

Mid Term Examination 2023-24
Legal Studies (Code 074)
Class XII
Set A
Marking Scheme

Q/A no.	Expected Answers	Marks
SECTION A		
1.	<p>Identify the correct arrangement of the following in the ascending order of their hierarchy in civil jurisdiction;</p> <p>A. Principal Junior Civil Judge Court B. Senior Civil Judge Courts C. Munsiff Courts D. Junior Civil Judge Court</p> <p>a. D-A-B-C b. A-B-C-D c. B-C-D-A d. C-D-A-B</p> <p>Answer: d. C-D-A-B</p>	1
2.	<p>A sells his garden as well as his house through one instrument to B. Whereas, B wants to retain only the house and wants to cancel the transfer regarding the garden. Is it possible in law?</p> <p>a. Yes, as it is A's property, he can decide how he wants to transfer it b. Yes, B can do it as he is the buyer and A has to adjust to his requirements c. No, as B cannot accept one property and reject other in the same document d. No, as there is it will be difficult for A to decide the price of the house alone.</p> <p>Answer: c. No, as B cannot accept one property and reject other in the same document</p>	1
3.	<p>Which of the following is NOT a criterion for setting aside the arbitral award?</p> <p>a. Arbitrator is biased b. Improper appointment of arbitrator c. Arbitrator has jurisdiction d. Award against public policy</p> <p>Answer: c. Arbitrator has jurisdiction</p>	1
4.	<p>Ricasso was a painter who never sold even one of his paintings in his life. But after he died, his work became known as a new style of painting and was very sought after. Can Ricasso's son and only heir claim copyright benefits of his father's work?</p> <p>a. Yes because he has inherited the rights of ownership from the original creator, his father</p>	1

	<p>b. No, the rights belonged to Ricasso and ceased to exist after his death</p> <p>c. Only the rightful legal representative of Ricasso can claim the rights</p> <p>d. No, the rights devolve upon the state upon the death of the original artist</p> <p>Answer: a. Yes because he has inherited the rights of ownership from the original creator, his father</p>	
5.	<p>X enters into an agreement with Y to share the profits by giving false assurance to public to get them a job in Singapore. The agreement is:</p> <p>a. Not enforceable as the agreement involves the fraudulent act of cheating.</p> <p>b. Enforceable as agreement to share profit is separate from the act of false assurance.</p> <p>c. Enforceable as the parties are competent to contract.</p> <p>d. Not enforceable as the agreement to share profit is separate from the act of false Assurance</p> <p>Answer: a - Not enforceable as the agreement involves the fraudulent act of cheating</p>	1
6.	<p>Assertion (A) : The Attorney General is the first legal officer of the country.</p> <p>Reasoning (R): The first Attorney General of India was M. C. Setalvad.</p> <p>a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)</p> <p>b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)</p> <p>c. Assertion (A) is true but Reason (R) is false</p> <p>d. Assertion (A) is false but Reason (R) is true</p> <p>Answer: b. Both, A and R, are true but R is not the correct explanation of A</p>	1
7.	<p>Choose one reason you would use to convince a private limited company trying to expand its business to convert to a public limited company.</p> <p>a. It is easier for the company to raise capital through the sale of shares to the public.</p> <p>b. It becomes more well known</p> <p>c. It gets regulated by the Government</p> <p>d. It becomes part of the Public Limited Companies Association of India</p> <p>Answer: a. It is easier for the company to raise capital through the sale of shares to the public</p>	1
8.	<p>Under the recommendations of which committee was the Central Vigilance Commission set up?</p> <p>a. Venkatachaliah Committee</p> <p>b. Santhanam Committee</p> <p>c. Chandra Shekhar Committee</p> <p>d. Hanumant Rao Committee</p>	1

