

Test Centre : _____

Roll No. : _____

Name of the Candidate : _____

S A U

Entrance Test for Ph.D. [Faculty of Legal Studies (FLS)] 2017

[PROGRAMME CODE : 50003]

Question Paper Series Code : A

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) **Please darken the appropriate circle of 'Question Paper Series Code' and 'Programme Code' on the OMR Sheet in the space provided.**
- (iii) Answers written inside the Question Paper will **NOT** be evaluated.
- (iv) Pages at the end have been provided for Rough Work.
- (v) **Return the Question Paper and the OMR Sheet** to the Invigilator at the end of the Entrance Test.
- (vi) **DO NOT FOLD THE OMR SHEET.**

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INSTRUCTIONS FOR MARKING ANSWERS ON THE 'OMR SHEET'

Use BLUE/BLACK Ballpoint Pen Only

1. 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.

Question Paper Series Code

Write Question Paper Series Code **A** or **B** in the box and darken the appropriate circle.

	A or B
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(B)

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

Example :

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

5. Once marked, no change in the answer is possible.
6. Please do not make any stray marks on the OMR Sheet.
7. Please do not do any rough work on the OMR Sheet.
8. Mark your answer only in the appropriate circle against the number corresponding to the question.
9. **A wrong answer will lead to the deduction of one-fourth of the marks assigned to that question.**
10. Write your six-digit Roll Number in 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	2
●	(1)	(1)	(1)	(1)	(1)	(1)
(2)	(2)	(2)	(2)	●	(2)	●
(3)	●	(3)	(3)	(3)	(3)	(3)
(4)	(4)	(4)	(4)	(4)	(4)	(4)
(5)	(5)	●	(5)	(5)	(5)	(5)
(6)	(6)	(6)	(6)	(6)	(6)	(6)
(7)	(7)	(7)	●	(7)	(7)	(7)
(8)	(8)	(8)	(8)	(8)	(8)	(8)
(9)	(9)	(9)	(9)	(9)	(9)	(9)
(0)	(0)	(0)	(0)	(0)	●	(0)

1. Which of the following statements best explains the concept of zeroing as understood in the anti-dumping investigations under the WTO's Anti-Dumping Agreement?
 - a. There is no such concept of zeroing in the 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

2. International law defines
 - a. terrorism
 - b. acts of terrorism
 - c. sanctions against terrorism
 - d. terrorist States and non-State actors

3. Self-defence has been stated in the
 - a. UN Charter Article 51
 - b. UN Charter Article 15
 - c. UN Charter Article 25
 - d. all of the above

4. An International Tribunal can
 - a. interpret municipal law
 - b. accept municipal law as a fact
 - c. determine compliance with international law
 - d. all of the above

5. Extradition
 - a. may be refused on the ground of the possibility of the death penalty being awarded
 - b. may be refused in accordance with international law
 - c. may not be refused after 9/11
 - d. all of the above

6. State jurisdiction refers to
- competence of States
 - state of compliance with international law
 - conformity with international law
 - none of the above
7. The principle of double criminality is
- a rule of evidentiary privilege
 - specific to the law of extradition
 - a complement of the principle of speciality
 - both b. and c.
8. The principle of proportionality
- is a consideration in the continuation of a lawful commencement of the right of self-defence
 - is a consideration in the commencement of the right of self-defence against a State
 - is a consideration in the commencement of the right of self-defence against a non-State actor
 - none of the above
9. The principle of non-refoulement
- is a norm of *jus cogens*
 - is peculiar to international refugee law
 - is a non-derogable obligation
 - all of the above

10. The General Assembly of the United Nations
- is a deliberative body
 - is competent under Chapter VII if authorized by the ICJ
 - participates in the election of ICJ Judges
 - both a. and c.
11. Which one of the following statements is correct?
- 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.
 - Safeguard measures, under the WTO treaty, can be adopted if there is ordinary injury to domestic industry caused due to imports.
 - The WTO treaty does not provide any mechanism for an importing country to prohibit imports to protect human, animal or plant health.
 - The Trade Facilitation Agreement facilitates the trade of least-developed countries.
12. The Four Geneva Conventions of 1949 are considered to be important components of
- International Environmental Law
 - Natural Disaster Law
 - Human Rights Principles
 - International Humanitarian Law
13. 'Grave breaches' are provided in
- Four Geneva Conventions of 1949
 - Additional Protocol II
 - International Covenant on Civil and Political Rights
 - Convention on the Rights of the Child
14. International Humanitarian Law divides armed conflicts into
- international armed conflicts and emergency situations
 - international armed conflicts and non-international armed conflicts
 - non-international armed conflicts and rebellions
 - non-international armed conflicts and civil wars

