

A-21A-RTE

↓ 86th C.A. Act 2002
↓
age (6-14)

• A-45 (DPSP) = efforts of state

• Article 51A

• free & compulsory eduⁿ

• ~~state~~ state may determine

• 51A(k) was added

(exempted)

Dwija status,

↓
light to sacred
Thread

✓ Brahmin

✓ Kshatriya

✓ vaishyas

male
of all

the 3 varna

{ women of all
caste
shudras }

Originally, [A-45] = DPSP

→ not binding on state.

→ If state has resources, it can implement.

[2002]
86th C.A. Act

→ Article 21A, Education b/w (6-14) = fundamental right.

[51(A)(k)] = FD of parents to send children between (6-14) for education.

To make right to life more meaningful, & ensure that it is not an animal existence rather right to life is life with dignity.

Schools exempted = private ^{un}aided.

Evaluation :-

- no specific penalties
- no guarantee that children learn.
- schools fail to meet infrastructure
- very few training of teachers.

A-22 :- Protection against arrest and detention
certain cases.

Hx X = public meeting address.

↳ can promote communal riots

↳ police can do preventive detention

Normal case

- inform about crime → X
- let him have a lawyer → X
- nearest magistrate within 24 hrs. → X
- Excludes journey time

Preventive detention

Rule of law

3 months

Appoint -
(merit)

Advisory board

Hc Judge

Hc
retired
judge

entitled
to be judge
of Hc.

Preventive detention

initially →

you did not
tell ground of
arrest.

end (II) situation

When you deem fit, you can tell the ground of arrest.

(3rd) = If you deem it fit not to tell the ground of arrest even at that time, release ⇒ don't tell

A-22

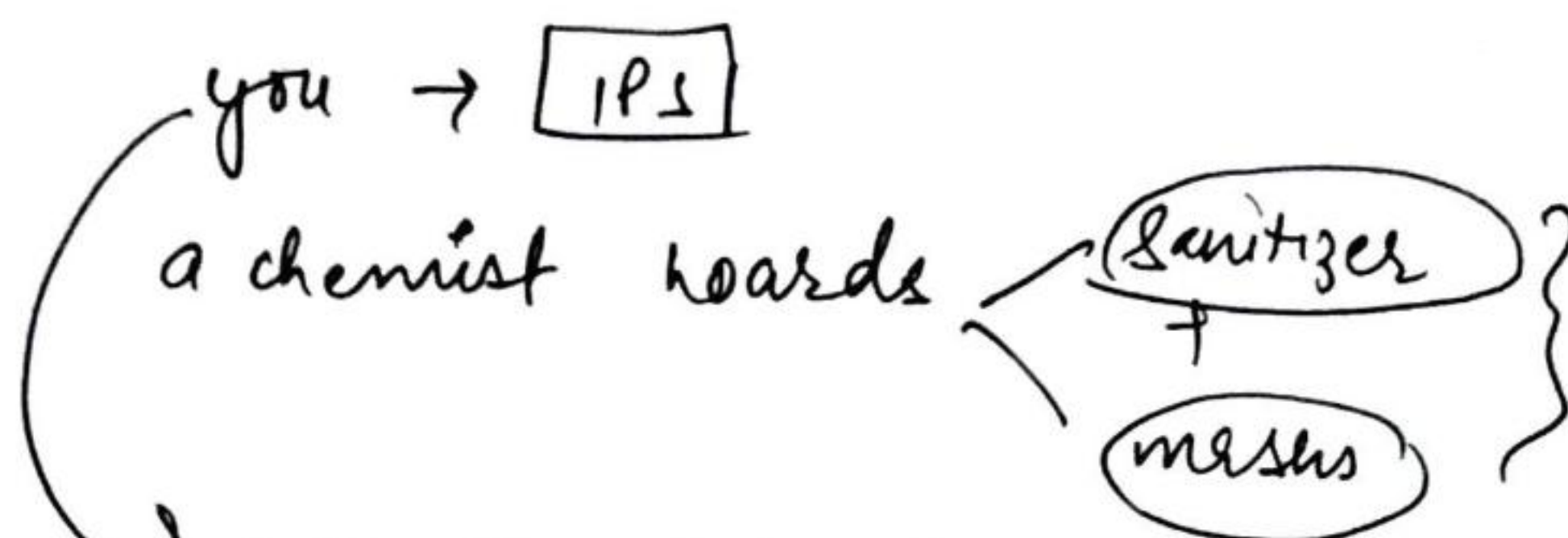
P/D = nothing informed
where is citizen

A-32 / A-226

Someone from his self convince the court, that, a citizen has been taken away by the law enforcing agencies = SC/HC, issue the Habeas Corpus, they (authorities) will be asked, the police has to inform or convince and if they fail
[citizen will be sent into custody] → [Bail by Judiciary]

- different from ordinary or punitive detention.
- intercept someone before he does some wrong.
- legislature is authorised to ~~create~~ provide a procedure established by law
- Judiciary says there is a need of due process of law.
- Parliament / state legislature have created a law on preventive detention for various reasons citing security of the nation.

