



Chhatrapati Shahu Ji Maharaj
University, Kanpur

Answer Script Details
Barcode 7785971

Roll No. 23086004394
Total Mark 63/100.00

Exam BACHELOR-O_AUGUST-2024
Subject LLB204 - PUBLIC INTERNATIONAL LAW

Question wise Mark Summary

Q.No Mark Q.No Mark Q.No Mark Q.No Mark

1A 2/4 6 9/15

1B 3/4 7 11/15

1C 3/4 8 NA/15

1D 3/4 9A NA/5

1E 3/4 9B NA/5

1F 2/4 9C NA/5

1G 2/4 9D NA/5

1H 2/4

1I 2/4

1J 2/4

2 10/15

3 9/15

4 NA/15

5A NA/5

5B NA/5

5C NA/5

5D NA/5

Chhatrapati Shahu Ji Maharaj University Kanpur, Uttar Pradesh

PART-I

Date of Exam: 08/08/24 Shift: 1st Room No: P2
 Paper Code: LLB 204 Subject: Law Year/Sem: II
 Name of Candidate: ASHRUTI SRIVASTAVA
 Roll No. 23086004394

Signature of Candidate: Ashruti
 Signature of Invigilator: [Signature]
 COE Facsimile: [Signature]

PART-II

MARKS OBTAINED										
Q.	1	2	3	4	5	6	7	8	9	10
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Total										
Total Marks in Figures								Max. Marks		
Total Marks in Words										

LLB204

Paper Code

Signature of Evaluator

PART-III

Course: LLB
 Session: 2023-24 Year/Semester: IInd
 Subject Name: Public International Law
 Medium: English Hindi
 Paper Code: LLB 204
 Exam Date: 08/08/2024
 Name of Candidate: ASHRUTI SRIVASTAVA
 Father's Name: SURENDRA SRIVASTAVA

कॉलेज का कोड College Code

K	N	O	S
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परीक्ष केंद्र का कोड Exam Centre Code

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परीक्ष का प्रकार Type of Exam

Regular Ex-Student
 Private Back Paper Exam

ANSWER BOOKLET NO.

7785971

Paper Code: LLB204

PART-IV

उत्पत्ति संख्या Enrolment Number: CSJMA20000038789

परीक्षार्थी अङ्कसंख्या संख्या Candidate's Roll Number: 23086004394

पेपर कोड Paper Code: LLB204

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Q	6	6	6	6	
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Y	8	8	8	8	
Z	9	9	9	9	

Ashruti

Signature of Candidate

CS Facsimile

[Signature]

COE Facsimile

नोट- 1. परीक्षार्थी को निर्दिष्ट किया जाता है कि आवेदन करने के पृष्ठ ध्यान पर अधिकतम सभी निर्देशों को सावधानीपूर्वक पढ़ें।
 2. बोझ में धरी जाने वाली प्रतिलिपियाँ आवेदक को भुगतानी नहीं होंगी। 3. गोपनीय को बदले या गोपनीयता का उल्लंघन से धरना नहीं है।

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-I

1. Read the instructions carefully given on the answer script and admit card.
2. Write Date of Exam, Shift, Paper Code & Name of Subject Correctly.
3. Write Name & Roll No. Correctly.
4. Write Semester & Branch Correctly.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-III

1. Use blue or black ball point pen for writing alphabets & numerals in boxes.
2. Carefully study the example before you start marking.
3. As shown in the example below, blacken the circles completely.



4. Make no Stray marks on this sheet.

5. DO NOT WRITE OR MARK ON THE BAR CODE.

IN ORDER TO AVOD UFM (UNFAIR MEANS) :

1. The Roll No. and Answer Book no. found elsewhere or any other symbol found in the answer book will be treated as unfair means.
2. Any tampering of Bar Code and Booklet no shall be treated as Unfair Means.
3. Do Not bring the materials like slip of paper/mobile/digital diaries/ study material/ revision notes in examination hall. Possession of the mobiles/ digital diaries/electronic/digital/ watch and any other electronic gadget except memory less scientific calculator shall be considered as UFM case.
4. Do not keep or paste currency note in answer script it shall be consider as UFM.

