



NEERAJ®

INTRODUCTION TO LAW

N-338

**Chapter wise Reference Book
Including MCQ's
& Many Solved Sample Papers**

Based on

N.I.O.S. Class – XII

National Institute of Open Schooling

By : Prieti Gupta



**NEERAJ
PUBLICATIONS**

(Publishers of Educational Books)

Mob.: 8510009872, 8510009878 E-mail: info@neerajbooks.com

Website: www.neerajbooks.com

MRP ₹ 320/-

CONTENTS

INTRODUCTION TO LAW

Based on: **NATIONAL INSTITUTE OF OPEN SCHOOLING – XII**

<i>S.No.</i>	<i>Chapters</i>	<i>Page</i>
	Solved Sample Paper - 1	1-6
	Solved Sample Paper - 2	1-7
	Solved Sample Paper - 3	1-6
	Solved Sample Paper - 4	1-6
	Solved Sample Paper - 5	1-6
<u>Module-I: Concept of Law</u>		
1.	Meaning of Law	1
2.	Classification of Legal System	6
3.	Personal Law – I : Hindu and Muslim Law	12
4.	Personal Law – II: Christian, Parsi and Jewish Law	19
<u>Module-II : Functions and Techniques of Law</u>		
5.	Normative Functions of Law and Social Control.....	24
6.	Principles of Natural Justice	29
7.	Techniques of Law and Remedies – I	35
8.	Techniques of Law and Remedies – II	41
<u>Module-III: Classification of Law</u>		
9.	Territorial Law	46
10.	Civil and Criminal Law.....	53
11.	Substantive Law and Procedural or Adjective Law	59
12.	Public Law and Private Law	63

<i>S.No.</i>	<i>Chapter</i>	<i>Page</i>
<u>Module-IV : Indian Court System and Methods of Resolution of Disputes</u>		
13.	Indian Judicial System	67
14.	Justice Delivery System	72
15.	Alternate Dispute Resolution Mechanism	76
16.	Legal Services and Lok Adalat	82
<u>Module-V: The Constitution of India-I</u>		
17.	The Constitution of India – Its Nature.....	87
18.	Constitutionalism and Preamble	92
19.	Fundamental Rights and Duties.....	96
20.	Directive Principles of State Policy	101
<u>Module-VI : The Constitution of India-II</u>		
21.	The Executive	106
22.	The Legislature	111
23.	The Judiciary	115
<u>Module-VII A: Environmental Law and Sustainable Development</u>		
24.	Environmental Law.....	121
25.	Sustainable Development.....	128
26.	General Principles of Environmental Law.....	135
27.	Contemporary Developments	138
<u>Module-VII B: Law Relating to Consumer Protection and Right to Information</u>		
28.	Consumer Protection	145
29.	Unfair Trade Practices.....	148
30.	Consumer Disputes Redressal Agencies	151
31.	Consumer Activism	154



**Sample Preview
of the
Solved
Sample Question
Papers**

Published by:



**NEERAJ
PUBLICATIONS**

www.neerajbooks.com

Solved Sample Paper - 1

Based on NIOS (National Institute of Open Schooling)

Introduction to Law - XII N-338

Time : 3 Hours

Maximum Marks : 100

Note: (i) This question paper consists of 49 questions in all. (ii) All questions are compulsory. (iii) Marks are given against each question. (iv) Attempt all questions either from Optional Module-7A or Optional Module-7B in all sections. (v) Section-A consist of: Q. No. 1 to 20—Multiple Choice-type Questions (MCQs) carrying 1 mark each. Select and write the most appropriate option out of four options given in each of these questions. Questions. An internal choice has been provided in some of these questions. You have to attempt only one of the given choice in such questions. Questions 21 to 35—Objective type questions carry 2 marks (with 2 sub-parts of 1 mark each) and attempt these questions as per the instructions given for each of the questions 21 to 35. (vi) Section-B consists of: Q. No. 36 to 41—Very short answer-type questions carrying 2 marks each to be answered in the range of 30 to 50 words. Questions 42 to 46—Short answer-type questions carrying 4 marks each to be answered in the range of 50 to 80 words. Q. No. 47 to 49—Long answer type questions carrying 6 marks each to be answered in the range of 80 to 120 words.

