

PURPOSE OF THE PREAMBLE

- The Preamble does not grant any power but it gives a **direction and purpose** to the Constitution.
- The preamble to an Act sets out the **main objectives** which the legislation is intended to achieve.
- The Preamble contains the **fundamentals** of the constitution.
- The proper function of the preamble is to **explain and recite certain facts** which are necessary to be explained before the enactment contained in an act of Parliament could be understood.
- It may be legitimately consulted for the **purpose of solving an ambiguity or fixing the connotation of words** which may possibly have more meaning, or determining of the Act, whenever the enacting part in any of these respect is prone to doubt.
- A majority of the full bench held that the objectives specified in the preamble contain the **basic structure of our constitution**, which cannot be amended in exercise of the power under **Article 368** of the constitution.



EXPLANATION

- **Sovereign**

The Preamble proclaims that **India is a Sovereign State**. 'Sovereign' means that India has its own independent authority and it is not a dominion or dependent state of any other external power. The Legislature of India has the powers to enact laws in the country subject to certain limitations imposed by the Constitution.

- **Socialist**

The word 'Socialist' was added to the Preamble by the 42nd Constitutional Amendment in 1976. Socialism means the achievement of socialist ends through democratic means. India has adopted 'Democratic Socialism'. Democratic Socialism holds faith in a mixed economy where both private and public sectors co-exist side by side. It aims to end poverty, ignorance, disease and inequality of opportunity. (*Excel Wear v UOI*, *D.S. Nakara v UOI*)



▪ **Secular**

The word 'Secular' was incorporated in the Preamble by the 42nd Constitutional Amendment in 1976. The term secular in the Constitution of India means that all the religions in India get equal respect, protection and support from the state. Articles 25 to 28 in Part III of the Constitution guarantee Freedom of Religion as a Fundamental Right. (S.R. Bommai v UOI, Aruna Roy v UOI, Shabnam Hashmi v UOI)

▪ **Democratic**

The term Democratic indicates that the Constitution has established a form of government which gets its authority from the will of the people expressed in an election. The Preamble resolves India to be a democratic country. That means, the supreme power lies with the people. In the Preamble, the term democracy is used for political, economic and social democracy. The responsible representative government, universal adult franchise, one vote one value, independent judiciary etc. are the features of Indian democracy.



▪ **Republic**

In a Republic, the head of the state is elected by the people directly or indirectly. In India, the President is the head of the state. The President of India is elected indirectly by the people; that means, through their representatives in the Parliament and the State Assemblies. Moreover, in a republic, the political sovereignty is vested in the people rather than a monarch.

▪ **Justice**

The term Justice in the Preamble embraces three distinct forms: Social, economic and political, secured through various provisions of the Fundamental and Directive Principles.

Social justice in the Preamble means that the Constitution wants to create a more equitable society based on equal social status. Economic justice means equitable distribution of wealth among the individual members of the society so that wealth is not concentrated in few hands. Political Justice means that all the citizens have equal right in political participation. Indian Constitution provides for universal adult suffrage and equal value for each vote.



- **Liberty**

Liberty implies absence of restraints or domination on the activities of an individual such as freedom from slavery, serfdom, imprisonment, despotism etc. The Preamble provides for liberty of thought, expression, belief, faith and worship.

- **Equality**

Equality means absence of privileges or discrimination against any section of the society. The Preamble provides for equality of status and opportunity to all the people of the country. The Constitution strives to provide social, economic and political equality in the country.

- **Fraternity**

Fraternity means feeling of brotherhood. The Preamble seeks to promote fraternity among the people assuring the dignity of the individual and the unity and integrity of the nation.





What is RTE?

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) , which was passed by the Indian parliament on 4 August 2009, describes the modalities of the provision of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010.