15. Which one of the following countries withdrew from the International Criminal Court recently?
- a. South Africa
 - b. Maldives
 - c. Bangladesh
 - d. Nigeria
16. Which one of the following United Nations organs has the power to refer a situation to the International Criminal Court (ICC)?
- a. UN General Assembly
 - b. UN Secretariat
 - c. UN Human Rights Council
 - d. UN Security Council
17. Which one of the following SAARC member States is currently dealing with international crimes through a domestic tribunal?
- a. Pakistan
 - b. Bangladesh
 - c. Afghanistan
 - d. India
18. Name the SAARC State in which the International Criminal Court (ICC) is currently conducting preliminary examination.
- a. Afghanistan
 - b. Sri Lanka
 - c. Nepal
 - d. Bangladesh

19. Name the Indian judge who delivered the dissenting opinion at the International Military Tribunal for the Far East (IMTFE) in Tokyo.
- Nagendra Singh
 - Radhabinod Pal
 - V. R. Krishna Iyer
 - M. Hidayatullah
20. The nature of the jurisdiction of the International Criminal Court (ICC) is
- primacy over national jurisdiction
 - appellate jurisdiction over national courts
 - complementary to national jurisdiction
 - universal jurisdiction
21. Who made the following statement in 2003: The emergence of "a global community of courts" where constitutional courts are borrowing and citing each other's precedents is certainly going to help advance the field of comparative constitutional law.
- Slaughter
 - Dennis Devis
 - Donald Kommers
 - None of the above
22. In the 18th century, besides Montesquieu's foundational exploration, lesser known figures such as Gottfried Achenwall and Johann Heinrich Gottlob von Justi undertook surveys of
- political forms
 - judicial forms
 - executive forms
 - none of the above

23. The US Supreme Court has deduced the rights of privacy and parenthood on the reasoning that the specific guarantees in the bill of rights "have penumbras formed by emanations from those guarantees that help give them life and substance". This statement is
- true
 - false
 - partially true
 - none of the above
24. Article 1(D) of the 1951 UN Convention Relating to the Status of Refugees largely applied to Koreans and Palestinians receiving aid from the United Nations agencies known as
- UNKRA and UNRWA
 - UNKPA and UNRMA
 - UNKFA and UNRDA
 - UNKJA and UNRPA
25. The Council of Europe issued the Council Regulation EC No. 343/2003 of 18 February, 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third country national commonly known as the
- Dublin Regulation
 - Hague Regulation
 - Geneva Regulation
 - Brussels Regulation
26. The 1951 UN Convention Relating to the Status of Refugees establishes the definition of a refugee as well as the principle of
- non-refoulement
 - asylum
 - non-discrimination
 - none of the above

27. The United Nations High Commissioner for Refugees (UNHCR) provides protection to refugees, IDPs and
- a. stateless individuals
 - b. climate refugees
 - c. national minorities
 - d. none of the above
28. Article XII of the American Declaration of the Rights and Duties of Man has a right that should be based on the principles of liberty, morality and human solidarity which is the
- a. Right to Education
 - b. Right to Fair Trial
 - c. Right to Justice
 - d. Right to Life
29. In *United States vs. Smith* (1820), it was asserted that the law of nations "may be ascertained by consulting the works of jurists, writing professedly on public law; or by the general usage and practice of nations; or by judicial decisions recognizing and enforcing that law" by
- a. Justice Story
 - b. Justice Marshall
 - c. Justice Sotomayor
 - d. none of them

