



CONSTITUTIONAL VISION

In Administration of justice

PREAMBLE TO CONSTITUTION

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

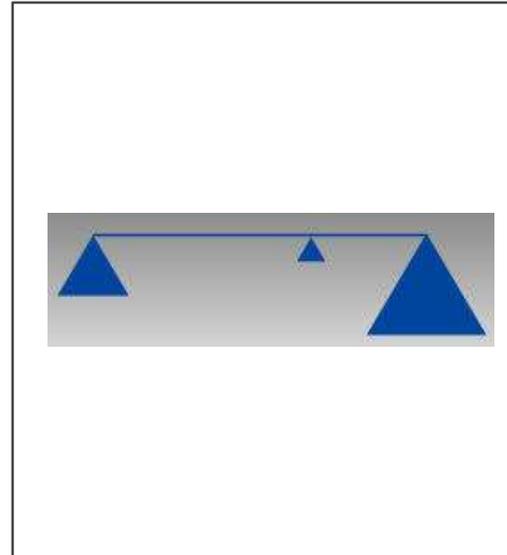
and to promote among them all

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

JUSTICE

- Some definitions
- Directive principles of state policy
- Justice in administrative actions
- Justice through judgments
- Categories - Restitutive justice & Distributive justice



IDEA OF JUSTICE

AMRITYA SEN

- “The increasing tendency towards seeing people in terms of one dominant ‘identity’ (‘this is your duty as an American’, ‘you must commit these acts as a Muslim’, or ‘as a Chinese you should give priority to this national engagement’) is not only an imposition of an external and arbitrary priority, but also the denial of an important liberty of a person who can decide on their respective loyalties to different groups (to all of which he or she belongs).”
- “To conclude this discussion, assessment of justice demands engagement with the ‘eyes of mankind’,
first, because we may variously identify with the others elsewhere and not just with our local community;
second, because our choices and actions may affect the lives of others far as well as near;
and third, because what they see from their respective perspective of history and geography may help us to overcome our own parochialism.”

JUSTICE, WHAT IS THE RIGHT THING TO DO?
MICHAEL J. SANDEL

“Other animals can make sounds, and sounds can indicate pleasure and pain. But language, a distinctly human capacity, isn’t just for registering pleasure and pain. It’s about declaring what is just and what is unjust, and distinguishing right from wrong. We don’t grasp these things silently, and then put words to them; language is the medium through which we discern and deliberate about the good.”

RIGHT POSITIONING

- The under privileged and marginalised
- Women
- Children
- Senior citizens
- Minorities

FUNDAMENTAL RIGHTS

Prioritising the rights

Rights against individuals and the state

Rights against the State

- Untouchability
- Right to life
- Equality
- Women & Children
- Minority rights
- Religious freedoms

GOVERNING PRINCIPLES

Art 38: the welfare state model of the Constitution emphasises the positive duty of the state to promote the welfare of the people by affirming social, economic and political justice, as well as to fight income inequality and ensure individual dignity.

Article 39 lays down certain principles of policy to be followed by the State, including providing an adequate means of livelihood for all citizens, equal pay for equal work for men and women, proper working conditions, reduction of the concentration of wealth and means of production from the hands of a few, and distribution of community resources to "subserve the common good".

Articles 41–43 mandate the State to endeavour to secure to all citizens the right to work, a living wage, social security, maternity relief, and a decent standard of living. These provisions aim at establishing a socialist state as envisaged in the Preamble

CONSTITUTIONALISM AT GRASSROOT LEVEL- ITS SCOPE

- *Ratlam Municipality v Vardhichand* – right to clean environment
- *Daniel Latifi v Union of India*
- Rights of worship & of administration of religious places – freeing gender divide
- Right to property of women – prevention of ‘Om Prakash’ like case
- Preference of custody of minor children with mother
- Rights of way to burial grounds for dalits without any form of discrimination
- Use of caste based advertisements in mainstream print media in matrimonial ads