	Answer: b. Santhanam committee	
9.	<p>Raju wants to murder Ratna. He buys 20 tablets of a sleeping pill and keeps it in his drawer. He plans on administering it to Ratna the next day. Has Raju committed an offence ?</p> <p>a. Yes, the intention of killing someone is terrible and is punishable. b. Yes, buying 20 tablets of sleeping pills constitutes an attempt to kill. c. No, intention and preparation alone do not give rise to any criminal liability. d. No, Ratna is evil and deserves to be killed.</p> <p>Answer: c. No, intention and preparation alone do not give rise to any criminal liability.</p>	1
10.	<p>Imagine a sports team sets up a company to sell its own range of clothes. What type of intellectual property can the team use to show that the clothes are made by them?</p> <p>a. Copyright b. Trademark c. Patents d. Registered designs</p> <p>Answer: b. Trademark</p>	1
11.	<p>Agreement on Trade-Related Aspects of Intellectual Property Rights is (TRIPS) is an international agreement that _____ for all World Trade Organization countries.</p> <p>a. sets Maximum Standards for protection of intellectual property b. Sets minimum standards for intellectual property protection c. sets Basic standards d. sets Basic Limitations</p> <p>Answer. b. Sets minimum standards for intellectual property protection</p>	1
12.	<p>Principal Functions of the The Central Pollution Control Board have been spelt out in which of the following legislations;</p> <p>1.Environment Protection Act, 1986 2. Air (prevention and control of Pollution) Act, 1981 3. Water (prevention and control of Pollution) Act, 1974 4. The Noise Pollution (Regulation and Control) Rules, 2000</p> <p>a. 1&2 only b. 2&3 only c. 1,2&3 only d. 2,3&4 only</p> <p>Answer: b. 2&3 only</p>	1
13.	<p>Why is defamation a tort?</p> <p>a. Individuals have the right to be free from bodily harm.</p>	1

	<p>b. Individuals have the right to conduct business without interference. c. Individuals have the right to own property. d. Individuals have the right to enjoy a good reputation.</p> <p>Answer: d. Individuals have the right to enjoy a good reputation.</p>	
14.	<p>The 'seniority principle' in the appointment of the Chief Justice of India aims at; a. respecting the vast experience of judges b. implementing the provisions of collegium method c. safeguarding the judiciary's independence from any sort of political interference. d. keeping the position of the judiciary superior than the legislature and executive</p> <p>Answer: c. safeguarding the judiciary's independence from any sort of political interference.</p>	1
15.	<p>The Constitution (114th Amendment) Bill was introduced in 2010 to increase the retirement age of High Court judges to 65, but it could not be implemented because a. it lapsed with the dissolution of the 15th Lok Sabha b. the Parliament did not approve of the increase c. before the bill could be signed, President Pratibha Devi Singh Patil retired d. the retirement age of the Judges of the Supreme Court had to be increased first, only then this amendment could be implemented.</p> <p>Answer: a. it lapsed with the dissolution of the 15th Lok Sabha</p>	1
16.	<p>Which among the following Tribunals was established by 42nd Amendment Act, 1976? i. National Green Tribunal ii. Central Administrative Tribunal iii. State Administrative Tribunal iv. Telecom Dispute Settlement Appellate Tribunal</p> <p>a. i and ii b. ii and iii c. iii and iv d. i and iv</p> <p>Answer: b. ii and iii</p>	1
17.	<p>When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract :</p> <p>a. Voidable at the option of the party whose consent was so caused. b. Illegal c. Depends upon the circumstances of the case. d. Void</p> <p>Answer: a. Voidable at the option of the party whose consent was so caused.</p>	1

