

**ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2019
EXAMINATION CATEGORY: TECHNICAL**

PAPER II: GENERAL SUBJECT KNOWLEDGE PAPER FOR LAW

Date	: October 12, 2019
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 are required to hand over the Answer Booklet to the Invigilator before leaving the examination hall.**
11. This paper has **11 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. Private law refers to:
 - a) The body of laws that seeks to regulate the relationship between individuals.
 - b) The body of laws that is derived from the decision of cases.
 - c) The legal principles that states that a person has the right to privacy.
 - d) The body of laws that seeks to regulate the relationship between the state and its citizens.

2. The decision of a higher court that is binding on a lower court is called a precedent. A precedent is also called
 - a) Guideline
 - b) Example
 - c) Authority
 - d) Model

3. Social contract theory is a theory that explains
 - a) the relationship between the king and his citizens.
 - b) the form of government in a nation state.
 - c) the due process rights of an accused person.
 - d) the relationship between master and servant.

4. Criminal culpability is not based on
 - a) Knowledge
 - b) Purpose
 - c) Negligence
 - d) Ignorance

5. The law made by Parliament is also called
 - a) Customary law
 - b) Positive law
 - c) Conventional law
 - d) Criminal law

6. In a trial by jury, a person is judged by
 - a) a panel of Experts
 - b) a group of Professionals
 - c) his/her Peers
 - d) his/her Subordinates

7. Which of the following is not included in Miranda rights?
 - a) Cause of arrest
 - b) Right to remain silent
 - c) Freedom of movement
 - d) Right to legal representation

8. Which of the the following is not an example of privileged communication?
 - a) Communication between husband and wife
 - b) Communication between superior and subordinate
 - c) Communication between doctor and patient
 - d) Communication made to a priest during confessionals

9. The defense of mistake of fact is not available
 - a) in Absolute liability cases.
 - b) in Strict liability cases.
 - c) in Administrative cases.
 - d) with regard to the laws of another country.

10. Among the following documents, the earliest reference to the concept of fair compensation for acquisition of land is found in
 - a) The UN Charter
 - b) The Treaty of Versailles
 - c) The Magna Carta
 - d) The Bill of Rights in the American Constitution

11. Under the Good Samaritan law theory, a person is penalized for
 - a) an offence arising from commission of an offence.
 - b) an offence arising from commission of a duty.
 - c) an offence arising from omission of a duty.
 - d) non commission of an offence.

12. Which of the following is a true statement?
 - a) All privileges are rights.
 - b) All rights are privileges.
 - c) A right is the same as a privilege.
 - d) All privileges are enforceable.

13. Which of the following is not an example of bias?
 - a) Intentional bias
 - b) Personal bias
 - c) Pecuniary bias
 - d) Subject matter bias

14. Which one of the following is not a Due Process Right?
 - a) Legal representation
 - b) Cross examination
 - c) Appeal
 - d) In absentia judgment

15. A person convicted for three counts of 4th degree felony offences under the Penal Code of Bhutan, and sentenced concurrently, will serve a minimum prison term of
- 1 year
 - 3 years
 - 5 years
 - 9 years
16. The passing comments and observations of a judge in a judgment is called
- Obiter Dicta
 - Sentence
 - Verdict
 - Precedent
17. The death penalty is not an example of which theory of punishment?
- Punitive theory
 - Preventive theory
 - Deterrent theory
 - Reformatory theory
18. _____ not a Due Process Right.
- Right to legal counsel
 - Right to cross examine a witness
 - Right for adequate time to prepare defense
 - Right to be imposed lowest penalty
19. The Magna Carta was one of the earliest documents that recognized
- fair wages in relation to the labour rendered.
 - fair compensation for land acquired by the government.
 - the right to self-government.
 - taxation right of the government.
20. Which one of the following is non-justiciable?
- Fundamental rights
 - Fundamental duties
 - Directive Principles of State Policy
 - Fair trial
21. A treaty may come into force for a state in the following ways EXCEPT
- Ratification
 - Accession
 - Exchange of Notes
 - Proclamation
22. The following are the main sources of international laws EXCEPT
- Treaty law
 - Customary international law
 - General principles of laws recognized civilized nations
 - Constitutions of countries that are members of the UN

