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Reg. No. : .....

Name : .....

Tenth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (Five Year Integrated) Degree Examination, August 2018
Paper – III : PUBLIC INTERNATIONAL LAW

Time : 3 Hours Max. Marks : 80

PART – I

Explain **any five** of the following. **Each** question carries **2** marks. Answers should **not** exceed **50** words **each**.

1. *Jus cogens*.
2. "*De-facto*" recognition of a State.
3. 'Condominium'.
4. Doctrine of hot pursuit.
5. "Power of veto".
6. Trade Related aspects of Intellectual Property Rights (TRIPS).
7. Right of self-determination. **(5×2=10 Marks)**

PART –II

Explain **any four** of the following. **Each** question carries **4** marks. Answers should **not** exceed **120** words **each**.

1. 'Custom' as a source of international law.
2. Recognition of Belligerency.
3. Law of Air Space.
4. Continental Shelf.
5. Legal personality of UN. **(4×4=16 Marks)**

P.T.O.

PART – III

Answer **any four** of the following. **Each** question carries **6** marks.

1. A warship belonging to State 'X' while passing through the territorial waters of State 'Y' was damaged by the explosion of mines laid by the State 'Y' there. A naval unit of State 'X' then swept for mines the territorial waters of State 'Y' without the latter's consent. State 'X' claimed damages for loss caused by the negligence of State 'Y' in not giving a warning to the ships of State 'X'. State 'Y' contented that State 'X' had violated its sovereignty by carrying out the mine sweeping operations without its consent. Decide the merits of the complaints.

2. The States 'A', 'B', 'C', 'D', 'E' and 'F' are parties to a multilateral treaty banning trade barriers with regard to all dairy products. The State 'B' informs the other five States that it does not consider itself bound by the provision of the treaty regarding the compulsory settlement of treaty-related disputes by the International Court of Justice. The states 'A', 'C' and 'D' do not respond to the statement. The state 'E' agrees with the statement. The State 'F' objects to the statement. The treaty does not mention anything on reservations. Discuss the legal effects of the statement made by the State 'B' and the reactions thereto by the other five States.

3. A foreigner 'F' was seriously injured in a mob violence while he was in India. Discuss, if and to what extent, India would be responsible for the injury suffered by the foreign national by the unlawful acts of rioters.

4. On 31st May 2010, Israel stormed a Turkish ship which carried aid for Gaza. At an emergency session, the United Nations Security Council called for a prompt, impartial, credible and transparent investigation conforming to international standards. Israel responded by stating that "Israel is a democratic nation; Israel has the ability and the right to investigate itself, not to be investigated by any International Board". Examine whether or not the UN Security Council is allowed to take up this matter.

5. Dystopia, a UN member State and a State party to the International Covenant on Civil and Political Rights (ICCPR), is accused by several human rights NGOs of breaching the prohibition of torture. The government of Dystopia denies these accusations and states that : (i) the interrogation techniques used by the Dystopian authorities do not amount to torture within the meaning of the ICCPR; and (ii) Dystopia is presently at war with a neighboring State and has proclaimed a State of emergency, accordingly it is temporarily not obliged to uphold the prohibition of torture. Assess the legal validity of the Government's arguments.

(4×6=24 Marks)

PART – IV

Answer **any three** of the following. **Each** question carries **10** marks.

1. Discuss the various theories regarding the relationship between International Law and Municipal Law. In case of a conflict between a rule of International Law and Municipal Law. Which law would the Indian courts apply ?

2. Explain the status of individuals in International law.

3. Explain the criteria for Statehood under International Law. How is the declaratory theory of Statehood different from the constitutive theory ? What are the different kinds of States under International Law ?

4. What are the first, second and third generation of human rights ? Are they universal and interdependent ? Do you agree with the classification ? Discuss with reasons.

(3×10=30 Marks)