Ex:-



→ you can take them into preventive detention in order to prevent the essential service from hoarding.

- Preventive detention Act, 1950, repealed
- Maintenance of Internal Security Act, 1971 repealed. (1978).
- COFEPOSA 1974.
- National Security Act, 1980.
- Terrorist and Disruptive Act (TADA) 1985.
- Prevention of Terrorism Ordinance (PTO) 2001, 2002.
- govt can detain an individual under preventive detention for only 2 months.

A-23 = Prohibition of child labour.



① child and Adolescent Labour Act. 2016
amended Act of 1986.

① Right to free & compulsory Eduⁿ Act 2006.

① a new category = "adolescent".

① punishment (1-3) yrs

① Parents relaxation, but in case of continuous offence = fine of ₹10,000.

③ children & labour rehabilitation fund.

Criticism

- chemical mixing units, cotton farms, battery recycling and brick kilns have been allowed.
- govt can change the activities on its own discretion.
- no define hours of work.
- contravene ILO's convention & UNICEF convention.
- Kandeputa declaration.

Right to freedom of religion :-

[A-25] = freedom of conscience and religion.

Right to profess

Right to practice

Right to propagate

[Important Judgements] :- Jagadishwaranand case, 1984.

- Stainislan vs State of MP, 1977.

- Triple Talag Judgement. → Shah Bano case (1986)

- Shayra Bano Case (2017)

- 3 month iddet

→ Applicable to whole of India including J&K.

→ IPC 498A (Dowry Harassment).

→ Dowry Prohibition Act 1961.

→ Prevention of Domestic violence Act 2005.

A-26 :- freedom to manage religious affairs

- rights of religious domination.

→ ~~right~~ religious denomination must satisfy 3 condition

→ Jagan Krishna Mission & Ananda Marga.

A-27 :- freedom from taxation for religion.

A-28 :- freedom from attending religious instruction

A-29 = cultural & educational rights :-

→ protection of interest of minorities

→ both religious as well as linguistic minorities.

A-30 = minority rights :-

(minority education institution)

→ ~~recognition~~ recognition as well as aid from state.

→ Those that seek any recognition and not aid.

→ Those that neither seek recognition nor aid.

can manage their administrative affairs, but must adhere to general laws.

- St. Stephens vs University of Delhi 1992

- Unnikrishnan vs State of Andhra 1993.

- Jaipal Foundation vs State of Karnataka 2002.

→ Islamic Academy of Education v/s State of Karnataka, 2003.

(Exemptions)

A-31A = saving of law for acquisition of Estates for welfare of someone

A-31B = validation of certain acts & regulations.

