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Senior School Certificate Examination 2018 - 2019

Marking Scheme – Legal Studies

Subject Code: 074

Set – 4 Code no 40

Series BVM

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. **Evaluation is a 10-12 days mission for all of us. Hence, it is necessary that you put in your best efforts in this process.**
2. 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 marks be awarded to them.**
3. 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. 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.
4. 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 totaled up and written in the left-hand margin and encircled.
5. If a question does not have any parts, marks must be awarded in the left hand margin and encircled.
6. If a student has attempted an extra question, answer of the question deserving more marks should be retained and the other answer scored out.
7. No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
8. Every examiner has to necessarily do evaluation work for full working hours i.e. 8 hours every day and evaluate 25 answer books per day.
9. 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 transfer of marks from the inside pages of the answer book to the title page.

- Wrong question wise totaling on the title page.
 - Wrong totaling of marks of the two columns on the title page.
 - Wrong grand total.
 - Marks in words and figures not tallying.
 - 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.
10. While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as (X) and awarded zero (0) Marks.
11. Any unassessed portion, non-carrying over of marks to the title page, or totaling 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.
12. The Examiners should acquaint themselves with the guidelines given in the Guidelines for spot Evaluation before starting the actual evaluation.
13. Every Examiner shall also ensure that all the answers are evaluated, marks carried over to the title page, correctly totaled and written in figures and words.
14. The Board permits candidates to obtain photocopy of the Answer Book on request in an RTI application and also separately as a part of the re-evaluation process on payment of the processing charges.
15. The Marking Scheme carries only suggested value points for an answer.
16. These are only the guidelines and do not constitute the complete answer.
17. The students can have their own expression and if the expression is correct, the marks should be awarded accordingly.
18. As per orders of The Hon'ble Supreme Court, the candidates would now be permitted to obtain photocopy of the answer book on request on payment of the prescribed fee. All 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 following 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-use 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. Full credit should be given to candidates who give relevant points other than the ones listed in the Marking Scheme as the answers to the questions.

23. The examiners are requested to use their own knowledge and experience wherever necessary.
24. **Marks should be awarded for any CREATIVE answer given by the student which is logically correct and is related to the concepts taught.**
25. 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.
26. No marks should be deducted for overshooting word limit.
27. Though break-up of value points is given in a number of answers, the examiner may be flexible in marking the different parts, if the answers reflect understanding of the scope of the question.
28. A full scale of marks 0-100 has to be used. Please do not hesitate to award full marks if the answer deserves it.

LEGAL STUDIES XII 2018
MARKING SCHEME (Code – 074)

Q.No.	CONTENT	Marks
	SECTION A	
1.	a) Registered sale deed / d) No registered document is required <div style="text-align: right;">(pg 34)</div> <div style="text-align: center;">Or</div> d) Principle of Rule of Law (pg 78)	1 M
2.	a) Using force to prevent a crime as part of one's duty is not a criminal act. / b) Causing injury to an assailant in self-defense is not a crime. <div style="text-align: right;">(pg 58)</div>	1 M
3.	a) Mediation / c) Arbitration <div style="text-align: right;">(pg 98/91)</div>	1 M
4.	d) No, because the government is sovereign and enacts laws for the common good/ b) Yes, Article 21 gives the fundamental right to life / a) Yes, his sole means of earning a living is affected. <div style="text-align: right;">(pg 117, 119)</div> <div style="text-align: center;">Or</div> d) Prohibiting human trafficking, beggary and forced labour (pg 115,116)	1 M
5.	c) Advocate General of the State <div style="text-align: right;">(pg 148)</div> <div style="text-align: center;">Or</div> a) Continuing Legal Education <div style="text-align: right;">(pg 156)</div>	1 M
6.	d) Can directly accept engagements to appear in a case or draft pleadings <div style="text-align: right;">(pg 148)</div>	1 M
7.	d) website information regarding areas of practice <div style="text-align: right;">(pg 151)</div>	1M
8.	a) Telecom Dispute Settlement Appellate Tribunal <div style="text-align: right;">(pg 3)</div>	1M
	SECTION B	
9.	a) Registered Instrument / Registration b) Two conditions to be fulfilled for completing the formality are:	1M 0.5*2=1 M