अनुचित साधन से बचने हेतु :

1. उत्तर पुस्तिका के निर्दिष्ट स्थान को छेदकर अनुक्रमिक एवं उत्तरपुस्तिका का क्रमिक कड़ी और न लिखे गया कोई भी चिह्न न बनाने क्योंकि यह अनुचित साधन प्रयोग की शक्ति में आता है।
2. उत्तर पुस्तिका के बारकोड अथवा उत्तर पुस्तिका संख्या पर छेद जखम करने पर अनुचित साधन प्रयोग माना जावेगा।
3. परीक्षा काल में विभिन्न बस्तुएं साथ न लाने, जैसे किताबें, हस्त-कागज की टुकड़ें, मोबाइल, डिजिटल कालरी, डिजिटल वॉच, बंदी, घुलक पद सभी बस्तुएं जो अनुचित साधन के अन्तर्गत आती है। कंसल सर्विलाज प्रणालय में ही यैंगोरी लेस सॉर्टफिकल कोम्प्यूटेर से जाने की अनुमति होगी।
4. उत्तर पुस्तिकाओं में सफेद न रस्ते न ही उत्तर पुस्तिका में विपणन। ऐसा करना अनुचित साधन प्रयोग की शक्ति में आता है।

प्रश्नावली की दिए निर्देश

1. प्रश्न पत्र एवं उत्तर पुस्तिका पर दिये गये निर्देशों को ध्यान से पढ़ें।
2. समय पूरा हो तुरन्त उत्तर कुशल न लियें।
3. उत्तर पुस्तिका के पृष्ठों पर कोई चिह्न न लिखें।
4. प्रश्न पत्र पर अपने अनुक्रमिक को अतिरिक्त कुशल न लिखें।
5. प्रश्न पत्र कोड एवं प्रश्न पत्र ID सावधानी पूर्वक लिखें।
6. अपनी स्थिति स्पष्ट लिखें।
7. उत्तर पुस्तिका के पृष्ठों की संख्या देखें। अगर उत्तर पुस्तिका में पृष्ठ (1-24) से कम है या कटे हुए हैं, तो परीक्षा शुरू होने से पूर्व तुरन्त उत्तर पुस्तिका ले लें।
8. प्रश्नपत्र को देख, यदि प्रश्नपत्र में विषय कोड, विषय का नाम तथा प्रश्न में कोई त्रुटि है तो उसके परीक्षा होने से 30 मिनट से अन्दर कम निर्देशक को तत्काल सूचित करें, उसके बाद विश्वविद्यालय द्वारा कोई कार्य नहीं किया जावेगा।
9. प्रश्नों के उत्तर लिखने से लिये पेंसिल का प्रयोग न करें।
10. बी कोपी या अतिरिक्त टांक नहीं दिया जावेगा।

INSTRUCTION TO THE CANDIDATE

1. Read the instructions carefully given on the Question Paper, Admit Card & Answer Script.
2. Do not write anything on back side of the cover page.
3. Write on both sides of pages of answer book.
4. Do not write anything on question paper except Roll Number.
5. Write Paper Code & Question Paper Id carefully.
6. CHECK the number of pages (1-24) or any other kind of damage in your answer script, if found than change the answer script immediately before the commencement of examination.
7. CHECK the Question Paper for any kind of discrepancy e.g. Subject Code, So Name, and Question of the Question Paper during first THIRTY MINUTES of the commencement of the exam, so that it can be corrected in TIME. After that no corrections shall be entertained by the university.
8. Do not use pencil for answering the question.
9. Write status correctly e.g. those appearing in carry over papers should fill in status as Carry Over. Those appearing as Ex- Students should fill in status as ex.
10. No supplementary answer book & graph paper will be provided.