23. Which one of the following is an example of a Leading Question?
- What is your name and how old are you?
 - You killed the victim, didn't you?
 - How long, and in what capacity have you been working?
 - Would you tell me what happened last Sunday?
24. Which one the following is an example of legal presumption?
- Presumption of death after a person has been missing for a certain number of years.
 - Presumption of guilt until proven innocent.
 - Presumption of fair trial without a hearing.
 - Presumption of ignorance of fact without examination.
25. Which one of the following statement is true?
- Defense of mistake of fact is not available if a bar tender sells alcohol to an underage person under the belief the person is a major.
 - Ignorance of law should be allowed as a legal defense since every citizen is not involved in the legislative process.
 - Shooting a person who makes verbal threats is a valid defense of Self Defense.
 - A person who forcefully engages in the act of sodomy with another person is guilty of rape.
26. From the list below, who is not a member of the Jabmi Tshogdey of the Kingdom of Bhutan?
- The Attorney General
 - The Chief Justice
 - Representatives of Jabmis
 - Independent representative
27. An agreement which is enforceable at the option of one or more parties, but not at the option of the other party or parties is
- a valid contract.
 - a voidable contract.
 - a void contract.
 - a contingent contract.
28. Which one the following is an example of double jeopardy?
- Sentenced to imprisonment in addition to imposition of fine.
 - Termination from job in addition to sentence of imprisonment.
 - Sentenced to two consecutive prison terms.
 - Sued in a civil suit after being found innocent in a criminal prosecution.
29. Right to vote is an example of
- First generation rights
 - Second generation rights
 - Third generation rights
 - None of the above.

30. Doli incapax is a legal doctrine which presumes
- the age at which a person can enter into a contract.
 - the age when a person can enter into a marriage.
 - the age of criminal culpability.
 - the age of sexual consent.
31. Goods on display in a shop with the price tag is
- an offer.
 - an acceptance.
 - a counter offer.
 - an invitation to an offer.
32. Which one of the following is not an example of mitigating circumstance?
- The defendant caused bodily injury to another person with a deadly weapon.
 - The crime was committed accidentally.
 - The victim was a participant in the criminal conduct or consented to the criminal conduct.
 - The defendant acted under duress or domination of another person.
33. A judgment by one or more judges who disagree with the majority decision is
- Default judgment
 - Summary judgment
 - Dissenting judgment
 - Declaratory judgment
34. Which one of the following statements is not true about the offence of rape?
- Sexual intercourse with another person without the person's consent.
 - Consensual sex with a minor.
 - Consensual sex with another man's spouse.
 - Sexual intercourse with one's own spouse without consent.
35. The term caveat emptor means
- Let the buyer beware
 - Let the seller beware
 - Let the party beware
 - Let the carrier beware
36. A doctrine that prevents a person who knowingly and willingly puts himself in a dangerous situation from suing for any resulting injuries is
- Damnum sine injuria
 - Injuria sine damnum
 - Volenti non fit injuria
 - Pacta sunt servanda
37. When a breach of contract is serious, it is said to be
- Material
 - Immaterial
 - Relevant
 - Substantial

38. Concurrent liability in contract and tort means
- the duty in contract and tort are the same.
 - the claimant can claim in both contract and tort.
 - the defendant can be found liable in contract or tort, not both.
 - the claimant will be entitled to compensation.
39. A word, name, symbol, or device used by a business to identify goods and distinguish them from those manufactured or sold by others is called
- Trademark
 - Copyright
 - Trade secret
 - Patent
40. A compoundable offence is an offence where
- a lesser offence may be joined with a larger offence.
 - the defendant may pay fine in lieu of imprisonment.
 - a person may be arrested without warrant.
 - a person may be granted bail.
41. A decision rendered by an Arbitral Tribunal that is binding on the parties is known as
- Judgment
 - Award
 - Settlement
 - Verdict
42. Which one of the following amounts to an offer?
- Goods sold through a machine
 - Advertisements
 - Displays of goods
 - A tender invitation
43. Statutes are also known as
- Ordinances
 - Acts of Parliament
 - Directives
 - Rules and Regulations
44. A legal principle that bars a party from denying or alleging a certain fact owing to that party's previous conduct, allegation, or denial is known as
- Doctrine of laches
 - Doctrine of estoppel
 - Doctrine of res judicata
 - Doctrine of nullification
45. The utilitarian theory was propounded by
- Roscoe Pound
 - Thomas Hobbes

