

CLASS XII- 2021-2022
LEGAL STUDIES (074)
TERM 1
MARKING SCHEME OF SAMPLE QUESTION PAPER

Maximum marks: 40

Total questions: 60

Questions to be attempted: 50

Time Allowed: 90 minutes

SECTION A: Knowledge + Understanding

Maximum Marks: 20

Total questions: 24

Questions to be attempted: 20

S.NO.	QUESTION	ANSWER
1	Which of the following provisions of the constitution was carved during its formation, because India was transitioning from a feudal to democratic order: a. Fundamental rights b. Fundamental duties c. Independence of judiciary d. Federalism	c. Independence of judiciary
2	Indian police have extensive powers for crime detection and investigation. But such powers should not impinge upon the rights of accused. This right has been guaranteed under: a. Article 20(3) b. Article 21 c. Article 22 d. Article 20(4)	a. Article 20(3)
3	Which of the following is not a part of Article 21? a. Right to life b. Right to food c. Right to livelihood d. Right to constitutional remedies	d. Right to constitutional remedies

4	Transfer of property by exchange can happen only by way of: a. Sale b. Lease c. Gift d. Will	a.Sale
5	An offer lapses by _____. a. Discharge b. Revocation c. Performance d. Breach	b.Revocation
6	Under criminal law, drug trade would fall under which category of crime a. Crime against person b. Crime against property c. White collar crime d. Organised crime	d.Organised crime
7	Segregating the wrongdoer from the rest of the society by giving him imprisonment serves which objective of criminal law? a. Retribution b. Incapacitation c. Rehabilitation d. Restoration	b.Incapacitation
8	When certain terms or all terms of a contract are cancelled it is known as a. Novation b. Rescission c. Waiver d. Merger	b.Rescission
9	In automobile insurance, all drivers are required to pay insurance premiums, which are then used by insurance companies to compensate victims. In the above case, which object or purpose of Tort law is being achieved? a. Deterrence so that the victims can be compensated for a wrongful act b. Fair and Just response to compensate the victims and to satisfy the ends of justice	c.Loss-spreading to a wider community to compensate the victims

	c. Loss-spreading to a wider community to compensate the victims d. There is no object or purpose of tort law that is being achieved	
10	Section 89 of Civil Procedure Code only deals with _____. a. Mediation with arbitration b. Pre-litigation mediation c. Appellate mediation d. Court referred mediation	d.Court referred mediation
11	An informal dispute resolution method where the two parties discuss the issues before a neutral third party who will assist the parties to reach an agreement a. Mediation b. Arbitration c. Conciliation d. Judicial determination	a.Mediation
12	The Arbitration and Conciliation laws in India have been largely influenced by significant movements of judicial reforms and conflict management across the world. The Indian Arbitration and Conciliation Act, 1996 is modelled on which laws? a. Universal Declaration of Human Rights b. United Nations Commission on International Trade Law Model law on International Commercial Arbitration c. United Nations Commission on International Trade Law Model law on Arbitration d. Vienna Convention	b.United Nations Commission on International Trade Law Model law on International Commercial Arbitration
13	Disputes in Lok Adalat are resolved by: a. Mediation only b. Negotiation only c. Arbitral process d. Mediation, negotiation or through arbitral process	D. Mediation, negotiation or through arbitral process
14	Which one of the following provisions shows that Indian Constitution is Federal? a. A Written and rigid Constitution b. An Independent Judiciary c. Vesting of residuary powers with the Centre d. Distribution of powers between centre and the States	d.Distribution of powers between centre and the States
15	Separation of powers cannot be strictly applied to _____ form of	a.Parliamentary

