

Chapter 1: Our Spaces, My Rights

**By Aparna Mehrotra,
Naomi Jose and
Siddharth de Souza**

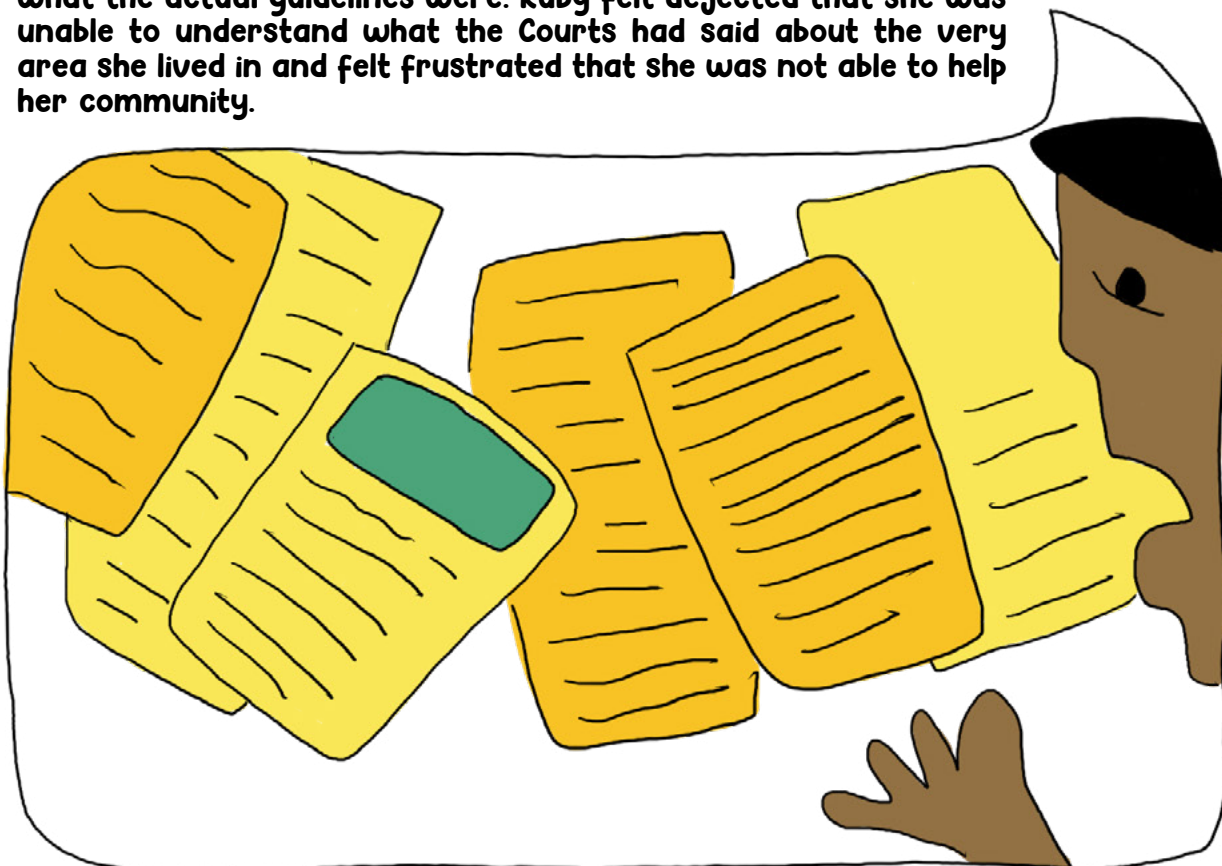


Introduction

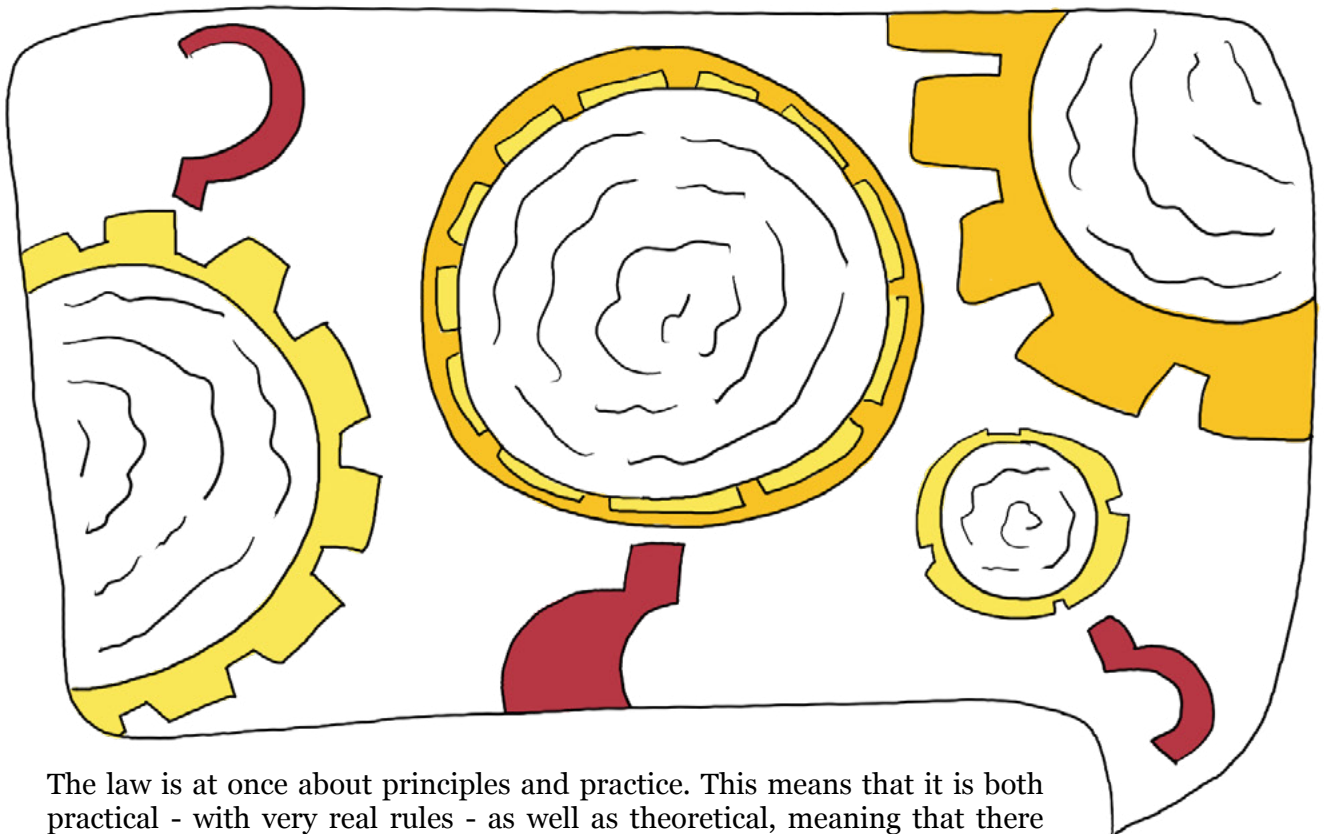
Why do we study law? Most people either study law to practice it professionally, to become lawyers, while others might be studying it to become teachers. Yet others are interested in research questions about law, or maybe even reshaping policy or taking part in government as politicians. But what if we don't do any of the above? Or don't know how to go about doing any of the above? Is there any point in reading about, thinking about or listening to the law? And if none of the above applies to us, when is the right time to start thinking about the law?

Consider Ruby's story.

Ruby is a young and enterprising girl of 14. In her community, which are traditionally from a forest dwelling tribe, she is the first one to be educated formally in a school. Village elders often call upon her to read and explain important looking documents. Recently, the High Court in their State issued certain guidelines about some forest areas being designated as elephant corridors which had implications for the growing number of commercial homestays and resorts. The community was keen to understand the guidelines and the extent of their rights in this context. The young children were especially excited because it possibly meant that they could have valuable open spaces back. Ruby was able to obtain a copy of the judgment from her friend's uncle who practices in the High Court. However, the judgment ran into 6-pages, with complicated language such that it was confusing what the actual guidelines were. Ruby felt dejected that she was unable to understand what the Courts had said about the very area she lived in and felt frustrated that she was not able to help her community.



