

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

General Instructions: -

1	The CBSE has decided to introduce On Screen Marking (OSM) for the evaluation of Class XII answer Book with the 2026 Examination.
2	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.
3	“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 BNS.”
4	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.
5	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.
6	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.
7	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.
8	If a question has parts, please award marks on the right-hand side for each part in the OSM Portal. Marks awarded for different parts of the question will be totaled up by the OSM System.
9	If a question does not have any parts, marks must be awarded in the left-hand margin in the OSM Portal. This may also be followed strictly.

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 <u>0 to 80 marks</u> (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 :- <ul style="list-style-type: none"> • 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	The Examiners should acquaint themselves with the guidelines given in the "Guidelines for Spot Evaluation" before starting the actual evaluation.
16	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.
17	If a candidate attempts both alternatives/options in a question where only one option/ alternative is required to be attempted, the Evaluator shall award marks in both the options. The system will take the higher of two scores and disregard the other response.
18	In a question having two options/alternatives, if a candidate has attempted only one, then the evaluator shall mark "NA" (Not attempted) against the option that has not been attempted by the candidate.

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

Q.No.	EXPECTED OUTCOMES/VALUE POINTS	Steps Marks
	SECTION – A	20 x 1=20
1.	(C) Supreme court of India - 34 Judges. (Page no. 4)	Step 1-1 Mark
2.	(C) Banking Ombudsman. (Page no . 46)	Step 1-1 Mark
3.	(C) The agreement is enforceable by law. (Page no . 53)	Step 1-1 Mark
4.	(A) Both (A) and (R) are true, and (R) is the correct explanation of (A). (Page no. 36)	Step 1-1 Mark
5.	(C) The dispute decided falls outside the scope of the arbitration agreement (Page no. 39)	Step 1-1 Mark
6.	(B) They cannot be fixed in advance and depend on the court's assessment of loss. (Page no. 62)	Step 1-1 Mark
7.	(B) The contract is void because it involves performing an illegal act. (Page no. 58)	Step 1-1 Mark
8.	(A) Mr. Kapoor has committed trespass to land, because he entered Mr Sharma's property without consent. (Page no. 65)	Step 1-1 Mark
9.	(B) Achieving development that meets present needs without harming future generations. (Page no. 95)	Step 1-1 Mark
10.	(C) Article 21 - Protection of life and personal liberty (Page no. 136)	Step 1-1 Mark
11.	(B) Meera's liability will be limited to her agreed capital contribution in the LLP. (Page no. 105)	Step 1-1 Mark
12.	(D) National Human Rights Commission. (Page no. 148-149)	Step 1-1 Mark
13.	(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A). (Page no.130)	Step 1-1 Mark

14.	(A) Ananya's statement amounts to defamation as it was false and harmed the restaurant's reputation. (Page no. 66)	Step 1-1 Mark
15.	(B) Deterrence (Page no.112-113)	Step 1-1 Mark
16.	(C) The transfer is not void but remains subject to the outcome of the pending litigation. (Page no.77)	Step 1-1 Mark
17.	(A) The algorithm qualifies as a trade secret protected under contractual and equitable obligations of confidentiality. (Page no.88)	Step 1-1 Mark
18.	(C) Statement I is true, but Statement II is false. (Page no.189)	Step 1-1 Mark
19.	(B) A Senior Advocate cannot file a vakalatnama or draft pleadings directly for a client. (Page no.184)	Step 1-1 Mark
20.	(D) It is unethical because it involves solicitation and commercialisation of the legal profession. (Page no.187)	Step 1-1 Mark
SECTION - B		
21.	<p>No, it is constitutionally invalid (Step 1)</p> <p>The procedure for appointment of judges at the High Court has been enshrined in Article 217 of the Constitution. This Article prescribes that every Judge of the High Court shall be appointed by the President after consultation with the Chief Justice of India, the Governor of the State; and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court concerned. (Step 2)</p> <p>Or</p> <p>For High Courts, the collegium comprises of the Chief Justice of the High Court and two senior most judges of the High Court. The Chief Justice conveys his recommendations to the Chief Minister of the State and the Governor of the State, who in turn send their views directly to the Union Minister of Law and Justice. The complete material is then forwarded to the Chief Justice of India, who in consultation with a collegium of two Judges of the Supreme Court, would send his recommendations to the Union Minister of Law and Justice. The Union Minister of Law and Justice then puts up the same to the Prime Minister who will advise the President in the matter of appointment. (Step 2)</p> <p>Or</p> <p>The role of 'consultation' and held that the process of appointment of Judges to the Supreme Court and the High Courts is an 'integrated participatory consultative process. The Chief Justice of India firms up his opinion after consultation with a plurality of judges; his opinion is formed by a body of senior Judges. (Step 2)</p> <p>(Page no.15-16)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p><i>Total Marks -2</i></p>
22.	<p>1. Aarav's trial follows the Adversarial system of dispute resolution (Step 1)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p><i>Total Marks -2</i></p>

