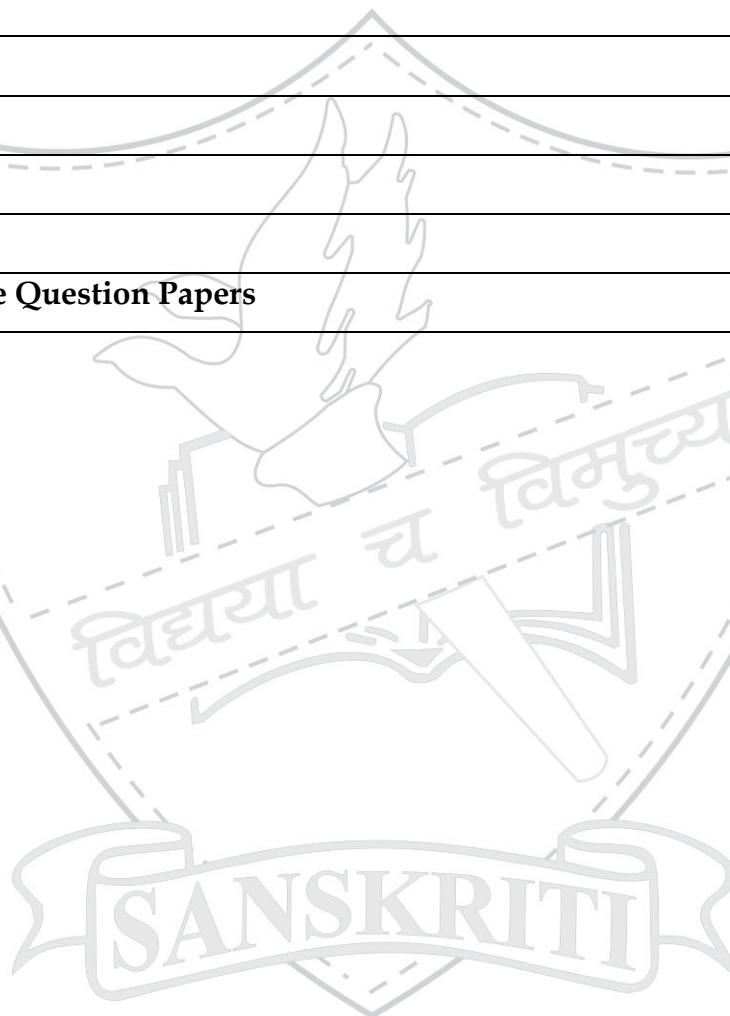




LEGAL STUDIES- Class XI

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LEGAL STUDIES Class XI**(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 enable 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 XI (2021-22)

One Paper

Time: 3hrs.

Marks: 100

S	Units	Periods	Marks
1	Theory and Nature of Political Institutions	40	15
2	Nature and Sources of Law	45	15
3	Historical Evolution of the Indian Legal System	45	10
4	Judiciary: Constitutional, Civil and Criminal Courts and Processes	45	20
5	Family Justice System	45	20
6	Project	20	20
	Total	240	100

Contents:

S No	Unit	Topics
1	Theory and Nature of Political Institutions	i. Concept of State and Nation ii. Organs of Government iii. Separation of Powers iv. Basic features of the Constitution of India
2	Nature and Sources of Law	i. Nature and meaning of law ii. Classification of Law Sources of Law iii. Law Reform
3	Historical Evolution of the Indian Legal System	i. Ancient Indian Law ii. Administration of Justice in British India iii. Making of the Indian Constitution
4	Judiciary: Constitutional, Civil and Criminal Courts and Processes	i. Constitution: Roles and Impartiality ii. Hierarchy of Courts The Civil Court iii. Structure Structure and functioning of Criminal Courts in India iv. Other Courts in India
5	Family Justice System	i. Introduction ii. Institutional Framework

		iii. Marriage and Divorce iv. Children v. Domestic Violence vi. Property, Succession & Inheritance
6	Project on Unit 2	

Legal Studies

DESIGN OF THE QUESTION PAPER -CLASS XI (2021-22)

Time : 3 Hours

Max. Marks:
80

S. No.	Competencies	Total Marks	% Weightage
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.	26	32.5

	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		
	Total	80	100

No chapter wise weightage. Care to be taken to cover all the chapters

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



Unit I- Theory and Nature of Political Institutions**Chapter 1- Concept of Nation and state****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Explain the meaning of Society and State and define the term 'State'
- Describe the theories of the origin of State
- Identify different types of States
- List the different elements of a State
- Recognize the role of a State
- Describe the concept of a Nation
- Resolve a given problem- case study

1. Fill in the blanks:

- a. _____ is described as society politically organized.
- b. _____, in his work, An Introduction to politics, defines state as a territorial society, divided into government and subjects claiming within its allotted physical area having supremacy over other associations.
- c. Primitive Australian tribes were divided into tribes known as _____.
- d. Patriarchal Theory finds support from _____, who explained that the state developed out of the family as a legitimate legal system developed out of the unrestrained autocracy of the family head.
- e. According to _____ theory, state is governed by God or some super human power or the king as his agent and the religious scriptures. This theory adds _____ character to state functions.
- f. The literary work, Leviathan was written by _____.

One markers

2. Define society.
3. What is state?
4. How does Aristotle define State?
5. Name the three proponents of Social contract Theory.
6. What is the basic premise of the Social Contract Theory?

7. Who governed the people according to Rousseau, after they entered into Social Contract?
8. What is a Modern welfare state?
9. What is the ideal type of state as viewed by modern liberals and democratic socialists?

Two Markers

10. What is the criticism of the Patriarchal and Matriarchal theories?
11. What are the five theories on the origin of State? Name the political philosophers who propounded/supported these theories.
12. What were Aristotle and Montesquieu's opinions on the size of the territory of a state?

Four Markers

13. Compare the state of nature as given by Hobbes and Locke.
14. What are the two types of contracts that individual entered into, according to Locke's social contract theory. Describe each briefly.
15. Write a short note on the concept of a nation.

Five Markers

16. Describe the social contract theory as explained by Thomas Hobbes. Why has it been criticized?
17. What are the various types of state according to their origin? Explain each briefly.
18. 'Garner's definition of state contains all the elements of the state'- What is the definition of state as given by Garner? What are the four elements of state? Describe each briefly.

Six Markers

19. Describe the classification of states according to their role.
20. Compare the social contract theory as given by Hobbes, Locke and Rousseau.

Unit 1

Chapter 1

1. State is usually described as _____.
2. When a society is governed by common set of laws, rules, regulations, and obey a supreme authority, it qualifies for being a _____.
3. Machiavelli, in his book _____ defined state 'as the power which has authority over men'.
4. The earliest advocate of the theory of kinship is _____.
5. According to _____ Theory, in the origin and development of State, the eldest male descendant of the family had an important role to play.
6. The _____ Theory traces the existence of the State to the mutual agreement and mutual consent of the people, to form a State. _____, _____ and _____ are the three political philosophers who propounded this theory.
7. The Romans established a form of government - _____ - that inspired several countries for centuries.
8. The Roman State passed through three different periods:
 - a. _____
 - b. _____
 - c. _____
9. The decline of the Roman Empire can be attributed to reasons such as
 - a. _____
 - b. _____
 - c. _____
 - d. _____

10. The state must possess four elements, namely,

_____ and
_____.

Presently _____ is also considered as an essential element of the state. That implies the recognition of the sovereignty of the state over a given territory and population by other states.

11. Andrew Heywood classifies the role of the State based on the functions or responsibilities which are fulfilled by the state into:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

12. A _____ is a people descended from a common stock with homogeneous factors. It means a people brought together by the ties of blood relationship.

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Unit 1

Chapter 2- Organs of the Govt.:Learning Outcomes:At the end of this chapter, we will be able to:

- Summarize Aristotle's view on Forms of Government
- Explain with examples the various forms of Government: Monarchy, Aristocracy, Dictatorship, Democracy
- Compare and Interpret the three essential functions of the Government i.e. Legislative, Executive and Judiciary
- Compare the Presidential and Parliamentary system of Government
- Define Unitary and Federal Forms of Government
- Differentiate between Unicameral and Bicameral Legislatures with examples.

1. Aristotle's classification of states was based on two aspects:

- a. _____
- b. _____

2. _____ is a form of political regime in which the supreme and final authority is in the hands of a single person wearing a crown, irrespective of whether his office is hereditary or elective.

3. In _____ form of government, political powers of the state is vested in the hands of a few people.

4. _____ form of Government is the most popular form in the modern civilized states.

5. Explain:

- a. Initiative

b. Referendum

c. Plebiscite

6. In _____ system the legislature and the executive are related to each other, by way of membership in the two bodies and their accountability. The _____, while implementing laws and discharging its responsibilities like health, education, food and public distribution, defence, police services etc., is responsible to the _____.

