

LEGAL STUDIES

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) Section 417 of the Indian Penal Code, 1860 states, 'whoever cheats shall be punished with: [1]
- (a) imprisonment of either description for a term which may extend to two years, or with fine, or with both'.
 - (b) imprisonment of either description for a term which may extend to two years and with fine'.
 - (c) imprisonment of either description for a term which may extend to one year, or with fine, or with both'.
 - (d) imprisonment of either description for a term which may extend to one year and with fine'.
- (ii) Which one of the following statements correctly differentiates between Motive and Intention in criminal law? [1]
- (a) Motive refers to the immediate purpose of an act while Intention refers to the hidden reason behind it.
 - (b) Motive refers to the underlying reason that prompts a person to act, while Intention is the conscious decision or aim to bring about a particular outcome.
 - (c) Motive is required to establish the liability in breach of contract while Intention establishes criminal liability.
 - (d) Motive is legally more significant than Intention in determining criminal liability.
- (iii) Given below are two statements marked, Assertion and Reason. Read the two statements carefully and select the correct option. [1]
- Assertion:** Special provisions and laws made by the State for socially and educationally backward classes are constitutionally valid.
- Reason:** Article 15 of the Indian Constitution permits positive discrimination for upliftment of these groups.
- 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) Both Assertion and Reason are false.

- (iv) Given below are two statements marked Assertion and Reason. Read the two statements carefully and select the correct option. [1]

Assertion: Nothing is an offence which causes slight harm.

Reason: Law deals with all kinds of matters irrespective of their significance.

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) Both Assertion and Reason are false.
- (v) **Legal Principle:** In Tort law, Battery is the intentional and unlawful application of physical force on another person without their consent. [1]

Fact Situation: Aarif and Aslam were neighbours. One day while walking past Aarif's garden, Aslam accidentally tripped and fell into the garden breaking some flowerpots. Aarif was furious. He picked up a stick and hit Aslam on the shoulder causing him minor injuries.

Will Aarif's action amount to Battery?

- (a) Yes, because Aarif picked up a stick.
- (b) No, because Aslam entered Aarif's garden without his permission.
- (c) Yes, because Aarif intentionally hit Aslam causing physical harm.
- (d) No, because Aarif acted to protect his property.

- (vi) **Legal principle:** Negligence occurs when someone causes injury or loss to someone else because of their reckless or careless behaviour. [1]

Fact Situation: Sudesh hired Anthony on a contractual basis to paint his house. Anthony was instructed to lock the house before leaving. One day he left the house to drink tea, without locking the house. In his absence, a thief entered the house and stole some expensive items.

Which one of the following statements is correct in relation to the tort of Negligence in the above situation?

- (a) Anthony is not liable for negligence as Sudesh should have taken better care of his house.
- (b) Anthony is liable for negligence as he had the duty to ensure the house was secured before he had left.
- (c) Anthony cannot be made liable since the theft was an unforeseeable event beyond his control.
- (d) Anthony cannot be held liable because he did his work properly and had no other responsibility.
- (vii) _____ is a quasi-judicial body established for speedy adjudication of environmental disputes. [1]
- (viii) As per the Constitution of India, a child under the age of _____ cannot be employed in any form of labour. [1]
- (ix) Ratio decidendi and Obiter dicta are parts of a judgement. Which one is essential and why? [1]
- (x) Under which method of Alternate Dispute Resolution, is prior agreement a prerequisite to settle the dispute? [1]
- (xi) Nishant entered a jewellery store to buy a ring. But he took an expensive necklace and hid in his pocket. When the CCTV footage was examined, he was found hiding the necklace. Nishant was thus accused of theft. [1]
Which element is required to establish charges of theft against Nishant?
- (xii) What is the validity of an agreement entered through Undue Influence? [1]
- (xiii) One of the Senior Advocates, Aparajita Singh, acted as amicus curiae before a Supreme Court bench. She raised concerns over worsening air quality in Delhi and stated that Delhi had once again reached a “severe” pollution level. [1]
What role does amicus curiae play in the above case?
- (xiv) Give any one difference between judicial and quasi-judicial bodies. [1]

SECTION B - 28 MARKS

Question 2

- (i) Property of any kind may be transferred except as otherwise provided by Transfer of Property Act, 1882. State any four exceptions to it. [4]

