

ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2013
EXAMINATION CATEGORY: TECHNICAL

PAPER II: GENERAL SUBJECT KNOWLEDGE for *LAW GRADUATES*

Date	: 13 October 2013
Total Marks	: 100
Examination Time	: 90 minutes (1.5 hours)
Reading Time	: 15 minutes (prior to examination time)

GENERAL INSTRUCTIONS

1. Write your Registration Number clearly and correctly in the Answer Booklet.
2. The first 15 minutes are to check the number of pages, printing errors, clarify doubts and to read the instructions in Question Paper. You are NOT permitted to write during this time.
3. This paper consists of **TWO Parts, namely Part I and 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 must be written in the Answer Booklet provided to you. You will not be given any marks for answers written other than in the Answer Booklet. Ask for additional Answer Booklet if required.
6. All answers should be written with correct numbering of Part, Section and Question Number in the Answer Booklet provided to you. Note that any answer written without indicating any or correct Part, Section and Question Number will NOT be evaluated and no marks would 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. You are required to hand over the Answer Booklet to the Invigilator before leaving the examination hall.
10. This paper has **14** printed pages in all, including this Instruction Page.

GOOD LUCK!

PART I : MULTIPLE CHOICE QUESTIONS

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

1. To a lawyer, the law means:
 - (a) Law of gravity that occurs regularly
 - (b) A rule enforced by the state through public agencies such as police and the courts
 - (c) Religious teachings
 - (d) State of chaos without any discipline in society.

2. The doctrine holding that if a statute or treaty is left unenforced long enough, the courts will no longer regard it as having any legal effect even though it has not been repealed is called:
 - (a) Desecrate
 - (b) Lapse
 - (c) Amendment on court's own motion
 - (d) Desuetude.

3. Which one the following is NOT a correct statement regarding the doctrine of estoppel?
 - (a) A bar that prevents one from asserting a claim or right that contradicts what one has said or done before or what has been legally established as true
 - (b) A bar that prevents the relitigation of issues
 - (c) An affirmative defense alleging good-faith reliance on a misleading representation and an injury or detrimental change in position resulting from that reliance
 - (d) The termination of a right or privilege because of a failure to exercise it within sometime limit or because a contingency has occurred or not occurred.

4. Which one of the following is NOT an example of mitigating circumstance?
 - (a) The defendant negligently caused bodily injury to another person with a deadly weapon
 - (b) The crime is committed accidentally
 - (c) The victim is a participant in the criminal conduct or consented to the criminal conduct
 - (d) The defendant acted under duress or domination of another person.

5. Who among the following divided the sources of law into formal sources and material sources?
 - (a) Allen
 - (b) Keeton
 - (c) Gray
 - (d) Salmond.

6. The importance of 'custom' over other sources of law was stressed by the jurists of the:
 - (a) Analytical school
 - (b) Historical school
 - (c) Natural law school
 - (d) Post modernist school.

7. Which one of the following is NOT an example of primary sources of law?
 - (a) All England Law Reports
 - (b) All India Reporter
 - (c) United States Supreme Court Reports
 - (d) The English and Empire Digest (a comprehensive digest of English cases).

8. Which one of the following is NOT one of the three elements of the tort of negligence?
 - (a) Compensation
 - (b) Duty
 - (c) Breach
 - (d) Damage.

9. What are the three distinct functional branches of government?
 - (a) The police, executive and judiciary
 - (b) The armed forces, executive and judiciary
 - (c) The Civil Service, executive and judiciary
 - (d) The legislature, executive and judiciary.

10. What is 'deductive' reasoning?
 - (a) Reasoning from the particular to the general
 - (b) Reasoning from the general to the particular
 - (c) Reasoning according to the wishes of the court
 - (d) Reasoning according to guesswork.

11. Speaking order is a decision of the authority which is:
- (a) Based on reasons
 - (b) Without any reasons
 - (c) Arbitrary
 - (d) Subjective.
12. Which one of the following pairs is CORRECTLY matched?
- (a) Precedent: Legislature
 - (b) Precedent: Jurist
 - (c) Precedent: Judiciary
 - (d) Precedent: Agreement.
13. When a breach of contract is serious, it is said to be:
- (a) Material
 - (b) Immaterial
 - (c) Injunctive
 - (d) Retributive.
14. If a superior court, while considering a previous case, decides not to apply the precedent because it was wrongly decided. It means that the previous case has been:
- (a) Applied
 - (b) Distinguished
 - (c) Overruled
 - (d) Considered.
15. A governmental taking or modification of an individual's property rights, especially by eminent domain is called:
- (a) Expropriation
 - (b) Confiscation
 - (c) Seizure
 - (d) Misappropriation.
16. When a court establishes a binding precedent, the reason for its decision is referred to as:
- (a) *Res judicata*
 - (b) *Obiter dicta*
 - (c) *Caveat emptor*
 - (d) *Ratio decidendi*.

