

Marking Scheme
Strictly Confidential
(For Internal and Restricted use only)
Senior School Certificate Examination, 2025
SUBJECT NAME: LEGAL STUDIES
(SUBJECT CODE:074) (QP CODE-40)

General Instructions:

1.	You are aware that evaluation is the most important process in the actual and correct assessment of the candidates. A small mistake in evaluation may lead to serious problems which may affect the future of the candidates, education system and teaching profession. To avoid mistakes, it is requested that before starting evaluation, you must read and understand the spot evaluation guidelines carefully.
2.	Evaluation policy is a confidential policy as it is related to the confidentiality of the examinations conducted, evaluation done and several other aspects. Its leakage to public in any manner could lead to derailment of the examination system and affect the life and future of millions of candidates. Sharing this policy/document to anyone, publishing in any magazine and printing in News Paper/Website etc may invite action under various rules of the Board and IPC/BNS.
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. In Class XII, while evaluating two competency based questions, please try to understand the given answer and even if reply is not from the marking scheme but correct competency is enumerated by the candidate, due marks should be awarded.
4.	The Marking scheme carries only suggested value points for the answers These are in the nature of Guidelines only and do not constitute the complete answer. The students can have their own expression and if the expression is correct, due marks should be awarded accordingly.
5.	The Head-Examiner must go through the first five answer books evaluated by each evaluator on the first day, to ensure that evaluation has been carried out as per the instructions given in the Marking Scheme. If there is any variation, the same should be zero after deliberation and discussion. The remaining answer books meant for evaluation shall be given only after ensuring that there is no significant variation in the marking of individual evaluators.
6.	Evaluators will mark (✓) wherever the answer is correct. For wrong answer CROSS 'X' be marked. Evaluators will not put right (✓) while evaluating which gives an impression that answer is correct and no marks are awarded. This is the most common mistake which evaluators are committing.

7.	If a question has parts, please award marks on the right-hand side for each part. Marks awarded for different parts of the question should then be totalled up and written in the left- hand margin and encircled. This may be followed strictly.
8.	If a question does not have any parts, marks must be awarded in the left-hand margin and encircled. This may also be followed strictly.
9.	If a student has attempted an extra question, the answer of the question deserving more marks should be retained and the other answer scored out with a note ' Extra Question '
10.	No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
11.	A full scale of marks 0 to 80 has to be used. Please do not hesitate to award full marks if the answer deserves it.
12.	Every examiner has to necessarily do evaluation work for full working hours i.e., 8 hours every day and evaluate 20 answer books per day in main subjects and 25 answer books per day in other subjects (Details are given in Spot Guidelines).
13.	<p>Ensure that you do not make the following common types of errors committed by the Examiner in the past: -</p> <ul style="list-style-type: none"> • Leaving the answer or part thereof unassessed in an answer book. • Giving more marks for an answer than assigned to it. • Wrong totalling of marks awarded on an answer. • Wrong transfer of marks from the inside pages of the answer book to the title page. • Wrong question wise totalling on the title page. • Wrong totalling of marks of the two columns on the title page. • Wrong grand total. • Marks in words and figures not tallying/not same. • Wrong transfer of marks from the answer book to online award list. • Answers marked as correct, but marks not awarded. (Ensure that the right tick mark is correctly and clearly indicated. It should merely be a line. Same is with the X for incorrect answers.) • Half or a part of the answer marked correct and the rest as wrong, but no marks awarded.
14.	While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as cross (X) and awarded zero (0) Marks.
15.	Any unassessed portion, non-carrying over of marks to the title page, or totalling error detected by the candidate shall damage the prestige of all the personnel engaged in the evaluation work and also of the Board. Hence, in order to uphold the prestige of all concerned, it is again reiterated that the instructions be followed meticulously and judiciously.
16.	The Examiners should acquaint themselves with the guidelines given in the ' Guidelines for Spot Evaluation ' before starting the actual evaluation.

17.	Every Examiner shall also ensure that all the answers are evaluated, marks carried over to the title page, correctly totalled and written in figures and words.
18.	The candidates are entitled to obtain a photocopy of the Answer Book on request on payment of the prescribed processing fee. All Examiners/Additional Head Examiners/Head Examiners are once again reminded that they must ensure that evaluation is carried out strictly as per value points for each answer as given in the Marking Scheme.
19.	Please read the guidelines carefully and seek clarifications from the Head Examiner in case of any doubt to reduce subjectivity and bias.
20.	Every care has been taken to prepare the Marking Scheme. However, it is important to keep in mind that it is neither exhaustive nor exclusive.

MARKING SCHEME

LEGAL STUDIES

Q. NO.	QUESTION	MARKS
SECTION – A		
1	<p>In a landmark case, the Supreme Court was handling a highly technical environmental dispute involving multiple stakeholders and scientific complexities. Given the intricate details of environmental policies and scientific evidence, the Court appointed an amicus curiae, an expert in environmental law and science, to assist by providing impartial information and insights on the matter. The amicus curiae made recommendations based on international standards, which helped the Court in reaching its final decision.</p> <p>Based on the concept of amicus curiae, which of the following statements is correct?</p> <p>(A) The amicus curiae advocates for the interests of the public and acts as a representative for the government.</p> <p>(B) The amicus curiae serves as the legal advisor to the party that requests their assistance in the case.</p> <p>(C) The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case.</p> <p>(D) The amicus curiae is only allowed to assist in cases related to constitutional matters.</p>	1
ANS	<p>(C)The amicus curiae assists the Court by providing impartial expertise on complex issues, without representing any party in the case.</p> <p style="text-align: right;">(Page no 13)</p>	1
2	<p>A High Court in India issues a verdict in a complex property dispute, which left one party dissatisfied with the decision. The aggrieved party now seeks to approach the Supreme Court for special leave to appeal. Under Article 136, the Supreme Court can grant special leave to appeal against any judgement, decree or order in any matter passed by</p> <p>(A)any court or tribunal in India (B) only High Court</p> <p>(C) only subordinate court (D) only tribunals</p>	1
ANS	<p>(A) any court or tribunal in India (Page no 9)</p>	1
3	<p>Assertion: (A): Any public-spirited person can file petition or write letters to court on behalf of aggrieved persons.</p>	1

