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BAR COUNCIL OF BHUTAN



**Jabmi Selection Examination**

**English Paper**

**Date: 27-06-2022**

**Registration No.** \_\_\_\_\_

THIS question paper has THREE sections.

Total Time: 2 hours 30 minutes  
(10:00 am to 12:30pm)

### Section One

#### Multiple-choice Questions (50x2=100 marks)

#### Instruction:

- Circle the correct answer.
- All questions are compulsory

1. Which of the following offenders tend to have the most available alternatives to incarceration?
    - a. Drug offenders.
    - b. Women.
    - c. Children in difficult circumstances.
    - d. Children in conflict with the law.
  
  2. Who can file a petition for domestic violence before a court of law?
    - a. Royal Bhutan Police.
    - b. Victims and Complainant.
    - c. Protection Officer, Competent Authority, Service Providers.
    - d. All of the above.
  
  3. A member of a joint family, even if he or she has left the main house without taking any share, shall cease to be a member of that family if he or she has lived apart from the main house for a period of time.
    - a. Five years.
    - b. Ten years.
    - c. Fifteen years.
    - d. It doesn't matter.
  
  4. Under the Moveable and Immovable Property, "collateral" means:
    - a. Moveable property that is subject to a security interest.
    - b. Immoveable property that is subject to a security interest.
    - c. Moveable property that has a monetary value.
    - d. Immoveable property that has a monetary value.
-

5. A will written wholly in the handwriting of the testator is called a:
  - a. Holographic will.
  - b. Hand written will.
  - c. Self-executed will.
  - d. Testator's will.
  
6. Whenever no evidence is produced to the satisfaction of the Court of the rate of interest being fixed, then:
  - a. No interest shall be chargeable or recoverable.
  - b. An interest of a maximum of 15 % per annum shall be chargeable and recoverable.
  - c. The Court shall determine the interest chargeable and recoverable.
  - d. The parties shall determine the interest chargeable and recoverable.
  
7. Ap Dopay pays Nu.2500 every year vehicle insurance with a condition that the Insurance Company will repair his vehicle should there be an accident or hits another vehicle or if there is a fire disaster. This is an example of:
  - a. Privity of contract.
  - b. Exception to privity of contract.
  - c. Doctrine of frustration.
  - d. Exception to the doctrine of frustration.
  
8. A predisposition or a preconceived opinion that prevents a person from impartially evaluating facts that have been presented for determination; a prejudice is known as bias. Apprehended bias or appear to be bias from conduct or behavior is an example:
  - a. Actual bias.
  - b. Perceived bias.
  - c. Pecuniary bias.
  - d. Non-discrimination bias.

9. Karma Choden owns a company. During work, she promised her employee Suzzane that she would pay a certain amount of money to her retirement fund every month. For years, Suzzane worked believing that Karma was doing that, but she was not. When Suzzane finally retired, she had a very unpleasant surprise and suffered a major loss because she was expecting a valuable sum. Suzzane can sue Karma because she believed in that promise, and the owner of the company fooled her, which triggered a major financial loss. Karma may lose the litigation on the grounds of:
- Promissory Estoppel.
  - Expectancy Damages.
  - Loci standi.
  - Employment contract.
10. Sonam, karma, Kuenga, Ugyen and Pelden were residents of Tshaluna Community. They are affected by the blasting of stones nearby their community. They all join together to file a case against the mining company. This is an example of:
- Class-action suit.
  - Public interest litigation.
  - Complex litigation.
  - None of the above.
11. The Court through judicial sale can attach properties and the following properties are exempt from sale except:
- Wetlands.
  - Essential wearing -apparel.
  - Agricultural land.
  - Books of accounts.
12. Mr. A and Mrs. B were married for more than nine years. However, the duration of marriage recorded as per the marriage certificate is only six years. Which of the following is the accurate basis for determining compensation (GAO) under the Marriage (Amendment) Act, 1996?
- 7 months minimum national wage rate.
  - 5 months minimum national wage rate.
  - 3 months minimum national wage rate.
  - None of the above.
-

13. The offence of Larceny shall be:
  - a. Petty misdemeanor.
  - b. Misdemeanor.
  - c. Felony of fourth degree.
  - d. Value-based sentencing.
  
