

13

QUESTION PAPER SERIES CODE
<b>A</b>

Centre Name : \_\_\_\_\_

Roll No. : \_\_\_\_\_

Name of Candidate : \_\_\_\_\_

**S A U**

**Entrance Test for M.Phil./Ph.D. (Legal Studies), 2014**

**[ PROGRAMME CODE : PLS ]**

Time : 3 hours

Maximum Marks : 100

**INSTRUCTIONS FOR CANDIDATES**

*Candidates must read carefully the following instructions before attempting the Question Paper :*

- (i) Write your Name, Roll Number and Centre Name in the space provided for the purpose on the top of this Question Paper and in the OMR/Answer Sheet.
- (ii) This Question Paper contains **50** questions (Objective-type/Multiple-choice) of **2** marks each. All questions are compulsory.
- (iii) **Please darken the appropriate Circle of 'Question Paper Series Code' and 'Programme Code' on the OMR/Answer Sheet in the space provided.**
- (iv) Multiple-choice questions should be answered on OMR/Answer Sheet. Choose the one correct option out of four options given for each question.
- (v) Answers written by the candidates inside the Question Paper will **NOT** be evaluated.
- (vi) Calculators and Log Tables may be used. Mobile Phones are **NOT** allowed.
- (vii) Pages at the end have been provided for Rough Work.
- (viii) **Return the Question Paper and the OMR/Answer Sheet** to the Invigilator at the end of the Entrance Test.
- (ix) **DO NOT FOLD THE OMR/ANSWER SHEET.**

**/13-A**

**INSTRUCTIONS FOR MARKING ANSWERS IN THE 'OMR SHEET'**

**Use BLUE/BLACK Ballpoint Pen Only**

- Please ensure that you have darkened the appropriate Circle of 'Question Paper Series Code' and 'Programme Code' on the OMR Sheet in the space provided.

**Example :**

**Question Paper Series Code**

Write Question Paper Series Code A or B and darken appropriate circle.

	A or B
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**Programme Code**

Write Programme Code out of 14 codes given and darken appropriate circle.

Write Programme Code

MEC	<input type="radio"/>	MAM	<input type="radio"/>	PCS	<input type="radio"/>
MSO	<input type="radio"/>	MLS	<input type="radio"/>	PBT	<input type="radio"/>
MIR	<input type="radio"/>	PEC	<input type="radio"/>	PAM	<input type="radio"/>
MCS	<input type="radio"/>	PSO	<input type="radio"/>	PLS	<input checked="" type="radio"/>
MBT	<input type="radio"/>	PIR	<input type="radio"/>		

- Use only Blue/Black Ballpoint Pen to darken the Circle. Do not use Pencil to darken the Circle for Final Answer.
- Please darken the whole Circle. ●
- Darken ONLY ONE CIRCLE for each question as shown below in the example :

**Example :**

Wrong	Wrong	Wrong	Wrong	Correct
● (b) (c) ●	ⓧ (b) (c) (d)	ⓧ (b) (c) ⓧ	ⓧ (b) (c) ●	ⓐ (b) (c) ●

- Once marked, no change in the answer is allowed.
- Please do not make any stray marks on the OMR Sheet.
- Please do not do any rough work on the OMR Sheet.
- Mark your answer only in the appropriate circle against the number corresponding to the question.
- There will be no negative marking in evaluation.
- Write your six digits Roll Number in small boxes provided for the purpose; and also darken appropriate circle corresponding to respective digits of your Roll Number as shown in the example below.

