No. of printed pages: 14

Class XII
Legal Studies (074)
Post Mid Term Exam 2024-25
Set A
Marking Scheme

S.no.	Suggested Answers	Marks
	SECTION A	
1.	If through a newspaper article, it comes to the notice of the National Commission for Protection of Child Rights (NCPCR) that grave deprivation and violations of child rights have taken place at a particular orphanage, then does the NCPCR have any power to take any action? Answer: A) It can take suo moto notice of the matter.	1
2.	Smith, a law graduate in the UK, seeks a "pupillage." Which category of legal professionals does Smith belong to? Answer: A) Barrister	1
3.	Anil Gopal Swamy has been appointed to a legal office in India under Article 76 of the Constitution. He enjoys all the privileges and immunities available to a Member of Parliament. Identify the position held by Anil Gopal Swamy. Answer: C) Attorney General	1
4.	Match the legal professionals with their capacity to practice in courts a. Answer: C) i. C, ii. D, iii. B, iv. A	1
5.	Assertion (A): State must respect all the legal rights that are owed to a person and conform to the norms of fairness, liberty, etc. Reason (R): Independence of judiciary is vital for the respect of due-process of law Answer: A) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)	1
6.	Assertion (A): 'Ambulance Chasing' is not representative of professional practice in India.	1

	Reason (R): 'Ambulance Chasers' are a class of lawyers who solicit business by lurking around hospitals or by ads in newspapers and Yellow Pages with toll-free numbers and "free" consultations. Answer: A) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)	
7.	Which of the following is true regarding the "capacity to contract"? Answer: B) A person who is intoxicated or of unsound mind cannot legally enter into a valid contract	1
8.	Which of the following scenarios best illustrates the value of copyright protection for a business? Answer: A) A publishing company wants to prevent others from copying and selling their books without permission.	1
9.	Ravi, a car manufacturer, sold a batch of cars to a dealership. One of the cars, a luxury model, was found to have a defect in its braking system. Which of the following elements must be proven by the injured party (buyer) in order to successfully sue Ravi? Answer: C) That Ravi owed a duty of care, breached that duty, and caused harm	1
10.	Justice Mehta was appointed as a judge of the Bombay High Court in 2018. In 2021, he was assigned to serve as the President of the State Human Rights Commission for a period of two years. In 2024, Justice Mehta expresses interest in being considered for appointment to the Supreme Court. Is he eligible? Answer: C) No, because the requirement of holding the office continuously for five years has not been met.	1
11.	Which ADR method is most suitable for resolving these business partnership disagreements? Answer: B) Mediation, to facilitate a collaborative discussion with the help of a neutral third party	1
12.	Assertion (A): The doctrine of basic structure limits the amending power of Parliament under Article 368 of the Constitution of India, thereby ensuring that certain fundamental principles remain inviolable. Reason (R): The judiciary has recognized specific features—such as the supremacy of the Constitution, separation of powers, and federalism—as essential to the basic	1

	structure, restricting Parliament's ability to alter these elements even with a constitutional amendment. Answer: A) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)	
13.	Statement 1: The Central Pollution Control Board (CPCB) mandates regular monitoring of air and water quality to ensure environmental sustainability and public health. Statement 2: Imposing stricter standards on industrial effluents and emissions is one of the CPCB's key methods to combat environmental pollution. Answer: A) Both Statement 1 and Statement 2 are true	1
14.	Rohit had a debt of ₹50,000 that he owed to Suresh. Due to financial difficulties, Rohit was unable to pay the full amount and requested Suresh to accept ₹30,000 as a final settlement. Suresh agreed and accepted the reduced amount. In this scenario, Suresh's act of accepting ₹30,000 as a final settlement of the debt owed by Rohit is an example of: Answer: C) Remission	1
15.	Rohan, a professional shot put player, throws his iron ball at Ravi, intending to injure him. However, Ravi ducks and escapes getting hurt. Identify the tort in the above situation. Answer: B) Assault	1
16.	Assertion (A): Legal services in India are primarily available through private legal practitioners and are often inaccessible to economically disadvantaged individuals. Reason (R): The Legal Services Authorities Act of 1987 was introduced to bridge this gap by providing free legal aid to the underprivileged, and it empowers various legal authorities to offer assistance in civil, criminal, and family matters. Answer: A) Both Assertion (A) and Reason (R) are true and Reason (R) is the correct explanation of Assertion (A)	1
17.	Raju has been left an amount of Rs one lakh by a distant relative. With this amount Raju wants to start a business of small electronic items in his village. He has no knowledge of legal processes and no legal advisors. In this scenario what is the best form of business that he should start? Answer: A) Sole proprietorship	1

