

**ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2016
EXAMINATION CATEGORY: TECHNICAL**

PAPER III: SUBJECT SPECIALIZATION PAPER FOR LAW

Date: 2 October 2016
Total Marks: 100
Examination Time: 150 minutes (2.5 hours)
Reading Time: 15 minutes (*prior to examination 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, printing error, clarify doubts and to read instructions in Question Paper. You are NOT permitted to write during this time.
3. This paper consists of **TWO Sections, namely Section A and Section B.**
Section A has two parts: Part I - **50 Multiple Choice Questions.**
Part II - **4 Short Answer Questions.**
All questions under **Section A** are **COMPULSORY.**
Section B consists of 2 case studies. Choose only **ONE** case study and answer the questions under 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 correct Section, Part and Question Number will NOT be evaluated and no marks would 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. The Question paper has 13 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 (c). Each question carries ONE mark. Any double writing, smudgy answers or writing more than one choice shall not be evaluated.

1. The formal sources of the international law under the jurisdiction of the United Nations Organization (UNO) are specified under
 - (a) Domestic customs, judicial decisions of the respective Supreme Courts.
 - (b) Treaties, international customs, general principles of law recognized around the world.
 - (c) Advisory views and opinions of the International Court of Justice.
 - (d) Jurisprudential theories coined and formulated by eminent jurists.

2. The International Court of Justice (ICJ) was established as one of the main organs of the United Nations Organization mainly to
 - (a) give advisory opinions on legal questions referred to it by non-member states.
 - (b) settle, in accordance with international law, legal disputes submitted by States.
 - (c) give advisory opinions on legal questions referred to it by countries which are proposing to join the UNO.
 - (d) scrutinize the non-member countries applying to join the UNO.

3. The International Court of Justice established by the UNO is located at
 - (a) New York, the United States of America
 - (b) Geneva, Switzerland
 - (c) The Peace Palace in The Hague, Netherlands
 - (d) San Francisco, the United States of America

4. One of the rationale for the establishment of the United Nations Organization on 24th October 1945 is
 - (a) due to consequence of the World War I.
 - (b) to maintain international peace and security.
 - (c) due to the establishment of NATO.
 - (d) thwart the cold war.

5. The United Nations Organization gets its financial supports to meet the operational costs of the UNO from
 - (a) voluntary contributions from its member states.
 - (b) mandatory contributions from its member states.
 - (c) voluntary contributions from all the countries of the world.
 - (d) mandatory contributions from all the countries of the world.

6. Which one of following is not among the six main organs of the UNO?
 - (a) The Security Council
 - (b) The Trusteeship Council
 - (c) The General Assembly
 - (d) The European Human Rights Commission

7. The Universal Declaration of Human Rights (UDHR) was proclaimed on 10th December 1948 as a common standard of achievements for all peoples and all nations by
 - (a) The General Assembly of the United Nations
 - (b) The Security Council of the United Nations
 - (c) The Trusteeship Council of the United Nations
 - (d) The Economic and Social Council

8. The International Court of Justice composed of 15 judges and the judges are elected by the General Assembly to the office for a term of
 - (a) five years
 - (b) six years
 - (c) eight years
 - (d) nine years

9. One of the purposes of the establishing the United Nations Organization is
 - (a) to continue waging war against those nations committed crimes against humanities during the World War I.
 - (b) to enable the member states to adopt individual national approaches to settle the international disputes.
 - (c) to maintain the international peace, security and prevent further wars in the world.
 - (d) to review the principles of the League of Nations.

10. The World Trade Organization (WTO) which is the world trade body deals with
 - (a) the trade among the SAARC countries so that trade flows as smoothly and freely.
 - (b) the trade among the ASEAN countries so that trade flows as smoothly and freely.
 - (c) the trade G20 countries so that trade flows as smoothly and freely.
 - (d) the global rules of trade between nations so that trade flows as smoothly and freely.

11. The World Intellectual Property Organization (WIPO) is one of the seventeen specialized agencies of the United Nations and it seeks to
 - (a) promote the protection of intellectual property in the United States.
 - (b) promote the protection of intellectual property among the NATO countries.
 - (c) promote the protection of intellectual property throughout the world.
 - (d) promote the protection of intellectual property in the Europe.

