

Xth Semester B.A/B.B.A.LL.B & VIth Semester LL.B Examination		
Aut-20 June – 2026 Subject: PUBLIC INTERNATIONAL LAW		
Time : 2½ Hours	SCHEME OF VALUATION.	Max Marks: 70/60

PART – A

Answer all the questions

1.a	Is International Law a true Law- Comment. - Whether international law is "true law" is a classic debate, famously contested by theorists like John Austin who argued it lacks a centralized sovereign to enforce it. However, it functions as a true legal system in practice because states treat its treaties and customary rules as binding obligations, routinely invoking them in diplomacy and trade. While it lacks a central global police force, its legal nature is maintained through reciprocal state compliance, international courts, and the collective pressure of the global community.	08/07
b	Explain the Natural Law and Auto Limitation Theory. - The Natural Law Theory posits that international law is a true law derived from immutable moral principles, reason, or a higher divine order, meaning its binding force exists independently of state consent. Conversely, the Auto-Limitation Theory (or self-limitation theory) argues from a positivist stance that international law exists because sovereign states voluntarily choose to limit their own absolute power by consenting to follow common rules. Ultimately, while natural law looks to external moral imperatives for authority, auto-limitation roots the binding nature of international law entirely in the sovereign will of the states themselves.	
2.a.	Explain the Acquisition and Loss of Territory under the principle of Territorial Sovereignty - Under the principle of territorial sovereignty, states can acquire new territory through recognized historical methods such as occupation of unclaimed land, prescription through long-term uninterrupted possession, accretion by natural geographical changes, or legal transfer via cession. Conversely, territory is lost when a state permanently abandons its claim, experiences a successful secession, or formally transfers its land to another sovereign through a treaty. Both the acquisition and loss of territory fundamentally depend on the clear, continuous exercise of state authority and the general recognition of those changing boundaries by the international community.	08/07
b	Unveil the kinds of State Recognition. - State recognition primarily manifests in two distinct forms, namely de facto recognition, which is a provisional and conditional acknowledgment of a government exercising effective control over a territory, and de jure recognition, which is a formal, complete, and irrevocable acceptance of a state's legal sovereignty.	

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	Additionally, this recognition can be extended either expressly through an official public declaration or treaty, or impliedly through actions that clearly indicate an intent to establish relations, such as voting for its admission to the United Nations. Ultimately, whether granted provisionally or fully, these forms of recognition determine a new state's legal standing and capacity to interact within the global community.	
3 a.	Enumerate the state sponsored hacking under the State Responsibility. - Under the international law of state responsibility, state-sponsored hacking is classified as an internationally wrongful act when a cyber operation violates a state's sovereignty or breaches an international obligation. For legal responsibility to attach, the hacking must be directly attributable to the sponsoring state, meaning it was executed by its own state organs, such as military cyber units, or carried out by private proxy hackers acting under the instruction, direction, or effective control of the government. When these strict criteria of attribution are satisfied, the injured nation is legally entitled to demand that the sponsoring state immediately cease the malicious cyber activity and provide full reparations for any digital or physical damage caused.	08/07
b	Explicate the jurisdiction and advisory opinion of the ICJ. - The International Court of Justice possesses two main types of jurisdiction, namely contentious jurisdiction, which allows the court to resolve binding legal disputes strictly between consenting states, and advisory jurisdiction, which permits it to issue non-binding legal opinions on questions submitted by authorized United Nations organs and specialized agencies. While its contentious jurisdiction requires the explicit agreement of the involved nations to adjudicate a specific clash, its advisory function serves as an authoritative guide to clarify complex points of international law for the broader global body. Together, these dual pathways allow the court to both peacefully settle international friction and contribute significantly to the development and interpretation of international legal norms.	
4.a.	Elucidate the core elements of the United Nations Convention on the Law of the Sea. - The United Nations Convention on the Law of the Sea establishes a comprehensive jurisdictional framework by dividing the oceans into distinct zones, including a twelve nautical mile territorial sea under full state sovereignty and a two hundred nautical mile exclusive economic zone where coastal states retain sole rights over natural resources. It guarantees the vital right of innocent passage for foreign vessels through territorial waters and ensures the freedom of navigation on the high seas, which are legally designated as the common heritage of mankind. Additionally, the convention creates binding mechanisms for the peaceful settlement of maritime disputes and imposes strict legal duties on all signatory states to protect and preserve the global marine environment from pollution.	08/07
b.	Describe the amendment and Modification of Treaties.	

