

Government of India Act 1935

The Government of India Act 1935 was a significant constitutional law enacted by the British Parliament, which aimed to grant greater autonomy to Indian provinces and establish a federal structure in India. Key features include:

- **Provincial Autonomy:** Provinces were given significant self-governing powers, with elected legislatures and responsible governments.
- **All-India Federation:** It proposed a federal structure, including both British Indian provinces and princely states, though the federation was never fully implemented.
- **Bicameral Legislatures:** Introduced bicameralism at the central level with the establishment of the Federal Assembly and Council of States.
- **Separate Electorates:** Continued communal representation and separate electorates for different religious and social groups.
- **Governor-General's Powers:** Retained significant powers for the British Governor-General, including veto power and control over defense and foreign affairs.

The Act laid the groundwork for the eventual independence of India.

Features of the Constitution

1. Longest Written Constitution

- Originally 395 Articles, 8 Schedules
- Now 465 Articles, 12 Schedules
- Causes:
 - Vastness and Diversity
 - History
 - Single Constitution for both Centre and States
 - Dominance of Legal luminaries in the Constituent Assembly
- Contains Fundamental Principles of Governance
- Detailed Admin provisions
- Nothing left out

2. Drawn from Various Sources

- Main source Gov of India Act 1935
- Borrowed concepts from the British, U.S., Canadian, Irish, and Australian constitutions.
- Parliamentary system from Britain.
- Fundamental Rights from the U.S. Bill of Rights.
- Directive Principles from Ireland.

- Federal system with unitary bias from Canada.
- Emergency provisions from Germany.

3. Blend of Rigidity and Flexibility

- Rigid = Requires special procedure for Amendment, eg US
- Flexible = Amendment similar to making new laws, eg UK
- Some provisions can be amended by a simple majority in Parliament.
- Important amendments require a special majority (two-thirds of Parliament and ratification by half the states).
- Allows adaptation over time without compromising core principles.
- Balances stability with change.

4. Federal System with Unitary Bias

- Establishes a 2 government system – Centre and States
- Bicameral Legislature
- But there are a lot of Unitary features – Single constitution, emergency provisions, integrated judiciary, single citizenship etc
- No state has the right to leave the union.
- India is a “Union of States” not a “Federation”

5. Parliamentary Form of Government

- Used the British Parliamentary Form of Government
- Features:
 - Nominal and real executives
 - Majority Party rule
 - Executive is responsible to the legislature
 - Membership of Ministers in Legislature
 - Leadership of PM
 - Dissolution of Lower House
- Indian Parliament isn't a sovereign body like the UK one
- Role of PM is crucial

6. Synthesis of Parliamentary Sovereignty and Judicial Supremacy

- Parliament is supreme in its legislative powers but subject to judicial review.
- The judiciary has the power to invalidate laws that are unconstitutional.
- Separation of powers ensures that no organ overpowers the other.
- Courts can review both the laws passed by Parliament and the actions of the executive.
- This balance maintains the democratic fabric of the nation.

7. Integrated and Independent Judiciary

- Single system of courts for both the Union and the States.
- The Supreme Court is the apex court, followed by High Courts and subordinate courts.
- Judges are appointed by an independent process to ensure impartiality.
- Judiciary protects citizens' rights and interprets the Constitution.
- Independent from the executive and legislature to ensure fair justice.

8. Fundamental Rights

- Six broad categories: Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.
- Protects civil liberties of individuals.
- Enforceable by the courts.
- Aimed at eliminating discrimination and providing equality and freedom.
- Right to Constitutional Remedies allows individuals to approach courts if rights are violated.
- Courts can issue writs for restoration of rights

9. Directive Principles of State Policy

- Guidelines for the government to promote social welfare and economic democracy.
- Non-justiciable but fundamental in governance.
- Includes provisions for securing a living wage, equal work opportunities, promotion of education, and public health.
- Aims to reduce inequality and ensure social justice.
- Acts as a framework for future legislation and policies.

10. Fundamental Duties

- 11 duties for citizens, added by the 42nd Amendment.
- Includes respecting the Constitution, promoting harmony, safeguarding public property, and protecting the environment.
- Aimed at encouraging responsible citizenship.
- Not enforceable by courts but serve as moral obligations.
- Complements the Fundamental Rights.

