

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

Post-Graduate Diploma in International Humanitarian Law (Batch 2019 – 2020)

Take Home – Supplementary Examination (January, 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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Answer the following questions:

Marks : 4 x 25 marks each

1. Explain how International Humanitarian Law is different from Public International Law? Are they mutually exclusive, or do they converge and congregate at some point necessary to maintain the world legal order? Support your answer with specific examples and illustrations.

2. Justice Weeramantry, former Judge and Vice President of the International Court of Justice, has made an observation that “[c]ustomary international law is in a sense much more important than treaty law because many of the principles that eventually get codified in treaties stem initially from the huge reservoir of customary international law, which is the repository of the traditions and the wisdom of the entire world community. Treaties, in fact, cover only a small area of the totality of the international law. . . . The traditions, the moral principles, the religious precepts of the whole world are contained in that reservoir.”

The above passage clearly suggests that several traditions, precepts and principles from the major religions of the world have greatly influenced the development of the international humanitarian law even much before the process of its codification began in the middle of the nineteenth century in the heart of Europe. Do you agree with this? If your answer is in the affirmative, support with examples drawn from the major religious

teachings around the world which resonates with the fundamental principles of modern international humanitarian law.

3. Discuss how distinct is The Hague trend compared to Geneva Conventions in terms of the codification of these laws. Support your answer giving a brief background of the process, and the differences in the two streams which eventually resulted in the adoption of a modern code of international humanitarian law.

4. Explain the reasons as to why international human rights law is important in relation to international humanitarian law? What was the need to adopt the two Additional Protocols to the Geneva Conventions in 1977, despite the Common Article 3 under the Geneva Conventions, 1949?