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Senior School Certificate Examination - 2020

Marking Scheme – LEGAL STUDIES

(SUBJECT CODE : 074) (PAPER CODE : 40)

General Instructions: -

1. You are aware that evaluation is the most important process in the actual and correct assessment of the candidates. A small mistake in evaluation may lead to serious problems which may affect the future of the candidates, education system and teaching profession. To avoid mistakes, it is requested that before starting evaluation, you must read and understand the spot evaluation guidelines carefully. **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. Evaluators will mark(✓) wherever answer is correct. For wrong answer 'X' be marked. Evaluators will not put right kind of mark while evaluating which gives an impression that answer is correct and no marks are awarded. **This is most common mistake which evaluators are committing.**
5. 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. This may be followed strictly.
6. 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.
7. If a student has attempted an extra question, answer of the question deserving more marks should be retained and the other answer scored out.
8. No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
9. A full scale of 0 - 80 marks has to be used. Please do not hesitate to award full marks if the answer deserves it.
10. 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).

11. 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 totaling of marks awarded on a reply.
 - 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.
12. 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.
13. 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.
14. The Examiners should acquaint themselves with the guidelines given in the Guidelines for spot Evaluation before starting the actual evaluation.
15. 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.
16. The Board permits candidates to obtain photocopy of the Answer Book on request in an RTI application and separately as a part of the re-evaluation process on payment of the processing charges.
17. The Marking Scheme carries only suggested value points for an answer. These are only the guidelines and do not constitute the complete answer. The students can have their own expression and if the expression is correct, the marks should be awarded accordingly.
18. Please read the following guidelines carefully and seek clarifications from the Head Examiner in case of any doubt to reduce subjectivity and bias.
19. Credit should be given to student writing the concept in his own language. Marks should not be deducted for non-use of bookish language.

20. Every care has been taken to prepare the Marking Scheme. However, it is important to keep in mind that, it is neither exhaustive nor exclusive.
21. The examiners are requested to use their own knowledge and experience wherever necessary.
22. Marks should be awarded for any CREATIVE answer given by the student which is logically correct and is related to the concepts taught.
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.

LEGAL STUDIES

SUBJECT CODE (074)

SERIES – HMJ/ PAPER CODE NO. 40

S.no.	Expected Answers	Marks allotted
1.	Fill in the blanks:	
a)	The qualification required for appointment as an Advocate General is similar to that of a -----.	1
Ans.	Judge of High Court	1
b)	----- helps the judge to separate the ‘wheat from the chaff’ and plays a crucial role in the establishment of facts during the court proceedings.	1
Ans.	Evidence Act/ Evidence Act, 1872 (Any of the two answers is to be considered)	1
Or	If the accused is allowed to be withdrawn from prosecution, prior to framing of charges , it is called -----.	1
Ans.	Discharge	1
c)	The Lokpal and Lokayukta Act, 2013 provides for the establishment of ----- at every state in order to deal with complaints of corruption against public functionaries.	1
Ans.	Lokayukta	1
d)	Article 21A provides for right to education to all children between the ages of six and fourteen and obligates ----- to implement this.	1
Ans.	The State/ State Government (Any of the two answers is to be considered)	1
Or	Article 24 prohibits employment of children below the age of -----years in factories, mining and other hazardous employment.	1
Ans.	14/ Fourteen	1
e)	-----was enacted to expressly provide that no woman would by reason only of her sex, be disqualified from being admitted or enrolled as a legal practitioner or from practicing as such.	1
Ans.	Legal Practitioners (Women) Act, 1923/ Legal Practitioners (Women) Act /Legal Practitioners Act, 1923	1
2.	Answer in one word /one sentence each.	
a)	What is the relation between TDSAT(Telecom Dispute Settlement Appellate Tribunal) and TRAI (Telecom Regulatory Authority of India)?	1

