

LEGAL STUDIES

21271832

Maximum Marks: 70

Time Allotted: Three Hours

Reading Time: Additional Fifteen Minutes

Instructions to Candidates

1. You are allowed an **additional fifteen minutes** for **only** reading the question paper.
2. You must **NOT** start writing during reading time.
3. This question paper has **8 printed pages**.
4. There are **twelve** questions in the paper. All questions are compulsory.
5. This paper is divided into **three sections: A, B and C**.
6. **Section A** has **fourteen subparts** which are very short answer questions. Each question carries 1 mark.
7. While attempting **Multiple Choice Questions** in Section A, you are required to **write only ONE option as the answer**.
8. **Section B** has **seven questions** which are short answer questions. Each question carries 4 marks.
9. **Section C** has **four questions** which are long answer questions. Each question carries 7 marks.
10. **Internal choices** have been provided in **two questions in Section B** and in **one question in Section C**.
11. The intended marks for questions are given in brackets [].

Instruction to Supervising Examiner

1. Kindly read **aloud** the Instructions given above to all the candidates present in the examination hall.

SECTION A – 14 MARKS

Question 1

- (i) Which one of the following is a feature of Human Rights? [1]
- (a) They are justiciable by Constitutional courts.
 - (b) They are applicable to citizens of a specific country.
 - (c) They are universally applicable to all human beings.
 - (d) They are protected by the Constitution of the country.
- (ii) Which one of the following situations illustrates the 'preparation' stage of crime? [1]
- (a) A businessman fired a gun at his rival but missed the shot.
 - (b) A thief thought of snatching the bag of a wealthy woman.
 - (c) A robber broke into a jewellery store and stole several pieces of jewellery.
 - (d) A person bought a knife with the intention to attack his neighbour after a fight.
- (iii) **Legal Principle:** *Ignorantia Facti Excusat – Ignorantia Juris Non Excusat* [1]
Fact Situation: Tim, a foreign tourist, was driving his car in a city in India at a speed of 60 kmph in a locality where the prescribed speed limit was 40 kmph. When the traffic police fined him, he argued that he was unaware of the Indian traffic rules and therefore, should not be penalised.
- Should Tim be penalised?
- (a) No, because he did not intend to break the law.
 - (b) Yes, but the amount of fine should be reduced.
 - (c) No, because he is a foreigner and not expected to know Indian laws.
 - (d) Yes, because ignorance of law is not a valid defence irrespective of nationality.
- (iv) **Legal Principle:** According to Section 23 of the Indian Contract Act, 1872, the object or consideration of an agreement is unlawful if it is forbidden by law, is immoral, or is opposed to public policy. An agreement with such an unlawful object is void. However, if one party enters into a contract without knowledge of the other party's illegal or immoral intent, the contract is not void, unless the innocent party later knowingly allows the unlawful purpose to continue. [1]
- Fact Situation:** Yash leased his apartment to Anant for ₹18,000 per month. Anant did not inform Yash that he planned to use the apartment for running illegal betting operations. Yash believed the apartment would be used for residential purposes. Three months later, Yash found out about Anant's activities but continued accepting rent and did not take any steps to stop him or terminate the lease.

What is the legal status of the lease agreement between Yash and Anant?

- (a) It was void from the beginning because the actual purpose was unlawful, even if Yash did not know.
 - (b) It was valid initially but became void once Yash knowingly allowed the illegal activity to continue.
 - (c) It remains valid throughout because Yash did not participate in or benefitted from the illegal activity.
 - (d) It is voidable at Anant's option since he misrepresented the purpose of the lease.
- (v) Given below are two statements marked Assertion and Reason. Read the two statements carefully and choose the correct option. [1]

Assertion: An individual who is arrested and detained must be produced before the nearest magistrate within twenty-four hours of arrest, excluding the time of journey.

Reason: The right to be produced before a magistrate is a fundamental right that ensures the arrested person is not subjected to illegal or prolonged detention without judicial scrutiny.

- (a) Both Assertion and Reason are true and Reason is the correct explanation for Assertion.
 - (b) Both Assertion and Reason are true but Reason is not the correct explanation for Assertion.
 - (c) Assertion is true and Reason is false.
 - (d) Both Assertion and Reason are false.
- (vi) Given below are two statements marked Assertion and Reason. Read the two statements carefully and choose the correct option. [1]

Assertion: In Arbitration, proceedings are kept private and not conducted openly like regular court trials.

Reason: The award of the arbitration is final and binding upon the parties.

- (a) Both Assertion and Reason are true and Reason is the correct explanation for Assertion.
- (b) Both Assertion and Reason are true but Reason is not the correct explanation for Assertion.
- (c) Assertion is true and Reason is false.
- (d) Both Assertion and Reason are false.

