Arms & ammunitions
- Espionage
- Security agencies acts and related offences Related cases

References:
1. Eliot & wood, “criminal law cases & materials”
8. Muluki Ain,2020, Nepal
9. States cases Act,2049 BS & Regulation,2055 BS, Nepal
10. Prabir Basu 2000 All India Criminal law digest Binod Publication(p) Ltd.
11. Evidence Act ,2031,BS Nepal
12. Indian penal code,1860
13. code of criminal procedure,1973,India
14. Criminal Muluki (Code Act, 2074) and Criminal Muluki Procedure (Code Act, 2074)
4) Forensic Jurisprudence

Course Objectives:
Objectives of this course are to:
- Impart knowledge on Material evidence rather than confessions.
- Generate resource persons and professionals with the idea of Forensic Sciences.
- Help students to advocate for ‘victims of crime’ on the basis of Material evidences.
- Provide a platform for strengthening the continuous reforms and improvements in the Criminal Justice System.

Contents:
I. Introduction
   - Evolution/Concept of forensic Jurisprudence
   - Physical evidence, types and its evidentiary value
   - Examination of scene of crime
   - Chain of custody of physical evidences (preliminary examination)
   - Evidence acceptable to Courts
   - Forensic Laboratories of Nepal and its sections

II. Scientific Examination of Physical Evidences
   - Blood, semen, body fluids
   - Hairs, fibres
   - Soil and glass fractures
   - Finger prints/foot prints
   - Ballistics, Arson
   - Questioned Documents
   - D.N.A Profiling

III. Post-mortem Examination: Determination of manner of death
   - Examination of Dead body
   - Determination of time of death
   - Determination of cause of death
   - Difference between Suicidal, Homicidal and accidental deaths

IV. Medico-Legal Examination
   - Examination of Decomposed Bodies, Skeletal remains

V. Expert Opinion and Testimony
   - Use of Statistics in Forensic science
   - Testimony of Investigator
   - Objective of Prosecutor Examination
   - Objective of Defense Examination
   - Expert Opinion and Reliability
   - Examination, Cross Examination and Re-examination

VI. Leading Cases with reference to Nepal

VII. Field Visits

References:
2. Modi, 1999, (22nd Ed.) Medical Jurisprudence and Toxicology, India, Butterworths
4. Richard E Kohler & Thomas M. O’ Maley, Criminal Justice Division; General Investigation Techniques, California State University, Sacramento
6. Evidence Act, 2031 BS, Nepal
7. State Cases Act, 2049 BS & Regulation, 2055BS, Nepal
8. Criminal Procedure Guidelines, 2058, CelRRd, Kathmandu
9. Criminal Muluki (Code Act, 2074) and Criminal Muluki Procedure (Code Act, 2074)

5) Juvenile Justice (Children in Conflict with Law)

Course Objectives:
The objective of this course is to:
- Involve students in reforms and improvements of the ‘Nepalese Justice system in relation to children’

Contents:
I. National & International Policy & legislative concern for Children
   - Convention on the Rights of the Child, 1989
& related International Instruments
- Children Act 2048, Nepal
- Judicial intervention in relation to Justice for children in conflict with law
- Child Abuse, Child Labor, Child marriage, Child Trafficking, child custody, Dependent Children;

II. The Nature of Delinquency
- Childhood and Delinquency
- Perspectives (Theories)
- Stages and Extent of Delinquency

III. Causative Factors
- Home & Family Conditions
- Socio-economic Factors/ Association with habitual offenders
- Female Delinquents / Sheet Children/ Juvenile Gangs
- Destitute and Displaced Children

IV. Juvenile Justice Administration
- Juvenile Aid Police( Women and Child Police Cell- Nepal)
- Juvenile Courts (Juvenile Bench- Nepal)
- Correctional Institutions in Prevention of delinquency- Nepal & Abroad
- Nepalese Legislation regarding Juvenile Justice in Comparison with International Instruments

V. Diversions-schemes and Best Practices
- Concept and Development
- Pre-trial Settlement
- Settlement during Trial
- Post-trial Settlement

- Settlement by community mediation, Multi Agency Support

VI. Rehabilitation of Juveniles Nepal and Elsewhere

Note: Each student shall prepare case study on the areas specified by the faculty that will form a part of final examination.

