

Subject: LEGAL STUDIES (074)
Marking Scheme
Class XII
Academic Session 2026–27

S.no.	Question	Marks
	SECTION A	
1	(B) Amicus Curiae	1
2	(A) Both A and R are true, and R is the correct explanation of A <i>Justification: Because the mediator does not impose a winner or loser and the parties themselves arrive at a mutually acceptable solution, mediation is generally less adversarial and allows the parties to maintain their relationship.</i>	1
3	(B) The court may refer the dispute to an appropriate ADR mechanism when there appears to be a possibility of settlement.	1
4	(A) The complaint should be investigated by the Lokpal, as it is empowered to inquire into allegations of corruption against the Prime Minister, Union Ministers, MPs, and other central government officials.	1
5	(A) The ICC can investigate crimes that occurred in a member state or by nationals of a member state.	1
6	(C) A is true, but R is false <i>Justification: The rules of International law are based on reciprocity or self interest.</i>	1
7	(A) Country X is expected to follow the customary international law rule as long as the rule remains recognised as legally binding.	1
8	(B) She must enrol with a State Bar Council and fulfil the prescribed requirements to practise as an advocate.	1
9	(B) Inspecting and recognising law colleges and universities	1
10	(C) The enactment of the Legal Practitioners' (Women) Act in 1923	1
11	(C) Novation	1
12	(B) Yes, because causing fear of imminent harm is actionable as a tort.	1
13	(B) P (iii); Q (iv); R (i); S (ii)	1

14	(A) The wide powers vested in the Central Government to take measures for protecting and improving the environment	1									
15	(B) Limited Liability Partnership, because it protects partners' personal assets while also offering operational flexibility.	1									
16	(D) A is false, R is true <i>Justification: Sand art is temporary and copyright is granted to a work which is in a tangible and fixed form.</i>	1									
17	(A) Both Statement I and Statement II are true.	1									
18	(A) Ignorantia Juris Non Excusat	1									
19	(D) Friendly relations with foreign States	1									
20	A) Both persons can approach an Indian court for enforcement of their right to life, as Article 21 protects every person.	1									
	SECTION B										
21A	Justice Verma as Chief Justice of India is appointed on the basis of seniority in the Supreme Court , not age. Seniority is determined primarily by the date of appointment to the Supreme Court .	2									
	OR										
21B	Judicial Review: The courts have the power to examine whether the State's action is constitutional. In this case, the journalist can invoke judicial review to challenge the State's order as violating freedom of speech and expression (Article 19(1)(a)). Remedy by Court: The court can strike down or quash the unconstitutional order , declaring it invalid. It may also restore the newspaper's publication and provide relief to ensure the journalist's rights are protected.	2									
22	<table border="1"> <thead> <tr> <th>Aspect</th><th>Advocate-on-Record (AOR)</th><th>Senior Advocate</th></tr> </thead> <tbody> <tr> <td>Definition / Role</td><td>A lawyer entitled to file and act in cases in the Supreme Court on behalf of clients.</td><td>A lawyer recognized for expertise and experience, designated by the Supreme Court or High Court.</td></tr> <tr> <td>Filing Cases</td><td>Can file cases directly in the Supreme Court.</td><td>Cannot file cases directly; works through an Advocate-on-Record.</td></tr> </tbody> </table>	Aspect	Advocate-on-Record (AOR)	Senior Advocate	Definition / Role	A lawyer entitled to file and act in cases in the Supreme Court on behalf of clients.	A lawyer recognized for expertise and experience , designated by the Supreme Court or High Court.	Filing Cases	Can file cases directly in the Supreme Court.	Cannot file cases directly; works through an Advocate-on-Record.	2
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23A	The Legal Services Authorities (Amendment) Act, 2002 brought important changes to the Legal Services Authorities Act, 1987, particularly regarding Lok Adalats: Formal Recognition of Permanent Lok Adalats (PLAs): - The amendment introduced the concept of Permanent Lok Adalats for pre-litigation conciliation in cases related to public utility services (like transport, postal, water supply, etc.). - These PLAs are continuous bodies, unlike earlier ad-hoc Lok Adalats which were organized occasionally. Authority to Decide Cases: - Under the amendment, Lok Adalats were empowered to pass binding awards on disputes referred to them, which have the status of a civil court decree. - In cases where parties do not reach a settlement, Permanent Lok Adalats are empowered to decide the dispute on merits, specifically for pre-litigation matters in public utility services	2						
	OR							
23B	1. Empanelment Process: Eligibility: Advocates enrolled with a State Bar Council and having the required minimum experience of 3 years Application: Advocates apply to the State or District Legal Services Authority for empanelment. Screening: Applications are reviewed, and advocates are shortlisted based on experience, specialization, and credentials. Approval: The final list of empanelled advocates is maintained by the State or District Legal Services Authority. These advocates are authorized to provide free legal aid to eligible persons under the Legal Services Authorities Act, 1987.	2						