7. In the _____ system, executive branch of the government is independent of the legislature for its tenure and actions.

8. Indian Parliament is a _____ legislature, its houses being the _____ and _____.

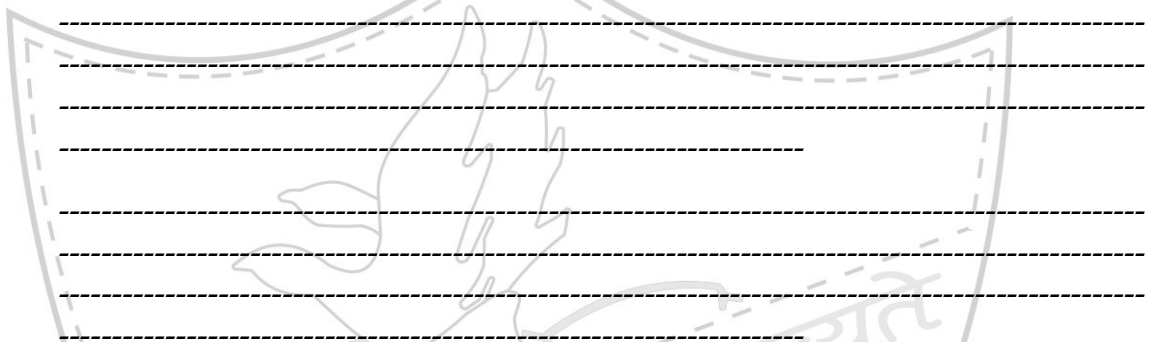
9. In United Kingdom, the legislative houses are known by the names of _____ and _____.

10. Legislative Acts are classified as

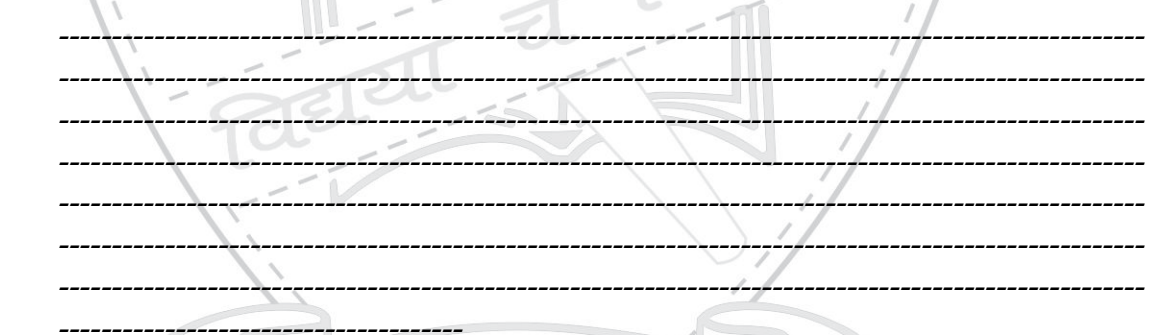
- a. _____
- b. _____
- c. _____ and
- d. _____

11. The Indian legislature enacted the _____ with the purpose of protecting the interest of consumers and the speedy settlement of their disputes.
12. A Bill can be introduced either by a Minister, when it is called a _____; or a member other than a Minister, when it is known as a _____.
13. Write short notes on

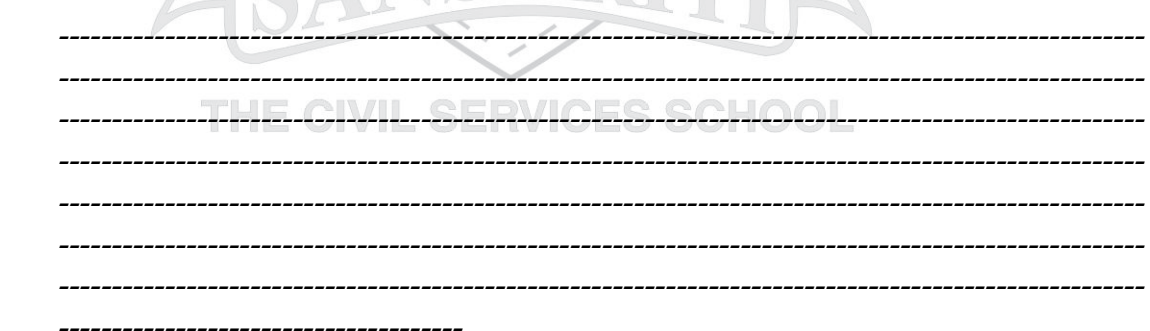
a. Monarchy



b. Democracy

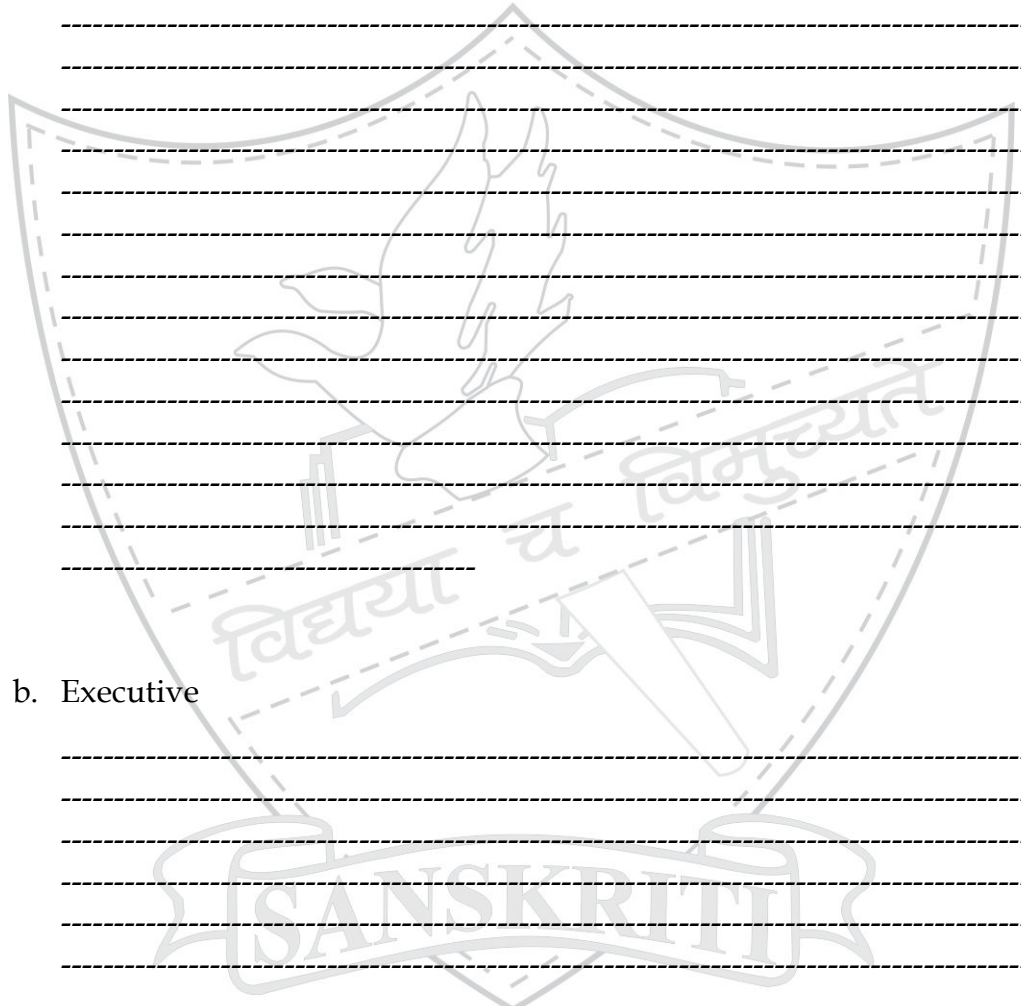



c. Unitary and federal form of govt.

