



**RV College of
Engineering**

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Fundamental Duties in the Constitution of India.

COURSE TITLE: Constitutional Of India And Professional Ethics

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What Are Fundamental Duties ?

- The fundamental duties were included in the constitution by the 42nd amendment act 1976.
- It incorporated the fundamental duties by inserting a new article 51A below article 51 which belongs to Part IV-A.
- The recommendations were passed in 1976 and came into effect on 3rd January, 1977.
- Originally ten in number, the Fundamental Duties were increased to eleven by the 86th Amendment in 2002.
- These duties were meant to bring our Constitution in line with the Universal Declaration of Human Rights and the Constitutions of Japan, China, and USSR.
- It was adopted based on the recommendations of the SWARAN SINGH Committee.



Need Of Fundamental Duties

- India is a country where people belonging to different castes, creed, religion, sects etc. live together .
- In order to maintain harmony and peace and to encourage the feeling of brotherhood the Fundamental Duties on their part plays a vital role .
- The main objectives of fundamental duties were to play an important role in maintaining the unity, integrity, and sovereignty of our country.



Importance

- ❑ Environmental pollution has become a great cause of concern. These duties remind us to keep our environment free from pollutants.
- ❑ The inclusion of providing opportunity for education for children as a fundamental duty is a big step forward towards safeguard of human-rights and abolition of social injustices

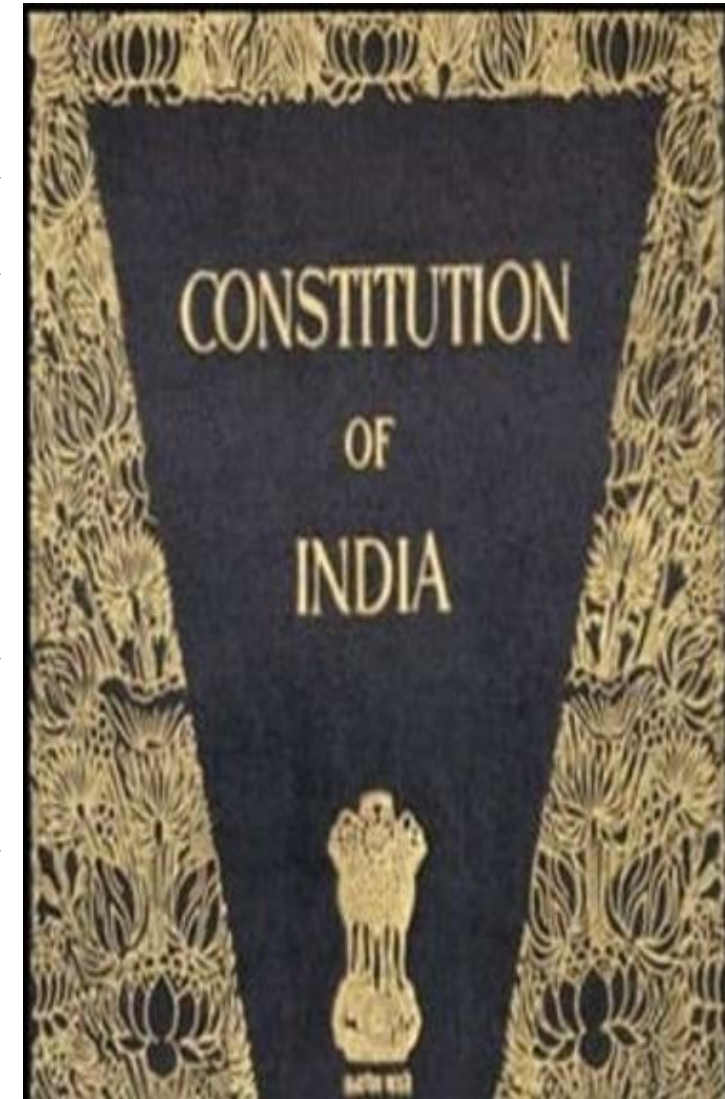


Significance of Fundamental Duties

- The section 'Fundamental Duties' was not a part of the original constitution.
- These were added to the Constitution much later.
- The idea behind incorporation of fundamental duties was to remind the citizens of the country that they have certain obligations towards the country and society.

