



University of Dhaka
Department of Law

**Amended Rules for the Degree of Master of Laws (General and
Specialized) under Grading System**

Amended Rules for the Degree of Master of Laws (General and Specialized) under Grading System

1. Name of the Programme

The name of the Programme shall be “Master of Laws (General and Specialized)”.

2. Admission

Only the successful students securing a CGPA of 2.50 or higher in the Bachelor of Laws (Honours) Programme of the Department of Law, University of Dhaka shall be eligible to get admitted into the Master of Laws (General and Specialized) Programme.

3. Duration of the Program

The Master of Laws (General and Specialized) Programme shall be of one academic year.

4. Degrees Offered

- a. The Master of Laws (General and Specialized) Programme at the Department of Law shall consist of the following two streams:
 - i. General Master of Laws; and
 - ii. Specialized Master of Laws.
- b. The Specialized Master of Laws Programme shall be:
 - i. Master of Laws in International Law (INL)
 - ii. Master of Laws in Human Rights Law (HRL)
 - iii. Master of Laws in Comparative Law (CPL)
 - iv. Master of Laws in Commercial Law (CML)
 - v. Master of Laws in International and Comparative Law (ICPL)
 - vi. Master of Laws in Gender in Law (GNL)
 - vii. Master of Laws in International Criminal Law (ICL)

5. Course Requirements

- i. Students shall be required to collect a Courses Choice Form¹ (hereinafter referred to as CCF) from the Department. While filling in the CCF, the students shall choose any five of the courses offered by the Department.
- ii. The Department shall distribute CCFs from the class commencement date. Students will be notified the deadline of the CCF submission.
- iii. The Department shall publish the list of students and their assigned courses. At the same time, the Department will distribute Research Course Choice Forms² (hereinafter referred to as RCCF) among the students.
- iv. Students shall have to submit a thesis in partial fulfillment for the Master of Laws (General and Specialized) degree. Students shall have to select a research course from the five courses they have chosen and for this purpose they will collect, fill in and submit RCCFs within the prescribed time. Provided that a student wishing to

¹ See Appendix A.

² See Appendix B.

- obtain a Specialized Master of Laws degree must choose the research course from among the courses of his/her Specialized Subject Group.
- v. The Department will publish the list of students and their assigned research courses within 5 weeks of class commencement date.
 - vi. Every teacher willing to offer a Course in Master of Laws (General and Specialized) Programme shall submit at least two research topics corresponding to his/her course before commencement of classes.
 - vii. Theses shall be submitted in three hard copies and two soft copies in formats prescribed by the Examination Committee. A Thesis must not exceed 20,000 words, and will normally be near that length. The word limit includes appendices but excludes footnotes, references and bibliography. Footnotes should not exceed 20% of the thesis.
 - viii. Students shall have to appear in a viva voce at the end of the Final Examination.

6. List of Courses

The Master of Laws, be it general or specialized, shall comprise of the following courses. However, the Academic Committee of the Department of Law shall decide as to the courses to be offered in any particular academic session. It may also decide to distribute the offered courses in groups where taking one or more courses from a particular group may bar a student to take any other course(s) from another group.

LLM 501: Law of the International Institutions
 LLM 502: International Law of Terrorism
 LLM 503: International Environmental Law
 LLM 504: International Law of the Sea
 LLM 505: International Watercourses Law
 LLM 506: International Human Rights Law
 LLM 507: International Humanitarian Law
 LLM 508: International Law on Refugees, Migrants and Stateless Persons
 LLM 509: Human Rights and Development
 LLM 510: Comparative Human Rights Law
 LLM 511: Comparative Legal Systems
 LLM 512: Comparative Legal Theories
 LLM 513: Comparative Family Law
 LLM 514: Comparative Constitutional Law
 LLM 515: Law of Corporate Finance
 LLM 516: Banking Law
 LLM 517: Intellectual Property Law
 LLM 518: Law of International Commercial Arbitration
 LLM 519: Law of International Business Transactions
 LLM 520: Law of International Trade and the WTO
 LLM 521: Administrative Law
 LLM 522: Principles of Civil Litigation
 LLM 523: Conflict of Laws
 LLM 524: Principles of Criminal Litigation
 LLM 525: Principles of Equity as Applied in Bangladesh through Codification
 LLM 526: Gender in General Law
 LLM 527: Gender in Law and Society
 LLM 528: Gender and Family Law
 LLM 529: Feminist Legal Theory

LLM 530: Gender in Human Rights
 LLM 531: Principles and Practices of Alternative Dispute Resolution
 LLM 532: Air and Space Law
 LLM 533: Cyber Law
 LLM 534: Law of Forensics and Scientific Evidence
 LLM 535: Law of Corporate Governance
 LLM 536: Comparative Company Law
 LLM 537: International Investment Law
 LLM 538: International Law of War Crimes, Genocide and Crimes against Humanity
 LLM 539: Law of Transnational Crimes
 LLM 540: Energy Law and Policy
 LLM 541: International Law for Peace Building and Dispute Resolution.
 LLM 542: Law of International Relations, Politics and Diplomacy
 LLM 543: Law of Regional Protection of Human Rights
 LLM 544: Biolaw: Law and Ethics in Life Sciences
 LLM 545: Law of Electronic Commerce
 LLM 546: International Development Law
 LLM 547: Insurance Law
 LLM 548: Criminology and Criminalistics

7. Choices of Courses for the Degree of General Master of Laws

- a. Students wishing to obtain a general Master of Laws degree shall have to select any five of the courses offered.
- b. The students shall have to sign a CCF form within 2 (two) weeks from the date of the commencement of the classes indicating the courses chosen and his/her decision to pursue a General Master of Laws degree (CCF enclosed. Please see Appendix A)

8. Choices of Courses for the Degree of Specialized Master of Laws

- a. Students wishing to obtain a Specialized Master of Laws degree in International Law, Human Rights Law, Comparative Law, Commercial Law, Gender in Law and International Criminal Law shall have to take a minimum of four courses from the relevant subject groups. The fifth course may be chosen by the students from the rest of the courses offered.
- b. Students wishing to obtain a Specialized Master of Laws degree in International and Comparative Law shall have to choose any five of the courses from the concerned subject group with a minimum of 2 (two) subjects from each list in that group.
- c. The students shall have to sign a CCF form within 2 (two) weeks from the date of the commencement of the classes indicating the courses chosen and his/her decision to pursue a Specialized Master of Laws degree (CCF enclosed. Please see Appendix A)

9. Subject Groups

Master of Laws in International Law

LLM 501: Law of the International Institutions
 LLM 502: International Law of Terrorism
 LLM 503: International Environmental Law
 LLM 504: International Law of the Sea
 LLM 505: International Watercourses Law
 LLM 506: International Human Rights Law
 LLM 507: International Humanitarian Law

LLM 508: International Law on Refugees, Migrants and Stateless Persons
 LLM 509: Human Rights and Development
 LLM 517: Intellectual Property Law
 LLM 518: Law of International Commercial Arbitration
 LLM 519: Law of International Business Transactions
 LLM 520: Law of International Trade and the WTO
 LLM 522: Energy Law and Policy
 LLM 523: Conflict of Laws
 LLM 524: International Law for Peace Building and Dispute Resolution.
 LLM 525: Law of International Relations, Politics and Diplomacy
 LLM 526: Law of Regional Protection of Human Rights
 LLM 532: Air and Space Law
 LLM 536: International Investment Law
 LLM 538: International Law of War Crimes, Genocide and Crimes against Humanity
 LLM 539: Law of Transnational Crimes
 LLM 541: International Law for Peace Building and Dispute Resolution.
 LLM 542: Law of International Relations, Politics and Diplomacy
 LLM 543: Law of Regional Protection of Human Rights
 LLM 546: International Development Law

Master of Laws in Human Rights Law

LLM 506: International Human Rights Law
 LLM 507: International Humanitarian Law
 LLM 508: International Law on Refugees, Migrants and Stateless Persons
 LLM 509: Human Rights and Development
 LLM 510: Comparative Human Rights Law
 LLM 530: Gender in Human Rights
 LLM 543: Law of Regional Protection of Human Rights

Master of Laws in Comparative Law

LLM 510: Comparative Human Rights Law
 LLM 511: Comparative Legal Systems
 LLM 512: Comparative Legal Theories
 LLM 513: Comparative Family Law
 LLM 514: Comparative Constitutional Law
 LLM 536: Comparative Company Law

Master of Laws in Commercial Law

LLM 515: Law of Corporate Finance
 LLM 516: Banking Law
 LLM 517: Intellectual Property Law
 LLM 518: Law of International Commercial Arbitration
 LLM 519: Law of International Business Transactions
 LLM 520: Law of International Trade and the WTO
 LLM 535: Law of Corporate Governance
 LLM 536: Comparative Company Law
 LLM 537: International Investment Law
 LLM 545: Law of Electronic Commerce
 LLM 547: Insurance Law

Master of Laws in International and Comparative Law

In order to qualify for a Master of Laws degree in International and Comparative Law, students shall have to take a minimum of 2 (two) subjects from *List A* and *List B*:

List A:

LLM 501: Law of the International Institutions
 LLM 502: International Law of Terrorism
 LLM 503: International Environmental Law
 LLM 504: International Law of the Sea
 LLM 505: International Watercourses Law
 LLM 506: International Human Rights Law
 LLM 507: International Humanitarian Law
 LLM 508: International Law on Refugees, Migrants and Stateless Persons
 LLM 509: Human Rights and Development
 LLM 517: Intellectual Property Law
 LLM 518: Law of International Commercial Arbitration
 LLM 519: Law of International Business Transactions
 LLM 520: Law of International Trade and the WTO
 LLM 522: Energy Law and Policy
 LLM 523: Conflict of Laws
 LLM 524: International Law for Peace Building and Dispute Resolution.
 LLM 525: Law of International Relations, Politics and Diplomacy
 LLM 526: Law of Regional Protection of Human Rights
 LLM 532: Air and Space Law
 LLM 536: International Investment Law
 LLM 538: International Law of War Crimes, Genocide and Crimes against Humanity
 LLM 539: Law of Transnational Crimes
 LLM 541: International Law for Peace Building and Dispute Resolution.
 LLM 542: Law of International Relations, Politics and Diplomacy
 LLM 543: Law of Regional Protection of Human Rights
 LLM 546: International Development Law

List B:

LLM 510: Comparative Human Rights Law
 LLM 511: Comparative Legal Systems
 LLM 512: Comparative Legal Theories
 LLM 513: Comparative Family Law
 LLM 514: Comparative Constitutional Law
 LLM 536: Comparative Company Law

Master of Laws in Gender and Law

LLM 526: Gender in General Law
 LLM 527: Gender in Law and Society
 LLM 528: Gender and Family Law
 LLM 529: Feminist Legal Theory
 LLM 530: Gender in Human Rights

Master of Laws in International Criminal Law

LLM 502: International Law of Terrorism

LLM 533: Cyber Law

LLM 534: Law of Forensics and Scientific Evidence

LLM 538: International Law of War Crimes, Genocide and Crimes against Humanity

LLM 539: Law of Transnational Crimes

LLM 548: Criminology and Criminalistics

Distribution of Courses and Research Courses

So far as practicable, the courses and research courses will be distributed among students on an evenly basis. Students will be prioritized according to their CGPA earned in the latest published result (Bachelor of Laws, Third Year or Fourth Year Result).

10. Evaluation and Grading

a. Evaluation and grading shall be determined on the basis of:

- Tutorial examinations,
- First and second term examinations, and
- Year final examination.

Continuous Assessment	Tutorial examination	10%
	1 st term examinations (60 minutes)	10%
	2 nd term examinations (60 minutes duration)	10%
Year final examination (4 hours duration)		70%
Total		100%

b. The distribution of marks and credits for evaluation shall be as follows:

Courses	Marks	Credits
Course 1	100	6
Course 2	100	6
Course 3	100	6
Course 4	100	6
Thesis and Viva Voce	75 + 25 = 100	6
Total	500	30

- c. There shall be external and internal examiners for each course in the final examination.
- d. The term and tutorial examinations shall be evaluated by the course teacher. Tutorial examinations shall be conducted by the respective course teachers while the term examinations shall be conducted by the Department.
- e. All question papers shall be in English.
- f. In Final Examination students shall have to answer five questions out of eight questions for each course.
- g. Year final scripts shall be evaluated by two examiners appointed by the respective Examination Committees. If the difference between the internal and the external examiners is more than 20 percent, the script(s) in question shall be examined by a third examiner and the average of the nearest two marks will be taken.
- h. For each course, the average marks awarded by the year final examiners, and the marks awarded by the course teacher for the term and tutorial examinations, shall be totaled and converted into letter-grades following a 4-point grading scale presented below.³

³ Approved by the Academic Council of the University of Dhaka on 21.03.2006.

- i. Only those students who have attended 75% of the general lectures shall be eligible to sit for the final examination. Students who have attended 60%-74% of the general lectures shall be considered as non-collegiate and may be allowed to sit for the final examination provided they pay the prescribed fine. Students who have less than 60% class attendance shall be declared as discollegiate and shall not be permitted to sit for the final examination.

11. Research Methodology

The Department shall offer classes on research methodology for each year and each student shall attend the classes. The attendance of the students in research methodology classes shall be taken into account in determining his/her eligibility to sit for the examination as per university collegiate rules.

12. Grading Structure in a 4-Point Grading Scale

Marks	Letter Grade	Grade Points
80 and above	A+	4.00
75 to less than 80	A	3.75
70 to less than 75	A-	3.50
65 to less than 70	B+	3.25
60 to less than 65	B	3.00
55 to less than 60	B-	2.75
50 to less than 55	C+	2.50
45 to less than 50	C	2.25
40 to less than 45	D	2.00
Below 40	F	0.0

13. Interpretation of the Grades

- a. 'A+', 'A' and 'A-' grades are indicative of overall 'excellent' performance by a student, earning grade points of 4.0, 3.75, and 3.50, respectively.
- b. 'B+', 'B' and 'B-' grades are indicative of overall 'very good' performance by a student, earning grade points of 3.25, 3.00, and 2.75, respectively.
- c. 'C+', 'C' grades are indicative of overall 'satisfactory' performance by a student, earning grade points of 2.50, and 2.25, respectively.
- d. 'D' grade is indicative of minimally acceptable overall 'passing performance' by a student, earning a grade point of 2.00.
- e. 'F' grade is indicative of an unacceptable overall 'failing' performance by a student, i.e., failing to earn any credit point.

14. Computation of Grade Point Average

The Grade Point Average (GPA) shall be computed in the following manner:

$$\text{GPA} = \frac{\sum (C \times \text{EGP})}{\text{TCAP}}$$

Where, GPA = Grade Point Average

C = Credits assigned to a particular course

EGP = Earned Grade Points

TCAP = Total Number of Credits Assigned to the Programme

The formula works through the following steps:

Step One:

Multiply the grade point earned by a student in a particular course by the number of credits assigned to that particular course.

Step Two:

Sum the products obtained in step one.

Step Three:

Divide the summed product obtained in step two by the total number of credits assigned to that particular year.

An example is presented below to illustrate the working of the formula for calculating the GPA for a student of Master of Laws (General and Specialized) with 4 courses, Thesis and Viva Voce:

Course Code	Col.1 No. of Credits Assigned	Col. 2 Grade Obtained by a Student	Col. 3 Corresponding Grade Point	Col. 4 = (Col. 1 × Col. 3) Grade Points Earned by the Student Concerned
501	6	B+	3.25	19.50
502	6	A	3.75	22.50
503	6	C+	2.50	15.00
504	6	B	3.00	18.00
Thesis and Viva Voce	6	B	3.00	18.00
Total	30			91.50

We know that,

$$\text{GPA} = \frac{\sum (C \times \text{EGP})}{\text{TCAP}}$$

By putting the necessary information into the formula, we get the GPA obtained by a student

$$\begin{aligned} \text{GPA} &= \frac{(6 \times 3.25) + (6 \times 3.75) + (6 \times 2.50) + (6 \times 3.00) + (6 \times 3.00)}{6 + 6 + 6 + 6 + 6} \\ &= \frac{19.5 + 22.5 + 15 + 18 + 18}{30} \\ &= \frac{91.5}{30} \\ &= 3.05 \end{aligned}$$

15. Adoption of unfair means in examinations

- Students adopting unfair means in examinations shall be treated according to Dhaka University rules.
- The examiners of theses shall take due care to detect plagiarism and if any case(s) of plagiarism is detected s/he shall make a report in a prescribed manner and shall send copies of the report to the Controller of the Examinations, Chairman of the Examination Committee and the Coordinator of the Master of Laws Programme.

- c. If plagiarism is detected during viva voce, the Examination Committee retains the right to report it on its own initiative.

16. Degree Requirements

- a. For the degree of Master of Laws (General and Specialized) a student shall have to secure a minimum of GPA 2.50.
- b. S/he must complete the Programme within a maximum of two consecutive academic years including the year of first admission into the program.
- c. A student, earning an F grade in any course including the thesis and Viva Voce combined, shall not be eligible for Master of Laws (General and Specialized) Degree even if s/he secures a GPA of 2.50 or more. A student who has secured a GPA of 2.50 or more and has earned an F grade in only one course shall be eligible for improvement examination for that course only once with the immediate next batch.
- d. A student shall not be eligible to attend viva voce without submitting the thesis.

17. Readmission

- a. A student earning an F grade may seek readmission with the immediate batch.
- b. For readmission, a student shall have to apply within one month after the announcement of the results of the concerned batch.
- c. On readmission, grades earned earlier by a student in the class of readmission shall cease to exist and the student has to retake all the course works and examinations.
- d. A student shall not be allowed readmission more than once in the Master of Laws (General and Specialized) Programme.

18. Drop out

If a readmitted student earns an 'F' grade, s/he shall automatically be dropped out of the Program.

19. Composition and Functions of the Examination Committee

- a. There shall be an Examination Committee for the Master of Laws Programme.
- b. The Examination Committee shall be composed of 5 (five) members of which the Chairman and 3 (three) members shall be from the Department and 1 (one) shall be from outside the University of Dhaka. The Coordinator of the Master of Laws Programme shall be an ex-officio member of the Examination Committee.
- c. The functions of the Examination Committee shall be to:
 - i. select the external question paper setters and external examiners for individual courses;
 - ii. moderate the question papers;
 - iii. moderate and select the topics for the theses;
 - iv. conduct viva voce;
 - v. recommend the appointment of tabulators;
 - vi. recommend a third examiner for a course from the Panel of Examiners provided that they are not the tabulators or members of the Examination Committee;
 - vii. recommend the publication of the results prepared by the tabulators; and
 - viii. amend and update the Declaration forms.

20. The Coordinator of the Master of Laws Programme

- a. There shall be a Coordinator for the Master of Law (General and Specialized) Programme appointed by the Academic Committee from among the current teachers of the Department of Law not below the post of an Associate Professor.

- b. The functions of the Coordinator shall include:
 - i. notifying the students the courses offered;
 - ii. maintaining an updated list of enrolled students showing their chosen courses and specializations;
 - iii. assisting the Examination Committee;
 - iv. any other task entrusted to him by the Examination Committee and the Academic Committee.



Appendix A

**Department of Law
University of Dhaka**

Courses Choice Form (CCF)

A. Please put numbers (1 to N) in the Priority column according to your priority of choices:

Priority	Course Code	Course Title

B. Please fill the appropriate circle(s)

- ☐ I wish to obtain a General Master of Laws Degree.
- ☐ I wish to obtain a Specialized Master of Laws Degree in:
 - ☐ Master of Laws in International Law
 - ☐ Master of Laws in Human Rights Law
 - ☐ Master of Laws in Comparative Law
 - ☐ Master of Laws in Commercial Law
 - ☐ Master of Laws in International and Comparative Law
 - ☐ Master of Laws in Gender in Law
 - ☐ Master of Laws in International Criminal Law (ICL)

(Signature)

Name of the Student:

Class Roll No.:

Mobile/Telephone:

Email Address:

3rd Year CGPA:

4th Year CGPA:

LL.B. (Honours) Completion Year:

Status: ☐ Current

☐ Re-admission

☐ Special consideration

Last Date of Submission:

Note: Incomplete or inaccurately submitted forms shall be rejected.

Appendix B

Department of Law
University of Dhaka
Master of Laws (General & Specialized) Year

Research Course Choice Form

Please put numbers (1 to 5) in the Priority column according to your priority of choices:

Priority	Course Code & Title	Topic

(Signature)

Name of the Student:

Class Roll No.:

Mobile/Telephone:

Email Address:



University of Dhaka
Department of Law

**Amended Syllabus for the Degree of Master of Laws (General
and Specialized) under Grading System**

LLM 501: LAW OF THE INTERNATIONAL INSTITUTIONS

LAW OF INTERNATIONAL INSTITUTIONS AND ITS GENERAL CHARACTERISTICS

Nature, types and functions of international organizations. Legal basis of the formation of an international organization; international organization as an international legal person; membership of the organizations.

HISTORY OF INTERNATIONAL ORGANIZATIONS

Organizations of the ancient time, formation of the modern international organizations, the League of Nations and its lessons.

INTERNATIONAL LAW AND INTERNATIONAL ORGANIZATIONS

General principles of international law and international organizations.

THE UNITED NATIONS ORGANIZATIONS

Formation, objectives and principles; organs of the UN and their composition, power and function, the problems and perspectives of the UN.

INTERNATIONAL JUDICIAL ORGANIZATIONS

The Permanent Court of International Justice, The Permanent Court of Arbitration, the international court of justice, International Criminal Court.

THE SPECIALIZED AGENCIES OF THE UNITED NATIONS

Nature, formation and functions of the specialized Agencies.

REGIONAL ORGANIZATIONS

General characteristics, objectives and functions of the regional organizations; The African Union, The Arab League (OAL), The South Asian Association for Regional Cooperation (SAARC), The Association of the South East Asian Nations (ASEAN), European Union (EU), North Atlantic Treaty Organization (NATO).

GAAT and WTO as international economic organizations and their impacts on the development of modern international economic relations.

Transnational Corporations and international organizations in the development of international economic relations.

Suggested Readings:

1. D.W. Bowett: The Law of International Institutions Fourth Edition. The London Institute of World Affairs, London 1982.
2. A. Le Roy Bennett: International Organizations: Principles and issues, Seventh Edition, by Prentice-Hall, Inc. New Jersey, USA, 2002.
3. Nis L. Claude, Jr. Swords into Plowshares the Problems and Progress of International Organization. Random House, New York, 1961.
4. Phillippee Sands, Ruth Mackenzie, Yuval Shany Manual on International Courts and Tribunals, Butterworths, London, 1999.
5. Zillur R. Khan, SAARC and the Super Powers, University Press Limited, Dhaka, 1991.
6. Nasir A. Naqash: SAARC – Challenges & Opportunities, New Delhi, 1994.
7. Dr. Shah Alam: International Organization (In Bengali), Bangla Academy, 1996.
8. Mortimer Sellers: The New World Order (BERG) Publications, Oxford/Washington, D.C.), 1996.
9. Dr. Sant Prasad Gupta: International Organizations, 2nd Edition, Allahabad Law Agency, 2004.

10. Tawfique Nawaz: Legal Aspect of the New International Economic Order Asian Perspective, published by the Bangladesh Institute of Law and International Affairs, Dhaka, 1980.
11. Samar Sen, United Nations and the Global Challenge, New Delhi, 1996
12. Sakti Mukherjee, Search for International Economic Law, Calcutta, 1983.
13. The WTO Dispute Settlement Procedure: A Collection of the Legal Texts, World Trade Organization, 1995.
14. S.J.R. Bilgrami, International Organization, Calcutta, 1977.
15. Welfred Jeas: The Proper Law of International Organizations.
16. H. Briggs: Power Politics and International Organizations.
17. C.W. Jenks: The Impact of International Organizations on General International Law.
18. L.M. Goodrich and Edward Hambro: Charter of the United Nations, Commentary and Documents.
19. Michael Virally: Legislative powers in the United Nations and Specialized Agencies.
20. William I. Tuny: International Organization under the United Nations System
21. A.H. Roberston: European Institutions: Co-operation, Integration, Unification.
22. Instruments of the International and Regional Organizations.
23. Journals of Law, International Affairs / Relations published by the Law / International Relations Departments, BIIS, BILIA are suggested for further readings.
24. Articles published in different journals like the Bar Council Journals, Supreme Court Journals, Judicial Training Institutions journals, Economics Departments, Economic Association etc.

LLM 502: INTERNATIONAL LAW OF TERRORISM

INTRODUCTION

The emergence of the concept of crimes and criminality under international law and the, parameters and characteristics of the crimes, The Meaning, Emergence, Object and Recent Developments of International Law of Crimes, Sovereignty and International Criminal law, the Sources and Origin of International Law of Crimes.

RESPONSIBILITY OF CRIMINALITY

The nature of responsibility for the commission of a crime under international law, Development of the concept of individual criminal responsibility through international instruments ,modes of criminal responsibility, commanders and other superior responsibility and defenses, excuses and immunities.

CRIMES AND ELEMENTS OF CRIMES

Genocide: Definition of Genocide, Distinction between Genocide in whole and Genocide in part, Cultural Genocide, Prohibition of Genocide as a peremptory norm of International Law (*Jus Cogens*), Genocide and crimes against humanity.

War Crimes: War Crimes as defined by international instruments, explanation of grave breaches of international humanitarian law, the meaning of war crime and the distinction between international and non-international armed conflict, the distinction between combatants and civilians.

Crimes against humanity: The emergence of crimes against humanity in international law, the connection of crimes against humanity with other crimes, the grounds for the commission of the crimes, the distinction between the violation of human rights and the crimes against humanity.

Aggression: Aggression as an international crime, Aggression as a crime against peace, Prohibition of aggression under international law, Distinction between aggression and war of self-defense, Aggression and the Rome Statute of International Criminal Court.

INTERNATIONAL CRIMINAL COURTS AND TRIBUNALS

Ad hoc Tribunals and Hybrid Courts: Nuremberg Trial, Tokyo Trial, ICTY, ICTR, Special Court of Sierra Leone, Cambodian Tribunal

International Criminal Court: Rome Statute of International Criminal Court, Scope of Jurisdiction, Principle of the complementarity, requirements for the criminal responsibility, general principles of international law of crimes, prosecution by the Court, investigation and pre-trial procedure, arrest and surrender, appearance before the Court and interim release, hearing, trial and appeal, sentencing procedure, punishment and rights of victim.

TERRORISM

Conceptualizing terrorism and development of International Law on Terrorism, Terrorism as an international crime, root causes of terrorism, different kinds of terrorism, terrorism and the application of modern technology, terrorism and war crime, terrorism and crimes against humanity, terrorism and crimes against peace, Development of international legal system as a response to combating terrorism, terrorism and human rights, terrorism and international humanitarian law, terrorism and non-international armed conflict, terrorism and use of force by States.

GLOBAL REGIONAL AND NATIONAL RESPONSES TO TERRORISM

Global, Regional and National Responses to terrorism: The Security Council and international terrorism, Action of European Union to combat terrorism. Latin American Response to fighting against terrorism, American view against, SAARC Responses to combat terrorism, National Courts and the War on terrorism.

Suggested Readings:

1. M. Cherif Bassiouni, Ved P. Nanda (ed.), *International Criminal Law*, Charles C, Thomas Publisher, USA, 1972.
2. M. Cherif Bassiouni, *Criminal Law and Its Process: The Law of Public Order*, Thomas, 1969.
3. Caroline Fournet, *International Crimes: Theories, Practice and Evolution*, Cameron May Ltd. 2006.
4. William A. Schabas, *An Introduction to the International Criminal Court (Second Edition)*, Cambridge University Press, 2002.
5. Andrea Bianchi, Yasmin Naqvi (eds.), *Enforcing International Norms against Terrorism*, Oxford and Portland Organ, 2004.
6. Tallgren, *The Sensibility and Sense of International Criminal Law*, 13 *European Journal of International Law*, 2002.
7. Zachary Abuza, *Militant Islam in Southeast Asia: Crucible of Terror*, Lynne Rienner Publishers, 2003.
8. Antonio Cassese, *International Criminal Law*, Oxford University Press, 2003.
9. Jordan J, Paust, M. Cherif Bassiouni, Leila Sadat, Brace Zagaris and Sharon A. Williams, *International Criminal Law: 2000 Document Supplement*, Carolina Academic Press, September 2000.
10. Ilias Bantekas, *Principle of Direct and Superior Responsibility in International Humanitarian Law*, Manchester University Press, 2002.
11. *The Convention for the Prevention and punishment of Terrorism* 1937.
12. *The Convention of offences and Certain Other Acts Committed on Board Aircraft*, 1963.
13. *The Convention for the Suppression of Unlawful Seizer of Aircraft*, 1970.
14. *The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents* 1973.
15. *The 1979 International Convention against the taking of Hostages*.
16. *International Convention for the suppression of terrorist bombings* 1997.

