

## 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 hours .....70 marks

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

#### PAPER - I (THEORY) – 70 Marks

**Part I (20 marks)** will consist of **compulsory** short answer questions covering the entire syllabus.

**Part II (50 marks)** will consist of **eight** questions out of which the candidate will be required to answer **five** questions, each carrying **10 marks**.

#### 1. Historical Evolution of the Indian Legal System

Law in Ancient India and the concept of Dharma; Law in Medieval India with special reference to the Mughal period; Legal System in India post 18<sup>th</sup> century- Regulating Act of 1773, 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; connotations of Dharma in ancient India and its equivalence with Law; duty-based Society - from Pauper to King; Sources of Law- Shruti, Smriti and Achaara (customs);*

*Judiciary in Ancient India- from Village Councils (Kulani) to King's Court; Procedural Rules*

*(Vyavahara); Trial by Jury or Trial by Ordeal;*

*Prevalence of Islamic Legal System in India- Believers and Non-Believers; Judicial System- King and Qazi; King as the Fountainhead of State; Courts hierarchy- Pargana, Sarkar, Subah and the Emperor's Court; Qazi-i-Aksar- Court moving with the Army; Lawyers/Vakils, State Councils and the presence of Free Legal Aid.*

*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; Passing of Regulating Act, 1773, its defects; Law reforms in British India, 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.*

#### 2. Law and Jurisprudence

Meaning of the term Law and Jurisprudence, Schools of thought- Natural, Historical, Positivist, Realist and Sociological Schools of law; Understanding Civil and Criminal Law in contrast; Different facets of the term Constitution; 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.*

*Primary distinctions between Civil and Criminal Law - concept of State and its responsibility of maintaining Law and Order, Public Rights, State as a Prosecutor, concept of Public Prosecutor and Accused in a Criminal Trial, Threat of Punishment, Private transactions and Private Rights, concept of Plaintiff and Defendant in a Civil Proceeding, concept of Compensation, Onus of proving the case and the Standard of Proof required.*

*Constitution, Constitutionalism and Constitutional Law; Constitution as a Touchstone for the Statutes- Domestic Laws deriving their validity from the Constitution; striking down a Statute or its provisions e.g. Shreya Singhal vs Union of India AIR 2015 SC 1523*

*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; Partnership - Meaning, Relations of Partners inter-se, Registration and Dissolution; Company-Memorandum of Association and Article of Association, Perpetual Succession and other characteristics, Private and Public Company.*

*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, Partnership and Company.*

*Connotations of a partnership firm - Contract, Profit Sharing, Business, All or Any of them Acting for All (Mutual Agency); Minor's position vis a vis a Partnership.*

*Firm; General duties of Partners inter se; Partners' Rights vis a vis Partnership Property; Partners acts binding the entire Partnership Firm - Express Authority and Implied Authority of a partner, Doctrine of Holding-out; Registration of a Partnership Firm - optional but significant consequences of non-registration, Registration subsequent to the filing of Suit; Dissolution of a Partnership Firm - Five modes of Dissolution, Consequences of Dissolution, Settlement of Accounts between (erstwhile) Partners; continuing Authority of the Partners for winding-up of the affairs of (erstwhile) Partnership Firm; Liability for the acts done after Dissolution and outside the purview of winding-up*

*Meaning of a Company- Association of Persons and the Registration; Memorandum of Association - Fundamental Clauses; Article of Association - when mandatory, its contents; Characteristics of a Company- Limited Liability, Perpetual Succession, Capacity to hold Property, Capacity to hold a separate Legal Personality (but not a Citizen under the Constitution of India or the Citizenship Act, 1955), instances of Personal Liability of Directors and Members; Concept of Lifting the Corporate Veil; Difference in Private and Public Company.*

### 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; Offences against Women, 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; How to enforce Substantive Law? Criminal*

*Procedural Law; Procuring presence of Accused in a Criminal Court; Specific instances of Constitutional reflections in Criminal Procedural Law; Concept of Socio- Economic offences and reversal of certain basic principles therein e.g. shifting of burden of proof on accused in Money Laundering Act, 2002.*

*Concept of 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; Separation of Judiciary from Executive; Hierarchy of Criminal Courts: from Magistrate's Court to the Supreme Court; Concept of punishment-theories of punishment.*

*Criminal Law and Morality; Connotations of a Penal Code; Significance of IPC in the Indian legal history; extent of operation of the Code; certain laws not to be affected by the Code; Definitions - Gender, Man, Woman, Person, Offence, Illegal, Injury, Life, Death, Animal and Good Faith.*

