

**ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2018
EXAMINATION CATEGORY: TECHNICAL**

PAPER III: SUBJECT SPECIALISATION PAPER FOR LAW

Date	: 7 October 2018
Total Marks	: 100
Writing Time	: 150 minutes (2.5 hours)
Reading Time	: 15 Minutes (prior to writing time)

GENERAL INSTRUCTIONS:

1. Write your Registration Number clearly and correctly on the Answer Booklet.
2. The first 15 minutes is being provided to check the number of pages of Question Paper, printing errors, clarify doubts and to read the instructions. You are NOT permitted to write during this time.
3. This paper consists of **TWO SECTIONS**, namely SECTION A & SECTION B:
 - **SECTION A** has two parts: Part I - 50 Multiple Choice Questions
Part II - 4 Short Answer QuestionsAll questions under SECTION A are COMPULSORY.
 - **SECTION B** consists of two Case Studies. Choose only **ONE** case study and answer the questions of your choice.
4. All answers should be written on the Answer Booklet provided to you. Candidates are not allowed to write anything on the question paper. If required, ask for additional Answer Booklet.
5. All answers should be written with correct numbering of Section, Part and Question Number in the Answer Booklet provided to you. Note that any answer written without indicating the Section, Part and Question Number will NOT be evaluated and no marks will be awarded.
6. Begin each Section and Part in a fresh page of the Answer Booklet.
7. You are not permitted to tear off any sheet(s) of the Answer Booklet as well as the Question Paper.
8. Use of any other paper including paper for rough work is not permitted.
9. **You are required to hand over the Answer Booklet to the Invigilator before leaving the examination hall.**
10. This paper has **10 printed pages**, including this instruction page.

GOOD LUCK

SECTION A

PART I: Multiple Choice Questions (50 marks)

Choose the correct answer and write down the letter of your chosen answer in the Answer Booklet against the question number e.g. 51 (d). Each question carries ONE mark. Any double writing, smudgy answers or writing more than one choice shall not be evaluated.

1. Which of the following intellectual property right is automatically protected even without registration?
 - a) Patent
 - b) Copyright
 - c) Design
 - d) Trademark

2. The World Intellectual Property Organization is established under and governed by an international instrument commonly known as
 - a) Geneva Convention
 - b) Vienna Convention
 - c) Berne Convention
 - d) Rio Convention

3. The Kyoto Protocol on the United Nations Framework Convention on Climate Change came into force in
 - a) 1998
 - b) 2001
 - c) 2005
 - d) 2007

4. The United Nations Framework Convention on Climate Change, the United Nations Convention on Combatting Desertification and the Convention of Biological Diversity are commonly known as
 - a) Rio Conventions
 - b) Paris Conventions
 - c) Kyoto Conventions
 - d) Vienna Conventions

5. The General Assembly of the United Nations elects the 15 judges of the International Court of Justice for a term of
 - a) 3 years
 - b) 5 years
 - c) 7 years
 - d) 9 years

6. The United Nations has 193 member states at present. How many member states did it have while it was established on 24th October 1995?
 - a) 51
 - b) 47

- c) 43
 - d) 37
7. Which of the following country is a permanent member of the Security Council of the United Nations?
- a) Germany
 - b) Japan
 - c) Australia
 - d) France
8. In 2001, the United Nations was awarded the
- a) Nobel Peace Prize
 - b) Global Climate Change Initiative Award
 - c) International Space Award
 - d) World Bank Award for Poverty Reduction
9. Norwegian Foreign Minister, Trygve Lie was the
- a) presiding judge in the Nuremberg War Crimes Trials after World War II.
 - b) first presiding judge of the International Court of Justice.
 - c) author of the Universal Declaration of Human Rights.
 - d) first Secretary General of the United Nations.
10. The United Nations General Assembly approved a resolution to partition Palestine, approving the creation of the state of Israel in
- a) 1945
 - b) 1946
 - c) 1947
 - d) 1948
11. Kofi Annan was the Secretary General of the United Nations during
- a) 1997-2006
 - b) 2001-2011
 - c) 1992-1997
 - d) 2011-2016
12. Which one of the following is the principal organ of the United Nations?
- a) World Intellectual Property Organization.
 - b) International Criminal Court.
 - c) Economic and Social Council.
 - d) World Trade Organization.
13. The loose coalition of developing nations at the United Nations, designed to promote its members' collective economic interests and create an enhanced joint negotiating capacity in the United Nations is called
- a) The Group of 5
 - b) The Group of 7
 - c) The Group of 20
 - d) The Group of 67