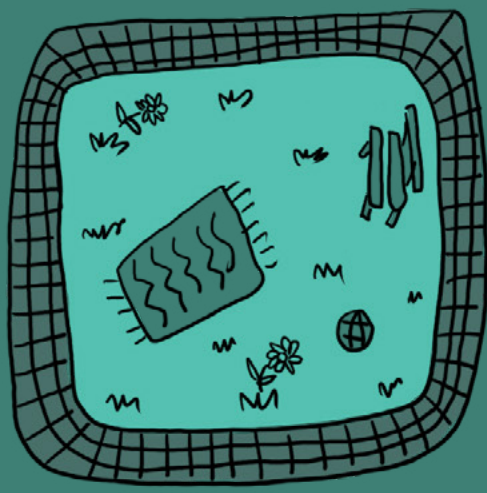
Ruby is not alone in feeling isolated by the law in this way. We should all be able to understand the details and consequences of things that impact us. In the next few pages, you will meet others like Ruby. You will meet Manoj, who struggles and then manages to get relief in the form of crop insurance for his community through the courts. You will meet Salim, a young prize-winning photographer who gets into trouble with the authorities while doing his job photographing a protest. You will also meet Dhruvika, who has to navigate the criminal justice procedure as she falls prey to financial fraud.



The law is at once about principles and practice. This means that it is both practical - with very real rules - as well as theoretical, meaning that there is some reasoning for those rules. For example, the law prohibits entering someone's private property without permission and you can be punished for the offense of trespassing for doing this. The principle behind this restriction is that your freedom to move around may end when someone's right to safeguard their property begins. Even though the law is both these things together, they often get separated. In our schools and universities we are often only studying the principles and in our daily life we are often only following or practising the rules without thinking much about the principles. What Ruby, Manoj, Dhruvika and Salim face are practical problems. However, in order for them to mobilise - to take action - they need to understand the principles behind each of these practical problems.

In all the stories you encounter, you will see legal questions arise out of everyday life, you will find young people seeking to exercise their rights and you will find these in the context of civic spaces. This workbook is aimed at making you take a relook at your surroundings and think about the law in these three contexts.

Let us now think about each of these in some detail.



Law and everyday life

When you enter a school building, a cinema or even a bus or a metro you will see notices that tell you about the do's and don'ts of being in that area. For instance, when you enter a school building, you might see a poster about using your mobile phone, or about smoking or even chewing gum. These are rules that are used to govern spaces that we interact with and as a result influence how we behave as well as conduct ourselves. What are the kinds of rules that emerge in our daily lives? Is law just about rules that we need to follow or is it also about rights that we must have to lead a fulfilling life?

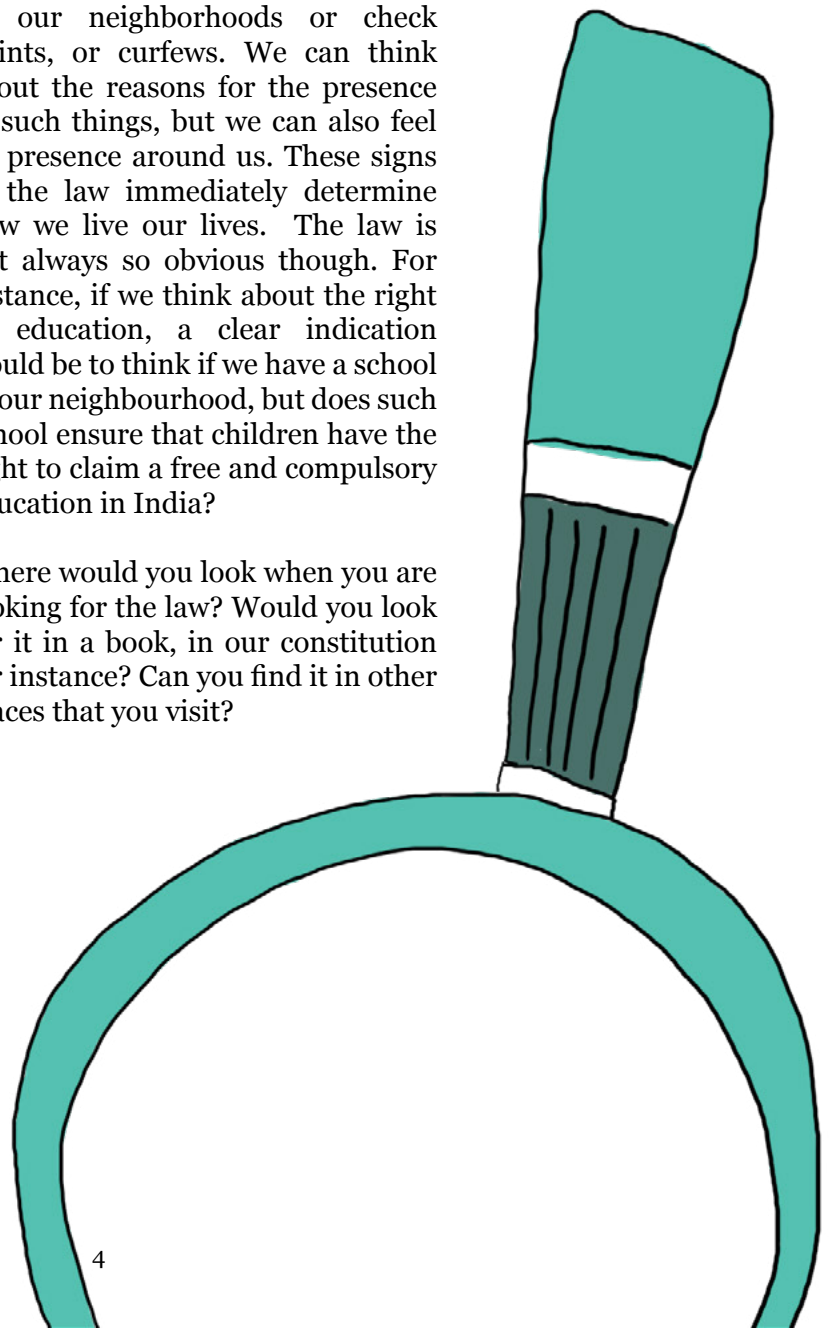
If it is about more than rules, let's go back to the school building example. Do we also have rights to a school that ensures certain safety procedures, hygienic standards, or facilities regarding play and affordable education?