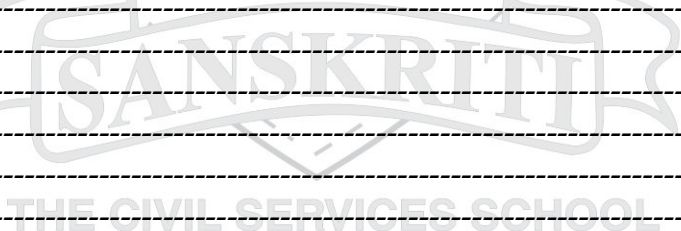


14. Explain the role of

a. Legislature



b. Executive



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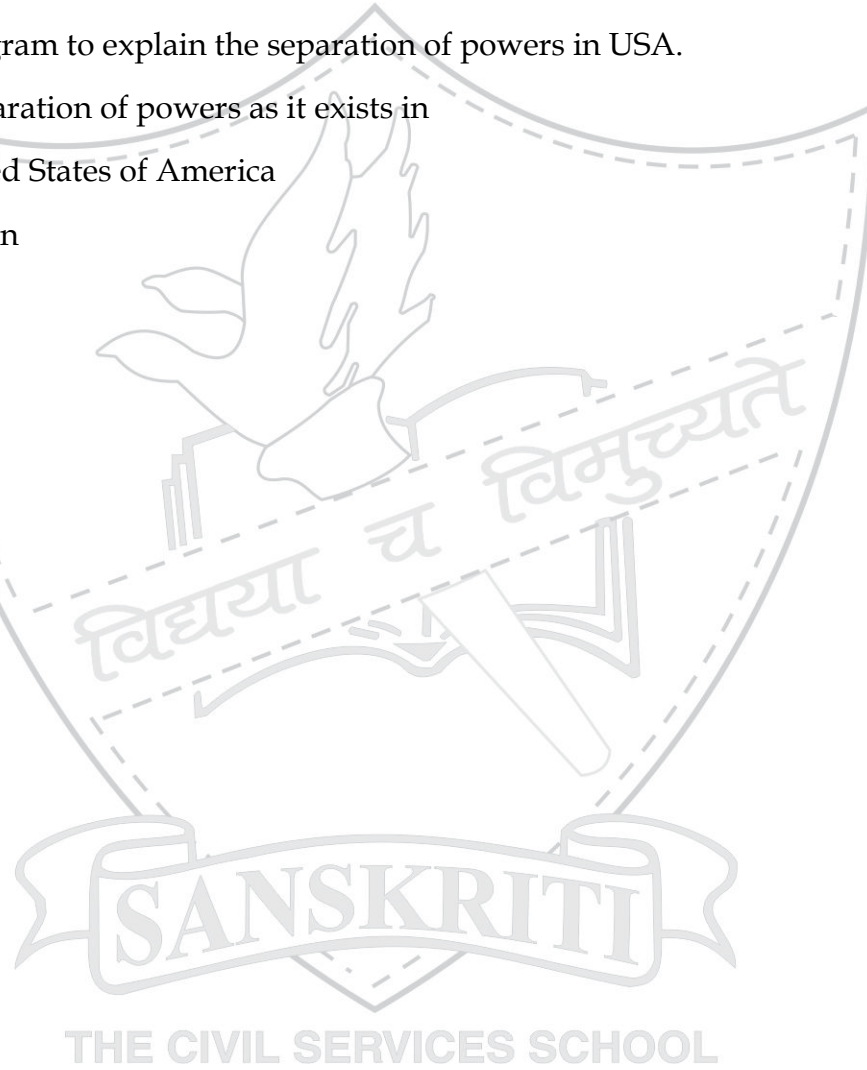
Unit 1**Chapter 3- Separation of Powers****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Define the concept and enumerate the requirements for Separation of Powers
- State the meaning of Separation of Powers as explained by Wade and Phillips
- Analyze the Historical Background and reasons for origin of Separation of Powers
- Interpret Montesquieu's Doctrine of Separation of Powers-Enumerate its Historical Background; List its Basic Features,
- Explain Checks and Balances of Power, and Impact of the Doctrine
- Critique the Merits/Benefits and Defects of the Doctrine
- Make a presentation on the form of government and separation of powers as it exists in Britain, USA and India

1. In the words of Wade and Phillips (Constitutional Law, 1960), separation of powers may mean three different things:
 - a. _____
 - b. _____
 - c. _____
2. Aristotle in his treatise Politics called the three organs of the government as _____ and _____
3. During his time, Montesquieu saw the oppressive and despotic rule of _____.
4. The doctrine of the separation of powers emerged as a distinct doctrine in Montesquieu's famous book _____ published in 1748.
5. The system of checking the encroachment of powers by each organ and thus balancing the division of powers is termed as the system of _____.
6. Explain the impact of the doctrine of Separation of Powers.
7. What is the meaning of Checks and Balances?
8. What are the powers of the President of the United States of America.

9. Explain the interpretation of Separation of Powers as given by Wade and Philips.
10. How did the United States Constitution distribute the powers among the different organs?
11. What changes were brought in by the Constitutional reforms Act, 2005?
12. Explain the historical origin of the doctrine of Separation of Powers.
13. What does Article 368 deal with?
14. Draw a diagram to explain the separation of powers in USA.
15. Explain separation of powers as it exists in
 - a. United States of America
 - b. Britain
 - c. India



Unit 1**Chapter 4- Constitutional Framework of India****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Define the term Constitution and explain its meaning
- Describe the historical perspective of Indian Constitution; Interpret the limited governing rights granted to Indians
- Comment upon the Constituent Assembly and The Indian Independence Act, 1947 enacted to frame the constitution of India
- Comment upon the Salient Features of the Constitution of India that includes Preamble to the Constitution, Fundamental Rights,
- Fundamental Duties, and Directive Principle of State Policy.
- Make a presentation on various writs that can be issued by the Supreme Court/ High Courts to protect the Fundamental Rights of Citizens
- Describe Constitutional Provision for Amendment of the Indian Constitution and critique with relevant case studies how the basic structure of the Constitution cannot be amended.
- Comment on Article 370
- Define adult suffrage and identify the related articles of the Constitution of India.
- Explain citizenship as given under the Constitution of India.
- Comment upon independence of Judiciary.
- Identify the 12 schedules to the Constitution of India.

1. What is the meaning of the term Constitution? What are the distinctive features of the constitution of a state?
2. “The Government of India Act, 1935 has provided the administrative details and language to the provisions of the constitution”. Elaborate.
3. What are writs? Why are they used? Name the various types of writs and also give the purpose of their issue.

4. What is the significance of Article 370?
5. What is the significance of Preamble to the Indian Constitution
6. Briefly discuss the system of prerogative writs in India.
7. Write short notes on:
 - a. Fundamental Rights
 - b. Directive principles of state policy
 - c. Constitutional provision for the amendment of the constitution
 - d. Single citizenship
 - e. The Indian Independence Act
8. Fill in the blanks:
 - a. _____ argued that in the absence of Constitution, there will be reign of anarchy.
 - b. The literal meaning of the writ _____ is 'by what authority'.
 - c. Part XV of the constitution contains provisions on _____
 - d. Supreme Court, in the case _____, held that Sovereign denotes that India is not subject to _____
9. What was the significance of using the word 'Union' instead of 'Federation' in article 1(1) of the constitution of India?
10. Describe the subject matter of the 12 schedules to the Constitution of India.



UNIT 2- Nature and Sources of Laws**CHAPTER 1****NATURE AND MEANING OF LAW****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Critique Spelucean Explorers Case
- Define Law
- Explain the historical perspective of law i.e. different approaches towards laws since ancient time by noted philosophers/jurists
- Compare the Five schools of law i.e. Natural, Analytical, Historical, Sociological and Realist
- Comment on the need for law in a society and explain its function and purpose.
- List the distinguishing features and sources of law for each school;
- Comment on the need for law in society and explain its function and purpose.

1. Write a short note on

- a. The Case of the Speluncean Explorers.
- b. Justitia, the Roman Goddess of Justice
- c. Sir Henry James Sumner Maine
- d. Themis, the Greek Goddess of Justice

