

# Master of Laws (LL.M)

## Objectives:

The program aims to provide broad education in law and academic disciplines. It aims to develop in students a wide appreciation of relevant subjects, their importance and rigorous academic challenges of current law, and to train them to be excellent law practitioners.

The student will be engaged in private practice, or work for government or law agencies. Their training in the Program gives them the preparation they need to solve the challenging problems they encounter.

The program focuses on developing the capabilities to identify and grow new opportunities and integrate theoretical knowledge with the capacity to apply such knowledge in practice.

There are formal final examinations in most subjects and all works carried out in the program are considered in the overall assessment. A satisfactory record of class work will also be required at each stage.

## Duration of the Program:

The duration of the program will be I (one) academic year for students who have completed their LL.B (honours) degree with a minimum CGPA 2.5 out of 4 or equivalent results.

## Total Courses and Credit Hour:

Master of Laws (LL.M) program consists of 12 courses having 36 credit hours with a research work and a comprehensive viva voce.

## Degree Requirements:

The LL.M degree requirements are

1. Completion of 12 courses (36 credit hours.)
2. Passing the comprehensive viva voce
3. Completion of the Internship programme satisfactorily.

## LL.M Programme Structure:

Type of Courses	Number of Courses	Credit Hours
Core Courses	10	30
Research	01	03
Comprehensive Viva	01	03
Total =		36

## Course Outline of Masters of Laws (LL. M)

### LL.M first Year first Semester (1-1)

Course Code	Course Title	Credit Hours
LAW 501	Human Rights -I	03
LAW 503	Law of Succession -I	03
LAW 505	Law of International Organization- I	03
LAW 507	International Humanitarian Law	03
Total =		<b>12</b>

## LL.M first Year second Semester (1-2)

Course Code	Course Title	Credit Hours
LAW 509	Human Rights II	03
LAW 511	Law of Succession -II	03
LAW 513	Law of International Organization-II	03
LAW 515	Refugee and Migration Law	03
Total =		<b>12</b>

## LL.M first Year third Semester (1-3)

Course Code	Course Title	Credit Hours
LAW 517	Alternative Dispute Resolution (ADR) and Legal Aid	03
LAW 519	Judiciary in Bangladesh	03
LAW 500	Research / Project	03
LAW 502	Viva Voce	03
Total =		<b>12</b>

### Course Description:

#### LAW 501: Human Rights-I      3 Credits

Jurisprudential foundations of Human Rights. Sources and Schools of Human Rights. First Generation, Second Generation and Third generation Rights. A Comparative Study and Analysis. Implementation of Human Rights Norms under the Different International and Regional Systems .Comparative Study .Limitations of and Derogations from Human Rights under the different systems. Universal Declaration of Human Rights(UDHR).

#### Books Recommended:

1. Rudolf B. Schlesinger : Comparative Law Cases-Text-Materials London: Stevens and Sons Limited 1960.2. Konrad Zweigert and Hem Kotz: An Introduction to Comparative Law Amsterdam: North — Holland Publishing Company 1977.3. H. Lauterpacht : International Law and Human Rights London:Stevens & Sons Limited 1950, 1973.4. Jan Brownlie : Principles of Public International Law Oxford Clarendon Press, 1984. 5. Andrew Z. DRZEMC : ZEWSKI : European Human Rights Convention in Domesic Law oxford : Clarendon Press, 1985. 6. Paul Sieghart: The International Law of Human Rights Oxford:

Clarendon Press, 1985. 7. Hurst Hannum : Guide to International Human Rights Practice. London: Macmillan Press, 1994. 8. Louis Henikin: The International Bill of Rights New York. Columbia University Press, 1981. 9. U. N. O. Publication : United Action in the Field of Human Rights 1988. 10. U. N. O. Publication : Human Rights — A Compilation of International Instrument. 11. Thomas Buergenthal Petal-Protecting Human Rights 12. Tuhin Malik — Human Rights Manual

