

Class XII
Sample Question Paper 2022-23
Legal Studies (Code 074)

MARKING SCHEME

| S.No. | SECTION A | Marks |
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| 1. | <p>Rahul cleared his five year integrated program in B.A. LL.B five years ago. When can he start practicing as an advocate?</p> <p>a. Rahul can practice as an advocate as he has cleared B.A. LL.B exam. b. Rahul can practice as advocate if he clears All India Bar Examination. c. Rahul can practice law only after he does LL.M, as he cleared his LL.B five years ago. d. Rahul can practice law after training with a senior Advocate- on- Records (AOR) for one year.</p> | 1 App/5 |
| Ans. | b. Rahul can practice as advocate if he clears All India Bar Examination | 1 |
| 2. | <p>Whose services can be availed for by the Chairman of the legal services institution in cases of great public importance and where serious threats to life and liberty of the applicant exists?</p> <p>a. Advocate -on- Record b. Solicitor General c. Senior Advocate d. Retired Judge</p> | 1 U/6 |
| Ans. | c. Senior Advocate | 1 |
| 3. | <p>In what method of Alternate Dispute Resolution, the third party facilitates discussion but does not enter the arena of dispute either as a judge or a conciliator?</p> <p>a. Conciliation b. Mediation c. Arbitration d. Negotiation</p> | 1 U/3 |
| Ans. | b. Mediation | 1 |
| 4. | <p>Four nations, India, USA, United Kingdom and France enter into an international trade treaty. The Indian delegation provisionally consented to the treaty as the final consent will follow once the Indian Parliament votes in favour of the said treaty. Which method of consent is being followed by the Indian delegation?</p> | 1 App/7 |

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| | <ul style="list-style-type: none"> a. Consent by signature b. Consent by exchange of instruments c. Consent by ratification d. No consent is required | |
| Ans. | c. Consent by ratification | 1 |
| 5. | <p>Rohit, aged 13 years and Kartik, aged 20 years entered into a sale agreement wherein Rohit agreed to sell his farmhouse to Kartik for Rs. 5,00,000. After execution of the sale agreement, Rohit avoided the agreement of sale stating that the farmhouse is involved in a litigation pending before the Hon'ble Delhi High Court and he cannot transfer the farmhouse. Aggrieved by this, Rohit and Kartik agreed to appoint a mediator to resolve their dispute. Given the dispute, which of the following statement is correct?</p> <ul style="list-style-type: none"> a. The dispute can be referred to arbitration as contractual disputes are best suited for arbitration. b. The dispute cannot be referred to mediation as claims against minors are excluded from the scope of mediation. c. The dispute can be referred to mediation as property disputes are best suited for mediation. d. The dispute cannot be referred to mediation as the property is lis pendens. | 1 App/3 |
| Ans. | b. The dispute cannot be referred to mediation as claims against minors are excluded from the scope of mediation. | 1 |
| 6. | <p>Assertion(A): The salaries and allowances of judges are fixed and not subject to vote of the legislature.</p> <p>Reason(R): Independence of judges is crucial to ensure independence of judiciary.</p> <ul style="list-style-type: none"> a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A) b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A) c. Assertion (A) is true but Reason (R) is false d. Assertion (A) is false but Reason (R) is true | 1 AEC/1 |
| Ans. | a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A) | 1 |