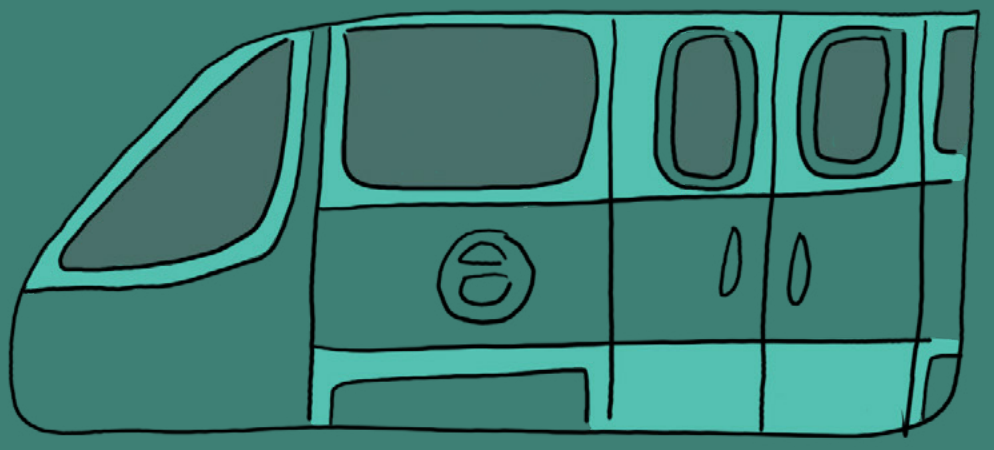
These are questions that we would like to delve into in this workbook. We would like to explore how the law emerges in our everyday interactions. This is because, we want to introduce the idea of law not as something that is abstract, that is far away, and something that is only required in courts, parliaments, and government offices but law as

something that we can also touch and feel. What do you think? Is law something that is only a matter to think about, or is it something that we also feel? Something that impacts us?

