

Assignment-5

Part A

Q1) Explain the diff b/w fundamental duties and fundamental rights mentioned under IC?

Ans

Fundamental Duties	Fundamental Rights
<ul style="list-style-type: none">• It is a set of moral obligations outlined in the IC.• These are enforceable These are not justiciable under law, they are not justiciable.	<ul style="list-style-type: none">• It is the rights guaranteed to citizens to ensure their freedom.• These are justiciable, and citizens can seek legal remedy.

Q2) Name any two fundamental duties under Constitution of India?

Ans:

- To abide by the constitution and respect its ideals and institutions.
- To promote harmony and the spirit of common brotherhood among all the people of India transcending religious, linguistic, and regional or sectional diversities.

Q3) What do you understand by equal justice and free legal aid?

Ans Equal justice refers to the principle that all individuals, regardless of their background, should be treated equally before the law and have equal access to legal remedies. Free legal aid ensures that individuals who cannot afford legal representations are provided with legal assistance at no cost, thereby ensuring access to justice for all.

Q4) Name any three Directive Principles of State Policy?

Ans:-

- To secure a social order for the promotion of welfare of the people (A-38)
- To promote the educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections of the society (A-39)
- To promote the welfare of the people by securing and protecting as effectively as it may a social order, which justice, social, economic, and political, shall inform all the institutions of the national life (A-38)

Q5) Who referred to the Directive Principles as "Non-Justiciable"?

Ans:- The Directive Principles are referred to as "Non-Justiciable" because they are not enforceable by the courts. They are merely guidelines for the state to follow in framing laws and policies.

Q6) What is the meaning of the word 'Directive'?

Ans:- The word 'Directive' means a statement or instruction that guides or directs the action of others.

• Equal justice under law is a principle of justice that requires that all individuals are treated equally before the law, without discrimination on the basis of race, gender, or social status.

• It is a principle of justice that requires that all individuals are treated equally before the law, without discrimination on the basis of race, gender, or social status.

• It is a principle of justice that requires that all individuals are treated equally before the law, without discrimination on the basis of race, gender, or social status.

by equal justice

the principles
of these
treated equally,
equal access
and ensures
that afford
provided with
it, thereby
for all.

principles

or the promotion

-38)
economic
cluded tribes,
society (A-76)
people by
effectively
social justice,
shall
national

Q.5) Who referred Directive Principles of State Policy as "Novel Features" of Indian Constitution?

Ans:- Directive Principles of State Policy were referred to as "Novel Features" of the Indian Constitution by Dr. B.R. Ambedkar, the Chairman of the Drafting Committee of the Constituent Assembly of India.

Part-B

Q.1) What is the concept of Equal Justice and Free Legal Aid in the I.C?

Ans:- Equal Justice:-

- Equal justice ensures that every individual, regardless of their background or status, is treated fairly and without discrimination in the eyes of the law.
- It aims to uphold the principles of justice, fairness, and equality, ensuring that access to justice is not restricted by financial, social, or other barriers.
- Articles such as A-14 (Right to Equality) and A-39A (Equal Justice & Free Legal Aid) underscore the importance of equal justice in the Indian legal system.

- The provision of free legal aid is a mechanism to ensure that all individuals have access to legal representation, especially those who cannot afford it, thus promoting equal justice.

⇒ Free legal Aid:

- Free legal aid is the provision of legal assistance to individuals who are unable to afford legal representation.
- It aims to ensure that justice is accessible to all, especially the marginalised and disadvantaged sections of society.
- A 39A of the IC directs the state to provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen due to economic or other disabilities.
- Various legal aid programs and schemes have been instituted by the govt and legal services authorities to provide free legal assistance to those in need.

Q2) What is the

Ans:-

- The uniform set of laws uniform secular matters such as matters such as adoption and adoption regardless.
- The primary promote secularism are subject in person governed based on
- It also aims to ensure personal not gender.
- The VC controls that is religious under

Q2) What is the Uniform Civil Code?

Ans:-

- The Uniform Civil Code (UCC) is a proposed set of laws that aims to create a uniform set of rules governing personal matters such as marriage, divorce, inheritance and adoption for all citizens of India, regardless of their religion.
- The primary objective of the UCC is to promote national integration and secularism by ensuring that all citizens are subject to the same set of laws in personal matters, rather than being governed by different personal laws based on their religion.
- It also aims to promote gender equality by ensuring that laws related to personal matters are uniform and do not discriminate on the basis of gender.
- The UCC has been a topic of debate and controversy in India, with some arguing that it would infringe upon the religious rights of citizens and undermine the country's diversity.

