

Paper Code: LL.B. 306

L T Credit

Paper: Public International Law

4 1 5

1. The objective of this paper is to acquaint the students with the basics of Public International Law and practice and also to make them aware of the developments that have taken place in the recent years.
2. **Pattern of Question Paper:** The question paper shall have Parts 'A' and 'B'. In part 'A' there shall be one compulsory question based on objective or short answer type questions carrying 25 marks and covering the entire course. In part 'B', two questions of 12.5 marks each shall be asked from every unit asking the candidates to attempt one question from each unit.
3. **Tentative Course Coverage:** First and Second Unit will be covered before First Internal, Third Unit and a major portion of the Fourth Unit will be covered before Second Internal. Rest of the Topics will be completed thereafter.

I. Introduction

- a. Definition of International Law
- b. Nature and basis of International Law
- c. Subjects of International Law
- d. Relationship between International Law and Municipal Law (Number of hours – 10)

II. Sources of International law

- c. Custom
- d. Treaties
- e. General Assembly Resolutions
- f. General Principles
- g. Juristic Works
- h. Other Sources (Number of hours – 10)

III. Recognition, Extradition and Law of the Sea

a. Recognition

- (i) Theories of Recognition
- (ii) De facto, De jure recognition
- (iii) Implied Recognition
- (iv) Withdrawal of Recognition
- (v) Retroactive Effects of Recognition

b. Extradition

- 1. State Jurisdiction
- 2. Customary Law basis
- 3. Treaty Law
- 4. The nature of obligation

c. Law of the Sea

- i. Territorial Sea
- ii. Contiguous Zone
- iii. Exclusive Economic Zone
- iv. Continental Shelf
- v. High Sea

(Number of hours – 10)

IV. International Organisations

- a. UN
- b. ICJ
- c. IMF and IBRD
- d. WTO
- e. ICAO
- f. IAEA
- g. UNEP

(Number of hours – 10)

Cases Referred:-

1. Lotus Case (France v. Turkey), PCIJ, Ser. A, No. 10 (1927)
2. North Sea Continental Shelf Cases, ICJ Rep. 1969, p.3
3. Right of Passage over Indian Territory (Merits) (Portugal v. India), ICJ Rep. 1960, p.6
4. Asylum Case (Columbia v. Peru), ICJ Rep. 1950, p.266
5. Libya v. Tunisia Continental Shelf Case, ICJ Rep. 1982, p. 17
6. Libyan Arab Jamahiriya v. Malta, ICJ Rep. 1985, p.35
7. Advisory Opinion of ICJ on the Legality of the Threat or Use of Nuclear Weapons, 35 International Legal Materials 809 (1996)
8. Advisory Opinion of ICJ on the Effect of Awards of Compensation made by the United Nations Administrative Tribunal, 1958 International Law Reports 310
9. Island of Palmas Case (Netherlands v. United States) (1928) Permanent Court of Arbitration, 2 R.I.A.A.829
10. Temple of Preah Vihear Case (Merits)
11. Advisory Opinion of ICJ on Namibia, ICG Rep. 1971, p.16
12. Advisory Opinion of CJ in Western Sahara Case, ICG Rep. 1975, p.12
13. In Re Berubari Union No. (I), AIR 1960 SC 845: (1960) 3 SCR 250
14. Ram Kishore Sen v. Union of India (1966) I SCR 430 : AIR 1966 SC 644
15. Jolly George Varghese v. Bank of Cochin, AIR 1980 SC 470 (1980) 2 SCC 360
16. Gramophone Company of India Ltd. v. Birendra Bahadur Pandey, AIR 1984 SC 667: (1984) 2 SCC 534
17. Union of India v. Sukumar Sengupta, AIR 1990 SC 1692: 1990 Supp. SCC 545
18. Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
19. Vishaka v. State of Rajasthan, AIR 1997 SC 3011: (1997) 6 SCC 241
20. CIT v. P.V.A.L. Kulandagan Chettiar (2004) 6 SCC 235
21. Committee of US Citizens Living in Nicaragua v. Reagan, US Court of Appeals District of Columbia Circuit 1988, 859 Fed. Rptr. 2d 929
22. Anglo-Norwegian Fisheries Case (United Kingdom v. Norway), ICG Rep. 1951, p. 116
23. North Sea Continental Shelf Cases, ICJ Rep. 1969, p.3
24. Libya v. Tunisia Continental Shelf Case, ICJ Rep. 1982, p. 17
25. Libyan Arab Jamahiriya v. Malta, ICJ Rep. 1985, p. 35
26. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain) ICJ Reports 2001, p. 40
27. R v/s Keyn
28. A.D.M. Jabalpur v/s Shukla AIR (1976) SC
29. Shri Krishna Sharma v. State of W.B., AIR (1954) Calcutta 591
30. Civil Rights Vigilance Committee, Bangalore v. U.O.I., AIR (1983) Karnataka
31. West Rand Central Gold Mining Co. Ltd. v. Lord Alverstone, (1905) 2 KB 391

32. U.S. V P.L.O., 695 F Supp 1456 (SDNY 1988)
33. PAQUETE HABANA CASE, (1900) 175 US 671
34. Maganbhai Ishwarbhai Patel v. U.O.I., AIR (1969) SC 783
35. Luthar v. Sagar (1921) 3 KB 432
36. Civil Air Transport Corporation v. Central Air Transport Corp. (1953) AC 70
37. Re Castioni, (1891) 1 QB 149
38. Re Meuniew (1894) QB 415
39. Rauscher v. U.S. 119 US (1886)

Text books / Compulsory Readings (Latest editions only):

1. Starke – Introduction to International Law
2. Oppenheim - International Law
3. International Law and Human Rights by Dr. H.O. Aggarwal
4. International Law by S.K. Kapoor
5. International Law by Gurdeep Singh, 2003
6. An Introduction to Public International law by S.K. Verma

Further Readings

1. Brownlie – Principles of International Law
2. Shaw - International Law