

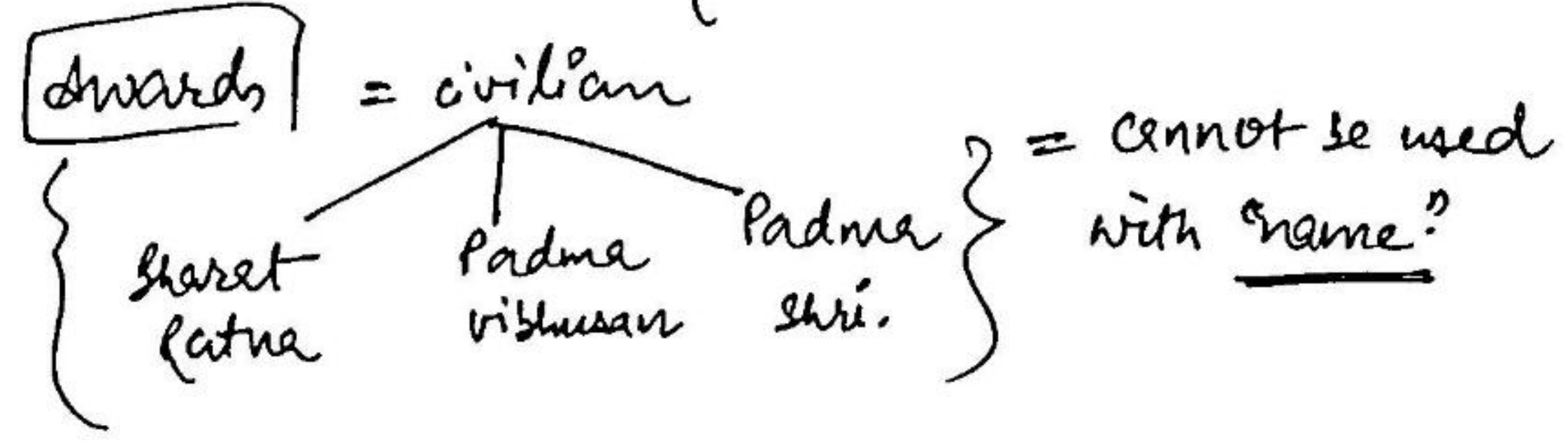
**Article 18** :- Abolition of titles.

**Titles**

during British rule = **Indians** → <sup>meritorious</sup> **meritorious**  
(P. Tagore)

attaining educational qualification  
Dr. = Degree (M.B.B.S)  
captain = { Army }  
Sewamedal = { }  
→ **who served**  
**int. of British**  
(Rai Bahadur  
Khan Bahadur)

earned for the  
cause of nation



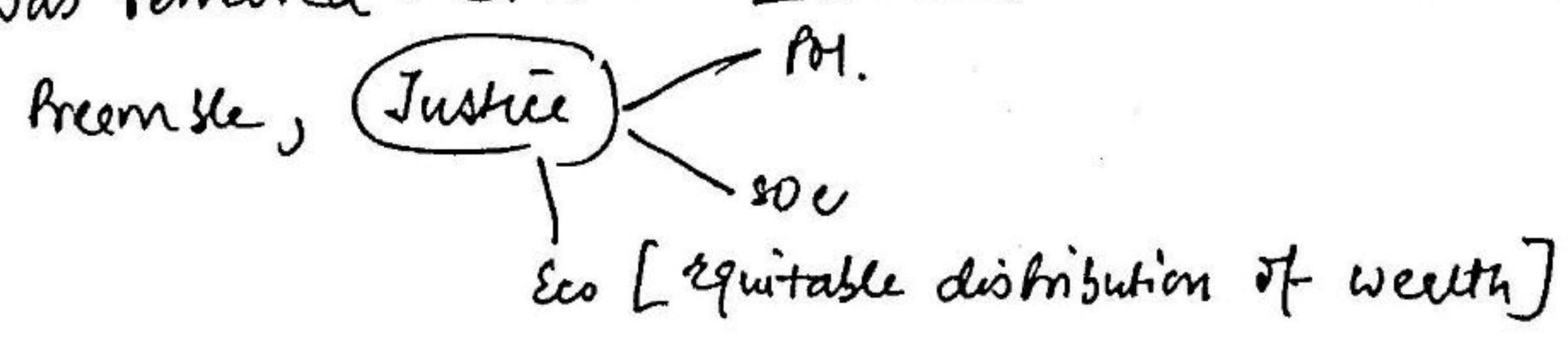
→ prohibits citizen from accepting title from a foreign state.