11. Secular State

- No official state religion.
- Equal treatment of all religions by the state.
- Freedom to profess, practice, and propagate any religion.
- State maintains a neutral stance towards religious affairs.

- Promotes religious tolerance and harmony.

12. Universal Adult Franchise

- Right to vote for all citizens aged 18 and above, irrespective of race, religion, gender, or socioeconomic status.
- Strengthens democratic participation.
- Equal representation in government decision-making.
- Expands political participation and inclusivity.
- Ensures the foundation of representative democracy.

13. Single Citizenship

- Uniform citizenship for all individuals, irrespective of their state of residence.
- Provides equal rights and privileges to all citizens.
- Eliminates discrimination between citizens of different states.
- Strengthens the idea of national unity and integration.
- Ensures uniform rights across the country.

14. Independent Bodies

- Election Commission: Conducts free and fair elections.
- Comptroller and Auditor General: Audits government finances.
- Union Public Service Commission (UPSC): Manages civil services.
- Finance Commission: Recommends financial distribution between Union and States.
- Ensure the autonomy and integrity of key functions of governance.

15. Emergency Provisions

- National Emergency: Declared during war or armed rebellion.
- State Emergency (President's Rule): If a state's governance fails.
- Financial Emergency: When financial stability is threatened.
- Allows the central government to assume greater control during crises.
- Safeguards national security and governance during exceptional situations.

16. Three-Tier Government

- Union Government, State Government, and Local Government (Panchayats and Municipalities).
- Decentralization of powers to local bodies.
- 73rd and 74th Constitutional Amendments introduced Panchayati Raj and Municipalities.
- Local governments handle local governance and development issues.
- Promotes democratic decentralization.

Preamble

The Preamble to the Indian Constitution is an introductory statement that outlines the objectives and guiding principles of the Constitution. It reflects the vision and ideals that the framers of the Constitution sought to achieve for the nation. The Preamble declares India to be a Sovereign, Socialist, Secular, Democratic Republic and ensures the values of Justice, Liberty, Equality, and Fraternity for all its citizens.

Keywords

1. Sovereign

- India is free to conduct its internal and external affairs without interference from any external authority.
- The people of India possess the ultimate power to govern themselves through elected representatives.
- India is independent in making decisions related to foreign policies, defense, and economic relations.
- No external country or organization can impose its will on India.
- Sovereignty ensures India's **territorial integrity and autonomy**.

2. Socialist

- Added in 42nd Amendment
- Aims for the reduction of income inequality and wealth disparities.
- India is a Mixed Economy
- Both Public and Private Sectors Coexist

3. Secular

- Added in 42nd Amendment
- No official state religion; the state treats all religions equally.
- Citizens have the freedom to practice, profess, and propagate any religion of their choice.
- The state does not interfere in religious matters and maintains neutrality.
- Promotes religious tolerance and coexistence among diverse faiths.
- Prevents discrimination based on religion in matters of governance and civil rights.

4. Democratic

- The government is elected by the people, and the people have the right to vote through universal adult suffrage.
- Citizens have the power to choose their representatives at all levels of government.
- Ensures political equality and participation of citizens in decision-making processes.
- Guarantees fundamental rights like freedom of speech, expression, and association.

- Upholds the principle of rule of law and safeguards civil liberties.
- Emphasises on Social Democracy not just Political

5. Republic

- The head of state (President) is elected, not a hereditary monarch.
- Ensures that all public offices are filled based on merit and elections, not birthright or lineage.
- Every citizen is eligible to hold the highest office in the country.
- Reflects the principle of equality and the sovereignty of the people.
- Promotes democratic values in the leadership of the country.

6. Justice

- Social Justice: Prevents discrimination and ensures equal treatment regardless of caste, class, gender, or religion.
- Economic Justice: Aims to reduce the gap between the rich and the poor, providing fair opportunities for all to improve their economic status.
- Political Justice: Ensures that all citizens have equal access to participate in political processes, such as voting and running for office.
- Justice is fundamental to achieving fairness in both the social and economic spheres.
- Promotes the idea that the state should create a fair and just society.

