Series : 1SRQP

SET~4

प्रश्न-पत्र कोड
Q.P. Code 40

रोल नं.
Roll No.

परीक्षार्थी प्रश्न-पत्र कोड को उत्तर-पुस्तिका के मुख-पृष्ठ पर अवश्य लिखें ।
Candidates must write the Q.P. Code on the title page of the answer-book.

विधिक अध्ययन
LEGAL STUDIES

निर्धारित समय : 3 घण्टे
Time allowed : 3 hours

अधिकतम अंक : 80
Maximum Marks : 80

नोट :

(I) कृपया जाँच कर लें कि इस प्रश्न-पत्र में मुद्रित पृष्ठ **31** हैं ।

(II) प्रश्न-पत्र में दाहिने हाथ की ओर दिए गए प्रश्न-पत्र कोड को परीक्षार्थी उत्तर-पुस्तिका के मुख-पृष्ठ पर लिखें ।

(III) कृपया जाँच कर लें कि इस प्रश्न-पत्र में **40** प्रश्न हैं ।

(IV) **कृपया प्रश्न का उत्तर लिखना शुरू करने से पहले, उत्तर-पुस्तिका में यथा स्थान पर प्रश्न का क्रमांक अवश्य लिखें ।**

(V) इस प्रश्न-पत्र को पढ़ने के लिए 15 मिनट का समय दिया गया है । प्रश्न-पत्र का वितरण पूर्वाह्न में 10.15 बजे किया जाएगा । 10.15 बजे से 10.30 बजे तक परीक्षार्थी केवल प्रश्न-पत्र को पढ़ेंगे और इस अवधि के दौरान वे उत्तर-पुस्तिका पर कोई उत्तर नहीं लिखेंगे ।

NOTE :

(I) Please check that this question paper contains **31** printed pages.

(II) Q.P. Code given on the right hand side of the question paper should be written on the title page of the answer-book by the candidate.

(III) Please check that this question paper contains **40** questions.

(IV) **Please write down the serial number of the question in the answer-book at the given place before attempting it.**

(V) 15 minute time has been allotted to read this question paper. The question paper will be distributed at 10.15 a.m. From 10.15 a.m. to 10.30 a.m., the candidates will read the question paper only and will not write any answer on the answer-book during this period.

सामान्य निर्देश :

1. प्रश्न-पत्र के 4 खण्ड हैं – **क, ख, ग** और **घ** ।

   1.1 ***खण्ड क*** – **20** अंकों के **20** बहुवैकल्पिक प्रश्न हैं ।

   1.2 ***खण्ड ख*** – प्रत्येक **2** अंकों वाले **8** लघु उत्तर प्रकार के प्रश्न हैं ।

   1.3 ***खण्ड ग*** – प्रत्येक **3** अंकों वाले **8** प्रश्न हैं ।

   1.4 ***खण्ड घ*** – प्रत्येक **5** अंकों वाले **4** दीर्घ उत्तरीय प्रश्न हैं ।

2. प्रश्न-पत्र में आंतरिक विकल्प दिए गए हैं, हालाँकि समग्र विकल्प नहीं है ।

खण्ड – क

1. निम्नलिखित में से कौन सा जोड़ा (pair) सही मेलित है ? **1**

   (A) भारत के प्रथम महान्यायवादी (अटर्नी जनरल) – के.के. वेणुगोपाल

   (B) सबसे नया उच्च न्यायालय – कलकत्ता

   (C) भारतीय उच्चतम न्यायालय – 34 न्यायाधीश

   (D) सिविल विधिक प्रणाली – न्यायाधीश निर्मित कानून

2. प्रिया ने एक राष्ट्रीयकृत बैंक में अपना बचत खाता खोला है । खाते में पर्याप्त जमा धनराशि होने के बावजूद उसके द्वारा जारी अनेक चेक अस्वीकार कर दिये गये जिससे उसको वित्तीय नुकसान हुआ और परेशानी हुई । उसके द्वारा बार-बार बैंक को लिखित शिकायतें करने के बाद भी उनका कोई उत्तर नहीं दिया गया तो एक सरल, बिना खर्च वाली प्रणाली के द्वारा ग्राहकों और बैंकों के बीच विवादों को हल करने के लिये भारतीय रिज़र्व बैंक द्वारा स्थापित एक स्वतंत्र प्राधिकरण के पास वह गईं ।

   प्रिया किस प्राधिकरण के पास गई ? **1**

   (A) लोकपाल

   (B) लोक आयुक्त

   (C) बैंकिंग ओम्बड्समैन (Ombudsman)

   (D) उपभोक्ता विवाद निवारण आयोग (Consumer Disputes Redressal Commission)

3. अतुल अपना कॉटेज (cottage) बिनोद को ₹ 5 लाख में बेचने को राजी हो जाता है ।

   यह करार केवल तभी संविदा (contract) बन सकता है जब **1**

   (A) पेशकश (offer) और स्वीकृति (acceptance) लिखित रूप में हों ।

   (B) दोनों पक्ष, गवाहों के सामने करार (agreement) पर हस्ताक्षर करें ।

   (C) करार, विधि द्वारा लागू करने योग्य हो ।

   (D) स्वीकृति के तुरंत बाद प्रतिफल (धनराशि) (consideration) का भुगतान कर दिया हो ।

General Instructions :

1. The Question Paper contains **4** sections – **A, B, C** and **D**.
   1.1 ***Section-A*** *contains* ***20*** *Multiple Choice Questions for* ***20*** *marks.*
   1.2 ***Section-B*** *contains* ***8*** *Short Answer Type Questions for* ***2*** *marks each.*
   1.3 ***Section-C*** *contains* ***8*** *questions for* ***3*** *marks each.*
   1.4 ***Section-D*** *contains* ***4*** *Long Answer Type Questions for* ***5*** *marks each.*
2. Internal choice is given in the paper. There is no overall choice.

SECTION – A

1. Which of the following pairs is correctly matched ? **1**

   (A) First Attorney General of India – K.K. Venugopal

   (B) Newest High Court - Calcutta

   (C) Supreme Court of India – 34 Judges

   (D) Civil Law System – Judge made Laws

2. Priya maintained a savings account with a nationalised bank. Despite maintaining sufficient balance, several cheques issued by her were dishonoured, causing her financial loss and embarrassment. When her repeated written complaints to the bank went unanswered, she approached an independent authority established by the Reserve Bank of India to resolve disputes between customers and banks through a simple, cost-free mechanism.

   Which authority did Priya approach ? **1**

   (A) Lokpal

   (B) Lokayukta

   (C) Banking Ombudsman

   (D) Consumer Disputes Redressal Commission

3. Atul agrees to sell his cottage to Binod for ₹ 5 lakhs.

   This agreement becomes a contract only when – **1**

   (A) The offer and acceptance are in writing.

   (B) Both parties sign the agreement before witnesses.

   (C) The agreement is enforceable by law.

   (D) The consideration is paid immediately after acceptance.

4. इस प्रश्न में दो कथन हैं – अभिकथन (A) और तर्क (R) । दिये गये कोड के प्रयोग से सही उत्तर चुनिये :

अभिकथन : (A) : सिविल प्रक्रिया संहिता की धारा 89 विचारण (trial) कार्यवाही से पहले विवादों को माध्यस्थम (arbitration), मध्यकता (mediation) या सुलह (conciliation) जैसे वैकल्पिक विवाद समाधान पद्धतियों को भेजने की स्वीकृति न्यायालयों को देती है । **1**

तर्क (R) : सिविल प्रक्रिया संहिता की धारा 89 के अंतर्गत न्यायालयों का उद्देश्य मुकदमे (litigation) के खर्चों में कमी लाना और विवादों के शीघ्रतर और मैत्रीपूर्ण समाधान को सुनिश्चित करना है ।

(A) दोनों (A) और (R) सही हैं और (A) का सही स्पष्टीकरण (R) है ।
(B) दोनों (A) और (R) सही हैं, परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।
(C) (A) सही है, परंतु (R) गलत है ।
(D) (A) गलत है, परंतु (R) सही है ।

5. ईस्टर्न एक्सपोर्ट्स प्राइवेट लिमि. और सनराइज ट्रेडर्स नामक दो कंपनियाँ जैविक मसालों (organic spices) की आपूर्ति के लिये एक संविदा करते हैं । उनके करार में एक माध्यस्थम अनुच्छेद (arbitration clause) है जो यह बताता है कि "गुणवत्ता (quality), मात्रा (quantity) या वितरण (delivery)" के मामलों से उत्पन्न किसी विवाद का निवारण माध्यस्थम के द्वारा किया जाएगा ।

वितरण में देरी के बारे में उत्पन्न एक विवाद के बाद आपसी सहमति से एक मध्यस्थ नियुक्त किया गया ।

सुनवाई के दौरान, ईस्टर्न एक्सपोर्ट्स ने सनराइज ट्रेडर्स पर कर अपवंचन (Tax evasion) और अधिक धनराशि का बीजक बनाने (over-invoicing) का आरोप लगाया और माध्यस्थ (arbitrator) ने अपने अंतिम निर्णय को तैयार करते समय इन आक्षेपों को शामिल किया । उसने सनराइज ट्रेडर्स को वितरण में देरी के लिये ही नहीं बल्कि "कराधान मानदण्डों का अनुपालन न करने" के लिये भी हर्जाने (damages) का भुगतान करने का निर्देश दिया ।

सनराइज ट्रेडर्स ने न्यायालय में निर्णय को चुनौती दी और तर्क दिया कि माध्यस्थ ने अपने प्राधिकार के बाहर जाकर कार्य किया है ।

निम्नलिखित में से कौन सर्वाधिक उचित कानूनी आधार है जिससे माध्यस्थ के निर्णय को रद्द किया जा सके ? **1**

(A) माध्यस्थम करार करने में पार्टी की अक्षमता ।
(B) माध्यस्थ की अनुचित नियुक्ति
(C) निर्णीत विवाद, माध्यस्थम करार की परिसीमा से बाहर है ।
(D) यह निर्णय समग्र रूप से लोक नीति (public policy) का उल्लंघन करता है ।

6. अपकृत्य कानून (law of torts) में क्षतिपूर्तियों (damages) को अनिर्धारित (unliquidated) क्षतिपूर्ति कहा गया है क्योंकि **1**

(A) गलत घटना के बाद पक्षों के बीच सहमति द्वारा इनका निर्धारण किया जाता है ।
(B) इनका निर्धारण पहले ही (in advance) नहीं किया जा सकता और न्यायालय के आकलन पर नुकसान निर्भर करता है ।
(C) इनका निर्णय तभी लिया जाता है जब गलती जानबूझकर की गई हो ।
(D) वह हमेशा वादी (plaintiff) द्वारा सिद्ध किये गये वास्तविक वित्तीय नुकसान के बराबर होती है ।

4. The question contains two statements – Assertion (A) & Reason (R). Choose the correct answer using the codes below :

Assertion : (A) : Section 89 of the CPC allows courts to refer disputes to alternative dispute resolution methods like arbitration, mediation or conciliation before proceeding with trial. **1**

Reason (R) : Courts under Section 89 of the CPC aim to reduce litigation costs and ensure faster and amicable settlement of disputes.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

5. Two companies, Eastern Exports Pvt. Ltd. and Sunrise Traders, entered into a contract for the supply of organic spices. Their agreement contained an arbitration clause stating that any dispute "arising out of quality, quantity, or delivery" would be settled by arbitration.

After a dispute arose regarding late delivery, an arbitrator was mutually appointed.

During the hearings, Eastern Exports accused Sunrise Traders of tax evasion and over-invoicing and the arbitrator included those allegations while making his final decision. He directed Sunrise Traders to pay damages not only for delay in delivery but also for "non-compliance with taxation norms."

Sunrise Traders challenged the award in court, arguing that the arbitrator had acted beyond his authority.

Which of the following is the most appropriate legal ground on which the arbitral award can be set aside ? **1**

(A) Incapacity of a party to enter into the arbitration agreement.

(B) Improper appointment of the arbitrator.

(C) The dispute decided falls outside the scope of the arbitration agreement.

(D) The award violates public policy at large.

6. In the law of torts, damages are termed unliquidated because – **1**

(A) They are decided by agreement between the parties after the wrong occurs.

(B) They cannot be fixed in advance and depend on the court's assessment of loss.

(C) They are awarded only when the wrong is intentional.

(D) They are always equal to the actual financial loss proved by the plaintiff.

7. एक पेशेवर रसोइया (शेफ) अंकिता ने विदेशी पेयों (exotic drinks) की आपूर्ति के लिये एक स्थानीय कैफे के साथ करार किया । इस करार में उसके द्वारा एक असाधारण (rare) जड़ी-बूटी (herb) का आयात करना था । इस ऑर्डर को पूरा करने से पहले ही भारतीय कानून के अंतर्गत इस जड़ी-बूटी के आयात पर प्रतिबंध लग गया । यह समझते हुए कि आयात करना अवैधानिक होगा, अंकिता ने कैफे को सूचित किया कि वह संविदा को पूरा नहीं कर पायेगी । कैफे ने आग्रह किया कि संविदा वैध है और आपूर्ति की माँग की ।

इस मामले में संविदा के बारे में निम्नलिखित में से कौन सा कथन सही है ? **1**

(A) संविदा पूरी करने के लिये अंकिता को कानूनी तौर पर बाध्य किया जा सकता है ।

(B) संविदा अमान्य (void) है क्योंकि इसमें अवैधानिक कार्य करना निहित है ।

(C) संविदा पूरी न करने के लिये कैफे का मालिक हर्जाने का दावा कर सकता है ।

(D) संविदा वैध है और लागू करने योग्य है क्योंकि दोनों पक्ष स्वेच्छा से राजी थे ।

8. शहर के बाहरी छोर पर श्री शर्मा का एक फार्म हाऊस है । एक दोपहर को उसका पड़ोसी श्री कपूर चारदीवारी (boundary wall) की नाप लेने के लिये, जो वह अपनी संपत्ति में बनाने की योजना कर रहा था, श्री शर्मा के फार्म हाऊस के परिसर में घुस गया । श्री शर्मा ने इसके लिये कोई अनुमति नहीं दी थी । नाप लेते समय श्री कपूर अकस्मात फूलों की कुछ क्यारियों में चला गया और इससे मामूली नुकसान हुआ । इसके बारे में पूछे जाने पर श्री कपूर ने तर्क दिया कि वह केवल अपनी भूमि की नाप ले रहा था और किसी भी नुकसान का उसका इरादा नहीं था ।

श्री कपूर के कार्य के बारे में निम्नलिखित में से कौन सा कथन सही है ? **1**

(A) श्री कपूर ने जमीन में अतिक्रमण किया है क्योंकि वह बिना अनुमति के श्री शर्मा की भूमि पर चला गया था ।

(B) श्री कपूर को जिम्मेदार नहीं ठहराया जा सकता क्योंकि उसका इरादा श्री शर्मा को नुकसान पहुँचाने का नहीं था ।

(C) फूलों की क्यारियों को मामुली नुकसान होना कोई महत्वपूर्ण नहीं है और कानूनी कार्रवाई के योग्य नहीं है ।

(D) कोई कार्रवाई करने के लिये श्री शर्मा को अपना वित्तीय नुकसान सिद्ध करना चाहिये ।

9. बढ़ते हुए उत्सर्जन (emissions) और कूड़े कचरे पर लोगों की चिंता को देखते हुए एक विनिर्माण कंपनी ईको ग्रीन इंडस्ट्रीज ने हाल ही में अपने प्रचालन कार्यों (operations) की पुनरीक्षा की । प्रबंधन ने सौर ऊर्जा पैनल की स्थापना, औद्योगिक मल-जल शोधन और जैविक रूप से (स्वयं) नष्ट होने वाले पैकिंग सामग्रियों को अपनाने का निर्णय लिया । यद्यपि इन उपायों के लिये भारी निवेश की आवश्यकता है, फिर भी कंपनी ने दीर्घकालिक विकास और सामुदायिक कल्याण के लिये इनका औचित्य माना ।

ईको ग्रीन इंडस्ट्रीज का यह नया कार्य निरंतर विकास के निम्नलिखित विचारों में से किसे सर्वाधिक रूप से प्रदर्शित करता है ? **1**

(A) भावी पर्यावरणिक आवश्यकताओं के ऊपर वर्तमान आर्थिक लाभों को प्राथमिकता देना ।

(B) ऐसा विकास प्राप्त करना जो भावी पीढ़ियों को नुकसान पहुँचाये बिना वर्तमान आवश्यकताओं को पूरा करता है ।

(C) प्राकृतिक संसाधनों के संरक्षण के लिये औद्योगिक क्रियाकलापों को पूर्णत: रोक देना ।

(D) पर्यावरण अनुकूल पद्धतियों के कार्यान्वयन के लिये पूर्णत: सरकारी सहायता पर निर्भर रहना ।

7. Ankita, a professional chef, entered into an agreement with a local cafè to supply exotic drinks. The agreement required her to import a rare herb. Before she could fulfil the order, the import of this herb was banned under Indian law. Realizing that importing it would be illegal, Ankita informed the café that she could not perform the contract. The café insisted that the contract was valid and demanded delivery.

Which of the following statements is correct regarding the contract in this case ? **1**

(A) Ankita can be legally compelled to perform the contract.
(B) The contract is void because it involves performing an illegal act.
(C) The café owner can claim damages for non-performance.
(D) The contract is valid and enforceable because both parties agreed voluntarily.

8. Mr. Sharma owns a farmhouse on the outskirts of the city. One afternoon, his neighbour, Mr. Kapoor, entered the farmhouse premises to take measurements for a boundary wall he was planning on his own property. Mr. Sharma had not given any permission for this. While taking the measurements, Mr. Kapoor accidentally stepped on some flower beds and caused minor damage. When confronted, Mr. Kapoor argued that he was only measuring his own property and did not intend any harm.

Which of the following statements is correct regarding Mr. Kapoor's actions ? **1**

(A) Mr. Kapoor has committed trespass to land, because he entered Mr. Sharma's property without consent.
(B) Mr. Kapoor cannot be held liable since his intention was not to harm Mr. Sharma.
(C) Minor damage to the flower beds makes the act insignificant and not legally actionable.
(D) Mr. Sharma must prove financial loss to take any action.

9. Eco Green Industries, a manufacturing company, has recently reviewed its operations after facing public concern over rising emissions and waste generation. The management decided to install solar panels, recycle industrial water and switch to biodegradable packaging materials. Although these steps required heavy investment, the company justified them as essential for long-term growth and community well-being.

Eco Green Industries' new approach best represents which of the following ideas of sustainable development ? **1**

(A) Prioritizing present economic gains over future environmental needs.
(B) Achieving development that meets present needs without harming future generations.
(C) Halting industrial activities completely to preserve natural resources.
(D) Relying solely on government aid for implementing eco-friendly practices.

10. एक युवा फैक्टरी कर्मचारी रमेश को एक मामूली चोरी के मामले में पूछताछ के लिये पुलिस ने हिरासत में लिया गया । उसको निरोध (detention) का कारण बताया गया था और 24 घंटे के अंदर उसे मजिस्ट्रेट के सामने पेश किया गया था । परंतु उसकी हिरासत के समय के दौरान पुलिस अधिकारियों द्वारा उसे गंभीर यातनायें दी गईं जिससे गंभीर चोटें पहुँचीं । जब बाद में इस मामले को उच्च न्यायालय के सामने लाया गया तो यह माना गया कि इस प्रकार के बर्ताव से नागरिक के सर्वाधिक मूलभूत संवैधानिक अधिकारों का हनन हुआ है ।

यद्यपि रमेश की गिरफ्तारी की प्रक्रिया में वैधानिक अपेक्षाओं का अनुपालन किया गया था, फिर भी किस संवैधानिक अधिकार का उल्लंघन किया गया ? **1**

(A) अनुच्छेद 14 – समानता का अधिकार

(B) अनुच्छेद 20 – अपराधों के आरोपी व्यक्तियों के अधिकारों का संरक्षण

(C) अनुच्छेद 21 – जीवन और व्यक्तिगत स्वतंत्रता का संरक्षण

(D) अनुच्छेद 22 – मनमानी गिरफ्तारी और निरोधन से सुरक्षा

11. रोहन और मीरा ने डिज़ाइन क्राफ्ट इंटेरियर्स नाम से एक लिमिटेड लाइबिलिटी पार्टनरशिप (LLP) की स्थापना की जिसमें प्रत्येक ने ₹ 5 लाख रुपये का निवेश किया । एक मुवक्किल (ग्राहक) परियोजना (client project) के निष्पादन के दौरान रोहन से एक गंभीर भूल हो गई जिससे ₹ 15 लाख का नुकसान हुआ । मुवक्किल (ग्राहक) ने LLP से पूरी क्षतिपूर्ति की माँग की ।

ऐसी परिस्थिति में मीरा की देनदारी क्या होगी ? **1**

(A) अपनी हिस्सेदारी के अनुसार नुकसान के लिये ₹ 7.5 लाख का भुगतान करने के लिये मीरा व्यक्तिगत रूप से उत्तरदायी होगी ।

(B) LLP में उसके सहमत पूँजी अंशदान तक ही मीरा की देनदारी सीमित होगी ।

(C) मीरा की देनदारी केवल तब होगी यदि वह गलती के कार्य में सीधे शामिल हो ।

(D) रोहन के कार्य के प्रति मीरा संयुक्त रूप से जिम्मेदार होगी क्योंकि दोनों भागीदार (partners) हैं ।

12. चोरी के संदेह में राहुल को पुलिस-हिरासत में लिया गया । कुछ दिन के बाद उसके परिवार को सूचित किया गया कि हिरासत में उसकी मौत हो गई है । पुलिस का दावा था कि उसने आत्महत्या की है, परंतु उसके परिवार ने पुलिस कर्मचारियों द्वारा यातना दिये जाने का आरोप लगाया । एक गैर सरकारी संगठन राष्ट्रीय स्तर के एक सांविधिक निकाय के पास पहुँचा जो हिरासत में मौतों का स्वत: संज्ञान ले सकता है, सरकार से रिपोर्टें माँग सकता है और क्षतिपूर्ति की सिफारिश कर सकता है या दोषी कर्मचारियों के अभियोजन (prosecution) की सिफारिश कर सकता है ।

निम्नलिखित निकायों में से किसके पास ऐसी शक्तियाँ हैं ? **1**

(A) भारत का उच्चतम न्यायालय (Supreme Court)

(B) केन्द्रीय सतर्कता आयोग (Central Vigilance Commission)

(C) राज्य मानवाधिकार आयोग (State Human Rights Commission)

(D) राष्ट्रीय मानवाधिकार आयोग (National Human Rights Commission)

10. Ramesh, a young factory worker, was taken into police custody for questioning regarding a minor theft case. He was informed of the reason for detention and was produced before a magistrate within 24 hours. However, during his time in custody, he was subjected to severe physical torture by police officers, resulting in serious injuries. When the matter was later brought before the High Court, it held that such treatment violated one of the most fundamental constitutional rights of a citizen.
Although Ramesh's arrest procedure followed legal requirements, which constitutional right was still violated ? **1**

(A) Article 14 – Right to equality.
(B) Article 20 – Protection of rights of persons accused of crimes.
(C) Article 21 – Protection of life and personal liberty.
(D) Article 22 – Safeguards against arbitrary arrest and detention.

11. Rohan and Meera formed an Limited Liability Partnership (LLP) called Design Craft Interiors. Each invested ₹ 5 lakh. While executing a client project, Rohan made a serious error, leading to a loss of ₹ 15 lakh. The client demanded full compensation from the LLP.
What will be Meera's liability in this situation ? **1**

(A) Meera will be personally liable to pay ₹ 7.5 lakh as her share in the loss.
(B) Meera's liability will be limited to her agreed capital contribution in the LLP.
(C) Meera will be liable only if she was directly involved in the wrongful act.
(D) Meera will be jointly liable for Rohan's act as both are partners.

12. Rahul was taken into police custody on suspicion of theft. A few days later, his family was informed that he had died while in custody. The police claimed it was a case of suicide, but his family alleged torture by police officials. A non-governmental organization approached a statutory body at the national level that can take suo motu cognizance of custodial deaths, seek reports from the government and recommend compensation or prosecution of the erring officials.
Which of the following bodies has such powers ? **1**

(A) Supreme Court of India
(B) Central Vigilance Commission
(C) State Human Rights Commission
(D) National Human Rights Commission

13. **अभिकथन : (A) :** गरीबी, लैंगिक समानता और पर्यावरणिक संरक्षण जैसे मुद्दों को उठाकर सतत विकास लक्ष्य (SDGs) मानवाधिकारों की प्राप्ति को बढ़ावा देते हैं ।

तर्क (R) : सतत विकास लक्ष्यों की प्राप्ति में किसी राज्य द्वारा की गई प्रगति, मानवाधिकार दायित्वों को पूरा करने में योगदान करती है । **1**

सही विकल्प चुनिये :

(A) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) है ।

(B) (A) और (R) दोनों सही हैं, परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

14. एक प्रसिद्ध सोशल मीडिया इनफ्लुएंसर (social media influencer) अनन्या ने एक वीडियो पोस्ट किया और दावा किया कि "स्पाइस विल्ला" (Spice Villa) नामक एक रेस्तरां स्वास्थ्य के लिये हानिकारक भोजन देता है और कालातीत (expired) सामग्रियों का प्रयोग करता है । यह पोस्ट बहु-प्रचारित (viral) हो गई और इसके कारण रेस्तरां की बिक्री में काफी कमी हो गई । बाद में यह सिद्ध हुआ कि अनन्या कभी भी रेस्तरां में नहीं गई और उसके दावे झूठे थे । रेस्तरां ने उसके विरुद्ध मामला दायर किया ।

इस मामले में निम्नलिखित में से कौन सा कथन सही तरह कानूनी स्थिति को बताता है ? **1**

(A) अनन्या का कथन मानहानि के समान है क्योंकि यह झूठा था और इसने रेस्तरां की प्रतिष्ठा को नुकसान पहुँचाया ।

(B) अनन्या का कथन मानहानि नहीं है क्योंकि वह मात्र अपने बोलने की स्वतंत्रता (freedom of speech) का उपयोग कर रही थी ।

(C) अनन्या का कथन मानहानि नहीं है क्योंकि उसके कथन से कोई शारीरिक नुकसान नहीं हुआ ।

(D) अनन्या का कथन मानहानि का मामला नहीं बनता यदि अनन्या यह सिद्ध कर पाती कि उसका कथन सही था ।

15. रोहन नामक दुकानदार को, जानबूझकर ऐसे मिलावटी खाद्य पदार्थ बेचने के लिए जो कि उपभोक्ताओं को गंभीर नुकसान पहुँचा सकते हैं, पकड़ा गया । न्यायालय ने यह सुनिश्चित करने के लिये कि बाजार में अन्य लोग भी ऐसे ही अपराध न करें उस पर आर्थिक दण्ड और कारावास की सजा दी ।

आपराधिक कानून का कौन सा उद्देश्य न्यायालय की कार्रवाई को प्राथमिक रूप से प्रदर्शित करता है ? **1**

(A) प्रतिशोध/अपराध की सजा (Retribution)

(B) निवारण (Deterrence)

(C) पुनर्वास (Rehabilitation)

(D) अक्षमता (Incapacitation)

13. **Assertion : (A) :** The Sustainable Development Goals (SDGs) promote the realization of human rights by addressing issues such as poverty, gender equality and environmental protection. **1**

Reason (R) : Progress made by a State in achieving SDGs contributes to fulfilling its human rights obligations.

Choose the correct option :

(A) Both (A) and (R) are true, and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

14. A well-known social media influencer, Ananya, posted a video claiming that a restaurant, "Spice Villa," serves unhygienic food and uses expired ingredients. The post went viral, leading to a significant drop in the restaurant's sales. Later, it was proved that Ananya had never visited the restaurant and her claims were false. The restaurant filed a case against her.

Which of the following statements correctly identifies the legal position in this case ? **1**

(A) Ananya's statement amounts to defamation as it was false and harmed the restaurant's reputation.

(B) Ananya's statement is not defamation because she was merely exercising her freedom of speech.

(C) Ananya's statement is not defamation since the statement did not cause physical harm.

(D) Ananya's statement would not be defamation if Ananya could prove that her statement was true.

15. Rohan, a shopkeeper, was caught intentionally selling adulterated food products that could cause serious harm to consumers. The court imposed a fine and imprisonment to ensure that others in the market refrain from committing similar offences.

Which objective of criminal law does the court's action primarily reflect ? **1**

(A) Retribution (B) Deterrence

(C) Rehabilitation (D) Incapacitation

16. एक जमीन के टुकड़े पर अपने स्वामित्व का दावा करते हुए रवि ने सुरेश के विरुद्ध एक मुकदमा दायर किया । जब मामला अभी भी न्यायालय में लंबित था, सुरेश ने यह जमीन मीरा को बेच दी । बाद में न्यायालय ने रवि के पक्ष में फैसला दिया । मीरा ने इस आधार पर दावा किया कि उसने वैधानिक रूप से यह संपत्ति खरीदी थी । निम्नलिखित में से कौन सर्वोत्तम रूप से इसकी वैधानिक स्थिति को स्पष्ट करता है ? **1**

(A) मीरा की खरीददारी वैध है क्योंकि अंतिम फैसला आने से पहले ही विक्रय विलेख (sale deed) तैयार हो चुका था ।

(B) यह हस्तान्तरण अमान्य है क्योंकि मामले के लंबित होने के दौरान संपत्ति बेची नहीं जा सकती ।

(C) हस्तान्तरण अमान्य नहीं है परंतु लंबित मुकदमे के फैसले पर निर्भर है ।

(D) हस्तान्तरण वैध है क्योंकि मीरा मूल मुकदमे की पक्षकार नहीं थी ।

17. स्पीड हॉल लिमि. (Speed Haul Ltd.) नामक एक लॉजिस्टिक कंपनी ने आपूर्ति (डिलीवरी) मार्गों को अनुकूलतम बनाने और ईंधन की लागत काफी कम करने वाले एक अनूठे सॉफ्टवेयर अल्गोरिथ्म को तैयार करने में पाँच वर्ष लगाये । कंपनी ने अल्गोरिथ्म को गोपनीय रखा और सीमित कर्मचारियों को इसकी सुविधा दी । इसकी गोपनीयता बनाये रखने के लिये अल्गोरिथ्म को पेटेंट (एकस्व अधिकृत) नहीं किया गया । बाद में एक डेटा-एनालिस्ट (आँकड़ा विश्लेषक) ने त्यागपत्र देने से पहले कोड का हिस्सा नकल कर लिया और एक विरोधी कंपनी को बेच दिया जिसने अपने लॉजिस्टिक कार्यों के लिये इसका उपयोग शुरू कर दिया ।

इस मामले में निम्नलिखित में से कौन सा कथन वैधानिक स्थिति को सही रूप में स्पष्ट करता है ? **1**

(A) गोपनीयता की संविदात्मक और न्यायसंगत (equitable) बाध्यताओं के अंतर्गत संरक्षित व्यापार गोपनीयता के रूप में अल्गोरिथ्म शर्तें पूरी करता है ।

(B) विश्लेषक (analyst) इसके निर्माता के रूप में स्वामित्व का दावा कर सकता है क्योंकि अपनी सेवा के दौरान उसने सॉफ्टवेयर तैयार करने में योगदान किया ।

(C) विशिष्ट व्यापार गोपनीयता संविधि (कानून) के अभाव के कारण भारत में व्यापार गोपनीयताओं को कोई वैधानिक संरक्षण नहीं है ।

(D) अल्गोरिथ्म के प्रयोग से दूसरों को कानूनी रूप से रोकने के लिये कंपनी को एकस्व अधिकार (patent) प्राप्त करना चाहिए ।

18. **कथन I :** भारतीय राष्ट्रीय विधि विश्वविद्यालय (NLSIU), बैंगलुरु की स्थापना ने भारत में कानूनी शिक्षा में सुधारों का शुभारंभ किया ।

कथन II : एम.सी. सीतलवाड ने विधिक शिक्षा (कानूनी शिक्षा) में सुधार के आन्दोलन का नेतृत्व किया और वह भारतीय राष्ट्रीय विधि विश्वविद्यालय की स्थापना में सहायक रहे । **1**

(A) कथन I और कथन II दोनों सही हैं ।

(B) कथन I और कथन II दोनों गलत हैं ।

(C) कथन I सही है, परंतु कथन II गलत है ।

(D) कथन I गलत है, परंतु कथन II सही है ।

16. Ravi filed a suit against Suresh claiming ownership of a piece of land. While the case was still pending in court, Suresh sold the same land to Meera. Later, the court ruled in Ravi's favour. Meera claimed ownership on the ground that she had purchased the property lawfully.
Which of the following best explains the legal position ? **1**

(A) Meera's purchase is valid as the sale deed was executed before the final judgment.
(B) The transfer is void because property cannot be sold during the pendency of a case.
(C) The transfer is not void but remains subject to the outcome of the pending litigation.
(D) The transfer is valid since Meera was not a party to the original suit.

17. A logistics company, Speed Haul Ltd., spent five years developing a unique software algorithm that optimizes delivery routes and significantly reduces fuel costs. The company kept the algorithm confidential and restricted employee access. The algorithm was not patented to maintain its secrecy. Later, a data analyst copied part of the code before resigning and sold it to a rival firm, which began using it for its own logistics operations.
Which of the following statements correctly explains the legal position in this case ? **1**

(A) The algorithm qualifies as a trade secret protected under contractual and equitable obligations of confidentiality.
(B) The analyst can claim ownership as the creator since he contributed to developing the software during employment.
(C) Trade secrets have no legal protection in India due to the absence of a specific trade secret statute.
(D) The company must obtain a patent to legally prevent others from using the algorithm.

18. **Statement I :** The establishment of National Law School of India University (NLSIU), Bengaluru, marked the beginning of reform of legal education in India.
Statement II : M.C. Setalvad pioneered the movement for reform in legal education and was instrumental in setting up NLSIU. **1**

(A) Both Statement I and Statement II are true.
(B) Both Statement I and Statement II are false.
(C) Statement I is true, but Statement II is false.
(D) Statement I is false, but Statement II is true.

19. दिल्ली उच्च न्यायालय में 15 वर्षों से प्रैक्टिस कर रहे एक प्रसिद्ध वकील श्री राघव को उनके असाधारण ज्ञान और संवैधानिक कानून में योगदान के लिये न्यायालय द्वारा हाल ही में वरिष्ठ अधिवक्ता (Senior Advocate) नियुक्त किया गया ।

इसके तुरंत बाद उनके एक मुवक्किल (clients) ने व्यक्तिगत रूप से एक शपथपत्र (affidavit) तैयार करने और एक जिला न्यायालय के समक्ष एक सिविल मामले में वकालतनामा दायर करने का उनसे अनुरोध किया । राघव ने इस विश्वास के साथ कि उनके अपने अनुभव के आधार पर वह स्वतंत्र रूप से मामले को संचालित कर सकते हैं, इस अनुरोध को स्वीकार किया ।

अधिवक्ता अधिनियम, 1961 की धारा 16 के अंतर्गत निम्नलिखित में से कौन सा कथन इस स्थिति में सही रूप से लागू होता है ? **1**

(A) एक वरिष्ठ अधिवक्ता एक साधारण अधिवक्ता के सभी कार्य कर सकता है ।

(B) एक वरिष्ठ अधिवक्ता मुवक्किल के लिये सीधे ही वकालतनामा या ड्राफ्ट प्लीडिंग्स दायर नहीं कर सकता ।

(C) एक वरिष्ठ अधिवक्ता केवल उच्चतम न्यायालय के सामने पेश हो सकता है ।

(D) एक वरिष्ठ अधिवक्ता केवल भारतीय बार कौंसिल के माध्यम से मामले स्वीकार कर सकता है ।

20. भारत में पेशेवर अधिवक्ता श्री रोहित राजमार्गों के समीप के दुर्घटना-संभावित क्षेत्रों की अधिकतर यात्रा करता है । जब कभी भी उसे सड़क दुर्घटना की जानकारी मिलती है, वह अस्पताल जाता है, पीड़ित व्यक्ति के परिवार से मिलता है और प्रदान की गई धनराशि के एक निश्चित प्रतिशत के बदले में उनके मुआवजों के दावों को संचालित करने की पेशकश करता है । उसका तर्क है कि वह केवल "लोगों को उनके कानूनी अधिकारों" के बारे में जानकारी दे रहा है ।

निम्नलिखित में से कौन रोहित के आचरण का सर्वोत्तम उल्लेख करता है ? **1**

(A) यह वैध है यदि पीड़ित व्यक्ति स्वेच्छा से उसकी सेवाओं को चुनते हैं ।

(B) यह जायज (स्वीकार्य) है क्योंकि वह दुर्घटना-पीड़ितों के बीच कानूनी जागरूकता को बढ़ावा दे रहा है ।

(C) यह मुवक्किल को गोपनीयता के उल्लंघन के समान हो सकता है यदि ऐसे मामलों का बाद में प्रचार किया जाय ।

(D) यह अनैतिक है क्योंकि इसमें कानूनी पेशे का लालच और व्यापारीकरण निहित है ।

19. Raghav, a well-known lawyer with 15 years of practice before the Delhi High Court, was recently designated as a Senior Advocate by the court for his exceptional knowledge and contribution to constitutional law.

