

LAW GENERAL

IBBI VALUATION EXAMINATION –

LAND & BUILDING

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CEV INTERNAL APPRAISERS FOUNDATION

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LAW - GENERAL

- Indian Legal System: Salient Features of the Indian Constitution, Fundamental Rights, Directive Principles of the State Policy –
- Government: Executive, Legislature and Judiciary –
- Laws of Contract: Formation of a Contract, Parties, Void, Voidable and Unenforceable Contract, Contingent Contract, Misrepresentation and Fraud and effect thereof, Termination of a Contract, Remedies for Breach, Performance of Contract, Indemnity and Guarantee, Law of Agency –
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- Laws of Evidence: Burden of Proof, Presumptions, Conclusive Proof

LAW - GENERAL

- Indian Legal System: Salient Features of the Indian Constitution, Fundamental Rights, Directive Principles of the State Policy –

Indian Legal System

The legal system in India follows the common law model prevalent in the countries which were at one time under British Rule or were part of the British Commonwealth.

After Independence, Constitution of India is the guiding light in all matters executive, legislative and judicial in the country.

Constitution of India

- **Salient Features of Indian Constitution**
- Fundamental Rights
- Directive Principles of State Policy

Salient Features of Indian Constitution

- **Written and Detailed Constitution**

Salient Features of Indian Constitution

- **Written and Detailed Constitution**

Indian Constitution is fully written document which incorporates various laws for proper management of the country. Indian constitution contains separate provisions for states and centre and their inter-relationship.

It is world's longest constitution. At its commencement, it had 395 articles in 22 parts and 8 schedules. Currently, it has a preamble, 25 parts with 12 schedules, 5 appendices, 450 articles.

There are 103 amendments in the Constitution. **Latest being provision for 10% reservation for Economic Weaker Sections amending Article 15 and 16.**

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**

Salient Features of Indian Constitution

- **Federal System with Unitary Features**

The Indian Constitution contains all the federal features of governance like dual system of government (centre and states), division of powers between the three organs of state (executive, judiciary and legislature), Supremacy of the Constitution, independent Judiciary and bicameralism (lower house and upper house).

In spite of this, the Indian Constitution is unique as it contains many unitary features like a strong centre, All India Services common to the centre and the states, Emergency provisions that can modify the Constitution into a unitary one if the need arises, appointment of Governors by the President on the advice of the centre etc.

Article 1 of the Constitution declares, that “India that is Bharat is a Union of States.”

The term ‘Union of State’ shows two important facts:

- That the Indian Union is not the result of voluntary agreement among sovereign states.
- The states of India do not enjoy the right to secede from the Union.

At present, India has 29 States and 7 Union Territories

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**

Salient Features of Indian Constitution

- **Parliamentary Form of Government**

The Constitution of India provides for a parliamentary system of government at the Centre as well as in every state of the Union. The President of India is the constitutional head of state with nominal powers. The Union Council of Ministers headed by the Prime Minister is the real executive. Ministers are essentially the members of the Union Parliament.

For all its policies and decisions the Council of Ministers is collectively responsible before the Lok Sabha. The Lok Sabha can remove the Ministry by passing a vote of no-confidence. The Cabinet, in fact the Prime Minister has the power to get the Lok Sabha dissolved by the President. On similar lines a parliamentary government is also at work in each state.

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**
- **Independent and Integrated Judicial System**

Salient Features of Indian Constitution

- **Independent and Integrated Judicial System**

A single system of judiciary prevails with the Supreme Court at the top, the High Courts at the state level and district and other subordinate courts below and subject to the supervision of the High Courts. All the levels of courts in India are tasked with the duty of enforcing central as well as state laws.

Indian Judiciary is free from interference from the other organs of the government namely the executive and the legislature. Some facts mentioned in the constitution that further prove the independence of the Judiciary are:-

- Judges of Supreme Court and High Court are appointed by the President.
- Judge of Supreme Court and High Court cannot be removed from office except through an extremely complex process.
- All the Court has its own Staff.