LLM 503: INTERNATIONAL ENVIRONMENTAL LAW

Development of Environmental Law

Introduction: Environmental Challenges – International Legal Order- Regional Approaches including the EU Regime model

Development in the First Phase (Prior to 1945): Early treaties and other trends – strengths and weaknesses

Second Phase (1945-1972): Role of UN- UNCCUR-Stockholm Declaration- Achievements and Impact of Stockholm

Third Phase (1972-92): Post Stockholm developments- 1978 UNEP draft Principles- 1982 Charter for Nature- World Conservation Strategy-1987 Brundtland Reports

Fourth Phase (1992-): 1992 UNCED- Rio Declaration- Agenda 21- the trends beyond UNCED

Sources of Environmental Rules: Treaties- Customary Laws- Judicial Decisions -...General Principles of International Law- Soft Laws

Institutions: UNEP- CSD- UNDP- IUCN- OECD- ILC- EU- and other institutions.

Principles and Rules

Principles of Environmental Laws: Sustainable development- Environmental impact assessment Precautionary Principle- Polluter Pay Principle- Principles of Common but Differentiated Responsibility

Atmosphere: Introduction- Ozone Depletion- 1985 Ozone Layer Convention and later developments- Climate Change – 1992 Framework Convention, 1997 Kyoto Protocol and later Developments

Biodiversity: 1971 Wetland Convention, 1972 World Heritage Convention- 1992 Biological Diversity Convention and later developments

Hazardous Wastes: 1989 Basle Convention and later developments

Water Resources: UN Convention on Law of the Sea- 1997 Watercourse Convention- 2002 Berlin Rules- 1996 Ganges Treaty

Environmental Measures and International Trade: GATT provisions- 1973 CITAS Convention-1994 Technical Barriers to Trade Agreement- 1994 agreement on trade related aspects of intellectual property rights and other agreements

Implementation at national level:

The process of ‘domesticating’ international obligations- adoption-signature-ratification of international treaties and enabling legislation

Major environmental instruments in Bangladesh: 1992 Environmental Policies- 1995 Environmental Conservation Act- 1997 Environmental Conservation Rules- 2000 Environmental Court Act – Forest and Wild Life Laws.

Domestic Environmental Regime: Role of DoE and other concerned offices- --- Case laws - Problems and Prospects

Suggested Readings:

1. Sands, Philippe, Principles of International Environmental law, Cambridge, 2002
2. Alexandre Kiss, et al., A Guide to International Environmental Law, Brill, 2007
3. Louka, Elli, International Environmental Law, Fairness, Effectiveness and World Order, Cambridge, 2006.
4. Alexandre Kiss and Dinah Shelton: International Environmental IX Law, Graham & Trotman Limited, London, England, 2003.
5. Patricia W. Birnie and Alan E. Boyle: International Law Y the Environment, Clarendon Press, Oxford, England, First Published 1992, reprinted in 2003.
6. Thomas J. Schoenbaum, Ronald H. Rosenberg: Environmental Policy Law-Problems Cases, and Readings Westbury New York, The Foundation Press Inc. 1991.
7. Yearbook of International Environmental Law- Volumes: 1, 2, 3, 4, etc.
8. Harald Hohmann editor: Basic Documents of International Environmental Law Volumes 1, 2, 3, Graham & Trotan, 1992.

9. W. Lang, H. Neuhold and K. Zemanek (eds.): Environmental Protection and International Law, 1990.
10. David Freestone: The road From Rio; International Environmental Law after the Earth Summit, The University of Hull Press, First Edition 1993.

LLM 504: LAW OF THE SEA

EVOLUTION OF THE LAW OF THE SEA

Pre-UN developments, UNCLOS I, The four Geneva Conventions on the Law of the Sea, UNCLOS III.

SOURCES

Relations between the 1958 Conventions, the 1982 UN Convention and Customary International Law (for Convention Parties and Nonparties)

BASELINES. TERRITORIAL SEA AND CONTIGUOUS ZONE

Law of drawing baselines, Rights of states in their territorial sea, Right of innocent passage, Transit passage of straits, archipelagic sea lanes passage, Rights and duties in the contiguous zone.

THE CONTINENTAL SHELF AND THE EXCLUSIVE ECONOMIC ZONE

Definition and drawing of the continental shelf, Rights of states in the continental shelf, The concept of the EEZ, Rights and duties of states in the EEZ and its delimitation

THE HIGH SEAS, THE SEA-BED AND DISPUTE RESOLUTIONS

The notion of the freedoms of the high seas, The legal status of the sea-bed and its resources, The Deep Sea Bed Mining Authority, The Hamburg International Tribunal on the law of the sea

IMO

Composition, jurisdiction, IMO Conventions concerning maritime safety, prevention of marine pollution and liability & compensation.

Suggested Readings:

1. Robin R. Churchill and A. Vaughan Lowe, *The Law of the Sea*, 3rd Edition, Manchester University Press: Manchester, 1999.
2. United Nations, *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea and of the Agreement Relating to the Implementation of Part XI with Excerpts from the Final Act of the 3rd Conference*, United Nations: New York, 1997.
3. T. McDorman, A. Bolla, D. Johnston, & J. Duff, *International Ocean Law: Materials and Commentaries*, Carolina Academic Press, 2005.

LAW 505: INTERNATIONAL WATER COURSES LAW

Development

Early bi-lateral and regional treaties - the concept of international drainage basin – community of interest as defined in international adjudications and arbitrations - concept of international watercourses - international watercourse as shared natural resources – pollution and environmental aspects

Thematic principles

Territorial integrity - territorial sovereignty - no harm - equitable and reasonable utilization - community of interest - joint management and utilization.

Codifications and role of international and regional institutions

Institution of International Law - International Law Association - Economic Commission for Europe - Organization of American States - Asian African Consultative Committee

1997 Watercourse Convention:

Primacy between different principles- role of institutions - procedural principles for planned measures - environmental provisions - utility as treaty law and customary law

Comparative study on recent trends

Legal regimes concerning Rio Grande, Colorado, Danube, Rhine, Nile, Zambezi, Mekong, Ganges and other River.

Environmental issues

Legal literatures on growing importance of watercourses for conserving biodiversity and halting climate change- pollution issues- sustainable development.

Suggested Readings:

- Dr. Trilochan Upreti, International Watercourses Law and Its Application in South Asia, Pairavi Prakashan, 2006.
- János Bruhács, The Law of Non-Navigational Uses of International Watercourses, Martinus Nijhoff Publishers, 1993.
- Stephen McCaffrey, The Law of International Watercourses, Oxford University Press, Second Edition, 2007.

LLM 506: INTERNATIONAL HUMAN RIGHTS LAW

INTRODUCTION

Basic concepts of Human Rights and their promotion and protection within the framework of legal mechanism as recognized globally.

MECHANISMS FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

Charter-based bodies; Treaty-based bodies; Other UN bodies; Other UN entities involved in human rights promotion and protection.

CHARTER-BASED BODIES

Human Rights Council; Commission on Human Rights (CHR); Special Procedures established by the Commission on Human Rights; Sub-Commission for the promotion and protection of Human Rights.

TREATY BASED BODIES

Human Rights Committee (HRC); Committee on Economic Social and Cultural Rights (CESCR); Committee on the Elimination of Racial Discrimination(CERD); Committee on the Elimination of Discrimination Against Women (CEDAW); Committee Against Torture (CAT); Committee on Rights of Child (CRC); Committee on Migrant Workers (CMW).

OTHER UN BODIES

United Nations General Assembly; Third Committee of the General Assembly; Economic and Social Council; International Court of Justice.

OTHER UN ENTITIES INVOLVED IN HUMAN RIGHTS PROMOTION AND PROTECTION

United Nations High Commissioner for Refugees (UNHCR); Office for the Coordination of Humanitarian Affairs (OCHA); Inter-Agency Internal Displacement Division; International Labour Organization (ILO); United Nations Educational, Scientific and Cultural Organization (UNESCO); Joint United Nations Programme on HIV/AIDS (UNAIDS); Inter-Agency Standing Committee (IASC); DESA (Department of Economic and Social Affairs); Commission on the Status of Women (CSW); Office of the Special Advisor on Gender Issues and the Advancement of Women (OSAGI); Division for the Advancement of Women (DAW); United Nations Population Fund (UNFPA); United Nations Children's Fund UNICEF); United Nations Development Fund for Women (UNIFEM); United Nations Development Programme; Food and Agriculture; Organization of United Nations (FAO); United Nations Human Settlement Programme; United Nations Mine Action.

Suggested Readings:

- Frances Butler(ed.) Human Rights Protection : Methods and Effectiveness , the British Institute of Human Rights Library, 2002
- Michale O' Flaherty, Human Rights and the UN: Practice before the Treaty Bodies, Martinus Nijhoff Publishers, Second Edition,2002
- Anne F. Bayefsky (ed.), The UN human Rights Treaty System in the 21st Century, Kluwer Law International, 2000.
- Bertrand G. Ramcharan, The United Nations High Commissioner for Human Rights: The Challenges of International Protection, Martinus Nijhoff Publishers, 2002.
- C. Reif Linda, The Ombudsman, Good Governance, and the International Human Rights System , Martinus Nijhoff, 2004
- Ramcharan, Bertrand G. (ed.) Human Rights Protection in the Field, Martinus Nijhoff Publishers, February 2006.
- Jonas Grimheden and Rolf Ring (ed.) Human Rights Law: From Dissemination to Application, the Raoul Wallenberg Institute human Rights Library, October 2006.
- Manfred Nowak, Introduction to International Human Rights Regime, Ludwick Boltzmann Institute of Human Rights & The Raoul Wallenberg Institute Human Rights Library, 2003

- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Convention on all forms of Racial Discrimination, 1965
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Elimination of all forms of Discrimination against Women 1979
- Convention on the Rights of the Child 1989.

LLM 507: INTERNATIONAL HUMANITARIAN LAW

INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW (IHL)

Definition and concept of IHL, Objectives and purposes of IHL, Fundamental Principles of IHL, Sources of IHL, Application of International Customary Principles in IHL, Development of IHL through ages and Adoption of International Legal Instruments in 19th and 20th Centuries; Adoption, Application and Significance of Four Geneva Conventions 1949 and Two Additional Protocols, 1977, Nature and Features of Hague Law and Geneva Law, Definition of War and Prohibition of war under the general principles of International Law, Distinction between Jus ad bellum and Jus in bello, The concept of International and Internal Armed Conflict, War of Liberation and Insurgency, Distinction between IHL and Human Rights Law (HRL), Concept of States and Individuals' liability under IHL.

PROTECTION OF DEFENSELESS PERSONS IN ARMED CONFLICT

Concept of Protected and Defenseless Persons during armed conflict, Principles of general obligation for human treatment and protection to the Wounded, Sick and Shipwrecked, Protection of Medical Units and Transports, Medical Personnel, concept of Combatants and non-combatants, Concept of Status of Prisoners of War (POW) and Principles respecting the protection of Prisoners of War.

Principles respecting the Protection of Civilians and their Properties during warfare, Children in War, Special protection to the Women and Children, Journalists, Humanitarian Activists, Refugees and Stateless Persons, Internally Displaced Persons.

LIMITATIONS ON MEANS AND METHODS OF WARFARE

Limitations on Means of Combat: Basic Principle, Specific prohibitions of conventional weapons, Prohibition of mass destruction weapons, New Weapons.

Limitations on Methods of Combat: Basic Principles, Prohibition of Perfidy—Perfidy vs. Ruses, Prohibition of misuse of distinctive emblems, Prohibition of use of emblems of nationality, Protection against the denial of quarter, Prohibition on attacking civilian objects and the civilian population, Prohibition of indiscriminate attacks, Prohibition of objects indispensable to the survival of the civilian population, Protection of works and installations containing dangerous forces, Protection of natural environment, Protection of cultural objects, Prohibition of reprisals, Prohibition of act of terror in war.

NON INTERNATIONAL ARMED CONFLICT

The Concept of non-international armed conflict, Pre-1949 legal situation: recognition of belligerency, the concept of civil war, role of the Red Cross; The Effect of United Nations Charter; Common Article 3 of Geneva Conventions 1949, Additional Protocol II of 1977: historical background, scope of application of the Protocol, treatment of captured combatants, concept of fundamental guarantees and their compliance in conflicting situation, protection of population.

IMPLEMENTATION OF IHL

National Implementation of International Humanitarian Law: Enactment of National Legislation, Dissemination of IHL, Establishment of National Committees on IHL, Role National Red Cross and Red Crescent Societies.

International Implementation of IHL: Establishment of International Fact-Finding Commission, Enquiry Procedure under the Geneva Conventions, The Role of International Criminal Court and Tribunals, International Humanitarian Organizations, and International Committee of Red Cross; The Role of Protecting Power.

Suggested Readings:

- Adam Roberts and Richard Gue (eds.), Documents on the Laws of War, Oxford 2000.
- All other relevant Treaties/Documents/Reports.
- Commentaries on All Four Geneva Conventions 1949 and Two Additional Protocols 1977, ICRC.

- Customary International Humanitarian Law, Edited by Jean-Marie Henckaerts and Louise Doswald Beck, ICRC and Cambridge University Press, 2005.
- F de Mulinen, Hand Book on the Law of War for Armed Forces, ICRC 1987
- Frist Kalshoven, Belligerent Reprisals, Martinus Nijoff Publishers, 2005
- Frist Kalshoven, Liesbeth Zegveld, Constraints on the Waging of War: An Introduction to Humanitarian Law, International Committee of Red Cross, 2001.
- Hague Conventions of 1899 and 1907, Geneva Conventions of 1949 and Protocols Additional to the Geneva Conventions of 1977 and 2005.
- Hans –Peter Gasser, International Humanitarian Law: An Introduction, Henry Dunant Indtitute, 1993
- Howard S. Levie, Terrorism in War, the Law of War Crimes, Dobbs Ferry, NY: Oceana 1993.
- International Law concerning the conduct of hostilities, ICRC, Revised and updated edition, 1994, 1996
- ISIL Year Book of International Humanitarian and Refugee Law, Indian Society of International Law, New Delhi, 2002 - .
- Jean Pictet, Development and Principles of International Humanitarian Law, Martinus Nijoff Publishers, 1985.
- L.C. Green, “Civilians” in the contemporary Law of Armed Conflict, Manchester, 1993.
- M.K Balachandran, Rose Varghese (eds) Introduction to International Humanitarian Law, ICRC Regional Delegation, New Delhi, 1997
- Marco Sassoli, Antoine A. Bouvier, How does Law Protect in War, ICRC 1999.
- Publo Antonio Fernandez-Sanchez, (ed.) The New Challenges of Humanitarian Law in Armed Conflict, Martinus Nijoff Publishers, 2005.
- Rosenblad, E. International Humanitarian Law of Armed Conflict, Henry Dunant Institute, Geneva, 1979.
- Timothy L.H Mc Cormark and Grey Simpson, The Law of War Crimes: National and International Approaches, Kluwer, 1997
- UNESCO, International Dimensions of Humanitarian Law, Henry Dunant Institute, Geneva, 1988.

LLM 508: INTERNATIONAL LAW ON REFUGEES, MIGRANTS AND STATELESS PERSONS

Refugees

Introduction to International Refugee Law: Evolution, Background and Context;

Refugees defined: Inclusion, exclusion and cessation clauses, definition in International instruments, refugees under 1951 Convention, 1967 Protocol relating to the Status of Refugees, refugees under the statute of UNHCR, refugees and international obligations;

Determination of refugee status: Determination by UNHCR and States Parties, preliminary analysis of definition;

Persecution: Grounds for persecution, ways and means of persecution, persecution and lack of protection;

Loss and denial of refugee status and its benefits: Voluntary acts of the individual, change of circumstances, protection by other States or UN agencies, undeserving cases, serious non-political crimes;

Asylum and non-refoulement: General concept, asylum in international conventions, principle of non-refoulement, scope of the principle of non-refoulement, measures not amounting to refoulement, non-refoulement and asylum in cases of mass influx;

International protection: Protection of refugees in general international law, refugees and human rights, protection under 1951 Convention and 1967 Protocol, international institutions (UNHCR, IOM, UNWRA, RED CROSS, NGOs);

General protection issues: Detention, access, personal security, women refugees, child refugees, asylum seekers, internally displaced people;

Solution and prevention: Voluntary repatriation, safe return, resettlement, assistance and development, preventive protection, international cooperation;

Migrants

Migration: concept and background, forms of migration, regular, irregular, forced migration, causes of migration, migration as a fundamental right, the need for international human rights standards, international instruments protecting rights of migrant workers, UN Migrant Workers Convention 1990, key features, ILO standards protecting rights of migrant workers;

Stateless Persons

Nationality and statelessness: Concept and definition, Convention relating to the Status of Stateless Persons 1954, Convention on the Reduction of Statelessness 1954, protection measures;

Suggested Readings:

1. Guy S. Goodwin-Gill, *The Refugee in International Law*, Clarendon Press, Oxford (2nd edition 1996 or 3rd edition 2007).
2. B.S. Chimni, *International Refugee Law: A Reader*, Sage Publications, New Delhi, 2000.
3. James Hathaway, *The Rights of Refugees under International Law*, Cambridge University Press, 2005.
4. Anne F. Bayefski, *Human Rights and Refugees, Internally Displaced Persons and Migrant Workers*, Martinus Nijhoff, The Hague, 2006.
5. Guy S. Goodwin-Gill, *International Law and the Movement of Persons between States*, Clarendon Press, Oxford, 1978.
6. Kate Jastram and Marilyn Achiron, *Refugee Protection: A Guide to International Refugee Law*, Inter-Parliamentary Union, Switzerland, 2000.
7. Harun-ur-Rashid, *Refugee Law with Case Laws and Materials*, Dhaka, 2000.
8. Omprakash Misra and Anindyo J. Majumdar, *The Elsewhere People: Cross Border Migration, Refugee Protection and State Response*, Lancer's Books, New Delhi, 2003.
9. Matthew, Gibney J., *The Ethics and Politics of Asylum: Liberal Democracy and the State Response to Refugees*, Cambridge University Press, 2004.

10. Relevant international law instruments and scholarly articles (to be referred by the course teacher).

LLM 509: HUMAN RIGHTS AND DEVELOPMENT

INTRODUCTION

Historical evolution of human rights and development discourse – why rights and why now: factors behind the emergence of rights talk in development – shift in paradigm and understanding: needs, charity, claims and entitlements, right-holders and duty-bearers, obligation.

HUMAN RIGHTS AND HUMAN DEVELOPMENT

Human rights as means and ends of development – human development as a common goal of human rights and development – entitlements and capability enhancement.

DEVELOPMENT MODELS

Basic needs, economic growth, sustainable development, good governance and rights-based approach – their commonalities and differences – theoretical and practical benefits of rights-based approaches – democracy, good governance and decentralization as dimensions of development.

RIGHTS-BASED DEVELOPMENT

Definitions – various approaches – normative frameworks – characteristics – basic features: explicit recognition of rights – universality and inalienability – indivisibility – inter-dependence and inter-relatedness – equality and non-discrimination – participation and inclusion – empowerment – accountability – transparency – rule of law – ownership – weaknesses and strengths.

RIGHT TO DEVELOPMENT

Emergence – legal construct and contents – added values – nature of obligation of the actors – rights-based approach with and without right to development – development compact.

POVERTY AND HUMAN RIGHTS

Changing understanding of poverty – capability approach and violation approach of poverty – legal status of poverty – aspects of poverty: conflict, terrorism, democracy, unequal power and resource distribution and human rights – basic features of a rights-based poverty reduction strategy/initiative.

RESOURCES FOR DEVELOPMENT

Technical and financial resources – development data and statistics – poverty mapping – priorities and benchmarks – monitoring and evaluation – indicators and indices – development aid, trade, debt relief.

OBLIGATION OF ACTORS

Obligations to respect, protect and fulfil – obligations of states and non-state actors including NGOs and CSOs, international financial institutions, multilateral trade organizations, TNCs, donor agencies.

RIGHTS-BASED ANALYSES OF DEVELOPMENT ACTIVITIES AND IMPLICATIONS

Human rights assessment of development planning, programming and interventions – Government-NGO-donor interventions – rights way of partnership: human rights implications for Government-NGO, Government-donor and NGO-donor partnerships.

Suggested Readings:

Articles

1. Alston, Philip (1998) *What's in a Name: Does it Really Matter if Development Policies Refer to Goals, Ideals or Human Rights?* In Helmich, Henny; and Borghese, Elena (eds.) (1998) *Human Rights in Development Co-operation*, Utrecht.
2. Darrow, Mac; and Tomas, Amparo (2005) *Power, Capture, and Conflict: A Call for Human Rights Accountability in Development Cooperation* in *Human Rights Quarterly* 27.2 (2005), pp. 471-538.

3. Hamm, Brigitte I. (2001) *A Human Rights Approach to Development* in Human Rights Quarterly 23.4 (2001), pp. 1005-1031.
4. Marks, Stephen P. (2003) *The Human Rights Framework for Development: Seven Approaches*, François-Xavier Bagnoud Center for Health and Human Rights.
5. Sano, Hans-Otto (2000) *Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development* in Human Rights Quarterly 22 (2000), pp. 734–752.
6. Slim, Hugo (2000) *Dissolving the Difference between Relief and Development: The Making of a Rights-Based Solution*, Development in Practice, Vol. 10.3, Oxfam, 2000.
7. Slim, Hugo (2002) *A Response to Peter Uvin, Making Moral Low Ground: Rights as the Struggle for Justice and the Abolition of Development* in PRAXIS The Fletcher Journal of Development Studies Vol. XVII – 2002.

Books

1. Alston, Philip; and Robinson, Mary (eds.) (2005) *Human Rights and Development: Towards Mutual Reinforcement*, Oxford University Press, Oxford.
2. Appleyard, Susan (2000) *A Rights-Based Approach to Development: What the policy documents of the UN, Development Cooperation and NGO Agencies Say*, OHCHR Asia-Pacific, September, 2000.
3. Barry, Christian; and Pogge, Thomas W. (eds.) (2005) *Global Institutions and Responsibilities: Achieving Global Justice*, Blackwell, UK.
4. Chew, Sing C.; and Denemark, Robert A. (eds.) (1996) *The Underdevelopment of Development: Essays in Honor of Andre Gunder Frank*, Sage Publications.
5. Feyter, Koen De (2001) *World Development Law: Sharing Responsibility for Development*, Intersentia, Oxford.
6. Franciscans International (2003) *The Right to Development: Reflections on the First Four Reports of the Independent Expert on the Right to Development*, Franciscans International, Geneva.
7. Genugten, Willem van; Hunt, Paul; and Mathews, Susan (eds.) (2003) *World Bank, IMF and Human Rights*, Wolf Legal Publishers (WLP), The Netherlands.
8. Gready, Paul; and Ensor, Jonathan (eds.) (2005) *Reinventing Development? Translating Rights-Based Approaches from Theory into Practice*, Zed Books.
9. Hausermann, Julia (1998) *A Human Rights Approach to Development, Rights and Humanity*, London, 1998.
10. Helmich, Henny; and Borghese, Elena (eds.) (1998) *Human Rights in Development Cooperation*, OECD, Utrecht.
11. Human Rights Council of Australia (1995) *The Rights Way to Development: A Human Rights Approach to Development Assistance*, HRCA, Australia.
12. Korten, David C. (1999) *When Corporations Rule The World*, Earthscan, London.
13. Leftwich, Adrian (2000) *States of Development: On the Primacy of Politics in Development*, Polity Press.
14. Leftwich, Adrian (ed.) (1996) *Democracy and Development: Theory and Practice*, Polity Press.
15. Leslie Groves and Rachel Hinton (eds.) (2004), *Inclusive Aid: Power and Relationships in International Development*, London, Earthscan.
16. OHCHR (2006) *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, OHCHR.
17. Pinkney, Robert (1994) *Democracy in the Third World*, Lynne Rienner Publishers, Inc.
18. Piron, Laure-Hélène (2002) *The Right to Development: A Review of the Current State of the Debate for the Department of International Development, DFID/ODI*, London.
19. Pogge, Thomas W. (2002) *World Poverty and Human Rights*, Polity Press, Cambridge, UK.
20. Robinson, Mary (2006) *A Voice for Human Rights*, University of Pennsylvania Press, USA.
21. Sen, Amartya (1999) *Development as Freedom*, Oxford University Press, Oxford.
22. Uvin, Peter (2004) *Human Rights and Development*, Kumarian Press, USA.

Instruments, Reports, Guidelines

1. Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among the UN Agencies.
2. Limburg Principles on The Implementation of the ICESCR, Maastricht Guidelines on Violations of ESC Rights, Tilburg Guiding Principles on World Bank, IMF and Human Rights.
3. Reports of all major human rights and development workshops, symposiums and conferences including the Oslo Symposium, Stockholm Workshop, Rights and Power Workshop, Winners and Losers Conference.
4. UN Charter - International Bill of Rights and other major human rights instruments including CRC, CEDAW, CERD - Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies – All major declarations including Vienna Declaration and Program of Action, Declaration on the Right to Development, Declaration on Social Progress and Development, Millennium Declaration, Copenhagen Declaration on Social Development, Cairo Declaration on Population and Development and the Beijing Declaration and Platform for Action.
5. UNDP Human Development Reports: from 1999 to date.
6. UNCTAD Trade and Development Reports
7. World Bank World Development Reports.

LLM 510: COMPARATIVE HUMAN RIGHTS LAW

1. INTRODUCTION

Human Rights and Regionalism, need for the promotion and protection of human rights at regional levels, Contributing factors to building up mechanisms for the protection of human rights on regional basis, the nature, scope, enforceability and effectiveness of regional mechanisms.

2. REGIONAL MECHANISMS

2.1 European System

European Convention on Human Rights, Implementation Machinery under European Convention on Human Rights, European Commission on Human Rights, Functions of the European Commission, Submission of Reports to the Committee of Ministers, Decisions of the Committee of Ministers, Expiration of the Commission; European Court of Human Rights: Creation of the new European Court of Human Rights, Composition and Jurisdiction of the Court, Examination of the case and friendly settlement proceedings, Remedies before the Court, Advisory Jurisdiction.

2.2 Inter-American System

The OAS Charter System and the American Declaration of the Rights and Duties of Man, The American Convention on Human Rights (ACHR), The Inter-American Commission on Human Rights, Structure and organization of the commission, complaint procedure, Fact Finding Missions of the Inter-American Commission; The Inter-American Court of Human Rights: Forms of jurisdiction, Contentious Jurisdiction, Advisory Jurisdiction, Judgment of the Court.

2.3 The African System

African Charter on Human and People's Rights, African Commission on Human Rights: Composition and functions of the Commission, State reporting procedure, Inter-state procedure, other communications, Implementation Machinery.

2.4 Arabian System

Cairo Declaration on Human Rights in Islam and Arab Charter on Human Rights. Committee of Experts on Human Rights: composition, functions and state reporting procedure.

2.5 CIS System

Charter of Commonwealth of Independent States (CIS Charter), Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms (CIS Convention) and Regulations on the Human Rights Commission of the Commonwealth of Independent States (CIS Regulations on HRC). Human Rights Commission of the Commonwealth of Independent States: composition, jurisdiction and procedure. Legal issues concerning the coexistence of CIS Convention and European Convention on Human Rights.

3. NATIONAL MECHANISMS IN DIFFERENT COUNTRIES OF SOUTH ASIA

India: Protection of human rights under the Constitution: scope, extent, procedure, problems and prospects. The Protection of Human Rights Act, 1993: (a) National Human Rights Commission: composition, powers, functions and procedure; (b) State Human Rights Commission: composition, powers, functions and procedure and (c) Human Rights Court.

Pakistan: Protection of human rights under the Constitution: scope, extent, procedure, problems and prospects. Needs and efforts to establish a national human rights commission.

Bangladesh: Protection of human rights under the Constitution: scope, extent, procedure, problems and prospects. Needs and efforts to establish a national human rights commission.

Recommended Books and Instruments:

1. D.J. Harris, M. O'Boyle and C. Warbrick, *Law of the European Convention on Human Rights*, London: Butterworths, 1995
2. A Mowbray and D.J Harris, *Cases and Materials on the European Convention on Human Rights*, London: Butterworths, 2001
3. M. W. Jains ,R.S. Kay and A. w. Bradly, *European Human Rights Law: Text and Materials*, Oxford: Clarendon Press ,2000
4. D.J. Harris and S. Livingstone (eds.) *The Inter-American System of Human Rights*, Oxford: Clarenton Press, 1998.
5. C.Medina Quiroga, *The Battle of Human Rights: Gross, Systematic violations and Inter-American System* , Martinus Nijoff Publishers,1998
6. T. Burgenthal and D. Shelton, *Protecting Human Rights in Americas: Cases and Materials*, Kehl, Alrington,1995
7. U.O. ,*The African Charter on Human and People's Rights*, The Hague: Kluwer Law International, 1997
8. Steiner and P' Alston, *International Human Rights in Context: Law, Politics, Morals*, 2nd Edition, Oxford: Clarendon Press, 2000
9. A. Cassese, *International Law in a Divided World*, Oxford: Clarendon Press, 1990.
10. Rehman , Javaid, *International Human Rights Law: A Practical Approach*, Longman,2003
11. Inter-American Commission on Human Rights (eds.) '*Inter-American Yearbook on Human Rights*.
12. Council of Europe, Directorate of Human Rights (eds.) *Yearbook of European Convention on Human Rights*
13. *American Declarations of Rights and Duties of Man* 1948
14. *European Convention on Human Rights* 1950
15. *American Convention on Human Rights* 1969
16. *African Charter on Humans and People's Right* 1981
17. *Arab Charter on Human Rights*, 1994
18. *Cairo Declaration on Human Rights in Islam*, 1990
19. *Charter of Commonwealth of Independent States*, 1993
20. *Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms*, 1995
21. *Regulations on the Human Rights Commission of the Commonwealth of Independent States*, 1996

LLM 511: COMPARATIVE LEGAL SYSTEMS

1. INTRODUCTION

Meaning, Nature and Classification of comparative legal system, Origin and development Comparative law and Foreign law. Purposes of Comparative Legal system.

