

LEGAL STUDIES (2023- 24)

Class XII

(Subject Code No. 074)

Rationale

The Latin maxim *ignorantia juris neminem excusat*, in plain, which reads as ‘ignorance of law is not an excuse’. This is one of the age-old principles followed under Roman Law and even in our own Common Law. If every person of discretion is to know what law is, an effort to teach law outside the remit of a professional law school may have significant social benefits.

Law is a subject that has been traditionally taught in Universities for almost eight centuries. Learning law outside the settings of a professional law school has a number of perceived benefits. Some familiarity with the law enhances one’s understanding of public affairs and an awareness of one’s entitlements and duties as a citizen. It may also be helpful in eliminating some of the mistaken notions about law and some of the inveterate prejudices about law, lawyers, and the legal system as such. Another advantage is that an understanding of the law can undoubtedly encourage talented students to pursue a career in law – an objective that is laudable in its own right.

The pitfalls of learning law outside the settings of a professional school are rooted in two key assumptions:

1. law is too vast and complicated to be taught in a non-professional setting;
2. the lack of professional trainers and experienced teachers could lead to incorrect appreciation and understanding of law. If an understanding of law is misinformed or ill-formed as some academicians think, it may require greater efforts to unlearn whatever was learnt earlier. Both these criticisms have attracted detailed scrutiny, but at least a few countries have introduced law at the High School level.

The experience of countries that have introduced law has been by and large optimistic. The Central Board of Secondary Education is introducing Legal Studies at the Class XI level. The proposal is to introduce one module in Class XI and a second module in Class XII.

Objectives

- To provide a background of the evolution of the Indian legal system in a short and concise form.
- To focus on the applicability of *justice, equity and good conscience* and more importantly the development of Common Law system in India.
- To provide exposure on various systems of law such as Common Law, Civil Law etc.
- To develop an understanding of the essential features of the Indian Constitution, including the role and importance of Fundamental Rights, Separation of Powers, Structure and operation of Courts, concept of precedent in judicial functioning, the of legislation, basic principles of statutory interpretation, etc.

- To deal with principles of practical utility such as the concept of Rule of Law, principles of justice, differences between criminal and civil cases, the concept of crime and the fundamental theories of punishment, rights available to the accused at various stages of the criminal investigative process, or the key components of Human Rights, etc.
- To understand the fundamental concepts and subject matter of property, contract and tort law.
- To understand the rudimentary aspects of contract law such as formation of contract, terms and conditions of contracts, discharge of contract, etc.
- To enable students to form an understanding of rights and duties and various categories of liability principles which form the bedrock for an understanding of Law.

Competencies expected after this course:

Students will be able to:

- acquire knowledge of legal theory, laws, legal procedure, drafting, interpretation and application of laws;
- identify legal issues from facts, differentiate between ratio decidendi and obiter dicta;
- ask relevant and probing questions to understand the differences among facts, opinions, analyze judgments and recognize and meaningfully respond to legal fallacies;
- apply the law, and draw conclusions by applying analytical reasoning;
- apply knowledge and understanding of law, legal theory and procedure to solve legal problems;
- evaluate, seek feedback and modify solutions to legal problems;
- carry out legal research;
- acquire values such as justice, fairness, openness, honesty, integrity, respect for diversity, and respect for the rule of law; and
- prepare themselves for pursuing higher education in the field of Law

Class XII (2023–2024)
(BASED ON REVISED BOOK WITH NEW CHAPTERS)
(Textbook Revised in the Academic Year 2023-2024)

S.No.	Units	Periods	Marks
Unit 1	Judiciary	25	08
Unit 2	Alternative Dispute Resolution in India (ADR)	20	08
Unit3	Topics in Law- I (Business Laws) Chapter 3 (A) - Law of Contract Chapter 3 (B) - Law of Torts Chapter 3 (C) - Law of Property Chapter 3 (D) - Intellectual Property Law	35	20
Unit 4	Topics in Law- II (General Laws) Chapter 4 (A) -Law and Sustainable Development Chapter 4 (B)- Forms of Legal Entities Chapter 4 (C) - Criminal Laws in India	35	10
unit 5	Concept of Human Rights Chapter 5 (A)-Human Rights in India Chapter 5 (B)-Human Rights Violations- Complaint Mechanism (Quasi-Judicial Bodies)	30	10
Unit 6	International Law	20	08
Unit 7	Legal Profession in India	20	08
Unit 8	Legal Services	15	08
	Project	20	20
	Total	220	100

Theory- 80 marks (One Paper)