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**
- **Independent and Integrated Judicial System**
- **Blend of Rigidity and Flexibility**

Salient Features of Indian Constitution

- **Blend of Rigidity and Flexibility**

Constitution of India is rigid in parts. Some of its provisions can be amended in a difficult way while others can be amended very easily.

Article 368, of the Constitution provides for two special methods of amendment:

- Most of the provisions of the Constitution can be amended by the Union Parliament by passing an Amendment Bill by a majority of total membership and 2/3rd majority of members present and voting in each of its two Houses.
- For the amendment of some specified parts, a very rigid method has been provided. Under it, first the Union Parliament passes the Amendment Bill by a majority of total membership and 2/3rd majority of members present and voting in each house and then it goes to the State Legislatures for ratification. The Amendment gets passed only when it is approved by not less than one half of the several states of the Union.

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**
- **Independent and Integrated Judicial System**
- **Blend of Rigidity and Flexibility**
- **Single integrated State with Single Citizenship**

Salient Features of Indian Constitution

- **Single integrated State with Single Citizenship**

- India is the single Independent and Sovereign integrated state.
- Presently it has 29 states and 7 Union Territories.
- All citizens enjoy a common uniform citizenship.
- They are entitled to equal rights and freedoms, and equal protection of the state.

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**
- **Independent and Integrated Judicial System**
- **Blend of Rigidity and Flexibility**
- **Single integrated State with Single Citizenship**
- **Judicial Review**

Salient Features of Indian Constitution

- **Judicial Review**

The Constitution is the supreme law of the land. The Supreme Court acts as the guardian protector and interpreter of the Constitution. It is also the guardian of the Fundamental Rights of the people. For this purpose it exercises the power of judicial review. By it, the Supreme Court determines the constitutional validity of all laws made by the legislatures. It can reject any law which is found to be unconstitutional.

Salient Features of Indian Constitution

- **Written and Detailed Constitution**
- **Federal System with Unitary Features**
- **Parliamentary Form of Government**
- **Independent and Integrated Judicial System**
- **Blend of Rigidity and Flexibility**
- **Single integrated State with Single Citizenship**
- **Judicial Review**
- **Emergency Provisions**

Salient Features of Indian Constitution

- **Emergency Provisions**

The Constitution of India contains special provisions for dealing with emergencies.

It recognizes three types of possible emergencies:

- (1) National Emergency (Article 352) an emergency resulting from war or external aggression or threat of external aggressions against India or from armed rebellion within India or in any of its part;
- (2) Constitutional Emergency in a State (Article 356) an emergency resulting from the failure of constitutional machinery in any state; or some states and
- (3) Financial Emergency (Article 360) an emergency resulting from a threat to financial stability of India.

The President of India has been empowered to take appropriate steps for dealing with these emergencies. During the period of an emergency, the powers of the President, actually of the PM and the Union Council of Ministers Cabinet increase tremendously. President can take all steps deemed essential for meeting an emergency. These are called emergency powers of the President.

Constitution of India

- Salient Features of Indian Constitution
- **Fundamental Rights**
- Directive Principles of State Policy

Fundamental Rights

The Constitution offers all citizens, individually and collectively, some basic freedoms. These are guaranteed in the Constitution in the form of six broad categories of Fundamental Rights. Article 12 to 35 contained in Part III of the Constitution deal with Fundamental Rights.

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to equality, including equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment.(Article 14 to Article 18)**

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 14 - Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to —
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.

Cont.....

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- (5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

Cont.....

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (6) Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—
- (a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and
 - (b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.

Explanation.—For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 16 - Equality of opportunity in matters of public employment.

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

Cont.....

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 16 - Equality of opportunity in matters of public employment.

- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Cont.....

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 16 - Equality of opportunity in matters of public employment.

(4A) Nothing in this article shall prevent the State from making any provision for reservation 3[in matters of promotion, with consequential seniority, to any class] or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

Cont.....

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 16 - Equality of opportunity in matters of public employment.

- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.
- (6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 17 - Abolition of Untouchability

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

Fundamental Rights

- **Right to Equality (Article 14 to Article 18)**

Article 18 - Abolition of titles.

- (1) No title, not being a military or academic distinction, shall be conferred by the State.
- (2) No citizen of India shall accept any title from any foreign State.
- (3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the State, accept without the consent of the President any title from any foreign State.
- (4) No person holding any office of profit or trust under the State shall, without the consent of the President, accept any present, emolument, or office of any kind from or under any foreign State.

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to Equality (Article 14 to Article 18)**
- **Right to freedom of speech and expression, assembly, association or union, movement, residence, and right to practice any profession or occupation (Article 19 to Article 22)**

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 19 - Protection of certain rights regarding freedom of speech, etc.

- (1) All citizens shall have the right—
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions or co-operative societies;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India;
 - *****
 - (g) to practise any profession, or to carry on any occupation, trade or business.

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 19 - Protection of certain rights regarding freedom of speech, etc.

- (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of 5[the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.
- (3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of 5[the sovereignty and integrity of India or] public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 19 - Protection of certain rights regarding freedom of speech, etc.

- (4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 19 - Protection of certain rights regarding freedom of speech, etc.

- (6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—
- (i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or
 - (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 20 - Protection in respect of conviction for offences.

- (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- (2) No person shall be prosecuted and punished for the same offence more than once.
- (3) No person accused of any offence shall be compelled to be a witness against himself.

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 21 - Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 21 A - Right to education

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 22 - Protection against arrest and detention in certain cases

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 22 - Protection against arrest and detention in certain cases

- (3) Nothing in clauses (1) and (2) shall apply—
- (a) to any person who for the time being is an enemy alien; or
 - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—
- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention:
Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
 - (b) such person is detained in accordance with the provisions of any law made by Parliament under subclauses (a) and (b) of clause (7).

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 22 - Protection against arrest and detention in certain cases

- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.
- (6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

Cont.....

Fundamental Rights

- **Right to Freedom (Article 19 to Article 22)**

Article 22 - Protection against arrest and detention in certain cases

(7) Parliament may by law prescribe—

*(a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

** (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under ***[sub-clause (a) of clause (4)].

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to Equality (Article 14 to Article 18)**
- **Right to Freedom (Article 19 to Article 22)**
- **Right against exploitation, prohibiting all forms of forced labour, child labour and traffic in human beings (Article 23 to 24)**

Fundamental Rights

- **Right against Exploitation (Article 23 to 24)**

Article 23 - Prohibition of traffic in human beings and forced labour.

- (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Fundamental Rights

- **Right against Exploitation (Article 23 to 24)**

Article 24 - Prohibition of employment of children in factories, etc.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to Equality (Article 14 to Article 18)**
- **Right to Freedom (Article 19 to Article 22)**
- **Right against Exploitation (Article 23 to 24)**
- **Right to freedom of conscience and free profession, practice, and propagation of religion(Article 25 to 28)**

Fundamental Rights

- **Right to Freedom of Religion (Article 25 to 28)**

Article 25 - Freedom of conscience and free profession, practice and propagation of religion.

- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.
- (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—
 - (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
 - (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Cont.....

Fundamental Rights

- **Right to Freedom of Religion (Article 25 to 28)**

Article 25 - Freedom of conscience and free profession, practice and propagation of religion.

Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Fundamental Rights

- **Right to Freedom of Religion (Article 25 to 28)**

Article 26 - Freedom to manage religious affairs

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property;
and
- (d) to administer such property in accordance with law.

Fundamental Rights

- **Right to Freedom of Religion (Article 25 to 28)**

Article 27 - Freedom as to payment of taxes for promotion of any particular religion

No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Fundamental Rights

- **Right to Freedom of Religion (Article 25 to 28)**

Article 28 - Freedom as to attendance at religious instruction or religious worship in certain educational institutions

- (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.
- (2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.
- (3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto.