2. MAJOR LEGAL SYSTEMS OF THE WORLD

Major Legal Systems of the world. Problems arising during the study of foreign law, Factors, explaining resemblance's and differences between legal systems. The common core of legal systems and the presumption *similitudeins*, Classification of legal systems.

2.1 COMMON LAW

English Revolution and the evolution of common law. Basic principles and traditions of common law, Features of Anglo-American law.

2.2 CIVIL LAW

French Revolution and the volition of civil law, Characteristics of civil law.

2.3 SOCIALIST LAW

Socialist concept of law, source of law concept of socialist legality, Disintegration of socialist states and transformation of legal systems in Eastern Europe, Scandinavian Legal system as a model.

3. SOURCES OF LAW

Sources of Law in different legal systems, Customs Codes/Statutes, Judicial Decisions and Legal Doctrine.

4. ORGANIZATION OF COURTS IN DIFFERENT LEGAL SYSTEMS

Courts in England, USA. France, Germany and Bangladesh.

5. TRADITIONAL LEGAL SYSTEM

Legal system based on customs and traditions, legal system based on religion.

6. TRANSNATIONAL LAW

Comparative Legal System and the emergence Transnational Law.

Books Recommended:

1. H.C. Gutteridge. Comparative Law. Cambridge, 1949.
2. Rene Devid & Brierly. Major Legal Systems of the World Today, 1974.
3. W. Buckland & McNair, Roman Law and Comparative Law, London, 1953.
4. A.N. Allot. Essays in African Law, 1960.
5. A. Harding. A social history of English Law, Baltimore, 1966.
6. Wanton & Amos. Introduction to French Law. N. Y. 1972.
7. W. Friedmann. Law in a changing society, Penguin Books, 1972.
8. Giuseppe. Transnational Law.
9. J. Hazard. Communists and Their Law - A Search for the common core of the legal system of the Marxian Socialist States, 1969.
10. Walker & Walker. The English Legal System. M. Argel. Utilite et methodes dudroiti compare, Neuchatel, 1971.
11. L.J. Constantiensco. Treite de droit compare, Paris, 1972.
12. Schlesinger (ed.). Comparative Law, Cases, Text Materials 2nd ed. 1970

13. ডঃ মিজানুর রহমান। তুলনামূলক আইন, বাংলা একাডেমী, ঢাকা ১৯৯০।
14. Dr. Mizanur Rahman Consumer Protection Law. and The Swedish Approach Prudential Publications Dhaka, 1994.

Journals.

1. American Journal of Comparative Law
2. International & Comparative Law Quarterly
3. Nordic Journal of International Law
4. Scandinavian Studies in Law
5. Indian Journal of International Law
6. Rabels Zeitschrift für ausländisches und internationales Privatrecht.
7. Revue internationale de droit comparé.

LLM 512: COMPARATIVE LEGAL THEORIES

1. INTRODUCTION

Meaning, Classification of major legal theories, Importance of the study of legal theories.

2. MAJOR LEGAL THEORIES OF THE WORLD

2.1 Natural Law Theory: different meanings of ‘natural law’; development of natural law theory; concept of ‘natural law of method’ and ‘natural law of content’; views of St. Thomas Aquinas; importance; criticism.

2.2 Positivism: different meanings of ‘positivism’; development of positivism; views of Jeremy Bentham, John Austin and H L A Hart; analytical positivism – Kelsen’s pure theory of law and the views of Olivercrona; comparative study of natural law theory and positivism; importance; criticism.

2.3 Sociological Interpretation of Law: various dimensions of sociological interpretation of law; historical schools of law: emergence and development, views of Savigny, Gierke and Hegel, influences of Darwin and Spencer on historical schools; anthropological school of law and the views of Henry Maine; utilitarian theory of law: views of Adam Smith, Jeremy Bentham and John Stuart Mill; emergence and evolution of Marxist theory of law; view of Karl Marx and Friedrich Engels – doctrine of the economic determination of law, doctrine of the class character of law, doctrine of the identity of law and state, doctrine of the withering away of law and state; ‘commodity exchange’ theory of law – views of Pashukanis, extent of deviation from Marxist theory; views of Ihering, Ehrlich, Roscoe Pound, Duguit and Jeremy Bentham; importance; criticism .

2.4 Modern Realism: American realism and Scandinavian realism – origin, development and distinctions; views of Frank, Gray, Holmes, Hagerstrom and Lundstedt; relationship with positivist and sociological approaches to law; importance; criticism.

2.5 Islamic theory of law: sources of law and rights; relationship between law and morality; relationship between rights and obligation.

3. CRITICAL ISSUES UNDER DIFFERENT THEORIES OF LAW

Material sources of law; relationship between law and morality; rights of an individual; powers of the state; distributive justice and corrective justice.

Recommended Books:

1. J. Austin, Lectures on Jurisprudence.
2. J. Bentham, Of Laws in General.
3. J. Bryce, Studies in History and Jurisprudence.
4. H.L.A. Hart, The Concept of Law
5. W. Ebenstein, The Pure Theory of Law
6. J.W. Jones, Historical Introduction to the Theory of Law
7. Kramer, In Defense of Legal Positivism
8. Raz, The Authority of Law
9. George, ed., The Autonomy of Law
10. J. Austin, The Province of Jurisprudence Determined
11. Llewellyn, Some Realism About Realism
12. Smart, Feminist Jurisprudence
13. MacKinnon, Toward a Feminist Theory of the State
14. Dworkin, Taking Rights Seriously

15. Devlin, The Enforcement of Morality.
16. H.F. Jolowicz, Lectures on Jurisprudence
17. Friedmann, Legal Theories
18. Rawls, A Theory of Justice
19. Roscoe Pound, An Introduction to the Philosophy of Law
20. H Kelsen, General Theory of Law and State (Translated by A Wedberg)
21. H Kelsen, Pure Theory of Law (Translated by M Knight)
22. Joel Feinberg & Hyman Gross (eds.), Philosophy of Law
23. H.L.A Hart, Positivism and the Separation of Law and Morals
24. E Ehrlich, Fundamental Principles of the Sociology of Law (Translated by W L Moll)

LLM 513: COMPARATIVE FAMILY LAW

Introduction and Definitions

Family laws applicable to Muslims, Hindus and Christians in Bangladesh

Analysis from comparative perspective systems of regulation of domestic relationships and family laws under different personal laws

Comparative analysis of laws relating to family matters, including statutory laws applicable to Muslims, Christians and Hindus in the Sub-Continent

Comparative studies of reforms made to Islamic family laws in varied countries

Study of secular family laws applicable in relevant modern States and issues of contemporary importance, including uniform personal laws, in the field of family law

Study of reforms introduced to Hindu law in India and the Muslim law in Bangladesh and Pakistan

Comparative study of relevant issues related to family and domestic relationships including domestic and spousal violence

Topics to be covered:

Marriage

Dissolution of marriage

Maintenance

Child custody and guardianship

Adoption

Succession and other modes of property devolution

Domestic violence

Family courts and personnel involved in the administration of domestic relation law

Books recommend:

1. Ali, Syed Amir. *Mohammadan Law*, Vol. I & II (4th Edition) Calcutta, 1912, reprint New Delhi, 1985
2. Fyzee, Asaf A.A. *Outlines of Muhammadan Law*, (4th Edition), New Delhi, 1974
3. Hodgkinson, Keith. *Muslim Family Law: A Source Book*, London and Canberra, 1984
4. Pearl, David and Menski, Werner, *A Text Book on Muslim Law*, London, 2004.
5. Monsoor, Taslima. *From Patriarchy to Gender Equality: Family Law and its Impact on Women in Bangladesh*, Dhaka, 1999
6. Rahman, Md. Mojibur. *Muslim O'Paribarik Ain Parichiti*, Dhaka, 1989
7. Rahman, Tanzi-ur. *Code of Muslim Personal Law*, Vol. I, II & III, Karachi, 1978
8. Rahim, Abdur. *Principles of Muhammadan Jurisprudence*, Madras, 1911
9. Schacht, Joseph. *An Introduction to Islamic Law*, Oxford, 1964
10. Badruddin, Faiz. *Principles of Muhammadan Law*, (2nd Edition), Calcutta, 1919
11. Menski, F. Werner. *Hindu Law*, Oxford et al, 2003
12. Diwan, Paras. *Modern Hindu Law*, Allahabad, 1993
13. Mayne. *Treatise on Hindu Law and Usage*, New Delhi, 1995
14. Mulla. *Principles of Hindu Law*, Bombay, 1990
15. Pereira, Faustina. *The Fractured Scales—The Search for a Uniform Personal Code*, Dhaka, 2002
16. Zafar, Emmanuel. *Christian Law of Inheritance & Succession*, Lahore, 2005
17. Agnes, Flavia. *Law and Gender Inequality—The Politics of Women's Rights in India*, Oxford et al, 2004

LLM 514: COMPARATIVE CONSTITUTIONAL LAW

1. INTRODUCTION

Definition, nature, scope and importance of the study of Comparative Constitutional Law. Comparative study of the classification and different forms of constitutions of USA, UK, France, Canada, Australia, Switzerland, India, Pakistan and Bangladesh.

2. THE CONSTITUTION OF THE UNITED STATES, CANADA, AUSTRALIA

General principles of federalism and the constitutional structures of the United States, Canada and Australia. The influence of the Imperial structure and the American example in the case of Canada and Australia.

Governmental institutions and the federal principle; The judicial structure and the federal principle; The doctrine of separation of powers; General principles governing allocation of legislative powers; Doctrine of inconsistency; The judicial function in constitutional cases – advisory opinions, political question; The regulation of trade and commerce and finance; External affairs; Aspects of constitutional protection of human rights and fundamental rights.

3. CONSTITUTIONAL LAWS OF COMMONWEALTH COUNTRIES INCLUDING UK, BANGLADESH, INDIA AND PAKISTAN

3.1 The constitutional structure

The constitutional structure and constitutional evolution; The attainment of internal self-government and the attainment of independence; The concept of autochthony; Constitutionalism and constitutional breakdowns, including the role of the courts; Military governments.

3.2 Supremacy of the constitution

Constitutional Supremacy; Rights of the people and their protection. Safeguards against the abuse of power, constitutional guarantees and prohibitions, institutional safeguards, including ombudsmen; constitutional breakdowns, including the role of the courts; Military governments;

3.3 Comparative constitutional structure

The executive, cabinet government. Presidential systems. The legislatures and law making process, parliamentary procedures and privileges. Independence of judiciary and the relations between different organs in the state. Constitutional provision for the protection of the judiciary, the public service and the police, and for safeguarding electoral system, the process of prosecution and the auditing of public accounts.

4. MISCELLANEOUS

Single party systems. Electoral systems. Constitutional amendments and procedures.

The courts and the scope and exercise of powers of judicial review of the constitutionality of legislative and executive action. Emergency powers.

Books Recommended

1. Dorsen, Rosenfeld, Sajo, and Baer, Comparative Constitutionalism.
2. Thompson and Ludowikowski, Constitutionalism and Human Rights.
3. Barnett, Randy E. *The Structure of Liberty: Justice and the Rule of Law*.
4. Bobbitt, Philip. *Constitutional Fate: Theory of the Constitution*.
5. Chemerinsky, Erwin. *Constitutional Law: Principles and Policies*.
6. Dicey, Albert V. *Introduction to the Study of the Law of the Constitution*.
7. Goldsworthy, Jeffrey, ed. *Interpreting Constitutions: A Comparative Study*
8. Munro, Colin R. *Studies in Constitutional Law*

9. Mahmudul Islam, Constitutional Law of Bangladesh
10. K. Brohi, Fundamental Law of Pakistan.
11. O'Hood Phillips, Constitutional and Administrative Law
12. Ivor Jennings, Law of the Constitution
13. Hilare Barnett, Constitutional and Administrative Law
14. Ivor Jennings, Law of the Constitution
15. KC Wheare, The Modern Constitution
16. Wade, ECS and Bradely, AW, Constitutional and Administrative Law
17. C.F. Strong, Modern Political Constitutions John Alder, General Principles of Constitutional and Administrative Law
18. D. C. M. Yardley, Introduction to British Constitutional Law
19. A.C. Kapur, Select Constitutions
20. V.D. Mahajan, Select Modern Government
21. Maitland, Constitutional History of England
22. W.W. Willoghby, Constitutional Law of the United States

LLM 515: LAW OF CORPORATE FINANCE

1. INTRODUCTION

Corporate Personality & nature of liability; Types of limited company; Lifting the veil of incorporation & alternatives to lifting the veil; The concept of group of companies: Parent and Subsidiary; Liability of parent for subsidiary: Financial – general, Insolvency, Delinquency; Corporate Power; The corporate constitution: Memorandum and Articles of association, *Ultra Vires* Rule, Company contracts & Protection of persons dealing with a company, Shareholders' agreement.

2. CORPORATE MANAGEMENT

Directors, Definition of Directors, Powers of Directors, Duties of Directors, Breach of duty and remedies;

Corporate Governance, Importance, Cadbury & Greenbury Reports, Subsequent developments, Non-executive directors, Who are they, Role of Non-executive directors, Conflict, Failures and liability.

3. INTRODUCTION TO CORPORATE FINANCE

Historical background: Corporate finance in the 17th to 19th century, Corporate finance in the 20th century, Contemporary corporate finance, Objectives in corporate finance.

4. CORPORATE FINANCE TRANSACTIONS – SOURCES OF FINANCE

Preliminaries, Definition of capital, Understanding the basics of accounting statements, Legal requirements as to disclosure in company financial statements; Competing standards: legal requirement v accounting procedure.

Distinction between debt and equity: advantages & disadvantages, Cost of equity and cost of debt: understanding the fundamentals; Equity capital; Nature of share capital, Classes of shares, Alteration and Maintenance of capital: Infringements and consequences; Dividends and distributions; Class rights; Debt security: Secured and unsecured finance, Various forms of debt finance, Advantages of secured finance; Hybrid securities: Convertible bonds, Options, Preferred stocks.

5. CORPORATE FINANCING DECISION – EQUITY

Equity financing options: Rationale for going publicly listed, Conversion from private to public limited company, Methods of offering shares to the public; Offer for sale, Offer for subscription, Placing.

Rights issue; IPO: Legal requirements, Stock Exchange requirements, Process; Pre-emptive rights: Legal requirements, Process; Underwriting.

6. CORPORATE FINANCING DECISION – DEBT AND SECURITY FOR DEBT

Debt financing options: Unsecured debt and Secured Debt, Overdraft, Term loans; Various types of corporate assets: Freehold/leasehold property, Fixed assets, Removable assets, Stocks, Receivables: Book debts, Licence/Concessions, Uncalled capital; Assets of subsidiaries: Definitions of Security, Types of security, Nature of security of interests: Pledge, Lien, Mortgage, Charges: Fixed charge, Floating charge, Charge on book debt, Charge back, Crystallization of floating charge; Perfection of security interest: Bank loans – project finance, Syndicated finance, Asset securitization.

7. PARTICULAR DEBT FINANCING PROBLEMS

Debt subordination: Subordination of security interests, Unsecured subordination, Priority, Marshalling; Negative pledge covenant; Trust subordination.

8. MERGERS, ACQUISITIONS AND TAKEOVERS

Rationale for mergers and acquisitions; M & A in the UK and the USA – history and development; Classifying acquisitions, Structuring the acquisition – shares v assets, Types of merger, Financing the M & A, Regulation of M & A.

Recommended reading

Companies Act, 1994;
Farrar, *Company law*;
Ellis Ferran, *Corporate Law and Corporate Finance*;
Gower, *Company law*;
Gough, *Company Charges*;
Ravi Tennekon;
Roy Goode, *Commercial Law*;
Philip Wood, *International Loans, Bonds and Securities Regulation* (1995);

LLM 516: BANKING LAW

1. INTRODUCTION

Origin and development of banking activity; Development in the post WWI era; Banking regulation in a liberalized world – Role of GATS and the EU; Basel committee on banking supervision.

2. BANKS AND OTHER FINANCIAL INSTITUTIONS

Definition of ‘Bank’; Definition of ‘Other Financial Institution’; Banking business – scope and limits; Consumer Credit; Legal nature; A banking activity.

3. REGULATION OF BANKING ACTIVITIES

Is there a need for Regulation? UK: Bank of England – role, functions, powers and duties; Banking Act 1987 (with amendments) – background and main features; Banking Ombudsman Scheme. Bangladesh: History of pre-1971 regulatory framework; Post- 1971 banking scenario; Regulatory legal framework and laws applicable to banking; Bangladesh Bank – regulatory powers, duties, and constraints; Role and power of the Governor; Supervision of other financial/credit institutions.

4. THE BANKER CUSTOMER RELATIONSHIP

Definition of Banker; Definition of customer; Nature of the relationship: Contractual and common law relationship; Bailee, agent, trustee or other fiduciary? Debtor – creditor relationship; Banks duty of care and position as fiduciary. Bank accounts: Bank’s role as depository- traditional role v role in the e-money era; Various types of accounts and legal implications; Liability of banks for wrongful dishonour of cheques; Confidentiality and limits- court orders, discovery orders, government intervention etc.

Customer’s duties; other important legal issues arising out of the banker-customer relationship: Estoppel; Bank’s right of set-off; Bank’s lien; Sequestration. Termination of relationship: General; Effect of anti-terrorism laws; Effect of anti-money laundering laws.

5. BANKING OPERATIONS – NEGOTIABLE INSTRUMENTS

Negotiable instruments; Cheques: Definition, Various types, Validity of cheques, Presentation of cheques for payment, Collection and payment of cheques, Duties and liabilities of parties. Bills of exchange: Definition, Who is the payee?, ‘Pay on demand’, Holder in due course, Presumptions of value and good faith, Negotiability of bills of exchanges and discharge, Duties and liabilities of parties, Promissory notes, Definition, Conditions attached to honouring, Liabilities of parties, Specific problems in dealing with negotiable instruments and defences of banks.

6. PAYMENT AND PAYMENT SYSTEMS

Nature of payment; Payment systems: Domestic, International. Legal issues arising out of funds transfer; Recovery of money paid by mistake – role of law of restitution; Law of payment card transactions.

7. BANKING OPERATIONS – COMMERCIAL CREDITS

Definition, features and the contract for commercial credits; Types of credits; Letters of credits; Enforcement actions by the bank to recover ‘debt’.

8. SECURITY FOR LENDING

Objectives for taking security; Legal nature of security interest; Obligation of banks on the subject matter of security; Various types of securities; Bank guarantees: Nature of guarantee, Analyzing the contract of guarantee, Legal form of a guarantee, Rights and liabilities of the guarantor/surety, creditor and principal; Enforcement of guarantee; Defences; Right to indemnity.

Lending instruments, Perfection of security interests and priorities, Enforcement of security interests, Disputes as to enforcement of security interests.

9. INTERNET BANKING

Growth of internet banking; Advantages and challenges; Regulation of internet banking: Domestic and international; Legal aspect of e-money; Data protection issues.

Recommended reading

Goode, *Commercial Law* (2004);
Cranston, *Principles of Banking Law* (2006);
Ellinger, Lomnicka & Hooley, *Modern Banking Law* (2005)
All the Relevant Laws of Bangladesh.

LLM 517: INTELLECTUAL PROPERTY LAW

Introduction to the Course:

Teaching Intellectual Property Law is a very challenging task. It is nothing like teaching any other area of law. It covers many areas. It deals not only with Patents, Copyrights, Trademarks and Trade Secrets but also with Unfair Competition, Right of Publicity and more. Moreover, Intellectual Property Law interacts with many other areas of law such as Antitrust, Torts, Property Law, and Contracts. Intellectual property law is that area of law that deals with: "A category of intangible rights protecting commercially valuable products of the human intellect." This course defines intellectual property and analyses its objectives in protecting the consumer, protecting the commercial interests of creators and innovators and serving the public interest.

Specific Objectives and Outcomes:

The study of intellectual property law provides a wide-ranging and focused knowledge of the IP theory and practice. The objectives of teaching this subject are to incentivize creativity and serve the public interest by facilitating economic growth. It aims to protect the property rights of owners of intellectual property so that they may reap the benefits of their creativity, it is argued that this provides a financial incentive for creating intellectual property and encourages investment in research and development, although not all commentators agree that financial incentive encourages creativity: "The wasteful effort to suppress competition and obtain special privileges is referred to by economists as rent-seeking behaviour. History and common sense show it to be a poisoned fruit of legal monopoly." It is also argued that intellectual property intensive industries promote economic growth. This course will assess whether or not these objectives above are satisfactorily achieved and how this balances the needs of consumers, creators and the public.

On completing this course successfully, students will capacitate themselves:

1. To make the 21st century a new era since present economies increasingly rely on knowledge-based production processes and services.
2. To provide appropriate training for all from the respective professional environments to acquire or reinforce their ability to initiate, control, protect, exploit and increase the value of intangible assets.
3. To integrate the knowledge-based economy with research and development activities, innovation, industrialization and the marketing of products and services including intangible assets and completely changing the enterprise management.
4. To create new professions specialized in dealing with intangible assets.
5. To attract consultants and intellectual property experts from among managers, jurists and lawyers.
6. To facilitate every innovation process generated by new economic activities with the intervention of the law, to develop the installation of tools and structures for developing or planning in order to control the intangible assets and to optimize their valorization.

Course Contents:

1. Introduction

Introduction to intellectual property law, nature of intellectual property, development of intellectual property law, sources and principles of intellectual property law,

classification of intellectual property, reasons to protect intellectual property, necessity to study intellectual property law.

2. Patents

General provisions. Patent office, patentability. Right to patent, naming of inventor, patent application. Examination of application. Grant of patent. Rights and obligations of owner of patent. Duration of patent and annual fees. Contractual licences. Other kinds of patents. Infringement. Remedies. Forum for redress. International registration.

3. Trademarks

Definition of trademarks. Functions of trademarks. Economic importance of trademarks. Reasons for protecting trademarks. Acquisition of trademark rights. Licensing, assignment, and franchising. Infringement of trademarks. Passing off. Remedies. Forum for redress. International registration.

4. Designs

Definition of designs. Functions of designs. Economic importance of designs. Reasons for protecting designs. Registration. Remedies. Forum for redress. International registration. Infringement.

5. Copyrights

Origin and development of copyright law, standards of copyrightability. Copyrightable subject matter. Non-copyrightable subject matter. Rights protected by copyright. The general exclusive rights. Procedures for obtaining copyright. Ownership and conveyancing of copyrights copyright infringement. Fair use. Remedies. International registration.

6. Geographical indications

Definition of gi. Nature of gi. Reason to protect gi. Gi and trademark, gi and appellation of origin, registration of gi, infringement of gi. Passing off. Remedies. Forum for redress. International registration.

7. Intellectual property and other issues

Plant varieties protection (plant breeders' rights) and farmers' rights. Undisclosed information and trade secrets. Traditional knowledge, traditional cultural expression. Intellectual property and unfair competition. Intellectual property in action and the role of registering authorities (enforcement and dispute settlement). Intellectual property and agriculture. Intellectual property and convention on biological diversity. Intellectual property and public health. Intellectual property and climate change. Intellectual property and internet (e-commerce), intellectual property and human rights. Intellectual property and economic development (technology transfer, foreign direct investment etc.).

Instructional Strategies:

TUTORIALS/SEMINARS

The tutorials/seminars intend to develop in students the skills set out below which are essential to the study and practice of law:

- case study with critical analysis (each student/group of 5 students will collect 50 latest Bangladeshi cases for preparing a case diary following the IRAC approach, 2 cases covering each topic mentioned above, and present in the tutorial classes.)
- problem identification and solving;

- successful completion of given tasks on time and without supervision;
- collection, analysis and evaluation of legal information;
- effective communication in both the spoken and written word;
- working alone and in groups in dispensing practical advice to clients.

The aim of the tutorials/seminars is that students develop their skills in high-level independent research, critical thinking and writing, oral presentation and time management. Such skills will be mastered through deliberations, interactions and discussions. These efforts are expected to enable students to undertake a legal research project that can lead to an assignment/dissertation/conference paper/journal article.

ASSIGNMENT

Students are required to write an individual/group assignment consisting of 3,500-5,000 words excluding the footnotes. However, footnotes have to be consistent and in line with any standard guideline. For this, students will have to propose an independent topic as regards land law in a prescribed format and it must be approved by the course teacher within the first 3 months of the academic session. A photocopy of the approval will be kept by the course teacher and the original will be the cover page of the essay. An essay topic different to the topic approved by the course teacher that is not first submitted to the course teacher and approved will not be evaluated. In addition, standard rules of plagiarism will strictly be followed in marking the assignment. *“Plagiarism involves using the work of another person and presenting it as one’s own.”*

Submission deadline will duly be notified but is expected to be earlier than the last teaching day. Unless prior arrangements are made with the course teacher, a hard copy of assignments is required to be handed in to the Law Department Office and an acknowledgement made thereof by the office is appreciated.

Assessment:

Students are advised to take preparation for problem-based and analytical questions in all written exams

Final Marks: 70

First Term: 10

Second Term: 10

Assignment: 10 (Students are required to write an individual/group assignment consisting of 3,500-5,000 words excluding the footnotes.)

RECOMMENDED TEXTS

1. Cornish, William, David Llewelyn, and Tanya *Intellectual Property: Patents, Copyrights, Trademarks & Allied Rights* (8th Revised Edition, Oxford Univ. Press, 2013)
2. Bently, Lionel and Brad Sherman, *Intellectual Property Law* (4th Edition, Oxford Univ. Press, 2014)
3. Bainbridge, David, *Intellectual Property* (9th Edition, Longman, 2012)
4. Aplin, Tanya and Jennifer Davis, *Intellectual Property Law: Text, Cases and Materials* (2nd Edition, Oxford Univ. Press, 2013)
5. WIPO, *WIPO Intellectual Property Handbook: Policy, Law and Use* (2nd Edition, WIPO, 2004)
6. Islam, Mohammad Towhidul, *TRIPS Agreement of the WTO: Implications and Challenges for Bangladesh* (Cambridge Scholars Publishing, UK, 2013)

RECOMMENDED JOURNAL ARTICLES

1. M T Islam, 'Protection of Public Interests through a Human Rights Framework in the TRIPS Agreement: Realities and Challenges' (2009) 4(8) *Journal of Intellectual Property Law and Practice (Oxford)* 573-582
2. M T Islam, 'Implications of the TRIPS Agreement for Bangladesh: Prospects and Concerns' (2009) 6 *Macquarie Journal of Business Law* 1-19
3. M T Islam, 'Problems and Politics of IPRs Protection from WIPO to WTO: The Case Study of Bangladesh' (2009) 21(2) *Sri Lanka Journal of International Law* 1-59
4. M T Islam, 'TRIPS Protection of IPRs as Private Rights: Implications on the Right to Health' (2009) 13(1) *Mediterranean Journal of Human Rights (University of Malta and University of Enna, Italy)* 55-79
5. M T Islam, 'TRIPS Agreement and Economic Development: Implications and Challenges for Least-Developed Countries like Bangladesh' [2010] (2) *Nordic Journal of Commercial Law* 1-48
6. M T Islam, 'TRIPS Agreement and Public Health: Implications and Challenges for Bangladesh' (2011) 17(1) *International Trade Law and Regulation* (Sweet & Maxwell: London) 10-39
7. M T Islam, 'TRIPS Agreement and Agriculture: Implications and Challenges for Bangladesh' (2011) 8(2) *Manchester Journal of International Economic Law* 38-84
8. M T Islam, 'Linking Intellectual Property Rights with Plant Genetic Resources: Myths and Realities for Food Security in Least Developed Countries such as Bangladesh' [2012] *WIPO-WTO Colloquium Papers* 11-30.
9. M T Islam, 'Cross-border GI Protection: Challenges and Ramifications for Bangladesh' [2017] [Special Edition] *WIPO-WTO Colloquium Papers* (accepted for publication) (with co-author).
10. M T Islam, 'TICFA and Intellectual Property Rights: Implications and Challenges for Subsistence Needs in Bangladesh' (2013) 24(2) *Dhaka University Law Journal* 49-66 (with co-author)
11. M T Islam, 'Introducing Geographical Indications in Bangladesh' (2013) 24(1) *Dhaka University Law Journal* 51-82 (with co-author)
12. M T Islam, 'TRIPS Agreement and Bangladesh: Implications and Challenges' (2007) 18(2) *Dhaka University Law Journal* 57-80
13. M T Islam, 'Trademark Licensing: Bangladesh Perspective' (2006) 17(1) *Dhaka University Studies Part-F (Journal of the Faculty of Law)* 87-112

LLM 518: LAW OF INTERNATIONAL COMMERCIAL ARBITRATION

1. INTRODUCTION

Why arbitrate, Litigation v arbitration: Advantages of arbitration, Disadvantages; Other methods of ADR.

