

INDIAN CONSTITUTION

19MC004

UNIT I - CONSTITUTION FRAMEWORK

CONSTITUTION FRAMEWORK

- The constitution is considered federal in nature, and unitary in spirit.
- It has features of a federation, including a codified, supreme constitution; a three-tier governmental structure (central, state and local); division of powers; bicameralism; and an independent judiciary.
- The Constitution of India is a remarkable document that serves as the supreme law of India. Indian Constitution might be supposed to be an acquired constitution, the credit of its composer lies in get-together the best elements of every one of the current constitutions and in changing them to keep away from the deficiencies that have been uncovered in existing and working constitutions.

History of the Constitution of India:

- The Constitution of India was embraced by the Constituent Assembly of India on 26 November 1949 and became successful on 26 January 1950.
- The constitution supplanted the Government of India Act 1935 as the country's principal administering report, and the Dominion of India turned into the Republic of India.
- To guarantee sacred autochthony, its designers cancelled earlier demonstrations of the British parliament in Article 395.
- India commends its constitution on 26 January as Republic Day.

Collection of many Constitutions:

- Integrate collected insight into various constitutions.
- Basic privileges like fundamental rights are displayed in the American Constitution.
- Embraced the parliamentary arrangement of government in the United Kingdom.
- Took the possibility of mandate standards of State strategy from the constitution of Eire.

- Added elaborate arrangements connecting with crises in the radiance of the constitution of the German Reich.
- Nitty-gritty managerial arrangements included.

Making of the Constitution

- Making of the Indian Constitution: Constituent Assembly
- The Indian Constitution is a single document that is written and codified, and enacted by a single body. The Indian Constitution came to be adopted in the year 1949 on 26th November and members of the parliament signed it on January 24 in 1950.
- The Indian Constitution is an amalgamation of supreme, rigidity, and flexibility.
- The Constituent Assembly had been written and debated between December 1946 to January 1950.
- The consensus was required by the freedom struggle which transformed society and politics.
- The document was lengthy and comprised 395 Articles and 8 Schedules.
- Making of the Indian Constitution
- The draft for the Indian Constitution came to be prepared in 1928 by Motilal Nehru and other 8 members of Congress.
- In 1931, a resolution came to be given on the idea of a constitution for an independent India at the Karachi Session of the Congress.
- Basic values like Universal Adult Franchise, the right to freedom and equality as well as rights for minorities were withdrawn from the resolution and the experience of colonial rule helped for the development of legislative institutional design for India.
- Making of Indian Constitution: Timeline
- The Indian Constitution took three years to be drafted and eleven sessions were held over 165 days cues from various constitutions were taken for drafting the constitution.

Dates	Events
1934	MN Roy gave the idea of a Constituent Assembly for framing Indian Constitution.
1935	The idea of forming a Constituent Assembly came to be supported by leaders of Congress and demand was put forward.
1938	On behalf of the Indian National Congress, Jawaharlal Nehru demanded the constituent assembly consisting of Indians only.
1940	In the August Offer, the British accepted this demand.
1942	The Cripps Mission before Quit India Movement said that the formation of Constituent Assembly would be after World War II.
1946	The Cabinet Mission formed Constituent Assembly. Constituent Assembly consisted of: 389 seats and the majority of seats were by Congress-208.
9th December 1946	The initial meeting of the Constituent Assembly took place with 211 members and the first president was Dr. Sachidanand Sinha.
11th December 1946	The Permanent President was Dr Rajendra Prasad and Vice President was H.C.Mukherjee and The constitutional advisor was B.N. Rao.
13th December 1946	The philosophical structure of the Constitution was laid by Jawaharlal Nehru and passed on

Dates	Events
	22nd July 1947.
3rd June 1947	<p>Lord Mountbatten had planned for two constituent assemblies and the number of seats was reduced to 299 and the first Parliament of India, a constituent assembly came to be formed.</p> <p>The first speaker was G.V.Malvankar and the chairman was Dr. Rajendra Prasad.</p>
26th November 1949	The Constitution of India came to be made.

Demand for Constituent Assembly:

- The British Parliament came to be presented with Indian Commonwealth Bill in 1925, which is one of the most important constitutional reforms, and the report by Motilal Nehru was considered to be the first major attempt at full fledged constitution in 1928.
- Between the years 1930-32, three round table conferences were convened.
- In 1934, the idea for a constituent assembly was forwarded by M.N.Roy, and in 1935, Congress demanded a constituent assembly for framing the constitution.
- In 1938, Jawaharlal Nehru said the constituent assembly should consist of elected members based on a universal adult franchise.
- In 1940, the demand was accepted by the British government and this was termed an August offer in 1942.
- In 1946, the Constituent Assembly was formulated on basis of a cabinet mission.

The Constituent Assembly:

- The members of the Constituent Assembly were the elected representatives who drafted the document of the Indian constitution.

- The elections to this Assembly were held in 1946 July and the first meeting was held on December 1946.
- Because of partition, the constituent assembly was also divided.
- The Constituent Assembly is constituted of 299 members who adopted the constitution on 26 November 1947 and came into effect on 26 January 1950.
- There were 8 Major committees and 15 minor committees in the constituent assembly for different subjects.

