

2022**LAW****Public International Law****Paper - 703****(NEW SYLLABUS)**

Full Marks : 80

Time : 3 Hours

*The figures in the right-hand margin indicate marks.**Candidates are required to give answers in their own words as far as practicable.***Answer question no. 1 and any five from the rest.**

1. Answer any **ten** questions: 2×10=20
- i) Distinguish between Public International Law and Private International Law.
 - ii) Explain the concept of De Facto recognition.
 - iii) Define Nationality in the light of International Law.
 - iv) Differentiate between Monistic theory and Dualistic theory of International Law.
 - v) Identify the subjects of International law.
 - vi) Explain the concept of Sovereignty as discussed in Monte Video Convention.
 - vii) Write a note on International Law Commission.

[Turn over]

- viii) Discuss the concept of Humanitarian Intervention.
 - ix) What is meant by recognition of belligerency?
 - x) Enunciate the modes of loss of Nationality.
 - xi) Define the term fugitive.
 - xii) Explain the concept of *Rebus Sic Stantibus*.
2. Discuss in detail the various sources of International law. 12
 3. "Personality as a judicial term signifying the homogenous and autonomous character of a community is not transmissible. The Roman Law analogy is justifiable only as a Metaphor, and the validity of the Metaphor, is not substantiated by an examination of the body of diplomatic and judicial practice" – In the light of above statement, discuss the various theories of State Succession. 12
 4. "The obligation to extradite or prosecute has been recognised since the time of Grotius who was of the view that a state of refuge has a duty either to punish the offender or to surrender him to the state seeking his return. He postulated the principle of *aut dedere aut punire*." – In the light of above statement examine whether extradition is a legal duty of a state. 12

5. "The Charter of the United Nations has recognised the peaceful settlement of disputes as one of the principles of the United Nations. Article 33, para 1 of the charter enumerates a number of peaceful means for the settlement of disputes" – Explain the various amicable means of settlement of international disputes. 12
6. "The Optional Protocol to the Covenant on Civil and Political Rights of 1966 provides for the petitions by the individuals before the Human Rights Committee against its own State."— With reference to the above statement examine the place of individuals in International Law. 12
7. "In *Nottebohm* case, the International Court of Justice defined Nationality as a legal bond having as its legal basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties." – In the light of above statement, explain the concept of modes of acquisition of Nationality. 12
8. "Article 34 of the Vienna Convention which say that a treaty does not create either obligations or rights for a third state without its consent". – In the light of the above statement analyze the legal maxim *Pacta Tertis Nec Nocent Nec Prosunt*. 12

9. Explain the Rights and Duties of Neutral and Belligerent States as per the international standards.