2. THE ARBITRATION AGREEMENT

Commercial; Formation; Interpretation; ambiguous arbitration clauses; Validity; Enforcement: role of court.

3. CHOICE OF LAW IN INTERNATIONAL ARBITRATION

Substantive & Procedural, UNCITRAL Model Law of Arbitration, Arbitrability.

4. AD-HOC AND INSTITUTIONAL ARBITRATION

Ad-hoc arbitration: advantages v disadvantages, UNCITRAL Rules of arbitration, Role of PCA Secretary General, Designating Authority, Appointment of arbitrator

Institutional Arbitration: advantages v disadvantages; Role of Institutions: PCA, ICC, LCIA, AAA, CIETAC, HIAC, SIAC, ICA, ICSID.

5. THE ARBITRAL PROCESS

Constitution and composition of the tribunal: Extent of tribunal's authority, Independence and impartiality of arbitrators, Challenge on jurisdiction, Removal of arbitrators, Place of arbitration, Language of arbitration, Choosing rules of arbitration, Evidence in arbitration, Procedural orders, Awards, Costs.

6. INTERNATIONAL ARBITRATION AWARDS

Is there an Award? Finality, Correction and Interpretation of the Award, Setting aside of award, Recognition and Enforcement.

7. MISCELLANEOUS

Confidentiality in Arbitration, Assistance and Supervision by courts, Provisional/Interim measures in International Arbitration, Multi-party issues in International Arbitration, Arbitration and Human rights, Environmental Arbitration – PCA rules.

Recommended reading

1. S Roberts & M. Palmer, *Dispute Processes: ADR and the Primary Form of Decision-Making* (Cambridge 2005)
2. S Goldberg, F Sander & N Rogers, *Dispute Resolution* (Little Brown, 2nd Edition, 1992)
3. J Murray, A Rau, & E Sherman, *Processes of Dispute Resolution* (Foundation Press, 2nd Edition, 1996).
4. Redfern and Hunter, *Law and Practice of International Commercial Arbitration* (2004).
5. Gaillard and Savage (eds), Fouchard, Gaillard and Goldman on International Commercial Arbitration (1999)
6. Clive M. Schmitthoff, *International Commercial Arbitration*.
7. Holtzmann, Howard M, *A Guide to the UNCITRAL Model Law on International Commercial Arbitration: Legislative History and Commentary*.
8. W. Laurence Craig, William W. Park & Jan Paulsson, *International Chamber of Commerce Arbitration*.
9. Jan Paulsson ... [et al.], *The Freshfields Guide to Arbitration and ADR : Clauses in International Contracts*.

10. Julian D.M. Lew, Loukas A. Mistelis, Stefan M. Kroll, *Comparative International Commercial Arbitration*.
11. Gary B. Born, *International Commercial Arbitration in the United States: Commentary & Materials*

Others

1. *Arbitration: Mealey's Litigation Report*.
2. *International Arbitration: Mealey's Litigation Report*.
3. *American Review of International Arbitration*.
4. *Journal of International Arbitration*
5. *Arbitration International*

LLM 519: LAW OF INTERNATIONAL BUSINESS TRANSACTIONS

1. INTRODUCTION

International economic environment in the globalized context; Nature of international business transactions; Role of various international institutions in the development of rules of business.

2. INTERNATIONAL TRADE IN GOODS

2.1 INTERNATIONAL SALE OF GOODS

CISG; The contract of sale – nature and formation; Representations and warranties; Terms of contract – Sale of Goods Act; Express terms; Implied terms: Quality, Description, Fitness for purpose, Sale by sample – specific problems; Defective goods – breach in general.

2.2. CIF CONTRACT

Definition, Nature of the contract, Duty of the seller, Duty of the buyer, Passing of property, Remedies.

2.3 FOB CONTRACT

Definition, Nature of the contract, Passing of property, Duty of the buyer, Duty of the seller, Remedies.

2.4 SHIPMENT OF GOODS- CARRIAGE BY SEA

Contract of affreightment: Parties, Nature, Construction of the contract; Rules of construction; UNIDROIT principles; Implied obligations. The charterparty: Charterparty by demise, Voyage charterparty, Time charterparty. Performance of the contract: Pre-loading obligations, Loading of the cargo, The voyage – necessity, deviation, transshipment and jettison, Delivery. Bills of lading and their functions: Definition and nature of a bill of lading, Functions of bill of lading, As a receipt, As a contract or evidence of contract?, As a document of title. Specific issues regarding bills of lading: Bills of lading and third parties, Presentation of bills of lading and problems in presentation, E-bills of lading. Application of Hague-Visby Rules, Hamburg Rules, UNIDROIT principles: Rights and liabilities of the carrier (charterer/shipowner) for loss or damage to cargo.

2.5 INSURANCE OF GOODS

Nature and subject matter of insurance: Insurable interest – cargo, Disclosure obligation of the insured, Terms, Conditions and warranties, Insured risks: All risk clause, Specific risks, ‘War and strikes’; Exclusion clauses; Losses: Total loss of goods, Partial loss of goods, Abandonment, Damages for loss – quantification, indemnity and process.

2.6 CARRIAGE OF GOODS BY ROAD

Nature of the contract, Legal framework – CMR Convention, Liability of the carrier: Delay in delivery, Non-delivery, Damage to the goods, Defences to carrier; Compensation and limitation of liability.

2.7 MULTIMODAL TRANSPORT CONTRACTS

Definition and legal nature of the contract; Legal regime; Combined carriage documents; Duties and liabilities of successive carriers; Liabilities of freight forwarders.

2.8 FINANCING THE TRANSACTION

Letter of credit – nature of obligation among the parties, Standby letter of credit, Tender of documents, What documents must the seller tender for getting paid?, What documents must the buyer tender for getting the goods?, Bank's responsibilities, Strict compliance, Fraud; Remedies for wrongful tender: Rejection of documents, Re-tendering.

3. BUSINESS ORGANIZATION AND TRANSACTIONAL STRUCTURE

Joint venture agreement; Distributorship agreement; Franchise agreement; Licensing agreement.

4. LITIGATING INTERNATIONAL CONTRACTS - OVERVIEW

Overview of different methods; Choice of law and forum in international sale of goods; Party autonomy; Extraterritoriality.

Recommended Reading

1. Benjamin, *Sale of Goods* (2006).
2. Carver, *Carriage by Sea* – vols. 1 & 2 (1982)
3. Carver, *Carver on Bills of Lading* (2005)
4. Stewart Boyd, et.al (eds.), *Scrutton on Charterparties* (1996)
5. Andrew Messent & David Glass, *CMR: Contracts for the International Carriage by Road* (2000)
6. David Glass, *Freight forwarding and multimodal transport contracts* (2004)
7. Atiyah, *Sale of Goods*

LLM 520: LAW OF INTERNATIONAL TRADE AND THE WTO

1. INTRODUCTION

Early years of international trade – the era of FCN treaties; Subsequent developments; Rationale for multilateralism; Early years of current multilateral trading – confusions and challenges; Political economy of multilateral trade.

2. CREATION OF MULTILATERAL TRADE INSTITUTION

Lessons of WWII – influence on internationalization of trade control; Bretton Woods Conference to International Trade Organization; The GATT trade regime – negotiations, outcome and challenges; Emergence of the WTO.

3. THE WTO – ORGANISATION, DECISION MAKING AND NEGOTIATION PROCESS

Membership; Organizational structure; Objectives and functions; Decision making process in the WTO; Negotiation process in the WTO; Difference between GATT and WTO.

4. MINISTERIAL CONFERENCES – WTO SINCE 1995

Singapore; Geneva; Seattle; Doha; Cancun; Hong Kong; Discussions and outcome.

5. THE DOHA ROUND NEGOTIATIONS

Background; Agenda for discussions; Challenges faced during the negotiation process; Analysis of current progress.

6. THE WTO – NOTIONS AND PRINCIPLES

Non-discrimination: MFN, National treatment principle. Rules for market access – tariff and other barriers; Subsidies and countervailing duties; Antidumping; Safeguards.

7. TRADE IN SERVICES – GATS

Background and rationale for trade liberalization in services; Scope of GATS; GATS and GATT; Notions and Principles; Market access under GATS.

8. TECHNICAL BARRIERS TO TRADE AND SPA

9. EXCEPTIONS TO FREE TRADE PRINCIPLES

10. WTO AND AGRICULTURE

Agricultural trade under GATT; Subsequent development under Uruguay round; The WTO Agreement on agriculture; Restrictions on domestic subsidies; Export and other commitments.

11. WTO AND INTELLECTUAL PROPERTY

TRIPS as the main legal framework – overview of the agreement; Advantages and disadvantages for developing countries; General principles of the TRIPS agreement; Minimum standard requirements and challenges for developing countries; Enforcement of rights under TRIPS; Restrictive business practices; Public policy criticism.

12. WTO, TRADE AND INVESTMENT – TRIMS

13. ALTERNATIVES TO MULTILATERALISM: PREFERENTIAL TRADE AGREEMENTS AND THE WTO

14. ENFORCEMENT OF WTO OBLIGATIONS

Complaint and adjudication; Dispute Settlement Understanding (DSU).

15. WTO AND SUSTAINABLE DEVELOPMENT

WTO and human rights issues; WTO and environmental issues.

Recommended Reading

1. Jackson, *The World Trading System: Law and Policy of International Economic Relations* (2nd Edition 1997).
2. Matsushita et al, *The WTO: Law and Practice* (2003)
3. Jackson, *The World Trade Organization: Constitution and Jurisprudence* (1998)
4. Lowenfeld, A., *International Economic Law* (2000)
5. Jackson, *The Jurisprudence of GATT and WTO: Insights on Treaty Law and Economic Relations* (2000)
6. Schott, *The WTO After Seattle* (2002)
7. Hoekman, *The Political Economy of the World Trading System: From GATT to WTO* (2001)
8. UNCTAD, *Course on Dispute Settlement: WTO – Overview*,
http://www.unctad.org/en/docs/edmmisc232add11_en.pdf

LLM 521: ADMINISTRATIVE LAW

1. INTRODUCTION

Origin and development of Administrative Law as a separate branch of legal world.

2. CHANGES AND GROWTH OF ADMINISTRATIVE LAW

Conceptual impediments against the changes and growth of Administrative Law: Dicey's concept of Rule of Law, Theory of Separation of Powers, Negative attitude towards Bureaucracy and Bureaucratic expansion.

3. ADMINISTRATIVE AUTHORITIES

Administrative Authorities and their control mechanisms: President and Ministers, Civil Service, Local Government and Public Corporation.

4. REGULATION OF ADMINISTRATIVE ACTION

Regulation of Administrative Action: Regulation of Rule-making Action, Rule-decision or Quasi-judicial Action and Rule –Application Action of the Administration.

5. SOME ESSENTIAL LEGAL CONCEPTS IN ADMINISTRATIVE LAW

Modern Concept of Rule of Law, Concept of Natural Justice, Doctrine of *Ultra Vires*, Concept of Inquiries and Investigations, Administrative Discretion and Administrative Arbitrariness. Legal Concepts which are still in the process of growth in Administrative Law: Right to Information, Discretion to Disobey, Ombudsman and Concept of Public Interest Litigation.

6. REMEDIES IN ADMINISTRATIVE LAW

Writs, Actions for Damages, Injunctions and Declarations. Liabilities of Administration in Tort and Contracts, Privileges and Immunities of Administration in Suits. Estoppel and Waiver. Administrative Adjudication and Administrative Tribunals.

7. MISCELLANEOUS

Delegated Legislation, Executive Legislation and Sub-delegated Legislation. Extensive delegation of Legislative Powers to the Administration.

Books Recommended:

1. Bakar, Khondaker, Md. Abu: The Laws on Service in Bangladesh (1998).
2. Basu, D.D.: Administrative Law (5th Edition).
3. Fazal, M.A.: Judicial Control of Administrative Action in India, Pakistan and Bangladesh (1990).
4. Griffith and Street: Principles of Administrative Law (5th Edition).
5. Jaffe and Nathanson: Administrative Law: Cases and Materials (1961).
6. Jain and Jain: Principles of Administrative Law (4th Edition).
7. Jain, M.P: Changing Face of Administrative Law in India and Abroad (1982).
8. Khan, M.M.: Bureaucratic Self Preservation (1980).
9. Majid, Mustafa: Bangladesher Amlatantra (1991).
10. Ramachandran, V.G.: Administrative Law (1984).
11. Robson, W.A.: Justice and Administrative Law (3rd Edition).
12. Takwani, C.K.: Lectures on Administrative Law (1998).
13. Talukder, S.M. Hassan: Development of Administrative Law in Bangladesh: Outcomes and Prospects (1997).
14. Wade, E.C.S. and Phillips, G. Godfrey: Constitutional and Administrative Law (1997).
15. Wade, H.W.R. : Administrative Law (1971)
16. Wade, H.W.R. and Forsyth, G.F.: Administrative Law (7th Edition).

LLM 522: PRINCIPLES OF CIVIL LITIGATION

1. INTRODUCTION

Nature of Civil procedure - system of trial and procedure in Bangladesh - minimum requirement for procedural rules - definition of litigation - contrast between civil and criminal litigation and procedures - effect of difference between civil and criminal procedure.

2. NATURE OF CIVIL LITIGATION

Legal aspects - non justiciable disputes or questions -character of litigable disputes - summary disposal of non-litigable disputes - preventive justice; special and economic aspects - social pressures against litigation-social interest in litigation.

3. STRUCTURE AND ORGANIZATIONS

Structure and organizations of civil courts – Jurisdictions and - Special Jurisdiction of civil courts.

4. PRE-TRIAL PROCEDURE

Commencement of proceedings - Parties - cause of action - claim and counter claim- interpleader; Discovery and interrogatories - Commissions - local inquiry and investigation; Interlocutory matters - framing of issues - adjournments - preparation of a case - not surprise at the time of trial - control by the Court over proceedings; Procedure at trial - presentation of the case.

5. POST TRIAL STAGE

Appeals and Execution - procedure for appeal review - remand and revision - organization and jurisdiction - limits of jurisdiction for executing court - restitution - simplification of the procedure.

6. MAINTAINABILITY OF SUITS

Form (technicality) and substance (merit) of the suits - the principle of res-judicata and sub judis - the locus standi of the civil suits.

7. COSTS

Cost should follow the event -- compensatory costs - justification for costs - legal aid for litigants.

8. SUITS IN PARTICULAR CASE

Special procedures: Suits by or against Government officials - aliens - foreign rulers and envoys - minors - persons of unsound mind - representative suits - pauper suits.

9. REMEDIES IN CIVIL LITIGATION

Declaration - recovery of money - recovery of possession - rectification - cancellation of documents - specific performance - injunctions - arrest, detention and imprisonment -attachment and sale of proper.

10. CIVIL LITIGATION BEFORE TRIBUNALS

Nature and jurisdiction of statutory tribunals - procedure before tribunals - Non-Statutory jurisdiction, arbitration supervisor, jurisdiction of courts over tribunals.

11. ROLE OF THE JUDGES AND LAWYERS

Role of judges and lawyers in the process adjudication - legal profession - legal education - public participation in the process of administration of civil justice.

12. THE DEVELOPING IDEAS OF CIVIL PROCESS

Alternative dispute resolution in civil law - inherent powers of the court - public interest litigation - legal aid - reforming the civil.

13. DELAY IN CIVIL LITIGATION

Reading Materials:

1. Justice Mohammad Hamidul Haque: *Trial of Civil Suits and Criminal Cases* (Universal Book House, Dhaka, 2010)
2. Rafiqur Rahman: *Civil Litigation in Bangladesh* (Dhaka, 2010)
3. Mahmudul Islam and Probir Neogi: *Law of Civil Procedure* (Mullick Brothers, Dhaka, 2013)
4. Probir Neogi: *The Law of Specific Relief* (Mullick Brothers, Dhaka, 2011)
5. Avtar Sing: *Civil Procedure*
6. D.F. Mulla: *Civil Procedure Code, Vol. I and II*
7. Rao : *Civil Procedure Code*
8. Wade: *Administrative Law* (selected chapters).
9. Fazal: *Judicial Control of Administrative Actions* (selected chapters).
10. Mulla & Pollock : *Specific Relief Act*.
11. *Supreme Court Rules Procedure*
12. *High Court Civil Rules and Orders*
13. *The Civil Court Manual*.
14. Law Commission Reports to be specified by the teacher.
15. B.B. Mitra, *The Limitation Act, 1963*, 12th Ed. 1998. Vol. 1 & Vol.11
16. Sakar on Evidence, reprint 1997, Vol. 1 & Vol. 11
17. Mridulkanti Rakshit: *Guide to Civil Court Practice and Procedure*, 1987.
18. C.K. Takwani, *Civil Procedure*, 1983.
19. Smith and Bailey on the Modern English Legal System, 3th Ed.
20. H.W.R. Wade, *Administrative Law*.
21. *Supreme Court Rules Procedure*.
22. Khondaker Md. Abu Bakar. *The Laws on Service in Bangladesh*, 2nd edition, 1998.
23. Naim Ahmed, *Public Interest Litigation, Constitutional Issues and Remedies*, 1999.
24. M Zahir, *Delay in Courts and Courts Management*, Bangladesh Institute of Law and International Affairs, 1988.
25. Micheal Zander, *Cases and Material on the English Legal System*, 1996.
26. Gary Slapper, *The English Legal System*, 4th Ed. 1999.
27. V.R. Krishna Mer. *A Case Book for Basic Change*.

LLM 523: CONFLICT OF LAWS

1. INTRODUCTION

Definition, nature and scope of Conflict of Laws, Definition of Conflict of laws, Conflict of Personal laws;, Subject-matter of Private International Law: Choice of Jurisdiction, Choice of Law, Recognition of Foreign Judgments; Reasons for Application of Foreign Law, Distinction between Private International Law and Public International Law, Basis of Application of Foreign Law.

2. HISTORICAL DEVELOPMENT AND THEORIES OF PRIVATE INTERNATIONAL LAW

Historical Antecedents of Europe, Evolution of Private International Law in England, The French Statute Theory, The Dutch Statute Theory, The Evolution of Private International Law in India and other South Asian Countries; Theories of Private International Law: Statute Theory, International Theory, Territorial Theory, Local Law Theory, Theory of Justice.

3. STAGES IN A CONFLICT OF LAW CASES AND THE THEORIES OF CHARACTERIZATION

Stages: Jurisdiction, Characterization or Classification of the cause of action, Choice of Law; Theories of Characterization: Characterization on the basis of *lex fori*, Characterization on the basis of Lex Cause, Characterization on the basis of Comparative law, Theory of Primary and Secondary Characterization, Choice of Law: the problem of renvoi,, foreign court theory.

4. PRELIMINARY CONSIDERATIONS OF PRIVATE INTERNATIONAL LAW

Domicile and Nationality: Definition of domicile, fundamental principles of domicile, kinds of domicile- domicile of origin, domicile of choice, domicile of dependents,; Distinction between domicile , citizenship and nationality;

Jurisdiction of Courts: State jurisdiction, Domicile as a basis of court jurisdiction, Different kinds of court jurisdiction- action in personam, action in rem, action relating to property, admiralty jurisdiction , jurisdiction to stay action.

5. FAMILY LAWS

Marriage, Dissolution of Marriage, Legitimation, Adoption, Guardianship and the custody of minor child, Jurisdiction of courts and the choice law.

6. LAW OF PROPERTY

Distinction between Moveables and Immoveables, Lex Situs Rule, Transfer of Immoveable property, meaning of Lex situs, Transfer of Tangible Moveables, Transfer of Immoveables, Shares, Negotiable instruments. Jurisdiction of courts, choice of law.

7. SUCCESSION

Different systems of succession, General principles of succession: principles relating to moveable and immoveable property: Authority to administer estate of deceased, powers and functions of administration`, Intestate Succession and Testamentary succession, essential validity of a will, Jurisdiction of court, choice of law

8. CORPORATIONS

Corporation as a legal person, Nationality of Corporations, Enemy Character of Corporations, Residence of Corporations, Jurisdiction of Courts.

9. CONTRACTS

Problems in commercial contracts, validity of contracts: capacity to contract, formal validity, essential validity; Theory of the proper law of contract, Presumptions of the proper law of the contract: Lex loci

contractus, Lex loci solutionis, Lex fori, Law of the ships flag, Cheshire's views on presumption and the proper law of the contract, Indian Court Views, Interpretation of contracts, Discharge of Contracts, Unenforceable Contracts.

10. TORTS

Theories, English Law of Torts: Lex fori theory, Lex loci delicti commissi, Proper law theory; Indian Law of Torts, Maritime and Aerial Torts, Jurisdiction of the Courts.

11. PROCEDURE

Difference between substance and Procedure, Matters appertaining to procedure like (a) the time within which an action must be brought; (b) the mood in which an action must be brought: Burden of proof, Evidence, Form of action, Priorities; (c) the nature and extent of remedy, (d) Execution (e) Stay of Actions

12. FOREIGN JUDGEMENT

Basis of Recognition of Foreign Judgments, Recognition of Foreign Judgments, Finality of Foreign Judgment; when an action on Foreign Judgment may fail; Foreign Court must be of Competent Jurisdiction; Judgment impeachable on merits; Judgment Opposed to Natural Justice; Judgment vitiated by Fraud; Foreign Judgment against Public Policy, Direct Execution of Foreign Decrees, Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.

Books Recommended:

1. G.C. Cheshire and P.M. North, *Private International Law*, Butterworths Law; 12Rev Ed edition (July 1992).
2. Peter North and J. J. Fawcett, *Cheshire and North's Private International Law* Thirteenth Edition, Oxford University Press, USA, 2005.
3. A. Claire Cutler, *Private Power and Global Authority: Transnational Merchant Law in the Global Political Economy*, Cambridge Studies in International Relations, 2003.
4. Paul Griffith Garland, *American-Brazilian private international law (Bilateral studies in private international law)*, 1959.
5. Arthur Taylor Von Mehren, *The Hague Academy of International Law Monographs, Adjudicatory Authority in Private International Law: A Comparative Study*, 2007.
6. Raleigh C. Minor, *Conflict of Laws / Private International Law*, Fred B Rothman & Co; Reprint edition (October 1985).
7. Michael Bogdan, *EU Private International Law: An Ec Court Casebook*, Europa Law Publishing (December 2006).

LLM 524: PRINCIPLES OF CRIMINAL LITIGATION

Definition of Criminal Litigation, Distinction between Civil & Criminal Litigation and Procedure. Effect of difference between Civil and Criminal Procedure. Historical background of Criminal Justice system in Bangladesh. General Principles of criminal law and criminal responsibility. Jurisdiction of Criminal Courts. Territorial & Extra Territorial Jurisdiction of the criminal courts. Characteristics of complaint case, Non cognizable and cognizable cases. Cognizance under general penal laws and special penal laws. Role of investigating officer in General and Special Criminal Cases. Law on anticipatory bail. General Principles of offences relating to money laundering and corruption. Confessional statement and its legal requirements. Use and evidentiary value of confessional statement and extra-judicial statement. Significance of framing charge and indictment in criminal case. Trial before the Court of Magistrates, Sessions Judge and Tribunals. Appeal, Revision, Quashment. Criminal litigation and constitutional rights of an individual: how far does criminal litigation involve infringement of an individual's fundamental right guaranteed by the constitution; special emphasis on arrest, remand, detention and discharge, acquittal and bail i.e. Constitutional Remedies against Illegal Arrest and Detention.

Books Recommended

Justice Mohammad Hamidul Haque, *Trial of Civil Suits and Criminal Cases* (Universal Book House, Dhaka, 2010)

Zahirul Hoque, *Law & Practice of Criminal Procedure* (9th Edition, 2005)

Abdul Halim, *Textbook on Criminal Procedure Code*

Smith and Hogan, *Criminal Law*.

LLM 525: PRINCIPLES OF EQUITY AS APPLIED IN BANGLADESH THROUGH CODIFICATION

A) Background of Equity Jurisdiction. Nature and Defect of Common Law Jurisdiction-Introduction of Equitable Principles into Common Law-Division of Jurisdiction – Concurrent and Auxiliary-Conflict between Equity and Common Law Jurisdiction-Difficulties (of Double Jurisdiction – Gradual Statutory Developments – Fusion of Equity and Law.

B) Importation of English Equitable Principles in this sub-continent by the English Judges. Extent-its Convenience-Inconvenience.

C) Application of English Equitable Principles Through Codification in Bangladesh.

Principles of Covenants in Equity – Equitable Interests – Ownership – Estoppel – Priority Part – Performance – Merger – Forfeiture – Lien-Selva – Election – Redemption – Foreclosure – Consolidation – Marshalling – Contribution – Subrogation – Recovery of Possession – Specific Performance and Damages – Declaratory Decree – Injunctions – Receiver – Trusts – Resulting Trust – Constructive Trusts – Doctrine of Advancement – Doctrine of Cypriss. Doctrine of Satisfaction and Ademption. Principles of Acceleration, Disclaimer and Equitable Assignments.

Books Recommended:

Sl. No.	Author	Title
1.	Row	Law of Injunctions, 1981
2.	Scott, A.W.	The Law of Trusts Vol. ID. IV 2 nd edition 1956
3.	Stoke, S. DR. W.	The Specific Relief Act, 1862
4.	Signal	Indian Contract Act
5.	Dr. Md. Nurul Haq	Sunidista Pratikar Ain-O-Alochana
6.	Hensbuny H.E.	The Principles of Equity 6 th Ed. 1952
7.	Lindley	The Law of Partnership 13 th Ed.
8.	Mandsley, Ronald Harling	Modern Equity 9 th Ed.
9.	Bigelow	The Law Estoppel 6 th Ed.
10.	Clarke, R	The Law of Receivers
11.	Aggarwala	The Sale of goods Act, 1930
12.	Badb Nrisinda Das	The Indian Act, 1925
13.	Henry L. Meliutock	Hand Book of the Principles of Equity 2 nd Ed. 1948
14.	Singhal, M.L.	The Code of Civil Procedure, 1908, 5 th Ed., 1985
15.	Turner	The Law of Redemhtim
16.	Waldock	The Law of mortgages 2 nd Ed. 1950
17.	Honbery and Hads	Modern Equity 10 th Ed. 1976
18.	Pomeroy	Treatises on the Specific Performance of Contracts, 3 rd Ed. 1926
19.	Prestonand Newsom	Restrictive Covenants Affecting Land, 4 th Ed. 1967
20.	Pollock and Mollah	Indian Contract and Specific Relief Act, 9 th Ed.
21.	Pollack	Indian Sale of Goods and Partnership Act
22.	Sir Iswari Ghour	Transfer of Property Act, 1882
23.	Snell's	Principles Equity 28 th Ed. 1992
24.	Dr. Md. Nurul Haq	Sampoti Hastantor Ain-O-Alochana

LLM 526: GENDER IN GENERAL LAW

Development of the perspective of 'Gender' in modern law. Interface between Gender and Law. Why the study of gender issue is contextual and significant in the study of law. Women's legal status in domestic law of Bangladesh. Women's rights and the Constitution of Bangladesh Women's rights and the family law of Bangladesh. Nationality of married women, equal pay for equal work, constitutional theory of gender equality, statutory restrictions on discrimination in employment and education.

International instruments relating to human rights of women; Development of standards relating to women, Beijing Declaration and Platform of Action 1995, background and content of the Convention on the Elimination of all Forms of Discrimination against Women 1979 and its Optional Protocol 1999, functions of the Committee, reporting procedure and monitoring; Women in armed conflict; Women refugees; Declaration on the Protection of Women and Children in Emergency and Armed Conflict 1974.

Property law and women; Violence against women and Women's rights under the Penal law; law of evidence and special laws. Protection of women's rights under the labour law. International laws and Conventions on the protection of women's rights and their implications for Bangladesh.

Discrimination of women in the legislature and legal paternalism. Access to law, traditional methods of Shalish and formal courts. Legal aid and support system.

