

## LEGAL STUDIES (881)

### CLASS XII

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

**Paper I - Theory:** 3 hours .....70 marks

**Paper II- Project Work:** ... ...30 marks

### PAPER – I (THEORY) – 70 Marks

#### 1. 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.*

#### 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. 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.*

### 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. 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.*

### 6. 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 Excusatur – Ignorantia Juris Non Excusatur*
- *Injuria Sine Damnum*
- *Locus Standi*
- *Nemo Debet Esse Judex in Propria Sua Causa*
- *Nemo debet non quod habet*
- *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*

## 7. 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, 1988 and 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, 1988 & 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 (penalties as per Motor Vehicles Act, 2019 only), 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.*

## 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.

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

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

|    |                                     |                 |
|----|-------------------------------------|-----------------|
| 1. | Evaluation by the teacher           | <b>5 Marks</b>  |
| 2. | Evaluation by the Visiting Examiner | <b>10 Marks</b> |

**Evaluation of Study by the Visiting Examiner****[10 marks]**

|    |                              |                |
|----|------------------------------|----------------|
| 1. | Presentation                 | <b>2 Marks</b> |
| 2. | Content                      | <b>2 Marks</b> |
| 3. | Analysis                     | <b>3 Marks</b> |
| 4. | Viva-voce based on the Study | <b>3 Marks</b> |

**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. Discuss five instances from day to day life where you let go what could reasonably fall within the ambit of the Law of Torts.
6. Enumerate the offences mentioned under the POCSO Act. What offence will be committed if the name of the victim is disclosed by any person?
7. Enumerate the fundamentals rights and suggest ways how a child can be made to understand his rights and duties.
8. Write the role of a Para Legal Volunteer. Illustrate with the help of a case study how a PLV is helping your locality.

9. 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.

10. Prepare a case study on the historical development of Lok Pal Bill and its need in India.

**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.

**NOTE:** No question paper for Project work will be set by the Council.