

## LEGAL STUDIES (2022- 23)

### Class XII (Code No. 074)

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 the 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 which 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 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 law can undoubtedly encourage talented students to pursue a career in law - an objective which 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 mis-formed 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 concept and subject matter of property, contract and tort.
- To understand the rudimentary aspects of contract law such as formation of contract, terms and conditions, discharge, etc.
- To enables 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:

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

Class XII (2022-23)

Time: 3 hrs.

Marks: 80

S.no.		Periods	Marks
1	Judiciary	30	10
2	Topics of Law	40	20
3	Arbitration, Tribunal Adjudication and Alternative Dispute Resolution	30	10
4	Human Rights in India	30	10
5	Legal Profession in India	30	10
6	Legal Services	30	10
7	International Context	30	10
8	<b>Project (Based on Syllabus)</b>	<b>20</b>	<b>20</b>
	<b>Total</b>	<b>220</b>	<b>100</b>

**Theory- 80 marks (One Paper)**

**Internal Assessment- Project Based Assessment- 20 marks**

**Course Contents:**

S No	Unit	Topics
1	<b>Judiciary</b>	<ol style="list-style-type: none"><li>i. Structure and Hierarchy of Courts and Legal Offices in India</li><li>ii. Constitution, Roles and Impartiality</li><li>iii. Appointments, Trainings, Retirement and Removal of Judges</li><li>iv. Courts and Judicial Review</li></ol>
2	<b>Topics of Law</b>	<ol style="list-style-type: none"><li>i. Law of Property</li><li>ii. Law of Contracts</li><li>iii. Law of Torts</li><li>iv. Introduction to Criminal Laws in India</li></ol>
3	<b>Arbitration, Tribunal Adjudication and Alternative Dispute Resolution</b>	<ol style="list-style-type: none"><li>i. Adversarial and Inquisitorial Systems</li><li>ii. Introduction to Alternative Dispute Resolution</li><li>iii. Types of ADR- Arbitration, Administrative Tribunals</li><li>iv. Mediation and Conciliation</li><li>v. Lok Adalats</li><li>vi. Ombudsman</li><li>vii. Lokpal and Lokayukta</li></ol>
4	<b>Human Rights in India</b>	<ol style="list-style-type: none"><li>i. Constitutional framework and Related laws in India- Human Rights in India; Preamble, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy</li><li>ii. Complaint mechanism of quasi judicial bodies- NHRC, NCM, NCW, NCSC and NCST</li></ol>
5	<b>Legal Profession in India</b>	<ol style="list-style-type: none"><li>i. The Advocates Act, 1961</li><li>ii. The Bar Council of India</li><li>iii. Lawyers and Professional Ethics Professional duties of an advocate; Advertising by Lawyers</li><li>iv. Opportunities for Law graduates</li><li>v. Legal Education in India</li><li>vi. Liberalization of the Legal Profession</li><li>vii. Women and Legal Profession in India.</li></ol>

6	<b>Legal Services</b>	<ol style="list-style-type: none"> <li>i. Free Legal Aid under Criminal law, Legal Aid by the State, Legal Aid under the Indian Constitution</li> <li>ii. NALSA Regulations, 2010</li> <li>iii. Criteria for giving free Legal Services</li> <li>iv. Lok Adalats</li> <li>v. Legal Aid in Context of Social Justice and Human Rights</li> </ol>
7	<b>International Context</b>	<ol style="list-style-type: none"> <li>i. Introduction to International Law</li> <li>ii. Sources of International Law – Treaties, Customs and ICJ Decisions</li> <li>iii. International Institutions</li> <li>iv. International Human Rights</li> <li>v. Customary International Law</li> <li>vi. International law &amp; Municipal Law</li> <li>vii. International Law &amp; India</li> <li>viii. Dispute Resolution – ICJ, ICC and Other Dispute Resolution Mechanisms</li> </ol>
8	<b>Project ( Based on Syllabus) Refer below</b>	

## PROJECT GUIDELINES

### 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-

1. 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.
2. The research on the cases must include the following points:
  - a) Name of the case
  - b) Parties to the case
  - c) Citation
  - d) Bench
  - e) Nature of the case (Civil, Criminal or Constitutional)
  - f) Facts of the case and issues involved
  - g) Arguments of the parties
  - h) Decision of the case

## Rubrics

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

<p><b>legal analysis and reasoning</b></p>	<p>- 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.</p>	<p>- Legal analysis is done by organizing some evidences but organization is less than effective. Shows less Logical reasoning (inductive -deductive) than required.</p>	<p>- Legal analysis is done by organizing some evidences but organization is not effective. Logical reasoning (inductive-deductive) is missing.</p>	<p>- List some evidences but not able to organize it. Legal analysis is incoherent</p>
<p><b>Reflections on the Case</b></p>	<p>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.</p>	<p>Identify connection between existing laws and their application in this case. Consider alternative arguments to affect the present outcome.</p>	<p>Analyse from a personal perspective why a particular action/ decision has happened.</p>	<p>repeats only what has happened in the case</p>

**Legal Studies**  
**DESIGN OF THE QUESTION PAPER -CLASS XII (2022-23)**

**Time : 3 Hours**

**Max. Marks: 80**

S.No.	Competencies	Total Marks	% Weightage
1	<b>Remembering and Understanding</b> Exhibit memory of previously learned material by recalling facts, terms, basic concepts, and answers. Demonstrate understanding of facts and ideas by organizing, comparing, translating, interpreting, giving descriptions, and stating main ideas	24	30
2	<b>Applying</b> Solve problems to new situations by applying acquired knowledge, facts, techniques and rules in a different way.	24	30
3	<b>Analysing, Evaluating and Creating:</b> Examine and break information into parts by identifying motives or causes. Make inferences and find evidence to support, generalizations, Present and defend opinions by making judgments about information, validity of ideas, or quality of work based on a set of criteria. Compile information together in a different way by combining elements in a new pattern or proposing alternative solutions	32	40
	<b>Total</b>	80	100

1. No chapter wise weightage. Care to be taken to cover all the chapters.
2. Suitable internal variations may be made for generating various templates.

**Choice(s):**

There will be no overall choice in the question paper. However, 33% internal choices will be given in all the sections.

**Internal Assessment**

**A Project based internal assessment of twenty marks will be done as indicated above.**