

LEGAL STUDIES (881)

Aims:

- (i) To create an awareness among candidates of legal concepts/ rules and the mechanism involved in their introduction, application and enforcement.
- (ii) To enhance candidates' understanding of public affairs and to create an awareness of their rights and responsibilities as citizens.
- (iii) To provide a brief background of the evolution of the present Indian Legal system.
- (iv) To develop an understanding of the connotations of law, its broad classification and application in daily life.
- (v) To develop an understanding of certain important legal terms and concepts which will help candidates be better equipped in dealing with day to day challenges.
- (vi) To enable candidates to understand role and functions of legal services authority and how it serves the purpose of access to justice for all in line with the Article 39 of the constitution.
- (vii) To enable candidates to understand the various modes of dispute resolution, their efficacy and merit over others.
- (viii) To develop skills of communication, interpretation, reasoning and analysis.

CLASS XI

There will be **two** papers in the subject:

Paper I - Theory: 3 hours70 marks

Paper II- Project Work:30 marks

PAPER - I (THEORY) – 70 Marks

1. Historical Evolution of the Indian Legal System

Law in Ancient India; Legal System in India post 18th century- Government of India Acts and framing of the Constitution of India.

Hindu law, its three categories viz the classical Hindu law, the Anglo-Hindu law, and the Modern Hindu law; Sources of Law- Shruti, Smriti and Achaara (customs).

Establishment of East India Company under Charter of 1600, Legal System in India under British Rule- East India Company from 'Merchants' to 'Territorial Power' i.e., establishment of Mayor's court; First War of Indian Independence, 1857- drawing curtains on East India Company; India under the British Crown; Government of India Act, 1919- salient features; Government of India Act, 1935- basis of the Constitution of India; Constituent Assembly and drafting of the Constitution of India, Constitution-Meaning and features.

2. Law and Jurisprudence

Meaning of the term Law and Jurisprudence, Schools of thought- Natural, Historical, Positivist, Realist and Sociological Schools of law; International Community of Nations.

Understanding the term Law and the province of Jurisprudence- Science of Law; Understanding the connotations of Law through different perspectives- Schools of Law: Natural, Historical, Positivist, Realist and Sociological; Main Sources of Law - Customs, Legislation and Precedents; Dynamics of the Law bringing changes in Society and the Society forcing Law to change.

Concept of Sovereignty; Community of Nations; concept of International Law; sources of International Law; dynamics of the relationship of International Law and Domestic/Municipal Law; enforceability of International Law - role of treaties in resolving international disputes. Dispute settlement institutions under International Law.

3. Concept of Legal Personality

Natural Person and Artificial (Legal) Person; Capacity of holding Legal Rights and Duties.

Human Being as a Natural Person; capacity of a human being holding Legal Rights and Duties-

from Slavery to Modern Times; Mask of Legal Personality; Five main jurisprudential foundations for Legal Personality - Purpose Theory, Bracket Theory, Fiction Theory, Concession Theory and Realist Theory; Legal Personality beyond Human Beings - Idol, State, Animals, Deceased Human Being, Unborn Child, Corporation.

4. Criminal Law and Procedure

Difference between Substantive and Procedural/Adjective Law; The most prevalent Criminal Justice Administration Systems in the World- Adversarial and Inquisitorial; Hierarchy of Criminal Courts; Indian Penal Code (IPC) - Definitions, kinds of offences; Offence against Property in Indian Penal Code (IPC); Juvenile Justice Act- Definitions and a few provisions.

Concepts of 'Public Rights' and 'Public Duties'; Concept of Crime; Substantive Criminal Law; Criminal Procedural Law.

Object of Criminal Law; different Schools of Criminal Justice Administration System; three main instrumentalities of Criminal Justice Administration System - Policing, Courts and Correctional Authorities; Main systems of Criminal Justice Administration System - Adversarial system and Inquisitorial system: their essence and difference.

Territorial division- Concept of Sessions division and Metropolitan area; Classes of Criminal Courts; Hierarchy of Criminal Courts: from Magistrate's Court to the Supreme Court; Concept of punishment-theories of punishment.

Concept of Force, Criminal force and Assault-Meaning and difference; concept of Intention and Knowledge; concept of Mens Rea and Actus Reus.

Concept of Property; Offence against Property in the Code - brief introduction of the offences of Theft, Extortion, Robbery, Dishonest Misappropriation of Property, Criminal Breach of Trust and Cheating.