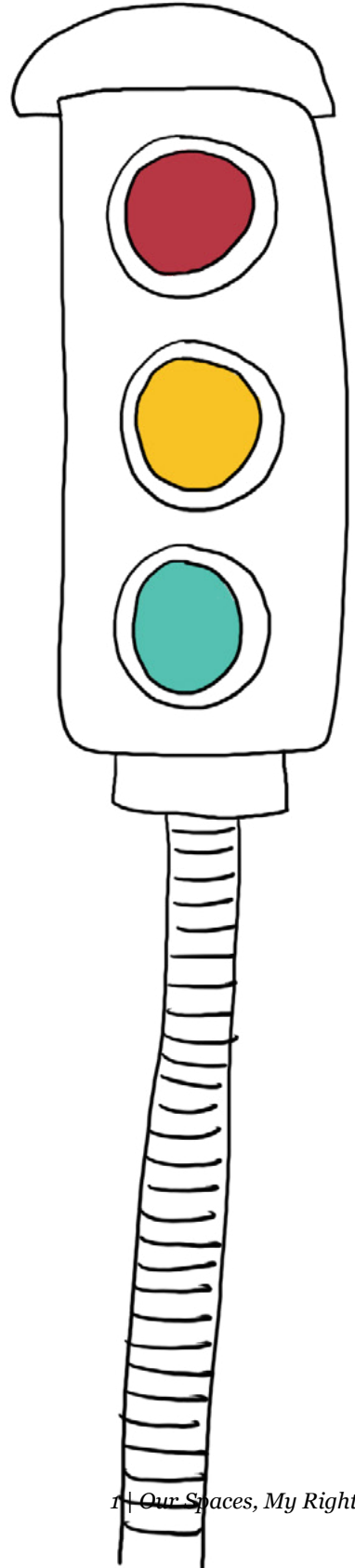
Many of us may see the law more prominently than others for instance if there are police patrols in our neighborhoods or check points, or curfews. We can think about the reasons for the presence of such things, but we can also feel its presence around us. These signs of the law immediately determine how we live our lives. The law is not always so obvious though. For instance, if we think about the right to education, a clear indication would be to think if we have a school in our neighbourhood, but does such school ensure that children have the right to claim a free and compulsory education in India?

Where would you look when you are looking for the law? Would you look for it in a book, in our constitution for instance? Can you find it in other places that you visit?





The next time you take a bus, or you take a metro, have a look around and see what forms the law takes. Let's take an example. Does having CCTV cameras at the metro require a law? Can we think about their purpose? Some may argue that having such cameras are important to ensure the safety and security of people on the metro and thereby important so that people have the right to movement in a city. Others may counter this and say that such a right to movement can be provided without having to infringe upon people's privacy and without the government monitoring all our movements. We would like you to think about where you see other aspects of the law as you move from home, to school, to work, to a movie theater, to the hospital or when you go to play.



This workbook is an invitation to think about the law not just as something that emerges in books but also as something that emerges in the spaces we live in. In doing so, we would like you to look around for materials such as notices or objects such as traffic lights, or places where we can have a picnic or protest, and think about why it is that these different materials, objects and spaces produce meanings that make us think about how we should act or how we should make demands in a particular space.



Young people and the law

Think about the following scenario.

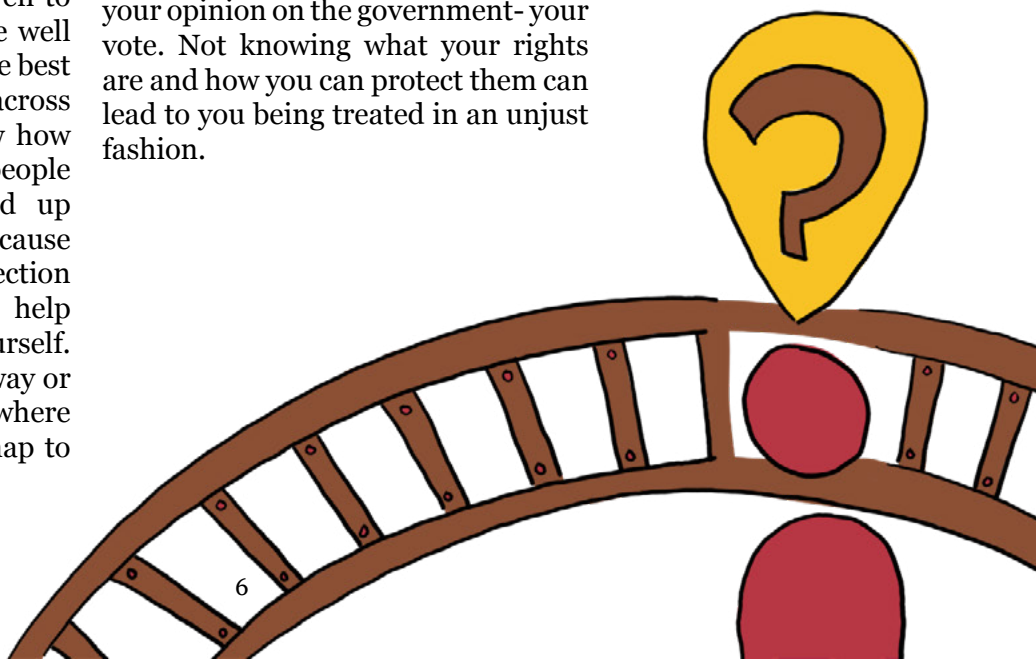
You have to get from the center of a city to the main train station. All you know is where you are currently located and where you finally need to be but you do not know how to get there. What would be most helpful?

