

**SQP- 2023-24**  
**Legal Studies (Code: 074)**  
**Class XII**

**Time Allotted: 3 Hrs**

**Marks - 80**

**General Instructions:**

**1. The Question Paper contains 4 sections – A, B, C and D.**

1.1 Section A contains 20 Multiple Choice Questions for 20 marks.

1.2 Section B contains 8 short answer type questions for 2 marks each.

1.3 Section C contains 8 questions for 3 marks each.

1.4 Section D contains 4 long answer type questions for 5 marks each.

**2. Internal Choice is given in the Paper. There is no overall choice.**

S.no.	SECTION A	Typo	Unit	Marks
1	The National Commission for Protection of Child Rights (NCPCR) emphasizes the principle of universality and inviolability of child rights for the protection of which category of children? a) All children in the 0 to 18 years age group b) Most vulnerable children only c) Only children in regions that are backward d) d. Children belonging to certain communities or under certain circumstances	K	5 B	1
2	John is a lawyer practicing law in his country. He wants to put up an advertisement to enhance his legal career. He finds out that he is forbidden to advertise on television, radio, and in the cinemas but is permitted to advertise in print media. Which country is John practicing law in? a) Malaysia b) Singapore c) Hong Kong d) d. USA	A	7	1

3	<p>Identify the correct arrangement of the following in the ascending order of their hierarchy in civil jurisdiction;</p> <p>a) Principal Junior Civil Judge Court  b) Senior Civil Judge Courts  c) Munsiff Courts  d) Junior Civil Judge Court</p> <p>a) D-A-B-C  b) A-B-C-D  c) B-C-D-A  d) d. C-D-A-B</p>	A	1	1
4	<p>Assertion (A): Justice Soumitra Sen resigned from his office before he reached the age of 62.  Reasoning (R): Justice Soumitra Sen was impeached from his office.</p> <p>a) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)  b) Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)  c) Assertion (A) is true but Reason (R) is false  d) Assertion (A) is false but Reason (R) is true</p>	A	1	1
5	<p>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. Is it possible in law?</p> <p>a) Yes, as it is A's property, he can decide how he wants to transfer it  b) Yes, B can do it as he is the buyer and A has to adjust to his requirements  c) No, as B cannot accept one property and reject another in the same document  d) d. No, as there is it will be difficult for A to decide the price of the house alone.</p>	A	3C	1
6	<p>Which of the following is NOT a criterion for setting aside the arbitral award?</p> <p>a) Arbitrator is biased  b) Improper appointment of arbitrator</p>	U	2	1

	<p>c) The arbitrator has jurisdiction</p> <p>d) d. Award against public policy</p>			
7	<p>If the conviction can be based on the statement alone, it is___, and where some supplementary evidence is needed to authorize a conviction, then it is__</p> <p>a) confession, confession</p> <p>b) admission , testimony</p> <p>c) confession, admission</p> <p>d) d. testimony, admission</p>	A	4C	1
8	<p>Ricasso was a painter who never sold even one of his paintings in his life. But after he died, his work became known as a new style of painting and was very sought after. Can Ricasso's son and only heir claim copyright benefits for his father's work?</p> <p>a. Yes because he has inherited the rights of ownership from the original creator, his father</p> <p>b. No, the rights belonged to Ricasso and ceased to exist after his death</p> <p>c. Only the rightful legal representative of Ricasso can claim the rights</p> <p>d. No, the rights devolve upon the state upon the death of the original artist</p>	A	3D	1
9	<p>X enters into an agreement with Y to share the profits by giving false assurance to public to get them a job in Singapore. The agreement is:</p> <p>a) Not enforceable as the agreement involves the fraudulent act of cheating.</p> <p>b) Enforceable as an agreement to share profit is separate from the act of false assurance.</p> <p>c) Enforceable as the parties are competent to contract.</p> <p>d) Not enforceable as the agreement to share profit is separate from the act of false Assurance</p>	A	3A	1
10	<p>Assertion (A) : The Attorney General is the first legal officer of the country.</p> <p>Reasoning (R): The first Attorney General of India was M. C. Setalvad.</p> <p>a) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)</p> <p>b) Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct</p>	K	1	1

