

37. LEGAL STUDIES

(Code No. 074)

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.

Class XI (2017-18)

One Paper

Time: 3hrs.

Marks: 100

S.No.	Units	Periods	Marks
1	Theory and Nature of Political Institutions	40	20
2	Nature and sources of law	45	20
3	Historical Evolution of Indian Legal System	45	20
4	Civil and Criminal Courts and Process	45	20
5	Family Justice System	45	20
	Total	220	100

Course Contents:

<p>1. Theory and Nature of Political Institutions Concept of State/Nation Organs of Government - Legislative, Executive and Judiciary Separation of Powers - Parliamentary Sovereignty and Judicial Independence Constitutional Framework of India</p>	40 Periods
<p>2. Nature and Sources of Law Legislation - process, delegated and subordinate legislation Case Law - <i>Stare decisis</i>, precedents within the hierarchy of courts Authoritative Sources Custom Law Reform</p>	45 Periods
<p>3. Historical Evolution of Indian Legal System Ancient Indian Law English Law in India Administration of Justice in British India Charter of 1861 and subsequent Charters Establishment of High Courts and the Federal Court Drafting of the Indian Constitution Ancient Indian Law in Modern Legal Framework</p>	45 Periods
<p>4. Civil and Criminal Courts and Process The Civil Court Structure The Criminal Court Structure The Civil Process The Criminal Process - investigation and prosecution</p>	45 Periods
<p>5. Family Justice System Institutional Framework Marriage and Divorce Children Domestic Violence</p>	45 Periods