

**CONSTITUTION  
OF  
THE  
PROGRESSIVE  
CONSTITUTIONAL  
LAW SOCIETY  
—  
HNLU CHAPTER**

## **CHARTER OF THE CONSTITUTION**

Liberty, equality, fraternity, and dignity – as set out in the Preamble of the Constitution of India – are the four pillars of the Constitution of India. These principles evolved and took shape through radical social movements in the course of our nation’s history, and through our freedom struggle, culminating in the framing of the Constitution of India.

By liberty, we mean the complete and untrammelled exercise of civil rights – the right to life and personal liberty, freedom of expression and association, freedom of thought, conscience, and belief – subject to minimal State interference. We recognise that terms such as “law and order”, “reasons of State”, “national security”, “public interest” and “the greater good” have been often used to whittle away or efface these freedoms, and in that context, we affirm that the “basic unit of the... Constitution of India” is the individual, and that there shall be a strong presumption against interference with individual freedom.

By equality, we mean not only formal parity of treatment, but also the recognition that the State has an active duty to pull down long-standing economic, social, and cultural barriers that have stood between individuals and the achievement of substantive equality. We recognise that reservations exist to further the constitutional vision of substantive equality. We also acknowledge that achieving substantive equality often requires taking into account group dynamics.

By fraternity, we mean the understanding that economic, social, and cultural power can be as great a threat to human rights as the power of the State. We affirm that the power exercised by institutions such as caste, patriarchy, and race (among others) damages both liberty and equality, and that the Constitutional vision requires the democratization of the “private sphere”, where such power operates most frequently.

By dignity, we affirm that no individual should ever be subjected to humiliation, degradation, or harassment in any shape or form. We are opposed to torture in all circumstances.

We affirm that minority rights are a cornerstone of the Constitution of India.

We affirm that the Constitution of India embodies a social-democratic vision, that requires freedom from both the tyranny of the State, and – in the words of Ambedkar – “the tyranny of the private employer.” We, therefore, place labour rights one of the core values of the Constitutional vision.

In the 21<sup>st</sup> century, we affirm that technology must be placed in service of Constitutional goals, as set out above. We oppose “technocratic solutions” that disavow or trample over Constitutional principles.

# **THE CONSTITUTION**

## **CONTENTS**

Statement of Objects and Reasons

### **PART I - General**

1. Application

2. Definition

### **PART II - Members of the Society**

3. General Constitution

4. Admission to the Society

5. Appointment of Core Committee Members

### **PART III - Duties, Powers and Functions of members and Core Committee**

#### **Members**

6. Duties of Members of the Society

7. Powers and Functions of the Core Committee

### **PART IV - Removal and Resignation**

8. Removal of Members

9. Removal of Members of the Core Committee

10. Resignation of Member

11. Resignation of Core Committee Member

### **PART V - Working of the Society**

12. Rules of Engagement

13. Engagement with administration

### **PART VI - Resolutions and Grievance Redressal**

14. Grievance Redressal

15. Resolution

### **PART VII - Interpretation**

16. Interpretation

### **PART VIII- Commencement**

17. Commencement

## **STATEMENT OF OBJECTS AND REASONS**

The Progressive Constitutional Law Society of HNLU is an initiative to educate students about the Constitution of India and the values of Constitutionalism. The society strives to achieve the following objectives -

1. To uphold the principles of Liberty, Equality, Fraternity and Dignity which are the foundation of the Constitution of India.
2. To foster independent academic thought free from the interference of the University administration and any political structure.
3. To ignite conversations on matters of Constitutional law and Constitutional values.
4. To inculcate the culture of research and writing on various aspects of Constitutional law.
5. To undertake various activities which raise awareness amongst students and the public about matters related to the Indian Constitution.
6. To sensitize the students and the public about Constitutional law and Constitutional values.
7. To engage with legal processes in the community, always keeping in mind respect for the protagonists.

### **PART I - GENERAL**

#### **Article 1 - Application**

This Constitution governs the conduct of the Progressive Constitutional Law Society - HNLU Chapter and is applicable to its members and prospective members.

#### **Article 2 - Definition**

- 1) 'Forum' means all online as well as offline platforms used as a medium for any activity of the Society, including social media websites, applications and physical spaces both inside and the University.
- 2) 'Core Committee' (hereinafter 'Core') means the individual members of this Society who form the decision making body of the Society that exercises powers and performs functions in accordance with Article 7 of this Constitution.
- 3) 'Member' means the Core as well as students who are registered by the Core as members in the prescribed manner under Article 4 of this Constitution.

