

PRE BOARD-2 EXAMINATION(2023-24)

GRADE: XII

SUBJECT: LEGAL STUDIES

DATE: December 18,2023 Monday

Time Allotted: 3 Hours

Maximum 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 and should be answered in about 40 words.

1.3 Section C contains 8 questions for 3 marks each and should be answered in about 80 words

1.4 Section D contains 4 long answer type questions for 5 marks each and should be answered in about 120 words.

A	SECTION A	1X20
1.	Ombudsman resolves disputes through which mode of ADR: A. Conciliation B. Punitive action C. Arbitration D. Mediation or recommendations	1
2.	With regard to FLC (Foreign Legal Consultant), point the odd one out: A. New York B. New Jersey C. California D. Florida	1
3.	"He is a senior law officer who acts as the legal adviser to the state government. According to article 165, he is appointed by the governor of the state. He is the chief legal adviser of the state and performs duties of a legal character including representing the state before the courts." A. Advocate B. Attorney General C. Solicitor General D. Advocate General	1
4.	Mr. Rajeev Das was a Supreme Court judge. It was discovered that he was found incapable. An inquiry under the Judges Inquiry Act was done by a committee of three	1

members, of which

- A. Two are judges -one from Supreme Court and one Chief Justice of High Court and distinguished jurist, as per the opinion of the Speaker of Lok Sabha/Chairman of Rajya Sabha
- B. Three are judges- two judges from Supreme Court and one from High Court
- C. Two are judges- one Chief Justice of India and one Chief Justice of the High Court.
- D. Three are judges- one judge of Supreme Court and two judges from High Court

5. Lala sells her garden as well as her house through one instrument to Gagan. Gagan is interested to retain only the house and intends to cancel the transaction regarding the garden. Gagan has to retain the garden if he wants to retain the house or cancel the whole transaction. Which doctrine applies in this situation? **1**
- A. Doctrine of Eclipse
 - B. Doctrine of Severability
 - C. Doctrine of Lis Pendens
 - D. Doctrine of Election
6. Hira, aged 15 years, agreed to sell his cottage for Rupees 10,00,000 to Maya, aged 20 years. However, the market value of the cottage at the time of sale was Rupees 20,00,000. Hira, afterwards avoided the agreement of sale by saying that he is a minor and a case was also pending before the court regarding the title of the cottage, at the time of sale. They both appointed Ms. Kunal for the settlement of their dispute. In this context, which one of the following is correct? **1**
- A. The above dispute can be referred to a mediator, as contractual disputes are most suited for mediation.
 - B. The above dispute cannot be referred for mediation.
 - C. The above dispute cannot be referred for mediation as the consideration was not adequate and hence contract is void,
 - D. The above dispute can be referred to court.
7. In which of the case was it decided that “Mens rea by necessary implication can be excluded from a statute only where it is absolutely clear that the implementation of the object of a statute would otherwise be defeated and its exclusion enables those put under strict liability by their act or omission to assist the promotion of the law.” **1**
- A. A. Re Sreerangayee Case
 - B. Kartar Singh v. State of Punjab
 - C. State of Maharashtra v. Mayor Hans George
 - D. Sahoo v. State of Uttar Pradesh