	<p>Reasoning (R): Courts have liberalized the doctrine of locus standi of the enforcement of fundamental rights through Public Interest Litigations (PILs).</p> <p>(A) Both (A) and (R) are true and (R) is the correct explanation of (A).</p> <p>(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).</p> <p>(C) (A) is true, but (R) is false.</p> <p>(D) (A) is false, but (R) is true</p>	
ANS	<p>(A) Both (A) and (R) are true and (R) is the correct explanation of (A). (Page no 10)</p>	1
4	<p>Arjun, at the request of the local community leader, builds a playground for the children in his neighborhood, spending a considerable amount of his own money. Later, Ravi, a local snack vendor, sets up a stall near the playground to sell snacks to children and promises to give Arjun 10% of his profits from all sales as a token of appreciation for building the playground. However, Ravi fails to pay Arjun the promised percentage, and Arjun decides to take legal action to recover it. Based on contract law principles, which of the following is correct?</p> <p>(A) Arjun is entitled to the percentage of profits as Ravi benefited from his efforts in building the playground.</p> <p>(B) Arjun cannot claim the percentage of profits, as the playground was built at the request of the community leader and not Ravi.</p> <p>(C) Ravi must pay Arjun the promised percentage since he made a verbal commitment to do so.</p> <p>(D) Ravi has to pay Arjun only if Arjun can prove the playground was built specifically for his benefit.</p>	1
ANS	<p>(B) Arjun cannot claim the percentage of profits, as the playground was built at the request of the community leader and not Ravi. (Page no 55)</p>	1
5	<p>Ravi, at a local market, was involved in an argument with Mohan over a disputed transaction. In the heat of the argument, Ravi suddenly pushed Mohan forcefully, causing Mohan to stumble backward and fall. Mohan suffered a minor injury to his back as a result of the fall. Mohan believes that Ravi's action was an intentional physical contact that resulted in harm, and he is considering suing Ravi for the tort of battery.</p> <p>Which of the following statements is correct regarding the tort of battery in this case?</p> <p>(A) Ravi's action of pushing Mohan constitutes battery, as it was an intentional and direct application of physical force.</p> <p>(B) Ravi is not liable for battery because the physical contact was not severe enough to cause significant</p>	1

	<p>injury.</p> <p>(C) The tort of battery requires that the defendant's action must cause permanent injury, which is not the case here.</p> <p>(D) Ravi is not liable for battery because his action was a part of self- defense act, even if there was no immediate threat to his safety.</p>	
ANS	<p>(A) Ravi's action of pushing Mohan constitutes battery, as it was an intentional and direct application of physical force (Page no 64)</p>	1
6	<p>Raj signs a contract to perform at a music festival. A few days before the festival, Raj develops a severe illness and doctors advise him complete rest. He misses the performance. Organisers of the event had to cut a sorry figure as Raj's performance was the highlight of the music festival. Which of the given statements best describes Raj's inability to perform at the festival?</p> <p>(A) It is breach of contract as Raj failed to fulfill his obligation.</p> <p>(B) It is discharge due to impossibility of performance because the illness makes performance impossible.</p> <p>(C) It is discharge by performance as Raj was willing to perform if he hadn't been ill.</p> <p>(D) It is breach of contract as a health issue does not discharge a contract.</p>	1
ANS	<p>(B) It is discharge due to impossibility of performance because the illness makes performance impossible. (Page no 60)</p>	1
7	<p>Neha, a photographer, takes a beautiful photograph of a sunset and posts it on her personal blog. A local travel magazine uses the image without Neha's permission. The publishers credit Neha as the photographer but do not pay her or seek her consent. Neha considers taking legal action against the magazine. In this context which of the following options is correct?</p> <p>(A) Neha cannot take legal action because the magazine credited her as the photographer.</p> <p>(B) Neha can take legal action because her photograph is protected by copyright and the magazine used it without permission.</p> <p>(C) Neha cannot take legal action because the photograph was available for the general public on her blog.</p> <p>(D) Neha can only take legal action if she had registered the photograph with a copyright office.</p>	1
ANS	<p>(B) Neha can take legal action because her photograph is protected by copyright and the magazine used it without permission. (Page no 83,84)</p>	1
8	<p>A company, XYZ Corp., operates a large dam to generate electricity. Due to an unforeseen design flaw the dam suddenly bursts, causing massive flooding in a nearby town.</p>	1

	<p>The company had taken all standard safety measures and had no knowledge of the design flaw. The affected residents sue the company for damages. Which of the following is applicable in this instance?</p> <p>(A) The company is not liable because the flaw was unforeseen.</p> <p>(B) The company is absolutely liable because the operation of the dam is inherently dangerous and the damages occurred regardless of the fault.</p> <p>(C) The company is liable only if it is proven that they ignored warning signs of the flaw.</p> <p>(D) The company is not liable because it followed all safety protocols.</p>	
ANS	<p>(B)The company is absolutely liable because the operation of the dam is inherently dangerous and the damages occurred regardless of the fault. (Page no 69)</p>	1
9	<p>Mohan lends his rare antique vase to his friend Sumit for a week. Instead of returning it, Sumit accidentally drops and shatters the vase while showing it to another friend. When Mohan asks for his vase to be returned, Sumit apologizes but says there is nothing he can do now that the vase is destroyed. Mohan decides to take legal action. Identify the legal claim he should pursue?</p> <p>(A) He should file a claim for trespass to chattels because Sumit damaged the vase while it was in his possession.</p> <p>(B) He should file a claim for trespass to chattels because Sumit used the vase without permission.</p> <p>(C) He should file a claim for conversion because Sumit destroyed the vase, depriving him of its use permanently.</p> <p>(D) He should file a claim for conversion because Sumit delayed returning the vase.</p>	1
ANS	<p>(C)He should file a claim for conversion because Sumit destroyed the vase, depriving him of its use permanently. (Page no 65)</p>	1
10	<p>From the options given below, which statement accurately describes the process of property registration in India?</p> <p>(A) The buyer and seller exchange property documents without involving any government authority.</p> <p>(B) The property is officially transferred from the seller to the buyer through a government-authorised deed, affixed by a seal of the Registrar's office.</p> <p>(C) The buyer must pay property taxes before the sale is completed – without the need for any legal documentation.</p>	1