12. Mr. Francis Gurry, the fourth and current Director-General of the World Intellectual Property Organization (WIPO) is
- (a) an American national
 - (b) an English national
 - (c) an Australian national
 - (d) a Swedish national
13. The UN Convention on the Rights of the Child sets out
- (a) the basic rights of the government against the children.
 - (b) mutual rights of the children and the government.
 - (c) the basic rights of the children and the obligations of governments to fulfil those rights.
 - (d) the rights of the children and women.
14. In accordance with the Convention on the Rights of the Child, a child means every human being
- (a) below the age of eighteen years
 - (b) below the age of seventeen years
 - (c) below the age of sixteen years
 - (d) below the age of fifteen years
15. Article 9 of the Convention on the Rights of the Child stipulates that the States Parties shall ensure
- (a) that a child can be separated from the parents against the will of the child.
 - (b) that a child shall not be separated from the parents against the will of the child.
 - (c) that there is no intervention from the government on the rights of the child.
 - (d) None of the above.
16. The Convention on the Rights of the Child is the most rapidly and widely ratified human rights treaty in history and the only countries that have not ratified the treaty are
- (a) Somalia, South Sudan, and the United States
 - (b) Bhutan, Bangladesh and Nepal
 - (c) Australia, France and Germany
 - (d) Italy, Poland and the United Kingdom
17. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty, known as the international bill of rights for all women was adopted in
- (a) 1979 by the United Nations' Security Council
 - (b) 1979 by the United Nations' Trusteeship Council
 - (c) 1979 by the United Nations' Economic & Social Council
 - (d) 1979 by the United Nations' General Assembly

18. By accepting the CEDAW, the member-states have committed themselves to undertake series of measures to end discrimination against women in all forms, including one of them given below:
- (a) To abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women
 - (b) To abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against men
 - (c) To abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against all citizens
 - (d) To abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against all senior citizens
19. The countries which have formally ratified or acceded to the Convention on the Elimination of all Forms of Discrimination Against Women are
- (a) legally not bound to put its provisions into practice.
 - (b) legally bound to put its provisions into practice.
 - (c) partially bound to put its provisions into practice.
 - (d) None of the above.
20. The countries that have not ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) are
- (a) Bhutan, Bangladesh, India and Maldives.
 - (b) United States, Iran, Somalia, Sudan, Palau and Tonga.
 - (c) Nepal, Pakistan, Japan and China.
 - (d) Thailand, Cambodia, the Philippines and Malaysia.
21. Upon ratification of the CEDAW Convention by the respective member-states, states are under an obligation
- (a) to recognise discrimination and inequality against women.
 - (b) not to recognise discrimination and inequality against humanity.
 - (c) not to commit themselves to do certain things and not do certain things.
 - (d) not to recognise the need for State actions.
22. The latest country to become a member of the World Trade Organization on 29th July 2016 is
- (a) Afghanistan
 - (b) Bangladesh
 - (c) Bhutan
 - (d) Maldives
23. The United Nations Environment Programme (UNEP) is the lead UN programme which is concerned with
- (a) the global environment

- (b) the global economy
 - (c) the global industrial development
 - (d) the global financial issues
24. The United Nations Environment Programme (UNEP) not only promotes climate neutrality, but it also
- (a) requires to practise climate neutrality.
 - (b) does not obligate practising climate neutrality.
 - (c) promotes full industrial developments.
 - (d) All of the above.
25. The fundamental human rights are a generally regarded set of legal protections that gives the individuals
- (a) the alienable rights.
 - (b) the conditional rights.
 - (c) the inalienable rights.
 - (d) the contestable rights.
26. Which one of the following is not the basic human rights and freedom?
- (a) The civil and political rights
 - (b) The right to life and liberty
 - (c) The right to freedom of thought, speech and expression
 - (d) The right to crimes
27. The international human rights laws prohibit practices such as
- (a) torture, slavery, summary execution without trial, and arbitrary detention or exile.
 - (b) criminal trial in the courts.
 - (c) basic civil trial in the court.
 - (d) fundamental rights of citizens.
28. The President, Franklin Roosevelt of the United States on December 10, 1948, while the General Assembly was adopting the Universal Declaration of Human Rights in the UNO declared that the Universal Declaration of Human Rights as
- (a) The UN Magna Carta for all mankind.
 - (b) The international Magna Carta for all mankind.
 - (c) The Magna Carta of the United States.
 - (d) The Magna Carta of the western world.
29. Which one of the following countries sits as an observer government in the World Trade Organization (WTO)?
- (a) Australia

