

LEGAL STUDIES SAMPLE PAPER
2019-2020 SUB CODE:074
Class XII

General Instructions:

1. All questions are compulsory. Internal choice is given in all sections.
2. Section A- Questions from 1 – 4 has 20 Objective type questions.
3. Section B - Questions from 5 – 12 are of 2 marks each. The answers to these questions should not exceed 40 words each.
4. Section C- Questions from 13 – 17 are of 4 marks each. The answers to these questions should not exceed 100 words each.
5. Section D- Questions from 18 – 21 are of 6 marks each. The answers to these questions should not exceed 200 words each.

MAX MARKS: 80

TIME: 3 HRS

S.No.	QUESTION	Marks	Unit	Typo
SECTION A				
Q1. Fill in the blanks:-				
a	_____ is the highest judicial authority below a High Court Judge.	1	1	R
b	_____ of administrative law is applied on the basis of the following elements:- a. If there is an express promise given by a public authority b. Because of the existence of a regular practice which the claimant can reasonably expect to continue c. Such an expectation must be reasonable OR _____ form of Government cannot strictly apply separation of powers.	1	2	U
c	Doctrine of stare decisis means _____	1	3	R

d	<p>In the 13th century England, the barons were dissatisfied with the taxation policies of the King. The problem was resolved by _____</p> <p style="text-align: center;">OR</p> <p>_____ is the International human rights treaty which protects our civil and political rights.</p>	1	4	U
e	<p>_____ was the first pan India law which abolished a religious test for enrolment as a pleader.</p>	1	5	R
Q2. Answer the following in one word/one sentence each.				
a.	<p>The President of India approached the Supreme Court to give its advice on State's obligation to provide social security to the senior citizens. The Supreme Court refrained from giving any advice. In one word, explain the reason for Supreme Court's refrain.</p> <p style="text-align: center;">OR</p> <p>In one line, any one reason why Senior advocates refuse to accept judgeship.</p>	1	1	U
b.	Name the Patron in chief of the State Legal Service Authority.	1	6	R
c.	Mr. Venkath, a renowned advocate regularly argued in the Court wearing a special uniform but was not allowed to file a vakalathnama. Identify the post.	1	5	A
d.	Which fund would be utilized towards the cost of legal services provided by the SCLSC?	1	6	R

e.	<p>‘Set up in the 20th Century BC, its purpose was to establish justice on the Earth and to hold back the strong from oppressing the weak.’ Which document is being discussed in the above lines?</p> <p style="text-align: center;">OR</p> <p>Which article of the Indian Constitution ensures social justice based on equality of opportunity in accessing justice?</p>	1	6	U
Q.3	Multiple Choice Questions:-			
a.	<p>Which of the following disputes can be resolved through mediation?:</p> <p>a. Election disputes b. Criminal offences c. Matrimonial disputes d. Cases of Minors</p> <p style="text-align: center;">OR</p> <p>Rohan wants to opt for a dispute resolution form which offers way to discuss and solve the problem underlying a dispute and create truly lasting peace? Identify:</p> <p>a. Mediation b. Conciliation c. Arbitration d. Lok Adalat</p>	1	3	A

b.	<p>Rakesh was caught jumping the traffic signal and as a punishment, he was sought to be imprisoned. However, instead of being imprisoned, Rakesh could pay a fine. Which category of crime does the above act belong to?</p> <ol style="list-style-type: none"> Compoundable offences Non – compoundable offences Cognizable offences Non – bailable offence <p style="text-align: center;">Or</p> <p>A crime involves the following stages:</p> <ol style="list-style-type: none"> Commission Preparation Intention Attempt <p>Which of the following shows the correct sequencing:</p> <ol style="list-style-type: none"> 1,2,3,4 4,3,2,1 3,2,4,1 3,2,1,4 	1	2	U
c.	<p>In response to a PIL filed by AK Balaji, the Madras High Court allowed the foreign lawyers to practice in India and held that :</p> <ol style="list-style-type: none"> Foreign lawyers are not allowed to practice in India Foreign lawyers are allowed to practice in India by setting up offices Foreign lawyers are not allowed to set up liaison offices in India Foreign lawyers can practice in India on a fly in, fly out basis 	1	5	U

