

Marking Scheme
Strictly Confidential
(For Internal and Restricted use only)
Senior Secondary School Examination, 2026 (XIIth)
SUBJECT NAME: - Legal Studies (Q.P. CODE 074/40)

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 Newspaper/Website, etc. may invite action under various rules of the Board and IPC.”
3	Evaluation is to be done as per instructions provided in the Marking Scheme. It should not be done according to one’s own interpretation or any other consideration. Marking Scheme should be strictly adhered to and religiously followed. However, while evaluating, answers which are based on latest information or knowledge and/or are innovative, they may be assessed for their correctness otherwise and due marks be awarded to them. In Class-XII, while evaluating two competency-based questions, please try to understand given answer and even if reply is not from 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, the due marks should be awarded accordingly.
5	The Head-Examiner must go through the first five answer books evaluated by each evaluator on the first day, to ensure that evaluation has been carried out as per the instructions given in the Marking Scheme. If there is any variation, the same should be zero after deliberation and discussion. The remaining answer books meant for evaluation shall be given only after ensuring that there is no significant variation in the marking of individual evaluators.
6	Evaluators will mark (✓) wherever answer is correct. For wrong answer CROSS ‘X’ be marked. Evaluators will not put right (✓) while evaluating which gives an impression that answer is correct and no marks are awarded. This is most common mistake which evaluators are committing.
7	If a question has parts, please award marks on the right-hand side for each part. Marks awarded for different parts of the question should then be totalled up and written in the left hand margin and encircled. This may be followed strictly.
8	If a question does not have any parts, marks must be awarded in the left-hand margin and encircled. This may also be followed strictly.

9	If a student has attempted an extra question, answer of the question deserving more marks should be retained and the other answer scored out with a note " Extra Question "
10	No marks to be deducted for the cumulative effect of an error. It should be penalized only once.
11	A full scale of marks _____ (example 0 to 80/70/60/50/40/30 marks as given in Question Paper) has to be used. Please do not hesitate to award full marks if the answer deserves it.
12	Every examiner has to necessarily do evaluation work for full working hours i.e., 8 hours every day and evaluate 20 answer books per day in main subjects and 25 answer books per day in other subjects (Details are given in Spot Guidelines). This is in view of the reduced syllabus and number of questions in question paper.
13	Ensure that you do not make the following common types of errors committed by the Examiner in the past :- • Leaving answer or part thereof unassessed in an answer book. • Giving more marks for an answer than assigned to it. • Wrong totalling or marks awarded on an answer. • Wrong transfer of marks from the inside pages of the answer book to the title page. • Wrong question wise totalling on the title page. • Wrong totalling of marks of the two columns on the title page. • Wrong grand total. • Marks in words and figures not tallying/not same. • Wrong transfer of marks from the answer book to online award list. • Answers marked as correct, but marks not awarded. (Ensure that the right tick mark is correctly and clearly indicated. It should merely be a line. Same is with the X for incorrect answer.) • Half or a part of answer marked correct and the rest as wrong, but no marks awarded.
14	While evaluating the answer books if the answer is found to be totally incorrect, it should be marked as cross (X) and awarded zero (0) Marks.
15	Any unassessed portion, non-carrying over of marks to the title page, or totalling error detected by the candidate shall damage the prestige of all the personnel engaged in the evaluation work as also as the Board. Hence, in order to upload the prestige of all concerned, it is again reiterated that the instructions be followed meticulously and judiciously.
16	The Examiners should acquaint themselves with the guidelines given in the " Guidelines for Spot Evaluation " before starting the actual evaluation.
17	Every examiner shall also ensure that all the answers are evaluated, marks carried over to the title page, correctly totalled and written in figures and words.
18	The candidates are entitled to obtain photocopy of the Answer Book on request on payment of the prescribed processing fee. All Examiners/Additional Head Examiners/Head Examiners are once again reminded that they must ensure that evaluation is carried out strictly as per value points for each answer as given in the Marking Scheme.

