

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 [].

Instructions 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) Many people believed that Covid-19 was caused by some supernatural forces. [1]
They did not attempt to know its real cause but performed certain rituals to end the pandemic.

Which Fundamental duty was NOT fulfilled in the above scenario?

- (a) To safeguard public property and to abjure violence.
- (b) To uphold and protect the sovereignty, unity and integrity of India.
- (c) To value and preserve the rich heritage of our composite culture.
- (d) To develop the scientific temper, humanism and the spirit of inquiry and reform.

(ii) The Lokpal holds the power to investigate complaints of corruption against: [1]

- (a) Members of Parliament
- (b) Private Companies
- (c) Chief Ministers of States
- (d) Judges of Supreme Court and High Court

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

Assertion: Article 21 of the Indian Constitution guarantees the Right to Life and Personal Liberty.

Reason: In the Hussainara Khatoon Vs. State of Bihar case in 1979, the Supreme Court held that the right to a speedy trial is an essential part of the Right to Life and Personal Liberty under Article 21.

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: The maxim *quit facit per alium facit per se* means he who acts through another does the act himself.

Reason: A principal is vicariously liable for the act of his agent committed both within and outside the scope of employment.

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:** Under Section 27 of the Indian Contract Act, 1872, an agreement in restraint of trade is void unless it falls under certain exceptions. [1]

Fact Situation: Ritesh was the owner of a popular sweet shop. Due to some major financial crisis, he sold his shop with its goodwill to Jeevan for ₹ 5 crores. As a part of the contract of sale, Ritesh agreed that he would not open similar business within the same city for the next three years. However, after one year of sale, Ritesh opened a new sweet shop just two streets away from the shop owned by Jeevan.

The contract between Ritesh and Jeevan is:

- (a) illegal because the restriction imposed on Ritesh is beyond one year.
- (b) valid as it imposes reasonable restrictions on Ritesh following the sale of goodwill of his business.
- (c) void and non-enforceable since it restrains Ritesh from carrying on a similar business.
- (d) voidable at the option of Ritesh as his consent was not free because he sold the business under financial crisis.

(vi) **Legal Principle:** The defence of necessity allows a person to enter another's land wrongfully to prevent a greater harm. [1]

Fact Situation: Arjun and Nayan were neighbours. One day Nayan's house caught fire due to short circuit. The fire brigade was called but the fire fighters fell short of water. Some of them broke open the door of Arjun's terrace, without his permission, to access the water tank and prevent the fire from spreading further.

Which one of the following statements is correct regarding the liability of the fire fighters?

- (a) They are liable for trespass as they did not take permission from Arjun to enter his property.
- (b) They are liable for trespass as the fire did not break out in Arjun's house.
- (c) They cannot be held liable for trespass as it was Arjun's legal obligation to help them.
- (d) They are not liable for trespass as it was essential for them to enter Arjun's house to access water.

(vii) The Fundamental duty added to the Constitution of India by 86th Amendment is to provide educational opportunities for children between the ages of _____.

(viii) During a badminton game, Jordan charged at his opponent Mike with a raised racquet. His action created a fear of serious injury in Mike. [1]
Mike sued Jordan for committing the tort of _____.

(ix) Reena was constantly harassed by her husband and in-laws for dowry. After many years of mental and physical abuse, Reena decided to file a complaint against her husband and in-laws. [1]

Identify the offence committed against Reena.

(x) During a surgery, a surgical tool was left inside the patient's body causing severe complications later. The incident clearly established the gross error made by the medical team and required no further evidence to prove negligence. [1]

Which legal maxim will be applicable in the given situation?

(xi) Two businesses are in a dispute over the terms and performance of a contract. Which method of Alternate Dispute Resolution is suitable to resolve the conflict in this situation? [1]

(xii) In Ashby Vs. White case, Ashby was stopped by White, a Returning Officer, from casting his vote in parliamentary election without any valid reason. Though the candidate whom Ashby wanted to vote for won the election, Ashby filed a case of violation of his legal right against White. [1]

Which legal maxim is applicable in the above situation?

(xiii) Ajay invited his friends to celebrate his birthday. At 12 o' clock, they all went to the common ground in Ajay's housing society to celebrate. They shouted, sang and burst crackers which disturbed the sleep of the other residents. [1]

Which tort was committed by Ajay and his friends?

(xiv) Sheela agrees to buy a specific breed of horse from Veena. However, it turns out that the horse was already dead on the date on which the agreement was made. Neither Sheela nor Veena was aware of this fact. [1]

Evaluate the validity of the agreement between Sheela and Veena.

SECTION B - 28 MARKS

Question 2

(i) Kapil owned a furniture store. He entrusted the responsibility of safekeeping the stock in the warehouse to his manager, Amar. However, Amar sold off some furniture items without authorisation and spent the money on his personal requirements.

