

**ROYAL CIVIL SERVICE COMMISSION  
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2022  
EXAMINATION CATEGORY: TECHNICAL**

**PAPER III: SUBJECT SPECIALISATION PAPER FOR LAW**

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<b>Date</b>	: October 9, 2022
<b>Total Marks</b>	: 100
<b>Writing Time</b>	: 150 minutes (2.5 hours)
<b>Reading Time</b>	: 15 Minutes (prior to writing time)

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**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 Questions  
All 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 must hand over the Answer Booklet to the Invigilator before leaving the examination hall.**
10. This paper has **11 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 (a). Each question carries ONE mark. Any double writing, smudgy answers or writing more than one choice shall not be evaluated.

1. In military strategy, “*War of Attrition*” means
  - a) waging war to gain territory.
  - b) sustained process of war intending to wear down the opponent.
  - c) belligerence.
  - d) military intervention[s].
  
2. Which *Convention* defines a child as “*every human being below the age of eighteen years*”?
  - a) *United Nations Convention on the Rights of the Child, 1989*
  - b) *The Geneva Convention, 1949*
  - c) *International Convention for the Protection of All Persons from Enforced Disappearance, 2006*
  - d) *Universal Declaration of Human Rights, 1948*
  
3. In suspending the Russian Federation from *U.N. Human Rights Council*, Bhutan:
  - a) Voted in favour
  - b) Voted against
  - c) Abstained
  - d) None of the above
  
4. “Crime of aggression” is covered in the:
  - a) *Vienna Convention on the Law of Treaties, 1969*
  - b) *Rome Statute of the International Criminal Court, 1998*
  - c) *International Covenant on Civil and Political Rights, 1966*
  - d) *The United Nations Charter, 1945*
  
5. Which of the following best explains *Jus ad bellum* and *Jus in bello*?
  - a) *Jus ad bellum* refers to the conditions under which States may resort to war or to the use of armed force in general and *Jus in bello* regulates the conduct of parties engaged in an armed conflict
  - b) *Jus ad bellum* is declaration of war and *Jus in bello* is a strategy how war can be fought.
  - c) *Jus ad bellum* is the *Responsibility to Protect (R2P)* and *Jus in bello* is the weaponization of states.
  - d) All of the above
  
6. What is *UDHR, 1948* document?
  - a) A political document
  - b) A constitutional rights document
  - c) A human rights document
  - d) A freedom document

7. The theory of “*monism*” specifies international and national law as:
  - a) No international law can become a national law unless is legislated by the Parliament
  - b) International law and domestic law are facets of same phenomenon
  - c) International law and domestic laws are disconnected
  - d) International laws and national laws are two separate laws
  
8. The *International Covenant on Civil and Political Rights [1966]* states that “All peoples have right to self-determination.” Here, self-determination means:
  - a) Right of the people of a state to determine the sovereignty and political status of that state without any interference
  - b) Determination of nationality
  - c) Make the place of living by your own will
  - d) None of the above
  
9. In the *Rome Statute of the International Criminal Court [1998]*, *Crime against humanity* is best expressed by:
  - a) Extermination
  - b) Killing members of the group
  - c) Deliberately inflicting on the group conditions of life calculated to bring physical destruction
  - d) All of the above
  
10. In the Russian-Ukraine war, the castration and killing of a Ukrainian soldier by its enemy is an example of:
  - a) Genocide
  - b) War crime
  - c) Brutal war tactics
  - d) Complete aggression
  
11. The *Universal Periodic Report [UPR]*, the periodicity of the review for the first cycle will be:
  - a) Three years
  - b) Four years
  - c) Two years
  - d) Five Years
  
12. In refugee law, the principle of *Non-Refoulement* means:
  - a) No state shall expel or return or extradite a person to another State where there are substantial grounds that [he or she] might be put in danger
  - b) Not giving asylum
  - c) Expelling a refugee to the State it has come from
  - d) None of the above

