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**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.

- (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

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