7. Liberty

- Ensures individual freedom in thoughts, expression, beliefs, and actions.
- Guarantees protection of basic freedoms such as speech, movement, and association.
- Allows for personal development and the pursuit of one's own goals without fear of oppression.
- Liberty is protected by law and cannot be arbitrarily taken away by the government.
- Fosters a pluralistic society where diversity of opinions and lifestyles is respected.

8. Equality

- Equality Before Law: All individuals, regardless of status, are subject to the same laws and are treated equally by the legal system.
- Equal Protection of Laws: The state must protect the rights of all individuals equally.
- Prohibits discrimination on the grounds of race, religion, caste, gender, or place of birth.
- Ensures equal opportunities in access to education, employment, and public offices.
- Promotes equal distribution of resources and wealth to prevent economic and social inequality.

9. Fraternity

- Promotes a sense of brotherhood and unity among all citizens of India.

- Aims to foster harmony and respect among different communities, religions, and social groups.
- Ensures the dignity of the individual and the unity of the nation.
- Strengthens the feeling of national integration and collective responsibility.
- Reduces the divisions caused by caste, religion, and regional differences, fostering social cohesion.

Citizenship

The Constitution of India provides for the regulation of citizenship through **Articles 5 to 11** in **Part II**. These provisions specify who is eligible for Indian citizenship at the time of the commencement of the Constitution and empower the Parliament to regulate matters related to citizenship.

Articles 5 to 11: Key Points

Article 5: Citizenship at the Commencement of the Constitution

1. Deals with citizenship for people domiciled in India at the time of the Constitution's commencement (January 26, 1950).
2. Recognizes individuals as citizens if they were born in India, or either of their parents were born in India, or if they had been ordinarily resident in India for at least five years before 1950.
3. Establishes domicile as a key criterion for determining citizenship.
4. Applies to both pre-partition India and post-independence India.
5. Provides automatic citizenship for qualifying individuals without the need for registration or naturalization.

Article 6: Rights of Citizenship of Certain Persons Who Have Migrated from Pakistan

1. Deals with people who migrated to India from Pakistan during partition (both before and after the Constitution's commencement).
2. If a person migrated to India before July 19, 1948, and had been a resident of India since, they were entitled to citizenship.
3. For those who migrated after July 19, 1948, citizenship was conditional upon their registration as citizens.
4. Migrants needed to meet certain residency and registration requirements for citizenship.
5. Provides a legal framework for citizenship in the context of partition-related migration.

Article 7: Rights of Citizenship of Certain Migrants to Pakistan

1. Applies to those who migrated to Pakistan but later returned to India intending to permanently reside.
2. These individuals are not automatically considered citizens; they need to apply for resettlement.
3. Such persons must fulfill certain residency conditions and get government approval for citizenship.
4. Recognizes a unique situation for individuals who initially chose Pakistan but later sought to return.
5. Balances the rights of returnees with the integrity of the Indian state.

Article 8: Rights of Citizenship of Certain Persons of Indian Origin Residing Outside India

1. Grants citizenship rights to persons of Indian origin residing outside India, specifically those whose grandparents were born in India.
2. Such persons can become citizens by registering with Indian diplomatic or consular offices in the country where they reside.
3. Allows the Indian diaspora to claim Indian citizenship if they maintain links with the country.
4. Promotes a sense of connection and belonging for overseas Indians.
5. Establishes provisions for people of Indian descent abroad, expanding the definition of citizenship beyond India's borders.

Article 9: Persons Voluntarily Acquiring Citizenship of a Foreign State

1. Any person who voluntarily acquires the citizenship of another country automatically ceases to be an Indian citizen.
2. Prevents dual citizenship, ensuring that a person cannot owe allegiance to two countries.
3. Reflects the principle that Indian citizenship is exclusive.

Article 10: Continuance of Rights of Citizenship

1. Ensures that individuals who are recognized as citizens under these provisions continue to enjoy all rights and privileges as Indian citizens.
2. Citizenship cannot be arbitrarily taken away; it can only be lost under specific laws made by Parliament.
3. Reinforces the security of citizenship status for individuals who qualify.
4. Confirms the legal certainty and continuity of rights for citizens.
5. Establishes the permanence of citizenship unless otherwise revoked by due process.