MARKING SCHEME
Legal Studies (Subject Code-074)
(PAPER CODE : 40) (P40074)

Q.No.	EXPECTED OUTCOMES/VALUE POINTS	Marks
SECTION – A		
1.	(C)	1
2.	(C)	1
3.	(A)	1
4.	(B)	1
5.	(B)	1
6.	(B)	1
7.	(D)	1
8.	(B)	1
9.	(C)	1
10.	(C)	1
11.	(B)	1
12.	(B)	1
13.	(C)	1
14.	(B)	1
15.	(A)	1
16.	(B)	1
17.	(D)	1
18.	(B)	1
19.	(C)	1
20.	(B)	1
SECTION – B		
21. (A)	No, the ICC can prosecute the individual. Reason : The International Criminal Court (ICC) has jurisdiction over serious international crimes such as genocide, when the accused's home country (Country X) and the country where the crime occurred (Country Y) are parties to the Rome Statute.	1+1
OR		
21. (B)	The jurisdiction of the International Criminal Court is more restricted because it can only try individuals for four specific crimes – genocide, war crimes, crimes against humanity, and aggression – as defined under the Rome Statute. Further, it can exercise jurisdiction only when : • The State concerned accepts its jurisdiction and • National courts are unwilling or unable to prosecute (principle of complementarity). In contrast, domestic criminal courts have broader jurisdiction over a wide range of offences within their territory.	1+1

22.	(a) The statutory body is the National Commission for Protection of Child Rights. (b) • Power : It has the power to inquire into complaints and call for reports from the concerned authorities. • Function : It reviews and monitors the implementation of child rights safeguards and recommends corrective measures. For visually impaired students : <table border="1" data-bbox="352 432 1299 1451"> <tr> <th>Basis for Comparison</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, stated in the Constitution and enforceable by law. These may vary from country to country.</td><td>Human Rights are the basic rights available to all human beings, irrespective of nationality, ethnicity, religion, etc.</td></tr> <tr> <td>Scope</td><td>Country-specific</td><td>Universal</td></tr> <tr> <td>Source</td><td>Derived from the Constitution of a particular country (e.g., Constitution of India)</td><td>Derived from international declarations like the Universal Declaration of Human Rights</td></tr> <tr> <td>Applicability</td><td>Applies mainly to citizens (with some rights available to non- citizens)</td><td>Applies to all individuals globally</td></tr> <tr> <td>Enforcement</td><td>Enforced by courts within the country</td><td>Enforced through international bodies and moral/legal obligations</td></tr> <tr> <td>Examples</td><td>Right to Equality, Right to Freedom, Right against Exploitation</td><td>Right to Life, Right to Dignity, Freedom from Torture</td></tr> </table>	Basis for Comparison	Fundamental Rights	Human Rights	Meaning	Fundamental Rights are the basic rights of citizens of a country, stated in the Constitution and enforceable by law. These may vary from country to country.	Human Rights are the basic rights available to all human beings, irrespective of nationality, ethnicity, religion, etc.	Scope	Country-specific	Universal	Source	Derived from the Constitution of a particular country (e.g., Constitution of India)	Derived from international declarations like the Universal Declaration of Human Rights	Applicability	Applies mainly to citizens (with some rights available to non- citizens)	Applies to all individuals globally	Enforcement	Enforced by courts within the country	Enforced through international bodies and moral/legal obligations	Examples	Right to Equality, Right to Freedom, Right against Exploitation	Right to Life, Right to Dignity, Freedom from Torture	1+½+½ 1+1
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23. (A)	Riya and Kabir represent a Partnership, while Aakash and Simran represent a Limited Liability Partnership (LLP). A key difference is that in a partnership, partners have unlimited liability and no separate legal entity, whereas in an LLP, partners have limited liability and the firm has a separate legal identity. (or any other appropriate difference)	1+1																					
	OR																						
23. (B)	(i) Preparation stage – 1 mark (ii) Generally, preparation is not punishable under criminal law (except in certain specific cases) – 1 mark	1+1																					
24.	The process is mediation-arbitration (med-arb). One concern is that parties may not disclose information freely at the initial stage, fearing that the same person will later act as a decision-maker, which can affect fairness.	1+1																					