The three most important items in the list of Fundamental Duties are:

1. Those requiring the citizens to respect the ideals of the Constitution and the institutions it establishes,
2. to promote harmony and the spirit of common brotherhood amongst all the people of India professing different religions, speaking different languages and.
3. to safeguard the public property and to abjure violence.



Fundamental Duties of Citizen Of India.

1. To abide by the constitution and respect its ideal and institutions.

- ✓ Prevention of Insults to National Honor Act, 1971
- ✓ Section 153A, IPC
- ✓ National Flag Act, 2002



2. To cherish and follow the noble ideals which inspired our national struggle for freedom.

- Prevention of Insults to National Honor Act, 1971
- Section 153A, IPC
- National Flag Act, 2002

3. To uphold and protect the sovereignty, unity and integrity of India

- ✓ Prevention of Insults to National Honor Act, 1971
- ✓ Section 153A, IPC
- ✓ Section 295A, IPC



4. To defend the country and render national service when called upon to do so

- ✓ Example- Indo-China War, 1962

5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional diversities, to renounce practices derogatory to the dignity of women.

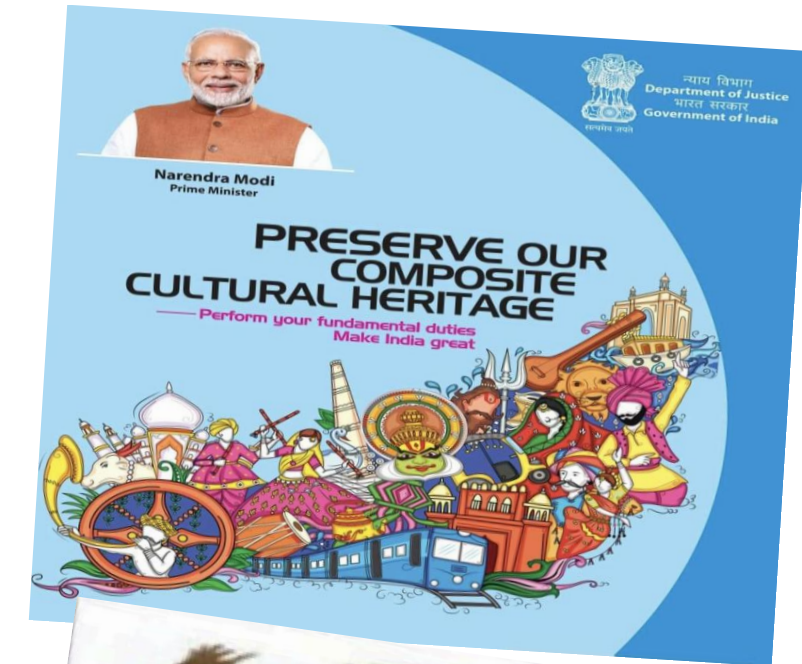
- ✓ The Immoral Traffic (Prevention) Act, 1956
- ✓ The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
- ✓ The Indecent Representation of Women (Prohibition) Act, 1986
- ✓ The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
- ✓ Protection of Women from Domestic Violence Act, 2005
- ✓ The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
- ✓ The Criminal Law (Amendment) Act, 2013
- ✓ Indian Penal code, 1860 etc.



Fundamental Duties of Citizen Of India.