References:
8. Child Rights Act, 2048, Nepal
9. Juvenile (Care and Protection) Justice Act, 2000 India
10. International Conference on Juvenile Justice & Human Rights, January 5-10, 2003, Kathmandu; Documents Compilation KSL.
11. Criminal Muluki (Code Act, 2074) and Criminal Muluki Procedure (Code Act, 2074)

1) Criminology and Penology

Course Objectives:
Objective of this subject is to:
- Impart knowledge on different theories of crime by conducting research on the exploration of crime problem and prevention thereon
- Develop a critical approach on the prevailing penal practices and explore alternatives to prison systems of Nepal
- Introduce the ‘Victimological approach’ in our Justice System, promote ‘Victim-support schemes’ by identifying the areas for this purpose.

Contents:
Part I: Criminology
I. Schools of criminology
- Classical, positivist
- Crimino- biological theories
- Ecological theories/Chicago school
- Psychological theories

II. Sociological theories
- Theory of anomie, social control theories
- Sub-cultural theories, differential association theory
- Containment theory, differential association theory
- Home/family conditions

Second Year
III. Alternative Explanation of Crimes
   - Economic Theory
   - Conflict Theory
   - Labeling Theory
   - Radical Criminology

IV. Organized crimes

V. White collar crimes and economic crimes

VI. Analysis of Crime trends with reference to Nepal

VII. Strategies of ‘crime prevention’

Part 2: Penology

I. Peno-correctional theories
   - Deterrent theory, retributive theory
   - Preventive theory, reformative theory

II. Different forms of punishment

III. Sentencing of court

IV. Correctional system
   - Development of prison system
   - Nepalese prison system
   - Alternative to prison system, probation, parole, open prisons
   - Human rights activities in prison, community rehabilitation

V. Treatment of offenders
   - Punitive, therapeutic & preventive approaches

Part 3: Victimology

a. Evolution of victimological Approaches
b. Rights of Victims: compensation, Reparation
c. Victim support schemes
d. Comparative victim justice study: Nepal & elsewhere

Note: Each student shall prepare case study on the areas specified by the faculty which will form a part of final examination.

References:
2. J. Robert Lilly et al; 1995 Criminological theory; 2 Ed, Sage publication
3. Lydia Vogit et al., 1994, ‘Criminology and Justice’, McGraw Hill Series,
4. Sutherland, Principle’s of Criminology
5. V.V. Leelamma Devasia, 1992, ‘Criminology, Victimology and Corrections’, Ashish Publication House, India

2) Fair Trial (international human rights law in relation to criminal procedure)

Course Objectives:
The competency and independence of judiciary is ensured by fair trial. It must be viewed from national & international perspective. So the main objective of this course are to:

- Impact a comprehensive & analytical knowledge on ‘international’ minimum human rights standards in relation to criminal proceedings.
- Enables the students to have a critical knowledge on evaluation of the existing pre-trial, trial & post-trial criminal justice system of Nepal.
- Enables the students to involve in continuous research in criminal justice system from human rights perspectives.

Contents:
I. Minimum standards of fair trial: treaty obligations
   - Introduction to international treaties applicable to fair trial
   - Domestication of international minimum standards of fair trial in Nepal
   - Treaty obligation of Nepal concerning fair trial
   - State of rationalization of domestic statutes
   - Development of human rights culture during pre-trial & trial stages
   - State of trial by quasi-judicial body in Nepal

II. Basic foundation on the concept of fair trial: due process principles
   - Principles/elements of fair trial
   - Presumption of innocence
   - Double jeopardy, rights to silence
   - Retrospectively and the principle of legal certainty
   - Unrestricted and adequate access to legal defense
Public hearing
Substantive and procedural due process, & the concept of fair trial
Scope of fair trial, pre-trial stage & trial stage
Challenges of fair trial; (in the context of balancing the public interest of safety and procedural safeguards to suspects and accused)

III. Rights relating to arrest & detention
- International human rights law preventing arbitrary arrest (with reference to Nepal)
- Cautioning of suspects (Miranda rules)
- Right to be given reasons for arrest (with reference to practice in Nepal)
- Arrest on reasonable suspicion & grounds
- Detention in police custody
- Habeas corpus
- Ill treatment in the custody and its implication
- Access to legal advice in police custody

IV. Entry Searches & seizure
- Minimum safeguards against illegal entry
- Minimum safeguard against search and seizure
- Practice of safeguards in Nepal

V. Rights against confessional (self-incrimination)
- Legality of confessions
- Implication of torture obtained illegally & by use of force

VI. General principles of bail
- Right to bail
- Grounds for refusal of bail
- Remedy for unreasonable denial of bail
- Bail law and its practices in Nepal
- Right to plea bargaining and reduction of sentence

VII. Torture Situation and remedy
- International obligations with reference to Nepal
- Domestication of international treatise and jurisprudence on torture with reference to Neapl.
- Definition of torture under torture compensation act of Nepal
- Remedy against torture under torture compensation act of Nepal

