



SET-4

Series & RQPS

प्रश्न-पत्र कोड
Q.P. Code 40

रोल नं.

Roll No.

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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

Time allowed : 3 hours

अधिकतम अंक : 80

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 (ट्रिब्यूनल्स) 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 एंड 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 true 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 कर्तव्यों 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. सल्लू 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 (कम्प्रीहेंसिव) 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 नारनिया 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) नारनिया 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 सेवाएँ 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 रूढ़ी 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	<p>The National and State Human Rights Commissions are governed by _____</p> <p>(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</p>	1
Ans.	(D) Protection of Human Rights Act, 1993 (Page no 148)	1
2	<p>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_____ .</p> <p>(A) CLE (B) MPT (C) LSAT (D) MEE</p>	1
Ans	(C) LSAT (Page no 189)	1
3	<p>For the process of removal of judges in India – Identify the correct sequence in the ascending order :</p> <p>(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</p> <p>(A) (iii), (iv), (i), (ii) (B) (iii), (i), (iv), (ii) (C) (iv), (iii), (i), (ii) (D) (iii), (ii), (i), (iv)</p>	1
Ans	(B) (iii), (i), (iv), (ii) (Page no 18 - 19)	1
4	<p>Assertion (A): PILs are based on the tenets of citizen standing and representative standing.</p> <p>Reason (R) : PILs have strengthened the role of judiciary as a monitor and watchdog agency.</p> <p>(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.</p>	1

Ans	(B) Both (A) and (R) are true and (R) is not the correct explanation of (A). (Page no 10)	1										
5	<p>Match the 'Country' in Column – A with 'Provision of Advertising by the lawyers' in Column – B :</p> <table><tr><td>Column – A</td><td>Column – B</td></tr><tr><td>a. India</td><td>i. Model Rules of Professional conduct</td></tr><tr><td>b. Malaysia</td><td>ii. Lawyers are permitted to advertise in print media</td></tr><tr><td>c. Hong Kong</td><td>iii. Lawyers are allowed to put only five pieces of information on the internet.</td></tr><tr><td>d. U.S.A.</td><td>iv. Legal Profession (Publicity Rules) 2001 regulates advertising by lawyers</td></tr></table> <p>a b c d</p> <p>(A) i ii iv iii (B) ii iii i iv (C) iii iv ii i (D) iv i iii ii</p>	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	1
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d. U.S.A.	iv. Legal Profession (Publicity Rules) 2001 regulates advertising by lawyers											
Ans	a b c d (C) iii iv ii i (Page no 187)	1										
6	<p>The aim of the Lokpal and Lokayukta Act, 2013 is_____ .</p> <p>(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.</p>	1										
Ans	(D) to combat acts of bribery and corruption of public servants (Page no 47)	1										
7	<p>Which of the following scenarios best exemplifies the concept 'deterrence is an objective of criminal law'?</p> <p>(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.</p>	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 profiting 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 Chitrnanjan. By mutual agreement among the three, Bhanu is absolved of the liability to pay Chitrnanjan and Chitrnanjan 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	<p>Which of the following statements correctly describe features of Tort law?</p> <p>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.</p> <p>(A) 1, 3, 4 (B) 2, 3, 5 (C) 2, 4, 5 (D) 1, 3, 5</p>	1
Ans	(B) 2, 3, 5 (Page no 62-63)	1
12	<p>Why is sole proprietorship the easiest type of business to establish ?</p> <p>(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.</p>	1
Ans	(B) Because there is lack of government regulations. (Page no 101)	1
13	<p>Which of the following statements is true for 'Consideration' as an important element in contract?</p> <p>(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.</p>	1
Ans	(C) Consideration can be in the nature of an act or forbearance. (Page no 55)	1
14	<p>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.</p> <p>(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.</p>	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

