

**Class XI**  
**Legal Studies (074)**  
**Final Term Exam 2024-25**  
**Set A1/A2**  
**Marking Scheme**

**Maximum Marks: 80**

**Time Allowed: 3 Hours**

*General Instructions:*

- All questions are compulsory
- Do not change the order of the questions. Either attempt from 1-40 or 40-1.
- Attempt all parts of the question together.
- Do not leave any question unanswered.
- Tabulate the differences with proper basis for differences.

Set A1	Set A2	Suggested Value points	Marks
		<b>SECTION A</b>	
1.	20.	Answer: B) Karan can file the FIR at the local police station, and it will be forwarded to the appropriate jurisdiction.	1
2.	19.	Answer: B) Prevention of crime.	1
3.	18.	Answer: D) Under Section 54 of the CrPC, the arrested person has the right to request a medical examination if they believe that the examination will disprove their involvement in the crime or will prove the commission of an offense against their body by another person.	1
4.	17.	Answer: D) If a criminal case consists of both cognizable and non-cognizable offenses, the case shall be treated as cognizable, and the police may investigate the entire case without a Magistrate's order.	1
5.	16.	Answer: c) Military	1
6.	15.	Answer: a) State is permanent, while Government is temporary	1
7.	14.	Answer: (B) The state evolved from matriarchal societies where women held authority and family structures were organized around them.	1
8.	13.	Answer: a) Social Democratic State	1

9.	12.	Answer: b) Distributing powers among the executive, legislative, and judicial branches to prevent abuse	1
10.	11.	Answer: b) Drafting the Constitution of India	1
11.	10.	Answer: D. Naturalisation - A person can acquire citizenship if he/she is ordinarily resident of India for 12 years.	1
12.	9.	Answer: B) Mandamus	1
13.	8.	Answer: B. The Supreme Court may stop privatization if it finds that it harms the welfare goals in the DPSPs, even though DPSPs are not legally enforceable.	1
14.	7.	Answer: b	1
15.	6.	Answer: C) To enable the use of paper-based communication for international trade.	1
16.	5.	Answer: A) The marriage will be declared null and void because John's previous wife was still alive.	1
17.	4.	Answer: b	1
18.	3.	Answer: B) It refers to the prohibition of marrying certain persons with whom a relationship has arisen by marriage, such as the wife's mother or the wife's daughter from another husband.	1
19.	2.	Answer: B) Bombay, Madras, and Calcutta	1
20.	1.	Answer: B) Compoundable offence	1
		<b>SECTION B</b>	
21.	21.	Zara, a Muslim woman, seeks custody of her three-year-old daughter after a divorce. Her ex-husband, Sameer, contests her claim, arguing that she is not a natural guardian. 1. What rights does Zara have under Muslim law concerning her daughter's custody? 2. What is the role of the 'right of hizanat' in determining custody in this case?	2

Ans	Ans.	Under Muslim law, Zara has the right of hizanat, which gives her custody of her child during early childhood, even though she is not recognized as a natural guardian.  The right of hizanat prioritizes the child's welfare during early childhood, granting custody to the mother, as the court typically favors the mother's care during formative years.	
22. A	22.A	Explain the concept of 'fasid marriage'.	2
Ans.	Ans.	There is no concept of voidable marriage under Muslim law rather they recognize concept of irregular (Fasid) marriages. Irregular marriage is that, which can become valid if the defect is cured. For example, marriage with fifth wife is irregular and can be regularized if any of the earlier four wives either dies or obtains divorce from the husband. Irregular marriages are recognized only by the Sunnis and not by the Shia sect among the Muslims. The concept of void marriage is also recognized under the Muslim family law.	2
		Or	
22. B	22.B	The United Nations convention on the Rights of Child gives all basic rights to a child that will enable them to achieve their full potential. Explain the cultural and social rights available to a child.	2
Ans.	Ans.	The social rights include the right to the highest attainable standard of health services, protection from sexual exploitation and the regulation of adoption. Right to education is included in cultural rights.	2
23.	24.	Anjali and Vikram have been married for 8 years. During their marriage, Anjali has been a devoted wife, but Vikram has been consistently abusive towards her—both physically and mentally. Despite numerous attempts by Anjali to address the issue and seek counseling, Vikram refused to change his behavior and continued his abusive treatment. After years of enduring this cruelty, Anjali finally decided to file for divorce on the grounds of cruelty.  Question: Under which theory of divorce, would Anjali be justified in seeking a divorce based on Vikram's behavior? What role does the concept of fault or guilt play in her case?	2
Ans.	Ans.	Yes, Anjali would be justified in seeking a divorce based on Vikram's behavior under the guilt theory of divorce. According to this theory, one spouse's misconduct (in this case, Vikram's physical and mental cruelty) can be used as a ground for the dissolution of the marriage. The theory is based on the principle that when one spouse is guilty of causing the breakdown of the marriage through	1+1

		wrongful behavior, such as cruelty, adultery, or desertion, the other spouse has the right to seek divorce. In this case, Vikram’s abusive conduct is the misconduct that has caused the breakdown of their marriage, making Anjali's divorce petition valid under the guilt theory. The concept of fault or guilt is central to her case, as she is seeking a divorce due to her husband's wrongful behavior that has made the continuation of the marriage untenable. The guilt theory emphasizes that the offending spouse's actions (in this case, Vikram's cruelty) directly contribute to the end of the marriage, thereby justifying the request for divorce.	
24.	23.	A Muslim man passes away leaving behind his wife, one son, and a will that disposes of 50% of his property. How much of his estate will the wife and son inherit, assuming the will's validity is contested?	2
Ans.	Ans.	<ul style="list-style-type: none"> <li>• The wife inherits 1/8 of the estate because there is a son.</li> <li>• The remaining 7/8 of the estate is inherited by the son.</li> <li>• However, since a Muslim can only dispose of 1/3 of the estate by will, the son's share may increase proportionately after the excess disposition is invalidated.</li> </ul>	1+1
25.A	25.A	How do Hindu family laws contribute to gender inequality?	2
Ans.	Ans.	Hindu family laws, though reformed over time, still contain provisions that contribute to gender inequality. For instance, the Hindu Marriage Act sets a marriageable age of 18 for girls and 21 for boys, which is unequal. The Hindu Succession Act provides different inheritance rights for men and women, and the Hindu Minority and Guardianship Act prevents mothers from acting as natural guardians unless the father is absent or disqualified. These provisions reflect ongoing gender biases within the legal system.	2
		Or	
25.B	25.B	Why is the implementation of Uniform Civil Code (UCC) a challenge in India?	2
Ans.	Ans.	The implementation of a Uniform Civil Code (UCC) faces resistance due to religious and cultural diversity in India. Religious communities argue that a uniform code would interfere with their personal laws, which are seen as integral to their religious practices. The conflict arises from traditional legal systems that often perpetuate gender inequalities. Moreover, there are political sensitivities surrounding the adoption of a UCC, making it a contentious and complex issue in Indian society.	2

