

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

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

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> <p>(i) a person from an enemy country, and</p> <p>(ii) to persons arrested or detained under preventive detention laws.</p> <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	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. (Page no. 103 & 104)	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.	The contract entered between Saurabh and AIG Insurance Company is a Contingent Contract . Features / characteristics: 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. (Any two features) (Page no. 58)	1 mark for identification + 2 marks for two Features
30	(a) State the circumstances in which legal aid can be denied or withdrawn. OR (b) "A right to access to justice is sine-qua-non for social justice."	3

	and results in vigilantism and violence. (To be assessed as a whole) (Page no. 197, 198, 204, 205)	
31	“International law is a weak law as compared to municipal law.” Justify the statement giving any three reasons to substantiate the answer.	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	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
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 style="text-align: right;"><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. 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. STEP 3: Statement of CLAIM - The initial documents filed by the claimants enlisting the issues raised to be resolved in an arbitration. STEP 4: Statement of COUNTERCLAIM - Respondent's reply to the claim presented by the claimant. STEP 5: Proceedings start (decide the place and time to meet) 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>hazards of human activities for economic development to human beings, other living creatures, plants and property.</p> <p>The Act is an “umbrella” legislation designed to provide a framework for the central government to coordinate the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act.</p> <p>It is with the enactment of Environment Protection Act, 1986 that a concrete step has been taken for combating modern day challenges in environment protection and improvement.</p> <p style="text-align: right;">(Any one point) (Page No 97-98)</p> <p>(a)(ii) Three provisions of the Indian Constitution that demonstrate a commitment to sustainability and Environmental stewardship are:</p> <ul style="list-style-type: none"> -The Constitution of India under Article 21 enshrines the ‘Right to Life’. This article in its wider interpretation encompasses ‘Right to clean environment’ as an important facet of ‘life’. -Article 38 shouldered the State with the responsibility of maintaining social order for ensuring a welfare state. This is only possible with the people living in a pollution free environment. -Article-48A, inserted by the 42nd amendment to the Constitution of India, states “Protection and improvement of environment and safeguarding of forests and wild life- The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country’. -A duty has also been imposed on all citizens to protect our environment. Article-51A(g) of the Indian Constitution says: “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.” <p style="text-align: right;">(Any three points) (Page No. 97)</p> <p style="text-align: center;">OR</p> <p>(b) The second stage of crime refers to arranging all the essential steps to carry out the intended criminal act. Preparation is not unlawful in itself since it is difficult to prove that the essential preparations were made for the commission of the crime.</p> <p>However, in some exceptional circumstances, mere preparation is also punished. When the offence is regarded as a serious offence, preparation to commit offences is penalised under the Indian Penal Code. A few of them are mentioned below: -</p> <p>(i) Collecting arms etc., with intention of waging war against the</p>	<p>2+3= 5marks</p> <p>2+3=5 marks</p>
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	<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 style="text-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 style="text-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: center;">(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: 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>

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.

(i) Senior citizens' eligibility for free legal aid depends on the Rules framed by the respective State Governments in this regard.

(Any four points) (Page no . 201)

(b) The three broad features of NALSA Regulations 2010 are as follows:

1. Selection of Panel Lawyers

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.

2. Payment of Fee

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>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>Sindhali 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 Sindhali 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 Sindhali 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 Sindhali 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>+</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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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.

ii. **Breach of Duty of Care:**

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.

iii. **Harm to the Claimant:**

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.

(Page no. 66,67)

OR

(b)Sindh Iron and Steel Company is liable because it has **Absolute liability, since it is an industrial unit.**

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.

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.

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

1 mark for identification of liability + 4 marks for explaining the case law along with the principles=5 marks

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;

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'.

The deep pocket principle was also laid down in the instant case.

The basic principles of absolute liability as emerged above are:

1. Enterprise (commercial objective)
2. Hazardous or inherently dangerous activity
3. Escape is not necessary

(Page no. 69)