→ Even foreigner holding any office of profit under the state cannot accept any title without the assent of the President.

**A - 19** :- Right of freedom

→ cluster of freedom or rights

→ originally, there were 7, but 44th C.A. Act 1978, Janata Govt, Morarji Desai, Govt deleted Right to Property was removed. It was removed on the basis that in





DPSP = socio economic democracy,

socialist idea is fabian socialism, → Democratic socialism

<sup>before</sup> 44th C.A. Act 1978, discussion was on how to remove poverty in India. Poverty was the gift of colonial rule.

land reforms (i) Planning

→ Acquire surplus from big landlords & distribute to the small & landless farmers.

→ 1st amendment = 9th schedule = immunity from  
(judicial review)

→ Indira Gandhi Garibi Hatao & added socialism in the preamble.

→ finally, 44th C.A. Act removed <sup>41A(1)(b)</sup> right to property from fundamental right and made it a legal constitutional right.

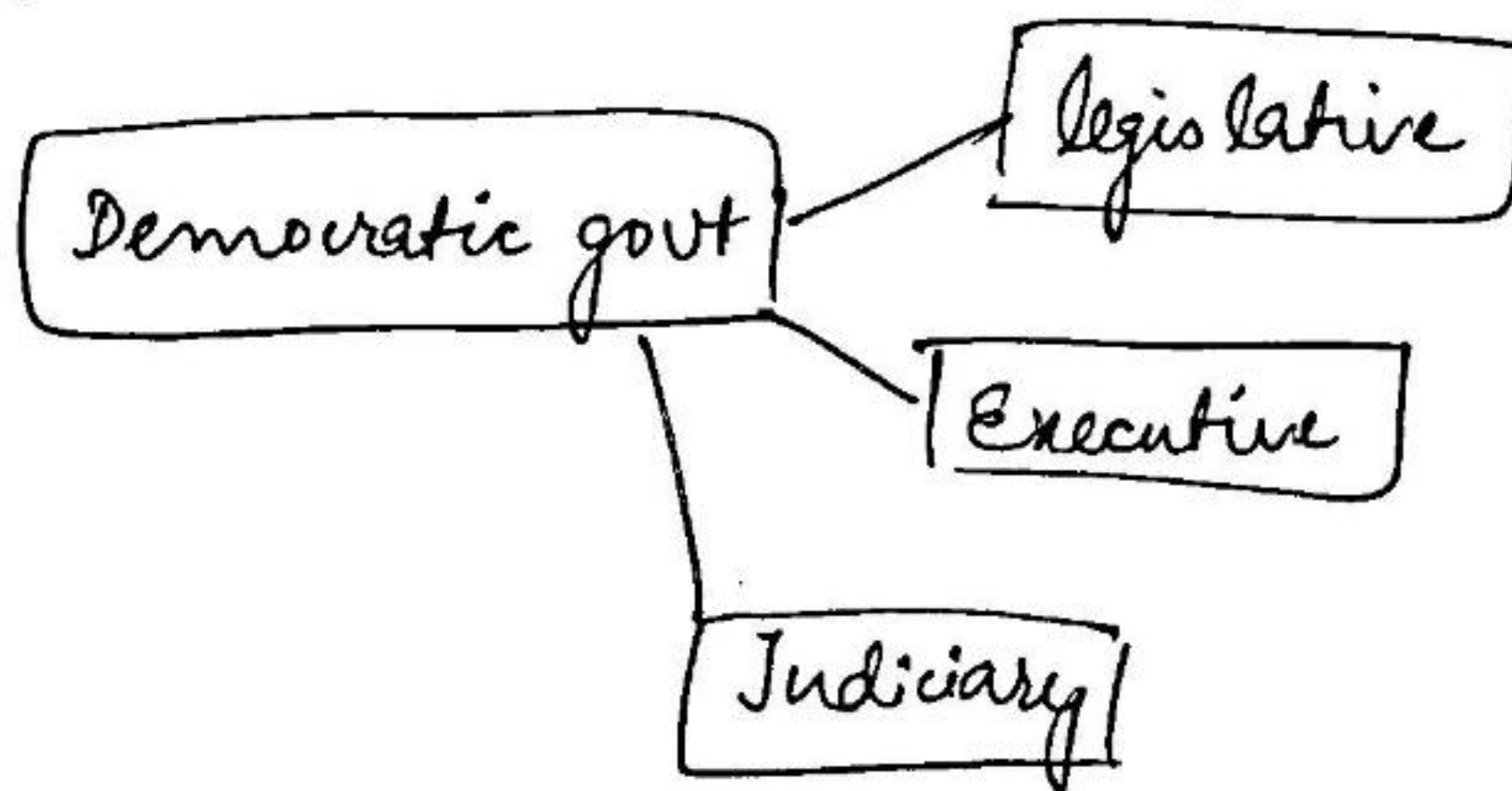
→ So, in A-19 = freedom of press is implicit right not explicitly mentioned. NO right or freedom can be absolute.

