

Topics to be covered
<p>Fundamental Rights – II</p> <ul style="list-style-type: none">a. Right to Life and Personal Liberty (Articles 20-22): Scope and Contentb. Right to Education (Article 21A): RTE Act, 2009c. Right against Exploitation (Articles 23-24): Forced Labour, Child Employment and Human Traffickingd. Freedom of Religion (Articles 26-28)e. Educational Rights of Minorities (Articles 29-30)

For further query

You can contact us on:

Whatsapp: +919354560572

Or you can follow us on Instagram at : Do_MyWork

Article 20 - Protection in Respect of Conviction for Offenses

Article 20 of the Indian Constitution provides important safeguards against arbitrary and unjust treatment when it comes to criminal convictions. It essentially ensures that individuals are not unjustly convicted or punished for an offense that was not a crime when the act was committed, and it protects them from certain harsh forms of punishment.

The Provisions of Article 20:

Article 20 consists of three distinct protections, which are as follows:

1. **Protection against Ex Post Facto Laws (Clause 1):**

- *"No person shall be convicted of any offense except for a violation of the law in force at the time of the commission of the offense."*

This clause prevents the prosecution of a person for an act that was not a criminal offense at the time it was committed. This principle is called **ex post facto** (after the fact) law, which means a law that retroactively makes an act illegal or enhances the punishment for an offense committed before the law was passed.

Key points to understand:

- The law cannot be changed retroactively to make something that was legal at the time of commission of an act into a punishable offense.
- Even if the law is amended after the act was committed, a person cannot be prosecuted under the new law if it makes an action illegal retroactively.

Example:

- If a law is passed that criminalizes an activity today (for example, using a new technology), it cannot be applied to someone who used the technology yesterday, before the law was passed.

Case Law:

- **Kedar Nath v. State of Bihar (1962):** The Supreme Court upheld that an individual cannot be prosecuted for an act which was not punishable when it was committed.

2. Protection against Double Jeopardy (Clause 2):

- *"No person shall be prosecuted and punished for the same offense more than once."*

This clause ensures that no individual can be tried or punished multiple times for the same offense. It provides protection against **double jeopardy**, which is a legal concept that prevents the government from putting someone on trial for the same crime after an acquittal or conviction.

Key points to understand:

- The principle prevents an individual from being punished twice for the same offense, regardless of whether they were acquitted or convicted.
- However, if the offense committed violates multiple laws, an individual may face separate trials, as long as they do not relate to the same offense.

Case Law:

- **M. P. Sharma v. Satish Chandra (1954):** The Supreme Court noted that double jeopardy does not apply if the crime committed violates two different laws.

3. Protection against Self-Incrimination (Clause 3):

- *"No person accused of any offense shall be compelled to be a witness against himself."*

This clause guarantees that no person can be forced to testify against themselves, which is known as the **right against self-incrimination**. It ensures that an accused person cannot be coerced into confessing to a crime or making statements that may lead to their own conviction.

Key points to understand:

- The individual has the right to remain silent and cannot be forced to provide any testimony or evidence that may incriminate them.
- This right applies during police interrogation, court trials, or any legal proceeding.

Case Law:

- **Nandini Satpathy v. P.L. Dani (1978):** The Supreme Court ruled that an individual cannot be compelled to answer questions that would lead to self-incrimination.

Historical Context and Purpose

Article 20 was primarily designed to provide safeguards to individuals against arbitrary actions by the state, especially in the criminal justice system. It is based on the **principle of natural justice** which ensures that no person shall be punished for an act that was not illegal when committed, and that they are not subject to excessive punishment.

1. **Protection against Arbitrary Legislation:**

- In earlier times, monarchies and governments could create laws and retroactively punish individuals. This provision ensures that no one can be punished for an action that wasn't considered a crime at the time it was committed.

2. **Fair Trial and Justice:**

- Article 20 reflects the commitment of the Constitution to a fair trial process. It protects citizens from laws that could be used to unfairly target or punish them for acts done in the past when no law existed to criminalize it.

Impact on Criminal Justice System

1. **Ensures a Fair Justice System:**

- By preventing ex post facto laws, it upholds the principle of justice where no one can be convicted or punished arbitrarily.

2. **Limits State Power:**

- Article 20 places restrictions on the power of the state, ensuring that laws are not applied retroactively, and also that individuals cannot be forced to confess or testify against themselves.

3. **Promotes Accountability:**

- The right against double jeopardy ensures that the accused is not subject to constant legal harassment for the same act, which is crucial for maintaining a sense of security in the legal system.

