

ROYAL CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMON EXAMINATION (CSCE) 2009 EXAMINATION CATEGORY: TECHNICAL (LAW)

PAPER III: Subject Specialization

Total Marks: 100

Total time: 2 hours and 30 minutes

Instructions:

- a) You are allotted **10 minutes** for reading the question papers and hence you are **not allowed to write** your answers during this time.
- b) Entire question segment is divided into **Section A** and **Section B**.
- c) **Section A** carries **70 marks** and **Section B** carries **30 marks each**.
- d) You must attempt all 50 multiple questions (**50 marks**) and 4 short questions (**20 marks**) from **Section A**.
- e) **Section A** has two parts: **Part I** and **Part II**. You must attempt **all the questions** from Part I and **all 4 short questions** from Part II.
- f) You must attempt **any 1 question** (30 marks) out of **2 questions from Section B**.
- g) Your answers will be evaluated based on your analytical skill, logic, clarity, preciseness of answers and application of relevant laws to facts provided in the questions.
- h) All your answers must be written in the answer sheet/s. Answers written on the question paper/s and attached to answer sheet **shall not be accepted for evaluation**.
- i) Question papers consist of 10 pages.

SECTION A

Part I:

Attempt all 50 multiple questions (**50 marks**). Choose and write the correct answer in your answer sheet:

1. On 18th July 2008, His Majesty the Druk Gyalpo appended his signature on the Constitution of the Kingdom of Bhutan corresponding to:
 - a) Fifteenth Day of the Fourth Month of the Male Earth Rat Year
 - b) Seventeenth Day of the Fifth Month of the Male Earth Rat Year
 - c) Fifteenth Day of the Fifth Month of the Male Earth Rat Year
 - d) Fourteenth Day of the Fourth Month of the Male Earth Rat Year.
2. The United Nations differs from the League of Nation due to its:
 - a) Supervisory and recommendatory role
 - b) Decentralized character in power and function
 - c) Unique provisions in the Charter
 - d) Permissive authority to use force.
3. The 'Laws of War' in other words is known as:
 - a) Human Rights Law

- b) International Law
 - c) International Humanitarian Law
 - d) Hostility Law.
4. The statute of the International Criminal Court (ICC) is known as:
- a) New York Statute
 - b) ICC statute
 - c) Cyprus Statute
 - d) Rome Statute.
5. Which post under the Constitution of the Kingdom of Bhutan is not a Constitutional post holder:
- a) Chairperson of the RCSC
 - b) Auditor General
 - c) Attorney General
 - d) Chief Election Commissioner.
6. The first World Trade Organization (WTO) ministerial conference was held in Singapore in 1996 and the seventh round was held on:
- a) 24th June 2009
 - b) 9th July 2009
 - c) 1st January 2009
 - d) 26th May 2009.
7. The Headquarters of the International Committee of the Red Cross (ICRC) is based in:
- a) Vienna
 - b) Washington D.C.
 - c) The Hague
 - d) Geneva.
8. Each year, a message or theme is associated with the event of World Intellectual Property Day and the theme for 2009 is:
- a) Green Innovation
 - b) Encouraging creativity
 - c) Think, imagine and create
 - d) Make Intellectual Property your business.
9. The United Nations Environment Programme (UNEP) was established in:
- a) 1971
 - b) 1972
 - c) 1974
 - d) 1976.
10. Non-member of the Kyoto Protocol to the United Nations Framework Climate Change (UNFCCC) is:

- a) Bangladeshi
 - b) China
 - c) Bhutan
 - d) United States.
11. The UN Convention on the Rights of the Child (CRC) was signed on:
- a) 2nd September 1990
 - b) 15th November 1989
 - c) 15th December 1990
 - d) 20th November 1989.
12. Five representatives from each member countries are allowed to sit in the UN General Assembly and each member country has the right for:
- a) 5 votes
 - b) 1 vote
 - c) 3 vote
 - d) Not allowed to vote.
13. The Diplomatic Conference for the Establishment of International Conventions for the Protection of victims of War, convened by the Swiss Federal Council, as trustee of the Geneva Conventions, held in Geneva established the Geneva Convention on:
- a) 21st April 1948
 - b) 30th March 1950
 - c) 12th September 1949
 - d) 12th August 1949
14. The Constitution of the Kingdom of Bhutan has 35 Articles and:
- a) 5 Schedule
 - b) 4 Schedule
 - c) 3 Schedule
 - d) 1 Schedule.
15. The 2009 Summit on Climate Change in New York was held on:
- a) 22nd September
 - b) 22nd August
 - c) 15th September
 - d) 21st July.
16. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly in 1979 is often described as:
- a) Convention on Rights of Women
 - b) An International Bill of Rights of Women
 - c) Bill on Discrimination against Women
 - d) UN Declaration of Women's Right.

