

50003

QUESTION PAPER
SERIES CODE

B

Test Centre : _____

Roll No. : _____

Name of the Candidate : _____

S A U

Entrance Test for M.Phil./Ph.D. [Faculty of Legal Studies (FLS)], 2016

[PROGRAMME CODE : PLS]

Question Paper

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 Name of the Test Centre in the space provided for the purpose on the top of this Question Paper and on the OMR Sheet.
- (ii) This Question Paper contains **50** questions (multiple-choice) of **2** marks each. **A wrong answer will lead to the deduction of one-fourth ($\frac{1}{4}$) of the marks assigned to that question.** All questions are compulsory.
- (iii) **Please darken the appropriate circle of 'Question Paper Series Code' and 'Programme Code' on the OMR Sheet in the space provided.**
- (iv) Multiple-choice questions should be answered on the OMR/Answer Sheet. Choose the one correct option out of four options given for each question.
- (v) Answers written inside the Question Paper will **NOT** be evaluated.
- (vi) Mobile Phones are **NOT** allowed.
- (vii) Pages at the end of the Question Paper have been provided for Rough Work.
- (viii) **Return the Question Paper and the OMR Sheet** to the Invigilator at the end of the Entrance Test.
- (ix) **DO NOT FOLD THE OMR SHEET.**

INSTRUCTIONS FOR MARKING ANSWERS ON 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 in the box and darken appropriate circle.

	A or B
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Programme Code
Write Programme Code in the box 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) ●	(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.
- A wrong answer will lead to the deduction of one-fourth (¼) of the marks assigned to that question.**
- Write your six digit Roll Number in the small boxes provided for the purpose; and also darken the 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)
(0)	(0)	(0)	(0)	(0)	●

1. Which one of the following definitions of the Principle 2 of the Rio Declaration on State sovereignty and the Principle of No Harm is correct?
 - (a) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction
 - (b) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their discretion and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction
 - (c) States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their environmental concerns and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction
 - (d) None of the above

2. Under the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses, 'Watercourse' has been defined as
 - (a) a system of surface waters and groundwaters constituting, by virtue of their physical relationship, a unitary whole and normally flowing into a common terminus
 - (b) a system of surface waters constituting, by virtue of their physical relationship, a unitary whole and normally flowing into a common terminus
 - (c) a system of surface waters and groundwaters constituting, by virtue of their physical relationship, a unitary whole and normally flowing into a different terminus
 - (d) a system of surface waters and groundwaters constituting different characteristics and normally flowing into a different terminus

3. The Global Environmental Faculty (GEF) functions as a financial mechanism for which of the following Conventions?
 - (a) Convention on Biological Diversity (CBD), 1992
 - (b) 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses
 - (c) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
 - (d) The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 2001

4. Which of the following is correct in terms of the difference between the Article III.2 and the Article III.4 of the General Agreement on Tariffs and Trade?
- (a) Article III.2 provides for MFN and Article III.4 provides for exceptions from MFN
 - (b) Article III.2 covers taxation related measures under the national treatment obligation and Article III.4 covers other non-taxation related regulatory measures under the national treatment obligation
 - (c) There is no difference between the two
 - (d) None of the above
5. Under GATT/WTO, regional trade agreements are
- (a) not allowed
 - (b) allowed between any two or more WTO members subject to certain conditions
 - (c) allowed only between WTO members who are in a particular geographical region
 - (d) allowed only between two or more WTO developed country members
6. Under the general exception clause of the GATT, WTO member countries are free to deviate from their trade obligations for
- (a) public health purposes
 - (b) protecting domestic industry from trade liberalization
 - (c) Both (a) and (b)
 - (d) None of the above
7. Consider the following statements about the Bilateral Investment Treaty (BIT) dispute between *White Industries vs. India* :
1. This dispute emanated from White Industries facing delays in enforcing a commercial arbitral award in India.
 2. India lost the case based on the interpretation of the MFN provision.
- Which of the following is/are correct?
- (a) Both 1 and 2 are correct
 - (b) Only 2 is correct
 - (c) Both 1 and 2 are incorrect
 - (d) Only 1 is correct