18.	<p>What is a sound mind for the purposes of contracting?</p> <p>a. A person is said to be of sound mind for the purposes of making a contract, if, at the time when he makes it, he is capable of understanding it and of forming a rational judgement as to its effect upon his interest.</p> <p>b. A person is said to be of sound mind for the purposes of making a contract, if, at the time when he makes it, he is capable of understanding it.</p> <p>c. A person is said to be of sound mind for the purposes of making a contract, if, he is capable of understanding it and of forming a rational judgement as to its effect upon his interest.</p> <p>d. A person is said to be of sound mind for the purposes of making a contract, if, at any time when he makes it, he is capable of understanding it and of forming a rational judgement as to its effect upon his interest.</p> <p>Answer: a. A person is said to be of sound mind for the purposes of making a contract, if, at the time when he makes it, he is capable of understanding it and of forming a rational judgement as to its effect upon his interest.</p>	1
19.	<p>A unlawfully locks B in a room, B can open the door from inside the room also as he has a duplicate key in his possession. B however, forgets that he has a key and as a result remains locked in for two hours after which A comes back and opens the room, A is:</p> <p>a. Not liable because B has a duplicate key in possession and can come out whenever he so wishes</p> <p>b. Liable as he may not know that B has a duplicate key in his possession</p> <p>c. Liable as his act is unlawful</p> <p>d. Not liable as B has suffered because of his own forgetfulness</p> <p>Answer: c. Liable as his act is unlawful</p>	1
20.	<p>Which of the following is not a public limited company in India</p> <p>a. Indian Oil Corporation Ltd.</p> <p>b. Mother Dairy fruits and vegetables pvt. Ltd.</p> <p>c. Bharat Petroleum Corporation Ltd.</p> <p>d. State Bank of India</p> <p>Answer: b. Mother Dairy fruits and vegetables pvt. Ltd.</p>	1
SECTION B		
21.	<p>Mr. Smith is a judge. During the court proceedings he decides the way evidence must be presented before the court and evaluates them. Identify the justice delivery mechanism to which Mr. Smith belongs. State two advantages of this system.</p>	2
Ans.	Inquisitorial System.	1+

	<p>The main advantages of an inquisitorial system include</p> <p>a. The system offers procedural efficiency as the active role of judges prevents delays and prolonged trials.</p> <p>b. The system preserves equality between the parties as even the stronger party with more resources and expert lawyers may not be able to influence the judges.</p>	0.5+ 0.5						
22.	Differentiate between the legal systems of India and Germany.	2						
Ans.	<table><tr><th>India</th><th>Germany</th></tr><tr><td>Common Law Jurisdiction</td><td>Civil law Jurisdiction</td></tr><tr><td>Adversarial system of justice dispensation</td><td>Inquisitorial system of justice dispensation</td></tr></table>	India	Germany	Common Law Jurisdiction	Civil law Jurisdiction	Adversarial system of justice dispensation	Inquisitorial system of justice dispensation	1+1
India	Germany							
Common Law Jurisdiction	Civil law Jurisdiction							
Adversarial system of justice dispensation	Inquisitorial system of justice dispensation							
23.	Veer has a big farm house. He has tied up with Narula Tent House for hosting grand marriage and other functions. They give the rights to use the property to interested parties to hold their functions and parties. Identify the type of transfer. State any two features of such transfer.	2						
Ans.	Type- Lease Features- (Any two) 1. Rent is earned as return 2. The possession of the property transfers for a specific period 3. The ownership of the property doesnot transfer	1+ 0.5+ 0.5						
24.	A client has come to you alleging that his competing confectioner has stolen his jalebi recipe. As a legal advisor , advise whether the secret recipe of the jalebi can be classified as a trade secret?	2						
Ans.	Trade secrets can include a wide range of confidential information that is important for the success and survival of a business. This information can be in the form of strategies, designs, client databases, formulas, programs, or any other confidential information that must be kept secret to maintain the competitive advantage of the business. Since the recipe is information exclusive to your client, it can be classified as trade secret	2						
25.	State the two situations in which ‘amicus curiae’ can be appointed?	2						
Ans.	1. If a petition is received from the jail or in any other criminal matter if the accused is unrepresented then an Advocate is appointed as amicus curiae by the Court to defend and argue the case of the accused. In civil matters also the Court can appoint an Advocate as amicus curiae if it thinks it necessary in case of an unrepresented party; 2. the Court can also appoint amicus curiae in any matter of general public importance or in which the interest of the public at large is involved.	1+1						
26.	<p>Rachna and Lokesh opted for an alternative dispute resolution mechanism and attempted to resolve their matrimonial dispute through mediation. However, it ended in an impasse. They both desire to carry on with mediation coupled with arbitration.</p> <p>(a) Identify the kinds of cases where this hybrid is appropriate for use.</p> <p>(b) State any two demerits of this type of mediation.</p>	2						