The Juvenile Justice Act (care of children) Act, 2015- objectives; Child in need of Care and Protection; Children in Conflict with Law- Procedure; Juvenile Justice Board.

5. Civil Law and Procedure

Codified and Uncodified Law, Law of Torts, Contract; Consumer Protection Act; General Civil Procedure; Institution of a Civil Suit; Territorial, Pecuniary and Subject-matter jurisdictions; Order and Decree passed in a Civil Suit, Judgement; Plaint and Written Statement; Hierarchy of Civil Courts.

Codified and Uncodified Law (main difference and examples of each) Private Rights and Duties; Structure of Code of Civil Procedure 1908. Substantive Civil Law e.g., Law of Torts (Functional definition of Tort, kinds of wrong in tort law, principle of Absolute Liability, difference between absolute and strict liability, purpose of Tort law), contract (Introduction to Contract, its general principles like offer/proposal and acceptance, consideration, capacity to contract, consent, unlawful agreements, contingent contract, its discharge and damages) connotations of 'Consumer' and his Rights under The Consumer Protection Act, 1986.

Civil Procedural Law; how to choose the proper Court - Territorial, Pecuniary and Subject-matter jurisdictions.

Concepts of an Order, a Decree and Judgement; Hierarchy of Civil Courts.

Concept of Civil Suit; institution of Civil Suit by the Plaintiff- contents of a Plaint; Plaintiff's valuation of Suit for the purpose of Pecuniary jurisdiction and for Court Fee; Written Statement by the Defendant; admission and the consequence thereof.

6. Family Law

Connotations of Marriage; Ceremonies of Marriage; Void and Voidable Marriage; Restitution of Conjugal Rights and Judicial Separation; Meaning of Divorce; Maintenance in husband wife relationship.

Schools of Hindu Law; Institution of Marriage; Hindu Marriage Act, 1955- Who is a Hindu, form of Marriage: Ceremonial aspect, Age qualification; Void Marriage - Bigamy, Prohibited and Sapinda Relationship; Voidable Marriage - Consummation of Marriage and Consent for Marriage; concept of Divorce - three main theories: Fault, Irretrievable Breakdown

and Mutual Consent; concept of Restitution of Conjugal Rights and Judicial Separation.

Concept of Maintenance in husband wife relationship- 'means' of husband and 'necessities' of wife.

7. Fundamental Rights

Classification of Fundamental Rights, Fundamental Rights available against State and not against private individuals, Art 12-State, Art 13(2)-Judicial Review, Right to Constitutional Remedies, Restriction on the exercise of Fundamental Rights.

Six Fundamental Rights guaranteed by the Constitution.

Examples of 'State' – NCERT, CSIR, Jal Board etc.; whether Judiciary is part of 'other authorities' within the meaning of Art 12?

Art 13(2) as the limitation on the power of the Parliament to amend the Constitution – Doctrine of Severability, Doctrine of Eclipse, Doctrine of Waiver.

Right to Constitutional Remedies Art 32- the five writs and concept of PIL.

Restrictions on the exercise of the fundamental rights – public order, health and morality.

PAPER II (PROJECT WORK) – 30 MARKS

In keeping with the significance of doing project work and gaining a hands-on understanding of various contemporary issues, candidates are expected to undertake **two studies of 15 Marks each**.

Topics for the studies should be chosen from within the overall syllabus as there is ample scope for diversity. Candidates should synthesise information from a range of sources, including cases, legislation, the media and international instruments, to support a legal argument. Topics should extend areas of individual or group interests from any chapter covered in Theory after understanding the legal functions, practices and institutions.

List of suggested studies for Project Work:

1. There can be a situation where a particular act may be both a civil wrong as well as a criminal wrong. Elaborate on the basis of a case study.
Hint. (Here the defamation can be a best example; Also, the example of Negotiable Instruments Act can be given, where a complaint can be filed under section 138 of the NIA and a civil suit for recovery can also be filed.)
2. Make a list of laws and provisions for the protection of women and children in India.
3. Make a presentation on how the International Court of Justice is different from the Municipal courts in India.
4. Present a sketch and contribution of any of the following legal luminaries:-
 - (i) B. R. Ambedkar
 - (ii) Lord Maculay
 - (iii) Justice Khanna
 - (iv) K. Parasaran
 - (v) Hari Singh Gaur
5. What is a standard form of contract? How often do we enter into such a contract in our day to day lives? Prepare a list and paste at least five of them in the paper.
6. Enumerate the persons whom a child can approach in case his/her legal right is infringed. Explain the duties of a student whose rights are infringed.
7. Using contemporary examples, investigate the legal rights of consumers and the effectiveness of the law in achieving justice for consumers.
8. Discuss five instances from day to day life where you let go what could reasonably fall within the ambit of the Law of Torts.
9. Enumerate the fundamentals rights and suggest ways how a child can be made to understand his rights and duties.
10. Attend one or more courts or tribunals in civil and criminal cases. Observe their operation and prepare a report containing the following:
 - outline of different types of laws;
 - comparison of the purpose of different types of laws;
 - distinction between civil and criminal court procedures;
 - identification of the role of legal personnel involved in the court process;

