



# Soundarya Kanoonu Patrike

VOLUME - 1 | ISSUE - 1 | 2021 - 2022



## MOTTO

Your Success, Our Commitment.



## VISION

Our vision is to be a leading institution that imparts quality legal education and uphold sound value system to bring about an egalitarian and just society to live in. We strive at sensitizing and channelizing talents to meet and seize emerging global opportunities.



## MISSION

- To nurture persistent learning and develop the intellectual faculties through a learner centric approach.
- To develop employability skills and become global transformers.
- To mobilize efforts to achieve sustainable development.
- To transform the society by serving and dissemination of acquired knowledge and values.



**INSIDE THIS ISSUE**  
quality legal education and uphold sound value system to bring about an egalitar



## Chief Editors Message

It is an immense privilege to unveil our very first newsletter '**Soundarya Kanoonu Patrike**'.

Soundarya College of law is a unit of Soundarya Educational Trust (SET). It was the vision of our beloved Chairman, Sri. Soundarya P. Manjappa to provide the best platform and resources to meet the growing demands of legal education. Soundarya College of Law strives to impart comprehensive legal education and offers B.A. LL.B., B.Com. LL.B., (integrated five years course) and LL.B (three year course). Every initiative is taken to mould and shape our students to meet competence and this newsletter is one such initiative. It is a blend of academic articles, reports of events conducted and also a place to showcase the talents of our students.

I would like to congratulate the editors, Ms. Cladudia Nadh and Ms. Monisha M. Assistant Professor's, Soundarya College of Law contributors and student volunteers for their dedication in compiling and editing this newsletter. We are committed to publishing further newsletters for which we are now welcoming research articles, comments, suggestions and special issue proposals.

**Dr. B. P. Mahesha**, B.A.,LL.M.,M.Phil.,Ph.D.  
Principal

## Governing Council **Members**

Soundarya Educational Trust



**Sri. Soundarya P. Manjappa**  
Chirman - SET



**Smt. Sunita Manjappa**  
Trustee - SET



**Sri. Keerthan Kumar .M**  
Chief Executive Officer - SET



**Sri. Varun Kumar**  
Trustee - SET



**Dr. Pratiksha S Keerthan**  
Trustee - SET

## About Us

Soundarya Educational Trust has a reputed and respected history in providing exceptional and phenomenal educational outcomes.

Soundarya College of Law, a premier institution of Soundarya Educational Trust was established in 2017 and it is laudable that we are offering 5 years integrated B.A. LL.B., 5 years integrated B.Com. LL.B., and 3 years LL.B courses. The college strives to impart comprehensive legal education. The face of legal education in India has changed tremendously after globalisation and liberalisation. This change has motivated the younger generation to take up law passionately at the same time focusing on employability skills. Keeping these perceptions in mind Soundarya

College of Law was established.

We strongly believe in instilling in our students all the lawyering skills that are required to make them tough for the roads, at the same time remain wise and humane. We understand that our students have different levels of learning because they come from varied backgrounds and special care is taken to encourage each one of them. Our faculties are also dynamic and highly qualified academicians who have a greater passion for imparting knowledge and being mentors.

As the saying goes "If everyone is moving together, then success takes care of itself,".

## SDG - Pathwalk from MEI Grounds to Campus

### 76th United Nations Day Celebration - SDG Goals

In association with Permanent Mission of Costa Rica to The United Nations, Global Culture, Youth of India, United Nation Information Centre for India and Bhutan, the 76th United Nations Day was celebrated on 22nd & 23rd October 2021. This two day initiative was advocated and promoted by; Mr. Keerthan Kumar, CEO, SET; M.N. Natraj, State Director, NYKS Government of India; Harsha Vardhan, I.R.S. Ministry of Finance, Government of India.



## Kannada Rajyostava



Kannada Rajyostava was celebrated on 1st November 2021.

## Legal Aid Camp - Solid Waste Management – SDG 15

On 11th November 2021, a Legal awareness and outreach program was conducted in association with District Legal Services Authority, Bangalore (slogan - '75th Azadi Ka Amrit Mahotsav') Urban in Hurulichikkanahalli Gram Panchayath, Hesaraghatta. The main

purpose of this camp was to educate the villagers and create awareness about solid waste management keeping in view the United Nations Sustainable Development Goals. Smt. Veena Arun, Panel Advocate, DLSA addressed the gathering and spoke extensively on Matrimonial issues

after which she interacted with the people and attended to their issues. A Cleanliness drive along with door to door campaign on Municipal Solid Waste Management was also initiated.





## Constitution Day Celebration

Constitution Day was celebrated on 26th November 2021. The highlight of the session was an inspirational talk by the Chief Guest, Sri. K. Mathai; who himself is a champion for social justice. The session was presided over by our beloved Chairman, Sri. Soundarya P. Manjappa and CEO, Sri. Keerthan Kumar.

## Labour Law – Health, Safety and Welfare measures under the Factories Act, 1948

A labour law Seminar was organised on 10th January 2022, 'Health, Safety and Welfare Measures under the Factories Act, 1948'. The objective of this seminar was to sensitise the students about the dignity of human labour and the effectiveness of the legislation in providing for the Health, Safety and Welfare measures to the workmen. Dr. B.P. Mahesha, was the resource person for the session.



**Soundarya College of Law**  
Affiliated to KSLU, Hubballi & Approved by BCI, New Delhi  
Research Extension, Heasarghatta Main Road  
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**Live webinar**  
**INTELLECTUAL PROPERTY RIGHTS**  
In association with Karnataka State Council for Science and Technology (KSCST)  
**20 January, 2022**  
11:00 am

**Speaker**  
  
**Mr. Vivek Anand Sagar**  
IP Attorney, Consultant KSCST

Organised by :  
Centre for Research and Entrepreneurship  
Soundarya Group of Institutions  
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## Webinar on Intellectual Property Rights

In association with Karnataka State Council for Science and Technology (KSCST) Soundarya College of Law conducted a webinar on Intellectual Property Rights. Mr. Vivek Anand Sagar, IP Attorney, Consultant KSCST was the resource person.

## The Maintenance and Welfare of Parent and Senior Citizens (Amendment) Bill, 2019

On 22nd January 2022, a webinar was held on, 'The maintenance and Welfare of Parent and Senior Citizens (Amendment) Bill, 2019'. Dr. Veerabhadraiah. C., Associate Professor (BMS) was the speaker and he spoke extensively on, "welfare",

which is amplified to mean provision for food, clothing, housing, safety and security, medical attendance, healthcare, treatment, recreation and other amenities required for mental well - being of parents and senior citizens. The bill has also propounded

that "maintenance" is to be, inclusive of provisions of food, clothing, housing, safety and security, medical attendance, healthcare and treatment necessary to lead a life of dignity. The drawbacks of the bill were also critically analysed.

## 73rd Republic Day Celebration

Soundarya College of Law celebrated 73rd Republic Day on 26th January 2022.

Mr. K. Mathai, Director (Administrations), SET, hoisted the flag and gave insights on the importance of Republic Day Celebration.



## An Orientation for Young Law Aspirants

Soundarya College of Law conducted "An Orientation for Young Law Aspirants" on 3rd February 2022.

The session was presided over by Sri. Keerthan Kumar, CEO, Soundarya Education Trust; Sri. K. Mathai, Director Administrations, Soundarya Group of Institutions; Dr. Suresh C. Hegadi, Principal, Soundarya Institute of Management and Science and Dr. B.P. Mahesha, Principal, Soundarya College of Law.

The objective of the session was to sensitize young law aspirants about the significance of law in the society.

A fruitful, engaging and thought-provoking session by Ms. Claudia Nadh and Ms. Monisha M, Assistant Professors of Soundarya College of Law was conducted. Dr. B.P. Mahesha, Principal, Soundarya College of Law, took over the session and had an interactive and engaging session with the students.

After which, Sri. K. Mathai, Director Administrations, Soundarya Group of Institutions; gave an inspiring speech, which stressed upon the personal challenges he faced as an honest KAS officer and the reformation and changes he was able to bring about being an informed citizen.

Sri. Keerthan Kumar, CEO, Soundarya Education Trust addressed the students with concern and advised them to make informed decisions pertaining to their career. He also amplified the scope of law as a good career option.



## Religious Freedom - Issues and Challenges



Soundarya College of Law (SCL) conducted a webinar on, 'Religious Freedom- Issues and Challenges' on 15th February 2022. Prof. (Dr.) Dasharath, Dean, and Faculty of Law, Bangalore University, Bangalore, delivered a talk on this topic. The objective of the webinar was to sensitize the participants on different aspects of religious freedom.

Prof. (Dr.) Dasharath, discussed the issues pertaining to the definition of religion, legal issues relating to singing of national anthem, hate speech, noise pollution rendered during religious activities, religious conversion, restriction on entry to temple based on gender or caste and dress code of advocates and their right to religion were discussed in great length.



## International Women's Day Celebration - 2022.

In Association with Vakeela Vaahini, Bengaluru, Soundarya College of Law celebrated International Women's Day- 2022.

Welcome address was rendered by Dr. B.P. Mahesha, Principal, Soundarya College of Law.

Mr. K. Mathai, Director (Administration), Soundarya Educational Trust, spoke extensively on the 'Importance of Women's Day Celebration'. After which, Mr. Prashanth Chandra S.N., Editor, Vakeela Vaahini, Bengaluru introduced 'Vakeela Vaahini' and Vakeela Vaahini - 'Special Women Edition' was released by Adv. Lakshmy Iyengar, Senior Advocate, High Court of Karnataka, Bengaluru.

Three highly achieved women were felicitated on this auspicious occasion and with their expertise and

experience inspired the gathering with thought provoking speech.

1. Adv. Lakshmy Iyengar, Senior Advocate, High Court of Karnataka, Bengaluru.
2. Ms. KathayaniChamaraj, Journalist and Executive Trustee, CIVIC BANGALORE, Bengaluru.
3. Ms. Sameera Fernandes, Director – ECOSOL Global & Global Educationalist, Bengaluru.

After the felicitation, Presidential remarks were rendered by Mr. Keerthan Kumar, CEO, SET, followed by vote of thanks by Dr. D.M. Hegde, CEO and publisher, Vakeela Vaahini, Bengaluru.

## One day workshop on 'Fundamental Rights, Duties and Restrictions'



In Association with Karnataka Institute for Law and Parliamentary Reform(KILPAR), Soundarya College of Law organized a one day workshop on 'Fundamental Rights, Duties and Restrictions' on 17th March 2022.

After the welcome address by Dr. B.P. Mahesha, Principal, Soundarya College of Law, the lamp was lit by the dignitaries along with the faculty and student representatives. Mr. K. Dwarakanath Babu, Director, (KILPAR)

rendered the inaugural address. It was followed by Presidential Address by Sri. Keerthan Kumar, CEO, SET.

Dr. Revaiah Odeyar, Research Head, KILPAR, Bengaluru, concluded the inaugural session with a vote of thanks.

Ten students presented their views on 'Fundamental Rights, Duties and Restrictions'. After the lunch break, two technical sessions were conducted.

