

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

General Instructions: -

- 1. The question paper contains 4 sections - A, B, C and D*
 - 1.1. Section A - Multiple choice questions*
 - 1.2. Section B - 2 marks*
 - 1.3. Section C - 3 marks*
 - 1.4. Section D - 5 marks*
- 2. All the questions are compulsory*
- 3. Write the question number clearly before attempting*

SECTION A

1. Identify the correct arrangement of the following in the ascending order of their hierarchy in civil jurisdiction; 1
 - A. Principal Junior Civil Judge Court
 - B. Senior Civil Judge Courts
 - C. Munsiff Courts
 - D. Junior Civil Judge Court
 - a. D-A-B-C
 - b. A-B-C-D
 - c. B-C-D-A
 - d. C-D-A-B
2. 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? 1
 - 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.
3. Which of the following is NOT a criterion for setting aside the arbitral award? 1
 - a. Arbitrator is biased
 - b. Improper appointment of arbitrator

- c. Arbitrator has jurisdiction
- d. Award against public policy

4. 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? 1
 - a. Yes because he has inherited the rights of ownership from the original creator, his father
 - b. No, the rights belonged to Ricasso and ceased to exist after his death
 - c. Only the rightful legal representative of Ricasso can claim the rights
 - d. No, the rights devolve upon the state upon the death of the original artist

5. 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: 1
 - a. Not enforceable as the agreement involves the fraudulent act of cheating.
 - b. Enforceable as agreement to share profit is separate from the act of false assurance.
 - c. Enforceable as the parties are competent to contract.
 - d. Not enforceable as the agreement to share profit is separate from the act of false Assurance

6. Assertion (A) : The Attorney General is the first legal officer of the country. 1
Reasoning (R): The first Attorney General of India was M. C. Setalvad.
 - a. Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)
 - b. Both Assertion (A) and Reason (R) are true and Reason (R) is not the correct explanation of Assertion (A)
 - c. Assertion (A) is true but Reason (R) is false
 - d. Assertion (A) is false but Reason (R) is true

7. Choose one reason you would use to convince a private limited company trying to expand its business to convert to a public limited company. 1
 - a. It is easier for the company to raise capital through the sale of shares to the public.
 - b. It becomes more well known
 - c. It gets regulated by the Government
 - d. It becomes part of the Public Limited Companies Association of India

8. Under the recommendations of which committee was the Central Vigilance Commission set up? 1
 - a. Venkatachaliah Committee
 - b. Santhanam Committee
 - c. Chandra Shekhar Committee
 - d. Hanumant Rao Committee

9. 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 ? 1
- Yes, the intention of killing someone is terrible and is punishable.
 - Yes, buying 20 tablets of sleeping pills constitutes an attempt to kill.
 - No, intention and preparation alone do not give rise to any criminal liability.
 - No, Ratna is evil and deserves to be killed.
10. 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? 1
- Copyright
 - Trademark
 - Patents
 - Registered designs
11. Agreement on Trade-Related Aspects of Intellectual Property Rights is (TRIPS) is an international agreement that _____ for all World Trade Organization countries. 1
- sets Maximum Standards for protection of intellectual property
 - Sets minimum standards for intellectual property protection
 - sets Basic standards
 - sets Basic Limitations
12. Principal Functions of the The Central Pollution Control Board have been spelt out in which of the following legislations; 1
- Environment Protection Act, 1986
 - Air (prevention and control of Pollution) Act, 1981
 - Water (prevention and control of Pollution) Act, 1974
 - The Noise Pollution (Regulation and Control) Rules, 2000
- 1&2 only
 - 2&3 only
 - 1,2&3 only
 - 2,3&4 only
13. Why is defamation a tort? 1
- Individuals have the right to be free from bodily harm.
 - Individuals have the right to conduct business without interference.
 - Individuals have the right to own property.
 - Individuals have the right to enjoy a good reputation.
14. The 'seniority principle' in the appointment of the Chief Justice of India aims at; 1
- respecting the vast experience of judges
 - 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
15. 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 1
- it lapsed with the dissolution of the 15th Lok Sabha
 - the Parliament did not approve of the increase
 - before the bill could be signed, President Pratibha Devi Singh Patil retired
 - the retirement age of the Judges of the Supreme Court had to be increased first , only then this amendment could be implemented.
16. Which among the following Tribunals was established by 42nd Amendment Act, 1976? 1
- National Green Tribunal
 - Central Administrative Tribunal
 - State Administrative Tribunal
 - Telecom Dispute Settlement Appellate Tribunal
- i and ii
 - ii and iii
 - iii and iv
 - i and iv
17. When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract : 1
- Voidable at the option of the party whose consent was so cause.
 - Illegal
 - Depends upon the circumstances of the case.
 - Void
18. What is a sound mind for the purposes of contracting? 1
- 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.
 - 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.
 - 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.
 - 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.