	<p>2. Advantages-</p> <p>i. The use of cross-examination can be an effective way to test the credibility of witnesses presented.</p> <p>ii. The parties may be more willing to accept the results when they are given effective control over the process.</p> <p>iii. Judge is neutral.</p> <p style="text-align: right;">(Step 2) (Any 1 point in Step 2) (Page no.33-34)</p>	
23. (a)	<p>1. The Shisham trees in this case are considered movable property. (Step 1)</p> <p>2. As per Section 3 of Transfer of Property Act, the immovable property does not include standing timber, growing crop and grass. (Step 2)</p> <p>Or</p> <p>Standing timbers are trees fit for use for building or repairing houses. The word standing timber includes Babool Tree, Shisham, Peepal, Banyan, Teak, Bamboo, etc. The fruit-bearing trees like Mango, Jackfruit, Jamun, etc., are not standing timber, and they are immovable properties. (Step 2)</p> <p>Or</p> <p>If the intention is that trees should continue to have the benefit of further sustenance or nutriment by the soil (land), e.g., enjoining their fruits, then such tree is immovable property. But if the intention is to cut them down sooner or later for the purpose utilizing the wood for building or other industrial purposes, they would be timber and accordingly be regarded as movable property. (Step 2) (Page no. 72-73)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>
	OR	
23. (b)	<p>1. Yes, Reema's economic & moral rights under the copyright Act, 1957 have been violated. (Step 1)</p> <p>2. The right to reproduce & distribute literary work belongs exclusively to the creator unless transferred by contract. The magazine reproduced and published the poem without authorization, violating Reema's economic rights. (Step 2)</p> <p>Or</p> <p>Reema has moral rights including :</p> <p>Right to Paternity (to be properly credited)</p> <p>Right of Integrity (to prevent misuse or distortion of her work), which have been violated. (Step 2)</p> <p>Or</p> <p>The copyright protection helps to ensure that creators are fairly compensated for their work and that their work is not used or copied without permission. Copyright also promotes creativity and innovation by giving creators the exclusive right to control the use and distribution of their works. (Step 2) (Page no. 84-85)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>
24. (a)	<p>1. The Supreme Court exercised the power of Judicial Review. (Step 1)</p> <p>2. It allows it to examine the constitutionality of laws passed by the legislature and strike them down if they violate Fundamental Rights enshrined in the Constitution of India. (Step 2)</p> <p>Or</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>