	<p>i. A registered instrument has to be attested at least by two persons who are parties to the transfer.</p> <p>ii. The witnesses should mark their signature too on the instrument with an intention to attest.</p> <p>iii. Registration of the instrument is an essential legal formality. During registration, the parties to the transfer must be present to affix their signatures in the document and complete the transaction with regard to immovable property.</p> <p>iv. While doing so, the document containing the rights, obligations and liabilities of the parties should be clearly mentioned in the document which is registered.</p> <p>v. Registration shall take place by affixing a seal of the Registrar office which shall be subsequently included in the official records. (pg 28)</p> <p style="text-align: center;">(Any two points can be considered) (To be assessed as a whole)</p>	
10.	<p>Conciliation- Conciliation is a process where parties out of their own free will appoint a neutral third party to resolve their disputes. A conciliator may be interventionist in the sense that he/she may suggest potential solutions to the parties, in-order to resolve their claims and disputes. (pg 99)</p> <p style="text-align: center;">Or</p> <p>Mediation- Mediation is a method of ADR in which parties appoint a neutral third party who facilitates the mediation process in-order to assist the parties in achieving an acceptable, voluntary agreement. Mediation is premised on the voluntary will of the parties and is a flexible and informal technique of dispute resolution. (pg 96)</p> <p style="text-align: center;">(To be assessed as a whole) (Any other relevant point)</p>	<p>1 M + 1M</p> <p>1M+ 1M</p>
11.	<p>Inquisitorial System</p> <p>Disadvantages- (any one)</p> <ol style="list-style-type: none"> 1. In an inquisitorial system, since the judge steps into the shoes of an investigator, he/she can no longer remain neutral to evaluate the case with an open mind. 2. There may be a lack of an incentive structure for judges to involve themselves in proper fact finding. 	1 M+ 1M

	(To be assessed as a whole) (Any other relevant point) (pg 87,88)	
12.	<p>a. National Commission for Women(NCW) / National Human Rights Commission (NHRC)/</p> <p>b. (Any two powers) Powers of the commission are:</p> <ol style="list-style-type: none"> summon and enforce the attendance of any person and examining him or her on oath; require the discovery and production of any document; receive evidence on affidavits; request any public record or copy from any court or office; and issue commissions for the examination of witnesses and documents. <p>(pg 136, 137)</p> <p>Note: Any other creative answer which is logically sound should be marked.</p> <p>(To be assessed as a whole) (Any other relevant point)</p>	<p>1 M</p> <p>0.5*2= 1 M</p>
13.	<p>Salient features of fundamental duties are(Any two points):</p> <ol style="list-style-type: none"> Part IV(A) Article 51A of the Constitution prescribes fundamental duties of every citizen. The fundamental duties cannot be enforced in a court of law for violation of the duties, and no one can be punished for the violation. Fundamental duties contain standards to be followed by the citizens. They remind citizens not to behave irresponsibly but help building a free, democratic and strong society. <p>(Any other relevant point) (To be assessed as a whole) (pg 127)</p> <p>Or</p> <p>Salient features of Directive Principles of State Policy are(Any two points):</p> <ol style="list-style-type: none"> Articles 36-51 in Part IV of the Constitution lay down the guiding principles of governance for the State. 	<p>1 M+ 1M=2M</p> <p>1 M+ 1M=2M</p>

	<ul style="list-style-type: none"> ii. It is the duty of the State to apply these principles in making laws and policies on social and human development. iii. These principles are largely of the nature of economic and social rights. iv. The provisions of directive principles are not enforceable by any court of law, but they provide guidance in carrying out and drafting laws and policies regarding human and social development. v. Supreme Court has raised the status of many provisions of directive principles to that of fundamental right by suggesting they violate one's right to life (Art. 21). vi. Directive principles aim at promoting the welfare of the people. They intend to secure and protect social, economic and political justice of its citizens. vii. These principles endeavor to minimize income inequalities and to eliminate inequalities based on status, facilities, and opportunities amongst both individuals and groups of people. (pg 125) <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p>	
14.	<p>Professional Duties of an Advocate:</p> <ul style="list-style-type: none"> i. An Advocate has a duty to act in a dignified manner, ii. to respect the court, iii. not to communicate with a judge in private and impair impartiality, iv. not to act in an illegal manner towards the opposition, to refuse to represent clients who insist on adopting unfair means. v. Advocate is expected to uphold and maintain the values of the profession. vi. An Advocate's duty towards the client include being bound to accept briefs, vii. not to withdraw from service, not to appear in matters where he/she is a witness, viii. not to suppress material or evidence. ix. An Advocate also had to maintain client confidentiality and not to instigate litigation or to charge contingency fee (fee depending on success or favourable result of matters). 	1 M +1M= 2 M

