

**ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2012
EXAMINATION CATEGORY: TECHNICAL**

PAPER III: SUBJECT SPECIALIZATION PAPER for LAW GRADUATES

Date	: 14 October 2012
Total Marks	: 100
Examination Time	: 150 minutes (2.5 hours)
Reading Time	: 15 Minutes (prior to examination time)

READ THE FOLLOWING INSTRUCTIONS CAREFULLY:

1. Write your Roll Number clearly on the Answer Booklet in the space provided.
2. The first 15 minutes is being provided to check the number of pages, printing errors, clarify doubts and to read the instructions. You are NOT PERMITTED TO WRITE during this time.
3. Use either Blue or Black ink pen or ball point pen for the written part and Pencils for the sketches and drawings.
4. All answers should be written on the Answer Booklet provided. Candidates are not allowed to write anything on the question paper or any other materials.
5. It is divided into two sections-namely SECTION A and SECTION B.
6. SECTION A consists of two parts: Part I and Part II.

Part I consists of 50 Multiple-Choice Questions carrying one (1) mark each and is compulsory. The answer of your choice should be clearly written in whole along with the question and option number on your answer booklet. Eg. 51(c).

Part II consists of four (4) short answer questions of five (5) marks each and all questions are compulsory.

7. SECTION B consists of two Case Studies. Choose only ONE case study and answer the questions under your choice. Each case study carries thirty (30) marks in total.
8. This Paper consists of THIRTEEN (13) pages including this Instruction page.

SECTION A

PART I - Multiple Choice Questions

Choose the correct answer and write down the letter of the correct answer chosen in the Answer Sheet against the question number. E.g. 51 (c). Each question carries ONE mark.

1. Which one the following was not the founder of the United Nations Organization:
 - (a) Sir Winston Churchill of the UK
 - (b) Franklin Delano Roosevelt of the USA
 - (c) Joseph Stalin of Russia
 - (d) Jawaharlal Nehru of India.

2. The term “private international laws” denotes:
 - (a) Common Law
 - (b) Civil Law
 - (c) Conflict of Laws
 - (d) Criminal Law.

3. The Constitution of the Kingdom of Bhutan was formally enacted in:
 - (a) 2006
 - (b) 2007
 - (c) 2008
 - (d) 2009.

4. Mr. Ban Ki-moon, the current Secretary General of the United Nations Organization is serving his:
 - (a) First term
 - (b) Second term
 - (c) Third term
 - (d) Fourth term.

5. The United Nations Charter was signed on:
 - (a) 26th June 1944
 - (b) 26th June 1945

- (c) 26th June 1946
(d) 26th June 1947.
6. Which one of the following country is not a member of the UNO:
- (a) Australia
(b) Nepal
(c) Taiwan
(d) Nepal.
7. As per the provisions of the Constitution of Bhutan 2008, which of the following is not the constitutional post holder:
- (a) Justices of the Supreme Court
(b) Justices of the High Court
(c) Chief Election Commissioner of Bhutan
(d) Cabinet Secretary.
8. The organ of the United Nations Organization that deals with the world peace is:
- (a) The International Court of Justice
(b) The Economic and Social Council
(c) The Security Council
(d) The Trusteeship Council.
9. The World Trade Organization Head Office is located in:
- (a) Washington DC, USA
(b) London, UK
(c) Geneva, Switzerland
(d) Copenhagen, Denmark.
10. One of the principal functions of the General Assembly of the UNO is:
- (a) Deliberative function that makes recommendations
(b) Maintaining security and peace in the world
(c) Ensuring public health of the world
(d) Imposing the economic sanctions.