SECTION-A

Choose the correct option:

Q. 1. Child marriage is a form of marriage where the bride has not attained the age of:

- (a) 15 years (b) 16 years
(c) 17 years (d) 18 years

Ans. (d) 18 years.

Or

Under the Muslim Law, what is the minimum age to enter into a contract of marriage?

- (a) 15 years (b) 16 years
(c) 17 years (d) 18 years

Ans. (a) 15 years.

Q. 2. Which one of the following is not a source of the Muslim Law?

- (a) The Quran (b) Sruti
(c) Sunna (d) Qiyas

Ans. (b) Sruti.

Or

Under the Hindu Law, divorce is not permitted on the basis of:

- (a) Adultery (b) Insanity
(c) Transfer (d) Conversion

Ans. (c) Transfer.

Q. 3. Which one of the following is the correct expanded form of PIL?

- (a) Public Interest Law
(b) People Interest Law
(c) Public Information Law
(d) Public Interest Litigation

Ans. (d) Public Interest Litigation.

Or

Which one of the following is the correct expanded form of CPC?

- (a) Civil Police Code
(b) Civil Procedure Code
(c) Criminal Police Court
(d) Criminal Procedure Code

Ans. (b) Civil Procedure Code.

Q. 4. Which one of the following is not a theory of punishment?

- (a) Deterrent theory (b) Persuasion theory
(c) Preventive theory (d) Retributive theory

Ans. (b) Persuasion theory.

Or

Which one of the following writs means 'what is your authority'?

- (a) Habeas corpus (b) Mandamus
(c) Prohibition (d) Quo warranto

Ans. (d) Quo warranto.

Q. 5. Which one of the following issues is not of public interest?

- (a) Pollution (b) Terrorism
(c) Imprisonment (d) Road safety

Ans. (c) Imprisonment.

Q. 6. In which year was the Right to Information Act enacted by the Government of India?

- (a) 2003 (b) 2004
(c) 2005 (d) 2006

Ans. (c) 2005.

Q. 7. Which one of the following is a false statement about Public Law?

2 / NEERAJ : INTRODUCTION TO LAW (N.I.O.S.-XII) (SOLVED SAMPLE PAPER-1)

- (a) It deals with issues that affect an individual or the State itself
- (b) In Public Law, State is not only arbiter, but is also one of the parties interested
- (c) Public Law is concerned with the structure of the Government
- (d) In Public Law, the State is present only as arbiter of the rights and duties.

Ans. (c) Public Law is concerned with the structure of the Government.

Or

A substantive law deals with:

- (a) The legal relationship between subject and the State
- (b) The legal relationship between two individuals
- (c) The relationship between two States
- (d) The relationship between the Constitution and the State

Ans. The legal relationship between subject and the State.

Q. 8. Which one of the following is not a substantive law?

- (a) Penal Law
- (b) The Code of Civil Procedure
- (c) Law of Contract
- (d) Law of Property

Ans. (b) The Code of Civil Procedure.

Or

Which one of the following is not a procedural law?

- (a) The Indian Evidence Act
- (b) The Court Fees Act
- (c) The Suits Valuation Act
- (d) The Specific Relief Act

Ans. (d) The Specific Relief Act.

Q. 9. The correct expanded form of ADR is:

- (a) Advance Dispute Resolution
- (b) Alternative Dispute Resolution
- (c) Advance Direct Resolution
- (d) Active Dispute Resolution

Ans. (b) Alternative Dispute Resolution.

Or

How many States of India are under the jurisdiction of Guwahati High Court?

- (a) Seven
- (b) Five
- (c) Three
- (d) One

Ans. (a) Seven.