	<p>Judicial review has also been used in matters concerning the legislative competence with regards to the Centre-State relations. Article 246 of the Constitution provides that the Parliament has exclusive powers to make laws with respect to matters itemized in the 'Union List' (List 1 of the Seventh Schedule of the Constitution). It provides further that both the Parliament and the Legislature of any State have powers to make laws with respect to matters enumerated in the 'Concurrent List' (List III of the Seventh Schedule of the Constitution). With respect to the States, it provides that the Legislature of any State has exclusive power to make laws with respect to matters listed in the 'State List' (List II of the Seventh Schedule). This Article delivers clear division of law-making powers (division of powers) as well as room for intersection between the Centre and the State. (Step 2)</p> <p>Or</p> <p>Judicial review helps demarcate the legislative competencies and ensures that Centre does not exert its supremacy over the state matters and likewise states do not encroach upon matters within the ambit of the Centre. (Step 2)</p> <p>(Page no.24-25)</p>	
	OR	
24. (b)	<p>(i) Yes, appeal is possible under Article 134- when the High Court reverses an acquittal and imposes a death sentence, an appeal lies as a matter of right under the Court's appellate jurisdiction. (Step 1)</p> <p>(ii) Yes, appeal is possible under Article 136 - the party may approach the Supreme Court by filing a Special Leave Petition (SLP), which allows the Court to hear cases even when no appeal lies as of right, if it considers the case exceptional. (Step 2)</p> <p>Or</p> <p>No, Article 133 provides that an appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court only if High Court certifies under Article 134-A - (a) that the case involves a substantial question of law of general importance; and (b) that in the opinion of the High Court the said question needs to be decided by the Supreme Court. (Step 2)</p> <p>(Page no.9)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>
25. (a)	<p>1.The conference was the Rio Summit/ United Nations Conference on Environment and Development /UNCED/Earth Summit (Step 1)</p> <p>2. It's main objective was to achieve international cooperation for environmental protection and sustainable development, balancing economic growth with ecological responsibility. (Step 2)</p> <p>Or</p> <p>The objective of Rio 'Earth Summit' was to formulate a blueprint for global action on environment and development issues. (Step 2)</p> <p>(Page no. 96)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>
	OR	
25. (b)	<p>1.The authority is the Central Pollution Control Board/ CPCB. (Step 1)</p> <p>2.It was established under the Water (Prevention and Control of Pollution) Act,1974./ Water Act (Step 2)</p> <p>(Page no. 98)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Total Marks -2</p>

26.	<p>(a)National Commission for Minorities / NCM (Step 1)</p> <p>(b)The NCM may decline a complaint if the complainant has not first availed ordinary judicial, quasi - judicial, or administrative remedies available for redressal, unless there is reasonable justification. (Step 2)</p> <p>(Page no.152-153)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Total Marks -2</p>
27.	<p>1. Binding Authority -International Law is not automatically binding; it requires the consent of states, whereas Domestic Law is binding and enforceable within a country by its legislature and courts. (Step 1)</p> <p>Or</p> <p>United Nations (UN) General Assembly consists of representatives of around 190 countries. Although it has an outward appearance of a legislature but it has no power to issue binding laws. (Step 1)</p> <p>Or</p> <p>The resolutions passed by UN General Assembly serve merely as recommendations. (Step 1)</p> <p>2. Enforcement Mechanism- International Law lacks a central enforcement authority or police force, while Domestic Law is enforced through national executive agencies and judicial systems. (Step 2)</p> <p>Or</p> <p>The international court system does not have absolute jurisdiction in international law. In contentious cases, the ICJ's jurisdiction requires the consent of the particular states that are involved. (Step 2)</p> <p>(Page no. 164)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Total Marks -2</p>
28.	<p>1. Neha's legal aid can be withdrawn. (Step 1)</p> <p>2. Neha's legal aid can be withdrawn because she engaged a legal practitioner other than the one assigned by the Legal Services Authority/Committee. (Step 2)</p> <p>(Page no. 204)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Total Marks -2</p>
	SECTION - C	
29. (a)	<p>i. Basic Structure doctrine invalidates any constitutional amendments that destroys or harms a basic or essential feature of the Constitution, like secularism, democracy and federalism.</p> <p>ii. Supreme Court has held judicial review to be the basic structure or feature of the Constitution; as a result, it can nullify any constitutional amendment that abolishes or disregards judicial review in issues concerning to fundamental rights of citizens.</p> <p>iii. This concept was introduced by judiciary in order to tide over the spate of amendments which were eroding into the basic elements of the Indian constitution.</p> <p>iv. This doctrine comes into play when it is felt that the executive and legislature transgress the boundary defined by the Constitution underlying the</p>	<p>Step 1- 1 mark</p> <p>Step 2- 1 mark</p> <p>Step 3- 1 mark</p> <p>Total Marks -3</p>