Ans.	TDSAT deals with resolution of telecom disputes and regulators are specialized Government agencies that oversee law and order compliance	1
	OR	
	TDSAT is a tribunal and TRAI is a regulator	1
	OR	
	Tribunal TDSAT functions alongside the regulator, TRAI (Telecom Regulatory Authority of India) in formulating laws and policy for resolving telecom disputes in India.	1
Or	How can a judge from lower judiciary be removed from his office?	1
Ans.	Judge in the lower judiciary can be removed from his office by the State Government in consultation with the High Court.	1
b)	Who headed the Committee on National Implementation of Legal Aid?	1
Ans.	Justice P.N. Bhagwati	1
Or	Identify the covenant ratified by India in 1976 that binds India with the international obligation to provide free legal assistance.	1
Ans.	ICCPR/ International Covenant on Civil and Political Rights or ICESCR/International Covenant of Economic, Social and Cultural Rights	1
c)	Rohan Abbas, an upcoming criminal lawyer , after taking approval from the Bar Council of India prepared a five piece information that he can put on the internet to solicit clients . The information included his name, his contact details and his professional and academic qualifications. Apart from these, Mention the other two pieces of information that Rohan can give to advertise his services.	1
Ans.	The other two pieces of information are: a. Enrolment with the Bar/Enrolment number b. Areas of practice	0.5*2=1
d)	Who is the Patron- in – Chief of the state Legal Services Authority?	1
Ans.	Chief Justice of the concerned State High Court	1
e)	Arvind is being tried for misappropriation of office funds in a trial before the Sessions Judge. He does not have sufficient means to engage a pleader. What remedy is available to Arvind?	1
Ans.	Section 304(1) of Cr.P.C. 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 defense at the expense of the State	1
	Or	

	Approach the District Legal Services Authority for a free lawyer/ free legal aid/ legal services.	1
Or	State Rawl's first principle of justice.	1
Ans.	Rawl's first principle of justice states that "Each person should have an equal right to the system of equal basic liberties". (If the child has written in his/her own expression full credit will be given)	1
3.	MCQ's:	
a)	Tushar is a Delhi Government employee working as a research analyst at Krishi Anusandhan Kendra (Institute), Delhi. He was given a rent-free accommodation having five rooms. Tushar sublet two rooms to the students studying in the institute at a nominal rent. The matter was reported to State Administrative Tribunal. He was suspended for a month and was asked to vacate the accommodation. Tushar wants to appeal against the decision of the State Administrative Tribunal. Where should he appeal? a. Central Administrative Tribunal b. Division Bench of Supreme Court of India c. Division Bench of High Court of Delhi d. No appeal is allowed in Alternate Dispute Resolution mechanisms.	1
Ans.	c. Division Bench of High Court of Delhi	1
Or	There was a dispute between Ms. Shreya and Ms. Piyali regarding the title and possession of a plot of land. The parties to the dispute appointed a neutral third-party Ms. Liam who suggested potential solutions. Identify the role of Ms. Liam in this situation. a. Arbitrator b. Negotiator c. Mediator d. Conciliator	1
Ans.	d. Conciliator	1
b)	Sudhir, a college student, follows Kirti, his classmate. He sends her unwanted messages and 'friends request' on different social media portals. Although there is no violence or threat of violence, is Sudhir still guilty of any wrong? a. Yes, because he is invading Kirti's privacy b. Yes, because he is unlawfully harassing Kirti c. No, because he is not causing any physical harm or injury to Kirti d. Yes, because he is being negligent towards his duties as a good student.	1
Ans.	a. Yes, because he is invading Kirti's privacy Or b. Yes, because he is unlawfully harassing Kirti	1

	(Any one of the answer)	
Or	Administrative actions in which no discretion is vested with the authority are called a. Purely administrative actions b. Ministerial actions c. Administrative adjudicatory actions d. Both a and b	1
Ans.	a. Purely administrative actions / b. Ministerial actions / d. Both (a) and (b) (Any one the answer is to be taken as the correct answer)	1
c)	The first Indian lady vakil to be enrolled was a. Ms. Hazra b. Anna Chandy c. Cornelia Sorabjee d. Fatima Beevi	1
Ans.	c. Cornelia Sorabjee	1
d)	Raveena is working with a reputed law firm. Her area of specialization typically involves practicing in commercial and economic laws and advising on issues pertaining to a commercial transaction between two or parties. She also advices on the laws applicable to the transaction, drafts contracts and other documents and helps clients with the commercial negotiations. Reena is specialized in. a. Corporate law b. Taxation Law c. Transactional Law d. Legal Process Outsourcing	1
Ans.	c. Transactional law	1
Or	Michael Brown has an undergraduate degree in Anthropology and aspires to become a lawyer in the UK. Which of the following will enable him to do so? a. Pupillage b. Common Professional Examination c. Bar Vocational Course d. Legal Practice Course	1
Ans.	b. Common Professional Examination	1
e)	A petition was filed in a High Court highlighting the plight of sewage cleaners working for the State Jal Board. It highlighted the problems of exposure to toxic fumes, suffocation and accidental death, while working. In this context, which of the following statements is applicable? a. Fundamental duty has been breached by the State b. Fundamental Rights cannot be enforced if the violation is not willful c. Fundamental Rights can be enforced against the State through Public Interest Litigation	1

