

## LEGAL STUDIES (2022- 23)

### Class XI-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 XI (2022-23)**  
**(BASED ON REVISED BOOK WITH NEW CHAPTERS)**

| S.no. | Units                                                                      | Periods    | Marks      |
|-------|----------------------------------------------------------------------------|------------|------------|
| 1     | <b>Introduction to Political Institutions</b>                              | 40         | 15         |
| 2     | <b>Basic Features of The Constitution of India</b>                         | 40         | 15         |
| 3     | <b>Jurisprudence, Nature and Sources of Laws</b>                           | 40         | 15         |
| 4     | <b>Judiciary : Constitutional, Civil And Criminal Courts And Processes</b> | 40         | 20         |
| 5     | <b>Family Justice System</b>                                               | 40         | 15         |
| 6     | <b>Project</b>                                                             | 20         | 20         |
|       | <b>Total</b>                                                               | <b>220</b> | <b>100</b> |

**Contents:**

| S no.  | Unit                                          | Topics                                                                                                                                                                                                                                                                                                                                                                                      |
|--------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unit I | <b>Introduction to Political Institutions</b> |                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.     | <b>Concept of State</b>                       | I. What is a State?<br>II. The concept of State and Article 12 of the Indian Constitution<br>III. What is a Government?<br>IV. Emergence of the State from Society<br>V. Definition of State                                                                                                                                                                                                |
| 2.     | <b>Forms and Organs of Government</b>         | I. Introduction to the Organs of Government<br>II. Forms of Government<br>A. Monarchy<br>B. Aristocracy<br>C. Dictatorship<br>D. Democracy<br>III. Main organs of Government and its functions<br>A. General Functions of Legislature as Organ of Government<br>B. General Functions of Executive as Organ of Government<br>C. General Functions of Judiciary as an Organ of the Government |