	<p>explanation of Assertion (A)</p> <p>c) Assertion (A) is true but Reason (R) is false</p> <p>d) Assertion (A) is false but Reason (R) is true</p>													
11	<p>Match the decided cases with their judgments:</p> <table border="1"> <thead> <tr> <th>Decided Cases</th> <th>Judgements</th> </tr> </thead> <tbody> <tr> <td>1. Sukry Kurdepa v.Goondakull</td> <td>A. Whether trees can be regarded as movable or immovable depends upon the circumstances of the case.</td> </tr> <tr> <td>2. Shantabai v. State of Bombay</td> <td>B. A sale of trees where they were cut and taken away was not that of immovable property.</td> </tr> <tr> <td>3. Fatimabibi v. Arrfana Begum</td> <td>C. If a thing can change its place without any injury it is movable, otherwise immovable</td> </tr> <tr> <td>4. Marshall v. Green</td> <td>D. The fruit-bearing trees like Mango, Jackfruit, Jamun, etc., are not standing timber, and they are immovable properties</td> </tr> </tbody> </table> <p>a. 1- A ; 2- C; 3- B; 4- D</p> <p>b. 1-B ; 2- D; 3- C; 4- A</p> <p>c. 1-C ; 2- A; 3- D; 4- B</p> <p>d. 1-D ; 2- B; 3- A; 4- C</p>	Decided Cases	Judgements	1. Sukry Kurdepa v.Goondakull	A. Whether trees can be regarded as movable or immovable depends upon the circumstances of the case.	2. Shantabai v. State of Bombay	B. A sale of trees where they were cut and taken away was not that of immovable property.	3. Fatimabibi v. Arrfana Begum	C. If a thing can change its place without any injury it is movable, otherwise immovable	4. Marshall v. Green	D. The fruit-bearing trees like Mango, Jackfruit, Jamun, etc., are not standing timber, and they are immovable properties	U	3C	1
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12	<p>Choose one reason you would use to convince a private limited company trying to expand its business to convert to a public limited company.</p> <p>a) It is easier for the company to raise capital through the sale of shares to the public.</p> <p>b) It becomes more well known</p> <p>c) It gets regulated by the Government</p> <p>d) It becomes part of the Public Limited Companies Association of India</p>	U	4B	1										

13	<p>Consuming a product in line with the directions of the offer is a case of:</p> <ul style="list-style-type: none"> <li>a) Counter offer to claim reward</li> <li>b) Cross offer that substitutes the original offer</li> <li>c) Acceptance by performing conditions of the offer</li> <li>d) Acceptance by performing conditions of one's own choice</li> </ul>	K/U	3A	1
14	<p>Assertion (A) : Ram, a 12 year old boy has the right to free education as all children between the age group of 6-14 years have a fundamental right to free and compulsory education. Reasoning (R): Right to education flows from right to life under Article 21.</p> <ul style="list-style-type: none"> <li>a) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)</li> <li>b) b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)</li> <li>c) c. Assertion (A) is true but Reason (R) is false</li> <li>d) Assertion (A) is false but Reason (R) is true</li> </ul>	A	5 A	1
15	<p>A company wants to launch a new juice and distinguish itself from its competitors selling similar items. What kind of Intellectual Property right should it invoke to create a unique image for itself and distinguish itself from its competitors?</p> <ul style="list-style-type: none"> <li>a. Patent</li> <li>b. Copyright</li> <li>c. Trademark</li> <li>d. Trade secret</li> </ul>	A	3D	1
16	<p>Identify the type of mediation where a mediators act as guardian of the process, not content or the outcome. The parties in dispute control both what will be discussed and how their issues will be resolved. The mediator further provides a structure and agenda for the discussion.</p> <ul style="list-style-type: none"> <li>a) Evaluative Mediation</li> <li>b) Facilitative Mediation</li> <li>c) Transformative Mediation</li> <li>d) Mediation with Arbitration</li> </ul>	A	2	1

17	<p>Assertion (A): Aroha, a student activist can't be arrested or detained, without providing grounds for arrest under preventive detention laws.</p> <p>Reasoning (R): Safeguards under Article 22 do not apply to persons arrested or detained under preventive detention laws</p> <p>a) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)</p> <p>b) Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)</p> <p>c) Assertion (A) is true but Reason (R) is false</p> <p>d) Assertion (A) is false but Reason (R) is true</p>	AEC	5A	1
18	<p>In California, the responsibilities of regulating lawyers (admission, discipline etc) with activities to support their members as a professional body lies with</p> <p>a) State Supreme Court</p> <p>b) Board of Bar Examiners</p> <p>c) Federal Court</p> <p>d) State Bar Association</p>	AEC	7	1
19	<p>Under the recommendations of which committee was the Central Vigilance Commission set up?</p> <p>a) Venkatachaliah Committee</p> <p>b) Santhanam Committee</p> <p>c) Chandra Shekhar Committee</p> <p>d) Hanumant Rao Committee</p>	A	2	1
20	<p>Raju wants to murder Ratna. He buys 20 tablets of a sleeping pill and keeps it in his drawer. He plans on administering it to Ratna the next day. Has Raju committed an offence ?</p> <p>a) Yes, the intention of killing someone is terrible and is punishable.</p> <p>b) Yes, buying 20 tablets of sleeping pills constitutes an attempt to kill.</p> <p>c) No, intention and preparation alone do not give rise to any criminal liability.</p> <p>d) No, Ratna is evil and deserves to be killed.</p>	AEC	4C	1