	<p>spirit of separation of powers.</p> <p>v. Keshavananda Bharti case- This was a landmark case in defining the concept of the basic structure doctrine. The Supreme Court held that although no part of the Constitution, including Fundamental Rights, was beyond the Parliament's amending power, the "basic structure of the Constitution could not be abrogated even by a constitutional amendment".</p> <p style="text-align: right;">(Any 3 points = 3 Steps) (Page no. 22-23)</p>	
	OR	
29.(b)	<p>1. The 42nd Amendment Act ushered the era of 'tribunalisation of Indian judiciary'. The 42nd Constitutional Amendment Act, 1976 inserted Articles 323A and 323B providing for the establishment of Tribunals. (Step 1)</p> <p>2. Article 323A empowers Parliament to set up administrative Tribunals for disputes relating to public services. (Step 2)</p> <p>3. Article 323B allows both Parliament and State Legislatures to establish Tribunals for certain other matters.(Such as environment, taxation, labour, or land reforms) (Step 3) (Page no. 20)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Total Marks -3</p>
30.	<p>(a) Facilitative Mediation (Step 1)</p> <p>The characteristics of Facilitative Mediation are – (Step 2)</p> <p>i. The mediator guides the communication process but does not offer opinions or judgments.</p> <p>ii. It emphasizes understanding interests and finding a mutually agreeable solution through dialogue.</p> <p>iii. Facilitative mediators typically do not evaluate a case or direct the parties to a particular settlement.</p> <p>iv. The Facilitative mediator facilitates the conversation.</p> <p>v. These mediators act as guardian of the process, not the content or the outcome.</p> <p>vi. During a facilitative mediation session the parties in dispute control both what will be discussed and how their issues will be resolved.</p> <p>vii. The facilitative mediator is focused on helping the parties find a resolution to their dispute.</p> <p>viii. The facilitative mediator further provides a structure and agenda for the discussion.</p> <p style="text-align: right;">(Any 2 points)</p> <p>(b) Evaluative mediation is focused on providing the parties with an evaluation of their case and directing them toward settlement, whereas, Facilitative Mediator only facilitates conversation. (Step 3)</p> <p>Or</p> <p>During an evaluative mediation process, when the parties agree that the mediator should do so, the mediator will express a view on what might be a fair</p>	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Total Marks -3</p>

	<p>or reasonable settlement, whereas, facilitative mediators act as guardian of the process, not the content or the outcome. (Step 3)</p> <p>Or</p> <p>The Evaluative mediator has somewhat of an advisory role in that s/he evaluates the strengths and weaknesses of each side's argument and makes some predictions about what would happen should they go to court, whereas, during a facilitative mediation session the parties in dispute control both what will be discussed and how their issues will be resolved. (Step 3)</p> <p>(Page no. 42-43)</p>	
31. (a)	<p>Negligence is defined as the breach of the duty to take care which results in damages. It can be said that the wrong-doer or the defendant has been careless in a way that harms the interest of the victim or the claimant. The victim or the claimant must establish three elements against the defendant in a tort of negligence case – 1) the defendant owes a duty of care to the victim; 2) there has been a breach of duty of care on part of the defendant; and 3) the breach of the duty to care resulted in the harm suffered by the claimant.(Donoghue v Stevenson/ Macpherson v Buick Motors case) (Step 1)</p> <p>Strict liability is a standard of liability under which a person is legally responsible for the consequences of an activity even in the absence of fault or criminal intent from the defendant. Under the strict liability law, if the defendant possesses anything that is inherently dangerous, as specified under the 'ultra-hazardous' definition, the defendant is then strictly liable for any damages caused by such possession, no matter how careful the defendant is in safeguarding them. The claimant does not have to establish any sort of or level of blame attributable to the defendant based on the intention or the degree of carelessness. It does not matter what care the defendant took but he was responsible for the damage as he brought such an article to his premises which could be dangerous if it escapes. (Ryland v Fletcher) (Step 2)</p> <p>(Page no. 66-68)</p>	<p>Step 1-1.5 Marks</p> <p>Step 2- 1.5 Marks</p> <p>Total Marks -3</p>
	OR	
31. (b)	<p>The competencies required by the transferor for a valid transfer are:</p> <ol style="list-style-type: none"> 1.The transferor must be of sound mind,; 2.The transferor must be above 18 years; 3. He must be authorised to make the transfer if the property is not his own property. 4. He must not be legally disqualified to be a transferor or transferee. <p>(Any 3 points = 3 Steps)</p> <p>(Page no. 74)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Total Marks -3</p>
32.	<p>(i)The transfer of ownership of property that is made voluntarily and without consideration is called gift. (Step 1)</p> <p>(ii) Donor → Keshav (Step 2)</p> <p>Donee → Sudama (Step 3)</p> <p>(iii) If Sudama dies before accepting the gift, the gift becomes void. (Step 4)</p> <p>(Page no. 78)</p>	<p>Step 1-1 Mark</p> <p>Step2- 0.5Mark</p> <p>Step3- 0.5Mark</p> <p>Step 4-1Mark</p> <p>Total Marks -3</p>
33. (a)	The primary sources of international law under Article 38(1) of Statute of ICJ	Step 1-1 Mark