Name of the Major Committees	Chairman
Union Power Committee	
Union Constitution Committee	Pandit Jawaharlal Nehru
States Committee	
Provincial Committee	Sardar Vallabhbhai Patel
Drafting Committee	B.R. Ambedkar
Advisory Committee	Sardar Vallabhbhai Patel
Rules Committee	
Steering Committee	Rajendra Prasad

Making of the Indian Constitution:

- An Objective Resolution was passed by Jawaharlal Nehru on 13th December 1946 which laid down the philosophical structure of the constitution of India.
- Jawaharlal Nehru had great aspirations for framing of the Constitution of India which was adopted on 22nd July 1947, based on the Preamble of the Indian Constitution.

Enactment and Enforcement of the Constitution:

- The motion for Draft Constitution was proclaimed on November 26, 1949, for gaining the signatures of the members as well as that of the President, and the Preamble was enacted by the Constitution.
- The Constitution was accepted on November 26, 1949, with a Preamble, 395 Articles, such as Articles 5 to 9, Articles 379,380, 388, 392, and 393.
- Remaining of the articles came into effect on Republic Day, 26 January 1950.
- The Indian Independence Act of 1947 and the Government of India Act of 1935 were repealed after the Constitution of India came into effect.
- Our constitution at present has 448 Articles, 25 Parts, and 12 Schedules.

Women and The Constituent Assembly:

- Women played a very important role in the creation of the Indian Constitution, which is an important role in the Constituent Assembly and many women members of the Constituent Assembly also contributed to the creation of an independent Indian Constitution.
- Rajakumari Amrit Kaur was the first woman of independent India to be appointed to Cabinet as Health Minister and established AIIMS and Lady Irwin College in Delhi.

Indian Constitution: Challenges

- After being under British rule for almost 300 years (200 years under company rule and 100 years) India attained independence after a consistent struggle for many decades in the form of movements and sacrifices of many freedom fighters.
- After attaining independence the main task before our leaders were to design a constitution. The creation of the constitution for an immense and diverse nation like India was not a simple undertaking.
 - The nation was conceived through a segment based on partition. This was an awful experience for individuals in India and Pakistan. Many people on both sides of the border lost their lives in the violence created due to the partition.
 - Another challenge faced was the merger of princely states in the nation. The British left it to the choice of the princely states whether to unite into India or Pakistan. The making of the constitution in such a situation for a secure and stable future for the country was an immense task.

- Indian diversity was a crucial factor to be kept in mind. The constitution to be made was to satisfy the people who are entangled in different religions, cultures, castes, and languages.

Merits of the Indian Constitution:

- Amidst these challenges, India had an advantage which is the consensus on how the nation and constitution should be.
- With the Indian freedom struggle, the leaders got an accurate idea about how the Indians are and what system should be right for Indian society.
- Even though people had some differences, the basic outline and ideas were accepted by the majority of the people.
- Both Motilal Nehru's and the Congress Karachi session's reports were focused on the incorporation of all-inclusive grown-up establishments, the right to opportunity and equity, and safeguarding the freedoms of minorities in the constitution of free India.
- Hence a few essential qualities were acknowledged by all pioneers much before the Constituent Assembly met.
- Under British rule, India experienced the political foundations laid by them.
- The experience with these political foundations gave a great understanding to our leaders. The experience acquired by Indians in the working of the official foundations demonstrated to be extremely valuable for the nation in setting up its foundations.
- This was reflected when many ideas and features of the government act of India in 1935 were adopted into the Indian constitution.

Salient Features of Indian Constitution

- A constitution is a document of basic and essential principles or laid out points of reference that comprise the lawful premise of a commonwealth, association, or another sort of substance and generally decide how that element is to be governed.
- Most constitutions look to manage the connection between establishments of the state, from a fundamental perspective the connection between the Executive i.e. leaders, the Legislature-lawmaking body, and the Judiciary.

- The Constitution of India is one of the most extensive and significant constitutions in the world and represents the nation's commitment to equality, liberty, justice, and fraternity.
- In this article, we will look at what the Indian Constitution is, its history, important constitutional amendments, different features of Indian Constitution, and which constitutional features we have borrowed from other countries.

What is the Constitution of India?

- The Constitution of India is the most important law of India.
- The document lays out the framework for the demarcation of fundamental political code, structure, procedures, powers as well as the duties of the government institutions and also sets out the fundamental rights, directive principles, and also the duties of the citizens and also it is one of the longest written constitutions in the world.
- Initially, it consisted of approximately 145,000 words, making it the second-largest active constitution in the world, with 395 articles, 22 parts, and 8 schedules.
- Now, it has a preamble, 25 parts with 12 schedules, 5 appendices, 448 articles, and 101 amendments.
- It is constitutional supremacy as it was created by the constituent assembly rather than the parliament, and was adopted by the people with the declaration in its preamble and the Parliament hence cannot override the constitution.

History of the Indian Constitution:

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- The constitution supplanted the Government of India Act 1935 as the country's principal administering report, and the Dominion of India turned into the Republic of India.
- To guarantee sacred autochthony, its designers canceled earlier demonstrations of the British parliament in Article 395.
- India commends its constitution on 26 January as Republic Day.
- It was adopted by the Constitution Assembly.
- The chairman was Dr. B.R. Ambedkar, who is widely considered to be the architect of the Constitution of India.