	2. Duties and Expectations of Empanelled Advocates: • Provide free legal assistance to eligible persons, including representation, drafting, and advice. Maintain professional conduct and ethics, ensuring honesty and diligence. • Not to accept fee or any kind of payment in cash or kind	
24	The principle of <i>innocent until proven guilty</i> is not absolute in Indian criminal law because, in certain situations, the law reverses the burden of proof to effectively address serious offences and prevent misuse of the principle. The burden of proof is reversed in the following situations: 1. When a statute expressly provides for a reverse onus, such as in dowry death cases where the accused is presumed guilty. 2. When the accused files an appeal against a conviction by a lower court, where the presumption shifts from innocence to guilt until the conviction is set aside.	2
25	The company should form a Public Limited Company in India. Key Characteristics: • It can issue shares to the public to raise funds. • It has limited liability, meaning shareholders are liable only up to the extent of their shareholding. • It is a separate legal entity from its owners.	2
26	The National Commission for Minorities could refuse to admit the woman's complaint on the following grounds: • Matter is sub judice. • Complaint relates to events more than one year old. • Complaint does not relate to minority rights or minority status, hence outside the Commission's jurisdiction.	2
27	The transfer made by Piya is invalid because of the following reasons: 1. Entitlement to Property: Piya attempted to transfer part of the shop that legally belongs to her brother, so she is not entitled to transfer the entire property. A valid transfer requires the transferor to be entitled to the transferable property. 2. Authorization: Piya is not authorized to transfer property that is not fully hers, violating the essential requirement that the transferor must be competent and authorized to dispose of the property. 3. Free from Encumbrances: The property is subject to a legal dispute, so it is not free from encumbrances, which is an essential condition for a valid transfer.	2

28A	Article 20. Protection in respect of conviction for offences 1. No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. 2. No person shall be prosecuted and punished for the same offence more than once. 3. No person accused of any offence shall be compelled to be a witness against himself.	2
	OR	
28B	The two functions of the Preamble are: - The Preamble affirms the aims, objectives, and guiding principles of the Constitution. - The principles in the Preamble are used to interpret vague and ambiguous provisions of the Constitution.	2
	SECTION C	
29A	(a) No. The two jurisdictions may treat the proposed activities differently. In India, the communication of limited professional information is permitted subject to the Bar Council rules, but direct solicitation and personal approaches to prospective clients are restricted. In the United States, lawyer advertising is generally permitted, subject to rules against misleading communications and restrictions on solicitation. (b) To maintain the dignity and credibility of the legal profession and to prevent misleading publicity and improper solicitation of clients.	3
	OR	
29B	(a) No. An advocate cannot defend such conduct on the ground of client interest. An advocate owes a higher duty to the court and the administration of justice and must act with honesty. Suppression of material facts and unnecessary delay undermine the advocate's role as an officer of the court. (b) Advocate Sachin should have declined to follow the client's improper instructions and either placed the document on record or withdrawn from the case in accordance with professional ethics. (c) The State Bar Council is the authority competent to initiate disciplinary proceedings for professional misconduct.	3
30	(i) Four categories under which Leena is eligible to receive free legal aid: 1. Women – She is a female citizen. 2. Scheduled Tribe (Tribal woman) – She belongs to a marginalized community.	3

	3. Persons with disability – She has a permanent physical disability restricting movement. 4. Victims of disaster or displaced persons – She lost her home and farmland due to floods and migrated. (ii) Statutory Act giving effect to Article 39A and its objectives: • Act: Legal Services Authorities Act, 1987 • Objectives: 1. To provide free legal aid and advice to persons who cannot afford it. 2. To ensure access to justice for all citizens, especially marginalized and disadvantaged groups. 3. To promote equality of opportunity in legal matters, as envisaged under Article 39A of the Constitution. To establish legal services authorities at national, state, and district levels to implement legal aid programs effectively.	
31A	The following Articles/ Rights are enforced by providing legal aid; 1. Article 14 – Right to Equality: ○ Guarantees equality before the law and equal protection of laws. ○ Legal aid ensures that persons who cannot afford a lawyer are not discriminated against, making equality meaningful in legal proceedings. 2. Article 15 – Prohibition of Discrimination: ○ Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. ○ Legal aid ensures that marginalized groups like Scheduled Castes, Scheduled Tribes, women, and minority communities can effectively access courts and protect their rights. 3. Article 39A – Directive for Free Legal Aid: ○ Directs the State to provide free legal aid to ensure justice is not denied due to economic or social disability. Operationalized through the Legal Services Authorities Act, 1987, establishing legal services authorities at national, state, and district levels.	3
	OR	
31B	ICCPR: An explicit provision for legal services is incorporated in the International Covenant on Civil and Political Rights (ICCPR). India has ratified the International Covenant on Civil and Political Rights, which came into force in 1976 and is bound by the	3

