



UNIVERSITY WITH A PURPOSE





# FUNDAMENTAL DUTIES OF INDIAN CONSTITUTION

- Fundamental duties are defined as the moral obligations of all citizens to help promote a spirit of patriotism and to uphold the unity of India.
- These duties set in part IV-A of the Constitution.
- They are held by the Supreme Court to be obligatory for all citizens.

## HISTORY

- The fundamental duties were included in the constitution by the 42nd amendment act 1976.
- Constitution 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.

# HISTORY

- Originally 10 in number, the Fundamental Duties were increased to 11 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.
- The committee was constituted by Indira Gandhi soon after the imposition of Emergency in order to study the questions of amending the constitution in the light of past experiences.

# The Duties

- The fundamental duties of every citizen of India according to the Constitution are:
  1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
  2. To cherish and follow the noble ideals which inspired our national struggle for freedom;
  3. To uphold and protect the sovereignty, unity and integrity of India;
  4. To defend the country and render national service when called upon to do so;

5. To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
6. To value and preserve the rich heritage of our composite culture;
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
8. To develop the scientific temper, humanism and the spirit of inquiry and reform;

9. To safeguard public property and to abjure violence;

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;

11. Every citizen, 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.

# DIRECTIVE PRINCIPLE OF THE STATE POLICY

- Part IV (Article 36-51) of Indian Constitution describes 'Directive Principles of State Policy' (DPSP). This Section of The Indian Constitution prescribes the fundamental obligations of the State to its citizens and the duties of the citizens to the State.
- The Directive Principles of State Policy together constitute a manifesto for securing and strengthening the socio-economic foundations of Indian Democracy.
- Unlike the fundamental rights which are guaranteed by the Constitution of India, the Directive Principles do not have a legal sanction and cannot be enforced in a court of law.

# AIMS OF DIRECTIVE PRINCIPLE OF STATE POLICY

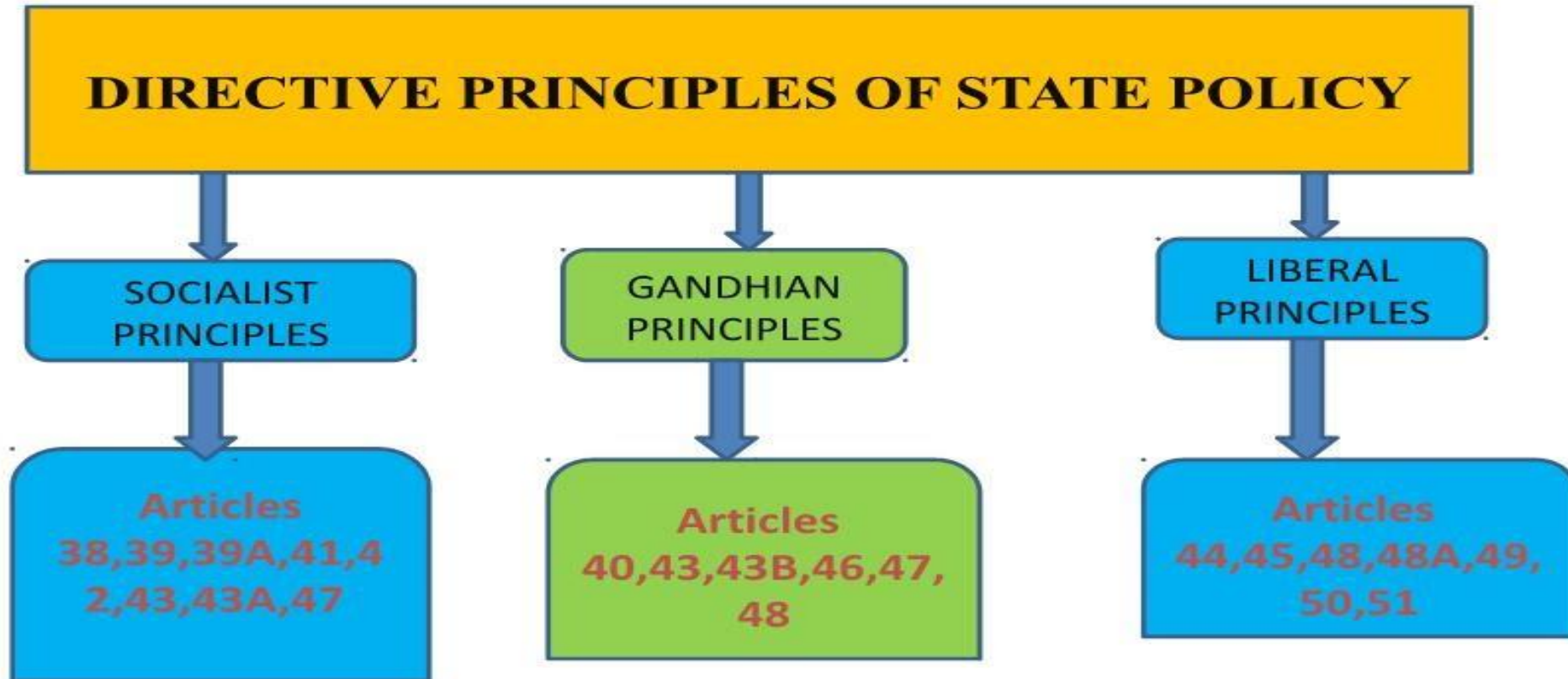
- Directive Principles of State Policy aim to create social and economic conditions under which the citizens can lead a good life.
- They also aim to establish social and economic democracy through a welfare state.
- If laws are made to give effect to the Directive Principles over Fundamental Rights, they shall not be invalid on the grounds that they take away the Fundamental Rights.
- The Directive Principles are non-justiciable rights of the people.
- In case of a conflict between Fundamental Rights and DPSP's, if the DPSP aims at promoting larger interest of the society, the courts shall have to uphold the case in favour of the DPSP



