

Total number of printed pages-8

**6 SEM LLB PIL 2 (N)**

**2017**

(June)

**LAW**

Paper : 6-2

**(Public International Law)**

**(New Course)**

Full Marks : 80

Time : Three hours

***The figures in the margin indicate  
full marks for the questions.***

1. Choose the correct answer :  $1 \times 10 = 10$ 
  - (a) The word International law was used for the first time by —
    - (i) Oppenheim
    - (ii) Fenwick
    - (iii) Starke
    - (iv) Jeremy Bentham.

Contd.

(b) 'International law and national law belong to one legal system from which general rules emanate' is the basis of

- (i) Monism
- (ii) Dualism
- (iii) Transformation Theory
- (iv) Delegation Theory.

(c) What does *jus cogens* imply ?

- (i) No derogation is permitted from it
- (ii) Treaty or an agreement is void to the extent of inconsistency with this principle
- (iii) It can be modified only by a subsequent norm of general International law
- (iv) None.

(d) 'Right of hot pursuit' can be exercised by a coastal state if

- (i) the offending ship is in the coastal state's internal water
- (ii) the pursuit should be continuous and uninterrupted
- (iii) some signal is given from such distance as to be seen or heard by the fugitive ship
- (iv) all of the above.

(e) Recognition *de jure* implies

- (i) the recognised state fulfills the requirement laid down by International law for effective participation in International community
- (ii) International Court of justice gives the recognition
- (iii) In the opinion of the recognising state, although the nascent state or government is independent and effective, yet it is not able to fulfill its international responsibility
- (iv) None of the above.

(f) The 'doctrine of non-inquiry' means —

- (i) the person extradited for a particular crime can be tried for only that crime
- (ii) offence must be designated as a crime under the domestic laws of both the states
- (iii) requested state is not to make inquiry about the nature of criminal justice system in the requesting state
- (iv) None of the above.

(g) Which one of the following is not a pacific means of settlement of international dispute ?

(i) Judicial settlement

(ii) Reprisals

(iii) Enquiry

(iv) Good offices.

(h) What does 'Pacta Sunt Servanda' mean —

(i) A treaty does not create either obligations or rights for the third state without its consent

(ii) treaty obligations subsist only so far as the essential circumstances remain unchanged

(iii) Agreements between States are to be respected

(iv) None of the above.

(i) The Charter of United Nation is

(i) a multilateral treaty establishing or restating the rights and duties of signatory state

(ii) a treaty among the members of security council

(iii) an effort to maintain the peace and security mainly and exclusively

(iv) none of the above.

(j) The International Court of Justice is

(i) an independent international judicial body

(ii) an integral part of United Nations

(iii) an integral part of League of Nations

(iv) established by the Rome Treaty, 1998.

2. Answer the following questions briefly :

2×5=10

(a) Write meaning and consequences of providing diplomatic protection to an individual.

(b) Mention the rights that can be exercised by the Coastal State in the EEZ as per UNCLOS, 1982.

(c) Differentiate between *De-jure* and *De-facto* recognition.

(d) Differentiate between Retorsion and Reprisal.

(e) Name important International documents on laws of war of contemporary world.

3. Define International Law, pointing out its basic theories lending support to it and comment whether it is a true law.

3+6+3=12

Or

Discuss the two principal theories on the relationship of International law and Municipal law. What is the present practice in India and in Great Britain in injecting the rules of International law by the Municipal Courts? 8+4=12

4. Discuss various sources of International law as mentioned in Art 38 of the Statute of ICJ. 12

Or

What are Active and Passive Nationality Principles. Explain.

Under which principle a state can exercise its jurisdiction to punish a foreigner for acts committed abroad? 6+6=12

5. What is Recognition? Discuss various theories on recognition. 3+9=12

Or

What are the various modes of recognition? 12

6. Comment upon the different methods for settlement of disputes between states through pacific means. 12

Or

What is Intervention? What are its kinds?  
When is it allowed? 3+6+3=12

7. Discuss the organization and importance of the UNO with its constituting organs. 12

Or

What is war? Discuss the legal effects of outbreak of war. 3+9=12

Total number of printed pages-8

**6 SEM LLB (N) PIL 2**

**2018**

(June)

**LAW**

Paper : 6-2

**(Public International Law)**

**(New Course)**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Choose the correct answer :  $1 \times 10 = 10$

(a) Which of the following statement is *not* true about Public International Law ?

