

Subject of Speech:

Indian Constitution: Important Articles for Common Citizens

Dear All

I am very much thankful to Administration, and Staff Members of GIPE who initiated and took efforts to celebrate Dr. Babasaheb Ambedkar Jayanti in GIPE. The staff members like Prof. Jayanti Kajale, Dr. Nanaji Shewale, Dr. Hemangi More and other Staff Members took efforts to make this programme successful today. In fact, it is a good initiative, I would say....! Because it is something new activity that is adding to our programme list. It is also important that after the relaxation of COVID restriction, we are celebrating *Dr. Ambedkar Jayanti*. This year we are celebrating 131 years of birth anniversary of Great person social reformer, economist, and lawyer Dr. Babasaheb Ambedkar. First of all, it is a great thing that we have the longest written constitution, which always takes care of the citizens of the country.

The topic of today's speech is very huge. Anyway, I will try my best to deliver such things here, which will give you some insight of the Indian constitution. I want to make it clear here that I am not a constitutional expert to explain the constitution in legal ways. Yet, as a citizen like you, I can explain a few Articles of our constitution. These Articles have great importance to us and so, everyone must know about them.

As you may be knowing that the Constituent Assembly¹ of that time was formed in 1946 before the independence of India. It met for the first time in New Delhi on 9 December 1946². The Central Hall of Parliament House witnessed this and members debated on every Article of the Constitution for three years. Such long discussions and debates on the new Constitution concluded in the eleventh session³ that ended on 26th November 1949 with the passing of our Constitution. Finally, the Constitution of India came into force officially on January 26, 1950⁴.

¹ The Cabinet Mission recommended a scheme to form the Constituent Assembly. Every member was elected by the members of the Provincial Legislative Assemblies through indirect election. However, in 1947, India was divided and created Pakistan under the Mountbatten Plan of 3 June, 1947. Therefore, the number of Members to Indian Constituent Assembly reduced to 299. For details information refer Government of India source from following link:

https://rajyasabha.nic.in/rsnew/constituent_assembly/. Retrieved on 12 April 2022.

² https://rajyasabha.nic.in/rsnew/constituent_assembly/. Retrieved on 12 April 2022.

³ Sessions of the Constituent Assembly were held as; The First Session (9-23 December, 1946); The Second Session (20-25 January, 1947); The Third Session (28 April - 2 May, 1947); The Fourth Session (14-31 July, 1947); The Fifth Session (14-30 August, 1947); The Sixth Session (27 January, 1948); The Seventh Session (4 November, 1948 - 8 January, 1949); The Eighth Session (16 May - 16 June, 1949); The Ninth Session (30 July - 18 September, 1949); The Tenth Session (6-17 October, 1949); The Eleventh Session (14-26 November, 1949). The detail information is given on Government of India website at <http://164.100.47.194/loksabha/constituent/facts.html>. Retrieved on 13 April 2022.

⁴ <https://legislative.gov.in/constitution-of-india>. Retrieved on 12 April 2022.

It was such a great occasion for everyone, even for those who are from the lowest strata of society. They could see such wonderful written document that seriously incorporated basic fundamental rights. Most importantly, the Constituent Assembly took two years, eleven months and seventeen days to complete the historic task of drafting the Constitution. Every Article of the constitution was thoroughly discussed, and debated among the members to reach a consensus. After that, the constituent assembly allowed to make them as a part of the Constitution. A total of 165 days was engaged in the discussion and a total of 114 days were engaged in the consideration of the Draft Constitution.

Some people always say that the Constitution of India has been the longest written constitution⁵ in the world (Pylee, 1994). Yes, it is true....! The Indian Constitution has **395 articles** contained in 22 parts and additionally some Articles are also added in different parts through the amendments. It also has 12 schedules. Since its adoption on 26 November 1949, the constitution has been amended about 105 times. The last 105th Amendment Act was done in 2021. It is deemed to be in force from 15th August 2021⁶. The 105th Amendment restored the Power of States and UTs to identify socially and educationally backward classes (SEBCs) and maintained a separate list other than the Central List for the purposes (Government of India, 2021).⁷

The special feature in connection with the amendment is that the Indian constitution has greater flexibility. The Government can amend some Articles of the Constitution with a simple majority. I would say, not all articles of the Constitution are important to the general public in day to day life. Some Articles are important for governance of the country, Judiciary, states, fundamental rights and duties, whereas some articles are important for the policy framing under directive principles of the state policy, etc. and so on.

However, I want to say here that some Articles are very important for common citizens and so, they should know too...! For example, If we read PART III, FUNDAMENTAL RIGHTS under the Constitution of India, we find how important are these Articles for us....! Every citizen must know them. The Constitution has given five types of Rights to the Citizens that are summarized below⁸. The Part III of the Constitution enshrined Fundamental rights as under – “*Right to Equality (Articles 14-18); Right to Freedom (Articles 19-22), Right against Exploitation (Articles 23-24); Right to Freedom of Religion (Articles 25-28), Cultural and Educational Rights (Article 29-30), and Right to Constitutional Remedies (Article 32).*”⁹

⁵ Pylee, M.V (1994), India's Constitution, New Delhi: R. Chand, 5th rev.