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11. The International Court of Justice (ICJ) currently has:
- (a) 12 Judges
 - (b) 13 Judges
 - (c) 14 Judges
 - (d) 15 Judges.
12. The International Court of Justice:
- (a) Renders decisions as per the international law upon reference made by the States
 - (b) Adjudicates cases as per the domestic laws of the States
 - (c) Acts as a mediator between the two States
 - (d) Interprets the by-laws of the States.
13. The Director General of the World Trade Organization, Mr. Pascal Lamy is from:
- (a) Germany
 - (b) Austria
 - (c) France
 - (d) The Netherlands.
14. Which of the following country is not a permanent member of the Security Council:
- (a) China
 - (b) Brazil
 - (c) France
 - (d) Bhutan.
15. The international human rights law is primarily made of:
- (a) Treaties and agreements between the States
 - (b) Agreements between the individuals
 - (c) Memorandum of Understanding between the two entities
 - (d) Precedents of the courts of States.
16. The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on:
- (a) 10th December 1946
 - (b) 10th December 1947

- (c) 10th December 1948
- (d) 10th December 1949.

17. Article 1 of the Universal Declaration of Human Rights Declaration provides:

- (a) Free and equal in dignity and rights to all individuals
- (b) Free and equal in dignity and rights to all the States
- (c) Free and equal in dignity and rights to all the five permanent members of the Security Council
- (d) None of the above.

18. The United Nations Environment Programme (UNEP), an international institution was founded as a result of the United Nations Conference on the Human Environment in:

- (a) June 1945
- (b) June 1948
- (c) June 1972
- (d) June 2012.

19. According to the Convention on the Right of the Child, a child is any human being:

- (a) Below the age of fourteen years
- (b) Below the age of sixteen years
- (c) Below the age of seventeen years
- (d) Below the age of eighteen years.

20. The duty to respect, protect and ensure the rights of the child falls on:

- (a) Individuals
- (b) State Parties
- (c) The United Nations Organizations
- (d) The International Court of Justice.

21. The Committee on the Elimination of Discrimination against Women is the body of independent experts that monitors:

- (a) Implementation of the Convention on the Elimination of All Forms of Discrimination against Women
- (b) Implementation of the Convention on the Elimination of All Forms of Discrimination against Men

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- (c) Implementation of the Convention on the Elimination of All Forms of Discrimination against all individuals
- (d) Implementation of the Convention on the Elimination of All Forms of Discrimination against specific Women.

22. The main cause of the Climate Change is:

- (a) Industrialization
- (b) Planting more trees
- (c) Conservation of soil erosion
- (d) Preservation of original environment.

23. The main objective of the Convention on International Trade in Endangered Species (CITES) is to provide the protection to:

- (a) Animal species
- (b) Plant species
- (c) Wild fauna and flora
- (d) Aquatic animals and plants only.

24. The Headquarters of the International Committee of the Red Cross (ICRC) is in:

- (a) New York
- (b) Paris
- (c) Geneva
- (d) Madrid.

25. Which of the following does not come within the jurisdiction of the United Nations Organization:

- (a) The Security Council
- (b) The General Assembly
- (c) Non-Aligned Movement (NAM)
- (d) North Atlantic Treaty Organization.

26. The main order of a judge in the judgment is called:

- (a) Obiter Dicta
- (b) Ratio Decidendi
- (c) Precedent
- (d) None of the above.

27. The Kyoto Protocol was adopted on 11th December 1997 in:
- (a) South Korea
 - (b) Japan
 - (c) The Philippines
 - (d) China.
28. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for:
- (a) Reducing greenhouse gas (GHG) emissions
 - (b) Reducing ozone layer
 - (c) Reducing sea level
 - (d) Reducing the purity of atmospheric air.
29. According to John Austin, one of the sources of laws is:
- (a) Orders of the statutory authorities
 - (b) Command of the sovereign
 - (c) Interpretations of administrative functionaries
 - (d) None of the above.
30. The legal maxim *Pacta sunt servanda* means:
- (a) Stipulations of the parties to a contract must be observed
 - (b) Stipulations of the parties to a contract can be breached
 - (c) Parties must follow the directives of the Court
 - (d) Parties must file the law suits.
31. The Indo Bhutan Treaty signed in 1949 in Darjeeling was last revised on:
- (a) 8th February 2007 in New Delhi
 - (b) 8th February 2007 in Thimphu
 - (c) 8th February 2007 in Colombo
 - (d) 8th February 2008 in Islamabad.
32. The League of Nations was created after:
- (a) The First World War
 - (b) The Second World War