	<b>SECTION B</b>			
21	Mr. Smith is a judge. During the court proceedings, he decides the manner in which evidence must be presented before the court and evaluates them. Identify the justice delivery mechanism to which Mr. Smith belongs. State two advantages of this system.	A	2	2
22	Varsha, a law graduate who completed law from India, wants to practice law in New York. Advise her on the procedure to be followed in order to be eligible for practicing in New York.	A	7	2
23	Differentiate between the legal systems of India and Germany. <b>Or</b> Explain the role of the Supreme court as an activist in the Indian judicial system.	U	1	2
24	A local factory owner has employed a thirteen-year-old boy, Bholu, in place of his father, who has fallen ill and wants Bholu to work to support the family 's income. Bholu had to drop out from school. Explain which, if any, fundamental rights are being violated here.	A	5 A	2
25	Veer has a big farm house. He has tied up with Narula Tent House for hosting grand marriage and other functions. They give the rights to use the property to interested parties to hold their functions and parties. Identify the type of transfer. State any two features of such transfer.	A	3C	2
26	A client has come to you alleging that his competing confectioner has stolen his jalebi recipe. As a legal advisor , advise whether the secret recipe of the jalebi can be classified as a trade secret?	A	3C	2
27	How are Human rights and SDGs interlinked? Give an example.	AEC	5 A	2
28	In India, the vehicle of LLP has gained a lot of traction during the last few years. This is evident from the fact that the number of active LLPs have risen to 2,13,014. There has been an annual growth of about 17 per cent in the number of LLPs incorporated during the fiscal year 2020-2021. State any three the reasons why LLP is an advantageous form of business to set up for some businesses.	AEC	4B	2

	<b>SECTION C</b>			
29	<p>Mr. A is an ambassador from Gosgoland who enters into an agreement with Mr. B in Delhi for the supply of 500 meters of silk cloth. The consignment is to be delivered by the first week of December. Mr. B fails to deliver the consignment. Mr. A initiates proceedings in Delhi for Breach of Contract against Mr. B. Decide if Mr. A will succeed. Elaborate on the reasons for the decision.</p> <p style="text-align: center;"><b>Or</b></p> <p>A company brings out an orange cola in the market that is packaged in a bottle identical to the Cip-Kola bottle.</p> <p>a) Which form of Intellectual Property would protect Cip-Kola's interests?  b) What is the law governing the said protection in India?  c) What are the characteristics of this type of Intellectual Property?</p>	A	3A / 3D	3
30	<p>Ram Babu attempted suicide with his wife and two daughters by consuming poisoned food that was administered to the family by him. Unfortunately, he survived. Ram Babu is charged with an attempt at suicide and the murder of his wife and children. He is presented before the sessions court for trial. He does not have the resources to represent himself.</p> <p>a) According to the provision of Sections 11 and 12 of the Legal Services Authorities Act, 1987, who all are eligible to get legal aid? Does Ram Babu qualify for legal aid under the provisions?  b) What alternate remedy is available with Ram Babu?</p>	A	8	3
31	<p>'In 1946, the General Assembly of the United Nations, enacted the Statute of the ICJ which gave rise to the institution to render Justice at The Hague, Netherlands.'</p> <p>a) Identify the institution and who are its members.  b) b. What is its role?  c) c. Explain the jurisdiction of the institution.</p>	K	6	3
32	What does NCPCR stand for and what are its aims and objectives?	U	5B	3
33	Compare the State Bar Councils with the Bar Council of India, giving any three functions of each.	AEC	7	3

34	<p>With respect to India, answer the following questions:</p> <p>a) Identify the Anti-corruption Ombudsman in India and in the Indian States.</p> <p>b) State the composition and function of the Anti-corruption Ombudsman in India.</p> <p>c) Identify the Banking and Insurance Ombudsman in India and state its role.</p> <p style="text-align: center;"><b>Or</b></p> <p>Two companies manufacturing health drinks had a dispute over manufacturing techniques. They want to resort to alternate dispute resolution to solve their dispute rather than going for traditional litigation.</p> <p>a) Suggest the most suited mechanism.</p> <p>b) Explain the procedure and compare the decision rendered under the suggested ADR mechanism and court order.</p>	A	2	3
35	<p>Aman was convicted under section 302 of IPC for having committed the murder of his wife Ritu. The judgment of the trial court is based on the dying declarations made by Ritu to the police officer and Metropolitan Magistrate who visited the hospital later on. Can the accused Aman be convicted solely on the basis of the dying declaration given by his wife Ritu? Explain with the help of a relevant case.</p>	A	4C	3
36	<p>A has litigation in determining the title of the property with X, though the possession of the property is with A. During this period, A initiates a sale of the same property in favour of B.</p> <p>a) Can X challenge this transfer? Give reason.</p> <p>b) What will be the status of B in this transaction? Explain with the help of a decided Case.</p>	A	3C	3
<b>SECTION D</b>				
37	<p>Answer the following:</p> <p>a. Explain the two major initiatives undertaken under the international scenario for the protection of the environment.</p> <p>b. Write any three functions of the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act 1973.</p> <p style="text-align: center;"><b>Or</b></p>	K	4	5