**Example :**

**ROLL NUMBER**

1	3	5	7	2	0
●	①	①	①	①	①
②	②	②	②	●	②
③	●	③	③	③	③
④	④	④	④	④	④
⑤	⑤	●	⑤	⑤	⑤
⑥	⑥	⑥	⑥	⑥	⑥
⑦	⑦	⑦	●	⑦	⑦
⑧	⑧	⑧	⑧	⑧	⑧
⑨	⑨	⑨	⑨	⑨	⑨
⑩	⑩	⑩	⑩	⑩	●

1. Which of the following is a requirement for a UN Security Council resolution to pass?
  - (a) It must be approved by nine permanent or non-permanent members and no permanent member may veto it
  - (b) It must be approved by all permanent members with non-permanent members having no role to play
  - (c) No non-permanent members must vote yes
  - (d) None of the above
  
2. What position did the Appellate Body of the World Trade Organization adopt on the customary status of the precautionary principle in the EC—hormones dispute?
  - (a) Precautionary principle is custom
  - (b) Precautionary principle is not custom
  - (c) Precautionary principle is custom only in the environmental context
  - (d) It did not determine whether precautionary principle is custom
  
3. Which of the following is **not** a principle of the UN Charter?
  - (a) Independence
  - (b) Sovereignty
  - (c) The right to use force against other States
  - (d) Territorial integrity
  
4. Which UN institution controls the finances of the organization's programs and operations?
  - (a) Security Council
  - (b) United Nations Conference on Trade and Development
  - (c) General Assembly
  - (d) United Nations Development Programme
  
5. What is the role of the IMF?
  - (a) It controls the budgets of national governments
  - (b) It acts as a forum for international economics
  - (c) It observes world exchange rates, balance of payments and multilateral payments
  - (d) It seeks to promote free international trade

6. The World Trade Organization came into existence on
- (a) 10th January, 1995
  - (b) 15th November, 1995
  - (c) 1st January, 1995
  - (d) 1st December, 1995
7. Which of the following is not a ground for annulment of an ICSID Award?
- (a) Manifest excess of authority by the tribunal
  - (b) Legal error apparent on the face of the record
  - (c) Serious departure from a fundamental rule of procedure
  - (d) Corruption
8. A treaty does not stand terminated merely because all the parties to it breach their respective obligations under it. This principle emerges from
- (a) Tehran Hostages Case
  - (b) Right of Passage Case
  - (c) Gabcikovo-Nagymaros Case
  - (d) Diallo Case
9. What are the criteria for statehood under the 1933 Montevideo Convention?
- (a) It requires that the entity in question is not an aggressor and that it is peaceful
  - (b) It requires recognition by the majority of other nations
  - (c) It requires a permanent population, a defined territory, a government and a capacity to enter into foreign relations
  - (d) It requires stable and indissoluble borders as well as recognition
10. Which of the following entities cannot access the International Court of Justice?
- (a) The General Assembly of the United Nations
  - (b) Paraguay
  - (c) South Korea
  - (d) The World Bank

11. The difference between the dispute settlement mechanism of the WTO from the dispute settlement mechanism within GATT is

- (a) dispute settlement within WTO has appellate review, whereas there was no appellate mechanism in the pre-WTO era (i.e., the GATT era)
- (b) WTO introduced dispute settlement mechanism and there was no dispute settlement in the pre-WTO era (i.e., GATT era)
- (c) dispute settlement system within the WTO is based on diplomacy, whereas the dispute settlement system in GATT was rules-based
- (d) None of the above

12. What is Bin Cheng's most well-known contribution to international law?

- (a) Theory of persistent objector
- (b) Theory of subsequent objector
- (c) Theory of instant custom
- (d) Clean slate doctrine

13. Who enforces the decisions of the World Court?

- (a) The UN Armed Forces
- (b) The UN General Assembly
- (c) The UN Peacekeeping Forces
- (d) None of the above

14. Which of the following is private law concerned with?

- (a) The relationship between private citizens and the State
- (b) The relationship between individual members of the society
- (c) The relationship between private individuals and society as a whole
- (d) None of the above