(i) It is a body of customary or conventional rules which is considered as legally binding by civilized states in their intercourse with each other, and is concerned solely with the rights and obligations of sovereign states.

Contd.

(ii) Rights arising out of Public International Law are absolute, and their breach constitute *casus belli*.

(iii) It is also called "conflict of laws".

(iv) It is concerned solely with rules concerning the rights and obligations of the states' interest.

(b) A key difference between international law and national law is :

(i) International law possesses a legislative system but not a judiciary

(ii) International law possesses a judiciary but not a legislative system

(iii) International law possesses neither a legislative system nor a judiciary nor an executive

(iv) International law possesses a legislative system and a judiciary but not an executive.

(c) Which of the following is *not* true about the principle of *jus cogens*?

(i) It is a peremptory norm of general international law.

(ii) It is accepted and recognised by the international community of States as a whole.

(iii) It is accepted as a norm from which derogation is permitted only in specific circumstances.

(iv) It can be modified only by a general international law having the same character.

(d) 'Opinio juris' refers to :

(i) Bench of ICJ

(ii) Members of the ICJ

(iii) Opinions of eminent legal thinkers

(iv) Customary international law.

(e) Which of the following statement is *false* about the Declaratory Theory of State Formation?

(i) Recognition is merely an acceptance by States of an already existing situation.

(ii) A new State will acquire capacity in international law not by the virtue of consent of other States but by virtue of a particular factual situation.

(iii) A State will be legally constituted by its own efforts and circumstances, but will have to await the procedure of the declaration of recognition by the other States.

(iv) Even an unrecognised State will enjoy the rights and assume the obligations in international law.

(f) Extradition means :

(i) Handing over a diplomate to other State

(ii) Handing over a POW to other State

(iii) Handing over a criminal to other State

(iv) None of these.

(g) The most fundamental principle of treaty law is :

(i) *Pacta sunt servanda*

(ii) *Rebus sic stantibus*

(iii) Internal law is no excuse

(iv) *Jus cogens* violations invalidate a treaty.

(h) Which Article of the Indian Constitution empowers Parliament to enact legislation to give effect to treaty obligations ?

(i) Art. 253

(ii) Art. 254

(iii) Art. 256

(iv) Art. 257.

(i) Where is the permanent seat of ICJ ?

(i) Vienna, Austria

(ii) Geneva, Switzerland

(iii) Strasbourg, France

(iv) The Hague, the Netherlands.

(j) Which of the following is not a principle aim of the UN ?

(i) To promote international law

(ii) To facilitate co-operation among States

(iii) To ensure world peace

(iv) To ensure economic development for minorities.

7. Is there any rule under the International Law on declaration of war? Discuss the effects of outbreak of a war. 3+9=12

Or

How the international organisations are created? Write a note on various categories of international organisation. 4+8=12

Total number of printed pages-7

**6 SEM LLB (N) PIL 2**

**2019**

(June)

**LAW**

Paper : 6-2

**(Public International Law)**

**(New Course)**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Choose the correct answer : 1×10=10

(a) "International Law is not true law but positive international morality". Who said this ?

(i) John Austin

(ii) Oppenheim

(iii) Hagel

(iv) Grotius.

Centd.

(b) Which of the following theories of international law prescribes that in order to implement or apply any international law in the domain of municipal law, the rules of international law must undergo a change ?

- (i) Theory of dualism
- (ii) Specific adoption theory
- (iii) Transformation theory
- (iv) Delegation theory.

(c) The term *opinio juris* signifies :

- (i) Just opinion
- (ii) The belief that a certain practice is obligatory as a matter of law
- (iii) Decision of publicists on law
- (iv) None of these.

(d) The North Sea Continental Shelf case determined by the ICJ in 1969 was a dispute between —

- (i) Germany on the one hand and Holland and Denmark on the other
- (ii) Germany and Holland
- (iii) Germany and Denmark
- (iv) Holland and Denmark.

(e) A British national murders a man in Germany. Which of the following is true ?

- (i) British courts have jurisdiction due to the nationality principle.
- (ii) German courts have jurisdiction due to the territorial principle.
- (iii) Both (i) and (ii).
- (iv) None of the above.