| 7. | <p>Situation 1: A boy is sinking in the swimming pool of a resort. A man who is standing beside the pool does not make any attempt to save this boy.</p> <p>Situation 2: A lifeguard on duty at a resort. A boy is sinking in the swimming pool of a resort. He does not make any attempt to save the boy sinking in the pool.</p> <p>Which of the following statements describes both the situations?</p> <ol style="list-style-type: none"> In both the situations there is actus reas though mens rea is missing In both the situations none can be held liable for criminal omission. Situation 1 shows moral omission, whereas Situation 2 shows illegal omission. The act of not doing anything does not accrue any criminal liability as actus rea is not there. | 1 App/2 | | | | | | | | | | | | |
|-------------------|---|------------|-----------|-------------------|---------------------|-------------------|-------------------------------------|-------------------|------------------------|-------------------|--------------------------------|-------------------|---------------------------------|----------|
| Ans. | c. Situation 1 shows moral omission, whereas Situation 2 shows illegal omission. | 1 | | | | | | | | | | | | |
| 8. | <p>Aman, a lawyer was suspended as he breached the rules laid down by the Bar Council of India. From the options given below, what misconduct may have led to his suspension?</p> <ol style="list-style-type: none"> He charged contingency fee from his client in a land dispute. He negotiated with the opposite party through the opposing advocate. He refused to represent client who insisted on adopting unfair means. He refused to appear in a matter where he was the witness. | 1 App/5 | | | | | | | | | | | | |
| Ans. | a. He charged contingency fee from his client in a land dispute. | 1 | | | | | | | | | | | | |
| 9. | <p>Match the Articles with the corresponding Fundamental Rights</p> <table border="1" data-bbox="264 1279 1350 1693"> <thead> <tr> <th>Column 1</th> <th>Column II</th> </tr> </thead> <tbody> <tr> <td>A. Articles 14-18</td> <td>i. Right to Freedom</td> </tr> <tr> <td>B. Articles 19-22</td> <td>ii. Cultural and Educational Rights</td> </tr> <tr> <td>C. Articles 23-24</td> <td>iii. Right to Equality</td> </tr> <tr> <td>D. Articles 25-28</td> <td>iv. Right against Exploitation</td> </tr> <tr> <td>E. Articles 29-30</td> <td>v. Right to Freedom of Religion</td> </tr> </tbody> </table> <ol style="list-style-type: none"> A(i), B(ii), C(iii), D(iv), E(v) A(iv), B(i), C(ii), D (v), E(iii) A(iii), B(i), C(iv), D(v), E(ii) A(ii), B(iii), C(v), D(i), E(iv) | Column 1 | Column II | A. Articles 14-18 | i. Right to Freedom | B. Articles 19-22 | ii. Cultural and Educational Rights | C. Articles 23-24 | iii. Right to Equality | D. Articles 25-28 | iv. Right against Exploitation | E. Articles 29-30 | v. Right to Freedom of Religion | 1 K/4 |
| Column 1 | Column II | | | | | | | | | | | | | |
| A. Articles 14-18 | i. Right to Freedom | | | | | | | | | | | | | |
| B. Articles 19-22 | ii. Cultural and Educational Rights | | | | | | | | | | | | | |
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| D. Articles 25-28 | iv. Right against Exploitation | | | | | | | | | | | | | |
| E. Articles 29-30 | v. Right to Freedom of Religion | | | | | | | | | | | | | |
| Ans. | c. A(iii), B(i), C(iv), D(v), E(ii) | 1 | | | | | | | | | | | | |

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| 10. | International law is based on consent-based governance as states are not obliged to abide by it, unless they expressly consent to a particular course of conduct. What is the exception to the above rule of consent requirement? a. Ergaomnes b. Jus cogens c. Stare decisis d. Treaties | 1 U/7 |
| Ans. | b. Jus cogens | 1 |
| 11. | Statement 1 : The intentional tort of battery occurs when the defendant causes the touching of the claimant with the intent to cause harm or offense. Statement 2 : . The act of touching doesn't necessarily have to be done with defendant's hand always. a. Both Statement 1 and Statement 2 are correct b. Both Statement 1 and Statement 2 are incorrect c. Statement 1 is correct but Statement 2 is incorrect d. Statement 1 is incorrect but Statement 2 is correct | 1 App/2 |
| Ans. | a. Both Statement 1 and Statement 2 are correct | 1 |
| 12. | Which court in India can designate an advocate as a Senior Advocate? a. High Court only b. Supreme Court only c. Supreme Court or any of the High Courts d. District Court only | 1 K/5 |
| Ans. | c. Supreme Court or any of the High Courts | 1 |
| 13. | Jatin, a resident of Sompur was visiting the neighbouring city of Malikgarh, where he was prevented from entering a public park by the local authority as he did not belong to Malikgarh. Which fundamental right of Jatin has been violated? a. Article 14 b. Article 15 c. Article 17 d. Article 32 | 1 App/4 |
| Ans. | b. Article 15 | 1 |
| 14. | Assertion (A): When the defendant carries out or keeps an unusually hazardous situation or activity on his or her building premises or involves in an activity that offers an inevitable danger of injury to the claimant or his or her property, the defendant could be responsible for the damage caused. | 1 AEC/2 |