26.A	26.A	Give the qualifications required by a person to be appointed as a judge of the Supreme Court.	2
Ans.	Ans.	a) who are citizens of India, and has been judge of a High Court or of two or more courts in succession at least for five years; or (b) has been an advocate of a High Court or of two or more such courts in succession at least for ten years; or (c) is a distinguished jurist, in the opinion of the President.	2
		Or	
26.B	26.B	Who appoints District Judges in India, and what is the minimum eligibility criterion for a person not in government service to be appointed as a District Judge?	2
Ans.	Ans.	The Governor in consultation with the High Court; seven years of experience at the bar	1+1
27.	28.	Ravi filed a civil case against Shyam for breach of contract in a District Court. Ravi submitted a document detailing his version of the case to the court. Shyam, in response, filed his reply denying the allegations. During the proceedings, Ravi sought an urgent temporary relief to restrain Shyam from selling a disputed property. Shyam opposed this request. Later, Shyam lost the case and decided to challenge the decision in the High Court.  Answer the following questions:  1. What is the document submitted by Ravi detailing his version of the case? 2. What is Shyam's reply to Ravi's allegations called? 3. What term is used for the urgent temporary relief sought by Ravi during the proceedings? 4. What are Shyam and Ravi called when the case moves to the High Court on appeal?	2
Ans.	Ans.	1. The document submitted by Ravi is called the plaint. 2. Shyam's reply to Ravi's allegations is called the written statement. 3. The urgent temporary relief sought by Ravi is referred to as an interim application. 4. In the High Court appeal, Shyam is called the appellant, and Ravi is called the respondent.	0.5*4
28.	27.	Give the salient features of The Juvenile Justice (Care and Protection) Act, 2015.	2
Ans.	Ans.	The Juvenile Justice Act divided the crimes into three different categories i.e. petty offences, serious offences and heinous offences.	0.5*4

		<p>b. Juvenile Justice Boards are constituted in every district to deal with children in conflict with law. The board comprises of a metropolitan judge and judicial magistrate with two social workers.</p> <p>c. Excluding the offence of heinous crimes, for all other cases, the juvenile will get institutional care for a maximum of three years by the Juvenile Justice Board.</p> <p>d. If a minor between the age of 16-18 years is accused of committing a heinous crime(Whether a crime is heinous or not is determined by the Juvenile Justice Board on a case to case basis), then under the amended law, the minor can be tried as an adult.</p>	
		SECTION C	
29.A	29.A	Explain the key ideas of the Social Contract Theory as proposed by Thomas Hobbes and John Locke. How do their views on the state of nature and the role of government differ?	3
Ans.	Ans.	<p>The Social Contract Theory explains the origin of the state as an agreement among individuals to form a society and government to escape the chaos and insecurity of the "state of nature." In this theory, people voluntarily surrender certain freedoms in exchange for protection, order, and governance.</p> <p>Thomas Hobbes:</p> <ul style="list-style-type: none"> <li>• Described the "state of nature" as violent and anarchic ("solitary, poor, nasty, brutish, and short").</li> <li>• Proposed a social contract where individuals gave up all rights to an absolute sovereign for peace and security.</li> <li>• Advocated for a strong, undivided government (absolute monarchy).</li> </ul> <p>John Locke:</p> <ul style="list-style-type: none"> <li>• Viewed the "state of nature" as relatively peaceful but lacking impartial justice.</li> <li>• Believed the social contract was formed to protect natural rights—life, liberty, and property.</li> <li>• Advocated for a limited government accountable to the people.</li> <li>• Supported the right to overthrow the government if it failed to protect natural rights.</li> </ul> <p>Key Difference:</p> <ul style="list-style-type: none"> <li>• Hobbes: Absolute authority for peace and order.</li> <li>• Locke: Limited government for safeguarding natural rights.</li> </ul>	1+1+1
		Or	
29.B	29.B	Montesquieu's theory of the separation of powers envisaged equal and independent roles for the three branches of government. However, in the context	3

