

LEGAL STUDIES
Class - XII (2019-20)
(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 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, Hindu Law, Islamic 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 process 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.

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One Paper

Time: 3 hrs.

Marks:100

S	Contents	Periods	Marks
1	Judiciary	35	10
2	Topics in Law	35	20
3	Arbitration, Tribunal Adjudication and Alternate Dispute Resolution	35	10
4	Human Rights in India	35	10
5	Legal Profession in India	35	10
6	Legal Services	35	10
7	International Context	10	10
8	Project(Based on Syllabus)		20
	Total	220	100

Course Contents:

1	Judiciary Structure and Hierarchy of Courts, and Legal Offices in India Constitution, Roles and Impartiality Appointments, Trainings, Retirement and Removal of Judges Courts and Judicial Review	35 Periods
2	Topics in Law Law of Property Law of Contracts Law of Torts Introduction of Criminal Laws in India Administrative Law	35 Periods

3	Arbitration, Tribunal Adjudication and Alternate Dispute Resolution Adversarial and Inquisitorial System Introduction to Alternative Dispute Resolution Types of ADR – Arbitration and Administrative Tribunals Mediation and Conciliation Lok Adalats Ombudsman Lokpal and Lokayukta	35 Periods
4	Human Rights in India Introduction – History and International Context Constitutional framework and Related laws in India Complaint Mechanisms of Quasi judicial Bodies	35 Periods
5	Legal Profession in India Introduction History of legal profession in India – Classification of lawyers, Advocates Act, 1961, Bar Council of India, professional ethics and advertising by lawyers, legal education in India, liberalization of profession Legal Profession in other jurisdictions	35 Periods
6	Legal Services Introduction Brief History of legal services Legal background – International law, Indian legal system, Criminal law, efforts by the State, Indian Constitution, NALSA Regulation Criteria for giving free Legal Services – Legal Services Hierarchy of Legal Aid Service Authorities – Central authority, State authority and District Authority and Taluk Committee, Lok Adalat and permanent lok adalat Legal aid in context of social justice and human rights Funding	35 Periods

7	International Context Introduction to International Law – History and types of International Law Sources of International Law – Treaties, Customs and ICJ Decisions International Institutions International Human Rights Customary International Law International law and municipal law International Law and India Dispute Resolution – ICJ, ICC and other mechanisms	10 Periods
8	Project (Based on Syllabus) A detailed analysis of any case law pertaining to any unit from the curriculum. It will be preferred to pick any case law mentioned in the book. Eg: Maneka Gandhi V UoI or Kesavananda Bharati case. However, it is open to go beyond the textbook as long as the case elucidates a concept of the book. The project should speak of the facts, issue, relevant legislation and discussed precedents and the decision of the case along with a conclusion which shows how well the concept has been understood. A viva along with file will be assessed in the following format: Presentation and preparation of file – 2 marks Research – 3 marks Application of the understanding of legal context – 5 marks Legal reasoning and logic – 5 marks Viva – 5 marks	

LEGAL STUDIES
QUESTION PAPER DESIGN
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Time: 3 Hours

Max. Marks: 80

S. No.	Typology of Questions	Very Short Answer-Objective type (VSA) (1 Mark)	Short Answer-I (SA) (2 Marks)	Short Answer-II (SA) (4 Marks)	Long Answer (LA) (6 Marks)	Total Marks	% Weightage (approx.)
1	Remembering: Exhibit memory of previously learned material by recalling facts, terms, basic concepts, and answers.	6	2	1	1	20	25
2	Understanding: Demonstrate understanding of facts and ideas by organizing, comparing, translating, interpreting, giving descriptions, and stating main ideas	6	2	1	1	20	25

3	Applying: Solve problems to new situations by applying acquired knowledge, facts, techniques and rules in a different way.	6	2	2	1	24	30
4	Analysing : Examine and break information into parts by identifying motives or causes. Make inferences and find evidence to support generalizations Evaluating: Present and defend opinions by making judgments about information, validity of ideas, or quality of work based on a set of criteria. Creating: Compile information together in a different way by combining elements in a new pattern or proposing alternative solutions	2	2	1	1	16	20
	Total	20x1 =20	8 X2 = 16	5X4=20	4X6=24	80	100

QUESTION-WISE BREAK-UP

Type of Question	Mark per Question	Total No. of Questions	Total Marks
VSA	1	20	20
SA	2	8	16
LA I	4	5	20
LA II	6	4	24
Total	13	37	80

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 keeping the overall weightage to different form of questions and typology of questions same.*

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	MARKS
Project based	20