- (b) Bhutan
 - (c) Canada
 - (d) Denmark
30. Which of the following does not result from the global climate change?
- (a) Loss of sea ice
 - (b) Rise of heat waves and droughts
 - (c) Rise of sea levels
 - (d) Tsunami
31. Since the human-induced warming is superimposed on the naturally varying climate, the temperature rise
- (a) will not be uniform across the globe.
 - (b) will be uniform across the globe.
 - (c) will improve across the globe.
 - (d) will not lengthen the frost-free season.
32. The climate change and its negative effects on the mother earth is
- (a) responsibility of a few selective countries only.
 - (b) collective responsibility of all the countries.
 - (c) responsibility of the Security Council.
 - (d) responsibility of the rich countries only.
33. As per Article 1 of the Convention on the Biological Diversity, one of the main objectives is
- (a) Conservation of biological diversity and sustainable use of its components.
 - (b) Full exploitation of all the biological components.
 - (c) Unequitable sharing of the benefits arising out of the utilization of genetic resources.
 - (d) Random deployment of technologies into biodiversity areas.
34. According to the Article 41 of the Convention on the Biological Diversity, the conventions have the jurisdiction over
- (a) a contracting party.
 - (b) all UN member states.
 - (c) all the countries of the world, irrespective of their membership status in the UNO.
 - (d) the five permanent members of the Security Council.
35. The Convention on International Trade in Endangered Species deals with wild Fauna and Flora and its objective is to ensure
- (a) that international trade in specimens of wild animals does not threaten their survival.
 - (b) that international trade in specimens of plants does not threaten their survival.

- (c) that international trade in specimens of both wild animals and plants does not threaten their survival.
- (d) that international trade in specimens of sea animals does not threaten their survival.
36. The public international law has jurisdiction over the structure and conduct of
- (a) Individuals only
 - (b) Sovereign states, including multinational entities and individuals
 - (c) Non-member states of the UNO
 - (d) Multinational entities only
37. The legal framework composed of conventions, protocols, model laws, legal guides, uniform documents, case laws, practices and customs which regulate relationships between individuals in an international context is called:
- (a) The Public International Law
 - (b) The Private International Law
 - (c) The Law of the Sea
 - (d) The Law of the Criminology
38. As per the law of the sea, a state's right of hot pursuit shall commence when the offending vessel is
- (a) within the national waters and the territorial sea of contiguous zone of the pursuing state.
 - (b) within the international waters and sea.
 - (c) within the waters and sea of a third state.
 - (d) within the international waters and within the waters of a third state.
39. As per the international marine law, the hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal state has
- (a) a good and convincing reason to believe that the ship has violated the laws of that State.
 - (b) some partial knowledge that the ship has violated the law of that State.
 - (c) a full knowledge that the ship causes no danger to the State.
 - (d) a pre-determination to capture the ship of the particular country.
40. The doctrine of hot pursuit shall be in compliance with if the pursuit is
- (a) uninterrupted, necessary and reasonable.
 - (b) interrupted and unwarranted.
 - (c) motivated with malafide intention of pursuing state.
 - (d) intended to wage an unprovoked war against another state.
41. Article 2 (1) of the Charter of the United Nations Organization states that
- (a) some member-states are less sovereign and has lesser powers.
 - (b) all the member-states are sovereign and equal.