		<p>of the modern welfare state, the executive branch has grown in power. Based on the passage, answer the following:</p> <ol style="list-style-type: none"> <li>1. What are the factors that have contributed to the expansion of the executive organ in the modern welfare state?</li> <li>2. How has the growth of the executive affected the balance of power between the three branches of government?</li> </ol>	
Ans.	Ans.	<ol style="list-style-type: none"> <li>1. <ul style="list-style-type: none"> <li>• Increased demand for services: Government action and services such as health, education, food distribution, public transport, and electricity.</li> <li>• Expansion of government responsibilities: The welfare state requires more involvement from the government in various sectors.</li> <li>• Multifunctional role of the executive: The executive now legislates, exercises judicial jurisdiction, and plans future activities.</li> </ul> </li> <li>2. <ul style="list-style-type: none"> <li>• Executive dominance: The executive now plays a central role, legislating and exercising judicial powers.</li> <li>• Shifting of balance: The original balance of power, as envisaged by Montesquieu, has been disrupted.</li> <li>• Reduction of legislative and judicial powers: The legislative and judicial branches do not hold equal power in practice due to the expanding role of the executive.</li> </ul> </li> </ol>	2+1
30.	-----	<p>Rohit, a 17-year-old Indian citizen, wants to participate in the upcoming general elections and get himself registered as a voter. However, he is unsure whether he qualifies based on his age. He is also concerned about whether any laws prevent his inclusion in the electoral roll based on his mental health status, as he has been undergoing treatment for mild depression. In light of the provisions mentioned in the Constitution, can Rohit be registered as a voter for the upcoming elections?</p>	3
Ans.	-----	<ol style="list-style-type: none"> <li>1. Eligibility Based on Age: <ul style="list-style-type: none"> <li>○ According to Article 326 of the Constitution, every citizen who is not less than 18 years of age is eligible to vote in the general elections to the House of People and to the Legislative Assemblies of States.</li> <li>○ Since Rohit is 17 years old, he does not meet the minimum age requirement for voter registration and would not be eligible to vote until he turns 18.</li> </ul> </li> <li>2. Eligibility Based on Mental Health: <ul style="list-style-type: none"> <li>○ Article 326 specifies that a person can be disqualified from voter registration if they are declared to be of unsound mind.</li> <li>○ However, Rohit's condition of mild depression is not automatically classified as unsoundness of mind unless it has been legally declared as</li> </ul> </li> </ol>	3

		<p>such by a competent court. Therefore, unless his condition is officially deemed to impair his ability to make informed decisions, he would not be disqualified on the grounds of mental health.</p> <p>3. Conclusion:</p> <ul style="list-style-type: none"> <li>○ Rohit can only be registered as a voter once he turns 18, as per the age requirement outlined in Article 326.</li> <li>○ His mental health condition (mild depression) does not automatically disqualify him from voter registration unless officially declared as unsound mind by a court.</li> </ul> <p>Thus, Rohit should wait until he is 18 and ensure that his mental health status does not impact his voter eligibility according to the legal criteria.</p>	
-----	30.	<p>The state government of Uttar Pradesh passed a law on "Population Control and Family Planning," a subject mentioned in the Concurrent List. However, the central government argued that the law contradicted an existing central law on the same subject and sought to invalidate it. Simultaneously, a dispute arose between Maharashtra and the central government regarding control over a telecommunication service, which Maharashtra claimed was a state matter under "communication and infrastructure."</p> <p>In another instance, the central government enacted a law under its residuary powers on regulating digital currencies, a subject not mentioned in any of the three lists. Some state governments argued that it infringed on their legislative domain.</p> <ol style="list-style-type: none"> <li>1. In the context of the Uttar Pradesh law, explain the legislative power of the Parliament and the State legislature over matters in the Concurrent List. Which law would prevail in case of a conflict, and why?</li> <li>2. With reference to the Maharashtra case, why does the central government have authority over telecommunication services? Relate your answer to the Union List and the principles of federalism.</li> <li>3. Discuss the concept of residuary powers as mentioned in the Constitution. How does it apply to the central government's law on digital currencies?</li> <li>4. What are the exceptional circumstances under which the central government can legislate on matters mentioned in the State List? Provide examples relevant to the given context.</li> </ol>	3
-----	Ans.	<ol style="list-style-type: none"> <li>1. Legislative Power on Concurrent List: Both the Parliament and the State Legislature can legislate on subjects in the Concurrent List. However, under Article 254 of the Constitution, in case of a conflict between a central law and a state law, the central law prevails unless the state law has received presidential assent. In this case, the central law on "Population Control and Family Planning" will prevail unless Uttar Pradesh's law is assented to by the President.</li> <li>2. Authority Over Telecommunication Services: Telecommunication services fall under the Union List (Item 31), granting the central government exclusive legislative authority.</li> </ol>	3

		<p>Federalism in India provides for a strong Centre, ensuring that subjects of national importance, like communication, remain under its control to maintain uniformity and effective governance across states.</p> <p>3. Residuary Powers: Residuary powers under Article 248 and Entry 97 of the Union List empower the central government to legislate on matters not mentioned in the Union, State, or Concurrent Lists. Digital currencies, being a new and unlisted subject, fall under residuary powers, allowing the Centre to enact laws on the matter.</p> <p>4. Exceptional Circumstances for State List Legislation by Centre: The central government can legislate on State List matters in the following situations:</p> <ol style="list-style-type: none"> <li>1. During a National Emergency (Article 352).</li> <li>2. For national interest if the Rajya Sabha passes a resolution under Article 249.</li> <li>3. For implementing international agreements or treaties (Article 253).</li> </ol> <p>For example, in this case, the Centre might argue national interest if the digital currency law indirectly impacts the state economies.</p>	
31.A	31.A	Explain the three sources of the Indian Constitution.	3
Ans.	Ans.	<p>The Indian Constitution, adopted on January 26, 1950, draws from various sources, reflecting the diversity and richness of its foundation. The three primary sources of the Indian Constitution are:</p> <p><b>1. Government of India Act, 1935</b> The Government of India Act, 1935, served as the principal framework for the Indian Constitution. Many features were directly adopted or adapted from it, including:</p> <ul style="list-style-type: none"> <li>• Federal structure with a division of powers between the Union and States.</li> <li>• The Office of the Governor.</li> <li>• The judiciary system, including the Federal Court (now the Supreme Court).</li> <li>• Emergency provisions.</li> </ul> <p><b>2. Constitutions of other countries</b> The framers of the Constitution studied constitutions from around the world to incorporate best practices, ensuring India had a robust and comprehensive governance system:</p> <ul style="list-style-type: none"> <li>• <b>United Kingdom:</b> Parliamentary system, Rule of Law, single citizenship.</li> <li>• <b>United States:</b> Fundamental Rights, judicial review, impeachment process, and federal structure.</li> <li>• <b>Ireland:</b> Directive Principles of State Policy.</li> <li>• <b>Canada:</b> Federation with a strong center.</li> </ul>	1+1+1