INSTRUCTION TO THE CANDIDATE FOR FILLING PART-IV

1. Use blue or black ball point pen for writing alphabets & numerals in Boxes.
2. Use blue or black ball point pen for filling the circles.

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Note- If your Roll No. is of 10 digits. Please leave first three columns .





Paper Code

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1

6. Law & order by
Judicial work
Judicial Decision & for
use only

Section - A

Answer no - 1 (a)

Jurisdiction means to give an authority to a state to command over it. It is truly connected with the sovereignty of a state. State may apply command and regulate law within jurisdiction. It is of two types -

- 1) Territorial Jurisdiction
- 2) Extra-territorial Jurisdiction.

Territorial Jurisdiction :- In territorial jurisdiction state can regulate and command within the territory of state. It can make laws on the subject matter of -
Land, Airspace, Water, Navigation vehicles
Space vessels or vehicles.

Its subject matter is of two kinds -

Subjective :- When the crime taken place in the own country, territorial jurisdiction applies.

Objective :- When the crime taken place in own country or state but by alien or foreigner.
The territorial jurisdiction can be enforced by police force, judicial and arbitral tribunals and the command force within the state.



Answer no- 1 (b)

Air space of a country is vast and wide. Air space is limitless. It is not like the sea or maritime conventions. Air space is used by state of their own territory including the internal territorial space as well as the air space of sea territory. The International Authority of Air space make some rules and regulation for use of air space-

- 1) Sovereign right: Air space can be used by state and ~~make~~ utilized for flight purpose within own territory.
- 2) Chicago convention: According to this convention the air space can be used by other state territory by some rules and regulation.
- 3) International Space Authority: According to this convention the space is free for all but it should be used by following some norms that can't disrupt other territory.
- 4) Outer state territory: Air space can be used by other state territory for navigation and flying of ~~the~~ air vehicles.



Answer no- 1 (C)

Recognition - Recognition means to incorporate a new state within the community of state which became a member of state community and follow the rules and norms of international law.

According to Oppenheim, "A state when all state member assumed a new state to give consent to incorporate it into a state community that state assume to follow the principle of international law and attain statehood."

Legal Consequence of Recognition -

- 1) A state can ask for property which lie in territory of other member state.
- 2) The Ambassador and Diplomates has an immunity and authoritative rights.
- 3) To get recognition, it means that state fulfill all the condition of being statehood.
- 4) The state gets immunity and rights to make law and treaties with other member state.
- 5) Recognized state put their view in international meetings.



Answer no- 1(d)

There are so many theories related with the Relationship of Municipal and International law.

⊙ Municipal law - The law which govern the individual within the territory called Municipal law.

⊙ International law - the law which govern the state-state relation called international law.

Dualistic theory of Relationship: The supporters of this theory are Angloletti and Tietmas. According to Angloletti the municipal and international law are different from each other. Municipal law are made from customs and usages which is prevalent within the state whereas international law are made from treaty and conventions and the treaty is followed by the member state who agree to follow that ~~say~~ treaty. It highlighted the point that the state is sovereign and it has its own rules and regulations which is followed within its own territory.



Answer no- 1 (e)

International law is a set of rules which is followed by civilized state. According to Oppenheim, "laws of Nation or International law is a body of rules of customary right and treaties which binding the civilized state to follow when intercourse with each other."

But this definition is criticised by many of the critics. Grotius was also define ~~provide~~ international law as wider aspect.

He said the arena of international law is much wider than this. He given some points-

- ⊙ International law also includes individuals not just civilized state.
- ⊙ International law also ^{followed by} ~~contain~~ political entities, state, individual and multinational companies.
- ⊙ It is not only a law of customary rights and treaties but it also contains the general rights.

Hugo Grotius is known as the father of international law.