Q. 10. Which one of the following is not a technique of ADR?

- (a) Arbitration
- (b) Lok Adalat
- (c) Trial
- (d) Conciliation

Ans. (c) Trial.

Q. 11. Who among the following assists to resolve a dispute in the process of 'conciliation'?

- (a) Lok Adalat
- (b) A third party

- (c) Majistrate
- (d) Lawyer

Ans. (b) A third party.

Or

Who among the following assists to resolve a dispute in the process of 'mediation'?

- (a) District Court
- (b) An independent third person
- (c) District Majistrate
- (d) Lok Adalat

Ans. (b) An independent third person.

Q. 12. Camps of Lok adalat were initially started in:

- (a) Delhi
- (b) Pubjab
- (c) Bihar
- (d) Gujarat

Ans. (d) Gujarat.

Q. 13. Which word from the following is not in the Preamble of the Indian Constitution?

- (a) Sovereign
- (b) National
- (c) Secular
- (d) Republic

Ans. (b) National.

Or

When was the Constitution of India adopted by the Constituent Assembly?

- (a) 26 November, 1949
- (b) 26 January, 1950
- (c) 26 November, 1950
- (d) 26 January, 1949

Ans. (a) 26 November, 1949.

Q. 14. The Preamble of the Constitution of India is:

- (a) In the beginning of the Constitution
- (b) In the end of the Constitution
- (c) Not given in the Constitution
- (d) In the middle of the Constitution

Ans. (a) In the beginning of the Constitution.

Or

Who among the following was the President of the Constituent Assembly?

- (a) Dr. Rajendra Prasad
- (b) Dr. B.R. Ambedkar
- (c) Mahatma Gandhi
- (d) Jawaharlal Nehru

Ans. (a) Dr. Rajendra Prasad.

Q. 15. How many Fundamental Rights are there in the Constitution of India at present?

- (a) Four
- (b) Five
- (c) Six
- (d) Seven

Ans. (c) Six.

Q. 16. How many freedoms have been granted under the Right to Freedom?

- (a) Five
- (b) Six
- (c) Seven
- (d) Eight

Ans. (b) Six.

Q. 17. What minimum age is required to be a member of the Rajya Sabha?

Sample Preview of The Chapter

Published by:

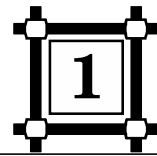


**NEERAJ
PUBLICATIONS**

www.neerajbooks.com

INTRODUCTION TO LAW

Module-I: Concept of Law



Meaning of Law

CHAPTER AT A GLANCE

Law is a binding custom or practice of a community. In other words, law is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties. Law can be defined by its basis in nature, reason, religion or ethics; by its sources like customs, precedent and legislation; by its effect on the life of the society; by the method of its formal expression or authoritative application and by the ends that it seeks to achieve. Many people had defined Law in their own perspective. According to Salmond, "Law is body of Principles recognised and applied by the State in the administration of justice." Broadly, 'Law' may be classified into International Law and Municipal (National) Law which can be further divided into Public and Private Law and then Substantive and Procedural Law. Some other varieties of law include natural law, conventional law, customary law, civil law, etc. In order to understand the concept of Law it is necessary to understand the sources of law. The sources of law refer to the source from where rules of human conduct came into existence and derive legal force of binding character. Broadly, sources of law can be divided into custom, judicial precedent and legislation. Custom is an embodiment of those principles which have commended themselves to the natural conscience as principles of justice and public utility. Antiquity, continuance, reasonableness, obligatory character, certainty, consistency and conformity with statutory laws are the essentials of a custom. Judicial precedent means the process whereby judges follow previously decided cases where the facts are of sufficient similarity. The doctrine of judicial precedent involves an application of the principle of *Stare Decisis i.e.*, to stand by the

