

# Dr. Balram Prasad Raut

Former Head, Central Department of Law, Tribhuvan University

DATE OF BIRTH	28 April 1976.
PERMANENT ADDRESS	Akaura-8, Nagarain Municipality, Dhanusha, Madhes Pradesh, Nepal
RESIDENTIAL ADDRESS	Duwakotmod-2, Changunarayan Municipality, Bhaktapur, Nepal
MOBILE	+977 9851144696 (Nepal) +91 9931492195 (India)
NATIONALITY	Nepali
MARITAL STATUS	Married
LANGUAGES	Maithili, Nepali, English, Bhojapuri & Hindi
EMAIL	balram.raut@gmail.com

## 1. Educational Qualification

- 2020 – Doctor of Philosophy in Law (PhD), South Asian University, New Delhi, India.
- 2004 – 2005: Master of Laws (LL. M.), First Class First-*Gold Medalist*, Specialization in Criminal Law, Faculty of Law, Tribhuvan University, Kathmandu, Nepal.
- 2001 – 2003: Bachelor of Laws (LL.B.), Faculty of Law, Tribhuvan University, Kathmandu, Nepal.
- 1997 – 1999: Bachelor of Arts (B.A.) in English Literature, Faculty of Humanities and Social Sciences, Tribhuvan University, Nepal.

## 2. Work Experience

- From June 2023 to August 2024, Head, Central Department of Law, Tribhuvan University

- From 2021 to August 2024, PhD Research Coordinator, Faculty of Law, Tribhuvan University.
- From 2021, Associate Professor of Law, Nepal Law Campus, Faculty of Law, Tribhuvan University.
- From 2011, Assistant Professor of Law, Nepal Law Campus, Faculty of Law, Tribhuvan University.
- From 2014 to 2016, Deputy Director, B.A. LL.B. Five Years Programme of Nepal Law Campus, Tribhuvan University.
- From February 2009 to February 2012: Legal Adviser of Japan International Cooperation Agency (JICA) Nepal Office.
- From September to December 2008: Research Consultant with Chemonics International/USAID.
- From August 2007 to July 2008: United Nations Mission in Nepal (UNMIN).
- From March-July 2007: Legal Assistant at Information, Counseling and Legal Assistance Project (ICLA) of Norwegian Refugee Council (NRC), Project Office, Nepalgunj, Banke District, Nepal.
- From September 2005 to March 2007, Human Rights Officer at Human Rights Project of Nepal Bar Association, Funded by Norwegian Bar Association, Norway.

### 3. Publications

#### (i) Books

- *Comparative Criminal Law: Cases and Materials* (Mission Legal Pvt. Ltd, Kathmandu, 2023).
- Co-author, *Text Book of Criminal Law: Theory and Practice* (Pairavi Book House, Kathmandu, 2021)
- *Criminology, Penology and Victimology*, on process of writing.

#### (ii) Chapter Contribution of Books

- ‘Archiving the Legislative History of Codification of Laws in Nepal’, in Cierpial-Magnor, Arkadiusz Wudarski and Winner, *Successes and failures of the transfer of rights*, (Facultas and Nomos, ISBN: Austria: ISBN 978-3-7089-2450-2 (facultas) Germany: ISBN 978-3-8487-8797-5 (Nomos).

- “Arrest and Detention in India Law, Procedure and Practice”, in Dipa Dube and Shruti Bedi (Ed.), *Arrest and Detention in India Law: Procedure and Practice* (New Delhi: Sage Publishing, 2021)
- "Notions of the Legal System," in *Emerging Issues and Legal Framework in India*, in Suresh Mani Tripathi (Ed.), (New Delhi: The Readers Paradise: Educational Publishers, 2014).
- "Analysis of Law Relating to Cyber Crime in Nepal," in B. C. Nirmal and Rajanish Kumar Singh (ed.), *Contemporary Issues in International Law*, (New Delhi: Satyam Publication, 2014).
- "Co-author, "Debate Manual for Teachers of Universities 2013", *Alliance for Social Dialogue* (ASD). This publication has been prescribed in the syllabus of the Mid-western University of Nepal.