Books Recommended:

- Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis*, Manchester University Press, Manchester 2000.
- Rebecca J. Cook (ed.) *Human Rights of Women: National and International Perspectives*, University of Pennsylvania Press, Philadelphia, 1994.
- United Nations Publication, *Human Rights and Legal System in the Asian and Pacific Region*, Studies on Women in Development Series No. 1, 1998.
- United Nations Publication, *Bringing International Human rights Law Home. Judicial Colloquium on the Domestic Application of CEDAW and CRC*, New York, United Nations Division for the Advancement of Women, 2000.
- Hodkinson Keith *Muslim Family Law: A Source Book*, London and Canberra, 1984.
- Pearl, David and Menski, Werner, *A Text Book on Muslim Law*, London, 2004.
- Monsoor, Taslima *From Patriarchy to Gender Equity: Family Law and its Impact on Women in Bangladesh*, Dhaka, 1999.
- Schacht, Joseph, *An Introduction to Islamic Law*, Oxford, 1964.
- Pereira, m Faustina *The Fractured Scales – The Search for a Uniform Personal Code*, Dhaka, 2002.
- Agnes, Flavia. *Law and Gender Inequality – The Politics of Women's Rights in India*. Oxford et al 2004
- Nahid Ferdousi & Others, *Women and Law*, Dhaka, 2004.
- J.P Bhatnagar *Law Relating to Women and their Rights*
- Meghna Guhathkurta: *Contemporary Feminist Perspective*.
- Roushan Jahan: *Women and Family violence in Bangladesh*.

Governing Legislation :

The Muslim Personal Law (Shariat Application) Act, 1937 (Act No. XXVI of 1937).
 The Dissolution of Muslim Marriages Act, 1939 (Act No. III of 1939).
 The Child Marriage Restraint Act, 1929 (Act No. XIX of 1929).
 The Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961).
 The Muslim Marriage and Divorces (Registration) Act, 1974 (Act No. LII of 1974).
 The Guardians and Wards Act, 1890 (Act No. VIII of 1890).
 The Succession Act, 1925 (Act No. XXXIX of 1925).
 The Wakf Ordinance, 1962 (East Pakistan Ordinance No. 1 of 1962).
 The Mussalman Wakf Validating Act, 1913 (Act No. VI of 1913).
 The Mussalman Wakf Validating Act, 1930 (Act No. XXXII of 1930).
 The Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961).
 The Family Courts Ordinance, 1985 (Ordinance No. XVIII of 1985).
 The Hindu Women's Right to Property Act, 1937 (Act No. XVIII of 1937).
 The Hindu Marred Women's Right to Separate Residence and Maintenance Act, 1946 (Act No. XIX of 1946).

Relevant Journals:

Dhaka University Studies, Part-F
 Chittagong University Journal of Law
 Rajshahi University journal of Law
 American Journal of Family Law
 Australian Journal of Family Law
 Family Law Quarterly

Relevant Case Law:

Abul Basher Vs. Nurun Nabi, 39 DLR
 Abdullah Vs. Rokeya Khatun 2 DLR 13
 Abul Basher Howlader Vs. State 14 BLD (AD) 1994
 Ananda and Others Vs. The State 41 DLR
 Bishnu Dayal Vs. State of Bihar AIR 1981
 Kazi Akbar Hussain Vs. Shamsuddin Ahmed, 31 DLR 430
 Malek Uddin and Others Vs. State and Others, 36 DLR
 Md. Abdul Khaleque Vs. Salina Begum 42 DLR
 Md. Abu Baker Vs. Sl.R.A. Bakar and Others 38 DLR (AD) 106
 Md. Serajul Islam Vs. Mst. Helena Begum (1995) BLD 40

Relevant Websites:

www.nyulawglobal.org/globalex/Transnational_Comparative_Family_Law.htm
http://aw.shu.edu/administration/registrar_bursar/courses/course_descriptions/INTL9617.html
www.llpecom/faculties/int_fam.htm
www.wranchell.edu/resources/ilr.asp?key1=Family+Law
www.blcl.org/publications/view/-/id/106/
www.ucalgary.ca/~crilf/sub/journal.html

(Further references of relevant books, journals, cases laws, websites and their updates will be circulated by the course teacher concerned)

LLM 527: GENDER IN LAW AND SOCIETY

The purpose of this course is to give students an opportunity to explore familiar legal principles through a “gender lens,” and to evaluate the propriety and efficacy of that lens in particular contexts. We will examine the ways in which law has limited women’s roles in society – for example, though formally constraining women’s full participation as citizens. At the same time, we will evaluate the law’s utility as a driver of social change, looking at the complex relationship between law and social practices.

This course of seminars involves the detailed study of a practice – relevant range of selected issues in contemporary South Asia, especially Bangladesh. The course material is divided roughly half into Women in Society (term 1) and Violence against women (term 2), although no clear division of the two can be made.

Women in Society: The course concentrates on Subordinate status of women in society, socialization process, cultural and economic reasons for son preference, patriarchy and Purdah, image of ideal womanhood. Gender division of labour and resources, employment discrimination and maternity benefits, power and subordination, gender and other social differences. Women’s citizenship, equality of rights as a citizen, equal access to law and equal capacity to shape public policy.

Violence against women: Concepts of aggression and violence, violence against women as a global and national issue. Forms of violence against women and their prevalence-sexual harassment, domestic violence, hazards of marriage to HIV AIDS persons, child abuse, rape, dowry, trafficking, acid throwing and other forms of violence. Major interventions and preventive measures-management of victims of violence, support services, role of law enforcing authorities, prevention of violence against women and development of a multidisciplinary approach.

LLM 528: GENDER AND FAMILY LAW

A. Background and Theoretical Concepts of the Study:

- A.1. *Sharia*/ Islamic Law and Women in a wider context
- A.2. Islamic Family Law Reforms and Women the Legal Pluralism in Bangladesh.
- A.3. Judicial Activism and Women in the Legal System of Bangladesh.

B.

B.1. Marriage/Nikah

- B.1.1. Marriage and Gender under Family Law
- B.1.2. Dissolution of Marriage and Gender and Family Law
- B.1.3. Custody of Minor, Guardianship and Gender under Family Law.

C.

1. Dower/Mahr:

- C.1.1 Dower/Mahr: Economic Empowerment or Deprivation of Muslim Women
- C. 1.2 Mahr/Dower the Weapon for Empowerment of Muslim Women
- C. 1.3 Dower and Dowry the Confusion which Affects the Empowerment of Muslim Women
- C .1.4 Evidence of Reported and Unreported Cases on Dower
- C.1.5 Dower and Dowry the confusion which affects the Empowerment of Muslim Women

2. Maintenance/Nafaqa:

- C. 2.1 Maintenance for Women in Bangladeshi Law Today with Special Emphasis on Hefzur Rahman's Case
- C.2.2 Maintenance to Muslim Wives: The Legal Connotations
- C.2.3 Evidence of Reported and Unreported Cases on Maintenance

3. Inheritance/Faraiz:

- C.3.1 Inheritance or Intestate Property Rights and Women in Bangladesh
- C. 3.2 In Search for Security and Poverty Alleviation: Women's Inheritable Entitlements to Land, the Untapped Resources
- C.3.3 Gender Equity and Economic Transformation of Women by the Enforcement of Family Law in Bangladesh: A Socio-legal Perspective
- C. 3.4 Evidence of Reported Cases on Inheritance

D. Conclusion

- D.1 Alternative Dispute resolution in Gender and Family Law.

Book Reference

- 1. Ali, Asghar: Status of Women in Islam, Delhi 1987.
- 2. Ali Syed Ameer: Mahommedan Law. Vol.i, (4th Ed.) Calcutta 1912, reprint New Delhi 1985.
- 3. Doi, Abdur Rahman I.: Women in *Shariah* (Islamic Law). London 1989.
- 4. Esposito, John L.: Women in Muslim Family Law. New York, 1982.
- 5. Ibrahim, Ahmad: The Status of Muslim Women in Family Law in Malaysia, Singapore and Brunei. Singapore 1965.
- 6. Mernissi, Fatima: Beyond the Veil: Male-Female Dynamics in Muslim Society. (rev. ed.) London 1985.

6. Mernissi, Fatima: *Women and Islam: An Historical and Theological Equity*. Oxford 1991.
7. Nasir, Jamal J.: *The Islamic Law of Personal Status*. London 1986.
8. Nasir, Jamal J.: *The Status of Women under Islamic Law and under Modern Islamic Legislation*. London 1990.
9. Monsoor, Taslima: *Gender Equity Family Law and its impact on Women in Bangladesh*, The University Press, Dhaka 1999.
10. Monsoor, Taslima: *Judiciary and Gender on Trial: Reported and Unreported Decisions of the Family Courts*, Nymphaea, Dhaka 1995.

Article

1. Recent Bangladesh Legislation Affecting Women: Child Marriage, Dowry and Cruelty to Women'. In *Islamic and Comparative Law Quarterly*. Vol. V, No. 3-4, 1985, pp. 226-264.
2. Hinchcliffe, Doreen: 'Divorce in Pakistan: Judicial Reform'. In *Journal of Islamic and Comparative Law*. Vol. 2, 1968, pp.13-35.
3. Mahmood, Tahir: 'Custom as a Source of Law in Islam'. In *Journal of the Indian Law Institute*. Vol. 7, No. 2, 1965, pp. 49-94 and 102-106.
4. 'The Grandeur of Womanhood in Islam'. In *Islamic and Comparative Law Quarterly*. Vol. VI, No. 1, 1986, pp. 1-13.

LLM 529: FEMINIST LEGAL THEORY

This course will focus on developing an understanding of the complex relations binding gender, race and legal theory and practice, in an effort, ultimately, to engage in questions regarding social change and justice. By using a spectrum of contemporary texts, it uses an interdisciplinary approach (weaving across social and political philosophy, interdisciplinary legal theories, feminism(s), and race and philosophy) to examine the assumptions and structures within which power is shaped and exercised, at both individual and institutional levels.

Part I: Foundations of Women's Legal Subordination: Women and Citizenship: Constitutional status of women, Women and Citizenship. The Limits of Equality.

Part II: Formal Equality: The Right to Equal Treatment, Formal Equality in Employment: Sex-based Stereotypes in Employment.

Part III: Substantive Equality: Pregnancy and Childbirth, Child care/ Work and Family, Education, The Family.

Part IV: Non-Subordination/Power Differentials: Sexual Harassment at Workplace, Violence and Domestic Violence.

Part V: Women's Different Voice: Definitions of "Women", Autonomy and Reproductive Rights.

Readings:

"Women Firefighters Struggle for First Rung," Christian Science Monitor, Dec. 3, 2001 (on TWEN)

"Jennifer Motley Enjoys Helping People for a Living," Estes Park Trail Plus, July 26, 2002

Female Firefighters, 2001: A Status Report, www.wfsi.org/status01.html

Schwartz v. Brodsky, 2003 WL 21262865 (May 29, 2003) (excerpted) (on TWEN)

Excerpts from Benner v. Canada, [1997] 1 S.C.R. 358

Canadian Constitution Arts. 15, 28 (on TWEN)

Massachusetts Constitution, Art. CVI (State ERA) (on TWEN)

Grutter v. Bollinger, 123S. Ct. 2325 (2003) excerpts) (on TWEN)

NOW Legal Defense Memo to Sept. 11 Victim Compensation Fund, Feb. 11, 2002

Nevada v. Hibbs, 123 S. Ct. 1972 (2003) (on TWEN)

Northeastern University's sexual harassment policy

Excerpts from New Mexico Right to Choose/NARAL v. Johnson, 126

Text Book:

The textbook for the course is Bartlett, Harris & Rhode, Gender and Law: Theory, Doctrine and Commentary (3rd edition). Page references are to this text. There is no published supplement, but supplemental readings will be distributed as the class proceeds. Many of the supplemental readings are posted on the Women and the Law homepage on TWEN under "course materials."

LLM 530: GENDER IN HUMAN RIGHTS

This course will provide the students with a transnational gender perspective on contemporary theories and practices of rights/human rights and humanitarianism. It brings together different sets of scholarship: gender theories, queer and postcolonial scholarship, theoretical perspectives on human rights along side with legal and policy perspectives - and will be of interest to students wanting to study the question of human rights in an interdisciplinary manner but also one that is crucially sutured to the question of gender. Consequently, the course will introduce students to several key theorists: Hannah Arendt, Giorgio Agamben, Jacques Rancière, Gayatri Spivak, Judith Butler, Christine Chinkin, Catherine MacKinnon, Wendy Brown among others while drawing attention to the evolution and working of international legal frameworks for securing women's rights and other marginal groups. The course will pay special attention to the struggles over 'humanity' and 'civilisation' as well as to tensions between citizenship rights (now thought in terms of global citizenship.) and human rights, and the transformation of the former in the light of the latter. It will also focus on feminist demands and struggles over rights such as those to sexuality, sexual rights, bodily rights, culture and citizenship; entitlements to material resources; to gendered protections in conflict, peacekeeping and war; and to vulnerability and precarity under neoliberal economic and political regimes. It will also examine all relevant international human rights documents.

Books Recommended

Abu Lughod, L. (2013) 'Do Muslim Women Need Saving', Harvard University Press.

Agamben, Giorgio. Homo sacer: Sovereign power and bare life. Stanford University Press, 1998.

Arendt, Hannah. The Origins of Totalitarianism. Houghton Mifflin Harcourt, 1973.

Balibar, Étienne. Equaliberty: Political Essays. Duke University Press, 2014.

Butler, Judith, and Athena Athanasiou. Dispossession: The performative in the political. John Wiley & Sons, 2013.

Douzina, C and Connor Gearty. (2014) 'The Meanings of Rights', Cambridge University Press.

Fassin, D. (2012) 'Humanitarian Reason', Harvard University Press.

Freeman, M, C. Chinkin and B. Rudolf eds. (2012) The UN Convention on the Elimination of All Forms of Discrimination against Women : A Commentary, Oxford University Press.

Moyn, Samuel (2010) 'The Last Utopia', Columbia University Press.

Sonia Correa, Rosalind Petchesky and Richard Parker (eds.) Sexuality, Health and Human Rights (New York: Routledge, 2008).

Richardson Diane, "Constructing Sexual Citizenship, Theorising Sexual Rights", in J. Shaw and I. Stiks, ed. The International Library of Essays on Rights: Citizenship Rights. London, UK: Ashgate, 2013.

Feldman, Ilana, and Miriam Ticktin. (2010) 'In the name of humanity: the government of threat and care'. Duke University Press.

Brown Wendy (2015) 'Undoing the Demos'.

Chatterjee, P. (2004) 'Politics of the Governed'.

LLM 531: PRINCIPLES AND PRACTICES OF ALTERNATIVE DISPUTE RESOLUTION

PART I: THEORIES AND PRINCIPLES OF ADR

- a) **Access to Justice and Alternative Dispute Resolution:** Access to justice – Its meaning, purpose; availability of justice vs. access to justice; barriers to access justice; limits to access formal justice in Bangladesh; improving access to justice through ADR.
- b) **Fundamentals of ADR:** Meaning and philosophies of ADR; Nature, scope and objectives of ADR; Forms of ADR- primary forms of ADR, hybrid forms of ADR; Advantage and disadvantages of ADR, Limitations of ADR.
- c) **Negotiation:** Definition; adversarial negotiation vs. Principled negotiation; BATNA and WATNA; role of emotion and culture in negotiation; ethical consideration and legal aspects of negotiation; impact of gender on negotiation; gender theories on negotiation.
- d) **Mediation:** Definition; types; philosophical difference between western style (Facilitative) and eastern style (Evaluative) mediation; stages of a mediation session- opening statement, 1st joint session, private *caucus*, 2nd joint session, agreement writing.
- e) **Mediator:** Role of a mediator, skills of successful mediators; techniques of an effective mediation, reframing, reality check, confidentiality principles for mediators
- f) **Conciliation:** Definition; matters suitable for conciliation; the conciliation process; strategies for better conciliation; conciliation vs. mediation.
- g) **Arbitration:** Definition; forms of arbitration; legal issues in arbitration; benefits of arbitration; binding and non-binding arbitration.

PART II: NATIONAL PRACTICES OF ADR

- a) **History and Development of ADR:** Development of ADR in developed countries; development of ADR in developing countries; History and Development of ADR in pre-historic era, Indian sub-continent, undivided Pakistan, development of ADR in Bangladesh: politicization of village *shalish*, development of NGO mediation, reformed ADR movement in 2000 to promote court-connected ADR; further prospects in court-connected ADR in Bangladesh.
- b) **Practices of Formal ADR in Bangladesh:** ADR in Family Courts- mandatory conciliation/mediation under the Family Courts Ordinance 1985, mediation process and consequences, limitations; ADR in Civil Courts- forms of ADR practiced under the Civil Procedure (Amendment) Act 2003, 2006 and 2012, mandatory mediation, mediation process and consequences; conduct of arbitration under CPC, limitations; ADR in Money Loan Courts Act 2003 and ADR in Money Loan Courts (Amendment) Act, 2010 - Mandatory ADR, procedure to conduct ADR, special procedure for high value claims, limitations; ADR in Labour Act, 2006-triangular system of ADR, legal consequences of settlement through ADR, shortcomings; practice of ADR in other formal courts.
- c) **Practice of Quasi-Formal ADR in Bangladesh:** ADR in *Village Courts Act, 2006* – formation of village courts, power of village courts, procedure to and legal consequences of conducting ADR by village courts; *ADR in Dispute Settlement Boards Act, 2014* ; *ADR in the Arbitration Act, 2001*: definition, procedure and enforcement of arbitral award; *ADR in the Muslim Family Laws Ordinance (MFLO), 1961*- formation and jurisdiction of Arbitration Council (AC), relevant case laws, limitations.
- d) **Practice of Informal ADR in Bangladesh:** Village *shalish* - forms of ADR practiced in village *shalish*, enforcement of *shalish* decisions, *fatwa* and village *shalish*, drawbacks; NGO mediation - nature of mediation provided by NGOs, major NGO providers, advantages of NGO mediation over village *shalish*, limitations;
- e) **Practice of ADR in criminal cases** - compounding, plea bargaining: objective and types, provision for compounding under the Penal Code and CrPC, ADR in criminal cases and ‘decriminalization of violence’.

PART III: INTERNATIONAL PRACTICES OF ADR

- a) **ADR under international instruments:** ADR in disputes relating to law of seas, UNCITRAL model on international commercial arbitration.

- b) **Procedural laws on ADR:** Rules for Alternative Dispute Resolution: Indiana rules of court; Mediation and conciliation project committee draft guidelines on mediation, India.

Governing legislations:

National [relevant sections/articles]

- *Arbitration (Amendment) Act, 2004* (Act II of 2004)
- *Arbitration Act, 2001* (Act I of 2001)
- *Code of Civil Procedure (Amendment) Act, 2003* (Act IV of 2003)
- *Code of Civil Procedure (Amendment) Act, 2006* (Act VIII of 2006)
- *Code of Civil Procedure (Amendment) Act, 2006* (Act XXXVI of 2012)
- *Code of Criminal Procedure, 1898* (Act No. V of 1898)
- *Conciliation of Disputes (Municipal Areas) Boards Act, 2004* (Act XII of 2004)
- *Domestic Violence (Suppression) Act, 2010* (Act LVIII 2010)
- *Dowry Prohibition Act, 1980* (Act No. XXXV of 1980)
- *Family Courts Ordinance, 1985* (Ordinance No. XVIII of 1985)
- *Income Tax Ordinance, 1984* (Ordinance No. XXXVI of 1984)
- *Insolvency Act, 1997* (Act No. X of 1997)
- *Labour Act, 2006* (Act XLII of 2006)
- *Money Loan Courts (Amendment) Act, 2010* (Act XVI of 2010)
- *Money Loan Courts Act, 2003* (Act VIII of 2003)
- *Muslim Family Laws Ordinance, 1961* (Ordinance VIII of 1961)
- *Penal Code, 1860* (Act XLV of 1860)
- *The Legal Aid Services Act, 2000* (Act VI of 2000)
- *Village Courts Act, 2006* (Act XIX of 2006)

International [relevant sections/articles]

- UN Charter
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- UNCITRAL
- ICSID
- ITLOS
- WTO - Dispute Resolution

Books Recommended:

- Boule, Laurence 2005, *Mediation: Principles, Process, Practice* (2nd ed.), Butterworths, Sydney.
- Spencer, David 2011, *Principles of Dispute Resolution*, Thomson Reuters Australia, Limited, Melbourne.
- Sourdin, T 2008, *Alternative Dispute Resolution* (3rd ed.), Thomson Reuters Australia, Limited, Melbourne.
- Taylor, A 2002, *The handbook of family dispute resolution: Mediation theory and practice*, Jossey-Bass, San Francisco.
- Chowdhury, Jamila A 2013, *ADR Theories and Practices: A Glimpse on Access to Justice and ADR in Bangladesh*, London College of Legal Studies (LCLS), Dhaka, Bangladesh.
- Chowdhury, Jamila A 2012, *Gender Power and Mediation: Evaluative Mediation to Challenge the Power of Social Discourses*, Cambridge Scholars Publishing, Newcastle upon Tyne, UK.
- Any other supplementary text on ADR practices in Bangladesh as suggested by the course teacher.
- Halim, Md. Abdul, *ADR in Bangladesh: Issues and Challenges*.
- Dr. Aktharuzzaman, Md., *বিকল্প বিরোধ নিষ্পত্তির ধারণা ও আইন এবং আইনগত সহায়তা প্রদান আইন*, (Revised ed. 2013), রাজিয়া খাতুন, ঢাকা।

Recommended other readings

- Astor, H and Chinkin, C 2002, *Dispute Resolution in Australia* (2nd ed.), Butterworths, 2nd edition.
- Astor, H 2007, '[Mediator neutrality: making sense of theory and practice](#)', *Social & Legal Studies*, vol. 16, no. 2, pp. 221-3.
- Avruch, K 1998, *Culture and Conflict Resolution*, United States Institute of Peace Press, Washington DC.
- Bagshaw, D 2001, 'The three M's-mediation, postmodernism, and the new millennium', *Mediation Quarterly*, vol. 18, no. 3, pp. 205-28.
- Beck, CJ & Sales, BD 2001, *Family mediation: Facts, myths, and future prospects*, The law and public policy, American Psychological Association, Washington, DC.
- Blocker, HG & Smith, EH (eds) 1976, *John Rawls' theory of social justice: An introduction*, Ohio University Press, Athens.
- Bush, RA & Folger, JP 1994, *The promise of mediation: Responding too conflict through empowerment and recognition*, Jossey-Bass, San Francisco.
- Khair, S 2008, *Legal empowerment for the poor and disadvantaged: Strategies, achievements and challenges*, CIDA, Dhaka.
- Monsoor, T 1999, *From Patriarchy to Gender Equity: Family Law and Its Impact on Women*, The University Press, Dhaka.
- Pryles, MC 2006, *Dispute Resolution in Asia*, Kulwer Law International, Alphen aan den Rijn, Netherlands.
- Chowdhury, JA 2011, 'Gender Justice in Bangladesh: A Time and Cost Impact to Resolve Family Disputes through Litigation vs. Court-Connected Mediation', *The Dhaka University Studies (Part F)*, vol. 22, no 2, pp. 77-92.
- Chowdhury, JA 2012, 'Legal Aid and Women's Access to Justice in Bangladesh: A Drizzling in the Desert', *International Research Journal of Social Sciences*, vol. 1, no. 3, pp. 1-8.
- Chowdhury, JA 2010, 'Legitimacy of Mediators' Power and Techniques of Intervention in Out-of-Court Family Mediation: An Empirical Observation Using the Riskin's Grid on Mediation', *The Dhaka University Studies (Part F)*, vol. 21, no. 2, pp. 165-97.
- Chowdhury, JA 2008, 'Gender, Power and Mediation: Post-Structural Power in Social Antiquity', *Pakistan Journal of Women's Studies*, vol. 15, no. 2, pp. 101-116.

LLM 532: AIR AND SPACE LAW

Objective:

To impart knowledge about the development of Air and Space Law, and recent emerging issues in Air and Space law.

Course Contents:

Introduction - Definition, scope, history, principles and standards and sources of Air law, Development of Air law (Paris Convention, 1910; Paris Convention, 1919; Madrid Convention, 1926; Havana Convention, 1928; Warsaw Convention and Chicago Convention, 1944 – Institution and organs for the creation and administration of Air Law – International institutions – membership, organs and functions - Organizational setup of International Civil Aviation Organization (ICAO), Legislative, Administrative and Judicial functions, Economic and Technical regulations. – The right to fly- Sovereignty over the Air Space – Air Transport agreements – Non-scheduled flights, Paris Agreement, 1956- Scheduled Air Services – Transit rights – Traffic and ancillary rights – Route planning, capacity control and rate fixing – Unauthorized entry, Air Ports and other navigation facilities – Licensing of aerodromes, customs aerodromes – Sanitary aerodromes - Provision of air and air navigation facilities.

The legal regime of aircraft – Definition and Classification of aircraft – Legal nature of aircraft – State aircraft – International recognition of rights in Air Craft – Nationality and Registration Certificates of airworthiness – International Standards and recommended practices – Documents to be carried and notices to be exhibited – Jurisdiction over aircraft – Crimes on Board Air craft – Customs, Seizure and arrest – The legal regime of Crew, Passenger and Cargo- licenses of personnel – International standards and recommended practice – Owners of aircrafts – Operators – Crew, entry and clearance regulations – Cargo restriction, mails and sanitary regulations- Air Transport and Carriage by air – The establishment and licensing on air transport services – Warsaw Convention – Related instruments – Non-international carriage, conditions of Carriage and conditions of Contract – Carriage by Air Act, Liabilities arising from operation of aircraft and air services, trespass, nuisance, collision.

Space Law: Introduction – From Air law to Space law- definition, nature, scope, development, and sources - International Control and Cooperation for peaceful use – Extraterrestrial application of international law – Outer space and the international legal framework - The U.N and outer space – The U.N. and development of international Law relating to outer space – the U.N Treaties on outer space: UN space treaties, The Space Treaty, 1967, The Rescue Agreement, 1968, The Liability Convention, 1972, The Registration Convention, 1975, The Moon Treaty, 1979, Partial Test Ban Treaty, 1963, Weather Modification Convention, 1977. International and Inter-Governmental organizations - the International legal status of outer space objects, Satellites and Spacemen- the Legal regime of outer space – the Legal status of astronauts, Space crafts and space objects, military uses of outer space- Commercial uses of outer space, Data gathering by Remote Sensing.

Bilateral agreement in space activity, Satellite broadcasting and telecommunication, Use of space technology, Remote sensing, Disaster prediction, Warning and mitigation, Management of earth resources, Satellite navigation and location, Space communication, Commercialization of space activities: Public and private sector activities, IP rights, Organization of space activities: DOS, and ISRO.

Suggested Readings:

- Bin Cheng, Studies in International Space Law, Oxford: Clarendon Press, 1997.
- Diederiks-Verschoor, I., An Introduction to Air Law, 9th ed., The Hague: Kluwer, 2012.
- Francis Lyall & Paul B Larsen, Space Law: A Treatise, London: Ashgate, 2009.
- I.H.Ph. Diederiks-Verschoor, An Introduction to Space Law, Kluwer Law International, 2008.
- I.H.Ph. Diederiks-Verschoor, and P.M.J. Mendes de Leon, An Introduction to Air Law, Kluwer, 9th ed., 2012.
- Lyall F. and Larsen, Paul B., Space Law – A Treatise, Ashgate, 2009.

- Mark J. Sundahal & V. Gopalakrishnan (eds.), *New Perspectives on Space Law*, Paris: International Institute of Space Law, 2011.
- Paul B. Larsen, *Space Law*, Ashgate Publications, 2007.
- Peter P C Haanappel, *The Law and Policy of Air Space and Outer Space: A Comparative Approach*, Kluwer Law International, The Hague / London / New York, 2003.
- Ronald I.C. Bartsch, *International Aviation Law*, London: Ashgate, 2012.
- Ruwantissa Abeyratne, *Convention on International Civil Aviation: A Commentary*, Heidelberg: Springer, 2014.

LLM 533: CYBER LAW

Module I

Introduction • Computers and its Impact in Society • Overview of Computer and Web Technology • Need for Cyber Law • Cyber Jurisprudence at International and domestic Level

Module II

Cyber Law - International Perspectives • UN & International Telecommunication Union (ITU) Initiatives • Council of Europe - Budapest Convention on Cybercrime • Asia-Pacific Economic Cooperation (APEC) • Organization for Economic Co-operation and Development (OECD) • World Bank • Commonwealth of Nations

Module III

Constitutional & Human Rights Issues in Cyberspace • Freedom of Speech and Expression in Cyberspace • Right to Access Cyberspace – Access to Internet • Right to Privacy • Right to Data Protection

Module IV

Cyber Crimes & Legal Framework • Cyber Crimes against Individuals, Institution and State • Hacking • Digital Forgery • Cyber Stalking/Harassment • Cyber Pornography • Identity Theft & Fraud • Cyber terrorism • Cyber Defamation • Different offences under ICT Act, 2006

Module V

Cyber Torts • Cyber Defamation • Different Types of Civil Wrongs under the ICT Act, 2006

Module VI

Intellectual Property Issues in Cyber Space • Interface with Copyright Law • Interface with Patent Law • Trademarks & Domain Names Related issues

Module VII

E Commerce • Concept • E-commerce-Salient Features • Online approaches like B2B, B2C & C2C • Online contracts • Click Wrap Contracts • Applicability of the Contract Act, 1872

Module VIII

Dispute Resolution in Cyberspace 1. Concept of Jurisdiction 2. Context of Jurisdiction and ICT Act, 2006. 3. International Law and Jurisdictional Issues in Cyberspace. 4. Dispute Resolutions

Books recommended:

Murray: Information Technology Law: The Law and Society 3ed, 2016, Oxford University Press.