	<p>x. There is a general duty to ensure that his/her duties do not conflict with the client's interests.</p> <p>xi. 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.</p> <p style="text-align: center;">(Any two points) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 150)</p>	
	SECTION C	
15.	<p>The Constitutional provisions which safeguards Independence of Judiciary and Impartiality of judges are : (Any four points)</p> <p>i. Article 50 of Indian Constitution lays the rule for independence of judiciary</p> <p>ii. Once appointed, judges are provided with a security of tenure till they reach a retirement age. This age remains 62 for the High Court judges and 65 for the Supreme Court judges..</p> <p>iii. Judges cannot be easily removed from their office except for proven misbehaviour and incapacity. The legal process is kept stringent to ensure security of tenure of the judges</p> <p>iv. The salaries and allowances of judges are fixed and not subject to vote of the legislature. Judges derive their salaries from the consolidated fund of India (for the Supreme Court) and consolidated fund of state (in case of High Courts).</p> <p>v. Even the judicial conduct of the judges has been kept immune from examination by other Constitutional organs. The conduct of judges of both the Supreme Court and High Courts cannot be discussed in Parliament or state legislature, except when a motion for removal of a judge is being presented to the President.</p> <p>vi. Supreme Court of India has been authorized to have its own establishment and to have complete control over it. It is further authorized to make appointments of officers and staff of the court and determine their service conditions.</p> <p>vii. Independence of judiciary helps in maintenance of rule of law, ensuring good governance and creating free and fair society.</p> <p>viii. The Constitution recognizes that vast powers enjoyed by the courts, especially the Supreme Court</p>	<p>1*4=</p> <p>4 M</p>

	<p>cannot be curtailed by the Parliament.</p> <p>ix. In the civil cases, Parliament only has a limited right to change the pecuniary limits for appeal to the Supreme Court.</p> <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 5, 11-12)</p>	
16.	<p>The provisions of the Constitution which make India a secular entity are:</p> <p>i. Freedom of conscience and free profession, practice and propagation of religion- Under article 25, all persons have the right to freedom of conscience, and freedom to profess, practice and propagate religion as long as their acts do not threaten public order, morality and health.</p> <p>ii. Freedom to manage religious affairs -Article 26 provides the right to every religious denomination, including their sub-sections or sects, to establish and maintain institutions for religious and charitable purposes; manage their own matters of religious affairs; own and acquire movable (e.g., vehicles, furniture) and immovable (e.g., house, trees) property; and administer such property in accordance with law. These rights are conditional; they should not endanger public order, morality and health.</p> <p>iii. Freedom as to payment of taxes for promotion of any particular religion- Article 27 prohibits forcing anyone to pay any taxes on revenues that are used in payment of expenses for the promotion or maintenance of any religion or section. For example, donations in temples that are used for the upkeep of the temple cannot be taxed.</p> <p>iv. Freedom as to attendance at religious instruction or religious worship in certain educational institutions- Article 28 prohibits religious instructions in educational institution that are wholly maintained out of State funds. public order, morality and health.</p> <p style="text-align: center;">(Any four points can be considered) (Any other relevant point) (To be assessed as a whole)</p>	4 M

