

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

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Q.1 Define International law and give its main kinds.

- **Answer:** - The term international law has been defined in a variety of ways by different jurists. Some of the definitions may be given as under:
 1. **By Oppenheim:-** “Law of Nations or international law is the name for the body of customary law and conventional rules which are considered binding by civilized states in their intercourse with each other.”

2. By Alf Ross:- Alf Ross defines the term international law as under:

“International law is the body of legal rules binding upon states in their relations with one another.”

3. By Lawrence:- According to him “international law is the rules which determines the conduct of the general body of civilized state in their mutual dealings.”

4. Modern Definition:- International law has always been in a continuous of change. In modern period the term International law may rightly be defined as under ;

“That body of legal rules which regulates the relationship of the Nation States with each other, as well as, their relationship with other International actors.”

Beside the above definitions there are at least forty well definitions of international law.

- **Major Kinds of International Law :-**

There are following two major kinds of international law;

1. Private International Law
2. Public International Law

- **1.Private International Law:-**

The term private international law may be defined as under:

“That branch of International law which determines that which law is to be applied to a specific case containing a foreign element is called Private International law.”

Explanation:- From the above definition it is evident that private international law is to regulate those cases where a foreign element involves in the matter and the and the difficulty arose that which law shall be applicable to the case, in other words when it becomes difficult for a domestic court that the law shall be applicable to a certain case because the case contains an element to a foreign state/states law . In such a case private international law comes to help because it determines that which law shall be applicable to a certain case..

- 2. Public International Law:-The term public international law may be defined as under:
“A body of legal rules which regulates the relation of interest as well as their relations with other non-state entities is said to be public international law.”

Explanation:-From the above definition it may be concluded that public international law is a set of legal rules which not only regulates the relations between the nation states but also regulates their relations with other non-state entities. In other words it is other. These international actors may be given as under:
States , individuals , NGO's IGO's Multi-National Corporations and Movements.