

**ROYAL CIVIL SERVICE COMMISSION
BHUTAN CIVIL SERVICE EXAMINATION (BCSE) 2021
EXAMINATION CATEGORY: TECHNICAL**

PAPER II: GENERAL SUBJECT KNOWLEDGE PAPER FOR LAW

Date	: October 30, 2021
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 basic and fundamental law of state which governs or determines the structure and functions of its various organs:
 - a) Administrative law
 - b) Constitutional law
 - c) Civil law
 - d) Customary law

2. Under Article 32 of the Constitution of the Kingdom of Bhutan, which of the following is NOT mentioned explicitly as a ground for impeachment of Holders of the Constitutional office?
 - a) Incapacity
 - b) Incompetency
 - c) Serious misconduct
 - d) Commits criminal offence

3. The *de jure* recognition under international law refers to
 - a) *De facto* recognition.
 - b) Legal recognition.
 - c) Factual recognition.
 - d) Temporary recognition.

4. Expression of opinion on the point which is not necessarily for the decision of the case:
 - a) Precedent
 - b) *Stare decisis*
 - c) *Ratio decidendi*
 - d) *Orbiter dicta*

5. Which of the following is TRUE while determining the “legal status of a dead man”?
 - a) Juristic person
 - b) Not a legal person
 - c) Legal person
 - d) None of the above

6. If something is advertised in a newspaper or on a poster, it will normally constitute as
 - a) An acceptance
 - b) An invitation to treat
 - c) Offer
 - d) Consideration

7. Plea bargain is an agreement executed between
 - a) the Court and Prosecutor.
 - b) the Court and the Defendant.
 - c) the Prosecutor and the Defendant.
 - d) the Defendant and the Victim.

8. The possession by a servant of his master's property is an example of
 - a) Possession in fact
 - b) Possession in law
 - c) both (a) and (b)
 - d) None of the above

9. *Jus cogens* (or *ius cogens*) is a latin phrase that literally means
 - a) Compelling law
 - b) Criminal law
 - c) Civil law
 - d) An agreement

10. The first constitutional case decided by the Supreme Court of Bhutan was filed by the
 - a) Druk Nyamrup Tshogpa
 - b) Opposition Party
 - c) Druk Gaki Tshogpa
 - d) Druk Kuenphen Tshogpa

11. As per the Constitution of the Kingdom of Bhutan, who has the right to appear and express opinions on any legal questions in Parliament?
 - a) The Chief Justice of Bhutan
 - b) The Royal Privy Council
 - c) The Attorney General
 - d) The National Judicial Commission

12. On which of the following mentioned ground can the competent court dismiss the case filed before it?
 - a) *Locus standi*
 - b) *Res Judicata*
 - c) *Res Sub Judice*
 - d) All of the above

13. Which of the following is the principle of double jeopardy?
 - a) Allows anyone from being prosecuted twice for the same offence.
 - b) Prohibits anyone from being prosecuted twice for the same offence.
 - c) Allows anyone from being prosecuted for two separate offence.
 - d) Prohibits anyone from being prosecuted for two separate offence.