Soon after, one of his clients requested him to personally draft an affidavit and file a Vakalatnama in a civil matter before a district court. Raghav agreed, believing that his experience allowed him to handle the matter independently.

Under Section 16 of the Advocates Act, 1961, which statement correctly applies to this situation ? **1**

(A) A Senior Advocate can perform all the functions of an ordinary advocate.

(B) A Senior Advocate cannot file a Vakalatnama or draft pleadings directly for a client.

(C) A Senior Advocate can appear only before the Supreme Court.

(D) A Senior Advocate may accept cases only through the Bar Council of India.

20. Rohit, a practicing advocate in India, often visits accident-prone areas near highways. Whenever he learns of a road accident, he rushes to the hospital, approaches the victims' families and offers to "handle" their compensation claims in return for a fixed percentage of the awarded amount. He argues that he is merely "informing people of their legal rights".

Which of the following best describes Rohit's conduct ? **1**

(A) It is valid if the victims voluntarily choose his services.

(B) It is permissible as he is promoting legal awareness among victims.

(C) It may amount to breach of client confidentiality if such cases are later publicised.

(D) It is unethical because it involves solicitation and commercialisation of the legal profession.

खण्ड – ख

21. भारत के राष्ट्रपति एक उच्च न्यायालय में एक नये न्यायाधीश की नियुक्ति कर रहे हैं । नियुक्ति को अंतिम रूप देने के लिये वह केवल भारत के मुख्य न्यायाधीश से परामर्श करते हैं । क्या यह संवैधानिक रूप से वैध है ? कानूनी उपबंधों का उल्लेख करते हुए अपने उत्तर को सही सिद्ध कीजिये । **2**

22. आरव भारत में एक आपराधिक मामले का आरोपी है । उसका वकील न्यायालय में साक्ष्य जुटाने, गवाहों से जिरह (cross examination) करने और उसका बचाव करने संबंधी कार्य सक्रिय रूप से कर रहा है । आरव के ध्यान में आता है कि न्यायाधीश प्रस्तुत किये गये साक्ष्यों के आधार पर ही मामले को देख रहा है और मूल्यांकन कर रहा है और कार्यवाही में अधिक दखलंदाजी नहीं कर रहा है ।
बताइये कि आरव का परीक्षण कौन सी वैधानिक प्रणाली पर आधारित है और इस प्रणाली का एक लाभ क्या है ? **2**

23. (a) ऋषभ इस इरादे से मनोज को शीशम के पेड़ बेचता है कि वह फर्नीचर बनाने के लिये इनको काटेगा और इनका उपयोग करेगा ।
कानूनी तर्क देते हुए बेची संपत्ति का वर्गीकरण कीजिए कि यह चर (movable) संपत्ति है या अचर (Immovable) संपत्ति है । **2**

अथवा

(b) रीमा एक मौलिक कविता लिखती है और अपने ब्लॉग (blog) में डाल देती है । उसकी अनुमति के बिना एक पत्रिका इस कविता को पुन: प्रकाशित कर देती है, यद्यपि लेखिका के रूप में उसी के नाम का उल्लेख किया गया है परंतु उसको कोई भुगतान नहीं किया जाता और कॉपी–राइट अधिकारी भी नहीं बताया जाता ।
क्या पत्रिका द्वारा कॉपी–राइट अधिनियम, 1957 के अंतर्गत रीमा के किसी अधिकार का उल्लंघन किया गया है । कारण बताते हुए इसे स्पष्ट कीजिये ।

24. (a) केन्द्र सरकार ने **अंतर्राज्यीय बस सेवाओं** के लिये एक समान किराया प्रणाली अपनाने हेतु सभी राज्य सरकारों को निर्देश देते हुए एक अधिसूचना जारी की । एक राज्य सरकार ने इस अधिसूचना को उच्चतम न्यायालय में चुनौती दी और तर्क दिया कि इससे राज्य की प्रशासनिक शक्तियों में दखलंदाजी हुई है । उच्चतम–न्यायालय ने मामले की जाँच की और संविधान के अंतर्गत केन्द्र सरकार का शक्तियों से बढ़कर काम करने के लिये इस अधिसूचना के प्रावधानों को रद्द कर दिया ।
इस मामले में उच्चतम न्यायालय द्वारा प्रयोग की गई शक्ति की पहचान कीजिए और इसे संक्षेप में स्पष्ट कीजिए । **2**

अथवा

SECTION – B

21. The President of India is appointing a new judge to a High Court. He consults only Chief Justice of India for finalising the appointment. Is this constitutionally valid ? Justify your answer by referring to legal provisions. **2**

22. Aarav is accused in a criminal case in India. His lawyer is actively involved in collecting evidence, cross examining witnesses and defending him in court. Aarav notices that the judge is only observing and evaluating the case on the basis of evidence presented, not interfering much in proceedings.
Identify the type of legal system Aarav's trial is based on and state one advantage of this system. **2**

23. (a) Rishabh sells a grove of Shisham trees to Manoj with the intention that Manoj will cut & use them for making furniture.
Classify the property sold as movable and immovable giving legal reasoning. **2**

OR

(b) Reema, a poet writes an original poem and uploads it on her blog. A magazine republishes the poem without her permission, though mentioning her name as the author but without paying or crediting her as the copyright holder.
Has any right of Reema under the Copyright Act, 1957 been violated by the magazine. Explain giving reasons.

24. (a) The Central Government issued a notification directing all State Governments to adopt a uniform fare system for **intra-state bus services**. A state government challenged the notification in the Supreme Court, arguing that it interfered with the state's administrative powers. The Supreme Court examined the case and struck down the provisions of the notification for exceeding the powers of the Central Government under the Constitution.
Identify the power exercised by the Supreme Court in this case and explain it briefly. **2**

OR

(b) निम्नलिखित स्थितियों को पढ़िये और बताइये कि क्या उच्चतम न्यायालय में अपील करना संभव है । प्रत्येक मामले में संविधान के संबंधित अनुच्छेद का उल्लेख कीजिये ।

(i) उच्च न्यायालय ने एक आरोपी की दोषमुक्ति को पलट दिया और उसे मौत की सजा दी ।

(ii) एक सिविल मामले में उच्च न्यायालय ने निचले न्यायालय की डिक्री (आज्ञा) को सही बताया और उसमें कानून का कोई पर्याप्त प्रश्न शामिल नहीं था । हारने वाली पार्टी अब इस निर्णय को उच्चतम न्यायालय के सामने चुनौती देना चाहती है ।

25. (a) एक अंतर्राष्ट्रीय सम्मेलन में विभिन्न देशों ने वनों की कटाई, जलवायु परिवर्तन और प्राकृतिक संसाधनों के ह्रास जैसे वैश्विक मुद्दों पर चर्चा की । सभी स्तरों पर स्थायी (निरंतर) विकास को बढ़ावा देने के लिये उन्होंने "एजेंडा–21" नामक एक वैश्विक कार्य–योजना को अंगीकार किया ।

इस उल्लिखित सम्मेलन की पहचान कीजिये और उसके मुख्य उद्देश्य को बताइये । **2**

अथवा

(b) एक राष्ट्रीय प्राधिकरण (national authority) को देश के अंदर औद्योगिक प्रदूषण की पुनरीक्षा करने और वायु एवं जल की गुणवत्ता के समान मानक बनाये रखना, सुनिश्चित करने का निर्देश दिया गया है । पर्यावरणिक नीतियाँ तैयार करने के लिये भी यह केन्द्र सरकार को सलाह देती है ।

इस प्राधिकरण की पहचान कीजिये और बताइये कि किस विधान (कानून) के अंतर्गत इसकी स्थापना की गई थी ?

26. एक अधिसूचित धार्मिक अल्पसंख्यक समुदाय के सदस्य ने एक सांविधिक आयोग के समक्ष शिकायत दर्ज की और आरोप लगाया कि सरकारी दुकानों के आबंटन में विलम्ब किया गया है और दावा किया कि उसके अल्पसंख्यक होने के आधार पर यह भेदभाव किया गया है ।

पुनरीक्षा में आयोग ने यह पाया कि शिकायत दर्ज करने से पहले शिकायतकर्ता इसके निवारण के लिये किसी संबंधित विभाग या किसी दूसरे सक्षम प्राधिकरण के पास नहीं गया ।

(a) इस मामले में उल्लिखित सांविधिक आयोग की पहचान कीजिये ।

(b) क्या आयोग कार्रवाई हेतु इस शिकायत को स्वीकार करेगा ? यदि हाँ, तो क्यों ? यदि नहीं, तो क्यों नहीं ? **2**

(b) Read the following situations and state whether an appeal to the Supreme Court is possible. Mention the relevant Article of the Constitution in each case.

(i) The High Court reversed the acquittal of an accused and sentenced him to death.

(ii) In a civil case, the High Court upheld the lower court's decree and no substantial question of law was involved. The losing party now wishes to challenge this decision before the Supreme Court.

25. (a) At an international conference, various countries discussed global issues such as deforestation, climate change and depletion of natural resources. They adopted a global action plan called Agenda 21 to promote sustainable development at all levels.

Identify the conference being referred to and state its main objective. **2**

OR

(b) A national authority is directed to review industrial pollution levels across the country and ensure that uniform standards for air and water quality are maintained. It also advises the Central Government on framing environmental policies.

Identify this authority and mention the legislation under which it was established.

26. A member of a notified religious minority community filed a complaint before a statutory commission alleging delay in the allotment of a government shop, claiming it was due to discrimination based on his minority status.

On review, the commission found that the complainant had not approached the concerned department or any other competent authority for redressal before filing the complaint.

(a) Identify the statutory commission referred to in the case.

(b) Will the complaint be admitted by the commission for action ? If yes, why ? If no, why not ? **2**

27. इस बात को स्पष्ट कीजिये कि बाध्यकारी प्राधिकार और प्रवर्तन (enforcement) कार्य तंत्र के संदर्भ में अंतर्राष्ट्रीय कानून, घरेलू (नगरपालिका) कानून से किस प्रकार अलग है ? **2**

28. कानूनी सहायतार्थ एक अधिवक्ता दिये जाने के बाद भी नेहा कानूनी सहायता प्राधिकरण को सूचित किये बिना एक प्राइवेट वकील रखती है । उसके विरुद्ध क्या कार्रवाई की जा सकती है और क्यों ? **2**

खण्ड – ग

29. (a) न्यायिक पुनरीक्षा के एक महत्वपूर्ण अंग के रूप में प्राथमिक संरचना के सिद्धांत की व्याख्या कीजिये । **3**

अथवा

(b) भारत में न्यायाधिकरणों (Tribunals) की स्थापना से संबंधित सांविधिक प्रावधानों को स्पष्ट कीजिये ।

30. रीता और श्याम एक संपत्ति के विवाद में उलझे हैं और न्यायालय में जाये बिना इसका समाधान चाहते हैं । वह निर्णय पर नियंत्रण बनाये रखना चाहते हैं और सही समाधान क्या है यह नहीं जानना चाहते ।

(a) उन्हें किस तरह का मध्यकता (mediation) चुनना चाहिए इसको बताइये । इस प्रकार के मध्यकता की कोई दो विशेषतायें बताइये ।

(b) उपर्युक्त (a) में बताया गया मध्यकता, मूल्यांकन मध्यकता से किस प्रकार भिन्न हैं ? **2 + 1 = 3**

31. (a) सख्त दायित्व (strict liability) और लापरवाही दोनों नुकसान के कारणों से संबंधित हैं, फिर भी वे जिम्मेदारी निर्धारित करने में लापरवाही की भूमिका में भिन्न हैं ।

संबंधित मामलों के कानूनों की सहायता से इस कथन का विश्लेषण कीजिए । **3**

अथवा

(b) "संपत्ति का स्वामित्व मात्र ही उसे अंतरण करने का अधिकार प्रदान नहीं करता ।"

इस संदर्भ में, संपत्ति अंतरण अधिनियम, 1882 के अंतर्गत अंतरणकर्ता की क्षमताओं का विश्लेषण कीजिए ।

27. Explain how International Law differs from Domestic (Municipal) Law in terms of its binding authority and enforcement mechanism. **2**

28. Neha, after being assigned a legal aid advocate, hires a private lawyer without informing the legal services authority. What action can be taken against her & why ? **2**

SECTION – C

29. (a) Explain the doctrine of Basic Structure as an important element of Judicial review. **3**

OR

(b) Explain the constitutional provisions relating to the establishment of Tribunals in India.

30. Rita & Shyam are involved in a property dispute and prefer a resolution without going to court. They want to maintain control over the outcome and not be told what is a fair solution.

(a) Identify the type of mediation they should opt for. State any two characteristics of this form of mediation.

(b) How does the mediation identified in (a) above differ from evaluative mediation ? **2 + 1 = 3**

31. (a) Both strict liability and negligence deal with causing harm, yet they differ in the role of carelessness in establishing liability.

Analyse this statement with the help of relevant case laws. **3**

OR

(b) "Ownership of property does not itself confer the right to transfer it."

In this context, analyse the competencies of the transferor under the Transfer of Property Act, 1882.

32. केशव ने अपना मकान अपने बचपन के मित्र सुदामा को उपहार के रूप में हस्तांतरित किया । दुर्भाग्यवश, सुदामा की मृत्यु उपहार को स्वीकार करने से पहले हो गई ।

उपरोक्त तथ्यों के संदर्भ में निम्नलिखित प्रश्नों के उत्तर दीजिए :

(i) संपत्ति अन्तरण अधिनियम, 1882 (Transfer of Property Act, 1882) की धारा 122 के अनुसार 'उपहार' का अर्थ स्पष्ट कीजिए ।

(ii) इस लेन-देन में दाता (donor) और प्राप्तकर्ता (donee) की पहचान कीजिए ।

(iii) हस्तांतरण पर सुदामा की मृत्यु का प्रभाव बताइए । **1 + 1 + 1 = 3**

33. (a) अंतर्राष्ट्रीय न्यायालय (ICJ) संविधि (Statute) के अनुच्छेद 38(1) के अंतर्गत अंतर्राष्ट्रीय कानून के प्राथमिक स्रोतों को स्पष्ट कीजिये । **3**

अथवा

(b) अंतर्राष्ट्रीय आपराधिक न्यायालय (ICC) की स्थापना क्यों की गई थी ?

जैसा कि रोम संविधि में उल्लेख किया गया है, इसका क्षेत्राधिकार सामान्य आपराधिक न्यायालयों से किस प्रकार अधिक सीमित है, इसका विश्लेषण कीजिये ।

34. वर्ष 2024 में अंतर्राष्ट्रीय मीडिया ने रवानियां में अल्पसंख्यक समुदाय के विरुद्ध बड़े पैमाने पर किये गये अत्याचारों की सूचना दी, जहाँ हजारों नागरिकों को सरकारी बलों द्वारा यातना दी गई और जबरदस्ती निकाला गया । यद्यपि उल्लंघन पूर्णत: रवानियां की सीमाओं के अंदर हुआ था, परंतु एक दूरस्थ देश नॉरलैंड की सरकार ने अंतर्राष्ट्रीय न्यायालय (ICJ) के समक्ष एक शिकायत दर्ज की जिसमें इन गंभीर अत्याचारों के लिये वैश्विक समुदाय द्वारा हस्तक्षेप करने और रवानियां को उत्तरदायी ठहराने का आग्रह किया गया ।

(a) बतायें कि अंतर्राष्ट्रीय कानून के अंतर्गत यह किस प्रकार का दायित्व है जो रवानियां के विरुद्ध ऐसी कार्रवाई करने के लिये नॉरलैंड को स्वीकृति देता है । इस दायित्व को स्पष्ट कीजिए ।

(b) ऐसे उल्लंघनों को बताने (दूर करने) में किस प्रकार अंतर्राष्ट्रीय मानवाधिकार कानून नॉरलैंड जैसे देशों को शक्ति प्रदान करता है ? **2 + 1 = 3**

32. Keshav transferred his house to his childhood friend Sudama by way of 'gift'. Unfortunately, Sudama died before accepting the 'gift'.

With reference to the above facts, answer the following :

(i) Explain the meaning of 'gift' as per Section 122 of the Transfer of Property Act, 1882.

(ii) Identify the 'donor' and the 'donee' in the above transaction.

(iii) State the effect of Sudama's demise on the transfer. **1 + 1 + 1 = 3**

33. (a) Explain the primary sources of International Law under Article 38(1) of the statute of The International Court of Justice (ICJ). **3**

OR

(b) Why was the International Criminal Court (ICC) established ?

Analyse how its jurisdiction, as mentioned in the Rome Statute, is more restricted than that of ordinary criminal courts.

34. In 2024, international media reported large-scale atrocities committed against a minority community in Ravania, where thousands of civilians were subjected to torture and forced displacement by government forces. Although the violations occurred entirely within Ravania's borders, the government of Norland, a distant country, filed a complaint before the International Court of Justice (ICJ), urging the global community to intervene and hold Ravania accountable for these grave atrocities.

(a) Identify and explain the type of obligation under international law that allows Norland to take such action against Ravania.

(b) How does International human rights law empower states like Norland in addressing such violations ? **2 + 1 = 3**

35. परिवहन के दौरान सामान के नुकसान के बारे में एक यात्री और सरकारी परिवहन सेवा के बीच विवाद उत्पन्न हुआ । यात्री विधिक सेवा प्राधिकरण (संशोधन) अधिनियम, 2002 के अंतर्गत स्थापित एक मंच (फोरम) के पास गया । फोरम ने पहले परस्पर समझौते के द्वारा मामले को हल करने की कोशिश की । जब कोई समाधान नहीं निकला तो उसने मामले पर निर्णय लेने के लिये कार्यवाही की और एक निर्णय दिया जिसका दोनों पक्षों द्वारा अनुपालन करना था ।

इस मामले में उल्लिखित फोरम को पहचानिये और स्पष्ट कीजिये कि साधारण न्यायालयों से किस प्रकार इसकी प्रक्रिया अलग है । **3**

36. (a) भारत में मुफ्त कानूनी सहायता के संदर्भ में अंतर्राष्ट्रीय नागरिक एवं राजनीतिक अधिकार वाचा (प्रसंविदा) (ICCPR) (International Covenant on Civil and Political Rights) का महत्त्व बताइये । **3**

अथवा

(b) नालसा विनियमन, 2010 (National Legal Services Authority (Free and Competent Legal Services Regulation), 2010) के अंतर्गत पैनल में शामिल वकीलों के चयन, सेवा अवधि और कर्तव्यों से संबंधित मुख्य प्रावधानों का उल्लेख कीजिये ।

खण्ड – घ

37. (a) नीचे दी गई स्थितियों का अध्ययन कीजिए और उत्तर दीजिए कि क्या अनुच्छेद 19 के अंतर्गत नागरिकों के मौलिक अधिकार का उल्लंघन हुआ है और अनुच्छेद 19 के संबंधित खण्ड (clause) के संदर्भ में इसका औचित्य बताइये । **1 + 1 + 1 + 2 = 5**

(i) एक राजनैतिक कार्टूनिस्ट ने स्थानीय प्रशासन में भ्रष्टाचार की घटनाओं को उजागर करते हुए व्यंग्यात्मक रेखाचित्र (Satirical sketches) प्रकाशित किये । इन पोस्टों को व्यापक जन समर्थन मिला और कुछ अधिकारियों की आलोचना हुई परंतु कोई हिंसा या गड़बड़ी नहीं हुई । सरकार ने "सार्वजनिक व्यवस्था के विरुद्ध अपराध" (offence to public order) बताते हुए ऑनलाइन में इसको प्रतिबंधित कर दिया ।

(ii) लखनऊ के एक पर्यावरणिक इंजीनियर रवि को मेघालय के पर्वतीय क्षेत्र में सरकार द्वारा अनुमोदित पारि–अनुकूल आवास परियोजना (Eco-housing project) के पर्यवेक्षण के लिये नियुक्त किया जाता है । जब वह अनुसूचित जनजातियों के हितों की रक्षा के लिये अधिसूचित एक गाँव में जमीन खरीदने का आवेदन करता है तो जिला प्रशासन द्वारा उसके अनुरोध को अस्वीकार किया जाता है । रवि का तर्क है कि यह अस्वीकृति भारत में कहीं भी निवास करने (Reside) और बसने (settle) के उसके अधिकार का उल्लंघन है ।

35. A dispute arose between a passenger and a government transport service regarding damage to goods during transit. The passenger approached a forum established under the Legal Services Authorities (Amendment) Act, 2002. The forum first tried to settle the matter through conciliation. When no settlement was reached, it proceeded to decide the case and passed an award that both parties were required to follow.

Identify the forum mentioned in the case and explain how the procedure followed by it makes it distinct from ordinary courts. **3**

36. (a) State the significance of the International Covenant on Civil and Political Rights (ICCPR) in relation to free legal aid in India ? **3**

OR

(b) Describe the main provisions related to the selection, tenure and duties of panel lawyers under the National Legal Services Authority (Free and Competent Legal Services Regulation), 2010 (NALSA Regulations, 2010).

SECTION – D

37. (a) Read the following situations and answer whether the citizen's Fundamental Right under Article 19 has been violated, justify with reference to relevant clause of Article 19. **1 + 1 + 1 + 2 = 5**

(i) A political cartoonist published satirical sketches exposing instances of corruption in local administration. The posts gained wide public support and criticism of certain officials but caused no violence or disturbance. The government banned his online content citing "offence to public order".

(ii) Ravi, an environmental engineer from Lucknow, is appointed to oversee a government-approved eco-housing project in a hilly area of Meghalaya. When he applies to purchase land in a village notified for the protection of the interests of a Scheduled Tribe, his request is declined by the District Administration. Ravi argues that this denial violates his right to reside and settle anywhere in India.

(iii) अनेक रोगियों से शिकायतें मिलने और एक जाँच द्वारा चिकित्सीय नैतिकता में पाई गई कमियों के बाद नगर-चिकित्सा परिषद डॉ. के. का प्रैक्टिस लाइसेंस (practice licence) अस्थायी तौर पर निलंबित कर देती है । डॉ. के का विवाद है कि यह निर्णय कोई भी व्यवसाय करने की उसकी स्वतंत्रता का उल्लंघन है । चिकित्सा परिषद का तर्क है कि यह निलंबन आवश्यक था ।

(b) क्या अनुच्छेद 19 के अंतर्गत स्वतंत्रतायें असीमित हैं ? उचित प्रतिबंधों के संदर्भ में संक्षेप में स्पष्ट कीजिये ।

38. संविदा के निर्वहन का क्या अभिप्राय है ? पक्षकारों (parties) के दायित्वों और क्षतिपूर्ति जहाँ लागू हो, पर टिप्पणी करते हुए निम्नलिखित परिस्थितियों के संदर्भ में अपने उत्तर को बताइये : **5**

(i) रमेश एक कंपनी का मालिक है जो बड़े जन-समारोहों के लिये खनिज जल (mineral water) की आपूर्ति करती है । एक दूर-दराज के कस्बे में तीन दिवसीय सांस्कृतिक उत्सव के लिए बोतलों में 5000 लीटर जल की आपूर्ति के लिये उसने नगर निगम के साथ एक संविदा की । दिनांक 9 नवम्बर को एक भारी भूस्खलन के कारण कस्बे में जाने वाली सारी सड़कें बंद हो गईं और इससे रमेश के सामान पहुँचाने वाले ट्रक भी नष्ट हो गये । इसके कारण निर्धारित तारीखों में उत्सव के स्थान पर भौतिक रूप से जल पहुँचाना रमेश के लिये असंभव हो गया । इस स्थिति के बारे में रमेश नगर निगम को सूचित करता है ।

(ii) नेहा दिल्ली में एक उच्च स्तरीय बुटीक (boutique) की मालिक है और उसने विशेषकर 3 अक्तूबर को अपने दिवाली फैशन आयोजन के लिये 1 अक्तूबर तक 100 कस्टम डिजाइंड सिल्क शर्ट्स की आपूर्ति के लिये एक वस्त्र आपूर्तिकर्ता अर्जुन के साथ लिखित संविदा की । संविदा में विशिष्ट रूप से उल्लेख किया गया कि "समय की बाध्यता महत्वपूर्ण है" (time is of the essence) । फिर भी अर्जुन ने 18 अक्तूबर को शर्ट्स भेजी और इसका कारण परिवहन में विलम्ब और कुशल कारीगरों की कमी होना बताया । तब तक नेहा ने पहले ही 25% अधिक कीमत पर दूसरे आपूर्तिकर्ता से वस्त्र मंगवा लिये थे और इससे उसके कारोबार की प्रतिष्ठा में नुकसान हुआ और उत्सव के लिये तैयार वस्त्रों की बिक्री नहीं हो पाई ।

(iii) The City Medical Council temporarily suspends Dr. K's licence to practise after multiple patient complaints and an inquiry finding lapses in medical ethics. Dr. K contends that the decision violates his freedom to practise any profession. The Council argues that the suspension is necessary.

(b) Are the freedoms under Article 19 unlimited ? Explain briefly with reference to reasonable restrictions.

38. What is meant by discharge of contract ? Illustrate your answer with reference to the following situations, commenting on the liability of parties and damages, wherever applicable. **5**

(i) Ramesh owns a company that supplies mineral water for large public events. He entered into a contract with the municipal corporation to supply 5,000 litres of bottled water for a three-day cultural festival in a remote town. On 9th November, a massive landslide blocked all access roads to the town and destroyed Ramesh's delivery trucks. As a result, it became physically impossible for Ramesh to deliver the water to the festival venues on the scheduled dates. Ramesh informs the municipal corporation about the situation.

(ii) Neha, the owner of a high-end boutique in Delhi, entered into a written contract with Arjun, a textile supplier, for the delivery of 100 custom-designed silk shirts by 1st October, specifically meant for her Diwali fashion launch on 3rd October. The contract expressly mentioned that "time is of the essence". Arjun, however, delivered the shirts on 18th October, citing transport delays and shortage of skilled labour. By then, Neha had already sourced substitute stock from another supplier at a 25% higher cost and suffered a loss of business reputation and unsold festive inventory.

39. (a) कंपनी अधिनियम, 2013 के अंतर्गत एकल व्यक्ति कंपनी (OPC) की शुरुआत भारत में पारंपरिक व्यक्तिगत कारोबार मॉडलों से एक महत्वपूर्ण परिवर्तन को प्रदर्शित करता है । इसका विश्लेषण कीजिये कि एकल व्यक्ति कंपनी (OPC) संरचना किस प्रकार कार्पोरेट पहचान के फायदों को एकल स्वामित्व में आमेलित (merge) करने और दायित्व, कानूनी स्थिति एवं निरंतरता के संदर्भ में एकल स्वामित्व से इसके स्पष्ट अंतर के मूल्यांकन का प्रयास करती है । **5**

अथवा

(b) रीता को उसकी शादी के तीन वर्षों के अंदर रहस्यमय परिस्थितियों में मृत पाया गया । उसके माँ-बाप ने उसके पति और ससुराल वालों द्वारा दहेज के लिये लगातार उसे परेशान करने का आरोप लगाया । विचारण (परीक्षण) के दौरान बचाव पक्ष के वकील (defence) ने आपराधिक कानून के "गोल्डन थ्रेड प्रिंसिपल" का सहारा लेते हुए यह तर्क दिया कि अभियोजन (prosecution) पक्ष उचित संदेह से परे अपराध सिद्ध करने में असफल रहा है ।

फिर भी न्यायालय ने दहेज-मृत्यु संबंधी प्रावधान के अंतर्गत अपराध की अवधारणा पर विश्वास किया ।

आपराधिक कानून में "गोल्डन थ्रेड प्रिंसिपल" (golden thread principle) किस तरह काम करता है इसको स्पष्ट कीजिये । इसका भी विश्लेषण कीजिए कि दहेज मृत्यु जैसे कुछ मामलों में प्रमाण देने (proof) की जिम्मेदारी प्रतिलोम दायित्व अनुच्छेद (Reverse onus clause) के अंतर्गत आरोपी (अभियुक्त) की होती है ।

40. (a) अदिति, बेन और चिंतन तीन दोस्त हैं जो भारत में पेशेवर वकील (practising lawyers) बनने के विकल्पों की तलाश कर रहे हैं । **5**

अदिति ने भारतीय विधिज्ञ परिषद (Bar Council of India) द्वारा मान्यता प्राप्त भारतीय विश्वविद्यालय से एल.एल.बी. पूरा कर लिया है । वह अधिवक्ता के रूप में पंजीकृत होना चाहती है और कानूनी प्रैक्टिस करना चाहती है ।

बेन ने यूनाइटेड किंगडम (यू.के.) से अपनी कानून की डिग्री पूरी कर ली है और भारत में प्रैक्टिस करना चाहती है, परंतु वह सुनिश्चित नहीं कर पा रही है कि किन शर्तों पर उसकी विदेशी डिग्री मान्य होगी ।

चिंतन ने एम.बी.ए. किया है और कानून की डिग्री पढ़ने की योजना कर रहा है । वह सुनिश्चित नहीं कर पा रहा है कि भारत में कानूनी प्रैक्टिस की अर्हता प्राप्त करने के लिये उसे 3 वर्षीय एल.एल.बी. कार्यक्रम चुनना चाहिए या 5 वर्षीय एकीकृत विधि कार्यक्रम चुनना चाहिए ।

वे अपनी कानूनी शिक्षा और जीवनवृत्ति (career path) पर मार्गदर्शन के लिये अदिति के पिता के पास जाते हैं ।

39. (a) The introduction of the One Person Company (OPC) under the Companies Act, 2013 represents a significant shift from traditional individual business models in India. Analyze how the OPC structure attempts to merge the advantages of corporate identity with single ownership and evaluate its distinction from a Sole Proprietorship with reference to liability, legal status and continuity. **5**

OR

(b) Rita was found dead under mysterious circumstances within three years of her marriage. Her parents alleged continuous harassment for dowry by her husband and in-laws. During trial, the defence argued that the prosecution failed to prove guilt beyond reasonable doubt, invoking the golden thread principle of criminal law. However, the court relied on the presumption of guilt under the dowry death provision.

Explain how the 'golden thread principle' operates in criminal law. Analyze why, in certain cases like dowry death, the burden of proof shifts to the accused under the reverse onus clause.

40. (a) Aditi, Ben and Chintan are three friends exploring options to become practising lawyers in India. **5**

Aditi has completed her LL.B. from an Indian university recognized by the Bar Council of India. She wants to enrol as an advocate and start practising law.

Ben has completed his law degree from the United Kingdom and wishes to practise in India but is unsure under what conditions his foreign degree will be recognized.

Chintan has completed an MBA and is planning to pursue a law degree. He is unsure whether he should opt for a 3-year LL.B. program or a 5-year integrated law program to be eligible to practise law in India.

They approach Aditi's father for guidance on their legal education and career paths.

(i) उस निकाय (body) का नाम बताइये जहाँ अदिति एक अधिवक्ता (Advocate) के रूप में नामांकन (enrolment) के लिये आवेदन करेगी । नामांकन के बाद वह भारत में कब से कानून की प्रैक्टिस कर सकती है ? **1**

(ii) भारत में प्रैक्टिस की अर्हता (eligibility) के लिये बेन की विदेशी कानूनी डिग्री की कौन सी शर्त पूरी होनी चाहिए ? **1**

(iii) भारत में कानूनी प्रैक्टिस की अर्हता पाने के लिये चिंतन को अपने एम.बी.ए. के बाद किस कानूनी कार्यक्रम (law program) को चुनना चाहिए ? **1**

(iv) कल्पना कीजिए कि अदिति भविष्य में अभिलेख अधिवक्ता (Advocate-on-Record) बनना चाहती है । उसे किन अर्हता मानदंडों और प्रक्रियाओं का अनुपालन करना चाहिए, इसे स्पष्ट कीजिये । **2**

अथवा

(b) रिया, मीरा और अनिका इन तीन सहेलियों ने हाल ही में अपनी कानून की डिग्रियाँ पूरी की हैं और विभिन्न जीवनवृत्तियों (career opportunities) की तलाश कर रही हैं ।

कार्पोरेट लेन देनों पर ध्यान केन्द्रित करते हुए रिया लेन-देन विधि विभाग में कार्य करने के लिये लेक्स कॉर्पो. लॉ फर्म में नियुक्ति प्राप्त करती है ।

मीरा लोक नीति (Public Policy) में रुचि रखती है और पी.आर.एस. विधि अनुसंधान (PRS Legislative Research) में फैलोशिप प्राप्त करती है ।

अंकिता भारतीय सेना के जज एडवोकेट जनरल (JAG) विभाग में नियुक्ति प्राप्त करती है ।

(i) रिया किस जीवनवृत्ति पेशे (career path) को अपना रही है और वह किस प्रकार का कार्य करेगी ? लेन देन कानून (transactional law) में सफल होने के लिये रिया को कौन सा एक मुख्य कौशल या ज्ञान विकसित करना चाहिए, इसका उल्लेख कीजिये । **2**

(ii) मीरा किस प्रकार लोक नीति सेक्टर में योगदान कर रही है और यह सेक्टर विधि स्नातकों (law graduates) को कौन से अवसर प्रदान करता है ? **1**

(iii) अनिका JAG विभाग में किस प्रकार का विधिक कार्य (Legal work) करेगी ? **2**

(i) Name the body where Aditi will apply for enrolment as an advocate. After enrolment, when can she start practising law in India ? **1**

(ii) What condition must Ben's foreign law degree satisfy for him to be eligible to practise law in India ? **1**

(iii) Which law program should Chintan choose after his MBA to become eligible to practise law in India ? **1**

(iv) Suppose Aditi wishes to become an Advocate-on-Record in future, explain the eligibility criteria and procedure she must follow. **2**

OR

(b) Three friends – Riya, Meera and Anika – have recently completed their law degrees and are exploring different career opportunities :

Riya joins LexCorp Law Firm to work in their transactional law department, focusing on corporate transactions.

Meera is keen on public policy and secures a fellowship with PRS Legislative Research.

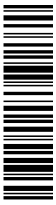
Anika joins the Judge Advocate General (JAG) Department of the Indian Army.

(i) Which career path is Riya pursuing and what type of work will she be involved in ? Mention one key skill or knowledge area Riya must develop to succeed in transactional law. **2**

(ii) How is Meera contributing to the public policy sector, and what opportunities does it offer law graduates ? **1**

(iii) What kind of legal work will Anika perform in the JAG Department ? **2**





Marking Scheme
Strictly Confidential
(For Internal and Restricted use only)
Senior Secondary School Examination, 2026 (XII)
SUBJECT NAME : Legal Studies (Q.P. CODE – 074/40)

General Instructions: -

1	The CBSE has decided to introduce On Screen Marking (OSM) for the evaluation of Class XII answer Book with the 2026 Examination.
2	You are aware that evaluation is the most important process in the actual and correct assessment of the candidates. A small mistake in evaluation may lead to serious problems which may affect the future of the candidates, education system and teaching profession. To avoid mistakes, it is requested that before starting evaluation, you must read and understand the spot evaluation guidelines carefully.
3	**"Evaluation policy is a confidential policy as it is related to the confidentiality of the examinations conducted, evaluation done and several other aspects. Its leakage to public in any manner could lead to derailment of the examination system and affect the life and future of millions of candidates. Sharing this policy/document to anyone, publishing in any magazine and printing in Newspaper/Website, etc. may invite action under various rules of the Board and BNS."**
4	Evaluation is to be done as per instructions provided in the Marking Scheme. It should not be done according to one's own interpretation or any other consideration. Marking Scheme should be strictly adhered to and religiously followed. **However, while evaluating, answers which are based on latest information or knowledge and/or are innovative, they may be assessed for their correctness otherwise and due marks be awarded to them. In Class-XII, while evaluating two competency-based questions, please try to understand given answer and even if reply is not from marking scheme but correct competency is enumerated by the candidate, due marks should be awarded.**
5	The Marking scheme carries only suggested value points for the answers. These are in the nature of Guidelines only and do not constitute the complete answer. The students can have their own expression and if the expression is correct, the due marks should be awarded accordingly.
6	The Head-Examiner must go through the first five answer books evaluated by each evaluator on the first day, to ensure that evaluation has been carried out as per the instructions given in the Marking Scheme. If there is any variation, the same should be zero after deliberation and discussion. The remaining answer books meant for evaluation shall be given only after ensuring that there is no significant variation in the marking of individual evaluators.
7	Evaluators will mark (√) wherever answer is correct. For wrong answer CROSS 'X' be marked. Evaluators will not put right (**✓**) while evaluating which gives an impression that answer is correct and no marks are awarded. **This is most common mistake which evaluators are committing.**
8	If a question has parts, please award marks on the right-hand side for each part in the OSM Portal. Marks awarded for different parts of the question will be totaled up by the OSM System.
9	If a question does not have any parts, marks must be awarded in the left-hand margin in the OSM Portal. This may also be followed strictly.

