

Marking Scheme Strictly Confidential (For Internal and Restricted use only) Senior School Certificate Examination, 2023 SUBJECT NAME: LEGAL STUDIES (SUBJECT CODE- 074) (QP CODE-40)	
<u>General Instructions: -</u>	
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, the 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 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, 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 question paper.
13	Ensure that you do not make the following common types of errors committed by the Examiner in the past: - ● Leaving 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 answer.) ● Half or a part of 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 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	Credit should be given to student writing the concept in his own language. Marks should not be deducted for non-usage of bookish language.
21	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.
22	The examiners are requested to use their own knowledge and experience wherever necessary.
23	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.
24	No marks should be deducted for overshooting word limit.
25	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
1	Manoj is a retired State Government employee. His retirement dues have not been paid in full and Manoj is pursuing the matter with the department. Identify the relevant body that Manoj can approach for redressal. (a) NGT (National Green Tribunal) (b) CAT (Central Administrative Tribunal) (c) SAT (State Administrative Tribunal) (d) TDSAT (Telecom Dispute Settlement and Appellate Tribunal)	1
Ans.	(c) SAT (State Administrative Tribunal) (page no 3)	1
2	Ravi is a sculptor and makes idols of all popular deities. Naresh places an order for an idol to be delivered in time for an auspicious gathering. Ravi is able to deliver the idol a week later than agreed. Naresh was unable to conduct 'Pooja' on the appointed date and sues Ravi for damages. Which of the following will apply in this instance? (a) Discharge by performance	1

	(b) Discharge by breach of contract (c) Discharge by lapse of time (d) Discharge by impossibility of performance	
Ans.	(b) Discharge by breach of contract (page no 45)	1
3	Bhoora, a poor farmer, forced by hunger and destitution, loans 10,000 from Ajay provided Bhoora undertakes to work for him without pay for all his life. After a year of hard labour, Bhoora stops working for Ajay. Which of the following will apply in this instance? (a) Ajay can move the court as Bhoora has breached the contract. (b) Ajay cannot enforce contract as Bhoora's consent was not free. (c) Ajay cannot enforce contract because agreement was without adequate consideration. (d) Ajay can sue Bhoora as he hasn't done enough work, since the agreement was for life.	1
Ans.	(b) Ajay cannot enforce contract as Bhoora's consent was not free (Page 41)	1
4	A few weeks after a surgery, Lata complained of excruciating pain in her abdomen. A scan revealed that a piece of gauze had been left inside and had led to a severe infection. Which of the following is applicable in this instance? (a) The surgeon is liable for unlawful harassment, this cannot be mistake. (b) The surgeon is liable for negligence. (c) The surgeon is not liable since nothing major has happened. (d) The surgeon is liable for tort of assault.	1
Ans.	(b)The surgeon is liable for negligence. (page no 51-52)	1
5	Identify the form of arbitration that has been defined specifically under section 2(1) (f) of the Arbitration and Conciliation Act, 1996. (a) Institutional Arbitration (b) Statutory Arbitration (c) International Commercial Arbitration (d) Ad-hoc Arbitration	1
Ans.	(c) International Commercial Arbitration (page no 93)	1

6	Saba and Hamid are an estranged couple seeking mediatory help to resolve their disputes. Being in different countries, however, is proving to be a major hurdle. Identify which of the following is a suitable recourse. (a) Facilitative mediation (b) Arbitration (c) Online mediation (d) Mediation with arbitration	1
Ans.	(c) Online mediation (page no 97)	1
7	The second part of Article 21 describes that one's right to life and personal liberty can be taken away only by (a) the Supreme Court of India (b) a procedure that is fair and reasonable (c) the State (d) law, when it violates any other Fundamental Rights.	1
Ans.	(b) a procedure that is fair and reasonable (page no 175)	1
8	Meme, a suspected terrorist from an enemy country, is caught preparing an imminent attack in a high-profile area in the National Capital. He was arrested by the local police. Which of the following will apply in this situation? (a) No one can be detained in custody without providing the grounds for arrest. (b) Arrested person has a right to consult and be defended by a legal practitioner of choice. (c) No person can be detained beyond 24 hours without the authority of magistrate. (d) No safeguards apply for Meme.	1
Ans.	(d) No safeguards apply for Meme. (page no 121)	1
9	In India, advertising by lawyers is strictly restricted by (a) Government regulations (b) The Supreme Court (c) Bar Council of India (d) Model Rules of Professional Conduct	1
Ans.	(c) Bar Council of India (page no 151)	1
10	Meena is a young law graduate, aspiring to practise as an advocate in a court of law in India. Which of the following is a good way to achieve it? a. Clear All India Bar Examination b. Being attached with research centres of law firms. c. Clear the Judicial Services Exam.	1