Benkler: The Wealth of Networks, 2007, Yale UP.

Goldsmith & Wu: Who Controls the Internet, Oxford University Press, 2006.

Mayer-Schonberger: Delete: The Virtue of Forgetting in the Digital Age, 2009, Princeton UP. - Mayer-Schonberger & Cukier: Big Data: A Revolution That Will Transform How We Live, Work and Think, 2013, John Murray.

Murray: The Regulation of Cyberspace, 2006, Routledge.

Kevin Hughes: Entering the World-Wide Web: A Guide to Cyberspace

Library of Congress: Brief Guides to the Internet

Chris Reed & John Angel: Computer Law, Oxford University Press, New York, (2007).

Justice Yatindra Singh: Cyber Laws, Universal Law Publishing Co, New Delhi, (2012).

Verma S, K, Mittal Raman: Legal Dimensions of Cyber Space, Indian Law Institute, New Delhi, (2004)

Jonthan Rosenoer: Cyber Law, Springer, New York, (1997).

Sudhir Naib: The Information Technology Act, 2005: A Handbook, Oxford University Press, New York, (2011)

S. R. Bhansali: Information Technology Act, 2000, University Book House Pvt. Ltd., Jaipur (2003).

Vasu Deva: Cyber Crimes and Law Enforcement, Commonwealth Publishers, New Delhi, (2003).

LLM 534: LAW OF FORENSICS AND SCIENTIFIC EVIDENCE

- Forensic science and scientific evidence: Definition, scope and utility. Forensic principles and protocols.
- Expert opinion rules and legal provisions relating to production of scientific evidence in a court of law in Bangladesh.
- Inquest, post mortem and medico-legal reports.
- DNA: Structure, Function, Genetic variation, Recombinant technology - DNA Evidence and how DNA is used in Forensics, Sources of DNA at Crime Scenes, DNA Collection & Comparison - DNA Analysis: Use of various DNA Technologies – RFLP, PCR, STR, Mitochondrial DNA Analysis - DNA indexing systems.
- Fingerprint: History - nature of fingerprints - patterns, ridge characteristics, ridge tracing and classification - How to recover a fingerprint: Powder dusting - Chemical fuming - Examination of fingerprint characteristics - Automated fingerprint identification systems.
- Ballistics: What is Ballistics and What Ballistics Does - Branches of Ballistics - Interior, Exterior and Terminal ballistics, Horizontal projectile, Angular projectile, Motions of bodies with resistance, Effect of Earth's curvature, Effect of Earth's rotation, Stabilization by spinning, Interior Ballistics, Gas pressure changes, Basic equations
- Forensic firearms identification: Firearm identification, Chemical analysis for the presence of gunshot residues, Distance determination, Serial number restoration - Types and classes of Firearms – Ammunition – Primer - Grooves and Rifling - Pathological Range of Fire
- Forensic medicine: History - System structure – Duties - Areas of application.
- Forensic dentistry: Identification - Age estimation - Bite-mark analysis.
- Forensic chemistry: Types of Forensic Chemical Evidence - Controlled substances and other drugs - Blood and other body fluids - Trace evidence - Pattern evidence - Theory and Purpose of Chemical Analysis of Evidence - Schemes of Chemical Analysis – Testing - Types of Forensic Chemical Tests - Presumptive chemical tests - Microcrystal tests – Microscopy – Chromatography – Spectroscopy - Toxicology.
- Computer and Digital Forensics: Digital Photography, Video Analysis

Readings

- A. Kornberg and T. A. Baker, *DNA Replication*, 2d ed., Freeman, New York, 1992
- Association of Firearm and Tool Mark Examiners, AFTE Glossary, 1994
- B. Alberts et al., *Molecular Biology of the Cell*, 5th ed., Garland, New York, 2008
- B. H. Stuart, *Forensic Analytical Techniques*, John Wiley & Sons, Chichester, West Sussex, UK, 2013
- B. J. Heard, *Handbook of Firearms and Ballistics*, John Wiley and Sons, New York, 1997
- B. J. Heard, *Handbook of Firearms and Ballistics: Examining and Interpreting Forensic Evidence*, 2d ed., John Wiley & Sons, Chichester, West Sussex, UK, 2008
- B. Rai and J. Kaur, *Evidence-based Forensic Dentistry*, Springer, New York, 2013
- C. M. Bowers, *Forensic Dental Evidence: An Investigator's Handbook*, Elsevier, San Diego, CA, 2004
- Committee on Identifying the Needs of the Forensic Science Community, *Strengthening Forensic Science in the United States: A Path Forward*, National Academies Press, Washington, D.C., 2009
- D. E. Carlucci and S. S. Jacobson, *Ballistics: Theory and Design of Guns and Ammunition*, CRC Press, Boca Raton, FL, 2008
- D. R. Ashbaugh, *Quantitative-Qualitative Friction Ridge Analysis*, CRC Press, Boca Raton, FL, 1999
- D. R. Senn (ed.), *Forensic Odontology*, Marcel Dekker, New York, 2009
- D. R. Senn and P. G. Stimson (eds.), *Forensic Dentistry*, 2d ed., CRC Press, Boca Raton, FL, 2010
- D. R. Senn and R. A. Weems (eds.), *Manual of Forensic Odontology*, CRC Press, Boca Raton, FL, 2013
- E. E. Herschaft et al. (eds.), *Manual of Forensic Odontology*, 4th ed., American Society of Forensic Odontology, Austin, TX, 2007
- F. P. Smith ed., *Handbook of Forensic Drug Analysis*, Elsevier, San Diego, 2005
- G. M. Cooper and R. E. Hausman, *The Cell: A Molecular Approach*, 3d ed., Sinauer Associates, Sunderland, MA, 2004.
- G. Willems (ed.), *Forensic Odontology*, Leuven University Press, Leuven, Belgium, 2006
- H. F. Judson, *The Eighth Day of Creation: Makers of the Revolution in Biology*, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 1996

- H. Lee and R. Gaensslen, *Advances in Fingerprint Technology*, CRC Press, Boca Raton, FL, 1994
- H. Lodish et al., *Molecular Cell Biology*, 6th ed., Freeman, New York, 2008
- H. S. Stoker, *General, Organic, and Biological Chemistry*, 5th ed., Cengage Learning, Belmont, CA, 2011
- H. S. Stoker, *Organic and Biological Chemistry*, 6th ed., Cengage Learning, Belmont, CA, 2013
- I. E. Dror and J. L. Mnookin, The use of technology in human expert domains: Challenges and risks arising from the use of automated fingerprint identification systems in forensic science, *Law Probab. Risk*, 9(1):47–67, 2010 DOI: 10.1093/lpr/mgp031
- J. A. Cottone and S. M. Standish (eds.), *Outline of Forensic Dentistry*, Year Book Medical Publishers, Chicago, 1982
- J. D. Gunther and C. O. Gunther, *Identification of Firearms*, John Wiley and Sons, New York, 1935
- J. D. Watson et al., *Recombinant DNA*, 3d ed., Freeman, New York, 2007
- J. D. Watson, *The Double Helix: A Personal Account of the Discovery of the Structure of DNA*, Touchstone, New York, 1996
- J. Fraser and R. Williams (eds.), *Handbook of Forensic Science*, Willian, Devon, U.K., 2009
- J. G. Clement and D. C. Ranson (eds.), *Craniofacial Identification in Forensic Medicine*, Oxford University Press, New York, 1998
- J. I. Khan, T. J. Kennedy, and D. R. Christian, *Basic Principles of Forensic Chemistry*, Springer, New York, 2012
- J. Lentini, *Scientific Protocols for Fire Investigation*, Taylor & Francis, Boca Raton, FL, 2006
- J. Michael and S. Sircar (eds.), *Fundamentals of Medical Physiology*, Thieme Medical Publishers, New York, 2011
- J. Nordby and S. James (eds.), *Forensic Science: An Introduction to Scientific and Investigative Techniques*, 2d ed., Taylor & Francis, Boca Raton, FL, 2005
- J. Payne-James, A. Busuttill, and W. Smock (eds.), *Forensic Medicine: Clinical and Pathological Aspects*, Greenwich Medical Media, 2002;
- J. S. Hatcher, F. J. Jury, and J. Weller, *Firearms Investigation, Identification, and Evidence*, Stackpole Books, Harrisburg, PA, 1957
- K. Luger, Structure and dynamic behavior of nucleosomes, *Curr. Opin. Genet. Develop.*, 13(2):127–135, 2003 DOI: 10.1016/S0959-437X(03)00026-1
- M. H. Ho, *Analytical Methods in Forensic Chemistry*, Ellis Horwood, New York, 1990
- M. M. Houck (ed.), *Trace Evidence Analysis: More Cases in Mute Witnesses*, Elsevier, San Diego, 2004
- M. M. Houck and J. A. Siegel, *Fundamentals of Forensic Science*, 2d ed., Academic Press, Burlington, MA, 2010
- M. M. Stark (ed.), *Clinical Forensic Medicine*, 3d ed., Springer, New York, 2011
- P. Berg and J. E. Mertz, Personal reflections on the origins and emergence of recombinant DNA technology, *Genetics*, 184(1):9–17, 2010 DOI: 10.1534/genetics.109.112144
- P. G. Stimson and C. A. Mertz (eds.), *Forensic Dentistry*, CRC Press, New York, 1997
- P. S. P. Wang (ed.), *Pattern Recognition, Machine Intelligence and Biometrics*, Springer, New York, 2011
- R. B. J. Dorion (ed.), *Bitemark Evidence*, Marcel Dekker, New York, 2005
- R. Bardale, *Principles of Forensic Medicine and Toxicology*, Jaypee Brothers Medical Publishers, New Delhi, India, 2011
- R. E. Walker, *Cartridges and Firearm Identification*, CRC Press, Boca Raton, FL, 2013
- R. F. Becker and A. W. Dutelle, *Criminal Investigation*, 4th ed., Jones & Bartlett Learning, Burlington, MA, 2013
- R. H. Fixott (ed.), *Dental Clinics of North America: Forensic Odontology*, vol. 45, no. 2, W. B. Saunders, Philadelphia, 2001
- R. L. McCoy, *Modern Exterior Ballistics: The Launch and Flight Dynamics of Symmetric Projectiles*, Schiffer Publications, Atglen, PA, 1999
- R. Olsen, *Scott's Fingerprint Mechanics*, Thomas Publishing, Springfield, IL, 1978
- R. Ramotowski, Lee and Gaensslen's *Advances in Fingerprint Technology*, 3d ed., CRC Press, Boca Raton, FL, 2013
- R. Saferstein, *Criminalistics: An Introduction to Forensic Science*, 9th ed., Prentice Hall, Englewood Cliffs, NJ, 2007
- R. Shepherd, *Simpson's Forensic Medicine*, 12th ed., Hodder Arnold, 2003
- S. B. Hake, A. Xiao, and C. D. Allis, Linking the epigenetic “language” of covalent histone modifications to cancer, *Brit. J. Cancer*, 90(4):761–769, 2004 DOI: 10.1038/sj.bjc.6601575
- T. M. Devlin, *Textbook of Biochemistry with Clinical Correlations*, 7th ed., Wiley-Liss, New York, 2010
- T. Warlow, *Firearms, the Law, and Forensic Ballistics*, 2d ed., CRC Press, Boca Raton, FL, 2005

LLM 535: LAW OF CORPORATE GOVERNANCE

Course Objectives: The emphasis in this course is on the interdisciplinary legal and business aspects of corporate governance. The dominance of the corporation in the modern economy has brought enormous challenges for civil society and for the boards of directors charged with overseeing the corporation's affairs. The purpose of this course is to examine the role of the corporation in society; the evolution of corporate governance standards; the structure, makeup, priorities and culture of boards; shareholder and stakeholder engagement, including shareholder activism; international governance; corporate citizenship; and reputational risk management.

Course Description: This course focuses primarily on for-profit, publicly traded corporations. Students are challenged to understand the system and structure in which corporations function and to think critically about the framework for effective corporate governance. This will include an understanding of the structural relationships determining authority and responsibility for the corporation and their associated complexities. Students will be assigned foundational readings and cases associated with each topic and will be asked to examine issues from both legal and business perspectives.

What is corporate governance: Definitions and issues in corporate governance-Development of corporate governance -Stakeholders in a company-Key objectives in corporate governance-Key issues in corporate governance-Approaches to corporate governance-Concepts, ethics and roles-Concepts in corporate governance-Ethics and corporate governance-Corporate social responsibilities-Whistleblowers-The company Lawyer and corporate governance- The company secretary and corporate governance

Directors and shareholders: The powers of directors and rights of shareholders- The powers of directors - The duties of directors to their company-Fiduciary duties of directors-A director's duty of skill and care- Fair dealing by directors-Directors' legal responsibilities to employees and other stakeholders- Shareholders' rights-Other restraining measures against directors-Shadow directors and alternative directors-Balance of power on the board-Suitability-Character and qualities-The board and decision-making-The roles of chairman and chief executive officer-Non-executive directors-Board appointments-Board succession-Training directors-The lessons of Enron-Two-tier boards-Non executive directors-Independent and non-independent non-executive directors- The number of non-executive directors-The role of non-executive directors-Criticisms on non-executive directors-The Higgins Report-Relations with shareholders-The relationship between the board and the shareholders-The shareholders-Shareholder expectations- Regulatory requirements for shareholder involvement-Measures by the board to improve relations- Measures by Shareholders to improve relations-Electronic communications and electronic voting-The OECD corporate governance principles and shareholder rights

Financial Reporting, Rewards And Risks: Financial reporting and auditing-Financial reporting and corporate governance-Misleading financial statements-The role of the external auditors: the audit report-Auditor independence-Controls over the audit profession-The audit committee-Directors' responsibilities for financial statements-Directors' remuneration-Public attitudes-Elements of remuneration for executive directors-Share options (stock options)-The remuneration of non-executive directors-The remuneration committee-Disclosure and approval of remuneration details-Shareholder approval of directors' remuneration-Remuneration policy- Directors' service contracts-The Greenbury Report and recommendations-Developments in the United States-Risk management and corporate governance-The nature of risk-Internal control system-The Turnbull Committee Report on internal control- The role of internal audit-Risk management-The board's statement on internal control-Developments in risk management as governance issue

A History Of Corporate Governance: A history of corporate governance in the United Kingdom- The Cadbury code- The Greenbury Report-The Hampel Report-The Combined code-The Higgs Report and

the Smith Report-Future changes in UK company law- An international history of corporate governance- The OECD principles of corporate governance-Corporate governance and the Commonwealth countries-The King reports (South Africa)-Corporate governance in the United States

Suggested Readings:

- Jean Tirole, The Theory of Corporate Finance, Princeton University Press.
- K. Ferber, Corporation Law (Prentice-Hall 2002).
- Kenneth Kim, John R. Nofsinger, Derek J Mohr, Corporate Governance, Prentice Hall 2010 3/E,
- Monks, Robert A.G. and Nell Minow, Corporate Governance by New York: John Wiley & Sons, 2011, 5th edition. ISBN 978-0-470-97259-5.
- R.A.G. Monks and N. Minow, Corporate Governance (3rd edition) (Blackwell Publishing 2004).
- S. Watkins and M. Swartz, Power Failure: The Inside Story of the Collapse of Enron.

LLM 536: COMPARATIVE COMPANY LAW

1. INTRODUCTION

Why make comparisons? Framing the study of comparative company law, Does comparative company law have a mission?

2. APPROACHING COMPARATIVE COMPANY LAW

Approach coordinates, Defining company law functionally, Comparative study of company laws of Germany, United States, and United Kingdom

3. ESSENTIAL QUALITIES OF THE CORPORATION

Partnership as form of business organization, Corporations in global market – law applicable to corporations

4. CORPORATION AND ITS CAPITAL

Incorporating the company, constituting the company's share capital, Increasing the company's capital, Distribution of dividends and maintenance of share capital, Repurchase of shares, Nature and classes of shares

5. GOVERNING THE CORPORATION – MANAGEMENT

Introduction to the board and its governance, Director's power to represent the company, Director's duties of loyalty, good faith and care, Judicial review of management decisions (business judgment rule), Executive compensation, directors' duties in listed companies

6. GOVERNING THE CORPORATION – MEMBERS

Shareholder voting rights, shareholder information rights, Shareholder meetings, Shareholder duties, Judicial enforcement of shareholder rights

7. CORPORATE COMBINATIONS, GROUPS AND TAKEOVERS – MERGERS AND ACQUISITIONS

Techniques for business combinations, Governance rules for business combinations

8. CORPORATE COMBINATIONS, GROUPS AND TAKEOVERS – COMPANIES IN GROUPS

Corporate groups

9. CORPORATE COMBINATIONS, GROUPS AND TAKEOVERS – MARKET FOR CORPORATE CONTROL

Regulation for takeover bids and prices, Management interference with takeover bids, Special problems for leveraged buyouts

Books recommended

1. Cahn, Andreas and Donald, David C, Comparative Company Law (Cambridge University Press, 2010)
2. Davies, P, Gower and Davies, Principles of Modern Company Law (Sweet and Maxwell, 2008)
3. Andenas, M and F Wooldridge, European Comparative Company Law (Cambridge University Press, 2009)
4. Adams, M, Essential Corporate Law (Australia), (Routledge, 2005)
5. Ali, P. and Gregoriou, G., International Corporate Governance Under Sarbanes-Oxley (John Wiley & Sons Inc., 2006)
6. Armour, J. and Payne, J. (eds.), Rationality and Company Law: Essays in Honour of DD Prentice (Hart Publishing, 2008)
7. Austin, R.P., & Ramsay, I.M., Ford's Principles of Corporations Law, 13th ed. (LexisNexis, Sydney, 2007)

8. Bachner, T., *Creditor Protection in Private Companies: Anglo-German Perspectives* (Oxford University Press, Oxford, 2009)
9. Charkham, J., *Keeping Better Company: Corporate Governance 10 years on, a study of corporate governance in five countries*, (Oxford University Press, 2nd edition, 2008)
10. Cheffins, B., *Corporate Ownership and Control* (Oxford University Press, 2009)
11. De Cruz, P., *Comparative Law in a Changing World* (3rd edition, Routledge, 2007)
12. Dine, J., *The Governance of Corporate Groups* (Cambridge University Press, Cambridge, 2008)
13. Backer, Larry Catá, *Comparative Corporate Law* (Carolina Academic Press, 2002)
14. Hopt, K. and Wymeersch, E., *European Company and Financial Law – Texts and Leading Cases* (Oxford University Press, 2007)
15. Johnson, A., *EC Regulation of Corporation Governance* (Cambridge University Press, 2009)
16. Kraakman, R. et al, *The Anatomy of Corporate Law: A Comparative and Functional Approach* (Oxford University Press, 2009)
17. Mallin, C., *Corporate Governance* (Oxford University Press, 2009)
18. McCahery, J. and Vermeulen, E., *Corporate Governance of Non-Listed Companies* (Oxford University Press, 2008)
19. McCahery, J., Timmerman, L. and Vermeulen, E., *Private Company Law Reform* (Cambridge University Press, 2010)
20. Monks, R. and Minnow, N., *Corporate Governance* (Blackwell Publishing, 2007)
21. Morak, R., *Corporate Governance around the World* (Chicago University Press, 2007)
22. Plessis, J.J., et al, *German Corporate Governance in International and European Context*, (Springer, 2007)
23. Reisberg, A., *Derivative Actions and Corporate Governance: Theory and Operation* (Oxford University Press, 2007)
24. Solomon, J., *Corporate Governance and Accountability* (John Wiley & Sons, 2010)
25. Vandekerckhove, K., *Piercing the Corporate Veil: A Transnational Approach* (Kluwer Law International, 2007).

LLM 537: INTERNATIONAL INVESTMENT LAW

Objective: This course will cover four broad areas: (I) the historic, theoretical and policy grounds underpinning international investment law; (II) the substantive obligations and standards governing the investor-state relationship; (III) the growth of investor-state arbitration and its impact on international law; and (IV) the wider issues of fairness and functionality of investment treaty law and investor-state dispute resolution. The course uses materials from international investment treaty texts, case law, and commentaries to enable students to evaluate and apply legal doctrine to future situations. The course will highlight different and sometimes conflicting interpretations and decisions in the area, and invite students to analyze, discuss, and form their own views on key issues.

Lecture topics:

1. Introduction to the Study of International Investment Law: evolution of foreign investment law, diplomatic protection and treatment of aliens in international law, the calvo doctrine, the hull formula.
2. Sources of International Investment Law: international law, customary international law, bilateral investment treaties (BITs), free trade agreements (FTAs), Model laws, UNCITRAL model law. International efforts to regulate foreign investment - UN efforts - Efforts made by the World Bank - OECD efforts - The role of the WTO.
3. Definition of investment, investment under investment treaties and ICSID Convention, interpretation and application of investment treaties.
4. Investment contracts, types of investment contracts, applicable laws, stabilization clauses, renegotiation/adaptation.
5. Foreign investor protection standards: protection against Expropriation, most favored nation treatment, fair and equitable treatment standard, national standard, arbitrary and unreasonable measures, full protection and security, umbrella clause
6. Balancing interests of Host State and the foreign investor in investment disputes, state responsibility and attribution
7. Settling investment Dispute: State vs. State dispute, Investor vs. State dispute, different dispute settlement forums- Ad-hoc tribunals, under UNCITRAL model rules, ICSID, PCA, SCC, LICA and regional bodies.
8. Investment Guarantees, Political Risk Insurance
9. Current issues and challenges of international investment law

Suggested Readings:

- August Reinisch (ed.), *Standards of Investment Protection*, Oxford University Press, 2008.
- Surya P Subedi, *International Investment Law: Reconciling Policy and Principles*, Hart Publishing, 2012.
- Peter Muchlinski, *Multinational Enterprises and the Law*, Oxford University Press Oxford, 2007.
- Andreas Lowenfeld, *International Economic*, Oxford University Press, 2008.
- Krista Nadakavukaren Schefer, *International Investment Law, Text, Cases and Materials*, 2nd edition, Edward Elgar, 2016.
- Rudolf Dolzer/Christoph Schreuer, *Principles of International Investment Law*, 2n edition, Oxford University Press, 2012.
- Jonathan Bonnitcha, *Substantive protection under investment treaties: A Legal and Economic Analysis*, Cambridge University Press 2014.
- Zachary Douglas, Joost Pauwelyn, and Jorge E. Viñuales (eds.), *The foundations of international investment law: bringing theory into practice*, Oxford, Oxford University Press, 2014.
- M. Sornarajah: *The international law on foreign investment*, Cambridge University Press 2013.
- Zachary Douglas, *The international law of investment claims*, Cambridge University Press, 2009.
- Andrew Newcombe and Lluís Paradell, *Law and practice of investment treaties: standards of treatment*, Kluwer Law International, 2009.

LLM 538: INTERNATIONAL LAW OF WAR CRIMES, GENOCIDE AND CRIMES AGAINST HUMANITY

Introduction

- a) Introduction to the law of international crimes;
- b) General principles of international criminal law;
- c) Individual responsibility in international crimes;
- d) International criminal court and tribunals.

War crimes

- Grave breaches of the Geneva Conventions of 1949;
- Violations of the laws or customs of war.
 - a) Statute;
 - b) General provisions;
 - c) Overall requirements;
 - d) Underlying offenses.

Genocide

- a) Statute;
- b) General provisions;
- c) Mental state (*mens rea*): genocidal intent, specific intent, special intent, or *dolus specialis*: intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such;
- d) Underlying crimes/*actus reus* ;
- e) Punishable acts.

Crimes against humanity

- a) Statute;
- b) Overall requirements;
- c) Underlying offenses.

Individual criminal responsibility

- a) Statute;
- b) General provisions;
- c) Planning;
- d) Instigating;
- e) Ordering;
- f) Committing;
- g) Aiding and abetting.

Command responsibility

- a) Statute;
- b) General provisions;
- c) Elements;
- d) Application.

Alibi and special defences

- a) Rule;
- b) Alibi.

Charging, cumulative convictions and sentencing

- a) Cumulative charges, alternative and cumulative convictions;
- b) Sentencing.

Miscellaneous

- a) Legal interpretation;
- b) Jurisdiction;
- c) Fair trial rights;
- d) Evaluation of evidence;
- e) Precedent and appellate review;

- f) Accepting guilty pleas.

Books Recommended

1. Cassese, Antonio, International Criminal Law (Oxford University Press, London, 2008) ed.2nd
2. Schabas, William A., An Introduction to the International Criminal Court, (Cambridge University Press, Cambridge, 2001)
3. Genocide, Crimes against Humanity, War Crimes: Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court By Macheld Boot-2002
4. Crimes against Humanity in International Criminal Law by M. Cherif Bassiouni 2nd Ed. 1999
5. Reparations for Victims of Genocide, War Crimes and Crimes against Humanity edited by Carla Ferstman, Mariana Goetz, Alan.

LLM 539: LAW OF TRANSNATIONAL CRIMES

Contemporary Crime and Criminal Justice is increasingly characterized by the globalization of criminal activities and international efforts to combat transnational crime. The focus of this course is with the growing body of international criminal law, increasing numbers of international conventions to combat transnational crime and domestic efforts in Bangladesh to accede to and implement this body of law. This course is concerned with the criminalization of transnational criminal activities, and national, regional and international efforts to investigate such crime and prosecute offenders. The course examines the opportunities and limitations of international conventions on the prevention of crime. It also looks into Bangladesh's experiences with transnational criminal activities and its efforts to fight these activities.

Introduction: History and Reasons of Transnational Crime - Transnational Crime Threat to Sovereign Nations.

Crimes and Criminal Market: Mafia - Cigarette Smuggling - Human Smuggling - Drug Trade - Human Trafficking - Organ Trafficking - Black Market - Money Laundering - Counterfeit Goods - Counterfeit Currency - Diamonds & Jewelry - Financial Fraud - Identity theft - Nigerian money scam - Piracy - Pornography - Sex slavery - Charities & Financing - Charity Fraud - Accounting Fraud - Gambling.

Different Aspects of Transnational Crime: War Crimes - Crime Against Humanity - Genocide – Terrorism: Al Qaeda, Jihad, Narco Terrorism, Securitization after Terror, Terrorism: Domestic; Financing; Non – Domestic, Nuclear - Extraordinary Rendition - Terrorism and Transnational crime - Women and Transnational Crime - Globalization: Its Impact On Transnational Crime - International Crimes - Corporate Liability - Disorganized Crime - Extradition

Combating Transnational Crime: Interpol - Impact of Transnational Crime - Measuring Transnational crime - Transnational Crime: Research Centers

International Conventions and Protocol: United Nations Convention against Transnational Organized Crime and the Protocols Thereto - Rome Statute of the International Criminal Court - Geneva Conventions

Suggested Readings:

- Cassese, International Criminal Law, Oxford University Press 2008.
- Cassese, P. Gaeta, J.R.W.D. Jones (red.), The Rome Statute of the International Criminal Court: A Commentary, Oxford University Press 2002.
- Basciano, T. (2009). Contemporary piracy: Consequences and cures. Washington, DC: Johns Hopkins University.
- Romano, A. Nollkaemper, J. Kleffner (red.), Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia, Oxford University Press 2004.
- Federation of American Scientists. (2000). International crime threat assessment: C
- Finckenauer, J.O. and Chin, K. (2007). Asian transnational organized crime and its impact on the United States. Washington, DC: National Institute of Justice.
- Finkenauer, J.O. and Voronin, Y.A. (2001). The threat of Russian organized crime. National Institute of Justice Report.
- Franco, C. (2010). The MSG13 and 18th street gangs: Emerging transnational gang threats? Washington, DC: Congressional Research Service.
- M.C. Bassiouni, Introduction to International Criminal Law, Transnational Publishers 2003.

- National Institute of Justice. (2011). Effectively combating transnational organized crime. Schneider, S., Beare, M. and Hill, J. (2001). Alternative approaches to combating transnational organized crime. Ottawa, ON: Canadian Solicitor General.
- National Institute of Justice. (2011). Transnational organized crime.
- Reuter, P. and Petrie, C. (Eds.). (1999). transnational organized crime: Summary of a workshop. Washington, DC: National Academy Press.
- Rollins, J. and Wyler, L.S. (2010). International terrorism and transnational crime: Security threats, U.S. policy and considerations for congress. Congressional Research Service Report for Congress.
- Treverton, G. et al. (2009). Film piracy, organized crime and terrorism. Santa Monica, CA: Rand Corporation.
- United States Department of Justice. Overview: Law enforcement strategy to combat international organized crime. Washington, DC: USDOJ.
- W.A. Schabas, The UN International Criminal Tribunals. The former Yugoslavia, Rwanda and Sierra Leone, Cambridge University Press 2006.

