

7 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR  
End Term Examination November -2024  
Semester: UG V Semester  
Subject: Public International Law

Time: Three Hours

Marks:100

**Instructions:**

1. Attempt any five questions out of six.

Q.1). In the State of Tygarian located in the continent of Arcatia, over 45 percent of the population ethnically belonged to the Vinian tribe, which practices its own religion and around half the population of the State practices the Sykian religion. The State of Tygarian freed itself and received independence in the year 1968. Due to religious differences, a large percentage of the population belonging to the Vinian religion migrated to Princeton, which was in the northwestern region of the State of Tygarian, and which was dominated by members of the Vinian religion. In the year 1972, the State of Princeton was declared as a separate, independent state. During the partition of the subcontinent, there remained the problem of over 650 states, run by princes, one of which was the State of Taksal. Around 40 percent of the population of the region practices the Sykian religion, while 60 percent of the population belongs ethnically to the Vinian tribe and practices the Vinian religion. The ruler of the State of Taksal, Hira, who belonged to the Sykian religion, while most of his subjects belonged to the Vinian tribesmen to remain neutral. But in October 1974, as the State of Princeton sent in Vinian tribesmen to knock at the gate of the capital of the State of Taksal. Hira appealed to the government of Tygarian for military assistance, consequent to which, he signed the Instrument of Accession, ceding Taksal to the State of Tygarian in November 1974. The States of Princeton and Tygarian fought their first war over the State of Taksal in 1974-1975. In 1975, the State of Princeton referred the dispute to the United Nations. In a resolution dated August 13, 1975, the UN asked the two States to remove their troops and hold a "free and fair" plebiscite to allow the people of the State of Taksal to decide their future. An emergency government was formed in the State of Taksal in 1975 with Hira as the Prime Minister. The State of Princeton ignored the UN mandate and continued fighting, holding on to the portion of the State of Taksal under its control. In 1976, a ceasefire was agreed, with 65 per cent of the territory under the control of Tygarian, and the remainder with Princeton. In 1988, fighting broke out again between the States of Tygarian and Princeton, over the State of Taksal; which was resolved peacefully later. In 1999, pro-independence and pro-Princeton guerrillas struck in the State of Taksal. Consequently, the troops of both states regularly exchanged fire at the border, on the territory of Taksal. An estimated 50,000 rounds of ammunition were expended and many soldiers and civilians killed. In 2006, the State of Tygarian contended that there were infiltrators in Taksal who were trained and armed by the government of Princeton. The State of Princeton, however denied the same. In 2010, the conflict again ended with a ceasefire; however, the war between the two states had left the State of Taksal war-torn. With approximately 700,000 military and paramilitary troops in the territory, gruesome human rights violations were perpetrated with immunity. Torture, rape, plunder, abduction, arson, custodial disappearances, arbitrary detentions, and ruthless suppression of peaceful political dissent had become commonplace in

the State of Taksal. In the year 2020, the State of Taksal declared itself independent, as it could no longer bear the brunt of the dispute between the State of Princeton and the State of Tygarian. Subsequently, certain members of the dominant Vinian tribe established their own government. The State of Tygarian has submitted the dispute in question to the ICJ. The State of Tygarian contends that the declaration of independence of Taksal violates international law, as it infringes upon their territorial integrity. Present arguments from both the sides. (Marks 20)

Q.2). Gemstone is a secular, democratic republic. In June-July 2024, the students began protesting against the reservation policies of the government. The government was led by the President Mrs. Hakuna Jia. She was removed from office by the army after the protests against reservation in educational institutions turned violent and more than one thousand youths lost their lives. Subsequently, an *interim caretaker* government was established and Mr. Kabali was elected as the President. There are further accusations against the ousted President that she was a puppet government who was controlled by the neighbouring state of Rockstones. The government of Rockstone along with other states of the region is in dilemma on whether to recognise the new interim caretaker government. You are legal adviser to the state of Rockstone. Advise. (Marks 20)

Q.3). Antacia and Florencia are neighbouring states and the river Saraswati runs through their territories. Around 2002 AD, Antacia had some serious insurgency problem resulting in 50% of its territory falling to rebel control. The monarch, who is also the constitutional head, dissolves the Parliament, a move which is ultra vires to the Constitution of Antacia, and seeks a military solution to combat insurgency. He requires arms in huge quantities and approaches Florencia. Florencia is willing to sell him the arms but as quid pro quo seeks the monarch to enter into Saraswati water sharing treaty, which will be largely beneficial to its interests. The monarch complies with Florencia's demands and enters into the Saraswati Water Treaty, 2002 (hereinafter referred to as the "Treaty") and gets the arms. Yet he is defeated by the insurgents who set up a Marxist revolutionary regime. In 2005, within months of assumption of power, they stop the agreed flow of water under the Treaty. Florencia holds consultation with the revolutionary Government of Antacia, which in turn presses for the reappraisal and renegotiation of the treaty, their grounds being that their assumption of power and the establishment of Marxist state is a material change in circumstances (*clausula rebus sic stantibus*) and that under a 1980 internal legislation, any treaty that Antacia enters into must have parliamentary approval and consequently the Treaty is invalid. The matter is posted at the ICJ for hearing. Present arguments from both the sides. (Marks 20)

Q.4). The Indian Constitution imbibes formal dualism in the scheme of relationship between international law and municipal law in India. However, Supreme Court of India has moved away from this formal dualism to the monist tradition of incorporating international law in the domestic legal regime provided the international law is not inconsistent with domestic law. Explain the relationship between international law and municipal law in the Indian context. (Marks 20)

Q.5). What are the two elements of an internationally wrongful act. The general rule for state responsibility is that the only conduct attributed to the state at international level is considered. Explain with the help of case laws. (Marks 20)

Q.6). Write critical essays on **any two**:

- a. *Uti posse detis*
- b. Fragmentation of international law
- c. Third World Approach to International Law

(Marks 10+10)