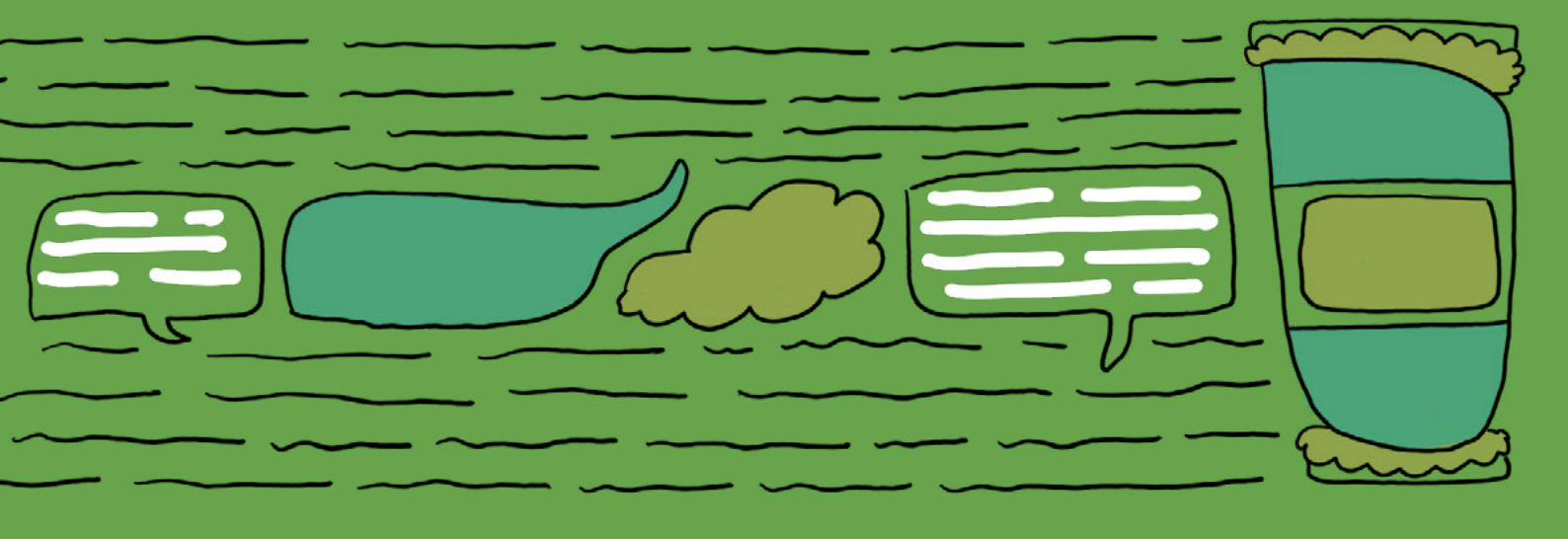
- ✿ Having somebody explain the directions to you at the start of your journey
- ✿ Asking people along the way as you travel
- ✿ Having a map of your own with the route clearly marked out

While the first two would be of use they may not be reliable. You might forget the directions given to you or that person may not be well informed enough to give you the best directions or you may come across some roadblock and not know how to get around it. If you rely on people along the way you may end up taking up much more time because people might not know the direction either. Having a map would help you choose the best way for yourself. Even if there is a block in the way or if people are unable to tell you where you are you would have the map to help you.

Knowledge of the law and knowing where you can find out more about it is the most powerful tool you can have for yourself. Being aware of your rights and your duties is like having the map for you to be able to protect yourself from injustice. Other experts like lawyers can help but unless you are able to clearly identify what the problem is and where you should seek help you may get lost in that journey of justice.