VIII. Fair trial procedure under Rome convention
- Investigation
- Prosecution
- Adjudication

IX. Post Trial situation & rights of prisoners

References:
3. Fair Trial 2001, Asian Human Rights, commission, Hongkong
4. law relating to protection of human rights, 2002 modern law publication, India
5. Interpretation and enforcement of fundamental rights, Eastern Law House, India.
10. ‘Criminal Procedure Guidelines’, 2058, Kathmandu; CeLRRD

3) White Collar Crime

Course Objectives:
Objective of this subject is to:
• Impart knowledge on new forms of crime
• Develop a critical approach on the prevailing penal practices and explore alternatives to prevent white Collar Crime.
II. Crime against Consumer
- Delivery of Substandard Food and Services
- Unfair Trade Practices: Anticompetitive Conducts

III. Environment Crimes
- Water, Air and Land Pollution Crime
- Atomic Pollution
- Hazardous Waste Management

IV. Securities, Corporate and Fiduciaries
- Share Fraud
- Accounting Fraud: ENRON CASE
- Breach of Former Director’s Fiduciary Duties

V. Corruption
- Definition
- Forms
  • Graft
  • Bribe

VI. Medical Crime
- Fee-splitting,
- Taking or offering kickbacks,
- Price-fixing,
- Fraudulent billing,
- Performing unnecessary operations, and
- Prescribing unnecessary medicines

VII. Cyber Crime

References:
9. Muluki Ain 1963
15. Companies Act, 2006
17. Securities Act 2006
18. Commodities Act 2017
19. The Public Procurement Act 2007
20. Insurance Act 1992
21. Environmental Protection Act, 1997
22. Other Applicable Laws
**Course Objectives:**
Objectives of this course are:
- To familiarize students with general principles of Contract Law, and
- To impart a knowledge of comparative and critical understanding of the Nepalese and Foreign Laws on Contract.

**Content:**
1. **Nature of Contract**
   Definition of Contract, Elements of a Valid Contract
2. **Formation of Contract**
   The offer, The Acceptance, Intention to Create Legal Relation
3. **Consideration**
   Necessity, Adequacy and Position to Nepal
4. **Factors tending to Defeat Contractual Liability**
   a) Minors
   b) Corporations & Unincorporated Bodies
   c) Persons of Unsound mind (Lunatic)
5. **Void & Voidable Contracts**
6. **The Acquisition of contractual Rights by Third Parties**
7. **Terms of Contract**
   Exemption clauses & its limitation
8. **Discharge of Contract: Performance, Agreement, Lapse of Time, Frustration, Breach**
9. **Remedies for Breach of Contract: Specific Performance, Quantum Meruit, Injunction, Damages**
10. **Agency**

Creation of Agency, Authority of Agent, Termination of Agency

11. **Bailment and Pledge**
   Feature, Rights & Duties of Bailor & Bailee, Concept of Pledge

12. **Indemnity and Guarantee**
   Feature, Nature of Surety's Liability, Termination of Surety's Liability

13. **Partnership**
   Creation of Partnership, Relation of Partners, Dissolution of Partnership

14. **The Sale of Goods**
   Essential of sale of Goods, Sale and Agreement to sell, Condition & Warranties, Implied Condition, Unpaid Sellar

**Recommended & Reference Books**
1. P.S. Atiyah, Atiyath on Sale of Good
2. Anson's Law of Contract
3. T.V.S. Venkatesha Iyer, Law of Contracts & Tenders (Vol. 1 and 2)
4. Pollock and Mulla on Indian Contract Law
5. Poul Dobson, Charlesworth's Business Law, Sweets and Maxwell
6. Contract Act
8. Partnership Act
10. Muluki Civil (Code) Act, 2074 & Muluki Civil Procedure (Code) Act, 2074
4) Law of Intellectual Property

Course Objective:
Objective of the course are:

- To impart comprehensive and analytical knowledge on Intellectual Property Laws
- To provide extensive knowledge to examine various philosophical and policy consideration in relation to Intellectual Property Rights.