# Categories Of The Directive Principles :

- **Socialistic Directives:** This part contains the directives for securing the welfare of the people of India, equal distribution of the material resources of the country, protection of the fundamental rights of the children and youth, equal pay for equal work, education etc.
- **Gandhian Directives:** Under these directives are the guidelines for organising village Panchayat, prohibition of intoxicating drinks and cow-slaughter, secure living wage, decent standard of life, and to promote cottage industries, to provide free and compulsory education to all children up to 14 years of age etc.
- **Liberal Intellectual Directives:** In this section there are guidelines for uniform civil code throughout the country and the legislatures to follow in issuing orders or making laws.

# CLASSIFICATION OF DIRECTIVE PRINCIPLES OF STATE POLICY



# Some Features Of The Directive Principles :-

- The State should strive to promote the welfare of the people.
- Maintain social order through social, economic and political justice.
- The State should strive towards removing economic inequality.
- Removal of inequality in status and opportunities.
- To secure adequate means of livelihood for the citizens.
- Equal work opportunity for both men and women.
- Prevent concentration of wealth in specific pockets through uniform distribution of the material resources amongst all the strata of the society.
- Prevention of child abuse and exploitation of workers.
- Protection of children against moral and material abandonment.

# PROBLEMS AND CHALLENGES REGARDING FUNDAMENTAL RIGHTS IN INDIA

- **Misuse of Power of Arrest** : Fundamental Rights are protected by law and paradoxically are at risk by the hands of law enforcers. A lot of cases involved indiscriminate arrest.
- **Terrorism and Violence** : During terrorist attacks, police had to adapt methods such as encounters and arrest without warrant and such deeds sometimes put fundamental rights at risk. The incidents of kidnapping, looting, rape and killing is a major threat to a democratic setup.
- **Custodial Crime** : Custodial violence during a crime investigation is a common practice in India to extract information or confession.
- **Falling Standards of Morality** : Social, ethical and moral values in our society have considerably fallen.



# Violation of Fundamental Rights and it's Consequences

- Violation of Fundamental Rights is usually faced by vulnerable groups of our society.
- As per Indian Constitution these vulnerable groups include:
  1. Women
  2. Children
  3. Elderly
  4. Refugees
  5. Linguistic & Religious Minorities
  6. Scheduled Casts
  7. Scheduled Tribes
  8. Physically Disabled
  9. HIV Positive
  10. Sexual Minorities
  11. Internally Displaced
  12. Migrants

THANK YOU

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