(iii) *Research Articles published in national and international journals*

- “Right to Privacy Versus Social Media: Nepali Perspective”, 17 *NJA L.J.* (2023)
- “Procedural Errors in Law Making Process in Nepal and their Solutions”, *Nyaybatika* (In Nepali) 2 Nepal Bar Council (2023).
- “Codification of Laws in Nepal: Indigenous or Transplanted”, 31 *Nepal Law Review* (Kathmandu: Nepal Law Campus, 2023).
- “Right to Privacy with Reference of Social Media Laws in Nepal” *Journal of Faculty of Law* (Modi University, Rajasthan, India, 2022).
- “Critical Analysis of Implementation of Torture Law in Nepal”, *Nepal Law Review* 29 (Kathmandu: Nepal Law Campus, 2021).
- “Comparative Analysis of Muluki Criminal Procedure Code, 2074 *Opportunities and Challenges of Implementation*”, 15 *NJA L.J.* (2021).
- “Critical Analysis of Implementation of Torture Law in Nepal”, *Nepal Law Review* 29 (Kathmandu: Nepal Law Campus, 2021).
- “Theoretical Analysis of Challenges in Law Making Process in Nepal” (in Nepali), *Nepal Kanoon Paricharcha* 1 (Kathmandu: Nepal Law Campus, 2019).
- "Economic, Social and Cultural Rights in the Constitution of Nepal: Challenges of Implementation", 6(1) *Lexgentia* (Thomson Reuters 2019).

- 'Constitution of Nepal and Economic, Social and Cultural Rights: A Jurisprudential Analysis,' (in Nepali) *Sambahak*, April 2019, National Human Rights Commission, Nepal.
- "A Critical Analysis of the Substantive Provisions of the Muluki Penal Code 2017" 13 *NJA L.J.* (2019).
- "A Legal Study of Economic, Social and Cultural Rights in Nepal", Volume-VII, Issue-I, Jan-Dec 2018, *Indian Journal of Socio Legal Studies*.
- "Cultural Rights in Nepal: A Critical Study on the Basis of the Decisions of the Supreme Court of Nepal", *NJA Law Journal* 12 (Kathmandu: National Judicial Academy, 2018).
- "Corruption, Politics and Civil Society in Nepal", *International Journal of Legal Studies and Research*, (IJLSR), Spl-June/e-IJLSR (2018).2
- "An Analysis of Humanitarian Intervention: A Case Study on Kosovo Crisis", *NJA Law Journal* 11 (Kathmandu: National Judicial Academy, 2017).
- "Alternative Measures to Reform the Prison Policies in Nepal", *NJA Law Journal* 10 (Kathmandu: National Judicial Academy, 2016).
- "The Doha Round: Is it Going to Fail?", *Nepal Bar Council Law Journal* (Kathmandu: (Nepal Bar Council, 2016).
- "Identification of Prison Reform Policies in Nepal", in Mr Sharad Chandra Mishra (Ed.), *Indian Journal of Socio-legal Studies (IJSLS)*, An International Bi-annual Refereed Research Journal, Volume IV, SSN 2320 – 8562, (Varanasi: Banaras Hindu University, July-Dec 2015).
- "Legislative Approaches to the Legal Reform of Prostitution: Legalizing or Decriminalizing in Nepal?" *Chhattisgarh Law Review*, (Raipur: Government Naveen Law College, Chhattisgarh State, 2015).
- "Domestic Violence Laws of Nepal", in Suresh Mani Tripathi (Ed.), *Social Economic Justice and Women's Right*, (Germany: Lambert Academic Publishing House 2014).
- "Understanding of Socio-cultural Human Rights by Intermediaries of Nepal", in Mr Sharad Chandra Mishra (Ed.), *Indian Journal of Socio-legal Studies (IJSLS)*, An International Bi-annual Refereed Research Journal, Volume Special Issue on Law, Humanities and Social Issues (Varanasi: Banaras Hindu University, 2014).

