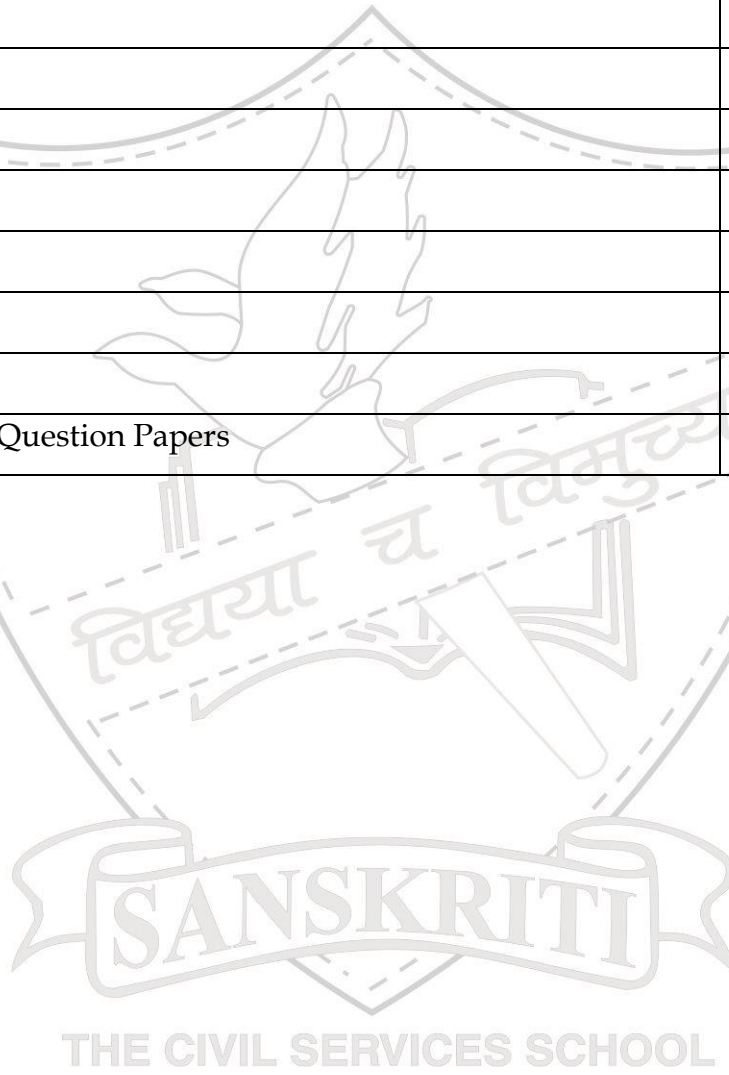


## Legal Studies- Class XII

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**LEGAL STUDIES Class XII****(Code No. 074)****Rationale**

The Latin maxim *ignorantia juris neminem excusat*, in plain, which reads as 'ignorance of law is not an excuse'. This is one of the age old principles followed under the Roman Law and even in our own Common Law. If every person of discretion is to know what law is, an effort to teach law outside the remit of a professional law school may have significant social benefits.

Law is a subject which has been traditionally taught in Universities for almost eight centuries. Learning law outside the settings of a professional law school has a number of perceived benefits. Some familiarity with law enhances one's understanding of public affairs and an awareness of one's entitlements and duties as a citizen. It may also be helpful in eliminating some of the mistaken notions about law and some of the inveterate prejudices about law, lawyers and the legal system as such. Another advantage is that an understanding of law can undoubtedly encourage talented students to pursue a career in law – an objective which is laudable in its own right.

The pitfalls of learning law outside the settings of a professional school are rooted in two key assumptions:

- a. law is too vast and complicated to be taught in a non-professional setting;
- b. the lack of professional trainers and experienced teachers could lead to incorrect appreciation and understanding of law. If an understanding of law is mis-formed or ill-formed as some academicians think, it may require greater efforts to unlearn whatever was learnt earlier. Both these criticisms have attracted detailed scrutiny, but at least a few countries have introduced law at the High School level.

The experience of countries that have introduced law has been by and large optimistic. The Central Board of Secondary Education is introducing Legal Studies at the Class XI level. The proposal is to introduce one module in Class XI and a second module in Class XII.



## Objectives

1. To provide a background of the evolution of the Indian legal system in a short and concise form.
2. To focus on the applicability of *justice, equity and good conscience* and more importantly the development of Common Law system in India.
3. To provide exposure on various systems of law such as Common Law, Civil Law, Hindu Law, Islamic Law etc.
4. To develop an understanding of the essential features of the Indian Constitution, including the role and importance of Fundamental Rights, Separation of Powers, Structure and operation of Courts, concept of precedent in judicial functioning, the process of legislation, basic principles of statutory interpretation, etc
5. To deal with principles of practical utility such as the concept of Rule of Law, principles of justice, differences between criminal and civil cases, the concept of crime and the fundamental theories of punishment, rights available to the accused at various stages of the criminal investigative process, or the key components of Human Rights, etc.
6. To understand the fundamental concept and subject matter of property, contract and tort.
7. To understand the rudimentary aspects of contract law such as formation of contract, terms and conditions, discharge, etc.
8. To enables students to form an understanding of rights and duties and various categories of liability principles which form the bedrock for an understanding of Law.



**Competencies expected after this course**

Students will be able to

1. acquire knowledge of legal theory, laws, legal procedure, drafting, interpretation and application of laws;
2. identify legal issues from facts, differentiate between ratio decidendi and obiter dicta;
3. ask relevant, detailed, and probing questions to understand the differences among facts, opinions, analyse judgments and recognize and meaningfully respond to legal fallacies;
4. apply the law, and draw conclusions by applying analytical reasoning;
5. apply knowledge and understanding of law, legal theory and procedure to solve legal problems;
6. evaluate, seek feedback and modify solutions to legal problems;
7. carry out low scale legal research;
8. acquire values such as justice, fairness, openness, honesty, integrity, respect for diversity, and respect for the rule of law; and
9. prepare themselves for pursuing higher education in the field of Law



## Class XII (2020-21)

One Paper

Time: 3 hrs.

Marks:100

SNo	Contents	Periods	Marks
1	Judiciary	35	10
2	Topics of Law	35	20
3	Arbitration, Tribunal Adjudication and Alternative Dispute Resolution	35	10
4	Human Rights in India	35	10
5	Legal Profession in India	35	10
6	Legal Services	35	10
7	International Context	10	10
8	Project( Based on Syllabus)	20	20
	<b>Total</b>	<b>240</b>	<b>100</b>

## Course Contents:

S No	Unit	Topic
1	<b>Judiciary</b>	Structure and Hierarchy of Courts and Legal Offices i. in India  ii. Constitution, Roles and Impartiality  Appointments, Trainings, Retirement and Removal iii. of judges



		iv. Courts and Judicial Review
2	<b>Topics of Law</b>	i. Law of Property ii. Law of Contracts iii. Law of Torts Introduction to Criminal Laws in iv. India v. Administrative Law
3	<b>Arbitration, Tribunal</b>  <b>Adjudication and</b>  <b>Alternative Dispute</b>  <b>Resolution</b>	Adversarial and Inquisitorial i. Systems Introduction to Alternative Dispute ii. Resolution iii. Types of ADR Arbitration, Administrative iv. Tribunals v. Mediation and Conciliation vi. Lok Adalats vii. Ombudsman viii. Lokpal and Lokayukta
4	<b>Human Rights in India</b>	Introduction - History and International i. Context ii. Constitutional framework and Related laws in India Complaint Mechanisms of Quasi-judicial iii. Bodies
5	<b>Legal Profession in India</b>	Introduction History of legal profession in i. India



		<p>ii. Classification of lawyers: Roles and Functions, The Advocates Act, 1961, The Bar Council of India, Lawyers and Professional Ethics, Advertising by Lawyers,</p>
		<p>Opportunities for Law graduates, Legal Education in India, Liberalization of the Legal Profession, Women and the Legal Profession in India.</p> <p>iii. Legal Profession in other jurisdictions</p>
6	<b>Legal Services</b>	<p>i. Introduction</p> <p>ii. Brief History of legal services</p> <p>Legal background - Free Legal Aid under</p> <p>iii. International law, The Indian legal system, Free Legal Aid under Criminal law, Legal Aid by the State, Legal Aid under the Indian Constitution, NALSA Regulations, 2010</p> <p>iv. Criteria for giving free Legal Services</p> <p>Hierarchy of Legal Aid Service Authorities - The</p> <p>v. Central Authority, The State Authority, The District Authority and Taluk Legal Services Committee</p> <p>vi. Lok Adalats</p> <p>Legal Aid in Context of Social Justice and Human</p> <p>vii. Rights</p>

		viii. Funding
7	<b>International Context</b>	<p>Introduction to International Law</p> <p>i.</p> <p>ii. Sources of International Law – Treaties, Customs and ICJ Decisions</p> <p>iii. International Institutions</p> <p>International Human Rights</p> <p>iv. Customary International Law</p> <p>v. International law &amp; Municipal Law</p> <p>vi. International Law &amp; India</p> <p>vii. Dispute Resolution – ICJ, ICC and Other Dispute Resolution Mechanisms</p>
8	<b>Project</b> ( Based on Syllabus) Refer below	



## PROJECT GUIDELINES

### INTRODUCTION-

The student is required to do a project on “Understanding the parts of a judicial decision”

### OBJECTIVES-

The project work aims to enable students to be able to:

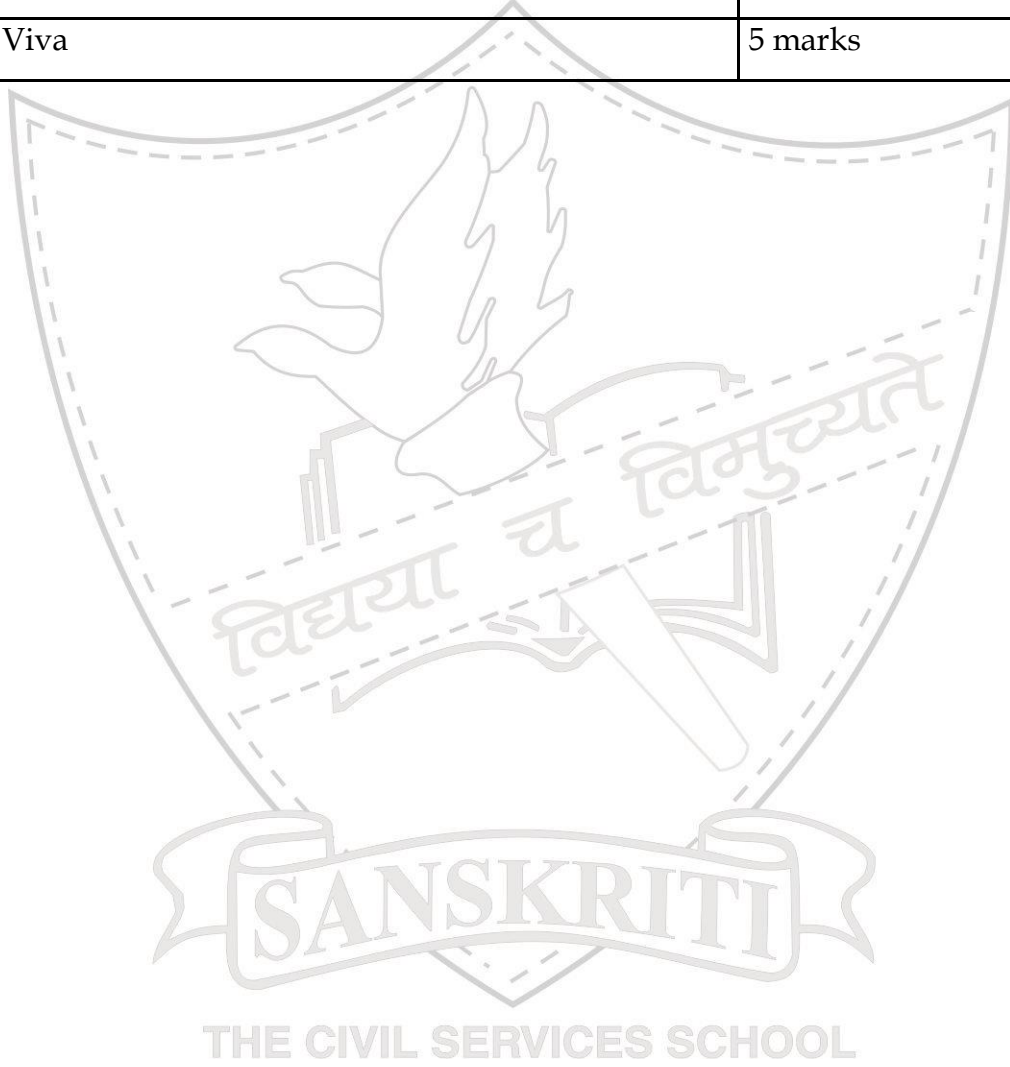
- 1 design a strategy to identify , formulate, deconstruct a legal problem and its remedy
- 2 select relevant legal sources and conduct searches
- 3 analogize, distinguish and synthesize cases
- 4 apply case and statutory law in an analytical framework utilizing the principles of analogies, distinctions, to write an objective legal memorandum
- 5 acquire legal writing skills
- 6 gain basic legal writing skills, including style, usage and attribution
- 7 understand parts of a judicial decision, ie, ratio decidendi and obiter dicta

### METHODOLOGY-

1. The student is required to select any 5 decided cases related to the curriculum
2. The research on the cases must include the following points:
  - a. Name of the case
  - b. Parties to the case
  - c. Nature of the case(Civil, criminal or Constitutional)
  - d. Facts of the case and issues involved
  - e. Decision of the case
3. The focus should be on the decision of the case wherein the ratio decidendi and obiter dicta can be clearly identified and marked.
4. The difference between the two parts must also be highlighted.

## RUBRICS FOR ASSESSMENT

S.no.	Parameters for assessment	Marks
1	Preparation and presentation of file	5 marks
2	Research work	5 marks
3	Application and understanding of legal concept	5 marks
4	Viva	5 marks



## Rubrics

Topic	Exceeding (76-100 percent)	Accomplished (61-75 percent)	Developing (34-60 percent)	Beginning (15-33 percent)
<b>Presentation of all facts of the case</b>	- All of the relevant facts are presented Clearly in a chronological, organized, logical and interesting sequence -The facts are supported with relevant evidence related to the case	-Most of the crucial facts have been stated Sequentially as per the happening of the case	- Some facts are stated but not in a sequential manner	-Only a few unrelated and irrelevant facts have been stated
<b>Statement of Legal problem and prediction about outcome</b>	-Legal problem has been <b>precisely defined and unambiguously stated</b> -Analysis of the legal problem has been done thoroughly and predicts clear outcome with logical reasoning	-Legal problem <b>has been nearly correctly stated</b> - Analysis of the <b>legal problem predicts a near clear outcome</b>	- Legal problem <b>has been vaguely conceived</b> -Analysis of the Legal problem <b>does not predict a clear outcome</b>	-Legal problem has not been identified clearly, -No analysis of the legal problem has been done to predict the outcome
<b>Information gathering</b>	- The information gathered in relation to the case is relevant and sufficient to encompass <b>all crucial facts and all applicable laws</b>	- The information gathered In relation to the case is relevant and sufficient To encompass <b>only crucial facts without applicable laws</b>	- The information gathered in relation to the case is relevant but <b>insufficient to encompass all relevant facts and applicable laws</b>	-The information gathered in relation to the case is insufficient
<b>Establishing correlation in facts</b>	-All of the crucial facts are well correlated to each other and presented in a logically persuasive manner	-Most of the crucial facts have been stated and are correlated to each other and presented in a logically persuasive manner	-Some of the stated facts are correlated to each other and presented in a logical manner	-The stated facts lack correlation and are not presented in a logically persuasive manner
<b>legal analysis and reasoning</b>	- Legal analysis is done by organizing evidence to accentuate differences, or similarities related to case. Use superior inductive and deductive reasoning abilities and present analogy.	- Legal analysis is done by organizing some evidences but organization is less than effective. Shows less Logical reasoning (inductive –deductive) than required.	- Legal analysis is done by organizing some evidences but organization is not effective. Logical reasoning (inductive – deductive) is missing.	- List some evidences but not able to organize it. Legal analysis is incoherent
<b>Identification of decidendi and obiter dicta</b>	Ratio decidendi and Obiter dicta has been identified in a crystal clear terms	Ratio decidendi and Obiter dicta has been little Less clearly identified	Ratio decidendi and Obiter dicta has been vaguely identified	-Ratio decidendi and Obiter dicta has not been identified
<b>Reflections on the Case</b>	Corroborate alternative arguments with research and innovation. Question existing beliefs. Show inconsistencies in existing body of evidence to arrive at result. Analyse pros and cons of existing decision viz a viz alternative solutions.	Identify connection between existing laws and their application in this case. Consider alternative arguments to affect the present outcome.	Analyse from a personal perspective why a particular action/decision has happened.	repeats only what has happened in the case

**Legal Studies****DESIGN OF THE QUESTION PAPER -CLASS XII (2020-21)****Time : 3 Hours****Max. Marks: 80**

S. No.	Competencies	Total Marks	% Weightage
1	<b>Remembering and Understanding</b> Exhibit memory of previously learned material by recalling facts, terms, basic concepts, and answers. Demonstrate understanding of facts and ideas by organizing, comparing, translating, interpreting, giving descriptions, and stating main ideas	30	37.5
2	<b>Applying</b> Solve problems to new situations by applying acquired knowledge, facts, techniques and rules in a different way.	24	30
3	<b>Analysing, Evaluating and Creating:</b> Examine and break information into parts by identifying motives or causes. Make inferences and find evidence to support, generalizations, Present and defend opinions by making judgments about information, validity of ideas, or quality of work based on a set of criteria. Compile information together in a different way by combining elements in a new pattern or proposing alternative solutions	26	32.5
<b>Total</b>		<b>80</b>	<b>100</b>

*No chapter wise weightage. Care to be taken to cover all the chapters*

**Choice(s):**

There will be no overall choice in the question paper. However, 33% internal choices will be given in all the sections