10	No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
11	A full scale of marks 0 to 80 marks (as given in Question Paper) has to be used. Please do not hesitate to award full marks if the answer deserves it.
12	Every examiner has to necessarily do evaluation work for full working hours i.e., 8 hours every day and evaluate 20 answer books per day in main subjects and 25 answer books per day in other subjects (Details are given in Spot Guidelines).This is in view of the reduced syllabus and number of questions in question paper.
13	Ensure that you do not make the following common types of errors committed by the Examiner in the past :- ● Answers marked as correct, but marks not awarded. (Ensure that the right tick mark is correctly and clearly indicated. It should merely be a line. Same is with the X for incorrect answer.) ● Half or a part of answer marked correct and the rest as wrong, but no marks awarded.
14	While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as cross (X) and awarded zero (0) Marks.
15	The Examiners should acquaint themselves with the guidelines given in the "**Guidelines for Spot Evaluation**" before starting the actual evaluation.
16	The candidates are entitled to obtain photocopy of the Answer Book on request on payment of the prescribed processing fee. All Examiners/Additional Head Examiners/Head Examiners are once again reminded that they must ensure that evaluation is carried out strictly as per value points for each answer as given in the Marking Scheme.
17	**If a candidate attempts both alternatives/options in a question where only one option/ alternative is required to be attempted, the Evaluator shall award marks in both the options. The system will take the higher of two scores and disregard the other response.**
18	**In a question having two options/alternatives, if a candidate has attempted only one, then the evaluator shall mark "NA" (Not attempted) against the option that has not been attempted by the candidate.**

MARKING SCHEME
Legal Studies (Subject Code-074)
(PAPER CODE : 40) (P40074)

Q.No.	EXPECTED OUTCOMES/VALUE POINTS	Steps Marks
	SECTION – A	**20 x 1=20**
1.	(C) Supreme court of India - 34 Judges. **(Page no. 4)**	**Step 1-1 Mark**
2.	(C) Banking Ombudsman. **(Page no . 46)**	**Step 1-1 Mark**
3.	(C) The agreement is enforceable by law. **(Page no . 53)**	**Step 1-1 Mark**
4.	(A) Both (A) and (R) are true, and (R) is the correct explanation of (A). **(Page no. 36)**	**Step 1-1 Mark**
5.	(C) The dispute decided falls outside the scope of the arbitration agreement **(Page no. 39)**	**Step 1-1 Mark**
6.	(B) They cannot be fixed in advance and depend on the court's assessment of loss. **(Page no. 62)**	**Step 1-1 Mark**
7.	(B) The contract is void because it involves performing an illegal act. **(Page no. 58)**	**Step 1-1 Mark**
8.	(A) Mr. Kapoor has committed trespass to land, because he entered Mr Sharma's property without consent. **(Page no. 65)**	**Step 1-1 Mark**
9.	(B) Achieving development that meets present needs without harming future generations**. (Page no. 95)**	**Step 1-1 Mark**
10.	(C) Article 21 - Protection of life and personal liberty **(Page no. 136)**	**Step 1-1 Mark**
11.	(B) Meera's liability will be limited to her agreed capital contribution in the LLP. **(Page no. 105)**	**Step 1-1 Mark**
12.	(D) National Human Rights Commission. **(Page no. 148-149)**	**Step 1-1 Mark**
13.	(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A). **(Page no.130)**	**Step 1-1 Mark**

14.	(A) Ananya's statement amounts to defamation as it was false and harmed the restaurant's reputation. **(Page no. 66)**	**Step 1-1 Mark**
15.	(B) Deterrence **(Page no.112-113)**	**Step 1-1 Mark**
16.	(C) The transfer is not void but remains subject to the outcome of the pending litigation**.** **(Page no.77)**	**Step 1-1 Mark**
17.	(A) The algorithm qualifies as a trade secret protected under contractual and equitable obligations of confidentiality. **(Page no.88)**	**Step 1-1 Mark**
18.	(C) Statement I is true, but Statement II is false. **(Page no.189)**	**Step 1-1 Mark**
19.	(B) A Senior Advocate cannot file a vakalatnama or draft pleadings directly for a client. **(Page no.184)**	**Step 1-1 Mark**
20.	(D) It is unethical because it involves solicitation and commercialisation of the legal profession. **(Page no.187)**	**Step 1-1 Mark**
	SECTION - B	
21.	No, it is constitutionally invalid **(Step 1)** The procedure for appointment of judges at the High Court has been enshrined in Article 217 of the Constitution. This Article prescribes that every Judge of the High Court shall be appointed by the President after consultation with the Chief Justice of India, the Governor of the State; and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court concerned. **(Step 2)** **Or** For High Courts, the collegium comprises of the Chief Justice of the High Court and two senior most judges of the High Court. The Chief Justice conveys his recommendations to the Chief Minister of the State and the Governor of the State, who in turn send their views directly to the Union Minster of Law and Justice. The complete material is then forwarded to the Chief Justice of India, who in consultation with a collegium of two Judges of the Supreme Court, would send his recommendations to the Union Minister of Law and Justice. The Union Minister of Law and Justice then puts up the same to the Prime Minister who will advise the President in the matter of appointment. **(Step 2)** **Or** The role of 'consultation' and held that the process of appointment of Judges to the Supreme Court and the High Courts is an 'integrated participatory consultative process. The Chief Justice of India firms up his opinion after consultation with a plurality of judges; his opinion is formed by a body of senior Judges. **(Step 2)** **(Page no.15-16)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
22.	1. Aarav's trial follows the Adversarial system of dispute resolution **(Step 1)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***

	2. Advantages- i.The use of cross-examination can be an effective way to test the credibility of witnesses presented. ii. The parties may be more willing to accept the results when they are given effective control over the process. iii. Judge is neutral. **(Step 2)** **(Any 1 point in Step 2)** **(Page no.33-34)**	
23. (a)	1. The Shisham trees in this case are considered movable property. **(Step 1)** 2. As per Section 3 of Transfer of Property Act, the immovable property does not include standing timber, growing crop and grass. **(Step 2)** **Or** Standing timbers are trees fit for use for building or repairing houses. The word standing timber includes Babool Tree, Shisham, Peepal, Banyan, Teak, Bamboo, etc. The fruit-bearing trees like Mango, Jackfruit, Jamun, etc., are not standing timber, and they are immovable properties. **(Step 2)** **Or** If the intention is that trees should continue to have the benefit of further sustenance or nutriment by the soil (land), e.g., enjoining their fruits, then such tree is immovable property. But if the intention is to cut them down sooner or later for the purpose utilizing the wood for building or other industrial purposes, they would be timber and accordingly be regarded as movable property.**(Step 2)** **(Page no. 72-73)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
	OR	
23. (b)	1. Yes, Reema's economic & moral rights under the copyright Act, 1957 have been violated. **(Step 1)** 2. The right to reproduce & distribute literary work belongs exclusively to the creator unless transferred by contract. The magazine reproduced and published the poem without authorization, violating Reema's economic rights. **(Step 2)** **Or** Reema has moral rights including : Right to Paternity (to be properly credited) Right of Integrity (to prevent misuse or distortion of her work), which have been violated. **(Step 2)** **Or** The copyright protection helps to ensure that creators are fairly compensated for their work and that their work is not used or copied without permission. Copyright also promotes creativity and innovation by giving creators the exclusive right to control the use and distribution of their works. **(Step 2)** **(Page no. 84-85)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
24. (a)	1. The Supreme Court exercised the power of Judicial Review. **(Step 1)** 2.It allows it to examine the constitutionality of laws passed by the legislature and strike them down if they violate Fundamental Rights enshrined in the Constitution of India. **(Step 2)** **Or**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***

	Judicial review has also been used in matters concerning the legislative competence with regards to the Centre-State relations. Article 246 of the Constitution provides that the Parliament has exclusive powers to make laws with respect to matters itemized in the 'Union List' (List 1 of the Seventh Schedule of the Constitution). It provides further that both the Parliament and the Legislature of any State have powers to make laws with respect to matters enumerated in the 'Concurrent List' (List III of the Seventh Schedule of the Constitution). With respect to the States, it provides that the Legislature of any State has exclusive power to make laws with respect to matters listed in the 'State List' (List II of the Seventh Schedule). This Article delivers clear division of law-making powers (division of powers) as well as room for intersection between the Centre and the State. **(Step 2)** **Or** Judicial review helps demarcate the legislative competencies and ensures that Centre does not exert its supremacy over the state matters and likewise states do not encroach upon matters within the ambit of the Centre. **(Step 2)** **(Page no.24-25)**	
	OR	
24. (b)	(i) Yes, appeal is possible under Article 134- when the High Court reverses an acquittal and imposes a death sentence, an appeal lies as a matter of right under the Court's appellate jurisdiction. **(Step 1)** (ii) Yes, appeal is possible under Article 136 - the party may approach the Supreme Court by filing a Special Leave Petition (SLP), which allows the Court to hear cases even when no appeal lies as of right, if it considers the case exceptional. **(Step 2)** **Or** No, Article 133 provides that an appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court only if High Court certifies under Article 134-A - (a) that the case involves a substantial question of law of general importance; and (b) that in the opinion of the High Court the said question needs to be decided by the Supreme Court. **(Step 2)** **(Page no.9)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
25. (a)	1.The conference was the Rio Summit/ United Nations Conference on Environment and Development /UNCED/Earth Summit **(Step 1)** 2. It's main objective was to achieve international cooperation for environmental protection and sustainable development, balancing economic growth with ecological responsibility. **(Step 2)** **Or** The objective of Rio 'Earth Summit' was to formulate a blueprint for global action on environment and development issues. **(Step 2)** **(Page no. 96)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
	OR	
25. (b)	1.The authority is the Central Pollution Control Board/ CPCB. **(Step 1)** 2.It was established under the Water (Prevention and Control of Pollution) Act,1974./ Water Act **(Step 2)** **(Page no. 98)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***

26.	(a)National Commission for Minorities / NCM **(Step 1)** (b)The NCM may decline a complaint if the complainant has not first availed ordinary judicial, quasi - judicial, or administrative remedies available for redressal, unless there is reasonable justification. **(Step 2)** **(Page no.152-153)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
27.	1. **Binding Authority** -International Law is not automatically binding; it requires the consent of states, whereas Domestic Law is binding and enforceable within a country by its legislature and courts. **(Step 1)** **Or** United Nations (UN) General Assembly consists of representatives of around 190 countries. Although it has an outward appearance of a legislature but it has no power to issue binding laws. **(Step 1)** **Or** The resolutions passed by UN General Assembly serve merely as recommendations. **(Step 1)** 2. **Enforcement Mechanism**- International Law lacks a central enforcement authority or police force, while Domestic Law is enforced through national executive agencies and judicial systems. **(Step 2)** **Or** The international court system does not have absolute jurisdiction in international law. In contentious cases, the ICJ's jurisdiction requires the consent of the particular states that are involved. **(Step 2)** **(Page no. 164)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
28.	1. Neha's legal aid can be withdrawn. **(Step 1)** 2. Neha's legal aid can be withdrawn because she engaged a legal practitioner other than the one assigned by the Legal Services Authority/Committee. **(Step 2)** **(Page no. 204)**	**Step 1-1 Mark** **Step 2- 1 Mark** ***Total Marks -2***
	SECTION - C	
29. (a)	i. Basic Structure doctrine invalidates any constitutional amendments that destroys or harms a basic or essential feature of the Constitution, like secularism, democracy and federalism. ii. Supreme Court has held judicial review to be the basic structure or feature of the Constitution; as a result, it can nullify any constitutional amendment that abolishes or disregards judicial review in issues concerning to fundamental rights of citizens. iii. This concept was introduced by judiciary in order to tide over the spate of amendments which were eroding into the basic elements of the Indian constitution. iv. This doctrine comes into play when it is felt that the executive and legislature transgress the boundary defined by the Constitution underlying the	**Step 1- 1 mark** **Step 2- 1 mark** **Step 3- 1 mark** ***Total Marks -3***

	spirit of separation of powers. v. Keshavananda Bharti case- This was a landmark case in defining the concept of the basic structure doctrine. The Supreme Court held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment". **(Any 3 points = 3 Steps)** **(Page no. 22-23)**	
	OR	
29.(b)	1. The 42nd Amendment Act ushered the era of 'tribunalisation of Indian judiciary'. The 42nd Constitutional Amendment Act, 1976 inserted Articles 323A and 323B providing for the establishment of Tribunals. **(Step 1)** 2. Article 323A empowers Parliament to set up administrative Tribunals for disputes relating to public services. **(Step 2)** 3.Article 323B allows both Parliament and State Legislatures to establish Tribunals for certain other matters.(Such as environment, taxation, labour, or land reforms) **(Step 3)** **(Page no. 20)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***
30.	(a) Facilitative Mediation **(Step 1)** The characteristics of Facilitative Mediation are – **(Step 2)** i. The mediator guides the communication process but does not offer opinions or judgments. ii. It emphasizes understanding interests and finding a mutually agreeable solution through dialogue. iii. Facilitative mediators typically do not evaluate a case or direct the parties to a particular settlement. iv. The Facilitative mediator facilitates the conversation. v.These mediators act as guardian of the process, not the content or the outcome. vi.During a facilitative mediation session the parties in dispute control both what will be discussed and how their issues will be resolved. vii.The facilitative mediator is focused on helping the parties find a resolution to their dispute. viii. The facilitative mediator further provides a structure and agenda for the discussion. **(Any 2 points)** **(b)** Evaluative mediation is focused on providing the parties with an evaluation of their case and directing them toward settlement, whereas, Facilitative Mediator only facilitates conversation. **(Step 3)** **Or** During an evaluative mediation process, when the parties agree that the mediator should do so, the mediator will express a view on what might be a fair	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***

	or reasonable settlement, whereas, facilitative mediators act as guardian of the process, not the content or the outcome. **(Step 3)** **Or** The Evaluative mediator has somewhat of an advisory role in that s/he evaluates the strengths and weaknesses of each side's argument and makes some predictions about what would happen should they go to court, whereas, during a facilitative mediation session the parties in dispute control both what will be discussed and how their issues will be resolved. **(Step 3)** **(Page no. 42-43)**	
31. (a)	Negligence is defined as the breach of the duty to take care which results in damages. It can be said that the wrong-doer or the defendant has been careless in a way that harms the interest of the victim or the claimant. The victim or the claimant must establish three elements against the defendant in a tort of negligence case – 1) the defendant owes a duty of care to the victim; 2) there has been a breach of duty of care on part of the defendant; and 3) the breach of the duty to care resulted in the harm suffered by the claimant.(Donoghue v Stevenson/ Macpherson v Buick Motors case) **(Step 1)** Strict liability is a standard of liability under which a person is legally responsible for the consequences of an activity even in the absence of fault or criminal intent from the defendant. Under the strict liability law, if the defendant possesses anything that is inherently dangerous, as specified under the 'ultra-hazardous' definition, the defendant is then strictly liable for any damages caused by such possession, no matter how careful the defendant is in safeguarding them. The claimant does not have to establish any sort of or level of blame attributable to the defendant based on the intention or the degree of carelessness. It does not matter what care the defendant took but he was responsible for the damage as he brought such an article to his premises which could be dangerous if it escapes. (Ryland v Fletcher) **(Step 2)** **(Page no. 66-68)**	**Step 1-1.5 Marks** **Step 2- 1.5 Marks** ***Total Marks -3***
	OR	
31. (b)	The competencies required by the transferor for a valid transfer are: 1.The transferor must be of sound mind,; 2.The transferor must be above 18 years; 3. He must be authorised to make the transfer if the property is not his own property. 4. He must not be legally disqualified to be a transferor or transferee. **(Any 3 points = 3 Steps)** **(Page no. 74)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***
32.	(i)The transfer of ownership of property that is made voluntarily and without consideration is called gift. **(Step 1)** (ii) Donor → Keshav **(Step 2)** Donee → Sudama **(Step 3)** (iii) If Sudama dies before accepting the gift, the gift becomes void. **(Step 4)** **(Page no. 78)**	**Step 1-1 Mark** **Step2- 0.5Mark** **Step3- 0.5Mark** **Step 4-1Mark** ***Total Marks -3***
33. (a)	The primary sources of international law under Article 38(1) of Statute of ICJ	**Step 1-1 Mark**

	are: 1.International convention /treaties recognized by the contesting states- A Treaty/International Convention/Charters refers to legally binding, written, agreements in which states agree to act in a particular manner as specified in the agreement. **(Step 1)** 2. International custom as evidence of general practice accepted as law. Customary International law consists of rules that come from 'a general practice accepted as law' and exists independent of treaty law. Customary international law refers to binding legal rules that have developed on global or regional levels through continued practice. **(Step 2)** 3. General principles of law – recognized by civilized Nations. They could be general principles of justice, natural law, analogies to private law, principles of comparative law, or general conceptions of international law. The general principles of law are also found in textbooks, general surveys or manuals, treatises, encyclopaedias. **(Step 3)** **(Page no. 168-169)**	**Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***
	OR	
33. (b)	1. The International Criminal Court (ICC) was set up through the Rome Statute to prosecute individuals for the most serious crimes of international concern such as genocide, war crimes, crimes against humanity, and crime of aggression. **(Step 1)** 2.The ICC can act only when countries accept its jurisdiction - either where the crime is committed or when the accused is a national of that country. **(Step 2)** 3. Its jurisdiction is limited and complementary to national criminal courts, which have wider authority to try all offences committed within their territory. **(Step 3)** **(Page no. 177-178)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3- 1 Mark** ***Total Marks -3***
34.	(a)The obligation is known as an erga omnes obligation. **(Step 1)** Erga omnes obligations arise when violations are so grave - such as genocide or torture - that all states have a shared interest in preventing and punishing them, even if the crimes occurred outside their territory. **(Step 2)** (b)International human rights law transcends national borders, allowing the international community to actively participate in protecting human rights across nations. **(Step 3)** **(Page no. 174)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3- 1 Mark** ***Total Marks -3***
35.	1. The forum referred to is the Permanent Lok Adalat. **(Step 1)** 2. Difference in procedure between Permanent Lok Adalat and Ordinary courts are: a. The Permanent Lok Adalat shall, during conduct of conciliation proceedings assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner, whereas in ordinary courts, the judges have no direct interaction with the parties. b. It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it, whereas in ordinary courts, the lawyers provide evidence in the courts. c. In case the parties reach at an agreement on the settlement of the dispute, they	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3- 1 Mark** ***Total Marks -3***

	shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof. Where the parties fail to reach at an agreement, the Permanent Lok Adalat shall decide the dispute where as in ordinary courts, the decision is final and binding. d. The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, whereas in ordinary courts, the procedural law will be followed. e. The Award of Permanent Lok Adalat shall be final and deemed to be a decree of a civil court and cannot be appealed. **(Any 2 points = Step 2 and 3)** **(Page no. 203)**	
36. (a)	1. An explicit provision for legal services is incorporated in the International Covenant on Civil and Political Rights (ICCPR). 2. India has ratified the International Covenant on Civil and Political Rights, which came into force in 1976 and is bound by the international obligation to provide free legal assistance as per the requirements of the Covenant. 3. The Indian Supreme Court has adopted the method of giving effect to international legal obligations when these obligations exist in the Indian legal system expressly. 4. The Court also recognized international legal obligations as part of the law of the land when Indian law can be harmoniously interpreted as in conformity with international law. 5. The Constitution (Forty-second amendment) Amendment Act, 1976 inserted Article 39-A in the Constitution **to** promote equal access to justice by providing free legal aid. **(Any 3 points=Steps 1,2 and 3)** **(Page no. 198-199)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***
	OR	
36. (b)	1.**Selection**: a. The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with. b. The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Attorney-General (for Supreme Court), Advocate-General (for High Courts), Government Pleader (for districts/Taluks), and the Bar Association President. c. The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. d. Personal traits like competence, integrity, suitability, and experience shall be considered. . **(Step 1)** **(Any 1 Point)** 2.**Tenure:** The panel of lawyers is reconstituted every three years without disturbing ongoing cases handled by existing panel lawyers. **(Step 2)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** ***Total Marks -3***

	3.**Duties:** a. The panel lawyers must perform their duties diligently b. They cannot accept any fee or consideration from beneficiaries. They may be removed for non - performance or actions contrary to the Act or Regulations. . **(Step 3)** **(Any 1 point in Step 3)** **(Page no. 202)**	
	SECTION - D	
37	a. i.Yes, there is violation of Article 19 of the Indian Constitution The ban is not justified, as the cartoons merely express criticism and do not disturb public order. Under Article 19(1), every citizen has the right to freedom of speech and expression. The restriction is unreasonable because satire and criticism of the government are protected forms of expression unless they incite disorder - which did not happen here. **(Step 1)** ii.No, Ravi's right to freedom to reside and settle in any part of the territory of India enshrined under Article 19 of the Indian Constitution is not violated. The right to reside and settle anywhere in India under Article 19(1) is subject to reasonable restrictions in the interest of the general public or for protecting the interests of any Scheduled Tribe. The denial in this case is therefore valid. **(Step 2)** iii.No, Dr K's right to freedom to practice any profession, or to carry on any occupation, trade or business enshrined under Article 19 of the Indian Constitution is not violated. The right to practise any profession under Article 19(1) is subject to reasonable restrictions in the interest of public health, safety, or professional standards. Temporary suspension for ethical lapses is justified. **(Step 3)** **b.** No, the freedoms under Article 19 are not unlimited. **(Step 4)** The freedoms are subject to reasonable restrictions imposed by the State to safeguard interests such as the sovereignty and integrity of India, security of State, public order, decency, morality, and defamation. **(Step 5)** **(Page no. 133-134)**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** **Step 4-1 Mark** **Step 5- 1 Mark** ***Total Marks -5***
38.	When the mutual obligations of the parties are fulfilled, the contract comes to an end and is discharged. **(Step 1)** **Or** When the contract is ended, it is said to be discharged. **(Step 1)** **Or** Discharge means termination of the contractual relations of the parties to the contract. **(Step 1)** **<u>Situation (i) – Discharge of contract by Impossibility of Performance</u>** Ramesh's contract to supply 5,000 litres of water is discharged due to supervening impossibility because a massive landslide blocked all access roads and destroyed delivery trucks**.** **(Step 2)** **Or**	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** **Step 4-1 Mark** **Step 5- 1 Mark** ***Total Marks -5***

Performance became impossible due to landslide**, and the contract** cannot be enforced**.** **(Step 2)**

Liability and damages: Ramesh is not liable for non-performance as the failure was due to an unforeseeable natural event beyond his control. The Municipal Corporation cannot claim damages from Ramesh, since the impossibility was not caused by his fault. **(Step 3)**

Situation (ii) – Discharge of contract by Breach

Arjun's late delivery of shirts constitutes a **breach of contract**, as the contract expressly stated that *"time is of the essence"* and timely delivery was essential for the Diwali fashion launch. **(Step 4)**

Or

The contract is **discharged by breach**, and Neha is **no longer obliged** to accept the delayed goods. **(Step 4)**

Liability and damages: Arjun is liable for failing to perform as per the agreed terms. Neha can claim damages / monetary compensation from Arjun.

(Step 5)

(Page no. 59-61)

39. (a)

The One Person Company (OPC) – The features of OPC which merge corporate identity with sole proprietorship are:

Aspect	Explanation
Separate legal Identity	An OPC is a distinct legal entity, separate from its owner, unlike a sole proprietorship. It can own property, enter contracts, and sue or be sued in its own name.
Limited Liability	The sole member's liability is limited to the amount of capital contributed, providing protection of personal assets. In contrast, a sole proprietor has unlimited liability.
Corporate Benefits	OPCs can raise funds, open bank accounts, and avail tax and regulatory benefits available to companies. It also allows structured governance through a director (who is also the sole member).
Perpetual succession	The OPC has the feature of perpetual succession even when there is only one member. While incorporating the OPC, the single-member needs to appoint a nominee. Upon the member's death, the nominee will run the company in the member's place.

(Any 2 points=Step 1 and 2)

2. Distinction from Sole Proprietorship :

Feature	One Person Company (OPC)	Sole Proprietorship
Liability	Limited to the capital contributed	Unlimited personal liability for business debts
Legal Status	Separate legal entity	No separate legal identity;

Step 1-1 Mark
Step 2- 1 Mark
Step 3-1Mark
Step 4-1 Mark
Step 5- 1 Mark
Total Marks -5

			owner and business are the same
	Continuity	Perpetual succession: Continues even if the owner dies or retires (subject to nominee member)	Depends entirely on the owner; business ceases on death, insolvency, or retirement
	Registration	Mandatory under Companies Act, 2013	Optional; can be operated without formal registration

(Any 3 points=Step 3, 4 and 5)

(Page no. 108-109)

OR

39. (b)

i. In the criminal justice system, a person is considered innocent until proven guilty.

ii. Most accused persons do not lead defence evidence in India. One of the major reasons for this is that in India, the burden is cast on the prosecution to prove the offence.

iii. The degree of proof required in a criminal trial is "proof beyond reasonable doubt".

iv. It is not enough for the prosecution to assert that the accused has committed the offence. The judge must be convinced beyond reasonable doubt that it was in fact the accused who committed the offence. This was known as the "golden thread principle of criminal law".

v. While the presumption of the accused's innocence is a long-standing principle enshrined in common law and upheld by Indian law as well, jurists have developed a rebuttal to the presumption of innocence under which an accused may be presumed guilty at first instance and the burden of proof is on the defence to establish the accused's innocence or raise a reasonable doubt as to his guilt.

vi. Reverse onus clauses shift the burden of proof from the prosecution to the defendant when the prosecution has shown certain essential facts.

vii. The definition of a reverse onus provision is "one that shifts the burden of proof from the prosecution to the accused once the prosecution establishes a fundamental truth that justifies the shift in burden."

viii. In certain situations, the burden of proof is placed on the accused to present evidence supporting his innocence or to raise a plausible doubt about his guilt. The accused is prima facie considered guilty.

(Any 4 points= Step 1, 2, 3 and 4)

Dowry Death is the most well-known instance of a reversal onus provision in our nation. In dowry death cases, the accused is believed to be in a guilty mental state, establishing a presumption of guilt rather than the ordinary presumption of innocence. **(Step 5)**

(Page no. 119)

Step 1-1 Mark
Step 2- 1 Mark
Step 3-1Mark
Step 4-1 Mark
Step 5- 1 Mark

Total Marks -5

40. (a)

(i) Aditi :

She will apply for enrolment at the State Bar Council/SBC/Bar Council.After enrolment, Aditi can start practising law immediately as an advocate in India/ She can start practising after enrolment/ She can start practising after clearing the All India Bar Examination. **(Step 1)**

(ii) Ben :

Step 1-1 Mark
Step 2- 1 Mark
Step 3-1Mark
Step 4-1 Mark
Step 5- 1 Mark

	Ben's foreign law degree must be recognised by the Bar Council of India from a country where Indian law graduates are allowed to practise by reciprocity/ reciprocal basis. **(Step 2)** (iii) Chintan : After completing his MBA, Chintan should choose the 3 - year LL.B. program, which is meant for graduates and qualifies him for enrolment with the Bar Council**.** **(Step 3)** (iv) For Aditi to become an Advocate - on - Record (AOR), the eligibility and Procedure is as follows: 1. Must have practised as an advocate for at least 4 years. 2. Must undergo 1 year of training under a Senior Advocate - on - Record. 3. Must pass the AOR examination conducted by the Supreme Court. 4. Must have a registered office within 10 miles of the Supreme Court and a registered clerk. **(Any 2 points = Step 4 and 5)** **(Page no. 183-184)**	***Total Marks -5***
	OR	
40. (b)	i.Riya's Career Path and Work: Career Path and work: Transactional law / Law firm. Advising clients on corporate transactions, drafting contracts/assisting in negotiations/ ensuring regulatory compliance/ executing business deals smoothly**.** **(Step 1)** Key Skill / Knowledge for Riya : Corporate advisory skills/ legal drafting/negotiation skills/understanding commercial laws/ company laws/ regulatory compliance knowledge. **(Step 2)** ii.Meera's Contribution to public policy and opportunities for law graduates: Lawyers have an important role in formulating and advising on public policy. They assists MPs in drafting bills, conducts policy research, contributes to law reform. Several organizations employ law graduates for policy making and have institutionalized fellowships where law graduates can be Research Assistants./A law graduate interested in public policy can apply to serve as a Legislative Assistant under the Legislative Assistants to Members of Parliament (LAMP) Fellowship programme run by PRS Legislative./Research/Institutions such as Competition Commission of India and Securities and Exchange Board of India also employ law graduates for policy making in the respective fields./ Law firms have established Government Policy Departments where they employ law graduates for policy research. **(Step 3)** iii. Anika's Legal Work in JAG : It deals with military related disciplinary cases and litigation and assists in providing legal assistance to the army in human rights matters and the rule of law among other things. **Or** The department supports the Judge Advocate General (JAG) who is the legal and judicial chief of the army and advises the Chief of the Army Staff on legal	**Step 1-1 Mark** **Step 2- 1 Mark** **Step 3-1Mark** **Step 4-1 Mark** **Step 5- 1 Mark** ***Total Marks -5***

	matters. **Or** The JAG's Department is also responsible for emerging fields of military law such as those related to cyber laws, space laws, terrorism and human rights violations. **(Any 2 points = Step 4 and 5)** **(Page no. 191-193)**	
	- o O o -	

Series : X4YZW

SET ~ 4

रोल नं.

Roll No.

प्रश्न–पत्र कोड
Q.P. Code **40**

परीक्षार्थी प्रश्न–पत्र कोड को उत्तर–पुस्तिका के मुख–पृष्ठ पर अवश्य लिखें ।
Candidates must write the Q.P. Code on the title page of the answer-book.

विधिक अध्ययन

LEGAL STUDIES

निर्धारित समय : 3 घण्टे *अधिकतम अंक : 80*

Time allowed : 3 hours *Maximum Marks : 80*

नोट / NOTE ~

(I) कृपया जाँच कर लें कि इस प्रश्न–पत्र में मुद्रित पृष्ठ **23** हैं ।

Please check that this question paper contains **23** printed pages.

(II) कृपया जाँच कर लें कि इस प्रश्न–पत्र में **40** प्रश्न हैं ।

Please check that this question paper contains **40** questions.

(III) प्रश्न–पत्र में दाहिने हाथ की ओर दिए गए प्रश्न–पत्र कोड को परीक्षार्थी उत्तर–पुस्तिका के मुख–पृष्ठ पर लिखें ।

Q.P. Code given on the right hand side of the question paper should be written on the title page of the answer-book by the candidate.

(IV) **कृपया प्रश्न का उत्तर लिखना शुरू करने से पहले, उत्तर–पुस्तिका में यथा स्थान पर प्रश्न का क्रमांक अवश्य लिखें ।**

Please write down the serial number of the question in the answer-book at the given place before attempting it.

(V) इस प्रश्न–पत्र को पढ़ने के लिए 15 मिनट का समय दिया गया है । प्रश्न–पत्र का वितरण पूर्वाह्न में 10.15 बजे किया जाएगा । 10.15 बजे से 10.30 बजे तक परीक्षार्थी केवल प्रश्न–पत्र को पढ़ेंगे और इस अवधि के दौरान वे उत्तर–पुस्तिका पर कोई उत्तर नहीं लिखेंगे ।

15 minute time has been allotted to read this question paper. The question paper will be distributed at 10.15 a.m. From 10.15 a.m. to 10.30 a.m., the candidates will read the question paper only and will not write any answer on the answer-book during this period.

~

सामान्य निर्देश :

1. प्रश्न-पत्र के **4** खण्ड हैं – क, ख, ग और घ ।

   1.1 ***खण्ड क*** – **20** अंकों के **20** बहुवैकल्पिक प्रश्न हैं ।

   1.2 ***खण्ड ख*** – प्रत्येक **2** अंकों वाले **8** लघु उत्तर प्रकार के प्रश्न हैं ।

   1.3 ***खण्ड ग*** – प्रत्येक **3** अंकों वाले **8** प्रश्न हैं ।

   1.4 ***खण्ड घ*** – प्रत्येक **5** अंकों वाले **4** दीर्घ उत्तरीय प्रश्न हैं ।

2. प्रश्न-पत्र में आंतरिक विकल्प दिए गए हैं, हालाँकि समग्र विकल्प नहीं है ।

खण्ड – क

1. एक ऐतिहासिक मामले में, उच्चतम न्यायालय एक अत्यधिक तकनीकी पर्यावरणिक विवाद को देख रहा था जिसमें अनेक हितधारक (stakeholders) थे और वैज्ञानिक जटिलतायें निहित थीं । पर्यावरणिक नीतियों की जटिलताओं और वैज्ञानिक साक्ष्य को देखते हुए, न्यायालय ने इस मामले में निष्पक्ष सूचना और पूरी जानकारी के साथ सहायता करने के लिये पर्यावरणिक कानून और विज्ञान के विशेषज्ञ एक न्यायमित्र (amicus curiae) की नियुक्ति की । न्यायमित्र ने अंतर्राष्ट्रीय मानकों पर आधारित सिफारिशें कीं जिससे न्यायालय को अंतिम निर्णय देने में मदद मिली ।

   न्यायमित्र की अवधारणा के आधार पर निम्नलिखित में से कौन सा कथन सही है ? **1**

   (A) न्यायमित्र लोक हितों की वकालत करता है और सरकार के प्रतिनिधि के रूप में कार्य करता है ।

   (B) न्यायमित्र उस पक्ष के विधिक सलाहकार के रूप में कार्य करता है जो इस मामले में उनकी सहायता का अनुरोध करता है ।

   (C) न्यायमित्र, मामले में किसी भी पक्ष के प्रतिनिधित्व के बिना जटिल मुद्दों पर निष्पक्ष विशेषज्ञ जानकारी देकर न्यायालय की सहायता करता है ।

   (D) न्यायमित्र को केवल सांविधानिक मामलों से संबंधित निर्णयों में सहायता देने की स्वीकृति दी गई है ।

2. भारत में एक उच्च न्यायालय एक जटिल संपत्ति विवाद में निर्णय देता है, इस निर्णय पर एक पक्ष संतुष्ट नहीं है । अब असंतुष्ट पक्ष अपील की विशेष इजाजत के लिये उच्चतम न्यायालय जाना चाहता है । अनुच्छेद 136 के अंतर्गत उच्चतम न्यायालय निम्नलिखित द्वारा पारित किसी निर्णय, डिक्री या आदेश के विरुद्ध अपील की विशेष इजाजत दे सकता है : **1**

   (A) भारत में कोई भी न्यायालय या न्यायाधिकरण (B) केवल उच्च न्यायालय

   (C) केवल अधीनस्थ न्यायालय (D) केवल न्यायाधिकरण (tribunals)

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General Instructions :

1. The Question Paper contains **4** sections – **A, B, C** and **D**.
   1.1 ***Section-A*** *contains* ***20*** *Multiple Choice Questions for* ***20*** *marks.*
   1.2 ***Section-B*** *contains 8 Short Answer Type Questions for* ***2*** *marks each.*
   1.3 ***Section-C*** *contains 8 questions for* ***3*** *marks each.*
   1.4 ***Section-D*** *contains 4 Long Answer Type Questions for* ***5*** *marks each.*

2. Internal choice is given in the paper. There is no overall choice.

SECTION – A

1. In a landmark case, the Supreme Court was handling a highly technical environmental dispute involving multiple stakeholders and scientific complexities. Given the intricate details of environmental policies and scientific evidence, the Court appointed an amicus curiae, an expert in environmental law and science, to assist by providing impartial information and insights on the matter. The amicus curiae made recommendations based on international standards, which helped the Court in reaching its final decision. **1**

   Based on the concept of amicus curiae, which of the following statements is correct ?

   (A) The amicus curiae advocates for the interests of the public and acts as a representative for the government.

   (B) The amicus curiae serves as the legal advisor to the party that requests their assistance in the case.

   (C) The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case.

   (D) The amicus curiae is only allowed to assist in cases related to constitutional matters.

2. A High Court in India issues a verdict in a complex property dispute, which left one party dissatisfied with the decision. The aggrieved party now seeks to approach the Supreme Court for special leave to appeal. Under Article 136, the Supreme Court can grant special leave to appeal against any judgement, decree or order in any matter passed by : **1**

   (A) any court or tribunal in India (B) only High Court

   (C) only subordinate court (D) only tribunals

3. **अभिकथन (A) :** कोई भी लोक भावना वाला व्यक्ति व्यथित व्यक्तियों की ओर से न्यायालयों में याचिका दायर कर सकता है या पत्र लिख सकता है । **1**

तर्क (R) : जनहित याचिकाओं (PILs) के माध्यम से मौलिक अधिकारों के प्रवर्तन (लागू करना) के लिये न्यायालयों ने सुने जाने का अधिकार (locus standi) के सिद्धांत को उदार बना दिया है ।

(A) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) है ।

(B) (A) और (R) दोनों सही हैं, परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

4. स्थानीय समुदाय के नेता के अनुरोध पर अर्जुन ने बहुत बड़ी निजी धनराशि खर्च करके अपने पड़ोस में बच्चों के लिये खेल के मैदान का निर्माण किया । बाद में एक स्थानीय रेहड़ी-पटरी (Snack Vendor) लगाने वाले रवि ने बच्चों को नाश्ता आदि बेचने के लिये खेल के मैदान के समीप एक स्टाल स्थापित किया और खेल मैदान के निर्माण के आभार के रूप में अपनी सारी बिक्री के मुनाफे का 10% अर्जुन को देने का वचन दिया । परंतु रवि दिये गये वचन के अनुरूप अर्जुन को भुगतान नहीं करता और अर्जुन इसे वसूलने के लिये कानूनी कार्रवाई का निर्णय लेता है । संविदा कानून सिद्धांतों के आधार पर निम्नलिखित में कौन सही है ? **1**

(A) अर्जुन मुनाफे का प्रतिशत पाने का हकदार है क्योंकि खेल मैदान बनाने के उसके प्रयत्नों से रवि को फायदा हुआ ।

(B) अर्जुन मुनाफे के प्रतिशत का दावा नहीं कर सकता क्योंकि खेल-मैदान (क्रीड़ा स्थल) का निर्माण समुदाय के नेता के अनुरोध पर किया गया था न कि रवि के ।

(C) रवि को दिये गये वचन के अनुसार अर्जुन को भुगतान करना चाहिए क्योंकि उसने ऐसा करने का मौखिक वचन दिया था ।

(D) रवि द्वारा अर्जुन को केवल तब भुगतान करना चाहिए यदि अर्जुन यह सिद्ध कर सके कि क्रीड़ा स्थल का निर्माण विशिष्ट रूप से उसके फायदे के लिये किया गया था ।

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3. **Assertion : (A) :** Any public-spirited person can file petition or write letters to court on behalf of aggrieved persons. **1**

Reasoning (R) : Courts have liberalized the doctrine of locus standi of the enforcement of fundamental rights through Public Interest Litigations (PILs).