18.	In the context of arbitration under the Arbitration and Conciliation Act, 1996, an arbitration award is: Answer: C) Final and binding on the parties, and can be enforced like a court decree, unless set aside by a court.	1
19.	The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, primarily aims to: Answer: C) Set out common standards of human rights and freedoms for all people, regardless of nationality.	1
20.	A group of students from a minority community in a school in India argues that the medium of instruction used by the school is disadvantaging them, as it is not their mother tongue. They claim that their right to conserve their culture and language is being violated, as they are unable to preserve their linguistic heritage through the medium of education. Which of the following statements best explains the legal position in this scenario? Answer: B) Minorities have the right to conserve their distinct language, script, and culture, but this does not extend to choosing the medium of instruction in educational institutions.	1
	SECTION B	
21.	In the state of Maharashtra, a prominent government officer, Mr. Ravi Joshi, was accused of corruption and misuse of power by a social activist. The allegations included taking bribes for awarding government contracts. Despite the evidence, the state government failed to take any action, and Mr. Joshi continued to hold his position. The social activist approached the Maharashtra Lokayukta seeking an inquiry into the matter. The Lokayukta, after reviewing the complaint, directed an investigation into Mr. Joshi's actions. However, the state government refused to cooperate, claiming that the Lokayukta did not have the jurisdiction to investigate the issue involving a senior officer under its direct control. Does the Lokayukta have the jurisdiction to investigate allegations against Mr. Ravi Joshi? Explain stating the provisions under the **Lokpal and Lokayuktas Act, 2013.**	2
Ans.	Yes, the Maharashtra Lokayukta has the jurisdiction to investigate allegations against Mr. Ravi Joshi, assuming the accused is a public servant in the state government. Under the Lokpal and Lokayuktas Act, 2013, the Lokayukta (or the institution in each state) is empowered to investigate complaints related to corruption and misconduct by public servants, including government officials, bureaucrats, and politicians.	1+1
22.	Mr. Swami is a qualified Lawyer practising since 1990 in High Court of Delhi and in the Supreme Court of India. He is having special knowledge and expertise in the field of Civil and Criminal Laws. While appearing in a courtroom he usually dresses in black and white, wear a white band around his neck and a black gown having flaps on the shoulders.	2

	On 18 November 2024, Mr. Mehta directly approached and appointed Mr. Swami as his advocate, to file an appeal in the Delhi High Court against the decision of District Court. Mr. Swami accepted Rs. 1 lakh in cash as his consultation charges. On 19 November, 2024 i.e. on the very next day, without wasting any time Mr. Swami started drafting pleadings as 29 November, 2024 was the last day to file the appeal. a) Mr. Swami comes under which category of legal practitioner as recognized by the Advocates Act, 1961? b) Give reason to your answer whether the conduct of Mr. Swami is justified as per the provisions of the Advocates Act, 1961?	
Ans.	a) Senior Advocate. b) No as Senior Advocate, is an advocate who has been officially designated as such by either the Supreme Court or the High Court. A Senior Advocate cannot file a vakalathnama, appear in the Court without another advocate or advocate-on-record, cannot directly accept an engagement to appear in a case or draft pleadings. A Senior Advocate argues cases in court upon instructions from another advocate. Senior Advocates wear gowns that have flaps on the shoulders.	1+1
23.	In the state of Punjab, a local law firm filed a petition before the Supreme Court of India, challenging a newly enacted state law that they claimed was in violation of the Constitution. The law in question imposed heavy restrictions on the practice of law by foreign lawyers and law firms in the state, which the petitioners argued infringed on their rights under Articles 19 (1)(g) and 14 of the Constitution. The law firm contended that the state legislature did not have the authority to regulate the practice of law at this level, as it was a matter of national concern. The Punjab government, on the other hand, argued that the matter fell under the state's jurisdiction, as the law primarily concerned the regulation of professionals practicing within the state and did not extend beyond its boundaries. Does the Supreme Court have jurisdiction to hear the case in this situation? Explain the grounds on which the case may fall under the Supreme Court's jurisdiction.	2
Ans.	Yes, the **Supreme Court of India** has jurisdiction to hear the case, as the matter involves the interpretation of the **Constitution of India** and questions of **fundamental rights** guaranteed under the Constitution, specifically Articles 19(1)(g) (right to practice any profession) and 14 (right to equality). The **Supreme Court** can exercise jurisdiction in the following ways: **i.Article 32 (Writ Jurisdiction)**: Under **Article 32 of the Constitution**, the Supreme Court has the power to issue writs for the enforcement of fundamental rights. The law firm has challenged the state law on the grounds that it violates their fundamental rights. Therefore, they can approach the Supreme Court directly, as it is the highest authority to address constitutional violations related to fundamental rights. **ii.Article 136 (Special Leave Petition)**: The Supreme Court can also entertain appeals under **Article 136** against decisions made by lower courts, including High Courts, if they involve constitutional questions or issues of national importance.	2