15. What is the purpose of baselines under the law of the sea?
- (a) The determination of baselines is used for the measuring of the internal waters of coastal States
  - (b) The determination of baselines is instrumental to the establishment of all maritime zones, since they constitute the starting point for measuring the breadth of each zone
  - (c) The determination of baselines is instrumental to the safe navigation of vessels on the high seas
  - (d) Baselines are drawn only in cases of maritime delimitation between opposing States before an international court or tribunal
16. Which is a 'rock' under the UN Convention of the Law of the Sea (UNCLOS)?
- (a) Rocks are the islands that are less than 10 square miles
  - (b) Rocks are the islands that do not have any maritime zone
  - (c) Rocks are the islands which cannot sustain human habitation or economic life of their own and according to Article 121(3) have no exclusive economic zone or continental shelf
  - (d) Rocks are the small islands that can sustain human habitation
17. When do coastal States enforce their criminal jurisdiction over foreign vessels in their ports?
- (a) Port States generally do not enforce their criminal jurisdiction over crimes that do not infringe their customs laws or disrupt peace and public order
  - (b) Port States enforce their jurisdiction in all cases of delinquent vessels
  - (c) Port States enforce their jurisdiction only in respect of very serious crimes, such as drug trafficking
  - (d) Port States are not entitled to enforce their jurisdiction over any foreign vessel
18. What kind of passage does qualify as 'innocent passage' in international law?
- (a) Innocent passage is the passage that does not involve any criminal activity
  - (b) A vessel's passage is considered 'innocent' where it is not prejudicial to the peace, good order or security of the coastal State
  - (c) Innocent passage concerns only vessels of the same nationality with the coastal State
  - (d) Innocent passage concerns only the passage of merchant vessels and not of warships

19. Unlike the League Covenant, the UN Charter has no provisions allowing a State to leave the UN. However, there has been one instance of a State communicating its intention to leave the UN, triggering a debate on whether the same was permissible. Which State was involved?

- (a) Colombia
- (b) Taiwan
- (c) Russia
- (d) Indonesia

20. Should treaties in international law assume a particular form?

- (a) Treaties should always be designated as such and assume a particular form
- (b) Treaties should always assume a particular form, no matter how they are designated
- (c) Treaties do not have to assume a particular form or designated as such
- (d) Treaties have to be designated as such, no matter what form they assume

21. If a party to a civil case 'loses' their case, what does it mean?

- (a) The party is guilty
- (b) There is a finding of party being liable by the court
- (c) The party is innocent
- (d) None of the above

22. Which of the following was first recognized as a crime of universal jurisdiction?

- (a) Genocide
- (b) War crimes
- (c) Piracy on the high seas
- (d) International terrorism

23. Which of the following principles was most often found to be in conflict with *uti possidetis juris*?
- (a) Self-determination
  - (b) Permanent sovereignty over natural resources
  - (c) Territorial integrity of States
  - (d) Sovereign equality of States
24. Tamil Nadu has recently been raising the demand that India reassert sovereignty over an island that was once disputed between India and Sri Lanka, and now falls within Sri Lankan territory as per the delimitation treaties. The island is
- (a) Kavaratheevu
  - (b) Kumaratheevu
  - (c) Kattappanatheevu
  - (d) Kachchatheevu
25. Applicability of MFN clauses in Bilateral Investment Treaties to Jurisdictional Issues is highly controversial. Much before this issue was raised before Investor State Arbitral Tribunals, ICJ declined a request to assert its jurisdiction over a dispute based on an MFN clause. Which case was this?
- (a) Anglo-Iranian Oil Company Case
  - (b) Phosphate Lands in Nauru
  - (c) East Timore Case
  - (d) Mavrommatis Palestine Concessions
26. Are all acts of State organs attributed to the State under the law of international responsibility?
- (a) The conduct of any State organs shall be considered an act of that State, even in the case that this conduct was unauthorized or ultra vires
  - (b) Only the conduct of the higher echelons of the government of State shall be attributable to it
  - (c) The conduct of any State organs shall be considered an act of that State, provided that it is intra vires
  - (d) Only the conduct of the executive branch of the State shall be considered an act of that State



27. Which of the following statements is/are true?
- (i) The doctrine of laches is an equitable principle barring a stale claim due to passage of time
  - (ii) Doctrine of laches provides for affirmative defence
  - (iii) Doctrine of laches has been used extensively as a defence in international litigation
  - (iv) Doctrine of laches is also known as the doctrine of 'estoppel'
- (a) (i) and (ii)
  - (b) Only (ii)
  - (c) All of the above
  - (d) None of the above