Ans.	(a) This process is more appropriate in civil matters where rules of evidence or jurisdiction are not in dispute. (b) Two demerits: i. ethical problems as mediator can become biased when he acts as an arbitrator; and ii. process problems for mediators. The parties' awareness that the mediator might later act in the role of judge could distort the process.	1+0.5 + 0.5
27.	Analyse the two situations given below and assess the criminal liability of the individuals : (a) Ramawati in sheer destitution and impoverishment attempted to kill herself after failing in all ways to arrange for food for her starving children. (b) A boy is sinking in a swimming pool of a resort. A man who is beside the pool does not make any attempt to save this boy. Would Ramawati and the man beside the swimming pool be criminally liable?	2
Ans.	a. Yes, she is criminally liable. In <i>Re Sreerangayee</i> case, the woman in sheer destitution and impoverishment attempted to kill herself after failing in all the ways to arrange for food for her starving children, but since she knowingly (<i>mens rea</i>) did a prohibitive act of attempting suicide (<i>actus reus</i>), she was held guilty by the court. /Motive is irrelevant in assessing criminal liability. b. No, he is not criminally liable. (A man is sinking in the swimming pool of a resort. A boy who is beside the pool does not make any attempt to save this man. This is a moral omission of not saving someone's life. The boy cannot be held criminally liable for such an omission. / It is not a legal omission/ It is not <i>actus reus</i>)	1+1
28.	A, an alleged offender of rape, while in police remand felt pain in his chest. He was admitted in a hospital, where a police constable was kept on the gate to keep a watch on him. A, confessed his guilt before another patient X, who was also in the same room. The statement was overheard by police man also. Prosecution wants to make this statement of A as "confession". Evaluate the possibility.	2
Ans.	No, it can be admission not confession.	1+1
SECTION C		
29.	Mr A is ambassador from Gosgoland enters into an agreement with Mr B in Delhi for supply of 500 meters of silk cloth. The consignment is to be delivered by the first week of December. Mr B fails to deliver the consignment. Mr A initiates proceedings in Delhi for Breach of Contract against Mr B. Decide if Mr A will succeed. Elaborate the reasons for the decision.	3
Ans.	In the Given situation Mr A will not succeed in bringing a suit for breach of Contract against Mr B. One of the essentials of a valid contract as mentioned under section 10 ICA is that the	1+

	parties must be competent to contract. The foreign sovereigns are incompetent to contract for being disqualified by law, as per the provisions of ICA. Therefore, any agreement between Mr A and Mr B cannot be a contract because of being entered into by a person disqualified by law.	2
30.	With respect to India, answer the following questions: a. Identify the Anti-corruption Ombudsman in India and in the Indian States. b. State the composition and function of the Anti-corruption Ombudsman in India. c. Identify the Banking and Insurance Ombudsman in India and state its role.	3
Ans.	a.Lokpal (caretaker of people) is an anti- corruption ombudsman in India. The Lokayukta (appointed by the people) is a similar anti-corruption ombudsman organization in the Indian states. b.the Lokpal shall consist of a chairperson who has been a Chief Justice of India or is or has been a Judge of the Supreme Court or is an eminent judicial member of impeccable integrity and outstanding ability having special knowledge and expertise of not less than 25 years in matters relating to anti-corruption policy, public administration, vigilance or finance. Further, the total members of Lokpal shall not exceed 8, out of whom 50 % shall be Judicial Members. The legislation aims to combat acts of bribery and corruption of public-servants c.. The Government of India has designated several ombudsmen (sometimes called Chief Vigilance Officer (CVO)) for the redress of grievances and complaints from individuals in the banking, insurance and other sectors being serviced by both private and public bodies and corporations.	1+ 1+ 1
31.	Aman was convicted under section 302 of IPC for having committed murder of his wife Ritu. The judgment of the trial court is based on the dying declarations made by Ritu to the police officer and Metropolitan Magistrate who visited the hospital later on. Can the accused Aman be convicted solely on the basis of the dying declaration given by his wife Ritu? Explain with the help of relevant case.	3
Ans.	Dying Declaration is a legal concept that refers to the statement which is made by a dying person explaining the circumstances of his death. It is a statement by a person who is conscious and knows that death is imminent concerning what he believes to be the cause or circumstances of his death. It is also considered credible and trustworthy evidence based upon the general belief that most people who know that they are about to die “do not lie”. Hence Aman can be convicted solely on the basis of the dying declaration given by his wife Ritu. The propositions laid down by the Supreme Court in K.R. Reddy v. The Public Prosecutor SC 1976 AIR 1994 are as follows: 1.The Court must be satisfied that the deceased was in a fit state of mind to make the statement after the deceased had a clear opportunity to observe and identify his assailants and that he was making the statement without any influence. 2. Once the Court is satisfied that the dying declaration is true and voluntary it can be sufficient to found the conviction even without any further corroboration	3

