



THE WHITEHOUSE GAZETTE

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PRECEDENT WATCH

LANDMARK JUDGEMENT ON EQUALITY & DIGNITY

Case No: 077- WO-0428

Narbahadur Bishwakarma (George Everest) Vs Government of Nepal

“ If a surname causes humiliation, discrimination, or hinders personality development, an individual has the natural and fundamental right to change or choose a new surname. ”

– Read more by The Supreme Court on Page 2



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STUDENT DOCKET

What students did this month

LEGAL MAXIM OF THE MONTH

“

“ACTUS LEGIS NEMINI FACIT INJURIAM”

AN ACT OF LAW DOES NO ONE ANY INJURY



QUOTE OF THE MONTH

“WHERE THE LAW ENDS TYRANNY BEGINS.”

- Henry Fielding



PRECEDENT WATCH
SUPREME COURT JUDGEMENTS



Judicial Determination on Whether a Commercial MoU Constitutes a Treaty under Article 279 of the Constitution of Nepal (Case no: 080-WO -0518, Ashuda Kumari Baral and Ajaya Bahadur Sahi Vs GoN at. al.)

– The Supreme Court held that courts must respect contractual autonomy and not interfere with freely agreed terms. It also ruled that the hydropower MoU is a commercial contract governed by Nepalese law, rather than an international treaty involving resource sharing, so it did not require parliamentary ratification under Article 279(2)(d) of the Constitution.

Labour Court Has No Jurisdiction Over Bank Employees (Case No: 080-WF-0034, Swabalamban Laghubitta Bittiya Sanstha Limited, its Chief Executive Officer, Narendra Singh Bista Vs Purna Chandra Raj Awasthi)

– The Supreme Court held that the Labour Act does not apply to bank and financial institution employees governed by special laws, meaning the Labour Court lacks jurisdiction and disputes must be resolved under those specific legislations.

Workplace dismissal for Verbal Sexual Harassment under Section 132(2) of Labor Act, 2074 (Case No: 076-Wo-0358, Certiorari Mandamus)

– The court upheld the employee’s dismissal, stating that verbal sexual harassment constitutes gross misconduct and is also a form of sexual harassment. It held that inappropriate remarks by a superior amount to abuse of power and violate a woman’s dignity and right to a safe workplace. The judgment clarified that where the law permits the highest degree of punishment, dismissal from service can be imposed even for such.

FROM THE BENCH

– The Supreme Court of Nepal has issued an interlocutory order halting the government's notice to abolish civil service trade unions.

(Case: 082-WC-0099, Nepal Government Employees’ Organisation vs Office of President et al)

– The Supreme Court of Nepal issued an interim order on 1 Jesth, 2083, regarding the NRs 100 goods value cap for customs duties. The Court directed the government to implement the customs notice, ensuring that its execution does not violate Article 16 of the Constitution, which guarantees the Right to life with Dignity.

(Case No. 082-WO 1205, Advocate Amitesh Pandit vs. Office of the Prime Minister and Cabinet of Ministers et al)

– The Supreme Court has repealed the legal provision that permitted the termination of a marriage on the grounds of leprosy.

(Case no. 081-WC-0017, Advocate Prahalad Kumar Mahat vs. Office of the Prime Minister and Cabinet of Ministers et al)

– The Supreme Court has repealed the legal provision that required a widow to return the property to the family of her ex-husband in the event she remarries.

(Advocate Mira Dhungana vs. Office of the Prime Minister and Cabinet of Ministers et al, Case no. 076-WC 0036)

**IN CONVERSATION WITH
A LEGAL EXPERT**



Senior Adv. Ramesh Badal

Former Attorney General
Vice-president, GEFONT

**“ Ideological Freedom is a Right,
Not a Curse. ”**

The government's crackdown on trade unions violates Nepal's Constitution and ILO commitments. Embracing alternative philosophies is a democratic asset, making state-led closures indefensible.

However, while internal reforms are necessary, trade unions must ensure that political activities do not interfere with the office environment and workplace productivity.

– Read the full interview on Page 3



IN CONVERSATION WITH A LEGAL EXPERT

– Continued from Interview with Sr. Adv. Ramesh Badal on Page 2

1. In your opinion, has Labour Day been able to raise the voice of workers in the informal sector?

– At first glance, Labour Day may seem like just a formality, but historically it has represented the struggles of workers. As a result of these struggles, the International Labour Organisation was established, which helped workers gain rights and benefits such as sick leave, weekly holidays, and various forms of social security that were not previously available.

Therefore, Labour Day has truly helped raise the voice of workers, including those in the informal sector.