2. Define Law. How has Aristotle defined Law?

3. What is the central idea behind Natural Law theory?

4. Why were the principles of Natural law rejected by Positivists like Bentham and Austin?

5. The principle of natural justice encompasses two rules. Name them and give their meaning.

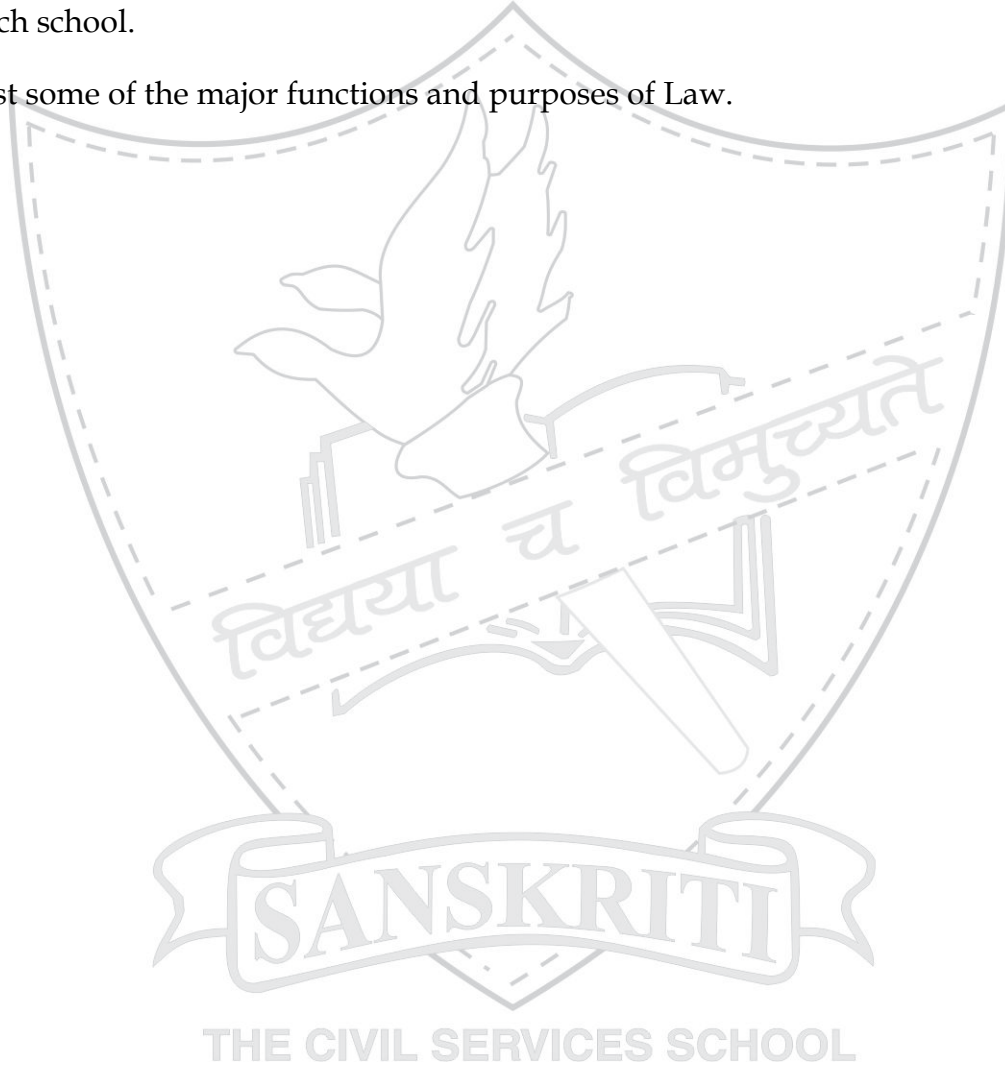
6. What is Volksgeist?

7. Compare the views of Finnis and Fuller.

8. State the two important principles of Natural Justice.

9. Who propounded the Utilitarian principle? What does it mean?

10. What were the main features of the sociological school according to Roscoe Pound?
11. What were main criticisms against the sociological school of Law?
12. Who introduced the concept of Social Engineering? What does it mean?
13. What were the major criticisms of the Realist school?
14. Name the various schools of Law, their main proponents and the main features of each school.
15. List some of the major functions and purposes of Law.



UNIT 2 CHAPTER 2
CLASSIFICATION OF LAW

Learning Outcomes:

At the end of this chapter, we will be able to:

- Identify the purpose of classification of Laws
- Classify the Laws into International and Municipal Laws and explain them
- Classify International and Municipal Laws further into Public and Private laws respectively and explain them.

1. Law may be broadly divided into which two classes in terms of its usage?
2. What are the two classes of International Law? Describe each briefly.
3. Describe the three main branches of Public Law.
4. What is Municipal Law?
5. Why is classification of law important?
6. What does Criminal Law deal with? Why is it considered a part of public law?
7. What do you understand by the term private law? How has private law been classified?
8. What is a contract? What are the essential elements of a valid contract?



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Unit 2**Chapter 3- Sources of Law****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Identify various sources of Law
- Describe the need for classification of laws
- Classify the sources of law into Formal and Material sources of law
- Critique on the three main sources of law- Customs, Legislation and Judicial Precedent
- Explain how Custom is an important source of law
- Describe the essential tests laid down by Jurist/ courts for customs to be recognized as sources of law
- Comment on the importance of custom as a source of law in India
- Critique on the developments relating to property rights of women in India
- Explain judicial precedent as a source of law;
- Compare the 2 parts of judicial decisions- Ratio decidendi and Obiter dicta
- Describe the historical evolution of Hierarchy of courts in British India
- List the hierarchy of Criminal/ Civil Court Post-independence in India
- Comment on 'Do judges make law? Compare the two views of jurists on this issue
- Critique the role of judiciary in law making in India;
- Explain why Legislation is the most important source of law
- List and Define different kinds of legislation

1. Salmond, an English Jurist, has classified sources of law into the following categories:

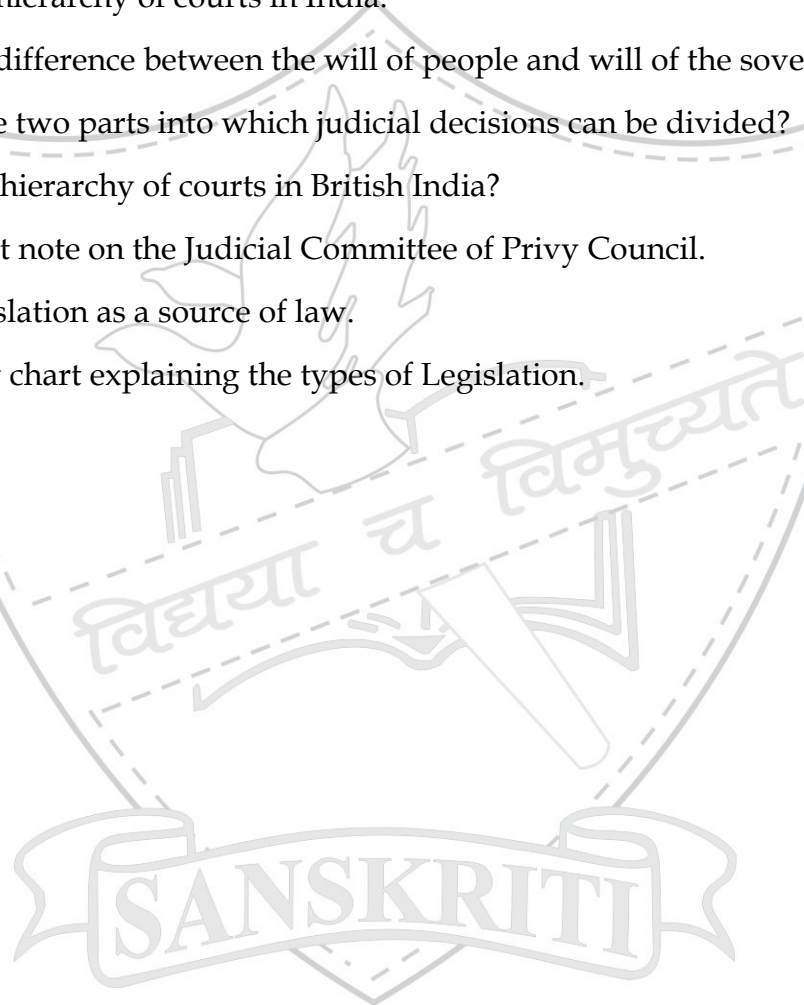
- a. _____
- b. _____

2. The three major sources of law can be identified in any modern society are as follows:

- a. _____
- b. _____
- c. _____

3. The word _____ means "Seven steps" and is an example of custom as a source of Law.

4. Define Custom.
5. Do judges make law? Elaborate.
6. Explain the main categories into which custom has been divided.
7. Name the six essentials of a valid custom.
8. What is the meaning of Judicial Precedent?
9. Explain the hierarchy of courts in India.
10. What is the difference between the will of people and will of the sovereign.
11. What are the two parts into which judicial decisions can be divided?
12. Was there a hierarchy of courts in British India?
13. Write a short note on the Judicial Committee of Privy Council.
14. Discuss legislation as a source of law.
15. Draw a flow chart explaining the types of Legislation.



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UNIT 2**CHAPTER 4****LAW REFORMS****Learning Outcomes:**

At the end of this chapter, we will be able to:

- Explain the meaning and need of law reform
 - Comment upon the law reforms in India in pre and post independent India
 - Comment on the various British administrators who played a crucial role in improving the Civil and Criminal system in pre- independent India
 - Describe the major milestone in law reform in pre-independent India due to the establishment of various 'Law Commission'
 - List the major contribution of Law Commissions in India.
1. What do you understand by the term 'Law Reform'?
 2. Law reform is not a one-time process but a tedious and gradual process. Explain.
 3. What are the two periods into which law reforms can be classified?
 4. Fill in the blanks:
 - a. _____ a British Army officer and colonial administrator, who served as a civil and military governor in India, is known for his contribution to the policy for the Permanent Settlement.
 - b. _____, a British statesman, who served as Governor General of India from 1828 to 1835, played crucial roles in improving the Civil and Criminal Justice System in pre-independent India.
 - c. The first Law Commission in the British Raj was established in the year _____ under the Charter Act of 1833, under the Chairmanship of _____.
 - d. After Independence, the constitution under Article _____, recognized the pre-constitutional laws.
 - e. The Government of India constituted the First Law Commission of independent India under the chairmanship of the then Attorney General, _____.
 5. What were the major contributions of the Law commissions in pre independence India?