	d. Clear the Common Law Admission Test	
Ans.	(a) Clear All India Bar Examination (page no 149)	1
11	How did Madras High Court address the issue of liberalization of legal service sector in Indian context in its response to a PIL filed by A.K. Balaji? (a) It ruled against opening up of Indian Legal Profession to foreign lawyers or foreign law firms. (b) It ruled that foreign law firms could not be permitted to setup liaison offices in India. (c) It permitted foreign lawyers to practice in India on "fly in and fly out" basis. (d) It recommended amendment of the Advocates Act, 1961 to prepare a level playing field for Indian lawyers.	1
Ans.	(c) It permitted foreign lawyers to practise in India on "fly in and fly out" basis (page no 155-56)	1
12	Assertion (A) : International law addresses the provision for free legal services from the perspective of Human Rights. Reason (R) : India has ratified the International Covenant on Civil and Political Rights (ICCPR) and is bound to provide free legal assistance. Analyse the statements marked (A) and (R) and select the most appropriate response. (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.	(b) Both (A) and (R) are true but (R) is not the correct explanation of (A). (page no . 171-172) Kindly note: 1mark to be given irrespective of the fact whether question has been attempted or not attempted	1
13	Assertion (A) : Legal Services Authorities Act, 1987 was amended in 2002. Reason (R) : The Parliament of India realized that litigation oriented legal services cannot bring out desired result of making judicial system accessible to all. Analyse the statements marked (A) and (R) and select the most appropriate response. (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.	1

	(d) (A) is false, but (R) is true.	
Ans.	(a) Both (A) and (R) are true and (R) is the correct explanation of (A). (page no 184)	1
14	Roy and Annie are entrepreneurs who have a dispute with the government of their country over trade laws following an embargo. Identify the category of law which covers these kinds of disputes. (a) International Treaty Law (b) Public International Law (c) Private International Law (d) Municipal Law	1
Ans.	(d) Municipal Law (page no 189)	1
15	Assertion (A) : International Labour Organisation (ILO) was set-up post the First World War in 1919. Reason (R) : International Labour Organisation (ILO) aims to provide loans to member states for their economic development. Analyse the statements marked (A) and (R) and select the most appropriate response. (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 194)	1
16-20	Read the given excerpt and answer the questions that follow : Rohit and Roma have filed for divorce and the distribution of their real estate is yet to be settled. A flat that is jointly owned by them is demanded by Rohit. Before the matter is resolved in court, Rohit sells off the flat. In this context, answer the following questions: 16 The sale of the flat by Rohit is. _____ (a) valid (b) invalid (c) contingent (d) legal 17 The legal principle applicable here (a) Doctrine of election (b) Doctrine of severability (c) Doctrine of lis pendens (d) Doctrine of restitution Which of the essentials of a valid transfer are affected in the given case 18 (i) Transfer should be between two or more living persons. (ii) Property transferred should be free from encumbrances.	1x5=5