Example for Better Understanding:

Imagine that an individual is caught for a specific act (e.g., using a particular substance). If the act was not a crime at the time, but a new law is passed making it illegal, the individual cannot be tried for that act under the new law.

Similarly, if they were already convicted or acquitted for the same act earlier, they cannot be tried again for the same offense.

Article 21 - Protection of Life and Personal Liberty

Text of Article 21: *"No person shall be deprived of their life or personal liberty except according to the procedure established by law."*

This provision guarantees the protection of life and personal liberty. It ensures that a person cannot be deprived of their life or personal liberty arbitrarily, and any deprivation must follow a procedure that is fair, just, and reasonable.

Expansion of the Scope of Article 21:

Initially, Article 21 was interpreted narrowly to protect only against physical harm or arbitrary arrest and detention. Over time, through judicial interpretation, the scope of Article 21 has expanded significantly. The Supreme Court has read into it various rights that protect individual dignity, privacy, and the overall well-being of individuals.

Important Case Laws Interpreting Article 21:

1. **Maneka Gandhi v. Union of India (1978):**

- **Issue:** Whether the right to life and personal liberty could be restricted under the law, and whether the procedure must be fair, just, and reasonable.
- **Ruling:** The Supreme Court expanded the interpretation of Article 21, holding that the right to life includes the right to live with dignity. The Court ruled that any law or procedure that deprives a person of their liberty must be fair, just, and reasonable, not arbitrary.
- **Impact:** This case marked a significant broadening of Article 21, emphasizing that the right to life and personal liberty is not restricted to mere existence but includes the right to live with dignity.

2. **Kharak Singh v. State of UP (1963):**

- **Issue:** Whether surveillance and restrictions on an individual's movement violate the right to personal liberty.
- **Ruling:** The Court held that the right to life and personal liberty extends to an individual's privacy. It recognized that individuals have a right to be free from arbitrary and excessive surveillance by the state.
- **Impact:** The case laid the foundation for recognizing privacy as part of personal liberty under Article 21.

3. **Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981):**

- **Issue:** Whether the right to life includes the right to live with dignity.
- **Ruling:** The Court held that the right to life under Article 21 includes the right to live with human dignity. It recognized that dignity is essential for leading a meaningful life.
- **Impact:** This case emphasized that the right to life is not just about existence but also about maintaining human dignity.

4. **R. Rajagopal v. State of Tamil Nadu (1994):**

- **Issue:** Whether the right to privacy is a part of the right to life.
- **Ruling:** The Court recognized the right to privacy as an essential part of the right to life under Article 21. It also emphasized that the right to privacy includes the protection of personal matters from unauthorized intrusion.
- **Impact:** This case expanded the scope of Article 21 to include privacy, thus protecting individuals from arbitrary interference.

5. **Puttaswamy v. Union of India (2017):**

- **Issue:** Whether the right to privacy is a fundamental right under the Constitution.
- **Ruling:** The Supreme Court declared the right to privacy as a fundamental right under Article 21. It held that privacy is a core part of personal liberty and human dignity.
- **Impact:** This landmark decision solidified privacy as an integral part of Article 21, reinforcing the protection of personal autonomy.

6. **Sunil Batra v. Delhi Administration (1980):**

- **Issue:** Whether prisoners' rights are protected under Article 21.
- **Ruling:** The Court held that Article 21 applies to prisoners, and they are entitled to protection against inhuman and degrading treatment while in custody.
- **Impact:** This decision extended the reach of Article 21 to prisoners, reinforcing their rights to humane treatment.

7. **Vishaka v. State of Rajasthan (1997):**

- **Issue:** Whether women workers are entitled to protection from sexual harassment at the workplace under Article 21.
- **Ruling:** The Supreme Court expanded the scope of Article 21 to include the right to a safe working environment, particularly protecting women from sexual harassment at work.
- **Impact:** This judgment led to the formulation of the Vishaka Guidelines, which mandated that employers establish mechanisms to prevent sexual harassment at the workplace.

8. **State of Uttar Pradesh v. Rajesh Gautam (2006):**

- **Issue:** Whether personal liberty can be restricted in the interest of public order or national security.

- **Ruling:** The Court upheld that personal liberty under Article 21 can be restricted in cases of preventive detention, provided it follows the procedure established by law and does not violate constitutional safeguards.
- **Impact:** The case clarified the limits within which personal liberty can be curtailed in the interest of national security and public order.

9. **Selvi v. State of Karnataka (2010):**

- **Issue:** Whether narco-analysis, polygraph, and brain-mapping tests can be conducted on a suspect without their consent.
- **Ruling:** The Supreme Court held that the use of narco-analysis, polygraph, and brain-mapping tests on individuals without their consent is a violation of their personal liberty under Article 21.
- **Impact:** The Court reinforced the right to bodily integrity and freedom from self-incrimination, ensuring that individuals cannot be compelled to participate in such tests.