1st Technical Session – Mr. Y. G. Muralidharan, Founder 'CREAT' spoke extensively on fundamental duties and emphasized on 'integrity', "integrity

should be inherent in each individual only then it can reach at institutional level”.

2nd Technical Session - Prof. Dr. Suresh V. Nadagoudar, Principal & Chairman, ULC & DOS, BU, shared his views on Preamble of the Indian Constitution, ‘preamble is the key to open the

constitution’. Sir spoke at great length on all the fundamental rights and its restrictions. Sir opined that the need of the hour is not just literacy but our focus should be on “legal literacy”.

After the technical sessions prizes and certificates were distributed to the winners of the presentation.

Mr. K. Mathai, Director (Administration), Soundarya Educational Trust, also addressed the gathering and shared the importance of accountability and citizens contribution and participation in order to bring in a just society to live in.

## Inauguration of Soundarya Moot Court Society.

Soundarya College of Law inaugurated its Moot Court Society on 24th March 2022.

The program began with an invocation song by Ms. Sandhya K. S., 5th Sem LL.B. It was followed by the welcome address by Dr. Shobha Rani, Asst. Prof., Soundarya College of Law. The lamp was lit by all the dignitaries and student representatives.

The Inaugural Address was rendered by Adv. Nithin, Advocate, High Court of Karnataka. He highlighted the fact that Advocates profession is a Holy profession. He was of the opinion that researchers play a huge role for the moots. He also opined that mooting helps a student to apply what is taught in class and relate it to a problem at hand. According to sir’s view it is our ability to think outside

the box which can bring many laurels.

The Presidential Address was rendered by our beloved chairman, Sri. Soundarya P Manjappa. Sir enlightened us with his wisdom and spoke to us regarding the significance of ‘samskaras’ in our life and also the respect which one should have for the “black coat”.

After which, Sri K.Mathai, Director Administrations, Soundarya Group of Institutions, Sri. Keerthan Kumar, CEO, Soundarya Education Trust and Dr. B. P. Mahesha, Principal, Soundarya College of Law addressed the students.

The session ended with a vote of thanks by faculty co-ordinator, Mr. Hanumanthe Gowda, Asst. Prof. Soundarya College of law.

## Visit to Vidhana Soudha, Vidhana Parishad and Karnataka Institute for Law and Parliamentary Reforms (KILPAR) – 30th March 2022



## Fashion Show



## Veeraru (Solid Waste Management) - Value added program



Field visit to Swacha Graha Kalika Kendra

## Field visit to the Solid Waste Management- initiative by NGO, MRF - Material Recovery Facility of Saahas Zero Waste.





## Activity

### Bridge the Gap

1. "Friend of Court"- \_i\_ C \_i\_
2. "in law"- \_e \_e
3. "Let him beware"- \_\_\_\_at
4. To die without a will - in \_\_\_\_ate.
5. When a borrower cannot repay a loan and the lender seeks to sell the property- \_\_\_\_\_sure
6. A crime less serious than a felony – \_\_\_\_mean\_\_

### Laughter Corner

1. A man sued an airline company after it mislaid his luggage. Sadly, he lost his case.
2. "Where there is a will there's a lawsuit"
3. Nothing comes easy in life. Even Santa comes with a clause.
4. How do you get a group of lawyers to smile for a picture?
5. Why did the lawyer's chicken cross the road?

### Quiz

1. In which landmark judgment did the Supreme Court of India lay down guidelines against sexual harassment of women at workplace?
2. Who was the first woman judge to be appointed to the Supreme Court of India?
3. In which case did the Supreme Court allow Passive Euthanasia under exceptional circumstances?
4. Who among the following was the first person to be directly appointed as the Judge of Supreme Court?
5. Who was the first law minister of India?
6. Which was the first country to have a written Constitution?
7. The Life Insurance in India was nationalised in the year,
8. Who is Father of Scientific Management?
9. The report titled 'Connected Commerce: Creating a Roadmap for a Digitally Inclusive Bharat' has been launched by the NITI Aayog in collaboration with which company?
10. Child's nationality is based upon their parents nationality. This principle is known as-
11. Who was the first chairman of the National Human Rights Commission ?
12. Which founding sociologist identified the bourgeoisie and proletariat classes?
13. What is the Sapir-Whorf hypothesis?
14. What is the significance of Banking Companies (Acquisition and Transfer of Undertakings) Ordinance, 1969 ?
15. A person who commits a tort is called a \_\_\_\_\_.

## **Whistle Blowers Protection Act, 2014.**

**Sri. K. Mathai, Director (Administration), SET**

There have been multiple instances of threatening, harassment, victimization and even murder of various whistleblowers in the past. Satyendra Dubey who was an engineer in National Highways Authority of India's Golden Quadrilateral project was murdered in 2003 for blowing the whistle in a corruption case. The Supreme Court of India in the year 2004 had directed Government of India for issuing an office order on Public Interest Disclosures and Protection of Informers Resolution, 2004 designating Central Vigilance Commission as the nodal agency. Two years later, Shanmughan Manjunath who was an Indian Oil Corporation Officer was murdered for sealing a petrol pump which was selling adulterated fuel.

In order to receive complaints against alleged corruption and to protect the person making a complaint, Govt introduced "The Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010" in the Lok Sabha on 26.08.2010.

Later on, Whistle Blowers Protection Act, 2011 was passed in the Lok Sabha and the same was cleared by Rajya Sabha on 21.02.2014 and received the assent of the President of India on 09.05.2014. Whistle Blowers Protection Act, 2011 was renamed as Whistle Blowers Protection Act, 2014 after incorporating certain amendments.

The Whistle Blowers Protection Act, 2014, is an Act which establishes a mechanism to receive complaints relating to disclosure on any allegations of corruption or wilful misuse of power or wilful misuse of discretion by various authorities in India against any citizens or public servants as per the preamble of the Whistle Blowers Protection Act. Due to corruption or wilful misuse of power or wilful misuse of discretion, If any citizen or public servant is victimized, there is a provision to order restoration or status quo ante after conducting an inquiry by the competent authority. The Act provides for adequate safeguards to Whistle Blowers against any sort of victimization of the person making such complaint. Central Vigilance Commission for central related institutions or State Vigilance Commission for State related institutions or any other authority as designated by Central or State Governments shall be the authority to receive complaints. Important features of the Act are as follows:

1. Any public servant or any person including NGOs may make a public disclosure before the Competent Authority (Sec.4)

2. The person or a public servant who has made such a disclosure under this Act cannot be victimized. (Sec.11(1)).
3. If any person is victimized, he can file an application before the Competent Authority seeking redress and the Competent Authority can issue directions to protect such person from being victimized (Sec.11(2)).
4. Every direction given by the Competent Authority under Sec.11(2) shall be binding upon the public servant/ authority enforcing WBP Act, 2014 (Sec.11(3)).
5. The power of the Competent Authority to give direction includes the power to order restoration (status quo ante) under Sec.11(4) of the Act.
6. Any person/Authority who wilfully does not comply with the direction of the Competent Authority shall be liable to a penalty which may extend to Rs.30,000/- as per Section 11(5).
7. The Competent Authority can order Govt. authorities including the police to give protection to the Whistle Blower as per Sec.12 of The Act.
8. If anyone discloses the identity of the complainant, he/she shall be punished with imprisonment up to 3 years as per Sec.16.
9. If the offence resulting in victimization is committed by any department of the government, the Head of that department shall be deemed to be guilty of the offence and shall be punished (as per Sec.18). If the offence is committed by a company, every person responsible for the conduct of business of that company shall be punished (as per Sec.19).

The Act has not yet come into force, because amendments pertaining to safeguards against certain disclosures relevant to national security could not be incorporated, as the bill was passed on the last working day of the 15th Lok Sabha. With these amendments, the Government brought in the Whistle Blowers Protection (Amendment) Bill, 2015 which the Lok Sabha passed on May 13, 2015. But the bill failed in Rajya Sabha and lapsed when the 16th Lok Sabha got dissolved in May 2019. Thereafter, the Government claimed that the Act was adequate, even without the amendments.

However, the Central Government and State Governments are required to frame Rules and notify the same in the

official Gazette under the provisions of Sec.25 and Sec.26 respectively which is yet to be done. Several whistleblowers in this country are anxiously waiting for notification of the Whistle Blowers Protection Act, 2014 in the official Gazette and framing of Rules for the above

Act. If the notification and framing of Rules by Government of India is done at the earliest, it will benefit thousands of complainants waiting for protection against victimization under the WBP Act, 2014.

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## Ghost Net a Silent Trap

**Prof. Vinay Ravishankar** B.A., LL.B., LL.M., KSET

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Marine ecosystems are the most important of Earth's aquatic ecosystems and exist in waters which have a high salt content. Marine waters cover extra than 70% of the surface of the Earth. Marine ecosystems are vital resources of environment offerings and meals and jobs for vast quantities of the worldwide population. Human makes use of marine ecosystems and pollution in marine ecosystems are significantly threats to the stableness of these ecosystems. Environmental troubles concerning marine ecosystems include unsustainable exploitation of marine assets, marine pollution, climate exchange, and constructing on coastal areas. Because of the threats created by humans, the international community has prioritized "Life below water" as Sustainable Development Goal 14 to "Conserve and sustainably use the oceans, seas and marine resources for sustainable development".

Human activities affect marine life and marine habitats through overfishing. Fishing net is used for fishing which are made from fibers woven in a grid-like structure. In earlier times nets were woven from grasses, flaxes and other fibrous plant material. Nowadays nets are usually made of No biodegradable materials. Fishing nets usually made of plastic and nylon can be left or lost in the ocean by fishermen. Fishermen also sometimes abandon worn-out nets because it is often the easiest way to get rid of them. The nets which are left and abandoned are Known as ghost nets. Ghost nets also are a primary contributor to the ocean plastics crisis and make up garbage Patch in the ocean. The ones deserted fishing strains and nets that do breakdown in no way depart; they simply emerge as smaller portions of plastic. Marine animals mistake this micro plastic for food and eat it, which can damage inner organs, keep them from consuming, and expose them to poisonous chemical compounds. Besides they also entangle fish, whales, dolphins, sea turtles, seabirds, crabs, and other creatures by restricting their movement, causing starvation and, in those that need to return to the surface to breathe, suffocation and finally resulting in death.

It not only affects sea animal's bus sometimes sea divers may become trapped in fishing nets; the monofilament is almost invisible underwater. Hence the divers often carry a net cutter. This is a small handheld tool carried by divers to remove themselves if trapped by fishing net or fishing line. It has a small sharp blade such as a replaceable blade inside the small notch. There is a small hole at the other end to for a lanyard to tether the cutter to the diver. An attempt to drive out ghost nets from our oceans will require commitment, cooperation, and innovation. The World Wide Fund for Nature is an international non-governmental organization which advocates for fishing gear that can be traced to its owner so anyone dumping nets can be fined and refundable deposits on nets to encourage returning or recycling rather than littering and also use bio degradable nets.