	(iii) Transferor must be authorised to transfer the property. (iv) Transfer should not be for an unlawful object. (a) (i) and (iv) (b) (ii) and (iii) (c) (i) and (iii) (d) (ii) and (iv)	
19	The mode of transfer of property varies according to (a) value of property (b) net worth of transferor (c) net worth of transferee (d) preference of the parties Which of the following is an immovable property ? (a) Timber (b) Standing crops (c) Grass (d) Benefits arising out of land	
20		
Ans.		
16	b) invalid (page no 29-30)	1
17	(c) Doctrine of lis pendens (page no 29-30)	1
18	(b) (ii) and (iii) (page no 28-29)	1
19	(a) value of property (page no 28)	1
20	(d) Benefits arising out of land (page no 27)	1
SECTION B		
21	Explain the role of judiciary as the watch-dog in Indian democracy. OR What is meant by the term "due process of law"? How is the independence of judiciary related to due process of law?	2Marks
Ans.	Judiciary acts as a watchdog of democracy in the following ways: (i) Judiciary's independence is linked to its role as the watch-dog in a democracy. It monitors and maintains the checks and balances over the other arms of the government. (ii) The judiciary emerges as a mediator when any organ of the government exercises excess power which tends to violate the larger societal or individual interest. (iii) For instance, the Indian Police has extensive powers for crime detection and gathering evidence for prosecution of criminals. It is common for the police to interrogate suspect criminals in-order to gather the best evidence of the crime.	1 mark each for any 2 points =2 marks

	(iv) To ensure that constitutionally guaranteed freedoms such as freedom to speak in public or peacefully assemble, are interpreted as per the true constitutional philosophy (v) Judiciary acts as a guardian of fundamental rights which are constitutionally granted to every citizen in India. (vi) Courts have given an expanded meaning to Article 21 of the Indian Constitution which talks about a general right to life and personal liberty. (Any 2 points) (Page no 6) OR (i) Independence of judiciary is vital for the respect of due-process of law. Due process of law means that the State must respect all the legal rights that are owed to a person and conform to the norms of fairness, liberty, fundamental rights etc. (ii) Only an independent judiciary can make this concept operational. (iii) History has evidenced that whenever the independence of judiciary has been disturbed, it has directly impacted upon the due process of governance and rights granted to average citizens. (Any 2 points) (Page no 7)	
22	Ashok aspires for an appointment as a District Judge. State the qualifications for the said post in India.	2
Ans.	Appointment of district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State. The qualifications for appointment as District Judge include: i .Member of judicial service of the State; or ii . Any person who has had a minimum of seven years of practice as a lawyer at bar. (Page no 14)	2 marks
23	Public Interest Litigation (PIL) has revolutionised the judicial activism of the courts in India. Comment.	2
Ans.	1. In the recent years, 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. On other accounts, the Court has on its own initiative started cases of public importance 2. 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. 3. PIL from its inception is modelled on remedial nature which aims at creating a dynamic, welfare-oriented model of judiciary. 4. PIL thus incorporates the Directive Principles whose claims cannot be brought directly to the Courts, into the domain of fundamental	1 mark each for any 2 points =2 marks

	rights under Part III of the Constitution, which can be invoked before the Courts as a matter of rights by the citizens of India. 5. PILs are creating new rights and laws within the realm of the state. These laws are also democratizing citizen's access to justice, thereby strengthening the democracy in India. 6. PIL further strengthens the role of judiciary as a monitor and watch-dog agency. Fear of being dragged to the Court via PIL has improved the quality of several social institutions in the country such as jails, protective homes, mental asylums etc. (any two points) (Page no 9-10)	
24	Analyse the two situations given below and assess the criminal liability of the individuals: (a) Ramawati in sheer destitution and impoverishment attempted to kill herself after failing in all ways to arrange for food for her starving children. (b) A boy is sinking in a swimming pool of a resort. A man who is besides the pool does not make any attempt to save this boy. Would Ramawati and the man beside the swimming pool be criminally liable?	2
Ans	(a) . Yes, Ramawati is criminally liable. (In Re Sreerangayee case (1973) the woman in sheer destitution and impoverishment attempted to kill herself after failing in all the ways to arrange for food for her starving children/ since she knowingly (mens rea) did a prohibitive act of attempting suicide(actus Reus), she was held guilty by the court. /Motive is irrelevant in assessing criminal liability) (b). No, the man is not criminally liable. This is a moral omission of not saving someone's life. The boy cannot be held criminally liable for such an omission. / It is not a legal omission/ It is not actus reus) (Page no 58-59)	(0.5 mark for identifying liability + 0.5 for explanation) for each part = 2 marks
25	Pramod paid 10 lakh rupees to Alex as bribe to secure a seat for his son in the Government Dental College. Alex is eventually unable to secure the seat and Pramod sues him to recover the amount. Assess whether Pramod has a valid basis to recover the amount from Alex.	2
Ans	No, Pramod does not have a valid basis to recover the amount from Alex. If the object of the agreement is to perform an unlawful act, then the contract is unenforceable/void. The object of the agreement should not be illegal, immoral or opposed to public policy. As per the Indian Contract Act, agreements entered into which are against public policy of the State	1 mark for "NO" as an answer +1 mark for explanation