10. **Shahabuddin v. State of Bihar (2010):**

- **Issue:** Whether the right to personal liberty can be suspended under preventive detention laws.
- **Ruling:** The Court held that even under preventive detention, the right to personal liberty under Article 21 cannot be suspended, and the procedure must adhere to the provisions set out in the Constitution.
- **Impact:** This case emphasized that preventive detention must not violate the fundamental rights guaranteed under Article 21.

11. **Olga Tellis v. Bombay Municipal Corporation (1985):**

- **Issue:** Whether the right to livelihood is part of the right to life under Article 21.
- **Ruling:** The Court held that the right to livelihood is an integral part of the right to life under Article 21. It recognized that livelihood is essential for a person to lead a dignified life.
- **Impact:** This case expanded the scope of Article 21 to include the right to livelihood, ensuring that individuals' ability to sustain themselves is protected.

12. **Bachan Singh v. State of Punjab (1980):**

- **Issue:** Whether the death penalty is consistent with the right to life.
- **Ruling:** The Court upheld the death penalty in rare cases but ruled that it should be imposed only under the "rarest of rare" circumstances, thus linking it to the fundamental right to life.
- **Impact:** This case introduced the concept of "rarest of rare" cases for the imposition of the death penalty, highlighting the importance of Article 21.

13. **V. N. Shukla v. State of Bihar (1982):**

- **Issue:** Whether personal liberty can be arbitrarily taken away.

- **Ruling:** The Supreme Court ruled that personal liberty cannot be taken away arbitrarily and must follow due process, emphasizing that any deprivation of liberty must be in accordance with the law.
- **Impact:** The Court reinforced the idea that personal liberty is not absolute and must be safeguarded by a just and reasonable legal process.

14. **D.K. Basu v. State of West Bengal (1997):**

- **Issue:** Whether there are sufficient safeguards to protect individuals against custodial torture.
- **Ruling:** The Court issued detailed guidelines for the protection of individuals during police custody and arrests, emphasizing that custodial violence violates Article 21.
- **Impact:** This case resulted in guidelines that aimed to prevent custodial deaths and torture, further safeguarding personal liberty.

15. **Shakti Vahini v. Union of India (2018):**

- **Issue:** Whether individuals, especially women, have the right to choose their marriage partners, even in inter-caste and inter-religion marriages.
- **Ruling:** The Court upheld the right of individuals to marry of their own choice as part of their right to personal liberty under Article 21.
- **Impact:** This case recognized the autonomy of individuals in matters of marriage and personal relationships as an integral aspect of personal liberty.

Article 22 - Protection Against Arrest and Detention

Text of Article 22: *"No person who is arrested shall be denied the right to be informed of the reasons for their arrest and to consult with a legal practitioner of their choice. No person shall be re-arrested except according to the procedure established by law."*

Article 22 of the Indian Constitution is a fundamental safeguard for personal liberty and protection against arbitrary arrest and detention. It ensures that no person can be arrested or detained arbitrarily, and it provides individuals with certain rights if they are detained.

This article includes two main aspects:

1. **Right to be informed of reasons for arrest:**

- If a person is arrested, they must be told the specific reasons for their arrest at the time of being detained. This is a fundamental protection against arbitrary or unlawful arrest, as it allows the individual to know the grounds for their detention and challenge it in court if necessary.

2. **Right to consult a legal practitioner:**

- The arrested individual has the right to consult a legal practitioner of their choice. This ensures that the detainee has access to legal counsel and is able to understand and protect their legal rights, including the possibility of challenging the arrest or detention in court.

Key Provisions of Article 22:

Article 22 provides significant protections against wrongful detention:

1. Right to be informed of the reasons for arrest:

- No one can be arrested without being informed about the reasons for their arrest. This ensures transparency and prevents arbitrary detentions. It also ensures that the individual is aware of the legal justification behind the arrest.

2. Right to consult a legal practitioner:

- This provision ensures that the person who is arrested has the opportunity to consult a lawyer. It is crucial because it guarantees that individuals are not left without legal recourse when arrested.

3. Right to be produced before a magistrate:

- Article 22(2) mandates that anyone arrested must be brought before a magistrate within 24 hours of their arrest. This prevents prolonged detention without judicial oversight.

4. Preventive Detention:

- Article 22 also makes a distinction between ordinary arrest and preventive detention. Preventive detention refers to arrest without trial, often used when authorities believe an individual might engage in acts harmful to national security or public order.
- The Constitution allows for preventive detention, but places strict limits on it. A person detained under preventive detention laws can be held for up to three months without being formally charged, but they must be informed of the reasons for detention. However, this detention cannot exceed three months without review by an Advisory Board.