The United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention for the Prevention of Pollution from Ships (MARPOL) are key international conventions which tackle the problem of ghost gear. For example, the latter bans plastic disposal at sea and requires ports and terminals to provide waste disposal facilities for ship waste. Unfortunately, even within the territories of countries that have signed up to agreements which address the problem of ghost gear, big quantities of fishing gear are nonetheless misplaced, voluntarily abandoned and from time to time dumped at sea, so, in some ways, the current agreements don't provide a an ultimate solution. Ghost nets and marine plastic pollution in marine areas needs a multiple legal strategy – a strategy where India is able to undertake transboundary environmental litigation for environmental harm and damage due to plastic waste emanating from other country and landing in India and also local fisherman. It should aim at identifying the manufacturers of those materials which pollute the waters by abandoning the waste fishing nets and those who are the owners who have abandoned it causing serious threat to marine life.

## Medical Tourism in India

**Prof. Arpana R Bhat** B.Com., MTA.,PGDHRM. M.Phil.,(PhD)

In recent years, India has become one of the hotspots for the people who are looking for quality treatment. Call it wellness tourism, health tourism or medical tourism. It is a known fact that people from countries like the USA and UK flock to India for life altering or life saving surgeries or procedures. It might surprise a few, who look towards western countries for everything advanced and sophisticated. According to some studies, India attracts patients from Middle East, South East Asia, Australia, China, Canada and USA for treatments.

The fact is that the cost of medical procedures offered in the best of Indian hospitals is just a fraction of what the hospitals charge there. It is estimated that most sought after treatments like bone marrow transplantation, knee and hip replacements, cosmetic surgeries and cardiac procedures cost as less as one tenth of the expenditure incurred in the USA or UK. Waiting period for a procedure in the UK and USA sometimes runs into months. Here it is minimal or nil. The Govt. of India recognises medical tourism as a niche tourism and has added M- Visas under its E- Visa regime. Under the medical visa, a person can stay in India for upto 6 months. And the visa procedures are expedited in cases of extreme emergency procedures. Well qualified doctors, well trained nursing and support staff as well as English speaking personnel at the hospitals are some other reasons that make things easier for people visiting for treatments. A few hospitals in large cities like Mumbai, Chennai and Bengaluru have started hiring translators to help ease

things for people from Balkan, Russian and Middle Eastern countries. Post operative care offered at the hospitals is quite affordable compared to European or American countries. For the patients from developing countries, the easy availability of expertise of the USA or UK trained doctors at very reasonable fees is a plus point.

According to a rough estimate in mid 2020, India's medical tourism was worth 5 to 6 billion dollars. A recent study termed Chennai as the medical tourism capital of India. On an average, various multispeciality hospitals in the city treat around 145 foreign patients per day. Another study states that Maharashtra receives around 27%, Chennai around 15% and Kerala receives around 5% to 7% of the share of medical tourism in India.

Among the top healthcare chains, Triphealer at Delhi, clinic spots in Mumbai, Apollo hospitals, Fortis are the most prominent players. Super speciality treatments like neurosurgery, orthopedic surgeries, cardiac treatments, hematological procedures are said to be the forte of these hospitals.

The presence of dedicated websites and platforms to acquire relevant information about medical tourism, reliable advice and a well oiled network that takes care of logistics are some of the major factors that are giving a boost to the health tourism in India. India, undoubtedly is going to be an important hub for healthcare needs in near future.

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## The Ever Emerging Dimensions of the Law Relating to Right to Life and Personal Liberty in India

**Dr. Shobha Rani. M.** B.Sc., B.Ed., LL.M., Ph.D

One of the precious gifts given by the almighty God is "the gift of life" to man. The life is so precious for one reason is that the life lived by a man remains till his last breath and even after. Everyone should make the life meaningful and useful to himself and to one and all in the society. Justice Field in the case of Munn v. Illinois stated that, "the right to life does not merely mean the continuance of a person's animal existence, but a quality of life and the fullest opportunity

to develop one's personality and potentiality to the highest level possible in the existing stage of our civilization, which means the right to live decently as a member of a civilized society.

The right to life is undoubtedly the most fundamental of all the rights for the reason that without life the other rights cannot be enjoyed. The Constitution of India has also included Article 21 as a fundamental right which provides,

“Protection of Life and Personal Liberty”, reads as follows – “No person shall be deprived of his life or personal liberty except according to procedure established by law”.

The phrase “Procedure Established by Law” is borrowed from Article 31 of Japanese Constitution. The question of interpretation for these words arose in the famous case A.K. Gopalan v. State of Kerala , majority favored the strict and literal interpretation of Article 21. Thus Supreme Court ruled that ‘Procedure established by law’ means procedure as laid down in the law as enacted by the legislatures and nothing more. The rigid judicial view became softened in the Bank Nationalization case , which linked Articles 19, 21 and 22.

The Maneka Gandhi v Union of India was a landmark judgment of the post-emergency period which changed the intentions of the framers of the Indian Constitution and gave soul to the body of Article 21. The procedure established by law must be ‘fair, just and reasonable and not arbitrary or oppressive, and there is a close nexus between life and personal liberty. Both the concepts i.e., the concept of life and concept of liberty are inseparable and at the same time they are interdependent for leading a meaningful and fruitful life.

Enormous ink and heaps of pages is spent for enlarging the jurisprudence on the aspect of life and personal liberty as life is progressive and creative. The Supreme Court and High Courts have expanded the scope and ambit of Article 21 of our Constitution by providing a bundle of rights by expanding its scope for making the life of man a very satisfactory one. It would be apt to submit that Article 21 like Article 14 is a touch stone of our Indian Constitution.

The Supreme Court in many of the cases reiterated and held that, the right to life under Article 21 cannot be restricted to mere animal existence and something much more than just physical survival. The Right to life has different facets such as Right to live with human dignity, right to reputation, right to livelihood, Sexual harassment of women at work places, right to shelter, right to live in unpolluted environment, right to sustainable development, right to education, right to information, right to social security, etc., The protection of women against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and also a fundamental right under Article 21 of the Constitution.

Right to die with dignity is also a fundamental right under Article 21 of the Constitution. The Supreme Court in the landmark judgment in Aruna Ramchandra Shanbaug v. Union of India , held that passive euthanasia can be allowed under exceptional circumstances under the strict monitoring of the Court.

In the words of Dr B R Ambedkar, “However a good Constitution may be, it is sure to turn out bad, if the people who work turn to be a bad lot. However bad a Constitution may, turn to be good if those who are called to work, if happen to be a good lot.”

In view of the above remark made by our Constitutional architect Dr.B.R. Ambedkar, the author respectfully conclude by submitting that the working of a system does not depend wholly upon its nature. The three organs of the Government namely the legislature, the executive and the judiciary should work in harmony for protecting the life and personal liberty of everyone on this holy earth.

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## One Election – One Nation

Prof. Pria Makanda B.A.LL.B., LL.M

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The credibility of the Government in a country is determined by the process of the election. In a democratic country like India the only way where people can assess and have a check over the government is by conducting free and fair election. Having the traces of ancient Greece and Rome election is the process where an individual casts his / her vote to decide who will hold a political office and how a government shall run.

### What’s in the news?

The Concept of One nation one election was initiated in

2016 which meant conducting the Lok Sabha and the state assemblies election together once in 5 years but was again brought as a debate on 25th January 2022. This involves restricting of the Indian election cycle in the proper manner that election to the state and central would synchronise having the voters of the nation to cast their election both at the central and state on a single day at the same time.

According to Niti Aayog this wasn’t a new concept because after the adoption of the constitution the poll of Lok Sabha and state assemblies were held simultaneously every five

year between 1951 and 1967. Later which in July 1959 separate elections were held in Kerala for the first time . Countries such as Sweden, Indonesia South Africa Germany Spain hungry Belgium Poland Slovenia Albania have implemented one election for one nation.

### The Plan

In 2016 a working paper was drafted by Niti Aayog with 2 proposals . the first being to conduct the elections of States and union territories in two phases and the second proposal involved in synchronisation in 2 sections along with Lok Sabha elections.

### Pros & Cons

One of the main benefits are it's a costing saving process from 28 lacs to 11lacs, Speedy development at work, Check on black money, smooth functioning of the government, better policy implementation. But on other hand drawbacks seen here is Less importance given to local issues, Delay in

election result, Constitutional hurdles. When an election in a State is postponed until the synchronised phase, President's rule will have to be imposed in the interim period in that state. This will be a blow to democracy and federalism. Various Constitutional amendment needs to implemented.

Apart from Article 326 of the Constitution of India 1950, The Representation of the People Act, 1950 & 1951, The Registration of Electors Rules, 1960 Conduct of Election Rules, 1961, Election Symbols Order, 1968, Presidential and Vice-Presidential Rules, 1974 Anti-defection Law 1985 Model code of conduct are the Laws pertaining to elections in India.

To conclude one election one nation might be a tough phase while implementing but it all depends on how it is being prepared for development and flexibility of the nation Political structure.

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## Fundamental Duties: India and the World at Large

**Prof. Claudia Nadh** B.A.LL.B., LL.M., MBL., (PhD)

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“If we all discharge our duties, rights will not be far to seek. If leaving duties unperformed we run after rights, they will escape us like a will-o'-the-wisp”

**Mahatma Gandhi**

A duty can be regarded as an act that is obligatory in nature, which is doing something or abstaining from doing something. According to Keaton, “a duty is an act of forbearance which is enforced by the state in respect of a right vested in another and breach of which is a wrong”. Salmond states “a duty is roughly speaking an act which one ought to do, an act the opposite of which would be a wrong”. The concept of duty is not a modern preposition it preexisted and coexisted throughout eras of development along with rights. Most of the sacred texts of Hinduism also lay down duties and if anybody fails to perform such commands or duties would be punished in another world. In-fact such is the scenario in most world religions.

### Fundamental Duties of other Countries

#### Italian Republic

The second part of the Constitution lays out the rights and duties of Italian citizens under different titles as below:

**Title 1** - Civil relations, guarantees personal liberty; the

inviolability of the home; rights like freedom of communication, travel, assemble, religion, and the press; and the ability of citizens to seek justice in the court system.

**Title 2** - Ethical and Social Rights and Duties, recognizes family and parental rights, offers the Republic's assistance to families, and promises free and open education.

**Title 3** - Economic Rights and Duties, acknowledges the value of work and sets forth guarantees to protect and assist workers. This section specifically assures fair pay, equal rights and pay for women, assistance for those unable to work, the ability to form trade unions, and the protection of private enterprise and private property.

**Title 4** - Political Rights and Duties, affirms that all citizens, male and female, who are of age, have the right to vote. It also assures freedom to political

parties. Further, citizens have the right to petition Parliament and run for office. Citizens also have the duties of defending their country through obligatory military service and paying taxes.

### **Japan**

Chapter III of the Constitution of Japan has enshrined the rights as well as the duties of the people together.

### **Kuwait**

Part III of the Constitution of Kuwait has public rights and duties. Interestingly, work is regarded as a Right and Duty. Art. 41 (1) Every Kuwaiti has the Right to work and to choose the type of his work. (2) Work is a duty of every citizen necessitated by personal dignity and public good. The State shall endeavor to make it available to citizens and to make its terms equitable.