		<ul style="list-style-type: none"> <li>• <b>Australia:</b> Concurrent List and freedom of inter-state trade and commerce.</li> <li>• <b>South Africa:</b> Procedure for amendment of the Constitution.</li> <li>• <b>Germany (Weimar Constitution):</b> Emergency provisions.</li> </ul> <p>3. The <b>Objectives Resolution</b>, moved by <b>Jawaharlal Nehru</b> on December 13, 1946, and adopted by the Constituent Assembly on January 22, 1947, served as a guiding principle for the framing of the Indian Constitution. It laid down the fundamental ideals and philosophy that the Constitution was to embody.</p> <p>The Objectives Resolution was a precursor to the <b>Preamble</b> of the Constitution, reflecting its essence and principles. It shaped the democratic, secular, and socialist character of India and guided the Constituent Assembly in drafting a document that would ensure justice, liberty, and equality for all.</p>	
		Or	
31.B	31.B	Explain the significance of the Objectives Resolution adopted in December 1946 and its key features.	3
Ans.	Ans.	<p>The Objectives Resolution was a crucial document adopted by the Constituent Assembly in 1946, which laid the philosophical foundation for the Constitution of India. Drafted by Jawaharlal Nehru, it expressed the aspirations and values that the Constitution aimed to embody. The key features of the Objectives Resolution are:</p> <ol style="list-style-type: none"> <li>1. <b>National Unity and Integrity:</b> It emphasized the importance of preserving the unity and integrity of the Indian Union, ensuring that the authority of the state was derived from the people of India.</li> <li>2. <b>Democracy:</b> It called for the establishment of democratic institutions and the promotion of justice, equality, and freedom for all citizens, regardless of caste, creed, or religion.</li> <li>3. <b>Social Revolution:</b> The Resolution aimed at promoting a social revolution, ensuring the upliftment of the marginalized and promoting social, economic, and political justice for the betterment of all citizens, including backward classes and minorities.</li> </ol> <p>The Objectives Resolution thus provided the philosophical and moral basis for the Constitution, influencing its provisions and ensuring that the Constitution reflects the values of justice, equality, and democracy.</p>	1+1+1
32.	33.	Mr. Rajesh, a businessman, entered into a contract with a supplier, M/s XYZ Industries, for the delivery of raw materials. The agreement stated that payment should be made within 30 days of receiving the goods. However, after receiving the goods, Mr. Rajesh failed to make the payment within the stipulated time. As	3

		<p>a result, M/s XYZ Industries decided to take legal action against Mr. Rajesh for breach of contract.</p> <p>Upon approaching the court, it was found that the legal proceedings would fall under civil law, as the issue was related to the breach of a contract. However, during the trial, it was also noted that Mr. Rajesh had committed an offense under the Negotiable Instruments Act, 1881, as he had issued a cheque to the supplier which was dishonored due to insufficient funds. This led to a criminal case being filed against him.</p> <p>Question:</p> <ol style="list-style-type: none"> <li>1. Classify the types of law involved in this case and explain each.</li> <li>2. Identify which law (civil or criminal) would be applied to resolve the issues in this case.</li> <li>3. How do the civil and criminal aspects of this case differ in terms of the legal processes involved?</li> </ol>	
Ans.	Ans.	<ol style="list-style-type: none"> <li>1. Classification of Law: <ul style="list-style-type: none"> <li>o Civil Law: The breach of contract between Mr. Rajesh and M/s XYZ Industries is governed by civil law. Civil law deals with disputes between individuals or entities, and here the remedy sought is compensation for the breach of contract.</li> <li>o Criminal Law: The dishonor of the cheque due to insufficient funds is governed by criminal law, specifically under the Negotiable Instruments Act, 1881. This is considered a criminal offense, and the remedy is prosecution.</li> </ul> </li> <li>2. Application of Law: <ul style="list-style-type: none"> <li>o For the breach of contract, civil law will apply, and Mr. Rajesh will be required to compensate M/s XYZ Industries.</li> <li>o For the dishonored cheque, criminal law under the Negotiable Instruments Act will apply, and Mr. Rajesh could face criminal penalties for issuing a dishonored cheque.</li> </ul> </li> <li>3. Differences in Legal Processes: <ul style="list-style-type: none"> <li>o Civil Process: In civil law, the focus is on compensation or rectifying the wrong done. The process typically involves the aggrieved party filing a lawsuit, and the case is heard in a civil court. The burden of proof is on the plaintiff (M/s XYZ Industries).</li> <li>o Criminal Process: In criminal law, the focus is on punishing the offender and upholding public justice. The case is heard in a criminal court, and the burden of proof lies with the prosecution. Mr. Rajesh could face penalties such as fines or imprisonment if convicted.</li> </ul> </li> </ol>	1+1+1
33.	32.	Rahul, a citizen of India, files a petition in the Supreme Court claiming that a recently passed law violates his fundamental rights guaranteed under the Indian Constitution. Meanwhile, a private company challenges the decision of a	3

		<p>government regulatory body that imposed a heavy penalty on it. Additionally, a local newspaper reports that a person was arrested for theft and has been charged under the Indian Penal Code, 1860.</p> <ol style="list-style-type: none"> <li>Under which branch of Public Law can Rahul challenge the recently passed law?</li> <li>Which branch of Public Law is applicable to the challenge made by the private company against the government regulatory body?</li> <li>What branch of Public Law is involved in the case of the person arrested for theft?</li> <li>Why is Criminal Law considered part of Public Law?</li> </ol>	
Ans.	Ans.	<ol style="list-style-type: none"> <li>Constitutional Law <ul style="list-style-type: none"> <li>Rahul's challenge relates to the violation of fundamental rights guaranteed under the Constitution, which falls under Constitutional Law.</li> </ul> </li> <li>Administrative Law <ul style="list-style-type: none"> <li>The challenge by the private company against the decision of a government regulatory body involves the powers and actions of administrative authorities, falling under Administrative Law.</li> </ul> </li> <li>Criminal Law <ul style="list-style-type: none"> <li>The theft and subsequent arrest are criminal matters, governed by Criminal Law.</li> </ul> </li> <li>Crime is seen as an act against society as a whole. <ul style="list-style-type: none"> <li>Criminal Law is part of Public Law because crimes are considered offences against society, not just individuals.</li> </ul> </li> </ol>	0.5+1 +1+.0 5
34.	35.	<p>In a landmark case, the Supreme Court of India held that a company must pay compensation to an employee who was dismissed without proper cause, citing the importance of upholding fair labor practices. In its judgment, the Court explained that all employees should be given a chance to be heard before dismissal. The judgment also included a broader observation on the importance of job security for workers, which was not directly related to the specific facts of the case.</p> <ol style="list-style-type: none"> <li>What part of the judgment in this case would be considered the 'ratio decidendi', and why?</li> <li>What part of the judgment in this case would be considered 'obiter dicta', and why?</li> <li>How would the 'ratio decidendi' of this case affect future decisions in similar cases?</li> <li>Would the 'obiter dicta' in this case have any binding authority on lower courts? Explain.</li> </ol>	3
Ans.	Ans.	<ol style="list-style-type: none"> <li>The ratio decidendi of this case would be the principle that a company must pay compensation to an employee who is dismissed without proper cause, and</li> </ol>	0.5+0. 5+1+1