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

4. Arjun, at the request of the local community leader, builds a playground for the children in his neighborhood, spending a considerable amount of his own money. Later, Ravi, a local snack vendor, sets up a stall near the playground to sell snacks to children and promises to give Arjun 10% of his profits from all sales as a token of appreciation for building the playground. However, Ravi fails to pay Arjun the promised percentage, and Arjun decides to take legal action to recover it. Based on contract law principles, which of the following is correct ? **1**

(A) Arjun is entitled to the percentage of profits as Ravi benefited from his efforts in building the playground.

(B) Arjun cannot claim the percentage of profits, as the playground was built at the request of the community leader and not Ravi.

(C) Ravi must pay Arjun the promised percentage since he made a verbal commitment to do so.

(D) Ravi has to pay Arjun only if Arjun can prove the playground was built specifically for his benefit.

5. एक स्थानीय बाजार में एक विवादित लेनदेन के ऊपर रवि की मोहन के साथ बहस हो गई । इस बहस की गर्मा-गर्मी में रवि ने एकाएक मोहन को जोर से धक्का दे दिया जिससे मोहन लड़खड़ाकर पीछे गिर गया । गिरने के कारण मोहन की कमर में मामूली चोट लग गई । मोहन का मानना है कि रवि ने जानबूझकर शारीरिक चोट पहुँचाई और वह चोट पहुँचाने के अपकृत्य के लिये रवि पर अभियोग चलाने पर विचार कर रहा है ।
इस मामले में चोट पहुँचाने के अपकृत्य के बारे में निम्नलिखित में से कौन सा कथन सही है ? **1**

(A) रवि द्वारा मोहन को धक्का देना चोट पहुँचाने का काम है क्योंकि यह जानबूझकर था और इसमें सीधे शारीरिक बल का प्रयोग किया गया ।

(B) रवि चोट पहुँचाने के लिये जिम्मेदार नहीं है क्योंकि शारीरिक संपर्क इतना गंभीर नहीं था कि उससे अधिक चोट पहुँचे ।

(C) चोट पहुँचाने के अपकृत्य के लिये यह आवश्यक है कि प्रतिवादी के कार्य से स्थायी चोट पहुँचे, जो कि इस मामले में नहीं है ।

(D) रवि चोट पहुँचाने के लिये जिम्मेदार नहीं है क्योंकि उसने यह कार्य आत्म-रक्षा में किया, भले ही उसकी सुरक्षा को तत्काल कोई खतरा नहीं था ।

6. एक संगीत समारोह में प्रदर्शन के लिये राज एक संविदा पर हस्ताक्षर करता है । समारोह से कुछ दिन पहले राज गंभीर रूप से बीमार हो जाता है और डॉक्टर उसे पूर्ण आराम की सलाह देते हैं । वह प्रदर्शन नहीं कर पाता । इस उत्सव के आयोजकों को शर्मिन्दा होना पड़ता है क्योंकि राज का प्रदर्शन संगीत समारोह का मुख्य आकर्षण था ।
निम्नलिखित में से कौन सा कथन समारोह में रवि की प्रस्तुति की असमर्थता का सर्वोत्तम रूप से उल्लेख करता है ? **1**

(A) यह संविदा भंग का मामला है क्योंकि राज अपने दायित्व को पूरा करने में असफल रहा ।

(B) बीमारी में संगीत प्रस्तुति संभव नहीं है अत: इस असंभाव्यता के कारण यह निर्वहन है ।

(C) यह प्रस्तुति निर्वहन है क्योंकि राज बीमार नहीं होता तो वह प्रस्तुतीकरण का इच्छुक था ।

(D) यह संविदा भंग है क्योंकि स्वास्थ्य का मुद्दा संविदा निर्वहन नहीं है ।

7. नेहा एक फोटोग्राफर है जो सूर्यास्त का एक सुंदर फोटो लेती है और इसे अपने ब्लॉग में पोस्ट कर देती है । एक स्थानीय यात्रा संबंधी पत्रिका नेहा की अनुमति के बिना इस चित्र का उपयोग करती है । पत्रिका-प्रकाशक नेहा को फोटोग्राफर के रूप में मान तो देते हैं परंतु उसे कोई भुगतान नहीं करते या उसकी सहमति नहीं लेते । नेहा पत्रिका के विरुद्ध कानूनी कार्रवाई की सोचती है । इस संदर्भ में निम्नलिखित में से कौन सा विकल्प सही है ? **1**

(A) नेहा कानूनी कार्रवाई नहीं कर सकती क्योंकि पत्रिका ने उसे फोटोग्राफर का मान (credit) दिया है ।

(B) नेहा कानूनी कार्रवाई कर सकती है क्योंकि उसका फोटोग्राफ कॉपीराइट द्वारा संरक्षित है और पत्रिका ने उसकी अनुमति के बिना इसका उपयोग किया है ।

(C) नेहा कानूनी कार्रवाई नहीं कर सकती क्योंकि फोटोग्राफ उसके ब्लॉग में आम जनता के लिये उपलब्ध था ।

(D) नेहा केवल तभी कानूनी कार्रवाई कर सकती है यदि उसने कॉपीराइट कार्यालय में फोटोग्राफ का पंजीकरण कराया हो ।

5. Ravi, at a local market, was involved in an argument with Mohan over a disputed transaction. In the heat of the argument, Ravi suddenly pushed Mohan forcefully, causing Mohan to stumble backward and fall. Mohan suffered a minor injury to his back as a result of the fall. Mohan believes that Ravi's action was an intentional physical contact that resulted in harm, and he is considering suing Ravi for the tort of battery. **1**

Which of the following statements is correct regarding the tort of battery in this case ?

(A) Ravi's action of pushing Mohan constitutes battery, as it was an intentional and direct application of physical force.

(B) Ravi is not liable for battery because the physical contact was not severe enough to cause significant injury.

(C) The tort of battery requires that the defendant's action must cause permanent injury, which is not the case here.

(D) Ravi is not liable for battery because his action was a part of self-defense act, even if there was no immediate threat to his safety.

6. Raj signs a contract to perform at a music festival. A few days before the festival, Raj develops a severe illness and doctors advise him complete rest. He misses the performance. Organisers of the event had to cut a sorry figure as Raj's performance was the highlight of the music festival.

Which of the given statements best describes Raj's inability to perform at the festival ? **1**

(A) It is breach of contract as Raj failed to fulfill his obligation.

(B) It is discharge due to impossibility of performance because the illness makes performance impossible.

(C) It is discharge by performance as Raj was willing to perform if he hadn't been ill.

(D) It is breach of contract as a health issue does not discharge a contract.

7. Neha, a photographer, takes a beautiful photograph of a sunset and posts it on her personal blog. A local travel magazine uses the image without Neha's permission. The publishers credit Neha as the photographer but do not pay her or seek her consent. Neha considers taking legal action against the magazine. In this context which of the following options is correct ? **1**

(A) Neha cannot take legal action because the magazine credited her as the photographer.

(B) Neha can take legal action because her photograph is protected by copyright and the magazine used it without permission.

(C) Neha cannot take legal action because the photograph was available for the general public on her blog.

(D) Neha can only take legal action if she had registered the photograph with a copyright office.

8. XYZ कॉर्पोरेशन नामक एक कंपनी बिजली पैदा करने के लिये एक बड़े बाँध का संचालन करती है । किसी अप्रत्याशित डिजाइन दोष के कारण बाँध एकाएक टूट जाता है और समीप के कस्बे में भारी बाढ़ आ जाती है । कंपनी ने सुरक्षा उपायों के सभी मानक अपनाये थे और डिजाइन दोष की उसे कोई जानकारी नहीं थी । बाढ़ प्रभावित निवासी अपने नुकसानों के लिये कंपनी पर मुकदमा करते हैं ।
इस घटना में निम्नलिखित में से कौन लागू है ? **1**

(A) कंपनी उत्तरदायी नहीं है क्योंकि यह दोष अप्रत्याशित था ।

(B) कंपनी पूर्ण रूप से उत्तरदायी है क्योंकि बाँध का संचालन स्वाभाविक रूप से खतरनाक है और दोष के प्रति लापरवाही से नुकसान हुआ ।

(C) कंपनी केवल तभी उत्तरदायी है यदि यह सिद्ध होता है कि उन्होंने दोष के बारे में चेतावनी संकेतों की उपेक्षा की ।

(D) कंपनी उत्तरदायी नहीं है क्योंकि उसने सभी सुरक्षा नियमों का अनुपालन किया ।

9. मोहन ने अपने मित्र सुमित को अपना दुर्लभ पुराकालीन कलश (फूलदान) (rate-antique vase) एक हफ्ते के लिये उधार दिया । इसे वापस करने के बजाय सुमित इसे अपने एक दूसरे मित्र को दिखाता है और दिखाते हुए कलश उसके हाथ से अनजाने में गिरकर टूट जाता है । जब मोहन अपना कलश लौटाने को सुमित से कहता है तो वह माफी माँगता है और बताता है कि कलश टूट जाने के कारण अब वह कुछ नहीं कर सकता । मोहन कानूनी कार्रवाई करने का निर्णय लेता है । उसे कौन सा कानूनी दावा करना चाहिए ? **1**

(A) उसे चल-संपत्ति अतिचार (trespass to chattels) का दावा करना चाहिए क्योंकि सुमित ने कलश को तब नुकसान पहुँचाया जब वह उसके पास था ।

(B) उसे चल-संपत्ति अतिचार का दावा करना चाहिए क्योंकि सुमित ने बिना अनुमति के कलश का उपयोग किया ।

(C) उसे संपरिवर्तन का दावा (claim for conversion) करना चाहिए क्योंकि सुमित ने कलश को नष्ट करके उसे हमेशा के लिये कलश के उपयोग से वंचित कर दिया ।

(D) उसे संपरिवर्तन का दावा करना चाहिए क्योंकि सुमित ने कलश लौटाने में विलम्ब किया ।

10. निम्नलिखित में से कौन भारत में संपत्ति-पंजीकरण (Property Registration) प्रक्रिया का सही रूप से वर्णन करता है ? **1**

(A) क्रेता और विक्रेता किसी सरकारी प्राधिकारी को शामिल किये बिना संपत्ति दस्तावेजों का आदान-प्रदान करते हैं ।

(B) रजिस्ट्रार के कार्यालय की लगी मुहर (seal) के साथ किसी सरकारी प्राधिकृत विलेख (deed) के माध्यम से विक्रेता से क्रेता को संपत्ति का सरकारी रूप से हस्तान्तरण किया जाता है ।

(C) क्रेता को किसी विधिक प्रलेखीकरण (legal documentation) की आवश्यकता के बिना बिक्री पूरी होने से पहले संपत्ति कर का भुगतान करना चाहिए ।

(D) संपत्ति के स्वामित्व का सत्यापन किसी स्थानीय अधिकारी द्वारा किया जाता है, परंतु कोई औपचारिक रिकॉर्ड नहीं रखा जाता ।

8. A company, XYZ Corp., operates a large dam to generate electricity. Due to an unforeseen design flaw the dam suddenly bursts, causing massive flooding in a nearby town. The company had taken all standard safety measures and had no knowledge of the design flaw. The affected residents sue the company for damages. **1**

Which of the following is applicable in this instance ?

(A) The company is not liable because the flaw was unforeseen.

(B) The company is absolutely liable because the operation of the dam is inherently dangerous and the damages occurred regardless of the fault.

(C) The company is liable only if it is proven that they ignored warning signs of the flaw.

(D) The company is not liable because it followed all safety protocols.

9. Mohan lends his rare antique vase to his friend Sumit for a week. Instead of returning it, Sumit accidentally drops and shatters the vase while showing it to another friend. When Mohan asks for his vase to be returned, Sumit apologizes but says there is nothing he can do now that the vase is destroyed. Mohan decides to take legal action. Identify the legal claim he should pursue ? **1**

(A) He should file a claim for trespass to chattels because Sumit damaged the vase while it was in his possession.

(B) He should file a claim for trespass to chattels because Sumit used the vase without permission.

(C) He should file a claim for conversion because Sumit destroyed the vase, depriving him of its use permanently.

(D) He should file a claim for conversion because Sumit delayed returning the vase.

10. From the options given below, which statement accurately describes the process of property registration in India ? **1**

(A) The buyer and seller exchange property documents without involving any government authority.

(B) The property is officially transferred from the seller to the buyer through a government-authorised deed, affixed by a seal of the Registrar's office.

(C) The buyer must pay property taxes before the sale is completed – without the need for any legal documentation.

(D) The property ownership is verified by a local official but no formal record is kept.

11. यूरोप महाद्वीप के एक देश में एक आपराधिक परीक्षण के दौरान न्यायाधीश हेलेना मामले की जाँच-पड़ताल में सक्रिय भूमिका अदा करती हैं । वह गवाहों से पूछताछ करती हैं, पक्षकारों द्वारा प्रस्तुत साक्ष्यों का मूल्यांकन करती हैं और अतिरिक्त न्यायिक परीक्षण (Forensic Test) का आदेश देती हैं । बचाव पक्ष का वकील श्री जेमसन यह चिंता जाहिर करता है कि न्यायाधीश की जाँच-पड़ताल में सक्रिय भागीदारी, परीक्षण की निष्पक्षता को कमजोर कर सकती है ।

दिये गये संदर्भ में न्याय वितरण प्रणाली (Justice dispensation system) के संभावित नुकसान का पता कीजिए जो बचाव पक्ष के वकील की चिंता का विषय है । **1**

(A) न्यायाधीश की सक्रिय भूमिका लंबे परीक्षण और विलम्ब को रोकेगी ।

(B) मामले में अधिक संसाधनों और विशेषज्ञ वकीलों वाला अधिक मजबूत पक्ष न्यायाधीशों को प्रभावित करने में सफल नहीं होगा ।

(C) मामले का खुले दिमाग से मूल्यांकन करने के लिये न्यायाधीश अब तटस्थ (neutral) नहीं रह सकता ।

(D) वकीलों द्वारा अपनाई गई जिरह (cross-examination) और अन्य तकनीकों पर कम निर्भरता की गई है ।

12. _____ का एक फायदा यह है कि इसमें प्रक्रियात्मक कानूनों का कठोर उपयोजन नहीं है और विवादी पक्ष न्यायाधीशों के साथ सीधे ही बात कर सकते हैं । **1**

(A) माध्यस्थ (Mediation)

(B) लोक अदालत

(C) सुलह (Conciliation)

(D) न्यायाधिकरण (Tribunal)

13. परियोजना में विलम्ब के कारण ओमेगा बिल्डर्स और डेल्टा कन्स्ट्रक्शंस के बीच विवाद चल रहा है । न्यायालय माध्यस्थ का सुझाव देता है, परंतु ओमेगा बिल्डर्स को संदेह है कि क्या उनका मामला इसके योग्य है । एफकॉन्स इन्फ्रास्ट्रक्चर लिमि. बनाम चेरियन वारली कंस्ट्रक्शन कं. के मामले में न्याय-निर्णयन के अनुसार सामान्यत: किन विवादों को माध्यस्थ से अलग रखा जाता है ? **1**

(A) वाणिज्यिक संविदायें

(B) वैवाहिक और अभिरक्षा (custody) संबंधी मुद्दे

(C) दांडिक अपराध

(D) उपभोक्ता विवाद

14. **कथन 1** : कानून की राय (opinio juris) अवांछित सामान्य प्रथा को रूढ़िजन्य विधि बनने से रोकती है । **1**

कथन 2 : कानून की राय यह विश्वास है कि कोई कार्रवाई विधिक दायित्व के रूप में की गई है ।

सही विकल्प चुनिए :

(A) दोनों कथन सही हैं ।

(B) दोनों कथन गलत हैं ।

(C) कथन 1 सही है, परंतु कथन 2 गलत है ।

(D) कथन 2 सही है, परंतु कथन 1 गलत है ।

11. In a criminal trial in a country in continental Europe, the judge, Judge Helena plays an active role in investigating the case. She questions the witnesses, evaluates the evidences presented by the parties and orders additional forensic test. The defense lawyer, Mr. Jameson, expresses concern that the judge's active involvement in the investigation may undermine the fairness of the trial.
In the given content, identify the probable disadvantage of the justice dispensation system that is concerning for the defense lawyer. **1**

(A) The active role of judge would prevent delays and prolonged trials.
(B) Stronger party in the case, with more resources and expert lawyers may not be able to influence the judges.
(C) The judge can no longer remain neutral to evaluate the case with an open mind.
(D) Less reliance is placed on cross examination and other techniques used by lawyers.

12. An advantage of _____ is that there is no strict application of the procedural laws and the disputing parties can directly interact with the judges. **1**

(A) Mediation
(B) Lok Adalat
(C) Conciliation
(D) Tribunal

13. Omega Builders and Delta Constructions have a dispute over project delays. The court suggest mediation, but Omega Builders is unsure if their case qualifies. According to the Afcons Infrastructure Ltd. vs. Cherian Varley Construction Co. ruling, which disputes are generally excluded from mediation ? **1**

(A) Commercial contracts
(B) Matrimonial and Custody issues
(C) Criminal offenses
(D) Consumer disputes

14. **Statement 1 :** Opinio juris prevents unwanted general practice from becoming customary law. **1**
Statement 2 : Opinio juris is the belief that an action was carried out as a legal obligation.
Choose the correct option :

(A) Both statements are correct.
(B) Both statements are incorrect.
(C) Statement 1 is correct but Statement 2 is not correct.
(D) Statement 2 is correct but Statement 1 is not correct.

15. **अभिकथन (A) :** सॉलिसिटर रेगुलेशन अथॉरिटी (SRA) इंग्लैण्ड और वेल्स में सॉलिसिटर के रूप में पुन:अर्हता प्राप्त करने के लिये किसी औपचारिक अनुभव की आवश्यकता अधिरोपित (लागू करना) नहीं करती । **1**

तर्क (R) : एक साथ बैरिस्टर और सॉलिसिटर बनना संभव नहीं है ।

(A) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) है ।

(B) (A) और (R) दोनों सही हैं, परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, (R) गलत है ।

(D) (A) गलत है, (R) सही है ।

16. मी लिंग हांग-कांग में एक प्रैक्टिशिंग वकील है । वह और अधिक मुवक्किलों (ग्राहकों) को आकर्षित करने के लिये एक मार्केटिंग अभियान चलाने पर विचार कर रही है । उसके लिये निम्नलिखित में से कौन सा संभावित विकल्प है ? **1**

(A) सभी संचार माध्यमों पर अभियान चलाना क्योंकि वकील बिना किसी प्रतिबंध के विज्ञापन देने को स्वतंत्र हैं ।

(B) अखबारों आदि (print media) में अभियान चलाना ।

(C) अभियान चलाना परंतु शंसा पत्र, सफलता दर और किसी तुलनात्मक विवरण को शामिल न करना ।

(D) विज्ञापन के सभी स्वरूपों से बचना क्योंकि हांग-कांग में इन सभी के लिये पूरी पाबंदी है ।

17. **अभिकथन (A) :** एडवोकेट-ऑन-रिकर्ड (Advocate-on-record) की योग्यता के बिना एक वरिष्ठ अधिवक्ता उच्चतम न्यायालय में पैरवी करने का अधिकारी नहीं है । **1**

तर्क (R) : एडवोकेट-ऑन-रिकर्ड (AOR) उच्चतम न्यायालय में किसी पक्ष के लिये उपस्थिति या कार्य करने के हकदार हैं ।

(A) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) है ।

(B) (A) और (R) दोनों सही हैं, परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, (R) गलत है ।

(D) (A) गलत है, (R) सही है ।

15. **Assertion : (A) :** The Solicitor Regulation Authority (SRA) does not impose any formal experience requirement for requalifying as solicitor in England and Wales. **1**

Reasoning (R) : It is not possible to be a barrister and solicitor.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true but (R) is not the correct explanation of (A).

(C) (A) is true, (R) is false.

(D) (A) is false, (R) is true.

16. Mei Ling is a practicing lawyer in Hong Kong. She is considering launching a marketing campaign to attract more clients. Which of the following is a feasible option for her ? **1**

(A) Proceed with the campaign on all media, since lawyers are free to advertise without restrictions.

(B) Proceed with the campaign on print media.

(C) Launch the campaign but exclude testimonials, success rates and any comparative statements.

(D) Avoid all forms of advertising as it is entirely prohibited in Hong Kong.

17. **Assertion : (A) :** A Senior Advocate is not entitled to appear in the Supreme Court without an Advocate-on-record. **1**

Reasoning (R) : Advocates-on-record are entitled to file an appearance or act for a party in the Supreme Court.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) (A) is true, (R) is false.

(D) (A) is false, (R) is true.

18. अनुच्छेद 39-क में निहित सिद्धांतों के परिप्रेक्ष्य में निम्नलिखित में से कौन सी परिस्थिति समान न्याय और नि:शुल्क विधिक सहायता के मूल उद्देश्य के विपरीत है ? 1

(A) आपराधिक अभियोजन का सामना कर रहे आर्थिक रूप से कमजोर नागरिकों को सरकार विधिक सहायता प्रदान करती है ।

(B) प्राइवेट विधिक परामर्श प्राप्त करने के लिये पर्याप्त संसाधन होने के बावजूद धनी व्यक्ति को विधिक सहायता प्रदान की जाती है ।

(C) सरकार द्वारा सिविल मामले में एक हाशिये पर रहने वाले व्यक्ति (marginalized person) को विधिक प्रतिनिधित्व प्रदान किया जाता है ।

(D) सरकार सामाजिक-आर्थिक कमजोरी से प्रभावित व्यक्तियों को न्याय सुलभ कराने में मदद करती है ।

19. "भारत में अधिकांश आरोपी बचाव के समर्थन में साक्ष्य प्रस्तुत नहीं करते ।"

नीचे दिये गये विकल्पों से इसके कारण को बताइये । 1

(A) उचित संदेह से परे अपराध को सिद्ध करने का दायित्व अभियोजन (prosecution) का है ।

(B) बचाव पक्ष द्वारा प्रस्तुत साक्ष्यों के अनुसार न्यायाधीश मामले के गुणावगुणों के आधार पर निर्णय देता है ।

(C) यह अभिकथन कि आरोपी ने अपराध किया है, अभियोजन द्वारा अपराध सिद्ध करने के लिये पर्याप्त है ।

(D) पहली बार में जब परीक्षण (trial) शुरू होता है अपराधी को अपराधी माना जाता है ।

20. **कथन 1** : साक्ष्य कानून, "भूसे से गेहूँ" अलग करने में न्यायाधीशों की सहायता करता है । 1

कथन 2 : साक्ष्य कानून का कार्य अपराधियों के अन्वेषण और विचारण के लिये एक कार्यप्रणाली प्रदान करना है ।

(A) दोनों कथन सही हैं ।

(B) दोनों कथन गलत हैं ।

(C) कथन 1 सही है, परंतु कथन 2 सही नहीं है ।

(D) कथन 2 सही है, परंतु कथन 1 गलत है ।

18. In light of the principles enshrined in Article 39A, which of the following circumstances contradicts its core objective of equal justice and free legal aid ? **1**

(A) The state provides legal aid to economically disadvantages citizens facing criminal prosecution.

(B) A wealthy individual is given legal aid despite having adequate resources to access private legal counsel.

(C) A marginalized person is granted legal representation in a civil matter by the state.

(D) The state facilities access to justice for those affected by socio-economic disabilities.

19. "Most accused persons do not lead defence evidence in India."

Identify the reason for this from the options given below. **1**

(A) The burden to prove the offence beyond reasonable doubt is on the prosecution.

(B) The judge decides the case on its merit according to the evidences presented by the defence.

(C) The assertion that the accused has committed offence is sufficient to prove the guilt by prosecution.

(D) The accused is presumed guilty at the first instance when the trial begins.

20. **Statement 1 :** The Evidence Law helps the judges to separate the 'Wheat from the Chaff'. **1**

Statement 2 : The function of the law of evidence is to provide a mechanism for the investigation and trial of offenders.

Choose the correct option :

(A) Both statements are correct.

(B) Both statements are incorrect.

(C) Statement 1 is correct, but Statement 2 is not correct.

(D) Statement 2 is correct, but Statement 1 is not correct.

खण्ड – ख

21. न्यायिक पुनरीक्षण के सिद्धांत को स्पष्ट कीजिए । **2**

22. सुनील और आशा एक तकनीकी प्रारंभिक उद्यम (Tech-startup) के सह–संस्थापक हैं । हाल ही में एक महत्त्वपूर्ण परियोजना की सुपुर्दगी समय सीमा के बारे में उनके सॉफ्टवेयर व्यापारी के साथ एक संविदात्मक असहमति हुई है । सुनील ने एक मुकदमा दायर करने पर जोर दिया जबकि आशा ने एक तटस्थ तीसरी पार्टी की नियुक्ति द्वारा जो दोनों पक्षों के लिये एक स्वीकार्य स्वैच्छिक करार प्राप्त करने में सहायता कर सके, इसके समाधान का सुझाव दिया । सुनील राजी हो गया और दो हफ्तों के अंदर उनका मामला हल हो गया । **2**

(i) सुनील और आशा द्वारा अपनाये गये विवाद समाधान की पद्धति की पहचान कीजिये ।

(ii) पक्षकारों द्वारा अपनाई गई विकल्पी विवाद–सामाधान प्रणाली के किन्हीं दो फायदों को बताइये ।

23. एक राष्ट्र अपनी सीमाओं के अंदर एक विशिष्ट मानव जातीय समूह के विरुद्ध नरसंहार के कार्यों सहित मानवाधिकारों के उल्लंघन का कार्य कर रहा है । सभी के प्रति दायित्वों के अंतर्गत अंतर्राष्ट्रीय समुदाय के क्या विधिक उत्तरदायित्व हैं, भले ही पड़ोसी राज्यों को कोई सीधे खतरे न हों । **2**

24. (a) दो उदाहरणों का उल्लेख करते हुए वर्णन कीजिए वकीलों द्वारा विज्ञापन का नियम एक देश से दूसरे देश में कैसे अलग है । **2**

अथवा

(b) एक न्यायालयी कार्यवाही के दौरान एक अधिवक्ता को पता लगता है कि उसका मुवक्किल झूठा साक्ष्य देने की सोच रहा है । इस स्थिति में न्यायालय के प्रति अपने व्यावसायिक कर्त्तव्य के पालन और नैतिक स्तर को बनाये रखने के लिये अधिवक्ता को क्या करना चाहिए ? **2**

25. (a) विधिक सेवायें प्राधिकरण (संशोधन) अधिनियम, 2002 का प्रयोजन बताइये । **2**

अथवा

(b) किन्हीं चार विधिक सेवाओं का उल्लेख कीजिए जो किसी लाभार्थी को मुफ्त कानूनी सहायता के प्रावधानों के अंतर्गत प्रदान की जाती हैं । **2**

26. एक कारोबार का मालिक जय, एक सरकारी अधिकारी साना के साथ एक करार करता है । जय अपनी कंपनी के लिये एक लाभकारी सरकारी संविदा प्राप्त करने में साना के प्रभाव के बदले में उसे ₹ 10 लाख भुगतान करने का वचन देता है । दोनों पक्ष करार पर हस्ताक्षर करते हैं और इसके निष्पादन में लग जाते हैं । यह किस प्रकार का करार है इसे बताइये और इसमें शामिल दोनों पक्षों के लिये इसके विधिक परिणामों पर चर्चा कीजिए । **2**

27. किसी शहर में नागरिकों का एक समूह हमेशा सरकारी नीतियों के विरुद्ध प्रदर्शन (लोक प्रतिवाद) में लगा रहता है । एक प्रदर्शन के दौरान कुछ लोग जन संपत्ति को नुकसान पहुँचाते हैं, यातायात में बाधा डालते हैं और अभद्र भाषा का प्रयोग करते हैं । प्रदर्शनकारियों का दावा है कि वे बोलने और विचार व्यक्त करने के अपने अधिकार का प्रयोग कर रहे हैं । क्या प्रदर्शनकारियों का दावा न्यायोचित है ? इस परिस्थिति में भारत के संविधान के अनुच्छेद 51–क के अंतर्गत मौलिक कर्तव्य किस प्रकार लागू होते हैं ? **2**

28. (a) भारतीय संविधान में राज्य नीति निर्देशक सिद्धांतों की किन्हीं दो मुख्य विशेषताओं का उल्लेख कीजिए । **2**

अथवा

(b) मौलिक अधिकारों और मानव अधिकारों के बीच कोई दो अन्तर स्पष्ट कीजिए । **2**

SECTION – B

21. Explain the principle of judicial review. **2**

22. Sunil and Asha are co-founders of a tech-startup. Recently they had a contractual disagreement with their software vendor regarding the delivery timeline of a critical project. Sunil insisted on filing a lawsuit, whereas Asha suggested resolution by appointing a neutral third party who could facilitate the parties in achieving an acceptable, voluntary agreement. Sunil agreed and their matter was resolved within two weeks. **2**
    (i) Identify the method of dispute resolution adopted by Sunil and Asha.
    (ii) Give any two advantages of adopting alternate dispute resolution mechanism by the parties.

23. A nation engages in human rights violations within its own borders, including acts of genocide against a specific ethnic group. Under ergaomnes obligations, what are the legal responsibilities of the international community, even if there is no direct threat to neighbouring states ? **2**

24. (a) Describe, citing any two examples, how the rules of advertising by lawyers differs from country to country. **2**

    OR

    (b) During a court proceeding, an advocate finds out that their client intends to provide false evidence. What should the advocate do in this situation to adhere to their professional duty toward the court and uphold ethical standards ? **2**

25. (a) State the purpose of the Legal Services Authorities (Amendment) Act 2002. **2**

    OR

    (b) Enlist any four legal services given to any beneficiary under the provision of free legal aid. **2**

26. Jai, a business owner, enters into an agreement with Sana, a government official. Jai promises to pay Sana ₹ 10 lakhs in exchange for her influence in securing a lucrative government contract for his company. Both parties sign the agreement and begin to execute it. Identify the nature of this agreement and discuss the legal consequences for both parties involved. **2**

27. A group of citizens in a city regularly engages in public protests against government policies. During one protest, some individuals damage public property, disrupt traffic, and use offensive language. The protestors claim that they are exercising their right to freedom of speech and expression. Is the claim by the protestors justified ? How do the Fundamental Duties under Article 51A of the Constitution of India apply in this situation ? **2**

28. (a) State any two key features of the Directive Principles of State Policy in the Indian Constitution. **2**

    OR

    (b) Give any two differences between fundamental rights and human rights. **2**

खण्ड – ग

29. (a) "कानून की उचित प्रक्रिया के सम्मान के लिये न्यायपालिका की स्वतंत्रता अति आवश्यक है" इसे स्पष्ट कीजिए । **3**

अथवा

(b) "भारतीय संविधान का अनुच्छेद 50 कार्यपालिका से न्यायपालिका को अलग रखने के उपायों का राज्य को निर्देश देता है ।"

अनुच्छेद 50 के परिप्रेक्ष्य में न्यायपालिका और कार्यपालिका के बीच शक्तियों के पृथक्कीकरण के महत्त्व पर चर्चा कीजिए । अनुच्छेद 50 में प्रगणित (शामिल) किन्हीं दो उपबंधों को लिखिये जो भारत में न्यायपालिका की स्वतंत्रता में योगदान करते हैं । **3**

30. (a) मध्यस्थम् पंचाट (arbitral award) किस प्रकार एक न्यायालय निर्णीत फैसले या आदेश के समान और भिन्न दोनों हैं ? **3**

अथवा

(b) तदर्थ माध्यस्थता की विशेषताओं का उल्लेख कीजिए । **3**

31. भारत में विधि स्नातक रिया न्यायालय कक्ष से बाहर प्रैक्टिस करने के व्यवसाय विकल्पों का पता कर रही है । रिया को उपलब्ध ऐसे किन्हीं तीन अवसरों को विस्तार से समझाइए जहाँ वह अपने विधिक कौशल का उपयोग कर सकती है । **3**

32. एक वृद्ध भू-स्वामिनी श्रीमती कपूर ने बिना किसी कानूनी दस्तावेज के अपनी ₹ 20 लाख की कृषि भूमि अपने पुत्र राज को हस्तान्तरित करने की मौखिक इच्छा व्यक्त की ।

उसका दूसरा पुत्र अमन जो इस भूमि का प्रबंधन करता आ रहा है इसे अपने नाम में हस्तान्तरित करना चाहता है क्योंकि वह इस भूमि का प्रभारी (incharge) रहा है । इसके अलावा एक पड़ोसी श्री शर्मा अमन को सीधे ही यह भूमि खरीदने के लिये धन की पेशकश करता है ।

इन परिस्थितियों में संपत्ति हस्तान्तरण अधिनियम, 1882 के उपबंधों के अधीन किसे संपत्ति हस्तान्तरण का अधिकार है ?

ऊपर दिये गये परिदृश्य के आधार पर वैध हस्तान्तरण के लिये कोई दो अनिवार्य शर्तें बताइये । **3**

33. (a) उस सांविधिक निकाय का नाम बताइये जिसका गठन जल (प्रदूषण रोकथाम और नियंत्रण) अधिनियम, 1974 के अंतर्गत किया गया था । इस निकाय द्वारा किये जाने वाले दो मुख्य कार्यों को बताइये । **3**

अथवा

(b) स्टॉकहोम घोषणा-पत्र, 1972 के महत्त्व पर चर्चा कीजिये । स्टॉकहोम घोषणा-पत्र, 1972 और पृथ्वी शिखर-सम्मेलन, 1992 के बीच संबंध को बताइये । **3**

SECTION – C

29. (a) "Independence of judiciary is vital for the respect of due process of law." Elaborate. **3**

OR

(b) "Article 50 of the Constitution of India directs the State to take steps to separate the judiciary from the executive."

In light of Article 50, discuss the importance of the separation of powers between the judiciary and the executive. State any two provisions enumerated in Article 50 that contribute to the independence of the judiciary in India. **3**

30. (a) How is an arbitral award both similar and different from a court pronounced judgement or order ? **3**

OR

(b) State the features of *ad-hoc* arbitration. **3**

31. Riya, a law graduate in India, is exploring career options in Law beyond court room practice. Explain any three such opportunities available to Riya. How can she apply her legal skills in these fields ? **3**

32. Mrs. Kapoor, an elderly landowner, verbally expressed her wish to transfer her agricultural land worth ₹ 20 Lakhs to her son Raj without any legal documentation.

Her other son Aman, who has been managing the land wants it to be transferred in his name as had been incharge of the land.

Additionally, a neighbour, Mr. Sharma, offers Aman money to buy the land directly.

