BLOGS

Practice Paper on International Law for CLAT PG 2022

ANNA PRIYA · 05 Apr 2022

Introduction

International Law is one of the subjects that is included in the syllabus for CLAT-PG preparation.[i] Since the focus of the exam overall has now shifted to testing the knowledge of law rather than a student's memory, it is important to stay abreast with all legal developments, especially those concerning the subjects specifically mentioned by the CLAT-consortium as a part of the syllabus.

In a way of helping with this, CLATalogue is preparing question samples based on the new pattern using editorials in leading newspapers.

Sample Question-Set

Read the following passage and answer the questions that follow:

"Raphael Lemkin is credited with the use of the term 'genocide' and campaigned relentlessly for it to become an international treaty. In 1946, Cuba, India and Panama co-sponsored General Assembly Resolution 96(I), which affirmed genocide as a 'crime under international law'.

As a result of this resolution, a convention on the prohibition of genocide was drafted, which was passed by the General Assembly in 1948 and came into effect in 1951, with more than 150 states party to the convention presently. The Genocide Convention has as its objective the prevention of genocide as well as the punishment of the crime.

Legal obligations on states that are party to the convention include the obligation not to commit genocide, to prevent genocide, and to punish genocide (Article I), to enact legislation to give effect to the provisions of the convention (Article V); to provide for effective penalties for those found guilty of criminal conduct (Article V); and the obligation to try those charged with genocide in a competent tribunal (Article VI).

It is no small irony that India was an early and key sponsor of the General Assembly resolution condemning genocide and confirming its status as an international crime. However, since signing the Genocide Convention and ratifying it, to date India has not enacted any legislation in accordance with Article VI of the Genocide Convention.

At the outset, India is in violation of its international obligation to criminalise genocide within its domestic law per Articles V, VI and VII, and to take all means to ensure the prevention of genocide.

An examination of Indian domestic law shows that there are no comparable provisions for the prosecution of any mass crimes, least of all genocide. Indian Penal Code provisions relating to rioting, unlawful assembly and 'promoting enmity between different groups' do not embody the basic elements of the crime of genocide, which is against a collectivity or a group, with the specific intent to cause its destruction.

These also do not pertain to another key aspect of the Genocide Convention – that of prevention, and creating the conditions in which such hate speech and other associated acts are not allowed to flourish, which may facilitate the commission of genocide."[ii]

This passage is taken from the Hindu, 19 January 2022.

1. Which is the Convention referred to in the above passage?

a. Convention on the Prevention and Punishment of the Crime of Genocide

b. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

c. Convention Relating to the Status of Refugees

d. United Nations Convention on the Law of Sea

1. Which of the following countries is facing prosecution based on this Convention in the International Court of Justice?

a. Pakistan

b. Myanmar

c. Afghanistan

d. Nepal

1. Does India have a law against genocide in any form?

a. Yes

b. No

c. Individuals are punishable under the I.P.C. but neither do they contain elements of genocide nor is it punishable as a mass crime.

d. None of These

1. Which of the following provisions of the Indian Constitution relate to legislation to give effect to international agreements?

a. Article 243

b. Article 253

c. Article 254

d. Article 233

5. In relation to the previous question and the relevant provision, which of the following legislative bodies is entitled to make laws in that regard?

a. Parliament

b. State Legislatures

c. Both of these

d. None of these

1. The source of international law that the aforesaid Convention is a part of falls in the category of:

a. International Convention

b. Customs

c. Both A and B

d. None of These

Conclusion

It must be kept in mind that answers to many questions can appear simply by reading the passage carefully [*See* Q. No. 3, above], and aspirants must work on and develop a habit of faster and close reading. To help with the same, read our post here.

[ANSWER KEY: 1-A, 2-B, 3-C, 4-B, 5-A, 6-A.]

To explore similar question-sets for CLAT-PG, click here.

To read more topics related to International Law for CLAT PG, click here.

[i] Complete syllabus available at https://consortiumofnlus.ac.in/clat-2022/pg-syllabus.html [accessed 30.01.2022]

[ii] Priya Pillai, "Preventing Genocide" [The Hindu: 19 January, 2022]