25.	(a) The principle involved is Discharge of contract by impossibility of performance (b) Whether the contract can still be enforced: No, the contract cannot be enforced. Reason : When performance of a contract becomes impossible due to an unforeseen and uncontrollable event, the contract is said to be discharged under the doctrine of frustration. In this case, the earthquake is a supervening impossibility that destroyed the construction site and made completion of the bridge physically impossible. Therefore, the contract stands automatically discharged, and neither party is required to perform further obligations.	1+1
26. (A)	☐ Common Law Jurisdiction : The Indian judicial system is based on common law principles, meaning courts rely on judicial precedents (previous judgments) along with statutes while deciding cases. ☐ Adversarial System : Courts follow the adversarial system where two opposing parties present their arguments before an impartial judge.	1+1
	OR	
26. (B)	Legal provisions ensuring independence and impartiality of judges. 1. Security of Tenure : Judges of the Supreme Court and High Courts cannot be removed except through a difficult impeachment process by Parliament, ensuring independence from executive pressure. 2. Fixed Service Conditions : The salary, allowances and other service conditions of judges are determined by law and cannot be altered to their disadvantage after appointment. 3. Salaries Charged on Consolidated Fund : The salaries and allowances of judges are charged on the Consolidated Fund of India/State, so they are not subject to annual vote of the legislature. 4. Restriction on Practice after Retirement : Judges of the Supreme Court are prohibited from practicing law in any court after retirement, ensuring that their decisions are not influenced by future professional prospects. (Any two)	1+1
27.	(a) No; panel reconstitution should not disturb lawyers handling ongoing cases. (b) Yes; withdrawal is allowed with permission of the Member Secretary.	1+1
28. (A)	An appeal lies to the Supreme Court in civil cases when the High Court certifies under Article 134-A of the Constitution of India that : 1. The case involves a substantial question of law of general importance; and 2. The question needs to be decided by the Supreme Court.	1+1
	OR	
28. (B)	It shifted primacy to the Chief Justice of India, thereby strengthening judicial control over appointments and significantly reducing the role of the executive.	2

	SECTION – C	
29. (A)	Differences between International Law and Domestic Law : - Scope of Application : - International Law : Governs relations between sovereign states and international organisations. - Domestic Law : Governs individuals, groups and institutions within a country. - Law-making Authority : - International Law : Made through treaties, conventions and agreements between states. - Domestic Law : Made by the legislature of a sovereign state (e.g., Parliament). - Enforcement Mechanism : - International Law : Lacks a strong central enforcement authority; compliance is largely based on consent and goodwill of states. - Domestic Law : Enforced by a strong legal system, police and judiciary within the country.	1+1+1
	OR	
29. (B)	Sources of International Law under Article 38(1) of ICJ (Three Important Sources) - International Conventions (Treaties) : These are written agreements between states that are legally binding on the parties. They may be bilateral or multilateral and form a direct source of international law. - International Customary Law : These are practices consistently followed by states over a long period, accepted by them as legally binding (opinion juris). Such customs become binding rules of international law. - Judicial Decisions (and Juristic Writings) : Decisions of international courts such as the ICJ help in interpreting and developing international law. Although not binding as precedent in the strict sense, they are an important subsidiary means for determining legal rules.	1+1+1
30.	- To promote pre-litigation conciliation and settlement of disputes, especially relating to public utility services. - Yes; supply of electricity falls under public utility service (supply of power to the public). - Transport service - Postal/telephone service - Water supply - Hospital/dispensary service - Insurance service	1+1+1

