



## **FACULTY OF JURIDICAL SCIENCES**

**Course : BALLB , 3<sup>rd</sup> Semester**

**Subject : CONSTITUTIONAL LAW I**

**Subject code : BAL304**

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## Constitutional law - I

**OBJECTIVE:** The objective of this paper is to provide understanding of basic concepts of Indian Constitution and various organs created by the constitution including their functions.

### UNIT – I

- Salient features of the Indian Constitution.
- Preamble
- Definition of State (Art. 12)
- Doctrines of Ultra-vires, severability, eclipse, waiver (Art, 13)

### UNIT-II

- Right to equality (Art. 14)
- Prohibition of discrimination, Rights to equality of opportunity (Art. 15-16)
- Right to freedom under Article 19: Freedom of association; Freedom of movement;
- Freedom of residence; Freedom of assembly; Freedom of association; Freedom of
- movement; Freedom of residence; Freedom of occupation, trade and business;
- Right to take out processions; Right of the State to impose reasonable restrictions

### UNIT – III

- Protection in respect of Conviction under Article 20,
- Ex-post-facto law; Double jeopardy; Self-incrimination;
- Right of Life and Personal Liberty (Act. 21),
- Protection in respect of arrest and detention
- Right to freedom of religion (Articles 25-28)

### UNIT – IV

- Cultural and Education Rights (Articles 29-30)
- Enforcement of Fundamental Right, Writ Jurisdiction of the Supreme Court and
- High Court (Article 32, 226)

- Right to property before and after the Constitution 42nd Amendment Act, 1976
- Abolition of Untouchability, Titles (Articles 17-18)
- Right against exploitation (Articles 23, 24)

Suggested Readings:

1. Austin Granville: Constitution of India: Cornerstone of a Nation; and Working A Democratic constitution
2. NarenderKumar : Constitutional Law of India.
3. Basu D. D : Shorter Constitution of India
4. Jain, M.P.: Constitutional Law of India,
5. Seervai, H.M. : Constitutional Law of India, Vols. I-III
6. Shukla, V.N. : Constitutional of India (ed. M.P.Singh)
7. B.R. Sharma : Constitutional Law and judicial Activism
8. M.C. Jain Kagzi : The constitution of India
9. B. Shiva Rao: The Framing of India's Constitution

# LECTURE 41

## FUNDAMENTAL DUTIES

42nd Amendment Act of 1976 added 10 Fundamental Duties to the Indian Constitution. 86th Amendment Act 2002 later added 11th Fundamental Duty to the list. Swaran Singh Committee in 1976 recommended Fundamental Duties, the necessity of which was felt during the internal emergency of 1975-77.

The Fundamental Duties are dealt with Article 51A under Part-IV A of the Indian Constitution. The topic is important for [IAS Exam](#) as questions are recurring in all its three stages- Prelims, Mains and Interview.

This article will mention in detail the 11 Fundamental Duties and its importance in India. The topic forms a significant part of UPSC Political Science which is one of the major subjects in Prelims, Mains GS-II and also optional.

### Introduction to 11 Fundamental Duties in India

The fundamental duties which were added by the 42nd Amendment Act of the Constitution in 1976, in addition to creating and promoting culture, also strengthen the hands of the legislature in enforcing these duties vis-a-vis the fundamental rights.

The list of 11 Fundamental Duties under article 51-A to be obeyed by every Indian citizen is given in the table below:

S.No	11 Fundamental Duties
1.	Abide by the <a href="#">Indian Constitution</a> and respect its ideals and institutions, the National Flag and the National Anthem
2.	Cherish and follow the noble ideals that inspired the national struggle for freedom
3.	Uphold and protect the sovereignty, unity and integrity of India
4.	Defend the country and render national service when called upon to do so
5.	Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women

6.	Value and preserve the rich heritage of the country's composite culture
7.	Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8.	Develop scientific temper, humanism and the spirit of inquiry and reform
9.	Safeguard public property and to abjure violence
10.	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.	Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002

The Fundamental Duties form an important topic for IAS Prelims as can be seen from the past year question papers. Aspirants preparing for [UPSC 2020](#) are advised to cover the topic with all facts and figures. The topic once understood can fetch you a great score in prelims and mains both.

#### Importance of Fundamental Duties- Part IV-A

Fundamental Duties are an inalienable part of [fundamental rights](#). The importance of these are given in the table below:

S.No	Importance of Fundamental Duties
1.	They remind Indian Citizens of their duty towards their society, fellow citizens and the nation
2.	They warn citizens against anti-national and anti-social activities
3.	They inspire citizens & promote a sense of discipline and commitment among them
4.	They help the courts in examining and determining the constitutional validity of a law
5.	They are enforceable by law

#### Criticism of Fundamental Duties

The Fundamental Duties mentioned in Part IVA of the Constitution have been criticized on the following grounds:

- They have been described by the critics as a code of moral precepts due to their non-justiciable character. Their inclusion in the Constitution was described by the critics as superfluous. This is because the duties included in the Constitution as fundamental would be performed by the people even though they were not incorporated into the Constitution.
- Some of the duties are vague, ambiguous and difficult to be understood by the common man.
- The list of duties is not exhaustive as it does not cover other important duties like casting vote, paying taxes, family planning and so on. In fact, the duty to pay taxes was recommended by the Swaran Singh Committee.
- The critics said that the inclusion of fundamental duties as an appendage to Part IV of the Constitution has reduced their value and significance. They should have been added after Part III so as to keep them on par with Fundamental Rights.
- Swaran Singh's Committee recommended more than 10 Fundamental Duties, however, not all were included in the constitution. Those duties recommended by the committee which were not accepted were:
  1. Citizens to be penalized/punished by the parliament for any non-compliance with or refusal to observe any of the duties.
  2. The punishments/penalties decided by the Parliament shall not 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.

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**Choose the correct option**

1. **The constitution of India, adopted Fundamental Duties from the constitution of .....**
  - (A) America
  - (B) Japan
  - (C) Russia
  - (D) Britain
2. **. When Fundamental Duties were added in the Constitution of India?**

(A) 1976

(B) 1965

(C) 1970

(D) 1992

3. **At present how many Fundamental Duties are in the Constitution of India?**

(A) 6

(B) 7

(C) 10

(D) 11

4. **the Indian Constitution, Fundamental Duties are given in which article?**

(A) Article 12 to 35

(B) Article 51A

(C) Article 36 to 50

(D) Article 19

5. **Which of the following statements is false?**

(A) Fundamental Duties are given in Part IV of the Constitution

(B) After the 42th constitutional amendment Fundamental Duties have been added to the Constitution of India.

(C) In 2002, after the 82nd Constitution Amendment Act, another Fundamental Duty was added.

(D) Public Representation Act, Built in1951.