



# The role of political constitutional rights

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## DESCRIPTION

A constitutional right is a privilege or a responsibility, a power or a limitation of power that has been recognized and created by a sovereign state or union of states. Constitutional rights can be stated explicitly in a national constitution or inferred from its wording. A national constitution is the supreme law of the land and laws that contravene it are considered illegal and illegitimate. Typically, every constitution defines the national government's structure, functions, powers and boundaries, as well as the individual freedoms, rights and obligations that will be preserved and enforced by the national authorities when necessary. Most countries now have a written constitution containing constitutional rights that are comparable or distinct. 'Samvidhan Divas' is another name for Constitution Day. Every year on the 26th of November, our country commemorates the adoption of the Indian Constitution. The Constituent Assembly of India (CAI) enacted the Indian Constitution on November 26, 1949, and it went into effect on January 26, 1950. On November 19, 2015, the Ministry of Social Justice and Empowerment announced that the Government of India had decided to commemorate the 26th of November each year as 'Constitution Day' in order to promote constitutional principles among citizens. Although there existed a Part III for fundamental rights when the Constitution was adopted in 1949, there were no provisions establishing fundamental duties to citizens. Citizens' fundamental duties were introduced to the constitution by the 42nd Amendment in 1976, after the suggestions of the Government appointed Swaran Singh committee. The committee recommended that efforts be taken to ensure that the individual did not neglect his responsibilities while exercising his fundamental rights.

The articles of confederation, which formed a "solid league of affection" between the states and vested most power in a confederate congress, created the necessity for the constitution. The central government, on the other hand, had very limited power: It conducted diplomacy and war, regulated weights and measures and was the last judge of inter-state conflicts. Crucially, it was unable to raise any funds on its own and was completely reliant on the states for all of its financial needs. Each state sent a delegation to congress consisting of two to seven members and they voted as a bloc, with each state receiving one vote. However, any significant action required a unanimous vote, resulting in a government that was paralyzed and ineffective.

The lack of an enumeration of essential civil rights in the constitution was a major issue of disagreement between the federalists and the anti-federalists. Many federalists contended, as in federalist No. 84, that by accepting the constitution, the people gave up no rights. However, the establishment of a bill of rights was a deciding factor in the ratification discussion in numerous states. The Massachusetts compromise was a solution in which four states ratified the constitution while also sending recommendations for amendments to congress.

## List of few amendments

- First amendment states that congress may not pass any law restricting or banning the free exercise of religion. It safeguards the freedoms of expression, the press and assembly, as well as the right to petition the government for redress of grievances.
- The right to keep and bear arms is guaranteed by the second amendment.

- The third amendment forbids the government from stationing troops in private residences, which was a major source of contention during the American Revolution.
- Citizens are protected from unreasonable search and seizure under the fourth amendment. Without a warrant, the government is prohibited from conducting any searches, and such warrants must be obtained by a court and based on probable cause.
- The fifth amendment guarantees that citizens will not be prosecuted or punished without due process. Citizens are shielded against self-incrimination and cannot be tried twice on the same set of facts (the right to remain silent). The amendment also established the authority of eminent domain, ensuring that private property is not taken without adequate recompense for public purpose.