	are said to have an unlawful object and hence are unlawful agreements making them unenforceable/ void. (Page no 41)	n =2 marks
26	Kaveri is considering a career in law but is worried about male domination in the profession and a low number of successful women lawyers in India. Examine whether her fears are justified in present day scenario in India.	2
Ans	Legal practice in India is a male dominated profession. Although the number of women entering into the profession has increased gender bias still pervades the profession. A recent survey found that the percentage of successful women candidates for the Common Law Admission Test was 47%, however 36% of women lawyer in another survey stated that they had faced some sort of gender bias at work. There have been only 5 women Senior Advocates since 1962 of the 397 designated Senior Advocates. However, recent studies have indicated that gender-based disadvantages are gradually being eliminated, especially in the corporate law sector. (Any other relevant point can be considered for awarding full marks) (Page no 161)	2 marks
27	Mrs. Ranjini Singh is an elderly woman embroiled in a bitter property dispute with her son. Her lawyer fails to turn up for court proceedings and refuses to perform related obligations. In addition, he takes the clients' signatures on blank watermarked papers. Identify the stipulations of the Bar Council of India, in this situation.	2
Ans	An Advocate's duty towards the client include: (i) being bound to accept briefs, (ii) not to withdraw from service, (iii) not to appear in matters where he/she is a witness, (iv) not to suppress material or evidence. (v) An Advocate also had to maintain client confidentiality (vi) not to instigate litigation (vii) not to charge contingency fee (fee depending on success or favorable result of matters). (viii) There is a general duty to ensure that his/her duties do not conflict with the client's interests. (ix) An Advocate is also expected not to negotiate directly with the opposing party (only through the opposing advocate) and to carry out legitimate promises made. (any two points) (Page no 151)	1 mark each for any two duties = 2 marks
28	Examine the provision of free legal aid in India as given under Article 39A and Section 304(1) of Code of Criminal Procedure, 1973.	2

Ans	Article 39A of the Constitution directs the state to provide free legal aid and equal justice by suitable legislation or schemes or in any other way, to ensure that opportunities to secure justice are not denied to any citizen by reason of economic or other disabilities. Legal aid schemes were floated across states through legal aid boards, societies and law departments thereafter. Section 304(1) of Cr.P.C., 1973 provides that: In a trial before the sessions judge, if the accused has not sufficient means to engage a pleader, the court should assign a pleader for his defence at the expense of the State. (Page no 173-174)	1+1
	SECTION C	
29	Judicial review has helped to preserve the constitutional principles and values in India. In the given context answer the following questions: (a) To whom is the power of judicial review available in India? (b) Examine the scope of judicial review in the matters concerning the legislative competence between the Centre and States. (c) Can the practice of judicial review extend to Article 368 of the Constitution of India? If yes, how?	3 marks
Ans	(a) Supreme Court and High Courts / Higher Courts / Judiciary. (Any one of the above mentioned authorities to be considered as an answer) (b) The scope of judicial review is as follows: i. Article 246 of the Constitution provides that the Parliament has exclusive powers to make laws with respect to matters itemized in the 'Union List' (List 1 of the Seventh Schedule of the Constitution). It provides that both the Parliament and the Legislature of any State have powers to make laws with respect to matters enumerated in the 'Concurrent List' (List III of the Seventh Schedule of the Constitution). With respect to the States, it provides that the Legislature of any State has exclusive power to make laws with respect to matters listed in the 'State List' (List II of the Seventh Schedule). ii. Article 246 delivers clear division of law-making powers (division of powers) as well as room for intersection between the Centre and the State. iii. Judicial review helps demarcate the legislative competencies and ensures that Centre does not exert its supremacy over the state matters	1 mark + 1 mark+

