

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

PAPER II: GENERAL SUBJECT KNOWLEDGE PAPER FOR LAW

Date	: October 8, 2022
Total Marks	: 100
Writing Time	: 90 minutes (1.5 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 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 Parts: Part I & Part II**
Part I consists of 70 multiple choice questions of 1 (one) mark each, and
Part II consists of 10 short answer questions of 3 (three) marks each.
4. All questions are COMPULSORY.
5. 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.
6. All answers should be written with correct numbering of Part and Question Number in the Answer Booklet provided to you. Note that any answer written without indicating the correct Part and Question Number will NOT be evaluated and no marks will be awarded.
7. Begin each Part in a fresh page of the Answer Booklet.
8. You are not permitted to tear off any sheet(s) of the Answer Booklet as well as the Question Paper.
9. Use of any other paper including paper for rough work is not permitted.
- 10. You must hand over the Answer Booklet/s to the Invigilator before leaving the examination hall.**
11. This paper has **12 printed pages**, including this instruction page.

GOOD LUCK

Part I

Multiple Choice Questions [70 marks]

Choose the correct answer and write down the letter of your chosen answer in the Answer Booklet against the question number e.g. 71 (a). Each question carries ONE mark. Any double writing, smudgy answers or writing more than one choice shall not be evaluated.

1. The term *Jurisprudence* has meant different things in different times. The variation is due to different methods of inquiry and approach to the study of the subject by different eminent Jurists. John Austin defined Jurisprudence as
 - a) The Science of Law.
 - b) The Philosophy of Positive Law.
 - c) The Formal Science of Positive Law.
 - d) The Knowledge of Law.
2. The concept of natural law was developed by Greek Philosophers around 4th Century B.C. Heraclitus was the first Philosopher who pointed at the three main characteristics of law of nature, namely
 - a) Destiny, Order and Reason.
 - b) Natural Justice, Legal Justice and Reason.
 - c) Local Justice, Domestic Justice and Global Justice.
 - d) Principal of Respect, Community Participation and Justice.
3. Which statement is true about the Inquisitorial Legal System?
 - a) Courts act as an impartial referee.
 - b) Court is actively involved in investigation of facts.
 - c) Attorneys ask more questions than a Judge.
 - d) Only prosecution and defense are actively involved in fact finding.
4. Which Theory is based on the Rule of Natural Justice that is expressed by the maxim "*an eye for an eye and a tooth for a tooth*"?
 - a) Deterrent Theory
 - b) Retributive Theory
 - c) Preventive Theory
 - d) Reformatory Theory
5. _____ is said to be "*nine out of ten points of Law*".
 - a) Property
 - b) Agreement
 - c) Ownership
 - d) Possession
6. Who said "*A legal person is any subject matter other than a human being to which law attributes personality*"?
 - a) Austin
 - b) Savigny
 - c) Salmond
 - d) Hugo Grotius

7. When the Court declare that certain provisions of the Act as invalid, it does not affect the validity of the Act and it remains as it is:
- Doctrines of prospective overruling
 - Doctrines of Severability
 - Doctrines of Pleasure
 - Doctrines of Eclipse
8. The power of the State to act as parents to a child when the legal parents are unable or unwilling:
- In loco parentis*
 - Parens patriae*
 - Pari passu*
 - Parus sequitur ventrem*
9. Mr. A sells a stolen bike to "B". "B" buys it in good faith. As regards the title to bike, which of the following derivation is **CORRECT**?
- The real owner cannot get back the bike from B.
 - B will get no title as the transferor's (A's) title was defective.
 - "B" will get good title as he is a bona fide buyer.
 - None of the above
10. Offence which can be compromised between the parties is known as
- non-compoundable.
 - cognizable offence.
 - compoundable offence.
 - non-cognizable offence.
11. Block chain and smart contracts are example of
- non-fungible token.
 - fungible token.
 - collectibles.
 - mobile wallet.
12. A contract to which a minor is a party is
- void ab initio.
 - voidable at the option of minor.
 - voidable at the option of other party.
 - illegal.
13. The violation of which of the given rights leads to an action in torts?
- Rights in rem*
 - Rights in personam*
 - Rights in ad infinitum*
 - Rights in possidendi*