- With the adoption of the constitution, The Union of India became the contemporary and also the modern Republic of India.
- The constitution declares India to be a sovereign, socialist, secular, and also democratic republic, which assures its citizens justice, liberty, and equality and promotes fraternity.

Important Amendments of the Constitution of India :

- The constitution of India is not rigid by nature and can be amended by the Parliament, by keeping in mind certain rules.
- There have been changes adopted by the Constitution of India in a number of situations.

A few important amendments of the Indian Constitution are:

1. 42nd Amendment
 2. 44th Amendment
- **The 42nd Amendment** is also referred to as the “Mini Constitution” as it made some remarkable changes to the constitution.
 - It was during the Emergency of 1976.
 - The Amendment changed the description of India from “sovereign democratic republic” to that of “sovereign, socialist secular democratic republic” and also changed the words from “unity of the nation” to “unity and integrity of the nation”.
 - 44th Amendment of 1978 removed the right to property from the list of fundamental rights and Article 300-A, was added to the constitution; which stated “no person shall be deprived of his property save by authority of law”.

Why Constitution of India is called Bag of Borrowing?

- The Constitution of India has borrowed many of its features.
- The founding fathers of the country borrowed good features from different nations and formulated the constitution which is best suited for India.

The table below gives an idea of the same:

Constitution	Features
British	It borrowed the Parliamentary system, the Constitutional Head of the State, the Lower House being more powerful than the Upper House, the Responsibility of the Council of Ministers towards Parliament, and the prevalence of the rule of Law
US	It has borrowed the Preamble, Fundamental Rights, Fundamental Rights, Functions of the Vice-president, amendment of the constitution, the nature and also functions of the Supreme Court, and independence of the Judiciary.
Australia	List of Concurrent powers and procedures for solving deadlock over concurrent subjects between the center and the states.
Irish	Directive principles of State Policy and method of nomination of members to the Rajya Sabha
Weimer Constitution of Germany	Powers of the President
Canadian	It adopted provisions of a strong nation, the name of the Union of India, and the vesting of the residual powers.
South Africa	The procedure of amendment with a 2/3rd majority in Parliament and election of members of Rajya Sabha on the basis of proportional representation by the State legislatures.

Features of the Indian Constitutions

The following list and a brief explanation of the features of the Indian Constitution-

1. Longhiest Written Constitution:

- The Constitution of India is the lengthiest and also detailed constitutional document present in the world so far.
- It is a very comprehensive, elaborate, and also detailed document.
- A few reasons for its lengthy nature is because of geographical factors, historical factors, a single constitution for both center and states and dominance of legal luminaries in the Constituent Assembly.

2. Drawn from Various Sources:

- The Constitution of India has borrowed most of its provisions from the constitutions of many countries as well as from the Government of India Act of 1935.
- The structural part of the Constitution is borrowed from the Government of India Act of 1935. The philosophical aspect of the constitution is derived from the American and Irish constitutions respectively.
- Political portions of the Constitution have been largely taken from the British Constitution.

3. Blend of Rigidity and Flexibility:

- The Indian constitution is a mixed and unique example of both rigidity and flexibility, which is based on its amending procedure.
- Some provisions can be amended by a special parliamentary majority.

4. Preamble of the Constitution:

- The preamble of the Indian Constitution consists of the ideals, objectives, and also basic principles of the Constitution.
- The objectives which flow from the Preamble direct the salient features of the Constitution.

- It asserts that India is a Sovereign Socialist Secular Democratic Republic and a welfare state committed to securing justice, liberty, and equality for people and also the promotion of fraternity, dignity, and unity of individuals and the country.

5. Rule of Law:

- Law is sovereign in a democracy.
- There is no room for arbitrariness and the individuals enjoy some fundamental rights.
- The highest judiciary is the final authority in maintaining the sanctity of the law.
- The promotion of Lok Adalats and the venture of the Supreme Court also known as “public interest litigation” have been implemented.

6. Federalism:

- The Constitution of India establishes a federal form of government system in India.
- The features of the federal government like that of two government levels, divisions of power, supremacy, and also rigidity of written constitution and bicameralism are present in it.
- Features of a unitary form of government such as that of single citizenship, strong center, single constitution, flexibility of constitution, all-India services, integrated judiciary, emergency provisions, and so on are included.

Article 1 says India is a “Union of States“, which implies:

1. Indian Federation is not the result of agreements by the states.
2. States do not have the right to secede from the federation.

7. Parliamentary Form of Government:

- The parliament form, which is mostly borrowed from the British system, is on the principles of cooperation and coordination of legislative and executive.
- It is a responsible and cabinet government.
- Not only in the center but parliamentary forms of government are also followed in the states.

Some features of the parliamentary form of government are as follows:

- Nominal and real executives.
- Rule of the majority party

- Collective responsibility of the executive to the legislature
- Membership of the ministers in the legislatures.

