



# Legal Studies

Class XII

CENTRAL BOARD OF SECONDARY EDUCATION



# LEGAL STUDIES

Class 12



**Central Board of Secondary Education**

Shiksha Sadan, 17, Rouse Avenue, New Delhi - 110002



## **LEGAL STUDIES FOR CLASS XII**

**PRICE** : Unpriced Edition

**Edition** : First Edition 2014  
Second Edition 2023

**This book or part thereof may not be reproduced by  
any person or agency in any manner.**

**Published by** : Director (Academics) Central Board of Secondary Education  
Shiksha Sadan, 17, Institutional Area, 17, Rouse Avenue, Delhi-110002

**Design & Layout** : **LAXMI PRINT INDIA**  
556, GT Road, Shahdara, Delhi-110032

# भारत का संविधान

## उद्देशिका

हम, भारत के लोग, भारत को एक सम्पूर्ण '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>1</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।

## 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 परिरक्षण 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।

1. संविधान ( छयासीवां संशोधन ) अधिनियम, 2002 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.



# Preface

---

CBSE first published the textbooks of legal studies in the year 2014 and since then numerous feedback and suggestions from both teachers and students have been received invariably underlining the need to bring out a revised edition to provide up-to-date information reflecting the current state of the law and legal policies in the country.

The aim of the present edition is, therefore, to improve the content in terms of clarity, structure, presentation and relevance. Content has been reorganised in a more logical and intuitive way, and most recent topics such as Intellectual Property Rights, Legal Entities, etc have been added to give it a contemporary and more relevant look. We have also taken special care to take into account the feedback of teachers and students to make this edition even more student-friendly and accessible.

The newly added chapter on Intellectual Property Rights explains the various forms of intellectual property, their purpose, and benefits as well as the requirements for obtaining and maintaining protection. It also discusses the international considerations governing IP rights. The chapter on Sustainability and Law deals with the inclusion of international provisions in municipal law in India and the legal framework for preserving the environment. Similarly, the chapter on Legal Entities explains different types of entities such as sole proprietorships, partnerships, limited liability partnerships, private and public limited companies serving as a valuable resource for the legal requirements associated with each type of entity, and their advantages and liabilities.

Our hope is that this edition will meet the expectations of teachers and provides students with the tools and knowledge necessary to succeed in their legal studies and beyond.

Special thanks are due to Prof. James J Nedumpara for guiding the team with academic input, editing, and overall coordination. We also place on record our appreciation for the efforts put in by Ms. Disha Grover, Ms. Neelu Sofat, Ms. Sabrina Bansal, Ms. Geetika Aggarwal, Ms. Charu Tiwari, and Ms. Sanah Batta and for demonstrating exemplary commitment to providing high-quality educational resources and revising it multiple times. Their collaboration and coordination and attention to detail have resulted in a comprehensive and updated textbook that will undoubtedly benefit countless students and teachers. We are grateful for the time and energy they have invested in making this textbook an even more valuable learning tool.

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

**Team CBSE**



# Acknowledgement

---

## Guidance and Support

- Ms Nidhi Chibber, IAS, Chairperson, Central Board of Secondary Education.
- Dr. Joseph Emmanuel, Director (Academics), Central Board of Secondary Education.

## Material Production for the First Edition

- Prof. James J. Nedumpara, Professor, Jindal Global Law School, OP Jindal Global University, Sonapat, Delhi
- Mr. Sandeep Kindo, University of Wisconsin - Madison, USA
- Mr. Vinay Kumar Singh, Indian Society of International Law, New Delhi
- Dr. Anil Kumar Thakur, Panjab University, Chandigarh
- Ms Anjali Bansal, Panjab University, Chandigarh

## Content Updation Group (Second Edition)

- Prof. James J. Nedumpara, Head of the Centre for International Trade and Investment Law, Indian Institute of Foreign Trade (IIFT), New Delhi
- Ms. Disha Grover, Delhi Public School, Mathura Road, New Delhi
- Ms. Neelu Sofat Whig, Suncity School, Gurugram
- Ms. Charu Tiwari, Sanskriti School, New Delhi
- Ms Sanah Batta, Bloom Public School, New Delhi
- Ms. Sabrina Bansal, Delhi Public School, R K Puram
- Ms. Geetika Aggarwal, Delhi Public School, Sec-45, Gurugram

## Legal Inputs and Book Review

- Akshay Chitkara, Advocate, Delhi High Court

## CBSE Coordinator

- Mr. Al Hilal Ahmed (Joint Secretary)



# Contents

<b>1</b>	<b>Unit 1</b>	<b>Judiciary</b>	<b>1-30</b>
<b>2</b>	<b>Unit 2</b>	<b>Alternative Dispute Resolution in India (ADR)</b>	<b>31-50</b>
<b>3</b>	<b>Unit 3</b>	<b>Topics in Law I (Business Laws)</b>	<b>51-92</b>
		Chapter 3 (A) : Law of Contract	53
		Chapter 3 (B) : Law of Torts	62
		Chapter 3 (C) : Law of Property	72
		Chapter 3 (D) : Intellectual Property Law	80
<b>4</b>	<b>Unit 4</b>	<b>Topics in Law II (General Laws)</b>	<b>93-124</b>
		Chapter 4 (A) : Law and Sustainable Development	95
		Chapter 4 (B) : Forms of Legal Entities	101
		Chapter 4 (C) : Criminal Laws in India	112
<b>5</b>	<b>Unit 5</b>	<b>Concept of Human Rights</b>	<b>125-160</b>
		Chapter 5 (A) : Human Rights in India	127
		Chapter 5 (B) : Human Rights Violations - Complaint Mechanism (Quasi-Judicial Bodies)	147
<b>6</b>	<b>Unit 6</b>	<b>International Law</b>	<b>161-180</b>
<b>7</b>	<b>Unit 7</b>	<b>Legal Profession in India</b>	<b>181-194</b>
<b>8</b>	<b>Unit 8</b>	<b>Legal Services</b>	<b>195-205</b>