



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.LL.B.(HONS.)

DETAILS OF COURSE OFFERED

EVEN SEMESTER – ACADEMIC YEAR 2022-23

| SL. No | COURSE CODE | COURSE TITLE | L | T | P | CR | CH |
|-----------|----------------|--------------------------------|---|---|---|----|----|
| 1. | 605 IL | PUBLIC INTERNATIONAL LAW | 4 | 1 | | 4 | 5 |

**A. CODE AND TITLE OF THE COURSE: 605 IL PUBLIC INTERNATIONAL
LAW**

B. COURSE CREDIT: 4 (TOTAL MARKS 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. GITANJALI GHOSH

E. COURSE INSTRUCTOR: DR. GITANJALI GHOSH

1. OBJECTIVE OF STUDY

The objectives of the course are as follows:

- Introduce students to the definition, nature, sources, subjects of international law as well as to the concept of recognition and relationship of international law with municipal law
- Provide students with an understanding of the law of treaties and state responsibility
- Introduce students to the concepts of use of force, self-defence, humanitarian intervention, responsibility to protect and sanctions under international law
- Provide students with an understanding of jurisdiction and immunities from jurisdiction

2. COURSE LEARNING OUTCOME

At the completion of the course, it is expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary international law related issues in the light of the concepts learnt
- Be able to articulate their ideas on the subject matter of the course and produce at least one research paper of publishable quality
- Desire to take up international law for further studies

3. DETAILED STRUCTURE OF THE COURSE

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| Module 1 |
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History and Normative Structure of International Law

Introduction

Historical Development

Early Origins, Middle Ages and Modern International Law

Positivism and Naturalism

International Law in the Nineteenth and Twentieth Century

Definition of International Law

Nature of International Law

Basis of International Law

Emergence of the Third World

Subjects of International Law

Theories

International Legal Personality

States as Subjects of International Law

Non-State Entities as Subjects of International Law:

International Organizations

Individuals

National Liberation Movements

Transnational Corporations
Non-Governmental Organizations

Sources of International Law

Custom
Treaties and Conventions
General Principles of Law
Judicial Decisions
Works of Writers and Jurists
Hierarchy of Sources
Jus Cogens

Module 2

Relationship between International Law and Municipal Law

Theories
Role of municipal laws in international law
International law before municipal courts
State Practices in United Kingdom, United States of America and India

Recognition

Recognition of States
Theories
Recognition of governments
Kinds of recognition
Withdrawal of recognition
Non-recognition
The legal effects of recognition

Jurisdiction

The principle of domestic jurisdiction
Legislative, executive and judicial jurisdiction
Civil jurisdiction
Criminal jurisdiction
Extraterritorial jurisdiction
Extradition
Asylum

Immunities from Jurisdiction

State Immunity
Immunity for Government Figures, Heads of the State and other Holders of High Ranking Office
Diplomatic and Consular Immunities

Module 3

Use of force and the UN Charter

Prohibition of the Use of Force under Article 2(4) of the UN Charter

Meaning of “Threat or Use of Force”

Use of Force and Exceptions under the UN Charter:

Exception 1: Authorization by UN Security Council (Chapter VII, Arts. 39-42)

Exception 2: Right to Individual or Collective Self-Defence (Chapter VII, Art. 51)

Regional Actions under Chapter VIII of the UN Charter

Self- defence

Scope of Self- Defence: Necessity and Proportionality

Meaning of Armed Attack

Anticipatory Self- Defence

Pre-emptive Self- Defence

Collective Self- Defence

Role of the Security Council

Humanitarian Intervention

Humanitarian Intervention with Security Council Authorization

Humanitarian Intervention without Security Council Authorization

Responsibility to Protect

Birth of the Concept

New Concept with Old Ideals of Humanitarian Intervention

Responsibility to Protect and International Law

UN Peacekeeping

Sanctions

History of Sanctions

Sanctions under the UN system

Sanctions and Violations of Human Rights

Module 4

Law of Treaties

Vienna Convention on the Law of Treaties 1969

Definition of a Treaty

Formation of Treaties

Authority to conclude Treaty

Expression of Consent to be bound

Reservations to Treaties

Invalidity of Treaties

Suspension and Termination of Treaties

Settlement of disputes

Diplomatic methods

Judicial methods

State Responsibility

Scope and Nature of State Responsibility

Concept of Internationally Wrongful Act

Attribution of Conduct to a State

Responsibility of State in connection with an Act of another State

Breach of International Obligation

Consequences of Breach

Circumstances Precluding Wrongfulness

Reparations

4. PRESCRIBED READINGS

- ANTHONY AUST, HANDBOOK OF INTERNATIONAL LAW (2d ed. Cambridge University Press 2010).
- ANTONIO CASSESE, INTERNATIONAL LAW (2d ed. OUP 2005).
- MALCOLM D. EVANS (ED), INTERNATIONAL LAW (4th ed. OUP 2014).
- MALCOLM N. SHAW, INTERNATIONAL LAW (6th ed. Cambridge University Press 2008).
- H.O. AGARWAL, INTERNATIONAL LAW AND HUMAN RIGHTS (6th ed. Central Law Publications 2009).
- JAMES CRAWFORD, BROWNLIE'S PRINCIPLES OF PUBLIC INTERNATIONAL LAW (8th ed. OUP 2012).
- V.K. AHUJA, PUBLIC INTERNATIONAL LAW (Lexis Nexis 2016).