17. A clause in an international contract that identifies jurisdiction of court of a particular nation to hear a case arising out of the contract is called:
- (a) Choice of law clause
 - (b) Choice of appeal clause
 - (c) Choice of forum clause
 - (d) Choice of court clause.
18. A Bhutanese court may exercise jurisdiction outside Bhutanese territory based on which ONE of the principles:
- (a) Grant-back provisions
 - (b) Voluntary restrain laws
 - (c) Escape clauses
 - (d) Extraterritorial.
19. The employment at will doctrine provides that:
- (a) Employees may organize labor unions
 - (b) Employers owe no duty of continued employment to workers
 - (c) Employers must enter into collective bargaining before dismissing workers
 - (d) Employees may dispute the dismissal decision.
20. An agency agreement may NOT be created by:
- (a) Duress
 - (b) Statute
 - (c) Necessity
 - (d) Cohabitation.
21. Which one of the following is NOT a rule of statutory interpretation?
- (a) Golden Rule
 - (b) General Rule
 - (c) Literal Rule
 - (d) Mischief Rule.
22. Which one of the following statements is a definition of the phrase '*ratio decidendi*'?
- (a) The verdict
 - (b) The material facts
 - (c) A hypothetical situation
 - (d) The reason for deciding.

23. Which one of the following statements is CORRECT?
- (a) The Supreme Court of Bhutan is bound by its own previous cases
 - (b) The High Court of Bhutan is the highest court of appeal
 - (c) There are no appeals from decisions of the High Court of Bhutan
 - (d) The Nganglam Dungkhag court cannot set precedent.
24. Which one of the following is NOT associated with conviction of a person for crime:
- (a) *Actus reus*
 - (b) Proof beyond reasonable doubt
 - (c) Preponderance of evidence
 - (d) *Mens Rea*.
25. *Hors de combat* means:
- (a) Soldiers who can fight
 - (b) Soldiers who are outside the fight
 - (c) Soldiers on leave
 - (d) Mercenaries.
26. In which one of the following countries the common law system FIRST evolved:
- (a) Australia
 - (b) Canada
 - (c) The United Kingdom
 - (d) The United States.
27. *Respondeat superior* means:
- (a) Parents are liable for act committed by their children
 - (b) Master is liable for the act of the servant
 - (c) One is liable for the act of the friend
 - (d) Government of the day is bound to honour agreement entered into by previous governments.
28. *Amicus curiae* means:
- (a) A friend of the court
 - (b) A friend of the accused
 - (c) A friend of the prosecution
 - (d) A friend of the witness.

29. What is mean by the phrase “an invitation to treat”?
- (a) An act of inviting a girlfriend for dinner
 - (b) An act of inviting friends for a birth day party
 - (c) An act of inviting diplomats for dinner
 - (d) An act of inviting other party to make an offer.
30. What is meant by the term “franchise” in the context of business?
- (a) A right or licence granted to an individual or group to market a company’s goods or services in a particular territory
 - (b) A right to vote granted to the shareholders of a company
 - (c) A right to vote granted to the Board of Directors of a company
 - (d) A right to vote granted to the Chamber of Commerce and Industries.
31. Which one of the following could be invoked by the court to dismiss a trifle matter being litigated?
- (a) *De minimis*
 - (b) *Deus ex machine*
 - (c) *De auditu*
 - (d) *De rigueur.*
32. The instrument under which the bank, at the customer’s request, agrees to honour a draft or other demand for payment made by a third party as long as the draft or demand complies with the specified condition is called:
- (a) Letter of Marque
 - (b) Letter of acceptance
 - (c) Letter of intent
 - (d) Letter of credit.
33. The branch of law that deals with religion, particularly church is called:
- (a) Law of evidence
 - (b) Corporate law
 - (c) Ecclesiastical law
 - (d) Law of science.
34. Who among the following is remembered as the father of international law?
- (a) Hugo Grotius
 - (b) Albert Venn Dicey
 - (c) Malcolm Shaw
 - (d) William Blackstone.