	d. Directive Principles of State Policy are not enforceable judicially so no action	
Ans.	c. Fundamental Rights can be enforced against the State through Public Interest Litigation	1
4.	State whether the statements are TRUE or FALSE.	
a)	The Vienna Declaration and Programme of Action led to the creation of the post of the UN High Commissioner for Human rights.	1
Ans.	True	1
b)	In the UK, the provisions of an international treaty need to be transformed into local law, passing a domestic legislation with concurrent provisions as per the international obligations.	1
Ans.	True	1
c)	The principles laid out in Part IV(A) of the Indian Constitution are used for interpreting provisions of the Constitution that are vague and ambiguous.	1
Ans.	False	1
Or	The freedom of speech and expression granted to the Indian citizens cannot be curtailed on any grounds.	1
Ans.	False	1
d)	The State Legal Aid Fund shall be utilized towards the cost of functions of State Authorities, cost of legal services provided by the High Court Legal Services Committee and Taluk Legal Services Committee.	1
Ans.	True/ False (Both to be awarded as the language is ambiguous)	1
e)	Sona Lal, a Maoist leader convenes a gathering of all comrades in Surguja District to establish an egalitarian society using violent means, if necessary. The local police on receiving a tip off, constructs barricades around the local area to ensure that the planned convention cannot take place. This is a violation of Sona Lal's fundamental right.	1
Ans.	False	1
SECTION B		
5.	Analyze the relation between 'due process of law' and 'independence of judiciary'.	2
Ans.	<ol style="list-style-type: none"> 1. Independence of judiciary means that the judiciary is free from the control of legislature and executive. 2. 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, etc. 3. Only an independent judiciary can make this concept operational. Whenever the independence of judiciary has been disturbed, it has directly impacted upon the due process of governance and rights granted to average citizens. 4. It is important for rule of law, free and fair society, watchdog of democracy and protects the fundamental rights of the citizens. <p style="text-align: center;">(To be assessed as a whole)</p>	2 marks
Or	Describe the procedure of impeachment as given in Article 124(4) of the	2

	Indian Constitution.	
Ans.	<p>1. The inquiry into the grounds for removal i.e. (i) proven misbehaviour or (ii) incapacity is made under the Judges Inquiry Act, 1986.</p> <p>2. This inquiry is done by a committee of three members. 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>3. 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>4. The copy of the proposal is given to the concerned judge before the proceeding starts in the Parliament of India. The motion of impeachment has to be passed by the two-third majority members present and voting must be done separately in each house of the Parliament</p> <p style="text-align: center;">(To be assessed as a whole)</p>	2 marks
6.	<p>Rajbeer, a thief, broke into the apartment of Mr. Sood with the intention of theft. While he was trying to open the locker safe Mr.Sood spotted him and started shouting. Rajbeer ran out of the apartment. Mr.Sood followed him and hurled a stone towards Rajbeer which hit him hard in the head and Rajbeer sustained serious head injury.</p> <p>Is Mr.Sood criminally liable for this act? Substantiate with proper reasons.</p>	2
Ans.	<p>Yes, Mr Sood is criminally liable for this act because causing injury to an assailant in self-defense is not a crime, but the moment injury is caused with intent to take revenge, the act becomes criminal.</p> <p>Mr Sood had the right to self-defense only till Rajbeer, the thief did not flee the house and not beyond that/ explains the concept of self-defense.</p>	1 marks for writing 'yes'+ 1mark for reason.
Or	<p>Nirmala and Venkateshwaram, a young couple, scratched their names on the bonnet of Mr. Vishnuvardhan's car.</p> <p>Identify the type of civil wrong. Also, what remedy is available to Mr. Vishnuvardhan?</p>	2
Ans.	<p>Type of civil wrong – Trespass to chattel Remedy – Damages/ Monetary compensation/compensation</p> <p style="text-align: center;">OR</p> <p>Type of civil wrong – Conversion Remedy – Forced sale/Damages/ Compensation</p>	1 mark for identification + 1 mark for remedy
7.	<p>Mrs. Sfoorti Sinha is an English Lecturer who offered a reward of Rs. 10000 to the top scorer in her class. Nisha, a student claimed the reward after scoring the highest marks. Mrs. Sinha, however, refused to give the reward, stating that she is not legally bound. Examine the remedy available in this context.</p>	2