	international obligation to provide free legal assistance as per the requirements of the Covenant. UDHR: Article 8 of the Universal Declaration of Human Rights (UDHR) provides that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the Constitution or by the law. UDHR creates right-centric obligations of norm creating a character for the members of the international community.													
32	1. (a) The first step in the formation of a contract is the offer (proposal). In this case, Rohan's email to Meera stating his willingness to sell the laptop for ₹40,000 is an offer. (b) The proposal made by Rohan to all students is a general or public offer. 2. Two points of difference: Difference between Offer and General Offer <table border="1"> <thead> <tr> <th>Basis</th><th>Offer</th><th>General Offer</th></tr> </thead> <tbody> <tr> <td>Meaning</td><td>An offer made to a specific person or a specific group of persons</td><td>An offer made to the public at large</td></tr> <tr> <td>To whom it is made</td><td>To a definite person or persons</td><td>To anyone who fulfils the conditions of the offer</td></tr> <tr> <td>Acceptance</td><td>Only the person to whom the offer is made can accept it</td><td>Any person who has knowledge of the offer and fulfils its conditions can accept it</td></tr> </tbody> </table>	Basis	Offer	General Offer	Meaning	An offer made to a specific person or a specific group of persons	An offer made to the public at large	To whom it is made	To a definite person or persons	To anyone who fulfils the conditions of the offer	Acceptance	Only the person to whom the offer is made can accept it	Any person who has knowledge of the offer and fulfils its conditions can accept it	3
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33A	(a) Riya can register her creation under the Patents Act, 1970 to protect her Intellectual Property Rights. (b) Two basic requirements for patent registration: Novelty: The invention must be new and not known to the public anywhere in the world. Industrial Applicability / Usefulness: The invention must be capable of being made or used in some kind of industry. The invention should also be non-obvious, meaning it should not be an obvious improvement over existing knowledge.	3												
	OR													

33B	(a) Kabir is not legally authorised to allow Rohan to occupy the premises. Under the lease agreement, the lessee (Kabir) cannot sub-let the property or transfer possession to another person without the consent of the lessor (Neha), unless expressly permitted in the lease. (b) The duty violated by Kabir is the duty to return the property in the same condition in which it was leased. Allowing Rohan to make structural changes amounts to committing waste, which reduces the value of the property. (c) One remedy available to Neha is to sue Kabir for compensation or damages for any loss or depreciation caused to the property due to Rohan's alterations.	3
34	(a) Identification of theories: • Image A: Incapacitation • Image B: Rehabilitation (b) Objective behind each theory: • Incapacitation (Image A): To segregate the criminal from society and prevent them from committing further offenses. This is achieved through imprisonment or, in some cases, capital punishment. • Rehabilitation (Image B): To reform the offender and transform them into a valuable member of society, preventing future crimes by making the offender understand that their conduct was wrong.	3
	Question for the visually impaired: Objectives of Criminal Laws in India: 1. Deterrence Criminal law aims to discourage individuals from committing offences by creating fear of punishment. The punishment serves as a warning to both the offender and society at large. 2. Retribution Retribution is based on the principle that a wrongdoer deserves punishment for the harm caused. It reflects society's moral condemnation of criminal acts and ensures that justice is seen to be done. 3. Rehabilitation Criminal law also focuses on reforming offenders by helping them reintegrate into society as law-abiding citizens through corrective and rehabilitative measures rather	3
35A	(a) The action taken against Gulli is Detention, as he is temporarily kept for questioning without being formally charged with any offense. (b) The action taken against Timpi is Arrest, as she is formally taken into custody, informed of the charges, and her statement is recorded. (c) Two rights of a person who is arrested: 1. The right to be informed of the reasons for arrest immediately. 2. The right to consult a legal practitioner of their choice.	3