35. The act of falsely representing one's own product as that of another in an attempt to deceive potential buyers is called:
- (a) Passing of
 - (b) Passing off
 - (c) Passing over
 - (d) Misrepresentation.
36. In international humanitarian law, an act inviting the confidence of an adversary to lead him/her to believe that he/she is entitled to or is obliged to accord protection with intent to betray that confidence constitutes:
- (a) Perfidy
 - (b) War
 - (c) Surrender
 - (d) Neutrality.
37. Which one of the following is an EXCEPTION to hearsay rule?
- (a) *Obiter dictum*
 - (b) *Res Gestae*
 - (c) *Res judicata*
 - (d) *Res aliana.*
38. A stipulation, breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated is:
- (a) Condition
 - (b) Insurance
 - (c) Warranty
 - (d) Indemnity.
39. The substitution of existing contract by a new contract with the consent of all the concerned parties is called:
- (a) Novation
 - (b) Assignment
 - (c) Substitution
 - (d) Repudiation.
40. A body of law that is derived from Islam is called:
- (a) Common law
 - (b) Civil law

- (c) Canon law
 - (d) Sharia law.
41. In relation to the irretrievable breakdown theory of divorce, which one of the following statements is INCORRECT:
- (a) If a marriage has broken down irretrievably, it should be dissolved
 - (b) If one of the parties to marriage has committed some matrimonial offense, a marriage can be dissolved
 - (c) Once a legislative criterion of breakdown of marriage is satisfied, courts must dissolved the marriage
 - (d) If a decree of restitution of conjugal rights remains uncomplied for a period of time, either part may sue for divorce.
42. The right of a landowner whose property borders on a body of water or watercourse is called:
- (a) Riparian right
 - (b) Right of transit passage
 - (c) Right of innocent passage
 - (d) Right of way.
43. Which one of the following is NOT a type of negotiable instrument?
- (a) Air waybill
 - (b) Bank notes
 - (c) Dividend warrants
 - (d) Treasury bills.
44. A form of insurance under which an Insurance Company agrees to reimburse an organization for the loss caused by a dishonest employee is called:
- (a) Millennium Education Scheme
 - (b) Silver Jubilee Term Insurance
 - (c) Professional Indemnity Insurance
 - (d) Fidelity Insurance.
45. A form of alternative dispute resolution, where an independent third party guides the process and help the parties to resolve their disputes is called:
- (a) Mediation
 - (b) Arbitration
 - (c) Prosecution
 - (d) Litigation.

46. The first questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify is called:
- (a) Direct examination
 - (b) Cross-examination
 - (c) Re-examination
 - (d) Further examination.
47. The interest-bearing instrument containing a corporation's promise to pay a fixed sum of money at some future time is called:
- (a) Shares
 - (b) Corporate bond
 - (c) Premium
 - (d) Dividend.
48. Which one of the following is the highest court of law in the United Kingdom?
- (a) The House of Lords
 - (b) The Privy Council
 - (c) The Supreme Court
 - (d) The High Court.
49. Which one of the following is NOT an example of a business organisation?
- (a) A sole trader
 - (b) A limited company
 - (c) A limited liability partnership
 - (d) An employee.
50. Who among the following propounded the theory of *grundnorm*?
- (a) Hart
 - (b) Dicey
 - (c) Kelsen
 - (d) Socrates.
51. According to the principle of "just deserts" a person must be punished:
- (a) Severely even for a petty crimes for future deterrence
 - (b) Leniently irrespective of the gravity of crime
 - (c) According to the crime he or she commits
 - (d) At the discretion of judge.

52. The sum of money paid as a token to show that the party is willing to complete the transaction is called:
- (a) Earnest money
 - (b) Reward
 - (c) Performance bond
 - (d) Solatium.
53. The action of the elements at sea of such force as to overcome the strength of a well-founded ship and the normal precautions of good marine practice is called:
- (a) Peril of the sea
 - (b) *Force majeure*
 - (c) Inescapable peril
 - (d) Imminent peril.
54. The act or an instance of a person's deliberately making material false or misleading statements while under oath is called:
- (a) Tampering of evidence
 - (b) Impeachment
 - (c) Perjury
 - (d) Black mail.
55. A treaty amending or supplementing another treaty is called:
- (a) Covenant
 - (b) Agreement
 - (c) Protocol
 - (d) Codicil.
56. A legislative body consisting of two branches or chambers is called:
- (a) Unicameral
 - (b) Bicameral
 - (c) Presidential form of government
 - (d) Parliamentary form of government.
57. An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose is called:
- (a) Fundamental right
 - (b) Neighbor principle
 - (c) Easement
 - (d) Contractual right.