In the given situations, who has the right to Transfer the Property under the provisions of Transfer of Property Act (TPA) 1882 ? State any two essentials for a valid transfer based on the scenario given above. **3**

33. (a) Name the statutory body that was constituted under the Water (Prevention and Control of Pollution) Act, 1974. State the two principal functions to be performed by this body. **3**

OR

(b) State the significance of the Stockholm Declaration, 1972. Establish the relationship between Stockholm Declaration, 1972 and Earth Summit, 1992. **3**

34. वैश्विक मानवाधिकार घोषणा-पत्र (UDHR) में किन महत्वपूर्ण सिद्धांतों की रूपरेखा दी गई है और वह किस प्रकार मानव के सम्मान, स्वतंत्रता और समानता के आधारभूत मूल्यों को प्रदर्शित करते हैं ? **3**

35. एक किशोर अभिरक्षा गृह में अनेक किशोर यह रिपोर्ट देते हैं कि उनके साथ अत्यधिक शारीरिक दण्ड और लंबे समय तक अकेला रखने सहित कठोर अनुशासनिक उपाय किये जाते हैं । कुछ ने यह भी बताया कि अपर्याप्त भोजन और अस्वास्थ्यकर रहन-सहन की स्थितियों के बारे में उनकी शिकायतों पर स्कूल प्रशासन द्वारा कोई ध्यान नहीं दिया जा रहा है । उस राष्ट्रीय निकाय को बताइये जिसके पास इसकी शिकायत की जा सके । यह निकाय किस प्रकार किशोरों के अधिकारों के उल्लंघन को दूर कर सकता है ? **1 + 2**

36. स्नेहा ने "ग्लो इसेंस (Glow Essence)" नामक एक सौन्दर्य देखभाल ब्रांड शुरु की और आर्गेनिक त्वचा देखभाल उत्पादों की पेशकश की । एक वर्ष के अंदर उसके ब्रांड ने अपनी गुणवत्ता और प्राकृतिक अवयवों (ingredients) के लिये लोकप्रियता प्राप्त की । परंतु स्नेहा को यह पता लगा कि ऐसे ही नाम से एक दूसरी कंपनी घटिया गुणवत्ता के त्वचा देखभाल उत्पाद बेच रही है जिससे ग्राहकों में भ्रम पैदा हो रहा है । इसने उसके ब्रांड की प्रतिष्ठा को नुकसान पहुँचाया । एक कानूनी विशेषज्ञ से परामर्श करने पर स्नेहा को पता लगा कि "Glow Essence" एक ट्रेड (व्यापारिक) नाम है और ट्रेड मार्क (व्यापार चिन्ह) नहीं है । उसने पंजीकरण प्रक्रिया शुरू की । **3**

(i) ट्रेड नाम और ट्रेड मार्क के बीच अंतर बताइये ।

(ii) इस बात को स्पष्ट कीजिये कि ग्लो इसेंस "Glow Essence" के पंजीकरण से स्नेहा को कैसे लाभ होता है ।

खण्ड – घ

37. (a) बौद्धिक संपदा कानून में व्यापार गोपनीयता (Trade Secrets) की अवधारणा को स्पष्ट कीजिए । भारतीय कानून के अंतर्गत व्यापार गोपनीयता को प्रदान किये गये विधिक संरक्षण पर चर्चा कीजिए । अवधि (duration) और विस्तार (scope) के संदर्भ में यह संरक्षण उपाय पेटेंट्स और कॉपीराइट्स से कैसे भिन्न हैं ? **5**

अथवा

(b) सभी करार स्वत: ही संविदायें नहीं हैं । इसे पूरा करने के लिये उन्हें कुछ मानदण्डों को पूरा करना चाहिए । विस्तार कीजिए । **5**

38. (a) राष्ट्रीय विधिक सेवा प्राधिकरण (NALSA) विनियम, 2010 के अंतर्गत पैनल-वकीलों के चयन के बारे में नीचे दिये गये प्रश्नों के उत्तर दीजिए :

(i) पैनल में शामिल करने के विचारार्थ किसी अधिवक्ता को कौन सी प्राथमिक आवश्यकतायें पूरी करनी चाहिए ?

(ii) उच्च न्यायालय विधिक सेवा समिति के लिये अधिवक्ताओं को पैनल में रखने वाले चयन बोर्ड का गठन (composition) बताइये ।

(iii) किन परिस्थितियों में पैनल के किसी वकील को किसी मामले से हटाया जा सकता है ?

(iv) विधिक सेवा प्राधिकरण द्वारा कब किसी वरिष्ठ अधिवक्ता की सेवायें ली जा सकती हैं ?

(2+1+1+1)

अथवा

(b) 'कानूनी सहायता' शब्द को स्पष्ट कीजिये । प्रत्येक कानूनी प्रणाली के लिये कानूनी सहायता प्रदान करना क्यों महत्वपूर्ण है ? भारतीय संविधान में उन उपबंधों पर चर्चा कीजिये जिन्होंने भारत में कानूनी सहायता के विभिन्न उपबंधों के लिये मार्ग प्रशस्त किया है । **(1+1+3)**

~

34. What are the key principles outlined in the Universal Declaration of Human Rights (UDHR) and how do they reflect the foundational values of human dignity, freedom and equality ? **3**

35. In a juveniles custodial home, several juveniles report being subject to harsh disciplinary measures, including excessive physical punishment and prolonged isolation. Some also mentioned that their complaints about inadequate food and unsanitary living conditions are being ignored by the school administration. Identify the national body which can be approached. How can this body address the violation of the rights of juveniles ? **1+2**

36. Sneha started a beauty care brand called "Glow Essence", offering organic skin care products. Within a year her brand gained popularity for its quality and natural ingredients. However, Sneha discovered that another company was selling low quality skin care products under the similar name leading to confusion among customers. This damaged her brand's reputation.
On consulting a legal expert Sneha learned that "Glow Essence" is a trade name and not a trade mark. She initiated the registration process. **3**
(i) Differentiate between a trade name and a trade mark.
(ii) Explain, how registration of "Glow Essence" benefit Sneha.

SECTION – D

37. (a) Explain the concept of 'trade secrets' in intellectual property law. Discuss the legal protection provided to trade secrets under Indian law. How do these protections differ from patents and copyrights in terms of duration and scope ? **5**

OR

(b) All agreements *per se* are not contracts. They must meet certain criteria to qualify as such. Elaborate. **5**

38. (a) With regards to the selection of panel lawyers under the NALSA Regulations, 2010, answer the questions given below;
(i) Mention the basic requirement an advocate must fulfil to be considered for empanelment.
(ii) State the composition of the selection board for empanelling advocates for High Court Legal Services Committee.
(iii) Under what circumstances can a panel lawyer be removed from any case ?
(iv) When can the services of a Senior Advocate be availed by the legal services authorities ? **(2+1+1+1)**

OR

(b) Explain the term 'legal aid'. Why is it important for every legal system to provide for legal aid ? Discuss the provisions in the Indian Constitution that have paved way for the various provisions of legal aid in India. **(1+1+3)**

39. नोवरा और एल्डीरिया देशों के बीच नेलरा नदी पर एक बाँध निर्माण के ऊपर विवाद चल रहा है और एल्डीरिया ने यह मामला अंतर्राष्ट्रीय न्यायालय (ICJ) में प्रस्तुत किया है । नोवरा का तर्क है कि ऐसे ही मामलों में अंतर्राष्ट्रीय न्यायालय के पिछले निर्णयों को देखते हुए निर्णय लिया जाना चाहिए, जबकि एल्डीरिया कानून की नई व्याख्या पर जोर दे रहा है । अंतर्राष्ट्रीय न्यायालय-संविधि का अनुच्छेद 59, 38 और अनुच्छेद 38(1) इस मामले में न्यायालय के निर्णयन को किस प्रकार प्रभावित करेंगे ? इसका विश्लेषण कीजिए । **5**

40. एक कुशल ग्राफिक डिजाइनर श्री विक्रम अपने एकमात्र स्वामित्व में एक डिजाइन स्टूडियों चलाता आ रहा है । समय के साथ उसके कारोबार में वृद्धि होती है और उसने और अधिक जोखिमों के साथ बड़ी परियोजनाओं का संचालन शुरू कर दिया । जहाँ वह अपने एकमात्र स्वामित्व वाले कारोबार के प्रबंधन की सरलता का आनंद ले रहा है वहाँ वह अपने व्यक्तिगत दायित्वों के बारे में चिंतित भी है कि कहीं कुछ गलत न हो जाय । अपने दोस्त की सलाह पर विक्रम अपने दायित्व को सीमित करने और अपने कारोबार की विश्वसनीयता को सुधारने के लिये अपने कारोबार को एकल व्यक्ति कंपनी (OPC) में परिवर्तित करने पर विचार कर रहा है ।

उपर्युक्त मामले के आधार पर एकल स्वामित्व (Sole Proprietorship) और एकल व्यक्ति कंपनी (One Person Company) के बीच तुलना कीजिए । किस प्रकार का कारोबारी रूप (business entity) विक्रम के लिये बेहतर होगा और क्यों ? **5**

39. The countries of Novara and Elderia are in a dispute over the construction of a dam on the river Nelara – with Elderia bringing the case to the International Court of Justice (ICJ). Novara argues that past ICJ rulings in similar cases should guide the decision, while Elderia insists on a fresh interpretation of the law. Analyze how Articles 59, 38 and 38(1) of the Statute of ICJ would influence the court's decision-making in this case. **5**

40. Vikram, a skilled graphic designer, has been running his design studio as a sole proprietorship. Over time, his business has grown, and he started handling larger projects with higher risks. While he enjoys the simplicity of managing his sole proprietorship, he is worried about his personal liability if something goes wrong. On the advice of his friend, Vikram is considering converting his business into a One Person Company (OPC) to limit his liability and improve his business's credibility.

Based on the above case, compare Sole proprietorship and One Person Company (OPC). Which form of business entity would be better for Vikram and why ? **5**

Marking Scheme
Strictly Confidential
(For Internal and Restricted use only)
Senior School Certificate Examination, 2025
SUBJECT NAME: LEGAL STUDIES
(SUBJECT CODE:074) (QP CODE-40)

General Instructions:

1.	You are aware that evaluation is the most important process in the actual and correct assessment of the candidates. A small mistake in evaluation may lead to serious problems which may affect the future of the candidates, education system and teaching profession. To avoid mistakes, it is requested that before starting evaluation, you must read and understand the spot evaluation guidelines carefully.
2.	**Evaluation policy is a confidential policy as it is related to the confidentiality of the examinations conducted, evaluation done and several other aspects. Its leakage to public in any manner could lead to derailment of the examination system and affect the life and future of millions of candidates. Sharing this policy/document to anyone, publishing in any magazine and printing in News Paper/Website etc may invite action under various rules of the Board and IPC/BNS.**
3.	Evaluation is to be done as per instructions provided in the Marking Scheme. It should not be done according to one's own interpretation or any other consideration. Marking Scheme should be strictly adhered to and religiously followed. **However, while evaluating answers which are based on latest information or knowledge and/or are innovative, they may be assessed for their correctness otherwise and due marks be awarded to them. In Class XII, while evaluating two competency based questions, please try to understand the given answer and even if reply is not from the marking scheme but correct competency is enumerated by the candidate, due marks should be awarded.**
4.	The Marking scheme carries only suggested value points for the answers These are in the nature of Guidelines only and do not constitute the complete answer. The students can have their own expression and if the expression is correct, due marks should be awarded accordingly.
5.	The Head-Examiner must go through the first five answer books evaluated by each evaluator on the first day, to ensure that evaluation has been carried out as per the instructions given in the Marking Scheme. If there is any variation, the same should be zero after deliberation and discussion. The remaining answer books meant for evaluation shall be given only after ensuring that there is no significant variation in the marking of individual evaluators.
6.	Evaluators will mark (✓) wherever the answer is correct. For wrong answer CROSS 'X" be marked. Evaluators will not put right (✓) while evaluating which gives an impression that answer is correct and no marks are awarded. **This is the most common mistake which evaluators are committing.**

7.	If a question has parts, please award marks on the right-hand side for each part. Marks awarded for different parts of the question should then be totalled up and written in the left- hand margin and encircled. This may be followed strictly.
8.	If a question does not have any parts, marks must be awarded in the left-hand margin and encircled. This may also be followed strictly.
9.	If a student has attempted an extra question, the answer of the question deserving more marks should be retained and the other answer scored out with a note **'Extra Question'**
10.	No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
11.	A full scale of marks 0 to 80 has to be used. Please do not hesitate to award full marks if the answer deserves it.
12.	Every examiner has to necessarily do evaluation work for full working hours i.e., 8 hours every day and evaluate 20 answer books per day in main subjects and 25 answer books per day in other subjects (Details are given in Spot Guidelines).
13.	Ensure that you do not make the following common types of errors committed by the Examiner in the past: - ● Leaving the answer or part thereof unassessed in an answer book. ● Giving more marks for an answer than assigned to it. ● Wrong totalling of marks awarded on an answer. ● Wrong transfer of marks from the inside pages of the answer book to the title page. ● Wrong question wise totalling on the title page. ● Wrong totalling of marks of the two columns on the title page. ● Wrong grand total. ● Marks in words and figures not tallying/not same. ● Wrong transfer of marks from the answer book to online award list. ● Answers marked as correct, but marks not awarded. (Ensure that the right tick mark is correctly and clearly indicated. It should merely be a line. Same is with the X for incorrect answers.) ● Half or a part of the answer marked correct and the rest as wrong, but no marks awarded.
14.	While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as cross (X) and awarded zero (0) Marks.
15.	Any unassessed portion, non-carrying over of marks to the title page, or totalling error detected by the candidate shall damage the prestige of all the personnel engaged in the evaluation work and also of the Board. Hence, in order to uphold the prestige of all concerned, it is again reiterated that the instructions be followed meticulously and judiciously.
16.	The Examiners should acquaint themselves with the guidelines given in the **'Guidelines for Spot Evaluation'** before starting the actual evaluation.

17.	Every Examiner shall also ensure that all the answers are evaluated, marks carried over to the title page, correctly totalled and written in figures and words.
18.	The candidates are entitled to obtain a photocopy of the Answer Book on request on payment of the prescribed processing fee. All Examiners/Additional Head Examiners/Head Examiners are once again reminded that they must ensure that evaluation is carried out strictly as per value points for each answer as given in the Marking Scheme.
19.	Please read the guidelines carefully and seek clarifications from the Head Examiner in case of any doubt to reduce subjectivity and bias.
20.	Every care has been taken to prepare the Marking Scheme. However, it is important to keep in mind that it is neither exhaustive nor exclusive.

MARKING SCHEME

LEGAL STUDIES

Q. NO.	QUESTION	MARKS
	SECTION – A	
1	In a landmark case, the Supreme Court was handling a highly technical environmental dispute involving multiple stakeholders and scientific complexities. Given the intricate details of environmental policies and scientific evidence, the Court appointed an amicus curiae, an expert in environmental law and science, to assist by providing impartial information and insights on the matter. The amicus curiae made recommendations based on international standards, which helped the Court in reaching its final decision. Based on the concept of amicus curiae, which of the following statements is correct? (A) The amicus curiae advocates for the interests of the public and acts as a representative for the government. (B) The amicus curiae serves as the legal advisor to the party that requests their assistance in the case. (C) The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case. (D) The amicus curiae is only allowed to assist in cases related to constitutional matters.	1
ANS	(C) The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case. **(Page no 13)**	1
2	A High Court in India issues a verdict in a complex property dispute, which left one party dissatisfied with the decision. The aggrieved party now seeks to approach the Supreme Court for special leave to appeal. Under Article 136, the Supreme Court can grant special leave to appeal against any judgement, decree or order in any matter passed by (A) any court or tribunal in India (B) only High Court (C) only subordinate court (D) only tribunals	1
ANS	(A) any court or tribunal in India **(Page no 9)**	1
3	**Assertion: (A):** Any public-spirited person can file petition or write letters to court on behalf of aggrieved persons.	1

	Reasoning (R): Courts have liberalized the doctrine of locus standi of the enforcement of fundamental rights through Public Interest Litigations (PILs). (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true, but (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true	
ANS	(A) Both (A) and (R) are true and (R) is the correct explanation of (A). **(Page no 10)**	1
4	Arjun, at the request of the local community leader, builds a playground for the children in his neighborhood, spending a considerable amount of his own money. Later, Ravi, a local snack vendor, sets up a stall near the playground to sell snacks to children and promises to give Arjun 10% of his profits from all sales as a token of appreciation for building the playground. However, Ravi fails to pay Arjun the promised percentage, and Arjun decides to take legal action to recover it. Based on contract law principles, which of the following is correct? (A) Arjun is entitled to the percentage of profits as Ravi benefited from his efforts in building the playground. (B) Arjun cannot claim the percentage of profits, as the playground was built at the request of the community leader and not Ravi. (C) Ravi must pay Arjun the promised percentage since he made a verbal commitment to do so. (D) Ravi has to pay Arjun only if Arjun can prove the playground was built specifically for his benefit.	1
ANS	(B) Arjun cannot claim the percentage of profits, as the playground was built at the request of the community leader and not Ravi. **(Page no 55)**	1
5	Ravi, at a local market, was involved in an argument with Mohan over a disputed transaction. In the heat of the argument, Ravi suddenly pushed Mohan forcefully, causing Mohan to stumble backward and fall. Mohan suffered a minor injury to his back as a result of the fall. Mohan believes that Ravi's action was an intentional physical contact that resulted in harm, and he is considering suing Ravi for the tort of battery. Which of the following statements is correct regarding the tort of battery in this case? (A) Ravi's action of pushing Mohan constitutes battery, as it was an intentional and direct application of physical force. (B) Ravi is not liable for battery because the physical contact was not severe enough to cause significant	1

	injury. (C) The tort of battery requires that the defendant's action must cause permanent injury, which is not the case here. (D) Ravi is not liable for battery because his action was a part of self- defense act, even if there was no immediate threat to his safety.	
ANS	(A) Ravi's action of pushing Mohan constitutes battery, as it was an intentional and direct application of physical force **(Page no 64)**	1
6	Raj signs a contract to perform at a music festival. A few days before the festival, Raj develops a severe illness and doctors advise him complete rest. He misses the performance. Organisers of the event had to cut a sorry figure as Raj's performance was the highlight of the music festival. Which of the given statements best describes Raj's inability to perform at the festival? (A) It is breach of contract as Raj failed to fulfill his obligation. (B) It is discharge due to impossibility of performance because the illness makes performance impossible. (C) It is discharge by performance as Raj was willing to perform if he hadn't been ill. (D) It is breach of contract as a health issue does not discharge a contract.	1
ANS	(B) It is discharge due to impossibility of performance because the illness makes performance impossible. **(Page no 60)**	1
7	Neha, a photographer, takes a beautiful photograph of a sunset and posts it on her personal blog. A local travel magazine uses the image without Neha's permission. The publishers credit Neha as the photographer but do not pay her or seek her consent. Neha considers taking legal action against the magazine. In this context which of the following options is correct? (A) Neha cannot take legal action because the magazine credited her as the photographer. (B) Neha can take legal action because her photograph is protected by copyright and the magazine used it without permission. (C) Neha cannot take legal action because the photograph was available for the general public on her blog. (D) Neha can only take legal action if she had registered the photograph with a copyright office.	1
ANS	(B)Neha can take legal action because her photograph is protected by copyright and the magazine used it without permission. **(Page no 83,84)**	1
8	A company, XYZ Corp., operates a large dam to generate electricity. Due to an unforeseen design flaw the dam suddenly bursts, causing massive flooding in a nearby town.	1

	The company had taken all standard safety measures and had no knowledge of the design flaw. The affected residents sue the company for damages. Which of the following is applicable in this instance? (A) The company is not liable because the flaw was unforeseen. (B) The company is absolutely liable because the operation of the dam is inherently dangerous and the damages occurred regardless of the fault. (C) The company is liable only if it is proven that they ignored warning signs of the flaw. (D) The company is not liable because it followed all safety protocols.	
ANS	(B)The company is absolutely liable because the operation of the dam is inherently dangerous and the damages occurred regardless of the fault. **(Page no 69)**	1
9	Mohan lends his rare antique vase to his friend Sumit for a week. Instead of returning it, Sumit accidentally drops and shatters the vase while showing it to another friend. When Mohan asks for his vase to be returned, Sumit apologizes but says there is nothing he can do now that the vase is destroyed. Mohan decides to take legal action. Identify the legal claim he should pursue? (A) He should file a claim for trespass to chattels because Sumit damaged the vase while it was in his possession. (B) He should file a claim for trespass to chattels because Sumit used the vase without permission. (C) He should file a claim for conversion because Sumit destroyed the vase, depriving him of its use permanently. (D) He should file a claim for conversion because Sumit delayed returning the vase.	1
ANS	(C)He should file a claim for conversion because Sumit destroyed the vase, depriving him of its use permanently. **(Page no 65)**	1
10	From the options given below, which statement accurately describes the process of property registration in India? (A) The buyer and seller exchange property documents without involving any government authority. (B) The property is officially transferred from the seller to the buyer through a government-authorised deed, affixed by a seal of the Registrar's office. (C) The buyer must pay property taxes before the sale is completed – without the need for any legal documentation.	1

	(D) The property ownership is verified by a local official but no formal record is kept.	
ANS	(B) The property is officially transferred from the seller to the buyer through a government-authorised deed, affixed by a seal of the Registrar's office. **(Page no 75)**	1
11	In a criminal trial in a country in continental Europe, the judge, Judge Helena plays an active role in investigating the case. She questions the witnesses, evaluates the evidences presented by the parties and orders additional forensic test. The defense lawyer, Mr. Jameson, expresses concern that the judge's active involvement in the investigation may undermine the fairness of the trial. In the given content, identify the probable disadvantage of the justice dispensation system that is concerning for the defense lawyer. (A) The active role of judge would prevent delays and prolonged trials. (B) Stronger party in the case, with more resources and expert lawyers may not be able to influence the judges. (C) The judge can no longer remain neutral to evaluate the case with an open mind. (D) Less reliance is placed on cross examination and other techniques used by lawyers.	1
ANS	(C)The judge can no longer remain neutral to evaluate the case with an open mind. **(Page no 35)**	1
12	An advantage of _____ is that there is no strict application of the procedural laws and the disputing parties can directly interact with the judges. (A)Mediation (B) Lok Adalat (B) Conciliation (D) Tribunal	1
ANS	(B) Lok Adalat **(Page no 45)**	1
13	Omega Builders and Delta Constructions have a dispute over project delays. The court suggest mediation, but Omega Builders is unsure if their case qualifies. According to the Afcons Infrastructure Ltd. vs. Cherian Varley Construction Co. ruling, which disputes are generally excluded from mediation? (A) Commercial contracts (B) Matrimonial and Custody issues (C) Criminal offenses (D) Consumer disputes	1
ANS	(C) Criminal offenses **(Page no 44)**	1
14	**Statement 1:** Opinio juris prevents unwanted general practice from becoming customary law. **Statement 2:** Opinio juris is the belief that an action was carried out as a legal obligation. Choose the correct option:	1

	(A) Both statements are correct. (B) Both statements are incorrect. (C) Statement 1 is correct but Statement 2 is not correct. (D) Statement 2 is correct but Statement 1 is not correct.	
ANS	(A) Both statements are correct. **(Page no 171)**	1
15	**Assertion: (A):** The Solicitor Regulation Authority (SRA) does not Impose any formal experience requirement for requalifying as solicitor in England and Wales. **Reasoning (R):** It is not possible to be a barrister and solicitor. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true but (R) is not the correct explanation of (A). (C) (A) is true, (R) is false. (D) (A) is false, (R) is true.	1
ANS	(B)Both (A) and (R) are true but (R) is not the correct explanation of (A). **(Page no 191)**	1
16	Mei Ling is a practicing lawyer in Hong Kong. She is considering launching a marketing campaign to attract more clients. Which of the following is a feasible option for her? (A) Proceed with the campaign on all media, since lawyers are free to advertise without restrictions. (B) Proceed with the campaign on print media. (C) Launch the campaign but exclude testimonials, success rates and any comparative statements. (D) Avoid all forms of advertising as it is entirely prohibited in Hong Kong.	1
ANS	(B)Proceed with the campaign on print media. **(Page no 187)**	1
17	**Assertion: (A):**A Senior Advocate is not entitled to appear in the Supreme Court without an Advocate-on-record. **Reasoning (R):** Advocates-on-record are entitled to file an appearance or act for a party in the Supreme Court. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true, but (R) is not the correct explanation of (A). (C) (A) is true, (R) is false. (D) (A) is false, (R) is true.	1
ANS	(A) Both (A) and (R) are true and (R) is the correct explanation of (A). **(Page no 184)**	1
Q. 18	In light of the principles enshrined in Article 39A, which of the following circumstances contradicts its core objective of equal justice and free legal aid?	1

	(A)The state provides legal aid to economically disadvantages citizens facing criminal prosecution. (B) A wealthy individual is given legal aid despite having adequate resources to access private legal counsel. (C) A marginalized person is granted legal representation in a civil matter by the state. (D) The state facilities access to justice for those affected by socio- economic disabilities	
ANS	(B) A wealthy individual is given legal aid despite having adequate resources to access private legal counsel. **(Page no 198)**	1
19	"Most accused persons do not lead defence evidence in India." Identify the reason for this from the options given below. (A) The burden to prove the offence beyond reasonable doubt is on the prosecution. (B) The judge decides the case on its merit according to the evidences presented by the defence. (C) The assertion that the accused has committed offence is sufficient to prove the guilt by prosecution. (D) The accused is presumed guilty at the first instance when the trial begins.	1
ANS	(A) The burden to prove the offence beyond reasonable doubt is on the prosecution. **(Page no 119)**	1
20	**Statement 1:** The Evidence Law helps the judges to separate the 'Wheat from the chaff'. **Statement 2 :** The function of the law of evidence is to provide a mechanism for the investigation and trial of offenders. Choose the correct option: (A) Both statements are correct. (B) Both statements are incorrect. (C) Statement 1 is correct, but Statement 2 is not correct. (D) Statement 2 is correct, but Statement 1 is not correct.	1
ANS	(C)Statement 1 is correct, but Statement 2 is not correct. **(Page no 119)**	1
	SECTION – B	
21	Explain the principle of judicial review.	2
ANS	Judicial review is a principle or a legal doctrine or a practice whereby a court can examine or review an executive or a legislative act, such as law or some other governmental or administrative decision, and determine if the act is incompatible with the constitution. **(Page no 22)**	2
22	Sunil and Asha are co-founders of a tech-startup. Recently they had a contractual disagreement with their software vendor regarding the delivery timeline of a critical project. Sunil insisted	2

	on filing a lawsuit, whereas Asha suggested resolution by appointing a neutral third party who could facilitate the parties in achieving an acceptable, voluntary agreement. Sunil agreed and their matter was resolved within two weeks. (i) Identify the method of dispute resolution adopted by Sunil and Asha. (ii) Give any two advantages of adopting alternate dispute resolution mechanism by the parties.	
ANS	(i)The method of dispute resolution adopted by Sunil and Asha is mediation**.** **(Page no 42)** (ii) Advantages of adopting alternate dispute resolution mechanism by the parties are; • It is less time consuming as people resolve their disputes expeditiously in a short period as compared to courts. • It is less costly than litigation. • It is free from technicalities of courts as informal ways are applied in resolving disputes. • It can be used at any time, even when a case is pending before a court of law, though recourse to ADR as soon as the dispute arises may confer maximum advantages on the parties. • It provides a more convenient forum to the parties who can choose the time, place and procedure for conducting the preferred dispute redressal process. • If the dispute is technical in nature, parties have an opportunity to select the expert who possesses the relevant legal and technical expertise. • It is interesting to note that ADR provides the flexibility to even refer disputes to non-lawyers. (**Any two points) (Page no 37)**	1(for identification) + 1(for two advantages) =2 Marks
23	A nation engages in human rights violations within its own borders, including acts of genocide against a specific ethnic group. Under ergaomnes obligations, what are the legal responsibilities of the international community, even if there is no direct threat to neighbouring states ?	2
ANS	Generally human rights violations are dealt with by the state/country in which they occur. However, there are certain human rights, established under treaty that may constitute ergaomnes obligations for the state parties. This means that there are some violations that are so grave, that any state/ country may take action against such crimes, regardless of whether they occurred in their jurisdiction or not. All states have a shared interest in elimination of such grave violations. One of the most empowering features of international human rights law is that it does away with the borders and limitations of a domestic body and allows the international community to also seek an active role to protect the rights of citizens of other countries. **(Page no. 174)**	2

24	(a) Describe, citing any two examples, how the rules of advertising by lawyers differs from country to country. **OR** (b) During a court proceeding, an advocate finds out that their client intends to provide false evidence. What should the advocate do in this situation to adhere to their professional duty toward the court and uphold ethical standards ?	2 2
ANS	(a)The rules of advertising by lawyers in different countries are; **1.India:** a. In India advertising by lawyers has been strictly restricted by the Bar Council of India. b. An advocate is prohibited from promoting himself through circulars, advertisements, touts, personal communications, interviews other than through personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned. c. An advocate can furnish certain information on their websites after intimating and taking approval from the Bar Council of India. **2. United States of America (USA):** a. In the USA lawyers have a right to advertise but subject to reasonable restrictions. b. There are different rules of professional ethics for different states and there is also the Model Rules of Professional Conduct which serves as an indicative reference point. Model Rules prohibits false and misleading communication about services, The rules articulate no- solicitation periods c. Lawyers in the US can provide information about class actions, can approach clients by handing out business cards and can advertise on internet forums. For class actions, solicitation through referrals is permissible, newspaper and magazine ads and even mass emails are permitted as long as they are not misleading, and no financial incentive is promised. d. Ambulance chasers are personal injury lawyers who are robust in their advertising. **3. United Kingdom(UK) :** They are flexible with granting permission for legal ads. **4. Malaysia:** a. In Malaysia, the Legal Profession (Publicity Rules), 2001, is a simple, comprehensive code that regulates ads in legal and non-legal directories, b. The code controls publication of journals, magazines, brochures and newsletters and interviews in the media, c. The code bars publicity through clients d. The code also regulates greeting cards. **5. Hong Kong:**	1x2=2

	a. In Hong Kong, lawyers are forbidden to advertise on television, radio and in the cinemas b. The lawyers are permitted to advertise in print media. **(Any one point each for any two countries) (Page no 187)** **OR** (b)If an advocate finds out that their client intends to provide false evidence, the advocate can refuse to represent those who insist on adopting unfair means. The advocate is expected to uphold and maintain the values of the profession. **(Page no 186)**	2
25	(a)State the purpose of the Legal Services Authorities (Amendment)Act2002. **OR** (b) Enlist any four legal services given to any beneficiary under the provision of free legal aid.	2 2
ANS	(a)The purpose of the Legal Services Authorities (Amendment)Act, 2002 are; • The establishment of permanent Lok Adalats to settle disputes concerning public utility services at pre-litigation state; • pre-litigation conciliation and settlement pertaining to public utility services **(Page no 203)** **OR** (b) The legal services given to any beneficiary under the provision of free legal aid are:- ▪ Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings; ▪ Providing service of lawyers in legal proceedings; ▪ Obtaining and supply of certified copies of orders and other documents in legal proceedings; ▪ Preparation of appeal, paper book including printing and translation of documents in legal proceedings. ▪ Legal education ▪ Legal advice ▪ Legal awareness ▪ Pre-litigation settlement **(Any Four points) (Page no 200, 201)**	2 2
26	Jai, a business owner, enters into an agreement with Sana, a government official. Jai promises to pay Sana ₹10 lakhs in exchange for her influence in securing a lucrative government contract for his company. Both parties sign the agreement and begin to execute it. Identify the nature of this agreement and discuss the legal consequences for both parties involved.	2

ANS	The nature of the agreement is Illegal / Unlawful Agreements. The agreements entered into for any unlawful or illegal object or consideration cannot be enforced under the law and are thus void. **(Page no 58)**	1(for identification) + 1(for consequence) =2 Marks
27	A group of citizens in a city regularly engages in public protests against government policies. During one protest, some individuals damage public property, disrupt traffic, and use offensive language. The protestors claim that they are exercising their right to freedom of speech and expression. Is the claim by the protestors justified? How do the Fundamental Duties under Article 51A of the Constitution of India apply in this situation?	2
ANS	No, the claim of the protestors is not justified. **(Page no 134)** The fundamental duty that should be adhered to by the citizens in the above given situation is as follows: • Fundamental duties remind citizens not to behave irresponsibly but help build a free, democratic and strong society. • Citizens have a fundamental duty of safeguarding public property and abjuring violence. • Upholding and protecting the sovereignty, unity, and integrity of India **(Any one fundamental duty) (Page no 143, 144)**	1 + 1 =2 Marks
28	(a)State any two key features of the Directive Principles of State Policy in the Indian Constitution. **OR** (b) Give any two differences between fundamental rights and human Rights	2 2
ANS	(a)The salient features of the directive principles are; • DPSP's are mentioned in Part IV, articles 36-51 0f the Indian Constitution. • It is the duty of the State to apply these principles in making laws and policies on social and human development. • These principles are largely of the nature of economic and social rights. • The provisions of directive principles are not enforceable by any court of law, but they provide guidance in carrying out and drafting laws and policies regarding human and social development. • The Supreme Court has raised the status of many provisions of directive principles to that of fundamental right by suggesting they violate one's right to life (Art. 21). • Directive principles aim at promoting the welfare of the	1+1=2 Marks

people. They intend to secure and protect social, economic and political justice of its citizens.

- These principles endeavor to minimize income inequalities and to eliminate inequalities based on status, facilities, and opportunities amongst both individuals and groups of people.

(Any two points) **(Page no.141,142)**

OR

(b)

Basis for Difference	Fundamental Rights	Human Rights
Meaning	Fundamental Rights are the basic rights of citizens of a country which are stated in the constitution and enforced by law. These may slightly vary from country to country.	Human Rights are the basic rights that all human beings can enjoy, regardless of their nationality, ethnicity and religion etc
Scope	It is country specific.	It is universal.

(Page no 129)

1+1=2 Marks

SECTION – C

29 (a) "Independence of judiciary is vital for the respect of due process of law." Elaborate. 3

OR

(b) "Article 50 of the Constitution of India directs the State to take steps to separate the judiciary from the executive." 3
In light of Article 50, discuss the importance of the separation of powers between the judiciary and the executive. State any two provisions enumerated in Article 50 that contribute to the independence of the judiciary in India.