	(pg 147-148)	
18.	<p>The adversarial system has made access to justice difficult because:</p> <ol style="list-style-type: none"> The adversarial system ended the era of informal dispute settlement prevalent in the Indian society leaving aside the quality of justice dispensation in the indigenous mode. The pre-British system was accessible as it was not technical or formal and was conducted in a language known to parties. The Supreme Court in the <i>M.H. Hoskot v. State of Maharashtra</i> observed our judicature moulded by Anglo American models and our judicial process, engineered by kindred legal technology, compel the collaboration of lawyer power for steering the wheels of equal justice under the law. The adversarial system is characterized by the technical nature of law, and been called as formal because it requires pleadings and court fees. Added complexities like bribery and poverty among the Indian masses makes access to justice highly problematic. Judicial justice, with procedural intricacies, legal submissions and critical examination of evidence, leans upon professional expertise; a failure of equal justice under the law is on the cards where such supportive skills is absent for one side <p>(Page 173, 175)</p> <p>(Any other relevant point) (To be assessed as a whole)</p> <p>Note: Key words to be noted in the answer: Delay, costly, procedural formality, lawyers have an important role to play</p>	4 M
19.	<p>a) World Health Organization (WHO) -The WHO was set up as an agency that would move towards aiding member states with regards to health concerns.</p> <p>WHO has been a core agency for setting up of norms and standards to be followed with regards to human health and research regarding the containment of diseases as well assessing worldwide health trends.</p> <p>It coordinates with various agencies in different countries to facilitate greater knowledge and awareness of health issues in various countries</p> <p>b) United Nations Educational, Scientific and Cultural Organization- UNESCO was set up to promote coordination</p>	2M + 2M =4M

	<p>between members keeping in mind the fact mere economic and political arrangements are not enough to ensure growth and stability in member states.</p> <p>By promoting culture, preserving the heritage, sharing knowledge and understanding that are beneficial for the whole of mankind, UNESCO aims to aid sustainable development and foster greater cooperation between nations.</p> <p>c) International Labour Organization (ILO) -It was set up to achieve social justice.</p> <p>It was aimed at improving the conditions of labour in various countries in the world to help achieve humane conditions for such labourers by providing for various regulations and agreements on the conditions of labourers.</p> <p>d) World Bank and the International Monetary Fund (IMF) - These two sister institutions were started in order to aid the economies of various nations which had suffered immense losses subsequent to the Second World War.</p> <p>The World Bank aids member states by providing loans to member states for the purpose development and raises its funds by way of the world's financial markets.</p> <p style="text-align: center;">(Any two) (Page 194,195) (Any other relevant point) (To be assessed as a whole)</p>	
20.	<p>a) Locus Standi- the right of a party to appear and be heard by a Court</p> <p>b) Public Interest Litigation(PIL) / Social action litigation(SAL)/ Janhit Yachika</p> <p>Characteristics of PIL(Any two)-</p> <ul style="list-style-type: none"> • Tools for social change, non adversarial litigation, pits interest of one party over another • It expands the right of third parties to approach the court • Remedial nature, creates a dynamic, welfare oriented society • incorporates directive principles of state policy, which cannot be enforced in courts • they are creating new rights • strengthening democracy • strengthens the role of judiciary as a monitor and watch 	<p>1 M</p> <p>1 M</p> <p>1M+1M =2M</p>

	<p>dog, fear of being dragged to the courts improves the quality of social institutions</p> <p>(Any other relevant point) (to be assessed as a whole)</p> <p>(pg 9,10)</p>	
	SECTION D	
21.	<p>a) ALTERNATE DISPUTE RESOLUTION/ Any particular ADR</p> <p>b) Benefits of ADR are (Any 4 points):</p> <ol style="list-style-type: none"> The ADR methods are speedier, informal and cheaper modes of dispensing justice when compared to the conventional judicial procedure. ADR provides a more convenient forum to the parties who can choose the time, place and procedure, for conducting the preferred dispute redressal process. If the dispute is technical in nature, parties have an opportunity to select the expert who possesses the relevant legal and technical expertise ADR provides the flexibility to even refer disputes to non-lawyers. ADR is also encouraged amongst the disputants to reduce delays and high pendency of court case. Reduces the burden of traditional courts. <p>(Any other relevant point) (to be assessed as a whole)</p> <p>(pg 90)</p>	<p>1M</p> <p>1*4=4M</p>
22.	<p>Ishwar Devi can claim relief under the principle of negligence.</p> <p>The following elements need to be proved:</p> <ul style="list-style-type: none"> Duty of Care – Duty of care is owed to those whom one can reasonably foresee as being potentially harmed. Breach of duty of care- The defendant was unsuccessful in fulfilling the duty of care in accordance with the standard of 'reasonableness'. Harm to the Claimant - As Ishwar Devi fell from the bus and sustained serious injuries, the company is liable. <p>The decided case law in support of above is Donoghue V. Stevenson.</p> <p>(To be assessed as a whole)</p>	<p>1 M</p> <p>3M</p> <p>1M</p>