decided. In practice, this means that inferior courts are bound to apply the legal principles set down by superior courts in earlier cases. This provides consistency and predictability in the law. The *ratio decidendi* of a case is the principle of law on which a decision is based. When a judge delivers judgement in a case he outlines the facts which he finds have been proved on the evidence. Then he applies the law to those facts and arrives at a decision, for which he gives the reason (*ratio decidendi*). The judge may go on to speculate about what his decision would or might have been if the facts of the case had been different. This is an *obiter dictum*. The term 'Legislation' is derived from the word '*legis*' meaning 'law and *latum*' which means to make or set. Thus, the word 'legislation' means making of law for human conduct. 'Legislation' is a deliberate process of legal evolution which consists in the formulation of norms of human conduct in a set form through a prescribed procedure by agencies designated by the Constitution.

With the growth of the society during the process of civilization, a system was required that could regulate the human behaviour and minimize the friction among them on the basis of set principles of justice and fair play. Thus, a legal system with the legal principles and norms was formed in order to provide protection and secured life to the people of the society. Our courts provide a forum to resolve disputes and to test and enforce laws in a fair and rational manner. The courts are an impartial forum and judges are the crusaders of Justice. They are the persons who administer justice without fear or favour. Advocates are the key functionaries assisting the judges in the administration of justice. Civil society plays an important role in bringing good governance by creating 'pressure group'. The participation of people in various matters brings transparency, accountability and responsiveness in the government.

INTEXT QUESTIONS 1.1

Q. 1. Define the term 'Law'?

Ans. Laws are the principles and regulations established in a community by some authority and applicable to its people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decision. 'Law' is based mainly on general principles of justice, fair play and convenience. The laws are generally formed by governmental bodies to regulate human activities. In wider sense, 'Law' indicates the whole process by which organized society, through government bodies and personnel attempt to apply rules and regulations to establish and maintain peaceful and orderly relations amongst the people in the society.

Q.2. Name the five basis on which Law can be generally described.

Ans. The five basis on which Law can be generally described are given below:

- (i) by its basis in nature, reason, religion or ethics;
- (ii) by its sources like customs, precedent and legislation;
- (iii) by its effect on the life of the society;
- (iv) by the method of its formal expression or authoritative application and
- (v) by the ends that it seeks to achieve.

Q. 3. Pick up and write any of the two definitions of Law given in this lesson which you like most.

Ans. Two important definitions of Laws liked by me are given below:

- (i) The first definition was proposed by Austin. According to Austin, "Law is the command of Sovereign." Rules laid down by political superiors to political inferiors *i.e.*, body of command by a sovereign member or members of an independent society wherein the author of law is supreme.
- (ii) The second definition liked by me is of Roscoe Pound. He states that "Law is a social control through systematic application of force in a politically organised society." Law is an instrument to satisfy the maximum wants in a society with the minimum of friction and waste.

INTEXT QUESTIONS 1.2

Q. 1. Make out a distinction between Public and Private Law.

Ans. Municipal or national laws can be classified into Public and Private Law.

Public Law: Public laws are the laws that regulate the organization and functioning of the State and determine the relations of the State with its subjects. It may be divided into three classes which are constitutional law, administrative law and criminal law.

Private Law: Private law regulates and governs the relations of citizens with each other within a community. It includes Personal Law *e.g.*, Hindu Law and Muslim Law.

Q.2. Distinguish between Substantive and Procedural Law.

Ans. Substantive Law deals with rights and obligations of the individuals against the State and prescribes the offences and punishments for the commission of such offences. *For example*, Indian Penal Code, 1860 contains 511 Sections on various offences and corresponding punishments for those offences.

Procedural Law deals with the practice and procedure having its objective to facilitate the administration of justice. It is a process necessary to be undertaken for enforcement of the legal rights and liabilities of the litigating parties by a Court of Law. *For example*, the Criminal Procedure Code, 1973 enshrines the procedures to be followed to impose punishment on the criminal.