- comparison of the common and civil law systems.
11. Prepare a report on a contemporary law reform issue, for example on the topic: Young drivers and the law/Sports and the law/Animal welfare/Drug use and Law.
 - Examine the conditions that give rise to the need for law reform;
 - The agencies of reform;
 - Mechanisms of reform;
 - Assess the effectiveness of law reform in achieving just outcomes with regards to the issue.

GUIDELINES FOR TEACHERS:

1. It must be emphasized that the process of doing the project is as important as the final project.
2. Once the project/projects are chosen, there should be a process of brainstorming to encourage students to make out a draft/structure for the project before embarking on research.
3. During the brainstorming/discussion, the teacher should discuss the assessment criteria with the students.
4. The teacher should discuss the draft with the student with regard to the central question and the type of sources to be used.
5. The students should be guided on doing the research and looking at different types of evidence.
6. Books and suitable reference material could be suggested by the teachers and made available to the students.
7. Internet sites could be suggested, but care must be taken in selecting, using and citing these sites.
8. Students must be cautioned against plagiarism and be penalized for the same.
9. Marks must be awarded for content and originality and not for decorative elements and embellishments.
10. Projects must be the original work of the student.

CLASS XII

There will be **two** papers in the subject:

Paper I - Theory: 3 hours70 marks

Paper II- Project Work:30 marks

PAPER – I (THEORY) – 70 Marks

1. Crime and Law of Evidence

Crime - Cognizable and Non-Cognizable; First Information Report (FIR); Law of Arrest; concept of Evidence; Relevancy; basic structure of trial.

Crime - Meaning, stages and elements; Difference between Cognizable offence and Non-Cognizable offence; Bailable offence and non-bailable offence; complaint in general parlance - information to Police, Written and Signed, if Orally given: reduced to Writing by Police and read-over to the Informant, stating specific facts, Registration of FIR if offence is cognizable and if offence is non cognizable. Police bound to register FIR.

Legal meaning of Arrest; Arrest - how made; Entitlements of an Arrested person- intimation of grounds of Arrest, information about arrest to nominated person/s and bail, etc.; person arrested not to be detained beyond 24 hours and 'remand' under section 167 Cr PC.

General connotations of the term Evidence- Oral, Documentary and Material; Direct and Circumstantial Evidence; Meaning of Proof; Effect of Evidence - Proved, Disproved and Not Proved; Evidence and Proof- Cause and Effect.

Connotations of Relevancy of Evidence; facts in Issue and Relevant Facts.

Meaning of Criminal Trial; purpose of Criminal Trial; Basic features of a Criminal Trial with special reference to the Rights of Accused.

2. Dispute Resolution

(i) Dispute Resolution Mechanisms

Quasi-Judicial Bodies, Tribunals (such as CAT, SAT).

Difference between Judicial and Quasi-Judicial Bodies; Understanding the concept of Tribunals as Quasi-Judicial Forums, Articles 323A and 323B to set up Tribunals.

Purpose of establishing Central Administrative Tribunal, State Administrative Tribunals, National Green Tribunal in India - National and International concerns; jurisdiction of National Green Tribunal; Role of 'regulators' in aiding the Tribunals.

(ii) Alternate Dispute Resolution

Arbitration, Conciliation, Mediation, Lok Adalats.

Section 89 CPC as source of ADR system (Conciliation and Mediation), Arbitration and Conciliation Act, 1996 - connotations of Arbitration and Conciliation, benefits of ADR system, which disputes can be covered. Arbitration- Meaning, Arbitration Agreement, Court Referral of Arbitration; Arbitral Award - significance, comparison with a judgement, setting aside of an arbitral award.