14. Which of the following is not a primary source of law?
- a) Legislations
 - b) European Union law
 - c) Customs
 - d) Judicial precedents
15. The Golden Rule is one method of interpreting statutes. The golden rule is applied or used to
- a) modify the literal rule in order to avoid an absurdity.
 - b) interpret using the ordinary meaning of the language of the statute.
 - c) determine the exact scope of the mischief that the statute in question has set out to remedy.
 - d) interpret an enactment within the context of the purpose of the law.
16. Which of the following best describes the hierarchy of laws?
- a) Administrative instructions, Statutory laws, Delegated legislations, the Constitution
 - b) The Constitution, Statutory laws, Delegated legislations; Administrative instructions
 - c) Delegated legislations, Administrative instructions, the Constitution, statutory laws
 - d) Statutory laws, the Constitution, Delegated legislations; Administrative instructions
17. In the United Kingdom, where the legislation and case-law are in conflict, there is a presumption that legislation takes precedence insofar as there is any inconsistency. This principle is appropriately known as
- a) Judicial sovereignty
 - b) State sovereignty
 - c) Parliamentary sovereignty
 - d) Executive sovereignty
18. Evidence such as alibi or documents not shared to the prosecution by the investigators that may prove a defendant's innocence is known as
- a) Clandestine evidence
 - b) Substantive evidence
 - c) Imperative evidence
 - d) Exculpatory evidence
19. A kind of legal right which is not merely recognized by law but also enforced by law:
- a) Positive rights
 - b) Negative rights
 - c) Perfect rights
 - d) Imperfect rights
20. Generally, the substantive laws are those laws which concerns with
- a) Rights
 - b) Liabilities
 - c) Duties
 - d) All of the above

21. The doctrine of *ultra vires* is the major weapon for judicial control of administrative authorities. Broadly, substantive *ultra vires* may take place when
- the rule-making authority transgresses the power to make rules.
 - authorities act inconsistency with the parent statute.
 - the rule become repugnant to another statute.
 - All of the above
22. Every State has the right to establish the breadth of its territorial sea up to a limit
- exceeding 12 nautical miles.
 - not exceeding 12 nautical miles.
 - exceeding 24 nautical miles.
 - not exceeding 24 nautical miles.
23. Which of the following country has the longest written constitution?
- USA
 - UK
 - India
 - Australia
24. A form of punishment which essentially believes the idea of “an eye for an eye”:
- Reformative
 - Incapacitation
 - Restorative
 - Retribution
25. The Universal Declaration on Human Rights (UDHR) is a universal document as it suggests and first of its kind on human rights. Generally, the UDHR is
- a legally binding document.
 - a legally non-binding document.
 - certain part of document is binding.
 - None of the above.
26. Doctrine of *Doli Incapax* is applicable and protects the criminal liability of a
- Parents
 - Child
 - Guardian
 - Teacher
27. The common law doctrine of privity of contract provides that
- the party to the contract must put terms and condition in writing.
 - only those who are party to a contract may sue or be sued.
 - the parties to the contract should be of sound mind.
 - the private matters are excluded from the terms of contract.

28. The common law is law that is derived from the
- Judicial decisions
 - Customary principles
 - Legislative enactments
 - Administrative decisions
29. A rule of contractual construction which states that extrinsic evidence cannot be used to vary the terms of a written contract:
- Parol evidence rule
 - Cardinal principle
 - Exclusive evidence rule
 - Privity of contract
30. Which of the following doesn't accurately define or describe "private international Law"?
- It is set of rules framed by a state legislature.
 - It is enforced by concerned state executives.
 - Private international law is same for all states.
 - The courts in private international law are pre-determined.
31. From the following Fundamental Duties enshrined under the Constitution of the Kingdom of Bhutan, identify a duty which is not explicitly mentioned under the Article 8 of the Constitution?
- Duty to respect the national flag
 - Duty to act in aid of the law
 - Duty to pay tax
 - Duty to cast a vote
32. An agreement which transfers rights are called
- Assignments
 - Release
 - Grants
 - None of the above
33. The intellectual work such as writing, pictures, music and art are protected under
- Trade secrets
 - Copyrights
 - Trademarks
 - Patents
34. The right legally created in favour of a person who openly uses another's land or segment of a property in an uninterrupted fashion, without the land owner's express authorization and for a certain period of time stated in law.
- Express easement
 - Dominant and servient easement
 - Easement by prescription
 - Easement by prior use

