

Test Centre : \_\_\_\_\_

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

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

**S A U**

**Entrance Test for Ph.D. [ Faculty of Legal Studies (FLS) ] 2018**

**[ PROGRAMME CODE : 50003 ]**

**Question Paper Series Code : B**

**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) All questions are compulsory and shall be answered on the OMR Sheet. 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) Mobile phones are not allowed inside the examination hall.
- (vii) **DO NOT FOLD THE OMR SHEET.**

**/7-B**

**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
--	--------

Ⓐ



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) ●	⊗ (b) (c) (d)	⊗ (b) (c) ⊗	● (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 seven-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
⑩	⑩	⑩	⑩	⑩	●	⑩

1. 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
- 
2. The case *Salini v 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 expropriation
    - 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
- 
3. 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 the entertainment industry by the Australian Government
    - c. the tobacco plain packaging regulation of Australia
    - d. law enacted by Australia allowing for extraction of bauxite reserves
- 
4. Which of the following statements is/are correct about Article XXIV of GATT?
    1. GATT Article XXIV allows the WTO member countries to enter into plurilateral trade agreements (PTA) in goods.
    2. The WTO member countries desiring to enter into a 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 three statements are correct

5. Which one of the following statements regarding the 'Kyoto Protocol' is/are correct?
1. It is legally binding for Annex I countries.
  2. It emerged from the deliberations of COP-3 to the UNFCCC.
  3. The signatories have to reduce their individual greenhouse gas emissions by 5.2% from 1990 level.
- a. Only 2
  - b. Both 1 and 2
  - c. Both 2 and 3
  - d. 1, 2 and 3
6. 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. The 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 three statements are correct
7. Which one of the following South-Asian countries has recently adopted a new model Bilateral Investment Treaty (BIT)?
- a. Pakistan
  - b. Sri Lanka
  - c. India
  - d. Bangladesh
8. One of the important distinctions made by the international humanitarian law is
- a. between civilians and combatants
  - b. between war and armed conflict
  - c. between land warfare and air warfare
  - d. None of the above

9. A treaty has been adopted in 2017 prohibiting development, testing, production, manufacture, otherwise acquiring, possessing or stockpiling of which of the following weapons?
- Chemical weapons
  - Biological weapons
  - Nuclear weapons
  - Landmines
10. The third protocol additional to the fourth Geneva Conventions of 1949 recognizes an additional emblem commonly referred to as the
- Red Cross
  - Red Crescent
  - Red Diamond
  - Red Crystal
11. Tallinn Manual deals with International Law applicable to
- terrorism
  - human trafficking
  - nuclear weapons
  - cyber warfare
12. On 20 November, 2017, the Prosecutor of the International Criminal Court (ICC) requested authorization from pre-trial chamber of the ICC to initiate an investigation into alleged war crimes and crimes against humanity in relation to which South-Asian country?
- Sri Lanka
  - Afghanistan
  - Nepal
  - Pakistan
13. International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were established by the resolutions of the
- United Nations General Assembly
  - United Nations Security Council
  - Human Rights Council
  - North Atlantic Treaty Organization

14. The test adopted by the appeals chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the Tadic Case is the
- overall control test
  - general control test
  - nominal control test
  - None of the above
15. The International Military Tribunal at Nuremberg had jurisdiction on
- crimes against humanity, crimes against peace and war crimes
  - crimes against humanity, genocide and war crimes
  - crimes against peace, genocide and war crimes
  - crimes against humanity, crimes against peace and genocide
16. Individual criminal responsibility for international crimes under international law is
- independent of State responsibility
  - established only after establishing State responsibility
  - not established after establishing State responsibility
  - established together with State responsibility
17. Mercury is considered hazardous to human health and the international community through, the Minamata Convention, attempts to reduce the release of mercury to air, land and water. Which of the following statements is true regarding the Convention?
- The Convention allows primary mining of mercury.
  - The Convention imposes obligation to phase out the use of mercury in products like batteries and cosmetics by 2015.
  - The Convention provides exception for products like vaccines and products for religious faith.
  - All of the above