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	- Under the Vienna Convention on the Law of Treaties, the specific provisions governing these processes are Article 39, Article 40, and Article 41., an amendment refers to a formal alteration of treaty provisions that is intended to apply to all the participating states parties, typically requiring the notification and consent of every signatory. In contrast, a modification involves an agreement concluded between only some of the parties to alter the treaty terms strictly among themselves, provided it does not affect the rights of other states or undermine the core object and purpose of the original agreement. Ultimately, both processes provide necessary flexibility for international agreements to evolve over time, but they remain strictly bound by the procedural rules and consent requirements established within the text of the treaty itself.	
5.a.	Article 2 read with Article 51 of the UN Charter- Discuss. - Article 2 paragraph 4 of the United Nations Charter contains a basic prohibition on the threat or use of force by States against the territorial integrity or political independence of any other State. The most important exception to this rule is provided for in Article 51 which explicitly protects the inherent right of individual or collective self-defence if an armed attack occurs against a member state. Together, these provisions establish a coherent legal regime which makes unilateral use of force generally unlawful under international law, except when it is carried out strictly as a necessary and proportionate response to prior armed aggression, pending Security Council action to maintain international peace.	08/07
5.b.	Explain the International Bill of Human Rights. - The International Bill of Human Rights is made up of three basic instruments. The Universal Declaration of Human Rights. The International Covenant on Civil and Political Rights. The International Covenant on Economic, Social and Cultural Rights. Together with their optional protocols, these documents transform universal human values into a detailed codification of legal rights and responsibilities to which all people everywhere are entitled. This framework, which combines non-binding ethical aspirations with legally binding treaties, is the primary pillar of modern international human rights law, and binds ratifying nations to respect, protect, and fulfil the civil, political, economic, and social well-being of their citizens.	

PART – B

Answer 'a' in each question and choose 'b' or 'c'

6. a	The Republic of X claims that a ban on deep-sea mining has become a binding international custom, but the Federation of Y argues it has consistently protested this rule for years. Decide: i. Whether there are enough widespread state practice and legal belief (opinio juris) to make this a law for everyone? ii. Can Y be forced to follow this rule, or does its history of clear objection protect its	03
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	right to mine? - Whether there is widespread state practice and opinio juris to create a universal custom remains factually unproven here, as the unilateral assertion of the Republic of X is legally insufficient without evidence of near-uniform, global compliance and shared legal obligation. But even if such a custom has developed, the Federation of Y cannot be forced to follow it because the Federation of Y is a persistent objector, and as such, is legally exempt from the rule, by virtue of its record of continuous and explicit protest.	
b	Strike out the difference between Monism & Dualism. - Monism views international law and domestic law as a single legal system, whereby international law automatically becomes part of the domestic legal system and in case of conflict, generally takes precedence. Dualism however, is of the view that international law and domestic law are entirely separate and independent legal orders that work in different spheres and therefore international rules do not have any internal validity unless they are explicitly transformed into national law by an act of parliament. This fundamental classification influences the national courts' approach to treaties because monistic states allow their citizens to directly rely on international rights, whereas dualistic states demand additional enabling legislation to enable the enforcement of those external obligations within the domestic system.	03/02
	Or	
c	Discuss on the rise of Soft Law after World War-II - The post-World War II period witnessed the emergence of soft law, fuelled by the rapid expansion of international organisations such as the United Nations that often issued non-binding resolutions, declarations, and codes of conduct in response to complex global challenges. The approach worked because it enabled sovereign states to agree, construct normative pathways, and cooperate on sensitive issues such as human rights and environmental protection, without going through the cumbersome and lengthy process of treaty ratification. As a result, while they are not legally binding, these instruments have become important tools in contemporary global governance, as they shape state expectations, inform national legislation, and often become the direct precursors to binding customary international law.	03/02
7. a	The State of A has functioned independently for years with temporary trade agreements, but a major power has just granted it full de jure recognition. The parent State, T, protests this move, claiming State A is still legally its territory. Determine: i. The legal differences between full recognition and previous informal ties. ii. Whether de jure status can be granted while a parent state still claims the land?	03

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	- Full de jure recognition gives State A full and irrevocable legal personality and sovereign equality under international law. This enhances its status from temporary and revocable trade ties to a permanent capacity for formal diplomacy, treaties, and international litigation. While the continued territorial claim of a parent State does not constitute a legal impediment for other States to recognise de jure status, recognition of de jure status before State A's final and permanent installation of effective, independent government may be considered an illegal and premature intervention into the internal affairs of State T.	
b	Describe Pacta Sunt Servanda in the real sense on the contemporary issues. - The doctrine of pacta sunt servanda is that states must honour their treaty commitments in good faith and is the fundamental basis for international cooperation on important global problems such as climate change and trade agreements in today's world. But in an age of modern geopolitics, this rule is under enormous pressure, as countries unilaterally withdraw from, or violate, landmark accords citing changing domestic political priorities or national security concerns. At the end of the day, this principle remains vital for global stability, for if the general assumption that international agreements will be strictly observed is not maintained, then the whole structure of multilateral diplomacy and global governance is in danger of unravelling into anarchy.	03/02
	Or	
c	Mention the merits of the principle of <i>Uti Possidetis Juris</i>. - The main advantage of the principle of uti possidetis juris is that it guarantees immediate international stability and prevents large-scale armed conflict by freezing the existing administrative boundaries at the time of a colony's independence. This doctrine effectively turns former colonial or internal administrative boundaries into international frontiers, establishing a firm legal barrier to aggressive territorial claims and secessionist movements among newly created states. Although this approach may occasionally create divisions within closely related ethnic communities, it ultimately offers a predictable and universally accepted framework that safeguards the political independence of emergent nations during times of great volatility in the process of state succession.	03/02
8. a	The state of ABC, which is not a member of the International Criminal Court (ICC), is accused of committing war crimes against a neighbouring member state. After the ICC issues an arrest warrant against V, the leader of ABC. V argues that the Court has no authority over him because his country never signed the Rome Statute. Determine: - Whether the ICC can legally exercise jurisdiction over a non-member state? - Whether its rulings are binding on nations that haven't joined the treaty? - The International Criminal Court has legitimate jurisdiction over the territory under the Rome Statute regardless of the perpetrator's nationality, because the alleged war crimes were committed on the territory of an adjacent member state. However, while the court's specific territorial ruling in this case is legally	03