		<p>that all employees should be given a chance to be heard before dismissal. This is the binding part of the judgment, as it directly addresses the legal issue in question and forms the basis for the decision. It establishes a general principle that can be applied in future cases with similar facts.</p> <p>2. The obiter dicta in this case would be the broader observation made by the Court on the importance of job security for workers, which was not directly related to the specific facts of the case. While this statement may reflect the Court’s general view on labor rights, it is not necessary for the decision and does not form the basis of the ruling. Therefore, it is considered obiter dicta.</p> <p>3. The ratio decidendi would affect future decisions by providing a binding legal principle that lower courts must follow in cases involving similar questions of law, such as employee dismissals without proper cause. It would establish that the company is legally obligated to provide compensation and ensure fair procedures before dismissing employees, influencing similar rulings in future cases.</p> <p>4. The obiter dicta in this case would not have binding authority on lower courts, as it is not a part of the legal reasoning that led to the decision. However, it may have persuasive value, meaning that lower courts might consider it as a guideline or for its general insight into the Court’s views, but they are not legally required to follow it.</p>	
35.	34.	<p>A person, A, has been repeatedly sending offensive and threatening messages to B through a social media platform and SMS. The content of these messages includes defamatory remarks aimed at harming B’s reputation, along with threats of physical harm. A has also shared private photographs of B without consent in online chat rooms and public groups, causing emotional distress to B. This has resulted in B experiencing mental trauma and a significant loss in personal and professional relationships.</p> <p>Considering the facts presented in the case, explain how the actions of A would be classified as cybercrime under Indian law. State the decided case.</p>	3
Ans.	Ans.	<p>Based on the text provided, the actions of A would clearly qualify as cybercrime under Indian law. Cybercrime, as recognized by the Gujarat High Court in the case of <i>Jaydeep Vrujlal Depani v. State of Gujarat</i>, refers to offences committed with a criminal motive to intentionally harm an individual or group’s reputation, or cause physical or mental harm, using modern telecommunication networks like the internet and mobile phones.</p> <p>In this case, A’s actions fit within this definition of cybercrime because:</p> <ol style="list-style-type: none"> <li>1. Intentional Harm to Reputation: A is sending defamatory and threatening messages to B through social media and SMS. The purpose of these messages is to harm B’s reputation, which falls directly under the concept of cybercrime as per the Gujarat High Court’s ruling.</li> </ol>	3

		<p>2. <b>Mental Harm or Loss:</b> The messages sent by A, along with sharing private photographs of B in chat rooms or public groups, result in emotional distress and mental harm to B. This directly aligns with the definition of cybercrime, which includes causing mental harm or loss to the victim.</p> <p>3. <b>Use of Modern Telecommunication Networks:</b> A is using modern communication tools—SMS, social media, and chat rooms—to carry out these actions. These platforms are specifically mentioned in the definition provided by the Gujarat High Court as part of the networks used to commit cybercrime.</p>	
36.	-----	<p>Ramesh, a resident of Delhi, was arrested without a warrant for an offence punishable with imprisonment of up to two years. Upon being produced before the magistrate, Ramesh’s lawyer argued that he had a right to bail as the offence was bailable. The magistrate granted bail upon furnishing a personal bond.</p> <p>In another incident, Suresh was arrested for an offence punishable with imprisonment of seven years. His lawyer filed a bail application, but the magistrate denied bail, citing the seriousness of the offence and the possibility of Suresh tampering with evidence.</p> <p>Later, Suresh approached the Sessions Court, which granted him bail after considering the arguments presented by his lawyer. However, the prosecution filed a petition for cancellation of bail, claiming that Suresh was influencing witnesses.</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Based on the case, explain the distinction between bailable and non-bailable offences. Provide examples from the scenario to support your answer.</li> <li>2. Why was Ramesh granted bail as a matter of right? Refer to the provisions of the CrPC discussed in the case study.</li> <li>3. What is the significance of classifying offences as bailable and non-bailable under the CrPC? Discuss its impact on the rights of the accused and the discretion of the judiciary.</li> </ol>	3
Ans.	-----	<ul style="list-style-type: none"> <li>• <b>Distinction between Bailable and Non-Bailable Offences:</b> <ul style="list-style-type: none"> <li>• <b>Bailable Offences:</b> Offences punishable with imprisonment of less than three years. Bail is a matter of right. In this case, Ramesh was arrested for an offence punishable with imprisonment of up to two years, making it a bailable offence.</li> <li>• <b>Non-Bailable Offences:</b> Serious offences punishable with imprisonment of three years or more. Bail is granted at the discretion of the court. Suresh’s offence, punishable with imprisonment of seven years, falls into this category.</li> </ul> </li> </ul>	1+1+1