<p>Ans.</p>	<p>No remedy is available to Nisha as the offer was not made with the intention to create a legal relationship. It was only a moral/social obligation</p> <p style="text-align: center;">OR</p> <p>No remedy is available to Nisha. In a similar case of <i>Balfour v Balfour</i>, the husband and wife went on leave to England and the wife fell ill in England. The doctors who treated the wife advised her to take full bed rest and remain in England. The wife stayed in England. When the leave was over, the husband went to Ceylon where he was employed and promised to send a sum of £30 to the wife every month for her stay in England. He sent the amount for some time and later due to differences and misunderstanding between them, the husband stopped sending the amount. The wife-initiated action to recover the arrears due to her. The Court dismissed it on the ground that the agreement entered was only a moral obligation and the parties never intended to create any legal relationship</p> <p style="text-align: center;">OR</p> <p>No remedy is available to Nisha as no intention to create a legal relationship is visible. In an English case <i>Carlill v. Carbolic Smoke Ball Co.</i>, the company was the manufacturer of a medicine called smoke ball which was used for the treatment of influenza. An advertisement was put up offering a reward of £100 to anyone who got influenza again after using the smoke ball medicine continuously for fifteen days. In the advertisement, it was also stated that £100 was deposited in a Bank, namely, Alliance Bank for paying the reward if such situation arose. Seeing the advertisement, Mrs. Carlill bought the smoke ball medicine and used it as per the directions provided. Mrs. Carlill got a fresh episode of influenza. Mrs. Carlill sued the company for the reward of £100. The manufacturing company stated that: (1) there was no intention to enter into a legal relationship with anyone through the advertisement, The Court stated that deposit of £1000 in the Alliance Bank by the smoke ball company was evidence that the company had real intention to enter into a legal relationship with anyone who accepted the offer.</p> <p style="text-align: center;">(Any 1 of the above) (Law is opened to interpretation, so this answer will vary from how the student has interpreted it provided the explanation is as per the text) (To be assessed as a whole)</p>	<p>1 mark for response 'yes' / 'no' + 1 mark for reason based on the response</p>
<p>8.</p>	<p>Why is mediation a better method for resolution of dispute arising from strained relations?</p>	<p>2</p>
<p>Ans.</p>	<p>Mediation is a better method of dispute resolution because mediation:</p> <ul style="list-style-type: none"> • It can handle any number of outstanding gripes or issues, • it offers a way to discuss (and solve) the problems underlying a dispute and • Create truly lasting peace. 	<p>1 mark each for any two points</p>

	<ul style="list-style-type: none"> • It is speedy, inexpensive and informal in nature and provides a forum to parties to discuss their problems amicably. • It looks for a common ground of settlement suggested by the parties themselves. • No application of laws/procedure/technicality. • Continuity in relations • Willingness • Reduces the burden of the Courts • Reduces the delay in judgment <p style="text-align: center;">(Any 2 points) (To be assessed as a whole)</p>	
9.	State the provision of preventive detention laws in India to which safeguard of Article 22 does not apply.	2
Ans.	<ol style="list-style-type: none"> 1. The safeguards of Article 22 do not apply to a person from an enemy country. Also, they do not apply to persons arrested or detained under preventive detention laws. 2. Preventive detention laws allow for detaining persons on suspicion who have not been found guilty of any crime but their release may be detrimental to society 3. For example, the Maintenance of Internal Security Act of 1971 in which many political opponents were detained without safeguards against arrest and detention and other human rights. <p>(If the student has explained Art. 22 and related it to preventive detention, full credits to be given) (To be assessed as a whole)</p>	2 marks
10.	State the regulatory functions of Bar Council of India.	2
Ans.	<p>The regulatory functions of Bar Council of India are as follows:</p> <ul style="list-style-type: none"> • Prescribing standards of professional conduct and etiquette • Exercising disciplinary jurisdiction over the bar • It also sets standards for legal education • Grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate • To deal with and dispose of any matter which may be referred to it by a State Bar Council. • To promote legal education and to lay down standards of legal education. • To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India. • To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest • To manage the funds 	2 marks