d.	<p>Ajay completed his LL.B. degree and wants to get himself enrolled for practice in various District Courts in India. An application for his enrolment will be made to:</p> <ol style="list-style-type: none"> Bar Council of India State Bar Council High Court District Court <p style="text-align: center;">OR</p> <p>Ravin, a Non law graduate wants to become a Solicitor in the UK. He necessarily needs to pursue:</p> <ol style="list-style-type: none"> Graduate Diploma in Law Legal Practise Course LL.B. Bar Vocational Course 	1	5	A
e.	<p>Richard, a citizen of an enemy country was detained by the local police without providing grounds of arrest. Can Richard question the action of police authority?</p> <ol style="list-style-type: none"> Yes, he was not given ground for his arrest under Section 22 of the Indian Constitution Yes, he is a foreign national and will not be subject to Indian laws No, safeguard for arrest and detention under Article 22 do not apply to a national from an enemy country No because police authorities can arrest and detain on suspicion 	1	4	A
Q4.	State whether the following statements are True or False			
a.	<p>UNESCO and WHO have together been termed as the Bretton Woods Twins</p> <p style="text-align: center;">Or</p> <p>Custom could be derived from law of nature or mutual consent of both the parties</p>	1	7	R

b.	A grave human rights violation took place in Elpesia by a national of Serenia. The accused was hiding in a neighbouring country of Serenia which took action against the accused. Can the above action be justified on the ground of Erga omnes obligation?	1	7	U
c.	<p>The purpose of having DPSP's is to remind citizens to behave responsibly and help build a free democratic and strong society.</p> <p style="text-align: center;">OR</p> <p>Basin structure of the Constitution allows the Parliament to amend features like rule of law, secularism, etc</p>	1	4	E
d.	<p>'The law treats a millionaire and a pauper sleeping under the bridge alike' holds good in the case of dispensation of justice by the courts modeled on adversarial system.</p> <p style="text-align: center;">Or</p> <p>In International treaties, human rights and human dignity form the foundation of providing legal aid as a legal obligation.</p>	1	6	E
e.	Angad filed a complaint against his neighbor Jai for violating his human rights in the NHRC. A complaint in the NHRC can be filed against a private individual as well as a public servant.	1	4	A
SECTION B				
5.	<p>How does judicial review ensure smooth Centre State relations?</p> <p style="text-align: center;">OR</p> <p>How does independence of Judiciary ensure due process of law?</p>	2	1	U

6	<p>Maniram owned a mango grove. In 2014, he sold the mangoes from his grove. Later, in 2018, he sold the wood of the trees as timber. Citing the relevant case law, identify the nature of property in</p> <p>a. 2014 b. 2018</p> <p style="text-align: center;">OR</p> <p>Suresh and Dinesh were brothers who had a dispute over a property. Dinesh filed a suit in the court to determine the title of the property. While the suit is pending, Suresh initiates a sale of this property in favour of Mahesh. Is the action of Suresh justified in law? Give reasons for your answer.</p>	2	2	E
7	<p>Chanbar Medicos Ltd. created a drug 'Chikleria' for treatment of Chikangunia if taken regularly as per directions during monsoons and even offered a reward if anyone contracted the disease despite taking the medication as per directions. Soni purchased the drug and consumed it according to the directions, but yet contracted chikangunia. Soni sued the company for the reward. The Company denied the reward on the ground that the offer was not made to Soni personally hence there was no binding contract. Decide the above in light of leading case law.</p>	2	2	A
8	<p>Arbitration, though is a flexible mode of dispute resolution determined by the will of the parties, still there is a particular type which mandates a recourse to arbitration irrespective of the parties' will. Which type of arbitration is being talked about? Explain.</p>	2	3	E
9	<p>Why is Right to Education an extension of Article 21?</p>	2	2	U
10	<p>How did women get the right for enrolment as pleader in pre independent India?</p>	2	5	R