	<p>are:</p> <p>1. International convention /treaties recognized by the contesting states- A Treaty/International Convention/Charters refers to legally binding, written, agreements in which states agree to act in a particular manner as specified in the agreement. (Step 1)</p> <p>2. International custom as evidence of general practice accepted as law.</p> <p>Customary International law consists of rules that come from ‘a general practice accepted as law’ and exists independent of treaty law. Customary international law refers to binding legal rules that have developed on global or regional levels through continued practice. (Step 2)</p> <p>3. General principles of law – recognized by civilized Nations.</p> <p>They could be general principles of justice, natural law, analogies to private law, principles of comparative law, or general conceptions of international law. The general principles of law are also found in textbooks, general surveys or manuals, treatises, encyclopaedias. (Step 3)</p> <p>(Page no. 168-169)</p>	<p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Total Marks -3</p>
	OR	
33. (b)	<p>1. The International Criminal Court (ICC) was set up through the Rome Statute to prosecute individuals for the most serious crimes of international concern such as genocide, war crimes, crimes against humanity, and crime of aggression. (Step 1)</p> <p>2. The ICC can act only when countries accept its jurisdiction - either where the crime is committed or when the accused is a national of that country. (Step 2)</p> <p>3. Its jurisdiction is limited and complementary to national criminal courts, which have wider authority to try all offences committed within their territory. (Step 3)</p> <p>(Page no. 177-178)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3- 1 Mark</p> <p>Total Marks -3</p>
34.	<p>(a) The obligation is known as an erga omnes obligation. (Step 1)</p> <p>Erga omnes obligations arise when violations are so grave - such as genocide or torture - that all states have a shared interest in preventing and punishing them, even if the crimes occurred outside their territory. (Step 2)</p> <p>(b) International human rights law transcends national borders, allowing the international community to actively participate in protecting human rights across nations. (Step 3)</p> <p>(Page no. 174)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3- 1 Mark</p> <p>Total Marks -3</p>
35.	<p>1. The forum referred to is the Permanent Lok Adalat. (Step 1)</p> <p>2. Difference in procedure between Permanent Lok Adalat and Ordinary courts are:</p> <p>a. The Permanent Lok Adalat shall, during conduct of conciliation proceedings assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner, whereas in ordinary courts, the judges have no direct interaction with the parties.</p> <p>b. It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it, whereas in ordinary courts, the lawyers provide evidence in the courts.</p> <p>c. In case the parties reach at an agreement on the settlement of the dispute, they</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3- 1 Mark</p> <p>Total Marks -3</p>

	<p>shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof. Where the parties fail to reach at an agreement, the Permanent Lok Adalat shall decide the dispute where as in ordinary courts, the decision is final and binding.</p> <p>d. The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, whereas in ordinary courts, the procedural law will be followed.</p> <p>e. The Award of Permanent Lok Adalat shall be final and deemed to be a decree of a civil court and cannot be appealed.</p> <p style="text-align: right;">(Any 2 points = Step 2 and 3) (Page no. 203)</p>	
36. (a)	<p>1. An explicit provision for legal services is incorporated in the International Covenant on Civil and Political Rights (ICCPR).</p> <p>2. India has ratified the International Covenant on Civil and Political Rights, which came into force in 1976 and is bound by the international obligation to provide free legal assistance as per the requirements of the Covenant.</p> <p>3. The Indian Supreme Court has adopted the method of giving effect to international legal obligations when these obligations exist in the Indian legal system expressly.</p> <p>4. The Court also recognized international legal obligations as part of the law of the land when Indian law can be harmoniously interpreted as in conformity with international law.</p> <p>5. The Constitution (Forty-second amendment) Amendment Act, 1976 inserted Article 39-A in the Constitution to promote equal access to justice by providing free legal aid.</p> <p style="text-align: right;">(Any 3 points=Steps 1,2 and 3) (Page no. 198-199)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Total Marks -3</p>
	OR	
36. (b)	<p>1.Selection:</p> <p>a. The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with.</p> <p>b. The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Attorney-General (for Supreme Court), Advocate-General (for High Courts), Government Pleader (for districts/Taluks), and the Bar Association President.</p> <p>c. The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment.</p> <p>d. Personal traits like competence, integrity, suitability, and experience shall be considered.</p> <p style="text-align: right;">(Step 1) (Any 1 Point)</p> <p>2.Tenure:</p> <p>The panel of lawyers is reconstituted every three years without disturbing ongoing cases handled by existing panel lawyers.</p> <p style="text-align: right;">(Step 2)</p>	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Total Marks -3</p>

