

ROYAL CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMON EXAMINATION (CSCE) 2009 EXAMINATION CATEGORY: TECHNICAL (LAW)

PAPER II: General Subject Knowledge

Total Marks: 100

Total time: 1 hour and 30 minutes

Instructions:

- a) You are allotted **10 minutes** for reading the question papers and hence you are **not allowed** to write your answers during this time.
- b) Entire question segment is divided into **Section A** and **Section B**.
- c) **Section A** carries **70 marks** and **Section B** carries **30 marks** each.
- d) You must attempt **all 70 multiple choice questions from Section A** and **all 10 short questions from Section B**.
- e) Your answers will be evaluated based on your analytical skill, logic, clarity, preciseness of answers and application of relevant laws to facts provided in the questions.
- f) 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 for evaluation**.
- g) Question papers consist of **10 pages**.

SECTION A

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

1. The wrongful taking and carrying away of the personal property of another from the other person or personal custody, against his or her will by force and violence:
 - a) Theft
 - b) Robbery
 - c) Burglary.
2. An order from the Court forbidding a person to perform a particular act:
 - a) Injunction
 - b) Directive
 - c) Command.
3. The willful and malicious burning of the dwelling house of another is:
 - a) Burglary
 - b) Arson
 - c) Extortion.
4. The evidence of an indirect nature:
 - a) Direct evidence
 - b) Circumstantial evidence
 - c) Opposing evidence.

5. The jury, or the judge in a non-jury trial is:
- Fault finder
 - Judgment creditor
 - Fact finder.
6. Sexual intercourse between two unmarried individual persons:
- Adultery
 - Fornication
 - Rape.
7. A wrong committed by one person against another person:
- Misdemeanour
 - Tort
 - Crime.
8. Which one of the following Articles of the Constitution of the Kingdom of Bhutan grants the Fundamental Rights to Bhutanese citizens:
- Article 6
 - Article 7
 - Article 8.
9. Ugyen Tshewang has been physically abusing his wife Karma Lhaden for the last five years. Karma Lhaden can no longer bear this abuse afflicted on by her husband. She now contemplates of filing a suit for divorce in the Court. As her legal counsel, which of the following grounds will you invoke to file the suit:
- Desertion and mental cruelty
 - Physical and mental cruelty
 - Sexual and physical abuse.
10. Which one of the following bodies interprets laws?
- Judiciary
 - Cabinet
 - Parliament.
11. Who first propounded the doctrine of *Separation of Power*?
- John Austin
 - Montesquieu
 - Aristotle.
12. A contract becomes *void ab initio* when it is executed by:
- A minor
 - A person who is just 21 years old
 - Both (a) and (b).
13. A property mortgaged for payment of a debt is called:
- Foreclosure

- b) Redemption
 - c) Lien.
14. The principle "Rule of Law" is based on:
- a) Latin phrase "la principe de legalite"
 - b) French phrase "la principe de legalite"
 - c) English phrase "la principe de legalite".
15. *Ratio Decidendi* in law means:
- a) Obiter Dictum
 - b) Judgment
 - c) Stating reasons for a decision in the judgment.
16. The civil law system has origin in:
- a) Roman Empire
 - b) Latin America
 - c) Scandinavian Countries.
17. An agreement is illegal when:
- a) "A" offers to pay Nu.100,000.00 to B if B murders C.
 - b) "A" offers to pay Nu.100,000 to B for certain consideration
 - c) "A" is the legal guardian of minor in the contract.
18. Under the Law of Tort, one can claim the defence on the ground that he did not foresee the natural calamity by invoking the principle:
- a) Self-defence
 - b) An Act of God
 - c) Mens-rea.
19. *Vicarious Liability* denotes:
- a) Agent is liable
 - b) Principal is liable
 - c) Both principal and agent are liable.
20. Article 29 of the Constitution of the Kingdom of Bhutan provides legitimacy to appoint the Attorney General by:
- a) Cabinet
 - b) Druk Gyalpo
 - c) Parliament.
21. Which has the final authority for interpretation of laws in Bhutan?
- a) National Council
 - b) Parliament
 - c) Supreme Court.
22. An advertisement in the media to carry out a certain act on a particular day, time

and place is called:

