



SNS COLLEGE OF TECHNOLOGY

**Coimbatore-35
An Autonomous Institution**

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DEPARTMENT OF INFORMATION TECHNOLOGY

23HST103- INDIAN CONSTITUTION

I B.TECH – AIML “B” / I SEMESTER

UNIT 1 – INTRODUCTION

TOPIC 4 – Constituent Assembly of India



- Right to equality(Art 14-18).
- Right to freedom & information(Art 19-22).
- Right to Education(Art 21A)
- Right against exploitation.(Art 23-24)
- Right to freedom of religion.(Art 25-28)
- Cultural and Educational rights(Art 29-30)
- **Right to Property(Art-31) has been deleted in 1976 under the 42nd Amendment**
- Right to constitutional remedies(Art32)



Article 19 : Protection of Six Rights



- Guarantees 6 rights
 - Freedom of speech and expression
 - Assemble peaceably and without arms
 - Form associations or unions or co-operative societies
 - Move freely throughout the territory of India
 - Reside and settle in any part of India
 - Practice any profession / occupation, trade or business
- Protected against only state action and not private individuals





Article 20 : Protection in Respect of Conviction for Offences



- Protection against arbitrary and excessive punishment to an accused person
- 3 Provisions:
 - No ex-post-facto law
 - No Double jeopardy
 - No Self-incrimination





Article 21 :

Protection of Life and Personal Liberty



- No Person shall be deprived of his life or personal liberty
- Except according to procedure established by law
- Gopalan case (1950)
 - Protection against arbitrary executive action and not from arbitrary legislative action
- Menaka case (1978)
 - Protection against both arbitrary executive and legislative action
 - Personal liberty can be deprived if the Law is reasonable, fair or just
 - Supreme court reaffirmed 34 rights under Article 21





Rights under Article 21



- Live with human dignity; appropriate life insurance policy; Not be driven out of state
- Decent environment; Women to be treated decency and dignity; prisoners have necessities
- Livelihood; Privacy; Shelter; Health; Free education upto 14 age; Free legal aid
- Against solitary confinement, handcuffing, inhuman treatment & delayed execution
- Travel abroad; Speedy trial; Sleep; Electricity; Freedom from noise pollution
- Against bonded labour, custodial harassment; Public hanging; bar fetters
- Emergency medical aid; timely medical treatment in GH; Fair trial;
- Hearing, information, reputation, appeal from a judgement of conviction; Social Security



Article 21 A : Right to Education



- State shall provide free and compulsory education to all children (Age 6 to 14)
- 86th Constitutional Amendment Act of 2002 – ‘Education to All’
- Before this amendment, it was under Article 45 in Part IV
- 1993, Supreme Court recognised a Fundamental Right in right to life(Article 21)
- Right of Children to Free and Compulsory Education(RTE) Act, 2009
 - Full time elementary education of satisfactory and equitable quality





Preventive detention laws

- Preventive Detention Act 1950, Expired in 1969
- Maintenance of Internal Security Act(MISA), 1971 – Repealed in 1978
- Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
- National Security Act (NASA), 1980
- Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act (PBMSECA), 1980
- Terrorist and Disruptive Activities (Prevention) Act (TADA), 1985 – Repealed in 1995
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988
- Prevention of Terrorism Act (POTA), 2002 – Repealed in 2004



Article 22 : Protection Against Arrest and Detention



- Protection to persons who are arrested or detained
- Two types:
 - Punitive – Punish a person for an offence committed by him
 - Right to be informed of the grounds of arrest; Consult with legal practitioner
 - Produced before magistrate within 24 hours; Released after 24 hours unless magistrate authorises
 - Preventive – Detention of a person without conviction by a court
 - Cannot exceed 3 months unless having a sufficient cause
 - Should afford opportunity to make representation against the detention order
- 44th Amendment Act of 1978 – reduced period of detention from 3 to 2 months





RIGHT AGAINST EXPLOITATION



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RIGHT TO FREEDOM OF RELIGION



28/04/2020



CULTURAL AND EDUCATIONAL RIGHTS



28/04/2020



RIGHT TO CONSTITUTIONAL REMEDIES



28/04/2020



CONCLUSION

Fundamental rights is a charter of rights contained in the Constitution— of India. It guarantees civil liberties such that all Indians can lead their lives in peace and harmony as citizens of India.



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