



# BRAINWARE UNIVERSITY

Term End Examination 2023-2024

Programme – LL.B.-2021

Course Name – Public International Law

Course Code - LLB506

( Semester V )

Full Marks : 60

Time : 2:30 Hours

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

## Group-A

(Multiple Choice Type Question)

1 x 15=15

1. Choose the correct alternative from the following :

(i) Identify which of these is not a pacific means of settlement of disputes

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|----------------|-----------------|
| a) Arbitration | b) Negotiation  |
| c) Blockade    | d) Good Offices |

(ii) Identify the reason for the failure of the League of the Nations

- |  |                                  |
|--|----------------------------------|
| a) it did not completely prohibit war                    | b) America never became a member |
| c) Unanimity principle obstructed its day-to day working | d) All of these                  |

(iii) Choose the Article of the UN Charter under which the Security Council has the power to use force against the State

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|-----------------|---------------|
| a) Article 41   | b) Article 40 |
| c) Article 2(4) | d) Article 42 |

(iv) Choose the case in which the permanent court of international justice applied the general principle of res judicata

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|---|--|
| a) The Chorow factory case                | b) The Serbian loans case                      |
| c) Diversion of water from the Meuse case | d) The Mavrowmattis Palestine concessions case |

(v) Choose which of these admits a state to the membership of the U.N

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|-------------------------|-------------------------|
| a) the Security Council | b) the General Assembly |
| c) Both                 | d) none of these        |

(vi) Select the function of the contiguous zone

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|--|--|
| a) The contiguous zone functions as security zone of the coastal State | b) The contiguous zone is a zone, in which the coastal State may explore and exploit its mineral resources |
|--|--|

- c) The contiguous zone is a zone in which the coastal State is permitted to prevent and punish infringements of customs, fiscal, immigration or sanitary laws
- d) The contiguous zone is a zone in which the coastal State safeguards its archaeological and historical objects
- (vii) Name the Conference in which the UN Charter was voted and unanimously adopted
- a) The Tehran Conference  
b) The Yalta Conference  
c) Sanfrancisco Conference  
d) Dumbarton Oaks Conference
- (viii) Interpret the judgement given by the ICJ in the 1996 advisory opinion on the Legality of the Threat of Use of Nuclear Weapons in Armed Conflict on the threat or use of nuclear weapons
- a) It is legal under any circumstances they are resorted to in self-defense  
b) It is illegal under any circumstances  
c) It is legal if a state resorts to these weapons when it feels that its very survival is at stake, provided that such use of the weapons conforms 10 rules relating to self-defense and international humanitarian law  
d) It is legal if resorted to against a state which has persistently committed gross violations of human rights over its citizens
- (ix) Predict the nature of legal bindingness of the provisional measures issued by the ICJ upon the parties
- a) No, according to the literal interpretation of the relevant provision of the State, the provisional measures are not binding  
b) No, unless the parties have agreed so beforehand  
c) It depends upon the Court whether the provisional measures will be binding  
d) Yes, it has been consistently held by the Court since the 'La Grand case'(2001) that they are binding
- (x) Choose the case which support the observation that 'De facto and de jure recognition is indistinguishable as far as municipal law effects is concerned'
- a) North sea Continental shelf case  
b) Lotus case  
c) Luther vs. Sagor  
d) Fisheries case
- (xi) Choose the first case taken up by the International Court of Justice
- a) Nationality decrees in Tunis and Morocco  
b) Lighthouse in Crete and Samos  
c) Corfu channel  
d) Asylum case
- (xii) Indicate the meaning of Diplomatic Assylum
- a) A diplomatic agent seeking asylum in the receiving State  
b) Asylum provided by a diplomatic mission  
c) Asylum provided to a political leader by a foreign State  
d) None of these
- (xiii) Predict the means by which the consent of a State to be bound may be expressed
- a) The consent of a State to be bound is expressed only by ratification  
b) The consent of a state to be bound by a treaty may be expressed by signature, ratification, acceptance, approval or accession  
c) The consent of a State to be bound is expressed by signature  
d) The consent of a State to be bound is expressed by signature
- (xiv) Indicate the correct alternative in the case when two multilateral treaties are in force in respect of the same subject matter, one concluded subsequent to the other:
- a) the later treaty shall prevail over the earlier one  
b) since each treaty is based on express consent of states parties to it, continues to exist independently of the other, even for states parties to both the treaties

- c) the provisions of the later treaty shall prevail over those of the earlier treaty, in respect of the same states parties to both the treaties
- d) the validity of the earlier treaty shall be subject to adjudication by the International Court of Justice
- (xv) Identify the two major classifications of the jurisdiction of the ICJ
- a) Contentious Jurisdiction and Advisory Jurisdiction
- b) Voluntary Jurisdiction and Adhoc Jurisdiction
- c) Transferred Jurisdiction and Voluntary Jurisdiction
- d) Voluntary Jurisdiction and Optional Jurisdiction

**Group-B**

(Short Answer Type Questions)

3 x 5=15

2. Classify the crimes punishable under international law as established under the Nuremberg Trial (3)
3. Interpret the concept of delimitation of continental shelf between two or more states with the help of a case. (3)
4. Interpret the meaning of dualistic theory (3)
5. Describe the way the principle of consent shapes the nature of International Law (3)
6. Analyze two important significant contributions of the Corfu Channel Case (3)

**OR**

- Analyze briefly importance of the Fisheries Case (3)

**Group-C**

(Long Answer Type Questions)

5 x 6=30

7. Summarize the positions of individuals in international law. (5)
8. Examine whether International Law is really Law or not (5)
9. Analyze the essential conditions of granting extradition with examples of some Indian cases on extradition. (5)
10. Evaluate the legal effects of recognition. (5)
11. Explain the rights and duties of coastal state over territorial waters (5)
12. Appraise the role of the Security Council in the maintenance of international peace and security with specific reference to Chapter VI and Chapter VII of the UN Charter. (5)

**OR**

- Evaluate the jurisdiction of International Court of Justice and the role it plays in the development of International Law with case laws (5)

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