



# LEGAL STUDIES

CLASS - XII



**CENTRAL BOARD OF SECONDARY EDUCATION**

Shiksha Kendra, 2, Community Centre, Preet Vihar, Delhi-110 301 India



# नया आगाज़

आज समय की माँग पर  
आगाज़ नया इक होगा  
निरंतर योग्यता के निर्णय से  
परिणाम आकलन होगा।

परिवर्तन नियम जीवन का  
नियम अब नया बनेगा  
अब परिणामों के भय से  
नहीं बालक कोई डरेगा  
निरंतर योग्यता के निर्णय से  
परिणाम आकलन होगा।

बदले शिक्षा का स्वरूप  
नई खिले आशा की धूप  
अब किसी कोमल-से मन पर  
कोई बोझ न होगा

निरंतर योग्यता के निर्णय से  
परिणाम आकलन होगा।  
नई राह पर चलकर मंज़िल को हमें पाना है  
इस नए प्रयास को हमने सफल बनाना है  
बेहतर शिक्षा से बदले देश, ऐसे इसे अपनाए  
शिक्षक, शिक्षा और शिक्षित  
बस आगे बढ़ते जाएँ  
बस आगे बढ़ते जाएँ  
बस आगे बढ़ते जाएँ.....





# Legal Studies

Class – **XII**



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Legal Studies Class XII

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# भारत का संविधान

## उद्देशिका

हम, भारत के लोग, भारत को एक सम्पूर्ण <sup>1</sup>प्रभुत्व-संपन्न समाजवादी पंथनिरपेक्ष लोकतंत्रात्मक गणराज्य बनाने के लिए, तथा उसके समस्त नागरिकों को:

सामाजिक, आर्थिक और राजनैतिक न्याय,

विचार, अभिव्यक्ति, विश्वास, धर्म

और उपासना की स्वतंत्रता,

प्रतिष्ठा और अवसर की समता

प्राप्त कराने के लिए

तथा उन सब में व्यक्ति की गरिमा

<sup>2</sup>और राष्ट्र की एकता और अखंडता

सुनिश्चित करने वाली बंधुता बढ़ाने के लिए

दृढ़संकल्प होकर अपनी इस संविधान सभा में आज तारीख 26 नवम्बर, 1949 ई० को एतद्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं।

- 
1. संविधान (बयालीसवां संशोधन) अधिनियम, 1976 की धारा 2 द्वारा (3.1.1977) से “प्रभुत्व-संपन्न लोकतंत्रात्मक गणराज्य” के स्थान पर प्रतिस्थापित।
  2. संविधान (बयालीसवां संशोधन) अधिनियम, 1976 की धारा 2 द्वारा (3.1.1977) से “राष्ट्र की एकता” के स्थान पर प्रतिस्थापित।
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## भाग 4 क

## मूल कर्तव्य

**51 क. मूल कर्तव्य** – भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह –

- (क) संविधान का पालन करे और उसके आदर्शों, संस्थाओं, राष्ट्रध्वज और राष्ट्रगान का आदर करे;
- (ख) स्वतंत्रता के लिए हमारे राष्ट्रीय आंदोलन को प्रेरित करने वाले उच्च आदर्शों को हृदय में संजोए रखे और उनका पालन करे;
- (ग) भारत की प्रभुता, एकता और अखंडता की रक्षा करे और उसे अक्षुण्ण रखे;
- (घ) देश की रक्षा करे और आह्वान किए जाने पर राष्ट्र की सेवा करे;
- (ङ) भारत के सभी लोगों में समरसता और समान भ्रातृत्व की भावना का निर्माण करे जो धर्म, भाषा और प्रदेश या वर्ग पर आधारित सभी भेदभाव से परे हों, ऐसी प्रथाओं का त्याग करे जो स्त्रियों के सम्मान के विरुद्ध हैं;
- (च) हमारी सामासिक संस्कृति की गौरवशाली परंपरा का महत्त्व समझे और उसका परीक्षण करे;
- (छ) प्राकृतिक पर्यावरण की जिसके अंतर्गत वन, झील, नदी, और वन्य जीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणिमात्र के प्रति दयाभाव रखे;
- (ज) वैज्ञानिक दृष्टिकोण, मानववाद और ज्ञानार्जन तथा सुधार की भावना का विकास करे;
- (झ) सार्वजनिक संपत्ति को सुरक्षित रखे और हिंसा से दूर रहे;
- (ञ) व्यक्तिगत और सामूहिक गतिविधियों के सभी क्षेत्रों में उत्कर्ष की ओर बढ़ने का सतत प्रयास करे जिससे राष्ट्र निरंतर बढ़ते हुए प्रयत्न और उपलब्धि की नई उंचाइयों को छू ले;
- <sup>1</sup>(ट) यदि माता-पिता या संरक्षक है, छह वर्ष से चौदह वर्ष तक की आयु वाले अपने, यथास्थिति, बालक या प्रतिपाल्य के लिये शिक्षा के अवसर प्रदान करे।