- “Compulsory Education” defined as the obligation of the State to take all necessary steps to ensure that every child participates in, and completes Elementary Education
- “Free Education” defined as freedom from liability to (i) pay any fee to the school, and (ii) incur such other prescribed expenses as may be likely to prevent the child from participating in and completing Elementary Education. There is no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) to be borne by the child or the parents to obtain elementary education. The government will provide schooling free-of-cost until a child's elementary education is completed.

CHILDREN BENEFITED

Approx 22 crore children fall under the age group 6-14. Out of which 4.1% i.e. 92 lakhs children either dropped out from school or never attend any educational institution. These children will get elementary education. Local and state government will ensure it.

OBJECTIVES

- ✓ To provide for free and compulsory education to all children of the age 6 to 14 years.
- ✓ Emphasis is on children belonging to disadvantaged group.



VIOLATIONS	PENALTY
❖ Collecting capitation fee	A fine up to 10 times the capitation fee charged
❖ Screening students during admission	A fine of Rs.25,000 for the first violation and Rs.50,000 for every subsequent violation
❖ Physical or mental harassment of a student	Disciplinary action under service rules (from censure to dismissal)
❖ Running a school after its recognition is withdrawn	A fine of Rs.1 lakh, and Rs.10,000 for every subsequent day
❖ Delay in schools issuing TC	Disciplinary action
❖ School teachers taking private tuition	Disciplinary action
RTE Act help desk can be reached at 044-2827 8742	

Definitions: Section 2

Sec. 2 (d) "Child belonging to disadvantaged group"

2 (e) "Child belonging to weaker section"

2 (f) "Elementary Education"

2 (h) "Local Authority"

2 (n) "School - 4 categories of schools"

- i) Govt. Schools
- ii) Aided schools
- iii) School belonging to specified categories:
(Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School etc.)
- iv) Unaided schools

Sec. 3 –

Right of child to free and compulsory education in a neighbourhood school till completion of elementary education.

“Compulsory education means obligation of the state to provide free elementary education to every child of the age 6-14 years”

Sec. 4 –

Special provisions for children not admitted to, or who have not completed, elementary education. Such children are to be directly admitted in a class appropriate to his or her age and in order to be at par with others, have a right to receive special training and shall be entitled to free education till completion of elementary education even after 14 years.



Sec. 9 –

Describes the duties of the local authority.

Sec.10 –

Describes the duty of parents & guardian to admit his or her child/ward in the neighbourhood school for elementary education.

Sec. 11 –

States the duty of the appropriate government to provide for pre-school education

Sec. 12 –

Extent of school's responsibility:

- (1) to admit children belonging to weaker sections and disadvantaged group in the 'neighbourhood' in Class I at least upto 25% of the strength of the class.
- (2) an unaided school will be reimbursed expenditure incurred by it to the extent of per child expenditure incurred by the State or the actual amount charged from the child, whichever is less. Reimbursement shall not exceed per child expenditure incurred by a govt. school.
- (3) every school shall provide such information as may be required by the govt. or local authority.

Sec. 13 –

No capitation fee to be charged. (The All India Catholic Education Policy, 2007 also deplores any attempt to commercialize education and acceptance of capitation fee).

No screening either of the child or of the parents for admission.

Sec. 14 –

Age of the child is to be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriage Registration Act, 1886 or Hospital register record or Anganwadi record or even an Affidavit. No child shall be denied admission in a school for lack of age proof.

Sec. 15 –

No denial of admission even if the child does not turn up at the commencement of the academic year.

Sec. 16 –

No child once admitted, can be held back or expelled till the completion of elementary education.

Sec. 17 –

No child shall be subjected to physical punishment or mental harassment.

Sec. 18 –

No school to be established without obtaining certificate of recognition.

Sec. 19 –

Schools to fulfill all the norms and standards specified in the schedule.