(f) Double criminality implies :

- (i) A person commits two crimes at once
- (ii) A person is convicted of one crime twice
- (iii) That crime involved is crime in both the states involved in an extradition arrangement
- (iv) None of the above.

(g) The Alabama Claims Arbitration case was decided in :

- (i) 1872
- (ii) 1854
- (iii) 1890
- (iv) None of these.

(h) The doctrine of *rebus sic stantibus* means :

(i) Where there has been a fundamental change of circumstances since an agreement was concluded, a party to that agreement may withdraw from or terminate it

(ii) A fundamental change in the circumstances which determined the parties to accept a treaty

(iii) A ground for invoking the termination or suspension of the treaty

(iv) None of these.

(i) Who are "persons hors de combat" ?

(i) A person in the power of an adverse party

(ii) A person who clearly expresses an intention to surrender

(iii) A person who has been rendered unconscious or is otherwise incapacitated by wounds or sickness, and therefore is incapable of defending himself

(iv) All of the above.

(j) The UN was established on :

(i) 24 October, 1945

(ii) 25 September, 1947

(iii) 26 August, 1945

(iv) 23 June, 1947.

2. Answer the following questions in brief :

2x5=10

(a) What are the essentials that endow a state with international legal personality ?

(b) What do you mean by state practice ?

(c) Write two differences between *de facto* and *de jure* recognition.

(d) What is Retorsion ?

(e) Name the principal organs of United Nations.

3. How Oppenheim defines 'international law' ? Does this definition covers all aspects of international law. Discuss briefly evaluation and development of international law.

2+4+6=12

Or

Discuss the various theories relating to the application of international law within the municipal sphere. Briefly mention Indian practice in this respect. 8+4=12

4. What are the sources of international law? Discuss. 12

Or

What is territorial sea? How this area is determined as per UNCLOS? Discuss the rights and duties of coastal states in the territorial sea. What are the rights of third states in territorial sea? 2+2+4+4=12

5. What is recognition? What are the differences between *de facto* and *de jure* recognition? Can the recognition granted to a state or govt. be withdrawn? 2+6+4=12

Or

What do you mean by extradition? What type of crimes are not subjected to extradition proceeding under customary rules of international law? Discuss. 3+9=12

6. Discuss briefly the various methods for "Pacific Settlement of Disputes". 12

Or

What do you mean by *Pacta sunt servanda*? Discuss the methods for termination of a treaty. 4+8=12

7. Discuss the circumstances under which use of force by a state is considered as lawful. What are the effects of outbreak of war? 6+6=12

Or

What are the different kinds of International Organisations? Briefly discuss legal functions of such organisations. 6+6=12

Total number of printed pages-4

**6 SEM LLB PIL 2**

**2020**

**LAW**

Paper : 6-2

**(Public International Law)**

**(New Course)**

Full Marks : 80

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Answer the following :  $1 \times 10 = 10$ 
  - (a) Define 'International Law'.
  - (b) Who and when for the first time used the words 'International Law'?
  - (c) Name the Treaty which provides for the State jurisdiction on Outer Space.
  - (d) What are the conventions containing provisions relating to jurisdiction of State on Aircraft?

Contd.

- (e) What are the *two* main theories of recognition of a State?
- (f) When may the implied recognition of a State be inferred?
- (g) Mention *any two* coercive means of settlement of International disputes.
- (h) Enumerate various kinds of treaties.
- (i) What is the main objective of war?
- (j) Who are the permanent members of Security Council?

2. Give answer to the following questions :

2×5=10

- (i) Who are considered as subject under International Law?
- (ii) What is piracy?
- (iii) What is the rule regarding withdrawal of recognition of a state?
- (iv) What are the provisions under the Vienna Convention, 1969 relating to reservation?
- (v) What do you mean by Veto Power? Who can exercise this power in the UNO?

- 3. Write a note on the nature of International Law. 12

**Or**

Discuss the *two* principal theories regarding the relationship between International Law and Municipal Law. Enumerate the practice in India and in Great Britain in applying the rules of International Law by the Municipal Courts. 8+4=12

- 4. Discuss various sources of International Law. 12

**Or**

What is State jurisdiction? Elucidate the principles of State jurisdiction. 2+10=12

- 5. Distinguish between *de jure* and *de facto* recognition of a State. What is the retrospective effect of recognition? 10+2=12

**Or**

What is extradition? Is it a legal duty of a State? Enumerate the rules of extradition under International Law. 2+2+8=12

- 6. Discuss the pacific means of settlement of International Dispute. 12

Or  
Write short notes on the following :  
4×3=12

- (a) *Pacta sunt servanda*
- (b) *Jus cogens*
- (c) *Pacta tertiis nec nocent*

7. Write the concept of war. Write the provisions under International Law relating to prohibition on the use of Biological Weapon.  
12

Or  
Write short notes on the following :  
6+6=12

- (a) Security Council
- (b) International Court of Justice.

