



‘WE, THE PEOPLE OF INDIA...’

ARE WE LIVING OUR CONSTITUTION?

BY WE, THE PEOPLE ABHIYAN

We have stepped in 2021 with a lot of hope for the year ahead. This is an important time to think and reflect on how the year 2020 has been for all of us. Every year there are few good and bad things that happen. In that sense, 2020 was an abnormal year due to the COVID-19 Pandemic. Its impact was across the world and on many aspects of life. It made the year 2020, for all of us, difficult to forget.

Let us also remind ourselves that the year 2020 has brought us closer to our Constitution. This has been a year where we have read, referred to and discussed the Constitution, its values, principles and working, in several situations - students in schools, citizens while protesting on roads, informally in families and government officials while celebrating Constitution Day on 26th November.

This attention towards our Constitution was a long pending need. The Constitution of India sets out universal human values of equality, liberty, justice and fraternity for our nation (citizens and State) to uphold and secure. It outlines the protection of rights and promotion of the welfare of all citizens as our nation's central purpose. It lays out the basic principles of democracy, rule of law and balance and distribution of institutional power and responsibilities. As each one of us goes about our lives and makes efforts towards expanding our welfare and well-being, it thus, provides the foundation for our endeavors and relationships with each other and duty-holders.

But it not only about referring and reading it. The Constitution needs to be lived, in our day-to-day life. When we say living it, we mean, being conscious of constitutional values and principles, always. Even during the extraordinary time of the pandemic.



COVID-19 impacted people in many ways. First and the direct impact was on health and then there were other blows. With the enforcement of lockdown, citizens were locked inside their homes. For all, it was a standstill. This impacted employment and then affected the entire life of people. Many were left with no choice and were forced to migrate from big cities to their hometowns. Despite many petitions in court and a lot of citizen engagement, the State could not come out with a plan to help those migrating to their hometown. While citizens were walking on roads to migrate to their hometown, what was the duty of a welfare State? How much did we raise our voice to ensure that the State performs its duty?

On the other hand, these difficult times brought many positive things out. We witnessed many people coming out and helping co-citizens; raising our voices on different issues and in different ways through varied platforms; we found that most of us during lockdown were law-abiding citizens and helped each other live through it.

Having this in the background, let's review the incidents that occurred in the year 2020 and question and reflect some more on how the State performed and us, as Citizens of India.

Citizenship (Amendment) Act, 2019 - lens of equality and dissent

Citizenship (Amendment) Act (CAA) was passed on 11th December 2019 witnessing opposition

from many citizens.

Some sections believed that the amendment was a violation of equality with the introduction of religion as the basis of citizenship in some specific situations. Others believed that it served a just purpose for Hindus who have no other country but India to migrate in case of religious persecution. Here the State and, we as citizens, need to question ourselves about our commitment towards the values of our Constitution. If we are truly committed towards 'equality' as a value, then can we let religion be the basis of citizenship?



The other issue was about the right to express one's opinion and the shrinking space for dissent. Citizens victimized and threatened each other for raising their voice with a different opinion. We went through a time where two people having different opinions treated each other with hatred. The right to dissent is one of the basic features of democracy. We may agree or disagree with what is being said but let's protect the right for all. Justice D.Y. Chandrachud said that "The blanket labelling of dissent as anti-national or anti-democratic strikes at the heart of our commitment to protect constitutional values and the promotion of deliberative democracy".



He has also said that "Employment of State machinery to curb dissent instils fear and creates a chilling atmosphere of free peace which violates the rule of law and distracts from the constitutional vision of a pluralist society".

We may disagree, yet letting the other person express oneself is also about practising democracy, rule of law, equality and liberty. The question is how consciously do we practice these values?

