

13

QUESTION PAPER
SERIES CODE

B

Centre Name : _____

Roll No. : _____

Name of Candidate : _____

S A U

Entrance Test for M.Phil./Ph.D. (Legal Studies), 2015

[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 (multiple-choice) of **2** marks each. Each right answer carries 2 marks. **There is negative mark of 0.5 for each wrong answer.** 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-B

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
--	--------

(A)



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"/>		<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) ●	(a) (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.
- One-fourth of marks assigned to any question will be deducted for wrong answers in multiple-choice questions.**
- 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. In the contiguous zone, the coastal State may exercise the control necessary to
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea
 - (c) Both (a) and (b)
 - (d) None of the above

2. Archipelagic baselines provided under the UN Convention on the Law of the Sea, 1982 are
 - (a) normal baselines
 - (b) indented curved baselines
 - (c) straight baselines
 - (d) None of the above

3. Can piracy, as defined by UNCLOS, 1982, be committed by warship, government ship or government aircraft?
 - (a) No, it can never happen as question is hypothetical
 - (b) Yes, when crew has mutined and taken control of the ship or aircraft
 - (c) Yes, when crew changes nationality
 - (d) No, piracy cannot be committed by government vessel or aircraft

4. "The territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of UNCLOS, 1982 applicable to other land territory." This statement is
 - (a) false
 - (b) true
 - (c) true, if State was party to 1958 Conventions on the Law of the Sea
 - (d) true, if the island is one single island

5. All States and competent international organizations have the right, in conformity with UNCLOS, to conduct marine scientific research in the water column beyond the limits of the exclusive economic zone. This statement is
- (a) true
 - (b) true, only with respect to coastal States
 - (c) false, as landlocked States are not allowed
 - (d) false
6. The agreement relating to trade-related aspects of intellectual property rights (TRIPs) is a part of
- (a) United Nations Commission on International Trade Law (UNCITRAL)
 - (b) World Trade Organization (WTO)
 - (c) World Bank
 - (d) International Monetary Fund
7. Which of the following statements best represents the *Calvo Doctrine* as it is understood in international investment law?
- (a) The international rule requiring equality of treatment between aliens and domestic nationals should in effect be understood as allowing the host State to reduce protection of alien property whilst also reducing the guarantees for property held by nationals
 - (b) Every nation has the right to expropriate foreign investment without paying due compensation
 - (c) Investors from different countries should be treated at par so as to provide them equality of competitive conditions
 - (d) None of the above
8. Which of the following statements is/are correct?
- 1. There is a multilateral agreement on investment in the WTO.
 - 2. All Bilateral Investment Treaties (BITs) are signed under the aegis of the United Nations.
- (a) Only 1
 - (b) Only 2
 - (c) Both 1 and 2
 - (d) None of the above

9. The case *Salini vs. Jordan*, Decision on Jurisdiction, 29 November, 2004, 14 ICSID Reports 306, in the area of international investment law is famous for
- (a) providing the distinction between direct and indirect expropriations
 - (b) providing the economic characteristics of investment in accordance with Article 25(1) of the ICSID Convention
 - (c) laying down the principle of international minimum standard in international investment law
 - (d) None of the above
10. The claim brought by Philip Morris Asia Ltd. against Australia under the Hong Kong-Australia Bilateral Investment Treaty pertains to
- (a) privatization of telecom services in Australia
 - (b) expropriation of entertainment industry by Australian Government
 - (c) tobacco plain packaging regulation of Australia
 - (d) law enacted by Australia allowing for extraction of bauxite reserves
11. Which of the following statements is/are correct about Article XXIV of GATT?
- 1. GATT Article XXIV allows WTO member-countries to enter into Plurilateral Trade Agreements (PTA) in goods.
 - 2. WTO member-countries desiring to enter into PTA in goods must notify the Council for Trade in Goods of their intention.
 - 3. The external trade requirement of Article XXIV is more difficult to be satisfied in case of Customs Union than in case of Free Trade Areas.
- (a) Only 1
 - (b) Both 1 and 2
 - (c) Both 1 and 3
 - (d) All of the above
12. Which of the following statements best explains the concept of zeroing as understood in anti-dumping investigations under WTO's Anti-Dumping Agreement?
- (a) There is no such concept of zeroing in anti-dumping investigations
 - (b) Zeroing is a method to calculate dumping margins
 - (c) Zeroing is a method to assess the benefit of dumping on consumers
 - (d) None of the above

13. Which of the following statements is/are correct?
1. Anti-dumping duties, under the WTO Treaty, can be imposed by an importing country, if there is material injury to domestic industry caused due to dumped imports.
 2. Safeguard measures, under the WTO Treaty, can be adopted, if there is ordinary injury to domestic industry caused due to imports.
 3. WTO Treaty does not provide any mechanism for an importing country to prohibit imports to protect human, animal or plant health.
- (a) Only 1
(b) Both 1 and 2
(c) Both 1 and 3
(d) All of the above
14. What is Environmental Justice Movement?
- (a) Environmental justice is protecting and respecting environment
(b) Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, colour, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies
(c) Environmental justice is taking a human right approach to environment
(d) All of the above
15. International Environmental Law arises from
- (a) democratic voting procedure by States
(b) distribution of pollution permits
(c) informal agreements reached by multinational corporations
(d) international treaties and conventions
16. What is the full form of CDM under Kyoto Protocol?
- (a) Clean Development Mechanism
(b) Caribbean Development Market
(c) Carbon Development Market
(d) None of the above