	<p>3.Duties:</p> <p>a. The panel lawyers must perform their duties diligently</p> <p>b. They cannot accept any fee or consideration from beneficiaries. They may be removed for non - performance or actions contrary to the Act or Regulations. .</p> <p style="text-align: right;">(Step 3) (Any 1 point in Step 3) (Page no. 202)</p>	
	SECTION - D	
37	<p>a.</p> <p>i. Yes, there is violation of Article 19 of the Indian Constitution</p> <p>The ban is not justified, as the cartoons merely express criticism and do not disturb public order. Under Article 19(1), every citizen has the right to freedom of speech and expression. The restriction is unreasonable because satire and criticism of the government are protected forms of expression unless they incite disorder - which did not happen here.</p> <p style="text-align: right;">(Step 1)</p> <p>ii. No, Ravi's right to freedom to reside and settle in any part of the territory of India enshrined under Article 19 of the Indian Constitution is not violated.</p> <p>The right to reside and settle anywhere in India under Article 19(1) is subject to reasonable restrictions in the interest of the general public or for protecting the interests of any Scheduled Tribe. The denial in this case is therefore valid.</p> <p style="text-align: right;">(Step 2)</p> <p>iii. No, Dr K's right to freedom to practice any profession, or to carry on any occupation, trade or business enshrined under Article 19 of the Indian Constitution is not violated.</p> <p>The right to practise any profession under Article 19(1) is subject to reasonable restrictions in the interest of public health, safety, or professional standards. Temporary suspension for ethical lapses is justified.</p> <p style="text-align: right;">(Step 3)</p> <p>b. No, the freedoms under Article 19 are not unlimited.</p> <p style="text-align: right;">(Step 4)</p> <p>The freedoms are subject to reasonable restrictions imposed by the State to safeguard interests such as the sovereignty and integrity of India, security of State, public order, decency, morality, and defamation.</p> <p style="text-align: right;">(Step 5) (Page no. 133-134)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Step 4-1 Mark</p> <p>Step 5- 1 Mark</p> <p><i>Total Marks -5</i></p>
38.	<p>When the mutual obligations of the parties are fulfilled, the contract comes to an end and is discharged.</p> <p style="text-align: right;">(Step 1)</p> <p>Or</p> <p>When the contract is ended, it is said to be discharged.</p> <p style="text-align: right;">(Step 1)</p> <p>Or</p> <p>Discharge means termination of the contractual relations of the parties to the contract.</p> <p style="text-align: right;">(Step 1)</p> <p><u>Situation (i) – Discharge of contract by Impossibility of Performance</u></p> <p>Ramesh's contract to supply 5,000 litres of water is discharged due to supervening impossibility because a massive landslide blocked all access roads and destroyed delivery trucks.</p> <p style="text-align: right;">(Step 2)</p> <p>Or</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Step 4-1 Mark</p> <p>Step 5- 1 Mark</p> <p><i>Total Marks -5</i></p>