Q. 3. Describe the main objective of Criminal Law.

Ans. Criminal Law is associated with offences and it prescribes punishment for them. Its main objective is the prevention of and punishment for offences because in civilized societies, 'crime' is considered to be a wrong not against the individual but against the society.

INTEXT QUESTIONS 1.3

Q. 1. Identify the different sources of 'Law'.

Ans. There are three different sources of law:

- (i) Custom
- (ii) Judicial precedent
- (iii) Legislation.

Q. 2. Define 'Custom' and also identify the essentials of a valid 'Custom'.

Ans. 'Custom' is the oldest and most important source of Law. It includes the rules of habitual conduct within a community. 'Custom' is an embodiment of those principles which have commended themselves to the natural conscience as principles of justice and public utility. The essentials of a valid custom are:

- (i) **Antiquity:** A custom must be in existence from time immemorial. However, India law does not fix any particular year to test the antiquity of custom.
- (ii) **Continuance:** A custom must be practiced without interruption; continuity is an essential feature of the custom. Continuity does not mean that it should be in operation all the time. It means that there should be a continuous availability of the terms of the customs to deal with particular rule of conduct with which it deals.
- (iii) **Reasonableness:** A custom should be reasonable, *i.e.*, it must be reasonable in its application to the circumstances of the individual cases. It must not be imprudent, harsh or inconvenient.
- (iv) **Obligatory Character:** The custom must have obligatory force. It must have been supported by the general public opinion and enjoyed as a matter of right.
- (v) **Certainty:** Custom must be certain. If the nature of the custom is not certain then it loses its validity.
- (vi) **Consistency:** A custom must not be in conflict with other prevailing customs. The customs must be in consistency with other custom.
- (vii) **Conformity with Statutory law and Public policy:** Custom should be conformity with statute law and public policy. A legislative enactment can abrogate a custom. In case of inconsistency between custom and statutory provision, former must give way to the latter. Thus, custom yield legislative enactment.

Q.3. Define the term 'Legislation'.

Ans. The term 'Legislation' is derived from the word '*legis*' meaning '*law and latum*' which means to make or set. Thus, the word 'legislation' means making of law. 'Legislation' is a deliberate process of legal evolution which consists in the formulation of norms of human conduct in a set form through a prescribed procedure by agencies designated by the Constitution. 'Legislation' means to make rules for human conduct.

INTEXT QUESTIONS 1.4

Q.1. What is the importance of Constitution?

Ans. The Constitution is important because it protects individual freedom and its fundamental principles that govern the state. The Constitution places the government's power in the hands of the citizens. It

limits the power of the government and establishes a system of checks and balances.

Q. 2. How does Civil Society helps in bringing good-governance? (T.Q. No. 9)

OR

Describe the role of Civil Society in good-governance.

Ans. Civil Society plays pivotal role in good governance. They create 'Pressure Groups' for seeking attention of the legislature and the government. Civil Society can influence policy and project formulation through membership of committees, submission of memoranda directly or through elected representatives, and interactive rule-making in the implementation of policies, projects and schemes affecting citizens. People's effective participation brings transparency, accountability and responsiveness in the government.

Q. 3. Analyse the role of Advocates in the administration of Justice. (T.Q. No. 8)

OR

Explain the role of Advocate in administration of Justice.

Ans. In the tradition of India, the advocates have contributed to the development of the legal system and thus in some way to the development of society, mainly as judges, advocates and jurists. Advocates are the key functionaries assisting the judges in the administration of justice. In the absence of the expert assistance of the advocates or lawyer on either side of a dispute, judges will find it difficult to find the truth on disputed facts in issue and interpretation of law. Thus, advocates play an important role in the administration of justice.

Q. 4. Discuss briefly the role of Judges in the administration of Justice.

OR

Analyse the role of 'Judges' in the administration of Justice. (T.Q. No. 7)

Ans. The Judges are the crusaders of Justice and thus, they are the persons who administer justice without fear or favour. Judges play many roles. Judges are independent of both Executive and Legislature in a Democratic set-up. They interpret the law, assess the evidence presented and control how hearings and trials unfold in their courtrooms. Most important of all, judges are impartial decision-makers in the pursuit of justice after proper inquiry.