32.	<p>Bhanwari Devi sought to prevent the marriage of a one-year-old girl in rural Rajasthan as part of a government campaign against child marriage. First, locals retaliated by threatening Bhanwari Devi and her family. after they also imposed a socioeconomic boycott on them. Afterwards, on September 22, 1992, five men raped Bhanwari Devi. When Bhanwari Devi tried to pursue justice, she faced numerous obstacles. Naina Kapur, a lawyer who had attended Bhanwari Devi's criminal trial, became frustrated by the criminal justice system's inability to offer concrete remedies or restore the victim's dignity. In 1992, five NGOs approached the court again with the name of Vishaka against the State of Rajasthan, its Women and Child Welfare Department, the Department of Social Welfare, and the Union of India.</p> <p>Identify the mechanism that allowed the five NGOs to collectively approach the court on behalf of Bhanwari devi. State any two characteristics of this mechanism.</p>	3
Ans.	<p>PIL.</p> <p>i) PILs can be termed as non-adversarial litigation that pits the interest of one party over the other. Rather than focusing on traditional litigation of adversary character, PILs are recognised as tools for social change.</p> <p>ii) PILs are based on the tenets of citizen standing and representative standing which expands the rights of third-parties to approach the Court.</p> <p>iii) PIL from its inception is modelled on remedial nature which aims at creating a dynamic, welfare-oriented model of judiciary. PIL thus incorporates the Directive Principles whose claims cannot be brought directly to the Courts, into the domain of fundamental rights under Part III of the Constitution, which can be invoked before the Courts as a matter of rights by the citizens of India. Therefore, PILs are creating new rights and laws within the realm of the state. These laws are also democratizing citizen's access to justice, thereby strengthening the democracy in India.</p> <p>iv) PIL further strengthens the role of judiciary as a monitor and watch-dog agency. Fear of being dragged to the Court via PIL has improved the quality of several social institutions in the country such as jails, protective homes, mental asylums etc</p> <p>(Any two)</p>	1+2
33.	<p>Why was Article 13(2) of the Indian Constitution called 'heart of the constitution' by Dr. B.R.Ambedkar?</p>	3
Ans.	<p>Article 13(2) of the Constitution of India provides that: "The State shall not make any law which takes away or abridges the rights conferred by this Part (Part III - Fundamental Rights) and any law made in contravention of this clause shall, to the extent of the contravention, be void."</p> <p>B. R. Ambedkar, has termed this provision as the 'heart of the Constitution'. This Article provides explicitly the powers of judicial review to the courts in the matters of fundamental rights.</p> <p>Furthermore, Article 32 offers the Supreme Court the power to enforce fundamental rights, and provides one the right to move the Supreme Court for the enforcement of those rights.</p>	3