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Answer no- 1(f)

"International law is a set of rules and regulation which is followed by member state to promote friendly relation among states and provide peace and security among nations."

There are so many sources of international law like International Convention, International Customs, Judicial Decisions, Juristic work and so on—

Juristic Work as a source of law— In public international law juristic work is considered as a source of international law. Although it is not an independent source of law and it is not prevalent from ancient time. This source of law includes the paper works, books of eminent jurist, research papers, drafting of legal cases etc. When any case gets its final decision, then some decisions become landmark. This type of judgement and cases also printed. It also includes these types of judgements written in papers. This jurist work also helps the people to understand the legal aspects of cases and legal knowledge.



Paper Code

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7

Answer no- 1 (g)

Pacta - sunt servanda — It is a latin term which means the state follow the principles and laws of international affair in honour or in good faith. It implies that the state follow the laws and regulations, norms and rules which is made in international law so that the condition of chaos and disruption has not take place.

When the state follow the laws and rules in honour of the international law and commands, the principle of Pacta - sunt servanda has seen. State follow the rules which is not contradict within its own territory and gives the country also a framework of peace.

Pacta - sunt servanda is the important principle or basis of international law. Pacta sunt servanda is the school of international law. It is applicable very old time and also followed.



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Answer no-1 (h)

Recognition means that when the state fulfill the parameters of being state, the other member state provides recognition to that particular new state to follow international law.

To get recognition it is necessary that —

- (i) The state has political authority.
- (ii) the state has ~~sovereign~~ sovereign right
- (iii) the state bound by certain laws.
- (iv) the law must be certain and effective.

Declaratory theory :- By this theory, the supporter highlighted the view that the state can follow the international law and being a member of state community without recognition. Recognition is just an evidence for the state to fulfill the condition of being state.

Criticism of  theory :- The critics says that the recognition is must for the state and it also gives right and legal support to the state. It gives immunity to the state. It is not just an evidence.



Paper Code

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9

Answer no- 1 (P)

Asylum is to provide shelter for the offenders of other territorial state.

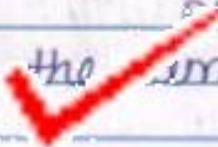
Asylum basically means to provide a place for living within the own territory to the offenders of another state.

Asylum is opposite to extradition.

In extradition a state give delivers and return the criminal to the state where he convicted but in Asylum the state provide shelter to the offenders.

Asylum is of two types -

1) Territorial Asylum :- When any state provide shelter to criminal or political offenders within state.

2) Extra-territorial Asylum → When any state provide shelter to offenders within the  embassy of their territory.

⊙ In Indian Datta Lama got Asylum in the Government of Pt. Jawaharlal Nehru. As per Article 4 of Charter on Human Right, "To grant Asylum is a right of Human Being."



Answer no- 1(j)

Extradition is made from a word Ex-tradition which means delivery of criminals. Extradition generally means to return back the criminal to its territorial state.

According to Oppenheim, "When a state return or delivers the criminal offenders to the state where he commits a crime is ~~Extradition~~ Extradition."

~~As~~ Extradition means when the person commit crime and escape from its own state or from the state where the crime take place, the state wants the offender to the territorial state where he escape. When the territorial state return. Extradition happens.

Conditions of Extradition:-

- 1) Double Criminality: ✓ The crime happened from which extradition demands it must be the crime of both state.
- 2) Generally Extradition is not applicable for political and military offenders.
- 3) Extradition allows for that crime only by which the ~~criminal~~ criminal escape, not for any former crime.



Section - B

Answer no-(2)

"International law is a set of rules and regulations which is followed by member state to promote friendly relations among state." In 1790 Jeremy Bentham used the word International Law for the first time. It is set of rules and regulation to maintain the peace and security among the nations.

Aim of international law :- The main aim of international law are as follows -

- (i) to provide peaceful settlements of war and dispute.
- (ii) to promote friendly relation among the nations
- (iii) to provide basic human rights to the individual member state.
- (iv) to restrain the state from war and threat and to solve dispute by peaceful manner.
- (v) to maintain peace and security among the member nation.