LLM 540: ENERGY LAW AND POLICY

1. Development of the Energy Law and Policy

- a) General Aspects of Energy and the Energy Industry
 - Historical Background of Petroleum Industry
- b) General Principles of Energy Legislation
 - Past and Current Energy Legislation
- c) International Development in Energy Policy
- d) Energy Policies of Multi-state Organizations
 - The Organization of Petroleum Exporting Countries (OPEC)
 - The United Nations
 - Permanent Sovereignty over Natural Resources
 - The European Union and Other Regional Associations including ASEAN and SAARC
 - The World Bank and other Multilateral Lending Institutions
 - The Energy Charter Secretariat
 - The International Energy Agency (IEA)

2. International Issues in Petroleum Promotion and Licensing

- a) Government Policy
- b) Definition of Acreage for Licensing
- c) Bid/Tender Process
- d) Negotiations
- e) Case Studies

3. International Regulation of Offshore Petroleum Operations

- a) Introduction
- b) The 1958 Convention of the Continental Shelf
- c) The 1982 Convention of the Law of the Sea
- d) The Protection of the Marine Environment
- e) International and Regional Pollution Prevention Conventions

4. Cooperation Agreements in the Hydrocarbon Industry

- a) Joint Operating Agreements
- b) Common Provisions Relating to Non-Incorporated Joint Venture
- c) Special Provisions Relating to an Incorporated Joint Venture
- d) Farm-in and Firm-out Agreements
- e) Common Provisions
- f) Joint Developments Agreements
- g) Unitization Agreements

5. Energy Law and Policy Reforms

- a) Historical Background
 - Political Economy of the Energy Sector
- b) Reforms in Natural Gas Industry
- c) Reforms in Electricity Industry

6. Law and Policy on International Energy Investment

- a) Financing Energy Projects
 - Corporate Finance
 - Project Finance
- aa) Sources of Financing
 - Multilateral and Regional Development Agencies:
 - Export Credit Agencies (ECAs)
 - Commercial Finance
 - Ad hoc Source of Financing
- c) Marketing Issues
- d) Pricing Issues
- e) Protection of Investment and Risks Mitigation in Energy Investment

- International Investment Law Regime
- Issues of Protection of Investment
- Legal, Contractual and Regulatory

7. Downstream Energy Law and Policy

- a) Oil and Gas Industry
 - Transportation/Transmission
 - Distribution/Supply
- b) Electricity Industry
 - Generation
 - Transmission
 - Distribution/Supply

8. Law and Policy of Cross Border Energy Trade

- a) International Regulation and Practice of Cross Border Natural Gas Trade
 - North American Experience in Cross Border Gas Trade
 - European Experiences in Cross Border Gas Trade
 - The Madrid Forum
 - EU Directives on European Single Market
 - The Energy Charter Treaty 1994
 - Other Regional Experiences in Cross Border Gas Trade
- b) International Regulation and Practice of Cross Border Power Trade
 - North American Experience in Cross Border Power Trade
 - European Experiences in Cross Border Power Trade
 - The Florence Forum
 - EU Directives on European Single Electricity Market
 - The Energy Charter Treaty 1994
 - The Southern African Power Pool (SAPP)
 - Other Regional Experiences in Cross Border Power Trade

9. Law and Practice in Regulatory Issues in the Energy Industry

- a) Creating an Effective Regulatory Regime
 - Establishment of Independent Regulatory Authority
 - Separation of Regulatory Issues from Policy Issues
 - Overriding Effect of the Regulatory Laws
 - Decisions through Public Participation
 - Quasi Judicial Authority
 - Licensing
 - Tariff Setting
 - Market Monitoring
 - Making of Regulations and Codes and Standards
 - Enforcement of Regulations and Codes and Standards
 - Dispute Settlement

10. Law and Policy on Coal

- The Coal Fuel Cycle
- Coal Markets
- Coal Regulation
- Public Policy Considerations

11. International Regulation of Nuclear Power

12. Environmental Regulation of Energy Industry

13. Law and Policy on Alternative and Renewable Energy

14. Energy and Petroleum Contracts: International Law and Model for developing countries

15. Dispute Settlement in Energy Sector

Books Recommended:

1. Ahmed, P. A., Fang, X., Project Finance in Developing Countries, IFC, Washington DC: World Bank Publications 1999
2. Abdullah Al Faruque, Petroleum Contracts: Stability and Risk Management in Developing Countries. Dhaka: BILIA, 2011.
3. Al-Otaiba, M. S., OPEC and the Petroleum Industry (London: Croom Helm Ltd 1975
4. Bond, I. W. and Jonathan Stern, J., (ed.) Natural Gas in Asia—The Challenges of Growth in China, India, Japan and Korea, Oxford: Oxford Institute for Energy Studies, 2003
5. Bunter, M. A.G., the Promotion and Licensing of Petroleum Prospective Acreage, The Hague, Kluwer Law International 2002
6. Cameron, P. D. (Peter Duncanson), Competition in energy markets: law and regulation in the European Union, Oxford: Oxford University Press, 2002
7. Clegg, M.W., the Future of Natural Gas in the World Energy Market, Abu Dhabi: The Emirates Centre for Strategic Studies and Research 2001.
8. Cornot-Gandolphe, S., Flexibility in natural gas supply and demand, Paris: OECD/IEA, 2002
9. David, Martyn R., Natural gas agreements, London: Sweet & Maxwell, 2002
10. Davison, A., Hurst C. & Mabro, R., Natural gas: governments and oil companies in the third world, Oxford: Oxford University Press 1988
11. Delupis, I.D., Finance and protection of investments in developing countries, 2nd Edition (Aldershot: Gower 1987)
12. Energy Law Group, Energy Law and Policy for the 21st Century, Rocky Mountain Mineral Law Foundation, Denver, Colorado, USA 2000
13. Estrada, J., Moe, A., Dahl M., Kare, The development of European gas markets: environmental, economic and political perspectives, Chichester: Wiley, 1995
14. Fight, A., Introduction to Project Finance, Oxford, UK: Butterworth-Heinemann 2006
15. Greenwald, Gerald B., Liquefied natural gas: developing and financing International energy projects, The Hague; London: Kluwer Law International 1998
16. Griffin, Paul, Transnational gas projects and their agreements: a practical and legal guide, [London]: Herbert Smith, 2002
17. Groenendaal, Willem J. H. van, The economic appraisal of natural gas projects, Oxford: Oxford University Press, 1998
18. Hoffman, S., the Law and Business of International Project Finance, the Hague, Kluwer Law International, (2nd ed., 2001)
19. Hossain, K., and Chowdhury, S. R., Permanent Sovereignty over Natural Resources in International Law, London, UK: Palgrave Macmillan, October 1984
20. Hossain, K., (ed.), Legal Aspects of the New International Economic Order, London/New York: Frances Pinter (Publishers) Ltd London and Nichols Publishing Company, New York, 1980
21. Hossain, K., Law and Policy in Petroleum Development, Nichols Publishing Company, New York, 1978
22. IEA, World Energy Outlook (WEO) 2016, Paris, France
23. IEA, Energy in developing countries: A sectoral Analysis Paris: OECD, 1994
24. IEA, Developing China's natural gas market: the energy policy challenges, Paris: International Energy Agency, 2002
25. Messron, J., (ed.), Petroleum economics (Paris: Editions Technip/Institut Francais Du Petrole Publications 1990)
26. Julius, D., and Mashayekhi, A., the Economics of Natural Gas: Pricing, Planning and Policy, Oxford, UK: Oxford University Press 1990
27. Khan, K.I. F., Petroleum resources and development: economic, legal and policy issues for developing countries, London: Belhaven Press, 1987.
28. Lall, S., Streeten, P., Foreign investment, transnationals and developing countries London Macmillan, 1977 London: Longham Legal Publishing 1999
29. Mabro, R. and Bond, I.W. (edited), Gas to Europe – The strategies of four major suppliers (Oxford: Oxford University Press 1999)
30. Mabro, Robert, Natural gas: an international perspective: Proceedings of the Oxford Energy Seminar 1982-1985, Oxford: Oxford University Press 1986
31. Mankabady, S., Gas law (2nd Edition), London: Petroleum Economist, 1996

32. Meyer, K. E., *The Dust of Empire: The Race for Mastery in the Asian Heartland*, New York, USA: Public Affairs, May 2003 (1st edition)
33. Mitchell, J., Morita, K., Selley, N., Stern, J., *The New Economy of Oil- Impacts on Business, Geopolitics and Society*, RIIA, London: Earthscan 2001
34. Morgan, Trevor and McMullen, Bruce, *Regulatory reform in Argentina's natural gas sector*, Paris: IEA, 1999
35. Morgan, Trevor, *Natural gas pricing in competitive markets*, Paris: OECD, 1998
36. OECD, *Natural gas transportation: organization and regulation*, Paris: Organization for Economic Co-operation and Development, 1994
37. Pereira, A., Ulph, A., & Tims, W., *Socio-Economic and policy implications of energy price increases*, England: Gower Publishing Company 1987
38. Pesaran, H., Smith, R.P, Akiyama, T., *Energy demand in Asian developing economies*, Oxford: Oxford University Press for the World Bank and the Oxford Institute for Energy Studies, 1998
39. Razavi, H., *Financing Energy Projects in Emerging Economies*, Oklahoma, USA: PennWell Books 1996
40. Razzaque, J., *Public Interest Environmental Litigation in India, Pakistan, and Bangladesh*, the Hague, the Netherlands: Kluwer Law International 2004)
41. Roe, D., *LNG Trade: A Review of Markets, Projects and Issues in the Changing World of LNG*, London : SMi Publishing Ltd 2001
42. Rowe, M., *Trade and project finance in emerging markets* (Euromoney, London, 1995)
43. Sen, A., *Development as Freedom*, Anchor Books, New York: 1999
44. Smith, E. E., *International Petroleum Transactions*, second edition, Denver, Colorado, Rocky Mountain Mineral Law Foundation, 2000
45. Sornarajah, M., *the International Law on Foreign Investment*, UK: Cambridge University Press 2004 (2nd Edition)
46. Stevens, P., *International gas prospects and trends*, Basingstoke Macmillan, 1986
47. Sturm, F. J., *Trading natural gas: cash, futures, options and swaps*, Tulsa, Okla.: PennWell, 1997
48. United Nations Department of Technical Co-operation for Development, Division of Natural Resources and Energy, *Energy planning in developing countries*, Oxford: Oxford University Press in co-operation with the United Nations, 1984
49. Vany, A.S. and Walls W.D., *The emerging new order in natural gas- Markets versus regulation*, USA: Quorum Books, 1995.
50. Victor, D.G., Jaffe, A. M., and Hayes, M. H., (ed.), *Natural Gas and Geopolitics: From 1970 to 2040*, Cambridge, UK: Cambridge University Press 2006
51. Vinter, G. D., *Project Finance: A Legal Guide*, London: Sweet & Maxwell 1998
52. Wälde, T. W., Ndi, G. K., *International oil and gas investment: moving Eastward?*, London: Graham & Trotman, 1994
53. Wälde, T.W., & Beredjick N., (ed.), *Petroleum Investment Policies in Developing Countries*, London: Graham & Trotman 1988
54. Wälde, T.W., (ed.), *The Energy Charter Treaty: An East-West Gateway for Investment and Trade*, London: Kluwer, 1996.

LLM 541: INTERNATIONAL LAW FOR PEACE BUILDING AND DISPUTE RESOLUTION

Course description:

This course explores the relationship between global cooperation and conflict by examining the complexities of resolving international conflicts and international legal disputes. Drawing from the disciplines of international law, international relations and conflict resolution, the course seeks to understand how the international community has and should respond to various forms of conflict, armed and non-armed. The course explores both non-judicial methods of international dispute resolution (including international negotiation, international mediation, international organizational approaches and transformative approaches), and adjudicative means of international dispute resolution (including international arbitration and international courts and tribunals). The course draws upon theoretical analysis, case studies, in-class exercises and simulations to provide an engaging and interactive learning experience.

Learning outcomes:

On successful completion of this module, students should be able to:

Upon completion of the course, students will be expected to be able to be thoroughly familiar with the advantages and drawbacks of resorting to the various forms of international dispute settlement means, in various situations, and to correctly identify what means could and should be employed in various scenarios to successfully address international disputes.

Course Contents:

Introduction: War and Peace: Liberalist, Realist and Marxist Perspectives- Conflict Analysis: Structures and Processes, Conflict: Sources, Typology and Nature - Actors, Structures and Level in Conflict - What is IDR? Public vs. private; formal vs. informal- Overview of International Law and International Dispute Resolution; The Nature of War and the Invention of Peace; Introduction to International Dispute Resolution; Diplomatic means (Negotiations and consultations; inquiry; good offices; mediation; conciliation); adjudicative means (arbitration, judicial settlement – International courts and tribunals); interface between diplomatic and adjudicative means.

Conflict Management, Resolution and Transformation

Peacemaking, Peacekeeping, and Peace building

Peace Agreements

Post-conflict Reconstruction and Peace Agreement

Negotiation: Theory and Practice, Diplomatic Negotiation Mediation and Good Offices

Inquiry and Conciliation

International Commercial Arbitration

Trade Disputes WTO/GATT/ICSID

Adjudication: International Courts-Civil, Diplomatic and Criminal, International Criminal Courts

Hybrids: International, National and Local Processes

Reconciliation, Reconstruction and Development

Demilitarization, Demobilization

Actors of Post-conflict Reconstruction

Truth and Reconciliation Commissions and Restorative Justice

Challenges to Peace in the Contemporary World - Traditional and non-traditional threats - From International Conflicts to Intra-state conflicts - Ethnic Conflicts and Terrorism - Future of IDR and International Dispute System Design.

Suggested Readings:

Bercovitch, J., & Jackson, R. Conflict resolution in the twenty-first century: Principles, methods, and approaches. Ann Arbor, MI: University of Michigan Press, 2009.

Burton, John and et.al. Conflict: Practices in Management, Settlement and Resolution, St. Martin's Press, 1993.

Chenoweth, Erica and Maria J. Stephan. Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict. Columbia University Press, 2012, ISBN: 9780231156837.

- Craig Zelizer (ed.), *Integrated Peacebuilding: Innovative Approaches to Transforming Conflict*, Westview Press, ISBN: 9780813345093
- Crocker, C.A. and F.O. Hampson, et al. *Leashing the Dogs of War: Conflict Management in a Divided World*. USIP Press: Washington D.C., 2007.
- Gabriella Lazaridis, Giovanna Campani, and Annie Benveniste (eds.), *The Rise of the Far Right in Europe: Populist Shifts and "Othering"* 1st edition. Palgrave Macmillan, 2016, ISBN: 978-1137556783
- Galtung, Peace by Peaceful Means: Peace and Conflict, Development and Civilization, SAGE, 1996.
- Jeong, Ho-Won (2001), *Peace and Conflict Studies: An Introduction*, Ashgate.
- Khoskokhavar, Farhad, *Inside Jihadism: Understanding Jihadi Movements Worldwide*. Paradigm Publishers, 2009, ISBN: 9781594516160
- Lederach John Paul. *Preparing for Peace: Conflict Transformation across Cultures*, Syracuse University Press, 1995.
- Lederach, J.P. *The Moral Imagination: The Art and Soul of Building Peace*. Boston: Oxford University Press.
- Pruitt, D.G. and S.H. Kim. *Social Conflict: Escalation, Stalemate, and Settlement*. Boston: McGraw-Hill, 2004.
- Sandole, Dennis J.D. *Conflict Resolution: Theory and Practices*, Hugo Van der Merwe, 1996.
- T. David Mason and Sara McLaughlin Mitchell (eds.), *What Do We Know About Civil Wars?*, Rowman and Littlefield. ISBN: 9781442242258.
- Wallensteen, P. *Understanding Conflict Resolution*. London: SAGE Publications, 2007.

LLM 542: LAW OF INTERNATIONAL RELATIONS, POLITICS AND DIPLOMACY

Description of the Course: The course in a detailed analyze of the function of diplomacy, activities of foreign ministries and diplomatic missions, public diplomacy, negotiations formats and processes and procedures of diplomatic missions, public diplomacy, negotiations format and processes, and procedures of diplomatic protocols. Students will become acquainted with the international law and its scope, the concept of sovereignty and its meaning, the diplomatic and consular law, the fundamental international legal documents and their functions.

Aims of the course: The purpose of the course is to provide a student with a profound knowledge in the field of the Diplomatic and Consular Law as one of the legal sub-disciplines of public international law. In order to upgrade the theoretical knowledge students develop the ability to resolve concrete practical issues by analyzing the relevant treaty provisions and jurisprudence, in particular case-law of the International Court of Justice. The course provides basic orientation in practice and in the system of codified and customary legal rules governing the activity of diplomatic missions, consular offices, permanent mission by international organizations and other forms of international relations

Course Contents:

1. Introduction

1.1. Notion of diplomacy: Basic terms in the area of interstate cooperation and their importance.
- International community, international law, foreign policy, diplomacy, international politics, international intercourse and relations

1.2. Organs of foreign representation

1.3. Sources of diplomatic and consular law - Historical process of forming codified and customary rules of diplomatic and consular law.

1.4. EU and its contribution to diplomatic and consular law

2. Diplomatic law

2.1. Establishment and cessation of diplomatic relations

2.2. Functions of diplomatic missions

Duties of diplomatic representatives

Reactions on abuse of privileges and immunities

2.3. Members of the mission

2.4. Classes of the Heads of Mission

2.5. Appointment of the Heads of Mission

2.6. Corps diplomatic

2.7. Diplomatic protocol and ceremonial

2.8. Diplomatic correspondence and communication

2.9. Diplomatic privileges and immunities

Inviolability of the Premises of the Mission

Archives

Freedom of Communication

Freedom of Movement

2.10. Special missions

2.11. Multilateral diplomacy

2.12. Permanent mission by international organizations and on international conferences.

3. Consular law

3.1. History of consular relations

3.2. Consular functions

3.3. Classes of Heads of consular posts

3.4. Consular privileges and immunities

3.5. Honorary consuls

4. Economic diplomacy

4.1. Notion and definition

4.2. Functions of economic diplomacy

4.3. Economic diplomacy in bilateral relations

4.4. Economic diplomacy within international organizations

Suggested Readings:

- Feltham, R. G.: *Diplomatic Handbook*, 8th Edition, Martinus Nijhoff Publishers, Leiden, Boston, 2004.
- Vienna Convention on Diplomatic Relations and Optional Protocols.
- Vienna Convention on Consular Relations and Optional Protocols.
- Convention on Special Missions and Optional Protocol.
- Vienna Convention on the Representation of States in Their Relations with International Organizations of a Universal Character.
- Charter of the United Nations.
- Additional literature will be recommended during sessions.
- Armstrong, David (ed.). *Routledge Handbook of International Law* (Routledge: London, 2009).
- Brownlie, Ian. *Principles of Public International Law* (7th ed., Oxford University Press: Oxford, 2008).
- Buergerthal, Thomas and Murphy, Sean D. *Public International Law in a Nutshell* (4th ed., Thomson/West: St. Paul, Minnesota, 2007).
- Carter, E. Barry, Trimble, R. Philip and Weiner, S. Allen. *International Law* (Aspen Publishers: New York, 2007).
- Cassese, Antonio. *International Law* (2nd ed., Oxford University Press: Oxford, 2005).
- Dixon, Martin. *Textbook on International Law* (6th ed., Oxford University Press: Oxford, 2007).
- Evans, Malcolm (ed.). *International Law* (3rd ed., Oxford University Press, 2010).
- Jennings, Robert and Watts, Arthur (eds.). *Oppenheim's International Law Vol. 1, Peace* (9th ed., Longman, 1996).
- Kaczorowska, Alina. *Public International Law* (4th ed., Routledge: London, 2010).
- Lowe, Vaughan. *International Law* (Oxford University Press: Oxford, 2007)
- Malanczuk, Peter and Akehurst, M.B.. *Akehurst's Modern Introduction to International Law* (7th ed., Routledge: London, 1997).
- Shaw, N. Malcolm. *International Law* (6th ed., Cambridge University Press: Cambridge, 2008).
- Wallace, Rebecca M.M. and Martin-Ortega, Olga. *International Law* (6th ed., Sweet & Maxwell: London, 2009).
- Elieen Denza, "Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations" (Oxford: Oxford University Press 2008)
- Luke Lee and John Quigley, "Consular Law and Practice" (Oxford: Oxford University Press 2008)
- Craig J Barker, "International law and international relations" (London: Continuum 2000)
- Craig J Barker, "The Abuse of Diplomatic Privileges and Immunities: A Necessary Evil?" (Aldershot: Dartmouth 1996)

LLM 543: LAW OF REGIONAL PROTECTION OF HUMAN RIGHTS

The aim of the course: General objective of the subject is to give a comprehensive overview of international human rights protection systems, incl. different regional human rights protection systems, their structure and practice, with emphasis on the European, American and African systems.

Learning outcomes: After successfully passing the subject the student has acquired: - an overview of the specifics of human rights protection; - an overview of international human rights protection system, its structure and activities and differentiated between treaty and institutional systems; - an overview of regional human rights protection systems and their strengths and weaknesses compared to international system; - a comprehensive overview of systems in Europe, America and Africa that deal with human rights protection; - an overview of alternative human rights protection possibilities (incl. international criminal law); - knowledge on human rights in conflict situations and in post-conflict situations; - knowledge on future trends and reform plans on human rights protection systems.

Short course description: The aim of the course is to give an overview of international and regional human rights protection mechanisms. To achieve the aim, the following will be discussed:

- International human rights protection system (United Nations human rights protection – its structure, treaty and institutional system);
- Regional human rights protection systems (European, American, African, and Arabian – their principal differences from global systems, strengths and weaknesses compared to global system);
- European systems, which deal with human rights protection (structure, practice); - alternative human rights protection possibilities (incl. international criminal law); - human rights in conflict situations and in post-conflict situations;
- future trends and reform plans on international human rights protection systems. Particular attention will be given to developments in human rights as well as in human rights protection systems.

The European Human Rights System: What is the institutional framework of the European system for the protection of human rights and fundamental freedoms? What are the successes and what are the failures of the European system? What are the rights protected in the European system and what are the mechanisms of protection? What are the substantive and formal requirements when bringing a case before the European Court of Human Rights?

The European Convention for the Protection of Human Rights and Fundamental Freedoms and the additional protocols – the content of the rights protected; individual complaint and inter-state complaint, substantive and formal requirements. The European Social Charter and the Revised European Social Charter; The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; European Framework Convention for the Protection of National Minorities; Analysis of the cases against Bulgaria decided by the Strasbourg Court.

Inter-American Human Rights System – ACHR- American Declaration on the Rights and Duties of Man – Rights protected under the Inter-American System – Success and failures.

African Human Rights System – ACHPR - Protocol on ACHPR - Draft Protocol on Amendments to the Protocol on the ACHPR - – Rights protected under the African System – Success and failures.

Suggested Readings:

- Andrew Clapham, Human Rights Obligations of Non-State Actors, (Oxford University Press 2006).
 Christian Tomuschat. Human Rights: Between Idealism and Realism, Oxford University Press, 2003 (2008).
 Henry Steiner, Philip Alston and R. Goodman. International Human Rights in Context – Law, Politics, Morals (third edition), Oxford University Press 2008.
 Ian Brownlie and Guy Goodwin-Gill, Brownlie's Documents on Human Rights, (5th edition, Oxford University Press 2006).
 Ilias Bantekas and Lotz Oette, International Human Rights Law and Practice, (CUP 2013).
 Jack Donnelly, Universal Human Rights in Theory and Practice, (Cornell University Press 2003).

- James Nickel, *Making Sense of Human Rights*, (Wiley-Blackwell 2007).
- Malcolm D. Evans, editor. *International law*. Oxford University Press, 2006
- Mashood Baderin and Robert McCorquodale (eds), *Economic, Social and Cultural Rights in Action*, (Oxford University Press 2007).
- Micheline R. Ishay, *The History of Human Rights: From Ancient Times to the Modernization Era*, (University of California Press 2004).
- Philip Alston (Author), Ryan Goodman (Author), Harry J. Steiner (ed.), *International Human Rights in Context: Law, Politics, Morals*, (3rd edn, Oxford University Press 2007).
- Philip Alston and Ryan Goodman, *International Human Rights*, (Oxford University Press 2012). Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), *International Human Rights Law*, (Oxford University Press 2013).
- Rhona K.M. Smith, *Textbook on International Human Rights*, (6th edn, Oxford University Press 2014).
- Tanel Kerikmäe, editor. *Protecting human rights in the EU: controversies and challenges of the charter of fundamental rights*. Springer, 2014.
- Alexandra Huneus, *International Criminal Law By Other Means: The Quasi Criminal Jurisdiction of the Human Rights Courts*, 107 AM. J. INT'L L. 1, 2 (2013).
- Alexandra Huneus, *Courts Resisting Courts: Lessons from the Inter-American Court's Struggle to Enforce Human Rights*, 44 CORNELL INT'L L.J. 493 (2011)
- Matiangai Sirleaf, *Regime Complexes, Regionalism, & Legitimacy in Africa: International Criminal Justice and Africa which way forward?*

LLM 544: LAW AND ETHICS IN LIFE SCIENCES

- Safe blood transfusion and bone marrow transplantation
- Organ transplantation
- Egg and sperm donation and/or preservation (by living or dead women/men)
- Cord blood donation

- Withholding/withdrawing life support system or life sustaining treatment:
 - Euthanasia/ “right to die”/ decision making for terminally ill patient
 - Vincent Lambert case

- Medical marijuana
- Medical termination of pregnancy
- Commercial surrogacy: womb outsourcing?
- Pediatric and neonatal research
- Preimplantation genetic diagnosis: Double edged sword?
- Medical genetics, genetic privacy, genetic data
- Regenerative medicine /Stem cell based inventions, Nano medicine
- Rare diseases
- Chimera

- Man and machine:
 - Cyborgification
 - Transhumanism
 - Artificial organ
 - Gene modification
 - Ectogenesis

- Intellectual property protection of life science inventions:
 - Access to medicinal product and human rights
 - Health care inequalities and progress in biomedical research

- Science-society-invention:
 - Cultural diversity and life science research
 - Integration of science-society-inventions/innovations

- Bioethics:
 - International legal development
 - Good practice: Country examples

- Biopolicy

- Biomedical research:
 - Clinical trial
 - Informed consent
 - Treatment of human and animals in biomedical research
 - Human subject protection
 - Tuskegee syphilis experiment
 - Nuremburg trial

- Ideologies, Ethics and Moral Philosophies:

- Existentialism
- Pragmatism
- Deontism
- Utilitarianism/consequentialism
- Neoliberalism
- Social Liberalism

Referred Journals:

- ✚ Ethics, Bioscience and Life;
- ✚ EMBO reports;
- ✚ Nature;
- ✚ Cell Stem Cell;
- ✚ Journal of Blood Medicine;
- ✚ Science;
- ✚ Journal of Medicine and Life;
- ✚ Ethics in Biology, Engineering and Medicine;
- ✚ Cell;
- ✚ Development;
- ✚ Journal of Experimental Zoology;
- ✚ Genes & Development;
- ✚ Dev Biol;
- ✚ Hamdan Medical Journal (previously the Journal of Medical Sciences);
- ✚ Nature Protocols;
- ✚ Journal of Biomedicine and Biotechnology;
- ✚ Stem Cell Research;
- ✚ Lancet;
- ✚ PLOS ONE,
- ✚ Stem Cell Reports;
- ✚ EMBO Journal;
- ✚ Nature Communications;
- ✚ Human Reproduction;
- ✚ Pediatrics;
- ✚ PubMed; etc.

Books:

- Annas, George J. 2005. *American Bioethics: Crossing Human Rights and Health Law Boundaries*. New York: Oxford University Press, Inc.
- Aquinas, St. Thomas. 1265-1274. *Summa Theologica*.
- Becker, Ernest. 1973. *The Denial of Death*. New York: Macmillan Publishing Co., Inc.
- Beyleveld, Deryck, and Roger Brownsword. 2001. *Human Dignity in Bioethics and Biolaw*. New York: Oxford University Press.
- Burdette, Walter J., and Edmund A. Gehan. 1970. *Planning and Analysis of Clinical Studies*. Springfield, Illinois: Thomas.
- Firestone, Shulamith. 1970. *The Dialectic of Sex: The Case for Feminist Revolution*. USA: William Morrow and Company.
- Green, Ronald M. 2001. *The Human Embryo Research Debates: Bioethics in the Vortex of Controversy*. New York: Oxford University Press.
- Hannay, Alastair. 2001. *Kierkegaard: A Biography*. New York: Cambridge University Press.
- Head, Michael, and Scott Mann. 2005. *Law in Perspective: Ethics, Society and Critical Thinking*. Sydney: University of New South Wales Press Ltd.
- Hogerzeil, Hans V., and Zafar Mirza. 2011. *The World Medicines Situation 2011: Access To*

Essential Medicines as Part of the Right to Health. Geneva: WHO Press.

Kaplan, Warren, et al. 2013. *Priority Medicines for Europe and the World - 2013 Update*. Geneva: World Health Organization.

Lantos, John D. 1997. *Do We Still Need Doctors?*. New York and London: Routledge.

Mann, Scott. 2010. *Bioethics in Perspective: Corporate Power, Public Health and Political Economy*. New York: Cambridge University Press.

Manson, Neil C., and Onora O'Neill. 2007. *Rethinking Informed Consent in Bioethics*. New York: Cambridge University Press.