	Government. a. Parliamentary b. Presidential c. Monarchy d. Democratic	
16	Who among the following is the chairman of Lok Adalat? a. Sitting/Retired Judge b. Lawyer c. Activist d. Retired Judge only	a.Sitting/Retired Judge
17	The objective of awarding damages by the court is to put the injured party in the same position as he would have been if the contract had not been breached. This is known as a. Doctrine of Restitution b. Doctrine of Retribution c. Doctrine of Election d. Doctrine of Lis Pendens	a.Doctrine of Restitution
18	The Constitution of India gives vast powers to the Court and ensures independence of the judiciary. Which of the following statement is incorrect with regard to independence of judiciary a. The judges cannot be easily removed from their office except for proven misbehaviour or incapacity b. Judges derive their salaries from the consolidated fund of India c. Judges are provided with security of tenure till they reach retirement age d. The conduct of judges can be discussed in the parliament or state legislature	d.The conduct of judges can be discussed in the parliament or state legislature
19	Which form of arbitration has been defined specifically under section 2(1)(f) of the Arbitration and Conciliation Act, 1996? a. Domestic Arbitration b. Institutional Arbitration c. International Commercial Arbitration d. Foreign Arbitration	c.International Commercial Arbitration
20	Which one of the following tribunals flourishing in the Vedic age specialised in the disputes of family, community, tribes and castes? a. Kula	a.Kula

	b. Shreni c. Puga d. Panchayat	
21	What is meant by Trespass to Chattel? a. Damage to a person's personal moveable property b. Damage to a person's personal immovable property c. Transfer of moveable property to another person d. Physically invading another person's property	a.Damage to a person's personal moveable property
22	Which of the following is NOT true with respect to independence of the judiciary? a. It strengthens the role of judiciary as a watchdog of democracy b. It ensures fair trial c. It protects fundamental rights d. It maintains supremacy of executive	d.It maintains supremacy of executive
23	'The Lokpal and Lokayukta Act, 2013 aims to combat acts of bribery and corruption of public servants-a term that has been given a fairly wide interpretation in the Act.' As per the legislation, an enquiry of corruption can be initiated against which of the following persons? a. Against the ex-prime minister of India accused of corruption in matters pertaining to international relations b. Against the ex-prime minister of India accused of corruption in matters relating to internal security. c. Against any person who has been a member of either house of parliament. d. Against any member of Parliament against whom allegation of corruption is raised for anything said or a vote given by him in the parliament	c.Against any person who has been a member of either house of parliament.
24	As per Section 3 of the Transfer of Property Act, 1882, immovable property includes a. Standing Timber b. Grass c. Land d. Growing crops	c.Land

SECTION B-Application and Other higher order thinking
(analysis/ synthesis/ evaluation)

Maximum Marks: 20

Total questions: 24

Questions to be attempted: 20

S.NO.	QUESTION	ANSWERS
1	Mr. Satish Kumar was a Supreme Court judge. It was discovered that he was embroiled in misappropriation of funds. An inquiry under the Judges Inquiry Act was done by a committee of three members, of which - Two are judges -one from Supreme Court and one Chief Justice of High Court - Three are judges- two judges from Supreme Court and one from High Court - Two are judges- one Chief Justice of India and one Chief Justice of High Court - Three are judges -one judge of Supreme Court and two judges from High Court	a.Two are judges one from Supreme Court and one Chief Justice of High Court
2	The dispute regarding the sharing of water resources between the State of Tamil Nadu and Kerala with respect to Mullaperiyar dam can be brought before the Supreme Court under exercise of which jurisdiction? - Advisory jurisdiction - Original jurisdiction - Appellate jurisdiction - Judicial review	b.Original jurisdiction
3	Rajesh served in the Indian army as a commando. He was asked to report for an urgent mission. He failed to report. A disciplinary action was taken against him. While pronouncing the punishment, the court martial must employ which of the following principles? - Principle of proportionality - Principle of reasonableness - Principle of legitimate expectation - Principle of judicial review	a. Principle of proportionality
4	Monica wanted to gift her farmhouse in Chandigarh to her sister Somita.	b. Gift is void