	(D) The property ownership is verified by a local official but no formal record is kept.	
ANS	(B) The property is officially transferred from the seller to the buyer through a government-authorised deed, affixed by a seal of the Registrar's office. (Page no 75)	1
11	In a criminal trial in a country in continental Europe, the judge, Judge Helena plays an active role in investigating the case. She questions the witnesses, evaluates the evidences presented by the parties and orders additional forensic test. The defense lawyer, Mr. Jameson, expresses concern that the judge's active involvement in the investigation may undermine the fairness of the trial. In the given content, identify the probable disadvantage of the justice dispensation system that is concerning for the defense lawyer. (A) The active role of judge would prevent delays and prolonged trials. (B) Stronger party in the case, with more resources and expert lawyers may not be able to influence the judges. (C) The judge can no longer remain neutral to evaluate the case with an open mind. (D) Less reliance is placed on cross examination and other techniques used by lawyers.	1
ANS	(C) The judge can no longer remain neutral to evaluate the case with an open mind. (Page no 35)	1
12	An advantage of _____ is that there is no strict application of the procedural laws and the disputing parties can directly interact with the judges. (A) Mediation (B) Lok Adalat (B) Conciliation (D) Tribunal	1
ANS	(B) Lok Adalat (Page no 45)	1
13	Omega Builders and Delta Constructions have a dispute over project delays. The court suggest mediation, but Omega Builders is unsure if their case qualifies. According to the Afcons Infrastructure Ltd. vs. Cherian Varley Construction Co. ruling, which disputes are generally excluded from mediation? (A) Commercial contracts (B) Matrimonial and Custody issues (C) Criminal offenses (D) Consumer disputes	1
ANS	(C) Criminal offenses (Page no 44)	1
14	Statement 1: Opinio juris prevents unwanted general practice from becoming customary law. Statement 2: Opinio juris is the belief that an action was carried out as a legal obligation. Choose the correct option:	1

	<p>(A) Both statements are correct.</p> <p>(B) Both statements are incorrect.</p> <p>(C) Statement 1 is correct but Statement 2 is not correct.</p> <p>(D) Statement 2 is correct but Statement 1 is not correct.</p>	
ANS	(A) Both statements are correct. (Page no 171)	1
15	<p>Assertion: (A): The Solicitor Regulation Authority (SRA) does not Impose any formal experience requirement for requalifying as solicitor in England and Wales.</p> <p>Reasoning (R): It is not possible to be a barrister and solicitor.</p> <p>(A) Both (A) and (R) are true and (R) is the correct explanation of (A).</p> <p>(B) Both (A) and (R) are true but (R) is not the correct explanation of (A).</p> <p>(C) (A) is true, (R) is false.</p> <p>(D) (A) is false, (R) is true.</p>	1
ANS	<p>(B) Both (A) and (R) are true but (R) is not the correct explanation of (A).</p> <p>(Page no 191)</p>	1
16	<p>Mei Ling is a practicing lawyer in Hong Kong. She is considering launching a marketing campaign to attract more clients. Which of the following is a feasible option for her?</p> <p>(A) Proceed with the campaign on all media, since lawyers are free to advertise without restrictions.</p> <p>(B) Proceed with the campaign on print media.</p> <p>(C) Launch the campaign but exclude testimonials, success rates and any comparative statements.</p> <p>(D) Avoid all forms of advertising as it is entirely prohibited in Hong Kong.</p>	1
ANS	(B) Proceed with the campaign on print media. (Page no 187)	1
17	<p>Assertion: (A): A Senior Advocate is not entitled to appear in the Supreme Court without an Advocate-on-record.</p> <p>Reasoning (R): Advocates-on-record are entitled to file an appearance or act for a party in the Supreme Court.</p> <p>(A) Both (A) and (R) are true and (R) is the correct explanation of (A).</p> <p>(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).</p> <p>(C) (A) is true, (R) is false.</p> <p>(D) (A) is false, (R) is true.</p>	1
ANS	<p>(A) Both (A) and (R) are true and (R) is the correct explanation of (A).</p> <p>(Page no 184)</p>	1
Q. 18	In light of the principles enshrined in Article 39A, which of the following circumstances contradicts its core objective of equal justice and free legal aid?	1

	<p>(A)The state provides legal aid to economically disadvantages citizens facing criminal prosecution.</p> <p>(B) A wealthy individual is given legal aid despite having adequate resources to access private legal counsel.</p> <p>(C) A marginalized person is granted legal representation in a civil matter by the state.</p> <p>(D) The state facilities access to justice for those affected by socio- economic disabilities</p>	
ANS	<p>(B)A wealthy individual is given legal aid despite having adequate resources to access private legal counsel.</p> <p>(Page no 198)</p>	1
19	<p>“Most accused persons do not lead defence evidence in India.” Identify the reason for this from the options given below.</p> <p>(A)The burden to prove the offence beyond reasonable doubt is on the prosecution.</p> <p>(B)The judge decides the case on its merit according to the evidences presented by the defence.</p> <p>(C)The assertion that the accused has committed offence is sufficient to prove the guilt by prosecution.</p> <p>(D)The accused is presumed guilty at the first instance when the trial begins.</p>	1
ANS	<p>(A)The burden to prove the offence beyond reasonable doubt is on the prosecution.</p> <p>(Page no 119)</p>	1
20	<p>Statement 1: The Evidence Law helps the judges to separate the ‘Wheat from the chaff’.</p> <p>Statement 2 : The function of the law of evidence is to provide a mechanism for the investigation and trial of offenders.</p> <p>Choose the correct option:</p> <p>(A) Both statements are correct.</p> <p>(B) Both statements are incorrect.</p> <p>(C) Statement 1 is correct, but Statement 2 is not correct.</p> <p>(D) Statement 2 is correct, but Statement 1 is not correct.</p>	1
ANS	<p>(C)Statement 1 is correct, but Statement 2 is not correct.</p> <p>(Page no 119)</p>	1
SECTION – B		
21	Explain the principle of judicial review.	2
ANS	<p>Judicial review is a principle or a legal doctrine or a practice whereby a court can examine or review an executive or a legislative act, such as law or some other governmental or administrative decision, and determine if the act is incompatible with the constitution.</p> <p>(Page no 22)</p>	2
22	Sunil and Asha are co-founders of a tech-startup. Recently they had a contractual disagreement with their software vendor regarding the delivery timeline of a critical project. Sunil insisted	2

	<p>on filing a lawsuit, whereas Asha suggested resolution by appointing a neutral third party who could facilitate the parties in achieving an acceptable, voluntary agreement. Sunil agreed and their matter was resolved within two weeks.</p> <p>(i) Identify the method of dispute resolution adopted by Sunil and Asha.</p> <p>(ii) Give any two advantages of adopting alternate dispute resolution mechanism by the parties.</p>	
ANS	<p>(i) The method of dispute resolution adopted by Sunil and Asha is mediation. (Page no 42)</p> <p>(ii) Advantages of adopting alternate dispute resolution mechanism by the parties are;</p> <ul style="list-style-type: none"> • It is less time consuming as people resolve their disputes expeditiously in a short period as compared to courts. • It is less costly than litigation. • It is free from technicalities of courts as informal ways are applied in resolving disputes. • It can be used at any time, even when a case is pending before a court of law, though recourse to ADR as soon as the dispute arises may confer maximum advantages on the parties. • It 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. • It is interesting to note that ADR provides the flexibility to even refer disputes to non-lawyers. <p>(Any two points) (Page no 37)</p>	<p>1 (for identification)</p> <p>+</p> <p>1 (for two advantages)</p> <p>= 2 Marks</p>
23	<p>A nation engages in human rights violations within its own borders, including acts of genocide against a specific ethnic group. Under erga omnes obligations, what are the legal responsibilities of the international community, even if there is no direct threat to neighbouring states ?</p>	2
ANS	<p>Generally human rights violations are dealt with by the state/country in which they occur. However, there are certain human rights, established under treaty that may constitute erga omnes obligations for the state parties. This means that there are some violations that are so grave, that any state/ country may take action against such crimes, regardless of whether they occurred in their jurisdiction or not.</p> <p>All states have a shared interest in elimination of such grave violations.</p> <p>One of the most empowering features of international human rights law is that it does away with the borders and limitations of a domestic body and allows the international community to also seek an active role to protect the rights of citizens of other countries.</p> <p>(Page no. 174)</p>	2