## **LAW 503: Law of Succession-I            3 Credits**

### (1) Muslim Law of Succession

A-General Observations: Applicability of the Mohammedan Law, Limitations on the disposing powers of a Mohammedan-Joint Family, Custom, Principles of Differentiation between Heirs and Non-heirs, Funeral Charges — devolution of the Right of Inheritance, Ancient Arab Customs-The Reforms of Mohammed

B-Hanafi Law of Succession: Classification of Heirs, Asabah (Agnates) or ‘Residunries’, Uterine Relations or Distant Kindred, The Doctrine of Wala, The Doctrine of Return or Radd. Double Inheritance or Vested Interests ,The Doctrine of Increase or Aul: Posthumous Children, etc. Miscellaneous Examples. Partial Exclusion, Total Exclusion. The Mafkud or Missing-Person

### **Books Recommended:**

1. D. F. Mulla - Principles of Mohammadan Law,2. Mus Am- M. Habibur Rahman, 3. AAA Fyzee- Outlines of Mohammadan Law, 4. Ameer Ali-Mahammadan Law (2 VoI-x), 5. A. Rahim — Maslim Jurisprudence.,6. Khalid Rashid — Muslim Law,7. Shaukat Mabmud — Muslim LKaw ,8. D.L. R. —Law of Pre-emption, 9. Syed Lutfur Rahman — Family Laws and Court Mnual , 10. Professor Mojibur Rahman-Muslim Law, 11. DL. R. - Mohammedan Law,12. Verma — Muslim Law,13. Chadha — Hindu Law,14. Pares Diwan — Modern Hindu Law,15. J. C. Ghose- Principles of Hindu Law, Successin Act 1925

## **LAW 505: Law of International Organizations-I            3 Credits**

International Organizations: Concepts — Emergence- Organizations of the ancient time. General Characteristics of International Origination — Its nature and importance-Its relation with International Law-Legal personality of International Organizations-Organic structure and classification of International Organizations-Membership decision making and dissolution of the International Organizations. League of Nations — Its origins —Principal institutions- Failures- Evaluations. The United Nations Organizations-I (its Background-Objectives- Purposes-Principal Organs-The International Criminal Court- future and Prospects of the United Nations. Specialized Agencies of the United Nations-Its Provisions, UN Charter Common Features-Its Relations with the United Nations-Compositions, Powers and Functions of all the Specialized agencies of the United Nations; International Atomic Energy Agency and World Trade Organization (WTO.)

### **Books Recommended:**

1. D. W. Bowett- The Law of International Institutions,,2. We Jeas —Law of International Organizations,3. C. W. Jenks — The Impact of International Organizations on General International Law,4. G. Weissberg — The International Status of the United Nations.,5. M. S. Rajan —The United Nations and Domestic Jurisdiction, 6. Michael Virally — Legislative Powers in the United Nations and Specialized Ageneses.,7. William I. Tuny — International Organization under the United Nations System.,8. A. H. Robertscn — European Institutions: Cooperation, Integration, and Unification.

## **LAW 507: International Humanitarian Law            3 Credits**

Introduction to International Humanitarian Law. Historical,Background, Origins and Development of IHL with reference to, South Asian Perspective; Definition of IHL Law, *Jus ad Bellum*, vs *Jus in Bello*; Sources if IHL: Development of the 1949 Geneva Convention and 1977 Additional Protocols, fundamental Rules of IHL; definition of Armed Conflict; International Vs. Non International Armed Conflicts; categories of Persons under IHL. Protection of Victims of Armed Conflict. General Obligations of Humane Treatment; Rights

and Obligations of Occupying Powers; Combatant Status and Protection of Prisoners of War. Controlling the Means and Methods of Warfare -. General Limitations on the Conduct of War; Civilians and the Rules of Distinction; International Law of Disarmament vs, IHL Weapons Prohibitions and Restrictions; Protection of Civilians, Protection of Cultural Property and the Natural Environment . IHL Applicable to Non-International Armed Conflicts. Application of Common Article 3 of the Geneva Conventions; Legal Situation of Belligerents during Non-international Armed Conflict. Implementation and Enforcement of IHL. Implementation of IHL and the Responsibility of States: State Responsibility for Violations of IHL; Individual Criminal Responsibility violations of IHL; War crimes Tribunals and Other International Enforcement Mechanisms: Domestic Courts and international court or tribunals. Problems with enforcement of IHL at the national and international Level.

