


# Class 2

↗ course	 <u>Constitution of India, Cyber Law and Professional Ethics</u>
⚙ mastery	none
⚙ progress	not started

## Articles (cont.)

### Article 20: Three Protections

- **Protection against ex-post facto law:** When a new law is made (esp. criminal law), it must always be prospective and not retrospective. An offence that was committed prior to the introduction of the new law will be dealt with as per the terms of the old law, not the new one.
- **Protection against double jeopardy:** No individual shall be arrested and punished for the same offence more than once.
- **Protection against self incrimination:** You cannot be forced to give evidence against yourself.

### Article 21: Protection of life and personal liberty (Right to Life)

Life includes environment, livelihood, health, dignity, privacy and education.

Personal Liberty: Discussed in Maneka Gandhi vs Union of India, 1978

### Article 22: Protection from arrest and detention

- 22(1): Right to be informed of the grounds for arrest, and to consult a lawyer
- 22(2): No detention beyond 24 hours without producing arrested person in front of a magistrate
- 22(3): Preventive action can be taken by Central Govt., w.r.t. Defense, Foreign Affairs, Security of India.
- 22(4): Timeframe for preventive detention: 3 months

- 22(5): Same as 22(1), but for preventive detention
- 22(6): Information against public interest need not be given to detained persons

## **Article 23: Right against Exploitation**

Human trafficking, begging, forced labour

## **Article 24: No child below the age of 14 should be employed in hazardous conditions**

## **Article 25: Freedom to profess, practice and propagate any religion**

## **Article 26: Freedom to manage religious affairs**

## **Article 27: Freedom to pay any taxes for promotion of any religion**

## **Article 28: Freedom as to attendance at religious instruction, or religious worship in certain educational institutions**

## **Article 29: Protection of interests of minorities**

## **Article 30: Right of minorities to establish and administer educational institutions**

## **Article 32: Constitutional Remedies**

Supreme Court can issue writs to enforce fundamental rights

- Habeas corpus: To produce a person before the court
- Mandamus: An order to certain authorities to do something
- Prohibition: If any judicial authority is exceeding its jurisdiction, the higher judicial authority can amend this

- Quo warranto: Questioning any authority as to what grounds they had to perform a certain action
- Certiorari: Issued by a superior court to an inferior court to revert a particular decision