Media Trials in Place of Rule of Law

Another incident where the entire media and many of us got berserk was with the death of actor Sushant Singh Rajput. His death surely was a tragic incident. The media took up the job of investigating agency and citizens in the name of **#JusticeforSSR**. To ensure the dignity of a person, our criminal justice system has a basic principle that a person is innocent until proven guilty. This principle was flouted. There were citizens who believed that we need quick justice, and the media served this need. Instead of standing up for the rule of law, citizens wanted speedy justice based on emotions and without following the due process of law. This raises an important question for all of us – do we truly stand for the basic constitutional principle of rule of law?



Hathras rape case and overnight action by the criminal justice system

Manisha, a girl from Hathras in Uttar Pradesh, was allegedly raped, killed and then burnt without letting her family give her a dignified funeral. The Police, which is duty bound to



protect the rights of citizens acted not just negligently but it hurriedly disposed of the body. The State authorities have been given the responsibility to safeguard our essential & valuable rights - every day, in any situation! These are non-negotiable because justice is non-negotiable. The question that the conduct of the police in this case raises is, what about dignity for people in death? The answer lies in what the Calcutta High Court said, "... living with dignity includes not only the dignity of a person when he is alive but also the dignity following his death".

Farmers' Protest - balancing promise of a minister with a law passed by the Socialist State

The 'Delhi Chalo' farmers' protest at border points of New Delhi has brought thousands of



farmers, especially from Punjab and Haryana, who are staging a sit-in protest. The farmers are demanding a complete roll-back of the new farm reform laws and a guarantee on the Minimum Support Price (MSP). They are raising their voice against the absence of MSP in the law or the written word. On the other hand, the Agricultural Minister and other officials have met them a number of times and promised that minimum protection will be guaranteed.



Farmers are not accepting the words as they need the written commitment. It is important to reiterate here that India is a welfare and socialist State. It means the State must guarantee livelihood and ensure the protection of rights of all citizens. We, as citizens, need to be conscious that a verbal promise by a minister has no value in comparison to a law passed by the Parliament. A question to ourselves is that is this only about the laws related to farmers or it is about holding the State responsible for its socialist values? How would it affect us if the State is no more socialist and does not work for our welfare?

Ordinance related to Love Jihad

Recently the Uttar Pradesh government and few other state governments have passed

ordinances related to forced conversion popularly known as law on love jihad. The first question in this is – why was an ordinance needed? What was the urgency to pass an ordinance without having debates or asking for public consultation?

There are citizens who consider that this is a bold and heroic action; it requires a great amount of courage to be able to do this. There are other groups of citizens who think that we need to be mindful of where we are heading to. Such a quick and undemocratic step would give space to arbitrariness. What is your stand? If you believe that it is needed so that we don't get strangled in unnecessary procedures and take the quick route, how would you deal with it if next time it becomes arbitrary and curbs any of your rights?

The other issue involved is regarding religious freedoms. The Supreme Court says that "Homogeneity is not the defining feature of Indianness. Our differences are not our weakness. Our ability to transcend this difference in our recognition of our shared humanity is a source of our strength. ...India is a subcontinent of diversity in itself. Pluralism has already achieved its greatest triumph – the existence of India. The nation's continued survival shows us that our desire for a shared pursuit of happiness outweighs the difference in the colour of our skin, the languages we speak, or the name we give the almighty". Despite this, we continue to frame laws which could further increase the gap between citizens. The key question then is, where do we stand on this? Do we stand with pluralism and respect for each other?



No winter session

There is much said about democracy and how it is one of the core values for all of us and our rights. The Parliament is an epitome of democracy. However, the Central government, citing the pandemic, announced that there would be no winter session in the Parliament. While the rest of the things are being carried on with all the necessary precautions, we decided to do away with the winter session of the Parliament. Did this augur well for us? Did we question it?

These are but few incidents where we analyzed our actions and that of State authorities and questioned if we stood up well for the values enshrined in the Constitution of India.

Let's resolve and work harder to speak up, question and ensure that we are able to fully live to what we have resolved as 'We, the People of India'. Our Constitution is for us and we need to be conscious of its values and principles daily. Let's resolve to be more conscious and imbibe its values in our actions.

