

MARKING SCHEME
LEGAL STUDIES
Code-074
CLASS XII
Academic Session 2024-25

S.No	Expected Answers	Marks
	SECTION A	
Ans 1	(C) Attorney General	1
Ans 2	(D) Introduction of lead free petrol in the country	1
Ans 3	(B) Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)	1
Ans 4	(B) The contract is void because Suman is a minor.	1
Ans 5	(C) Mr. Gupta is liable for negligence as he breached his duty of care by storing a hazardous substance in the basement.	1
Ans 6	(B) 'quod approbo non reprobo'	1
Ans 7	(D) A new coffee shop aims to protect its brand name and logo from being used by others.	1
Ans 8	(B) Strict liability	1
Ans 9	(C) Tort of Assault	1
Ans 10	(C) When a property is under litigation, the doctrine ensures that if any right of an immovable property is in question, such property cannot be transferred by any party to the suit so as to affect the rights of any other party.	1
Ans 11	(C) Nita Industries Ltd. can ask for setting aside the arbitral award	1
Ans 12	(D) Cases involving the International mercantile community	1
Ans 13	(C) Head Constable	1
Ans 14	(C) Statement 1 is correct but statement 2 is not correct	1
Ans 15	(A) Both (A) and (R) are true and R is the correct explanation of A.	1
Ans 16	(D) Rashi hasn't attained 21 years of age	1

Ans 17	(A) Both (A) and (R) are true and R is the correct explanation of A.	1
Ans 18	(C) The Award of Permanent Lok Adalat shall be final and deemed to be a decree of a civil court.	1
Ans 19	(B) Bhuvan can be convicted solely based on Jaya's dying declaration, provided the declaration is found to be true, voluntary and made in a fit state of mind.	1
Ans 20	(A) Both Statements are correct	1
SECTION B		
Ans 21	<p>(I) Regulators are specialized government agencies that oversee law and order compliance in the relevant government sectors.</p> <p>For example, one of the tribunals TDSAT functions alongside the regulator, TRAI (Telecom Regulatory Authority of India) in formulating laws and policy for resolving telecom disputes in India.</p> <p style="text-align: center;">Or</p> <p>(II) The Chief Justice of India is the senior most judge of the Supreme Court. Seniority is determined on the basis of the date of their appointment to the Supreme Court & if two Judges are appointed to the Court on the same day, the Judge who takes the oath first is the Senior Judge.</p>	1+1
Ans 22	<p>(I) a) Deciding the solution b) Ask the parties to adhere to his decision</p> <p>(II). a) Civil suits b) Compoundable criminal disputes</p>	0.5+0.5 0.5+0.5
Ans 23	<p>(I) Judicial decisions and the teachings of publicists are sometimes referred to as 'secondary sources or evidence of international law.</p> <p>The court may have jurisdiction to decide cases in which the parties agree to appear before the court, on their own behest, and agree to be bound by the decision of the ICJ. Article 59 of the Statute of the ICJ states that decisions of the ICJ have no binding force except on the parties to the dispute, therefore, past decisions of the ICJ are not binding.</p> <p>However, ICJ does refer to its past opinions when deciding new cases. The ICJ tends to examine its previous decisions, determine which cases should not be applied and rarely departs from the relevant case law.</p> <p>Also, Article 38 of the Statute of the International Court of Justice (ICJ) mentions Judicial decisions as a 'subsidiary means for the determination of rules of law.'</p> <p style="text-align: center;">Or</p>	2

	<p>(II) Customary international law is comprised of two elements:</p> <p>(a) consistent and general international practice by states - it is the widespread repetition of similar international acts over time by states (State practice) and</p> <p>(b) 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 (opinion juris)</p> <p>International customary law is probably the most disputed source of international law. For example, it is not clear when a particular State practice becomes a legally binding State practice. It is also unclear how one can identify a rule of international custom, or how one can prove its existence.</p>	
Ans 24	<p>(I) The issue of allowing advertising and solicitation by lawyers requires balancing the interest of the public which includes getting information on legal rights and services through advertisements and enhancement of access to justice and the legal profession on one hand and the possible misuse of advertising techniques by lawyers which may lead to a loss of credibility of the profession as a whole.</p> <p style="text-align: center;">Or</p> <p>(II) Judge Advocate General is the legal and judicial chief of the army and advises the Chief of the Army Staff on legal matters.</p> <p>a) The JAG's Department is also responsible for emerging fields of military law such as those related to cyber laws, space laws, terrorism and human rights violations.</p> <p>b) It deals with military related disciplinary cases and litigation and assists in providing legal assistance to the army in human rights matters and the rule of law among other things.</p> <p>c) The service rendered in the JAG's Department are considered to be judicial service as per the regulations for the Indian Army.</p> <p>d) (Any two)</p>	<p>2</p> <p>1+0.5 +0.5</p>
Ans 25	<p>These days, the number of litigations is increasing day by day, which is against the smooth administration of justice. So far, emphasis was given only on post-litigation assistance or help. Now, it is being realised that pre-litigation legal services are more useful than post-litigation legal services.</p> <p>The pre-litigation legal services include; Legal education, Legal advice, Legal awareness, and Pre-litigation settlement.</p> <p>Post Litigation services include all those services that are required to be rendered by an Advocate to his client. These services should be resorted only when pre-litigation services fail to give any result.</p>	2