Unit 3- Historical Evolution Of The Indian Legal System**Chapter 1- Ancient Indian Law****Learning Outcomes:**

At the end of this chapter, we will be able to:

- comment on Hindu Law
- describe Classical Hindu Law
- explain Dharma and list the Sources of Hindu Law or Dharma
- describe Dharmashastra
- comment upon Anglo- Hindu Law and identify its phases

To critique Modern Hindu Law

1. What is Dharma? How is it different from the modern understanding of law?
2. Define Law and list the three major sources of law.
3. What are the three categories of Hindu Law?
4. Discuss in brief the topics covered in the Dharmashastras.
5. What were the main sources of Dharma?
6. Differentiate between commentaries and digests.
7. How are Dharmasutras different from Dharmashastras? List some important examples of each.
8. What were the two main phases in Anglo Hindu Law?
9. Name the four major legislations adopted by the Parliament in 1955-56 that governed the family and personal matters of Hindus.
10. How did the Dharmashastra tradition lose its relevance?

Unit 3- Historical Evolution Of The Indian Legal System
Chapter 2- Administration of Justice in British India

Learning Outcomes:

At the end of this chapter, we will be able to:

- describe the administration of justice in British India
- comment on the evolution of courts in British India
- critique the establishment of Mayor Courts
- explain the Regulating Act of 1773
- comment on the defects of the Regulating Act of 1773
- comment on the Law Reforms in British India
- explain the Charter of 1861
- describe the establishment of Federal Court
- explain Advisory Jurisdiction
- comment on the establishment of other High Courts and Supreme Court
- explain the Legal Profession in India.

1. What is the meaning of the term 'Justice, equity and Good Conscience'?
2. What is the meaning of Lex Loci?
3. Write a short note on the Act of 1773. What were the defects of this Act?
4. How does the charter issued by King George in 1726 mark an important development in the Indian Legal History?
5. Which courts were established subsequent to the Charter of 1726? Write a short note.
6. What were the Records' courts?
7. What were the Choultry courts? Where did they exist?
8. Write a short note on Privy Council.
9. Explain the historical evolution of Indian Courts.
10. Who all can practice Law in India?

Unit 3- Historical Evolution Of The Indian Legal System
Chapter 3- Making of the Indian Constitution

Learning Outcomes:

At the end of this chapter, we will be able to

- Explain Constituent Assembly
- Describe the sources of the Constitution
- Comment on the Indian Constitution

1. How was the Constituent Assembly formed? What was its purpose?
2. What are the three sources that the framers of the Constitution referred to draft the Indian Constitution? Briefly describe them.
3. What was the objectives' resolution?
4. Briefly describe the theme, philosophy and the spirit on which the Indian Constitution was drafted.
5. How are the Fundamental Rights different from the Directive principles of State Policy?
6. What is Bicameral Legislature? How is the Indian legislature Bicameral?
7. How is the legislative authority divided between the centre and the state?
8. When can the President of India proclaim a state of emergency? What happens during such a situation?
9. How are the jurisdictions of Supreme Court, High Courts and Subordinate Courts similar or different from each other?
10. Why would one term the Indian Constitution a 'Living Document'?

Unit 4- Judiciary - Constitutional, Civil and Criminal Courts And Processes

Learning outcomes:

At the end of this chapter, we will be able to:

- Understand Independence and Impartiality of the Supreme Court
- Become familiar with the Structure and Hierarchy of the Courts in India
- Gain knowledge regarding Appointment, Retirement and Removal of Judges of High Courts
- Gain knowledge regarding Appointment, Retirement and Removal of Subordinate Court Judges
- Understand the civil process and functioning of civil courts
- Become familiar with the Civil Court Structure
- Study about Decree, Judgment and Order
- Explain the structure and functioning of Criminal courts in India
- Become familiar with the criminal process- investigation, Inquiry and Trial
- Understand about Warrant, Summons and Summary Trials
- Gain knowledge about Bailable and non-bailable Offences
- Explain about: Anticipatory Bail, Cognizable and non- cognizable Offences
- Familiarize with the Doctrine of autrefois acquit and autrefois convict
- Understand the function and Role of Police
- Criminal Investigations and First Information Report (FIR)
- Understand other courts in India i.e.: Family Courts and Administrative Tribunals

1. Explain the meaning of the term 'Basic Structure'. When was it first used?

2. Discuss the

- (a) appellate jurisdiction of the Supreme Court

(b) Advisory jurisdiction of the Supreme Court with relevant Case laws

3. How has the constitution of India ensured the independence of the Judiciary?

4. Write a short note on The Code of Civil Procedure, 1908

5. Explain the terms Decree, Judgment and order, and highlight the difference between the three.

6. What are the three stages to be followed for the administration of Criminal justice in India?

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7. What are two types of criminal trials?

8. What are six distinct stages of a criminal trial?

9. Define Warrant Case. Which section of CrPC, 1973 defines it?

10. Differentiate between

(a) Bailable and non Bailable offences,

(b) Cognizable and non-Cognizable offences

11. Write a short note on

(a) FIR,

(b) Anticipatory Bail.

12. What are the rights of an arrested person?

13. Discuss the doctrine of Autrefois acquit and autrefois convict, giving the relevant provisions of the Constitution of India and CrPC, 1973.

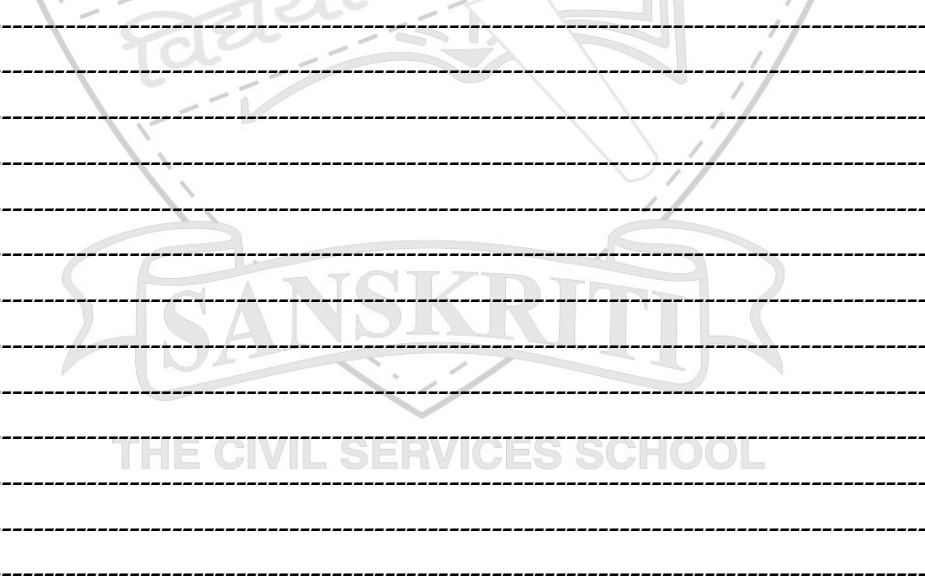
17. What are the two grounds on which Supreme Court can strike down any piece of legislation?

18. Write a short note on Supreme Court and Judicial review.

19. Can the Supreme Court review its own judgment? Explain.

20. Define judgment. Differentiate between a decree and judgment.

21. Write a short note on the hierarchy and categories of Criminal courts in India.



UNIT 5- FAMILY JUSTICE SYSTEM

Learning Objectives:

At the end of this chapter, we will be able to:

- Understand the emergence of personal laws in India.
 - Describe the constitution, emergence and need for family courts in India.
 - Differentiate between the concept of Endogamy and exogamy
 - Identify the essentials of a valid marriage, concept of void and voidable marriage as provided for under various religious laws.
 - Analyse the various theories of divorce.
 - Identify and differentiate between the various rights of child.
 - Enumerate the international legal framework around violence against women and explain the various provisions of Protection of Women from Domestic Violence Act, 2005.
 - Analyse the concept of property, inheritance and succession under various religious laws.
-
1. Who introduced the uniform criminal law in India for the first time with the idea of equality before law of both Hindus and Muslims? Did he also introduce the same in matters of personal law?
 2. Give two reasons why the system of court Hindu Pandits and Muslim jurists was abolished after 1864.
 3. What were the three means of development of Anglo Hindu personal law and Anglo Islamic personal law during the British rule?
 4. Give some examples of gender inequality existing in the present day Hindu Family Law and Islamic Family Law.
 5. What were goals of the Family courts which were created after the enactment of Family Courts Act, 1984?
 6. Write a short note on the Family Courts Act, 1984
 7. Name the relevant statutes that come within the purview of Family Courts Act, 1984.
 8. What is the meaning of Amicus Curiae? Explain his role in Family Courts.
 9. In which situation can a person approach the court for restitution of Conjugal rights?
 10. How is marriage a (a) Social Union, (b) Legal Union
 11. Explain the concept of endogamy and exogamy with examples.