- 4) 'Resolution' means the resolutions passed for the removal of Core member or members, grievance redressal or amendment of the Constitution under Article 15 of this Constitution.
- 5) 'Meeting' means an assembly of the members of the Society in pursuance of the general activities of the Society and includes an assembly convened for passing a resolution.
- 6) 'Report' means a document prepared by the Core containing details of all the activities conducted and initiatives undertaken by the Society.
- 7) 'University' means the Hidayatullah National Law University, Raipur.
- 8) 'Mentors' means eminent personalities from the legal fraternity who provide guidance to the Society.
- 9) 'Constitution' means the Constitution of the Progressive Constitutional Law Society-HNLU Chapter.

## **PART II - MEMBERS OF THE SOCIETY**

### **Article 3 - General Constitution**

- 1) The Society shall consist of a Core Committee, other members and mentors.
- 2) The Society shall consist of only undergraduate and postgraduate students enrolled in the University.
- 3) All undergraduate and postgraduate students enrolled in the University shall be eligible to apply for the position of a member in the Society.
- 4) There shall be no upper or lower limit regarding the number of members in the Society.

### **Article 4 - Admission to the Society**

- 1) The application for admission to the Society shall be made in the manner prescribed by the Core.
- 2) Application as mentioned in Article 4(1) shall be made by submitting a statement of purpose, curriculum vitae, writing sample on constitutional issues and other relevant records. However, academic performance cannot be the sole factor for rejection of admission.

### **Article 5 - Appointment of Core Committee members**

- 1) The Core shall invite applications for membership to the Core upon retirement, resignation, removal of any member of the Core or for the expansion of the Core.

- 2) The Core shall have a final say upon the admission of the applicant on the basis of prior research, work experience, contribution to the Society, statement of purpose, curriculum vitae and other relevant records as prescribed by the Core.

### **PART III - DUTIES, POWERS AND FUNCTIONS OF MEMBERS AND CORE COMMITTEE MEMBERS**

#### **Article 6- Duties of Members of the Society**

- 1) Every Member shall have a duty to abide by the Constitution of the Society.
- 2) Every Member shall have a duty to attend all the meetings organized by the Society.
- 3) In case of any absence or delay, the member shall inform the Core reasons for such absence or delay within a reasonable time prior to the meeting.
- 4) Every Member shall have a duty to work efficiently and effectively towards achieving the goals of the Society.
- 5) Every Member shall have a duty to complete the task allotted, in due time to the best of their abilities.

#### **Article 7 - Powers and Functions of the Core Committee**

For the purpose of fulfilling the objectives of the Society the Core shall have the following powers and functions -

- 1) To further the understanding of Constitutional Law by conducting regular meetings, workshops, discussions, research initiatives, events, etc. with the help of the members of the Society, both within and outside the campus of the University.
- 2) To create avenues for research and content writing by publishing reports, journals, magazines, etc.
- 3) To take decisions regarding the functioning of the Society by a simple majority involving only Core members.
- 4) To admit members into the Society and appoint members to the Core by the prescribed process under Article 4 of the Constitution.
- 5) To remove members from the Society and from the Core by the prescribed process under Article 8 of the Constitution.
- 6) To adjudicate upon disputes which -
  - a) relate to the functioning of the Society
  - b) relate to the appointment and removal of members of the Core
  - c) arise at any event of the Society or any other such dispute that may arise

and pass necessary orders.

- 7) To be the sole interpreters of the Constitution.
- 8) To formulate rules and regulations for the smooth functioning of the Society.

*Provided* that the rules and regulations so framed shall not contravene the provisions of the Constitution.

- 9) To publish an annual report of the events, discussions and all other activities conducted and organised by the Society.
- 10) To act as the main representative of the Society before the University administration, the University students, the members of the Society and the public in general.
- 11) To be in regular communication with the mentors of the Society.

## **PART IV - REMOVAL AND RESIGNATION**

### **Article 8 - Removal of members**

- 1) Members of the Society can be removed based on their lack of involvement, i.e. if they fail to attend three consecutive meetings without a valid reason, or based on any violation of the Articles of this Constitution. Discretion lies solely with the Core in dealing with such matters.
- 2) In case of such a violation, the member shall be asked to show cause for their actions to the Core. If the Core is not satisfied with the reasons so provided it may pass an order to remove the member from the Society and this order shall be final and binding.

### **Article 9 - Removal of members of the Core Committee**

A member of the Core may be removed by a resolution passed in accordance with Article 15 (1) of the Constitution. On the passing of such a resolution, the member stands removed from the Core.

*Explanation* - On removal from the Core, such person shall not lose their status as a member of the Society.