28. Which of the following best summarizes the 'precautionary principle'?
- (a) Where there are threats of irreversible or other serious damage to the environment, each nation must fund precautionary measures at levels proportionate to that nation's contribution to the harm
  - (b) Where there are threats of irreversible or other serious damage to the environment, a lack of full scientific certainty does not justify postponing cost-effective measures to prevent environmental harms
  - (c) Where there are threats of irreversible or other serious damage to the environment, the use of cost-benefit analysis is not appropriate when policymakers decide what environmental precautions to implement
  - (d) Where there are threats of irreversible or other serious damage to the environment, each nation must implement precautions according to its ability, so that each nation will be protected according to its need

29. Which of the following correctly represents all the members of the SAARC?
- (a) Afghanistan, Bangladesh, Nepal, India, Pakistan, Bhutan, Sri Lanka and Maldives
  - (b) Afghanistan, Bangladesh, Myanmar, Nepal, India, Pakistan, Bhutan, Sri Lanka and Maldives
  - (c) Afghanistan, Bangladesh, Nepal, India, Pakistan, Sri Lanka, Maldives and Myanmar
  - (d) Afghanistan, Bangladesh, Nepal, India, Pakistan, Bhutan and Sri Lanka

30. In accordance with the International Humanitarian Law, in situations of armed conflict, it is not illegal to attack
- (a) civilians
  - (b) government officials
  - (c) combatants
  - (d) defence ministry employees
31. Armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination are considered as
- (a) international armed conflict
  - (b) non-international armed conflict
  - (c) strikes
  - (d) riots and internal disturbances
32. Right to self-determination is recognized as a human right by
- (a) International Covenant of Civil and Political Rights (ICCPR)
  - (b) Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)
  - (c) International Convention on the Elimination of all forms of Racial Discrimination (ICERD)
  - (d) Convention on the Rights of the Child (CRC)
33. International Criminal Court is established to deal with the cases of
- (a) State criminal responsibility
  - (b) responsibility of international organizations
  - (c) individual criminal responsibility
  - (d) All of the above
34. Which country in South Asia established a domestic tribunal to deal with international crimes?
- (a) Sri Lanka
  - (b) Nepal
  - (c) Pakistan
  - (d) Bangladesh

35. In relation to the Fuller-Hart debate, both theorists finally endorsed retrospective legislation in Germany. Which statement best represents their true positions?
- (a) Hart (adopting a natural law approach) felt that this law merely gave effect to the illegitimacy of the Nazi laws, whereas Fuller (adopting a positivist approach) felt that the retrospective legislation was enforced validly
  - (b) Hart (adopting a natural law approach) felt that the retrospective legislation was enforced validly, whereas Fuller (adopting a positivist approach) felt that this law merely gave effect to the illegitimacy of the Nazi laws
  - (c) Hart (who adopted a positivist approach) felt that this law merely gave effect to the illegitimacy of the Nazi laws, whereas Fuller (who adopted a natural law approach) felt that the retrospective legislation was enforced validly
  - (d) Hart (who adopted a positivist approach) felt that the retrospective legislation was enforced validly, whereas Fuller (who adopted a natural law approach) felt that this law merely gave effect to the illegitimacy of the Nazi laws
36. Does the UNCITRAL model law require the arbitral tribunal to provide reasons for the award?
- (a) An arbitrator must always provide reasons for the award
  - (b) An arbitrator need not provide reasons for the award
  - (c) An arbitrator must always provide reasons for the award, unless the parties have agreed that no reasons are to be given, or the award is an arbitral award on agreed terms
  - (d) An arbitrator must always provide reasons for the award, and the only exception to this rule is in case of an arbitral award on agreed terms
37. What is legal positivism?
- (a) The idea that legal rules have legitimacy from their logical and practical derivations from a fundamental 'grundnorm'
  - (b) The idea that natural law is no different than positive law, and that they are interdependent
  - (c) The idea that authority of legal rules comes from their status as the commands of a sovereign authority
  - (d) Both (a) and (c)
38. What can be said about the New Haven School?
- (a) The school where the realist approach to international law was conformed
  - (b) It is also known as the policy approach
  - (c) It is also known as the legal internationalism approach
  - (d) It borrows from positivism and naturalism

