

LEGAL STUDIES (881)

CLASS XI

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

Paper I - Theory: 3 hours70 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; Legal System in India post 18th 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- Shrutis, Smritis and Acharas (customs).

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; 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.

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.

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.

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.

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.

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.

5. Civil Law and Procedure

Codified and Uncodified Law, Law of Torts, Contract; General Civil Procedure; Institution of a Civil Suit; Territorial, Pecuniary and Subject-matter jurisdictions; Order and Decree passed in a Civil Suit, Judgement; 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).

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.

Concepts of: an Order, a Decree and Judgement; Hierarchy of Civil Courts.

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.

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.

Adoption- Transplantation of a Child; Legislative Framework - Hindu Adoption and Maintenance Act, 1956.

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 presentation on how the International Court of Justice is different from the Municipal courts in India.
3. 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
4. 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.
5. Make a power point presentation on the various road signs and mention the penalty in case of violation of the same.
6. 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.
7. 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