17. "Throughout the ages mankind has, for economic and other reasons, constantly interfered with nature. In the past, this was often done without consideration of the effects upon the environment. Owing to new scientific insights and to a growing awareness of the risks for mankind—for present and future generations—of pursuit of such interventions at an unconsidered and unabated pace, new norms and standards have been developed, set forth in a great number of instruments during the last two decades. Such new norms have to be taken into consideration, and such new standards given proper weight, not only when states contemplate new activities but also when continuing with activities begun in the past. This need to reconcile economic development with protection of the environment is aptly expressed in the concept of sustainable development."

The above observation on sustainable development is from

- (a) Gabčíkovo-Nagymaros Project (*Hungary vs. Slovakia*) (Judgment) (1997)
 - (b) *Nottebohm, Liechtenstein vs. Guatemala*, ICJ, 1955, ICJ, 4(195)
 - (c) *Barcelona Traction, Light and Power Company Ltd., (Belgium vs. Spain)* ICJ, 1970
 - (d) *Anglo-Norwegian Fisheries Case (United Kingdom vs. Norway)* 1951 ICJ, Rep. 116
18. Which of the following principles of Stockholm Declaration is generally believed to incorporate the concerns of human rights?
- (a) Principle 6
 - (b) Principle 4
 - (c) Principle 16
 - (d) Principle 1
19. Compliance mechanism under Kyoto Protocol has been divided into
- (a) facilitative and enforcement branch
 - (b) compromise and dispute settlement branch
 - (c) administrative and enforcement branch
 - (d) None of the above

- 20.** Which of the following is an example of international cooperation to solve transnational sharing of freshwater resources?
- (a) 1972 United Nations Conference that set up the environmental programme
 - (b) UN Watercourses Convention (UNWC)
 - (c) 1961 Antarctic Treaty
 - (d) All of the above
- 21.** Which of the following Conventions has incorporated the right to participation, right to information and access to justice in environmental matters?
- (a) The Montreal Protocol
 - (b) Aarhus Convention
 - (c) Basel Convention
 - (d) Convention on Biodiversity
- 22.** Commission on Sustainable Development was established as a result of
- (a) 1972 United Nations Conference on Human Environment
 - (b) 1992 United Nations Conference on Environment and Development
 - (c) 2002 World Summit on Sustainable Development
 - (d) None of the above
- 23.** Which of the following principles of RIO Declaration is generally believed to incorporate the principle of 'No Transboundary Harm'?
- (a) Principle 6
 - (b) Principle 1
 - (c) Principle 16
 - (d) Principle 10

24. Ensuring humanitarian protection and assistance for victims of armed conflict is the primary function of the
- (a) UN Security Council
 - (b) International Committee of the Red Cross (ICRC)
 - (c) International Criminal Court (ICC)
 - (d) International Court of Justice (ICJ)
25. Protocol II, additional to the Geneva Conventions of 1949, deals with the protection of victims of
- (a) non-international armed conflicts
 - (b) international armed conflicts
 - (c) nuclear bombings
 - (d) chemical weapons
26. Protocol III, additional to the four Geneva Conventions of 1949, recognizes an additional emblem commonly referred to as
- (a) Red Cross
 - (b) Red Crystal
 - (c) Red Crescent
 - (d) Red Diamond
27. After the Second World War, the Nuremberg Tribunal dealt with the crime of aggression under the category of
- (a) crime against humanity
 - (b) crime against peace
 - (c) war crime
 - (d) genocide
28. Review Conference of the Rome Statute, held in 2010, adopted the definition of the crime of
- (a) terrorism
 - (b) drug trafficking
 - (c) aggression
 - (d) torture

29. Nature of the jurisdiction of the International Criminal Court is
- (a) universal jurisdiction
 - (b) primary jurisdiction
 - (c) appellate jurisdiction
 - (d) complementary jurisdiction
30. Which of the following are the countries from the SAARC region that are parties to the Rome Statute?
- (a) India, Maldives and Pakistan
 - (b) Bhutan, Pakistan and Sri Lanka
 - (c) Afghanistan, Bangladesh and Maldives
 - (d) Afghanistan, Bangladesh and Nepal
31. International Criminal Tribunal for Rwanda (ICTR) is located at
- (a) Kigali
 - (b) The Hague
 - (c) Arusha
 - (d) Geneva
32. 'Non-refoulement' is the principle in the field of
- (a) International Refugee Law
 - (b) International Human Rights Law
 - (c) International Humanitarian Law
 - (d) International Constitutional Law
33. Individual liberty is portrayed as one of the great moral achievements of
- (a) liberalism
 - (b) capitalism
 - (c) communism
 - (d) republicanism