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	correct, its more general statutory duties do not generally bind non-member states such as ABC unless the matter is formally referred to the prosecutor by the United Nations Security Council acting under Chapter VII.	
b	Elucidate the binding nature of provisional measures and Advisory Opinions of International Court of Justice. - In the LaGrand case the International Court of Justice explicitly clarified that the Court's provisional measures have a strictly binding legal nature. They create a set of mandatory international obligations that parties to a dispute are legally obligated to obey to prevent irreparable harm. On the other hand, advisory opinions requested by authorised organs of the United Nations and specialised agencies do not have a legally binding effect on the participating states, but are highly authoritative pronouncements on the state of international law. Though not formally binding, advisory opinions have tremendous legal importance and moral authority, and are often cited as precedent in the formation of customary law, and in guiding the general assembly in adjudicating complex international disputes.	03/02
	Or	
c	Highlight the legal framework of the International Investment Arbitration. - The Convention on the Settlement of Investment Disputes between States and Nationals of Other States is the core of international investment arbitration, establishing the International Centre for Settlement of Investment Disputes, the dedicated forum for resolving investor-state disputes. This institutional infrastructure is largely supplemented by thousands of bilateral investment treaties and regional trade agreements that provide standards of investor protection and explicit state consent to submit disputes to neutral arbitral tribunals. These proceedings rely on strong enforcement mechanisms to ensure compliance and finality. For example, the New York Convention and the specific rules of the International Centre for Settlement of Investment Disputes require national courts to recognise and enforce arbitral awards as if they were final judgements of their own domestic legal systems.	03/02
9. a	A coastal state's patrol boat spots a foreign vessel fishing illegally in its waters and begins a chase that continues into the high seas. The chase is interrupted for an hour when the patrol boat stops to assist a nearby sinking ship, but it later catches and arrests the foreign vessel. Determine: i. If the right of hot pursuit remained valid despite the interruption ii. Whether the arrest on the high seas was lawful under UNCLOS. - The right of hot pursuit was rendered inoperative because the chase was completely broken off for an hour to assist the sinking ship, which violated the strict requirement under Article 111 of the United Nations Convention on the Law of the Sea that the pursuit must be completely continuous and uninterrupted. This meant that the legal continuity of the chase was lost and the	03

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	subsequent arrest of the foreign vessel on the high seas was illegal since the coastal state lost the jurisdiction in the international waters.	
b	What are the attributions of Gray-zone warfare? - Grey zone warfare is the intentional use of unconventional and asymmetric means that are specifically intended to fall between peacetime diplomacy and open military conflict. This strategy makes extensive use of cyberattacks, economic coercion, disinformation campaigns, and paramilitary proxies to accomplish strategic national objectives without crossing the tipping point that would elicit a formal, armed response by the target state or international organisations. After all, these operations are designed to exploit systemic vulnerabilities, create plausible deniability, and slowly change the geopolitical status quo without ever escalating into a traditional, legally recognisable war.	03/02
	Or	
c	Describe the tactical shift from Soft Law to Hard Law in the perspective of AI Governance. - Governance of artificial intelligence is at a crucial tactical inflection point. Early soft law approaches such as ethical guidelines and voluntary principles are not sufficient to address the accelerating risks of technology. This evolution is driven by the recognition that voluntary compliance is not accountable, with major jurisdictions moving towards hard law mechanisms, such as the European Union Artificial Intelligence Act, to establish legally binding rules, strict enforcement penalties and mandatory compliance audits. This shift thus turns vague ethical aspirations into concrete statutory obligations, setting a global precedent for governments to use enforceable regulations rather than self-regulatory codes to mitigate the systemic threats posed by advanced technologies.	03/02
10. a	A group of environmental activists were arrested during a peaceful march and were held in judicial custody for over 30 days without being formally charged. While in custody, one activist sustains serious injuries under suspicious circumstances, but the police claim immunity under local security laws. Determine: i. If these actions violate the Right to Life and Liberty under the Indian Constitution. ii. Whether international human rights standards can override domestic immunity for custodial violence. - The 30-day detention without formal charges and custodial injuries are a direct violation of Articles 21 and 22 of the Indian Constitution, as statutory police immunity cannot shield the State from constitutional remedies for custodial violence. Although international human rights instruments such as the ICCPR do not automatically prevail over domestic law under India's dualist system, Indian courts have infused these standards into Article 21 to deny law enforcement immunity for acts of custodial torture.	03

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