24	<p>(a) Describe, citing any two examples, how the rules of advertising by lawyers differs from country to country.</p> <p style="text-align: center;">OR</p> <p>(b) During a court proceeding, an advocate finds out that their client intends to provide false evidence. What should the advocate do in this situation to adhere to their professional duty toward the court and uphold ethical standards ?</p>	<p>2</p> <p>2</p>
ANS	<p>(a) The rules of advertising by lawyers in different countries are;</p> <p>1. India:</p> <p>a. In India advertising by lawyers has been strictly restricted by the Bar Council of India.</p> <p>b. An advocate is prohibited from promoting himself through circulars, advertisements, touts, personal communications, interviews other than through personal relations, furnishing or inspiring newspaper comments or producing his photographs to be published in connection with cases in which he has been engaged or concerned.</p> <p>c. An advocate can furnish certain information on their websites after intimating and taking approval from the Bar Council of India.</p> <p>2. United States of America (USA):</p> <p>a. In the USA lawyers have a right to advertise but subject to reasonable restrictions.</p> <p>b. There are different rules of professional ethics for different states and there is also the Model Rules of Professional Conduct which serves as an indicative reference point. Model Rules prohibits false and misleading communication about services, The rules articulate no- solicitation periods</p> <p>c. Lawyers in the US can provide information about class actions, can approach clients by handing out business cards and can advertise on internet forums. For class actions, solicitation through referrals is permissible, newspaper and magazine ads and even mass emails are permitted as long as they are not misleading, and no financial incentive is promised.</p> <p>d. Ambulance chasers are personal injury lawyers who are robust in their advertising.</p> <p>3. United Kingdom(UK) :</p> <p>They are flexible with granting permission for legal ads.</p> <p>4. Malaysia:</p> <p>a. In Malaysia, the Legal Profession (Publicity Rules), 2001, is a simple, comprehensive code that regulates ads in legal and non-legal directories,</p> <p>b. The code controls publication of journals, magazines, brochures and newsletters and interviews in the media,</p> <p>c. The code bars publicity through clients</p> <p>d. The code also regulates greeting cards.</p> <p>5. Hong Kong:</p>	<p>1x2=2</p>

	<p>a. In Hong Kong, lawyers are forbidden to advertise on television, radio and in the cinemas</p> <p>b. The lawyers are permitted to advertise in print media.</p> <p>(Any one point each for any two countries) (Page no 187)</p> <p style="text-align: center;">OR</p> <p>(b) If an advocate finds out that their client intends to provide false evidence, the advocate can refuse to represent those who insist on adopting unfair means. The advocate is expected to uphold and maintain the values of the profession.</p> <p style="text-align: right;">(Page no 186)</p>	2
25	<p>(a) State the purpose of the Legal Services Authorities (Amendment) Act 2002.</p> <p style="text-align: center;">OR</p> <p>(b) Enlist any four legal services given to any beneficiary under the provision of free legal aid.</p>	2 2
ANS	<p>(a) The purpose of the Legal Services Authorities (Amendment) Act, 2002 are;</p> <ul style="list-style-type: none"> • The establishment of permanent Lok Adalats to settle disputes concerning public utility services at pre-litigation state; • pre-litigation conciliation and settlement pertaining to public utility services <p style="text-align: right;">(Page no 203)</p> <p style="text-align: center;">OR</p> <p>(b) The legal services given to any beneficiary under the provision of free legal aid are:-</p> <ul style="list-style-type: none"> ▪ Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings; ▪ Providing service of lawyers in legal proceedings; ▪ Obtaining and supply of certified copies of orders and other documents in legal proceedings; ▪ Preparation of appeal, paper book including printing and translation of documents in legal proceedings. ▪ Legal education ▪ Legal advice ▪ Legal awareness ▪ Pre-litigation settlement <p style="text-align: right;">(Any Four points) (Page no 200, 201)</p>	2 2
26	<p>Jai, a business owner, enters into an agreement with Sana, a government official. Jai promises to pay Sana ₹10 lakhs in exchange for her influence in securing a lucrative government contract for his company. Both parties sign the agreement and begin to execute it. Identify the nature of this agreement and discuss the legal consequences for both parties involved.</p>	2

ANS	<p>The nature of the agreement is Illegal / Unlawful Agreements.</p> <p>The agreements entered into for any unlawful or illegal object or consideration cannot be enforced under the law and are thus void. (Page no 58)</p>	<p>1(for identification) + 1(for consequence) =2 Marks</p>
27	<p>A group of citizens in a city regularly engages in public protests against government policies. During one protest, some individuals damage public property, disrupt traffic, and use offensive language. The protestors claim that they are exercising their right to freedom of speech and expression. Is the claim by the protestors justified? How do the Fundamental Duties under Article 51A of the Constitution of India apply in this situation?</p>	2
ANS	<p>No, the claim of the protestors is not justified. (Page no 134)</p> <p>The fundamental duty that should be adhered to by the citizens in the above given situation is as follows:</p> <ul style="list-style-type: none"> • Fundamental duties remind citizens not to behave irresponsibly but help build a free, democratic and strong society. • Citizens have a fundamental duty of safeguarding public property and abjuring violence. • Upholding and protecting the sovereignty, unity, and integrity of India <p>(Any one fundamental duty) (Page no 143, 144)</p>	<p>1 + 1 =2 Marks</p>
28	<p>(a) State any two key features of the Directive Principles of State Policy in the Indian Constitution. OR (b) Give any two differences between fundamental rights and human Rights</p>	<p>2 2</p>
ANS	<p>(a) The salient features of the directive principles are;</p> <ul style="list-style-type: none"> • DPSP's are mentioned in Part IV, articles 36-51 Of the Indian Constitution. • It is the duty of the State to apply these principles in making laws and policies on social and human development. • These principles are largely of the nature of economic and social rights. • 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. • The 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). • Directive principles aim at promoting the welfare of the 	1+1=2 Marks