Mediation - Meaning and scope; Conciliation - Meaning, Role of the Conciliator; Laws on Mediation and Conciliation; Difference between Arbitration and Conciliation, Mediation and Conciliation; sanctity of Settlement arrived through Mediation and Conciliation; encouraging 'Out of Court' Settlement in India - challenges and the way ahead.

Locating 'legal basis' of Lok Adalats and its jurisdiction; Purposes of holding Lok Adalat; basis of disposal of cases in Lok Adalats; Award of Lok Adalat.

3. Legal Services Authority and its Role

Legal Services Authority Spirit of Article 39A of the Constitution of India; Legal Aid for the deserving sections of society.

Importance of Article 39A of the Constitution of India; implementing the spirit of free Legal Aid through Legal Services Authority Act, 1987- objectives; eligibility for getting free Legal Aid; Legal Services Authorities at various levels; role of Educational Institutions and Para Legal Volunteers; Legal Aid Camps; spreading Legal Literacy and providing Legal Aid - challenges and the way-forward. NALSA Regulations 2010

and selection of panel lawyers for giving free legal aid.

4. Transfer of Property

Property, Ownership, Possession, Modes of transfer of property (like Sale, Mortgage, Gift, Lease, Exchange).

Meaning of Property - Public and Private, Introduction to Property Law - Transfer of Property Act, 1882; types of Property: Movable and Immovable, definition of 'immovable property under S.3 TPA and S.3(26) General Clauses Act 1908. Transfer of Property - Definition, What may be transferred, persons competent to transfer mode of transfer of property; doctrine of Election, Doctrine of Lis Pendens; meaning of sale, Rights and Liabilities of Buyer and Seller.

Mortgage- Definition, Rights and Liabilities of mortgager and mortgagee(lender), Meaning of Lease, Rights and Liabilities of Lessor and Lessee. Meaning of exchange and Gift with illustrations.

5. Intellectual Property Laws

Intellectual Property Rights, Global scenario and the importance of Intellectual Property, Legislation - connotations of The Copyright Act, 1957, Entitlements under Copyright Act 1957; The Trademarks Act, 1999; significance of Trademarks, The Patent Act, 1970; Protection of 'Inventions', The Geographical Indications of Goods (Registration and Protection) Act, 1999; International Aspect of the protection of Geographical Indications.

Intellectual Property Rights – definition, The Agreement on Trade-related aspects of Intellectual Property Rights (TRIPS)-objectives and features, The World Intellectual Property Organization (WIPO)- objectives and features.

The Copyright Act, 1957- Connotations of Copyright- Idea-Expression Dichotomy; definition (Section 13 & 14); criteria for protection, Authorship and ownership, Registration, Nature of the rights, Moral Rights, Duration of Copyright.

What is a Trademark? - Beyond 'Words' and 'Symbols'; position of Trademarks under Indian Trademarks Act, 1999 - prerequisites of

being a Trademark, Types of trademarks (Generic, Descriptive, Suggestive, Arbitrary, Fanciful under Conventional Trademark and Service, Collective, Certification, Shape, Pattern, Sound under Non-conventional Trademark), Trademark Registration Process, Importance of protecting Trademarks, Duration of Trademark.

Regime of Patent Rights- Social Interests vs Private Incentives, Monopoly debate; Patent Law in India (Patent Act, 1970)- Definition and Patentable Subject matter (Novelty, Inventive Step, Industrial Application), Non-patentable Inventions, Grant of Patents and Rights

conferred thereby; Duration of Patent rights,

Using the Invention/Process.

Geographical Indication of Goods - Understanding from the perspective of International Intellectual Property Rights regime; The Geographical Indications of Goods (Registration and protection) Act, 1999; Definition, conditions for Registration, Procedure and Duration, Advantages of Registration, who can apply and who is an Authorised User?; comparison with Trademarks.

6. Important Laws

Lokpal and Lokayukta Act 2013 Negotiable Instrument Act, 1881; Direct Tax, Indirect Tax and the concept of GST; Human Rights Act, 1993 (with Amendment Act, 2006), NHRC, India, Motor Vehicle Act, 2019.

Scope and limitation of Lokpal and Lokayukta Act 2013. Ombudsman-Meaning and concept.

Concept of Negotiable Instrument; Negotiable Instrument Act, 1881- Key features; Bills of Exchange, Promissory Note and Cheque-Definition. Dishonour of cheque for insufficiency, etc., of funds in the accounts (Section 138 of NI Act).