Restrictions of freedom of speech & expression  
= against sovereignty & integrity of India  
= not to speak against the country having friendly relation with India  
= Contempt of court.  
= defamation  
= incitement of an offense.  
= decency, morality.



### Article 19 & 21 :-

- Not available to non citizens and legal persons.
- Freedom of speech and expression is indispensable in democracy.
- Participative democracy needs citizen to be active, who help make public opinion, if public opinion positive then it will be helpful for the govt, if public opinion is negative, anti incumbency factor, then it is against the govt.



- The constitution nowhere mentioned in the constitution the freedom of press explicitly.
- No right to strike.
- In these days, in advanced society, we have new "Right to be forgotten"
- Right to Information 2005, citizen centric law, access to information unless it is against security of the country. It provides for institutional mechanism,
- 2nd A/C - RTE is a master key for good governance. To make govt, answerable, accountable and transparent
- Experts, = It marks the 2nd stage of democracy in India.



→ Big transformation from official secrets Act, 1923.  
Colonial state = cannot be welfare state.

→ The govt servant. (Deputy commissioner) needs to disclose his name, post, phone no, email id, as he is there to serve the society. (Sumoto) = aim = minimum govt, minimum governance.

→ Information can be asked in regional language also.

→ Information can be asked only from ~~private~~ public authority, and private entity only when it is public in nature.

→ Issues related to whether CJI is under RTI, challenged, and 2018, judgement of 3 judges bench, and held that CJI is a public authority, but it has to create a balance. Judiciary needs to be independent and cannot be put under surveillance. Right to privacy need to be balanced.

Q ⇒ RTI cannot be used as a tool of surveillance and that judicial independence to be kept in mind while dealing with Transparency. Discuss.

- RTI not absolute.

- Balanced with right to privacy of judges.

- opaque system.

-

19(1)(b)  $\Rightarrow$  assembly must be peaceable.  
 $\Rightarrow$  it must be unarmed  
 $\Rightarrow$  reasonable restriction

$\Rightarrow$  sec 144 of CrPc (1973), sec 141 of IPC

A-19(1)(c) :-

$\Rightarrow$  covers negative right  
 $\Rightarrow$  Hartals doesnot include forced bandhs.  
 $\Rightarrow$  sc, in 1997, bandhs illegal.  
 $\Rightarrow$  rights of association and armed forces.

A-19(1)(d) = light to move freely in the territory of India.

A-14(1)(e) = light to freedom of residence.

