

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in International Humanitarian Law (Batch 2020 – 2021)

Take Home – Annual Examination (June, 2021)

**Paper I – 1.1. Introduction to International Humanitarian
Law**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written in 1200 - 1500 words.*
 - f) *Only Handwritten answer scripts should be uploaded. Use only Black ball pen to write the answers. Handwriting if not legible, paper will not be examined.*
 - g) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - h) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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1. Discuss the meaning of the expressions *Jus in Bello* and *Jus ad Bellum*, explaining how these terms are understood and related to public international law in a contemporary sense as distinct from international humanitarian law perspectives.
2. What is the scope and ambit of the common Article 3 of the Geneva Conventions? Explain the principles and the concepts that are central to the very object of the said provision and the degree of compliance by the States to that extent. Illustrate your answer with examples from contemporary State practice.
3. Can religious doctrines, precepts and practices be recognized as sources of international humanitarian law? If so, illustrate your answer with concrete examples. One such example, for instance, from Islamic law, we may mention, where a speaker, while acknowledging that it was Hugo Grotius who wrote on War and Peace in 1625, his first book on international law, goes on to say: "What the Western world totally failed to realize was that 800 years before Grotius, the Islamic philosophers had produced full-scale treaties on international law. Ashabani and others had written on the law of War and Peace, the sanctity of treaties, humanitarian conduct, how to treat prisoners of war, etc.

which are all the sum and substance of modern international law. They were all there in those ancient treaties.”

This opinion, expressed by Judge Weeramantry, former Judge of the International Court of Justice, clearly reflects the position of Islamic law in respect of its influence upon the fundamental principles of international humanitarian laws. That said, while Islam is not the only religion; discuss similar examples from other major religions of the world which have influenced the development of international humanitarian law.

4. Discuss the concept and origin of human rights and explain how do they situate in relation to international humanitarian law? Support your answer by referring to appropriate provisions and areas where they have their impact in terms of compliance in an armed conflict.