### **Nepal**

The Constitution of Nepal in Part 3 Article 48 has listed down the duties of citizens. Every citizen shall have the following duties:

- (a) To safeguard the nationality, sovereignty and integrity of Nepal, while being loyal to the nation;
- (b) To abide by the Constitution and law;
- (c) To render compulsory services as and when the State so requires;
- (d) To protect and preserve public property;

### **Afghanistan**

Chapter II has elaborated both Fundamental Rights and Fundamental Duties together. Defending the country is regarded as a Fundamental Duty, obedience of laws and respect of public order shall be the duty of all the citizens

### **Bahrain**

The public rights and duties are elaborated in Chapter III of the Constitution of the Kingdom of Bahrain Republic.

### **Bhutan**

Article 8 deals with the Fundamental Duties. It has 11 duties: preserving environment, culture and heritage of the nation, respect for the National flag and National anthem

### **North Korea**

The Constitution of Democratic Republic of Korea under

Chapter V deals with Fundamental Rights and duties of citizens. Work is regarded as a noble duty and honour of a citizen. Citizens are also required to take good care of the property of the state, are some of the duties that are enshrined.

### **Oman**

The Constitution of Oman in Part Three has elaborated the Public Rights and Duties. Article 37 – Territorial Integrity, Military Duty – Defence of the home land is a sacred duty, and rendering service in the armed forces is an honour for citizens regulated by the law. Article 38 – National Unity, Duty of Citizens- preserving national unity and safeguarding state secrets is a duty incumbent upon every citizen. Article 39 – Taxes – Payment of taxes and public dues is a duty in accordance with the law.

### **Qatar**

Qatar's Constitution is enshrined under Part Three and Article 34 states that, the Citizens of Qatar shall be equal in Public Rights and Duties. It goes on to demonstrate the interdependence of Fundamental Rights and Duties.

### **Rwanda**

Chapter V of the Constitution of the Republic of Rwanda deals with both Duties of the State as well as the Citizens.

**Art 44** - Respect for state property

**Art 45** - Promotion of activities aimed at good health

**Art 46** - Maintaining of good relations with others

**Art 47** - Safeguard and promotion of national culture

**Art 48** - Participation in the development of the country

**Art 49** - Respect of the Constitution and other laws

**Art 50** - Welfare of needy survivors of the genocide against Tutsi

**Art 51** - Welfare of persons with disabilities and other needy persons

**Art 52** - Preservation of memorial sites of the genocide against Tutsi

**Art 53** - Protection of the environment

### **Saudi Arabia**

Constitution of Kingdom of Saudi Arabia in Chapter 5 has both Rights and Duties, Article 32 deals with protection and

preservation of the environment.

### **South Korea**

Constitution of Republic of South Korea

Article 35 deals with environment and housing

Article 38 deals with duty to pay taxes

Article 39 deals with duty to military service

### **Spain**

Article 30 section 2 deals with rights and duties of citizens.

### **Sudan**

Chapter 3 section 23 deals with the duties of the citizens. Promotion of harmony and tolerance in order to transcend religious, regional, linguistic, and sectarian divisions; participation in the development of the country; taking active participation in the general elections and the importance of preserving the natural environment is also highlighted.

### **Thailand**

The Constitution of Kingdom of Thailand has elaborated the duties of the Thai people and the state separately in chapter IV and Chapter V respectively. Chapter IV deals with upholding and honouring the Nation, to strictly abide by the laws, to enroll in compulsory education, to serve in armed forces, to freely exercise his or her right to vote, to support in the conservation of the environment, biodiversity and cultural heritage and to also pay taxes and duties as prescribed by law.

### **Ukraine**

The rights, freedoms and duties are mentioned in Chapter II of the Constitution. The Fundamental Duties are to ensure that motherland is defended, and every person is obliged not to harm the environment, cultural heritage and to compensate for any damage he or she is inflicted in. Every person is also liable to pay taxes and levies in accordance with the law in place.

### **Bhutan**

The Constitution of Kingdom of Bhutan in Article 8 has the Fundamental Duties. It deals with national service when called upon to do, duty to preserve, protect and respect the environment, culture and heritage of the nation, respect for national flag and anthem, responsibility to safeguard public property, responsibility to pay taxes in accordance with the law.

### **Brazil**

Article 5 deals with Individual and collective rights and duties. Rights and duties are read together.

### **Bulgaria**

Chapter Two of the Constitution of Republic of Bulgaria, Citizens' Fundamental Rights and Duties: Citizens are obligated to protect the environment, citizens are obligated to pay taxes and fees, citizens are obligated to render assistance to the state in case of natural or other disasters according to procedure established by law.

### **Chad**

Title II, Constitution of Chad, they also refer to the Fundamental Duties as homework. Military service is made compulsory, every citizen has the duty to respect and protect the environment.

### **Egypt**

Constitution of the Arab Republic of Egypt in Part III deals with Public Rights, Freedoms & Duties.

### **India**

The original Constitution did not have the Fundamental Duties but was later added in 1976 and in 2002, another Fundamental Duty was included. The Fundamental Duties found a way in the Constitution as an outcome of the Sardar Swaran Singh Committee which was set up by the Congress Party. The committee had recommended for a separate chapter on Fundamental Duties. This was accepted by the congress government at the center and hence enacted the Part IVA to the Constitution. Part IVA has only one Article i.e., Art. 51A which had elaborated the ten Fundamental Duties. Few of the other Fundamental Duties recommended by the Sardar Swaran Singh Committee were not accepted by the Congress Party and hence were not included. The points that were not included is like below:

1. The parliament may provide for the imposition of such penalty or punishment as may be considered appropriate for any non-compliance with or refusal to observe any of the duties.
2. No law imposing such penalty or punishment shall be called in question in any court on the ground of infringement of any of Fundamental Rights or on the ground of repugnancy to any other provision of the Constitution.
3. Duty to pay taxes should also be a Fundamental Duty of



the Citizen.

“Before the inclusion of the Fundamental Duties, P.V. Kane was critical of the Constitution that it ignored the Indian tradition of duties and spoke only of rights” And in the words of Justice Kurian Joseph “It may sound paradoxical that the preparatory work for the introduction of Fundamental Duties was done when the Fundamental Rights were under suspension during the Emergency. Subsequently, majority of the Amendments to the Constitution during the Emergency were scrapped by the 44th Amendment but the parliament did not touch the amendment on Fundamental Duties. That shows how the country seriously meant the duties to be written in the Constitution and to be observed in civic life”.

According to Article 51A, it shall be the duty of every citizen of India:

- (a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
- (b) To cherish and follow the noble ideals that inspired the national struggle for freedom;
- (c) To uphold and protect the sovereignty, unity and integrity of India;
- (d) To defend the country and render national service when called upon to do so;
- (e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women;
- (f) To value and preserve the rich heritage of the country's composite culture;
- (g) To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;
- (h) To develop scientific temper, humanism and the spirit of inquiry and reform;
- (i) To safeguard public property and to abjure violence;
- (j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement; and

- (k) To provide opportunities for education to his child or ward between the age of six and fourteen years. (This duty was added by the 86th Constitutional Amendment Act, 2002.)

### **Common Thread between Part III, Part IV & Part IV-A of the Constitution of India**

“A common thread runs through Parts III, IV and IV-A of the Constitution of India. One part enumerates the Fundamental Rights, the second declares the fundamental principles of governance and the third lays down the Fundamental Duties of the citizens. While interpreting any of these provisions, it shall always be advisable to examine the scope and impact of such interpretation on all the three Constitutional aspects emerging from these Parts”

It is this relationship that makes Fundamental Duties justiciable. Analysis of the below cases will help us to deepen the understanding of Fundamental Duties in the Indian context.

K.R.K. Vara Prasad v. Union of India, the high court stated that the Constitution commands the citizens of India to follow the duties enumerated under Art. 51A.

L.K Koolwal v. State of Rajasthan, Right and duty co-exists. It also stated that there cannot be any right without any duty and there cannot be any duty without any right.

Ashoka Kumar Thakur v. Union of India, “State is all the citizens placed together and hence though Article 51-A does not expressly cast any Fundamental Duty on the State, the fact remains that the duty of every citizen of India is the collective duty of the state.”

AllMS Students' Union v. AllMS “though the Article 51-A does not expressly cast any Fundamental Duty on the State, the duty of every citizen of India is the collective duty of the State its defacto enforceability in the sense that Article 51-A is a yardstick against which the action of the State may be assessed.”

### **Conclusion**

On close analysis one can easily point out that the Fundamental Duties are very much linked to our Indian way of life and it is baseless to assume that the Fundamental Duties are not valid because it is not justiciable. It is not the Constitution that has failed us but it is us who has failed the Constitution.

## Rethinking the Need for Financial Literacy in the Age of E-Finance For Digital India Makeover

Prof. Monisha. M, M.Com

In every individual's life finance plays a vital role in one or another way. Financial literacy involves the indulgent of both basic financial concepts and the ability to understand use that information to make wise personal and financial decision. Financial literacy is a tool that goes beyond political, geographical, and socio economic barriers and it is widespread in economic development. As a result of the changing structure of an economy, financial knowledge has become not just a accessibility but an essential survival tool. A lack of financial awareness can contribute to the making of poor financial choices that can be destructive to both individuals and economic development. Financial literacy and digitalization of finance is important for both developing and developed country but in a large country like India fine-tuning involvements to reach all audience has not been achieved yet. India is home to 17.5% of the world population, but nearly 76% of the adult population does not understand even basic financial concepts which shows that financial literacy has not become a priority yet in India..

In this Digital Era to live an eminence life where by competition is at global level and which is more financially determined is very difficult. The respectable quality and standard of living of people rest on individual's capacity to accomplish financial affairs. To accomplish this financial decision making financial literacy is very important.

Financial progress is widely recognized as significant determinants of Digital India. It is being found that lack of financial literacy is the purpose for lack of demand for financial services and the implementing of E – Finance. If financial literacy is not being measured significant then it will lead to latent dangers of economy. Financial literacy can largely be defined as the capacity to have familiarity and understanding of financial market products especially risk handling techniques in order to make informative choices. It means the skill to make informative judgements and to take effective decisions concerning the use and management of money.

At urban range people are aware about financial products and services to convinced level but when we see at rural range there is no proper basic standard of living where by financial literacy is too high for them. E– finance creation for the economy will remain as a distant dream, until the communal people are having basic financial knowledge. For this to happen we need to take proper measures to convert financial illiterate economy into financial literate economy.

Financial literacy primarily relates not for entire professional financial concepts but the basic financial knowledge of furnishing finance in an effective way for day to day activities. Thus Financial literacy thus goes just for providing basic financial information and advice then later to lead towards basic E-Financial activities.

Getting the mass is a huge task in a large country like India but still financial knowledge among society is very important due to digitalized financial markets and E commerce activities, the number of financial products has also been amplified considerably with a great number of choices which makes it difficult for a common man to use these financial products and services easily without basic knowledge of finance.

The Regulatory Bodies undoubtedly has been playing a pivotal role for promoting financial literacy. But still massive financial education and awareness campaign's need to be conducted across the nation keeping in mind all sections of the people which should equally include the well-educated and uneducated financial illiterates. If there is proper financial knowledge among people only, then proper financial stability can be maintained. We can ensure higher economic makeover only through higher financial literacy. If financial literacy rate increases, then money handling habits of people will become better thereby it will bring in good standard of living and financial stability in economy.