A-19(1)(g) = freedom of trade and occupation.

Article 20 :- crime  $\times$  cutting a tree is no crime = article was not  
punishment 24/11/20 = low  
 $\hookrightarrow$  crime

Way  $\Rightarrow$  20/11/20 punishment  
10000/-

$\rightarrow$  within 24 hrs of arrest, x has to be produced before a Judge.

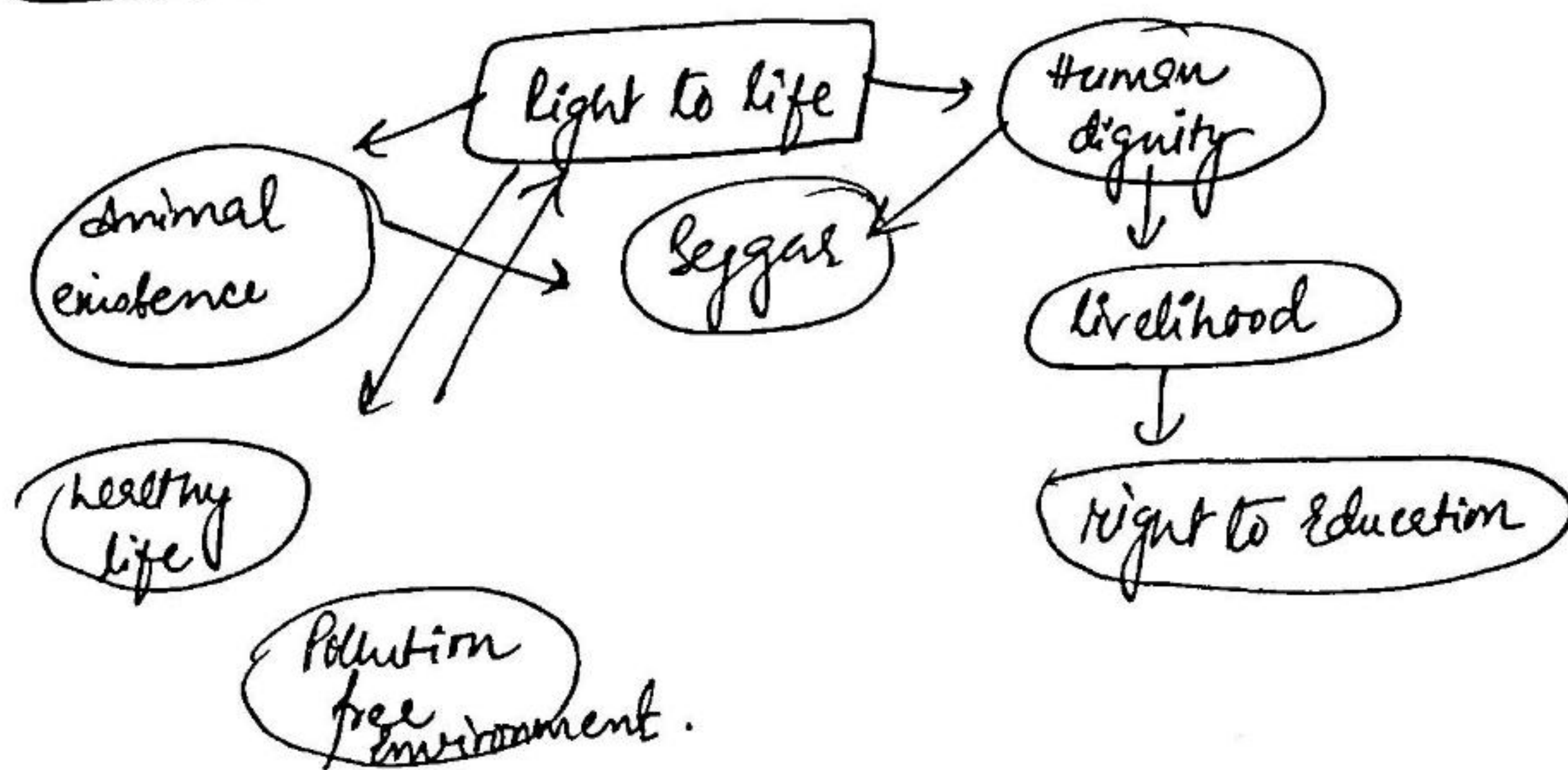
$\rightarrow$  self incrimination

$\rightarrow$  Protection in respect of conviction

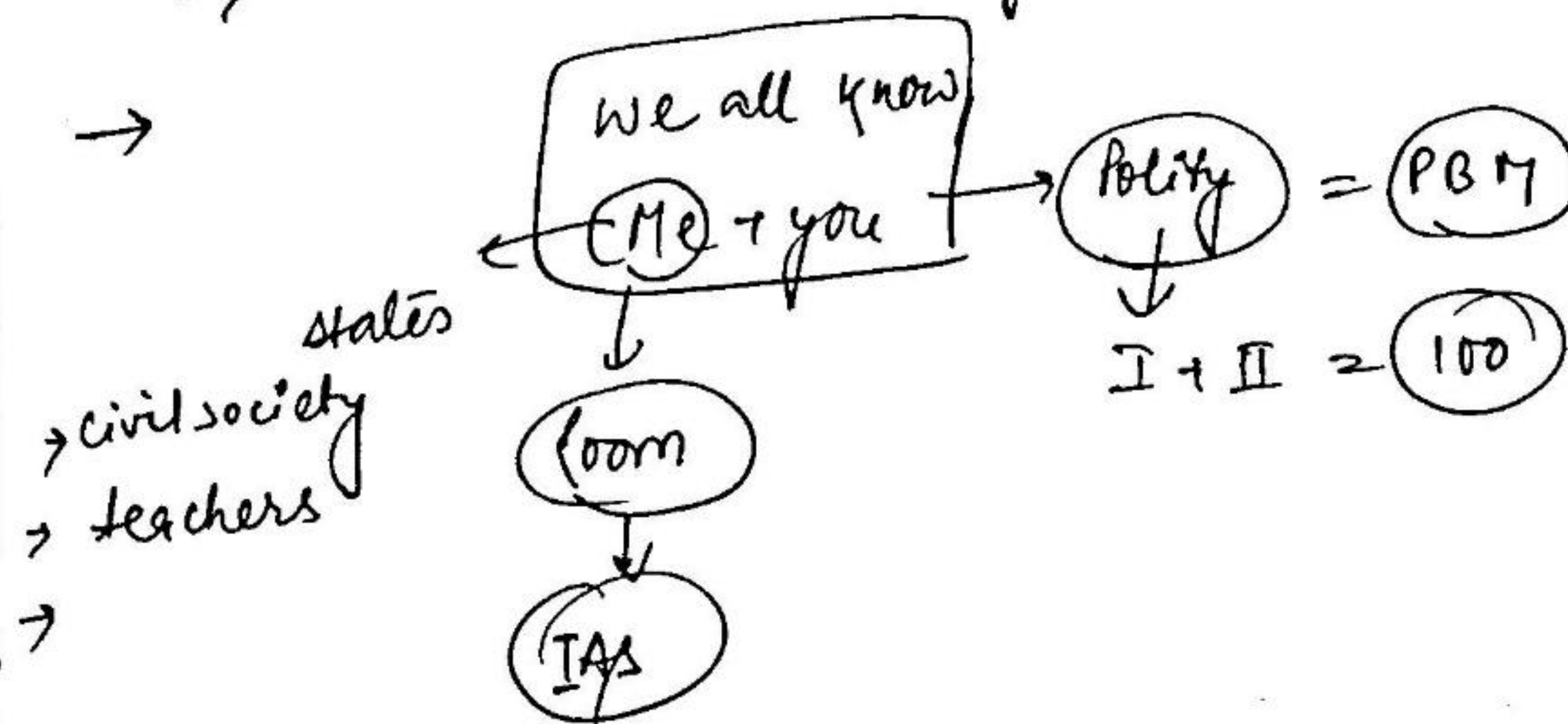
- (a) no - ex post facto law
- (b) no double jeopardy (no punishment for same offence)
- (c) no self incrimination.