Sec. 20 –

Power of the Govt. to amend the schedule

Sec. 21 –

Every school should constitute a School Management Committee (SMC) consisting of:

- 75% from parents/guardians
- Of the remaining 25%:
 - 1/3 members from amongst elected members of the local authority
 - 1/3 members from the teachers of the school to be decided by the teachers
 - Remaining 1/3 from amongst local educationists/children in the school to be decided by the parents in the committee
- The SMC shall elect a Chairperson and Vice-Chairperson from among the parent members.
- The Head Teacher/Senior most teacher of the school shall be the ex-officio member – convener.
- The SMC is to meet at least once a month and maintain minutes and decisions of the meetings.
- Prepare a 3 year school development plan.

Functions of the SMC. The SMC shall

- a) Monitor the working of the school,
- b) Prepare and recommend school development plan,
- c) Monitor the utilization of the grants received from the govt.,
- d) Perform other functions as may be prescribed.

Sec. 22 –

Preparation of School Development Plan by the SMC.

Sec. 23 –

States that the qualification for appointment and terms and conditions of service of teachers shall be as laid down by the academic authority authorized by the Govt.

Sec. 24 –

Duties of teachers. Teachers shall maintain regularity & punctuality, complete the curriculum, hold regular meetings with parents/guardians, etc.

Sec. 25 –

Pupil-Teacher Ratio as specified in the schedule is to be maintained, i.e., Classes I-V 30:1. Above 200 children

P-T ratio shall not exceed 40. Classes V-VIII 1:35, but at least one teacher per class.

Sec. 26 –

Filling up of vacancies of teachers.

Sec. 27 –

Prohibition of deployment of teachers for non-educational purposes other than decennial population census, disaster relief duties and for election duties.

Sec. 28 –

No private tuition by teachers.

Sec. 29 –

- (1) Curriculum and evaluation procedure for elementary education shall be laid down by academic authority to be specified by the appropriate government,
- (2) (f) medium of instruction shall, as far as practicable, be in child's mother tongue,
- (2) (h) comprehensive and continuous evaluation of child's understanding etc.

Sec. 30 –

- 1) No child shall be required to pass any board exam till completion of elementary education,
- 2) Every child completing elementary education shall be awarded a certificate.

Sec. 31 –

The National Commission or the State Commission for Protection of Child Rights constituted under the Commission of Protection of Child Rights Act, 2005, shall in addition to the functions assigned to it, monitor, enquire into complaints relating to child's right to free and compulsory education and/or function as Appellate Authority above the local authority (**Sec. 32**) .

Sec. 33 –

Speaks of a National Advisory Council.

Sec. 34 –

Speaks of the State Advisory council and their functions.

Schedule

1. Teacher-Pupil Ratio:

- I-V –
upto 120 students – 1:30
upto 120-200 students – 1:40 (+ H.M.)
more than 200 students – 1:40 (+ H.M.)
- VI-VIII – 1:35

Full Time – Science and Mathematics, Social
Studies, Language

Part Time – Art Education, Health & Physical
Education, Work Education



2. Building :



- : all weather building,
- : separate toilets for boys & girls
- : safe and adequate drinking water
- : kitchen for MDM
- : playground
- : secured by boundary wall

3. Minimum working Days –



I-V = 200

VI-VIII = 220



Instructional Hours –



I-V = 800

I-VIII = 1000



4. Minimum Working Hours per week for teachers –

45 (including preparation hours).



5. Provide –

- Teaching-Learning Equipment
- Library
- Games & Sports and other play materials.

Right to Information Act, 2005

Enacted by: [Parliament of India](#)

Enacted: 15-June-2005

Assented to: 22-June-2005

Commenced: 12-October-2005

Territorial extent: Whole of [India](#) Also [Jammu and Kashmir](#) since August 5 2019 after [Article 370](#) revoked



- **Right to Information (RTI)** is act of the [Parliament of India](#) to provide for setting out the practical regime of the right to information for citizens and replaces the Previous [Freedom of information Act, 2002](#).
- Under the provisions of the Act, any citizen of India may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply immediately or within thirty days.
- The Act also requires every public authority to computerize their records for wide dissemination and to proactively certain categories of information so that the citizens need minimum recourse to request for information formally.