12. Enumerate the conditions for a valid Hindu Marriage.
13. Distinguish between void and voidable marriage. Give the three grounds for a void marriage, and four grounds of voidable marriage.
14. Write a short note on Fasid marriage.
15. What are the grounds of void marriage in Muslim Law?
16. What are the grounds for obtaining a decree of nullity of marriage under the Indian Divorce Act, 1869?
17. In which situation can a declaration as to nullity of marriage be obtained under the Parsi Marriage and Divorce Act, 1936?
18. What is Divorce? What are the different theories of Divorce?
19. Has ir-retrievable breakdown of marriage been included as a ground for divorce in the Hindu Marriage Act, 1955? What steps are being taken to include it as a ground?
20. What are the grounds for divorce under the Hindu Marriage Act, 1955?
21. Describe the matrimonial rights and obligations conferred as a result of marriage.
22. What are the salient features of the Right of Children to Free and Compulsory Education Act, 2009?
23. How does the United Nations Convention on the Rights of the Child embody the Rights Perspective?
24. How has the Supreme Court described Right to shelter in decided cases?
25. Explain the concept of de-jure and de-facto guardian.
26. Describe the legislative steps taken internationally and in India for the elimination of child labour.
27. Explain the terms (a) Child in need of care and protection (b) Child in conflict with law
28. What are the laws in India on violence against women?
29. Write a short note on Protection of women from Domestic Violence Act, 2005.
30. What is the meaning of inheritance?
31. Which legislation governs intestate succession among Christians?
32. What are the set of standards delivered by Supreme Court in Vishakha Case, which are now referred to as Vishakha guidelines? Discuss, giving a brief background of the case.

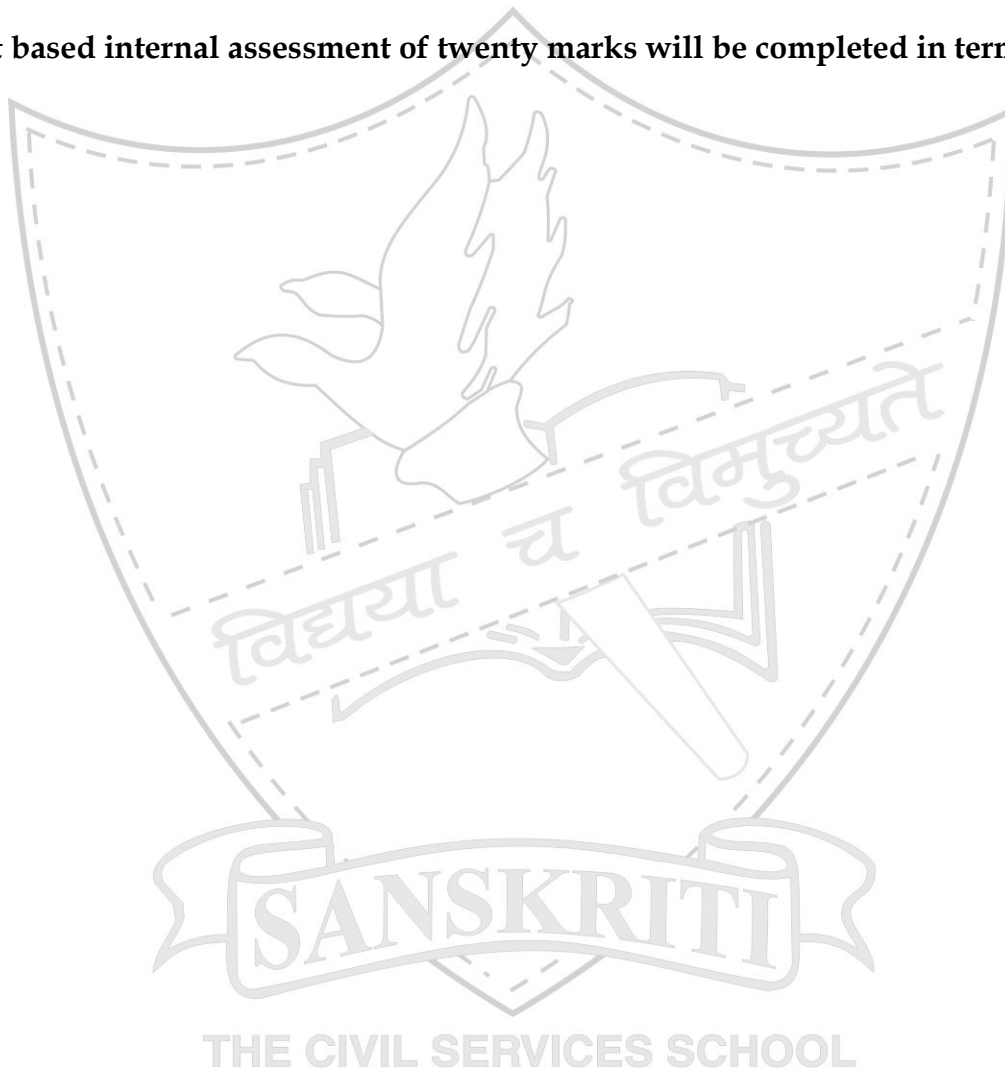
Project

Learning Outcomes:

On completion of the Project, we will be able to

- Learn research skills
- Differentiate between Ratio Decidendi and Obiter Dicta.
- Present facts in an organised manner.

A Project based internal assessment of twenty marks will be completed in term 2 class 11.



Academic Session: 2020--21
Annual Examination
Subject: Legal Studies
Class XI

Time::3Hours

Max Marks: 80

M.M.

Part A- Objective Type Questions

1. This is an order issued by the court to prevent a person from holding office to which he is not entitled and to oust him from that office. 1
 - a. Habeas Corpus
 - b. Prohibition
 - c. Quo warranto
 - d. Mandamus
2. The word juvenile has emerged from the latin word Juvenilis, which means 1
 - a. Belonging to teenager
 - b. Belonging to adolescent
 - c. Belonging to youth
 - d. Belonging to adult
3. The need to establish family courts was first emphasized by 1
 - a. Smt Amrita Kaur
 - b. Smt Durga Bai Deshmukh
 - c. Justice M C Chagla
 - d. Justice P B Gajendragadkar
4. The Supreme Court has concurrent original jurisdiction along with the High Courts, for: 1
 - a. Disputes between Central and state Government
 - b. The enforcement of fundamental rights under Article 32 of the Constitution of India.
 - c. Give advice to the President
 - d. Hear criminal cases
5. Which of the following statements regarding 'Fasid' is NOT true? 1
 - a. It is a concept of irregular marriage under Muslim Law.
 - b. A Fasid Marriage is a void marriage
 - c. It is recognized only by Sunnis and not by the Shia sect.
 - d. A fasid marriage can become valid if the defect is cured.
6. The maxim *pouvoir artere le pouvoir* means 1
 - a. Power corrupts, and absolute power corrupts absolutely.

- b. Power halts power.
c. Separation of Powers
d. Checks and Balances of Power
- 7 The Right of Children to Free and Compulsory Education Act was passed by the Parliament in 2009. Which of the following is NOT provided by the Act? 1
- a. All children should get education irrespective of their economic condition
b. Children should be free to decide whether they want education or not
c. The financial burden for the implementation is to be shared by state and the central government
d. 25% reservation for economically disadvantaged communities in all private and minority schools.
- 8 What is the “formal expression of an adjudication which so far regards the court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final”? 1
- a. Order
b. Decree
c. Judgment
d. Admission
- 9 Rajat committed the offence of bigamy, which has a maximum punishment of 5 years. Under which category does bigamy fall: 1
- a. Bailable offence
b. Cognizable
c. Non Cognizable
d. Non cognizable and bailable
- 10 Neelu and Naveen were married for 10 years but due to certain issues between them, they no longer wished to stay together. Neelu suggests that they should stay separately for at least one year and then move a joint petition for divorce. This is: 1
- a. Fault theory
b. Guilt theory
c. Divorce by mutual consent
d. Divorce by irretrievable breakdown
11. The first Law Commission of Independent India was constituted under the chairmanship of 1
- a. Justice H J Kania
b. M C setalvad
c. Thomas Babington Macaulay
d. D K Jain
12. Sonu and his friend Mantu, both 12 years old, were working in a firecracker factory in Madhya Pradesh. Upon knowing about this, the state govt took steps to withdraw them from work and enrolled them in a special school set up for the 1

children withdrawn from work. Identify the scheme which envisaged the setting up of these special schools.