14. An accused person who in consideration of his non-prosecution offers to give evidence against the other accused is called
- Accomplice
 - Hostile Witness
 - Approver
 - Hostile accomplice
15. *Right in re aliena* means a right over
- his own property.
 - a property of someone else.
 - a property situated in a foreign country.
 - a property situated in one's own country.
16. The thing speaks for itself. A phrase used in actions for injury caused by negligence where the mere fact of accident occurring raises the inference of the defendant's negligence is:
- Res Ipsa Loquitur*
 - Res Ipsa*
 - Animus nocendi*
 - Quinta Res Ipsa*
17. Which was the first country to have a written Constitution?
- Canada
 - England
 - United States of America
 - Denmark
18. The National Anthem was first composed in 1953 and became official in 1966. It is provided in the Constitution of the Kingdom of Bhutan 2008 in:
- Schedule I
 - Schedule II
 - Schedule III
 - Schedule IV
19. The judicial authority of Bhutan shall be vested in the Royal Courts of Justice comprising
- the Supreme Court, High Court, Dzongkhag Court and Dungkhag Court.
 - the Supreme Court, High court, Dzongkhag Court, Dungkhag Court and such other Courts and Tribunals as may be established from time to time by the *Druk Gyalpo* on the recommendations of the National Judicial Commission.
 - the Chief Justice of Bhutan and Justices of the Supreme Court and High Court.
 - Drangpons of the Royal Courts of Justice.
20. The Ten Non-virtuous Acts (*mi gde ba bcu*) can be mostly found in
- The Constitution of the Kingdom of Bhutan 2008.
 - The Civil and Criminal Procedure Code of Bhutan, 2001.
 - The Penal Code of Bhutan, 2004.
 - The Evidence Act of Bhutan, 2005.

21. Who shall convene an extraordinary sitting of Parliament on the command of the *Druk Gyalpo* if the exigencies of the situation so demand?
- The Prime Minister
 - The Speaker
 - The Chairperson
 - The Speaker and Chairperson
22. Under the Civil and Criminal Procedure Code of Bhutan 2001, if a member of a family on behalf of a person imprisoned or a person detained wants to request the issuance of an order of *Habeas Corpus* for the production of the person before the Court, to whom such request is made?
- Chief Justice of Bhutan
 - Supreme Court
 - High Court
 - Supreme Court/ High Court
23. Who among the following is **NOT** a member of the National Judicial Commission?
- The Senior most Justice of the Supreme Court
 - The Chairperson of the Legislative Committee of the National Assembly
 - The Attorney General
 - Registrar General of the Supreme Court
24. Tashi instigates Dorji to murder Pem. Dorji refuses to do so. Tashi is guilty of
- no offence.
 - solicitation to commit a crime.
 - aiding and abetting to commit a crime.
 - conspiring a criminal offence.
25. The doctrine of "*Doli Incapax*" is associated with which of the following?
- A woman
 - A child
 - A man
 - Vulnerable group of people
26. His Late Majesty, the Third *Druk Gyalpo* separated the judiciary from the Executive with the establishment of Dzongkhag (District) Courts in
- 1957
 - 1959
 - 1961
 - 1967
27. In Bhutan, the Capital Punishment was abolished on 20th March 2004. Which Section under Article 7 of the Constitution talks about the Capital Punishment?
- Article 7 (17)
 - Article 7 (18)
 - Article 7 (20)
 - Article 7 (21)

28. The contract becomes impossible to perform due to change in the circumstances beyond the contemplation of the parties:
- Discharge by Breach of contract
 - Supervening impossibility
 - Novation of contract
 - Remission of contract
29. The concept of “*The Golden Yoke*” and the “*Silken Knot*” can be traced back to
- Bhutanese legal system
 - Mongolian legal system
 - Tibetan legal system
 - None of the above
30. For the offence against *Ku, Sung, Thuk-ten* and *Zung*, the Defendant convicted shall be sentenced under
- The felony of first degree.
 - The felony of second degree.
 - The felony of third degree.
 - The felony of fourth degree.
31. If the defendant was in another place at the time the crime was committed, a defendant shall have the defense of
- Ignorantia
 - Alibi
 - Ad hominem
 - Per incuriam
32. After dissolution of the National Assembly, when will the Interim Government be formed?
- Within 15 days
 - Within 30 days
 - Within 60 days
 - Within 90 days
33. Launching a malicious or mala fide prosecution with perverse intent to embarrass or harass another person without having a reasonable basis for the prosecution or knowing that the prosecution does not involve a concrete controversy or case is
- False litigation
 - Perjury
 - Cantankerous litigation
 - Blackmailing
34. Loitering at a place and in a manner not usual for a law-abiding individual under circumstances that cause alarm for the safety of another person or property in the vicinity:
- Unlawful assembly
 - Prowling
 - Disorderly conduct
 - Rioting

