

LEGAL STUDIES

Maximum Marks: 70

Time Allowed: Three Hours

*(Candidates are allowed **additional 15 minutes** for **only** reading the paper.*

*They must **NOT** start writing during this time.)*

*Answer all questions in **Section A**, **Section B** and **Section C**.*

***Section A** consists of **objective / very short answer** questions.*

***Section B** consists of **short answer** questions.*

***Section C** consists of **long answer** questions.*

The intended marks for questions or parts of questions are given in brackets [].

SECTION A - 14 MARKS

Question 1

- (i) Which one of the following Rights was removed from Article 19 of the Constitution by 44th Constitutional Amendment? [1]
- (a) Freedom to assemble peacefully without arms
 - (b) Freedom to acquire, hold and dispose of property
 - (c) Freedom to reside and settle in any part of the country
 - (d) Freedom to carry on any profession, occupation; trade or business
- (ii) Which one of the following types of cases are **NOT** dealt by Lok Adalat? [1]
- (a) Compoundable Criminal offences
 - (b) Family disputes
 - (c) Non compoundable criminal offences
 - (d) Motor accident claims

- (iii) **Assertion:** As per Indian Contract Act, 1872, the acceptance must be communicated by the offeree to the offeror and must be qualified and absolute. [1]

Reason: An acceptance that is not communicated clearly to the offeror does not lead to the formation of a contract.

Which one of the following is correct?

- (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) Assertion is false and Reason is true.

- (iv) **Legal Principle:** An agreement entered into by way of a wager / bet is unenforceable in law. [1]

Fact Situation: Abdul is good at predicting outcomes of cricket matches. His friends, Raja and John give him two thousand rupees individually to bet on the outcome of a cricket match. Abdul wins four lakh rupees after betting four thousand rupees.

Which one of the following statements is correct in relation to the legal principle stated above?

- (a) Abdul must share four lakh rupees with Raja and John equally.
- (b) Abdul must return two thousand rupees each to Raja and John.
- (c) Abdul need not share four lakh rupees with Raja and John since it is the outcome of an unenforceable agreement.
- (d) Raja and John can sue Abdul if he does not pay two lakh rupees to each of them.
- (v) Section 82 of the IPC states “nothing is an offence which is done by a child under seven years of age.” This refers to _____ legal maxim. [1]
- (vi) As per a legal maxim, there is no remedy in tort law if damages are caused without _____ to the plaintiff. [1]
- (vii) Gift of an immovable property involves two parties, namely, _____ and _____. [1]
- (viii) As given in Article 24 of the Indian Constitution, no child below the age of _____ years shall be employed in work in any factory or mine. [1]

- (ix) The primary duty of an Officer of Indian Parliament is to safeguard the citizens' interests from abuse or misuse of administrative power by the executive. Identify the Officer in this context. [1]
- (x) Name the Writ that can be issued to prevent an inferior court from proceeding further with a case due to lack of jurisdiction. [1]
- (xi) What does *Assentio Mentium* signify in Contract law? [1]
- (xii) In Tort law, the principal is responsible for the actions of his agent due to vicarious liability. Which legal maxim is it based on? [1]
- (xiii) A dealer put a counterfeit mark on a product. He convinced his customers that the product was original, of a popular brand and tricked them into buying it. Which offence is committed by the dealer, as per the Indian Penal Code? [1]
- (xiv) One of the parties in a contract signs the contract under pressure. What kind of contract is at the option of the party that signs it under pressure? [1]

SECTION B - 28 MARKS

Question 2

- (i) Briefly explain when a mango tree can be treated as a movable and an immovable property. [2]
- (ii) Minors may be transferees but not transferors. Explain the statement in the light of Transfer of Property Act, 1882. [2]

Question 3

- (i) X and Y got into a dispute over a plot of land. X threatened to kill Y if he did not agree to give him half of the land. Y ignored the threat. Few days later, X purchased a knife and entered Y's home unnoticed around midnight with the knife in his hand.
X attacked Y with the knife and killed him.

Based on the situation given above, name the stages of crime

- (a) X threatened to kill Y. [½]
- (b) X bought a knife. [½]
- (c) X attacked Y. [½]
- (d) Y was killed by X in the attack. [½]
- (ii) Which Section of Indian Penal Code (IPC) would be applicable for X's offence? What would be the punishment for his offence? [2]

Question 4 [4]

State *any four* functions of the Central Authority as given in Legal Services Authority Act, 1987.

Question 5 [4]

Distinguish between Judicial bodies and Quasi-Judicial bodies by giving *any four* points.

Question 6 [4]

(i) Discuss the rule of law in Rylands Vs. Fletcher case.

OR

(ii) How are Fundamental Rights different from Human Rights?

Question 7

(i) What is the statutory mandate to a judicial authority to apply Section 8 of the Arbitration and Conciliation Act, 1996? [1]

(ii) State *any one* objective of Protection of Human Rights Act, 1993. [1]

(iii) Give *any two* points of distinction between Fraud and Misrepresentation. [2]

Question 8 [4]

Rani owns a banquet hall in a building and gives it on rent for hosting parties and functions. Since it gets difficult for her staff to maintain the hygiene and cleanliness of the hall, Rani decides to hire another hall. Ramesh owns another large hall in the same building. Rani hires the hall on rent for five years from Ramesh.

Identify and explain the transfer between Rani and Ramesh.

SECTION C – 28 MARKS

Question 9

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

According to Section 13(1) of the Legal Services Authority Act, 1987, any individual who satisfies any criteria under Section 12 is entitled to receive free legal aid.

Section 12 of the Legal Services Authority Act, 1987 includes the following:

- A member of a Scheduled Caste or Scheduled Tribe;
- A woman or a child;
- A person with a disability;
- An industrial workman; or
- A person in police custody.

(Source (Edited), from “FAQs”, *National Legal Services Authority*)

(i) Mention *any two* criteria to receive free legal aid, apart from the ones listed above in Section 12 of Legal Services Authority Act, 1987. [2]

(ii) Anuj is a wealthy businessman. He visited his friend Virat who had a unique collection of ancient coins. Anuj was impressed by Virat’s collection and stole a few coins. Virat complained to police about the missing coins. The Police arrested Anuj as a part of investigation. Anuj approached NALSA for free legal aid and to get a bail. [2]

Is Anuj entitled to get a free legal aid? Give a reason for your answer. Which section of IPC will be applicable to Anuj? What is the punishment under this section?

(iii) Sachin is a passionate collector of stamps. He comes across a government scheme in the newspaper under which stamp collectors would be given monetary grants. He wants to apply for the same but finds the application process difficult. He approaches NALSA for help in understanding the scheme and applying for the same. [3]

Is Sachin eligible to avail free legal aid from NALSA? Give a reason for your answer. State *any two* services provided by NALSA.

Question 10

(i) Give *any three* points of distinction between Mediation and Conciliation. [3]

(ii) Explain *actionable claim* with the help of an example. [4]

Question 11

(i) Explain *any three* crimes against a person with the help of examples. [3]

- (ii) Give *any two* points of distinction among Intention, Motive and Knowledge. [4]

Question 12 [7]

- (i) Elaborate on the process of formation of a Contract.

OR

- (ii) Define *tort*. Explain Intentional Torts with appropriate examples.