**Internal Assessment**

**A Project based internal assessment of twenty marks will be done as indicated above**



## Unit 1

## Judiciary

1. Discuss the scope of Judicial Review with respect to the basic structure of the Constitution of India.
2. How does Judicial Review ensure separation of powers between the three organs of the govt. and between the centre and state.
3. How are independence and impartiality of judges two different concepts?
4. Discuss the provisions related to judges which ensure independence of Judiciary.
5. What are the different roles that the Supreme Court of India performs?
6. How does independence of Judiciary work as a Constitutional Safeguard?
7. Certain Law officers exist at the Union and State level to advise the executive wing of the govt. These officers derive their mandate either from the Constitution or other statutory enactments and rules. Name three such officers and discuss their roles and method of appointment.
8. Discuss the structure and hierarchy of courts in India.
9. What are Tribunals? What is the aim of creating tribunals? Give some examples of tribunals in India and why they were created.
10. India has a common law jurisdiction. Explain, giving the main features of a common law system as opposed to a civil law system.
11. Trace the historical debate on the issue of appointment of judges in India.
12. What is the constitutional mandate for appointment of judges in India?
13. What is the current practice in the appointment of judges in India? What change is being proposed to it?
14. How can the judges of Supreme Court and the High Courts be removed?
15. Write short notes on:
  - a. Judicial Training
  - b. Retirement of judges
16. In a landmark case of Maneka Gandhi Vs Union of India her passport was confiscated by the Government without giving any reasons. Later on she was given a hearing by the court and her Passport was given back to her.
  - a) Which doctrine was used by the Supreme court in this case?
  - b) Which principle was used by the Supreme court to hear her case?
17. What do you mean by the 'right to audience?' Who has been granted this right by the Indian Constitution?
18. Nisha who used to work with an NGO was shocked to see the condition of people who were forcefully kept by the landlords to work in the fields, Saddened by their plight she decided to approach the court on their behalf to free them.
  - a) Name the provision under which Nisha can approach the court.
  - b) State the common characteristics of litigations under this provision.
19. Why is Kesavananda Bharati Vs State of Kerala case regarded as a basic structure case? Explain the points discussed in this case and its impact on the working of indian constitution.



20. How is independent judiciary different from the impartiality of judges? State the legal provisions given in the constitution for the same.



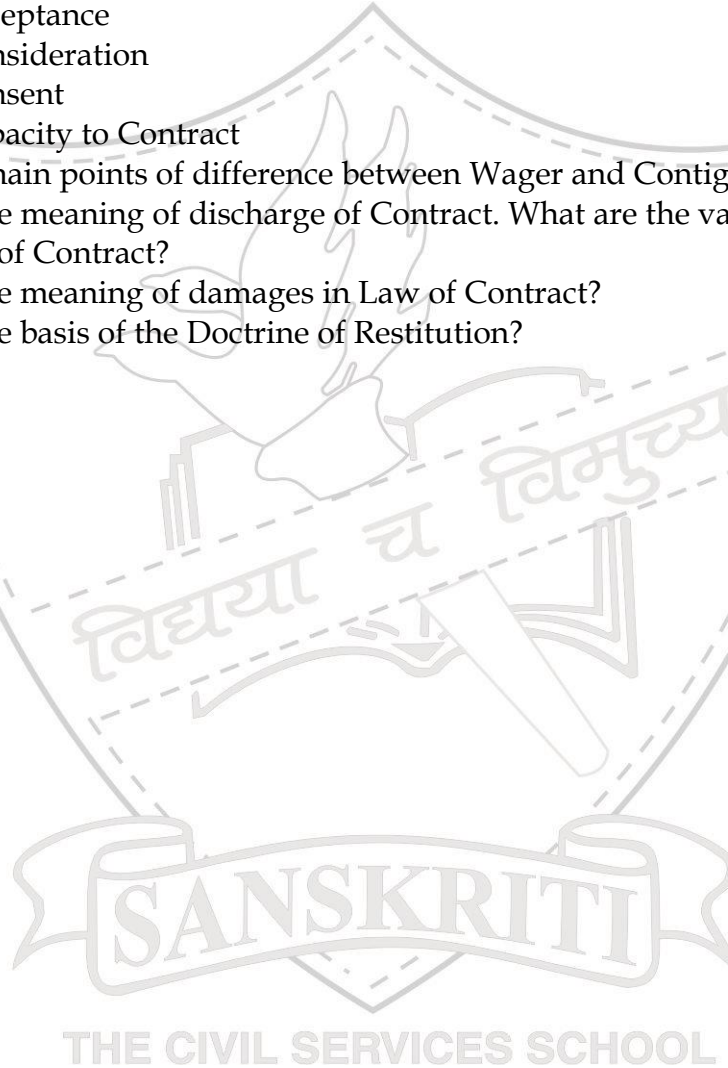
## Unit 2A- Law of Property

1. What is the object of the Transfer of Property Act, 1882?
2. What are the two types of property? Which legislations govern them?
3. Define immovable property? How has it been defined in the TPA?
4. Distinguish between movable and immovable property with the help of relevant case law.
5. Who can transfer property, and how can property be transferred?
6. What are the essentials of a valid transfer?
7. What is the meaning of the doctrine of Lis Pendens? What conditions should be satisfied to constitute lis pendens?
8. What is the meaning of Sale according to TPA? Give the rights and liabilities of Buyer and Seller?
9. Define Lease. Give the main rights and liabilities of the lessee and lessor.
10. Can an original lessor prevent a sub lessee from enjoying possession of a property during the existence of a lease? Explain, with relevant case law.
11. Explain the following:
  1. Exchange
  2. Gift
  3. Intellectual property
12. Discuss any three types of Intellectual property.
13. Give the name and examples for the following:
  - a. Any mark put on a product which helps people to distinguish it from other products and services.
  - b. Goods and products having a specific geographical origin bearing the name of their geographical origin.
  - c. The right granted over the invention of a product.
  - d. Protection provided to any design invented by a person.
  - e. The right obtained over the creation of any literary or artistic work.



UNIT 2(B)  
LAW OF CONTRACTS

1. Define a Contract. Which legislation governs the law of Contracts in India?
2. Give the facts, contentions and judgment in:
  - a. Balfour vs. Balfour
  - b. Carlil vs. Carbolic Smoke Ball Co.
  - c. Durga Prasad vs. Baldeo
3. Explain the following terms:
  - a. Offer
  - b. Acceptance
  - c. Consideration
  - d. Consent
  - e. Capacity to Contract
4. Give the main points of difference between Wager and Contingent contract
5. Explain the meaning of discharge of Contract. What are the various ways of discharge of Contract?
6. What is the meaning of damages in Law of Contract?
7. What is the basis of the Doctrine of Restitution?



Unit 2 (C) - Law of Torts

1. The definitional features of a tort are that it is a civil wrong as distinguished from a criminal wrong.  
Give the main points of differences between a tort and a criminal wrong.
2. What are the remedies generally available in a tort suit?
3. How is tort law a common law subject? Give instances of areas of tort law that have been codified.
4. What is the meaning of intentional tort? Briefly explain any three types of intentional tort.
5. What is meant by the intentional tort of conversion?
6. Explain the difference between trespass to land and trespass to chattels.
7. What is the basic understanding of a tort of negligence? Discuss the three essentials that must be established in order to constitute a tort of negligence, in light of relevant case law.
8. These torts do not care about the intention of the defendant when he caused the injury. Identify and explain this type of tort. Which related principle was introduced by the Supreme Court of India and in the aftermath of which cases? Discuss.
9. How does tort law protect the claimant against bodily injury?
10. Discuss in detail the three purposes of tort law.



UNIT 2 (D)  
Introduction to Criminal Laws in India

1. Explain the stages of crime? At what stage does liability in criminal law arise?
2. Explain the principle of actus reus and mens rea in India.
3. Give the distinction between Intention and Motive.
4. Explain the objectives for enforcement of Criminal Law.
5. Which section of IPC, 1860 defines the offence of theft, and what is the punishment prescribed for theft in IPC?
6. Distinguish between
  - a. Bailable and non bailable offences
  - b. Cognizable and non cognizable offences
  - c. Compoundable and non-compoundable offences
7. Prosecution of an offence is a two step process. Explain.
8. Explain the stages of a criminal trial.
9. What is the meaning of Plea Bargaining?
10. Distinguish between Confession and Admission
11. What are the various forms of confession?



## UNIT 2 (E) ADMINISTRATIVE LAW

1. There is a clear distinction in the subject matter of constitutional law and Administrative Law. Give this distinction.
2. The scope of govt intervention in the lives of citizens has always been in question. What are the main lines of argument in the discussion on the scope of govt. intervention?
3. Discuss the main types of Administrative actions.
4. Give any four examples each of administrative and non administrative actions
5. What are the three main principles of administrative law?
6. What does Rule of Law mean? Discuss its importance in administrative law.
7. What does the doctrine of Separation of Powers imply? Who gave this theory a socio-scientific and structured meaning? What are the three aspects of this theory?
8. What is the role of principles of natural justice in administrative law?
9. Delegated legislation is the need of the hour. It should, however, not be unfettered. Explain.
10. How can one ascertain the policy of any given legislation?
11. What do Lay in provisions refer to? What are the types of lay in provisions?
12. What are the mechanisms of control over administrative actions in USA, UK and India?
13. How did the Droit Administrative system develop?
14. What are the three main doctrines that emerged from the Droit system? Explain.