24.	Article 19 of the Indian Constitution prescribes and protects various freedoms to all its citizens. Are these Freedoms absolute? On what grounds can the Freedoms of the citizens be restricted?	2
Ans.	No, these are not absolute. Article 19 also provides 'reasonable restrictions' on these freedoms, which means that these rights are conditional. The State can 'reasonably' limit or take away the right to 'freedom of speech and expression' when there is a threat to the sovereignty and integrity of India, or the security of the State, or friendly relations with foreign States, or public order, or decency or morality.	1+1
25.	Amit entered into a contract with Deepak to purchase a vintage car for ₹10,00,000. The contract specified that the car would be delivered within 30 days after the agreement was signed. Deepak, however, failed to deliver the car even after 40 days had passed. Amit, in response, decided to cancel the contract and demanded a refund of the advance payment of ₹2,00,000 that he had made. Deepak did not respond to Amit's demand and claimed that he had been facing supply issues with the car's parts and could not fulfill the order. 1. Has Deepak committed a breach of contract? Explain giving reason. 2. What legal remedies are available to Amit in this situation?	2
Ans.	1. Breach of Contract by Deepak: Yes, Deepak has committed a breach of contract. A breach of contract occurs when one party fails to perform their obligations as per the terms of the agreement. In this case, Deepak had a clear obligation to deliver the vintage car within 30 days as per the contract. However, he failed to do so even after 40 days, which amounts to a material breach of the contract, as the delivery was an essential part of the agreement. The fact that Deepak claims to have faced supply issues does not absolve him of responsibility unless such issues were unforeseen and fall under a force majeure clause (if included in the contract). Since Deepak did not deliver the car within the agreed timeline, it constitutes a failure to perform his contractual duty. 2. Legal Remedies Available to Amit: Amit has several legal remedies available due to Deepak's breach of contract: Cancellation of the Contract: Amit is within his rights to cancel the contract, as the delivery of the car was not completed as promised. Under Indian contract law, if there is a material breach (such as failure to deliver the subject matter of the contract), the aggrieved party can rescind or cancel the contract. Claim for Damages: Amit can claim damages for any financial losses incurred due to the breach. Since he paid ₹2,00,000 in advance, Amit can demand this amount back, along with any other consequential damages if applicable, such as the cost of finding another car. Specific Performance: While it is less common, Amit could also ask the court to order specific performance of the contract, which would require Deepak to deliver the vintage car as agreed, assuming it is not a unique item that cannot be easily substituted.	1+1