	<p>A client has come to you for legal advice. He is looking to start a business. He is inclined to start a sole proprietorship firm. But on the other hand, he also has an interested investor who can come on as a partner.</p> <p>a) Discuss two advantages and disadvantages of each of the legal entities i.e. sole proprietorship and partnership.</p> <p>b) State the methods of dissolution of each of the legal entities i.e. sole proprietorship and partnership.</p>			
38	<p>The heads and representatives of various nations including India met at an international conference, to come up with a resolution between the member countries regarding environmental protection. Indian representatives headed for consent subject to approval by the Indian Parliament. The Parliament, upon considering the matter, refused to give assent and thus the terms of the resolution were not implemented in India.</p> <p>a) Identify the mode of entering into the treaty opted in the above scenario.</p> <p>b) Analyze the situation and explain when it would be binding on the Indian representative to give assent to the resolution.</p> <p>c) If the above resolution affected the rights of Indian citizens, then how can such a treaty be implemented in India? Cite the relevant judgment.</p> <p style="text-align: center;"><b>Or</b></p> <p>A dispute arose between three neighbouring nations Solera, Navratsia and Alkotsia regarding the 'delimitation' of the area of the continental shelf in the Gratsia Sea. Both Solera and Navratsia submitted their individual disputes with Alkotsia to the International Court of Justice. The case involved agreements amongst the three nations regarding the delimitation of areas, rich in oil and gas, of the continental shelf in the North Sea.</p> <p>In the above dispute, explain the source/s and principles of international law that will be applied by the International Court of Justice (ICJ) in reaching a decision.</p>	A	6	5
39	<p>Why is legal aid important in the adversarial system of justice dispensation? Explain the relevance of 1973,1976,1980,1987 in the development of legal services in the Indian judicial system.</p>	U	8	5

40.	<p>Explain the key differences between Admission and Confession.</p> <p style="text-align: center;"><b>Or</b></p> <p>“A common misconception is that motive and intention are the same concepts when it comes to crime.” Consider the statement given above and explain the concept of ‘Intent’ and ‘Motive’ in terms of criminal law with the help of relevant case laws.</p>	U	4C	5
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**Marking Scheme - SQP- 2023-24**  
**Legal Studies (Code- 074)**  
**Class XII**

**Time Allotted: 3 Hrs**

**Maximum Marks - 80**

<b>S.no.</b>	<b>SECTION A</b>	<b>Typo</b>	<b>Unit</b>	<b>Marks</b>
1	<b>Answer:</b> a. All children in the 0 to 18 years age group	K	5 B	1
2	<b>Answer:</b> c. Hong Kong	A	7	1
3	<b>Answer:</b> d. C-D-A-B	A	1	1
4	<b>Answer:</b> a. Both, A and R, are true and R is the correct explanation of A	A	1	1
5	<b>Answer:</b> c. No, as B cannot accept one property and reject other in the same document	A	3C	1
6	<b>Answer:</b> c. Arbitrator has jurisdiction	U	2	1
7	<b>Answer:</b> c. confession, admission	A	4C	1
8	<b>Answer:</b> a. Yes because he has inherited the rights of ownership from the original creator, his father	A	3D	1
9	<b>Answer:</b> a. Not enforceable as the agreement involves the fraudulent act of cheating	A	3A	1
10	<b>Answer:</b> b. Both, A and R, are true but R is not the correct explanation of A	K	1	1
11	<b>Answer:</b> c. 1-C ; 2- A; 3- D; 4- B	U	3C	1
12	<b>Answer:</b> a. It is easier for the company to raise capital through the sale of shares to the public	U	4B	1
13	<b>Answer:</b> c- Acceptance by performing conditions of the offer.	K/U	3A	1

14	<b>Answer:</b> a. Both, A and R, are true and R is the correct explanation of A	A	5 A	1
15	<b>Answer:</b> c. Trademark	A	3D	1
16	<b>Answer:</b> b. Facilitative Mediation	A	2	1
17	<b>Answer:</b> d. Assertion (A) is false but Reason (R) is true	AEC	5A	1
18	<b>Answer:</b> d. State Bar Association	AEC	7	1
19	<b>Answer:</b> b. Santhanam committee	A	2	1
20	<b>Answer:</b> c. No, intention and preparation alone do not give rise to any criminal liability.	AEC	4C	1
<b>SECTION B</b>				
21	Inquisitorial System. The main advantages of an inquisitorial system include a) The system offers procedural efficiency as the active role of judges prevents delays and prolonged trials. b) The system preserves equality between the parties as even the stronger party with more resources and expert lawyers may not be able to influence the judges.	A	2	1+0.5+0.5
22	In the USA, law graduates need to meet all requirements, including writing the Bar Examination of a particular State to be eligible to practice in that State. Foreign lawyers may appear for Bar Examinations in the US; however, laws from state- to state vary in this matter. Students who have completed an LLM may qualify to sit for the bar exam in New York. The criteria for eligibility to take the bar examination are set by each state's bar association. Some states may allow foreign-educated lawyers to take the bar examination without earning their degree locally. In such a case, foreign-educated lawyers must begin the process by getting their law degree reviewed by the American Bar Association (ABA). Once reviewed, the application is either accepted or deferred. If accepted, foreign lawyers are allowed to sit for that state's bar exam in much the same way a domestic applicant would.	A	7	1+1