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| | Reason (R): The liability arises due to the violation of the principle established under Donoghue v. Stevenson. a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A) b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A) c. Assertion (A) is true but Reason (R) is false. d. Assertion (A) is false but Reason (R) is true. | |
| Ans. | c. Assertion (A) is true but Reason (R) is false. | 1 |
| 15. | Given below are the different stages in the development of the legal aid movement in India. Arrange them chronologically. 1. Article 39A of the Constitution was inserted by the 42nd Amendment Act of the Indian Constitution. 2. The Committee on National Implementation of Legal Aid was constituted with Justice Bhagwati as its head. 3. The Union Government initiated the national legal aid scheme which faced financial shortages and died a natural death. 4. The Union Government constituted a committee under the chairmanship of Justice Krishna Iyer to develop a legal aid scheme for states. a. 1,2,3,4 b. 1,3,2,4 c. 3,4,1,2 b. 4,3,2,1 | 1 App/6 |
| Ans. | c. 3,4,1,2 | 1 |
| Read the excerpt from a decided case of Lalman Shukla v. Gauri Dutt and answer the questions from Q.16-Q.20. that follow: (App/2) Section 4 of the Indian Contract Act states that the communication of a proposal is complete when it comes to the knowledge of the person to whom it is made. In Lalman case the defendant's nephew absconded from home. The plaintiff who was defendant's servant was sent to search for the missing boy. After the plaintiff had left in search of the boy, the defendant issued handbills announcing a reward of Rs. 501 to anyone who might find out the boy. The plaintiff who was unaware of this reward, was successful in searching the boy. When he came to know of the reward, which had been announced in his absence, he brought an action against the defendant to claim this reward. It was held that since the plaintiff was ignorant of the offer of reward, his act of bringing the lost boy did not amount to the acceptance of the offer and therefore he was not entitled to claim the reward. | | |
| 16. | Identify the nature of the offer made in the case given above. a. Legal offer b. Specific offer | 1 |

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| | c. General Offer d. It was not an offer for Lalman | |
| Ans. | c. General Offer | 1 |
| 17. | What is the first step in the formation of a contract? a. Acceptance b. Intention c. Offer d. Consideration | 1 |
| Ans. | c. Offer | 1 |
| 18. | When is the communication of offer complete? a. when it is accepted b. when it has a consideration c. when it comes to the knowledge of the person to whom it is made. d. when the person to whom it is made has capacity to enter into a valid contract. | 1 |
| Ans. | c. when it comes to the knowledge of the person to whom it is made. | 1 |
| 19. | What happens when an offer is accepted? a. Contract b. agreement c. legal relationship d. proposal | 1 |
| Ans. | b. agreement | 1 |
| 20. | How is this judgement contradictory to the Carlill v. Carbolic Smokeball Company Case? a. No intention to enter into legal relationship b. The need for acceptance of the offer was emphasized c. Knowledge of the offer is important d. there was intention to enter into legal relationship | 1 |
| Ans. | b. The need for acceptance of the offer was emphasized | 1 |
| SECTION B | | |
| 21. | Neha and Rani are good friends and have also completed a degree in law. As fresh graduates, Neha is keen to contribute in policy making and Rani wants to specialise in commercial and economic laws. Mention the fields that they can specialise in. | 2 App/5 |
| Ans. | Neha- can apply for LAMP | 1+1 |