6. To value and preserve the rich heritage of our composite culture

- ✓ Section 425, IPC
- ✓ Ancient Monuments and Archeological Sites and Remains Act, 1958
- ✓ The Prevention of Damage to Public Property Act, 1984



7. To protect and improve the natural environment including forests, lakes, rivers, and wild-life and to have compassion for living creatures

- ✓ The National Green Tribunal Act, 2010
- ✓ The Air (Prevention and Control of Pollution) Act, 1981
- ✓ The Water (Prevention and Control of Pollution) Act, 1974
- ✓ The Environment Protection Act, 1986
- ✓ The Hazardous Waste Management Regulations, etc.
- ✓ Prevention of Cruelty to Animals Act, 1960



8. To develop the scientific temper, humanism and the spirit of inquiry and reform

- ✓ Make in India Scheme
- ✓ UAY (Ucchatar Avishkar Yojana)
- ✓ Skill India Scheme
- ✓ Start up India
- ✓ Mudra Yojna Bank
- ✓ Multiplier Grants Scheme (MGS)
- ✓ Credit Guarantee
- ✓ Credit Linked Capital Subsidy for Technology Up gradation etc.



9. To safeguard public property and to abjure violence

- ✓ Section 425, IPC
- ✓ Section 146-147, IPC
- ✓ The Prevention of Damage to Public Property Act, 1984



Fundamental Duties of Citizen Of India.

10. To strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavor and achievement.

- ✓ Scheme of Financial Assistance for Promotion of Art and Culture
- ✓ IMPRINT (Impacting Research in Technology)
- ✓ Financial Assistance to Centers of Excellence etc.



11. Who is a parent or guardian, to provide opportunities for education to his child, or as the case may be, ward between the age of six and fourteen years

- ✓ Right of Children to Free and Compulsory Education Act, 2009
- ✓ Article - 45, Indian Constitution
- ✓ Article - 21 A, Indian Constitution

Case Study 1

Government of India v. George Philip, AIR 2007 SC 705

- In this very famous case of [Government of India v. George Philip](#), the purpose of compulsory retirement was challenged by the respondent. The respondent who was working in BARC was granted two years leave at the starting of his service by the department. It was given to him to carry out advanced research training. After many reminders, the petitioner overstayed in the foreign and an inquiry was constituted for the same purpose and charge against him was proven. He was allowed (decision of the High Court) to join his service but no wages were decided to be given to him for those days which he was not able to attend the service. But the Supreme Court overruled this decision of the High Court. The reasoning given by the Supreme Court behind its decision was that the earlier decision i.e. the decision of the High Court was against [Article 51A\(j\)](#).
- Article 51A(j) clearly says that it is the duty of one to always strive towards excellence in all spheres of life of an individual and it also talks about the collective activity so that the nation keeps rising higher in an endeavor and this can not be achieved until the employees maintain the discipline.

Case Study 2

Aruna Roy v. Union of India

- The Writ Petition filed under Article 32 of the Constitution raised questions about the distinction between religious instructions and religious education, also it scrutinized the need for religious education. The Court answered them all as a three-judge bench agreed upon the need for a religious education as religion is the basis for moral values and all religions ultimately preach social harmony. Therefore by religious education, students will be able to know about all religions, how they all are common in nature and hence, bring peace in the society. It will help the students to inculcate moral values from the beginning.

Issues

- Whether the National Curriculum Framework for School Education published by the National Council of Educational Research and Training was mandatory to be consulted with the Central Advisory Board of Education?
- Whether education about religion or religious education is violative of Article 28 of the Constitution of India and anti-secular?

Judgement

It was stated that students can be given education about religion for general awareness, that the essence of every religion is common, only practices differ. Dogmas and superstition should not be propagated in the name of education about religion.

Conclusion

- ❖ And for the enjoyment of valuable fundamental rights, firstly we need to obey our fundamental duties seriously, as a law-abiding citizen, and must realize that he has certain duties towards the Nation to achieve the objective of Part IV-A that is National integrity and respect because as Salmond said,
- ❖ At last, we can conclude that in this article we have come to know about every aspect of Fundamental Duties and by reading every aspect of it we can clearly understand the need and importance of Fundamental Duty. It was added in our constitution as our government realized that a civil society (discussed earlier in this article) can not be made by the state only. The citizens of our country need to play a vital role in achieving the basic aim of our constitution. They can do this by following their duties towards the nation as mentioned in [Article 51A](#) of our Constitution.

"there can be no right, without a corresponding duty."

THANK YOU