25	<p>Type- Lease Features- (Any two)</p> <ol style="list-style-type: none"> <li>1. Rent is earned as return</li> <li>2. The possession of the property transfers for a specific period</li> <li>3. The ownership of the property does not transfer</li> </ol>	A	3C	1+0.5+0.5
26	<p>Trade secrets can include a wide range of confidential information that is important for the success and survival of a business. This information can be in the form of strategies, designs, client databases, formulas, programs, or any other confidential information that must be kept secret to maintain the competitive advantage of the business. Since the recipe is information exclusive to your client, it can be classified as trade secret</p>	A	3C	1+1
27	<p>The Sustainable Development Goals (SDGs) and human rights are interlinked as over 90 percent of the SDGs relate to human rights obligations. When a State makes progress towards achieving SDGs they move forward to fulfil their human rights obligations.</p> <p>An example of SDG that is linked to human rights is: Gender Equality SDG</p>	AEC	5 A	1+1
28	<p>There are several advantages to operating as a Limited Liability Partnership (LLP). (Any two)</p> <ol style="list-style-type: none"> <li>1. The terms and conditions of an LLP are based on a mutually agreed LLP agreement, providing greater flexibility and ease.</li> <li>2. The cost of registering an LLP is lower than incorporating a public or private limited company.</li> <li>3. Partners are only liable up to their agreed contribution, and there is no joint liability created by the actions of another partner.</li> <li>4. The registration process is simpler compared to that of a company.</li> <li>5. Remuneration, voting rights, and other aspects are clear and defined in the LLP agreement, with no restrictions on partner remuneration as long as it is authorized by the agreement.</li> </ol>	AEC	4B	1+1



	<p>d) A mentally ill or otherwise disabled person; A person under circumstances or under circumstances of underserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or</p> <p>e) An industrial workman; or</p> <p>f) In custody, including custody in protective home</p> <p>b. Section 304(1) of CrPC, 1973 provides that: In a trial before the sessions judge, if the accused does not have sufficient means to engage a pleader, the court should assign a pleader for his defense at the expense of the State.</p>			
31.	<p>a) The institution is the International Court of Justice (ICJ), also known as the World Court. It is the principal judicial organ of the United Nations. Members of the World Court- Under Article 93 of the United Nations Charter -All members of the UN are party to the statute of the ICJ by default and non-members may also become parties under this Article.</p> <p>b) The ICJ settles legal disputes submitted to it by states in accordance with international law and gives advisory opinions on international legal issues from U.N. bodies and agencies.</p> <p>c) Jurisdiction of ICJ: The judgment by the ICJ is final, binding on the parties to a case and without appeal.</p> <p>d) The ICJ has no enforcement powers, but if states don't comply, the Security Council, the organ of the UN primarily responsible for maintaining peace and security, may take action.</p>	K	6	1+1+1
32	<p>NCPCR stands for The National Commission for Protection of Child Rights</p> <p>Aims and objectives of NCPCR-</p> <p>The commission's mandate is to ensure that all laws, policies, programs and administrative systems conform to the vision of the rights of the child as enunciated in the Constitution of India as well as the United Nations Convention on the Rights of the Child. A child is defined as a person falling in the age group of 0 to 18 years.</p> <p>NCPCR emphasises the principle of universality and inviolability of child rights and recognises the tone of urgency in all the child related policies of the country.</p>	U	5B	1+1+1

33	<p>State Bar Council- The Advocates' Act, 1961 has created a State Bar Council in each State with the Advocate General of the State as an ex- officio member, and 15-25 members elected for a period of five years. Two members are to be nominated by the Bar Council of India from amongst advocates on the electoral roll of the State Bar Council, to discharge the functions of the State Bar Council. Application for enrolment is made to the State Bar Council. Every State Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names and addresses of all who are admitted to be advocates on the roll of the State Bar Council under this Act on or after the appointed day.</p> <p>The functions of a State Bar Council are—</p> <ol style="list-style-type: none"> <li>a) to admit persons as advocates on its roll;</li> <li>b) to prepare and maintain such roll;</li> <li>c) to entertain and determine cases of misconduct against advocates on its roll;</li> <li>d) to safeguard the rights, privileges and interests of advocates on its roll;</li> <li>e) to promote the growth of Bar Associations for the purposes of effective implementation of the welfare schemes</li> <li>f) to promote and support law reform;</li> <li>g) to conduct seminars and organise talks on legal topics by eminent jurists and publish journals and paper of legal interest;</li> <li>h) to organise legal aid to the poor in the prescribed manner;</li> <li>i) to manage and invest the funds of the Bar Council;</li> <li>j) to provide for the election of its members;</li> <li>k) to visit and inspect Universities</li> </ol> <p>(Any three to be given)</p> <p>Bar Council of India- The Indian legal profession includes both the practice of law and legal education. To regulate both, The Advocates Act established an All India Bar Council, with the Attorney-General and Solicitor General of India as ex-officio members of the Bar Council. The All India Bar Council has one member elected to it by each State Bar Council and it elects its own Chairman and Vice Chairman. The Bar Council of India performs the regulatory function by prescribing standards of professional conduct and etiquette and by exercising disciplinary jurisdiction over the bar. It also sets standards</p>	AEC	7	1+1+1
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for legal education and grants recognition to Universities whose degree in law will serve as qualification for enrolment as an advocate. It regulates the content, syllabus, duration of the law degree, subject to which every University can lay down its own provisions. The Council has a Legal Education Committee for this purpose. State Council rules need to be approved by the Bar Council, however the Central Government has overriding power to make rules. In addition, it performs certain representative functions by protecting the rights, privileges and interests of advocates and through the creation of funds for providing financial assistance to organise welfare.