18. Which one of the following statements about the International Convention on Civil Liability for Oil Pollution Damage, 1992 is *not* correct?
- The Civil Liability Convention was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships in territorial seas.
  - The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged.
  - This liability is absolute; it is the duty of the owner to prove in each case that any of the exceptions should in fact operate.
  - The Convention requires ships covered by it to maintain insurance or other financial securities in sums equivalent to the owner's total liability for one incident.
19. The Warsaw International Mechanism for Loss and Damage under the United Nations Framework Convention on Climate Change covers which one of the following aspects?
- It addresses loss and damage associated with climate change impact in developing countries particularly vulnerable to the adverse effects of climate change in a comprehensive, integrated and coherent manner
  - It addresses loss and damage associated with climate change impacts in developing countries particularly vulnerable to the adverse effects of climate change in an ad hoc manner
  - It addresses destructive climate change impacts in developing countries
  - It addresses loss and damage associated with climate change impacts in developing countries through the principle of absolute liability
20. The Paris Agreement to the United Nations Framework on Climate Change imposes which one the following responsibilities on State parties?
- All country parties shall provide financial resources to other States with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention
  - Developed country parties shall provide financial resources to assist developing country parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention
  - Developed country parties shall provide financial resources to assist developing country parties with respect to mitigation in continuation of their existing obligations under the Convention
  - Parties to the Convention shall provide financial resources to assist developing country parties with respect to adaptation in continuation of their existing obligations under the Convention.

21. In the *Shrimp-Turtle* case there was a clear ideological clash between environmental law concerns and free trade law concerns. Which of the two prevailed and why?
- Environmental law concerns, because the protection of sea-turtles was seen as critical
  - Trade law concerns, because the US protection regime for sea-turtles was effectively a protectionist regime under XI
  - Trade law concerns, because the US protection regime for sea-turtles was effectively a free-trade regime under XI
  - None of the above
22. Which of the following two criteria have to be met in order to qualify as a 'biodiversity hotspot' on the world hotspots map?
- The region must contain at least 0.5 percent or 1500 species of vascular plants as endemic species
  - The region has to have lost at least 70 percent of its primary vegetation
- Only 1
  - Only 2
  - Both 1 and 2
  - Neither 1 nor 2
23. The Human Rights Council and its subsidiary mechanisms and thematic mandate holders (e.g., the Expert Mechanism on the Rights of Indigenous Peoples; Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People) are known as
- Charter-based Bodies
  - the UN Security Council
  - the UNHCR
  - None of the above



24. "The rule of law ... refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with International Human Rights norms and standards." This is the
- a. UN Definition of Rule of Law
  - b. US Definition of Rule of Law
  - c. UK Definition of Rule of Law
  - d. None of the above
25. A peremptory rule of constitutional law, that legislative assemblies can make or repeal laws as they see fit, supreme over the dictates of the judicial branch, and subject to the stated jurisdiction of the legislative assembly, if any, is called
- a. parliamentary supremacy
  - b. special procedure for amendments
  - c. subversion and emergency
  - d. None of the above
26. "The institution of Ombudsman has been closely associated with democracy, democratic development, governance and public administration in the contemporary world."
- a. The above statement is correct
  - b. The above statement is false
  - c. The Ombudsman is not connected with governance
  - d. The Ombudsman is a branch of the judiciary

27. Which one of the following statements is correct?
1. Bilateral Investment Treaties are the only source of international investment law.
  2. Bilateral Investment Treaties and Customary International Law are the only sources of international investment law.
  3. Bilateral Investment Treaties, Customary International Law and general principles of law (in the sense of Article 38.1.c of the ICJ statute) are sources of international investment law.
- a. Only 1
  - b. Only 2
  - c. Only 3
  - d. None of the above
28. Which one of the following statements about 'umbrella clauses' in an investment protection treaty is correct?
1. Umbrella clauses bring contractual and other commitments under the investment protection treaty's protective ambit.
  2. Umbrella clauses allow home State of the foreign investor to sue the host State for breach of the investment protection treaty.
  3. Umbrella clauses in an investment protection treaty allow foreign investors to repatriate profits back home.
- Which of these is correct?
- a. Only 1
  - b. Only 2
  - c. Only 3
  - d. None of the above statements are correct
29. Which one of the following statements about Bilateral Investment Treaties (BITs) is/are correct?
1. Many BITs allow foreign investors to start arbitral proceedings against host State at an international arbitral forum without exhausting domestic legal remedies.
  2. BITs generally allow only the home State (of the foreign investor) and not the foreign investor to bring a claim against the host State (country where the investment has been made).
- a. Only 1
  - b. Only 2
  - c. Both 1 and 2 are correct
  - d. Both the statements are wrong