8. Integrated and Independent Judiciary:

- India has a single integrated judicial system and the Constitution also establishes an independent judiciary by enabling the Indian judiciary to be free from the influences of both executive and the legislature.
- Supreme Court stands as the main body of the judicial system and below the Supreme Court is the high courts at the state level.
- The Supreme Court is a federal court, with the highest court of appeal, the guarantor of fundamental rights for citizens and guardian of the Constitution.

9. Directive Principles of State Policy:

- The directive principles of state policies aimed at making India a welfare state.
- They are enumerated in Part IV of the Constitution.
- This was included to provide social and economic justice to the people.
- Their usefulness lies in the moral obligation to apply them to the states in making the laws and is hence fundamental for the country's governance.

10. Parliamentary Sovereignty and Judicial Supremacy:

- The framers of the Indian Constitution have prepared a proper synthesis of the British principle of parliamentary sovereignty and also the American principle of Judicial supremacy.
- The Supreme Court of India can declare the parliamentary laws as being unconstitutional through the power of judicial review and the parliament can amend the major portion of the constitution through constituent power.

11. Fundamental Rights:

- They refer to the basic human rights which are enshrined in the Constitution of India, guaranteed to all citizens, and are applied without discrimination on the basis of race, religion, etc., and are enforceable by the courts, subject to certain conditions.

- Fundamental rights are meant for the promotion of the idea of political democracy and operate as limitations on the tyranny of the executive and arbitrary laws of the legislature and are justiciable in nature.

There are six fundamental rights as mentioned below:

1. Right to Equality (Article 14-18)
2. Right to Freedom (Article 19-22)
3. Right against Exploitation (Article 23-24)
4. Right to Freedom and Religion (Article 15-28)
5. Cultural and Educational Rights (Article 29-30)
6. Rights to Constitutional Remedies (Article 32)

12. Secularism:

- The constitution of India is a secular state and does not hold any particular religion as the official religion.
- No discrimination is shown by the state against any person on account of religion. Constitution has also overcome the earlier system of communal representation.
- However, temporary reservations of seats for the scheduled castes and scheduled tribes are to ensure adequate representation of them.

13. Universal Adult Franchise:

- Indian democracy functions on the basis of “one person one vote”.
- Every citizen of the country, above 18 years of age or above is entitled to vote in the elections, which is mostly irrespective of caste, sex, race, and so on.
- The constitution tries to establish equality in India through the method of universal adult franchise.

Preamble Of Indian Constitution

- The preamble is based on the American Constitution.
- The start or prologue of the Constitution is known as the preamble.
- N.A Palkhivala referred to the preamble as the Constitution’s “identity card.”

- The Preamble is based on Pt. Nehru's prepared and pushed Objectives Resolution, which was accepted by the Constitutional Assembly.
- The 42nd Constitutional Amendment Act of 1976 incorporated three more words: socialist, secular, and integrity.

- 1) The Preamble declares that the Constitution operates its power by the People of India.
- 2) India to be a sovereign, socialist, secular democratic and republican state.
- 3) It listed justice, equality, liberty and brotherhood as the aims.
- 4) Date of adoption – 26th November 1949.

Cases Related to Preamble:

Berubari Case (1960)-

In the Berubari Union Case (1960), the Supreme Court decided that the "Preamble provides the key to accessing the framers' ideas," but that it could not be regarded as part of the Constitution. As a result, a court of law cannot enforce it.

Kesavananda Bharti vs. Kerala State (1973)-

The learned Judge determined that the preamble of the Constitution reflects the key components of the Constitution's basic structure, and that some of the Constitution's important qualities include justice, freedom of expression, and equality of position and opportunity.

The Supreme Court overturned the lower court's decision, stating that the Preamble is a component of the Constitution. It is required to include a prelude. The Preamble, a portion of the Constitution, summarises the opinions of the founding fathers. The Preamble is neither a source of legislative authority nor a bar to legislative authority. The preface is illogical..

Fundamental Rights

- Fundamental Rights (Articles 12-35): Articles 12-35 of the Indian Constitution deal with Fundamental Rights.
- These Rights, as stated by the Constitution are inviolable.
- Fundamental Rights are basic human rights enshrined in the Constitution of India, which are assured to all its citizens.

- No discrimination is allowed in its application based on race, religion, gender, and so forth. Importantly, Fundamental Rights are enforceable by the courts, subject to certain conditions.

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These Rights are known as “Fundamental Rights” due to essentially two reasons:

- They are embedded in the Constitution which guarantees them.
- They are enforceable by the court. In case of violation, a person can approach a court of law.

