AFCAT | CDS | CAPF

Complete Fundamental Rights

Directive Principles and Fundamental Duties

IN ONE CLASS

GK | Jivesh Kumar

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Fundamental Rights, Directive Principles and Fundamental Duties

PART – III
[12 – 35]

← FUNDAMENTAL RIGHTS → USA → BILL OF RIGHT

- MAGNACARTA OF INDIAN CONSTITUTION
- ENFORCEABLE BY THE COURTS
- PROTECTION AGAINST STATE
- NOT SACROSANCT
  - REASONABLE RESTRICTION
- NEGATIVE LAWS

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FUNDAMENTAL RIGHTS

[ART 12]

[STATE]

- G.O.I & PARLIAMENT
- LOCAL AUTHORITIES
- STATE GOVT + STATE LEGISLATURE

[ART 13]

[LAWS INCONISTENT WITH FR'S SHALL BECOME VOID]

[ART 14 TO 32]

- → RIGHT TO EQUALITY [14 TO 18]
- → RIGHT TO FREEDOM [19 TO 22]
- → RIGHT AGAINST EXPOLITATION [23 TO 24]
- → RIGHT TO FREEDOM OF RELIGION [25 TO 28]
- → CULTURAL & EDUCATIONAL RIGHT
- ☆ → CONSTITUTIONAL REMEDIES (ART 32)

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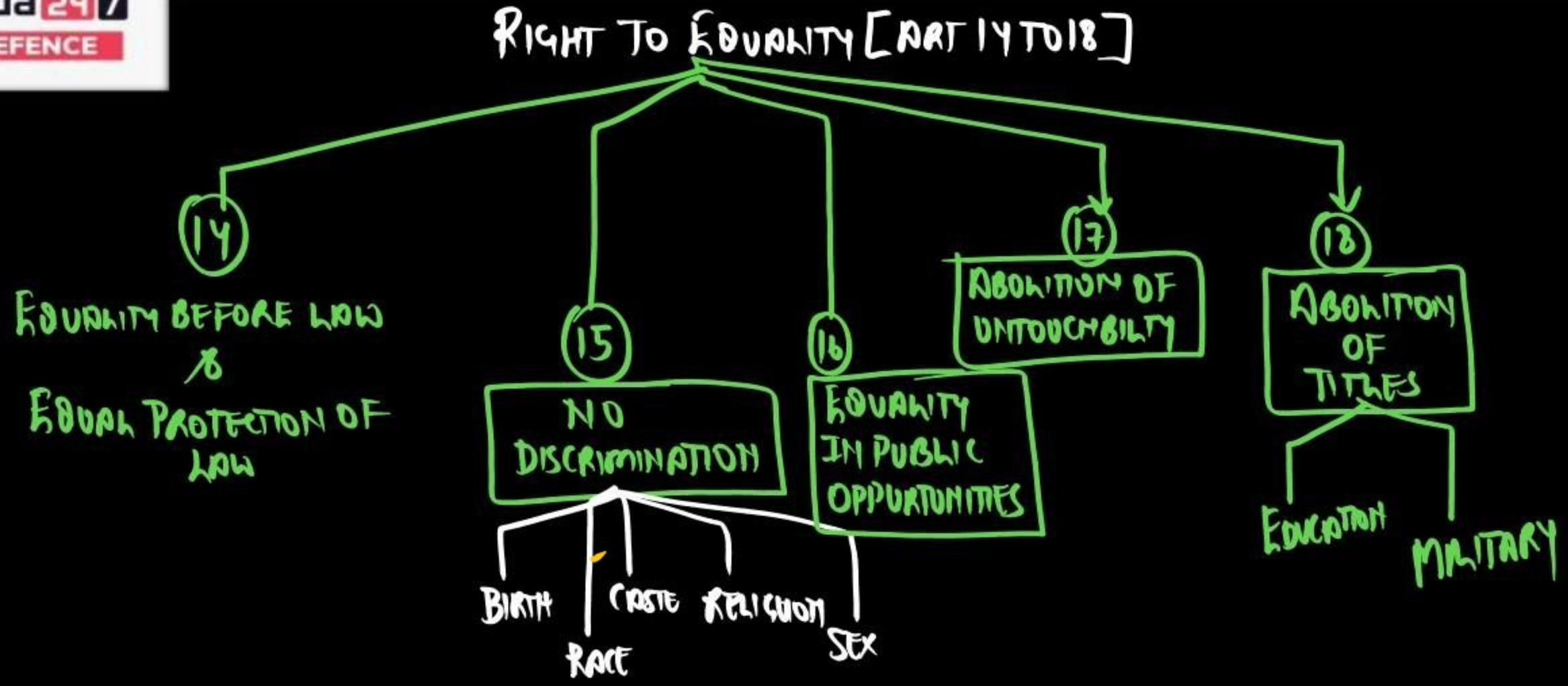

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RIGHT TO FREEDOM [19 TO 22]

AUTOMATICALLY SUSPENDED DURING N.E.

ONLY CITIZEN OF INDIA.