	and likewise states do not encroach upon matters within the ambit of Centre. (any one point) (c) Yes, the practise of judicial review can be extended to Article 368 of the Constitution of India. i. Article 368 confers power to the Parliament to amend the Constitution. The Supreme Court has extended the practice of judicial review to the matters concerning the constitutional amendments by developing the doctrine of the basic structure of the Constitution. ii. Article 13(2) states that "the State shall not make any law which takes away or abridges the rights conferred by this Part (Part III - Fundamental Rights)." Article 13(2) limits Parliament's amending authority in matters of fundamental rights. iii. The landmark 1973 Supreme Court case of Keshavanda Bharathi v. State of Kerela discussed the question about the unlimited constitutional amendment powers of the Parliament and established the doctrine of the basic structure or feature of the constitution. iv. This doctrine invalidates any constitutional amendments that destroys or harms a basic or essential feature of the Constitution, like secularism, democracy and federalism. v. It can nullify any constitutional amendment that abolishes or disregards judicial review in issues concerning to fundamental right of the citizens. (Any one point) (Page 20-23)	1 mark
30	Suresh is an employee of a private firm and nurses a grudge against his colleague Atul. One morning at work, Suresh pulls back Atul's chair just as he is about to sit down causing Atul to be seriously injured. Identify the tort in this instance and explain its main features.	3
Ans	Tort of Battery/ Battery <i>Please note: {Intentional Tort (0.5 marks to be awarded if the student identifies this as the type of tort)}</i> Two main features of Battery: i. Intention to cause harm ii. Causing of harm OR i The intentional tort of battery occurs when the defendant causes the touching of the claimant with the intent to cause harm or offense. ii. Both 'intent' and 'causation' are required for the tort of battery to occur.	1mark (for identificati on) + 2 marks (for two features)

	(Page no 48-49)	
31	Raju, Manoj and Anil are brothers who are joint owners of a plot of land. In course of time, there was a tussle over the ownership and partition of the said plot. They decide to take the matter to the Lok Adalat for expeditious resolution. Identify three benefits of a Lok Adalat in the given situation. OR Rachna and Lokesh opted for an alternative dispute resolution mechanism and attempted to resolve their matrimonial dispute through mediation. However, it ended in an impasse. They both desire to carry on with mediation coupled with arbitration. (a) Identify the kinds of cases where this hybrid is appropriate for use. (b) State any two demerits of this type of mediation.	3
Ans	The benefits of Lok Adalat include: 1. There is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. 2. There is no strict application of the procedural laws and the disputing parties can directly interact with the judges. 3. The decision of Lok Adalat is binding on the parties and its order is capable of execution through legal process. 4. It provides the flexibility to even refer disputes to non-lawyers. 5. It is speedier, informal and cheaper modes of dispensing justice when compared to the conventional judicial procedure. (Any three points) (Page no. 90 & 100) OR (a) The cases for which this hybrid is appropriate are: i. This process is more appropriate in civil matters where rules of evidence or jurisdiction are not in dispute. ii. Under the Indian law, contractual dispute (including money claims), similar disputes arising from strained relationships (from matrimonial to partnership), disputes which need a continuity of relationship (neighbour's easement rights) and consumer disputes, have been held to be most suited for mediation.	1x3=3 1+2

	Please note: In point (ii.), if the student writes any two types of cases that can be referred to mediation, full credit to be given. (Any one of the above points) (b)Two demerits: i. There may be ethical problems as mediator can become biased when he acts as an arbitrator; and ii. There may be process problems for mediators. The parties awareness that the mediator might later act in the role of judge could distort the process. (Page no. 97)	
32	A newspaper publishes an article reporting the death of a 14-year old boy in an Observation Home. According to the report, the deceased was placed there following charges of theft and died by suicide. Twenty other boys lodged in the same facility were reported to be anxious and shocked. A social worker charged that the staff was unskilled and insensitive in handling juveniles. Identify the body that is vested to take suo-moto cognizance of the matter and initiate inquiry in India. List its powers in conducting investigation into the matter.	3
Ans	The body that is vested to take suo-moto cognizance of the matter and initiate inquiry in India is National Human Rights Commission/ NHRC. Powers vested in NHRC in the process of investigation: i. summons and enforce the attendance of witnesses and examine them on oath; ii. ask for production of any document before itself; iii. receive evidence on affidavits; iv. request public record from any court or office; and v. examine witnesses or documents. (Any two powers) (Page no 128-130)	1mark for identification + 1x2=2
33	Explain the three main functions of Bar Council of India. OR Explain the requirements that must be met by foreign nationals who wish to practise law in India.	3
Ans	Functions of Bar council of India: Regulatory Functions i. To lay down standards of professional conduct and etiquette for advocates.	1 mark each for any three functions irrespective of the main