- "Status of Socio-Cultural Rights in Nepal: A Bird Eye View on decisions of Supreme Court of Nepal", in Mr. Sharad Chandra Mishra (Ed.), *Indian Journal of Socio-legal Studies (IJSLS)*, An International Bi-annual Refereed Research Journal, Volume Special Issue on Law, Humanities and Social Issues (Varanasi: Banaras Hindu University, 2014).
- "An Analysis of Domestic Violence Laws of Nepal from Perspective of Women's Rights", *LAAC LENS: mainstreaming for the empowerment of women*, Legal Aid and Consultancy Centre (Kathmandu: LAAC 2014).
- "The Situation of Socio-cultural Rights in Nepal", *Nepal Law Review 25* (Kathmandu: Nepal Law Campus, 2013).
- Co-author of "Concept of Criminalization, Penalization and Principle of Legality in Nepali Judicial Discourse", *NJA Law Journal*, (Kathmandu: National Judicial Academy, 2013).
- "Criteria to Measure Mens Rea to Impose Corporate Criminal Liability", *Nepal Bar Council Journal* (Kathmandu: Nepal Bar Council 2012.)
- Criminal Justice and Victim's Rights in Future Constitution (in Nepali), *Supreme Court Bar Journal* (Kathmandu: Supreme Court Bar Association, 2009).
- "Corruption: Concept, Theory and Judicial Practices in Nepal", *Nepal Bar Council Law Journal* (Kathmandu: Nepal Bar Council, 2008).
- "Identity Crisis of Nepalese Legal System", *Kanoon* (Kathmandu: Kanoon Lawyers Club, 2007).
- Co-Author of "Battered Women Syndrome (in Nepali)", *Nyayadoot* (Kathmandu: Nepal Bar Association, 2007).
- Co-Author of Utility of Limitation in the Cases of Homicide (in Nepali), *Kanoon* (Kathmandu: Kanoon Lawyers Club, 2006).
- Co-Author of "A Brief Analysis of Cases Relating to Homicide Decided by Supreme Court (from 2047 BS- 2058 BS) (in Nepali)", *Kanoon* (Kathmandu: Kanoon Lawyers Club).
- Co-Author of "Retrospective Law: An (in Nepali)", *Nyayadoot* (Kathmandu: Nepal Bar Association, 2005).
- Co-Author of "Principle of Double Jeopardy in Context of Present Nepalese Constitution: An Analysis (in Nepali)", *Nyayadoot* (Kathmandu: Nepal Bar Association, 2005).

- Co-Author of "Doctrine of Transferred Malice And Mistaken Identity of Victim", *Kanoon* (Kathmandu: Kanoon Lawyers Club, 2005).
- Co-Author of "A Brief Analysis of Cases Relating to Homicide Decided by Supreme Court in Nepali", (Kathmandu: Nepal Bar Council, 2003).
- "Quasi-Judicial Bodies: Special Court and Legal Remedies" in Gopal (Chintan) (Ed.), *Collection of Articles on Human Rights* (In Nepali) (Kathmandu: Centre for Human Rights, Tribhuvan University).

(iv) *Articles in Newspapers*

- "How much successful the Government of Nepal to Implement the Fundamental Rights?" (in Nepali). <https://deshsanchar.com/2018/10/29/114516>.
- "Reformation in Nepalese Legal Education System and its Responsibility" (in Nepali). <https://deshsanchar.com/2018/10/19/111183>.
- "Beginning of Codification" (in Nepali). See <https://nagariknews.nagariknetwork.com>.
- "Codification of Law" (in Nepali). See <https://www.kantipurdaily.com/bibidha/2018/08/17>.
- "The Ballot of Nepal Bar Show Road towards Federalism", *Reporter*, A weekly newspaper, 28 January 2013.
- "Universal Jurisdiction: A Threat to Sovereignty of State", *Reporter*, A weekly newspaper, 14 January 2013.
- "Madhesi and Human Rights", *Tahalka* (in Nepali, (Janakpur: Tahalka Nepal-Local Magazine, 1999).
- "Environmental Pollution" (The Kathmandu Post, 1995).

**4. Speaker, Resource Person and Paper Presentation:**

- Keynote speaker in 'International Conference on "Universal Values & National Realities: Exploring UDHR in the Indian Context"' held on 6<sup>th</sup> – 7<sup>th</sup> April 2024, jointly organized by University Law College, Utkal University in Collaboration of Odisha Huma Rights Conference.
- Resource person of International Conference on the topic: International Conference on Law, Science and Technology (ICLST)" on the Theme: Advancing Excellence in

Higher Education Through Use of Technology in Asia” on 22<sup>nd</sup>, 23<sup>rd</sup> & 24<sup>th</sup> March 2024 at VIT School of Law, VIT Chennai, India.