8. Which of the following is correct about the Bilateral Investment Treaty dispute between *Saipem SpA vs. The People's Republic of Bangladesh*?
- (a) This dispute involved the judiciary of Bangladesh
 - (b) This dispute did not involve the judiciary of Bangladesh
 - (c) The BIT arbitral tribunal decided it had no jurisdiction to adjudicate on this dispute
 - (d) The foreign investor did not make an allegation of expropriation against Bangladesh
9. Coverage of expropriation of foreign investment under most Bilateral Investment Treaties
- 1. is restricted to only direct expropriation
 - 2. extends to both direct and indirect expropriations
 - 3. extends to issues of compensation to be provided in case of expropriation of foreign investment
- Which of the following is/are correct?
- (a) Only 1
 - (b) Only 2
 - (c) Only 2 and 3
 - (d) Only 1 and 3
10. The International Military Tribunal at Nuremberg was established by the
- (a) United Nations Charter
 - (b) London Charter
 - (c) ICRC
 - (d) International Court of Justice
11. The WTO membership of which one of the following South Asian countries was recently approved by the WTO member-countries?
- (a) Sri Lanka
 - (b) Nepal
 - (c) Maldives
 - (d) Afghanistan

12. Consider the following statements about dispute resolution in BITs :
1. Most BITs provide for State-State dispute resolution mechanism
 2. Most BITs provide for Investor-State dispute resolution
 3. In most BITs, the Investor-State dispute resolution uses the system of arbitration for dispute resolution
- Which of the following is/are correct?
- (a) All three
 - (b) Only 1
 - (c) Only 2 and 3
 - (d) Only 2
13. The so-called 'lotus principle' or public international law is
- (a) that 'restrictions upon the independence of States cannot therefore be presumed', or as it has been construed, 'whatever is not prohibited is permitted in international law'
 - (b) that States are free to choose the court that they will submit their disputes
 - (c) that States are not prohibited from asserting their enforcement jurisdiction on the high seas
 - (d) that customary law derives from the combination of State practice and *opinio juris*
14. 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
15. Applicability of MFN clauses in the 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 Timor Case
 - (d) Mavrommatis Palestine Concessions

16. What is *jus cogens*?
- (a) They are peremptory norms of international law, from which no derogations are allowed and which can never be altered even with the consent of the States
 - (b) They are rules of international law that are laid down in multilateral treaties with a wide participation
 - (c) They are the decisions of the UN Security Council
 - (d) They are the rules of international law on which the ICJ founds its decisions
17. Can dispute settlement take place under the World Bank Group's auspices?
- (a) No, because the World Bank Group is a political forum
 - (b) No, because the World Bank Group is an economic forum
 - (c) Yes, through the International Court of Justice machinery
 - (d) Yes, through the International Centre for Settlement of Investment Disputes
18. Articles of the Agreement of the International Monetary Fund barring some exceptions
- (a) prohibit its member countries from imposing capital controls
 - (b) allows its member countries to impose restrictions on current account transactions
 - (c) allow member countries to impose capital controls
 - (d) None of the above
19. Which one of the following combinations of SAARC member States are parties to the Rome Statute?
- (a) Bangladesh, India and Pakistan
 - (b) Bhutan, Maldives and Sri Lanka
 - (c) Afghanistan, India and Nepal
 - (d) Afghanistan, Bangladesh and Maldives
20. What are the implied powers of an international organization?
- (a) Those powers which are necessary in order for an international organization to carry out the tasks conferred upon it and which are not stipulated in its Charter or the Constituent Instrument
 - (b) Extensive powers assumed unilaterally by the organization
 - (c) Powers conferred on an international organization by the international community
 - (d) Powers whose determination would depend on the interpretation of the Charter or the Constituent Instrument