		<ul style="list-style-type: none"> <li>• <b>Bail as a Right:</b> Under Section 436 of the CrPC, a person accused of a bailable offence has a right to be released on bail. Ramesh was granted bail as the offence he was charged with was bailable, and he provided a personal bond as required.</li> <li>• <b>Significance of Classification:</b> The classification ensures a balance between protecting individual liberty and maintaining public order. <ul style="list-style-type: none"> <li>• For bailable offences, the accused's right to liberty is prioritized, ensuring they are not unnecessarily detained.</li> <li>• For non-bailable offences, judicial discretion ensures that bail is granted only when it is safe and justifiable to do so, preventing misuse of the system while safeguarding public interest.</li> </ul> </li> </ul>	
-----	36.	Compare and explain the key principles laid down by the Supreme Court in the <i>In Re Kerala Education Bill Case (1958)</i> and the <i>Special Courts Bill Case (1979)</i> regarding its advisory jurisdiction under Article 143 of the Indian Constitution.	3
-----	Ans.	<p>Both the <i>In Re Kerala Education Bill Case (1958)</i> and the <i>Special Courts Bill Case (1979)</i> dealt with the advisory jurisdiction of the Supreme Court under Article 143, emphasizing its role and limitations.</p> <ol style="list-style-type: none"> <li>1. <b>Discretion in Providing Opinion:</b> <ul style="list-style-type: none"> <li>○ In the <i>Kerala Education Bill Case (1958)</i>, the Court emphasized its discretion to refuse expressing an opinion if the question is not suitable for its advisory jurisdiction.</li> <li>○ Similarly, in the <i>Special Courts Bill Case (1979)</i>, the Supreme Court demonstrated discretion by carefully evaluating the constitutional validity of the proposed Special Courts Bill before providing its advisory opinion.</li> </ul> </li> <li>2. <b>Scope of Referral by the President:</b> <ul style="list-style-type: none"> <li>○ In the <i>Kerala Education Bill Case</i>, it was clarified that it is the President's prerogative to decide what question(s) should be referred, and no party can compel the inclusion of additional issues.</li> <li>○ In the <i>Special Courts Bill Case</i>, the referral involved questions about whether establishing Special Courts violated the principles of equality under Article 14, highlighting the President's power to frame specific constitutional doubts.</li> </ul> </li> <li>3. <b>Non-Binding Nature of the Advisory Opinion:</b> <ul style="list-style-type: none"> <li>○ Both cases reaffirmed that opinions given under Article 143 are advisory in nature and do not have the binding force of "law" under Article 141.</li> <li>○ However, in the <i>Special Courts Bill Case</i>, the Court's opinion was significantly influential in shaping legislative actions, illustrating the practical weight such advisory opinions can carry.</li> </ul> </li> </ol>	1+1+1

<b>SECTION D</b>			
37.	38.	<p>Mr. Rajan, a 65-year-old retired businessman, wishes to draft his will. He has the following assets:</p> <ol style="list-style-type: none"> <li>a. A residential property in Mumbai.</li> <li>b. A fixed deposit account with ₹20 lakhs in a bank.</li> <li>c. Shares worth ₹15 lakhs in a private company.</li> <li>d. A family heirloom (a gold necklace) that he wants to pass on to his granddaughter.</li> </ol> <p>Mr. Rajan has two children, Ravi and Priya. His wife passed away a few years ago. He wishes to distribute his assets as follows:</p> <ol style="list-style-type: none"> <li>i. The residential property to Ravi.</li> <li>ii. The fixed deposit account to Priya.</li> <li>iii. The shares to be equally divided between Ravi and Priya.</li> <li>iv. The family heirloom to his granddaughter, Meera.</li> </ol> <p>Mr. Rajan also wants to appoint Ravi as the executor of his will.</p> <p>Draft a detailed plan for Mr. Rajan's will that addresses the following:</p> <ol style="list-style-type: none"> <li>1. How should Mr. Rajan structure the will to ensure it is legally valid and enforceable?</li> <li>2. What clauses should be included to clearly reflect his wishes regarding the distribution of his assets?</li> <li>3. How should he ensure there are no disputes among the beneficiaries after his death?</li> <li>4. What steps can Mr. Rajan take to update the will in the future if his circumstances change?</li> </ol>	5
Ans.	Ans.	Will will depend on students expression.	5
38.	-----	<p>In the village of Alipur, the local community follows a custom where the eldest son is given the family land after the death of the father. This practice is widely followed in the region, though it is not codified in law. Meanwhile, in a business agreement between two companies, one company fails to deliver goods on time, citing that the delay was acceptable according to the customary trade practices in their industry. The second company, which was not familiar with this practice, decides to file a legal complaint.</p> <ol style="list-style-type: none"> <li>1. What type of custom is followed in the village of Alipur regarding the inheritance of land, and why?</li> <li>2. What kind of custom applies to the business agreement between the two companies, and how does it affect their legal dispute?</li> <li>3. How does the concept of 'legal custom' differ from 'conventional custom'? Use examples from the case study to explain.</li> </ol>	5

		4. Is the custom in Alipur legally binding? Why or why not?	
Ans.	-----	<p>1. The custom followed in the village of Alipur regarding the inheritance of land is a Local Custom. It is a practice specific to a particular region or community, and while it is widely followed in that area, it is not codified in law. This custom is recognized by the local community, but it may not have the force of law unless specifically acknowledged by the State or courts.</p> <p>2. The custom that applies to the business agreement between the two companies is a Conventional Custom. These are customs that bind the parties involved in an agreement or contract. In this case, the two companies likely entered into the agreement with the understanding that established trade conventions would govern their transaction. However, since the second company was not familiar with this custom, it has led to a legal dispute. This custom may not be legally enforceable unless both parties explicitly agreed to it or it was specified in their contract.</p> <p>3. Legal Custom is a custom that is recognized and enforced by the courts and has the force of law. For example, a custom followed throughout the country, like the custom of payment of rent in accordance with specific legal standards, would be a legal custom. On the other hand, Conventional Custom is not necessarily recognized by the courts but is binding on the parties involved in a specific agreement or contract. In the case of the business agreement between the two companies, the custom that governs their trade practices would be a conventional custom, as it binds only the parties involved in the agreement and may not be universally applicable or legally enforceable unless specifically incorporated in the contract.</p> <p>4. The custom in Alipur is not legally binding unless it is recognized and enforced by the State or courts. Since it is a local custom followed within the community, it holds social importance but does not necessarily carry the force of law unless explicitly codified or acknowledged by the legal system. For the custom to become legally binding, it would need to be incorporated into law or recognized as a legal custom by the courts.</p>	1+1+2 +1
-----	37.	<p>In a village in Rajasthan, a long-standing custom exists where property is distributed equally among all male members of the family, while female members do not receive an equal share. This practice has been followed for over 200 years and is widely known in the community. Priya, a female member of the family, recently sought an equal share in the property, citing her rights under the Hindu Succession Act, 1956. The male members of the family argued that the custom, which they claim has been followed without interruption for generations, should override the statutory provisions.</p> <ol style="list-style-type: none"> <li>1. Discuss the role of antiquity in determining the validity of the custom in this case.</li> <li>2. How would the principle of continuity apply to the validity of the custom, considering the arguments presented by the family?</li> </ol>	5