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- (c) Adolf Hitler came to power in Germany
(d) Japan declared war on the United States of America.
33. Bhutan under the leadership of Lyonchen Jigmi Yoezer Thinley has been making constant efforts to be a member of:
- (a) The Trusteeship Council
(b) The Economic & Social Council
(c) The Security Council
(d) The International Court of Justice.
34. When one person is liable for the negligent actions of another person, even though the first person was not directly responsible for the injury should be governed by the law of:
- (a) Vicarious liability
(b) Strict liability
(c) Criminal liability
(d) Administrative liability.
35. The fact or combination of facts that gives a person the right to seek judicial redress or relief against another is called:
- (a) Cause of action
(b) Territorial jurisdiction
(c) Monetary jurisdiction
(d) None of the above.
36. The Treaty of Versailles was the peace settlement signed after World War I in:
- (a) England
(b) The United States of America
(c) France
(d) Germany.
37. When Bhutan became a member of the United Nations Organization on 21st September 1971, Bhutan was represented by:
- (a) Lyonpo (Dr.) T. Tobgyel
(b) HRH Prince Namgyel Wangchuck
(c) Lyonpo Tamji Jagar
(d) Lyonpo Dorji Tshering.

38. In accordance with Article 6(4) of the Constitution of the Kingdom of Bhutan 2008, the citizenship naturalization shall take effect by a/an:
- (a) Royal Kasha of the Druk Gyalpo
 - (b) Executive order from the Prime Minister
 - (c) Executive order from the Cabinet
 - (d) Executive order from the Secretary of the National Land Commission.
39. As outlined in the Constitution of the Kingdom of Bhutan 2008, Bhutan has:
- (a) 20 constituencies
 - (b) 25 constituencies
 - (c) 45 constituencies
 - (d) 47 constituencies.
40. Article 7(18) of the Constitution of Bhutan 2008 does not permit:
- (a) Fourth degree felony punishment
 - (b) Capital punishment
 - (c) Life imprisonment punishment
 - (d) Petty misdemeanor penalty.
41. During the 2008 election, the number of political parties participated in the final round of election is/are :
- (a) One party
 - (b) Two parties
 - (c) Three parties
 - (d) Four Parties.
42. According to Article 21 (17) of the Constitution of Bhutan 2008, which of the following is not a member of the National Judicial Commission of Bhutan?
- (a) The Prime Minister of Bhutan
 - (b) The Chief Justice of Bhutan
 - (c) The Attorney General of Bhutan
 - (d) The senior most Drangpon of the Supreme Court

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43. The legal maxim *ignorantia juris neminem excusat* means:
- (a) Ignorance of the law is an acceptable defence in the court of law
 - (b) Ignorance of the law excuses no one
 - (c) Everyone is presumed not to know the law
 - (d) Everyone is presumed to be innocent.
44. The term “*consensus tollit errorem*” means:
- (a) Consent takes away error
 - (b) Consent restores your right
 - (c) Consent has no legal effect
 - (d) None of the above.
45. Besides the five permanent members in the Security Council, the other ten (10) members of the General Assembly of the UNO elected to the membership for a term of:
- (a) Two years and not eligible for re-election
 - (b) Four years and not eligible for re-election
 - (c) Six years and not eligible for re-election
 - (d) Eight years and not eligible for re-election.
46. Each member of the General Assembly of the UNO is entitled to five representatives but entitled to only:
- (a) One vote
 - (b) Maximum of two votes
 - (c) Maximum of three votes
 - (d) Maximum of four votes.
47. United Nations Educational, Scientific and Cultural Organization (UNESCO) is drawn up at the London Conference on:
- (a) 16th November 1945
 - (b) 16th November 1939
 - (c) 16th November 1971
 - (d) 11th November 1955.