Contents:
1. Concept of Property
   a) Various Theories of Property
   b) Private Property Regime and Intellectual Property
2. Origin and Development of Intellectual Property
   a) Patent
   b) Design
   c) Trademark
   d) Copyright
3. Patent
   a) Meaning of Patent
      i) Invention
      ii) Novelty and Utility
      iii) Inventive Step
   b) Statutory Rights
      i) Application, Examination and Opposition
      ii) Rights recognized- Term, Ownership, Assignment, License, Revocation
      iii) Foreign Patent and Patent Cooperation Treaty
4. Design
   a) Meaning of Design
      i) Concept of Novelty and Originality
   b) Statutory Rights
5. Trademark
   a) Meaning of Trademark
      i) Distinctiveness
      ii) Similarity and Deceptive similarity
   b) Statutory Rights
      i) Application, Examination and opposition
      ii) Rights recognized- Term, Ownership, Assignment, License, Revocation
      iii) Foreign Trademarks and Paris Convention, Madrid Agreement
6. Copyright and Neighboring Rights, Rights Recognized
   Term, Ownership, Assignment, Berne Convention
7. TRIPs and Intellectual Property Protection
   Protection of Plant Varieties, Living Organisms, Protection of Indigenous and Traditional Knowledge and Technology
8. Dispute Settlement
   a) Under Nepalese Laws
   b) Under TRIPs

Recommended & Reference Books:
2. Catherine Colston, Principles of Intellectual Property Law, Cavendish Publishing Limited
3. Patent Design and Trademark Act
4. Copyright Act
5. Muluki Criminal (Code) Act, 2074 & Muluki Criminal Procedure (Code) Act, 2074

Second Year

1) Banking Law

Objectives of the course are:

- To impart comprehensive and analytical knowledge on Law of Banking and Insurance Laws.
- To provide extensive knowledge to examine various philosophical and policy consideration in relation to Law of Banking and Insurance Laws.

Contents:
1. Evolution of Banking
   a) Definition and Origin of Banking
   b) Evolution and Development of Banking in Nepal
2. Types of Banks
   a) Commercial Banks
   b) Agricultural Development Banks
   c) Development Banks
2) Laws on Corporate Management

**Course Objectives:**
Objectives of the course are:
- To provide students with understanding of the basic features of Company and its functions,
- To familiarize them with legal mechanism for operation and management of corporation
- To acquaint the student with the functioning of the Company under Companies Act of Nepal.

**Contents:**
1. **Introduction**  
   a) Concept  
   b) Nature / feature  
   c) Types
2. **Formation and Incorporation**  
   - Memorandum of Association and object  
   - Clause of memorandum  
   - Articles of Association  
   - Amendment of ***
3. **Exception on Corporate**  
   - Personality (Lifting of Corporate Veil)
4. **History of Company**  
   a) Development of Company Law in England  
   b) Development of Company Law in Nepal  
5. **Documents for Incorporation**  
   - Memorandum and Articles  
   - Agreement among Promoters  
   - Unanimous Agreement  
   - Liabilities of company on Pre-Incorporation of  
   - Agreement ***
6. **Capital**  
   a) Shares Types, Allotments and Transfer  
   b) Reduction of Capital and Buy-back Shares  
   c) Increment in Capital  
   d) Debentures  
   e) Dividend and its distribution  
   f) Prospectus: Promoters Duties & Liabilities
7. **Management of the Company**  
   a) Board of Directors: Powers, Functions  
   b) Duties/Obligations of Directors: Fuduciary, Statutory, Duty of Care and Skill, Liabilities and its Limitations  
   c) Managing Directors: Appointments and qualification
8. **Meetings**  
   i) **General Meeting**  
      a) Types, Notice, Validity, quorum Proxies  
      b) Power and Importance  
      c) Matters requiring Special and General Resolution  
      d) Liabilities Relating to General Meeting: Companies, Directors

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Syllabus of LL. M.

- Cooperative Banks
- Financial Institutions

3. **Function of Banks**
   a) Account Operations  
   b) Lending and Investment Functions  
   c) Agency Functions  
   d) Remittances

4. **Central Bank and Commercial Banks**
   a) Relation between Central Banks and Commercial Banks  
   b) Credit Control Mechanisms

5. **Bankers Customers Relations**
   a) Debtor and Creditor  
   b) Trusteeship Relation  
   c) Agency Relation  
   d) Bailor Bailee Relation  
   e) Opening of an Account

6. **Merchant Banking and Mutual Funds**

7. **Financial Institution**
   a. Banking and non banking functions of Financial Institution  
   b. Operation

8. **Negotiable Instruments**
   a. Features of Negotiable Instruments  
   b. Types of Negotiable Instruments  
   c. Promissory Notes, Cheques, Bills of Exchange  
   d. Endorsement, Presentation and Dishonour of Negotiable Instruments  
   e. Letter of Credit: Definition, use, importance and International Practices

**Books Recommended**
1. Dr. Mukund Mahajan, Fundamentals of Banking in India  
2. Tannan’s Banking Law and Practices in India  
3. S.N. Gupta, The Banking Law in Theory and Practice  
4. Paget’s Law of Banking  
5. Umbrella Act for Bank and Financial Institution, 2004
Syllabus of LL. M.