- Chairperson for the 2 Day International Conference (Online) on Optimizing Intellectual Property Rights in the Globalized World and Unleashing the Emerging Challenges of the Corporate Laws held at Dr. R.K.B. Law College, Dibrugarh, Assam on March 13 and 14, 2024.
- Panelist in the Panel Discussion on “Debating the Effectiveness of International Law and Institutions in the International Seminar entitled “Exploring the Role of International Institutions in Resolving Contemporary Issues” held on 1<sup>st</sup> – 3<sup>rd</sup> March, 2024, organized by the Faculty of Law, Banaras Hindu University.
- Chaired a Technical Session in the International Seminar entitled “Exploring the Role of International Institutions in Resolving Contemporary Issues” held on 1<sup>st</sup> – 3<sup>rd</sup> March, 2024 at the Faculty of Law, Banaras Hindu University.
- Paper presentation (Virtual) in the International Conference on *International Law and the SAARC Region in Times of Crisis*, 01 March 2023, organized by Faculty of Legal Studies, South Asian University.
- Resource person of International Conference on "Criminal Justice Systems in South Asia: Legal Framework, Contemporary Issues and Ways Forward" organized by MMM's Shankarrao Chavan Law College, Pune affiliated to Savitribai Phule Pune University, Pune held on 2<sup>nd</sup> – 4<sup>th</sup> March 2023.
- Speaker for "Goals, Paths, and Methods of Legal Transfer: Successes and Failures of Legal Transplants "in International Conference (in person) held on 6-5 September 2022 at European University Viadrina, Frankfurt Germany.
- Resource Person in the International Faculty Development (IFD) Program, Chandigarh University, India held from 04<sup>th</sup> July 2022 to 09<sup>th</sup> July 2022.
- Resource Person (virtual) for the Project of The State’s Power to Intervene in Family Life, European University Viadrina, Frankfurt, Germany, held on 20<sup>th</sup> June 2022.
- Resource Person in Three Day Virtual International Conference On “*Policing in India: Contemporary Issues, Challenges and Way Forward*”, Organized by Shankarrao Chavan Law College, Pune, India, Affiliated to Savitribai Phule Pune University, Pune from 7-9 April 2022.
- Chaired the Technical Session of the *International Seminar on Crime against Religious Minorities in South Asia: Access to Justice System and Rule of Law*

Organised by the Centre for South Asian Legal Studies, Geeta Institute of Law, Panipat, Delhi NCR and the Faculty Shariah and Law, the Maldives, held on 26 March 2022.

- International guest speaker in International E-Conference-2022 on the theme of “*Contemporary Challenges in the Effective Implementation of Consumer Laws*” held on 25<sup>th</sup> and 26<sup>th</sup> Day of February, 2022 at Central University of South Bihar, India.
- Speaker at 'International Conference on South Asia in the Era of International Courts and Tribunals', at Faculty of Law, South Asian University, New Delhi, held on February 28-29, 2020.
- Keynote Speaker in International Seminar on 'Law, Justice and Governance: Issues and Challenges' at the Amity Law School, Amity University, Lucknow Campus, Uttar Pradesh, held on 13-14 February, 2020.
- 'Implementation of Economic, Social and Cultural Rights in Nepal' at the 11<sup>th</sup> East Asian Conference on Philosophy of Law, held on 13-14 December 2018, Hong Kong.
- 'Economic, Social and Cultural Rights in the Constitution of Nepal: Challenges to Implement' at The British Academy Writing Workshop, Dhaka, Bangladesh, October 12-14, 2018.
- 'Bill of Criminal Code 2011 and Bill of Criminal Procedural Code' the Nepal Constitution Foundation (NCF), Kathmandu, Nepal. It was related to the Legal Provisions to be revised from Minority and Public Interest Perspectives.
- 'An Analysis of Cyber Crime from Jurisprudential Perspective: In Context of Cyber Law of Nepal' in International Conference on International Environmental Law, Trade Law, Information Technology Law and Legal Education”, Law School Banaras Hindu University, UP, India, 2-3 March 2013.
- 'Policy Advocacy and Its Linkages with the Law-making Process in Nepal' at the Alliance for Social Dialogue (ASD) in September 2012.