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to Equality (Article 14 to Article 18)**
- **Right to Freedom (Article 19 to Article 22)**
- **Right against Exploitation (Article 23 to 24)**
- **Right to Freedom of Religion (Article 25 to 28)**
- **Right of any section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice (Article 29 to 30)**

Fundamental Rights

- **Cultural and Educational Rights (Article 29 to 30)**

Article 29 - Protection of interests of minorities.

- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Fundamental Rights

- **Cultural and Educational Rights (Article 29 to 30)**

Article 30 - Right of minorities to establish and administer educational institutions

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

- (1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

- (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language

Fundamental Rights

Contained in Part III of Indian Constitution

- **Right to Equality (Article 14 to Article 18)**
- **Right to Freedom (Article 19 to Article 22)**
- **Right against Exploitation (Article 23 to 24)**
- **Right to Freedom of Religion (Article 25 to 28)**
- **Cultural and Educational Rights (Article 29 to 30)**
- **Right to constitutional remedies for enforcement of Fundamental Rights (Article 32)**

Fundamental Rights

- **Right to Constitutional Remedies (Article 32)**

Article 32 - Remedies for enforcement of rights conferred by this Part.

- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of **habeas corpus, mandamus, prohibition, quo warranto and certiorari**, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.
- (3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

Constitution of India

- Salient Features of Indian Constitution
- Fundamental Rights
- **Directive Principles of State Policy**

Directive Principles of State Policy

The Constitution lays down certain Directive Principles of State Policy, which are 'fundamental in governance of the country', and it is the duty of the State to apply these principles in making laws. Article 36 to 51 contained in Part IV of the Constitution deal with Fundamental Rights.

Article 37 provides "The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws"

Directive Principles of State Policy

Article 38. State to secure a social order for the promotion of welfare of the people.

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
- (2) The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Directive Principles of State Policy

Article 39. Certain principles of policy to be followed by the State.—

The State shall, in particular, direct its policy towards securing

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- (d) that there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Directive Principles of State Policy

Article 39A. Equal justice and free legal aid.—

The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article 40. Organisation of village panchayats.—

The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

Directive Principles of State Policy

Article 41. Right to work, to education and to public assistance in certain cases.—

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want

Article 42. Provision for just and humane conditions of work and maternity relief.—

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Directive Principles of State Policy

Article 43. Living wage, etc., for workers.—

The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.

Article 43A. Participation of workers in management of industries.—

The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.

Directive Principles of State Policy

Article 43B. Promotion of co-operative societies.—

The State shall endeavour to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies.

Article 44. Uniform civil code for the citizens.—

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

Article 45. Provision for early childhood care and education to children below the age of six years.—

The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Directive Principles of State Policy

Article 46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Directive Principles of State Policy

Article 48. Organisation of agriculture and animal husbandry.—

The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

Article 48A. Protection and improvement of environment and safeguarding of forests and wild life.—

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Directive Principles of State Policy

Article 49. Protection of monuments and places and objects of national importance.—

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be

Article 50. Separation of judiciary from executive.—

The State shall take steps to separate the judiciary from the executive in the public services of the State.

Directive Principles of State Policy

Article 51. Promotion of international peace and security.—

The State shall endeavour to—

- (a) promote international peace and security;
- (b) maintain just and honourable relations between nations;
- (c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and
- (d) encourage settlement of international disputes by arbitration.

Constitution of India

- Preamble of Indian Constitution

Preamble of Indian Constitution

We, the people of India, having solemnly resolved to constitute India into a SOVEREIGN, SOCIALIST, SECULAR, DEMOCRATIC, REPUBLIC and to secure to all of its citizens;

- JUSTICE social, economic and political;
- LIBERTY of thought, expression, belief, faith and worship;
- EQUALITY of status and of opportunity; and to promote among them all;
- FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation;

In our Constituent Assembly, this 26th day of November, 1949, do
HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