	<p>people. They intend to secure and protect social, economic and political justice of its citizens.</p> <ul style="list-style-type: none"> These principles endeavor to minimize income inequalities and to eliminate inequalities based on status, facilities, and opportunities amongst both individuals and groups of people. <p>(Any two points) (Page no.141,142)</p> <p style="text-align: center;">OR</p> <p>(b)</p> <table border="1"> <tr> <th>Basis for Difference</th><th>Fundamental Rights</th><th>Human Rights</th></tr> <tr> <td>Meaning</td><td>Fundamental Rights are the basic rights of citizens of a country which are stated in the constitution and enforced by law. These may slightly vary from country to country.</td><td>Human Rights are the basic rights that all human beings can enjoy, regardless of their nationality, ethnicity and religion etc</td></tr> <tr> <td>Scope</td><td>It is country specific.</td><td>It is universal.</td></tr> </table> <p style="text-align: right;">(Page no 129)</p>	Basis for Difference	Fundamental Rights	Human Rights	Meaning	Fundamental Rights are the basic rights of citizens of a country which are stated in the constitution and enforced by law. These may slightly vary from country to country.	Human Rights are the basic rights that all human beings can enjoy, regardless of their nationality, ethnicity and religion etc	Scope	It is country specific.	It is universal.	1+1=2 Marks
Basis for Difference	Fundamental Rights	Human Rights									
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	SECTION – C										
29	<p>(a) “Independence of judiciary is vital for the respect of due process of law.” Elaborate.</p> <p style="text-align: center;">OR</p> <p>(b) “Article 50 of the Constitution of India directs the State to take steps to separate the judiciary from the executive.” In light of Article 50, discuss the importance of the separation of powers between the judiciary and the executive. State any two provisions enumerated in Article 50 that contribute to the independence of the judiciary in India.</p>	<p>3</p> <p>3</p>									
ANS	<p>(a) 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 confirm to the norms of fairness, liberty, fundamental rights etc. Only an independent judiciary can make this concept operational.</p> <p style="text-align: right;">(Page no 7)</p> <p style="text-align: center;">OR</p> <p>(b) Importance of separation of power between the judiciary and the executive is:</p> <ul style="list-style-type: none"> Independence of judiciary helps in the maintenance of rule 	<p>3</p> <p>1(for reason)</p>									

	<p>of law, ensuring good governance and creating a free and fair society.</p> <ul style="list-style-type: none"> ▪ Judiciary's independence is linked to its role as the watchdog in a democracy. It monitors and maintains the checks and balances over the other arms of the government. ▪ Judiciary acts as a guardian of fundamental rights which are constitutionally granted to every citizen in India. <p>(Any one point) (Page no 6)</p> <p>Two provisions that contribute to the independence of judiciary in India are:</p> <ul style="list-style-type: none"> • Once appointed, judges are provided with a security of tenure till they reach a retirement age. • Judges are not allowed to practice as advocates in the same or equivalent courts, post their retirement. • 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. • 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). • Their emoluments cannot be altered to their disadvantage except in the event of financial emergency. • 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. • 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>(Any two points) (Page no 7,8)</p>	<p>+</p> <p>2(for provisions)</p> <p>=</p> <p>3 Marks</p>
30	<p>(a) How is an arbitral award both similar and different from a court pronounced judgement or order?</p> <p>OR</p> <p>(b) State the features of <i>ad-hoc</i> arbitration.</p>	<p>3</p> <p>3</p>
ANS	<p>(a) Similar to a judgment given by a judge, the arbitral award is binding on the disputing parties. Once an arbitral award is rendered, it is recognised and enforced (given effect to) akin to a court pronounced judgment or order. In addition to an arbitral award, the arbitrator also holds power and authority to grant interim measures, like a judge in the court.</p> <p>However, unlike a judgment rendered by a judge in the court, the award does not hold precedential value (doctrine of stare decisis means "stand by the decision") for future arbitrations. Arbitrators are</p>	<p>3</p>

	<p>free to base their decisions on their own conception of what is fair and just. Thus, unlike judges, they are not strictly required to follow the law or the reasoning of earlier case decisions.</p> <p style="text-align: right;">(Page no 38,39)</p> <p style="text-align: center;">Or</p> <p>(b) Features of ad-hoc arbitration are:</p> <ul style="list-style-type: none"> • Ad-hoc arbitration is governed by the parties themselves without recourse to a formal arbitral institution. • It may be domestic or international in character, • It should not be conducted according to the rules of an arbitral institution. • The parties are free to state their own rules of procedure. <p style="text-align: right;">(Page no 39)</p>	3
31	<p>Riya, a law graduate in India, is exploring career options in Law beyond court room practice. Explain any three such opportunities available to Riya. How can she apply her legal skills in these fields ?</p>	3
ANS	<p>Riya can apply her legal skills in the following fields:</p> <ul style="list-style-type: none"> • 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, mergers and acquisitions, employment law, taxation, international trade, insurance, intellectual property, and project finance and infrastructure. • Corporate Sector: Large corporations often have an in-house legal practice. An inhouse counsel will give legal advice to the company. • 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 graduates can be Research Assistants. • 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. • Non-Governmental Organizations: Not-for-profit organizations, especially organizations with a social justice orientation have positions for law graduates. • 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 	1x3=3 Marks

	<p>clerks cum research assistants who assists a judge in researching for cases, maintaining paperwork etc.</p> <ul style="list-style-type: none"> • Judge Advocate General (JAG) Officer: The Judge Advocate General's (JAG) Department is the legal branch of the Indian Army. It deals with military related disciplinary cases and litigation and assists in providing legal assistance to the army in human rights matters. <p>(Any three points) (Page no 191,193)</p>	
32	<p>Mrs. Kapoor, an elderly landowner, verbally expressed her wish to transfer her agricultural land worth ₹ 20 Lakhs to her son Raj without any legal documentation.</p> <p>Her other son Aman, who has been managing the land wants it to be transferred in his name as had been incharge of the land.</p> <p>Additionally, a neighbour, Mr. Sharma, offers Aman money to buy the land directly.</p> <p>In the given situations, who has the right to Transfer the Property under the provisions of Transfer of Property Act (TPA) 1882? State any two essentials for a valid transfer based on the scenario given above.</p>	3
ANS	<p>Mrs Kapoor has the right to transfer the property under the provisions of TPA 1882</p> <p>The following are the essentials for a valid transfer of property:</p> <ul style="list-style-type: none"> • In a transfer of property, the transfer should be between two or more living persons. • The property that is going to be transferred should be free from encumbrances (hindrances of any form) and be of a transferable nature. • The transfer should not be: - for an unlawful object or an unlawful consideration (for a detailed understanding, refer the chapter on Contracts); - involving a person legally disqualified to be a transferor or transferee. • The transferor who transfers the property must: - be competent to make the transfer; - be entitled to the transferable property; - be authorized to dispose off the property if the property is not his own property. • The transfer should be made according to the appropriate mode of transfer. Necessary formalities like registration, attestation, etc. should be complied with. • In the case of a conditional transfer, where an interest is created on the fulfillment of a condition, the condition should not be illegal, immoral, impossible or opposed to public policy <p>(Page no 74)</p>	<p>1(for identification) +</p> <p>2(For any two essentials)</p> <p>=3 marks</p>