13. In the maritime law, every State has the right to establish the breadth of its territorial sea up to a limit not exceeding:
- 12 nautical miles, measured from baselines determined in accordance with the *United Nations Convention on the Law of the Sea [1982]*
  - 14 nautical miles, measured from baselines determined in accordance with the *United Nations Convention on the Law of the Sea [1982]*
  - 15 nautical miles, measured from baselines determined in accordance with the *United Nations Convention on the Law of the Sea [1982]*
  - 16 nautical miles, measured from baselines determined in accordance with the *United Nations Convention on the Law of the Sea [1982]*
14. The passage of Chinese warships carrying out military drills in Taiwan Strait is not an example of:
- Innocent passage
  - Aggressive passage
  - Show of military power
  - All of the above
15. *Jus gentium* is also called as:
- Law of nations
  - Law of a country
  - Public law
  - Human rights
16. A *hot war* is
- a violent conflict with many of the worst burdens borne by civilians.
  - war with *burning international* contentions.
  - a war fought in a hot place.
  - war through use of ideas.
17. “*Humanitarian Corridor*” is an important pathway to secure the life and transit of people. Here, “*Human Corridor*” refers to
- corridor constructed to allow war.
  - specific routes and logistical methods agreed upon by all relevant parties to allow the safe passage of humanitarian goods and/or people from one point to another in an area of active fighting.
  - shelter from war.
  - shelter made with a corridor composed of human beings.
18. NATO stands for:
- Non-Aligned Treaty Organization
  - North Atlantic Treaty Organization
  - North Artic Treaty Organization
  - None of the above

19. *Climate Change* is a phenomenon that directs the development of new Justice ideas called as:
- Green Justice
  - Climate Justice
  - Paris Agreement
  - Environmental law
20. “*Concluding Observations*” of the UN Treaty Bodies is a public document that contain
- progress achieved by the reviewed State, the Committee’s main areas of concern and recommendations to the State to improve the implementation of the State.
  - observations by the Human Rights Committee.
  - observation Document published by the United Nations in Geneva.
  - All of the above
21. Which of the following is not the *Concluding Observations* on the combined Eighth and Ninth Reports of Bhutan in relation to *Convention on the Elimination of All Forms of Discrimination against Women*?
- Develop a clear plan and adequate budget for the implementation of the *Domestic Violence Prevention Act 2013*
  - Continue to enhance the capacities of the Royal Bhutan Police and other law enforcement agencies to prevent and respond to cases of gender-based violence against women and girls
  - Legalize the termination of pregnancies including in the case of risk for the health of the woman and severe impairment of the foetus and decriminalize it in all other cases; and ensure that medically safe modern methods of abortion are available and accessible
  - Provide safe working conditions for all Bhutanese woman
22. The four general principles of *Convention on the Rights of the Child (CRC)* are;
- Respect, Educate, Nurture and Empower Children
  - Non-Discrimination, Best interest of the Child, The Right to Survival and Development, and Views of the Child
  - Non-Discrimination, Best interest of the Child, Views of the Child and Violence against the Child
  - Right to Health, Right to Education, Right to Family Life and Right to Play
23. In Bhutan, a set of procedure followed by all agencies to propose, initiate, formulate, sign and implement treaties is regulated by?
- Legislative Rules of Procedure, 2017*
  - Rules of Procedure for Treaty Making, 2016*
  - Rules of Procedure of the National Council of Bhutan, 2016*
  - Rules of Procedure for Legislative Impact Assessment 2020*
24. The Latin term *Amicus Curiae* stands for:
- A friend of the Court
  - A friend of the Prosecutor
  - A friend of the Defence Counsel
  - A friend of the Accused.

25. *Lex lata* in international law means:
- The law which is being sought to establish; the law to be proposed; the law as it 'ought' to be
  - The law which is presently in force; the law as it 'is'
  - Body of law
  - Anticipate the law before the legislators has laid it down
26. "Closing of airspace" as a result of international conflict entail:
- Aircrafts are prohibited from flying over or entering certain areas and this is mainly due to safety concerns for all aircrafts [crews and passengers onboard] and also to those who are also situated on the ground level
  - Refers to any region of airspace where it has been established that certain aircraft cannot fly
  - The military forces would engage directly with any planes spotted in those skies and shoot at them if necessary
  - None of the above
27. What is mean by *Calvo Doctrine* in international law?
- The state is not responsible for the losses suffered by aliens during the civil war
  - The state is responsible for the losses suffered by aliens during the civil war
  - The state may be responsible for the losses suffered by aliens during the civil war
  - None of the above
28. The *International Court of Justice* is located at:
- Vienna, Austria
  - Peace Palace in The Hague, Netherlands
  - United States of America
  - Geneva
29. The infamous *Rwanda Genocide*, 1994 involved two groups of people called as:
- Hutu and Rwanda people
  - Hutu and Tutsis
  - Tutsis and Tutsis
  - Hutu and Hutu
30. Today, besides armed conflict, "*hacktivism*" is gaining popularity. This is related to:
- Urban warfare
  - Cyberwarfare
  - Community warfare
  - All of the above
31. When a State conquers another State with the conquering State establishing sovereignty over the conquered State. This is called as:
- Lease
  - Annexation
  - Cession
  - Accretion