*Concept of Assault and Criminal Force; concept of Intention and Knowledge; concept of 'modesty' of a woman; Sexual harassment at workplace- from Vishakha guidelines to Section 354A of the Code; Section 354 B; Privacy of a woman- Section 354C of the Code; Stalking: Actual or Virtual- Section 354D of the Code; offence of Rape under Section 376 IPC, Kidnapping and abduction for different purposes (Section 363 - Section 373), Importation of girls upto 21 years of age (Section 366 B), Homicide for dowry or attempt (Section 302 and Section 304B IPC); uttering words, making sounds/ gestures or exhibiting object to insult the modesty of a woman - Section 509 of the Code, Cruelty - physical and mental both (Section 498A IPC).*

*Concept of Property; Movable and Immovable Property; Ownership and Possession; concept of Consent, Dishonesty and Entrustment; 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.*

*Relevant considerations (National and International) affecting the Juvenile Justice Policy of India- from Children's Act, 1962 to Juvenile Justice Act, 2015; Child in need of Care and Protection; Child in Conflict with Law; Child in the age group of 16 to 18 years and commission of heinous offence (with special emphasis on POCSO Act); in the best interest of a child; Juvenile Justice Board, Child Welfare Committee and National Commission for Protection of Child Rights.*

## 5. Civil Law and Procedure

*Codified and Uncodified Law, Law of Torts, Contract; Specific Relief Act; Consumer Protection Act; General Civil Procedure; Institution of a Civil Suit; Territorial, Pecuniary and Subject-matter jurisdictions; Injunctions; Summary Suits; 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, sources of Tort law, 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) and Specific Relief act and kinds of remedies that may be granted by a court under the provisions of this Act, major changes in amended act 2018; connotations of 'Consumer' and his Rights under The Consumer Protection Act, 1986: The basis of legal action and the nature of relief prayed for.*

*Enforcement of Substantive Civil Law; Civil Procedural Law; how to choose the proper Court - Territorial, Pecuniary and Subject-matter jurisdictions; concept of Court Fee and Pauper's Suit; Meaning and Types of Injunctions; concept of Summary Suits.*

*Concepts of: an Order, a Decree and Judgement; Hierarchy of Civil Courts and Forums for*



*Redressal against an Order or a Decree - Review, Revision and Appeal; concept of Reference; Execution of a Decree.*

*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; Issues Framing; Effect of absence of Plaintiff and Defendant in a Civil Suit.*

## 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; Adoption of a Child; Violence against Women.*

*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; Various Statutes providing Maintenance- Hindu Marriage Act of 1955, Hindu Adoption and Maintenance Act of 1956 and Criminal Procedure Code of 1973; Concept of Interim Maintenance and Alimony.*

*Adoption- Transplantation of a Child; Legislative Framework - Hindu Adoption and Maintenance Act, 1956; Inter-Country Adoption (guidelines of CARA; essentials of a valid Adoption - various Capacities, Consent of Spouse; Capacity of a Female to take a Child in Adoption; disqualifications for Adoption - relation With Natural Family and Marriage of Adopted Child; Effects of Adoption on Vesting/Divesting of Property.*

*Gender based Violence against Women and its Redressal under various Statutes; Domestic Violence Act, 2005- Contours of Shared*

*Household and Domestic Relationship, Meaning of Domestic Violence, who can be an Aggrieved and Who can be the Respondent: male or female; Residence Order; Protection Order; Monetary Relief; Protection Officer- Duties and Powers.*

## 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, Extended horizons of Art 21, 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.*

*Extended interpretations of the meaning of 'life' the apex court with focus on the examples of rights forming part of art 21 by the interpretation of the apex court.*

*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. Make a power point presentation on the various road signs and mention the penalty in case of violation of the same.
7. Visit a consumer forum and prepare a report containing the following:
  - (i) The jurisdiction of the consumer forum.
  - (ii) Who can approach the consumer forum?
  - (iii) Does the consumer forum mandate a litigant to be represented by a lawyer?
  - (iv) What relief can the consumer forum grant?
8. How does a consumer forum function? Prepare a report on the fifteen major constitutional amendments brought in by the parliament after 1950. Do you think that the Right to Education as envisaged under Article 21 has succeeded in achieving its purpose? Elaborate.
9. 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.
10. Using contemporary examples, investigate the legal rights of consumers and the effectiveness of the law in achieving justice for consumers.
11. 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.
12. 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.