## Art Gallery

### "Life of a student "

"Life of a student" warm greetings I Suchith M Reddy studying in 1st year b.com llb Soundarya college of law

Let's make the topic simpler by splitting and reading it....

'Life' means 'us' the human beings and 'student' means education I mean a person who is getting educated, it can be in school, college or even in sports etc. But have you ever wondered..... That every life is getting educated ? The answer will be 'No'. The reason is simple and clear. Every life, that is every parents can't afford there children schooling because now a days eduction has become business and parallel to that government school and colleges are getting closed. But on a serious note i am proud to tell that our respected chairman Soundarya P Manjappa sir giving an opportunity to even poor people who can't afford education. And giving every student a better life.

So with this I want to conclude that we can live in a hut house or we can live in a palace but the right education with ethics, knowledge, values etc., can only be given in few places where \*education is not meant for making business\*.



**Suchith. M. Reddy**  
1st year B.Com, LL.B.



**Suma K. U.**

### Law and Society



**Shwetha .J**  
3rd year B.Com, LL.B.

## ಹೇ ಶ್ಯಾಮಲೆ

ಹೇ ಲಲಿತರಕನ್ಯೆ ಸಸ್ಯಶಾಲೆಯೆ  
ಭೂ ಪೂಜೆ ಸೌರಾಷ್ಟ್ರಸುಂದರಿಯೆ  
ಲಲಿತಂದರೆ ನಿತ್ಯನೂತನಮಹಿಯೆ  
ನೀ ಸೃಷ್ಟಿಸಿರುವೆ ಈ ಇಲೆಯೊಳು  
ನಿರಾಕಾರ ಭೋಗರೆಯುವ ನದಿತೋರೆಗಳೆ  
ಋಗ ಮೃಗ ನಭಚರ ಪಂಚತರುಗಳೆ  
ಬಾನಹಂದರದಲ್ಲ ತಿಂಗಳ ನೇಸರೂ ತಂಗಿ  
ಧರೆಯ ವಿಸ್ತೃತ ನಾಕ ಸೃಷ್ಟಿಗೊಂಡಿದೆ.

ಈ ನಿನ್ನ ಕಲ್ಪನಾಹಾರ್ಮ್ಯಾಂಗಣಿಯೊಳು  
ನಿನ್ನ ಮಲೆಯಸುಧೆಯುಂಡ ಮಕ್ಕಳು  
ನೀ ಉಣಿಸಿದ ಮೃಷ್ಟಾನ್ನ ಪಂಚಾಮೃತವ ಮರೆತು  
ದುರಾನೆಯ ಜಾಹಿರದ ಹನುಬನ ಹಕ್ಕಿಗಳಾಗಿ  
ಪಂಚಕ್ಷೇಶಗಳ ಸಾವಷ್ಟಂಭದ ಹಂದಿಗಳು  
ನಿನ್ನೊಡಲಿಗೆ ಕೊಡಲನಾಟ ಕಡಲ ಕಡೆದಿಹರು  
ಜಾತಿ ಧರ್ಮ ವರ್ಣಭೇದದಿಂದ ಹುಟ್ಟಿದುದ್ದ್ರೋಂ ಡಿತು  
ನಿನ್ನೊಳಲ ನಿನ್ನ ಜೀವಾತ್ಮವು ಅಧಃಪತನಗೊಂಡಿದೆ.

ಈ ಲೋಕವೇ ನಿನ್ನಮಯೆ  
ನೀ ಸಿಲಕಂಡ ಸುರಭೂಜ ಕರುಣಾಮಯಿ  
ಆಶೋಶಗೊಂಡು ಸೃಷ್ಟಿಯನ್ನೆ ಅಂಧಕಾರವನ್ನಾಗಿಸಿ  
ನಿನ್ನ ಹಕ್ಕಿಗಳು ಸುರಗೋಪಗಳಾಗುವ ಮುನ್ನವೆ  
ಹುತವಹ ಸುಂಟರಗಳಾಗಿಯಾಗಿ ಸುಡಿದರು  
ನಿನ್ನ ನೈಜನಾಕ ನಶಿಸದಂತೆ ವಿದರ್ದವೃತ್ತಿಯಿಂದ  
ಸಕಲಜೀವರಾಶಿಯ ನಿನ್ನಾರ್ಥಮನದಿಂದ ಕ್ಷಮಿಸಿ  
ಪ್ರೀತಿ ಸತ್ಯದ ಭೂಷಣದ  
ವೈಜಯಂತಿಯನ್ನೊಲಿಸು.

ಆದರ್ಶ್ ಕೆ.ಎಸ್

## ಬಾಹುಬಲ

ಗೆದ್ದೆನೆನ್ನುವ ಅಹಂಕಾರವೂ ನೇಲ  
ಎಲ್ಲವನು ಗೆದ್ದವನು  
ಜಿಟ್ಟೆನೆನ್ನುವ ಅಹಂಕಾರವೂ ನೇಲ  
ಗೆದ್ದದೆಲ್ಲವನು ಜಿಟ್ಟವನು  
ಕಲ್ಲೊಳಗೆ ಕಡಿದರೂ ಕಲ್ಲಾಗದೆ  
ಬಯಲನಲೆಯುತ ನಿಂತವನು  
ಕಣ್ಣೆದುರು ಬತ್ತಲಾದರೂ  
ಕಂಡಕಂಡವಲಗೆ ಕಾಣದ  
ಕಣ್ಣು ಮುಚ್ಚಿದರೂ ಕಾಣುವ  
ಬೆಳಕ ಬಿಟ್ಟೆಯ ತೊಟ್ಟವನು

ಹಾಡುಹಗಲೇ  
ಕತ್ತಲೆಯ ಕೆಸರಲ್ಲ ಜದ್ದು ತೋಳಲವಲಗೆ  
ಹಸಿವೆಗಳ ಹುತ್ತದಲ ಸಿಕ್ಕುಬಳಲವಲಗೆ  
ಜಡುಗಡೆಯ ಬೆಳಕಬೆಲ್ಲ  
ಮುಕ್ತೆಯ ದೀಪವಾಗಲ ನೀ ಜೀವತಪಿದ ಕಲ್ಲು

ಮುಷ್ಟಿ, ದೃಷ್ಟಿ, ಜಲ, ಮಲ್ಲ...ಕಾಳಗ ಪ್ರವೀಣನೆ  
ಕೆಳಗಿಳಿದು ಬಾ ಒಮ್ಮೆ ಗೊಮ್ಮಟಲಿಲಿಯಿಂದ  
ಕುಲ, ನಲ, ತೋಳಗಳೆಲ್ಲ ಕೊಜ್ಜಿ  
ಗುಡುಲ ಗರ್ಜಿಸುತ್ತಿವೆ ಅಟಾಟೋಪದಲ  
ಕಟ್ಟದಾಲಗಳೆಲ್ಲ ಕೊಟ್ಟೆಹೊಡೆದು  
ಸಲೀಕರ ನೆತ್ತರು ಹೀಲ ನಡುಗಿಸುತ್ತಿವೆ

ಹಲಬುತ್ತಿರುವ ಅನಾಥ ಜೀವಗಳಿಗೆ  
ಭರವನೆಯ ಬೆಳಕಾಗಿ ಇಳಿದು ಬಾ ಒಮ್ಮೆ  
ವೇಷಧಾಲಗಳನ್ನು ನಿನ್ನ ವಜ್ರಮುಷ್ಟಿಯಲಿಕ್ಕಿ  
ಮೆಟ್ಟಿ ಬಾ ಗಜಪಾದಗಳನೂಲ ಪಾತಾಳಕೊತ್ತಿ  
ಭೂಗತಲಗೆ ನಿನ್ನ ಬಾಹುಬಲದ ರುಜಿಯ ತೋರು ಬಾ

ಮೈಲುಧ್ವ ಹೆಜ್ಜೆಗಳ ದಾಪುಗಾಲ್ಪಟ್ಟು  
ನೀನೊಂದು ಸಲ ಸುತ್ತಿ  
ಮದೋನ್ನತರ - ನೆತ್ತಿ ಅಪ್ಪಳಿಸಿದರೆ  
ಭೂಮಂಡಲದ ವಿಷ ಇಳಿದು  
ಪಲಶುಭ್ರಗೊಟ್ಟುತ್ತವೆ ಪಂಚಭೂತಗಳು  
ನಿನ್ನಂತರಂದ ಹೊಳೆಯ ಶ್ವೇತಕಾಂತಿಯ ಹಾಗೆ

ಅಹಿಂಸಾ ವ್ರತ ಪಾಲಕನೇ  
ಈ ನಿತ್ಯ ನರಕಮಯ ಹಿಂಸಾತಾಂಡವ ಅಳಿಯಲಕ್ಕೆ  
ರಕ್ತಮಯ ಚಲತ್ರೆಯ ತೋಳಿಯಲಕ್ಕೆ  
ವರ್ತಮಾನದ ಹುಣ್ಣುಗಳ ಕಳೆಯಲಕ್ಕೆ  
ನಿನ್ನ ದಿವ್ಯಪ್ರಭೆಯ ಲೀಸಲನ ಶಸ್ತ್ರತ್ರಿಯೆ ನಡೆಸು ಬಾ  
ಇಳಿದು ಬಾ ಬಾಹುಬಲ! ತಡೆಯ ಬಾ ಎವಬಲ!

ಬಸವರಾಜ ವಕ್ಕುಂದ

ಸಹ ಪ್ರಾಧ್ಯಾಪಕರು

ಸೌಂದರ್ಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.

# ಭಾರತದ ಸಂವಿಧಾನದ ಅಡಿಯಲ್ಲಿ ಮೂಲಭೂತ ಹಕ್ಕುಗಳು - ಒಂದು ಪಕ್ಷಿನೋಟ

ಹನುಮಂತೇಗೌಡ .ಎನ್. ಎ.

ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು

ಸೌಂದರ್ಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.

ಭಾರತ ಸಂವಿಧಾನವು ಭಾಗ ಮೂರರಲ್ಲಿ ಪ್ರತಿಯೊಬ್ಬ ನಾಗರಿಕನಿಗೆ 12 ಲಿಂದ 32ನೇ ಪರಿಚ್ಛೇದಗಳಡಿಯಲ್ಲಿ ಮೂಲಭೂತ ಹಕ್ಕುಗಳನ್ನು ಸ್ಥಾಪಿಸಿ ಹಾಗೂ ಅವುಗಳ ರಕ್ಷಣೆಗೆ ಕಾರ್ಯಾಂಗ, ಶಾಸಕಾಂಗ, ಕೇಂದ್ರ ಮತ್ತು ರಾಜ್ಯಸರ್ಕಾರಗಳ ಅಧೀನದಲ್ಲಿ ಬರುವ ಎಲ್ಲಾ ಸಂಘಸಂಸ್ಥೆಗಳನ್ನು ರಾಜ್ಯ ಎಂಬ ವಾಖ್ಯಾನದಲ್ಲಿ ಪರಿಚ್ಛೇದ 12 ರಡಿಯಲ್ಲಿ ಸೇರಿಸಲಾಗಿದೆ.