ANS (a) Independence of judiciary is vital for the respect of due process of law. Due process of law means that the State must respect all the legal rights that are owed to a person and confirm to the norms of fairness, liberty, fundamental rights etc. Only an independent judiciary can make this concept operational. 3

(Page no 7)

OR

(b)Importance of separation of power between the judiciary and the executive is:

- Independence of judiciary helps in the maintenance of rule 1(for reason)

	of law, ensuring good governance and creating a free and fair society. ▪ Judiciary's independence is linked to its role as the watch-dog in a democracy. It monitors and maintains the checks and balances over the other arms of the government. ▪ Judiciary acts as a guardian of fundamental rights which are constitutionally granted to every citizen in India. **(Any one point) (Page no 6)** Two provisions that contribute to the independence of judiciary in India are: • Once appointed, judges are provided with a security of tenure till they reach a retirement age. • Judges are not allowed to practice as advocates in the same or equivalent courts, post their retirement. • Judges cannot be easily removed from their office except for proven misbehaviour and incapacity. The legal process is kept stringent to ensure security of tenure of the judges. • The salaries and allowances of judges are fixed and not subject to vote of the legislature. • Judges derive their salaries from the consolidated fund of India (for the Supreme Court) and consolidated fund of state (in case of High Courts). • Their emoluments cannot be altered to their disadvantage except in the event of financial emergency. • Even the judicial conduct of the judges has been kept immune from examination by other Constitutional organs. • The conduct of judges of both the Supreme Court and High Courts cannot be discussed in Parliament or state legislature, except when a motion for removal of a judge is being presented to the President. • Supreme Court of India has been authorized to have its own establishment and to have complete control over it. It is further authorized to make appointments of officers and staff of the court and determine their service conditions. **(Any two points) (Page no 7,8)**	+ 2(for provisions) = 3 Marks
30	(a) How is an arbitral award both similar and different from a court pronounced judgement or order? **OR** (b)State the features of *ad-hoc* arbitration.	3 3
ANS	(a)Similar to a judgment given by a judge, the arbitral award is binding on the disputing parties. Once an arbitral award is rendered, it is recognised and enforced (given effect to) akin to a court pronounced judgment or order. In addition to an arbitral award, the arbitrator also holds power and authority to grant interim measures, like a judge in the court. However, unlike a judgment rendered by a judge in the court, the award does not hold precedential value (doctrine of stare decisis means "stand by the decision") for future arbitrations. Arbitrators are	3

	free to base their decisions on their own conception of what is fair and just. Thus, unlike judges, they are not strictly required to follow the law or the reasoning of earlier case decisions. **(Page no 38,39)** **Or** (b) Features of ad-hoc arbitration are: • Ad-hoc arbitration is governed by the parties themselves without recourse to a formal arbitral institution. • It may be domestic or international in character, • It should not be conducted according to the rules of an arbitral institution. • The parties are free to state their own rules of procedure. **(Page no 39)**	3
31	Riya, a law graduate in India, is exploring career options in Law beyond court room practice. Explain any three such opportunities available to Riya. How can she apply her legal skills in these fields ?	3
ANS	Riya can apply her legal skills in the following fields: • **Law Firm Practice:** Law firms vary in size and practice areas. Law firms may range from boutique law firms specializing in specific areas of law (such as Intellectual Property Rights and Tax law), to mid- sized law firms as well as large law firms which are full service law firms with different practice groups such as general corporate, mergers and acquisitions, employment law, taxation, international trade, insurance, intellectual property, and project finance and infrastructure. • **Corporate Sector:** Large corporations often have an in-house legal practice. An inhouse counsel will give legal advice to the company. • **Public Policy:** Lawyers have an important role in formulating and advising on public policy. Several organizations employ law graduates for policy making and have institutionalized fellowships where law graduates can be Research Assistants. • **Legal Research and Academia**: Graduates may attach themselves with Research Centres and think tanks. Law graduates may take up teaching and research as a profession. • **Non-Governmental Organizations:** Not-for-profit organizations, especially organizations with a social justice orientation have positions for law graduates. • **Judicial Services/ clerkships:** The court system provides several avenues to law graduates. The higher judiciary, that is judges of the High Courts and Supreme Courts have law	1x3=3 Marks

	clerks cum research assistants who assists a judge in researching for cases, maintaining paperwork etc. • **Judge Advocate General (JAG) Officer**: The Judge Advocate General's (JAG) Department is the legal branch of the Indian Army. It deals with military related disciplinary cases and litigation and assists in providing legal assistance to the army in human rights matters. **(Any three points) (Page no 191,193)**	
32	Mrs. Kapoor, an elderly landowner, verbally expressed her wish to transfer her agricultural land worth₹ 20 Lakhs to her son Raj without any legal documentation. Her other son Aman, who has been managing the land wants it to be transferred in his name as had been incharge of the land. Additionally, a neighbour, Mr. Sharma, offers Aman money to buy the land directly. In the given situations, who has the right to Transfer the Property under the provisions of Transfer of Property Act (TPA) 1882? State any two essentials for a valid transfer based on the scenario given above.	3
ANS	Mrs Kapoor has the right to transfer the property under the provisions of TPA 1882 The following are the essentials for a valid transfer of property: • In a transfer of property, the transfer should be between two or more living persons. • The property that is going to be transferred should be free from encumbrances (hindrances of any form) and be of a transferable nature. • The transfer should not be: - for an unlawful object or an unlawful consideration (for a detailed understanding, refer the chapter on Contracts); - involving a person legally disqualified to be a transferor or transferee. • The transferor who transfers the property must: - be competent to make the transfer; - be entitled to the transferable property; - be authorized to dispose off the property if the property is not his own property. • The transfer should be made according to the appropriate mode of transfer. Necessary formalities like registration, attestation, etc. should be complied with. • In the case of a conditional transfer, where an interest is created on the fulfillment of a condition, the condition should not be illegal, immoral, impossible or opposed to public policy **(Page no 74)**	1(for identification) + 2(For any two essentials) =3 marks

33	(a) Name the statutory body that was constituted under the Water (Prevention and Control of Pollution) Act, 1974. State the two principal functions to be performed by this body. **OR** (b)State the significance of the Stockholm Declaration, 1972. Establish the relationship between Stockholm Declaration, 1972 and Earth Summit, 1992.	3 3
ANS	(a)The Central Pollution Control Board **or** The State Pollution Control Board are the statutory organisations constituted under the Water (Prevention and Control of Pollution) Act, 1974. The functions of the **Central Pollution Control Board** are as follows: • Advise the Central Government on any matter concerning prevention and control of water and air pollution and improvement of the quality of air; • Plan and cause to be executed a nation-wide program for the prevention, control or abatement of water and air pollution; • Coordinate the activities of the State Board and resolve disputes among them; • Provide technical assistance and guidance to the State Boards, carry out and sponsor investigation and research relating to problems of water and air pollution, and for their prevention, control or abatement; • Plan and organise training of persons engaged in programme on the prevention, control or abatement of water and air pollution; • Organise through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water and air pollution; • Collect, compile and publish technical and statistical data relating to water and air pollution and the measures devised for their effective prevention, control or abatement; • Prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices, stacks and ducts; • Disseminate information in respect of matters relating to water and air pollution and their prevention and control; • Lay down, modify or annul, in consultation with the State Governments concerned, the standards for stream or well, and lay down standards for the quality of air; • Perform such other functions as may be prescribed by the Government of India. The functions of the **State Pollution Control Board** can be detailed as follows for further understanding: • Issue NOC (No-Objection Certificates) from the perspective of the environmental pollution, including the adequacy of the site from the environmental angle • Assessment of quality ambient air. • Assessment of inland surface waters' quality • Issuance of the Consent under provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981.	1(for identification) + 2(for functions) = 3 Marks

	• Issue of Consent under provisions of section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974. • Collection and assessment of Water Cess, under the provision of Water (Prevention and Control of Pollution) Cess Act, 1977. • Assessment and Identification of municipal and industrial pollution sources and control. • Conducting Mass Awareness Programmes. • Development of Pollution Control technologies. • Notification of emission and effluent standards. • Instituting legal action against defaulters. • Implementing Biomedical Waste Rules, 1998. • Issuance of Authorization under the Hazardous Waste Management Rule, 1989. • Identifying the onsite crisis management plans, isolated storage, etc., under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989. **(Any two functions from either of the two bodies can be considered) (Page no 98-100)** **OR** **(b) Significance of Stockholm Declaration, 1972-** The Stockholm Convention is a global treaty that aims to protect human health and the environment from the effects of persistent organic pollutants (POPs). It was the first convention to discuss environmental issues on a global scale. The declaration proclaims truths relating to man and the environment such as man is the creator and moulder of his surroundings. The declaration also reiterates the importance of preservation of the environment **Relationship between Stockholm Declaration, 1972 and Earth Summit 1992-** The 'Earth Summit' marked the 20th anniversary of the first ever International Human Environment Conference in Stockholm, Sweden, 1972. / The declaration also reiterates the importance of preservation of the environment / Emphasized on importance of sustainable development. **(Page no 96)**	2(For explanation) + 1(for relationship) =3 Marks
34	What are the key principles outlined in the Universal Declaration of Human Rights (UDHR) and how do they reflect the foundational values of human dignity, freedom and equality ?	3
ANS	•In 1948, the United Nations General Assembly adopted Universal Declaration of Human Rights (UDHR) as ´a common standard of achievement for all peoples and nations.' • The Universal Declaration of Human Rights provides and defines various kinds of human rights that are applicable to all human beings. • These include the fundamental, civil, political, economic, social and cultural rights, for example freedom of speech, assembly, conscience and religion; right to education; right to livelihood and decent standard of living; right to life, liberty and security of person;	3

	right to equality; freedom from all forms of discriminations including based on gender and race; and so on. • The principle of universality of human rights is the cornerstone of international human rights law. • The Universal Declaration of Human Rights has been embraced by almost all member States of the United Nations. All members states have committed to respect and protect the basic human rights values provided therein. The Universal Declaration of Human Rights deals with various provisions, a few of them being: • liberty of a person (Article 3) • equality before law (Article 7) • prohibitions on torture (Article 5) • socio-economic rights such as right to work and equal pay (Article 23) • right to social security (Article 25) **(Page no 129,173)**	
35	In a juveniles custodial home, several juveniles report being subject to harsh disciplinary measures, including excessive physical punishment and prolonged isolation. Some also mentioned that their complaints about inadequate food and unsanitary living conditions are being ignored by the school administration. Identify the national body which can be approached. How can this body address the violation of the rights of juveniles?	**1+2**
ANS	The National body which can be approached is The National Commission for Protection of Child Rights (NCPCR). The body addresses the violation of the rights of juveniles in the following manner: ▪ Look into the matters relating to the children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures; ▪ Inspect or cause to be inspected any juveniles custodial home, , or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organization; Where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary; ▪ Inquire into complaints regarding violation of child rights ▪ Take suo moto action in matters related to deprivation and violation of child rights. **(Any one point) (Page no 157,158)**	1(for identification) + 2(for any one action taken) =3 Marks
36	Sneha started a beauty care brand called “Glow Essence”, offering organic skin care products. Within a year her brand gained popularity for its quality and natural ingredients.	3

	However, Sneha discovered that another company was selling low quality skin care products under the similar name leading to confusion among customers. This damaged her brand's reputation. On consulting a legal expert Sneha learned that "Glow Essence" is a trade name and not a trade mark. She initiated the registration process. (i) Differentiate between a trade name and a trade mark. (ii) Explain, how registration of "Glow Essence" benefit Sneha.	
ANS	(i)A trade name is the official name under which a company operates and is also known as a "doing business as" name or assumed name. On the other hand, a trademark is the name, symbol, logo, slogan or sound that a business uses to market its products and services. It is a unique identifier that helps consumers differentiate the products and services of one company from those of another. A trade name does not provide brand name protection on its own, but registering it is an important step in protecting the name. On the other hand, a trademark provides protection for a brand name and helps to distinguish a company's products and services from those of others. **(Any one point of difference)** (ii) The Registration of a trademark can create, establish and protect the goodwill of the products or services, one can stop other traders from unlawfully using his trademark, sue for damages and secure destruction of infringing goods and or labels. **(Page no 87)**	2(for part (i)) + 1(for part (ii)) = 3 marks
	SECTION – D	
37	(a) Explain the concept of 'trade secrets' in intellectual property law. Discuss the legal protection provided to trade secrets under Indian law. How do these protections differ from patents and copyrights in terms of duration and scope? **OR** (b) All agreements *per se* are not contracts. They must meet certain criteria to qualify as such. Elaborate.	5
ANS	(a)Trade secrets can include a wide range of confidential information that is important for the success and survival of a business. Trade secret can be in the form of strategies, designs, client databases, formulas, programs, or any other confidential information that must be kept secret to maintain the competitive advantage of the business. A trade secret is defined as any information with commercial value, which is not available in the public domain and the disclosure of which would cause significant harm to the owner Any information which is kept secret, has a commercial value and the owner of the information takes reasonable steps to keep it secret. **(Any one point) (Page no 88)** Protection of trade secret can be done in the following way: • There is no specific legislation that provides protection for trade	2(for trade secret) + 1 (for protection) + 2(for patent and copyright) =5 marks

	secrets, but they can be protected under various provisions of different statutes, such as Section 272 of the Contract Act, 1872. • Indian courts have also recognized trade secret protection based on equity principles and common law remedies for breach of confidence and breach of contract. • To ensure the protection of trade secrets, it is important for businesses to include restrictive clauses in their service contracts. This helps to secure the confidentiality of the firm's trade secrets and prevent unauthorized disclosure. **(Any one point) (Page no 88)** **Patent-** Scope- A patent is a legal document which is issued by the government to the inventor. The patent grants an inventor absolute and exclusive ownership right over the invention, the freedom to use and sell the invention for a stipulated time period. Duration- The term of every patent granted in India is 20 years from the date of filing of application. **(Page no 86)** **Copyright-** Scope- All subject matters protected by copyright are called protected works. Section 2(y) of the Act defines 'work'. It includes literary, artistic, dramatical, musical, cinematography and sound recordings. Duration- The general rule is that copyright lasts for 60 years. **(Page no 83-84)** **OR** (b)An agreement that is enforceable by law is a contract. This implies, all agreements per se are not contracts. Agreements must meet certain criteria stated as under- • An agreement is the result of a proposal or an offer by one party and its acceptance by the other. • Competent parties: the parties to the agreement must be competent to enter into a contract. (minor, person of unsound mind, not disqualified by law, etc) • Lawful consideration and lawful object: There must be lawful object and lawful consideration in respect of the agreement. • Free consent: there must be free consent of the parties that is free from coercion, undue influence, fraud, misrepresentation and mistake, when they enter into the agreement. • Not expressly declared as void by the law: the agreement must not be the one, which has been declared as void by the law in force at the time of entering into the agreement.	5 1x5=5marks

	• Agreements that create a legal obligation are only contracts and those agreements that do not intend to create legal relationship are not contracts.(Balfour v Balfour might be cited by the student) • Consideration is an important element in a contract. A contract without consideration is not valid. Consideration means 'something in return' for the offer. **(Any five points) (Page no 53-58)**	
38	(a)With regards to the selection of panel lawyers under the NALSA Regulations, 2010, answer the questions given below; (i) Mention the basic requirement an advocate must fulfil to be considered for empanelment. (ii)State the composition of the selection board for empanelling advocates for High Court Legal Services Committee. (iii)Under what circumstances can a panel lawyer be removed from any case? (iv)When can the services of a Senior Advocate be availed by the legal services authorities? **OR** **(b)** Explain the term 'legal aid'. Why is it important for every legal system to provide for legal aid? Discuss the provisions in the Indian Constitution that have paved way for the various provisions of legal aid in India.	**(**2+1+1+1) =5 Marks (1+1+3) =5 Marks
ANS	(a)Under the NALSA Regulation: (i) The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. Personal traits like competence, integrity, suitability, and experience shall be considered. (ii) The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Advocate-General (for High Courts), and the Bar Association President. (iii) The panel lawyer may be withdrawn from a case or his name removed from the panel on account of non-performance of duties satisfactorily or for actions against the object and purpose of the Act or Regulations. The panel lawyer is barred from taking any fee, remuneration, or other valuable consideration from any person for whom legal services are rendered under the Regulation or Act. (iv) The services of senior advocates may be availed, if the Chairman of the legal services institution forms an opinion to that effect in cases of great public importance and where serious threat to the life and liberty of the applicant exists. **(Page no 202)** **OR** (b)'Legal Aid' is giving to persons of limited means, grants, or for nominal fees, advice, or counsel to represent them in court for civil and criminal matters. It is important for a legal system to provide legal aid because:	(2+1+1+1) =5 Marks

	• It creates a bridge between the poor and rich in society in order to provide equality to seek justice in the court of law. • Legal Aid is to ensure that no one is debarred from legal advice and help because of lack of funds. • The provision of legal aid to the poor is based on humanitarian considerations and the main aim of these provisions is to help those who are socially and economically backward • In a participatory democracy, it is essential that citizens have faith in their judicial institution that ensures appropriate representation in the court of law and settles the need for equality principle. • It is also the responsibility of the State to ensure that fair and impartial justice is made available at the doorstep of the poor and economically weaker sections irrespective of their caste, creed, religion, or geographical position, free of cost. • Denying access to the courts, forces dispute resolution into other arenas and results in vigilantism and violence. • Human rights and human dignity form the premises for the socio-legal foundations of free legal aid. • As part of human rights it is important to recognize the principle of equality and ensure access to justice. • In an adversarial system, the poor are represented by the advocates appointed by the government to ensure equal representation in the court of law, which forms one of the most important facets of a true democracy. **(Any one point)** The provisions in the Indian Constitution which paved way for legal aid are: **Article 39-A:** Equal Justice and free legal aid - The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. **Article 14** of the Constitution of India provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. **Article 15** of the Constitution of India-The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them	1+ 1+3 =5 marks

	Article 21- ´No person shall be deprived of his life or personal liberty except according to procedure established by law.' **(Any three points) (Page no 198)**	
39	The countries of Novara and Elderia are in a dispute over the construction of a dam on the river Nelara – with Elderia bringing the case to the International Court of Justice (ICJ). Novara argues that past ICJ rulings in similar cases should guide the decision, while Elderia insists on a fresh interpretation of the law. Analyze how Articles 59, 38 and 38(1) of the Statute of ICJ would influence the court's decision-making in this case.	5
ANS	• The most authoritative source of international law is Article 38(1) of the Statute of the International Court of Justice which provides that when a court which deals with disputes relating to international law, it shall apply the following: a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; b. international custom, as evidence of a general practice accepted as law; c. the general principles of law recognized by civilized nations; subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law. • Article 38 of the Statute of the International Court of Justice (ICJ) mentions Judicial decisions as a 'subsidiary means for the determination of rules' or as 'secondary sources' of international law. • The court may have jurisdiction to decide cases in which the parties agree to appear before the court, on their own behest, and agree to be bound by the decision of the ICJ. • Article 59 of the Statute of the ICJ states that decisions of the ICJ have no binding force except on the parties to the dispute, therefore, past decisions of the ICJ are not binding. However, ICJ does refer to its past opinions when deciding new cases. The ICJ tends to examine its previous decisions, determine which cases should not be applied and rarely departs from the relevant case law. So keeping in view above provisions Elderia is justified in asking for a fresh interpretation of the law as past decisions of ICJ are not binding on the parties to dispute in International Law. **(Page no 168, 172)**	5
40	Vikram, a skilled graphic designer, has been running his design studio as a sole proprietorship. Over time, his business has grown, and he started handling larger projects with higher risks. While he enjoys the simplicity of managing his sole proprietorship, he is worried about his personal liability if something goes wrong. On the advice of his friend, Vikram is	**5**

	considering converting his business into a One Person Company (OPC) to limit his liability and improve his business's credibility. Based on the above case, compare Sole proprietorship and One Person Company (OPC). Which form of business entity would be better for Vikram and why ?	
ANS	Comparison between sole proprietorship and one-person company: **Sole proprietorship**: ▪ Sole proprietorship is a popular form of business organisation and is the most suitable form for small businesses, especially in their initial years of operation. ▪ Sole proprietorship refers to a form of business organisation which is owned, managed and controlled by an individual who is the recipient of all profits and bearer of all risks. ▪ The word "sole" implies "only", and "proprietor" refers to "owner". Hence, a sole proprietor is the one who is the only owner of a business. ▪ It is the easiest type of business to establish or take apart, due to a lack of government regulation. ▪ These types of businesses are very popular among sole owners of businesses, individual self-contractors, and consultants. ▪ No separate entity -No difference in the eyes of the law between the owner and business. ▪ Formation - No specific law Business is owned by single person No formal registration ▪ No. of members Minimum – 1 Maximum - 1 ▪ Liability - Unlimited liability.Owner is responsible for all losses, debts and liabilities. ▪ Profit -If the business is successful, the owner enjoys all the profits. ▪ Control & decision making -The right to run the business and make all decisions lies absolutely with the sole proprietor. ▪ Limited life of the business -As the business is owned and controlled by one person, death, insanity, imprisonment, physical / mental incapacity or bankruptcy will have a direct impact on the business and lead to its closure. ▪ Confidentiality- Sole decision making authority enables the proprietor to keep all information related to business operations confidential and maintain secrecy. **One Person Company-** • "one-person company" means a company that has only one person as a member. • This is a recent invention to facilitate entrepreneurs to own and manage companies alone. • Separate entity -The OPC receives a separate legal entity status from the member. The separate legal entity of the OPC gives protection to the single individual who has incorporated it.	3(for comparison) + 2 (for suggestion with reason) =5 marks

- Liability- The liability of the member is limited to his/her shares, and he/she is not personally liable for the loss of the company.
- Formation - Incorporated by a single person. Incorporated as a private company under the Companies Act, 2013. Compliance requirements are lesser than that of a private company. An individual can form a company with one single member and one director. The director and member can be the same person.
- No. of members Minimum – 1 Maximum – 1
- Easy to obtain funds -Since OPC is a private company, it is easy to go for fundraising through venture capitals, angel investors, incubators etc.
- Perpetual succession -The OPC has the feature of perpetual succession even when there is only one member. While incorporating the OPC, the single-member needs to appoint a nominee. Upon the member's death, the nominee will run the company in the member's place.
- No minimum paid-up share capital Companies Act, 2013 has not prescribed any amount as minimum paid up capital for OPCs.

In a nutshell,

The main difference between the two is the nature of the liabilities they carry. Since an OPC is a separate legal entity distinguished from its promoter, it has its own assets and liabilities. The promoter is not personally liable to repay the debts of the company. On the other hand, sole proprietorships and their proprietors are the same persons. So, the law allows attachment and sale of promoter's own assets in case of non-fulfilment of the business' liabilities.

(Any form of comparison can be given by the student)

OPC would be better for Vikram because it offers the following advantages:

- Limited liability
- Separate legal entity
- Easy to obtain funds
- Perpetual succession

(Any two points) (Page no 101-103;108-109)

SET-4

Series &RQPS

प्रश्न–पत्र कोड
Q.P. Code **40**

रोल नं.
Roll No.

परीक्षार्थी प्रश्न–पत्र कोड को उत्तर–पुस्तिका के मुख–पृष्ठ पर अवश्य लिखें ।
Candidates must write the Q.P. Code on the title page of the answer-book.

नोट

(I) कृपया जाँच कर लें कि इस प्रश्न–पत्र में मुद्रित पृष्ठ **23** हैं ।

(II) कृपया जाँच कर लें कि इस प्रश्न–पत्र में **40** प्रश्न हैं ।

(III) प्रश्न–पत्र में दाहिने हाथ की ओर दिए गए प्रश्न–पत्र कोड को परीक्षार्थी उत्तर–पुस्तिका के मुख–पृष्ठ पर लिखें ।

(IV) **कृपया प्रश्न का उत्तर लिखना शुरू करने से पहले, उत्तर–पुस्तिका में प्रश्न का क्रमांक अवश्य लिखें ।**

(V) इस प्रश्न–पत्र को पढ़ने के लिए 15 मिनट का समय दिया गया है । प्रश्न–पत्र का वितरण पूर्वाह्न में 10.15 बजे किया जाएगा । 10.15 बजे से 10.30 बजे तक परीक्षार्थी केवल प्रश्न–पत्र को पढ़ेंगे और इस अवधि के दौरान वे उत्तर–पुस्तिका पर कोई उत्तर नहीं लिखेंगे ।

NOTE

(I) Please check that this question paper contains **23** printed pages.

(II) Please check that this question paper contains **40** questions.

(III) Q.P. Code given on the right hand side of the question paper should be written on the title page of the answer-book by the candidate.

(IV) **Please write down the serial number of the question in the answer-book before attempting it.**

(V) 15 minute time has been allotted to read this question paper. The question paper will be distributed at 10.15 a.m. From 10.15 a.m. to 10.30 a.m., the candidates will read the question paper only and will not write any answer on the answer-book during this period.

विधिक अध्ययन
LEGAL STUDIES

*निर्धारित समय : **3** घण्टे* | *अधिकतम अंक : **80***

*Time allowed : **3** hours* | *Maximum Marks : **80***

सामान्य निर्देश :

1. *प्रश्न-पत्र के 4 खण्ड हैं– क, ख, ग और घ ।*

   1.1 ***खण्ड क*** – **20** अंकों के **20** बहुवैकल्पिक प्रश्न हैं ।

   1.2 ***खण्ड ख*** – प्रत्येक **2** अंकों वाले **8** लघु उत्तर प्रकार के प्रश्न हैं ।

   1.3 ***खण्ड ग*** – प्रत्येक **3** अंकों वाले **8** प्रश्न हैं ।

   1.4 ***खण्ड घ*** – प्रत्येक **5** अंकों वाले **4** दीर्घ उत्तरीय प्रश्न हैं ।

2. प्रश्न-पत्र में आंतरिक विकल्प दिए गए हैं, हालाँकि समग्र विकल्प नहीं हैं ।

खण्ड – क

1. राष्ट्रीय और राज्य मानवाधिकार आयोगों को _____ के द्वारा शासित किया जाता है । **1**
   (A) नागरिक अधिकार संरक्षण अधिनियम, 1955
   (B) यू.डी.एच.आर. (वैश्विक मानवाधिकार घोषणा)
   (C) भारत के संविधान का अनुच्छेद 338
   (D) मानवाधिकार संरक्षण अधिनियम, 1993

2. एक अमरीकी नागरिक जेरी के पास राजनीति शास्त्र की 4 वर्षीय पूर्वस्नातक (अंडरग्रेजुएट) डिग्री है और वह संयुक्त राज्य अमरीका में कानून के विद्यालयों में आवेदन करने की सोच रहा है । इसके लिये _____ पूर्वापेक्षा है । **1**
   (A) सी.एल.ई. (निरंतर विधिक सेवा)
   (B) एम.पी.टी. (बहुराज्य निष्पादन परीक्षा)
   (C) एल.एस.ए.टी. (विधि विद्यालय प्रवेश परीक्षा)
   (D) एम.ई.ई. (बहुराज्य परीक्षण परीक्षा)

3. भारत में न्यायाधीशों को सेवा से हटाने की प्रक्रिया के लिये आरोही क्रम (ascending order) में सही अनुक्रम की पहचान करें : **1**
   (i) जाँच समिति का गठन
   (ii) राष्ट्रपति का आदेश
   (iii) न्यायाधीश को हटाने के प्रस्ताव के लिये नोटिस
   (iv) जाँच रिपोर्ट का प्रस्तुतीकरण
   (A) (iii), (iv), (i), (ii)
   (B) (iii), (i), (iv), (ii)
   (C) (iv), (iii), (i), (ii)
   (D) (iii), (ii), (i), (iv)

General Instructions :

1. The Question Paper contains **4** sections – **A, B, C** and **D**.

   1.1 ***Section-A*** *contains* ***20*** *Multiple Choice Questions for* ***20*** *marks.*

   1.2 ***Section-B*** *contains* ***8*** *Short Answer Type Questions for* ***2*** *marks each.*

   1.3 ***Section-C*** *contains* ***8*** *questions for* ***3*** *marks each.*

   1.4 ***Section-D*** *contains* ***4*** *Long Answer Type Questions for* ***5*** *marks each.*

2. Internal choice is given in the paper. There is no overall choice.

SECTION – A

1. The National and State Human Rights Commissions are governed by _____. **1**

   (A) Protection of Civil Rights Act, 1955
   (B) Universal Declaration of Human Rights (UDHR)
   (C) Article 338 of the Constitution of India
   (D) Protection of Human Rights Act, 1993

2. Jerry, a US national, has a 4 year undergraduate degree in Political Science and is considering applying to law schools in U.S.A. The pre-requisite for this is _____. **1**

   (A) CLE (B) MPT
   (C) LSAT (D) MEE

3. For the process of removal of judges in India –
   Identify the correct sequence in the ascending order : **1**

   (i) Constitution of an inquiry committee
   (ii) Order by the President
   (iii) Notice for motion for removal of a judge
   (iv) Submission of the inquiry report

   (A) (iii), (iv), (i), (ii) (B) (iii), (i), (iv), (ii)
   (C) (iv), (iii), (i), (ii) (D) (iii), (ii), (i), (iv)

4. **अभिकथन (A) :** पी.आई.एल. नागरिक स्थिति और प्रतिनिधि स्थिति के सिद्धांतों पर आधारित हैं । **1**

कारण (R) : पी.आई.एल. ने प्रबोधक (मॉनिटर) और हित प्रहरी (वाच डॉग) एजेंसी के रूप में न्यायपालिका की भूमिका को सुदृढ़ किया है ।

(A) (A) और (R) दोनों सही हैं और (A) का (R) सही स्पष्टीकरण है ।

(B) (A) और (R) दोनों सही हैं और (A) का (R) सही स्पष्टीकरण नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

5. कॉलम – ख में "वकीलों द्वारा विज्ञापन के प्रावधान" के साथ कॉलम–क में संबंधित "देश" का मिलान करें : **1**

कॉलम – क		**कॉलम – ख**	
a.	भारत	i.	व्यावसायिक आचरण आदर्श (मॉडल) नियमावली
b.	मलेशिया	ii.	वकीलों को प्रिंट मीडिया में विज्ञापित करने की अनुमति है ।
c.	हांगकांग	iii.	वकीलों को इंटरनेट पर केवल पाँच सूचनाएँ देने की स्वीकृति है ।
d.	संयुक्त राज्य अमेरिका	iv.	विधि व्यवसाय (प्रचार नियमावली) 2001 वकीलों द्वारा विज्ञापन का नियमन करता है ।

	a	b	c	d
(A)	i	ii	iv	iii
(B)	ii	iii	i	iv
(C)	iii	iv	ii	i
(D)	iv	i	iii	ii

6. लोकपाल और लोकायुक्त अधिनियम, 2013 का उद्देश्य _____ है । **1**

(A) कठोर उपायों के द्वारा भ्रष्टाचार के मामलों को रोकना

(B) समाज की भलाई के लिये भ्रष्टाचार का उन्मूलन करना

(C) सरकारी क्षेत्र में जवाबदेही की संस्कृति का संपोषण करना

(D) सरकारी कर्मचारियों द्वारा रिश्वत और भ्रष्टाचार के कार्यों के विरुद्ध लड़ना

4. **Assertion (A) :** PILs are based on the tenets of citizen standing and representative standing. **1**

Reason (R) : PILs have strengthened the role of judiciary as a monitor and watch dog agency.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true and (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

5. Match the 'Country' in Column – A with 'Provision of Advertising by the lawyers' in Column – B : **1**

Column – A		**Column – B**
a.	India	i. Model Rules of Professional conduct
b.	Malaysia	ii. Lawyers are permitted to advertise in print media
c.	Hong Kong	iii. Lawyers are allowed to put only a five piece information on internet.
d.	U.S.A.	iv. Legal Profession (Publicity Rules) 2001 regulates advertising by lawyers

	a	b	c	d
(A)	i	ii	iv	iii
(B)	ii	iii	i	iv
(C)	iii	iv	ii	i
(D)	iv	i	iii	ii

6. The aim of the Lokpal and Lokayukta Act, 2013 is _____. **1**

(A) to prevent instances of corruption through stringent measures.

(B) to eradicate corruption for betterment of society.

(C) to foster a culture of accountability within the public sector.

(D) to combat acts of bribery and corruption of public servants.

7. निम्नलिखित दृष्टान्तों में से कौन "आपराधिक कानून का एक उद्देश्य निवारण (रोकथाम)" है, इस संकल्पना का सर्वोत्तम उदाहरण है ? 1

(A) एक पार्टी में शराब पीने के बाद सुरेश एक टैक्सी किराये पर लेकर सुरक्षित घर पहुँचने का काम करता है ।

(B) दुकानों से आदतन चोरी करने वाली मान्या को एक स्टोर मालिक से दुबारा ऐसी चोरियाँ करने से रोकने के लिये एक चेतावनी मिलती है ।

(C) अलेक्स को शराब के नशे में गाड़ी चलाते हुए पकड़ा गया, उसे भारी जुर्माना लगाया गया, लाइसेंस रद्द किया गया और अनिवार्य शिक्षा कार्यक्रम में जाने को कहा गया ।

(D) सजा मिलने के परिणामों की जानकारी होने के कारण सना परीक्षा में नकल नहीं करती है ।

8. एक प्रतिभावान फोटोग्राफर, एम्मा को यह पता लगता है कि उसके मूल फोटोग्राफ को बिना उसकी अनुमति के प्रतिकृति बनाकर एक आर्ट गैलरी में बेचा जा रहा है । एम्मा के कार्य के अनधिकृत उपयोग से आर्ट गैलरी मुनाफा कमा रही है जिससे उसे आर्थिक नुकसान हो रहा है और उसकी कलात्मक कृति का सही मूल्य कम होता जा रहा है । आर्ट गैलरी द्वारा एम्मा के निम्नलिखित में से किस बौद्धिक संपदा अधिकार का उल्लंघन किया जा रहा है ? 1

(A) पेटेंट (एकस्व अधिकार)
(B) ट्रेडमार्क (व्यापार चिह्न)
(C) कॉपीराइट
(D) ट्रेड सीक्रेट (व्यवसाय की गोपनीय तकनीक)

9. अधीर, भानू का ऋणी है और भानू, चितरंजन का ऋणी है । तीनों के मध्य पारस्परिक समझौते के द्वारा भानू को चितरंजन को भुगतान करने के दायित्व से मुक्त कर दिया गया एवं चितरंजन ने अधीर को ही अपना ऋणी स्वीकार कर लिया । इस समझौते को करार के रूप में परिवर्तित कर दिया गया है ।

निम्न में से कौन सा विकल्प विभिन्न पक्षों के मध्य वर्तमान करार पर इस नयी व्यवस्था के प्रभाव की सही रूप में व्याख्या करता है ? 1

(A) चूँकि करार की सभी शर्तें रद्द हो गईं इसलिए विखण्डन द्वारा वर्तमान करार को उन्मोचित कर दिया गया ।

(B) चूँकि नया करार पुराने को प्रतिस्थापित करेगा इसलिए नवीयन द्वारा वर्तमान करार को उन्मोचित कर दिया गया ।

(C) वर्तमान करार निष्पादन द्वारा स्वतः ही उन्मोचित हो गया ।

(D) चूँकि विभिन्न पक्षों ने करार की शर्तों को समाहित कर लिया इसलिए वर्तमान करार को विधि के प्रवर्तन द्वारा उन्मोचित कर दिया गया ।

7. Which of the following scenarios best exemplifies the concept 'deterrence is an objective of criminal law' ? **1**

(A) After consuming alcohol at a party, Suresh chooses to hire a taxi and arrive home safely.

(B) Manya, a habitual shoplifter, receives a warning from a store owner to stop her from stealing again.

(C) Alex caught driving under the influence of alcohol, faces a hefty fine, license suspension and mandatory education programme.

(D) Sana refrains from cheating in an exam-being aware of the punitive consequences.

8. Emma, a talented photographer, discovers that her original photograph has been reproduced without her permission and is being sold at an art gallery. The gallery has been profitting from the unauthorized use of Emma's work, causing her financial loss and diminishing the value of her artistic creation. Which of the following intellectual property right of Emma is being violated by the art gallery ? **1**

(A) Patent (B) Trademark

(C) Copyright (D) Trade Secret

9. Adheer is indebted to Bhanu and Bhanu is indebted to Chitranjan. By mutual agreement among the three, Bhanu is absolved of the liability to pay Chitranjan and Chitranjan accepts Adheer as his debtor. This understanding is converted into a contract. Which of the following options correctly describes the effect of this new arrangement on the already existing contract between the parties ? **1**

(A) The existing contract is discharged by rescission as all terms of the contract are cancelled.

(B) The existing contract is discharged by novation as the new contract will substitute the old one.

(C) The existing contract is automatically discharged by performance.

(D) The existing contract is discharged by operation of law as the parties have merged terms of contract.

10. **अभिकथन (A) :** सेवा संबंधी विवादों के फैसले सुनाने में न्यायालयों की भूमिका की मदद में न्यायाधिकरणों (ट्रिब्युनल्स) का योगदान रहा है । **1**

कारण (R) : किसी भी उच्च न्यायालय की डिवीज़न बेंच द्वारा पारित आदेशों के विरुद्ध अपीलें केंद्रीय प्रशासनिक ट्रायब्यूनल के समक्ष रखी जाती हैं ।

(A) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) है ।

(B) (A) और (R) दोनों सही हैं परंतु (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

11. निम्नलिखित में से कौन सा कथन अपकृत्य विधि की विशेषताओं का सही रूप से उल्लेख करता है ? **1**

1. अपकृत्य एक सिविल विधि का विषय है ।
2. अपकृत्य (टॉर्ट) विधि के अंतर्गत क्षतिपूर्तियाँ हमेशा अपरिनिर्धारित होती हैं ।
3. अपकृत्य विधि एक ऐसा उपकरण (साधन) है जो लोगों को उचित आचरण के मानकों का पालन कराता है ।
4. अपकृत्य एक साशय (इरादतन) आपराधिक कार्य है ।
5. अपकृत्य (टॉर्ट) एक सिविल दोष है ।

(A) 1, 3, 4 (B) 2, 3, 5

(C) 2, 4, 5 (D) 1, 3, 5

12. एकल स्वामित्व, व्यापार स्थापित करने का सबसे आसान तरीका क्यों है ? **1**

(A) क्योंकि विधि की नज़र में व्यापार और मालिक का भिन्न-भिन्न अस्तित्व नहीं है ।

(B) क्योंकि सरकारी नियमावली का अभाव है ।

(C) क्योंकि एकल स्वामी सभी लाभों को भोगता है और सभी हानियों का वहन करता है ।

(D) क्योंकि एकल स्वामी का दायित्व असीमित है ।

13. संविदा के एक मुख्य तत्त्व के रूप में 'प्रतिफल' के लिए निम्न में से कौन सा कथन सही है ? **1**

(A) प्रतिफल के बिना कोई भी संविदा शून्यकरणीय होती है ।

(B) प्रतिफल वास्तविक और परिपूर्ण होना आवश्यक है ।

(C) प्रतिफल एक ऐक्ट या प्रविरति (सहनशीलता) के स्वरूप में हो सकता है ।

(D) प्रतिफल के लिए एक ही बात पर एक राय (कन्सेन्सस एड आइडेम) पूर्व अपेक्षित (शर्त) है ।

10. **Assertion (A) :** Tribunals have contributed in supplementing the role of courts in adjudicating service disputes. **1**

Reason (R) : Appeals against the orders of the Division Bench of any High Court lie before the Central Administrative Tribunal.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true but (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

11. Which of the following statements correctly describe features of Tort law ? **1**

1. Tort is a civil law subject.
2. Damages under tort law are always unliquidated.
3. Tort is an instrument for making people adhere to standards of reasonable behaviour.
4. Tort is an intentional criminal activity.
5. Tort is a civil wrong.

(A) 1, 3, 4 (B) 2, 3, 5

(C) 2, 4, 5 (D) 1, 3, 5

12. Why is sole proprietorship the easiest type of business to establish ? **1**

(A) Because there is no separate entity of the owner and business in eyes of law.

(B) Because there is lack of government regulations.

(C) Because the sole proprietor enjoys all profits and bears all losses.

(D) Because the liability of the sole proprietor is unlimited.

13. Which of the following statements is <u>true</u> for 'Consideration' as an important element in contract ? **1**

(A) A contract without consideration is voidable.

(B) Consideration must be adequate and real.

(C) Consideration can be in the nature of an act or forbearance.

(D) Consensus ad idem is the pre-requisite for consideration.