(a) What is the offense committed by Amar? State the punishment for it. [2]

(b) Briefly discuss the elements of the offense committed by Amar. [2]

OR

(ii) Tanya coerced Arushi to enter a contract to smuggle gold from Dubai. Arushi was in desperate need of money to pay debts and hence, signed an agreement. Tanya paid an advance of ₹ 50,000 to Arushi which she used to pay off her debts. Later, she realised the criminal nature of the agreement and refused to smuggle the gold. Tanya asked her to return the advance money which Arushi could not.

(a) With the help of a reason, explain whether Tanya can recover the amount given to Arushi as per Indian Contract Act, 1872. [2]

(b) State *any two* differences between Coercion and Undue Influence. [2]

Question 3

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

Case: A. K. Gopalan versus State of Madras [AIR 1950 SC 27]

Petitioner – A.K. Gopalan

Respondent – State of Madras

A. K. Gopalan was a political opponent of the government. Since December 1947, he was illegally detained several times. In 1950, he was detained under the Preventive Detention Act, 1950. A. K. Gopalan filed a Writ petition under Article 32 of the Indian Constitution, challenging his detention under the Preventive Detention Act, 1950, primarily arguing that it violated his Fundamental Rights under Articles 19 and 21 of the Indian Constitution.

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

- (i) Name and briefly explain the *writ* used by A.K. Gopalan under Article 32 of the Constitution of India. [2]
- (ii) Briefly discuss *any two* rights of an arrested person provided under Article 22 of the Constitution of India. [2]

Question 4

- (i) Himani decided to rent a floor for business purpose in the building owned by Maria. Himani and Maria entered into an agreement for a period of five years against a monthly rent of ₹ 50,000.
 - (a) Identify and describe the mode of transfer of property between Maria and Himani. [2]
 - (b) State and explain any other mode of transfer of property, apart from the one identified in subpart (a). [2]

OR

- (ii) Vibha owned one house each in Mumbai and Delhi. She offered to sell one house to Riya. Riya accepted the offer mistakenly believing that Vibha was offering her house in Mumbai, while Vibha intended to sell her house in Delhi.
 - (a) With reference to the Indian Contract Act, identify and explain the essential element that is missing in the above situation to form a valid contract. [2]
 - (b) Give *any two* points of differences between Fraud and Misrepresentation. [2]

Question 5

- (i) What is Lok Adalat? [1]
- (ii) What is the significance of the award of the Lok Adalat? [1]
- (iii) State *any two* benefits of Lok Adalat as an Alternate Dispute Resolution system. [2]

Question 6

- (i) What are *human rights*? [1]
- (ii) Name the statutory act enacted in India to protect Human Rights. [1]
- (iii) State *any two* differences between Human Rights and Fundamental Rights. [2]

Question 7

Sam offered his resort to Prateek. In return, he asked Prateek to transfer his villa to Iqbal. Prateek began renovating the resort but did not transfer his villa to Iqbal.

- (i) Which doctrine is applicable in this case as per Transfer of Property Act, 1882? [1]
- (ii) What is the purpose of this doctrine? [1]
- (iii) Provide *any two* essentials of the applicable doctrine. [2]

Question 8**[4]**

As per Section 25 of the Indian Contract Act, an agreement made without consideration is void, but there are exceptions to this. Explain *any four* exceptions.

SECTION C – 28 MARKS**Question 9**

- (i) Observe the image given below and answer the questions that follow.



(Source: <https://stock.adobe.com/>)

- (a) What kind of property, movable or immovable, does the image depict? [1]
Give a reason for your answer.
- (b) Property of any kind may be transferred except as otherwise provided by Transfer of Property Act, 1882. State *any two* exceptions given in Section 6 of this Act. [2]
- (ii) Briefly explain the role of Educational Institutions and Para Legal Volunteers as given in Legal Services Authorities Act, 1987. [4]

Question 10

(i) What is the decision given by an arbitrator at the end of arbitration known as? [3]
Briefly explain *any two* grounds on which the decision may be set aside.

(ii) Compare Conciliation and Mediation stating *any two* similarities and *any two* differences between them. [4]

Question 11

(i) Amit, Harvinder and Ranbir were playing a video game. Suddenly an argument ensued between Amit and Harvinder over scoring. It soon developed into an ugly fight and Amit slapped Harvinder. Ranbir, who was watching the fight, used this situation to square his previous quarrel with Amit. Ranbir instigated Harvinder to attack Amit and gave him a knife. In a sudden violent rage, Harvinder stabbed Amit which resulted in his death. State with reasons the offences committed by Harvinder and Ranbir in the context of Section 300 of the Indian Penal Code, 1860. [3]

(ii) Discuss the significance of Articles 29 and 30 of the Constitution of India. [4]

Question 12**[7]**

(i) What are the objectives of Lokpal and Lokayukta Act, 2013? Evaluate the effectiveness of this Act in attaining its objectives.

OR

(ii) Analyse the significance of Rylands Vs. Fletcher case in establishing the rule of Strict Liability.