11	In the light of Maneka Gandhi vs. Union of India , explain the need for legal representation as an element for fairness in adversarial system.	2	6	R
12	A convention was held by an international body which created a treaty that avoided choice of laws issues in relation to contractual disputes. Identify and define the type of law.	2	7	A
SECTION C				
13	Vaibhav, without taking permission from his friend Raj, took his golf kit. While playing golf, he damaged the golf kit in such a way that it became useless. a. Identify and explain the tort. b. What is the remedy in such cases?	4	2	A
14	Vinod barged into the home of Vineeta and after gagging her, took away her jewellery and laptop. Vineeta went to the police station and lodged an FIR. Identify and explain the stages of prosecution after the filing of the FIR.	4	2	A

15	<p>Examine the following situations and explain whether an action for violation of fundamental rights would be justified.</p> <p>a. A textile mill employed a boy aged 12 years. A case was filed against the textile mill by an NGO.</p> <p>b. Amar and his friends prevented the college union leader Sahil from giving a speech because they considered it provocative for others to commit violence. Sahil sued Amar and his friends for violation of his Fundamental Right.</p> <p style="text-align: center;">OR</p> <p>Justify the relevance of the following constitutional provisions with respect to enforceability of Fundamental Rights:</p> <p>a. Article 13</p> <p>b. Article 32</p>	4	4	E
16	Explain the evolution of legal aid in criminal law from pre independence India to post independence India	4	6	U
17	<p>‘The position in the USA is different from that in India where lawyers have a right to advertise but subject to reasonable restrictions’.</p> <p>State the various provisions related to advertising in the USA.</p>	4	5	R
SECTION D				

18	<p>Answer the following questions:</p> <p>a. Adhesh has been serving in Tis Hazari District Courts , Delhi as an Additional Sessions Judge since 2005 in succession. He wishes to be elevated to higher judiciary. Once appointed, how can Adhesh enhance his judicial skills?</p> <p>b. How did the collegium system come into existence?</p>	6	1	R
19	<p>Sumit and Samaira enter into an agreement where Sumit promised to pay Rs. 5000 if India won against Australia in the cricket match and Samaira promised to pay Rs. 5000 if Australia won the match.</p> <p>Vinay entered into a contract with Vimal Ltd. for procuring 500 T-shirts @ Rs. 250 per T- shirt, having a photograph of the Indian Cricket team if India won the semi final in the cricket world cup.</p> <p>Identify and differentiate between the above two types of agreements.</p>	6	2	A

20	<p>Answer the following questions:</p> <p>a. Why mediation/arbitration hybrids pose ethical and process problems for mediators? How can this concern be addressed?</p> <p>b. Evaluate the system of ombudsman in dispute resolution.</p> <p style="text-align: center;">OR</p> <p>A frustrated judge in a court finally asked a barrister after a witness had produced conflicting accounts, 'Am I never to hear the truth?' 'No, my Lord merely the evidence, replied the counsel'.</p> <p>Evaluate:</p> <p>a. The role of Cross Examination in the above system</p> <p>b. What factor creates an inbuilt discrimination amongst the litigants in the above system</p> <p>c. Does this model offer more acceptance of the decision by the parties?</p>	6	3	E
21	Explain how India balances the interplay between International Law and Municipal Law.	6	7	U

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MARKING SCHEME
CLASS XII

The Marking Scheme carries only suggested value points for the answers. These are only guidelines and do not constitute the complete answer. The students can have their own expression and if the expression is correct, marks should be awarded accordingly. While evaluating, answers which are based on latest information or knowledge and/or are innovative, they may be assessed for their correctness otherwise and marks be awarded to them.