### **Books Recommended:**

1. M. K. Balachandran, (ed.) Introduction to International Humanitarian Law, ICRC, 1997, 2. Emmanuel Bello-African Customary Humanitarian Law. Geneva, 1980, 3. Hans-Peter, Gasser -- Prohibition of Terrorist Acts in International Humanitarian Law, International Review of the Red Cross, 1986, 4. Statutes of the Red Cross and Red Crescent Movement.

### **LAW 509: Human Rights-II            3 Credits**

International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Optional Protocol to the ICCPR, Optional Protocol to the ICESCR, International Convention on the Elimination of all forms of Racial Discrimination. Regional arrangements on Human Rights: European Convention on Human Rights. American Convention on Human Rights, African Charter on Human and Peoples Rights. Human Rights in Armed Conflicts: International Humanitarian Law. Nature, Source, and Development. Human Rights and Humanitarian Law-Comparative study. Prevention of Discrimination and Human Rights.

### **Books Recommended:**

1. Rudolf B. Schlesinger : Comparative Law Cases-Text-Materials London: Stevens and Sons Limited 1960. 2. Konrad Zweigert and Kötz: An Introduction to Comparative Law Amsterdam: North — Holland Publishing Company 1977. 3. H. Lauerpacht : International Law and Human Rights London: Stevens & Sons Limited 1950, 1973. 4. Jan Brownlie : Principles of Public International Law Oxford Clarendon Press, 1984. 5. Andrew Z. DZEMC : ZEWSKI : European Human Rights Convention in Domestic Law Oxford : Clarendon Press, 1985. 6. Paul Sieghart: The International Law of Human Rights Oxford: Clarendon Press, 1985. 7. Hurst Hannum : Guide to International Human Rights Practice. London: Macmillan Press, 1994. 8. Louis Henkin: The International Bill of Rights New York. Columbia University Press, 1981. 9. U. N. O. Publication : United Action in the Field of Human Rights 1988. 10. U. N. O. Publication : Human Rights — A Compilation of International Instruments. 11. Thomas Buergenthal Petal-Protecting Human Rights 12. Tuhin Malik — Human Rights Manual

### **LAW 511: Law of Succession-II            3 Credits**

**Shia Law of Succession:** Classification of Heirs, Consanguineous Relations, Miras-Ul-Ansab, The Succession of Relations of the Third Class, Rules Relating to the Succession of Husbands and Wives, Causes of Absolute Exclusion from Inheritance, Relative Exclusion, General Rules of Succession.

**Hindu Law of Succession:** General principles of inheritance. Order of Inheritance to males according to the a) Mitakshara School and b) Dayabhaga School. Points of Difference between Mitakshara and Dayabhaga Succession. Exclusion from Inheritance and Partition. Women's property-Stridhana. Property acquired by a woman by inheritance. Coparceners

and Copareenary property — Mitakshara and Dayabhaga Schools. Hindu Law of Succession Reforms in India. Christian Law of Succession

**Books Recommended:**

1. D. F. Mulla - Principles of Mohammadan Law, 2. Mus Am- M. Habibur Rahman, 3. AAA Fyzee- Outlines of Mohammadan Law, 4. Ameer Ali-Mahammadan Law (2 VoIx), 5. A. Rahim — Maslim Jurisprudence., 6. Khalid Rashid — Muslim Law, 7. Shaukat Mabmud — Muslim LKaw , 8. DLR. —Law of Pre-emption, 9. Syed Lutfur Rahman — Family Laws and Court Mnual , 10. Professor Mojibur Rahman-Muslim Law, 11. DLR. - Mohammedan Law, 12. Verma — Muslim Law, 13. Chadha — Hindu Law, 14. Pares Diwan — Modern Hindu Law, 15. J. C. Ghose- Principles of Hindu Law, Successin Act 1925