ಪರಿಚ್ಛೇದ 13ರಲ್ಲಿ ಕಾನೂನಿನ ವ್ಯಾಖ್ಯಾನವನ್ನು ಉಲ್ಲೇಖಿಸುವುದರ ಜೊತೆಗೆ ಸಂವಿಧಾನಪೂರ್ವ ಮತ್ತು ಸಂವಿಧಾನದ ನಂತರದಲ್ಲಿ ಜಾಲಿಗೆ ತಂದ ಕಾನೂನಿನ ಸಿಂಧುತ್ವವನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಪರಿಚ್ಛೇದ 14 ಲಿಂದ 32ರ ಕೆಳಗೆ ಆರು ವಿವಿಧ ಲೀತಿಯ ಮೂಲಭೂತ ಹಕ್ಕುಗಳ ಉಲ್ಲೇಖವನ್ನು ನೋಡಬಹುದಾಗಿದೆ.

ಅದರಲ್ಲಿ ಮೊದಲನೆಯ ವಿಧದ ಹಕ್ಕೆಂದರೆ ಸಮಾನತೆಯ ಹಕ್ಕು. ಪರಿಚ್ಛೇದ 14 ಲಿಂದ 18 ರ ಅಡಿಯಲ್ಲಿ ಸಮಾನತೆಯ ಹಕ್ಕನ್ನು ಗುರುತಿಸಲಾಗಿದೆ.

## 1. ಸಮಾನತೆಯ ಹಕ್ಕು-ಪರಿಚ್ಛೇದ 14

i) ಭಾರತದ ರಾಜ್ಯ ಕ್ಷೇತ್ರದಲ್ಲಿ ಯಾವುದೇ ವ್ಯಕ್ತಿಗೆ ಕಾನೂನಿನ ಸಮಕ್ಷಮ ಸಮಾನತೆಯನ್ನು ಮತ್ತು ಕಾನೂನಿನ ಸಮಾನರಕ್ಷಣೆಯನ್ನು ನಿರಾಕರಿಸತಕ್ಕದ್ದಲ್ಲ.

ii) ಇದರಂತೆ ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಯೂ ಕಾನೂನಿನ ಮುಂದೆ ಸಮಾನನು ಮತ್ತು ಕಾನೂನಿನ ಸಮಾನ ಸಂರಕ್ಷಣೆಗೆ ಹಕ್ಕುಳ್ಳವನಾಗಿರುತ್ತಾನೆ.

## 2. ಧರ್ಮ, ಜನಾಂಗ, ಜಾತಿ, ಅಂಗ, ಮುಂತಾದವುಗಳ ಆಧಾರದ ಮೇಲಿನ ತಾರತಮ್ಯ ತಡೆಹಕ್ಕು- ಪರಿಚ್ಛೇದ 15

i) ಧರ್ಮ, ಜನಾಂಗ, ಜಾತಿ, ಅಂಗ, ಜನ್ಮಸ್ಥಳ, ಇವುಗಳಲ್ಲಿ ಯಾವುದಾದರೊಂದರ ಆಧಾರದ ಮೇಲೆ ಮಾತ್ರ

a. ಯಾವುದೇ ನಾಗರಿಕನು ಅಥವಾ ಪೌರನಿಗೆ ಸಾರ್ವಜನಿಕ ಅಂಗಗಳನ್ನು, ಉಪಹಾರಗೃಹ, ಹೋಟೆಲು ಮತ್ತು ಸಾರ್ವಜನಿಕ ಮನೋರಂಜನಾ ಸ್ಥಳ ಇವುಗಳಿಗೆ ಪ್ರವೇಶಿಸುವ ಸಂಬಂಧದಲ್ಲಿ ಅಥವಾ

b. ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕಾಗಿ ಇರುವ ಬಾವಿ, ಕೆರೆ, ಸ್ನಾನಘಟ್ಟ, ರಸ್ತೆಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕಾಗಿ ಇರುವ ಸ್ಥಳ ಮುಂತಾದವುಗಳನ್ನು ಉಪಯೋಗಿಸುವ ಸಂಬಂಧದಲ್ಲಿ. ಆತನಿಗೆ ಯಾವುದೇ ನಿರ್ಬಂಧವನ್ನು ಅಥವಾ ನಿಯೋಜನೆಯನ್ನು ಅಥವಾ ಷರತ್ತುನ್ನು ವಿಧಿಸುವಂತಿಲ್ಲ.

ii) ಆದಾಗ್ಯೂ, ಮಹಿಳೆ ಮತ್ತು ಮಕ್ಕಳ ಸಂಬಂಧವಾಗಿ ಮತ್ತು ಪರಿಶಿಷ್ಟಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ಹಾಗೂ ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗೆ ಸೇರಿದ ನಾಗರಿಕರ ಏಕಗಿರಾಗಿ ರಾಜ್ಯವು ವಿಶೇಷ ಕಾನೂನುಗಳನ್ನು ಜಾಲಿಗೆ ತರಬಹುದು.

## 3. ಸಾರ್ವಜನಿಕ ಸೇವೆಯಲ್ಲಿ ಸಮಾನ ಅವಕಾಶದ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 16

i) ರಾಜ್ಯದ ಅಧೀನದಲ್ಲಿ ಯಾವುದೇ ಸೇವೆಗೆ ಸಂಬಂಧಿಸಿದ ಅಥವಾ ಹುದ್ದೆಗೆ ನೇಮಕ ಮಾಡುವ ವಿಚಾರದಲ್ಲಿ ಭಾರತದ ಎಲ್ಲಾ ನಾಗರಿಕರಿಗೆ ಸಮಾನವಾದ ಅವಕಾಶವಿರತಕ್ಕದ್ದು ಮತ್ತು ಈ ಸಮಾನ ಅವಕಾಶವನ್ನು ಯಾವುದೇ ನಾಗರಿಕನಿಗೆ ಆತನಧರ್ಮ, ಜನಾಂಗ, ಜಾತಿ, ಅಂಗ, ಜನ್ಮಸ್ಥಳ, ವಾಸ್ತವ್ಯ ಇವುಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಆಧಾರದ ಮೇಲೆ ಮಾತ್ರ ನಿರಾಕರಿಸುವಂತಿಲ್ಲ.

ii) ಆದಾಗ್ಯೂ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳಿಗೆ ಅಥವಾ ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗೆ ಸೇರಿದ ನಾಗರಿಕರ ಸಂಬಂಧವಾಗಿ ಯಾವುದೇ ಹುದ್ದೆಗೆ ನೇಮಕಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಖಾಸಗಿಲಾತಿಯನ್ನು ಕಲ್ಪಿಸುವ ಅಧಿಕಾರ ಸಂಸ್ಥೆಗಿರುತ್ತದೆ.

## 4. ಅಸ್ವಶೃತಿಯ ಆಚರಣೆಯ ವಿರುದ್ಧದ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 17

i) ಅಸ್ವಶೃತಿಯನ್ನು ನಿರ್ಮೂಲನಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಯಾವುದೇ ನಾಗರಿಕನ ವಿರುದ್ಧ ಯಾವುದೇ ರೂಪದಲ್ಲಿ ಅಸ್ವಶೃತಿಯ ಆಚರಣೆಯನ್ನು ನಿಷೇಧಿಸಲಾಗಿದೆ. ಅಸ್ವಶೃತಿಯ ಆಚರಣೆ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧ.

## 5. ಜರುದ ಬಾವಲಗಳ ನಿರ್ಮೂಲನ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 18

i) ನೈನ್ಯದ ಅಥವಾ ಶೈಕ್ಷಣಿಕ ವಿಶೇಷತೆಯನ್ನು ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಯಾವುದೇ ಜರುದನ್ನು ರಾಜ್ಯವು ಯಾಲಗೂ ಕೊಡಮಾಡತಕ್ಕದ್ದಲ್ಲ.

ii) ಭಾರತೀಯ ಪೌರನು ಹೊರರಾಷ್ಟ್ರದಿಂದ ಯಾವುದೇ ಜರುದನ್ನು ಸ್ವೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ

iii) ಭಾರತೀಯ ನಾಗರಿಕನಲ್ಲದ ವ್ಯಕ್ತಿ ಭಾರತದಲ್ಲಿ ರಾಜ್ಯದ ಅಧೀನದಲ್ಲಿ ಯಾವುದೇ ಲಾಭದ ಅಥವಾ ವಿಶ್ವಾಸದ ಹುದ್ದೆಯಲ್ಲಿದ್ದಾಗ ರಾಷ್ಟ್ರದ್ಯಕ್ಷರ ಅನುಮತಿ ಇಲ್ಲದೆ ಹೊರರಾಷ್ಟ್ರದಿಂದ ಯಾವುದೇ ಜರುದನ್ನು ಸ್ವೀಕರಿಸತಕ್ಕದ್ದಲ್ಲ

II. 1 ವಾಕ್ಯಾಗೂ ಅಭಿವ್ಯಕ್ತಿ ಸ್ವಾತಂತ್ರ್ಯ ಮುಂತಾದವುಗಳ ಸಂಬಂಧ ಹಕ್ಕುಗಳ ಸಂರಕ್ಷಣಾ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 19.

1. ನಮ್ಮ ಸಂವಿಧಾನದ 19ನೇ ಪರಿಚ್ಛೇದದಡಿಯಲ್ಲಿ ಈಕೆಳಗಿನ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕುಗಳನ್ನು ಎಲ್ಲಾ ನಾಗರಿಕರಲೇ ಕೊಡಬೇಕೆಂದಾಗಿದೆ.

a. ವಾಕ್ಯಾಗೂ ಅಭಿವ್ಯಕ್ತಿ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕು (ಇದು ಪತ್ರಿಕಾ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ).

b. ಶಾಂತಿಯುತವಾಗಿ ಮತ್ತು ನಿರಾಯುಧರಾಗಿ ಸಭಿಸುವ ಹಕ್ಕು (ಇದು ಮೆರವಣಿಗೆ ಹೊರಡುವಹಕ್ಕನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ).

c. ಸಂಘ-ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸುವ ಹಕ್ಕು.

d. ಭಾರತ ರಾಷ್ಟ್ರಾದ್ಯಂತ ಅಭಿಭವಿಸುವ ಸಂಚಲನವಹಕ್ಕು.

e. ಭಾರತ ರಾಷ್ಟ್ರದ ಯಾವುದೇ ಭಾಗದಲ್ಲಿ ಖಾಯಂ ಆಗಿ ವಾಸಿಸುವ ಹಕ್ಕು.

f. ಆಸ್ತಿಯ ಮೇಲಿನ ಒಡೆತನದ ಹಕ್ಕು- 44ನೇ ಸಂವಿಧಾನ ತಿದ್ದುಪಡಿ ಕಾಯಿದೆ, 1978 ರಡಿಯಲ್ಲಿ ಮೂಲಭೂತಹಕ್ಕುಗಳಿಂದ ತೆಗೆದುಹಾಕಲಾಗಿದೆ.

g. ಯಾವುದೇ ವೃತ್ತಿಯನ್ನು ಕೈಗೊಳ್ಳುವ ಉದ್ಯೋಗ ಅಥವಾ ವ್ಯಾಪಾರದಲ್ಲಿ ತೊಡಗುವ ಹಕ್ಕು.