### **Article 10 - Resignation of member**

Any member of the Society may resign at any time by delivering a written notice of their resignation to the Core. The resignation shall take effect at the time of receiving such notice. The information of such resignation must be made public to other members of the Society.

### **Article 11 - Resignation of Core Committee member**

Any member of the Core may resign at any time by delivering a written notice of their resignation to the other members of the Core. The resignation shall take effect at the time of

receiving such notice. The information of such resignation must be made public to other members of the Society.

## **PART V - WORKING OF SOCIETY**

### **Article 12 - Rules of engagement**

- 1) The members of the Society shall engage in this forum with an academic purpose i.e. to develop and enrich their concepts of Constitutional Law.
- 2) Views and ideas expressed by members in this forum at the time of engagement are not to be considered their personal views.
- 3) The members of the Society shall encourage debate and differing points of view.
- 4) The Society aims to promote free thinking and expression. However, no form of casteist, communal, sexist or derogatory remark shall be tolerated. Appropriate action shall be taken in such cases by the Core.
- 5) The members of the Society shall have regular meetings and strive to meet at least twice a month.

### **Article 13 - Engagement with the University administration**

The Society will engage with the University administration only for the following purposes -

- 1) For the use of the University's infrastructure for conducting events, activities, meetings, etc.
- 2) For any assistance including financial assistance, required for the smooth functioning of the Society.

## **PART VI - RESOLUTIONS AND GRIEVANCE REDRESSAL**

### **Article 14 - Grievance Redressal**

In case any dispute arises with respect to the appointment or removal of members of the Core, or pertaining to the functioning of the society, or in relation to the interpretation of the Constitution, the decision of the Core shall be final. Any member aggrieved by such decision may, within 15 days, move a resolution against such decision as per Article 15(1) of the Constitution.

### **Article 15 - Resolution**

A resolution may be passed in matters of appointment of members of the Core, removal of members of the Core, grievance redressal and amendment of the Constitution.



- 1) The procedure to pass a resolution in matters of appointment of the members of the Core, removal of members of the Core and grievance redressal is as follows -
  - a) A resolution can only be proposed by another member of the Core or by members of the society representing 20% of the strength of the Society. Such a resolution shall be in writing and shall state the grounds or reasons for which it is proposed.
  - b) When such resolution has been proposed, the Core shall convene a meeting of the members of the Society. The quorum for such a meeting should not be less than 50% of the total strength of the Society.
  - c) The agenda for such meeting, *inter alia*, shall include providing the concerned Core or Non-Core member of the Society an opportunity to show cause with respect to the allegations raised against them.
  - d) The resolution shall be considered successfully passed only if it has the support of two-thirds of the members of the Society. Voting on such issue shall be conducted by one other member of the Core Committee and two other members of the society not belonging to the Core Committee by way of a secret ballot.
- 2) The procedure to pass a resolution for an amendment of the Constitution is as follows:
  - a) A resolution can only be proposed by a representation of 50% of the strength of the Society. Such a resolution shall be in writing and shall state the grounds or reasons for which it is proposed.
  - b) When such resolution has been proposed, the Core shall convene a meeting of the members of the Society. The quorum for such a meeting shall not be less than 50% of the total strength of the Society.
  - c) The agenda for such meeting, *inter alia*, shall include discussion and debate on the proposed amendment.
  - d) The resolution shall be considered successfully passed only if it has the support of two-thirds of the members of the Society. Voting on such issue shall be conducted by one member of the Core and two other members of the society not belonging to the Core, by way of secret ballot.

*Provided* that no amendment shall violate the objectives, purpose and charter of this Constitution.

## **PART VII - INTERPRETATION**

### **Article 16 - Interpretation**

In case of any ambiguity with regard to the interpretation of any provision of this Constitution, the decision of the Core shall be final and binding.

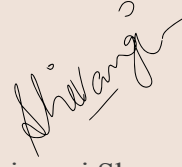
## **PART VIII- COMMENCEMENT**

### **Article 17 - Commencement**

- 1) This Constitution is brought into effect on the 11<sup>th</sup> day of November of 2019.
- 2) The mentors at the commencement of this Constitution are –
  - a) Gautam Bhatia
  - b) Abhinav Sekhri
  - c) Apar Gupta
  - d) Vrinda Bhandari
  - e) Isha Khandelwal
- 3) The initial members of the Core comprise of the below-mentioned drafters of this Constitution.



Siddharth Shivakumar



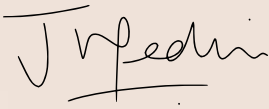
Shivangi Sharma



Saumitra Shrivastava



Shetty Neha Santosh



Joyjeev Medhi