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| | Rani-Transactional Law | |
| 22. | Is legal aid in criminal trial a privilege or a duty of the magistrate? Analyze, giving the related legal provisions and decided case law. | 2 U/6 |
| Ans. | <p>Section 340(1) of the Code of Criminal Procedure, 1898, provided that if a man was charged with an offence punishable with death, the court could provide him with a counsel upon his request.</p> <p>In Tara Singh v. State(1951 AIR 441), it was interpreted as a privilege rather than a than the duty of the magistrate.</p> <p>Section 304(1) provides that: In a trial before the sessions judge, if the accused has not sufficient means to engage a pleader, the court should assign a pleader for his defense at the expense of the State.</p> <p>So, under present day scenario, it is the duty of the court.</p> | 1+1 |
| OR | | |
| 22. | Maneka Gandhi v. Union of India provided clarity on what procedure established by law meant under Article 21 of the Indian Constitution. Explain the observation of the court in context with adversarial system of justice dispensation in India. | 2 U/6 |
| Ans. | In the adversarial system, the fairness requires legal representation. Creation of equal opportunity for accessing the courts is a dimension of the equality clause in Article 14. Denial of opportunities in public employment or education to different classes is not the only occasion when considerations about retaining equality go missing; the inadequacy of the legal system to provide an effective forum to the indigent in another. | 2 |
| 23. | The violent clash between the security forces of Aramgarh and Minapur has brought back the focus on disputes between states over the border, which claimed lives of six Aramgarh police personnel and injured dozens of others. The government informed the Parliament that there were a total of seven inter-state border disputes at present in the country. Which institution is authorized to resolve such disputes? Mention the Constitutional provision under which it can intervene. | 2 App/1 |
| Ans. | Supreme Court of India. Original Jurisdiction under Article 131 of the constitution. | 2 |
| 24. | Raman and Mohit entered into a contract where Raman promises to supply 20 bags of sugar to Mohit, a sweet shop proprietor, on 5th September 2021. The sugar was to be supplied by 15 th September 2021. The mode of transport available to their places is roadways only. A landslide happened on 7 th September 2021 and the connecting road was completely damaged and could not be repaired within 15 days . Raman offered to supply the sugar by 25 th September 2021. Mohit refused to accept the sugar. Raman filed a claim for Rs. 10,000 on Mohit for refusal of the order. a. Identify the mode of discharge of this contract? | 2 App/2 |

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| | b. What remedy is available to Raman? | |
| Ans. | a. Discharge by impossibility of performance. b. Raman cannot claim any damages as the contract was discharged due to impossibility of performance. | 2 |
| 25. | India is expected to liberalise the legal sector under the General Agreement on Trade and Services (GATS) and other free trade agreements. In light of this, evaluate the judgement of Bombay and Madras High Courts. | 2 AEC/5 |
| Ans. | Bombay HC- Foreign firms could not be allowed to set up liaison offices in India. Madras HC- Foreign lawyers can practice in India on a fly in and fly out basis. | 1+1 |
| 26. | How has the Judiciary limited the power conferred on the Parliament by Article 368 of the Indian Constitution? | 2 AEC/1 |
| Ans. | Article 368 confers power to the Parliament to amend the Constitution: Article 13(2) limits Parliament's amending authority in matters of fundamental rights. In order to overcome this restriction, in 1971, the Parliament adopted the 24th Amendment to the Constitution altering Articles 13 and 368 in a way that allowed itself with unlimited powers of amendments including authority to amend the fundamental rights provisions. The landmark 1973 Supreme Court case of Keshavanda Bharathi v. State of Kerala discussed the question about the unlimited constitutional amendment powers of the Parliament and established the doctrine of the basic structure or feature of the constitution. | 2 |
| 27. | ‘The prosecution in a criminal trial must meet quite high standards and it is not enough for the prosecution to only assert that the accused has committed the offence.’ Comment with reasons. | 2 App/2 |
| Ans. | 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 and the degree of proof required in a criminal trial is "proof beyond reasonable doubt". The judge must be convinced beyond reasonable doubt that it was in fact the accused who committed the offence. | 2 |
| 28. | The constant tussle between the executive and judiciary over the appointment of judges led to the development of a new system for appointment of judges. a. Identify the system. b. Why does this system invokes scepticism? | 2 U/1 |
| Ans. | a. Collegium System b. The collegium system is not constitutionally mandated. | 1+1 |