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	<p>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.</p> <p>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.</p> <p style="text-align: right;">(Page no. 187)</p>	($\frac{1}{2} + \frac{1}{2} = 1$ mark) + 1 mark for its status in India
23	<p>(a) How are judges of the Supreme Court of India appointed under the collegium model for judicial appointments?</p> <p style="text-align: center;">OR</p> <p>(b) Explain the role of High Courts in the Indian Judicial System.</p>	2
Ans	<p>(a) The collegium model for appointments of judges of the Supreme Court of India includes the following steps-</p> <p>(i) The Chief Justice of India consults four senior most judges of the Supreme Court;</p> <p>(ii) The Chief Justice of India sends his recommendations to the Union Minister of Law and Justice;</p> <p>(iii) The Union Minister of Law sends his recommendations to the Prime Minister;</p> <p>(iv) The Prime Minister will then advise the President and President to declare the appointments of Supreme court judges.</p> <p>(Full marks to be awarded even if the answer has been explained as a flowchart)</p> <p style="text-align: right;">(Page no. 16)</p> <p style="text-align: center;">OR</p> <p>(b) The role of High Courts in the Indian Judicial System is as under-</p> <p>(i) Can hear appeals from lower courts;</p> <p>(ii) Can issue writs for restoring Fundamental Rights;</p> <p>(iii) Can deal with cases within the jurisdiction of the State; and</p> <p>(iv) Exercises superintendence and control over courts below it.</p> <p>(v) It is a Court of record and can punish for contempt of the court.</p> <p style="text-align: right;">(Page no. 13 & 14)</p>	<p>2 marks</p> <p>1 mark each for any two roles of the HC = 2 marks</p>

24	<p>A minority Education Society owns a chain of schools. These schools are recognised by the State and wholly funded by it.</p> <p>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.</p> <p>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.</p> <p>Is the action of school authorities justified? Stating the relevant Constitutional provision, give reason for your answer.</p>	2
Ans	<p>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.</p> <p>(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.</p> <p style="text-align: right;">(Page no. 140)</p>	1+1=2 marks
25	<p>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.</p> <p>(a) Identify the essential of valid contract missing in the above situation.</p> <p>(b) What remedy, if any, is available to Bhim in the given case?</p>	2
Ans	<p>(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.</p> <p>(b) The contract becomes voidable (avoid enforcement of contract) 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.</p> <p style="text-align: right;">(Page no. 56)</p>	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	<p>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.</p> <p>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.</p> <p style="text-align: right;">(Page no. 87 & 88)</p>	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	<p>Article 22- ‘Protection against arrest and detention’ safeguards do not apply to:</p> <ul style="list-style-type: none"> (i) a person from an enemy country, and (ii) to persons arrested or detained under preventive detention laws. <p>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.</p> <p style="text-align: right;">(Page no. 137)</p>	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	<p>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.</p> <p style="text-align: right;">(Page no. 103 & 104)</p>	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 be 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.	<p>The contract entered between Saurabh and AIG Insurance Company is a Contingent Contract.</p> <p>Features / characteristics:</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">(Any two features) (Page no. 58)</p>	<p>1 mark for identification +</p> <p>2 marks for two Features</p>
30	<p>(a) State the circumstances in which legal aid can be denied or withdrawn.</p> <p style="text-align: center;">OR</p> <p>(b) "A right to access to justice is sine-qua-non for social justice."</p>	3

Ans.	<p>(a) Legal aid can be denied or withdrawn in the following circumstances:</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">(Any three points) (Page no. 204)</p> <p style="text-align: center;">OR</p>	3 marks for any three points
	<p>(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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>6. Legal aid is only a way for providing social justice to all.</p> <p>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.</p> <p>8. Denying access to the courts, forces dispute resolution into other arenas</p>	3 marks

	<p>and results in vigilantism and violence.</p> <p style="text-align: right;">(To be assessed as a whole) (Page no. 197, 198, 204, 205)</p>	
31	<p>“International law is a weak law as compared to municipal law.” Justify the statement giving any three reasons to substantiate the answer.</p>	3
Ans.	<p>International law is a weak law as compared to municipal law because of the following reasons:</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">(Any three points) (Page no.164)</p>	3 marks for any 3 points
32	<p>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.</p>	3
Ans.	<p>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.</p> <ul style="list-style-type: none"> • 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