31. (A)	Basis	Adversarial System	Inquisitorial System	3 (1X3) Any other relevant difference to be duly marked
	Role of Judge	Judge acts as a neutral umpire and decides based on evidence presented by parties	Judge plays an active role in investigating facts and gathering evidence	
	Role of Parties	Parties (through lawyers) present evidence and arguments	Judge leads the inquiry; parties have a limited role	
	Objective	To determine the truth through a contest between opposing parties	To discover the truth through judicial investigation	
	OR			
31. (B)	☐ No court fee is charged and fees already paid are refunded. ☐ Procedures are simple and informal, without strict application of laws. ☐ Decisions are binding and enforceable, ensuring finality.			3 (1+1+1)
32. (A)	☐ House to daughter → Gift (transfer made without consideration) ☐ Land given for fixed duration with periodic payment → Lease (right to use property for a specified time in return for consideration) ☐ Car and motorcycle swap → Exchange (mutual transfer of ownership of one property for another) ☐ Shop transferred for ` 20 lakhs → Sale (ownership transferred for monetary consideration)			½x6
	OR			
32. (B)	Aman cannot escape liability even by proving absence of personal negligence. The principle applicable is the rule of strict liability as laid down in Rylands v. Fletcher. According to this rule, a person who brings or accumulates a dangerous substance on his land and it escapes causing damage, is liable for the loss, regardless of negligence. Since the chemical escaped from Aman’s storage and caused damage to Rohit’s property, Aman will be held strictly liable and must compensate Rohit.			1+1+1
33.	In the first situation, the action of the State Government is valid. As held in Sheela Barse v Secretary Children’s Aid Society, international conventions that enhance or expand rights can be relied upon even without specific legislation, provided they are not inconsistent with existing domestic law. Hence, administrative guidelines for child protection are permissible. In the second situation, the action is invalid. As laid down in Magan Bhai Patel v Union of India, if an international treaty restricts fundamental rights or modifies existing law, it cannot be enforced without legislative backing. Therefore, Parliament must enact a law before such a treaty can be implemented. Thus, enhancing rights does not require legislation, but restricting rights mandates legislative intervention.			1.5+1.5
34.	(a) The petition filed is a Public Interest Litigation (PIL). (b) The objection raised regarding locus standi is not valid. In a PIL, the requirement of direct personal injury is relaxed. Any public spirited individual or group can approach the court when the matter involves protection of public interest, such as environmental pollution and violation of the right to clean water. Since the activists are acting to safeguard the health and environment of villagers, the petition is maintainable.			1+2
35.	☐ Berne Convention (1886) :			

	It provides automatic protection to literary and artistic works in all member countries. This means that as soon as a work is created, it is protected without any need for registration or formalities. It also ensures the principle of national treatment, i.e., a foreign author gets the same protection in another member country as a domestic author. □ Universal Copyright Convention (1952) : It was introduced to include countries that were not part of the Berne Convention. It provides a simplified system of protection, where copyright is recognised if basic formalities like a copyright notice (© symbol, name of author, and year) are fulfilled. It helped in expanding international copyright protection in a more flexible manner.	1½+1½
36.	(a) Any two grounds : • Misrepresentation/fraud in obtaining legal aid • Non-cooperation with legal aid counsel • Engaging another legal practitioner (b) No, legal aid is not absolute; it can be withdrawn on specified grounds under the Legal Services Authorities Act, 1987.	2+1
	SECTION – D	
37.	(a) The provisions referred to are the Directive Principles of State Policy (DPSP) under Part IV of the Constitution of India. Features (any three) : 1. They are non-justiciable, i.e., not enforceable by courts. 2. They act as guidelines for the State in policy-making and governance. 3. They aim to establish social and economic justice in the country. 4. They help in creating a welfare state. (Any three) (b) No, the court cannot compel the State to implement these provisions because DPSPs are non-justiciable and are not legally enforceable.	1+3
38.	(i) A judicial confession is a plea of guilt made before a magistrate or in court during legal proceedings. (ii) Rohit's statement is not a judicial confession because it was not made before a court or magistrate; it was made privately in a letter to a friend, i.e., outside judicial proceedings. (iii) Yes, an extra-judicial confession is admissible if it is voluntary and reliable; it can form the basis of conviction if it passes credibility tests.	1+2+2
39. (A)	(a) Yes. This is false imprisonment, as Mehul's freedom of movement is unlawfully restricted despite no physical harm. (b) Yes. This is assault, as the act creates reasonable apprehension of immediate harm in Suresh's mind. (c) Yes. This is defamation, as false publication damages Kavya's reputation and professional standing. (d) Yes. This is trespass to land, as there is unlawful entry and interference with property by plucking flowers. (e) No. This does not amount to a tort, as the company is exercising a lawful right to select candidates based on prescribed qualifications.	1+1+1+1+1
	OR	

