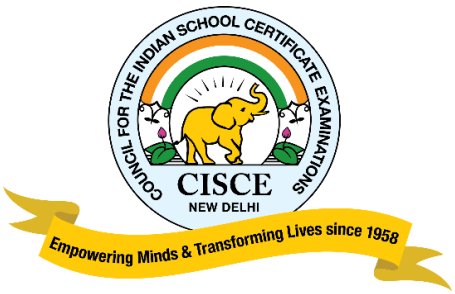
ISC

YEAR 2027

INDIAN SCHOOL CERTIFICATE EXAMINATION



LEGAL STUDIES

(881)

February 2025

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Council for the Indian School Certificate Examinations (CISCE)

MISSION STATEMENT

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ETHOS OF CISCE

- Trust and fair play.
- Minimum monitoring.
- Allowing schools to evolve their own niche.
- Catering to the needs of the children.
- Giving freedom to experiment with new ideas and practices.
- Diversity and plurality - the basic strength for evolution of ideas.
- Schools to motivate pupils towards the cultivation of:
  Excellence - The Indian and Global experience.
  Values - Spiritual and cultural - to be the bedrock of the educational experience.
- Schools to have an 'Indian Ethos', strong roots in the national psyche and be sensitive to national aspirations.

LEGAL STUDIES (881)

Aims:

1. To understand the evolution of the Indian legal system, including its historical development and influences, and its current structure.
2. To comprehend the applicability of justice, equity, and good conscience in the context of the Indian legal framework, especially within the Common Law system.
3. To explore various legal systems such as Common Law, Civil Law, and their distinctions, with a focus on their relevance to Indian law.
4. To analyse the core principles of the Indian Constitution, including Fundamental Rights, Separation of Powers, and the structure and functioning of courts.
5. To grasp the concept of precedent in judicial decision-making, understanding its importance in the interpretation of laws and the functioning of the judiciary.
6. To examine the legislative process in India, including the role of statutory interpretation and the basic principles underlying it.
7. To understand the practical principles of law, such as Rule of Law, justice principles, and the differentiation between criminal and civil cases.
8. To gain knowledge of the key concepts of property, contract, and tort law, with a focus on their relevance to everyday legal matters.
9. To develop an understanding of contract law, including contract formation, terms and conditions, and the discharge of contracts.
10. To explore the rights and duties of individuals and the various categories of liability, which form the foundation of legal understanding.
11. To create awareness of the role of legal services authorities, focusing on how they promote access to justice as per Article 39A of the Constitution.
12. To familiarise with modes of dispute resolution, evaluating their merits, efficacy, and application in different legal contexts.

CLASS XII

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

***Paper I** - Theory: 3 hours ……70 marks*

***Paper II-** Project Work: …30 marks*

PAPER – I (THEORY) – 70 Marks

1. The Bharatiya Nayaya Sanhita (BNS), 2023 Elements of Crime; Stages in Crime; Punishments (Section 4) & defences; Inchoate Crimes – Elements, Examples & Punishment; Offences against Women – Elements, Examples & Punishment; Offences against child; Offences affecting Human Body; Offences against Property (Section 2 (21) – Elements, Examples & Punishment.

(i) Elements of Crime: Mens Rea & Actus Reus;

(ii) Stages in Crime: Intention, Preparation, Attempt, Commission;

(iii) Punishments (Section 4) –

- *Death*
- *Imprisonment for Life Imprisonment-Rigorous and Simple*
- *Forfeiture of Property*
- *Fine*
- *Community Service*

Defences:

a. Defences based on justifications: Private Defence, Necessity, Consent

b. Defences based on excuses: Duress, Intoxication, Mistake, Infancy, Unsoundness of Mind, Intoxication

(iv) Inchoate Crimes – Elements, Examples & Punishment

- *45 Abetment*
- *61 Criminal Conspiracy*
- *62 Attempt*

(v) Offences against Women – Elements, Examples & Punishment

- *74 Assault or use of criminal force to woman with intent to outrage her modesty*
- *78 Stalking*
- *80 Dowry death*

