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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.

- (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.

2. Answer the following questions in brief:
2×5=10

(i) Write differences between Public International Law and Private International Law.

(ii) What do you mean by Right of hot pursuit?

(iii) What are Tobar and Estrada Doctrines?

(iv) What are the various modes for termination of a treaty?

(v) Write the purposes behind establishing the United Nations as mentioned in Article I of the UN charter.

3. What do you mean by International Law?
Is it a true law?

Discuss Oppenheim's view on International Law with criticism.
3+3+3+3=12

Or

Who are international persons? When an entity be deemed to possess international personality? Write a brief note on imposition of international personality.

4. What do you mean by High Seas? Does it come under jurisdiction of a country? Discuss the limitations on the right to exercise freedom by the sovereign state in the High Seas. $3+3+6=12$

Or

Write a note on provisions under international law for granting rights and privileges to a land-locked state. 12

5. Is acquisition of essential attributes of Statehood sufficient for recognition of a State in the international sphere? Critically discuss the various theories of recognition. $2+10=12$

Or

What is Extradition? Is it a legal duty of a state? Write a note on the rules under international law on extradition of political offender. $3+2+7=12$

6. Write a note on various coercive means for settlement of disputes between States. 12

Or

Does a treaty create obligation or right for a state without its consent? Discuss the exceptions to "*pacta tertiis nec nocent nec prosunt*".

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. $4+8=12$

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