McGee, Glenn. 2003. "Pragmatic Method and Bioethics" In *Pragmatic Bioethics*, edited by Glenn McGee. USA: The MIT Press:17--28.

Moreno, Jonathan D. 2003. "Bioethics Is a Naturalism" In *Pragmatic Bioethics*, edited by Glenn McGee. USA: The MIT Press: 1--16.

Nussbaum, Martha C. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. USA: Harvard University Press.

Palombi, Luigi. 2009. *Gene Cartels: Biotech Patents in the Age of Free Trade*. UK: Edward Elgar Publishing Limited.

Plomer, Aurora. 2005. *The Law and Ethics of Medical Research: International Bioethics and Human Rights*. UK: Cavendish Publishing Limited.

Rawls, John. 1971. *A Theory of Justice*. Revised Edition, Massachusetts: Harvard University Press.

Spielman, Bethany J. 2007. *Bioethics in Law*. New Jersey: Humana Press Inc.

Stetson, Brad. 1998. *Human Dignity and Contemporary Liberalism*. Connecticut: Praeger Publishers.

Doctoral Thesis:

Jamil, Arif. 2016. *Patent Framework for the Human Stem Cells in Europe and the USA: Innovation, Ethics and Access to Therapy* [Dissertation/thesis]. University of Bologna. DOI 10.6092/unibo/amsdottorato/7739.

Articles:

Angell, Marcia. 1997. "The Ethics of Clinical Research in the Third World." *The New England Journal of Medicine* 337(12): 847--849.

Ashcroft, Richard E. 2010. "Could Human Rights Supersede Bioethics?" *Human Rights Law Review*: 1--22. doi:10.1093/hrlr/ngq03.

Australian Government. 2006. 'Human Embryo' – A Biological Definition. National Health and Medical Research Council.

http://www.nhmrc.gov.au/files_nhmrc/file/research/embryos/reports/humanembryo.pdf.

Chandra, Rajshree. 2010 "The Role of National Laws in Reconciling Constitutional Right to Health with Trips Obligations: An Examination of the Glivec Patent Case in India." In *Incentives for Global Public Health: Patent Law and Access to Essential Medicines*, edited by Thomas Pogge, Matthew Rimmer and Kim Rubenstein. Cambridge: Cambridge University Press: 381--405.

Chung, Young, et al. 2008. "Human Embryonic Stem Cell Lines Generated without Embryo Destruction." *Cell Stem Cell* 2: 113--17. Doi:10.1016/j.stem.2007.12.013.

Cohen, Glenn. 2011-2012. "Medical Tourism, Access to Health Care, and Global Justice." *Virginia Journal of International Law* 52(1): 1--56.

Condic, Maureen L. 2011. "Preimplantation Stages of Human Development: The Biological and Moral Status of Early Embryo." In *Is this Cell a Human Being? Exploring the Status of Embryos, Stem Cells and Human-Animal Hybrids*, edited by Antoine Suarez and Joachim Huarte. Heidelberg: Springer: 25--43.

The Danish Council of Ethics. 2004. *The Beginning of Human Life and the Moral Status of the Embryo*.

<http://www.etiskraad.dk/en/Udgivelser/BookPage.aspx?bookID={48C7D7A2-B4CD-4FC3-B620-5DFC8BF7F312}>.

Engelhardt, H. Tristram. 2009. "Regenerative Medicine after Humanism: Puzzles Regarding the use of Embryonic Stem Cells, Germ-Line Genetic Engineering, and the Immanent Pursuit of Human Flourishing." In *The Bioethics of Regenerative Medicine*, edited by King – Tak Ip. Springer: 13--26.

- Engle, William A. 2004. "Age Terminology During the Perinatal Period." *Pediatrics* 114(5):1362--1364. doi:10.1542/peds.2004-1915.
- Findlay, J.K., et al. 2007. "Human Embryo: A Biological Definition." *Human Reproduction* 22(4):905--911. doi:10.1093/humrep/del467.
- Gebhart, Fred. 2013. "Preparing for Biosimilars." *ModernMedicine*. July 15.
<http://drugtopics.modernmedicine.com/drug-topics/news/preparing-biosimilars>.
- Gianaroli, Luca, et al. 1997. "Preimplantation Genetic Diagnosis Increases the Implantation Rate in Human In Vitro Fertilization by Avoiding the Transfer of Chromosomally Abnormal Embryos." *Fertility and Sterility* 68(6): 1128--31. doi:10.1016/S0015-0282(97)00412-3.
- Groth, Lena. 2013. "Bioethics, Biolaw, Biopolitics: Conference Report on a Contextualization." *German Law Journal* 14: 434--39.
- Hwang, Woo Suk, et al. 2005. "Patient-Specific Embryonic Stem Cells Derived from Human SCNT Blastocysts." *Science* 308: 1777--1783, doi:10.1126/science.1112286. This article was retracted by *Science* on January 20, 2006.
- Hyun, Insoo. 2010. "Allowing Innovative Stem Cell-Based Therapies Outside of Clinical Trials: Ethical and Policy Challenges." *Journal of Law, Medicine & Ethics* 38: 277--285.
- Inoue, Haruhisa, et al. 2014. "iPS Cells: A Game Changer for Future Medicine." *The EMBO Journal* 33(5): 409--17. doi:10.1002/emboj.201387098.
- Jamil, Arif. 2013a. "Does Patent Provide the Best Incentive for Human Pluripotent Stem Cell Research in Europe? Clinical, Legal and Ethical Perspectives." In *Proceedings of the International Academic Conference on Social Technologies '13*: 23--51.
- Jamil, Arif. 2013b. "Human Stem Cell Inventions in Europe: What Causes Tug of War Between Patent and Ethics." In *Proceedings of the VIII World Conference on Bioethics 2013*: 329--334.
- Jamil, Arif, and Tania Sultana Bonny. 2014. "Fostering Innovation and Affordability: An Empirical Study Delving into Intellectual Property Protection of Human Stem Cell Based Invention/Innovation." *NTUT Journal of Intellectual Property Law & Management* 3(2):133--63. doi:10.6521/NTUTJIPLM.2014.3(2).3.
- Kennedy, Walter B. 1925. "Pragmatism as a Philosophy of Law." *Marquette Law Review* 9(2): 63--77.
- Mason, Shuna, Roland Wiring, and Andrew Payne. 2014. "EU Clinical Trials Regulation - New and Approved." *European Pharmaceutical Contractor* December: 50--53.
- McGee, Glenn. 2003. "Pragmatic Method and Bioethics" In *Pragmatic Bioethics*, edited by Glenn McGee. USA: The MIT Press:17--28.
- Mckenny, Gerald P. 2009. "The Ethics of Regenerative Medicine: Beyond Humanism and Posthumanism." In *The Bioethics of Regenerative Medicine*, edited by King -- Tak Ip. Springer: 155--70.
- Miller, Franklin G., Joseph J. Fins, and Matthew D. Bacchetta. 1996--97. "Clinical Pragmatism: John Dewey and Clinical Ethics." *Journal of Contemporary Health Law and Policy* 13:27--51.
- Moreno, Jonathan D. 2003. "Bioethics Is a Naturalism" In *Pragmatic Bioethics*, edited by Glenn McGee. USA: The MIT Press: 1--16.
- Nussbaum, Martha. 2008. "Human Dignity and Political Entitlements." In *Human Dignity and Bioethics*. Essays Commissioned by the President's Council on Bioethics. Washington, D.C.: 351--380.
- Petrini, Carlo. 2012. "Ethical and Legal Considerations Regarding the Ownership and Commercial Use of Human Biological Materials and their Derivatives." *Journal of Blood Medicine* 3:87--96. doi:10.2147/JBM.S36134.
- Sartre, Jean-Paul. (1946) 1956. Existentialism Is a Humanism, Public Lecture. In *Existentialism from Dostoyevsky to Sartre*, edited by Walter Kaufman. New York: Meridian Books, Inc.
- Sartre, Jean-Paul. 1960. The Search for Method (1st part): Introduction to Critique of Dialectical Reason. In *Existentialism from Dostoyevsky to Sartre*, edited by Walter Kaufman, translated by Hazel Barnes, transcribed by Andy Blunden, proofed and corrected by Gustav Nortje. Vintage Books. <https://www.marxists.org/reference/archive/sartre/works/critic/sartre1.htm>.
- Tachibana, Masahito, et al. 2013. "Human Embryonic Stem Cells Derived by Somatic Cell Nuclear Transfer." *Cell* 153(6):1228--38. doi: 10.1016/j.cell.2013.05.006.

Takahashi, Kazutoshi, et al. 2007. "Induction of Pluripotent Stem Cells from Adult Human Fibroblasts by Defined Factors." *Cell* 131:1--12. doi:10.1016/j.cell.2007.11.019.

Thomson, James A., et al. 1998. "Embryonic Stem Cell Lines Derived from Human Blastocysts." *Science* 282:1145--1147. doi: 10.1126/science.282.5391.1145.

Waters, Brent. 2009. "Extending Human Life: To What End?" In *The Bioethics of Regenerative Medicine*, edited by King – Tak Ip. Springer:135--154.

Zhao, Xiao-Yang, et al. 2009. "iPS Cells Produce Viable Mice Through Tetraploid Complementation." *Nature* 461: 86--90. doi:10.1038/nature08267.

Websites:

DRZE (German Reference Centre for Ethics in the Life Sciences). "Central Ethics Committee (ZEKO)." http://www.drze.de/in-focus/medical-research-involvingminors/modules/central-ethics-committee-zeko?set_language=en

EuroGentest. "Overview of Countries who have Ratified the European Convention on Human Rights and Biomedicine." http://www.eurogentest.org/fileadmin/templates/eugt/pdf/Overview_of_ratifying_countries_-_EuroGentest_website.pdf.

European Medicines Agency. "Clinical Trial Regulation." http://www.ema.europa.eu/ema/index.jsp?curl=pages/regulation/general/general_content_000629.jsp

EURORDIS Rare Diseases Europe. "About Rare Diseases." <http://www.eurordis.org/about-rare-diseases>.

The Federal Ministry of Education and Research (BMBF). "Bioethics: Questions at the Borders of Life." <http://www.bmbf.de/en/1056.php>.

German Ethics Council. "Biosecurity – Freedom and Responsibility of Research." <http://www.ethikrat.org/publications/opinions/biosicherheit>

Human Fertilisation and Embryology Authority (HFEA). "Review of Hybrids & Chimeras." <http://www.hfea.gov.uk/519.html>

Institute of Reconstructive Neurobiology. "Institute of Reconstructive Neurobiology." <http://www.meb.uni-bonn.de/rnb/index.php?page=institute-of-reconstructiveneurobiology>.

Science Museum. "Tuskegee Syphilis Study." <http://www.sciencemuseum.org.uk/broughttolife/techniques/tuskegee.aspx>.

U.S. Department of Health & Human Services. "The Belmont Report." <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html>.

U.S. Department of Health and Human Services. "Office for Human Research Protections (OHRP)." <http://www.hhs.gov/ohrp>.

U.S. Food and Drug Administration. "FDA Adverse Event Reporting System (FAERS)." <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Surveillance/AdverseDrugEffects/default.htm>.

Wikipedia. "Henrietta Lacks." http://en.wikipedia.org/wiki/Henrietta_Lacks.

Conventions, Declarations, Treaty:

- World Health Organization Constitution 1946
- The Nuremberg Code
- Universal Declaration of Human Rights 1948
- Declaration of Helsinki 1964
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- WHO Declaration of Alma-Ata 1978
- Belmont Report 1979
- Vienna Declaration and Programme of Action Adopted by the World Conference on Human Rights 1993
- Agreement on Trade-Related Aspects of Intellectual Property Rights 1994
- Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine 1997
- Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings 1998
- Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin 2002
- Universal Declaration on Bioethics and Human Rights (UNESCO Declaration on Bioethics) 2005
- Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research, Strasbourg 2005
- United Nations Declarations on Human Cloning 2005
- Declaration of Istanbul 2008
- United Nations Resolution on Universal Health Coverage, 12 December 2012

LLM 545: LAW OF ELECTRONIC COMMERCE

This course aims to provide an in-depth look at the legal issues surrounding electronic commerce including business-to-consumer (B2C), business-to-business (B2B), and consumer to consumer (C2C) forms and digital applications to support the sharing economy, creative processes and the public sector.

Course description: Throughout the course we will review (a) traditional legal issues surrounding business in an electronic format and the challenges of the advent of digital technologies, concerning particularly the identification of jurisdiction, the formal validity of electronic transactions, security and authentication, contract formation and electronic payment systems, and online consumer protection issues; (b) digital convergence and content regulation, the impact of online advertising, search engine functionalities and marketing; (c) the legal discipline of technological applications in the contexts of the public sector, smart cities and open democracy; and policies to support and enable digital tools to the advantage of creative industries and economic growth.

- Introduction to electronic commerce
- Jurisdiction
- Contracts and signatures
- Consumer protection
- Finance, payments and virtual currencies
- Content and advertising
- Search engines
- E-commerce for the public sector and digital public service delivery
- The sharing economy, innovation and the creative industries
- ICT for development

Books recommended

- Alan Davidson: The Law of Electronic Commerce 1st Edition, Cambridge university press, 2009.
- Ian C Ballon, E-Commerce & Internet Law: Treatise with Forms, Thomson Reuters, 2017.
- Alwyn Didar Singh: E-Commerce in India: Assessments and Strategies for the Developing, Lexis Nexis, 2011.
- Torsten Bettinger and Allegra Waddell (eds.), Domain Name Law and Practice: An International Handbook, Oxford University Press, 2016.

LLM 546: INTERNATIONAL DEVELOPMENT LAW

1. Understanding Law in Context and Legal Pluralism

Introduction of the concept of 'Law in Context', the linkage of law with society, importance of approaching law, state & governance institutions in their wider socio-economic, political and global contexts, strengths and weaknesses of the idea of legal pluralism

2. Origin and evolution of development

History of development, The Past, present and future of development, overview of concepts of development and strategies for promoting development, constructing the idea of degrowth

3. Ideas and Images of Development

Meaning of development, different ways in which development has been conceived and depicted, Theories of development, the new science of development economics, Intervention management and development of the Third world

4. Law in Development

The current state of law and development, the nature of law and development, the law and development enterprise, movements of law and development, The Progressive law and Development package, Law and capitalism, Law as a tool of state-led development, Law and development relationship in the context of developing world

5. Development and the Rule of Law

'Rule of Law' and dynamics of development, the predominance of the rule of law in Development, The Politics of rule of law reform and Development, Challenges of rule of law within the development discourse

6. Right to Development

Construction of the right to development, Right to development as third generation right, Right to development: Rhetoric and reality, the politics of the right to development, implementation challenges of right to development

7. The Politics of Human Rights and Development

The politics of human rights concepts, Dominant perspective on human rights, Influence of human rights on development practice, Human Rights approach to development, the application of human rights principles in the development programming.

8. Development, Inequality and Social Justice

The threshold of inequality and Development, Growth, Inequality and Social Development: Interrelation and Dynamics, Rising inequality and developmental challenges, Significance of social justice within legal discourse, Neo-liberalism and Social Justice, Distributive Justice and Development, Global Social Justice and Development

9. Sovereignty and Global Governance

Debates about the phenomena of globalization and sovereignty, Why Governance Matters, Influence of governance on development discourse, Globalization, Development and Global Governance, Reforming Global governance

10. North-South dialectics of development

Development in the Global South, Development in the Global North, Understanding of law, justice, rights, development along with a few hegemonic perspectives, North-south politics of development and Global order

11. Global Governance and Non-state Actors

The role of the UN, World Bank, the IMF, the WTO and other international economic institutions in relation to governance and development, transforming global governance and Development institutions

12. Development and Alternative Development

Neo-liberal economic model and development, the new International economic order and its challenges, new social movements and Alternative Development, image of a post-development era.

13. Gender, Imperialism and International Development

Comprehensive, critical and advanced knowledge of theoretical approaches to gender and development, gender equality as a development objective, Women's empowerment in development.

14. Foreign Investment, Law and Development

Quality investment and development, The Relationship between law and international Investment, Foreign investment and law in developing countries, People-centred investment process: legal implications.

15. Sustainable Development

The emergence and diversification of Sustainable Development, overview and analysis of the Sustainable Development Goals (SDGs), Role of International law in achieving SDGs, the evolving regime on climate change and Sustainable development, Environment and Sustainable Development.

Journal Articles Recommended

1. Aggarwal Vinod K. and Evenett Simon J. (2013), 'A Fragmenting Global Economy: A Weakened WTO, Mega FTAs, and Murky Protectionism' *Swiss Political Science Review*, 19.
2. Andrews Nathan & Bawa Sylvia (2014) 'A Post-development Hoax? (Re)- examining the Past, Present and Future of Development Studies' *Third World Quarterly*, 35.
3. Amy Chua, (2000) 'The Paradox of Free Market Democracy: Rethinking Development Policy' 41 *Harvard International Law Journal* 287.
4. Anand, Sudhir. and Sen Amartya (2000) 'Human Development and Economic. Sustainability' *World Development*, 28 (12).
5. Berman Paul Schiff, (2013), 'Jurisgenerative Constitutionalism: Procedural Principles for Managing Global Legal Pluralism' *Indiana Journal of Global Legal Studies* Vol. 20, Issue 2.
6. Belton Rachel Kleinfeld, (2005), 'Competing Definitions of the Rule of Law: Implications for Practitioners' *Carnegie Working Paper No. 55, Rule of Law Series, Democracy and Rule of Law Project, Carnegie Endowment for International Peace*.
7. Bradlow, D. (2004) 'Development Decision Making and the Content of International Development Law' 27 *Boston College International and Comparative Law Journal* 195.
8. Carol V. Rose, (1998), 'The "New" Law and Development Movement in the Post-Cold War Era' 32 *Law & Society Review* 93.
9. Carothers Thomas, (2009), 'Rule of Law Temptations' *The Fletcher Forum of World Affairs*, Vol. 33/1, 49-61.
10. Escobar Arturo, (1992) 'Imagining a Post-Development Era? Critical Thought, Development and Social Movements' *Social Text*, No. 31/32, *Third World and Post-Colonial Issues*.
11. Jennifer Y.J. Hsu, (2015), 'China's development: a new development paradigm?' *Third World Quarterly*, Vol. 36, No. 9, 1754.
12. Kevin E. Davis and Michael Trebilcock, (2008), 'The Relationship between Law and Development: Optimist versus Skeptics' *New York University Law and Economics Working Papers*, New York University School of Law.
13. Marks Stephen, (2004) *The Human Right to Development: Between Rhetoric and Reality*, *Harvard Human Rights Journal*, Vol. 17.
14. Massell, G., (1968), 'Law as an Instrument of Revolutionary Change in a Traditional Milieu: The Case of Soviet Central Asia' *Law and Society Review*, Vol. II, pp. 179-228.
15. Posner Richard A., (1998) "Creating a Legal Framework for Economic Development," 13 *World Bank Research Observer* 1.
16. R. Nagaraj (ed.), (2012) 'Growth, Inequality and Social Development in India: Is Inclusive Growth Possible?' *Palgrave Macmillan*, New York.
17. Sen Amartya (2005) 'Human rights and capabilities' *Journal of Human Development* 6(2): 151-66.
18. Salacuse, J. (2000), 'From Developing Countries to Emerging Markets: A Changing Role for Law in the Third World' 33 *The International Lawyer*, pp.875-890.
19. Salacuse, J.W. (2010), "The Emerging Regime for International Investment," 51 *Harvard International Law Journal* 427-471.
20. Trubek, David M. (2006). 'The "Rule of Law" in Development Assistance: Past, Present, and Future' in David Trubek & Alvaro Santos, *The New Law and Economic Development*, 74.
21. Tamanaha Brian Z. (2009) 'The Primacy of Society and the Failures of Law and Development' St. John's University School of Law, *Legal Studies Research*.

Books Recommended

1. Alam Shawkat, Atapattu Sumudu, Gonzalez Carmen G. and Razzaque Jona (Eds), (2016), *International Environmental Law and the Global South*, Cambridge University Press.
2. Baxi Upendra (2002) *The future of human rights*, Oxford University Press.
3. Escobar Arturo, (1995) *Encountering Development: The Making and Unmaking of the Third World*, Princeton University Press.
4. Groves Leslie and Hinton Rachel (eds), (2004), *Inclusive aid: Power and relationships in International Development*, London, Earthscan.
5. Hatchard John, Perry-Kessaris Amanda (Eds), (2003), *Law and Development: Facing Complexity in the 21st Century*, Cavendish.
6. Julio Faúndez, (ed.) (2012) *Law and Development*. London: Routledge.
7. Kallis Giorgos, Demaria Federico and D'Alisa Giacomo, (Eds), (2014), *Degrowth*, Routledge.
8. Meiler Gerald M. (2005), *Biography of a Subject: An Evolution of Development Economics*, Oxford University Press.
9. Perry-Kessaris, Amanda (ed). 2010. *Law in the Pursuit of Development: Principles into Practice?* London: Routledge.
10. Rist Gilbert (2014), *The History of Development: From Western Origins to Global Faith*. Zed Books.
11. Sen Amartya, (1999), *Development as Freedom*, Oxford University Press, Oxford.
12. Schrijver Nico, (2010) *Development without construction: The UN and Global Resource Management*, Indiana University Press, USA.
13. Schrijver Nico and Weiss Friedl, (2004), *International Law and Sustainable Development*, Brill NV, Netherlands.
14. Sarkar Rumu, (2009), *International Development Law: Rule of Law, Human Rights, and Global Finance*, Oxford University Press.
15. Trebilock, M.J, and Prado M.M. (2014), *Advanced Introduction to Law and Development*, Elgar.
16. Trubek David and Santos Alvaro, (2006), *The New Law and Economic Development: A Critical Appraisal*, Cambridge University Press, 2006.
17. Tamanaha Brian Z., (2004), *On the Rule of Law*, Cambridge: Cambridge University.
18. Zifcak, Spencer (Ed) (2005), *Globalization and the Rule of Law*, Routledge: New York.

LLM 547: INSURANCE LAW

Introduction: Definition, Insurance History and Function, Imperfect Information, Insurable Interest, Proposal, Cover Note, Acceptance, Premium, Policy, Loss, Doctrine of Proximate Cause, Claim, Payment, Reinsurance and Excess insurance, including tripartite relations among excess insurers, primary insurers, and insureds and special issues in reinsurance such as cut through, setoff and the doctrine of “uberrimae fidei.”

Types of Insurance: Health, Life, and Disability and Long Term Care insurance, Automobile Insurance, Catastrophe Insurance, Fire and Property Insurance, Marine Insurance, Workers Insurance, Compensation Insurance, and Title and Liability Insurance.

Insurance Contract Formation: Standardized Forms, Public Policy Restrictions, Insurance Regulation. Life insurance: Contract issues, special issues of solvency regulation, cash value regulation, types of life insurance (universal, variable) and annuities, and critical taxation issues.

Marine Insurance: History and sources, English marine insurance act of 1906, obligations of the insured, actual and constructive losses, principles and types of policies, institute clauses, marine insurance policies, P&I insurance.

Liability Insurance: The duty to defend, reservation of rights, the duty to settle, ethical issues for lawyers arising from coverage disputes, coverage triggers, claims made vs. occurrence policies and conditions such as anti-diminution, and notice.

Books Recommended

1. Kenneth S. Abraham, Insurance Law and Regulation (5th ed. 2010) Thomson Reuters (West);
2. Robert H. Jerry II et al., Understanding Insurance Law (5th ed. 2012) Lexis
3. John F. Dobbyn, Insurance Law in a Nutshell (4th ed. 2003) West;
4. Steven Goldberg & Tracy McCormack, The First Trial (Where Do I
5. Sit? What Do I Say?) in a Nutshell (2d ed. 2008) West

LLM 548: CRIMINOLOGY AND CRIMINALISTICS

Introduction to Criminology: First theoretical developments in Criminology, Biological and Psychological positivism, Sociological Criminology, Social Research in Criminology, Feminist Criminology

Definition of Crime, Sociological Explanations of 'Crime', Psychological Approaches to 'Crime', Offender Profiling and Eyewitness Testimony, Representing 'Crime', Crime Prevention and Community Safety, Women and 'Crime', Green 'Crime', White Collar 'Crime'

Criminal Behaviour and Deviance: Crime or Deviance, Sociological Explanations, Mental Health and Offending, Psychological Explanations, Development Factors and Criminal Careers, Sexual Offenders, Gender and Crime

Youth Crime and Justice: The relationship between youth and crime, Histories of youth and crime, Explaining Youth Crime through Radical and Realist Criminological Theories, Youth Victimology, Youth Welfare and Justice, Youth Justice and Punishment

Cyber Crime and Security: What is Cybercrime? Policing Cybercrime, Identity Theft and Hacking, Online Sexual Exploitation of Children, The Use of the Internet in Social and Political Protest, Cyberstalking and Harassment Using the Internet

Substance Misuse and Crime: Considering the Problem, Criminological Theory, Sentencing Drug Offenders, the Drug Rehabilitation Requirement (DRR) and Compulsory Treatment, Drug Trafficking and Laundering, Policing and Investigating Drug Crime, Gender and Drug Misuse

Victimology and Criminal Victimization: The History of Victimology, Social Inequalities, Vulnerability and Victimitizations, Hate Crimes, Criminal victimization, Crimes of the Powerful and Hidden Victims, Justice for Victims

Economics of Crime: Introduction to Economic Theory, Modelling Criminal Behaviour, Rational Choice Theory, Labour Market, Poverty and Crime, Statistical Methods, the Costs of Crime, Crime Reduction, Prison and Community Justice

Policing: Social and Historical Development of Policing, Examine the Powers of the Police Under Current Legislation, Policing Ethics, Accountability and Human Rights, Policing and Investigatory Practices in Black and Ethnic Communities, Contemporary Issues and the Future of Policing

Introduction to Offender Profiling: The origins of offender profiling, Understanding crime causation, FBI profiling, investigative psychology, geographical profiling, and clinical approaches to offender profiling, Caveats in offender profiling, Researching offending behavior

Dealing with Offending Behaviour

Prevention, Intervention and Rehabilitation, Sentencing, Youth Justice, Male Offending, Female Offending

Criminal Investigation: Introduction to Investigation, The development of investigative practice, Criminal law and the influence of policy, Techniques of investigation, Investigative decision making, Supervision of criminal investigation

Forensic and Criminal Psychology: Psychopathology and criminal behavior, Developmental origins of criminal behavior, Psychopathy and criminal behavior, Management and treatment of offenders, Violent and sexual offending, Caveats in forensic psychology, Psychology of the judicial process

Justice and Punishment: The historical development of the Legal System of Bangladesh, Bangladesh and international law, Justifications for sentences, Sentencing and early release, Sentences in use today, Effectiveness of Punishment, Sentencing and early release

Prisons and Penology: Is there a crisis in the penal system? Justifying and explaining punishment, Sentencing - The crux of the crisis, Punishment in the community, Prisons and the penal crisis, Early release - The penal system's safety valve

Probation and Community Justice: Probation History and Development, Probation and Criminal Justice, Probation Values, Justice and Diversity, Punishment, Sentencing and Probation, Supervision of Offenders, Probation Practice: The ASPIRE Model and Offender Management Model (OMM), Working with Victims and Victim Issues.

Crime and Society: Crime and Statistics, Crimes of 'Everyday Life', Crime and Substance Misuse, Violence - Causes and Responses, Sexual Offences and Social Responses

Risk Assessment and Management: The Language of Risk, Mapping Risk, Assessing Risk, Risk Assessment Tools, Managing and Communicating Risk, Avoiding Problems in Risk Procedures and Decision-making, Legal Considerations for Risk Decision-makers.

Books recommended

1. Katherine S. Williams: Textbook on Criminology (Oxford University Press, 2012)
2. Tim Newburn: Criminology (Routledge, 2012)
3. John Tierney and Maggie O'Neill: Criminology: Theory and Context (Routledge, 2009)
4. Eamonn Carrabine: Criminology: A Sociological Introduction (Routledge, 2014)
5. Sheikh Hafizur Rahman Karzon, Theoretical and Applied Criminology
6. Peter Joyce: Criminology and Criminal Justice (Routledge, 2009)
7. George B. Vold: Theoretical Criminology, Oxford University Press, New York, 1998.
8. Edwin H. Sutherland: Principles of Criminology, Bombay, 1968.
9. Mike Maguire, and Rod Morgan (eds): The Oxford Handbook of Criminology, Clarendon Press, Oxford, 1997.
10. Wayne Morrison: Theoretical Criminology: From Modernity to Post Modernism, Cavendish Publishing Ltd, 1995.
11. Katherine S. Williams: Textbook on Criminology, Blackstone, London, 1997.
12. Ahmed Siddique: Criminology: Problems and Perspectives, Delhi, 1983.
13. Titus Sue Reid: Crime and Criminology, McGraw-Hill, New York, 1997.
14. A F. Muller: Criminology, McGraw-Hill, New York, 1996.
15. Richard Quinney: Criminology, Boston, 1979.