8. Shyam used music from a famous music label V-series without their consent. In that case, V-series can sue Shyam for infringement of **1**
- A. Trade mark
 - B. Design
 - C. Patents
 - D. Copyright
9. A----- is the first step in formation of a contract. **1**
- A. acceptance
 - B. offer
 - C. consideration
 - D. consent
10. Sanjeev is a State Government employee working as a political analyst at Gurgaon. He was given rent-free accommodation having five rooms. Sanjeev sublet two rooms to the students studying in the institute at a nominal rent. The matter was reported to the State Administrative Tribunal. He was suspended for a month and was asked to vacate the accommodation. Sanjeev wants to appeal against the decision of the State Administrative Tribunal. Where should he appeal? **1**
- A. Central Administrative Tribunal
 - B. Division Bench of Supreme Court of India
 - C. Division Bench of Punjab and Haryana High Court
 - D. No appeal is allowed in Alternate Dispute Resolution mechanisms.
11. A is sinking in the swimming pool of a resort. A boy who is beside the pool does not make any attempt to save A but informs the lifeguard. The lifeguard on duty at this resort also does not make any attempts to save A. Decide the liability. **1**
- A. The boy can be held liable for his omission
 - B. The boy cannot be held liable because he is underage.
 - C. The lifeguard can be held liable for breach of duty.
 - D. The lifeguard cannot be held liable because it was the boy who first saw A sinking.
12. What should be the maximum number of members for a Partnership firm: **1**
- A. Maximum - 7 members
 - B. Maximum - 50 members
 - C. Maximum - 200 members
 - D. Maximum - Unlimited members
13. Can an offer once made be revoked? **1**
- A. No, an offer once made cannot be revoked

- B. Yes, if offer is communicated in electronic form
- C. Yes, before acceptance by the offeree
- D. Yes, if the offer made over email

- 14.** Nidhi had taken an insurance policy with a leading insurance company 'New Age Insurance'. The insurance company denied her insurance claim when she filed for claim after her hospitalization due to her illness, stating it to be a post covid related complication. She is not very keen on taking the matter to the court. Which is the best forum she can approach for her issue? **1**
- A. Lokpal
 - B. Lok Adalat
 - C. Ombudsman
 - D. Police Complaint
- 15.** A with an intention to harm B enters B's house and hides behind the door with an iron rod. B walks in with C. A accidentally hits C instead of B and C suffers serious head injury.
- A. C cannot sue A as A did not have the intention to harm C.
 - B. B can sue A as he was A's original target.
 - C. C can sue A as he suffered injury by A's act.
 - D. C can sue B because the place of occurrence was his house.
- 16.** There was a dispute between Ms. Pawan and Mr. Suraj regarding title and possession of immovable property. The parties to the dispute, out of their freewill appointed Mr. Amar a neutral third party to resolve their dispute. Mr. Amar acted not only as an interventionist but also suggested potential solutions to the parties in order to resolve their claims and disputes. Which Alternate Dispute resolution is referred to above? **1**
- A. Mediation
 - B. Arbitration
 - C. Conciliation
 - D. Negotiation
- 17.** A matrimonial dispute arose between Mr. Kashish Kumar and Mrs. Seema Kumar. They both approached an institution for the settlement of their dispute, even though their case was already pending in the regular court. This institution does not follow strict application of procedural laws and the decision of this institution was binding on the parties to the dispute. Identify the type of mechanism being used in the present situation **1**
- A. District Court
 - B. Mediation

- C. Conciliation
- D. Lok Adalats

- 18.** Seema is 22 years old and has completed her LLB degree from a recognised Indian University. She wants to obtain a license to start her practice. Identify the additional requirement she needs to fulfill. **1**
- A. She must have an LLM degree
 - B. She must clear the All India Bar Exam.
 - C. She must get herself registered with BCI
 - D. She must have completed her internship under a senior advocate
- 19.** A and B have a dispute between them. They approached the judiciary, the judge played an active role in determining the facts and issues in dispute. The judge also decided the manner in which the evidence must be presented in the court of law. Which system is this? **1**
- A. Adversarial
 - B. Inquisitorial
 - C. Tribunal
 - D. Judicial Commission
- 20.** Migrant labourer, Billu while walking from Delhi to UP during lockdown, picked up a cycle from a house as he found it difficult to carry his handicapped son. He left a note telling the circumstances in which he was compelled to take away the cycle. **1**
- A. Billu has committed no crime as he had the motive to carry his handicapped son.
 - B. Billu has committed a crime as he did a prohibited act willfully and knowingly.
 - C. Billu has committed no crime as he had good intention when he took away the cycle.
 - D. None of the above statements are true.