→ Article 21 = Protection of life and personal liberty.



→ Procedure established by law.



(Check on Executive)

- P&L
- Parliament  $\begin{matrix} \swarrow \\ \searrow \end{matrix}$   $\begin{matrix} L \\ R \end{matrix}$
- Law → 47
- Executive (imp)
- search warrant
  - Neutral
  - Assessment
  - Produce before judge
  -

DPL

Parliament.

Law

If you get informed the weapon in any house, you can throw bombs →

Police (Exe)

- House
- search warrant
- Neutral
- Arrest warrant.

Judiciary → the law is not arbitrary

The law does not seek whether laws made by parliament is fair, just and arbitrary.

→ justice and equity

→ Due process of law is a check on legislature.

### \* Important cases :-

① Gopalan case (1950), Narrow interpretation of Article 21, established by law.

② Maneka Gandhi case (1978), wider interpretation of the Article 21, American due to process of law?

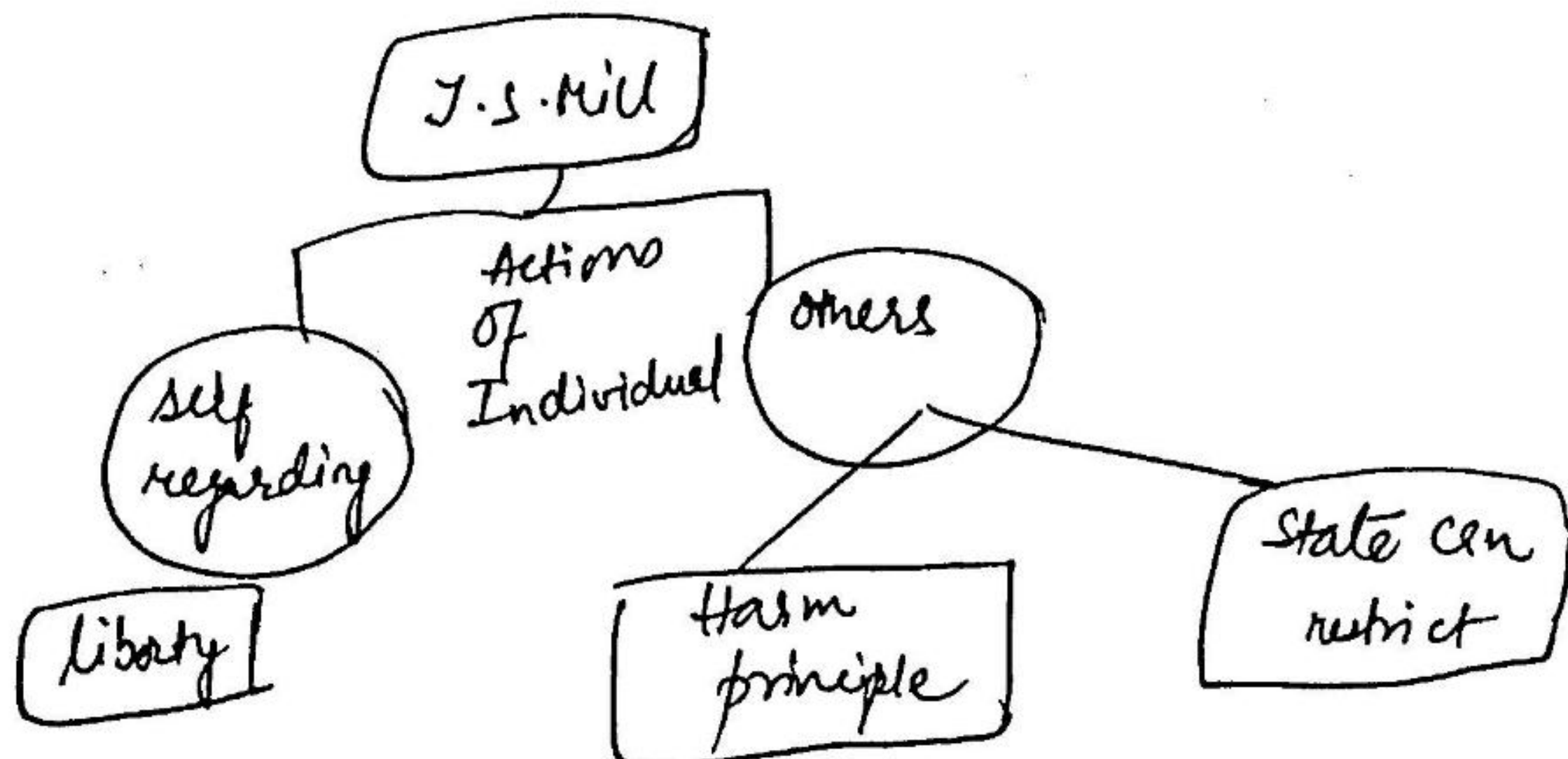
→ Francis Corallie Mullin vs Union Territory of Delhi (1981):-

