

A-21A-LTE

↓ 86th C.A. Act vedic age =
age (6-14) 2002

- A-45 (DPSP) = efforts of state
- Article 51A
- free & compulsory edn
- ~~state~~ state may determine
- 51A(k) was added

Dwija status,

light to sacred
Three

✓ Brahmin
✓ Kshatriya } male
✓ Vaishyas } of all
the 3 varna

(Exempted) ← { women of all
caste
shudras }

Originally, A-45 → DPSP

→ not binding on state.

→ If state has resources, it can implement.

2002 → Article 21A, Education b/w (6-14) = fundamental right.
 86th C.A. Act

51(A)(k) = PD 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 unaided.

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.

Mx 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 - Advisory board
(merit)

Hc Judge

Hc
retired
judge

entitled
to be judge
of Hc.

Preventive detention

initially → you did not
get grand of
arrest.

end (II) situation

(2)

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 \Rightarrow don't tell ~~him~~

A - 22

P/D = nothing informed
where is citizen

A 32 / A - 26

Someone from his behalf
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

^{citizen will be send}
[into custody]

fail
 \rightarrow [B 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 → IPS

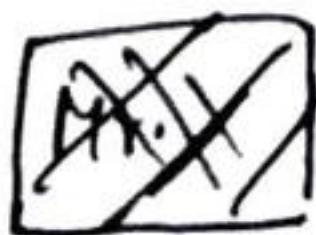


→ you can take them into preventive detention in order to prevent the essential service from hoarding.

- 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 (POTO) 2001, 2002.
- Govt can detain an individual under preventive detention for only 2 months.

A-23

= Prohibition of child labour.



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

○ Right to free & compulsory Edn Act 2006.

○ a new category = "adolescent".

○ punishment (1-3) yrs

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

① children & labour rehabilitation fund.

(3)

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.
- Mundhra declaration.

Right to freedom of religion :-

A-25 = freedom of conscience and religion.

Right to profess

Right to practice

Right to propagate

Important Judgements :- Jagdishwaranand case, 1984.

- Stainislaw vs State of MP, 1977.

- Triple Talaq Judgement → Shah Bano Case (1985)

- Shayaa Bano Case (2017)

- 3 month Iddat

→ 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

- lights of religious domination.

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

→ ISKCON Krishna Mission & Ananda Marga.

A - 27 :- freedom from taxation for religion.

A - 28 :- freedom from attending religious instruction.

A - 29 = cultural & educational lights :-

→ protection of interest of minorities

→ both religious as well as linguistic minorities.

A - 30 = minority lights :-

(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 law.

- St. Stephens vs University of Delhi 1992

- Unnikrishnan vs State of Andhra 1993.

- Tai Pai foundation vs State of ^{garnetake} 2002.

→ Islamic Academy of Education v/s State of

Karnataka, 2003.

(Exemptions)

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

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

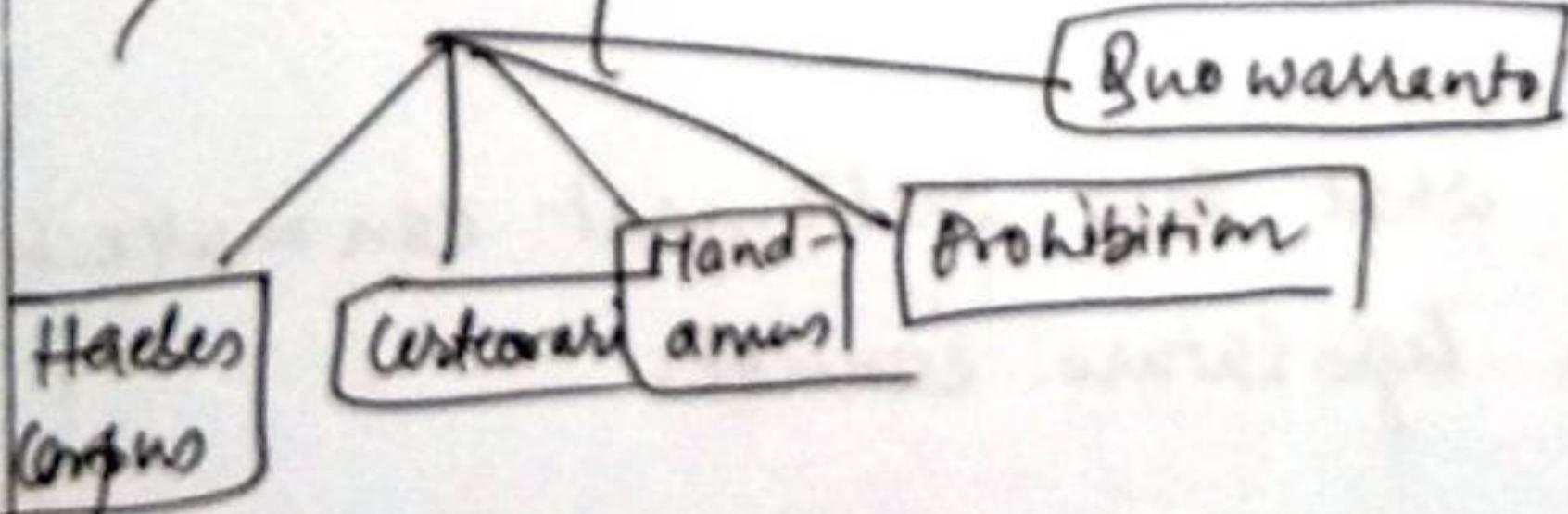
A-31 C = saving of laws giving effect to some DPSPs
- 25th C.A. Act 1971.