21. May States incur liability for the debts and wrong doings attributable to an international organization to which they are Parties?
- (a) Member States cannot hide behind an organization's corporate veil
 - (b) The legal person of the organization is distinct from that of its Member States
 - (c) Organization and Member States are equally liable for any wrong doings attributable to the organization
 - (d) None of the above
22. What is the 'equitable result' in the law and practice of maritime delimitation?
- (a) It is the only method of delimitation that international courts and tribunal follow
 - (b) It is what a judge or the arbitrator would decide *ex aequo et bono*, i.e., upon their discretion and in the light of what they consider as fair and equitable in a delimitation case
 - (c) It is the end result that all delimitation of areas of continental shelf and exclusive economic zone should achieve after, however, drawing a provisional 'equidistance line' and adjusting the zone in the light of the relevant circumstances and proportionality test
 - (d) Achieving an equitable result is an old method of delimitation which is currently not applicable
23. What is the 'optional clause' in the Statute of the International Court of Justice (ICJ)?
- (a) It provides for the applicable law according to intention of the Parties
 - (b) It determines the intention of the Parties to accept that the decision of the court will be final and binding
 - (c) It is a declaration deposited by a State whereby it accepts the jurisdiction of the court in respect of international legal disputes in relation to any other State accepting the same obligation
 - (d) It is the clause that the Parties decide and which sets out the procedures of the written and oral pleadings
24. Who is entitled to request an advisory opinion of the International Court of Justice (ICJ)?
- (a) Only the principal organs of the United Nations
 - (b) All international organizations and specialized agencies of the United Nations
 - (c) The United Nations General Assembly and the Security Council may request on any legal question, as well as other organs of the United Nations and Specialized Agencies which, at any time, are so authorized by the General Assembly may also request upon legal questions that fall within the scope of their activities
 - (d) The principal organs of the United Nations and also the States which have been duly authorized by the United Nations General Assembly

25. Is there any hierarchy or priority among States under international law?
- (a) Yes, States that were founding members of the United Nations are vested with more powers and authority
 - (b) Yes, the permanent five members of the United Nations Security Council are in a superior position as compared to other States
 - (c) No, all States are considered equal as sovereign States as per the provisions of the United Nations Charter
 - (d) Whether there will be any hierarchy among States is a matter for each international organization to decide
26. What do you understand by the 'fragmentation' of international law?
- (a) Fragmentation of international law concerns the possibility of different legal regimes applying the same rules of international law
 - (b) It is possible for several legal regimes, (i.e., Foreign Investment Law and Human Rights Law) to exist and develop in isolation of each other, ultimately assimilating in the production of divergent rules of international law
 - (c) Fragmentation is when States assume different interpretations of the same rule of international law
 - (d) Fragmentation is when States disagree to abide by a certain rule of international law
27. Which rule of *jus cogens* was the first to be accepted explicitly as such by the International Court of Justice (ICJ)?
- (a) The prohibition of use of force
 - (b) The prohibition of torture
 - (c) The prohibition of genocide
 - (d) The principle of self-determination
28. What is the proper subject of jurisprudence for an analytical positivist interpreting John Austin's approach?
- (a) The study of all human laws
 - (b) The study of law as command of the sovereign backed by sanctions
 - (c) The study of case law
 - (d) The study of the imperative elements that explain human behaviour in any society
29. Which law governs arbitral proceedings?
- (a) The governing law of the contract
 - (b) The law of the place of performance of the contract
 - (c) The law of the place where the contract was executed
 - (d) *Lex arbitri* (The law at the seat of arbitration)