32. The *Climate Agreement* in which the USA withdrew under the Presidency of Donald Trump was:
- Climate Conference
  - Paris Agreement
  - Conference of Parties (COP) 23
  - Conference of Parties (COP) 27
33. The *Sustainable Development Goals (SDG)* are a global call to action to end poverty, protect the earth's environment and climate, and ensure that people everywhere can enjoy peace and prosperity. Here, *SDG 16* pertains to:
- No Poverty
  - Quality Education
  - Peace, Justice and Strong Institutions
  - Climate Action
34. The fundamental principle that ensures that States are bound to fulfill in good faith the obligations assumed by them under the treaties is called as:
- Object of the treaty
  - Accession
  - Pacta sunt servanda*
  - Declarations
35. The term \_\_\_\_\_ refers to the procedure whereby the text of a treaty is established as definitive.
- Authentication
  - Correction of errors
  - Deposit
  - Exchange of Letters
36. \_\_\_\_\_ is a set of rules that seek for humanitarian reasons to limit the effects of armed conflict.
- Law of Peace
  - International Humanitarian Law (IHL)
  - Treatment of protected Persons
  - Treaty Contracts
37. Which of the following best explains the term "aggression"?
- Using force by one army to another group of armies in the same country
  - Use of armed forces by the State against the sovereignty, territorial integrity or political independence of another state
  - Guerrilla warfare
  - Threat to peace
38. The People's Republic of China released a "*White Paper*" on Taiwan. A "*White Paper*" is:
- An authoritative report or guide that often addresses issues and how to solve them
  - A White Book
  - An official document sponsored by the Crown
  - A declaration of war

39. The *Child Care and Protection Act of Bhutan, 2011* is based on which *Convention*?
- United Nations Convention on the Rights of the Child, 1989*
  - The Riyadh Guidelines, 1990*
  - Tokyo Rules, 1990*
  - Beijing Rules, 1985*
40. Recently, the United Nations adopted “*Access to Clean and Healthy Environment*” as
- Universal Health Right
  - Universal Human Right
  - Universal Access Right
  - Universal Environmental Right
41. In March 2022, International Court of Justice delivered its Order on the request for the indication of provisional measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide*. The issue is in between:
- Myanmar v. Junta
  - Russia v. Ukraine
  - Armenia v. Azerbaijan
  - Democratic Republic of Congo v. Uganda
42. The Seat of the *European Court of Human Rights* is located at:
- The Hague, the Netherlands
  - Strasbourg, France
  - Vienna, Austria
  - Geneva, Switzerland
43. Each aircraft engaged in international navigation shall bear its appropriate nationality and registration marks. This requirement is stipulated in which of the following *Convention*?
- The Chicago Convention, 1944*
  - The Tokyo Convention, 1963*
  - The Montreal Convention, 1999*
  - Cape Town Treaty, 2001*
44. Courts of mixed composition and jurisdiction, encompassing both national and international aspects, usually operating within the jurisdiction where the crimes occurred is an example of which of the following Courts?
- Royal Courts of Justice
  - Hybrid Courts
  - International Criminal Court
  - All of the above
45. The full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Which form of Justice does the above statement describe?
- Post-conflict Justice
  - Transitional Justice
  - Economic Justice
  - Social Justice

46. Which of the following is not a *Weapon of Mass Destruction (WMD)*?
- a) Nuclear Weapons
  - b) Chemical Weapons
  - c) Biological weapons
  - d) T- 72
47. In the *Corfu Channel Case*, which of the following countries were involved?
- a) United Kingdom, Northern Ireland and Russia
  - b) United Kingdom, Northern Ireland and Albania
  - c) Russia and United Kingdom
  - d) United States and United Kingdom
48. The *Rome Statute of the Criminal Court, 1998* states one of the General Principles of Criminal Law as “*nullum crimen sine lege.*” This mean
- a) a person convicted by the court may be punished only in accordance with the statute.
  - b) a person shall not be criminally liable or responsible unless the conduct in question constitutes, at the time it takes place, crime in the jurisdiction of the Court.
  - c) no person shall be criminally responsible under this Statute for conduct prior to the entry of the Statute.
  - d) None of the above
49. A delivery of a person from one state to another as provided in a treaty, Convention or national legislation is:
- a) Surrender
  - b) Extradition
  - c) Enforced Disappearance
  - d) All of the above
50. The Judges of the International Court of Justice (ICJ) who are elected by *the United Nation’s General Assembly* upon recommendation of the *Security Council* is composed of
- a) 9 judges for the term of 15 years.
  - b) 15 judges for the term of 10 years.
  - c) 15 judges for the term of 9 years.
  - d) 9 judges for the term of 10 years.