	(Any 2 points)	
11.	Article 39A inserted by 42 nd Amendment Act makes the provisions of Article 14 of the Indian Constitution more meaningful and progressive. Evaluate this statement.	2
Ans.	<ul style="list-style-type: none"> • 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. Creation of equal opportunity for accessing the courts is a dimension of the equality clause in Article 14 which was further enhanced by creation of Article 39A. • Article 39A of the Constitution directed the state to provide free legal aid 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. <p style="text-align: center;">(To be assessed as a whole)</p>	2 marks
12.	At the concluding session of an international conference in 2019, the following observation was made: “Mere economic and political arrangements are not enough to ensure growth and stability in the world. By promoting culture, preserving heritage and sharing knowledge the world can become a global family where there is peace and understanding.” Identify the specialized agency of the UN that can best address this crisis and state its main functions.	2
Ans.	<p>Specialized agency - United Nations Educational, Scientific and Cultural Organization / UNESCO</p> <p>Functions (Any 2)-</p> <ol style="list-style-type: none"> 1. Promote coordination between members to ensure growth and stability in member states. 2. Promote culture, preserve the heritage, share knowledge and understanding that is beneficial for the whole of mankind. 3. Aid sustainable development 4. Foster greater cooperation between nations 	<p>1mark for identification</p> <p>0.5 marks each for any 2 points</p>
	SECTION C	
13.	Susheela is a minor who looks older than her age. Subroto is a major who enters into a contract with Susheela thinking that she is a major too. Later Subroto found that Susheela is a minor. a. Is the contract valid? Give reasons. b. State the exception to the rule regarding capacity to contract by a minor as stated in the Indian Contract Act,1872.	4
Ans.	<p>(a) The contract is invalid as minor is incompetent to enter into a contract / no capacity to contract / is below the age of 18years so cannot enter into a contract.</p> <p>(b) The exception to the rule is that if a minor enters into a contract and</p>	2+2 marks

	<p>the enforcement of such contract is beneficial for the minor then it will not be held void.</p> <p style="text-align: center;">(To be assessed as a whole)</p>	
14.	<p>Raghav and his two friends, Ravi and Prakash, were arrested by Police on the charges of kidnapping and abduction of a minor girl. A conversation between Raghav and his friends was overheard by a rag picker while they were discussing the further course of action in a junk yard. The rag picker informed the police and the three were arrested.</p> <p>Ravi, told the Inspector that if taken to Kodaikanal, he would show the spot where the minor girl was kept.</p> <p>a. Analyse the nature of evidence presented in the given situation. b. What is the position of Ravi’s statement in evidence law? c. If the statement by Ravi was made before a magistrate instead of the Inspector, would it have the same impact as an evidence? Explain</p>	4
Ans.	<p>(a) The nature of evidences presented in the given situation are extra judicial confessions. / It’s a hearsay/oral evidence Extra judicial confessions can be accepted and can be the basis of a conviction only if it passes the tests of credibility as laid down in the procedural laws such as corroborated by other evidences.</p> <p>(b) Ravi’s statement is also considered as extrajudicial confession as it is made to the inspector during investigation.</p> <p>(c) If the statement by Ravi was made before a Magistrate instead of a Inspector , it would be a judicial confession and may be accepted as conclusive of the matters confessed if made deliberately and voluntarily.</p> <p style="text-align: center;">(To be assessed as a whole)</p>	1+1+2 marks
15.	<p>Give any four functions of the National Human Rights Commission.</p>	4
Ans.	<p>The functions of National Human Rights Commission (NHRC) are as follows</p> <p>1. Inquiry and Investigation -NHRC can conduct inquiry and investigation into the alleged violation of human rights or abetment (aiding or supporting) or negligence in the prevention of such violation by a public servant.</p> <p>2. Intervening in court proceedings -The Commission may with the permission of the court intervene in court proceedings concerning human rights violations.</p> <p>3. Inspection of jails, etc.- The Commission may also visit any jail or other governmental institutions, where prisoners are lodged or detained, to study the living conditions of the inmates and make recommendations to the government.</p>	1 mark each for 4 functions