		<p>3. In the context of the dispute, explain the importance of reasonableness for a custom to be considered valid.</p> <p>4. Given the conflict with the Hindu Succession Act, 1956, how does the status of custom with regard to legislation affect the validity of the custom in this case?</p> <p>5. Considering the different factors involved, assess whether the custom in this case should be regarded as valid. Justify your response based on the essentials of a valid custom.</p>	
-----	Ans.	<p>1. Antiquity: The custom has been in practice for over 200 years, which satisfies the requirement of antiquity. While there is no specific time limit set for India, customs that have existed since time immemorial are generally considered for legal recognition.</p> <p>2. Continuity: The custom is claimed to have been practiced without interruption for generations. If this claim is proven, it would meet the criterion of continuity, which requires customs to be followed consistently without disruption.</p> <p>3. Reasonableness: The custom of denying equal inheritance to women may be seen as unreasonable, as it perpetuates gender inequality and contradicts modern notions of justice and public utility. A valid custom must be reasonable, and if it leads to harm or injustice, it would likely fail this test.</p> <p>4. Status of Custom with Regard to Legislation: The Hindu Succession Act, 1956, grants equal inheritance rights to women, and this statutory provision would override any custom that contradicts it. The validity of the custom is undermined by this legal provision, as laws enacted by the legislature take precedence over conflicting customs.</p> <p>5. Assessment of the Custom: While the custom satisfies the tests of antiquity and continuity, it fails to meet the criteria of reasonableness and morality. Additionally, it contradicts a statutory provision that grants equal rights to women. Therefore, the custom should not be upheld as valid in light of modern legal standards and legislative supremacy.</p>	1+1+1 +1+1
39.A	40.A	<p>Rohan, a resident of Delhi, filed a suit in a civil court for the recovery of ₹5,00,000 from his friend Aman. The court accepted the case. However, during the proceedings, Aman objected, stating that the civil court does not have the jurisdiction to try the case as it exceeds the monetary limit of ₹3,00,000 prescribed for that court. Furthermore, Aman argued that the matter should be heard in the High Court since a similar case involving the same parties was already pending there.</p> <p>1. What type of jurisdiction is being challenged when Aman argues that the civil court cannot try the case due to its monetary limit? Explain with reference to the case.</p> <p>2. If the High Court decides to hear the case directly, what type of jurisdiction will it exercise? Provide reasons for your answer.</p>	5

		<ol style="list-style-type: none"> <li>3. Aman plans to appeal against the civil court's decision if it rules in favor of Rohan. What type of jurisdiction will the higher court exercise in such a scenario? Explain briefly.</li> <li>4. Suppose the dispute involved a family law issue instead of a monetary claim. Which jurisdiction would determine the appropriate court to hear the case? Justify your answer.</li> <li>5. Aman claims that the case should be heard in a court in Mumbai as he resides there. Which type of jurisdiction is being questioned in this scenario? Explain your reasoning.</li> </ol>	
Ans.	Ans.	<ol style="list-style-type: none"> <li>1. Pecuniary Jurisdiction: Aman is challenging the court's pecuniary jurisdiction because the monetary claim of ₹5,00,000 exceeds the limit of ₹3,00,000 prescribed for the civil court. Courts are categorized based on the financial value of claims they can handle, and this case does not fall within the limits of the civil court.</li> <li>2. Original Jurisdiction: If the High Court accepts the case for the first time, it will exercise its original jurisdiction. High Courts have the authority to hear certain cases directly, especially those involving higher monetary claims or specific legal provisions.</li> <li>3. Appellate Jurisdiction: If Aman appeals against the decision of the civil court in a higher court, the higher court will exercise appellate jurisdiction. This refers to the power of a court to review and decide on appeals from lower court decisions.</li> <li>4. Jurisdiction as to Subject Matter: In the case of a family law issue, jurisdiction would be determined by the subject matter. Courts are designated to handle specific types of cases, such as family law, criminal law, or property disputes, ensuring that the appropriate court hears cases related to its expertise.</li> <li>5. Territorial Jurisdiction: Aman is questioning the court's territorial jurisdiction, as he argues that the case should be heard in Mumbai where he resides. Territorial jurisdiction relates to the geographic area within which a court has the authority to adjudicate cases.</li> </ol>	1+1+1 +1+1
		OR	
39.B	40.B	<p>Aman is a shopkeeper in a busy market. One day, during a routine inventory check, he noticed several items missing from his store. Upon reviewing CCTV footage, he discovered that someone had broken into his shop late at night. Aman reported the incident to the local police station, and an investigation was initiated. The police recorded Aman's statement, inspected the crime scene, and collected fingerprints. Based on the evidence, they identified Rohan as the suspect. After Rohan's arrest, the police filed a charge sheet in court. The prosecution then presented its case, supported by witness testimony and forensic evidence.</p>	5