30. Modern Refugee Law has its origins in the aftermath of World War II as well as the refugee crises of the
- Inter-War Years
 - Gulf War Years
 - EU-Turkey Treaty
 - none of the above
31. Which of the following statements is an apt criticism applicable to the theories that emanated from naturalist jurisprudence?
- They do not address the real material concerns associated with legal systems
 - They depend on theological constructs and personal beliefs of people about theology, thus are not reflective of the population's general belief of law
 - Their utilitarian value has not been empirically established
 - Natural law theory offers little practical guidance to the formulation of modern statute law, which is complex, technical and thus is not a scientifically explainable derivation of abstract notions of reason
32. According to the Natural Law theory of St. Thomas Aquinas, is it one's duty to disobey an unjust law?
- Yes, in all circumstances
 - No, obedience to the law is paramount
 - Yes, if disobedience will not lead to social instability or civil unrest
 - Yes, if the majority of the population decides that the law is unjust
33. Which of the following two statements do you think best represents the Positivist Legal Theory Approach?
- Statement—A: Whether a society has a legal system depends on the presence of certain structures of governance, not on the extent to which it satisfies ideals of justice, democracy, or the rule of law.
- Statement—B: What laws are in force in that system depends on what social standards its officials recognize as authoritative; for example, legislative enactments, judicial decisions, or social customs?
- A only
 - B only
 - A and B
 - Neither of these statements represents the positivist approach

34. The life of the law is not "logic" but "experience". This statement of Holmes is perceived as reactionary against which of the following attributes of law and the legal system?
- Formalism
 - Positivism
 - Metaphysical attributes
 - All of the above
35. "All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured." Which one of the following propositions is the most complete explanation of this Rawlsian conception of justice?
- It is a reactionary statement against Bentham's utilitarianism because utilitarianism was largely concerned with the maximization of happiness and common good and not essentially the maximization of happiness for the worst-off.
 - It is a reaction against metaphysical explanations of justice.
 - It is a critique of positivist engagement with codification and legislation.
 - It is a critique of Roscoe Pound's theory of balancing conflicting interests.
36. The agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement) is part of
- World Intellectual Property Organization (WIPO)
 - World Customs Organization (WCO)
 - World Trade Organization (WTO)
 - International Monetary Fund (IMF)
37. Patents seek to protect
- ideas and expressions
 - inventions and technology
 - scientific formulae
 - new product brands

38. The Paris Convention for the Protection of Industrial Property was concluded in
- a. 1890
 - b. 1903
 - c. 1883
 - d. 1925
39. The Berne Convention for the Protection of Literary and Artistic Works was concluded in
- a. 1886
 - b. 1908
 - c. 1930
 - d. 1899
40. The International Convention for the Protection of Performers Rights is popularly known as the
- a. London Convention
 - b. Rome Convention
 - c. Washington Convention
 - d. Tokyo Convention
41. The TRIPS Agreement provides for the protection of
- a. plants
 - b. animals
 - c. microorganisms
 - d. trees

42. Computer programmes are protected under the TRIPS Agreement by
- trade secrets
 - designs
 - patents
 - copyrights
43. The terms of a patent under the TRIPS Agreement is for
- 15 years
 - 10 years
 - 8 years
 - 20 years
44. The International Convention that seeks to protect farmers rights is known as the
- Convention for the Protection of New Varieties of Plants
 - Convention for the Protection of Plant Genetic Resources
 - Convention on Biological Diversity
 - Convention for Non-Navigational Uses of International Watercourses
45. Trademarks protect
- industrial designs
 - signs that are visually perceptible
 - charts and maps
 - pharmaceutical products
46. The TRIPS Agreement and Public Health Declaration was adopted in the
- Uruguay Round
 - Doha Round
 - Tokyo Round
 - Geneva Round

47. The TRIPS Agreement terms Intellectual Property Rights as
- a. Public Rights
 - b. National Rights
 - c. Domestic Rights
 - d. Private Rights
48. The TRIPS Agreement provides for the Protection of Trade Secrets in
- a. Article 27
 - b. Article 30
 - c. Article 34
 - d. Article 39
49. *Diamond vs. Chakrabarty* is a case decided on
- a. patenting of computer programmes
 - b. patenting of microorganisms
 - c. patenting of business methods
 - d. patenting of genes
50. Decision-making procedures in international organizations are governed by
- a. their constituent instruments
 - b. their consensual instruments
 - c. their unanimous instruments
 - d. all of the above

SPACE FOR ROUGH WORK

SPACE FOR ROUGH WORK

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