

LL. B. II Term

Paper : LB - 205 – Public International Law – I (Law of Peace)

Prescribed Books

1. Gurdip Singh, *International Law* (2nd ed., 2011)
2. Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* [Vol. I – Peace] (9th ed., 1996)
3. I. Brownlie, *Principles of Public International Law* (7th ed., 2008)
4. I.A. Shearer, *Starke's International Law* (1st Indian ed., 2007)
5. D.J. Harris, *Cases and Materials on International Law* (7th ed., 2010)
6. Malcolm N. Shaw, *International Law* (6th ed., 2008)

Prescribed Treaties

1. Charter of the United Nations
2. Statute of the International Court of Justice

Topic 1 : Nature and Development of International Law

- 1.1 Definition of International Law
- 1.2 Basis of International Law - Jurisprudential Theories
- 1.3 Codification of International Law :work of International Law Commission
- 1.4 Sanctions of International Law
- 1.5 Subjects of International Law
 1. *Reparation for Injuries Suffered in the Service of the United Nations Case.* ICJ Rep.1949,p.174 1
- 1.6 Third World and International Law

Topic 2 : Sources of International Law

- 2.1 Statute of the International Court of Justice, 1945 (Article 38)
 - 2.1.1 International Treaties and Conventions
 - 2.1.2 International Custom
2. *Lotus Case (France v. Turkey)*, PCIJ, Ser. A, No. 10 (1927)
3. *North Sea Continental Shelf Cases*, ICJ Rep. 1969, p. 3 (refer to Paras.61-81 Topic 5: Law of the Sea)

4.	<i>Right of Passage over Indian Territory (Merits)</i> (<i>Portugal v. India</i>), ICJ Rep. 1960, p. 6	7
5.	<i>Asylum Case (Columbia v. Peru)</i> , ICJ Rep. 1950, p. 266	13
	2.1.3 General Principles of Law Recognized by Civilized Nations	
6.	Advisory Opinion of ICJ on the <i>Effect of Awards of Compensation made by the United Nations Administrative Tribunal</i> , 1954 International Law Reports 310	21
7.	<i>Island of Palmas Case (Netherlands v. United States)</i> (1928) Permanent Court of Arbitration, 2 R.I.A.A. 829	
8.	<i>Temple of Preah Vihear Case (Merits)</i> (<i>Cambodia v. Thailand</i>), ICJ Reports 1962, p.6	24
	2.1.4 Judicial Decisions, Juristic Opinion	
	2.1.5 <i>Ex aequo et bono</i>	
2.2	Other Sources of International Law	
	2.2.1 Resolutions of General Assembly	
9.	Advisory Opinion of ICJ on the <i>Legality of the Threat or Use of Nuclear Weapons</i> , 35 <i>International Legal Materials</i> 809 (1996)	30
	2.2.2 Resolutions of Security Council	
10.	Advisory Opinion of ICJ on <i>Namibia</i> , ICJ Rep. 1971, p. 16	
11.	Advisory Opinion of ICJ in <i>Western Sahara Case</i> , ICJ Rep. 1975, p. 12	
12.	Advisory Opinion of ICJ in <i>Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo Case</i> , 2010	32
	2.2.3 Advisory Opinions of PCIJ and ICJ	

Topic 3 : Relationship Between International Law and Municipal Law

3.1.	Theories	
	3.1.1 Monistic Theory	
	3.1.2 Dualistic Theory	
3.2	Practice of States: India, United Kingdom, United States of America	
13.	<i>In Re Berubari Union No. (I)</i> , AIR 1960 SC 845 :	36

	(1960) 3 SCR 250	
14.	<i>Ram Kishore Sen v. Union of India</i> (1966) 1 SCR 430 : AIR 1966 SC 644	45
15.	<i>Jolly George Varghese v. Bank of Cochin</i> , AIR 1980 SC 470 (1980) 2 SCC 360	51
16.	<i>Gramophone Company of India Ltd. v. Birendra Bahadur Pandey</i> , AIR 1984 SC 667 : (1984) 2 SCC 534	
17.	<i>Union of India v. Sukumar Sengupta</i> , AIR 1990 SC 1692 : 1990 Supp. SCC 545	
18.	<i>Vellore Citizens' Welfare Forum v. Union of India</i> (1996) 5 SCC 647	58
19.	<i>Vishaka v. State of Rajasthan</i> , AIR 1997 SC 3011 : (1997) 6 SCC 241	62
20.	<i>CIT v. P.V.A.L. Kulandagan Chettiar</i> (2004) 6 SCC 235	70

