

ROYAL CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMON EXAMINATION (CSCE) 2008 EXAMINATION CATEGORY: TECHNICAL (LAW) Law Graduates (with/without PGDNL)

PAPER II: General Subject Knowledge

Total Marks: 100

Total time: 1 hour & 30 minutes

Instructions:

- a) You are given **10 minutes** for reading the question paper and hence you are **not allowed to write** your answers, until you are being instructed by the examiner/invigilator.
- b) The entire question segment is divided into **Section A** and **Section B**.
- c) Section A carries **70 marks** and Section B carries **30 marks**.
- d) You are required to attempt **all 10 short questions from Section B**. Your answers will be evaluated based on your analytical skill, logic and application of appropriate provisions of laws.
- e) All your answers must be written in the answer sheet/s. Answers written on the question paper/s and attached to answer sheet **shall not be accepted**.
- f) The question papers consist of **10 pages**.

SECTION A

Attempt all 70 questions. Choose and write the correct answer in your answer sheet:

1. The main source of laws in Bhutan is:
 - a) Judiciary
 - b) Parliament
 - c) Dzongkhag Tshogdu.
2. The principle "Vis Major" in the Law of Torts means:
 - a) An act of Government
 - b) An act of human being
 - c) An Act of God.
3. The rule of "Vicarious Liability" means:
 - a) Agent is liable
 - b) Both principal and agent are liable
 - c) Principal is liable.
4. A corporate act committed outside of the corporation authority is termed as:
 - a) Ultra vires act
 - b) Intra vires act
 - c) Unconstitutional act.

5. The term "Rule of Law" is derived from:
 - a) German phrase "la principe de legalite"
 - b) French phrase "la principe de legalite"
 - c) Latin phrase "la principe de legalite".

6. The doctrine of Separation of Power (SoP) is first traceable to the writings of:
 - a) Montesquieu
 - b) Aristotle
 - c) John Austin.

7. A partner who takes an active part in the business but is not known to the public as a partner is called:
 - a) Secret partner
 - b) Silent partner
 - c) Ostensible partner.

8. A defence that is good against everyone, including a holder in due course of a negotiable instrument is called:
 - a) Real defence
 - b) Self defence
 - c) All purpose defence.

9. A principle of law giving all riparian owners equal rights to the reasonable use of the water that flows past their borders:
 - a) Riparian rights doctrine
 - b) Littoral owners
 - c) Reasonable right.

10. Notice imputed by law is also called:
 - a) Constructive notice
 - b) Real notice
 - c) Actual notice.

11. When a minor is party to a contract, the contract is legally said to be:
 - a) Doli incapax
 - b) Void ab initio
 - c) Both (a) and (b).

12. Malice in law means:
 - a) A wrongful act done intentionally without just cause or excuse
 - b) A wrongful act done without an intention
 - c) A right act done with a good intention.

13. A claim or charge on the property for the payment of a debt is:
 - a) Foreclosure

- b) Lien
 - c) Redemption.
14. A person appointed by the Court to administer the estate of an intestate decedent is:
- a) Administrator or administratrix
 - b) Executor
 - c) Representative.
15. Which one of the following is not a source of laws:
- a) Customs
 - b) Precedents.
 - c) Bills.
16. *Ratio Decidendi* means:
- a) Dictum
 - b) Reasons for a decision in the judgment
 - c) None of the above.
17. One of the instruments given below is not a negotiable instrument:
- a) Cheque payable either to the order or to the bearer
 - b) Bill of exchange
 - c) A note without any signature and address.
18. The Latin expression **Juris Prudentia** denotes:
- a) Skill in law
 - b) Knowledge of law
 - c) Both (a) and (b).
19. The civil law system commonly known as *jus civile* has origin in:
- a) Latin America
 - b) Scandinavian Countries
 - c) Roman Empire.
20. A offers to pay Nu.100,000 to B if B murders C. This kind of agreement is called:
- a) Void agreement
 - b) Illegal agreement
 - c) Voidable contracts.
21. An advertisement in the newspapers that an auction shall take place at an address on a stipulated day and time is:
- a) An invitation to offer
 - b) An offer
 - c) A counter offer.
22. If Pema in response to the advertisement as mentioned in question 21 reaches the

spot but finds that the auction has been withdrawn without a notice. Is there a breach of contract?

- a) Yes
- b) No
- c) Depends on facts and circumstances.

23. John Austin who lived in England from 1790-1859 is the author of:

- a) The Province of Jurisprudence Determined
- b) Of Laws in General
- c) The Concept of Law.