- (c) some member-states are more sovereign and also have higher powers.
(d) five permanent members are more sovereign and have higher powers.
42. According to Article 4 of the UN Charter, the membership to the United Nations Organization is open
- (a) to all the peace-loving states which accept the obligations enshrined in the Charter.
(b) only to specific states which accept the obligations enshrined in the Charter.
(c) to rich states which have abundant natural resources.
(d) to states involved in the World War II.
43. The General Assembly of the United Nations Organization is composed of
- (a) Five permanent members of the Security Council
(b) Fifteen non-permanent members of the Security Council
(c) All the members of the United Nations Organization
(d) All the countries of the world, irrespective of their membership
44. The Chief Executive of the United Nations Organization is
- (a) The Director-General of the WHO
(b) The Secretary-General of the UNO
(c) The Director-General of WTO
(d) The Director-General of WIPO
45. Which of the following is not the main goal of the Convention on Biodiversity?
- (a) Conservation of biological diversity
(b) Sustainable use of its components
(c) Fair and equitable sharing of benefits arising from genetic resources
(d) Excessive use of genetic resources by the member states for industrial development
46. According to the Private International Law in divorce cases, wherein a court is attempting to distribute marital property, if the divorcing couple is local and the property is local, then the court applies
- (a) its domestic law *lex fori*.
(b) the Public International Law.
(c) the Human Rights Law.
(d) None of the above.
47. The International Court of Justice at Peace Palace in The Hague has
- (a) jurisdiction to try individuals accused of war crimes or crimes against humanity.
(b) no jurisdiction to try individuals accused of war crimes or crimes against humanity.
(c) prosecutor able to initiate criminal proceedings against the accused of war crimes.
(d) All of the above.

48. The judgments delivered by the International Court of Justice in disputes between the States are
- (a) Binding upon the parties concerned
 - (b) Non-binding upon the parties concerned
 - (c) Conditional on the parties concerned
 - (d) Partially binding upon the parties concerned
49. Based on the nomination of the Secretary-General, the UN General Assembly has elected _____ for the post of Executive Director of the United Nations Environment Programme (UNEP) for a four-year term.
- (a) Mr. Erik Solheim of Norway
 - (b) Mr. David Cameron of the United Kingdom
 - (c) Ms. Angela Merkel of Germany
 - (d) Mr. Francois Hollande of France
50. The term “trade mark” denotes
- (a) a symbol, word, or words legally registered or established by use as representing a company or product.
 - (b) the exclusive and assignable legal right, given to the originator for a fixed number of years, to print, publish, perform, film, or record literary, artistic, or musical material.
 - (c) the exclusive right conferred by a patent.
 - (d) the automatic birth-right given to a citizen.

PART II – Short Answer Questions (20 marks).

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

1. Give three differences between the common law system and the civil law system. Name one country that practises the civil law system and another country that practises the common law system. (3+1+1).
2. State two main reasons as to why the International Court of Justice is so important for the UN member-states? (2.5x2).
3. Write the four main points as to why the United Nations Environment Programme (UNEP) is important to the entire world (1.25x4).
4. Briefly explain why the Universal Human Rights Declaration was adopted in 1945 by the UN member-states. Who was the person who championed the Universal Human Rights Principles? (4+1).

SECTION B

Case Study

Choose either Case 1 or 2 from this section. Each case study carries 30 marks.

Case 1

On 1st May 2016, Mr. Pema Wangdi and Mr. Karma Tshering have verbally entered into a contract for the sale and purchase of a plot of land measuring 50 decimals on the outskirts of Olakha owned by Mr. Karma Tshering. Mr. Karma Tshering valued his entire 50 decimal plot of land at Nu. 5,000,000.00 (Nu.100,000.00 per decimal) and informed Mr. Pema Wangdi about the price. Mr. Karma Tshering agreed to transfer the landownership in the name of Mr. Pema Wangdi within 25th July 2016 and accordingly Mr. Pema Wangdi consented to make the entire payment to Mr. Karma Tshering on 25th July 2016 in the Secretariat of National Land Commission in the presence of officials of the National Land Commission. Since Mr. Pema Wangdi and Mr. Karma Tshering were good family and childhood friends and also based on the trust and good faith reposed on each other, they did not execute a written contract to this effect.

Mr. Tshering Samdrup, a common friend of Mr. Pema Wangdi and Mr. Karma Tshering witnessed the entire process which transpired between Mr. Pema Wangdi and Mr. Karma Tshering. Mr. Pema Wangdi made series of follow-up actions with the local authorities concerned to obtain necessary documents and to complete necessary formalities before the final transaction. Mr. Pema Wangdi borrowed a sum Nu. 5,000,000.00 from the Bank of Bhutan with an interest rate of 9.5% per annum to be liquidated within 10 years from the date of borrowing.

