

SQP 2022-23
Legal Studies (Code 074)
Class XII

Time Allowed: 3 hours

Maximum Marks: 80

General Instructions: -

1. The question paper contains 4 sections - A, B, C and D
 - 1.1. Section A - Multiple choice questions
 - 1.2. Section B - 2 marks
 - 1.3. Section C - 3 marks
 - 1.4. Section D - 5 marks
2. Internal choice is given in the paper, there is no overall choice.

SECTION A

1. Rahul cleared his five year integrated program in B.A. LL.B five years ago. When can he start practicing as an advocate? 1
 - a. Rahul can practice as an advocate as he has cleared B.A. LL.B exam.
 - b. Rahul can practice as advocate if he clears All India Bar Examination.
 - c. Rahul can practice law only after he does LL.M, as he cleared his LL.B five years ago.
 - d. Rahul can practice law after training with a senior Advocate-on- Record for one year.
2. Whose services can be availed for by the Chairman of the legal services institution in cases of great public importance and where serious threats to life and liberty of the applicant exists? 1
 - a. Advocate-on-Record
 - b. Solicitor General
 - c. Senior Advocate
 - d. Retired Judge
3. In what method of Alternative Dispute Resolution, the third party facilitates discussion but does not enter the arena of dispute either as a judge or a conciliator? 1
 - a. Conciliation
 - b. Mediation
 - c. Arbitration
 - d. Negotiation

4. Four nations, India, USA, United Kingdom and France enter into an international trade treaty. The Indian delegation provisionally consented to the treaty as the final consent will follow once the Indian Parliament votes in favour of the said treaty. Which method of consent is being followed by the Indian delegation? 1
- Consent by signature
 - Consent by exchange of instruments
 - Consent by ratification
 - No consent is required
5. Rohit, aged 13 years and Kartik, aged 20 years entered into a sale agreement wherein Rohit agreed to sell his farmhouse to Kartik for Rs. 5,00,000. After execution of the sale agreement, Rohit avoided the agreement of sale stating that the farmhouse is involved in a litigation pending before the Hon'ble Delhi High Court and he cannot transfer the farmhouse. Aggrieved by this, Rohit and Kartik agreed to appoint a mediator to resolve their dispute. Given the dispute, which of the following statement is correct? 1
- The dispute can be referred to arbitration as contractual disputes are best suited for arbitration.
 - The dispute cannot be referred to mediation as claims against minors are excluded from the scope of mediation.
 - The dispute can be referred to mediation as property disputes are best suited for mediation.
 - The dispute cannot be referred to mediation as the property is lis pendens.
6. Assertion(A): The salaries and allowances of judges are fixed and not subject to vote of the legislature. 1
Reason(R): Independence of judges is crucial to ensure independence of judiciary.
- Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)
 - Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)
 - Assertion (A) is true but Reason (R) is false.
 - Assertion (A) is false but Reason (R) is true.
7. Situation 1: A boy is sinking in the swimming pool of a resort. A man who is standing beside the pool does not make any attempt to save this boy. 1
Situation 2: A lifeguard on duty at a resort. A boy is sinking in the swimming pool of a resort. He does not make any attempt to save the boy sinking in the pool.
- Which of the following statements describe both the situations?
- In both the situations there is actus reas though mens rea is missing
 - In both the situations none can be held liable for criminal omission.
 - Situation 1 shows moral omission, whereas Situation 2 shows illegal omission.

- d. The act of not doing anything does not accrue any criminal liability as actus rea is not there.

8. Aman, a lawyer was suspended as he breached the rules laid down by the Bar Council of India. From the options given below, what misconduct may have led to his suspension? 1

- a. He charged contingency fee from his client in a land dispute.
- b. He negotiated with the opposite party through the opposing advocate.
- c. He refused to represent client who insisted on adopting unfair means.
- d. He refused to appear in a matter where he was the witness.

9. Match the Articles with the corresponding Fundamental Rights 1

Column 1	Column II
A. Articles 14-18	i. Right to Freedom
B. Articles 19-22	ii. Cultural and Educational Rights
C. Articles 23-24	iii. Right to Equality
D. Articles 25-28	iv. Right against Exploitation
E. Articles 29-30	v. Right to Freedom of Religion

- a. A(i), B(ii), C(iii), D(iv), E(v)
- b. A(iv), B(i), C(ii), D (v), E(iii)
- c. A(iii), B(i), C(iv), D(v), E(ii)
- d. A(ii), B(iii), C(v), D(i), E(iv)

10. International law is based on consent-based governance as states are not obliged to abide by it, unless they expressly consent to a particular course of conduct. What is the exception to the above rule of consent requirement? 1

- a. Ergaomnes
- b. Jus cogens
- c. Stare decisis
- d. Treaties

11. Statement (1): The intentional tort of battery occurs when the defendant causes the touching of the claimant with the intent to cause harm or offense. 1

Statement (2): The act of touching doesn't necessarily have to be done with defendant's hands always.