14. The Universal Declaration of Human Rights was adopted in
- 1946
 - 1948
 - 1950
 - 1952
15. Under the Convention on the Rights of the Child, a child is
- a person below the age of 12 years.
 - a person between the age of 12 and 16 years.
 - a person between the age of 12 and 18 years.
 - a person below the age of 18 years.
16. The acronym UNEP stands for
- United Nations Education Program.
 - United Nations Environment Program.
 - United Nations Economic Program.
 - United Nations for Eradication of Poverty.
17. The four broad thematic areas of discrimination under international law are
- Age, Race, Gender and Disability.
 - Age, Race, Gender and Religion.
 - Age, Race, Gender and Political.
 - Age, Race, Gender and Nationality.
18. Under the UN Convention on the Law of the Sea, territorial water or sea extends up to
- 8 nautical miles.
 - 12 nautical miles.
 - 22.2 nautical miles.
 - 200 nautical miles.
19. Bhutan was admitted as a member of the United Nations on
- 21st July 1971.
 - 21st August 1971.
 - 21st September 1971.
 - 21st October 1971.
20. Bhutan has diplomatic relations with
- 21 states and the EU.
 - 28 states and the EU.
 - 44 states and the EU.
 - 52 states and the EU.
21. The members of the United Nations Human Rights Council (UNHCR) are selected by the UN General Assembly for a staggered three year terms on a regional group basis. It has;
- 47 members
 - 53 members
 - 57 members
 - 63 members

22. In 1967, the World Intellectual Property Organization was established in place of
- United International Bureau for the Protection of Intellectual Property.
 - International Bureau for the Protection of Intellectual Property.
 - United Nations Organization for Protection of Intellectual Property.
 - International Organization for the Protection of Intellectual Property.
23. The incumbent Director General of WIPO is
- Georg Bodenhausen of the Netherlands.
 - Arpad Bogsch of the USA.
 - Kamil Eltayeb Idris of Sudan.
 - Francis Gurry of Australia.
24. WIPO has its Headquarters at
- The Hague
 - Geneva
 - Vienna
 - New York
25. The total number of International Agreements administered by WIPO at present is
- 18
 - 26
 - 32
 - 34
26. The International Court of Justice is seated at
- World Trade Center, New York.
 - Versailles Palace, Paris
 - Peace Palace, The Hague
 - Westminster, London
27. The International Court of Justice was established in place of
- The International Criminal Court
 - Permanent Court of International Justice
 - International Court of War Crimes
 - The International War Crimes Tribunal
28. The rulings of the ICJ are enforced under Chapter XIV of the UN Charter by
- UN Security Council
 - UN Legal Council
 - UN Justice Council
 - UN Judgment Enforcement Council
29. Under Article 9 of the Statute of International Court of Justice, the membership of the court is supposed to have
- equitable representation of the developed, developing and underdeveloped member states.
 - balanced regional representation of member states.

- c) representation on the basis of main forms of civilization and of the principal legal systems of the world.
- d) representation on the basis of principal political, economic, cultural and social systems of the world.
30. The World Trade Organization was established on
- 1st January 1988
 - 1st January 1990
 - 1st January 1992
 - 1st January 1995
31. The World Trade Organization was established under the
- Marrakesh Agreement
 - Global Agreement on Tariffs and Trade
 - World Trade Agreement
 - United Nations Agreement on Trade and Tariffs
32. The present Director General of the WTO is
- Roberto Azevedo.
 - John Kerry.
 - Boris Johnson.
 - Scott Morrison.
33. Which one of the following is not a principle of the trading system under the WTO?
- Non-discrimination
 - Reciprocity
 - Favourable Balance of Payment
 - Binding and enforceable commitments
34. The Magna Carta was one of the earliest documents that recognized
- the fair wages in relation to the labour rendered.
 - the fair compensation for land acquired by the government.
 - the right to self-government.
 - the taxation right of the government.
35. Which one of the following is not a major thematic area under human rights in international law?
- Political rights.
 - Cultural rights.
 - Privacy rights.
 - Economic rights.
36. Because of historical reasons, which country considers the “Dignity of Life” as more important than “Right to Life” itself?
- Japan
 - Germany
 - Russia
 - China