33	<p>(a) Name the statutory body that was constituted under the Water (Prevention and Control of Pollution) Act, 1974. State the two principal functions to be performed by this body.</p> <p style="text-align: center;">OR</p> <p>(b) State the significance of the Stockholm Declaration, 1972. Establish the relationship between Stockholm Declaration, 1972 and Earth Summit, 1992.</p>	<p>3</p> <p>3</p>
ANS	<p>(a) The Central Pollution Control Board or The State Pollution Control Board are the statutory organisations constituted under the Water (Prevention and Control of Pollution) Act, 1974.</p> <p>The functions of the Central Pollution Control Board are as follows:</p> <ul style="list-style-type: none"> • Advise the Central Government on any matter concerning prevention and control of water and air pollution and improvement of the quality of air; • Plan and cause to be executed a nation-wide program for the prevention, control or abatement of water and air pollution; • Coordinate the activities of the State Board and resolve disputes among them; • Provide technical assistance and guidance to the State Boards, carry out and sponsor investigation and research relating to problems of water and air pollution, and for their prevention, control or abatement; • Plan and organise training of persons engaged in programme on the prevention, control or abatement of water and air pollution; • Organise through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water and air pollution; • Collect, compile and publish technical and statistical data relating to water and air pollution and the measures devised for their effective prevention, control or abatement; • Prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices, stacks and ducts; • Disseminate information in respect of matters relating to water and air pollution and their prevention and control; • Lay down, modify or annul, in consultation with the State Governments concerned, the standards for stream or well, and lay down standards for the quality of air; • Perform such other functions as may be prescribed by the Government of India. <p>The functions of the State Pollution Control Board can be detailed as follows for further understanding:</p> <ul style="list-style-type: none"> • Issue NOC (No-Objection Certificates) from the perspective of the environmental pollution, including the adequacy of the site from the environmental angle • Assessment of quality ambient air. • Assessment of inland surface waters' quality • Issuance of the Consent under provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. 	<p>1(for identification)</p> <p>+</p> <p>2(for functions)</p> <p>=</p> <p>3 Marks</p>

	<ul style="list-style-type: none"> • Issue of Consent under provisions of section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974. • Collection and assessment of Water Cess, under the provision of Water (Prevention and Control of Pollution) Cess Act, 1977. • Assessment and Identification of municipal and industrial pollution sources and control. • Conducting Mass Awareness Programmes. • Development of Pollution Control technologies. • Notification of emission and effluent standards. • Instituting legal action against defaulters. • Implementing Biomedical Waste Rules, 1998. • Issuance of Authorization under the Hazardous Waste Management Rule, 1989. • Identifying the onsite crisis management plans, isolated storage, etc., under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989. <p>(Any two functions from either of the two bodies can be considered) (Page no 98-100)</p> <p style="text-align: center;">OR</p> <p>(b) Significance of Stockholm Declaration, 1972- The Stockholm Convention is a global treaty that aims to protect human health and the environment from the effects of persistent organic pollutants (POPs). It was the first convention to discuss environmental issues on a global scale. The declaration proclaims truths relating to man and the environment such as man is the creator and moulder of his surroundings. The declaration also reiterates the importance of preservation of the environment</p> <p>Relationship between Stockholm Declaration, 1972 and Earth Summit 1992- The 'Earth Summit' marked the 20th anniversary of the first ever International Human Environment Conference in Stockholm, Sweden, 1972. / The declaration also reiterates the importance of preservation of the environment / Emphasized on importance of sustainable development.</p> <p style="text-align: right;">(Page no 96)</p>	<p>2(For explanation)</p> <p>+</p> <p>1(for relationship)</p> <p>=3 Marks</p>
34	What are the key principles outlined in the Universal Declaration of Human Rights (UDHR) and how do they reflect the foundational values of human dignity, freedom and equality ?	3
ANS	<ul style="list-style-type: none"> • In 1948, the United Nations General Assembly adopted Universal Declaration of Human Rights (UDHR) as 'a common standard of achievement for all peoples and nations.' • The Universal Declaration of Human Rights provides and defines various kinds of human rights that are applicable to all human beings. • These include the fundamental, civil, political, economic, social and cultural rights, for example freedom of speech, assembly, conscience and religion; right to education; right to livelihood and decent standard of living; right to life, liberty and security of person; 	3

	<p>right to equality; freedom from all forms of discriminations including based on gender and race; and so on.</p> <ul style="list-style-type: none"> • The principle of universality of human rights is the cornerstone of international human rights law. • The Universal Declaration of Human Rights has been embraced by almost all member States of the United Nations. All members states have committed to respect and protect the basic human rights values provided therein. <p>The Universal Declaration of Human Rights deals with various provisions, a few of them being:</p> <ul style="list-style-type: none"> • liberty of a person (Article 3) • equality before law (Article 7) • prohibitions on torture (Article 5) • socio-economic rights such as right to work and equal pay (Article 23) • right to social security (Article 25) <p style="text-align: right;">(Page no 129,173)</p>	
35	<p>In a juveniles custodial home, several juveniles report being subject to harsh disciplinary measures, including excessive physical punishment and prolonged isolation. Some also mentioned that their complaints about inadequate food and unsanitary living conditions are being ignored by the school administration. Identify the national body which can be approached. How can this body address the violation of the rights of juveniles?</p>	1+2
ANS	<p>The National body which can be approached is The National Commission for Protection of Child Rights (NCPCR). The body addresses the violation of the rights of juveniles in the following manner:</p> <ul style="list-style-type: none"> ▪ Look into the matters relating to the children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures; ▪ Inspect or cause to be inspected any juveniles custodial home, , or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organization; Where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary; ▪ Inquire into complaints regarding violation of child rights ▪ Take suo moto action in matters related to deprivation and violation of child rights. <p style="text-align: right;">(Any one point) (Page no 157,158)</p>	<p>1(for identification) +</p> <p>2(for any one action taken)</p> <p>=3 Marks</p>
36	<p>Sneha started a beauty care brand called “Glow Essence”, offering organic skin care products. Within a year her brand gained popularity for its quality and natural ingredients.</p>	3