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1. संविधान (छयासीवां संशोधन) अधिनियम, 2002 की धारा 4 द्वारा प्रतिस्थापित।



# THE CONSTITUTION OF INDIA

## PREAMBLE

**WE, THE PEOPLE OF INDIA**, having solemnly resolved to constitute India into a <sup>1</sup>**SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens :

**JUSTICE**, social, economic and political;

**LIBERTY** of thought, expression, belief, faith and worship;

**EQUALITY** of status and of opportunity; and to promote among them all

**FRATERNITY** assuring the dignity of the individual and the<sup>2</sup>unity and integrity of the Nation;

**IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

- 
1. Subs, by the Constitution (Forty-Second Amendment) Act. 1976, sec. 2, for "Sovereign Democratic Republic" (w.e.f. 3.1.1977)
  2. Subs, by the Constitution (Forty-Second Amendment) Act. 1976, sec. 2, for "unity of the Nation" (w.e.f. 3.1.1977)
- 

# THE CONSTITUTION OF INDIA

## Chapter IV A

### FUNDAMENTAL DUTIES

#### ARTICLE 51A

**Fundamental Duties** - It shall be the duty of every citizen of India-

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers, wild life and to have compassion for living creatures;
- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;
- <sup>1</sup>(k) to provide opportunities for education to his/her child or, as the case may be, ward between age of 6 and 14 years.

- 
1. Subs. by the Constitution (Eighty - Sixth Amendment) Act, 2002



# Foreword

The importance of learning about the essential nature of law and the concerned legal systems cannot be overstated. Familiarity with law enhances one's understanding of public affairs and provides a clearer idea about one's rights and obligations as a citizen. It may also be helpful in eliminating some of the myths about law. 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 objective of introducing legal studies at the Class XI and XII level is a modest attempt at providing young people a grasp of some of the essential elements of law that govern our lives. The course seeks to provide a historical background and evolution of our legal system. The development of the Common Law system in India and the establishment of various types of courts mark important milestones in our legal history. An understanding of these developments and our own legal system is a key to grooming good citizens. In addition to this, the Legal Studies course seeks to introduce students to some topics of practical utility including certain substantive areas of law such as torts, contracts, property, concept of rule of law, principles of justice, the differences between criminal and civil cases, various forms of dispute resolution, rights available to the accused at various stages of the criminal investigative process, some of the key components of Human Rights, etc.

The syllabus of this course as well as the content of this book is framed in a way that has objectives beyond aspiring one to undertake a formal law degree upon graduating from grade XII. The materials presented in the two volume books (grade XI and XII) offer basic background on what law is all about both in domestic as well as international contexts and serves to benefit those interested in pursuing a law degree or preparing for other competitive exams which require a relevant legal component. While these two purposes have been some of the main motivating factors behind launching this course, preparing syllabus and writing the book to adequately suit the standards of senior secondary level students have been an extremely challenging process. The complex legal materials had to be selected and simplified enough for the general understanding of students. This may sometimes lead to the ongoing criticisms of less or over simplification and leaving out many other relevant areas and issues in every topic or merely presenting information. However, there are instances where information and analysis are inseparable. All sources referred to in this work have been attributed at the end of every section. Finally, the process is continuous; there is an ongoing evaluative mechanism in place to help us revise, update and re-work this effort to ensure we continue to respond to the needs of the students, teachers and others alike.

Special thanks are due to the Study Material Development Committee of Legal Studies, its Convener Prof. James J Nedumpara and Dr. Sadhana Parashar, Professor & Director [Academics, Research, Training & Innovation], CBSE for guiding the team and Mr. Ram Shankar, Assistant Professor & Joint Director, CBSE for academic input, editing and overall co-ordination.

We would appreciate your comments and feedback on the contents of this book and they would be considered for future editions.

**Vineet Joshi, IAS**  
Chairman, CBSE



# Acknowledgement

## Advisory Committee

- Shri. Vineet Joshi, IAS, Chairman, CBSE.
- Dr. Sadhana Parashar, Professor & Director (ART&I), CBSE.

## Material Production

- Prof. James J. Nedumpara, Associate Professor, Jindal Global Law School, OP Jindal Global University, Sonipat, Delhi.
- Mr. Sandeep Kindo, University of Wisconsin - Madison, USA.
- Ms. Geetanjali Sharma, Cambridge University.
- Ms. Prem Raja Kumari, Advocate, Chennai.
- Mr. Kinshuk Jha, Assistant Professor, Jindal Global Law School, Sonipat, Delhi.
- Mr. Ram Shankar, Assistant Professor & Joint Director (GA&E), CBSE.

## Editing

- Prof. (Dr.) K. V. Joseph, Trivandrum, Kerala.
- Prof. James J. Nedumpara, Associate Professor, Jindal Global Law School, OP Jindal Global University, Sonipat, Delhi.
- Ms. Swagata Sen Pillai, Founder Director, Kinkini Dhvani Institution of Performing Arts, New Delhi.
- Mr. Ram Shankar, Assistant Professor & Joint Director (GA&E), CBSE.





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