

\* In Case of CBI V. R.R. Kishore

- Supreme Court concluded that once law is declared unconstitutional for being violative of fundamental rights, it will be considered void-ab-initio in accordance of Article 13(2).

\* In UP State Sugar Corporation Ltd. V. Sant Raj Singh.

- Supreme Court ruled that possession of higher qualifications can be a valid bases for classifying employees, even if such a requirement was not prescribe that time of recruitment and such a distinction does not valid Article 14.

\* In R.K. Garg V. Union of India The special bearer bonds (immunities and exemptions) Act 1981 was challenged on grounds that it violated Article 14, as it allowed investment of black money questioning its source, thus discriminating against honest tax payers. Supreme Court rejected the challenge, recognising issue of black money and its impact on Economy.

\* Article 19(1)(g) :-

- Trade means - Buying
  - Selling
  - Barter
  - Commerce and
  - Skilled work.
- Business Means/is more Comprehensive than trades it also includes :- Manufacturing and
  - wide range of Commercial activities.
- Profession is Considered as an Occupation requiring intellectual of an Combined with manual skill.

CASE LAW

in Chintaman Rao Vs. State of MP.

- A madhya Pradesh Act was Challenged.
  - This law prohibited Bidi Manufacturing in Villages during agricultural seasons to ensure Sufficient agriculture labour.
  - This law affected Villagers who relied on Bidi Making for income including those who unable to work in agriculture.
    - life - Elder person, woman & children.
- Supreme Court held this prohibition to be Unreasonable

## CASE LAW

in Environmental and Consumer's Protect founder  
Vs. Delhi Administration.

- Supreme Court held that it is imperative (Absolutely necessary) that School must have Qualified teachers and basic Administration

in State of Tamil Nadu Vs. K. Shyam Sundar.

- Supreme Court held that there should not be discrimination on grounds of 'Economic', social and Cultural background while Compiling Article 21(A)

in Fahima Sharin R.K Vs. State of Kerala.

- In this Case H.C held that right to internet access is a fundamental right, it is part of (RTE) as well as right to privacy under Article 21 of Constitution of India.  
→ Right to Education.

CASE LAW

In Swapnil Tripathi and Other vs. Supreme Court of India the Petitioner sought the live streaming of Supreme Court proceedings that have Constitution importance and significant impact.

- Supreme Court ruled that live streaming is crucial for transparency, public accessibility and judicial accountability.

\* There is a principle called Ubi-Jus - ibi-remedium

- which means,

where there is right there shall also be remedy, because without remedy rights are of no use.

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Lecture - #5

\* Article 32 :- Individuals can approach Supreme Court directly if they believe their fundamental rights have been violated.

Example :- Right to freedom of speech is protected under Constitution.

If violated article 32 allows individual to approach Supreme Court directly.

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\* Freedom of Trade, Commerce and InterCourse :-

- Measures like traffic regulations and licencing of vehicles which facilitate rather than impede trade are not considered violation of Article 301.