	<ul style="list-style-type: none"> • 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. <p style="text-align: center;">(Any three points) (Page no.148 and 149)</p>	
33	Differentiate between senior advocates and advocates-on-record.	3
Ans.	<p>Senior Advocate :</p> <ol style="list-style-type: none"> 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. <p>Advocates-on-Records :</p> <ol style="list-style-type: none"> 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

	<p>building and a registered clerk.</p> <p>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.</p> <p><i>(Due consideration to be given to the examinees who may have presented the differences as a table)</i></p> <p><i>(To be assessed as a whole)</i> <i>(Page no.184)</i></p>	
34	<p>(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.</p> <p style="text-align: center;">OR</p> <p>(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.</p>	3
Ans.	<p>(a) This type of legal system is called an Inquisitorial System. Advantages of Inquisitorial System:</p> <ol style="list-style-type: none"> 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. <p style="text-align: right;">(Any two points) (Page no. 33,34,35)</p> <p style="text-align: center;">OR</p> <p>(b) Following is the process of arbitration-</p> <p>STEP 1 : NOTICE - the party aggrieved will send a notice to the defaulting party initiating arbitration.</p> <p>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.</p> <p>STEP 3: Statement of CLAIM - The initial documents filed by the claimants enlisting the issues raised to be resolved in an arbitration.</p> <p>STEP 4: Statement of COUNTERCLAIM - Respondent's reply to the claim presented by the claimant.</p> <p>STEP 5: Proceedings start (decide the place and time to meet)</p> <p>The process of dispute resolution through arbitration is confidential, unlike</p>	<p>1 mark for identification +</p> <p>2 marks for any two advantages</p> <p>3 marks</p>

	<p>the court proceedings which are open to the public.</p> <p>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)</p>	
35	Explain the role of the Supreme Court of India as a 'sentinel qui vie'.	3
Ans.	<p>The Supreme Court of India is considered the sentinel qui vie and protects the fundamental and constitutional rights of the people.</p> <p>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)</p> <p>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.</p> <p>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)</p>	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.	<p>The process of transferring the ownership of the property is;</p> <p>1. Mode of transfer:</p>	3 marks for any three relevant points

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. Payment of fee: Stamp duty on transfer is payable as per applicable state laws. (Any three points) (Page no. 75)</p>	
SECTION-D		
37	<p>(a) (i) Analyse the purpose of the Environment Protection Act, 1986.</p> <p>(ii) State three provisions of the Indian Constitution that demonstrates a commitment to sustainability and Environmental stewardship.</p> <p style="text-align: center;">OR</p> <p>(b) In the context of criminal law, explain the term 'preparation'. Under what circumstances is preparation punishable under the IPC?</p>	5
Ans.	<p>(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</p>	

	<p>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</p> <p align="right">(Any three points) (Pg 116-117)</p>	
38. (a)	<p>(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.</p> <p>(i) What is the document, signed by EC10 called? When will this document become binding on the signatories, EC10?</p> <p>(ii) How will the international relations of Narnia be regulated since it is one of the signatories?</p> <p align="center">OR</p> <p>(b) (i) What is International Law? Differentiate between the two categories of International Law.</p> <p>(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.</p> <p>Identify the category of international law that would be applied to the given situation. Give reason for your answer.</p>	5
Ans.	<p>(a)(i) The document signed by EC10 is called a - A Treaty/International Convention/Charter/ Agreement/Covenant</p> <p>A state is bound to this document after establishing consent / ratification/signature/exchange of instrument</p>	2 + 3=5 marks