Kathmandu School of Law (KSL)

e) Shareholders Rights Relating to General Meeting
f) Relation between Shareholders, Directors and the Company

ii) Meetings of BOD

9. **Amalgamation:** Merger and Take-over, Amalgamation & Competitive Law

10. **Insider Dealing**

11. **Oppression and Mismanagement**

12. **Joint Venture Companies**
   - Establishment and Concept of Multinational Companies
   - Operational Provision of JVC

13. **Criminal Liabilities:**
    Company, Directors

14. **Winding Up**
    a) Modes of Winding Up
       - Voluntary
       - Compulsory
       - Order of the Court
    b) Liquidators: Appointments, Powers, Functions, Duties and Liabilities

15. **Controls Over the Management:**
    Shareholders, Office, Company Board

16. **Accounts and Audit**
    a. Accounts
       - Preparation of Annual Accounts
       - Rights of Shareholders and Liabilities of Company Relating to Accounts

    b. **Liabilities Relating to Accounts and Audit**
    c. **Accounts of Holding Companies**

    b. **Audit Types:** Statutory, Internal, Cost, Social,
    c. **Auditor Appointment, Powers, Functions, Duties, Liabilities, Qualification**

17. **Miscellaneous**
   a. Company Secretary: Appointment, Qualification, Responsibilities
   b. Company Board: Composition, Authority and Functions

**Recommended Books & References**
2. J. M. Thomson: Palmer’s Company Laws,
3. Pennington on Company Laws,
4. Gore Browne on Company Laws,
5. Avatar Singh: Company Laws,
6. Companies Act and Regulations,
7. Trilochan Gautam, Kampani Ain, 2053 Ra Kampani Sachiba Ko Digtarshan
8. Draft Bill on Competitive Law
9. Foreign Investment and Technology Transfer Act, 1992
10. Industrial Enterprises Act,

### 3) International Trade Law and Arbitration

**Course Objectives:**

a) To provide the students with advanced international trade law, trade regime and knowledge and attitude as to trade transactions.

b) To make students conversant with recent trends and developments in the field of international trade law

**Course contents**

**Group A: International Trade Law**

1. **Concept of International Trade Law**
2. **Sources of International Trade Law**
3. **Theories of Trade**
4. **The Law of the WTO**
   a. Introduction to the Multilateral Trading System
   b. History and Evolution of GATT
   c. Objectives and Functions of the WTO
   d. Market Access: Trade Negotiations and Border Measures

   e. Most Favoured Nation Principle
   f. National Treatment Principle
   g. Exceptions
   h. Dispute Settlement Understanding
   i. Sanitary and Phytosanitary Measures
   j. Technical Barriers to Trade
   k. WTO rules relating to agriculture
   l. Trade Remedies
   m. Trade in Services
   n. TRIPS
   o. Developing Countries and the WTO

5. **Regional Trade Agreements**
   a. Philosophy and Purpose
   b. SAFTA
   c. SATIS
   d. BIMSTEC
   e. NAFTA
   f. Bilateral Trade Agreements
   g. Nepal-India Trade Agreement
   a. Formation of Contract
   b. Obligations of Buyers and Sellers
   c. Performance of Contract
   d. Remedies for Breach of Contract

7. **International Financial Transaction**
   a. Transport Documents
   b. International law of transportation of goods
   c. Carrier’s obligation and liabilities
   d. Law and Principles governing multimodal transportation of goods.

**Group B : Arbitration**

a. **Introduction to International Commercial Arbitration**

b. **Basic principles of commercial arbitration**

c. **Jurisdiction of an arbitral tribunal**

d. **Judicial features of an arbitral proceedings**

e. **Applicable law in an arbitral proceedings**

f. **Supervision of an arbitral tribunal by a formal court**

g. **Challenges and Enforcement of an arbitral award**

h. **Challenges and Enforcement of a foreign arbitral award**

i. **Comparative analysis between Nepali arbitration law and UNCITRAL Model Rules of Arbitration**

j. **Introduction to the arbitration process**

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### Recommended Books & References

2. Dr Y.P. Pant, Problems and the Development of Smaller Countries
3. Hoyle, S.W., The International Trade
5. Joy Cherian, Investment Contract and Arbitration
7. Leo Diarcy et. all, Schmitthoff’s Export Trade: The Law & Practice of International Trade, Sweet & Maxwell, 10th ed, 2000
8. Poul Dobson, Charlesworth’s Business Law; Sweet & Maxwell, 16th ed, 1997
10. Russel, Russel on Arbitration
11. Schmithoff C. M. (Ed), The Sources of The Law of International Trade