Imagine if you did not know that the right to equality is a fundamental right guaranteed to you by the constitution of India. What could happen? You may not know that an employer cannot discriminate against you on the basis of caste, religion, gender etc. You would not know that you can approach the court in case somebody does discriminate against you. Supposing you did not know that every Indian citizen above the age of 18 has the right to vote. You would not know that you can participate in the election and so would not use the most important role for you to express your opinion on the government- your vote. Not knowing what your rights are and how you can protect them can lead to you being treated in an unjust fashion.

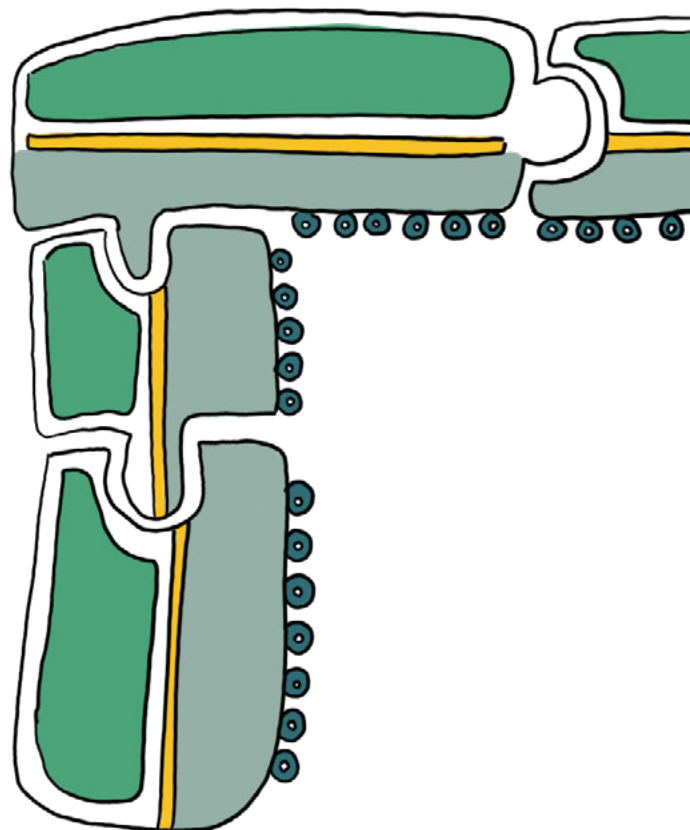




The law seems to be something meant for grown ups. But is it something that only impacts older people? How can young people relate to the law? It is relevant for all of us no matter our circumstances, no matter our age. For instance, the right to equality is something guaranteed to all of us. As a fourteen-year-old, if you are not allowed to join a particular school because of your religion you can take that school to court. When you get your first job, if you are a woman and you face any form of sexual harassment you can appeal to the internal complaints committee of your organisation, which they are required to have by law. You do not need to wait till you become an adult or till you have achieved a certain status in life before you demand your rights. Because you are an Indian citizen by birth you are entitled to these rights under our constitution

This also works the other way - the law does not wait till a certain age before it begins to apply to you. If you do not follow the law you can be punished. If a policeman catches you speeding and you claim you did not know the speed limit and have only just started learning to drive the policeman can still fine you. If you are a juvenile that is if you are under the age of 18 that will be taken into account. but you will still be held responsible for any damage that may occur because you drove rashly. We are all required to follow the law regardless of our background.

The law is also not a dead thing. The Right to Education Act for instance only passed in 2004. You may not be directly part of the process of a bill becoming an act when it passes through parliament. But you do not have to be above the age of 18 to participate in public discussions around the bill, what is referred to as pre-legislative public consultation. You can join with your friends and campaign for laws that are more just and reflect the needs of more people. Once you are of the age to vote you can play a role in deciding who is going to represent your voice in the parliament. Provided you know what your rights and duties are, what it is that you are owed, you can make a difference.



Our civic spaces

So, we are now thinking about the law in our everyday life. But what is everyday life? We move through different scenarios through any day. Think about yourself in relation to your surroundings. Are you the same person in every different space that you occupy? Are you the same person at home, in school, on the sports field, at your workplace or your local administrative office? Just as we take on different roles as we move through spaces, so too does the law. One useful way to understand the law is understanding it in the context of spaces.

Some identifiable spaces may be your home, your school or your workplace. This workbook limits itself to thinking about the law as it shapes your public life and public participation in civic spaces.

