RELATIONSHIP BETWEEN INTERNATIONAL LAW & MUNICIPAL LAW

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There are **5** THEORIES regarding relationship between International Law & Municipal Law.

THEORY 1 : MONISM THEORY

Law is a _unified field of knowledge_ i.e., International law & Municipal law are of _same phenomenon._

It is applicable to _Individuals & States._

Supported by
Wright Kelsen Duguit.

THEORY 2 : DUALIST THEORY

International Law & Muncipal law _are different_.

Individual is subject of Muncipal law, **Whereas**
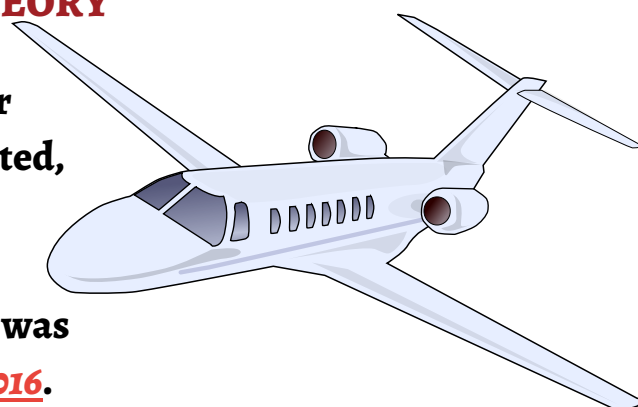_State_ is subject of International law.

Supported by
Triepel Anzilloti.

THEORY 3 : SPECIFIC ADOPTION THEORY

If you want to apply international law in your state(eg : India), it has to be specifically adopted, for it to be enforced.

Example : Hague Hijacking Convention 1970, was specifically enforced by _Anti-Hijacking Act, 2016_.
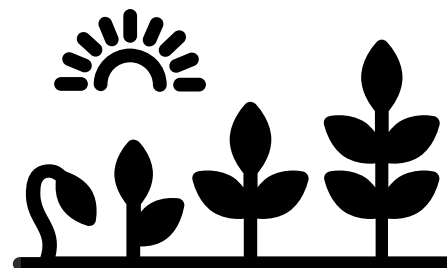
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THEORY 4 : TRANSFORMATION THEORY

International law cannot be applied in Municipal law unless the municipal law _allows its machinery to be used for that purpose._
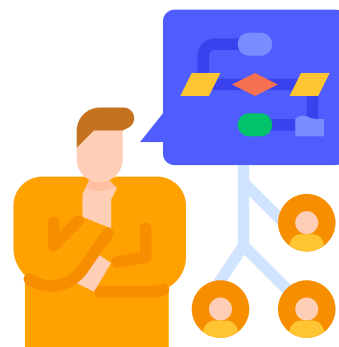
Allowing, as in, to be transformed the International law to Municipal law.

THEORY 5 : DELEGATION THEORY

Every state will decide for itself when the provisions of a treaty or convention are to come into forece and in what manner they will be embodied in state law. This power is said to be delegated by International law to State.

UPSC 2019 & 2017	What are the various theories prevalent for deciding the relationship between International Law and Domestic Law? How do the National Courts in India apply the International Law?
UPSC 2015 & 2012	In the ultimate analysis individuals alone are the subjects of International law." Comment. Also discuss the Transformation theory in the context of the relation between international law and Municipal law.
UPSC 2002	"The relationship between International Law and Municipal Law is one of coordination and interdependence". Discuss