		<ol style="list-style-type: none"> <li>1. Describe the stages of investigation undertaken by the police in this case. Explain their importance in the criminal process.</li> <li>2. What is the significance of filing a charge sheet in the criminal justice system? How does it mark the transition from investigation to prosecution in this case?</li> <li>3. Identify and explain the role of the prosecution during the trial based on the given scenario.</li> <li>4. If Rohan claims that his fingerprints were mistakenly matched, how can he challenge this during the trial? What legal options are available to him?</li> </ol>	
Ans.	Ans.	<ol style="list-style-type: none"> <li>1. Stages of Investigation: <ul style="list-style-type: none"> <li>○ Filing of FIR: Aman reported the incident, and the police registered the First Information Report (FIR), formally initiating the investigation.</li> <li>○ Crime Scene Inspection: The police inspected the shop and collected evidence, such as fingerprints, which is crucial for identifying suspects.</li> <li>○ Statement Recording: Aman's statement provided context for the crime and helped the police focus their investigation.</li> <li>○ Suspect Identification and Arrest: Based on evidence, the police identified Rohan and arrested him.</li> </ul> <p>These steps ensure a systematic collection of evidence and adherence to legal protocols, forming the foundation of the criminal process.</p> </li> <li>2. Significance of Charge Sheet: <p>The charge sheet is a formal document submitted by the police to the court, detailing the evidence and charges against the accused. It marks the transition from investigation to prosecution, enabling the court to take cognizance of the offense and proceed with the trial. In this case, it ensures that the allegations against Rohan are presented in a structured manner for judicial scrutiny.</p> </li> <li>3. Role of Prosecution: <p>The prosecution represents the state and is responsible for proving the guilt of the accused beyond reasonable doubt. In this scenario, the prosecution presented witness testimony, forensic evidence, and the findings of the police investigation to establish Rohan's involvement in the crime.</p> </li> <li>4. Challenging Evidence: <p>Rohan can challenge the evidence by:</p> <ul style="list-style-type: none"> <li>○ Requesting a forensic re-examination of the fingerprints.</li> <li>○ Presenting an alibi or alternate evidence to prove his innocence.</li> </ul> </li> </ol>	1+1+2 +1

		<ul style="list-style-type: none"> <li>○ Cross-examining the prosecution's witnesses to highlight inconsistencies.</li> </ul> <p>The burden of proof lies on the prosecution, but Rohan's defense can introduce doubt to weaken their case.</p>	
40.A	39.A	Explain the concept of separation of powers in India. How does the Indian system differ from the strict separation of powers as practiced in the United States?	5
Ans.	Ans.	<p>The concept of separation of powers ensures that the three organs of the government—Legislature, Executive, and Judiciary—function independently to prevent the concentration of power and provide a system of checks and balances.</p> <p><b>Separation of Powers in India</b> In India, the Constitution divides the powers and responsibilities among the three organs:</p> <ol style="list-style-type: none"> <li>1. Legislature: Makes laws (e.g., Parliament and State Legislatures).</li> <li>2. Executive: Implements laws (e.g., President, Prime Minister, Council of Ministers).</li> <li>3. Judiciary: Interprets laws and ensures they comply with the Constitution (e.g., Supreme Court, High Courts).</li> </ol> <p>However, unlike a strict separation, India follows a flexible separation of powers due to the parliamentary system of governance, where functions of these organs often overlap.</p> <p><b>Overlap of Functions</b></p> <ol style="list-style-type: none"> <li>1. Legislature and Executive: <ul style="list-style-type: none"> <li>○ The Executive (Prime Minister and Council of Ministers) is part of the Legislature and accountable to it.</li> <li>○ The Executive can make laws through ordinances under Article 123 (President) and Article 213 (Governor).</li> </ul> </li> <li>2. Executive and Judiciary: <ul style="list-style-type: none"> <li>○ The Judiciary reviews executive actions to ensure they are constitutional (Judicial Review).</li> <li>○ The Executive appoints judges of higher courts, although the Judiciary has a significant role through the collegium system.</li> </ul> </li> <li>3. Legislature and Judiciary: <ul style="list-style-type: none"> <li>○ The Judiciary can strike down laws passed by the Legislature if they violate the Constitution (e.g., Doctrine of Basic Structure).</li> <li>○ The Legislature can impeach judges of the higher judiciary under specific procedures.</li> </ul> </li> </ol>	5

		<p>Comparison with the United States</p> <ul style="list-style-type: none"> <li>• India: <ul style="list-style-type: none"> <li>○ Flexible separation of powers; overlap ensures coordination.</li> <li>○ Judicial activism allows the Judiciary to step in when the Executive or Legislature fails in its duties.</li> <li>○ Parliamentary system integrates the Executive with the Legislature.</li> </ul> </li> <li>• United States: <ul style="list-style-type: none"> <li>○ Strict separation of powers, with clear boundaries between the three organs.</li> <li>○ The President (Executive) is entirely independent of Congress (Legislature).</li> <li>○ Judges are appointed by the President but confirmed by the Senate.</li> </ul> </li> </ul>	
		Or	
40.B	39.B	Describe the role of the Judiciary in India. How does it act as a guardian of the Constitution and a check on the powers of the Legislature and Executive?	5
Ans.	Ans.	<p>The Judiciary in India interprets the Constitution. The judiciary is entitled to scrutinize the legislations and administrative process and assess whether or not they conform to the Constitution.</p> <ul style="list-style-type: none"> <li>• The judiciary provides for remedies for enforcement of Fundamental Rights of citizens, guaranteed by the Constitution. A writ jurisdiction can be invoked to move the Supreme Court under Article 32 and High Court under Article 226 of the Constitution.</li> <li>• The judiciary plays the role of legislature while laying its own procedures for the dispensation of justice. It supervises, administers and controls the subordinate judiciary and thus performs an administrative function.</li> <li>• Article 368 of the Constitution provides for constituent powers of the Parliament, and lays down the procedure for amendment of the Constitution.</li> </ul> <p>In the exercise of its power of judicial review, the Supreme Court of India in <i>Keshavananda Bharati case (AIR1973 SC1 461)</i> popularly known as <i>Fundamental Right's Case</i>, held that the Parliament in exercise of its amending power under Article 368 could not alter the Basic Structure of the Constitution.</p> <p>Thus the basic structure limits the amending power of the Parliament. The Judges while deciding this case could not form a unanimous opinion on the provisions of the Constitution which constitutes its Basic Structure.</p>	5