

FUNDAMENTAL DUTIES

**(FD) full explanation +
most imp Facts with
TRICKS to remember
them**

By GYAN

HISTORY

- ORIGINAL CONSTITUTION CONTAINS ONLY FUNDAMENTAL RIGHTS + DUTIES OF STATE (DPSP !!)
- INSPIRED FROM **USSR**
- major democratic countries like USA, Canada, France, Germany, Australia **don't have FD's list**
- IN SOCIALIST COUNTRIES – BOTH ARE GIVEN EQUAL IMPORTANCE

By GYAN

HISTORY

- . Japanese Constitution is, perhaps, the only democratic Constitution in world which contains a list of duties of citizens.
- Hence, the Constitution of erstwhile USSR declared that the citizen's exercise of their rights and freedoms was inseparable from the performance of their duties and obligations

By GYAN

SWARN SINGH COMMITTEE

- the need and necessity was felt during the operation of the internal emergency (1975–1977).
- In 1976, the **Congress Party set up the Sardar Swaran Singh Committee** to make recommendations about fundamental duties
- 42nd CAA - part IV- A + Article 51 A

By GYAN

SWARN SINGH COMMITTEE

- Swaran Singh Committee suggested the incorporation of eight duties
- Certain recommendations were not accepted like –
 1. The **Parliament may provide for the imposition of such penalty or punishment** as may be considered appropriate for any non-compliance with or refusal to observe any of the duties.
 2. **No law imposing such penalty or punishment shall be called in question in any court** on the ground of infringement of any of Fundamental Rights or on the ground of repugnancy to any other provision of the Constitution.
 3. **Duty to pay taxes** should also be a Fundamental Duty of the citizens

By GYAN

LIST OF FUNDAMENTAL DUTIES

FUNDAMENTAL DUTIES

51A. Fundamental duties.—It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and **respect** its ideals and institutions, the National Flag and the National Anthem;
- (b) to cherish and **follow** the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and **protect** the sovereignty, unity and integrity of India;
- (d) to **defend** the country and render national service when called upon to do so;
- (e) 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;
- (f) to value and **preserve** the rich heritage of our composite culture;
- (g) to **protect** and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;
- (h) to **develop** the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to **safeguard** public property and to abjure violence;
- (j) 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.]
- ²[(k) 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.]

By GYAN

LIST OF FUNDAMENTAL DUTIES

¹[भाग 4क

मूल कर्तव्य

51क. मूल कर्तव्य--भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह--

- (क) संविधान का पालन करे और उसके आदर्शों, संस्थाओं, राष्ट्र ध्वज और राष्ट्रगान का आदर करे ;
- (ख) स्वतंत्रता के लिए हमारे राष्ट्रीय आंदोलन को प्रेरित करने वाले उच्च आदर्शों को हृदय में संजोए रखे और उनका पालन करे ;
- (ग) भारत की प्रभुता, एकता और अखंडता की रक्षा करे और उसे अक्षुण्ण रखे ;
- (घ) देश की रक्षा करे और आह्वान किए जाने पर राष्ट्र की सेवा करे ;
- (ङ) भारत के सभी लोगों में समरसता और समान भ्रातृत्व की भावना का निर्माण करे जो धर्म, भाषा और प्रदेश या वर्ग पर आधारित सभी भेदभाव से परे हो, ऐसी प्रथाओं का त्याग करे जो स्त्रियों के सम्मान के विरुद्ध है ;
- (च) हमारी सामासिक संस्कृति की गौरवशाली परंपरा का महत्व समझे और उसका परिरक्षण करे ;
- (छ) प्राकृतिक पर्यावरण की, जिसके अंतर्गत वन, झील, नदी और वन्य जीव हैं, रक्षा करे और उसका संवर्धन करे तथा प्राणि मात्र के प्रति दयाभाव रखे ;
- (ज) वैज्ञानिक दृष्टिकोण, मानववाद और ज्ञानार्जन तथा सुधार की भावना का विकास करे ;
- (झ) सार्वजनिक संपत्ति को सुरक्षित रखे और हिंसा से दूर रहे ;
- (ञ) व्यक्तिगत और सामूहिक गतिविधियों के सभी क्षेत्रों में उत्कर्ष की ओर बढ़ने का सतत प्रयास करे जिससे राष्ट्र निरंतर बढ़ते हुए प्रयत्न और उपलब्धि की नई ऊंचाइयों को छू ले ;

²[(ट) यदि माता-पिता या संरक्षक है, छह वर्ष से चौदह वर्ष तक की आयु वाले अपने, यथास्थिति, बालक या प्रतिपाल्य के लिए शिक्षा के अवसर प्रदान करे]]

TRICK

DPSP

DPRP

OEF

By GYAN

FEATURES OF FD's

1. Some of them are moral duties while others are civic duties.
2. They refer to **such values which have been a part of the Indian tradition**, mythology, religions and practices
3. Fundamental Duties are confined to **citizens only** and do not extend to foreigners
4. fundamental duties are **also non-justiciable**.