Q No	Value Point	Marks allotted
SECTION A		
1	a. District Judge b. Doctrine of Legitimate Expectation OR Parliamentary form of Government c. Stand by Decision d. Magna Carta OR International Covenant on Civil and Political Rights e. Legal Practitioners Act, 1846	1 X 5 =5
2	a. Socio economic in nature OR Early retirement age b. Chief Justice of High Court c. Senior Advocate d. National Legal Aid Fund e. Code of Hammurabi Or Article 39 A	1 X 5 = 5
3	A. c OR a B. a OR c C. d D. b OR a E. c	1 X 5=5
4	A. F OR T B. T C. F Or F D. T or T E. F	

SECTION B		
5	<p>1. Article 246 of the Constitution provides that the Parliament has exclusive powers to make laws with respect to matters itemized in the 'Union List'. Both the Parliament and the Legislature of any State have powers to make laws with respect to matters enumerated in the 'Concurrent List'. The Legislature of any State has exclusive power to make laws with respect to matters listed in the 'State List'</p> <p>2. Judicial review helps demarcate the legislative competencies and ensures that Centre does not exert its supremacy over the state</p> <p style="text-align: center;">Or</p> <p>Independence of judiciary is vital for due process of law. Due process of law means that the State must respect all the rights that are owed to a person and conform to the norms of fairness, liberty, fundamental rights.</p> <p>Whenever independence of judiciary has been disturbed, it has directly impacted due process of governance and rights granted to citizens.</p>	<p>1 X 2 =2</p> <p>2</p>
6	<p>The relevant case law applicable in 2014 and 2018 is <i>Shanta Bai vs. State of Bombay</i>.</p> <p>a. In 2014, the intention is to reap mangoes from mango grove, so mango grove is regarded as an <i>immovable property</i>.</p> <p>b. In 2018, the intention is to cut down the wood of the trees (mango grove) and use it as timber. It would be regarded as <i>movable property</i>.</p> <p style="text-align: center;">Or</p> <p>Suresh is barred by <i>Doctrine of Lis pendens</i>. The doctrine states that 'nothing new should be introduced in a pending litigation.' When a suit is pending on an immovable property, then that immovable property cannot be transferred.</p> <p>Therefore, Suresh cannot initiate sale of the said property in favour of Mahesh as there is already a suit pending in the court with his brother, Dinesh to determine the title of this property.</p>	<p>1 X 2 =2</p> <p>1+1=2</p>

7	<p>The leading case law that applies to the facts of the case is <i>Carlill vs. Carbolic Smoke Ball Co.</i></p> <p>In this case, the court held that ‘an offer can also be made to the world at large. It is called a General offer and it is valid.</p> <p>Also, in case of general offer, there is <i>no need for communicating acceptance to the offeror</i>. Merely fulfilling the conditions of the offer itself is treated as acceptance to create a contract.</p> <p>Therefore, Chanbar Medicos Ltd. had made a General offer and the contract is valid. Soni by merely fulfilling the conditions of the offer i.e. by consuming the drug as per the directions accepted the offer to create a contract. There was no need to communicate acceptance to Chanbar Medicos Ltd.</p>	1 +1 =2
8	<p>It is Statutory Arbitration. Statutory Arbitration is an arbitration that is imposed on the parties by operation of a particular law or statute, applicable to them.</p> <p>Example: The Defence of India Act, 1971 mandates recourse to arbitration in case of any dispute arising within this Act.</p>	1 +1 =2
9	<ol style="list-style-type: none"> Article 21 states that ‘No person shall be deprived of his life and personal liberty except according to procedure established by law.’ The Supreme court, in 1992-93 affirmed that depriving one from education amounts to depriving one’s right to life. This meant that elementary education was raised to the status of fundamental right from that of a directive principle or policy goal and hence made enforceable. In 2002, Article 21A providing the right to elementary education was created as a fundamental right. <p>Therefore, Right to Education is an extension of Article 21.</p>	1 1
10	<ol style="list-style-type: none"> In Patna High Court case, Ms. Hazra secured a B.L. degree from Calcutta University. She was refused enrolment as a Pleader. She challenged this in the High Court of Patna. In 1922, the Patna High Court had held that women otherwise qualified were not entitled to be enrolled as Pleader. Subsequently the Legal Practitioners (Women) Act, XXIII of 1923 was enacted to expressly provide that no woman by reason only of her sex be disqualified from being admitted or enrolled as a legal practitioner. The Allahabad High Court took the lead by enrolling Ms. Cornelia Sorabji as the first Indian lady Vakil of Allahabad High Court. 	1 1