Article 11: Parliament's Power to Regulate Citizenship

1. Grants Parliament the authority to enact laws governing the acquisition, termination, and other aspects of citizenship.
2. This article enabled the Parliament to pass the **Citizenship Act of 1955**.
3. Recognizes the dynamic nature of citizenship and allows for legal adaptation over time.

4. Ensures that changes in citizenship law, such as naturalization, registration, and loss of citizenship, are made through legislation.
 5. Maintains flexibility in regulating citizenship based on changing national needs.
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The Citizenship Act, 1955 (Acquisition and Loss of Citizenship)

The **Citizenship Act of 1955** lays down the legal framework for acquiring and losing Indian citizenship after the Constitution's commencement. It was passed by Parliament under the authority granted by **Article 11**.

Acquisition of Citizenship

There are five main ways to acquire Indian citizenship under the Citizenship Act of 1955:

1. By Birth:

- Any person born in India between January 26, 1950, and July 1, 1987, is a citizen by birth, regardless of their parents' nationality.
- For those born between July 1, 1987, and December 3, 2004, at least one parent must be an Indian citizen.
- After December 3, 2004, citizenship is granted if one parent is an Indian citizen and the other is not an illegal migrant.

2. By Descent:

- A person born outside India between January 26, 1950, and December 10, 1992, is a citizen by descent if their father was an Indian citizen at the time of birth.
- For those born after December 10, 1992, citizenship can be claimed if either parent was an Indian citizen at the time of birth.
- Registration is required within a year of birth or with government approval if delayed.

3. By Registration:

- Available to persons of Indian origin who have been residing in India for at least seven years.
- Also applies to persons married to Indian citizens and residing in India for at least seven years.
- A legal process involving application and approval.

4. By Naturalization:

- A foreign national can acquire Indian citizenship if they meet the residency requirement of living in India for 12 years (during the last 14 years) and fulfill other qualifications specified by the government.
- Requires demonstrating a good character, knowledge of an Indian language, and intent to live in India.

5. By Incorporation of Territory:

- If a new territory becomes part of India, the government can declare the people living in that territory as Indian citizens.

- Used in cases like the incorporation of Sikkim in 1975.
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Loss of Citizenship

Indian citizenship can be lost through three main ways:

1. **Renunciation:**
 - If an Indian citizen voluntarily renounces their citizenship by declaration, they cease to be Indian citizens.
 - This is particularly relevant for Indians who acquire foreign citizenship.
 2. **Termination:**
 - If a person voluntarily acquires the citizenship of another country, their Indian citizenship is automatically terminated.
 - This prevents dual citizenship, ensuring loyalty to only one nation.
 3. **Deprivation:**
 - The government can deprive an individual of Indian citizenship under certain conditions, such as disloyalty, fraud in acquiring citizenship, or engaging in activities against the interests of the state.
 - Deprivation is applicable only in the case of naturalized citizens or those who acquired citizenship by registration.
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Conclusion

The Indian Constitution provides a detailed framework for citizenship, and the **Citizenship Act of 1955** elaborates on its acquisition and loss. The Act ensures that citizenship can be acquired or lost under specific conditions, keeping in mind the sovereignty and unity of the country. It allows for flexibility in the laws governing citizenship while maintaining a firm stance on preventing dual citizenship.

Fundamental Rights

Article 12: Definition of State

In the context of the **Indian Constitution**, the term '**State**' is broadly defined in **Article 12** of **Part III** (Fundamental Rights). This definition is critical because Fundamental Rights are enforceable against the 'State,' and understanding what constitutes the 'State' is essential for citizens to seek protection of their rights.

Definition of 'State' in Article 12

The Constitution of India defines the term 'State' to include:

1. **The Government and Parliament of India:**
 - Refers to the **Union Government** (executive and legislative organs).
 - Includes the **President, Prime Minister, and Council of Ministers**, as well as **Parliament** (Lok Sabha and Rajya Sabha).
2. **The Government and Legislature of States:**
 - Refers to the **State Governments** (executive and legislative organs).
 - Includes the **Governor, Chief Minister, and Council of Ministers**, along with the **State Legislature** (Legislative Assembly and Legislative Council, where applicable).
3. **All Local Authorities:**
 - Local bodies such as **Municipalities, Panchayats, District Boards, Townships**, and other **local self-government institutions** are part of the 'State'.
 - These entities are responsible for local governance and administration.
4. **Other Authorities:**
 - This term includes a wide range of authorities that exercise **governmental or quasi-governmental functions**.
 - Examples include **Statutory Bodies** like the **University Grants Commission (UGC), Election Commission, National Human Rights Commission**, and **Public Sector Enterprises (PSUs)**.
 - It also extends to bodies created by **statute** or those performing public functions, even if they are not directly under the government.