	(Any two)	
26.	Differentiate between Criminal defamation and civil defamation.	2
Ans.	Criminal Defamation: The act of offending or defaming a person by committing a crime or offence. For criminal defamation, the liable person can be prosecuted. It is studied in IPC as a criminal act. Civil Defamation: Civil defamation involves no criminal offence, but the claimant can sue the wrongdoer for compensation. It is studied under law of torts as a civil wrong.	1+1
27.	"In 2009, Section 377 of the Indian Penal Code, 1860 was declared invalid and unconstitutional by the Delhi High Court to protect rights to privacy, non-discrimination, and liberty of lesbian, gay, bisexual and trans gender people. But in 2013, the Supreme Court reversed the High Court's decision." Apoorva and Kiran were convicted under Section 377 in the year 2011. Stating the relevant Constitutional provision, explain if the conviction can be upheld in law.	2
Ans.	Article 20 provides that no person can be convicted for the commission or omission of an act that does not amount to an offense by any law in force at the time of such act. As in the year 2009, section 377 was declared unconstitutional by the Delhi High Court, the conviction of Apoorva and Kiran cannot be upheld in law.	1+1
28.	Rajeev Kumar was on trial for the murder of his wife, Neelam. Neelam was an avid gardener and often used a particular type of pesticide that contained harmful chemicals. One evening, Neelam became ill, and Rajeev, in an attempt to help her, mistakenly gave her a dose of pesticide instead of medicine. Neelam accidentally consumed the pesticide and died. Terrified, Rajeev, along with his close friend Vikas, disposed of her body by dumping it in a remote forest area. While in police custody, Rajeev confided in a fellow prisoner about the tragic incident and admitted that the death was unintentional. i. Will the statement made by Rajeev to the fellow prisoner be considered a confession or an admission? Explain your reasoning. ii. How would the nature of this statement impact the case during the trial?	2
Ans.	i. The statement made by Rajeev to the fellow prisoner would be considered an admission rather than a confession. Here's why: Confession: A confession is a statement by the accused admitting to the commission of the offense, including all essential elements of the crime (intent, act, and circumstances). A confession typically refers to the entire crime being admitted. Admission: An admission, on the other hand, is a statement that acknowledges certain facts relevant to the case but does not necessarily amount to an acknowledgment of guilt. It is any statement that may help in proving or disproving a matter in issue, but it does not directly admit the commission of the crime.	1+1

	In this case, Rajeev admitted that Neelam's death was an accident and that he disposed of the body with the help of Vikas. However, his statement does not explicitly admit that he intentionally murdered Neelam or that it was a premeditated act. Thus, his statement is more of an admission (acknowledging certain facts about the incident) than a full confession (admitting to committing the murder). ii. Impact of the Statement on the Trial Since Rajeev's statement is an admission, it would not automatically be considered as conclusive evidence of guilt. The admission can be used to corroborate other evidence or to show that Rajeev was involved in actions that concealed the truth. However, since it does not amount to a full confession, it would not alone prove the crime beyond a reasonable doubt. If Rajeev had confessed to intentionally killing Neelam, it would have had a much stronger impact on the case. As it stands, the admission may influence the trial by supporting the fact that the body was disposed of after her death, but it would not directly establish guilt for murder without additional evidence.	
	SECTION C	
29.	In a small village, a large factory owned by ABC Ltd. produces hazardous chemicals. The factory has a large storage tank containing dangerous chemicals used in the manufacturing process. One night, due to a symbiotic reaction within the stored chemical, the storage tank ruptures, and a chemical spill occurs, contaminating the nearby river. As a result, several villagers suffer from severe health issues due to the toxic chemicals in the water. The spill also destroys agricultural land, causing loss of crops and damage to the ecosystem. The villagers decide to file a lawsuit against ABC Ltd. for the damages caused by the chemical spill, even though the company had taken all possible precautions and complied with safety regulations. i. Discuss , giving reason, whether ABC Ltd. can be held liable under strict liability? ii. State the essential elements to be proved to make the company liable for the loss. iii. What defense is available with ABC Ltd.?	3
Ans.	i. Not strict, but absolute liability ii. Enterprise (commercial objective) ; Hazardous or inherently dangerous activity ; Escape is not necessary iii. No defense is available under Absolute liability.	1+1+1
30.	"These bodies were established by the Legal Services Authorities (Amendment) Act, 2002, for settling disputes concerning public utility services at pre litigation stage" a. Identify the institution being talked about in the above lines. b. Enlist any four services covered under Public Utility Services?	3
Ans.	a. Permanent lok adalats b. "Public utility service" means any 1) Transport service for the carriage of passengers of goods by air, road or water; or 2) Postal, telegraph or telephone service; or 3) Supply of power, light or water to the public by any establishment; or 4) System of public conservancy or sanitations; or 5) Service in hospital or dispensary; or	1+2