⁶ Rao, Sneha (2021), <https://www.livelaw.in/>, published on 3 Oct 2021, retrieved on 13th April, 2022. <https://www.livelaw.in/news>.

⁷ <https://legislative.gov.in/sites/default/files/.pdf>. Retrieved on 13 April 2022.

⁸ <https://legislative.gov.in/constitution-of-india>. Retrieved on 12 April 2022.

⁹ <https://legislative.gov.in/constitution-of-india>. Retrieved on 12 April 2022.

Under the right to freedom, Article 21 is the heart and soul of the constitution for the common citizens. It gives the right to protection of life and personal liberty. Many times this article was used along with Article 32 in public interest issues. Article 21—

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”¹⁰

I would say this article is the lifeline for every citizen when a citizen is in a great threat from any activities or acts of negligence.

The Government also considered basic education as a right and so, Article 21 A was added to the constitution¹¹ to provide free and compulsory education to all children in the age group of six to fourteen years (Government of India, 2002). It was a revolutionary step toward a welfarist society. **Article 21A- Right to education stated that —**

“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.” (Government of India, 2002)

This is a basic need and right of every child in the country. For long, many children in remote areas were deprived of from this....! We are still struggling to reach them and those areas...!

Look at these above fundamental rights as discussed above and articles of the constitution, how these articles are important for us. Sometimes, citizens do not show interest to know those rights, thinking that not important to them. It is not true....! Every citizen, at least, should know his/her basic fundamental right and articles of the constitution. Ignorance of such things may cause some pain in later life.....!

As I said how article 32 is most important to us because it gives us the right to approach the Supreme Court to implement the right if violated by any Acts, or by acts of the authorities or governments. Dr B.R. Ambedkar also referred to Article 32¹² as the “heart and soul of the Constitution.”¹³ Justice Ganjendragadkar¹⁴ also observed it as, a “very special feature of the Constitution”, and empowered the citizens to move for justice (Ganjendragadkar, 1970). It gives guaranteed remedy to every citizen in case of any infringement of his/her right enshrined in the Constitution. It is to be enforceable by Apex Judiciary Institution, however, there is an exception during the emergency (Nirmalendu, 1999).

Let us discuss a little bit about Article 32 of the constitution. **Article 32 says, which related to Remedies for enforcement of rights conferred by this Part.—**

¹⁰ <https://legislative.gov.in/constitution-of-india>. Retrieved on 12 April 2022.

¹¹ <https://legislative.gov.in/constitution-eighty-sixth-amendment-act-2002>. Refer Constitution (Eighty-sixth Amendment) Act, 2002 (Government of India, 2002). Detail information is available at.

¹² <https://theprint.in/theprint-essential/what-is-article-32>. Retrieved on 13 April, 2022.

¹³ <http://164.100.47.194/loksabha/writereaddata/>. The Detail reference for this found in ‘Government of India, (Constituent Assembly Of India Debates (Proceedings)- Vol. VII,’ Thursday, the 9th December, 1948. Retrieved on 13 April, 2022.

¹⁴ P. B. Ganjendragadkar served as the 7th Chief Justice of India, from February 1964 to March 1966.

“(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 the 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.”¹⁵

Using the right given by Article 32, T.N. Godavarman Thirumulpad tested the power of Article by filing a Writ Petition in the Supreme Court in 1995. The very famous case under “*Writ Petition 202 of 1995, T.N. Godavarman Thirumulpad versus Union of India*”¹⁶ turned out to be a landmark petition in related to the conservation of natural resources and the biosphere. Initially, this Writ Petition had limited scope to the cutting of trees in Nilgiri Hills. This Writ Petition has been converted into “continuous mandamus”. But, later on, it became a role model petition to many activists, who work in many areas and filed many Interlocutory Applications (IAs) before the Supreme Court of India as Public Interest Litigations (PIL). The Apex Court also admitted and disposed of with judgments in the public interest.

So, I feel that Article 32 is a great instrument that is given to common citizens. Any person can file a case in public interest in the Supreme Court without any hesitation. Even a simple letter with respect to the public interest can lead to be converted as a PIL. The Supreme Court has taken up many such issues earlier under PIL. It is not limited to this. Even Apex Court itself can take up the issue as ‘Suo Moto’ under Article 32 and 226/227 under the following categories as:

- Contempt of Court: reason may be as; “not following the Hon’ble Courts’ orders”
- Reopen of Old cases: if new evidence is submitted again in the closed cases.
- Order probe for new cases: If a person is unable to pursue a case and not going well as per law.

So, all are brief discussion on today’s occasion. I am very happy and hope that everyone will read the ‘fundamental right’ of the Constitution and will use them in day to day life.

Thank You all...!

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¹⁵ <https://legislative.gov.in/constitution-of-india>. Retrieved on 12 April 2022.

¹⁶ <https://indiankanoon.org/doc/187366700/> Retrieved on 12 April 2022.

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