

6967000002 – Constitutional Values and Fundamental Duties

1. Short Notes on Selected Topics

(a) Equality

Equality is a foundational pillar of the Indian Constitution, enshrined primarily in **Article 14, 15, 16, 17, and 18** of the Fundamental Rights. It signifies the absence of special privileges for any section of society and the provision of adequate opportunities for all individuals without discrimination.

- **Equality Before Law (Article 14):** This principle, borrowed from the British concept, means that no person is above the law, and all are subject to the ordinary law of the land administered by ordinary law courts. It implies that all individuals, irrespective of their status, wealth, or position, are treated equally in the eyes of the law.
- **Equal Protection of Laws (Article 14):** This concept, derived from the American Constitution, implies that equals should be treated equally without discrimination. It allows for reasonable classification, meaning that while the law applies equally to all within a class, different classes can be treated differently if there's a rational basis for such differentiation (e.g., laws for children might differ from those for adults).
- **Prohibition of Discrimination (Article 15):** This article prohibits discrimination on grounds only of religion, race, caste, sex, or place of birth. It ensures equal access to public places like shops, hotels, wells, tanks, and roads. However, it allows the state to make special provisions for women and children, and for the advancement of any

socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

- **Equality of Opportunity in Public Employment (Article 16):** This guarantees equal opportunity for all citizens in matters relating to employment or appointment to any office under the State. It prohibits discrimination on grounds of religion, race, caste, sex, descent, place of birth, or residence. Similar to Article 15, it allows for reservations for backward classes to ensure their adequate representation.
- **Abolition of Untouchability (Article 17):** This is a significant step towards social equality, abolishing untouchability in all its forms and making its practice a punishable offense.
- **Abolition of Titles (Article 18):** This prohibits the State from conferring any titles (except military or academic distinctions) to prevent the creation of an artificial aristocracy and promote social equality.

In essence, the concept of equality in the Indian Constitution aims to establish not just formal equality but also substantive equality, striving to remove historical disadvantages and create a level playing field for all citizens.

(c) Preamble of the Indian Constitution

The Preamble serves as an introductory statement to the Constitution of India, embodying the philosophy, ideals, and aspirations of the framers. It is often referred to as the "soul" of the Constitution, providing a brief summary of its fundamental purpose and principles. The Preamble was amended

once by the 42nd Constitutional Amendment Act of 1976, which added three new words: **Socialist, Secular, and Integrity**.

The Preamble reads:

"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."

Key Elements of the Preamble:

- **Source of Authority:** "WE, THE PEOPLE OF INDIA" signifies that the Constitution derives its authority from the people of India, emphasizing popular sovereignty.
- **Nature of Indian State:** It declares India to be a:
 - **Sovereign:** India is an independent state, not subject to any external authority.
 - **Socialist:** Aims to achieve social and economic equality, reducing disparities in income, status, and opportunities.

- **Secular:** The state has no official religion and treats all religions equally, guaranteeing freedom of religion to all citizens.
- **Democratic:** The government is elected by the people and is accountable to them.
- **Republic:** The head of the state (President) is elected, not hereditary.
- **Objectives of the Constitution:** It outlines the fundamental objectives that the Constitution seeks to achieve for its citizens:
 - **Justice:** Social, economic, and political justice.
 - **Liberty:** Of thought, expression, belief, faith, and worship.
 - **Equality:** Of status and opportunity.
 - **Fraternity:** Assuring the dignity of the individual and the unity and integrity of the Nation.
- **Date of Adoption:** It mentions the date of adoption of the Constitution, November 26, 1949.

The Preamble serves as a guiding light for interpreting the Constitution and reflects the vision of its framers for a just, free, and equitable society. While not enforceable in a court of law, it has been declared by the Supreme Court as an integral part of the Constitution and can be used to interpret ambiguous provisions.

2. The Concept of Fundamental Duties in the Indian Constitution

The concept of Fundamental Duties was incorporated into the Indian Constitution by the **42nd Constitutional Amendment Act, 1976**, based on the recommendations of the **Swaran Singh Committee**. These duties are

enshrined in **Part IVA, Article 51A** of the Constitution. Originally, there were ten Fundamental Duties; an eleventh duty was added by the **86th Constitutional Amendment Act, 2002**.

While Fundamental Rights are justiciable (enforceable by courts), Fundamental Duties are **non-justiciable**, meaning they cannot be enforced by a writ petition in a court of law. However, they serve as a constant reminder to citizens that while enjoying their rights, they also have obligations towards the nation and society.

Rationale for their inclusion:

- **Balance between Rights and Duties:** The framers of the Constitution initially focused on rights. The emergency period (1975-77) highlighted the need for citizens to be aware of their responsibilities.
- **Promoting Civic Sense:** They aim to inculcate a sense of discipline, patriotism, and civic responsibility among citizens.
- **Strengthening National Unity:** They encourage citizens to uphold the unity and integrity of the nation.
- **Guiding Legislation:** Although non-justiciable, they can be used by courts to interpret laws and determine their constitutionality.

The Eleven Fundamental Duties (Article 51A):

It shall be the duty of every citizen of India:

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 endeavour and achievement;
11. to provide opportunities for education by a parent or guardian to his child or, as the case may be, ward between the age of six and fourteen years (added by 86th Amendment Act, 2002).

In conclusion, Fundamental Duties are an integral part of the Indian Constitution, acting as a moral code of conduct for citizens, fostering a sense of responsibility, and contributing to the overall well-being and progress of the nation.