	<p>However, Sneha discovered that another company was selling low quality skin care products under the similar name leading to confusion among customers. This damaged her brand's reputation.</p> <p>On consulting a legal expert Sneha learned that "Glow Essence" is a trade name and not a trade mark. She initiated the registration process.</p> <p>(i) Differentiate between a trade name and a trade mark.</p> <p>(ii) Explain, how registration of "Glow Essence" benefit Sneha.</p>	
ANS	<p>(i) A trade name is the official name under which a company operates and is also known as a "doing business as" name or assumed name. On the other hand, a trademark is the name, symbol, logo, slogan or sound that a business uses to market its products and services. It is a unique identifier that helps consumers differentiate the products and services of one company from those of another.</p> <p>A trade name does not provide brand name protection on its own, but registering it is an important step in protecting the name. On the other hand, a trademark provides protection for a brand name and helps to distinguish a company's products and services from those of others.</p> <p>(Any one point of difference)</p> <p>(ii) The Registration of a trademark can create, establish and protect the goodwill of the products or services, one can stop other traders from unlawfully using his trademark, sue for damages and secure destruction of infringing goods and or labels.</p> <p>(Page no 87)</p>	<p>2(for part (i))</p> <p>+</p> <p>1(for part (ii))</p> <p>= 3 marks</p>
	SECTION – D	
37	<p>(a) Explain the concept of 'trade secrets' in intellectual property law. Discuss the legal protection provided to trade secrets under Indian law. How do these protections differ from patents and copyrights in terms of duration and scope?</p> <p>OR</p> <p>(b) All agreements <i>per se</i> are not contracts. They must meet certain criteria to qualify as such. Elaborate.</p>	5
ANS	<p>(a) Trade secrets can include a wide range of confidential information that is important for the success and survival of a business. Trade secret can be in the form of strategies, designs, client databases, formulas, programs, or any other confidential information that must be kept secret to maintain the competitive advantage of the business.</p> <p>A trade secret is defined as any information with commercial value, which is not available in the public domain and the disclosure of which would cause significant harm to the owner</p> <p>Any information which is kept secret, has a commercial value and the owner of the information takes reasonable steps to keep it secret.</p> <p>(Any one point) (Page no 88)</p> <p>Protection of trade secret can be done in the following way:</p> <ul style="list-style-type: none"> • There is no specific legislation that provides protection for trade 	<p>2(for trade secret)</p> <p>+</p> <p>1 (for protection)</p> <p>+</p> <p>2(for patent and copyright)</p> <p>=5 marks</p>

	<p>secrets, but they can be protected under various provisions of different statutes, such as Section 272 of the Contract Act, 1872.</p> <ul style="list-style-type: none"> • Indian courts have also recognized trade secret protection based on equity principles and common law remedies for breach of confidence and breach of contract. • To ensure the protection of trade secrets, it is important for businesses to include restrictive clauses in their service contracts. This helps to secure the confidentiality of the firm's trade secrets and prevent unauthorized disclosure. <p style="text-align: right;">(Any one point) (Page no 88)</p> <p>Patent- Scope- A patent is a legal document which is issued by the government to the inventor. The patent grants an inventor absolute and exclusive ownership right over the invention, the freedom to use and sell the invention for a stipulated time period. Duration- The term of every patent granted in India is 20 years from the date of filing of application. (Page no 86)</p> <p>Copyright- Scope- All subject matters protected by copyright are called protected works. Section 2(y) of the Act defines 'work'. It includes literary, artistic, dramatical, musical, cinematography and sound recordings. Duration- The general rule is that copyright lasts for 60 years. (Page no 83-84)</p> <p style="text-align: center;">OR</p> <p>(b)An agreement that is enforceable by law is a contract. This implies, all agreements per se are not contracts. Agreements must meet certain criteria stated as under-</p> <ul style="list-style-type: none"> • An agreement is the result of a proposal or an offer by one party and its acceptance by the other. • Competent parties: the parties to the agreement must be competent to enter into a contract. (minor, person of unsound mind, not disqualified by law, etc) • Lawful consideration and lawful object: There must be lawful object and lawful consideration in respect of the agreement. • Free consent: there must be free consent of the parties that is free from coercion, undue influence, fraud, misrepresentation and mistake, when they enter into the agreement. • Not expressly declared as void by the law: the agreement must not be the one, which has been declared as void by the law in force at the time of entering into the agreement. 	<p>5</p> <p>1x5=5marks</p>
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	<ul style="list-style-type: none"> • Agreements that create a legal obligation are only contracts and those agreements that do not intend to create legal relationship are not contracts.(Balfour v Balfour might be cited by the student) • Consideration is an important element in a contract. A contract without consideration is not valid. Consideration means 'something in return' for the offer. <p style="text-align: center;">(Any five points) (Page no 53-58)</p>	
38	<p>(a)With regards to the selection of panel lawyers under the NALSA Regulations, 2010, answer the questions given below;</p> <p>(i) Mention the basic requirement an advocate must fulfil to be considered for empanelment.</p> <p>(ii)State the composition of the selection board for empanelling advocates for High Court Legal Services Committee.</p> <p>(iii)Under what circumstances can a panel lawyer be removed from any case?</p> <p>(iv)When can the services of a Senior Advocate be availed by the legal services authorities?</p> <p style="text-align: center;">OR</p> <p>(b) Explain the term 'legal aid'. Why is it important for every legal system to provide for legal aid? Discuss the provisions in the Indian Constitution that have paved way for the various provisions of legal aid in India.</p>	<p>(2+1+1+1) =5 Marks</p> <p>(1+1+3) =5 Marks</p>
ANS	<p>(a)Under the NALSA Regulation:</p> <p>(i) The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. Personal traits like competence, integrity, suitability, and experience shall be considered.</p> <p>(ii) The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Advocate-General (for High Courts), and the Bar Association President.</p> <p>(iii) 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. The panel lawyer is barred from taking any fee, remuneration, or other valuable consideration from any person for whom legal services are rendered under the Regulation or Act.</p> <p>(iv) 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 threat to the life and liberty of the applicant exists.</p> <p style="text-align: right;">(Page no 202)</p> <p style="text-align: center;">OR</p> <p>(b)'Legal Aid' is giving to persons of limited means, grants, or for nominal fees, advice, or counsel to represent them in court for civil and criminal matters.</p> <p>It is important for a legal system to provide legal aid because:</p>	<p>(2+1+1+1) =5 Marks</p>