THE CIVIL SERVICES SCHOOL



### Unit 3- Arbitration, Tribunal Adjudication and Alternate Dispute Resolution

#### Questions

1. Fill in the blanks:

- a. The \_\_\_\_\_ system is generally adopted in common law countries.
- b. \_\_\_\_\_ system refers to the use of non-adversarial techniques of adjudication of legal disputes.
- c. The decision rendered by an arbitrator is known as \_\_\_\_\_.
- d. \_\_\_\_\_ is the relevant legislation that governs the process of arbitration in India.
- e. The initial documents filed by the claimants enlisting the issues raised to be resolved in an arbitration is known as \_\_\_\_\_.
- f. Articles \_\_\_\_\_ and \_\_\_\_\_ empower the Parliament to set up tribunals for adjudication of specialised disputes.
- g. The Central Administrative Tribunal was set up pursuant to the enactment \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_.
- h. The seven judge bench of the Supreme Court in \_\_\_\_\_ case held that tribunals would not take away the exclusive jurisdiction of the courts, and their decisions could be scrutinised by the Division bench of the High Courts.
- i. CAT has 17 regular benches, 15 of which operate at the principal seats of High Courts and the remaining two at \_\_\_\_\_ and \_\_\_\_\_.
- j. \_\_\_\_\_ is a process mid way between mediation and arbitration.
- k. Both Mediation and Conciliation are governed by Section \_\_\_\_\_, a provision inserted by the 2002 amendment of the \_\_\_\_\_.
- l. The concept of Nyaya panchayat is institutionalized in the philosophy of \_\_\_\_\_.
- m. The first Lok Adalat was held on \_\_\_\_\_ at \_\_\_\_\_.
- n. \_\_\_\_\_ is a statutory body constituted under the National Legal Services Authorities Act, 1987 and is responsible for laying down policies and principles for making legal services under the Legal Services Authorities Act, 1987.
- o. \_\_\_\_\_ is an anti corruption ombudsman organization in the Indian States.
- p. The Arbitration and Conciliation Act of 1996 is modelled on the \_\_\_\_\_ model law on \_\_\_\_\_.
- q. The Chief Vigilance Commission was set upon the recommendations of the \_\_\_\_\_ committee.



- r. In the case \_\_\_\_\_, it was held that The Arbitration and Conciliation Act, 1996 should be interpreted and applied, keeping the commercial sense of the dispute in mind.
2. Name three statutes that were repealed by The Arbitration and Conciliation Act of 1996.
  3. What type of disputes are held to be most suitable for mediation? Give example of such a dispute. What type of cases have been excluded from the ambit of mediation?
  4. Give the main advantage of an ombudsman.
  5. Give any three benefits of Lok adalats
  6. Give a brief overview of the laws on Lok Adalat.
  7. Discuss the composition of the Lokpal?
  8. What is the main function of the CVC?
  9. When was the institution of Lokpal and Lokayukta given formal recognition? Give a brief description of the law governing this institution.
  10. Give the main differences between mediation and arbitration.
  11. What is the present position in India on the appointment of Lokayukta?
  12. What are the problems confronted by Law courts in India, which support the advent of ADR?
  13. What are the main benefits of ADR?
  14. What is the main problem with the mediation/arbitration hybrid? How can this problem be corrected?
  15. 'The history of ADR in India pre-dates the modern adversarial model of Indian judiciary'. Elaborate.
  16. Differentiate between adversarial and inquisitorial methods of dispute resolution
  17. What do you understand by the term Arbitration? Describe the process of arbitration.
  18. What are the three ways in which mediation can be triggered?
  19. What are the various types of arbitration? describe each briefly.
  20. Give three examples of types of disputes that can be adjudicated by tribunals.
  21. What type of cases have been specifically excluded from the scope of mediation?
  22. What do you understand by the phrase 'Tribunalisation of Indian Judiciary'?

23. 'The tribunals in India have contributed to supplementing the role of courts in adjudication of service disputes.' Explain.
24. Write a short note on the following:
  1. Arbitral award
  2. Institutional Arbitration
  3. Setting aside an arbitral award.
  4. Ombudsman
  5. The Arbitration and Conciliation Act, 1996
  6. Court referral to Arbitration
25. How is foreign arbitration different from international commercial arbitration?
26. There was a dispute between Ms. Uditia and Mr. Bhavesh regarding title and possession of immovable property. The parties to the dispute, out of their free will appointed Mr. Punit, a neutral third party to resolve their dispute. Mr. Punit acted not only as an interventionist but also suggested potential solutions to the parties in order to resolve their claims & disputes.  
State the role of Mr. Punit as an A.D.R. in the given situation.
27. There was a dispute between Ms. Uditia and Mr. Bhavesh regarding title and possession of immovable property. The parties to the dispute, out of their free will appointed Mr. Punit, a neutral third party to resolve their dispute. Mr. Punit acted not only as an interventionist but also suggested potential solutions to the parties in order to resolve their claims & disputes.  
State the role of Mr. Punit as an A.D.R. in the given situation.
28. Name the category of officials/ public Servants coming under the ambit of Lokpal.  
What are the major powers of Lokpal?
29. Trace the progress and development of contemporary Lokpal Movement in India.

## Unit 4- Human Rights in India

1. What do you understand by Human Rights?
2. Give a brief description of the historical and international developments in the field of Human Rights.
3. What are the main types of human rights safeguarded by laws in India?
4. How did the modern concept of human rights emerge? Give some earliest examples of human rights laws.
5. What was the Magna Carta of 1215? What were the provisions that can be regarded as Human Rights laws?
6. What was the English Bill of Rights? In which year was it concluded? What were the main rights included in the Bill of Rights?
7. How did the American Declaration of Independence include human rights values?
8. When and how was the principle of human rights adopted by France?
9. Give a brief description of the Universal Declaration of Human Rights.
10. Give some examples of Human Rights treaties.
11. Discuss the human rights provided in the constitutional framework in India. What are the main parts of the Indian Constitution that provide for human rights?
12. Which articles of the Constitution of India contain the provisions on Fundamental Rights? What are the salient features of Fundamental Rights?
13. What does the principle of equality mean? Which provision of the Constitution of India enshrines the principle of equality?
14. The Prohibition of Child Marriage Act, 2006 prescribes the marriageable age of girls as 18 years and that of boys as 21 years. Does this amount to violation of Right to equality?
15. Which article of the Constitution of India justifies reservation in govt. jobs for backward classes/castes?
16. Which laws in India deal with abolition of untouchability?
17. Name the various kinds of freedoms guaranteed to all citizens by the Constitution of India. What are the grounds for restrictions on these freedoms?
18. Can the state prohibit a citizen of India from making a speech? Discuss.
19. Discuss the rights of persons accused of crimes under article 20 of the Constitution of India.
20. What is the meaning of right to Life and Personal Liberty? Is the right to life and personal liberty, as guaranteed under article 21, unlimited?
21. What is the status of Right to elementary education? Has it been included as a Fundamental Right? Discuss.
22. What does article 22 provide for? Are there any exceptions to this right? Give examples.
23. How does the Constitution guarantee Right to Freedom of Religion? Discuss in detail.
24. What do you understand by the Right to Constitutional remedies?
25. Which rights are dealt with under articles 29 and 30?
26. Write a note on a. Fundamental duties b. Directive Principles of State Policy

27. What do you understand by Quasi-judicial bodies? Give some examples of quasi judicial bodies.
28. Which quasi judicial body was established by the Protection of Human Rights Act, 1993?
29. Discuss the composition of NHRC. What are the main powers and functions of the commission?
30. Discuss the complaint mechanism procedure with the National Human Rights Commission. What types of complaints are not ordinarily entertainable?
31. Is there a time limit within which the alleged violation of human rights should have been committed for filing a complaint with the NHRC? If yes, what is it?
32. Give the main functions of the national commission for minorities. What is the composition of the commission?
33. What are the grounds on which the National Commission for minorities can decline admitting a complaint?
34. When was the National Commission for Women established? What is the composition of the commission?
35. What kind of work has the National Commission of Women been involved with in the recent times?
36. What are the main functions and powers of National Commission for Women? What are its powers that are similar to those of a civil court?
37. Which two commissions were established in fulfilment of article 338 of the Constitution? Name two special laws enacted to give effect to the provision.
38. In context with the provisions of death penalty as stated in the Indian Penal Code, explain how it justifies the application of 'procedure established by law' as stated in article 21 of the Constitution.
39. Explain the journey of recognition of right to education as a fundamental right in the Indian Constitution.



UNIT 5  
AMERICAN BAR ASSOCIATION (ABA)

1. Founded in 1878
2. Voluntary professional body for US Lawyers.
3. Largest voluntary professional body in the world (400,000 members)
4. Goals-
  - a. To serve the members
  - b. Improve the profession
  - c. eliminating bias
  - d. Enhancing diversity
  - e. advancing the rule of law
- f. Functions-
  - g. Supports legal profession with practical resources for legal professionals
  - h. Improving the administration of justice
  - i. accrediting law schools
  - j. establishing model ethical codes etc.
5. Responsibility-Creation and maintenance of a code of ethical standards for lawyers.
6. Membership- Open to lawyers, Law students and others interested in the law and the legal profession
7. Accrediting schools since 1923 and publishes the Internationally reputed ABA Journal.
8. Model Code of Professional Responsibility 1969 and Model Rules of Professional Conduct, 1983 adopted in 49 states (Only exception being California)



THE CIVIL SERVICES SCHOOL



## Unit 5

### Legal Profession in India

1. Explain the genesis of Vakalatnama as we know it today.
2. What were the changes brought about by the Legal Practitioners Act of 1846?
3. What were the main developments brought about by the Legal Practitioners Act of 1879?
4. Write a short note on
  - a. The Chamier Committee.
  - b. The Indian Bar Councils Act, 1926
  - c. Solicitors
  - d. Pleaders
  - e. Vakils
  - f. Mukhtars
  - g. Revenue Agents
5. Who is an advocate, as prescribed by the Advocates' Act, 1961?
6. Name the three legal Officers who act as advisors to the Central Govt. Are there similar officers at the state level? If yes, name them.
7. What are the essential requirements for being an advocate in India?
8. Write a short note on
  1. Senior advocate
  2. Advocate on Record
9. State the composition of the Bar Council of India.
10. Name the two main regulatory functions of the Bar Council of India.
11. What were the two main changes brought about by the Advocates Act, 1961?
12. Give any two professional duties of an Advocate
13. Advocates in India can now furnish 5 pieces of information on their websites after taking permission from the Bar Council of India. List them.
14. Which country has Model Rules for Professional Conduct for lawyers? Which rules deal with advertising by lawyers?
15. Who are ambulance chasers?
16. Which country has passed the legislation named Legal Profession (Publicity Rules) 2001? What does it deal with?
17. The establishment of which Institution marked the beginning of reform of Legal Education in India? How many law schools are there in India presently?
18. What are the opportunities available to Lawyers in Public Policy?
19. Discuss the career options available to lawyers in
  1. Law Firms
  2. Corporate sector
  3. Legal Research
  4. NGOs
  5. Govt. Institutions
  6. Judicial Services
20. What is the current position in India on the issue of opening of Indian Legal Profession to foreign lawyers?
21. How does one complete Legal Education in the USA?
22. What is CLE?