- 39.** How is the neo-liberal approach to international law limited?
- (a) By its inability to explain the development of law in the areas where the self-interests of States are unclear
  - (b) By the failure to explain the origins of the modern system of international law
  - (c) By its rejection of the idea that international law constitutes the identities and interests of States
  - (d) None of the above
- 40.** Is the recognition of foreign judgments subject to the same rules as those applicable to the incorporation and transformation of treaties?
- (a) Foreign judgments are enforced on the basis of the doctrine of incorporation
  - (b) Foreign judgments are enforced on the basis of the doctrine of transformation
  - (c) The recognition of foreign judgments is dependent on the existence of appropriate bilateral or multilateral treaties
  - (d) The courts exercise discretion as to the enforcement of foreign judgments on the basis of the rule of comity
- 41.** TRIPS and Public Health Declaration under the World Trade Organization (WTO) was adopted in the
- (a) Doha Round
  - (b) Uruguay Round
  - (c) Tokyo Round
  - (d) Geneva Round
- 42.** Copyright protection extends to
- (a) expressions only
  - (b) ideas only
  - (c) both ideas and expressions only
  - (d) None of the above

43. Which of the following statements is the best description on arbitration as a dispute settlement method?
- (a) An award of the arbitral tribunal is binding on the parties to the dispute
  - (b) Solutions are not proposed, but communication lines are kept open
  - (c) Third world countries have been less successful with this methodology as compared to industrialized nations
  - (d) Courts exercise an overseeing role over the arbitral process
44. Which of the following apparent correlatives contradicts Hohfeld's scheme of 'jural relations'?
- (a) Right and duty
  - (b) Power and liability
  - (c) Privilege and no-right
  - (d) Immunity and disability
45. International Military Tribunal at Nuremberg was established to prosecute
- (a) war criminals of the First World War
  - (b) war criminals of the Second World War from Germany
  - (c) war criminals of the Second World War from Japan
  - (d) war criminals of the Vietnam War
46. Is there any hierarchy or priority among various methods of peaceful settlement of disputes?
- (a) Yes, all the political methods (e.g., negotiation, mediation, inquiry, conciliation) should be exhausted prior to resorting to legal methods
  - (b) Legal methods prevail over the political methods, since they are binding upon the parties
  - (c) There is no hierarchy among these methods and the choice belongs to the disputing States
  - (d) An impartial third party decides which method will have precedence over the other

47. Who is an 'injured State' in the law of international responsibility?
- (a) A State is 'injured' in case that it has suffered an economic damage
  - (b) A State is 'injured' in case that there has been a violation of a peremptory norm of international law
  - (c) A State is 'injured' should it acknowledge the existence of the internationally wrongful conduct
  - (d) A State is 'injured' if the obligation breached was owed to it individually or if it was owed to a group of States, including that State, and it was specially affected
48. 'Armed attack' under Article 51 of the UN Charter means
- (a) 'armed attack' includes all high intensity instances of armed force
  - (b) 'armed attack' includes all types of armed force
  - (c) terrorist attacks are parts of 'armed attack'
  - (d) 'armed attack' gives the right to invade the aggressor State
49. With respect to the incorporation of the UN Security Council resolutions, the Kadi judgment introduced which dimension?
- (a) The Kadi judgment demanded that the UNSC resolutions are construed in accordance with human rights
  - (b) The Kadi judgment didn't say anything on the incorporation of the UNSC resolutions
  - (c) The Kadi judgment required that important UNSC resolutions be transformed into domestic laws of the countries concerned
  - (d) None of the above
50. Which of the following is true about the value of the resolutions of the UN General Assembly in terms as a 'source' of international law?
- (a) General Assembly resolutions are 'formal' sources of international law
  - (b) UN General Assembly resolutions are not considered as a formal, but only a material source of international law, in the sense that they may enunciate statements of customary law
  - (c) UN General Assembly resolutions are treaties
  - (d) None of the above

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