	<p style="text-align: right;">(Pg 169-170)</p> <p>(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.</p> <p>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.</p> <p>When international rules and principles are followed by States it creates value of certainty, predictability, and sense of common purpose in international affairs.</p> <p>In the area of environment, bilateral negotiations have been replaced by multilateral ones, transforming the process of individual state consent into community acceptance.</p> <p style="text-align: right;">(Any one explained point) (Pg 164)</p> <p style="text-align: center;">OR</p> <p>(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.</p> <p>The two categories of International law are: (a) Public international law (b) Private International law</p> <p>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.</p> <p>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.</p> <p>It is a set of rules which governs the intercourse between nations through determining the rights and obligations of the governments of the nations.</p>	<p>1+2=3 marks for part (i)</p> <p style="text-align: center;">+</p>
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	<p>Some key areas where public international law is applicable are Peace and security, Human rights, Finance, Airspace, Trade, etc</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">(Any 2 points)(Pg 165-167)</p> <p>(b)(ii) The category of International law that would be applied in the given situation will be private international law</p> <p>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</p> <p style="text-align: right;">(Any 1 relevant point)(Pg 166)</p>	<p>1+1=2 marks for part (ii)</p>
39	<p>NALSA Regulations, 2010 aim to provide free and competent legal services under the provisions of Legal Services Authorities Act, 1987.</p> <p>(a) Enumerate any four categories of person who are entitled for legal aid under Section 12 of the Act.</p> <p>(b) Explain the three broad features of NALSA Regulations 2010.</p>	5
Ans.39	<p>(a) Section 12 -Criteria for giving legal services:</p> <p>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—</p> <p>(a) a member of a Scheduled Caste or Scheduled Tribe;</p> <p>(b) a victim of trafficking in human beings or begar as referred to in article 23 of the Constitution;</p> <p>(c) a woman or a child;</p> <p>(d) a person with disability</p> <p>(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</p> <p>(f) an industrial workman; or</p> <p>(g) in custody, including custody in a protective home or in a juvenile home, or in a psychiatric hospital or psychiatric nursing home; or</p> <p>(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</p>	<p>0.5 mark each for any 4 points for part (a)=2 marks</p> <p style="text-align: center;">+</p> <p>3 marks for 3 features for part (b)</p>

	<p>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.</p> <p>(i) Senior citizens' eligibility for free legal aid depends on the Rules framed by the respective State Governments in this regard.</p> <p style="text-align: right;">(Any four points) (Page no . 201)</p> <p>(b) The three broad features of NALSA Regulations 2010 are as follows:</p> <p>1. Selection of Panel Lawyers</p> <p>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.</p> <p>2. Payment of Fee</p> <p>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.</p>	
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	<p>3. Senior Advocates</p> <p>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.</p> <p style="text-align: right;">(Page no. 200- 202)</p>	
40 (a)	<p>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.</p> <p>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.</p> <p style="text-align: center;">OR</p>	5
40(b)	<p>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.</p> <p>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.</p> <p>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.</p>	5
Ans.	<p>(a)Liability of Beauty Blossom Company: The manufacturers of the hair colour will not be held liable to Selena.</p> <p>Heena, Hair dresser of Salon: She will be liable to Selena under tort for negligence</p>	<p>1 mark for stating the liability of the company</p> <p style="text-align: center;">+</p>

	<p>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.</p> <p><u>(ANY ONE OF THE FOLLOWING TWO CASES CAN BE GIVEN BY THE STUDENTS)</u></p> <p>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.</p> <p>In order to establish duty of care in relation to ultimate purchasers, it must be proved that</p> <p>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.</p> <p>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.</p> <p>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 foreseen, a liability will follow.</p> <p>Case 2: DONGHUE V STEVENSON</p> <p>i. Duty of Care:</p> <p>The duty of care principle can be explained by citing an actual case.</p> <p>In Donoghue v Stevenson, a case decided in England, the plaintiff</p>	<p>1 mark for stating the liability of Heena</p> <p>+</p> <p>3 marks for any one of the two cases=5 marks</p>
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	<p>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.</p> <p>ii. Breach of Duty of Care:</p> <p>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.</p> <p>iii. Harm to the Claimant:</p> <p>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.</p> <p style="text-align: right;">(Page no. 66,67)</p> <p style="text-align: center;">OR</p> <p>(b)Sindhal Iron and Steel Company is liable because it has Absolute liability, since it is an industrial unit.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>1 mark for identification of liability + 4 marks for explaining the case law along with the principles=5 marks</p>
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	<p>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;</p> <p>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'.</p> <p>The deep pocket principle was also laid down in the instant case.</p> <p>The basic principles of absolute liability as emerged above are:</p> <ol style="list-style-type: none"> 1. Enterprise (commercial objective) 2. Hazardous or inherently dangerous activity 3. Escape is not necessary <p style="text-align: right;">(Page no. 69)</p>	
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