

NATIONAL LAW UNIVERSITY, DELHI

B.A.LL.B.(HONS.), V YEAR, X SEMESTER (Batch 2012)

Special Repeat Examinations, July-2017

Paper 10.2: Human Rights, International Humanitarian and Refugee Law

Time: 3.00 Hours

Total Marks: 70

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the Question Paper except your Roll No.

Q.1 Elucidate the regional approach to the protection, promotion and interpretation of Human Rights.
(10 Marks)

Q.2(a) In the face of intensified armed conflict, the military helicopter carrying combatants of country A catches fire and the occupants are espied parachuting, with arms stacked on person, in the difficult jungle territory of country B. They are targeted with strong shell fire by combatants of country B resulting in severe loss of life. Country A brings up a vociferous plea of violation of IHL against country B. Comment and explain the IHL in this regard.
(12 Marks)

(b) An aggressive guerilla warfare is being conducted by a dissident group from certain occupied territory in the surrounding areas, in a faction ridden State. There are several casualties. There is an emerging civil war like situation.

Discuss whether and how IHL is applicable.

What is the difference in understanding of Article 3 of Geneva Conventions and Additional Protocol II?
(12 Marks)

Q.3 A mass outpouring of people through the porous borders of State Z, embroiled in civil war, to the neighbouring State X, not party to the Refugee Convention or Protocol, raises issues of residence and livelihood in State X which is not too keen to retain the exodus.

What is the governing principle that may be applied in the given case and the challenges it faces in the contemporary world?

In case of the overthrown regime head who was a despot and who had indulged in conscription of young children as part of its reactionary force and who is now an asylum seeker, what is a possible outcome for him.
(12 Marks)

Q.4 There was communal tension in a part of the city in a state in India and army was called to control the situation. There was allegedly gross violation of Human Rights as indiscriminate firing by the army led to severe loss of lives.

What may be the role of NHRC?

Would the answer be different if atrocities were committed by the police in the fact scenario?

(12 Marks)

Q.5 Customary practices as Sati, Child Marriage etc. were rampant in a particular region of the country. The challenges to these are countered by the argument that it would be a violation of the Fundamental Right to Religion in India.

Discuss the conflict with respect to such customary practices pertaining to women in the context of interpretations given by Supreme Court. Explain the International Human Rights provisions in this regard.
(12 Marks)