	6) Insurance service.	
31.	Is international law considered weak? Provide reasons to support your answer.	3
Ans.	i. United Nations (UN) General Assembly has an outward appearance of a legislature but it has no power to issue binding laws. ii. The resolutions passed by UN General Assembly serve merely as recommendations except in certain cases, such as to determine the UN budget, while admitting new members of the UN, and electing new judges to the International Court of Justice (ICJ) along with the Security Council. iii. The international court system does not have absolute jurisdiction in international law. In contentious cases, the ICJ's jurisdiction requires the consent of the particular states that are involved. iv. there is no international police force or system of law enforcement, and there is no supreme executive authority. (any three)	1+1+1
32.	Machal Lalung was 23 when he was arrested. A resident of Chuburi village of Morigaon district of Assam, Machal was charged of causing grievous injuries. He was found mentally too unstable to stand trial and was sent as under trial to Lok Priya Gopinath Bordoloi Mental Hospital in Tejpur for treatment. Machal was treated successfully and doctors wrote twice to jail authorities in 1967 and 1996 that he was fit to stand trial. But no one paid any attention. Machal Lalung remained in "judicial custody." Machal Lalung was released in July 2005 with the efforts of a quasi judicial body came to the rescue . He spent 54 years under custody during which his case never came up for hearing. a. Identify the rights of Machal Lalung, if any, that have been violated? b. Which quasi judicial body helped in the release of Machal? c. What other remedy was available to Machal Lalung?	3
Ans.	a. Article- 22, 21 b. NHRC c. Writ of habeas corpus	1+1+1
33.	a. Which agreement and treaty obligate India to liberalize its legal profession? b. Explain the differing views taken by various High Courts regarding the liberalization of the legal profession in India.	3
Ans.	India signed the WTO Treaty leading to economic liberalization, it is also expected to liberalize the legal services sector under the GATS (General Agreement on Trade and Services). In 2011, in a judgment delivered by the Bombay High Court on a public interest litigation (PIL) was filed by Lawyer's Collective, the High Court held that foreign law firms could not be permitted to set up liaison offices in India. The Madras High Court, in response to a PIL filed by A.K. Balaji, permitted foreign lawyers to practice in India on a "fly in and fly out" basis.	1.5+1.5
34.	In an adversarial dispute resolution model, the knowledge and experience of a judge is not fully utilized. Justify the above statement.	3

Ans.	In an adversarial system, the knowledge and experience of a judge is not fully utilized because: 1. In an adversarial system, the parties in a legal proceeding develop their own theory of the case and gather evidence to support their claims. 2. The parties are assisted by their lawyers who take a pro-active role in delivering justice to the litigants. 3. The lawyers gather evidence and even participate in cross-examination and scrutiny of evidence presented by the other disputing party. 4. 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. 5. Judges play less active role; a judge is not duty bound to ascertain the truth but only to evaluate the matter based on the evidences presented before him/her.	0.5*6=3
35.	In a small town near a river, multiple plastic factories have been releasing untreated waste into the river, causing significant environmental pollution and health issues among the local residents. A social worker files a petition in the High Court, arguing that the residents are unable to approach the court due to lack of resources and requesting that the court take action to stop the pollution and provide relief to the affected communities. a. Identify and explain the type of legal action taken by the social worker. b. How does this legal action help protect the environment and public health, even when affected individuals may not directly approach the court?	3
Ans.	i.Type of Legal Action Taken by the Social Worker The legal action taken by the social worker is an example of Public Interest Litigation (PIL). PIL allows individuals or organizations to file a petition in the court on behalf of a group of people whose rights are being violated but who are unable to approach the court on their own. In this case, the social worker is filing the petition on behalf of the local residents who are suffering from environmental pollution and health hazards but lack the resources to seek legal remedy themselves. PIL is used to address matters of public concern, especially in cases where the affected group is vulnerable or marginalized. ii. How PIL Helps Protect Environment and Public Health PIL relaxed the locus standi, enabling the social worker to move the court. PIL plays a crucial role in protecting the environment and public health because it enables the judiciary to intervene in cases where there is widespread harm to the public or the environment. In this case, by filing a PIL, the social worker brings the issue of untreated waste from plastic factories to the attention of the court, seeking appropriate action to stop the pollution. Even though the affected individuals may not have the means to approach the court, the PIL empowers the court to ensure that justice is delivered, prevent further environmental damage, and protect the health of the community. The court can direct the authorities to take remedial measures, such as stopping the illegal discharge of waste, enforcing environmental laws, and providing compensation or relief to the victims. Thus, PIL acts as an important tool for safeguarding public interests, especially in situations where individuals cannot pursue legal action on their own.	2+1