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|--------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.     | <b>Separation of Powers</b>                          | <p>I. Concept of Separation of Powers</p> <p>II. Historical Background and Evolution of Montesquieu's Doctrine of Separation of Powers</p> <p>A. Montesquieu's Doctrine of Separation of Powers</p> <p>B. Basic Features of the Doctrine Separation of Powers as Enunciated by Montesquieu</p> <p>C. Checks and Balances of Power</p> <p>D. Impact of the Doctrine</p> <p>III. Evaluation of The Doctrine of Separation of Powers</p> <p>A. Key Benefits and Advantages of The Doctrine of Separation of Powers</p> <p>B. Defects of the Doctrine</p> <p>IV. Separation of Powers In Practice</p> <p>A. Separation of Powers in Britain</p> <p>B. Separation of Powers in the United States of America</p> <p>C. Separation of Powers in India</p>             |
| Unit 2 | <b>Basic Features of The Constitution of India</b>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1.     | <b>Salient Features of The Constitution of India</b> | <p>i. Meaning of the term Constitution</p> <p>ii. Definition of the term Constitution</p> <p>iii. Historical Perspective of Indian Constitution</p> <p>iv. Salient Features of The Constitution of India</p> <p>A. A Modern Constitution</p> <p>B. Longest written Constitution</p> <p>C. Preamble to the Constitution</p> <p>D. Fundamental Rights; Directive Principles of State Policy; Fundamental Duties</p> <p>E. Constitutional Provision for Amendment of the Indian Constitution</p> <p>F. Adult Suffrage</p> <p>G. Single Citizenship</p> <p>H. Independent Judiciary</p> <p>I. Emergency Provisions</p> <p>J. Federal in form Unitary in character</p> <p>K. Division of Power- Centre- State Relations</p> <p>L. Schedules to the Constitution</p> |
| Unit 3 | <b>Jurisprudence, Nature and Sources of Laws</b>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.     | <b>Classification of Laws</b>                        | <p>I. Classification of Law based on Subject matter</p> <p>II. Classification of Law based on Scope of Law</p> <p>III. Classification of Law based on Jurisdiction</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.     | <b>Sources of Law</b>                                | <p>i. I. Where does law come from?</p> <p>ii. II. Custom as a source of Law</p> <p>iii. Importance of Custom as a source of Law in India</p> <p>iv. Judicial Precedent as a Source of Law</p> <p>v. V. Legislation as a Source of Law</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|--------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.     | <b>Law Reform</b>                                                          | <ul style="list-style-type: none"> <li>i. Need for Law Reform</li> <li>ii. Law Reforms in India</li> <li>iii. III. Recent Law Reforms in Independent India</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.     | <b>Cyber Laws, Safety and Security in India</b>                            | <ul style="list-style-type: none"> <li>i. Introduction</li> <li>ii. Why do we need Cyber Laws</li> <li>iii. What is Cyber Law?</li> <li>iv. What is Cyber safety and Security?</li> <li>v. What is cyber Crime?</li> <li>vi. Categories of Cyber Crime</li> <li>vii. Cyber law in India</li> <li>viii. Scope and Extent of The Information and Technology Act, 2000(IT Act)</li> <li>ix. IX. What was Section 66A of IT Act, 2000?</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Unit 4 | <b>JUDICIARY : CONSTITUTIONAL, CIVIL AND CRIMINAL COURTS AND PROCESSES</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|        | <b>Judiciary: Constitutional, Civil and Criminal Courts and Processes</b>  | <ul style="list-style-type: none"> <li>i. Introduction: Establishment of the Supreme Court and High Courts</li> <li>ii. CONSTITUTION, ROLES AND IMPARTIALITY <ul style="list-style-type: none"> <li>a. Independence and Impartiality of the Supreme Court</li> <li>b. Structure and Hierarchy of the Courts in India</li> <li>c. The civil process and functioning of Civil courts</li> </ul> </li> </ul> <p>III. THE CIVIL COURT STRUCTURE</p> <ul style="list-style-type: none"> <li>a. Common legal terminology</li> <li>b. Types of jurisdiction</li> <li>c. Res subjudice and Res judicata in code of civil procedure 1908</li> </ul> <p>IV. STRUCTURE AND FUNCTIONING OF CRIMINAL COURTS IN INDIA</p> <ul style="list-style-type: none"> <li>a) Types of offences</li> <li>b) Criminal investigation and First Information Report</li> <li>c) The criminal process- Investigation and prosecution</li> <li>d) Doctrine of autrefois acquit and autrefois convict</li> </ul> <p>V. Other courts in India</p> <ul style="list-style-type: none"> <li>a) Family Courts</li> <li>b) Administrative Tribunals</li> </ul> |
| Unit 5 | <b>Family Justice System</b>                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| 1. | <b>Institutional Framework;<br/>Marriage and Divorce</b> | I. Nature of Family law in India<br>II. Human rights and gender perspective<br>III. Institutional framework- family Courts<br>IV. Role of women in the creation of family courts<br>V. Role of lawyers and counselors in Family courts<br>VI. Role of counselors and gender issues<br>VII. Marriage and Divorce |
| 5. | <b>Prevention of Violence against Women</b>              | I. What is Domestic abuse / violence?<br>II. International legal framework<br>III. Laws in India on prevention of violence against women                                                                                                                                                                        |
|    | <b>PROJECT WORK- One Project</b>                         |                                                                                                                                                                                                                                                                                                                 |

### PROJECT GUIDELINES CLASS 11

**Students can opt for any ONE Project from the three topics given.**

**Topic 1:** Students can prepare a research paper on any legal problem from the textbook/around them that needs immediate redressal.

#### **Some suggested topics-**

- Uniform civil code
- Law reforms in India
- Juvenile justice
- Death penalty
- Any other course related topic

OR

**Topic 2-** Conduct research and draft a report on any recent legislation/ amendment that brought about a social change, for example: Consumer Protection Act, Information Technology Act, Right to Information Act etc.

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

## **OBJECTIVES for Topic 1 & 2 -**

- 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 for Topic 1 & 2-**

The project file should be at least 15 pages.

Steps:-

- Choose a topic
- Gather information from various sources
- Write a statement of purpose of the project
- Support it with research evidence
- Presentation of project should include headings
- List the sources

Or

**Topic 3 - 'Understanding the important elements of JUDICIAL DECISION'**

## **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
- understand parts of a judicial decision

## **METHODOLOGY-**

- 1) The student is required to select any 5 decided cases where in One case is of criminal nature, one is civil nature, one is constitutional, one is international context and one is of student's choice (PIL if possible)
- 2) The research on the cases must include the following points:
  - a. Name of the case
  - b. Parties to the case
  - c. Nature of the case (Civil, criminal or Constitutional)
  - d. Facts of the case and issues involved
  - e. Decision of the case
  - f. Citation of the case

## RUBRICS FOR ASSESSMENT

| S.no. | Parameters for assessment                      | Marks   |
|-------|------------------------------------------------|---------|
| 1     | Preparation and presentation of file           | 5 marks |
| 2     | Research work                                  | 5 marks |
| 3     | Application and understanding of legal concept | 5 marks |
| 4     | Viva                                           | 5 marks |