The statutory functions of the Bar Council of India are:

1. To lay down standards of professional conduct and etiquette for advocates.
2. To lay down the procedure to be followed by its disciplinary committee and the disciplinary committees of each State Bar Council. To safeguard the rights, privileges and interests of advocates.
3. To promote and support law reform.
4. To deal with and dispose of any matter which may be referred to it by a State Bar Council.
5. To promote legal education and to lay down standards of legal education. This is done in consultation with the Universities in India imparting legal education and the State Bar Councils.
6. To recognise Universities whose degree in law shall be a qualification for enrolment as an advocate. The Bar Council of India visits and inspects Universities, or directs the State Bar Councils to visit and inspect Universities for this purpose.
7. To conduct seminars and talks on legal topics by eminent jurists and publish journals and papers of legal interest.
8. To organise legal aid to the poor.
9. To recognise on a reciprocal basis, the foreign qualifications in law obtained outside India for the purpose of admission as an advocate in India.
10. To manage and invest the funds of the Bar Council.
11. To provide for the election of its members who shall run the Bar Councils.

(Any three to be given)



35	<p>Dying Declaration is a legal concept that refers to the statement which is made by a dying person explaining the circumstances of his death. It is a statement by a person who is conscious and knows that death is imminent concerning what he believes to be the cause or circumstances of his death. It is also considered credible and trustworthy evidence based upon the general belief that most people who know that they are about to die “do not lie”. Hence Aman can be convicted solely on the basis of the dying declaration given by his wife Ritu.</p> <p>The propositions laid down by the Supreme Court in K.R. Reddy v. The Public Prosecutor SC 1976 AIR 1994 are as follows:</p> <ol style="list-style-type: none"> <li>1. The Court must be satisfied that the deceased was in a fit state of mind to make the statement after the deceased had a clear opportunity to observe and identify his assailants and that he was making the statement without any influence.</li> <li>2. Once the Court is satisfied that the dying declaration is true and voluntary it can be sufficient to found the conviction even without any further corroboration</li> </ol>	A	4C	1+1+1
36	<ol style="list-style-type: none"> <li>a) Yes, as the transfer is made during the pending litigation.</li> <li>b) b. B is a third party in the transaction, The SC observed that Section 52 of the Act does not declare a pendente lite transfer by a party to the suit as void or illegal, but only makes the pendente lite purchaser bound by the decision of the pending litigation. (Hardev Singh V Gurmail Singh)</li> </ol>	A	3C	1+2
<b>SECTION D</b>				
37	<ol style="list-style-type: none"> <li>a) 1.Rio Declaration- The United Nations Conference on Environment and Development (UNCED), also known as the ‘Earth Summit’ was held in Rio de Janerio, Brazil in 1992. The Conference marked the 20th anniversary of the first ever International Human Environment Conference in Stockholm, Sweden, 1972. The Conference was attended by representatives from 179 countries to discuss the impact of human socio-economic activities on the environment.</li> </ol> <p>The objective of Rio ‘Earth Summit’ was to formulate a blueprint for global action on environment and development issues. It recognised that integrating and balancing the</p>	K	4	2+3

economic, social and environmental concerns in meeting our needs is vital for sustaining human life on the planet Earth. This triggered action on part of governments from across the globe on how to ensure sustainability with development.

The Earth Summit resulted in some major actions by countries from across the globe in the form of conventions and resolutions.

To name a few:

Agenda - 21

UNFCCC - United Nations Framework Convention on Climate Change

Convention on Biological Diversity

The Declaration on the Principles of Forest Management

Commission on Sustainable Development

2. Agenda 21 was one of the most daring programs calling for action strategies. It focussed on new methods of education, new ways of preserving natural resources and new ways of participating in a sustainable economy. The implementation of Agenda -21 was reaffirmed in the World Summit on Sustainable Development held in Johannesburg, in 2002.

Agenda 21 focuses on Community Participation as one of the major prerequisites for sustainable development. Attaining sustainability therefore requires addressing the fundamental issues and challenges pertaining to development at local, regional and global levels simultaneously by all segments of society. Thus the key objective of sustainable development being, to improve human well-being and to sustain these improvements over a period of time, remains the focus of Agenda - 21.

(b)

- Advise the Central Government on any matter concerning prevention and control of water and air pollution and improvement of the quality of air.
- Plan and cause to be executed a nation-wide program for the prevention, control or abatement of water and air pollution;
- Coordinate the activities of the State Board and resolve disputes among them;
- Provide technical assistance and guidance to the State Boards, carry out and sponsor investigation and research relating to problems of water and air pollution,

and for their prevention, control or abatement;

- Plan and organise training of persons engaged in programme on the prevention, control or abatement of water and air pollution;
- Organise through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water and air pollution;
- Collect, compile and publish technical and statistical data relating to water and air pollution and the measures devised for their effective prevention, control or abatement;
- Prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices, stacks and ducts;
- Disseminate information in respect of matters relating to water and air pollution and their prevention and control;
- Lay down, modify or annul, in consultation with the State Governments concerned, the standards for stream or well, and lay down standards for the quality of air; and
- Perform such other functions as may be prescribed by the Government of india.