Article 13

Article 13 of the Indian Constitution ensures that all laws must conform to Fundamental Rights. It empowers the judiciary to strike down laws that violate these rights, protecting citizens' freedoms.

Key Provisions:

1. **Article 13(1):** Laws made before the Constitution that are inconsistent with Fundamental Rights become void.
2. **Article 13(2):** The State cannot make laws that infringe on Fundamental Rights.
3. **Article 13(3):** 'Law' includes ordinances, rules, regulations, customs, and usages.
4. **Article 13(4):** Constitutional amendments are not considered 'law' under Article 13 (added via the 24th Amendment).

Significance:

- **Judicial Review:** Article 13 empowers courts to review laws and protect Fundamental Rights.
- **Safeguard Against Legislative Excesses:** It checks government actions that violate citizens' rights.
- **Pre-Constitutional Laws:** Ensures colonial laws inconsistent with the Constitution are void.

Kesavananda Bharati Case (1973):

The **Supreme Court** established the **Basic Structure Doctrine**, holding that Parliament cannot amend the Constitution in a way that destroys its fundamental features, including Fundamental Rights. This doctrine limits the power of amendments, preserving the essence of the Constitution.

Right to Equality (14 - 18)

The **Right to Equality** is a fundamental right enshrined in **Articles 14 to 18** of the Indian Constitution. It ensures that all individuals are treated equally before the law and prohibits discrimination on various grounds. This right is essential to uphold social justice and prevent inequality in society.

Article 14 – Equality Before Law and Equal Protection of Laws

1. **Equality Before Law:** Ensures that no individual is above the law, and everyone is subject to the same laws, irrespective of their status.
2. **Equal Protection of Laws:** Mandates that laws apply equally to all individuals, ensuring no discrimination.
3. **Positive Discrimination:** Allows reasonable classification and affirmative action to promote equality based on **Intelligible Differentia and Rational Nexus**
4. **Judicial Interpretation:** Courts can strike down arbitrary or unreasonable laws that violate equality.
5. **Rule of Law:** Reinforces the principle that governance should be based on legal frameworks, not arbitrary decisions.
6. **Exceptions to Equality**
 - a. Prez/Governor have special laws
 - b. Can't be arrested for newspaper article of a true report of event in Lok/Rajya Sabha
 - c. MP can't be tried for anything said in Parliament
 - d. UNO and its agencies enjoy diplomatic immunity
 - e. Foreign diplomats are immune
7. **Menka Gandhi vs Union of India – REMOVED Arbitrariness and supports reasonableness**

Article 15 – Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex, or Place of Birth

1. **Non-Discrimination:** Prohibits discrimination by the State on the grounds of religion, race, caste, sex, or place of birth.
2. **Access to Public Places:** Ensures equal access to public spaces like shops, restaurants, and public services, regardless of background.
3. **Special Provisions:** Allows the State to make special provisions for women, children, socially and educationally backward classes, Scheduled Castes (SC), and Scheduled Tribes (ST).
4. **Affirmative Action:** Enables reservations in educational institutions for disadvantaged groups to promote social justice.
5. **Social Justice:** Promotes policies aimed at reducing historical and systemic inequalities.
6. **Creamy Layer:** Excluded from Reservations
7. **State of Madras vs Champakam Dorairajan:** State can make reservations for SEBC, SC, ST
8. **MR Balaji vs State of Mysore:** 50% reservation limit
9. **Indra Sawhney vs Union of India**
10. **PA Inamdar:**