48. The main objective of the establishment of the World Intellectual Property Organization (WIPO) is to:
- (a) Promote the protection of intellectual property throughout the world
 - (b) Promote the protection of intellectual property among the member countries of UN
 - (c) Promote the protection of intellectual property among the 15 member states of the Security Council
 - (d) None of the above.
49. Which of the following law provides the specific penalties against each offence:
- (a) The Civil & Criminal Procedure Code of Bhutan, 2001
 - (b) The Penal Code of Bhutan, 2004
 - (c) The Thrimzhung Chhenmo, 1959
 - (d) Anti-Corruption Commission Act 2011.
50. Upon the dissolution of the National Assembly, an interim government for term not exceeding three months shall be headed by:
- (a) The Chairperson of the National Council
 - (b) The Chief Election Commissioner of Bhutan
 - (c) The Chief Justice of Bhutan
 - (d) The Leader of Opposition Party.

PART – II : Short Answer Questions (20 marks)

Answer ALL the questions. Each question carries 5 marks.

1. The Gelephu Drungkhag Court is the lowest court under the Sarpang Dzungkhag in Bhutan. If a plaintiff or defendant loses the case in the Drungkhag Court, can the plaintiff directly submit the appeal to the High Court? Explain the due process to be adhered to with close reference to the hierarchy of courts in Bhutan.
2. What are the roles and functions of the Security Council of the UNO? Explain its importance to the world.
3. If there is a dispute with regard to the right to the water between the Maldives and Sri Lanka, which international body will hear their case?

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4. What do you understand by the phrase “public interest litigation”? Does the Constitution of Bhutan 2008 have such a provision to file the case against the individuals or entities in the larger public interest?

SECTION B : Case Study

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

It is important to apply the legal principles and logic directly relating to the case.

CASE 1

Mr. Karma Wangdi, a journalist from one of the media houses writes a malicious article in the newspaper against the Government trying to malign and tarnish the image of the Government. Mr. Karma has been asked by the Government to furnish a detailed explanation on what basis he has written the news article. Mr. Karma while going through the Constitution of Bhutan, he comes across the Article 7 (2), wherein he can defend his action in the name of the freedom of speech, opinion and expression. If Mr. Karma is taken to the court of law by the Office of Attorney General on behalf of the Government, will he be able to defend the case successfully? If yes, argue with reasons. If no, share your view points.

CASE 2

A contract has been signed and executed between Mr. Banerjee, Kolkata based business man and Mr. Dorji Passang from Thimphu. Mr. Banerjee agreed to supply the leather goods worth Rs. 400,000.00 to Mr. Dorji Passang. The contract was signed at Phuentsholing in the presence of Mr. Jagdish from Jaigaon (witness of Mr. Banerjee) and Mr. Tenzin Dorji from Phuentsholing (witness of Mr. Dorji Passang).

Mr. Dorji Passang has already paid Rs. 200,000.00 on 1st May 2012 as an advance to Mr. Banerjee as per the terms and conditions of the contract. Mr. Dorji Passang accordingly obtained the money receipt. The goods were supposed to reach the Phuentsholing port latest by 31st July 2012 and the balance money was agreed to be paid by Mr. Dorji Passang.

The two witnesses find that Mr. Banerjee has intentionally breached the contract. One of the provisions in the contract also states that any party breaching the contract shall be liable to pay a fine of Nu. 150,000.00.

Mr. Dorji Passang has served repeated written notices (including the final notice) in addition to innumerable telephonic calls made to Mr. Banerjee. Mr. Passang now wants to initiate legal actions against his business partner either to get his goods or reimbursement of Rs. 200,000.00 along with the stipulated fine from Mr. Banerjee.

Mr. Dorji Passang now approaches you to seek your legal advices:

1. Is there any legal ground for Mr. Dorji Passang to seek legal remedy?
2. Advise Mr. Dorji Passang what are the sequential actions required to be taken by him in order to recover the money.
3. Which court has the jurisdiction to hear the case?
4. Is there any lacuna in the contract? If yes, point out to Mr. Dorji Passang so that he does not repeat the same in the future.