OR

- (ii) Explain the concept of Actionable claim as defined under the Transfer of Property Act, 1882. Cite two examples of it. [4]

Question 3

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

Case: Hussainara Khatoon and others versus Home Secretary, State of Bihar

Petitioner: Hussainara Khatoon and others

Respondent: Home Secretary, State of Bihar

An article was published in the Indian Express newspaper in 1979 about the wrongful detention of under trial prisoners in Bihar jail, including women and children awaiting trial for years. On reading this, Advocate Pushpa Hingorani filed a writ petition under Article 32 of the Indian Constitution on behalf of these under trial prisoners. The petition stated that under trial prisoners who had committed petty offences were suffering in jail for more than five to ten years, without trial.

(Source (edited): <https://lawbhoomi.com>)

- (i) Name and briefly explain the writ used by Advocate Pushpa Hingorani under Article 32 of the Constitution of India. [2]
- (ii) What does Article 21 of the Indian Constitution state? Briefly discuss the relevance of this Article in the context of the above case. [2]

Question 4

- (i) Tuhin, Alex and Lokesh planned to rob a bank and bought face masks, ropes, a gun and some tear gas from suppliers. One of the suppliers grew suspicious and informed the police. The police tracked them down and arrested them before they could rob the bank. [2]

Identify and explain the type of crime committed by Tuhin, Alex and Lokesh.

- (ii) If Tuhin, Alex and Lokesh had robbed the bank by threatening the bank manager at gun point, under which Section of IPC would they be arrested? What would be the punishment for it? [2]

Question 5

- (i) Which national body was set up under the Protection of Human Rights Act, 1993 to deal with complaints of human rights violations? [1]
- (ii) The statutory body, referred to above, has the power to act even without a formal complaint. What is the term used for such action? [1]
- (iii) Mention any two important functions performed by this body in safeguarding human rights. [2]

Question 6

- (i) During litigation, nothing new should be introduced. Name the doctrine applicable here as per the Transfer of Property Act, 1882. State any three essentials of this doctrine. [4]

OR

- (ii) Though Fundamental Rights and Directive Principles of State Policy are two essential pillars of the Indian Constitution, yet there are significant differences between them. Enlist any four of these differences.

Question 7

- (i) (a) Amita sold her house to Nita which had serious structural damages. Amita knew of these damages but concealed it during Nita's visit. She assured Nita of the house being in a perfect condition. After buying the house, Nita discovered the structural damages that Amita had deliberately concealed. How was the consent of Nita obtained by Amita? [1]
- (b) Christy sold a painting to Jim, describing it as an original piece of work by a well-known artist. Christy had obtained this information from the previous owner of the painting. After buying the painting, Jim discovered that it was not an original piece but a replica. How was Jim's consent obtained? [1]
- (ii) Briefly discuss the importance of free consent in a contract. [2]

Question 8

Discuss the suitability of methods of Alternate Dispute Resolution with the help of an example for each. [4]

SECTION C – 28 MARKS

Question 9

Observe the image shown below that depicts the Oleum Gas Tragedy and answer the questions that follow.



(Source: www.medium.com)

- (i) Which principle of tort law was laid down in the judgment in this case by the Supreme Court? Briefly explain. [3]
- (ii) Name the principle laid in Rylands Vs Fletcher. Provide any three differences between this principle and the one identified in subpart (i). [4]

Question 10

- (i) Briefly discuss the role played by a mediator in Mediation. What is the sanctity of the settlement arrived through mediation? [3]
- (ii) Briefly explain the following writs: [4]
 - (a) Mandamus
 - (b) Quo Warranto

Question 11

Mithila, a tribal woman, migrated to city after the floods destroyed her fields in the village. She shifted to the city with her three minor children. She worked as a daily wage labour and earned a meagre amount. One day she joined a protest against the exploitation of the labourers and was taken into custody by the police.

- (i) Identify the four categories under which Mithila can avail free legal aid. [4]
- (ii) Which statutory act has been enacted to achieve the objective of 39A? [3]
State any two of its objectives.

Question 12

[7]

(i) Explain vicarious liability in tort law by referring to its principles.

OR

(ii) Explain the essentials of a valid contract.

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