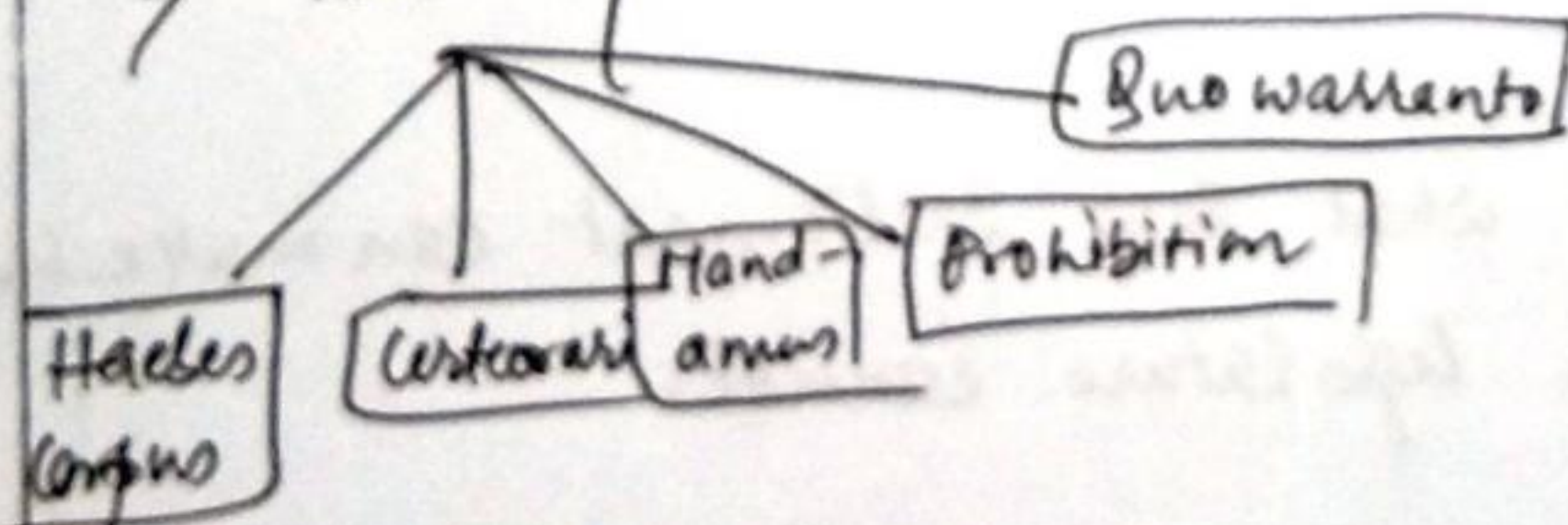
A-31C = Saving of laws giving effect to some DPSPs
- 25th C.A. Act 1971.

Constitutional Remedies :-

A-32 = (heart & soul of the constitution)

→ directly move to ^{SC} court, if FR violated.

→ writs by SC



→ Parliament can empower other courts to these powers. but does not have the power to take these away from the SC.

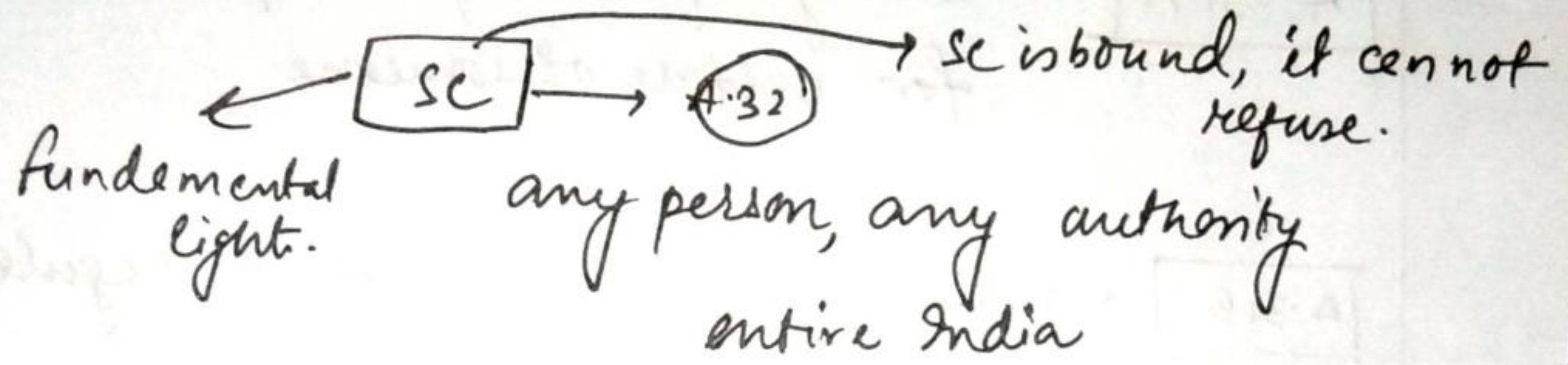
→ Enforcement of FR, the jurisdiction of SC is original but not exclusive.

→ **Original** jurisdiction of SC is divided into three categories:

- ① Dispute between Centre & states
- ② Dispute between one or more states on one side & Centre + one or more states
- ③ Dispute between states & state.

A-359 = President can suspend the right to move to any court.

Power of HC in issuing writs compared to SC.



(226) **HC** = limited to its own state
can go beyond its territory if the cause is in its territory

A-33 = FR not same for armed forces

A-34 :- Martial laws & FRs

Emergency affects centre & state relation, but martial law only FR.

A-75 = specifies what law parliament can make but state legislature cannot.

Diff b/w (Prohibition) & (certiorari)

stops
SC/HC = ordering lower court to stop as the case is beyond its jurisdiction

Le started a case and now, SC/HC asking how dare it started as it is not in its jurisdiction.