Total No. of pages: 1

6 SEM LLB PIL 6.2

2021  
(September)  
LAW  
Paper: 6.2  
(Public International Law)  
Full Marks- 40  
Time: 1 ½ Hrs

*(The figures in the margin indicate the full marks for the questions)*

1. Answer any two from the following questions 13×2= 26
- a. Critically examine Oppenheim's view on International Law. 13
- b. What are the five principles of jurisdiction under International law? How do you justify the military operation of the United States of America against Al Qaeda in Afghanistan after the Twin Tower incident. 7+6=13
- c. What is Extradition? Can a state refuse extradition? Write a note on the rules under International Law on extradition of Political offender. 3+3+7+13
- d. Discuss the methods of settlement of dispute under International Law? Can use of force be one of the methods? 8+5=13
- e. Is there any rule under International Law on declaration of war? Discuss the effect of outbreak of a war. 5+8=13
2. Answer any one form the following questions 14×1=14
- a. Discuss the theories regarding relationship between International Law and Minucipal law with special reference to its application in India. 14
- b. What do you mean by Territorial sea and High sea? Discuss the limitations on the right to exercise freedom by the sovereign state in the High sea. 4+4+6=14
- c. Discuss various theories on Recognition. What are the various modes of recognition? What is the difference between recognition of Government and recognition of State? 4+5+5=14
- d. What do you mean by Pucta sunt servanda? What are the various modes by which a state may express its consent to be bound by a Treaty? Is there a duty to ratify a treaty? 4+8+2
- e. Discuss the organisation and importance of the UNO with its constituting organs? 5+9

Total number of printed pages-4

**6 SEM LLB PIL 6-2**

**2023**

(June)

**LAW**

Paper : 6-2

**(Public International Law)**

Full Marks : 80

Pass Marks : 32

Time : Three hours

**The figures in the margin indicate  
full marks for the questions.**

1. Answer the following question in short :  
1×10=10
  - (a) State *one* reason why international law is said to be a weak law ?
  - (b) Who is popularly known as 'Father of Law of Nations' ?
  - (c) Mention *one* defect of custom as a source of international law.

Contd.

- (d) Name *one* exponent of the 'Monistic Theory'.
- (e) State the *two* theories of recognition.
- (f) Mention *one* coercive means used for settlement of international dispute.
- (g) What is prize court ?
- (h) Mention *two* organs of UNO.
- (i) What is maritime belt ?
- (j) State *one* object behind formation of League of Nations.
2. Answer the following questions in brief :  
2×5=10
- (a) Define 'International Law' as per Bentham.
- (b) State *two* effects of recognition.
- (c) What are the *two* types of international treaties ?
- (d) Mention *two* theories regarding air space over occupied land and water.
- (e) How is war different from civil war ?
3. Write an elaborate note on the subjects of international law. 12

**Or**

- "International law consists of a body of rules governing the relations between states." Describe the nature and scope of international law in the light of the above statement.
4. Describe the sources of international law. According to you which source is most important and relevant in today's circumstances ? Justify. 8+4=12

**Or**

- Discuss the provisions of international law regarding the outer space. Refer to the recent developments in this field. 12
5. Explain the concept of recognition of a state and distinguish between *de jure* and *de facto* recognition. 12

**Or**

What do you understand by the term 'extradition' ? What are the essential conditions for extradition of a person ? Cite relevant case laws. 5+7=12

6. What are the circumstances under which a 'treaty' may be suspended or terminated or considered invalid ? What are the methods used for termination of a treaty ?

8+4=12

**Or**

Discuss the peaceful or amicable methods of settlement of international disputes. 12

7. What is the importance and purpose of the 'Laws of War' ? What are the effects of war on the civilian population ? 6+6=12

**Or**

Compare League of Nations with the UNO and point out how far UNO is an improved and better organisation than the League of Nations. 12