14. **अभिकथन (A) :** भारतीय संविधान के अनुच्छेद 18 द्वारा सैन्य और शैक्षणिक उपाधियों को छोड़कर बाकी सभी उपाधियों को समाप्त कर दिया गया है । **1**

कारण (R) : उपाधियाँ, भारतीय संविधान के अनुच्छेद 14 की मूल भावना का उल्लंघन करती हैं ।

(A) (A) और (R) दोनों सही हैं और (A) का (R) सही स्पष्टीकरण है ।

(B) (A) और (R) दोनों सही हैं और (A) का (R) सही स्पष्टीकरण नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

15. बौद्धिक संपदा के अंतर्गत संरक्षण के लिये साक्षी के आविष्कार को निम्नलिखित में से किस शर्त को पूरा करने की जरूरत है ? **1**

(A) आविष्कार को "कार्य" की श्रेणी के अंतर्गत आना चाहिए ।

(B) आविष्कार की आकार, रंग, लाइन, पैटर्न आदि के मामले में एक विशेष योजना होती है ।

(C) किसी भी आविष्कार को अपने क्षेत्र में उल्लेखनीय परिवर्तन और वाणिज्यिक-व्यवहार्यता का होना चाहिए ।

(D) आविष्कार को अपने भौगोलिक मूल को प्रदर्शित करने वाला होना चाहिए ।

16. एक ही आवासीय परिसर में रहने वाले पड़ोसी जगदीश और सुशीला में अपने भवनों के बीच की दीवार के बारे में मतभेद चल रहा है । वे इस विवाद को खुले विचारों (संवाद) और आपसी सहमति वाले तरीके से हल करना चाहेंगे । उनकी इस परिस्थिति में निम्नलिखित में से कौन सा विकल्प सबसे अच्छा है ? **1**

(A) मुकदमा (B) बातचीत

(C) लोक अदालत (D) मध्यस्थता

17. **अभिकथन (A) :** मूलभूत कर्तव्य न्यायालय द्वारा प्रवर्तनीय हैं और इनके उल्लंघन के लिये व्यक्ति को दंड दिया जा सकता है । **1**

कारण (R) : मूलभूत कर्त्तव्यों में नागरिकों द्वारा अनुपालन किये जाने वाले मानक निहित हैं ।

(A) (A) और (R) दोनों सही हैं और (R), (A) का सही स्पष्टीकरण है ।

(B) (A) और (R) दोनों सही हैं और (A) का सही स्पष्टीकरण (R) नहीं है ।

(C) (A) सही है, परंतु (R) गलत है ।

(D) (A) गलत है, परंतु (R) सही है ।

14. **Assertion (A) :** Article 18 of Indian Constitution abolished all titles except for military and academic titles. **1**

Reason (R) : Titles violate the essence of Article 14 of the Indian Constitution.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true and (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

15. Which of the following conditions needs to be fulfilled by Sakshi's invention to be eligible for protection under intellectual property ? **1**

(A) Invention should fall within the category of 'work'.

(B) Invention has a special scheme of shape, colour, line, pattern etc.

(C) Invention must be a notable change in the field and has commercial viability.

(D) Invention must be indicative of its geographic origin.

16. Jagdish and Susheela, neighbours in the same residential complex, are experiencing a disagreement regarding the boundary wall between their houses. They would like to resolve this dispute through a method that encourages open communication and mutual agreement. Which of the following options is best suited to their situation ? **1**

(A) Litigation (B) Negotiation

(C) Lok Adalat (D) Mediation

17. **Assertion (A) :** Fundamental duties are enforceable in the court of law and one can be punished for its violation. **1**

Reason (R) : Fundamental duties contain standards to be followed by the citizens.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).

(B) Both (A) and (R) are true and (R) is not the correct explanation of (A).

(C) (A) is true, but (R) is false.

(D) (A) is false, but (R) is true.

18. भारत में विधि व्यवसाय के लिये लाइसेंस प्राप्त करने हेतु किसी अधिवक्ता द्वारा पूरी की जाने वाली निम्नलिखित में से कौन सी अपेक्षा अनिवार्य नहीं है ? **1**

(A) न्यूनतम 21 वर्ष की आयु

(B) भारतीय विधिज्ञ परिषद द्वारा मान्यता प्राप्त कॉलेज/विश्वविद्यालय से एल.एल.बी. की डिग्री

(C) भारतीय विधिज्ञ परिषद में नामांकन

(D) अखिल भारतीय विधिज्ञ परीक्षा उत्तीर्ण की हो ।

19. ए बी सी और एक्स वाई जेड इन दो कंपनियों के बीच, की गई सेवाओं के लिये भुगतान न किये जाने के बारे में संविदात्मक विवाद चल रहा है । न्यायालय जाने के बजाय वे इस विवाद को सुलझाने के लिये तदर्थ विवाचन कराने का निर्णय लेते हैं । निम्नलिखित में से कौन तदर्थ विवाचन की प्रमुख विशेषता है ? **1**

(A) इस प्रक्रिया को एक विवाचन संस्था द्वारा संचालित किया जाता है ।

(B) यह प्रक्रिया एक मान्यता प्राप्त विवाचन संगठन द्वारा स्थापित पूर्व निर्धारित नियमावली को अपनाती है ।

(C) पार्टियों (पक्षों) को अपनी विशिष्ट आवश्यकताओं और पसंद के अनुसार विवाचन प्रक्रिया को अनुकूल बनाने की छूट होती है ।

(D) सांविधिक प्रावधानों के अंतर्गत नियुक्त एकल विवाचक द्वारा यह प्रक्रिया चलाई जाती है ।

20. जय एक स्टोर से एक कीमती वस्तु चुराने का आरोपी है । विचारण (ट्रायल) के दौरान अभियोजन पक्ष तर्क देता है कि उसने अभिकथित चोरी के बारे में एक विशिष्ट मानसिक स्थिति के रहते कार्य किया । निम्नलिखित में से कौन सी विधिक धारणा जय की मानसिक स्थिति से संबंधित है और उसकी आपराधिकता के निर्धारण में भूमिका निभाती है ? **1**

(A) आपराधिक कार्य (B) आपराधिक मनःस्थिति

(C) हेतु (उद्देश्य) (D) विधि की अज्ञानता

खण्ड – ख

21. अनन्या, विरोध-समाधान विशेषज्ञ है जिसे दो पुराने कर्मचारियों के बीच कार्यस्थल संबंधी विवाद को सुलझाने के लिये बुलाया गया है । दोनों कर्मचारी महत्वपूर्ण हैं, परंतु उनके विवाद (झगड़े) से उनकी उत्पादकता और टीम की कार्य प्रगति पर असर पड़ रहा है । परिवर्तनकारी माध्यस्थता (ट्रांसफॉर्मेटिव मेडिएशन) की उन विशेषताओं की जाँच कीजिए जिनका उपयोग इस परिस्थिति में अनन्या द्वारा किया जा सकता है । **2**

18. Which among the given requirement is not essential to be fulfilled by an Advocate for obtaining licence to practise law in India ? **1**

(A) Minimum 21 years of age.

(B) An LLB degree from a college/university recognised by the Bar Council of India.

(C) Enrolment with the Bar Council of India.

(D) Must clear the All India Bar Examination.

19. Two companies ABC and XYZ, have a contractual dispute regarding non-payment of services rendered. Instead of going to court, they decide to pursue ad hoc arbitration to resolve their dispute. Which of the following is a key feature of ad hoc arbitration ? **1**

(A) The process is conducted by an arbitral institution.

(B) The process follows a pre-determined set of rules established by a recognized arbitration organization.

(C) The parties have the flexibility to tailor the arbitration process to their specific needs and preferences.

(D) The process is conducted by a sole arbitrator appointed under the statutory provisions.

20. Jai is accused of stealing a valuable item from a store. During the trial, the prosecution argues that he acted with a particular mental state regarding the alleged theft. Which of the following legal concepts relates to the mental state of Jai and plays a role in determining his culpability ? **1**

(A) actus reus (B) mens rea

(C) motive (D) ignorance of law

SECTION – B

21. Ananya is a conflict-resolution specialist, who is called into facilitate a workplace dispute between two long-standing employees. Both are valuable team members, but their conflict is affecting their productivity and team dynamics. Examine the features of transformative mediation that Ananya can employ in this situation. **2**

22. सल्ली एक अत्यधिक प्रतियोगी विधि बाज़ार (क्षेत्र) में काम करने वाली अधिवक्ता है । हाल ही में उसने दुर्घटनाओं या व्यक्तिगत शारीरिक क्षति की घटनाओं में शामिल रहे मुवक्किलों को अत्यधिक रूप से लुभाने की प्रसिद्धि प्राप्त की है । अधिवक्ताओं की इस श्रेणी और वे किस देश में हैं, इसका पता लगाइये । भारत में इस श्रेणी के अधिवक्ताओं की हैसियत क्या होगी ? **2**

23. (a) न्यायिक नियुक्तियों के कोलेजियन मॉडल के अधीन भारतीय उच्चतम न्यायालय के न्यायाधीशों की नियुक्ति किस तरह की जाती है ? **2**

अथवा

(b) भारतीय न्यायिक प्रणाली में उच्च-न्यायालयों की भूमिका को स्पष्ट कीजिये । **2**

24. एक माइनॉरिटी एजुकेशन सोसाइटी स्कूलों की एक शृंखला की मालिक है । यह स्कूल राज्य द्वारा मान्यता प्राप्त और पूर्णतया वित्तपोषित हैं ।

एकता और अखंडता की भावना को प्रोत्साहित करने के लिए, इन स्कूलों के सभी छात्रों को अपनी भिन्न धार्मिक मान्यताओं के बावजूद हर सुबह विशेष धार्मिक प्रार्थना में शामिल होना आवश्यक है ।

छात्रों के एक समूह ने प्रार्थना में भाग लेने से इन्कार कर दिया । स्कूल प्रशासन ने अनुशासनहीनता के लिए चेतावनी देने के पश्चात्, छात्रों को एक सप्ताह के लिए निलम्बित कर दिया । इन छात्रों के अभिभावकों ने इसे बच्चों के मौलिक अधिकारों के हनन का मामला माना ।

क्या स्कूल प्रशासन का कृत्य न्यायानुमत है ? प्रासंगिक संवैधानिक प्रावधानों को बताते हुए अपने उत्तर का कारण दीजिए । **2**

25. अर्जुन ने भीम को मारने की धमकी दी, कि यदि वह अपने ₹ 1 करोड़ की कीमत का मकान उसे ₹ 50 लाख में नहीं बेचता । डर के कारण भीम ने अपना मकान अर्जुन को बेचने के करार (संविदा) पर हस्ताक्षर कर दिये । **2**

(a) उपर्युक्त परिस्थिति में गायब की गयी वैध संविदा के मर्म (मुख्य शर्तों) का पता कीजिए ।

(b) दिये गये मामले में भीम के लिये क्या कोई उपचार उपलब्ध है ?

22. Sally is a lawyer who operates in a highly competitive legal market. She has recently gained a reputation for aggressively soliciting clients who have been involved in accidents or 'personal injury' incidents. Identify this category of lawyers and the country where they exist. What will be the status of this category of lawyers in India ? **2**

23. (a) How are judges of the Supreme Court of India appointed under the collegium model for judicial appointments ? **2**

OR

(b) Explain the role of High Courts in the Indian Judicial System. **2**

24. A minority Education Society owns a chain of schools. These schools are recognised by the State and wholly funded by it.

To promote the spirit of unity and oneness, all the students in these schools have to attend a special religious prayer every morning irrespective of their religious beliefs.

A group of students refused to participate in the prayer. The school authorities, after giving warning for being indisciplined, suspended the students for a week. Parents of these students alleged violation of fundamental rights of their children.

Is the action of school authorities justified ? Stating the relevant Constitutional provision, give reason for your answer. **2**

25. Arjun threatened to kill Bhim if he does not sell his house worth ₹ 1 crore to Arjun for ₹ 50 lakhs. Bhim, out of fear, signs the contract for selling his house to Arjun. **2**

(a) Identify the essential of valid contract missing in the above situation.

(b) What remedy, if any, is available to Bhim in the given case ?

26. टेक जीनियस, एक सफल स्टार्ट-अप ने एक अत्याधुनिक सॉफ्टवेयर तैयार किया है जिसे बाज़ार में अत्यधिक लोकप्रियता मिली है । उनके इस अनूठे ब्राण्ड की पहचान और उत्पाद के संरक्षण के लिये वे इस पर विचार कर रहे हैं कि इसका ट्रेडमार्क (व्यापार चिह्न) पंजीकृत कराया जाय या इसे एक ट्रेड सीक्रेट (व्यवसाय की गोपनीयता) रखा जाय । टेक जीनियस के लिये ट्रेडमार्क (व्यापार चिह्न) और ट्रेड सीक्रेट (व्यवसाय की गोपनीयता) के बीच मूलभूत अंतर को स्पष्ट कीजिए जिससे उनको निर्णय लेने में मदद मिलेगी । **2**

27. संपूर्ण देश में आपातकाल के दौरान सरकार कतिपय संवैधानिक अधिकारों को निलंबित करते हुए कानून और व्यवस्था बनाये रखने के लिये कठोर उपायों को कार्यान्वित करती है । इन उपायों के रूप में व्यक्तियों के एक विशिष्ट वर्ग को अवैधानिक क्रियाकलापों में संदिग्ध रूप से शामिल होने के कारण प्राधिकारियों ने पूछ-ताछ के लिये निरुद्ध किया । इस वर्ग ने इस आधार पर सहयोग करने से मना कर दिया कि वह संविधान के अनुच्छेद 22 के अधीन संरक्षण के हकदार हैं जिससे प्राधिकारियों द्वारा वंचित किया गया । इस संदर्भ में यह स्पष्ट करें कि अनुच्छेद 22 का संरक्षण यहाँ क्यों लागू नहीं हो सकता । **2**

28. दो दोस्त, नेहा और निशा, को बेकिंग का बहुत शौक है और वह साथ-साथ एक छोटी बेकरी शुरू करने की सोच रही हैं । उनके पास सीमित फण्ड (धनराशि) है परंतु अत्यधिक उत्साह है । अपनी स्थिति को देखते हुए बेकरी शुरू करने के लिये क्यों न उन्हें साझेदारी का व्यवहार्य विकल्प ढूँढ़ना चाहिए ? **2**

खण्ड – ग

29. सौरभ ने अपनी दूकान और गोदाम को आग से संरक्षित रखने के लिये एक व्यापक (कम्प्रीहैन्सिव) अग्नि बीमा कराया था । ए.आई.जी. बीमा कंपनी ने उसकी दूकान और गोदाम का बीमा किया था । बीमा की शर्त में यह कहा गया था कि दावा (माँग) की गई धनराशि का भुगतान केवल तभी किया जाएगा जब बीमा की गई संपत्तियाँ बीमा कवर (रक्षण) की अवधि के अंदर आग से नष्ट हुई हों ।

सौरभ और ए.आई.जी. बीमा कंपनी के बीच की गई संविदा किस प्रकार की है ? कृपया बताइए । इस प्रकार की संविदा की किन्हीं दो विशेषताओं को उल्लेख कीजिए । **3**

30. (a) उन परिस्थितियों का उल्लेख करें जिनके अंतर्गत विधिक सहायता से इनकार किया जा सकता है या उसे वापस लिया जा सकता है । **3**

अथवा

(b) "सामाजिक न्याय के लिये न्याय की पहुँच का अधिकार अनिवार्य है ।" वर्तमान विधिक प्रणाली में सामाजिक न्याय और मानवाधिकारों के संदर्भ में उक्त कथन का मूल्यांकन करें । **3**

26. A successful start-up, Tech Genius has developed a cutting-edge software that has gained immense popularity in the market. To protect their unique brand identity and product, they are considering whether to register a trademark or maintain it as a trade secret. Explain the fundamental difference between trademark and trade secret to Tech Genius, that would help them in decision making. **2**

27. During a nationwide emergency, the government implements strict measures to maintain law and order, suspending certain constitutional rights. As part of these measures, a particular group of individuals is detained by the authorities for questioning, due to suspected involvement in unlawful activities. The group refused to cooperate on the grounds that they were entitled to safeguards under Article 22 of the Constitution which the authorities denied. In this context, explain why Article 22 safeguards may not apply. **2**

28. Two friends, Neha and Nisha, are passionate about baking and dream of starting a small bakery together. They have limited funds but plenty of enthusiasm. Considering their situation why might they find partnership a viable option to start a bakery ? **2**

SECTION – C

29. Saurabh took a comprehensive fire insurance for protecting his shop and godown against fire. AIG Insurance Company insured his shop and godown. The term of insurance stated that the claim amount will paid only when the insured properties are destroyed by fire within the period of insurance cover. **3**

Identify the type of contract entered between Saurabh and AIG Insurance Company. State any two characteristics of this type of contract.

30. (a) State the circumstances in which legal aid can be denied or withdrawn. **3**

OR

(b) "A right to access to justice is sine-qua-non for social justice." Evaluate the statement in context of social justice and human rights in present legal system. **3**

31. "नगरपालिका विधि की तुलना में अंतर्राष्ट्रीय विधि एक कमजोर विधि है ।" उत्तर की पुष्टि के लिये तीन कारण बताते हुए इस कथन का औचित्य बताइए । **3**

32. जब एक सरकारी कर्मचारी की पहचान मानवाधिकारों के उल्लंघनकर्ता के रूप में की जाती है तो राष्ट्रीय मानवाधिकार आयोग द्वारा कौन सी सिफारिशें की जा सकती हैं ? इसका उल्लेख कीजिए । **3**

33. एक वरिष्ठ अधिवक्ता और अभिलेख अधिवक्ता के बीच अंतर बताइये । **3**

34. (a) किसी दांडिक विचारण (क्रिमिनल ट्रायल) में मामले की जाँच पड़ताल, साक्ष्य एकत्र करने और गवाहों (साक्षियों) से पूछताछ करने में न्यायाधीश की सक्रिय भूमिका होती है, जबकि इस प्रक्रिया में अभियुक्त का अधिकार सीमित होता है । प्रणाली की पहचान करें और इस प्रणाली के मुख्य लाभ बताएँ ? **3**

अथवा

(b) दो कंपनियों के बीच संविदा भंग के कारण एक वाणिज्यिक विवाद उत्पन्न हो गया है । इस झगड़े को हल करने के साधन के रूप में उन्हें विवाचन का सहारा लेना है । विवाचन प्रक्रिया की रूपरेखा बताइए । **3**

35. "मूलभूत अधिकारों के सजग प्रहरी" के रूप में भारत के उच्चतम न्यायालय की भूमिका स्पष्ट कीजिए । **3**

36. ज्योति अपनी आवासीय संपत्ति (मकान) जगत को बेच रही है । इस प्रक्रिया को संक्षेप में बतायें कि संपत्ति का स्वामित्व किस प्रकार हस्तान्तरित किया जाएगा । **3**

खण्ड – घ

37. (a) (i) पर्यावरण संरक्षण अधिनियम, 1986 के उद्देश्य का विश्लेषण करें । **5**

(ii) उन तीन प्रावधानों को बताइए जिनसे भारतीय संविधान संधारणीयता और पर्यावरणिक प्रबंधन के प्रति अपनी प्रतिबद्धता को प्रदर्शित करता है ।

अथवा

(b) आपराधिक विधि के संदर्भ में "तैयारी" शब्द को स्पष्ट करें । किन परिस्थितियों में तैयारी भारतीय दंड संहिता के अंतर्गत दण्डनीय है ? **5**

31. "International law is a weak law as compared to municipal law." Justify the statement giving any three reasons to substantiate the answer. **3**

32. State the recommendations that can be made by the National Human Rights Commission, when a public servant is identified as the perpetrator of a human rights violation. **3**

33. Differentiate between senior advocates and advocates-on-record. **3**

34. (a) In a criminal trial, the judge takes an active role in investigating the case, gathering evidence and questioning witnesses, while the accused has a limited say in the proceedings. Identify the system and state the main advantages of this system. **3**

OR

(b) A commercial dispute has arisen between two companies over a breach of contract. They have to pursue arbitration as a means of resolving the conflict. Outline the process of arbitration. **3**

35. Explain the role of Supreme Court of India as a 'sentinel qui vie'. **3**

36. Jyoti is selling her residential property to Jagat. Describe in brief, the process of how the ownership of the property will be transferred. **3**

SECTION – D

37. (a) (i) Analyse the purpose of the Environment Protection Act, 1986. **5**

(ii) State three provisions of the Indian Constitution that demonstrates a commitment to sustainability and environmental stewardship.

OR

(b) In the context of criminal law, explain the term 'preparation'. Under what circumstances is preparation punishable under the IPC ? **5**

38. (a) पर्यावरण की स्थिति बिगड़ना वैश्विक चिंता का विषय है । ओज़ोन परत का समाप्त होना और जल निकायों (स्रोतों) का सिकुड़ना खतरे का संकेत है । एशिया के दस विकासशील देशों ने, ई.सी. 10 के रूप में एक साथ आने और पारस्परिक रूप से सहमत मानदण्ड और पद्धतियाँ निर्धारित करने का निर्णय लिया जिनका अनुपालन इन सभी के द्वारा किया जाएगा जिससे इस पर्यावरणिक अवक्रमण को रोका जा सके । अपने देशों का प्रतिनिधित्व करने वाले सभी दस प्रतिनिधियों ने इसके दस्तावेज़ पर हस्ताक्षर किये । नारनिया नामक एक छोटा द्वीप इन हस्ताक्षरकर्ताओं में एक है । चूँकि यह अपने विकास के चरण में है अतः बड़ी मात्रा में औद्योगिक और विषाक्त कूड़ा–कचरा उत्पन्न हो रहा है और इसके चारों ओर के जल निकायों में जमा हो रहा है । इसके पड़ोसी देश "जाउट" ने ई सी 10 में अपनी समस्या बताई और निर्धारित मानदंडों का उल्लंघन करने की कार्रवाई के लिये नार्निया को फटकार लगाई । **5**

(i) ई.सी. 10 द्वारा हस्ताक्षरित दस्तावेज़ का क्या नाम है ? ई.सी. 10 द्वारा हस्ताक्षरित यह दस्तावेज़ कब उन पर बाध्यकारी होगा ?

(ii) नार्निया के अंतर्राष्ट्रीय संबंधों का किस प्रकार विनियमन किया जा सकेगा क्योंकि वह हस्ताक्षरकर्ताओं में से एक है ?

अथवा

(b) (i) अंतर्राष्ट्रीय कानून क्या होता है ? अंतर्राष्ट्रीय कानून की दो श्रेणियों के बीच अंतर स्पष्ट कीजिए ।

(ii) श्रीलंका के एक नागरिक फर्डिनेन्डो ने एक भारतीय श्रीतेमा से विवाह किया । विवाह के बाद फर्डिनेन्डो और श्रीतेमा श्रीलंका गये । इस विवाह से उनका एक पुत्र पैदा हुआ । इन दोनों के बीच एक वैवाहिक विवाद उत्पन्न हो गया और श्रीतेमा भारत वापस आ गई । वे अलग होना चाहते हैं और श्रीतेमा अपने पुत्र को अपने पास रखना चाहती है । **5**

इस स्थिति में लागू होने वाले अंतर्राष्ट्रीय कानून की श्रेणी का पता कीजिए । अपने उत्तर का कारण बताइए ।

38. (a) Environment degradation is a global concern. Depleting ozone layer and shrinking water bodies raised an alarm. Ten developing countries of Asia decided to come together as EC10 and lay down mutually agreeable norms and practises that would be followed by each of them to curb this degradation. All the ten delegates, representing their countries, signed the document. Narnia, a small island country, is one of the signatory. Since it is in its development phase, a lot of industrial and toxic waste is generated and dumped in the water bodies surrounding it. Its neighbouring country 'Zout' raised its concern in EC10, and reprimanded Narnia for its action violative of the norms laid. **5**

(i) What is the document, signed by EC10 called ? When will this document become binding on the signatories, EC10 ?

(ii) How will the international relations of Narnia be regulated since it is one of the signatories ?

OR

(b) (i) What is International Law ? Differentiate between the two categories of International Law.

(ii) Ferdinando, a Sri Lankan citizen married Sritama, an Indian. After marriage, Ferdinando and Sritama went to Sri Lanka. They had a son from this wedlock. A matrimonial dispute ensued between the two and Sritama came back to India. They want to part ways and Sritama wants custody of her son. **5**

Identify the category of International law that would be applied to the given situation. Give reason for your answer.

39. राष्ट्रीय विधिक सेवाएँ प्राधिकरण एन.ए.एल.एस.ए. (NALSA) नियमावली, 2010 का उद्देश्य विधिक सेवा प्राधिकरण अधिनियम, 1987 के प्रावधानों के अंतर्गत निःशुल्क और सक्षम विधिक सेवायें प्रदान करना है । **5**

(a) लोगों की कोई चार श्रेणियाँ बतायें जो उक्त अधिनियम की धारा 12 के अंतर्गत विधिक सहायता के हकदार हैं ।

(b) राष्ट्रीय विधिक सेवा प्राधिकरण विनियमन, 2010 की तीन मुख्य विशेषतायें स्पष्ट कीजिए ।

40. (a) केश सज्जाकार (हेयर ड्रेसर) हीना ने सेलेना के बालों को रंगने के लिये हेयर कलर का उपयोग किया जिसके कारण सेलेना की त्वचा में सूजन आ गई । हेयर कलर बनाने वाली ब्यूटी ब्लॉसम कंपनी ने हीना को उचित रूप से लेबल लगी बोतलों में अपना उत्पाद दिया था और साथ में जानकारी देने वाली एक छोटी पुस्तिका भी दी थी । बोतल के लेबल और पुस्तिका में यह चेतावनी भी दी गई थी कि कुछ प्रकार की त्वचाओं में इसकी प्रतिक्रिया हो सकती है, अतः इसके उपयोग से पहले त्वचा के किसी छोटे हिस्से पर इसका परीक्षण करने की सलाह दी गई थी । **5**

सेलेना निर्माता कंपनी ब्यूटी ब्लॉसम पर लापरवाही के लिये मुकदमा करती है । क्या हेयर कलर निर्माता को सेलेना के प्रति जिम्मेदार ठहराया जा सकेगा ? संबंधित निर्णीत मामलों की सहायता से इस पर चर्चा करें और सेलेना के प्रति हीना के उत्तरदायित्व की भी चर्चा करें ।

अथवा

(b) सिंढल आयरन एण्ड स्टील कंपनी, जो लोहे की ढलाई करने वाला एक यूनिट है, ने किसी युद्ध पीड़ित देश से रद्दी धातु का आयात किया । एक दिन जब इस कबाड़ को यूनिट के परिसर में ट्रकों से उतारा जा रहा था तो विस्फोट हो गया जिससे एक कर्मचारी और पास के घर में रहने वाले दो बच्चों की मृत्यु हो गई । बाद में यह पाया गया कि कबाड़ में कुछ बमों का भी कबाड़ था जिन्हें पूरी तरह निष्क्रिय नहीं किया गया था ।

सिंढल आयरन एण्ड स्टील कंपनी के विरुद्ध दायर रिपोर्ट की कार्रवाई में उन्होंने यह तर्क दिया कि उनके द्वारा सभी सुरक्षा उपायों का पूर्ण ध्यान रखा गया था और उनके द्वारा किसी भी प्रकार की लापरवाही नहीं बरती गई थी ।

निर्णीत मामले के आधार पर कर्मचारी और बच्चों के नुकसान के लिये सिंढल आयरन एण्ड स्टील कंपनी के दायित्व की, यदि कोई हो, चर्चा कीजिए । साथ ही उन मौलिक सिद्धांतों को भी उल्लेखित कीजिए जिन्हें सिंढल आयरन एण्ड स्टील कंपनी को उत्तरदायी ठहराने के लिए स्थापित किया जाना चाहिए । **5**

39. NALSA Regulations, 2010 aim to provide free and competent legal services under the provisions of Legal Services Authorities Act, 1987. **5**

(a) Enumerate any four categories of person who are entitled for legal aid under Section 12 of the Act.

(b) Explain the three broad features of NALSA Regulations 2010.

40. (a) Heena, a hair dresser treated Selena's hair with hair colour and as a result Selena contracted dermatitis. The manufacturers of the hair colour Beauty Blossom Company had delivered the product to Heena in properly labelled bottles together with a small brochure of instructions. Both the label and the brochure contained a warning that the hair colour might be reactive on certain skin types and a patch test on skin was recommended before it was used. **5**

Selena sues the manufacturer Beauty Blossom Company for negligence. Would the manufacturers of the hair colour be held liable to Selena ? Discuss with the help of decided case. Also discuss the liability of Heena towards Selena.

OR

(b) Sindhal Iron and Steel Company, an iron foundry unit, imported metal scrap from certain war ravaged country. One day while the scrap was being unloaded from the trucks in the premises of the unit, an explosion occurred resulting in the death of an employee and two children living in the adjoining house. Later on it was found that the scrap consisted of some bomb shell scraps which were not completely defused.

On an action filed against Sindhal Iron and Steel Company, it pleaded that all safety measures were taken care of by them and there was no negligence on their part.

Discuss the liability, if any, of Sindhal Iron and Steel Company for the damages towards employee and children with the help of decided case. Also mention the basic principles that would have to be established to hold Sindhal Iron and Steel Company liable. **5**

———————



Marking Scheme
Strictly Confidential
(For Internal and Restricted use only)
Senior School Certificate Examination, 2024
SUBJECT NAME: LEGAL STUDIES
(SUBJECT CODE- 074) (QP CODE-40)

General Instructions: -

1. You are aware that evaluation is the most important process in the actual and correct assessment of the candidates. A small mistake in evaluation may lead to serious problems which may affect the future of the candidates, education system and teaching profession. To avoid mistakes, it is requested that before starting evaluation, you must read and understand the spot evaluation guidelines carefully.

2. "Evaluation policy is a confidential policy as it is related to the confidentiality of the examinations conducted, evaluation done and several other aspects. Its' leakage to public in any manner could lead to derailment of the examination system and affect the life and future of millions of candidates. Sharing this policy/document to anyone, publishing in any magazine and printing in News Paper/Website etc may invite action under various rules of the Board and IPC."

3. Evaluation is to be done as per instructions provided in the Marking Scheme. It should not be done according to one's own interpretation or any other consideration. Marking Scheme should be strictly adhered to and religiously followed. **However, while evaluating answers which are based on latest information or knowledge and/or are innovative, they may be assessed for their correctness otherwise and due marks be awarded to them.**

4. The Marking scheme carries only suggested value points for the answers These are in the nature of Guidelines only and do not constitute the complete answer. The students can have their own expression and if the expression is correct, due marks should be awarded accordingly.

5. The Head-Examiner must go through the first five answer books evaluated by each evaluator on the first day, to ensure that evaluation has been carried out as per the instructions given in the Marking Scheme. If there is any variation, the same should be zero after deliberation and discussion. The remaining answer books meant for evaluation shall be given only after ensuring that there is no significant variation in the marking of individual evaluators.

6. Evaluators will mark (✓) wherever the answer is correct. For wrong answer CROSS 'X" be marked. Evaluators will not put right (✓) while evaluating which gives an impression that answer is correct and no marks are awarded. **This is the most common mistake which evaluators are committing.**

7. If a question has parts, please award marks on the right-hand side for each part. Marks awarded for different parts of the question should then be totalled up and written in the left-hand margin and encircled. This may be followed strictly.

8. If a question does not have any parts, marks must be awarded in the left-hand margin and encircled. This may also be followed strictly.

9. If a student has attempted an extra question, the answer of the question deserving more marks should be retained and the other answer scored out with a note "**Extra Question**".

10. No marks to be deducted for the cumulative effect of an error. It should be penalized only once.

11. A full scale of marks 0 to 80 has to be used. Please do not hesitate to award full marks if the answer deserves it.

12. Every examiner has to necessarily do evaluation work for full working hours i.e., 8 hours every day and evaluate 20 answer books per day in main subjects and 25 answer books per day in other subjects (Details are given in Spot Guidelines). This is in view of the reduced syllabus and number of questions in the question paper.

13. Ensure that you do not make the following common types of errors committed by the Examiner in the past: -
    - Leaving the answer or part thereof unassessed in an answer book.
    - Giving more marks for an answer than assigned to it.
    - Wrong totalling of marks awarded on an answer.
    - Wrong transfer of marks from the inside pages of the answer book to the title page.
    - Wrong question wise totalling on the title page.
    - Wrong totalling of marks of the two columns on the title page.
    - Wrong grand total.
    - Marks in words and figures not tallying/not same.
    - Wrong transfer of marks from the answer book to online award list.
    - Answers marked as correct, but marks not awarded. (Ensure that the right tick mark is correctly and clearly indicated. It should merely be a line. Same is with the X for incorrect answers.)
    - Half or a part of the answer marked correct and the rest as wrong, but no marks awarded.

14. While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as cross (X) and awarded zero (0) Marks.

15. Any unassessed portion, non-carrying over of marks to the title page, or totalling error detected by the candidate shall damage the prestige of all the personnel engaged in the evaluation work as also of the Board. Hence, in order to uphold the prestige of all concerned, it is again reiterated that the instructions be followed meticulously and judiciously.

16. The Examiners should acquaint themselves with the guidelines given in the "**Guidelines for Spot Evaluation**" before starting the actual evaluation.

17. Every Examiner shall also ensure that all the answers are evaluated, marks carried over to the title page, correctly totalled and written in figures and words.

18. The candidates are entitled to obtain a photocopy of the Answer Book on request on payment of the prescribed processing fee. All Examiners/Additional Head Examiners/Head Examiners are once again reminded that they must ensure that evaluation is carried out strictly as per value points for each answer as given in the Marking Scheme.

19. Please read the guidelines carefully and seek clarifications from the Head Examiner in case of any doubt to reduce subjectivity and bias.

20. Every care has been taken to prepare the Marking Scheme. However, it is important to keep in mind that it is neither exhaustive nor exclusive.

21. The examiners are requested to use their own knowledge and experience wherever necessary.

22. Marking should be neither over-strict nor over-liberal. Marks should not be deducted for spelling errors, wrong proper names, minor inaccuracies, or omission of detail.

23. Though break-up of value points is given in a few answers, the examiner may be flexible in marking the different parts, if the answers reflect understanding of the scope of the question.