## **5. Research and Fellowship, Training and Participation:**

### ***(i) Research and Fellowship:***

- April 2023: “Access to Justice of Women in Judicial Committee”, Emerging Faculty Research Grant, Tribhuvan University (On going research).



- January-April 2021: “Implementation of the Provisions of Rights of Victim in Context of Enactment of *Muluki* Penal Code, 2017 and Victim of Crime Protection Act, 2018”, National Judicial Academy, Kathmandu, Nepal.
- From September 2020- January 2021: Principal Researcher of “A Study on Service Recipients Satisfaction Measurement and Policy Study of Services Provided by District Administration Office and Police office, being Conducted by Nepal Law Campus, Tribhuvan University in Collaboration of Policy Research Institute.
- From April 2020- July 2020: Lead Researcher of “A Study on Compliance and Impact of ILO Conventions in Nepal” Conducted by Nepal Law Campus, Tribhuvan University in Collaboration of Ministry of Labour, Employment and Social Security, Government of Nepal, Singh Durbar, Kathmandu.
- From December 2015-January 2016: Research Consultant, Access to Justice Commission, Supreme Court, Nepal and Rule of Law and Human Rights Project, UNDP.
- From August 1-25, 2015: Law Research Consultant at The London School of Economics and Political Science, Research Division, London, United Kingdom (UK).
- From December 2014- August 2015: A Mini-Research grant was awarded by Research Division, Tribhuvan University, Nepal.
- From August 2014 to June 2015: Civil Society Scholar Award (CSSA), Open Society Foundations, United Kingdom and the USA.
- From June 2013- June 2014: Junior Research Fellow at Alliance for Social Dialogue (ASD), Kathmandu and Nepa School of Social Sciences and Humanities, Kathmandu, Nepal.
- From 2005-2006: Student Fellowship from Research and Media Centre against Corruption, Kathmandu Nepal.
- August 2004 to March 2005: Support Researcher at the Centre for Legal Research and Resource Development (CeLRRD).

***(ii) Training***

- GIAN Course on Empirical Legal Methods in Legal Research hosted by National Law University, Delhi from 04-08 December 2017. Trained by Prof. William H. J. Hubbard, The University of Chicago, Law School, USA and Prof. GS Bajpai, National Law University Delhi.

- Mini-Course on "Comparative Private International Law" by Professor Symeon C. Symeonides, 11-13 September 2017, organised by National Academy of Law Teachers, National Law University Delhi.
- "Corporate Governance", conducted by Rajiv Gandhi School of Intellectual Property Law (RGSOIPL), Indian Institute of Technology (IIT), Kharagpur, West Bengal (WB), India, from June 29 to 12 July 2015.
- Diplomas training on "Electoral Systems and Electoral Rights", Organized by Election Commission of Nepal and Kathmandu University of Nepal (From 1-21 March 2015), Kathmandu Nepal.
- Capacity Development Programme for Teachers in Administrative Law and Governance (From 15-21, 2014), Organized by Centre for Transparency and Accountability in Governance (CTAG), National Law University Delhi, India and National Academy of Law Teachers (NALT), National Law University Delhi, India.
- 25th South Asia Teaching Session (SATS) on International Humanitarian Law, Conducted by International Committee of Red Cross (ICRC), 18 – 23 September 2014, Kathmandu, Nepal.
- From January 17-21, 2014: "Human Rights Orientation Course", conducted by Alliance for Social Dialogue (ASD) & Centre for Human Rights and Democracy, held in Kathmandu, Nepal
- From February 4-8, 2013: "Training on Human Rights Course" by Alliance for Social Dialogue (ASD), held in Chitwan, Nepal.
- From September 16-23, 2013: "Debate training" by Alliance for Social Dialogue (ASD).
- From July 12 to 25, 2010: I attended the "Seminar on Criminal Laws and Practical Procedures", conducted by Japan International Cooperation Agency (JICA) in Tokyo, Japan.
- From July 25, 2009, to August 9, 2009: I attended the "Seminar on Civil Code and Related Laws", conducted by Japan International Cooperation Agency (JICA) in Tokyo, Japan.
- February 2008: Three-day Training Programme for Language Assistants of United Nations Mission in Nepal (UNMIN) from 27-29 February 2008 at UNMIN Headquarters, Kathmandu, Nepal