36.	Xena Corporation has developed a unique formula for a cleaning solution that is highly effective and formula is shared with only a few trusted chemists in the production team within the company. The formula is not patented, as Xena Corporation fears that filing a patent might lead to disclosure. However, one of their employees, Y, leaves the company and takes the formula to a competitor, Zeox Corporation, which then uses the formula to develop and market a similar product. A few months later, Xena Corporation realizes what has happened and files a lawsuit against both Y and Zeox Corporation, claiming that their intellectual property has been misappropriated. At the same time, Zeox Corporation decides to file a patent for the formula, claiming it as their own invention. a. Can X Corporation seek legal protection for the misappropriation of its intellectual property? Justify your answer based on the nature of intellectual property misappropriated. b. Analyze whether Z Corporation is eligible to file a patent for the formula. Explain why or why not, considering the principles for granting patent.	3
Ans.	i. Xena Corporation's Protection under Trade Secret Laws Xena Corporation can seek legal protection for the misappropriation of its trade secret. Trade secrets are protected as confidential business information, provided that reasonable measures are taken to keep the information secret, and it holds commercial value due to its secrecy. In this case, since Xena Corporation kept the formula confidential within the company, it qualifies as a trade secret. The act of Y taking the formula to Zeox Corporation without authorization constitutes trade secret misappropriation. Xena Corporation can file a lawsuit against Y for breaching confidentiality and against Zeox Corporation for knowingly using the misappropriated trade secret to gain a competitive advantage. Courts generally grant remedies such as damages or injunctions to prevent further use of the trade secret. ii. Eligibility of Zeox Corporation to File a Patent Zeox Corporation is not eligible to file a patent for the formula as their own invention. Under patent law, an invention must be new, useful, and non-obvious. Since the formula was originally developed by Xena Corporation, Zeox Corporation cannot claim novelty or originality, as they did not invent the formula themselves but rather acquired it through misappropriation. Furthermore, patent law discourages granting patents for inventions obtained improperly or without rightful ownership. Therefore, Zeox Corporation's patent application could be legally challenged by Xena Corporation, leading to its rejection or revocation if granted.	1.5*2
	SECTION D	
37.	Alex, a seasoned software developer, has been successfully running his software development business as a sole proprietorship for the past three years. As his client base expands and he takes on larger projects, he begins to consider the advantages of transitioning his business into a One Person Company (OPC). a. What specific benefits can Alex gain by converting his sole proprietorship into an OPC?	5 (3+2)