[ART 19]

PROTECTION OF CERTAIN RIGHTS

→ SPEECH & EXPRESSION (PRESS FREEDOM)
→ ASSEMBLE W/O ARMS
→ ASSOCIATION & UNION
→ MOVE ANY WHERE INDIA
→ RESIDE
→ TRADE & PROFFESSION

[ART 20]

① NO EXPOST FACTO LAW
② NO DOUBLE JEOPARDY
③ NO SELF INCRIMATION

44th CAA 1978 → CAN'T BE SUSPENDED DURING EMERGENCY.

ART 21

[RIGHT TO LIFE]
[RIGHT TO PRIVACY]

ART 21 A

R.T.E
[86th C.AA 2001]

ART 22

PROTECTION IN ARREST

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RIGHT AGAINST EXPLOITATION

- 23
  - PROHIBITION
    - HUMAN TRAFFIKING
    - FORCED LABOUR
- 24
  - PROHIBITION OF EMPLOYMENT OF CHILDRES

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RIGHT TO FREEDOM OF RELIGION

- **25** — RELIGION & CONSCIENCE
  - BELIEF
  - PRACTISE
  - PROFESSION
  - PROPAGATION
- **26** — MANAGE RELIGIOUS AFFAIRS
- **27** — PROHIBITION OF RELIGIOUS TAX
- **28** — FREEDOM FROM ATTENDENCE IN RELIGIOUS INSTRUCTION

CULTURAL & EDUCATIONAL RIGHTS [ART 29 & 30]

ART 29

PROTECTION OF INTEREST OF MINORITIES

- COSTUME
- SCRIPT
- FESTIVAL
- LANGUAGE

MINORITES → EDUCATIONAL INSTITUTION

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ART 32 – JEWEL OF INDIAN CONSTITUTION

S.C → 32 → WRITS ← 226 ← H.C

WRITS → QUO WARRANTO [BY WHAT AUTHORITY] → PUBLIC OFFICER

- HABEAS CORPUS — TO HAVE A BODY ★ PUBLIC & PRIVATE
- MANDAMUS — WE COMMAND PUBLIC OFFICE
- PROHIBITION — TO FORBADE
- CERTIORARI — TO BE CERTIFIED

JUDICIAL → PROHIBITION, CERTIORARI

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SPAIN ← IRELAND ← D.P.S.P — PART IV [36 – 51]

INSTRUMENT OF INSTRUCTION ← GOI ACT 1935

- STATE CONCEPT → WELFARE STATE
- POSITIVE LAWS → LEGISLATURE CAN MAKE LAWS ON THEM
- [THEY ARE NOT ENFORCEABLE BY THE COURTS]
- JUSTICE
  - SOCIAL
  - POLITICAL
  - ECONOMIC

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[ART 36] → DEFINITION OF STATE.

POSITIVE LAW ← [ART 37] → STATE MAKE LAWS & POLICIES ON DPSP FOR THE GOOD GOVERNANCE AND DPSP SHALL NOT BE ENFORCEABLE BY THE COURTS

JUSTICE ← [ART 38] → STATE SHALL PROVIDE A SOCIAL ORDER PUBLIC UPLIFTMENT

SOCIAL, ECONOMIC, POLITICAL

[ART 39] ① RIGHT TO LIVELYHOOD ② EQUAL PAY FOR EQUAL WORK FOR MEN & WOMEN

[ART 39 A] EQUAL JUSTICE & FREE LEGAL AID

42ND C.A.A 1976

[ART 40] ORGANISATION OF VILLAGE PANCHYAT.

[ART 41] RIGHT TO WORK, EDUCATION & PUBLIC ASSISTANCE IN CERTAIN CONDITION.

[ART 42] JUST AND HUMAN CONDITION OF WORK & MATERNITY BENEFIT.

ART 43 → WAGES FOR WORKER

ART 43A → PARTICIPATION OF WORKER IN THE MANGEMENT OF INDUSTRIES.

42nd CAA 1976

ART 43B → COOPERATIVE SOCITES.

97th CAA 2011

ART 44 → UNIFORM CIVIL CODE.

EARLIER UPTO 6 YEAR

ART 45 → STATE SHALL PROVIDE FREE & COMPULSORY EDUCATION [6 TO 14]

ART 46 → TO PROMOTE EDUCATIONAL AND ECONOMIC INTEREST OF SC/ST/OWS

ART 47 → TO RAISE LEVEL OF NURTITION & STANDARD OF LIFE & PROHIBITION THE SALE OF LIQUOR & INTOXINATING DRINKS.

ART 48 → ORGANISATION OF AGRICULTURE AND ANIMAL HUSBANDRY AND PROHIBITION ON THE SALUGTHER OF COW & MILCH CATTLE.

ART 48A → CONSERVATION OF FORESTS & PROTECTION OF WILD LIFE.

42nd CAA 1976

ART 49 :- PROTECTION AND CONSERVATION OF MONUMENTS | PLACES AND THINGS OF NATIONAL IMPORTANCE.

ART 50 :- SEPARATION OF JUDICIARY FROM EXECUTIVE.

ART 51 :- STATE SHALL PROMOTE INTERNATIONAL PEACE AND SECURITY.

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