5. Limits on Preventive Detention:

- The Constitution places certain limitations on preventive detention, ensuring that it cannot extend beyond three months unless reviewed by an Advisory Board, which determines the legality of the detention.

Important Case Laws on Article 22:

1. D.K. Basu v. State of West Bengal (1997):

- **Issue:** Whether there are adequate safeguards to protect individuals against arbitrary arrest and custodial torture.
- **Ruling:** The Court issued detailed guidelines for arrest and detention, emphasizing that the arresting authority must follow the legal process and inform the detainee of their rights, including the right to consult a lawyer. It also directed that all arrested persons be informed of their rights, and the arrest be recorded in a register.
- **Impact:** The case highlighted the importance of Article 22 in preventing unlawful detention and custodial torture. It emphasized that all authorities involved in the process must ensure the fundamental rights of the arrested individuals.

2. **Khatri (II) v. State of Bihar (1981):**

- **Issue:** Whether the right to be informed of the reasons for arrest and to consult a lawyer is enforceable even in preventive detention cases.
- **Ruling:** The Court held that the rights guaranteed under Article 22 must be provided to all arrested individuals, including those arrested under preventive detention laws. The Court stressed the importance of judicial scrutiny of detentions and the right to legal assistance.
- **Impact:** This case reinforced the interpretation that the right to legal counsel is applicable in all types of arrests, including preventive detention.

3. **Maneka Gandhi v. Union of India (1978):**

- **Issue:** Whether the procedural safeguards under Article 22 should be expanded in the context of personal liberty.
- **Ruling:** The Supreme Court ruled that any law or procedure depriving a person of liberty must be fair, just, and reasonable, and that the procedure must be consistent with the principles of natural justice. The judgment stressed that the right to personal liberty is protected by the Constitution, and procedural safeguards under Article 22 cannot be bypassed.
- **Impact:** This case emphasized that individuals should be protected against arbitrary detention and that legal procedures must be followed scrupulously to protect personal liberty.

4. **Union of India v. K.A. Najeeb (2021):**

- **Issue:** Whether the provisions of preventive detention laws violate the rights under Article 22.
- **Ruling:** The Supreme Court reiterated that preventive detention laws are subject to judicial review, and persons detained under such laws must be informed of the reasons for their detention and be given an opportunity to be heard before an Advisory Board.

- **Impact:** This case reaffirmed that preventive detention, while allowed by the Constitution, must be applied in accordance with Article 22's safeguards, ensuring that detained individuals are informed of their rights and treated fairly.

Right to Education (Article 21A) and the RTE Act, 2009

Article 21A - Right to Education: Article 21A of the Indian Constitution was introduced by the **86th Constitutional Amendment Act of 2002**. This article mandates the **State to provide free and compulsory education** to all children between the ages of **6 to 14 years**. It was added to the Constitution with the intention to ensure that education becomes a fundamental right for children in this age group, reflecting the recognition of the critical role education plays in empowering individuals and society at large.

The key points under Article 21A are:

- **Free Education:** Education for children aged 6-14 is to be provided without any cost. This ensures that children from economically disadvantaged families also have access to education.
- **Compulsory Education:** The State is not only required to provide free education, but it is also obligated to ensure that children attend school and receive an education.
- **Age Group:** The provision applies to children between the ages of **6 to 14 years**, ensuring that children in this critical age group are educated.

This provision was a monumental shift in India's approach to education, as it formally recognizes education as a fundamental right under the Constitution.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009:

The **Right of Children to Free and Compulsory Education Act (RTE), 2009**, further elaborates and enforces the provisions laid down under Article 21A. The RTE Act came into force on **April 1, 2010**, and is aimed at making education more accessible, equitable, and of better quality for all children in India.

Key Features of the RTE Act, 2009:

1. **Free and Compulsory Education:**

- As per Section 3 of the RTE Act, every child between the ages of 6 and 14 years has the right to free and compulsory education in a neighborhood school.

- This education should be provided in **Government schools**, or **privately unaided schools** that have a minimum standard set by the government.
- The Act also specifies that no child shall be subjected to any form of discrimination, and they must be provided education in a way that promotes their dignity and freedom from mental harassment.

2. **Quality of Education:**

- The Act sets standards for the **quality of education**, ensuring that the educational system is both inclusive and effective. This includes the appointment of **qualified teachers**, a specific **student-teacher ratio**, and provisions for the **training** of teachers.
- The curriculum must focus on the **all-round development** of the child, including aspects of health, physical education, and emotional well-being.

