

SYLLABUS OF GRADE XII

LEGAL STUDIES

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.

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, detailed, 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 low scale 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

Time: 3 hrs.

Marks:100

| S. No. | Contents | Periods | Marks |
|--------------|---|------------|------------|
| 1 | Judiciary | 35 | 10 |
| 2 | Topics of Law | 35 | 20 |
| 3 | Arbitration, Tribunal Adjudication and Alternative 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 | 20 |
| Total | | 240 | 100 |

COURSE CONTENTS

| S. No . | Unit | Topics |
|---------|--|--|
| 1 | Judiciary | i. Structure and Hierarchy of Courts and Legal Offices in India ii. Constitution, Roles and Impartiality iii. Appointments, Trainings, Retirement and Removal of Judges iv. Courts and Judicial Review |
| 2 | Topics of Law | i. Law of Property ii. Law of Contracts iii. Law of Torts iv. Introduction to Criminal Laws in India v. Administrative Law |
| 3 | Arbitration, Tribunal Adjudication and Alternative Dispute Resolution | i. Adversarial and Inquisitorial Systems ii. Introduction to Alternative Dispute Resolution iii. Types of ADR iv. Arbitration, Administrative Tribunals v. Mediation and Conciliation vi. Lok Adalats vii. Ombudsman viii. Lokpal and Lokayukta |
| 4 | Human Rights in India | i. Introduction – History and International Context ii. Constitutional framework and Related laws in India iii. Complaint Mechanisms of Quasi-judicial Bodies |

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| 5 | Legal Profession in India | Introduction : i. History of legal profession in India ii. Classification of lawyers: Roles and Functions, The Advocates Act, 1961, The Bar Council of India, Lawyers and Professional Ethics, Advertising by Lawyers, Opportunities for Law graduates, Legal Education in India, Liberalization of the Legal Profession, Women and the Legal Profession in India. iii. Legal Profession in other jurisdictions |
| 6 | Legal Services | i. Introduction ii. Brief History of legal services iii. Legal background – Free Legal Aid under International law, The Indian legal system, Free Legal Aid under Criminal law, Legal Aid by the State, Legal Aid under the Indian Constitution, NALSA Regulations, 2010 iv. Criteria for giving free Legal Services v. Hierarchy of Legal Aid Service Authorities – The Central Authority, The State Authority, The District Authority and Taluk Legal Services Committee vi. Lok Adalats vii. Legal Aid in Context of Social Justice and Human Rights viii. Funding |
| 7 | International Context | i. Introduction to International Law ii. Sources of International Law – Treaties, Customs and ICJ Decisions iii. International Institutions International Human Rights iv. Customary International Law v. International law & Municipal Law vi. International Law & India vii. Dispute Resolution – ICJ, ICC and Other Dispute Resolution Mechanisms |
| 8 | Project (Based on Syllabus) Refer below | |

PROJECT GUIDELINES

INTRODUCTION:

The student is required to do a project on “Understanding the parts of a judicial decision”

OBJECTIVES:

The project work aims to enable students to be able to:

- design a strategy to identify , formulate, deconstruct a legal problem and its remedy
- select relevant legal sources and conduct searches
- analogize, distinguish and synthesize cases

- apply case and statutory law in an analytical framework utilizing the principles of analogies, distinctions, to write an objective legal memorandum
- acquire legal writing skills
- gain basic legal writing skills, including style, usage and attribution
- understand parts of a judicial decision, ie, ratio decidendi and obiter dicta.

METHODOLOGY:

1. The student is required to select any 5 decided cases related to the curriculum
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
3. The focus should be on the decision of the case wherein the ratio decidendi and obiter dicta can be clearly identified and marked.
4. The difference between the two parts must also be highlighted.

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 |

| Topic | Exceeding (76-100 percent) | Accomplished (61-75 percent) | Developing (34-60 percent) | Beginning (15-33 percent) |
|--|--|--|--|---|
| Presentation of all facts of the case | - All of the relevant facts are presented clearly in a chronological, organized, logical and interesting sequence -The facts are supported with relevant evidence related to the case | -Most of the crucial facts have been stated sequentially as per the happening of the case | - Some facts are stated but not in a sequential manner | -Only a few unrelated and irrelevant facts have been stated |
| Statement of Legal problem and prediction about outcome | -Legal problem has been precisely defined and unambiguously stated -Analysis of the legal problem has been done thoroughly and predicts clear outcome with logical reasoning | -Legal problem has been nearly correctly stated - Analysis of the legal problem predicts a near clear outcome | - Legal problem has been vaguely conceived -Analysis of the Legal problem does not predict a clear outcome | -Legal problem has not been identified clearly, -No analysis of the legal problem has been done to predict the outcome |
| Information gathering | - The information gathered in relation to the case is relevant and sufficient to encompass all crucial facts and all applicable laws | - The information gathered in relation to the case is relevant and sufficient to encompass only crucial facts without applicable laws | - The information gathered in relation to the case is relevant but insufficient to encompass all relevant facts and applicable laws | -The information gathered in relation to the case is insufficient |
| Establishing correlation in facts | -All of the crucial facts are well correlated to each other and presented in a logically persuasive manner | -Most of the crucial facts have been stated and are correlated to each other and presented in a logically persuasive manner | -Some of the stated facts are correlated to each other and presented in a logical manner | -The stated facts lack correlation and are not presented in a logically persuasive manner |
| legal analysis and reasoning | - Legal analysis is done by organizing evidence to accentuate differences, or similarities related to case. Use | - Legal analysis is done by organizing some evidences but organization is less than effective. Shows | - Legal analysis is done by organizing some evidences but organization is not effective. Logical reasoning | - List some evidences but not able to organize it. Legal analysis is incoherent |

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| | superior inductive and deductive reasoning abilities and present analogy. | less Logical reasoning (inductive – deductive) than required. | (inductive – deductive) is missing. | |
| Identification of decidendi and obiter dicta | Ratio decidendi and Obiter dicta has been identified in a crystal clear terms | Ratio decidendi and Obiter dicta has been little less clearly identified | Ratio decidendi and Obiter dicta has been vaguely identified | -Ratio decidendi and Obiter dicta has not been identified |
| Reflections on the Case | 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. | Identify connection between existing laws and their application in this case. Consider alternative arguments to affect the present outcome. | Analyse from a personal perspective why a particular action/decision has happened. | repeats only what has happened in the case |

LEGAL STUDIES
QUESTION PAPER DESIGN
CLASS – XII

Time: 3 Hrs.

M. M: 80

| S. No. | Competencies | Marks | Percentage |
|---------------|--|--------------|-------------------|
| 1 | Remembering and Understanding: 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. | 30 | 37.5% |
| 2 | Applying: Solve problems to new situations by applying acquired knowledge, facts, techniques and rules in a different way. | 24 | 30% |
| 3 | Analysing, Evaluating and Creating: 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. | 26 | 32.5% |
| | Total | 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.