	b. How does the OPC structure alter his personal liability, and what safeguards does it provide for his personal assets?	
Ans.	**1. Advantages of Transitioning to an OPC:** • Transitioning to an OPC can enhance Alex's business credibility. It provides a distinct legal identity, separate from his personal identity, which can be appealing to clients, partners, and stakeholders. • The OPC structure allows Alex to enjoy limited liability, protecting his personal assets from business debts and obligations. • As an OPC, Alex may find it easier to attract and engage clients who prefer working with registered entities, contributing to the professional image of his software development business. **2. Impact on Personal Liability:** • In a sole proprietorship, Alex is personally responsible for the business's liabilities. By transitioning to an OPC, his personal liability becomes limited. This means that in the event of business debts or legal issues, Alex's personal assets are generally protected, and only the assets of the OPC are at risk.	1+1+1+2
38.	Explain the elements of Customary International Law. Give the stance of ICJ regarding the elements of customary international law in the North Sea Continental Shelf case. Why is International customary law the most disputed source of international law?	5
Ans.	i. Customary international law is comprised of two elements: (1) consistent and general international practice by states- it is the widespread repetition of similar international acts over time by states (State practice) and (2) a subjective acceptance of the practice as law by the international community - the requirement that the acts must occur out of a sense of obligation (opinion juris) ii. In the *North Sea Continental Shelf* cases (1969), the International Court of Justice (ICJ) elaborated on the elements of customary international law. The ICJ emphasized that: • Customary international law requires both consistent state practice and opinio juris. It clarified that widespread, representative state practice alone is not enough unless it is accompanied by a belief that the practice is legally obligatory. • For state practice to constitute customary law, it must be extensive and virtually uniform. A large number of states need to follow the practice consistently, and it must be applied across various cases and contexts. • The ICJ also recognized that for a norm to be binding, states' practice must be accompanied by a sense of legal duty (opinio juris). This case was significant as it underscored the necessity of both objective and subjective elements in establishing customary law, and it helped define the requirements for state practices to be considered a part of customary international law. iii. a. it is not clear when a particular State practice becomes a legally binding State practice. b. It is also unclear how one can identify a rule of international custom, or how one can prove its existence.	2+2+1

39.	How is the panel of lawyers to provide free legal aid constituted under NALSA Regulations 2010? What is the role of Senior Advocates in the panel?	5
Ans.	i. The legal services institution is vested with the authority to invite applications from legal practitioners with requisite professional experience to indicate the types of cases as they may be entrusted with. ii. The legal practitioner shall have three years or more of experience at the bar for being considered for empanelment. iii. Personal traits like competence, integrity, suitability, and experience shall be considered. Separate panels shall be maintained for different types of cases. iv. The Regulations also provide for retainer lawyers. The Panel has to be reconstituted every three years without disturbing the work of panel lawyers already representing ongoing cases. In such cases where the panel lawyer wishes to withdraw from a case entrusted to him shall communicate this to the Member Secretary and the latter may permit him to do so. • Senior Advocates The services of senior advocates may be availed, if the Chairman of the legal services institution forms an opinion to that effect in cases of great public importance and where serious threat to the life and liberty of the applicant exists.	4+1
40.	Anu owns a piece of land and enters into a contract to sell it to Bela. However, before completing the sale, Anu becomes involved in a legal dispute with Chitra, her sister, over the ownership of this land. Despite the ongoing case, Anu proceeds to transfer the land to Bela. Unaware of this, Deepak, her nephew, later receives a gift of another property from Anu but discovers that, according to Anu's will, he is required to pay Rs. 10,000 a month for the upkeep of Anu's minor daughter if he wants to gifted property. A. Explain whether the transfer of land to Bela is valid despite the ongoing dispute with Chitra. B. Analyze Deepak's position with regards to the gifted property from Anu.	5
Ans.	1. Validity of the Transfer to Bela under Lis Pendens The doctrine of lis pendens (Section 52 of the Transfer of Property Act, 1882) states that any property transfer made while a dispute regarding that property is ongoing is subject to the outcome of the case. Here, since Anu was already involved in a legal dispute with Chitra over the ownership of the land, the transfer to Bela is affected by lis pendens. This means that Bela's ownership rights in the property would be subject to the final court decision in the dispute between Anu and Chitra. If the court decides in favor of Chitra, Bela may lose his rights to the property despite having purchased it from Anu. 2. D's Position under the Doctrine of Election According to the principle of Doctrine of Election [Section 35 of the TPA], if a person to the transfer gets two selections (a benefit and a burden), then he has to accept both the benefit and the burden or none. He cannot accept the benefit and reject the burden	3+2

	in a single transaction. In other words, while claiming advantage of an instrument, the burden of the instrument should also be accepted. In this case, D must decide whether he wants to keep her own property or fulfill the condition set by A in his will in order to claim the gifted property from A. If D wishes to accept the gift, he is legally bound to give Rs.10,000 every month for A's daughter. Otherwise, he will lose the right to the gift. Thus, D is required to make a clear choice (an "election") based on his preference.	