Ans 26	<p>I. An agreement is the result of a proposal or an offer by one party and its acceptance by the other.</p> <p>II. Competent parties: the parties to the agreement must be competent to enter into a contract.</p> <p>III. Lawful consideration and lawful object: There must be lawful object and lawful consideration in respect of the agreement.</p> <p>IV. Free consent: there must be free consent of the parties that is free from coercion, undue influence, fraud, misrepresentation and mistake, when they enter into the agreement.</p> <p>V. Not expressly declared as void by the law: the agreement must not be the one, which has been declared as void by the law in force at the time of entering into the agreement.</p> <p>(Mention any <i>four</i>)</p>	2
Ans 27	<p>Tamil, Telugu, Gujarati speaking people living in Delhi are linguistic and cultural minorities. They are afforded protection under Article 29 and 30 of the Indian Constitution.</p> <p>I. Any minority group having a distinct language, script or culture of its own shall have the right to conserve the same. No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.</p> <p>II. All Minorities, whether based on religion or language, have the right to establish and administer educational institutions of their choice. In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority</p>	1+1
Ans 28	<p>Fundamental Rights are justiciable rights. They are enforceable, as every individual has the right to seek help from courts if they are violated.</p> <p>Encroachment or violation of Fundamental Rights in our day-to-day life is a matter of great concern. This is why our Constitution does not permit the legislature and the executive to curb these rights. It provides legal remedies for the protection of our Fundamental Rights.</p> <p>When any of our rights are violated, we can seek justice through courts. We can directly approach the Supreme Court that can issue directions, orders or writs for the enforcement of Fundamental Rights.</p>	2
SECTION C		
Ans 29	<p>(I) Amicus Curiae literally translated from Latin is "friend of the court".</p> <p>If a petition is received from the jail or in any other criminal matter if the accused is unrepresented then an Advocate is appointed as amicus curiae by the Court to defend and argue the case of the accused.</p>	1+ 1+1