14. The grading for the disclosure of the identity of a rape victim in the media without the consent of the victim is:
  - a. Misdemeanor.
  - b. Petty Misdemeanor.
  - c. Felony of fourth degree.
  - d. Violation.
  
15. If the defendant unlawfully restrains trade and commerce by interfering with free competition in business and commercial transactions, the defendant shall be liable for:
  - a. Business infringement.
  - b. Garnishment.
  - c. Anti-trust.
  - d. Criminal nuisance.
  
16. The Royal Bhutan Police shall not:
  - a. Investigate civil cases.
  - b. Decide or compromise any case.
  - c. Disclose any personal source of information under any circumstances to any person or authority.
  - d. All of the above.
  
17. The Chief of Police may submit to His Majesty the King the list of prisoners for consideration of amnesty or remission of sentence based on:
  - a. Good conduct and behavior.
  - b. Prisoners above 70 years of age having served a minimum of fifteen years of the sentence.
  - c. Prisoners suffering from a terminal illness.
  - d. All of the above.

18. Mark the correct statement for Corporate Income Tax.
- Full tax liability for resident companies shall commence from the date of its incorporation under the Companies Act of the Kingdom of Bhutan and cease when it is wound up under the provisions of the Companies Act.
  - Full tax liability for resident companies shall commence from the date the company starts earning income and cease when it stops earning income or turns bankrupt.
  - Full tax liability for the resident companies shall commence from the day of receiving notification from the Department of Revenue and Customs.
  - All the above are correct statements.
19. The Chief of Police may submit to His Majesty the Druk Gyalpo the list of prisoners for consideration of amnesty or remission of sentence under specific grounds. Which of the following is NOT a ground for such submissions?
- Prisoners who have served more than 75% of the sentence term.
  - Prisoners having good conduct and behavior.
  - Prisoners above 70 years of age, provided they have served a minimum of 15 years of the sentence term.
  - Prisoners suffering from a terminal illness.
20. A person who comes into control of property known to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient and with the purpose of depriving the owner thereof, and fails to take reasonable measures to restore the property to the person entitled to it commits an offence of:
- Larceny.
  - Possession of stolen property.
  - Larceny of property lost, mislaid, or delivered by mistake.
  - Larceny by deception.
21. The first information received by the police station relating to the commission of the offence is recorded in:
- Crime Information Report (CIR).
  - Police Crime Information (PCR).
  - First Information Report (FIR)
  - Police First Information Report (PFIR).



22. Leading questions are generally not allowed during:
- Cross-examination of a witness.
  - Direct examination of a witness.
  - On matters not in dispute.
  - Where leave has been granted to treat the witness as 'hostile'.
23. The principle on which a dying declaration is admitted in evidence is indicated in the legal maxim:
- Nemo moriturus proesumitur mentiri.
  - Lex fori.
  - Res judica.
  - None of the above.
24. An arbitral award may be set aside for some reasons. Which one of the following is NOT a ground for setting aside arbitral awards:
- A party to the arbitration agreement was under some incapacity to enter the arbitration agreement;
  - The subject matter of the dispute is not capable of settlement by arbitration;
  - To correct in the award any errors in computation; any clerical or typographical errors, or any errors of similar nature; or
  - The award is manifestly contrary to public policy.
25. In cases concerning children, the Court may conduct an inquiry before the formal hearing known as:
- Separate inquiry.
  - Investigation.
  - Inquiry.
  - Preliminary inquiry.
26. Coercion, undue influence, and misrepresentation make a contract:
- Void at the option of the party whose consent was so obtained.
  - Voidable at the option of the party whose consent was so obtained.
  - Valid for both sides.
  - Invalid for both sides.
27. What is not an example of direct taxes?
- Income Tax.
  - Wealth Tax.
  - Property Tax.
  - Excise Tax.

