

# LEGAL STUDIES (881)

## 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. Law of Crimes

Stages and elements of crime; Kinds of crimes, Offences against Human Body and Offences against Property under Indian Penal Code, 1860 (IPC);

(i) *Crime*

(a) *Stages;*

(b) *Meaning and difference of Intention, Motive and Knowledge;*

(c) *Elements - Concept of Mens Rea and Actus Reus.*

(ii) *Five categories of crimes - crimes against a person, crimes against property, inchoate crimes, statutory crimes, and financial crimes ( Meaning with examples).*

(iii) *Elements with illustrations and punishments of the following offences under the Indian Penal Code -*

(a) *Offences against Human body – Culpable Homicide & Murder (Sections 299, 300, 302 & 304); Death by rash and negligent act (Section 304A); Dowry death (Section 304B); Assault and Criminal Force (Sections 350, 351 & 352), Cruelty by Husband or his relatives (Section 498A IPC).*

(b) *Offence against Property – Theft (Section 378 & 379), Extortion (Section 383 & 384), Robbery (Section 390 & 392), Dishonest Misappropriation of Property (Section 403), Criminal Breach of Trust (Section 405 & 406), and Cheating (Section 415 & 417).*

#### 2. Alternate Dispute Resolution (ADR)

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

(i) *Difference 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 CPC 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) *Difference between Arbitration and Conciliation, Mediation and Conciliation;*

(viii) *Lok Adalat-*

(a) *Meaning*

(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) *Eligibility for getting free Legal Aid;*

(c) *Legal Services Authorities and Committees at various levels (only hierarchy);*

(d) *Functions of the Central Authority (Section 4).*

(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, Vicarious Liability

(i) Tort- Introduction

(a) Definition & Essential Conditions 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) Difference between Strict and Absolute Liability

(ii) Meaning & Principles of Vicarious Liability

#### 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 between 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, Basic structure doctrine; 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, Justifiability; 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; Difference 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 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 alterem 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 debet non quad habit
- Noscitur a Sociis
- Obiter Dicta
- Pari Materia
- Per Incuriam
- Qui Facit Per Alium, Facit Per Se
- 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           | <b>5 Marks</b>  |
| 2. | Evaluation by the Visiting Examiner | <b>10 Marks</b> |

### Evaluation of Study by the Visiting Examiner

**[10 marks]**

|    |                              |                |
|----|------------------------------|----------------|
| 1. | Presentation                 | <b>2 Marks</b> |
| 2. | Content                      | <b>2 Marks</b> |
| 3. | Analysis                     | <b>3 Marks</b> |
| 4. | Viva-voce based on the Study | <b>3 Marks</b> |

### 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. The argument about whether Sections 499-500 of the IPC constitute a "reasonable restriction" has ignited a debate about the decriminalisation of defamation. Besides, a segment of the political class opposes the decriminalisation of defamation, contending that "reputation" is man's greatest asset and that freedom of expression must be moderately regulated to safeguard it. The Central government, as well as several state governments, are determined to keep Section 499 of the IPC in place. In the light of the above, examine 'Criminal Defamation' in detail.

### 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.