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### 4) Taxation (Income Tax and Value Added Tax) Law

#### Course contents

1. Introduction to Tax Law
2. Historical Perspective of Nepalese Tax
3. Interpretation of Taxing Statutes
4. Tax Avoidance and Counter-Tax Avoidance Measures
5. Income Tax
   a) General Principles of Income Tax
   b) Heads of Income and Calculation of Income under Different Headings
      i) Employment
      ii) Business
      iii) Investment
   c) Taxation of Individuals
   d) Taxation of companies
   e) Income tax & Non –Profit Organization
6. Assessment & payment of income tax
7. International Aspect of Income Tax
8. Principle of Value Added Tax
9. Introduction of Vat in Nepal
10. Determination of Value of Value Added Tax
11. Value Added Tax Rate, Tax Exemption & Zero Rate
12. Payment, set- off & refund or Value Added Tax
13. Tax Authorities (Inland Revenue Office & the Inland Revenue Department)
14. Judicial Remedy in Taxation
   - Composition & Jurisdiction of the Revenue Tribunal
   - The jurisdictions and the role of the supreme court in tax cases
5) Insurance Law

Course contents

1) Introduction
   a. Definition Nature & Function of Insurance
   b. Principles of Insurance
   c. Kinds of insurance

2) Insurance Policy
   a. Elements of insurance Policy
   b. Duty of Disclosure and Non disclosure
   c. Insurable Interest
   d. principal of good faith

3) Claim
   a. The Doctrine of proximate cause
   b. Burden of proof
   c. Assignment of proceed of the policy
   d. Reinstatement
   e. Doctrine of Contribution & Subrogation

4) Reinsurance policy
   a. Definition & importance of reinsurance policy
   b. Claim procedure for Reinsurance

5) Agency in Insurance Transaction
   a. Relationship between principal & third Agent
   b. Relationship between principal & the third Parties
   c. Relationship between agent & the third parties

6) Insurance in Nepal
   a. The insurance board
   b. Settlement of Dispute

Recommended Books:

1. Murthy & Sharma,Modern law of insurance in India
2. R.M. vats laws Relating to insurance in India
3. E.R. Hardy Ivamy,General principles of Insurance law
4. Templeman, Principle of insurance.
5. Insurance Act of Nepal
6. Insurance Rules of Nepal
LLM. IN INTERNATIONAL LAW

First Year

1) Legal Research

2) Comparative Legal System

3) Public International Law

Objectives of the Course:
1. To introduce the basic principles and rules of public international law.
2. To introduce and discuss the recent developments in public international law.
3. To prepare students for advanced courses and discourses on various areas of international law.

Course Outline
1. Introduction to International Law
   1.1. Evolution of International Law
   1.2. Theoretical Foundations of International Law
   1.3. Nature and Role of International Law
2. Sources of International Law
   2.1. Article 38 of the Statute of the International Court of Justice
       2.1.1. Treaties and Conventions
       2.1.2. Custom
       2.1.3. The General Principles of Law
       2.1.4. Judicial Decisions and Publications and Teachings
   2.2. The Relationship Between the Sources of International Law
   2.3. Additional Sources of International Law
3. Subjects of International Law
   3.1. States as subjects of International Law
       3.1.1. Statehood
       3.1.2. Self Determination
       3.1.3. Recognition
   3.2. International Organizations as subjects of International Law
   3.3. Individuals as subjects of International Law
       3.3.1. International Rights and Responsibilities
       3.3.2. International Claims
4. Relationship between International Law and Municipal Law
   4.1. Application (Domestication) of International Law in Municipal Courts
   4.2. Domestication of International Law in Nepal and the Treaty laws of Nepal
5. The Law of Treaties
   5.1. Formation of Treaties
   5.2. Reservations of Treaties
   5.3. Application of Treaties
   5.4. Interpretation of International Treaties
   5.5. Invalidation, Termination of Treaties
   5.6. Treaties and Jus cogens
6. Jurisdiction of State
   6.1. Civil Jurisdiction
   6.2. Criminal Jurisdiction
   6.3. Extraterritorial Jurisdiction
   6.4. Concurrent Jurisdiction
   6.5. Extradition
7. Immunities and Privileges of State and Diplomats
   7.1. State Immunity
   7.2. Diplomatic and Consular Relations Law
       7.2.1. Immunities and Privileges of International Organizations and their Officials
       7.2.2. Immunities and Privileges of Foreign Diplomats
8. International Aviation Law
   8.1. Air Law
   8.2. Applicable International Rules in Regard to Air Law
   8.3. Nepali Legislation Relating to Air Law
   9.1. Law of the Sea and Land Locked Countries
9.3. Transit Agreement Between Nepal and India
9.4. Rights of Landlocked Countries in GATT 94