**LAW 513: Law of International Organizations-II 3 Credits**

Regional Organizations-Its Provisions in the UN Charter-General characteristics, Objectives and Functions of the Regional Organizations-Its Classifications. Some of the significant present day Regional Organizations-The Arab League ,The Organizations of the American States, The African Union, The European Union, The Association of the South East Asian Nations ,The South Asian Association for the Regional Cooperation-The Atlantic Treaty Organization-The Western European Union-The ANZUS. Some special Organizations-The Commonwealth - Non Aligned Movement-The Organization of the Petroleum Exporting Countries, The Organization of the Islamic Conference. Newly formed International Organizations shall be included. International Bank for Reconstruction and Development (IBRD), Group of 7 (G-7), Developing 8 (D-8)

**Books Recommended:** 1. D. W. Bowett- The Law of International Institutions, 2. We Jeas — Law of International Organizations 3. C. W. Jenks — The Impact of International Organizations on General International Law 4. G. Weissberg — The International Status of the United Nations. 5. M. S. Rajan — The United Nations and Domestic Jurisdiction 6. Michael Virally — Legislative Powers in the United Nations and Specialized Agenesis. 7. William I. Tuny — International Organization under the United Nations System. 8. A. H. Robertson — European Institutions: Cooperation, Integration and Unification.

**LAW 515: Refugee and Migration Law 3 Credits**

1. General Introduction, Causes of Refugee Creation: Historical Background into Refugee law and Refugee Organizations , Definition of Refugee ,1951 Geneva convention on the Status of Refugees; Fear of Persecution: Persecution, Cessation and Exclusion. Rights and Protection of Refugees, Principle of Non- Refoulement ; Right of Asylum; 1951 Convention Rights; Protection of Women and Children Refugees, Legal Status and Protection of Refugees in Bangladesh. Solutions and Preventive Strategies, Voluntary Repatriation; Resettlement; Local Integration: Prevention: Early Warning Systems. UNHCR Statute and Mandate, Creation of UNFICR and basic Objectives, mandate and protection, Functions: Extension of the mandate, Contemporary Development in International Refugees Law, International Burden Sharing; Safety Zones, internally Displaced Persons. First country of Asylum; Carrier Legislation. Refugee Law and Internally displaced Persons (IDP

**Book Recommended:** 1. Goodwin Gill — Refugee in International Law, 2. James Hathaway — The Law of Refugee Status 1991, 3. Grahi-Masden — The Status of refugees in International Law, 1966, 4. Levy D. — Translational Legal Problems of Refugees, 1982, 5. Fragomen The Refugee: A problem of definition 1970, 3 Case Western Reserv Jouna of International Law, 6. G. Loeseher, Beyond Charity- International cooperation and the Global Refugee Problem, NY, Oxford, Oxford university Press, 1993, 7. James Hathaway- 'Preconceiving Refugee Law as a Human Rights Protection,' Journal of Refugee Studies Vol 4 No. 2 1991, 8. Harun-ur-Rashid, Refugee Law 2000, 9. Tuhin Malik, International Refugee

Law, 1998, 10. M. K. Balachandran, (ed.) Introduction to International Humanitarian Law, ICRC, 1997, 11. Emmanuel Bello-African Customary Humanitarian Law, Geneva 1980, 12. Hans-Peter, Gasser — Pro habitation to Terrorist Acts iii International Humanitarian Law, International Review of the Red Cross, 1986, 13. Statutes of the Red Cross and Red Crescent Movement

### **LAW 517: Alternative Dispute Resolution (ADR) and Legal Aid 3 Credits**

History of Alternative Dispute Resolution (ADR), Advantages of ADR, Weakness of the system, ADR in Bangladesh laws- Arbitration Act 2001, Legal Aid Act 2000 and Legal Aid rules 2001, ADR in Criminal Procedure Code, Challenges facing by ADR mechanism in Bangladesh, Civil Procedure Code, Family Court Ordinance, Artha Rin Adalat Ain, village court, ADR in international laws. Rote of NGOs in ADR, Future of the system.