	<ul style="list-style-type: none"> • It creates a bridge between the poor and rich in society in order to provide equality to seek justice in the court of law. • Legal Aid is to ensure that no one is debarred from legal advice and help because of lack of funds. • The provision of legal aid to the poor is based on humanitarian considerations and the main aim of these provisions is to help those who are socially and economically backward • In a participatory democracy, it is essential that citizens have faith in their judicial institution that ensures appropriate representation in the court of law and settles the need for equality principle. • It is also the responsibility of the State to ensure that fair and impartial justice is made available at the doorstep of the poor and economically weaker sections irrespective of their caste, creed, religion, or geographical position, free of cost. • Denying access to the courts, forces dispute resolution into other arenas and results in vigilantism and violence. • Human rights and human dignity form the premises for the socio-legal foundations of free legal aid. • As part of human rights it is important to recognize the principle of equality and ensure access to justice. • In an adversarial system, the poor are represented by the advocates appointed by the government to ensure equal representation in the court of law, which forms one of the most important facets of a true democracy. <p style="text-align: right;">(Any one point)</p> <p>The provisions in the Indian Constitution which paved way for legal aid are:</p> <p>Article 39-A: Equal Justice and free legal aid - The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.</p> <p>Article 14 of the Constitution of India provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.</p> <p>Article 15 of the Constitution of India-The State shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them</p>	1+ 1+3 =5 marks
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	<p>Article 21- ‘No person shall be deprived of his life or personal liberty except according to procedure established by law.’</p> <p>(Any three points) (Page no 198)</p>	
39	<p>The countries of Novara and Elderia are in a dispute over the construction of a dam on the river Nelara – with Elderia bringing the case to the International Court of Justice (ICJ). Novara argues that past ICJ rulings in similar cases should guide the decision, while Elderia insists on a fresh interpretation of the law. Analyze how Articles 59, 38 and 38(1) of the Statute of ICJ would influence the court’s decision-making in this case.</p>	5
ANS	<ul style="list-style-type: none"> • The most authoritative source of international law is Article 38(1) of the Statute of the International Court of Justice which provides that when a court which deals with disputes relating to international law, it shall apply the following: <ul style="list-style-type: none"> a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; b. international custom, as evidence of a general practice accepted as law; c. the general principles of law recognized by civilized nations; subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law. • Article 38 of the Statute of the International Court of Justice (ICJ) mentions Judicial decisions as a ‘subsidiary means for the determination of rules’ or as ‘secondary sources’ of international law. • The court may have jurisdiction to decide cases in which the parties agree to appear before the court, on their own behest, and agree to be bound by the decision of the ICJ. • Article 59 of the Statute of the ICJ states that decisions of the ICJ have no binding force except on the parties to the dispute, therefore, past decisions of the ICJ are not binding. However, ICJ does refer to its past opinions when deciding new cases. The ICJ tends to examine its previous decisions, determine which cases should not be applied and rarely departs from the relevant case law. <p>So keeping in view above provisions Elderia is justified in asking for a fresh interpretation of the law as past decisions of ICJ are not binding on the parties to dispute in International Law.</p> <p>(Page no 168, 172)</p>	5
40	<p>Vikram, a skilled graphic designer, has been running his design studio as a sole proprietorship. Over time, his business has grown, and he started handling larger projects with higher risks. While he enjoys the simplicity of managing his sole proprietorship, he is worried about his personal liability if something goes wrong. On the advice of his friend, Vikram is</p>	5

	considering converting his business into a One Person Company (OPC) to limit his liability and improve his business's credibility. Based on the above case, compare Sole proprietorship and One Person Company (OPC). Which form of business entity would be better for Vikram and why ?	
ANS	<p>Comparison between sole proprietorship and one-person company:</p> <p>Sole proprietorship:</p> <ul style="list-style-type: none"> ▪ Sole proprietorship is a popular form of business organisation and is the most suitable form for small businesses, especially in their initial years of operation. ▪ Sole proprietorship refers to a form of business organisation which is owned, managed and controlled by an individual who is the recipient of all profits and bearer of all risks. ▪ The word “sole” implies “only”, and “proprietor” refers to “owner”. Hence, a sole proprietor is the one who is the only owner of a business. ▪ It is the easiest type of business to establish or take apart, due to a lack of government regulation. ▪ These types of businesses are very popular among sole owners of businesses, individual self-contractors, and consultants. ▪ No separate entity -No difference in the eyes of the law between the owner and business. ▪ Formation - No specific law Business is owned by single person No formal registration ▪ No. of members Minimum – 1 Maximum - 1 ▪ Liability - Unlimited liability. Owner is responsible for all losses, debts and liabilities. ▪ Profit -If the business is successful, the owner enjoys all the profits. ▪ Control & decision making -The right to run the business and make all decisions lies absolutely with the sole proprietor. ▪ Limited life of the business -As the business is owned and controlled by one person, death, insanity, imprisonment, physical / mental incapacity or bankruptcy will have a direct impact on the business and lead to its closure. ▪ Confidentiality- Sole decision making authority enables the proprietor to keep all information related to business operations confidential and maintain secrecy. <p>One Person Company-</p> <ul style="list-style-type: none"> • “one-person company” means a company that has only one person as a member. • This is a recent invention to facilitate entrepreneurs to own and manage companies alone. • Separate entity -The OPC receives a separate legal entity status from the member. The separate legal entity of the OPC gives protection to the single individual who has incorporated it. 	<p>3(for comparison)</p> <p>+</p> <p>2 (for suggestion with reason)</p> <p>=5 marks</p>

	<ul style="list-style-type: none"> • Liability- The liability of the member is limited to his/her shares, and he/she is not personally liable for the loss of the company. • Formation - Incorporated by a single person. Incorporated as a private company under the Companies Act, 2013. Compliance requirements are lesser than that of a private company. An individual can form a company with one single member and one director. The director and member can be the same person. • No. of members Minimum – 1 Maximum – 1 • Easy to obtain funds -Since OPC is a private company, it is easy to go for fundraising through venture capitals, angel investors, incubators etc. • Perpetual succession -The OPC has the feature of perpetual succession even when there is only one member. While incorporating the OPC, the single-member needs to appoint a nominee. Upon the member's death, the nominee will run the company in the member's place. • No minimum paid-up share capital Companies Act, 2013 has not prescribed any amount as minimum paid up capital for OPCs. <p>In a nutshell, The main difference between the two is the nature of the liabilities they carry. Since an OPC is a separate legal entity distinguished from its promoter, it has its own assets and liabilities. The promoter is not personally liable to repay the debts of the company. On the other hand, sole proprietorships and their proprietors are the same persons. So, the law allows attachment and sale of promoter's own assets in case of non-fulfilment of the business' liabilities.</p> <p>(Any form of comparison can be given by the student) OPC would be better for Vikram because it offers the following advantages:</p> <ul style="list-style-type: none"> • Limited liability • Separate legal entity • Easy to obtain funds • Perpetual succession <p>(Any two points) (Page no 101-103;108-109)</p>	
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