Objective

- Provides a legal framework of citizens' *democratic* right to access to information under the control of public authorities;
- To promote transparency and accountability in the functioning of every public authority

Who is a Public Authority?

Public Authority means any authority or body or institution established or constituted;

- By or under the constitution;
- By any other law made by Parliament;
- By any other law made by State Legislature;
- By notification issued or order made by the appropriate government and includes any
 - i) body owned, controlled or substantially financed,
 - ii) non-Government organization substantially financed directly or indirectly by funds provided by the appropriate Government;

Need for RTI Act

Because it helps to:

- Promote openness, transparency and accountability in the working of every public authority.
- Reduce Corruption
- Prevent administrative arbitrariness
- Bridging the gap between providers and recipient of public services
- Make citizens part of decision making
- Make administrative responsive
- Strengthen the foundations of democracy

Coverage

RTI Act came into effect on 12th October 2005.

- Covers central, state and local governments and all bodies owned, controlled or substantially financed by the respective Governments; Section 2(h)
- Non-government organization substantially financed directly or indirectly by funds provided by the appropriate government. Section 2 (e)
- Executive, judiciary and legislature Includes information relating to private body which can be accessed by under any other law for the time being in force. Section 2 (f)

EXEMPTIONS FROM DISCLOSURE OF INFORMATION

- Sovereignty and Integrity Of India
- Prevented by courts
- Breach of privilege of Parliament
- Trade secret, Intellectual property
- Fiduciary relationship
- Information received from foreign Government
- Life and physical safety of any person
- Issues under investigation
- Cabinet papers
- Invasion in privacy

Exempted Organizations

- IB, RAW of the Cabinet Secretariat
- DRI, Central Economic Intelligence Bureau
- Directorate of Enforcement
- Narcotic Control Bureau
- Aviation Research Centre, Special Frontier Force,
- BSF, CRPF, ITBP, CISF, NSG,
- Assam Rifles, Special Service Bureau
- Special Branch (CID) Andaman & Nikobar
- The Crime Branch (CID-CB) Dadra and Nagar Haveli
- Special Branch, Lakshadweep Police

Procedure for requesting information

- Apply in writing or through electronic means in English or Hindi or in the official language of the area, to the Public Information Officer [PIO], specifying the particulars of the information sought for.
- Reason for seeking information are not required to be given;
- Pay fees as may be prescribed

FEES AND CHARGES

- Application fee Rs. 10/- .
- If information is required in electronic media– floppy/CD, etc additional charges will be applicable.
- Photocopy charges of Rs. 2/- per page.
- Inspection charges of relevant files, documents and records
 1. No fee for first hour of inspection.
 2. Rs. 5/- for every subsequent hour or fraction thereof.

Time limits to get the information

- 30 days if application is filed with the PIO.
- 35 days in case it is filed with the Assistant PIO.
- 48 hours in case the matter to which the information pertains affects the life and liberty of an individual.

Appeal

- First appeal with senior in the Department.
- Second appeal with Information Commission.

Central Information Commission:

What can I complain about?

- The Central Information Commission is an autonomous body set up to inquire into complaints received from citizens
- You can complain that you have been refused access to information. You can also complain about how the public authority has handled your request, for instance;
 - + failure to respond to your request within 30 working days (or failure to explain why an extension to the 45 days is needed)
 - + failure to give you proper advice and help within the stipulated time
 - + failure to give information in the form in which you asked for it
 - + failure to properly explain reasons for refusing your request, for instance if the public authority believes that giving you information would harm a criminal investigation.

What information does the CIC need?