39. (B)	(a) Wagering contract – the agreement depends on the outcome of an uncertain event (match result) and involves mutual chances of gain or loss. (b) Contingent contract – performance depends on a future uncertain event (government approval of bridge). (c) Voidable contract – consent is obtained by coercion (threat of licence cancellation), so the aggrieved party can avoid it. (d) Valid contract – all essential elements (offer, acceptance, free consent, consideration, lawful object) are present. (e) Void contract – becomes void due to impossibility of performance caused by a legal ban (subsequent impossibility).	1+1+1+1+1
40. (A)	The opportunities before law graduates beyond courtrooms are : (i) Corporate Sector : Large corporations often have an in-house legal practice. An inhouse counsel will give legal advice to the company, have expertise in the business of the company and be responsible for ensuring that the business of the company is being run in compliance with applicable laws and when required will bring in external lawyers. Several organisations such as commercial banks, multinational companies, investment firms, insurance companies, e-commerce ventures, media houses are hiring law graduates for managing their legal departments. (ii) 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. For example, a law graduate interested in public policy can apply to serve as a Legislative Assistant under the Legislative. Assistants to Members of Parliament (LAMP) Fellowship programme run by PRS Legislative Research. Institutions such as Competition Commission of India and Securities and Exchange Board of India also employ law graduates for policy making in the respective fields. Law firms have established Government Policy Departments where they employ law graduates for policy research. (iii) Legal Research and Academia : Graduates may attach themselves with Research Centres and think tanks. Law graduates may take up teaching and research as a profession. At least a post graduate degree in Law or related disciplines is expected to build a career in academics. Universities employ postgraduates in law as lecturers/Assistant Professors at the beginning of their careers. Short term positions and opportunities as Visiting Professors/Adjunct professors are also available in academia. (iv) Non-Governmental Organizations : Not-for-profit organizations, especially organizations with a social justice orientation have positions for law graduates. These range from small grass-root level organizations to large well-funded organizations. They may be general in nature. Providing free legal aid, legal education and legal awareness to more specialist organizations involved in areas such as women and child rights, environmental law, employment laws, consumer rights and public health. Government Institutions; Government departments, statutory authorities, public sector undertaking and regulatory bodies also provide interesting opportunities to lawyers. Graduates may opt for jobs in the government	1x5

	sector in institutions such as National Human Rights Commission, Law Commission of India and National commission for Women etc. (v) Further study : Law is an interdisciplinary subject and graduates may opt for further studies in related disciplines such as Business, Economics, Anthropology and Sociology. Traditionally, law graduates pursue Master of Laws (LL.M) degree followed by research degrees such as M.Phil or Ph.D. A variety of opportunities are available in India and abroad for advanced studies in law. (vi) Judicial Services/clerkships : The court system provides several avenues to law graduates. The higher judiciary, that is judges of the high Courts and Supreme Courts have law clerks cum research assistants who assists a judge in researching for cases, maintaining paperwork etc. Judicial clerks often sit in court hearings with the judges. Graduates may write the All India Judicial Services Examination to avail of positions in the Indian Judiciary. Qualifying Candidates start in subordinate courts and may then progress to hold offices in the High Courts and even the Supreme Court of India. (vii) 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 and the rule of law among other things. The department consists of legally qualified Army officers who are educated in military law and provide legal help to the military in all aspects. The department supports the Judge Advocate General who is the legal and judicial chief of the army and advises the Chief of the Army Staff of legal matters. The JAG's Department is also responsible for emerging fields of military law such as those related to cyber laws, space laws, terrorism and human rights violations. The service rendered in the JAG's Department are considered to be Judicial service as per the regulations for the Indian Army. Pg. no. 202, 203	
	OR	
40. (B)	Functions of Bar Council of India for regulating legal profession and legal education in India : Profession : (i) To lay down standards of professional conduct and etiquette for advocates. (ii) To lay down the procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council. (iii) To safeguard the rights, privileges and interests of advocates. (iv) To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India. Education : (i) To promote legal education and to lay down standards of legal education. This is done in consultation with the Universities in India imparting legal education and the State Bar Councils. (ii) To recognise Universities whose degree in law shall be a qualification for enrolment as an advocate. The Bar Council of India visits and inspects	1x5

	Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose. (iii) To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest. (Any 5 but at least 2 from each category) Pg no. 196	
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