- a. Both Statement 1 and Statement 2 are correct.
- b. Both Statement 1 and Statement 2 are incorrect.
- c. Statement 1 is correct but Statement 2 is incorrect.
- d. Statement 1 is incorrect but Statement 2 is correct.

12. Which court in India can designate an advocate as a Senior Advocate? 1

- a. High Court only
- b. Supreme Court only
- c. Supreme Court or any of the High Courts
- d. District Court only

13. Jatin, a resident of Sompur was visiting the neighbouring city of Malikgarh, where he was prevented from entering a public park by the local authority as he did not belong to Malikgarh. Which fundamental right of Jatin has been violated? 1

- a. Article 14
- b. Article 15
- c. Article 17
- d. Article 32

14. Assertion (A): When the defendant carries out or keeps an unusually hazardous situation or activity on his or her building premises or involves in an activity that offers an inevitable danger of injury to the claimant or his or her property, the defendant could be responsible for the damage caused. 1

Reason (R): The liability arises due to the violation of the principle established under *Donoghue v. Stevenson*.

- a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)
- b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)
- c. Assertion (A) is true but Reason (R) is false.
- d. Assertion (A) is false but Reason (R) is true.

15. Given below are the different stages in the development of the legal aid movement in India. Arrange them chronologically. 1

1. Article 39A was inserted by the 42nd Amendment Act of the Indian Constitution.
2. The Committee on National Implementation of Legal Aid was constituted with Justice Bhagwati as its head.
3. The Union Government initiated the national legal aid scheme which faced financial shortages and died a natural death.

4. The Union Government constituted a committee under the chairmanship of Justice Krishna Iyer to develop a legal aid scheme for states.
 - a. 1, 2, 3, 4
 - b. 1, 3, 2, 4
 - c. 3, 4, 1, 2
 - d. 4, 3, 2, 1

16 – 20.

Read the excerpt from the decided case of Lalman Shukla v. Gauri Dutt and answer the questions that follow: Section 4 of the Indian Contract Act states that the communication of a proposal is complete when it comes to the knowledge of the person to whom it is made. In Lalman case the defendant's nephew absconded from home. The plaintiff who was defendant's servant was sent to search for the missing boy. After the plaintiff had left in search of the boy, the defendant issued handbills announcing a reward of Rs. 501 to anyone who might find out the boy. The plaintiff who was unaware of this reward, was successful in searching the boy. When he came to know of the reward, which had been announced in his absence, he brought an action against the defendant to claim this reward. It was held that since the plaintiff was ignorant of the offer of reward, his act of bringing the lost boy did not amount to the acceptance of the offer and therefore he was not entitled to claim the reward.

16. Identify the nature of the offer made in the case given above. 1
 - a. Legal offer
 - b. Specific offer
 - c. General Offer
 - d. It was not an offer for Lalman

17. What is the first step in the formation of a contract? 1
 - a. Acceptance
 - b. Intention
 - c. Offer
 - d. Consideration

18. When is the communication of offer complete? 1
 - a. when it is accepted
 - b. when it has a consideration
 - c. when it comes to the knowledge of the person to whom it is made.
 - d. when the person to whom it is made has capacity to enter into a valid contract.

19. What happens when an offer is accepted? 1
 - a. Contract
 - b. agreement
 - c. legal relationship
 - d. proposal

20. How is this judgement contradictory to the Carlill v. Carbolic Smokeball Company Case? 1
 - a. No intention to enter into legal relationship

- b. The need for acceptance of the offer was emphasised
- c. Knowledge of the offer is important
- d. there was intention to enter into legal relationship

SECTION B

21. Neha and Rani are good friends and have also completed a degree in law. As fresh graduates, Neha is keen to contribute in policy making and Rani wants to specialise in commercial and economic laws. Mention the fields that they can specialise in. 2
22. Is legal aid in criminal trial a privilege or a duty of the magistrate? Analyse, giving the related legal provisions and decided case law. 2

OR

- Maneka Gandhi v. Union of India provided clarity on what procedure established by law meant under Article 21 of the Indian Constitution. Explain the observation of the court in context with adversarial system of justice dispensation in India. 2
23. A violent clash took place between the security forces of Aramgarh and Minapur over border dispute, which claimed lives of six Aramgarh police personnel and injured dozens of others. The government informed the Parliament that there were a total of seven inter-state border disputes at present in the country. 2
- a. Which institution is authorized to resolve such disputes?
 - b. Mention the constitutional provision under which it can intervene.
24. Raman and Mohit entered into a contract where Raman promises to supply 20 bags of sugar to Mohit, a sweet shop proprietor, on 5th September 2021. The sugar was to be supplied by 15th September 2021. The mode of transport available to their places is roadways only. A landslide happened on 7th September 2021 and the connecting road was completely damaged and could not be repaired within 15 days. Raman offered to supply the sugar by 25th September 2021. Mohit refused to accept the sugar. Raman filed a claim for Rs. 10,000 on Mohit for refusal of the order. 2
- a. Identify the mode of discharge of this contract?
 - b. What remedy is available to Raman?
25. India is expected to liberalise the legal sector under the General Agreement on Trade and Services (GATS) and other free trade agreements. In light of this, evaluate the judgement of Bombay and Madras High Courts. 2