30. In a dispute regarding a supply agreement between a startup manufacturer Axiom Inc of New York, USA and Gustav Plc, Munich, Germany for supply of drones for pizza delivery, Gustav Plc trumped Axiom for faulty drones and denied payments. Axiom contended contractual violation and invoked the arbitration clause with a three-member tribunal arbitration seated in Geneva. Axiom nominated Mr. Olaf, Gustav nominated Prof. Carla, and both in turn nominated Prof. Angela as the chair. Mr. Olaf was an angel investor in Axiom, a fact not stated in the corporate governance procedures by Axiom nor was the information publicly available. Prof. Carla had earlier appeared as a counsel for Axiom in a similar dispute, a fact that she had not revealed to Gustav Plc. Prof. Angela has often spoken at conferences and international arbitration events on arbitrators' integrity/conflict of interests and the requirement for disclosures by parties and arbitrators. Which of the following statements is the most accurate in the context of disclosures?
- Mr. Olaf should not be sitting on the tribunal as he is an angel investor.
 - Prof. Carla should recuse herself from the tribunal as she had been a counsel for one of the parties in a similar dispute.
 - Neither Mr. Olaf nor Prof. Carla should be on the tribunal.
 - There is no conflict of interest with regard to the arbitral tribunal composition.
31. According to the New York Convention on Enforcement of Foreign Arbitral Awards, 1958, which of the following is a true statement?
- Foreign arbitral awards shall be subjected to review on the merits in the courts at the seat of arbitration.
 - Foreign arbitral awards shall be enforceable only when they have not been vacated/annulled at the seat of arbitration.
 - All foreign arbitral awards shall be reviewed on merits when their enforcement is challenged in enforcement jurisdictions.
 - Foreign arbitral awards shall not be reviewed on merits either in a challenge in the courts at the seat or in an enforcement challenge application.
32. What is the value of the United Nations General Assembly Resolutions as 'sources of international law'?
- General Assembly Resolutions are regarded as an additional source of international law
 - General Assembly Resolutions are equivalent to treaties
 - General Assembly Resolutions always reflect customary international law
 - General Assembly Resolutions are considered as material source, in the sense that they many enunciate statements of customary international law
33. Interim measures in an international arbitration could be ordered by the courts
- at the place of the performance of the contract
 - at the place of the assets of the defendant
 - at the place of the registered office of the claimant
 - at the seat of the arbitration

34. Which treaties are considered as 'sources of international law' under the Article 38 of the Statute of the International Court of Justice (ICJ)?
- (a) All treaties that have been signed at the time of dispute
 - (b) Only treaties that are in force and binding upon the parties to the dispute
 - (c) All treaties that have been concluded between the parties to the dispute regardless of whether they are in force
 - (d) Only treaties that are multilateral of paramount significance
35. Which of the following statements is the most accurate representation of the New York Convention, 1958?
- (a) Presumptive validity is attached to foreign arbitral awards
 - (b) The Convention applies to all arbitrations, domestic as well as foreign
 - (c) Awards would be enforceable only if they are valid at the seat of the arbitration
 - (d) Courts in the enforcement jurisdictions shall have the authority to review the awards on merits
36. What is a 'treaty' according to the Vienna Convention on Law of Treaties?
- (a) Treaties are all agreements concluded between States, International Organizations and Non-State Entities
 - (b) Treaties are agreements concluded between States in written form and governed by international law
 - (c) Treaties are both the written and oral agreements between States
 - (d) Treaties are agreements concluded between States in written form governed either by international law or domestic law
37. How should treaties be interpreted?
- (a) Only in the light of its object and purpose
 - (b) In accordance with the intention of parties as evidenced in the preparatory work of the treaty
 - (c) Only in accordance with the ordinary meaning of the text of the treaty
 - (d) In good faith and in accordance with ordinary meaning to be given to the terms of the treaty in its content and in the light of its object and purpose
38. What does the term 'autonomy' refer to in the context of arbitration?
- (a) That the arbitrators are not bound by the law
 - (b) That the courts may not interfere with the award of an arbitrator
 - (c) That, as far as possible, the parties to arbitration should be free to set their own rules
 - (d) That the parties would have their rules, but they need to be validated by the courts at the seat of arbitration

