

CUET 2023 Legal Studies Question Paper with Answer Key and Solutions May 26 Shift 2 (Memory-based)

Question 1. What is the full form of UDHR?

Answer. The full form of **UDHR** is the **Universal Declaration of Human Rights**.

Question 2. Which act is related to the establishment of the Bar Council of India?

Answer. Advocates Act, 1961

Solution. The act related to the establishment of the Bar Council of India is called the Advocates Act, 1961. The Bar Council of India is a statutory body created under this act, which governs the legal profession and legal education in India. The Advocates Act, 1961 provides for the constitution and powers of the Bar Council of India, as well as the State Bar Councils, which are responsible for regulating the legal profession at the state level. It sets out the qualifications and conditions for admission as an advocate, standards of professional conduct, disciplinary proceedings against advocates, and other matters related to the practice of law in India.

Question 3. Define 'Democracy'.

Answer. Democracy is a form of government in which power is vested in the people, either directly or through elected representatives. It is characterized by the principles of political equality, majority rule, protection of individual rights and freedoms, and active participation of citizens in decision-making processes.

In a democratic system, the people have the right to participate in shaping public policies, elect their leaders through free and fair elections, and express their opinions and concerns. Democracy promotes the idea that all individuals are equal and have inherent rights that should be protected, including freedom of speech, assembly, and religion. It also emphasizes the rule of law, where laws and policies are applied equally to all citizens, including those in positions of power.

Democracy encourages open and transparent governance, accountability of leaders to the people, and the protection of minority rights. It allows for the peaceful resolution of conflicts, encourages public debate and discourse, and provides mechanisms for checks and balances on the exercise of governmental authority.

While democracy takes various forms and can differ in its practices across countries, the core principles of democracy revolve around the empowerment of citizens, the protection of their rights and freedoms, and the inclusion of diverse perspectives in the decision-making process.

Question 4. What are the stages of criminal prosecution in India?

Answer. The stages of criminal prosecution in India generally follow the criminal justice system framework established by the Code of Criminal Procedure (CrPC). Here are the main stages involved in a criminal prosecution in India:

1. Registration of FIR: The process begins with the registration of a First Information Report (FIR) with the police. The FIR provides information about the alleged criminal offense and initiates the investigation.
2. Investigation: The police investigate the case by collecting evidence, examining witnesses, and gathering relevant information. The investigating officer submits a report to the concerned court upon completion of the investigation.

3. Filing of Charge Sheet: If the police find sufficient evidence to establish a prima facie case, they file a charge sheet (also known as a police report) before the court. The charge sheet contains the details of the alleged offense and the accused.

4. Framing of Charges: The court examines the charge sheet and, if satisfied, proceeds to frame charges against the accused. The charges specify the specific offenses the accused is being charged with.

5. Trial: The trial involves the examination and cross-examination of witnesses, presentation of evidence by the prosecution and defense, and arguments from both sides. The court evaluates the evidence and determines the guilt or innocence of the accused.

6. Verdict: At the end of the trial, the court delivers its verdict based on the evidence presented and the applicable laws. The verdict can be either "guilty" or "not guilty."

7. Sentencing: If the accused is found guilty, the court proceeds to determine the appropriate punishment or sentence based on the nature and severity of the offense and other relevant factors.

8. Appeals: Both the prosecution and the accused have the right to appeal the verdict and sentence to higher courts if they believe there were legal errors or procedural irregularities during the trial.

It's important to note that the exact procedures and stages may vary depending on the specific circumstances, the nature of the offense, and the jurisdiction within India.

Question 5. From which country did the Indian Constitution borrow the idea of directive principles of state policy?

Answer. Ireland

Solution. The idea of Directive Principles of State Policy in the Indian Constitution was borrowed from the Constitution of Ireland (formerly known as the Irish Free State). The Directive Principles of State Policy in India are enshrined in Part IV of the Constitution, specifically Articles 36 to 51. These principles provide guidelines for the government to formulate policies and laws to promote social justice, economic welfare, and other aspects of a just and equitable society.

The concept of Directive Principles of State Policy was included in the Indian Constitution to ensure that the government works towards the welfare of the people, promotes social justice, and provides a framework for socioeconomic development. The framers of the Indian Constitution were influenced by the Irish Constitution's emphasis on socioeconomic objectives and wanted to incorporate similar provisions to guide the Indian state's policies and actions.

It's worth noting that while the idea of Directive Principles was borrowed from Ireland, the content and specific provisions of the Directive Principles of State Policy in the Indian Constitution were adapted to suit the Indian context and the specific needs and challenges of the country.

Question 6. Who coined the International Law?

Answer. Jeremy Bentham

Question 7. Define 'Theft'.

Answer. Theft is a legal term that refers to the act of intentionally taking someone else's property without their permission or lawful authority, with the intention to permanently deprive the owner of that property. It is a criminal offense in many jurisdictions and is considered a form of property crime.

To constitute theft, certain elements must be present:

1. Taking: The act of physically removing or gaining control over someone else's property.
2. Property: The subject matter of theft, which can include tangible items, money, goods, or intangible assets.
3. Ownership: The property must belong to someone else, and the person committing theft must not have a legal right or authority to take it.
4. Without consent: The taking must be without the owner's permission or lawful authority.
5. Intent to deprive: There must be an intention to permanently deprive the owner of their property.

The severity of theft charges and the associated penalties can vary depending on the jurisdiction and the value of the stolen property. Theft laws aim to protect individuals' property rights and deter unlawful taking of belongings by imposing legal consequences on those who engage in such acts.

