

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 is **NOT** a financial crime in India? [1]
- (a) Counterfeiting currency notes
 - (b) Embezzlement
 - (c) Cyberbullying
 - (d) Credit Card fraud
- (ii) An *actionable claim*, as per Transfer of Property Act 1882, refers to: [1]
- (a) a claim to a secured debt.
 - (b) a claim that is non-transferable.
 - (c) a claim that does not involve monetary compensation.
 - (d) a claim that can be enforced through a legal action.
- (iii) **Assertion:** A void contract is not necessarily illegal. [1]
Reason: All illegal contracts are void.
- (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.
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This Paper consists of 5 printed pages and one blank page.

- (iv) **Principle:** A careless person becomes liable for her negligence when she owes a duty of care to others. [1]

Facts: Malini hired a taxi and hurriedly got down on the wrong side of the road on reaching her destination. She also forgot to close the door after getting out of the taxi. Rashmi, who was driving a two-wheeler in the correct lane on the road was hit and injured badly by the open door of the taxi. Rashmi filed a case against Malini in court demanding monetary compensation.

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

- (a) Malini is liable to Rashmi as she got down on the wrong side of the road and did not close the door of the taxi.
- (b) Malini is not liable to Rashmi as it was the duty of the taxi driver to close the door.
- (c) Malini is not liable to Rashmi as it was the duty of Rashmi to be cautious while driving on the road.
- (d) Malini is not liable to Rashmi as she was in a hurry and forgot to close the door of the taxi.
- (v) An agreement enforceable by law is known as _____. [1]
- (vi) Anuj keeps his residential flat as a collateral security to borrow a loan from State Bank of India (SBI). Hence, Anuj is the _____ and SBI is the _____ as per Transfer of Property Act, 1882. [1]
- (vii) Mansi and Kiran are business rivals. Mansi unlawfully detains Kiran's son at her house and coerces Kiran to enter into a business agreement with her. This agreement is a _____ agreement at the option of Kiran. [1]
- (viii) _____ is the Latin term for a friend of court who shares his/her unbiased opinion with the court on a matter a judge is unlikely to have expertise. [1]
- (ix) Smriti works at a cosmetic store and secretly puts a bottle of expensive perfume in her purse while leaving the store. [1]
- What crime has Smriti committed? What is the punishment for it?
- (x) A bus driver engages in reckless driving during work hours of his employment and hits a pedestrian, Sumit. Sumit files a complaint against the bus driver and the bus operator. [1]
- Identify the legal maxim which makes the bus operator liable for the action of bus driver in the above situation.
- (xi) When does an extortion become a robbery? [1]

- (xii) In criminal law, an excuse for a lack of knowledge of facts is accepted but an excuse for a lack of knowledge of law is not accepted to escape culpability. Identify the legal maxim applicable here. [1]
- (xiii) Name *any one* fundamental right that cannot be suspended during a national emergency. [1]
- (xiv) Nirbhay was taken to an unknown place by the police for interrogation. He was not produced before the magistrate within twenty-four hours of detention. [1]
- Which *writ* can Nirbhay's family members apply for his release?

SECTION B - 28 MARKS

Question 2

- (i) State *any two* duties of Para Legal Volunteers in helping people to access justice. [2]
- (ii) Distinguish between Assault and Battery by giving *any two* points. [2]

Question 3

Niharika owns a toy store and offers to sell 10,000 toys to Kunal, a retailer, at ₹100 each. Upon acceptance of the offer, Kunal pays ₹1,00,000 as an advance. They mutually decide on the following:

- Niharika will deliver the toys in two months at Kunal's warehouse against the balance payment.
 - If either party fails to fulfil its obligations, then the matter will be resolved through arbitration.
- (i) Who are the promisor and the promisee in the above case? [1]
- (ii) What is the *consideration* in the case given above? [1]
- (iii) Give *any two* advantages of Arbitration over Traditional Litigation System. [2]

Question 4

- (i) State *any one* objective of National Green Tribunal (NGT). [1]
- (ii) What is the significance of the award of Lok Adalat? [1]
- (iii) Briefly explain the Doctrine of Election with an appropriate example. [2]

Question 5

- (i) Briefly discuss the importance of *Mens Rea* in crime. [2]
- (ii) What are the essential elements that amount to an offence for Dowry Death under Section 304B of the Indian Penal Code? [2]

Question 6**[4]**

- (i) Distinguish between Fundamental Rights and Directive Principles of State Policy by giving *any four* points.

OR

- (ii) Fundamental Rights are subject to reasonable restrictions. Explain *any two* grounds on which the Fundamental Rights are restricted under Article 19 of the Indian Constitution.

Question 7**[4]**

State *any four* functions of the National Human Rights Commission (NHRC) as given in Section 12 of the Protection of Human Rights Act.

Question 8**[4]**

All murders are culpable homicides, but all culpable homicides are not murders. Explain the above statement and give *three* exceptions to the offence of murder as given under Section 300 of the Indian Penal Code.

SECTION C – 28 MARKS**Question 9**

Read the case given below carefully and answer the questions that follow.

Defamation means intentional false communication, either spoken or written, which harms a person's reputation in the society.

Priya and Anita were good friends and always shared their secrets with each other. One day, they had a heated argument and stopped talking to each other thereafter. Priya was furious and hence wrote a letter to Anita calling her names. Anita felt insulted on reading the letter and decided to file a case of defamation against Priya.

- (i) Give a reason to explain if Anita will succeed or not in her case of defamation against Priya. **[1]**
- (ii) If Anita gives the letter to her friend Alisha to read, will it help her to win the case of defamation against Priya? Give a reason. **[1]**
- (iii) Consider that Priya wrote the letter in a regional language not knowing that Anita could not comprehend that language. Anita got the letter read by Alisha who explained the contents of the letter to her. On understanding the contents of the letter, Anita felt humiliated and decided to file a case of defamation against Priya. **[1]**

Will Anita succeed in her case of defamation against Priya? Give a reason.

- (iv) Consider that Priya wrote the letter in a regional language and knew that Anita could not comprehend that language. Anita got the letter read by Alisha who explained the contents of the letter to her. On understanding the contents of the letter, Anita felt humiliated and decided to file a case of defamation against Priya. [1]

Will Anita succeed in her case of defamation against Priya? Give a reason.

- (v) Briefly explain the essential conditions of Tort. [3]

Question 10

- (i) Give *any three* differences among Sale, Mortgage and Lease as per Transfer of Property Act, 1882. [3]

- (ii) Discuss *any four* limitations of Lokpal and Lokayukta Act, 2013. [4]

Question 11

- (i) Give the meaning of the *Doctrine of Lis Pendens*. State *any two* of its essentials. [3]

- (ii) Differentiate between Arbitration and Conciliation by giving *any four* points. [4]

Question 12

- (i) What is meant by *void agreement*? Briefly discuss the provisions of Sections 25 – 30 of the Indian Contract Act, 1872. [7]

OR

- (ii) State *any seven* criteria to avail free legal aid as given in Legal Services Authorities Act, 1987.