	(pg 51-52)	
23.	<p>a) 42nd Amendment Act ushered the era of tribunalisation of Indian judiciary as 42nd Amendment Act, 1976 added Articles 323-A and 323-B to the Constitution of India which empower the Parliament to set up tribunals for adjudication of specialised disputes.</p> <p>b) The two administrative tribunals that were set-up are the Central Administrative Tribunal (CAT) and State Administrative Tribunals (SAT).</p> <p>c) The procedural benefits are:</p> <ol style="list-style-type: none"> The tribunals are procedurally flexible and this flexibility increases their efficiency. The overall objectives of the tribunals are to provide speedy and inexpensive justice to the litigants. <p>d) In L Chandra Kumar case, it was held that tribunals would not take away the exclusive jurisdiction of the courts, and their decisions could be scrutinised by the Division bench of the High Courts.</p> <p style="text-align: right;">(Page 94,95)</p> <p style="text-align: center;">OR</p> <p>a) The Lokpal and Lokayukta Act, 2013.</p> <p>b) The categories of public servants included are:</p> <ol style="list-style-type: none"> The Act applies to the public servants in and outside India. The Act includes in its purview even the current and ex-prime ministers of India. 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. 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. <p>The exceptions are:</p> <ol style="list-style-type: none"> Prime Minister cannot be investigated in matters pertaining 	<p>1M</p> <p>0.5+0.5=1M</p> <p>1+1=2M</p> <p>1M</p> <p>1M</p> <p>2 M for categories +1M for exceptions =3M</p>

	<p>to international relations, external and internal security, public order, atomic energy and space. At least two-thirds of the members of Lokpal must approve of such inquiry. It further provides that any such inquiry shall be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone.</p> <p>ii. 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.</p> <p>c) 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. Further, Lokpal can even recommend the government to create special courts to decide cases arising from the Prevention of Corruption Act, 1988. For investigation against the Prime Minister, at least two-thirds of the members of Lokpal must approve of such inquiry. It further provides that any such inquiry shall be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone.</p> <p style="text-align: center;">(To be assessed as a whole) (Any other relevant point)</p>	1M
24	<p>a) i. A Lok Adalat has jurisdiction to settle any matter pending before any court, as well as matters at pre-litigative stage, i.e. disputes which have not yet been formally instituted in any Court of Law.</p> <p>ii. Such matters may be in the nature of civil or noncompoundable criminal disputes.</p> <p>iii. A case may be referred to Lok Adalat when the parties thereof agree or one of the parties thereof makes an application to the court for referring the case to the Lok Adalat for settlement.</p> <p>Or any other relevant point</p> <p>b) The Lok Adalat shall for the purpose of holding any determination under this Act, have the same powers as</p>	<p>3M</p> <p>2M</p>

	<p>are vested in a civil court under the Code of Civil Procedure, 1908 namely:</p> <ul style="list-style-type: none"> i) The summoning and enforcing the attendance of any witness and examining him on oath. ii) The discovery and production of any document. iii) The reception of evidence on affidavits; iv) The requisitioning of any public record or document or copy of such record or document from any court or office; and <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p>	
	SECTION E	
25.	<p>i. The grounds for removal include: (i) proven misbehaviour or (ii) incapacity.</p> <p>ii. The inquiry into these grounds is made under the Judges Inquiry Act, 1986. This inquiry is done by a committee of three members, of which two are judges - one from the Supreme Court and second is the Chief Justice of High Court.</p> <p>iii. If the complaint is against the high court judge then two judges from the Supreme Court constitute this Committee. Based on the findings, the recommendation to impeach the judge has to be made by the Chief Justice of India to the President of India.</p> <p>iv. If it is accepted then, the proposal of impeachment must be introduced in the Parliament for discussion by 100 MPs in Lok Sabha or 50 MPs in Rajya Sabha.</p> <p>v. The copy of the proposal is given to the concerned judge before the proceeding starts in the Parliament of India. The impeachment process in the Parliament is governed under Article 124(4) of the Constitution.</p> <p>vi. Under this scheme, the motion of impeachment has to be passed by the two-third majority members present and voting must be done separately in the each house of the Parliament. If the motion is passed then the formal announcement is done by the President of India.</p> <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 14)</p>	<p>1M</p> <p>5M</p>
26.	<p>a) Discharge by Impossibility of Performance/ Discharge by breach</p> <p>Discharge by Impossibility of Performance -Performance of a contract can become impossible with or without the</p>	<p>1M for identification</p> <p>+</p> <p>2M for explanation</p>