To deal with complaint promptly, send the following details to CIC:

- name and address of the appellant;
- name and address of the Central Public Information Officer against the decision of whom the appeal is preferred;
- particulars of the order including number, if any, against which the appeal is preferred;
- brief facts leading to the appeal

Penalties

- For Refusal of application, providing malafide or false information, destruction of information, The penalty levied under the RTI Act at the rate of Rs. **250/- a day**, up to a maximum of **Rs. 25,000/-**, is recovered from the salary of officials. (imposed by Information Commission on PIO or assistant PIO)
- Departmental action, However no criminal liability.

DEFINITION OF 'DEFECTION'

- Member of a party abandons loyalty towards that party to support another party.
- Cambridge Dictionary -
"the act of leaving a country, political party, etc. to go to another one"

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- Constitution of India initially did not refer to political parties
- No concept of multi-party system
- 1967 elections, Congress lost majority
- Resulted in large scale defections
- Aaya Ram, Gaya Ram syndrome
- Affected functioning of the legislature



AMENDMENT AS A SOLUTION

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- 52nd Amendment to remedy this situation
- Arts. 101, 102, 190 and 191 changed
- 10th Schedule laid down process of disqualification of defecting members
- Members of a Political Party
- Independent Members
- Nominated members
- The intention was never “to bring stability” to governments.

DISQUALIFICATION

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- Voluntary giving up of membership
- Votes/ does not vote contrary to party whip
- Exception: prior permission or condoned by party within 15 days of abstention or voting
- Independent candidate joining party after election
- Nominated member joining party 6 months after becoming an MLA
- Chairman/ Speaker decides on disqualification
- Disqualification is subject to judicial review

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LOOPHOLES: SPLITS AND MERGERS

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- 91st Amendment
- Before this amendment a split in the party was recognized when 1/3rd of its members defected
- Post-amendment, 2/3rd defecting members constitute a merger of parties
- Exception to defection when;
- Member of such merging party becomes a member of the new political party
- Member of such merging party chooses to function as a separate group

CASES

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Kihota Hollohon v. Zachilhu and Others (1993)

Issues:

Whether the 10th schedule curtails the freedom of speech and expression and subvert the democratic rights of the elected members in parliament and state legislatures.

Is granting finality to the decision of the Speaker/ Chairman is valid?

Judgment:

On Issue 1:

The 10th schedule neither impinges upon the freedom of speech and expression nor subverts the democratic rights of elected members. The 10th schedule is constitutionally valid.

On Issue 2:

This provision is valid however High Courts and the Supreme Court can exercise judicial review under the Constitution. But the Judicial review should not cover any stage prior to the making of a decision by the Speakers/ Chairmen.

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- ***Ravi S Naik v. Union of India (1994)***

Issue:

- Whether only resignation constitutes “voluntarily giving up” membership of a political party.

Judgment:

- There is a wider meaning of the words “voluntarily giving up membership”. The inference can be drawn from the conduct of the members also.

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- ***G. Vishwanathan v. Speaker, Tamil Nadu Legislative Assembly (1996)***
- **Issue:**
- If a member is expelled from old party and he joins another party after being expelled, will it be considered as having voluntarily given up his membership?
- **Judgment:**
- Once a member is expelled, he is treated as unattached member in the house but he continues to be a member of the old party as per the Tenth Schedule. If he joins a new party after being expelled, he can be said to have voluntarily given up membership of his old party.



GREY AREAS IN THE ANTI- DEFECTION LAW

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- What is the status in either House or Parliament or the State Legislature of a Member who is expelled from the party which set him/her up as a candidate for election?
- Will the provisions of the Tenth Schedule apply to such Member?
- Was the view taken by the Supreme Court in G. Viswanathan's case in harmony with the provisions of Tenth Schedule?
- Since expelled members are not referred in Tenth Schedule, was the decision in Viswanathan's case a correct interpretation, viz that the Members continue to belong to such a party which had set them up as candidates in the election?
- Can it be said that when a Member of either House of Parliament is expelled joins another political party or forms his own party, that he had voluntarily given up his membership of the party?
- What is the status of unattached member in either House of Parliament?