Concept of Direct Tax and Indirect Tax-Differences ; Goods and Services Tax (GST) – Objectives, Components of GST: CGST, SGST and IGST- Meaning and application.

Definition of Human Rights, composition & function of NHRC (Sections 3 & 21 of the Protection of Human Rights Act, 1993).

Significance of Road Safety measures; Motor

Vehicle Act, 2019 - Driving without Driving License, Owner's liability if driven by other without License, Driving without Driving License, Owner's liability if driven by other without License; Using Mobile Phone (handheld) while driving, Driving under the influence of Intoxicating Substance, Driving without Seat Belt, Driving without Insurance, Juvenile Offences; two-wheeler driving: more than one pillion rider, without helmet, age limits for getting Driving License under different categories of Vehicles; documents to be shown to policeman: driving licence, registration certificate, insurance certificate, tax paid receipt, PUC Certificate and if it is a transport vehicle: permit and the fitness Certificate.

7. Legal Maxims

Important Legal Maxims.

Meaning of the following:

- *Actus non facit reum nisi mens sit rea*
- *Ad valorem*
- *Amicus Curiae*
- *Audi alterem partem*
- *Assentio Mentium*
- *Bona fide*
- *Bona Vacantia*
- *Caveat Emptor*
- *Corpus Delicto*
- *Damnum Sine Injuria*
- *De Die in Diem*
- *De Minimis Lex Non Curat*
- *Doli Incapax*
- *Ejusdem Generis*
- *Ex Post Facto*
- *Ignorantia Facti Excusat – Ignorantia Juris Non Excusat*
- *Injuria Sine Damnum*
- *Locus Standi*
- *Nemo Debet Esse Judex in Propria Sua Causa*
- *Nemo debet non quad habit*

- *Noscitur a Sociis*
- *Obiter Dicta*
- *Pari Materia*
- *Per Incuriam*
- *Qui Facit Per Alium, Facit Per Se*
- *Quid pro quo*
- *Ratio Decidendi*
- *Res ipsa loquitur*
- *Res Judicata Accipitur Pro Veritate*
- *Salus Populi Est Suprema Lex*
- *Stare Decisis*
- *Ubi Jus Ibi Remedium*

PAPER II (PROJECT WORK)– 30 MARKS

In keeping with the significance of doing project work and gaining a hands-on understanding of various contemporary issues, candidates are expected to undertake **two studies of 15 Marks each**.

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The project work will be assessed by the teacher and a Visiting Examiner appointed locally and approved by CISCE.

Mark allocation **per Study [15 marks]** will be as follows:

1.	Evaluation by the teacher	5 Marks
2.	Evaluation by the Visiting Examiner	10 Marks

Evaluation of Study by the Visiting Examiner

[10 marks]

1.	Presentation	2 Marks
2.	Content	2 Marks
3.	Analysis	3 Marks
4.	Viva-voce based on the Study	3 Marks

List of suggested studies for Project Work:

1. Visit an Alternate Dispute Resolution Centre and prepare a report on Mediation proceedings so attended. Also write the objective of Mediation as a means of ADR mechanism.
2. Prepare a PPT presentation on the different structure of benches in the High Court and the Supreme Court and their purposes. What is the binding nature of the judgment of a division bench on a smaller bench?
3. Collect copy of sale deed, lease deed and mortgage deed. Underline the difference in their structure. Write the differences between the three in terms of their legality, binding nature, purpose and creation of rights.
4. Collect a copy of a cheque and paste it on a paper. Mention the cheque number. Explain:
 - Why do we cross a cheque?
 - Is there any difference between the law governing a cheque and a credit card?
 - Can a person be held liable under section 138 NI Act for not making the credit card payment on time?
5. Write the role of a Para Legal Volunteer. Illustrate with the help of a case study how a PLV is helping your locality.
6. Prepare a project on any of the following:
 - (i) Creative and musical art under copyright.
 - (ii) Trade secret disclosure versus Patents.
 - (iii) Patented medicine versus Generic Medicine.
7. Prepare a case study on the historical development of Lok Pal Bill and its need in India.
8. Make a power point presentation on the various road signs and mention the penalty in case of violation of the same.

GUIDELINES FOR TEACHERS

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9. Marks must be awarded for content and originality and not for decorative elements and embellishments.
10. Projects must be the original work of the student.

NOTE: No question paper for Project work will be set by CISCE.