24. The principle of a case is found by taking into account of the facts treated by the judges as material and their decision based on them. This is one of the methods of determining the ratio decidendi of a case. Who propounded this method?

- a) Goodhart
- b) Wambaugh.
- c) Jeremy Bentham.

25. 'Judgments Today', a daily reporter of the Supreme Court of India's judgments is an example of:

- a) Secondary source of legal material
- b) Primary source of legal material
- c) Neither of them.

26. Ugyen and Dorji are employees of Samtse College of Education in Samtse. A dispute between them has arisen over a land located in Samtse. Ugyen wants to settle the dispute once and for all in the Court of law. Therefore, he has to file the case in:

- a) Phuentsholing Dungkhaig Court
- b) Chhukha Dzongkhag Court
- c) Samtse Dzongkhag Court.

27. The Legal Advisor to and legal representative of the Government of Bhutan is:

- a) Solicitor General
- b) Attorney General
- c) Chief Justice of Bhutan.

28. According to Article 29 of the Constitution, the Attorney General of Bhutan is appointed by:

- a) Prime Minister
- b) Chief Justice
- c) Druk Gyalpo.

29. Mohan has refused to talk to his wife Sita for the last two years. It has been very difficult for Sita to run the house and live with Mohan anymore as a family under the same roof. She wants to file a divorce petition to the Court in New Delhi. Sita

approaches you seeking some legal advice, and as her lawyer, which of the following grounds will you use to file the petition:

- a) Physical cruelty
 - a) Desertion
 - b) Mental cruelty.
30. A writ issued by a superior court to compel a lower court or government officer to perform mandatory or purely ministerial duties correctly is the writ of:
- a) Mandamus
 - b) Certiorari
 - c) Habeas Corpus
31. The rule that no object may be used in the Court as evidence if obtained illegally is:
- a) Exclusionary rule
 - b) Hearsay rule
 - c) Irrelevancy rule.
32. A liability that does not depend on actual negligence or intent to harm, but that is based on the breach of an absolute duty to make something safe:
- a) Remedial liability
 - b) Strict liability
 - c) Secondary liability.
33. Damages that cannot be determined by a fixed formula and must be established by a judge is:
- a) Un-liquidated damages
 - b) Special damages
 - c) Punitive damages.
34. A lawful act performed in a wrongful manner is:
- a) Malfeasance
 - b) Non-feasance
 - c) Misfeasance.
35. When was the first Attorney General of Bhutan appointed:
- a) 16 August 2006
 - b) 10 August 2007
 - c) 7 August 2005.
36. Who is envisaged as the Chairperson of the *Jabmi Tshogdey* of Bhutan:
- a) Attorney General
 - b) Chief Justice of High Court
 - c) Chairperson of Jabmi Thuentshog.

37. Generally, the "Rule of Law" is a system that:
- Attempts to protect the rights of citizens from arbitrary and abusive use of government power
 - Confers duty to citizens
 - Both (a) and (b).
38. The legislative act or process of legalizing an illegal act is:
- Decriminalization
 - Non criminalization
 - Acquittal.
39. In the Law of Torts, a legal obligation imposed on individuals requiring that they adhere to a reasonable standard of care while performing an act that could foreseeably harm others:
- Fiduciary duty
 - Duty of care
 - Conflict of duty.
40. The High Court of Bhutan was established in:
- 1955
 - 1968
 - 1974.
41. The finality of the interpretation of laws in Bhutan lies with the:
- Druk Gyalpo
 - Supreme Court
 - High Court.
42. Currently, how many tiers of Courts do we find in Bhutan?
- Two tiers
 - Three tiers
 - Four tiers.
43. A supplement or addition to a will is :
- Codicil
 - Probate
 - Intestate succession.
44. The principle of Natural Justice encompasses the following:
- No one can be a judge in his own cause
 - A judge must hear both sides
 - Both (a) and (b).
45. When a list of two or more specific descriptors are followed by more general descriptors, the otherwise wide meaning of the general descriptors must be

restricted to the same class, if any, of the specific words that precede them:

- a) Ejusdem Generis (of the same kinds, class or nature)
 - b) In pari material (upon the same matter or subject)
 - c) Noscitur a sociis (a word is known by the company it keeps).
46. The willful, malicious and repeated following, harassing and threatening of another person, intending to place the person in fear of death or serious bodily injury:
- a) An attempt to commit a battery
 - b) Stalking
 - c) Robbery.
47. The killing of a human being by another human being is:
- a) Murder
 - b) Homicide
 - c) Manslaughter.
48. An international body of rules which in war time protect persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare:
- a) International humanitarian law
 - b) International human rights law
 - c) Private international law.
49. The voluntary sexual intercourse by a married person with someone other than his or her spouse or by unmarried person with a married person is called:
- a) Incest
 - b) Adultery
 - c) Polygamy.
50. A legal doctrine under which a master is responsible for the torts of his or her servants that are committed within the scope of employment:
- a) Several liability
 - b) Doctrine of respondeat superiors
 - c) Joint liability.
51. An original work fixed in a tangible medium of expression:
- a) Patent
 - b) Intellectual Property
 - c) Trademark.
52. Arbitration in which the arbitrator's decision is simply a recommendation and need not be complied with:
- a) Mandatory arbitration
 - b) Nonbinding arbitration
 - c) Plea bargaining.

53. An order by the Court ordering a breaching party to do that which he or she agreed to do under the terms and conditions of the contract is:
- Specific performance
 - Compensatory performance
 - Accord and satisfaction.
54. A short and simple trial when the dispute does not exist between parties is called:
- Preliminary proceeding
 - Summary proceeding
 - Neither of the above.
55. A person who holds legal title to property of another person:
- Caretaker
 - Trust processor
 - Trustee.
56. A motion made by the defendant asking the Court to dismiss the case:
- Motion to strike
 - Motion to dismiss
 - Motion to stay.
57. A discretionary power of mostly commonly courts to refuse to hear a proceeding that has been brought before it is:
- Forum non conveniens
 - Inappropriate forum
 - Both (a) and (b).
58. A person authorized to administer oaths, attest to certify documents, take acknowledgements and perform other official acts:
- Notary public
 - Deponent
 - Verifier.
59. Jurisdiction over the subject of the legal questions involved in the case is:
- Subject matter
 - Personal
 - Territorial.
60. Two or more sentences imposed on a defendant to be served at the same time:
- Double sentences
 - Concurrent sentences
 - Consecutive sentence.

61. Final statements by the attorneys summarizing the evidences that has been submitted to the Court of Law:
- a) Rebuttal
 - b) Summation
 - c) Final contention.
62. Which of the following judges should be addressed as justices:
- a) Judges of Dzongkhag Courts
 - b) Judges of Supreme Court and High Court
 - c) Both (a) and (b).
63. Laws designed to minimize the effect of lapses:
- a) Antilapse statutes
 - b) Lapsed device
 - c) Lapsed legacy.
64. A group of condominium unit owners that manages and maintains a condominium is:
- a) Concurrent ownership
 - b) Condominium
 - c) Condominium association.
65. One who borrows money and gives a mortgage by pledging the property to the lender:
- a) Mortgagor
 - b) Mortgagee
 - c) Neither of the above.
66. The space above 1000 feet over populated areas and above 500 feet over water and unpopulated areas:
- a) Navigable water
 - b) Navigable airspace
 - c) No man's space.
67. A law enacted by the City:
- a) Order
 - b) Command
 - c) Ordinance.
68. A promise that is binding on one person only and does not run with the land:
- a) Easement right
 - b) Personal covenant
 - c) Neither of the above.
69. The act terminating a valid marriage by the Court:

- a) Divorce
- b) Limited divorce
- c) Unlimited divorce.

70. A person to whom a negotiable instrument is transferred by endorsement:
- a) Drawee
 - b) Indorsee
 - c) Payee.

SECTION B

Attempt all **10 short** questions (30 marks).

1. Explain the concept of "a court of record".
2. Yesli Seldon is a civil servant who is accused of accepting bribes from the supplier of office stationery and equipment. Her agency dismissed her from the service on the ground she was guilty of violating the Civil Service Code of Conduct and Ethics. Further, she is being charged for accepting bribe in the Court of law. Explain whether or not her dismissal as well as the prosecution in the Court tantamount to double jeopardy.
3. Explain the concept of eminent domain and under what conditions the Government can exercise this power?
4. What is the case method of studying laws? What are its advantages over the traditional lecture method?
5. Explain the concept of the "exhaustion of local remedies"?
6. It is a known fact that there are several inconsistencies in our existing laws that often confuse the Drangpons and poses problems to the administrative machineries. Suggest legal remedies to remove the anomalies.
7. What is the principle laid down in the case **Rylands Vs. Fletcher**?
8. What do you understand by the term *Obiter Dictum*? Explain its importance.
9. What are the contributions made by the International Court of Justice (ICJ) to the world?
10. A Bhutanese national while on a holiday in Thailand commits a serious criminal offence there. What principle of international law could the Bhutanese Court could use to assume its jurisdiction over the case?