

### **Precedents on Fundamental rights**

Art.19-There is no right to call or in force bandh which interfere with exercise of fundamental right of others. **AIR 1998 SC 184.**

State's liability for wrongful acts of employees. **Vidyavati Vs. State of Rajasthan AIR 1962 SC 933.**

State held liable for wrongful detention **Rudal Shah Vs.State of Bihar AIR 1983 SC`1086.**

State liable for acting in violation and excess of the power vested in sovereign agency i.e. police. **Saheli's case AIR 1990 SC 13.**

Defence of sovereign immunity is not available to state in case of violation to fundamental right to life and liberty of a person. **AIR 1993 SC 1960.**

An action may be maintained against government for injury to individual by abuse of office by public servant **AIR 1994 SC 787.**

Right to life includes right privacy. Right to privacy includes telephone conversation. Telephone tapping infringes right under Art.21. Telephone tapping also infracts Art.19 (1)(a), unless it comes within restriction under Art.19(2). **AIR 1997 SC 568.**

Any form of torture, cruel, inhuman or degrading treatment fall within inhibition of art.21.Requirement to be taken in all cases of arrest and detention tabled. **AIR1997 SC 6107**

Constitution. Art14-Teacher in unaided and those in aided shool- parity of pay scales in shools run by the private institutions –pay scales prescribed by the Vth pay commission payable to teachers of unaided private schools entitled to such pay scales payable with effect from 1<sup>st</sup> may 1999.**Sunanda v. State of Maharastra 2001(1) MhLJ 167**

Constitution Art.25 – Resolution passed by public trust putting total ban on the particular form of religious ceremony, thereby restricting the membership of trust only to such Jain who believe in particular form of ceremony. Such resolution ultra virus and contrary to Art.25 **Naresh v. Kantilal 2001(1) MhLJ 972**

article 21-Education until the attainment of age 14 is a fundamental right under article 21.**Gramvikas Shikshan Prasarak Mandal v. State of Maharastra 2001(1) MhLJ 776**

article 21-The construction contrary to the building by-laws affecting easementary right of a neighbour would-be violation of his " right to life".**Fatima v. Village Panchayat Mercedes 2001(1) MhLJ 836**

Article 226-Illegal construction-Principle of that is of a duty and obligation under the statute to see that the residential or commercial area is not spoilt by unauthorized construction. **Sindhu Education Society v. Municipal Corporation 2001 (1) MhLJ 894**

**Article 227**-Writ jurisdiction under article 227 cannot be used as appellate or revisional power-If conclusions drawn by trial court are reasonable and in judicial manner the fact that Writ would have taken a different view at the trial stage may not justify interference with orders of courts below. **Ashok v. Mrs.Neeta 2001(2) MhLJ 226**

**Article 21**- directions given in Rajdeo Sharma's case are not applicable where a the prosecution is not given any opportunity to lead evidence and the prosecution case is not fixed for evidence by the court. **Narayan v. State of Maharastra 2001(2) MhLJ 330**

Constitution of India , Art.227 – Powers of superintendence of High Court – Extraordinary – Must be exercised sparingly and only in exercise of jurisdiction under Article 227 can interfere and set aside such order. **Norman Joseph Ferreira vs. Arjandas Newandram by his L.Rs. Newandram Shivalomal } 2001(2)Mh.L.J. 810**

Constitution-secularism is the basic feature of the Constitution manifesto of the political party the consistent with basic features of the Constitution. Political party must maintain neutrality towards religious beliefs .**S.R.Bommai v. Union of India and others AIR 1994 SC 1918**