(vi) Offences against child

- *91 Abandonment of child under 12 years by parents or person taking care of it*
- *93 Exposure and abandonment of child under twelve years of age*

(vii) (a) Offences affecting Human Body (Part I)-Elements & Examples

- *100 Culpable Homicide*
- *101 Murder*
- *103(1) Punishment for Murder*
- *106 Causing death by negligence*
- *109 Attempt to murder;*

(b) Offences affecting Human Body (Part II)-Elements & Examples

- *111 (1) & 111 (2) Organised crime*
- *112 Petty organised crime*
- *128 Force*
- *129 Criminal Force*
- *130 Assault*

(viii) Offences against Property (Section 2 (21) – Elements, Examples & Punishment

- *303 Theft*
- *304 Snatching*
- *308 Extortion*
- *309 Robbery*
- *310 Dacoity*
- *314 Criminal Misappropriation of Property*
- *316 Criminal Breach of Trust*
- *318 Cheating*

Case Laws:

Machhi Singh and Others v. State of Punjab, AIR 1983 SC 957
Gian Kaur v. State of Punjab (1996) 2 SCC 648
Pawan Kumar v. State of Haryana, 1998 (3) SCC 309
Ghapoo Yadav v. State of MP (2003) 3 SCC 528
State of AP v. R, Punnayya, AIR 1977 SC 45
KM Nanavati v. State of Maharashtra AIR 1962 SC 605
Virsa Singh v. State of Punjab, AIR 1958 SC 465
Cherubin Gregory v. State of Bihar AIR 1964 SC 205
Pyare Lal Bhargava v. State of Rajasthan AIR 1963 SC 1094

Jaikrishandas Manohardas Desai v. State of Bombay, AIR 1960 SC 889
Mahadeo Prasad v. State of West Bengal, AIR 1954 SC 724
[The cases mentioned above are indicative and provided solely for reference purposes]

2. Alternate Dispute Resolution (ADR)

Judicial and Quasi-Judicial Bodies, Tribunals, Arbitration, Conciliation, Mediation, Lok Adalat

(i) Differences between Judicial and Quasi-Judicial Bodies;

(ii) Understanding the concept of Tribunals as Quasi-Judicial Forums [for example National Green Tribunal (NGT), Income Tax Appellate Tribunal (ITAT)]

(iii) Section 89 of Code of Civil Procedure as source of ADR system

(iv) Benefits of ADR system, which disputes can be covered.

(v) Arbitration-
- *(a) Meaning, Arbitration Agreement, Court Referral of Arbitration (Section 8);*
- *(b) Arbitral Award - significance, comparison with a judgement, setting aside of an arbitral award.*

(vi) Mediation & Conciliation
- *(a) Meaning and scope;*
- *(b) Role of the Mediator & Conciliator ; Sanctity of Settlement arrived through Mediation & Conciliation*

(vii) Differences between Arbitration and Conciliation, Mediation and Conciliation;

(viii) Lok Adalat-
- *(a) Who organises Lok Adalat*
- *(b) Jurisdiction*
- *(c) Award of Lok Adalat & its significance*

3. Legal Services Authorities Act, 1987

Spirit of Article 39A of the Constitution of India; Objectives; Legal Aid for the deserving sections of society.

(i) Importance of Article 39A of the Constitution of India;

(ii) Legal Services Authority Act, 1987-
- *(a) Objectives;*
- *(b) Section 4- Functions of the Central Authority (National Legal Services Authority*
- *(c) Legal Services Authorities and Committees at various levels (only hierarchy);*
- *(d) Eligibility for getting free Legal Aid*

(iii) Role of Educational Institutions and Para Legal Volunteers.