30. What is a conditional fee arrangement?
- An arrangement in which the client does not pay the solicitor unless his claim is successful.
  - An arrangement in which both parties to a dispute agree not to spend more than an agreed amount on their legal costs.
  - An arrangement by which a group of solicitors represent a single client in order to reduce costs.
  - None of the above
31. International Commercial Arbitration is founded upon the principle of confidentiality, though the application of the principle could be defined and delimited by national law as well as contractual obligations. Which of the following statements is the most complete and apt representation of confidentiality in international arbitration?
- Confidentiality is an inherent feature of arbitration
  - Privacy of the proceedings is an inherent feature of arbitration
  - Both a. and b. are true
  - Neither of them is true
32. Arbitral proceedings commence on the date
- a request for a dispute to be referred to arbitration is received by the respondent
  - when the respondent gives consent to the appointment of the arbitrator
  - when the arbitrator issues notices to the parties
  - when the statement of claim and written submission of defence is made
33. Evidential burden
- is a type of burden of proof
  - is the burden to adduce evidence so as to make an issue 'live' in a case
  - means that the defendant has to prove the defence of insanity
  - means that whenever the burden of proof is reversed to the defendant, he has to prove
34. Which of the following statements explains equity?
- It is based on what is fair and just.
  - It is created to avoid the rigidity of common law.
  - It run alongside the common law.
  - All of the above

35. Identify the case in which the ICJ justified adoption of straight baseline for the purpose of measuring breadth of territorial sea
- Corfu Channel Case
  - Anglo-Norwegian Fisheries Case
  - North Sea Continental Shelf Cases
  - Delimitation of the Maritime Boundary in the Gulf of Maine Area
36. The legal principle that helps avoid multiplicity of proceedings in a dispute is
- Res gestae
  - Res interregnum
  - Res judicata
  - Res ipsa loquitur
37. The doctrine of judicial precedent is dependent upon
- a reporting system
  - the hierarchy of the courts
  - Both a. and b.
  - None of the above
38. Which one of the following laws deals with intellectual property protection for horticultural products?
- Protection of Plant Varieties and Farmers Rights Act
  - Horticultural Products (Protection of Intellectual Property) Act
  - Agricultural Patents Act
  - Protection to Biological Innovations Act
39. Which one of the following is not a form of reparation for an injury caused by internationally wrongful acts according to ILC Draft Code on responsibility of States for Internationally Wrongful Acts, 2001?
- Restitution
  - Satisfaction
  - Compensation
  - Servitude
40. The 'Green Climate Fund' was proposed in which one of the following environment conferences?
- 2009 United Nations Climate Change Conference
  - 2010 United Nations Climate Change Conference
  - 2010 G-20 Seoul Summit
  - None of the above

41. 'The Third World' approach to international law is the
- third approach to international law
  - international law approach to prevent the Third World War
  - approach of the third-grade countries of the world
  - None of the above
42. Immunity is
- exemption from responsibility
  - a rule of procedural law
  - a matter of substantive law
  - None of the above
43. One of the bases of conferring jurisdiction on the International Court of Justice is called *forum prorogatum*, which means
- unilateral implied acceptance of jurisdiction of the forum during the continuance of a particular case
  - unilateral implied acceptance of jurisdiction of the forum after the end of a particular case
  - unilateral express acceptance of jurisdiction of the forum during the continuance of a particular case
  - unilateral express acceptance of jurisdiction of the forum after the end of a particular case
44. Reservation to a treaty means
- conditional acceptance of the treaty
  - contingent accession to the treaty
  - derogations from the provision(s) of the treaty in terms the treaty and the law of treaties
  - None of the above
45. Treaties may be suspended
- by non-entry into force after signature
  - by non-ratification in required numbers
  - by force majeure constituting fundamental change of circumstances
  - in terms of the treaty and the law of treaties

46. Use of force
- a. is prohibited under international law
  - b. may be a necessary response to terrorism
  - c. is required against widespread violations of Human Rights
  - d. Both a. and b. are correct
47. Terrorism
- a. is a threat to peace and security
  - b. is a threat to Human Rights
  - c. eludes a definition
  - d. All of the above
48. The 1997 Watercourses Convention
- a. is a UN Convention
  - b. is a SAARC Convention
  - c. has no SAARC member as its party
  - d. a. and c. are correct
49. The *Jadhav* case concerns
- a. India's Rights
  - b. Human Rights
  - c. Provisional Measures
  - d. All of the above
50. Which statement 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 compensations.
  - c. Investors from different countries should be treated at par so as to provide them equality of competitive conditions.
  - d. None of the above

SPACE FOR ROUGH WORK

SPACE FOR ROUGH WORK

\*\*\*

/7-B

16

8ET-125x2