3. **Infrastructure Requirements:**

- The Act lays down certain **minimum infrastructure standards** for schools, such as the availability of clean water, separate toilets for boys and girls, and playgrounds.
- The schools must also have facilities like **classrooms, libraries, and teaching-learning materials** for better engagement.

4. **No Admission Test for Children:**

- No child shall be denied admission to school or be discriminated against due to lack of documents or proof of age.
- Children cannot be subjected to entrance exams or other forms of evaluation before admission to a school.

5. **No Detention or Expulsion:**

- The Act mandates that no child shall be **held back** in any class or expelled from school until the completion of **Elementary Education (up to Class VIII)**. This ensures that children are not unfairly penalized for not meeting certain academic standards.
- It also emphasizes **continuous and comprehensive evaluation**, focusing more on the overall development of a child than just exam results.

6. **Inclusive Education:**

- The Act ensures that **children with disabilities** are not discriminated against, and are provided with **necessary accommodations** and support for their learning needs.
- It mandates the inclusion of children with special needs in regular classrooms wherever possible, with the provision for special educators to help facilitate learning.

7. **Private Schools' Obligations:**

- Private schools, which admit students, must reserve **25% of their seats** for children from **economically weaker sections** or **disadvantaged groups**. The Government reimburses the private schools for the cost of these children's education.

8. **School Management Committees (SMCs):**

- The Act mandates the formation of **School Management Committees (SMCs)** for each school, comprising parents, teachers, and local educationists, to monitor the implementation of the Act and ensure that quality standards are maintained.

9. **Monitoring and Grievance Redressal:**

- The Act provides for the creation of **National and State Commissions for Protection of Child Rights (NCPCR and SCPCR)**, which monitor the implementation of the Act and address grievances related to the enforcement of the right to education.

10. **Penalties for Non-Compliance:**

- The Act lays down penalties for those who fail to comply with its provisions. For instance, if a child is denied admission, or if schools do not adhere to the minimum infrastructure requirements, penalties can be imposed on the erring authorities or management.

Important Provisions of the RTE Act:

- **Section 3:** Children aged 6-14 years must be provided free and compulsory education.
- **Section 4:** No child shall be held back, expelled, or required to pass any board examination until the completion of elementary education.
- **Section 12(1)(c):** 25% reservation in private schools for children from economically weaker sections (EWS).
- **Section 14:** No child shall be subjected to corporal punishment or mental harassment.
- **Section 23:** Qualifications and training of teachers must meet specified standards.

Key Judgments related to the RTE Act:

1. **Society for Unaided Private Schools of Rajasthan v. Union of India (2012):**

- The Supreme Court upheld the constitutional validity of the 25% reservation in private schools for children from economically disadvantaged sections. It emphasized that the RTE Act applies to both government and private schools.

2. **M.C. Mehta v. State of Tamil Nadu (2014):**

- The Supreme Court directed the implementation of the provisions of the RTE Act concerning the regulation of unaided schools, ensuring that they adhere to the guidelines set under the Act, including the prescribed infrastructure and teacher qualifications.

3. **Pramati Education Trust v. Union of India (2014):**

- The Supreme Court struck down certain provisions of the RTE Act that required unaided minority schools to reserve 25% seats for children from disadvantaged sections, affirming that such schools were exempted from this provision under the Constitution's Article 30.

4. **Unnikrishnan J.P. v. State of Andhra Pradesh (1993):**

- This landmark case, though predating the RTE Act, recognized that the right to education is an integral part of the right to life under Article 21, thus laying the foundation for the later inclusion of **education as a fundamental right** through Article 21A.

Right against Exploitation (Articles 23-24)

Article 23 - Prohibition of Traffic in Human Beings and Forced Labour

Article 23 of the Indian Constitution addresses the **prohibition of human trafficking and forced labor** in any form. This includes the prohibition of practices such as **bonded labor, begar** (forced labor without remuneration), and any other forms of **involuntary labor**.

The key provisions under **Article 23** are:

- **Human Trafficking:** This provision prohibits the trafficking of human beings for any purpose, including for forced labor, prostitution, and illegal trade.
- **Forced Labor:** It prohibits forced labor or any work that is coerced and done under duress, without the consent of the individual, or without proper compensation.
- **Bonded Labor:** Bonded labor, which involves the forced labor of individuals in exchange for a loan or debt, is explicitly banned under this provision.
- **Exceptions:** However, forced labor is allowed in certain circumstances like punishment for a criminal offense, or where the law requires it (such as in the case of military service or other duties prescribed by law).

This article plays a critical role in ensuring **dignity** and **freedom** for all individuals, especially marginalized groups, from exploitation in various forms.