28. Which of the following statements regarding the arbitration procedure is true?
- The arbitration procedure may or may not be conducted according to the Civil and Criminal Procedure of the Kingdom of Bhutan.
  - The parties may agree on the procedure to be followed by the arbitral tribunal.
  - The arbitral tribunal may conduct the proceedings in such manners it deems appropriate.
  - All of the above.
29. What is the term used to define land that is subjected to easement as per the Land Act?
- Dominant Land.
  - Kidu Land.
  - Residential Land.
  - Servient Land.
30. In a workplace context, an employer can be liable for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment. Which Liability does the above statement refer to?
- Strict Liability.
  - Absolute Liability.
  - Vicarious Liability.
  - Criminal Liability.
31. Which of the following is the technical terminology for the rule against bias and the right to a fair hearing?
- Natural Justice.
  - Legitimate Expectation.
  - Principle of Legality.
  - Audi alteram partem.
32. Someone who suffers loss caused by another's failure of duty to care can/may claim damages. Which principle can that person use to claim damages?
- Abuse of process.
  - Breach of promise.
  - Law of negligence.
  - Joint and several liability.



33. Under the Inheritance Act, if a man who has 2 or more wives all of whom live together dies, the property of the deceased shall be inherited by:
- All the wives and children.
  - Only the wives.
  - Only the children.
  - The first wife and the children.
34. Bhutan Hyundai recently launched a series of electric cars. In view of getting more customers to buy these cars, Bhutan Hyundai organized a three-day promotional event on Changlimithang ground. The promotional event states that anyone who buys the vehicle during this event will get Nu.30,000 discount and comprehensive insurance for one year. This is an example of:
- Offer.
  - Invitation to treat.
  - Promise.
  - Proposal.
35. Thimphu Thromde is planning to dismantle Aum Wangmo's house claiming that her house is built on government land. But Aum Wangmo insists that the land belongs to her. Since Thromde plans to dismantle the house on Saturday and in the evening of Friday she receives the notification from Thromde. She immediately seeks judicial intervention as she can't wait till Monday. The Chief Judge issues the injunction order without hearing to hold the dismantling of the house until the actual case is registered. The most likely type of the injunction in this would be:
- Permanent injunction.
  - Preliminary Injunction.
  - Interlocutory injunction.
  - Temporary Restraining Order.
36. The Court has the authority to issue default judgment on the merits of the case if the parties:
- Fails to appear at a trial.
  - Fails to answer.
  - Gives an evasive reply.
  - Takes too many adjournments.

37. A person who applies for citizenship by naturalization shall:
- Have lawfully resided in Bhutan for at least fifteen years.
  - Have lawfully resided in Bhutan for at least twenty-five years.
  - Have lawfully resided in Bhutan for at least eighteen years.
  - Have lawfully resided in Bhutan for ten years.
38. If the Bill is passed from both the Houses, it shall be from the date of passing of such Bill be presented to the Druk Gyalpo for His Assent within:
- 21 days.
  - 30 days.
  - 15 days.
  - 90 days.
39. Which of the following is NOT true?
- Deed of divorce (*Yigthue*) shall be granted to the spouse of an absconder.
  - Deed of divorce shall be granted on the grounds of sterility, impotence, or failure to consummate a marriage.
  - Deed of divorce shall be granted to a spouse of a person who has served imprisonment for more than a year.
  - Deed of divorce shall be granted if the couple willfully neglects each other.
40. What are the activities which require permits in the Government Reserved Forest under the Forest and Nature Conservation Act of Bhutan, 1995?
- Camping, an entry in the designated areas, hiking or using the vehicle, taking any photographs, video, or sound recording, and conducting scientific research.
  - Conducting scientific research.
  - Camping, Hiking, felling, and hunting.
  - Taking any photograph, video, or sound recording.
41. No person shall be entitled to commence proceedings for any relief or remedy for breach of contract if ..... years have elapsed from the date on which the breach was committed or from the date on which such person became aware of such breach, whichever is later.
- Two years.
  - Three years.
  - Four years.
  - Five years.