	<p>knowledge of the parties to the contract. It can also become impossible subsequently after the parties have entered into a contract. It can also happen by Supervening impossibility</p> <p>Discharge by breach - Breach means failure to perform the obligation by a party. When a party to a contract does not perform his part of the obligation due to which the contract becomes broken</p> <p>b) A common remedy for breach of contract is awarding damages to the affected party.</p> <p>c) The objective of awarding damages by the court is to put the injured party in the same position as he would have been if the contract had not been breached. This, under the contract law, is called the Doctrine of Restitution. The basis of this Doctrine is awarding damages for the pecuniary loss incurred by the party to the contract.</p> <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole) (pg 44-45)</p>	<p>1M</p> <p>2M</p>
27.	<p>The various options and opportunities open to law graduate in India are:</p> <ol style="list-style-type: none"> 1. Litigation: Graduates may practice as an advocate in a court of law. This can be achieved by working under experienced advocates or being attached to litigation departments of law firms or companies in order to practice in the Courts of India. 2. Law Firm Practice: Law firms vary in size and practice areas. Law firms may range from boutique law firms specializing in specific areas of law (such as Intellectual Property Rights and Tax law), to mid- sized law firms as well as large law firms which are full service law firms with different practice groups such as general corporate, etc. 3. Corporate Sector: Large corporations often have an in-house legal practice. An inhouse counsel will give legal advice to the company, have expertise in the business of the company and be responsible for ensuring that the business of the company is being run in compliance with applicable laws 4. Public Policy: Lawyers have an important role in formulating and advising on public policy. Several organizations employ law graduates for policy making and have institutionalized fellowships where law 	1*6=6 M

	<p>graduates can be Research Assistants.</p> <ol style="list-style-type: none"> 5. Legal Research and Academia: Graduates may attach themselves with Research Centres and think tanks. Law graduates may take up teaching and research as a profession. At least a post graduate degree in Law or related disciplines is expected to build a career in academics. 6. Non-Governmental Organizations: Not-for-profit organizations, especially organizations with a social justice orientation have positions for law graduates. These range from small grass-root level organizations to large well-funded organizations. 7. Government Institutions: Government departments, statutory authorities, public sector undertaking and regulatory bodies also provide interesting opportunities to lawyers. 8. Further study: Law is an interdisciplinary subject and graduates may opt for further studies in related disciplines such as Business, Economics, Anthropology and Sociology. 9. Judicial Services clerkships: The court system provides several avenues to law graduates. The higher judiciary, that is judges of the High Courts and Supreme Courts have law clerks cum research assistants who assists a judge in researching for cases, maintaining paperwork etc. 10. Other avenues: Law graduates may opt for different career paths such as politics, journalism (legal journalism at places such as Bar and Bench and Legally India as well as in media houses), legal publishing, Fellowships (such as the Teach for India Fellowship), civil services etc. <p style="text-align: center;">(any 6) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 153-155)</p>	
28.	<p>The Central Authority shall perform all or any of the following functions, namely</p> <ol style="list-style-type: none"> a) Lay down policies and principles for making legal services available under the provisions of this Act. b) Frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act. c) Utilize the funds at its disposal and make appropriate allocation of funds to the State Authorities and District Authorities. 	1*6=6M