10. State Responsibility
10.1. Nature and Scope of State Responsibility
10.2. The Elements of International State Responsibility
10.3. The Substance of International State Responsibility
10.4. Invocation of International State Responsibility
10.5. Admissibility of Claims
10.6. Diplomatic Protection
10.7. Rule of Exhaustion of Local Remedies
10.8. The ILC Articles on International Responsibility for Internationally Wrongful Acts

11. International, Regional and Bilateral Organizations and Institutions
11.1. The UN System
11.2. The WTO
11.3. The World Bank and the International Monetary Fund
11.4. SAARC
11.5. BIMSTEC
11.6. Bilateral Institutions
11.6.1. Bilateral Trade Agreements
11.6.2. Bilateral Investment Agreements
11.6.3. Double Taxation Agreements

4) International Environmental Law

Objectives of the Course:
1. To introduce the basic principles and normative standards of international environmental law.
2. To discuss recent developments in international environmental law.

Course Outline
1. Introduction to International Environmental Law
   1.1. History and Development of International Environmental Law
   1.2. Nature and Scope of International Environmental Law
   1.3. The Nature and Definition of Environment
2. Sources and Principles of International Environmental Law
   2.1. General Sources of International Law
   2.2. Soft Law
3. Substantive International Environmental Law
   3.1. Atmospheric Protection

Recommended References
3. Harris, Cases and Materials on International Law (7th edn, 2010).
References

5) International Human Rights Law

Course Objectives:
1. To introduce the basic principles and rules of international human rights law.
2. To discuss various forms of human rights and international law governing protection of human rights.
3. To introduce basic procedural aspects of implementation and enforcement of international human rights law.

Course Outline:
1. Introduction to Human Rights
   1.1. Nature of Human Rights
   1.2. Philosophical Foundations of Human Rights
   1.3. Human Rights and Cultural Relativism
   1.4. Evolution and Development of International Human Rights Law
   1.5. Nature of State Obligation for the Protection of International Human Rights
   1.6. Concept of State Responsibility in regard to International Human Rights under International Law
   1.7. Nature of International Obligation and Obligation erga omnes
2. Civil and Political Rights
   2.1. Introduction
   2.2. Nature of Civil and Political Rights
   2.3. International Law Governing the Protection of Civil and Political Rights
   2.4. Remedies for the Violation of Civil and Political Rights under International Law
3. Economic, Social and Cultural Rights
   3.1. Introduction
   3.2. Nature of Economic, Social and Cultural Rights
   3.3. International Law Governing the Protection of Economic, Social and Cultural Rights
4. Development Rights
   4.1. Introduction
   4.2. Nature and Evolution of Development Rights
   4.3. Concept of Right to Development, Self-Determination etc.
   4.4. International Law Governing the Protection of Development Rights
5. Special Protection of Human Rights of Various Groups under International Law
   5.1. Protection of Women, Children, Minorities, Differently able under International Law
6. Limitations on Human Rights
   6.1. Derogations From International Protection of Human Rights
   6.2. International Protection of Human Rights and State Sovereignty
7. International Mechanisms of International Human Rights Enforcement
   7.1. Introduction to Treaty Bodies and International Organizations
   7.2. General Enforcement Procedures in International Treaty Bodies and International Organizations
8. Emerging Concepts
   8.1. Terrorism and Human Rights
   8.2. Post Conflict Justice (Transitional Justice)
   8.3. Remedies to the Past Human Rights Violations

References
3. C. Gearty, *Civil Liberties* (OUP: 2007)

**Second Year**

### 1) Settlement of International Disputes

**Objectives of the Course:**
1. To introduce the basic principles and rules of settlement of international disputes.
2. To discuss the procedural rules relating to settlement of international disputes in international courts, tribunals and arbitration.