TERMINAL QUESTIONS

Q. 1. Define the term 'Law'.

Ans. The principles and regulations established in a community by some authority and applicable to its

4 / NEERAJ : INTRODUCTION TO LAW (N.I.O.S.-XII)

people, whether in the form of legislation or of custom and policies recognized and enforced by judicial decisions are called 'Laws'. In other words, any written rules or collection of rules prescribed under the authority of the state or nation, as by the people in its Constitution are termed as laws. The idea of law is as old as the existence of the civilized society. Nowadays, the relevance of law to human behaviour has become so intimate that every person has his/her own perspective. Some of the important definitions as provided by some famous people are as follows:

- (i) According to Paton "Law consists of a body of rules which are seen to operate as binding rules in the community by means of which sufficient compliance with the rules may be secured to enable the set of rules to be seen as binding."
- (ii) According to A. V. Dicey, "Law is the reflection of Public opinion."
- (iii) Ihering defines Law as "the form of the guarantee of the conditions of life, of society, assured by State's power of Constraints."
- (iv) Salmond proposed that "Law is body of Principles recognised and applied by the State in the Administration of Justice" i.e., principles recognized and applied by the State in the administration of justice.

Q. 2. Identify the various Sources of Law.

Ans. By the term 'source of law', we mean the source from where rules of human conduct came into existence and derive legal force of binding character. Broadly, sources of law can be divided into custom, judicial precedent and legislation.

Custom: Custom is an embodiment of those principles which have commended themselves to the natural conscience as principles of justice and public utility. Antiquity, continuance, reasonableness, obligatory character, certainty, consistency and conformity with statutory laws are the essentials of a custom.

Judicial Precedent: A Judicial Precedent is an independent source of law, where precedent is meant by set pattern upon which future conduct may be based.

Legislation: Legislation means to make rules for human conduct. It is a source of Law which consists in declaration of legal rules by competent authority.

Q. 3. Identify the different kinds of Law.

Ans. Broadly, Law may be classified into International Law and Municipal (National) Law which can be further divided into Public and Private Law.

- (i) **International Law:** International Law deals with the rules which regulate relations between

States or Nations. International Law is a body of customary and conventional rules which are considered to be legally binding by civilized Nations in their intercourse with each other that are bound to treaties between civilized Nations. These laws are further classified into public international law and private international law.

Public international laws are the rules that govern the conduct and relations of State with other States while private international laws are the rules according to which the cases having foreign elements are decided.

- (ii) **Municipal Law or National Law:** Municipal law deals with the rules that are applied within a State. These laws are also further divided into public and private laws.

Public laws deals with the regulation of the organization and functioning of the State and determines the relations of the State with its subjects. Public laws include constitutional law, administrative law and criminal laws. Constitutional Law is the fundamental law of the State, which determines the nature of State and the structure of the Government. Administrative law deals with the structure, powers and functions of the organs of administration. Criminal law is associated with the offences and it determines punishment for them.

Private law regulates and governs the relations of citizens with each other. It includes Personal Law e.g., Hindu Law and Muslim Law.

- (iii) **Substantive Law:** Substantive Law deals with rights and obligations of the individuals against the State and prescribes the offences and punishments for the commission of such offences.
- (iv) **Procedural Law:** Procedural law deals with the practice and procedure having its objective to facilitate the administration of justice. It is a necessary process for enforcement of the legal rights and liabilities of the litigating parties by a Court of Law.
- (v) **Natural Law:** Natural laws are based upon the principle of right and wrong.
- (vi) **Conventional Law:** Conventional Law deals with the system of rules agreed upon by persons for regulation of their conduct towards each other.
- (vii) **Customary Law:** When a Custom is firmly established, the rules are enforced by the State as law because of its general approval by the people.