Article 24 - Prohibition of Employment of Children in Factories, etc.

Article 24 prohibits the employment of children under the age of **14 years** in any **factories, mines, or hazardous employment**. This provision aims to protect children from exploitation and ensure they have access to **education** and a **healthy childhood** free from economic exploitation.

Key aspects of **Article 24**:

- **Child Labor Prohibition:** The article specifically prohibits the employment of children in factories, mines, or any form of hazardous work.
- **Focus on Protection:** This is in line with the **best interests of children**, which ensures their physical, mental, and emotional development is not hindered by labor.
- **Exceptions:** The article does not apply to employment in certain circumstances such as non-hazardous work done in a family setting, or as part of a child's education or training under certain conditions.

Important Case Laws Related to Articles 23-24

1. **M.C. Mehta v. State of Tamil Nadu (1996):**

- The Supreme Court in this case dealt with the issue of child labor and the unsafe working conditions in the **matchbox factories** of Tamil Nadu. The Court held that children should not be employed in hazardous occupations and invoked **Article 24** to protect children from exploitation. This case emphasized the need for proper implementation of laws prohibiting child labor and ensuring children's rights to a safe environment.
- The Court also highlighted the importance of **education** and **social security** for children, acknowledging that labor should not interfere with their fundamental rights.

2. **Bandhua Mukti Morcha v. Union of India (1984):**

- This landmark case dealt with the **abolition of bonded labor**, which is a form of **forced labor** under **Article 23**. The Supreme Court recognized the practice of **bonded labor** as a form of **exploitation** and ordered the release of bonded laborers, directing the government to rehabilitate them.
- The Court ruled that the prohibition of bonded labor must be enforced strictly and that the **state** is obligated to ensure that bonded laborers are freed from their debts and provided rehabilitation.
- This case expanded the scope of **Article 23** by recognizing bonded labor as a form of **involuntary servitude** that requires immediate attention and action by the government.

3. **People's Union for Civil Liberties v. Union of India (2004):**

- In this case, the **Supreme Court** expanded the scope of **Article 23** by emphasizing that **forced labor**, even in the form of **begging** or other forms of exploitation, was prohibited under Article 23. The Court also dealt with **child labor** issues and noted the need for the **government** to take strong actions against exploitative practices.
- It was further clarified that the protection of **human dignity** and the **right to live with dignity** were central to the application of Article 23.

4. **Kailash v. State of Maharashtra (2011):**

- This case addressed the issue of child labor and the **implementation of laws prohibiting** it. The Supreme Court directed the **Maharashtra Government** to take strict measures to eliminate child labor and ensure compliance with **Article 24**. The Court issued guidelines to ensure that children working in hazardous conditions are removed and rehabilitated.

5. **Balaji v. State of Tamil Nadu (2000):**

- In this case, the Supreme Court dealt with child labor in the **construction industry** and ruled that employing children under the age of 14 in such conditions was a violation of **Article 24**. The Court also emphasized the need for effective implementation of child labor laws and the **abolition of exploitative labor practices**.

6. **Shanti Devi v. Union of India (1995):**

- In this case, the **Supreme Court** took suo-motu cognizance of the large-scale employment of children in the **bangle industry in Firozabad**, which was hazardous work. The Court held that this practice was in violation of **Article 24**, which prohibits the employment of children in dangerous work environments. The Court ordered the state to take effective measures to eliminate child labor.

7. **State of Rajasthan v. Union of India (2016):**

- This case focused on the application of **Article 23** and **Article 24**, where the Supreme Court acknowledged that the use of children for manual labor in **agriculture** and other informal sectors also constitutes **exploitation**. It directed the **state** to focus on the rehabilitation of children involved in such labor.

Freedom of Religion (Articles 26-28)

Article 26 - Freedom to Manage Religious Affairs

Article 26 guarantees **individuals and religious denominations** the freedom to manage their religious affairs. This includes:

- **Establishing and maintaining religious institutions,**

- **Managing the affairs of such institutions** in matters related to **worship, rituals, and doctrines**.

This article aims to ensure that religious organizations and communities are free to regulate and control their internal matters without interference from the state, provided they do not violate the public order, morality, or health.

Key Features:

- **Right to manage religious institutions:** Religious groups can establish and manage institutions such as temples, churches, mosques, and educational institutions without government interference.
- **Autonomy in religious practices:** Religious groups can define their doctrines and regulate religious practices in their institutions, including rituals and ceremonies.
- **Limitations:** While Article 26 protects religious freedom, this freedom is subject to public order, morality, and health.