	<p>In civil matters also the Court can appoint an Advocate as amicus curiae if it thinks it necessary in case of an unrepresented party; the Court can also appoint amicus curiae in any matter of general public importance or in which the interest of the public at large is involved.</p> <p style="text-align: center;">Or</p> <p>(II)</p> <p>a) The judge-population ratio in India is among the lowest in the world. It is also necessary to increase the number of judges in the pool to enable the judiciary to deal with the enormous pendency of cases.</p> <p>b) Moreover, legislations provide for retired High Court and Supreme Court judges to man tribunals till the age of 70 as chairman and 65 as members. There is no reason why these judges should be retired so early.</p> <p>c) One aspect which has not been factored in is that as the Indian economy grows, the ratio of litigation to population will increase exponentially. Advanced economies such as Australia, Canada, France, the U.S., the U.K., and Japan have much higher litigation-to- population ratios.</p> <p>d) Several senior lawyers with requisite expertise and experience decline to accept judge-ship due to the lower retirement age of 62, especially in the High Courts. By an enhanced age, this problem could be rectified as advocates would have greater incentive to forgo their individual legal practice and function in the role of judges.</p> <p>e) Further, the relatively early retirement age in India is often linked to the declining quality of judicial service and the inability of a judge to properly effectuate the stipulated judicial workload.</p>	1+1+1								
Ans 30	<p>(I)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Arbitration</th> <th style="width: 50%; text-align: center;">Mediation</th> </tr> </thead> <tbody> <tr> <td>Arbitration is a private arrangement of taking disputes to a less adversarial, less formal and more flexible forum and abiding the judgment of a selected person</td> <td>Mediation is a method of ADR in which parties appoint a neutral third party who facilitates the mediation process in order to assist the parties in achieving an acceptable, voluntary agreement.</td> </tr> <tr> <td>Role of an arbitrator is that of an adjudicator</td> <td>Role of a mediator is that of a facilitator</td> </tr> <tr> <td>Arbitration proceedings end with a binding award by the arbitrator</td> <td>Mediation proceedings are successful when the disputing parties mutually arrive at a decision. Mediator does not suggest any solution to the parties</td> </tr> </tbody> </table>	Arbitration	Mediation	Arbitration is a private arrangement of taking disputes to a less adversarial, less formal and more flexible forum and abiding the judgment of a selected person	Mediation is a method of ADR in which parties appoint a neutral third party who facilitates the mediation process in order to assist the parties in achieving an acceptable, voluntary agreement.	Role of an arbitrator is that of an adjudicator	Role of a mediator is that of a facilitator	Arbitration proceedings end with a binding award by the arbitrator	Mediation proceedings are successful when the disputing parties mutually arrive at a decision. Mediator does not suggest any solution to the parties	1+1+1
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	Or	
	<p>(II)</p> <p>a) The lack of number of courts and judges creates an inadequacy within the justice delivery system;</p> <p>b) The increasing litigation in India due to increasing population, the complexity of laws and obsolete continuation of some pre-existing legal statutes;</p> <p>c) The increasing cost of litigation in prosecuting or defending a case, increasing court fees, lawyer's fees and incidental expenses;</p> <p>d) Delay in disposal of cases resulting in huge pendency in all the courts.</p> <p>The ADR techniques are a speedier, informal and cheaper mode of dispensing justice when compared to the conventional judicial procedure.</p>	2+1
Ans 31	<p>I. No, his action is against the professional ethics laid down by the Bar Council of India.</p> <p>II. State Bar Council of UP</p> <p>III. Breach of these rules and standards of conduct lead to disciplinary action against advocates which may result in suspension or debarment.</p>	1+1+1
Ans 32	<p>I. Sale- Mr. Singh has transferred his piece of land to Mrs. Jolly by Sale.</p> <p>Sale means a transfer of ownership (right to possess something) of the property in exchange for a price (money) [Section 54 of the TPA].</p> <p>II. Exchange - Uday and Lalita have transferred their respective properties to each other by Exchange.</p> <p>When two persons transfer ownership of one thing for the ownership of another, it is called exchange [Section 118 of the TPA]. Transfer of property by exchange can be made only by way of sale. The rights and liabilities of the parties to exchange shall be that of the rights and liabilities of the buyer to the extent of receiving and that of the seller to the extent of giving.</p> <p>III. Gift - Priyanka has given inherited jewelry as a Gift to her daughter, Malti.</p> <p>A transfer of ownership of property that is made voluntarily and without consideration is called Gift [Section 122 of the TPA].</p>	1+1+1
Ans 33	<p>(I) In the wake of the Bhopal Tragedy, the Government of India enacted the Environment Protection Act of 1986 under Article 253 of the Constitution.</p> <p>a) The purpose of the Act is to implement the decisions of the United Nations Conference on the Human Environment, relating to the protection and improvement of the human environment and the prevention of hazards of human activities for economic development to human beings, other living creatures, plants and property.</p>	1+ 2

	<p>b) The Act is an “umbrella” legislation designed to provide a framework for the central government to coordinate the activities of various central and state authorities established under previous laws, such as the Water Act and the Air Act.</p> <p style="text-align: center;">Or</p> <p>(II) The State Pollution Control Board is a statutory organisation established under the Water (Prevention and Control of Pollution) Act 1974.</p> <p>Objectives:</p> <ul style="list-style-type: none"> a) Preservation of natural resources b) Promotion of sustainable development for economic growth of the nation along with environmental protection and social equity. c) Effective waste management for the protection of the environment. d) Spreading Awareness about the protection of the environment among the consumers e) Encouraging the general public for the use of environment-friendly products like paper bags, public transport, CFL, etc. to help reduce the environmental pollution <p style="text-align: right;">(Any two)</p> <p>Functions:</p> <ul style="list-style-type: none"> a) Issue NOC (No-Objection Certificates) from the perspective of the environmental pollution, including the adequacy of the site from the environmental angle. b) Assessment of quality ambient air. c) Assessment of inland surface waters’ quality d) Assessment and Identification of municipal and industrial pollution sources and control. e) Conducting Mass Awareness Programmes. f) Development of Pollution Control technologies. g) Notification of emission and effluent standards. h) Instituting legal action against defaulters. <p style="text-align: right;">(Any two)</p>	1+1+1
Ans 34	<p>Human rights are basic rights that we have because we exist as human beings. These are not granted by any state. Human rights belong to all human beings irrespective of their nationality, race, caste, creed, gender, etc. All individuals enjoy the same human rights, without any discrimination. Human rights are safeguards that a human being seeks to live with dignity and equality. Therefore, human rights are universal and inalienable rights.</p> <p>The principle of universality of human rights means that we are all equally entitled to our human rights. Human rights are inalienable; therefore, these should not be taken away, except in specific situations and according to due process. For instance, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.</p> <p>A few examples of human rights are those basic rights that ensure fairness, equality, freedom, and respect to all people. These rights abolish various unjust practices like exploitation, discrimination, and inequality.</p>	1+2