ಸ್ವಾತಂತ್ರ್ಯದ ಈ ಹಕ್ಕುಗಳು ಅಭಿಭವಿಸುವ ಅಥವಾ ಅನಿಯಂತ್ರಿತವಲ್ಲ. ರಾಷ್ಟ್ರದ ಸಾರ್ವಭೌಮತ್ವ ಹಾಗೂ ಅಖಂಡತೆ, ಸಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ, ನೈತಿಕತೆ. ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳವರ ಹಿತರಕ್ಷಣೆ ಮುಂತಾದವುಗಳ ದೃಷ್ಟಿಯಿಂದ ಈ ಹಕ್ಕುಗಳ ಜಲಾವಣಿಯ ಹಕ್ಕನ್ನು ನಿಯಂತ್ರಿಸಿ ಶಾಸನವನ್ನು ಜಾರಿಗೆ ತರುವ ಅಧಿಕಾರವು ಶಾಸಕಾಂಗಕ್ಕೆ ಇದೆ.

ಆದರೆ ಶಾಸಕಾಂಗ ವಿಧಿಸಿದ ನಿಯಂತ್ರಣಯುಕ್ತವಾದದ್ದೋ ಅಲ್ಲವೋ ಎಂಬುದನ್ನು ನಿರ್ಣಯಿಸುವ ಅಧಿಕಾರವು ಉಚ್ಚನ್ಯಾಯಾಲಯ ಮತ್ತು ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಗಳಿರುತ್ತದೆ.

2. ಅಪರಾಧಗಳಿಗಾಗಿ ಶಿಕ್ಷೆ ಕುರಿತು ಸಂರಕ್ಷಣೆಹಕ್ಕು- ಪರಿಚ್ಛೇದ 20

1) ಕಾನೂನನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಅಪರಾಧಕ್ಕಾಗಿ ಮಾತ್ರ ಶಿಕ್ಷೆ

a) ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ಜಾಲಿಯಲ್ಲಿರುವ ಕಾನೂನನ್ನು ಉಲ್ಲಂಘಿಸಿದ ಅಪರಾಧವನ್ನೆಸಗಿದಾಗ ಮಾತ್ರ ಅತನನ್ನು ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದು

b) ಕಾನೂನಿನಲ್ಲಿ ವಿಧಿಸಲಾದಕ್ಕಿಂತ ಹೆಚ್ಚಿನಶಿಕ್ಷೆಯನ್ನು ವಿಧಿಸತಕ್ಕದ್ದಲ್ಲ

c) ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು ಅತನು ಎಸಗಿದ ಅಪರಾಧಕ್ಕಾಗಿ ಕಾನೂನಿನಡಿಯಲ್ಲಿ ವಿಧಿಸಲಾದ ಶಿಕ್ಷೆಗಿಂತ ಹೆಚ್ಚಿನಪ್ರಮಾಣದ ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.

2) ಒಂದೇ ಅಪರಾಧಕ್ಕಾಗಿ ವ್ಯಕ್ತಿಯೊಬ್ಬನನ್ನು ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಬಾರಿ ಶಿಕ್ಷಿಸತಕ್ಕದ್ದಲ್ಲ

3) ಅಪರಾಧವನ್ನೆಸಗಿದ ಆರೋಪದ ಮೇಲೆ ಇರುವ ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು ತನ್ನ ವಿರುದ್ಧ ತಾನೇ ಸಾಕ್ಷ್ಯನುಡಿಯಬೇಕೆಂದು ಒತ್ತಾಯಿಸತಕ್ಕದ್ದಲ್ಲ.

3. ಜೀವದ ಮತ್ತು ಸ್ಥಾನಬದ್ಧತೆಯ ವಿರುದ್ಧ ಸಂರಕ್ಷಣೆಹಕ್ಕು- ಪರಿಚ್ಛೇದ 21 ಯಾವುದೇ ವ್ಯಕ್ತಿಯು ಪ್ರಾಣ ಅಥವಾ ವೈಯಕ್ತಿಕ ಸ್ವಾತಂತ್ರ್ಯದ ಹರಣ ಕಾನೂನಿನಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿಸಲಾದ ಪ್ರಕ್ರಿಯೆಗನುಸಾರವಾಗಿ ಮಾತ್ರ ಜರುಗತಕ್ಕದ್ದು. ಇಂಥಹ ಪ್ರಕ್ರಿಯೆಯುಕ್ತವಾಗಿರಬೇಕು, ನಿಷ್ಪಕ್ಷಪಾತವಾಗಿರಬೇಕು ಮತ್ತು ನ್ಯಾಯ ಸಮ್ಮತವಾಗಿರಬೇಕು.

4. ಶಿಕ್ಷಣದಹಕ್ಕು - ಪರಿಚ್ಛೇದ 21 (ಎ): 86ನೇ ಸಂವಿಧಾನ ತಿದ್ದುಪಡಿ ಕಾಯಿದೆ, 2002 ನೇಲಿಸಲಾಗಿದೆ.

6 ರಿಂದ 14 ವರ್ಷದೊಳಗಿನ ಮಕ್ಕಳಿಗೆ ರಾಜ್ಯವು ಉಚಿತ ಮತ್ತು ಕಡ್ಡಾಯ ಶಿಕ್ಷಣವನ್ನು ಒದಗಿಸುವ ಹೊಣೆಗಾರಿಕೆಯನ್ನು ಹೊಂದಿದೆ. ಇದರಂತೆ ರಾಜ್ಯವು ಎಲ್ಲಾ ವರ್ಗದ ಮಕ್ಕಳಿಗೆ ಶಿಕ್ಷಣದ ಹಕ್ಕನ್ನು ಒದಗಿಸಲು ಈ ಸಂಭಂದ ಅನ್ವಯವಾಗುವಂತಹ ಕಾನೂನನ್ನು ಜಾರಿಗೆ ತರಬಹುದಾಗಿದೆ.

5. ದಸ್ತಲಿ ಮತ್ತು ವೈಯಕ್ತಿಕ ಸ್ವಾತಂತ್ರ್ಯದ ಸಂರಕ್ಷಣಾ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 22

i) ತನ್ನ ಬಂಧನದ ಕಾರಣವನ್ನು ತಿಳಿಸಿಕೊಟ್ಟು ಹಕ್ಕು ಬಂಧನಕ್ಕೆ ಒಳಗಾದ ವ್ಯಕ್ತಿಗೆ ಅತನನ್ನು ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಮತ್ತು ಯಾವ ಅಪರಾಧವನ್ನೆಸಗಿದ ಆರೋಪದ ಮೇಲೆ ದಸ್ತಲಿ ಮಾಡಲಾಗಿದೆ ಎಂಬುದಾಗಿ ದಸ್ತಲಿ ಮಾಡಿದ ಅಧಿಕಾರಿಯ ದಸ್ತಲಿ ಮಾಡಿದ ತಕ್ಷಣದಲ್ಲಿ ದಸ್ತಲಿಯಾದ ವ್ಯಕ್ತಿಗೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ii) ತನ್ನ ಆಯ್ಕೆಯ ನ್ಯಾಯವಾದಿಯನ್ನು ಸಂಪರ್ಕಿಸುವಹಕ್ಕು ದಸ್ತಲಿಯಾದ ವ್ಯಕ್ತಿಗೆ ತನ್ನ ಆಯ್ಕೆಯ ನ್ಯಾಯವಾದಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಪ್ರಕರಣದಲ್ಲಿ ತನ್ನ ಪ್ರತಿಕರ್ಷೆಗೆ ವ್ಯವಸ್ಥೆ ಮಾಡಿಕೊಟ್ಟು ಹಕ್ಕು ಇರುತ್ತದೆ.

iii) ತನ್ನನ್ನು ಸಮೀಪದ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರ ಅಥವಾ ದಂಡಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿಕೊಟ್ಟು ಹಕ್ಕು ದಸ್ತಲಿಯಾದ ವ್ಯಕ್ತಿಯನ್ನು ದಸ್ತಲಿಮಾಡಿದ ಸಮಯದಿಂದ ಮುಂದಿನ 24 ಗಂಟೆಗಳ ಅವಧಿಯೊಳಗಾಗಿ (ದಸ್ತಲಿಯ ಸ್ಥಳದಿಂದ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರ ಸ್ಥಳಕ್ಕೆ ತಲುಪುವಸಮಯವನ್ನು ಹೊರತುಪಡಿಸಿ) ಸಮೀಪದ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರ ಮುಂದೆ ಹಾಜರುಪಡಿಸತಕ್ಕದ್ದು.

III. ಶೋಷಣೆ ವಿರುದ್ಧ ಹಕ್ಕು- ಪರಿಚ್ಛೇದ 23 ಮತ್ತು 24

i) ಮಾನವ ದುರ್ವ್ಯವಹಾರ, ಬೇಗಾರ ಮತ್ತು ಆ ಲೀತಿಯ ಇತರೆ ಒತ್ತಾಯಪೂರ್ವಕ ದುಡಿಮೆ ಇವುಗಳನ್ನು ನಿಷೇಧಿಸಿದ್ದು ಅದರ ಉಲ್ಲಂಘನೆ ಶಿಕ್ಷಾರ್ಹವಾದ ಅಪರಾಧವೆಂದು ಘೋಷಿಸಲಾಗಿದೆ.

ii) ಅಲ್ಲದೆ 14 ವರ್ಷಕ್ಕಿಂತ ಕಡಿಮೆ ವಯಸ್ಸಿನ ಮಕ್ಕಳನ್ನು ಕಾರ್ಖಾನೆ ಮತ್ತು ಗಣಿಗಳಲ್ಲಿ ಅಥವಾ ಅಪಾಯಕಾಲ ಉದ್ಯೋಗಗಳಲ್ಲಿ ತೊಡಗಿಸುವುದನ್ನು ಪ್ರತಿಬಂಧಿಸಲಾಗಿದೆ.

'ಬೇಗಾರ' ಎಂದರೆ ಒತ್ತಾಯ ಪೂರ್ವಕವಾಗಿ ದುಡಿಸಿಕೊಂಡು ಆ ದುಡಿಮೆಗೆ ಸಂಭಾವನೆ ನೀಡದಿರುವುದು ಎಂದರ್ಥ.