→ Olga Tellis vs Bombay Municipal Corporation (1985)

→ Kuni Krishnan vs. State of Andhra Pradesh (1993).  
(lost to law + due process of law).

→ Right to life and suicide

→ Sec 309 of IPC, criminal offence  
→ imprisonment & fine  
→ Mental Healthcare Act, 2017, decriminalises suicide in India





I, sometimes, self actions, lead to harm for others, so, whether self action to be restrict-

II, state created to protect life from protecting life from others or from other self destructing actions.

### Various types of Euthanasia

- Passive Euthanasia (treatment to ill person withdrawn)
- Active Euthanasia (doctor administers drug)
- voluntary Euthanasia (person only gives consent for ending his life)
- Involuntary Euthanasia (nobody gives consent, & considered as murder)
- Non voluntary Euthanasia (Patients do not give consent so, family gives consent)

In India, 2018, SC = Passive Euthanasia  
[Aruna Shanbaug case]

### Right to Privacy:-

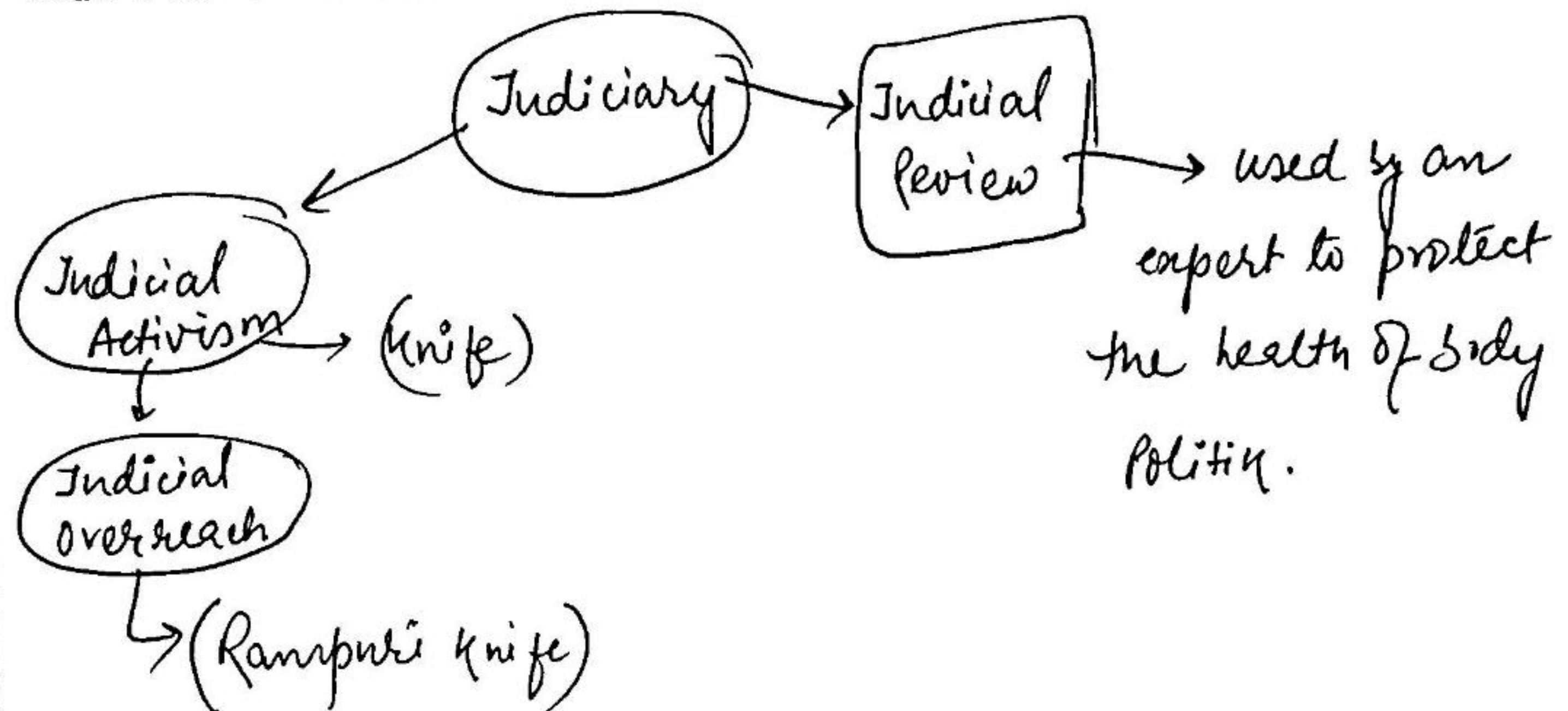
→ considered as basic human right.