| OR | | |
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| 28. | <p>Covid Pandemic has brought a paradigm shift in the way people perceived information technology. Schools and colleges all adopted online mode. This gave rise to instances of cybercrimes. Cyber bullying, body shaming, hacking, stalking became very common. The cases of suicide among teenagers increased. The concern was raised in the parliament as well. The President of India also sought the advice of the Supreme Court on the issue.</p> <p>a. Under which jurisdiction can the President seek the opinion of the Supreme Court? b. On what grounds can the Supreme Court refuse to provide its opinion?</p> | 2 U/1 |
| Ans. | <p>i. Advisory jurisdiction, Presidential Reference ii. If it is socio-economic or political in nature.</p> | 1+1 |
| SECTION C | | |
| 29. | <p>Rohit has a Saving Bank Account with Zono Bank. Being an employee of TTS Co. Ltd., his salary and other allowances were being directly credited to his account with the bank. He alleged that the bank had issued a cheque-book without his knowledge to someone else and had passed cheques which were not drawn by him. The total amount so fraudulently withdrawn from his account amounted to Rs.100,000/-.</p> <p>a. Identify the agency he can approach for the redressal of his grievance. b. State its functions.</p> | 3 App/3 |
| Ans. | <p>a) Chief Vigilance Officer/ Ombudsman can be approached by Rohit for redressal of his grievance.</p> <p>b) Functions of Chief Vigilance Officer include: i) To investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. ii) To identify systemic issues leading to poor service or breaches of people's rights.</p> | 3 |
| 30. | <p>Monali has set up a legal firm in partnership with Pranoy. They have engaged Creative Web Designers to create a web page for their firm.</p> <p>a. Enlist the information that can be put up by them on the internet. b. Whose permission is to be taken by Monali and Pranoy for publishing any information in public domain?</p> | 3 U/5 |
| Ans. | <p>-Name of the firm -Contact details -Areas of practice -Details of enrolment with bar -Professional and Academic qualifications</p> <p>Bar council of India</p> | 2.5 + 0.5 |
| 31. | <p>Mr. Mahavir is physically and mentally harassed by his son and daughter in law and wishes to file a case against them under the Indian Penal Code. He is a senior citizen and</p> | 3 App/6 |

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| | <p>runs a small tea stall for his survival. He approaches Delhi district legal services authority for help.</p> <p>a. What kind of help can be provided by the Delhi district legal services authority?</p> <p>b. Will Delhi district legal services authority be able to help Mr. Mahavir? Give reason for your answer.</p> | |
| Ans. | <p>a. i. Pre litigation services ii. Post litigation services</p> <p>b. Delhi district legal services authority be able to help Mr. Mahavir only if he can satisfy the authority that his income is less than Rs. 9000 per annum. Otherwise there is no provision for legal aid for senior citizens.</p> | 3 |
| 32. | <p>In the given scenarios, how can international law be applied in domestic legislation in India? State the relevant case laws.</p> <p>a. India is a party to an international agreement to stop taking out oil from particular species of trees to prevent forest fires. This restricts the right of trade of certain villagers.</p> <p>b. India is a party to international convention relating to discrimination against women. Indian courts created legally binding obligations regarding sexual harassment.</p> <p>c. In this case, the Supreme Court held that India had ratified conventions regarding the protection of children and this placed an obligation on the State Government to implement these principles.</p> | 3 AEC/7 |
| Ans. | <p>a. Indian parliament needs to pass a domestic legislation. Case-Magan Bhai Patel V. UOI</p> <p>b. Indian courts used the provisions of CEDAW (Convention on elimination of all forms of discrimination against women) to create legally binding obligations regarding sexual harassment. Case-Vishaka V. State of Rajasthan</p> <p>c. The Supreme Court held that India had ratified conventions regarding the protection of children and this placed an obligation on the State Government to implement these principles. This was a case in which there were no contradictory laws and as they were supplementing the law already in force the court held that the treaty could be applied directly to Indian law. Case- Barse v Secretary Children's Aid Society</p> | 3 |
| 33. | <p>Article 21 of the Indian Constitution provides that a person can be deprived of his or her 'right to life or personal liberty' only by procedure established by law. Elucidate the above statement with the help of an example.</p> | 3 AEC/4 |