	<p>4. Awareness and Sensitization-The Commission can review various human rights laws either in the Constitution or other statutes and recommend measures to the government for their effective implementation. The Commission can also evaluate various factors, including acts of terrorism, which prevent the enjoyment of human rights and recommend appropriate remedial measures to the government. The Commission's role includes studying various international human rights laws and make recommendations for their effective implementation at the domestic level (within the State). Furthermore, the Commission can undertake and promote research in the field of human rights.</p>	
Or	Explain the provisions of safeguards in the Indian Constitution, to persons accused of having committed crimes.	4
Ans.	<p>Article 20 provides for safeguards to persons who are accused of having committed crimes.</p> <ul style="list-style-type: none"> • 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. • 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. (Doctrine of Proportionality) • It provides for another important right 'no person shall be prosecuted and punished for the same offence more than once. (Double Jeopardy) • It states that no person accused of any offence shall be compelled to be a witness against himself. This provision safeguards the accused's right against self-incrimination. (Right against self-incrimination) 	1 mark each for the 4 provisions
16.	<p>a) Describe the broad features of the NALSA Regulations, 2010. b) State the main objective of the Legal Services Authorities Act, 1987.</p>	4
Ans.	<p>a) Some broad features of the NALSA Regulations 2010 are as follows:</p> <p>I) Selection of Panel Lawyers The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. The personal traits like competence, integrity, suitability and experience shall be given due consideration. The Panel has to be reconstituted every three years</p>	3 marks for features+ 1 mark for part (b)

	<p>without disturbing the work of panel lawyers already representing on-going cases. The panel lawyer may be withdrawn from a case or his name removed from the panel on account of non- performance of duties satisfactorily or for actions against the object and purpose of the Act or Regulations.</p> <p>II) Payment of Fee The Regulations specify the rules regarding the payment of fees for panel lawyers which shall be in accordance with the State regulations without any delay on receipt of completion of proceedings for them. It suggests periodic revision of honorarium for the different types of services provided by panel lawyers in legal aid cases.</p> <p>III) Senior Advocates The services of senior advocates may be availed if the Chairman of the legal services institution forms an opinion to that effect in cases of great public importance and where serious threats to life and liberty of the applicant exists.</p> <p><i>* If the student has written these three-point full credit to be given even if they are explained in a paragraph.</i> (To be assessed as a whole)</p> <p>b) The main objective of the Legal Services Authorities Act of 1987 is to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize lok adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.</p>	
17.	Evaluate the changes effected by the Advocates Act 1961 that revolutionized the legal profession and education in India.	4
Ans.	<p>Profession:</p> <ul style="list-style-type: none"> • After the enactment of the Advocates Act ,1961 all the old categories of practitioners (vakils, barristers, pleaders of several grades, and mukhtars) were abolished and consolidated into a single category called "advocates" who enjoy the right to practice in courts throughout India. • Advocates have been classified as Senior Advocates and other Advocates. The designation of an Advocate as a Senior Advocate is the responsibility of the Supreme Court or High Court based on the ability, experience and standing in the Bar of the Advocate in question. The Advocate- on- Record (AOR) is another category of Advocate in the Supreme Court. • The Advocates Act also established an All India Bar Council for the 	2 marks for profession + 2 marks for education