- November 1, 2006, to December 22, 2006: International Training Programme on Manpower Research, Conducted by Institute of Applied Manpower Research, Planning Commission, Government of India, Narela, Delhi, India)
- December 11, 2006, to December 15, 2006: International Training Programme on Manpower Research for the Officer of various Departments and Ministries of the Developing Countries for a One-Week module on Administrative and Managerial Aspects of Human Resources at the HCM Rajasthan State Institute of Public Administration, Jaipur, India.
- 27<sup>th</sup> May- 1<sup>st</sup> June 2006: Legal Aid Lawyers' Training, Organized By Nepal Bar Association and the European Union, held in Pokhara, Nepal.
- English Language Training, at Level 7<sup>th</sup>, At Bud Language Institute, Ason, Kathmandu.

**(iii) Participation:**

- 'National Seminar on Restructuring Legal Education for Advancing Development, Access to Justice and Professional Competitiveness', Organized by The Indian Law Foundation and National Apex Chamber on April 28-29 at New Delhi, India.
- 'National Colloquium of Legal Research', Organized by Rajiv Gandhi School of Intellectual Property Law (RGSOIPL), Indian Institute of Technology (IIT), Kharagpur, West Bengal (WB), India on 28 and 29 November 2015.
- 'The International Conference on Legal Issues', Organized by Nepal Bar Association and LAWASIA on 26-27 January 2013.

**6. Area of Interest:**

Teaching, Advocacy and Pleading, Public Interest Litigation, Rule of Law and Policy Initiative, Human Rights,

**7. Training skills**

I am a trainer and train to the lawyers, police, para-military, military, judges in human rights and humanitarian laws, criminal law, fair trial, access to justice, role of the lawyers in the protection of public interests as well as in current political issues for brainstorming the youths.

**8. Country visited:** Germany, Poland, Bangladesh, Hong-Kong, India, Japan and Thailand

## 9. Award and Prize

- Nepal Biddha Bhusan “K”, to be awarded soon.
- Nepal Biddha Bhushan “K”, it was awarded by Dr Rambaran Yadav, President of Nepal for securing the first class first in Master Degree’s examination in Laws (LL.M.).
- Nepal Bar Council Prize( Awarded for achieving the First Class First in Faculty of Law, Tribhuvan University)
- Narayan Devkota Prize (Awarded for securing the highest marks in the first result of Tribhuvan University).
- Awarded for student fellowship by Research and Media Centre against Corruption (ReMAC) to write the thesis paper of LL.M Second Year.
- Awarded by Gentle Student Scholarship time to time by the Tribhuvan University for securing the highest marks in my batch.
- Second Position (Quiz competition at Inter-District Level of Whole Nepal, 2002)

## 10. References

### (a) Professor Surya P. Subedi, OBE, KC

DPhil & DCL (Oxford); School of Law, University of Leeds, UK.

Honorary Fellow, Exeter College, University of Oxford.

Barrister, Three Stone Chambers, Lincoln’s Inn, London.

Email: [S.P.Subedi@leeds.ac.uk](mailto:S.P.Subedi@leeds.ac.uk)

### (b) Dr. Upendra Dev Acharya

Professor of Law Norman & Rita Roberts Scholar

Gonzaga University School of Law

Email: [acharya@gonzaga.edu](mailto:acharya@gonzaga.edu)

Phone: (509) 313-3719

### (c) Professor Dr Bipin Adhikari,

Professor of Law, School of Law, Kathmandu University

Email: [bipin.adhikari@ku.edu.np](mailto:bipin.adhikari@ku.edu.np)

Mobile: +977 9851115496

### (d) Professor Dr Arkadiusz Wudarski

European University Viadrina, Frankfurt (Order)

Email: [Arkadiusz.Wudarski@gmx.de](mailto:Arkadiusz.Wudarski@gmx.de)

D-15230Frankfurt(Oder)

Tel.+48695215579

Tel.+493355534166777

[wudarski@europa-uni.de](mailto:wudarski@europa-uni.de)

[www.wudarski.eu](http://www.wudarski.eu)