11	Maneka Gandhi v. Union of India (AIR 1978 SC 597) provided clarity on what procedure means under Article 21. The right to life or liberty could be violated only by a fair, just and reasonable procedure. In the adversarial system, the fairness requires legal representation. Creation of equal opportunity for accessing the courts is a dimension of the equality clause in Article 14.	2
12	Private International Law , is a set of rules and principles that govern interstate interactions and transactions of private parties. It is a body constituted of conventions, model laws, domestic laws of states and secondary legal sources. I	1+1=2
	SECTION C	
13	<p>a. The tort in the above situation is the Intentional Tort of Conversion.</p> <p>b. Conversion occurs when the defendant intentionally uses or intermeddles with the chattel of the claimant in such a serious way that it becomes fair to ask for compensation or money payment for the total prior value of the chattel.</p> <p>c. The remedy in conversion is forced sale. The defendant is forced to buy the chattel for a purchase price based on the original value.</p>	<p>3</p> <p>1</p>
14	<p>Prosecution of an offence is usually a two step process. Firstly, the police investigates into a complaint made usually by a victim. Secondly, based on the report of the police, the state prosecutes the accused at a criminal trial where the accused may either be convicted (found guilty), or acquitted (found not-guilty).</p> <p>a. Investigation is a preliminary stage conducted by the police and usually starts after the recording of a First Information Report (FIR) in the police station. If, from the FIR, the officer-in-charge of a police station suspects that an offence has been committed he/she is duty-bound to investigate the facts and circumstances of the case and if necessary, takes measures for the arrest of the offender. Investigation primarily consists of ascertaining facts and circumstances of the case. Investigation ends in a police report to the magistrate.</p> <p>b. Trial of an offence: Trial is the judicial adjudication of a person's guilt or innocence. Under the CrPC, criminal trials have been categorized into three divisions each having distinct procedures, called warrant, summons and summary trials.</p>	<p>2 +2=4</p>

15	<p>a. Yes, the action would be justified. Article 24 of the Constitution of India prohibits employment of children below the age of fourteen years in factories, mining, and other hazardous employment. This article can be enforced against private individuals.</p> <p>b. No, the action would not be justified. Article 19 prescribes and protects the following kinds of freedoms to all citizens:</p> <ul style="list-style-type: none"> a) Freedom of speech and expression. b) Freedom to assemble peaceably and without arms. c) Freedom to form associations or unions. d) Freedom to move freely throughout the territory of India. e) Freedom to reside and settle in any part of the territory of India; and f) Freedom to practice any profession, or to carry on any occupation, trade or business. <p>This article, however, is enforceable only against state action and not against a private individual.</p> <p style="text-align: center;">OR</p> <p>a. Article 13 elevates the authority of fundamental rights. It ensures that the State or other competent authority do not make laws including ordinances, orders, bye laws, rules, regulations, notifications, customs or usages that contradicts or takes away or breaches the fundamental rights.</p> <p>b. Article 32 provides the right to the aggrieved ones, whose fundamental rights have been violated or denied, to petition the Supreme Court for the enforcement of fundamental rights. The Supreme Court can issue writs in the nature of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition for enforcement of the Fundamental Rights.</p>	<p>1X 4=4</p> <p>2 +2=4</p>
16	<p><u>Pre- Independence India:</u> Section 340(1) of the Code of Criminal Procedure, 1898, provided that if a man was charged with an offence punishable with death, the court could provide him with a counsel upon his request. This was subjected to a twisted interpretation by the Supreme Court by classifying it as a privilege rather than the duty of the magistrate</p>	2