(any three functions)

**Or**

**SOLE PROPRIETORSHIP ADVANTAGE**

- a) Quick decision making
- b) confidentiality of information
- c) Owner receives all the profits
- d) Owner makes all decisions and is in complete control of the company
- e) Easiest and least expensive form of ownership to organiz
- f) easy of formation and closure
- g) The business does not pay separate taxes. All income passes directly to the owner and is taxed at the owner's personal tax rate.

	<p><b>SOLE PROPRIETORSHIP DISADVANTAGES</b></p> <ul style="list-style-type: none"> <li>a) Unlimited liability if anything happens in the business</li> <li>b) Limited in raising funds</li> <li>c) No separate legal status</li> <li>a) limited funds and resources</li> <li>b) limited skills and managerial ability of the proprietor</li> </ul> <p><b>PARTNERSHIP ADVANTAGES</b></p> <ul style="list-style-type: none"> <li>a) Easy to establish (with the exception of developing a partnership agreement)</li> <li>b) Separate legal status to give liability protection</li> <li>c) Partners may have complementary skills</li> <li>d) Low start up cost</li> <li>e) More capital is available for business</li> </ul> <p><b>PARTNERSHIP DISADVANTAGES</b></p> <ul style="list-style-type: none"> <li>a) Partners are jointly and individually liable for the actions of the other partners</li> <li>b) Profits must be shared with the partners</li> <li>c) Divided decision making</li> <li>d) Business can suffer if the detailed partnership agreement is not in place</li> </ul> <p><b>Methods of dissolution</b></p> <p><b>Sole proprietorship</b> - As the business is owned and controlled by one person, death, insanity, imprisonment, physical / mental incapacity or bankruptcy will have a direct impact on the business and lead to its closure.</p> <p><b>Partnership</b> - Partnership firm can be dissolved by way of compulsory dissolution or by way of agreement.</p>			
38	<p>a) The mode of entering into a treaty is Consent by Ratification.</p> <p>Ratification is the act by which a State establishes its consent to be bound by a treaty on the international plane. This was initiated as a measure to ensure that the <b>representative who signed a treaty had due authority</b>, by seeing whether the state agrees to 'ratify' the same.</p>	A	6	

Ratification differs from country to country but usually requires a sign that the state consents to follow the provisions of the treaty. This could be established by:

- assent by the President of the State or
- require a vote of a majority in the legislature

In **multilateral treaties**, involving a number of countries, ratification is usually the most preferred method of expressing assent where one party collects the ratification of the others.

**b) Consent by signature**

In certain cases, treaties may be given force by way of **signatures of representatives** who have been given the full powers, i.e. authorization in writing from their state to be able to take decisions on its behalf.

**c) Any restriction of rights requires the need for an amendment by legislature.**

In the case of *Magan Bhai Patel v Union of India*, 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 be required to have a legislative measure.

E.g. If India is a party to an international agreement to stop the killing of a species of turtle, it restricts the right to trade of certain fishermen by prohibiting killing of the turtle. If this treaty is to be enforced in India, the Indian Parliament needs to pass a domestic legislation regarding prohibition of the killing of such turtle species.

**OR**

The North Sea Continental Shelf Cases confirmed that both State practice (the objective element) and *opinio juris* (the subjective element) are essential pre-requisites for the formation of a customary law rule. This is consistent with Article 38 (1) (b) of the Statute of the ICJ.

The jurisprudence of the North Sea Continental Shelf Cases sets out the dual requirement for the formation of customary international law: (1) State practice (the

	<p>objective element) and (2) opinio juris (the subjective element). In these cases, the Court explained the criteria necessary to establish State practice – widespread and representative participation. It highlighted that the practices of those States whose interests were specially affected by the custom were especially relevant in the formation of customary law. It also held that uniform and consistent practice was necessary to demonstrate opinio juris – opinio juris is the belief that State practice amounts to a legal obligation. The North Sea Continental Shelf Cases also dispelled the myth that duration of the practice (i.e. the number of years) was an essential factor in forming customary international law.</p> <p><b>Customary international law is comprised of two elements:</b></p> <ol style="list-style-type: none"> <li>1. consistent and general international practice by states- it is the widespread repetition of similar international acts over time by states (<b>State practice</b>) and</li> <li>2. a subjective acceptance of the practice as law by the international community - the requirement that the acts must occur out of a sense of obligation (opinio juris)</li> </ol> <p><b>International custom</b> generally refers to a description of State practice, but only such practice as is accepted by the States themselves as legally required. In the context of international law, State practice refers to the practice followed by a state’s sense of legal obligation. It develops from a general and consistent practice of states followed by them from a sense of legal obligation. Once a certain practice is understood to be customary law, States are obliged to act as the rule of customary international law prescribes.</p> <p>The test of the existence of a customary rule of law is the extent to which it is observed in the practice and behaviour of states.</p> <p>In nutshell, to determine the existence and content of a rule of particular customary international, it is necessary to ascertain whether there is a general practice among the states concerned that is accepted by them as law (opinio juris) among themselves.</p>			
39	<p>Legal Aid means to give legal assistance to people with economic and other disability. Under adversarial system, the legal process is complex with many formalities and paper</p>	U	8	1+1+1+1+ 1