**Course Outline:**
1. **Evolution and Development of Peaceful Settlement of International Disputes**
2. **International Law Governing Peaceful Settlement of International Disputes**
   2.1. The United Nations System
   2.2. Inter-State Arbitration
   2.3. International Commercial/Investment Arbitration
   2.4. Role of Consent in Settlement of International Disputes
3. **Jurisdiction of International Dispute Settlement Bodies and Arbitral Tribunals**
   3.2. Jurisdiction Under International Investment Treaties
      3.2.1. Concept of Investment
      3.2.2. Ratio Materiae
      3.2.3. Ratio personae
      3.2.4. Ratio temoris
4. **Concept of Admissibility in International Dispute Settlement Bodies and Arbitral Tribunals**
5. **Justiciability and Arbitrability of a Dispute**
6. **Applicable Laws**
7. **Provisional Measures**
8. **Remedies in International Adjudication**
9. **Challenge of International decisions and recognition and enforcement of international decisions**
10. **Denial of Justice**
11. **Dispute Settlement according to Bilateral Investment Treaties**
12. **International Court of Justice**
13. **International Center for Settlement of International Disputes**
14. **International Tribunal for the Law of the Sea**
15. **settlement of International Disputes and the United Nations General Assembly and the Security Council**
16. **WTO Dispute Settlement Bodies and Processes**

**References**
2) Law of Armed Conflict and International Criminal Law

Objectives of the Course:
1. To introduce and discuss the basic principles and rules relating to law of armed conflict.
2. To introduce and discuss the basic principles and rules of international criminal law.
3. To introduce and discuss the basic principles and rules relating to enforcement of international criminal law and law of armed conflict.

Course Outlines:
1. Introduction to the International Law of Armed Conflict
   1.1. Nature of Armed Conflict
       1.1.1. International Armed Conflict
       1.1.2. Non-International Armed Conflict
   1.2. International Law Governing Use of Force
       1.2.1. Collective Security System and chapter VII of the UN Charter
       1.2.2. Concept of Self-Defence in International Law
       1.2.3. Humanitarian Intervention and the Responsibility to Protect
   1.3. Introduction to International Humanitarian Law
       1.3.1. Development of International Humanitarian Law
       1.3.2. Nature and Scope of International Humanitarian Law
       1.3.3. Basic Features and Standards of Hague Conventions
       1.3.4. Basic Features and Standards of Four Geneva Conventions and Additional Protocols
   1.4. United Nations Peace Keeping
   1.5. Principle of Distinction in International Humanitarian Law
   1.6. Specifically Protected Persons and Objects
   1.7. Means and Methods of Warfare
   1.8. Treatment of Civilians and hors de combat
2. Introduction to International Criminal Law
   2.1. Development of International Criminal Law
   2.2. Nature and Scope of International Criminal Law
   2.3. Introduction to Ad hoc International Criminal Tribunals
       2.3.1. Nuremberg Trials, Tokyo Trials, ICTR, ICTY
   2.4. Nature and Scope of Jurisdiction
   2.5. Concept of International Crime
       2.5.1. War Crimes, Crimes Against Humanity, and Genocide and their Elements
       2.5.2. Crimes Under International Treaties and other International Instruments
       2.5.3. Crimes Under Customary International Law
   2.6. Individual Responsibility under International Criminal Law
       2.6.1. Conditions and Scope of Responsibility
       2.6.2. Conditions Excluding Responsibility (Defense)
   2.7. International Criminal Court
       2.7.1. Jurisdiction
       2.7.2. Nature of Crimes
       2.7.3. Defence
       2.7.4. Protection of Victims and Witnesses
       2.7.5. Nature of Responsibility, Command Responsibility
   2.8. Enforcement of International Criminal Law in Municipal Courts

References
2. William A. Schabas, An Introduction to the International Criminal Court, (CUP: 2007)
Objectives of the Course:
1. To introduce and discuss principles and rules of international economic law.
2. To introduce and discuss various regimes of international economic law according to various international organizations and systems.
3. To introduce and discuss basic substantive and procedural rules and principles relating to international trade, economic and financial systems.

Course Outlines:
1. **Introduction to International Economic Law**
   1.1. Economic Globalization
   1.2. Idea of Free and Trade and Economic Advantage
   1.3. Free Trade and Trade Restrictions
   1.4. Evolution of International Economic Law
   1.5. Nature and Scope of International Economic Law
2. **Introduction to International Institutions**
   2.1. The World Trade Organization
   2.2. International Monetary Fund
   2.3. The World Bank
   2.4. Relationship among the WTO, IMF and the World Bank
3. **International Monetary Fund**
   3.1. Understanding International Payments, Exchange Rates and Balance of Payments
   3.2. The Objectives of the IMF
   3.3. Powers and Authorities of the IMF
4. **The World Bank**
   4.1. The Objectives of the World Bank
   4.2. Powers and Authorities of the World Bank
5. **The Law of the WTO**
   5.1. Introduction to the Multilateral Trading System
   5.2. Market Access: Trade Negotiations and Border Measures
   5.3. Most Favoured Nation Principle
   5.4. National Treatment Principle
   5.5. Exceptions
   5.6. Sanitary and Phytosanitary Measures
   5.7. Technical Barriers to Trade
   5.8. Subsidies

References