35. A contract discharged by rescission means
- change in one or more terms of the contract.
 - acceptance of lesser performance.
 - abandonment of rights by a party.
 - cancellation of the existing contract.
36. Mr. Ugyen purposely threatens or intimidates Mr. Wangchuk by brandishing a big knife. What offence has Mr. A committed?
- No offence
 - Attempt to murder
 - Display of a weapon
 - Illegal pointing of a firearm
37. The *Animus possidendi* means
- Intention to harm
 - Intention to contract
 - Intention to possess
 - Intention to position
38. The promisor absolutely refuses to perform the contract prior to the due date of performance:
- Abandonment
 - Remission of contract
 - Actual breach of contract
 - Anticipatory breach of contract
39. Any private lender without license who have charged interest higher than what is prescribed under the Movable and Immovable Property Act of the Kingdom of Bhutan 1999 shall be punished under
- Deceptive practice
 - Usury
 - Embezzlement
 - Fraud involving a security interest
40. Preventing of the party by his or her own act from claiming a right to the detriment of other party who was entitled to rely on such conduct and has acted accordingly is
- A Statute of Limitation
 - A Doctrine of Laches
 - A Doctrine of Waiver
 - A Doctrine of Estoppel
41. In which of the following statement the Hearsay Evidence is admissible?
- The Original statement was made contemporaneously with the occurrence or existence of the matters stated.
 - The statement involves multiple hearsay.
 - Both (a) and (b)
 - None of the above.

42. The Right not to be compelled to be a witness against himself or herself is also called as
- Right against self-incrimination
 - Right to Self-incrimination
 - Right against Individual
 - None of the above
43. For signatures on the official documents
- proof of handwriting or signature is required.
 - proof of handwriting or signature is not required.
 - the proof is mandatory.
 - None of the above.
44. Pema causes his cow to enter upon a field belonging to Lhaden, intending to cause and knowing that he is likely to cause damage to Lhaden's crop. Pema has committed
- Damages to property
 - Illegal conduct
 - Criminal nuisance
 - Malicious mischief
45. A communication between doctor or medical personnel and the patient is guided by
- Confidentiality
 - Relationship
 - Professional legal communication
 - Degree of engagement
46. A criminal defendant cannot be convicted of a crime if the act was the result of a mental disease or defect the defendant had at the time of the incident. It has often been referred to as the "*product defect rule*" but doesn't require a medical diagnosis of mental illness or disorder. In this, we refer to
- Mental Disability
 - Durham Rule
 - Insanity
 - Mitigating Circumstances
47. A defendant convicted of a felony of the second degree shall be imprisoned for
- a minimum of nine years and a maximum of less than fifteen years.
 - a minimum of five years and a maximum of less than nine years.
 - a minimum of three years and a maximum of less than five years.
 - a minimum of one year and a maximum of less than 3 years.
48. Which best suits concept of *preponderance of evidence*?
- Burden of proof in criminal case.
 - Burden of proof in civil case.
 - Onus probandi* in administrative law.
 - Proof for injury.

49. What is the principle by which the courts of one jurisdiction may consent to the laws or decisions of another?
- Amicus curiae*
 - Comity
 - Per curiam*
 - Stare decisis*
50. A *Drangpon* shall recuse from adjudicating a case if one of the litigants is a cognate, agnate of or related to the *Drangpon* by matrimonial relations. This can be best expressed through the terminology of
- Conflict of Interest
 - Recusal
 - withdrawal
 - Moral values
51. Tashi drew and published a picture of Sonam running away with Tashi's laptop, intending it to be believed that Sonam stole Tashi's laptop. What is the offence committed by Tashi?
- Attempt to commit an offence
 - Slander
 - False advertising
 - Libel
52. *Nolle prosequi* means
- Indefinite prosecution
 - No prosecution
 - Adjourned prosecution
 - Baseless prosecution
53. The bailment of goods as security for payment of a debt or performance of a promise:
- Pledge
 - Delivery of goods
 - Possession of the bailee
 - Bailor
54. The Latin term "*expressio unius est exclusio alterius*" can be best explained by which of the following?
- Express mention of one thing implies the exclusion of another.
 - Expression precludes implication.
 - The meaning of the doubtful word may be ascertained by a reference to the meaning of words associated with it.
 - None of the above
55. *Non compos mentis* is a Latin legal phrase that applies to
- person of unsound mind.
 - person of sound mind.
 - a child.
 - a woman.

