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**PRESIDENCY UNIVERSITY**

**Bengaluru**

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| **End - Term Examinations – JANUARY 2025** |
| **Date:** 10 – 01- 2025 **Time:** 01:00 pm – 04:00 pm |

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| **School:** SOL | **Program:** BA LL.B./ BBA LL.B./ B.COM LL.B (HONS.) | |
| **Course Code :** LAW316 | **Course Name :** INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW | |
| **Semester**: IX | **Max Marks**: 100 | **Weightage**: 50% |

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| **CO - Levels** | **CO1** | **CO2** | **CO3** | **CO4** | **CO5** | **CO6** |
| **Marks** | **31** | **49** | **31** | **20** | **17** | **32** |

**Instructions:**

1. *Read all questions carefully and answer accordingly.*
2. *Do not write anything on the question paper other than roll number.*

**Part A**

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| **Answer ALL the Questions. Each question carries 2marks. 10Q x 2M=20M** | | | | |
| **1** | Outline the difference between right to armed conflict and conduct in armed conflict. | **2 Marks** | **L1** | **CO 1** |
| **2** | List the differences between migrant workers and refugees. | **2 Marks** | **L1** | **CO 5** |
| **3** | Discuss the relevance of IHL in the 21st century. | **2 Marks** | **L2** | **CO 2** |
| **4** | Examine in brief the scope and application of the four Geneva Conventions. | **2 Marks** | **L4** | **CO 3** |
| **5** | Discuss the significance of the Rome Statute establishing the ICC. | **2 Marks** | **L2** | **CO 6** |
| **6** | Describe the salient objectives of the Indian Geneva Convention Act 1960. | **2 Marks** | **L1** | **CO 3** |
| **7** | Explain how the Additional Protocols of 1977 expanded the scope of IHL. | **2 Marks** | **L4** | **CO 1** |
| **8** | Who are classified as protected persons under the third Geneva Convention. | **2 Marks** | **L1** | **CO 1** |
| **9** | Examine in brief the significance of the principle of unnecessary suffering. | **2 Marks** | **L4** | **CO 2** |
| **10** | Expound briefly on the significance of the Geneva Cross. | **2 Marks** | **L4** | **CO 3** |

**Part B**

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| **Answer the Questions Total 80 Marks** | | | | | |
| **11.** | **a.** | Evaluate the significance of the Martens Clause in shaping modern international humanitarian law (IHL). | **10**  **Marks** | **L5** | **CO 1** |
| **or** | | | | | |
| **12.** | **a.** | Examine with the help of decided caselaws, the scope of the term well founded fear. | **10**  **Marks** | **L4** | **CO 5** |
|  |  |  |  |  |  |
| **13.** | **a.** | Evaluate the legal framework for the protection of civilians during armed conflicts. | **10**  **Marks** | **L5** | **CO 3** |
| **or** | | | | | |
| **14.** | **a.** | Assess the relevance of the Hague Convention in regulating the means and methods of warfare. | **10**  **Marks** | **L5** | **CO 2** |

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| **15.** | **a.** | Evaluate the effectiveness of international refugee law in protecting LGBTQIA+ asylum seekers. | **10**  **Marks** | **L5** | **CO 4, 5** |
| **Or** | | | | | |
| **16.** | **a.** | Critically evaluate the judiciary's role in balancing national security with refugee protection in India. | **10**  **Marks** | **L5** | **CO 6** |

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| **17.** | **a.** | A state bombs a dam providing both electricity to the enemy and water to civilians during an international conflict. Assess the legality of targeting dual-use infrastructure **under IHL and evaluate the state's obligations to mitigate civilian harm.** | **7+8 = 15**  **Marks** | **L5** | **CO 1** |
| **Or** | | | | | |
| **18.** | **a.** | In a non-international armed conflict, indigenous communities are forcibly displaced by a state to establish military outposts.  Analyze the protections afforded to displaced persons under IHL and evaluate the state's justification for the displacement. | **7+8 = 15**  **Marks** | **L4** | **CO3** |

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| **19.** | **a.** | An armed group kidnaps civilians, demanding the release of their detained fighters by the government.  Analyze the act of hostage-taking under IHL and evaluate the obligations of the government in addressing such situations. | **7+8 = 15**  **Marks** | **L4** | **CO 4** |
| **Or** | | | | | |
| **20.** | **a.** | After an armed conflict, State O established a domestic tribunal to prosecute individuals for war crimes.  Evaluate the effectiveness of such tribunals compared to international mechanisms like the International Criminal Court (ICC). | **15**  **Marks** | **L5** | **CO 2** |

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| **21.** | **a.** | In the borderlands between Aridstan and Verdania, long-standing territorial disputes have escalated to a critical juncture. The contested mountain region of Granite Valley, rich in water resources and strategic mountain passes, has become a flashpoint for potential military confrontation.  Aridstan claims historical rights to the territory, citing ancestral settlements and traditional grazing grounds. Verdania counters with modern administrative boundaries and strategic security concerns, arguing that control of Granite Valley is essential to protect its northern provinces from potential incursions.  The international community watches with growing concern as both nations amass military forces along the disputed border.  Humanitarian organizations urge diplomatic resolution, emphasizing that any military engagement would result indevastating humanitarian and environmental consequences.  In light of the above facts, discuss the significance of the the principles of proportionality, distinction, and precaution in armed conflict in preventing unnecessary suffering and irreparable ecological damage.  Also discuss the role of humanitarian organisations and protecting powers in case of an international armed conflict. | **10+10=20**  **Marks** | **L2** | **CO2** |
| **Or** | | | | | |
| **22.** | **a.** | In the ongoing conflict between Zardovia and Northmark, thousands of displaced citizens have sought refuge in the neighboring democratic nation of Libertas. Despite Libertas's international commitments to refugee protection, the current immigration system reveals critical systemic failures in humanitarian response.  Refugees from Zardovia, fleeing political persecution and armed conflict, find themselves trapped in a bureaucratic nightmare. The Libertain Refugee Protection Act, while nominally aligned with United Nations conventions, fails to provide meaningful pathways to legal status, employment, and social integration. Temporary shelter accommodations are overcrowded, under-resourced, and offer minimal psychological support for trauma survivors.  International human rights principles, including the fundamental right to seek asylum, are systematically undermined by restrictive policies that prioritize border control over human dignity. Refugee children are particularly vulnerable, with limited access to education and healthcare. The lack of comprehensive legal representation means many legitimate asylum seekers face potential deportation to regions where their personal safety cannot be guaranteed.  In light of the above fact, explore the critical gap between international humanitarian law's theoretical protections and the practical implementation of refugee rights, highlighting the urgent need for comprehensive, compassionate immigration reform. | **20**  **Marks** | **L5** | **CO 6** |

**\*\*\*\*\* BEST WISHES \*\*\*\*\***