- (vii) Identify the correct statements about the entitlement to free legal services under Section 12 of the Legal Services Authorities Act, 1987. [1]
- Statement I:** A woman is entitled to free legal services only if her annual income falls below the prescribed limit.
- Statement II:** A person in police custody is eligible for free legal aid irrespective of their economic status.
- Statement III:** Scheduled Castes and Scheduled Tribes are entitled to free legal services to ensure that justice is not denied to them.
- (a) Only statements I and II are correct.
- (b) Only statements II and III are correct.
- (c) Only statements I and III are correct.
- (d) All the statements are correct.
- (viii) Identify the statements that are correct regarding modes of transfer of property. [1]
- Statement I:** An exchange takes place between two persons and involves a mutual transfer of ownership of one thing for the ownership of another.
- Statement II:** A gift can be made of future property and does not require acceptance by the donee during the donor's lifetime.
- Statement III:** In a mortgage, the mortgagor transfers only interest in a specific immovable property to the mortgagee.
- (a) Only statements I and II are correct.
- (b) Only statements II and III are correct.
- (c) Only statements I and III are correct.
- (d) All the statements are correct.
- (ix) A Disciplinary Committee at a University received a complaint from an Invigilator on the use of unfair means during examination by a student, Zara. The committee suspended Zara for a semester without giving her an opportunity to explain. Zara challenged her suspension in the court claiming the process followed by the Committee was unfair and violated the principles of natural justice. [1]
- Which legal maxim can be used to describe Zara's situation?
- (x) A local newspaper published an article stating that the mayor had misused public funds. The article was based on documented evidence from a government audit report. The mayor sued the newspaper for defamation, claiming the article harmed his reputation and was detrimental to his career. [1]
- Determine whether the mayor will succeed against the newspaper. Give a reason for your answer.

- (xi) Mushtaq received monthly rent from his tenant, Simarjeet, under a lease agreement. He decided to transfer his right to receive the rent to his brother, Ashfaq. [1]

Identify the mode of transfer between Mushtaq and Ashfaq.

- (xii) Sameeksha bought a table lamp without testing it. While fixing it at home, she found that the lamp was not working as its circuit was broken. She decided to file a complaint. [1]

Which legal maxim is applicable to Sameeksha in this situation?

- (xiii) Naved, a businessman and a taxpayer, is dissatisfied with a tax assessment order issued by the Commissioner of Income Tax, as he finds some procedural irregularities in it. [1]

Which quasi-judicial body should Naved approach to adjudicate the matter?

- (xiv) Deepak agreed to sell his house worth ₹50,00,000 at a price of ₹30,00,000 to Cathy. His consent to agreement was totally free. [1]

Briefly explain the validity of the agreement between Deepak and Cathy.

SECTION B - 28 MARKS

Question 2

[4]

- (i) What does Article 19 of the Indian Constitution state? Discuss *any three* grounds on which the State can impose reasonable restrictions on the exercise of Article 19.

OR

- (ii) Name the regulatory body established under Section 3 of the Human Rights Act, 1993. State *any three* of its functions.

Question 3

Read the extract given below and answer the questions that follow.

Case: Christie versus Davey (1893)

Plaintiff - Christie

Defendant - Davey

The plaintiff and defendant were neighbours. The plaintiff, a music teacher, conducted lessons and musical gatherings at her home within a reasonable volume decible. The defendant, her neighbour, was disturbed by the noise and made unsuccessful complaints on the volume. He retaliated by hammering the wall, beating trays, shrieking and whistling during the plaintiff's music lessons.

(Source (edited): casejudgements.com)

- (i) Explain with a reason whether defendant's retaliatory actions constitute a private nuisance. [2]
- (ii) Did the plaintiff's musical activities amount to nuisance? Justify. [2]

Question 4

Aman wanted to kill his business rival, Raghav. During a meeting, Aman secretly added a dose of lethal poison to a cup of coffee meant for Raghav. Before Raghav could consume the coffee, a co-worker accidentally spilled it while reaching for a document kept on Raghav's table. It prevented Raghav from consuming the coffee.