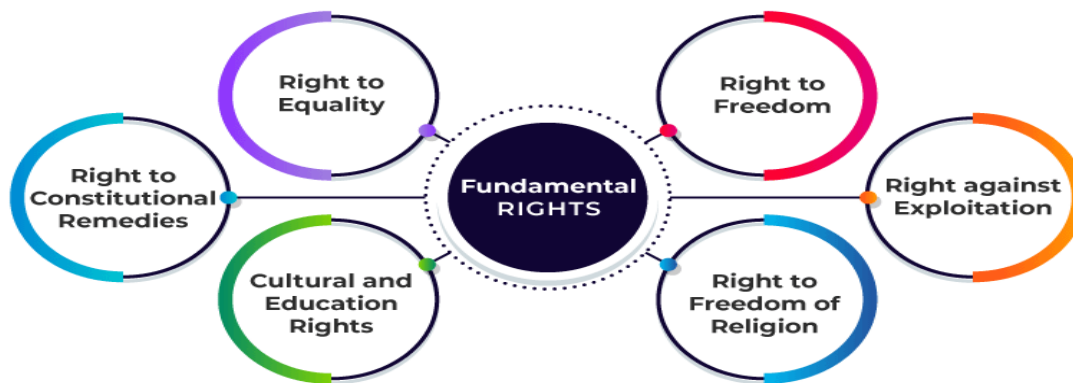
6 Fundamental Rights of India:

- Fundamental rights are essential for everyone’s moral and intellectual growth.
- Fundamental rights are essential for an individual’s growth.
- India’s post-independence era has resulted in the addition of some extremely important fundamental rights in the Indian constitution.
- Every citizen of India is given certain rights by law.
- It’s vital to know what they are so that no one’s rights get infringed upon.

The Indian Constitution states the following six fundamental rights for an Indian citizen:

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies

The Indian constitution originally had seven essential rights, one of which was the right to property (Article 31), which was subsequently turned into a legal right by the “44 amendments” to the Indian constitution in 1978.



Right to Equality:

- Equal legal rights for all citizens are completely safeguarded by the right to equality. Inequality based on caste, creed, religion, place of birth, race, or sex strictly is prohibited by the Right to Equality.
- It also guarantees equal opportunity in government employment and prevents the government from discriminating against anybody in the workplace merely based on religion, caste, race, gender, descent, place of birth, place of residence, or any of these considerations.
- Articles 14 to 18 provide for equality before the law. Equality before the law is guaranteed by the Constitution, which assures that all people are treated equally before the law.
- The state cannot discriminate against citizens based on their religion, caste, race, gender, or place of birth.
- To attain equality, this is necessary.

Right to Freedom:

- It can also be called as Right to Liberty.
- Every person's most treasured desire is for them to be free.
- Freedom of speech, expression of freedom, freedom of assembly without arms, freedom of movement throughout our country's territory, freedom of association, freedom to pursue any profession, and freedom to reside in any region of the country are just a few of the rights granted by the right to freedom.
- These rights, however, are subject to several restrictions.

Right Against Exploitation:

- Historically, the Indian society has been based hierarchically, which has resulted in all sorts of exploitation.
- It's important to realize that being exploited is the same as, if not worse than mistreated.
- This is a crucial Fundamental Right that ensures that no citizen is subjected to any form of forced labor.
- No one may be forced to labor against their will, even if money is provided.
- The Indian constitution prohibits any form of forced labor.
- If a lower-than-minimum wage is paid, it is considered forced labor.
- In addition, the article declares human trafficking to be unconstitutional.
- As a result, buying and selling men and women for unlawful and immoral purposes is prohibited. In addition, this article declares this 'bound labor' unconstitutional.

Cultural and Educational Rights:

- Cultural and educational rights give all members of society the right to preserve their cultural script or language.
- The image of Indian society that springs to mind is one of diversity. Our Constitution thinks that variety is our strength in such a diverse society.
- As a result, one of the fundamental rights of minorities is the right to preserve their culture.
- Minorities are ethnic or religious groups that share a common language or religion and live in a specific region of the country.
- Minority religious and linguistic groups can also establish their educational institutions.
- They will be able to preserve and develop their own culture in this way.
- Democracy, as we all know, is the rule of the majority.
- Minorities, on the other hand, are critical to the organization's success.
- As a result, minorities' languages, cultures, and religions must be protected.

- This is necessary for minorities to not feel forgotten or undervalued under majority rule. Though individuals are proud of their own culture and language, our constitution provides for a particular right known as the Cultural and Educational Right.

Right to Freedom of Religion:

- The Constitution declares India a “secular state” because it is a multi-religious country where Hindus, Christians, Sikhs, and many more communities coexist.
- It signifies that the Indian state does not have its religion or “national” religion.
- However, it gives all residents complete freedom to believe in any religion and worship whomever they want.
- However, this should not interfere with other people’s religious views and/or practices.
- This liberty is also available to foreigners.
- No one shall be forced to pay any tax whose earnings are used only to pay for expenses made in the promotion or preservation of any particular religion or religious denomination.
- Through educational institutions, this article allows the dissemination of religious knowledge.

Right to Constitutional Remedies:

- In India, there is a right that allows a person to go to the Supreme Court if they want their fundamental rights protected.
- Articles 32 and 226 of the Constitution safeguard this privilege for the Supreme Court and the High Court, respectively.
- The constitutional remedy right is what it’s called.
- Under this Article, the Supreme Court, as well as the high courts, can instill basic rights.
- The authority to expand the rights might also be granted by local courts. The court-martial, however, which is governed by military law, is exempt from this protection.
- According to Dr. B. R. Ambedkar, Article 32 is the constitution’s soul and heart.
- The Supreme Court has also made this a part of its basic working structure.
- Furthermore, this right specifies that the right to appeal to the highest court in India cannot be denied by any court other than those established by the Indian constitution.