	<p>d) Take necessary steps by way of social justice litigation with regard to consumer protection, environment protection or any other matter of special concern to the weaker sections of the society.</p> <p>e) Organize legal aid camps, especially in rural areas, slums or labour colonies.</p> <p>f) Encourage the settlement of disputes by way of negotiations arbitration and conciliation.</p> <p>g) Undertake and promote research in the field of legal services with special reference to the need for such services among the poor.</p> <p>h) To do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IV A of the Constitution.</p> <p>i) Monitor and evaluate implementation of the legal aid programmes at periodic intervals.</p> <p>j) Provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities.</p> <p>k) Develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance.</p> <p>l) Take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of society.</p> <p>m) Make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level.</p> <p>n) Coordinate and monitor the functions of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluka Legal Services Committees and voluntary social service institutions and other legal services organizations and give general directions for the proper implementations of the legal service programmes.</p> <p style="text-align: right;">(Pg 179)</p> <p style="text-align: center;">(Any 6)</p> <p style="text-align: center;">Or</p> <p>NALSA Regulations- ensure that legal aid is granted to the poor. The Regulations are applicable to the Legal Service Committees of the Supreme Court, High Courts, the States, districts and taluks.</p> <p>Selection of panel lawyers- Applications are invited from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with. A</p>	<p>2M+2M+ 2M=6M</p>
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	<p>panel is formed. The panel lawyer is barred from taking any fee, remuneration or other valuable consideration from any person for whom legal services are rendered.</p> <p>Or Any other relevant point</p> <p>Payment of Fee</p> <p>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.</p> <p>Senior Advocates- services of senior advocates may be availed if the Chairman of the legal services institution forms an opinion in cases of great public importance and where serious threats to life and liberty of the applicant exists.</p> <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 175-176)</p>	
29.	<p>a) A Treaty/International Convention/Charters refers to legally binding, written, agreements in which states agree to act in a particular manner as specified in the agreement.</p> <p>b) Treaties are often complex documents, particularly with regards to those involving more than two parties as they are binding upon them and are to be entered in to in good faith.</p> <p>c) A state may express its consent to be bound by a particular treaty in the following ways:</p> <p>i. Consent by signature- In certain cases, treaties may be given force by way of signatures of representatives who have been given the full powers, i.e. authorization in writing from their state to be able to take decisions on its behalf.</p> <p>ii. Consent by exchange of Instruments - In some scenarios, consent may be recorded by way of exchanging certain instruments, i.e. documents which contain the terms agreed to by both sides, when these instruments provide that on such exchange they will be in effect.</p> <p>iii. Consent by Ratification - Ratification is simply understood to be the act by which a State establishes its consent to be bound by a treaty on the international plane.</p> <p style="text-align: right;">(Pg 192-193)</p> <p style="text-align: center;">(To be assessed as a whole)</p> <p>Note: Points in part (a) and (b) may overlap, marks should be given.</p>	<p>1 M</p> <p>2M</p> <p>3M</p>

	<p style="text-align: center;">Or</p> <p>a. The International Criminal Court (ICC) is a tribunal set up through the Rome Statute</p> <p>b. The categories of crimes it deals with are:</p> <ol style="list-style-type: none"> i. Crimes against Humanity ii. Genocide iii. War Crimes iv. Crime of Aggression <p>c. The ICC may prosecute criminals for crimes committed in a country which accepts the jurisdiction of the court. Thus, 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. The cases may be referred by the country directly to the ICJ or through the Prosecutor of the ICC, who is the person appointed to try cases on behalf of the ICC.</p> <p style="text-align: right;">(pg 201-202)</p> <p style="text-align: center;">(To be assessed as a whole)</p>	<p>1M+1M</p> <p>0.5*4=2M</p> <p>2M</p>
30	<p>i) The fundamental right violated is Article 20 and 21</p> <p>ii) Article 20 provides for safeguards to persons who are accused of having committed crimes.</p> <ol style="list-style-type: none"> a. Article 20 provides that no person can be convicted for the commission or omission of an act that does not amount to an offense by any law in force at the time of such act. b. article 20 provides that any person who is convicted of a crime should not receive a penalty greater than what is provided in the law in force at the time of the act of offence. c. It provides for another important right no person shall be prosecuted and punished for the same offence more than once. d. It states that no person accused of any offence shall be compelled to be a witness against himself. <p>Article 21 states as follows -No person shall be deprived of his life or personal liberty except according to procedure established by law.</p> <p>Iii) The ground on which the action of the authorities can be challenged is that the due process of law has not been</p>	6M

	<p>followed.</p> <p style="text-align: center;">(Any other relevant point) (To be assessed as a whole)</p> <p style="text-align: right;">(pg 118-119)</p> <p>Note: <i>If the student has attempted the question, award 3 marks.</i> <i>If explained logically even without mentioning relevant Article, full marks should be awarded to the student</i></p>	
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