	<p>first time. The Act has created a State Bar Council in each State.</p> <p>Education:</p> <ul style="list-style-type: none"> • In order to be eligible for enrolment, an Advocate must be: a citizen of India, at least 21 years of age and • Must have an LLB degree from an Indian University. The university is to be recognized by the Bar Council of India. • The curriculum framework to be decided by the Bar Council of India. <p>(To be assessed as a whole)</p>	
	SECTION D	
18.	Examine the role of the Supreme Court as an adjudicator and interpreter.	6
Ans.	<ul style="list-style-type: none"> • The Supreme Court of India primarily exercises the role of an adjudicator and interpreter. • Its role as an adjudicator and an interpreter can be understood through the original and appellate jurisdiction vested with the court. • Under Article 131 of the constitution, the Supreme Court is granted original jurisdiction. This power is exercised to adjudicate amongst disputes between Union and one or more states and between two or more states. Such disputes must involve some question of law or fact on which the existence or extent of legal rights can be adjudicated. • Article 32 of the Constitution further gives an extensive original jurisdiction to the Supreme Court for the enforcement of fundamental rights of the citizens, through issuing directions, orders and writs. This is popularly known as the writ jurisdiction. • The appellate jurisdiction of the Supreme Court can be invoked by a certificate granted by the High Court. Appeal to the Supreme Court may be made against any judgement, decree or final order of a High Court in both civil and criminal cases. These cases must involve substantial question of law as to the interpretation of law. • The Supreme Court is also vested with wide appellate jurisdiction over all courts and tribunals as provided in Article 136 of the Constitution. Under its discretion, the court may grant a special leave to appeal and receive any judgement, decree, determination, sentence or order in any cause or matter passed by any court or tribunal in the territory of India. • Has the power to judicial review • Public Interest Litigation <p>(To be assessed as a whole)</p>	3 marks + 3 marks
19.	Anuj and Harish are brothers having a wholesale business of spices working under a Joint Hindu Family business setup. A dispute ensued between the two for title of the property. Anuj has a litigation in determining the title of property with Harish. During the period of litigation, Anuj initiates a sale of the property in favour of Brijesh.	6

	<p>a. Identify and explain the legal provision in the Transfer of Property Act that can help Harish to stay the transaction.</p> <p>b. What are the conditions to be satisfied by Harish in order to invoke the protection under this doctrine?</p> <p>c. Can the doctrine be invoked if the property is not yet transferred, but only a contingent agreement for its transfer after the suit has been decided is made?</p>	
Ans.	<p>a) Doctrine of Lis Pendens says that when a suit or litigation is pending on an immovable property, then that immovable property cannot be transferred.</p> <p>b) The following are the conditions-</p> <ol style="list-style-type: none"> i) A suit or proceeding involving the immovable property should be pending. ii) The right to the immovable property must be in question in the suit or proceeding. iii) The property in the litigation should be transferred. iv) The transferred property should affect the rights of the other person to the transfer. <p>c) No, the doctrine cannot be invoked. For lis pendence, the property in question should have been transferred. (Law is open to interpretation, so if the child has linked the answer with contingent contract then full credits to be given) (To be assessed as a whole)</p>	2+2+2
20.	The two broad models of legal systems differ in their techniques of adjudication and justice delivery mechanism. Elaborate	6
Ans.	<p>The 2 models of legal systems are Adversarial and Inquisitorial system.</p> <p>Adversarial system-</p> <ol style="list-style-type: none"> 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. <p>Inquisitorial system-</p> <ol style="list-style-type: none"> 1) In an inquisitorial system, the judge/decision maker takes a centre stage in dispensing justice. 2) The role of the judge/decision maker is active as he/she determines 	3 marks each for the two systems