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| Ans. | <p>Article 21 states that- No person shall be deprived of his life or personal liberty except according to the procedure established by law.</p> <p>The second part of the article describes how one's right to life and personal liberty can be taken away. A person can be deprived of his or her 'right to life or personal liberty' only by a procedure established by law. This means that any law that limits or takes away one's right to life and personal liberty must contain a procedure that is fair and reasonable and not arbitrary.</p> <p>For example, the Indian Penal Code prescribes death penalty for certain crimes. This involves established procedures like, (1) death penalty is awarded only in 'rarest of rare' cases, (2) there should not be any delay in executing the prisoner waiting in death row. (3) Also, Indian Penal Code allows for appeal where the wait period is longer than five years.</p> | 3 |
| 34. | <p>In the famous 1987 case of M.C. Mehta v. Shri Ram Foods and Fertilizer Industries, Justice of India P.N Bhagwati developed a new principle evolving from the concept of strict liability.</p> <p>a. Identify the new principle. b. Against whom is the principle applicable? c. Under what conditions can this principle be applied?</p> | 3 App/2 |
| Ans. | <p>a. Absolute Liability</p> <p>b. enterprise, which is engaged in a hazardous or inherently dangerous industry, which poses a potential threat to the health and safety of the persons working in the factory and residing in the surrounding areas.</p> <p>c. on account of hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm is done on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part.</p> | 3 |
| 35. | <p>The concept of Independence and Impartiality of Indian Judiciary must be studied in conjunction as they aim at achieving the same goal of maintaining judicial integrity in the democratic process of the country. Comment.</p> | 3 AEC/1 |
| Ans. | <p>The independence of judiciary is ensured and maintained by the Constitution. The theory of 'constituent mechanism' of independence of judiciary defines judiciary's independence in terms of the independence of its judges. Independence of judiciary and impartiality of judges exist as two distinct concepts- the former referring to the institution, and the latter referring to its constituent actors. The concept of impartiality of judges can be understood within the broad framework of independence of judiciary. These concepts must be studied in conjunction as they aim at achieving the same goal of maintaining judicial integrity in the democratic process of the country.</p> | 3 |
| 36. | <p>Identify the provision of legal aid under the Indian Constitution? What does the judgment of M.H. Hoskot v. State of Maharashtra state about the legal aid services in India?</p> | 3 K/6 |

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| Ans. | <p>The 1976 amendment of the Constitution inserted Article 39-A in the Constitution entrusts the State with the responsibility to secure that the operation of the legal system promotes justice, on a basis of equal opportunity. Also, the State shall 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.</p> <p>In the M H Hoskot case, the court observed: Judicial justice, with procedural intricacies, legal submissions and critical examination of evidence, leans upon professional expertise; a failure of equal justice under the law is on the cards where such supportive skills is absent for one side.</p> | 3 |
| OR | | |
| 36. | Explain legal aid in context of social justice and human rights in India. | 3 K/6 |
| Ans. | <p>In order to do social justice to them and to make human rights meaningful, legal aid becomes essential. The Human Rights which cannot be enforced due to poverty are meaningless and worthless. A right to access to justice is sine-qua-non for social justice. The 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. Indeed, the right to access to 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 range of human right. The right to legal aid enables accomplishment of these human rights and makes them worthwhile for the poor masses in the world.</p> | |
| SECTION D | | |
| 37. | <p>A matter relating to right to fisheries over high seas arose between two neighboring countries of Travia and Gistonia. The matter is pending before the International Court of Justice (ICJ).</p> <p>a. State the most authoritative source of international law. b. Explain the jurisdiction of International Court of Justice (ICJ). c. Mention any other two dispute resolution mechanisms available to Travia and Gistonia.</p> | 5 App/7 |
| Ans. | <p>a. Article 38(1) of the Statute of International Court of Justice</p> <p>b. 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. The court may also be a forum if provided for in a treaty between parties and in certain cases it is compulsory to refer to the court with regards to certain disputes. The court may also give advisory opinions under Articles 65-68 of the Statute of the ICJ to countries. These are not binding but are merely referrals to the ICJ to understand the point of law on the matter.</p> <p>c. Treaties often employ mediation, arbitration and other such dispute resolution mechanisms to arrive at an agreeable decision.</p> | 1+3+1 |