On 25th July 2016, Mr. Karma Tshering failed to report to the Secretariat of National Land Commission as agreed on 1st May 2016. When he was contacted on the phone by the Chief Land Record Officer of the National Land Commission and Mr. Pema Wangdi to report to his office to complete the formality of signing the final documents, Mr. Karma Tshering flatly denied having reached such a contractual agreement with Mr. Pema Wangdi. Mr. Pema Wangdi is totally confused and is contemplating to take up the case against Mr. Karma Tshering legally in the court of law. Mr. Tshering Samdrup who witnessed the entire process of negotiation and consensus reached between Mr. Pema Wangdi and Mr. Karma Tshering on 1st May 2016 confirms that Mr. Karma Tshering agreed to sell his land to Mr. Pema Wangdi based on the consideration of Nu. 5,000,000.00 as the total price.

As Mr. Pema Wangdi's lawyer, how will you answer the following questions?

- (a) Can Mr. Pema Wangdi invoke the doctrine of estoppel in this case to prove that Mr. Karma Tshering on 1st May 2016 had actually agreed to sell his land to him under a consideration of Nu. 100,000.00 per decimal? (5 marks).
- (b) Explain how will you legally invoke and make use of the "doctrine of estoppel" to stop Mr. Karma Tshering denying that he did not agree with Mr. Pema Wangdi to sell his land (10 marks).

- (c) Does Mr. Pema Wangdi have a case against Mr. Karma Tshering? How would you strengthen your contention that the verbal contractual obligation was reached based on the principle of “good faith and trust”? (5 marks).
- (d) Can Mr. Pema Wangdi strengthen his argument by pleading that Mr. Tshering Samdrup had witnessed what Mr. Karma Tshering had verbally agreed? Briefly explain with logics (5 marks).
- (e) What are the main five ingredients to make a contract legally valid and binding upon the parties? (5 marks)

OR

Case 2

An Italian cargo ship with its designated flag registered with the Indian maritime counterpart was navigating to the port of Bali, Indonesia on 15th May 2016 through the Indian Ocean with 50 people on board in the ship. The ship was in the high seas of the Indian Ocean well within the limits of the international waters. The Government of India did not receive any information from the Government of Italy indicating its cargo ship was travelling through the waters belonging to India. The Italian too did not provide any information to the Indian Government since a number of ships on day-to-day basis carrying cargo were passing through the Indian Ocean to the far east and back to the west through the Arabian Sea.

Meanwhile the Indian navy which was carrying out its regular patrolling within the limits of its water boundary in the Indian Ocean suspected the ship to be a war ship and chased it for about 50 miles to the south. However, the Indian navy ship due to some technical problems in the ship could not capture the said ship. On the next day of the incident, the Italian Government through its envoy in New Delhi made a strong protest against unwarranted action meted out to its civilian cargo ship the day before. As per the navy report, the Government of India defended that it did not receive any information on a cargo ship plying through its boundary and moreover the Government further stated that their action is well within the ambit of the doctrine of hot pursuit and it is protected by the international law of the sea.

The matter could not be resolved amicably through the diplomatic channels of two countries due to the existence of an ongoing maritime case between Italy and India that gave rise to several questions and issues. The Italian Government is contemplating to take up the matter in the International Court of Justice in The Hague.

In light of the above passage, answer the following questions citing the relevant conventions and legal principle to support your answers:

- (a) Define the term “high seas” as per the international and maritime law. (5 marks).
- (b) What do you understand by the nomenclature “doctrine of hot pursuit”? (5 marks).
- (c) What are the rules which require to be followed by a state while chasing a foreign ship? (5 marks)

(d) The Italian Government states “that the right of vessels of all nations to navigate freely on the high seas is the fundamental under the law of the sea”. Do you think the Government of Italy is well within the law by this statement? (5 marks).

(e) Explain in one-three sentences the following phrases based para given below:

Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity, is not justified in boarding it unless there is reasonable ground for suspecting that

- i. The ship is engaged in piracy (2 marks);
- ii. The ship is engaged in the slave trade (2 marks);
- iii. The ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under Article 109 of the Convention on the Law of the Sea (3 marks);
- iv. The ship is without a nationality (3 marks).

*****TASHI DELEK*****