- As a result, during a national emergency, this privilege is suspended under Article 359.
- The Supreme Court operates as a guarantee and defender of fundamental rights under Article 32.
- Furthermore, the power to issue Rights was originally delegated to the Supreme Court. As a result, instead of going through the appeals process, a person can go straight to the Supreme Court for redressal.
- Even in an Emergency, a Citizen can invoke this Right.

Importance of Fundamental Rights:

Here are some of the key reasons why fundamental rights are important:

- **Protecting Individual Liberties:** Fundamental rights provide individuals with protection against the arbitrary exercise of state power. This means that individuals have the right to live, work, and speak freely without fear of government repression or infringement of their personal liberties.
- **Promoting Equality:** Fundamental rights promote equality by ensuring that everyone is treated fairly and equally before the law, regardless of their race, religion, caste, gender, or social status. They prohibit discrimination and provide a level playing field for all individuals.
- **Ensuring Justice:** Fundamental rights ensure that justice is accessible to everyone. They guarantee the right to a fair trial, the right to legal representation, and the right to seek redressal for grievances.
- **Fostering Democracy:** Fundamental rights are a cornerstone of democracy. They empower individuals to participate actively in the democratic process by providing them with the freedom to express their opinions, to vote, and to hold their elected representatives accountable.
- **Protecting Human Dignity:** Fundamental rights protect the dignity of individuals by ensuring that they are treated with respect and have the right to live their lives with autonomy and self-determination.

Improving the Scope of Rights:

- Our Constitution and legislation provide a broader set of rights than the Fundamental Rights.

- The extent of rights has widened as a result of this.
- It can occasionally lead to the expansion of a citizen's legal rights.
- The courts have issued rulings to broaden the scope of rights from time to time.
- The right to media freedom, access to knowledge, and the right to education are among the rights that have been stripped from the Fundamental Rights.
- For Indian people, school education has now become a right.
- Governments are responsible for ensuring that all children under the age of 14 get a free and mandatory education.
- Citizens now have the right to information according to a bill passed by Parliament.
- The Fundamental Right to Freedom of Thought and Expression was invoked in the creation of this Act.
- We have the right to ask government departments for details.
- There are many other rights in our Constitution that aren't necessarily Fundamental Rights.
- The property right, for example, is a constitutional right rather than a Fundamental Right. Human Rights are also used as a tool for growth.
- These are universal moral claims that the law would or would not have acknowledged. However, as democracy spreads across the world, governments are under more pressure to accept these assertions.
- As a result, the scope of rights has grown, and new rights have emerged throughout time.

Directive Principles of State Policy

- Directive Principles of State Policy aims to create social and economic conditions under which citizens can live a good standard of life.
- Directive Principle of state policy is the ideology of the Irish Constitution.
- The concept of Directive Principles of State Policies (DPSP) is borrowed from Article 45 of the Irish Constitution.
- In Part IV of the Indian Constitution (Article 36–51), Directive Principles of state policies (DPSP) are mentioned. Article – 37 of the Indian Constitution deals with the application of the Directive Principles.

What is the Directive Principle of State Policy?

- The Indian Constitution imposes certain Directive Principles of State Policy, is the fundamental in the governance of the country and the duty of the State is to apply these principles in making laws.
- It means that the State will strive to promote the well- beings by protecting it effectively.
- The State must direct its policies in such a manner that protect the right of all men and women to the means of support, equal pay-scale, equal opportunity within limits of its economic capacity and development.
- The State must also aspire to secure to its workers, Human resources, standard of life, and the management of workers.

Directive Principles of State Policy – Classification

1. Principle of Social and Economic Justice
2. Principle of Social Security Provisions
3. Principle of Community Welfare Provisions

1. Principle of Social and Economic Justice:

The Principle which make sure that The State must strive to minimize inequalities in income and status, facilities, and opportunities. Articles 38 & 39 come under this classification. Article 38 about securing a social order for the promotion of the welfare of the people. Whereas Article 39 is about :

- Every citizen has the right to adequate means of livelihood.
- Control of material resources of community & ownership must be originated in common good nature.
- Operation of the economic system does not result in a concentration of wealth and means of production to the common detriment.
- There is equal pay for equal work for both men and women.
- Health and strength of workers, men, and women, and the tender age of children are not abused, and citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

- Children are given the opportunity to develop in a healthy manner and in conditions of freedom and dignity and childhood and youth are protected against exploitation and moral or material abandonment.

2. Principle of Social Security Provisions:

Following Directive Principles come under this category:

- Equal justice and free legal aid (Article 39-A, inserted by 42nd Constitution Amendment Act, 1976).
- The state should give the right to education, employment (Article 41).
- Just and humane conditions of work and maternity relief (Article 42).
- Provides Living wage, remuneration, and other economical facilities for workers (Article 43).
- Participation of workers in the management of industries (Article 43-A).
- Promotion of co-operative societies (Article 43-B Inserted by 97th Constitution Amendment, 2011).
- Provision for early childhood care and education to children below the age of six years. (Article 45).
- Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections (Article 46).
- Duty raises the level of nutrition and the standard of living and improves public health (Article 47).