	<p>Human rights include most fundamental rights like the right to life, rights to food, education, work, health, liberty, etc.</p> <p>Fundamental Rights are basic rights of the citizens of a country. Fundamental Rights are enshrined in the Constitution and they are enforceable in the court of law. If there is any kind of violation of fundamental rights, one can approach the court for the protection of such rights.</p>	
Ans 35	<p>I. NCPCR (National Commission for Protection of Child Rights)</p> <p>II. Functions:</p> <ol style="list-style-type: none"> a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation; b) Present to be central government, annually and at such other intervals, as the commission may deem fit, reports upon working of those safeguards; c) Inquire into violation of child rights and recommend initiation of proceedings in such cases; d) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures; e) Look into the matters relating to the children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures; f) Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children; 	1+ 0.5*4
Ans 36	<p>I. No. Patent is a statutory right for an invention granted for a limited period to the patentee by the Government, in exchange for full disclosure of his invention for excluding others, from making, using, selling, or importing the patented product or process for producing that product for those purposes without his consent.</p> <p>II. The requirements fulfilled by the Povartis Company to qualify their idea as patentable matter are:</p> <ol style="list-style-type: none"> a) Novelty – the invention must contain one or more unique and new elements; b) Non-obviousness - Simple or obvious changes to an existing invention cannot be called an invention. The invention must be a notable change in the field. The particular feature must add to existing technical knowledge that is, in terms of uniqueness and commercial viability; and c) Industrial application - The invention must have some utility. The invention is patentable if it is capable of commercialization. 	1(0.5+ 0.5) +2

	SECTION D	
Ans 37	<p>(I) a) According to Section 2(h) of the Indian Contract Act, 1872, an agreement that is enforceable by law is a contract.</p> <p>b) Types of Contract based on the validity and enforceability of contracts are: Valid Contract; Void Contract; Voidable Contract; Illegal Contract; and Unenforceable Contract (explain any <i>four</i>).</p> <p>Valid Contract- According to the Indian Contract Act, 1872, an agreement that is enforceable by law is a contract [Section 2(h)]. A valid contract is a legally binding agreement between two or more parties that is enforceable by law. This implies, all agreements per se are not contracts.</p> <p>Void Contract- A contract which ceases to be enforceable by law becomes void.</p> <p>Voidable Contract- It is a contract that may either be affirmed or rejected at the option of one of the parties to the contract on grounds of coercion, undue influence, fraud or misrepresentation.</p> <p>Illegal Contract</p> <p>According to section 10 ICA, a contract must be made for a lawful consideration and lawful object. If either the consideration or the object is an action or omission prohibited by law, it results in an illegal contract.</p> <p>Unenforceable Contract</p> <p>An unenforceable contract is a contract that may have the essential elements of a valid agreement, but cannot be enforced by one or more of the parties in a court of law. This can happen for several reasons, such as</p> <p>a) Lack of Capacity: due to age (minors), mental disability, or intoxication, the contract can be considered unenforceable.</p> <p>b) Lack of Consent: If the agreement was entered into under duress, fraud, undue influence, or misrepresentation, it might be deemed unenforceable because the consent was not freely given.</p> <p style="text-align: center;">Or</p> <p>(II)</p> <p>a) Intellectual property is an intangible property that comes into existence through human intellect. It refers to the creation of the mind or products of human intelligence such as inventions, designs, artistic work, names, symbols, images etc.</p> <p>b)</p> <p>1. The Paris Convention for the Protection of Industrial Properties</p> <p>i. National Treatment In the context of legal protection for industrial property, the principle of National Treatment requires each member country of the</p>	5