39. What is the purpose of baseline under the Law of the Sea?
- (a) The delimitation of baseline is used to measure the internal waters of Coastal States
 - (b) The delimitation of baseline 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 baseline is instrumental to the safe navigation of vessels in the high seas
 - (d) Baselines are drawn only in cases of maritime delimitation between opposing State before an international court or tribunal
40. What is the status of 'Rock' under the United Nations Convention on the Law of the Sea (UNCLOS)?
- (a) Rocks have no legal status under the UNCLOS
 - (b) Rocks are ten square miles and above regarded as islands without maritime zones
 - (c) Rocks are islands which cannot sustain human habitat or economic life of their own and have no legal status under the UNCLOS
 - (d) Rocks are regarded as small islands that can sustain human habitat
41. Would a reservation to the definition of torture in the ICCPR be acceptable in contemporary practice?
- (a) Yes, if the reserving country's legislation employs a different definition
 - (b) No, because it contravenes the object and purpose of the ICCPR
 - (c) No, because the definition of torture in the ICCPR is consistent with customary international law
 - (d) Yes, because under general international law, States have the right to enter reservations to treaties
42. In the *Pulp Mills* case, decided between Argentina and Uruguay, the International Court of Justice traced the origin of Environmental Impact Assessment to
- (a) principle of non-discrimination
 - (b) principle of precaution
 - (c) principle of sustainable development
 - (d) All of the above

43. What is the meaning of 'secondary rules' in the law of international responsibility?
- (a) They are the rules of interpretation of international law, including the law of international responsibility
 - (b) They are the rules that govern the legal consequences arising from a breach of the primary rules, i.e., of the international obligations of the States
 - (c) They are the rules that govern exclusively the concept of attribution in the law of international responsibility
 - (d) They are the rules that govern executive agreements
44. Country A is a party to the Basel Convention on hazardous waste trade. Country B is not. Country A decides to export hazardous waste to country B. Can country A legally export hazardous waste to country B?
- (a) Yes, because the Basel Convention is silent on this topic
 - (b) No, because the Basel Convention bans waste trade between nations
 - (c) No, because the Basel Convention prohibits trade with non-parties to the Convention
 - (d) Yes, because the Basel Convention permits waste trade between nations
45. The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization provides a transparent legal framework for the fair and equitable access and sharing of benefits arising out of the utilization of genetic resources. The Protocol requires that access to genetic resources should be based on
- (a) the demand of the requesting State
 - (b) prior informed consent
 - (c) mandatory access to all who demand
 - (d) None of the above
46. The Convention on Biodiversity, 1992 focuses on
- (a) ex-situ and in-situ conservation measures
 - (b) economic development of nations
 - (c) energy conservation
 - (d) All of the above

47. Which among the following Conventions allows individuals to file an application?
- (a) The Convention on Biodiversity, 1992
 - (b) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989
 - (c) The Ramsar Convention on Wetlands of International Importance, 1972
 - (d) The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 2001
48. What kind of passage qualifies as 'innocent' under the Law of the Sea?
- (a) The passage that does not involve any criminal or other nefarious activities
 - (b) The passage which is not prejudicial to the peace, good order and security of the Coastal State
 - (c) Innocent passage is only for the ships and vessels of the same nationality as that of the Coastal State
 - (d) Innocent passage concerns only the passage of a war or military ship
49. When is a reservation considered as invalid under the law of treaties?
- (a) When the majority of State Parties object to it
 - (b) When the International Court of Justice states that it is invalid
 - (c) When it is incompatible with the peremptory norm of international law
 - (d) When it is incompatible with the object and purpose of the treaty
50. *"The environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn."*
- The above definition of environment was given in the case of
- (a) Legality of the Threat or Use of Nuclear Weapons
 - (b) Pulp Mills on the River Uruguay, Argentina vs. Uruguay
 - (c) North Sea Continental Shelf
 - (d) All of the above