	She offered the gift to Somita, but before it could be accepted by her, unfortunately, Somita passed away. Which of the following would be true with respect to the gift? a. Gift is valid b. Gift is void c. Gift will pass on to the legal heirs of Somita d. Gift is voidable at the option of Somita's legal heirs	
5	A property belonging to Rajeev is in litigation. Rajeev is expecting to get judgement in his favour. Can he sell the property to Pankaj or any other person before the judgement is given? a. Yes, Rajeev is expecting a positive judgement b. Yes, but only to Pankaj c. No, Doctrine of lis pendens applies d. The court will decide	c.No, Doctrine of lis pendens applies
6	Aman contracts to take in cargo for Bittu at a foreign port. The Government of Aman's country afterwards declares war against the country in which the port is situated. a. The contract cannot become void when war is declared b. The contract becomes partly void when war is declared c. The contract becomes void when war is declared d. The contract is valid under all conditions	c.The contract becomes void when war is declared
7	Bimal in a fit of anger killed his wife over a heated argument. In a state of drunkenness, he confessed to the crime before his own brother who is also a magistrate. The statement made by Bimal before his brother would be regarded as: a. Judicial Confession as it is made before the magistrate b. Extra-judicial confession as it is made before his brother c. The statement is not a confession as it is not made in a fit state of mind d. The statement will be regarded as admission	c.The statement is not a confession as it is not made in a fit state of mind
8	Ankit was accused in a case of theft and a criminal action was initiated against him. While the trial was pending in the court, Ankit approached the	c. This is an example of

	prosecution and tried to negotiate the matter. He agreed to plead guilty in return for a lesser punishment. Choose the correct option with respect to the above arrangement: a. Theft is a compoundable offence b. Theft is a non compoundable offence c. This is an example of plea bargaining d. This is an example of summary trial	plea bargaining																				
9	Sandeep and Sarika were involved in a business transaction where a dispute arose and the same was referred to arbitration. The award given by the arbitrator was in the form of a wager. Identify the ground on which the award can be set aside: a. Bias of arbitrator b. Dispute outside the scope of arbitration agreement c. Award violates public policy d. Improper appointment of arbitrator	c. Award violates public policy																				
10	Match the following: <table><tr><td></td><td>List I</td><td></td><td>List II</td></tr><tr><td>A</td><td>Motive</td><td>1</td><td>Necessary requirement to establish criminal liability</td></tr><tr><td>B</td><td>Attempt</td><td>2</td><td>Driving force behind commission of an act</td></tr><tr><td>C</td><td>Knowledge of the act to be unlawful</td><td>3</td><td>The stage at which criminal liability arises since it has gone beyond preparation</td></tr><tr><td>D</td><td>Mens rea</td><td>4</td><td>Not necessary</td></tr></table> a. A-2; B-3; C-4; D-1 b. A-1; B-2; C-3; D-4 c. A-3; B-4; C-1; D-2 d. A-4; B-1; C-2; D-3		List I		List II	A	Motive	1	Necessary requirement to establish criminal liability	B	Attempt	2	Driving force behind commission of an act	C	Knowledge of the act to be unlawful	3	The stage at which criminal liability arises since it has gone beyond preparation	D	Mens rea	4	Not necessary	a. A-2; B-3; C-4; D-1
	List I		List II																			
A	Motive	1	Necessary requirement to establish criminal liability																			
B	Attempt	2	Driving force behind commission of an act																			
C	Knowledge of the act to be unlawful	3	The stage at which criminal liability arises since it has gone beyond preparation																			
D	Mens rea	4	Not necessary																			
11	Assertion (A): A contract lawyer would look up the Contract Act to look for rules to be applicable in a given fact situation. A tort lawyer would look for rules as developed by courts in similar cases. Reason (R): Torts are mostly a common law subject; a. Both A and R are true and R is correct explanation of A b. Both A and R are true and R is not the correct explanation of A	a. Both A and R are true and R is correct explanation of A																				