Ans	i. The Human Rights which cannot be enforced due to poverty are meaningless and worthless. A right to access to justice is sine-qua-non for social justice. ii. The access to justice itself is one of the most basic human rights, and without it, the realization of many other human rights may become difficult. iii. Human rights are only mere pious declaration without legal aid. They become lucrative only when they are enforced. iv. The right to legal aid enables accomplishment of these human rights and makes them worthwhile for the poor masses in the world. v. In the present legal system of most of the countries, justice is not given but sold. The consumers of justice have to pay the counsel for representing them, bear expenditure for court fees and also other contingent charges. vi. The poverty is an obstacle in the way of getting justice and due to this reason, the poor becomes the sufferer of social injustice. Legal aid is only a way for providing social justice to all. vii. There is an apprehension that someday the patience of the poor may be exhausted and that will endanger the world peace. (Any three points) (page no. 185) OR The Lok Adalat is vested with the powers of a civil court under the Code of Civil Procedure, 1908: 1) The summoning and enforcing the attendance of any witness and examining him on oath. 2) The discovery and production of any document. 3) The reception of evidence on affidavits; 4) The requisitioning of any public record or document or copy of such record or document from any court or office. (Any three points) (Page 183-184)	1 mark each for any 3 points 1 mark each for any 3 points
35	While commenting on the disadvantages suffered by the poor, a judge in India said that the Preamble of the Legal Services Authorities Act of 1987 provides free legal aid to certain categories of citizens. (a) Identify the societal changes that necessitated legal services. (b) Mention any four categories of citizens who can benefit from the provisions of the above-mentioned Act.	3
Ans	(a) The societal changes that necessitated legal services are: i. Reflections of rapid societal progress is seen on all fronts;	1mark +(0.5x4)2

	ii. given the socio-economic grievances of weaker sections no one should be denied justice or being a poor or being disabled; iii. evils in social hierarchy should not affect anyone seeking justice. (Any one point) or any relevant point other than those mentioned above. (Page no. 176) (b)(Any four of the given categories): 1. A member of a Scheduled Caste or Scheduled Tribe; 2. A victim of trafficking in human beings or beggar as referred in article 23 of the Constitution; 3. A woman or a child; 4. A person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996); 5. A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood drought, earthquake or industrial disaster; or 6. An industrial workman; or 7. In custody, including in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987. 8. In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court 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. (Page no. 177)	marks=3marks
36	A Global Convention was held to strengthen efforts to curb Global Warming by the concerted efforts of all countries. In this regard, a multilateral treaty was signed. In this context, (a) How will this treaty impact its signatories? (b) State two essentials of a treaty.	3
	(a) The signatories will be bound by the treaty, after they have expressed their consent, which can be done by Consent by signature, Consent by exchange of instrument or Consent by ratification	1mark for part (a) +

	(page no 192) (b) The essentials of a treaty are: 1. A treaty refers to a legally binding, written agreements in which states agree to act in a particular manner as specified in the agreement. 2. The treaties are to be entered into in good faith. 3. The final text of treaty has to be 'adopted' in an international conference by 2/3rd majority. 4. States have to express consent to be bound by a particular treaty before it becomes applicable to them. 5. Agreements which are between different nations but without the intention of creating binding obligations are not considered treaties, however they may have political effects. 6. A treaty need not be one consolidated document but may consist of more than one related document (Any two points) (Page no 192-193)	2 marks for any two points in part (b) = 3 mark
	SECTION D	
37	Explain the objectives of criminal law in India. OR What is 'tort'? Explain four main characteristic features of tort law.	5
Ans	The objectives for enforcement of the criminal law are: 1. Retribution - This theory basically deals with 'righting of balance'. If a criminal has done a wrong towards a person or property, he needs to be given a penalty in a manner which balances out the wrong done. 2. Deterrence - Deterrence serves as a major tool in maintaining the general law and order in the society, especially from the perspective of Crime. Criminal acts are penalized so as to deter individuals from repeating it or even entering into it in the first place. 3. Incapacitation - The objective of this theory is to segregate the criminals from the rest of the society. For the crimes committed, they suffer a kind of banishment by staying in prisons and in some cases, they are also subject to capital punishment. 4. Rehabilitation - Aims at transforming an offender into a valuable member of society. Its primary goal is to prevent further offense by convincing the offender that their conduct was wrong.	1 mark each for 5 objectives

