


Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Human Rights and international Law **Semester: VI**
Program: BBA, LL.B. (Hons.) Corporate Laws 2016, BBA, LL.B. (Hons.) Banking, Insurance and Finance / International Trade and Investment Law 2016, B.COM. LLB. (Hons.) Taxation Laws 2016, BA. LL.B. (HONS.) Criminal /Constitutional/Labor 2016, BA. LL.B. (HONS.) ENERGY LAWS 2016
Time: 03 hrs.
Course Code: LLBL432 **Max. Marks: 100**

Instructions:

SECTION A

	Fill in the blanks.	Marks	CO
Q1	Territorial sea extends to....nautical miles.	2	CO1
Q2	The essentials of valid custom are.....	2	CO1
Q3	The international covenant on Economic, Social and Cultural Rights contain.....generation rights.	2	CO2
Q4	In general, terms Human rights are entitlements due to every men, women and child because they are....	2	CO2
Q5	According to which theory of recognition, recognition is a political or discretionary Act?.....	2	CO1

SECTION B

	Attempt all the questions		
Q6	“Law of the nations or international law is the name for the body of customary and conventional rules, which are considered legally binding by civilized states in their intercourse with each other.”-Oppenheim. In the light of the above statements, discuss the merits and demerits of the definition of international law given by above jurist.	10	C01
Q7	A subject of International Law is a person (entity) who possesses international legal personality, i.e., capable of possessing international rights and obligations and having the capacity to take certain types of action on the international level. In the light of the above concept, discuss the various subjects of International law.	10	C04

SECTION-C

	Attempt all the questions		
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Q8	The problem of relationship between the rules of international law and municipal law is one of the most controversial questions of legal theory. In view of the above statement, analyze various theories establishing relationship between municipal and international Law also throwing light on the implementation of the international law in Indian municipal law through various constitutional provisions.	10	C02
Q9-	With respect to Law of Sea, analyze the concept of Innocent Passage? What are the rights and duties of the Coastal State and Other States in the innocent passage?	5	C01
Q10	Discuss the significance of human rights. Explain the meaning of the first generation of human Rights.	5	C03
SECTION-D			
	Attempt any two of the following the questions		
Q10	In 1991, M a military officer, ousted the government of Timbakto. He promulgated a new constitution for Timbakto. M remained in power for over two years and thereafter fled the country. M's government (though peaceful) was never recognized by many nations including the government of Great Land. The new government of Timbakto repudiated certain obligations undertaken by M's government towards the nationals of state Great Land. State of Great Land brings a claim against the state of Timbakto; the latter disputes the locus standi of Great Land since it never recognized M's regime. Discuss with the help of legal concept in international law and case laws.	25	C04
Q11	Dhibiya is a coastal state, surrounded by a long continental shelf. Opposite to Dhibiya at the distance of 300 km exists an archipelago Salta. Salta has a very small continental shelf. They have a dispute regarding extension of their continental shelf. Dhibiya claims that principles of equity demands that exclusive economic zones of both countries should be in proportion to the length of their continental shelves. But Salta claims that under UNCLOS every state has a right to get 200 km of exclusive economic zone. And in the case of opposite states with less than 400 km distance, between their baselines, application of equidistant rule is an obligation. The matter was referred to the ICJ. Discuss in details with all the provisions regarding delimitation of the coastal seas according to the UNCLOS. Note: This matter pertains to a period when UNCLOS was already signed by many countries, including Dhibiya and Salta, but it had not come into force for want of required number of ratifications.	25	C03
Q12	A, a company registered in a state 'X' and carrying on its operations in state 'Y'. During the course of its operations, a civil war breaks out in state 'Y' as a result of which the company A had to shut down its operations in state 'Y'. As a result of the shutting down of operations, A suffers a loss and goes into liquidation. As a result of the liquidation, the shareholders of the company, majority of who were citizens of the state of 'Z' suffer a loss and state 'Z' brings a claim before the International Court of Justice against state 'Y', where the company was all of a sudden asked to shut down its operations. Whether the claim of state 'Z' on behalf of its citizens who constituted the majority shareholders of the company be successful against state 'Y' which	25	C04

	<p>ordered the shutting down of the operations of the company A, owing to the exigencies of civil war.</p> <p>(a) Discuss the instant case in the light of the sources of international law to be applied by the International Court of Justice in view of Article 38 of the statute of the court.</p> <p>(b) Enumerate the various cases where the above mentioned source of international law been applied by the International Court of Justice.</p>		
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Instructions:

	Attempt all the questions	Marks	CO
Q1	Contiguous Zone extends to.....nautical miles	2	C01
Q2	Which article in the constitution reflects the doctrine of incorporation of international law into municipal law.....	2	C01
Q3	To be subject of International Law an entity should be endowed with.....	2	C02
Q4	How many sources of international law have been provided by Art 38 of the statute of the ICJ?	2	C02
Q5	The essentials of valid custom are.....	2	C01

SECTION B

	Attempt all the questions		
Q6	International Law is the vanishing point of Jurisprudence' – Comment	10	C03
Q7	International Law has come a long way from considering only states as the subjects and now considers non-state entities and individuals as the subjects. Elucidate.	10	C02

SECTION-C

	Attempt all the questions		
Q8	Article 38 of the statute of ICJ has stood the test of time. It is an accurate codification of sources of international law. Discuss the sources of international law with the help of case laws.	10	C01
Q9	What is the meaning of Innocent Passage? What are the rights and duties of the Coastal State and Other States in the innocent passage?	10	C03

SECTION-D

	Attempt all the questions		

Q10	<p>'A' state, located on the coast of a strait, was used as an international waterway as per the provision of the treaty. A vessel S.S Robinhood ,belonging to the state 'B' was stopped by state 'A' on the ground that it was carrying arms/ammunition to a third country which was at war with state 'C' ,an ally of state 'A'. The state 'B' challenged this act in the ICJ,contending that the act violates the provisions of the treaty, of which both the state were signatory, which provides for free passage of all vessels of all nations at peace with the State 'A'. State 'A' on the other hand relied on international custom, which permitted stopping of vessels carrying arms and ammunition, which could be used against any ally of State 'A'Discuss with reasons and case laws whose claim shall succeed.</p>	25	C03
Q11	<p>The government of Zululand is overthrown and the rebels establish a new government .Britain continues to recognize the old government but accords de facto recognition to the new government. A suit is filed in Britain by the new government of Zululand against a bank for recovery of some money due to Zululand. The suit is contested by the old government which claims that the money should belong to it since it is the De Jure government and hence the lawful representative of Zululand. Discuss with reasons and case laws will it succeed?</p>	25	C04