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| 38. | Describe the evolution of Right to Education from a policy goal to a Fundamental Right. | 5 U/4 | | | | | | | | | | | | |
| Ans. | <p>a) Prior to 2002, the Indian Constitution considered elementary education for children between age six and fourteen as a policy goal provision in the Directive Principles of State Policy.</p> <p>b) In 1992-93, however, the Supreme Court affirmed that depriving one from education amounts to depriving one's right to life.</p> <p>c) The elementary education was raised to the status of fundamental right from that of a policy goal (directive principles) and hence enforceable.</p> <p>d) In 2002, Article 21A providing the right to elementary education was created as a fundamental right.</p> <p>e) Article 21A states that- 'The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.' This article provides for right to education to all between the age of six and fourteen and obligates State to implement this.</p> | 5 | | | | | | | | | | | | |
| OR | | | | | | | | | | | | | | |
| 38. | <p>a. Differentiate between fundamental Rights and Directive Principles of state policy on any three grounds.</p> <p>b. How can the status of Directive Principles of State Policy be changed? Explain with the help of an example.</p> | 5 U/4 | | | | | | | | | | | | |
| Ans. | <p>a.</p> <table border="1" data-bbox="225 1223 1369 1503"> <tr> <td data-bbox="225 1223 475 1301">Basis</td> <td data-bbox="475 1223 935 1301">Fundamental rights</td> <td data-bbox="935 1223 1369 1301">Directive Principles of state policy</td> </tr> <tr> <td data-bbox="225 1301 475 1379">Meaning</td> <td data-bbox="475 1301 935 1379">Basic rights guaranteed by the Constitution to all the citizens</td> <td data-bbox="935 1301 1369 1379">Guiding principles of governance for the State</td> </tr> <tr> <td data-bbox="225 1379 475 1424">Nature</td> <td data-bbox="475 1379 935 1424">Political and civil in nature</td> <td data-bbox="935 1379 1369 1424">Socio- economic in nature</td> </tr> <tr> <td data-bbox="225 1424 475 1503">Enforceability</td> <td data-bbox="475 1424 935 1503">Enforceable under Art. 32,226 in case of any violation</td> <td data-bbox="935 1424 1369 1503">Not enforceable.</td> </tr> </table> <p>b. 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). Elementary education for children between age six and fourteen was a policy goal provision in the Directive Principles of State Policy, which the Supreme Court raised to the status of fundamental right affirming that depriving one from education amounts to depriving one's right to life (Art. 21 Fundamental Right). Accordingly, right to education for ages six to fourteen is now part of the fundamental rights chapter, refer to the earlier discussion.</p> <p>Other prominent example is the right to livelihood, which is a directive principle often read with right to life as fundamental right. Supreme Court has often directed State to rehabilitate slum dwellers whenever they are evicted on grounds of encroachments.</p> | Basis | Fundamental rights | Directive Principles of state policy | Meaning | Basic rights guaranteed by the Constitution to all the citizens | Guiding principles of governance for the State | Nature | Political and civil in nature | Socio- economic in nature | Enforceability | Enforceable under Art. 32,226 in case of any violation | Not enforceable. | 3+1+1 |
| Basis | Fundamental rights | Directive Principles of state policy | | | | | | | | | | | | |
| Meaning | Basic rights guaranteed by the Constitution to all the citizens | Guiding principles of governance for the State | | | | | | | | | | | | |
| Nature | Political and civil in nature | Socio- economic in nature | | | | | | | | | | | | |
| Enforceability | Enforceable under Art. 32,226 in case of any violation | Not enforceable. | | | | | | | | | | | | |