Article 16 – Equality of Opportunity in Public Employment

1. **Equal Opportunity:** Ensures that every citizen has an equal right to apply for public employment.
2. **Prohibition of Discrimination:** The State cannot discriminate in employment based on religion, race, caste, sex, descent, or place of birth.
3. **Reservations:** Allows for reservations in government jobs for SC, ST, and other backward classes (OBCs) to ensure fair representation.
4. **Merit and Efficiency:** While equality is essential, reasonable classifications based on qualifications and merit are permitted.
5. **Public Employment:** Applies specifically to jobs and appointments under the State and its instrumentalities.
6. Place of Residence criteria is allowed
7. **Devdasan vs Union of India:** Carry forward rule was invalid above 50%
8. **Mandal Commission:**
 - a. Morarji Desai created in 1979 led by BP Mandal
 - b. 1980 - 3743 castes as SEBC 27% res
 - c. 1990: VP Singh Implemented
 - d. 27% Res for SEBC
 - e. Only for appointments not promotions (NOW THERE IS RESERVATION FOR PROMOTION)
 - f. Max 50% (CARRY FORWARD RULE NOW VALID)

Article 17 – Abolition of Untouchability

1. **Abolition of Untouchability:** Declares untouchability in any form as abolished and prohibits its practice.
2. **Criminal Offense:** Practicing untouchability is a punishable offense under the law.
3. **Social Reform:** Aimed at eradicating caste-based discrimination and ensuring dignity for all citizens.
4. **Protection:** Provides legal protection to victims of untouchability and ensures they are treated equally.
5. **Empowerment:** Promotes social equality by eliminating discriminatory customs that have marginalized certain sections of society.

Article 18 – Abolition of Titles

1. **Abolition of Titles:** Prohibits the State from conferring titles that create a hierarchy among citizens (e.g., "Raja," "Maharaja").
2. **Exception for Military and Academic Titles:** Military and academic distinctions (like awards or degrees) are permitted (e.g., "Doctor," "Major").
3. **Equality and Dignity:** Ensures that no individual is given any special status or recognition that undermines the principle of equality.
4. **Prohibition on Foreign Titles:** Indian citizens are also prohibited from accepting titles from foreign states.
5. **Democratic Equality:** Reinforces the democratic principle that all citizens are equal, with no formal recognition of social ranks or privileges.

Conclusion

The **Right to Equality** (Articles 14 to 18) guarantees fairness, justice, and non-discrimination in every aspect of public life. These provisions aim to create an equitable society, free from discrimination based on inherent characteristics and social status, and promote equality in law, employment, and social standing.

Article 19: Right to Freedom

Article 19 of the Indian Constitution guarantees the **Right to Freedom** to all citizens, which includes six specific freedoms. These freedoms are essential for the functioning of a democratic society and the overall development of individuals.

Freedoms

Article 19 provides citizens with the following six freedoms:

1. Freedom of Speech and Expression (Article 19(1)(a))

- **Right to Express:** Citizens have the right to express their thoughts and opinions freely through speech, writing, and other forms of communication.
- **Includes Media:** This freedom extends to the press and media, allowing for a free flow of information.
- **Limitations:** Restrictions can be imposed for reasons like public order, defamation, contempt of court, and national security.
- **Censorship:** Prior restraint on publications is generally not allowed, promoting a robust democratic discourse.
- **Criticism of Government:** Citizens can criticize the government and its policies without fear of retribution, ensuring accountability.
- **Right to Remain Silent / Right to Secrecy**

2. Freedom to Assemble Peacefully (Article 19(1)(b))

- **Right to Gather:** Citizens have the right to assemble peacefully without arms for any lawful purpose.
- **Public Demonstrations:** This includes the right to hold protests, rallies, and meetings, which are essential for expressing collective views.
- **Regulation by Law:** The State can impose reasonable restrictions on the time, place, and manner of assembly to maintain public order.
- **Right to Dissent:** Allows citizens to gather and express dissent against government actions or policies.
- **Preventive Measures:** Authorities can prevent assemblies if they are likely to disturb public peace or safety.

3. Freedom to Form Associations or Unions (Article 19(1)(c))

- **Right to Organize:** Citizens can form associations, unions, or cooperative societies for any lawful purpose.
- **Trade Unions:** This includes the right to form trade unions and engage in collective bargaining.
- **Voluntary Organizations:** Citizens can create NGOs or other voluntary organizations to advocate for social causes.
- **Limitations:** The freedom is subject to reasonable restrictions in the interest of public order or morality.
- **Representation:** Encourages citizens to come together to represent their interests and grievances collectively.