34. In which one of the following cases the US Supreme Court decided that education is **not** a Fundamental Right under the Constitution of the United States of America?
- (a) *Dred Scott vs. Sandford*
 - (b) *McDuffy vs. Secretary of Executive Office of Education*
 - (c) *San Antonio vs. Rodriguez*
 - (d) None of the above
35. Under the Dayton Agreement, Bosnia-Herzegovina has been established as a
- (a) unitary regime
 - (b) federal regime
 - (c) hybrid regime
 - (d) All of the above
36. In which one of the following cases the Supreme Court of India stated that the contents of international conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, the right to work with human dignity under Articles 14, 15, 19(1)(g) and 21 of the Constitution of India?
- (a) *Gramophone Company of India Limited vs. Birendra Pandey*
 - (b) *Maganbhai Ishwarlal Patel vs. Union of India*
 - (c) *Khudiram Chakma vs. State of Arunachal Pradesh*
 - (d) *Vishakha vs. State of Rajasthan*
37. In which one of the following cases a law passed by Congress was declared unconstitutional that greatly expanded the power of the court by establishing its right to overturn the acts of Congress—a power not explicitly granted by the constitution?
- (a) *MacCulloch vs. Maryland*
 - (b) *Miranda vs. Arizona*
 - (c) *Grutter vs. Bollinger*
 - (d) *Marbury vs. Madison*

38. "The rule of law is one of the most important political ideals of our time." Who said this?
- (a) A. V. Dicey
 - (b) Jeremy Waldron
 - (c) Lord Hobhouse
 - (d) Lord Wensleydale
39. The power of court to refer parties for arbitration would and must necessarily include, imply and inhere in it
- (a) the power and jurisdiction to advise the parties
 - (b) the power and jurisdiction to review the award
 - (c) the power and jurisdiction to appoint the arbitrator
 - (d) the power and jurisdiction to call for another arbitrator
40. Arbitral proceedings commence
- (a) on the date on which a request for a dispute to be referred to arbitration is received by the respondent
 - (b) on the date when the respondent gives consent to the appointment of the arbitrator
 - (c) on the date when the arbitrator issues notice to the parties
 - (d) on the date when the statement of claim and written submission of defence is made
41. A plea questioning the jurisdiction of the arbitral tribunal
- (a) must be raised before or at the time of submission of statement of defence
 - (b) may be raised after the submission of the statement of defence
 - (c) can be raised at any time before the conclusion of arbitral proceedings
 - (d) can be raised at any time before the making of arbitral award

42. While considering the grant of interim measures, the court may see whether
- (a) the applicant has made prima facie case
 - (b) the balance of convenience is in his favour
 - (c) he would suffer irreparable injury if such measures are not granted
 - (d) All of the above
43. Which of the following philosophers was **not** a part of the Classical era?
- (a) Aristotle
 - (b) Plato
 - (c) Socrates
 - (d) Aquinas
44. Which of the following is **not** an example of critical legal theory?
- (a) Feminism
 - (b) Legal realism
 - (c) Race theory
 - (d) Postmodernism
45. American realists argued that formalism devalued the authority of the judge to make law, because
- (a) formalism treats legal reasoning as syllogistic reasoning
 - (b) judicial decisions are less important than legislation
 - (c) judges generally base their decisions on formal logic
 - (d) the structure of legal reasoning is flawed
46. Which of the following statements best describes the nature and function of Kelsen's *Grundnorm*?
- (a) The ultimate source of a legal system's morality
 - (b) The rule that distinguishes norms from habits of obedience
 - (c) The Constitution of a State
 - (d) A presupposition that facilitates our understanding of the legal system

47. Which of the following is the most accurate description of legal positivism?
- (a) It regards morals and law as inseparable
 - (b) It perceives law as commands
 - (c) It regards a legal order as a closed logical system
 - (d) It espouses the view that there is no necessary connection between morality and law
48. Which of the following apparent correlatives contradict Hohfeld's scheme of jural relations?
- (a) Right and duty
 - (b) Privilege and no-right
 - (c) Power and liability
 - (d) Immunity and disability
49. Critical Legal Studies (CLS) is often compared to (or, with) American realism. Which of the following statements is inaccurate?
- (a) Both are concerned with the 'law in action'
 - (b) Both are anti-formalist and sceptical
 - (c) Both adopt a liberal ideology
 - (d) Both attempt to demystify the law
50. Which of the following most accurately describes the enforceability of an arbitral award?
- (a) An arbitral award is not binding on the parties; they may choose to follow it if they so wish
 - (b) An arbitral award, unless set aside by a court of competent jurisdiction, is enforceable in the same manner as a decree of a civil court
 - (c) An arbitral award can only be enforced, if there is a specific direction from a court that it should be so enforced
 - (d) An arbitral award can be enforced, but only upon an application by the arbitrator to a court to do so

SPACE FOR ROUGH WORK

SPACE FOR ROUGH WORK