35. A legal relationship under law, where the owner transfers physical possession of personal property for a time, but retains ownership:
- Custody
 - Bailment
 - Remand
 - Bond
36. The issue of entrapment arises when the law enforcement officials uses tactics to stimulate someone to
- commit a crime.
 - plead guilty.
 - make plea bargain.
 - arrest by citizen.
37. The phrase *Res Sub Judice* is a Latin maxim which generally means
- Under consideration before two competent courts at same time.
 - Under consideration before a competent court.
 - Inconsistency with public policy.
 - Previous judgement.
38. By the virtue of right of self-determination, a person can freely determine their political status and freely pursue their economic, social and cultural development. Thus, a person's right of self-determination is internationally recognized as
- a Civil and Political Right.
 - a Economic, Social and Cultural Rights.
 - both (a) and (b)
 - None of the above
39. The relevant environment principle which states that the polluter should bear the expenses of preventing and controlling pollution to ensure that the environment is in an acceptable state:
- The Precautionary Principle
 - The Prevention Principle
 - The Polluter Pays Principle
 - Sustainable Development Principle
40. The doctrine that recognizes the rights of a State to hunt a vessel belonging to a foreign state which has violated any law within its territorial jurisdiction:
- Hot pursuit
 - Exclusive Economic Zone
 - Continental shelf
 - Exploration right
41. Which of the following answer is best about the standard of proof in the criminal case?
- The case must be proven beyond 50% of probability.
 - The case must be proven beyond reasonable doubt.
 - The defendant proves the asserted claims.
 - The prosecutor submits lots of evidence before the court.

42. Identify a private law from the following classes of laws.
- Administrative law
 - Constitutional law
 - Criminal law
 - Contract law
43. Which of the following example falls under the incorporeal property?
- Patents,
 - Copyrights
 - Trademarks
 - All of the above
44. In order to get a benefit of the doctrine of frustration under law of contract, the party must prove that
- no fault of either party.
 - an unforeseen event occurred.
 - the unforeseen event renders performance of a contract impossible.
 - All of the above.
45. Who propounded the Theory of law which is also known as the “imperative theory of law”?
- Austin
 - Roscoe Pound
 - Salmond
 - Bentham
46. The *corpus juris* is divisible into two parts by reference to the sources from which it proceeds and they consist of
- enacted law and the precedent.
 - precedent and the customs.
 - customs and enacted law.
 - precedent and an agreement.
47. Which of the following is NOT true as per the provisions of the Constitution of the Kingdom of Bhutan?
- The Supreme Court shall be a court of record.
 - Third schedule: National Anthem of Bhutan.
 - The Holders of the constitutional offices shall not be eligible for re-appointment.
 - The constitution shall not be amended during a state of emergency.
48. The economic, social and cultural rights are the examples of
- first generation rights.
 - second generation rights.
 - third generation rights.
 - fourth generation rights.

49. As per Article 13 section 2 of the Constitution of the Kingdom of Bhutan, the “Legislative Bill” may originate in
- National Assembly
 - National Council
 - Either House
 - Joint sitting
50. Identify appropriate doctrine applied when the law enacted by Legislature violates fundamental rights:
- Doctrine of colourable legislation
 - Doctrine of pleasure
 - Doctrine of eclipse
 - Doctrine of pith and substance
51. According to the Penal Code of Bhutan, which of the following offence shall not be sentenced to life imprisonment?
- Gang rape of a child above 12 years of age
 - Murder
 - Treason
 - Terrorism
52. Void agreements are those which are
- recognized by law.
 - partially recognized by law.
 - not recognized at all by law.
 - None of the above.
53. With reference to the kind of special law, the examples such as the Article of Association, the Articles of Partnership, the Rules of cooperative society falls under
- Local law
 - Autonomic law
 - Mercantile customs
 - Conventional law
54. When the right of ownership is exclusively vested in one person, it is called as
- Incorporeal ownership
 - Contingent ownership
 - Sole ownership
 - Equitable ownership
55. A is tried for murder of B by beating with a club with the intention of causing his death. At A’s trial, which of the following constitutes “fact in issue”?
- A’s beating B with the club.
 - A’s causing B’s death by such beating.
 - A’s intention to cause B’s death.
 - All of the above.