	5. Restoration - This is a victim-oriented theory of punishment. The goal is to repair, through state authority, any injury inflicted upon the victim by the offender. (Page no. 60) OR Tort is defined as a civil wrong or a wrongful act, of one, either intentional or accidental, that results in the injury or harm to another who in turn has recourse to civil remedies for damages or a court order or injunction. Characteristic features of Tort Law. 1. The tort suit being civil suit is pursued in a civil court. 2. The victim or victim's representatives or survivors prosecute the wrong-doer. 3. It is usually for compensation in the form of money payment and also at times for other liability or injunction. Generally, tort cases result in compensating the victim and occasionally, courts may also grant punitive damages, which are costs or damages in excess of the compensation. 4. Tort can be intentional ; negligence; accidental; strict or absolute liability. 5. It develops from case laws / judicial precedents. 6. It is a common law subject developed not from a statute or an act passed by the legislature. (Any four Points) (Page no. 47)	1 mark for meaning of TORT + 1 mark each for any 4 characteristics
38	Examine the purpose and scope of the Lokpal and Lokayukta Act, 2013. OR Evaluate the adversarial system of justice dispensation.	5
Ans	Purpose of the Lokpal and Lokayukta Act, 2013 The legislation aims to combat acts of bribery and corruption of public-servants. Scope of the Lokpal and Lokayukta Act, 2013 1. The Act applies to the public servants in and outside India. 2. The Act includes in its purview even the current and ex-prime ministers of India except in matters pertaining to international relations, external and internal security, public order, atomic energy and space. 3. Besides the Prime Minister, it brings within its purview any person who is or has been a Minister of the Union and any person who is or has been a Member of either House of Parliament.	1 mark for purpose + 1 mark each for any 4 points as scope = 5 marks

	4. The Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any Member of either House of Parliament in respect of anything said or a vote given by him/her in Parliament or any committee thereof covered under the provisions contained in clause (2) of Article 105 of the Constitution. 5. With respect to bureaucracy, it includes any Group 'A', 'B', 'C' or 'D' official or equivalent from amongst the public servants defined in the Prevention of Corruption Act, 1988 when serving or who has served in connection with the affairs of the Union. 6. The Act also provides for the manner in which the public-servants must declare their assets. 7. The powers of the Lokpal are extensive, and equivalent to the superintendence, inquiry and investigative powers of the police and the Central Vigilance Commission. 8. The Lokpal shall consist of an inquiry and prosecution wing to take necessary steps in prosecution of public servants in relation to offences committed under the Prevention of Corruption Act, 1988. 9. Further, Lokpal can even recommend the government to create special courts to decide cases arising from the Prevention of Corruption Act, 1988. (Any four points) (Page no. 102) OR Evaluation of the adversarial system: 1. In an adversarial system, the parties in a legal proceeding develop their own theory of the case and gather evidence to support their claims. 2. The parties are assisted by their lawyers who take a pro-active role in delivering justice to the litigants. 3. The lawyers gather evidence and even participate in cross-examination and scrutiny of evidence presented by the other disputing party. 4. The role of the judge/decision maker is rather passive as the judge decides the claims based solely on the evidences and arguments presented by the parties and their lawyers. The main advantages of an adversarial system include: 1. The use of cross-examination can be an effective way to test the credibility of witnesses presented 2. The parties may be more willing to accept the results when they are given effective control over the process.	1 mark each for any five points including any one advantage and any one disadvantage (1*5= 5)
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	The disadvantages of an adversarial system are the following: 1. The cost of the justice system falls upon the parties. This creates an in-built discrimination amongst the litigants. 2. The role of lawyers and the procedural formalities, e.g. cross examination may prolong the trial and lead to delays in several matters. (Any five points including at least any one advantage and any one disadvantage) (Page 87-88)	
39	Describe the scope of "right to equality" in the Indian Constitution. OR Explain the main functions of the National Commission for Women in India.	5
Ans	(i) Right to equality Article 14 provides to all the right to equality before law and equal protection of the law. It prohibits discrimination on grounds of religion, race, caste, sex or place of birth. It means that law treats everyone equally without consideration of their rank or status or other backgrounds. (ii) Equality Principle The principle of equality means that one uniform law cannot be applied to all equally as some may not be similarly placed as others. So, equality' treats equals similarly and unequal's differently. (iii) Discrimination & access to public places Article 15 is based on the equality principle. It prohibits State from discriminating anyone based on grounds of religion, race, caste, sex or place of birth. Also, it prohibits anyone and the State from using these grounds to restrict any citizen from entering shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort. (iv) Reservation and affirmative action Article 16 is also based on the equality principle of Article 14. It provides for equality of opportunity in matters of public or State employment and bars any discrimination to any citizen on grounds of	1 mark for each point =5 marks