	<p>work and fees of the Advocate. If there is no provision for free legal aid that would keep the people who cannot afford the legal assistance away from justice which can lead to unrest in the society.</p> <ol style="list-style-type: none"> <li>1. In 1973, in the second phase, the Union Government constituted a committee under the chairmanship of Justice Krishna Iyer to develop a legal aid scheme for states. The Committee devised a strategy in a decentralized mode with legal aid committees in every district, state, and center. A committee on judicature was set up under the chairmanship of Justice P N Bhagwati to implement the legal aid scheme. This Committee suggested legal aid camps and nyayalayas in rural areas and recommended the inclusion of free legal aid provisions in the Constitution.</li> <li>2. In 1976 India ratified ICCPR and as a result Article 39A was inserted as DPSP in the Constitution that makes the state responsible to create new rules, laws and other legislations to provide free legal aid to people with economic and other disabilities</li> <li>3. In 1980, the Committee on National Implementation of Legal Aid was constituted with Justice Bhagwati as its head.</li> <li>4. The Parliament enacted the Legal Services Authorities Act, 1987 to provide free legal aid to certain categories of citizens.</li> </ol>							
40	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left; padding: 5px;"><b>CONFESSION</b></th> <th style="width: 50%; text-align: left; padding: 5px;"><b>ADMISSION</b></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">1 Sections 24 to 30 of Indian Evidence Act deal with confession. A confession is only a species of admission.</td> <td style="padding: 5px;">1. Sections 17 to 31 of Indian Evidence Act deal with admission. Since the provisions relating to confessions occur under the heading “admission”, it follows that the word “admission” is more comprehensive and includes a confession also.</td> </tr> </tbody> </table>	<b>CONFESSION</b>	<b>ADMISSION</b>	1 Sections 24 to 30 of Indian Evidence Act deal with confession. A confession is only a species of admission.	1. Sections 17 to 31 of Indian Evidence Act deal with admission. Since the provisions relating to confessions occur under the heading “admission”, it follows that the word “admission” is more comprehensive and includes a confession also.	U	4C	1+1+1+1+ 1
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2. If a statement is made by a party charged with crime, in criminal proceedings it will be called confession.

2. If a statement is made by a party in civil proceedings it will be called admission.

3. The expression 'Confession' means a statement made by an accused admitting his guilt. Confession is a statement made by an accused person which is sought to be proved against him in criminal proceedings to establish the commission of an offence by him.

3. The expression 'Admission' means "voluntary acknowledgment of the existence or truth of a particular fact".

4. If the Confession made is free and voluntary then it may be accepted as conclusive proof of the matters confessed.

4. Admissions are not conclusive proof as to the matters admitted.

5. Confessions always go against the person making it.

5. Admissions may be used on behalf of the person making it.

6. By virtue of the provision in Section 30 the confession of an accused person is relevant against all his co-accused who are being tried with him for the same offence.

6. In admission, statements of a co-plaintiff or those of a co-defendant are no evidence against the others.

**OR**

The meaning of doing an act intentionally in criminal law means something that is done wilfully and not accidentally or mistakenly. The person doing the act is well aware of the consequences or the outcomes of his action or omission. That is all that is required for affixing criminal liability. It does not matter, as we say in ordinary language, whether an act was done with good intent or bad intent. If the act which is prohibited (actus reus) is done wilfully, knowingly or with awareness of the resulting consequences then the same

will cause liability in criminal law. Motive, on the other hand, is the ulterior objective behind doing an act. It is the driving force behind intention or commission of an act. The criminal law does not take into account motive in affixing criminal liability or in determining criminal culpability. This is the reason why the criminal law does not care whether one has stolen a loaf of bread to feed a starving person or stolen medicine to save someone's life, as long as it is a prohibited act, done knowingly.

1. In *Re Sreerangayee* case (1973) 1 MLJ 231, the woman in sheer destitution and impoverishment attempted to kill herself after failing in all the ways to arrange for food for her starving children, but since she knowingly (*mens rea*) did a prohibitive act of attempting suicide (*actus reus*), she was held guilty by the court
2. In *Nathuni Yadav and Ors vs State of Bihar and another* 1997 SC the Court held that "Motive for doing a criminal act is generally a difficult area for prosecution. One cannot normally see into the mind of another. Motive is the emotion which impels a man to do a particular act. Such impelling causes need not necessarily be proportionally grave to do grave crimes. Many a murder have been committed without any known or prominent motive". The Court further stated that Motive is a psychological phenomenon. Merely because failing to translate the mental state of the accused does not mean that no such mental condition existed in the mind of the assailant. The motive for an offence need not be necessarily proportionately grave to commit the grave offence. Therefore, establishing a sufficient motive for committing the offence is not a prerequisite for conviction