56. A written order by a court to an individual to give testimony on a particular subject:
- Remand order
 - Subpoena
 - Writ of mandamus
 - Arrest warrant
57. Which of the following is NOT TRUE under the law of possession and ownership?
- Corpus implies possessor's physical relation to the object.
 - Constructive possession is right to recover possession.
 - Possession means 100% ownership.
 - Possession is nine points in law.
58. According to the Constitution of the Kingdom of Bhutan, the Chief advisor and other advisors of the interim government shall be appointed within _____ days after the dissolution of the National Assembly.
- seven
 - fifteen
 - twenty
 - thirty
59. A sees someone climbing into the window of a house. A later tells person B that the person he saw was C. Evidence from B of what A told him is a
- Hearsay evidence
 - Circumstantial evidence
 - Indirect evidence
 - Corroborative evidence
60. A person named "Mrs. B" testifies that she saw defendant running away from where victim's corpse was found. A "bloodstain" on defendant is
- Direct evidence
 - Indirect evidence
 - both (a) and (b)
 - None of the above
61. The examination of a witnesses by the party who calls him shall be called as
- Examination-in-chief
 - Cross-examination
 - Re-examination
 - Further cross-examination
62. If the law refers Cat, Dog, Cow, Horse etc. the rules of statutory construction the court may use to exclude Tiger from it will be
- Noscitur a sociis*
 - Ejusdem Generis*
 - Generalia Specialibus Non-Derogant*
 - Reddenda Singular Singularis*

63. The _____ is supreme in a country where there is unwritten constitution.
- Judiciary
 - Executive
 - Parliament
 - All of the above.
64. The universally recognized founder of the historical school of law:
- Fredrich Karl Von Savigny
 - Jeremy Bentham
 - John Austin
 - Roscoe Pound
65. A custom is source of law but a prescription is source of
- Duty
 - Rights
 - Ethics
 - Moral
66. The quasi-legal instruments such as agreements, principles, declarations, which do not have any legally binding force:
- Hard law
 - Soft law
 - Civil law
 - Common law
67. A defendant convicted of a misdemeanour under the Penal Code of Bhutan shall be sentenced to a term of
- minimum which shall be 1 year and a maximum which shall be less than 3 years.
 - minimum which shall be 1 year and a maximum which shall be 3 years.
 - minimum which shall be more than 1 year and a maximum which shall be less than 3 years.
 - minimum which shall be above 1 year and a maximum which shall be less than 3 years.
68. Generally, evidence may be examined by
- Prosecutor or plaintiff
 - Defendant or victims
 - Court or witnesses
 - All of the above
69. Which rule was enunciated in *Heydon's case*?
- Literal rule
 - Golden rule
 - Mischief rule
 - Beneficial rule

70. The difference of the meaning between the Dzongkha and English text of the constitution shall be reconciled by
- Parliament
 - Courts
 - Druk Gyalpo
 - People through referendum

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. What do you understand by the term “*pro se*” litigation? Discuss some of its advantages and disadvantages. (3 marks)
2. There are two main types of legal systems being followed in the world, with countries adopting features from one or other in their own legal system. Many argue that Bhutan follow mixed system. Briefly discuss why Bhutan follow mixed system. (3 marks)
3. How would you differentiate the works of Solicitor and Barrister? (3 marks)
4. Define justiciable and non-justiciable rights. Provide an example each. (3 marks)
5. Discuss on the standards of proof in civil litigation and criminal prosecution. (3 marks)
6. There are two kinds of persons recognized by law. Explain both with relevant examples. (3 marks)
7. Generally, it is said that rights and duties are correlative. Explain with reasons. (3 marks)
8. Explain writ of *mandamus* and provide circumstances under a writ of *mandamus* cannot be issued. (3 marks)
9. The rights may be classified into *right in rem* and *rights in personam*. Explain them with some examples. (3 marks)
10. Possession is nine points in law. Discuss. (3 marks)

TASHI DELEK