- a. National Child Labour Project, 1988
 - b. National Policy on Child Labour 1987
 - c. International Programme on elimination of Child Labour, 1992
 - d. Child Labour (Prohibition and Regulation) Act, 1986
- 13 Section 438 of the CrPC enables the superior courts to grant _____ 1
- a. Bail
 - b. Warrant
 - c. Anticipatory Bail
 - d. Anticipatory Warrant
- 14 The support services envisaged under the Protection of Women from Domestic Violence Act 2005, do NOT include 1
- a. Legal aid
 - b. Counseling
 - c. Reconciliation
 - d. Medical Assistance
- 15 What does the seventh Schedule to the Constitution of India provide for? 1
- a. List of States and Union Territories of India.
 - b. Allocation of seats in Council of states.
 - c. Subject matters of three lists regarding division of legislative power.
 - d. Powers, authority and responsibilities of panchayats.
- 16 Migrant labourer, Beliram while walking from Delhi to UP during lockdown, picked up a cycle from a house as he found it difficult to carry his handicapped son. He left a note telling the circumstances in which he was compelled to take away the cycle. 1
- a. Beliram has committed no crime as he had the motive to carry his handicapped son.
 - b. Beliram has committed crime as he did a prohibited act willfully and knowingly.
 - c. Beliram has committed no crime as he had good intention when he took away the cycle.
 - d. None of the above statements are true.
- 17 The Constitution of India holds the distinction of being one of the lengthiest Constitutions in the world. On August 15, 1947, after the last Viceroy of British-India Lord Louis Mountbatten declared India and Pakistan as two independent countries, the Constituent Assembly continued with its mandate to create the new Constitution for India. 4
1. _____ has been termed as the principal architect of the Indian Constitution.
 - a. Dr Rajendra Prasad
 - b. Jawahar Lal Nehru
 - c. Sardar Patel

- d. Dr B R Ambedkar
 2. The Objectives resolution, which was one of the sources of the Constitution of India, was drafted by
 - a. Dr B R Ambedkar
 - b. A O Hume
 - c. Jawahar Lal Nehru
 - d. Mahatma Gandhi
 3. What was the foundation document or the base text for the Constitution of India?
 - a. Govt. of India Act, 1919
 - b. Govt of India Act, 1935
 - c. Objectives Resolution
 - d. Indian Independence Act, 1947
 4. The Constitutions of other countries were mostly used with respect to two chapters of the Constitution of India. Identify them.
 - a. Union and its Territories, Citizenship
 - b. Panchayats, Fundamental Rights
 - c. Fundamental Rights, Directive Principles of State Policy
 - d. Elections, Directive Principles of State Policy
- 18 In the 4th century BC, the great Greek philosopher Aristotle made the first attempt to describe the political organizations of his time. In the absence of a clear-cut line of difference between state and government, Aristotle called it classification of states. 4
1. As per Aristotle's classification of states, ----- form implies that the ruling power is exercised for the self-interest of the rulers.
 - a. Normal
 - b. Perverted
 - c. Monarchy
 - d. Ideal
 2. According to Aristotle, tyranny, in its normal form, would be
 - a. Monarchy
 - b. Dictatorship
 - c. Aristocracy
 - d. Democracy
 3. The Normal form of govt, where the ruling power is in the hands of a few people, would be regarded as
 - a. Oligarchy
 - b. Democracy
 - c. Aristocracy
 - d. Monarchy
 4. Aristotle has justified _____ as the best form of government.
 - a. Monarchy
 - b. Aristocracy
 - c. Polity
 - d. Democracy

Part B- Subjective Type Questions

19. What should be the status of a valid custom with regard to legislation? Explain with reference to essentials of a valid custom. 2
20. Nicole, a German born in and living in Germany, met Viraam, an Indian living in India, in a virtual office space and they decided to get married. Identify and explain the category of International law which would be applicable in the given situation. 2
21. Name the two legislations that deal with ownership and transfer of the two types of properties. 2
22. Giving suitable examples, advantages and disadvantages, give the main points of differences between a unicameral legislature and Bicameral legislature. 2
23. What does Anglo-Hindu Law stand for? What are the two time periods into which Anglo-Hindu Law has been divided? 4
24. Discuss Separation of Powers as it exists in Britain. 4
25. What are Dharmashastras? Discuss the topics covered in Dharmashastras. 4
26. 'Delegated legislation is sometimes considered as a necessary evil'. Comment. 4
27. Sumit and Suhaani want to get married as per Hindu traditions. Advise them on the essentials of a valid marriage as per Hindu marriage laws. 4
28. In 2005, the Indian parliament adopted the Protection of Women from Domestic Violence Act (PWDVA). 4
 - a. What is the objective of the PWDVA?
 - b. What are the two main concerns addressed by the PWDVA?
 - c. Identify the legislation which was created with the objective of serving as a drafting guide for comprehensive legislation on domestic violence at State levels.
29. Identify and explain the type of jurisdiction being exercised by the Supreme Court in the given situations: 6
 - A. Conflict between states regarding the forest area within their jurisdictions.
 - B. Ms. Meena filed an appeal in the Supreme Court under Article 132
 - C. President wants to seek the advice of the Supreme Court on a question having legal consequences of public importance.
30. Sumit a victim of harrasment went to the police station to register his FIR. The Officer in charge was not present at that time. Answer the following questions: 6
 - A. If the Officer in charge is not present, identify the competent authority to register his FIR.

B. State 6 salient features of FIR

C. What happens if any person gives information to an officer in charge of a police station of the commission of a non-cognizable offence?

31. Trace the law reforms in Pre and Post Independent India. 6
32. Explain the distinction between 6
- a. Intention and Motive
 - b. Compoundable and non compoundable offences



Academic Session: 2019-20
First Term Examination
Subject- Legal Studies
M/2

Time: 3 Hours

MM- 80

General Instructions:

1. All questions are compulsory.
2. Section A- Questions from 1 – 4 has 20 Objective type questions.
3. Section B - Questions from 5 – 12 are of 2 marks each. The answers to these questions should not exceed 40 words each.
4. Section C- Questions from 13 – 17 are of 4 marks each. The answers to these questions should not exceed 100 words each.
5. Section D- Questions from 18 – 21 are of 6 marks each. The answers to these questions should not exceed 200 words each.

SECTION A

1 Fill in the Blanks:

- a. In S R Bommai vs. UOI, it was held that the principal aim of _____ is to eliminate inequality of income, status, standards of life and to provide a decent standard of life to working people. 1
 - b. _____ is a form of Government where there is rule by a single person who controls and exercises the political powers of the state and occupies the position by force, invasion, intervention or militarism. 1
 - c. _____ is a famous hypothetical legal case used in the study of law, written by Lon Fuller in 1949 for the Harvard Law Review. 1
 - d. _____ states believe that a laissez-faire approach to the economy is most likely to lead to economic prosperity. 1
 - e. _____ school of law asserts that there is an essential connection between law and morality. 1
2. Answer the following in one word/one sentence each:
- a. Name the textual hermeneutics used by the Dharmashastra tradition to interpret its texts. 1
 - b. What was characterized as 'volksgeist' by Georg Friedrich Puchta? 1
 - c. Explain the meaning of Law reform. 1
 - d. Name the two parts into which Realist school can be divided. 1
 - e. When was the Congress party formed and by whom? What was the main 1

objective behind its formation?