	<p>the facts and issues in dispute.</p> <p>3) The judge/decision maker also decides the manner in which the evidence must be presented before the court.</p> <p>4) For example, the judge may decide for presentation of a specific form of evidence, i.e. oral (witness statement) or documentary (correspondence between the parties through letters/mails) or a combination of both.</p> <p>5) The judge then evaluates the evidence presented before him/her and decides upon the legal claims.</p> <p>6) Therefore, this model of adjudication is also known as the interventionist/investigative model.</p> <p>7) Furthermore, in such a system less reliance is placed on cross-examination and other techniques often used by lawyers to evaluate evidences of their opposing counsel.</p> <p>(Advantages and disadvantages for both the systems may also be considered while assessing the answer)</p> <p style="text-align: center;">(To be assessed as a whole)</p>	
OR	<p>a. Analyze the reasons that paved the way for alternate dispute resolution techniques in the Indian judicial system.</p> <p>b. “The success of ADR techniques is attributed to the role played by the instrumentalities in the process of dispute resolution.” Justify explaining the role of an arbitrator, mediator and conciliator.</p>	6
Ans.	<p>a) The reasons that paved the way for alternate dispute resolution techniques in the Indian Judicial system are-</p> <p>1) The ADR methods are speedier, informal and cheaper modes of dispensing justice.</p> <p>2) It provides a more convenient forum to the parties who can choose the time, place and procedure, for conducting the preferred dispute redressal process.</p> <p>3) If the dispute is technical in nature, parties have an opportunity to select the expert who possesses the relevant legal and technical expertise.</p> <p>4) The lack of number of courts and judges which creates an inadequacy within the justice delivery system.</p> <p>5) The increasing litigation in India due to increasing population, complexity of laws and obsolete continuation of some pre- existing legal statutes.</p> <p>6) The increasing cost of litigation in prosecuting or defending a case, increasing court fees, lawyer’s fees and incidental expenses.</p> <p>7) Delay in disposal of cases resulting in huge pendency in all the courts.</p>	3 marks+3 marks

	<p>b.Role of Arbitrator</p> <ol style="list-style-type: none"> 1) The arbitrator holds power and authority to grant interim measures, like a judge in the court. or 2) Arbitrators are free to base their decisions on their own conception of what is fair and just. or 3) Arbitrators are not strictly required to follow the law or the reasoning of earlier case decisions. Or 4) Gives an award which is binding on both the parties. <p>Role of Mediator</p> <ol style="list-style-type: none"> 1) Mediator is a third neutral party who is a facilitator and helps the parties to reach a mutually agreeable solution. 2) Mediator has an advisory role in that she/he evaluates the strengths and weaknesses of each side’s argument and makes some predictions about what would happen should they go to court. or 3) Mediator facilitates the conversation. They further provide a structure and an agenda for the discussion. or 4) Mediator identifies opportunities for empowerment and recognition as those opportunities appear in the parties’ own conversations and responding in ways that provide an opening for parties to choose what, if anything, to do with them. <p>Role of Conciliator</p> <ol style="list-style-type: none"> 1) The role of conciliator goes beyond that of a mediator. 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. <p style="text-align: center;">(To be assessed as a whole)</p>	
21.	<p>a. What is ‘Private international law’? How is it different from ‘Public international law’?</p> <p>b. Why is ‘Private international law’ referred to as ‘Conflict of Laws’?</p> <p>c. Evaluate the role of any three international bodies which have been working towards harmonizing private laws of different countries.</p>	6
Ans.	<p>a)</p> <ul style="list-style-type: none"> • Private International Law is a set of rules and principles that govern interstate interactions and transactions of private parties. • It is different from Public International Law, as the latter is a set of rules which governs the intercourse between nations through determining the rights and obligations of the governments of the nations, while the former comprises of certain rules and regulations which are established or agreed upon by private citizens from different nations who enter into transactions and that would govern them if a dispute were to arise. 	2+1+3

<p>b) It is often referred to as “Conflict of Laws” they are not uniform and it is a body constituted of conventions, model laws, domestic laws of states and secondary legal sources.</p> <p>c) 3 international bodies are: -</p> <p>1) The Hague Conference The Hague Conference, convened by the government of Netherlands, originates back in 1893, and focuses on developing conventions on a wide array of aspects of private law.</p> <p>2) UNCITRAL The UNCITRAL works towards developing model laws and guides, related to international trade and commercial laws, including the UNCITRAL Arbitration Rules.</p> <p>3) CISG or the Vienna Convention The CISG, also referred to as the Vienna Convention on sale of goods, is a multilateral treaty which provides options for avoiding choice of law issues by providing a framework of accepted substantive rules with respect to contract disputes. It is considered one of the most influential documents in private international law, and nowadays is deemed to be incorporated into any otherwise applicable domestic laws, unless expressly excluded.</p> <p>4) ICSID – International Centre on Settlement of Investment Disputes</p> <p>5) UNDROIT-Unification of Private Laws</p> <p>6) Geneva Convention</p> <p>(To be assessed as a whole)</p>	
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