Question 8. Who is the ex-officio Chairman of the State Bar Council?

Answer. Attorney General of India and the Solicitor General of India

Question 9. What is Article 378 in the Indian Constitution?

Answer. Provisions as to Public Service Commissions

Solution. (1) The members of the Public Service Commission for the Dominion of India holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the Union and shall, notwithstanding anything in clauses (1) and (2) of article 316 but subject to the proviso to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the

rules which were applicable immediately before such commencement to such members.

(2) The Members of a Public Service Commission of a Province or of a Public Service Commission serving the needs of a group of Provinces holding office immediately before the commencement of this Constitution shall, unless they have elected otherwise, become on such commencement the members of the Public Service Commission for the corresponding State or the members of the Joint State Public Service Commission serving the needs of the corresponding States, as the case may be, and shall, notwithstanding anything in clauses (1) and (2) of article 316 but subject to the proviso to clause (2) of that article, continue to hold office until the expiration of their term of office as determined under the rules which were applicable immediately before such commencement to such members.

Question 10. What is Article 19 in the Indian Constitution?

Answer. Article 19 of the Indian Constitution guarantees certain fundamental rights related to freedom of speech and expression, assembly, association, movement, residence, and profession. It is part of the broader set of fundamental rights enshrined in Part III of the Constitution.

The specific provisions of Article 19 are as follows:

1. **Freedom of Speech and Expression:** This includes the right to express one's opinions, thoughts, beliefs, and ideas through speech, writing, printing, or any other form of communication.
2. **Freedom to Assemble Peacefully:** Citizens have the right to gather peacefully and hold meetings or demonstrations.
3. **Freedom to Form Associations or Unions:** Citizens have the right to form associations, unions, or organizations for various purposes, including social, cultural, political, or economic activities.

4. Freedom to Move Freely: Citizens have the right to move freely throughout the territory of India.
5. Freedom to Reside and Settle: Citizens have the right to reside and settle in any part of the country.
6. Freedom to Practice Professions or Occupations: Citizens have the right to choose and engage in any lawful profession, occupation, trade, or business.

It is important to note that these freedoms are not absolute and are subject to certain reasonable restrictions imposed by law in the interest of public order, morality, security, or other specified grounds.

Article 19 is a crucial component of the Indian Constitution, as it safeguards the democratic principles of freedom of speech, expression, and association, allowing citizens to voice their opinions, participate in public life, and exercise their rights and liberties.

Question 11. What is Article 39-A in the Indian Constitution?

Answer. Article 39-A of the Indian Constitution relates to the provision of free legal aid and equal justice. It is part of the Directive Principles of State Policy, which are guidelines for the government to frame policies and laws in order to achieve social justice and welfare.

Article 39-A states that the State shall secure that the operation of the legal system promotes justice on the basis of equal opportunity and shall provide free legal aid by suitable legislation or schemes to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

The objective of Article 39-A is to ensure access to justice for all individuals, regardless of their economic or social background. It

recognizes the importance of providing legal aid and assistance to those who are unable to afford it, thereby enabling them to effectively exercise their rights and obtain justice.

To give effect to the principles enshrined in Article 39-A, the Indian government has enacted various laws and established institutions such as the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) to provide free legal aid and promote equal justice for all citizens.

Question 12. What is the Article in the Indian Constitution related to "Affirmative Action in Public Employment"?

Answer. Article 16(4)

Solution. The Article in the Indian Constitution that is related to "Affirmative Action in Public Employment" is Article 16(4).

Article 16(4) of the Indian Constitution empowers the State to make provisions for the reservation of posts in government employment for certain sections of society that are deemed to be socially and educationally backward. This provision allows for affirmative action measures to be taken in public employment to ensure representation and opportunities for those who have historically faced social and educational disadvantages.

Article 16(4) states that "Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

The purpose of Article 16(4) is to promote social equality, uplift disadvantaged groups, and ensure representation and equal opportunities in government employment. The reservations or quotas provided under this article are primarily meant for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The exact extent and nature

of reservations may vary from state to state and depend on the policies and laws enacted by the respective state governments.

Question 13. What is Article 253 in the Indian Constitution?

Answer. Article 253 of the Indian Constitution empowers the Parliament of India to enact laws for the implementation of international agreements or treaties. It grants the Parliament the authority to legislate on matters that are necessary to fulfill India's obligations under international agreements, even if those matters are not within the scope of the Parliament's ordinary legislative powers.

The text of Article 253 is as follows:

"Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

Article 253 ensures that the Parliament can pass laws that are required to fulfill India's international obligations, including those arising from treaties, agreements, conventions, or decisions made at international conferences or organizations. This provision enables the Parliament to effectively implement and enforce international commitments by enacting necessary legislation, irrespective of whether the subject matter falls within the exclusive jurisdiction of the Union or the states.

Question 14. What is Section 302 in the Indian Penal Code?

Answer. Section 302 of the Indian Penal Code (IPC) deals with the offense of murder. It defines and prescribes the punishment for the act of intentionally causing the death of another person.

According to Section 302 of the IPC, whoever commits murder shall be punished with death penalty or imprisonment for life, and shall also be liable to pay a fine. The section further explains that in cases where death is caused by the accused in a sudden and grave provocation, and without premeditation, the punishment may be reduced to imprisonment for a term which may extend to ten years, along with a fine.

Murder is considered as one of the most serious offenses under the Indian Penal Code, and it carries severe legal consequences. The specific circumstances, intentions, and evidence surrounding the act are taken into consideration during the legal proceedings to determine the guilt or innocence of the accused and the appropriate punishment.