4. Freedom to Move Freely Throughout the Territory of India (Article 19(1)(d))

- **Right to Travel:** Citizens can move freely within the territory of India, ensuring unrestricted mobility.
- **Right to Reside:** Includes the right to reside in any part of India without hindrance.
- **Interstate Travel:** This freedom applies to travel between states and union territories.

- **Limitations:** Reasonable restrictions can be imposed for reasons like public health, safety, and security.
 - **Promotes Unity:** Facilitates national integration by allowing individuals from different regions to interact and settle anywhere in the country.
5. **Freedom to Practice Any Profession, or to Carry on Any Occupation, Trade, or Business (Article 19(1)(g))**
- **Right to Work:** Citizens have the right to choose any profession or occupation of their choice.
 - **Economic Freedom:** This freedom encourages entrepreneurship and economic activities, boosting economic development.
 - **Limitations:** The State can impose reasonable restrictions in the interest of professional ethics, public health, and morality.
 - **Licensing and Regulation:** Certain professions may require licenses or adherence to regulations to ensure public safety and standards.
 - **Empowers Citizens:** Ensures that individuals can earn a livelihood and contribute to society in various capacities.

Conclusion

Article 19 and its six freedoms are essential for safeguarding individual liberties and promoting democratic values in India. While these rights are fundamental, they are also subject to reasonable restrictions to maintain public order and protect the rights of others.

Protection in Respect of Conviction for Offences

Article 20 and **Article 22** of the Indian Constitution provide protections to individuals in the context of criminal law and preventive detention. These articles are designed to safeguard citizens' rights against arbitrary state actions.

Article 20 – Protection in Respect of Conviction for Offences

Article 20 includes several important clauses that protect individuals against arbitrary legal actions:

1. **No Ex Post Facto Law (Article 20(1)):**
 - **Definition:** Prohibits the enactment of laws that punish individuals for actions that were not considered crimes at the time they were committed.
 - **Protection:** Ensures that no one can be punished for an act that was not an offense when it was done.
2. **No Double Jeopardy (Article 20(2)):**
 - **Definition:** Prohibits the prosecution of an individual for the same offense more than once.
 - **Protection:** If a person has been acquitted or convicted of an offense, they cannot be tried again for the same act.

3. **No Self-Incrimination (Article 20(3)):**

- **Definition:** No individual accused of an offense shall be compelled to be a witness against themselves.
- **Protection:** Ensures that individuals cannot be forced to confess guilt or provide evidence that could incriminate them.

Article 22 – Protection Against Arrest and Detention in Certain Cases

Article 22 provides specific protections related to arrest and detention:

1. **Right to be Informed of Grounds of Arrest (Article 22(1)):**

- **Protection:** Every person arrested must be informed, as soon as possible, of the grounds for their arrest.
- **Right to Legal Counsel:** The arrested individual has the right to consult and be defended by a legal practitioner of their choice.

2. **Right to be Produced Before a Magistrate (Article 22(2)):**

- **Protection:** An individual arrested must be produced before the nearest magistrate within 24 hours of their arrest.
- **Prevention of Detention without Trial:** This ensures that no one is detained for more than 24 hours without legal oversight.

3. **Preventive Detention (Article 22(3)):**

- **Exceptions:** The protections under clauses (1) and (2) do not apply to:
 - A person detained under any law providing for preventive detention.
 - Any individual who is an enemy alien.
 - Any person arrested or detained under any law that allows preventive detention.

4. **Maximum Duration of Preventive Detention (Article 22(4)):**

- **Limit:** No law providing for preventive detention shall authorize the detention of a person for more than three months unless:
 - 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.

5. **Communication of Grounds of Detention (Article 22(5)):**

- **Protection:** When a person is detained under preventive detention, they must be communicated the grounds on which the order has been made as soon as may be, and they must be given the earliest opportunity to make a representation against the order.

6. **Confirmation of Detention (Article 22(6)):**

- **Review of Detention:** The authority making the order of preventive detention must make a review of the necessity for such detention within the stipulated time frame.

Conclusion

Articles 20 and 22 provide crucial safeguards against arbitrary arrest, detention, and punishment. They emphasize the importance of due process in criminal law, ensuring that individuals' rights are respected even in the context of legal actions taken by the state. These protections are essential for upholding justice and maintaining individual liberties in a democratic society.