#### **Books Recommended:**

1. Alternative Dispute Resolution by Susan B. Meek, M.D., 2. Civil Procedure Code, 3. Family Court Ordinance, 4. Artha Rin Adalat Ain. 5. Village court, Alternative Dispute Resolution. A Practical Guide for Resolving Government Contract Controversies, ABA, 1999 edition. 6. Alternative Dispute Resolution. The Litigator's Handbook, edited by Nancy Atlas, Steven Huber, Wendy Trachte-Huber. 2000 edition. 7. Alternative Dispute Resolution in the Public Sector by Miriam K. Mills, 1991 edition. 8. Alternative Dispute Resolution in the Workplace by E. Patrick McDermott with Arthur Eliot Berkeley, 1996 edition. 9. Basic Skills for the New Mediator by Allan H. Goodman 1999 edition. 10. Commercial Arbitration at It's Best. Successful Strategies for ADR 11. Business Users, edited by Thomas J. Stipanowich 12. Peter H. Kaskell, 2001 edition.

### **LAW 519: Judiciary in Bangladesh 3 Credits**

Introduction to the Judiciary of Bangladesh: History of the Judiciary, Outlines of the Current Judicial System, Executive Control over the Judiciary, Judicial Corruption, Delays in Disposal of Cases. Concepts of Judicial Independence Separation of Powers and Judicial Independence, Meaning and Elements of Judicial Independence, Importance of Judicial Independence. Concepts of Judicial Accountability: Meaning and Objectives of Judicial Accountability, Mechanisms of Judicial Accountability, Relationship between judicial Independence and Judicial Accountability. Appointment of Judges: Criteria for Appointment: Merit Principle, Non-discrimination and Fair Representation, Seniority. Political Considerations, Mechanisms for Appointment : Exclusive Executive Power to Appoint Judges, Consultation with the Judiciary and Legal Profession. Use of an Independent Commission. Tenure of Judges: Security of Tenure of Judges. Changes of Tenure and other Terms and Conditions of Service, Part-time and Temporary Judges.. Discipline and Removal of Judges: Causes for Discipline and Removal: Physical or mental Incapacity. Misconduct.. Mechanisms for Discipline and Removal: Exclusive Executive Power, Parliamentary Approval, Involvement of the Judiciary through Investigation and Consultation, Supreme Judicial Council, Use of an Independent Commission.. Judiciary and the Media: Types of the Media and its Reporting on the Judiciary, Role of the Media in Scrutinizing the Judiciary, Media and Contempt of court.. Judiciary and the Bar: Relationship between the Bench and Bar, Rationale of the Role of the Bar in Scrutinizing the Judiciary, Ways of Scrutinizing the Judiciary: Criticism of Judges, Boycott of a Judge.

#### **Books Recommended:**

1. A. K.M. Shamsul Huda (1997), The Constitution of Bangladesh, Vol I & Ills ed, Rita Court, Chittagong. 2. Kate Malleson (1999) The New Judiciary. Ashgate, Aldershot. 3. Kazi Ebadul Hoque (1998), Bichar Babasthar Bibartan (Evolution of Administration of Justice), I ed, Bangla Academy, Dhaka. 4. Latifur Rahman (2002) Tattahodhayak Sorkarer Dinguli 0 Amar Katha (The Days of Care-Taker Government and My Version) [ Bangla], Ayesha

Rahman, Dhaka. 5. A. Abdul Halim (1998), Constitution, Constitutional Law and Politics: Bangladesh Perspective, Md. Yousuf Ali Khan, Dhaka. 6. Mustafa Karrial (1994) Bangladesh Constitution: Trends and Issues, University of Dhaka, Dhaka. 7. Sarkar Ali Akkas. Independence and Accountability of Judiciary: A Critical Review, Center for Rights and Government, Dhaka

**LAW 500: Research      03 credits**

Each student will choose a relevant topic and on the basis of his extensive reading and research he will write an essay of 12,000 to 15,000 words to be submitted by the end of the final semester. The project work will be initiated under the supervision of a teacher from the beginning of 1<sup>st</sup> year 3<sup>rd</sup> semester for the 1 year admitted student.

**LAW 502: Viva Voce    03 credits**

A student will appear in a Viva Voce taken by a Board of internal and external experts. The student will be asked questions on all topics from all over the courses covered.