

Foundation of irish law law constitutional administrative essay

Law



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The rules and regulations made by state and court which are to be followed by the citizens are known as law. In world there are many countries and each and every country has got its own constitution. The constitution includes all the rules and regulations which helps the government of any country to create the systems which will help to bring the peace and the security in the country and helps to secure the human rights. Different countries have different constitution some may have the written constitution where as some does not have written constitution. The constitution of any country includes all the rights and duties of all the citizens in that country. In 1st July 1937 the constitution of the Ireland was introduced. It came into effect after 29th December 1937. According to the constitution of the Ireland it is stated that the President will be the head of the nation, the power and functions conferred by the constitution. All the rights and duties of the citizen are stated in the constitution and all the rights are natural human rights and are confirmed and protected by the constitution. There are various enumerated rights which are stated in the Irish constitution they are not absolute because they can be limited or restricted by Oireachtas on ground. Enumerated rights are the rights which are listed in the constitution and amendment. There are various enumerated rights which are stated in the Irish constitution. In the Irish constitution there are various types of enumerated rights which are as follows: Equality before the law Right to life Personal liberty Freedom of expression Freedom of assembly Right to fair procedures Bodily integrity Trial by jury Religious liberty Right to privacy Freedom to travel Property Rights Equality before the law: It is one of the important rights which are stated on the Irish constitution. According to

this law all the citizens of Ireland should be held equally before the law, it means that all the citizens are equal in the eyes of law. That's why nobody can be treated unjustly and unreasonably. In eyes of law nobody can be discriminated. According to the law all the people are same and their rights and duties are determined by the constitution. Therefore nobody can be discriminated on the basis of religion, social class, gender or ethnicity. If somebody makes the discrimination then that is considered as the injustice and unlawful act. If somebody makes the discrimination they can go to the court for the justice. According to John Doyle in article equality before the law a teacher was discriminated in accordance with her age, the teacher was a woman who was asked at interview that instead of being teacher for 27 years why was she bothered by the hassle of the job of deputy principal. Later she won the case and was awarded with the compensation of €5, 000.

Right to life: It is another important right that is stated on the Irish constitution. The Irish constitution specifically recognizes and protects your right to life. According to the constitution of Ireland all the citizens have right to live naturally and die naturally but it does not mean that anybody can die by artificial means e. g. by taking poison. Nobody can take any actions that may hamper or affect others people life. If somebody try to take any actions that may hamper to others life may considered as illegal act. In the Irish constitution it is stated about the right to life to unborn child as well as the right of the mother is also protected. It is also stated in the constitution that any mother has right to travel to another state and has freedom of information to service related to another state. According to the article make it safe make it legal in website [www. safeandlegalinireland](http://www.safeandlegalinireland). ie three women

whose identity is hidden for confidentiality raised the voice against ban on abortion in Ireland in European court claiming that their life and health is on danger/harm by the law and their rights are violated. They lodged the case in August 2005 in European court of human rights. Freedom of expression: According to the Irish constitution all the citizens have right to express their feelings and their opinions without any interferences. Although the constitution state that constitution asserts that the state should try to make sure that the radio, press and the cinema should not used any kind of statement or give any message that affect on the morality of the citizens or to the authority of the state. If such actions are made the state will take the actions against them according top the law. In order to prevent those activities the Irish constitution makes some limitations regarding freedom of expression. For example sensor board is being established in the cinema industry. According to article free to challenge by Timothy Garton Ash, a 23 years old shop assistant named Samina Malik who was working in Heathrow airport was convicted under the legislation of anti-terrorism. She posted many poems and articles on websites which was very inappropriate. Later she was overturned on appeal. Personal liberty: In context to Ireland, Irish constitution all citizens have right to liberty and freedom. Every people are entitled to their own personal freedom. If any citizen is being arrested or kept in detention without any reasons then they can go to high court for justice. But if any citizen has done something against the law or something illegal then the legislation has right to arrest or right to detention the suspect. If the arrested or detained person is not found guilty and the arresting body (e. g. police) cannot prove that it is against the law then high

court may release the person. According to *Austin v Metropolitan police commissioner* case 2005, on May 2001 thousands of people were participated in political demonstration program in London and police cordoned off that place for 7 hours and 2 people were caught up in the action and were taken to courts. The case was heard in high court and concluded that due to the cordoning off action of police the right to liberty law was affected but it was justified that the police had taken the action to prevent from act of violation. Freedom of assembly: According to the right to freedom to assembly anyone one has right to conduct assembly and meetings peacefully without being armed on certain matter. There are some limitations in this right which is regulated by the legislation. This right controls the assemblies which are held to obstruct the public and create violation. Right to freedom of assembly does not allow conducting assembly on private property without the permission of the person who owns that premises. Parades can be conducted in a peaceful way keeping in mind that the public services and roads are not affected. Any assembly or procession cannot be conducted within half a mile of Oireachtas when it has been told to dismiss and prohibited by the police force. According to *Directorate of public prosecution v Jones (Margaret) and Anor* (1999) 2 AC 249 case, conducting assembly in public places does not refer to trespassing. The defendants were conducting peaceful assembly/demonstration on a highway but prohibition of trespasser assembly was held there in accordance with section 14 of public order act 1986. They appealed against it and it was held public highway to be lawful assembly place. Constitution is the heart of law in any country and it is a good safeguard of human rights. All human rights

are written in constitution in almost every country in the world like constitution being the guardian of human rights. Constitution is formed by looking every aspect of human beings and society so all the rights which human beings needed are included in it. People cannot live violent life and life full of fear so human rights are one of the important needs of people for keeping balance in life and for freedom and constitution helps the human rights to formulate and regulate in any state. Suppose if there is not any constitution in a particular country then people life will be deteriorated as without any proper constitution people will conduct any act whether it is right or wrong and there will not be any body for giving justice for the people.

Conclusion

It is concluded that Constitution plays vital role in forming and regulating law in any country. All the essential rights needed for human being are protected by the constitution. Everybody has right to live their life freely without any restrictions, like without any constitution human life will be like a bird inside a cage. So Constitution is a good safeguard of human right.