19. 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: 1
- a. Not liable because B has a duplicate key in possession and can come out whenever he so wishes
 - b. Liable as he may not know that B has a duplicate key in his possession
 - c. Liable as his act is unlawful
 - d. Not liable as B has suffered because of his own forgetfulness
20. Which of the following is **not** a public limited company in India 1
- a. Indian Oil Corporation Ltd.
 - b. Mother Dairy fruits and vegetables pvt. Ltd.
 - c. Bharat Petroleum Corporation Ltd.
 - d. State Bank of India

SECTION B

21. Mr. Smith is a judge. During the court proceedings he decides the way evidence must be presented before the court and evaluates them. 2
- Identify the justice delivery mechanism to which Mr. Smith belongs. State two advantages of this system.
22. Differentiate between the legal systems of India and Germany. 2
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. 2
- Identify the type of transfer. State any two features of such transfer.
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
25. State the two situations in which ‘amicus curiae’ can be appointed? 2
26. 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. 2

- (a) Identify the kinds of cases where this hybrid is appropriate for use.
- (b) State any two demerits of this type of mediation.

27. Analyse the two situations given below and assess the criminal liability of the individuals : 2

(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 besides the pool does not make any attempt to save this boy.

Would Ramawati and the man beside the swimming pool be criminally liable?

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

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. 3

Decide if Mr A will succeed. Elaborate the reasons for the decision.

30. With respect to India, answer the following questions: 3

- 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.

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. 3

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.

32. 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. 3

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.

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.

33. Why was Article 13(2) of the Indian Constitution called 'heart of the constitution' by Dr. B.R.Ambedkar? 3

34. Raju, Manoj and Anil are brothers who are joint owners of a plot of land. In course of time, there was a tussle over the ownership and partition of the said plot. They decide to take the matter to the Lok Adalat for expeditious resolution. Identify three benefits of a Lok Adalat in the given situation. 3

35. "The success of ADR techniques is attributed to the role played by the instrumentalities in the process of dispute resolution." Justify explaining the role of an arbitrator, mediator and conciliator. 3

36. Ajay and Nilam decide to contribute Rs. 10000 and Rs.20000 respectively in order to start a partnership firm selling saris. Since they are good friends they forgo registering the partnership and have only a verbal agreement to share profit and losses. In the first year itself due to Covid the firm suffered a loss of Rs. 30000. Now Ajay insists that the losses should be borne in the same ratio as the initial contribution i.e. he should bear Rs 10000 of loss and Nilam should bear Rs.20000 of loss. Whereas Nilam wants them to bear the losses equally. 3

In this regard discuss the essential characteristics of partnership firms. Why it is important to have a written agreement among the partners.

SECTION D

37. a. Explain the two major initiatives undertaken under the international scenario for protection of environment. 5
b. State any three functions of Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act 1973.

38. “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. 5
39. Evaluate the adversarial system of justice dispensation. 5
40. What is tort? Explain four main characteristic features of tort law. 5