- a) An offer
 - b) A counter offer
 - c) An invitation to offer.
23. The term "Natural Justice" in law means:
- a) No one can be a judge in his own cause
 - b) Justice rendered by the Court
 - c) Judge must not hear from both the parties.
24. An act against the King and country under the English Common Law System:
- a) Felony
 - b) Treason
 - c) Crime.
25. One who does not commit the act, but was present, aiding and abetting another in the commission of a felony:
- a) Principal in the first degree
 - b) Principal in the second degree
 - c) Principal in the third degree.
26. The giving or receiving a reward to influence any official act is:
- a) Material compensation
 - b) Monetary compensation
 - c) Bribery.
27. Sexual intercourse with a child under the age set by state statute, regardless of whether the child consented or not:
- a) Incest
 - b) Statutory rape
 - c) Adultery.
28. One who commits a tort:
- a) Offender
 - b) Criminal
 - c) Tortfeasor.
29. A doctrine under which government bodies are immune from the tort liability:
- a) Doctrine of Estoppel
 - b) Doctrine of sovereign immunity
 - c) Doctrine of lapse.
30. Liability under which all joint tortfeasors must be named as defendants in a lawsuit:
- a) Several liability
 - b) Joint liability

- c) Individual liability.
31. Tarnishing the image of a person through writing is:
- a) Defamation
 - b) Libel
 - c) Slander.
32. A nuisance that affects the community at large:
- a) General nuisance
 - b) Public nuisance
 - c) Private nuisance.
33. At common law, the wrongful taking and carrying away of personal property of another with the intent to steal is:
- a) Grand larceny
 - b) Larceny
 - c) Larceny by false pretenses.
34. An intent to steal:
- a) Actus rea
 - b) Animus Furandi
 - c) Nota-bene.
35. A contract containing one promise in exchange for an act:
- a) Bilateral contract
 - b) Multilateral contract
 - c) Unilateral contract.
36. One to whom a right is transferred by assignment is called:
- a) Assignor
 - b) Assignee
 - c) Assignment.
37. Damages agreed on by the parties at the time of execution of a contract in the event of a subsequent breach:
- a) Monetary damages
 - b) Liquidated damages
 - c) Nominal damages.
38. Any word, name, symbol, or device used by a business to identify goods and distinguish them from those manufactured or sold by others:
- a) Service-mark
 - b) Trademark
 - c) Trade-secret.
39. The unauthorized making, using, or selling of a patented invention during the

- term of the patent:
- a) Copy right infringement
 - b) Patent infringement
 - c) Property right.
40. The failure to do an act that ought to be done:
- a) Malfeasance
 - b) Non-feasance
 - c) Misfeasance.
41. A person who brings a legal action against another:
- a) Defendant
 - b) Plaintiff
 - c) Respondent.
42. Jurisdiction over the person:
- a) Original jurisdiction
 - b) Personal recognizance
 - c) Personam jurisdiction.
43. The working out of a mutually satisfactory disposition of a case by the prosecution and the defence:
- a) Mutual negotiation
 - b) Mutual settlement
 - c) Plea bargaining.
44. The constitutional right given to people who are arrested to be told before being questioned that they have the right to remain silent, that any statements made by them may be used against them, that they have a right to have a lawyer present, and that a lawyer will be provided without cost if they cannot afford one:
- a) Administrative warnings
 - b) Judicial warnings
 - c) Miranda warnings.
45. The power to hear a case when it first goes to the Court:
- a) Secondary jurisdiction
 - b) Original jurisdiction
 - c) Personam jurisdiction.
46. Statutes that allow one state to reach out and obtain personal jurisdiction over a person in another state:
- a) Short-arm jurisdiction
 - b) Long-arm jurisdiction
 - c) Medium-arm jurisdiction.
47. A written statement sworn under oath before a notary public as being true to the