58. Which one of the following statements BEST describes the doctrine of privity of contract?
- (a) Contract must be concluded only between two parties
 - (b) A non-party to the contract cannot bring an action
 - (c) Contract is the privilege for minors to make
 - (d) Any person has the right to bring an action.
59. A nominal share capital that has been paid for by the shareholders of a company is called?
- (a) Paid-up share capital
 - (b) Issued share capital
 - (c) Allotted share capital
 - (d) Called-up share capital.
60. A brief reproduction of a work by a teacher is an example of:
- (a) Unauthorized, permissible use of copyrighted material
 - (b) Writings protected by the Lanham Act
 - (c) Infringed upon work
 - (d) Public use exceptions to copyright law.
61. Which remedy is NOT likely to be awarded when intellectual property rights are infringed?
- (a) Damages
 - (b) Interlocutory injunction
 - (c) Specific performance
 - (d) An accounting.
62. Which one of the following is NOT an example of real evidence:
- (a) A gun
 - (b) A lab report
 - (c) An eye witness
 - (d) A DNA report.
63. The sale of mortgaged property, authorized by a court decree or a power-of-sale clause, to satisfy the debt is called:
- (a) Forced sale
 - (b) General sale
 - (c) Foreclosure sale
 - (d) Lumping sale.

64. Which one of the following is best characterized as a transnational crime?
- (a) Murder
 - (b) Torture
 - (c) Sexual assault
 - (d) People smuggling.
65. Tshering approaches U.C Associates, a law firm for advice to contest a legal issue in court. When U.C Associates told him that his case would cost around Nu. 5,000 a day, Tshering decides not to proceed. Tshering's decision not to proceed illustrates a difficulty with?
- (a) Rule of law
 - (b) Human rights
 - (c) Natural justice
 - (d) Access to Justice.
66. A farmer grows cabbages for sale. A cow belonging to the farmer's neighbour escapes and eats up cabbages. The farmer wants to initiate legal proceedings against the neighbour. Advise under which type of law should the farmer sue the neighbour?
- (a) Contract law
 - (b) Criminal law
 - (c) Property law
 - (d) Tort law.
67. What does the doctrine of precedent mean?
- (a) Judges are bound by statute
 - (b) Judges must decide the case on the facts
 - (c) Judges must apply the law set out in relevant decision of previous superior courts and sometimes courts of the same standing
 - (d) Judges may apply the law set out in relevant decision of previous superior courts and sometimes courts of the same standing.
68. An ex post facto law has been defined as one:
- (a) Which aggravates a crime or makes it lesser than when it was committed
 - (b) Which mitigates a crime or makes it lesser than when it was committed
 - (c) Which aggravates a crime or makes it greater than when it was committed
 - (d) Which aggravates a crime or makes it non-criminal after it was committed.

69. A right that is recognized by the law but is not enforceable is:
- (a) An imperfect legal right
 - (b) A perfect legal right
 - (c) Only a moral right
 - (d) No right at all.
70. How are property law and tort law similar?
- (a) Both are examples of private law
 - (b) Both are examples of public law
 - (c) Both are covered only by statute law
 - (d) Both deal with ownership of land by individuals.

PART II : SHORT ANSWER QUESTIONS

Write short answers corresponding to the questions in the Answer Booklet against the question number. Each question carries total of THREE marks. Analyze and apply applicable legal principles or logic and answer the questions with clarity and preciseness.

1. What are the principles upon which specific relief is granted?
2. What does “briefing” a case mean? What are its uses in law study?
3. A throws a bottle at V. V sees the bottle coming towards him and manages to avoid being hit. What offence has A committed?

If the ball hits V and V experiences a small amount of pain for a short time and no bruising resulted. What offence has A committed?
4. What do you mean by arbitration? Briefly explain at least two merits of arbitrations?
5. What are the overarching aims of the criminal justice system?
6. Briefly explain at least three differences between tort and crime.
7. Describe two core components of the principle of natural justice.
8. What do you mean by “conversion” in relation to law of tort?
9. International law is unique in the world of legal systems. Mention at least three unique features?
10. What are three key indicia of a strict liability crime?