Definition of International Law -

According to Oppenheim, "Law of Nation or International Law is a body of rules of customary rights and conventions which binding the civilized state to follow that rules when intercourse with each other."

This definition of Oppenheim was criticised by many. The main reason of its criticism was —

- (i) It contains the law followed by individuals.
- (ii) It only contains the customary rights and conventions, not the general rules.
- (iii) It contains that the law followed by civilized state only.

After so many criticism, In 1908 Oppenheim transform his definition — "International law is a ~~some~~ body of ~~rules~~ which is followed by state when intercourse with each other. It also includes the individual and the political entities to follow that rules."

According to Toxten, "International Law is a set of rules which is followed by political entities and member of state."



Case - Queen vs Keyn

In this case, the highlighted point was that the public international law are also a set of usages by which civilized states agrees to deal with it.

According to John Austin, "International law is a law of public morality."

Nature and Scope of International Law -

There are so many contradictions in the definitions of eminent writers talking about international law. Some believed that it is a true law and some said that it is weak law. So we discussed it by two points -

(1) International law is not a law :-

It is a common question arises that international law is law in true sense or not. Many philosophers said it is not a true law. The supporters of this statement are Hobbes, Austin, Bentham etc.

According to Austin, "International law is a moral law having sanction."

According to Bentham, "International law is a law of weak



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legislature, weak executive and judiciary and has less sanction."

According to Holland, "International law is a vanishing point of jurisprudence."

According to Stark, "It is a weak law."

The eminent jurist believed international law as a weak law because —

- (i) It has not a proper legislature to make law.
- (ii) The court is not bind the state to follow the rules.
- (iii) To break the rules there is no punishment for it.

(2) International law is a law : The jurist who believe that international law is a law because it not necessary to follow a sanction to become the law.

According to Frederick Pollock, "To become a law, it must be followed by civilized state and public international law follow that demand."

Thus, the nature of international law is defined by different jurist in different way. And Stark said, "It is a weak law."



Answer no-(3)

International law is a set of rules which has to be followed by civilized national to promote friendly relation with member nations. There are so many sources of international laws.

Sources of International law —

1) International Convention :- According to Article 38 (1)(a) of Charter of International Court of Justice, there are international convention is its important source. International convention prevalent within the state from ancient times.

It is of two types —

(i) Law making treaty — The treaty which made by the conventions and then state accepted to follow that treaty.

(ii) Treaty contracts :- When two state or two or more states make rules or regulations and make treaty contracts.

2) International Customs :- Custom is the ancient source of international law. According to Article 38(2) of ICJ Charter, international custom became a main source.



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To become international custom, must have essentials—

- (i) the custom followed for a long time.
- (ii) the custom does not against the public morality.
- (iii) consistently followed by the people.
- (iv) It must be accepted by the state or nations.

3) General law recognized by civilized state:— These rules or regulations must be followed by the civilized states. They also become the source of international law. The state has sovereign power to follow or make rules and if the rules are followed continuously by the civilized state it becomes the source of international law.

4) Juristic Work:— It is not an ancient source of international law. This source of law includes the paper works, research book, books of eminent writers, legal cases etc. These works help the states while making laws and treaty with other state so it is considered as a source of international law.



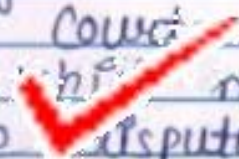
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5) Decision by Judicial and Arbitral Tribunal-

The decision by eminent jurist and arbitrator are also become a source of international law. The judges may take help by previous decision while giving his decision and also it would help to make laws which is followed by the state.

6) Determining and Decisions of United Nation Organ :-

The decisions which made by the United National Organ are also become the source of international law. To solve the dispute among the members states the International Court of Justice gives the jurisdiction  may help the state to solve the dispute and these would become the source of international law afterwards.