	c. A is true and R is false d. A is false and R is true	
12	Assertion(A): In an adversarial system, the parties in a legal proceeding develop their own theory of the case and gather evidence to support their claims. Reason(R): In an Adversarial system, cross-examination is an effective way to test the credibility of the witnesses presented. 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 correct but R is incorrect d. A is incorrect but R is correct	b. Both A and R are true and R is NOT the correct explanation of A
13	Why do most accused persons not lead defence evidence in India? a. Accused persons are mostly poor and do not have resources to hire a good lawyer to defend them b. In India, the prosecution has to prove the offence and the degree of proof required is beyond reasonable doubt c. The judge plays a proactive role and investigates the case so accused persons are not required to lead evidence d. Accused persons depend on legal aid so are unable to lead defence	b. In India, the prosecution has to prove the offence and the degree of proof required is beyond reasonable doubt
14	Daffodil company takes Marigold company to court over its honey packaging accusing it of imitation of Daffodil's product. The packaging is protected under: a. Patent b. Copyright c. Trademark d. Design	d. Design
15	Ravi agrees to give Rs. 5000/- to Sam if he wins the online ludo game with him. Sam agrees to pay the same amount to Ravi if he wins the game. a. This contract is invalid as it amounts to wagering b. This contract is invalid as online ludo is banned c. This contract is valid as it is a contingent contract d. This contract is valid as there is reciprocal promise	a. This contract is invalid as it amounts to wagering
16	Ajay was facing Chitra and Binny's back was towards Chitra, who was aiming a gun towards Binny. Ajay informed Binny of the same and even though Chitra did not fire a shot, Binny sues Chitra for tort of assault.	c. Chitra is liable as through Ajay

	Choose the best option: a. Chitra is not liable for assault as Binny had her back towards Chitra and she could not perceive the threat b. Chitra is not liable for assault as there was no imminent threat c. Chitra is liable as through Ajay an imminent threat was created in the mind of Binny d. Chitra is liable for battery	an imminent threat was created in the mind of Binny
17	Assertion(A): The major advantage of an ombudsman is that he or she avoids the conflicts of interest inherent in self-policing. Reason(R): Duties of an ombudsman are to investigate complaints and attempt to resolve them, usually through recommendations (binding or not) or mediation. 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 correct but R is incorrect d. A is incorrect but R is correct	b.Both A and R are true but R is not the correct explanation of A
18	The declining quality of judicial service and inability of judges to properly effectuate the stipulated judicial workload has been attributed to a. Relatively lower salary b. Relatively early retirement age c. Enhanced retirement age d. Collegium model	b.Relatively early retirement age
19	Dinkar wants to be appointed as a District Judge in the state of Delhi. Under Article 233, the governor decides on the appointment in consultation with the High Court. The minimum qualification required is: a. Eminent jurist b. Member of judicial service of the state c. Minimum 10 years experience at the bar d. Minimum 5 years as Advocate of High Court	b. Member of judicial service of the state
20	Mr. Lal and his friend, Mr. Kumar entered into a partnership to carry on the business of creating digital products like print-on-demand posters, greeting cards, T-shirts etc. and online courses. After a year of launch of successful partnership firm, creative differences and other issues arose between Mr. Lal and Mr. Kumar that created a rift between them. To help resolve their dispute, Mr. Borwanker, the Secretary of a Law firm, is facilitating Mr. Lal and Mr. Kumar to exchange ideas and to give possible alternative solutions. Mr. Borwanker is resorting to which dispute resolution method? a. Arbitration b. Negotiation	d.Conciliation