SC's REFUSAL TO CLARIFY

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- 6 questions placed before Hon'ble Justices Altamas Kabir and Cyriac Joseph in 2010
- Placed by politicians Amar Singh and Jaya Prada
- Hon'ble Justices Ranjan Gogoi, Arun Mishra and P.C. Pant deliberated in 2016
- Decided not to issue clarification as the said politicians were no longer part of the Rajya Sabha
- Implications on MP's such as Sasikala – still obligated to answer to party's whip even after expulsion from party

NEGATIVE IMPLICATIONS OF THE CURRENT ANTI-DEFECTION

- It affects the *independence* of MPs/ MLAs.
- Constitution drafters didn't intend to give the control of members to political parties. Interestingly, it's only in the 10th schedule, which was included in 1985 that political parties are mentioned in constitution. (Also chief whip).
- Many members speak up their mind and conviction –*more discussion* and thus better debates and solutions in parliament. Anti-defection law is against this.
- In a diverse country like India, members also *represent their constituencies*. Hence, every member needs to be given voice to give voice to all regions and sections of the population.
- No *incentive for MPs/MLAs* to research and understand on policies.

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CONCLUSION

- Defection – negative impact – de-stabilizing government
- Current law against defection vague and too wide
- Curtails the expression of ideas and opinions of MPs
- Reforms to make the laws more conducive to free speech and healthy debates

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LOKPAL central level
LOKAYUKTA state level.



SELECTION PROCESS

Selected by a Selection Committee comprising:
Prime Minister

Leader of the opposition in Lok Sabha
2 youngest judges of Supreme Court (SC)
2 youngest Chief Justices of High Courts
Comptroller and Auditor General (CAG)
Chief Election Commissioner (CEC)

INDEPENDENT authority



Politicians and bureaucrats will not be able to interfere in their functioning

CORRUPTION AT HIGHER LEVEL

TIME BOUND INVESTIGATIONS
FINANCIAL AND MANUAL RESOURCES
EXCAVATION OF MONEY
DISMISSAL OF OFFICER
DECLARATION OF ASSET

Investigation completed 1 year

May employ more staff to complete within
time

**AND MOST IMPORTANTLY JAN LOKPAL
AND JAN LOKAYUKTA HAVE:**

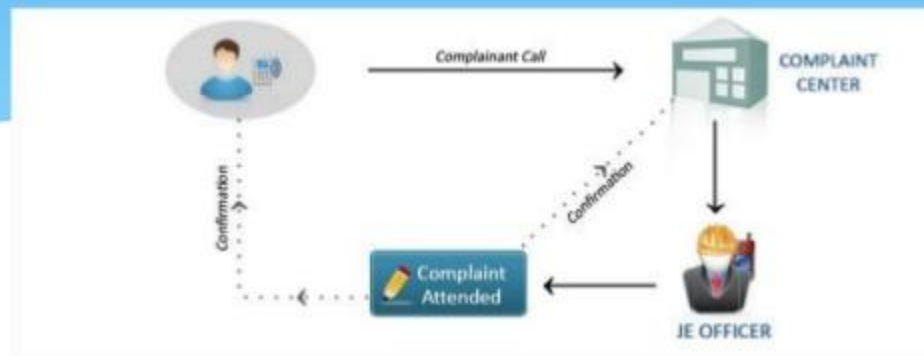
**Power to punish if its orders are not followed
Can impose financial penalties on the guilty
officials.**

**Initiate contempt proceedings against the guilty
officials.**

CORRUPTION AT LOWER LEVEL



PUBLIC GRIEVANCE OFFICER



**CVC, DEPARTMENTAL
VIGILANCE AND THE ANTI-
CORRUPTION BRANCH OF
THE CBI) WILL BE MERGED
INTO LOKPAL**



INCLUSION OF JUDICIARY



WHAT IF SOME OFFICER IN LOKPAL BECOMES CORRUPT?