23. Give the expanded form of the following abbreviations:
1. MBE
  2. MPRE
  3. MEE
  4. MPT
  5. FLC
  6. ABA
24. How can an Indian Lawyer practice in the USA?
25. What is the ABA? What work does it do? What are its goals and who all can be its members?
26. How are lawyers regulated in states having a non unified bar?
27. How can one become a barrister in the UK after secondary school?
28. Give one most significant difference between barristers and solicitors.
29. Give the seven foundation subjects required to be studied for obtaining qualifying law degree in UK.
30. Can students in UK who do not have undergraduate degrees in Law still become Lawyers? If yes, how?
31. What is the LPC?
32. What is the significance of an Inn of court? Name the four inns of court.
33. What role do notaries play in the French Legal system?
34. What is the Conference des Batonniers?
35. Name the overarching National body for all French Bars.
36. How can foreign Lawyers requalify in France?
37. What are the two examinations that law students in Germany must complete in order to become a lawyer?
38. What avenues are open to foreign lawyers in Singapore?
39. What was the observation of Patna High court in 1922 regarding Ms. Hazra's petition?
40. What was the main objective of the Legal Practitioners (Women) Act of 1923?
41. Who was the first Indian Lady Wakil? Which High Court was she appointed to and when?





## UNIT 6

## Legal Services

1. Reginald Heber Smith, in his book, \_\_\_\_\_ promoted the concept of free legal assistance to the poor for the first time.
2. Rawls first principle of justice is that \_\_\_\_\_
3. The purpose of Hammurabi, in promulgating his code in the 20<sup>th</sup> c. BC was \_\_\_\_\_
4. What were the three processes by which developing civilizations moved towards social engineering through free legal aid?
5. How did the Mosaic law provide privileges to the poor man?
6. How was justice administered in Egypt according to Herodotus?
7. Explain the concept of
  - a. Vodimonium
  - b. Sacramentum
8. Explain the civil legal assistance to the poor in the United States of America from 1876 to 1965.
9. Discuss the concept of Free Legal aid under International Law
10. What are the main features of the NALSA Regulations of 2010.
11. What are the criteria for providing free Legal Aid under the NLSA Act, 1987?
12. Explain the composition and main functions of
  - a. The Central Authority
  - b. The State Authority
  - c. The District Authority
13. Explain the meaning of Public Utility Services according to the Legal Services Authorities (Amendment) Act, 2002.
14. Explain the sources and purpose of the funds of the following:
  - a. The National Legal Aid Fund
  - b. The State Legal Aid Fund
  - c. The District Legal Aid Fund
15. Explain the journey of recognition of right to education as a fundamental right in the Indian Constitution.
16. Where is the provision of free legal aid incorporated under the criminal law in India?
17. Why is it not possible to isolate legal aid from Human Rights?
18. Explain the composition of National Legal Services Authority and Supreme Court Legal Services Committee constituted for legal services.

## Unit 7

## International Context

1. Discuss the history of International law.
2. International law relies on consent-based governance. Discuss the meaning of International law in the context of the above statement.
3. What are the two categories of International law? Explain each with examples.
4. Write short notes on
  - a. CISG
  - b. UNCITRAL Model law on international Commercial Arbitration
  - c. Article 38(1) of the Statute of ICJ
  - d. UN Commissioner for human rights
  - e. Bretton woods twins
  - f. ILO
  - g. UNESCO
  - h. WHO
  - i. Erga Omnes obligations
5. Name the sources of International Law.
6. What is a treaty? What are the ways in which a state expresses its consent to be bound by a treaty?
7. Name some of the important documents/conventions in the field of International Human Rights.
8. What is the position of various countries on the application of International Law to domestic jurisdiction?
9. Give the relevant case laws and relevant constitutional provisions that discuss the application of international law to India.
10. What are the dispute resolution mechanisms under International Law?
11. What are the functions of Human Rights Council?
12. Discuss about the history of the Bretton Woods Twins.
13. Explain the two International bodies of dispute resolution.
14. Explain the sources of International law.
15. Discuss the history and development of International human Rights.

**LEGAL STUDIES SAMPLE PAPER 2019-2020****General Instructions:**

1. All questions are compulsory. Internal choice is given in all sections.
2. Section A- Questions from 1 – 4 has 20 Objective type questions.
3. Section B - Questions from 5 – 12 are of 2 marks each. The answers to these questions should not exceed 40 words each.
4. Section C- Questions from 13 – 17 are of 4 marks each. The answers to these questions should not exceed 100 words each.
5. Section D- Questions from 18 – 21 are of 6 marks each. The answers to these questions should not exceed 200 words each.

**MAX MARKS: 80****TIME: 3 HRS**

S.No.	QUESTION	Marks	Unit	Typo
<b>SECTION A</b>				
Q1. Fill in the blanks:-				
a	_____ is the highest judicial authority below a High Court Judge.	1	1	R
b	_____ of administrative law is applied on the basis of the following elements:- a. If there is an express promise given by a public authority b. Because of the existence of a regular practice which the claimant can reasonably expect to continue c. Such an expectation must be reasonable  OR _____ form of Government cannot strictly apply separation of powers.	1	2	U
c	Doctrine of stare decisis means _____	1	3	R

d	In the 13 <sup>th</sup> century England, the barons were dissatisfied with the taxation policies of the King. The problem was resolved by _____  OR  _____ is the International human rights treaty which protects our civil and political rights.	1	4	U
e	_____ was the first pan India law which abolished a religious test for enrolment as a pleader.	1	5	R
Q2. Answer the following in one word/one sentence each.				
a.	The President of India approached the Supreme Court to give its advice on State's obligation to provide social security to the senior citizens. The Supreme Court refrained from giving any advice. In one word, explain the reason for Supreme Court's refrain.  OR  In one line, any one reason why Senior advocates refuse to accept judgeship.	1	1	U
b.	Name the Patron in chief of the State Legal Service Authority.	1	6	R
c.	Mr. Venkath, a renowned advocate regularly argued in the Court wearing a special uniform but was not allowed to file a vakalathnama. Identify the post.	1	5	A
d.	Which fund would be utilized towards the cost of legal services provided by the SCLSC?	1	6	R
e.	'Set up in the 20 <sup>th</sup> Century BC, its purpose was to establish justice on the Earth and to hold back the strong from oppressing the weak.' Which document is being discussed in the above lines? OR Which article of the Indian Constitution ensures social justice based on equality of opportunity in accessing justice?	1	6	U
Q.3	Multiple Choice Questions:-			

a.	<p>Which of the following disputes can be resolved through mediation?:</p> <ol style="list-style-type: none"> <li>Election disputes</li> <li>Criminal offences</li> <li>Matrimonial disputes</li> <li>Cases of Minors</li> </ol> <p style="text-align: center;">OR</p> <p>Rohan wants to opt for a dispute resolution form which offers way to discuss and solve the problem underlying a dispute and create truly lasting peace? Identify:</p> <ol style="list-style-type: none"> <li>Mediation</li> <li>Conciliation</li> <li>Arbitration</li> <li>Lok Adalat</li> </ol>	1	3	A
b.	<p>Rakesh was caught jumping the traffic signal and as a punishment, he was sought to be imprisoned. However, instead of being imprisoned, Rakesh could pay a fine. Which category of crime does the above act belong to?</p> <ol style="list-style-type: none"> <li>Compoundable offences</li> <li>Non – compoundable offences</li> <li>Cognizable offences</li> <li>Non – bailable offence</li> </ol> <p style="text-align: center;">Or</p> <p>A crime involves the following stages:</p> <ol style="list-style-type: none"> <li>Commission</li> <li>Preparation</li> <li>Intention</li> <li>Attempt</li> </ol> <p>Which of the following shows the correct sequencing:</p> <ol style="list-style-type: none"> <li>1,2,3,4</li> <li>4,3,2,1</li> <li>3,2,4,1</li> <li>3,2,1,4</li> </ol>	1	2	U