	c. Mediation d. Conciliation	
21	Amy is a young lawyer representing her client in a criminal case. She is preparing for examination-in-chief as the system requires strict interpretation of the law. The case will be evaluated based on evidence presented before the judge. She is a practicing lawyer in which country? a. UK b. Europe c. Russia d. Germany	a. UK
22	Kishore was contacted by a customer representative of a digital wallet company, MTM. The representative informed Kishore that his KYC is due and to complete the KYC, Kishore is required to download an application and submit the form with his card details. Kishore downloaded the application and submitted the form with his card details. Immediately after submitting the form, Kishore's card was charged for Rs.5 lacs. Kishore immediately called the helpline number of MTM and informed them about the charge on his card. However, MTM's representative said that he cannot help Kishore in this regard. What remedy does Kishore have? a. File a criminal case against MTM b. File a complaint with Ombudsman c. File a complaint with Lokpal d. There is no remedy	b. File a complaint with Ombudsman
23	The Central government legislates on a matter listed under the State list given in the Seventh Schedule of the Indian Constitution. The Supreme Court determines that such an action is incompatible with the constitution and is _____. a. Valid b. Invalid c. Voidable d. Justiciable	b. Invalid
24	A person of 62 years has been appointed to fill a public office whereas the retirement age is 60 years. Which immediate remedy is available before the High Court? a. Writ of quo-warranto b. Writ of habeas Corpus c. Writ of mandamus d. Writ of prohibition	a. Writ of quo-warranto

SECTION C- Case Based Questions

Maximum Marks: 10

Total questions: 12

Questions to be attempted: 10

S.NO.	QUESTION	ANSWER
1	In 1979, A Supreme Court bench headed by Justice P.N. Bhagwati declared the right to free legal aid and expeditious trial for the prisoners, who were stuck in a Bihar Jail, which ultimately led to their release. This became a landmark case as it established the role of being an activist for the Supreme Court, in the form of: a. Appellate Jurisdiction b. Advisory Jurisdiction c. Public Interest Litigation d. Original Jurisdiction	c.Public Interest Litigation
2	Mr. Akash stood as an independent candidate in the State Assembly elections. On losing, he raised an objection to the counting of the votes and thus an election dispute arose. He brought the dispute before a mediator, Mr. Verma, but Mr. Verma expressed his incapacity to mediate the matter. For the given situation, choose the correct statement. a. Election disputes are expressly excluded from the scope of mediation b. Mr. Verma should mediate the matter as it is the best suited alternative dispute resolution mechanism c. Mr. Verma should not mediate the matter as the outcome of mediation is not binding d. Mr. Verma should mediate the matter only when it is court referred	a.Election disputes are expressly excluded from the scope of mediation
3	Mrs. Mala, an employee in the State Telecom Department, aggrieved by the denial of promotion by the department, approached the State Administrative Tribunal. The Tribunal ruled in favour of the department. Mrs. Mala wants to appeal against the order of the Tribunal. Which forum can she approach to resolve her dispute? a. District Court b. Division bench of the Supreme Court c. Division bench of the High Court	c.Division bench of the High Court

	d. Central Administrative Tribunal	
4	Herbicure Limited, a paint manufacturing company advertised their soil proof paint, Mericuren and claimed that the coating of this paint would prevent termite attack for a minimum period of 2 years after applying the paint. The company also claimed that it would give a reward of Rs. 10,000 to anyone who purchased the paint and followed the instructions for the application of the paint and still got a termite attack. The company deposited an amount of Rs.10 lacs in State Bank of India towards the reward. Ms. Shruti, upon seeing the advertisement, purchased the paint and applied it as per the instructions. Within a year of applying the paint, she saw a termite attack on her walls. What established the fact that the company had any real intention to enter into a legal relationship with anyone who accepted the offer? a. The offer of a reward of Rs. 10,000 b. Putting up of the advertisement c. Deposit of the Rs. 10 lacs in the bank d. Instructions given in the advertisement	c. Deposit of the Rs. 10 lacs in the bank
5	Article 368 of the Constitution confers power to the Parliament to amend the Constitution. Article 13 (2) states that the state shall not make any law which takes away the Fundamental Rights. To overcome this restriction, the Parliament adopted the 24th amendment to the Constitution which altered articles 13 and 368 in such a way that allowed itself with unlimited powers of amendment, including the authority to amend fundamental rights. Identify the case which restricted this power in 1973 by establishing the doctrine of Basic structure a. Maneka Gandhi V. Union of India b. Three Judges cases c. Keshavananda Bharati V. State of Kerala d. Hussainara Khatoon V. State of Bihar	c. Keshavananda Bharati V. State of Kerala
6	Mr. Kapur runs a chemical fertiliser company. One day, he received a notice revoking his license to run the fertiliser factory. He was aggrieved that he did not get a chance to represent his case and the inspector who revoked the license stated that an opportunity to represent his case could not be given as it was a policy decision to shut down all the chemical fertiliser factories in different phases. In light of the landmark case on 'audi alteram partem', identify the principle established by the court. a. Principle of equity b. Principle of fairness c. Principle of post decisional hearing	c. Principle of post decisional hearing

