



BRAINWARE UNIVERSITY

Term End Examination 2021 - 22

Programme – Bachelor of Business Administration & Bachelor of Law

Course Name – Law in a Globalized World

Course Code - BBALLB404

(Semester IV)

Time allotted : 1 Hrs.15 Min.

Full Marks : 60

[The figure in the margin indicates full marks.]

Group-A

(Multiple Choice Type Question)

1 x 60=60

Choose the correct alternative from the following :

- (1) Which of the following is the main basic principle of common law?
 - a) Legal statutes
 - b) Judge made precedents
 - c) Customs
 - d) Conventions
- (2) The US legal system is inclined towards which law?
 - a) Civil
 - b) Socialist
 - c) Common
 - d) None of these
- (3) The term civil law has been derived from which of the following terms?
 - a) jus civile
 - b) jus civis
 - c) jus naturale
 - d) None of these
- (4) Which of the following nations follows common law primarily?
 - a) India
 - b) Spain
 - c) France
 - d) Germany
- (5) British rule in India introduced which branch of law?
 - a) Socialist law
 - b) Religious law
 - c) Civil law
 - d) Common law
- (6) What is the first direct product of common law in India?
 - a) Public law
 - b) Private law

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- a) Referees
 - b) Investigators
 - c) Arbitrators
 - d) Mediators
- (20) Which of the following is a post-independence statute in India?
- a) Indian Penal Code
 - b) Indian Contract Act
 - c) Indian Evidence Act
 - d) Code of Criminal Procedure
- (21) In which year was the Indian Penal Code formed?
- a) 1860
 - b) 1871
 - c) 1872
 - d) 1891
- (22) The protection of Human Rights Act in India was enacted in the year
- a) 1993
 - b) 1994
 - c) 1995
 - d) 1996
- (23) The Universal Declaration of Human Rights was adopted on
- a) December 1, 1948
 - b) December 10, 1948
 - c) December 10, 1949
 - d) December 10, 1946
- (24) Who was the founder of the International Committee of the Red Cross?
- a) Henry Dunant
 - b) F. Lieber
 - c) Rousseau
 - d) None of these
- (25) Guidelines for arrest of persons by the police were given by the Supreme
- a) Maneka Gandhi vs. Union of India
 - b) Auto Sankar vs. State of Tamil Nadu
 - c) Hussainara Khatoon vs. State of Bihar
 - d) D.K. Basu vs. State of WB
- (26) The total organisation of social life within a limited area may be termed as–
- a) A Community
 - b) An Association
 - c) An Institution
 - d) A society
- (27) Social differences arise as a result of differences in which of the following factor/factors?
- a) Race
 - b) Religion
 - c) Language
 - d) All of these
- (28) Who started the Civil Rights Movement in USA
- a) Martin Luther King
 - b) Abraham Lincoln
 - c) John F. Kennedy
 - d) None of these
- (29) When was the International court of justice was established
- a) 1945
 - b) 1941
 - c) 1944
 - d) 1919
- (30) Which of the following is not a source of social problem?
- a) Social change
 - b) personal development
 - c) poverty
 - d) Personal disorganisation
- (31) Which of these is the social cause of juvenile delinquency?
- a) Broken homes
 - b) Poverty

- c) Beggary d) All of these
- (32) In which year was the National Adult Education Programme launched?
- a) October, 1, 1978 b) January 26, 1978
c) August 15, 1978 d) August 15, 1978
- (33) 'Public Interest Litigation' is the strategic arm of the legal aid movement and aims at bringing justice within the reach of the poor vulnerable masses and help-less victims of injustice.' Who among the following Supreme Court's Justice has told this?
- a) Justice Rangnath Mishra b) Justice V D Tulzapurkar
c) Justice P N Bhagwati d) Justice H R Khanna
- (34) Judicial Process in India is based on which of the following concepts?
- a) Due process of law b) Conventions
c) Procedure established by law d) Constitution
- (35) Common-law legal systems place great value on deciding cases according to consistent principles, so that similar facts will yield similar and predictable outcomes, and observance of precedent is the mechanism by which that goal is attained. What is this principle known as?
- a) Stare Decisis b) Quid Pro Quo
c) Common Law d) Judgment Analysis
- (36) International Humanitarian Law deals with the protection of which of the following sectors?
- a) Refugees b) War
c) Climate change d) Environment
- (37) The four Geneva Conventions came into being on which date?
- a) 10th August 1949 b) 12th August 1949
c) 12th August 1941 d) 12th August 1948
- (38) What does the term 'pacta sunt servanda' mean?
- a) States have a general duty to perform treaty obligations in good faith b) Signing of legal documents between states
c) Agreement between states d) Common policies between states
- (39) What is the full form of ICRC?
- a) International Committee of the Red Cross b) Indian Committee of Red Cross
c) International Convention of Red Cross d) International Collaboration on Red Cross
- (40) The Government of India Act came into being in which year?
- a) 1935 b) 1982
c) 1930 d) 1921
- (41) How many Additional Protocols are there along with the Geneva Conventions?
- a) 1 b) 2
c) 3 d) 4
- (42) The doctrine of judicial precedent refers to