The Constitution does not provide for their direct enforcement by the courts. Moreover, there is not legal sanction against their violation. However, the **Parliament is free to enforce them by suitable legislation**.

By GYAN

CRITICISM

1. NOT EXHAUSTIVE
2. VAGUE ,AMBIGUOUS AND DIFFICULT
3. CODE OF MORAL PERCEPTS DUE TO THEIR NON JUSTICIABLE CHARACTER
4. SEPARATE INCLUSION IS SUPERFLUOUS
5. WHY PART IV-A ? WHY NOT PART III –A ?

By GYAN

SIGNIFICANCE

1. SERVE AS REMINDER
2. SERVE AS A WARNING AGAINST THE ANTI NATIONAL ELEMENTS / ANTI SOCIAL
3. SOURCE OF INSPIRATION
4. They help the courts in examining and determining the constitutional validity of a law.
5. **ENFORCEABLE BY LAW !!**

By GYAN

VERMA COMMITTEE

The Verma Committee on Fundamental Duties of the Citizens (1999) found legal provisions for the implementation of some of the Fundamental Duties.

Some of them are -

1. The **Prevention of Insults to National Honour Act (1971)** - prevents disrespect to the Constitution of India, the National Flag and the National Anthem.
2. **Various criminal laws in force** - for punishments for encouraging enmity between different sections of people on grounds of language, race, place of birth, religion, etc.
3. The **Protection of Civil Rights Act (1955)** - for punishments for offences related to caste and religion.
4. The **Indian Penal Code (IPC)** mentions the assertions prejudicial to national integration as punishable offences.

By GYAN

VERMA COMMITTEE

5. The **Unlawful Activities (Prevention) Act of 1967** - for the declaration of a communal organization as an unlawful association.
6. The **Representation of People Act (1951)** - for the disqualification of members of the Parliament or a state legislature for indulging in corrupt practice, that is, soliciting votes on the ground of religion or promoting enmity between different sections of people.
7. The **Wildlife (Protection) Act of 1972** - prohibits trade in rare and endangered species.
8. The **Forest (Conservation) Act of 1980** - checks indiscriminate deforestation and diversion of forest land for non-forest purposes.

By GYAN

MOST IMP FACTS

- ORIGINAL CONSTITUTION DIDN'T HAVE
- 10 DUTIES ADDED BY 42ND CAA (1976)
- PART IV-A added (only 1 article 51 A)
- 11th duty added by 86th CAA 2002
- Non justiciable
- Inspired from soviet union
- Only for citizens
- Not applicable to Jammu and kashmir
- Enforceable by law

SOME QUESTIONS FOR YOU

Q. Which of the following can be considered as legal provisions for the implementation of some of the Fundamental Duties?

1) The Forest (Conservation) Act of 1980

2) Prevention of Insults to National Honour Act

3) Wildlife (Protection) Act of 1972

4) Protection of Civil Rights Act (1955)

a. 1, 2, 3

• b. 3, 4

• c. 2, 3 and 4

• d. All of the above

By GYAN

SOME QUESTIONS FOR YOU

Q. How the fundamental duties are being enforced

- A.) There is no provisions in the constitution for direct enforcement nor any sanction to prevent their violation
- B.) The high courts have been granted power to enforce the fundamental duties
- C.) The Supreme court has been granted powers to enforce the fundamental duties
- D.) Any of the court may issue directions for enforcement of fundamental duties

By GYAN

SOME QUESTIONS FOR YOU

- Q. To protect the sovereignty , unity and integrity of India is the
- A.) Fundamental rights of the citizen
 - B.) Fundamental duties of the citizen
 - C.) Directive principles of state policy
 - D.) ALL OF THE ABOVE

By GYAN

SOME QUESTIONS FOR YOU

Q. The fundamental duties has been inserted by the

- A.) 24th constitutional amendment
- B.) 43rd constitutional amendment
- C.) 42nd constitutional amendment
- D.) 44th constitutional amendment

By GYAN

SOME QUESTIONS FOR YOU

Q. WHICH OF THE FOLLOWING CAN BE AMENDED BY CONSTITUTION ?

1. FUNDAMENTAL DUTIES
2. FUNDAMENTAL RIGHTS
3. DIRECTIVE PRINCIPLES OF STATE POLICY

CHOOSE CORRECT –

- A. 12
- B. 23
- C. 123
- D. NONE

By GYAN