Article 27 - Freedom from Compulsory Taxation for Promotion of Religion

Article 27 ensures that no individual shall be compelled to pay any **tax** that is used for the **promotion or maintenance** of any particular religion. This provision prevents the government from collecting taxes for religious purposes and thus upholds the **principle of secularism** enshrined in the Constitution.

Key Features:

- **No religious tax:** Individuals cannot be forced to pay taxes that benefit a particular religion.
- **Separation of state and religion:** It reinforces the **secular nature** of the Indian state by preventing the use of public funds for religious purposes.

Article 28 - Freedom from Attending Religious Instruction in Educational Institutions

Article 28 prohibits **religious instruction in educational institutions** funded by the **State**. It ensures that public educational institutions do not promote any religion or religious belief, maintaining the **secular nature** of education in India.

Key Features:

- **No religious instruction in state-funded schools:** This provision prohibits the state from funding religious education in schools and colleges, ensuring that public education remains **neutral** with regard to religion.

- **Exception for minority institutions:** This does not apply to institutions administered by religious minorities, which may impart religious education in accordance with their belief systems.

Important Case Laws Related to Articles 26-28

1. **The Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Tirtha Swamiar of Sri Shirur Mutt (1954)**

This case was pivotal in interpreting the scope of **Article 26**. The **Supreme Court** held that religious denominations have the right to manage their own religious affairs, but this right is subject to reasonable restrictions that ensure public order, morality, and health. The Court clarified that the **state** may intervene in religious matters only when it concerns regulation in the **public interest**, such as ensuring the proper functioning of religious institutions and preventing fraud or mismanagement.

2. **S. Ramaswamy v. Union of India (1998)**

This case discussed the **right of religious institutions** to manage their affairs under **Article 26**. The Court upheld the right of religious institutions to administer their internal matters without government interference, as long as these activities do not contravene the provisions of the Constitution. The case highlighted that the state's role is to protect religious institutions from exploitation or mismanagement but not to control religious practices.

3. **Bijoe Emmanuel v. State of Kerala (1986)**

This case involved the right of children from the **Jehovah's Witnesses** community to refuse to sing the national anthem in school. The Court held that this refusal was a **protected right under Article 25**, as it was a part of their religious belief. This case also indirectly reinforced the **freedom of religious practices** under Article 26, recognizing the autonomy of individuals and communities in practicing their religion freely.

4. **St. Xavier's College v. State of Gujarat (1974)**

This case involved **Article 28** and the issue of religious instruction in **educational institutions**. The Court ruled that while the state cannot impose religious instruction in government-funded schools, religious minorities are allowed to impart religious education in their own institutions. The case established that religious minorities have the **right to establish and administer educational institutions** under **Article 30**, and this includes imparting religious instruction within those institutions.

5. **Acharya Jagadishwarananda Avadhuta v. Commissioner of Police (2004)**

The case interpreted **Article 26** concerning the right of a religious group to manage its affairs. The Court held that religious groups have the right to manage their **religious property** and organize **religious events** according to their traditions, without interference from the state, unless there is a violation of public order or law.

6. State of Rajasthan v. Union of India (2017)

The Court held that **Article 28** prohibits **religious instruction** in government-funded educational institutions. The case reaffirmed that **state-funded education** should remain secular, ensuring **no religious indoctrination** is imposed on students, particularly in government schools.

Educational Rights of Minorities (Articles 29-30)

Article 29 - Protection of Interests of Minorities

Article 29 guarantees the **right of minorities** to **preserve their language, culture, and script**. It ensures that no person or group is discriminated against or deprived of the opportunity to maintain and develop their distinct culture, language, or traditions. The article protects the rights of both religious and linguistic minorities.

Key Features:

- **Protection of culture and language:** Any group (linguistic, religious, or cultural minority) can **preserve and promote its cultural identity and educational practices**.
- **No discrimination:** No minority group or individual can be compelled to renounce their **language, script, or culture** to conform to the **dominant culture**.
- **Applicability to citizens:** This protection is for all **Indian citizens** belonging to minorities, ensuring the right to education in their language and to practice their cultural traditions.

Article 30 - Right of Minorities to Establish and Administer Educational Institutions

Article 30 provides **minorities** the **right to establish and administer educational institutions** of their choice. This right allows them to set up institutions that reflect their **religious or linguistic identity**, free from government interference, though subject to certain regulations.

Key Features:

- **Freedom to establish institutions:** Religious or linguistic minorities can establish and manage educational institutions, such as schools, colleges, and universities, which promote their religious beliefs or cultural practices.
- **Freedom from State interference:** While these institutions must comply with general laws of the land (such as regulations related to public safety, health, etc.), the state cannot interfere with the minority's right to manage these institutions unless there is a compelling public interest.