c.	In response to a PIL filed by AK Balaji, the Madras High Court allowed the foreign lawyers to practice in India and held that : a. Foreign lawyers are not allowed to practice in India b. Foreign lawyers are allowed to practice in India by setting up offices c. Foreign lawyers are not allowed to set up liason offices in India d. Foreign lawyers can practice in India on a fly in, fly out basis	1	5	U
d.	Ajay completed his LL.B. degree and wants to get himself enrolled for practice in various District Courts in India. An application for his enrolment will be made to: a. Bar Council of India b. State Bar Council c. High Court d. District Court  OR Ravin, a Non law graduate wants to become a Solicitor in the UK. He necessarily needs to pursue: a. Graduate Diploma in Law b. Legal Practise Course c. LL.B. d. Bar Vocational Course	1	5	A
e.	Richard, a citizen of an enemy country was detained by the local police without providing grounds of arrest. Can Richard question the action of police authority? a. Yes, he was not given ground for his arrest under Section 22 of the Indian Constitution b. Yes, he is a foreign national and will not be subject to Indian laws c. No, safeguard for arrest and detention under Article 22 do not apply to a national from an enemy country d. No because police authorities can arrest and detain on suspicion	1	4	A
Q4.	<b>State whether the following statements are True or False</b>			
a.	UNESCO and WHO have together been termed as the Bretton Woods Twins  Or Custom could be derived from law of nature or mutual consent of both the parties	1	7	R

b.	A grave human rights violation took place in Elpesia by a national of Serenia. The accused was hiding in a neighbouring country of Serenia which took action against the accused. Can the above action be justified on the ground of Erga omnes obligation?	1	7	U
c.	The purpose of having DPSP's is to remind citizens to behave responsibly and help build a free democratic and strong society.  OR Basin structure of the Constitution allows the Parliament to amend features like rule of law, secularism, etc	1	4	E
d.	'The law treats a millionaire and a pauper sleeping under the bridge alike' holds good in the case of dispensation of justice by the courts modeled on adversarial system.  Or In International treaties, human rights and human dignity form the foundation of providing legal aid as a legal obligation.	1	6	E
e.	Angad filed a complaint against his neighbor Jai for violating his human rights in the NHRC. A complaint in the NHRC can be filed against a private individual as well as a public servant.	1	4	A
SECTION B				
5.	How does judicial review ensure smooth Centre State relations?  OR How does independence of Judiciary ensure due process of law?	2	1	U



6	<p>Maniram owned a mango grove. In 2014, he sold the mangoes from his grove. Later, in 2018, he sold the wood of the trees as timber. Citing the relevant case law, identify the nature of property in</p> <p>a. 2014 b. 2018</p> <p style="text-align: center;">OR</p> <p>Suresh and Dinesh were brothers who had a dispute over a property. Dinesh filed a suit in the court to determine the title of the property. While the suit is pending, Suresh initiates a sale of this property in favour of Mahesh. Is the action of Suresh justified in law? Give reasons for your answer.</p>	2	2	E
7	<p>Chanbar Medicos Ltd. created a drug 'Chikleria' for treatment of Chikangunia if taken regularly as per directions during monsoons and even offered a reward if anyone contracted the disease despite taking the medication as per directions. Soni purchased the drug and consumed it according to the directions, but yet contracted chikangunia. Soni sued the company for the reward. The Company denied the reward on the ground that the offer was not made to Soni personally hence there was no binding contract. Decide the above in light of leading case law.</p>	2	2	A
8	<p>Arbitration, though is a flexible mode of dispute resolution determined by the will of the parties, still there is a particular type which mandates a recourse to arbitration irrespective of the parties' will. Which type of arbitration is being talked about? Explain.</p>	2	3	E
9	<p>Why is Right to Education an extension of Article 21?</p>	2	2	U
10	<p>How did women get the right for enrolment as pleader in pre independent India?</p>	2	5	R
11	<p>In the light of Maneka Gandhi vs. Union of India, explain the need for legal representation as an element for fairness in adversarial system.</p>	2	6	R
12	<p>A convention was held by an international body which created a treaty that avoided choice of laws issues in relation to contractual disputes. Identify and define the type of law.</p>	2	7	A
SECTION C				

13	Vaibhav, without taking permission from his friend Raj, took his golf kit. While playing golf, he damaged the golf kit in such a way that it became useless. a. Identify and explain the tort. b. What is the remedy in such cases?	4	2	A
14	Vinod barged into the home of Vineeta and after gagging her, took away her jewellery and laptop. Vineeta went to the police station and lodged an FIR. Identify and explain the stages of prosecution after the filing of the FIR.	4	2	A
15	Examine the following situations and explain whether an action for violation of fundamental rights would be justified. a. A textile mill employed a boy aged 12 years. A case was filed against the textile mill by an NGO. b. Amar and his friends prevented the college union leader Sahil from giving a speech because they considered it provocative for others to commit violence. Sahil sued Amar and his friends for violation of his Fundamental Right.  OR Justify the relevance of the following constitutional provisions with respect to enforceability of Fundamental Rights: a. Article 13 b. Article 32	4	4	E
16	Explain the evolution of legal aid in criminal law from pre independence India to post independence India	4	6	U
17	‘The position in the USA is different from that in India where lawyers have a right to advertise but subject to reasonable restrictions’. State the various provisions related to advertising in the USA.	4	5	R
SECTION D				

18	<p>Answer the following questions:</p> <p>a. Adhesh has been serving in Tis Hazari District Courts , Delhi as an Additional Sessions Judge since 2005 in succession. He wishes to be elevated to higher judiciary. Once appointed, how can Adhesh enhance his judicial skills?</p> <p>b. How did the collegium system come into existence?</p>	6	1	R
19	<p>Sumit and Samaira enter into an agreement where Sumit promised to pay Rs. 5000 if India won against Australia in the cricket match and Samaira promised to pay Rs. 5000 if Australia won the match.</p> <p>Vinay entered into a contract with Vimal Ltd. for procuring 500 T-shirts @ Rs. 250 per T- shirt, having a photograph of the Indian Cricket team if India won the semi final in the cricket world cup.</p> <p>Identify and differentiate between the above two types of agreements.</p>	6	2	A
20	<p>Answer the following questions:</p> <p>a. Why mediation/arbitration hybrids pose ethical and process problems for mediators? How can this concern be addressed?</p> <p>b. Evaluate the system of ombudsman in dispute resolution.</p> <p>OR</p> <p>A frustrated judge in a court finally asked a barrister after a witness had produced conflicting accounts, 'Am I never to hear the truth?' 'No, my Lord merely the evidence, replied the counsel'.</p> <p>Evaluate:</p> <p>a. The role of Cross Examination in the above system</p> <p>b. What factor creates an inbuilt discrimination amongst the litigants in the above system</p> <p>c. Does this model offer more acceptance of the decision by the parties?</p>	6	3	E
21	<p>Explain how India balances the interplay between International Law and Municipal Law.</p>	6	7	U

LEGAL STUDIES SAMPLE PAPER 2019-2020  
MARKING SCHEME

Q No	Value Point	Marks allotted
SECTION A		
1	a. District Judge b. Doctrine of Legitimate Expectation <b>OR</b> Parliamentary form of Government c. Stand by Decision d. Magna Carta <b>OR</b> International Covenant on Civil and Political Rights e. Legal Practitioners Act, 1846	1 X 5 =5
2	a. Socio economic in nature OR Early retirement age b. Chief Justice of High Court c. Senior Advocate d. National Legal Aid Fund e. Code of Hammurabi Or Article 39 A	1 X 5 = 5
3	A. c OR a B. a OR c C. d D. b OR a E. c	1 X 5=5
4	A. F OR T B. T C. F Or F D. T or T E. F	
SECTION B		

5	<p>1. Article 246 of the Constitution provides that the Parliament has exclusive powers to make laws with respect to matters itemized in the 'Union List'. Both the Parliament and the Legislature of any State have powers to make laws with respect to matters enumerated in the 'Concurrent List'. The Legislature of any State has exclusive power to make laws with respect to matters listed in the 'State List'</p> <p>2. Judicial review helps demarcate the legislative competencies and ensures that Centre does not exert its supremacy over the state</p> <p style="text-align: center;">Or</p> <p>Independence of judiciary is vital for due process of law. Due process of law means that the State must respect all the rights that are owed to a person and conform to the norms of fairness, liberty, fundamental rights. Whenever independence of judiciary has been disturbed, it has directly impacted due process of governance and rights granted to citizens.</p>	<p>1 X 2 =2</p> <p>2</p>
6	<p>The relevant case law applicable in 2014 and 2018 is <b><i>Shanta Bai vs. State of Bombay</i></b>.</p> <p><b>a.</b> In 2014, the intention is to reap mangoes from mango grove, so mango grove is regarded as an <b><i>immovable property</i></b>.</p> <p><b>b.</b> In 2018, the intention is to cut down the wood of the trees (mango grove) and use it as timber. It would be regarded as <b><i>movable property</i></b>.</p> <p style="text-align: center;">Or</p> <p>Suresh is barred by <b><i>Doctrine of Lis pendens</i></b>. The doctrine states that 'nothing new should be introduced in a pending litigation.' When a suit is pending on an immovable property, then that immovable property cannot be transferred.</p> <p>Therefore, Suresh cannot initiate sale of the said property in favour of Mahesh as there is already a suit pending in the court with his brother, Dinesh to determine the title of this property.</p>	<p>1 X 2 =2</p> <p>1+1=2</p>



