



RIGHT TO FREEDOM (19-22)

Article 19

Article 19 is the key-article embodying the “basic freedom” under the Constitution., guaranteed to all citizens. These are the right: To freedom of speech and expression;

- To assemble peaceably and without arms;
- To form association and unions;
- To move freely throughout the territory of India;
- To reside and settle in any part of the territory of India; and
- To practice any profession , or to carry on any occupation , trade or business.

Article 19

Exceptions:

Reasonable restriction has been imposed upon these rights such as sovereignty and integrity of India, the security of the state, public order, friendly relations with foreign state, contempt of court, defamation etc.

Article 20

Article 20 deals with Protection in Respect of Conviction for Offences. This article affords protection against arbitrary and excessive punishment to any person who commits an offence .

- There are four such guaranteed protections:
 - (1) A person can be convicted of an offence only if he has violated a law in force at the time when he is alleged to have committed the offence;
 - (2) no person can be subjected to a greater penalty than what might have been given to him under the law that was prevalent when he committed the offence;
 - (3) no person can be prosecuted and punished for the same offence more than once; and
 - (4) no person accused of an offence can be compelled to be witness against himself.

Article 21

- Protection of life and personal liberty (21)
- Article 21 is one of the shortest in the constitution over which there took place one of the longest and most thorough-going discussions in the Constituent Assembly . it enacts that “no person shall be deprived of his life and personal liberty except according to procedure established by law.”
- Article 21(A) – Right to education for the children age 6-14 years

Article 22

- Protection against arrest and detention (22)
- Article 22 guarantees three rights. First; it guarantees the right of every person who is arrested to be informed of the cause of his arrest; secondly, his right to consult , and to be defended by a lawyer of his choice . thirdly; every person arrested and detained in custody shall be produced before the nearest Magistrate within a period of twenty-four hours and shall be kept in continued custody only with his authority .

Article 22

Exceptions:

1. Any person who is for the time being an enemy alien ; or
 2. Any person who is arrested or detained under any law providing for preventive detention.
- First preventive detention act was passed by parliament in 1950 and it was continued till 1970. This act was amended seven times. In 1971 parliament passed a modified version of the old preventive detention act under the title Maintenance of Internal Security Act(MISA) which continued to exist until 1978 when it was abolished. In 1980 a modified version of MISA was passed under the title of National Security Act which was upheld as constitutional by Supreme court in 1981. A similar act passed by parliament subsequently in the wake of terrorist activities in Punjab is known as Terrorist and Disruptive Activities (Prevention) Act (TADA) and has been in operation enabling the executive to take into custody and preventive detention of person suspected of terrorist activities. Prevention of Terrorist Activities (POTA) has been in operation since 2001.



THANK YOU