- a) a decision of the higher court will bind a lower court
- b) a decision of the higher court will not bind a lower court
- c) a decision of the lower court will bind a higher court
- d) a decision of the higher court will bind a higher court
- (43) The decisions of the SC are binding on
- a) all the High courts only
- b) all courts apart from the SC itself in some cases
- c) all the District courts only
- d) None of these
- (44) What is the doctrine of stare decisis?
- a) A doctrine of statutory interpretation
- b) A doctrine of precedent
- c) A doctrine of legislative powers
- d) A doctrine of Parliamentary sovereignty
- (45) An obiter dicta must be followed in all future cases containing the same material facts by all courts lower in the hierarchy
- a) True
- b) False
- c) Partly True
- d) Partly False
- (46) The doctrine of precedent is essential to the development of the common law. Which of the following answers best describes the difference between binding and persuasive precedent?
- a) A precedent from a superior court is binding on lower courts in the same court hierarchy where the facts of the two cases are identical or materially similar. A precedent that is not binding might be persuasive if it has sufficient weight due to the reputation and standing of the deciding court and the similarity of the material facts.
- b) A decision of any court in Australia will be binding on all other Australian courts if that decision is well reasoned and fair. A decision that leads to an unfair or unjust outcome need not be followed by any court.
- c) A precedent from a superior court is always binding on lower courts in all court hierarchies whereas a precedent that is not binding will have persuasive value only on courts in the same hierarchy.
- d) A precedent that is binding on lower courts in the same court hierarchy must be followed regardless of the quality of the decision, whereas a precedent that is persuasive may be followed only if the lower court chooses
- (47) Which of the following does NOT establish precedent in its judgment / award?
- a) The High Court
- b) Employment tribunal
- c) The Court of Appeal
- d) The Supreme Court
- (48) That part of a previous decision which forms the binding part of a judgment in future cases is referred to as the:
- a) obiter dicta
- b) ratio decidendi
- c) ratio decidis
- d) stare decisis
- (49) A binding precedent:
- a) applies to all courts
- b) can only be set by the High Court hearing cases on appeal
- c) is a decision containing a ratio decidendi
- d) is a legal principle that must be followed by lower courts

wer courts in the same court hierarchy in similar cases

- (50) What is a decision made by a judge which states that a legal rule in an earlier case is wrong?
- a) Distinguishing
 - b) Overruling
 - c) Reversing
 - d) none of these
- (51) What is the term used to describe where a higher court in the same case overturns the decision of the lower court
- a) Distinguishing
 - b) Overruling
 - c) Reversing
 - d) None of these
- (52) In which year was the Practice Statement introduced in UK Law
- a) 1995
 - b) 1965
 - c) 1966
 - d) 1999
- (53) Declaratory Precedent means
- a) laid down a new rule of law
 - b) outcome of the internal exercise by the courts
 - c) do not laid down a new rule of law but only declare the principle of law already existing
 - d) none of these
- (54) Application of procedural safeguards at the time of detention avoids abuses has been emphasised in
- a) Maneka Gandhi v. Union of India
 - b) Nilabati Behera v. State of Orissa
 - c) D.K.Basu v. State of West Bengal
 - d) M.H. Hoskot v. State of Maharashtra
- (55) Ple-bargaining has been incorporated in Cr.PC
- a) from Section 265A-265L
 - b) from Section 260A-265L
 - c) from Section 260A-260L
 - d) from Section 255A-265L
- (56) Supreme Court dealt with the problem of overcrowding in prison and examined whether overcrowding in prison itself violates any constitutional right in
- a) Rama Murthy v. State of Karnataka
 - b) Sunil Batra v. Delhi Admn.
 - c) Charles Sobraj v. Supdt. Central Jail
 - d) Suresh Chandra v. State of Gujarat
- (57) PIL is a tool of
- a) Judicial accountability
 - b) Judicial activism
 - c) Legislature contribution
 - d) None of these
- (58) ADR stands for
- a) Alternative Dispute Resolution
 - b) Alternative desperate resolution
 - c) Alternative despite resolution
 - d) Additional dispute resolution
- (59) What is the obligation of the peaceful settlement of disputes?
- a) It is an obligation of result, that is, States are under a strict obligation to resolve their disputes as soon as possible
 - b) It is an obligation of conduct, ie States have an obligation to try to resolve their disputes through peaceful means. This does not entail an obligation to resolve their disputes
 - c) It is a peremptory norm of international law and
 - d) It is an obligation which concerns solely inter

d all States have a legal interest to safeguard its application in any given dispute

national courts and tribunals

(60) What is the difference between conciliation and mediation?

- a) Conciliation is the continuation of mediation with the difference that conciliation produces a binding result, while mediation not
- b) Conciliation is conducted exclusively by representatives of the UN Secretary-General, while mediation may also be conducted by third States' officials
- c) Mediation is usually conducted by a person appointed with the consent of the parties, while conciliation involves a commission, which proceeds to an impartial examination of the dispute and proposes settlement terms
- d) Conciliation is a method of dispute settlement pursued only by virtue of a treaty, while mediation may also be on an ad hoc basis