- Others ~~are~~ argue that the UCC is necessary to achieve true equality and secularism, as it would eliminate discriminatory practices present in personal laws based on religion.

Q3) Explain Article 42 of the IC. Is it enforceable? Can it be made enforceable through Article 21?

Ans:- Article 42 states that the state shall make provisions for securing just and humane conditions of work and maternity relief.

- It emphasises the importance of ensuring fair working conditions and providing maternity benefits to woman workers.

- Article 42 is a directive principle of state policy and is not enforceable in a court of law.

- However, it is the duty of the state to strive to implement these principles in making laws and policies.

- While not enforceable through the right to

- Courts have included it which is and maternity

- Therefore, courts to under the

Q1) Discuss Are these

Ans:- Fundamental obligations listed in the constitution originally by law. Act of the constitution enforce citizens fulfill of p

While Article 42 itself is not directly enforceable, its objectives can be enforced through Article 21, which guarantees the right to life and personal liberty.

Courts have interpreted Article 21 broadly to include the right to live with dignity, which encompasses fair working conditions and maternity relief.

Therefore, the state can be directed by the courts to fulfill the objectives of Article 42 under the broader umbrella of Article 21.

Part - C

Q1) Discuss in detail the fundamental duties. Are these enforceable?

Ans:- Fundamental duties are a set of moral obligations and responsibilities of citizens listed in Part - IVA of the Indian Constitution under Article 51 A. Originally, these duties were not enforceable by law. However, the 42nd Amendment Act of 1976 added them to the constitution, making them legally enforceable through legislation. Citizens can be penalised for not fulfilling these duties, though the nature of penalties is not specified.

- There are 11 fundamental duties listed in the constitution. These include duties to abide by the constitution and respect its ideals, to promote harmony and the spirit of common brotherhood.

- Fundamental Duties serve as a reminder to citizens that while they have rights, they also have certain responsibilities towards the nation and society. They are meant to promote a sense of discipline and commitment among citizens towards the country's ideals and institutions.

- While the constitution mandates these duties, the enforcement mechanism is not well-defined. Thus the onus is largely on the citizens to voluntarily fulfill these duties, and there is limited legal resources for non-compliance.

Q2) What do you understand by Directive Principle of State? Describe in detail.

Ans. Directive principle of state policy are guidelines and principles given to the State to be kept in mind while framing laws and policies. They are enshrined in Part IV of the IC.

These principles have a meaning to the courts. However, they are not meant to be enforced by the courts.

Directive principles of social, economic and cultural justice. They cover social justice, economic justice, and cultural justice.

Some examples are Article 38 (Distribution of material resources for the promotion of welfare), and Article 41 (Right to work, education and public assistance).

While not enforceable, these principles are just and basic for the government that promotes the welfare of the people and the development of the nation.

Q3) What are the Directive Principles of State Policy? Describe in detail.

- These principles are non-justiciable, meaning they cannot be enforced by the courts. However, they are fundamental to the governance of the country and are meant to influence the policymaking of the govt.

- Directive principles are categorized into social, economic, and political principles. They cover a wide range of issues including social justice, economic welfare, international peace, and environment protection.

- Some examples of directive principles include Article 38 (welfare of the people), Article 39 (distribution of resources), Article 41 (right to work), and Article 44 (UCC).

- While not legally enforceable, directive principles provide a vision for a just and equitable society. They guide the government in formulating policies that promote the welfare of the people and the development of a just society.

Q3) What are the principles enshrined under Article 39 of the Constitution? Enumerate in detail.

Ans:-

⇒ Article 39(a): It states that the state shall, in particular, direct its policy towards securing:

- That the citizens, men and women equally, have the right to an adequate means of livelihood.
- That the ownership and control of the material resources of the community are so distributed as to best subserve the common good.
- That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

⇒ Article 39(b): It states that the state shall, in particular, direct its policy towards securing:

- That the citizens, men and women equally, have the right to work, and to education and to public assistance in cases of unemployment, old age, sickness, and disablement, and in other cases of unrelieved want.

These principles are economic and social. There is no discrimination against all citizens, and resources, for assistance, unemployed, and disabled.

- These principles aim to produce social and economic justice by ensuring that there is no concentration of wealth, that all ~~cit~~ citizens have access to livelihood and resources, and that there are provisions for assistance in times of need, such as unemployment, old age sickness, and disablement.