B **SECTION B** **2x8**

- 21.** Analyse the advantages of Adversarial and Inquisitorial System. **2**
- 22.** State the regulatory functions of Bar Council of India. **2**
- 23.** A public authority was given the duty to construct a community centre for the public in Gurugram and land was also allotted for this purpose. But instead of constructing a community centre, the public authorities started constructing shops on that allotted land. What remedy is available to the citizens of Gurugram under the Indian Constitution? **2**

OR

What is the qualification for appointment as a judge of a High Court in India ?

- 24.** Article 14 of the constitution provides to all the right to equality. Article 16 provides for Reservation and affirmative action for government jobs to backward classes. Are these two provisions contradictory to each other? Explain giving reasons. **2**
- 25.** Subash and Diwan were brothers who had a dispute over a property. Diwan filed a suit in the court to determine the title of the property. While the suit is pending, Subash initiates a sale of this property in favour of Mohit. Is the action of Subash justified in law? Give reasons for your answer. **2**
- 26.** Naman and Vikas, a young couple, scratched their names on the bonnet of Mr. Sanjeev's car. Identify the type of civil wrong and remedy is available to Mr. Sanjeev. **1+1**
- 27.** State the salient features of the Fundamental Rights. **2**
- 28.** Differentiate between sole proprietorship and One Person Company. **1+1**
- C** **SECTION C** **3x8**

- 29.** Suresh is a minor who looks older than his age. Binay is a major who enters into a contract with Suresh thinking that he is a major too. Later Binay found that Suresh is a minor. **1+2**
- a. Is the contract valid? Give reasons.
- b. State the exception to the rule regarding capacity to contract by a minor as stated in the Indian Contract Act, 1872.

OR

“Tribunals are not meant to replace the courts.” How has the Supreme Court explained this fact in the L. Chandra Kumar case ? Also state the procedural benefits of a tribunal.

- 30.** Mention any six categories of persons entitled to receive free legal aid under the provisions of the Legal Services Authorities Act? **3**
- 31.** State the aim and role of the given organisations. **3**
- (a) International Criminal Court
- (b) The World Trade Organization
- 32.** Give any three functions of the National Human Rights Commission. **3**
- 33.** “Law is an exciting and challenging profession.” In the light of the above statement evaluate any six opportunities for law graduates in India. **3**

- 34.** Identify the legislation which prescribes the acts of bribery and corruption by the public-servants. State its composition and write down the scope of its application. **1+2**
- 35.** Raghu and his two friends, Raj and Prakash, were arrested by Police on the charges of kidnapping and abduction of a minor girl. A conversation between Raghu and his friends was overheard by a rag picker while they were discussing the further course of action in a junkyard. The rag picker informed the police and the three were arrested. Raj, told the Inspector that if taken to Delhi, he would show the spot where the minor girl was kept. **3**
- a. Analyse the nature of evidence presented in the given situation.
b. If the statement by Raj was made before a magistrate instead of the Inspector, would it have the same impact as an evidence? Explain

- 36.** Explain the modalities required for transfer of Property. **3**

D **SECTION D** **5x4**

- 37.** What are the main functions of the Central Pollution Control Board? **5**

OR

Discuss the liabilities of a sole proprietorship firm and its advantages and disadvantages.

- 38.** Distinguish between Public International Law and Private International Law. **5**

OR

For adoption of International Treaties into domestic law the United Kingdom (UK) follows the 'Doctrine of Transformation'. In India the constitution has the provision for implementation of treaty obligation applicable to the country.

- (a) Explain the Doctrine of Transformation and its application.
(b) State the Indian constitution provision for the implementation of a treaty with reference of any two decided case laws.

- 39.** What is the National Legal Services Authority (NALSA) Regulations, 2010? Explain its relevant features. **5**

OR

Under what circumstances can Legal aid be denied or withdrawn?

- 40.** Explain the objectives that are widely accepted for enforcement of criminal law. **5**

OR

Explain the different stages of crime. When can preparation be punishable?