	religion, race, caste, sex, descent, place of birth, or residence. However, this article allows State to provide reservation or affirmative action programs for government jobs to backward classes like Schedule Castes and Scheduled Tribes who because of historical and continued disadvantages based on caste status and otherwise have not been adequately represented in the services under the State. (v) Abolition of untouchability Under Article 17 Untouchability" is abolished and its practice in any form is forbidden. (Page no. 115-116) OR The National Commission for Women has been charged with the following functions (i) to investigate and examine matters relating to the safeguards provided for women under the Constitution and other laws; (ii) to present annual and other reports to the Central Government about the working of the safeguards; (iii) to make recommendations to Central and states for the effective implementation of safeguards for improving the conditions of women; (iv) to review provisions of the Constitution and other laws affecting women and make recommendations about remedial legislative measures required to address inadequacies or shortcomings in the laws; (v) to take up cases with the appropriate authorities about violation of women human rights as provided in the Constitution and other laws; (vi) to look into complaints and also take suo moto notice of matters on deprivation of women's rights; non-implementation of laws required to achieve equality and development; and non-compliance of policy decisions, guidelines or instructions pertaining to women welfare; (vii) to initiate special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and to identify the constraints and to recommend strategies; (viii) to undertake promotional and educational research and to suggest ways for ensuring due representation of women in all spheres and to identify factors responsible for impeding women's advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for	1 mark each for any 5 points = 5 marks
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	reducing drudgery and occupational health hazards, and for increasing their productivity; (ix) to participate and advice on the planning process of socio-economic development of women; to evaluate the progress of the development of women under the Union and any State; (x) to inspect a jail, remand home, women's institution, or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary; (xi) to fund litigation involving issues affecting a large body of women; (xii) to make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil (Any five Points)	(Page no 136-137)
40	Bosco Ongwen is accused of participating in State-sponsored terrorism during a period of intense political instability in his country. (a) Identify the international tribunal that can take action against Bosco. (b) Name the legislation that created this body. (c) List the categories of crimes for which this tribunal can prosecute criminals. (d) In what ways is its power limited?	5
Ans.	(a) The International tribunal that can take action against Bosco Ongwen is International Criminal Court (ICC) (b) The International Criminal Court (ICC) is a tribunal set up through the Rome Statute of 2002 (c) The ICC can prosecute criminals for following crimes. 1. Crimes against Humanity 2. Genocide 3. War Crimes 4. Crime of Aggression (d) The ICC may prosecute criminals for crimes committed in a country which accepts the jurisdiction of the court. Only if countries agree to submit to the jurisdiction can the ICC take up certain cases in which the person who has committed the crime is a national of the country or if it was committed in the territory of that country.	1 mark for part (a) + 1 mark for part (b) + 0.5*4=2 marks for part (c) + 1 mark for part (d) =5 marks
	(Page no. 201- 202)	