**THE CONSTITUTION**

The Constitution is a written document, which lays down the vision of the country’s leaders for the governance of India. It came into force on January 26, 1950 after consultation for 2 years, written by a committee constituted after India’s independence. It is the highest law in India, and all other laws must adhere to the Constitution.

The Constitution is divided into ’Parts’, as listed below. Each part is further divided into ‘Articles’. The Constitution also has ‘Schedules’. Schedules are parts at the end of the Constitution that either further add to the associated article(s) or further describe the particular article(s).

**PARTS OF THE CONSTITUTION**

**FUNDAMENTAL RIGHTS**

Every individual has certain basic needs in his or her life without which it would be difficult to lead a happy fulfilling life. The Constitution recognizes these as ‘fundamental’ to our existence, and they are called ‘Fundamental Rights’.

If government or any government agency violates our fundamental rights, it can be challenged in court.

Enforcement of Fundamental Rights can only be against the Government and Government agencies and not against private parties.

A few of the important Fundamental Rights have been explained below:

**The Right to Equality**:

Article 14 states that all persons residing in India must be treated equally. It is important to know that it is not just citizens who need to be treated equally – but all ‘persons’ i.e. non-citizens, organizations, companies etc.

*Example:*

*Gopal comes from a poor family and Ram from a rich one. Two days ago Gopal was caught stealing vegetables from a vegetable vendor. At the same time Ram was caught stealing money from his boss’s wallet. Both Gopal and Ram are guilty of stealing and will be tried for the offence of theft.*

Article 15 of the Constitution lays down that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. It also states that no citizen can be,subjected to any restriction or disability in accessing public places maintained by State funds and meant for public use.

*Examples:*

*The NREGA scheme of the Central Government states that both men and women have to be paid equally for equal work done. No contractor of NREGA is allowed to fix a different payment rate for work done by women as this would amount to discrimination on the basis of sex.*

However, the Government also recognizes that certain sections of the society such as children and women and scheduled castes and tribes are not treated equally by the society and is allowed to make special rules for their well being (Article 15). The Government can also make rules to provide equality of opportunity for employment to any office run by the Government.

*Examples :*

*Reservations of seats for students of certain castes and tribes in educational institutions. (Article 15)*

*Reservations of seats in educational institutions and in Panchayats for women (Article 15)*

*Reservation of office vacancies for people of certain castes and tribes in companies run by the Government such as OMC (Article 16)*

**Right to Freedom**

Article 19is based on allowing certain freedoms. These are the protection of certain rights:

All citizens shall have the right under Article 19 (1):

1. to freedom of speech and expression;
2. to assemble peaceably and without arms;
3. to form associations or unions;
4. to move freely throughout the territory of India;
5. to reside and settle in any part of the territory of India; and
6. (omitted);
7. to practice any profession, or to carry on any occupation, trade or business.

However each of these freedoms comes with certain restrictions, which are concerned with respect for each other as citizens as well as protecting and safeguarding the sovereignty of the nation.

Examples:

*Political candidates often call public meetings to address the public and promote their agenda for elections. However, there have been many instances of arrests of public speakers on the grounds that their speeches have contained hateful remarks against a particular religion or caste etc.*

*Even though there is freedom to practice any profession, gambling is considered harmful to the society and it is illegal for anyone to be privately engaged in the profession of gambling in India.*

**Rights to Protection with respect to certain offences**

Article 20 states that a person shall not be convicted for any offence which was not considered to be an offence at the time when the offence was committed.

It also states that a person shall be tried only once for an offence.

Thirdly, it states that a person shall not be compelled to be a witness against himself/herself in any Court.

*Example: The Wildlife Protection Act was enacted in 1972 and it banned hunting of all wild animals and made hunting an offence that would be punished with an imprisonment and/or fine. However, any person who had been hunting prior to 1972 cannot be punished under the law as hunting was not an offence till 1972.*

**Right to Life**

Article 21 states that no person shall be deprived of his life or his personal liberty except according to procedure established by law.

The Right to Life has been interpreted by the Courts to mean the right to live with human dignity and goes beyond bare necessities of food, clothing and shelter and also includes right to privacy, to a clean environment, to education, to livelihood etc.

*Examples: Bonded labour has been abolished by the Government as it is considered a cruel practice that takes away the life and liberty of a person.*

*Every person also has the right to a clean and safe environment as it affects the quality of life. The Supreme Court, in one case, closed down leather tanneries as they were responsible for polluting the rivers. The polluted river affected the life and health of the people who were dependant on the river water.*

In 2002, the Government of India added Article 21A to the Constitution which states that the State shall provide free and compulsory education to all children between the ages of 6 and 14.

**Right to Protection against arrest and detention in certain cases**

* A person cannot be arrested and detained without being informed why he is being arrested.
* An arrested person has right to hire a lawyer to defend himself/ herself.
* Every person who has been arrested must be produced before the nearest magistrate within 24 hours.

**Right to Religious Freedoms and Cultural and Educational Rights**

Article 25 allows every person in India the freedom to practice and propagate any religion in India. Article 26 gives the right to manage religious affairs, which includes the right to maintain and run religious and charitable institutions, to acquire and manage property etc.

Article 29 allows any section of people living in India with a distinct culture, language or script, the right to conserve the same. Article 29 also states that no person shall be denied access to any educational institution on the basis of caste, religion, race, caste etc.

*Examples: The people of Niyamgiri believe that their Niyam Raja resides in the Niyamgiri Hills. In exercise of their right to protect their cultural beliefs under Article 29, along with their rights to consent under the Forest Rights Act, they voted against a mining company from taking over the hills for mining.*

**Right to constitutional remedies**

In case of violation of fundamental rights, one can approach the Supreme Court and HighCourt. The courts may issue different kinds of ‘writs’ for the protection of fundamental rights. Two of these are:

Habeas Corpus: Whenever a man is detained, he must be produced before a court within 24 hours.Mandamus: Mandamus is issued against public servants, when they have not been doing their duty asking them to do their duties.