	<p>in Tara Singh v. State. <u>Post Independence India:</u> However, India in the Code of Criminal Procedure, 1973, facilitated statutory implementation of free legal aid .Section 304(1) provides that: In a trial before the sessions judge, if the accused has not sufficient means to engage a pleader, the court should assign a pleader for his defense at the expense of the State.</p>	2
17	<ol style="list-style-type: none"> 1. As far as advertising by advocates is concerned, the position in the USA is different from that in India, where lawyers have a right to advertise but subject to reasonable restrictions. 2. There is the Model Rules of Professional Conduct which serves as an indicative reference point. Model Rules prohibits false and misleading communication about services, Rule 7.3 articulates no- solicitation periods (e.g. families and victims of mass disasters are off limits for 30-45 days). 3. Lawyers in the US can provide information about class actions, can approach clients by handing out business cards and can advertise on internet forums. 4. Personal injury ads are commonplace in the USA. Often known as 'ambulance chasers', these personal injury lawyers are robust in their advertising- on billboards, newspapers, flyers, and even distasteful ads on the television. These Ambulance chasers solicit business by lurking around hospitals or by ads in newspapers and in Yellow Pages with toll free numbers and "free" consultations. 	1X 4 =4
SECTION D		

18	<p>1. The following provisions have been made for enhancing judicial skills:</p> <ol style="list-style-type: none"> 1. National Judicial Academy is a government funded training institute constituted for the training of Supreme and High Court judges and judicial officers in India. 2. The National Judicial Education Strategy (NJES) has been established in 2006 to provide judicial education to High Court judges, District Judiciary and State Judicial Academies. The training consists of conferences, orientations, workshops on core judicial skills and administration and seminars on substantive law and justice. The Academy also aims at enhancing the online skills registry of Indian judges to increase their proficiency and making better access to judicial decisions. 	1.5 X 2=3
	<ol style="list-style-type: none"> 1. The collegiums system is not constitutionally mandated but is a creation of case laws: 1. The first Judges case (1981) gave primacy to the Executive and stated that the CJI's recommendation to the President can be refused for cogent reasons. 2. The second Judges case (1993) held that the Chief Justice of India has primacy in the matter of appointments to the Supreme Court and the High Courts, and that an appointment 'has to be in conformity with the final opinion of the Chief Justice of India', while emphasising the desirability of consultation of the Chief Justice with other Judges. 3. Later in 1998, the Supreme Court in a Presidential reference (1998 advisory decision) emphasized upon the role of 'consultation' and held that the process of appointment of Judges to the Supreme Court and the High Courts is an 'integrated participatory consultative process'. The Chief Justice of India firms up his opinion after consultation with a plurality of judges; his opinion is formed by a body of senior Judges. 	1 X 3=3

21	<p>India balances the interplay between international law and municipal law:</p> <ol style="list-style-type: none"> 1. Article 51 of the Indian Constitution specifically states that the State shall endeavor to 'foster respect for international law and treaty obligations in the dealings of organized peoples with one another'. 2. Under Article 253 of the Constitution of India, the Parliament and the Union of India have the power to implement treaties and can even interfere in the powers of the state government in order to give power to provisions of an international treaty. 3. India generally merely affirms a treaty by way of ratifying it by the assent of the executive unless the treaty requires ratification by way of an act of the legislature. 4. In the land mark case of <i>Kesavananda Bharti v. State of Kerala</i>, it was observed that the court must interpret the provisions of the constitution in light of Charter of the United Nations. 5. In the case of <i>Magan Bhai Patel v Union of India</i>, the court held that if a treaty or international agreement restricts the rights of the citizens or modifies the laws of the state, it would require to have a legislative measure. If no such right is restricted then it does not need to have a legislative measure to enact it. 6. It is also a very clear of Indian law that international treaties cannot on their own override domestic law. Hence, these treaties which are not enabled by the legislature will not have the same force in law if there is a contradictory law provided for. 7. However, in the case of <i>Sheela Barse v Secretary Children's Aid Society</i>, the Supreme Court held that India had ratified conventions regarding the protection of children and this placed an obligation on the State Government to implement these principles. 	<p>Any 6 1 X 6 = 6</p>
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