4. Indian Contract Act, 1872

Contract -Introduction, Essentials of a Valid Contract, Types, Void Agreement

(i) Introduction to Contracts (Proposal, Promise, Agreement, Contract)
- *(a) Meaning of Contract- Definition*
- *(b) Types of Contracts- Valid, Void, Voidable, Express & Implied*

(ii) Formation of Contract

(iii) Essentials of a Valid Contract
- *(a) Offer and acceptance*
- *(b) Intention to create legal relationship*
- *(c) Consideration*
- *(d) Capacity to Contract*
- *(e) Free Consent- Sections 13 to 22*
- *(f) Legality of object*

(iv) Void Agreement (Section 23 to 30)

(v) Differences between-
- *(a) Coercion & Undue Influence*
- *(b) Fraud & Misrepresentation*
- *(c) Void & Voidable Contract*
- *(d) Valid Contract & Void Agreement*

5. Law of Torts

Nature and definition of Tort, Kinds of Wrong in Tort Law, Cyber Torts,Vicarious Liability

(i) Tort- Introduction
- *(a) Definition & Essential Constituents of Tort*
- *(b) Kinds of wrong in tort law - Intentional Tort, Negligence Tort and Strict Liability (Meaning with examples)*
- *(c) Intentional Torts (Meaning with examples)*
  - *(1) Trespass to body - Assault & Battery*
  - *(2) Trespass to Property*
  - *(3) Nuisance*
  - *(4) Defamation*
  - *(5) False Imprisonment*
- *(d) Tort of Negligence (Meaning & Elements)*

(e) Strict Liability, Absolute Liability

(1) Strict / No Fault Liability - Rule in Rylands v Fletcher with exceptions

(2) Rule of Absolute Liability - Rule in M.C Mehta Case

(3) Differences between Strict and Absolute Liability

(ii) Cyber Torts-Meaning and examples

(iii) Vicarious Liability

(a) Meaning & Essentials

(b) Principles of Vicarious Liability:

- *Quit Facit Per Alium Facit Per Se*
- *Respondeat Superior*

6. Transfer of Property Act, 1882

Property, Modes of transfer of property, Doctrines

(i) Types of Property: Movable and Immovable, definition of 'immovable property under S.3 TPA and S.3(26) General Clauses Act 1908'.

(ii) Transfer of Property - Meaning (Section 5); What may be transferred (Section 6); Persons competent to transfer (Section 7)

(iii) Modes of transfer of property (Sale, Mortgage, Lease, Exchange, Gift, Actionable Claim) - Definition & Illustrations; Differences among Sale, Mortgage & Lease

(iv) Doctrine of Election, Doctrine of Lis Pendens.

7. Fundamental Rights, Duties and Directive Principles of State Policy

Fundamental Rights, Right to Constitutional Remedies, Restriction on the exercise of Fundamental Rights, Directive Principles of State Policy; Fundamental Duties

(i) Fundamental Rights guaranteed by the Constitution.

(a) Right to Equality (Articles – 14-18)

(b) Right to Individual freedoms (Articles – 19-22) including Restrictions on the exercise of the fundamental rights – public order, health and morality under Article 19

(c) Right against exploitation (Articles – 23-24)

(d) Right to freedom of religion (Articles – 25-28)

(e) Right of cultural minorities (Articles – 29-30)

(f) Right to Constitutional Remedies - Writs (Article 32)

(ii) Directive Principles of State Policy - Meaning, Justiciability; Differences between Fundamental Rights and Directive Principles of State Policy.

(iii) Fundamental duties – Meaning and all enumerations.

8. Important Laws

***The Protection of* Human Rights Act, 1993 (with Amendment Act, 2006),** Lokpal and Lokayukta Act 2013

(i) Definition of Human Rights; Differences between Human rights and Fundamental Rights; The Protection of Human Rights Act, 1993 – object of enactment, composition (Section 3) & function of NHRC (Section 12)

(ii) Ombudsman-Meaning and concept, Scope Objectives and limitation of Lokpal and Lokayukta Act 2013, Differences between Lokpal and Lokayukta.

9. Legal Maxims

Important Legal Maxims.