3. Relevance of Social, Political, and Economic Justice in the Indian Constitution

The concept of "Justice – social, economic and political" is a core ideal enshrined in the **Preamble** of the Indian Constitution. It is further elaborated and sought to be achieved through various provisions in the **Fundamental Rights (Part III)** and **Directive Principles of State Policy (Part IV)**. This multi-faceted understanding of justice is profoundly relevant to us as citizens for several reasons:

- **Social Justice:**

- **Meaning:** Implies the absence of discrimination on grounds of caste, creed, gender, religion, or race. It aims to eliminate all forms of exploitation and ensure equal opportunities and treatment for all sections of society, especially the historically disadvantaged.
- **Constitutional Relevance:** Articles like **15 (prohibition of discrimination)**, **17 (abolition of untouchability)**, and **18 (abolition of titles)** directly address social justice. The provisions for reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Classes are also manifestations of the state's commitment to social justice, aiming to rectify historical injustices and ensure their equitable representation.
- **Relevance to Us:** It ensures that we are not discriminated against based on our identity and that we have equal access to public spaces, education, and employment. For marginalized communities, it provides a legal framework for affirmative action and protection against social evils. It promotes a society where

dignity and respect are accorded to every individual, fostering harmony and reducing social tensions.

- **Economic Justice:**

- **Meaning:** Implies the absence of glaring inequalities in wealth, income, and property. It aims to ensure that people are not exploited economically and that there is a fair distribution of resources and opportunities, leading to a decent standard of living for all.
- **Constitutional Relevance:** The Directive Principles of State Policy (DPSP) are particularly relevant here. **Article 39** directs the State to ensure that citizens have the right to an adequate means of livelihood, that the ownership and control of the material resources of the community are so distributed as best to subserve the common good, and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. Other articles like **Article 43 (living wage)** and **Article 46 (promotion of educational and economic interests of weaker sections)** also contribute to economic justice.
- **Relevance to Us:** It underpins policies like minimum wage laws, land reforms, social security schemes, and progressive taxation, which aim to reduce economic disparities. For individuals, it means striving for a system where hard work is rewarded fairly and basic economic security is available, reducing poverty and ensuring a more equitable distribution of the nation's wealth. It provides the basis for challenging economic exploitation and advocating for fair labor practices.

- **Political Justice:**

- **Meaning:** Implies that all citizens should have equal, free, and fair opportunities to participate in the political process. This includes equal access to political office, equal voice in decision-making, and universal adult suffrage.
- **Constitutional Relevance: Article 326 (universal adult franchise)** ensures that every citizen above 18 years of age has the right to vote, irrespective of religion, race, caste, sex, or education. Articles providing for free and fair elections, the right to contest elections, and equal access to public offices are all aspects of political justice.
- **Relevance to Us:** It guarantees our right to vote and choose our representatives, making the government accountable to the people. It ensures that every citizen has a voice in the governance of the country, promoting democratic participation and preventing political discrimination. It empowers us to hold our leaders accountable and shape the policies that affect our lives.

In conclusion, the constitutional commitment to social, economic, and political justice is highly relevant as it forms the bedrock of a democratic, equitable, and inclusive society. It provides the framework for laws and policies that strive to eliminate discrimination, reduce disparities, and ensure that every citizen has the opportunity to live a life of dignity and participate fully in the nation's progress.

4. 'Sarva Dharma Sambhava' in Indian Context

'Sarva Dharma Sambhava' is a profound philosophical concept deeply embedded in the ethos of India, particularly championed by Mahatma Gandhi. It literally translates to "equal regard for all religions" or "all religions are equal." It signifies not merely tolerance but a positive acceptance and respect for the truth in all religions.

Key aspects and implications of 'Sarva Dharma Sambhava' in the Indian context:

- **Beyond Tolerance to Acceptance:** It goes beyond simply tolerating other religions, which might imply a grudging acceptance. Instead, it advocates for an active understanding, respect, and even reverence for the diverse paths to truth that different religions offer. It suggests that while paths may differ, the ultimate spiritual goal or truth is one.
- **Gandhian Philosophy:** Mahatma Gandhi was a strong proponent of 'Sarva Dharma Sambhava'. For him, it was not just a political slogan but a deeply held spiritual conviction. He believed that all religions lead to the same God and that communal harmony was essential for India's unity and progress. He famously said, "I believe in the fundamental truth of all great religions of the world."
- **Foundation of Indian Secularism:** While the Indian Constitution adopted the term "Secular" through the 42nd Amendment, the Indian model of secularism is distinct from the Western model. Western secularism often implies a strict separation of state and religion, with the state being neutral by not interfering in religious affairs. Indian secularism, on the other hand, embodies 'Sarva Dharma Sambhava' where the state does not favor any one religion but treats all religions equally and respects them. It can even intervene in religious matters

to ensure social justice (e.g., abolishing untouchability or reforming personal laws).

- **Unity in Diversity:** India is a land of immense religious diversity, with followers of Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, and various indigenous faiths coexisting. 'Sarva Dharma Sambhava' is crucial for maintaining social cohesion and national unity in such a pluralistic society. It promotes mutual understanding and discourages religious fanaticism or superiority complexes.
- **Constitutional Reflection:** Although the phrase itself is not explicitly in the Constitution, its spirit is deeply reflected in various provisions:
 - **Preamble:** The word "Secular" was added, signifying the state's commitment to religious equality.
 - **Fundamental Rights (Articles 25-28):** These articles guarantee freedom of conscience and the right to freely profess, practice, and propagate religion, subject to public order, morality, and health. They also ensure freedom to manage religious affairs, freedom from taxation for promotion of any particular religion, and freedom from attendance at religious instruction in certain educational institutions.
- **Challenges and Ideal:** While 'Sarva Dharma Sambhava' is an ideal, its practical implementation faces challenges due to communal tensions, political exploitation of religious sentiments, and instances of religious intolerance. However, it remains a guiding principle for promoting inter-faith harmony and upholding the unique secular fabric of India.