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| | Eviction without rehabilitation closer to their work place amounts to violation of their right to livelihood and in turn the right to life. | |
| 39. | ‘The concept of Lok Adalat is an innovative Indian contribution to the global legal jurisprudence.’ Comment on the statement. | 5 U/3 |
| Ans. | <p>i. A Lok Adalat has jurisdiction to settle any matter pending before any court, as well as matters at pre-litigative stage.</p> <p>ii. Lok Adalat works on the principle of participation, accommodation, fairness, voluntariness, neighbourliness, transparency, efficiency and lack of animosity.</p> <p>iii. There is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat.</p> <p>iv. There is no strict application of the procedural laws and the disputing parties can directly interact with the judges.</p> <p>v. The decision of Lok Adalat is binding on the parties and its order is capable of execution through legal process</p> | 5 |
| OR | | |
| 39. | In Konkan Railways Corp. Ltd. v. Mehul Construction Co. the Hon’ble Supreme Court affirmed that the Arbitration and Conciliation Act, 1996 was introduced in order to attract the 'international mercantile community'. Analyse the affirmation of the court. | 5 U/3 |
| Ans. | <p>Articles 51 and 253 of the Indian Constitution specifically states that the State shall endeavor to 'foster respect for international law and treaty obligations in the dealings of organized peoples with one another'</p> <p>The Indian Arbitration and Conciliation Act of 1996 is modelled on the UNCITRAL model law.</p> <p>The process of dispute resolution through arbitration is confidential, unlike the court proceedings which are open to the public. This feature of arbitration makes it popular especially for commercial disputes where business secrets revealed during the process of dispute resolution are protected and preserved. Similarly companies can maintain their commercial reputation, as they can prevent the general public or their customers from discovering the details of their on-going legal disputes.</p> | 5 |
| 40. | Explain the objectives that are widely accepted for enforcement of criminal law. | 5 K/1 |
| Ans. | <p>Retribution - If a criminal has done a wrong towards a person or property he needs to be given a penalty in a manner which balances out the wrong done.</p> <p>Deterrence - Criminal acts are penalized so as to deter individuals from repeating it or even entering into it in the first place.</p> <p>Incapacitation -The objective of this theory is to segregate the criminals from the rest of the society.</p> | 5 |

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| | <p>Rehabilitation - Aims at transforming an offender into a valuable member of society. Its primary goal is to prevent further offense by convincing the offender that their conduct was wrong.</p> <p>Restoration - The goal is to repair, through state authority, any injury inflicted upon the victim by the offender.</p> | |
| OR | | |
| 40. | Who can transfer a property? Explain the ways in which an immovable property can be transferred. | 5 K/1 |
| Ans | <p>Any person who is competent to contract (person above 18 years of age, having sound mind and not disqualified by any law in force) and authorized to dispose off property viz., owner of the property or any person authorized to sell the property, can make a transfer.</p> <p>1. Sale means a transfer of ownership (right to possess something) of the property in exchange for a price (money) [Section 54 of the TPA]. Seller is the person who transfers the property and buyer is the person to whom the property is transferred. The consideration in a sale is usually money.</p> <p>2. Lease- Lease is a transfer of right to enjoy a property for a specific period of time in consideration for a price. Lessor is the person who lets out the property for lease or transferor, and lessee is the person to whom the property is leased or the transferee in a lease. The lessee can also sub-let the lease and the relation between the lessee and the sub-lessee will be that of lessor and lessee.</p> <p>3. Exchange- When two persons transfer ownership of one thing for the ownership of another, it is called exchange [Section 118 of the TPA]. Transfer of property by exchange can be made only by way of sale. The rights and liabilities of the parties to exchange shall be that of the rights and liabilities of the buyer to the extent of receiving and that of the seller to the extent of giving.</p> <p>4. Gift- A transfer of ownership of property that is made voluntarily and without consideration is called Gift [Section 122 of the TPA]. If the donee (the person to whom gift is made) expires before accepting the gift, it becomes void.</p> | 1+4 |