- (i) What are the two important elements of crime that have to be proved to establish any criminal liability? [1]
- (ii) Identify the offence committed by Aman. How do Aman's actions satisfy the two essential elements of crime, identified in subpart (i), that are punishable under the Bharatiya Nyaya Sanhita, 2023? [3]

Question 5

- (i) A lower court started hearing a high value case on commercial dispute filed by Neerja against Radha. The defendant, Radha realised that the lower court had no jurisdiction to hear such high-value commercial disputes. To prevent the court from proceeding further with the case, she approached the High Court for relief.
 - (a) Name the writ that Radha is likely to seek for relief. [1]
 - (b) If the lower court had passed an order against Radha before she had approached the High Court, which writ would have been issued by the High Court to challenge the decision? [1]
- (ii) State *any two* fundamental duties as given in Article 51A of Constitution of India. [2]

Question 6

- (i) Discuss the following defences which are based on excuses:
 - (a) Duress
 - (b) Intoxication
 - (c) Mistake
 - (d) Infancy

OR

- (ii) The Legal Services Authorities Act, 1987 was enacted by the Indian Parliament to constitute a central authority in India that would provide free legal services. Name the 'central authority' referred to here, as per the Legal Services Authorities Act, 1987. Explain *any three* functions of this authority.

Question 7

- (i) Ravindra sold a wall clock to Rashmi believing it to be a vintage piece, but it was actually a copy.

Upon discovery of truth, what are the options available to Rashmi under Indian Contract Act, 1872? [2]

- (ii) Raj and Amit were avid cricket fans and entered into a written agreement. The agreement stated that if the Indian cricket team won the upcoming T20 Cricket World Cup, Raj would pay ₹10,000 to Amit. If India lost, Amit would pay ₹10,000 to Raj. India won the World Cup. When Amit asked for the payment of money, Raj refused to pay.

Discuss the validity of the contract between Raj and Amit with reference to Section 30 of the Indian Contract Act, 1872. [2]

Question 8

Section 309 of the Bharatiya Nyaya Sanhita, 2023 states, 'In all robbery there is either theft or extortion'. Explain. [4]

SECTION C – 28 MARKS

Question 9

- (i) Avtar is a truck driver for a company named Prompt Logistics. He was asked to deliver a consignment to another city. During the drive, he answered a phone call from his wife to discuss an urgent matter. While talking on the phone, he got distracted and missed a stop sign which resulted in collision with a car. This caused significant damage and injury to the car driver, Raj. The injured driver, Raj sued Prompt Logistics for compensation.

(a) Which legal maxim will be applicable to Prompt Logistics in the given situation? [1]

(b) Under which liability as per Law of Torts, will Prompt Logistics be held responsible? Explain the liability. [2]

- (ii) Rahul repeatedly followed Alisha on her way to college. He also sent her unwanted messages on social media. Alisha warned him of police action, yet he followed her regularly and often waited outside her coaching centre. Rahul's actions made Alisha feel threatened and unsafe.

Identify the offence committed by Rahul. Explain *any three* of its elements evident in the above scenario. [4]

Question 10

- (i) Differentiate between Sale and Lease on the basis of the following: [3]
- (a) Ownership
 - (b) Payment
 - (c) Rights of buyer and lessee
- (ii) Amar, Mustafa and Anthony were partners in a business for ten years. There was a dispute among them, following which Anthony filed a case for dissolution of partnership and claimed his share in assets of the partnership firm. While the case was pending in the court, Amar and Mustafa sold their office to Annie without notifying Anthony.
- Which doctrine renders the transfer between Amar, Mustafa and Annie invalid as per Transfer of Property Act, 1882? State *any three* of its essentials. [4]

Question 11

In March 2023, Radha Sharma's thirteen-year-old son, Vishal Sharma, tragically died due to electrocution caused by exposure to a live electric wire hanging between two poles at a height of 3 to 4 feet from the ground. The Jammu & Kashmir and Ladakh High Court invoked the principle of absolute liability, holding the Power Development Department accountable for the fatal incident. The Court emphasised that enterprises engaged in hazardous activities cannot claim immunity from liability, even if the accident occurred due to the negligence of the injured or deceased individual.

(Source (edited): <https://www.the-laws.com>)

- (i) Interpret the reasons for the Court's decision to impose absolute liability on the Power Development Department. [3]
- (ii) List and explain *any four* exceptions to Strict Liability. [4]

Question 12

- (i) The role of a Conciliator is not to impose a decision but to facilitate a fair and amicable settlement between disputing parties.
In light of the above statement, discuss *any three* duties of a Conciliator under Arbitration and Conciliation Act, 1996. [3]
- (ii) Differentiate between Judicial and Quasi-judicial bodies on *any four* bases. [4]
- OR**
- (iii) Section 8 clearly states that the court has a legal requirement to refer the parties to arbitration if the criteria are fulfilled.
With reference to the above statement, discuss the criteria given in Section 8 in Arbitration and Conciliation Act, 1996. [3]
- (iv) What is the jurisdiction of Lok Adalat? Discuss *any two* benefits of Lok Adalat. [4]