- **Right to admission criteria:** Minority institutions have the **freedom to set their own admission policies**, based on their religious or linguistic preferences, though they must also adhere to certain standards laid down by the state (e.g., preventing discrimination against non-minorities).

Important Case Laws Related to Articles 29-30

1. **T.M.A. Pai Foundation v. State of Karnataka (2002)**

In this landmark case, the **Supreme Court** ruled that **minorities have the right** to establish and manage educational institutions under **Article 30**. However, the Court also emphasized that **state regulation** is necessary to ensure **merit-based admission, quality of education**, and adherence to **national standards**. The Court held that while the state cannot interfere with the management of minority institutions, it can regulate admissions and fees to ensure fairness and maintain quality standards.

2. **P.A. Inamdar v. State of Maharashtra (2005)**

In this case, the **Supreme Court** affirmed that minorities have the right to establish and manage educational institutions under **Article 30**, but these institutions must still comply with **state regulatory frameworks**. Specifically, the Court upheld the **state's power** to regulate admission procedures, ensure transparency, and **ensure social justice** (such as reservations for backward classes), but clarified that such regulations should not interfere with the fundamental rights of minorities to manage their institutions.

3. **St. Stephen's College v. University of Delhi (1992)**

This case dealt with the right of **St. Stephen's College**, a **Christian minority institution**, to admit students based on its own criteria, particularly favoring Christian students. The **Supreme Court** ruled in favor of the college's right to admit students according to its religious and institutional policies, under **Article 30**. However, the Court also emphasized that the institution must **balance** its minority rights with the **regulations set by the University of Delhi**. In this case, the Court ruled that while minority institutions have the right to admit students based on their own criteria, such criteria must also comply with the broader principles of **fairness and equality**.

4. **Azeez Basha v. Union of India (1968)**

This case involved the question of whether a religious institution had the right to manage its **educational affairs** under **Article 30**. The Court ruled that minorities have the right to establish and manage institutions based on their own religious or linguistic preferences. The judgment affirmed that this right extends not only to **religious organizations** but also to any group based on **language, culture, or community**. This case set the stage for interpreting **minority educational rights** in later cases.

5. **D.A.V. College v. State of Haryana (1971)**

The **Supreme Court** held that **minority educational institutions** have the right to **administer their affairs** without government interference under **Article 30**, provided they adhere to the general laws of the land. The Court emphasized the importance of preserving the autonomy of these institutions in promoting their cultural and religious identities, while balancing this with **state interests** such as ensuring **quality education**.

6. **M.A. Ameen v. Union of India (2004)**

In this case, the Court reiterated that **Article 30** allows **religious minorities** to establish and manage educational institutions of their choice. It emphasized that the **right to preserve religious identity** through educational institutions is an integral part of **religious freedom**. The Court clarified that the state could regulate these institutions for **standardization** and ensure their **quality**, but it could not infringe on their fundamental right to **establish and manage** their affairs.

7. **Secretary, Malankara Syrian Catholic College v. The President (1958)**

The Court ruled that the **Malankara Syrian Catholic College**, as a **minority institution**, had the right to **administer its affairs** independently. The case reinforced the principle that the **state cannot impose restrictions** on the autonomy of **minority institutions** as long as they comply with **national laws**.

8. **State of Kerala v. Very Rev. Mother Provincial (1970)**

The **Supreme Court** held that **minorities** have the **right to establish educational institutions** and that they can **administer them** without interference from the state. The Court upheld the right of religious minorities to run educational institutions that reflect their **religious ethos** and **teach their doctrines**.

9. **Indira Sawhney v. Union of India (1992)**

Although this case primarily concerned the issue of **reservation**, it clarified the limits to which the **State can regulate admissions** in minority institutions under **Article 30**. The Court stated that while **minority institutions** are free to admit students based on their own criteria, **constitutional principles of equality** should still apply, particularly when it comes to ensuring **equal opportunities** for all.

DO MY WORK

Service	Description
Dissertation	Comprehensive support for dissertation writing, including topic selection, research, and structuring.
Research Papers	Assistance in creating well-researched and professionally written research papers.
Assignments	Help with completing assignments on various legal subjects.
Notes	Provision of detailed and easy-to-understand notes to aid study and exam preparation.
Internship Diaries	Structured internship diaries, detailing daily activities, learning experiences, and reflections.
Internship Certificate	Guidance on obtaining and drafting internship certificates for documentation purposes.
Plagiarism Report	Provision of plagiarism reports to ensure content originality and authenticity.

Memorials	Assistance in drafting memorials for moot court competitions, following professional standards.
------------------	--

DO MY WORK