56. A provision of the Bill that gives an “*expiry date*” once it is passed into law:
- Transitional Justice
 - Saving Clause
 - Sunset Clause
 - Optical Clause
57. The concept of Treatment and Rehabilitation under the *Narcotic Drugs, Psychotropic Substances and Substance Abuse Act of Bhutan 2015* is an example of
- Punishment
 - Use of Reformative Approach
 - Incarceration of drug dependent persons
 - Institutional ill treatment
58. An instrument in writing [not being a bank-note or a currency-note] containing an unconditional undertaking signed by the maker, to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument is
- Promissory Estoppel
 - Promissory Note
 - A Cheque
 - Bill of Exchange
59. *No man shall be a judge in his own cause* is a principle of
- Fair hearing
 - Natural Justice
 - Rule of Law
 - Impartiality
60. A *Drangpon* shall enjoy security of tenure as long as he conducts himself appropriately in accordance with the *Judicial Service Act of Bhutan, 2007*. This is
- Quamdiu se bene gesserint*
 - Judicial propriety
 - Judicial incapacitation
 - Judicial Assessment
61. In *Roe v. Wade* [1973], the Supreme Court of the United States recognized
- right of women to procreate.
 - right of woman to decide on abortion.
 - rights of children.
 - right of men.
62. The *land ceiling* for a family under the *Land Act of Bhutan, 2007* is
- 50 acres
 - 35 acres
 - 25 acres
 - 20 acres

63. Marriage in Bhutan is a *sacrosanct union*. The sanctity of marriage [*Damtshig*] is a vow that originated from
- Social vow
 - Family vow
 - Samaya* or religious vow
 - Private vow
64. Death of George Floyd, a 46-year-old black man on 25 May 2020 in the United States is an example of
- violence by army personnel.
 - violence by police personnel.
 - violence by the community.
 - None of the above
65. In 2021, Bhutan experienced a series of disruptions due to the COVID-19 pandemic. In this situation, Mr. Karma and Mr. Pema enters into a contract which provides that one or both parties can cancel a contract or be excused from either part or complete performance of the contract on occurrence of a specified event or events beyond parties' control is
- Frustration Clause
 - Force Majeure* Clause
 - Termination Clause
 - Non-performance Clause
66. "Every Bhutanese is a trustee of the Kingdom's natural resources and environment for the benefit of the present and future generations..." This Article of the *Constitution* reflects
- Intergenerational Equity
 - Social Justice
 - Transitional economics
 - None of the above
67. Which of the following statement is **NOT TRUE** in Mediation?
- Voluntary process
 - Confidentiality is maintained
 - Results into win-win outcome
 - Witness is required
68. The Court holding proceedings or conducting hearings at any site other than the place where the Court is situated, whenever it considers that it is necessary, expedient or otherwise in the interest of justice to do so is
- Alibi*
 - In Situ* Proceedings
 - Summary proceedings
 - Ex parte* proceedings

69. A person who applies for citizenship by naturalization shall have lawfully resided in Bhutan for
- at least 5 years.
 - at least 10 years.
 - at least 15 years.
 - at least 20 years.
70. A child in conflict with law is a child who is
- below 18 years of age and whose parent is unfit or incapacitated to take care of him/her.
 - found without having any home or settled place of abode.
 - above 12 years of age and have found to have committed an offence.
 - arrested and detained for an offence.

PART II – Short Answer Questions [30 marks]

Answer the following questions briefly and concisely. All 10 questions are mandatory. Each question carries 3 marks.

1. Explain the concept of *Ignorantia juris non excusat* in the context of Bhutanese legal system and narrate how this principle has affected the people.
2. What are the primary sources of law? Give at least three examples.
3. What is a breach of contract? Mention at least three contractual remedies available in the event of the breach of contract with brief explanations.
4. What do you understand by Procedural and Substantive law? Give an example each.
5. Mr. Sonam owns many trucks and employs drivers to operate them for the purpose of trade and transportation. Mr. Dorji, one of the truck drivers, met an accident due to rash driving. In this case, will Mr. Sonam be liable for the accident caused by Mr. Dorji?
6. Briefly explain the *Burden of Proof in Civil and Criminal* case with illustrations.
7. What is the difference between the offence of Felony and a Misdemeanor?
8. What is bail? Mention at least three conditions for granting a bail and also how the bond amount is determined by the Courts under *Civil and Criminal Procedure Code 2001*.
9. What is a Default Judgment? Specify the conditions for the Court to pronounce a default judgment?
10. Mr. Ugyen and Mrs. Jigme were married for last eight years. However, the Marriage Certificate reflects the duration of their marriage as four years. Mr. Ugyen wants to divorce Mrs. Jigme and marry Ms. Zangmo. How will you calculate the alimony-related payments in the above issue?

TASHI DELEK