	<p>Performance became impossible due to landslide, and the contract cannot be enforced. (Step 2)</p> <p>Liability and damages: Ramesh is not liable for non-performance as the failure was due to an unforeseeable natural event beyond his control. The Municipal Corporation cannot claim damages from Ramesh, since the impossibility was not caused by his fault. (Step 3)</p> <p>Situation (ii) – Discharge of contract by Breach Arjun’s late delivery of shirts constitutes a breach of contract, as the contract expressly stated that “<i>time is of the essence</i>” and timely delivery was essential for the Diwali fashion launch. (Step 4) Or The contract is discharged by breach, and Neha is no longer obliged to accept the delayed goods. (Step 4)</p> <p>Liability and damages: Arjun is liable for failing to perform as per the agreed terms. Neha can claim damages / monetary compensation from Arjun. (Step 5) (Page no. 59-61)</p>																				
39. (a)	<p>The One Person Company (OPC) – The features of OPC which merge corporate identity with sole proprietorship are:</p> <table><tr><th>Aspect</th><th>Explanation</th></tr><tr><td>Separate legal Identity</td><td>An OPC is a distinct legal entity, separate from its owner, unlike a sole proprietorship. It can own property, enter contracts, and sue or be sued in its own name.</td></tr><tr><td>Limited Liability</td><td>The sole member’s liability is limited to the amount of capital contributed, providing protection of personal assets. In contrast, a sole proprietor has unlimited liability.</td></tr><tr><td>Corporate Benefits</td><td>OPCs can raise funds, open bank accounts, and avail tax and regulatory benefits available to companies. It also allows structured governance through a director (who is also the sole member).</td></tr><tr><td>Perpetual succession</td><td>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.</td></tr></table> <p>(Any 2 points=Step 1 and 2)</p> <p>2. Distinction from Sole Proprietorship :</p> <table><tr><th>Feature</th><th>One Person Company (OPC)</th><th>Sole Proprietorship</th></tr><tr><td>Liability</td><td>Limited to the capital contributed</td><td>Unlimited personal liability for business debts</td></tr><tr><td>Legal Status</td><td>Separate legal entity</td><td>No separate legal identity;</td></tr></table>	Aspect	Explanation	Separate legal Identity	An OPC is a distinct legal entity, separate from its owner, unlike a sole proprietorship. It can own property, enter contracts, and sue or be sued in its own name.	Limited Liability	The sole member’s liability is limited to the amount of capital contributed, providing protection of personal assets. In contrast, a sole proprietor has unlimited liability.	Corporate Benefits	OPCs can raise funds, open bank accounts, and avail tax and regulatory benefits available to companies. It also allows structured governance through a director (who is also the sole member).	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.	Feature	One Person Company (OPC)	Sole Proprietorship	Liability	Limited to the capital contributed	Unlimited personal liability for business debts	Legal Status	Separate legal entity	No separate legal identity;	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Step 4-1 Mark Step 5- 1 Mark Total Marks -5</p>
Aspect	Explanation																				
Separate legal Identity	An OPC is a distinct legal entity, separate from its owner, unlike a sole proprietorship. It can own property, enter contracts, and sue or be sued in its own name.																				
Limited Liability	The sole member’s liability is limited to the amount of capital contributed, providing protection of personal assets. In contrast, a sole proprietor has unlimited liability.																				
Corporate Benefits	OPCs can raise funds, open bank accounts, and avail tax and regulatory benefits available to companies. It also allows structured governance through a director (who is also the sole member).																				
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.																				
Feature	One Person Company (OPC)	Sole Proprietorship																			
Liability	Limited to the capital contributed	Unlimited personal liability for business debts																			
Legal Status	Separate legal entity	No separate legal identity;																			