Topic 4 : State Responsibility

4.1	Basis of International Responsibility	
21	<i>Corfu Channel Case</i> , ICJ Rep. 1949, p. 4 (refer to Topic 5:Law of the Sea)	
22	<i>Barcelona Traction, Light and Power Co. Ltd. Case</i> , ICJ Rep.1964, p. 6	
23	<i>.Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran)</i> , ICJ Rep.1980, p.3 (refer to Topic 8:Sovereign Immunities)	
24	<i>Nicaragua Case (Nicaragua v. USA)</i> ICJ Rep.1986, p. 14	72
4.2	Constituent Elements of International Responsibility	
	4.2.1 Damage Theory	
	4.2.2 Fault Theory	
	4.2.3 Absolute Liability and Risk Theory	
4.3	The Act of State (Rules of Attribution)	
25.	<i>LaGrand Case (Germany v. United States of America)</i> ICJ Reports 2001, p. 466	81
4.5	Forms of Reparation	
	4.5.1 Restitution	
	4.5.2 Indemnity	
	4.5.3 Satisfaction	

4.5.4 Guarantee against Repetition

4.6 Rule of Exhaustion of Local Remedies

4.7 ILC Draft Code on Responsibility of States for Internationally
Wrongful Acts, 2001

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Topic 5 : Law of the Sea

5.1 Maritime Zones

5.1.1 Territorial Sea

26. *Anglo-Norwegian Fisheries Case**(United Kingdom v. Norway)*, ICJ Rep. 1951, p. 116

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27. *Corfu Channel Case*, ICJ Rep. 1949, p. 4

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5.1.2 Contiguous Zone

5.1.3 Continental Shelf

5.1.4 Exclusive Economic Zone

5.1.5 High Seas

5.2 Delimitation of Adjacent and Opposite Maritime Boundaries

28. *North Sea Continental Shelf Cases*, ICJ Rep. 1969, p. 3

115

29. *Libya v. Tunisia Continental Shelf Case*, ICJ Rep. 1982, p. 17

127

30. *Republic of Italy v. Union of India* (2013) 4 SCC 721

135

31. *In the Matter of the Bay of Bengal Maritime Boundary Arbitration
(between the People's Republic of Bangladesh and the Republic of
India)*, PCA, 2014.5.3 Concept of "Common Heritage of Mankind" Relating to the Resources of
International Seabed Area

5.4 International Seabed Mining – Parallel System of Mining

5.5 Indian Maritime Interests, Policy and Law

5.6 International Tribunal for the Law of the Sea

Treaties and Statutes

1. Geneva Convention on Territorial Waters and Contiguous Zone, 1958
2. Geneva Convention on Continental Shelf, 1958
3. Geneva Convention on Conservation of Fishing Resources, 1958
4. Geneva Convention on High Seas, 1958
5. United Nations Convention on Law of the Sea, 1982
6. Agreement relating to the Implementation of Part XI of the United Nations
Convention of 1994 on the Law of the Sea of 10 December 1982

7. The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other
Maritime Zones Act, 1976

Topic 6 : State Jurisdiction

- 6.1. Territorial Jurisdiction
- 6.2. Jurisdiction based on nationality, protective principle
- 6.3. Universal Jurisdiction
- 6.4. Extra territorial Jurisdiction of State
- 6.5. Extradition, Deportation, Asylum
- 32. *Arrest Warrant of 11 April 2000*
(*Democratic Republic of the Congo v. Belgium*) ICJ
Rep. 2002, p.3
- 33. *Abu Salem v. State of Maharashtra* (2011) SCC 214 151
- 34. *Arrest and Restoration of Savarkar (France/Great Britain, 1911)* 161

Topic 7 : International Human Rights Law

- 7.1. Traditional Human Rights
 - 7.1.1. Civil and Political Rights
 - 7.1.2. Economic, Social and Cultural Rights
- 7.2. Third Generation Human Rights (Solidarity Rights)
- 7.3. Implementation of Human Rights at International Level
- 7.4. Human Rights Council
- 7.5. Regional Conventions on Human Rights
- 7.6. Protection of Human Rights in India
- 7.7. General Comments made by Human Rights Committee on Articles 6, 7, 9 of ICCPR, 1966 (2008)
- 35. *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011
- 36. *Gaurav Jain v Union of India & Ors.*, AIR 1997 SC 3021 164

Treaties and Statutes

- 1. Universal Declaration on Human Rights, 1948
- 2. International Covenant on Civil and Political Rights, 1966
- 3. International Covenant on Economic, Social and Cultural Rights, 1966
- 4. Optional Protocol of International Covenant of Civil and Political Rights, 1966
- 5. European Convention on Human Rights, 1950, Protocol 9 of 1990 and Protocol 11 of 1994
- 6. The Protection of Human Rights Act, 1993 (India)

Topic 8: Sovereign, Diplomatic, and Consular Immunity/Privileges

- 8.1. Diplomatic agents- Types
- 8.2. Consuls
- 8.3. Sovereign and Non-Sovereign Acts
- 8.4. Diplomatic Immunity: personal and property
- 8.5. Consular Privileges and Immunities

- 37 *The Schooner Exchange v. McFaddon* (1812) 7 Cranch 116
- 38 *Case Concerning U.S. Diplomatic and Consular Staff in Tehran*, ICJ Rep. 1980, p. 3 172
- 39 *Jurisdictional Immunities of the State (Germany v. Italy; Greece Intervening)*
ICJ Rep. (2008)

IMPORTANT NOTE:

- 1. The students are advised to read only the books prescribed above along with legislations and cases.
- 2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- 3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.