Meaning of the following:

- *Actus non facit reum nisi mens sit rea*
- *Ad valorem*
- *Amicus Curiae*
- *Audi Alteram Partem*
- *Assentio Mentium*
- *Bona fide*
- *Bona Vacantia*
- *Caveat Emptor*
- *Corpus Delicto*
- *Damnum Sine Injuria*
- *De Die in Diem*
- *De Minimis Lex Non Curat*
- *Doli Incapax*
- *Ejusdem Generis*
- *Ex Post Facto*
- *Ignorantia Facti Excusat – Ignorantia Juris Non Excusat*
- *Injuria Sine Damnum*
- *Locus Standi*

- *Nemo Debet Esse Judex in Propria Sua Causa*
- *Nemo dat quod non habet*
- *Noscitur a Sociis*
- *Obiter Dicta*
- *Pari Materia*
- *Per Incuriam*
- *Quid pro quo*
- *Ratio Decidendi*
- *Res ipsa loquitur*
- *Res Judicata Accipitur Pro Veritate*
- *Salus Populi Est Suprema Lex*
- *Stare Decisis*
- *Ubi Jus Ibi Remedium*

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.

The project work will be assessed by the teacher and a Visiting Examiner appointed locally and approved by CISCE.

Mark allocation **per Study [15 marks]** will be as follows:

1.	Evaluation by the teacher	**5 Marks**
2.	Evaluation by the Visiting Examiner	**10 Marks**

Evaluation of Study by the Visiting Examiner

[10 marks]

1.	Presentation	**2 Marks**
2.	Content	**2 Marks**
3.	Analysis	**3 Marks**
4.	Viva-voce based on the Study	**3 Marks**

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.
2. "Changing the Decision-Making Process: From Lawsuit to Arbitration." Analyse with objectivity.
3. Research the following case studies and submit your findings on any two:
   (a) Lalman Shukla v Gauri Dutt case - 1913 40 ALJ 489
   (b) Balfour v Balfour [1919] 2 KB 571
   (c) Mohori Bibee v Dharmodas Ghose, [1903] UKPC 12
   (d) Chikham Amiraju v Chikham Seshamma ILR (1918) 41 Mad 33, 36.
   (e) Derry v Peek (1889) LR 14 AC 337 at p. 374.
   (f) Raffles v Wichelhaus (1864) 2 Hurl & C 906
4. Investigate the legal issues associated with electronic contracts.
5. Discuss five instances from day-to-day life where you let go what could reasonably fall within the ambit of the Law of Torts.
6. "A mediator or conciliator must lead parties into the grey shaded areas of a problem where a variable range of outcomes becomes available to achieve a mediated consensual resolution. It is the skill with which this "grey area" is negotiated that the success of Part III of the Act will depend.

   (A message by Mr. Fali S. Nariman, in the Handbook on Arbitration)

   Prepare a report containing the following:
   (a) Discuss the role of Mediator and Conciliator in the ADR process.
   (b) Are their decisions legally binding or appellable?
   (c) Is it time to make ADR compulsory in India?
7. 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.

8. As per the records of National Campaign Against Torture, in the year 2019, out of 125 deaths, 93 occurred in police custody due to alleged torture and foul play, police claimed that 24 persons out 125 committed suicide or died due to illness while the death occurred under suspicious circumstances, and the reasons for 5 deaths were unknown.
   Section 197 of the Criminal Procedure Code states that if a government officer commits a criminal offence in the discharge of his duty, he cannot be prosecuted without a prior sanction of the Central or State Government. Prepare a report on Human Rights Violations by Police in India and endeavours to prevent it by the Judiciary and Human Rights Commission.
9. In light of the Prashanth Bhushan case, analyse "Free Speech Vs. Contempt of Court."
10. Write an essay on, 'Tracing the Development of Mens Rea'.
11. Motor Vehicles Act- Key provisions, Traffic Violations & Punishments. Relevant case studies to be cited.

OR

Provide a socio-legal analysis of India's dowry system.

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.

NOTE: No question paper for Project work will be set by CISCE.