Q. NO.	QUESTION	MARKS
	SECTION- A	
1	The National and State Human Rights Commissions are governed by _____ (A) Protection of Civil Rights Act, 1955 (B) Universal Declaration of Human Rights (UDHR) (C) Article 338 of the Constitution of India (D) Protection of Human Rights Act, 1993	1
Ans.	(D) Protection of Human Rights Act, 1993 **(Page no 148)**	1
2	Jerry, a US national, has a 4 year undergraduate degree in Political Science and is considering applying to law schools in the U.S.A. The prerequisite for this is_____ . (A) CLE (B) MPT (C) LSAT (D) MEE	1
Ans	(C) LSAT **(Page no 189)**	1
3	For the process of removal of judges in India – Identify the correct sequence in the ascending order : (i) Constitution of an inquiry committee (ii) Order by the President (iii) Notice for motion for removal of a judge (iv) Submission of the inquiry report (A) (iii), (iv), (i), (ii) (B) (iii), (i), (iv), (ii) (C) (iv), (iii), (i), (ii) (D) (iii), (ii), (i), (iv)	1
Ans	(B) (iii), (i), (iv), (ii) **(Page no 18 - 19)**	1
4	Assertion (A): PILs are based on the tenets of citizen standing and representative standing. Reason (R) : PILs have strengthened the role of judiciary as a monitor and watchdog agency. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true and (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true.	1

Ans	(B) Both (A) and (R) are true and (R) is not the correct explanation of (A). **(Page no 10)**	1
5	Match the 'Country' in Column – A with 'Provision of Advertising by the lawyers' in Column – B : Column – A Column – B a. India i.Model Rules of Professional conduct b. Malaysia ii. Lawyers are permitted to advertise in print media c. Hong Kong iii. Lawyers are allowed to put only five pieces of information on the internet. d. U.S.A. iv. Legal Profession (Publicity Rules) 2001 regulates advertising by lawyers a b c d (A) i ii iv iii (B) ii iii i iv (C) iii iv ii i (D) iv i iii ii	1
Ans	a b c d (C) iii iv ii i **(Page no 187)**	1
6	The aim of the Lokpal and Lokayukta Act, 2013 is_____ . (A) to prevent instances of corruption through stringent measures. (B) to eradicate corruption for betterment of society. (C) to foster a culture of accountability within the public sector. (D) to combat acts of bribery and corruption of public servants.	1
Ans	(D) to combat acts of bribery and corruption of public servants **(Page no 47)**	1
7	Which of the following scenarios best exemplifies the concept 'deterrence is an objective of criminal law'? (A) After consuming alcohol at a party, Suresh chooses to hire a taxi and arrive home safely. (B) Manya, a habitual shoplifter, receives a warning from a store owner to stop her from stealing again. (C) Alex caught driving under the influence of alcohol, faces a hefty fine, license suspension and mandatory education programme. (D) Sana refrains from cheating in an exam-being aware of the punitive consequences.	1

Ans	(C) Alex caught driving under the influence of alcohol, faces a hefty fine, license suspension and mandatory education programme. **(Page no 113)**	1
8	Emma, a talented photographer, discovers that her original photograph has been reproduced without her permission and is being sold at an art gallery. The gallery has been profitting from the unauthorized use of Emma's work, causing her financial loss and diminishing the value of her artistic creation. Which of the following intellectual property right of Emma is being violated by the art gallery? (A) Patent (B) Trademark (C) Copyright (D) Trade Secret	1
Ans	(C) Copyright **(Page no 83)**	1
9	Adheer is indebted to Bhanu and Bhanu is indebted to Chitranjan. By mutual agreement among the three, Bhanu is absolved of the liability to pay Chitranjan and Chitranjan accepts Adheer as his debtor. This understanding is converted into a contract. Which of the following options correctly describes the effect of this new arrangement on the already existing contract between the parties? (A) The existing contract is discharged by rescission as all terms of the contract are cancelled. (B) The existing contract is discharged by novation as the new contract will substitute the old one. (C) The existing contract is automatically discharged by performance. (D) The existing contract is discharged by operation of law as the parties have merged terms of contract.	1
Ans	(B) The existing contract is discharged by novation as the new contract will substitute the old one. **(Page no 59)**	1
10	Assertion (A) : Tribunals have contributed in supplementing the role of courts in adjudicating service disputes. Reason (R) : Appeals against the orders of the Division Bench of any High Court lie before the Central Administrative Tribunal. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true but (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true.	1

Ans	(C) (A) is true, but (R) is false. **(Page no 20)**	1
11	Which of the following statements correctly describe features of Tort law? 1. Tort is a civil law subject. 2. Damages under tort law are always unliquidated. 3. Tort is an instrument for making people adhere to standards of reasonable behaviour. 4. Tort is an intentional criminal activity. 5. Tort is a civil wrong. (A) 1, 3, 4 (B) 2, 3, 5 (C) 2, 4, 5 (D) 1, 3, 5	1
Ans	(B) 2, 3, 5 **(Page no 62-63)**	1
12	Why is sole proprietorship the easiest type of business to establish ? (A) Because there is no separate entity of the owner and business in eyes of law. (B) Because there is lack of government regulations. (C) Because the sole proprietor enjoys all profits and bears all losses. (D) Because the liability of the sole proprietor is unlimited.	1
Ans	(B) Because there is lack of government regulations. **(Page no 101)**	1
13	Which of the following statements is true for 'Consideration' as an important element in contract? (A) A contract without consideration is voidable. (B) Consideration must be adequate and real. (C) Consideration can be in the nature of an act or forbearance. (D) Consensus ad idem is the pre-requisite for consideration.	1
Ans	(C) Consideration can be in the nature of an act or forbearance. **(Page no 55)**	1
14	Assertion (A) : Article 18 of Indian Constitution abolished all titles except for military and academic titles. Reason (R) : Titles violate the essence of Article 14 of the Indian Constitution. (A) Both (A) and (R) are true and (R) is the correct explanation of (A). (B) Both (A) and (R) are true and (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true.	1

Ans	(A) Both (A) and (R) are true and (R) is the correct explanation of (A). **(Page no 131-133)**	1
15	Which of the following conditions needs to be fulfilled by Sakshi's invention to be eligible for protection under intellectual property? (A) Invention should fall within the category of 'work'. (B) Invention has a special scheme of shape, colour, line, pattern etc. (C) Invention must be a notable change in the field and has commercial viability. (D) Invention must be indicative of its geographic origin.	1
Ans	(C) Invention must be a notable change in the field and has commercial viability. **(Page no 86)**	1
16	Jagdish and Susheela, neighbours in the same residential complex, are experiencing a disagreement regarding the boundary wall between their houses. They would like to resolve this dispute through a method that encourages open communication and mutual agreement. Which of the following options is best suited to their situation? (A) Litigation (B) Negotiation (C) Lok Adalat (D) Mediation	1
Ans	(D) Mediation **(Page no 43)**	1
17	Assertion (A) : Fundamental duties are enforceable in the court of law and one can be punished for its violation. Reason (R) : Fundamental duties contain standards to be followed by the citizens. (A) Both (A) and (R) are true and (R) is the correct explanation of (A) (B) Both (A) and (R) are true and (R) is not the correct explanation of (A). (C) (A) is true, but (R) is false. (D) (A) is false, but (R) is true.	1
Ans	(D) (A) is false, but (R) is true. **(Page no 143)**	1
18	Which among the given requirement is not essential to be fulfilled by an Advocate for obtaining licence to practise law in India? (A) Minimum 21 years of age. (B) An LLB degree from a college/university recognised by the Bar Council of India. (C) Enrolment with the Bar Council of India. (D) Must clear the All India Bar Examination.	1
Ans	(C) Enrolment with the Bar Council of India. **(Page no 183)**	1
19	Two companies ABC and XYZ, have a contractual dispute regarding non-	1

	payment of services rendered. Instead of going to court, they decide to pursue ad hoc arbitration to resolve their dispute. Which of the following is a key feature of ad hoc arbitration? (A) The process is conducted by an arbitral institution. (B) The process follows a pre-determined set of rules established by a recognized arbitration organization. (C) The parties have the flexibility to tailor the arbitration process to their specific needs and preferences. (D) The process is conducted by a sole arbitrator appointed under the statutory provisions.	
Ans	(C) The parties have the flexibility to tailor the arbitration process to their specific needs and preferences. **(Page no 39)**	1
20	Jai is accused of stealing a valuable item from a store. During the trial, the prosecution argues that he acted with a particular mental state regarding the alleged theft. Which of the following legal concepts relates to the mental state of Jai and plays a role in determining his culpability ? (A) actus reus (B) mens rea (C) motive (D) ignorance of law	1
Ans	(B) mens rea **(Page no 114)**	1
	SECTION- B	
21	Ananya is a conflict-resolution specialist, who is called into facilitate a workplace dispute between two long-standing employees. Both are valuable team members, but their conflict is affecting their productivity and team dynamics. Examine the features of transformative mediation that Ananya can employ in this situation.	2 marks
Ans	Ananya as a conflict resolution specialist can employ any feature of transformative mediation in this prevailing situation to solve the dispute at the workplace. It is focussed on empowerment of parties ,encourages deliberation, decision-making, and perspective-taking. She can practice with a micro-focus on communication, identifying opportunities for empowerment and recognition as those opportunities appear in the parties 'own conversations, and responding in ways that provide an opening for parties to choose what, if anything, to do with them. A transformative mediator focuses on communication between the parties and encourages them to reach a mutually amicable decision **(Any one relevant explanation) (Page no. 43)**	2 marks

22	Sally is a lawyer who operates in a highly competitive legal market. She has recently gained a reputation for aggressively soliciting clients who have been involved in accidents or 'personal injury' incidents. Identify this category of lawyers and the country where they exist. What will be the status of this category of lawyers in India ?	2 marks
Ans	The category of lawyers Sally belongs to is called the **'ambulance chasers'** or the '**personal injury lawyers'**. Such types of lawyers exist in the USA. Ambulance chasing is not representative of professional practice in India since these classes of lawyers are the sort who solicit business by lurking around hospitals or by ads in newspapers and in Yellow Pages with toll free numbers and "free" consultations. **(Page no. 187)**	(½ +½ =1mark) + 1 mark for its status in India
23	(a) How are judges of the Supreme Court of India appointed under the collegium model for judicial appointments? OR (b) Explain the role of High Courts in the Indian Judicial System.	2
Ans	(a) The collegium model for appointments of judges of the Supreme Court of India includes the following steps- (i) The Chief Justice of India consults four senior most judges of the Supreme Court; (ii) The Chief Justice of India sends his recommendations to the Union Minister of Law and Justice; (iii) The Union Minister of Law sends his recommendations to the Prime Minister; (iv) The Prime Minister will then advise the President and President to declare the appointments of Supreme court judges. **(Full marks to be awarded even if the answer has been explained as a flowchart)** **(Page no. 16)** **OR** (b) The role of High Courts in the Indian Judicial System is as under- (i) Can hear appeals from lower courts; (ii) Can issue writs for restoring Fundamental Rights; (iii) Can deal with cases within the jurisdiction of the State; and (iv) Exercises superintendence and control over courts below it. (v) It is a Court of record and can punish for contempt of the court. **(Page no. 13 & 14)**	2 marks 1 mark each for any two roles of the HC = 2 marks

24	A minority Education Society owns a chain of schools. These schools are recognised by the State and wholly funded by it. To promote the spirit of unity and oneness, all the students in these schools have to attend a special religious prayer every morning irrespective of their religious beliefs. A group of students refused to participate in the prayer. The school authorities, after giving warning for being indisciplined, suspended the students for a week. Parents of these students alleged violation of fundamental rights of their children. Is the action of school authorities justified? Stating the relevant Constitutional provision, give reason for your answer.	2
Ans	The action of school authorities to suspend the students for a week on indiscipline grounds because they had refused to participate in the prayer **is not justified**. (The relevant Constitutional provision in this regard is Article 28). It states that no religious instruction shall be provided in any educational institution wholly maintained out of State funds.The State recognized or State aided educational institutions cannot force any student to take part in any religious instruction or to attend any religious worship conducted in such institutions unless he/she has given consent for the same. In the case of minors, the guardians should have given consent for the same. **(Page no. 140)**	1+1=2 marks
25	Arjun threatened to kill Bhim if he does not sell his house worth Rs. 1 crore to Arjun for Rs. 50 lakhs. Bhim, out of fear, signs the contract for selling his house to Arjun. (a) Identify the essential of valid contract missing in the above situation. (b) What remedy, if any, is available to Bhim in the given case?	2
Ans	(a) Free Consent; one of the essential elements of a valid contract is missing as Bhim, out of fear, signs the contract for selling his house to Arjun. Consent should be free and not caused by coercion, undue influence, misrepresentation, fraud or mistake. If consent is obtained by the influence of any one of the above said, then the consent so obtained is not free. (b) The contract becomes voidable (avoid enforcement of contact) for Bhim whose consent is not free. The remedy available in the given case is that the contract can be rejected/invalidated/declared void at the option of Bhim, the aggrieved party on grounds of coercion, undue influence,fraud or misrepresentation. **(Page no. 56)**	1+1=2 marks

26	A successful start-up, Tech Genius has developed cutting-edge software that has gained immense popularity in the market. To protect their unique brand identity and product, they are considering whether to register a trademark or maintain it as a trade secret. Explain the fundamental difference between trademark and trade secret to Tech Genius, that would help them in decision making.	2
Ans	A "Trademark" is a distinguishing symbol which any person can use to exert public attention or to create some kind of impression in the minds of the people. It is a brand entity which has a capability to distinguish one's goods and services from another person's goods and services./ It guarantees its unchanged quality /It advertises the goods or services. /It creates an image for the goods or services. It includes word, design, logo, shape of goods, their packaging and combination of colours. A "Trade secret" is defined as any information with commercial value, which is not available in the public domain and the disclosure of which would cause significant harm to the owner. Trade secrets can include a wide range of confidential information that is important for the success and survival of a business. This information can be in the form of strategies, designs, client databases, formulas, programs, or any other confidential information that must be kept secret to maintain the competitive advantage of the business. **(Page no. 87 & 88)**	1+1=2 marks
27	During a nationwide emergency, the government implements strict measures to maintain law and order, suspending certain constitutional rights. As part of these measures, a particular group of individuals is detained by the authorities for questioning, due to suspected involvement in unlawful activities. The group refused to cooperate on the grounds that they were entitled to safeguards under Article 22 of the Constitution which the authorities denied. In this context, explain why Article 22 safeguards may not apply.	2
Ans	Article 22- 'Protection against arrest and detention' safeguards do not apply to: (i) a person from an enemy country, and (ii) to persons arrested or detained under preventive detention laws. Hence Article 22 safeguards will not apply in this case as the preventive detention laws allow for detaining persons on suspicion; who otherwise have not been found guilty of any crime but their release may be detrimental to society like, they may commit more crimes if released or affect adversely investigations by the State./ Fundamental rights can also be suspended while a national emergency has been proclaimed in the Country. **(Page no. 137)**	2

28	Two friends, Neha and Nisha, are passionate about baking and dream of starting a small bakery together. They have limited funds but plenty of enthusiasm. Considering their situation, why might they find partnership a viable option to start a bakery?	2
Ans	In the given situation Neha and Nisha should start the bakery in the partnership firm. It helps to solve the needs of greater capital investment, varied skills and sharing of risks. A successful partnership can help a business thrive by allowing the partners to pool their labor and resources. Other factors are easy to establish (with the exception of developing a partnership agreement), partners may have complementary skills, start up cost is low,more capital is available for business. **(Page no. 103 & 104)**	2 marks for any 2 points
	SECTION- C	
29	Saurabh took a comprehensive fire insurance for protecting his shop and godown against fire. AIG Insurance Company insured his shop and godown. The term of insurance stated that the claim amount will paid only when the insured properties are destroyed by fire within the period of insurance cover. Identify the type of contract entered between Saurabh and AIG Insurance Company. State any two characteristics of this type of contract.	3
Ans.	The contract entered between Saurabh and AIG Insurance Company is a **Contingent Contract**. Features / characteristics: 1. A contingent contract is a contract to do or not to do something depending upon the happening or non-happening of a future uncertain event. 2. A contingent contract is enforceable under the law 3. The uncertain future event does not determine the outcome of the contract. It is only collateral to the contract. 4. There may or may not be reciprocal promises. **(Any two features) (Page no. 58)**	1 mark for identification + 2 marks for two Features
30	(a) State the circumstances in which legal aid can be denied or withdrawn. **OR** (b) "A right to access to justice is sine-qua-non for social justice."	3

Ans.	(a) Legal aid can be denied or withdrawn in the following circumstances: 1. Legal aid can be denied if a person is found ineligible under Section 12 of the Legal Services Authorities Act, 1987; 2. Legal aid can be withdrawn if the aided person who applied under the income category is found to possess sufficient means; 3. Legal aid can be withdrawn where the aided person obtained legal services by misrepresentation or fraud; 4. Legal aid can be withdrawn where the aided person does not cooperate with the Legal Services Authority/Committee or with the legal services advocate; 5. Legal aid can be withdrawn where the person engages a legal practitioner other than the one assigned by the Legal Services Authority/Committee; 6. Legal aid can be withdrawn in the event of death of the aided person except in the case of civil proceedings where the right or liability survives; 7. Legal aid can be withdrawn where the application for legal service or the matter in question is found to be an abuse of the process of law or of legal services. **(Any three points) (Page no. 204)** **OR** **(b)** 1. There are millions of people who are denied human rights only because they cannot afford the cost required for the enforcement of their rights. In order to do social justice for them and to make human rights meaningful, legal aid becomes essential. 2. Human Rights which cannot be enforced due to poverty are meaningless and worthless. Access to justice itself is one of the most basic human rights, and without it, the realization of many other human rights may become difficult. 3. Indeed, the right to access justice or Legal Aid is evolved by judicial creativity for the benevolence of poor persons. Now, neither is it possible nor is it proper to isolate the right to legal aid from a range of human rights. 4.Mere declaration and passing of resolutions about human rights are not enough, the guarantee for the enforcement of these rights is equally essential. The right to legal aid stands first in the specie of human rights. 5. The right to legal aid enables the accomplishment of human rights and makes them worthwhile for the poor masses in the world The consumers of justice have to pay the remuneration of counsel, and bear expenditures for court fees, and also other contingent charges.Thus poverty is an obstacle in the way of getting justice and due to this reason, the poor become a sufferer of social injustice. 6. Legal aid is only a way for providing social justice to all. 7. The Constitution (Forty-second amendment) Amendment Act, 1976 inserted Article 39-A in the Constitution which is as follows: Equal Justice and free legal aid. 8. Denying access to the courts, forces dispute resolution into other arenas	3 marks for any three points 3 marks

	and results in vigilantism and violence. **(To be assessed as a whole)** **(Page no. 197, 198, 204, 205)**	
31	"International law is a weak law as compared to municipal law." Justify the statement giving any three reasons to substantiate the answer.	3
Ans.	International law is a weak law as compared to municipal law because of the following reasons: 1. The United Nations (UN) General Assembly consists of representatives of around 190 countries. Although it has an outward appearance of a legislature, it has no power to issue binding laws. 2. The resolutions passed by UN General Assembly serve merely as recommendations except in certain cases, such as to determine the UN budget, while admitting new members of the UN, and electing new judges to the International Court of Justice (ICJ) along with the Security Council. 3. The international court system does not have absolute jurisdiction in international law. In contentious cases, the ICJ's jurisdiction requires the consent of the particular states that are involved. 4. There is no international police force or system of law enforcement, and there is no supreme executive authority. 5. The UN Security Council may authorize the use of force in specific cases to compel states to comply with its decisions only where there is a prior act or threat of aggression. Any such enforcement action can be vetoed by any of the Security Council's five permanent members..The forces involved must be assembled from member states on an ad hoc basis as there is no standing UN military. 6. According to Austin's View, International law is not a true law as any rule which is not enacted by any superior or legislative authority, cannot be regarded as a law 7. In case of a conflict between municipal law and international law, Countries give preference to municipal laws over international laws. **(Any three points) (Page no.164)**	3 marks for any 3 points
32	State the recommendations that can be made by the National Human Rights Commission, when a public servant is identified as the perpetrator of a human rights violation.	3
Ans.	Once the inquiry and investigation is completed by the NHRC, it can make recommendations to government authority in cases where any public servant is the perpetrator of human rights violation. ● The recommendation may include payment of compensation to the victims or suggest initiation of proceedings for prosecution of the public servant.	3 marks for any 3 points

	● The Commission can also approach the Supreme Court or the High Court for directions and orders. ● The Commission may also ask the State authority to provide immediate interim relief to the victim. ● Intervening in court proceedings- The Commission may with the permission of the court intervene in court proceedings concerning human rights violations by public servants.. ● Inspection of jails - The Commission may also visit any jail or other governmental institutions, where prisoners are lodged or detained, to study the living conditions of the inmates and make recommendations to the government. **(Any three points) (Page no.148 and 149)**	
33	Differentiate between senior advocates and advocates-on-record.	3
Ans.	Senior Advocate : 1. Senior Advocates are designated as such by the Supreme Court of India or by any High Court. The Court can designate any advocate, with his consent, as Senior Advocate, if in its opinion by virtue of his ability and standing at the Bar or special knowledge or experience in law, the said advocate is deserving of such distinction. 2. A Senior Advocate is not entitled to appear without an advocate-on-record in the Supreme Court or without a junior in any other court or tribunal in India. 3. He is not entitled to file a vakalatnama in any court or tribunal, or accept instructions to draft pleading or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court or Tribunal. 4. A designated senior advocate wears a gown with a “flap” at the back. Advocates-on-Records : 1. Only these advocates are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court. If one wants to practice as an Advocate-on-Record (AOR) in the Supreme Court he or she needs to practice for 4 years as an advocate and thereafter must intimate to the Supreme Court that he has started taking training with a Senior Advocate on record because he intends to become an Advocate-on-record. 2. After completion of one year’s training, he has to appear for an examination conducted by the Supreme Court itself. 3. After an advocate passes this examination he must have a registered office within a radius of 10 miles from the Supreme Court	1.5 marks for Senior Advocate + 1.5 marks for AOR

	building and a registered clerk. 4. Only an AOR can file a vakalatnama in the Supreme Court on behalf of a client. Any correspondence by the Supreme Court is sent to the AOR. ***(Due consideration to be given to the examinees who may have presented the differences as a table)*** ***(To be assessed as a whole)*** **(Page no.184)**	
34	(a)In a criminal trial, the judge takes an active role in investigating the case, gathering evidence and questioning witnesses, while the accused has a limited say in the proceedings. Identify the system and state the main advantages of this system. **OR** (b) A commercial dispute has arisen between two companies over a breach of contract. They have to pursue arbitration as a means of resolving the conflict. Outline the process of arbitration.	3
Ans.	(a) This type of legal system is called an **Inquisitorial System.** Advantages of Inquisitorial System: 1. The system offers procedural efficiency as the active role of judges prevents delays and prolonged trials. 2. The system preserves equality between the parties as even the stronger party with more resources and expert lawyers may not be able to influence the judges. 3. The role of lawyers is limited and the procedural formalities,e.g. Cross-examination that may prolong the trial and lead to delays in several matters is not there. **(Any two points) (Page no. 33,34,35)** **OR** (b) Following is the process of arbitration- STEP 1 : NOTICE - the party aggrieved will send a notice to the defaulting party initiating arbitration. STEP 2: Choose an Arbitrator - The parties in an arbitration have the freedom to select a qualified expert known as an arbitrator either by an agreement or by court referral. STEP 3: Statement of CLAIM - The initial documents filed by the claimants enlisting the issues raised to be resolved in an arbitration. STEP 4: Statement of COUNTERCLAIM -Respondent's reply to the claim presented by the claimant. STEP 5: Proceedings start (decide the place and time to meet) The process of dispute resolution through arbitration is confidential, unlike	1 mark for identification + 2 marks for any two advantages 3 marks

	the court proceedings which are open to the public. STEP 6: AWARD The decision rendered by an arbitrator is known as an arbitral award. In addition to an arbitral award, the arbitrator also holds power and authority to grant interim measures. The arbitral award is binding on the parties to dispute. **(Page no. 38-39)**	
35	Explain the role of the Supreme Court of India as a 'sentinel qui vie'.	3
Ans.	The Supreme Court of India is considered the sentinel qui vie and protects the fundamental and constitutional rights of the people. Public Interest Litigation: The Supreme Court has relaxed its locus standi (meaning the right of a party to appear and be heard by a Court) and has permitted public spirited citizens and civil society organisations to approach the Court on behalf of the victims for better administration of justice. The Court has on its own initiative started cases of public importance called suo moto actions. This extra-ordinary jurisdiction has been invoked either through writs or even by writing letters to Judges, whose modalities are maintained under the guidelines for PIL enacted by the Court. It is empowered to issue directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari to enforce them. ***(Examinee to be marked on PIL, but if he/she has written about 'writ jurisdiction' or 'suo moto action' due consideration to be given)*** Writ Jurisdiction: Article 32 of the Constitution gives an extensive original jurisdiction to the Supreme Court for the enforcement of fundamental rights of the citizens, through issuing directions, orders and writs. Suo moto action: 'Suo moto' power allows the Court to initiate legal action on their cognizance of a matter without any petition being filed, or interest being brought before them. Courts have initiated legal proceedings on their own based on media reports, telegrams and letters received by aggrieved people, taking a suo Moto cognizance of the issue. **(Page no. 9,10,12)**	3
36.	Jyoti is selling her residential property to Jagat. Describe in brief, the process of how the ownership of the property will be transferred.	3
Ans.	The process of transferring the ownership of the property is; 1. Mode of transfer:	3 marks for any three relevant points

	The mode of transfer of property varies according to the value of the property. If the value of the property is more than Rs. 100/-, then transfer has to be made only by a registered instrument. 2. Attestation: A registered instrument must be attested at least by two witnesses to the transfer. Attestation means affixing the signature to the instrument for the transfer of property. The witnesses should mark their signature too on the instrument with the intention to attest. The intention behind including this provision was to ensure that transfer was done with the free will of the executant. 3. Registration: Registration of the instrument is an essential legal formality. During registration, the parties to the transfer must be present to affix their signatures to the document and complete the transaction with regard to immovable property. While doing so, the document for transfer must mention clearly the rights, obligations and liabilities of the parties to the transfer.Registration shall take place by finally affixing a seal of the Registrar's office which shall be subsequently included in the official records. 4. Mutation: Once a property has been transferred by way of relinquishment, sale or gift deed in the "name" of the recipient. It is also important to have the transfer recorded in the municipal records by way of mutation. 5. Payment of fee: Stamp duty on transfer is payable as per applicable state laws. **(Any three points) (Page no. 75)**	
SECTION-D		
37	(a) (i) Analyse the purpose of the Environment Protection Act, 1986. (ii) State three provisions of the Indian Constitution that demonstrates a commitment to sustainability and Environmental stewardship. **OR** (b) In the context of criminal law, explain the term 'preparation'. Under what circumstances is preparation punishable under the IPC?	5
Ans.	(a) (i)The purpose of the Act is to implement the decisions of the United Nations Conference on the Human Environment, relating to the protection and improvement of the human environment and the prevention of	

	hazards of human activities for economic development to human beings, other living creatures, plants and property. The Act is an "umbrella" legislation designed to provide a framework for the central government to coordinate the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act. It is with the enactment of Environment Protection Act, 1986 that a concrete step has been taken for combating modern day challenges in environment protection and improvement. **(Any one point) (Page No 97-98)**	2+3= 5marks
	(a)(ii) Three provisions of the Indian Constitution that demonstrate a commitment to sustainability and Environmental stewardship are: -The Constitution of India under Article 21 enshrines the 'Right to Life'. This article in its wider interpretation encompasses 'Right to clean environment' as an important facet of 'life'. -Article 38 shoulders the State with the responsibility of maintaining social order for ensuring a welfare state. This is only possible with the people living in a pollution free environment. -Article-48A, inserted by the 42nd amendment to the Constitution of India, states "Protection and improvement of environment and safeguarding of forests and wild life- The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country'. -A duty has also been imposed on all citizens to protect our environment. Article-51A(g) of the Indian Constitution says: "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures." **(Any three points) (Page No. 97)** **OR** (b) The second stage of crime refers to arranging all the essential steps to carry out the intended criminal act. Preparation is not unlawful in itself since it is difficult to prove that the essential preparations were made for the commission of the crime. However, in some exceptional circumstances, mere preparation is also punished. When the offence is regarded as a serious offence, preparation to commit offences is penalised under the Indian Penal Code. A few of them are mentioned below: - (i) Collecting arms etc., with intention of waging war against the	2+3=5 marks

	Government of India, (ii) Preparing Indian coins or Government stamps for counterfeiting , (iii) Possession of counterfeit coin, (iv) Possession of Counterfeit Government stamp, (v) Possession of false weight or measure, (vi) Making preparations to commit dacoity **(Any three points) (Pg 116-117)**	
38. (a)	(a) Environment degradation is a global concern. Depleting ozone layer and shrinking water bodies raised an alarm. Ten developing countries of Asia decided to come together as EC10 and lay down mutually agreeable norms and practises that would be followed by each of them to curb this degradation. All the ten delegates, representing their countries, signed the document. Narnia, a small island country, is one of the signatories. Since it is in its development phase, a lot of industrial and toxic waste is generated and dumped in the water bodies surrounding it. Its neighbouring country 'Zout' raised its concern in EC10, and reprimanded Narnia for its action violative of the norms laid. (i) What is the document, signed by EC10 called? When will this document become binding on the signatories, EC10? (ii) How will the international relations of Narnia be regulated since it is one of the signatories? **OR** (b) (i) What is International Law? Differentiate between the two categories of International Law. (ii) Ferdinando, a Sri Lankan citizen married Sritama, an Indian. After marriage, Ferdinando and Sritama went to Sri Lanka.They had a son from this wedlock. A matrimonial dispute ensued between the two and Sritama came back to India. They want to part ways and Sritama wants custody of her son. Identify the category of international law that would be applied to the given situation. Give reason for your answer.	5
Ans.	(a)(i)The document signed by EC10 is called a - A Treaty/International Convention/Charter/ Agreement/Covenant A state is bound to this document after establishing consent / ratification/signature/exchange of instrument	2 + 3=5 marks

	(Pg 169-170) (a)(ii) The international relations of Narnia will be regulated keeping in view following points - States normally conform to relevant rules and principles of international laws while responding to any international situation, as they are conscious not to be negatively viewed by the international community. The rules of international law are based on reciprocity or self-interest. Breach in international rules by a State may result in loss of its credibility and that may affect it in future relations with other states. When international rules and principles are followed by States it creates value of certainty, predictability, and sense of common purpose in international affairs. In the area of environment, bilateral negotiations have been replaced by multilateral ones, transforming the process of individual state consent into community acceptance. **(Any one explained point) (Pg 164)** **OR** (b)(i)International Law is a framework of rules and principles binding the relations between states, governing their conduct amongst themselves and other international entities that are legally recognized and between citizens of other nations. It is a system of treaties and agreements between nations that governs how nations interact with other nations, citizens of other nations, and businesses of other nations. The two categories of International law are: (a) Public international law (b)Private International law **Public International Law** is the law that regulates relations between states. Public International law is different from other types of laws because it is concerned with interstate regulation, i.e., it deals in regulating the conduct of one state with another and is not concerned with the relations between private entities (legal and natural persons) and even the domestic laws of any country. The primary objective of Public International Law is to provide for a framework of rules and regulations which help in fostering stable and organized international relations. It is a set of rules which governs the intercourse between nations through determining the rights and obligations of the governments of the nations.	1+2=3 marks for part (i) +

	Some key areas where public international law is applicable are Peace and security, Human rights, Finance, Airspace, Trade, etc **Private International Law** is a set of rules and principles that govern interstate interactions and transactions of private parties. It comprises of certain rules and regulations which are established or agreed upon by private citizens from different nations who enter into transactions and that would govern them if a dispute were to arise. For example, in marriage laws, there is conflict of laws with respect to marriage related issues between couples belonging to different jurisdictions. The questions about which legal system and norms should apply forms part of private international law. **(Any 2 points)(Pg 165-167)** (b)(ii) The category of International law that would be applied in the given situation will be private international law Reason- In marriage laws, there is conflict of laws with respect to marriage related issues between couples belonging to different jurisdictions. The questions about which legal system and norms should apply forms part of private international law.It deals with a private dispute of citizens **(Any 1 relevant point)(Pg 166)**	1+1=2 marks for part (ii)
39	NALSA Regulations, 2010 aim to provide free and competent legal services under the provisions of Legal Services Authorities Act, 1987. (a) Enumerate any four categories of person who are entitled for legal aid under Section 12 of the Act. (b) Explain the three broad features of NALSA Regulations 2010.	5
Ans.39	**(a) Section 12 -Criteria for giving legal services:** Every person who has to file or defend a case shall be entitled to legal services under the Legal Services Authorities Act if that person is— (a) a member of a Scheduled Caste or Scheduled Tribe; (b) a victim of trafficking in human beings or begar as referred to in article 23 of the Constitution; (c) a woman or a child; (d) a person with disability (e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster; or (f) an industrial workman; or (g) in custody, including custody in a protective home or in a juvenile home , or in a psychiatric hospital or psychiatric nursing home ; or (h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if	0.5 mark each for any 4 points for **part (a)**=2 marks + 3 marks for 3 features for **part (b)**

	the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court. (i) Senior citizens' eligibility for free legal aid depends on the Rules framed by the respective State Governments in this regard. **(Any four points) (Page no . 201)** **(b) The three broad features of NALSA Regulations 2010 are as follows:** 1. Selection of Panel Lawyers The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with. The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Attorney-General (for Supreme Court), Advocate-General (for High Courts), Government Pleader (for districts/Taluks), and the Bar Association President.The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. Personal traits like competence, integrity, suitability, and experience shall be considered. Separate panels shall be maintained for different types of cases. The Regulations also provide for retainer lawyers. The Panel has to be reconstituted every three years without disturbing the work of panel lawyers already representing ongoing cases. In such cases where the panel lawyer wishes to withdraw from a case entrusted to him shall communicate this to the Member Secretary and the latter may permit him to do so. The panel lawyer is barred from taking any fee, remuneration, or other valuable consideration from any person for whom legal services are rendered under the Regulation or Act. The panel lawyer may be withdrawn from a case or his name removed from the panel on account of non-performance of duties satisfactorily or for actions against the object and purpose of the Act or Regulations. 2. Payment of Fee The Regulations specify the rules regarding the payment of fees for panel lawyers which shall be in accordance with the State regulations without any delay on receipt of completion of proceedings for them. It suggests a periodic revision of honorarium for the different types of services provided by panel lawyers in legal aid cases.	

	3. Senior Advocates The services of senior advocates may be available, if the Chairman of the legal services institution forms an opinion to that effect in cases of great public importance and where serious threat to the life and liberty of the applicant exists. **(Page no. 200- 202)**	
40 (a)	Heena, a hair dresser treated Selena's hair with hair colour and as a result Selena contracted dermatitis. The manufacturers of the hair colour Beauty Blossom Company had delivered the product to Heena in properly labelled bottles together with a small brochure of instructions. Both the label and the brochure contained a warning that the hair colour might be reactive on certain skin types and a patch test on skin was recommended before it was used. Selena sues the manufacturer Beauty Blossom Company for negligence. Would the manufacturers of the hair colour be held liable to Selena ? Discuss with the help of decided case. Also discuss the liability of Heena towards Selena. **OR**	5
40(b)	Sindhal Iron and Steel Company, an iron foundry unit, imported metal scrap from certain war-ravaged country. One day while the scrap was being unloaded from the trucks in the premises of the unit, an explosion occurred resulting in the death of an employee and two children living in the adjoining house. Later on, it was found that the scrap consisted of some bomb shell scraps which were not completely defused. On an action filed against Sindhal Iron and Steel Company, it pleaded that all safety measures were taken care of by them and There was no negligence on their part. Discuss the liability, if any, of Sindhal Iron and Steel Company for the damages towards employee and children with the help of decided case. Also mention the basic principles that would have to be established to hold Sindhal Iron and Steel Company liable.	5
Ans.	(a)Liability of Beauty Blossom Company: **The manufacturers of the hair colour will not be held liable to Selena.** Heena, Hair dresser of Salon: **She will be liable to Selena under tort for negligence**	1 mark for stating the liability of the company +

	Negligence is defined as the breach of the duty to take care which results in damages. Generally, in order to argue successfully that the defendant has been negligent, the victim or the claimant must establish three elements against the defendant in a tort of negligence case – 1) the defendant owes a duty of care to the victim; 2) there has been a breach of duty of care on part of the defendant; and 3) the breach of the duty to care resulted in the harm suffered by the claimant. ***(ANY ONE OF THE FOLLOWING TWO CASES CAN BE GIVEN BY THE STUDENTS)*** **Case 1: In MacPherson v. Buick Motor Co.**, a famous American case, the Plaintiff bought a car from a retail dealer, and was injured when a defective wheel collapsed. The Plaintiff sued the Defendant, Buick Motor Co. (Defendant), the original manufacturer of the car, for negligence. The wheel was not made by the defendant; it was bought from another manufacturer. The Defendant, however, failed to inspect the wheel. It was observed by the court that the defendant was responsible for the finished product. It was not at liberty to put the finished product on the market without subjecting the components to tests. In order to establish duty of care in relation to ultimate purchasers, it must be proved that a. nature of the product must be such that it is likely to place life and limb in danger if negligently made. This knowledge of danger must be probable, not merely possible. b. There must be knowledge that in the usual course of events, the danger will be shared by people other than the buyer. This may be inferred from the nature of the transaction and the proximity or remoteness of the relation. The court held that the manufacturer of the product placed this product on the market to be used without inspection by its customers. If the manufacturer was negligent and danger could be forseen, a liability will follow. **Case 2: DONGHUE V STEVENSON** i. **Duty of Care:** The duty of care principle can be explained by citing an actual case. In Donoghue v Stevenson, a case decided in England, the plaintiff	1 mark for stating the liability of Heena + 3 marks for any one of the two cases=5 marks

	Donoghue drank a soft drink (ginger beer) manufactured by the defendant Stevenson. The drink had a decomposed snail in the bottle that made the claimant ill. The court held that the manufacturer owed duty of care to those who are 'reasonably foreseeable' to be affected by the product. Thus, the duty of care is owed to those whom one can reasonably foresee as being potentially harmed. This principle is applicable to numerous fact situations. ii. **Breach of Duty of Care:** Once the duty of care is proven the claimant then must establish that the duty of care was broken; i.e., the defendant was unsuccessful in fulfilling the duty of care in accordance with the standard of 'reasonableness'. The standard is that of 'reasonable conduct' or 'reasonable foresight'; however, the act need not be flawless. In the case of Donoghue v Stevenson discussed above, the court held that the manufacturers of products owe a duty of reasonable care to the consumers who use the products. Similarly, the standard of duty of reasonable care will vary based on the peculiar fact situation of every case. iii. **Harm to the Claimant:** In the case of Donoghue v Stevenson, the negligence on part of the manufacturer of the soft drink resulted in the illness or injury to the claimant. **(Page no. 66,67)** **OR** (b)Sindhal Iron and Steel Company is liable because it has **Absolute liability, since it is an industrial unit.** In India, the principle of Absolute Liability was introduced by the Supreme Court in the aftermath of the two instances of gas leaks from factories killing thousands and injuring lakhs. **The first case was the infamous Bhopal gas leak disaster** of 1984 where a factory of the Union Carbide Corporation located in Bhopal had a major leakage of the gas methyl isocyanate that killed 2260 and injured around 600,000 people. In the second incident of 1985 in Delhi, a factory of the **Shri Ram Foods and Fertilizer Industries** leaked oleum gas that killed one person that had few others hospitalized and created huge panic among the residents. The	1 mark for identification of liability + 4 marks for explaining the case law along with the principles=5 marks

	then Chief Justice of India P.N Bhagwati, in the famous 1987 case of **M.C. Mehta v. Shri Ram Foods and Fertilizer Industries**, held that; If an industry/enterprise is engaged in some inherently dangerous activity from which it is deriving commercial gain and that activity is capable of causing catastrophic damage then the industry officials are absolutely liable to pay compensation to the aggrieved parties. The industry cannot plead that all safety measures were taken care of by them and that there was no negligence on their part. They will not be allowed any exceptions neither can they take up any defence like that of 'Act of God' or 'Act of Stranger'. The deep pocket principle was also laid down in the instant case. **The basic principles of absolute liability as emerged above are:** 1. Enterprise (commercial objective) 2. Hazardous or inherently dangerous activity 3. Escape is not necessary **(Page no. 69)**	