	<table> <tr> <td></td><td></td><td>owner and business are the same</td></tr> <tr> <td>Continuity</td><td>Perpetual succession: Continues even if the owner dies or retires (subject to nominee member)</td><td>Depends entirely on the owner; business ceases on death, insolvency, or retirement</td></tr> <tr> <td>Registration</td><td>Mandatory under Companies Act, 2013</td><td>Optional; can be operated without formal registration</td></tr> </table> <p style="text-align: right;">(Any 3 points=Step 3, 4 and 5) (Page no. 108-109)</p>			owner and business are the same	Continuity	Perpetual succession: Continues even if the owner dies or retires (subject to nominee member)	Depends entirely on the owner; business ceases on death, insolvency, or retirement	Registration	Mandatory under Companies Act, 2013	Optional; can be operated without formal registration	
		owner and business are the same									
Continuity	Perpetual succession: Continues even if the owner dies or retires (subject to nominee member)	Depends entirely on the owner; business ceases on death, insolvency, or retirement									
Registration	Mandatory under Companies Act, 2013	Optional; can be operated without formal registration									
	OR										
39. (b)	<p>i. In the criminal justice system, a person is considered innocent until proven guilty.</p> <p>ii. Most accused persons do not lead defence evidence in India. One of the major reasons for this is that in India, the burden is cast on the prosecution to prove the offence.</p> <p>iii. The degree of proof required in a criminal trial is “proof beyond reasonable doubt”.</p> <p>iv. It is not enough for the prosecution to assert that the accused has committed the offence. The judge must be convinced beyond reasonable doubt that it was in fact the accused who committed the offence. This was known as the “golden thread principle of criminal law”.</p> <p>v. While the presumption of the accused’s innocence is a long-standing principle enshrined in common law and upheld by Indian law as well, jurists have developed a rebuttal to the presumption of innocence under which an accused may be presumed guilty at first instance and the burden of proof is on the defence to establish the accused’s innocence or raise a reasonable doubt as to his guilt.</p> <p>vi. Reverse onus clauses shift the burden of proof from the prosecution to the defendant when the prosecution has shown certain essential facts.</p> <p>vii. The definition of a reverse onus provision is “one that shifts the burden of proof from the prosecution to the accused once the prosecution establishes a fundamental truth that justifies the shift in burden.”</p> <p>viii. In certain situations, the burden of proof is placed on the accused to present evidence supporting his innocence or to raise a plausible doubt about his guilt. The accused is prima facie considered guilty.</p> <p style="text-align: right;">(Any 4 points= Step 1, 2, 3 and 4)</p> <p>Dowry Death is the most well-known instance of a reversal onus provision in our nation. In dowry death cases, the accused is believed to be in a guilty mental state, establishing a presumption of guilt rather than the ordinary presumption of innocence.</p> <p style="text-align: right;">(Step 5) (Page no. 119)</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Step 4-1 Mark</p> <p>Step 5- 1 Mark</p> <p>Total Marks -5</p>									
40. (a)	<p>(i) Aditi :</p> <p>She will apply for enrolment at the State Bar Council/SBC/Bar Council.After enrolment, Aditi can start practising law immediately as an advocate in India/ She can start practising after enrolment/ She can start practising after clearing the All India Bar Examination.</p> <p style="text-align: right;">(Step 1)</p> <p>(ii) Ben :</p>	<p>Step 1-1 Mark</p> <p>Step 2- 1 Mark</p> <p>Step 3-1Mark</p> <p>Step 4-1 Mark</p> <p>Step 5- 1 Mark</p>									

	<p>Ben's foreign law degree must be recognised by the Bar Council of India from a country where Indian law graduates are allowed to practise by reciprocity/ reciprocal basis. (Step 2)</p> <p>(iii) Chintan : After completing his MBA, Chintan should choose the 3 - year LL.B. program, which is meant for graduates and qualifies him for enrolment with the Bar Council. (Step 3)</p> <p>(iv) For Aditi to become an Advocate - on - Record (AOR), the eligibility and Procedure is as follows:</p> <ol style="list-style-type: none"> 1. Must have practised as an advocate for at least 4 years. 2. Must undergo 1 year of training under a Senior Advocate - on - Record. 3. Must pass the AOR examination conducted by the Supreme Court. 4. Must have a registered office within 10 miles of the Supreme Court and a registered clerk. <p>(Any 2 points = Step 4 and 5) (Page no. 183-184)</p>	Total Marks -5
	OR	
40. (b)	<p>i. Riya's Career Path and Work: Career Path and work: Transactional law / Law firm. Advising clients on corporate transactions, drafting contracts/assisting in negotiations/ ensuring regulatory compliance/ executing business deals smoothly. (Step 1)</p> <p>Key Skill / Knowledge for Riya : Corporate advisory skills/ legal drafting/negotiation skills/understanding commercial laws/ company laws/ regulatory compliance knowledge. (Step 2)</p> <p>ii. Meera's Contribution to public policy and opportunities for law graduates: Lawyers have an important role in formulating and advising on public policy. They assist MPs in drafting bills, conduct policy research, contribute to law reform. Several organizations employ law graduates for policy making and have institutionalized fellowships where law graduates can be Research Assistants./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. (Step 3)</p> <p>iii. Anika's Legal Work in JAG : 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. Or The department supports the Judge Advocate General (JAG) who is the legal and judicial chief of the army and advises the Chief of the Army Staff on legal</p>	<p>Step 1-1 Mark Step 2- 1 Mark Step 3-1Mark Step 4-1 Mark Step 5- 1 Mark Total Marks -5</p>

	<p>matters.</p> <p>Or</p> <p>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.</p> <p style="text-align: right;">(Any 2 points = Step 4 and 5) (Page no. 191-193)</p>	
	- o O o -	