37. Which one of the following is non-justiciable?
- Fundamental rights
 - Fundamental duties
 - Directive Principles of State Policy
 - Fair trial
38. Which one of the following is not a Due Process Right?
- Right to legal counsel.
 - Right to cross examine a witness.
 - Right for adequate time to prepare defense.
 - Right to be imposed lowest penalty.
39. Civil and political rights are categorized under
- First Generation Rights
 - Second Generation Rights
 - Third Generation Rights
 - Fourth Generation Rights
40. Which one of the following is the correct sequence in which the UN adopted the important Human Rights instruments?
- UDHR, ICCPR, ICESCR, CEDAW
 - ICCPR, ICESCR, CEDAW, UDHR
 - ICESCR, CEDAW, UDHR, ICCPR
 - UDHR, CEDAW, ICESCR, ICCPR
41. The UDHR was framed by the Human Rights Commission under the Chairmanship of
- Teddy Roosevelt.
 - Eleanor Roosevelt.
 - John Humphrey.
 - Rene Cassin.
42. Which one of the following is Bhutan not a member of?
- SAARC
 - BIMSTEC
 - NATO
 - NAM
43. PETA is
- an animal rights organization.
 - a human rights organization.
 - a climate change organization.
 - a trade organization.
44. A treaty may come into force for a state in the following ways EXCEPT:
- Ratification.
 - Accession.
 - Exchange of Notes.
 - Proclamation.

45. The sustainable development goals adopted by the UN General Assembly has
- 15 development goals.
 - 17 development goals.
 - 19 development goals.
 - 21 development goals.
46. The following are the main sources of international laws EXCEPT:
- Treaty law
 - Customary international law
 - General principles of laws recognized civilized nations
 - Roman, Greek and American laws
47. Besides the 5 permanent members, the UN Security Council has
- 5 non-permanent members
 - 8 non-permanent members
 - 10 non-permanent members
 - 12 non-permanent members
48. Which one of the following is not a principle under international law?
- Jus cogens
 - Erga omnes
 - Pacta sunt servenda
 - Nemo iudex in causa sua
49. The Exclusive Economic Zone of a country under the Law of the Sea extends up to
- 100 nautical miles
 - 200 nautical miles
 - 300 nautical miles
 - 400 nautical miles
50. The International Criminal Court was established under the
- Rome Statute
 - Paris Statute
 - London Statute
 - Berlin Statute

PART II – Short Answer Questions (20 marks)

This part has 4 Short Answer Questions. Answer ALL the questions. Each question carries 5 marks.

1. Describe briefly the treaty making process starting with negotiation to ratification.
2. Under International Trade Law, what do you understand by National/Domestic Treatment of Goods (foreign goods)?
3. What are the general grounds for refusal of extradition of a person accused of a crime from one country to another?
4. Explain the maxim *Pacta Sunt Servenda* and describe its importance or significance in international law.

SECTION B

Case Study

Choose either Case I OR Case II from this section. Each case study carries 30 marks.

Case I

You are a licensed, practicing lawyer retained on an annual basis by Kinley.

Kinley and Tenzin were playing cards on 15th June 2018. Tenzin lost Nu. 50,000/- to Kinley during the course of their gaming session. However, Tenzin had only Nu. 5000/- with him. They agreed that Tenzin could pay what he had that evening, and pay the remaining Nu. 45,000/- within 2 months.

Kinley and Tenzin executed an agreement on the above conditions of payment of gambling debt, which was witnessed.

Tenzin refused to honour the agreement after the expiry of two months and pay the remaining money to Kinley.

Tenzin came to your office seeking legal advice and representation.

Subsequently, Kinley too came to you for legal counsel.

1. Advise Tenzin your inability to give him legal advice and representation. (5 marks)
2. Advise Kinley on the enforceability of the agreement against Tenzin. (5 marks)
3. Advise Kinley on his liability for the offence of gambling under the Penal Code. (7.5 marks)
4. Advise Kinley on the criminal liability for failure to report the offence of gambling under the Penal Code. (7.5 marks)
5. What is your liability as a lawyer for failure to report an offence under the Penal Code? (5)

Case II

Ugyen has been married to Wangmo for 15 years. Neither of them had received any inheritance nor had they accrued any property before they were married. Since their marriage, they had started and maintained a very successful family business. However, they also have an outstanding loan of Nu. 1,000,000/- against the business.

They have two children, Kinga, aged 7 and Penjor aged 13.

Ugyen had subsequently left Wangmo for Zangmo, and had told Wangmo he would like to get a divorce. Wangmo thinks it's better to agree to the divorce as she feels she cannot trust Ugyen again anyway.

You are Wangmo's lawyer. Advise her on the following issues under Bhutanese law:

1. Compensation(s) she is entitled to. (10 marks)
2. Custody over the children and Child maintenance. (10 marks)
3. Entitlement of the share in the family business. (5 marks)
4. Liabilities with regard to the outstanding loan. (5 marks)

TASHI DELEK