Some other sources of international law-

(i) State Papers :- the papers which is published within the state also helped while making law of international laws. State papers helps to provide the thinking of the circumstances by which is necessary to make law.



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Section-(C)

Answer no-(6)

International Dispute is generally means the dispute which arises between the states of member state. There are so many methods to solve the dispute among nation. As per the International law, the two methods are - Pacific method of settlement and Aggressive method of settlement.

In International law, the member nation would prefer to solve the dispute by Pacific settlement.

The method of Pacific Settlements are -

- (1) Arbitration :- To solve the dispute among nations, they can appoint arbitrator to solve the dispute among the state. The state has sovereign right to choose the arbitrator of its state. The Arbitrators help the state to solve dispute by peaceful means.



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(2) Negotiations :- The state can negotiate among themselves to solve the dispute. Negotiations can be also used with other means of settlement as it is not generally followed independently. By negotiation it is good to solve the dispute.

3) Good offices :- By this means the third state becomes the ~~reconc~~ mediator to solve the dispute. The third nation provide the person or office to the nations where dispute going on and help that state to ~~fulf~~ solve the dispute.

4) Mediator :- Mediator is a means by which any other state or person become a mediatory also provide good office to the state and by help of negotiation they can solve the dispute.

5) Conciliation :- Conciliation is a means by which a committee is formed and committee ~~enquiry~~ the circumstances of disputes than they help the nations to solve dispute.



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6) Enquiry - Enquiry is not an independent means. It is used with other pacific settlement so that the settlement take place in peaceful manner.

7) UN Charter -

As per the Art-33 to 38 of UN Charter provides the method of pacific settlement of international dispute. As per Art-4 of UN Charter, "every member state will agree to follow the pacific method to solve the international dispute."

- ① The General Assembly also give consideration to the methods of international dispute.
- ② The International Court of Justice helps and advices to solve the dispute in peaceful manner.

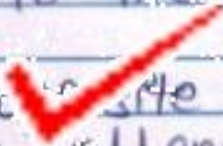


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Answer - (07)

Asylum is to provide the shelter to the political offenders within the territory of a state as well as the extra-territorial state. Asylum basically means to provide a place for living within the own territories to the offenders of another state.

Asylum is  site to Extradition. In Asylum the offenders leave the country and come to the other country and ask for shelter. It is the sovereign right of a state to give shelter to the offenders or not.

Form of Asylum —

(1) Territorial Asylum — The people who came from the other state and ask for shelter, if the state give shelter within its territory it is said to be territorial asylum.

(2) Extra-Territorial Asylum — The people who came from the other state and ask for shelter, if the shelter given outside the territory of state it is said to be extra-territorial asylum.



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Reasons of Asylum —

There are many reasons of asylum.
We as follows —

- 1) The people ask for asylum may be the situation of the nation from where he escape became worse and the law was not followed in that nation.
- 2) If the machinery of the state break-down then the people leave the nation and ask for asylum.
- 3) If any criminal offenders ask for asylum and he was committed a crime and to protect himself he may ask for asylum.
- 4) Military offenders can also ask for asylum in some circumstance.
- 5) If the governmental election takes place and any parties not make a government then he can also ask for asylum because may be other opponent party treated him worse.



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Basis of Asylum —

It is opposite of ~~asylum~~ extradition. According to Article-4 of Human Right Convention any person can demand Asylum to the state. But the state has sovereign ~~to~~ right to provide Asylum or not. Asylum ~~is~~ means to keep the offenders within the country and provide shelter to him but extradition is just opposite to it. In extradition the state send the ~~political~~ offenders to the state where he committed crime. As Asylum ~~to~~ place and the country or a nation ask for extradict a offenders, when the nation agrees to extradict the cover of asylum remove and extradition start. Thus the state is true that 'Asylum ends when the extradition begins.'





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