2. What amendments are needed in Nepal's labour laws to protect freelancers and gig workers?

– The main issue is implementation, not legal provisions. Freelancers, self-employed, and daily wage workers should be included in social security, and the gaps that exist in this area need to be addressed.

3. What legal reforms are needed to address workplace harassment effectively?

– Laws already exist, and reported cases are generally given justice. However, the main problem is that in many cases, victims do not file complaints due to many reasons, which allows harassment to continue.

4. What inspired you to become an expert in labour law?

– Early involvement in unions during law studies and the democratic movement of BS 2047 inspired an interest in labour law, which later became a career focus.

5. What advice would you give to young lawyers and law students about choosing a field of specialisation?

– Many students think some subjects have no scope, but opportunities can be created over time. Instead of only following fields with “huge scope,” students should build consistent expertise in any field they choose, as specialisation can make them successful in the future.

A GLIMPSE OF RECENT UPDATES

Through Nepal Gazette:

1. Social Security Fund, Provident Fund and Citizen Investment Trust are now permitted to invest in securities of Mutual Fund, Private Equity Fund and Venture Capital Fund which are approved by the Securities Board.

2. Standard relating to Chimney Height, Dust and Smoke emitted by Boiler in Industrial Enterprise, 2082 mandate a minimum chimney height of 15 meters and a sampling infrastructure with a 250 kg capacity. Additionally, furnaces producing over 5 tons per day must install waste heat recuperators, and all facilities must use tailored pollution control devices like bag filters or electrostatic precipitators based on fuel type.

3. National Standard on Air Quality, 2082 has been issued.

4. The Government of Nepal has issued a standard to be met by the Gundruk Industry. It shall come into force on Kartik 3, 2083 BS.

THE CURIOUS CLAUSE

FUN LAW FACT

The Muluki Ain, 1910 of Nepal, included a chapter named “पादन्याको” which prohibited people from intentionally “farting” on another person's face. If someone from a higher, equal, or lower caste committed this act against someone of equal or lower status, they would be fined, which usually ranged from Rs. 5 to Rs. 20, depending on the seriousness of the act and the caste relation.

LEGAL WORD OF THE ISSUE

PROLETARIANISM

/ˌprɒləˈtɛəriəˌnɪzəm/
noun

a socio-legal and political ideology centred on the rights, dignity, empowerment, and collective struggle of the working class against exploitation






BEYOND THE CLASSROOM


STUDENT DOCKET

WHAT STUDENTS DID THIS MONTH


Moot Court Competition

 Our team reached the Semi-Finals of the 3rd Tejshree Memorial Moot Court Competition and showcased exceptional advocacy.


Seminar on Financial Awareness

 An insightful session by Muktinath Capital Pvt. Ltd. on financial awareness among students, covering portfolio management services, Anti-Money Laundering (AML) and Countering the Financing of Terrorism (CFT).


Volunteered with NTP

 Volunteered in traffic management programs with Nepal Traffic Police under Street Law Initiative.


Seminar by Amnesty International

 Amnesty International led a discussion on the 10 Pointer Human Rights Charter.

Intra-College Debate

 Hosted the Finale of our Intra-College Debate Competition in the British Parliamentary format.

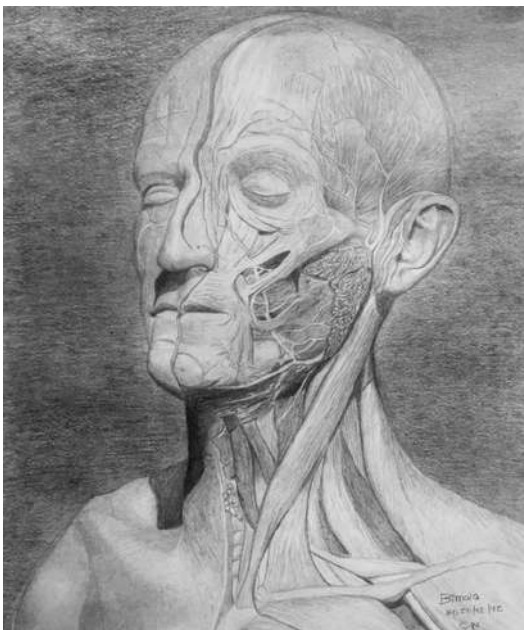
Detention Visit

 Second-year students had detention visit for practical exposure to the functioning of detention facilities, the rights of detainees, and the legal procedures involved in custodial management.

GLIMPSES OF THE MONTH



STUDENTS' STROKES & STORIES by Bimala Devi



Human Anatomy



Portrait of a Girl by Pierre August Cot

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