- c) Jeremy Bentham
 - d) Karl Marx
46. The law which limits government's power and guarantees the rights of the individual is
- a) Statutory law
 - b) Administrative law
 - c) Constitutional law
 - d) Penal law
47. The term 'universal suffrage' means the right of all adults to
- a) vote
 - b) bear arms
 - c) marry
 - d) enter into a contract
48. Where a court finds that a precedent is not applicable since the facts of the case in hand and the precedent are different, the precedent is said to have been
- a) cited
 - b) considered
 - c) distinguished
 - d) overruled
49. Amicus curiae means a friend of the
- a) Court
 - b) Accused
 - c) Prosecution
 - d) Witness
50. Which one of the following is not a major thematic area under human rights in international law?
- a) Political rights
 - b) Cultural rights
 - c) Privacy rights
 - d) Economic rights
51. The doctrine of separation of powers was first propounded in 1748 by
- a) Montesquieu
 - b) Lord Denning
 - c) John Locke
 - d) Plato
52. The branch of law that deals with restrictive trade practices is
- a) Anti-corruption law
 - b) Anti-money laundering law
 - c) Competition law
 - d) Trade law

53. The term 'proof beyond reasonable doubt' is a
- Burden of proof
 - Doctrine of proof
 - Standard of proof
 - Criminal defence
54. A legal doctrine which allows for double prosecution of a person by more than one state for the same crime, where both the states have jurisdiction for the prosecution, and notwithstanding the double jeopardy rule is
- Dual-criminality doctrine
 - Dual-sovereignty doctrine
 - Dual-persona doctrine
 - Dual-capacity doctrine
55. Which one of the following may be tendered as an affirmative defence to criminal liability?
- Ignorance
 - Provocation
 - Entrapment
 - Necessity
56. The defense available to an accused person by reason of having been elsewhere at the time an alleged offence was committed is called
- Alibi
 - Nolo contendere
 - Insanity
 - Ignorance
57. Which one of the following countries does not have a written Constitution?
- United States of America
 - Japan
 - United Kingdom
 - Australia
58. Which one of the following is not a reason for imposing a prison sentence?
- Punitive
 - Incapacitation
 - Rehabilitation
 - Deterrence
59. Which one of the following is not evidence?
- Testimony
 - Exhibits
 - Jury instructions
 - Stipulated facts

60. A kind of evidence, which cannot be rebutted or overcome is
- Conclusive
 - Primary
 - Best
 - Secondary
61. An agreement between a prosecutor and accused, whereby the defendant agrees to plead guilty in exchange for a lesser charge or to the original charge with a recommendation of a lesser sentence is known as
- Plea of nolo contendere
 - Plea bargain
 - Plea of guilt
 - Plea of innocence
62. Which one of the following has appellate jurisdiction over a case between two or more Dzongkhags?
- The Supreme Court
 - The High Court
 - The Dzongkhag Court
 - Administrative Tribunal
63. Which one of the following falls primarily under the civil law?
- Extortion
 - Corruption
 - Divorce
 - Tax fraud
64. A strict liability offence is
- a statutory offence.
 - an offence that does not require mens rea in relation to all aspects of actus reus.
 - an offence that requires mens rea but not actus reus.
 - an offence that requires both mens rea and actus reus.
65. Launching a malicious 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
- Perjury
 - Cantankerous litigation
 - False litigation
 - Extortion
66. Which one of the following statements is true about *obiter dicta*?
- A binding part of the decision.
 - Has a persuasive authority in future cases.
 - A decision made by a lower court.
 - A decision made in error of law.

67. An indirect tax is charged on
- Income
 - Spending
 - Profit
 - Gain
68. A landmark decision or judgment is
- a decision which concerns the neighbourhood principle.
 - a decision which establishes a legal principle.
 - a decision which includes words said in passing.
 - a decision made in the highest court of the land.
69. A person who agrees with another person or persons to engage in a conduct that constitutes crime is guilty of
- Solicitation
 - Aiding and abetting
 - Criminal attempt
 - Criminal conspiracy
70. Because of historical reasons, which one of the following countries considers the ‘Dignity of Life’ as more important than ‘Right to Life’ itself?
- Japan
 - Germany
 - Russia
 - China

PART II – Short Answer Questions (30 marks)

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

- “Precedence ensures uniform application of law”. Explain.
- The National Assembly of Bhutan can have a minimum possible number of how many members? Explain.
- Explain the doctrine of Plain View.
- Explain how customary practices influence legislation.
- Explain the social contract theory.
- Name three types of government.
- A state has 4 elements. Name three.
- What is gambling? Describe it using the legal elements of gambling.
- What does Damage and Injury mean? Explain.
- Name three scenarios where the state may suspend the rights of a person guaranteed under the Constitution.

TASHI DELEK