3. Principle of Community Welfare Provisions:

Following Directive Principles come under this category:

- Organization of village panchayats (Article 40).
- Uniform Civil Code for citizens (Article 44).
- Organization of agriculture and animal husbandry (Article 48).
- Protection and improvement of environment and safeguarding forests and wildlife (Article 48-A).
- Protection of monuments and other national importance things, places, etc (Article 49).
- Judiciary separated from the executive (Article 50).

- The state must Promote international peace and security (Article 51).

Important Directive Principles:

Directive principles of state policy short notes are described below:

1. Uniform Civil Code:

- Uniform Civil Code means a single uniform law applicable to all citizens, irrespective of religion, which governs matters like marriage, divorce, adoption, guardianship, etc.
- In the Constituent Assembly, an objection was taken regarding the inclusion of this provision.
- The objection was countered by the reasoning that uniform law applicable would promote national unity.
- The enactment of a uniform civil code will strengthen the secularism feeling of separation and divisiveness will disappear. Ms. Jordan v. SS Chopra, SC held that laws relating to marriage should be given uniformity irrespective of religion.
- The Supreme Court suggested providing for uniform civil code for marriage and divorce.
- Similarly in Mohd Ahmed Khan v. Shah Bano Begum, AIR 1985, SC 945 Supreme Court emphasized that a common civil code will create National integration by removing the different ideologies of different laws.
- In the absence of the Code, the role of reformer of law has to be assumed by the courts themselves.

2. Free Legal Aid:

- In Article 39A Free Legal Aid is the operation of the legal system that promotes justice on a basis of equal opportunity and provide free legal aid, by suitable legislation or schemes.
- In 2014, Manoharan v. Sivarajan, by SCC 163 held that Article 39A provides for a holistic approach in imparting justice to the litigating parties.
- It not only includes provision for free legal services through the appointment of counsel, but it also includes ensuring that justice is not denied to litigating parties due to financial difficulties.
- Legal Services Authority Act, 1987 was enacted by parliament to provide free legal aid to indigenous people.

- This legislation comprehensively provides for the rendition of free legal aid at all levels. Supreme Court in Anita Kushwaha v. Pushapa Sudan, (2016) 8 SCC 509 held that legal aid to the needy has been recognized as one of the facets of access to justice, and affordability of justice has been taken care of by the State-sponsored legal aid programs under the Legal Services Authority Act, 1987.
- It must be noted that legal assistance to poor and indigent persons is constitutionally mandated not only under Article 39A but also under Article 21.
- Thus, free legal assistance at State's cost has been raised to the status of fundamental rights.

3. Equal pay for Equal Work:

- Article 39(d) provides that the State has to ensure that there is equal pay for equal work for both men and women.
- Parliament has enacted the Equal Remuneration Act, 1976 to implement Article 39(d).
- The Act provides for payment of equal remuneration to men and women for the same work or work of similar nature and for the prevention of discrimination on grounds of sex. Randhir Singh v.
- Union of India, (AIR 1982 SC 879), held that the directive principle of equal pay for equal work is not a fundamental right but since it is a constitutional goal in supreme court. it can be enforced through Article 32. In Grih Kalyan Kendra v Union of India,
- After that AIR 1991 SC 1173 Supreme Court held that the provision of 'equal pay for equal work has not been expressly declared to be a fundamental right but it has assumed the status of fundamental right by construing Articles 14 and 16 in light of Article 39(d).
- This principle may be properly applied to cases of unequal scales of pay based on no classification or irrational classification.

4. Living Wage:

- Article 43 requires the State to endeavour to secure by suitable legislation, or economic organization, or in any other way.
- The term 'living wage' is not defined in Article 43. The term "living wage" means a wage that not only provides essentials like food, clothing, and shelter but also measures of frugal comfort including education for children, protection against ill health, requirements of essential social needs, etc.

- It is contradistinguished with a minimum wage which means a wage sufficient to cover bare physical needs.
- Fixing minimum wages under the Minimum.
- The Wages Act has been characterized as the first step in the direction of fulfilling the mandate of Article 43.

Criticism of Directive Principles of State Policy

Here are the following that lead for the criticism of Directive Principles of State Policy:

1. No Legal Force
2. illogically Arranged
3. Conservative approach
4. Constitutional Conflict

1. No Legal Force:

- The Directive Principle of State Policy (DPSP) was criticized due to a lack of justiciability of character, K.T. Shah dubbed them as irrelevant theories of law and it is just like a person with a cheque from an economic employer, dose gets payable best on the equal time because of the assets of the economic employer permits.

2. Illogically Arranged:

- Critics opined that the Directives are not organized in a logical way which is totally based on ordinary philosophy and lack of any special philosophy.
- This does not separate the uttermost problems with simple or simply it could be said that it mixes every economic and other problem.
- It combines as a possibility incongruously the modern-day with the antique and provisions recommended thru the cause and technological know-how with provisions primarily based honestly on sentiment and prejudice.

3. Conservative approach:

- According to Sir Ivor Jennings, the Directives are primarily based absolutely on the political philosophy of nineteenth-century England.
- Part IV of the Indian Constitution expresses such Socialism which itself is without the Socialism character.
- He opined that the Directives may be deemed to fit for the 20th century but what about the 21st century.