	<p>Paris Convention to provide equal legal protection for the inventions of nationals from other member countries, as it would for its own nationals.</p> <ul style="list-style-type: none"> ii. Framework of Priority The Paris Convention also upholds the principle of “priority framework,” allowing an inventor to protect their invention simultaneously in various countries. <p>2. The Berne Convention for the Protection of Literary and Artistic Works</p> <ul style="list-style-type: none"> i. National Treatment Stipulated that any work originating in a contracting state, including works of authors who are nationals of that state or works first published in that state, should receive the same legal protection in every other contracting state as the latter state grants to its own nationals. ii. Automatic Protection Mandated that legal protection should not be subject to compliance with any formalities. iii. Independence of Protection decreed that legal protection should be independent of the existence of protection in the country of origin of the work. <p>3. The Universal Copyright Convention (UCC)</p> <ul style="list-style-type: none"> i. National Treatment The UCC adheres to the principle of national treatment rather than automatic protection, which implies that contracting countries are not obligated to provide foreign works with automatic protection if the national requirements are not met. ii. The term of the Work Under the UCC, original literary, artistic, and scientific works are eligible for protection. To provide reasonable notice of the copyright claim, a copyright notice should accompany the work. The UCC stipulates that protection for a work lasts for the duration of the author’s lifetime and an additional 25 years following the author’s death. iii. Minimum Rights As per the UCC’s provisions, the contracting countries must provide a specific set of “minimum rights” to the lawful owner of the work, provided they do not create any conflict with the “spirit” of the convention. 	
<p>Ans 38</p>	<p>(l)</p> <ul style="list-style-type: none"> a) The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with. The panel shall be prepared by the Executive Chairman of the legal service institution in consultation with the Attorney-General (for Supreme Court), Advocate-General (for High Courts), Government Pleader (for districts/Taluks), and the Bar Association President. b) The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. Personal traits like competence, integrity, suitability, and experience shall be considered. c) Separate panels shall be maintained for different types of cases. d) The Regulations also provide for retainer lawyers. e) The Panel has to be reconstituted every three years without disturbing the work of panel lawyers already representing ongoing cases. In such cases where the panel lawyer wishes to withdraw from a case entrusted to him shall communicate this to the Member Secretary and the latter may permit him to do so. 	<p>5</p>

	<p style="text-align: center;">Or</p> <p>(II)</p> <ul style="list-style-type: none"> a) The 14th Law Commission of India Report on Reform of Judicial Administration, 1958 mooted the idea of providing free legal aid to the poor by the State. The Report highlighted the responsibility of the legal community to administer legal aid schemes and the State to fund legal representation to the accused in criminal proceedings, appeals, and jails. b) In 1960, the Union Government initiated the National Legal Aid Scheme which faced financial shortages and died a natural death. c) 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. d) In 1980, a committee was constituted at the national level to oversee and supervise legal aid programmes throughout the country under the Chairmanship of Justice P.N. Bhagwati, then a Judge of the Supreme Court of India. This Committee came to be known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring legal aid activities throughout the country. e) In 1987, the Legal Services Authorities Act was enacted to give a statutory base to legal aid programs throughout the country on a uniform pattern. Subsequently, the Parliament enacted the Legal Services Authorities Act, 1987 to provide free legal aid to certain categories of citizens. 	
<p>Ans 39</p>	<ul style="list-style-type: none"> I. Public International Law. II. The World Trade Organisation (WTO). <ul style="list-style-type: none"> a) The World Trade Organization (WTO) is the only global international organization dealing with the rules of trade between nations. b) It is an intergovernmental organization that regulates and facilitates international trade. c) At its heart are the WTO agreements, negotiated and signed by the bulk of the world's trading nations and ratified in their parliaments. d) The goal is to help producers of goods and services, exporters, and importers conduct their business. e) It is a forum for governments to negotiate trade agreements. It is a place for them to settle trade disputes. f) WTO is a place where member governments try to sort out the trade problems they face with each other. 	<p>1+1+3</p>

Ans 40	<p>I. Partnership firm</p> <p>II. The Nature and Essential Characteristics of Partnership Firms</p> <ol style="list-style-type: none"> a) No separate entity - A partnership firm has no separate legal existence of its own i.e., the partnership firm and the partners are the same in the eyes of law. b) Unlimited liability: Partners are jointly and severally liable for the liabilities of the firm. c) Profit: Partners share profits in a mutually agreed ratio. d) Liability: i) Unlimited liability ii) Partners are jointly and severally liable for the liabilities of the firm e) Control & decision making: Partners enjoy shared responsibility amongst each other. This may sometimes raise conflicts in decision making. <p>III. Importance of a Written Agreement</p> <p>The Indian Partnership Act does not mandate the partnership agreement to be in writing. However, having a written partnership deed is considered best practice for avoiding disputes.</p> <p>Given the absence of a written agreement between Ravi and Deepa, there should be an equal sharing of profits and losses unless there's proof of an agreement to the contrary. This default position is a protective measure but can lead to disputes when partners have different expectations.</p>	1+2+2
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