**PART II – Short Answer Questions [20 marks]**

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

1. Provide the context of “*Food and Energy Security*” in light of Russia - Ukraine War.
2. What is *Collective Security* of the *United Nations Charter*? Elucidate its drawback and failures in the present global context.
3. Which nation was recently suspended from the *United Nations Human Rights Council* and why? What was the stand of Bhutan in this decision and why?
4. The “*Beirut Blast*” was the largest non-nuclear explosions in history. It damaged over half the city and killed at least 218 people, including nationals of Lebanon, Syria, Egypt, Ethiopia, Bangladesh, Philippines, Pakistan, Palestine, the Netherlands, Canada, Germany, France, Australia, and the United States, no one has been held accountable. Recently, UN experts called on the *United Nations Human Rights Council* to launch an international investigation on the matter. Specifically mention if the *United Nations Human Rights Council* can initiate an independent international investigation on the blasts. Does it infringe national sovereignty? Critically analyze the limitations and risks Lebanon may face, if this international investigation is carried out?

**SECTION B: Case Study [30 marks]**

**Choose either CASE I OR CASE II from this section. Each case study carries 30 marks. Mark for each sub-question is indicated in the brackets.**

**CASE I**

Russia and Ukraine are engaging in a very “destructive war” since 24 February 2022. After many prolonged months of uncontrolled aggression on the part of Russia, the Russia Federation (RF) still has not “formally declared war” on Ukraine. However, Ukraine has alleged “gross human rights violations” including an unverified castration and killing of Ukrainian soldier. In this international conflict, series of international legal terminologies such as “*war crime*,” “*crime of aggression*,” “*human rights violations*,” “*laws of war*” “*genocide*” and “*crimes against humanity*” became the mainstay of media reporting. In reference to the above developments:

1. Briefly explain the various human rights violations reported as a result of Russian aggression on Ukraine soil? **(5 marks)**
2. Define “war crime” and illustrate with various examples of it in relation to the above conflict. **(4 marks)**
3. Explain what is mean by “international conflict” and mention “how international conflicts” have the transboundary repercussions. **(4 marks)**

4. What is “genocide”? Argue if there is a genocide in Ukraine. (4 marks)
5. What is “crime against humanity”? In light of this statement, argue if the “international instruments” such as the *Rome Statute* and United Nations Charter are functional international instruments. (3 marks)
6. Identify the “international response lapses” in the Russia-Ukraine Conflict (5 marks)
7. Identify the “status” of collaboration among the international community in response to international conflicts. (5 marks)

## CASE II

**Ms. Dechen** is a roadside worker employed by the *Department of Roads (DOR)* in Lingmethang, Monggar. She is part of the *National Work Force (NWF)* tasked with critical responsibilities of ensuring road safety with a motto - *maintain the nation’s road to prosperity*. Road improvement and maintenance is intricately seen to be hazardous work. It is perceived to endanger workers’ physical safety, health, and overall well-being.

Undoubtedly, from a geographical standpoint, the difficult topography coupled with the extreme climatic conditions across the country is viewed to make the road maintenance activities challenging and the life of the road workers harsh and debilitating. All-round the year, the mountainous terrain with deep and narrow valleys, steep cliffs, heavy monsoon are visually identified to be the hallmark of life associated with our roadside workers. Typically, like **Ms. Dechen**, life for a roadside worker is tough, tiring, arduous and economically unsustainable.

In light of the above, **Ms. Dechen** wants to approach the High Court of Bhutan under Article 7 (11) arguing that “*A Bhutanese citizen shall have right to equal pay for work of equal value.*” You are approached to advise and represent her case- thus imploring to argue and convince the Court to constitutionally uphold her prayers so that the Court passes an “Order” on the basis principles of “*quantum meruit.*”

1. Do you find a “legal standing” for a petition, why? (4 marks)
2. What is mean by *Quantum Meruit*? Advise if **Ms. Dechen** would succeed. (5 marks)
3. How would you argue the basis of “*right to equal pay for work of equal value*” in the *Constitution*? (5 marks)
4. Propose the *parameter of how to assess the value of a work* in relation to national priorities so that it can give **Ms. Dechen** a clear framework on how wages are calculated. (4 marks)
5. What national, legal and financial limitations do you see in **Ms. Dechen’s** case? (4 marks)
6. Do you propose a *Class Action Suit*? (3 marks)
7. What are the practical judicial impediments do you foresee, if similar cases come before the Courts? How would you decide if you were handed this Case as a Judge? (5 marks)

TASHI DELEK