42. The compensation rate of the acquired land shall be fixed or revised by:
- National Land Commission of Bhutan.
  - Local Govt. where the acquired land is located.
  - Property Assessment and valuation agency.
  - The land owner himself/ herself.
43. The Moveable and Immovable Property Act of the Kingdom of Bhutan came into force on:
- 24<sup>th</sup> July 1999.
  - 26<sup>th</sup> July 1999.
  - 28<sup>th</sup> July 1999.
  - 30<sup>th</sup> July 1999.
44. Fact in issues means:
- Fact, existence or non-existence of which is admitted by the parties.
  - Fact, existence or non-existence of which is disputed by the parties.
  - Fact, existence or non-existence of which is not disputed by the parties.
  - All of the above.
45. *De minimus non curat lex* implies:
- Every person is liable for his own acts.
  - Trifling acts do not constitute an offence.
  - Necessity knows no law.
  - Nothing is an offence that is done in private defense.
46. The upholder of Bhutan's *Chhoe-sid-nyi* is:
- The Druk Gyalpo.
  - Je Khenpo.
  - The Prime Minister.
  - The Bhutanese citizens.
47. The Government shall be dismissed if the vote of no confidence against the government is passed by:
- Not less than one-third of the National Assembly Members.
  - Not less than one-fourth of the National Assembly Members.
  - Not less than three fourth of the National Assembly Members.
  - Not less than two-thirds of the National Assembly Members.

48. If the defendant purposely, knowingly, recklessly, or negligently causes apprehension of bodily injury to another person, the defendant shall be liable for the offence of:
- Assault.
  - Battery.
  - Reckless endangerment.
  - Armed Robbery.
49. The purpose of complex litigation is:
- To ensure that all parties with an interest or liability associated with legal action are incorporated as parties to a case.
  - Effective and faster justice.
  - Reduce time and expenses for the Court.
  - All of the above.
50. The doctrine of privity of contract dictates that:
- Only the parties to a contract are entitled to take action to enforce it.
  - A third-party beneficiary is entitled to take action to enforce the contract if he/she is denied the promised benefit.
  - Both the parties to the contract and the third party beneficiary are equally entitled to take action to enforce the contract.
  - None of the above.
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## Section Two

### ONE compulsory long essay question

(65 marks for substance and 35 marks for grammar and vocabulary)

Mr. A and Mrs. B got married on 1<sup>st</sup> January 2010 as per the customary rites or rituals. But married couples are related by blood (*serga khotken-mathang*). One year later, Mrs. B insisted on acquiring a marriage certificate, but Mr. A refused by saying that a marriage certificate is unnecessary as they are related. In 2013, a married couple had a baby boy. Mrs. B again insisted on obtaining a marriage certificate for the purpose of the census of a child, but Mr. A denied it. However, a child's name was enumerated in the census without having to produce a marriage certificate.

In 2016, Mrs. B was diagnosed with malignancy and got her uterus removed. Mr. A desperately wanted a baby girl. Seven years later, Mr. A, hoping for a baby girl, had illicit affairs with Mrs. C (a neighbor), who subsequently gave birth to a baby girl. Mr. A discloses this to Mrs. B and insists upon her accepting Mrs. C as a second wife. Mrs. B rejects his proposal, and she has no other option than to divorce Mr. A.

- A. Explain the legal procedures for persons seeking a divorce without marriage certificates and determine the basis of fines to be deposited in the Court. In this hypothetical case, which couple (A or B) is liable to pay fines for not possessing the marriage certificate?
- B. Critically analyze whether Sections KHA 1-8 and KHA 9.1 of the Marriage Act, 1980 are contradictory or not?
- C. Explain the legal procedures for acquiring a marriage certificate from a Court of law and also describe the responsibilities of persons standing as sureties.
- D. Who are the persons disqualified or restricted by the Marriage Act 1980 for grant of a marriage certificate? Can the Court grant a marriage certificate to Mr. A and Mrs. B?
- E. What legal claims or remedies are available to Mrs. B on divorce under the Marriage Act?

**Section Three**  
**Choose ONE question**

(35 marks for substance and 15 marks for Grammar and vocabulary)

1. Section 213 of the Contract Act of Bhutan states, "No compensation shall be payable for any loss or damage which is remote or indirect." Explain the principle under which this provision exists.

**OR**

2. In one of the controversial criminal trials, the defense lawyer instantaneously objected to physical evidence produced by the prosecution before the Court. However, the prosecution contended that the evidence was obtained lawfully, and thus, it should be admissible. In the light of the above argument, explain the doctrine of the fruit of the poisonous tree with pertinent cases in point.

-----**Best of Luck**-----