	d. Principle of reasonableness	
7	Sequentially arrange the events in accordance with the Three Judges Case in matters of appointment of judges: 1.Executive has primacy in appointment of judges 2.Chief Justice of India has primacy in matters of appointment of judges 3.Collegium system is an integrated participatory consultative process 4.14th Law Commission report a. 1,2,3,4 b. 4,1,2,3 c. 1,3,2,4 d. 4,3,2,1	b. 4,1,2,3
8	Sheela bought a packet of potato chips from the brand Crispy. While eating the chips, she noticed a dead cockroach in the packet. Consequently, she fell sick and sued the company, Crispy for compensation. Which of the following elements needs to be established by Sheela to win the claim against the company? a. Duty of care b. Non natural use of land c. Inherently dangerous activity d. Intention	a.Duty of care
9	The concept that an enterprise must be absolutely liable to compensate for the harm and it should be no answer that the enterprise had taken all reasonable care and that harm occurred without any negligence on its part, was developed in which of the following case? a. M.C. Mehta V. Shri Ram Foods and Fertilizer Industries b. Kartar Singh V. State of Punjab c. Shanta Bai V State of Bombay d. Hussainara Khatoon V Union of India	a.M.C. Mehta V. Shri Ram Foods and Fertilizer Industries

10

Match the following

1	In Re Sreerangayee case	A	Extra Judicial Confession
2	State of Maharashtra v. Mayor Hans George	B	Mens rea must be read into a statutory penal provision unless expressly excluded
3	Kartar Singh v. State of Punjab	C	Both Mens Rea and actus reus required for affixing criminal liability
4	Sahoo v. State of U.P.	D	Mens rea can only be excluded if the implementation of the statute would be otherwise defeated

Choose the correct options

a. 1-C, 2-D, 3-B, 4-A

b. 1-A, 2-B, 3-C, 4-D

c. 2-C, 3-D, 4-A, 1-B

d. 1-D, 3-C, 2-B, 4-A

11

Naina was the owner of a theatre. She rented out the theatre to her friend Gita who further sub let the same to Anika. While Anika was preparing to use the theatre, Naina interfered in her possession and to settle the matter, Anika paid Naina 50 lakh rupees. Can Anika recover this money?:

a. Anika can recover the money as Naina had no right to interfere in her possession

b. Anika cannot recover the money because it was a valid settlement between them

c. Anika can recover the money because she had invested in the theatre

a. 1-C, 2-D, 3-B, 4-A

a. Anika can recover the money as Naina had no right to interfere in her possession

	d. Anika can recover the money because Gita is not her friend	
12	Sheena was a builder. She constructed a shopping complex at the behest of the District Collector on Government land and gave shops on lease to earn revenue. Ajit took a shop on rent and promised to pay 5% commission above the rent. However later on he refused to pay the commission. Sheena sued Ajit for breach of contract. Choose the best option: a. Ajit is liable to pay as it was a valid contract b. Ajit is not liable to pay as consideration was missing in this particular promise c. Ajit is not liable to pay as this was not a valid offer d. Ajit is liable to pay as Sheena is related to the District Collector	b. Ajit is not liable to pay as consideration was missing in this particular promise