	Protection against Arrest and Detention (Article 22) • No person can be detained in custody without being informed of the grounds for arrest. • The arrested or detained person has the right to consult and be defended by a legal practitioner of their choice. • A person arrested or detained must be produced before the nearest magistrate within 24 hours (travel time excluded). • No person can be kept in custody beyond 24 hours without the authority of a magistrate.	
	OR	
35B	I. (a) Article 29(2) – Prohibits State-aided educational institutions from denying admission to any citizen on the ground of language. (b) Article 30(2) – Prohibits the State from discriminating against minority educational institutions while granting aid on grounds of religion or language. II. Both actions are unconstitutional as they infringe the cultural and educational rights guaranteed under Articles 29 and 30.	3
36	- A trade name identifies a business but does not, on its own, provide brand protection. - A trademark protects a brand name and distinguishes a company's products or services from others. - Example: Google, where the trade name has become a trademark.	3
	SECTION D	
37A	1. Impeachment/Removal of a High Court judge by Parliament under the Constitution. 2. The removal of High Court judges is governed by the Constitution, not by internal court authority. 3. Role of Members of Parliament in the early stage of this process. • MPs receive complaints, examine allegations, and draft a motion specifying charges against the judge. • They present the motion to the Speaker/Chairperson to initiate the constitutional procedure for removal. 4. The next step after the motion is admitted by the Speaker/Chairperson.	5

	• The Speaker/Chairperson refers the motion to a specially constituted committee (usually comprising judges or senior members) to investigate the allegations. • The committee examines evidence, conducts hearings, and prepares a report for Parliament before any vote is taken. 5. To protect judicial independence, ensuring judges are free from political or executive influence, and can make decisions without fear of removal.	
	Or	
37B	1. Legal Mechanism: Public Interest Litigation (PIL) – allows a concerned citizen to seek judicial intervention on behalf of groups whose fundamental rights are being denied, even if they are not directly affected. 2. Relaxed Locus Standi- Courts permit any concerned citizen to file a PIL when vulnerable individuals cannot approach the court themselves, ensuring enforceable rights are protected. 3. Protection of Rights and Accountability: • Provides remedy to disadvantaged individuals (students, employees, commuters) who are otherwise unable to exercise their legal rights. • Holds public authorities accountable for denying access and creating barriers. • Enables judicial directives to correct systemic violations, ensuring long-term compliance. • Ensures the rights to equality, access, and non-discrimination are upheld in practice.	5
38	1. Arbitration – a process where a neutral third party (arbitrator) gives a binding decision on the dispute. 2. No. Since the contract specifies arbitration, Sunrise must first initiate arbitration. 3. Filing a notice of arbitration with the arbitrator or mutually agreed arbitration institution, stating the nature of the dispute and relief sought. 4. Two advantages of resolving disputes through this method. • Faster resolution: Arbitration is generally quicker than court litigation.	5

	Expert decision-making: Arbitrators are often experts in the subject matter of the dispute. (Other acceptable points: confidentiality of proceedings, flexibility in procedure, binding and enforceable award)													
39	1. Principle of International Law: Erga Omnes Obligations – obligations owed by every state to the international community as a whole, especially regarding fundamental human rights and prohibitions against gross violations. 2. Why Aravon’s argument is invalid: - Even though Lumeria is not directly affected, erga omnes obligations empower any state to act when core international norms (e.g., prohibition of genocide, slavery, racial discrimination) are violated. - Lumeria’s standing arises from the fact that the obligation is owed to all states collectively, not just those directly affected. 3. Strengthening global responsibility: Reinforces the idea that serious breaches concern the international community as a whole, creating accountability beyond borders.	5												
40 A	(i) Type of Liability: (a) AgroGas Ltd. case: Absolute Liability (Indian law – <i>M.C. Mehta v. Union of India</i>) (b) Pannu’s reservoir case: Strict Liability (<i>Rylands v. Fletcher</i> – English law) (ii) Differences between Absolute and Strict Liability: <table border="1"> <tr> <th>Basis</th><th>Absolute Liability</th><th>Strict Liability</th></tr> <tr> <td>Nature of Liability</td><td>Liability is absolute; no exceptions allowed</td><td>Liability is strict, but exceptions are allowed</td></tr> <tr> <td>Defenses / Exceptions</td><td>None</td><td>Defenses such as act of God, plaintiff’s consent, or third-party act are valid</td></tr> <tr> <td>Scope / Application</td><td>Applies to hazardous or inherently dangerous industrial activities</td><td>Applies to keeping dangerous substances or things on land</td></tr> </table>	Basis	Absolute Liability	Strict Liability	Nature of Liability	Liability is absolute; no exceptions allowed	Liability is strict, but exceptions are allowed	Defenses / Exceptions	None	Defenses such as act of God, plaintiff’s consent, or third-party act are valid	Scope / Application	Applies to hazardous or inherently dangerous industrial activities	Applies to keeping dangerous substances or things on land	5
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40 B	(a) Assault – Threat causing reasonable apprehension of imminent harm without physical contact. (b) Battery – Intentional and direct physical contact without consent. (c) Assault – Intent to cause harm and reasonable apprehension, though no physical contact occurs. (d) Battery – Intentional application of force (pouring water amounts to physical contact). (e) Assault – Reasonable fear of imminent harm, even though the gun is unloaded.	5
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