7	<p>The leading case law that applies to the facts of the case is <b>Carlill vs. Carbolic Smoke Ball Co.</b></p> <p>In this case, the court held that ‘an offer can also be made to the world at large. It is called a <b>General offer</b> and it is valid.</p> <p>Also, in case of general offer, there is <b>no need for communicating acceptance to the offeror</b>. Merely fulfilling the conditions of the offer itself is treated as acceptance to create a contract.</p> <p>Therefore, Chanbar Medicos Ltd. had made a General offer and the contract is valid. Soni by merely fulfilling the conditions of the offer i.e. by consuming the drug as per the directions accepted the offer to create a contract. There was no need to communicate acceptance to Chanbar Medicos Ltd.</p>	1 + 1 = 2
8	<p>It is <b>Statutory Arbitration</b>. Statutory Arbitration is an arbitration that is imposed on the parties by operation of a particular law or statute, applicable to them.</p> <p>Example: The Defence of India Act, 1971 mandates recourse to arbitration in case of any dispute arising within this Act.</p>	1 + 1 = 2
9	<ol style="list-style-type: none"> <li>Article 21 states that ‘No person shall be deprived of his life and personal liberty except according to procedure established by law.’</li> <li>The Supreme court, in 1992-93 affirmed that <b>depriving one from education amounts to depriving one’s right to life</b>. This meant that elementary education was raised to the status of fundamental right from that of a directive principle or policy goal and hence made enforceable. In 2002, <b>Article 21A</b> providing the right to elementary education was created as a fundamental right.</li> </ol> <p>Therefore, Right to Education is an extension of Article 21.</p>	<p>1</p> <p>1</p>

10	<ol style="list-style-type: none"> <li>1. In Patna High Court case, Ms. Hazra secured a B.L. degree from Calcutta University. She was refused enrolment as a Pleader. She challenged this in the High Court of Patna. In 1922, the Patna High Court had held that women otherwise qualified were not entitled to be enrolled as Pleader.</li> <li>2. Subsequently the <b>Legal Practitioners (Women) Act, XXIII of 1923 was enacted</b> to expressly provide that no woman by reason only of her sex be disqualified from being admitted or enrolled as a legal practitioner. The Allahabad High Court took the lead by enrolling Ms. Cornelia Sorabji as the first Indian lady Vakil of Allahabad High Court.</li> </ol>	1  1
11	Maneka Gandhi v. Union of India (AIR 1978 SC 597) provided clarity on what procedure means under Article 21. The right to life or liberty could be violated only by a fair, just and reasonable procedure. In the adversarial system, the fairness requires legal representation. Creation of equal opportunity for accessing the courts is a dimension of the equality clause in Article 14.	2
12	<b>Private International Law</b> , is a set of rules and principles that govern interstate interactions and transactions of private parties. It is a body constituted of conventions, model laws, domestic laws of states and secondary legal sources. I	1+1=2
	<b>SECTION C</b>	
13	<ol style="list-style-type: none"> <li>a. The tort in the above situation is the Intentional Tort of Conversion.</li> <li>b. Conversion occurs when the defendant intentionally uses or intermeddles with the chattel of the claimant in such a serious way that it becomes fair to ask for compensation or money payment for the total prior value of the chattel.</li> <li>c. The remedy in conversion is forced sale. The defendant is forced to buy the chattel for a purchase price based on the original value.</li> </ol>	3  1
14	<p>Prosecution of an offence is usually a two step process. Firstly, the police investigates into a complaint made usually by a victim. Secondly, based on the report of the police, the state prosecutes the accused at a criminal trial where the accused may either be convicted (found guilty), or acquitted (found not-guilty).</p> <ol style="list-style-type: none"> <li>a. Investigation is a preliminary stage conducted by the police and usually starts after the recording of a First Information Report (FIR) in the police station. If, from the FIR, the officer-in-charge of a police station suspects that an offence has been committed he/she is duty-bound to investigate the facts and circumstances of the case and if necessary, takes measures for the arrest of the</li> </ol>	2 +2=4

	<p>offender. Investigation primarily consists of ascertaining facts and circumstances of the case. Investigation ends in a police report to the magistrate.</p> <p>b. Trial of an offence: Trial is the judicial adjudication of a person's guilt or innocence. Under the CrPC, criminal trials have been categorized into three divisions each having distinct procedures, called warrant, summons and summary trials.</p>	
15	<p>a. Yes, the action would be justified. Article 24 of the Constitution of India prohibits employment of children below the age of fourteen years in factories, mining, and other hazardous employment. This article can be enforced against private individuals.</p> <p>b. No, the action would not be justified. Article 19 prescribes and protects the following kinds of freedoms to all citizens:</p> <ol style="list-style-type: none"> <li>Freedom of speech and expression.</li> <li>Freedom to assemble peaceably and without arms.</li> <li>Freedom to form associations or unions.</li> <li>Freedom to move freely throughout the territory of India.</li> <li>Freedom to reside and settle in any part of the territory of India; and</li> <li>Freedom to practice any profession, or to carry on any occupation, trade or business.</li> </ol> <p>This article, however, is enforceable only against state action and not against a private individual.</p> <p style="text-align: center;">OR</p> <p>a. Article 13 elevates the authority of fundamental rights. It ensures that the State or other competent authority do not make laws including ordinances, orders, bye laws, rules, regulations, notifications, customs or usages that contradicts or takes away or breaches the fundamental rights.</p> <p>b. Article 32 provides the right to the aggrieved ones, whose fundamental rights have been violated or denied, to petition the Supreme Court for the enforcement of fundamental rights. The Supreme Court can issue writs in the nature of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition for enforcement of the Fundamental Rights.</p>	<p>1X 4=4</p> <p>2 +2=4</p>
16	<p><u>Pre- Independence India:</u> Section 340(1) of the Code of Criminal Procedure, 1898, provided that if a man was charged with an offence punishable with death, the court could</p>	2

	<p>provide him with a counsel upon his request. This was subjected to a twisted interpretation by the Supreme Court by classifying it as a privilege rather than the duty of the magistrate in <i>Tara Singh v. State</i>.</p> <p><u>Post Independence India:</u> However, India in the Code of Criminal Procedure, 1973, facilitated statutory implementation of free legal aid .Section 304(1) provides that: In a trial before the sessions judge, if the accused has not sufficient means to engage a pleader, the court should assign a pleader for his defense at the expense of the State.</p>	2
17	<ol style="list-style-type: none"> <li>1. As far as advertising by advocates is concerned, the position in the USA is different from that in India, where lawyers have a right to advertise but subject to reasonable restrictions.</li> <li>2. There is the Model Rules of Professional Conduct which serves as an indicative reference point. Model Rules prohibits false and misleading communication about services, Rule 7.3 articulates no-solicitation periods (e.g. families and victims of mass disasters are off limits for 30-45 days).</li> <li>3. Lawyers in the US can provide information about class actions, can approach clients by handing out business cards and can advertise on internet forums.</li> <li>4. Personal injury ads are commonplace in the USA. Often known as 'ambulance chasers', these personal injury lawyers are robust in their advertising- on billboards, newspapers, flyers, and even distasteful ads on the television. These Ambulance chasers solicit business by lurking around hospitals or by ads in newspapers and in Yellow Pages with toll free numbers and "free" consultations.</li> </ol>	1X 4 =4
SECTION D		



18	<p>1. The following provisions have been made for enhancing judicial skills:</p> <ol style="list-style-type: none"> <li>1. National Judicial Academy is a government funded training institute constituted for the training of Supreme and High Court judges and judicial officers in India.</li> <li>2. The National Judicial Education Strategy (NJES) has been established in 2006 to provide judicial education to High Court judges, District Judiciary and State Judicial Academies. The training consists of conferences, orientations, workshops on core judicial skills and administration and seminars on substantive law and justice. The Academy also aims at enhancing the online skills registry of Indian judges to increase their proficiency and making better access to judicial decisions.</li> </ol>	1.5 X 2=3
	<ol style="list-style-type: none"> <li>1. The collegiums system is not constitutionally mandated but is a creation of case laws:</li> <li>1. The first Judges case (1981) gave primacy to the Executive and stated that the CJI's recommendation to the President can be refused for cogent reasons.</li> <li>2. The second Judges case (1993) held that the Chief Justice of India has primacy in the matter of appointments to the Supreme Court and the High Courts, and that an appointment 'has to be in conformity with the final opinion of the Chief Justice of India', while emphasising the desirability of consultation of the Chief Justice with other Judges.</li> <li>3. Later in 1998, the Supreme Court in a Presidential reference (1998 advisory decision) emphasized upon 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.</li> </ol>	1 X 3=3