- M.P. Sharma vs Satish Chandra
- Maneka Gandhi vs Union of India
- Kharak Singh vs State of U.P.
- People Union for civil liberties vs. Union of India.
- Puttaswamy Judgement  
↳ (Adhaar issue)

Right to Privacy is not only u/A 21, but also, it is an integral part of the constitution.

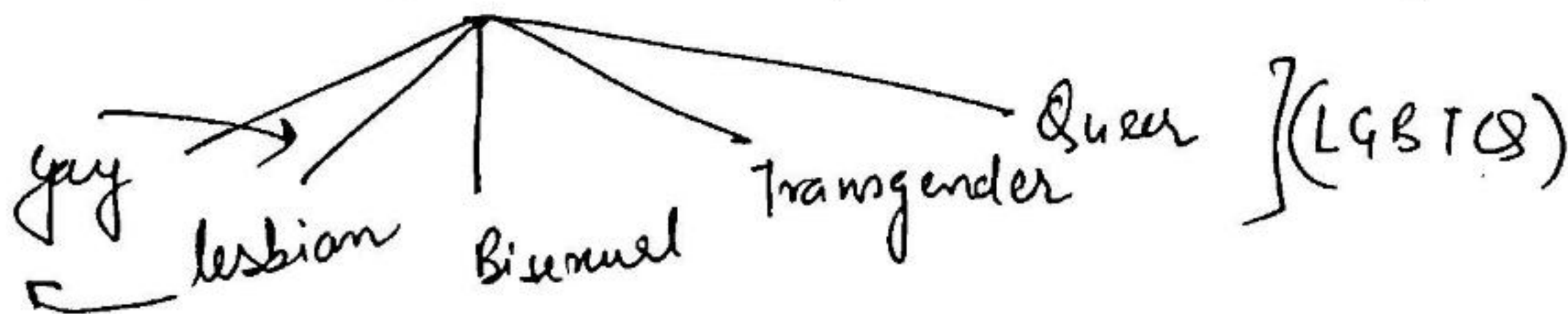


## Judicial overreach



## Supreme Court Verdict on Section 377:-

intercourse against the order of nature, with any man, woman, or animal punishment upto 10 years & fine.



SC = homosexuality not a crime.  
= right to love.