

CHAPTER - 3: ~ RIGHTS IN THE INDIAN CONSTITUTION

Q1/ Which of the fundamental Rights is in your opinion the most important right? Summarise its provisions and give arguments to show why it is important.

Ans → In my opinion, the right to constitutional Remedies is considered as the 'heart and soul' of constitution, hence important, because

A citizen can approach to the supreme court or high court under this right, in case of violation of any of the fundamental rights.

The court can issue some special orders for the enforcement of these fundamental rights under the title of :

- Habeas corpus
- Mandamus
- prohibition
- Quo warranto
- Certiorari

Under the above mentioned writs, the fundamental rights are defensible.

Q2/ What do you mean by Right to property and work?

Ans → i) In 1978, by 44th Amendment to the constitution the 'Right to property' was removed from the list of Fundamental Rights and scheduled as a legal right under Article 300A.

ii) Right to property provides citizens with incentives to work to achieve their desired goals.

iii) Right to work is another right to be possessed by citizens.

Q3/ "Rights and Duties are interrelated with each other". Justify the statement.

Ans → Rights and Duties go hand in hand:

i) Rights help to develop one's personality while duties help others to develop their personalities.

ii) We own rights but we owe duties.

iii) Rights are incomplete without duties whereas duties are meaningless without rights. Hence,

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it can be concluded that Rights and Duties are the two sides of the same coin.

iv) Duties are our obligations towards others whereas Rights are others obligations towards us.

Q4) Discuss the importance of the Article 16 of the constitution in reference of fulfillment of the Right to Equality of opportunity?

Ans → i) Our constitution mentions equality of status and Equality of opportunity.

ii) The government is supposed to implement special schemes and measure to improve the condition of certain sections of society.

iii) There is provision for reservations in jobs and admissions for children, women and socially and educationally backward classes despite we follow the principle of equality.

iv) Article 16 (4): Explicitly classifies that a policy of reservation will not be seen as a violation of Right to Equality. If we try to follow out the spirit of constitution this is

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required for the fulfillment of the Right to Equality of opportunity.

Q5) Throw some light on the relationship between the fundamental Rights and Directive Principles of state policy.

Ans → The fundamental Rights are ~~not~~ guaranteed to the individuals but the Directive principles are the instructions to the state.

→ The Fundamental Rights are justiciable means in case of their violation, it can be challenged either in the high court or supreme court that, casts a duty to safeguard the rights. Whereas Directive principles of state policy are not justiable, these are only to remind to central and state government about their duties.

- Fundamental Rights are directly concerned with each and every individual whereas directive principles of state policy are directly concerned with the state only.

and high court from time to time:

* The writ of Habeas corpus:

- The court orders that the arrested person

should be presented before it.

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- Court can order to set free an arrested person if the grounds of arrest are unlawful.

* Madamus :

- When the court finds that the particular office holder is not performing legal duty.
- Therefore, he is infringing on the right of an individual.

* Prohibition :

- It is issued by a higher court to a lower court on considering a case to go beyond its jurisdiction.