20	<p>a. Mediation/arbitration hybrids can pose significant ethical and process problems for mediators. Many of the options and successes of mediation relate to the mediator's unique role as someone who wields no coercive power over the parties or the outcome. The parties' awareness that the mediator might later act in the role of judge could distort the process. Using a different individual as the arbiter addresses this concern.</p> <p>b. The major advantage of an ombudsman is that he or she examines complaints from outside the offending state institution, thus avoiding the conflicts of interest inherent in self-policing. However, the ombudsman system relies heavily on the selection of an appropriate individual for the office, and On the cooperation of at least some effective official from within the apparatus of the state.</p> <p style="text-align: center;">OR</p> <p>a. The use of cross-examination can be an effective way to test the credibility of witnesses presented.</p> <p>b. The cost of the justice system falls upon the parties. This creates an in-built discrimination amongst the litigants. Parties with better resources are able to access justice by hiring competent lawyers and presenting sophisticated evidences which may not be immediately available for parties that lack these resources. Accessibility and affordability to justice are important challenges for the adversarial system of dispute resolution</p> <p>c. Yes, this system offers more willingness to accept the decision as they have effective control over the process. The judge remains neutral and bases his decision on the version and evidence presented by the parties.</p>	<p>3</p> <p>3</p> <p>2</p> <p>2</p> <p>2</p>
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21	<p>India balances the interplay between international law and municipal law:</p> <ol style="list-style-type: none"> <li>1. Article 51 of the Indian Constitution specifically states that the State shall endeavor to 'foster respect for international law and treaty obligations in the dealings of organized peoples with one another'.</li> <li>2. Under Article 253 of the Constitution of India, the Parliament and the Union of India have the power to implement treaties and can even interfere in the powers of the state government in order to give power to provisions of an international treaty.</li> <li>3. India generally merely affirms a treaty by way of ratifying it by the assent of the executive unless the treaty requires ratification by way of an act of the legislature.</li> <li>4. In the land mark case of <i>Kesavananda Bharti v. State of Kerala</i>, it was observed that the court must interpret the provisions of the constitution in light of Charter of the United Nations.</li> <li>5. In the case of <i>Magan Bhai Patel v Union of India</i>, the court held that if a treaty or international agreement restricts the rights of the citizens or modifies the laws of the state, it would require to have a legislative measure. If no such right is restricted then it does not need to have a legislative measure to enact it.</li> <li>6. It is also a very clear of Indian law that international treaties cannot on their own override domestic law. Hence, these treaties which are not enabled by the legislature will not have the same force in law if there is a contradictory law provided for.</li> <li>7. However, in the case of <i>Sheela Barse v Secretary Children's Aid Society</i>, the Supreme Court held that India had ratified conventions regarding the protection of children and this placed an obligation on the State Government to implement these principles.</li> </ol>	<p>Any 6 1 X 6 = 6</p>
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## LEGAL STUDIES

## CLASS XII

## SAMPLE PAPER (2014-15)

1. The landmark 1973 Supreme Court case of Keshavanda Bharathi v. State of Kerala discussed the question about..... (1)

- a) collegium model of appointment of judges in India
- b) scope of separation of powers in India
- c) the basic structure or feature of the constitution
- d) Power of judicial review

2. What does the Latin phrase *audi alteram partem* mean? (1)

- a) 'listen to the other side'
- b) 'one cannot be forced to be a witness against himself'
- c) 'justice delayed is justice denied'
- d) 'ignorance of law is no excuse'

3. A sells his garden as well as his house through one instrument to B. Whereas; B wants to retain only the house and wants to cancel the transfer regarding the garden. Can B have the right to partial selection? (1)

- a) Yes, B has the right to selection.
- b) Yes, B can have partial selection only if ratified by A.
- c) No, B has to accept or reject the transfer in totality.
- d) No, because House and garden are inseparable.

## THE CIVIL SERVICES SCHOOL

4. "You must not use a steam hammer to crack a nut if a nut cracker would do." This statement refers to which doctrine of Administrative Law. (1)

- a) Doctrine of Legitimate expectation
- b) Doctrine of proportionality
- c) Doctrine of Governmental liability
- d) Doctrine of Separation of powers.

5. Rahul is facilitating an alternative dispute resolution in which parties appoints a neutral third party who facilitates the parties in achieving an acceptable, voluntary agreement, which is more formal than negotiation. What is Rahul facilitating? (1)

- a) Arbitration
- b) Mediation
- c) Conciliation
- d) Administrative Tribunal

6. Which Indian Statute provides for statutory free legal aid under criminal law; (1)

- a) Code of Criminal Procedure
- b) Advocates Act
- c) Indian Penal Code
- d) Indian Evidence Act.

7. With regards to International Human Rights “ICCPR” stands for: (1)

- a) International Covenant on Civil and Political Rights.
- b) International Covenant on Criminal and Penal Rights.
- c) International Charter on Civil and Political Rights.
- d) International Committee on Civic and Public Rights.

8. The International Criminal Court was set up with the purpose of prosecuting criminals for 4 major crimes. Which amongst the following doesn't belong to that category? (1)

- a) Genocide
- b) War Crimes
- c) Crimes against Humanity
- d) Intellectual Property Piracy.

9. A public authority was given the duty to construct a community center for public in Uddeshyanagar and land was also allotted for this purpose. But instead of constructing community center, the public authorities started constructing shops on



that allotted land. What remedy is available to the citizens of Uddeshyanagar under the Indian Constitution? (2)

10. A boy is sinking in the swimming pool of a resort. A man who is beside the pool does not make any attempt to save this boy. Will the man be criminally liable? If yes why; if no why not? (2)

11. Kapoors and Bedis are neighbors living on the first and second floor of ABCL Apartments. The issue between the two is that the water from the kitchen area of Bedis seeps through and the wall of Kapoors kitchen is drenching. The electric gadgets are fitted on that wall and it leads to electric shock. Kapoors have been trying to draw the attention of Bedis to this problem. How can this issue between the two be resolved? (2)

12. Who is an Ombudsman? Identify the Ombudsman in India that brings the Members of Parliament, Union ministers and even the Prime Minister in its preview. (2)

13. Who all can avail free legal aid under the provision of Legal Services Authorities Act? (2)

14. 'Prevention is better than cure', in the light of above statement explain the pre litigation legal services provided to the accused. (2)

15. A frustrated judge in an English court finally asked a barrister after witnesses had produced conflicting accounts, 'Am I never to hear the truth?' 'No, my lord, merely the evidence', replied counsel. To which judicial system does this judge belong? What is his role in such a system? Give two disadvantages of this system. (4)

16. Article 14 of the constitution provides to all the right to equality. Article 16 provides for Reservation and affirmative action for government jobs to backward classes. Are these two provisions contradictory to each other? Explain giving reasons. (4)

17. What changes did the Advocates Act 1961 bring in legal profession in India? (4)

18. What is National Legal Services Authority (NALSA) Regulations, 2010? Explain its relevant features. (4)

19. Distinguish between Public International Law and Private International Law. (4)

20. What is a Treaty? How can a state express its willingness to be bound by a treaty? (4)

21. 'The Indian Constitution contains several provisions to serve the twin functions of Independence and Impartiality of Indian Judiciary.' Explain the features of the constitution for the independence and impartiality of the judiciary. (5)

22. Shine Soap Co. advertised that it would give a reward of Rs.1,000 who developed skin disease after using, "Aroma" soap of the company for a certain period according to the printed directions. Ms. Supriya purchased the advertised "Aroma" and developed skin disease in spite of using this soap according to the printed instructions. She claimed reward of Rs.1,000. The company refused the reward on the ground that offer was not made to her and that in any case she had not communicated her acceptance of the offer. Decide whether Ms. Supriya can claim the reward or not. Refer the relevant case law, if any. (5)

23. Article 32 and Article 226 gives special powers to the Apex court and High Court for safeguarding the fundamental rights of the citizens. Along with this another extra judicial power is granted to citizens to move these judicial bodies for social interest. Identify these measures to protect/ safeguard the fundamental rights of the citizens. (5)

24. "Law is an exciting and challenging profession." In the light of the above statement evaluate the opportunities for law graduates in India. (5)

25. Shriram Food and Fertilizers Industry (SFFI) a subsidiary of Delhi Cloth Mills Limited was producing caustic and chlorine. On December 4th and 6th 1985, a major leakage of oleum gas took place from one of the units of SFFI in the heart of the capital city of Delhi which resulted in the death of several persons. The leakage was caused by a series of mechanical and human error. Within two days, another leakage, though this time a minor one took place as a result of escape of oleum gas from the joints of a pipe. SFFI had several units engaged in the manufacture of chemicals, vanaspati, soap, and many hazardous chemicals. All units were set up in a single complex situated in approximately 76 acres and they are surrounded by thickly populated colonies within a radius of 3 kilometers from this complex. At this juncture M.C.Mehta moved to the Supreme Court to claim compensation for the losses caused and pleaded that the Shriram Foods and Fertilizer Industries should not be allowed to restart. Does M.C.Mehta have the locus standi to move the higher courts under this situation? If yes, identify this form of judicial activism and explain its characteristics. (6)

26. Diya and a friend Priya were at a café in GK Market. Priya ordered and paid for a bottle of Mango Mania for Diya. The Mango Mania was in an opaque bottle. Diya drank some of the contents and her friend lifted the bottle to pour the remainder of the Mango Mania into the tumbler. The remains of a snail in a state of decomposition dropped out of the bottle into the tumbler. Diya later complained of stomach pain and her doctor diagnosed her as having gastroenteritis and being in a state of severe shock. Diya sued Sip Drinks, the manufacturer of the drink, for negligence. Explain the tort of negligence in the light of the above situation (6)

27. What is meant by Arbitration? What is the procedure followed for administering justice by this mechanism? Distinguish between foreign arbitration and International commercial arbitration. (6)

28. Ms. Usha Raja, Technical Assistant in the Herb Research and Development Institute, Gopawar, was being sexually harassed by the Director of the Institute. Allegations of further harassment by way of non-renewal of her job contract with effect from 1.5.2014 were also leveled. She moved an NGO, Sakshi, for help. It approached the National Human Rights Commission(NHRC) for action. What are the powers and functions of NHRC in resolving the issue? (6)
29. What are the roles and functions performed by the Bar Council of India? (6)
30. Explain the functions of Central Authority constituted for legal services. (6)