Internal Assessment- Project Based Assessment- 20 marks

Contents-

S.No.	Unit	Topics
Unit 1	Judiciary	a) Structure, Hierarchy of Courts, and Legal Officers in India b) Constitution, Roles and Impartiality c) Appointments, retirement and removal of Judges d) Tribunals e) Courts and Judicial Review
Unit 2	Alternative Dispute Resolution in India (ADR)	a) Adversarial and Inquisitorial Systems b) Meaning and scope of ADR c) Arbitration d) Mediation e) Conciliation f) Lok Adalat g) Ombudsman h) Lokpal and Lokayukta
Unit 3	Topics in Law I (Business Laws)	
Chapter 3A	Law of Contract	a) Introduction to Contracts b) Formation of Contract c) Intention to Contract d) Consideration e) Capacity to Contract f) Consent g) Types of Contracts h) Discharge of Contract i) Remedies in case of breach
Chapter 3B	Law of Torts	a) Concept of law of Torts b) Sources of Law of Torts c) Intentional Tort d) Defamation e) Negligence f) Strict Liability g) Absolute Liability
Chapter 3C	Law of Property	a) Types of Property b) Who can transfer property c) Essential of a valid transfer d) Types of Transfer- Sale, Lease, Exchange, Gift
Chapter 3D	Intellectual Property Law	a) Meaning of Intellectual Property b) International Obligations that have shaped Indian IPR c) WIPO d) Copyright e) Patent

		<ul style="list-style-type: none"> f) Trademark g) Geographical Indication h) Design
Unit 4	Topics in Law II (General Laws)	
Chapter 4 A	Law and Sustainable Development	<ul style="list-style-type: none"> a) Introduction b) Initiatives under International Scenario c) Provisions under Indian Constitution d) Environment Protection Act, 1986 e) Pollution Control Boards
Chapter 4 B	Forms of Legal Entities	<p>Types of Legal Entities in India</p> <ul style="list-style-type: none"> a) Sole Proprietorship b) Partnership c) Limited Liability Partnership d) Private Limited company e) Public Limited Company f) One Person Company
Chapter 4 C	Criminal Laws in India	<ul style="list-style-type: none"> a) Objectives of Criminal law b) Legislations for Criminal laws in India c) Distinction between Intention and Motive d) Stages of crime e) The Indian Evidence Act f) Admission and Confession
Unit 5	Concept of Human Rights	
Chapter 5 A	Human Rights in India	<ul style="list-style-type: none"> a) Introduction <ul style="list-style-type: none"> 1. Historical Context b) Indian Constitutional framework on Human Rights and related Laws in India <ul style="list-style-type: none"> 1. The Preamble 2. Fundamental Rights-Part III of the Constitution 3. Directive Principles-Part IV- Articles 36-51 4. Fundamental Duties- Part IV(A)- Article 51 A
Chapter 5 B	Human Rights Violations- Complaint Mechanism (Quasi-Judicial bodies)	<ul style="list-style-type: none"> a) What are Quasi- Judicial Bodies? b) Various Human Rights Commissions <ul style="list-style-type: none"> 1. National Human Rights Commission (NHRC) 2. National Commission for Minorities 3. National Commission for Women (NCW) a) National Commission for Scheduled Castes and Scheduled Tribes b) National Commission for Protection of Child's Rights (NCPCR)
Unit 6	International Law	<ul style="list-style-type: none"> a) Introduction b) Historical Evolution of International Law c) What is International Law?

		<ul style="list-style-type: none"> d) Sources of International Law e) International Human Rights f) International Law & Municipal Law g) International Law & India h) Dispute Resolution
Unit 7	Legal Profession in India	<ul style="list-style-type: none"> a) The Advocate Act, 1961 b) Lawyers and Professional Ethics c) Advertising by Lawyers d) Liberalization and Globalization of legal profession e) Women and Legal Profession f) Legal Education in India, USA and UK g) Opportunities for Law Graduates
Unit 8	Legal Services	<ul style="list-style-type: none"> a) Brief history of Legal services b) Free Legal Aid under Criminal law c) Legal aid by the State d) Legal Aid under the Indian Constitution e) National Legal Services Authority (NALSA) f) Legal Services Authority Act, 1987 g) Legal Aid in context of social justice and Human Rights
	PROJECT WORK	Detailed Guideline given below for reference

PROJECT GUIDELINES for Class XII

INTRODUCTION:

The student is required to do a project on 'Understanding Case Laws'

OBJECTIVES:

The project work aims to enable students to:

- identify a legal problem and provide its remedy
- select relevant legal sources and conduct research
- analyse and distinguish between types of cases
- apply case laws and relevant statutory laws

METHODOLOGY-: The student is required to select any **3 decided cases** related to the curriculum where one must be civil in nature, one criminal and one constitutional in character.