4. Constitutional Conflict:

- According to a prominent southern member of the assembly, K. Santhanam has said that the Directives result in a constitutional conflict (a) a number of the Centre and the states, (b) a number of the President and the Prime Minister, and (c) a number of the governor and the leader minister.

Fundamental Duties

- Fundamental Duties play a vital role for a citizen of India. It built responsibility and moral obligation towards all the citizens, and these duties need to be followed by all.
- When people follow their responsibilities, it shows a sign of unity of a nation and a spirit of patriotism.
- The Fundamental Duties were added in the 42nd Amendment Act of the Constitution in 1976, along with the creation and promotion of culture, also help in strengthening the hands of legislature in enforcing these duties along with fundamental rights.

Fundamental Duties:

- Although people's rights and obligations are intimately intertwined, the original constitution only included fundamental rights and not fundamental duties.
- In other words, the Constitution's founders did not believe it was important to include the citizens' fundamental responsibilities in the document.
- They did, however, include the state's responsibilities in the constitution as a directive element of state policy.
- The core responsibilities were introduced later in 1976. In 2002, a new fundamental responsibility was added.
- The constitution of the former Soviet Union inspired fundamental duties.
- Perhaps the first democratic constitution in the world to feature a list of citizen responsibilities is Japan's constitution.
- Socialist countries, on the other hand, valued citizens' fundamental rights and obligations equally.
- As a result, the former USSR's constitution established that citizens' exercise of their rights and freedoms was inextricably linked to the execution of their duties and

obligations. The 42nd amendment act added Article 51-A to the constitution, creating a new section IV-A that outlined citizens' fundamental responsibilities.

11 Fundamental duties:

Every citizen of India has the duty, according to Article 51-A,

1. To uphold the constitution and to respect his principles and institutions, as well as the national flag and anthem.
2. To love and uphold the lofty principles that motivated the nation's fight for independence.
3. To maintain and safeguard India's sovereignty, unity, and integrity.
4. To defend the country and participate in national service when called upon.
5. To foster concord and a spirit of fraternal brotherhood among all Indians, regardless of religious, linguistic, regional, or sectional differences, and to condemn traditions that degrade women's dignity.
6. To value and maintain the country's diverse culture's rich legacy.
7. To care for and safeguard the natural environment, which includes forests, lakes, rivers, and wildlife, as well as to have compassion for all living things.
8. To foster a scientific mindset, humanism, and an inquiry and reforming spirit.
9. To protect public property and to abstain from violence.
10. To strive for excellence in all realms of individual and collective activity so that the nation continues to soar to new heights of success and endeavor.
11. To offer his kid or ward between the ages of six and fourteen educational possibilities.

The 86th constitutional amendment act of 2002 added this duty.

Background to Fundamental Duties:

- On the proposal of the Swaran Singh Committee, the 42nd Amendment of 1976 introduced Part IV-A and Article 51-A.
- Fundamental obligations cannot be enforced through the use of writs.
- The fundamental duties are characterized as citizens' moral duty to assist, encourage patriotism, and defend the constitution's unity.
- Article 51A states that it is a vital duty to cherish and maintain our composite culture's rich legacy (f).

Protecting the poorer sections from social injustice is not one of the basic

responsibilities; yet, all three choices are listed in Part IVA. It is not a fundamental obligation to work toward the removal of untouchability.

- The removal of untouchability is addressed under Article 17 of the fundamental rights, which is found in Part 3 of the Constitution.
- Article 51A(g) of the Constitution of India states that “it shall be the obligation of every citizen of India to safeguard and improve the natural environment” (Part- IVA).
- Article 51-A does not address the preservation of monuments and places of public interest.
- Part IV-A of the Indian constitution lists eleven fundamental responsibilities. Originally, there were only ten essential obligations, but the 86th amendment of 2002 added 11 more, including 51 A (k), which requires guardians to offer a chance for education to their children aged 6 to 14.

Importance of Fundamental Duties- Part IV- A

Fundamental Duties are an important part of fundamental rights:

Sl.No.	Importance of Fundamental Duties
1	A reminder of citizens’ duty towards the society and nation.
2	Warn the citizens against anti-social as well as anti-national activities.
3	Inspires citizens and also promotes a sense of discipline and commitment
4	Help the courts with the examination and also the determination of the constitutional validity of a law.

Criticism of Fundamental Duties:

1. Critiques have described the Fundamental Duties as a code of moral precepts because of their non-justifiable character and inclusion of the same in the constitution was described as superfluous.

2. Some duties were described to be vague, ambiguous, and also difficult to understand.
3. Many other important duties like family planning, paying taxes, etc. are not covered.
4. Inclusion in the form of an appendage to Part IV of the Constitution has reduced its importance.

Important Facts about Fundamental Duties

The following are important points on the facts of fundamental duties:

1. Fundamental duties are of two types- moral duty and civic duty.
2. They contain just a codification of tasks which is important for life.
3. They are confined to Indian citizens only.
4. They are non-negotiable like the Directive Principles of State Policy.
5. There is no concept of legal sanction against the violation of fundamental duties.