3. Multiple Choice Questions
 - a. Which of the following is NOT a source of Dharma? 1
 - i. Smriti
 - ii. Customs
 - iii. Veda
 - iv. Achara
 - b. The maxim *Nemo judex in causa sua* means 1
 - i. Hear the other party
 - ii. Ignorance of law is no excuse
 - iii. No one should be a judge in his own cause
 - iv. No one should be a judge in others' cause
 - c. Which of the following jurists was NOT a proponent of sociological school? 1
 - i. Roscoe Pound
 - ii. Eugene Ehrlich
 - iii. Léon Duguit
 - iv. Jeremy Bentham
 - d. India has a recorded legal history starting from the _____ period 1
 - i. Mughal Period
 - ii. Vedic Period
 - iii. British Period
 - iv. Post Independence Period
 - e. In India, the Legislature and Executive are related to each other by way of membership and accountability. This system is known as 1
 - i. Presidential Form of Govt.
 - ii. Separation of Powers
 - iii. Parliamentary form of Govt.
 - iv. Oligarchy
4. State whether the following statements are True or False
 - a. The word 'Secular' was added to the preamble by the Constitution (forty-second Amendment) Act, 1976. 1
 - b. *Prâyaschitta*, includes the 'rajadharma' or the duties and obligations of a king to organize court, listen and examine witnesses, decide and enforce punishment and pursue justice. 1
 - c. The Directive Principles of State Policy are included in part XX of the Constitution. 1
 - d. State is society politically organized. 1
 - e. The three organs of Govt can be divided into watertight compartments. 1

SECTION B

5. 'The first Law Commission was established in 1834 under the Charter Act of 1833'. Who was the Chairman of this commission and what was its most important contribution? 2
6. Who propounded the Utilitarian principle? What does it mean? 2
7. Enumerate four reasons for the decline of the Roman Empire. 2
8. How is Public International Law different from Private International Law? 2
9. 'The Constituent Assembly had two roles to play'. Enumerate the two roles of the Constituent Assembly. 2
10. What does Article 368 deal with? Explain. 2
11. Explain the two parts into which judicial decisions have been divided. 2
12. 'Garner's definition of state contains all the elements of the state' - What is the definition of state as given by Garner? What are the four elements of state? 2

SECTION C

13. 'Hindu law can primarily be divided into three categories, which also have a historical context'. Identify and explain the three categories of Hindu Law. Also name any two legislations governing the family and personal matters of Hindus. 4
14. What is Custom? Explain the main types of custom. 4
15. Discuss the four procedures used in the exercise of direct democracy. 4
16. Describe the historical origin and background of the concept of separation of powers. 4
17. Which part of the Constitution of India provides for Emergency provisions? What are the grounds for emergency, and what kinds of emergency can be proclaimed on each of these grounds? 4

SECTION D

18. 'The framers of the Indian Constitution, i.e. the Constituent Assembly, drew upon three sources to draft the Constitution.' Discuss the main sources of the Constitution of India, explaining the main features of each. 6
19. What are Municipal Laws? Describe the classification of municipal laws. 6
20. Give a critical evaluation of the doctrine of Separation of powers. 6
21. Explain legislation as a source of law. Differentiate between the various types of legislation. 6

THE CIVIL SERVICES SCHOOL

Annual Examination
Subject- Legal Studies
M/2

Time: 3 Hours

MM- 80

General Instructions:

1. All questions are compulsory. Internal choice is given in all sections.
2. Section A- Questions from 1 – 4 has 20 Objective type questions.
3. Section B - Questions from 5 – 12 are of 2 marks each. The answers to these questions should not exceed 40 words each.
4. Section C- Questions from 13 – 17 are of 4 marks each. The answers to these questions should not exceed 100 words each.
5. Section D- Questions from 18 – 21 are of 6 marks each. The answers to these questions should not exceed 200 words each.

SECTION A

1. Fill in the Blanks:

- a. Delegated legislative functions are performed by the _____. 1
- b. _____ was a personal law, a part of the thirteenth century 1
digest Dharmaratna written by Jimutavahana.

OR

The need to establish the Family Courts was first emphasized by _____

- c. According to Jean Jaques Rousseau, _____ led to the creation of the 1
institution called the state.
- d. _____ school of law is also known as Positive school of 1
law.
- e. During _____ the central government may supersede the state 1
government(s) and rule the country, or one or more states, in a unitary fashion

2. Answer the following in one word/one sentence each:

- a. Give the meaning of the legal maxim Nemo Judex in causa sua. 1

OR

Give the meaning of the legal maxim Audi Alterem Partem.

- b. Give the purpose of issue of the writ Mandamus. 1
- c. In which case was the Right to free and fair election declared as a basic feature of the Constitution? 1
- d. Ritesh and Jayesh are brothers having the same father and different mothers. In legal terms, how are Ritesh and Jayesh related? 1
- e. Which cases are termed as Warrants case under section 2(x) of CrPC? 1

OR

Name the main substantive criminal law in India.

3. Multiple Choice Questions

- a. Ravi was arrested for the offence of murder which entails a maximum punishment of life imprisonment as well as death penalty. He can get bail: 1
 - a. As a matter of right
 - b. On the discretion of Court
 - c. On the deposit of a surety
 - d. Cannot be released on bail.
- b. A _____ is designated by the Supreme Court or any High Court based on his ability or special knowledge in an area of law. He/she cannot file Vakalatnama before any Court or Tribunal in India 1
 - a. Advocate
 - b. Advocate on record
 - c. Senior advocate
 - d. Prosecutor
- c. The Supreme Court has concurrent original jurisdiction along with the High Courts, for: 1
 - a. Disputes between Central and state Government
 - b. The enforcement of fundamental rights under Article 32 of the Constitution of India.

- c. Give advice to the President
- d. Hear criminal cases
- d. 'Tyranny' is perverted form of which type of government? 1
 - a) Oligarchy
 - b) Polity
 - c) Aristocracy
 - d) Monarchy

OR

The Legislature enables the Government to _____ laws.

- a. Interpret and enforce.
- b. Frame laws and amend.
- c. Interpret and incorporate laws.
- d. Interpret and frame laws.
- e Sushmita and Neel were married for 15 years but due to problems between them, 1

they no longer wished to stay together. Sushmita suggests that they should stay separately for atleast one year and then move a joint petition for divorce. This is:

 - a. Divorce by mutual consent
 - b. Divorce by irretrievable breakdown
 - c. Fault theory
 - d. Guilt theory
- 4. State whether the following statements are True or False
 - a. The first law commission of independent India was formed under the 1

chairmanship of M C Setalvad

OR

Lord Macaulay came to India when William Bentinck was the Governor General of India.

- b. Obiter Dicta is the binding part of a judicial decision. 1
- c. Court not having jurisdiction cannot be raised as a preliminary plea, as a bar to 1

criminal trial.

- d. The National Child Labour Project, launched in 1988, provides for 25% reservation for children of economically disadvantaged communities in employment. 1
- e. There are 12 schedules to the Constitution of India. 1

SECTION B

- 5 Do all customs become customary laws? Explain any 3 factors required for recognition of customs. 2
6. Identify the law which deals with children who are below the age of 16 years and are caught up in criminal activities. What are such children called? 2

OR

Give two instances each of gender inequality existing in the present day Hindu personal law and Islamic personal law respectively.

7. State any two features of Realist School of Law? 2
8. Why is the Indian Constitution termed as a living document? 2
9. Explain the principle of collective responsibility. 2
10. What principles were laid down by the Supreme Court regarding Advisory jurisdiction in the Special Courts Bill case (1979)? 2
11. Explain the meaning of the terms 2
 - a. Plea bargaining.
 - b. Compoundable offence
12. What is the relevance of the following under Islamic personal laws: 2
 - a. Fasid
 - b. Batil

SECTION C

13. What is intestate succession? Explain intestate succession of hindu males. 4

OR

Vidya took up a family dispute to a family court as she was persistently physically abused by her husband. What are the special features of a family court? Also evaluate the role of counselor in the above scenario.

14. a. Dinaland and Jabua, two Countries have a dispute with respect to the implementation of a treaty as Jabua refuses to follow it. 4
b. Ramantha, a citizen of Dinaland wants to adopt a child from Jabua. Identify and explain the categories of law which govern the above two situations.
15. Differentiate between a decree and Judgment. 4
16. Give four points of difference between confession and admission. 4
17. Explain the meaning of 4
a. Doctrine of Pith and substance
b. Doctrine of Severability

SECTION D

18. a. What do you understand by separation of powers? 6
b. What is checks and balances?
c. Can separation of powers be followed in a parliamentary form of government?

OR

Identify and explain the forms of Govt:

- a. Executive and legislature are related to each other by accountability.
b. A government having two houses in the legislature. Give its advantage and disadvantage.
19. The Protection of Women from Domestic Violence Act was enacted in 2005. Give its salient features. 6
20. The CrPC elaborates the procedure to be followed in every investigation, inquiry and trial, for every offence under the Indian Penal Code or under any other law. It divides the procedure to be followed for administration of criminal justice into three stages: namely investigation, inquiry and trial. 6
a. What is the objective of an investigation? How does investigation end?

- b. Explain the meaning and purpose of Inquiry.
- c. What is trial? Give the steps of trial as envisaged in the CrPC.

21. Discuss the meaning, relevance, proponent and school of law related to the following terms:

- a. Volksgeist
- b. Social Engineering
- c. Utilitarian Principle