The entire functioning of Lokpal/
Lokayukta will be completely
transparent. Any complaint against any
officer of Lokpal shall be investigated
and the officer dismissed within

WHISTLEBLOWERS who
alert the agency to potential
corruption cases



SIX FUNDAMENTAL RIGHTS

- The Right to **EQUALITY**
- The Right to **FREEDOM**
- The Right to Freedom from **EXPLOITATION**
- The Right to **FREEDOM OF RELIGION**
- **CULTURAL** and **EDUCATIONAL** Rights
- The Right to **CONSTITUTIONAL REMEDIES**

RIGHT TO EQUALITY

- (i) **Equality before Law :-** Article 14 of the constitution guarantees that all citizens shall be equally protected by the laws of the country

- (ii) **Social equality and equal access to public areas:-** Article 15 of the constitution states that no person shall be discriminated on the basis of caste, colour, language etc. Every person shall have equal access to public places like public parks, museums, wells, bathing ghats and temples etc. However, the State may make any special provision for women and children.

RIGHT TO EQUALITY

- (iii) **Equality in matters of public employment:-** Article 16 of the constitution lays down that the State cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs.
- (iv) **Abolition of untouchability :-** Article 17 of the constitution abolishes the practice of untouchability. Practice of untouchability is an offense and anyone doing so is punishable by law.
- (v) **Abolition of Titles:-** Article 18 of the constitution prohibits the State from conferring any titles. Citizens of India cannot accept titles from a foreign State.

RIGHT TO FREEDOM

- (i) **Freedom of Speech and expression**, which enable an individual to participate in public activities. The phrase, "freedom of press" has not been used in Article 19, but freedom of expression includes freedom of press.
- (ii) **Freedom to assemble peacefully without arms**, on which the State can impose reasonable restrictions in the interest of public order and the sovereignty and integrity of India.
- (iii) **Freedom to form associations or unions** on which the State can impose reasonable restrictions on this freedom in the interest of public order, morality and the sovereignty and integrity