Constitutional Remedies :-

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

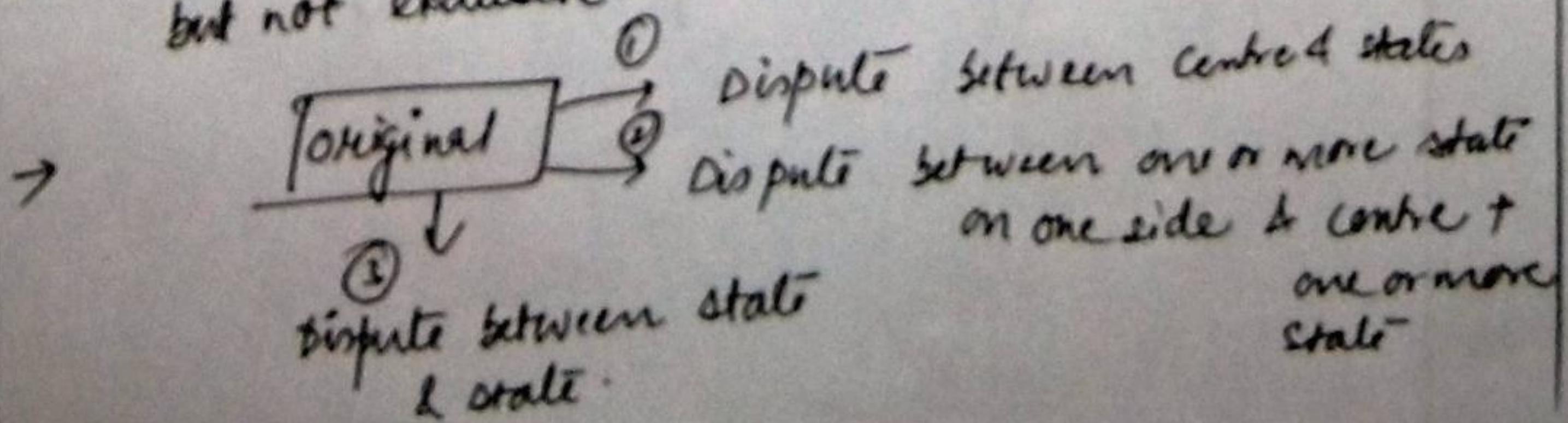
→ directly move to SC court, if FR violated.

→ writs by SC



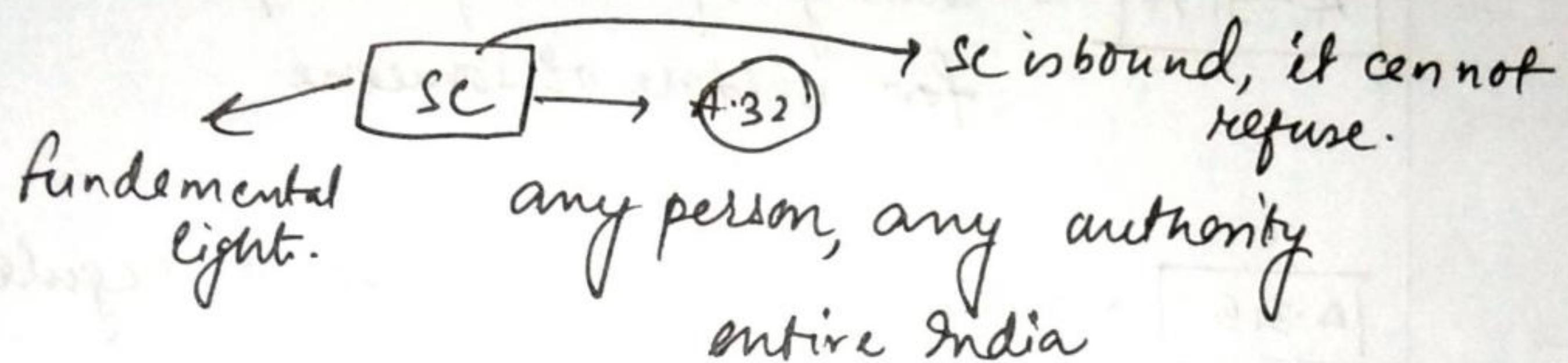
→ Parliament can empower other courts to these powers.
but does not have the power to take these away
from the SC.

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



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

Power of HC is 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-35] = specifies what law parliament can make but state legislature cannot.

Diff b/w (Prohibition) & (certiorari)

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.