26. How has the Judiciary limited the power conferred on the Parliament by Article 368 of the Indian Constitution? 2
27. 'The prosecution in a criminal trial must meet quite high standards and it is not enough for the prosecution to only assert that the accused has committed the offence.' Comment with reasons. 2
28. The constant tussle between the executive and judiciary over the appointment of judges led to the development of a new system for appointment of judges. 2
- a. Identify the system
- b. Why does this system invoke scepticism?

OR

Covid Pandemic has brought a paradigm shift in the way people perceived information technology. Schools and colleges all adopted online mode. This gave rise to instances of cybercrimes. Cyber bullying, body shaming, hacking, stalking became very common. The cases of suicide in teenagers increased. The concern was raised in the parliament as well. The President of India also sought the advice of the Supreme Court on the issue. 2

- a. Under which jurisdiction can the President seek the opinion of the Supreme Court?
- b. On what grounds can the Supreme Court refuse to provide its opinion?

SECTION C

29. Rohit has a Saving Bank Account with Zono Bank. Being an employee of TTS Co. Ltd., his salary and other allowances were being directly credited to his account with the bank. He alleged that the bank had issued a cheque book without his knowledge to someone else and had passed cheques which were not drawn by him. The total amount so fraudulently withdrawn from his account amounted to Rs.100,000/-. 3
- a. Identify the agency he can approach for the redressal of his grievance.
- b. State its functions.
30. Monali has set up a legal firm in partnership with Pranoy. They have engaged Creative Web Designers to create a web page for their firm. 3
- a. Enlist the information that can be put up by them on the internet.
- b. Whose permission is to be taken by Monali and Pranoy for publishing any information in public domain?
31. Mr. Mahavir is physically and mentally harassed by his son and daughter in law and wishes to file a case against them under the Indian Penal Code. He is a senior citizen and runs a small tea stall for his survival. He approaches Delhi district legal services authority for help. 3
- a. What kind of help can be provided by the Delhi district legal services authority?
- b. Will Delhi district legal services authority be able to help Mr. Mahavir? Give reason for your answer.

32. In the given scenarios, how can international law be applied in domestic legislation in India? 3
State the relevant case laws.
- a. India is a party to an international agreement to stop taking out oil from particular species of trees to prevent forest fires. This restricts the right of trade of certain villagers.
 - b. India is a party to international convention relating to discrimination against women. Indian courts created legally binding obligations regarding sexual harassment.
 - c. In this case the Supreme Court held that India had ratified conventions regarding the protection of children and this placed an obligation on the State Government to implement these principles.
33. Article 21 of the Indian Constitution provides that a person can be deprived of his/ her 'right to life or personal liberty' only by procedure established by law. Elucidate the above statement with the help of an example. 3
34. In the famous 1987 case of M.C. Mehta v. Shri Ram Foods and Fertilizer Industries, Justice P.N Bhagwati, developed a new principle evolving from the concept of strict liability. 3
- a. Identify the new principle.
 - b. Against whom is the principle applicable?
 - c. Under what conditions can this principle be applied?
35. The concept of independence and Impartiality of Indian Judiciary must be studied in conjunction as they aim at achieving the same goal of maintaining judicial integrity in the democratic process of the country. Comment 3
36. Identify the provision for legal aid under the Indian Constitution. What does the judgment of M.H. Hoskot v. State of Maharashtra state about the legal aid services in India? 3

OR

Explain legal aid in context of social justice and human rights in India. 3

SECTION D

37. A matter relating to right to fisheries over high seas arose between two neighboring countries of Travia and Gistonia. The matter is pending before the International Court of Justice (ICJ). 5
- a. State the most authoritative source of international law.
 - b. Explain the jurisdiction of ICJ.
 - c. Mention any other two dispute resolution mechanism available to Travia and Gistonia.
38. Describe the evolution of Right to Education from a policy goal to a Fundamental Right. 5

OR

a. Differentiate between Fundamental Rights and Directive Principles of state policy on any three grounds. 5

b. How can the status of Directive Principles of State Policy be changed? Explain with the help of an example.

39. 'The concept of Lok Adalat is an innovative Indian contribution to the global legal jurisprudence.' Comment on the statement. 5

OR

In *Konkan Railways Corp. Ltd. v. Mehul Construction Co.*, the Hon'ble Supreme Court affirmed that the Arbitration and Conciliation Act, 1996 was introduced in order to attract the 'international mercantile community'. Analyse the affirmation of the court. 5

40. Explain the objectives that are widely accepted for enforcement of criminal law. 5

OR

Who can transfer property? Explain the ways in which an immovable property can be transferred. 5