17. Bhutan became the member of United Nations Organization on 21st September 1971 along with one of the within mentioned country:
- Bahamas
 - Barbados
 - Bangladesh
 - Bahrain.
18. Which one of the following is not a member of the UNO:
- Germany
 - Belgium
 - Poland
 - Taiwan.
19. The UN Security Council is composed of five permanent member states with:
- 10 non-permanent members
 - 15 non-permanent members
 - 7 non-permanent members
 - 5 non-permanent members.
20. The United Nations Educational, Cultural and Scientific Organization is the United Nations agency that looks after:
- Education, Culture and Environment
 - Science, Culture and Education
 - Children, Women and Elderly
 - Education, Culture and Global warming.
21. The International Labour Organization (ILO) received the Noble Peace Prize in:
- 1985
 - 1969
 - 2000
 - 1993.
22. The United Nations Commission on International Trade Law (UNCITRAL) was established on:
- 17th December 1966
 - 15th December 1967
 - 1st January 1985
 - 25th November 1990.
23. An accepted practice of regional (continental) rotation has been adopted in the selection of successive candidates as Secretary General of the United Nations, which region (continent) never had UN Secretary General, as of date?
- Western European and others
 - North American Group
 - Asian group

- d) African group.
24. The Royal Government of Bhutan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 17th July 1980 and ratified on:
- a) 30th July 1981
 - b) 31st August 1981
 - c) 25th December 1980
 - d) 1st January 1981.
25. One of the two types of cases entertained by the International Court of Justice is:
- a) Legal disputes referred to by states
 - b) Legal disputes referred to by any one state
 - c) Legal disputes referred to by any UN agencies
 - d) Legal disputes referred to by the Secretary General of the United Nations.
26. The rights of refugee not to be returned to a country where they are likely to face persecution is:
- a) Non-repatriation
 - b) Non-displacement
 - c) Non-refoulement
 - d) Deportation.
27. The founders of the International Committee of the Red Cross (ICRC) were inspired by a book 'A Memory of Soleferino' written by:
- a) Thomas Hardy
 - b) Henry Dunant
 - c) Stephen Covey
 - d) John Gresham.
28. The United Nations Secretary General who visited Bhutan in 1989 was:
- a) Ban Ki-moon
 - b) Boutros Boutros Ghali
 - c) Kofi Annan
 - d) Javier Perez de Cuellar.
29. The United Nations High Commissioner for Refugees (UNHCR) was established by the UN General Assembly in:
- a) 1950
 - b) 1985
 - c) 1945
 - d) 2000.
30. The Convention on Rights of the Child (CRC) is applicable only to:
- a) Children under 21 years
 - b) Children under 18 years

- c) Children under 19 years
 - d) Children below 7 years.
31. The statement of a Judge often not necessary for the decision and go beyond the requirements of particular case is known as:
- a) Ratio Decidendi
 - b) Precedent
 - c) Obiter Dicta
 - d) Judgment.
32. Any rule or system of rules agreed upon by persons for the regulation of their conduct towards each other is known as:
- a) Customary Law
 - b) Conventional Law
 - c) Practical Law
 - d) Natural Law.
33. Jurisprudence that deals with the general principles of the governing the origin and development of the law and the influences that effect the law is known as:
- a) Ethical Jurisprudence
 - b) Analytical Jurisprudence
 - c) Historical Jurisprudence
 - d) Comparative Jurisprudence.
34. The Universal Declaration of Human Rights grants the right of life, liberty and security of person under:
- a) Article 18 of the Declaration
 - b) Article 19 of the Declaration
 - c) Article 20 of the Declaration
 - d) Article 3 of the Declaration.
35. Where if one is not required to consult the legislative purposes in interpreting the statute, it is the case of:
- a) Golden Rule
 - b) Literal Rule
 - c) Mischief Rule
 - d) Purposive Rule.
36. Bhutan joined the International Center for Integrated Mountain Development in:
- a) 1995
 - b) 2005
 - c) 1985
 - d) 2001.
37. The rules of law relating to the functioning of international institutions or organizations, their relations with each other and their relations with states and

individual is:

- a) Private law
 - b) International law
 - c) Domestic law
 - d) Bilateral law.
38. A study of those fundamental principles which are common to all systems of law is a study of:
- a) Comparative law
 - b) Jurisprudence
 - c) Common law
 - d) International law.
39. An abbreviation N.B. in Latin refers to *nota bene* which means:
- a) Not to bother
 - b) Mark well
 - c) Observe not
 - d) Not bound.
40. You are entitled to file an international patent application if you are a national or resident of one of the contracting parties to:
- a) Patent Cooperation Treaty (PCT)
 - b) World Intellectual Property Organization (WIPO)
 - c) World Trade Organization (WTO)
 - d) United Nations Organization.
41. India-Bhutan Friendship Treaty of 1949 between the Government of the Republic of India and the Government of the Kingdom of Bhutan was revised and signed on:
- a) 8th February 2007
 - b) 15th February 2007
 - c) 25th March 2007
 - d) 13th February 2007.
42. The General Agreement on Tariffs and Trade (GATT) was an international organization created in 1947 to reduce trade barriers through:
- a) Multilateral negotiations
 - b) Bilateral negotiations
 - c) Regional negotiation
 - d) UN General Assembly.
43. Any case of violation of the Fundamental Rights conferred by Article 7 of the Constitution of Bhutan can be heard by:
- a) Druk Gyalpo

- b) Dzongkhag court
 - c) High court
 - d) Dungkhag court.
44. An order of the appellate court which is used by that court when it has discretion on whether or not to hear an appeal from the lower court is:
- a) Prerogative writ
 - b) Writ of certiorari
 - c) Writ of Habeas Corpus
 - d) Peremptory writ.
45. The revised India-Bhutan Friendship Treaty of 2007 between the Government of the Republic of India and the Government of the Kingdom of Bhutan had abrogated:
- a) Article 5 of the Indian-Bhutan Treaty 1949
 - b) Article 9 of the Indian-Bhutan Treaty 1949
 - c) Article 2 of the Indian-Bhutan Treaty 1949
 - d) Article 1 of the Indian-Bhutan Treaty 1949.
46. A statement of law found in the decision of a Superior Court, which decision has to be followed by that court and by courts inferior to it is:
- a) Ratio
 - b) Precedent
 - c) Obiter Dicta
 - d) Judgment of the superior court
47. The rules that had generally evolved after a long historical process culminating in their recognition by the International community is known as:
- a) Treaties
 - b) Decisions of judiciary
 - c) Customary rule
 - d) Juristic work.
48. The International Biodiversity Day is observed on:
- a) 2nd June of every year
 - b) 15th August of every year
 - c) 22nd May of every year
 - d) 20th May of every year.
49. Anyone fleeing from his or her own country seeking sanctuary in another state is:
- a) A refugee
 - b) An asylum seeker
 - c) A belligerent
 - d) A fugitive.
50. The United Nations Conference on Environment and Development also known as

Earth Summit was held in June 1992 at:

- a) New York
- b) Rio de Janeiro
- c) Geneva
- d) Kyoto.

Part II:

Attempt all short four questions (5 marks each):

1. Supreme Court is the guardian of the Constitution and the final authority on its interpretation. In absence of a Supreme Court in Bhutan currently, what is your view or how would you suggest if interpretation of constitutional provisions are required.
2. The English Jurist William Blackstone in his commentaries on the Laws of England formulated a principle, popularly known as Blackstone formulation, "*better that 10 guilty persons escape than that one innocent suffer*". Critically comment on the quote.
3. The illegal trade in drugs, arms, people, intellectual property and money is booming in the world, empowered by globalization. Like terrorism, the fight to control these illicit markets by governments is becoming more and more difficult in today's world. How in your opinion must the world confront these menaces?
4. Constitution is the mother of all laws and no other laws can violate the letter and spirit of the Constitution. Write five salient features of the Constitution of the Kingdom of Bhutan.

SECTION B

There are two case studies given below. You are required to answer any one of them (30 marks):

Case Study 1

Karma along with 15 competitors had applied for a post of Chief Agriculture Officer advertised by the Human Resource Division (HRD), Ministry of Agriculture (MoA). The Management of the MoA passed a resolution appointing Karma as the Chief Agriculture Officer after the interview. However, the decision of the Management was not communicated to Karma. Later, Dendup one of the interview panel members in his individual capacity informed Karma that he had been selected. Subsequently, the Management decided to re-consider the decision and Phuntsho who stood second in the interview was appointed as the Chief Agriculture Officer. Karma there upon filed a suit

for breach of contract against the Ministry of Agriculture. Will Karma succeed in a suit and why?

Case Study 2

Country 'A' was colonized by two western countries (country B & C) and had remained under colonial domination for more than 200 years. Country 'B' had colonized and occupied part of country 'A' for over 200 years. After 10 years of its independence from colonial domination from country 'C', country 'A' invaded part of its colonized territory occupied by country 'B'.

Country 'B' asked the Security Council of the United Nations to put a stop to the act of aggression of the country 'A', ordering an immediate ceasefire and the withdrawal forthwith from the territory by the invading forces of country 'A'.

Which international laws are applicable and how would you defend for country 'A'?