- affiant's own knowledge, information and belief:
- a) Declaration
 - b) Affidavit
 - c) Statement.
48. A written order of a court, returnable to the same, commanding the performance or non-performance of an act:
- a) Writ
 - b) Reprimand
 - c) Summon.
49. Final statements by the attorneys summarizing the evidence that has been introduced:
- a) Opening argument
 - b) Pre-rebuttals
 - c) Closing argument.
50. Questions about the activities that took place between the parties which caused them to go to Court:
- a) Question of law
 - b) Question of documents
 - c) Question of facts.
51. Notice imputed by law is also called:
- a) Constructive notice
 - b) Real notice
 - c) Actual notice.
52. The Latin expression *Juris Prudentia* denotes:
- a) Knowledge and skill of Law
 - b) Expert in law
 - c) Advocate.
53. John Austin who lived in England from 1790-1859 had authored:
- a) Of laws in general
 - b) The concept of law
 - c) The Province of Jurisprudence Determined.
54. The duty of proving a fact before the Court:
- a) Burden of fiduciary
 - b) Burden of proof
 - c) Both (a) and (b).
55. The act of killing one's own father is:
- a) Homicide
 - b) Suicide

- c) Patricide.
56. The state of a man who has two wives living at the same time:
- a) Polygamy
 - b) Monogamy
 - c) Bigamy.
57. When an accused is discharged from accusation, the person is said to be:
- a) Detained
 - b) Acquitted
 - c) Indicted.
58. Prosecution done without a probable cause is:
- a) Bad prosecution
 - b) Malicious prosecution
 - c) False prosecution.
59. A false or deceptive statement or act:
- a) Impersonation
 - b) Misrepresentation
 - c) Misconception.
60. The intentional commission of an act that a reasonable person knows would cause injury to another person:
- a) Willful conduct
 - b) Bold conduct
 - c) Accidental conduct.
61. Negligence on the part of the plaintiff, which contributed toward the injuries and was a proximate cause of them:
- a) Gross negligence
 - b) Contributory negligence
 - c) Both (a) and (b).
62. Professional misconduct by a person tantamount to:
- a) Malpractice
 - b) Crime
 - c) Offence.
63. A time limit, set by statute, within which a suit must be commenced after the cause of action accrues:
- a) Law of de-limitation
 - b) Law of limitation
 - c) Law of essence of time.

64. An agreement that is enforceable in a court of law:
a) Memorandum of understanding
b) Deed
c) Contract.
65. Reasonable expenses that indirectly result from a breach of contract:
a) Incidental damages
b) General damages
c) Both (a) and (b).
66. An agreement whereby an original party to a contract is replaced by a new party:
a) Replacement
b) Novation
c) Substitution.
67. An agreement to refrain from disclosing trade secrets to others:
a) Non-disclosure agreement
b) Partial disclosure agreement
c) Total disclosure agreement.
68. An original work fixed in a tangible medium of expression:
a) Copy right
b) Intellectual property
c) Patent right.
69. To annul, make void, or refuse to sustain:
a) Overrule
b) Set aside
c) Misnomer.
70. 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) Strict liability
b) Remedial liability
c) Secondary liability.

SECTION B

Attempt all **10 short** questions (30 marks). Every question carries **3 marks each**.

1. What do you understand by the term *Res Judicata*?
2. Karma Tenzin, a civil servant working in the Ministry of Agriculture was dismissed from service for highlighting some of the lapses of his Ministry in the media. He now wants to file a case against the Ministry of Agriculture and he seeks your legal advice on the matter? What legal principle and under which

Article of the Constitution can he file the case?

3. Give three differences between the **common law system** and **civil law system**.
 4. Why is the law of precedent important? Explain its merits.
 5. Write down the three principal benefits of **Alternative Dispute Resolution**?
 6. If there are inconsistencies among the laws, suggest three ways to remove them.
 7. In which country did the jury system of trial first start and what are its advantages today's legal system?
 8. What do you understand by the term *sub judice* and how can it be applied by the Judiciary?
 9. Where is the International Court of Justice (ICJ) located? Describe its functions and roles.
 10. A case is being filed before a Drungkhag Court. Prior to the award of judgment by the Drungkhag Court, can the plaintiff or defendant appeal to higher court? If not, why?
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