The research on the cases must include the following points:

- Name of the case
- Parties to the case
- Citation to the case
- Bench
- Nature of the case (Civil, Criminal or Constitutional)
- Facts of the case and issues involved
- Decision of the case including Ratio Decidendi and Obiter Dicta

Rubrics

Topic	Exceeding (76-100 percent)	Accomplished (61-75 percent)	Developing (34-60 percent)	Beginning 13(15-33 percent)
Presentation of all facts of the case	<ul style="list-style-type: none"> ● All the relevant facts are presented clearly in a chronological, organized, logical and interesting sequence ● The facts are supported with relevant evidence related to the case 	<ul style="list-style-type: none"> ● Most of the crucial facts have been stated sequentially as per the happening of the case 	<ul style="list-style-type: none"> ● Some facts are stated but not in a sequential manner 	<ul style="list-style-type: none"> ● Only a few unrelated and irrelevant facts have been stated
Statement of Legal problem and prediction about outcome	<ul style="list-style-type: none"> ● Legal problem has been precisely defined and unambiguously stated ● Analysis of the legal problem has been done thoroughly and predicts clear outcome with logical reasoning 	<ul style="list-style-type: none"> ● Legal problem has been nearly correctly stated ● Analysis of the legal problem predicts a near clear outcome 	<ul style="list-style-type: none"> ● Legal problem has been vaguely conceived ● Analysis of the Legal problem does not predict a clear outcome 	<ul style="list-style-type: none"> ● Legal problem has not been identified clearly, ● No analysis of the legal problem has been done to predict the outcome
Information gathering	<ul style="list-style-type: none"> ● The information gathered in relation to the case is relevant and sufficient to encompass all crucial facts and all applicable laws 	<ul style="list-style-type: none"> ● The information gathered in relation to the case is relevant and sufficient to encompass only crucial facts without applicable laws 	<ul style="list-style-type: none"> ● The information gathered in relation to the case is relevant but insufficient to encompass all relevant facts and applicable laws 	<ul style="list-style-type: none"> ● The information gathered in relation to the case is insufficient

<p>Establishing correlation in facts</p>	<ul style="list-style-type: none"> • All of the crucial facts are well correlated to each other and presented in a logically persuasive manner 	<ul style="list-style-type: none"> • Most of the crucial facts have been stated and are correlated to each other and presented in a logically persuasive manner 	<ul style="list-style-type: none"> • Some of the stated facts are correlated to each other and presented in a logical manner 	<ul style="list-style-type: none"> • The stated facts lack correlation and are not presented in a logically persuasive manner
<p>legal analysis and reasoning</p>	<ul style="list-style-type: none"> • Legal analysis is done by organizing evidence to accentuate differences, or similarities related to case. Use superior inductive and deductive reasoning abilities and present analogy. 	<ul style="list-style-type: none"> • Legal analysis is done by organizing some evidence but organization is less than effective. <p>Shows less Logical reasoning (inductive deductive) than required.</p>	<ul style="list-style-type: none"> • Legal analysis is done by organizing some evidences but organization is not effective. <p>Logical reasoning (inductive – deductive) is missing.</p>	<ul style="list-style-type: none"> • List some evidences but not able to organize it. Legal analysis is incoherent
<p>Identification of decidendi and obiter dicta</p>	<ul style="list-style-type: none"> • Ratio decidendi and Obiter dicta has been identified in a crystal clear terms 	<ul style="list-style-type: none"> • Ratio decidendi and Obiter dicta has been little less clearly identified 	<ul style="list-style-type: none"> • Ratio decidendi and Obiter dicta has been vaguely identified 	<ul style="list-style-type: none"> • Ratio decidendi and Obiter dicta has not been identified
<p>Reflections on the Case</p>	<ul style="list-style-type: none"> • Corroborate alternative arguments with research and innovation. Question existing beliefs. Show inconsistencies in existing body of evidence to arrive at result. Analyse pros and cons of existing decision viz a viz alternative solutions. 	<ul style="list-style-type: none"> • Identify connection between existing laws and their application in this case. Consider alternative arguments to affect the present outcome. 	<ul style="list-style-type: none"> • Analyse from a personal perspective why a particular action/decision has happened. 	<ul style="list-style-type: none"> • repeats only what has happened in the case