What are civic spaces?

Think of civic spaces as an extension of a community. A physical space where one can express oneself and be active members of the community. Civic spaces can be used to organise, express, protest and bring about change. Let's interrogate your surroundings and see how these spaces can be understood as civic spaces.

Civic spaces are about action. It is a legal, political and social sphere which calls upon us to:

Be informed 

Be aware 


Be a participant 

Identify these three common areas around you - think about their everyday purpose and then think about how they might be transformed as civic spaces.

PARK

In everyday life
Morning walks, sports, picnics with friends and family

As civic spaces
A space for a group of students to organise a petition signing to make a representation to the local community head or resident welfare association
A space for a resident to set up a legal awareness stall to assist with Aadhar registration



MONUMENT

In everyday life
Sightseeing, tourism and school tours

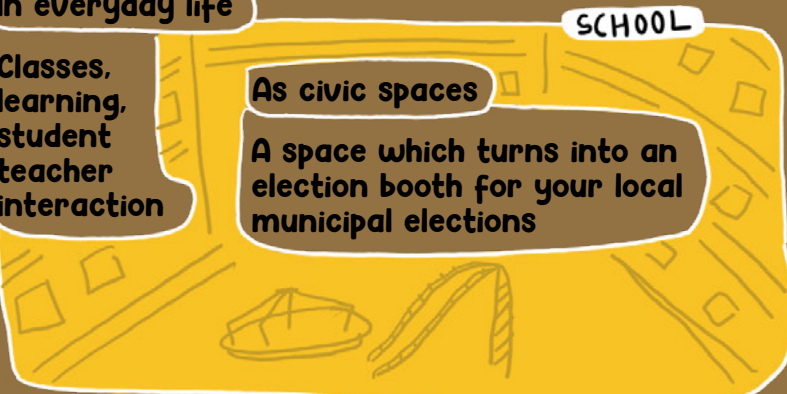
As civic spaces
A site to organise and host a protest against an unjust law or executive action.



SCHOOL

In everyday life
Classes, learning, student teacher interaction

As civic spaces
A space which turns into an election booth for your local municipal elections



But its not as simple. Civic spaces also need to be protected. These are places where all citizens, irrespective of their background, age, caste, religion, colour can come out to exercise their rights. This means that these need to be safe spaces. This workbook looks at major legal questions that will help you understand civic spaces, your role in it and how to action that role.

Using this workbook

In the next few chapters, you will undertake a journey in understanding the important legal structures that facilitate your civic space. You will take a closer look at:



The Constitution
What are its basic principles? How do these principles become the basis for our laws?

The Courts
How are our courts structured? How does one go about accessing them?

The Criminal Justice System
What happens when we find ourselves in conflict with the law? How do we navigate systems when we fall prey to a crime?

The Electoral System
What does formal participation in the government look like? What are the principles and systems that can facilitate this?

However, you must remember one rule of thumb. We are trying to close the gap between theory and practice. So each principle will be accompanied with activities and at each point, you will be encouraged to think about YOUR context.

When you see ___ symbol, get ready to look around - you need to think of your immediate surroundings, or action what you are reading.

When you see __ symbol, pause. This is the point for you to stop and take special note. See this as a top tip or a hack - something to remember.

Be sure to refer to each chapter glossary, browse further information and travel beyond this workbook. The further information may not always be in simple language but it will help you dig deeper and travel much beyond this workbook.

Ultimately, this workbook is about facilitating agency. We are addressing what often seem like insurmountable problems and breaking them down into small manageable pieces. The idea is to relook at your surroundings, restore agency and reignite hope.

So what can we expect to be different once we have been through the workbook?

By the end of this workbook, you should be able to:

- ✿ Identify the presence of the law in your everyday life and immediate surroundings.
- ✿ Think about the law in your specific context instead of something far away.
- ✿ Understand the principles and reasoning behind institutions, actors and procedures.
- ✿ See your civic spaces as clear and actionable spaces.

Talk simply and easily about the law!

Other Chapters in the book

Chapter 1: Our Spaces, My Rights

Chapter 2: The Constitution and You

Chapter 3: Court of Law - Enforcing your Rights

Chapter 4: The long arm of the law - Police powers and law enforcement

Chapter 5: Electing and working with your representatives - Becoming an engaged citizen

[Access these and the full book here.](#)