	In this regard discuss the essential characteristics of partnership firms. Why it is important to have a written agreement among the partners.	
Ans.	<p>1. No separate entity A partnership firm has no separate legal existence of its own i.e., the partnership firm and the partners are one and the same in the eyes of law.</p> <p>2. Formation a) There are two types of partnership firms – registered and unregistered. It is not compulsory to register a partnership firm. b) Registration by the Registrar of Firms under the Indian Partnership Act, 1932.</p> <p>3. No. of partners Minimum – 2 Maximum – 50</p> <p>4. Liability a) Unlimited liability b) Partners are jointly and severally liable for the liabilities of the firm</p> <p>5. Profit Partners share profits in a mutually agreed ratio.</p> <p>6. Control & decision making Partners enjoy shared responsibility amongst each other. This may sometimes raise conflicts in decision making.</p> <p>7. Dissolution Partnership firm can be dissolved by way of compulsory dissolution or by way of agreement.</p> <p>8. Funds Capital is contributed by the partners. This makes it possible to use larger amounts of funds.</p> <p>b) In order to enter into partnership, a clear agreement with respect to the terms, conditions and all aspects concerning the partners is essential so that there is no misunderstanding later among the partners. This written agreement is called a Partnership Deed.</p>	
SECTION D		
37.	<p>Answer the following:</p> <p>a. Explain the two major initiatives undertaken under the international scenario for protection of environment.</p> <p>b. State any three functions of Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act 1973.</p>	5
Ans.	<p>(a).</p> <p>1. Rio Declaration- The United Nations Conference on Environment and Development (UNCED), also known as the ‘Earth Summit’ was held in Rio de Janeiro, Brazil in 1992. The objective of Rio ‘Earth Summit’ was to formulate a blueprint for global action on environment and development issues. It recognised that integrating and balancing the economic, social and environmental concerns in meeting our needs is vital for sustaining</p>	1+1

	<p>human life on the planet Earth. This triggered action on part of governments from across the globe on how to ensure sustainability with development.</p> <p>The Earth Summit resulted in some major actions by countries from across the globe in the form of conventions and resolutions.</p> <p>2. Agenda 21 was one of the most daring programs calling for action strategies focussed on new methods of education, new ways of preserving natural resources and new ways of participating in a sustainable economy. Agenda 21 focuses on Community Participation as one of the major prerequisites for sustainable development. Attaining sustainability therefore requires addressing the fundamental issues and challenges pertaining to development at local, regional and global levels simultaneously by all segments of society. Thus the key objective of sustainable development being, to improve human well-being and to sustain these improvements over a period of time, remains the focus of Agenda - 21.</p> <p>(b)</p> <ul style="list-style-type: none"> ● Advise the Central Government on any matter concerning prevention and control of water and air pollution and improvement of the quality of air. ● Plan and cause to be executed a nation-wide program for the prevention, control or abatement of water and air pollution; ● Coordinate the activities of the State Board and resolve disputes among them; ● Provide technical assistance and guidance to the State Boards, carry out and sponsor investigation and research relating to problems of water and air pollution, and for their prevention, control or abatement; ● Plan and organise training of persons engaged in programme on the prevention, control or abatement of water and air pollution; ● Organise through mass media, a comprehensive mass awareness programme on the prevention, control or abatement of water and air pollution; ● Collect, compile and publish technical and statistical data relating to water and air pollution and the measures devised for their effective prevention, control or abatement; ● Prepare manuals, codes and guidelines relating to treatment and disposal of sewage and trade effluents as well as for stack gas cleaning devices, stacks and ducts; ● Disseminate information in respect of matters relating to water and air pollution and their prevention and control; ● Lay down, modify or annul, in consultation with the State Governments concerned, the standards for stream or well, and lay down standards for the quality of air; and ● Perform such other functions as may be prescribed by the Government of India. <p>(any three functions)</p>	1*3
38.	<p>“A common misconception is that motive and intention are the same concepts when it comes to crime.” Consider the statement given above and explain the concept of ‘Intent’ and ‘Motive’ in terms of criminal law with the help of relevant case laws.</p>	5
Ans.	<p>The meaning of doing an act intentionally in criminal law means something that is done wilfully and not accidentally or mistakenly. The person doing the act is well aware of the consequences or the outcomes of his action or omission. That is all that is required for affixing criminal liability. It does not matter, as we say in ordinary language, whether an act was done with good intent or bad intent. If the act which is prohibited (actus reus) is done wilfully, knowingly or with awareness of the resulting consequences then the same</p>	5