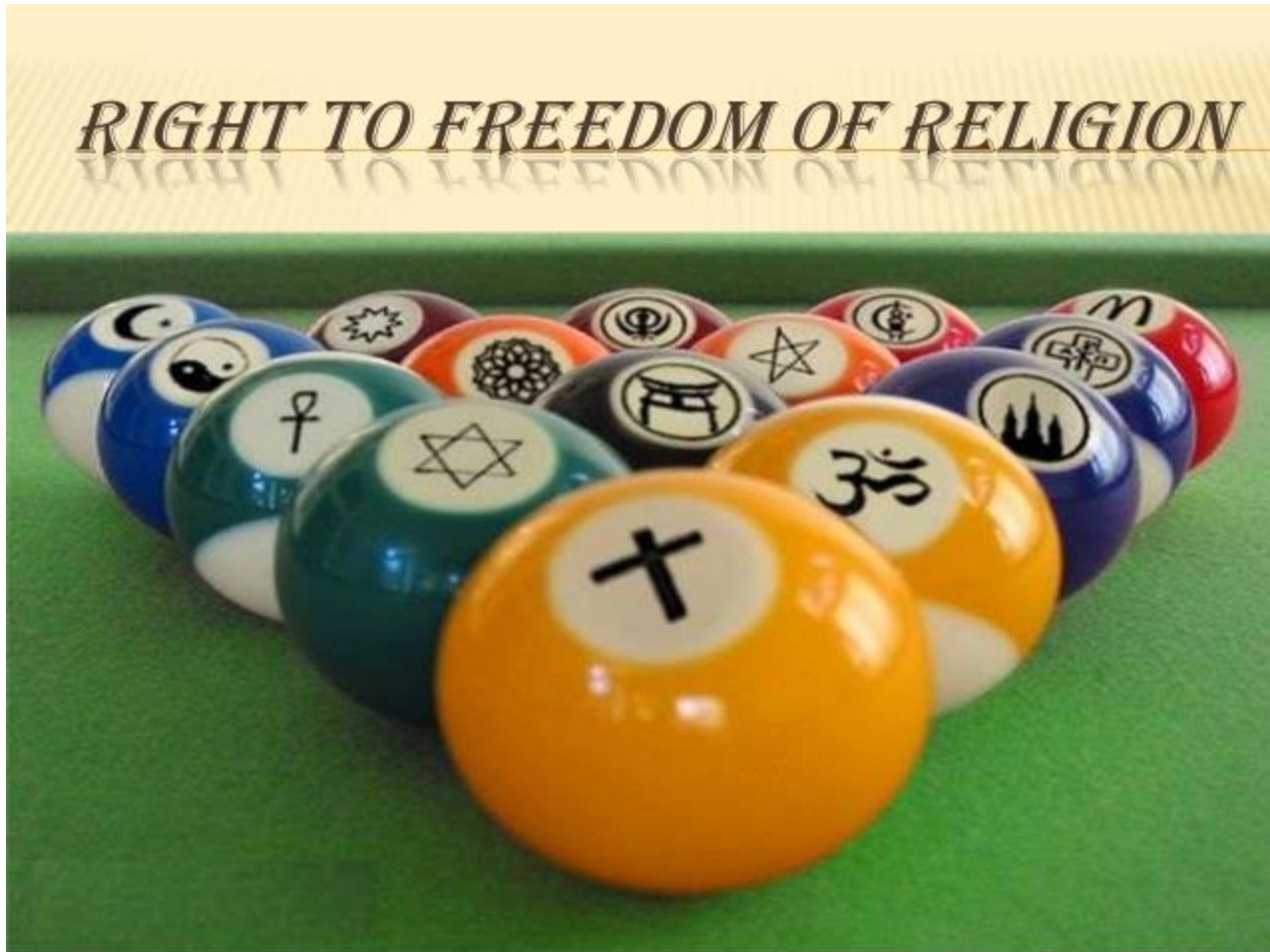
RIGHT AGAINST EXPLOITATION



RIGHT AGAINST EXPLOITATION

- The abolition of trafficking in human beings and *Begar* (forced labour)
- Abolition of employment of children below the age of 14 years in dangerous jobs like factories and mines.
- *Begar*, practised in the past by landlords, has been declared a crime and is punishable by law
- Trafficking in humans for the purpose of slave trade or prostitution is also prohibited by law.

RIGHT TO FREEDOM OF RELIGION



RIGHT TO FREEDOM OF RELIGION

According to the Constitution, all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice.

- i. Religious communities can set up charitable institutions of their own.
- ii. Activities in such institutions which are not religious are performed according to the laws laid down by the government
- iii. No person shall be compelled to pay taxes for the promotion of a particular religion.
- iv. A State run institution cannot impart education that is pro-religion

RIGHT TO CONSTITUTIONAL REMEDIES

- Right to constitutional remedies empowers the citizens to move a court of law in case of any denial of the fundamental rights.
- This procedure of asking the courts to preserve or safeguard the citizens' fundamental rights can be done in various ways. The courts can issue various kinds of writs. These writs are *habeas corpus*, *mandamus*, *prohibition*, *quo warranto* and *certiorari*.



What are fundamental Duties?

- 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.





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.





What are fundamental Duties?

- 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.





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;





The Duties

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;



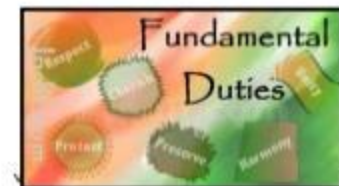
The Duties

- 8. 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. 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



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





*Thank
You*

A decorative graphic featuring the words "Thank You" in a cursive, gold-colored font. The text is surrounded by numerous small, five-pointed stars of varying sizes, also in a gold color. The stars are scattered around the text, creating a festive and celebratory feel. The entire graphic is set against a white background.