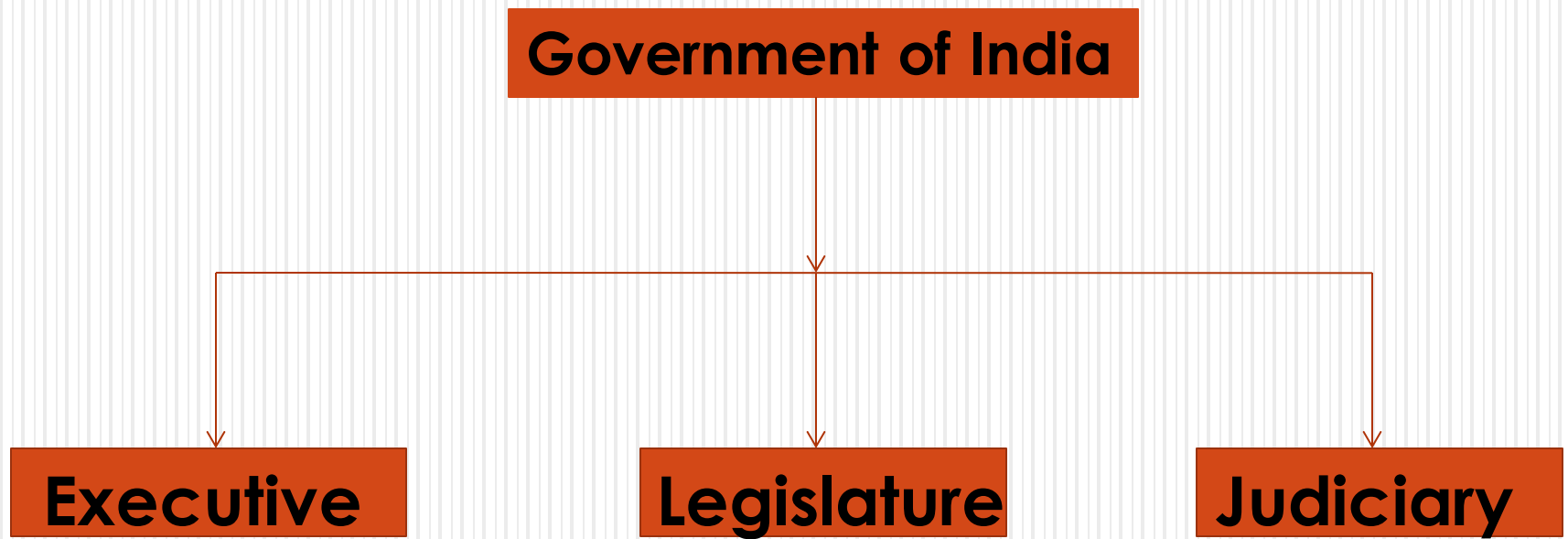
LAW - GENERAL

- Government: Executive, Legislature and Judiciary –

Government: Executive, Legislature and Judiciary

The Indian Government is divided into three distinct but interrelated branches: **Executive, Legislature and Judiciary**. They have to function within their own spheres demarcated under the Constitution. In other words, the doctrine of Separation of Powers has been implicitly recognized by the Indian Constitution.

Government: Executive, Legislature and Judiciary



Government: Executive, Legislature and Judiciary

Executive

The President of India, Vice President, Cabinet and Executive Departments and Agencies

Function of Executive

- Preserves protects and defends the Constitution
- Faithfully executes the laws of the land.
- May veto laws in certain circumstances.
- Executes the spending authorized by legislature
- Important appointments are made by executive.
- Has the power to grant pardons for crimes.

Government: Executive, Legislature and Judiciary

Legislature

The Parliament of India – The President of India + the two Houses of Lok Sabha (House of the People) and Rajya Sabha (Council of States)

Function of Legislature

- Enacts all the laws.
- Controls all the money; taxes, borrows, and sets the budget.
- Oversees, investigates, and makes the rules for the government and its official.
- Ratifies treaties.

Government: Executive, Legislature and Judiciary

Judiciary

The Supreme Court of India consists of a Chief Justice and 30 Associate Justices

Function of Judiciary

- Responsible for administering the constitutional law
- Judges if any law is unconstitutional
- Oversees and administers members of the judiciary

THANKS

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