	<p>will cause liability in criminal law.</p> <p>Motive, on the other hand, is the ulterior objective behind doing an act. It is the driving force behind intention or commission of an act. The criminal law does not take into account motive in affixing criminal liability or in determining criminal culpability. This is the reason why the criminal law does not care whether one has stolen a loaf of bread to feed a starving person or stolen medicine to save someone's life, as long as it is a prohibited act, done knowingly.</p> <p>In <i>Re Sreerangayee</i> case (1973) 1 MLJ 231, the woman in sheer destitution and impoverishment attempted to kill herself after failing in all the ways to arrange for food for her starving children, but since she knowingly (<i>mens rea</i>) did a prohibitive act of attempting suicide (<i>actus reus</i>), she was held guilty by the court.</p> <p>In <i>Nathuni Yadav and Ors vs State of Bihar and another</i> 1997 SC the Court held that "Motive for doing a criminal act is generally a difficult area for prosecution. One cannot normally see into the mind of another. Motive is the emotion which impels a man to do a particular act. Such impelling causes need not necessarily be proportionally grave to do grave crimes. Many a murder have been committed without any known or prominent motive". The Court further stated that Motive is a psychological phenomenon. Merely because failing to translate the mental state of the accused does not mean that no such mental condition existed in the mind of the assailant. The motive for an offence need not be necessarily proportionately grave to commit the grave offence. Therefore, establishing a sufficient motive for committing the offence is not a prerequisite for conviction</p>	
39.	Evaluate the adversarial system of justice dispensation.	5
Ans.	<p>In an adversarial system, the parties in a legal proceeding develop their own theory of the case and gather evidence to support their claims.</p> <p>The parties are assisted by their lawyers who take a pro-active role in delivering justice to the litigants.</p> <p>The lawyers gather evidence and even participate in cross-examination and scrutiny of evidence presented by the other disputing party.</p> <p>The role of the judge/decision maker is rather passive as the judge decides the claims based solely on the evidences and arguments presented by the parties and their lawyers.</p> <p>The main advantages of an adversarial system include:</p> <ol style="list-style-type: none"> The use of cross-examination can be an effective way to test the credibility of witnesses presented. The parties may be more willing to accept the results when they are given effective control over the process. <p>The disadvantages of an adversarial system are the following:</p> <ol style="list-style-type: none"> The cost of the justice system falls upon the parties. This creates an in- built discrimination amongst the litigants. Parties with better resources are able to access justice by hiring competent lawyers and presenting sophisticated evidences which may not be immediately available for parties that lack these resources. 	

	<p>ii. Accessibility and affordability to justice are important challenges for the adversarial system of dispute resolution.</p> <p>iii. The role of lawyers and the procedural formalities, e.g. cross examination may prolong the trial and lead to delays in several matters.</p>	
40.	What is tort? Explain four main characteristic features of tort law.	5
Ans.	<p>Definition of Tort Law</p> <p>Tort is defined as a civil wrong or a wrongful act, of one, either intentional or accidental, that results in the injury or harm to another who in turn has recourse to civil remedies for damages or a court order or injunction.</p> <p>Characterstic features of Tort Law.</p> <ol style="list-style-type: none"> 1.The tort suit being civil suit is pursued in a civil court . 2. The victim or victim's representatives or survivors prosecute the wrong-doer . 3,It is usually for compensation in the form of money payment and also at times for other liability or injunction. Generally, tort cases result in compensating the victim and Occasionally, courts may also grant punitive damages, which are costs or damages in excess of the compensation. 4.Tort can be intentional or accidental . 5. It develops from case laws / judicial precedents. 6. It is a common law subject developed not from a statute or an act passed by the legislature . <p>(Any four Points)</p>	1+4