IV. ಧಾರ್ಮಿಕ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕು

1. ಧಾರ್ಮಿಕ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕು- ಪಲಜೈದ 25 ನಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆ, ನೈತಿಕತೆ, ಆರೋಗ್ಯ ಮತ್ತು ಮೂಲಭೂತ ಹಕ್ಕುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಂವಿಧಾನದ ಇತರ ವಿಭಿನ್ನಗೊಳಪಟ್ಟಂತೆ, ಪ್ರತಿಯೊಬ್ಬ ವ್ಯಕ್ತಿಗೆ ತನಗೆ ಇಷ್ಟವಾದ ಧರ್ಮವನ್ನು ಅಂಗೀಕರಿಸುವ, ಅಜಲಿಸುವ, ಪ್ರಸಾರ ಮಾಡುವ ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕು ಇರುತ್ತದೆ.
2. ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸುವ, ನಿರ್ವಹಿಸುವ, ಸ್ವಾತಂತ್ರ್ಯದ ಹಕ್ಕು- ಪಲಜೈದ 26 ನಾರ್ವಜನಿಕ ಸುವ್ಯವಸ್ಥೆಗೆ, ನೈತಿಕತೆ ಮತ್ತು ಆರೋಗ್ಯ ಇವುಗಳಿಗೆ ಒಳಪಟ್ಟು ಯಾವುದೇ ಧಾರ್ಮಿಕ ವರ್ಗವು
  - a. ಧಾರ್ಮಿಕ ಮತ್ತು ಧರ್ಮಾರ್ಥ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಯೊಂದನ್ನು ಸ್ಥಾಪಿಸುವ ಮತ್ತು ಅದನ್ನು ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋಗುವ
  - b. ಧಾರ್ಮಿಕ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ತನ್ನ ವ್ಯವಹಾರವನ್ನು ತಾನೇ ನಿರ್ವಹಿಸುವ
  - c. ಸ್ಥಿರ ಮತ್ತು ಚರಆಸ್ತಿಯನ್ನು ಹೊಂದುವ ಮತ್ತು
  - d. ಕಾನೂನಿನನ್ವಯ ಅಂತಹ ಆಸ್ತಿಯ ವಹಿವಾಟನ್ನು ನಡೆಸುವ ಹಕ್ಕನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು
3. ಧಾರ್ಮಿಕ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕರವಿಧಿಸತಕ್ಕದ್ದು- ಪಲಜೈದ 27 ಯಾವುದೇ ಒಂದು ನಿರ್ದಿಷ್ಟ ಧರ್ಮದ ವೃದ್ಧಿಗಾಗಿ ಅಥವಾ ಅದರ ನಿರ್ವಹಣೆಗಾಗಿ ಖರ್ಚು ಮಾಡತಕ್ಕವಿಧಿ ವಿಧಿಸಲಾದ ಕರವನ್ನು ಪಾವತಿಸಬೇಕೆಂದು ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು ಒತ್ತಾಯಪಡಿಸತಕ್ಕದ್ದಲ್ಲ.
4. ಧಾರ್ಮಿಕ ಶಿಕ್ಷಣ ಅಥವಾ ಪ್ರಾರ್ಥನೆಯಲ್ಲಿ ಪಾಲ್ಗೊಳ್ಳಬಿರುವ ಹಕ್ಕು- ಪಲಜೈದ 28 ಸಂಪೂರ್ಣವಾಗಿ ರಾಜ್ಯದ ನಿಧಿಯಿಂದ ನಿರ್ವಹಿಸಲ್ಪಡುವ ಯಾವುದೇ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಯಲ್ಲಿ ಯಾವುದೇ ಧಾರ್ಮಿಕ ಶಿಕ್ಷಣವನ್ನು ನೀಡತಕ್ಕದ್ದಲ್ಲ ಅಲ್ಲದೆ ಇಂಥ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯಲ್ಲಿ ಯಾವುದೇ ಧಾರ್ಮಿಕ ಕಾರ್ಯಕ್ರಮದಲ್ಲ ಅಥವಾ ಪ್ರಾರ್ಥನೆಯಲ್ಲಿ ಪಾಲ್ಗೊಳ್ಳುವಂತೆ ಯಾವುದೇ ವ್ಯಕ್ತಿಯನ್ನು ಒತ್ತಾಯಪಡಿಸತಕ್ಕದ್ದಲ್ಲ

V. 1 ಸಾಂಸ್ಕೃತಿಕ ಹಾಗೂ ಶೈಕ್ಷಣಿಕ ಹಕ್ಕುಗಳು - ಪಲಜೈದ 29

- a. ಅಲ್ಪಸಂಖ್ಯಾತರ ಹಿತಾಸಕ್ತಿಗಳ ರಕ್ಷಣೆ: ಭಾರತ ರಾಷ್ಟ್ರಕೇಂದ್ರದ ಯಾವುದೇ ಭಾಗದಲ್ಲಿ ವಾಸಿಸುವ ನಾಗರಿಕರ ಅಥವಾ ಪೌರರ ಯಾವುದೇ ಪಂಗಡ ತನ್ನದೇ ಆದ ಭಾಷೆ, ಅಪಿ ಅಥವಾ ಸಂಸ್ಕೃತಿ ಹೊಂದಿದ್ದಲ್ಲಿ ಅದು ಅವುಗಳನ್ನು ಸಂರಕ್ಷಿಸಿ ಕೊಳ್ಳುವ ಹಕ್ಕನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು.
- b. ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ಪ್ರವೇಶ ನಿರಾಕರಣೆಯ ವಿರುದ್ಧ ಹಕ್ಕು: ರಾಜ್ಯದಿಂದ ನಿರ್ವಹಿಸಲ್ಪಟ್ಟ ಅಥವಾ ರಾಜ್ಯನಿಧಿಯಿಂದ ನೆರವು ಪಡೆಯುವ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯು ಯಾವುದೇ ನಾಗರಿಕರಿಗೆ ಆತನ ಧರ್ಮ, ಮೂಲವಂಶ, ಜಾತಿ, ಭಾಷೆ ಇವುಗಳಲ್ಲಿ ಯಾವುದಾದರೊಂದರ ಆಧಾರದ ಮೇಲಿಂದ ಪ್ರವೇಶವನ್ನು ನಿರಾಕರಿಸತಕ್ಕದ್ದಲ್ಲ.

2. ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳ ಸ್ಥಾಪನೆ ಹಾಗೂ ಅವುಗಳ ಆಡಳಿತ ನಿರ್ವಹಣೆಯ ಸಂಬಂಧ ಅಲ್ಪಸಂಖ್ಯಾತರ ಹಕ್ಕು - ಪಲಜೈದ 30

- a. ಧಾರ್ಮಿಕ ಅಥವಾ ಭಾಷಾ ಅಲ್ಪಸಂಖ್ಯಾತರು ತಮ್ಮ ಆಯ್ಕೆಯ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳನ್ನು ಸ್ಥಾಪಿಸುವ ಮತ್ತು ಅವುಗಳ ಆಡಳಿತವನ್ನು ನಿರ್ವಹಿಸುವ ಹಕ್ಕನ್ನು ಹೊಂದಿರತಕ್ಕದ್ದು.
- b. ರಾಜ್ಯವು ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳಿಗೆ ನೆರವು ಅಥವಾ ಅನುದಾನ ಮಂಜೂರು ಮಾಡುವಾಗ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಯ ವಿರುದ್ಧ ಅದು ಧಾರ್ಮಿಕ ಅಥವಾ ಭಾಷಾ ಅಲ್ಪಸಂಖ್ಯಾತರ ಆಡಳಿತಕ್ಕೊಳಪಟ್ಟಿದೆ ಎನ್ನುವ ಕಾರಣದಿಂದ ತಾರತಮ್ಯ ಮಾಡುವಂತಿಲ್ಲ

VI. ಮೂಲಭೂತ ಹಕ್ಕು ಜಾಲಿಗಾಗಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಮೊರೆಹೋಗುವ ಹಕ್ಕು- ಪಲಜೈದ 32

- a. ವ್ಯಕ್ತಿಯೊಬ್ಬನ ಮೂಲಭೂತ ಹಕ್ಕಿಗೆ ಚ್ಯುತಿ ಉಂಟಾದಲ್ಲಿ ತನಗೆ ಸಂವಿಧಾನ ಕೊಡಮಾಡಿದ ಹಕ್ಕಿನ ಜಾಲಿಗಾಗಿ ನೇರವಾಗಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ಸಂವಿಧಾನಿಕ ಪರಿಹಾರವನ್ನು ಪಡೆಯುವ ಹಕ್ಕುಳ್ಳವನಾಗಿರುತ್ತಾನೆ. ಈ ಹಕ್ಕು ಸಹಮೂಲ ಭೂತಹಕ್ಕಾಗಿದ್ದು ಇದನ್ನು ರಾಜ್ಯವು ಯಾಲಿಗೂ ನಿರಾಕರಿಸುವಂತಿಲ್ಲ.
- b. ಮೂಲಭೂತ ಹಕ್ಕಿನ ಜಾಲಿ ಕೋರಿ ಅರ್ಜಿಯನ್ನು ಆಯಾ ರಾಜ್ಯದ ಉಚ್ಚನ್ಯಾಯಾಲಯಕ್ಕೂ ಪಲಜೈದ 22ರಡಿ ಯಲ್ಲಿ ಸಲ್ಲಿಸಬಹುದಾಗಿದೆ.

ಮೂಲಭೂತ ಹಕ್ಕುಗಳನ್ನು ಯಾವಾಗ ಸ್ಥಗಿತಗೊಳಿಸಬಹುದು

ಸಂವಿಧಾನವು ಕೊಡಮಾಡಿದ ಮೂಲಭೂತ ಹಕ್ಕುಗಳನ್ನು ತುರ್ತುಪರಿಸ್ಥಿತಿಯ ಪೋಷಣೆ ಜಾಲಿಯಲ್ಲಿರುವಾಗ ಮಾತ್ರ ತುರ್ತುಪರಿಸ್ಥಿತಿಯ ಕಾಲಾವಧಿಯ ಪೂರ್ಣ ಅಥವಾ ಅದಕ್ಕಿಂತ ಕಡಿಮೆ ಅವಧಿಗಾಗಿ ರಾಷ್ಟ್ರಪತಿಯವರ ಆದೇಶದನ್ವಯ ಸ್ಥಗಿತಗೊಳಿಸಬಹುದು.

ಆದಾಗ್ಯೂ ಪಲಜೈದ 20ರಲ್ಲಿ ಕೊಡಮಾಡಿರುವ, ಅಪರಾಧಗಳಿಗಾಗಿ ಶಿಕ್ಷೆಯ ವಿರುದ್ಧ ರಕ್ಷಣೆಯ ಹಕ್ಕು ಮತ್ತು 21ರಲ್ಲಿ ಕೊಡಮಾಡಿರುವ, ಜೀವ ಮತ್ತು ವೈಯಕ್ತಿಕ ಸ್ವಾತಂತ್ರ್ಯ ರಕ್ಷಣೆಯ ಹಕ್ಕು ಇವುಗಳ ಜಾಲಿಯನ್ನು ಕೋರಿ ನ್ಯಾಯಾಲಯವನ್ನು ಕೇಳಿಕೊಳ್ಳುವ ಈ ಹಕ್ಕನ್ನು ಸ್ಥಗಿತಗೊಳಿಸುವಂತಿಲ್ಲ.

# Soundarya Group of Institutions

## Havanoor Extention Campus

Soundarya School

Soundarya School - CBSE

Soundarya Composite PU College

Soundarya Arts & Commerce Evening College

## Soundarya Nagar Campus

Soundarya Central School


Soundarya College of Law

Soundarya Institute of Management & Science

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